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INQUIRIES AND SUGGESTIONS

This publication was prepared under the editorial direction of Rose Steinman, with Uriel Schoenbach and Carol Blanchard as Chief Editors. INQUIRIES, telephone 202–523–5227.

SUGGESTIONS concerning this and other publications of the Office will be welcomed by Fred J. Emery, Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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102.27	Revised	19011
102.44	Revised	19011
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210.14	(a), (e), (g)(1) and (2), and (i) revised; (a–1), (a–3), and (g)(3) and (4) amended; (b) and (f) removed	30919
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271	Republished	1884
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271.6	(d) introductory text and (3) revised	16321
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272	Republished	1894
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272.4	(d) added	28787
272.5	(a) revised	28787
272.7	(d) redesignated as (e); new (d) added	28787
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401.130	Amended	8771
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411.1	Appendix amended	44540
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622	Added	12475
622.15	(f)(1)(i) corrected	20941
622.31	Corrected	20941
623	Added	12480
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650	Appendix I revised	10952

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	Subchapter B (Parts 711–731) Heading corrected	7619
719	Revised	44112
722.404	(f)(1)(i), (3), (8), and (9) revised	28601

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722.406 (h)(3) and (4) amended	28601
722.408 (a)(2) removed; (a)(3), (4) and (5) redesignated as (2), (3), and (4)	28601
722.416 (a) amended	28601
722.418 Amended	28601
722.421 (h) removed; (i) redesignated as (h)	28601
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722.558 Revised	48685
722.559 Revised	48685
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722.564 Heading and text revised	1704
722.701 (e), (f), and (g) revised	34349
722.703 (b) revised	34349
722.704 (f) added	34349
722.709 (a) amended; (c) removed	34349
722.720 Heading and text revised	34349
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722.804 (b) revised	44303
722.805 (b)(2) revised	44303
722.808 Heading and text revised	44303
722.809 (e) removed; (f) through (k) redesignated as (e) through (j); (a) and new (f) amended; (b) and new (j) revised	44303
722.813 Revised	44304
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724.12 Revised	5137
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725.89 (c) amended	41515
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725.94 (c) and (d) revised	41515
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725.113 (b) revised	41516
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729.105 Revised	4276
729.106 Revised	14053
730.62 (b)(3) revised	20061
730.69 (b)(1) and (g) revised; (b)(5) added	20061
730.72 (a) amended	20061
730.80 (b)(1) and (g) revised; (b)(4) added	20061
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760.105 (d) revised	29067
780.11 (a) revised	27641
798 Revised	34583

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873.32 (d) revised; (r) added	16072
873.36 Added	16072
874.35 (a) revised	1028
877 Revised	6761

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905.556 (b)(3) amended	11345
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905.558 (b)(1) revised	12647
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905.561 Added	42319
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905.562 Added	42319
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905.563 Added	42317
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906.120 (b) corrected	3286
906.215 Added	48340
906.340 (a)(1) revised	48494
907.212 Added	3285
908.214 Added	16321
908.787 Added	8772
908.788 (a) revised	21024
908.791 (a) revised	21930
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909.341 Added	48495
910.213 Added	44120
910.310 Added	42320
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911.155 Added	49786
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916.214 Added	31592
916.341 (a) and (b) revised	20064
916.348 Added	21694
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916.349 Added	26502
917.121 Added	4012
917.212 (a) revised	4117
917.213 Added	33196
917.419 (a)(4) revised and (a)(5) added	20065
917.436 Added	19634
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917.437 Added	21695
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917.438 Added	22535
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918.213 Added	25436
918.317 Added	19828
919.214 Revised	41994
919.316 Added	31593
921.214 Revised	32730
921.312 Added	30622
922.215 Added	32730
922.315 Added	30271
923.215 Added	33028
923.314 Added	27463
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924.313 Added	30929
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944.204	(a)(3) revised	2793
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945.334	Added	30272
946.103	Added	12988
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946.228	Added	42530
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999.100	(a)(6), (c)(4) and (d) revised; (b)(1) amended	29263

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91.75 (a) amended 10451

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91.90 (b)(1)(i) revised; (b)(2)(iii) amended 16652

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1018 Added 43886
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405.1021 (i)(3) removed; (j) added ---------- 24324
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2.330 (b)(2)(ii) effective date stayed	31235
2.335 (c)(1) corrected	31754
2.340 (c)(20) revised	29817
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121.1155 (b)(3) revised	49574
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121.2502 (a)(8) added; (b) table amended	29073
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310.503 (d) revised; (f), (g) and (h) added	31307
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51.1 (z), (aa), (bb), (cc), (dd), and (ee) added ---- 46247
51.9 (e) added ---- 46247
51.16 (a) amended ---- 36333
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52.129 (c)(8), (d)(11), and (g) added; (c)(4) and (d)(4) revised ---- 50268
52.139 Suspended indefinitely ---- 29714
52.143 Added ---- 41948
52.181 Added ---- 41948
52.220 (c)(8) revised ---- 29713
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52.233 (f)(11), (g)(8), and (j) added; (f)(4) and (g)(4) revised ---- 50269
52.240 (f)(1) table amended ---- 29713
52.251 Suspended indefinitely ---- 29714
52.254 (i)(5)(i) corrected ---- 33034
52.267 Added ---- 41948
52.269 Redesignated as 52.270 ---- 42012
52.270 Added; redesignated ---- 42012
52.431 Added ---- 41949
52.493 Suspended indefinitely ---- 29714
52.497 Added ---- 41949
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52.776 (c) added ---- 50033
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52.825 (c) table amended ---- 33453, 43214
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52.927 (c) added ---- 29541
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52.929 Added ---- 41950
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52.1157 (a)(3)(ii) and (4)(ii) corrected ---- 33973
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52.1165 Added; redesignated ---- 42012
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52.1320 (c)(1) amended ---- 41950
52.1338 Added ---- 41950
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52.1577 (e) added ---- 30962
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52.1970	(c)(2) and (3) revised	33216
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52.2435	(g) added	33450
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52.2526	Added	41953
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60.270—60.275	(Subpart AA) Added	43853
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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that one position of Secretary to the Under Secretary for Political Affairs is excepted under Schedule C.

Effective on October 14, 1975.

§ 213.3304(a)(3) is added as set out below:

§ 213.3304 Department of State.

(a) *Office of the Secretary.* • • •

(3) One position of Secretary to the Under Secretary for Political Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 75-27513 Filed 10-10-75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Adjustments to Base Period Use for Wholesale Purchaser—Resellers

On June 5, 1975, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (40 FR 24919, June 11, 1975), to allow adjustments to a wholesale purchaser-reseller's base period use for certain increases in the allocation entitlements of purchasers which the wholesale purchaser-reseller supplies. Written comments were invited through June 27, 1975 and a public hearing was held on July 2, 1975. Thirteen timely written comments and nine late written comments were received by FEA. Six oral presentations were made at the public hearing.

A substantial majority of those submitting comments and making oral statements expressed approval for the concept of an adjustment to base period use for wholesale purchaser-resellers whose customers have increased allocation entitlements. However, most of the comments submitted suggested that the proposal be modified to eliminate the percentage limitations contained therein on the amount of the adjustment which the wholesale purchaser-reseller would be allowed to pass through to its supplier. Many parties also suggested that the proposal be expanded to provide adjustments in situations other than the assignment of new motor gasoline retail sales outlets or an assignment or adjustment resulting from the curtailment of an alternative energy source. In light of these comments and FEA's own review of the proposal, it has been determined that the proposal should be adopted with the modifications set forth herein.

First, the final rule which is adopted by this rulemaking allows the wholesale purchaser-reseller to receive an adjustment to its base period use for the full amount of any assignments or adjustments received by its purchasers which qualify the wholesale purchaser-reseller for an adjustment under new paragraph (c) of § 211.13. FEA has determined that the percentage limitations set forth in the proposal might cause undue hardships for wholesale purchaser-resellers which wish to supply the new or increased allocation requirements of purchasers but do not have access to uncommitted volumes from which to supply the additional five or ten percent of the increased allocation entitlements which could not be certified under the proposal. Also, FEA believes that it would be inequitable to require independent marketers and their customers to bear such a percentage limitation in the absence of a similar limitation on all marketers.

Second, FEA has determined that the adjustment provisions for wholesale purchaser-resellers which are hereby adopted should be available for any new or increased allocation requirements of wholesale purchasers resulting from any assignment by FEA. As proposed, the amendment would have allowed adjustments only for assignments to supply new motor gasoline retail sales outlets and assignments or adjustments resulting from the curtailment of an alternative energy source. FEA has determined that a wholesale purchaser-reseller should be able to obtain an adjustment to its base period use of any allocated product for any new or increased allocation entitlements of its purchasers which result from an FEA assignment to supply wholesale purchasers. The rule set forth in the proposal has also been expanded to permit wholesale purchaser-resellers to obtain adjustments to base period use for increases in the allocation entitlements of purchasers which result from an adjustment granted by FEA pursuant to § 211.13(e) (an adjustment granted by exception to the regulations to prevent or correct a serious hardship or gross inequity), § 211.125(b) (an adjustment to an electric utility's base period use of middle distillate fuels), or § 211.145(b) (an adjustment to a civil air carrier's base period use of aviation fuels based upon changed circumstances). The requirement that FEA approve the initial assignment or adjustment in each of these situations should insure that the volume assigned is appropriate and thus avoid problems such as those associated with the adjustment based upon changed circumstances which was available until the revocation of the former § 211.13(c).

Under the final rule a wholesale purchaser-reseller which on or after October 1, 1975, is assigned by FEA to supply a wholesale purchaser, or whose customers, on or after October 1, 1975, have received adjustments pursuant to § 211.12(h), § 211.13(e), § 211.125(b), or § 211.145(b), may certify to and receive an adjustment from its supplier or suppliers for 100 percent of the amount of the assignment or adjustment which the wholesale purchaser-reseller is to supply. Suppliers which receive a certification from any other supplier may in turn certify to and receive from their suppliers an adjustment for 100 percent of the amount so certified.

Finally, the corrective amendments to § 205.216(b)(2)(i), § 211.12(e)(3)(iii) and § 211.13(a) which were set forth in the proposal are adopted as proposed, and in addition, § 211.13(a) has been amended to make clear that paragraph (d) of § 211.13 provides adjustments to the base period use of wholesale purchaser-resellers which receive certifications of increased current requirements for any end-user or wholesale purchaser-consumer which is entitled to an allocation level of 100 percent of current requirements whether or not the allocation level is subject to the supplier's allocation fraction.

The amendments adopted today have been reviewed in accordance with Executive Order 11821, issued November 27, 1974 and have been determined not to require evaluation of their inflationary impact.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 93-511 and Pub. L. 94-99; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, Parts 205 and 211, Chapter II of Title 10, Code of Federal Regulations, are amended as set forth below, effective immediately.

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Issued in Washington, D.C., October 8, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

1. Section 205.216 is amended by revising paragraph (b)(2)(i) to read as follows:

§ 205.216 State office evaluation.

• • • • •

(b) • • •

(2) *Criteria.* (i) The State Office shall consider, among other relevant criteria, the quantity of allocated product previously sold or purchased at the end-user's site, the projected volume as calculated prior to construction at the end-user's site and the volume sold or purchased by other similar end-users operating in circumstances similar to the applicant's.

• • • • •

2. Section 211.12 is amended by revising paragraph (e)(3)(iii) to read as follows:

§ 211.12 Purchaser's allocation entitlement.

• • • • •

(e) • • •

(3) • • •

(iii) FEA may assign the wholesale purchaser to one or more suppliers and will assign a base period volume to the wholesale purchaser when the assignment to a supplier(s) is made. In assigning base period volumes, FEA will consider among other relevant criteria, the quantity of allocated product previously sold or purchased at the purchaser's site and the projected volume as calculated prior to construction of the purchaser's site.

• • • • •

3. Section 211.13 is amended by revising paragraphs (a)(2) and (3) and by adding a new paragraph (c) to read as follows:

§ 211.13 Adjustments to base period volume.

(a) • • •

(2) Paragraph (b) of this section provides for supplier-initiated and wholesale purchaser-initiated adjustments of a wholesale purchaser's base period use for each month of the appropriate base period year for unusual growth based upon actual sales volumes in 1972 and 1973. Paragraph (c) of this section provides for adjustments to a wholesale purchaser-reseller's base period use for new and increased allocation entitlements of purchasers which are occasioned by new assignments to supply wholesale purchasers, or adjustments granted its purchasers pursuant to § 211.12(h), § 211.13(e), § 211.125(b) or § 211.145(b) of this part. Paragraph (d) of this section provides an adjustment to base period use when increased requirements are certified by end-users and wholesale purchaser-consumers entitled to receive an allocation level based upon their current requirements.

(3) Paragraph (e) of this section provides for additional adjustments to base period uses for preventing or correcting serious hardship or gross inequity. Paragraph (f) of this section requires purchasers to certify applications for adjustments. Paragraph (g) of this section requires nondiscrimination among wholesale purchasers in granting adjustments.

• • • • •

(c) *Adjustments to a wholesale purchaser-reseller's base period use for new and increased allocation entitlements of purchasers.*

(1) Effective October 1, 1975, a wholesale purchaser-reseller shall be entitled to receive an adjustment to its base period use whenever (i) it is notified pursuant to § 205.36(d) of an assignment to supply a new wholesale purchaser; or (ii) it is notified pursuant to § 205.26(c) of an adjustment granted pursuant to § 211.12(h), § 211.13(c), § 211.125(b) or § 211.145(b) to the base period use of a wholesale purchaser entitled to receive an allocation from that wholesale purchaser-reseller, in an amount equal to the increases in the allocation entitlements or new allocation entitlements which the wholesale purchaser-reseller is to supply.

(2) A wholesale purchaser-reseller which is entitled to receive an adjustment to its base period use pursuant to subparagraph (1) above may certify to and shall receive an adjustment to its base period use from its supplier or suppliers in proportion to that part of its base period use received from each supplier.

(3) All suppliers which receive a certification of an adjustment to base period use made pursuant to this paragraph or which receive a certification from any other supplier of an adjustment to base period use under this paragraph which has been certified to that other supplier, may in turn certify to their suppliers the amount of the adjustment and shall receive an adjustment in proportion to that part of their base period use received from each supplier to cover the certified increases granted under this paragraph.

• • • • •

[FR Doc.75-27494 Filed 10-8-75;11:34 am]

Title 13—Business Credit and Assistance

CHAPTER V—REGIONAL ACTION PLANNING COMMISSIONS

ADMINISTRATIVE PROCEDURES

Final Rulemaking

On pages 36135-41 of the FEDERAL REGISTER of August 19, 1975, there were published proposed rules, regulations, and procedures covering the activities of Regional Action Planning Commissions established under the authority of Title V of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3181 et seq.). The purpose of the regulations was to update rules and procedures which had originally been published in 1967. Interested persons were given until September 30 to submit comments, suggestions, or objections regarding the proposed rules, regulations, and procedures.

No written objections or comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These rules, regulations, and procedures are effective October 15, 1975.

T. M. CHAMBERS,
Special Assistant to the Secretary for Regional Economic Coordination.

Accordingly Parts 500, 510, 520, 530, 540, 550, 560, and 580 are added to read as follows:

PART 500—ECONOMIC DEVELOPMENT REGIONS

Sec.
500.1 Authority.
500.2 Purpose of designation.
500.3 Criteria for designation.
500.4 Documentation required for designation.

AUTHORITY: 42 U.S.C. 3181 et seq.; 42 U.S.C. 3211; Executive Order 11386, dated December 28, 1967.

§ 500.1 Authority.

(a) The Secretary of Commerce is authorized by section 501 (42 U.S.C. 3181) of the Public Works and Economic Development Act of 1965, as amended, (the Act) to designate multistate economic development regions, with the concurrence of the States in which such regions will be wholly or partially located, if he finds that the areas within such regions are related geographically, culturally, historically, and economically, and that the region has lagged behind the whole Nation in economic development.

(b) The Secretary of Commerce has appointed a Special Assistant for Regional Economic Coordination under authority of Executive Order 11386 to assist him in carrying out his responsibilities under the Act.

§ 500.2 Purpose of designation.

Economic development regions are designated in order to give the participating States, through the formulation of a common economic development program, the advantages of joint and coordinated action on economic problems extending beyond the boundaries of a single State. Designated regions also provide for more effective utilization of the various existing State and Federal programs to implement the regional overall economic development program.

§ 500.3 Criteria for designation.

In order to establish an economic development region under the Act, the Secretary of Commerce must find that:

(a) The areas within such region are related geographically, culturally, historically, and economically.

(b) With the exception of Alaska and Hawaii, the region is within contiguous States, and

(c) Upon consideration of the following matters, among others, the region has lagged behind the whole Nation in economic development:

(1) The rate of unemployment is substantially above the national rate.

(2) The median level of family income is significantly below the national median,

(3) The level of housing, health, and education facilities is substantially below the national level,

(4) The economy of the area has traditionally been dominated by only one or two industries which are in a state of long-term decline,

(5) The rate of outmigration of capital or labor or both is substantial,

(6) The area is adversely affected by changing industrial technology,

(7) The area is adversely affected by changes in national defense facilities or production, and

(8) Indices of regional production indicate a growth rate substantially below the national average.

§ 500.4 Documentation required for designation.

As a basis for designation the Secretary may ask from the respective Governors, a formal document requesting designation. This document should contain the following elements:

(a) Compilation of data and statistics about the region which demonstrate that the region meets the statutory criteria under section 501 of the Act,

(b) An outline and discussion of the major general and specific regionwide problems which need to be resolved on a regional basis,

(c) An analysis which demonstrates why a regionwide approach would be more effective in solving these problems than a State-by-State approach, and

(d) A list of regionwide programs that might appropriately be undertaken in an effort to overcome these problems.

PART 510—MODIFICATION OF REGIONAL BOUNDARIES

Sec.
510.1 Authority and purpose.
510.2 Documentation required for modification.

AUTHORITY: 42 U.S.C. 3181 et seq.; 42 U.S.C. 3211; Executive Order 11386, dated December 28, 1967.

§ 510.1 Authority and purpose.

Section 503(a)(1) of the Act (42 U.S.C. 3183(a)(1)) directs each regional action planning commission established pursuant to the Act to "advise and assist the Secretary in the identification of optimum boundaries for multistate economic development regions." The purpose of this part is to set forth the principles and procedures by which the Secretary will consider and act upon proposed boundary adjustments.

§ 510.2 Documentation required for modification.

The Secretary may modify regional boundaries upon the written concurrence of the Governor of the State or States whose territory would be affected by the expansion of the region; a unanimous recommendation by the Governors in the Commission; and a review of documentation justifying the modification including:

(a) A statistical analysis of the expanded territory in terms of the criteria in § 500.3 of this part;

(b) Where appropriate, additional statistics and analyses evidencing inadequate or retarded economic development;

(c) A statistical profile of the expanded territory in terms of population, employment and income;

(d) Information concerning the economic, cultural, historic, or geographic relationship with the areas already situated within the designated economic development region;

(e) A description of the specific economic development problems which are common to the designated region and to the proposed additional territory, and for which action by the regional commission is needed;

(f) A comparison of the economic ties of the additional territory to the designated region as opposed to its economic ties to areas outside the designated region.

PART 520—REGIONAL COMMISSIONS

Sec.
520.1 Establishment.
520.2 Membership.
520.3 Initial meeting.
520.4 Voting.
520.5 Program development criteria.
520.6 Reports.
520.7 Powers and duties generally.
520.8 Headquarters.
520.9 Hearings.
520.10 Records.

AUTHORITY: 42 U.S.C. 3161 et seq.; 42 U.S.C. 3211; Executive Order 11386, dated December 28, 1967.

§ 520.1 Establishment.

The Secretary, in accordance with section 502 of the Act (42 U.S.C. 3182), shall invite and encourage the States wholly or partially located in a designated economic development region to establish a multistate regional commission.

§ 520.2 Membership.

(a) Membership on a regional commission consists of one Federal member, hereinafter referred to as the "Federal Cochairman," and one member from each State participating in the region.

(b) The Federal Cochairman is appointed by the President, by and with the advice and consent of the Senate, and may have an alternate who is similarly appointed. The State member may be the Governor, his designee, or such other person as may be provided by the law of the State which he represents. Each State member may have an alternate, appointed by the Governor or as may otherwise be provided by law.

§ 520.3 Initial meeting.

The Federal Cochairman, after appointment by the President and confirmation by the Senate, is authorized to call the initial organizational meeting of the regional commission, at which time, among other things, the State members may elect a State Cochairman, and the commission may declare its establishment, adopt a charter listing its functions, and adopt resolutions governing the internal administration of the commission.

§ 520.4 Voting.

(a) Decisions by a regional commission require the affirmative vote of the Federal Cochairman and of a majority, or at least one if only one of two, of the State members.

(b) An alternate shall vote in the event of the absence, death, disability, removal, or resignation of the State member or Federal Cochairman.

(c) The Federal Cochairman shall not vote in the election of a State Cochairman or on the determination of the share of administrative expenses to be contributed by each State.

§ 520.5 Program development criteria.

(a) The Secretary, in accordance with the provisions of section 504 of the Act (42 U.S.C. 3184), through the Federal Cochairman, shall encourage each regional commission in its development of recommendations for programs and projects for future regional economic development, and in the establishment of priority ranking for such programs and projects, to follow procedures that will insure consideration of the following factors:

(1) The relationship of the project or class of projects to overall regional development including its location in an area determined by the State to have a significant potential for growth;

(2) The population and area to be served by the project or class of projects including the relative per capita income and unemployment rates in the area;

(3) The relative financial resources available to the State or political subdivision or instrumentalities thereof which seek to undertake the projects;

(4) The importance of the project or class of projects in relation to other projects or classes of projects which may be in competition for the same funds;

(5) The prospects that the project, on a continuing rather than a temporary basis, will improve the opportunities for employment, the average level of income, or the economic and social development of the area served by the projects.

(b) The Secretary or his Special Assistant for Regional Economic Coordination may from time to time issue guidelines to assist the Federal Cochairmen in carrying out their responsibilities under this section.

§ 520.6 Reports.

In accordance with section 510 of the Act (42 U.S.C. 3189) each regional commission must make a comprehensive and detailed annual report each fiscal year to the Congress with respect to the commission's activities and recommendations for programs. Such reports shall be submitted to the Secretary for review prior to transmitting them to the Congress. Anhual reports shall be printed and transmitted to the Congress no later than

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seven months after the last day of the fiscal year for which the report is made.

§ 520.7 Powers and duties generally.

Each regional commission is authorized by section 506(a) of the Act (42 U.S.C. 3186(a)) to:

(a) Adopt, amend, and repeal bylaws, rules, and regulations governing the conduct of its business and the performance of its functions;

(b) Appoint and fix the compensation of an executive director and such other personnel as may be necessary to enable the commission to carry out its functions, except that such compensation shall not exceed the salary of the alternate to the Federal Cochairman on the commission and no member, alternate, officer, or employee of such commission, other than the Federal Cochairman on the commission and his staff and his alternate, and Federal employees detailed to the commission under paragraph (c) of this section, shall be deemed a Federal employee for any purpose;

(c) Request the head of any Federal department or agency (who is also authorized by section 506(a)(3) of the Act) to detail to temporary duty which the commission such personnel within his administrative jurisdiction as the commission may need for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status;

(d) Arrange for the services of personnel from any State or local government or any subdivision or agency thereof, or any intergovernmental agency;

(e) Make arrangements, including contracts, with any participating State government for inclusion in a suitable retirement and employee benefit system of such of its personnel as may not be eligible for, or continue in, another governmental retirement or employee benefit system, or otherwise provide for such coverage of its personnel, and the Civil Service Commission of the United States is authorized to contract with such commission for continued coverage of commission employees, who at date of commission employment are Federal employees, in the retirement program and other employee benefit programs of the Federal Government;

(f) Accept, use, and dispose of gifts or donations of services or property, real, personal, or mixed, tangible or intangible;

(g) Enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in carrying out its functions and on such terms as it may deem appropriate, with any department, agency, or instrumentality of the United States or with any State, or any political subdivision, agency, or instrumentality thereof, or with any person, firm, association, or corporation;

(h) Maintain an office in the District of Columbia and establish field offices at such other places as it may deem appropriate; and

(i) Take such other actions and incur such other expenses as may be necessary or appropriate.

§ 520.8 Headquarters.

Pursuant to section 506(b) of the Act (42 U.S.C. 3186(b)), the Federal Cochairman maintains his headquarters office in the District of Columbia.

§ 520.9 Hearings.

In accordance with section 507 of the Act (42 U.S.C. 3187), each regional commission may:

(a) Hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable; a Cochairman of such commission, or any member designated by the commission for the purpose, is authorized by the Act to administer oaths when it is determined by the commission that testimony shall be taken or evidence received by oath, and

(b) Arrange for the head of any Federal, State or local department or agency who is authorized by the Act, and to the extent not otherwise prohibited by law, to furnish to the commission such information as may be available to or procurable by such department or agency.

§ 520.10 Records.

The Act requires each regional commission to keep complete records of its transactions, which shall be made available for public inspection.

PART 530—REVIEW OF COMMISSION PLANS

Sec.
530.1 Authority and purpose.
530.2 Comprehensive planning.
530.3 Review standards.

AUTHORITY: 42 U.S.C. 3181 et seq.; 42 U.S.C. 3211; Executive Order 11386, dated December 28, 1967.

§ 530.1 Authority and purpose.

Section 503(a)(2) of the Act (42 U.S.C. 3183(a)(2)) requires each regional commission to develop a comprehensive long-range economic plan to be approved by the Secretary. Section 503(b) (42 U.S.C. 3183(b)) requires the Secretary to "present such plans and proposals of the Commissions as may be transmitted and recommended to him (but are not authorized by any other section of the Act) first for review by the Federal agencies primarily interested in such plans and proposals and then, together with the recommendations of such agencies, to the President for such action as he may deem desirable." The Secretary, in cooperation with the Federal Cochairmen, will determine appropriate procedures for obtaining review of commission plans by interested departments and agencies.

§ 530.2 Comprehensive planning.

Commission plans normally should be supported by regional programs which have been endorsed by the commissions; when fully developed these plans will ordinarily include the following elements:

(a) *Review of prior studies.* The regional plan should include a review of prior studies concerning the region's economy.

(b) *Framework for analysis.* The regional plan should include an estimate of the gaps in research and data needed to conduct effective development.

(c) *Review of the regional economy.* The regional plan should include projections of population and labor force and employment by key industrial sectors, and an inventory of natural resources. It should analyze the present capability of the infrastructure to support economic growth. It should identify the major growth centers within the region which are capable of long-term economic growth.

(d) *Review of conditions inhibiting growth.* The regional plan should include a review of the major factors which have caused the region to lag behind the Nation as a whole in economic development.

(e) *Review of major plans and pending decisions.* The regional plan should review public and available private plans for capital expansion and investment, and should relate these other public and private plans to the commission's regional plan.

(f) *Establishment of regional goals.* The regional plan should include an explicit statement of the region's economic goals, such as reducing unemployment, raising personal income, raising educational levels, and so forth.

(g) *Determination of a development strategy.* The regional plan should set forth an explicit strategy for achieving the region's specified development goals. This strategy should include an analysis of the extent to which public investment should be concentrated or dispersed, and what kinds of public investments are the most critical for achieving a higher rate of economic growth.

(h) *Review of existing program adequacy.* The regional plan should include a review and analysis of the extent to which existing Federal, State, and local programs are adequate to support the commission's goals and strategies. It should identify the major gaps, modifications, or supplements to existing programs which will help carry out the commission's development strategy.

(i) *Criteria for project identification.* The regional plan should include an analysis of the classes of projects which are consistent with the commission's goals and programs and an identification on a regionwide basis of the locations and types of projects necessary to carry out the regional plan for economic development.

(j) *Consideration of other planning in the region.* In developing plans and carrying out other activities under section 503(a)(2) and (7) of the Act (42 U.S.C. 3183(a)(2) and (7)), due consideration shall be given to the planning and activities of other Federal, State, local and sub-State planning agencies (including economic development districts) in the region.

§ 530.3 Review standards.

In reviewing the commission's regional plans prior to making recommendations to the President, the Secretary will consider the following factors:

(a) *Consistency with national economic trends.* The projections of economic activity contained in the plans will be compared with trends in the national economy. Such projections of regional growth should be reasonably consistent with the projections of national growth and other projections of regional growth, particularly when the regional projections depend for their success upon growing regional exports to national markets.

(b) *Interregional consistency.* Regional plans developed by the commissions will be assessed to determine their reasonable consistency with each other, taking into account the differing needs and objectives of the various regions.

(c) *Transference of employment.* The regional plans will be assessed to assure that they do not provide for nor encourage industry or business to relocate in a region if such relocation will result in a transfer of jobs causing unemployment at the original location of the industry or business.

(d) *National benefits.* The regional plans should attempt to provide reasonable assurance that economic growth within the region can be sustained, and that the identifiable benefits from the proposed regional program justify the estimated Federal investment.

PART 540—ADMINISTRATIVE GRANTS

Sec.
540.1 Authority and purpose.
540.2 Procedure for obtaining administrative expenses.
540.3 Terms and conditions.
540.4 Financial plans.

AUTHORITY: 42 U.S.C. 3181 et seq.; 42 U.S.C. 3211; Executive Order 11386, dated December 28, 1967.

§ 540.1 Authority and purpose.

(a) The Secretary is authorized by section 505(b) of the Act (42 U.S.C. 3185(b)) to review and approve the administrative expenses of each regional commission, and to pay such expenses as he approves from Federal funds appropriated for such purposes. For the period ending with the last day of the second full fiscal year following the date of establishment of a commission, the entire administrative expenses of the commission shall be paid by the Federal Government. Thereafter, 50 per centum of such expenses shall be paid by the Federal Government, and 50 per centum by the States in the region, except that the administrative expenses of the Federal Cochairman, his alternate, and his staff shall be paid solely by the Federal Government.

(b) The purpose of this subpart is to outline the procedures by which such administrative expenses will be paid by the Federal Government.

§ 540.2 Procedure for obtaining administrative expenses.

(a) As a condition to receiving administrative expense funds from the Federal Government, each commission through the Federal Cochairman shall submit for approval a financial plan to the Secretary in such form as he or the Special Assistant for Regional Economic Coordination may prescribe.

(b) Such administrative expense funds as are approved shall be made available on a quarterly basis. Approved funds will be deposited into a special trust account established by the U.S. Treasury for the exclusive use of the regional commissions. Expenditures from such trust funds shall be made only upon the proper certification of a duly authorized officer of the commission.

§ 540.3 Terms and conditions.

(a) Approval of administrative expense grants are subject to the following terms and conditions:

(1) Federal grant assistance may be used only in the performance of the activities and work program outlined in the commission's approved financial plan prepared pursuant to paragraph 540.2a.

(2) The procurement of supplies, materials, equipment, furniture, and services shall be in compliance with the standard procurement procedures established by the commission, except that such procurement should be channeled, to the extent deemed practicable by the commission, through the established procurement channels of the Department of Commerce;

(3) The rate of compensation for positions paid from grant funds shall not exceed the rate paid by the Federal Government for similar positions, and commission employees who occupy such positions should generally meet the comparable Federal experience and educational requirements for similar positions;

(4) Reimbursement for travel costs, including transportation, food and lodging incurred by personnel in performance of their official duties while away from their regular place of duty, shall not exceed that provided by the standard travel regulations of the Federal Government;

(5) The commission shall limit both the number of its employees and the funds spent therefor to the number and amounts set forth in its financial plan as approved by the Secretary or the Special Assistant for Regional Economic Coordination, except that this limitation does not apply to additional employees not in any way compensated from funds made available under the Federal administrative expense grants;

(6) The provisions of Title VI of the Civil Rights Act of 1964 shall apply to the Commission as an agency empowered to extend Federal financial assistance and as a recipient of such assistance. The Commission shall adopt as its own the Regulations of the Department of Commerce implementing Title VI (15 CFR, Subtitle A, Part 8). The Commission and every program or activity receiving Federal financial assistance directly or indirectly from or through the commission, shall be subject to and comply with those Regulations. Since a primary objective of such Federal financial assistance is to provide employment, the employment practices provisions of those Regulations shall be applicable to the commission and to its Federally assisted programs and activities. The commission may issue rules, regulations, orders and instructions to further implement Title VI and the Regulations, and may obtain assistance from the Department of Commerce, with its concurrence, to aid the commission and the Federal Cochairman in carrying out its responsibilities under Title VI and the Regulations.

(b) In appropriate circumstances, and after due notice and adequate opportunity for hearing, the Secretary or the Special Assistant for Regional Economic Coordination may suspend the financial assistance approved under this subpart upon a formal finding that the commission is in violation of the terms of the grant offer or the provisions of these regulations.

(c) No part of the Federal grant funds shall be used, either directly or indirectly, to assist, solicit, or encourage the relocating of any business establishment from one area to another or to assist, solicit, or encourage the transfer of contract or subcontract work which would result in a transfer of jobs causing unwork was previously performed, or to pay any part of the compensation or expense of employees who may at any time engage in such activities for which such funds may not be used.

(d) The commission shall keep, and shall require its grantees and contractors to keep, such records as will fully disclose the amount and disposition of the total budgeted funds, the purpose of the undertaking for which such funds were used, the amount and nature of all contributions from other sources, and such other records as may be necessary. Records pertaining to the expenditures of Federal funds should be preserved for a period of not less than three (3) years following disbursement of funds.

(e) The Secretary of Commerce and the Comptroller General of the United States or their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the commission pertaining to the expenditure of Federal funds that will facilitate an effective audit.

§ 540.4 Financial Plans.

The financial plans referred to in paragraph 540.2 and subsequently in paragraphs 550.3 and 560.1 shall include, among other information prescribed by the Secretary or the Special Assistant for Regional Economic Coordination, projected financial requirements for the year on a quarterly basis indicating proposed funding levels by program or activity.

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PART 550—TECHNICAL AND PLANNING ASSISTANCE

Sec.
550.1 Authority and purpose.
550.2 Type and form of assistance by the Secretary.
550.3 Type and form of assistance by the Commissions.
550.4 Administrative expense grants to substate planning and development organizations.
550.5 Limitations.

AUTHORITY: 42 U.S.C. 3181 et seq.; 42 U.S.C. 3211; Executive Order 11386, dated December 28, 1967.

§ 550.1 Authority and Purpose.

Section 505 of the Act (42 U.S.C. 3185) authorizes technical and planning assistance to further the purposes of the Act. section 505(a)(2) authorizes the commissions to carry out a program of technical assistance.

§ 550.2 Type and form of assistance by the Secretary.

(a) Technical assistance may be undertaken by the Secretary or the Special Assistant for Regional Economic Coordination either (1) on his own initiative with respect to the regions generally or with respect to an existing or proposed region for which a commission has not yet been formed, or (2) upon the request of any regional commission. It may include studies and plans evaluating the needs of, and developing potentialities for, the economic growth of such region, and research on improving the conservation of human and natural resources of the region, and demonstration projects and training programs.

(b) Technical assistance may be provided through:

(1) Members of the staff of the Department of Commerce;

(2) The payment of funds to other departments or agencies of the Federal Government;

(3) The employment of private individuals, partnerships, firms, corporations, or suitable institutions, under contracts entered into for such purposes.

(4) Grants-in-aid to the commissions.

(c) The Secretary or the Special Assistant for Regional Economic Coordination may in his discretion require the repayment of technical assistance and prescribe the terms and conditions of such repayment.

§ 550.3 Type and form of assistance by the commissions.

(a) The commissions may undertake planning projects, investigations, studies, demonstration projects and training programs and make administrative expense grants to substate planning and development organizations (including economic development districts) which will further the purposes of the Act. Such activities shall be in accord with the commission's annual financial plan submitted to and approved by the Secretary or the Special Assistant for Regional Economic Coordination.

(b) Technical and planning assistance may be provided by the commissions through:

(1) The payment of funds to departments, agencies or instrumentalities of the Federal Government;

(2) Contracts with private individuals, partnerships, firms, corporations, or suitable institutions; or

(3) Grants-in-aid to agencies of State or local governments.

(c) In the case of demonstration projects and training programs, the commission shall to the maximum extent possible carry out the activity through agencies or instrumentalities of the Federal Government or of State or local governments.

§ 550.4 Administrative expense grants to substate planning and development organizations.

(a) The commissions may provide administrative expense grants to substate planning and development organizations (including economic development districts) wholly or partially within the boundaries of their economic development regions.

(b) To be eligible for administrative expense grants from a regional commission, the substate organization must be established pursuant to State law or applicable executive order issued by the Governor. Such organizations must be multi-jurisdictional. At least a simple majority of the organization's governing body must be elected officials of the constituent jurisdictions.

(c) Each commission may determine the amount and the terms and conditions of administrative expense grants to substate planning and development organizations, provided that first priority will be given to substate organizations which do not qualify for or not receiving administrative expense assistance from the Economic Development Administration. Applications for administrative expense grants filed by districts organized or funded under Economic Development Administration auspices will be approved by the Federal Cochairman only after the application has been reviewed by the Assistant Secretary of Commerce for Economic Development.

§ 550.5 Limitations.

(a) Technical assistance funds may not be used to cover the cost of work already performed or of services already provided.

(b) Technical information resulting from the commission's activities should be freely made available to the general public;

(c) The commission must agree to assign any patents resulting from inventions developed through Federal funds to the Federal Government;

(d) The commission must agree to assign any copyrights for material produced through Federal funds to the Federal Government, and to obtain necessary permissions to use materials copyrighted by others;

(e) Other terms and conditions may be imposed in the Offer of Grant Assistance.

(f) In appropriate circumstances, and after due notice and adequate opportunity for hearing, the Secretary or his Special Assistant for Regional Economic Coordination may suspend the financial assistance approved under this subpart upon a formal finding that the commission is in violation of the terms of the grant offer or the provisions of these regulations.

(g) No part of the Federal grant funds shall be used, either directly or indirectly, to assist, solicit, or encourage and relocating of any business establishment from one area to another or to assist, solicit, or encourage the transfer of contract or subcontract work which would result in a transfer of jobs causing unemployment at a location where such work was previously performed, or to pay any part of the compensation or expense of employees who may at any time engage in such activities for which such funds may not be used.

(h) The commission shall keep, and shall require its grantees and contractors to keep such records as will fully disclose the amount and disposition of the total budgeted funds, the purpose of the undertaking for which such funds were used, the amount and nature of all contributions from other sources, and such other records as may be necessary. Records pertaining to the expenditures of Federal funds should be preserved for a period of not less than three (3) years following disbursement of funds.

(i) The Secretary of Commerce and the Comptroller General of the United States or their duty authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the commission pertaining to the expenditure of Federal funds that will facilitate an effective audit.

PART 560—SUPPLEMENTS TO FEDERAL GRANTS-IN-AID

Sec.
560.1 Authority and purpose.
560.2 Supplements to local applicant's share.
560.3 Supplements to Federal grant agencies.
560.4 Criteria for project approval.
560.5 Applications.
560.6 Transfer of funds.
560.7 Definition of Federal grant-in-aid programs.
560.8 Records retention.

AUTHORITY: 42 U.S.C. 3181 et seq.; 42 U.S.C. 3211; Executive Order 11386, dated December 28, 1967.

§ 560.1 Authority and purpose.

Section 509 of the Act (42 U.S.C. 3188a) authorizes the Secretary to provide funds to the Federal Cochairmen of the commissions to supplement Federal grants-in-aid to States and other entities in economic development regions established under the Act. Such funds may be provided to a Federal Cochairman only after a comprehensive long-range plan has been established pursuant to section 503(a)(2) of the Act (42 U.S.C. 3188(a)(2)) and in accordance with the annual

financial plan submitted to and approved by the Secretary or the Special Assistant for Regional Economic Coordination.

§ 560.2 Supplements to local applicant's share.

The supplemental grant may be used to increase the Federal contribution to a program or project above the fixed maximum otherwise authorized by applicable law upon a finding by the commission that the applicant is financially unable to supply the required matching portion because of its economic situation.

§ 560.3 Supplements to Federal grant agencies.

The supplemental grant may be used to provide all or any portion of the basic Federal contribution to a program or project, provided that such contribution may be made only upon the certification by the responsible Federal official administering the grant-in-aid Act that the program or project meets all of the requirements of such Federal grant-in-aid Act and could be approved for Federal contribution if funds were available under such Act for the program or project.

§ 560.4 Criteria for project approval.

(a) No program or project shall be implemented under Section 509 of the Act (42 U.S.C. 3188a) until (1) applications and plans relating to the program or project have been determined by the responsible Federal official to be compatible with the provisions and objectives of the Federal laws which he administers which are not inconsistent with the Public Works and Economic Development Act, as amended, and (2) the Regional Commission involved has approved such program or project and has determined that it meets applicable criteria of section 504 of the Act (42 U.S.C. 3184).

(b) The Federal portion of program or project costs shall not be increased in excess of the percentages established by each commission and in no event shall they exceed 80 percent of project costs.

§ 560.5 Applications.

An application for a grant under section 509 of the Act shall be made through the State member of the Commission representing the applicant. The State member shall evaluate the application for approval and only applications approved by the appropriate State member as meeting requirements for assistance shall be approved for assistance by the Commission.

§ 560.6 Transfer of funds.

The Federal Cochairmen will transfer such funds to the basic Federal grant agency administering the grant program or project being supplemented pursuant to a grant agreement between the Federal Cochairman and the appropriate official of the basic agency.

§ 560.7 Definition of Federal grant-in-aid programs.

The term "Federal-grant-in-aid programs" as used in this subpart means all Federal grant-in-aid programs in existence on or before December 31, 1970, assisting in the acquisition of land or the construction or equipment of facilities, including but not limited to grant-in-aid programs authorized by title I of the Public Works and Economic Development Act and by the following Acts: Federal Water Pollution Control Act; Watershed Protection and Flood Prevention Act; title VI of the Public Health Service Act; Vocational Education Act of 1963; Library Services Act; Federal Airport Act; part IV of Title III of the Communications Act of 1934; Higher Education Facilities Act of 1963; Land and Water Conservation Fund Act of 1965; and National Defense Education Act of 1958. The term shall not include any program in which loans or other Federal financial assistance, except a grant-in-aid program, are authorized by the Public Works and Economic Development Act or any other Act.

§ 560.8 Records retention.

(a) The commission shall keep, and shall require its grantees and contractors to keep, such records as will fully disclose the amount and disposition of the total budgeted funds, the purpose of the undertaking for which such funds were used, the amount and nature of all contributions from other sources, and such other records as may be necessary. Records pertaining to the expenditures of Federal funds should be preserved for a period of not less than three (3) years following disbursement of funds.

(b) The Secretary of Commerce and the Comptroller General of the United States or their duly authorized representatives shall have access for the purpose of audit and examination to any books, and documents, papers, and records of the commission pertaining to the expenditure of Federal funds that will facilitate an effective audit.

PART 580—COORDINATION

Sec.
580.1 Authority and purpose.
580.2 Role of the Federal Cochairmen.
580.3 Procedures for coordination.
580.4 Coordination with the Economic Development Administration.
580.5 Coordination with other Federal agencies.

AUTHORITY: 42 U.S.C. 3181 et seq.; 42 U.S.C. 3211; Executive Order 11386, dated December 28, 1967.

§ 580.1 Authority and purpose.

The Secretary of Commerce is authorized by section 601(a) of the Act (42 U.S.C. 3201) and by Executive Order 11386, as amended, to coordinate activities of the Federal Cochairmen appointed pursuant to the provisions of the Act. In addition, section 511 of the Act (42 U.S.C. 3190) provides that the Secretary shall coordinate his activities in making grants and loans and providing technical assistance under the Act with regional commissions and that regional commissions in turn coordinate their grant and technical assistance activities with the Secretary. The purpose of this subpart is to outline a procedure for insuring that such coordination is effectively carried out.

§ 580.2 Role of the Federal Cochairmen.

Federal Cochairmen appointed by the President to Regional Action Planning Commissions are responsible for actively presenting to their commissions the policies and viewpoints of the Federal Executive Branch. Each Federal Cochairman has the additional responsibility of providing the individual or collective positions of the State Members (Governors) of his commission to departments and agencies of the Executive Branch on matters pertinent to the development of the commission's program.

§ 580.3 Procedures for coordination.

In carrying out their assigned responsibilities, the Federal Cochairmen shall maintain a close working relationship with the Secretary through the Special Assistant for Regional Economic Coordination, keep the appropriate Federal departments and agencies informed of programs and projects to be considered by the commissions. Pursuant to this responsibility, each Federal Cochairman shall:

(a) Provide periodic reports to the Secretary or Special Assistant as may be prescribed, setting forth the major policy issues expected to arise in the course of the program and to be considered by the regional commission; and

(b) Keep the Secretary advised of matters affecting the Federal interest in his region.

(c) Execute and perform all responsibilities assigned to the Federal Cochairmen by Executive Order 11386.

§ 580.4 Coordination with the Economic Development Administration.

(a) The Federal Cochairmen and the Special Assistant for Regional Economic Coordination shall meet regularly with the Assistant Secretary for Economic Development to insure that their respective programs are coordinated and do not overlap, duplicate, or compete. The Federal Cochairmen shall establish and maintain comparable coordination relationships with the appropriate regional directors of the Economic Development Administration.

(b) Upon request of the Economic Development Administration the Federal Cochairman will provide the Assistant Secretary for Economic Development and the appropriate Economic Development Administration regional director with commission comments on any EDA project or program wholly or partially located within the boundaries of the commission.

(c) Each Federal Cochairman shall insure that all Economic Development Administration regional directors with programs in his commission area are invited to participate in the development of overall commission planning documents and are provided copies of completed planning documents and revisions.

(d) Each Federal Cochairman shall request review and comment by the Assistant Secretary for Economic Development

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of all applications for technical assistance filed with his commission by districts organized under Economic Development Administration auspices.

§ 580.5 Coordination with other Federal agencies.

(a) Each Federal Cochairman will consult with the regional directors of Federal agencies with programs in his commission area as his commission formulates regional development plans and plans the commission's work program. The formulation of regional counterparts of the Federal Advisory Council on Regional Economic Development is encouraged as a means of such consultation and coordination.

(b) Each Federal Cochairman is encouraged to cooperate and work with the Federal Regional Council, or Councils, with responsibilities in his commission area as a further means of program coordination.

[FR Doc.75-27523 Filed 10-10-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15041; Amdt. 39-2388]

PART 39—AIRWORTHINESS DIRECTIVES

SIAI Marchetti Model F. 260 Series Airplanes

There have been reports of failures in landing gear control bellcrank pivot bolts on SIAI Marchetti F.260 and F.260B airplanes that could result in failure of the main landing gear. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the pivot bolts and replacement with modified pivot bolts and bushings on SIAI Marchetti F.260 and F.260B airplanes.

Since this situation requires immediate adoption of this regulation, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SIAI MARCHETTI. Applies to F. 260 and F. 260B airplanes, Serial Numbers 101 thru 125, 2–26 thru 2–52 (except S/N 2–33, 2–47, 2–50, and 2–51), 3–76, 3–77, and 502, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent failure of the main landing gear, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, or before the accumulation of 300 hours total aircraft time in service, whichever occurs later, perform a magnetic particle inspection of the landing gear bellcrank pivot bolts, P/N 260–14–35–1, in accordance with SIAI Marchetti Service Bulletin S.B. No. 260B7, dated August 27, 1971, or an FAA-approved equivalent.

(b) If cracks are found, before further flight, comply with paragraph (d) of this AD.

(c) If no cracks are found, comply with paragraph (d) of this AD within the next 100 hours' time in service after the inspection.

(d) Where required by paragraph (b) or (c) of this AD, replace the pivot bolts P/N 260–14–35–1 and bushings P/N 260–14–17–3 with modified bolts P/N 260–14–35–3 and modified bushings P/N 260–14–17–5 in accordance with SIAI Marchetti Service Bulletin S.B. No. 260B8, dated September 18, 1971, or an FAA-approved equivalent.

This amendment becomes effective October 27, 1975.

Issued in Washington, D.C. on October 27, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-27413 Filed 10-10-75;8:45 am]

[Airspace Docket No. 75-NW-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Airway Extension

On August 28, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 39529) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V–269 to Salmon, Idaho.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, December 4, 1975, as hereinafter set forth.

§ 71.123 (40 FR 307, 39 FR 40581) is amended as follows:

In V–269 "to Pocatello, Idaho." is deleted and "Pocatello, Idaho; to Salmon. Idaho." is substituted therefor.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 7, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-27415 Filed 10-10-75;8:45 am]

[Airspace Docket No. 75-EA-55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending section 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Chantilly, Va., Transition Area (40 F.R. 4297).

A revision of the RNAV Rwy 16 instrument approach procedure to Manassas Municipal Airport (Harry P. Davis Field) requires alteration of the transition area to provide a small increase in additional transition area airspace, amounting to approximately two square miles.

Since the amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT November 13, 1975, as follows:

1. Amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Chantilly, Va. Transition Area by deleting, "within 2 miles each side of a 330° bearing from a point 38°43'36'' N., 77°31'18'' W.," and by inserting, "within 2.5 miles each side of a 330° bearing from a point 38°43'36'' N., 77°31'17'' W.," in lieu thereof.

(Sec. 307(a), Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and sec. 6(c) Department of Transportation Act [49 U.S.C. 1655(c)]).

Issued in Jamaica, N.Y., on September 30, 1975.

DUANE W. FREER,
Director, Eastern Region.

[FR Doc.75-27414 Filed 10-10-75;8:45 am]

[Airspace Docket No. 75-SW-62]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The Purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Lake Providence, La., transition area.

On August 26, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 F.R. 37226) stating the Federal Aviation Administration proposed to alter the Lake Providence, La., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, December 4, 1975, as hereinafter set forth.

In Section 71.181 (40 F.R. 441), the Lake Providence, La., transition area is amended to read:

LAKE PROVIDENCE, LA.

That airspace extending upward from 700 feet above the surface within a 5-statute-mile radius of Byerley Airport, Lake Providence, La. (latitude 32°49'46'' N., longitude 91°11'00'' W.); and within 3.5 miles each side of the 008° bearing from the Lake Providence NDB (latitude 32°49'50'' N., longitude 91°11'24'' W.), extending from the 5-mile-radius area to 11.5 statute miles north of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Fort Worth, Tex., on September 30, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-27423 Filed 10-10-75;8:45 am]

[Airspace Docket No. 75-SW-56]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter controlled airspace in the Laredo, Tex., terminal area.

On August 18, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 F.R. 34606) stating the Federal Aviation Administration proposed to alter the Laredo, Tex., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, December 4, 1975, as hereinafter set forth.

1. In Section 71.171 (40 F.R. 354), the Laredo, Tex., control zone is amended to read:

LAREDO, TEX.

Within a 5-mile radius of the Laredo Municipal Airport (latitude 27°32'40'' N., longitude 99°27'40'' W.); within 1.5 miles each side of the Laredo VORTAC 141° radial extending from the 5-mile-radius area to 1 mile southeast; within a 5-mile radius of the Laredo International Airport (latitude 27°36'56'' N., longitude 99°31'12'' W.); within 1.5 miles each side of the Laredo ILS localizer northwest course extending from the ILS localizer site (latitude 27°36'12.6'' N., longitude 99°30'50.2'' W.) to 7 miles northwest, excluding that portion outside the United States.

2. In Part 71.181 (40 F.R. 441), the Laredo, Tex., transition

LAREDO, TEX.

That airspace extending upward from 700 feet above the surface within 5 miles each side of the Laredo VORTAC 328° radial extending from the Laredo VORTAC to 22.5 miles northwest; within 3.5 miles each side of the Laredo ILS localizer northwest course extending from the localizer site (latitude 27°36'12'' N., longitude 99°30'50.2'' W.) to 19 miles northwest; within 5 miles each side of the Laredo VORTAC 141° radial extending from the Laredo VORTAC to 12 miles southeast; within a 5-mile radius of the Link Ranch Airport (latitude 27°25'32'' N., longitude 99°28'21'' W.), excluding those portions outside the United States.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)]).

Issued in Fort Worth, Tex., on September 30, 1975.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.75-27422 Filed 10-10-75;8:45 am]

[Airspace Docket No. 75-SW-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the El Campo, Tex., transition area.

On August 21, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 F.R. 36575) stating the Federal Aviation Administration proposed to alter the transition area at El Campo, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In Section 71.181 (40 F.R. 441), the El Campo, Tex., transition area is amended as follows:

EL CAMPO, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the El Campo Airpark (latitude 29°16'00'' N., longitude 96°19'30'' W.); within a 5-mile radius of the El Campo Metro Airport (latitude 29°10'14'' N., longitude 96°17'17'' W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)]

Issued in Fort Worth, Tex., on September 30, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-27421 Filed 10-10-75;8:45 am]

[Airspace Docket No. 75-SW-58]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Franklin, Tex., transition area.

On August 21, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 F.R. 36575) stating the Federal Aviation Administration proposed to designate a transition area at Franklin, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In Section 71.181 (40 F.R. 441), the following transition area is added:

FRANKLIN, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Rocking 7 Ranch Airport (latitude 31°09'37'' N., longitude 96°26'14'' W.); within 2.5 miles each side of the 276° radial from the Leona, Tex., VORTAC extending from the 5-mile-radius area to 22 miles southwest of the Leona VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)]).

Issued in Fort Worth, Tex., on September 30, 1975.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.75-27420 Filed 10-10-75;8:45 am]

[Airspace Docket No. 75-SW-60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Jonesboro, La.

On August 26, 1975, a notice of proposed rule making was published in the Federal Register (40 F.R. 37226) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Jonesboro, La.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, December 4, 1975, as hereinafter set forth.

In Section 71.181 (40 F.R. 441), the following transition area is added:

JONESBORO, LA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Jonesboro Municipal Airport, Jonesboro, La. (latitude 32°12'10'' N., longitude 92°44'10'' W.) and within 3.5 miles each side of the 174° bearing from the Jonesboro NDB (latitude 32°12'25'' N., longitude 92°44'19'' W.) extending from the 6.5-mile-radius area to 12 miles south of the NDB.

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(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Fort Worth, Tex., on September 30, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-27419 Filed 10-10-75;8:45 am]

[Airspace Docket No. 75-SW-61]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Vivian, La., transition area.

On August 29, 1975, a notice of proposed rule making was published in the Federal Register (40 F.R. 39897) stating the Federal Aviation Administration proposed to alter the Vivian, La.; transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, December 4, 1975, as hereinafter set forth.

In Section 71.181 (40 F.R. 441), the Vivian, La., transition area is amended to read:

VIVIAN, LA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Vivian Municipal Airport (latitude 32°51'55" N., longitude 94°00'30" W.); within 2 miles each side of the Shreveport VOR TAC 299° radial extending from the 6.5-mile-radius area to 5.5 miles northwest of the VORTAC; and 3 miles each side of the 277° bearing from the NDB (latitude 32°51'37" N., longitude 94°00'42" W.) extending from the 6.5-mile-radius area to 8.5 miles west of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)]).

Issued in Fort Worth, Tex., on September 30, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-27418 Filed 10-10-75;8:45 am]

[Airspace Docket No. 75-SW-54]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Brenham, Tex.

On August 13, 1975, a notice of proposed rule making was published in the Federal Register (40 F.R. 33997) stating the Federal Aviation Administration proposed to designate the Brenham, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, December 4, 1975, as hereinafter set forth.

In Section 71.181 (40 F.R. 441), the following transition area is added:

BRENHAM, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Brenham Municipal Airport (latitude 30°12'57" N., longitude 96°22'34" W.) and within 3 miles each side of the 341° bearing from the NDB (latitude 30°13'16" N., longitude 96°22'40" W.) extending from the NDB to 8 miles northwest.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Fort Worth, Tex., on September 30, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-27416 Filed 10-10-75;8:45 am]

[Airspace Docket No. 75-SW-48]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Athens, Texas, transition area.

On August 29, 1975, an amended notice of proposed rule making was published in the Federal Register (40 F.R. 39897) stating the Federal Aviation Administration proposed to further alter the Athens, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, December 4, 1975, as hereinafter set forth.

In Section 71.181 (40 F.R. 441), the Athens, Tex., transition area is amended to read:

ATHENS, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jones Municipal Airport (latitude 32°-10'00" N., longitude 95°50'00" W.); within an 8.5-mile radius of Lochridge Ranch Airport (latitude 31°59'21" N., longitude 95°-57'03" W.); within 3.5 miles each side of the 176° bearing from the Athens RBN (latitude 32°09'35" N., longitude 95°49'50" W.) extending from the 5-mile-radius area to 11.5 miles south of the RBN; within 3 miles each side of a 211° bearing from the Athens RBN extending from the 5-mile-radius area to the 8.5-mile-radius area; and within 4.5 miles each side of the 356° bearing from the Lochridge Ranch RBN (latitude 32°03'48" N., longitude 95°57'27" W.) extending from the 8.5-mile-radius area to 10.5 miles N of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)]).

Issued in Fort Worth, Tex., on September 30, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-27417 Filed 10-10-75;8:45 am]

[Docket No. 15039; Amdt. No. 989]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, S.W., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective November 20, 1975.

Brownsville, TX—Brownsville Int'l Arpt., VOR Rwy 26, Amdt. 16
Carlsbad, NM—Cavern City Air Terminal Arpt., VOR Rwy 32L, Amdt. 3
Corpus Christi, TX—Corpus Christi Int'l Arpt., VORTAC Rwy 35, Amdt. 4, Canceled
Galveston, TX—Scholes Field, VOR Rwy 13 (TAC), Amdt. 11
Indianapolis, IN—Indianapolis Metropolitan Arpt., VOR Rwy 32, Amdt. 2
Johnstown, PA—Johnstown-Cambria County Arpt., VOR/DME Rwy 15, Orig.
Johnstown, PA—Johnstown-Cambria County Arpt., VOR Rwy 15, Amdt. 4
Mt. Vernon, IL—Mt. Vernon-Outland Arpt., VOR Rwy 23, Amdt. 5
Oshkosh, WI—Wittman Field, VORTAC Rwy 9, Orig.
Oshkosh, WI—Wittman Field, VOR Rwy 9, Amdt. 4
Oshkosh, WI—Wittman Field, VORTAC Rwy 18, Orig.
Oshkosh, WI—Wittman Field, VOR Rwy 18, Amdt. 2
Oshkosh, WI—Wittman Field, VORTAC Rwy 36, Orig.
Oshkosh, WI—Wittman Field, VOR Rwy 36, Amdt. 12
Pecos, TX—Pecos Municipal Arpt., VOR Rwy 13, Amdt. 2
Quakertown, PA—Quakertown Arpt., VOR Rwy 11, Amdt. 1
Rockland, ME—Knox County Regional Arpt., NDB Rwy 3, Amdt. 1
South Bend, IN—Michiana Regional Arpt., VOR Rwy 18, Amdt. 2
Union City, TN—Everett-Stewart Arpt., VOR/DME-A, Amdt. 3

. . . effective November 13, 1975

Champaign-Urbana, IL—University of Illinois-Willard Arpt., VOR Rwy 4, Amdt. 6
Champaign-Urbana, IL—University of Illinois-Willard Arpt., VOR Rwy 13, Amdt. 3
Champaign-Urbana, IL—University of Illinois-Willard Arpt., VOR/DME Rwy 22, Amdt. 2
Champaign-Urbana, IL—University of Illinois-Willard Arpt., VOR Rwy 31, Amdt. 7

. . . effective October 16, 1975

Santa Ana, CA—Orange County Arpt., VOR Rwy 1L, Amdt. 8, Canceled

2. Section 97.25 is amended by originating, amending, or canceling the following SDF LOCLDA SIAPs, effective November 20, 1975.

Atlanta, GA—The William B. Hartsfield Atlanta Int'l Arpt., LOC(BC), Rwy 8, Orig., Canceled
Brownsville, TX—Brownsville Int'l Arpt., LOC(BC) Rwy 31L, Amdt. 4
Kahului, HI—Kahului Arpt., LOC/DME(BC), Rwy 20, Amdt. 3
Oshkosh, WI—Wittman Field, LOC/DME (BC), Rwy. 18, Amdt. 1
South Bend, IN—Michiana Regional Arpt., LOC(BC), Rwy 9, Amdt. 9
Rockland, ME—Knox County Regional Arpt., LOC Rwy 3, Amdt. 1

. . . effective November 13, 1975

Champaign-Urbana, IL—Univeristy of Illinois-Willard Arpt., LOC(BC), Rwy 13, Amdt. 2

. . . effective October 16, 1975

Spokane, WA—Spokane Int'l Arpt., LOC(BC), Rwy 3, Amdt. 8, Canceled

3. Section 97.27 is amended by originating, amending, or cancelling the following NDB/ADF SIAPs, effective November 20, 1975.

Brownsville, TX—Brownsville Int'l Arpt., NDB Rwy 13R, Amdt. 7
Defiance, OH—Defiance Memorial Arpt., NDB Rwy 12, Amdt. 4
Hillsboro, WI—Kickapoo Arpt., NDB Rwy 23, Amdt. 1
Oshkosh, WI—Wittman Field, NDB Rwy 36, Amdt. 1
South Bend, IN—Michiana Regional Arpt., NDB Rwy 27, Amdt. 21
Tampa, FL—Tampa Int'l Arpt., NDB Rwy 18L, Amdt. 29
Union City, TN—Everett-Stewart Arpt., NDB Rwy 18, Amdt. 4
Union City, TN—Everett-Stewart Arpt., NDB Rwy 36, Amdt. 2

. . . effective November 13, 1975

Champaign-Urbana, IL—University of Illinois-Willard Arpt., NDB Rwy 31, Amdt. 4

. . . effective October 23, 1975

Wiscasset, ME—Wiscasset Arpt., NDB Rwy 25, Orig.

. . . effective October 16, 1975

Spokane, WA—Spokane Int'l Arpt., NDB Rwy 21, Amdt. 13

4. Section 97.29 is amended by originating, amending, or cancelling the following ILS SIAPs, effective November 20, 1975.

Brownsville, TX—Brownsville Int'l Arpt., ILS Rwy 13R, Amdt. 4
Cleveland, OH—Cleveland Hopkins Int'l Arpt., ILS Rwy 28R, Amdt. 12
Oshkosh, WI—Wittman Field, ILS Rwy 36, Amdt. 2
South Bend, IN—Michiana Regional Arpt., ILS Rwy 27, Amdt. 27
Tampa, FL—Tampa Int'l Arpt., ILS Rwy 18L, Amdt. 30

. . . effective November 13, 1975

Champaign-Urbana, IL—University of Illinois-Willard Arpt., ILS Rwy 31, Amdt. 4

. . . effective October 16, 1975

Spokane, WA—Spokane Int'l Arpt., ILS Rwy 21, Amdt. 15

5. Section 97.31 is amended by originating, amending, or cancelling the following RADAR SIAPs, effective November 20, 1975.

Binghamton, NY—Broome County Arpt., RADAR-1, Amdt. 5
Richmond, VA—Richard Evelyn Byrd Int'l Arpt., RADAR-1, Amdt. 5
St. Petersburg, FL—Albert Whitted Arpt., RADAR-1, Amdt. 2, Canceled
South Bend, IN—Michiana Regional Arpt., RADAR-1, Amdt. 2

. . . effective October 16, 1975

Spokane, WA—Spokane Int'l Arpt., RADAR-1, Amdt. 10

6. Section 97.33 is amended by originating, amending, or cancelling the following RNAV SIAPs, effective November 20, 1975.

Mt. Vernon, IL—Mt. Vernon-Outland Arpt., RNAV Rwy 5, Orig.
South Bend, IN—Michiana Regional Arpt., RNAV Rwy 9, Amdt. 2
Teterboro, NJ—Teterboro Arpt., RNAV Rwy 24, Amdt. 1, Canceled

These amendments are made effective under the authority of Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Washington, D.C., on October 2, 1975.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 F.R. 5610).

JAMES M. VINES,
Chief, Aircraft Programs Division.

[FR Doc.75-27424 Filed 10-10-75;8:45 am]

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Delegations and Designations

This section delegates authority to the NASA Comptroller and the Director of Facilities to take actions in real estate and related matters. Except for the authority to prescribe agency real estate policies, procedures, and regulations, this authority may be redelegated with power of further redelegation. The officials delegated authority by this section are to keep the NASA Administrator fully and currently informed of substantive matters relating to the exercise of this delegation.

Additionally, this section revokes Subpart 1204.6, based in part on section 203 (b) (14) of the National Aeronautics and Space Act of 1958, which section has been repealed. The subject matter of the revoked subpart contains regulations governing reimbursement for moving expenses to owners and tenants of land acquired by NASA. This subject matter is now covered by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601).

1. Section 1204.501 is revised in its entirety as follows:

§ 1204.501 Power and authority—to take actions in real estate and related matters.

(a) Delegation of authority. The officials listed in paragraph (b) of this section are delegated authority, in accordance with applicable laws and regulations, and subject to conditions imposed by immediate superiors to:

(1) Prescribe agency real estate policies, procedures, and regulations;

(2) Enter into and take other actions including, but not limited to, the following:

(i) Acquire (by purchase, lease, condemnation, or otherwise) fee and lesser interests in real property and, in the case of acquisition by condemnation, to sign declarations of taking.

(ii) Determine entitlement to and quantum of, financial compensation under, and otherwise exercise the authority contained in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and regulations in implementation thereof.

(iii) Grant easements, leaseholds, licenses, permits or other interests in real property (wherever located)—controlled by NASA.

(iv) Approve the use of NASA-controlled real property and acquisition and

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use of non-Government-owned real property for any NASA-related non-appropriated fund activity purpose.

(v) Sell and otherwise dispose of real property in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471, et seq.).

(vi) Exercise control over the acquisition, utilization, and disposal of movable/relocatable structures including prefabricated buildings, commercial packaged accommodations, trailers, and other like items used as facility substitutes.

(vii) Request other Government agencies to act as real estate agent for NASA.

(viii) Issue certificates indicating the need for family housing and the employment status of individuals eligible for such housing.

(ix) Authorize other NASA officials to take specific implementing action with regard to any real property transaction included in the scope of authority delegated in this paragraph (a) (2) of this section.

(b) Officials receiving authority.

(1) NASA Comptroller; and

(2) Director of Facilities.

(c) Redelegation.

(1) The authority delegated in paragraph (a) (1) of this section may not be redelegated.

(2) The authority delegated in paragraph (a) (2) of this section may be redelegated with power of further redelegation.

(d) Reporting. The officials to whom authority is delegated in this § 1204.501 shall ensure that feedback is provided to the Administrator through official channels to keep him fully and currently informed of significant actions, problems, or other matters of substance related to the exercise of the authority delegated hereunder.

2. Subpart 1204.6 is revoked.

(Sec. 203(c)(1) National Aeronautics and Space Administration Act of 1958)

Effective date. This amendment takes effect on October 14, 1975.

GEORGE M. LOW,
Deputy Administrator.

[FR Doc.75-27438 Filed 10-10-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Revision and Reissuance

Correction

In FR Doc. 75-24603, appearing at page 42855 in the issue for Wednesday, September 17, 1975, on page 42860, in the first column, the sixth line of footnote 8 now reading "12; 12×$75,000 equal $900,000; plus $300,000 . . ." should be changed to read "12; 12×$75,000 equals $900,000; $900,000 plus $300,000".

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1109—PROCEDURAL REGULATIONS FOR ORAL PRESENTATIONS CONCERNING PROPOSED CONSUMER PRODUCT SAFETY RULES

The purpose of this document is to issue regulations (16 CFR Part 1109) governing the procedure for the oral presentation of data, views or arguments concerning consumer product safety rules proposed under section 7(c), (e)(1), or (f) or section 8 of the Consumer Product Safety Act.

Section 9(a)(2) of the CPSA (15 U.S.C. 2058(a)(2)) provides that consumer product safety rules proposed under section 7(c), (e)(1), or (f) or section 8 shall be issued in accordance with the informal rulemaking provisions of section 553 of title 5, United States Code except that interested persons must be given an opportunity for an oral presentation of data, views, or arguments and that the oral presentation be transcribed. The purpose of the oral presentation is to provide interested persons an opportunity to participate in person in the Commission's rulemaking proceedings, and to help inform the Commission of data, views and arguments related to the rulemaking proceeding. The Commission does not consider the requirement for an oral presentation to change the character and nature of the proceedings from that associated with informal rulemaking. Thus, the regulations provided in section 1109.3 that the proceedings for oral presentations shall be informal, non-adversary, legislative type proceedings at which there will be no formal pleadings or adverse parties.

The regulations provide that the oral proceedings shall be chaired by a presiding officer designated by the Chairman of the Commission with the concurrence of the Commission. The presiding officer is responsible for the orderly conduct of the proceedings and shall have all necessary and appropriate power to contribute to the equitable and efficient conduct of the proceedings. The presiding officer is authorized to make adequate provisions for testimony, comment and questions of interested persons. Specific powers of the presiding officer are included in § 1109.4 of the rule.

In addition, in order to focus on pertinent issues, the regulations provide that representatives of the Commission shall have the right to question persons making an oral presentation.

These regulations are rules of agency procedures or practice and, therefore, are exempt from the notice and public procedure provisions of section 553 of title 5 of the United States Code. Nevertheless, the Commission is interested in receiving public comment on the regulations. Comments should be submitted, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207 by November 13, 1975. Comments received by the Commission may be viewed during working hours in the Office of the Secretary, Room 1025, 1750 K Street NW., Washington, D.C.

This part shall become effective on November 13, 1975.

Accordingly, under the provisions of the Consumer Product Safety Act (sec. 9, 11, Pub. L. 92-573, 86 stat. 1221, 1223, 15 U.S.C. 2058, 2060), the Consumer Product Safety Commission issues 16 CFR Part 1109 as follows:

Sec.

1109.1 Scope and purpose.
1109.2 Notice of Opportunity for Oral Presentation.
1109.3 Conduct of Oral Presentation.
1109.4 Presiding Officer: Appointment, Duties, Powers.

AUTHORITY: Secs. 1-32, 86 stat. 1221, 1223, 1231 (15 U.S.C. 2051-2084).

§ 1109.1 Scope and purpose.

Section 9(a)(2) of the CPSA (15 U.S.C. 2058(a)(2)) provides that consumer product safety rules proposed under section 7(c), (e)(1), or (f) or section 8 shall be promulgated pursuant to section 553 of title 5, United States Code, except that the Commission shall give interested persons an opportunity for the oral presentation of data, views or arguments in addition to the opportunity to make written submissions. Section 9(a)(2) also requires that a transcript be kept of any oral presentation. This part sets forth rules of procedure for the oral presentation of data, views or arguments concerning consumer product safety rules proposed under section 7(c), (e)(1), or (f) or section 8 of the Consumer Product Safety Act, (15 U.S.C. section 2056(c), (e)(1), or (f) or section 2057).

§ 1109.2 Notice of opportunity for oral presentation.

Upon publication in the FEDERAL REGISTER of a proposed rule under section 7(c), (e)(1), or (f) of section 8 of the CPSA, interested persons will be advised in that proposal either that an oral proceeding will be held, or that such an opportunity will be provided if, within the period specified in the notice proposing a rule, the Commission receives a request for an opportunity to make an oral presentation. If an oral proceeding is to be held only upon the request of an interested person, and a request is received, notice of the oral proceeding will be announced in a separate FEDERAL REGISTER notice. If an oral presentation is held, the rules in this part shall govern the proceedings.

§ 1109.3 Conduct of oral presentation.

(a) The purpose of the oral presentation is to afford interested persons an opportunity to participate in person in the Commission's rulemaking proceedings and to help inform the Commission of data, views, and arguments concerning the proposed rule.

(b) The oral presentation shall be an informal, non-adversary legislative type proceeding at which there will be no formal pleadings or adverse parties.

(c) The proceedings for the oral presentation shall be conducted impartially, thoroughly, and expeditiously to allow interested persons an opportunity for oral presentation of data, views or arguments while preserving the basic informal nature of rulemaking under section 553 of title 5 of the United States Code.

(d) The oral presentation shall be transcribed as required by section 9(c) of the Consumer Product Safety Act (15 U.S.C. 2058(c)). The transcript shall be a part of the rulemaking record in accordance with section 11(a) of the CPSA (15 U.S.C. 2060). In addition, persons making an oral presentation may submit a written presentation of their views for the record.

§ 1109.4 Presiding officer: Appointment, duties, powers.

(a) If an oral presentation on a consumer product safety rule proposed under section 7(c), (e)(1), (f) or section 8 of the CPSA is held, a presiding officer shall be appointed by the Chairman with the concurrence of the Commission.

(b) The presiding officer shall chair the proceedings, shall make appropriate provision for testimony, comments and questions, and shall be responsible for the orderly conduct of the proceedings. The presiding officer shall have all the powers necessary or appropriate to contribute to the equitable and efficient conduct of the oral proceedings including the following:

(1) The right to apportion the time of persons making presentations in an equitable manner in order to complete the presentations within the time period allotted for the proceedings.

(2) The right to terminate or shorten the presentation of any party when, in the view of the presiding officer, such presentation is repetitive or is not relevant to the purpose of the proceedings.

(3) The right to confine the presentations to the issues specified in the notice of oral proceeding or, where no issues are specified, to matters pertinent to the proposed rule.

(4) The right to require a single representative to present the views of two or more persons or groups who have the same or similar interests. The presiding officer shall have the authority to identify groups or persons with the same or similar interests in the proceedings.

(c) The presiding officer and Commission representatives shall have the right to question persons making an oral presentation as to their testimony and any other matter relating to the proposed rule.

Effective date. The regulations issued above, 16 CFR 1109, shall be effective on November 13, 1975.

Dated: October 7, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-27503 Filed 10-10-75;8:45 am]

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY

[Docket No. R-75-194]

PART 15—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Freedom of Information Act Requests Procedure and Policy

These amendments revise Department of Housing and Urban Development regulations, Part 15 of Subtitle A of Title 24 of the Code of Federal Regulations in order to effectuate the amendments to Section 552 of Title 5, United States Code, known as the Freedom of Information Act, enacted November 21, 1974, as Public Law 93-502.

On February 19, 1975 there was published in the FEDERAL REGISTER (40 F.R. 7259-7261) an Interim Rule with amendments to Part 15 of Subtitle A of Title 24 of the Code of Federal Regulations. The Interim Rule conformed HUD regulations to the 1974 Amendments to the Freedom of Information Act, Public Law 93-502. No comments were received. The Interim Rule is being adopted with the following changes:

Section 15.14 has been revised to accomplish a reduction of the charges for the reproduction of documents which have been the subject of a Freedom of Information Act request for recovery of only the direct costs of such search and reproduction, as required by the Act.

Sections 15.42(a), 15.42(c) and 15.52 are revised to reflect that an appeal of an initial denial of a request for information will be conducted by the General Counsel, rather than by the Secretary or designee. This change will enable the Department to expedite decisions on appeals and thereby assure compliance with the twenty-day requirement of the Amended Act.

Section 15.61 changes the addressing procedure for requesting review of an initial denial of information to reflect the changed procedure for appeals, described above.

The Interim Rule amendment to Section 15.31(b), by inadvertance, omitted subpart 15.31(b)(3) relating to addresses of Area and Insuring Offices where records may be inspected and obtained. This subpart has been re-inserted.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at 451 7th Street, S.W., Washington, D.C. 20410.

Accordingly, 24 CFR Part 15 is amended to read as follows:

Subpart A—Purpose and Policy

Sec.
15.1 Definitions.
15.2 Purpose and applicability.
15.3 Statement of Policy.

Subpart B—Production and Disclosure of Records
15.11 Publication in the FEDERAL REGISTER.
15.12 Materials not published in FEDERAL REGISTER.
15.13 Identifiable records produced upon request.
15.14 Schedule of fees.

Subpart C—Exemptions
15.21 Exemptions authorized by 5 U.S.C. 552.

Subpart D—Where Records May Be Inspected and Obtained
15.31 Information centers.
15.32 Information officers.
15.33 Material in Department Central Information Center.

Subpart E—Procedure for Requesting Access to Records
15.41 Requests for records.
15.42 Time limitations.

Subpart F—Disclosure of Records and Refusal To Disclose
15.51 Authority to release records or copies.
15.52 Authority to deny requests for records.

Subpart G—Administrative Review of Denials of Requests for Records
15.61 Administrative review.

Subpart H—Production in Response to Subpenas or Demands of Courts or Other Authorities
15.71 Purpose and scope.
15.72 Production prohibited unless approved by the Secretary.
15.73 Procedure in the event of a demand for production or disclosure.
15.74 Procedure in the event of an adverse ruling.

AUTHORITY: The provisions of this Part 15 issued under 5 U.S.C. 552 and sec. 7(d), 79 Stat. 670; 42 U.S.C. 3535(d); and P.L. 93-502, 88 Stat. 1561.

Subpart A—Purpose and Policy

§ 15.1 Definitions.

As used in this Part—

(a) "Act" means section 552 of Title 5, United States Code, as amended by Public Law 90-23, 81 Stat. 54, June 5, 1967, and Public Law 93-502, 88 Stat. 1561, November 21, 1974.

(b) "Department" means the Department of Housing and Urban Development which consists of the Office of the Secretary and the several organizational units.

(c) "Secretary" means the Secretary of Housing and Urban Development.

(d) "Organizational unit" means any one of the several offices, staffs, divisions,

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or administrations of the Department including the Government National Mortgage Association (GNMA), the Federal Insurance Administration (FIA), the Office of Interstate Land Sales Registration, the Community Development Corporation, and the Federal Disaster Assistance Administration.

(e) "Person" means "person" as defined in 5 U.S.C. 551(2) to include corporations and organizations as well as individuals.

(f) "Information center" means any place, reading room, desk, or other area or facility established and maintained by the Department where the public may request and obtain information and records concerning the Department's operations and business.

§ 15.2 Purpose and applicability.

This part contains the rules and regulations of the Department implementing 5 U.S.C. 552. It informs the public about where and how the Department's records and information may be obtained from its organizational units as defined in § 15.1(d). Part 15 applies to all organizational units, except that its applicability to the Office of Interstate Land Sales Registration is subject to the provisions of § 1700.30 of this title.

§ 15.3 Statement of policy.

The Department's policy is one of full and responsible disclosure of its identifiable records and information consistent with such competing public interests concerning the national security, personal privacy, and obligations of confidentiality as are recognized by 5 U.S.C. 552.

Subpart B—Production and Disclosure of Records

§ 15.11 Publication in the Federal Register.

Subject to the exemptions in § 15.21, the Department shall separately state and currently publish in the FEDERAL REGISTER for the guidance of the public:

(a) Descriptions of its central and field organization and the established places at which, the employees from whom and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(b) Statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(c) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Department; and

(e) Each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, no person shall in any manner be required to resort to or be adversely affected by any matter required to be published in the FEDERAL REGISTER and not so published. For purposes of this section, matter which is reasonably available to the class of persons affected thereby shall be deemed published in the FEDERAL REGISTER when incorporated by reference therein with the approval of the Director of the Office of the Federal Register, as provided in 1 CFR Part 20.

§ 15.12 Materials not published in Federal Register.

(a) Subject to the exemptions in § 15.21, the Department, in accordance with this part, shall make available for public inspection and copying:

(1) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(2) Statements of policy and interpretations which have been adopted by the Department and are not published in the FEDERAL REGISTER; and

(3) Administrative staff manuals and instructions to staff that affect a member of the public.

(b) To prevent a clearly unwarranted invasion of personal privacy, the Department may delete identifying details when it makes available or publishes any material. Whenever such deletions are required, the record or copy will be made available with the space formerly occupied by such identifying details left blank, and the justification for the deletion shall be explained fully in writing.

(c) The Department shall also maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this section to be made available or published. The Department shall promptly publish quarterly and distribute (by sale or otherwise) copies of each index or supplements thereto unless it determines by order published in the FEDERAL REGISTER that the publication would be unnecessary and impracticable, in which case the Department shall nonetheless provide copies of such index on request at a cost not to exceed the direct cost of duplication.

§ 15.13 Records produced upon request when reasonably described.

(a) The procedures for requesting access to records are set forth in Subpart E of this part.

(b) When a request is made which reasonably describes a record of the Department which has been stored in the National Archives or other record centers of the General Services Administration, such record will be requested by the Department if it otherwise would be available under this part.

(c) Every effort will be made to make a record in use by the staff of the Department available when requested, and such availability will be deferred only to the extent necessary to avoid serious interference with the business of the Department.

(d) Copies of a requested record need not be furnished if the record is published in the FEDERAL REGISTER or is available for purchase from the Superintendent of Documents of the Government Printing Office. Such records may, however, be examined in one of the Department's information centers.

§ 15.14 Schedule of fees.

For the services listed below performed in the location and disclosure or furnishing of copies of records under 5 U.S.C. 552, and pursuant to the policy established by Congress in 31 U.S.C. 483a, the following charges will apply:

(a) Records search:

(1) First man-hour on any single request: no fee.

(2) Each additional man-hour or fraction thereof: $5.

(b) Copies of documents: Xerox or equivalent, page size up to 8½ inches by 14 inches, per page: $0.10.

(c) Maximum number of copies furnished of any record: 10.

(d) Payment of fees under this section shall be made in cash, or by U.S. money order, or by certified bank check payable to the Treasurer of the United States. Postage stamps will not be accepted.

(e) Records shall be furnished without charge or at a reduced charge where the Department determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

Subpart C—Exemptions

§ 15.21 Exemptions authorized by 5 U.S.C. 552.

A requested record shall not be withheld from inspection or copying unless it both (1) comes within one of the classes of records exempted by 5 U.S.C. 552, and (2) there is need in the public interest to withhold it. In determining the scope of the classes of records described in paragraph (a) of this section, the Attorney General's Memorandum on the Public Information Act, June 1967, will be used as a guide.

(a) The classes of records authorized to be exempted from disclosure by 5 U.S.C. 552 are those which concern matters that are:

(1) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order;

(2) Related solely to the internal personnel rules and practices of the Department;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Department;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel.

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of the Department in connection with its responsibility for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(b) Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this section.

Subpart D—Where Records May Be Inspected and Obtained

§ 15.31 Information centers.

(a) The Department maintains a Central Information Center in Washington, D.C., at the following location:

Department of Housing and Urban Development, 451 Seventh Street SW., Room 1202, Washington, D.C. 20410.

(b) The Department also maintains an information center—

(1) In each of its Regional Offices as follows:

Region I (Boston)—Room 800, John F. Kennedy Building, Boston, Mass. 02203.
Region II (New York)—26 Federal Plaza, Room 3541, New York, N.Y. 10007.
Region III (Philadelphia)—Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106.
Region IV (Atlanta)—Room 211, Pershing Point Plaza, 1371 Peachtree Street NE., Atlanta, Georgia 30309.
Region V (Chicago)—300 South Wacker Drive, Chicago, Illinois 60606.
Region VI (Dallas)—Room 1402, Earle Cabell Federal Building, U.S. Courthouse, 1100 Commerce Street, Dallas, Texas 75202.
Region VII (Kansas City)—Federal Office Building, Room 300, 911 Walnut Street, Kansas City, Missouri 64106.
Region VIII (Denver)—Federal Building, 1961 Stout Street, Denver, Colorado 80202.
Region IX (San Francisco)—450 Golden Gate Avenue, Post Office Box 36003, San Francisco, California 94102.
Region X (Seattle)—Arcade Plaza Building, 1321 Second Avenue, Seattle, Wash. 98101.

(2) With respect to the mortgage loan activities of GNMA, in each FNMA Regional Office as follows:

5 Penn Center Plaza, Philadelphia, PA 19103.
100 Peachtree Street, NW., Atlanta, GA 30303.
150 South Wacker Drive, Chicago, IL 60606.
2001 Bryan Tower, Suite 1200, Dallas, TX 75201.
3435 Wilshire Boulevard, Los Angeles, CA 90010.

(3) In each Area Office and each Insuring Office; for addresses see listings in local telephone directories under "United States Government".

§ 15.32 Information officers.

There shall be an information officer in each of the information centers described in § 15.31 who shall be responsible for making information and records available to the public in accordance with this part. The information officer in the Department Central Information Center shall be designated by the Director, Office of Public Affairs. The information officer in each Regional Office and field office shall be designated by the Regional Administrator or the Director of the office, as the case may be, with the concurrence of the Director, Office of Public Affairs.

§ 15.33 Material in Department Central Information Center.

(a) The Central Information Center shall contain or have ready access to the following as a minimum:

(1) FEDERAL REGISTER, Code of Federal Regulations, and regulations of the Department contained therein;

(2) Precedent final opinions and orders in the adjudication of cases;

(3) Administrative staff manuals which affect the public;

(4) Program manuals which affect the public and forms;

(5) Interpretations relied upon as precedents;

(6) A current index of the foregoing materials issued, adopted, or promulgated after July 4, 1967.

(b) The information center in each Regional Office, Area Office, and Insuring Office shall contain or shall have ready access to such of the above records as pertain to the activities of that office.

(c) Facilities shall be available to each information center for the copying of properly requested and available records.

Subpart E—Procedures for Requesting Access to Records

§ 15.41 Requests for records.

(a) Requests for copies of records may be made in person during normal business hours at information centers listed in § 15.31 or by mail addressed to such centers. Although oral requests may be honored, a requester may be asked to submit his request in writing.

(b) Each request must reasonably describe the desired record including the name, subject matter, and number or date, where possible, so that the record may be identified and located. In order to enable the Department to comply with the time limitations set forth in § 15.42, the envelope containing a written request and the letter itself should both clearly indicate that the subject is a Freedom of Information Act request.

(c) The request shall be accompanied by the fee or an offer to pay the fee as determined pursuant to § 15.14. At its discretion, the Department may refuse to furnish records prior to receipt of the required fee.

(d) Copies of available records shall be made as promptly as possible. Copying service shall be limited to not more than 10 copies of any single page. Records which are published or available for sale need not be reproduced.

§ 15.42 Time limitations.

(a) Upon receipt of a request for records, the head of the appropriate organizational unit shall determine within ten days (excepting Saturdays, Sundays, and legal public holidays) whether to comply with such requests and shall immediately notify in writing the requester of such determination and the reasons therefor and the right of such person to request a review by the General Counsel of any adverse determination.

(b) When a request for records is misdirected by the requester, the Department official receiving same shall promptly refer it to the head of the appropriate organizational unit and advise the requester that time of receipt for processing purposes will be the time when it is received by the appropriate official.

(c) A determination with respect to a request for review by the General Counsel pursuant to § 15.61 shall be made within twenty days after receipt (excepting Saturdays, Sundays, and legal public holidays) and shall be immediately communicated to the person requesting review.

(d) Upon any determination to comply with a request for records, the records shall be made promptly available to the requester.

(e) In unusual circumstances as specified in this paragraph, and subject to the concurrence of the General Counsel, the time limits prescribed in either paragraph (a) or (c) may be extended by written notice to the requester setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days. As used in this paragraph, "unusual circumstances" means (but only to the extent necessary to the proper processing of the particular request) that there is a need:

(1) to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more organiza-

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tional units of the Department having a substantial interest in the subject matter of the request.

Subpart F—Disclosure of Records and Refusal To Disclose

§ 15.51 Authority to release records or copies.

The head of each organizational unit or his designee, with respect to records pertaining to programs or activities for which he has primary responsibility, is authorized to release any Department record or copy thereof unless disclosure is clearly not appropriate under this part. Such authorized persons may release records for which another officer has primary responsibility only with the consent of the other officer or his designee.

§ 15.52 Authority to deny requests for records.

The officers and their designees described in the preceding § 15.51, may deny a request for a record. Any denial shall be made in writing, contain a simple statement of reasons for the denial, state that a review of the denial by the General Counsel may be requested, set forth the steps for obtaining that review in accordance with § 15.61, and shall be signed by the official responsible for such denial. Prior to a denial the officer or designee shall obtain the concurrence of appropriate field or headquarters counsel in the denial. Prior to concurring in a denial, field counsel shall, through appropriate supervisory channels, obtain the approval of the General Counsel at headquarters. Denial shall terminate the authority of the particular officer or designee to release or disclose the requested record, which thereafter may not be made available except with the express authorization of the General Counsel.

Subpart G—Administrative Review of Denial of Requests for Records

§ 15.61 Administrative review.

(a) Review shall be available only from a written denial of a request for a record issued under § 15.52, and only if a written request for review is filed within thirty days after issuance of the written denial. The filing of the request for review may be accomplished by mailing to the Assistant General Counsel for Finance and Administrative Law, Department of Housing and Urban Development, 451 7th Street, S.W., Room 10252, Washington, D.C. 20410, a copy of the request if in writing, a copy of the written denial issued under § 15.52, and a statement of the circumstances, reasons, or arguments advanced in support of disclosure of the original request for the record. In order to enable the Department to comply with the time limitations set forth in § 15.42, the envelope containing the request for review and the letter itself should both clearly indicate that the subject is a Freedom of Information Act request for review. Review will be made promptly by the General Counsel on the basis of the written record described in this § 15.61.

(b) When a request for review is misdirected by the requester, the departmental official receiving same shall promptly refer it to the Assistant General Counsel for Finance and Administrative Law and advise the requester that the time of receipt for processing purposes will be the time when it is received by the Assistant General Counsel for Finance and Administrative Law.

(c) The decision after review will be in writing, will constitute final action of the Department on a request, and, if the denial of the request for records is in full or part upheld, the Department shall notify the person making the request of his right to seek judicial review under 5 U.S.C. 552(a)(4).

Subpart H—Production in Response to Subpenas or Demands of Courts or Other Authorities

§ 15.71 Purpose and scope.

This subpart contains the regulations of the Department concerning procedures to be followed when a subpena, order, or other demand (hereinafter referred to in this subpart as a "demand") of a court or other authority is issued for the production or disclosure of (a) any material contained in the files of the Department, (b) any information relating to material contained in the files of the Department, or (c) any information or material acquired by any person while such person was an employee of the Department as a part of the performance of his official duties or because of his official status. For the purposes of this subpart, the term "employee of the Department" includes all officers and employees of the United States appointed by, or subject to the supervision of, the Secretary.

§ 15.72 Production prohibited unless approved by the Secretary.

No employee or former employee of the Department shall, in response to a demand of a court or other authority, produce any material contained in the files of the Department, or disclose any information relating to material contained in the files of the Department, or disclose any information or produce any material acquired as a part of the performance of his official duties or because of his official status, without the prior approval of the Secretary.

§ 15.73 Procedure in the event of a demand for production or disclosure.

(a) Whenever a demand is made upon an employee or former employee of the Department for the production of material or the disclosure of information described in § 15.71, he shall immediately notify the Secretary and either the General Counsel or the appropriate Regional Counsel. The "appropriate Regional Counsel" shall mean the Regional Counsel for the Regional Office having delegated authority over the project or activity with respect to which the information is sought. If possible, the Secretary shall be notified before the employee or former employee concerned replies to or appears before the court or other authority.

(b) If response to the demand is required before the instructions from the Secretary are received, the U.S. Attorney or such other attorney as may be designated for the purpose, will appear with the employee or former employee of the Department upon whom the demand has been made, and will furnish the court or other authority with a copy of the regulations contained in this subpart and inform the court or other authority that the demand has been or is being, as the case may be, referred for prompt consideration of the Secretary. The court or other authority shall be requested respectfully to stay the demand pending receipt of the requested instructions from the Secretary.

§ 15.74 Procedure in the event of an adverse ruling.

If the court or other authority declines to stay the effect of the demand in response to a request made in accordance with § 15.73(b) pending receipt of instructions from the Secretary, or if the court or other authority rules that the demand must be complied with irrespective of the instructions from the Secretary not to produce the material or disclose the information sought, the employee or former employee upon whom the demand has been made shall respectfully decline to comply with the demand (United States ex rel. Touhy v. Ragen, 340 U.S. 462).

(5 U.S.C. 552 and sec. 7(d), 79 Stat. 670; 42 U.S.C. 3535(d); and Public Law 93-502, 88 Stat. 1561)

Effective date. These amendments shall be effective October 3, 1975.

CARLA A. HILLS,
Secretary,
Housing and Urban Development.

[FR Doc.75-27448 Filed 10-10-75;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FI-717]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of Texas City, Texas, Base Flood Elevations

On June 5, 1970, at 35 FR 8734, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Area and the map numbers and locations where Flood Insurance Rate Maps were available for public inspection. The list included Flood Insurance Rate Maps for portions of Texas City, Texas.

The Federal Insurance Administrator, after consultation with the Chief Executive Officer of Texas City, has determined that modification of the base (100-year) flood elevations of some locations in Texas City, is appropriate. These modified elevations are currently in effect and amend the Flood Insurance Rate Map. A revised rate map will be published as soon as possible, which will more accurately delineate these changes. Upon publication, the revised map will supersede this notice. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 485514B and must be used for all new policies and renewals.

The changes in base flood elevations are as follows:

Previous FIA zones (as on map)	Previous base flood elevations (as on map) (MSL)	New FIA zones	New base flood elevations (MSL)
Zone A11	12.2	Zone A3	5.2
Zone A14	14.7	Zone A3	5.2
Zone A15	16	Zone A3	5.2
Zone C	N/A	No change	

These changes apply only within the following area of Texas City, Texas:

Beginning at a point on the Texas City, Texas, and vicinity, U.S. Army Corps of Engineers Hurricane Flood Protection Levee, said point being 1,600 feet west of the north-south road connecting Humble Camp with State Highway 3; thence easterly along said Levee, to the westerly side of the Galveston County Industrial Water Reservoir; thence northerly along same said Levee and around the Reservoir easterly to State Highway 146; thence northeasterly along the Levee toward Dickinson Bay; thence southeasterly along the Levee to the Navigation and Tide Control Structure at the entrance to Moses Lake, continuing southeasterly along the Levee to Dollar Point on Galveston Bay; thence southerly along the Levee, crossing Texas City Dike and continuing southerly along the Levee to a point northwest of Snake Island; thence along the Levee around the harbour area and across the Texas City Terminal Railroad Yards southerly to the southeast corner of the Texas City Refinery Company; thence westerly along the Levee toward State Highway 197; thence southwesterly along the Levee to the Texas City Pumping Station and continuing southwesterly crossing the Southern Pacific and the Galveston, Houston and Henderson Railroad tracks and State Highway 3, continuing southwesterly crossing U.S. Highway 75—Interstate Highway 45 to the proposed La Marque Pumping Station; thence northwesterly along the Levee to State Route 519; thence northwesterly directly to the point of beginning.

Under the above mentioned Acts of 1968 and 1973 the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific and technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any person having knowledge or wishing to comment on these changes should immediately notify:

The Honorable Emmett F. Lowry, Mayor of Texas City, 1801 9th Avenue North, Texas City, Texas 77590.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968); effective January 28, 1969 (33 FR 17804, November 28, 1968, as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to the Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended 39 FR 2787, January 24, 1974.)

Issued: September 25, 1975.

RICHARD W. KRIMM,
Acting Federal
Insurance Administrator.

[FR Doc.75-27456 Filed 10-10-75;8:45 am]

[Docket No. FI-718]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Avondale, Missouri

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Avondale.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Avondale must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 3007 Highway 10, Avondale, Missouri 64010.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Paul E. Webb. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or January 12, 1975, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation, feet above mean sea level	Width, from shoreline or bank of stream (facing downstream) to 100 yr flood boundary (feet)	
			Right	Left
Rock Creek	Rock Creek Ave	777	[1] 40	([1])
	Excelsior Ave	777	40	280
	Ingram St	772	([2])	([2])
	Koch St	770		190
	Old Missouri Highway	764		150
	Macey St	762		190
	Byers St	757	130	40

[1] To end of street.
[2] Entire street.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: September 24, 1975.

RICHARD W. KRIMM,
Acting Federal
Insurance Administrator.

[FR Doc.75-27457 Filed 10-10-75;8:45 am]

[Docket No. FI-719]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Branson, Missouri

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Branson.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Branson must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 114 W. Pacific Street, Branson, Missouri 65616.

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Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Stanley Ball. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation, feet above mean sea level	Width, from shoreline or bank of stream (facing downstream) to 100 yr flood boundary (feet)	
			Right	Left
White River	U.S. Highway 65	717	(1)	125
	MO Pacific RR	716	(1)	375
	U.S. Highway 65 BR	715	(1)	375
Roark Creek	U.S. Highway 65	714	118	196
	U.S. Highway 65 BR	714	95	100

[1] Outside city corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: September 24, 1975.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75–27458 Filed 10–10–75;8:45 am]

[Docket No. FI–543]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Wister, Oklahoma

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Wister, Oklahoma, under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, P.O. Box 347, Wister, Oklahoma 74966.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation, feet above mean sea level	Width, from shoreline or bank of stream (facing downstream) to 100 yr flood boundary (feet)	
			Right	Left
Rock Creek	Bayless St	482	380	50
Caston Creek	C.R.I. & P.R.R	468	(1)	(1)
	Highway 270	468	(1)	400
	Highland Ave	484	(1)	3,200
Unnamed tributary to Mountain Creek.	C.R.I. & P.R.R	482	(1)	(1)

[1] To corporate limit.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: September 26, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75–27459 Filed 10–10–75;8:45 am]

[Docket No. FI–721]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the County of Mobile, Alabama

On January 8, 1972, in 37 F.R. 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the County of Mobile, Alabama, as an eligible community and included Map No. H 015008 24, which indicates that Lots 1 through 15, 19 through 26, and 44 through 46 of Scenic Hills Estates Unit Two, Mobile County, Alabama, as recorded in Map Book 25, Page 89, in the office of the Judge of the Probate Court of Mobile County, Alabama, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lots 1 through 5, 9 through 15, 19 through 26, and 44 through 46 of the above mentioned property are within Zone C, and are not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the rate map. Accordingly, effective December 15, 1970, Map No. H 015008 24 is hereby corrected to reflect that Lots 1 through 5, 9 through 15, 19 through 26, and 44 through 46 are not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: September 25, 1975.

RICHARD KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75–27460 Filed 10–10–75;8:45 am]

[Docket No. FI–315]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Rocklin, California

On August 6, 1974, in 39 F.R. 28240, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Rocklin, California, as an eligible community and included Map No. H 060242 01, which indicates that Lots 1 through 38, Tract No. 297, Sunset Village Oaks Subdivision, Phase A, Rocklin, California, as recorded in Map Book K, Page 21, in the office of the Recorder of Placer County, California, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective July 19, 1974, Map. No. H 060242 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680 February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: September 25, 1975.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75–27461 Filed 10–10–75;8:45 am]

[Docket No. FI–314]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Aurora, Colorado

On August 6, 1974, in 39 F.R. 28235, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Aurora, Colorado, as an eligible community and included Map No. H 080002 08, which indicates that Lots 1 through 6, and 49, Block 1; and Lots 5 through 17, 20, 21, 32, 33 and 34, Block 2, of the Tollgate Village Subdivision Filing No. 2, Aurora, Colorado, as recorded in Book 28, Page 46, in the office of the Clerk and Recorder of Arapahoe County, Colorado, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective June 28, 1974, Map No. H 080002 08 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: September 24, 1975.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75–27462 Filed 10–10–75;8:45 am]

[Docket No. FI–724]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the County of New Castle, Delaware

On December 7, 1971, in 36 F.R. 23215, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the County of New Castle, Delaware, as an eligible community and included Map No. H 105085 07, which indicates that Lot 19, Rolling Green, New Castle County, Delaware, as recorded on Microfilm No. 508, in the office of the Recorder of Deeds of New Castle County, Delaware, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. Accordingly, effective June 6, 1970, Map No. H 105085 07 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: September 24, 1975.

RICHARD KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75–27464 Filed 10–10–75;8:45 am]

[Docket No. FI–726]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the County of New Castle, Delaware

On December 7, 1971, in 36 F.R. 23215, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the County of New Castle, Delaware, as an eligible community and included Map No. H 105085 07, which indicates that Lot 27, Block A, Section 3, of the subdivision known as Covered Bridge Farms, New Castle County, Delaware, as recorded on Microfilm No. 1156, in the office of the Recorder of Deeds of New Castle County, Delaware, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the rate map. Accordingly, effective June 6, 1970, Map No. H 105085 07 is hereby corrected to re-

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flect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: September 24, 1975.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75-27465 Filed 10-10-75;8:45 am]

[Docket No. FI-727]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the County of New Castle, Delaware

On December 7, 1971, in 36 F.R. 23215, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the County of New Castle, Delaware, as an eligible community and included Map No. H 105085 07, which indicates that the following lots in New Castle County, Delaware, as recorded on microfilm in the office of the Recorder of Deeds of New Castle County, Delaware, are in their entirety within the Special Flood Hazard Area: Lots 47, 58, 64, and 86, Timber Creek, as recorded on Microfilm No. 905; Lot 8, Pheasant Run, as recorded on Microfilm No. 831; Lots 6 and 27, Block B, Cherry Hill, as recorded on Microfilm No. 826; and Lot 6, Rittenhouse Woods, as recorded on Microfilm No. 876. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lots 58, 64, and 86 of Timber Creek, Lots 6 and 27 in Block B of Cherry Hill, and Lot 6 of Rittenhouse Woods are within Zone C, and Lot 8 of Pheasant Run and Lot 47 of Timber Creek are within Zone B, and are not within the Special Flood Hazard Area. Accordingly, effective June 6, 1970, Map No. H 105085 07 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: September 25, 1975.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75-27466 Filed 10-10-75;8:45 am]

[Docket No. FI-446]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Overland Park, Kansas

On January 13, 1975, in 40 F.R. 2427, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Overland Park, Kansas, as an eligible community and included Map No. H 200174 07, which indicates that Lot 23, Block 16, Hanover, Overland Park, Kansas, as recorded in Book 34, Page 14, in the office of the Register of Deeds of Johnson County, Kansas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective January 3, 1975, Map No. H 200174 07 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: September 24, 1975.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75-27467 Filed 10-10-75;8:45 am]

[Docket No. FI-446]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Overland Park, Kansas

On January 13, 1975, in 40 F.R. 2427, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Overland Park, Kansas, as an eligible community and included Map No. H 200174 07, which indicates that Lot 23, Block 16, Hanover, Overland Park, Kansas, as recorded in Book 34, Page 14, in the office of the Register of Deeds of Johnson County, Kansas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective January 3, 1975, Map No. H 200174 07 is hereby corrected to reflect that the structures on the above property are not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: September 25, 1975.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75-27468 Filed 10-10-75;8:45 am]

[Docket No. FI-446]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Shreveport, Louisiana

On January 13, 1975, in 40 F.R. 2427, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Shreveport, Louisiana, as an eligible community and included Map No. H 220036 28, which indicates that the existing structure on Lot 39, The Meadow Subdivision Unit No. 1, Shreveport, Louisiana, as recorded in Book 1500, Page 19, of the records of Caddo Parish, Louisiana, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective January 3, 1975, Map No. H 220036 28 is hereby corrected to reflect that the above structure is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: September 25, 1975.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75-27469 Filed 10-10-75;8:45 am]

[Docket No. FI-326]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Dennis, Massachusetts

On August 7, 1974, in 39 F.R. 28425, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Town of Dennis, Massachusetts, as an eligible community and included Map No. H 250005 09, which indicates that Lot 47, Dennis, Massachusetts, as recorded on Land Court Plan 20583B, filed in the Land Registration Office of Barnstable County, Massachusetts, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective July 26, 1974, Map No. H 250005 09 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: September 25, 1975.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75-27470 Filed 10-10-75;8:45 am]

[Docket No. FI-723]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Westport, Massachusetts

On July 16, 1971, in 36 F.R. 13208, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the Town of Westport, Massachusetts, as an eligible community and included Map No. H 255224 03, which indicates that Lot 96A on Brayton Point Road, Westport, Massachusetts, as recorded in Book 94, Page 78, in the office of the Registry of Deeds of Bristol County, Massachusetts, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the rate map. Accordingly, effective August 12, 1970, Map No. H 255224 03 is hereby corrected to reflect that the above structure is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: September 25, 1975.

RICHARD KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75-27471 Filed 10-10-75;8:45 am]

[Docket No. FI-722]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Rochester, Minnesota

On March 27, 1971, in 36 F.R. 5766, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Rochester, Minnesota, as an eligible community and included Map No. H 275246 03, which indicates that Lot 10, Viking Village Subdivision, Rochester, Minnesota, as recorded on Instrument No. 350640, in the office of the Register of Deeds of Olmsted County, Minnesota, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned lot is within Zone B, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the rate map. Accordingly, effective March 31, 1970, Map No. H 275246 03 is hereby corrected to reflect that the above structure is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: September 24, 1975.

RICHARD KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75-27472 Filed 10-10-75;8:45 am]

[Docket No. FI-229]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of South Euclid, Ohio

On March 27, 1974, in 39 F.R. 11265, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of South Euclid, Ohio, as an eligible community and included Map No. H 390131 01 which indicates that Sublot 91 and the Southeasterly portion of Sublot 90, William T. Amos Belvoir Monticello Subdivision, South Euclid, Ohio, as recorded in Volume 115 of Maps, Pages 2 and 3 of the Records of Cuyahoga County, Ohio, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective March 22, 1974, Map No. H 390131 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974).

Issued: September 24, 1975.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75-27473 Filed 10-10-75;8:45 am]

[Docket No. FI-709]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Garland, Texas

On April 16, 1971, in 36 F.R. 7239, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Garland, Texas, as an eligible community and included Map No. H 485471 05 which indicates that Lot 23, Block A, Saturn Springs Estates, being 1125 Briarwood Drive, Garland, Texas, as recorded in Plat Record 9, Page 457 in the office of the Clerk of Dallas County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective August 11, 1970, Map No. H 485471 05 is hereby corrected to reflect that the above prop-

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erty is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974).

Issued: August 25, 1975.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.75-27474 Filed 10-10-75;8:45 am]

[Docket No. FI-716]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Chesapeake, Virginia

On July 18, 1970, in 35 F.R. 11586, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Chesapeake, Virginia, as an eligible community and included Map No. H 510034 01 which indicates that Lot 299, Section 4, Green Meadow Point Subdivision, being 2837 Ashwood Drive, Chesapeake, Virginia, as recorded in Map Book 53, Pages 37 and 37A in the office of the Clerk of the Circuit Court of Chesapeake, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above property is not within the Special Flood Hazard Area. Accordingly, effective July 18, 1970, Map No. H 510034 01 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974).

Issued: September 24, 1975.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75-27475 Filed 10-10-75;8:45 am]

[Docket No. FI-703]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 F.R. 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 19 which indicates that Lot 599, Section 7, Rolling Valley Subdivision, Fairfax County, Virginia, as recorded in Deed Book 3187, Page 369 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 19 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974).

Issued: August 25, 1975.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.75-27476 Filed 10-10-75;8:45 am]

[Docket No. FI-704]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 F.R. 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 19 which indicates that Lot 626, Section 7, Rolling Valley Estates, being 7124 Dryburgh Court, Springfield, Virginia, as recorded in Deed Book 3186, Page 130 in the Land Records of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 19 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680 February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974).

Issued: September 8, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-27477 Filed 10-10-75;8:45 am]

[Docket No. FI-728]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 F.R. 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 18 which indicates that Lot No. 793, Section 11, Kings Park West, Fairfax County, Virginia, as recorded in Deed Book 3314, Page 724 in the office of the Clerk of the Court, Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 18 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974).

Issued: July 10, 1975.

FRANCIS REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-27478 Filed 10-10-75;8:45 am]

[Docket No. FI-729]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 F.R. 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 13 which indicates that Lot 5, Block 5, Section 3, Holmes Run Acres, Fairfax County, Virginia, as recorded in Deed Book 851, Page 3 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 13 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: September 17, 1975.

FRANCIS REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-27479 Filed 10-10-75;8:45 am]

[Docket No. FI-730]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 F.R. 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 21 which indicates that Lot 28, Block 2, Section 2–A, Country Club Manor, being 14815 Wood Home Road, Centreville, Virginia, as recorded in Deed Book 3177, Page 166 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 21 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974).

Issued: September 25, 1975.

RICHARD KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75-27480 Filed 10-10-75;8:45 am]

[Docket No. FI-7311]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 F.R. 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 21 which indicates that Lot 176, Section 3, London Towne, Fairfax County, Virginia, as recorded in Deed Book 2830, Page 409 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 21 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: September 24, 1975.

RICHARD KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75-27481 Filed 10-10-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 442-7; PP5F1650/R61]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Oxamyl

On August 1, 1975, notice was given (40 FR 32377) that E. I. duPont de Nemours & Co., Wilmington DE 19898, had filed a petition (PP 5F1650) with the Environmental Protection Agency (EPA), which proposed the establishment of a tolerance (40 CFR 180) for residues of the pesticide oxamyl (methyl N',N'-dimethyl - N-[(methylcarbamoyl) oxyl]-1-thiooxamimidate) in or on the raw agricultural commodity celery at 3 parts per million (ppm).

An evaluation of the data submitted in support of this tolerance revealed that the data did not indicate the mount of residue which might appear as DMCF (N,N-dimethyl-1-cyanoforamamide), a possible cyanogenetic metabolite comprising 20 percent of terminal residues on oxamyl treated apples and oranges. However, DMCF is not always found when oxamyl is used. After applying oxamyl to the foliage of potatoes, peanuts, and tobacco, no evidence was found to support the presence of DMCF residues on potato tubers, peanut vines, peanuts or tobacco.

The possible hazard associated with the presence of a theoretical amount of DMCF residue on celery was estimated. DMCF has a molar equivalent as hydrogencyanide (HCN) of approximately 25 percent. Therefore, calculated on the basis of celery as 0.76 percent of the daily diet, with a 3 ppm residue on celery comprising 100 percent DMCF, DMCF residues would contribute 0.005 ppm cyanide to the average daily diet, and at 20 percent of this residue, 0.001 ppm. Initial deposit of oxamyl results in approximatey 25 ppm residue. If all these residues were considered DMCF, DMCF residues would contribute 0.040 ppm HCN to the daily diet.

Chronic hazard due to cyanide is discussed by A. J. Lehman [Assoc. of Food and Drug Officials of the U.S., 23, 55 (1959)]. Rats ingesting 300 ppm HCN for 2 years or amygdalin (a cyanogenetic glucoside), equivalent to 60 ppm HCN for 12 weeks, exhibited no effects from HCN ingestion. Cyanogenetic glucosides occur commonly in natural foods, and cyanide is a structural component of vitamin B12. It is concluded, therefore, that the theoretical possibility of zero to 0.040 ppm of HCN added to the daily diet from this possible source does not pose a hazard to the human health.

(A copy of A. J. Lehman's article referred to above is on public display in the office of the Federal Register Section, Office of Pesticide Programs, 401 M St. SW., Room 401, East Tower, Washington, DC 20460.)

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Therefore, based on the data submitted in the petition and other relevant material, it is concluded that the tolerance should be established as set forth below. The pesticide is considered useful for the purpose for which the tolerance is sought, and there is no reasonable expectation of residues in milk, meat, eggs, and poultry as delineated in § 180.6 (a)(3). The tolerance will protect the public health.

Any person adversely affected by this regulation may, on or before November 13, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW., East Tower, Room 1019, Washington, DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective October 14, 1975. Part 180, Subpart C, is amended by adding the § 180.303 as set forth below.

Dated: October 7, 1975.

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticide Programs.

(Section 408(d)(2) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(d)(2)].)

Part 180, Subpart C, is amended by adding Section 180.303 as follows.

§ 180.303 Oxamyl; tolerances for residues.

A tolerance of 3 parts per million is established for residues of the insecticide oxamyl (methyl N',N'-dimethyl-N-[(methylcarbamoyl)oxy] - 1 - thiooxamimidate) in or on the raw agricultural commodity celery.

[FR Doc.75-27579 Filed 10-10-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

[FPMR Amdt. B-28]

PART 101-11—RECORDS MANAGEMENT

Annual Report on Federal Advisory Committees

Subpart 101-11.12, Annual Report on Federal Advisory Committees, is added to prescribe the procedures to be followed by agencies in the preparation and submission of their reports for inclusion in the Annual Report on Federal Advisory Committees in compliance with sec. 6(c) of Public Law 92-463 (the Federal Advisory Committee Act) and Executive Order 11769 (Advisory Committee Management) of February 21, 1974. These procedures were formerly in FPMR Temporary Regulation B-1, which expired March 31, 1975.

The Federal Advisory Committee Act (Public Law 92-463), requires an annual report to the Congress on Federal Advisory committees in existence during the preceding calendar year. Executive Order 11769 of February 21, 1974, delegated responsibility for preparation of this report to the Administrator of General Services.

Data for the annual report is coordinated with data the agencies supply to the OMB Committee Management Secretariat throughout the year and, in compliance with sec. 6(c) of the act, provides the official source of statistical information on the activities, status, and changes in the composition of Federal advisory committees. The annual report is separate from the annual comprehensive review which is conducted in accordance with OMB Circular No. A-63, Revised.

The table of contents for Part 101-11 is amended by the addition and revision of following new entries:

Subpart 101-11.12—Annual Report on Federal Advisory Committees

Sec.
101-11.1200 Scope of subpart.
101-11.1201 Background.
101-11.1202 Definitions.
101-11.1203 Reports.
101-11.1204 Availability of forms.
101-11.1205 Inquiries.

Subparts 101-11.13—101-11.48 [Reserved]

Subpart 101-11.49—Forms and Reports

101-11.4930-248 Standard Form 248, Annual Report on Federal Advisory Committee
101-11.4930-249 Standard Form 249, Membership List on Federal Advisory Committee
101-11.4930-250 Standard Form 250, Annual Report on Federal Advisory Committee Summary Sheet

Subpart 101-11.12 is added as follows:

Subpart 101-11.12—Annual Report on Federal Advisory Committees

§ 101-11.1200 Scope of subpart.

This subpart prescribes the procedures for preparing and submitting the Annual Report on Federal Advisory Committees.

§ 101-11.1201 Background.

(a) The Federal Advisory Committee Act (Public Law 92-463) requires an annual report to the Congress on Federal advisory committees in existence during the preceding calendar year. Executive Order 11769 of February 21, 1974, delegated responsibility for preparation of this report to the Administrator of General Services.

(b) Data for the annual report is coordinated with data the agencies supply to the OMB Committee Management Secretariat throughout the year and, in compliance with sec. 6(c) of the act, provides the official source of statistical information on the activities, status, and changes in the composition of Federal advisory committees. The annual report is separate from the annual comprehensive review which is conducted in accordance with OMB Circular No. A-63, Revised.

§ 101-11.1202 Definitions.

The following definitions shall apply for the purposes of this subpart.

(a) *Advisory committee.* The term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof that is:

(1) Established by statute or reorganization plan;

(2) Established or utilized by the President; or

(3) Established or utilized by one or more agencies in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government, except that the term excludes:

(i) The Advisory Commission on Intergovernmental Relations;

(ii) The Commission on Government Procurement; and

(iii) Any committee which is composed wholly of full-time officers or employees of the Federal Government.

(b) *Agency.* The term "agency" has the same meaning as it does in 5 U.S.C. 551(1). That is, "agency" means each authority of the United States, whether or not it is within or subject to review by another agency, but does not include:

(1) The Congress;

(2) The courts of the United States;

(3) The governments of the territories or possessions of the United States;

(4) The government of the District of Columbia; nor

(5) Exclusions set out in 5 U.S.C. 552.

(c) *Racial/ethnic composition.* This composition is not meant to denote scientific definitions of anthropological origins. The categories are:

(1) *I/A=American Indian or Alaskan Native.* A person having origins in any of the original peoples of North America.

(2) *A=Asian or Pacific Islander.* A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

(3) *B=Black, not of Hispanic Origin.* A person having origins in any of the black racial groups.

(4) *H=Hispanic.* A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish Culture or origin, regardless of race.

(5) *W=White, not of Hispanic Origin.* A person having origins in any of the original peoples of Europe, North Africa, the Middle East, or the Indian subcontinent.

§ 101-11.1203 Reports.

The reports prescribed by this regulation have been cleared in accordance with FPMR 101-11.11 and assigned interagency report control number 1121-GSA-AN. Agencies shall use the documents and procedures prescribed below when preparing and submitting their Annual Report on Federal Advisory Committees. Agencies that did not have advisory committees during the calendar year being reported need not submit a negative response.

(a) *Content of report.* The Annual Report on Federal Advisory Committees shall consist of the original and four copies of each of the following:

(1) Standard Form 248, Annual Report on Federal Advisory Committee;

(2) Standard Form 249, Membership List on Federal Advisory Committee;

(3) Standard Form 250, Annual Report on Federal Advisory Committees Summary Sheet; and

(4) A letter of transmittal for the report, signed by the agency head or his designee.

(b) *Preparation of report.* The SF 248, Annual Report on Federal Advisory Committee, and SF 249, Membership List on Federal Advisory Committee, shall be completed by the organizational element responsible for the support of the individual committee. The SF 250, Annual Report on Federal Advisory Committees Summary Sheet, and the letter of transmittal shall be completed at the department or agency level. Information for completion of SF 250 is compiled directly from data on appropriate SF 248(s) and SF 249(s).

(c) *Due date.* This report is due on or before February 1 of each calendar year. Submit the report to the Office of Records Management, National Archives and Records Service (mailing address: General Services Administration (NRI), Washington, D.C. 20408).

§ 101-11.1204 Availability of forms.

Standard Form 248, Annual Report on Federal Advisory Committee; Standard Form 249, Membership List on Federal Advisory Committee; and Standard Form 250, Annual Report on Federal Advisory Committees Summary Sheet, and their instructions are illustrated in §§ 101-11.4930-248 through 250. Supplies of Standard Forms 248, 249, and 250 may be obtained by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity.

§ 101-11.1205 Inquiries.

Inquiries concerning these regulations, forms, or reporting procedures should be directed to the Office of Records Management, National Archives and Records Service (mailing address: General Services Administration (NRI), Attn: Committee Management Report Coordinator, Washington, DC 20408).

Subparts 101-11.13—101-11.48 [Reserved]

Subpart 101-11.49—Forms and Reports

Sections 101-11.4930-248 through 250 are added as follows:

§ 101-11.4930-248 Standard Form 248, Annual Report on Federal Advisory Committee.

§ 101-11.4930-249 Standard Form 249, Membership List on Federal Advisory Committee.

§ 101-11.4930-250 Standard Form 250, Annual Report on Federal Advisory Committees Summary Sheet.

NOTE: The forms listed in §§ 101-11.4930-248 through 250 are filed as part of the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); Public Law 92-463, 5 U.S.C. App I.; and EO 11769, 39 FR 7125, February 25, 1974)

Effective date. This regulation is effective October 14, 1975.

Dated: October 1, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-27443 Filed 10-10-75;8:45 am]

[FPMR Amendment E-170]

PART 101-32 — GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

ADP Sharing Definition

This regulation amends §§ 101-32.201 and 101-32.4701 to add and clarify the definition of ADP sharing and adds § 101-32.4701-3 to include a reports control paragraph.

1. The table of contents for Part 101-32 is amended by the addition of new § 101-32.4701-3 as follows:

Sec.
101-32.4701-3 Reports control.

2. Section 101-32.201 is amended to add paragraph (d) as follows:

§ 101-32.201 Definitions.

• • • • • •

(d) "ADP sharing" means the use of available ADP resources by organizations that the organization providing the resource does not have a primary mission responsibility to support.

3. The introductory language of § 101-32.4701 is revised to read as follows:

§ 101-32.4701 Reporting of sharing and services obtained from a commercial source.

ADP sharing accomplished by Federal agencies shall be reported directly by ADP units as provided in § 101-32.4701-1 or reported centrally as provided in § 101-32.4701-2. In this connection, ADP sharing means the use of available ADP resources by organizations that the organization providing the resource does not have a primary mission responsibility to support. This would include sharing on a reimbursable or nonreimbursable basis. When submitting revised GSA Form 2068-A, June 1975, Quarterly Report of ADP Service (illustrated in § 101-32.4902-2068-A), agencies shall report in attachments to Item 9, "Total Other," information on unbundled services such as systems engineering, ADP training, and related ADP services which are acquired separately. Unbundling is the establishment of separate prices for ADP support services which were previously provided with ADP equipment at no additional cost; e.g., ADP training and systems engineering services. Systems engineering services is the assistance in data processing related to:

• • • • • •

4. Section 101-32.4701-3 is added to read as follows:

§ 101-32.4701-3 Reports control.

Interagency Report Control Number 1106-GSA-QU-T has been assigned to revised GSA Form 2068-A, June 1975, Quarterly Report of ADP Service.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective on October 14, 1975.

Dated: October 1, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-27442 Filed 10-10-75;8:45 am]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-1129; RM-2312]

PART 1—PRACTICE AND PROCEDURE

Order

By the Commission:

In the matter of petition for amendment § 1.51 rules of practice and procedure.

1. The Commission has before it a petition for rule making filed on January 25, 1974 by Mr. Gary A. Stilwell, an amateur radio operator. Mr. Stilwell requests that Section 1.51(b) of the Rules of Practice and Procedure be amended to delete the requirement that, in rule making proceedings, 14 copies of all papers, in addition to the original, shall be filed with the Commission. Public Notice of the filing of the petition was given on February 11, 1974. The time for filing statements supporting or opposing the petition expired on March 13, 1974. No statements were filed.

2. Petitioner states that the Commission should make it as easy and inexpensive as possible for people (and particularly amateur operators) to participate in rule making proceedings; that the cost of the 14-copy requirement discourages some people from participating; and that the cost of duplicating materials for distribution within the Commission should, and could more easily, be borne by the Government. On the surface, this is an attractive position. The problem is with the cost and burden to the Commission that adoption of the proposal would entail. Thousands of comments and pleadings are filed with the Commission annually in rule making proceedings. As many as 20,000 comments have been filed in a single proceeding. Individual sets of comments can run to several hundred pages. Although the Commission has fairly extensive facilities for the duplication of documents, those facilities are already operating at capacity. Duplicating copies of papers filed in rule making proceedings would thus be a very substantial undertaking and one which cannot be fulfilled with the Commission's current resources. Moreover, the copy requirement should not deter the submission of comments. In rule making proceedings, the Commission is interested in getting full information and the best thinking possible from the public

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before making a decision, and does not reject comments on narrow technical grounds. Compliance with the copy requirement is helpful to the Commission and is encouraged. However, if the duplicating cost is a deterrent, a single copy should be submitted. The single copy will be placed in the docket.

3. We have, however, undertaken an overall review of our requirements for copies of comments in rule making proceedings and of pleadings in other proceedings, to determine whether and the extent to which the number can be reduced without impairing the Commission's operations. As a result of this review, the following reductions are being made in the number of copies of pleadings required:

(a) Pleadings acted on by the Review Board in hearing cases—reduced from 13 to 12 (an original and 11).

(b) Pleadings acted on by the Commission in hearing cases—reduced from 20 to 17.

(c) Comments and other papers filed in rule making proceedings which have not been designated for hearing—reduced from 15 to 12.

(d) Pleadings relating to all other matters acted on by the Commission *en banc*—reduced from 12 to 10.

(e) Pleadings relating to matters acted on by the Staff under delegated authority—reduced from 12 to 3.

4. Accordingly, it is ordered, effective October 14, 1975, that the relief requested by the petitioner for rule making is granted to the extent indicated and is in other respects denied, and that Sections 1.51 and 1.419 of the Rules and Regulations are amended as set forth below.

5. Authority for these amendments is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Because the amendments are procedural in nature, compliance with the prior notice and effective date provisions of 5 U.S.C. 553 is unnecessary.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: October 7, 1975.

Released: October 10, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 1.51 is revised to read as follows:

§ 1.51 Number of copies of pleadings, briefs and other papers.

Except as otherwise specifically provided in the Commission's rules and regulations, the number of copies of pleadings, briefs, and other papers to be filed is as follows:

(a) In hearing proceedings, the following number of copies shall be filed:

(1) If the paper filed relates to a matter to be acted upon by the presiding officer or the Chief Administrative Law Judge, an original and 6 copies shall be filed.

(2) If the paper filed relates to matters to be acted on by the Review Board, an original and 11 copies shall be filed.

(3) If the paper filed relates to matters to be acted on by the Commission, an original and 16 copies shall be filed.

(4) If more than one person presided (is presiding) at the hearing an additional copy shall be filed for each such additional person.

(b) In rule making proceedings which have not been designated for hearing, an original and 11 copies of all papers shall be filed.

(c) In matters other than rule making and hearing cases, the following number of copies shall be filed:

(1) If the paper filed relates to matters to be acted on by the Commission, an original and 9 copies shall be filed.

(2) If the paper filed relates to matters to be acted on by staff officials under delegated authority, an original and 2 copies shall be filed.

(d) Where statute or regulation provides for service by the Commission of papers filed with the Commission, an additional copy of such papers shall be filed for each person to be served.

(e) The parties to any proceeding may, on notice, be required to file additional copies of any or all papers filed in that proceeding.

2. Section 1.419(b) is revised to read as follows:

§ 1.419 Form of comments and replies, number of copies.

* * * * *

(b) An original and 11 copies of all comments, briefs and other documents filed in a rule making proceeding shall be furnished the Commission.

* * * * *

[FR Doc.75-27549 Filed 10-10-75;8:45 am]

[FCC 75-1099; Docket 20264; RM-2325]

PART 89—PUBLIC SAFETY RADIO SERVICES

Report and Order

By the Commission:

In the matter of Amendment of Part 89 of the Commission's Rules and Regulations with respect to radio call box systems in the Local Government Radio Service.

1. On December 5, 1974, the Commission released a Notice of Proposed Rule Making (39 FR 43230) in the above entitled matter.

2. The Notice sought comments on the Commission's proposal to permit larger radio call box systems in the Local Government Radio Service. Specifically, the Notice proposed to delete the 250 units per system limitation on call box operations in the 72–76 MHz band thereby permitting an unlimited number of radio call boxes in one system. Comments in response to the proceeding were received from the Associated Public Safety Communication Officers, Inc., (APCO), the International Municipal Signal Association (IMSA), the Association of Maximum Service Telecasters Inc., (MST), Solid State Technology, Inc., (SST), and A. Earl Cullum, Jr. and Associates (Cullum), and the Commonwealth of Massachusetts (MASS). Reply comments were filed by MST and Solid State.

3. Comments received from APCO, IMSA, MASS, and SST all supported the petition. APCO, MASS and IMSA each reiterated SST's position that expanded call box systems will not increase the probability of interference to television reception on Channels 4 and 5. And, in addition they noted a growing demand for call boxes in roadside and motorist aid emergency notification systems. SST's comments advanced the same position it had taken in the earlier phases of the proceeding.

4. Comments submitted by MST and A. Earl Cullum, Jr., and Associates were against removing the 250 unit limitation. MST contends that the absence of interference complaints, as pointed out in the Notice, means very little since individuals are unlikely to trace the interference in question to the offending call box. They suggest the Commission conduct a series of test and surveys to determine the actual degree of interference from call box transmissions to TV reception. Cullum states that there is no substantial evidence which would justify a change in the 250 unit limitation. They argue that the limited number of systems now in operation does not provide the experience which the Commission said it lacked in its original proceeding (Docket 18627, 25 FCC 2d 654). Cullum also discussed the creation of an additional VHF television channel. However, this issue goes beyond the scope of this proceeding and, therefore, will not be addressed.

5. In response to MST's request for tests, the Commission conducted an investigation to determine the interference potential of radio call boxes located along the Capital Beltway. The Maryland State Highway Administration assisted in the investigation. This site was selected since both Channels 4 and 5 are located in the Washington area and the call box system has more than the 250 units permitted. Call boxes located in populated areas were used for the tests and several neighborhoods around the beltway were canvassed. With a good quality television set, visible interference occurred when the call box transmitter was located within approximately 50 feet of the TV receiver tuned to Channel 4 or 5. A decrease in the quality of the television set increased the area of possible interference. However, at a distance of approximately 100 feet, the interference even to a lower quality set could be eliminated by adjusting the fine tuning or rabbit ears without effecting the quality of the TV signal.

6. An order extending time for filing comments was released so that the public could comment on the report before the Commission took final action in this proceeding. The only comments received were those of SST and MST. SST argued that the test supports the Commission's proposal and urged its adoption. MST, although it raised some questions about the report on the test, stated that it does

not oppose the proposal but urged that it be adopted "on a three-year experimental basis" at the end of which the matter should be re-evaluated.

7. Since the area of possible interference is only a few hundred feet in diameter and call boxes are usually spaced at half mile intervals, the addition of more call boxes to a system will not effect the interference potential in other areas. In a city, the possible interference might affect a few more television receivers, but in view of the low power and particularly the extremely low duty cycle of these call box systems, we anticipate no significant problems there also. Therefore, we believe that the 250-unit limitation can be deleted and that MST suggestion that this be done for a three year period should be rejected.

§ 89.102 [Amended]

8. In view of the foregoing, it appears that the public interest can be served by adopting the rule amendment. Accordingly, It is ordered, That, pursuant to authority contained in Section 303 of the Communications Act of 1934, as amended, That § 89.102(a) of the Commission's Rules is amended by deleting paragraph (x)(1), effective November 14, 1975, it is further ordered, That this proceeding is hereby terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: October 1, 1975.

Released: October 6, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-27548 Filed 10-10-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

The following special regulations are issued and are effective on October 14, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

The public hunting of common snipe (Wilson's) on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted from October 28 through December 31, 1975, inclusive, but only on the areas designated by signs as open to hunting. These open areas, consisting of 1,600 acres on the North Refuge Unit (Area B) and 1,800 acres on the South Refuge Unit (Area C), are delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of snipe.

In addition, only steel (iron) shot shotgun ammunition may be used for the taking of snipe on the South Refuge Unit (Area C) during this season. Steel (iron) shot shotgun ammunition is available from two commercial outlets in Roswell, New Mexico.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1975.

OKLAHOMA

SEQUOYAH NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, coots, snipe and woodcock on the Sequoyah National Wildlife Refuge, Oklahoma, is permitted on three areas designated by signs as open to hunting. These open areas, comprising 10,500 acres, are delineated on maps available at refuge headquarters, Sallisaw, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: Ducks and coots, from October 25 through November 15, 1975, inclusive, and from November 27, 1975 through January 3, 1976, inclusive; geese, from October 11 through October 26, 1975, inclusive, and from November 15, 1975 through January 9, 1976, inclusive; snipe, from October 25 through December 28, 1975, inclusive; and woodcock, from November 20, 1975 through January 9, 1976, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, snipe and woodcock subject to the following special conditions:

(1) Hunting weapons of any kind are prohibited in areas not posted as open to public hunting, except the Kerr-McClellan Navigation Channel where weapons must be cased or broken down.

(2) Camping or possession of firearms on the refuge at night is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 9, 1976.

TISHOMINGO NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese and coots on the Wildlife Management Unit of the Tishomingo National Wildlife Refuge, Oklahoma, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 3,170 acres, are delineated on maps available at refuge headquarters, Tishomingo, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese and coots subject to the following special conditions:

(1) All waterfowl hunting on the Wildlife Management Unit of the Tishomingo National Wildlife Refuge during the 1975–76 waterfowl hunting season will be conducted as part of an experimental program to evaluate use of iron (mild steel) shot shells for waterfowl hunting. Iron shot shells are available in 12 gauge only; therefore, 12 gauge shotguns will be the only legal firearm permitted within the hunting areas. It will be illegal for waterfowl hunters to possess shotgun ammunition other than iron (mild steel) shot shells within the refuge waterfowl hunting areas during the waterfowl seasons, except shells furnished by the refuge for special experiments.

(2) Ducks and coots may be hunted only in Management Unit Zones 1 and 2. Duck and coot hunting is restricted to the periods of one-half hour before sunrise to 11:45 a.m. on Tuesdays, Thursdays, Saturdays, Sundays and national holidays, from October 25 through November 15, 1975, inclusive, and from November 27, 1975 through January 3, 1976, inclusive. Ducks and coot hunting in Zone 2 will be restricted to hunters using retrieving dogs.

Eight duck blinds are provided in Zone 1, and hunters will be assigned to these blinds on a first-come, first-choice basis. Construction of temporary blinds is permitted in the "pothole" area of Zone 1. These blinds may be placed where desired after giving due consideration to safety and hunting opportunities of hunters already in the area. Blinds may not be constructed or used within 80 yards of a blind already in use.

(3) Geese may be hunted in Zone 3 only. Goose hunting is restricted to the period of one-half hour before sunrise to 11:45 a.m. on Tuesdays, Thursdays, Saturdays, Sundays and national holidays, from November 15 through November 26, 1975, inclusive, and from December 1, 1975 through January 6, 1976, inclusive.

In Zone 3, thirty-five goose blinds are provided; all goose hunting must be from these blinds. Hunters must apply in writing to the Refuge Manager, Tishomingo National Wildlife Refuge, P.O. Box 248, Tishomingo, Oklahoma 73460 for blind reservations. Reservation requests for five dates may be submitted.

Hunt applications for specific dates will be processed in the order in which they are received at the refuge until available blind spaces are filled. Confirmations and rejections of applications will be made by mail if time permits.

Blind assignments to those whose applications have been accepted will be determined by a punchboard procedure just prior to each day's hunt.

Each hunter in Zone 3 will be limited to the possession of six (6) shotgun shells.

(4) The Management Unit will be closed to waterfowl hunting from November 27 through November 30, 1975 for public safety due to a control deer hunt.

(5) Zone 1 and Zone 3 hunters must remain in blinds to which they have

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been assigned during the hunt except to place or adjust decoys and/or retrieve downed birds. Further, hunters may leave their blinds to pick up decoys and return to the check stations only at 9:30 a.m. and after 11:30 a.m.

(6) All hunters in all Zones, upon entering or leaving the area, shall report at designated checking stations for the purpose of purchasing legal iron shot shells (locally available only through the refuge), blind assignment, and to furnish information on their hunting activities.

(7) "Sky-busting"; i.e., firing at birds in excess of 45 yards from the hunter, is prohibited in all hunt Zones.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 6, 1976.

W. O. NELSON, Jr.,
Regional Director,
Albuquerque, New Mexico.

OCTOBER 6, 1975.

[FR Doc.75-27449 Filed 10-10-75;8:45 am]

PART 32—HUNTING

Special Conditions; Corrected

In FR Doc. 75-25367 beginning on page 43914 in the issue of Wednesday, September 24, 1975, two omissions occur in the Special Conditions under § 32.12. In column 1, page 43915 under Umatilla Refuge, the first Special Condition is corrected by the insertion of "Saturday" between "Wednesday" and "Sunday". Under Malheur Refuge, the Special Condition at the head of column 2, page 43915 is corrected by the insertion of "south" between "Highway 205" and "of Diamond" in line 3.

DONALD J. HANKLA,
Acting Regional Director,
Fish and Wildlife Service.

[FR Doc.75-27536 Filed 10-10-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Changes in Customs Region IX

In order to provide better Customs service to carriers, importers, and the public, it is considered desirable to extend the port limits of Dayton, Ohio, in the Cleveland, Ohio, Customs district (Region IX).

Accordingly, notice is hereby given that, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 10 (40 FR 2216), it is proposed to extend the port limits of Dayton, Ohio, in the Cleveland, Ohio, Customs district (Region IX), to include the territory within the township limits of the adjacent townships of Butler, Harrison, Wayne, and Mad River, Ohio, as well as the territory within the city limits of Dayton, Ohio, all in Montgomery County, Ohio.

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received not later than November 13, 1975.

Written material and suggestions submitted will be available for public inspection in accordance with section 103.8 (b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Dated: October 2, 1975.

DAVID R. MACDONALD,
Assistant Secretary
of the Treasury.

[FR Doc.75-27412 Filed 10-10-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE

Proposed Endangered Status for 6 Species of Butterfly in California

Background: The U.S. Fish and Wildlife Service has evidence that the following species of butterflies are Endangered species as defined by the Endangered Species Act of 1973 (U.S.C. 1531-1543, 87 Stat. 884): San Bruno elfin (*Callophrys mossii bayensis*); Lotis blue (*Lycaeides argyrognomon lotis*); Mission blue (*Icaricia icarioides missionensis*); Smith's blue (*Philotes enoptes smithi*); El Segundo blue (*Shijimiaeoides battoides allyni*); Lange's metalmark (*Apodemia mormo langei*).

Section 4(a) of the Endangered Species Act of 1973 states that the Secretary of the Interior or the Secretary of Commerce may determine a species to be an Endangered species, or a Threatened species, because of any of five factors. These factors, and their application to the San Bruno elfin, Lotis blue, Mission blue, Smith's blue, El Segundo blue, and Lange's metalmark, are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.*

San Bruno elfin. This butterfly is limited in occurrence to a few moist canyons in San Mateo County, California. Proposed development poses a serious threat to its continued existence. The occurrence of the butterfly is dependent upon present topographic configuration and floristic elements, the most important of which is its caterpillar food plant, stone-crop (*Sedum spathulifolium*).

Lotis blue. At present this butterfly is definitely known to occur only in a few isolated bogs in Mendocino County, California. The principal portion of the butterfly's habitat occurs on a powerline right-of-way. Formerly, a population of the Lotis blue occurred at Point Arena, Mendocino County, California, but it has not been found there for over 30 years, and the population is presumed to be extirpated.

Mission blue. This butterfly is limited in distribution to two small isolated populations which occur on the summits of Twin Peaks, San Francisco County, and the San Bruno Mountains, San Mateo County, California. In San Francisco County, the Mission blue was formerly more widespread on the higher hills within the county, but due to expansion of the city and plantings of exotic plants, such as eucalyptus, is now reduced to a tiny remnant on Twin Peaks and may soon become extirpated. In the San Bruno Mountains, the species is uncommon, and proposed developments there would probably eliminate the butterfly.

Smith's blue. This butterfly is known from coastal sand dunes in Monterey County, California. Its largest population occurs on the most coastal portion of the Monterey dune complex at Seaside and probably Fort Ord (U.S. Army), Monterey County, California. The Seaside and Marina populations have been almost extirpated by housing developments and highway construction, while the Fort Ord populations have been most seriously impacted by heavy foot and vehicular traffic, as well as the spread of introduced ice-plant (*Mesembryanthemum* spp.).

El Segundo blue. This butterfly was formerly widespread on the El Segundo sand hills (96 sq. km.), Los Angeles County, California. Now, due to public and private development, the El Segundo blue is limited to a few acres near El Segundo and a larger area at the west end of the Los Angeles International Airport. Any further development on these few remaining sites could well bring about the species' extinction.

Lange's metalmark. Originally from sand dunes from near Antioch and Oakley, Contra Costa County, California. The butterfly has not been found at Oakley for more than 30 years. Near Antioch, the populations are now largely restricted to a few acres north of Wilbur Road. Alteration of the species' habitat has been due largely to industrial and agricultural development.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.*

Not applicable for any of the species.

3. *Disease or predation.*

Not applicable for any of the species.

4. *The inadequacy of existing regulatory mechanisms.*

There currently exist no regulations pertaining to the protection and conservation of any of these species.

5. *Other natural or man-made factors affecting its continued existence.*

Not applicable for any of the species.

PUBLIC COMMENTS SOLICITED

The Director intends that finally adopted rules be as responsive as possible to the conservation of endangered and threatened species; he therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposed rules.

Final promulgation of the regulations on these butterflies and on critical habitat will take into consideration the comments received by the Director. Such comments and any additional information received, may lead the Director to adopt final regulations that differ from this proposal. The Director has under preparation an environmental assessment concerning this matter.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written

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comments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received no later than December 12, 1975, will be considered. Comments received will be available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

(Endangered Species Act of 1973 (16 U.S.C. 1531–43; 87 Stat. 884).)

Dated: October 6, 1975.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of CFR, as set forth below:

§ 17.12 [Amended]

In § 17.12, add a new heading at the end of the list for insects, and add the following:

Insects:
Butterfly, El Segundo blue; *Shiimiaeoides battoides allyni* (Range: Los Angeles County, California; Portion of range where endangered: entire).
Butterfly, Lange's metalmark; *Apodemia mormo langei* (Range: Contra Costa County, California; Portion of range where endangered: entire).
Butterfly, Lotis blue; *Lycaeides argyrognomon lotis* (Range: Mendocino County, California; Portion of range where endangered: entire).
Butterfly, Mission blue; *Icaricia icarioides missionensis* (Range: San Francisco and San Mateo Counties, California; Portion of range where endangered: entire).
Butterfly, San Bruno elfin; *Callophrys mossi bayensis* (Range: San Mateo County, California; Portion of range where endangered: entire).
Butterfly, Smith's blue; *Philotes enoptes smithi* (Range: Monterey County, California; Portion of range where endangered: entire).

[FR Doc.75–27547 Filed 10–10–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 73]

Scabies in Cattle—Proposed Amendments and Clarification of Regulations

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the provisions of the Act of March 3, 1905, as amended, the Act of February 2, 1903, as amended, the Act of May 29, 1884, as amended, and the Act of July 2, 1962 (21 U.S.C. 111, 115, 117, 120, 121, 123–126, 134b, 134f), the Animal and Plant Health Inspection Service is Considering amending Part 73, Title 9, Code of Federal Regulations. The purpose of this proposal is to update and clarify the regulations contained in Part 73.

Statement of considerations. The changes proposed and the circumstances requiring these changes are as follows: (1) Provisions would be added whereby a State inspector as well as a Veterinary Services inspector may supervise the dipping of scabies affected and exposed cattle to reflect State participation in the Cooperative Program for the eradication of Scabies in Cattle and the terms "Veterinary Services inspector" and "State inspector" would be defined for clarification; (2) a time limitation of 10 days during which cattle may be moved interstate following inspection would be added to the regulations to reflect an operating procedure long in effect; (3) conditions for movement of cattle affected with scabies would be modified to conform with other provisions of the regulations of Part 73 which allow movement of such cattle under certain conditions and which would relieve present restrictions on such movements which do not appear to be necessary; (4) the term "means of conveyance" would be inserted in lieu of the terms "car," "cars," "cars or boats," and "cars or other vehicles" wherever used in the regulation to reflect the change in transportation practices; and (5) would modify the requirements for dipping exposed cattle and cattle from quarantined areas to conform with directions for permitted dips used; such change would be consistent with existing practice.

1. A new § 73.1c would be added to read:

§ 73.1c Definitions.

For purposes of this Part the following terms shall have the meaning set forth in this section.

(a) *Veterinary Services Inspector.* A veterinarian or livestock inspector employed by Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, in animal health activities, who is authorized to perform the function involved.

(b) *State Inspector.* A veterinarian or livestock inspector regularly employed in animal health activities by a State or a political subdivision thereof, authorized by such State or political subdivision to perform the function involved under a cooperative agreement with the U.S. Department of Agriculture.

§ 73.1 [Amended]

2. In § 73.1, paragraph (a) the phrase "except as provided in this part." would be added immediately after the last word of the paragraph.

§ 73.2 [Amended]

3. In § 73.2, the section heading would be amended to read: *Interstate shipment for immediate slaughter from quarantined or nonquarantined areas; conditions under which permitted.*; in paragraph (a) the term "or State inspector," would be added immediately after the term "Veterinary Services Inspector"; in paragraph (a) (2) the term "cars" would be deleted and the term "means of conveyance" would be inserted in lieu thereof; in paragraph (d) the phrase "within 10 days prior to the date of shipment" would be added immediately after the term "State inspector"; and in paragraph (c) the proviso including paragraph (c) (1) would be amended to read:

(c) • • • *Provided,* That means of conveyance in which the cattle are transported shall be placarded and the billing accompanying the shipment shall be marked "Cattle Exposed to Scabies," in accordance with § 73.6.

§ 73.3 [Amended]

4. In § 73.3, in the first sentence the term "or State inspector," would be added immediately after the term "Veterinary Services inspector"; the term "or State supervision" would be added immediately after the term "Veterinary Services supervision" the first time the terms appear in the first sentence; and in the last sentence the term "cars" would be deleted and the term "means of conveyance" would be inserted in lieu thereof.

§ 73.4 [Amended]

5. In § 73.4, the section heading would be amended to read: *Interstate shipment of exposed but not visibly diseased cattle from a quarantined or nonquarantined area; conditions under which permitted.*; the term "cars" would be deleted each time it appears and the term "means of conveyance" would be inserted in lieu thereof; immediately after the word "dipped" the first time it appears, the word "once" would be deleted; and immediately after the term "Veterinary Services inspector" the term "or State inspector" would be added.

§ 73.5 [Amended]

6. In § 73.5, in the first sentence the phrase "within 10 days prior to the date of shipment and" would be added immediately after the term "State inspector"; and in the second sentence immediately after the phrase "and all exposed herds have been dipped" the word "once" would be deleted.

§ 73.6 [Amended]

7. In § 73.6, in the section heading the term "cars," in the first sentence the term "car," and in the last sentence the terms "car," "cars," and "cars or boats," would be deleted each time these terms appear and the term "means of conveyance" would be inserted in lieu thereof; and in the last sentence the term "or State inspector" would be added immediately after the term "Veterinary Services inspector."

§ 73.7 [Amended]

8. In § 73.7 in the third proviso the term "or State inspector" would be added immediately after the term "Veterinary Services inspector."

§ 73.8 [Amended]

9. In § 73.8, in paragraph (b) in the paragraph heading, the term "or State" would be added immediately after the term "Veterinary Services"; in the text of the paragraph the term "cars or other vehicles" would be deleted and the term "means of conveyance" would be inserted in lieu thereof; and the term "or State inspector" would be added immediately after the term "Veterinary Services inspector."

§ 73.10 [Amended]

10. In § 73.10 in paragraph (a) (2) the last sentence would be amended by adding the term "or State inspector" immediately after the term "Veterinary Services inspector."

§ 73.11 [Amended]

11. In § 73.11, the section heading would be amended to read: *Treatment of means of conveyance and premises having contained scabby cattle.*; and in the text of the paragraph the term "cars and other vehicles" would be deleted and the term "means of conveyance" would be inserted in lieu thereof.

Any person who wishes to submit written data, views or arguments concerning these proposed amendments may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782 before November 13, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, Maryland 20782, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the Federal Register.

Done at Washington, D.C., this 8th day of October, 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75–27501 Filed 10–10–75;8:45 am]

HOUSING PRODUCTION AND MORTGAGE CREDIT

Office of the Assistant Secretary

[24 CFR Part 280]

[Docket No. N–75–444]

MOBILE HOME CONSUMER INFORMATION

Advance Notice of Proposed Rulemaking

The Department of Housing and Urban Development is preparing to promulgate rules and regulations for mobile home consumer information to be provided by manufacturers to purchasers and prospective purchasers of mobile homes. Authority for this action is contained in Title VI of the Housing and Urban Development Act of 1974, particularly Sections 614, 617 and 625 (42 U.S.C. 5413, 5416 and 5424).

This notice requests comment and information concerning two types of consumer information. The first type is performance data and other technical data related to performance and safety. The Secretary is authorized to require that this information be provided to each prospective purchaser of a mobile home at the location where the home is offered for sale or by mail on request. The second type is information to be contained in a consumer's manual which will be provided to mobile home purchasers by manufacturers. These manuals should identify and explain the purchasers' responsibilities for operation, maintenance, and repair of their mobile homes.

Consumer information is currently supplied by most manufacturers to prospective purchasers in the form of sales brochures. These usually show floor plans and the decor of a mobile home. They may also give some specifications on the construction features, heating and cooling systems, appliances, and so on.

In some cases, manuals explaining the use, care, and repair of a mobile home are also provided to purchasers. These vary in the amount of detail provided and in the systems covered. Some manufacturers supply detailed instructions for the installation and tiedown of their mobile homes.

The Department is soliciting examples of these and other types of literature which manufacturers currently provide to purchasers or prospective purchasers. It is also soliciting comments, proposals, information, and other materials relating to the minimum requirements for data on performance and safety and for consumer manuals, and relating to the form and distribution of such material.

The Department is also interested in obtaining any information concerning the benefits that can be expected to result from the provision of data on performance and safety to prospective and actual purchasers and consumer manuals to actual purchasers. Specifically, are there any research results now available, or is there any research now being carried out on this subject? Furthermore, what is the probable cost to manufacturers of providing such data and consumer manuals?

Finally, the Department solicits any additional comments that might have a bearing on the proposed rulemaking or consumer information.

Comments and other materials sent in response to this notice will be considered before a proposal is made for consumer information regulations if received on or before Nov. 28, 1975. Comments and materials should be sent to:

Rules Docket Clerk, Department of Housing and Urban Development, Room 10245, 451 Seventh Street, SW., Washington, D.C. 20410

Three copies of any comments or materials are requested but not required.

Comments and other material received after the date specified above will be considered only as time permits.

All written comments and materials submitted shall be available for examination by the public, at the above address, except those determined to be exempt from public disclosure in accordance with the requirements of Section 607(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5406(b)) by the Secretary, at the written request of the person submitting the comment.

Issued at Washington, D.C., on October 8, 1975.

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit, Federal Housing Administration Commissioner

[FR Doc.75–27576 Filed 10–10–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75–NW–19]

ALTERATION OF TRANSITION AREA

Notice of Proposed Rulemaking

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Ellensburg, Washington, Transition Area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures, and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108. All communications received on or before November 13, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington, 98108.

A review of the controlled airspace around Ellensburg, Washington, disclosed that additional Transition Area is required to provide controlled airspace for the present VOR–A and the proposed VOR–B instrument approach procedures and the associated transition routes.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In Section 71.181 (40 FR 441) the description of the Ellensburg, Washington, Transition Area be amended to read as follows:

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ELLENSBURG, WASHINGTON

That airspace extending upward from 700' above the surface within a 5-mile radius of Bowers Field (Latitude 47°02'02" N, Longitude 120°31'49" W); within the arc of a 13-mile radius circle centered on the Ellensburg VORTAC, beginning at the 016° radial and extending clockwise to the 063° radial; within the arc of a 20.5-mile radius circle centered on the Ellensburg VORTAC, beginning at the 063° radial and extending clockwise to the 221° radial; that airspace extending upward from 1200' above the surface southwest of Ellensburg bounded on the north by V-2S, on the southeast by the Ellensburg VORTAC 221° radial, on the southwest by V-4.

This amendment is proposed under the authority of Section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington, on October 1, 1975.

C. B. WALK,
Director, Northwest Region.

[FR Doc.75-27426 Filed 10-10-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SW-67]

DESIGNATION AND ALTERATION OF TRANSITION AREAS

Notice of Proposed Rulemaking

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Alpine, Texas, and alter the Texas transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before November 13, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

1. In Section 71.181 (40 F.R. 441), the following transition area is added.:

ALPINE, TEXAS

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center of the Alpine Municipal Airport (latitude 33°23'00" N., longitude 103°41'00" W.) and extending 6.0 miles west and 9.5 miles east of the 023° bearing from the airport coordinates to a point 24.5 miles north of the airport coordinates.

2. In Section 71.181 (40 F.R. 441), the Texas transition area is amended by deleting everything after "excluding that airspace" and substituting therefor "excluding that airspace south of a line beginning at the intersection of the United States/Mexican Border and 30°00'00" north latitude, thence east along 30° north latitude to and counterclockwise along the arc of a 105-mile-radius circle centered at latitude 29°21'35" N., longitude 100°46'35" W., to and along the United States/Mexican Border to point of beginning."

The proposed transition area will provide controlled airspace for aircraft executing the proposed instrument approach procedure for Alpine Municipal Airport.

The proposed alteration of the Texas transition area will provide controlled airspace for aircraft transitioning to/from Van Horn, Marfa and Alpine, Texas, to/from Hudspeth, Pecos and Fort Stockton, Texas.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, TX, on September 30, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-27425 Filed 10-10-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 200, 240]

[Release No. 34-11709; File No. S7-591]

PROXY SOLICITATION RULES

Notice of Proposed Rulemaking

The Securities and Exchange Commission today invited public comment on proposed amendments to Rules 14a-6 (17 CFR 240.14a-6) and 14c-5 (17 CFR 240.14c-5) under the Securities Exchange Act of 1934 modifying the non-public status of preliminary proxy soliciting material filed with the Commission. The Commission believes that pursuant to recent amendments to the Freedom of Information Act, ("FOIA") 5 U.S.C. 552, information contained in preliminary proxy soliciting material should be made available to the person requesting it unless the information may be considered to be nonpublic under the criteria set forth in the FOIA. These criteria have been incorporated into recent amendments to the Commission's rules on records and information in 17 CFR 200.80.

From the standpoint of compliance with the proxy rules, problems may arise from the public dissemination of information contained in proxy soliciting material before the release of definitive material. Such information may contain false or misleading statements. As part of the review process the staff may comment on preliminary material with a view to assuring, to the extent feasible, the completeness, fairness and accuracy of information presented. This review process would be frustrated if material were to be distributed to security holders or became available to them because of disclosure under the FOIA or otherwise prior to staff review and comment. In addition, information contained in preliminary proxy soliciting material is commercial and financial information of a non-public nature.

Under the proxy rules, as amended, information contained in preliminary proxy material will be made available to persons requesting it after the definitive material to be released to security holders has been filed with the Commission. When definitive materials is filed, preliminary proxy material will be placed in the Commission's public files. If a request for preliminary material is filed under the FOIA after the date indicated by the person filing the material as the intended date of release to security holders but before definitive material has been filed with the Commission, the staff will contact the person who filed the preliminary material to determine if and when definitive material will be filed. Where no filing of definitive material is anticipated, any FOIA request will be processed as if the material had lost its status as proxy material.

An amendment to Rule 14c-5(c) which will conform its provision for confidentiality to that of Rule 14a-6(e) is also proposed.

Section 240.14a-6 (Rule 14a-6) is proposed to be amended by revising paragraph (e) to read as follows:

§ 240.14a-6 Material required to be filed.

* * * * *

(e) All copies of material filed pursuant to paragraph (a) or (b) shall be clearly marked "Preliminary Copies," shall be for the information of the Commission only and shall not be deemed available for public inspection before definitive material has been filed with the Commission except that such material may be disclosed to any department or agency of the United States Government and to the Congress and the Commission may make such inquiries or investigation in regard to the material as may be necessary for an adequate review thereof by the Commission. All preliminary material filed pursuant to paragraph (a) or (b) shall be accompanied by a statement of the date on which definitive copies thereof filed pursuant to paragraph (c) are intended to be released to security holders. All definitive material filed pursuant to paragraph (c) shall be accompanied by a statement of the date on which copies of such material have been released to security holders or, if not released, the date on which copies thereof are intended to be released. All material filed pursuant to paragraph (d) shall be accompanied by a statement of the date on which copies thereof are intended to be released to the individuals who will make the actual solicitation.

* * * * *

Section 240.14c-5 (Rule 14c-5) is proposed to be amended by revising paragraph (c) to read as follows:

§ 240.14c-5 Filing of information statement.

* * * * *

(c) All copies of material filed pursuant to paragraph (a) shall be clearly marked "Preliminary Copies," shall be for the information of the Commission only and shall not be deemed available for public inspection before definitive material has been filed with the Commission, except that such material may be disclosed to any department or agency of the United States Government and to the Congress and the Commission may make such inquiries or investigation in regard to the material as may be necessary for an adequate review thereof by the Commission. All preliminary material filed pursuant to paragraph (a) shall be accompanied by a statement of the date on which copies thereof filed pursuant to paragraph (b) are intended to be released to security holders. All definitive material filed pursuant to paragraph (b) shall be accompanied by a statement of the date on which copies of such material have been released to security holders or, if not released, the date on which copies thereof are intended to be released.

* * * * *

If the proposed amendments are adopted, paragraph (b)(4)(ii) of the Commission's Rules under the Freedom of Information Act, 17 CFR 200.80(b)(4)(ii), will be amended accordingly. That paragraph is proposed to be amended to read as follows:

§ 200.80 Commission records and information.

* * * * *

(b) * * *

(4) * * *

(ii) Information contained in any document submitted to or required to be filed with the Commission where the Commission has undertaken formally or informally to receive such submission or filing for its use or the use of specified persons only, such as preliminary proxy material filed pursuant to Rule 14a-6 under the Securities Exchange Act (17 CFR 240.14a-6) or preliminary information statements filed pursuant to Rule 14c-5 (17 CFR 240.14c-5) before definitive material has been filed with the Commission, reports filed pursuant to Rule 316(a) under the Securities Act (17 CFR 230.316(a)), agreements filed pursuant to Rule 15c-3-1(c)(7)(G) under the Securities Exchange Act (17 CFR 240.15c-3-1(c)(7)(vii)), schedules filed pursuant to Part II of Form X-17A-5 (17 CFR 249.617) in accordance with Rule 17a5(b).(3) under the Securities Exchange Act (17 CFR 240.17a-5(b)(3)), statements filed pursuant to Rule 17a-5(k)(1) under the Securities Exchange Act (17 CFR 240.17a-5(k)(1)), and confidential reports filed pursuant to Rules 17a-9, 17a-10, 17a-12 and 17a-16 under the Securities Exchange Act (17 CFR 240.17a-9, 240.17a-10, 240.17a-12, and 240.17a-16); and

* * * * *

The amendments are proposed pursuant to Sections 14(a), 14(c) and 23(a) of the Securities Exchange Act of 1934, as amended, and Section 552 of Title 5, United States Code. All interested persons are invited to submit written comments to be received not later than November 10, 1975 to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Such submissions should refer to File No. S7-591 and will be publicly available.

(Secs. 14, 23, 48 Stat. 895, 901; sec. 8, 49 Stat. 1379; sec. 5, 78 Stat. 569, 570 (15 U.S.C. 78n(a), 78n(c), 78w(a))); (Sec. 1, 80 Stat. 383; 81 Stat. 54; sec. 1-3, 88 Stat. 1561-1564; sec. 3, 88 Stat. 1897 (5 U.S.C. 552))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 3, 1975.

[FR Doc.75-27493 Filed 10-10-75;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

ANNUAL INCOME

Domestic Volunteer Service Programs

Public Law 93-113 (87 Stat. 394), the Domestic Volunteer Service Act of 1973 enacted October 1, 1973, provided statutory authorization for the following programs to be administered by the ACTION Agency: Volunteers in Service to America, University Year for ACTION, Program for Local Services, ACTION Cooperative Volunteers, Foster Grandparent Program, Older American Community Service Programs, Retired Senior Volunteer Program, Service Corps of Retired Executives and Active Corps of Executives. One section of the Act provided that payments to volunteers under the Act shall not in any way reduce or eliminate the level of or eligibility for assistance or services any such volunteer may be receiving under any Government program. This prohibition was construed to include benefits payable by the Veterans Administration. Therefore, §§ 3.-261(a) and 3.262(q) of Title 38, Code of Federal Regulations, were amended to exclude payments to volunteers under the Domestic Volunteer Service Act from computation of income in claims for compensation, pension and dependency and indemnity compensation.

Executive Order 11871 (40 FR 30915) transferred the Service Corps of Retired Executives (SCORE) and the Active Corps of Executives (ACE) from the ACTION Agency to the Small Business Administration, effective July 15, 1975. Currently subparagraph (33) of § 3.261(a) of Title 38, Code of Federal Regulations, includes these programs as programs administered by the ACTION Agency. Due to the transfer of jurisdiction effected by the Executive order it is proposed to delete these programs from subparagraph (33) and incorporate them in a new subparagraph (34) which would identify them as programs administered by the Small Business Administration. Payments under these programs would continue to be excluded from computation of income in claims for compensation, pension and dependency and indemnity compensation.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before November 10, 1975, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the proposed amendment would be effective July 15, 1975.

In § 3.261, paragraph (a)(33) is revised and (a)(34) is added so that the revised and added material reads as follows:

V 40 I 199 OCT 14 75 XUM

§ 3.261 Character of income; exclusions and estates.

	Dependency (parents)	Dependency and indemnity compensation (parents)	Pension; protested (veterans, widows (widowers), and children)	Pension; Public Law 86-211 (veterans, widows (widowers), and children)	See
(a) Income:					
(33) The following programs administered by the ACTION Agency: Foster grandparent program and older Americans community service programs payments (Pub. L. 93-29; 87 Stat. 55).	Excluded...	Excluded...	Excluded...	Excluded...	§ 3.262(q)(1)
Volunteers in Service to America (VISTA), University Year for ACTION (UYA), Program for Local Services (PLS), ACTION Cooperative Volunteers (ACV), Foster Grandparent Program (FGP) and Older American Community Service Programs, Retired Senior Volunteer Program (RSVP). (Pub. L. 93-113; 87 Stat. 394).	do	do	do	do	§ 3.262(q)(2)
(34) The Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) administered by the Small Business Administration. (Pub. L. 93-113; 87 Stat. 394).	do	do	do	do	§ 3.262(q)(2)

Approved: October 3, 1975.
By direction of the Administrator.

[SEAL]

ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75-27371 Filed 10-10-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-5/111]

FINE ARTS COMMITTEE

Rescheduling of Meeting

The Fine Arts Committee meeting which was announced for Tuesday, November 18, 1975 and published in the FEDERAL REGISTER on September 29, 1975 (40 FR 44587) has been rescheduled for Monday, November 17, 1975 at 10:00 a.m.

The agenda remains unchanged and the meeting is open to the public. Anyone wishing to attend the Fine Arts Committee meeting must call the Fine Arts Office, area code 202 632-0298 before November 14, 1975.

Date: October 3, 1975.

CLEMENT E. CONGER,
Chairman,
Fine Arts Committee.

[FR Doc.75-27541 Filed 10-10-75;8:45 am]

[Public Notice CM-5/110]

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Notice of Meeting

The United States Advisory Commission on International Educational and Cultural Affairs will meet in open session on Thursday, October 30, 1975, in Room 507 at the State Department Annex 2, 515 22nd Street N.W., from 9:30 a.m. to 1:00 p.m.

The agenda will include:

1. Report on Commission action in support of the United Nations University.
2. Report on the status and prospects of the United States in UNESCO.
3. Discussion of report and recommendations on Messrs. Marks and Smith trip to Eastern Europe.
4. Discussion of future Commission action on U.S.-Latin American cultural relations.
5. Discussion of the interrelationships between the Commission and the Board of Foreign Scholarships.
6. Discussion of other aspects of foreign student exchanges.
7. Any other business which any member of the Commission or its staff may bring to the attention of the group.

Members of the general public may attend and participate in the discussion subject to instructions of the chairman.

For purposes of fulfilling building security requirements, anyone wishing to attend the open session must advise the Staff Director by telephone in advance of the meeting. Telephone (202) 632-2764. Members of the public will be accommodated up to the seating capacity of the meeting room.

October 2, 1975.

W. E. WELD, Jr.,
Staff Director,
Commission Secretariat.

[FR Doc.75-27542 Filed 10-10-75;8:45 am]

[Public Notice CM-5/112]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Notice of Meeting

The working group on ship design and equipment of the Subcommittee on Safety of Life at Sea will hold an open meeting at 10:00 a.m. on Wednesday, November 5, 1975, in Room 8236 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C.

The purpose of the meeting is to review and discuss the report of the Fourteenth Session of the Subcommittee on Ship Design and Equipment of the Intergovernmental Maritime Consultative Organization (IMCO), held in London September 8-12, 1975. In the course of this meeting, future work areas for the working group will be identified relative to the preparation of necessary U.S. papers and development of background information for future meetings of the Subcommittee on Ship Design and Equipment. The agenda for the meeting is as follows:

Draft requirements for segregated ballast tankers less than 150 meters in length.

Code for novel craft.

Ship borne barges and barge carriers.

Safety measures for special purpose ships:

(a) Training and research vessels.
(b) Mobile offshore unit's.
(c) Offshore supply vessels including pipe-laying vessels.

It is anticipated that the major part of the meeting will deal with discussions of mobile offshore unit's and specifically the identification and scope of regulations for mobile offshore units within the IMCO Subcommittee's area of expertise. Available standards and guidelines for the development of such regulations will be discussed as well as methods the working group might use to collate the requirements and guidelines which other IMCO member nations have submitted to IMCO.

Requests for further information on the meeting should be directed to Captain D. J. Linde, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2167.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

OCTOBER 3, 1975.

[FR Doc.75-27537 Filed 10-10-75;8:45 am]

[Public Notice CM-5/113]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Notice of Meeting

The working group on standards of training and watchkeeping of the Subcommittee on Safety of Life at Sea, will hold an open meeting at 10:00 a.m. on Wednesday, November 5, 1975, in Room 8334 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C.

The purpose of the meeting is to review working papers and discuss the U.S. position for the Seventh Session of the Subcommittee on Standards of Training and Watchkeeping of the Intergovernmental Maritime Consultative Organization (IMCO), to be held in London on December 8-12, 1975.

Requests for further information on the meeting should be directed to Captain J. P. Dawley, United States Coast Guard. He may be reached by telephone on (area code 202) 426-1500.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

OCTOBER 3, 1975.

[FR Doc.75-27538 Filed 10-10-75;8:45 am]

[Public Notice CM-5/114]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Notice of Meeting

The working group on fire protection of the Subcommittee on Safety of Life at Sea will hold an open meeting at 9:30 a.m. on Thursday, November 6, 1975, in Room 8334 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C.

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The purpose of the meeting is to prepare position documents for the Eighteenth Session of the Subcommittee on Fire Protection of the Intergovernmental Maritime Consultative Organization (IMCO), to be held in London in March, 1976. In particular, the working group will discuss the following topics:

Fire test procedures.

Fire protection requirements for special purpose ships (mobile offshore drilling units).

Fire protection requirements for cargo vessels.

Fire protection of dangerous goods.

Requests for further information on the meeting should be directed to Mr. D. F. Sheehan, United States Coast Guard. He may be reached by telephone on (area code 202) 426–2197.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

OCTOBER 3, 1975.

[FR Doc.75–27539 Filed 10–10–75;8:45 am]

[Public Notice CM–5/115]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Notice of Meeting

The working group on life-saving appliances of the Subcommittee on Safety of Life at Sea will hold an open meeting at 10:00 a.m. on Thursday, November 6, 1975, in Room 8236 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C.

The purpose of the meeting is to discuss the work of the Subcommittee on Life Saving Appliances of the Intergovernmental Maritime Consultative Organization (IMCO), at its Tenth Session to be held in London, November 17–21, 1975. The Tenth Session is scheduled to continue revision of Chapter III of the Safety of Life at Sea Convention.

Requests for further information on the meeting should be directed to Mr. Norman W. Lemley, United States Coast Guard. He may be reached by telephone on (area code 202) 426–1444.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

OCTOBER 3, 1975.

[FR Doc.75–27540 Filed 10–10–75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

COMMAND AND GENERAL STAFF COLLEGE ADVISORY COMMITTEE

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following committee meeting:

Name: Command and General Staff College (CGSC) Advisory Committee.

Date: 3, 4 November 1975.

Place: Command Conference Room, Bell Hall, Fort Leavenworth, Kansas 66027.

Time: 0900–1600, 3 November 1975; 0900–1130, 4 November 1975.

Proposed Agenda:

0900–1600, 3 November 1975: Review of CGSC educational program, especially the Master of Military Art and Science (NMAS) degree program.

0900–1000, 4 November 1975: Continuation of Review.

1000–1130, 4 November 1975: Executive Session.

The purpose of the meeting is for the Advisory Committee to examine the entire range of College operations and, where appropriate, to provide advice and recommendations to the College Commandant and Faculty.

The meeting will be open to the public to the extent that space limitations of the meeting space permit. Because of these limitations, interested parties are requested to reserve space by contacting the Committee's Executive Secretary:

IVAN J. BIRRER, Executive Secretary, CGSC Advisory Committee, Bell Hall, Fort Leavenworth, KS 66027; phone 913–684/2701.

Dated: 7 October 1975.

By authority of the Secretary of the Army.

PAUL L. O'DONNELL,
Major, U.S. Army,
Programs Officer, TAGCEN.

[FR Doc.75–27433 Filed 10–10–75;8:45 am]

Office of the Secretary of Defense

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of Section 10 of Public Law 92–463, effective January 5, 1973, notice is hereby given that closed meetings of a Panel of the DIA Scientific Advisory Committee will be held at Pomponio Plaza, Rosslyn, Virginia on the following dates:

Friday, 7 November 1975
Wednesday and Thursday, 12–13 November 1975

The entire meetings commencing at 0900 hours are devoted to the discussion of classified information as defined in Section 552(b)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter is to work on a study of specialized intelligence data requirements.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

OCTOBER 8, 1975.

[FR Doc.75–27544 Filed 10–10–75;8:45 am]

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of Section 10 of Public Law 92–463, effective January 5, 1973, notice is hereby given that closed meetings of the DIA Scientific Advisory Committee will be held at the Electromagnetic Systems Laboratory, Sunnyvale, California on:

Tuesday and Wednesday, 2–3 December 1975

The entire meetings commencing at 0900 hours are devoted to the discussion of classified information as defined in Section 552(b)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA on related scientific and technical intelligence matters.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

OCTOBER 8, 1975.

[FR Doc.75–27545 Filed 10–10–75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

HOFFMAN LA ROCHE, INC.

Manufacture of Controlled Substances; Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedules I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Pursuant to 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on September 15, 1975, Hoffmann La Roche Inc., Kingland Road & Bloomfield Avenue, Nutley, New Jersey 07110, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug:	Schedule
Alphaprodine	II
Levorphanol	II
Dextrorphan	I

Pursuant to section 301 of the Controlled Substances Act (21 U.S.C. 821), and in accordance with § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), notice is hereby given that the above person has made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances indicated, and any other such person, and any existing registered bulk manufacturer of the above substances may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on the application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than November 18, 1975.

Comments and objections may be addressed to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street, N.W., Washington, D.C. 20537.

Dated: October 7, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75–27565 Filed 10–10–75;8:45 am]

METHYLPHENIDATE

Final 1975 Aggregate Production Quota

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On August 19, 1975, a notice of the proposed aggregate production quota for 1975 for Methylphenidate was published in the FEDERAL REGISTER (40 FR 161). All interested parties were invited to comment or object to the proposed aggregate production quota on or before September 26, 1975. No comments or objections were received.

Therefore, under the authority vested in the Attorney General by Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations and further, having been duly designated as Acting Administrator by Order No. 607–75 of the Attorney General, dated May 30, 1975, in accordance with the authority stated therein, and pursuant to the authority delegated to the Acting Administrator by § 0.132(d) of Title 28 of the Code of Federal Regulations, and based upon consideration of the factors set forth in 40 F.R. 102, the Acting Administrator of the Drug Enforcement Administration hereby orders that the aggregate production quota for the controlled substance listed below, expressed in grams in terms of anhydrous base, be established as follows:

SCHEDULE II

Basic class:	Granted—1975
Methylphenidate	1,240,000

This order is effective October 14, 1975.

Dated: October 7, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.27566 Filed 10–10–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona A 9134]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 3, 1975.

The Forest Service, U.S. Department of Agriculture, has filed the above application for the withdrawal of the lands described below, from appropriation under the general mining laws, but not from leasing under the mineral leasing laws. The lands lie within the Tonto National Forest.

The Forest Service has designated the lands as a Research Natural Area to be used primarily for the scientific study of desert vegetation. Mining activity would interfere with the purpose for which the lands have been designated. The withdrawal would be made subject to valid existing rights.

On or before November 13, 1975, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073.

The Department's regulations (43 CFR 2351) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 8 N., R. 8 E.,
Sec. 16, E½ and E½W½.

The areas described aggregate 480 acres in Maricopa County.

ROBERT O. BUFFINGTON,
State Director.

[FR Doc.75–27535 Filed 10–10–75;8:45 am]

[Arizona A 9131]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 3, 1975.

The Forest Service, U.S. Department of Agriculture, has filed the above application for the withdrawal of the lands described below, from appropriation under the general mining laws, but not from leasing under the mineral leasing laws. The lands lie within the Coconino National Forest.

The four areas described below contain valuable archeological ruins and have been nominated to the National Register of Historic Sites. The withdrawal will protect the sites for study of ancient culture, as well as for the interest of visitors to the area. Mining activity could result in damage to or destruction of archeological values. The withdrawal would be made subject to valid existing rights.

On or before November 13, 1975, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073.

The Department's regulations (43 CFR 2351) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 22 N., R. 8 E., (Elden Pueblo)
Sec. 32, SE¼NE¼SW¼, N½N½NE¼SE¼SW¼, N½N½NW¼SW¼SE¼, and that part of the SW¼NW¼SE¼ not included in the area withdrawn by Public Land Order No. 3584 for U.S. Highways 89 and 89A roadside zones.

V 40 N 199 OCT 14 75 XUM

T. 23 N., R. 8 E., (Medicine Fort)
Sec. 7, S½SE¼NW¼SE¼, E½SW¼SE¼, and those parts of the S½SW¼NE¼SE¼ and W½SE¼SE¼ not included in the area withdrawn by Public Land Order No. 3584 for U.S. Highways 89 and 89A roadside zones.
T. 21N., R. 10 E., (Ridge Ruin)
Sec. 7, SE¼;
Sec. 18, N½NE¼.
T. 22 N., R. 10 E., (Le Barron Ruin)
Sec. 33, SW¼NE¼.
T. 21 N., R. 10 E., (Ridge Ruin)
Sec. 7, SE¼;
Sec. 18, N½NE¼.
T. 22 N., R. 10 E., (Le Barron Ruin)
Sec. 33, SW¼NE¼.

The areas described aggregate approximately 351 acres in Coconino County.

ROBERT O. BUFFINGTON,
State Director.

[FR Doc.75-27533 Filed 10-10-75;8:45 am]

[Arizona A 9224]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 3, 1975.

The Bureau of Reclamation, Department of the Interior, has filed the above application for the withdrawal of the lands described below, from all forms of appropriation, including the mining laws (30 U.S.C. Ch. 2) and the mineral leasing laws.

The applicant desires the land for protection of constructed irrigation works within the Wellton-Mohawk Division of the Gila Project, Arizona.

On or before November 13, 1975, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073.

The Department's regulations (43 CFR 2351) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application or reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 7 S., R. 14 W.,
Sec. 15, N½SW¼;
Sec. 17, S½SE¼;
Sec. 19, SE¼;
Sec. 20, NW¼;
Sec. 30, Lots 1, 2, and 3, NW¼NE¼; E½NW¼, NE¼SW¼.
T. 8 S., R. 15 W.,
Sec. 4, Lot 2;
Sec. 8, NW¼NW¼.
T. 7 S., R. 16 W.,
Sec. 22, E½;
Sec. 23, Lot 1, N½SW¼;
Sec. 24, SE¼NE¼;
Sec. 27, Lot 3;
Sec. 30, S½NW¼SE¼.
T. 7 S., R. 17 W.,
Sec. 34, NE¼SE¼.
T. 8 S., R. 18 W.,
Sec. 12, NE¼NW¼;
Sec. 17, S½SW¼, SE¼;
Sec. 19, N½NE¼.
T. 9 S., R. 18 W.,
Sec. 11, S½SW¼;
Sec. 12, S½NW¼NW¼;
Sec. 15, NW¼NW¼;
Sec. 16, S½SE¼NW¼, NW¼SW¼;
Sec. 17, S½SW¼SW¼, SE¼SW¼.
T. 9 S., R. 19 W.,
Sec. 24, Lot 1, NW¼NE¼.
T. 8 S., R. 21 W.,
Sec. 3, Lots 1, 2, 3, and 4;
Sec. 4, Lot 1.

The areas described aggregate 2065.42 acres in Yuma County, Arizona.

ROBERT O. BUFFINGTON,
State Director.

[FR Doc.75-27534 Filed 10-10-75;8:45 am]

[ES 14997]

WISCONSIN

Notice of Proposed Withdrawal and Reservation of Lands; Correction

OCTOBER 3, 1975.

On Friday, September 26, 1975, in the FEDERAL REGISTER, Volume 40, Number 188, there appeared on pages 44341 and 44342, Document Number 75-25765, a notice of proposed withdrawal and reservation of approximately 573.67 acres of land in Ashland and Bayfield Counties, Wisconsin. The heading and the first paragraph of this notice are hereby corrected to read:

(ES 14997)

WISCONSIN

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The National Park Service, United States Department of the Interior, has filed application ES 14997 for the withdrawal of the lands within the boundaries of the Apostle Islands National Lakeshore described below. The lands were reserved for lighthouse purposes by Executive Order of April 26, 1859. The Coast Guard, Department of Transportation, has relinquished the land for return to the public domain.

LOWELL J. UDY,
Director,
Eastern States.

[FR Doc.75-27532 Filed 10-10-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

UNIVERSITY OF CALIFORNIA

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before October 3, 1975.

Amended regulations issued under cited Act (40 FR 12253 et seq, 15 CFR 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00136-75-41700. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, New Mexico 87545. Article: TEA-103 Laser System. Manufacturer: Lumonics Research Limited, Canada. Intended use of article: The article is intended to be used for laser induced fusion of cryogenic targets which would include various hydrocarbons and materials such as carbon dideuterium.

The following phenomena will be investigated:

(1) The absorption and reflection of high power 10.6 micron targets.

(2) Thresh-holds for fusion.

(3) Radiation damage in materials.

The article will also be used for investigation of the feasibility of controlled thermonuclear fusion. Application received by Commissioner of Customs: September 18, 1975.

Docket number: 76-00137-75-27000. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, New Mexico 87545. Article: Image Converter Camera, IMACON 700. Manufacturer: John Hadland, LTD., United Kingdom. Intended use of article: The article is intended to be used to photograph the motion of the high-temperature plasma column in the Scyllac thetapinch device. Specific experiments to be conducted will include the following:

(a) Studies of the phenomena involved in the plasma heating processes (shock, heating, and adiabatic compression heating).

(b) Studies of the plasma equilibrium and stability in the magnetic confining fields.

(c) Determination of the detailed plasma properties such as temperature, density, and confinement time.

(d) Study of the nuclear fusion reactions which occur in the hot plasma. Application received by Commissioner of Customs: September 18, 1975.

Docket number: 76-00139-33-46070. Applicant: George Washington University, School for Medicine and Health Sciences, 2300 I Street, N.W., Washington, D.C. 20037. Article: Scanning Electron Microscope, Model JSM-35U. Manufacturer: Joel Ltd., Japan. Intended use of article: The article is intended to be used for studies of biological tissues including embryonic, fetal, and mature specimens. Normal, animal experimental, and human pathological tissue morphology will be examined for identification and quantitation of the elements sodium, calcium, silicon, potassium, copper, iron and magnesium. The article will also be used for educational purposes in the following courses: Scanning Electron Microscopy—a series of practical courses. Anatomy 206—Scanning Electron Microscopy. Application received by Commissioner of Customs: September 18, 1975.

Docket number: 76-00140-33-90000. Applicant: Mobile Infirmary Association, Inc., P.O. Box 2144, Mobile, Alabama 36601. Article: EMI Scanner System, with Diagnostic Display Console and Data Transfer Module. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for scientific applications which include the examination of patients and the study of various brain diseases. Educational applications will include the instruction of medical students and resident physicians in training. Application received by Commissioner of Customs: September 18, 1975.

Docket number: 76-00141-33-46500. Applicant: Southern Illinois University, School of Medicine, P.O. Box 3926, Springfield, Illinois 62708. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used for studies of all types of biopsy, animal tissue, and biomedical material, in particular, tumor, kidney, bone, virus particles and culture tissue. Research projects will be conducted involving acoustic neuroanatomy, virological specimens, bacteriological studies, including morphology of gonorrhea organisms, and several other neural anatomical studies. The article will also be used in the course Techniques in Electron Microscopy for Medical Scientists which covers all aspects of the preparation and examination of biological materials with the electron microscope. Application received by Commissioner of Customs: September 18, 1975.

Docket number: 76-00142-33-46040. Applicant: Bellevue Hospital Center, First Avenue and 27th Street, New York, New York 10016. Article: Electron Microscope, Model EM 10A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the examination of selected surgical biopsies and autopsy specimens for diagnostic purposes. Common problems for study include glomerular diseases of the kidney, toxic and infectious diseases of the liver and malignancies of all kinds in which the ultrastructural findings of secretroy products or specific organelles can help to establish an accurate diagnosis and appropriate treatment. Diseased tissue obtained both through biopsy and various body fluids will also be examined. Other projects include: study of drug effects, study of various forms of glycogen-storage disease and identification of types of tumor in treatment of cancer patients. The article will also be used in the training of pathology residents. Application received by Commissioner of Customs: September 22, 1975.

Docket Number: 76-00143-56-54100. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Ave., Cambridge, MA 02139. Article: Waterlevel gauge, Model TG-3A. Manufacturer: Aanderaa Instruments Ltd., Canada. Intended use of article: The article is intended to be used to study fluctuations of sea level and of tidal phenomena in the oceans. Applications received by Commissioner of Customs: September 22, 1975.

Docket number: 76-00144-33-90000. Applicant: St. Joseph's Hospital, 3001 W. Buffalo Avenue, Tampa, Florida 33607. Article: EMI Scanner System with Magnetic Tape Storage System and Diagnostic Display Console. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for investigation correlating the computerized scan with radionuclide brain scan findings in intracranial lesions. Concurrently, research will be undertaken to determine the usefulness of the computerized scanner visa-vis cerebral angiography in detecting aneurysms of the circle of Willis following intravenous administration of meglumine diatrizoate salts. The article will also be used in a detailed course in CAT technique and interpretation for diagnostic radiology residents. Application received by Commissioner of Customs: September 22, 1975.

Docket number: 76-00145-99-07795. Applicant: Montana State University, Department of Physics, Bozeman, MT 59715. Article: Nuclear Magnetic Resonance Pulse Spectrometer, Model CPS-2. Manufacturer: Spin Lock Electronics Ltd., Canada. Intended use of article: The article will be used to make NMR dielectric, and thermal measurements in a search for an expected tricritical point in KH_2PO_4 and to determine properties of the crystal near such a tricritical point. Continued NMR and dielectric studies of $LiN_2H_5SO_4$ will aim at an understanding of the microscopic mechanism for its nearly one dimensional protonic conductivity and associated unusual dielectric properties. In addition, the article is intended to be used for educational purposes in connection with Physics 690 "Doctoral Thesis", to train Ph. D. candidates in research techniques. Application received by Commissioner of Customs: September 22, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-27526 Filed 10-10-75;8:45 am]

UNIVERSITY OF MICHIGAN

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00022-75-43900. Applicant: University of Michigan, 500 E. University, Ann Arbor, MI 48104. Article: Superconducting Magnet. Manufacturer: Canada Superconducting and Cryogenics Company, Canada. Intended use of article: The article is intended to be used to measure the magnetic moment (g-s) of electrons and positrons. Experiments will consist of trapping polarized electrons or positions of 10 MeV energy, in a precisely shaped magnetic well in the center of the magnet. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, could have been made available to the applicant without excessive delay within the meaning of subsection 301.11(c) of the regulations at the time the foreign article was ordered (January 7, 1975). Reasons: Excessive delivery time is described in subsection 301.11(c) of the regulations as follows:

Excessive delivery time. Duty-free entry of the article shall be considered justified without regard to whether there is being manufactured in the United States an instrument, apparatus, or accessory of equivalent scientific value for the purposes described in response to question 7 of the application form, if the delay in obtaining such domestic instrument, apparatus, or accessory (as indicated by the difference between the delivery times quoted by domestic manufacturer and foreign manufacturer) will seriously impair the accomplishment of the purposes. In determining whether the difference in delivery times is excessive, the Deputy Assistant Secretary shall take into account the relevancy of the applicant's program to other research programs with respect to timing, the applicant's need to have such instrument, apparatus, or accessory available at the scheduled time for the course(s) in which the article is intended to be used, and other relevant circumstances.

The applicant sent a request for quote to two domestic firms, Intermagnetics General Corporation (IGC) and American Magnetics Company (AMC) as well as the foreign manufacturer on June 22, 1974.

On September 6, 1974, the domestic firm (IGC) quoted a superconducting magnet meeting the applicant's specifications with a delivery time of 18.5

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months after receipt of order (ARO). AMC declined to bid. On July 22, 1974, the foreign manufacturer quoted the article with a guaranteed six months delivery time ARO. The applicant indicated that research to be performed by several graduate students (who had made considerable preparation to start the experiments to be performed with the superconducting magnet by the Fall of 1975) would be rendered highly impractical by delay (over 12 months) in receiving the domestic instrument. The National Bureau of Standards in its memorandum dated September 19, 1975, concurs and advises that the delay in delivery that would have ocurred if the needed equipment had been purchased from a domestic source would have significantly interfered with the timely achievement of the applicant's objectives.

Accordingly, we find that the difference between the delivery time of the article and the comparable domestic superconducting magnet to be excessive within the meaning of subsection 301.11(c) as it would seriously impair the accomplishment of the applicant's purposes at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[RF Doc.75-27525 Filed 10-10-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant:

Mr. Don Bleitz, President, Bleitz Wildlife Foundation, 5334 Hollywood Boulevard, Hollywood, California 90027.

OMB NO. 42-R1470

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*): ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: Request permit to band nestling Least Terns near Chula Vista, California

3. APPLICANT: (*Give, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
Mr. Don Bleitz, President
Bleitz Wildlife Foundation
5334 Hollywood Blvd.
Hollywood, Calif. 90027
463-6636

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT 6'2½" | WEIGHT 185
DATE OF BIRTH 10-1-15 | COLOR HAIR Blonde | COLOR EYES Blue/grey
PHONE NUMBER WHERE EMPLOYED 463-6636 | SOCIAL SECURITY NUMBER 550-03-7738
OCCUPATION Conservationist
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: Bleitz Wildlife Foundation

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: Bleitz Wildlife Foundation is a non-profit organization, established 1952.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: Don Bleitz, President, 463-6636
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED: California

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED: Western Salt Company property, Chula Vista, California

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(*If yes, list license or permit number*): #7162 Federal Bird Marking & Salvage Permit

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(*If yes, list jurisdictions and type of document*): California Banding & Collecting Permits in force.

9. CERTIFIED CHECK OR MONEY ORDER (*if applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: Immediately

11. DURATION NEEDED: 60 days

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*see 50 CFR 13.12(a)*) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*In ink*): [signature] DATE: July 26, 1975

3-200
10/74

BLEITZ WILDLIFE FOUNDATION,
Hollywood, Calif.

Director, FWS-LE,
U.S. Fish and Wildlife Service,
Washington, D.C. 20240

REQUEST FOR PERMISSION TO BAND AN ENDANGERED SPECIES: THE CALIFORNIA LEAST TERN (STERNA ALBIFRONS)

The nestlings of unknown sex will be banded just prior to flight. These birds would be banded and immediately released. We are not requesting any permit to hold or take any of these birds from the wild. They would be banded with U.S. Fish and Wildlife bands and the numbers recorded and reported with our normal banding records.

This request was originally made pursuant to a notice received indicating that incidental banding of endangered species now required this specific permit. A later memorandum indicated that this original prohibition of banding any endangered species captured inadvertently during other banding operations was rescinded, so that the original regulation allowing incidental banding of endangered species would still stand.

I would like to have permission to band any of the Least Terns in this colony that I encounter in this coming season, since a 60 day delay would obviously preclude the banding of any remaining young at this time.

Yours very truly,

DON BLEITZ.

JULY 26, 1975.

Director, FWS-LE,
Fish and Wildlife Service,
Washington, D.C. 20240

DEAR SIR: My original letter to you (copy enclosed) contains all of the pertinent detail as to the purposes for this permit.

None of the birds are to be collected or retained.

All will be released unharmed.

All will be banded just prior to flight.

While I have various collector's permits, the only applicable permits for this activity would be my Federal Banding permit #7162 and my State of California Banding Permit.

With best wishes,

DON BLEITZ,

JULY 10, 1975.

Director, FWS-LE,
U.S. Fish and Wildlife Service,
Washington, D.C. 20240

DEAR SIR: The Banding Office memorandum MTAB-26 of April 10, 1975, has just arrived in this morning's mail, apparently having been delayed somewhere along the line. In reading this, I find that a special permit application is required to band any endangered species, and that this application apparently takes some while to process.

For a number of years, I have been banding various species, primarily nesting Terns, on the property of the Western Salt Co. at Chula Vista, California. Scattered along the tops of a number of dikes between the salt evaporation pans, are several colonies of Terns: a rather widely dispersed group of Caspians, almost all along these dike-tops, some small tightly packed colonies—perhaps 200 pairs in all—of Elegant Terns, and, scattered all over the area usually just above the water's edge, the Forster's Terns with their rather substantial nests. The Elegant Terns lay one or two eggs, the Caspians almost always two with an occasional three, and the Forster's almost always three eggs.

There have always been a few scattered pairs of Least Terns nesting here in rather widely scattered locations. This system of dikes also provides access roads along the flat tops, and for the most part these dikes—which act also as roads—do not have any colonies of nesting Terns along their tops, although just above the water's edge on a number of these are groups of Forster's Terns. However, when I visited this area over this past 4th of July weekend, I found a colony containing the nests of perhaps 50 pairs of Least Terns scattered over the top of one of these dikes used as a road. I am asking my friends who head Western Salt Co. if they could arrange to avoid using this area of roadway during the next couple of months in order to allow this Least Tern colony to successfully raise its young, since the eggs are laid right along the top where the salt company pickup trucks normally drive.

While I was there this past weekend, I found a few young Least Terns already beginning to fly, but the main group in the colony were either just scooping out nests or had fresh eggs.

This area will provide excellent shelter to this small colony which should be quite successful, for I'm certain that David Miller, the president of Western Salt, will cooperate fully in helping to protect these nesting birds.

I would also like to apply for a permit to band the young just prior to flight, since I believe that anything we can learn about the success or non-success of certain colonies of this species will be of advantage in helping to perpetuate this interesting and diminutive bird. I would appreciate receiving an application form or whatever is required to secure permission within this specific small colony.

I enclose a brochure on Bleitz Wildlife Foundation for your information.

With best wishes,

DON BLEITZ.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before November 13, 1975.

Dated: October 7, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-27504 Filed 10-10-75;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74-106]

RUSHTON MINING CO.

Amended Petition [1] for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Rushton Mining Company has filed an amended petition to modify the application of 30 CFR 75.1405 to its Rushton Mine, Philipsburg, Pennsylvania.

[1] The original petition was published in 39 Fed. Reg. 17243 on Tuesday, May 14, 1974.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its amended petition, Petitioner states:

1. In its original petition for modification, which Petition is incorporated herein by reference, Petitioner averred that the utilization of a link and pin coupler, supplemented by safety chains, constituted a safer system of haulage within the Rushton Mine and it further averred that said system afforded better protection to the miners than was afforded by the applicable mandatory safety standard.

2. The application for the use of the standard link and pin coupler was objected to by the Mining Enforcement and Safety Administration officials because of the necessity of men passing between cars in order to complete the process of coupling.

3. Petitioner has developed an alternative method utilizing a modification of the standard link and pin assembly which eliminates the necessity of men passing between the cars or manually directing the completion of coupling of the link and pin.

4. Said modification of the standard link and pin utilizes a bar type lever which the operator of the car may control from a position beside the car and operate in such way as to avoid passing between the cars. The said pin assembly system is shown in those photographs attached hereto and marked Exhibit "A".[2]

5. As a further modification on the original link and pin, the housing for the link has been widened and channeled so that the pin can be directed into said housing without the necessity of miners passing between said cars. The housing assembly is shown in those photographs attached hereto and marked Exhibit "B".

6. In addition, the link portion of the assembly has been extended and enlarged so as to function in the most efficient manner in conjunction with the pin assembly and to provide additional space between the cars. The extended link is shown in those photographs attached hereto and marked Exhibit "C".

7. Said modification of the standard link and pin is set forth at length and in detail in the drawings and photographs attached hereto and marked Exhibit "D".

8. Said modification provides a higher degree of safety to the mine operating the equipment and will afford an increased measure of protection to the miners than is now afforded by the applicable standard.

9. The application of the standard and the requirement for any form of automatic coupler would result in a diminution of safety to the miners and, therefore, modification of said standard is required.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 13, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

OCTOBER 2, 1975.

[FR Doc.75-27450 Filed 10-10-75;8:45 am]

[Docket No. M 75-92]

WEBSTER COUNTY COAL CORP.

Amended Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Webster County Coal Corporation has filed an amended petition [1] to modify the application of 30 CFR 75.1405 to its Retiki Mine, Henderson County, Kentucky.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

The alternate method the Petitioner proposes to establish in lieu of the mandatory standard is as follows:

1. The supply cars are fitted with a rod and lever attached to the latching pin with a short length of ¼ inch chain which permits the pin to be inserted or lifted from either side or end of cars (see Exhibit "A").[2]

2. The coupling tongues, (1" x 4" x 22" x 24") steel bars (see Exhibit "B"), are provided with a rectangular loop (see Exhibit "C") which accepts the "hooked" end of the tongue alignment tool (see Exhibit "D").

3. This tool is inserted in the loop and the lever post of the tool is placed in the eye (lug) of the car. The lever is then pushed down to position the tongue in the desired position and the chain with hook is used to hold the tongue in that

[2] Exhibits are available for inspection at the address contained in the last paragraph of this notice.

[1] The original petition was published in 40 Fed. Reg. 14346 on Monday, March 31, 1975.
[2] Exhibits are available for inspection at the address contained in the last paragraph of this notice.

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position. The chain and hook are attached to the alignment tool.

4. While the tongue is held in desired position the car to be coupled is placed with tongue socket accepting tongue. When the tongue enters the socket, then the lever is used to lower coupling pin.

5. This method of coupling is accomplished without a man going between cars being coupled or uncoupled. Also, one man can accomplish coupling or uncoupling by spotting the locomotive in the proper position and performing coupling or uncoupling as described.

6. All locomotives will be provided with an alignment tool, which is the only equipment used in this method not attached to the track haulage cars.

7. Petitioner asserts that application of the mandatory standard relating to automatic couplers would result in diminution of safety to miners at the Retiki Mine and that the alternate method will at all times guarantee no less than the same measure of protection afforded the miners at the affected mine by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 13, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

OCTOBER 2, 1975.

[FR Doc.75-27451 Filed 10-10-75;8:45 am]

[Docket No. M 74-143]

WEBSTER COUNTY COAL CORP.

Amended Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Webster County Coal Corporation has filed an amended[1] petition to modify the application of 30 CFR 75.1405 to its Dotiki Mine, Clay, Kentucky.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

The alternate method the Petitioner proposes to establish in lieu of the mandatory standard is as follows:

(1) The supply cars are fitted with a rod and lever attached to the latching pin with a short length of ¼ inch chain which permits the pin to be inserted or lifted from either side or end of cars (see Exhibit "A").[2]

(2) The coupling tongues, (1" x 4" x 22" x 24") steel bars, (see Exhibit "B"), are provided with a rectangular loop (see Exhibit "C") which accepts the "hooked" end of the tongue alignment tool (see Exhibit "D").

(3) This tool is inserted in the loop and the lever post of the tool is placed in the eye (lug) of the car. The lever is then pushed down to position the tongue in the desired position and the chain with hook is used to hold the tongue in that position. The chain and hook are attached to the alignment tool.

(4) While the tongue is held in desired position the car to be coupled is placed with tongue socket accepting tongue. When the tongue enters the socket, then the lever is used to lower coupling pin.

(5) This method of coupling is accomplished without a man going between cars being coupled or uncoupled. Also, one man can accomplish coupling or uncoupling by spotting the locomotive in the proper position and performing coupling or uncoupling as described.

(6) All locomotives will be provided with an alignment tool, which is the only equipment that is used in this method, which is not attached to the track haulage cars.

(7) At the Dotiki Mine, only mine supplies such as roof bolts, poles and rock dust, but no coal, are hauled in the supply cars which are rubber-rail, Kersey Manufacturing Company's Model No. 5512-20. They are also towed by rubber-tired tractors after they are taken off track. Petitioner cannot install automatic couplers on its supply cars and be able to get the cars down the shaft because of lack of clearance. The removal and replacement of the bulky automatic coupler parts would be a work hazard. If automatic couplers were used in the mine, there would be a danger of uncoupling off track because of uneven bottoms.

(8) Petitioner asserts that application of the mandatory standard relating to automatic couplers would result in diminution of safety to miners at the Dotiki Mine and that the alternate method will at all times guarantee no less than the same measure of protection afforded the miners at the affected mine by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 13, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

OCTOBER 2, 1975.

[FR Doc.75-27452 Filed 10-10-75;8:45 am]

[1] The original petition was published in 39 Fed. Reg. 25521 on Thursday, July 11, 1974.

[2] Exhibits are available for inspection at the address contained in the last paragraph of this notice.

National Park Service

SEQUOIA AND KINGS CANYON NATIONAL PARKS

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Sequoia and Kings Canyon National Parks, proposes to issue a concession permit to William E. DeCarteret, authorizing him to provide concession facilities and services for the public at Wolverton, Sequoia National Park, for a period of five (5) years from January 1, 1975, through December 31, 1979.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the human environment, and that it is not a major Federal action under the National Environmental Policy Act and the guidelines of the Council on Environmental Quality.

The foregoing concessioner has performed its obligations under the expired permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiations of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before November 13, 1975 thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Sequoia and Kings Canyon National Parks, Three Rivers, California 93271, for information as to the requirements of the proposed permit.

HENRY G. SCHMIDT,
Superintendent.

[FR Doc.75-27527 Filed 10-10-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COLUMBIA MUSEUM OF ART COMMISSION

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73-00473-00-61800. Applicant: Columbia Museum of Art Commission, 1519 Senate Street, Columbia, SC 29201. Article: Planetarium projector, Model MS-10. Manufacturer: Minolta Camera Co., Japan. Intended use of article: The article is intended to be used together with the control console to demonstrate astronomical phenomena (related to astronomical and for navigational sciences as the course subject may require) and also allow student participation and involvement. The curriculum-oriented program and teacher training will include: Astronomy III, Astronomy 112, Physical Science 22, Planetarium classes grades 1 through 12, enrichment classes for junior and senior high school students, and astronomy workshops for teachers. In addition, the article will be used in the implementation of regular scheduled public demonstrations and community astronomy classes.

Comments: No comments have been received with respect to this application. Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as the article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Dockets Nos. 71-00293-00-61800 and 72-00612-00-61800 which were denied without prejudice to resubmission on November 30, 1971, and January 10, 1973, respectively. Denial without prejudice to resubmission (DWOP) is the procedure whereby the Department of Commerce permits the applicant to correct any deficiencies which prevent or severely restrict consideration of an application on its merits by submitting additional information in a new application limited to the same article and the same intended purposes set forth in the application found deficient. Thus the material considered by the Department in a resubmission is that which falls within the scope and context of the deficiencies specifically stated to the applicant in writing. In the DWOP of the second submission (Docket No. 72-00612-00-61800) the applicant was specifically asked to provide more detailed information which might establish in reply to Question 8, a pertinent feature (within the meaning of 15 C.F.R. §§ 301.2(n) and 301.5) upholding duty-free entry from the list of features claimed to be essential to the applicant's needs. These features, as set forth in applicant's second submission, consisted of 5000 stars, projection of star images as well-defined circular dots, unobstructed southern starfield, accurate horizon cut-off system, and accuracy of star positions. In its recommendation relating to this second submission, the National Air and Space Museum (NASM) advised that the most closely comparable domestic instrument, the Model A-4 manufactured by Spitz Laboratories, Inc. (Spitz) matched most of the features claimed by the applicant to be essential and that any unmatched features were not pertinent to the purposes of the applicant as described in the application. NASM carefully pointed out the deficiencies found in the large quantity of material submitted by the applicant in the attempt to justify duty waiver on the basis of these features. In addition, the Department advised in the DWOP that in its evaluation it could not consider programs which the applicant did not intend to perform when the initial application was submitted or which were conceived by the applicant subsequent to the date the article was ordered. It was also pointed out that these limitations might well have been exceeded in certain programs described in the application (Docket No. 72-00612-00-61880). For example, see page 3 of our DWOP letter to the applicant.

In this, the third submission, the applicant provided no new information relating to the features or other issues raised in the second submission as listed above. In reply to Question 8, only four features were listed as essential to the applicant's program:

(1) fully variable star field
(2) star twinkling
(3) separate Milky Way projection
(4) dual planet projectors

All four of these features relate to purposes which appear for the first time in this, the third submission. While some of these features may have been listed in the manufacturer's published specifications and discussed in material attached to prior applications, the applicant did not previously list any of them as characteristics essential to the achievement of intended purposes. In this connection the following is noted:

(1) None of the above-cited features was clearly an important consideration of the applicant prior to the purchase of the foreign article, as evidenced by the applicant's correspondence with the domestic manufacturer and the questionnaire on planetarium characteristics which was sent to various planetarium directors by the applicant while seeking information helpful in the purchase of a planetarium.

(2) In the two prior submissions, star twinkling and separate Milky Way projection were not listed in the comprehensive tables used by the applicant to compare the features of the foreign article with those of other planetariums including the domestic Spitz A-4. (3) In the initial submission (Docket No. 71-00293-00-61800), the applicant listed 100% light source brightness variation as a specification of the foreign article and alleged that the accomplishment of teaching purposes was "facilitated" by the capability of dimming the light source to simulate sunrise and sunset. In this connection, we note that the applicant differentiated this feature from a number of other features alleged to be "essential" or "required" for achievement of purposes. It is clear that simulation of sunrise and sunset can be performed on the domestic instrument. In the DWOP of the initial application, the Department indicated that the domestically available planetarium provides an even closer approximation of nature than the foreign article with respect to simulation of sunrise and sunset as well as other features, e.g., circular shapes of stars vs. pin points.

In the second submission (Docket No. 72-00612-00-61800), the application included much stereotyped material of questionable relevance. Some of this material referred to projects which were still under development approximately two years after the foreign article was ordered, by individuals not directly connected with the applicant's institution. This supports a finding that the institution was not involved in these projects at the time of purchase. Such projects could, therefore, not be considered by the Department in accordance with Section 301.5 of the Regulations. Despite these deficiencies, it is clear that the applicant did attempt to respond to the DWOP of the initial application. For example, at least 16 specific experiments were described (although it was not clear that these were to be performed with the article in view of the applicant's reference to "potential" uses and functions). In this second submission, the applicant alleged that the foreign article's capability of dimming the stars, while not providing as close an approximation of nature as the domestic instrument, did provide a similar end result with greater ease because dark adaption by the average individual could be achieved in a shorter time. In connection with this allegation, NASM advised in its memorandum dated November 21, 1972, that the star dimming capability of the foreign article is not a necessity but a convenience which is not pertinent within the meaning of subsection 301.2(n) of the regulations. NASM's advice was forwarded to the applicant as part of the DWOP. In this, the third submission, in reply to Question 8c(3), the applicant related the foreign article's capability of full variation of the star field to three specific intended uses. These use were described in the following manner:

"(a) The Celestial Navigation course (as part of the Community Astronomy Classes) treats sextant sightings under a variety of conditions of twilight when there is still a visible horizon. The necessity of accurate simulation here is a fully variable star field.

"(b) Demonstrations in the School Programs and Community Astronomy Classes include sunrise and sunset sequences during which the stars need to be made to appear as they do in nature. For the series of events during lunar and solar eclipses, the xenon arc light source on the domestic instrument is only partially variable in intensity, and hence renders accurate simulation difficult.

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"(c) School programs and Community Astronomy Classes typically demonstrate variable sky conditions including the changing transparency of the earth's atmosphere. With the formation of haze and the coming of clouds there is gradual extinction of the starlight until this extinction becomes complete. This demonstration requires a fully variable star field."

Use (a), the lunar and solar eclipse aspect of use (b) and use (c) appear for the first time in the third submission; and the demonstration of sunrise and sunset was found not pertinent in our review of the first two submissions. Performing the lunar and solar eclipse demonstrations is stated by applicant to be a matter of difficulty. The applicant did not state that the demonstrations could not be done on the domestic instrument. We, therefore, find the ability to perform such demonstrations to be a matter of convenience (which is not pertinent within the meaning of subsection 301.2(n) of the regulations). Further, in its recommendation relating to Docket No. 73–00258–00–66700 (an application for duty-free entry of an identical foreign article involving uses (b) and (c) above), NASM advised that (b) and (c) were not pertinent, and further described how use (b) could be performed on the Spitz A–4. Moreover, all of use (a) and portions of uses (b) and (c) are intended for programs designed to convey information on certain subjects to the general public. As such, these programs are considered to be of a cultural rather than a formalized educational character. Within the context of the Florence Agreement legislation (Public Law 89–651) and consistent with the Department's administration of this program since 1967, such cultural purposes cannot be used to establish the pertinency of any characteristic of the foreign article and to justify thereby duty-free entry under the law (a policy of which the applicant was advised in the DWOP of the initial submission). In this connection it is noted that in the applicant's reply to Question 7, use (b) is not specifically described and use (c) is described as part of the program for the Columbia Science Museum but not as a program for enrolled students as part of the overall school curriculum.

(4) The dual planet projector was described in the initial submission as a feature which a planetarium "should have" for further effectiveness in teaching astronomy. There was no claim that this feature was essential for such purposes. This system was alleged to maintain reliability and prevent obscuration of image by supporting struts. Spitz commented on this application and, in connection with the dual projector feature, alleged: that a comparable constant set of planet, sun and moon images is the relevant issue; that the Spitz A–4 planetary motion cage is designed without heavy struts, thereby minimizing (and in most cases eliminating) shadows as a result of occultation; and finally that, based on observation of a similar foreign article (wherein it was noted that "at least 3 of the planet images disappeared during annual motion because one of the two bulbs per planetary analog was evidently non-operative causing disappearance and unnatural change in brilliance"), neither uniform brilliance nor preservation of planet images is in fact accomplished more dependably than with the A–4. The National Bureau of Standards (NBS) reviewed this application and presented its findings to the Department of Commerce in a memorandum dated March 25, 1971. In this memorandum, the dual planet projector was treated as a minor feature of the article in view of applicant's characterization of this feature as other than essential. NBS's advice was forwarded to the applicant as a part of the DWOP of the application.

In the second submission, which was comprehensive in nature, the applicant apparently dropped the issue of the dual planet projector. If this issue was considered important by the applicant, it would certainly have been pursued in the second submission which was obviously intended to be complete. The Department does not understand how a feature which was not considered essential on initial submission can now be deemed essential, by the applicant. Notwithstanding this late-placed emphasis, upon dual planet projectors, we find that the additional material provided in the third submission does not provide a basis for the justification of duty-free entry. First, the applicant alleges that the dual planet projectors of the article prevent the obscuration of planet images by structural members of the instrument and therefore present to the student a more accurate demonstration of the planetary motions. In its recommendation relating to Docket No. 73–00258–00–66700, NASM advised that with respect to obscuration of planetary images, the foreign article (i.e., the MS–10) provides a more realistic presentation of planetary motion than the A–4. However, NASM emphasized that this finding was in no way intended to imply general superiority with regard to planetary or other simulations of any planetarium over another. NASM continued that in this prior case the relevant educational objective, "... introduction to the planets associated with the sun, their appearance in the night sky and where to locate them", (similar to the response to Question 7b(2), Grades 3 and 4) can be and has been achieved with the A–4. It is further noted that the applicant has in certain instances been willing to sacrifice realism (i.e., as a trade off) when the observer could be made to understand the alternative (e.g., circular discs or symbols to represent stars, Docket No. 72–00612–00–61800). Next the applicant alleged that the dual projector was needed in the Harvard Project Physics Course for making traces to associate correctly the position of planets with respect to time. This tracing technique was not described in the applicant's two prior submissions. Further, according to the second submission, in which the Harvard Project Physics Course was first described, the curriculum was still under development by individuals not directly connected with the applicant institution approximately two years after the foreign article was ordered. In the DWOP of the second application, the availability of this course at the time of order was questioned. The applicant has provided no new material in response.

Also, the applicant alleged that occultation of one or more planets at a time when it is necessary to stop annual motion creates difficulty in their relocation and thereby hampers effective teaching of astronomy. This problem is first described in this appliction. Moreover, obscuration is described as "hampering", not preventing, effective instruction. Thus the dual projector, in this instance, is found to be a convenience which is not pertinent. Further, NASM in its recommendation related to Docket No. 73–00258–00–66700 pointed out that the problem can be corrected easily by the operator of an A–4 (with its short, infrequent occulting characteristic) through manipulation of the annual and diurnal motions. NASM further pointed out that avoiding such manipulations with the foreign article, or explaining an occasional occultation, is considered a matter of convenience.

(5) Evaluation of the various submissions of this application was complicated by the continued introduction of new purposes which, under the Department's regulations, cannot be considered (15 C.F.R. §§ 301.5 and 301.6(a)(3)). In view of this restriction and applicant's disregard thereof, the following statement, included in reply to Question 7b, takes on significance:

". . . The Museum's role in the community is ever changing. As new texts are adopted . . . the needs of the schools change. The Museum to meet these needs continually re-evaluates and updates its programs. The planetarium, as part of the Museum, continues to revise its programming."

The four newly-developed requirements listed in this submission, when taken together with this statement, do not provide a basis for justification of duty-free entry. Moreover, NASM, after reviewing this application, advised in its memorandum dated August 24, 1973, that it considered the applicant's arguments for duty-free entry to be exhausted and insubstantial and recommended that the application be denied. We, therefore, find that the Spitz A–4 is of equivalent scientific value to the foreign article for the purposes for which this article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-27524 Filed 10-10-75;8:45 am]

EXPORT MONITORING REPORT FOR FERTILIZERS, MAY AND JUNE 1975

U.S. Is Net Importer of Nitrogenous Fertilizers in Crop Year 1975

Data collected in May and June 1975 confirmed that the United States was a net importer of nitrogenous fertilizers by approximately 95,000 content tons in crop year 1975 (July 1, 1974–June 30, 1975.)

During crop year 1975 exports of nitrogenous fertilizers decreased to 1,105,000 content tons from 1,282,000 tons in crop year 1974, while imports increased to 1,200,000 tons from 1,059,000 tons in crop year 1974.

According to data collected by the Commerce Department's Office of Export Administration, contracts for exports of nitrogenous fertilizers in the first half of crop year 1976 are only about 150,000 content tons, reflecting the easier supply situation in the international market.

Phosphate fertilizer exports reported to the Department in May and June 1975 disclosed that total exports for crop year 1975 increased more than 14 percent to 1,746,000 content tons, from 1,522,000 tons in crop year 1974. This increase was due in large part to the addition of more than 1,500,000 content tons of new capacity during the year. However, contracts made thus far for export in crop year 1976 do not indicate continuing gains in exports

Production of ammonia remained virtually steady during the 1975 crop year since the new capacity completed during the year did not affect production totals.

Production of wet phosphoric acid increased by almost 8 percent, according to the Bureau of the Census.

Producers' inventories of almost all fertilizer materials were much higher at the end of crop year 1975 than a year earlier, when stocks were at unusually low levels. The 1975 levels are more in line with normal inventory levels.

Posted producer prices remained unchanged in the second half of crop year 1975 although discounts are reported.

Data collected by the Office of Export Administration for May and June 1975 indicates that the prices for exports to be made during the July–September 1975 period are lower than those for exports which were made during crop year 1975.

Of total anhydrous ammonia exports during crop year 1975, 76 percent were sent to developing countries, which took 98 percent of the urea, 65 percent of the ammonium nitrate, 94 percent of the ammonium sulfate, 82 percent of the phosphoric acid, 82 percent of the triple superphosphate and 82 percent of the diammonium phosphate.

Developed countries imported 70 percent of U.S. phosphate rock shipments and 65 percent of the mixed chemicals.

Tables of imports, exports, production, inventories and prices follow:

TABLE 1.—*Fertilizer monitoring report, May 1975, U.S. trade in nitrogen and phosphate fertilizer for crop-years 1974 and 1975,[1] trade and export contracts for crop-year 1975 [1]*

[In content tons]

Commodity	July to December 1973	January to June 1974	July to December 1974	January to May 1974	January to May 1975	Actual June 1974	Contracts June 1975
Imports:							
N and P_2O_5 content tons: [2]							
Nitrogen fertilizer	422,548	636,818	490,425	535,497	576,730	101,323	.....
Phosphate fertilizer [3]	129,144	190,807	126,727	169,549	114,661	22,381	.....
Exports:							
N and P_2O_5 content tons: [2]							
Nitrogen fertilizer	757,922	524,097	503,684	437,494	510,335	76,891	62,914
Phosphate fertilizer [3]	863,540	649,799	897,180	523,597	667,725	119,007	190,728

[1] Crop-years extend from July to June.
[2] N and P_2O_5 content tons include items not listed on accompanying tables.
[3] Does not include phosphate rock.

Source: Bureau of Census and Office of Export Administration.

TABLE 2.—*Fertilizer exports, crop-year 1974,[1] trade and export contracts for crop-year 1975 [1]*

[Short tons, except as noted]

Commodity	July to December 1973	January to June 1974	July to December 1974	January to May 1974	January to May 1975	Actual June 1974	Contracts June 1975
Nitrogenous:							
Anhydrous ammonia [2]	406,861	238,042	159,878	204,256	182,042	33,786	8,600
Urea	184,543	137,981	177,525	134,193	238,633	3,786	3,129
Ammonium nitrate	27,024	9,940	8,160	9,667	11,234	273	40
Ammonium sulfate	299,286	258,188	272,093	196,648	216,314	61,540	68,942
Phosphatic:							
Phosphoric acid	43,409	44,278	114,710	39,233	87,257	5,045	23,784
Phosphate rock (thousands) (Florida only)	6,466	6,577	6,778	5,221	4,802	1,356	1,951
Concentrated superphosphate	527,237	370,930	675,799	303,347	359,090	67,583	192,299
Ammonium phosphate	1,237,921	916,206	1,075,559	727,697	928,020	188,509	181,014
Mixed fertilizer	214,711	222,536	251,841	217,157	234,550	5,379	49,186

[1] Crop-years extend from July to June.
[2] Includes fertilizer and other grades of anhydrous ammonia.

Source: Bureau of Census and Office of Export Administration.

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TABLE 3.—*Fertilizer imports, crop-year 1974,[1] trade for July 1974 to May 1975* [1]

[Short tons]

Commodity	July to December 1973	January to June 1974	July to December 1974	January to May 1974	January to May 1975	Actual June 1974
Nitrogenous:						
Anhydrous ammonia	146,354	273,007	182,359	232,113	313,171	40,894
Urea	328,422	339,894	377,317	282,948	370,743	56,946
Ammonium nitrate	107,228	193,946	175,267	176,128	123,985	17,818
Ammonium sulfate	122,698	149,368	108,329	132,208	135,336	17,160
Ammonium nitrate limestone	10,000	198,776	134,067	138,217	49,088	60,559
Phosphatic:						
Phosphoric acid	61,462	44,053	72,102	36,345	64,018	8,606
Concentrated superphosphate	18,154	56,773	28,613	53,811	31,759	2,902
Ammonium phosphate	138,271	233,486	105,917	212,660	124,080	25,826

[1] Crop-years extend from July to June.

Source: Bureau of Census.

TABLE 4.—*Fertilizer production, crop-years 1973 and 1974[1] and July 1974 to April 1975* [1]

[Thousand short tons]

Commodity	July 1972 to June 1973	July 1973 to June 1974	Percent change 1974/73	July 1973 to April 1974	July 1974 to April 1975	Percent change 1975/74
Nitrogenous:						
Anhydrous ammonia	14,674	15,503	4.8	12,900	12,914	0.1
Urea	3,427	3,543	3.4	2,913	3,009	6.4
Ammonium nitrate	6,859	7,291	6.3	6,057	6,288	4.2
Ammonium sulfate [2]	2,403	2,689	11.9	2,215	[3] 1,711	NA
Phosphatic:						
Phosphoric acid [4]	6,682	6,866	2.8	5,676	6,188	9.0
Concentrated superphosphate [4]	1,673	1,705	1.9	1,409	1,434	1.8
Ammonium phosphate [5]	6,799	6,746	.1	5,580	5,653	1.7

[1] Crop-years extend from July to June.
[2] Includes coke oven by products.
[3] July 1974 to March 1975 data, April not available.
[4] 100 pct A.P.A.
[5] Gross weight.

Source: Bureau of Census.

TABLE 5.—*Producers inventories of fertilizer materials*

[In short tons]

Commodity	June 1973	June 1974	March 1974	March 1975	April 1974	April 1975
Anhydrous ammonia	622,318	615,376	1,047,537	1,566,716	757,195	1,237,475
Urea	(1)	(1)	(1)	(1)	(1)	(1)
Ammonium nitrate	90,811	90,491	345,166	196,281	232,946	175,869
Ammonium sulfate	101,508	153,496	139,266	219,480	126,964	(1)
Phosphoric acid	88,150	133,313	109,069	192,333	104,373	192,683
Concentrated superphosphate	103,960	95,016	92,808	178,587	92,159	204,471
Ammonium phosphate	135,048	95,773	128,565	152,266	87,834	145,143

[1] Not available.

Source: Bureau of Census.

TABLE 6.—*Producers prices of fertilizer materials*

[Dollars per ton]

Commodity	Oct. 24, 1973	Oct. 21, 1974	July 7, 1975	Percent change October 1973 to July 1975
Anhydrous ammonia	65	160	210	223
Urea	72	175	175	143
Ammonium nitrate	62	115	115	85
Phosphoric acid	78	157	173	122
Phosphate rock (66 pct to 68 pct)	7	25	31	343
Concentrated superphosphate	55	140	140	155
Ammonium phosphate	75	165	165	120

Source: Price col. 1—Cost of Living Council. Cols. 2 and 3—Chemical Marketing Reporter (high quote).

TABLE 7.—*Export prices of selected fertilizer products, May 1975*

[Dollars per ton]

	Low	High	Weighted average
Phosphate rock:			
Shipments	22	53	37
Remaining contracts	20	48	40
Ammonia:			
Shipments	155	155	155
Remaining contracts			
Urea:			
Shipments	204	298	283
Remaining contracts	103	298	232
Triple superphosphate:			
Shipments	82	327	162
Remaining contracts	127	302	196
Diammonium phosphate:			
Shipments	240	355	270
Remaining contracts	179	445	256

Source: Office of Export Administration, U.S. Department of Commerce.

TABLE 8A.—*Exports and anticipated exports, May 1975*

Unit of measure and commodity and area of destination	Actual July 1974 to May 1975	Unfilled contracts, June 1975
IN CONTENT TONS		
Nitrogen (N):		
Western Hemisphere	516,042	30,018
Western Europe	99,754	5,535
Asia	309,482	17,695
Australia and Oceania	10,183	13
Africa	18,580	671
Phosphate (P_2O_5):		
Western Hemisphere	685,760	102,064
Western Europe	128,600	33,948
Communist areas in Europe	54,010	8,943
Asia	673,905	47,809
Australia and Oceania	13,135	
Africa	9,494	191
IN SHORT TONS		
Ammonia:		
Western Hemisphere	254,412	3,600
Western Europe	65,175	
Asia	1,405	
Australia and Oceania	6,101	
Africa	17,827	
Percent exported to developing countries in crop-year 1975	74.9	
Urea:		
Western Hemisphere	67,469	3,209
Western Europe	3,543	
Asia	345,149	
Percent exported to developing countries in crop-year 1975	97.8	
Ammonium nitrate:		
Western Hemisphere	13,642	
Asia	214	
Australia and Oceania	428	40
Africa	110	
Percent exported to developing countries in crop-year 1975	60.8	
Ammonium sulfate:		
Western Hemisphere	423,990	66,572
Western Europe	62	
Asia	63,553	
Australia and Oceania	56	
Africa	746	2,370
Percent exported to developing countries in crop-year 1975	93.7	
Phosphoric Acid:		
Western Hemisphere	108,752	14,509
Western Europe	26,034	2,750
Asia	65,854	6,525
Australia and Oceania	1,177	
Africa	150	
Percent exported to developing countries in crop-year 1975	88.5	

Source: Bureau of Census and Office of Export Administration, U.S. Department of Commerce.

TABLE 8B.—*Exports and anticipated exports, May 1975*

Unit of measure and commodity and area of destination	Actual July 1974 to June 1975	July to September 1975	Unfilled October to December 1975	Contracts January to March 1976	April to June 1976
IN SHORT TONS					
Phosphate rock (thousands):					
Western Hemisphere	4,910	938	531		
Western Europe	3,191	961	361		
Communist areas in Europe	337	185	83		
Asia	3,951	493	119		
Percent exported to developing countries in crop-year 1975	29.3				
Triple superphosphate:					
Western Hemisphere	567,226	109,107	2,205		
Western Europe	57,536	5,500			
Communist areas in Europe	117,412				
Asia	349,962	50,659			
Percent exported to developing countries in crop-year 1975	82.8				
Diammonium phosphate and other ammonium phosphate:					
Western Hemisphere	818,909	75,008	9,035		
Western Europe	189,205	71,500	5,500		
Asia	1,185,306	98,263	11,000		
Australia and Oceania	28,975	1,102			
Africa	21,054				
Percent exported to developing countries in crop-year 1975	81.9				
Mixed Chemicals:					
Western Hemisphere	334,740	8,500			
Western Europe	136,901				
Communist areas in Europe	1				
Asia	23,526				
Australia and Oceania	500				
Africa	1,228				
Percent exported to developing countries in crop-year 1975	35.5				

Source: Bureau of Census and Office of Export Administration, U.S. Department of Commerce.

DONALD E. JOHNSON,
Deputy Assistant Secretary.

[FR Doc.75-27257 Filed 10-10-75;8:45 am]

PRESIDENT'S EXPORT COUNCIL

Change of Location of Open Meeting

The first meeting of the President's Export Council Task Force on Export Promotion, scheduled for November 4 and 5, 1975, and announced in the FEDERAL REGISTER on October 2 (40 FR 45457) has been moved from Conference Room 6043 of the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230, to Conference Room 6802, at the same address.

Inquiries may be addressed to Mr. Friedrich R. Crupe, Executive Secretary of the President's Export Council, U.S. Department of Commerce, Domestic and International Business Administration, Bureau of International Commerce, Washington, D.C. 20230 (telephone 202-967-2373).

Dated: October 6, 1975.

ROBERT G. SHAW,
Acting Deputy Assistant Secretary for International Commerce.

[FR Doc.75-27454 Filed 10-10-75;8:45 am]

[Case No. 484]

AIR TRANS AFRICA

Notice of Related Party Determination

An order effective October 21, 1974, was entered by the Office of Export Administration, Bureau of East-West Trade, Domestic and International Business Administration, Department of Commerce, against Compagnie Gabonaise d'Affretement Aerien (Affretair), B.P. 484, Libreville, Republic of Gabon, temporarily denying all privileges of participating, in any manner or capacity, in the exportation of U.S.-origin commodities or technical data. The order was published in the Federal Register on November 7, 1974 (39 F.R. 39486).

Issuance of the order was based upon evidence indicating that Affretair was engaged in international trade in violation of the U.N. sanctions against Rhodesia and the U.S. Export Administration Regulations (hereinafter, export regulations) by using a U.S.-origin Douglas DC-8 55F Jet Trader in export-import transactions with Rhodesia. Service of relevant and material interrogatories by the Compliance Division to Affretair followed. Since, in violation of Section 388.-15 of the export regulations, Affretair failed to respond to the interrogatories, an indefinite denial order effective February 19, 1975 (40 F.R. 8371, February 27, 1975) was issued against that company.

Based upon information held by the Office of Export Administration to the effect that Air Trans Africa and Affretair have common offices, post office boxes and share a telephone number, as well as the same representative in Libreville, a letter dated April 11, 1975, was served upon Air Trans Africa notifying it that unless, within twenty (20) days of the date of the letter, it showed that it never

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had been or had wholly ceased to be related to Affretair, a related party determination would be issued subjecting it to the terms and conditions of the order against that denied party. The time for such response has passed and no submission has been received.

Section 388.1(b) of the Export Administration Regulations provides, in pertinent part, that:

> Any order denying export privileges . . . may be made available not only to persons named therein but also, to the extent necessary to prevent evasion, to other persons with whom such persons may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services.

Based upon the cited information, it is determined that Air Trans Africa could be used by Affretair to evade the aforementioned denial order. It is, therefore, determined that Air Trans Africa is a related party to Affretair, within the meaning of Section 388.1(b) of the Export Administration Regulations and Part III of the denial order issued against the latter party and is, therefore, subject to all prohibitions and restrictions of said order.

The related party, Air Trans Africa, is notified that if it chooses to contend that the determination which is the subject of this notice is not justified, it may make application to have the appropriate ruling reconsidered or terminated. Such application must be made to the Hearing Commissioner, Bureau of East-West Trade, Department of Commerce, Washington, D.C., 20230.

Dated: October 6, 1975.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.75-27530 Filed 10-10-75;8:45 am]

[Case No. 470]

DIETHARD PROSDORF, A/K/A PETER PROSDORF

Order Terminating Temporary Denial of Export Privileges

In the matter of Diethard Prosdorf, a/k/a Peter Prosdorf, 87 Beacon Hills Drive, Penfield, New York; Napoleon W. Krassowsky, a/k/a Werner Miller, 51–38 Corsline Street, Elmhurst, Queens, New York; Richard G. Terker, 14 Old Lyme Road, Scarsdale, New York, *Respondents;* Electronic Handelsgesellschaft m.b.H., Klopestockstrasse 1b, Munich, Federal Republic of Germany; Fima Finanzmanagement G.m.b.H., Isenburgstrasse 10, Munich, Federal Republic of Germany; Werner Miller Research Associates, Inc., 14 Old Lyme Road, Scarsdale, New York; R.G.T. Corporation, 14 Old Lyme Road, Scarsdale, New York, *Related parties.*

An order effective April 16, 1968 (33 F.R. 6202, April 23, 1968) was issued against the above-named individuals and companies temporarily denying them all United States export privileges. The order was to be effective until the completion of criminal proceedings then pending against the named individuals and thereafter until the completion of administrative compliance proceedings.

The above-named respondents were charged in criminal proceedings with: (1) unlawful presentation of equipment for export clearance; (2) attempt to export unlawfully; and (3) conspiracy.

Prosdorf entered guilty pleas to all counts and, thereafter, was fined $1,000.00 and given a suspended one-year jail sentence on each count. Krassowsky, after pleading guilty to count one, was fined $1,000.00 and was given a one-year suspended sentence. Terker entered a plea of nolo contendere as to count one and was fined $1,000.00 and sentenced to a one-year suspended term. Counts two and three were dismissed as to Krassowsky and Terker. Krassowsky was, subsequently, deported from the United States.

Criminal proceedings relating to those transactions have been completed and no further administrative action is contemplated.

Accordingly, it is hereby ordered that the above-cited temporary denial order be, and hereby is, terminated.

Date: October 6, 1975.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.75-27529 Filed 10-10-75;8:45 am]

Maritime Administration

[Docket No. S-468]

PACIFIC FAR EAST LINE, INC. AND FARRELL LINES INC.

Proposed Sale/Purchase

Notice is hereby given that a contract of sale has been entered into between Pacific Far East Line, Inc. (PFEL) and Farrell Lines Incorporated (Farrell) involving the sale by PFEL to Farrell of two LASH type vessels and two C4 containerships, the lease of up to 200 barges, and the sale of subsidized freight service on Trade Route No. 27 (U.S. Pacific/Australia-New Zealand). Request has been made for all necessary approvals, determinations and actions under the Operating-Differential Subsidy Agreements of PFEL and Farrell and under the Merchant Marine Act, 1936, as amended.

Any person, firm or corporation having an interest in the request and who desires to offer views or comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20230, by the close of business on October 29, 1975. Each such statement of interest shall state, with as much specificity as possible, the facts that the interested party relies upon to demonstrate that approval should or should not be granted for the proposed transaction.

The Maritime Subsidy Board will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

Dated: October 8, 1975.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.75-27564 Filed 10-10-75;8:45 am]

[Docket No. S-469]

WATERMAN STEAMSHIP CORP.

Application

Notice is hereby given that Waterman Steamship Corporation, a New York Corporation (Operator), 120 Wall Street, New York, N.Y. 10005, has filed an application dated October 3, 1975 with the Maritime Subsidy Board (Board) pursuant to Title VI (46 U.S.C. 1171–1183) of the Merchant Marine Act, 1936, as amended (the Act), for either (1) an extension of its present Operating-Differential Subsidy Agreement, Contract No. MA/MSB–138 (the Agreement), to aid in the operation of eight Mariner-type vessels on its existing combined service on Trade Route No. 22 (U.S. Gulf/Far East) and Trade Route No. 12 (U.S. Atlantic/Far East) or, alternatively, (2) an interim operating-differential subsidy agreement to be effective upon the termination of the present Agreement on November 7, 1975 and to continue in effect until a new twenty-year contract on Trade Route No. 22 and Trade Route No. 12 can be consummated.

The Operator presently provides regular liner service on Trade Routes Nos. 22 and 12 with eight Mariner-type vessels. The Operator expects to continue its operation on Trade Routes Nos. 12 and 22 in the manner permitted by its present Agreement, with no change in the ships utilized or sailing requirements. The requested extension of the Agreement, or alternatively an interim contract, is requested in order to provide continuity of service on these two essential trade routes pending the resolution of issues concerning its applications for a twenty-year long-range operating-differential subsidy agreement for operations on Trade Routes Nos. 12 and 22 (Dockets S–336 and S–390).

Interested parties may inspect this application in the Office of the Secretary, Maritime Subsidy Board, Room 3099–B, Department of Commerce Building, 14 & E Streets N.W., Washington, D.C. 20230.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Act (46 U.S.C. 1175), should by the close of business on October 29, 1975 notify the Secretary, Maritime Subsidy Board, in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules and Procedure of the Board.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Maritime Subsidy Board, Maritime Administration.

Dated: October 8, 1975.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.75-27589 Filed 10-10-75;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 13 WORKLOAD DEFINITION AND BENCHMARKING

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Task Group 13 (FIPS TG–13), "Workload Definition and Benchmarking," will hold a meeting from 10:00 a.m. to 4:00 p.m. on Wednesday, December 3, 1975, in Room B–255, Building 225, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to review the progress of two workgroups which are addressing the areas of Problem Definition and Benchmark Program Transferability.

The public will be permitted to attend, to file written statements, and, to the extent that time permits to present oral statements. Persons planning to attend should notify the Acting Executive Secretary, Mr. Arthur F. Chantker, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone 301–921–3485).

Dated: October 7, 1975.

ERNEST AMBLER,
Acting Director.

[FR Doc.75-27453 Filed 10-10-75;8:45 am]

National Oceanic and Atmospheric Administration

TONY J. PETERLE

Receipt of Application for Endangered Species Permit—E7

Notice is hereby given that the following applicant has applied in due form for a permit to import endangered species for scientific purposes as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) and the National Marine Fisheries Service Regulations Governing Endangered Fish or Wildlife Permits (50 CFR 222) as published in the November 27, 1974 FEDERAL REGISTER at page 41375.

Dr. Tony J. Peterle, Chairman, Department of Zoology, College of Biological Sciences, The Ohio State University, 1735 Neil Avenue, Columbus, Ohio 43210, to import, for at least three years, tissues of the following endangered cetacean species for the purpose of scientific research.

Fin Whale, *Balaenoptera physalus*
Sei Whale, *Balaenoptera borealis*
Humpback Whale, *Megaptera novaeangliae*
Right Whale, *Eubalaena australis*
Sperm Whale, *Physeter catodon*

The Applicant requests a permit to import these samples for research on the level of pollutants found in the marine ecosystem and pesticide, polychlorinated biphenyls (PCB), and heavy metal analyses in marine mammals. The samples may include brain, blubber, muscle, liver, endocrine glands, and bone. From each specimen, a sample part of the tissue will be immediately analysed while the remainder will be preserved for future study. The techniques of analyses include gas and thin-layer chromotography, atomic absorption spectrometry, and mass spectrometry. The specimen materials were previously collected by Dr. George Pilleri, of the Brain Anatomy Institute, Bern, Switzerland, in the course of his work at various locations throughout the world. The Applicant states that no live animals are to be imported for this research.

In connection with this proposed project, the Applicant has been issued a separate permit under the Marine Mammal Protection Act of 1972, for the importation of these specimens as well as for the importation of specimens of other species subject to that legislation.

Documents submitted in connection with the above application are available for review in the Division of Marine Mammals and Endangered Species, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Office of the Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235, on or before November 13, 1975. The holding of such a hearing is at the discretion of the Director.

Any statements and opinions that may be contained in this notice in support of this application are summaries based on those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Date: October 7, 1975.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.75-27531 Filed 10-10-75;8:45 am]

EASTERN PACIFIC TUNA FISHERIES

Notice of Embargo

Whereas, the United States is a member of the Inter-American Tropical Tuna Commission (IATTC) which has as its purpose the conservation of tuna and certain other fishes in the Eastern Pacific Ocean.

Whereas, the Inter-American Tropical Tuna Commission has annually recommended quotas for the taking of yellowfin tuna and after this quota is taken, the Commission Yellowfin Regulatory Area (CYRA) is, with certain limited exceptions, closed for a directed fishery for yellowfin tuna by vessels of member countries.

Whereas, in 1975, the yellowfin tuna season for unlimited taking was closed on March 13, 1975 (closed season).

Whereas, it has been alleged that during the closed season, vessels of certain IATTC members and non-member countries have engaged in a directed fishery for yellowfin tuna within the CYRA contrary to the recommendation of IATTC.

Whereas, The Tuna Conventions Act of 1950, as amended, (Act) (16 U.S.C. 951–961) authorizes the United States, among other things, to prohibit from entry from any country all yellowfin tuna taken by vessels of such countries under circumstances which tend to diminish the effectiveness of the conservation recommendations of the IATTC (16 U.S.C. 955(c)).

Whereas, the Authority to authorize such an embargo has been delegated from the Secretary of Commerce to the Director, National Marine Fisheries Service (NMFS),

Whereas, Regulations implementing the embargo provisions of the Act appear in 50 CFR, Part 281.

Whereas, pursuant to 50 CFR, Part 281, the Director, NMFS has conducted an investigation of the alleged violations with respect to each country, and has considered, as to the extent pertinent, the following factors:

(1) Whether or not the country provides or causes to be provided to the Commission pertinent statistics on a timely basis.

(2) Whether or not the country has in force conservation measures applicable to its own fishermen adequate for the implementation of the Commission's recommendations.

(3) Whether or not the country has in force measures for the control of landings in its ports of species subject to regulation which are taken in the regulatory area by fishermen of other countries contrary to the Commission's conservation recommendations.

(4) Whether or not the country, having put conservation measures into effect, takes reasonable action to enforce such measures.

(5) The number of vessels of the country which conduct fishing operations in the regulatory area.

(6) The quantity of species subject to regulation taken from the regulatory area by the country's vessels contrary to the Commission's conservation recommendations and its relationship to (i) the total quantity permitted to be taken by the vessels of all countries participating in the fishery and (ii) the quantity of such species sought to be restored to the stocks of fish pursuant to the

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Commission's conservation recommendations.

(7) Whether or not repeated and flagrant fishing operations in the regulatory area by the vessels of the country seriously threaten the achievement of the objectives of the Commission's recommendations.

Whereas, on August 29, 1975, a hearing was held in San Diego, California, on the subject of the nature and extent of foreign fishing operations in the CYRA during the closed season.

Whereas, as a result of the hearing, the Director, NMFS has published in the September 11, 1975 FEDERAL REGISTER (40 FR 42229) a "Notice of Intent and Finding" regarding the imposition of the embargo and has solicited additional information by September 26, 1975, to assist the Director in making a final determination.

Now therefore, based upon the facts otherwise available to NMFS, evidence submitted at the August 29 hearing, and comments received in response to the September 11, FEDERAL REGISTER Notice, the Director finds as follows:

1. That foreign fishing vessels have been operating within the CYRA during the closed season contrary to the conservation recommendations of IATTC,

2. That foreign fishing vessels of certain countries have taken more than 1000 tons of yellowfin tuna in the CYRA in 1975 and this constitutes a meaningful fishing effort by each of such countries,

3. That these foreign fishing activities in the CYRA are contrary to the conservation recommendations of IATTC and tend to diminish the effectiveness of the IATTC conservation recommendations, and

4. That the results of the investigation are as follows:

(a) *Spain*. Fishing vessels of Spain are or were fishing during the closed season in the CYRA and have taken approximately 2,500 tons of yellowfin tuna in 1975 in a manner tending to diminish the effectiveness of the conservation recommendations of IATTC. Spain does not have in force adequate conservation measures applicable to its fishermen consistent with IATTC conservation objectives; does not have in effect any means to control landings by its fishermen or fishermen of other countries of yellowfin tuna taken in a manner tending to dominish the effectiveness of the conservation recommendations of the IATTC; has had during 1975 vessels operating in the CYRA which harvest a significant quantity of yellowfin tuna; and conducts fishing with its vessels which constitutes a significant fishing effort in relation to the total quantity of yellowfin tuna taken.

(b) *Other Countries*. At the present time, there is insufficient evidence of violations in 1975 of the IATTC conservation recommendations by other foreign vessels.

(c) *Panama*. The Republic of Panama has, in recent weeks, made a firm commitment through diplomatic channels to take the necessary steps to ensure effective control over its flag vessels in the enforcement of the conservation recommendations of the IATTC. The United States welcomes this action by Panama and is offering the cooperation and assistance required to effect this commitment.

Now therefore, by the authority of the Tuna Conventions Act of 1950, as amended, and the related regulations (50 CFR Part 281) all yellowfin tuna whether received directly or indirectly from Spain, in any form, shall, effective November 1, 1975, be denied entry into the United States of America except as provided in 50 CFR Part 281 until such time as fishing activities by Spanish vessels in the CYRA do not diminish the effectiveness of the conservation recommendations of the IATTC. If and when such import restrictions are removed, a notice to that effect will be published in the FEDERAL REGISTER. Issued at Washington, D.C., and dated October 9, 1975.

ROBERT W. SCHONING,
Director.

[FR Doc.75-27576 Filed 10-10-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Federal Council on the Aging

FCA TASK FORCE ON THE FRAIL ELDERLY

Notice of Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93-29) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to Pub. L. 92-463, that the Council's Task Force on the Frail Elderly will meet on October 27, 1975, from 8:00 p.m. to 10:00 p.m., and on October 28, 1975, from 9:00 a.m. to 5:00 p.m. at the Galt House, Fourth and River Streets, Louisville, Kentucky.

On October 27, a roundtable discussion will be held with attendees from the Gerontological Society Meeting, on "Developing National Policy for the Frail Elderly". The agenda for October 28 will consist of the development of recommendations for the Federal Council on the Aging regarding national policy for services to the frail elderly.

The roundtable and the meeting are open for public observation.

Further information on the Council may be obtained from: Cleonice Tavani, Executive Director, FCA, 400 Sixth Street, SW., Washington, D.C. 20201, telephone (202) 245-0441.

CLEONICE TAVANI,
Executive Director,
Federal Council on the Aging.

OCTOBER 2, 1975.

[FR Doc.75-27502 Filed 10-10-75;8:45 am]

Office of Education

EMERGENCY SCHOOL AID

Standards and Notice of Closing Date for Receipt of Applications for Emergency Projects

Notice is hereby given that additional funds will be made available under the Emergency School Aid Act ("ESAA," 20 U.S.C. 1601-1619) to support activities during the current school year. Activities authorized by ESAA are now being conducted by recipients of funds appropriated by P.L. 94-32 (enacted June 12, 1975). However, a number of local educational agencies adopted desegregation plans for implementation during the current school year too late to apply during the Fiscal Year 1975 funding cycle for ESAA assistance relating to those plans, and the funds appropriated by P.L. 94-32 have been exhausted. Therefore, certain of the sums appropriated by P.L. 94-94 (enacted September 10, 1975) for carrying out the Emergency School Aid Act will be made available for the purposes of Emergency Projects, as set forth below.

A. *Funds available*. No more than $3,250,000 of the sums appropriated by P.L. 94-94 for the purposes of Special Projects under 20 U.S.C. 1607(a) shall be awarded pursuant to this notice. Additional funds may be made available for awards pursuant to this notice:

(1) From any additional sums which may be appropriated for the purposes of Special Projects under 20 U.S.C. 1607(a); or

(2) From the sums appropriated by P.L. 94-94 for the purposes of Basic Grants under 20 U.S.C. 1605(a).

(20 U.S.C. 1607(a), 1605(a), 1603(b), 1604(a)(1))

B. *Eligibility for assistance*. A local educational agency may apply for assistance pursuant to this notice if it:

(1) Has adopted an eligible plan as described in 45 CFR 185.11 (October 1, 1974, as amended at 40 FR 25172 (June 12, 1975)) on or after April 15, 1975, for implementation during the 1975-76 school year; and

(2) Has not previously submitted an application for assistance under ESAA on the basis of such plan.

(20 U.S.C. 1607(a), 1605(a))

C. *Authorized activities*. Assistance made available pursuant to this notice shall be used for activities described in 45 CFR 185.12 where such activities are directly related to the implementation of a plan described in part B of this notice.

(20 U.S.C. 1607(a), 1606)

D. *Criteria for assistance and funding procedures*. The merits of applications submitted pursuant to this notice shall be evaluated on the basis of the criteria set forth in 45 CFR 185.14(a) and (b). An application will be considered to set forth a project of such insufficient promise for achieving the purposes of ESAA that approval of such application is not warranted if such application has been awarded fewer than 40 points on the basis of the criteria set forth in 45 CFR 185.14(a) and (b), or fewer than 28 points on the basis of the criteria set forth in 45 CFR 185.14(b). An application which is thus determined to set forth a project of insufficient promise will be returned to the applicant with the reasons for such determination and the applicant will be given an opportunity to modify its application.

The Assistant Secretary shall not be required to consider an application which has been returned to the applicant and modified unless such modified application is received by the U.S. Office of Education, Application Control Center on or before the fifteenth day after the applicant is informed of the disapproval of its initial application. The standards governing receipt of such modified applications shall be those governing receipt of initial applications, as those standards are set forth in part F of this notice.

Upon the completion of the evaluation of all applications submitted pursuant to this notice, including modified applications submitted pursuant to the preceding paragraph, the Assistant Secretary shall rank applications which meet the requirements of ESAA and of this notice, and are of sufficient promise to warrant approval, on the basis of the criteria set forth in 45 CFR 185.14 (a) and (b). The Assistant Secretary shall award funds to applicants in the order of the ranking of applications until the $3,250,000 referred to in part A of this notice have been exhausted. In the event that such sums are insufficient to support all otherwise approvable applications submitted pursuant to this notice, the Assistant Secretary may award funds to additional applicants from any additional sums which may be appropriated for the purposes of 20 U.S.C. 1607(a) or from the sums appropriated by P.L. 94-94 for the purposes of 20 U.S.C. 1605(a). Subject to the provisions of 20 U.S.C. 1604(b), any such awards shall be made in the order of the ranking of applications.

(20 U.S.C. 1607(a), 1609(c), 1609(d)(2), 1609(e), 1605(a), 1604(b))

E. *Applicable regulations*. Awards of assistance made pursuant to this notice shall, except where inconsistent with this notice, be subject to the regulations in 45 CFR Part 185 relating to Basic Grants under the Emergency School Aid Act, and, except where inconsistent with such regulations, to the Office of Education General Provisions regulations relating to direct project assistance programs (45 CFR Part 100a).

(20 U.S.C. 1601-1619)

F. *Closing date for receipt of applications*. Applications for assistance pursuant to this notice must be received on or before November 14, 1975:

(1) *Applications sent by mail*. An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.532G. An application sent by mail will be considered to be received on time by the Application Control Center if:

(a) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(b) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

(2) *Hand delivered applications*. An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

G. *Project periods*. Awards of assistance will be made pursuant to this notice for activities commencing no earlier than December 1, 1975, and terminating no later than June 30, 1976.

H. *Program information and forms*. Information and application forms may be obtained from the Special Projects Branch, Equal Educational Opportunity, Room 2017, 400 Maryland Avenue, SW, Washington, D.C. 20202.

I. *Waiver of proposed rulemaking*. In view of need for timely assistance by local educational agencies which are implementing new desegregation requirements in the current school year, and which were unable to apply for assistance related to those requirements in the Fiscal Year 1975 funding cycle, it has been determined that resort to proposed rulemaking procedures with respect to this notice would be contrary to the public interest within the meaning of 5 U.S.C. 553. Although this notice is being published in final form, public comment on the notice is nevertheless invited for purposes of future policy making regarding the administration of programs under the Emergency School Aid Act. Comments should be addressed to Dr. Herman R. Goldberg, Associate Commissioner, Equal Educational Opportunity Programs, Room 2001, 400 Maryland Avenue, SW, Washington, D.C. 20202.

J. *Effective date*. Pursuant to section 431(d) of the General Education Provisions Act, as added by section 509(a)(2) of P.L. 93-380 (20 U.S.C. 1232(d)), this notice has been transmitted to the Congress concurrently with its publication in the FEDERAL REGISTER. Section 431(d) provides that issuances subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance Programs Number 13.532G Emergency School Aid—Emergency Projects.)

Dated: September 26, 1975.

VIRGINIA Y. TROTTER,
Assistant Secretary for Education.

Approved: October 6, 1975.

DAVID MATHEWS,
Secretary of Health,
Education, and Welfare.

[FR Doc.75-27553 Filed 10-10-75;8:45 am]

Office of the Secretary

INDUSTRIAL AIR CONDITIONING AND REFRIGERATION CORP.

[Docket No. CC-9]

Compliance Proceeding Pursuant to Executive Order 11246 and Implementing Rules, Regulations and Orders Issued Thereunder; Amendment to Notice of Hearing

Pursuant to 45 CFR § 82.16, the General Counsel hereby moves the administrative law judge for leave to amend the first four sentences of paragraph 7(a) of the August 14, 1975 Notice of Hearing (40 F.R. 36162, August 19, 1975) so that the paragraph reads as follows:

Respondent began work on the Temple project in November 1970 and finished in June 1973. Respondent's minority utilization for plumbing was as follows: 0% in 1970, 4.18% in 1971, 8.03% in 1972 and 8.4% in 1973. Thus, Industrial Air did not meet the minority manpower goals for 1970, 1971, 1972, or 1973. From July 1970 to June 1973, Respondent hired approximately 34 plumbers who worked on the Temple project for Respondent subsequent to being hired.

DISCUSSION

The General Counsel, under 45 CFR 82.16, can amend its Notice of Hearing only by leave of the hearing officer once Respondent has submitted its answer. A similar provision, Rule 15(a) of the Federal Rules of Civil Procedure, has been interpreted to allow a motion to amend where plaintiff has acted in good faith, not for purposes of delay, and the adverse party has not been prejudiced by allowance of the amended pleading. *Continental Can v. Scranton Storage Battery Corp.*, 22 F.R.D. 99 (M.D. Pa. 1958).

The General Counsel recently became aware of additional information regarding the conduct of Respondent in 1973. These amendments will correct the statistical inaccuracy of the Notice of Hearing. This information is within the possession of Respondent and can easily be verified. The General Counsel submits that Respondent will not be unduly prejudiced because the amendments do not alter the fundamental nature of the case; furthermore, the proceedings have not developed to the point where Respondent can claim undue reliance in preparation of its case.

Copy of Certificate of Service of this document filed with original.

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Respectfully submitted, for the General Counsel, Department of Health, Education, and Welfare.

Dated: October 6, 1975.

EDWARD P. LEVY,
Attorney.

JEFFREY B. ROSEN,
Attorney,
Civil Rights Division.

[FR Doc.75-27556 Filed 10-10-75;8:45 am]

Social Security Administration

DISCLOSURE OF CERTAIN REPORTS CONCERNING THE MEDICARE PROGRAM

Modification in Delegations of Authority

Section 1106(d) of the Social Security Act (the Act), as amended by section 249C of Public Law 92-603, authorizes the Secretary of Health, Education, and Welfare (the Secretary) to disclose to the public, subject to specified limitations, the following official reports dealing with the operation of the health programs established by title XVIII of the Act: (1) Individual contractor performance reviews and other formal evaluations of the performance carriers, intermediaries and State agencies, including the reports of follow-up reviews; (2) comparative evaluations of the performance of such contractors, including comparisons of either overall performance or of any particular aspects of contractor operation; and (3) program validation survey reports and other formal evaluations of the performance of providers of services, including the reports of follow-up reviews, except that such reports shall not identify individual patients, individual health care practitioners or other individuals.

Paragraph (e) of section 1106 of the Act provides that the Secretary is not required to include in such reports information with respect to any deficiency (or improper practice or procedure) which is known by the Secretary to have been fully corrected within 60 days of the date such deficiency was brought to the attention of a contractor or provider of services. Deletion of information regarding corrected deficiencies from these reports is not mandatory; rather it is left to the discretion of the Secretary or his delegates.

The Secretary has delegated to the Commissioner of Social Security, with authority to redelegate (33 FR 5836-37 dated April 16, 1968) authority to exercise the functions vested with the Secretary under title XI of the Act, as amended, except insofar as the provisions of this title pertain to the Mission of the Social and Rehabilitation Service. On December 28, 1973 (38 FR 35519-21), the Commissioner redelegated the subject authority to other positions in the Social Security Administration, as follows:

I. Authority to determine that contractor performance review reports and other formal evaluations of the performance of carriers and intermediaries under the "Medicare" program, including reports of follow-up reviews and comparative evaluations, are final and official, as well as authority to disclose such reports or evaluations to the public:

DELEGATES

A. Deputy Commissioner.
B. Director and Deputy Director, Bureau of Health Insurance (the position of Deputy Bureau Director has since been abolished).
C. Deputy Director (Program Operations) and Assistant Deputy Director (Program Operations), Bureau of Health Insurance.
D. Assistant Bureau Director (Contractor Operations) and Deputy Assistant Bureau Director (Contractor Operations), Bureau of Health Insurance.

II. Authority to determine that formal evaluations relating to the performance of State agencies under the "Medicare" program, including reports of follow-up reviews, are final and official, as well as authority to disclose such evaluations or reports to the public:

DELEGATES

A. Deputy Commissioner.
B. Director and Deputy Director, Bureau of Health Insurance (the position of Deputy Bureau Director has since been abolished).
C. Deputy Director (Program Operations) and Assistant Deputy Director (Program Operations), Bureau of Health Insurance.
D. Assistant Bureau Director (State Operations) and Deputy Assistant Bureau Director (State Operations), Bureau of Health Insurance.

III. Authority to determine that program validation survey reports and other formal evaluations of the performance of providers of services under the "Medicare" program, including follow-up reports, are final and official, as well as authority to disclose such reports or evaluations to the public:

DELEGATES

A. Deputy Commissioner.
B. Director and Deputy Director, Bureau of Health Insurance (the position of Deputy Bureau Director has since been abolished).
C. Assistant Director (Program Review), Bureau of Health Insurance.
D. Regional Commissioners.
E. Regional Representatives and Deputy Regional Representatives, Health Insurance.

Notice is hereby given that the Commissioner has expanded the scope of authority vested in the delegates enumerated in paragraphs I, II, and III above. Those delegates now may determine whether the information with respect to any deficiency, or improper practice or procedure, which is known to have been fully corrected within 60 days of the date such deficiency was first brought to the attention of the deficient party, should be included in the above-mentioned reports or evaluations. Any actions heretofore taken by SSA officials in the named positions which, in effect, involve the exercise of authority formally delegated by this document, are hereby affirmed and ratified.

This expansion of the subject delegations of authority is effective as of October 14, 1975. Further redelegations of these authorities may not be made.

Dated: October 6, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

[FR Doc.75-27505 Filed 10-10-75;8:45 am]

LIFE SAFETY CODE OF THE NATIONAL FIRE PROTECTION ASSOCIATION AS APPLICABLE TO HOSPITALS

Delegations of Authority

Section 1861(e)(9) of the Social Security Act, as amended (the Act) provides that a hospital must meet such requirements as the Secretary of Health, Education, and Welfare (the Secretary) finds necessary for the health and safety of individuals who are furnished services in that institution. Section 405.1022(b) of Social Security Regulations No. 5 further specifies that a hospital must meet such provisions of the Life Safety Code of the National Fire Protection Association (the Life Safety Code) as are applicable to hospitals, except that the Life Safety Code shall not apply in any State if the Secretary makes a finding that in such State there is in effect a fire and safety code, imposed by State law, which adequately protects patients in hospitals. In addition, the Secretary may waive, after consideration of State agency survey findings and recommendations, if any, for such periods as deemed appropriate, specific provisions of the Life Safety Code which, if rigidly applied, would result in unreasonable hardship to a particular hospital, but only if such waiver would not adversely affect the health and safety of patients in that hospital. The Secretary has delegated authority to perform the functions specified above to the Commissioner of Social Security (the Commissioner), with authority to redelegate (33 FR 5836-37 dated April 16, 1968).

Accordingly, notice is hereby given that the following Social Security Administration (SSA) positions have been redelegated authority to accept State fire and safety codes in lieu of that edition of the Life Safety Code specified in section 405.1022(b) of Social Security Regulations No. 5:

DELEGATES

1. Deputy Commissioner.
2. Director, Bureau of Health Insurance.

Notice is also given that the following SSA positions have been redelegated authority to waive, for such periods as are deemed appropriate, specific provisions of that edition of the Life Safety Code identified in section 405.1022(b) of Social Security Regulations No. 5 which, if rigidly applied, would result in unreasonable hardship to a particular hospital:

DELEGATES

1. Deputy Commissioner.
2. Director, Bureau of Health Insurance.
3. Deputy Director (Program Operations) and Assistant Deputy Director (Program Operations), Bureau of Health Insurance.
4. Assistant Bureau Director (State Operations) and Deputy Assistant Bureau Director (State Operations), Bureau of Health Insurance.
5. Chief, Provider Certification Branch, Division of State Operations, Bureau of Health Insurance.
6. Regional Representatives and Deputy Regional Representatives, Health Insurance.
7. Program Officers (States), Bureau of Health Insurance Regional Offices.

CONDITIONS

Before any decision to waive specific provisions of the Life Safety Code is made, State agency survey findings and recommendations, if any, must be considered. In addition, such waivers may be made only if they will not adversely affect the health and safety of patients in a hospital.

Any actions heretofore taken by SSA officials in the named positions which, in effect, involve the exercise of authority formally delegated by this document, are hereby affirmed and ratified. These delegations are effective as of the date that this General Notice is published in the FEDERAL REGISTER. Further redelegations of these authorities may not be made.

Dated: October 6, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

[FR Doc.75-27506 Filed 10-10-75;8:45 am]

National Institutes of Health

CANCER CONTROL AND REHABILITATION ADVISORY COMMITTEE

Amended Notice of Meeting

Notice is hereby given of a change in the meeting place of the Cancer Control and Rehabilitation Advisory Committee, National Cancer Institute, which was published in the FEDERAL REGISTER on September 12, 1975, (40 FR 42386).

This Committee was to have convened at 9:00 a.m. on October 28, 1975, in Building 31, Conference Room 4, at the National Institutes of Health, but has been changed to 9:00 a.m. on October 28, 1975, in Billings Auditorium, National Library of Medicine.

The meeting will be open to the public from 9:00 a.m. to 1:00 p.m. on October 28, 1975.

Dated: October 8, 1975.

SUZANNE L. FREEMAN,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-27753 Filed 10-10-75;11:22 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

ALABAMA

[(FDAA-488-DR) Docket No. NFD-308]

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Alabama, dated October 2, 1975, is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 2, 1975:

The County of: St. Clair.

Dated: October 8, 1975.

(Catalog of Federal Domestic Assistance No. 14.701 Disaster Assistance.)

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-27576 Filed 10-10-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

U.S. ADVISORY COMMITTEE ON VISUAL AIDS TO APPROACH AND LANDING

Notice of Meeting

Pursuant to Section 10(a)(2) of Public Law 92-463, notice is hereby given that the U.S. Advisory Committee on Visual Aids to Approach and Landing will hold a meeting at 10:00 a.m., Wednesday, November 5, 1975, in Room 5C, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. The agenda for the meeting is as follows:

1. Discussion of Draft U.S. Advance Documentation and U.S. Position papers for the February 1976 Seventh Meeting of the ICAO Visual Aids Panel, which will consider the nine agenda items on the following subjects: Approach, runway and taxiway light characteristics; maintenance of lighting of precision approach runways category III; guidance material on lighting systems serving precision approach runways categories I, II and III and taxiways; VASIS; taxiing guidance systems; light intensity control; inset lights; apron floodlighting; and apron parking/docking guidance systems.

2. Discussion of proposed U.S. Delegation to the Seventh Meeting of the Visual Aids Panel.

All those interested in attending the meeting should contact Miss Aughtie Hawkins, Airports Engineering Division, Airports Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, Telephone (202) 426-3055. The meeting will be open to the public.

Issued in Washington, D.C. on October 6, 1975.

ROBERT BATES,
Chairman, U.S. Advisory Committee on Visual Aids to Approach and Landing.

[FR Doc.75-27427 Filed 10-10-75;8:45 am]

Federal Railroad Administration

RAILROAD OPERATING RULES ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Railroad Operating Rules Advisory Committee will meet on Monday, November 10 and Tuesday, November 11, 1975 in the Atlanta, Georgia, area.

The Committee was established to provide advice to the Federal Railroad Administration concerning solutions to problem areas involving the operating rules of the nation's railroads.

On Monday, November 10, 1975, the meeting will be held at the Southern Railway System's Training Center at McDonough, Georgia (south of Atlanta, Georgia). This meeting is being held at this location so that the Committee can continue its study of employee training as it relates to a more effective operating rules program, and at the same time receive a briefing on a training program presently being conducted in the industry.

On Tuesday, November 11, 1975, the meeting will be held at the Marriott Hotel, Atlanta, Georgia, Cain and Courtland Streets. The Committee has requested the opportunity to consider the subject matter of two recent FRA notices of proposed rulemaking dealing with stop-and-proceed procedures (RSOR-2) and blue flag protection (RSOR-3). All members of the Committee have reviewed the public docket and will discuss whether the Committee wishes to make an additional input into these proceedings in the form of a Committee recommendation. Any Committee recommendation will be made a part of the public record in the appropriate proceeding and will be available for inspection at the FRA document inspection facilities, Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. In any event, the FRA is proceeding with its review and evaluation of the comments submitted in both proceedings and will exercise its independent judgment in the development of the final rules.

The Committee will also continue its review of the leading causes of train accidents as stated by the National Transportation Safety Board and study of their relation to operating rules.

The meeting will be open to the public. Any member of the public who wishes to file a written statement with the Com-

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mittee will be permitted to do so. Under a procedure established by the Committee, persons submitting written statements are requested to provide 15 copies to provide distribution to each of the Committee members. Members of the public who wish to make prepared oral presentations should inform the Office of the Chief Counsel, Federal Railroad Administration, (202) 426-8220 at least 5 days prior to the meeting if possible and reasonable provision will be made for their appearance on the agenda. Time will also be provided on the agenda for public comments with respect to the discussions during the meeting.

Minutes of the meeting will be made available for public inspection and duplication during regular business hours in the Office of the Chief Counsel, Federal Railroad Administration, Room 5101, Nassif Building, 400 7th Street SW., Washington, D.C.

Issued in Washington, D.C., on October 7, 1975.

DONALD W. BENNETT,
Acting Deputy Administrator, Committee Chairman.

[FR Doc.75-27486 Filed 10-10-75;8:45 am]

Materials Transportation Bureau

SPECIAL PERMITS

Issuance

Pursuant to 49 CFR § 170.15 of the Department's Hazardous Materials Regulations, issued May 22, 1968 (33 F.R. 8277), following is a list of new DOT Special Permits upon which action was completed during September 1975.

Special permit No.	Issued to—subject	Mode or modes of transportation
SP 7023	Western Electric, New York, N.Y., to ship certain corrosive liquids in non-DOT specification lined, steel, portable tanks equivalent to DOT specification 60.	Motor vehicle.
SP 7037	Air Transport Association of America, Washington, D.C., member airlines to ship nonflammable compressed gases in DOT specification 3HT cylinders having extended service life.	Passenger-carrying aircraft, cargo-only aircraft, motor vehicle.
SP 7038	Farm Chemicals, Inc., Aberdeen, N.C., to ship certain poisonous liquids, class B, in a non-DOT specification steel cargo tank built in accordance with the ASME code.	Motor vehicle.
SP 7039	Trojan-U.S. Powder, Allentown, Pa., to ship certain high explosives as specified in 173.63(e), except inside packaging consists of 2 2-mil polyethylene bags.	Rail freight.
SP 7040	Polaroid Corp., Needham Heights, Mass., to ship certain corrosive liquid, not otherwise specified in DOT specification 6D, cylindrical steel overpack with inside DOT specification 25L container.	Cargo-only aircraft.
SP 7041	Ethyl Corp., Baton Rouge, La., to ship pyrotoric liquids, not otherwise specified, to a insulated, non-DOT specification cargo tank comparable to DOT specification MC-331.	Motor vehicle.
SP 7042	Walter Kidde & Co., Inc., Belleville, N.J., to ship certain nonflammable compressed gases in non-DOT specification seamless, aluminum-alloy cylinders.	Cargo vessel, cargo-only aircraft, motor vehicle, rail freight, rail express.
SP 7044	National Aeronautics and Space Administration, Washington, D.C., to ship rocket motors, class B explosives with igniters installed.	Motor vehicle.
SP 7045	Eastman Kodak Co., Rochester, N.Y., to ship certain corrosive liquids, not otherwise specified in a DOT-12A fiberboard box having inside polyethylene bottles of 5-qt capacity.	Cargo vessel, motor vehicle, rail freight.
SP 7046	J. T. Baker Chemical Co., Phillipsburg, N.J., to ship certain corrosive liquids in 4 glass-lined cargo tanks equivalent to DOT specification MC-312.	Cargo vessel, motor vehicle.
SP 7047	Hooker Chemicals & Plastics Corp., Niagara Falls, N.Y., to ship benzoyl chloride in DOT specification 111A60W2 and 111A100W2 tank cars retested in accordance with § 173.31(c)(2), Table 1, note (d).	Rail freight.
SP 7048	Martin Marietta Chemicals, Charlotte, N.C., to ship a class B poisonous solid in DOT specification 21C400 fiber drums each having a net weight not over 350 lb.	Motor vehicle.
SP 7049	Mobay Chemical Corp., Pittsburgh, Pa., to ship hydrazine solution in a non-DOT specification cylindrical steel overpack equivalent to DOT-37M/28L packaging.	Cargo vessel, motor vehicle, rail freight.
SP 7050	National Chemsearch Corp., Irving, Tex., to ship sulfuric acid in a DOT specification 12B fiberboard box having inside 6 DOT specification 34 1-gal polyethylene containers.	Motor vehicle.
SP 7051	Ozark-Mahoning Co., Tulsa, Okla., to ship antimony pentafluoride in DOT specification 12A and 12B fiberboard boxes having inside 2-qt capacity (maximum) FEP Teflon bottles.	Cargo-only aircraft, motor vehicle.
SP 7052	Power Conversion, Inc., Mount Vernon, N.Y., to ship lithium batteries subject to certain qualifications and specialized packaging.	Cargo vessel, motor vehicle, cargo-only aircraft, rail freight.
SP 7053	Rockwell International Corp., Canoga Park, Calif., to make 1 shipment of sodium, metallic in a non-DOT specification steel container built to ASME specifications.	Motor vehicle, rail freight.
SP 7054	National Ammonia Co., Philadelphia, Pa., to ship anhydrous ammonia containing less than 0.2 pct. water by weight in 4 DOT specification MC-330 tank motor vehicles.	Private motor vehicle
SP 7055	Eli Lilly and Co., Indianapolis, Ind., to ship a flammable solid in a limited number of non-DOT specification fiber drums.	Motor vehicle, rail freight.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.75-27514 Filed 10-10-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

MARYLAND ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland Advisory Committee (SAC) to this Commission will convene at 8:00 p.m. on November 6, 1975, Social Security Building, Security Blvd., Baltimore, Maryland.

Persons wishing to attend this meeting should contact the Commission Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street NW., Washington, D.C. 20037.

The purpose of this meeting is that the Committee will hear reports from the following subcommittees: Employment Prisons, Education. The Subcommittee will summarize the Urban Disinvestment hearing of October 1 & 2, 1975. Also, to be discussed are: 1. Report of National SAC Chairpersons conference August 18-20. Rechartering Maryland SAC.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 7, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-27434 Filed 10-10-75;8:45 am]

SOUTH CAROLINA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the South Carolina Advisory Committee (SAC) to this Commission will convene at 1:00 p.m. and will end at 5:00 p.m. on November 6, 1975, William S. Hall Psychiatric Institute, 2100 Bull Street, Columbia, South Carolina 29202 (Conference Room).

Persons wishing to attend this meeting should contact the Committee Chairperson's, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue NE., Atlanta, Georgia 30303.

The purpose of this meeting is to make plans for selecting a major project for the state, establish a schedule of meetings for the remainder of the fiscal year, discuss issues raised at National Chairperson's conference, review the LEAA report especially in regards to its release and distribution.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 7, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-27435 Filed 10-10-75;8:45 am]

WYOMING ADVISORY COMMITTEE

Change of Meeting

Notice is hereby given, pursuant to the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Wyoming Advisory Committee (SAC) to this Commission, originally scheduled for October 31, 1975, has been changed to October 25, 1975, at the original time and place.

Dated at Washington, D.C., October 6, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-27436 Filed 10-10-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 443-2; OPP-33000/325]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c) (1) (d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by each applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before December 15, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under Section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after December 15, 1975.

Dated: October 6, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED

EPA Reg. No. 264-257. Amchem Products, Inc., International Div., Brookside Ave., Ambler PA 19002. ETHREL PINEAPPLE GROWTH REGULATOR. Active Ingredients: Ethephon [(2-chloroethyl) phosphonic acid] 39.5%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA Filed Symbol 3876-RRO. Betz Labs., Inc., 4636 Somerton Rd., Trevose PA 19047. BETZ SLIMICIDE C-50. Active Ingredients: B-Bromo-B-nitro-styrene 5%; 2,2-dibromo-3-nitrilopropionamide 5%. Method of Support: Application proceeds under 2(a) of interim policy. PM34

EPA Reg. No. 239-2418. Chevron Chem. Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHENE 75 S SOLUBLE POWDER INSECT CONTROL ON SOYBEANS. Active Ingredients: Acephate (O,S-Dimethyl acetylphosphoramidothioate) 75%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Label revision. PM16

EPA File Symbol 239-EUGA. Chevron Chem. Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHENE INSECT SPRAY. Active Ingredients: Acephate (O,S-dimethyl acetylphosphoramidothioate) 15.6%. Method of Support: Application proceeds under 2(b) of interim policy. PM16

EPA Reg. No. 3125-50. Chemagro Agricultural Div., Mobay Chem. Corp., Box 4913, Kansas City MO 64120. DYRENE 50% WETTABLE POWDER FOLIAGE FUNGICIDE. Active Ingredients: 4,6-Dichloro-*N*-(2-chlorophenyl) - 1,3,5 - triazin-2-amine 50%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM21

EPA File Symbol 92-GL. Tenneco Chem., Organics & Polymers Div., General Office: PO Box 365, Piscataway NJ 08854. NUOSEPT 95 BACTERIOSTATIC PRESERVATIVE. Active Ingredients: 5-Hydroxymethoxymethyl-1-aza-3,7-dioxabicyclo (3,3,0) octane 24.5%; 5-Hydroxymethyl-1-aza-3,7-dioxabicyclo (3,3,0) octane 17.7% 5-Hydroxypoly [methyleneoxy (74% C2, 21% C3, 4% C4, 1% C5] methyl-1 aza-3,7-dioxabicyclo (3,3,0) octanes 7.8%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 35966-E. Waterco Industries, Inc., 4873 NE 12th Ave., Fort Lauderdale, FL 33334. WATERCO SANITIZER. Active Ingredients: Silver 0.175%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 7547-EG. Western Chemical Co., 1345 Taney, North Kansas City MO 64116. FORMULA 618. Active Ingredients: Sodium salt of dichloro-s-triazinetrione dihydrate 5.63%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

[FR Doc.75-27586 Filed 10-10-75;8:45 am]

[FRL 443-1; OPP-33000/326]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c) (1) (d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by each applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before December 19, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after December 15, 1975.

Dated: October 6, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

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APPLICATIONS RECEIVED

EPA Reg. No. 29516–6. Hy-Yield, Inc., PO Box 786, Burgaw NC 28425. 70–30 SOIL FUMIGANT. Active Ingredients: Methyl bromide 68.6%; Chloropicrin 1.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 10404–U. Lakeshore Equipment & Supply Co., 300 S. Able Rd., Elyria OH 44035. LAKESHORE BROAD SPECTRUM TURF FUNGICIDE. Active Ingredients: 4,6-Dichloro-N-(2 - chlorophenyl)-1,3,5-triazin-2-amine 50%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 10000–G. Lehn & Fink Industrial Products, Div. of Sterling Drug Inc., 225 Summit Avenue, Montvale NJ 07645. GROTAN HD2. Active Ingredients: 2-Chloro-(N-hydroxy-methyl) acetamide 39.00%; Sodium tetraborate 41.00%; Potassium Iodide 0.39%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA Reg. No. 618–75. Merck & Co., Inc., Rahway NJ 07065. MERTECT 340–F FUNGICIDE. Active Ingredients: 2-(4-thiazolyl) benzimidazole 42.28%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Additional use. PM21

EPA Reg. No. 1202–178. Puregro Co., 1052 W. 6th St., Los Angeles CA 90017. GAVICIDE SUPER 90. Active Ingredients: Mineral Oil 99.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

EPA File Symbol 400–REL. Uniroyal Chemical, Div. of Uniroyal, Inc., 74 Amity Rd., Bethany CT 06525. VITAVAX HBM–25 SOYBEAN SEED TREATER. Active Ingredients: Carboxin (5, 6-Dihydro-2-methyl-1,4-oxathiin-3-carboxanilide) 12.5%; captan (N-trichloromethylthio - 4-cyclohexene - 1,2-dicarboximide) 12.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 7547–EA. Western Chem. Co., 1345 Taney, North Kansas City MO 64116. FORMULA 614. Active Ingredients: Sodium salt of dichloro-s-triazinetrione dihydrate 11.25%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 7547–UE. Western Chem. Co., 1345 Taney, North Kansas City MO 64116. FORMULA 611. Active Ingredients: Sodium salt of dichloro-s-triazinetrione dihydrate 45.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

[FR Doc.75–27587 Filed 10–10–75;8:45 am]

[FRL 442–8; OPP–33000/327]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by each applicant will be available for examination at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street, SW., Washington D.C. 20460.

On or before December 15, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after December 15, 1975.

Dated: October 6, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

APPLICATIONS RECEIVED

EPA Reg. No. 35956–R. Ajay Chemicals, Inc., Industry Rd., PO Box 127, Powder Springs GA 30073. IODOSAN–20 CONCENTRATE. Active Ingredients: Nonylphenoxypoly (ethyleneoxy) ethanol and Poly(oxyethelene)poly(oxypropylene) poly(oxyethelene) surfactant Iodine complex (minimum active Iodine 20%) 92%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA Reg. No. 3125–277. Chemagro Division of Baychem Corp., Box 4913, Kansas City MO 64120. SENCOR 50% WETTABLE POWDER HERBICIDE. Active Ingredients: 4-(Amino-6-*tert*-butyl-3 - (methylio)-*as*-triazin-5(*4H*)-one 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished New Label use. PM25

EPA File Symbol 11600–G. Conklin Co., Inc., Highway 101 and Valley Park Drive, Shakopee MN 55379. DAIRY MAX. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.0%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.0%; Phosphoric Acid 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 9898–E. E-Z Chem. Co., 6751–53 Holabird Ave., Baltimore MD 21222. AQUA-KLEEN. Active Ingredients: Calcium Hypochlorite 70%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA Reg. No. 5785–21. Great Lakes Chemical Corp., PO Box 2200, West Lafayette IN 47906. TERR-O-GAS 100 PREPLANT SOIL FUMIGANT. Active Ingredients: Methyl bromide 100%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM11

EPA Reg. No. 6378–22. Lab Automated Chem., American Chemmate Corp., Howard & West St., Baltimore MD 21230. LAB ONE DISINFECTANT CLEANER. Active Ingredients: Potassium Laurate and Myristate Soaps 10.00%; Potassium o-benzyl-p-chlorophenate 5.28%; Isopropanol 5.00%; Potassium ortho-phenylphenate 1.83%; Tetrasodium ethylenediamine tetraacetate 1.14%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM32

EPA File Symbol 37064–L. Pioneer Chemical Lab., 5419 Logan Ave. North, Minneapolis MN 55430. SAN–A–CHLOR DETERGENT SANITIZER. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate (provides 3.2% available chlorine) 5.6%; Sodium dodecylbenzene sulfonate 4.0%; Sodium metasilicate 5.0%. Method of Support: Application proceeds under 2 (b) of interim policy. PM34

EPA File Symbol 5991–EI. Time Chemical Inc., 3950 S. Karlov Ave., Chicago IL 60632. UDDER WASH–H. Active Ingredients: a-(p-Nonylphenyl)-omega-hydroxypoly (oxy-ethylene) - iodine complex 18.10%; Glycolic Acid 8.75%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 5991–EO. Time Chemical Inc. UDDER WASH–P. Active Ingredients: a - (P - Nonylphenyl) -omega-hydroxypoly (oxy-ethylene)-iodine complex 18.10%; Phosphoric Acid 2.25%; Citric Acid 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 5991–GN. Time Chemical Inc. AGRI-SAN PREMISE DISINFECTANT. Active Ingredients: Nonylphenoxypoly (Ethyleneoxy) Ethanol-Iodine Complex, Polyethoxy Polypropoxy Polethoxy Ethanol-Iodine Complex (Providing 1.75% Titratable Iodine) 14.45%; Phosphoric Acid 3.00%; Citric Acid 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

[FR Doc.75–27588 Filed 10–10–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

DOMESTIC LAND MOBILE RADIO ADVISORY COMMITTEE

1979 World Administrative Radio Conference

The next meeting of the Common Carrier Domestic Land Mobile Radio Advisory Committee in preparation for the 1979 World Administrative Radio Conference will be held on Thursday, November 6, 1975, at 10:00 a.m. in Room 752, 1919 M Street NW., Washington, D.C. The same room will be available in the afternoon for task group meetings.

The meeting will be open to the public and any member of the public is invited to participate and present oral or written statements of relevance to the agenda upon recognition by the Chairman.

The meeting will be conducted in accordance with the following agenda:

1. Committee Chairman's opening remarks.
2. Reports from Chairmen of Informal Task Groups.
3. Discussion of work progress to date.
4. Establish timetable for accomplishing work.
5. Set date for next meeting.
6. Further business.
7. Adjournment.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–27550 Filed 10–10–75;8:45 am]

[FCC 75–1114]

FRAUDULENT BILLING

Licensee Responsibility To Verify Accuracy of Station Invoices, Etc.

OCTOBER 6, 1975.

Recent fraudulent billing cases before the Commission indicate that some broadcast licensees may be preparing bills, invoices, affidavits, etc., based upon advertising contracts, "start orders," or "announcer discrepancy sheets" without checking the program logs for the relevant period to ensure that the advertising actually was broadcast as represented. These cases show that in utilizing the billing procedure outlined above, it may not be possible to determine with complete accuracy the nature, content, quantity, duration, time of day, and/or date of announcements actually broadcast, thereby resulting in the issuance of fraudulent documents in violation of § 73.1205 of the Commission's Rules.

The Commission has consistently held that fraudulent billing is an extremely invidious and totally unacceptable practice. As the Commission stated in a Public Notice dated December 7, 1972, 38 FCC 2d 1051:

> The Commission considers violation of the fraudulent billing rule to be a particularly serious one because it involves participation by the licensee in a fraud, and thus raises serious questions as to his qualifications to remain a licensee. Therefore, it intends to examine each case more closely in light of the questions raised as to the licensee's qualifications.

Accordingly, licensees are reminded of their responsibility to verify the completeness and accuracy of station bills, invoices, affidavits, etc., by checking the relevant program logs or equivalent station records. As stated above, failure to do so may raise questions as to the licensee's qualifications, and appropriate sanctions may be imposed.

To all broadcast licensees.

Action by the Commission October 1, 1975. Commissioners Wiley (Chairman), Lee, Reid, Hooks, Quello, Washburn and Robinson.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–27551 Filed 10–10–75;8:45 am]

[FCC 75–1125]

NEW, CICERO, ILLINOIS

Standard Broadcast Application

The following application requests authority to restore, on an interim basis only, the standard broadcast service provided by former station WVON, Cicero, Illinois (not to be confused with present station WVON, Chicago, Illinois, 1390 kHz, 5 kW, DA–2, U). This applicant proposes to operate the Cicero station until the disposition of a pending application for regular authority to operate the station and such other applications that may subsequently be filed.

BPI–56 NEW, Cicero, Illinois, WFMT, Inc., Req: 1450 kHz, 250 W, 1 kW–LS, U.

Pursuant to the provisions of section 1.227(b)(1) and 1.591(b) of the Commission's rules, any other application for an interim authorization only, in order to be considered with this application, must be tendered no later than December 1, 1975.

The attention of any party in interest desiring to file pleadings concerning this applicated, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: October 1, 1975.

Released: October 6, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–27552 Filed 10–10–75;8:45 am]

FEDERAL MARITIME COMMISSION

FLOTA MERCANTE GRAN CENTROAMERICANA, S.A. AND PAN AMERICAN MAIL LINE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126 or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 21, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement Filed by:

Edwin Longcope, Esquire, Hill, Betts & Nash, 26 Broadway, New York, New York 10004.

Agreement No. 10040–2, between Flota Mercante Gran Centroamericana, S.A. and Pan American Mail Line, Inc., would extend the effective period of the cooperative working arrangement for two years from May 31, 1975. The petition was not received by the Commission until May 19, 1975. Based on the late filing, the Commission extended the agreement through July 30, 1975 to allow processing. By letter dated July 1, 1975, Delta Steamship Lines, Inc. protested the proposed extension requesting a public hearing, and in its order served by the Commission on July 24, 1975, the duration of the effective period of the agreement was extended to terminate on October 28, 1975.

A Section 21 Order was served by the Commission on July 25, 1975 on lines serving the trade from United States Atlantic and Gulf ports to ports in Guatemala to aid the Commission in determining whether conditions unfavorable to shipping in the foreign trade of the United States had been created by Guatemalan Decree No. 41–71. The responses to said Section 21 Order are presently being analyzed and should assist the Commission in determining the extent to which Agreement No. 10040 is affected by said decree. In order to allow completion of this analysis, it is the Commission's intention to consider extension of the effective period of Agreement No. 10040 for 60 days, from October 28, 1975 through December 27, 1975.

By Order of the Federal Maritime Commission.

Dated: October 10, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–27725 Filed 10–10–75;9:30 am]

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY CONSERVATION-TECHNICAL ADVISORY TASK FORCE—CONSERVATION WITHIN THE GAS INDUSTRY

Order Designating Members

OCTOBER 6, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Conservation-Technical Advisory Task Force-Conservation Within the Gas Industry of the National Gas Survey.

1. Membership. A new member to the Conservation-Technical Advisory Task Force-Conservation Within the Gas Industry as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

V40I199 OCT 14 75 XUM

Donald H. Story, Commonwealth Gas Company, Southborough, Massachusetts.

2. Vice Chairman. The following member previously appointed to the Conservation-Technical Advisory Task Force-Conservation Within the Gas Industry is designated as Vice Chairman.

Thomas E. Huzzey, Commissioner, Oil & Gas Conservation Commission, Charleston, West Virginia.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27380 Filed 10-10-75;8:45 am]

NATIONAL GAS SURVEY TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY TASK FORCE—IMPACT OF GAS SHORTAGE ON CONSUMERS

Order Designating Members

OCTOBER 6, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Consumers of the National Gas Survey.

1. Membership. A new member to the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Consumers as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

J. L. Schweizer, Gulf Energy & Minerals Company-U.S., Houston, Texas.
William I. Harkaway, Beinap, McCarthy, Spencer, Sweeney & Harkaway, Washington, D.C.
Robert Reinsel, Department of Agriculture, Washington, D.C.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27381 Filed 10-10-75;8:45 am]

NATIONAL GAS SURVEY CONSERVATION-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

OCTOBER 6, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Conservation-Technical Advisory Committee of the National Gas Survey.

1. Membership. A new member to the Conservation-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Joseph Y. DeYoung, Pacific Gas and Electric Company, San Francisco, California.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27382 Filed 10-10-75;8:45 am]

NATIONAL GAS SURVEY TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY TASK FORCE—RATE DESIGN

Order Designating Members

OCTOBER 6, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Transmission, Distribution & Storage-Technical Advisory Task Force-Rate Design of the National Gas Survey.

1. Membership. New members to the Transmission, Distribution & Storage-Technical Advisory Task Force-Rate Design as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

W. Page Anderson, Panhandle Eastern Pipe Line Company, Houston, Texas.
William D. Jaques, Algonquin Gas Transmission Company, Boston, Massachusetts.

2. Chairman. The Chairman of the Transmission, Distribution & Storage-Technical Advisory Task Force-Rate Design as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Louis Zanoff, H. Zinder & Associates, Inc., Washington, D.C.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27383 Filed 10-10-75;8:45 am]

NATIONAL GAS SURVEY TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY TASK FORCE—IMPACT OF GAS SHORTAGE ON TRANSMISSION, DISTRIBUTION AND STORAGE OF GAS

Order Designating Members

OCTOBER 6, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Transmission, Distribution & Storage-Technical Advisory Task Force—Impact of Gas Shortage on Transmission, Distribution and Storage of Gas of the National Gas Survey.

1. Membership. New members to the Transmission, Distribution & Storage-Technical Advisory Task Force—Impact of Gas Shortage on Transmission, Distribution and Storage of Gas as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Charles H. Batten, Florida Public Service Commission, Tallahassee, Florida.
Thomas F. Kibler, Indiana Energy Office, Indianapolis, Indiana.
Robert R. Olson, Colorado Interstate Gas Company, Colorado Springs, Colorado.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27384 Filed 10-10-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

OCTOBER 6, 1975.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey Supply-Technical Advisory Committee and initial membership for this Committee.

1. Membership. New members to the Supply-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Herbert H. Brown, Hill, Christopher & Phillips, Washington, D.C.
William W. Harsch, Rhode Island Public Utilities Commission, Providence, Rhode Island.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27385 Filed 10-10-75;8:45 am]

NATIONAL GAS SURVEY FINANCE-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

OCTOBER 6, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Finance-Technical Advisory Committee of the National Gas Survey.

1. Membership. New members to the Finance-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission are as follows:

Michael Nolan, Midwest Research Institute, Kansas City, Missouri.
John Townley, Texas Commerce Bank, Houston, Texas.
Edward A. Skipton, Ohio Public Utilities Commission, Columbus, Ohio.
John A. Redding, Continental Illinois National Bank, Chicago, Illinois.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27386 Filed 10-10-75;8:45 am]

NATIONAL GAS SURVEY CONSERVATION-TECHNICAL ADVISORY TASK FORCE EFFICIENCY IN USE OF GAS

Order Designating Members

OCTOBER 6, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Conservation-Technical Advisory Task Force-Efficiency in Use of Gas of the National Gas Survey.

1. Membership. New members to the Conservation-Technical Advisory Task Force-Efficiency in Use of Gas as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Forrest Orr, Vermont State Energy Office, Montpelier, Vermont.
A. C. Singer, The Gas Service Company, Kansas City, Missouri.
D. L. Henry, Gulf Energy & Minerals Company-U.S., Tulsa, Oklahoma.
James W. McCloskey, Delaware Department of Public Safety, Delaware City, Delaware.
William D. Jaques, Algonquin Gas Transmission Company, Boston, Massachusetts.
John Von Rosen, Michigan Consolidated Gas Company, Detroit, Michigan.
Robert Reinsel, Department of Agriculture, Washington, D.C.
Richard Bibb, Tennessee Public Service Commission, Nashville, Tennessee
Robert H. Albrecht, The Southern Connecticut Gas Company, Bridgeport, Connecticut.
Robert Podlasek, Illinois Commerce Commission, Springfield, Illinois.

2. Cochairmen. The following members previously appointed to the Conservation-Technical Advisory Task Force-Efficiency in Use of Gas are designated as Cochairmen.

John A. Irwin, Panhandle Eastern Pipeline Company, Houston, Texas.
James Woodruff, Michigan Public Service Commission, Lansing, Michigan.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27387 Filed 10-10-75;8:45 am]

NATIONAL GAS SURVEY RESEARCH AND DEVELOPMENT-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

OCTOBER 6, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Research and Development-Technical Advisory Committee of the National Gas Survey.

1. Membership. New members of the Research and Development Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Sidney L. Groff, Montana Bureau of Mines & Geology, Butte, Montana.
Herbert H. Brown, Hill, Christopher & Phillips, Washington, D.C.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27388 Filed 10-10-75;8:45 am]

NATIONAL GAS SURVEY CURTAILMENT STRATEGIES-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

OCTOBER 6, 1975.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey Curtailment Strategies-Technical Advisory Committee and initial membership for this Committee.

1. Membership. A new member to the Curtailment Strategies-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Ned V. Poer, General Motors Corporation, Detroit, Michigan.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27389 Filed 10-10-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE—SYNTHESIZED GASEOUS HYDROCARBON FUELS

Order Designating Members

OCTOBER, 6, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels of the National Gas Survey.

1. Membership. New members to the Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

James M. Evans, NUS Corporation, Rockville, Maryland.
Elwood R. Volpe, Public Service Electric & Gas Company, Newark, New Jersey.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27390 Filed 10-10-75;8:45 am]

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Members

OCTOBER, 6, 1975.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey and initial membership for the Executive Advisory Committee.

1. Membership. New members to the Executive Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Murray E. Brooks, Executive Vice President, The Lummus Company, Bloomfield, New Jersey.
Robert E. Vinson, Independent Producer, Wichita Falls, Texas.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27391 Filed 10-10-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE—NONCONVENTIONAL NATURAL GAS RESOURCES

Order Designating Members

OCTOBER 6, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Nonconventional Natural Gas Resources of the National Gas Survey.

1. Membership. New members to the Supply-Technical Advisory Task Force-Nonconventional Natural Gas Resources as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

William Laird, Eastern Associated Coal Corporation, Pittsburgh, Pennsylvania.
David Lombard, Energy Research and Development Administration, Washington, D.C.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27392 Filed 10-10-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE—PROSPECTIVE EXPLORATION AND DEVELOPMENT AND ADDITIONS TO RESERVES

Order Designating Members

OCTOBER 6, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Prospective Exploration and Development and Additions to Reserves of the National Gas Survey.

1. Membership. New members to the Supply-Technical Advisory Task Force-Prospective Exploration and Deyelopment and Additions to Reserves as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Gordon C. Grender, Virginia Polytechnic Institute and State University, Blacksburg, Virginia.
Rex Fuller, R. P. and Rex Fuller Company, Lubbock, Texas.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27393 Filed 10-10-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE—FOREIGN GAS SUPPLY

Order Designating Members

OCTOBER 6, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Foreign Gas Supply of the National Gas Survey.

1. Membership. New members to the Supply-Technical Advisory Task Force-Foreign Gas Supply as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Forrest Orr, Vermont State Energy Office, Montpelier, Vermont.
Thomas H. Renell, Jr., Boston Gas Company, Boston, Massachusetts.

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James Connelly, State of Massachusetts, Energy Policy Office, Boston, Massachusetts.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27394 Filed 10-10-75;8:45 am]

NATIONAL GAS SURVEY TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

OCTOBER 6, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Transmission, Distribution & Storage-Technical Advisory Committee of the National Gas Survey.

1. Membership. New members to the Transmission, Distribution & Storage-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Lee M. Liberman, LaClede Gas Company, St. Louis, Missouri.
John A. Vary, American Natural Gas Service Company, Detroit, Michigan.
H. Zinder, H. Zinder & Associates, Inc., Washington, D.C.
Morton L. Simons, Simons & Simons, Washington, D.C.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27395 Filed 10-10-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE—REGULATORY ASPECTS OF SUBSTITUTE GAS

Order Designating Members

OCTOBER 6, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force—Regulatory Aspects of Substitute Gas of the National Gas Survey.

1. Membership. New members to the Supply-Technical Advisory Task Force—Regulatory Aspects of Substitute Gas as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Alfred J. Weiss, The Lummus Company, Bloomfield, New Jersey.
Frederick H. Warren, NUS Corporation, Rockville, Maryland.
C. Luther Heckman, Ohio Public Utilities Commission, Columbus, Ohio.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27396 Filed 10-10-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE—DOMESTIC NATURAL GAS POTENTIAL RESOURCE BASE

Order Designating Members

OCTOBER 6, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Domestic Natural Gas Potential Resource Base of the National Gas Survey.

1. Membership. A new member of the Supply-Technical Advisory Task Force-Domestic Natural Gas Potential Resource Base as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

T. E. Midyett, Jr., Tennessee Public Service Commission, Nashville, Tennessee.

By the Commision.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27397 Filed 10-10-75;8:45 am]

[Docket No. RP76-18]

ARKANSAS LOUISIANA GAS CO.

Notice of Rate Increase

OCTOBER 6, 1975.

Take notice that on October 1, 1975, Arkansas Louisiana Gas Company (Arkla) tendered for filing FPC Gas Tariff, First Revised Volume No. 2, between Arkla and a single customer, Arkansas-Missouri (Ark-Mo), pursuant to Section 154.52 of the Commission's Regulations in the form of a transportation contract between the two companies.

Arkla states that its current contractual obligation with Ark-Mo to transport gas at 3.65¢ per Mcf will terminate at midnight on October 31, 1975. Arkla states that 3.65¢ is an "unrealistically low price" and therefore requests that a systemwide cost-of-service transportation rate of 18.58¢ per Mcf @ 15.025 psia be allowed to go into effect with respect to Ark-Mo on November 1, 1975, without suspension.

Arkla states that a copy of this filing was mailed to Ark-Mo.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 20, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27405 Filed 10-10-75;8:45 am]

[Docket No. RI74-144]

AZTEC OIL AND GAS CO.

Notice of Extension of Procedural Dates

OCTOBER 3, 1975.

On September 29, 1975, Aztec Oil and Gas Company filed a motion to extend the procedural dates fixed by order issued September 9, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Company, Testimony, October 14, 1975.
Service of Staff, Testimony, November 11, 1975.
Service of Intervenor, Testimony, November 25, 1975.
Service of Rebuttal, Testimony, December 9, 1975.
Hearing, December 16, 1975 (10:00 a.m. EST).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27402 Filed 10-10-75;8:45 am]

[Docket No. ES-76-12]

IDAHO POWER CO.

Notice of Application

OCTOBER 6, 1975.

Take notice that on September 4, 1975, Idaho Power Company filed a request for authorization to engage in negotiation for sales of securities pursuant to Sections 34.1a(a) (4) and 34.2(f) (2) of the Regulations under the Federal Power Act. Idaho Power Company plans to complete its 1975 permanent financing program by the issuance and sale of (1) 800,000 to 1,000,000 shares of common stock, $5 par value, to raise approximately $20 million to $25 million of capital funds and (2) the required number of shares of cumulative serial preferred stock, without par value, to raise approximately $25 million of capital funds, in November or December, 1975.

The company proposes to use the proceeds from these financings to repay outstanding short-term indebtedness in the form of promissory notes to banks and outstanding commercial paper which is expected to total approximately $76 million on August 31, 1975. The company proposes to use these short term borrowings for interim financing of the Company's construction program.

Idaho Power and Light contends that the best interests of its customers and its stockholders will be served and higher net proceeds obtained if the Common Stock and Preferred Stock offerings are handled on a negotiated basis. Therefore, pursuant to Sections 34.1(a) (4) and 34.2 (f) (2) of the Commission's Regulations, permission is being sought by the Company, for a period of 90 days prior to each offering, to engage in negotiations for the underwriting and sale of the securities described above.

Any person desiring to be heard or to make any protest with reference to such application should, on or before October 21, 1975, file with the Federal Power Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions

to intervene in accordance with the Commission's Rules. The application is on file with the Commision and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27406 Filed 10-10-75;8:45 am]

[Docket Nos. E-9296, E-9297, and E-9298]

IOWA PUBLIC SERVICE CO.

Further Extension of Procedural Dates

SEPTEMBER 29, 1975.

On September 19, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 5, 1975, as most recently modified by notice issued June 3, 1975, is the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff, Testimony, November 19, 1975.
Service of Intervenor, Testimony, December 3, 1975.
Service of Company, Rebuttal, December 17, 1975.
Hearing, January 13, 1976 (10:00 a.m. EST).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27401 Filed 10-10-75;8:45 am]

[Docket No. RP75-104]

LAWRENCEBURG GAS TRANSMISSION CORP.

Extension of Procedural Dates

OCTOBER 3, 1975.

On September 11, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 27, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff, Testimony, November 3, 1975.
Service of Intervenor, Testimony, November 18, 1975.
Service of Company, Rebuttal, December 2, 1975.
Hearing, December 16, 1975 (10:00 a.m., EST).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27403 Filed 10-10-75;8:45 am]

[Docket No. ER76-154]

MINNESOTA POWER & LIGHT CO.

Filing of Electric Service Agreement

OCTOBER 6, 1975.

Take notice that on September 29, 1975, Minnesota Power & Light Company tendered for filing with the Federal Power Commission an Electric Service Agreement dated June 5, 1975, between the company and the City of Mountain Iron, Minnesota. Minnesota Power & Light states that this agreement supersedes and replaces the Electric Service Agreement dated November 17, 1965, F.P.C. Rate Schedule No. 68, which has expired. The company states that revenues collected under this agreement will not differ from the data provided under its filing of November 16, 1973, FPC Docket No. E-8494.

The company requests that this agreement be made effective as soon as possible and states that it has mailed a copy of this agreement to the City of Mountain Iron.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commision, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 20, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27407 Filed 10-10-75;8:45 am]

[Docket Nos. ER76-106 and E-8954]

NEW ENGLAND POWER CO.

Order Accepting for Filing

OCTOBER 3, 1975.

On September 5, 1975, New England Power Company (NEPCO), tendered for filing unit contracts with Boston Edison Company (Edison) and Public Service Company of New Hampshire (PSNH). These Contracts provide for the sale of power from NEPCO's Bear Swamp Project to Edison and PSNH with the proposed charges for the sales based on Edison's and PSNH's percentage share of total project output. The term of the Contract with Edison runs from November 1, 1974, to April 30, 1975; the term for PSNH's contract runs from November 1, 1974, to October 31, 1977. Notice of filing of the Contracts was issued on October 1, 1975, but no responses have been received.

We have reviewed the Unit Contracts filed by NEPCO on August 29, 1975, together with the information filed by NEPCO in Docket No. E-8954 relating to similar unit contracts for the sale of power from the Bear Swamp Project, and we have concluded that, *inter alia*, the proposed rate may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. In addition, NEPCO's filing was made ten months after service began under the Contracts and, in the case of Edison, four months after the termination date of its Contract.

Utilities are required to file, under the provisions of the Federal Power Act and the Regulations thereunder, rate schedules at least 30 days prior to the commencement date of service under that schedule. This notice requirement may be waived for good cause shown. In the instant case we do not find that the requisite good cause has been shown to permit waiver of the notice requirement. The filing of Edison's Contract four months after the termination date of a six-month contract and the filing of PSNH's contract ten months after the start of a three-year contract seriously jeopardizes our ability to protect the consumer against what may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful charges.[1] Therefore, we shall not waive the notice requirements of our Regulations and shall assign the Contracts an effective date of October 6, 1975, 30 days after the filing. Pursuant to our authority in Section 309 of the Federal Power Act, we shall also make such filing subject to the refund of any amounts found to be excessive after the hearing which shall be ordered hereinafter. Moreover, we shall require NEPCO to refund all amounts collected under the Contracts prior to October 6, 1975, without prejudice to NEPCO's filing within 15 days of the issuance of this order a request that we accept the Contracts to become effective as of November 1, 1974, NEPCO's proposed effective date, based upon an agreement by NEPCO that the rates charged under this agreement shall be subject to refund pending final disposition upon the conclusion of the hearing to be held in this proceeding. After receipt of NEPCO's response, if any, we shall issue a further order taking appropriate action.

The present contracts appear substantially identical to the contracts filed by NEPCO in Docket No. E-8954 to the sale by NEPCO of energy from the Bear Swamp Project to Vermont Electric Power Company, Inc. and New Bedford Gas & Edison Light Company.

The latter contracts have been set for hearing in Docket No. E-8954, with hearings scheduled to commence on October 2, 1975. In view of the common legal and factual issues pertaining to the Bear Swamp contracts, it appears reasonable that all of the contracts be consolidated for purposes of a single hearing and decision thereon, and we shall so order. To the extent any additional hearing procedures may be necessary as a result of the consolidation of the Bear Swamp contracts for purposes of hearing and decision, the Presiding Law Judge shall be authorized to prescribe such addi-

[1] *Pacific Power & Light Company*, — FPC —, issued September 25, 1975, in Docket Nos. E-9172 and E-9212; *Florida Power & Light Company*, — FPC —, issued July 3, 1975, in Docket Nos. E-8769, E-8770, E-8008, and E-9119; *Arizona Public Service Company*, — FPC —, issued July 15, 1974, in Docket Nos. E-8621, E-8004, E-8767, E-8019, E-8023, E-8688, E-8779, E-8620, E-7904, E-8689, E-7907, and E-7905; *Boston Edison Company*, — FPC —, issued June 21, 1974, in Docket No. E-8810; and *Northeast Utilities Company*, — FPC —, issued May 31, 1974, in Docket Nos. E-8756 *et al.*

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tional procedures as he may deem reasonable and necessary under the circumstances in order to protect the rights and interests of all parties.

The Commission finds: (1) The requested waiver of Section 35.3 of the Commission's Regulations should be denied.

(2) The Unit Contracts with Edison and PSNH should be accepted for filing to become effective subject to refund, October 6, 1975.

(3) Good cause exists to require NEPCO to refund all amounts collected under the Unit Contracts prior to October 6, 1975, without prejudice to NEPCO's filing with the Commission within 15 days of the issuance of this order a request that the Commission accept the Unit Contracts to be effective as of November 1, 1974, NEPCO's proposed effective date, based upon an agreement by NEPCO that the rates charged under the Unit Contracts shall be subject to refund as of that effective date, pending final disposition upon the conclusion of the hearing hereinafter ordered.

(4) Good cause exists to consolidate Docket No. ER76–106 with Docket No. E–8954 for purposes of hearing and decision.

(5) It is necessary and appropriate and in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in NEPCO's Unit Contracts.

The Commission orders: (A) The requested waiver of Section 35.3 of the Commission's Regulations is hereby denied.

(B) The proposed Unit Contracts are accepted for filing to become effective October 6, 1975, subject to refund.

(C) NEPCO shall refund all amounts collected under the Unit Contracts prior to October 6, 1975, without prejudice to NEPCO filing with the Commission, within 15 days of the issuance of this order, a request that the Commission accept the contract to be effective as of November 1, 1974, NEPCO's proposed effective date, based on an agreement by NEPCO that the rates charged under the contract shall be subject to refund as of the effective date pending final disposition upon the conclusion of the hearing hereinafter ordered.

(D) Docket Nos. ER76–106 and E–8954 are hereby consolidated for purposes of hearing and consolidation. The Presiding Administrative Law Judge is hereby authorized to prescribe such additional procedures as he may deem reasonable and necessary under the circumstances in order to protect the rights and interests of all the parties.

(E) Nothing contained herein should be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(F) The Commission Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27404 Filed 10–10–75;8:45 am]

[Docket No. ER76–152]

NEW YORK STATE ELECTRIC & GAS CORP.

Notice of Filing of Initial Rate Schedule

OCTOBER 6, 1975.

Take notice that on September 29, 1975, New York State Electric & Gas Corporation (NYSE&G) filed, pursuant to Section 35.12 of the Regulations under the Federal Power Act, as a rate schedule, a contract with the Power Authority of the State of New York (PASNY). NYSE&G states that service under the contract commenced July 28, 1975.

The contract provides that NYSE&G shall make available and sell to PASNY supporting energy, as required, at NYSE&G's incremental fuel cost or at NYSE&G's option the incremental cost of purchased power for such supply if NYSE&G cannot provide power from its own generation or is able to purchase energy at a cost less than its incremental fuel cost, plus the costs of delivery to PASNY.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure before October 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27408 Filed 10–10–75;8:45 am]

[Docket No. CS71–6]

NORTHERN NATURAL GAS CO.

Order Initiating Prehearing Conference and Granting Petitions To Intervene

SEPTEMBER 26, 1975.

On May 19, 1975, Northern Natural Gas Company (Northern) filed in Docket No. CS71–6 a complaint alleging that John L. Crawford (Crawford) has violated Section 7(b) of the Natural Gas Act and Section 157.30[1] of the Commission's Regulations thereunder by attempting to abandon the sale of natural gas from certain acreage dedicated to Northern and requesting that the Commission issue an order requiring Crawford to show cause why he should not be held to be in violation of the Natural Gas Act. Notice of the complaint was published in the Federal Register on June 9, 1975 (40 FR 24569). On June 18, 1975, Crawford filed his answer in opposition to Northern's complaint. On June 30, 1975, Dow Chemical Company (Dow) and Dan J. Harrison, Jr., *et al.* (Harrison), filed a protest and petition for leave to intervene in the subject proceeding as present owners of the leasehold acreage that Crawford is alleged to have abandoned. Harrison is also operator of the properties. Also on June 30, 1975, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), a customer of Northern, filed a petition for leave to intervene in this proceeding.

The statements of facts underlying the instant controversy as set forth in the filings of Crawford and Dow-Harrison are mutually consistent but are discrepant with the facts alleged by Northern. Based upon presently available information it appears to the Commission that the relevant facts are as follows:

Gas reserves under Crawford's Davidson Lease were dedicated by contract dated June 19, 1964, to Northern. By application dated July 9, 1964, in Docket No. CI65–24 Crawford sought a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act authorizing the sale to Northern, ". . . under contract dated June 19, 1964, of the gas produced from the reserves underlying leases in Sections 11 and 29, Block F, GC&SF Railroad Survey, in Crockett County, Texas." Upon his certification Crawford commenced the sale of gas to Northern from a single well. Subsequently, Crawford assigned to American Petrofina Company of Texas (American Petrofina) a portion of the Davidson Lease upon which portion the producing well was located. American Petrofina continued the sale to Northern. Still later, Crawford released the remainder of the Davidson Lease back to his original lessor, Davidson, who thereupon leased such property to Dow. Now Dow and others have commenced gas production from certain wells (Joe T. Davidson Nos. 1 and 3 wells) within acreage that was a part of the Davidson Lease.

Northern makes various claims which may be summarized as contending that the entire Davidson Lease was exclusively committed to the fulfillment of the June 19, 1964, contract and that any gas which presently is or which in the future may be produced from the Joe T. Davidson Nos. 1 and 3 wells must be delivered to Northern. Crawford maintains that abandonment permission and approval was not required because "at the time of the release of the undrilled acreage to Davidson there was in reality nothing which Crawford could request authorization and approval to abandon." Dow-Harrison's position is that the acreage in question was never dedicated to interstate commerce. Dow-Harrison claims that the words of Crawford's application in Docket No. CI65–24 for authorization to sell "the gas produced from the reserves underlying leases in Sections 11 and 29. . . ." effectively limited to Section 11 acreage the Davidson Lease acreage that was dedicated to Northern under Crawford's certificate authorization.

The question presented by Northern's complaint, therefore, is what acreage was dedicated by Crawford to Northern. The resolution turns upon the proper construction of what was intended to be dedicated to Northern under the certificate, the application, and the underlying contract in Docket No. CI65–24. It appears to the Commission that more than one reasonable construction is possible, yet neither party to the transactions, Crawford or Northern, has presented its version.

Naturally, their interpretations would be helpful. Furthermore, if the Commission is to render a decision in this proceeding that affects the *status quo* with regard to any present disposition of the Davidson Lease gas by Dow-Harrison it is important to know what, if any, that disposition is. It is clear, therefore, that additional information must precede the Commission's decision in this matter.

In an effort to obtain the necessary further information and to expedite this proceeding's resolution, the Commission agrees with the recommendation of Dow-Harrison in their instant protest and petition to intervene that the Commission convene, pursuant to Section 1.18(c) of the Rules of Practice and Procedure (18 CFR 1.18(c)), a prehearing conference among the parties to this proceeding. The Commission's aim in ordering such a conference would be to have the parties jointly agree upon and provide a comprehensive stipulation of relevant facts and documents necessary to resolve the questions herein presented. Such a statement of facts should also include, *inter alia*, 1) an interpretation of the language of the application and underlying contract in Docket No. CI65–24 regarding the exact extent of the dedication of reserves to Northern[2] and 2) a statement as to the present disposition of any gas being produced by Dow-Harrison. Ideally, the stipulation provided to the Commission would preclude the necessity for an evidentiary hearing; and after legal briefs from the parties are submitted and considered, the Commission could render an immediate decision.

The Commission finds: (1) Participation by Dow-Harrison and Michigan Wisconsin in this proceeding may be in the public interest.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the Commission initiate pursuant to Section 1.18(c) of its Rules of Practice and Procedure a prehearing conference as more fully set forth hereinbefore to assist the Commission in reaching a proper determination of the issues presented in Northern's complaint in Docket No. CS71–6.

The Commission orders: (A) Dow-Harrison and Michigan Wisconsin are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* that participation of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *Provided, further,* that the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

(B) A prehearing conference shall be convened in the proceeding in Docket No. CS71–6 in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on October 16, 1975, at 10:00 A.M. (EST). The Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose—see Delegation of Authority, 18 CFR 3.5(d)—shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27399 Filed 10–10–75;8:45 am]

[Docket No. ER76–145]

ORANGE AND ROCKLAND UTILITIES, INC.

Notice of Filing of Initial Rate Schedule

OCTOBER 6, 1975.

Take notice that on September 22, 1975, Orange and Rockland Utilities, Inc. (Orange & Rockland) tendered for filing an agreement with the Power Authority of the State of New York (PASNY). According to Orange & Rockland, the agreement provides, among other things, for the sale of "supporting energy" to PASNY and for "occasional transmission services" for PASNY.

Orange & Rockland states that service under the subject agreement will commence on demand by PASNY and continue "until December 31, 1976, and thereafter" until terminated by either party on twelve months notice to the other party.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27409 Filed 10–10–75;8:45 am]

[Dockets Nos. E–9173, E–9212]

PACIFIC POWER & LIGHT CO.

Order Accepting for Filing

SEPTEMBER 25, 1975.

On December 13, 1974, Pacific Power & Light Company (Pacific) tendered for filing a proposed Letter Agreement providing for non-firm energy sales to Portland General Electric Company (Portland). The Agreement did not specify any rate schedule, but states that the companies are to establish a rate not in excess of 12 mills per kwh prior to each delivery. The term of this Agreement was for the period beginning December 8, 1974, through August 31, 1975, and thereafter until terminated by either party upon 30 days prior notice. Service under the Agreement commenced on December 8, 1974. Notice of the filing of the Agreement was issued on December 31, 1974, but no responses have been received.

On January 13, 1975, Pacific filed a proposed Tariff providing for the same service under identical terms and conditions as proposed in the December 13, 1974 filing. By certified letter of February 21, 1975, the Secretary of the Commission notified Pacific that this filing was assessed as deficient under Section 35.12(b)(2) of the Regulations, as it failed to indicate the rate of return and associated return on equity used to support its statement that the maximum 12 mills per kwh rate is "below the fully distributed cost of energy from Pacific's share of the Centralia Project." The expected range of "variable incremental cost" for energy generated at Centralia was also requested in the deficiency letter. The letter indicated that a filing date would not be assigned until the information was received. On August 4, 1975, Pacific complied with the deficiency letter and filed the requested information. Notice of the Tariff was issued on August 28, 1975, with comments due on or before September 12, 1975. To date no comments, protests, or petitions to intervene have been received.

We have reviewed the Letter Agreement filed on December 13, 1974, the Tariff sheets filed on January 13, 1975, and the information provided on August 4, 1975, by Pacific, and we have concluded that, *inter alia*, the proposed rate, overall return and cost basis of the rate may be excessive and therefore the proposed rate may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Moreover, Pacific's filings as completed, were not made with

[1] Northern's complaint refers to Section 157.18, which applies to pipelines, rather than what was obviously intended, Section 157.30, which applies to producers such as Crawford.

[2] In the event that a single interpretation cannot be reached with regard to this operative fact the various interpretations of the parties, especially those of Northern and Crawford should be furnished.

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the Commission until 8 months after the commencement date for the service. Under the provisions of the Federal Power Act and the Regulations thereunder public utilities are required to file rate schedules at least 30 days prior to the date on which service under such schedules is to commence. This notice requirement may be waived for good cause shown. However, under circumstances when a public utility completes a rate filing schedule of possibly only 9 months duration[1] approximately 8 months after such service commences and prevents a thorough examination of such rate schedule before service terminates, our ability to protect the consumer against what may be unjust, unreasonable, unduly discriminatory or otherwise unlawful rates and charges is seriously jeopardized.[2] Consequently, we shall not waive the notice requirements of our Regulations and shall assign the agreement an effective date of September 4, 1975, 30 days after the completion of the filing. Pursuant to our authority in Section 309 of the Federal Power Act, we shall also make such filing subject to the refund of any amounts found to be excessive after the hearing which shall be hereinafter ordered. Moreover, we shall require Pacific to refund all amounts collected under the agreement prior to September 4, 1975, without prejudice to Pacific's filing within 15 days of the issuance of this order a request that we accept the rate schedule to become effective as of December 8, 1974, Pacific's proposed effective date, based upon an agreement by Pacific that the rates charged under this agreement shall be subject to refund pending final disposition upon the conclusion of the hearing to be held in this proceeding. After receipt of Pacific's response, if any, we shall issue a further order taking appropriate action.

The Commission finds: (1) the requested waiver of Section 35.3 of the Commission's Regulations should be denied.

(2) The proposed Tariff and Letter Agreement should be accepted for filing to become effective subject to refund, September 4, 1975, 30 days after completion of the filing.

(3) Good cause exists to require Pacific to refund all amounts collected under the Agreement and Tariff prior to September 4, 1975, without prejudice to Pacific's filing with the Commission within 15 days of the issuance of this order a request that the Commission accept the Agreement and proposed Tariff to be effective as of December 8, 1974, Pacific's proposed effective date, based upon an agreement by Pacific that the rates charged under the Agreement and Tariff shall be subject to refund as of that effective date, pending final disposition upon the conclusion of the hearing hereinafter ordered.

(4) It is necessary and appropriate and in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Pacific's Agreement and Tariff.

The Commission orders: (A) The requested waiver of Section 35.3 of the Commission's Regulation is hereby denied.

(B) The proposed Tariff and Letter Agreement are accepted for filing to become effective September 4, 1975, subject to refund, 30 days after completion of the filing.

(C) Pacific shall refund all amounts collected under the agreement prior to September 4, 1975, without prejudice to Pacific filing with the Commission, within 15 days of the issuance of this order, a request that the Commission accept the contract to be effective as of December 8, 1974, Pacific's proposed effective date, based on an agreement by Pacific that the rates charged under the contract shall be subject to refund as of that effective date pending final disposition upon the conclusion of the hearing hereinafter ordered.

(D) Pursuant to the authority of the Federal Power Act, and the Commission's Rules and Regulations and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held on February 3, 1976, at 10:00 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the lawfulness of Pacific's agreement.

(E) Pacific shall serve its prepared testimony and exhibits on or before October 29, 1975. The Commission Staff shall serve its prepared testimony and exhibits on or before December 16, 1975. All intervenor evidence shall be served on or before January 6, 1976. Any rebuttal evidence by Pacific shall be served on or before January 20, 1976.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(G) Nothing contained herein should be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(H) The Commission Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27396 Filed 10-10-75;8:45 am]

[1] After August 31, 1975, as noted previously, either party may terminate the agreement upon 30 days written notice.

[2] *Northeast Utilities Company,* — FPC —, issued May 31, 1974, in Docket Nos. E-8756, *et al.; Arizona Public Service Company,* — FPC —, issued July 15, 1974, in Docket Nos. E-8621, E-8004, E-8767, E-8019, E-8023, E-8688, E-8779, E-8620, E-7904, E-8689, E-7907, E-7905; *Bangor Hydro-Electric Company,* — FPC —, issued June 4, 1975, in Docket No. E-8302; *Florida Power and Light Company,* — FPC —, issued July 3, 1975, in Docket Nos. E-8769, E-8770, E-8008, E-9119; *Connecticut Light and Power Company,* — FPC —, issued June 21, 1974, in Docket Nos. E-8105 and E-8811; and *Boston Edison Company,* — FPC —, issued June 21, 1974, in Docket No. E-8810.

[Docket No. E-9454]

PUBLIC SERVICE COMPANY OF NEW MEXICO

Extension of Procedural Dates

SEPTEMBER 26, 1975.

On September 24, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued July 31, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff, Testimony, October 14, 1975.
Service of Intervenor, Testimony, October 28, 1975.
Service of Company, Rebuttal, November 11, 1975.
Hearing, December 2, 1975 (10:00 a.m. EST).

MARY KIDD PEAK, *Acting Secretary.*

[FR Doc.27400 Filed 10-10-75;8:45 am]

[Docket No. C-9322]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Notice of Further Extension of Procedural Dates

OCTOBER 6, 1975.

On September 29, 1975, Georgia Power Company and Duke Power Company filed motions to extend the procedural dates fixed by order issued May 13, 1975, as most recently modified by notice issued July 10, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, October 10, 1975.
Service of Applicant's Rebuttal, October 17, 1975.
Hearing, November 6, 1975 (10:00 a.m. EST).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27410 Filed 10-10-75;8:45 am]

[Docket No. RP75-19]

TEXAS GAS TRANSMISSION CORP.

Order Approving Settlement With Condition

OCTOBER 6, 1975.

Texas Gas Transmission Corporation (Texas Gas) on June 12, 1975, filed a motion for approval of a proposed settlement agreement in the above-entitled proceedings resolving all issues except for (1) the proper rate of depreciation applicable to Texas Gas' depreciable gas plant, (2) the question of the inclusion in cost of service of amounts relating to the acquisition by Texas Gas of coal reserves for gasification purposes and (3) cost classification, cost allocation, rate design and location of boundaries between zones.

These proceedings commenced by the filing on September 30, 1974, of a general increase in rates. By Commission order of October 30, 1974, the increase was suspended until April 1, 1975. By motion filed February 28, 1975, the increased rates plus a further increase to reflect the cost of purchased gas, were placed in effect on that date and were designed to produce revenues of $411,791,889 compared with a total cost of service under the settlement of $381,455,582.

The proposed settlement agreement in brief, provides as follows:

Article I.—Within 10 days of the Commission order approving the Agreement becoming final and nonappealable, Texas Gas will file revised tariff sheets to reflect the settlement cost of service (attached hereto) and will make refunds to its jurisdictional customers. The settlement cost of service utilizes an overall rate of return of 9.53 percent.

Article II.—The settlement rates are based upon a 5.25 percent composite rate of depreciation for all depreciable gas plant other than General plant. If as a result of a final and nonappealable Commission order in Docket No. RP74-25 Texas Gas is not permitted to depreciate its plant at a composite rate of 5.25 percent, Texas Gas will decrease its rates according to a formula and made refunds from April 1, 1975, to the effective date of the rate reduction.

Article III.—The settlement cost of service includes $1,382,060 associated with the acquisition of coal reserves, purchased in place by Texas Gas to be used for gasification purposes. If the Commission in Docket No. RP74-25 approves the inclusion in cost of service of amounts associated with the acquisition of coal reserves, Texas Gas agrees to dedicate these reserves for use in a gasification process if such a process is feasible and to inject the gas into its system.

If found that gasification of these coal reserves is not technically feasible, Texas Gas will file revised tariff sheets to reduce the commodity component of its jurisdictional rates by 0.22 cents per Mcf. In addition, if profits are realized from other use of the coal reserves, Texas Gas will refund to its jurisdictional customer the amount of 0.22 cents per Mcf for the volumes of gas purchased by each customer from April 1, 1975, to the effective date of the rate of reduction. If the coal reserves are produced rather than sold, Texas Gas will make refunds from the profits. "Under neither condition shall Texas Gas be obligated to refund an amount, exclusive of interest, in excess of the amount collected by Texas Gas from such customers for such purposes".

If Texas Gas is not permitted in Docket No. RP74-25 to include the cost of acquisition of coal reserves in cost of service Texas Gas shall decrease the commodity component of its jurisdictional sales rates by 0.22 cents per Mcf and make refunds.

Article IV—Cost classifications, cost allocations, rate designs and zone boundary issues have been reserved for hearing with a requirement of filing revised tariffs prospectively.

Article V.—Texas Gas shall decrease and may increase its rate to reflect changes in its rate base resulting from net changes in the amount of outstanding advance payments. $8,467,909 is used in the settlement agreement.

Article VI.—Changes in the composite Federal increase tax rate of 48 percent may be tracked.

Article VII.—Changes in the cost of transportation of gas by others from the base amount of $3,977,280 used in the settlement may be tracked.

Article VIII.—Procedures for filing tracking rate changes under Articles V, VI and VII are provided. Among other things at least 45 days prior to each February 1 and August 1 during the term of the settlement Texas Gas shall file aggregate changes in cost of service associated with the three articles: The rate changes shall be effective February 1 or August 1; those under Article V shall be applied to the commodity component and those under Article VI shall be reflected in the demand and commodity rates utilizing the methods of allocation and rate design used in the original filing data.

Article IX.—A report shall be filed with the distribution of any refunds.

Article X.—The settlement is not to become effective until the Commission shall have issued an order approving it, which order shall become final and nonappealable and the Commission shall have waived compliance with its filing rules.

Article XII.—The settlement is to become effective April 1, 1975, and shall terminate when a new rate filing shall become effective (except for filings under the settlement).

Article XIII.—Neither Texas Gas, the Commission, its Staff, nor any other person shall be deemed to have approved any ratemaking principle nor shall any provisions of the settlement prejudice any of the reserved issues.

After notice by the Commission only the Staff and Columbia Gas Transmission Corporation on July 10, 1975, filed comments on the proposed settlement agreement. Columbia stated that the settlement represents a fair and just resolution. Staff finds objectionable those provisions of Article III which would permit Texas Gas to retain profits realized from the sale or use of the coal reserves for purposes other than its own gasification project. While the customers are bearing the cost of the reserves, it says they should be credited with the profits, and this would be consistent with Account Nos. 105 and 105.1 and Paragraph E of Gas Plan Instruction No. 7 of the Commission's Uniform System of Accounts, 18 CFR Ch. 1, Part 201 (1974), pp. 129, 238, 239. Therefore the Staff requests the Commission to approve the settlement with the condition that while the customers are paying rates which reflects the costs of the coal reserve, any income from the use or sale of the reserves should be credited to Texas Gas' cost of service.

Texas Gas replies that the provisions of the proposed settlement which relate to profits realized from the sale or use of the coal reserves are identical (except for the amounts and dates) with the similar provisions of the previous settlement in Docket No. RP74-25. It points out the result was reached after negotiations as part of a total package.

In our opinion since Texas Gas' customers are to pay the costs of the coal reserves they should be credited with any profits realized. By the terms of Section I of Article III where the coal reserves cannot be used for gasification and they are disposed of, the 0.22 cents per Mcf refund must come out of profits. Thus Texas Gas would limit the refund both by 0.22 cents per Mcf and the level of profits. We think this is inequitable. The cost of the acquisition of the coal reserves shown in the settlement to be 0.22 cents per Mcf should be returned to the customers whether there is any profit or not. Since they have put up the money and it has not been used for their benefit, the profits of the coal reserves, whether they are sold or produced, should also be returned or credited to the customers for the period the customers are paying the costs.

Under Section 2 of Article III, concerning the situation where the coal reserves are excluded from the rate based by a decision in Docket No. RP74-25, as long as the coal reserves are being used for gasification, the settlement properly provides for a refund of only the amount of 0.22 cents per Mcf representing the cost of the investment.

As noted above the settlement is based on an overall rate of return of 9.53 percent which was not contested. As applied to the capitalization for March 31, 1975, set forth by a company witness this represents a return on common equity as follows:

		Ratio	Cost	
				Percent
Long-term debt	$245,400,200	56.54	7.80	4.40
Preferred stock	12,862,541	2.96	8.61	.25
Common equity	172,876,108	39.83	12.10	4.82
Acc. deferred taxes	2,916,500	.67	0	0
Total	434,055,350	100.00		9.53

In our opinion the allowance on common equity and overall return above are supported by the data presented by Texas Gas including the written testimony filed for three witnesses and exhibits. The witnesses related the financial difficulties facing Texas and the utility industry. Variously they noted the deteriorating ability of the industry to sell long-term debt in the face of inflation and the downgrading of bond ratings, including the reduction of Texas Gas' rating by Moody's to Baa. They noted difficulties with gas supplies. Thus Texas Gas'

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reserves life index had declined by 4.6 years in only three years to 11.6 at the beginning of 1974. They discussed the impact of inflation and short gas supply on common equity, both of which they contended required a more generous allowance than in the past.

Data was presented on earnings on common equity in comparable industries as follows:

	Average 1964–73	1973
10 natural gas distributors companies	12.57	12.14
10 natural gas transmission companies	14.09	13.70
24 electric utilities	11.60	11.07
125 industrial companies	12.94	14.73
10 trucking companies	19.12	19.32

It was further noted that Texas Gas was comparable to other Companies with respect to interest coverage. In 1973 the consolidated coverage was 3.63 before taxes and 2.39 after taxes. The coverage before taxes was in that year 3.33 for Michigan-Wisconsin Pipeline, 3.90 for Natural Gas Pipeline, 3.14 for Northern Natural, 5.02 for Panhandle, 4.94 for Southern Natural Resources, and 2.58 for Texas Eastern. The common stock of Texas Gas, like that of a number of other pipelines, was selling below book value on August 27, 1974. The witnesses agreed that the allowance on common equity should be 13 percent, and one expressed his opinion that the overall return should be 10.33 after adjustment for a loss of return arising from the issuance of long term debt before it could be invested in plant. We conclude that the overall rate of return of 9.53 percent used by the settlement, which would mean a 12.10 percent allowance on common equity, would be fair and reasonable.

The Commission finds: The settlement of these proceedings on the basis of the stipulation and agreement filed with a motion on June 12, 1975, is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act and should be approved and made effective as modified below.

The Commission orders: (A) The motion filed by Texas Gas on June 12, 1975, for approval of a settlement agreement is hereby granted and the settlement agreement is approved and made effective subject to the conditions below.

(B) Within 10 days after the date this order becomes final and nonappealable Texas Gas shall file revised tariff sheets to reflect the rates set forth in Appendix A of the settlement agreement effective April 1, 1975.

(C) Within 10 days after the date this order becomes final and nonappealable, Texas Gas will refund to its jurisdictional customers the difference between the base tariff rates set forth in Appendix A to the settlement agreement and the base tariff rates that were actually charged for volumes sold or transported by Texas Gas for the period from April 1, 1975, to the date upon which Texas Gas shall first begin to charge the rates provided for in Appendix A with interest at 7 percent per annum.

(D) Further tariff changes shall be filed and refunds made, or both, in accordance with the settlement as modified by paragraphs (E) and (F) below.

(E) In the case of Section 1 of Article III if it is determined that gasification of the coal reserves is not technically feasible, Texas Gas shall reduce the commodity component of its rates to its jurisdictional sales customers in the amount of 0.22 cents per Mcf, shall make refunds of 0.22 cents per Mcf from April 1, 1975, to the effective date of the reduction regardless of any profits together with interest at 7 percent per annum, and shall make refunds or credit its customers at least once a year with all profits earned by sale or production of the coal reserves during the period that the customers are paying the carrying charges on the coal reserves, all otherwise in accordance with Article III of the settlement.

(F) In the case of Section 2 of Article III if it is determined by a final and nonappealable Commission decision in Docket No. RP74–25 that Texas Gas is not permitted to include in its cost of service amounts associated with the acquisition of coal reserves for gasification purposes, then Texas Gas shall decrease the commodity component of its jurisdictional rates by 0.22 cents per Mcf and will file revised tariff sheets to decrease by the aforesaid amount its then effective commodity sales rates to be effective on the first day of the month after the date the Commissions' order becomes final and nonappealable. In addition, as long as the coal reserves are used for gasification purposes on Texas Gas' system, Texas Gas will refund to each of its jurisdictional sales customers a sum equal to the amount of the rate reduction made pursuant to Article III multiplied by the volume of gas purchased by each customer from April 1, 1975, to the effective date of such rate decreases, together with interest computed at 7 percent per annum. If part or all of the coal reserves are not used for gasification purposes and profits are earned by their sale or production, the refund provisions of paragraph (E) shall apply to the coal reserves not used for gasification.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

TEXAS GAS TRANSMISSION CORPORATION

SETTLEMENT COST OF SERVICE—DOCKET NO. RP75–19

	Amount
Operation and maintenance expenses:	
Natural gas production expenses:	
Production and gathering	$240,625
Products extraction	238,629
Exporation and development	38,673
Other gas supply expenses	245,115,920
Total natural gas production expenses	245,633,847
Underground storage expenses	$2,164,749
Transmission expenses	30,001,320
Customer accounts expenses	143,525
Sales expenses	367,223
Administrative and general expenses	12,408,335
Total operation and maintenance expenses	290,718,999
Depreciation, depletion, and amortization expense	32,386,903
Federal income taxes	18,633,748
State income taxes	1,719,895
Other taxes:	
Property	5,353,694
Payroll	869,902
Miscellaneous	797,227
Return at 9.53 pct.[1]	33,999,644
Revenues credited to cost of service	(3,024,428)
Total cost of service	381,455,582
[1] See the following:	
Net plant	$363,460,055
Working capital	29,746,102
Exclusion of normalization reserve	(36,441,788)
Rate base	356,764,369

[FR Doc.75–27411 Filed 10–10–75;8:45 am]

FEDERAL RESERVE SYSTEM

CITIZENS BANCORP.

Order Denying Formation of Bank Holding Company

Citizens Bancorp, Maud, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 80 percent or more of the voting shares of Citizens State Bank, Maud, Oklahoma ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation organized under the laws of Oklahoma for the purpose of becoming a bank holding company through the acquisition of Bank. With deposits of $4.7 million,[1] Bank holds approximately .15 of one percent of the total deposits held by commercial banks in the Oklahoma City banking market (the relevant banking market),[2] and is one of the smaller organizations competing in that market. Inasmuch as this proposal represents merely a reorganization of existing ownership interests, and since Applicant has no present banking subsidiaries, the acquisition of Bank by Applicant would not have any significant adverse effect upon either actual or potential competition within the relevant market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The Board has previously indicated that it believes that a holding company should be a source of financial and managerial strength to its subsidiary bank(s), and that it will closely examine the condition of the Applicant in each case with this consideration in mind. Applicant will incur a relatively large acquisition debt in connection with this proposal, which it proposes to service over a 12-year period primarily through dividends from Bank. In the Board's view, the projected earnings of Applicant over the debt-retirement period appear to be somewhat optimistic in view of Bank's previous earnings. Furthermore, even if anticipated earnings are actually realized, the debt servicing requirements imposed on Applicant would limit Applicant's ability to meet any unforeseen financial problems that might arise, and thereby impair Bank's overall ability to continue to serve the community as a viable banking organization. Accordingly, the Board views the sizeable acquisition debt to be incurred by Applicant as a significantly adverse factor in the consideration of the subject proposal and finds that the financial factors weigh against approval of the application.

In its consideration of this proposal, the Board also notes that Applicant's principals acquired their original interest in Bank through a loan obtained from a third party bank. Under this proposal, Applicant would assume the debt resulting from this loan to its principals. Analysis of the history of Bank's deposits kept with the lending bank as well as Bank's previous correspondent balance history leads the Board to the conclusion that the debt being assumed, which is at an annual interest rate of 5.75 percent, is being financed in part by the maintenance of a large compensating balance by Bank at the lending institution. Further, it appears that the management group has been receiving salaries and retainers from Bank which are considered excessive in relation to services rendered. To the extent that these practices exist they constitute a use of Bank assets to the detriment of the minority shareholders of Bank and therefore reflect adversely on managerial considerations.

As indicated above, the proposed formation essentially involves the reorganization of the ownership interest of Bank without any significant changes in Bank's operations or the services offered to customers of Bank. Consequently, considerations relating to the convenience and needs of the community to be served lend no weight toward approval of the application.

On the basis of all of the circumstances concerning this application, the Board concludes that the banking considerations involved in this proposal present adverse factors bearing upon the financial conditions and managerial resources of both Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects or by benefits that would result concerning the convenience and needs of the community. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be denied.

On the basis of the facts of record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[3] effective October 6, 1975.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.75–27515 Filed 10–10–75;8:45 am]

[1] All banking data are as of December 31, 1974.

[2] The Oklahoma City banking market is approximated by the Oklahoma City SMSA which is defined to include the counties of Canadian, Cleveland, McClain, Oklahoma and Pottawatomie.

GREAT LAKES FINANCIAL CORP.

Acquisition of Bank

Great Lakes Financial Corporation, Grand Rapids, Michigan, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent, less directors' qualifying shares, of the voting shares of First National Bank and Trust Company, Petoskey, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 7, 1975.

Board of Governors of the Federal Reserve System, October 6, 1975.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75–27518 Filed 10–10–75;8:45 am]

FIRST NATIONAL CHARTER CORP.

Order Approving Acquisition of Bank

First National Charter Corporation, Kansas City, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Excelsior Trust Company of Excelsior Springs, Missouri, Excelsior Springs, Missouri ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with Section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest bank holding company in Missouri, controls 16 banks with aggregate deposits of approximately $883 million, representing about 5.5 percent of total deposits in commercial banks in the State.[1] Acquisition of Bank ($11.9 million in deposits) would increase Applicant's share of deposits in Missouri only slightly and its ranking among banking organizations in the State would be unchanged.

Bank is the 85th largest of 132 banking organizations in the Kansas City banking market[2] and holds 0.25 per cent of the total deposits therein. Applicant is the second largest multibank holding company in the relevant market, with four existing subsidiary banks controlling 12.5 per cent of total market deposits. While Applicant's share of market deposits would increase slightly upon consummation of the proposal, its rank in the market would remain the same. In addition, Applicant would not gain a dominant market position since the largest banking organization in the market would still control approximately 14 per cent of the total market deposits. A distance of some 30 miles separates Bank from the nearest of Applicant's four subsidiary banks in the Kansas City banking market, and it appears that there is no significant competition between Bank and these subsidiaries or any of Applicant's other banking subsidiaries. Therefore, on the basis of the record, the Board concludes that consummation of the proposal would not have significant adverse effects upon existing or future competition in any relevant area; accordingly, competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant, its subsidiary banks, and Bank are considered to be satisfactory, and future prospects for each appear favorable. Banking factors are consistent with approval of the application. Affiliation with Applicant would enable Bank to offer expanded banking services to its customers, including increased loan capabilities and the development and operation of trust services. These considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

[3] Voting for this action: Governors Bucher, Holland, Wallich, Coldwell and Jackson. Absent and not voting: Chairman Burns and Governor Mitchell.

[1] All banking data are as of December 31, 1974, and reflect bank holding company formations and acquisitions approved by the Board through August 31, 1975.

[2] The Kansas City banking market is approximated by all of Clay, Jackson, and Platte Counties and a portion of Cass County in Missouri, and all of Johnson and Wyandotte Counties in Kansas.

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On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] effective October 6, 1975.

[1] Voting for this action: Governors Bucher, Holland, Wallich, Coldwell and Jackson. Absent and not voting: Chairman Burns and Governor Mitchell.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-27517 Filed 10-10-75;8:45 am]

FIRST NEW MEXICO BANKSHARE CORP.

Acquisition of Bank

First New Mexico Bankshare Corporation, Albuquerque, New Mexico, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 99 percent of the voting shares of Bank of Las Cruces, National Association, Las Cruces, New Mexico, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 31, 1975.

Board of Governors of the Federal Reserve System, October 6, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-27516 Filed 10-10-75;8:45 am]

POPULAR BANCSHARES CORP.

Acquisition of Bank

Popular Bancshares Corporation, Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 97.4 percent of the voting shares of Security State Bank of Pompano Beach, Pompano Beach, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 6, 1975.

Board of Governors of the Federal Reserve System, October 3, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-27519 Filed 10-10-75;8:45 am]

REPUBLIC OF TEXAS CORP.

Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares, less directors' qualifying shares, of Braes Bayou National Bank, Houston, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 29, 1975.

Board of Governors of the Federal Reserve System, October 1, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-27520 Filed 10-10-75;8:45 am]

TRAER SHARES, INC.

Formation of Bank Holding Company

Traer Shares, Incorporated, Traer, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Farmers Savings Bank, Traer, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writings to the Reserve Bank, to be received not later than October 29, 1975.

Board of Governors of the Federal Reserve System, October 6, 1975.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-27521 Filed 10-10-75;8:45 am]

UNION STATE BANCSHARES, INC.

Formation of Bank Holding Company

SEPTEMBER 30, 1975.

Union State Bancshares, Inc., has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Union State Bank, Uniontown, Kansas. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 28, 1975.

Board of Governors of the Federal Reserve System, September 30, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-27522 Filed 10-10-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 3, 1975. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before November 3, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

INTERSTATE COMMERCE COMMISSION

The Interstate Commerce Commission requests an extension to change clearance of Rules governing the filing of applications for the issue of Certificates of Public Convenience and Necessity authorizing the abandonment of a line or the operation thereof. Rules are published in 49 CFR 1121 and separately printed as Forms OP-F-250, OP-F-250B and OP-F-250C. Approximately 200 applications to abandon railroad lines are received annually. Some 330 railroads are subject to the rules.

The short form (OP-F-250C) is provided for use where the applicant railroad does not anticipate serious public opposition; its preparation time is estimated at 100 hours and about 80 applications are expected annually.

A modified long form (OP-F-250B) is provided for use where the involved line has failed to generate more than 34 carloads of traffic per mile in a year; its preparation time is estimated at 350 hours and about 60 applications are expected annually.

The regular form (OP-F-250) is provided for use where neither of the preceding above two situations apply; its preparation time is estimated at 450 hours and about 60 applications are expected annually.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-27572 Filed 10-10-75;8:45 am]

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 7, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA and FPC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before November 3, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL ENERGY ADMINISTRATION

Request for clearance of FEA-P121-Q-O, Civil Air Carrier Fuel Usage Report and International Air Carrier Report of Purchases. This report provides the means by which civil air carriers report their fuel usage pursuant to 10 CFR 211.147(c) and international air carriers report pursuant to 10 CFR 211.146(c)(6). The report will be filed on a quarterly basis. Respondents are estimated to number 250 and it is estimated that on the average ½ hour will be required per response.

FEDERAL POWER COMMISSION

Request for clearance of a material revision to FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B) prescribed by Section 141.1 by Title 18, Chapter 1 of the Code of Federal Regulations. The revision concerns the addition of two new schedules to the annual report Form No. 1, effective for the reporting year 1975, for the reporting of capital costs and annual expenses of operating environmental protection facilities and the attendant program. Potential respondents are the 289 electric utilities and hydroelectric licensees presently subject to the Commission's reporting requirements of the remainder of the FPC Form No. 1. The estimated average burden per annual response is 10 hours for reporting periods subsequent to 1975. The estimate for 1975 is 40 hours average per respondent.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-27573 Filed 10-10-75;8:45 am]

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 6, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FPC and ICC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before November 3, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL POWER COMMISSION

The Federal Power Commission (FPC) requests an extension no change clearance to continue to use FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B). This reporting requirement will apply to each Class A (having annual electric operating revenues of $2,500,000 or more) and Class B (having annual electric operating revenues of more than $1,000,000 but less than $2,500,000) electric utility, licensee or other, whether or not the jurisdiction of the Commission is otherwise involved. The FPC Form No. 1 is filed annually on or before March 31 of the year following the reporting year. There will be approximately 289 respondents and it is estimated that an average of 1432 hours will be required annually per response.

The Federal Power Commission (FPC) requests an extension no change clearance to continue to use FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B). This reporting requirement will apply to each natural gas company, as defined in the Natural Gas Act which is included in Class A or B as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies subject to the Provisions of the Natural Gas Act. The FPC Form No. 2 is filed annually on or before March 31 of the year following the reporting year. There will be approximately 82 respondents and it is estimated that an average of 2110 hours will be required annually per response.

INTERSTATE COMMERCE COMMISSION

Request for clearance of revised Annual Report Form MP-1, required to be filed by some 111 Class I motor carriers of passengers, pursuant to Section 220 of the Interstate Commerce Act. Data are used for economic regulatory purposes. Revisions made in this annual report form resulted from changes in the Uniform System of Accounts (49 CFR 1206) adopted through rulemaking proceedings. Reporting burden for carriers is estimated to average 132 hours per report. Reports are mandatory and available for use of the public.

Request for extension no change clearance of Quarterly Report Form QPA, required to be filed by some 111 Class I Motor Carriers of Passengers, pursuant to Section 220 of the Interstate Commerce Act. Data are used for economic regulatory purposes. Reporting burden for carriers is estimated to average 6 hours per quarterly report. Reports are mandatory and available for use of the public.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-27574 Filed 10-10-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR Temporary Reg. A-10, Supplement 1]

GOVERNMENT-OWNED INVENTIONS

Licensing

1. *Purpose.* This supplement terminates the suspension of the effective date imposed by FPMR Temporary Regulation A-10.

2. *Effective date.* This supplement is effective October 1, 1975.

3. *Expiration date.* This supplement expires October 31, 1975.

4. *Background.* FPMR Amendment A-16, January 29, 1973 (38 F.R. 3328, February 5, 1973), added a new Part 101-4, Patents, and a new Subpart 101-4.1, Licensing of Government-owned Inventions. The subpart prescribes the terms, conditions, and procedures for the licensing of rights in domestic patents and patent applications vested in the United States of America, and for dedication of Government-owned inventions by a Government agency. On January 17,

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1974, the U.S. District Court for the District of Columbia issued an order which directed that immediate steps be taken to void the regulations. FPMR Temporary Regulation A–10, February 12, 1974, which suspended the provisions of Subpart 101–4.1, was issued to comply with the Court's order. To facilitate the processing of an appeal, FPMR Amendment A–20, July 30, 1974 (39 F.R. 28288, August 6, 1974), was issued but was not made effective. The Court's order was appealed in the U.S. Court of Appeals for the District of Columbia Circuit, and on June 16, 1975, that Court reversed the judgment of the District Court based on the opinion that the appellees are without standing. It is now appropriate and desirable to eliminate the suspension of the provisions of Subpart 101–4.1 and to provide an effective date for those provisions.

5. *Agency action.* The provisions of Subpart 101–4.1 are no longer suspended. Agencies may issue licenses pursuant to the provisions of the subpart.

6. *Effect on other issuances.*

a. FPMR Temporary Regulation A–10 is canceled October 31, 1975; however, the suspension set forth in the regulation is terminated.

b. FPMR Amendments A–16 and A–20 are effective October 1, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

OCTOBER 1, 1975.

[FR Doc.75–27441 Filed 10–10–75;8:45 am]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 9 from 10:00 am to 4:00 pm, November 10, 1975, California Room, 28th Floor, 525 Market Street, San Francisco, California. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of Architect-Engineers. These professionals are under consideration for selection to furnish professional services for the proposed term contract for various repair and alteration projects in the Los Angeles and San Francisco, California Bay area. Frank and open discussion of the professional qualifications of the firms being considered is essential to insure selection of the best qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public.

Dated: September 25, 1975.

ROSS G. BIATEK,
Acting Regional Administrator.

[FR Doc.75–27439 Filed 10–10–75;8:45 am]

[FPMR Temporary Reg. E–41]

STANDARD FORM 149, U.S. GOVERNMENT NATIONAL CREDIT CARD

Preparation and Control

1. *Purpose.* This regulation establishes policies and procedures concerning the preparation and control of Standard Form 149, U.S. Government National Credit Card.

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER.

3. *Expiration date.* This regulation expires December 31, 1975, unless sooner revised or superseded. Prior to the expiration date, this regulation will be codified in the permanent regulations of the General Services Administration in Title 41, CFR, Public Contracts and Property Management.

4. *Applicability.* The provisions of this regulation apply to Federal agencies using Standard Form 149, U.S. Government National Credit Card.

5. *Background.*

a. Standard Form 149 is used by Federal agencies to obtain specified services and supplies at service stations under contract with the Defense Fuel Supply Center. FPMR 101–26.406 sets forth existing instructions for ordering credit cards and for embossing billing codes and agency addresses, and for including an optional expiration date on the cards.

b. As a result of a meeting with representatives of 15 oil companies and the American Petroleum Institute, it has been agreed that procedures concerning the use of billing codes will be revised, that future credit cards will carry a 2-year expiration date, and that GSA will provide centralized management of the Government credit card program.

c. The foregoing changes will eliminate confusion regarding the appropriate organization to be billed, will initiate new controls on all credit cards based on a limited period of validity, and will provide a focal point for handling all matters pertaining to the issuance and control of these cards.

6. *Revised policy.*

a. *Billing code.* The billing code is a 10-digit number and is the first embossed line on the Standard Form 149. The first three digits will always be 000 for civilian agencies. The fourth digit may be used to designate the vehicle class or for other purposes to meet agency requirements. If the fourth digit is not used for any designation, it will be zero. The fifth and sixth digits will normally be the agency code which is shown in the Department of the Treasury booklet, "Receipt, Appropriation, and Other Fund Account Symbols and Titles." The seventh, eighth, and ninth digits indicate the agency billing address code number and is assigned by the agency. The tenth digit is the validation number and is determined by the embossing contractor or by the GSA regional office embossing the card.

NOTE: Instructions concerning the embossing of a billing address contained in § 101–26.406–3 remain unchanged.

b. *Expiration date on Standard Form 149.* At the time the Standard Form 149 is embossed, the Federal Supply Schedule contractor or the GSA regional office concerned shall also emboss a 2-year expiration date (month and year) on the extreme right side of the fourth line of the credit card. Cards currently in use, without expiration dates, shall be replaced no later than 10 months after publication of this regulation in the FEDERAL REGISTER.

c. *Type font on Standard Form 149.* The type font used to emboss Standard Form 149 shall conform with the requirements of the Federal Supply Schedule Contract.

d. *Centralized administrative control of credit cards.* Agencies shall notify GSA of the assignment of billing codes and billing addresses and, where appropriate, the vehicle tag or registration number assigned to new issuances of Standard Form 149. These notices shall be forwarded to the General Services Administration (FZM), Washington, D.C. 20406. After GSA has been officially notified of the assignment, agencies may submit purchase orders for 50 or more Standard Form 149 carrying this information to the embossing contractor as provided for in Federal Supply Schedule, FSC Group 75, Part VII.

Additional Standard Forms 149 carrying the same information may be ordered without reporting to GSA.

e. *Embossing of credit cards.* Agency requisitions for 49 or less embossed credit cards shall be forwarded to the Federal Supply Service, Motor Equipment Services Division, of the servicing GSA regional office.

7. *Existing credit cards.* Agencies shall forward to the General Services Administration (FZM), Washington, DC 20406, within 60 calendar days of the publication of this regulation, lists of billing codes and billing addresses presently used by the agency so that centralized management may be instituted by GSA. Agencies are also required to include a central point and telephone number of a contact for administration of the program.

8. *Effect on other issuances.* This temporary regulation amends § 101–26.406 as follows:

a. Centralized management of the credit card program is provided by GSA;

b. Agencies are advised that the type font used to emboss credit cards shall conform with the requirements of the Federal Supply Contract;

c. Instructions concerning the assignments of billing codes contained in § 101–26.406–2 are revised; and

d. The embossing of an expiration date on Standard Form 149, the use of which is optional as set forth in § 101–26.406–4(a)(2), is mandatory.

9. *Availability of Standard Form 149.* Supplies of Standard Form 149, U.S. Government National Credit Card, may be obtained by submitting a requisition in FEDSTRIP/MILSTRIP to the GSA regional office providing support to the requisitioning activity.

10. *Agency comments.* Comments concerning the effect or the impact of this regulation on agency operations should be submitted to the General Services Administration (FP), Washington, DC 20406, no later than 60 calendar days after publication of this regulation for possible incorporation into the permanent regulation.

ARTHUR F. SAMPSON,
Administrator of General Services.

OCTOBER 1, 1975.

[FR Doc.75–27440 Filed 10–10–75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75–79]

RESEARCH AND TECHNOLOGY ADVISORY COUNCIL PANEL ON AERONAUTICAL OPERATING SYSTEMS

Meeting

The NASA Research and Technology Advisory Council (RTAC) Panel on Aeronautical Operating Systems will meet on October 29–30, 1975, at the NASA Lewis Research Center, Cleveland, Ohio 44135. The meeting will be held in the Administration Building Conference Room. Members of the public will be admitted on a first-come, first-served basis up to the seating capacity of the room, which is about 25 persons. All visitors must report to the Lewis Research Center receptionist in the Administration Building.

The RTAC Panel on Aeronautical Operating Systems serves in an advisory capacity only. The current Chairman is Mr. F. W. Kolk. There are 12 members. The following list sets forth the approved agenda and schedule for the October 29–30, 1975, meeting of the Panel on Aeronautical Operating Systems. For further information, please contact the Panel's Executive Secretary, Mr. K. E. Hodge, Area Code 202, 755–2375.

OCTOBER 29, 1975

Time	*Topic*
8:30 a.m.	Opening Remarks and Report of the Chairman (Purpose: To summarize action taken at the Spring 1975 meeting of the Research and Technology Advisory Council.)
8:50 a.m.	Report of the Executive Secretary (Purpose: To inform the Panel of recent changes in NASA policy and organization, current budget plans, and action taken on past recommendations of this Panel.)
9:00 a.m.	Report of the Chairman, Ad Hoc Panel on Terminal-Configured Vehicles (TCV) (Purpose: To inform the Panel of actions taken at the September 1975 meeting of the Ad Hoc Panel.)
9:30 a.m.	Report on the Aviation Safety Reporting System Program (Purpose: To describe the current status and plans of the program.)
10:45 a.m.	Report on Human Factors Research Program (Purpose: To inform the Panel of program status and plans in NASA's Aeronautical Human Factors Research.)
11:30 a.m.	Report on Selected Current Ames Research Center Programs (Purpose: To inform the Panel of recent progress in ongoing operational research and plans at the Ames Research Center).
1:30 p.m.	Propulsion Systems Operating Problems (Purpose: To inform the Panel of ongoing programs aimed at solutions to safety and operational problems of current and projected propulsion systems.)
3:30 p.m.	Members' Discussion (Purpose: To consider the issues presented and to solicit advice and comments from the members as to adequacy, relevance, and additional needs of research in these topical areas.)

OCTOBER 30, 1975

8:00 a.m.	Report on Selected Current Flight Research Center Programs (Purpose: To inform the Panel of recent progress in ongoing operational research and plans at the Flight Research Center.)
8:30 a.m.	Report on Selected Current Langley Research Center Programs (Purpose: To inform the Panel of recent progress in ongoing operational research and plans at the Langley Research Center.)
10:00 a.m.	Report on the Aircraft Fuel Conservation Technology Program (Purpose: To report to the Panel the recommendations of the Aircraft Fuel Conservation Task Force and to describe NASA's organizational and program response.)
10:45 a.m.	Members' Reports and Comments (Purpose: To solicit members' views of operational problems currently being encountered in the aviation community and descriptions of relevant private sector research and development activity which augments or parallels NASA research.)
1:30 p.m.	Members' Discussion and Formulation of Recommendations (Purpose: To review the meeting and formulate recommendations for consideration by NASA.)
4:30 p.m.	Adjournment.

DUWARD, L. CROW,
Associate Deputy Administrator, National Aeronautics and Space Administration.

OCTOBER 6, 1975.

[FR Doc.75–27437 Filed 10–10–75;8:45 am]

NATIONAL ENDOWMENT FOR THE ARTS AND THE HUMANITIES

National Endowment for the Arts

MUSEUM PROGRAM GUIDELINES FISCAL YEAR 1977

The following are guidelines for grants made under the Museum Program of the National Endowment for the Arts, an independent agency of the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States.

The first application deadline date is January 2, 1976. Detailed application information is included in the following pages.

Interested persons should contact John Spencer, Director, Museum Program, National Endowment for the Arts, Washington, D.C. 20506, (202) 634–6164 for further information and application forms. Only the Museum Program office may distribute application forms.

Signed at Washington, D.C. on September 30, 1975.

FANNIE TAYLOR,
Director, Program Information.

MUSEUM PROGRAM GUIDELINES

Introduction. The Museum Program of the National Endowment for the Arts offers a number of program funding categories designed to:

(1) Assist museums in meeting the increased demands for their services by support: of special exhibitions; of installation of the permanent collection; of catalogues or cataloguing; and in making the museum more accessible to its public.

(2) Assist in the training and preparation of the professional staff needed by museums to better serve the needs of their public through support of training in museums and universities and through support of short leave programs for museum professionals.

(3) Assist museums in preserving their permanent collections through the training of conservators, through conservation of individual objects, and through support of surveys for and installation of security systems, storage facilities and climate control.

(4) Assist museums through purchase awards for the acquisition of works of art by living American artists.

The Endowment will consider proposals for specific projects which do not fit into any one or a combination of the programs listed. See General Programs, page 12.

Applications cannot be accepted for operating expenses, new construction, establishing new museums, or the acquisition of works by other than living American artists. All such applications will be returned.

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Application Deadlines

	Application deadline	Notification date	Earliest beginning project date
Museum purchase plan, aid to special exhibitions, wider availability of museums.	Jan. 2, 1976	June 1976	July 1976.
Utilization of museum collections catalogue.	Apr. 2, 1976	October 1976	November 1976.
Museum training, conservation, renovation (security, storage, climate control).	July 2, 1976	December 1976	January 1977.
Services to the field fellowships for museum professionals.	Oct. 1, 1976	March 1977	April 1977.
Visiting specialists and technical assistance, general programs.	(1)	(1)	(1).

[1] Applications accepted throughout the year and reviewed quarterly.

Applications cannot be accepted after their appropriate deadline date. Requests for an extension must be made prior to the appropriate deadline date and only for extenuating circumstances.

Applications are not considered complete unless the supplementary information sheets are completed. These sheets must be submitted with Museum Purchase Plan, Aid To Special Exhibitions and Fellowships For Museum Professionals applications; the forms are on pages 27–37, respectively.

In addition, please type name, title, and telephone number of the authorizing official(s), project director, and payee under the signatures on the last page of the application.

GENERAL INFORMATION

Eligibility. (1) By statute, the Endowment is limited to making grants to organizations only if no part of their net earnings inures to the benefit of a private stockholder or an individual and provided donations to such organizations are allowable as charitable contributions under Section 170(c) of the Internal Revenue Code of 1954, as amended. All organizations are required to submit a copy of their Internal Revenue Service tax exemption determination letter with each application.

(2) Organizations receiving National Endowment for the Arts support must conduct their operations in accordance with the requirements of Title VI of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973, as amended, which bar discrimination in Federally assisted projects on the basis of race, color, national origin or handicap.

(3) All laborers and mechanics employed by contractors or subcontractors on construction projects assisted by National Endowment for the Arts grant funds shall be employed and paid in accordance with applicable Federal minimum wage and labor standards (Parts 3 and 5, Title 29, Code of Federal Regulations).

(4) Museums, organizations serving museums, organizations providing museum functions, state arts agencies, regional arts groups, and currently employed museum professionals are eligible to apply. The Endowment generally uses the definition of museums developed by the American Association of Museums:

> • • • a nonprofit institution essentially educational or esthetic in purpose with professional staff, which owns and utilizes tangible objects, cares for them, and exhibits them to the public in some regular schedule.

Accreditation by the American Association of Museums is not a prerequisite for eligibility.

(5) Although there are no restrictions on the number of applications submitted by each organization, the limited funds available to the Endowment make it unlikely that more than one project can receive support under any one category or sub-category.

(6) To be eligible for consideration, projects should be of national or regional impact and should have aesthetic and cultural significance. Size of the institution is not a criterion, but rather, the nature of the project and the capacity of the institution to execute the project successfully.

(7) In general, to be eligible for consideration, organizations should be in operation two years prior to submitting an application.

(8) Although the Endowment welcomes the vitality of new programs and under all conditions encourages applicants to develop new sources of funds, applications first and foremost should represent the genuine needs of the applicant organization. Accordingly, applicants may request support to strengthen existing programs. Also, under the Services to the Field, General Programs, Museum Training, Conservation (training and regional conservation centers), and Wider Availability of Museums categories, support may be requested for the same project for more than one year, in no instance, however, should organizations attempt to extend their programs beyond their capacity to accommodate and sustain the level of proposed expansion.

State/Regional/National Cooperation. The Endowment actively encourages cooperation among museums, service organizations, state arts agencies, and regional arts groups. Applications may be submitted by any of these groups for projects under the appropriate categories listed in these guidelines. All applications which involve more than one group must include a list of participating organizations and a letter from each of them confirming its participation.

Resolution on Accessibility to the Arts for the Handicapped. One of the main goals of the National Endowment for the Arts is to assist in making the arts available to all Americans. The arts are a right, not a privilege. They are central to what our society is and what it can be. The National Council on the Arts believes very strongly that no citizen should be deprived of the beauty and the insights into the human experience that only the arts can impart.

The National Council on the Arts believes that cultural institutions and individual artists could make a significant contribution to the lives of citizens who are physically handicapped. It therefore urges the National Endowment for the Arts to take a leadership role in advocating special provision for the handicapped in cultural facilities and programs.

The Council notes that the Congress of the United States passed in 1968 (P.L. 90–480) legislation that would require all public buildings constructed, leased or financed in whole or in part by the Federal Government to be accessible to handicapped persons. The Council strongly endorses the intent of this legislation and urges private interests and governments at the state and local levels to take the intent of this legislation into account when building or renovating cultural facilities.

The Council further requests that the National Endowment for the Arts and all of the program areas within the Endowment be mindful of the intent and purposes of this legislation as they formulate their own guidelines and as they review proposals from the field. The Council urges the Endowment to give consideration to all the ways in which the agency can further promote and implement the goal of making cultural facilities and activities accessible to Americans who are physically handicapped. (Adopted by the National Council on the Arts, September 15, 1973.)

Methods of Funding. Program Funds Method. Generally, grants will be made on at least a dollar-for-dollar matching basis. Applicants requesting assistance from Program Funds must present evidence in the proper space (Section X) on the application (Project Grant Application/NEA–3 Rev.) that at least one-half of the total cost of the project will be provided by the applicant. Anticipated sources of matching must be identified. Budgeted funds, as well as newly raised funds, may be used for matching in all programs except Museum Purchase Plan.

Example:

If an applicant requests from NEA	$30,000
Then applicant lists match of at least	30,000
And total project budget reflects at least	60,000

Treasury Fund Method. When the National Endowment for the Arts was created, Congress included a unique provision in its enabling legislation. This provision allows the Endowment to work in partnership with private and other non-Federal sources of funding for the arts. Designed to encourage and stimulate increased private funding for the arts, the Treasury Fund allows non-Federal contributors to join the Endowment in the grant-making process, generally for projects supported by the Endowment under the established program guidelines.

The Endowment encourages use of the Treasury Fund method as an especially effective way of combining federal and private support, and as an encouragement to all potential donors, particularly those representing new or substantially increased sources of funds.

The Endowment may accept gifts in the form of money and other property. Bequests may be made to the Endowment as well. Donations to the Endowment are generally deductible for federal income, state, and gift tax purposes.

Gifts may be made to the Endowment for the support of a nonprofit, tax-exempt, cultural organization which has been notified that the Endowment intends to award it a grant under its regular program guidelines—organizations such as a museum, a symphony orchestra, a dance, opera, or theatre company—or for an Endowment program, such as fellowships, touring, conferences, or workshops.

When a restricted gift is received it frees an equal amount from the Treasury Fund which is then made available to the grantee in accordance with the terms and conditions of the grant.

The Endowment also accepts unrestricted gifts to be used for projects recommended to the Chairman by the National Council on the Arts.

How a Treasury Fund Grant is Arranged. Those interested in giving for a specific purpose shoud note the step by step process described below.

(1) If a project is eligible for consideration under the Museum Program guidelines the applicant submits to the Endowment a formal application, which may include a list of potential donors.

(2) The application is reviewed first by the Museum Advisory Panel and then by the National Council on the Arts and is recommended for approval or rejection. Based on these recommendations, the Chairman makes the final determination and notification is sent to the applicant.

(3) If the grant award is approved, the applicant then requests that the donors forward their gifts to the National Endowment for the Arts in the form of a gift transmittal letter specifying the amount and restricted purpose of the donation (i.e. the name of the applicant and specific project supported), and date by which payment will be made to the grantee organization (see below).

Handling Procedures. In order to simplify handling procedures for restricted donations which are to be matched by the Treasury Fund, grant recipients will receive payment directly from the donor (in cash or negotiable securities) on all restricted Treasury Fund gifts to the Endowment. Under this method, the following procedures apply:

(1) Gift transmittal letter is received by the Endowment from donor with above specified information.

(2) Upon receipt of payment on the gifts, grantee provides the Endowment with evidence of receipt of such payment as follows:

In the case of individual gifts of less than $5,000, grantee will forward to the Endowment, a list of donor's names, addresses, and amounts received, certified by an official of the organization and notarized.

In the case of individual gifts of $5,000 or more, grantee will forward to the Endowment, within the grant period, a photostatic copy of the instrument of payment, i.e. the check or negotiable securities, with a covering letter.

(3) In cases where benefit proceeds are to be utilized for purposes of the Treasury Fund, evidence, such as benefit announcement circulars, invitations, posters, etc. (which indicate donors had prior knowledge that their contributions would be used for the Treasury Fund) must be retained by grantee as evidence of donors' intent. In these cases, the grantee organization will forward to the Endowment, within the grant period, a notarized letter requesting release of the Treasury matching funds, signed by an appropriate official, certifying that the benefit was held on a specified date, yielded a specified sum for Treasury Fund gift purposes related to the grant in question, and that evidence of the benefit will be retained by grantee organization in its files.

(4) In all cases, donors are to make payment on gifts at least 60 days prior to termination of the grant period, and grantee organizations will provide the Endowment with evidence of receipt of payment on gifts at least 30 days prior to the termination of the grant period.

For further information, contact the Office of General Counsel, National Endowment for the Arts, Washington, D.C. 20506.

Application Review Procedure. All applications will be evaluated with the following criteria in mind:

(1) The significance and the qualitative level of the project.

(2) The ability of the museum staff to undertake and successfully execute the project.

(3) The degree and nature of potential local, regional and national impact of the project.

(4) The evident need for the project in relation to the museum's total program.

(5) A realistic appraisal of anticipated costs and income related to the project.

The Endowment's Museum Program staff initially reviews applications. They are subsequently reviewed and considered by special committees, the Museum Advisory Panel and the National Council on the Arts. Upon recommendation of these bodies and action by the Chairman of the National Endowment for the Arts the applicant will be notified in writing by the Endowment. Details of the grant award procedure are explained in the letter of notification.

Other Arts Endowment Programs. Applicants may be interested in other Arts Endowment Programs such as Architecture + Environmental Arts, Dance, Expansion Arts, Music, Public Media, Theatre and Visual Arts. Guide to Programs, explaining all of the Endowment's programs, eligibility requirements, application deadlines may be obtained by writing Program Information, National Endowment for the Arts, Washington, D.C. 20506. Guidelines and application forms may be obtained only by contacting the appropriate Program office(s), National Endowment for the Arts, Washington, D.C. 20506.

Other Federal Programs for Museums. National Endowment for the Humanities, Division of Public Programs, Museum Program, Washington, D.C. 20506; National Science Foundation, Washington, D.C. 20550; National Museum Act, Smithsonian Institution, Washington, D.C. 20560.

SPECIAL INSTRUCTIONS FOR COMPLETING APPLICATIONS

(1) All requests must be submitted in triplicate (xerox copies are acceptable) according to instruction of the Endowment's official application form (Project Grant Application/NEA–3 Rev. or Individual Grant Application/NEA–2 Rev.). Please follow closely the instruction sheet attached to your application and supply all information requested. Use the check list at the end of the application form to be certain that you have supplied all the information necessary for prompt processing and consideration of your applications. Also please complete the acknowledgement card. Failure to do so will result in unavoidable delays that may adversely affect consideration of your proposal.

(2) Each request must be on a separate form. Multiple requests on one form will be returned.

(3) Inquiries regarding program interests or application content should be directed to the Museum Program, (202) 634–6164. Questions of a fiscal nature should be directed to the Grants Office (202) 634–6160.

(4) Applications must be submitted by the institution or association named in the IRS letter of determination of tax-exemption.

(5) *Period of Support Requested/Grant Period (Section III):* Period of support requested is the span of time necessary to plan, execute, and close out the proposed project. Applicants are urged to verify the terms for the grant period in categories for funding described later in this booklet, e.g. Museum Purchase Plan. Generally, the Endowment limits its financial participation in any project to no more than 12 months. However, exhibition, catalogue, museum training, conservation and/or renovation projects that exceed 12 months will be considered provided the application is accompanied by a schedule indicating when proposed expenditures will be incurred.

(6) *Project Description (Section IV):* The project description should be brief but specific. Spell out concrete details. All essential elements of the proposal must be included in a concise project summary in the space provided on the application. If this section is left blank, the application will be returned. Before completing this section be sure to read the *How to Apply* section of the appropriate category and include the informa-

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tion that is requested. If all pertinent information cannot be included in the space provided on the application form, attach additional pages (no more than five) to describe your project completely. If you are applying under the Museum Purchase Plan, Aid to Special Exhibitions or Fellowships for Museum Professionals category, be sure to complete the appropriate Supplementary Information Sheets. Applications without the Supplementary Information Sheets will not be considered complete and will not be processed.

NOTE: Additional information may be supplied with the application such as catalogues, brochures, photographs or annual reports. This material will not be returned. Submit those materials that will be informative and helpful to the Panel in evaluating your proposal.

(7) *Budget (Section VI and IX):* Budget estimates should cover the total project costs. In all applications, including those with total project costs under $20,000, provide a breakdown on salaries, travel, and all other categories in the budget, including entries under other. Travel items on the budget should be substantiated with a statement of the official policy of the institution and the specific nature of the travel. In general, the Endowment does not fund the acquisition of permanent equipment (exceptions: Conservation and Renovation/Security, Storage Climate Control).

If your project includes permanent equipment (to be listed under category Special), justify this acquisition. In the justification, describe the use of the equipment once the project is terminated and include costs of the equipment if you were to rent it. If your budget includes a fee(s) for a consultant(s) to be listed under category Other), in the project description identify the consultant(s), describe his qualifications and document his willingness and availability to do the project.

Indirect Costs (Section VIB and IXB) are those costs (general and administrative) which must be apportioned to each project of the applicant organization. The Endowment does not advocate a single method of apportionment. The Endowment's sole criterion is that the proposed project carry no more or less than its fair share of those indirect costs not set out as direct costs in some other section of the application. The amount of indirect costs must be supported by an explanation of the method used to compute it and, where possible, reference amounts that can be supported by the prior year's financial statements which should accompany the application. If you use indirect costs in projecting your budget, do not assume that automatic recognition will be given to the figure indicated.

Circular Publication No. (02) 72-28, Department of Health, Education and Welfare, and Document 1-55, National Foundation on the Arts and the Humanities are available through the Audit Supervisor, National Foundation on the Arts and the Humanities, 806 Fifteenth Street, N.W., Washington, D.C. 20506 (202) 382-7314.

(8) *Total Amount Requested from National Endowment for the Arts (Section VII):* The General Range of Grants listed in the program descriptions are approximate. Please round the amount requested to nearest $100 (i.e. $100, $200, $300) and make sure that your request is for no more than 50% of the total project costs. Please be sure to complete this section. Applications must be returned if this section is not completed.

(9) *Contributions, Grants, and Revenue (Section X):* All applicants must complete this section of the application. The matching funds plus the amount requested from the National Endowment for the Arts must equal the total project costs. The Endowment does not require that the applicant have in hand at the time of application those matching funds listed under Contributions, Grants, and Revenue. However, the applicant is asked to list the possible sources and amounts of such anticipated funds.

(10) *Certification (Section XII):* The application must be signed by an official with legal authority to obligate the applicant organization. In addition, please type name, title, and telephone number of the authorizing official(s), project director, and payee under the signatures.

(11) Applications must be postmarked no later than the deadline date for the program under which you are applying. Applications (three copies) and appropriate Supplementary Information Sheets for Museum Purchase Plan, and Aid to Special Exhibitions (three copies) should be returned to the Grants Office, National Endowment for the Arts, Washington, D.C. 20506.

Additional information and application forms may be obtained from the Museum Program, National Endowment for the Arts, Washington, D.C. 20506, (202) 634-6164.

FUNDING CATEGORIES

Visiting Specialists and Technical Assistance (Applications accepted throughout the year and reviewed quarterly). This program category provides matching grants for temporary consultation services for a specific project. As the title of the program implies, the Visiting Specialist should be:

(1) A person of considerable expertise.

(2) A person not in the employ of the applicant institution.

(3) A person who is not to be considered as permanent staff but rather a person who can make a significant contribution to the applicant institution during a brief tenure.

Some possible projects are:

(1) Research on the permanent collection.

(2) Preparatory research for projected exhibitions.

(3) Development of improved methods of museum operations, such as administration, registration, installation techniques, including lighting, handling and storage.

(4) Establishment of suitable museum library systems.

(5) Studies to determine the changes necessary to make the building more accessible to the physically handicapped.

(6) Plans for membership drives and other fund raising activities.

(7) Guidance for better education and public service programs.

(8) Development of coordinated graphics program.

Technical Assistance (Pilot). Assistance will be provided on a matching basis to state arts agencies for technical assistance within their states in areas such as designer-installer, cataloguer, etc.

Applications for other types of museum consultation services and technical assistance will also be considered. Note: Applications for cataloguing all or a part of the permanent collection or for preparing catalogue copy for eventual publication will be considered under the Catalogue category, see page 18. Applications for surveys of conservation needs of museum collections will be considered under the Conservation category, see page 19. Applications for engineering surveys will be considered under the Renovation (Security, Storage, Climate Control) category, see page 21.

Deadline. Applications are accepted throughout the year and reviewed quarterly. Seven months should be allowed for application review and notification.

Grant Period and Notification. Notices of approval or rejection will be sent no earlier than seven months after receipt of application. Programs should not be scheduled to begin before notification.

General Range of Grants. Up to $15,000.

How to Apply. Please provide the following information in the project description (Section IV). (Attach no more than five additional pages if necessary.):

(1) Describe the project and the urgency of the need for a visiting specialist.

(2) How is the project related to the other activities of the museum?

(3) Identify the specialist and indicate his/her qualifications or attach a resume (three copies). If you are considering a number of people for this project, submit their names and a description of their qualifications. In all cases, document the availability of the specialist.

General Programs (Applications accepted throughout the year and reviewed quarterly). The Endowment will consider proposals for specific projects which do not fit into any one or a combination of the categories listed. These grants will be awarded generally on a matching basis. Applications will not be accepted for operating expenses, construction, the funding of new museums or acquisition except under Museum Purchase Plan.

Deadline. Applications are accepted throughout the year and reviewed quarterly. Seven months should be allowed for application review and notification.

Notification. Notices of approval or rejection will be sent no earlier than seven months after receipt of application. Projects should not be scheduled to begin before notification.

General Range of Grants. Up to $20,000.

How to Apply. Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.):

(1) The qualifications of person(s) involved in the project.

(2) The unique characteristics of the project.

(3) If this is an experimental or research project, the plans for disseminating information about the results of the project.

Museum Purchase Plan (Deadline: January 2, 1976). This program category provides matching grants of $5,000, $10,000, $15,000 or $20,000 to museums for the purchase of works by living American artists. The objectives of the program are to encourage museums to add to their collections of contemporary American art, to create and expand public response to works by living artists through display of their works, to raise new funds for this purpose specifically, and to provide direct financial assistance for artists.

Among the types of art works that might be purchased are paintings, sculptures, photographs, graphic, folk and craft arts, industrial designs, costume and fashion design, and film prints by independent filmmakers. Applications are to be limited to one application from each museum per fiscal year. The application may include support of acquisitions of different media.

The terms of the grant are as follows:

(1) The grant and matching funds must be used for the direct costs of purchasing two or more works by living American artists. Insurance, crating, shipping, installation, salaries and travel costs are not to be included.

(2) Museum may apply for a $5,000, $10,000, $15,000 or $20,000 grant. The funds must be matched on a dollar-for-dollar basis from new money raised during the grant period specifically for this purpose. Matching funds must not come from already budgeted funds and must be from non-Federal sources.

(3) Museums receiving acquisition funds agree that no work of art purchased under the Museum Purchase Plan will be de-accessioned or otherwise disposed of during the life-time of the artist except by exchange to the artist for another work or works.

(4) The grant period will be from July 1, 1976 through June 30, 1977. If more time is needed the grant period may extend through June 30, 1978.

Deadline. Applications and Supplementary Information Sheets must be postmarked no later than January 2, 1976.

Notification. Projects should not be scheduled to begin earlier than July 1976. Also, the new funds raised specifically for the purpose of matching this grant may not be received before the beginning of the project. Applicants may wish to identify possible sources of new funds on their applications. Notices of approval or rejection will not be sent before June 1976.

How to Apply. (1) Previous Museum Purchase Plan recipients are eligible provided a final report on an earlier grant has been submitted to the Museum Program. If a final report has not been submitted, a copy must be submitted with the application.

(2) Be sure to complete and return with your application the Museum Purchase Plan Supplementary Information Sheet. See page 31.

Aid to Special Exhibitions (Deadline: January 2, 1976). This program category provides matching grants to organize temporary exhibitions of aesthetic and cultural significance. Matching grants may be available, especially in the case of smaller museums, to borrow exhibitions. Expenses for planning and organizing the exhibition, catalogue, services of an outside specialist and related events (excluding costs of opening reception) may be included in the total budget.

For touring exhibitions, the applicant (organizing institution) must indicate on the Supplementary Information Sheets how rental fees will be reduced if an Endowment grant is awarded. If a museum takes an exhibition that was funded by an Endowment grant, the applicant may include costs for installation and related events but not the rental fee. If, however a museum takes an exhibition that was not initially funded under an Endowment grant, it may include costs for installation, related events and the rental fee.

Applications for temporary exhibitions of the permanent collection should be submitted under the Utilization of Museum Collections category.

Deadline. Applications and Supplementary Information Sheets must be postmarked no later than January 2, 1976.

Grant Period and Notification. Projects, which may include initial planning, should not be scheduled to begin earlier than July 1976. The grant period may exceed 12 months. Notices of approval or rejection will not be sent before June 1976.

General Range of Grants. Up to $75,000 for organizing institutions. Up to $20,000 for participating institutions. Grant amounts exceeding $30,000 will generally be made through the Treasury Fund Method (see page 5).

How to Apply. (1) If a grant is awarded for an exhibition that includes catalogues, the grantee is required to deposit 125 complimentary copies of the catalogue with the USIA for distribution to their libraries abroad. Applicants are requested to make appropriate adjustment for the 125 copies in the budget.

(2) Please be sure to complete and return with your application the Aid to Special Exhibitions Supplementary Information Sheets. See page 27.

Wider Availability of Museums (Deadline: January 2, 1976). This program category provides grants for projects that make museums more widely available to the public. Assistance is available in the following three areas:

Category I: Community Programs. This category is directed toward encouraging full community participation in the activities of museums. This category is broadly conceived and includes the following means for heightening audience awareness: Taking the museum to its audience (Example: mobile units; "satellite museum"); bringing the audience to the museum; and making information available in bi-lingual form.

Special attention will be directed to programs designed for the disadvantaged, handicapped or aged. Each proposal whether from a single museum or a cooperating group of museums must clearly indicate in what way or by what means the museum is to be made more widely available to its public. Proposals containing provisions for long-range continuity and effective evaluation will be given special consideration.

Category II: Cooperative Programs. This category is designed to encourage and to assist cooperation between museums and between museums and state arts agencies or other organizations. Such projects might include: Long term loans from one institution to another; Sharing collections among a group of institutions; Shipping and traveling services coordinated by an arts agency acting on behalf of and in cooperation with museums in the area; and Other services.

Category III: Museum Education. This category is designed to aid museums in fulfilling as effectively as possible their educational roles. Support will be provided, for example, to projects that seek ways to upgrade the quality of the museum experience, that seek ways to adapt for museum use educational techniques that were designed for the classroom, or that expand or explore effective approaches to museum education. Support can also be provided to existing projects that have been tested on a limited basis (perhaps as a pilot program) and are now judged by the applicant museum to have wider applicability.

Grants will generally be awarded on a matching basis. This program category does not support the creation of a new museum, operating expenses, construction or acquisition.

Deadline. Applications must be postmarked no later than January 2, 1976.

Grant Period and Notification. Projects should not be scheduled to begin earlier than July 1976. Notices of approval or rejection will not be sent before June 1976.

General Range of Grants. Up to $60,000. Grant amounts exceeding $30,000 will generally be made through the Treasury Fund Method. See page 5.

How to Apply. Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.):

(1) Describe how this project relates to the museum's purpose, direction and past performance.

(2) Please indicate staff who will implement program and their qualifications.

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(3) If you previously received an Arts Endowment grant for this project, be sure to include a copy of the interm of Final Report with this application, if it has not already been submitted.

(4) How will the program be funded in the future?

Utilization of Museum Collections (Deadline: April 2, 1976). This program category provides matching grants to assist museums in using their collections in imaginative ways for the benefit of the whole community they serve. The program provides funds for the innovative installation of permanent collections in museum galleries, or for the establishment of study-storage centers. Permanent collections may be construed to mean collections formerly in storage that are now to be put on view, recently-received or acquired collections, objects presently on view that are now to be brought together or to be more effectively presented. Installation may be construed to include the materials and appurtenances requisite to effective presentation of the collection. Installation may not include major structural modifications of the building.

Please Note. (1) Application for temporary exhibitions of the permanent collection should be submitted under this category and not under *Aid to Special Exhibitions.* (2) Applications for costs of a catalogue or handbook to be produced in conjunction with a project supported under this category should be submitted under *Catalogue.*

Deadline. Applications must be postmarked no later than April 2, 1976.

Grant Period and Notification. The project should not be scheduled to begin earlier than November 1976. Notices of approval or rejection will not be sent before October 1976.

General Range of Grant. Up to $75,000. Grant amounts exceeding $30,00u will generally be made through the Treasury Fund Method. See page 5.

How to Apply. Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.):

(1) Be sure to identify the collection to be installed (has it ever been exhibited?) and the individual(s) who will be responsible. What are the qualifications of the person(s) involved?

(2) Include drawings of the proposed installation.

(3) How is the project related to your museum's purpose and direction and its existing programs and resources?

(4) Indicate any particular circumstances which give this project high priority in the museum's activities.

(5) Has the museum previously undertaken similar projects? If so, describe them.

Catalogue (Deadline: April 2, 1976). This program category is designed to assist in the cataloguing of collections and in the publication of catalogues or handbooks on permanent collections of aesthetic and cultural significance by matching grants. Grants are available in the following areas:

Cataloguing. (1) Cataloguing of uncatalogued or inadequately catalogued permanent collections. Applicants are urged to consider a format that can later be transferred to one of the existing data systems.

(2) Duplication of traditional catalogue information; conversion to machine readable form. Only a few pilot grants will be made for the computerization of museum catalogues. These will be made primarily on a pilot basis and judged for the applicant's ability to provide follow-up documentation on the value of computerization and the problems and costs that are encountered. Applicants should indicate the existing computer program they intend to use.

Publication. (1) Research and preparation of catalogue copy for publication. Services of an outside consultant may be included in the budget, if applicable.

(2) Publication of scholarly catalogues or handbooks of the whole or part of the permanent collection.

Where appropriate, applicants may wish to combine research and publication in the same application.

Deadline. Applications must be postmarked no later than April 2, 1976.

Grant Period and Notification. The project should not be scheduled to begin earlier than November 1976. The grant period may exceed 12 months. Notices of approval or rejection will not be sent before October 1976.

General Range of Grants. Up to $30,000.

How to Apply. Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.):

(1) The evident need for the project in relation to the museum's total need.

(2) A checklist or representative sample of the collection to be catalogued.

(3) The qualifications of the cataloguer.

(4) If you have catalogues of whole or part of the collection, submit a copy with your application. (Note: These will not be returned.)

(5) How many catalogues or handbooks will be published? Who will have the copyright? Please indicate approximate number of pages, black/white and color illustrations in the catalogue.

(6) If royalties are anticipated, please indicate amount.

(7) If a grant is awarded for a catalogue publication project, the grantee is required to deposit 125 complimentary copies of the catalogue with the USIA for distribution to their libraries abroad. Applicants are requested to make appropriate adjustments for the 125 copies in the budget.

Conservation (Deadline: July 2, 1976). This program category which provides matching grants for conservation projects is designed to achieve three objectives:

(1) *Training in Conservation:* To encourage and assist in the training of conservators to meet the needs of American museums.

(a) support for existing training centers (grants up to $75,000).

(b) assistance for new training centers (grants up to $100,000).

(c) support for short-term training workshops for museum staff (grants up to $10,000).

(d) support for master-apprentice internship programs (grants up to $10,000).

(2) *Regional Conservation Laboratories:* To encourage and assist in the formation or expansion of regional conservation laboratories by which a number of museums can obtain services they could not afford singly. The formal relation between museums and the laboratory must be documented.

(a) assistance for existing regional laboratories to increase capacity (grants up to $30,000).

(b) assistance for new regional centers (grants up to $80,000).

(3) *Assistance to Museums for Conservation Work on Collections:* To encourage and assist museums in planning for conservation and/or treatment of collections.

(a) technical consultation for planning programs for museum conservation work (grants up to $10,000).

(b) implementation of conservation treatment (grants up to $10,000). Due to limited funds this category offers support for special needs only. Generally, support will not be offered for in-house conservation projects, including staff support and purchase of equipment.

Deadline. Applications must be postmarked no later than July 2, 1976.

Grant Period and Notification. Projects should not be scheduled to begin earlier than January 1977. The grant period may exceed 12 months. Notices of approval or rejection will not be sent before December 1976.

General Range of Grants. Grant amounts exceeding $30,000 will generally be made through the Treasury Fund Method. See page 5.

How to Apply. For Conservation Training Applications: Please provide the following information in the project description (Section IV). (Attach no more than five additional copies, if necessary.):

(1) The anticipated number of students.

(2) Describe the placement of the most recent graduating class.

(3) Describe the qualifications of the teaching staff.

(4) Describe the conservation facilities.

(5) If you previously received an Arts Endowment grant for this project, include a copy of the interim or final report with this application, if it has not already been submitted.

For Regional Conservation Laboratories Applications: Please provide the following information in the project description (Section IV). (Attach no more than five additional copies, if necessary.):

(1) Describe the nature of your regional laboratory—cooperative association, confederation, etc.

(2) List the organizations you propose to serve. Have you received their agreement? If so, please attach copies.

(3) List your staff and briefly describe their qualifications.

(4) Describe your facilities and equipment.

(5) How soon do you expect to be self-supporting?

(6) If you previously received an Arts Endowment grant for this project, include a copy of the interim or final report with this application, if it has not already been submitted.

For Conservation of Collections Applications: Please provide the following information in the project description (Section IV):

(1) Describe your conservation needs.

(2) Where will the work be done and who is your conservator (consultant for planning)? Please describe his/her qualifications.

(3) Identify the work(s) to be treated and describe the nature of the treatment. If possible, please submit a condition report.

(4) What sum have you budgeted for the last three years for conservation of the permanent collection?

Renovation (Security, Storage, Climate Control) Deadline: July 2, 1976). This category is designed to assist museums in preserving collections of aesthetic and cultural significance. It encourages renovation of facilities for security, storage and climate control in existing structures, placing greater emphasis on storage facilities and security systems. Funds are not available for new construction; nor for the addition to, or improvement of climate control systems in structures completed since 1971; nor for the renovation of gallery spaces except when directly related to climate control, security systems or storage facilities. Assistance is available within the following areas:

Survey. (1) Consultation services to assess renovation needs in areas of security, storage, and climate control and to suggest concrete measures to alleviate those needs. All grants for consultant's services will be awarded on at least a dollar-for-dollar matching basis.

(2) Studies and working drawings for architectural and other changes necessary to accommodate the handicapped.

Installation. Where surveys have already been completed, including a projected plan of renovation and cost estimates, the Endowment will consider funding renovation projects.

NOTE: All such grants will be awarded on the basis of at least three dollars from non-federal sources for every dollar of Endowment funds, i.e. the National Endowment for the Arts will be providing no more than 25% of the total project costs, and in most cases, much less. Grants will be made through the Treasury Fund Method. Applicants are encouraged to document their ability to use this method, whenever possible. Please see page 5.

Deadline. Applications for this program must be postmarked no later than July 2, 1976.

Grant Period and Notification. Projects should not be scheduled to begin earlier than January 1977. The grant period (installation projects only) may exceed 12 months. Notices of approval or rejection will not be sent earlier than December 1976.

How to Apply. For Survey Applications: Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.):

(1) Describe your collection.

(2) Who will do the survey? Submit copies of the estimates.

For Installation Applications: Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.):

(1) Describe your collection.

(2) Who will do the installation? Submit copies of the survey and bids or contracts.

Museum Training (Deadline: July 2, 1976). This program category provides grants for the preparation of well-trained museum professionals. Grants in support of museum training are awarded to museums and universities on at least a dollar-for-dollar matching basis. Priority will be given to proposals which specifically include training for people from minority groups. Generally, the following types of projects will be considered for assistance:

(1) Graduate level programs in curatorial training, museum administration or museum education, conducted by universities, museums or both.

(2) Internships or other professional training provided by a museum. Specific programs designed to advance staff professionally will also be considered. For example, the program can support museum career training for persons who are suitably prepared in an appropriate discipline but who lack museum expertise. The program can also assist in providing in-house training to prepare permanent staff for more responsible positions.

(3) A few undergraduate programs especially those directed toward minorities or unique disciplines.

Deadline. Applications must be postmarked no later than July 2, 1976.

Grant Period and Notification. Projects should not be scheduled to begin earlier than January 1977. The grant period may exceed 12 months. Notices of approval or rejection will not be sent before December 1976.

General Range of Grants. Up to $60,000.

How to Apply. Please provide the following information in the project description (Section IV). (Attach no more than five additional pages if necessary.):

(1) The number of students.

(2) Teacher/student ratio.

(3) Qualifications of the teacher(s) involved.

(4) Description of intern program or of any other "on the job" training.

(5) Placement of most recent graduating class.

(6) Syllabus of the courses.

(7) If you have previously received an Arts Endowment grant for a training program, be sure to include a copy of the interim or final report with this application, if you have not already sent it to the Endowment.

Services to the Field (Deadline: October 1, 1976). This program category is designed to assist groups and organizations which provide services to the field such as research, publications, workshops. These grants will be awarded generally on a matching basis.

Deadline. Applications must be postmarked no later than the deadline of October 1, 1976.

Grant Period and Notification. Projects should not be scheduled to begin earlier than April 1977. Notices of approval or rejection will not be sent before March 1977.

General Range of Grants. Up to $30,000.

How to Apply Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.):
(1) The qualifications of person(s) involved in the project; and (2) How will the project benefit the field?

Fellowships for Museum Professionals (Deadline: October 1, 1976). Fellowships for museum professionals are to be awarded to professional members of museum staffs so that they may take leaves of absence for periods ranging from one to twelve months in order to conduct independent study or research, travel, write, engage in community projects, or in other ways improve their professional qualifications. Fellowships are not awarded to cover expenses while enrolled in formal courses of study, workshops, seminars or conferences. Proposals must be for specific projects and must clearly demonstrate in what way the leave of absence will improve the applicant's professional qualifications. Proposals designed to be of direct benefit to the employing institutions should be made by the institution under the appropriate category and not by the individual.

Deadline. Applications must be postmarked no later than the deadline of October 1, 1976.

Grant Period and Notification. Projects should not be scheduled to begin earlier than April 1977. Notices of approval or rejection will not be sent before March 1977.

Eligibility. Professional museum staff members of exceptional talent in areas such as administration, curatorial work, conservation or education.

General Range of Grants. Grants will not exceed $20,000 and in most cases will be considerably less. Grants will be made to individuals on a non-matching basis with amounts varying according to the salaries of the applicants, travel requirements and the materials necessary for completion.

How to Apply. (1) Applicants should use the "Individual Grant Application/NEA–2 (Rev.)."

(2) Each application should contain a description of the proposed project, an itemized budget including a salary item, travel (please provide a detailed breakdown of costs), and materials, if necessary.

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(3) Applicants should indicate a specified period of time for the leave of absence.

(4) Complete the Career Summary Section of the application and/or attach a resume.

(5) Enclose a statement from the director of the museum to the effect that the museum is willing to grant the applicant a leave of absence for the specified time.

(6) Have three people complete the recommendation form (see page 33) and forward them to the Museum Program, National Endowment for the Arts, Washington, D.C. 20506, Attn.: Fellowships for Museum Professionals.

Taxability of Fellowships. The tax information on page 38 has been reprinted for your information. The Endowment cannot advise you as to the deductibility of all or any portion of a fellowship. Advice should be sought from your own tax counselor or local Internal Revenue Service Office.

[FR Doc.75-27376 Filed 10-10-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

AD HOC ADVISORY GROUP ON SCIENCE PROGRAMS (AGOSP)

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Ad Hoc Advisory Group on Science Programs.

Date: October 31-November 1, 1975.

Time: 9:00 a.m. each day.

Place: Conference Room of the Corporate Office Building, Kitt Peak National Observatory, Second Street and Warren Avenue, Tucson, Arizona.

Type of meeting: Part Open—October 31, Closed; November 1, Open.

Contact person: Mr. William C. Bartley, Executive Director, AGOSP, Science and Technology Policy Office, Rm. 602, National Science Foundation, Washington, D.C. 20550, telephone 202/632-5871.

Summary minutes (Open Portion): May be obtained from the Committee Management Coordination Staff, Rm. 248, National Science Foundation, Washington, D.C. 20550.

Agenda: October 31 (9:00 a.m.—5:00 p.m.) Closed.

Review the revised draft report of NASA study "Outlook for Space" and develop detailed critique.

November 1 (9:00 a.m.—Noon) Open.

Address the question of the health of basic science in the U.S.

Reason for closing: The AGOSP will be considering, discussing, and commenting on the revised draft of the NASA study, "Outlook for Space."

Authority to close meeting: The Director of the National Science Foundation determined on October 1, 1975, that the portion of the meeting dealing with the revised NASA draft report is concerned with matters listed in exemption 5 of Section 552(b), 5 U.S.C., and should, therefore, be closed to the public. This determination was made in accordance with the provisions of Section 10(d) of Public Law 92-463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

OCTOBER 8, 1975.

[FR Doc.75-27560 Filed 10-10-75;8:45 am]

ADVISORY PANEL FOR MATHEMATICAL SCIENCES

Meeting

Name: Advisory Panel for Mathematical Sciences.

Date: October 30 and 31, 1975.

Time: 9:00 a.m. each day.

Place: Rm. 517 and Rm. 338, National Science Foundation, 1800 G Street, NW., Washington, D.C. See agenda below.

Type of meeting: Open.

Contact person: Dr. W. H. Pell, Head, Mathematical Sciences Section, Rm. 302, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-7377.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Management Analysis Office, National Science Foundation, Rm. 248, Washington, D.C. 20550.

Purpose of advisory panel: To provide advice and recommendations concerning support for research in the mathematical sciences.

Agenda: Topics will include:

October 30, 1975 (Rm. 517):

9:00 Introductions and Summary of FY 75 Activities—Head, Mathematical Sciences Section and Section Staff

10:00 Discussion of the Mathematics Research Institute Concept and Variants — Head, Mathematical Sciences Section

11:00 Overview of the Recent NSF Reorganization—Assistant Director for Mathematical and Physical Sciences and Engineering (MPE)

11:30 The Division of Mathematical and Computer Sciences—Division Director

12:15 Lunch

1:30 The Peer Review System: Its Function, Criticism Thereof, and NSF Response—Senior Staff Associate, MPE

2:15 Discussion of the Peer Review System—Panel and Mathematical Sciences Staff

4:15 Suggestions for New Panel Members

4:45 Adjourn

October 31, 1975 (Rm. 338):

9:00 Discussions by Three Outgoing Panelists on Recent Developments in Their Particular Area of Mathematics

Noon Adjourn

GAIL A. MCHENRY,
Acting Committee Management Officer.

OCTOBER 8, 1975.

[FR Doc.75-27557 Filed 10-10-75;8:45 am]

ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS; SUBPANEL ON UNDERGRADUATE RESEARCH PARTICIPATION PROGRAM

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on Undergraduate Research Participation Program of the Advisory Panel on Science Education Projects.

Date: October 30 through November 1, 1975.

Time: 9:00 a.m. each day.

Place: Sheraton-Park Hotel and Motor Inn, Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. Leo A. Sciuchetti, Program Manager, Student-Oriented Programs, Rm. 636-W, National Science Foundation, Washington; D.C. 20550, telephone 202/282-7900.

Purpose of subpanel: To provide advice and recommendations concerning the merit of specific education proposals submitted to the Undergraduate Research Participation Program for consideration.

Agenda: To review and evaluate specific education proposals, projects or applications.

Reason for closing: The proposals being reviewed contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the education proposals.

Authority to close meeting: These matters are within the exemptions of 5 U.S.C. 552(b)(4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated February 21, 1975, pursuant to the provisions of Section 10(d) of Public Law 92-463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

OCTOBER 7, 1975.

[FR Doc.75-27558 Filed 10-10-75;8:45 am]

CONFERENCES ON RESEARCH INITIATION AND SUPPORT

The National Science Foundation will hold a series of conferences to discuss and obtain comments from the academic community on proposal guidelines for a new program. The program, Research Initiation and Support (RIAS), has as its primary objective to improve the effectiveness, efficiency and quality of programs of training and research for young scientists at the graduate and postgraduate levels. Foundation officials will meet with academic representatives at a series of six regional conferences beginning October 20, 1975.

While these ad hoc informal sessions are not considered to be a meeting of an "advisory committee" as that term is defined in Section 3 of the Federal Advisory Committee Act (P.L. 92-463), the conferences are believed to be of sufficient importance and interest to the general public to be announced in the FEDERAL REGISTER as meetings open for public attendance and participation.

The first of the conferences will be held in Chicago, Illinois, October 20. The dates and places for the following conferences are:

October 21, 1975, Houston, Texas.
October 23, 1975, Hollywood, California.
October 24, 1975, Denver, Colorado.
October 30, 1975, Washington, D.C.
October 31, 1975, Washington, D.C.

These sessions will be chaired by staff members of the Directorate for Science Education and will be open to the public. The agenda for the meetings is as follows:

Opening Comments—NSF Staff.
Brief Background Description—NSF Staff.
General Discussion—NSF Staff and Participants.
Questions and Answers.

Because of space limitations, members of the public who wish to attend should call (202-282-2932) regarding attendance at any of these meetings.

R. CRAIG SNYDER,
Acting Management Analysis Officer.

OCTOBER 7, 1975.

[FR Doc.75-27559 Filed 10-10-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Dockets Nos. 50-450, 50-461]

DELMARVA POWER & LIGHT CO. AND PHILADELPHIA ELECTRIC CO. (SUMMIT POWER STATION, UNITS 1 & 2)

Notice of Hearing

OCTOBER 7, 1975.

Please take notice that a public hearing will be held before an Atomic Safety and Licensing Board (the Board), pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations (Title 10, Code of Federal Regulations, Parts 2 and 50), to consider the application of the DelMarVa Power and Light Company and the Philadelphia Electric Company (the applicants) for construction permits to build two high temperature gas-cooled nuclear reactors to be designated the Summit Power Station, Units 1 and 2 (the facilities). Each of the units is designed for initial operation at approximately 2000 megawatts thermal (MWt) with a net electrical output of approximately 785 megawatts (MWe). The proposed facilities would be located in New Castle County, Delaware, near the Chesapeake and Delaware Canal, about 15 miles southwest of Wilmington.

The public hearing will start at 9:30 A.M. EDT on October 28, 1975 at the following location:

U.S. Post Office Building, 11th & Market Streets, 2nd Floor, Wilmington, Delaware 19899.

The issues to be considered at this evidentiary hearing are those radiological health and safety issues pursuant to the Atomic Energy Act of 1954, as amended, as set forth in the Atomic Energy Commission's[1] "Notice of Hearing on Application for Construction Permits" issued August 24, 1973 (38 Fed. Reg. 23547, August 31, 1973).

This hearing follows earlier public hearings, which were held through the period August 1974-May 1975 (eleven hearing days), and which concerned the environmental and site suitability[2] aspects of the construction permit application.

Any person who wishes to make a limited appearance statement regarding the construction permit application, and who has not already done so at the earlier public hearings, will be permitted to do so on the morning of the first day of the hearing. A person making a limited appearance may only make an oral or written statement on the record; he does not become a party to the proceeding thereby and may not participate in the proceeding in any other way. (See the Commission's Rules of Practice, 10 CFR § 2.715.) Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, by not later than October 20, 1975.

Written direct testimony is to be exchanged by the parties to the proceeding and filed with the Board no later than COB October 20, 1975.

The hearing will be conducted from 9:30 A.M. to 5:00 P.M. daily, and continued day-to-day until completed. All interested members of the public are invited to attend.

Issued at Bethesda, Maryland this 7th day of October, 1975.

It is so ordered.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY,
Chairman.

[FR Doc.75-27430 Filed 10-10-75;8:45 am]

[1] The U.S. Nuclear Regulatory Commission (NRC) succeeded to the AEC's licensing powers and regulatory responsibilities on January 19, 1975. Energy Reorg. Act of 1974, P.L. 93-438, 88 Stat. 1233-1254. See 40 Fed. Reg. 3242, 3530.

[2] The Board's Partial Initial Decision and its Supplement thereto, relating to the environmental and site suitability concerns, were issued on August 1 and 5, 1975.

REGULATORY GUIDE

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.79, Revision 1, "Preoperational Testing of Emergency Core Cooling Systems for Pressurized Water Reactors," describes a preoperational test program acceptable to the NRC staff specifically for emergency core cooling systems in pressurized water reactor power plants.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Prevention of Fracture of Structural Discontinuities in Reactor Pressure Vessel.

Protection Against Postulated Events and Accidents Outside of Containment.

Fracture Toughness Requirements for Materials for Class 2 and 3 Components.

Maintenance of Water Purity in PWR Secondary Systems.

Criteria for Heatup and Cooldown Procedures.

Effects of Residual Elements on Predicted Radiation Damage.

Surveillance Testing and Inservice Inspection of Thermal Barrier and Steam Generator Materials in High-Temperature Gas-Cooled Reactors.

Surveillance and Postirradiation Examination of Fuel Rods in Lead Assemblies.

Design Load Combinations for Component Supports.

Interim Guide on Tornado Missiles.

Criteria for Plugging Steam Generator Tubes.

Structural Design Criteria for Fuel Assemblies in Light-Water-Cooled Reactors.

Overhead Crane Handling Systems for Nuclear Power Plants.

Recommended Procedure for Resintering Test to Monitor Densification Stability of Production Fuel.

Qualifications for Cement Grouting for Prestressing Tendons in Containment Structure.

Posttensioned Prestressing Systems for Concrete Reactor Vessels and Containment.

Inservice Monitoring of Core and Core Support Structure Motion Via Neutron-Flux Measurement.

Loose Parts Monitoring Program for the Primary System.

Tornado Design Classification.

Overpressure Protection of Low-Pressure Systems Connected to Reactor Coolant Pressure Boundary.

Protective Coatings for Light-Water Reactor Containment Facilities.

Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.

Assumptions Used for Evaluating the Potential Radiological Consequences of a BWR Radioactive Offgas System Failure.

Fire Protection Criteria for Nuclear Power Plants.

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Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.

Quality Assurance Requirements for Control of Procurement of Equipment, Materials, and Services for Nuclear Power Plants.

Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant Conditions During and Following an Accident.

Quality Assurance Requirements for Lifting Equipment.

Maintenance and Testing of Batteries.

Qualification Test of Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.

Seismic Qualifications of Class I Electric Equipment.

Fuel Oil Systems for Standby Diesel Generators.

Quality Assurance Requirements for the Manufacture of Class IE Instrumentation and Electric Equipment for Nuclear Power Plants.

Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.

Containment Isolation Provisions.

Instrument Spans and Setpoints.

Initial Startup Testing Program for Facility Shutdown from Outside the Control Room.

Periodic Testing of Diesel Generators.

Qualification of Inspection, Examination, and Testing Personnel for Nuclear Facilities.

Quality Assurance Program Requirements for Nuclear Power Plant Fuels.

Testing of Nuclear Air Cleaning Systems.

Preoperational and Initial Startup Testing of Feedwater Systems for BWRs.

Design Criteria for Overload Protection of Motor-Operated Valves.

Identification of Materials, Parts, and Components for Nuclear Power Plants.

Probable Maximum Storm Surge Flooding on Lakes and Sea Shores.

Protection of Nuclear Power Plants Against Industrial Sabotage.

Emergency Planning for Nuclear Power Plants.

Control Room Manning.

Hydrologic Design Criteria for Water Control Structures Constructed for Nuclear Power Plants.

Spill Analysis—Dispersion and Dilution in Surface and Ground Water.

Design Objectives for LWR Spent Fuel Facilities.

Design Objectives for LWR Fuel Handling Systems.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 6th day of October 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.75-27432 Filed 10-10-75;8:45 am]

SECURITY AGENCY STUDY ON CIVIL LIBERTIES

Workshop

The Nuclear Regulatory Commission hereby gives notice that a workshop will be conducted on October 17–18, 1975 at Stanford Law School, Stanford, California. The purpose of this workshop will be to survey the range of civil liberty issues posed by nuclear safeguards, to define those issues requiring formal legal opinions, and those for which new legislation may be required. Participation is limited to invited experts. The workshop is being conducted for the Nuclear Regulatory Commission under contract by the Stanford Law School.

Dated at Bethesda, Maryland this 6th day of October 1975.

For the Nuclear Regulatory Commission.

S. H. SMILEY,
Deputy Director for Policy and Planning, Office of Nuclear Material Safety and Safeguards

[FR Doc.75-27431 Filed 10-10-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE FLOATING NUCLEAR PLANT

Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on the Floating Nuclear Plant will hold a meeting on October 29–30, 1975 in the Capri Room, of the Thunderbird Motor Inn, Arlington Expressway, Jacksonville, FL 32211. The purpose of this meeting is to review the application of Offshore Power Systems (Westinghouse) for a license to manufacture (preliminary design) the Floating Nuclear Plant.

The agenda for the subject meeting shall be as follows:

Wednesday, October 29, 1975 at 1:00 p.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee members and their consultants and internal deliberation for the purpose of formulating recommendations to the ACRS.

1:30 p.m. until the conclusion of business on October 29, 1975 and 8:30 a.m. until the conclusion of business on October 30, 1975.

The Subcommittee will meet in open session to hear presentations by representatives of the NRC Staff and Offshore Power Systems and their consultants and will hold discussions with these groups pertinent to its review of the application of Offshore Power Systems for a license to manufacture the Floating Nuclear Plant.

At the conclusion of the open sessions on October 29th and 30th, the Subcommittee may caucus in brief, closed sessions to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During these sessions, Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of the caucus, the Subcommittee may meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and the Applicant matters involving proprietary information, particularly with regard to specific features of the plant design and plans related to plant security.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary or plant security information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing 25 copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than October 22, 1975 to Mr. G. R. Quittschreiber, ACRS, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room 1717 H St., N.W., Washington, D.C. 20555 and at the Jacksonville Public Library, 122 North Ocean St., Jacksonville, FL 32204.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on October 28, 1975 to the Office of the Executive Director of the Committee (telephone 202/634–1374, Attn: Mr. G. R. Quittschreiber) between 8:15 a.m. and 5:00 p.m. Eastern Standard Time.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information, other than plant security information, may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. G. R. Quittschreiber of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after November 6, 1975 at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555, and at the Jacksonville Public Library, 122 North Ocean St., Jacksonville, FL 32204. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555 after January 30, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: October 9, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-27657 Filed 10-10-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

Lists of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 8, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

NATIONAL SCIENCE FOUNDATION

Survey of Ceramics Science, single-time, ceramic scientists in the United States, Joan Turek.

Survey of undergraduate programs in the mathematical, single-time, department heads, Joan Turek.

U.S. INTERNATIONAL TRADE COMMISSION

Questionnaires for purchasers of tool steel and stainless steel, single-time, business firms, Evinger, S. K., 395–3710.

VETERANS ADMINISTRATION

Application for Veterans Group Life Insurance (Follow Up) (Veterans Separated on or After Aug. 1, 1974), 29–8714–3, on occasion, veterans, Caywood, D. P., 395–3443.

DEPARTMENT OF COMMERCE

Bureau of International Commerce: Trade Opportunities Survey, DIB 4057P, on occasion, manufacturers and service organizations, Caywood, D. P., 395–3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Center for Education Statistics: Supplement B Fall 1975 Report on Membership for Selected Counties, OE 2350–5, annually, State education agency, Marsha Traynham, 395–4529.

Office of Education:

An inventory of Bilingual Vocational Training Programs, OE–440, single-time, State vocational education directors, Joan Turek.

Application for Grant Under Indochinese Refugee Assistance Program, OE–443, annually, LEA's and combination of LEA's, Lowry, R. L., 395–3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community planning and management, final local evaluation report on model cities program, single-time, 147 model cities, Community and Veterans Affairs Division, 395–3532.

REVISIONS

VETERANS ADMINISTRATION

Application for National Service Life Insurance (RH), 29–4364, on occasion, veterans, Caywood, D. P., 395–3443.

Application for accrued amounts of veterans benefits payable to widow, widower, child or dependent parents, 21–614, on occasion, widow, widower, child or dependent parents, Caywood, D. P., 395–3443.

EXTENSIONS

DEPARTMENT OF THE INTERIOR

Bureau of Mines: Refinery Report, 6–1300–M, monthly, petroleum refineries, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-27650 Filed 10-10-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 19199; 70–5740]

CONSOLIDATED NATURAL GAS CO.

Proposal by Holding Company To Act as Surety on Bond of Public-Utility Subsidiary Company

OCTOBER 3, 1975.

In the matter of Consolidated Natural Gas Company, 30 Rockefeller Plaza, New York, New York, 10020; (70–5740).

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

On July 3, 1975, Hope Natural Gas Company, a Division of Consolidated's wholly-owned public-utility subsidiary company, Consolidated Gas Supply Corporation ("Supply Corporation"), filed revisions in its rate schedules with the Public Service Commission of West Virginia providing for increased rates and charges approximating $8,966,268 per year for furnishing natural gas service in the State of West Virginia. By action of the State commission, the effectiveness of the new rates was suspended until December 1, 1975. The new rates may now become effective upon the filing by Supply Corporation of a bond, with satisfactory surety, in the amount of $9,000,000, for the payment of any customer refunds which the State commission may order. The State commission has indicated that Consolidated may act as surety on such bond. Consolidated proposes, without fee or other consideration, to act as surety on the bond of Supply Corporation to save the cost of securing an outside corporate surety.

The fees and expenses incurred by Supply Corporation in connection with the proposed transaction are estimated at $2,275, including charges of $200 for the services, at cost, of Consolidated Natural Gas Service Company, Inc., Consolidated's wholly-owned service company. The declaration states that no State commission and no Federal com-

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mission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 30, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-27487 Filed 10-10-75;8:45 am]

[File Nos. 2-41597; 22-6840; 3-4742]

GENERAL AMERICAN TRANSPORTATION CORP.

Application and Opportunity for Hearing

OCTOBER 6, 1975.

Notice is hereby given that General American Transportation Corporation (the "Company") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the trusteeship of Irving Trust Company (the "Bank") under an indenture heretofore qualified under the Act, and a new indenture, which is to be qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under either indenture.

Section 310(b) of the Act provides, *inter alia*, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeship under the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

The Company alleges that:

1. The Company was incorporated in June 1975 as a wholly-owned subsidiary of GATX Corporation (formerly known as General American Transportation Corporation). On July 1, 1975, in connection with the restructuring of GATX Corporation from a combined operating and holding company to a holding company, the Company was assigned the rights of GATX Corporation under its 17 existing Equipment Trust Agreements (including the Series 68 Equipment Trust Agreement referred to in paragraph 2 below) and assumed the obligations of GATX Corporation thereunder.

2. It has outstanding $39,980,000 in principal amount of Equipment Trust Certificates, Series 68 (excluding certificates held in the Company's treasury) which were issued under an indenture as of September 15, 1971 entered into between GATX Corporation and the Bank, as trustee, which has been qualified under the Act.

3. It proposes to issue and sell approximately $60,000 in principal amount of Equipment Trust Certificates, Series 73, to be issued under an indenture (" new indenture") to be dated November 1, 1975 which will be qualified under the Act.

4. The indenture dated as of September 15, 1971 is, and the new indenture will be, secured by a separate lot of identified railroad cars, so that should the Bank have occasion to proceed against the security under one of these trusts, such action would not affect the security, or the use of any security, under the other trust.

5. The differences in the provisions of the two indentures are not so likely to involve the Bank in a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under either indenture.

The Company waives notice of hearing and waives hearing and waives any and all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street NW., Washington, D.C.

Notice is further given that any interested person may, not later than October 28, 1975 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-27488 Filed 10-10-75;8:45 am]

[Rel. No. 8974; 812-3851]

E. F. HUTTON CORPORATE INCOME FUND FIRST SERIES

Filing of Application

OCTOBER 7, 1975.

In the matter of E. F. Hutton Corporate Income Fund First Series (and subsequent series) c/o E. F. Hutton & Company Inc., One Battery Park Plaza, New York, New York, 10004; (812-3851).

Notice is hereby given that E. F. Hutton Corporate Income Fund, First Series (and subsequent Series) ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, filed an application on August 15, 1975, pursuant to Section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of Section 14(a) of the Act and exempting the frequency of capital gains distributions of Applicant and the secondary market operations of E. F. Hutton & Company, Inc., Applicants' sponsor ("Sponsor"), from the provisions of Rule 19b-1 and Rule 22c-1, respectively, under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Each Series of Applicant to which the application relates will be governed, pursuant to Massachusetts law, by a trust agreement (hereinafter called the "Agreement") under which the Sponsor will act as such, New England Merchants National Bank will act as Trustee, and Telestat Advisory Service, Inc. will act as Evaluator. The agreement for each Series will contain standard terms and conditions of trust common to all Series.

Pursuant to the Agreement, the Sponsor will deposit with the Trustee not less than $3,000,000 principal amount of preferred stocks and interest bearing corporate debt obligations, including contracts and funds for the purchase of such securities (hereinafter called the "Securities") which the Sponsor shall have accumulated for such purpose. Simultaneously with such deposit the Trustee will deliver to the Sponsor registered certificates for Units representing the entire ownership of the Series. These units are in turn to be offered for sale to the public by the Sponsor.

The Securities will not be pledged or in any other way subjected to any debt at any time after the Securities are deposited with the Trustee. The Sponsor is in the process of accumulating the Securities for the purpose of deposit in Applicant's First Series and a similar procedure will be followed for each future Series. In selecting the Securities, the following factors are considered: (1) a rating of A or better by Standard and Poor's or Moody's of all of the underlying securities; (2) the yield and price of the underlying securities relative to other similar securities; (3) maturities of the debt obligations and the sinking fund provisions of the preferred stock; and (4) diversification of the portfolio. Each Series of Applicant will consist of the Securities, such securities as may continue to be held from time to time in exchange or substitution for any of the Securities, and accumulated and undistributed income.

Units will remain outstanding until redeemed or until the termination of the Agreement. The Agreement may be terminated in the event that the value of the Securities falls below an amount specified for each Series, either upon the direction of the Sponsor to the Trustee or by the Trustee without such direction. There is no provision in the Agreement for the issuance of any Units after the initial offering of Units, and such activity will not take place (except to the extent that the secondary trading by the Sponsor in the Units is deemed the issuance of units under the Securities Act of 1933.)

The initial offering will be made separately through a final prospectus at a public offering price computed by adding to the offering side evaluation of the Securities, divided by the number of units, a sales charge equal to 4% of the public offering price (4.17% of the value of the underlying Securities). Units are redeemable on the basis of the bid side evaluation of the Securities.

The Sponsor, though under no obligation to do so, intends to maintain a market for Units of the various Series of Applicant and continuously to offer to purchase such Units at prices, subject to change at any time, which are based upon the offering side evaluation of the underlying Securities in the various Series.

Sponsor further intends to resell such Units at the same 4% sales charge as is applicable to sales during the initial public offering period. The Sponsor may discontinue such purchases of Units at prices based on the offering side evaluation of the underlying Securities if the supply of such Units should exceed demand, or for other business reasons (subject to certain limitations). During the initial offering period and thereafter, the price offered by the Sponsor for the purchase of Units must be an amount not less than the redemption price of such Unit, which is based on the aggregate bid side evaluation of the underlying Securities on the date on which such Unit is tendered for redemption.

Section 14(a). Section 14(a) of the Act requires that a registered investment company, prior to making a public offering of its securities, (1) have a net worth of at least $100,000, (2) have previously made a public offering and at that time have had a net worth of $100,000 or (3) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Applicant seeks an exemption from the provisions of Section 14(a) in order that a public offering of Units of Applicant as described above may be made. In connection with the requested exemption from Section 14(a) the Sponsor agrees: (1) to refund, on demand and without deducton, all sales charges to purchasers of Units of a Series if, within 90 days from the time that a Series becomes effective under the Securities Act of 1933, the net worth of the Series shall be reduced o less than $100,000, or if such Series is terminated; (2) to instruct the Trustee on the date of deposit of each Series that in the event that redemption by the Sponsor of Units constituting a part of the unsold Units shall result in that Series having a net worth of less than $3,000,000, the Trustee shall terminate the Series in the manner provided in the Agreement and distribute any Securities or other assets deposits with the Trustee pursuant to the Agreement as provided therein; and (3) in the event of termination for the reasons described in (2) above, to refund any sales charges to any purchaser of Units purchased from the Sponsor on demand and without any deduction.

Rule 19b-1. Rule 19b-1 provides in substance that no registered investment company which is a "regulated investment company" as defined in Section 851 of the Internal Revenue Code shall distribute more than one capital gain dividend in any one taxable year. Paragraph (b) of the Rule contains a similar prohibition for a company not "a regulated investment company" but permits a unit investment trust to distribute capital gains dividends received from a "regulated investment company" within a reasonable time after receipt.

Distributions of principal, including any capital gains, and interest on each Series will be made to Unitholders monthly. Distributions of principal constituting capital gains to Unitholders may arise in the following instances: (1) an issuer may call or redeem an issue held in the portfolio; (2) securities may be disposed of in order to maintain the qualification of such Series as a regulated investment company under the Internal Revenue Code; and (3) securities may be liquidated in order to provide the funds necessary to meet redemptions.

As noted, paragraph (b) of Rule 19b-1 provides that a unit investment trust may distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt. Applicant asserts that the purpose behind such provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and distribute them only at year end, and that the operations of Applicant in this regard are squarely within the purpose of such provision. However, in order to comply with the literal requirements of the Rule, each Series of Applicant would be forced to hold any monies which would constitute capital gains upon distribution until the end of its taxable year. The application contends that such practice would clearly be to the detriment of the certificate holders.

In support of the requested exemption, the application states that the dangers against which Rule 19b-1 is intended to guard do not exist in the situation at hand, since neither the Sponsor nor Applicant has control over events which might trigger capital gains. In addition, it is alleged that the monthly interest distribution is fairly constant within a specified range and any capital gains distribution will be clearly indicated as capital gains in the accompanying report by the Trustee to the Unitholder.

Rule 22c-1. Rule 22c-1 provides, in pertinent part, that no registered investment company issuing any redeemable security, and no dealer in any such security, shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant seeks an order exempting the secondary market operations of the Sponsor from the provisions of Rule 22c-1 under the Act. The Sponsor proposes to adopt the practice of valuing Units of a Series, for purchase and resale by the Sponsor in the secondary market, at prices computed on the last business day of each week, effective for all transactions made during the following week. This evaluation will be done by the Evaluator, who has also agreed to institute a procedure whereby the Evaluator will provide informal evaluations to protect Unitholders and investors. In the case of a repurchase, if the Evaluator cannot state that the current bid price is not higher than or equal to the previous Friday's offering side evaluation, the Sponsor will order a new evaluation. In the case of a resale of Units in the secondary market, if the Evaluator cannot state that the previous Friday's price is no more than one-half point ($5.00 on a Unit representing $1,000 principal amount of underlying securi-

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ties) greater than the current offering price, a full evaluation will be ordered.

Applicant states that there are two purposes for Rule 22c–1: (1) to eliminate or reduce any dilution of the value of outstanding redeemable securities of registered investment companies which would occur through the redemption or repurchase of such securities at a price above their net asset value or the sale of such securities at a price based on a previously established net asset value which would permit a potential investor to take advantage of an upswing in the market and the accompanying increase in the net asset value of the securities; and (2) to minimize speculative trading practices in the securities of registered investment companies.

Applicant states that while the purposes for which Rule 22c–1 was adopted would not be served by its application to Applicant, the interests of investors would be significantly impaired by imposing upon them the cost of additional determinations of net asset value which would be required by the Rule.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested party may, not later than October 30, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission orders a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices or orders issued in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–27489 Filed 10–10–75;8:45 am]

[Rel. No. 8971; 812–3841]

RAND CAPITAL CORP. AND RAND SBIC, INC.

Filing of Application

OCTOBER 6, 1975.

In the matter of Rand Capital Corporation and Rand SBIC, Inc., Suite 2205, Main Place, Buffalo, New York 14202 (812–3841).

Notice is hereby given that Rand Capital Corporation ("Rand Capital") and Rand SBIC, Inc. ("Rand SBIC") (collectively referred to as "Applicants"), both New York corporations, jointly filed an application on July 23, 1975, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") requesting an order of the Commission for certain exemptions from Sections 12(e), 17(a) and 17(d) of the Act and Rule 17d–1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Rand Capital is registered as a closed-end, non-diversified, management investment company under the Act. It was organized and commenced business in 1969 as a "venture capital" company, principally furnishing capital to industry, financing promotional enterprises, purchasing securities of issuers for which no ready market is in existence and reorganizing companies or engaging in similar activities.

Rand SBIC was organized by Rand Capital as a wholly-owned subsidiary on February 11, 1975. Applicants represent that Rand SBIC has not engaged in any business of any kind other than organizational matters and the submission to the Small Business Administration of a License Application under the Small Business Investment Act of 1958, as amended. Applicants propose to operate Rand SBIC as a non-diversified, closed-end management investment company licensed as a Small Business Investment Company ("SBIC"), doing business as a "venture capital" company, with particular, but not exclusive, emphasis on investments in upstate New York.

Rand Capital proposes to purchase 25 shares of Common Stock to be issued by Rand SBIC for an aggregate purchase price equal to the smallest amount of the following: (i) $505,000, which constitutes 22.56% of the total assets of Rand Capital at March 31, 1975, as valued by its Board of Directors at its most recent quarterly meeting on April 17, 1975; (ii) 25% of the total assets of Rand Capital as valued by its board of Directors at the time of the purchase of the shares of Rand SBIC or (iii) an amount which will permit Rand SBIC to sell subordinated debentures to the Small Business Administration in the maximum principal amount permitted under paragraph 5 of the conditions, hereinafter specified, which Rand Capital and Rand SBIC have agreed to. No part of this initial investment will be made with borrowed funds.

Rand SBIC proposes to raise additional capital by the issuance and sale of subordinated debentures to the Small Business Administration ("SBA") as provided in Section 303 of the Small Business Investment Act of 1958 and the regulations of the SBA.

By means of the formation and operations of an SBIC subsidiary, Rand Capital will be able to acquire additional investment capital which, Applicants assert, is not otherwise available to it. Applicants contend that they will be able to carry out more effectively the primary purpose of Rand Capital, which is to make venture capital investments, in that Rand Capital and Rand SBIC will have in the aggregate a larger fund of investment capital and the capacity to commit larger amounts to each venture capital investment than Rand Capital now has.

Applicants have agreed that the order of the Commission that may issue pursuant to this Notice may be conditioned upon the following:

1. After initial transfer of assets and liabilities by Rand Capital to Rand SBIC, Rand Capital will not make any further investment in Rand SBIC if the aggregate value of any existing investment plus the cost of any additional investment in Rand SBIC would exceed 25% of the value of Rand Capital's total assets on a corporate basis after the making of the additional investment;

2. At all times, Rand Capital will own and hold, beneficially and of record, all of the outstanding capital stock of Rand SBIC;

3. Rand Capital will not cause or permit Rand SBIC to change any of its fundamental investment policies, or take any other action referred to in Section 13(a) of the Act, unless such action shall have been authorized by Rand Capital after approval of such action by a vote of a majority (as defined in the Act) of the outstanding voting securities of Rand Capital;

4. Rand Capital will not cause or permit Rand SBIC to enter into, renew or perform any investment advisory or underwriting contract or agreement, written or oral, as contemplated by Section 15 of the Act, unless the terms of such contracts or agreements and any renewal thereof shall have been approved in compliance with said Section 15, and where any vote of the stockholders of Rand SBIC would be required by said Section 15, unless the stockholders of Rand Capital also shall have approved the same

by vote of a majority (as defined in the Act) of the outstanding voting securities of Rand Capital, or where any action of the directors of Rand SBIC would be required by said Section 15, unless the board of directors of Rand Capital, including a majority of those directors who are not parties to any such contract or agreement or affiliated person of any such party, also shall have approved the same;

5. Subject to Rand Capital, individually, and Rand Capital and Rand SBIC, on a consolidated basis, having the asset coverage required by Section 18(a) of the Act immediately after the issuance or sale of any senior securities, (a) Rand Capital may issue and sell to one or more banks, or to one or more insurance companies (but not to both a bank or banks and an insurance company or insurance companies), its unsecured promissory notes or its other unsecured evidences of indebtedness in consideration of any loan, extension or renewal thereof, made by private arrangement, provided that such notes or evidences of indebtedness are not intended to be publicly distributed, and provided further that such notes or evidences of indebtedness are not convertible into, exchangeable for, or accompanied by any options to acquire any equity security, and (b) Rand SBIC may borrow from SBA on such basis as SBA from time to time may lend to SBIC's and as may be permitted to SBIC's under the Act, including Section 18(k) thereof and applicable rules thereunder, provided that Rand Capital will not guarantee any such borrowings by Rand SBIC; in addition to borrowing from SBA, Rand SBIC may borrow from Rand Capital, and (c) except as above specifically provided in paragraph 5, Rand Capital will not itself, and Rand Capital will not cause or permit Rand SBIC to, issue any senior security or sell any senior security of which Rand Capital or Rand SBIC is the issuer.

6. Rand Capital will cause to be elected as directors of Rand SBIC only persons who are directors of Rand Capital, elected in compliance with Section 16(a) of the Act, and at all times officers of Rand Capital will also be officers of Rand SBIC.

7. Rand Capital will file with the Commission and transmit to its stockholders reports prescribed and required by Section 30 of the Act, including separate financial statements of Rand SBIC. Rand Capital will also cause Rand SBIC to file with the Commission copies of all reports which Rand SBIC will be required to file with the SBA. Any independent public accountant who signs a financial statement filed by Rand Capital or Rand SBIC with the Commission shall be selected and approved for Rand Capital in compliance with Section 32(a) of the Act by a majority (as defined in the Act) of Rand Capital's outstanding voting securities.

Section 12(d)(1)(A) of the Act, as here pertinent, prohibits a registered investment company from acquiring more than 3% of the total outstanding voting stock of any other investment company and Section 12(d)(1)(C) of the Act prohibits an investment company from acquiring more than 10% of the total outstanding voting stock of a registered closed-end investment company. Applicants represent that Section 12(e) of the Act would, notwithstanding Section 12(d)(1), permit Rand Capital to acquire securities issued by a corporation such as Rand SBIC which is engaged in the business of furnishing capital to industry, financing promotional enterprises, purchasing securities of issuers for which no ready market exists and reorganizing companies or similar activities and which issues securities consisting of only one class of common stock, except that Section 12(e) does not permit the cost of such investment to exceed 5% of the value of Rand Capital's total assets at the time of the investment. The proposed investment by Rand Capital in the common stock of Rand SBIC will exceed 5% of the value of Rand Capital's total assets and is not permitted by Section 12(e) of the Act unless the Commission issues an order of exemption from Section 12(e) of the Act to permit such purchase.

Section 17(a) of the Act, as here pertinent, provides that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such person, (1) to sell any security or other property to such registered investment company or to any company controlled by any such registered investment company except securities of which the buyer is the issuer or of securities which the seller is the issuer and which are part of a general offering to holders of its class of securities, (2) to purchase from a registered investment company or from any company controlled by such registered investment company, any security or other property (except securities of which the seller is the issuer), or (3) to borrow money or other property from such registered company or from any company controlled by such registered company, with certain exceptions. Applicants may transfer securities or property to each other in the course of the regular conduct of their business, or for the purpose of increasing the investment of Rand Capital SBIC, or for the purpose of Rand SBIC making a distribution with respect to its stock to Rand Capital.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together, provide, among other things, that it shall be unlawful, with certain exceptions not applicable here, for an affiliated person of a registered investment company or any affiliated person of such person, acting as principal, to participate in or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company or a company controlled by such registered company is a participant unless an application respecting such transaction has been granted by the Commission. Applicants have requested an order under Section 17(d) and Rule 71d–1 to permit them to participate together with third persons having no affiliation with Rand Capital, Rand SBIC or their affiliates in joint transactions.

Rand Capital and Rand SBIC request the Commission to issue an order (a) exempting the above-described proposed purchase by Rand Capital of 25 shares of common stock of Rand SBIC from the provisions of Section 12(e) of the Act, subject to the conditions proposed above and (b) as permitted by Section 6(c) of the Act, exempting from the prohibitions contained in Section 17(a) of the Act transfers of property and securities effected solely between the Applicants and to permit any small business concern which may become an affiliated person of Rand Capital or Rand SBIC to sell securities issued by it to, or borrow money from, Rand Capital or Rand SBIC and permitting, under Section 17(d) of the Act and Rule 17d–1 thereunder, joint transactions or joint arrangements between them as above referred to, subject, however, to the following conditions:

(1) Any small business concern which may become an affiliated person of Rand Capital or Rand SBIC may borrow from, or sell securities issued by it to, Rand SBIC, provided that such transaction meets the requirements for an exemption pursuant to Rule 17a–6, except to the extent that it fails to meet the requirements of such Rule solely because Rand Capital is also a party to the transaction or has, or within six (6) months prior to the transaction had, or pursuant to an arrangement will acquire, a direct or indirect financial interest in the small business concern.

(2) Rand Capital and Rand SBIC may participate in any joint enterprise or joint arrangement involving other participants, provided that such transaction meets the requirements for an exemption pursuant to Rule 17d–1, except to the extent it fails to meet the requirements of such Rule solely because Rand Capital is, was or proposes to be a participant in the joint enterprise or joint arrangement.

Section 6(c) of the Act provides that the Commission by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision or provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants submit that the requested exemptions will enable them to carry out more effectively (a) the purposes and objectives for which Rand Capital commenced business as an investment company registered under the Act and (b) the intent and policy of Congress as stated in and implemented by the Small Business Investment Act of 1958 and Section 12(e) of the Act.

Notice is further given that any interested person may, not later than October 30, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a

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statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Rand Capital and Rand SBIC at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated therein, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–27490 Filed 10–10–75;8:45 am]

[File No. 500–1]

VALHI, INC.

Suspension of Trading

SEPTEMBER 3, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Valhi, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 4, 1975 through midnight (EDT) on September 13, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–27491 Filed 10–10–75;8:45 am]

[Release No. 34–11711; File No. NASD–1975–1]

SELF-REGULATORY ORGANIZATIONS

Proposed Rule Change by National Association of Securities Dealers, Inc.

Pursuant to Section 19(B)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on October 3, 1975, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

NASD's STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The following amendments have been proposed to Schedule A of Article III of the By-Laws of the National Association of Securities Dealers, Inc.

The first paragraph of Schedule A is amended to change the effective date of October 1, 1974, to December 1, 1975.

Present Sections 4, 5, and 6 will be renumbered to reflect the insertion of a new Section 4 that reads as follows:

ASSESSMENTS AND FEES FOR NEW MEMBERS, RESIGNING MEMBERS AND SUCCESSOR ORGANIZATIONS

SEC. 4—*Assessments and fees for new members, resigning and successor organizations.*

(a) The assessment of a firm, which is not a member throughout the Association's full fiscal year from October 1 to September 30 of the succeeding year, shall be based upon the number of quarter years of membership. The proration for a new member shall include the quarter year in which the member is admitted to membership. The proration for a member which resigns shall include the quarter year in which the member's letter of resignation is received in the Association's Executive Office.

A member which is a successor organization to a previous member or members shall assume the unpaid balance of the assessments of its predecessor or predecessors and its next assessment shall be determined if applicable, upon the assessment data of its predecessors. Such successor member shall not be required to re-register branch offices and personnel of predecessor members or pay registration fees therefor. Whether a member is the successor organization to a previous member or members shall be determined by the Association upon a consideration of the terms and conditions of the particular merger, consolidation, reorganization, or succession. A member which has simply acquired the personnel and offices of another member under circumstances which do not constitute the member a successor organization shall not be required to assume the unpaid assessments of the other member. Such non-successor member shall be required to re-register the branch offices and personnel acquired from the other member and pay applicable registration fees.

Renumbered Section 5, shall be entitled "Gross Income from Over-the-Counter Transactions and Securities." This section is amended so that the definition of Gross Income shall include profits and/or commissions from transactions in municipal securities, as well as from transactions in interests in oil, gas, and mineral rights. Also included in this new definition are fees received in tender offers, fees for acting as financial advisor in a plan of merger, and fees for acting as manager in an exchange offer. Renumbered Section 5 is amended so that clearly excluded from the definition of Gross Income are the profits or losses derived from transactions, including arbitrage, if both the purchase and sale are executed on a registered national securities exchange or outside the territorial limits of the United States. Excluded as well are profits and losses derived from transactions in exempted securities as that term is defined in Section 3(a)(12) of the Securities Exchange Act of 1934, as amended.

STATEMENT OF BASIS AND PURPOSE

PURPOSE OF PROPOSED RULE CHANGE

Proposed Section 4 Subsection (a) will allow the Association to equitably assess fees so that they reflect a firm's particip[illegible] in the Association for less than a fiscal year. The assessment shall be prorated for those quarters of the year during which the firm is a member of the Association. Subsection (b) of Section 4 is proposed to clarify the proposition that a successor organization of a previous member shall be required to assume the unpaid balance of the assessments of its predecessor, and its next assessment shall be determined, as far as applicable, upon the assessment data of its predecessor.

Proposed Section 5 (formerly Section 4) is amended so that the definition of Gross Income upon which the Association's assessments are based includes commissions and profits derived from transactions in municipal securities as well as transactions in certain other over-the-counter securities transactions. Because the duties of the Association with regard to regulation of municipal securities brokers and dealers have been expanded by the 1975 Amendments to the Securities and Exchange Act of 1934, it is necessary for the Association to generate revenues to pay for this regulation and the amendments to Schedule A are for that purpose. Finally, the explanation in the Schedule as to those amounts to be *excluded* from the definition of Gross Income was necessary because the definition of what constitutes an "exempted security" was changed by the 1975 Amendments. This amendment to the Schedule certifies that certain types of securities, e.g. direct obligations of the United States, are still exempted and income resulting from transactions in these securities is not to be included in the definition of Gross Income.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

(a)(i) It is the duty of the Association under Section 15B of the Amended Securities Exchange Act to enforce compliance with the law by its members and persons associated with its members who deal in municipal securities. These changes in Schedule A produce an equitable allocation of the reasonable dues and fees among the members of the Association and provide a revenue base to finance the costs of the regulation the Association was not responsible for prior to the enactment of the new law.

(a)(iv) Section 15A(b) provides that an association of brokers and dealers shall not be registered as a national securities association unless the Commission determines that the rules of the association provide for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility or system which the association operates or controls. The amendment to Schedule A that provides a prorating of NASD assessments and dues on the basis of the number of quarters of the year the new or resigning member was actually a member of the Association and provides an equitable allocation of fees and is in furtherance of the purposes of the Act.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS ON PROPOSED RULE CHANGE

Under Section 1 of Article III of the By-Laws of the Association, membership approval of a change in a fee schedule is not necessary and the change is acted on and approved by the Board of Governors alone. Therefore, comments of the membership on the proposed amendment to Schedule A were not solicited or received.

BURDEN ON COMPETITION

Because the Securities Exchange Act places on the Association the obligation to regulate the activities of its members' dealings in municipal securities and provides the statutory basis for the assessment of equitable fees, it is felt that there is no burden on competition imposed by the proposed rule change and it is in furtherance of the Act.

BASIS FOR RULE TAKING, OR BEING PUT INTO EFFECT PURSUANT TO SECTION 19(b)(3)

The proposed amendments are to take effect immediately under paragraph (A) of Section 19(b)(3) of the Securities Exchange Act. The use of this paragraph is authorized because these amendments establish or change a due, fee, or other charge. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submission should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 13, 1975. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 6, 1975.

[FR Doc.75–27492 Filed 10–10–75;8:45 am]

SMALL BUSINESS ADMINISTRATION

CONCORD DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Concord District Advisory Council will hold a public meeting at 10:00 a.m., Wednesday, October 29, 1975, at the Federal Building, 55 Pleasant Street, Concord, New Hampshire 03301, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present. For further information, write Bert Teague at the above address, or call (603) 224–7724.

Dated: October 9, 1975.

ANTHONY S. STASIO,
Chief Council for Advocacy, Small Business Administration.

[FR Doc.75–27594 Filed 10–10–75;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on October 21, 1975, at 1:00 p.m., the Des Moines Regional Office Station Committee on Educational Allowances shall at Room 1021, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Liftruck Service Company, Inc., 3801 West River Drive, Davenport, Iowa 52808, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: October 6, 1975.

ROBERT L. WINTERS,
Director, VA Regional Office.

[FR Doc.75–27543 Filed 10–10–75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 879]

ASSIGNMENT OF HEARINGS

OCTOBER 8, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC–C 8666, Cape Transit Corporation d/b/a St. Louis-Cape Bus Line—Investigation and Revocation of Certificate, now being assigned December 8, 1975, (1 day), at St. Louis, Missouri, in a hearing room to be later designated.

MC 8842 Sub 4, Dawson Bus Service, Inc., now assigned November 3, 1975, at Dover, Del., is postponed to November 17, 1975, in the South Conference Room, Highway Administration Building, Route 13.

MC–F 12535, Olin R. Flottmann and John H. Meyer—Investigation of Control—Beaufort Transfer Company and Langer Truck Line, Inc., now being assigned December 9, 1975, (1 day), at St. Louis, Missouri, in a hearing room to be later designated.

MC 135414 Sub 2, Langer Truck Line, Inc., now assigned October 21, 1975, at Jefferson City, Mo., is postponed indefinitely.

FD 27892, All-American, Inc.—Notes, now assigned October 20, 1975, at Chicago, Illinois, will be held in Room 871, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 69116 Sub 172, Spector Freight Systems, Inc., now being assigned December 10, 1975, (1 day), at St. Louis, Missouri, in a hearing room to be later designated.

MC 95350 Sub 6, R. W. Jones Trucking Company, now assigned October 21, 1975 at Salt Lake City, Utah is postponed indefinitely.

AB–1 Sub 26, Chicago and North Western Transportation Company, Abandonment Between Dakota City and Wayne, in Dixon and Wayne Counties, Nebraska, now assigned November 10, 1975 at Wayne Nebraska; will be held in the City Auditorium.

MC 82841 Sub 159, Hunt Transportation, Inc., now assigned November 13, 1975 at Omaha, Nebraska; will be held in the Union Pacific Plaza, 110 W. 14th Street.

MC 136212 Sub 14, Jensen Trucking Company, Inc., now assigned November 14, 1975 at Omaha, Nebraska; will be held in the Union Pacific Plaza, 110 W. 14th Street.

MC–F–12524, Silvey Refrigerated Carriers, Inc.—Purchase Portion—Road Runner Trucking, Inc., now assigned November 17, 1975 at Omaha, Nebraska; will be held in the Union Pacific Plaza, 110 W. 14th Street.

MC 124211 Sub 263, Hilt Truck Line, Inc., now assigned November 19, 1975 at Omaha, Nebraska; will be held in the Union Pacific Plaza, 110 W. 14th Street.

MC 107496 Sub 992, Ruan Transport Corporation, now being assigned December 11, 1975 (2 days), at St. Louis, Missouri, in a hearing room to be later designated.

MC 116519 Sub 27, Frederick Transport Limited, now assigned October 22, 1975, at Buffalo, N.Y., is canceled and transferred to Modified Procedure.

MC 23618 Sub 23, McAllister Trucking Company; MC 63792 Sub 26, Tom Hicks Transfer Company, Inc. and MC 121281 Sub 11, Big Mack Trucking Co., now being assigned October 23, 1975 (2 days) at Dallas, Texas, in Room 5A15, New Federal Building, 1100 Commerce Street.

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Ex Parte 307, Investigation Into The Distribution and Manipulation of Rail Rolling Stock To Depress Prices on Certain Grain Shipments for Exports, now being assigned December 2, 1975 (9 days), at Chicago, Ill., in Room 1743, Tax Court, 219 South Dearborn St.

MC 124211 Sub 55, Hilt Truck Line, Inc., now assigned November 5, 1975, at Chicago, Ill., is canceled and application dismissed.

MC 64932 Sub 549, Rogers Cartage Co., now assigned October 29, 1975 at Chicago, Illinois, has been postponed to December 1, 1975 (2 days) at Chicago, Illinois; in a hearing room to be designated later.

No. 36180, San Antonio, Texas Acting By and Through Its City Public Service Board vs Burlington Northern Inc., Et Al, now assigned October 15, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C., is cancelled.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-27571 Filed 10-10-75;8:45 am]

[Notice No. 96]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

OCTOBER 14, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 3, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76085. By order entered October 7, 1975, the Motor Carrier Board approved the transfer to L. E. Cook, doing business as Cook Fruit Company, Oklahoma City, Okla., of the operating rights set forth in Certificate No. MC-118049, issued June 23, 1960, to J. A. Armstrong, doing business as Armstrong Fruit Co., Oklahoma City, Okla., authorizing the transportation of bananas, from New Orleans, La., and Galveston, Tex., to Oklahoma City, Okla. L. E. Cook, 1040 S.W. 55th St., Oklahoma City, Okla. 73109, transferee and J. A. Armstrong, 221 Southwest 22nd, Oklahoma City, Okla. 73109, transferor.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-27570 Filed 10-10-75;8:45 am]

[Notice No. 114]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 8, 1975.

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 50069 (Sub-No. 503 TA), filed September 24, 1975. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Ave., Oregon, Ohio 43616. Applicant's representative: William Fromm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils*, in bulk, in tank vehicles, from Coldwater, Mich., to the plantsite of The Ironsides Company, at Columbus, Ohio, for 180 days. Supporting shipper: The Ironsides Company, 270 W. Mound St., Columbus, Ohio 43215. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 54855 (Sub-No. 4 TA), filed September 25, 1975. Applicant: LOUISVILLE AND CORYDON TRANSFER, Walnut and Water Streets, Corydon, Ind. 47112. Applicant's representative: Walter Saulman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), from Corydon, Ind., to points in Crawford County, Ind., applicant intends to tack its existing authority with MC 54855, for 180 days. Supporting shipper: Stephenson Co. Store, Leavenworth, Ind. Send protests to: Frances Sterling, Transportation Assistant, Interstate Commerce Commission, Federal Bldg., & U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 63417 (Sub-No. 79 TA) (Correction), filed September 18, 1975, published in the FEDERAL REGISTER issue of October 3, 1975, and republished as corrected this issue. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, Va. 20434. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Palatka, Fla., to points in Arkansas, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia and the District of Columbia, for 180 days. Supporting shipper: American Modular Furniture Corporation, 15500 Phillips Highway, Rt. 8, Box 72, Jacksonville, Fla. 32224. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Ave., S.W., Roanoke, Va. 24011. The purpose of this republication is to correct the sub number.

No. MC 95540 (Sub-No. 932 TA), filed September 30, 1975. Applicant: WATKINS MOTOR LINES, INC., 1120 W. Griffin, Lakeland, Fla. 33801. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Piece goods*, from points in Texas, to points in North Carolina and South Carolina, for 180 days. Supporting shipper: Farah Manufacturing Co., Inc., 8889 Gateway Blvd., West, El Paso, Tex. 79925. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 NW. 53rd Terrace, Miami, Fla. 33166.

No. MC 104896 (Sub-No. 47 TA), filed September 26, 1975. Applicant: WOMELDORF, INC., P.O. Box G, Knox, Pa. 16232. Applicant's representative: James W. Patterson, 2100 The Fidelity Bldg., Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* as are dealt in by chain retail variety stores and *materials, supplies and equipment* used in the conduct

of such business, from the warehouse facilities of G. C. Murphy Company, at McKeesport, Pa., to the facility of G. C. Murphy Company in the town of Erwin, Steuben County, N.Y., for 180 days. Supporting shipper: G. C. Murphy Company, 531 Fifth Ave., McKeesport, Pa. 15132. Send protests to: James C. Donaldson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 111729 (Sub-No. 576TA), filed September 29, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds*, (a) between Bossier City, La., and Quitman, Tex.; (b) from Birmingham, Ala., to Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Springfield, Toledo, Warrensville Heights and Youngstown, Ohio; (2) *Urine samples*, from Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Springfield, Toledo, Warrensville Heights and Youngstown, Ohio, to Birmingham, Ala.; (3) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising materials*, between Parkersburg, W. Va., on the one hand, and, on the other, Danville, Frankfort, Lexington, Maysville, and Richmond, Ky.; and points in Ohio; (4) *Ophthalmic goods, and related business papers and documents*, between Minneapolis, Minn., and Rock Island, Ill., for 180 days. Supporting shippers: Innovative Data Systems, Box 5100, Bossier City, La. Best Photo Service, Inc., 120 Park Center Drive, Parkersburg, W. Va. Medical Laboratory Associates, 1025 S. 18th St., Birmingham, Ala. Walman Optical Company, 211 18th St., Rock Island, Ill. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114533 (Sub-No. 330TA), filed September 24, 1975. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th St., Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Proofs, cuts, copy and other graphic arts material*, between Bloomington, Inc., on the one hand, and, on the other, St. Louis, Mo., for 180 days. Supporting shipper: Wetterau Food Services, Stephen Burch, Advertising Manager, P.O. Box 484, Bloomington, Ind. 47401. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 114848 (Sub-No. 58TA), filed September 22, 1975. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Ave., Memphis, Tenn. 38113. Applicant's representative: Terry T. Wharton, 1108 Whitehaven Lane, Memphis, Tenn. 38116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, in tank-type vehicles, from Sledge, Miss., to Mobile, Ala., for 180 days. Supporting shipper: Kentucky-Tennessee Clay Company, P.O. Box 449, Mayfield, Ky. 42066. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Bldg., 167 North Main St., Memphis, Tenn. 38103.

No. MC 115821 (Sub-No. 16 TA), filed September 29, 1975. Applicant: FRANK BEELMAN, doing business as BEELMAN TRUCK CO., St. Libory, Ill. 62282. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank vehicles, from East Alton, Ill., to points in Indiana, Kentucky, Arkansas, Tennessee, and Missouri (except those points located on and south of U.S. Highway 36, on and east of U.S. Highway 63, and on and north of U.S. Highway 60), for 180 days. Supporting Shipper: Neil R. Barker, Branch Manager, American Admixtures, Division of Chicago Fly Ash Company, 1200 Hanley Industrial Court, St. Louis, Mo. 63144. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC-124078 (Sub-No. 662 TA), filed September 24, 1975. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th St. Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski (same address as applicant). Authroity sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kerosene*, in bulk, in tank vehicles, from Nashville, Tenn., to Newburgh, Ind., for 180 days. Supporting shipper: Exxon Company, U.S.A., P.O. Box 2180, Houston, Tex. 77001. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Milwaukee, Wis. 53203.

No. MC 124230 (Sub-No. 24 TA), filed September 25, 1975. Applicant: C. B. JOHNSON, INC., P.O. Drawer S, Cortez, Colo. 81321. Applicant's representative: David E Driggers, 1600 Lincoln Center, 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, from Hayden, Ariz., to Glendale, Nev., for 180 days. Supporting shipper: ASARCO, Inc., 405 Montgomery St., San Francisco, Calif. 94104. Send protests to: Herbert C. Ruoff, District Supervisor, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 124964 (Sub-No. 23 TA), filed September 29, 1975. Applicant: JOSEPH M. BOOTH, doing business as, J. M. BOOTH TRUCKING, P.O. Box 907, Eustis, Fla. 32727. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Juices, drinks and concentrates*, not frozen, *and equipment, materials and supplies* used in the manufacture and sale of juices, drinks and concentrates (except in bulk), and (2) *Fruit salads*, in mixed loads with the commodities described in (1) above, between the facilities of Doric Foods Corporation, at Mount Dora, Fla., on the one hand, and on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are restricted to the transportation of shipments originating at or destined to the facilities of Doric Foods Corporation, at Mount Dora, Fla. The operations authorized herein are limited to a transportation service to be performed, under a continuing contract or contracts with Doric Foods Corporation, of Mount Dora, Fla., for 180 days. Supporting shipper: Doric Foods Corporation, P.O. Box 986, Mount Dora, Fla. 32757. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 127625 (Sub-No. 19TA), filed September 30, 1975. Applicant: SANTEE CEMENT CARRIERS, INC., P.O. Box 638, Holly Hill, S.C. 29059. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard*, from the plantsite of Holly Hill Lumber Company, at Holly Hill, S.C., to points in Alamance, Beaufort, Bertie, Burke, Caldwell, Carteret, Catawba, Chatham, Cleveland, Davidson, Duplin, Forsyth, Gaston, Guildord, Haywood, Iredell, Johnston, Lee, Lincoln, Montgomery, Pasquotank, Ranlolph, Rockingham, Rutherford, Sampson, Stanly, Surry, Wayne and Wilkes Counties, N.C., and Appomattox, Campbell, Carroll, Dinwiddie, Franklin, Grayson, Halifax, Henrico, Henry, Lunenburg, Pittsylvania, Pulaski, Roanoke, Shenandoah and Smyth Counties, Va., for 180 days. Supporting shipper: Holly Hill Lumber Company, P.O. Box 128, Holly Hill, S.C. 29059. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 129645 (Sub-No. 56TA), filed September 29, 1975. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, doing business as, SMEESTER BROTHERS TRUCKING, 1330 South Jackson St., Iron Mountain, Mich. 49801. Applicant's representative: H. G. Denny (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardwood flooring systems; hardwood flooring; built-up*

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lumber; and accessories, and supplies used in the installation thereof, (1) from the plant and warehouse sites of A.G.A., Inc., at or near Amasa, Mich., to points in the United States in and east of the states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities above, from the destination states in (1) above, to the plant and warehouse sites of A.G.A., Inc., at or near Amasa, Mich. (except commodities in bulk and rough or finished lumber), for 180 days. Supporting shipper: Abendroth-Gamble-Ahonen, Inc. (A.G.A., Inc.), Box 42, Amasa, Mich. 49903. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 133095 (Sub-No. 87TA), filed September 30, 1975. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carcass lambs*, from Denver, Colo., to Elmsford, Brentwood, Garden City, Mt. Kisco, N.Y., and Waterford, N.Y.; Edison, N.J.; Boston, Mass.; Philadelphia, Pa.; Landover, Md., and Washington, D.C., for 180 days. Supporting shipper: Wilson & Co., Inc., 4545 North Lincoln Blvd., Oklahoma City, Okla. 73105. Send protests to: H. C. Morrison, Sr., District Supervisor, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 135078 (Sub-No. 6TA), filed September 30, 1975. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" St., Omaha, Nebr. 68137. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68505. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Abrasive coated cloth, abrasive cut-off blades, abrasive discs, abrasive wheels, diamond wheels and blades, and drive chains*, from Westboro, Mass., and Hartford, Conn., to Pittsburgh, Pa.; Cleveland, Ohio; Detroit, Mich.; and Chicago, Ill.; and (2) *Chain and pulley hoists, bearing and hoist trolleys, cranes, hydraulic lifts, bearings, car bolsters, railroad car components, steel foundry casings, steel castings, pneumatic tools, parts, rubber hoses, rotary blowers, power pumps, air compressors, pneumatic diaphragm pumps, tanks and hand-held percussion tools, and parts and materials* for the above items, from Depew, N. Y.; Sidney and Springfield, Ohio; Muskegon, Mich.; and Connersville, Ind., to Chicago, Ill., restricted against the transportation of commodities which because of their size and weight, require the use of special equipment and further restricted against the transportation of commodities in bulk, in tank vehicles, for 180 days. Supporting shipper: Bruce J. Bonafide, Group Manager Transportation, Dresser Industries, Inc., 3201 N. Wolf Road, Franklin Park, Ill. 60131. Send protests to: Carroll Russell, District Supervisor, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC–136343 (Sub-No. 54TA), filed September 30, 1975. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products, building paper, paper and pulpboard combined with aluminum and copper foil*, from the facilities of the St. Regis Paper Co., at or near Attleboro, Mass., to points in New Jersey, New York, Pennsylvania, Maryland and Ohio, restricted to the transportation of traffic originating at the above named origin and destined to the above-named destinations, for 180 days. Supporting shipper: St. Regis Paper Co., 150 E. 42nd St., New York, N.Y. 10017. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 136343 (Sub-No. 55TA), filed September 30, 1975. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper*, from the Westvaco Corporation plantsite at Tyrone, Pa., to points in New Hampshire, restricted to shipments originating at the specified origin and destined to the designated destinations, for 180 days. Supporting shipper: Westvaco Corp., 299 Park Ave., New York, N.Y. 10017. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17180.

No. MC 136464 (Sub-No. 14TA), filed September 26, 1975. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, N.C. 28052. Applicant's representative: Eric Meierhoefer, Esq., 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings, and materials, equipment, supplies* used in the installation, manufacture, packaging, and sales of floor coverings, when moving in mixed loads with floor coverings, (a) between the facilities of Bigelow-Sanford, Inc., located at or near Landrum, Greenville, Belton, and Calhoun Falls, S.C.; Lyerly, Ga.; Sparks, Nev.; Los Angeles, Calif.; and Dallas, Tex., and (b) between the facilities of Bigelow-Sanford, Inc., located at or near Landrum, Greenville, Belton, and Calhoun Falls, S.C., and Lyerly, Ga., on the one hand, and, on the other, points in Texas, Arizona, New Mexico, California, Nevada, Oregon, Washington, and Utah, restricted to transportation services performed under a continuing contract with Bigelow-Sanford, Inc., for 180 days. Supporting shipper: Bigelow-Sanford, Inc., Box 3089, Greenville, S.C. 29602. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Rd., Room CC516, Mart Office Bldg., Charlotte, N.C. 28025.

No. MC 136553 (Sub-No. 35TA), filed September 24, 1975. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed car bodies and scrap metal*, from Dubuque, Iowa to Madison, Wis., and points in the Madison Commercial Zone, for 180 days. Supporting shipper: Ecology Control Corp., 1498 Elm St., Dubuque, Iowa 52001. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 136996 (Sub-No. 3TA), filed September 30, 1975. Applicant: IDEAL TRANSPORTATION COMPANY, 1623 West Main St., Zanesville, Ohio 43701. Applicant's representative: James Duvall, P.O. Box 97, Dublin, Ohio 43701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum dross*, in bulk, in dump vehicles, between the facilities of Newark Processing Company, at or near Newark, Ohio, on the one hand, and, on the other, the facilities of Apex International Alloys, Inc., at or near Checotah, Okla., for 180 days. Supporting shipper: Newark Processing Company, P.O. Box 735, Newark, Ohio 43055. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., and U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 139005 (Sub-No. 1TA), filed September 24, 1975. Applicant: JAMES D. HOELZEMAN, doing business as SCRAP HAULERS, 13840 S. Halsted St., Riverdale, Ill. 60627. Applicant's representative: Samuel Ruff, 2109 Broadway, E. Chicago, Ind. 46312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities derived from waste, commodities having prior transportation as waste, waste products*, in tank vehicles, or vans, between points in Illinois, Indiana, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin, for 180 days. Supporting shippers: Midwest Recycling Corp., Joseph A. Strosnik, President, 241 Brunswick, Hammond, Ind. Petro Tec Co., Werner J. Schrienger, President, 2810 4th St., St. Cloud, Minn. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 139858 (Sub-No. 6TA), filed September 24, 1975. Applicant: AMSTAN TRUCKING, INC., 1255 Corwin Ave., Hamilton, Ohio 45015. Applicant's representative: Chandler L. Van Orman, 704 Southern Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed and advertising matter and forms, brochures, pamphlets, descriptive materials, and magazine or newspaper inserts*, from Philadelphia, Pa., to points in Arizona, California, Connecticut, Georgia, Iowa, Massachusetts, Michigan, New York, North Carolina, Texas, Washington and Wisconsin. The above operations are limited to a transportation service to be performed, under a continuing contract or contracts with Stern Majestic Press (an American Standard Company), New Brunswick, N.J., for 180 days. Supporting shipper: American Standard, Inc., Corporate Traffic Department, P.O. Box 2003, New Brunswick, N.J. 08903. Send protests to: Paul J. Lowry, District Supervisor, 5514–B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 141329 (Sub-No. 1TA), filed September 29, 1975. Applicant: EDWARD STAPLETON AND ALFRED GLESSMAN, 140 Flintoft St., Kelowna, British Columbia, Canada. Applicant's representative: Michael B. Crutcher, 2000 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from the International Boundary between the United States and Canada, at or near Northport or Metaline Falls, Wash., and Spokane, Wash. (limited to foreign commerce), under a continuing contract with Kootenay Forest Products LTD, for 180 days. Supporting shipper: Kootenay Forest Products LTD, 905 Gordon Road, Nelson, B. C. VIL 5R7. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–27569 Filed 10–10–75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

OCTOBER 8, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 24, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 8973 (Sub-E10), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: plastic articles, hardware, and building materials, equipment and supplies (except commodities in bulk), (1) from those points in Hudson County, N.J. south of a line beginning at the Hudson River and extending along Newark Ave. to junction Paterson Avenue, to junction Paterson Plank Rd., to junction Secaucus Road, to Penhora Creek, thence along Penhorn Creek to the Hackensack River, thence along the Hackensack River to Saw Mill Creek, thence along Saw Mill Creek to Bellevue Turnpike, to the Passaic River to points in Rhode Island, Massachusetts, and Vermont; (2) from points in Hudson County, N.J., to points in Maine, New Hampshire, Maryland, Virginia, Pennsylvania, Ohio, Delaware, the District of Columbia, those in New York on, north, and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 17 to junction New York Highway 9, to junction New York Highway 51, to junction New York Highway 205, to junction New York Highway 28, to junction New York Highway 80, to junction New York Highway 168, to junction New York Highway 55, to junction New York Highway 10, to junction unnumbered highway at Caroga Lake, to junction New York Highway 30 near Northville, to junction unnumbered highway at Edinburg, to junction New York Highway 9N near Hadley, to junction New York Highway 28 near Lake George, to junction New York Highway 149, to the New York-Vermont State line, those in Massachusetts south and east of the Cape Cod Canal, and those north of a line beginning at the Massachusetts-New Hampshire State line and extending along Massachusetts Highway 12 to junction Massachusetts Highway 2A, to junction Massachusetts Highway 107, to Boston Bay, and those in Vermont on, north, and east of a line beginning at the New York-Vermont State line and extending along Vermont Highway 313 to junction U.S. Highway 7, to junction unnumbered highway near Arlington, to junction Vermont Highway 100, to junction Vermont Highway 112, to the Vermont-Massachusetts State line. The purpose of this filing is to eliminate the gateway of the warehouse and plantsite facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 13250 (Sub-No. E8) (Correction), filed April 17, 1975, published in the FEDERAL REGISTER August 6, 1975. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Houston, Tex. 77026. Applicant's representative: James M. Doherty, 500 W. 16th St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (7) between points in Mississippi, on the one hand, and, on the other, points in Nevada (Texas and Arizona, or Texas and Utah)*, New Mexico, and Utah (Texas)*. The purpose of this filing is to eliminate the gateways as indicated by the asterisks above. The purpose of this correction is to correct the descriptions in (7) above.

No. MC 20582 (Sub E2), filed June 3, 1974. Applicant: HENRY H. STEVENS, INC., 1273 Broadway, Flint, Mich. 48506. Applicant's representative: William C. Steven (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (A) between points in the Lower Peninsula of Michigan in and north of Benzie, Grand Traverse, Kalkaska, Crawford, Oscoda, and Alcona Counties and points in Mackinac, Luce, Chippewa, and Schoolcraft Counties, Mich., on the one hand, and, on the other, points in New Mexico. (B) Between points in the Lower Peninsula of Michigan in and north of Benzie, Grand Traverse, Kalkaska, Crawford, Oscoda, and Alcona Counties, and Mackinac, and Chippewa Counties, on the one hand, and, on the other, points in Colorado and Texas. The purpose of this filing is to eliminate the gateways of Flint, Mich., or points within 25 miles thereof, and points in Kansas.

No. MC 20582 (Sub E25), filed June 3, 1974. Applicant: HENRY H. STEVENS, INC., 1273 Broadway, Flint, Mich. 48506. Applicant's representative: William C. Steven (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 271 to junction Texas Highway 19, to junction U.S. Highway 69, to junction Texas Highway 155, to junction U.S. Highway 79, to junction Texas Highway 6, to junction Texas Highway 21, to junction U.S. Highway 77 to junction Texas Highway 185, to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Kansas, Flint, Mich. or points within 25 miles thereof, and Ohio.

No. MC 20582 (Sub E26), filed June 3, 1974. Applicant: HENRY H. STEV-

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ENS INC., 1273 Broadway, Flint, Mich. 48506. Applicant's representative: William C. Stevens (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission; (A) between points in Virginia on and east of U.S. Highway 52, on the one hand, and, on the other, points in Wisconsin. (B) Between points in West Virginia in and east of Pleasants, Ritchie, Calhoun, Clay, Nicholas, Greenbrier, and Summers Counties, on the one hand, and, on the other, points in Wisconsin, (C) Between points in Virginia on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 501 to junction U.S. Highway 11 to the Virginia-West Virginia State line, on the one hand, and, on the other, points in Iowa. (D) Between points in West Virginia, on and east of a line beginning at the West Virginia-Ohio State line and extending along West Virginia Highway 14 to junction Interstate Highway 77 to U.S. Highway 219, to junction U.S. Highway 460 to the Virginia-West Virginia State line, on the one hand, and, on the other, points in Iowa in and west and north of Winneshiek, Chickasaw, Bremer, Black Hawk, Grundy, Marshall, Story, Polk, Warren, Madison, Adair, Adams, and Taylor Counties. The purpose of this filing is to eliminate the gateway of Flint, Michigan and points within 25 miles thereof.

No. MC 20582 (Sub E27), filed June 3, 1974. Applicant: HENRY H. STEVENS, INC., 1273 Broadway, Flint, Mich. 48506. Applicant's representative: William C. Stevens (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Virginia and West Virginia, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateways of Flint, Mich., or points within 25 miles thereof, and Indiana, Illinois or Wisconsin.

No. MC 20582 (Sub E30), filed June 3, 1974. Applicant: HENRY H. STEVENS, INC., 1273 Broadway, Flint, Mich. 48506. Applicant's representative: William C. Stevens (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York, on the one hand, and, on the other, points in Florida on, south and west of a line beginning at the Atlantic Ocean and extending along Florida Highway 44 to junction Florida Highway 42, to junction U.S. Highway 27, to junction U.S. Highway 441 to the Georgia-Florida State line. The purpose of this filing is to eliminate the gateway of Ohio.

No. MC 20582 (Sub E44), filed June 3, 1974. Applicant: HENRY H. STEVENS, INC., 1273 Broadway, Flint, Mich. 48506. Applicant's representative: William C. Stevens (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (A) between points in Iowa, on the one hand, and, on the other, points in North Carolina and South Carolina. (B) Between points in Iowa in, north, and west of Clinton, Jones, Lenn, Benton, Poweshiek, Jasper, Marion, Lucas, and Wayne Counties, on the one hand, and, on the other, points in Georgia and points in Kentucky on and east of U.S. Highway 127. (C) Between points in Iowa, in and west of Worth, Cerro Gordo, Butler, Grundy, Marshall, Jasper, Polk, Warren, Madison, Union, and Ringgold Counties, on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate the gateway of Kansas City, Kans., or points in Michigan on and south of U.S. Highway 10.

No. MC 29079 (Sub E30), filed January 23, 1974. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 So. Union Street, Kokomo Ind. 46901. Applicant's representative: Edward K. Wheeler, 15th & H St. NW., Southern Bldg., Washington, D.C. 2005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (1) from points in Hamilton, Clermont, and Brown Counties, Ohio to points in Barry and Calhoun Counties, Mich., (2) from points in Ohio in and south of Preble, Montgomery, Greene, Fayette, Ross, Vinton, Athens, Morgan, Guernsey, and Belmont Counties, to points in Van Buren and Cass Counties, Mich., (3) from points in Ohio in and south of Hamilton, Clermont, Brown, Highland, Adams, Scioto, and Gallia Counties to points in Ionia, Kento, and Ottawa Counties, Mich., (4) from points in Butler, Hamilton, Clermont, and Brown Counties, Ohio to points in Allegan and Kalamazoo Counties, Mich., and (5) from points in Ohio in and south of Preble, Montgomery, Champaign, Madison, Ross, Fairfield, Perry, Muskingum, Guernsey, and Belmont Counties to Berrien County, Mich. The purpose of this filing is to eliminate the gateway of Tipton County, Ind.

No. MC 29079 (Sub E37), filed January 23, 1974. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 So. Union Street, Kokomo Ind. 46901. Applicant's representative: Edward K. Wheeler, Southern Bldg., 15th & H St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Louisville, Ky., on the one hand, and, on the other, points in Defiance, Fulton, Henry, Lucas, Paulding, Williams, and Wood Counties, Ohio. The purpose of this filing is to eliminate the gateway of Tipton County, Ind.

No. MC 29079 (Sub E39), filed January 23, 1975. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 So. Union Street, Kokomo, Ind. 46901. Applicant's representative: Edward K. Wheeler, Southern Bldg., 15th & H St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between those points in Illinois in and north of Hancock, McDonough, Fulton, Fazewell, McLean, Ford, and Iroquois Counties, on the one hand, and, on the other, Louisville, Ky. The purpose of this filing is to eliminate the gateway of Tipton County, Indiana.

No. MC 29079 (Sub E42), filed March 17, 1975. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 So. Union Street, Kokomo, Ind. 46901. Applicant's representative: Edward K. Wheeler, Southern Bldg., 15th & H St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (1) between points in Illinois south of Monroe, Washington, Jefferson, Wayne, and Edwards Counties, on the one hand, and, on the other, points in Ohio in and north of Butler, Warren, Clinton, Ross, Vinton, and Meigs Counties; (2) between points in Cook, DuPage, and Will Counties, Ill., on the one hand, and, on the other points in Ohio in and south of Mercer, Auglaize, Logan, Union, Delaware, Morrow, Knox, Holmes, Tuscarawas, Carroll, and Jefferson Counties; (3) between points in DeKalb and Kane Counties, Ill., on the one hand, and, on the other, points in Ohio in and south of Mercer, Auglaize, Hardin, Delaware, Morrow, Knox, Holmes, Tuscarawas, Carroll, and Columbiana Counties; (4) between points in Kendall and Grundy Counties, Ill., on the one hand, and, on the other, points in Ohio in, south, and east of Van Wert, Putnam, Hancock, and Sandusky Counties; (5) between points in Kankakee County, Ill., on the one hand, and, on the other, points in Ohio in and south of Mercer, Allen, Hardin, Wyandot, and Seneca Counties; (6) between points in McHenry and Lake Counties, Ill., on the one hand, and, on the other, points in Ohio in and south of Mercer, Auglaize, Logan, Union, Delaware, Morrow, Knox, Holmes, Tuscarawas, Carroll, and Jefferson Counties; (7) between points in Boone and Winnebago Counties, Ill., on the one hand, and, on the other, points in Ohio in and south of Mercer, Auglaize, Logan, Wyandot, Crawford, Knox, Wayne, Tuscarawas, Carroll, and Mahoning Counties; (8) between points in Stephenson and Ogle Counties, Ill., on the one hand, and, on the other, points in Ohio in and south of Mercer, Auglaize, Hardin, Wyandot, Crawford, Richland, Ashland, Wayne, Stark, and Mahoning Counties; (9) between points in Bureau and LaSalle Counties, Ill., on the one hand, and, on the other, points in Ohio in and south and east of Mercer, Auglaize, Hardin, Wyandot, Crawford, Rickland, Ashland, Medina, Summit, and Cuyahoga Counties; (10) between points in Lee and Whiteside Counties, Ill., on the one hand, and, on the other, points in and south of Mercer, Auglaize,

Hardin, Wyandot, Crawford, Richland, Ashland, Medina, Summit, Portage, and Mahoning Counties; and (11) between points in Carroll and Jo Daviess Counties, Ill., on the one hand, and, on the other, points in Ohio in and south of Mercer, Auglaize, Hardin, Wyandett, Crawford, Richland, Ashland, Medina, Summit, Portage and Trumbull Counties. The purpose of this filing is to eliminate the gateway of Tipton County, Indiana.

No. MC 60014 (Sub-No. E23), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in Pennsylvania, on the one hand, and, on the other, those points in Ohio on and south of a line beginning at Lake Erie and extending along Ohio Highway 306 to junction U.S. Highway 322, thence along U.S. Highway 322 to the Ohio-Pennsylvania State line (except those points on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line, and those in Licking County, Ohio). The purpose of this filing is to eliminate the gateways of Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio.

No. MC 64932 (Sub E135), filed June 3, 1974. Applicant: ROGERS CARTAGE COMPANY, 10735 S. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *chemicals and paint*, in bulk, in tank vehicles, from those points in the Lower Peninsula of Michigan on and east of a line beginning at Lake Huron and extending along U.S. Highway 27 to junction U.S. Highway 10, to junction Michigan Highway 47, to junction U.S. Highway 23, to junction Michigan Highway 59, to junction Interstate Highway 96, to junction U.S. Highway 23, to junction Michigan Highway 50, to Lake Erie, to those points in Ohio east of a line beginning at Lake Erie, and extending along Ohio Highway 58 to junction Interstate Highway 42, to junction Interstate Highway 40, to the Ohio-Indiana State line, and from those points in Michigan on and east of U.S. Highway 27 to points in Iowa, Kentucky, and those in Illinois on and south of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Ferndale, Michigan.

No. MC 64932 (Sub E136), filed June 3, 1974. Applicant: ROGERS CARTAGE COMPANY, 10735 S. Cicero Avenue, Oak Lawn, Illinois 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *chemicals*, in bulk, in tank vehicles, from those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 22 to junction Pennsylvania Highway 51, to junction Pennsylvania Highway 136, to junction Pennsylvania Highway 31, to junction U.S. Highway 219, to the Pennsylvania-West Virginia State line, to points in Oklahoma. The purpose of this filing is to eliminate the gateways of Ferndale, Michigan, and Chicago Heights, Illinois.

No. MC 64932 (Sub E137), filed June 3, 1974. Applicant: ROGERS CARTAGE COMPANY, 10735 S. Cicero Avenue, Oak Lawn, Illinois 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals* (except petrochemicals), in bulk, in tank vehicles, from those points in Ohio on, east, and north of a line beginning at Lake Erie and extending along Ohio Highway 83 to junction U.S. Highway 224, to the Ohio-Pennsylvania State line, to points in Mississippi, Oregon, South Dakota, and those in Alabama on and south of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 82 to junction Interstate Highway 59, to junction U.S. Highway 278, to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of Ferndale, Michigan, and Swanton, Ohio.

No. MC 72243 (Sub E23), filed May 15, 1974. Applicant: AETNA FREIGHT LINES, INC., 2507 Youngstown Rd. SE., P.O. Box 350, Warren, Ohio 44482. Applicant's representative: Edward G. Villalon, Suite 1032 Penn Bldg., 13th & Penn. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *household goods*, as defined by the Commission, between points in Ohio on and north of a line beginning at the Ohio-West Virginia State line and extending along Ohio Highway 39 to junction Ohio Highway 93, to junction U.S. Highway 36, to junction Ohio Highway 16, to junction U.S. Highway 62, to junction U.S. Highway 22 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in Kentucky on and west of a line beginning at the Kentucky-Ohio State line and extending along Interstate Highway 75 to junction Kentucky Highway 15, to junction Kentucky Highway 80, to junction U.S. Highway 421, to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of points in the Cincinnati, Ohio, Commercial Zone, which are in Kentucky.

No. MC 99776 (Sub-No. E3), filed May 15, 1974. Applicant: BUCKNER TRUCKING, INC., P.O. Box 3287, Houston, Tex. 77001. Applicant's representative: Ronald E. Butler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, which because of size or weight requires the use of special equipment, (1) from points in Texas on and south of a line beginning at El Paso, Tex., thence along U.S. Highway 80 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Texas Highway 71, thence along Texas Highway 71 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas Highway 21, thence along Texas Highway 21 to Bryan, Tex., thence along Texas Highway 6 to junction Texas Highway 30, thence along Texas Highway 30 to Huntsville, Tex., thence along Texas Highway 19 to junction Texas Highway 94, thence along Texas Highway 94 to junction U.S. Highway 287, thence along U.S. Highway 287 to the terminus at Port Arthur, Tex., to points in Arkansas on, south, and east of a line beginning at the Arkansas-Oklahoma State line on U.S. Highway 70, thence along U.S. Highway 70 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Arkansas Highway 9, thence along Arkansas Highway 9 to junction Arkansas Highway 14, thence along Arkansas Highway 14 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Arkansas Highway 115, thence along Arkansas Highway 115 to the Arkansas-Missouri State line.

(2) From points in Texas on and west of a line beginning at the Texas-Oklahoma State line on U.S. Highway 271, thence along U.S. Highway 271 to junction Texas Highway 19, thence along Texas Highway 19 to junction Texas Highway 154, thence along Texas Highway 154 to junction Texas Highway 37, thence along Texas Highway 37 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Texas Highway 105, thence along Texas Highway 105 to junction Texas Highway 90, thence along Texas Highway 90 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas Highway 237, thence along Texas Highway 237 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 87, thence along U.S. Highway 87 to the terminus at Port Lavaca, Tex., to points in Louisiana on and east of a line beginning at the Louisiana-Mississippi State line on U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 1, thence along Louisiana Highway 1 to junction Louisiana Highway 20, thence along Louisiana Highway 20 to junction Louisiana Highway 24, thence along Louisiana Highway 24 to a terminus at Houma, La.; (3) from points in Texas on, south, and west of a line beginning at El Paso, Tex., thence along U.S. Highway 80 to junction U.S. High-

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way 290, thence along U.S. Highway 290 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 87, thence along U.S. Highway 87 to Brady, Tex., thence along U.S. Highway 190 to junction Texas Highway 16, thence along Texas Highway 16 to junction U.S. Highway 84, thence along U.S. Highway 84 to Palestine, Tex., thence along U.S. Highway 287 to junction U.S. Highway 59, thence along U.S. Highway 59 to Houston, Tex., thence along U.S. Highway 75 to its terminus at Galveston, Tex., to points in Mississippi on, north, and east of a line beginning at Greenville, Miss., thence along U.S. Highway 82 to junction U.S. Highway 51, thence along U.S. Highway 51 to Jackson, Miss., thence along Mississippi Highway 18 to junction Mississippi Highway 15, thence along Mississippi Highway 15 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Alabama-Mississippi State line.

(4) From Presidio, Tex., and points in Texas on and south of a line beginning at Del Rio, Tex., thence along U.S. Highway 377 to junction Texas Highway 41, thence along Texas Highway 41 to junction Texas Highway 27, thence along Texas Highway 27 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 69, thence along U.S. Highway 69 to Zavalla, Tex., thence along Texas Highway 63 to the Texas-Louisiana State line, to points in Missouri on and east of a line beginning at the Missouri-Iowa State line on Misosuri Highway 81, thence along Missouri Highway 81 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction Missouri Highway 22, thence along Missouri Highway 22 to junction Missouri Highway 124, thence along Missouri Highway 124 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Arkansas State line; (5) from points in Texas on and east of a line beginning at the Texas-Louisiana State line on U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 259, thence along U.S. Highway 259 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Texas Highway 94, thence along Texas Highway 94 to junction Texas Highway 19, thence along Texas Highway 19 to junction U.S. Highway 75, thence along U.S. Highway 75 to its terminus at Galveston, Tex., to points in New Mexico.

(6) From points in Texas on, south, and east of a line beginning at the Texas-Louisiana State line on Texas Highway 21, thence along Texas Highway 21 to junction Texas Highway 103, thence along Texas Highway 103 to Lufkin, Tex., thence along Texas Highway 94 to junction Texas Highway 19, thence along Texas Highway 19 to Huntsville, Tex., thence along U.S. Highway 75 to Houston, Tex., thence along Texas Highway 35 to junction U.S. Highway 181, thence along U.S. Highway 181 to Corpus Christi, Tex., thence along Texas Highway 44 to junction U.S. Highway 77, thence along U.S. Highway 77 to the terminus of Brownsville, Tex., to points in Oklahoma on and north of a line beginning at the Oklahoma-Texas State line on Oklahoma Highway 33, thence along Oklahoma Highway 33 to junction Oklahoma Highway 47, thence along Oklahoma Highway 47 to junction U.S. Highway 183, thence along U.S. Highway 183 to Clinton, Okla., thence along U.S. Highway 66 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 62, thence along U.S. Highway 62 to Oklahoma City, Okla., thence along U.S. Highway 66 to junction Oklahoma Highway 16, thence along Oklahoma Highway 16 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Oklahoma-Arkansas State line. The purpose of this filing is to eliminate the gateway of the plant site of Georgia-Pacific Corporation, at or near Corrigan, Tex.

No. MC 99776 (Sub-No. E4), filed May 15, 1974. Applicant: BUCKNER TRUCKING, INC., P.O. Box 3287, Houston, Tex. 77001. Applicant's representative: Ronald E. Butler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Ashley and Drew Counties, Ark., to Bledsoe, Tex., and points in Texas on and south of a line beginning at the New Mexico-Texas State line on Texas Highway 176, thence along Texas Highway 176 to Big Springs, Tex., thence along U.S. Highway 87 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Texas Highway 16, thence along Texas Highway 16 to junction U.S. Highway 84, thence along U.S. Highway 84 to Waco, Tex., thence along Texas Highway 164 to junction Interstate Highway 45, thence along Interstate Highway 45 to junction Texas Highway 7, thence along Texas Highway 7 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Louisiana-Texas State line. The purpose of this filing is to eliminate the gateways of Zwolle, Columbia, Danville, or Hunt, La.

No. MC 99776 (Sub-No. E5), filed May 15, 1974. Applicant: BUCKNER TRUCKING, INC., P.O. Box 3287, Houston, Tex. 77001. Applicant's representative: Ronald E. Butler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, sulphur and its products, and in the drilling of water wells, and machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines; (1) between Junction City, Kans., and points in Kansas on and west of U.S. Highway 77, on the one hand, and, on the other, points in Louisiana on and south of a line beginning at the Louisiana-Texas State line on U.S. Highway 90, thence along U.S. Highway 90 to junction Louisiana Highway 20, thence along Louisiana Highway 1 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Mississippi-Louisiana State line; (2) between points in Kansas on and west of a line beginning at the Kansas-Nebraska State line on U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 383, thence along U.S. Highway 383 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Kansas Highway 25, thence along Kansas Highway 25 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 56, thence along U.S. Highway 56 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Louisiana on, east, and south of a line beginning at the Louisiana-Mississippi State line on Louisiana Highway 131, thence along Louisiana Highway 131 to junction Louisiana Highway 15, thence along Louisiana Highway 15 to junction Louisiana Highway 1, thence along Louisiana Highway 1 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Louisiana-Texas State line.

(3) Between points in Oklahoma on and west of U.S. Highway 385, on the one hand, and, on the other, points in Louisiana on and south of a line beginning at Vidalia, La., thence along U.S. Highway 84 to junction Louisiana Highway 28, thence along Louisiana Highway 28 to junction Louisiana Highway 8, thence along Louisiana Highway 8 to the Louisiana-Texas State line; (4) between points in Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line on U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 177, thence along U.S. Highway 177 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Oklahoma-Texas State line, on the one hand, and, on the other, New Orleans, La.; (5) between points in Texas on and west of a line beginning at Galveston, Tex., thence along Interstate Highway 45 to Dallas, Tex., thence along on the Dallas-Fort Worth Turnpike to the junction of U.S. Highway 81, thence along U.S. Highway 81 to the Texas-Oklahoma State line, on the one hand, and, on the other, points in Louisiana on, south, and east of a line beginning at the Mississippi-Louisiana State line on Louisiana Highway 21, thence along Louisiana Highway 21 to junction U.S. Highway 190, thence along U.S. Highway 190 to Baton Rouge, La., thence along Louisiana Highway 1 to junction Louisiana Highway 20, thence along Louisiana Highway 20 to junction Louisiana Highway 24, thence along Louisiana Highway 24 to a terminus at Houma, La.; and (6) between points in Texas on and south of a line beginning at Presidio, Tex., thence along U.S. Highway 67 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas Highway 27, thence along Texas Highway 27 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 90, thence along U.S. Highway 90 to Houston, Tex., thence along Texas Highway 288 to its terminus at Freeport, Tex., on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateway of Houston, Tex.

No. MC 99776 (Sub-No. E6), filed May 15, 1974. Applicant: BUCKNER TRUCKING, INC., P.O. Box 3287, Houston, Tex. 77001. Applicant's representative: Ronald E. Butler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, (A) from points in (a) Cleveland County, Ark., on and east of a line beginning at the Cleveland-Jefferson County line on U.S. Highway 79, thence along U.S. Highway 79 to junction Arkansas Highway 35, thence along Arkansas Highway 35 to junction Arkansas Highway 15, thence along Arkansas Highway 15 to the Bradley-Cleveland County line; and (b) points in Calhoun and Union Counties, Ark., on, south, and east of a line beginning at the Arkansas-Louisiana State line on U.S. Highway 167, thence along U.S. Highway 167 to junction Arkansas Highway 4, thence along Arkansas Highway 4 to the Bradley-Calhoun County line, to points in Kansas on, north, and west of a line beginning at the Colorado-Kansas State line on U.S. Highway 36, thence along U.S. Highway 36 to Saint Francis, Kans., thence along Kansas Highway 27 to the Kansas-Nebraska State line; (B) from points in Union County, Ark., on, south, and east of a line beginning at the Arkansas-Louisiana State line on Arkansas Highway 275, thence along Arkansas Highway 275 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Union-Ashley County line to Rockport, Mo.; (C) from points in Pulaski County, Ark., on and west of U.S. Highway 65 to Elizabeth City, N.C.; (D) from points in Dallas, Cleveland, Quachita, Calhoun and Union Counties, Ark., to points in North Carolina on, south, and east of a line beginning at the North Carolina-South Carolina State line on U.S. Highway 21, thence along U.S. Highway 21 to junction North Carolina Highway 27, thence along North Carolina Highway 27 to junction U.S. Highway 15, thence along U.S. Highway 15 to the North Carolina-Virginia State line.

(E) From points in Cleveland County, Ark., on and east of Arkansas Highway 15 and points in Union County, Ark., on and east of Arkansas Highway 275 to Boise City, Okla.; (F) from points in Dallas, Cleveland, Calhoun, Union, and Ouachita Counties, Ark., to points in South Carolina on, south, and east of a line beginnning at the South Carolina-North Carolina State line on U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 1, thence along U.S. Highway 1 to the South Carolina-Georgia State line; (G) from points in (a) Pulaski County, Ark., on and east of U.S. Highway 65, and (b) points in Dallas, Cleveland, and Calhoun Counties, Ark., on and east of a line beginning at Grant County-Dallas County line on U.S. Highway 167, thence along U.S. Highway 167 to junction Arkansas Highway 4, thence along Arkansas Highway 4 to junction Arkansas Highway 160, thence along Arkansas Highway 160 to the Bradley County-Calhoun County line, and (c) points in Union County on and east of a line beginning at the Bradley County-Union County line on Arkansas Highway 275, thence along Arkansas Highway 275 to junction Arkansas Highway 15, thence along Arkansas Highway 15 to junction Arkansas Highway 275, thence along Arkansas Highway 275 to the Arkansas-Louisiana State line, to El Paso, Tex.; (2) *lumber*, (A) from points in Greenville, Miss., to points in Kansas, Oklahoma, and Texas; (B) from Greenville, Miss., to points in Missouri on and west of a line beginning at St. Louis, Mo., thence along Interstate Highway 55 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Missouri State line; (3) *lumber*, (A) from points in Louisiana on and east of a line beginning at State line, La., at the Arkansas-Louisiana State line, thence along U.S. Highway 79 to junction Louisiana Highway 9, thence along Louisiana Highway 9 to junction Louisiana Highway 147, thence along Louisiana Highway 147 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction Louisiana Highway 101, thence along Louisiana Highway 101 to junction Louisiana Highway 14, thence along Louisiana Highway 14 to junction Louisiana Highway 35, thence along Louisiana Highway 35 to junction Louisiana Highway 82, thence along Louisiana Highway 82 to a terminus at Pecan Island, La., to points in Kansas.

(B) From points in Louisiana on, north, and west of a line beginning at Junction City, La., thence along Louisiana Highway 9 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 171, thence along U.S. Highway 171 to Many, La.; thence along Louisiana Highway 6 to the Louisiana-Texas State line, to points in Mississippi on and north of U.S. Highway 82; (C) from points in Louisiana bounded on the west by a line beginning at the Arkansas-Louisiana State line on Louisiana Highway 7, thence along Louisiana Highway 7 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Louisiana Highway 6, thence along Louisiana Highway 6 to the Louisiana-Texas State line and by the Texas-Louisiana State line bounded on the south by the Gulf of Mexico, bounded on the east by the Mississippi-Louisiana State line and by a line beginning at the Louisiana-Mississippi State line on Louisiana Highway 19, thence along Louisiana Highway 19 to the junction of Louisiana Highway 10, thence along Louisiana Highway 10 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Louisiana Highway 39, thence along Louisiana Highway 39 to junction Louisiana Highway 46, thence along Louisiana Highway 46 to its terminus at Shell Beach, La., and by the Gulf of Mexico and bounded on the north by the Arkansas-Louisiana State line, to points in Missouri on, north, and west of a line beginning at the Missouri-Oklahoma State line on U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Interstate Highway 55, thence along Interstate Highway 55 to the terminus at St. Louis, Mo.

(D) From points in Louisiana on and west of a line beginning at the Louisiana-Arkansas State line on U.S. Highway 165, thence along U.S. Highway 165 to junction Louisiana Highway 133, thence along Louisiana Highway 133 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction Louisiana Highway 14, thence along Louisiana Highway 14 to junction Louisiana Highway 27, thence along Louisiana Highway 27 to a terminus at Creole, La., to points in North Carolina; (E) from points in Louisiana on and east of a line beginning at the Louisiana-Arkansas State line on Louisiana Highway 139, thence along Louisiana Highway 139 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction Louisiana Highway 15, thence along Louisiana Highway 15 to junction U.S. Highway 65, thence along U.S. Highway 65 to the terminus at Vidalia, La., and points in Louisiana on and east of a line beginning at the Louisiana-Mississippi State line on U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 1, thence along Louisiana Highway 1 to junction Louisiana Highway 20, thence along Louisiana Highway 20 to junction Louisiana Highway 24, thence along Louisiana Highway 24 to a terminus at Houma, La., to points in Oklahoma on, north, and west of a line beginning at the Texas-Oklahoma State line on U.S. Highway 81, thence along U.S. Highway 81 to junction Oklahoma Highway 32, thence along Oklahoma Highway 32 to junction U.S. Highway 70, thence along U.S. Highway

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70 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Oklahoma Highway 1, thence along Oklahoma Highway 1 to junction U.S. Highway 259, thence along U.S. Highway 259 to junction Oklahoma Highway 4, thence along Oklahoma Highway 4 to the Oklahoma-Arkansas State line.

(F) From points in Louisiana on and west of a line beginning at the Louisiana-Arkansas State line on Louisiana Highway 551, thence along Louisiana Highway 551 to junction Louisiana Highway 143, thence along Louisiana Highway 143 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction Louisiana Highway 14, thence along Louisiana Highway 14 to junction Louisiana Highway 27, thence along Louisiana Highway 27 to the terminus at Creole, La., to points in South Carolina on, north, and east of a line beginning at the North Carolina-South Carolina State line on U.S. Highway 221, thence along U.S. Highway 221 to junction Interstate Highway 26, thence along Interstate Highway 26 to its terminus at Charleston, S.C.; (G) from points in Louisiana on and west of a line beginning at the Arkansas-Louisiana State line on Louisiana Highway 139, thence along Louisiana Highway 139 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Louisiana Highway 82, thence along Louisiana Highway 82 to junction Louisiana Highway 333, thence along Louisiana Highway 333 to its terminus at Intracoastal, La., to points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line on U.S. Highway 31W, thence along U.S. Highway 31W to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Tennessee Highway 7, thence along Tennessee Highway 7 to the Tennessee-Alabama State line.

(H) From points in Louisiana on, north, and east of a line beginning at the Louisiana-Arkansas State line on U.S. Highway 167, thence along U.S. Highway 167 to junction Louisiana Highway 146, thence along Louisiana Highway 146 to junction Louisiana Highway 4, thence along Louisiana Highway 4 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction Louisiana Highway 126, thence along Louisiana Highway 126 to junction Louisiana Highway 8, thence along Louisiana Highway 8 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Louisiana-Mississippi State line, and points in Louisiana on and east of a line beginning at the Louisiana-Mississippi State line on U.S. Highway 61, thence along U.S. Highway 61 to and including, Baton Rouge, La., thence along Interstate Highway 10 to junction Louisiana Highway 1, thence along Louisiana Highway 1 to junction Louisiana Highway 20, thence along Louisiana Highway 20 to junction Louisiana Highway 24, thence along Louisiana Highway 24 to a terminus at Houma, La., to El Paso, Tex., and points in Texas on and west of a line beginning at the Texas-New Mexico State line on U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateways of (1) Greenville, Miss., and Warren (Bradley County), Ark., (2) Warren (Bradley County), Ark., and (3) Warren (Bradley County), Ark.

No. MC 106497 (Sub-No. E17) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER July 1, 1975. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled machinery and self-propelled contractors' equipment*, each weighing 15,000 pounds or more, and *related machinery, tools, parts*, and *supplies* moving in connection therewith, restricted to commodities which are transported on trailers, . . . The purpose of this filing is to eliminate the gateway of Indiana. The purpose of this correction is to correct the commodity description.

No. MC 107012 (Sub-E137), (correction), filed May 16, 1974, published in the FEDERAL REGISTER August 13, 1975. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new commercial, institutional, and household steel sinks;* (1) from points in Kern, Los Angeles, Orange, S. Ls. Obisp., Santa Barbara, Ventura Counties, Calif., to points in Wayne, Woodford, Washington, Fayette, Gerrard, Green, Jessamine, Lincoln, Madison, Marion, Mercer, Metcalfe, Monroe, Pulaski, Rock Castle, Russell, Taylor, Anderson, Clinton, Casey, Boyle, Adair, Cumberland, Letcher, Knox, McCreary, Owsley, Leslie, Perry, Pike, Jackson, Whitley, Knott, Lee, Laurel, Harlan, Floyd, Estill, Clay, Breathitt, Bell, Wolfe, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owen, Pendleton, Powell, Robertson, Rowan, Scott, Campbell, Boyd, Bath, Bourbon, Boone, Bracken Counties, Ky.; (2) from points in Imperial, Riverside, and San Diego Counties, Calif., to points in Casey, Clinton, Cumberland, Fayette, Gerrard, Green, Jessamine, Lincoln, Woodford, Wayne, Washington, Taylor, Madison, Russell, Rockcastle, Pulaski, Marion, Mercer, Metcalfe, Monroe, Anderson, Adair, Boyle, Letcher, McCreary, Owsley, Perry, Harlan, Pike, Whitley, Jackson, Knott, Knox, Laurel, Lee, Estill, Leslie, Floyd, Clay, Breathitt, Bell, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Wolfe, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Micholas, Owen, Pendleton, Powell, Robertson, Rowan, Scott, Bourbon, Boone, Bath Counties, Ky.; (3) from points in San Bernard County, Calif., to points in Woodford, Anderson, Boyle, Casey, Clinton, Wayne, Cumberland, Fayette, Gerrard, Green, Jessamine, Lincoln, Madison, Washington, Marion, Mercer, Metcalfe, Monroe, Pulaski, Rockcastle, Russell, Taylor, Adair, Letcher, Laurel, Lee, Leslie, McCreary, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Owsley, Perry, Pike, Whitley, Knox, Bell, Powell, Robertson, Rowan, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Boone, Scott, Grant, Greenup, Harrison, Wolfe, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owen, Pendleton, Bath Counties, Ky.; from points in Alameda, Alpine, Amador, Calaveras, Cntra Cost, Colusa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Francisco, Sacramento, San Mateo, Santa Criz, San Benito, San Joaquin, Santa Clara, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, Yolo, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Butte, Lassen Moduc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba Counties, Calif., to points in Kentucky. The purpose of this filing is to eliminate the gateway of St. Charles, Ill. The purpose of this correction is to correct the MC number.

No. MC 107012 (Sub-E138) (correction), filed May 16, 1974, published in the FEDERAL REGISTER August 13, 1975. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new commercial, institutional, and household steel sinks,* (1) from points in Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, St. Johns, Union Counties, Fla., to points in Mahaska, Wayne, Story, Tama, Webster, Poweshiek, Warren, Marion, Marshall, Monroe, Polk, Madison, Lucas, Jasper, Hardin, Hamilton, Grundy, Greene, Decatur, Dallas, Clarke, Boone, Appanoose, Woodbury, Osceola, O'Brien, Pocahontas, Plymouth, Palo Alto, Sioux, Monona, Sac, Lyon, Kossuth, Ida, Humboldt, Emmet, Dickinson, Crawford, Clay, Cherokee, Carroll, Calhoun, Buena Vista, Shelby, Taylor, Union, Ringgold, Pottawatta, Page, Montgomery, Mills, Harrison, Guthrie, Fremont, Cass, Audobon, Adams, Adair, Howard, Winnebago, Hancock, Mitchell, Winneshiek, Worth, Wright, Franklin, Floyd, Fayette, Delaware, Clayton, Chickasaw, Cerro Gord, Butler, Buchanan, Bremer, Black Hawk, Allamakee, Counties, Iowa, (2) from points in Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, Wakulla Counties, Fla., to points in Webster, Warren, Tama, Wayne, Story, Poweshiek, Marshall, Polk, Monroe, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, Woodbury, Carroll, Cherokee, Clay, Crawford, Buena Vista, Calhoun, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Union, Pottawatta, Ringgold, Shelby, Taylor, Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery Page, Worth, Wright, Winneshiek, Mitchell, Winnebago, Floyd, Franklin, Hancock, Howard, Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette Counties, Iowa.

(3) From points in Calhoun, Escambia, Gulf, Holmes, Bay, Jackson, Okaloosa, Santa Rosa, Washington, Walton Counties, Fla., to points in Kossuth, Sac, Sioux, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Woodbury, Dickinson, Crawford, Calhoun, Buena Vist, Ida, Humboldt, Emmet, Clay, Carroll, Cherokee, Worth, Floyd, Wright, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Buchanan, Bremer, Black Hawk, Allamakee, Fayette, Delaware, Clayton, Chicasaw, Butler, Cerro Gord Counties, Iowa, (4) from points in Brevard, Citrus, Hernando, Hillsboro, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia Counties, Fla., to points in Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Marshall, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Appanoose, Boone, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, Woodbury, Buena Vist, Calhoun, Carroll, Cherokee, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Clay, Crawford, Union, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawatta, Ringgold, Shelby, Taylor, Adair, Adams, Winneshiek, Worth, Wright, Mitchell, Winnebago, Bremer, Buchanan, Butler, Cerro Gord, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Allamakee, Black Hawk Counties, Iowa, (5) from points in Broward, Collier, Dade, Martin, Monroe, Palm Beach, St. Lucie, Charlotte, De Sota, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota Counties, Fla., to points in Iowa. The purpose of this filing is to eliminate the gateway of St. Charles, Ill. The purpose of this correction is to correct the MC number.

No. MC 107012 (Sub-E139) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER August 13, 1975. Applicant: North American Van Lines, Inc., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new commercial, institutional, and household steel sinks,* (1) from points in Adair, Anderson, Boyle, Casey, Clinton, Cumberland, Fayette, Garrard, Green, Jessamine, Lincoln, Marion, Madison, Mercer, Metcalfe, Monroe, Pulaski, Rockcastle, Russell, Taylor, Wayne, Washington, Woodford Counties, Ky., to points in Lucas, Decatur, Dallas, Clarke, Boone, Appanoose, Webster, Wayne, Warren, Tama, Story, Polk, Poweshiek, Monroe, Marshall, Marion, Mahaska, Madison, Jasper, Hardin, Grundy, Hamilton, Greene, Crawford, Clay, Cherokee, Carroll, Calhoun, Buena Vista, Woodbury, Sioux, Sac, Plymouth, Pocahontas, Osceola, Palo Alto, O'Brien, Monona, Lyon, Kossuth, Ida, Emmet, Humboldt, Dickinson, Mills, Harrison, Guthrie, Fremont, Audubon, Adair, Taylor, Shelby, Ringgold, Union, Pottawatta, Page, Montgomery, Cass, Adams, Cerro Gordo, Butler, Buchanan, Bremer, Black Hawk, Allamakee, Wright, Winneshiek, Worth, Winnebago, Mitchell, Howard, Hancock, Franklin, Floyd, Fayette, Clayton, Delaware, Chickasaw Counties, Iowa; (2) from points in Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knox, Knott, Laurel, Lee, Letcher, Leslie, McCreary, Owsley, Perry, Pike, Whitley Counties, Ky., to points in Webster, Warren, Tama, Wayne, Story, Poweshiek, Polk, Monroe, Marshall, Marion, Mahaska, Madison, Jasper, Lucas, Hardin, Greene, Grundy, Hamilton, Decatur, Dallas, Clarke, Boone, Appanoose, Sioux, Woodbury, Sac, Pocahontas, Plymouth, Palo Alto, Osceola, O'Brien, Monona, Lyon, Ida, Kossuth, Humboldt, Emmet, Crawford, Dickinson, Clay, Cherokee, Carroll, Calhoun, Buena Vista, Shelby, Ringgold Pottawatta, Union, Page, Taylor, Montgomery, Guthrie, Harrison, Mills, Fremont, Cass, Audubon, Adams, Adair, Wright, Worth, Winneshiek, Winnebago, Mitchell, Howard, Hancock, Franklin, Fayette, Floyd, Delaware, Clayton, Cerro Gordo, Chickasaw, Butler, Buchanan, Bremer, Black Hawk, Allamakee Counties, Iowa.

(3) From points in Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Morgan, Montgomery, Nicholas, Owen, Pendleton, Powell, Rowan, Robertson, Scott, Wolfe Counties, Ky., to points in Clarke, Dallas, Decatur, Appanoose, Boone, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Poweshiek, Polk, Story, Tama, Warren, Wayne, Webster, Buena Vist, Calhoun, Carroll, Cherokee, Clay, Dickinson, Crawford, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, Woodbury, Audubon, Cass, Fremont, Adair, Adams, Harrison, Guthrie, Mills, Montgomery, Page, Pottawatta, Ringold, Taylor, Union, Shelby, Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gord, Chicasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Mitchell, Hancock Howard, Winnebago, Winneshiek, Worth, Wright Counties, Iowa; (4) from points in Ballard, Carlisle, Calloway, Caldwell, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McLean, McCracken, Trigg, Union, Webster, Counties, Ky., to points in Buchanan, Allamakee, Black Hawk, Bremer, Wright, Worth, Winneshiek, Winnebago, Mitchell, Howard, Hancock, Franklin, Floyd, Fayette, Clayton, Delaware, Chicasaw, Cerro Gord, Butler Counties, Iowa; (5) from points in Allen, Barren, Breckridge, Butler, Bullitt, Christian, Edmonson, Grayson, Hart, Hardin, Henry, Jefferson, La Rue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Shelby, Simpson, Spencer, Todd, Trimble, Warren Counties, Ky., to points in Sac, Pocahontas, Plymouth, Osceola, Palo Alto, O'Brien Monona, Lyon, Ida, Kossuth, Humboldt, Emmet, Dickinson, Crawford, Clay, Cherokee, Carroll, Calhoun, Buena Vist, Woodbury, Sioux Counties, Iowa; (6) from points in Allen, Barren, Breckridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hart, Hardin, Henry, Jefferson, La Rue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Shelby, Simpson, Spencer, Todd, Trimble, Warren Counties, Ky., to points in Wright, Worth, Winneshiek, Winnebago, Mitchell, Howard, Hancock, Franklin, Fayette, Floyd, Delaware, Clayton, Chickasaw, Cerro Gord, Butler, Buchanan, Bremer, Black Hawk, Allamakee Counties, Iowa. The purpose of this filing is to eliminate the gateway of St. Charles, Ill. The purpose of this correction is to correct the MC number.

No. MC 107012 (Sub-E140) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER August 13, 1975. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new commercial, institutional, and household steel sinks,* (1) from points in Coahoma, Grenada, Holmes, Bolivar, Carrol, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Talahatchi, Washington, Warran, Yazoo, Alcorn, Benton, Calhoun, Choctaw, Chickasaw, Clay, Desoto, Itawamba, Lafavette, Lee Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, Yalobush, Attala, Clarke, Clairborne, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Perry, Pearl River, Stone, Wayne, Adams, Amite, Franklin, Jefferson, Jeff Davis, Lawrence, Lincoln, Marion, Pike, Walthall, Wilkinson Counties, Miss., to points in Winneshiek, Worth, Wright, Winnebago, Mitchell, Howard, Hancock, Franklin, Floyd, Fayette, Delaware, Clayton, Chickaswa, Cerro Gord, Butler, Buchanan, Black Hawk, Bremer, Allamakee Counties, Iowa. The purpose of this filing is to eliminate the gateway of St. Charles, Ill. The purpose of this correction is to correct the MC number.

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No. MC 107012 (Sub-E141), (Correction), filed May 16, 1974, published in the FEDERAL REGISTER August 13, 1975. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new commercial, institutional, and household steel sinks*, (1) from points in Allamance, Anson, Caswell, Cabarrus, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Moore, Montgomery, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Warren, Wake, Bertie, Beufort, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pasquotank, Pamlico, Per Quiman, Pitt, Tyrrell, Washington, Wilson, Bladen, Burnswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, N. Hanover, Onslow, Pender, Robeson, Sampsoin, Scotland, Wayne, Alleghany, Alexander, Ashe, Avery, Burke, Catawba, Caldwell, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, Yadkin Counties, N.C., to points in Iowa, (2) from points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polke, Rutherford, Swain, Transylvania, Yancey Counties, N.C., to points in Wayne, Webster, Polk, Poweshiek, Story, Tama, Warren, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Jasper, Hardin, Hamilton, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Plymouth, Pocahontas, Sac, Sioux, Woodbury, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Ida, Humboldt, Emmett, Kossuth, Lyon, Monona, O'Brien, Osceola, Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Page, Montgomery, Mills, Pottawatta, Ringgold, Shelby, Taylor, Union, Winneshiek, Worth, Wright, Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gord, Chicasaw, Delaware, Fayette, Clayton, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago Counties, Iowa. The purpose of this filing is to eliminate the gateway of St. Charles, Ill. The purpose of this correction is to correct the MC number.

No. MC 107012 (Sub-E142), (Correction), filed May 16, 1974, published in the FEDERAL REGISTER August 13, 1975. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New commercial, institutional, and household steel sinks*, (1) from points in Clackamas, Columbia, Lane, Benton, Clatsop, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, Yamhill Counties, Ore., to points in Washington, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, Cedar, Davis, Clinton, Iowa, Jackson, Johnson, Jones, Benton, Keokuk, Des Moines, Dubuque, Henry, Jefferson Counties, Iowa. The purpose of this filing is to eliminate the gateway of St. Charles, Ill. The purpose of this correction is to correct the MC number.

No. MC 107012 (Sub-E143), (Correction), Filed May 16, 1974, published in the FEDERAL REGISTER August 13, 1975. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new commercial, institutional and household steel sinks*, (1) from points in Allendale, Barnwell, Bamberg, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Clarendon, Dillon, Florence, Georgetown, Horry, Marion, Williamsburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter Counties, S.C., to points in Iowa; (2) from points in Anderson, Greenville, Ocomee, Pickens, Abbeville Counties, S.C., to points in Poweshiek, Jasper, Lucas, Story, Webster, Madison, Polk, Tama, Warren, Wayne, Monroe, Marshall, Marion, Mahaska, Greene, Grundy, Hamilton, Hardin, Appanoose, Boone, Clark, Dallas, Decatur, Dickinson, Humboldt, Ida, O'Brien, Plymouth, Kossuth, Lyon, Osceola, Monona, Pocohontas, Sioux, Crawford, Palo Alto, Sac, Emmet, Woodbury, Buena Vist, Calhoun, Carroll, Cherokee, Clay, Mills, Harrison, Ringgold, Shelby, Guthrie, Montgomery, Pottawatta, Taylor, Union, Page, Adair, Cass, Fremont, Adams, Audubon, Winnebago, Wright, Winneshiek, Mitchell, Howard, Cerro Gord, Hancock, Franklin, Floyd, Worth, Fayette, Delaware, Clayton, Chickasaw, Allamakee, Black Hawk, Bremer, Buchanan, Butler Counties, Iowa; (3) from points in Edgefield, Greenwood, Lamens, Cherokee, Chester, McCormick, Newberry, Saluda, Spartanburg, Union, York Counties, S.C., to points in Mahaska, Marion, Marshall, Monroe, Polk, Wayne, Webster, Madison, Poweshiek, Story, Tama, Warren, Appanoose, Lucas, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lyon, Woodbury, O'Brien, Plymouth, Monona, Palo Alto, Sioux, Sac, Pocahontas, Osceola, Kossuth, Buena Vist, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Ringgold, Shelby, Union, Taylor, Adair, Pottawatta, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Mitchell, Howard, Winneshiek, Hancock, Franklin, Worth, Winnebago, Wright, Floyd, Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gord, Chickasaw, Clayton, Delaware, Fayette, Counties, Iowa. The purpose of this filing is to eliminate the gateway of St. Charles, Ill. The purpose of this correction is to correct the MC number.

No. MC 107012 (Sub E144), (Correction), Filed May 16, 1974, published in the FEDERAL REGISTER August 13, 1975. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new commercial, institutional and household steel sinks*, (1) from points in Aurora, Bon Homme, Chas Mix, Clay, Davison, Douglas, Gregory, Hanson, Hutchinson, Jerauod, Lake, Lincoln, McCook, Minnehaha, Miner, Moody, Sanborn, Turner, Union, Yankton Counties, S. Dak., to points in Woodford, Washington, Wayne, Pulaski, Rockcastle, Russell, Taylor, Adair, Anderson, Boyle, Casey, Clinton, Cumberland, Fayette, Gerrard, Green, Jessamine, Lincoln, Madison, Marion, Mercer, Metcalfe, Monroe, Harlan, Jackson, Knox, Leslie, Bell, Breathitt, Clay, Estill, Floyd, Knott, Laurel, Lee, Letcher, McCreary, Owsley, Perry, Pike, Whitley, Scott, Wolfe, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Micholas, Owen, Pendelton, Powell, Roberston, Rowan, Harrison, Johnson, Lawrence, Lewis, Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Grant, Greenup, Kenton, Simpson, Spencer, Todd, Trimble, Warren, Nelson, Ohio, Oldham, Sheleby, Allen, Barren, Breckridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Henry, Hart, Jefferson, La Rue, Logan, Meade, Muhlenberg Counties, Ky.; (2) from points in Beadle, Brookings, Brown, Clark, Codington, Day, Deuel, Grant, Hamlin, Kingsbury, Marshall, Roberts, Spink, Brule, Buffalo, Hand, Hughes, Hyde, Jones, Lyman, Mellette, Stanley, Sully, Todd, Tripp, Campbell, Corson, Dewey, Edmunda, Faulk, Harding, McPherson, Perkins, Potter, Walworth, Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh, Ziebach Counties, S. Dak., to points in Kentucky. The purpose of this filing is to eliminate the gateway of St. Charles, Ill. The purpose of this correction is to correct the MC number.

No. MC 107064 (Sub-E69), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in New Mexico (except Taos, Colfax, Union, Mora, Harding, San Miguel, and Qyay Counties) to points in Tennessee. The purpose of this filing is to eliminate the gateway of Ector County, Texas.

No. MC 107064 (Sub-E72), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *fertilizer* (except petroleum products and potash), from Dallam, Sherman, Hartley, Moore, Hutchinson, Oldham, Potter, Carson, Deaf Smith, Randall, Armstrong, Parmer, Castro, Swisher, Briscoe, Bailey, Lamb, Hale, Floyd, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Garza, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, El Paso, Hudspeth, Culberson, Jeff Davis, Reeves, Loving, Winkler, Ector, Midland, Glasscock, Ward, Crane, Upton, Pecos, Presidio and Brewster Counties, Tex., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Dimmit, Tex.

No. MC 107064 (Sub-E73), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *fertilizer* (except petroleum products and potash), from points in Hudspeth, Culberson, Reeves, Jeff Davis, Presidio, Pecos, Brewster, Loving, Winkler, Ector, Midland, Glasscock, Ward, Crane, Upton, Parmer, Castro, Swisher, Bailey, Lamb, Hale, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Garza, Gaines, Dawson, Borden, Andrews, Martin and Howard Counties, Tex., to points in Kansas. The purpose of this filing is to eliminate the gateway of Dimmit, Texas.

No. MC 107064 (Sub-E74), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *fertilizer* (except as petroleum products and potash), from Parmer, Castro, Swisher, Bailey, Lamb, Hale, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Garza, Gaines, Dawson, Borden, Andrews, Martin, Howard, Hudspeth, Culberson, Jeff Davis, Reeves, Loving, Winkler, Ector, Midland, Glasscock, Ward, Crane, Upton, Pecos, Presidio and Brewster Counties, Tex., to points in Louisiana. The purpose of this filing is to eliminate the gateway of Dimmit, Tex.

No. MC 107064 ((Sub-E75), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* (except petroleum products and potash), from points in Dallam, Dherman, Hartley, Moore, Oldham, Potter, Carson, Deaf Smith, Randall, Armstrong, Parmer, Castro, Swisher, Bailey, Lamb, Hale, Cochran, Hockley, Lubbock, Yoakum, Terry, Gaines and El Paso Counties, Tex., to points in Mississippi. The purpose of this filing is to eliminate the gateway of Dimmit, Texas.

No. MC 107064 (Sub-E76), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* (except petroleum products and potash), from points in El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Reeves, Loving, Winkler, Ector, Ward, Crane, Dallam, Sherman, Hartley, Moore, Oldham, Potter, Deaf Smith, Randall, Parmer, Castro, Swisher, Bailey, Lamb, Hale, Floyd, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Gaines, Dawson, and Andrews Counties, Texas to points in Tennessee. The purpose of this filing is to eliminate the gateway of Dimmit, Texas.

No. MC 107064 (Sub-No. E77), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* (except petroleum products and potash), (a) from points in Bailey, Lamb, Cochman, Hockley, Lubbock, Yoakum, Terry, Lynn, Garza, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Ward, Crane, Upton, Reagan, Irion, Tom Green, Crockett, Schleicher, Sutton, Val Verde, Kinney, El Paso, Hudspeth, Culberson, Reeves, Pecos, Terrell, Jeff Davis, Presidio, Brewster, and Maverick Counties, Tex., to points in Cimarron, Texas, Beaver, Harper, and Woodward Counties, Okla., and (b) from points in Parmer, Castro, Bailey, Lamb, Hale, Cochman, Hockley, Lubbock, Yoakum, Terry, Lynn, Gaines, Dawson, Andrews, Martin, Loving, Winkler, Ector, Midland, Ward, Crane, Upton, El Paso, Hudspeth, Culberson, Reeves, Pecos, Jeff Davis, Presidio, and Brewster Counties, Tex., to points in that part of Oklahoma on and north of U.S. Highway 66 (except Cimarron, Texas, Beaver, Harper, Woodward, Greer, Beckham, and Roger Mills Counties). The purpose of this filing is to eliminate the gateway of Dimmit, Tex.

No. MC 107064 (Sub-E78), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *fertilizer* (except petroleum products, potash, and liquid sulphur), from El Paso, Hudspeth, Culberson, Reeves, Jeff Davis, Presidio, Brewster, Loving, Winkler, Ward, Ector, Crane, Pecos, Terrell, Midland, Upton, Reagan, Crockett, Glasscock, Sterling, Iron, Coke, Tom Green, Schleicher, Sutton, Val Verde, Bailey, Cochan, Yoakum, Gaines, Andrews, Lamb, Hale, Hockley, Terry, Dawson, Martin, Lubbock, Lynn, Crosby, Garza, Borden, Howard, Dickens, Kent, Scurry, Mitchell, Kinney, and Maverick Counties, Tex., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Dimmit, Tex.

No. MC 107064 (Sub-E79), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* (except petroleum products, potash, and liquid sulphur), from points in Dallam, Cherman, Hansford, Hartley, Moore, Hutchinson, Oldham, Potter, Carson, Deaf Smith, Randall, Armstrong, Parmer, Castro, Swisher, Briscoe, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, El Paso, Hudspeth, Culberson, Reeves, Loving, Winkler, Ector, Midland, Glasscock, Ward, Crane, Upton, Jeff Davis, Pecos, Presidio, and Brewster Counties, Tex., to points in South Carolina. The purpose of this filing is to eliminate the gateway of Dimmit, Texas.

No. MC 107064 (Sub-E80), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* (except petroleum products, potash, and liquid sulphur), from points in Deaf Smith, Parmer, Castro, Swisher, Bailey, Lamb, Hale, Floyd, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Garza, Gaines, Dawson, Borden, Andrews, Martin, Howard, El Paso, Hudspeth, Culberson, Reeves, Pecos, Terrell, Loving, Winkler, Ector, Midland, Glasscock, Ward, Crane, Upton, Reagan, Crockett, Jeff Davis, Presidio and Brewster Counties, Tex., to points in Missouri. The purpose of this filing is to eliminate the gateway of Dimmit, Texas.

No. MC 107064 (Sub-E81), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Texas 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* (except petroleum products, potash, and liquid sulphur), from points in Oldham, Potter, Deaf Smith, Randall, Parmer, Castro, Swisher, Bailey, Lamb, Hale, Floyd, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Garza, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, El Paso, Hudspeth, Culberson, Reeves, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Ward, Crane, Upton, Reagan, Jeff Davis, Pecos, Presidio and Brewster Counties, Tex., to points in Illinois. The purpose of this filing is to eliminate the gateway of Dimmit, Texas.

No. MC 107064 (Sub-E83), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas,

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Texas 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *fertilizer* (except petroleum products, liquid sulphur and potash), from points in that part of Texas on, south, and west of a line beginning at the Arizona-New Mexico State line, thence along U.S. Highway 280 to junction U.S. Highway 83, thence along U.S. Highway 83 to the International Boundary line between the United States and Mexico, to points in that part of Arizona in and south of Yuma, Maricopa, Gila, Graham, and Greenlee Counties. The purpose of this filing is to eliminate the gateway of Dimmit, Tex.

No. MC 107064 (Sub-No. E34), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in tank vehicles (except petroleum products and potash), from points in Dallam, Sherman, Hansford, Hartley, Moore, Hutchinson, Oldham, Potter, Carson, Deaf Smith, Randall, Armstrong, Parmer, Castro, Swisher, Briscoe, Bailey, Lamb, Hale, Floyd, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Garza, Gaines, Dawson, Borden, Andrews, Martin, Howard, El Paso, Hudspeth, Culberson, Loving, Winkler, Ector, Midland, Ward, Crane, Reeves, Jeff Davis, Pecos, Presidio, and Brewster Counties, Tex., to points in Alabama. The purpose of this filing is to eliminate the gateway of Dimmit, Tex.

No. MC 107064 (Sub-E87), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *fertilizer and fertilizer ingredients* (except petroleum products, potash, and liquid sulphur), (a) from points in that part of Texas on, south and west of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 70 to Plainview, thence along U.S. Highway 87 to junction U.S. Highway 83, thence along U.S. Highway 83 to the International Boundary line between the United States and Mexico, to Cimarron, Texas, Beaver, Harper, Woods, and Woodward, Counties, Okla., and (b) from points in El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Loving, Winkler, Ward, Bailey, Lamb, Hale, Cochan, Hockley, Lubbock, Yoakum, Terry, Lynn, Gaines, Dawson, and Andrews Counties, Tex., to points in Oklahoma (except Cimarron, Texas, Beaver, Harper, Woods, and Woodward Counties). The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of Occidental Chemical Company at Hale County, Tex.

No. MC 107064 (Sub-E88), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, (except petroleum products, potash, and liquid sulphur), from (a) El Paso, Hudspeth, Culberson, Reeves, Loving, Winkler, Ector, Midland, Ward, Crane, Upton, Reagan, Irion, Jeff Davis, Pecos, Crockett, Presidio, Brewster, Terrell, Val Verde, Parmer, Bailey, Lamb, Hale, Cochran, Hockley, Lubbock, Yoakum, Terry, Lynn, Gaines, Dawson, Andrews, and Martin Counties, Tex., to points in Kansas, and (b) from points in that part of Texas encircled by a line beginning at the International Boundary line between the United States and Mexico, thence along U.S. Highway 277 to San Angelo, thence along U.S. Highway 67 to Ballinger, thence south along U.S. Highway 83 to the International Boundary line between the United States and Mexico, thence along the International Boundary line to complete the circle at Del Rio, to points in that part of Kansas on and west of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of the Occidental Chemical Company of Texas, at Hale, County, Texas.

No. MC 107064 (Sub-E93), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feedstuffs* (except animal fats, vegetable oils, and cottonseed products), in bulk, from points in Oklahoma (except Cimarron, Beaver, and Texas Counties), to points in Arizona. The purpose of this filing is to eliminate the gateway of Amarillo, Texas.

No. MC 107064 (Sub-E96), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feedstuffs* (except animal fats, vegetable oils, and cottonseed products), in bulk, from points in New Mexico, to points in that part of Louisiana on and east of a line beginning at the Louisiana-Arkansas State line, thence along U.S. Highway 165 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Amarillo, Texas.

No. MC 107064 (Sub-E102), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feedstuffs* (except animal fats, vegetable oils, and cottonseed products), in bulk, from points in Arizona, to points in Oklahoma (except Cimarron, Beaver, and Texas Counties). The purpose of this filing is to eliminate the gateway of Amarillo, Tex.

No. MC 107064 (Sub-E115), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid fertilizer, and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Reeves, Pecos, Brewster, Terrell, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Ward, Crane, Upton, Reagan, Irion, Crockett, Val Verde, Kinney, Parmer, Castro, Swisher, Bailey, Lamb, Hale, Floyd, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, and Mitchell Counties, Tex., to points in Missouri. The purpose of this filing is to eliminate the gateway of Lubbock County, Texas.

No. MC 107064 (Sub-E116), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid fertilizer, and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Dallam, Hartley, Moore, Oldham, Potter, Deaf Smith, Randall, Armstrong, Parmer, Castro, Swisher, Briscoe, Bailey, Lamb, Hale, Floyd, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Garza, Gaines, Dawson, Borden, Scurry, El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Reeves, Loving, Andrews, Martin, Howard, Mitchell, Winkler, Ector, Midland, Glasscock, Sterling, Ward, Crane, Upton, Reagan, Irion, Crockett, Terrell, Pecos, and Brewster Counties, Tex., to points in Alabama. The purpose of this filing is to eliminate the gateway of Lubbock County, Texas.

No. MC 107064 (Sub-E117), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid fertilizer, and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Dallam, Sherman, Hansford, Hartley, Moore, Hutchinson, Oldham, Potter, Carson, Deaf Smith, Randall, Armstrong, Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochan, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Reeves, Pecos, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Ward, Crane, Upton, Reagan, Irion, Tom Green, and Brewster Counties, Tex., to points in Georgia. The purpose of this filing is to eliminate the gateway of Lubbock County, Texas.

No. MC 107064 (Sub-E118), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid fertilizer, and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Dallam, Hartley, Moore, Oldham, Potter, Deaf Smith, Randall, Armstrong, Parmer, Castro, Swisher, Briscoe, Bailey, Lamb, Hale, Floyd, Cochan, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Garza, Gaines, Dawson, Borden, Scurry, El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Reeves, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Andrews, Martin, Howard, Mitchell, Ward, Crane, Upton, Reagan, Pecos, and Brewster Counties, Tex., to points in Mississippi. The purpose of this filing is to eliminate the gateway of Lubbock County, Tex.

No. MC 107064 (Sub-E120), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid fertilizer, and liquid fertilizer ingredients*, from points in Parmer, Castro, Bailey, Lamb, Hale, Cochan, Hockley, Lubbock, Yoakum, Terry, Lynn, Gaines, Dawson, Andrews, Martin, El Paso, Hudspeth, Culberson, Jeff Davis, Reeves, Pecos, Loving, Winkler, Ector, Midland, Ward, Crane, Upton, and Presidio Counties, Tex., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Lubbock County, Texas.

No. MC 107064 (Sub-No. E123, filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except sulphuric acid), in bulk, in tank vehicles, from points in that part of New Mexico on and south of a line beginning at the Arizona-New Mexico State line, thence along U.S. Highway 66 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Texas-New Mexico State line, to points in Oklahoma in and east of Woods, Alfalfa, Garfield, Logan, Oklahoma, Cleveland, McClain, Garvin, Carter, and Love Counties. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of the Occidental Chemical Company, in Hale County, Tex.

No. MC 107064 (Sub-E126), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *petrochemicals* (except sulphuric acid), in bulk, in tank vehicles, from points in Lea and Eddy Counties, New Mexico, to points in Wyoming (the plantsite and storage facilities of Occidental Chemical Company of Texas, in Hale County, Texas) • (B) *petroleum products*, in bulk, in tank vehicles, from points in Lea County, New Mexico, to points in Wyoming (Ector County, Texas) • The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107064 (Sub-E127), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except sulphuric acid), in bulk, in tank vehicles, from points in Lea, Eddy, Chaves, and Roosevelt Counties, New Mexico, to points in Nebraska. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-E128), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except sulphuric acid), in bulk, in tank vehicles, from points in that part of New Mexico in and south of McKinley, Valencia, Bernalillo, Torrance, Lincoln, DeBaca, and Roosevelt Counties, New Mexico, to points in Missouri. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of the Occidental Chemical Company, in Hale County, Texas.

No. MC 107064 (Sub-E129), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except sulphuric acid), in bulk, in tank vehicles, from points in New Mexico, (except Colfax and Union Counties), to points in Arkansas. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of the Occidental Chemical Company, in Hale County, Texas.

No. MC 107064 (Sub-E131), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except sulphuric acid), in bulk, in tank vehicles, from points in Bailey, Lamb, Hale, Floyd, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, El Paso, Hudspeth, Culberson, Reeves, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Ward, Crane, Upton, Reagan, Irion, Pecos, Crockett, Jeff Davis, Terrell, Presidio, Brewster, and Val Verde Counties, Tex., to points in Kansas. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of the Occidental Chemical Company of Texas, at Hale County, Texas.

No. MC 107064 (Sub-E133), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except sulphuric acid), in bulk, in tank vehicles, from (a) points in that part of Texas on, south and west of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 70 to Plainview, thence along U.S. Highway 87 to junction U.S. Highway 83, thence along U.S. Highway 83 to the International Boundary line between the United States and Mexico, to Cimarron, Texas, Beaver, Harper, Woods, and Woodward Counties, Okla., and (b) from points in El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Loving, Reeves, Winkler, Ward, Bailey, Lamb, Hale, Cochran, Hockley, Lubbock, Yoakum, Terry, Lynn, Gaines, Dawson, and Andrews Counties, Tex., to points in Oklahoma (except Cimarron, Texas, Beaver, Harper, Woods, and Woodward Counties). The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of Occidental Chemical Company at Hale County, Texas.

No. MC 107064 (Sub-E136), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except sulphuric acid), in bulk, in tank vehicles, from points in that part of Texas on, south and west of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 70 to Plainview, thence along U.S. Highway 87 to junction U.S. Highway 83, thence along U.S. Highway 83 to the International Boundary line between the United States and Mexico (except El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Loving, Reeves, Winkler, Ward, Crane, Pecos, Terrell, and Brewster Counties, Tex.), to points in Colorado. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of the Occidental Chemical Company of Texas, in Hale County, Texas.

No. MC 107064 (Sub-E137), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L.

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Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except sulphuric acid), in bulk, in tank vehicles, from points in Dallam, Hartley, Moore, Oldham, Potter, Deaf Smith, Randall, Parmer, Castro, Swisher, Bailey, Lamb, Hale, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Gaines, Dawson, Andrews, Martin, El Paso, Hudspeth, Culberson, Reeves, Loving, Winkler, Ector, Midland, Ward, Crane, and Jeff Davis Counties, Tex., to points in Louisiana. The purpose of this filing is to eliminate the plantsite and storage facilities of Occidental Chemical Company of Texas, in Hale County, Texas.

No. MC 107064 (Sub-No. E140), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer solutions* (except petroleum products, potash, and anhydrous ammonia), in bulk, in tank vehicles, from points in Yoakum, Terry, Lynn, Gaines, Dawson, Andrews, Martin, and Howard Counties, Tex., to points in Arizona (Brownfield, Tex.)*, and (2) *anhydrous ammonia*, in bulk, in tank vehicles, from points in that part of Texas on, north and west of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 380 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Texas-Oklahoma State line, to points in that part of Arizona in and south of Yuma, Maricopa, Gila, Graham, and Greenlee Counties, Ariz. (Dimmit, Tex.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 108341 (Sub-No. E1), filed May 13, 1974. Applicant: MOSS TRUCKING CO., INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack T. Counts (same as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Commodities* which because of size or weight require the use of special equipment, and *contractors' materials, supplies, and equipment* moving in connection therewith which do not necessarily require the use of special equipment, (1) between points in Florida, Georgia, and South Carolina, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, those in Pennsylvania east of the Susquehanna River, and the District of Columbia; (2) between points in North Carolina, on the one hand, and, on the other, points in Massachusetts, New Jersey, New York, Rhode Island, those in Pennsylvania east of the Susquehanna River, and the District of Columbia; (3) between points in North Carolina, on the one hand, and, on the other, points in Maryland (except those south and east of U.S. Highway 301 and west of U.S. Highway 522); (4) between those points in Maryland east and south of U.S. Highway 301, on the one hand, and, on the other, those points in North Carolina on and west of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 701 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction North Carolina Highway 39, thence along North Carolina Highway 39 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-Virginia State line; (5) between those points in Maryland on and west of U.S. Highway 522, on the one hand, and, on the other, those points in North Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 601 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction U.S. Highway 501, thence along U.S. Highway 501 to the North Carolina-Virginia State line.

(6) Between points in North Carolina, on the one hand, and, on the other, points in New Castle County, Del.; (7) between points in Kent County, Del., on the one hand, and, on the other, points in North Carolina (except those east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 13 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Pamlico River, thence along the Pamlico River to the Atlantic Ocean); (8) between points in Sussex County, Del., on the one hand, and, on the other, points in North Carolina (except those in and east of Northampton, Bertie, Martin, Beaufort, Craven and Carteret Counties); (9) between points in Virginia, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, and the District of Columbia; (10) between points in Delaware, on the one hand, and, on the other, points in Virginia (except those in and east of Southampton, Surry, James City, Gloucester, Matthews, and Accomack Counties); (11) between points in New Castle County, Del., on the one hand, and, on the other, points in Virginia (except those on and east of a line beginnnig at Chesapeake Beach and extending along U.S. Highway 13 to junction Virginia Highway 225, thence along Virginia Highway 225 to junction Virginia Highway 190, thence along Virginia Highway 190 to junction Virginia Highway 168, thence along Virginia Highway 168 to the Virginia-North Carolina State line and points in Accomack and Northampton Counties); (12) between points in Kent County, Del., on the one hand, and, on the other, points in Virginia (except those in and east of Accomack, Nansemond, Northampton, and York Counties); (13) between points in Virginia, on the one hand, and, on the other, points in Baltimore, Carroll, Cecil, Harford, Howard, and Montgomery Counties, Md., and those in Kent and Anne Arundel Counties, Md., on and west of U.S. Highway 301; (14) between points in Frederick and Washington Counties, Md., on the one hand, and, on the other, those points in Virginia on and west of Virginia Highway 16 and those on, south and east of a line beginning at the Virginia-Tennessee State line and extending along Interstate Highway 81 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 45, thence along Virginia Highway 45 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Virginia Highway 208, thence along Virginia Highway 208 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Virginia-District of Columbia Boundary line.

(15) Between points in Allegany and Garrett Counties, Md., on the one hand, and, on the other, those points in Virginia on and west of Virginia Highway 16, and those on, south and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 501 to junction Virginia Highway 304, thence along Virginia Highway 304 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Virginia Highway 45, thence along Virginia Highway 45 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Virginia Highway 208, thence along Virginia Highway 208 to junction Virginia Highway 3, thence along Virginia Highway 3 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Potomac River, thence along the Potomac River to the Virginia-Maryland State line, thence along the Virginia-Maryland State line to the Atlantic Ocean; (16) between those points in Maryland south of U.S. Highway 301, on the one hand, and, on the other, points in Virginia (except those in, south and east of Accomack, Isle of Wight, Northampton, and Southampton Counties); (17) between points in New Jersey, on the one hand, and, on the other, points in Virginia (except those in Accomack and Northampton Counties, and those east of a line beginning at Chesapeake Beach and extending along U.S. Highway 13 to junction Virginia Highway 225, thence along Virginia Highway 225 to junction Virginia Highway 190, thence along Virginia Highway 190 to junction Virginia Highway 168, thence along Virginia Highway 168 to the Virginia-North Carolina State line.

(18) Between those points in Virginia east of a line beginning at Chesapeake Beach and extending along U.S. Highway 13 to junction Virginia Highway 225, thence along Virginia Highway 225 to junction Virginia Highway 190, thence along Virginia Highway 190 to junction Virginia Highway 168, thence along Virginia Highway 168 to the Virginia-North Carolina State line, on the one hand, and, on the other, points in New Jersey (except those in Camden, Cumberland, Gloucester, and Salem Counties); (19) between those points in Pennsylvania east of the Susquehanna River, on the one hand, and, on the other, those points in Virginia (except those on and east of a line beginning at Chesapeake Beach and extending along U.S. Highway 13 to junction Virginia Highway 225, thence along Virginia Highway 225 to junction Virginia Highway 190, thence along Virginia Highway 190 to junction Virginia Highway 168, thence along Virginia Highway 168 to the Virginia-North Carolina State line and points in Accomack and Northampton Counties); (20) between those points in Pennsylvania east of the Susquehanna River (except those in Chester County), on the one hand, and, on the other, those points in Virginia on and east of a line beginning at Chesapeake Beach and extending along U.S. Highway 13 to junction Virginia Highway 225, thence along Virginia Highway 225 to junction Virginia Highway 190, thence along Virginia Highway 190 to junction Virginia Highway 168, thence along Virginia Highway 168 to the Virginia-North Carolina State line; (21) between points in Accomack and Northampton Counties, Va., on the one hand, and, on the other, points in Bradford, Dauphin, and Lebanon Counties, Pa.; (22) between points in New York, on the one hand, and, on the other, points in Virginia (except those in Accomack, Clarke, Frederick, Northampton, Shenandoah and Warren Counties).

(23) Between points in Accomack and Northampton Counties, Va., on the one hand, and, on the other, points in New York (except those on and south of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 220 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 7, thence along New York Highway 7 to the New York-Vermont State line); and (24) between points in Clarke, Frederick, Shenandoah and Warren Counties, Va., on the one hand, and, on the other, points in New York (except those west of a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to junction New York Highway 41, thence along New York Highway 41 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 21, thence along New York Highway 21 to Lake Ontario). The purpose of this filing is to eliminate the gateway of points in Virginia within the District of Columbia Commercial Zone.

No. MC 109637 (Sub E4), filed June 4, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John E. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from New Albany, Ind., to points in Kentucky west of U.S. Highway 41. The purpose of this filing is to eliminate the gateways of Jeffersonville, Ind., Louisville, Ky., and Troy, Ind.

No. MC 109637 (Sub E5), filed June 4, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John E. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles, from Lawrenceville, Illinois, to points in Tennessee east of State Highway 13 (except Nashville, Tenn., and points within 10 miles thereof). The purpose of this filing is to eliminate the gateway of Bowling Green, Kentucky.

No. MC 109637 (Sub E6), filed June 4, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John E. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey* in bulk, in tank vehicles, from points in Indiana east of U.S. Highway 31 to Vicksburg, Mississippi. The purpose of this filing is to eliminate the gateway of Bardstown, Kentucky.

No. MC 109637 (Sub E7), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John E. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Calver City, Kentucky, to points in North Carolina and Virginia. The purpose of this filing is to eliminate the gateway of Robertson County, Tennessee.

No. MC 109637 (Sub E10), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, (except anhydrous ammonia), from Pascagoula, Mississippi, to points in Indiana south of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Louisville, Kentucky.

No. MC 109637 (Sub E16), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII, in bulk, in tank vehicles, from Old Shawneetown, Illinois, to points in Ohio. The purpose of this filing is to eliminate the gateway of Madison, Indiana.

No. MC 109637 (Sub E21), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII, in bulk, in tank vehicles, from Lawrenceville, Illinois, to points in Virginia. The purpose of this filing is to eliminate the gateway of Louisville, Kentucky.

No. MC 109637 (Sub E23), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and Petroleum products*, as described in Appendix XIII, in bulk, in tank vehicles, from Texas Eastern Transmission Corp., at or near Lebanon, Warren County, Ohio, to points in Illinois. The purpose of this filing is to eliminate the gateway of Seymour, Indiana.

No. MC 109637 (Sub E24), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, as described in Appendix XIII (except anhydrous ammonia), from Pascagoula, Mississippi, to points in Ohio. The purpose of this filing is to eliminate the gateway of Louisville, Kentucky and Madison, Indiana.

No. MC 109637 (Sub-No. E49), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from Old Shawneetown, Ill., to points in North Carolina and Virginia. The purpose of this filing is to eliminate the gateways of Calvert City, Ky., and Robertson County, Tenn.

No. MC 109637 (Sub-No. E50), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from Terre Haute, Ind., to points in Arkansas, Florida, Louisiana, and Texas. The purpose of this filing is to eliminate the gateways of Henderson, Ky., Princeton, Ind., and Calvert City, Ky.

No. MC 109637 (Sub-No. E52), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10. W. Baltimore

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Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, restricted to the transportation of traffic having an immediately prior movement by water, from points in New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia to Vicksburg, Miss. The purpose of this filing is to eliminate the gateway of Bardstown, Ky.

No. MC 109637 (Sub-No. E53), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, restricted to the transportation of traffic having an immediately prior movement by water, from points in New Jersey, New York, and Delaware to Tullahoma, Tenn. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 109637 (Sub-No. E55), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, from points in Michigan, New York, Kentucky, Illinois, Indiana, and Ohio to Albany Ga. The purpose of this filing is to eliminate the gateway of Owensboro, Ky.

No. MC 109637 (Sub-No. E54), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, from New Orleans, La., to points in Illinois, Indiana, Maryland, Massachusetts, New York, Ohio, Michigan, and Pennsylvania. The purpose of this filing is to eliminate the gateway of points in Kentucky and Indiana.

No. MC 109637 (Sub-No. E63), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the terminal of Mid-America Pipeline Co., at or near Farmington, Ill., to points in West Virginia (except points in Kanawha County, W. Va., and except petroleum chemicals to Fairmont, Follansbee, and Morgantown, W. Va.). The purpose of this filing is to eliminate the gateways of Madison, Ind., and Warren County, Ohio.

No. MC 109637 (Sub-No. E64), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, and *natural gasoline*, in bulk, in tank vehicles, from the facilities of Columbia Hydrocarbon Corporation at or near Siloam, Ky., to points in Missouri. The purpose of this filing is to eliminate the gateway of Madison, Ind.

No. MC 109637 (Sub-No. E65), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Crossville, Ill., to points in Ohio. The purpose of this filing is to eliminate the gateways of Daviess County, Ky., and Madison, Ind.

No. MC 109637 (Sub-No. E66), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Crossville, Ill., to points in West Virginia (except points in Kanawha County and except petro-chemicals to Fairmount, Follansbee, and Morgantown, W. Va.). The purpose of this filing is to eliminate the gateways of Daviess County, Ky., Madison, Ind., and Warren County, Ohio.

No. MC 109637 (Sub E69), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles, from the Shell Oil Company and Bitucote Products Co., within the Cincinnati, Ohio Commercial Zone, to points in Missouri. The purpose of this filing is to eliminate the gateways of Covington, Kentucky, and Madison, Indiana.

No. MC 109637 (Sub E71), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles, from the Shell Oil Company and Bitucote Products Co. within the Cincinnati, Ohio Commercial Zone. To points in Illinois. The purpose of this filing is to eliminate the gateway of Covington, Kentucky, and Seymour, Indiana.

No. MC 109637 (Sub E72), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen fertilizer*, in bulk, in tank vehicles from Cincinnati, Ohio to points in Illinois. The purpose of this filing is to eliminate the gateway of Seymour, Ind.

No. MC 109637 (Sub E74), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Henderson, Kentucky to points in Ohio. The purpose of this filing is to eliminate the gateway of Madison, Ind.

No. MC 109637 (Sub E75), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer, liquid fertilizer materials, anhydrous ammonia, and nitrogen fertilizer solution*, in bulk, in tank vehicles, from Brown's Valley, Kentucky, to points in Ohio, West Virginia (except points in Kanawha County, W. Va., and except Petroleum Chemicals to Fairmount, Follansbee, and Morgantown, W. Va. The purpose of this filing is to eliminate the gateway of Madison, Indiana, and Warren County, Ohio.

No. MC 109637 (Sub E77), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformer oil*, in bulk, in tank vehicles, from Paulsboro, New Jersey, to points in Missouri. The purpose of this filing is to eliminate the gateway of Louisville, Kentucky, and Madison, Indiana.

No. MC 109637 (Sub E78), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in tank vehicles, from Louisville, Kentucky, to points in Arkansas and Mississippi. The purpose of this filing is to eliminate the gateway of Robertson County Tennessee.

No. MC 109637 (Sub E84), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry mixed fertilizer and superphosphate*, in bulk, in tank vehicles, from New Albany, Indiana to points in Arkansas, Florida, Iowa, Kansas, Louisiana, Nebraska, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Kentucky.

No. MC 109637 (Sub E87), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and road tar*, in bulk, in tank vehicles, from Jeffersonville, Indiana to points in Illinois, Tennessee, and Ohio (except Butler, Hamilton, Lake, Mahoning, Trumbull, and Wayne Counties, Ohio). The purpose of this filing is to eliminate the gateways of site of the Kentucky Asphalt Terminal, Inc., near Louisville, Ky.

No. MC 109637 (Sub E88), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, nitrogen fertilizer solutions, ammoniating solutions and aqua ammonia*, in bulk, in tank vehicles, from the plantsite of Southern Nitrogen Company, Inc., located at or near Columbia Park (Finney) Hamilton County, Ohio to points in Tennessee and Missouri. The purpose of this filing is to eliminate the gateway of Madison, Indiana.

No. MC 109637 (Sub E89), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes; transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of Phillips Petroleum Co., at or near North Bend, Ohio to points in Illinois. The purpose of this filing is to eliminate the gateway of Seymour, Indiana.

No. MC 109637 (Sub E90), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles from the plantsite of Phillips Petroleum Company at or near North Bend, Ohio to points in Tennessee west of U.S. Highway 27 and points in Missouri. The purpose of this filing is to eliminate the gateway of Madison, Indiana.

No. MC 109637 (Sub E91), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferric sulphate*, in bulk, in tank vehicles, from Copperhill, Tennessee to points in Arkansas, Illinois, Nebraska, Oklahoma, Texas, Missouri, Iowa, Kansas, Michigan, and Minnesota. The purpose of this filing is to eliminate the gateway of Calvert City, Kentucky.

No. MC 109637 (Sub E92), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible liquid flavoring compounds*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in North Carolina. The purpose of this filing is to eliminate the gateway of Louisville, Kentucky.

No. MC 110683 (Sub-No. E4) (Correction) filed June 4, 1975, published in the FEDERAL REGISTER November 20, 1974. Applicant: SMITH'S TRANSFER CORP., P.O. Box 1000, Stanton, Va. 24401. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, between points in Augusta, Rockbridge, and Rockingham Counties, Va., on the one hand, and, on the other, points in Pennsylvania on and east of a line from Philadelphia along the Pennsylvania Turnpike to the junction of U.S. Highway 22, thence along U.S. Highway 22 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateway of Trenton, N.J. The purpose of this correction is to change the territorial description.

No. MC 110683 (Sub-No. E6) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER December 3, 1974. Applicant: SMITH'S TRANSFER CORP., P.O. Box 1000, Stanford, Va. 24401. Applicant's representative: Harry J. Jordon, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, commodities in bulk, and those requiring special equipment), between points in North Carolina east of U.S. Highway 301, on the one hand, and, on the other, points in Ohio, points in Pennsylvania west of U.S. Highway 219, points in West Virginia on and west of U.S. Highway 220, points in Kentucky on and east of a line beginning at the Kentucky-Tennessee State line along Kentucky Highway 15 to Jackson, thence along a line extending from Jackson through Olive Hill to Portsmouth, Ohio, points in Indiana on, south of U.S. Highway 40 and on, east of U.S. Highway 31, and points in Virginia on, south, and west of a line from the North Carolina-Virginia State line along U.S. Highway 501 to Lynchburg, thence along U.S. Highway 29 to the junction of U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of points in Rockbridge County, Va. The purpose of this correction is to extend the territorial destination.

No. MC 113843 (Sub-No. E661), filed May 14, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods;* (1) from Benton Harbor and St. Joseph, Mich., to those points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Business Route 15 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Pennsylvania Highway 901, thence along Pennsylvania Highway 901 to junction Pennsylvania Highway 54, thence along Pennsylvania Highway 54 to Ashland, thence along Pennsylvania Highway 42 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line; (2) from Benton Harbor and St. Joseph, Mich., to those points in Maryland on and east of U.S. Highway 15; (3) from Benton Harbor and St. Joseph, Mich., to points in Virginia (except those north and west of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 55 to junction U.S. Highway 340, thence along U.S. Highway 340 to the Virginia-Maryland State line; (4) from Benton Harbor and St. Joseph, Mich., to those points in West Virginia on, north, and east of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 460 to junction U.S. Highway 219, thence along U.S. Highway 219 to Lewisburg, thence along U.S. Highway 60 to the West Virginia-Virginia State line; (5) from Benton Harbor and St. Joseph, Mich., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, and the District of Columbia; (6) from Benton Harbor and St. Joseph, Mich., to those points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 14 to junction New York Highway 13, thence along New York Highway 13 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 104, thence along New York Highway 104 to Lake Ontario; (7) from Paw Paw, Hartford, and Coloma, Mich., and those points in Michigan on and west and south of a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 31 to junction Michigan Highway 51, thence along Michigan Highway 51 to junction Interstate Highway 94, thence along Inter-

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state Highway 94 to Lake Michigan, to Plattsburgh, N.Y., and points in Nassau and Suffolk Counties, N.Y.; (8) from Paw Paw, Hartford, and Coloma, Mich., and those points in Michigan on, west, and south of a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 31 to junction Michigan Highway 51, thence along Michigan Highway 51 to junction Interstate Highway 94, thence along Interstate Highway 94 to Lake Michigan to points in Northampton County, and Norfolk and Virginia Beach, Va. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 113843 (Sub-No. E597), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods;* (1) from points in Tioga County, Pa., to points in Minnesota; (2) from those points in Pennsylvania on and west of U.S. Highway 15, and on, east, and north of a line beginning at U.S. Highway 15 and extending along Pennsylvania Highway 35 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 664, thence along Pennsylvania Highway 664 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction Pennsylvania Highway 414, thence along Pennsylvania Highway 414 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction Pennsylvania Highway 249, thence along Pennsylvania Highway 249 to the Pennsylvania-New York State line, to those points in Minnesota on, north, and west of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 218 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction Minnesota Highway 58, thence along Minnesota Highway 58 to the Mississippi River; and (3) from points in Adams and Franklin Counties, Pa., to those points in Minnesota on, north, and west of a line beginning at the Minnesota-North Dakota State line and extending along U.S. Highway 75 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub E793), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen fruits and berries and frozen fruit and berry concentrates*, from points in Tioga County, Pennsylvania, to points in Wisconsin, and from those points in Pennsylvania on and west of U.S. Highway 15 and north and east of a line beginning at the Pennsylvania-New York State line and extending along Pennsylvania Highway 449, to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 15, to those points in Wisconsin on, west, and north of a line beginning at the Wisconsin-Illinois State line and extending along Wisconsin Highway 69 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Pennsylvania.

No. MC 114019 (Sub-No. E53), (Correction), filed May 10, 1974, published in the FEDERAL REGISTER June 11, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, cover, caps,* and *accessories* therefor and *paper cartons* used in the packing and shipping of glass articles; (a) from Richmond, Ind., to points in Minnesota, North Dakota, South Dakota, and Nebraska (Streator, Ill.) *; (b) from Richmond, Ind., to Bowling Green, Ky., and Nashville, Tenn. (Louisville, Ky.) *; (c) from Richmond, Ind., to that part of Pennsylvania east of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 119 to junction U.S. Highway 219, and thence along U.S. Highway 219 to the New York-Pennsylvania State line, points in Connecticut and New Jersey within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., and Sparrows Point and Baltimore, Md. (Springfield, Ohio) *; Restriction: The operations in part (b) are restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct the gateways and the restriction.

No. MC 114019 (Sub-No. E103), (Correction), filed May 13, 1974, published in the FEDERAL REGISTER June 19, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy industrial chemicals* (not including drugs, medicine, and toilet preparations), from Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia on and east of Interstate Highway 77, including Bluefield, W. Va., and points in Pennsylvania to points in Wayne County, Mich. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio. The purpose of this correction is to correct the territorial description.

No. MC 114019 (Sub-No. E119), (Correction), filed May 3, 1974, published in the FEDERAL REGISTER June 18, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such meats, meat products,* and *meat byproducts,* and *articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, which are foodstuffs, in mechanically refrigerated vehicles, * * *. The purpose of this filing is to eliminate the gateway of Union City, Ohio. The purpose of this partial correction is to correct the commodity description. The remainder of this letter-notice remains as previously published.

No. MC 114019 (Sub-No. E224), (Correction), filed May 12, 1974, published in the FEDERAL REGISTER June 20, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos or felt paper insulating material,* * * *. The purpose of this filing is to eliminate the gateway of points in Ohio and Sunbury, Pa. The purpose of this partial correction is to correct the commodity description. The remainder of this letter-notice remains as previously published.

No. MC 114019 (Sub E418), (Correction), Filed May 19, 1974, Published in the FEDERAL REGISTER February 10, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products and byproducts, and packinghouse supplies,* (A) from Sioux City and Des Moines, Iowa, Omaha, Nebr., Kansas City and Wichita, Kans., and St. Joseph and Kansas City, Mo., to points in Vermont, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Delaware, points in that part of Maryland on and east of U.S. Highway 15, and in that part of Virginia on, east, and north of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 501 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Virginia Highway 39, thence along Virginia Highway 39 to the Virginia-West Virginia State line. (B) from St. Louis, Mo., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Pittsburg, Pa., and Chicago, Ill. The purpose of this correction is to clarify the territorial description.

No. MC 115257 (Sub-No. E12) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER July 18, 1975. Applicant: SHAMROCK VAN LINES, INC., P.O. Box 53443, Oklahoma City, Okla. 73105. Applicant's representative: William E. Bentley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (g) between points in Oklahoma, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of any point in Arkansas. The purpose of this partial correction is to include the territory of (g) above. The remainder of this letter-notice will remain as previously published.

No. MC 115841 (Sub E12), filed May 22, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INCORP., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *frozen edible meats,* from Wilmington, Del., to (A) to points in California, Oregon, and points in Washington on and west of U.S. Highway 97. (Birmingham, Ala.) * (B) to points in Arkansas (Nashville, Tenn.) * (C) points in Oklahoma and Texas (points in Tennessee west of the Tennessee River) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-27568 Filed 10-10-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

GENERAL ADVISORY COMMITTEE

Notice of Meeting

OCTOBER 9, 1975.

Pursuant to section 26 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2036), and section 104(d) of the Energy Reorganization Act of 1974 (P. L. 93-438), the ERDA General Advisory Committee members were appointed by the President of the United States on September 24, 1975. They are as follows:

Arthur G. Hansen, of West Lafayette, Indiana, President, Purdue University, West Lafayette, Indiana. This is for the remainder of a term expiring August 1, 1976. He succeeds Howard G. Vesper who has resigned.

Richard S. Morse, of Wellesley, Massachusetts, President, MIT Development Foundation, Inc., Cambridge, Massachusetts. This is for the remainder of a term expiring August 1, 1976. He succeeds Evans Hayward who has resigned.

Martin J. Ward, of Bethesda, Maryland, General President, United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, Washington, D.C. This is for the remainder of a term expiring August 1, 1976. He succeeds Rolf Eliassen who has resigned.

William R. Gould, of Long Beach, California, Executive Vice President of Southern California Edison Company, Rosemead, California. This is for the remainder of a term expiring August 1, 1978. He succeeds Walter H. Zinn who has resigned.

Charles J. Hitch, of Bethesda, Maryland, President, Resources for the Future, Inc., Washington, D.C. This is for the remainder of a term expiring August 1, 1978. He succeeds Hubert Heffner who has died.

Henry R. Linden, of Chicago, Illinois, President of the Institute of Gas Technology, Chicago Illinois. This is for the remainder of a term expiring August 1, 1976. He succeeds Michael M. May who has resigned.

Ruth Patrick, of Whitemarsh Township, Pennsylvania, Chairperson and Chief Curator of Limnology, Academy of Natural Sciences, Philadelphia, Pennsylvania. This is for a term expiring August 1, 1980. She succeeds Lombard Squires whose term has expired.

Michael M. May, of Pleasanton, California, Associate Director-at-Large, University of California's Lawrence Livermore Laboratory, Livermore, California. This is for a term expiring August 1, 1980. He succeeds Herbert Friedman whose term has expired.

Gerald F. Tape, of Bethesda, Maryland, President, Associated Universities, Inc., Washington, D.C. This is for a term expiring August 1, 1980. He succeeds James H. Sterner whose term has expired.

This Committee was formerly known as the General Advisory Committee to the Atomic Energy Commission and was transferred to ERDA by the Energy Reorganization Act of 1974, which created ERDA, effective January 19, 1975.

The General Advisory Committee will hold a meeting on October 30 and 31, 1975, in Washington, D.C. in the Energy Research and Development Administration offices at 20 Massachusetts Avenue, NW., 8th Floor, Administrator's Conference Room. The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public.

OCTOBER 30

3:00-5:00 p.m. Briefing by Assistant Administrator for Administration, R. G. Romatowski, on ERDA's Mission, Role, and Organization.

OCTOBER 31

9:00-10:30 a.m. Briefing by Assistant Administrator for Planning and Analysis, Roger LeGassie, on ERDA's National Plan for Energy Research, Development and Demonstration.

10:30-12:00 noon. Briefing by Assistant Administrator for Laboratory and Field Coordination, Michael I. Yarymovych, on Field and Laboratory Utilization Study.

In addition to the above agenda items, the Committee will meet with members of ERDA Headquarters and hold executive sessions not open to the public under the authority of Section 10(d) of P.L. 92-463 (Federal Advisory Committee Act) to exchange opinions and formulate recommendations on the above topics and other agenda matters. I have determined that it is necessary to close these portions of the meeting to discuss certain information that is classified and falls within exemptions (1) and (3) of 5 U.S.C. 552(b), and to exchange opinions and formulate recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552 (b). Any nonexempt material that may be discussed at these sessions will be inextricably intertwined with the discussion of exempt material and no further separation is practical. It is essential to close such portions of the meeting to protect such privileged information and to protect the free interchange of internal views and avoid undue interference with Administration and Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The designated Federal employee, until the election of the Chairman by the GAC members on October 30, 1975, and the Chairman, thereafter, is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof, postmarked no later than November 14, 1975, to the Secretary, General Advisory Committee, U.S. Energy Research and Development Administration, Washington, D.C. 20545. Comments shall be based on the above agenda items.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on October 29, 1975, to the Office of the Secretary of the Committee (telephone 202-634-1369) between 8:30 a.m. and 5:00 p.m. e.d.t.

(c) Questions at the meeting may be asked only by members of the General Advisory Committee.

(d) Seating to the public will be made available on a first-come, first-served basis.

(e) Copies of minutes will be made available for copying, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, upon payment of all charges by law.

R. G. ROMATOWSKI,
Advisory Committee Management Officer.

[FR Doc.75-27768 Filed 10-10-75;11:40 am]

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federal register

TUESDAY, OCTOBER 14, 1975



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

NATIONAL DIRECT STUDENT LOAN PROGRAM

Notice of Proposed Rulemaking

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U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 144]

NATIONAL DIRECT STUDENT LOAN PROGRAM

Notice of Proposed Rulemaking

In accordance with section 503 of the Education Amendments of 1972 (P.L. 92–318) and pursuant to the authority contained in Title IV, Part E of the Higher Education Act of 1965 (20 U.S.C. 1087aa–87ff) and Title II of the National Defense Education Act of 1958 (20 U.S.C. 421–29), as amended, notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 144 of Title 45 of the Code of Federal Regulations to read as set forth below.

Section 137 of the Education Amendments of 1972 amended the Higher Education Act of 1965 by adding Title IV, Part E "Direct Loans to Students in Institutions of Higher Education" which established the National Direct Student Loan Program. This program is intended to stimulate and assist in the establishment and maintenance of funds at participating institutions of postsecondary education for the making of low-interest loans to students who are in need of such loans to meet their costs of education at such institutions. The National Direct Student Loan Program is deemed to be a continuation of the National Defense Student Loan Program authorized by Title II of the National Defense Education Act of 1958. The proposed rule covers terms and conditions of both National Defense Student Loans and National Direct Student Loans. The major substantive changes resulting from the Education Amendments of 1972 which differentiate National Direct Student Loans from National Defense Student Loans involve aggregate amounts which may be borrowed, repayment terms, and cancellations benefits.

Certain program requirements for the National Direct Student Loan Program, such as those concerning need analysis and the determination of an expected family contribution are similar to those for the Supplemental Educational Opportunity Grants Program. Wherever possible wording similar to that used in the Supplemental Educational Opportunity Grant regulations, published October 21, 1974 (39 FR 37385–37392), has been used for those portions of the regulations governing requirements which are common to both programs.

The regulations concerning the review of institutional applications and approval of requests have been previously published as § 144.4a on October 21, 1974 (39 FR 37384–37385). It is republished in this notice as § 144.7. The regulation on coordination of programs was previously published as § 144.15 on May 21, 1975 (40 F.R. 22136), and is herewith republished as § 144.14. Also, the regulation on need analysis was published on May 21, 1975, as § 144.14. Since the time of its publication, however, revised procedures and standards for the review and approval of systems for calculating the expected parental contributions for dependent students have been proposed and published separately. This proposed regulation is herewith republished as § 144.13.

1. *Program materials.* The regulations to be codified in the *Code of Federal Regulations* are set forth below. These regulations contain all mandatory requirements of the program.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations proposed below reflect the results of this study as it pertains to Title IV, Part E of the Higher Education Act of 1965, as amended, and Title II of the National Defense Education Act of 1958 as amended.

3. *Citations of legal authority.* As required by Section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and Section 503 of the Education Amendments of 1972 (P.L. 92–318), a citation of statutory or other legal authority for each section or other division of the regulations has been placed in parentheses on the line following the text of the provision.

4. *Opportunity for public hearing.* Pursuant to Section 503(c) of the Education Amendments of 1972 the Commissioner will provide interested parties an opportunity for a public hearing on these regulations. Hearings will be held in the following places on the dates below and commencing at 10:00 a.m. on each of the days specified.

a. Washington, D.C. Auditorium—Regional Office Building Three, 7th and D Streets SW., Washington, D.C. 20202.

Public hearing will be held on November 25, 1975.

b. Dallas, Texas.
Room 1130–1132, 1200 Main Tower Building, Dallas, Texas 75202.

Public hearing will be held on November 19, 1975.

c. San Francisco, California.
Room 15018, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102.

Public hearing will be held on November 21, 1975. The purpose of these hearings is to receive comments and suggestions on the published materials. Parties interested in attending any of the hearings should notify the Office of Education, 400 Maryland Avenue, S.W., Room 2085, Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to a maximum of 15 minutes.

Written comments and recommendations may also be sent to the Chairman, Office of Education Task Force on Section 503 at the above address. All relevant material received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 8:30 a.m. and 4:00 p.m. Monday through Friday of each week.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–107.

(Catalog of Federal Domestic Assistance No. 13.471, National Direct Student Loans)

Dated: July 15, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: July 25, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 144 of Title 45 of the Code of Federal Regulations is amended to read as follows:

Subpart A—General Provisions

Sec.
144.1 Scope and purpose.
144.2 Definitions.
144.3 Apportionment and reapportionment of Federal capital contributions to States.
144.4 Allocation, reallocation and payment of Federal capital contributions to institutions.
144.5 Institutional applications.
144.6 Funding criteria.
144.7 Application review and approval of request.
144.8 Institutional agreement.
144.9 Student eligibility.
144.10 Coordination with Bureau of Indian Affairs grants-in-aid.
144.11 Cost of education.
144.12 Expected family contribution.
144.13 Need analysis systems.
144.14 Coordination of student financial aid programs and over-award.
144.15 Disbursement of loans.
144.16 Special sessions.
144.17 Administrative expense.
144.18 Fiscal procedures and records.
144.19 Federal interest in allocated funds.
144.20 Termination and suspension.

Subpart B—Terms of Loans

144.21 Limitations governing aggregate amount of loans.
144.22 Awarding and repayment of loans.

Subpart C—Loan Collection

144.31 Loan collection procedures.
144.32 Bankruptcy of borrower.
144.33 Costs of collection.
144.34 Utilization of fiscal agent.

Subpart D—Loan Cancellation

144.41 Special definitions.
144.42 Teacher cancellation—Loans made prior to July 1, 1972.
144.43 Teacher cancellation—Loans made after June 30, 1972.
144.44 Head Start cancellation.
144.45 Military cancellation.

Sec.
144.46 Cancellation for death or disability.
144.47 Responsibility for determination of cancellation entitlement.
144.48 Cancellation provision not retroactive.
144.49 Reimbursement by the Commissioner of amounts cancelled.

Subpart E—Loans to Institutions for "Institutional Capital Contributions."

144.51 Institutional loan.
144.52 Application.
144.53 Allocation of Federal institutional loans.
144.54 Federal institutional loan agreements.

Appendix A—Allotment of funds to States for fiscal year 1972.

AUTHORITY: Title IV, Part E of the Higher Education Act of 1965, as added by section 137(b) of Public Law 92–318, 86 Stat. 273 (20 U.S.C. 1087aa–87ff), and Title II of the National Defense Education Act of 1958 (20 U.S.C. 421–29), unless otherwise noted.

Subpart A—General Provisions

§ 144.1 Scope and purpose.

Title IV, Part E of the Higher Education Act of 1965 authorizes the National Direct Student Loan Program for the purpose of assisting in the establishment and maintenance of funds at participating institutions of higher education for the making of low-interest loans to students in need thereof to pursue their courses of study in such institutions.

The National Direct Student Loan Program is and shall be deemed to be a continuation of the National Defense Student Loan Program authorized by Title II of the National Defense Education Act of 1958 (20 U.S.C. 421–429). Except as otherwise provided in this part 144, all rights, privileges, duties, functions, and obligations under such Title II prior to the enactment of the Education Amendments of 1972 (Public Law 92–318) shall be deemed to be vested under Title IV, Part E of the Higher Education Act of 1965. Any student loan Fund established under an agreement under such Title II shall, to the extent not otherwise provided in this part 144, be deemed to have been established under such Part E, and any assets of such student loan Fund of any institution shall be deemed to be the assets of a student loan Fund established under an agreement of that institution with the Commissioner under such Part E.

(20 U.S.C. 1087aa; Public Law 92–318, section 137(d)(1))

§ 144.2 Definitions.

For the purposes of this part:

(a) "Academic year" means a period of time generally of not less than 8 months in which a full-time student would normally be expected to complete the equivalent of two semesters, two trimesters, three quarters, or 900 clock hours of instruction.

(b) "Act" means Title IV—Part E of the Higher Education Act of 1965, as amended.

(c) "Clock hour" means a period of time which is the equivalent of a 50 to 60 minute class, lecture or recitation, or a 50 to 60 minute faculty supervised laboratory, shop training, or internship.

(20 U.S.C. 1087aa–ff)

(d) "College Work-Study Program" is a federally supported program of part-time employment authorized by Title IV, Part C, of the Higher Education Act of 1965.

(42 U.S.C. 2751–2756)

(e) "Commissioner" means the United States Commissioner of Education.

(20 U.S.C. 1141(b))

(f) "Default" means with regard to a loan under this part that—

(1) The borrower failed to make an installment payment when due; and

(2) Such failure persisted (i.e., was not cured either by payment or other appropriate arrangements) for 120 days in the case of a loan repayable in monthly installments, or for 180 days in the case of loans repayable in less frequent installments.

(g) "Dependent student" means one who does not qualify as a "self-supporting or independent student" as defined in § 144.2(y).

(h) "Expected family contribution of a dependent student" means the sum of the amounts which reasonably may be expected from the student and his spouse to meet the student's cost of education as described in § 144.11 and the amount which reasonably may be expected to be made available to him by his parents for such purpose.

(i) "Expected family contribution of an independent or self-supporting student" means the amount which reasonably may be expected from the student and his spouse to meet the student's cost of education as described in § 144.11.

(j) "Federal capital contribution" means the portion of a Fund deriving from Federal contributions, or a specific amount provided by the Commissioner to augment such Fund.

(k) "Federal institutional loan" means a loan made by the Commissioner to an institution to be used by that institution for the purpose of enabling that institution to make an institutional capital contribution to its Fund.

(20 U.S.C. 1087aa–ff)

(l) "Full-time student" means a student who is pursuing any combination of courses, research, or special studies (whether or not for credit) which, according to the standards and practices of the institution in which the student is enrolled, is considered full-time study.

(20 U.S.C. 1088(c)(2))

(m) "Fund," or "National Direct Student Loan Fund," means a Fund established and maintained in accordance with § 144.8.

(n) "Good standing" means the eligibility of a student to continue in attendance in accordance with the standards and practices of the institution in which he is enrolled.

(o) "Graduate or professional student" means, in general, a student who is enrolled in an academic program of instruction above the college level which is provided at an institution of higher education. The term includes (1) that portion of any program involving a period of study beyond four years of study at the college level, or (2) any portion of a program leading to (i) a degree beyond the bachelor's or first professional degree, or (ii) a first professional degree, when at least three years of study at the college level are required for entrance into a program leading to such degree.

(20 U.S.C. 1087aa–ff)

(p) "Half-time student" means a student who is carrying a half-time academic work load measured in terms of (1) the tuition and fees customarily charged for half-time study by the institution and (2) the course work or other required activities as determined by the institution in which the student is enrolled; *provided*, however, that such course work and activities amount to the equivalent of a minimum of (i) 6 semester hours or 6 quarter hours per academic term for institutions utilizing semester, trimester, or quarter hour systems; (ii) 12 semester hours or 18 quarter hours per academic year for institutions which measure progress in terms of credit hours but which do not utilize semester, trimester, or quarter systems; or (iii) 12 clock hours per week for institutions which utilize clock hours to measure progress. All students engaged in a program of study by correspondence which is offered as requiring at least 12 hours of preparation a week shall be considered half-time students for purposes of this part.

(20 U.S.C. 1088(c)(2))

(q) "Institutional capital contribution" means the portion of a Fund deriving from institutional contributions or a specific amount provided by the institution to augment such Fund.

(20 U.S.C. 1087cc)

(r) "Institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) (i) is accredited by a nationally recognized accrediting agency or association, or (ii) in the case of a public institution offering postsecondary vocational education, is approved by a State approval agency recognized by the Commissioner as a reliable authority as to the quality of public postsecondary vocational education in that State, or (iii) is an institution with respect to which the Commissioner has determined

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that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (iv) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of clauses (1), (2), (4), and (5) of this paragraph. Such term also includes any proprietary institution of higher education, as defined in § 144.2(v), which has an agreement with the Commissioner containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this part has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students.

(20 U.S.C. 1087–1(b), 1088(b) and 1141(a))

(s) "National of the United States" means (1) a citizen of the United States, or (2) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

(8 U.S.C. 1101(a)(22))

(t) "Nonprofit" as applied to a school or institution means a school or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(20 U.S.C. 1141(c))

(u) "Parent" means the mother or father of the student, unless any other person, except the student's spouse, provides more than one-half of the student's support and claims or is eligible to claim the student as an exemption for Federal income tax purposes, in which case such person shall be considered a parent.

(20 U.S.C. 1087aa–ff)

(v) "Proprietary institution of higher education" means a school (1) which provides not less than a six-month program of training to prepare students for gainful employment in a recognized occupation, (2) which admits as regular students only persons having a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate, (3) which is legally authorized by the State in which it is located to provide a program of education beyond secondary education, (4) which is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, (5) which is not a public or other nonprofit institution, and (6) which has been in existence for at least two years.

(20 U.S.C. 1088(b)(3))

(w) "Public" means under public administrative control and direction.

(20 U.S.C. 1087aa–ff)

(x) "Secretary" means the Secretary of Health, Education, and Welfare.

(20 U.S.C. 1141(e))

(y) "Self-supporting or Independent Student" means a student who is either (1) a veteran as defined in § 144.2(bb) or (2) a student who:

(i) Has not and will not be claimed as an exemption for Federal income tax purposes by any person except his or her spouse for the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested;

(ii) Has not received and will not receive financial assistance of more than $600 from his or her parent(s) in the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested; and

(iii) Has not lived or will not live for more than 2 consecutive weeks in the home of a parent during the calendar year in which aid is received and the calendar year prior to the academic year for which aid is requested.

For purposes of this paragraph, a student will not be considered to have been claimed as an exemption by a parent, or to have received $600 from a parent, or to have lived with a parent if that parent has died prior to the student's submission of an application for a loan.

(20 U.S.C. 1087aa–ff)

(z) "State" means, in addition to the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virginia Islands.

(20 U.S.C. 1141(b); 20 U.S.C. 1088(a))

(aa) "Supplemental Educational Opportunity Grant Program" means a grant program for students with exceptional financial need authorized by Title IV–A–2 of the Higher Education Act of 1965.

(20 U.S.C. 1070b *et seq.*)

(bb) "Veteran" means a person who served in the active military, naval, or air service of the United States, and who was discharged or released therefrom under conditions other than dishonorable.

(38 U.S.C. 101(2))
(20 U.S.C. 1087aa–ff)

§ 144.3 Apportionment and reapportionment of Federal capital contributions to States.

(a) *Apportionment.* (1) From 90 percent of the sums appropriated for Federal capital contributions pursuant to section 461(b)(1) of the Act for any fiscal year, the Commissioner will apportion to each State an amount which bears the same ratio to the total amount so appropriated as the number of persons enrolled on a full-time basis in institutions of higher education in such State, as determined by the Commissioner for the most recent year for which satisfactory data are available to him, bears to the total number of such persons so enrolled in all the States. If the amount so apportioned to any State is less than its allotment under section 202(a) of the National Defense Education Act of 1958 for fiscal year 1972, additional sums shall then be apportioned to each such State from the remaining 10 percent of the sums appropriated pursuant to section 461(b)(1) to make its apportionment for such year equal to its allotment for fiscal year 1972 under section 202(a). (The table set forth as Appendix A to this part indicates the amounts apportioned to each State under section 202(a) for the fiscal year ending June 30, 1972.) In the event that the funds available are insufficient to meet that level, the Commissioner will instead apportion the remaining 10 percent of the sums appropriated so that no State will receive less than a uniform minimum percentage of its fiscal year 1972 allotment under section 202(a).

(2) The Commissioner will apportion any sums remaining after the apportionment of funds under subparagraph (1) of paragraph (a) of this section to those States which received the lowest percentage of approved requests for Federal capital contributions as a result of the apportionment under subparagraph (1) of paragraph (a) of this section, so that no State will receive less than a uniform minimum percentage of its total approved requests for Federal capital contributions.

(b) *Reapportionment.* If the amount of an apportionment to a State under paragraph (a) of this section exceeds the total amount of approved requests for Federal capital contributions of institutions of higher education in that State, such excess shall be available for reapportionment from time to time on such date or dates as the Commissioner shall fix. From the aggregate of such excess for any fiscal year, the Commissioner will reapportion to each State in which the total approved requests for Federal capital contributions of institutions of higher education in that State exceeded the amount of funds apportioned to that State an amount which bears the same ratio to such aggregate as the total amount of such shortfall in that State bears to the total amount of such shortfalls in all the States.

(20 U.S.C. 1087bb)

§ 144.4 Allocation, reallocation and payment of Federal capital contributions to institutions.

(a) *Allocation of funds to institutions.* (1) Subject to the provisions of subparagraphs (2) and (3) of this paragraph, when funds available for distribution among the institutions within a State for Federal capital contributions are not sufficient to honor all approved requests of institutions within such State, such sums as are available will be distributed on a pro rata basis among all institutional applicants in the State in the same ratio that the total funds available for the State, including both apportionments and reapportionments, bears to the total approved requests for that State.

(2) If the amount of the institutional capital contribution is less than the amount required under § 144.8(b)(2) to match the Federal capital contribution which the institution will receive in accordance with subparagraph (1) of this paragraph, then the amount of the Federal capital contribution which would have been awarded under subparagraph (1) of this paragraph shall be reduced to an amount equal to not more than nine times the amount of institutional capital contribution that the institution is able to contribute to its Fund.

(3) Notwithstanding the provisions of subparagraph (1) of this paragraph, amounts which would otherwise be granted to proprietary institutions of higher education for any fiscal year shall be proportionately reduced to the extent necessary to produce an aggregate of such amounts which does not exceed the amount by which sums appropriated pursuant to section 461(b)(1) of the Higher Education Act of 1965 for such fiscal year exceeds $190,000,000.

(b) *Reallocation.* If an institution fails to accept all of the Federal capital contribution that has been granted to it, or if it projects that it will not use a portion of its allocation by the end of the period for which such funds were made available, the amount not accepted or used shall be restored as part of the apportionment of the State in which such institution is located. When the aggregate of funds thus restored to a State's apportionment becomes sufficient to increase significantly the amount of the Federal capital contributions that can be awarded to other institutions within the State, such funds shall be granted to such other institutions in accordance with subparagraph (1) of paragraph (a) of this section.

(c) *Payment.* Payment of the Federal capital contribution will be made in such installments as the Commissioner determines will not result in unnecessary accumulations of capital in the student loan Fund of the applicant.

(20 U.S.C. 1087bb)

§ 144.5 Institutional applications.

(a) An institution that wishes to participate in the National Direct Student Loan Program shall file an application with the Commissioner before the closing date for such applications established annually by the Commissioner. Such application shall contain the following information and shall be in such form and contain such other information as the Commissioner may from time to time prescribe:

(1) The institution's requests for Federal student financial aid funds under this part, the College Work-Study Program and the Supplemental Educational Opportunity Grants Program;

(2) The institution's anticipated enrollment for the forthcoming academic year;

(3) The anticipated number of enrolled students eligible for loans;

(4) The institution's average cost of education, including a justification of any annual per student costs in excess of $175 for books or $450 for personal expenses;

(5) An estimate of the average amount which reasonably may be expected to be made available by the parents of students at the institution who are expected to be eligible for such loans;

(6) The anticipated average loan;

(7) The amount of financial assistance awarded by the institution from its own scholarship and student aid programs for the most recent academic year for which information is available;

(8) The amount of cash carryover in the Fund available for relending;

(9) The qualifications of the professional personnel who will be administering the National Direct Student Loan Program including their degree of ability to conduct a vigorous and effective collection effort;

(10) The institution's loan delinquency rate calculated by dividing the cumulative total principal amount past due at the end of the fiscal year by the cumulative principal amount due and collectible at the end of the fiscal year; if this rate exceeds 10%, the reason why this rate exceeds 10%;

(11) The total amount of collections and other income of the Fund received by the institution during the fiscal year and the total amount of such collections and other income received too late to relend; if the total amount received too late for relending exceeds 25% of the total amount received during the fiscal year, the reason why this percentage exceeds 25%;

(12) The average unmet need per student; if the average amount of unmet need exceeds $200, the reason why this figure exceeds $200;

(13) Whether the institution intends to apply for Federal institutional loans pursuant to subpart E of this part; and

(14) The amount of funds the institution has available to use as its institutional capital contribution and the extent, if any, that such amount consists of an anticipated Federal institutional loan under subpart E of this part.

(b) The application shall contain the name of the official authorized to submit the application and the name of the individual or official who will be responsible for carrying out the program. Unless otherwise indicated in the application, the former individual or official will be deemed (1) to be the individual or official to whom communications shall be directed, (2) the individual or official who shall be responsible for the receipt, custody, and disbursement of Federal funds, and (3) the individual or official who shall have ultimate responsibility for the accounting of such Federal funds.

(20 U.S.C. 1087bb)

§ 144.6 Funding criteria.

An institution's requests for funds under this part will be reviewed in accordance with the following criteria:

(a) The reasonableness of the institution's total request for Federal student financial aid funds under this part (1) in light of its requests under the College Work-Study Program and the Supplemental Educational Opportunity Grants Program, and (2) in relation to the institution's anticipated enrollment, the average cost of education, and the average expected family contribution of students eligible under those programs;

(b) The reasonableness of the institution's projections of its anticipated enrollment and of the average cost of education and the average expected family contribution of students eligible under those programs;

(c) The reasonableness of the anticipated number of students eligible for loans, in view of the institution's anticipated enrollment;

(d) The reasonableness of the amount of the average loan anticipated in relation to the average need per student at the institution, after taking into account other available student financial aid resources;

(e) The extent to which the institution has effectively utilized Federal financial aid funds allocated in previous years;

(f) The amount of cash carryover in the Fund available for relending;

(g) The adequacy of explanations provided by the institution pursuant to § 144.5(a)(4), (10), (11), or (12); and

(h) The extent to which the institution has effectively administered or made provision for the effective administration of the program, including the extent to which it has made a vigorous and effective effort on collection of loans, and the extent to which it has effectively coordinated this program with institutional and other programs of student financial aid. In making this evaluation, consideration will be given to the adequacy of the qualifications and experience of the personnel designated by the institution to administer the program.

(20 U.S.C. 1087bb)

§ 144.7 Application review and approval of request.

(a)(1) The Commissioner will convene panels of qualified persons in each of the regions served by regional offices of the Office of Education, to review applications submitted under this part by institutions situated in those regions. The review panel shall evaluate each institution's request for funds in accordance with the criteria set forth in § 144.6 and shall recommend an amount which it deems appropriate.

(2) No panelist shall participate in the consideration of any application from his own institution or any application from any other institution which he has prepared or assisted in preparing or in which he has any personal or financial interest.

(b) Institutions which file applications for funding under this part will be notified of the amount recommended by

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the review panel pursuant to paragraph (a) of this section. If the amount recommended is less than the institution's request, the reasons for such a reduction will be forwarded to the institution. The institution shall notify the regional office of the Office of Education serving the area in which the institution is located of any arithmetic or other technical errors with regard to the panel recommendation. The regional office will adjust the recommendation to correct such errors.

(c) If an institution wishes to request a review of the panel's recommendation for other than arithmetic and technical errors, it shall submit a written request for such review to the regional office of the Office of Education serving the area in which the institution is located within such time as may be specified by the Commissioner. The request for review may include additional information relevant to the recommendation. The regional office will review such a request and will notify the institution in writing of its decision and the reasons therefor.

(d) (1) If an institution wishes a review of the regional office recommendation made pursuant to paragraph (c) of this section, it may request a review by a national review panel. Such a national review panel shall consist of institutional student financial aid officers from each of the regions served by the Office of Education and personnel of the Office of Education.

(2) A request for national review shall be submitted in writing by the institution to the regional office of the Office of Education serving the area in which the institution is located within such time as may be specified by the Commissioner. However, no additional information beyond that available in the application and the written record of communications between the regional office and the institution in the time period specified in the previous sentence will be considered.

(3) The national review panel will review such request and notify the institution and the Commissioner of its recommendation and the reasons therefor.

(e) The Commissioner will establish an approved level of funding (approved request) for each applicant institution taking into consideration the recommendation of the relevant panel or regional office.

(20 U.S.C. 1087bb)

§ 144.8 Institutional agreement.

An institution of higher education which desires to participate in the National Direct Student Loan Program shall enter into an agreement with the Commissioner. Such agreement shall:

(a) Provide for the establishment and maintenance of a Student Loan Fund (Fund) by the institution;

(b) Provide for the deposit in the Fund of:

(1) Federal capital contributions;

(2) A capital contribution by the institution in an amount equal to not less than one-ninth of the amount of the Federal contribution (institutional capital contribution);

(3) Collections of principal and interest on student loans made from the Fund;

(4) Payments to the institution by the Commissioner pursuant to section 465(b) of the Act as a result of cancellations on loans made after June 30, 1972;

(5) Penalty charges collected pursuant to § 144.22(g) of this part; and

(6) Any other earnings of the Fund;

(c) Provide that the Fund be used only for:

(1) Loans to students in accordance with the agreement;

(2) Payments to the institution in lieu of reimbursement for administrative expenses in the amount provided for in § 144.17;

(3) Capital distributions as provided in section 466 of the Act;

(4) Costs of litigation; and

(5) Other collection costs agreed to by the Commissioner in connection with the collection of principal, interest, and penalty charges, if any, on a loan made from the Fund. Such "other collection costs" that the Commissioner may approve include the costs relating to the use of a commercial skip-tracing service, a collection agent, or such other identifiable collection costs in excess of the routine administrative expenses incurred in the collection of student loans, but does not include costs of employing individual contractors or agents to handle collection duties that reasonably may be expected to be performed by lending institution's own personnel.

(d) Provide that where a note or written agreement evidencing a loan has been in default (as defined in § 144.2(f)) for at least two years despite due diligence on the part of the institution in making collection thereon as provided in § 144.31 of this part, the institution may assign its rights under such note or agreement to the United States, without recompense, and that in that event any sums collected on such a loan shall be deposited in the general Fund of the Treasury;

(e) Provide that loans from the Student Loan Fund shall be made available to students applying therefor in accordance with § 144.22;

(f) Provide that the institution shall make loans from the Fund reasonably available (to the extent of the available funds in such Fund) to all eligible students in the institution in need thereof; and

(g) Contain such other provisions as the Commissioner finds necessary, in light of special and unusual circumstances, to protect the financial interest of the United States and to promote the purposes of this part.

(20 U.S.C. 427, 1087bb, 1087cc)

§ 144.9 Student eligibility.

(a) *General.* A student is eligible for a loan under this part if such student:

(1) Is a national of the United States (a citizen of the United States or a person who though not a citizen owes permanent allegiance to the United States), is in the United States for other than a temporary purpose and intends to become a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands;

(2) Is in need of the amount of the loan to pursue a course of study at an eligible institution;

(3) Is capable, in the opinion of the institution, of maintaining good standing in such course of study; and

(4) Has been accepted for enrollment as at least a half-time undergraduate, graduate, or professional student in such institution or, in the case of a student already attending such institution, is in good standing and is enrolled as at least a half-time undergraduate, graduate, or professional student in such institution. In any case in which a student who has been determined to be eligible for a loan and thereafter fails to maintain good standing, the eligibility of such student shall, upon notice to the Commissioner, be suspended, and no loan payments to, or on behalf of, such student shall be made until he regains good standing.

(b) *Need.* For purposes of paragraph (a)(2) of this section a student shall be considered in need if his cost of education at the institution at which he is enrolled or accepted for enrollment exceeds his expected family contribution.

(c) *Religious communities.* For purposes of paragraph (a)(2) of this section a member of a religious community, society, or order who by direction of his or her order is pursuing a course of study in an institution of higher education or who receives support and maintenance from the community, society, or order shall be deemed not to have financial need.

(d) *Selection.* Loans made under this part shall be made reasonably available to all eligible student applicants. In the event applications for loans exceed available funds, the order of selection shall be made on the basis of need. The institution shall establish procedures for ranking eligible students and such procedures shall be (1) set forth in writing, (2) available for public inspection, and (3) maintained in the files of the institution's office which selects students as loan recipients.

(20 U.S.C. 1087aa–ff)

(e) *Affidavit of educational purpose.* No loan may be made under this part unless the student to whom it is made has filed with the institution of higher education which he intends to attend, or is attending, an affidavit on a form approved by the Commissioner stating that the money attributable to such loan will be used solely for expenses related to attendance or continued attendance at such institution. The student must sign the affidavit in the presence of a notary or other person who is legally authorized to administer oaths or affirmations and who does not take part in the recruiting of students for enrollment at such institution. The notary or other person must enter his signature and, as applicable, his seal or stamp on the affidavit form.

(20 U.S.C. 1088g)

(20 U.S.C. 1087dd)

§ 144.10 Coordination with Bureau of Indian Affairs grants-in-aid.

In determining the amount, if any, of a loan to be made to a student who is eligible for such a loan and, in addition, is eligible for an educational grant-in-aid under a program administered by the Bureau of Indian Affairs (BIA), the institution shall observe the following practice:

(a) A "package" of student assistance will be prepared in accordance with § 144.14 for each such student from resources other than BIA grants-in-aid. In preparing such a package, the institution shall not take into consideration any BIA grant-in-aid which the student has received or is expected to receive and such package shall be consistent, as to the types and amounts of the respective awards included therein, with packages prepared for students who are not eligible for BIA grants-in-aid, who have similar levels of financial need and who are similar with respect to any other general characteristics used by the institution in preparing such packages.

(b) The amount of any BIA grant-in-aid, whether received by the student prior to the preparation of the package described in paragraph (a) of this section or subsequent thereto, shall be supplementary to the package of aid from other resources, and no adjustment shall be made to such package so long as the total of such package and the BIA grant-in-aid does not exceed the institution's determination of the student's need (i.e., the difference between the student's cost of education at the institution and his expected family contribution).

(c) If the total amount of the BIA grant-in-aid, when combined with the package of other assistance prepared in accordance with paragraph (a) of this section exceeds the institution's determination of the student's need, the amount of such excess only shall be deducted from the package of other assistance. Such deduction shall be done in sequence, so that such excess is first deducted from any awards, or proposed awards, in the form of loans; if an excess still remains after all such loan awards have been adjusted, deductions shall next be made from any awards, or proposed awards, in the form of work-study; if an excess still remains after all such work-study awards have been adjusted, deductions shall be made from any award, or proposed award, in the form of a grant, other than a grant under the Basic Educational Opportunity Grants Program.

(20 U.S.C. 1087dd)

§ 144.11 Cost of education.

The amount required to enable a student to pursue his education at an institution of higher education includes amounts charged for tuition and fees, the amounts charged by the institution or the expenses reasonably incurred for room and board, books, supplies, transportation, miscellaneous personal expenses, and expenses related to maintenance of a student's dependents. In the case of a student engaged in a program of study by correspondence only his costs of tuition and fees shall be recognized as a cost of education for the purpose of this part; *provided*, however, that travel and room and board costs incurred specifically in fulfillment of a required period of residential training may be considered a cost of education for such a student.

(20 U.S.C. 1087aa–ff)

§ 144.12 Expected family contribution.

(a) *Dependent students.* In determining the amount of income and net assets that should reasonably be made available by the dependent student, the student's spouse, and the student's parents to meet that student's cost of education, the student financial aid officer shall take into consideration:

(1) Any serious illness in the family (family members include the student, the student's spouse, the student's parents, and persons for whom the parents may claim an exemption under section 151 of the Internal Revenue Code);

(2) The number of dependent children of the student's parents;

(3) The number of such dependent children attending institutions of higher education; and

(4) Such other circumstances as may affect the ability of the student, the student's spouse, and the student's parents to contribute toward the student's cost of education.

(b) *Independent students.* In determining the amount of income and net assets that should reasonably be made available by a self-supporting or independent student and that student's spouse to meet such student's cost of education, the student financial aid officer shall take into consideration:

(1) Any serious illness in the family (family members include the student, the student's spouse, and persons for whom the student or spouse may claim an exemption under section 151 of the Internal Revenue Code);

(2) The number of dependent children of the student;

(3) The number of such dependent children attending institutions of higher education; and

(4) Such other circumstances as may affect the ability of the student or the student's spouse to contribute toward the student's cost of education.

(c) *Special considerations.* Upon the request of a student who does not live with his parents, who visits his parents for periods of time no longer than those which are typical for adults visiting their parents, and who does not receive from his parents gifts which exceed in value the amounts typically given by parents as incidental gifts to their adult, nondependent offspring, the student financial aid officer shall make a determination as to whether the relationship between that student and his parents is of such a nature that it is unreasonable to expect the parents to contribute toward his cost of education, regardless of their ability to do so. The reasons for such determination shall be made part of the institution's written records. The student financial aid officer shall, before making such a finding, make such efforts as he deems appropriate to ascertain whether the student's parents are in fact willing to contribute toward the student's cost of education.

(20 U.S.C. 1087aa–ff)

§ 144.13 Approved need analysis systems.

(a) *General.* In order to comply with the requirements of § 144.12 of this part, an institution shall utilize a need analysis system or method of calculation approved by the Commissioner for that purpose pursuant to this section.

(b) *Dependent students.* (1) The Commissioner has approved the following systems for the purpose of § 144.12, with respect to dependent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190); and

(ii) The Income Tax System, if adjusted to reflect the number of the parents' dependent children who are attending institutions of higher education. For purposes of this section, the expected family contribution calculated according to the Income Tax System shall be an amount equal to the amount of Federal income tax paid by the parents of a student, plus 5 percent of such parents' net assets in excess of $10,000 and any amount the student is reasonably able to contribute.

(2) The Commissioner will approve any other need analysis system for the purpose of § 144.12, for use with respect to dependent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected parents' contribution figures for dependent students which: (*a*) increase in reasonably smooth increments as the parents' financial strength, measured in real terms, increases; and (*b*) are equal for families of equal measured financial strength; and

(ii) The system must produce expected parents' contribution figures which, for at least 75 percent of a set of sample cases developed and made available by the Commissioner, deviate by less than $50 from the figures produced for such sample cases by the following calculations:

(*a*) From the sum of the adjusted gross income and non-taxable income of the parents, there will be deducted the amount of Federal income taxes and Social Security taxes, an allowance of 8 percent of total income for state and local taxes, and an amount required to maintain the family (exclusive of the student's maintenance during the academic year) at the Bureau of Labor Statistics consumption cost estimates at a low standard of living;

(*b*) To the remainder obtained in subparagraph (*a*) will be added 12 percent of the net market or cash value of the parents' assets remaining after deduction of related debt and a standard asset reserve of $10,000; and

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(c) The following rate schedule of expected contributions will then be applied to the sum obtained in subparagraph (b):

If the sum is—		The expected contribution is—
At least—	But less than—	
$0	$4,000	22 pct of the amount over $0.
$4,000	5,000	$880+25 pct of the amount over $4,000.
$5,000	6,000	$1,130+29 pct of the amount over $5,000.
$6,000	7,000	$1,420+34 pct of the amount over $6,000.
$7,000	8,000	$1,760+40 pct of the amount over $7,000.
$8,000		$2,160+47 pct of the amount over $8,000.

(iii) In developing the sample cases for the purposes of this paragraph, the Commissioner shall select only cases in which the age of the main wage earner is 45 years and in which the elements set forth in paragraph (b)(2)(ii) of this paragraph are generally present. Accordingly, cases will not be selected which involve medical and dental expenses, casualty and theft losses, housekeeping allowances, farm or business assets, more than one family member attending post-secondary institutions, Social Security or Veteran's benefits or any unusual family circumstance.

(iv) In comparing the output of a system submitted for approval under these regulations with the figures for the standard sample cases, an expected parental contribution of less than zero shall be treated as zero.

(v) The figures for the set of sample cases used for purposes of this paragraph shall be revised annually for inflation by adjusting the deductions for family maintenance, the $10,000 standard deduction from assets and the rates of contribution from income and assets as necessary in such a manner that the revised standard expected contributions, expressed in constant dollars, remain constant for families with equal income and asset positions measured in constant dollars.

(c) *Independent students.* (1) The Commissioner has approved the following systems for the purpose of § 144.12, with respect to independent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190); and

(ii) The system of need analysis published by the American College Testing Program; and

(iii) The system of need analysis published by the College Scholarship Service; and

(iv) The system of need analysis published by the Graduate and Professional Student Financial Aid Service.

(2) The Commissioner will approve any other need analysis system for the purpose of § 144.12, for use with respect to independent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected family contribution figures for independent students which: (a) increase in reasonably smooth increments as the family financial strength, measured in real terms, increases; and (b) are equal for families of equal measured financial strength; and

(ii) The system must produce expected family contribution figures which are comparable to those produced by one of the systems specified in subparagraph (1) of this paragraph.

(d) *Application procedures for system approval.* Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to subparagraph (b)(2) of this section shall submit such system to the Commissioner prior to June 30 of each year. Such submission shall consist of sufficient information to enable the Commissioner to determine that the system meets the criteria set forth in that subparagraph, including the expected family contribution figures produced by the system for the sample cases developed and made available by the Commissioner. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to subparagraph (c)(2) of this section shall, prior to June 30 of any year, submit to the Commissioner sufficient information to enable him to determine that the system meets the criteria set forth in that subparagraph. On or before September 1 of each year, the Commissioner will publish in the FEDERAL REGISTER a list of all need analysis systems or methods of calculation which have been approved for use in the succeeding academic year.

(e) *Duration of approval.* Need analysis systems approved pursuant to subparagraphs (b)(1) and (c)(1) of this section are approved without a specific expiration date. A need analysis system approved pursuant to subparagraph (b)(2) of this section, and included on the list published by the Commissioner on or before September 1 of one year, may be used by an institution (i) in preparing its application for funds under this part which is to be submitted on or before the published closing date next following that September 1; and (ii) in determining the eligibility of students for loans under this part, and in calculating the amount of such loans, to be used by the students during any academic year commencing not earlier than 10 months and not later than 22 months following that September 1. A need analysis system approved pursuant to subparagraph (c)(2) of this section shall be approved for an indefinite period of time, but the Commissioner may request periodic confirmation that the system remains in compliance with the criteria set forth in that subparagraph.

(f) *Adjustments.* The institution may, in an individual case, further adjust the expected family contribution calculated according to one of the need analysis systems approved pursuant to this section if the student financial aid officer of the institution has reason to believe that such expected family contribution does not realistically reflect the ability of the student and his parents to contribute towards the student's cost of education. Such adjustments shall be documented in writing, with an accompanying explanation, and made a part of the institution's records with respect to this part.

(20 U.S.C. 1087dd)

§ 144.14 Coordination of student financial aid programs and over-award.

(a) *Coordinating official.* The institution shall appoint an official who shall have the responsibility of coordinating the program covered by this part with the institution's other Federal and non-Federal programs of student financial aid.

(b) *Total award.* The institution shall not award assistance under this part to a student in an amount which, when combined with all of the resources made available to the student from Federal and non-Federal sources, would exceed the difference between the student's cost of education and his expected family contribution, as determined in accordance with one of the need analysis systems or methods of calculations approved by the Commissioner pursuant to § 144.13(c); *provided*, however, that in no event may the total amount of aid received from all Federal and non-Federal sources exceed the student's cost of education.

(c) *Resources.* For purposes of paragraph (b) of this section, the term "resources made available to the student from Federal and non-Federal sources" includes any waiver of tuition and fees, any scholarship or grant-in-aid including athletic scholarships, any fellowships or assistantship, any loan made under the Guaranteed Student Loan Program (Title IV-B of the Higher Education Act) except in cases in which paragraph (d) of this section applies, any long-term loan made by the institution other than under the Guaranteed Student Loan Program, and any expected net earnings from employment during periods for which the student receives assistance under this part. For purposes of this section, "net earnings" means gross earnings minus required withholdings and any costs incidental to obtaining such earnings.

(d) *Treatment of Guaranteed Loans.* (1) Except as provided in paragraph (d)(2) of this section, loans made under the Guaranteed Student Loan Program shall not be considered to be a student resource and may be used to satisfy the expected family contribution of the borrower calculated in accordance with § 144.13. If the amount of such a loan exceeds the borrower's expected family contribution, only such excess shall be considered a student resource.

(2) Loans for which interest benefits are payable under section 428 of Title IV-B of the Higher Education Act (20 U.S.C. 1078) shall be considered a student resource and may not be used to satisfy a student's expected family contribution in cases in which the borrower has an adjusted family income of more than $15,000, as determined in accordance with applicable Guaranteed Student Loan Program Regulations (45 CFR Part 177), or in cases in which the amount of the loan would cause the total amount of the borrower's loan insured by the Commissioner, or by a State or nonprofit private institution having an agreement with the Commissioner under section 428(b) of the Higher Education Act (20 U.S.C. 1078(b)), to exceed $2,000 for the academic year.

(e) *Institutional responsibility.* The institution's responsibility under paragraph (b) of this section shall extend only to those resources which the institution itself makes available to the student, or about which it knows or has reason to know or can reasonably anticipate at the time that the assistance under this part is disbursed to the student. The amount of net earnings from any employment provided by the institution for any academic period during which the student is receiving assistance under this part shall be deemed to have been known by the institution at the time of the disbursement of such assistance. However, an institution will not be deemed to have violated the requirements of this section if the sum of all the resources made available to the student, including assistance under this part, exceeded that student's need by not more than $100.

(20 U.S.C. 1087dd)

§ 144.15 Disbursement of loans.

(a) A loan from a Fund shall be made to a student borrower in such installments as are deemed appropriate so as to enable the borrower to apply such payments to the costs reasonably necessary for his attendance at the institution during the academic period for which the loan was approved; except that no borrower may receive, during a given academic period, a loan in an amount in excess of the amount of his need for such a loan during that period, determined pursuant to § 144.14.

(b) Loan payments from a Fund shall be evidenced in the institution's records by cancelled checks or vouchers or, if the institution elects any other method of disbursement, a clear audit trail including an acknowledgement of receipt from each borrower indicating the method by which payments to him were made.

(c) Loan payments from a Fund shall not be made unless the borrower has filed with the institution the affidavit required pursuant to § 144.9(e) of this part and the institution has complied with the Truth in Lending requirements of Regulation Z (12 CFR 226).

(20 U.S.C. 424, 1087cc)

§ 144.16 Special sessions.

(a) A student enrolled in an institution of higher education in one or more classes during a period of special enrollment, such as a special summer term, will be eligible for a National Direct Student Loan if he (i) meets the other eligibility requirements of this part, (ii) is registered as at least a half-time student at that institution during such session, and (iii) is either in attendance as at least a half-time student at that institution during the regular term immediately preceding such session or has shown evidence of intent to enroll as at least a half-time student during the subsequent regular term at that institution.

(20 U.S.C. 1087aa–ff)

§ 144.17 Administrative expenses.

An institution shall be entitled for each fiscal year during which it makes loans from its Fund to a payment in lieu of reimbursement for its expenses in administering its National Direct Student Loan Program during such year. Such payment shall be payable from the institution's Fund and shall be in an amount equal to three percent of the principal amount of loans made from such Fund during the fiscal year, except that the aggregate amount paid to an institution under this paragraph plus the amount paid to such institution in lieu of expenses for administration under the College Work-Study and the Supplemental Educational Opportunity Grant Programs shall not exceed $125,000 for any fiscal year.

(20 U.S.C. 424, 1087cc, 1088b)

§ 144.18 Fiscal procedures and records.

(a) *Fiscal procedures.* The institution shall administer the National Direct Student Loan Program in such a manner as to provide for an adequate system of internal controls. The various administrative procedures shall be divided so as to provide for a system of checks and balances under which no person will be responsible for all aspects of the program. The functions of authorizing payment and disbursing funds shall be divided in such a fashion that no office has responsibility for both functions with respect to any particular student aided under the program.

(b) *Records and reporting.* (1) Each institution shall establish and maintain on a current basis such general ledger control accounts and related subsidiary accounts as are necessary to identify all transactions involving Federal funds available under this part and to separate records of such transactions from all other institutional assets and activities. Such records shall afford ready identification of each student's account and the status thereof, and shall be adequate to demonstrate the eligibility of every student aided under the program, shall indicate the amount of need determined for each student and the way that need has been met, and shall identify the institutional officer who made the determination of such need.

(2) An institution shall submit an annual Institutional Fiscal-Operations Report and such other reports and information in such form and at such times as the Commissioner may require in connection with the administration of this part and shall comply with such requirements as the Commissioner may find necessary to insure the correctness of such reports.

(c) *Retention of records.* (1) *Records.* Each institution shall keep intact and accessible records relating to the receipt and expenditure of Federal funds, including all accounting records and related original and supporting documents that substantiate costs charged to the Fund.

(2) *5 year period.* Except as provided in subparagraphs (3) and (5) of this paragraph, the records specified in subparagraph (1) of this paragraph shall be retained for five years after the close of the fiscal year to which they pertain or the date of submission of a report required by the Commissioner under this part for such fiscal year, whichever occurs later.

(3) *Loan records.* An institution shall retain all records pertaining to each loan made under this part for not less than five years from the date on which the entire amount of the loan has been repaid, cancelled, or assigned in accordance with this part.

(4) *Microfilm copies.* Recipients may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(5) *Audit questions.* The records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions; *provided*, however, that records need not be retained if they relate to a payment with respect to which actions by the United States to recover for diversion of Federal funds are barred by the statute of limitation in 28 U.S.C. 2415(b).

(6) *Audit and examination.* The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to the records specified in subparagraphs (1) and (3) of this paragraph and to any other pertinent books, documents, papers, and records of the recipient.

(d) An institution need not maintain separate records for National Defense Student loans as opposed to National Direct Student loans except with respect to loan cancellation.

(e) *Audits—non-Federal.* All of an institution's transactions involving the assets of its Fund shall be audited by the institution or at the institution's direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and whether such transactions are in compliance with applicable laws and regulations. Such audits shall be scheduled with reasonable frequency, usually annually, but not less frequently than once every two years, considering the size and the complexity of the activity of the Fund.

(g) Copies of such audit reports shall be made available to the Commissioner. The Commissioner shall also be given access to records or other documents as may be necessary to review the results of such audits.

(h) Promissory notes and student loan ledgers shall be maintained in good order in a locked fireproof container. Only authorized personnel shall have access to these documents.

(20 U.S.C. 424, 1087cc)

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§ 144.19 Federal interest in allocated funds.

Funds received by an institution pursuant to this part, excluding funds authorized for administrative expenses, are to be held in trust for the intended student beneficiary. Such funds may be used only for the purposes for which they were allocated and may not be pledged or hypothecated for any other purpose.

(20 U.S.C. 1087aa–ff)

§ 144.20 Termination and suspension.

(a) If the Commissioner finds that any of the assurances or representations made by an institution in connection with the administration and operation of the National Direct Student Loan Program is incomplete or inaccurate in any material respect, or that there has been a failure to comply with any of the provisions of this part, or that there has been a failure to carry out any of the provisions agreed to by the institution pursuant to § 144.8, he may, after giving the institution notice and an opportunity for a hearing, terminate the agreement entered into pursuant to § 144.8 or take such other actions as may be necessary and appropriate to protect the interest of the United States. The termination of the institution from the program shall not affect the obligations previously incurred by either party under that agreement or this part.

(b) *Notice of termination.* Proceedings with respect to the termination of the program shall be initiated by the mailing of a notice to the institution setting forth the basis of the proposed termination and the procedures available to the recipient under this section.

(c) *Suspension of assistance.* Subject to paragraph (e) of this section, assistance may be suspended while a termination proceeding initiated pursuant to this section is pending.

(d) *Notice of suspension.* If the Commissioner determines that it is necessary to suspend assistance while a termination proceeding is pending, notice of the suspension shall be mailed to the recipient (which may be included in the notice of termination). The notice of suspension shall: (1) inform the recipient of that determination; (2) advise the recipient of the effective date of the suspension; and (3) offer the recipient an opportunity to show cause why such action should not be taken.

(e) *Opportunity to show cause.* If the recipient requests an opportunity to show cause why a suspension of assistance should not be continued or imposed, the Commissioner will, within 7 days after receiving such request, hold an informal meeting for that purpose.

(20 U.S.C. 1087aa–ff)

Subpart B—Terms of Loans

§ 144.21 Limitations governing aggregate amount of loans.

The aggregate of the loans for all years made by institutions of higher education from loan Funds established pursuant to agreements under this part may not exceed:

(1) $10,000 in the case of any graduate or professional student, including any loans from such Funds made to such person before he became a graduate or professional student;

(2) $5,000 in the case of a student who has successfully completed two academic years of a program of education leading to a bachelor's degree, but who has not completed the work necessary for such a degree, and including any loans from such Funds made to that person before he became such a student; and

(3) $2,500 in the case of any student who has not completed two academic years of a program of education leading to a bachelor's degree.

(20 U.S.C. 1087dd)

§ 144.22 Awarding and repayment of loans.

(a) *Evidence of indebtedness.* A loan shall be evidenced by a promissory note executed by the student borrower. The Commissioner will make available a promissory note form acceptable for this purpose. Except for optional provisions permitted under this section, any substantive deviation from the provisions of the current promissory note form made available by the Commissioner must be approved by the Commissioner prior to the making of any loans to be evidenced thereby. A copy of the executed note shall be supplied to the borrower.

(b) *Rate of interest.* The note evidencing a loan shall provide that the loan shall bear interest on the unpaid balance at the rate of three percent per annum, except that no interest shall accrue prior to the date of commencement of repayment as specified in paragraph (c) of this section or during any period in which deferment of repayment is suspended in accordance with subparagraph (f)(1) of this section.

(c) *Repayment.* Except as provided in paragraphs (e) and (f) of this section, the note evidencing a loan shall provide for repayment of the principal amount, together with interest thereon, in equal installments (or, if the borrower so requests, in graduated periodic installments determined in accordance with such schedules as may be approved by the Commissioner) payable quarterly, bimonthly, or monthly, at the option of the institution, over a period beginning nine months after the date on which the borrower ceases to carry, at an institution of higher education or at a comparable institution outside the United States approved for this purpose by the Commissioner, at least one-half the normal full-time academic work load, and ending 10 years and nine months after such date. Selection of a repayment plan shall be made prior to the date on which the student ceases to be enrolled on at least a half-time basis at the lending institution. A copy of the repayment plan, when established, must be attached to the promissory note and a copy shall also be supplied to the student borrower.

(d) *Accelerated repayment.* The note evidencing a loan shall provide that a borrower may, at his option and without penalty, accelerate repayment of the whole or any part of the loan at any time.

(e) *Minimum rate of repayment.* (1) *Loans under this part made before July 1, 1972.* If monthly repayment amounts of principal and interest which would otherwise be required pursuant to paragraph (c) of this section, on a loan made under this part prior to July 1, 1972, are less than $15 a month, the institution may at its option and if it has so provided in the note evidencing the loan, require a student borrower who has received no other loan under this part to make such payments of principal and interest at a monthly rate of not more than $15, or, where the student has received other such loans from that institution, not more than the difference between $15 and the monthly rate of repayment of principal and interest on such other loans. If a borrower has obtained loans prior to July 1, 1972 from more than one institution, such $15 minimum payment shall be divided among such institutions in proportion to the total amount of principal advanced by each of such institutions.

(2) *Loans under this part made after June 30, 1972.* If monthly repayment amounts of principal and interest which would otherwise be required pursuant to paragraph (c) of this section on a loan made under this part after June 30, 1972, are less than $30 a month, an institution may at its option and if it has so provided in the note evidencing the loan, require a student borrower who has received no other loan under this part to make such payments of principal and interest at a monthly rate of not more than $30, or, where the student has received other such loans from that institution, not more than the difference between $30 and the monthly rate of repayment of principal and interest on other such loans. If a borrower has obtained loans after June 30, 1972 from more than one institution such $30 minimum payment shall be divided among such institutions in proportion to the total amount of principal advanced by each of such institutions.

(3) *Loans made prior to July 1, 1972 and after June 30, 1972.* If (i) a borrower has received loans under this part both prior to July 1, 1972 and subsequent to June 30, 1972, and (ii) the monthly repayment amounts of principal and interest on each of such loans which would otherwise be required pursuant to paragraph (c) of this section are less than $15 and $30, respectively, and (iii) the notes evidencing the loans permit the institution to require a $15 and $30 minimum monthly repayment and the institution exercises each of those provisions, the maximum monthly amount of principal and interest that the borrower may be required to repay is $30, with $15 of such repayment being credited against the loans made prior to July 1, 1972. Furthermore, if under the circumstances described above, the borrower's loans made after June 30, 1972 are repaid the maximum monthly repayment of principal and interest would drop to $15.

(4) *Exception to minimum rate of repayment.* Notwithstanding subparagraph (3) of this paragraph, if a borrower has received loans under this part both prior to July 1, 1972 and subsequent to June 30, 1972, and the sum of the monthly repayment amounts of principal and interest on each of such loans which would otherwise be required pursuant to paragraph (c) of this section is at least $30 (of the equivalent amount for loans repaid on a bi-monthly or quarterly basis), the institution may not exercise the option provided to it in the promissory note pursuant to subparagraphs (e)(1) and (e)(2) of this section to increase the monthly repayment amount even though the amount to be paid on loans made prior to July 1, 1972 is less than the equivalent of $15 per month or the amount to be paid on loans made subsequent to June 30, 1972 is less than the equivalent of $30 per month.

(f)(1) *Deferment of repayment.* The note evidencing a loan shall provide that installments of principal need not be paid and interest shall not accrue on the loan during any period (i) in which the borrower is carrying at an institution of higher education or at a comparable institution outside the United States approved for this purpose by the Commissioner, at least one-half the normal full-time academic work load as determined by the institution; (ii) not in excess of three years during which the borrower is a member of the Armed Forces of the United States; (iii) not in excess of three years during which the borrower is in service as a volunteer under the Peace Corps Act; or (iv) not in excess of three years during which the borrower is a VISTA volunteer under Title I—Part A of the Domestic Service Act of 1973, P.L. 93–113, (formerly Title VIII of the Economic Opportunity Act of 1964). Any such periods shall not be included in determining the 10 year repayment period specified in paragraph (c) of this section.

(2) *Extraordinary circumstances.* In the event that a student who has borrowed from a Fund is unable, due to extraordinary circumstances such as prolonged illness or unemployment, to complete repayment in accordance with the repayment plan respecting his loan, he may make application to the institution to whose Fund he is indebted for revision of his schedule of repayment. Such institution may then revise the borrower's repayment plan except that where the action taken by the institution would involve an extension of the repayment period provided for in paragraph (c) of this section, such action must first be approved by the Commissioner. Interest, however, shall continue to accrue.

(3) *Less than half-time attendance.* For loans made prior to July 1, 1972, the institution may provide that installments need not be paid during any period or periods, aggregating not in excess of three years, during which the borrower is enrolled and in attendance at less than a half-time student at an institution of higher education taking courses which are creditable toward a degree. The institution may also provide that any such period will not be included in determining the 10-year period during which the repayment must be completed, but interest shall continue to accrue during any such period.

(g) *Penalty charges.* An institution may provide in the note evidencing a loan for the assessment of a charge for the failure of the borrower to pay all or any part of an installment when due, or to file timely and satisfactory evidence of an entitlement to deferment benefits under paragraph (f) of this section or cancellation benefits under subpart D of this part. The amount of any such charge may not exceed:

(1) In the case of a loan which is repayable in monthly installments, $1 for the first month or part thereof by which each such installment or evidence is late and $2 for each such month or part thereof thereafter; or

(2) In the case of a loan which is repayable in bimonthly or quarterly installments, $3 for the first bimonthly or quarterly period or part thereof by which each such installment or evidence is late and $6 for each such bimonthly or quarterly period or part thereof thereafter.

The institution may elect to add the amount of any such charge to the principal amount of the loan as of the first day after the day on which such installment or evidence was due, or to make the amount of the charge payable to the institution not later than the due date of the next installment after receipt by the borrower of notice of the assessment of the charge.

(h) *Security and endorsement.* The note evidencing a loan shall provide that the loan shall be made without security and without endorsement, except that security or endorsement may be required if the borrower is a minor and if under applicable State law a note executed by him would not create a binding obligation.

(20 U.S.C. 1087dd)

(i) *Assignment of notes.* The note evidencing a loan shall provide that the note may not be assigned except to the United States (or to a party specifically approved by the Commissioner), or to another institution to which the borrower transfers which is participating in the program, or if not so participating, is eligible to do so and is approved by the Commissioner for receipt of the assignment of such notes.

(20 U.S.C. 1087cc–dd)

(j) *Acceleration.* The note evidencing a loan shall provide that in the event of a failure by the borrower to make a scheduled repayment of any of the installments due on the note, the entire unpaid indebtedness, including interest due and accrued thereon and any penalty charges assessed pursuant to paragraph (g) of this section shall, at the option of the institution, become immediately due and payable.

(k) *Costs of collection.* The note evidencing a loan may, at the option of the institution, provide that the borrower shall be liable for all attorneys' fees and other costs and charges necessary for the collection of any repayment installment not paid when due.

(20 U.S.C. 1087dd)

Subpart C—Loan Collection

§ 144.31 Loan collection procedures.

Each institution at which a Fund is established shall exercise due diligence in the collection of the amounts due and payable to its Fund. In the exercise of such responsibility each institution must consistently utilize extensive and forceful collection practices. In particular, an institution shall:

(a) Provide to each borrower, not later than the time when he signs his promissory note, full disclosure of his rights and obligations thereunder;

(b) Conduct an exit interview with each borrower prior to his leaving the institution and provide the borrower at that time with a copy of his repayment schedule specifying the total amount of the loan and the dates and amounts of installments as they become due;

(c) Maintain a written record of the exit interview, including a repayment schedule signed by the borrower which shall be made a part of the borrower's file;

(d) Maintain contact with the borrower after his leaving the institution in order to facilitate billing and in order to keep him informed on a timely basis of all changes in the program affecting his rights and obligations;

(e) Establish and maintain regular billing and follow-up procedures during the period in which any outstanding balance remains unpaid, including:

(1) The sending of:

(i) A letter of notice and a statement of account to each borrower no later than 30 days preceding the date on which the first repayment installment is due;

(ii) A statement of account to each borrower no fewer than 10 days preceding the due date of each payment subsequent to the first payment, unless a coupon system is established;

(iii) When any payment is not received within 15 days of the due date, a telephoned or written demand to the borrower for payment followed by two more such demands spaced 15 days apart if no response to the initial demand is received;

(2) The maintenance of a monthly list of payments in arrears with respect to loans not paid when due;

(3) Other routine procedures for effecting prompt and regular repayment including personal or telephonic contact where possible;

(4) In the case of a borrower whose address is no longer known, performance of a thorough search of all reasonably accessible information which may lead to the borrower's current address, including records checks in all appropriate institutional offices, checks of the telephone directory or information operator in the city or town of the borrower's last known address, and the use of the Office of Education's skip-tracing service, which will be provided free of charge to the institution;

(f) Use other collection services such as a commercial skip-tracing service and/or other services which provide extensive telephonic contact with the borrower for a loan on which the borrower

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is in default and as to which the institution has utilized all the procedures enumerated in paragraph (e) of this section; and

(g) Use a collection agent and/or resort to litigation, as may be appropriate, in the case of a loan on which the borrower is in default and as to which the institution has utilized all the procedures enumerated in paragraphs (e) and (f) of this section; if a collection agency is used, it must be bonded in an amount which will fully protect the amount of the notes turned over for collection.

(20 U.S.C. 424, 1087cc)

§ 144.32 Bankruptcy of borrower.

An institution shall refrain from collection activity with respect to a loan in the event the borrower is adjudicated a bankrupt. However, no such loan shall be written off until an official notice of the adjudication has been received by the institution. Such notification must be maintained in the file of that borrower to support the writeoff entry. If the institution receives any payment from a borrower subsequent to his adjudication as a bankrupt, it shall deposit such payment in its Fund. Such a payment shall revive the borrower's obligation for repayment of his loan.

(20 U.S.C. 424, 1087cc)

§ 144.33 Costs of collection.

(a) Where a loan has been referred to a collection agent, pursuant to § 144.31 (e) (4) of this part, the reasonable and necessary costs attributable thereto, less any portion of such costs paid by the borrower, may be charged to the Fund. For audit purposes, such costs must be supported by a statement of the collection agent, indicating specific amounts collected and charges retained.

(b) No charges may be made to the Fund under this section for collection services performed by an employee of the institution.

(20 U.S.C. 424, 1087cc)

§ 144.34 Utilization of fiscal agent.

If a fiscal agent is utilized by an institution, its functions must be limited solely to the performance of ministerial acts. The responsibility of the institution to make final determinations relative to the making and collection of loans cannot be delegated.

(20 U.S.C. 424, 1087cc)

Subpart D—Loan Cancellation

§ 144.41 Special definitions.

For purposes of this subpart:

(a) "Academic year or its equivalent" means

(1) With respect to elementary and secondary school teachers and teachers of handicapped children in a public or nonprofit elementary or secondary school system, a school year or two complete and consecutive half years from different school years, excluding summer sessions, falling generally within a 12 month period; and

(2) With respect to teachers in institutions of higher education, the equivalent of two semesters, two trimesters or three quarters generally falling within a 12 month period.

(b) "Elementary school" means a school which provides elementary education including education below grade 1, as determined under State law, or, if such a school is not in any State, as determined by the Commissioner.

(c) "Full-time teacher" means a person professionally employed on a full-time basis in carrying out the curriculum of (1) an elementary school or secondary school, or (2) several elementary or secondary schools within the same local school district or local educational agency, or (3) public or nonprofit private elementary or secondary school system with regard to the teaching of handicapped children, or (4) an institution of higher education, or (5) a consortium of institutions of higher education.

This term includes persons engaged in classroom instruction and also includes persons otherwise engaged in a professional capacity in providing direct and personal services to students, which services have the objective of furthering the educational development of such students enrolled in such school(s) or innstitution(s).

(d) "Handicapped children" means children who are mentally retarded, hard of hearing, deaf, speech-impaired, visually handicapped, seriously emotionally disturbed, or crippled, or are otherwise health-impaired who by reason thereof require special education and related services.

(e) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or countries as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(f) "Secondary school" means a school which provides secondary education as determined under State law, or if such school is not in any State, as determined by the Commissioner, except that such education does not include any education provided beyond grade 12.

(g) "State educational agency" means the State board of education or other agency or officer primarily responsible in a State for the supervision of public elementary and secondary schools, or if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(20 U.S.C. 425, 1087ee, 1141)

§ 144.42 Teacher cancellation—Loans made prior to July 1, 1972.

The following provisions apply to loans made prior to July 1, 1972:

(a) (1) Except as provided for in paragraphs (b) and (c) of this section, a borrower is entitled to have up to 50 percent of any loan plus the interest thereon cancelled for services as a full-time teacher in (i) a public or other nonprofit elementary or secondary school in a State, (ii) an institution of higher education or (iii) an elementary or secondary school overseas of the Armed Forces of the United States.

(2) Loans under this paragraph will be cancelled at the rate of 10 percent of the total amount of such loans plus the interest thereon for each complete academic year or its equivalent of such teaching service.

(b) (1) A borrower is entitled to have the entire amount of any loan plus the interest thereon cancelled for services as a full-time teacher in a public or other nonprofit elementary or secondary school (i) which is in the school district of a local educational agency which is eligible in that year for assistance pursuant to Title I of the Elementary and Secondary Education Act of 1965, and (ii) which, for the purpose of this subparagraph and for that year, has been determined by the Commissioner after consultation with the State educational agency of the State in which the school is located, to be a school in which there is a high concentration of students from low-income families; however, that determination shall not be made with respect to more than 25 percent of the total of the public and other nonprofit elementary and secondary schools in any State for any one year unless all of the schools so determined are schools in which the enrollment of children described in section 103(c) (1) (A), (B), or (C), (formerly section 103(a) (2) (A), (B), or (C)) of Title I of the Elementary and Secondary Education Act of 1965, using a low-income factor of $3,000 exceeds 50 percent of the total enrollment of that school. For purposes of this paragraph low income families are those families whose adjusted gross income is not more than $3,000.

(2) Loans under this paragraph will be cancelled at the rate of 15 percent of the total amount of such loans plus the interest thereon for each complete academic year or its equivalent of teaching service.

(3) The Commissioner's determination in subparagraph (1) of this paragraph will be based upon a ranking of such schools submitted by the State educational agency for the State in which the schools are located. Such schools shall be ranked on the basis of objective standards and methods approved by the Commissioner which take into account the numbers and percentages of students from low-income families in attendance in such schools. For each school year the Commissioner will make available to each institution of higher education participating in the program a list of schools which have been determined to be those with a high concentration of students from low-income families.

(4) Cancellation as described in this paragraph is only available for teaching service commencing with the 1966–67 academic year.

(c) (1) A borrower is entitled to have the entire amount of any loan plus the interest thereon cancelled for service as a full-time teacher of handicapped children in a public or other nonprofit elementary or secondary school system.

(2) Loans under this paragraph will be cancelled at the rate of 15 percent of the total amount of such loans plus the interest thereon for each complete academic year or its equivalent of such teaching service.

(3) Cancellation as described in this paragraph is only available for teaching service commencing with the 1967–68 academic year.

[20 U.S.C. 425(b) (3)]

§ 144.43 Teacher cancellation—Loans made after June 30, 1972.

The following provisions apply to loans made under this part after June 30, 1972:

(a) (1) A borrower is entitled to have the entire amount of any loan plus the interest thereon cancelled for services as a full-time teacher in a public or other nonprofit elementary or secondary school (i) which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to Title I of the Elementary and Secondary Education Act of 1965 and (ii) which for the purpose of this paragraph and for that year has been determined by the Commissioner after consultation with the State educational agency of the State in which the school is located, to be a school in which the enrollment of children described in section 103(c) (1) (A), (B), or (C) (formerly section 103(a) (2) (A), (B), or (C)) of Title I of the Elementary and Secondary Education Act of 1965, using a low-income factor of $3,000, exceeds 30 percent of the total enrollment of that school, except that such determination shall not be made with respect to more than 50 percent of the total number of schools in that State receiving assistance under such Title I.

(2) If more than 50 percent of the schools in a State receive assistance under Title I of the Elementary and Secondary Education Act of 1965 and also satisfy the conditions specified in subparagraph (1) of this paragraph concerning enrollment of children, the Commissioner will list schools for which cancellation is permitted under this paragraph from among those eligible schools based upon a ranking of such schools submitted by the State educational agency for the State in which the schools are located. Such schools shall be ranked on the basis of objective standards and methods approved by the Commissioner which take into account the number and percentages of students described in subparagraph (1) of this paragraph in such schools. With respect to each school year, the Commissioner will make available to each institution participating in the program a list of schools for which cancellation for teaching service is permitted under this paragraph.

(b) A borrower is entitled to have his entire loan cancelled for service as a full-time teacher of handicapped children in a public or other nonprofit elementary or secondary school system.

(c) Borrowers qualifying for cancellation under paragraphs (a) and (b) of this section will have their loans cancelled at the following rates: (1) 15 percent of the total amount of such loans plus the interest thereon for each of the first and second complete academic years or their equivalent of such teaching services, (2) 20 percent of the total amount of such loans plus the interest thereon for each of the third and fourth complete academic years or their equivalent of such teaching service, and (3) 30 percent of the total amount of such loans plus the interest thereon for the fifth complete academic year or its equivalent of such teaching service.

(20 U.S.C. 1087ee)

§ 144.44 Head Start cancellation.

(a) A borrower whose loan was made under this part after June 30, 1972 is entitled to have the entire amount of any such loan plus the interest thereon cancelled for services as a full-time staff member in a preschool program carried out under section 222(a) (1) of the Economic Opportunity Act of 1964 (Head Start) if that program is operated for a period which is comparable to a full school year in the locality; provided, however, that the borrower's salary as a full-time staff member is not more than the salary of a comparable employee of the local educational agency in the area served by the preschool program. Loans under this section will be cancelled at the rate of 15 percent of the total amount of such loans plus the interest thereon for each complete school year or its equivalent of such service.

(b) For purposes of paragraph (a) of this section "Full-time staff member" means any person regularly employed in a professional capacity on a full-time basis in carrying out the educational component of a Head Start program.

(20 U.S.C. 1087ee)

§ 144.45 Military cancellation.

(a) (1) A borrower is entitled to have up to 50 percent of any loan made under this part after April 13, 1970 but before July 1, 1972 plus the interest thereon cancelled for services after June 30, 1970 as a member of the Armed Forces of the United States.

(2) Loans under this paragraph will be cancelled at the rate of 12½ percent of the total amount of such loans plus the interest thereon for each year of consecutive service as a member of the Armed Forces.

(b) (1) A borrower is entitled to have up to 50 percent of any loan made under this part after June 30, 1972 plus the interest thereon cancelled for service as a member of the Armed Forces of the United States in an area that qualifies for special pay under section 310 of Title 37 of the United States Code.

(2) Loans under this paragraph will be cancelled at the rate of 12½ percent of the total amount of such loans plus the interest thereon for each year of qualifying service.

(c) For purposes of this section, a borrower's entitlement to deferment of repayment pursuant to § 144.22(f) (2) shall be deemed to run concurrently with any periods during which the cancellation entitlement has been granted.

(d) For purposes of this section "Member of the Armed Forces of the United States" means an individual who is on full-time active duty in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard.

(20 U.S.C. 425(b) (3), 20 U.S.C. 1087ee)

§ 144.46 Cancellation for death or disability.

(a) *Death.* Any loan made under this part prior to July 1, 1972 and the interest thereon shall be cancelled upon the death of the borrower. A determination as to whether or not such cancellation is warranted shall be made by the institution to whose Fund the borrower is indebted on the basis of a certificate of death or such other official proof as is conclusive under State law.

(b) *Permanent and total disability.* Any loan made under this part prior to July 1, 1972 and the interest thereon shall be cancelled upon the permanent and total disability of the borrower. A determination as to whether or not a borrower is entitled to such cancellation shall be made by the institution to whose Fund the borrower is indebted on the basis of medical evidence supplied by the borrower or his representative, subject to the approval of the Commissioner where such entitlement is found.

(c) For purposes of this section "Permanent and total disability" means the inability to engage in any gainful activity because of a medically determinable impairement, which impairment is expected to continue for a long and indefinite period of time, or to result in death.

(d) *No Federal reimbursement.* No Federal reimbursement shall be made to an institution for cancellation of loans under this section.

(20 U.S.C. 425)

§ 144.47 Responsibility for determination of cancellation entitlement.

The determination as to whether or not a borrower is entitled to have any portion of his loan cancelled under §§ 144.42–144.45 shall be made by the institution to whose Fund such loan is payable upon receipt and approval of an application for cancellation from such student, to be provided in a form specified by such institution.

(20 U.S.C. 425, 1087ee)

§ 144.48 Cancellation provision not retroactive—No refund.

(a) No portion of any loan made under this part shall be cancelled for services performed by a borrower prior to the date of execution of his loan note.

(b) Nothing in this subpart shall be construed to authorize refunding of any repayment of a loan.

(20 U.S.C. 425, 1087ee)

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§ 144.49 Reimbursement by the Commissioner of amounts cancelled.

(a) With respect to loans made prior to July 1, 1972, the Commissioner will pay to each institution for each fiscal year an amount which bears the same ratio to the interest which has been prevented from accruing and the portion of the principal which has been cancelled on student loans pursuant to §§ 144.42 and 144.45(a) as the total amount of the institution's capital contributions to its Fund under this part bears to the sum of the institution's capital contributions and the Federal capital contributions to such Fund.

(20 U.S.C. 428)

(b) With respect to loans made after June 30, 1972, the Commissioner will pay to each institution, for deposit into its Fund, for each fiscal year, an amount equal to the amount of principal and interest thereon which has been cancelled from its student loan Fund for such year pursuant to §§ 144.43, 144.44, and 144.45(b).

(20 U.S.C. 1087ee)

Subpart E—Loans to Institutions for Institutional Capital Contributions

§ 144.51 Institutional loans.

(a) The Commissioner may make a loan to an institution with which he has an agreement pursuant to § 144.8 for the purpose of assisting that institution in financing its "institutional capital contribution" to its Student Loan Fund if he determines that the institution is unable to secure such funds from non-Federal sources upon terms and conditions which are reasonable and consistent with the purposes of this part.

(b) Loans made to institutions under this section shall bear interest at a rate which the Commissioner determines to be adequate to cover:

(1) The cost of the funds to the Treasury as determined by the Secretary of the Treasury taking into consideration the current average yields of outstanding marketable obligations of the United States having maturities comparable to the maturities of loans made by the Commissioner under this section;

(2) The cost of administering this section; and

(3) Probable loss.

(c) Loans made under this section shall mature within such periods as may be determined by the Commissioner but such period may not exceed fifteen (15) years.

(20 U.S.C. 427)

§ 144.52 Application.

(a) Any institution requesting a loan under this subpart shall file an application with the Commissioner before the closing date for such application established by the Commissioner. Such application shall contain the following information and shall be in such form and contain such other information as the Commissioner shall from time to time prescribe:

(1) The amount of institutional capital contribution needed to match the institution's Federal capital contribution for the academic year;

(2) The steps taken by the institution to obtain loan funds from non-Federal sources including the names of and addresses of the lending institutions contacted;

(3) A description of the best terms available to the institution from non-Federal sources for borrowing such funds, including the interest rate, duration of repayment, and the collateral or security required; and

(4) If non-Federal sources were not contacted, an explanation as to why non-Federal sources were not contacted.

(b) The application shall contain the name of the official authorized to submit the application and the name of the individual or official who will be responsible for carrying out the program. Unless otherwise indicated in the application, the former individual or official will be deemed to be the individual or official to whom communications shall be directed, the individual or official who shall be responsible for the receipt, custody, and disbursement of Federal funds, and the individual or official who shall have ultimate responsibility for the accounting of such Federal funds.

(20 U.S.C. 427)

§ 144.53 Allocation of Federal institutional loans.

(a) If the amount of funds available to make institutional loans under this subpart for any fiscal year is less than the amount approved for institutions for that year, the Commissioner will allocate such available funds among all such approved requests in the same ratio as the amount of each approved request bears to the sums of the amounts of all such requests.

(b) If an institution fails to accept all of the funds that would otherwise be lent to it, the Commissioner shall reallocate such unaccepted funds to other institutions if the amount of such funds is sufficient to increase significantly the size of the loans to such other institutions.

(20 U.S.C. 427)

§ 144.54 Federal institutional loan agreements.

An institutional capital contribution loan shall be evidenced by a promissory note executed by an official who is duly authorized to execute such notes on behalf of the borrowing institution. The note shall contain such provisions as will effectuate the carrying out of the purposes of this subpart.

(20 U.S.C. 427)

APPENDIX A

ALLOTMENT OF FUNDS TO STATES FOR FISCAL YEAR 1974

Alabama	$4,329,888
Alaska	143,019
Arizona	3,025,951
Arkansas	2,457,919
California	30,963,291
Colorado	4,163,216
Connecticut	3,790,537
Delaware	663,468
District of Columbia	2,167,676
Florida	7,872,683
Georgia	4,919,990
Hawaii	1,137,046
Idaho	1,220,847
Illinois	14,264,322
Indiana	7,496,071
Iowa	5,075,628
Kansas	4,125,849
Kentucky	4,117,819
Louisiana	4,863,504
Maine	1,175,287
Maryland	4,453,186
Massachusetts	10,510,277
Michigan	12,724,387
Minnesota	6,340,123
Mississippi	3,292,103
Missouri	6,686,416
Montana	1,233,084
Nebraska	2,719,537
Nevada	443,841
New Hampshire	1,228,222
New Jersey	5,036,568
New Mexico	1,570,800
New York	23,755,497
North Carolina	6,796,494
North Dakota	1,339,610
Ohio	13,598,996
Oklahoma	4,489,951
Oregon	3,944,044
Pennsylvania	14,293,876
Rhode Island	1,501,312
South Carolina	2,631,093
South Dakota	1,322,457
Tennessee	5,330,199
Texas	15,388,640
Utah	2,976,511
Vermont	901,213
Virginia	4,928,348
Washington	5,811,589
West Virginia	2,695,336
Wisconsin	7,300,992
Wyoming	578,575
Canal Zone	19,503
Guam	50,368
Puerto Rico	2,114,959
Virgin Islands	18,082
Total	286,000,000

[FR Doc.75-27304 Filed 10-10-75;8:45 am]

federal register

TUESDAY, OCTOBER 14, 1975

PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

COLLEGE WORK-STUDY PROGRAM

Notice of Proposed Rulemaking

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 175]

COLLEGE WORK-STUDY PROGRAM

Notice of Proposed Rulemaking

In accordance with Section 503 of the Education Amendments of 1972 (Pub. L. 92–318) and pursuant to the authority contained in Title IV, Part C, sections 441–446 of the Higher Education Act of 1965 as amended (42 U.S.C. 2751–2756), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 175 of Title 45 of the Code of Federal Regulations, to read as set forth below. The College Work-Study Program, authorized by Title IV, Part C, sections 441–446 of the Higher Education Act of 1965, as amended, is intended to stimulate and promote the part-time employment of students, particularly those with great financial need, who require the earnings from such employment in order to pursue courses of study at eligible institutions.

The major substantive changes from existing regulations which are included in the proposed rule were brought about by the Education Amendments of 1972. These changes include the broadening of program activities to include half-time students, a deletion of the previous requirement that an enrolled student may work no more than fifteen hours per week, and the elimination of the preference in assigning jobs previously given to students from low-income families and its replacement by a preference for those students who demonstrate the greatest financial need after all public and private grant funds available to them have been considered.

Certain program requirements for the College Work-Study Program, such as funding criteria and maintenance of effort, are similar to those for the Supplemental Educational Opportunity Grants Program. Wherever possible wording similar to that used in the Supplemental Educational Opportunity Grant regulations (published October 21, 1974) has been used for those portions of the regulations governing requirements which are common to both programs.

The regulations concerning the review of institutional applications and approval of requests have been previously published as § 175.14a on October 21, 1974 (39 FR 37385). It is republished in this notice as § 175.7. The regulation on coordination of programs was previously published as § 175.18 on May 21, 1975 (40 FR 22137), and is herewith republished as § 175.14. Also, the regulation on need analysis was published on May 21, 1975, as § 175.17. Since the time of its publication, however, revised procedures and standards for the review and approval of systems for calculating the expected parental contributions for dependent students have been proposed and published separately. This proposed regulation is herewith republished as § 175.13.

1. *Program material.* The regulations to be codified in the *Code of Federal Regulations* are set forth below. These regulations contain all mandatory requirements of the program.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations proposed below reflect the results of this study as it pertains to Title IV, Part C, sections 441–446 of the Higher Education Act of 1965, as amended.

3. *Citations of legal authority.* As required by Section 431(a) of the General Education Provisions Act (20 U.S.C. 1232 (a)) and Section 503 of the Education Amendments of 1972 (Pub. L. 92–318), a citation of statutory or other legal authority for each section or other division of the regulations and guidelines has been placed in parentheses on the line following the text of the provision.

4. *Opportunity for public hearing.* Pursuant to Section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations. Hearings will be held in the following places on the dates below and commencing at 10 a.m. on each of the days specified.

a. Washington, D.C., Auditorium, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. 20202.

Public hearing will be held on November 25, 1975.

b. Dallas, Texas, Room 1130–1132, 1200 Main Tower Building, Dallas, Texas 75202.

Public hearing will be held on November 19, 1975.

c. San Francisco, California, Room 15018, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102.

Public hearing will be held on November 21, 1975.

The purpose of these hearings is to receive comments and suggestions on the published materials. Parties interested in attending any of the hearings should notify the Office of Education, 400 Maryland Avenue SW., Room 2085, Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to a maximum of 15 minutes.

Written comments and recommendations may also be sent to the Chairman, Office of Education Task Force on Section 503 at the above address. All relevant material received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 8:30 a.m. and 4 p.m. Monday through Friday of each week.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–107.

(Catalog of Federal Domestic Assistance No. 13.463, Higher Education Work-Study)

Dated: July 15, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: September 23, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 175 of Title 45 of Code of Federal Regulations is amended to read as follows:

Sec.

175.1 Purpose and objectives.
175.2 Definitions.
175.3 Allotment of Federal funds to States.
175.4 Allocation, reallocation, and payment of funds to institutions.
175.5 Institutional applications.
175.6 Funding criteria.
175.7 Application review and approval of request.
175.8 Institutional agreement.
175.9 Eligibility and selection of students.
175.10 Special sessions.
175.11 Cost of education.
175.12 Expected family contribution.
175.13 Need analysis systems.
175.14 Coordination of student financial aid programs.
175.15 Coordination with Bureau of Indian Affairs grants-in-aid.
175.16 Program eligibility.
175.17 Eligible employment.
175.18 Establishment of wage rates.
175.19 Limitations on the number of hours of employment.
175.20 Earnings attributable to cost education.
175.21 Payments to students.
175.22 Limitations on the Federal share of student compensation.
175.23 Nature and source of institutional share of student compensation.
175.24 Federal interest in allocated funds.
175.25 Maintenance of effort.
175.26 Transfer of funds.
175.27 Use of funds.
175.28 Fiscal procedures and records.
175.29 Termination and suspension.
Appendix A Allotment of funds to States for fiscal year 1972.
Appendix B Model off-campus agreement.

AUTHORITY: Sec. 441–446 of Pub. L. 89–329, Title IV, 79 Stat. 1219, as amended (42 U.S.C. 2751–2756), unless otherwise noted.

§ 175.1 Purpose and objectives.

(a) The purpose of the College Work-Study Program is to stimulate and promote the part-time employment of students, particularly those with great financial need, who are in need of the earnings from such employment in order to pursue courses of study at eligible institutions.

(b) This purpose will be promoted through the development of student employment programs designed to meet the following objectives:

(1) Provide financial aid for eligible students through combining the earnings from part-time employment with other forms of financial assistance to enable students to meet their educational expenses without the necessity of incurring an unduly heavy burden of indebtedness; and

(2) Broaden the range of worthwhile job opportunities for qualified students in employment for the institution itself (except in the case of proprietary institutions of higher education) or for public or private nonprofit organizations.

(42 U.S.C. 2751–2756)

§ 175.2 Definitions.

For the purposes of this part:

(a) "Academic year" means a period of time generally of not less than 8 months in which a full-time student would normally be expected to complete the equivalent of two semesters, two trimesters, three quarters, or 900 clock hours of instruction.

(b) "Act" means Title IV, Part C of the Higher Education Act of 1965, as amended.

(42 U.S.C. 2751–2756)

(c) "Area vocational school" means—

(1) A specialized high school used exclusively or principally for the provision of vocational education to persons who are available for full-time study in preparation for entering the labor market, or

(2) The department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to persons who are available for full-time study in preparation for entering the labor market, or

(3) A technical or vocational school used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for full-time study in preparation for entering the labor market, or

(4) The department or division of a junior college or community college or university which provides vocational education in no less than five different occupational fields, under the supervision of the State Board, leading to immediate employment but not necessarily leading to a baccalaureate degree—if such a school is available to all residents of the State or an area of the State designated and approved by the State Board, and if, in the case of a school, department, or division described in subparagraph (3) or (4) of this paragraph, it admits as regular students both persons who have completed high school and persons who have left high school. The term "State Board" as used in this definition means a State Board for vocational education designated or created by State law as the sole State agency responsible for the administration of vocational education, or for supervision of the administration thereof by local educational agencies in the State.

(42 U.S.C. 2753; 20 U.S.C. 1248)

(d) "Basic Educational Opportunity Grants Program" means the program authorized by Title IV–A, Subpart 1 of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1070a)

(e) "Dependent student" means a student who does not qualify as a "self-supporting or independent student" as defined in paragraph(s) of this section.

(42 U.S.C. 2751–2756)

(f) "Eligible institution" or "institution" means an institution of higher education, an area vocational school, or a proprietary institution of higher education.

(42 U.S.C. 2753(b))

(g) "Expected family contribution of a dependent student" means the sum of the amounts which reasonably may be expected from the student and his spouse to meet the student's cost of education as described in § 175.11 and the amount which reasonably may be expected to be made available to him by his parents for such purpose.

(h) "Expected family contribution of an independent or self-supporting student" means the amount which reasonably may be expected from the student and his spouse to meet the student's cost of education as described in § 175.11.

(42 U.S.C. 2751–2756)

(i) "Full-time student" means a student who is pursuing any combination of courses, research, or special studies (whether or not for credit) which, according to the standards and practices of the institution in which the student is enrolled, is considered full-time study.

(20 U.S.C. 1088(c)(2))

(j) "Good standing" means the eligibility of a student to continue in attendance in accordance with the standards and practices of the institution in which he is enrolled.

(42 U.S.C. 2751–2756)

(k) "Guaranteed Student Loan Program" means the student loan program authorized by Title IV, Part B of the Higher Education Act of 1965.

(20 U.S.C. 1071–1087–2)

(l) "Half-time student" means a student who is carrying a half-time academic work load measured in terms of (1) the tuition and fees customarily charged for half-time study by the institution and (2) the course work or other required activities as determined by the institution in which the student is enrolled; *provided, however,* That such course work and activities amount to the equivalent of a minimum of (i) 6 semester hours or 6 quarter hours per academic term for institutions utilizing semester, trimester, or quarter hour systems; (ii) 12 semester hours or 18 quarter hours per academic year for institutions which measure progress in terms of credit hours but which do not utilize semester, trimester, or quarter systems; or (iii) 12 clock-hours per week for institutions which utilize clock hours to measure progress.

(20 U.S.C. 1088(c)(2))

(m) "Institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) (i) is accredited by a nationally recognized accrediting agency or association, or (ii) in the case of a public institution offering postsecondary vocational education, is approved by a State approval agency recognized by the Commissioner as a reliable authority as to the quality of public postsecondary vocational education in that State, or (iii) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (iv) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

The term "institution of higher education" also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of subparagraphs (1), (2), (4), and (5) of this paragraph. Such term also includes any proprietary institution of higher education, as defined in paragraph (r) of this section which has an agreement with the Commissioner containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this part has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students.

(20 U.S.C. 1067–1(b), 1088(b) and 1141(a))

(n) "National Direct Student Loan Program" means the student loan program authorized by Title IV, Part E of the Higher Education Act of 1965.

(20 U.S.C. (1087 aa–ff))

(o) "National of the United States" means (1) a citizen of the United States, or (2) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

(8 U.S.C. 1101(a)(22))

(p) "Nonprofit" as applied to a school, agency, organization, or institution, means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or asso-

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ciations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(20 U.S.C. 1141(c))

(q) "Parent" means the mother or father of the student, unless any other person, except the student's spouse, provides more than one-half of the student's support and claims or is eligible to claim the student as an exemption for Federal income tax purposes, in which case such person shall be considered a parent.

(42 U.S.C. 2751–2756)

(r) "Proprietary institution of higher education" means a school which (1) provides not less than a six-month program of training to prepare students for gainful employment in a recognized occupation, (2) admits as regular students only persons having a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate, (3) is legally authorized by the State in which it is located to provide a program of education beyond secondary education, (4) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, (5) is not a public or other nonprofit institution, and (6) has been in existence for at least two years.

(20 U.S.C. 1088(b)(3))

(s) "Self-supporting or Independent Student" means a student who:

(1) Has not and will not be claimed as an exemption for Federal income tax purposes by any person except his or her spouse for the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested;

(2) Has not received and will not receive financial assistance of more than $600 from his or her parent(s) in the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested; and

(3) Has not lived or will not live for more than 2 consecutive weeks in the home of a parent during the calendar year in which aid is received and the calendar year prior to the academic year for which aid is requested.

For purposes of this paragraph, a student will not be considered to have been claimed as an exemption by a parent, or to have received $600 from a parent, or to have lived with a parent if that parent has died prior to the student's submission of an application for employment under the College Work-Study Program.

(42 U.S.C. 2751–2756)

(t) "State" means, in addition to the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(20 U.S.C. 1141(b); 20 U.S.C. 1088(a))

(u) "Supplemental Educational Opportunity Grant Program" is the grant program authorized by Title IV, Part A, Subpart 2 of the Higher Education Act of 1965.

(20 U.S.C. 1070b)
(42 U.S.C. 2751–2756, unless otherwise noted)

§ 175.3 Allotment of Federal funds to States.

(a) *Initial allotments.* From sums appropriated to carry out this part for a fiscal year, not to exceed 2 percent will be allotted by the Commissioner among Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, according to their respective needs for assistance under this part. In addition to such sum, an amount will be reserved to provide Work-Study assistance to students who reside in, but attend eligible institutions outside of, American Samoa or the Trust Territory of the Pacific Islands. The amount so reserved will be allotted to eligible institutions and shall be available only for the purpose of providing Work-Study assistance to such students. The remainder of the sums will be allotted among the States as provided in paragraph (b) of this section. For the purpose of computing this allotment, the Commissioner will use information for the most recent year for which satisfactory data are available to him.

(42 U.S.C. 2752)

(b)(1) *Initial allotment to States.* Ninety percent of the sums remaining after the allotment of funds under paragraph (a) of this section will be allotted as follows:

(i) One-third will be allotted by the Commissioner among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of persons enrolled on a full-time basis in institutions of higher education in such State bears to the total number of persons enrolled on a full-time basis in institutions of higher education in all the States;

(ii) One-third will be allotted by the Commissioner among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of high school graduates (as defined in section 702(f) of the Higher Education Act of 1965—formerly section 103(d)(3) of the Higher-Education Facilities Act of 1963) of such State bears to the total number of such high school graduates in all the States; and

(iii) One-third will be allotted by the Commissioner among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of related children under 18 years of age living in families with annual incomes of less than $3,000 in such State bears to the number of related children under 18 years of age living in families with annual incomes of less than $3,000 in all the States.

(2) If the amount allotted to any State under subparagraph (1) of this paragraph is less than its allotment under section 442(b) of Title IV, Part C, of the Higher Education Act of 1965 for fiscal year 1972, additional sums will be allotted to each such State from the sums remaining to make its allotment for such year equal to its allotment for fiscal year 1972 under section 442(b). (See Appendix A for the amounts allotted to each State under such section 442(b) for the fiscal year ending June 30, 1972.) In the event that the funds available are insufficient to meet that level, the Commissioner will instead allot the remaining sums so that no State will receive less than a uniform minimum percentage of its fiscal year 1972 allotment under section 442(b).

(3) The Commissioner will allot the sums remaining, if any, after the allotment of funds under paragraph (a) of this section and subparagraphs (1) and (2) of this paragraph, to those State(s) which received the lowest percentage of approved requests for funds as a result of the allotment under subparagraphs (1) and (2) of this paragraph so that no State will receive less than a uniform minimum percentage of its total approved requests for funds.

(c) *Reallotment.* The amount of any State's allotment which has not been granted to any institution at the end of the fiscal year for which appropriated will be reallotted by the Commissioner to those remaining States which received the lowest percentage of approved requests for funds under paragraph (b) of this section in such a manner that no State will receive less than a uniform minimum percentage of its total approved requests for funds.

(d) For purposes of paragraphs (b) and (c) of this section, the term "State" does not include Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(42 U.S.C. 2752)

§ 175.4 Allocation, reallocation, and payment of funds to institutions.

(a) *Allocation of funds to institutions.* When funds available for distribution among the institutions within a State are not sufficient to honor all approved requests of institutions within such State, such sums as are available will be distributed on a pro rata basis among all institutional applicants in the State in the same ratio that the total funds available for the State, including any reapportionments, bears to the total approved requests for that State.

(b) *Reallocation of funds.* Funds allocated to an institution which the institution anticipates will not be used by the end of the period for which such funds were made available may be reallocated on an equitable basis to other institutions in that State, or if no institution in that State has a need for such funds, such funds may be reapportioned in accordance with § 175.3 for use in other States.

(c) *Payment of funds.* Funds will be made available for a specific period of time as determined by the Commissioner and may be payable in advance or by way of reimbursement on the basis of substantiated need and periodic fiscal reports submitted by the institution.

(42 U.S.C. 2756)

§ 175.5 Institutional applications.

(a) An institution that wishes to participate in the College Work-Study Program shall file an application with the Commissioner before the closing date for such applications established annually by the Commissioner. Such application shall contain the following information and shall be in such form and contain such other information as the Commissioner may from time to time prescribe:

(1) The institution's requests for Federal student financial aid funds under this part, the Supplemental Educational Opportunity Grant Program and the National Direct Student Loan Program;

(2) The institution's anticipated enrollment for the forthcoming academic year;

(3) The anticipated number of enrolled students eligible for employment under the College Work-Study Program;

(4) The institution's average cost of education, including a justification of any annual per student costs in excess of $175 for books or $450 for personal expenses;

(5) The number of students to be employed by the institution;

(6) The number of students to be employed by public and private nonprofit organizations other than the institution;

(7) The institution's average cost of attendance;

(8) An estimate of the average amount which reasonably may be expected to be made available by their parents to students at the institution who are expected to be eligible for employment under this part;

(9) The anticipated amount of student need to be met through employment under this part;

(10) The amount of financial assistance awarded by the institution from its own scholarship and student aid programs for the most recent academic year for which information is available; and

(11) The qualifications of the professional personnel who will be administering the College Work-Study Program.

(b) The application shall contain the name of the official authorized to submit the application and the name of the individual or official who will be responsible for carrying out the program. Unless otherwise indicated in the application, the former individual or official will be deemed to be (1) the individual or official to whom communications shall be directed; (2) the individual or official who shall be responsible for the receipt, custody, and disbursement of Federal funds; and (3) the individual or official who shall have ultimate responsibility for the accounting of such Federal funds.

(42 U.S.C. 2756)

§ 175.6 Funding criteria.

Institutional applications for funds under this part will be reviewed in accordance with the following critera:

(a) The reasonableness of the institution's request for Federal student financial aid funds under this part (1) in light of its requests under the Supplemental Educational Opportunity Grant Program and the National Direct Student Loan Program, and (2) in relation to the institution's anticipated enrollment, the average cost of education, and the average expected family contribution of students eligible under this part;

(b) The reasonableness of the institution's projections of its anticipated enrollment and of the average cost of education and the average expected family contribution of students eligible under this part;

(c) The reasonableness of the anticipated number of students eligible for employment under the College Work-Study Program in view of the institution's anticipated enrollment;

(d) The reasonableness of the amount of the average compensation anticipated in relation to the average need per student at the institution, after taking into account other available student financial aid resources;

(e) The extent to which the institution has effectively utilized Federal financial aid funds allocated in previous years; and

(f) The extent to which the institution has effectively administered or made provision for the effective administration of the program, including effective coordination with institutional and other programs of student financial aid. In making this evaluation, consideration will be given to the adequacy of the qualifications and experience of the personnel designated by the institution to administer the program.

(42 U.S.C. 2756)

§ 175.7 Application review and approval of request.

(a)(1) The Commissioner will convene panels of qualified persons in each of the regions served by regional offices of the Office of Education to review applications submitted under this part by institutions situated in those regions. The review panel shall evaluate each institution's request for funds in accordance with the criteria set forth in § 175.6 and shall recommend an amount which it deems appropriate.

(2) No panelist shall participate in the consideration of any application from his own institution or any application from any other institution which he has prepared or assisted in preparing or in which he has any personal or financial interest.

(b) Institutions which file applications for funding under this part will be notified of the amount recommended by the review panel pursuant to paragraph (a) of this section. If the amount recommended is less than the institution's request, the reasons for such a reduction will be forwarded to the institution. The institution shall notify the regional office of the Office of Education serving the area in which the institution is located of any arithmetic or other technical errors with regard to the panel recommendations. The regional office will adjust the recommendation to correct such errors.

(c) If an institution wishes to request a review of the panel's recommendation for other than arithmetic and technical errors it shall submit a written request for such review to the regional office of the Office of Education serving the area in which the institution is located within such time as may be specified by the Commissioner. The request for review may include additional information relevant to the recommendation. The regional office will review such requests and will notify the institution in writing of its recommendation and the reasons therefor.

(d)(1) If an institution wishes a review of the regional office recommendation made pursuant to paragraph (c) of this section, it may request a review by a national review panel. Such a national review panel shall consist of institutional student financial aid officers from each of the regions served by the Office of Education and personnel of the Office of Education.

(2) A request for national review shall be submitted in writing by the institution to the regional office of the Office of Education serving the area in which the institution is located within such time as may be specified by the Commissioner. However, no additional information beyond that available in the application and the written record of communications between the regional office and the institution in the time period specified in the previous sentence will be considered.

(3) The national review panel will review such requests and notify the institution and the Commissioner of its recommendation and the reasons therefor.

(e) The Commissioner will establish an approved level of funding (approved request) for each applicant institution taking into consideration the recommendation of the relevant panel or regional office.

(42 U.S.C. 2756)

§ 175.8 Institutional agreement.

(a) An institution of higher education which desires to participate in the College Work-Study Program shall enter into an agreement with the Commissioner. Such agreement shall:

(1) Provide for the operation by the institution of a program for the part-time employment of its students in work for the institution itself (except in the case of a proprietary institution of higher education) or work in the public interest for a public or private nonprofit organization under an arrangement between the institution and such organization, and such work:

(i) Will not result in the displacement of employed workers or impair existing contracts for services;

(ii) Will be governed by such conditions of employment as will be appropriate and reasonable in light of such factors as type of work performed, geographical region, and proficiency of the employee; and

(iii) Does not involve the construction, operation, or maintenance of so much of any facility as is used or is to be used

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for sectarian instruction or as a place for religious worship;

(2) Provide that funds received by the institution under this part will be used solely for the purposes specified in, and in accordance with, the provisions of this part;

(3) Provide that in the selection of students for employment under the College Work-Study Program preference shall be given to students with the greatest financial need taking into account grant assistance provided such student from any public or private sources;

(4) Provide that employment under the College Work-Study Program shall be furnished only to a student who—

(i) Is in need of the earnings from such employment in order to pursue a course of study at such institution (taking into consideration the actual cost of attendance at such institution);

(ii) Shows evidence of academic or creative promise and capability of maintaining good standing in such course of study while employed under the program covered by the agreement; and

(iii) Has been accepted for enrollment at the institution as at least a half-time student or, in the case of a student already enrolled in and attending the institution, is in good standing and in attendance there as at least a half-time student on an undergraduate, graduate, or professional level;

(5) Include provisions which specify that the institution will comply with the provisions of this part contained in § 175.25 relating to maintenance of effort and § 175.27 relating to costs of administration;

(6) Provide that the Federal share of compensation of students employed in the College Work-Study Program in accordance with the agreement will not exceed 80 percent of such compensation; except that, the Federal share may exceed 80 percent of such compensation if the Commissioner determines pursuant to § 175.22 that a Federal share in excess of 80 percent is required in furtherance of the purposes of this part;

(7) Include provisions designed to make employment under the College Work-Study Program, or equivalent employment offered or arranged for by the institution, reasonably available (to the extent of available funds) to all eligible students in the institution in need thereof; and

(8) Include such other provisions as the Commissioner shall deem necessary or appropriate to carry out the purposes of this part.

(b) An agreement entered into pursuant to this part with an area vocational school shall contain, in addition to the provisions described in paragraph (a) of this section, a provision that a student in such a school shall be eligible to participate in a program under this part only if the student—

(1) Has a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate; and

(2) Is pursuing a program of education or training which requires at least six months to complete and is designed to prepare the student for gainful employment in a recognized occupation.

(20 U.S.C. 2754)

§ 175.9 Eligibility and selection of students.

(a) *Eligibility.* A student enrolled in an institution of higher education is eligible for part-time employment under this part if such student—

(1) Is a national of the United States, is in the United States for other than a temporary purpose and intends to become a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands;

(2) Has been accepted for enrollment as at least a half-time student at the institution or, in the case of a student already attending the institution, is enrolled as at least a half-time student and is in good standing as an undergraduate, graduate, or professional student.

(3) Is capable, in the opinion of the institution, of maintaining good standing in such course of study while employed under this program; and

(4) Is in need of the earnings from such employment in order to pursue a course of study at the institution.

(b) *Eligibility of area vocational school students.* A student enrolled in an area vocational school is eligible for part-time employment under this part if, in addition to the conditions described in paragraphs (a)(1) through (4) of this section, such student—

(1) Has a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate; and

(2) Is pursuing a program of education or training which requires at least 6 months to complete and which is designed to prepare the student for gainful employment in a recognized occupation.

(c) *Need.* (1) In determining whether a student is in need as described in paragraph (a)(4) of this section, the institution shall take into account the student's actual cost of education at such institution as described in § 175.11 and his expected family contribution.

(2) A member of a religious community, society, or order who by direction of his or her order is pursuing a course of study in an institution or who receives support and maintenance from the community, society, or order shall be deemed not to have financial need.

(d) *Institutional responsibility.* Each institution participating in the College Work-Study Program shall be responsible for determining the eligibility of the students participating in its program regardless of whether the students will be engaged in work for the institution itself or for a public or private nonprofit organization.

(e) *Selection.* An eligible institution shall make employment under the Work-Study Program, or equivalent employment offered or arranged for by the institution, reasonably available (to the extent of available funds) to all eligible students in the institution in need thereof. In the event that requests for employment exceed available funds, the institution shall give preference in the awarding of employment to those of its students with the greatest financial need. In determining such need the institution shall take into account grant assistance provided such student from any public or private source. The institution's selection procedures shall be uniformly applied, set forth in writing, and maintained in the files of the institution's office which selects student aid recipients. All applications for employment under this part shall be maintained on file by the institution as specified in § 175.28(c)(2).

(42 U.S.C. 2754)

(f) *Affidavit.* No employment may be made available under this part unless the student to whom it is made available has filed with the institution of higher education which he intends to attend, or is attending, an affidavit on a form approved by the Commissioner stating that the money attributable to such employment will be used solely for expenses related to attendance or continued attendance at such institution. The student must sign the affidavit in the presence of a notary or other person who is legally authorized to administer oaths or affirmations and who does not take part in the recruiting of students for enrollment at such institution. The notary or other person must enter his signature and, as applicable, his seal or stamp on the affidavit form.

(42 U.S.C. 2754; 20 U.S.C. 1088g)

§ 175.10 Special sessions.

(a) During a period of nonregular enrollment (special session), such as a summer or equivalent vacation period or the full time work period of a cooperative education program, a student will be eligible for employment under the College Work-Study Program if he meets the eligibility requirements of § 175.9 and (1) was enrolled and was in attendance as at least a half-time student at the institution during the preceding period or regular enrollment (regular session) at that institution and intends to continue his program at that institution as at least a half-time student during such special session or during the following regular session, (2) is enrolled as at least a half-time student at the institution for the first time during such special session and intends to continue as at least a half-time student at that institution during the following regular session, or (3) has been accepted for enrollment at the institution as at least a half-time student for the regular session following such special session.

(b) The institution may provide employment under this part to a student during a special session preceding a regular session during which the student will be studying abroad at an overseas campus of the institution if the student otherwise meets the requirements of paragraph (a) of this section.

(c) If the institution provides employment under this part to a student during a special session in which he is not enrolled as at least a half-time student at that institution, it shall maintain a written record demonstrating that it accepted the student for enrollment as at least a half-time student during the following regular session and that the student accepted such offer; *Provided, however*, That the institution shall refrain from furnishing such employment to a student if it has evidence that he does not intend to honor his acceptance of such offer and shall immediately terminate such employment if it becomes aware of such evidence after the employment has begun.

(42 U.S.C. 2754)

§ 175.11 Cost of education.

The amount required to enable a student to pursue his education at an institution of higher education includes amounts charged for tuition and fees, the amounts charged by the institution or the expenses reasonably incurred for room and board, books, supplies, transportation, miscellaneous personal expenses, and expenses related to maintenance of a student's dependents. Transportation costs related to a program of study abroad may not be included as a cost of education.

(42 U.S.C. 2754)

§ 175.12 Expected family contribution.

(a) *Dependent students.* In determining the amount of income and net assets that should reasonably be made available by the dependent student, the student's spouse, and the student's parents to meet that student's cost of education, the student financial aid officer shall take into consideration:

(1) Any serious illness in the family (family members include the student, the student's spouse, the student's parents, and persons for whom the parent may claim an exemption under section 151 of the Internal Revenue Code);

(2) The number of dependent children of the student's parents;

(3) The number of such dependent children attending institutions of higher education; and

(4) Such other circumstances as may affect the ability of the student, the student's spouse, and the student's parents to contribute toward the student's cost of education.

(b) *Independent students.* In determining the amount of income and net assets that should reasonably be made available by a self-supporting or independent student and that student's spouse to meet such student's cost of education, the student financial aid officer shall take into consideration:

(1) Any serious illness in the family (family members include the student, the student's spouse, and persons for whom the student or spouse may claim an exemption under section 151 of the Internal Revenue Code);

(2) The number of dependent children of the student;

(3) The number of such dependent children attending institutions of higher education; and

(4) Such other circumstances as may affect the ability of the student or the student's spouse to contribute toward the student's cost of education.

(c) Upon the request of a student who does not live with his parents, who visits his parents for periods of time no longer than those which are typical for adults visiting their parents, and who does not receive from his parents gifts which exceed in value the amounts typically given by parents as incidental gifts to their adult, nondependent offspring, the student financial aid officer shall make a determination as to whether the relationship between that student and his parents is of such a nature that it is unreasonable to expect the parents to contribute toward his cost of education, regardless of their ability to do so, and shall make the reasons for such determination part of the institution's written records. The student financial aid officer shall, before making such a finding, make such efforts as he deems appropriate to ascertain whether the student's parents are in fact willing to contribute toward the student's cost of education.

(42 U.S.C. 2754)

§ 175.13 Approved need analysis systems.

(a) In order to comply with the requirements of § 175.12 of this part, an institution shall utilize a need analysis system or method of calculation approved by the Commissioner for that purpose pursuant to this section.

(b) *Dependent students.* (1) The Commissioner has approved the following systems for the purpose of § 175.12(a), with respect to dependent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190); and

(ii) The Income Tax System, if adjusted to reflect the number of the parents' dependent children who are attending institutions of higher education. For purposes of this section, the expected family contribution calculated according to the Income Tax System shall be an amount equal to the amount of Federal income tax paid by the parents of a student, plus 5 percent of such parents' net assets in excess of $10,000 and any amount the student is reasonably able to contribute.

(2) The Commissioner will approve any other need analysis system for the purpose of § 175.12(a), for use with respect to dependent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected parents' contribution figures for dependent students which: (A) increase in reasonably smooth increments as the parents' financial strength, measured in real terms, increases; and (B) are equal for families of equal measured financial strength; and

(ii) The system must produce expected parents' contribution figures which, for at least 75 percent of a set of sample cases developed and made available by the Commissioner, deviate by less than $50 from the figures produced for such sample cases by the following calculations:

(A) From the sum of the adjusted gross income and non-taxable income of the parents, there will be deducted the amount of Federal income taxes and Social Security taxes, an allowance of 8 percent of total income for state and local taxes, and an amount required to maintain the family (exclusive of the student's maintenance during the academic year) at the Bureau of Labor Statistics consumption cost estimates at a low standard of living;

(B) To the remainder obtained in subparagraph (A) will be added 12 percent of the net market or cash value of the parents' assets remaining after deduction of related debt and a standard asset reserve of $10,000; and

(C) The following rate schedule of expected contributions will then be applied to the sum obtained in subparagraph (B):

If the sum is—		The expected contribution is—
At least—	But less than—	
$0	$4,000	22 percent of the amount over $0.
$4,000	5,000	$880+25 percent of the amount over $4,000.
$5,000	6,000	$1,130+29 percent of the amount over $5,000.
$6,000	7,000	$1,420+34 percent of the amount over $6,000.
$7,000	8,000	$1,760+40 percent of the amount over $7,000.
$8,000		$2,160+47 percent of the amount over $8,000.

(iii) In developing the sample cases for the purposes of this paragraph, the Commissioner shall select only cases in which the age of the main wage earner is 45 years and in which the elements set forth in subparagraph (2)(ii) of this paragraph are generally present. Accordingly, cases will not be selected which involve medical and dental expenses, casualty and theft losses, housekeeping allowances, farm or business assets, more than one family member attending postsecondary institutions, Social Security or Veteran's benefits or any unusual family circumstance.

(iv) In comparing the output of a system submitted for approval under these regulations with the figures for the standard sample cases, an expected parental contribution of less than zero shall be treated as zero.

(v) The figures for the set of sample cases used for purposes of this paragraph shall be revised annually for inflation by adjusting the deductions for family maintenance, the $10,000 standard deduction from assets and the rates of contribution from income and assets as necessary in such a manner that the revised standard expected contributions, expressed in constant dollars, remain constant for families with equal income and asset positions measured in constant dollars.

(c) *Independent students.* (1) The Commissioner has approved the following systems for the purpose of § 175.12(b), with respect to independent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190);

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(ii) The system of need analysis published by the American College Testing Program;

(iii) The system of need analysis published by the College Scholarship Service; and

(iv) The system of need analysis published by the Graduate and Professional Student Financial Aid Service.

(2) The Commissioner will approve any other need analysis system for the purpose of § 175.12(b), for use with respect to independent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected family contribution figures for independent students which: (*a*) increase in reasonably smooth increments as the family financial strength, measured in real terms, increases; and (b) are equal for families of equal measured financial strength; and

(ii) The system must produce expected family contribution figures which are comparable to those produced by one of the systems specified in subparagraph (1) of this paragraph.

(d) *Application procedures for system approval.* Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to subparagraph (b)(2) of this section shall submit such system to the Commissioner prior to June 30 of each year. Such submissions shall consist of sufficient information to enable the Commissioner to determine that the system meets the criteria set forth in that subparagraph, including the expected family contribution figures produced by the system for the sample cases developed and made available by the Commissioner. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to subparagraph (c)(2) of this section shall, prior to June 30 of any year, submit to the Commissioner sufficient information to enable him to determine that the system meets the criteria set forth in that subparagraph. On or before September 1 of each year, the Commissioner will publish in the FEDERAL REGISTER a list of all need analysis systems or methods of calculation which have been approved for use in the succeeding academic year.

(e) *Duration of approval.* Need analysis systems approved pursuant to subparagraphs (b)(1) and (c)(1) of this section are approved without a specified expiration date. A need analysis system approved pursuant to subparagraph (b)(2) of this section, and included on the list published by the Commissioner on or before September 1 of one year, may be used by an institution (i) in preparing its application for funds under this part which is to be submitted on or before the published closing date next following that September 1; and (ii) in determining the eligibility of students for employment under this part and in calculating the amount of such employment to be made available to a student during any academic year commencing not earlier than 10 months and not later than 22 months following that September 1. A need analysis system approved pursuant to subparagraph (c)(2) of this section shall be approved for an indefinite period of time, but the Commissioner may request periodic confirmation that the system remains in compliance with the criteria set forth in that subparagraph.

(f) *Adjustments.* The institution may, in an individual case, further adjust the expected family contribution calculated according to one of the need analysis systems approved pursuant to this section if the student financial aid officer of the institution has reason to believe that such expected family contribution does not realistically reflect the ability of the student and his parents to contribute towards the student's cost of education. Such adjustments shall be documented in writing, with an accompanying explanation, and made a part of the institution's records with respect to this part.

(42 U.S.C. 2754)

§ 175.14 Coordination of student financial aid programs and over-award.

(a) *Coordinating official.* The institution shall appoint an official who shall have the responsibility of coordinating the program covered by this part with the institution's other Federal and non-Federal programs of student financial aid.

(b) *Total award.* The institution shall not award assistance under this part to a student in an amount which, when combined with all of the resources made available to the student from Federal and non-Federal sources, would exceed the difference between the student's cost of education and his expected family contribution, as determined in accordance with one of the need analysis systems or methods of calculation approved by the Commissioner pursuant to § 175.13; *provided*, however, That in no event may the total amount of aid received from all Federal and non-Federal sources exceed the student's cost of education.

(c) *Resources.* For purposes of paragraph (b) of this section, the term "resources made available to the student from Federal and non-Federal sources" includes any waiver of tuition and fees, any scholarship or grant-in-aid including athletic scholarships, any fellowship or assistantship, any loan made under the Guaranteed Student Loan Program (Title IV–B of the Higher Education Act) except in cases in which paragraph (d) of this section applies, any long-term loan made by the institution other than under the Guaranteed Student Loan Program, and any expected net earnings from employment during periods for which the student receives assistance under this part. For purposes of this section, "net earnings" means gross earnings minus required withholdings and any costs incidental to obtaining such earnings.

(d) *Treatment of Guaranteed Loans.* (1) Except as provided in paragraph (d)(2) of this paragraph, loans made under the Guaranteed Student Loan Program shall not be considered to be a student resource and may be used to satisfy the expected family contribution of the borrower calculated in accordance with § 175.13. If the amount of such a loan exceeds the borrower's expected family contribution, only such excess shall be considered a student resource.

(2) Loans for which interest benefits are payable under section 428 of Title IV–B of the Higher Education Act (20 U.S.C. 1078) shall be considered a student resource and may not be used to satisfy a student's expected family contribution in cases in which the borrower has an adjusted family income of more than $15,000, as determined in accordance with applicable Guaranteed Student Loan Program Regulations (45 CFR Part 177), or in cases in which the amount of the loan would cause the total amount of the borrower's loan insured by the Commissioner, or by a State or nonprofit private institution having an agreement with the Commissioner under section 428(b) of the Higher Education Act (20 U.S.C. 1078(b)), to exceed $2,000 for the academic year.

(e) *Administrative responsibility.* The institution's responsibility under paragraph (b) of this section shall extend only to those resources which the institution itself makes available to the student, or about which it knows or has reason to know, or can reasonably anticipate at the time that the assistance under this part is disbursed to the student. The amount of net earnings from any employment provided by the institution for any academic period during which the student is receiving assistance under this part shall be deemed to have been known by the institution at the time of disbursement of such assistance. However, an institution will not be deemed to have violated the requirements of this section if the sum of all the resources made available to the student, including assistance under this part, exceeded that student's need by not more than $100.

(42 U.S.C. 2754)

§ 175.15 Coordination with Bureau of Indian Affairs grants-in-aid.

(a) In determining the amount, if any, of College Work-Study compensation to be awarded to a student who is eligible for such employment and, in addition, is eligible for an educational grant-in-aid under a program administered by the Bureau of Indian Affairs (BIA), the institution shall observe the following practice.

(1) A "package" of student assistance will be prepared in accordance with § 175.14 for each such student from resources other than BIA grants-in-aid. In preparing such a package, the institution shall not take into consideration any BIA grant-in-aid which the student has received or is expected to receive and such package shall be consistent, as to the types and amounts of the respective awards included therein, with packages prepared for students who are not eligible for BIA grants-in-aid, who have similar levels of financial need and who are similar with respect to any other general characteristics used by the institution in preparing such packages.

(2) The amount of any BIA grant-in-aid, whether received by the student prior to the preparation of the package described in paragraph (a)(1) of this section or subsequent thereto, shall be supplementary to the package of aid from other resources, and no adjustment shall be made to such package so long as the total of such package and the BIA grant-in-aid does not exceed the institution's determination of the student's need (i.e., the difference between the student's cost of education at the institution and his expected family contribution).

(3) If the total amount of the BIA grant-in-aid, when combined with the package of other assistance prepared in accordance with paragraph (a)(1) of this section exceeds the institution's determination of the student's need, the amount of such excess only shall be deducted from the package of other assistance. Such deduction shall be done in sequence, so that such excess is first deducted from any awards, or proposed awards, in the form of loans; if an excess still remains after all such loan awards have been adjusted, deductions shall next be made from any awards, or proposed awards, in the form of work-study; if an excess still remains after all such work-study awards have been adjusted, deductions shall be made from any award, or proposed award, in the form of a grant, other than a grant under the Basic Educational Opportunity Grants Program.

(42 U.S.C. 2754)

§ 175.16 Program eligibility.

(a) (1) *General eligibility of employment.* Work-Study programs conducted under this part may, except in the case of a proprietary institution of higher education, involve work for the institution itself, or work in the public interest for a public or nonprofit private organization. In the case of a proprietary institution of higher education the employment provided may involve only work performed in the public interest for a public or nonprofit private organization. For purposes of this paragraph a proprietary institution of higher education also includes any nonprofit organization owned or controlled by the proprietary institution or by the corporation, association, partnership or individual which owns or controls the proprietary institution.

(2) Work for the institution itself may include work performed in those institutional operations which are typically performed by the institution for its students but which the institution chooses to contract for, such as food service, cleaning, maintenance and security, if the contract between the institution and the private contractor supplying that service provides (i) that the contractor will utilize a specific number of the institution's students in carrying out the contract and (ii) that the institution will select the students to be employed and determine each student's rate of pay.

(3) If an institution is engaged in profitmaking activities such as the operation or rental of athletic fields, auditoriums, theaters, and parking lots and the performance of administrative functions in connection therewith, employment in connection with such activities shall not be considered work for the institution or work in the public interest except to the extent that such employment is connected with events conducted as part of the educational program of that institution.

(4) *Work in the public interest.* Work in the public interest means work that is devoted to the national or community welfare rather than that of a particular interest or group. In no event shall work be considered to be work in the public interest if (i) it is primarily for the benefit of the members of a limited membership organization (such as a credit union, a fraternal or religious order, or a cooperative), rather than for the public at large, (ii) it is to be performed for an elected official other than as part of the regular administration of Federal, State, or local government or, (iii) it is work for which the political support or affiliation of the student is a prerequisite or consideration for employment.

(b) *General limitations on employment.* Employment provided under this part—

(1) May not result in the displacement of employed workers or impair existing contracts for services;

(2) May not involve the construction, operation, or maintenance of so much of any facility as is used or is to be used for sectarian instruction or as a place of religious worship;

(3) May not involve any partisan or nonpartisan political activity associated with a candidate or with a contending faction or group in an election for public or party office;

(4) May not involve any lobbying on the Federal level; and

(5) Shall be governed by such conditions of employment, including compensation, as will be appropriate and reasonable in light of such factors as type of work performed, geographical region, proficiency of the employee, and any applicable Federal, State, or local legislation.

(c)(1) *Agreement.* Work for a public or private nonprofit organization, other than work for the institution itself, must be evidenced by a written agreement between the institution and the employing organization containing the conditions of such work. (See Appendix B for a sample agreement.) The institution may enter into such an agreement only with a reliable organization with professional direction and staff.

(2) The institution will be responsible for ensuring (i) that any disbursements for work performed under such an agreement will be properly documented and (ii) that the work performed by each student will be properly supervised and in accordance with the requirements of this part.

(42 U.S.C. 2754)

§ 175.17 Eligible employment.

(a) *General.* In order for a position to be considered eligible employment under this part, the position must be one for which the employer normally has compensated or is compensating other persons (not employed under this part) who have held or are presently holding that same position, or if no other person has held or is holding that position for that employer, such a position is one for which most other employers would normally compensate persons holding that position.

(b) *Work for academic credit.* Notwithstanding the provisions of paragraph (a) of this section, work performed for the institution itself by which a student satisfies a requirement of a degree or a certificate pursued by that student will not be considered eligible employment; however, work for a public or private nonprofit organization other than the institution itself which is otherwise eligible employment is not made ineligible solely because it satisfies a requirement of a degree or a certificate pursued by the student.

(42 U.S.C. 2754)

§ 175.18 Establishment of wage rates.

(a) *Wage rates.* Compensation under this part shall be computed on an hourly wage rate basis for actual time on the job. Fringe benefits may not be included as part of such wage rate. Students may not be compensated on a salary, commission, or fee arrangement.

(b)(1) *Minimum rate.* Except as provided for in subparagraph (2) of this paragraph, the minimum rate for a student employed under the Work-Study Program shall be $2.00 an hour until December 31, 1975, $2.20 an hour from January 1, 1976 to December 31, 1976, and $2.30 an hour after December 31, 1976, or such higher minimum wage as may be required under any applicable Federal, State, or local legislation.

(2) The Commissioner may approve a rate of compensation lower than that established under subparagraph (1) of this paragraph if (i) a lower minimum wage for such employees has been established by the Secretary of Labor, under the provisions of the Fair Labor Standards Act, or (ii) exceptional circumstances warrant a lower rate and the approval of a lower rate is not precluded by law and is consistent with and promotive of the purposes of this part.

(c) The wage rate established for each Work-Study position must meet the requirements of § 175.16(b)(5).

(42 U.S.C. 2754)

§ 175.19 Limitations on the number of hours of employment.

(a) Subject to the limitations in paragraph (b) of this section, an institution shall determine the number of hours which an eligible student may be employed under this program in accordance with its own standards and practices after considering (1) the extent of the student's financial need and (2) the potential harm of a particular combination

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of hours of work and hours of study on a given student's health or academic progress.

(b) During periods when classes, for which the student is enrolled, are in session the student shall not work more than an average of 20 hours per week, averaged over the period of enrollment for which the student has received an award under this part. During other periods of time, the student shall not work more than 40 hours per week and work during such periods shall not be included in the limitation on average hours per week set forth above.

(c) An institution may utilize its own funds to employ students in excess of the limitations set forth in paragraph (b) of this section and a public or private nonprofit organization participating in the Work-Study program may similarly utilize its own or the institution's funds to employ students in excess of such hours. However, in neither case may any portion of a students' earnings for hours in excess of such limitations be charged to funds received under this part. Any such payments shall be taken into account in determining, pursuant to § 175.14(c), the resources available to the student.

(42 U.S.C. 2754)

§ 175.20 Earnings attributable to cost of education.

The amount of compensation earned by a student under this part to be applied against the student's cost of education shall be the difference between the student's gross earnings and any required withholdings and any costs incident to obtaining such earnings. For summer vacation periods or other such periods during which the student is not enrolled in any classes, the amount deducted from such earnings for any costs incident to obtaining such earnings may not exceed 20 percent of the student's gross income or $200, whichever is less, and such net earnings shall be applied against the student's cost of education for his next period of regular enrollment at that institution.

(42 U.S.C. 2754)

§ 175.21 Payments to students.

(a) Payments to students shall be made at least once a month. The Federal share of each payroll disbursement must be made by check or similar instrument which may be cashed by the student on his own endorsement without further restriction. Accounting devices or procedures which result in the direct transfer of the Federal share of student compensation to expenses or bills are not permissible. The institution is responsible for ensuring that each payroll disbursement to any student represents the net amount of wages earned under the program during the previous payroll period whether the work is for the institution itself or for a public or private nonprofit organization. Funds for personal services shall be considered to have been obligated as of the time such services were rendered.

(b) If the institution's share of a student's compensation is paid by check, it shall be disbursed to the student in conjunction with the Federal share of such compensation. If the institution's share is paid in the form of tuition, fees, services or equipment for an academic period during which the student is employed, that share shall be contributed prior to the close of the student's final pay period. If such share is in the form of prepaid tuition, fees, services or equipment for a forthcoming academic period, the institution shall, prior to the close of the student's last pay period, give the student a statement indicating the amount of such tuition, fees, services, and equipment earned.

(c) Before making employment available under this part for any year to a student, the institution shall obtain from that student a written acceptance of the employment and a signed statement indicating that the student received notice of the amount of his College Work-Study award, of the nature and source of the other student financial aid made available to him through the institution, and of the fact that continued employment under the College Work-Study Program is conditional on the recipient's maintaining good standing in the course of study he is pursuing according to the regularly prescribed standards and practices of the institution which awarded the employment and on the recipient's carrying an academic workload sufficient to qualify him as at least a half-time student during the academic year.

(42 U.S.C. 2754)

§ 175.22 Limitations on the Federal share of student compensation.

(a) Except as otherwise provided for under paragraph (e) of this section, the Federal share of the compensation paid to students employed under this part from funds allocated to the institution pursuant to § 175.4 shall not exceed 80 percent.

(b) The Federal share of compensation for employment under this part shall be calculated on the basis of the hourly rate paid a student for actual time on the job. The following may not be included in determining the Federal share:

(1) Compensation which results from working more than 40 hours per week;

(2) Fringe benefits such as paid sick leave, vacation pay and holiday pay; or

(3) The employer's contribution to Social Security, workmen's compensation, retirement, or any other welfare or insurance programs which may be paid by the employer on account of a student employed under this part.

(c) If the institution arranges employment for its students with a public or private nonprofit organization, the agreement under which such employment is arranged pursuant to § 175.16(c)(1) may provide for the institution to recover from such organization (i) the non-Federal share of student compensation, (ii) any required employer contributory costs such as the employer's share of Social Security or workmen's compensation insurance to the extent that such costs are paid by the institution on account of the employment of its students by the organization under such agreement, and (iii) any costs of administration incurred by the institution in administering such agreement, either directly or through an agent, to the extent that such costs exceed 3 percent of the compensation paid to students under the agreement.

(d) If the amount of funds an institution receives for a fiscal year under agreements with various employer organizations exceeds the costs it incurs for the compensation of its students and such other costs incurred for the administration of its College Work-Study program which exceed the amounts it claims pursuant to § 175.27(b), then the Federal share of the costs of compensation to the students of that institution shall be reduced by the amount of excess funds received by the institution.

(e)(1) The Commissioner may approve for an institution a Federal share of up to 100 percent of the compensation paid to its students employed under this part if such institution (i) has been designated as a "developing institution of higher education" in accordance with the provisions of Part 169 of this title (45 CFR 169), or (ii) demonstrates that at least 50 percent of its students who are enrolled as at least half-time students have parents whose annual adjusted gross income does not exceed $7,500 per year.

(2) A Federal share of 100 percent shall be applicable only to such compensation as is paid to students which is in excess of (i) the amount of compensation paid to students under this part during academic year 1974–75 (fiscal year 1975) or (ii) for institutions not participating in the College Work-Study Program during academic year 1974–75 (fiscal year 1975), such amount as may be specified by the Commissioner.

§ 175.23 Nature and source of institutional share of student compensation.

(a) An institution may use any source available to it to pay its share of the compensation paid to any students employed under this part. Such share may be paid to the student in the form of services and equipment (including tuition, room, board, and books) furnished by the institution. All amounts claimed as non-cash contributions shall be supported by adequate documentation, such as a receipt signed by the student employee. In no case may any such payment consist of remittal of a charge assessed against the student exclusively because of his employment under the Work-Study Program.

(b) No institution shall solicit or accept, or permit any public or private nonprofit organization with which it has an agreement pursuant to § 175.16(c)(1) to solicit or accept, from a student or a student's parents or spouse, any fee, commission, or compensation of any kind, or the granting of a gift or gratuity of any kind, as a consideration or a prerequisite for the employment of a particular student under the program.

(42 U.S.C. 2754)

§ 175.24 Federal interest in allocated funds.

Funds received by an institution pursuant to this part, excluding funds authorized for administrative expenses, are to be held in trust for the intended student beneficiary. Such funds may be used only for the purposes for which they were allocated and may not be pledged or hypothecated for any other purpose.

(42 U.S.C. 2751–56)

§ 175.25 Maintenance of effort.

(a) For each fiscal year for which it receives an allocation of funds under this part, the institution shall continue to expend, in its own scholarship and student aid programs, an amount which is not less than the average expenditure per year made for that purpose during the three fiscal years preceding the latest of the following dates or fiscal years: (1) the effective date of any agreement required by section 443 of the College Work-Study Program (42 U.S.C. 2753) or section 407 of the Educational Opportunity Grants Program (20 U.S.C. 1067) which was in effect on June 30, 1973; (2) the fiscal year for which the institution receives or received its first allocation of funds under the College Work-Study Program, (3) the fiscal year for which the institution received its first allocation of funds under the Educational Opportunity Grants Program (20 U.S.C. 1061–1067, 1069), or (4) the fiscal year for which the institution receives or received its first allocation of funds under the Supplemental Educational Opportunity Grants Program (20 U.S.C. 1070b–1070b–3 if the institution did not participate in the Educational Opportunity Grants Program in the fiscal year immediately preceding that fiscal year.

(b)(1) The Commissioner may waive the requirements set forth in paragraph (a) of this section for a fiscal year under special and unusual circumstances, such as, where the institution's inability to expend the amount required thereunder is attributable to (i) a withdrawal of funds from outside sources (for public institutions, public appropriations are not considered an outside source), or (ii) a decline in enrollment where the institution continued to expend in its own scholarship and student aid program on a per-enrolled-student basis an amount at least equal to the average amount expended per enrolled student during the three year base period.

(2) If an institution's inability to comply with the requirements set forth in paragraph (a) of this section in a particular fiscal year is based on the fact that the institution no longer participates as a direct lender in the Guaranteed Student Loan Program (Title IV–B of the Higher Education Act of 1965), the Commissioner may waive the requirements of paragraph (a) of this section for that fiscal year for such institution if the institution arranges alternative sources of financial aid for its students in an amount at least equal to the amount it provided its students as a direct lender in the last fiscal year in which it so participated under the Guaranteed Student Loan Program. However, if the institution's authority to participate in the Guaranteed Student Loan Program as a direct lender was withdrawn by the Commissioner and time constraints prevent the institution from arranging such alternative financing, the Commissioner may also waive the requirements of paragraph (a) of this section.

(c) In order to obtain a waiver of the maintenance of effort requirement set forth in paragraph (a) of this section for a particular fiscal year, an institution shall submit to the Commissioner a request for such a waiver and a description of the circumstances justifying such a waiver.

(d) An institution's "own scholarship and student financial aid program" includes any expenditure of institutional funds for scholarships, grants, loans, tuition and fee waivers or remissions, and employment given to students enrolled at the institution at both the graduate and undergraduate level, whether or not such students are eligible to participate in the College Work-Study or Supplemental Grant programs. Funds given to the institution from an outside source to be used for scholarships or other forms of student financial aid, but with respect to which the institution has the authority to choose the recipients and the amount such recipients will receive, shall be deemed to be institutional funds. However, funds received from Federal sources to be used for student financial aid may not, in any event, be considered as part of an institution's own scholarship and student financial aid program for purposes of paragraph (a) of this section.

(e)(1) An institution may, in accordance with its stated practice, consider scholarships and other student financial assistance given to students who are dependents of faculty members or other employees of the institution as either student financial aid or employee benefits.

(2) An institution shall include fellowships and assistantships as part of its program of student financial assistance unless it is the stated practice of the institution to consider such holders of fellowships and assistantships as members of the institution's faculty. In such a case payments under such fellowships and assistantships need not be considered financial aid.

(3) An election of treatment under subparagraphs (1) and (2) of this paragraph shall apply to both the base year period and current year expenditures. A change of treatment will be permitted only with the express written approval of the Commissioner.

(20 U.S.C. 1088c)

§ 175.26 Transfer of funds.

(a) An institution may transfer up to 10 percent of its allocation for a fiscal year under the College Work-Study Program to its allocation of funds for that fiscal year under the Supplemental Grants Program to be used in accordance with the provisions of that latter program. Such transferred funds may be allocated by the institution between its allocations for initial and continuing grants as the institution sees fit. Similarly, an institution may transfer up to 10 percent of its allocation for a fiscal year under the Supplemental Grants Program to its allocation of funds for that fiscal year under the College Work-Study Program to be used in accordance with the provisions of this part.

(b) Any amount transferred pursuant to paragraph (a) of this section shall be reported on the annual Institutional Fiscal-Operations Report required by § 175.28(b)(2).

(20 U.S.C. 1088e)

§ 175.27 Use of funds.

(a) Federal funds allocated to an institution under this part may be used by the institution (1) to pay the Federal share of compensation for the services rendered by its eligible students employed in its eligible Work-Study Program, (2) as payments in lieu of reimbursement for its expenses in administering the program during the fiscal year, and (3) to transfer to the Supplemental Educational Opportunity Grant Program pursuant to § 175.26.

(b) An institution of higher education shall be entitled to use as payment in lieu of reimbursement for its administrative expenses for each fiscal year for which it receives an allocation under § 175.4 an amount equal to not more than three percent of the compensation earned by students, including the Federal share from its allocation for that fiscal year and the institutional share for both on and off-campus programs. However the aggregate amount paid to an institution in lieu of expenses for administration under this part and the Supplemental Educational Opportunity Grants Program plus the amount withdrawn for such purposes from the institution's National Direct Student Loan fund may not in the aggregate exceed $125,000 for any fiscal year.

(42 U.S.C. 2754; 20 U.S.C. 1088b)

§ 175.28 Fiscal procedures and records.

(a) *Fiscal procedures.* (1) The institution shall administer the College Work-Study Program in such a manner as to provide for an adequate system of internal controls. The various administrative procedures shall be divided so as to provide for a system of checks and balances under which no person will be responsible for all aspects of the program. The functions of authorizing payment and disbursing funds shall be divided in such a fashion that no office has responsibility for both functions with respect to any particular student aided under the program.

(2) If a fiscal agent is utilized by the institution, its function must be limited solely to the performance of ministerial acts.

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(b) *Records and reporting.* (1) Each institution shall establish and maintain on a current basis, adequate records which reflect all transactions with respect to the program and shall establish and maintain such general ledger control accounts and related subsidiary accounts as are necessary to identify separately all transactions relating to the program. Such records shall:

(i) Be maintained in such a manner as to identify all program transactions separately from other institutional funds and activities;

(ii) Be reconciled no less frequently than monthly;

(iii) Include a weekly (or monthly) time record showing hours worked per day for each student. This form must contain a certification by an official of the institution (or off-campus agency) who is the student's supervisor stating that the student has worked the number of hours listed and whether the work has been performed in a satisfactory manner;

(iv) Include a payroll voucher containing sufficient information to support all payroll disbursements;

(v) Include a noncash contribution record to support by adequate documentation any payment or partial payment of the institution's share of the student's earnings which has been made in the form of services and equipment as permitted by § 175.23;

(vi) Afford ready identification of each student's account and the status thereof;

(vii) Be adequate to demonstrate the eligibility of every student aided under the program;

(viii) Indicate the amount of need determined for each student and the way that need has been met; and

(ix) Identify the institutional officer who made the determination of such need.

(2) An institution shall submit an annual Institutional Fiscal-Operations Report and such other reports and information in such form and at such times as the Commissioner may require in connection with the administration of this part and shall comply with such requirements as the Commissioner may find necessary to insure the correctness of such reports.

(c) *Retention of records.* (1) *Records.* Each institution shall keep intact and accessible records relating to the receipt and expenditure of Federal funds in accordance with section 434(a) of the General Education Provisions Act (20 U.S.C. 1232c), including all accounting records and related original and supporting documents that substantiate costs charged to the award and such records required by § 175.9(e).

(2) *Period of retention.* Except as provided in subparagraph (4) of this paragraph, the records specified in subparagraph (1) of this paragraph shall be retained for 5 years after the date of the submission of the annual Institutional Fiscal-Operations Report.

(3) *Microfilm copies.* An institution may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(4) *Audit questions.* The records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions; *provided*, however, that records need not be retained if they relate to a grant with respect to which actions by the United States to recover for diversion of Federal funds are barred by the statute of limitation in 28 U.S.C. 2415 (b).

(5) *Audit and examination.* The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to the records specified in subparagraph (1) of this paragraph and to any other pertinent books, documents, papers, and records of the recipient.

(d) *Audits—non-Federal.* All of an institution's transactions involving its Work-Study Program funds shall be audited by the institution or at the institutions' direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and whether such transactions are in compliance with applicable laws and regulations. Such audits shall be scheduled with reasonable frequency, usually annually, but not less frequently than once every two years, considering the size and the complexity of the activity of the program.

(e) Copies of such audit reports shall be made available to the Commissioner. The Commissioner shall also be given access to records or other documents as may be necessary to review the results of such audits.

(42 U.S.C. 2754; 20 U.S.C. 1232c)

§ 175.29 Termination and suspension.

(a) *General.* If the Commissioner finds that any of the assurances or representations made by an institution in connection with the administration and operation of the College Work-Study Program is incomplete or inaccurate in any material respect or that there has been a failure to comply with any of the provisions of this part, he may, after giving the institution notice and an opportunity for a hearing, terminate the agreement entered into pursuant to § 175.8 or take such other actions as may be necessary and appropriate to protect the interest of the United States. The termination of the institution's participation in the program shall not affect the obligations previously incurred by either party under that agreement or this part. An obligation shall be considered to have been incurred as of the date a student worked, as specified in § 175.21(a).

(b) *Notice of termination.* Proceedings with respect to the termination of the program shall be initiated by the mailing of a notice to the institution setting forth the basis of the proposed termination and the procedures available to the recipient under this section.

(c) *Suspension of assistance.* Subject to paragraph (e) of this section, assistance may be suspended during the pendency of a termination proceeding initiated pursuant to this section.

(d) *Notice of suspension.* If the Commissioner determines that suspension of assistance during the pendency of a termination proceeding is necessary, notice of the suspension shall be mailed to the recipient (which may be included in the notice of termination). The notice of suspension shall: (1) inform the recipient of that determination, (2) advise the recipient of the effective date of the suspension, and (3) offer the recipient an opportunity to show cause why such action should not be taken.

(e) *Opportunity to show cause.* If the recipient requests an opportunity to show cause why a suspension of assistance should not be continued or imposed, the Commissioner will, within 7 days after receiving such request, hold an informal meeting for that purpose.

(42 U.S.C. 2754)

APPENDIX A

ALLOTMENT OF FUNDS TO STATES FOR FISCAL YEAR 1972

Alabama	$5,802,379
Alaska	222,401
Arizona	2,163,160
Arkansas	3,357,696
California	19,625,311
Colorado	2,643,262
Connecticut	2,537,476
Delaware	520,542
District of Columbia	1,110,472
Florida	6,830,771
Georgia	6,390,306
Hawaii	796,559
Idaho	899,577
Illinois	10,371,329
Indiana	5,366,896
Iowa	3,025,939
Kansas	2,844,022
Kentucky	4,770,515
Louisiana	5,759,805
Maine	1,156,396
Maryland	3,549,625
Massachusetts	5,863,354
Michigan	9,157,777
Minnesota	4,773,196
Mississippi	4,885,174
Missouri	5,420,298
Montana	933,670
Nebraska	2,015,697
Nevada	335,527
New Hampshire	767,114
New Jersey	5,111,397
New Mexico	1,548,112
New York	16,923,121
North Carolina	8,181,440
North Dakota	1,067,895
Ohio	10,424,770
Oklahoma	3,522,127
Oregon	2,401,584
Pennsylvania	12,087,462
Rhode Island	996,991
South Carolina	4,488,023
South Dakota	1,185,126
Tennessee	5,964,544
Texas	14,171,730
Utah	1,532,910
Vermont	613,709
Virginia	5,605,999
Washington	3,641,590
West Virginia	2,934,188
Wisconsin	5,012,671
Wyoming	416,528
Outlying areas [1]	4,746,000
Total	$237,400,000

[1] Outlying areas include Puerto Rico, Virgin Islands, Guam, American Samoa, and Trust Territory of the Pacific Islands.

APPENDIX B

MODEL OFF-CAMPUS AGREEMENT

(The paragraphs below are suggested as models for the development of a written agreement between an institution of higher education and a public or private non-profit organization which provides for employment of college students participating in the College Work-Study Program. Institutions and organizations may devise additional or substitute paragraphs which are not inconsistent with the statute or regulations.)

This agreement entered into between _____, hereinafter known as the "Institution," and _____, hereinafter known as the "Organization," a (*public organization*), (*private nonprofit organization*), (strike one), for the purpose of providing work to students eligible to participate in the College Work-Study Program.

Schedules to be attached to this agreement from time to time, bearing the signature of an authorized official of the Institution and of the Organization, will set forth brief descriptions of the work to be performed by students under this agreement, the total number of students to be employed, the hourly rates of pay, and the average number of hours per week each student will be utilized. These schedules will also state the total length of time the project is expected to run, the total percent, if any, of student compensation that the Organization will pay to the Institution, and the total percent, if any, of the cost of employers' payroll contribution to be borne by the Organization. The Institution will inform the Organization of the maximum number of hours per week a student may work.

Students will be made available to the Organization by the Institution for performance of specific work assignments. Students may be removed from work on a particular assignment or from the Organization by the Institution, either on its own initiative or at the request of the Organization. The Organization agrees that no student will be denied work or subjected to different treatment under this agreement on the grounds of race, color, national origin, or sex, and that it will comply with the provisions of the Civil Rights Act of 1964 (P.L. 88-352; 78 Stat. 252) and Title IX of the Education Amendments of 1972 (P.L. 92-318) and the Regulations of the Department of Health, Education, and Welfare which implement those Acts.

(*Where appropriate any of the following 3 paragraphs or other provision may be included.*)

(1) Transportation for students to and from their work assignments will be provided by the Organization at its own expense and in a manner acceptable to the Institution.

(2) Transportation for the students to and from their work assignments will be provided by the Institution at its own expense.

(3) Transportation for students to and from their work assignments will not be provided by either the Institution or the Organization.

(*Whether the Institution or the Organization will be considered the employer of the students covered under the agreement depends upon the specific arrangement as to the type of supervision exercised by the Organization. It is advisable to include some provision to indicate the intent of the parties as to who shall be considered the employer. As appropriate, one of the following two paragraphs may be included.*) [1]

(1) The Institution shall be deemed the employer for purposes of this agreement. It has the ultimate right to control and direct the services of the student for the Organization. It shall also determine that the students meet the eligibility requirements for employment under the College Work-Study Program, assign students to work for the Organization, and determine that the students do perform their work in fact. The Organization's right shall be limited to direction of the details and means by which the result is to be accomplished.

(2) The Organization shall be deemed the employer for purposes of this agreement. It has the right to control and direct the services of the student, not only as to the result to be accomplished, but also as to the means by which the result is to be accomplished. The Institution shall be limited to determining that the students meet the eligibility requirements for employment under the College Work-Study Program, to assigning students to work for the Organization, and to determining that the students do perform their work in fact.

[1] (It should be noted that although the following paragraphs attempt to fix the identity of the employer, they will not necessarily be determinative if the actual facts indicate otherwise. Additional wording which specifies the employer's responsibility in case of injury on the job may also be advisable, since Federal funds are not available to pay for hospital expenses or claims in case of injury on the job. In this connection it may be of interest that one or more insurance firms in at least one State have in the past been willing to write a workmen's compensation insurance policy which covers a student's injury on the job regardless of whether it is the Institution or the Organization which is ultimately determined to have been the student's employer when he was injured.)

(*Wording of the following nature may be included, as appropriate, to locate responsibility for payroll disbursements and payment of employers' payroll contributions.*) Compensation of students for work performed on a project under this agreement will be disbursed—and all payments due as an employer's contribution under State or local workmen's compensation laws, under Federal or State social security laws, or under other applicable laws, will be made—by the (Organization), (Institution), (strike one).

(*Where appropriate any of the following paragraphs may be included.*)

(1) At such times as are agreed upon in writing, the Organization will pay to the Institution an amount calculated to cover the Organization's share of the compensation of students employed under this agreement.

(2) In addition to the payment specified in paragraph (1) above, at such times as are agreed upon in writing, the Organization will pay, by way of reimbursement to the Institution, or in advance, an amount equal to any and all payments required to be made by the Institution under State or local workmen's compensation laws, or under Federal or State social security laws, or under any other applicable laws, on account of students participating in projects under this agreement.

(3) At such times as are agreed upon in writing, the Institution will pay to the Organization an amount calculated to cover the Federal share of the compensation of students employed under this agreement and paid by the Organization. Under such an arrangement the Organization will furnish to the Institution for each payroll period the following records for review and retention:

(a) Time reports indicating the total hours worked each week and containing the supervisor's certification as to the accuracy of the hours reported and of satisfactory performance on the part of the students;

(b) A payroll form identifying the period of work, the name of each student, his rate per hour, the number of hours worked, his gross pay, all deductions and net earnings, and the total Federal share applicable to each payroll; [2] and

(c) Documentary evidence that students received payment for their work, such as photographic copies of cancelled checks.

[2] (These forms, when accepted, must be countersigned by the Institution as to hours worked and satisfactory performance, as well as to the accuracy of the total Federal share which is to be reimbursed to the off-campus organization.)

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TUESDAY, OCTOBER 14, 1975



PART IV:

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

TANK VESSELS CARRYING OIL IN DOMESTIC TRADE

Protection of Marine Environment

VOL 1999 OCT 14 75 XUM

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-32]

PART 151—OIL POLLUTION REGULATIONS

PART 157—RULES AND REGULATIONS FOR PROTECTION OF THE MARINE ENVIRONMENT RELATING TO TANK VESSELS CARRYING OIL IN DOMESTIC TRADE

Tank Vessels Carrying Oil in Domestic Trade

● **Purpose. The purpose of these amendments to the pollution regulations is to add regulations that govern the design and operation of seagoing U.S. tank ships and barges of 150 gross tons and over that carry oil in the United States domestic trade. These regulations will effect in the immediate future a significant reduction of operational pollution from tank cleaning and deballasting operations from seagoing U.S. tank vessels in domestic trade. Additionally, these regulations will be extended to encompass the remainder of the U.S. seagoing vessels and foreign vessels trading into U.S. waters. Pollution caused by vessel casualties will be diminished as a consequence of the regulations.** ●

In the January 26, 1973 issue of the FEDERAL REGISTER (38 FR 2467), the Coast Guard published an advance notice of proposed rulemaking inviting comments from the public on proposed requirements for certain tank vessels to have segregated ballast that would be achieved in part by the fitting throughout the cargo length of double bottoms. In the July 5, 1973 issue of the FEDERAL REGISTER (38 FR 17848), a notice was published informing the public that the Coast Guard intended to withhold action on the Advance Notice of Proposed Rulemaking until the International Conference on Marine Pollution, 1973 was concluded and the results of that meeting evaluated.

After the Conference in October 1973, there followed a period of study and debate within the Coast Guard and with other federal agencies concerned with marine pollution prevention. Several policy questions had to be resolved:

(1) Should the United States accept the international standards specified in the International Convention for the Prevention of Pollution from Ships, 1973, or should unilateral action be taken to impose higher construction standards on U.S. vessels and foreign vessels entering our waters?

(2) If the United States were to accept the Convention standards which would apply to foreign ships and U.S. ships in foreign trade, what standards should be adopted for U.S. vessels in domestic trade?

(3) Should economic, social, legal, foreign policy, and safety considerations be reflected in the formulation of the regulations?

After considering the issues raised by these questions, the Coast Guard decided that the Convention although not perfect, did establish a reasonable and environmentally effective set of standards on which regulations for tank vessel construction could be based. The Coast Guard also decided that pollution regulations for all U.S. seagoing tank ships should be uniform, irrespective of the trade in which they are engaged. Based on these two decisions, proposed regulations conforming to the provisions of the Convention were published in the June 28, 1974 issue of the FEDERAL REGISTER (39 FR 24150).

In developing the proposed regulations, the Coast Guard also complied with the mandate contained in Title II of the Ports and Waterways Safety Act of 1972 (46 U.S.C. 391a) to consider: the need for such regulations; the extent to which such regulations will contribute to safety and/or protection of the marine environment; and the practicability of compliance with the regulations, including cost and technical feasibility.

In response to public and Congressional comment, the Coast Guard has reviewed the basis for the proposal and reaffirms its decision to base the regulations on the 1973 International Convention. Pollution of the oceans must be viewed as an international problem. Ocean winds and currents do not observe national boundaries. Many of the ocean areas of greatest productivity of sea life lie in international waters beyond the jurisdiction of any nation. World shipping and trade in petroleum are international in scope, with only a small portion of the U.S. supply of petroleum being transported in ships of American registry. Therefore, ship source pollution problems are best attacked in an international context with unilateral action reserved for those circumstances when international solutions are impossible or inappropriate.

Because of its potential effectiveness in reducing operational pollution, the best course of action is the implementation of the Convention coupled with vigorous efforts by the Coast Guard to improve crew training, manning standards, and operating standards for the reduction of both operational and accidental outflows.

A number of commenters asked why the Coast Guard did not distinguish between foreign and domestic trade and provide higher standards for U.S. vessels engaged in domestic trade. Some commenters interpreted Title II of the Ports and Waterways Safety Act of 1972 (46 U.S.C. 391a), as amended by Section 401 of the Trans-Alaska Pipeline Authorization Act (Public Law 93.153, 67 Stat. 576), as establishing that distinction. In the Coast Guard's opinion, the law does not permit a distinction between domestic and foreign vessels to be inferred from any treaty, convention, or international agreement. In addition, there is no safety or environmental basis for setting higher standards for U.S. domestic trade vessels since the characteristics of the operational situation external to the vessel determine the threat to the environment and to the safety of the vessel, not whether the vessel is engaged in foreign or domestic trade. Accordingly, there is no mandate to issue, for U.S. tank vessels engaged in carrying oil in domestic trade, rules which set a higher standard than those rules that will apply to other U.S. vessels and to foreign vessels while in United States jurisdiction.

Existing regulations governing tanker construction and operation, issued under R.S. 4417a, as amended (46 U.S.C. 391a) and promulgated in 46 CFR Subchapters D and O, make no distinction between tank vessels engaged in domestic trade and those engaged in foreign trade. Requirements for seagoing tank vessels have been based on the vessel size, the duration of the voyage, the exposure to hazards (i.e., bad weather, rough sea conditions, vessel traffic), and the characteristics of the cargo carried. If distinctions in tanker construction requirements concerned with safety and pollution prevention were to be based on "foreign" and "domestic" trade routes, the result would be different standards for vessels engaged in essentially identical voyage routes. For example, a vessel on a "foreign" voyage from a Caribbean port, another on a "domestic' voyage from the Gulf coast, both sailing along the east coast of the United States, are subject to identical risks. The Coast Guard has concluded that safety requirements should be concerned with the risks involved and not on trade route distinctions.

Another reason for not distinguishing between tankers in foreign and domestic trade is the need to allow owners the flexibility to use vessels in either trade as business opportunities change. Several commenters doubted the validity of this reason. Therefore, the Coast Guard examined the voyage records of 272 U.S. seagoing tank vessels; only 66 vessels had engaged exclusively in domestic trade during the sample time period. Those 66 were generally vessels of less than 15,000 gross tons, and at least 15 were carrying bulk cargoes other than petroleum, such as sulphur, wine, and similar dry and liquid cargoes.

Since the amendments are based on the Convention, several commenters suggested that the Convention wording be used. While adequate for the purposes of international agreement for implementation by states parties, the language of the Convention is not in all cases considered by the Coast Guard as being specific enough for legal sufficiency.

There were several comments concerning the dates in the definition of "new vessel" each of which proposed a delay in the applicability of the requirements. The Coast Guard found no support for further delay and accordingly did not adopt the suggested changes.

Several commenters suggested that the Coast Guard should establish cutoff dates after which existing vessels not fully in compliance with the proposed requirements for new vessels would be removed from service in U.S. waters. Existing vessels are required to be upgraded by the use of slop tanks, separators, oil discharge monitoring and control systems, and the alteration of piping. These are design and equipment requirements that will improve the ability of the vessel to

avoid routine operational discharges. It is not practicable to retroactively apply the segregated ballast requirements of these regulations to existing vessels. The Coast Guard is participating in a study of the cost and feasibility of some type of retrofitted segregated ballast requirement. This study is being conducted by a working group of the National Committee for the Prevention of Marine Pollution.

The proposed revision to the oil record book requirement in § 151.35(c)(1)(v) has been changed to state that it is applicable only to the side valves, that is, the valves on the cargo transfer manifold where the oil is transferred to or from the shore during loading or discharge. The remainder of the valves in the oil and ballast system are covered by the other entries in the oil record book.

Several commenters suggested that the definition of clean ballast in proposed § 157.03(e) is not clear and differs from the Convention meaning. The proposed definition agrees with current U.S. regulations (see 40 CFR Part 110) and has not been changed. Discussions between the Coast Guard and the Environmental Protection Agency are being held on the question of whether confirmation by monitor records that a discharge did not exceed 15 parts per million oil in water provides a legal defense. Changes in the regulations may be proposed after these discussions.

One commenter noted that the proposed definition of deadweight in § 157.03(g) was at variance with the Convention and this definition has been changed to conform with the Convention.

Several commenters suggested that petrochemicals should be excluded from the proposed definition of "oil." Petrochemicals have not been classified with respect to pollution potential. When 46 CFR Subchapter O is revised to incorporate the provisions of Annex II of the Convention, the classification problem will be addressed in more detail. As suggested, petrochemicals are now excluded from the definition of oil. The definition has been reworded for clarification.

One commenter suggested that the definition of segregated ballast in proposed § 157.03(r) should include the Convention alternative of ballast cargoes other than oil or noxious substances. This suggestion has not been adopted since no substances have been identified or suggested for regular use as an alternative to water ballast.

One commenter questioned whether proposed § 157.05(a) represented a step toward adoption of the metric system. The formulas in these regulations require conversion from customary units to SI units before entering values into the formulas. This use of the metric system will increase in the coming years.

One commenter suggested that the Commandant of the Coast Guard should reserve the option of accepting an operating requirement in lieu of a construction requirement under proposed § 157.07. The adoption of that suggestion would conflict with a Convention provision expressly intended to preclude such a practice. The Coast Guard agrees with the Convention philosophy and will not adopt the suggestion.

Commenters noted that some requirements of proposed Subpart B are inappropriate for most seagoing tank barges. Generally, unmanned seagoing tank barges do not take ballast into cargo tanks or clean cargo tanks while at sea. Accordingly, § 157.08 has been rewritten and § 157.28 has been added to reflect this operating practice. Also, § 157.08 has been changed to exempt barges constructed to inland standards from the requirements in §§ 157.19 and 157.21.

Many commenters were critical of the fact that the segregated ballast requirement in proposed § 157.09 did not include vessels smaller than 70,000 tonnage DWT. The United States negotiating position at the Conference was in favor of extending the segregated ballast requirements to all new vessels of 20,000 tonnage DWT or more, but this position was not accepted by the majority at the Conference. Discussion at the Conference for and against extending segregated ballast requirements to cover vessels from 20,000 tonnage DWT to 70,000 tonnage DWT centered on the effectiveness of such requirements in reducing operational pollution. Segregated ballast would not be effective in preventing operational pollution from tank vessels smaller than 70,000 tonnage DWT because most of these vessels carry petroleum products rather than crude oil. These vessels must frequently wash tanks for cargo purity reasons. Since clean cargo tanks are then available for ballasting, segregated ballast is unnecessary.

Proposed § 157.09(b) (redesignated § 157.09(a)) concerning segregated ballast tank capacity has been revised in response to criticism that the proposal created an unreasonable burden on the shipbuilder and shipowner to show the adequacy of segregated ballast capacity for ballast voyages. The master must have a vessel with adequate segregated ballast capacity for safe operation. The amount of ballast needed for safe operation is a matter that in the past has been usually left to the judgment of the vessel's master. Considerable effort on the part of naval architects, shipowners, and government agencies has gone into trying to determine a reasonable ballast level for most circumstances. The draft and trim requirements in the Convention, contained in proposed § 157.09(c) (redesignated § 157.09(b)), are based on the current collective judgment of world experts. The validity of these levels will have to be verified by satisfactory operating experience in the future. The responsibility for determining how much ballast is needed for safe operations remains with the vessel's master. He may take additional ballast in cargo tanks during severe weather if in his judgment it is necessary (see § 157.35).

Comments indicated that the proposal was not clear as to whether the draft and trim requirements are design criteria or operating restrictions. Section 157.09(b) has been changed to require the designed-in segregated ballast capacity to be sufficient for the ship to meet the draft and trim requirements in any ballast condition including the condition "lightweight with only segregated ballast." Section 157.09(d) (redesignated § 157.09(c)) has been changed to allow additional ballast to be carried in more than one cargo tank under abnormally severe weather conditions, as described in § 157.35.

Many commenters were critical of the fact that the proposed regulations did not require double bottoms. In addition, the proposal did not contain standards concerned with the specific placement of segregated ballast within the vessel. The commenters suggested that if segregated ballast was needed to control operational pollution, it should be distributed to serve as protective space to mitigate the outflow in cases of collisions, rammings, and groundings. Though the Convention does not specify how segregated ballast spaces should be distributed, the suggestion that the spaces can have a secondary use by proper arrangement to give some protection in the case of accidents has merit.

A new paragraph (d) has been added to § 157.09 to state the requirement that was unstated but implicit in proposal: distribution of the segregated ballast must be acceptable to the Coast Guard.

On page 48289 in this issue of the FEDERAL REGISTER the Coast Guard publishes a notice of proposed rulemaking amending these rules. These proposed changes relate specifically to the limited issue of how the required segregated ballast must be distributed.

Proposed § 157.11 has been reworded for clarification. Paragraph (c) has been changed to state that a manifold includes a cargo or ballast manifold that can be used to transfer dirty ballast water or an oily mixture to a reception facility.

One comment with respect to proposed § 157.13 suggested that the requirement was impractical because in many cases a cantilevered structure extending beyond the deck edge would be necessary to visually observe the discharge. This same commenter suggested that it would be sufficient to observe the effluent in the sea. The Coast Guard rejects this concept on the basis that it is not satisfactory or sufficient to observe the wake. The overboard discharges must be so located to be observed from the deck.

In response to several comments, proposed § 157.15 has been rewritten. References to baffles, weirs, and similar separation aids within the slop tank have been eliminated. The requirement for separate inlet and outlet connections has been retained since this is a basic prerequisite for decanting water from the slop tank. Slop tank design that provides effective and efficient oil/water separation is a developing art so it is not possible to provide specific design requirements at this time.

One commenter pointed out that Regulation 15(2)(a) in the Convention provides that on existing vessels any cargo tank may be designated a slop tank if suitable piping is installed. Nothing in the proposal is in conflict with Regula-

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tion 15(2)(a) concerning this use of cargo tanks. The Coast Guard anticipates that existing vessels will be modified to use existing cargo tanks as slop tanks; however, proposed § 157.15 has been changed to make it clear that slop tanks may carry cargo as is customary in the Load-On-Top (LOT) methods.

Several commenters suggested that "adequate capacity" for the oily residue tank required in proposed § 157.17(b) should be more definitively stated. The Coast Guard feels that the owner and shipbuilder are in the best position to determine the capacity needed for oily residue in view of the variables involved.

One commenter suggested that the dates in proposed § 157.19 concerning cargo tank arrangement and size should be made to correspond with dates defining a new vessel in § 157.03. This is not possible in view of the fact that the dates in this section are established in 33 U.S.C. 1004a, which is based on IMCO recommendations.

In response to several comments, the Coast Guard added an interpretation of paragraph 3.3 of Annex C of the 1971 amendments to the 1954 Convention to the pollution regulations in 33 CFR 151.50 (39 FR 30125). This interpretative rule allows a U.S. tank barge of 150 meters or less to be constructed with essentially the same bulkhead spacing as a tankship of comparable cargo capacity.

One commenter questioned whether sluice gates used in cargo transfer systems are considered "valves" under proposed § 157.19(c). While sluice gates are usually larger and not as tight as gate, globe, or butterfly valves used in cargo systems, the Coast Guard considers them to be "valves" under § 157.19(c).

In response to several comments, proposed § 157.19(d) has been rewritten to require that if a line of piping that runs through a cargo tank in a position less than t. from the vessel's side or less than v. from the vessel's bottom, as defined in Appendix A, has a branch, that branch must have a valve within each cargo tank into which the branch opens. The valve may be at the bulkhead where the branch line enters the tanks, at the end of the branch adjacent to the opening, or anywhere in the branch within the tank.

Proposed § 157.21(a)(3) (redesignated § 157.21(c)) has been rewritten to state the criteria that must be satisfied in determining acceptable stability after damage.

Proposed § 157.21(a)(4) has been omitted from the final regulations. The proposal was included to account for cross-flooding; however, cross-flooding was not included in the Convention regulations.

One commenter suggested that proposed § 157.21(b) (redesignated § 157.24(b)) be rewritten on his assumption that it would be impossible for a designer or builder to submit stability data at the same time the contract plans and specifications are submitted. The Coast Guard considers plan review a continuous process. It is normal practice for a designer to prepare preliminary estimates of a vessel's stability as part of the contract plans and specifications. From the time the Coast Guard review process begins and until the time the vessel is certificated, the calculations can be revised and refined by the submitter.

Several commenters felt that the cargo and ballast system information required by proposed § 157.23 is redundant, citing requirements for oil transfer procedures presently contained in 33 CFR 155.750. While there may be some overlap, § 155.750 specifically concerns oil transfer operations at a terminal, but § 157.23 requires information necessary to carry out retention-on-board operations while underway. It may be desirable for some vessels to combine the information required by these rules into one manual.

The proposed requirement in § 157.23 that the instruction manual be submitted for Coast Guard approval has been omitted. The owner must furnish the vessel a manual containing his vessel's cargo and ballast information, and furnishing the vessel with a copy of the "Clean Seas Guide for Oil Tankers" would not meet this requirement. The information required must be available on board the vessel and for Coast Guard examination during boardings.

Several commenters took exception to the prohibition against carrying ballast water in fuel tanks on new vessels contained in proposed § 157.33. The Coast Guard believes that this objection is based upon a misunderstanding of the background of Regulation 14(2) of Annex I of the Convention. It was the intent of the Convention to prohibit ballasting of fuel tanks on new vessels. The abnormal circumstances in Regulation 14(2) refer to a small number of vessels that stay at sea for long periods, such as fishing, whale, factory, or other vessels deployed to remote areas such as the Arctic or Antarctic. Since the proposal did not concern those vessels, the prohibition was not changed.

A question on ballasting of fuel tanks concerned the use of a dual purpose ballast/fuel tank (i.e., a tank used for fuel when the vessel is on a trade route requiring long voyages and used for ballast when the vessel is on a short voyage route). If a vessel has a dual purpose tank, a requirement will be noted during the Coast Guard plan review process that the piping to the particular dual purpose tank must contain spool pieces that can be inserted into either the fuel piping or the ballast piping depending on how the tank is being used.

One comment requested clarification of the phrase "is proceeding enroute" in proposed § 157.37(a)(2). The words in this phrase are used in their dictionary meaning which is "moving on or along the way." In other words, the vessel must be moving through the water. It cannot be anchored or drifting. This will not prohibit a vessel from going to sea solely for the purpose of cleaning tanks before entering a repair yard so long as the criteria in § 157.37 are met.

One commenter noted that proposed § 157.37(a)(5) (redesignated § 157.37(a)(6)) was incomplete since it did not specify how to operate in case of failure of the automatic oil discharge and monitoring and control system. This paragraph has been rewritten to include requirements in case of failure that allows manual operation of the system. Another commenter suggested that proposed § 157.37(b) should have a broader application than only vessels that carry asphalt. This suggestion is not adopted. The only reason an exception exists for asphalt vessels is because of the inability to clean and consolidate the cargo residues while at sea.

Several commenters noted the impracticability of compliance with proposed § 157.43 in the case of a vessel fitted with double bottoms having no access from the deck. This section has been rewritten to allow the discharge without first visually examining the top of the contents of the tank if the ballast content is tested with an oil/water interface detector or a similar device.

Proposed § 157.45 has been changed to acknowledge that the need for either cargo or ballast transfer may arise while the vessel is at sea necessitating the opening of valves and closing devices. The phrases "closing devices" and "transfer system" are used to include those vessels using sluice gates in tank bulkheads. Valves and closing devices are required to be closed at sea, except when in use, in order that the vessel meets the stability requirement.

Proposed § 157.49 has been changed to reflect its applicability to persons operating cargo and ballast systems of a tank vessel.

Several commenters noted an omission in Appendix A for the installation of emergency high suction transfer systems. This was an oversight and this optional installation has now been added to Appendix A.

One commenter noted that proposed footnote 2 of paragraph 4(b) in Appendix B appeared to be more stringent than the Convention requirements since it specifies the use of the actual density of the cargo in order to perform the calculations. This was included to ensure that the designers used a representative cargo density in the calculations to rectify the omission of a Convention specification. Proposed paragraph 4(d) of Appendix B has been rewritten to reflect the latest Convention recommendation on free surface effect calculations.

In consideration of the foregoing, the proposed regulations that appear in the June 28, 1974 issue of the FEDERAL REGISTER (39 FR 24150) are hereby adopted subject to the changes discussed in the preceding paragraphs. It was Congressional intent that the regulations be effective not later than June 30, 1974 and any further delay would be contrary to public interest. Accordingly, it is found necessary to make the regulations effective on October 14, 1975.

A Final Environmental Impact Statement, "Regulations for Tank Vessels Engaged in the Carriage of Oil in Domestic Trade", has been prepared on the regulations in this document, and was made available to the President's Council on Environmental Quality and the public on August 15, 1975. The statement contains additional and more detailed information. Copies are available upon request to the Executive Secretary (G-CMC/82), U.S. Coast Guard, Washington, DC 20590.

The inflationary impact of the requirements in this document was evaluated in accordance with the criteria contained in the Department's Interim Guidance for the Preparation of Inflation Impact Statements. Under the evaluation, these requirements are found not to be a major proposal and a Negative Declaration has been prepared. Copies are available upon request to the Executive Secretary (G-CMC/82), U.S. Coast Guard, Washington, D.C. 20590.

I certify that the Interim Rules and Regulations for the Protection of the Marine Environment Relating to Tank Vessels Carrying Oil in Domestic Trade is not a major proposal in accordance with Executive Order 11821, dated November 27, 1974, and Departmental implementing instructions.

In consideration of the foregoing, chapter 1 of title 33, Code of Federal Regulations, is amended as follows:

1. Section 151.35 (c) and (d)(2) is revised to read as follows:

§ 151.35 Oil record book.

• • • • •

(c) If an operations listed in this paragraph occurs, the Oil Record Book must be completed in accordance with the requirements contained in paragraph (e) of this section.

(1) The following operation on a tanker must be recorded on a tank-to-tank basis:

(i) Loading of oil cargo.

(ii) Internal transfer of oil cargo during a voyage.

(iii) Opening or closing before and after loading and unloading operations of valves or similar devices that interconnect cargo tanks.

(iv) Opening or closing of means of communication between cargo piping and seawater ballast piping.

(v) Opening or closing of valves at hose connection points at ends of cargo transfer manifolds before, during, and after loading and unloading operations.

(vi) Unloading of oil cargo.

(vii) Ballasting of cargo tanks.

(viii) Cleaning of cargo tanks.

(ix) Discharge of ballast except from segregated ballast tanks.

(x) Discharge of water from slop tanks.

(xi) Disposal of residues.

(xii) Discharge overboard in port or at sea of bilge water accumulated in machinery spaces.

(2) The following operations on a ship other than a tanker must be recorded on a tank-to-tank basis:

(i) Ballasting, or cleaning during voyage, of bunker fuel tanks.

(ii) Disposal of oily residues from bunker fuel tanks or other sources.

(d) • • •

(2) The escape of oil or an oily mixture resulting from—

(i) damage to the ship;

(ii) unavoidable leakage; or

(iii) any accident or other exceptional circumstance.

• • • • •

2. Subchapter O is amended by adding Part 157 to read as follows:

Subpart A—General

Sec.
157.01 Purpose.
157.03 Definitions.
157.05 Performing calculations for this part.
157.07 Equivalents.

Subpart B—Design and Equipment

157.08 Applicability.
157.09 Segregated ballast.
157.11 Pumping, piping, and discharge arrangements.
157.13 Designated observation area.
157.15 Slop tanks in tank vessels.
157.17 Oily residue tank.
157.19 Cargo tank arrangement and size.
157.21 Subdivision and stability.
157.22 Reserved.
157.23 Cargo and ballast system information.
157.24 Submission of calculations, plans, and specifications.

Subpart C—Vessel Operation

157.25 Applicability.
157.27 Discharges: tank vessels carrying oil exclusively on rivers, lakes, bays, sounds, and the Great Lakes, and seagoing tank vessels of less than 150 gross tons.
157.28 Discharges from tank barges exempted from certain design requirements.
157.29 Discharges: seagoing tank vessels of 150 gross tons or more.
157.31 Discharges: chemical additives.
157.33 Water ballast in oil fuel tanks.
157.35 Ballast added to cargo tanks.
157.37 Discharge of cargo residue.
157.39 Machinery space bilges.
157.41 Emergencies.
157.43 Discharge in port or at an offshore terminal.
157.45 Valves in cargo or ballast piping system.
157.47 Information for master.
157.49 Instruction manual.
Appendix A Damage assumptions, hypothetical outflows, and cargo tank size and arrangements.
Appendix B Subdivision and Stability Assumptions.

AUTHORITY: R.S. 4417a(3) and (7), as amended (46 U.S.C. 391a(3) and (7)); 49 CFR 1.46(n)(4).

Subpart A—General

§ 157.01 Purpose.

The purpose of the regulations in this part is to prescribe design, equipment and operation requirements for seagoing United States tank vessels engaged in the carriage of oil in domestic trade that are in addition to those requirements in 46 CFR Subchapters D and O.

§ 157.03 Definitions.

As used in this part:

(a) "Length" or "L" means the distance in meters from the fore side of the stem to the axis of the rudder stock on a waterline at 85 percent of the least molded depth measured from the molded baseline, or 96 percent of the total length on that waterline, whichever is greater. In vessels designed with drag, the water line is measured parallel to the designed waterline.

(b) "Amidships" means the middle of the length.

(c) "Breadth" or "B" means the maximum molded breadth of a vessel in meters.

(d) "Center tank" means any tank inboard of a longitudinal bulkhead.

(e) "Clean ballast" means the ballast in a cargo tank which, if discharged from a vessel that is stationary into clean, calm water on a clear day, would not—

(1) produce visible traces of oil on the surface of the water or on adjoining shore lines; or

(2) cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shore lines.

(f) "Combination carrier" means a vessel designed to carry oil or solid cargoes in bulk.

(g) "Deadweight" or "DWT" means the difference in metric tons between the lightweight displacement and the total displacement of a vessel measured in water of specific gravity 1.025 at the load waterline corresponding to the assigned summer freeboard.

(h) "Lightweight" means the displacement of a vessel in metric tons without cargo, oil fuel, lubricating oil, ballast water, fresh water, and feedwater in tanks, consumable stores, and any persons and their effects.

(i) "New Vessel" means a vessel that—

(1) is constructed under a contract awarded after December 31, 1974;

(2) in the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1975;

(3) is delivered after December 31, 1977; or

(4) has undergone a major conversion for which—

(i) the contract is awarded after December 31, 1974;

(ii) in the absence of a contract, conversion is begun after June 30, 1975; or

(iii) conversion is completed after December 31, 1977.

(j) "Existing vessel" means any vessel that is not a new vessel.

(k) "Major conversion" means a conversion of an existing vessel that—

(1) substantially alters the dimensions or carrying capacity of the vessel;

(2) changes the type of the vessel; or

(3) substantially prolongs the vessel's service life.

(l) "From the nearest land" means from the baseline from which the territorial sea of the United States is established in accordance with international law.

(m) "Instantaneous rate of discharge of oil content" means the rate of discharge of oil in liters per hour at any instant, divided by the speed of the vessel in knots at the same instant.

(n) "Oil" means oil of any kind or in any form, except petrochemicals, and includes but is not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

(o) "Oil fuel" means any oil used as fuel for machinery in the vessel in which it is carried.

(p) "Oily mixture" means a mixture with any oil content.

(q) "Permeability of a space" means the ratio of the volume within a space

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that is assumed to be occupied by water to the total volume of that space.

(r) "Segregated ballast" means the ballast water introduced into a tank that is completely separated from the cargo oil and oil fuel system and that is permanently allocated to the carriage of ballast.

(s) "Slop tank" means a tank specifically designated for the collection of cargo drainings, washings, and other oil mixtures.

(t) "Tank" means an enclosed space that is formed by the permanent structure of a vessel, and designed for the carriage of liquid in bulk.

(u) "Tank barge" means a tank vessel not equipped with a means of self-propulsion.

(v) "Tank vessel" means a vessel that is specially constructed or converted to carry liquid bulk cargo in tanks and includes tankers, tankships, tank barges, and combination carriers when carrying oil cargoes in bulk.

(w) "U.S. vessel" means a vessel that is owned, documented, or registered in the United States and is not a public vessel.

(x) "Wing tank" means a tank that is located adjacent to the side shell plating.

(y) "Tankship" means a tank vessel propelled by mechanical power or sail.

(z) "Domestic trade" means trade between ports or places within the United States, its territories and possessions, either directly or via a foreign port including trade on the navigable rivers, lakes, and inland waters.

§ 157.05 Performing calculations for this part.

In this part, unless the context requires otherwise—

(a) formulas are in the International System of Units (SI);

(b) values used in those formulas must be in the International System of Units; and

(c) forward and after perpendiculars are located at the forward end and at the after end of the length. The forward perpendicular coincides with the foreside of the stem on the waterline on which the length of the vessel is measured.

§ 157.07 Equivalents.

The Coast Guard may accept an equivalent, in accordance with the procedure in 46 CFR 30.15–1, of a design or an equipment to fulfill a requirement in this part except an operational method may not be substituted for a design or equipment requirement.

Subpart B—Design and Equipment

§ 157.08 Applicability.

(a) The requirements in this subpart apply to seagoing tank vessels of 150 gross tons or more except as follows:

(1) The requirements in §§ 157.11, 157.13, and 157.15 do not apply to a tank vessel that carries asphalt exclusively.

(2) The requirements in §§ 157.11, 157.13, 157.15, and 157.23 do not apply to a tank barge that can not ballast cargo tanks or wash cargo tanks while proceeding en route.

(3) The requirements in §§ 157.19 and 157.21 do not apply to a tank barge whose certificate is endorsed by the Coast Guard for a limited short protected coastwise route if the barge is constructed and certificated primarily for service on an inland route.

(b) The requirements in § 157.21 also apply to tank vessels engaged in the carriage of oil on the navigable waters of the Great Lakes.

§ 157.09 Segregated ballast.

(a) A new vessel of 70,000 tons DWT or more must have segregated ballast tanks that have a total capacity to allow the vessel to meet the draft and trim requirements in paragraph (b) of this section without recourse to the use of oil tanks for water ballast.

(b) In any ballast condition during any part of a voltage, including that of lightweight with only segregated ballast, the vessel's drafts and trim must have the capability of meeting each of the following requirements:

(1) The molded draft amidship (dm) in meters without taking into account vessel deformation must not be less than dm in the following mathematical relationship:

$$dm = 2.0 + 0.02L$$

(2) The drafts at the forward and after perpendiculars must correspond to those determined by the draft amidship as specified in paragraph (b)(1) of this section, in association with the trim by the stern of no more than 0.015L.

(3) The minimum allowable draft at the after perpendicular is that which is necessary to obtain full immersion of the propeller.

(c) The vessel may be designed to carry ballast water in cargo tanks during the condition described in § 157.35.

(d) The distribution of the segregated ballast spaces within the cargo tank area must be acceptable to the Coast Guard.

§ 157.11 Pumping, piping, and discharge arrangements.

(a) Each tank vessel must have a fixed piping system arranged for the—

(1) transfer of dirty ballast residue and tank washings from each cargo tank to a slop tank;

(2) discharge to the sea under § 157.37; and

(3) discharge in a port or at an offshore terminal under § 157.43.

(b) Each tank vessel must have the fixed piping system arranged to, for discharges under paragraph (a)(2) of this section, terminate above the weather deck or on the vessel's side above the waterline of the deepest ballast condition.

(c) Each tank vessel must have a cargo or ballast discharge manifold that—

(1) is located on the weather deck;

(2) terminates on each side of the vessel; and

(3) is connected to the piping system required in paragraph (a)(1) of this section for the transfer to a reception facility of oily mixtures that cannot be discharged under §§ 157.37 or 157.43.

NOTE: An existing vessel must comply with the requirements in § 157.11 before December 31, 1977.

§ 157.13 Designated observation area.

A new vessel must have a designated observation area on the weather deck or above that is—

(a) located so that the effluent from the pipeline terminations required in § 157.11(a) and the manifold required in § 157.11(c) may be visually observed; and

(b) equipped with—

(1) a means to directly stop the discharge of effluent into the sea; or

(2) a positive communication system, such as a telephone or a radio, between the observation area and the discharge control position.

§ 157.15 Slop tanks in tank vessels.

(a) *Number.* A tank vessel must have the following number of slop tanks that comply with the requirements of this section:

(1) A new vessel of less than 70,000 tons DWT and an existing vessel must have at least one slop tank.

(2) A new vessel of 70,000 tons DWT or more must have at least two slop tanks.

(b) *Capacity.* Slop tanks required in this section must have a capacity to retain two percent or more of the oil carrying capacity of the vessel except nonsegregated ballast tank vessels that have tank eductors installed must have a slop tank capacity of three percent or more of the oil carrying capacity of the vessel.

(c) *Design.* A slop tank required in this section—

(1) must minimize turbulence, entrainment of oil, and the creation of an emulsion by the use of separate inlet and outlet connections; and

(2) may carry bulk oil when not being used as a slop tank.

NOTE: An existing vessel must comply with the requirements in § 157.15 before December 31, 1977.

§ 157.17 Oily residue tank.

(a) A tank vessel of 400 gross tons or more must have a tank that receives and holds oily residue resulting from purification of fuel and lubricating oil and from oil leakages in machinery spaces.

(b) Each oily residue tank required in paragraph (a) of this section must have an adequate capacity that is determined by the—

(1) type of machinery installed on the vessel; and

(2) maximum fuel oil capacity.

(c) Each oily residue tank on a new vessel must be designed to facilitate—

(1) cleaning; and

(2) discharging to a reception facility.

NOTE: An existing vessel must comply with the requirements in § 157.17 (a) and (b) before December 31, 1977.

§ 157.19 Cargo tank arrangement and size.

(a) The requirements in this section apply to—

(1) a new vessel;

(2) a tank vessel delivered after January 1, 1977; and

(3) a tank vessel that is delivered before January 1, 1977, for which the building contract is awarded after January 1, 1972, or, if there is no building contract, the keel is laid or the vessel is at a similar stage of construction after June 30, 1972.

(b) As determined in accordance with the procedures contained in Appendix A of this part, each cargo tank must be of such size and arrangement that—

(1) the hypothetical outflow for side damage (O_C) or for bottom damage (O_S) anywhere within the length of the vessel must not exceed O_A (30,000 cubic meters or 400 $\sqrt[3]{\text{DWT}}$, whichever is greater, limited to a maximum of 40,000 cubic meters);

(2) the volume of each wing tank and center tank is less than the allowable volume of a wing tank (VOL_W) and the allowable volume of a center tank (VOL_C) respectively; and

(3) the length of a tank is less than the allowable length of a tank (l_a).

(c) If a cargo transfer system interconnects two or more cargo tanks, the system must have valves to segregate the tanks from each other.

(d) If a line of piping that runs through a cargo tank in a position less than t_c from the vessel's side or less than v_s from the vessel's bottom, as defined in Appendix A of this part, has a branch, that branch must have a valve within each cargo tank into which the branch opens.

(e) If piping that serves suction wells is installed within a double bottom, that piping must be—

(1) fitted with valves located at the point of connection to the tank served to prevent oil outflow in the event of damage to the piping; and

(2) designed to be installed as high from the bottom shell as possible.

NOTE: Vessels within the categories in § 157.19(a)(3) must meet the requirements in § 157.19 before December 31, 1976. If a vessel is constructed under a contract that was awarded before January 1, 1974 and does not carry crude oil, fuel oil, heavy diesel oil, or lubricating oil; the requirements in § 157.19 do not apply.

CROSS REFERENCE: See 33 CFR 151.50 (39 FR 30125) for an interpretative rule concerning tank arrangement and size limitations applicable to seagoing tank barges.

§ 157.21 Subdivision and stability.

A new vessel must meet the following subdivision and damage stability criteria after assuming side and bottom damage as defined in Appendix B of this part. A vessel that meets the requirements in this section is considered by the Coast Guard as meeting 46 CFR 42.20–5.

(a) The final waterline, taking into account sinkage, heel, and trim, must be below the lower edge of an opening through which progressive flooding may take place, such as an air pipe, or any opening that is closed by means of a weathertight door or hatch cover. This opening does not include an opening closed by a—

(1) watertight manhole cover;

(2) flush scuttle;

(3) small watertight cargo tank hatch cover that maintains the high integrity of the deck;

(4) remotely operated watertight sliding door; or

(5) side scuttle of the non-opening type.

(b) In the final stage of flooding, the angle of heel due to unsymmetrical flooding must not exceed 25 degrees, except that this angle may be increased to 30 degrees if no deck edge immersion occurs.

(c) For acceptable stability in the final stage of flooding, the righting lever curve must have a range of at least 20 degrees beyond the position of equilibrium in association with a maximum residual righting lever of at least 0.1 meter. For the calculations required in this section, weathertight openings or openings fitted with automatic closures, (*e.g.* a vent fitted with a ball check valve), need not be considered as points of downflooding within the range of residual stability, but other openings must be accounted for in the calculation.

§ 157.22 [Reserved]

§ 157.23 Cargo and ballast system information.

(a) Each tank vessel to which this part applies must have an instruction manual that describes the automatic and manual operation of the cargo and ballast system in the vessel.

(b) The format and information contained in the instruction manual required in paragraph (a) of this section must be similar to the manual entitled "Clean Seas Guide for Oil Tankers" which can be obtained from the International Chamber of Shipping, 30–32 St. Mary Axe, London, England, EC3A 8ET.

§ 157.24 Submission of calculations, plans, and specifications.

The owner, builder, or designer of a new vessel shall submit the following to the Coast Guard before construction of the vessel:

(a) Calculations to substantiate compliance with the tank arrangement and size requirements in § 157.19(b).

(b) Calculations to substantiate compliance with subdivision and damage stability requirements in § 157.21.

(c) [Reserved]

(d) Plans and specifications required in 46 CFR 31.10–5 that include—

(1) the design characteristics of the vessel, the arrangements, configuration, and contents of the assumed damaged compartments; and

(2) the distributions, specific gravities, and the free surface effect of liquids.

Subpart C—Vessel Operation

§ 157.25 Applicability.

This subpart prescribes regulations for the discharging of clean ballast, segregated ballast, and oil mixtures from, and for the carriage of ballast water by—

(a) tank vessels carrying oil exclusively on rivers, lakes, bays, sounds, and the Great Lakes; and

(b) seagoing tank vessels.

§ 157.27 Discharges: Tank vessels carrying oil exclusively on rivers, lakes, bays, sounds, and the Great Lakes, and seagoing tank vessels of less than 150 gross tons.

Unless a tank vessel carrying oil exclusively on rivers, lakes, bays, sounds, and the Great Lakes, or a seagoing tank vessel of less than 150 gross tons discharges clean ballast or segregated ballast, the vessel must—

(a) retain on board any oily mixture; or

(b) transfer an oily mixture to a reception facility.

§ 157.28 Discharges from tank barges exempted from certain design requirements.

The person in charge of a tank barge exempted under § 157.08(a)(2) from the requirements in §§ 157.11, 157.13, 157.15, and 157.23 shall ensure that while the barge is proceeding en route—

(a) cargo tanks are not ballasted or washed; and

(b) oil or oily mixtures are not discharged.

§ 157.29 Discharges: Seagoing tank vessels of 150 gross tons or more.

Unless a seagoing tank vessel of 150 gross tons or more discharges an oily mixture in compliance with the requirements in §§ 157.37, 157.39, or 157.43, the vessel must—

(a) retain the mixture; or

(b) transfer the mixture to a reception facility.

§ 157.31 Discharges: Chemical additives.

No person may use a chemical additive to circumvent the discharge requirements in §§ 157.27, 157.29, 157.37, 157.39, and 157.43.

§ 157.33 Water ballast in oil fuel tanks.

A new vessel may not carry ballast water in an oil fuel tank.

§ 157.35 Ballast added to cargo tanks.

A tank vessel that meets the design requirement in § 157.09 may carry water ballast in cargo tanks during abnormally severe weather conditions if more ballast water than can be carried in segregated ballast tanks is required for the safety of the vessel. This ballast water must be—

(a) processed and discharged in compliance with the requirements in § 157.37; and

(b) recorded in the Oil Record Book under § 151.35(c)(1)(vii) of this chapter.

§ 157.37 Discharge of cargo residue.

(a) Except as required in paragraph (b) of this section, a tank vessel may discharge into the sea an oily mixture from a cargo tank and cargo pump room bilge if the vessel—

(1) is more than 50 nautical miles from the nearest land;

(2) is proceeding en route;

(3) is discharging at an instantaneous rate of oil content not exceeding 60 liters per nautical mile;

(4) is an existing vessel and the total quantity of oil discharged into the sea

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does not exceed 1/15,000 of the total quantity of the cargo that the discharge formed a part, or is a new vessel and the total quantity of oil discharged into the sea does not exceed 1/30,000 of the total quantity of the cargo that the discharge formed a part;

(5) discharges above the waterline through the piping required in §157.11 (a); and

(6) has in operation an automatic oil discharge monitoring and control system approved by the Coast Guard (specification regulation to be proposed), except that system may be operated manually if—

(i) the automatic system fails during a ballast voyage;

(ii) the failure is recorded in the Oil Record Book;

(iii) the master ensures that the discharge is constantly monitored visually and promptly terminated when oil is detected in the discharge; and

(iv) the system is operated manually only until the ballast voyage is completed.

(b) A tank vessel that carries asphalt exclusively must transfer cargo residues and tank washings to a reception facility.

§ 157.39 Machinery space bilges.

(a) A tank vessel may discharge an oily mixture from a machinery space bilge that is combined with an oil cargo mixture if the vessel discharges in compliance with § 157.37.

(b) A tank vessel may discharge an oily mixture from a machinery space bilge that is not combined with an oil cargo mixture if the vessel—

(1) is more than 12 nautical miles from the nearest land;

(2) is proceeding en route;

(3) is discharging an effluent with an oil content of less than 100 parts per million; and

(4) has in operation an oil discharge monitoring and control system approved by the Coast Guard (specification regulation to be proposed) and oil water separating equipment approved by the Coast Guard (specification regulation to be proposed).

§ 157.41 Emergencies.

Sections 157.27, 157.29, 157.37, and 157.39 do not apply to a tank vessel that discharges into the sea oil or oily mixtures—

(a) for the purpose of securing the safety of the vessel or for saving life at sea; or

(b) as a result of damage to the vessel or its equipment if—

(1) reasonable precautions are taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and

(2) the owner, master or person in charge did not intend to cause damage, or did not act recklessly and with knowledge that damage of the environment would probably result.

§ 157.43 Discharge in port or at an offshore terminal.

The master of a tank vessel shall ensure that—

(a) segregated ballast is not discharged in a port or at an offshore terminal unless he finds no oily mixture in the ballast after—

(1) visually examining the top of the ballast contents of each tank; or

(2) testing the ballast contents of each tank with an oil/water interface detector; and

(b) clean ballast is discharged in accordance with the requirement in § 157.37(a)(6).

§ 157.45 Valves in cargo or ballast piping system.

When a tank vessel is at sea and the tanks contain oil, valves and closing devices in the cargo or ballast piping system or in the transfer system must be kept closed except they may be opened for cargo or ballast transfer to trim the vessel.

§ 157.47 Information for master.

A master or person in charge of a tank vessel shall operate the vessel in accordance with the information required in 46 CFR 31.10–30(d) that includes:

(a) Stability information.

(b) Damage stability information determined in acordance with the criteria contained in Appendix B of this part.

(c) Loading and distribution of cargo information determined in compliance with the damage stability criteria required in Appendix B of this part.

§ 157.49 Instruction manual.

The master of a tank vessel shall ensure that the instruction manual under § 157.23 is available and used when the cargo or ballast systems are operated.

APPENDIX A—DAMAGE ASSUMPTIONS, HYPOTHETICAL OUTFLOWS, AND CARGO TANK SIZE AND ARRANGEMENTS

1. *Source.* The procedures for the damage assumption calculations contained in this Appendix conform to Regulations 22, 23, and 24 of Annex I of the International Convention for the Prevention of the Pollution from Ships, 1973, done at London, November 2, 1973.

2. *Assumptions.* For the purpose of calculating hypothetical outflow from tank vessels, three dimensions of the extent of damage of a parallelepiped on the side and bottom of the vessel are assumed.

(a) For side damage, the conditions are as follows:

Damage	*Conditions*
(1) Longitudinal extent l_s...	$\frac{1}{3}L^{2/3}$ or 14.5 m, whichever is less.
(2) Transverse extent (t_s) (inboard from the vessel's side at right angles to the centerline at the level corresponding to the assigned summer freeboard).	$\frac{B}{5}$ or 11.5 m, whichever is less.
(3) Vertical extent (v_s).....	From the base line upwards without limit.

(b) For bottom damage, two conditions to be applied individually to the stated portions of the vessel, as follows:

Damage	Conditions: For 0.3L from the forward perpendicular of ship	Conditions: Any other part of ship
(1) Longitudinal extent (l_s).....	$\frac{L}{10}$	$\frac{L}{10}$ or 5 meters, whichever is less.
(2) Transverse extent (t_s).....	$\frac{B}{6}$ or 10 meters, whichever is less but not less than 5 meters.	5 meters.
(3) Vertical extent from the base line (v_s).	$\frac{B}{15}$ or 6 meters, whichever is less.....	$\frac{B}{15}$ or 6 meters, whichever is less.

3. *Hypothetical Outflow of Oil.* (a) The hypothetical outflow of oil in the case of side damage (O_c) and bottom damage (O_s) is calculated by the following formula with respect to compartments breached by damage to all conceivable locations along the length of the vessel to the extent as defined in section 2 of this Appendix.

(1) For side damages: Formula I

$$O_c = \Sigma W_i + \Sigma K_i C_i$$

(2) For bottom damage: Formula II

$$O_s = \frac{1}{3}\left(\Sigma Z_i W_i + \Sigma Z_i C_i\right)$$

Where:
W_i=Volume of a wing tank assumed to be breached by the damage as specified in section 2 of this Appendix; W_i for a segregated ballast tank may be taken equal to zero;
C_i=Volume of a center tank assumed to be breached by the damage as specified in section 2 of this Appendix; C_i for a segregated ballast tank may be taken equal to zero;

$$K_i = l - \frac{b_i}{t_s}$$

when b_i is equal to or greater than t_s, K_i is equal to zero;

$$Z_i = l - \frac{h_i}{v_s}$$

when h_i is equal to or greater than v_s, Z_i is equal to zero;

b_i=Minimum width of wing tank under consideration measured inboard from the vessel's side at right angles to the centerline at the level corresponding to the assigned summer freeboard; and
h_i=Minimum depth of the double bottom under consideration; where no double bottom is fitted, h_i is equal to zero.

(b) If a void space or segregated ballast tank of a length less than l_s is located between wing oil tanks, O_c in formula I of this section may be calculated on the basis of volume W_i being the actual volume of one such tank (where they are of equal capacity) or the smaller of the two tanks (if they differ in capacity), adjacent to such space, multiplied by S_i as defined below and taking for all other wing tanks involved in such a collision the value of the actual full volume.

$$S_i = l - \frac{l_i}{l_s}$$

Where l_i=length of void space or segregated ballast tank under consideration.

(c) Credit is only given in respect to double bottom tanks which are either empty or carrying clean water when cargo is carried in the tanks above.

(1) If the double bottom does not extend for the full length and width of the tank involved, the double bottom is considered nonexistent and the volume of the tanks above the area of the bottom damage must be included in formula II of this section even if the tank is not considered breached because of the installation of such a partial double bottom.

(2) Suction wells may be neglected in the determination of the value h_i if such wells are not excessive in area and extend below the tank for a minimum distance and in no case more than half the height of the double bottom. If the depth of such a well exceeds half the height of the double bottom, h_i is taken equal to the double bottom height minus the well height.

(d) In the case where bottom damage simultaneously involves four center tanks, the value of O_s may be calculated according to formula III as follows:

$$O_s = \frac{1}{4}\left(\Sigma Z_i W_i + \Sigma Z_i C_i\right)$$

(e) Credit for reduced oil outflow from bottom damage may be applied to formula III for an installed emergency high suction cargo transfer system that—

(1) transfers within two hours oil equal to one half of the volume of the largest tank involved;

(2) has sufficient ballast or cargo tankage available to receive the transferred oil; and

(3) has the high suction piping installed at a height not less than the vertical extent of bottom damage (v_s).

4. *Allowable volumes of cargo tanks.*

(a) The allowable volume of a wing cargo tank (VOL_W) is equal to seventy-five percent of O_A. In a segregated ballast tank vessel VOL_W may equal O_A for a wing cargo oil tank located between two segregated ballast tanks each of length greater than l_s and width greater than t_s.

(b) The allowable volume of a center cargo tank (VOL_C) is 50,000 cubic meters.

5. *Allowable length of cargo tanks.* The allowable length of a cargo tank (l_t) is equal to the greater of 10 meters or more of the following values:

(a) If no longitudinal bulkhead is provided, 0.1L.

(b) If a longitudinal bulkhead is provided at the centerline only, 0.15L.

(c) If two or more longitudinal bulkheads are provided:
(1) For wing tanks, 0.2L; and
(2) For center tanks—
If

(i) $\frac{b_i}{B}$

is equal to or greater than $\frac{1}{5}$, 0.2L; or
If

(ii) $\frac{b_i}{B}$

is less than $\frac{1}{5}$; and—
(A) no centerline longitudinal bulkhead is provided,

$$\left(0.5\,\frac{b_i}{B} + 0.1\right)L;$$

or
(B) a centerline longitudinal bulkhead is provided,

$$\left(0.25\,\frac{b_i}{B} + 0.15\right)L.$$

APPENDIX B—SUBDIVISION AND STABILITY ASSUMPTIONS

1. *Source.* The procedures for the loading assumption calculations contained in this Appendix conform to Regulation 25 of Annex I of the International Convention for the Prevention of the Pollution from Ships, 1973, done at London, November 2, 1973.

2. *Loading Assumptions.* For the purpose of calculating subdivision and damage stability for a tank vessel, the operating drafts must reflect actual partial or full load conditions consistent with trim and strength of the vessel. Ballast conditions need not be considered if the tank vessel is not carrying oil in cargo tanks excluding oily residues. Loading condition must reflect the specific gravities of the cargo.

3. *Damage Assumptions.*

(a) Damage is applied to all conceivable locations along the length of the vessel as follows:

(1) For a vessel of more than 225 meters in length, anywhere in the vessel's length.

(2) For a vessel of more than 150 meters, but not exceeding 225 meters in length, anywhere in the vessel's length except where the after or forward bulkhead bounding a machinery space located aft is involved in the damage assumption. The machinery space is calculated as a single floodable compartment.

(3) For a vessel 150 meters or less in length, anywhere in the vessel's length between adjacent transverse bulkheads except the machinery space.

(b) The extent and the character of the assumed side or bottom damage, as defined in section 2 of Appendix A of this part, must be applied except longitudinal bottom damage within 0.3L from the forward perpendicular must be assumed to be the same as that for side damage. If any damage of lesser extent results in a more severe condition, such damage must be assumed.

(c) If damage involves transverse bulkheads as specified in paragraphs (a)(1) and (2) of this section, transverse watertight bulkheads must be spaced at least at a distance equal to the longitudinal extent of the assumed damage specified in paragraph (b) of this section in order to be considered effective. Where transverse bulkheads are spaced at a lesser distance, one or more of these bulkheads within such extent of damage must be assumed as nonexistent for the purpose of determining flooded compartments.

(d) If the damages between adjacent transverse watertight bulkheads is within the definition contained in paragraph (a)(3) of this section, no main transverse bulkhead or a transverse bulkhead bounding side tanks or double bottom tanks is to be assumed damaged, unless—

(1) the spacing of the adjacent bulkheads is less than the longitudinal extent of assumed damage defined in paragraph (b) of this section; or

(2) there is a step or a recess in a transverse bulkhead of more than 3.05 meters in length, located within the extent of penetrations of assumed damage. The step formed by the after peak bulkhead and after peak tank top is not regarded as a step for these calculations.

(e) If pipes, ducts, or tunnels are situated within the assumed extent of damage, there must be arrangements so that progressive flooding may not thereby extend to compartments other than those assumed to be floodable for each case of damage.

4. *Characteristic and Condition Assumption for Calculations.*

(a) Account must be taken of any empty or partially filled tanks, the specific gravity of cargoes carried, and any outflow of liquids from damaged compartments.

(b) The permeabilities are assumed as follows:

Intended space use:	*Permeability*
Stores	0.60
Accommodation	0.95
Machinery	0.85
Voids	0.95
Consumable liquids	[1] 0 or 0.95
Other liquids	[2] 0 or 0.95

[1] Whichever results in the more severe requirements.

[2] The permeability of partially filled compartments must be consistent with actual density and the amount of liquid carried.

(c) The buoyancy of any superstructure directly above the side damage is to be disregarded. The unflooded parts of superstructures beyond the extent of damage may be taken into consideration if they are separated from the damaged space by watertight bulkheads and no progressive flooding of these intact spaces takes place. Class I doors are allowed in watertight bulkheads in the superstructure.

(d) The free surface effect is to be calculated—

(1) at an angle of heel of 5 degrees for each individual compartment; or

(2) by assessing the shift of liquids by moment of transference calculations.

(e) In calculating the effect of free surfaces of consumable liquids, it is to be assumed that, for each type of liquid, at least one transverse pair or a single centerline tank has a free surface and the tank or combination of tanks to be taken into account is to be those where the effect of free surface is the greatest.

(R.S. 4417a(3) and (7), as amended (46 U.S.C. 391a(3) and (7); 49 CFR 1.46(n)(4) (40 CFR 3906).

Effective date. These regulations shall become effective on October 14, 1975.

Dated: October 6, 1975.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.75-27230 Filed 10-10-75;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-32C]

SUBCHAPTER D—TANK VESSELS

SUBCHAPTER E—LOAD LINES

PART 42—DOMESTIC AND FOREIGN VOYAGES BY SEA

SUBCHAPTER O—CERTAIN BULK DANGEROUS CARGOES

TANK VESSELS CARRYING OIL IN DOMESTIC TRADE

● Purpose. The purpose of these amendments to the regulations concerning certain seagoing U.S. tank ships and barges that carry oil in the United States domestic trade is to add references regarding the design and operation requirements that are published in 33 CFR Part 157. ●

On page 48280 of this issue of the FEDERAL REGISTER, the Coast Guard promulgates amendments to Chapter I of Title 33, Code of Federal Regulations. These amendments include the revision of § 151.35 (c) and (d)(2), and the addition of Part 157—Rules and Regulations for Protection of the Marine Environment Relating to Tank Vessels Carrying Oil in Domestic Trade.

Since Part 157 contains additional design, equipment, and operation requirements for certain tank ships, a note is added to Subchapters D and O directing the reader to those additional requirements.

Titles 33 and 46 of the Code of Federal Regulations contain damage stability standards for tank vessels. The damage stability standard in 46 CFR Subpart 42.20 is derived from the International Convention on Load Lines, 1966 (18 UST 1857, TIAS 6331, 640 UNTS 133). The

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standard contained in 33 CFR § 157.21 is derived from the unratified International Convention for Prevention of Pollution from Ships, 1973. The purpose of the standards in both Conventions and the regulations is to keep a vessel, which suffers damage, afloat. The Coast Guard considers it an unnecessary burden on a designer to submit two sets of calculations for approval. Therefore, vessels that meet the requirements in 33 CFR 157.21 will be considered as an equivalent to meeting the subdivision and damage stability requirements of 46 CFR 42.20–5. Since § 157.21 reflects this ruling, the current amendment to § 42.20–5 will also reflect this ruling.

Since the amendments in this document are merely editorial changes, notice of proposed rule making is considered unnecessary and they may be made effective on October 14, 1975.

In consideration of the foregoing, chapter I of Title 46, Code of Federal Regulations is amended as follows:

1. Subchapters D and O are amended by inserting notes below the headings in the table of contents as follows:

NOTE: 33 CFR Part 157 contains additional design, equipment, and operation requirements for certain seagoing U.S. tank ships and barges that carry oil in the United States domestic trade.

2. Section 42.20–5 is amended by adding a new paragraph (a–1) to read as follows:

§ 42.20–5 Type "A" vessels.

* * * * *

(a–1) A vessel that meets the requirements in 33 CFR 157.21 is considered by the Coast Guard as meeting the requirements in this section.

* * * * *

(R.S. 4405, as amended (46 U.S.C. 375), R.S. 462, as amended (46 U.S.C. 416), sec 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b)).

Effective date. These amendments shall become effective on October 14, 1975.

Dated: October 6, 1975.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc.75–27228 Filed 10–10–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 157]

[CGD 75–201]

TANK VESSELS CARRYING OIL IN DOMESTIC TRADE

Proposed Amendment to Regulations for Protection of the Marine Environment

● Purpose. The Coast Guard is considering amending the oil pollution regulations by adding requirements for the distribution of required segregated ballast in certain seagoing U.S. tankships and barges certified to carry oil in the domestic U.S. trade. ●

Written comments. Interested persons are invited to participate in the proposed rulemaking by submitting written views, data, arguments, objections, and comments to the Executive Secretary, Marine Safety Council (G–CMC/82), Room 8234, U.S. Coast Guard, Washington, D.C. 20590. Each person submitting comments should include his name and address, identify this notice (CGD 75–201), and give reasons for any recommendation. Comments received will be available for examination by interested persons in Room 8234, U.S. Coast Guard Headquarters, Washington, D.C.

No hearing is contemplated at this time on this proposal since substantive comments were received at public hearings held in Seattle, Washington, and Washington, D.C. in July 1974 on the proposed Interim Rules and Regulations for Protection of the Marine Environment relating to Tank Vessels Carrying Oil in Domestic Trade that appeared in the June 28, 1974, issue of the FEDERAL REGISTER (39 FR 24150). A public hearing may be held at a time and place set in a later notice in the FEDERAL REGISTER if requested by an interested person raising a genuine issue and desiring an opportunity to comment orally at a public hearing.

Closing date for comments. All communications received before November 13, 1975 will be evaluated before final action is taken on this proposal. Furthermore, all relative written comments submitted in response to the advance notice of proposed rulemaking concerning standards for pollution abatement for new tankships constructed for trade on the navigable waters of the United States, published in the January 26, 1973 issue of the FEDERAL REGISTER (38 F.R. 2467) and the proposed Interim Rules and Regulations for Protection of the Marine Environment Relating to Tank Vessels Engaged in Domestic Trade will be considered. These proposed regulations may be changed in light of the comments received.

The Coast Guard is publishing final rules on the design, equipment, and operation requirements for seagoing U.S. tank vessels carrying oil in domestic trade on page 48280 of this issue of the FEDERAL REGISTER. Many comments on the proposed rules were critical of the absence of a double bottom requirement. Other commenters noted that if segregated ballast space was required to control operational pollution, a secondary use of the segregated ballast tanks to serve as protective spaces in event of collision, ramming, or grounding accidents appeared to be a beneficial and logical extension of the regulations.

The concept of distributing required segregated ballast spaces are defensive space has been under discussion nationally and internationally since at least 1971. Briefly reviewing the background of this proposal, the Coast Guard in the January 26, 1973, advance notice of proposed rulemaking requested comments on the concept of placing segregated ballast in double bottom tanks. Later, in October 1973, the International Conference on Marine Pollution, 1973, was unable to agree upon double bottoms as the required arrangement of segregated ballast. In fact, no rules for the distribution were specified in the resulting International Convention for the Prevention of Pollution from Ships, 1973.

The U.S. position fostering double bottoms was founded on two years (1969 and 1970) of worldwide spill data which seemed to indicate a heavy preponderance of spillage due to bottom damaging accidents. An additional three years (1971–1973) of spill data is now available which, when combined with the earlier data, refutes the original position. The combined data reveals that side damaging accidents are as much a problem as the bottom damaging ones, both with respect to frequency of occurrence and amounts spilled.

As a check on the validity of these figures for worldwide accidents, information on incidents occurring within 50 miles of the U.S. coastline was developed for the same years. The correlation between the data is good in the area of frequency of incidents and relative outflow by accident type. Other regional studies by the United Kingdom and Finland also confirm the validity of the statistics, thus indicating the desirability of a more general and flexible solution than simply requiring double bottoms.

Certain known statistical factors about casualties in U.S. waters must be kept in mind. Since collisions and groundings are statistically comparable hazards, it is desirable in determining vessel design to optimize the distribution of required segregated ballast space as protection against both hazards as fully as possible. The surrounding physical characteristics of a port area have a great deal to do with accident types to be anticipated. Where channels are wide and the water deep, collisions would be expected to dominate. Where water is shallow with respect to using vessel drafts, groundings should be expected. There is a wide diversity of conditions encountered in U.S. ports and even within individual port areas. It is known that most accidents to tankers do not involve breaching of the hull. Likewise, a small number of accidents involve such high energy levels that no reasonable combination of construction features would be effective.

There are a great number of variables in designing a complex mechanism like a tank vessel. The designer, in making decisions among conflicting variables, is forced to seek an optimum rather than a maximum value for each variable. This optimization means that some very desirable characteristics must be reduced from the most desirable state to a less desirable state in order to accommodate other conflicting characteristics. The Coast Guard must be certain in specifying mandatory distribution of segregated ballast space for environmental protection that the safety of the vessel is not significantly lessened.

The distribution of segregated ballast spaces cannot be dictated solely by environmental protection considerations. Longitudinal strength, damage stability, safety with respect to fires and explosions, personnel safety, and the fostering of sound operating practice, as well as the mitigation of oil outflow must also be taken into account.

In order to better assess the question of proper arrangement of segregated ballast tanks, the Coast Guard solicited the aid of a number of knowledgeable naval architects and operating personnel, which was constituted by the American Petroleum Institute as a task group, to address solely the problem of optimum distribution of required segregated ballast space taking into account all of the factors set forth in the preceding paragraph. The task group found some distributions of segregated ballast or design configurations that were superior to other configurations in mitigating outflow; however, they were also convinced that environmental protection could not be the sole factor examined in determining the safe and appropriate distribution of segregated ballast spaces. The text of the report of the task group more fully discusses the study, the methods used, and the results and conclusions of the group. This report appeared as an appendix to the final environmental impact statement, "Regulations for Tank Vessels Engaged in Carriage of Oil in Domestic Trade," which was made available to the public and the President's Council on Environmental Quality on August 15, 1975. This statement is available upon request from the Executive Secretary (G–CMC/82), U.S. Coast Guard, Washington, D.C. 20590.

The Coast Guard carefully monitored the progress and work of the task group. Independent audits of the study by Mr. George C. Nickum, President of Nickum and Spaulding Associates, Inc., Seattle, Washington, and a member of the National Academy of Engineering; W. D. Gaither, Dean of the University of Delaware's College of Marine Studies, and Professor H. Benford, Professor of Naval Architecture and Marine Engineering, University of Michigan, have, without exception, found the study methodology sound and the results valid.

In view of the foregoing, the Coast Guard is proposing regulations which the study found would require the better design arrangements and rule out those design configurations found of little benefit.

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Among the acceptable arrangements of segregated ballast under the proposed regulations are any one of the following:

1. Double bottoms.
2. Double sides.
3. "L" shaped wing tanks.
4. "J" shaped wing tanks.
5. Double hull.
6. Staggered wing tanks combined with reduced volume of intervening cargo tanks.

Specifically, it is proposed to revise § 157.09(d) to publish the standards upon which the Coast Guard would evaluate the adequacy of a tanker's distribution of required segregated ballast space. It is also proposed to add a new Appendix C to Part 157 which contains the formula for calculating the mixture of protected shell area and, if needed, the reduced hypothetical oil outflows. The new paragraph (d) is considered an interpretative rule of the International Convention for the Prevention of Pollution from Ships, 1973. The requirements in paragraph (d) will be applicable to new vessels contracted for after the effective date of final rules, with no limitation on delivery date. To do otherwise would penalize owners who enter into contracts for new vessels to be constructed in compliance with current regulations.

In consideration of the foregoing, it is proposed to amend Chapter 1 of Title 33, Code of Federal Regulations, as follows:

1. Section 157.08 is amended by adding paragraph (a)(4) to read as follows:

§ 157.08 Applicability.

(a) • • •

(4) The requirements in § 157.09(d) do not apply to vessels constructed under a contract awarded before ----------

• • • • •

2. Section 157.09(d) is revised to read as follows:

§ 157.09 Segregated ballast.

• • • • •

(d) Segregated ballast spaces within the cargo tank area must be distributed—

(1) Adjacent to the bottom and sides of the vessel; and

(2) To meet Appendix C of this part.

3. Section 157.24 is amended by adding new paragraph (c) to read as follows:

§ 157.24 Submission of calculations, plans and specifications.

• • • • •

(c) Calculations to substantiate compliance with the segregated ballast distribution requirements in § 157.09(d).

• • • • •

4. Part 157 is amended by adding new Appendix C, to follow Appendix B, to read as follows:

APPENDIX C—CRITERIA FOR DISTRIBUTION OF SEGREGATED BALLAST SPACES

1. *Source.* The criteria in this appendix interprets, constructively, the requirements of Regulation 13 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, done at London, November 2, 1973.

2. *Formula.*

(a) The distribution of segregated ballast spaces for a new vessel of conventional form, that is, those having a block coefficient of .80 or greater, a length to depth ratio between 12 and 16, and a breadth to depth ratio between 1.5 and 3.5 must meet the following formula:

$$\Sigma PA_c + \Sigma PA_s \geqq 0.65\left(\frac{O_c}{O_A}\right) l_i\,(2D) + 0.45\left(\frac{O_s}{O_A}\right)(l_i)(B)$$

Where:

PA_c = The sum of both port and starboard side shell area where cargo is separated from side shell by a distance of at least 1.5 meters based upon projected molded dimensions.

PA_s = Bottom shell area where cargo is separated from bottom shell by a distance of at least two meters based upon projected molded dimensions.

l_i = The length from the collision bulkhead to the forward bulkhead of the machinery space.

D = Molded depth of the vessel.

O_c, O_s, O_A = Hypothetical values as defined by § 157.19(b).

B = Molded breadth as defined in § 157.03(c).

(b) A new vessel of unconventional form, that is, those whose parameters fall outside the values in paragraph (a) of this Appendix, must provide a level of protection equivalent to the level of protection afforded conventional vessels by paragraph (a) of this Appendix.

(RS 4417a (3) and (7), as amended (46 U.S.C. 391a (3) and (7)); 49 CFR 1.46(n)(4)).

Dated: October 6, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard Chief, Office of Merchant Marine Safety.

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federal register

TUESDAY, OCTOBER 14, 1975

PART V:

ENVIRONMENTAL PROTECTION AGENCY

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Asbestos and Mercury

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Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 431-2]

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Amendments to Standards for Asbestos and Mercury

On October 25, 1974 (39 FR 38064), pursuant to section 112 of the Clean Air Act, as amended, the Administrator proposed amendments to national emission standards for the hazardous air pollutants asbestos and mercury. The Administrator also proposed amendments to Appendix B, Test Methods, of this part.

Interested persons representing industry, trade associations, environmental groups, and Federal, State and local governments participated in the rulemaking by sending comments to the Agency. Commentators submitted 40 letters, many with multiple comments. The comments have been considered, and the proposed amendments have been reevaluated. Each comment, some of which were submitted by more than one party, has been separately addressed in writing by the Agency. The Freedom of Information Center, Room 202 West Tower, 401 M Street, SW, Washington, D.C. has copies of the comment letters received and a summary of the issues and Agency responses available for public inspection. In addition, copies of the issue summary and Agency responses may be obtained upon written request from the EPA Public Information Center (PM-215), 401 M Street, S.W., Washington, D.C. 20460 (specify Public Comment Summary—Proposed Amendments to National Emission Standards for Hazardous Air Pollutants—Asbestos and Mercury). Where determined by the Administrator to be appropriate, changes have been made to the proposed amendments, and the revised version of the amendments to the national emission standards for asbestos and mercury is promulgated herein. The principal changes to the proposed amendments and the Agency's responses to the major comments received are summarized below.

Copies of *Background Information on National Emission Standards for Hazardous Air Pollutants—Proposed Amendments to Standards for Asbestos and Mercury* (EPA-450/2-74-009a) which explains the basis for the proposed amendments are available on request from the Emission Standards and Engineering Division, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin.

Asbestos

CHANGES TO PROPOSED AMENDMENTS

Manufacturing. The Agency received numerous comments stating that the proposed amendments should apply only to asphalt concrete manufacturing plants that use asbestos. This was the Agency's intent. Section 61.22(c) has been revised by the addition of the wording, "that use commercial asbestos."

Demolition and Renovation. A comment was received during review of the amendments within the Agency that ducts can be insulated with amounts of friable asbestos material similar to those on boilers, tanks, reactors, turbines, furnaces and structural members, and should be covered by the demolition and renovation regulations. Since demolition and renovation operations can involve ducts insulated with appreciable quantities of friable asbestos material, "ducts" has been added to the list of apparatus that are covered by the amendments.

The comment was made that the quantity of friable asbestos material proposed as the minimum amount for establishing renovation operations as major sources of asbestos subject to the proposed amendments was arbitrary, but should also apply to demolition operations. The Agency explained in the preamble to the proposed amendments that this amount of asbestos is typically contained in a four-unit apartment building, which is the maximum size for apartment buildings excluded from the demolition provisions. Therefore, the minimum quantity of friable asbestos material covered by the demolition and renovation provisions is essentially equivalent. The Agency considered applying regulations only to demolition operations in which more than a specified amount of friable asbestos material was involved, prior to promulgation of demolition provisions on April 6, 1973 (38 FR 8820). This approach was rejected primarily because it would complicate enforcement procedures. However, the Agency realizes that certain commercial buildings contain smaller amounts of friable asbestos material than the lower size cutoff limit proposed for renovating operations. On reevaluation, the Agency concluded that the available information justifies changing the proposed amendment to allow exemption of demolition operations involving less than 80 meters of friable asbestos pipe insulation and less than 15 square meters of friable asbestos material used to insulate or fireproof any duct, boiler, tank, reactor, turbine, furnace or structural member. The owner or operator of a demolition operation desiring this exemption must notify the Administrator, at least 20 days prior to beginning demolition, of the measured or estimated amount of friable asbestos material involved in the demolition. This will permit the exception to be implemented without requiring prior inspection of every site by Agency personnel, which would be an excessive enforcement burden. This differs from the reporting requirements of the renovation provisions of the amendments. The nature of renovation operations necessitates a greater familiarity on the part of the operator with the quantities of friable asbestos materials present than for demolition operations. For this reason, the Agency believes that it is not necessary to require reports from all renovation operations in order to ensure effective enforcement of the renovation provisions that apply to only larger renovation operations.

Several comments were received which stated that operating machinery could be damaged by wetting procedures during certain renovation operations. The wetting during renovation of a heated boiler, near sensitive electric equipment, and over operating machinery in an industrial plant were mentioned as specific examples. One comment also stated that portable local exhaust ventilation systems are effective alternatives to wetting. The proposed amendments have been changed to allow the use of local exhaust ventilation systems when damage to equipment from wetting is unavoidable, provided that the system captures the asbestos particulate material produced during the removal of friable asbestos material and discharges no visible emissions from its exhaust. The Administrator will make determinations, upon request, of whether damage to equipment from wetting would be unavoidable.

Several comments were received which stated that the proposed frequency for submitting to the Agency written notices of intention to perform repetitive renovation work at a single facility was excessive. One commentator suggested that definitions for "emergency renovation" and "routine maintenance renovation" be included, and that a yearly filing of intention to renovate should be allowed for each industrial plant. It is evident from the comments received that some plants perform renovation operations very frequently, such as twice a week. The proposed reporting requirements for such plants would be excessive. The proposed amendment has been changed so that these requirements are reduced, and the applicability of the requirement is more clearly defined by adding more detailed language and definitions for "planned renovation" and "emergency renovation" operations. Additionally, the applicability of the amendment has been clarified by specifying how the quantities of asbestos involved in "planned renovation" and "emergency renovation" are to be determined. The basic characteristic that distinguishes the two types of renovation operations is the degree of predictability of their occurrence. The amount of friable asbestos material that will be removed or stripped within a given period of time can be predicted for planned renovation operations, including both scheduled and non-scheduled operations, whereas no such prediction can be made for emergency renovation operations. The given period of time for predicting purposes has been specified to be between 30 days and one year for planned renovation operations involving individually non-scheduled operations. A reporting time shorter than 30 days would require the submission and review of a large number of reports, and predictions over periods longer than one year could give inaccurate predictions of friable asbestos material to be removed. In emergency renovation operations, the amount of friable asbestos material that is subject to the amendment is the total amount of such material that will be removed or stripped as a result of the individual emergency.

One commentator stated that the proposed amendment covering renovation could be circumvented by the carrying out of small portions, which are individually not subject to the amendment, of a larger operation. Section 61.17 has been added to the General Provisions to explicitly prevent this potential circumvention and to apply in general to circumvention of all standards promulgated under this part.

One commentator stated that a requirement in § 61.22(d)(2)(vi) of the proposed amendments was inconsistent and should be revised. This section required that friable asbestos material removed from buildings greater than 50 feet in height be transported to the ground via dust-tight chutes or containers. The cited inconsistency arises because this requirement applied at all heights, including those less than 50 feet, for a building 50 feet or gretaer in height, whereas it did not apply to buildings less than 50 feet in height. The requirement has been changed so that it applies only to materials that have been removed or stripped at more than 50 feet above ground level.

Several minor changes have been made in response to comments. Language has been added to allow delivery of notices of intention to renovate or demolish to the Administrator by means other than the U.S. mail. There is a minor clarifying language change between § 61.22(d)(2)(i) of the proposed demolition provisions and the corresponding provision, § 61.22(d)(4)(i), of the regulations promulgated herein. A comment suggested the term "adequately wetted" should be defined and differentiated from "thoroughly wetted," since both terms appeared in the proposed amendments. The use of these terms has been reevaluated, and a definition of "adequately wetted" has been added. The term "thoroughly wetted" has been deleted and the term "adequately wetted" has been used throughout.

The Agency has made a revision in the proposed requirement [§ 61.22(d)(1)] for notification of intention to perform renovation or demolition operations. An additional reporting requirement for the name and location of the waste disposal site where demolition and renovation waste will be deposited has been added to assist in enforcing the waste disposal provisions of the amendments.

Spraying. During review of the amendments within the Agency, a question arose concerning whether the waste generated by operations that use spray-on materials which contain less than one percent of asbestos by weight to insulate or fireproof buildings, structures, pipes and conduits was covered by the asbestos waste disposal amendment [§ 61.22(j)]. The spraying provisions do not apply to such operations, though reports of the operations were required by the standard promulgated on April 6, 1973. Therefore, the waste disposal processes associated with these operations are not regulated by the waste disposal amendments. Based on Agency enforcement experience since promulgation of the standard on April 6, 1973, the required reporting of spraying operations where less than 1 percent asbestos material is used is felt to be unnecessary. Accordingly, the Agency has revised the reporting requirements of paragraph 61.22(e) to apply only to spray-on insulation and fireproofing material that contains more than one percent asbestos by weight.

Waste Disposal. The proposed amendments would have applied directly to all waste disposal sites that accept asbestos waste from any emission source covered under the asbestos standard. The Agency estimated that approximately 2500 disposal sites would be covered. Review of these proposed amendments within the Agency indicated that enforcement would have required a disproportionate commitment of Agency resources. Alternative means of controlling asbestos emissions from waste disposal sites were therefore examined.

The number of acceptable waste disposal sites that meet the criteria in § 61.22(j)(3) of the proposed amendments, which are similar to the criteria for sanitary landfills, has increased significantly within the past several years and the trend is continuing in that direction. This trend is noted in a recent publication ("Waste Age," January 1975). This indicates that acceptable sites (i.e., private and municipal sanitary landfills) which follow practices that reduce asbestos emissions will be available for disposal of asbestos-containing waste. Therefore, it was determined that an effective means of reducing emissions from waste disposal sites without undue enforcement burdens would be to require already-regulated asbestos waste generators to dispose of asbestos-containing wastes at properly operated disposal sites. This is provided for in the amendments herein promulgated.

The Agency's greatest concern is with disposal sites which accept large quantities of asbestos waste. In most cases, companies which generate large quantities of asbestos-containing waste also own and operate their own disposal sites because of convenience and economics. For example, all domestic asbestos mills operate their own tailings disposal sites. The Agency anticipates that these large waste generators will operate their disposal sites in the future in compliance with the proposed § 61.22(l) in order to meet the requirement that they dispose of their waste at a acceptable sites.

Inactive disposal sites may also be major emission sources if they contain large amounts of asbestos waste. It is likely that at inactive sites containing small amounts of asbestos waste the asbestos is covered by non-asbestos waste, and the chance of significant asbestos emissions is small. It was decided to require that those inactive sites which are known to contain large quantities of asbestos comply with the standards specified in section 61.22(l) to reduce asbestos emissions. This category of asbestos waste disposal sites is usually operated by the sources that generate the asbestos-containing wastes, as noted above. Accordingly, the amendments promulgated herein apply to inactive disposal sites that have previously been operated by certain sources covered by the asbestos standard. The owner of such an inactivated site must comply with the amendments regardless of whether or not he generated the waste or operated the disposal site when it was active. This category of sites includes asbestos mill tailings disposal sites, and the large disposal sites at asbestos manufacturing and fabricating plants which have caused concern in the past. The owners or operators of spraying, demolition and renovation operations have not operated disposal sites in the past and are not expected to do so in the future. Due to the nature of such operations, the wastes generated are deposited at waste disposal sites which accept mostly non-asbestos-containing waste. As a result, the asbestos waste is effectively covered, thereby preventing emissions even in open dumps. For these reasons, inactive waste disposal sites that have been used by spraying, renovation and demolition are not regulated.

The amendments promulgated herein will control inactive asbestos waste disposal sites that contain large quantities of asbestos waste. The Agency's enforcement resources will be more effectively utilized since approximately 2000 waste disposal sites will not be directly regulated by the promulgated amendments. This should facilitate enforcement and protection of the public health.

The comment was made that the proposed permanent posting of warning signs at inactive asbestos waste disposal sites would be overly restrictive. The warning signs were intended primarily to warn the general public of the potential hazards that could result from creating dust by such disturbances as walking on exposed asbestos waste. If the disposal site is properly covered over as required by the alternative methods of complying with the proposed amendment for waste disposal sites, such minor disturbances will not generate asbestos emissions. Accordingly, the proposed amendment has been changed, and warning signs are not required if an inactive disposal site applies and properly maintains a covering of compacted non-asbestos-containing material at least 60 centimeters (ca. 2 feet) in depth, or at least 15 centimeters (ca. 6 inches) in depth with a cover of vegetation. The proposed amendment would have also required that active asbestos waste disposal sites post warning signs. The amendments promulgated herein do not apply directly to active disposal sites, and the specified operating practices for acceptable disposal sites do not require the posting of warning signs provided an appropriate cover of at least 15 centimeters (ca. 6 inches) of non-asbestos-containing material is applied to the active portion of the site at the end of each operating day. Comments were received that suggested the Agency should allow the use of existing natural barriers as substitutes for fences that are intended to deter access to some types of asbestos waste disposal sites. The Agen-

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cy agrees that certain natural barriers, such as deep ravines and steep cliffs, can be as effective as fences in deterring access. The proposed amendment has been changed to suspend the requirements for fences, and also warning signs, when a natural barrier provides an adequate deterrent to public access. Upon request and supply of appropriate information, the Administrator will determine whether a specific type of fence or a natural barrier adequately deters access to the general public. In response to another comment, the proposed amendment for fencing of asbestos waste disposal sites has been revised to allow fences to be placed either along the property line of an affected source that contains a waste disposal site or along the perimeter of the disposal site itself. Either type of fence provides the necessary deterrent to public access to the disposal site.

Several comments were received on the proposed prohibition of incineration of containers that previously contained commercial asbestos. One commentator stated that the prohibition seemed undesirable because asbestos is thermally degraded at a temperature of 600° C. The Agency considered: (a) the uncertainty that the feed material to an incinerator will be uniformly heated to the combustion chamber temperature, (b) the uncertainty concerning the decomposition temperature of asbestos, and (c) the results of a stack gas test that detected emissions of asbestos from a sintering process in which the temperature attained was well above 600° C, in evaluating the comment. The Agency concluded that the available data do not justify changing the proposed regulation on grounds that the asbestos is thermally degraded in the combustion process. Another comment suggested that incineration should be permitted, provided there are no visible emissions of asbestos particulate matter from the incinerator. Information presented to the Agency after proposal indicated that some small incinerators, such as those operated by asbestos manufacturing plants, can be operated with no visible emissions. The proposed prohibition on incineration of containers that previously held commercial asbestos has been deleted. The provisions of the amendments for the disposal of asbestos-containing waste materials apply in particular to the disposal of containers that previously held commercial asbestos. Therefore, these containers can be incinerated under the amendments, provided the incineration operation does not discharge visible emissions.

Two commentators suggested that the proposed amendments should not require that EPA warning labels be attached to containers of asbestos waste in addition to the warning labels specified in regulations issued by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA). The Agency agrees that both labels adequately convey the desired information; therefore, the proposed amendment has been changed to allow the OSHA warning label to be used in place of the EPA warning label.

Several commentators requested that the proposed alternative method of compliance included in the asbestos waste disposal amendments, which specified that the waste be formed into non-friable pellets, be changed to accommodate shapes other than pellets. The precise size and shape of the processed, non-friable waste is not important, and the amendment has been reworded to explicitly permit the forming of asbestos wastes into pellets or any other shapes.

A comment was made during review within the Agency that asbestos-containing wastes subject to the proposed amendment are sometimes used to surface roadways and that this practice should be prohibited. The Agency agrees that the use of asbestos-containing wastes on roadways can cause asbestos emissions similar to those caused by the use of asbestos tailings on roadways, which is prohibited by the asbestos standard. Vehicular traffic on roadways can pulverize asbestos waste and liberate fibers that can become airborne in the wake of moving vehicles and by the wind. The use of asbestos-containing wastes has therefore been prohibited from use on roadways.

The proposed amendment for waste disposal at asbestos mills included a provision requiring no visible emissions to the outside air from the deposition of asbestos ore tailings onto a disposal pile. An alternative method of compliance required that the waste be adequately wetted with a dust suppressant agent prior to deposition. Two commentators stated that an exemption from the wetting requirement of the alternative method is needed when the temperature at the disposal site is below freezing, to prevent freezing of the tailings and permit continued operation of the asbestos mill at such low temperatures. The investigation carried out by the Agency prior to proposal of the amendment indicated that wetting of asbestos tailings is the only presently available method for effectively controlling particulate emissions from the deposition operation. In response to the comments received, the Agency further investigated the cold weather operational problems of disposal systems for wetted asbestos tailings. Discussions were held with operators of three Canadian asbestos mills that frequently operate under cold weather conditions and have installed tailings wetting systems, with a firm that is experienced in designing systems to suppress dust generated by materials conveying operations, and with several non-asbestos mineral mining facilities that operate wetting systems for crushing and conveying operations. The investigation revealed that several Canadian asbestos mills are presently experimenting with wet tailings disposal systems to extend operation to temperatures substantially below freezing. However, the Agency is aware of no such system that has operated in a continuous manner at temperatures below −9.5°C (15°F). Accordingly, the Agency has concluded that wet tailings disposal systems for asbestos mills are not available for disposal site temperatures below −9.5°C (15°F), and the proposed amendment has been changed to provide an exemption for wetting of tailings below this temperature. Only one existing domestic asbestos mill is expected to use the exemption to a significant extent. An examination of hourly temperatures representative of the location of that plan, and extending over a period of one year, showed that hourly temperatures are below 15°F for approximately 7 percent of the time.

Asbestos emissions at asbestos mill tailings disposal piles are contributed by the tailing conveying operation, the deposition operation, and wind entrainment of asbestos-containing particulate from the surface of the disposal pile. The first emission source is subject to previously promulgated regulations (38 FR 8820), and the latter two sources are subject to the amendments promulgated herein. The major sources of asbestos emissions from process gas streams at asbestos mills, namely effluents from crushers, dryers and milling equipment, are also covered by the previously promulgated regulations (38 FR 8820). The amendments promulgated herein, including an exemption from wetting of asbestos tailings at temperatures below −9.5° C (15° F), together with the standards promulgated on April 6, 1973 (38 FR 8820), represent use of the best available technology for control of emissions from asbestos mills. This is consistent with the determination of the Administrator that best available technology should be used to control major sources of asbestos emissions to protect the public health with an ample margin of safety.

The reporting format of Appendix A has been changed by the addition of paragraphs "C" and "D", to accommodate the addition of disposal of asbestos-containing wastes and certain inactive asbestos waste disposal sites to the amendments. The additional information required is essential for determining compliance with the regulations. Appendix A has also been revised into a new computer format which will promote more effective enforcement of the regulations. Section 61.24 has been revised to reflect the additional reporting information requested in Appendix A.

ADDITIONAL COMMENTS

Manufacturing and Fabrication. One comment questioned the need for including asphalt concrete manufacturing plants in the proposed amendments. The rationale for including asphalt concrete plants as major sources of asbestos is discussed in the background information document for the proposed amendments (EPA–450/2–74–009a). Two commentators suggested that the manufacture of asphalt concrete containing less than 3 to 5 percent asbestos in the total mixture should be exempt from the regulations. However, asbestos asphalt concrete typically contains 1 to 2 percent asbestos, and the Agency determined that asbestos asphalt concrete operations using even these low percentages of asbestos are major sources. No data or information were received that would indicate asphalt concrete plants are not major sources, and the regulations promulgated herein apply to such sources. The Agency received two comments that the individual emission sources within an asbestos asphalt concrete plant which are subject to the proposed amendments should be specified. The Agency feels that revisions are not necessary. Only component operations that may emit asbestos are covered by the provisions; for example, if no asbestos is added to the aggregate dryer, the emissions from the dryer alone are not covered.

The possibility that the enforcement of the amendments promulgated herein for asphalt concrete plants may be in conflict with the enforcement of new source performance standards for asphalt concrete plants was raised by one commentator. It is possible that both the new source performance standard and the national emission standard for asbestos will apply simultaneously to emissions from some operations at some new and modified plants. Where this occurs, the visible emission standard promulgated herein applies to asbestos particulate matter, even though it is more restrictive than the opacity regulation of the new source performance standard. A more stringent standard is justified when asbestos is being processed because of the hazardous nature of asbestos.

Comments were received that the proposed definition of "fabricating" needed to be clarified. The Agency reviewed the definition and determined that changes in the definition are not necessary. Fabricating includes any type of processing, excluding field fabrication, performed on manufactured products that contain commercial asbestos. The Agency acknowledges that some component processes of asbestos fabricating operations could generate visible emissions in such a manner that the visible emissions do not contain asbestos generated by the process, though the commentators did not cite any specific examples. The Agency has observed this type of process in asbestos manufacturing operations. For example, visible emissions of organic materials are sometimes generated during the curing of asbestos friction products in operations where asbestos is bound into a matrix of non-asbestos material but the asbestos is not transferred into the emission stream. Such operations are in compliance with the standard of no visible emissions containing particulate asbestos material.

One commentator stated that some field fabrication operations release significant amounts of asbestos. The Agency's investigation prior to proposal of the amendments showed that there is only limited field fabrication of asbestos products other than insulating products. The fabrication of friable asbestos insulation was determined to be the only major asbestos field fabrication source, and this is regulated by prohibiting the use of such materials after the effective date of the amendments promulgated herein. In the judgment of the Administrator, the comment did not contain sufficient information to justify including other categories of asbestos field fabrication in the amendments. One commentator recommended that the Agency impose a standard of 0.03 grain per cubic foot for asbestos emissions in addition to the no-visible-emission standard. It is the judgment of the Agency that there are no sufficiently reliable emission measurement techniques to provide a basis for such a numerical standard and the setting of numerical standards should be delayed until accurate asbestos measuring techniques are available.

Demolition and Renovation. Comments were received which suggested that the proposed renovation provisions should not apply to operations carried out within buildings, or to operations regulated by the Occupational Safety and Health Administartion (OSHA) for worker exposure to asbestos. The Agency recognizes that there may be less asbestos emissions from stripping of friable asbestos materials within a structure than from stripping in an unenclosed area. However, asbestos from the stripping operation carried out within a building or structure can be discharged into the outside air from building ventilation systems, windows and doors. Further, the disposal of friable asbestos waste materials generated by renovation operations, which includes the transport of waste materials to a disposal site, is an emission source that needs to be controlled regardless of whether the renovation is performed in the outside air or in buildings. In the judgment of the Administrator, the control of such asbestos emissions is necessary and is part of the best available control technology. The OSHA regulations (29 CFR 1910.93a) require that, ". . . insofar as practicable . . .," asbestos material be removed while wetted effectively to prevent emission of asbestos in excess of the specified OSHA exposure limit, but also specifically require that employees shall be provided with respiratory equipment for all spraying, demolition and removal of asbestos materials. The purpose of the OSHA standard, to protect employees' health, can be achieved by the use of respiratory equipment, even in those situations where wetting is not implemented and emissions may produce concentrations in excess of the OSHA exposure limit. The extent to which the resulting concentrations in the outside air are protective of public health is unknown. Accordingly, the proposed renovating provisions do not exempt operations that are controlled by OSHA regulations.

Two commentators stated that the alternative to the wetting requirement in the demolition provisions at sub-freezing temperatures should be allowed at all temperatures. In contrast, another commentator suggested that suspension of the wetting requirements at sub-freezing temperatures should be subject to a permit procedure that would discourage demolition at sub-freezing temperatures. The alternative was proposed because, in the judgment of the Agency, worker safety would be unduly jeopardized by the unsafe footing caused by ice formation from water use under freezing conditions. The proposed alternative is less restrictive on demolition contractors than a second course of action that was considered, namely the prohibition of demolition under freezing conditions. The proposed alternative suspends only a portion of the wetting requirements under freezing conditions. Pipes, ducts, boilers, tanks, reactors, turbines, furnaces and structural members insulated or fireproofed with friable asbestos materials must be removed from the building in sections, to the maximum extent practicable, before wrecking of the building. The stripping of asbestos materials from the previously removed sections must be accompanied by wetting at all temperatures, and the resulting asbestos waste materials must be wetted at all temperatures. These procedures do not jeopardize worker safety. Therefore, the promulgated demolition provisions are based on the use of the best available emission control methods at all temperatures, and these methods are different for non-freezing and freezing conditions.

Another comment indicated that sprayed fireproofing was the only type of asbestos material that could cause asbestos emissions to the atmosphere during demolition operations, and that molded insulation is not readily released into the air. The Agency has inspected both types of materials and has found that some types of molded insulation and plaster that contain asbestos are friable. Therefore, buildings containing these materials are covered by the amendments promulgated herein.

Comments were received that the Agency has a responsibility to develop asbestos measurement methods and determine by use of measurement methods whether demolition is a major source of asbestos emissions. The Agency keeps abreast of newly developed measurement techniques in the asbestos industry, and the development of asbestos measurement techniques is currently being funded by the Agency. No new information on measurement techniques was received in the comments. The Agency previously made the determination that building demolition is a major source of asbestos emissions, and no new information has been submitted to demonstrate that it is not a major source. Demolition and renovation operations generate short-term exposures of urban populations to asbestos. Since promulgation of the demolition regulations on April 6, 1973, new biological evidence supporting the significance of single short-term exposures of asbestos has been obtained. One-day inhalation exposures in animal experiments have produced an increase in the incidence of mesothelioma. (Wagner, J. C., Berry, G., and Timbrell, V., "The Effects of the Inhalation of Asbestos in Rats", *Br. J. Cancer* 29, pp. 252–269, 1974). A copy of this article is available for inspection at the Public Information Reference Center, Room 2404, Waterside Mall, 401 M Street, SW, Washington, D.C. 20460. It can be concluded that human asbestos exposure for periods typically required to perform demolition and renovation operations is hazardous. Therefore, the Agency has not changed its prior determination that building demolition is a major source of asbestos emissions. Another commentator was concerned that

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the demolition sources now covered by the asbestos standard as major sources were not defined as major sources by the National Academy of Sciences (NAS) study, which was cited by the Agency as a basis for the demolition regulation. The NAS study did not define categories of asbestos materials other than sprayed fireproofing as major emission sources because data were available at that time on fireproofing only. The Agency had concluded prior to proposing asbestos standards on December 7, 1971 that any friable asbestos material used for insulation or fireproofing has a comparable potential to create asbestos emissions upon demolition or renovation as sprayed fireproofing, and therefore these materials are also covered by the regulations.

Several comments were received stating that the definitions of "friable asbestos material," "asbestos," and "asbestos material" are vague and subjective and remain constitutionally deficient for a regulation enforceable by criminal proceedings. The Agency reevaluated the definitions and concluded that they are sufficiently clear that the owners or operators subject to the amendments can reasonably be expected to understand these terms. Owners or operators should be able to identify covered material and comply with the regulations on the basis of the definitions supplied.

Comments were made suggesting the Agency describe more specifically a proper wetting operation. The purpose of the wetting requirements is to reduce the amount of asbestos dust generated during demolition operations. Many different procedures would accomplish this; therefore, the Agency believes that specifying such procedures is neither necessary nor appropriate. A new definition of "adequately wetted" was added to the regulations promulgated herein. The Agency believes that owners or operators of demolition operations are familiar with proper wetting procedures.

Two comments were made stating that the proposed demolition and renovation amendments are not emission standards and that asbestos emissions must be proved in determining compliance with the regulations. Congress has specified that EPA should set emission standards for hazardous air pollutants. EPA, charged with implementing this requirement, has determined that the term "emission standard" includes work practice requirements designed to limit emissions. The position taken by the Administrator on this issue in the promulgation of the original regulations on asbestos on April 6, 1973 (38 FR 8820) is unchanged here. The demolition and renovation regulations require certain work procedures to be followed. These methods of control are required because of the impossibility at this time of prescribing and enforcing allowable numerical concentrations or mass emission limitations. One difficulty in prescribing a numerical emission standard is the relative inaccuracy of asbestos analytical methods. Dr. Arnold Brown, testifying in a recent court case involving asbestos emissions [*United States et al.* v. *Reserve Mining Co. et al.*, 498 F.2d 1073, 1079, (8th Cir., 1974)] stated, "It is reasonable to assume an error in the count of fibers in both water and air of at least nine times on the high side to one-ninth on the low side." Further testifying on the same subject, Dr. Brown stated, ". . . I do not recall having been exposed to a procedure with an error this large, and which people have seriously proposed a number based on this very poor procedure." Moreover, there is no place to measure the total emissions from a demolition or renovation operation. The Agency has determined that violations of the work practices specified in the demolition section will result in emissions of asbestos. Considering these facts, the prescription of work practices is not only a legally permissible form of an emission standard, but also the only practical and reasonable form.

Waste Disposal. A number of commentators questioned the relationship between the proposed no-visible-emissions requirements in the proposed asbestos waste disposal provisions and the alternative methods for complying with the requirement. The following points were included in the comments:

1. Can any of a variety of waste disposal methods be used to meet the no-visible-emissions limit?

2. Various other methods of disposal should be specified as alternatives.

3. The inclusion of a no-visible-emissions requirement in portions of the alternative methods of compliance is a paradox.

4. Various alternatives are either not feasible or are unnecessary for some specific waste disposal operations.

As stated in §§ 61.22 (j) and (k) of the proposed and promulgated amendments, a requirement for affected sources that dispose of asbestos waste is no visible emissions during waste disposal operations. This provides affected sources flexibility in developing and using those disposal techniques most suitable to individual needs. The Agency recognizes that the best available disposal methods for some of the sources may not be capable of preventing visible emissions during a minor portion of some of the disposal operations. Therefore, alternative methods of compliance that represent the best available disposal methods have been included in the regulations. Sources are not required to use these methods; they may use other methods that achieve no visible emissions. However, sources may elect to use one of the specified alternatives. Some of these alternatives result in no visible emissions; others may not. For those alternative methods that may not be capable of preventing visible emissions during all portions of the waste disposal process, a requirement has nevertheless been included that there be no visible emissions from those portions of the process that can achieve this performance level. The listing of a particular method of waste disposal as an alternative method of compliance does not imply that the method is universally applicable or that the use of the method is necessary to achieve no visible emissions.

Some comments questioned whether the proposed amendments would apply to asbestos waste disposal sites that were inactivated prior to the publication of the proposed amendments. Regulations established under section 112 of the Act are applicable to both existing sources and new sources. The amendments cover previously inactivated sites as well as sites that become inactive in the future. However, the proposed amendments have been revised as discussed in "Changes to the Proposed Amendments" so that only owners of sites which have been operated by asbestos mills, manufacturing plants, and fabricating plants subject to the asbestos standard must comply with the asbestos amendments proposed herein for inactive asbestos waste disposal sites.

Several commentators suggested that certain types of asbestos waste disposal sites should be excluded from the proposed amendments, depending upon the rate at which asbestos waste is deposited at the site, the percentage of the total waste that is asbestos, the friability of the asbestos waste, and the extent to which the site is in active operation. These comments were considered, but no changes in the proposed amendments were made as a result of the Agency's reevaluation. It would be extremely difficult to enforce regulations that depend on the rate or asbestos content of waste deposition. Further, the provisions promulgated herein shift the focus of the waste disposal requirements away from the site operator to the generator of the waste. Because of this, the burden of the requirements on a waste disposal site operator who accepts only a very small quantity of asbestos waste, and who the commentators desire to exclude from the regulations, is largely removed.

A comment was made that the proposed amendments could cause considerable hardship to small users of asbestos because some waste disposal sites may no longer accept asbestos wastes. There are an estimated 5,000 waste disposal sites in the U.S. which meet the standards of a sanitary landfill. A properly operated sanitary landfill complies with the soil-covering requirements of the amendments, and therefore will be affected only slightly by handling asbestos wastes. Accordingly, the Agency believes that small manufacturers and users of asbestos will not encounter severe problems in complying with the amendments for waste disposal sites.

Two commentators were concerned that the proposed waste disposal provisions would cause serious problems in contract hauling arrangements; and in the use of private landfills, municipal landfills, and waste disposal sites leased by generators of the asbestos waste. Since the generator of the waste has the direct responsibility for compliance during the transport of waste and for disposing of the waste at a properly operated disposal site, the Agency believes that problems in contract hauling arrangements can be avoided if the generator institutes proper waste handling practices. The Agency also believes that

the deletion in the promulgated amendments of some of the proposed requirements for posting of warning signs will remove many of the potential problems that were of concern. Further changes to the proposed amendments were judged unnecessary because they impose few additional requirements on disposal sites, such as municipal sanitary landfill sites, that are properly operated.

A comment suggested that bags which previously held commercial asbestos should be exempt if the bags have been cleaned sufficiently so that shaking the bags will not generate visible emissions of asbestos particulate matter. Even if such wastes do not produce visible emissions during the subsequent processing, transporting and depositing operations at a waste disposal site, there is a need for ensuring proper ultimate waste disposal because such bags still are likely to contain residual asbestos. The Agency believes that regulations are needed for this purpose and also for the purpose of ensuring that emissions from the cited method of cleaning bags are properly controlled. Accordingly, the disposal of bags that have been cleaned in the manner described has not been exempted from the amendments promulgated herein.

Comments were received which stated that the proposed waste disposal provisions would probably preclude the disposal of waste asbestos cement pipe in commercial landfills. It is the Agency's judgment that commercial landfills which comply with the regulations will be available. Further, the pipe crushing operation that is conventionally carried out during compaction at the disposal site can alternatively be performed and controlled by gas cleaning equipment at a stationary crusher.

Mercury

Changes to Proposed Amendments

The proposed definition of "sludge dryer" has been revised to indicate more clearly that only sludge drying operations that are directly heated by combustion gases are covered by the amendment. The amendment does not apply to devices that are indirectly heated, such as secondary mercury recovery furnaces.

A comment suggested that daily sludge sampling and analysis should be required to reveal potential variations in mercury content of the sludge. The daily averages of sludge mercury content are not expected to vary significantly, and the Agency believes that the added cost to the owners or operators of such sources for daily sampling and analysis of sludge is not justified. Variations in mercury concentration of sludge can occur over longer periods of time, however, and a requirement has been added that all facilities for which emissions are in excess of 1600 grams per day as determined by the initial compliance test must monitor on a yearly basis with the sludge sampling method. In addition, the Agency has authority to request sludge sampling and analysis, or stack sampling, and will exercise this authority whenever there are indications that a change in mercury concentration of the sludge has occurred that would significantly increase mercury emissions.

One commentator suggested several revisions to procedures in the proposed sludge testing method, Method 105. The procedures were reevaluated, and the method has been changed where appropriate. The proposed section 3.1.3 of Method 105 specified a 10 percent solution of stannous chloride as an alternative to stannous sulfate. One comment stated that it was inappropriate to require any solution percentage. The Agency agrees, and the requirement has been deleted. Another comment suggested that the required use of mercuric chloride of Bureau of Standards purity to prepare the mercury stock solution is not necessary because the precision of the method does not demand such purity. The Agency agrees with this comment, and the method has been changed to permit the use of reagent grade mercuric chloride. The comment was made that mercuric solutions should not be prepared in plastic containers. The Agency is in general agreement with this and a statement to this effect has been added to Method 105. Section 4.1.1 of the method specifies that the, ". . . sampling devices, glassware and reagents should be ascertained free of significant amounts of mercury." A major source of mercury contamination occurs when sample solutions and reagents come into contact with mercury-contaminated containers. A comment indicated that a specific quantity should be stated to indicate how much mercury is considered "significant." The Agency believes that the specification of an amount of mercury contamination is inappropriate because such an amount would be very difficult to measure. The mercury contamination of containers can be reduced to an insignificant amount by properly cleaning such containers before use. The proposed paragraph has therefore been changed to specify that sample containers shall be properly cleaned before use by rinsing with nitric acid, followed by rinsing with distilled water. Another comment suggested that the possible interferences with the analysis of mercury in sludge should be delineated and that preventative measures should be given. In response, two references in which such interferences are discussed have been added to Method 105.

Additional Comments

The Agency has determined that an ambient air mercury concentration of 1 microgram per cubic meter averaged over a 30-day period will protect the public health with an ample margin of safety. The maximum allowable mercury emission for sludge incineration and drying plants was calculated, by use of meteorological modeling techniques using restrictive dispersion conditions, that would not result in this ambient concentration being exceeded. The resulting maximum allowable emission is 3200 grams of mercury per day. Numerous comments were received that questioned the methodology used to calculate this emission limitation. Several comments questioned the derivation of the ambient concentration of 1 microgram per cubic meter, 30-day average, and indicated that this level should be lower. The Agency evaluated these comments, but determined that no new information had been presented that had not been previously considered in the derivation of this allowable concentration. Another commentator stated that the restrictive meteorological conditions used for sewage sludge incineration and drying plants do not represent the "worst case" meteorological conditions, and discussed a specific existing facility as an example. The Agency analyzed this comment considering the meterological conditions and topography at the specific site mentioned in the comment and concluded that, even with a mercury emission of 3200 grams per day, the public will be protected with an ample margin of safety at the cited facility. A copy of the Agency response to this comment is available for inspection at the Public Information Reference Center, Room 2404 Waterside Mall, 401 M St., Wash., D.C. 20460. The Agency knows of no sludge incineration or drying facility where the ambient guideline level of one microgram of mercury per cubic meter, 30-day average, will be exceeded. The following comments stating that the proposed emission limit is too stringent or that additional studies are needed before promulgation were received:

1. The proposed emission limit provides an excessive safety factor for some plant locations.

2. The proposed emission limit should be based on plant size, allowing larger emissions for larger plants.

3. The intent of the proposed amendment seems to be to limit the size of new plants and require disposal of sludge by alternative methods.

4. The regulation seems to be excessively stringent in order to simplify the administration of the standard for multiple sources.

5. There is not enough information to justify promulgating the amendment at this time; the promulgation should be delayed until further studies are made.

In contrast, several comments suggested that the proposed emission limit was too lenient. Since the emission limitation is related to an ambient concentration, it would be inappropriate to allow higher emissions for larger plants. Concerning plant location, it would be impractical to specify a different emission limitation for each present or future plant location which reflected local meteorological conditions. Moreover, section 112 of the Act provides for a national standard, and the Administrator has set this standard at a level which will prevent exceeding the specified safe ambient level at all locations. The Agency determined that there is sufficient information to justify promulgating emission regulations for sludge incinerators and no data or information were presented that would justify changing the mercury emission limit of 3200 grams per day.

A comment was made that the impact of multiple sources of mercury emissions was not addressed in the derivation

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of the national emission standard for mercury. While the standard does not include special provisions for multiple sources, it does provide a large safety factor at many sites and this provides a measure of protection against the multiple source problem. The Agency knows of no location where existing multiple sources of mercury will cause the ambient guideline level of one microgram of mercury per cubic meter, 30-day average, to be exceeded. The Agency must approve all new construction or modification of sources regulated by the mercury standard. During the review of such construction or modification, the Agency will assess the impact that the new or modified sources have on the ambient mercury concentration. If the Agency discovers a situation where a source can cause the guideline ambient concentration to be exceeded, the national emission standard will be reevaluated. In addition, local planning agencies have the capability to prevent multiple source pollution problems through proper land use planning. The Agency urges these local agencies to consider the impact of multiple sources on such problems as mercury air pollution when making planning decisions.

Comments were received that questioned whether all sludge incineration and drying plants are major sources of mercury emissions that must demonstrate compliance with the standard. All of these facilities have the potential to emit mercury; the amount of mercury that is emitted depends upon the mercury content of the sludge and the sludge incineration or drying rate. Accordingly, all such facilities must demonstrate compliance with the emission limitation promulgated herein.

A comment was received that the economic impact of the proposed amendments on some large facilities may be large, since there may be few or no alternatives for sludge disposal. The Agency estimates that the largest mercury emission from an existing sludge incinerator or dryer is approximately 500 grams per day, which is approximately one-sixth of the maximum allowable emission. The time period over which sludge generation would increase in excess of six-fold should provide sufficient lead time for planning an economically feasible alternate disposal method, if it is required. The Agency therefore does not foresee a significant economic impact for the near future at any sludge incineration or drying plant.

Several comments stated that other sources such as ore processing plants, mercury compound manufacturing plants, industrial waste incinerators, coal-fired power plants, and rooms painted with mercury-containing paints should be investigated and regulated if necessary. The Agency previously investigated mercury emissions from nonferrous smelting plants, secondary mercury production plants, coal-fired power plants, and solid waste incineration plants, and determined that these sources do not emit mercury in such quantities that they are likely to cause the ambient mercury concentration to exceed one microgram per cubic meter. The Agency has regulated all sources that may reasonably be expected to cause an ambient mercury concentration of as much as one microgram per cubic meter, 30-day average. However, the Agency will continue a policy of investigating any source of mercury that it has reason to believe has the potential to endanger the public health.

Another comment stated that the Agency should give specific suggestions, or references should be provided, for disposing of mercury-containing sludges on land in a manner that would protect water resources. The Agency's Office of Water and Hazardous Materials is preparing technical publications on various alternatives for the disposal of sludges, and such materials should be available in the near future.

Several comments were made on the mercury collection efficiency of water scrubbers. One commentator suggested that the mercury collection efficiency of individual water scrubbers should be assumed to be zero for purposes of determining compliance, until positively proven otherwise. Another commentator stated that the proposed sludge sampling method should take into account the amount of mercury that would be collected by a scrubber. The Agency has determined that the requirements of the standard are adequate. No credit for mercury removed by water scrubbers is allowed when compliance is determined by sludge sampling and analysis; however, if the mercury stack measurement method is used to determine compliance, only the amount of mercury emitted to the outside air is measured and any mercury collection by the system is taken into account. The Agency has determined that sludge sampling and analysis can be used as an alternative method to determine maximum mercury emissions, because it is sufficiently accurate. The method is also inexpensive when compared to a complete stack test.

The following comments were received which suggested changes to Method 105 for sludge sampling:

1. A 5 percent potassium permanganate solution is difficult to prepare, and a saturated solution should be required.

2. Potassium permanganate should be used to stabilize mercury solutions.

3. Hydroxylamine hydrochloride can be used in place of the uncommon salt sodium chloride-hydroxylamine sulfate to reduce excess potassium permanganate.

Solutions of 5 percent potassium permanganate can be prepared at room temperature, The Agency has no experience in using potassium permanganate to stabilize mercury solutions, and has not used hydroxylamine hydrochloride to reduce excess potassium permanganate. The method has proved to be satisfactory without the use of the suggested reagents. The Agency believes that the suggested changes are not necessary and the method has not been revised to accommodate these suggestions.

ENVIRONMENTAL AND ENERGY IMPACT

Environmental impact statements must accompany national emission standards for hazardous air pollutants approved for proposal after October 14, 1974. The amendments recommended for promulgation were approved for proposal prior to this date, and an environmental impact statement has not been prepared. The environmental impact of the standards has been assessed, however, and is discussed in the background information document (EPA–450/2–74–009a) for the proposed standards and in the preamble (39 FR 38064) to the proposed standards.

The energy impact resulting from the control of asbestos waste disposal operations at asbestos emission sources and at waste disposal sites is expected to be insignificant since this waste is already collected and deposited at waste disposal sites. Only a relatively small quantity of additional waste material is generated as a result of better control of particulate emissions from manufacturing and fabrication sources covered by the standard. The major energy impact of the amendments is that resulting from the operation of fabric filtration devices at manufacturing and fabrication plants. It is estimated that approximately 170 baghouses of 1000 acfm capacity will be required to comply with the amendments. The operation of these control devices will require the consumption of 2.5 million kilowatt hours per year, which is equivalent to 3900 barrels per year of Number 6 fuel oil at the power generating station. The energy impact resulting from the NESHAPS amendment is small and is justified by the increased control of asbestos emissions.

There is no energy impact that results from the regulation of mercury emissions from sludge incinerators and dryers.

Effective upon promulgation.

(Sec. 112 and 114 of the Clean Air Act, as amended (42 U.S.C. 1857c–7 and 9))

Dated: October 3, 1975.

JOHN QUARLES,
Acting Administrator.

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. The table of sections is amended as follows:

Subpart A—General Provisions

Sec.

. . . . . .

61.17 Circumvention.

. . . . . .

Subpart B—National Emission Standard for Asbestos

. . . . . .

61.25 Waste disposal sites.

. . . . . .

Subpart E—National Emission Standard for Mercury

. . . . . .

61.54 Sludge sampling.
61.55 Emission monitoring.

. . . . . .

Appendix B—Test Methods

. . . . . .

Method 105—Method for determination of mercury in wastewater treatment plant sewage sludges.

2. The authority citation at the end of the table of sections for Part 61 is revised to read as follows:

AUTHORITY: Secs. 112 and 114 of the Clean Air Act, as amended by sec. 4(a) of Pub. L. 91–604, 84 Stat. 1678 (42 U.S.C. 1857c–7, 1857 c–9).

Subpart A—General Provisions

3. Section 61.14 is amended by revising paragraph (c) and adding paragraph (d). The revised and added paragraphs read as follows:

§ 61.14 Source test and analytical methods.

. . . . . .

(c) The Administrator may, after notice to the owner or operator, withdraw approval of an alternative method granted under paragraphs (a), (b) or (d) of this section. Where the test results using an alternative method do not adequately indicate whether a source is in compliance with a standard, the Administrator may require the use of the reference method or its equivalent.

(d) Method 105 in Appendix B to this part is hereby approved by the Administrator as an alternative method for sources subject to § 61.52(b).

4. A new § 61.17 is added to subpart A as follows:

§ 61.17 Circumvention.

No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment, process, or method, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous dilutants to achieve compliance with a visible emissions standard, and the piecemeal carrying out of an operation to avoid coverage by a standard that applies only to operations larger than a specified size.

Subpart B—National Emission Standard for Asbestos

5. Section 61.21 is amended by revising paragraph (j) and adding paragraphs (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), and (w). The revised and added paragraphs read as follows:

§ 61.21 Definitions.

. . . . . .

(j) "Demolition" means the wrecking or taking out of any load-supporting structural member and any related removing or stripping of friable asbestos materials.

(k) "Friable asbestos material" means any material that contains more than 1 percent asbestos by weight and that can be crumbled, pulverized, or reduced to powder, when dry, by hand pressure.

(l) "Control device asbestos waste" means any asbestos-containing waste material that is collected in a pollution control device.

(m) "Renovation" means the removing or stripping of friable asbestos material used to insulate or fireproof any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member. Operations in which load-supporting structural members are wrecked or taken out are excluded.

(n) "Planned renovation" means a renovation operation, or a number of such operations, in which the amount of friable asbestos material that will be removed or stripped within a given period of time can be predicted. Operations that are individually non-scheduled are included, provided a number of such operations can be predicted to occur during a given period of time based on operating experience.

(o) "Emergency renovation" means a renovation operation that results from a sudden, unexpected event, and is not a planned renovation. Operations necessitated by non-routine failures of equipment are included.

(p) "Adequately wetted" means sufficiently mixed or coated with water or an aqueous solution to prevent dust emissions.

(q) "Removing" means taking out friable asbestos materials used to insulate or fireproof any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member from any building, structure, facility, or installation.

(r) "Stripping" means taking off friable asbestos materials used for insulation or fireproofing from any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member.

(s) "Fabricating" means any processing of a manufactured product containing commercial asbestos, with the exception of processing at temporary sites for the construction or restoration of buildings, structures, facilities or installations.

(t) "Inactive waste disposal site" means any disposal site or portion thereof where additional asbestos-containing waste material will not be deposited and where the surface is not disturbed by vehicular traffic.

(u) "Active waste disposal site" means any disposal site other than an inactive site.

(v) "Roadways" means surfaces on which motor vehicles travel including, but not limited to, highways, roads, streets, parking areas, and driveways.

(w) "Asbestos-containing waste material" means any waste which contains commercial asbestos and is generated by a source subject to the provisions of this subpart, including asbestos mill tailings, control device asbestos waste, friable asbestos waste material, and bags or containers that previously contained commercial asbestos.

6. Section 61.22 is amended by amending paragraphs (c) and (e), revising paragraphs (b), (d), (f), and (g) and adding paragraphs (h), (i), (j), (k), and (l). The revised and added paragraphs read as follows:

§ 61.22 Emission standard.

. . . . . .

(b) Roadways: The surfacing of roadways with asbestos tailings or with asbestos-containing waste that is generated by any source subject to paragraphs (c), (d), (e) or (h) of this section is prohibited, except for temporary roadways on an area of asbestos ore deposits. The deposition of asbestos tailings or asbestos-containing waste on roadways covered with snow or ice is considered "surfacing."

(c) Manufacturing: There shall be no visible emissions to the outside air, except as provided in paragraph (f) of this section, from any of the following operations if they use commercial asbestos or from any building or structure in which such operations are conducted.

. . . . . .

(10) The manufacture of shotgun shells.

(11) The manufacture of asphalt concrete.

(d) Demolition and renovation: The requirements of this paragraph shall apply to any owner or operator of a demolition or renovation operation who intends to demolish any institutional, commercial, or industrial building (including apartment buildings having more than four dwelling units), structure, facility, installation, or portion thereof which contains any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member that is insulated or fireproofed with friable asbestos material, except as provided in paragraph (d)(1) of this section; or who intends to renovate any institutional, commercial, or industrial building, structure, facility, installation, or portion thereof where more than 80 meters (ca. 260 feet) of pipe insulated or fireproofed with friable asbestos material are stripped or removed, or more than 15 square meters (ca. 160 square feet) of friable asbestos material used to insulate or fireproof any duct, boiler, tank, reactor, turbine, furnace, or structural member are stripped or removed.

(1)(i) The owner or operator of a demolition operation is exempted from the requirements of this paragraph provided, (1) the amount of friable asbestos material in the building or portion thereof to be demolished is less than 80 meters (ca. 260 feet) used to insulate pipes, and less than 15 square meters (ca. 160 square feet) used to insulate or fireproof any duct, boiler, tank, reactor, turbine, furnace, or structural member, and (2) the notification requirements of paragraph (d)(1)(ii) are met.

(ii) Written notification shall be postmarked or delivered to the Administrator at least 20 days prior to commencement of demolition and shall include the information required by paragraph (d)(2) of this section, with the exception of the information required by paragraphs (d)(2)(iii), (vi), (vii), (viii), and (ix), and shall state the measured or estimated amount of friable asbestos material used for insulation and fireproofing which is present. Techniques of estimation shall be explained.

(2) Written notice of intention to demolish or renovate shall be provided to the Administrator by the owner or operator of the demolition or renovation operation. Such notice shall be postmarked or delivered to the Administrator at least 10 days prior to commencement of demo-

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lition, or as early as possible prior to commencement of emergency demolition subject to paragraph (d)(6) of this section, and as early as possible prior to commencement of renovation. Such notice shall include the following information:

(i) Name of owner or operator.

(ii) Address of owner or operator.

(iii) Description of the building, structure, facility, or installation to be demolished or renovated, including the size, age, and prior use of the structure, and the approximate amount of friable asbestos material used for insulation and fireproofing.

(iv) Address or location of the building, structure, facility, or installation.

(v) Scheduled starting and completion dates of demolition or renovation.

(vi) Nature of planned demolition or renovation and method(s) to be employed.

(vii) Procedures to be employed to meet the requirements of this paragraph and paragraph (j) of this section.

(viii) The name and address or location of the waste disposal site where the friable asbestos waste will be deposited.

(ix) Name, title, and authority of the State or local governmental representative who has ordered a demolition which is subject to paragraph (d)(6) of this section.

(3)(i) For purposes of determining whether a planned renovating operation constitutes a renovation within the meaning of this paragraph, the amount of friable asbestos material to be removed or stripped shall be:

(A) For planned renovating operations involving individually non-scheduled operations, the additive amount of friable asbestos material that can be predicted will be removed or stripped at a source over the maximum period of time for which a prediction can be made. The period shall be not less than 30 days and not longer than one year.

(B) For each planned renovating operation not covered by paragraph (d)(3)(i)(A), the total amount of friable asbestos material that can be predicted will be removed or stripped at a source.

(ii) For purposes of determining whether an emergency renovating operation constitutes a renovation within the meaning of this paragraph, the amount of friable asbestos material to be removed or stripped shall be the total amount of friable asbestos material that will be removed or stripped as a result of the sudden, unexpected event that necessitated the renovation.

(4) The following procedures shall be used to prevent emissions of particulate asbestos material to outside air:

(i) Friable asbestos materials, used to insulate or fireproof any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member, shall be removed from any building, structure, facility or installation subject to this paragraph. Such removal shall occur before wrecking or dismantling of any portion of such building, structure, facility, or installation that would break up the friable asbestos materials and before wrecking or dismantling of any other portion of such building, structure, facility, or installation that would preclude access to such materials for subsequent removal. Removal of friable asbestos materials used for insulation or fireproofing of any pipe, duct, or structural member which are encased in concrete or other similar structural material is not required prior to demolition, but such material shall be adequately wetted whenever exposed during demolition.

(ii) Friable asbestos materials used to insulate or fireproof pipes, ducts, boilers, tanks, reactors, turbines, furnaces, or structural members shall be adequately wetted during stripping, except as provided in paragraphs (d)(4)(iv), (d)(4)(vi) or (d)(4)(vii) of this section.

(iii) Pipes, ducts, boilers, tanks, reactors, turbines, furnaces, or structural members that are insulated or fireproofed with friable asbestos materials may be taken out of any building, structure, facility, or installation subject to this paragraph as units or in sections provided the friable asbestos materials exposed during cutting or disjointing are adequately wetted during the cutting or disjointing operation. Such units shall not be dropped or thrown to the ground, but shall be carefully lowered to ground level.

(iv) The stripping of friable asbestos materials used to insulate or fireproof any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member that has been removed as a unit or in sections as provided in paragraph (d)(4)(iii) of this section shall be performed in accordance with paragraph (d)(4)(ii) of this section. Rather than comply with the wetting requirement, a local exhaust ventilation and collection system may be used to prevent emissions to the outside air. Such local exhaust ventilation systems shall be designed and operated to capture the asbestos particulate matter produced by the stripping of friable asbestos material. There shall be no visible emissions to the outside air from such local exhaust ventilation and collection systems except as provided in paragraph (f) of this section.

(v) All friable asbestos materials that have been removed or stripped shall be adequately wetted to ensure that such materials remain wet during all remaining stages of demolition or renovation and related handling operations. Such materials shall not be dropped or thrown to the ground or a lower floor. Such materials that have been removed or stripped more than 50 feet above ground level, except those materials removed as units or in sections, shall be transported to the ground via dust-tight chutes or containers.

(vi) Except as specified below, the wetting requirements of this paragraph are suspended when the temperature at the point of wetting is below 0°C (32°F). When friable asbestos materials are not wetted due to freezing temperatures, such materials on pipes, ducts, boilers, tanks, reactors, turbines, furnaces, or structural members shall, to the maximum extent possible, be removed as units or in sections prior to wrecking. In no case shall the requirements of paragraphs (d)(4)(iv) or (d)(4)(v) be suspended due to freezing temperatures.

(vii) For renovation operations, local exhaust ventilation and collection systems may be used, instead of wetting as specified in paragraph (d)(4)(ii), to prevent emissions of particulate asbestos material to outside air when damage to equipment resulting from the wetting would be unavoidable. Upon request and supply of adequate information, the Administrator will determine whether damage to equipment resulting from wetting to comply with the provisions of this paragraph would be unavoidable. Such local exhaust ventilation systems shall be designed and operated to capture the asbestos particulate matter produced by the stripping and removal of friable asbestos material. There shall be no visible emissions to the outside air from such local exhaust ventilation and collection systems, except as provided in paragraph (f) of this section.

(5) Sources subject to this paragraph are exempt from the requirements of §§ 61.05(a), 61.07, and 61.09.

(6) The demolition of a building, structure, facility, or installation, pursuant to an order of an authorized representative of a State or local governmental agency, issued because that building is structurally unsound and in danger of imminent collapse is exempt from all but the following requirements of paragraph (d) of this section:

(i) The notification requirements specified by paragraph (d)(2) of this section;

(ii) The requirements on stripping of friable asbestos materials from previously removed units or sections as specified in paragraph (d)(4)(iv) of this section;

(iii) The wetting, as specified by paragraph (d)(4)(v) of this section, of friable asbestos materials that have been removed or stripped;

(iv) The portion of the structure being demolished that contains friable asbestos materials shall be adequately wetted during the wrecking operation.

(e) * * *

(2) Any owner or operator who intends to spray asbestos materials which contain more than 1 percent asbestos on a dry weight basis to insulate or fireproof equipment and machinery shall report such intention to the Administrator at least 20 days prior to the commencement of the spraying operation. Such report shall include the following information:

* * *

(f) Rather than meet the no-visible-emission requirements as specified by paragraphs (a), (c), (d), (e), (h), (j), and (k) of this section, an owner or operator may elect to use the methods specified by § 61.23 to clean emissions containing particulate asbestos material before such emissions escape to, or are vented to, the outside air.

(g) Where the presence of uncombined water is the sole reason for failure to meet the no-visible-emission requirement of paragraphs (a), (c), (d), (e), (h), (j), or (k) of this section, such failure shall not be a violation of such emission requirements.

(h) Fabricating: There shall be no visible emissions to the outside air, except as provided in paragraph (f) of this section, from any of the following operations if they use commercial asbestos or from any building or structure in which such operations are conducted.

(1) The fabrication of cement building products.

(2) The fabrication of friction products, except those operations that primarily install asbestos friction materials on motor vehicles.

(3) The fabrication of cement or silicate board for ventilation hoods; ovens; electrical panels; laboratory furniture; bulkheads, partitions and ceilings for marine construction; and flow control devices for the molten metal industry.

(i) Insulating: Molded insulating materials which are friable and wet-applied insulating materials which are friable after drying, installed after the effective date of these regulations, shall contain no commercial asbestos. The provisions of this paragraph do not apply to insulating materials which are spray applied; such materials are regulated under § 61.22(e).

(j) Waste disposal for manufacturing, fabricating, demolition, renovation and spraying operations: The owner or operator of any source covered under the provisions of paragraphs (c), (d), (e), or (h) of this section shall meet the following standards:

(1) There shall be no visible emissions to the outside air, except as provided in paragraph (j)(3) of this section, during the collection; processing, including incineration; packaging; transporting; or deposition of any asbestos-containing waste material which is generated by such source.

(2) All asbestos-containing waste material shall be deposited at waste disposal sites which are operated in accordance with the provisions of § 61.25.

(3) Rather than meet the requirement of paragraph (j)(1) of this section, an owner or operator may elect to use either of the disposal methods specified under (j)(3)(i) and (ii) of this section, or an alternative disposal method which has received prior approval by the Administrator:

(i) Treatment of asbestos-containing waste material with water:

(A) Control device asbestos waste shall be thoroughly mixed with water into a slurry and other asbestos-containing waste material shall be adequately wetted. There shall be no visible emissions to the outside air from the collection, mixing and wetting operations, except as provided in paragraph (f) of this section.

(B) After wetting, all asbestos-containing waste material shall be sealed into leak-tight containers while wet, and such containers shall be deposited at waste disposal sites which are operated in accordance with the provisions of § 61.25.

(C) The containers specified under paragraph (j)(3)(i)(B) of this section shall be labeled with a warning label that states:

CAUTION

Contains Asbestos
Avoid Opening or Breaking Container
Breathing Asbestos is Hazardous
to Your Health

Alternatively, warning labels specified by Occupational Safety and Health Standards of the Department of Labor, Occupational Safety and Health Administration (OSHA) under 29 CFR 1910.-93a(g)(2)(ii) may be used.

(ii) Processing of asbestos-containing waste material into non-friable forms:

(A) All asbestos-containing waste material shall be formed into non-friable pellets or other shapes and deposited at waste disposal sites which are operated in accordance with the provisions of § 61.25.

(B) There shall be no visible emissions to the outside air from the collection and processing of asbestos-containing waste material, except as specified in paragraph (f) of this section.

(4) For the purposes of this paragraph (j), the term all asbestos-containing waste material as applied to demolition and renovation operations covered by paragraph (d) of this section includes only friable asbestos waste and control device asbestos waste.

(k) Waste disposal for asbestos mills: The owner or operator of any source covered under the provisions of paragraph (a) of this section shall meet the following standard:

(1) There shall be no visible emissions to the outside air, except as provided in paragraph (k)(3) of this section, during the collection, processing, packaging, transporting or deposition of any asbestos-containing waste material which is generated by such source.

(2) All asbestos-containing waste material shall be deposited at waste disposal sites which are operated in accordance with the provisions of § 61.25.

(3) Rather than meet the requirement of paragraph (k)(1) of this section, an owner or operator may elect to meet the following requirements in paragraphs (k)(3)(i) and (ii), or use an alternative disposal method which has received prior approval by the Administrator:

(i) There shall be no visible emissions to the outside air from the transfer of control device asbestos waste to the tailings conveyor, except as provided in paragraph (f) of this section. Such waste shall be subsequently processed either as specified in paragraph (k)(3)(ii) of this section or as specified in paragraph (j)(3) of this section.

(ii) All asbestos-containing waste material shall be adequately mixed, with a wetting agent recommended by the manufacturer of the agent to effectively wet dust and tailings, prior to deposition at a waste disposal site. Such agent shall be used as recommended for the particular dust by the manufacturer of the agent. There shall be no discharge of visible emissions to the outside air from the wetting operation except as specified in paragraph (f) of this section. Wetting may be suspended when the ambient temperature at the waste disposal site is less than −9.5°C (ca. 15°F). The ambient air temperature shall be determined by an appropriate measurement method with an accuracy of ±1°C (±2°F) and recorded at least at hourly intervals during the period that the operation of the wetting system is suspended. Records of such temperature measurements shall be retained at the source for a minimum of two years and made available for inspection by the Administrator.

(l) The owner of any inactive waste disposal site, which was operated by sources covered under § 61.22 (a), (c) or (h) and where asbestos-containing waste material produced by such sources was deposited, shall meet the following standards:

(1) There shall be no visible emissions to the outside air from an inactive waste disposal site subject to this paragraph, except as provided in paragraph (l)(5) of this section.

(2) Warning signs shall be displayed at all entrances, and along the property line of the site or along the perimeter of the sections of the site where asbestos-containing waste material was deposited, at intervals of 100 m (ca. 330 ft) or less, except as specified in paragraph (l)(4) of this section. Signs shall be posted in such a manner and location that a person may easily read the legend. The warning signs required by this paragraph shall conform to the requirements of 20" x 14" upright format signs specified in 29 CFR 1910.145(d)(4) and this paragraph. The signs shall display the following legend in the lower panel, with letter sizes and styles of a visibility at least equal to those specified in this paragraph.

LEGEND

ASBESTOS WASTE DISPOSAL SITE

Do Not Create Dust

Breathing Asbestos is Hazardous
to Your Health

Notation

1" Sans Serif, Gothic or Block

¾" Sans Serif, Gothic or Block

14 Point Gothic

Spacing between lines shall be at least equal to the height of the upper of the two lines.

(3) The perimeter of the site shall be fenced in a manner adequate to deter access by the general public, except as specified in paragraph (l)(4) of this section.

(4) Warning signs and fencing are not required where the requirements of paragraphs (l)(5)(i) or (ii) of this section are met, or where a natural barrier adequately deters access by the general public. Upon request and supply of appropriate information, the Administrator will determine whether a fence or a natural barrier adequately deters access to the general public.

(5) Rather than meet the requirement of paragraph (l)(1) of this section, an owner may elect to meet the requirements of this paragraph or may use an alternative control method for emissions from inactive waste disposal sites which

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has received prior approval by the Administrator.

(i) The asbestos-containing waste material shall be covered with at least 15 centimeters (ca. 6 inches) of compacted non-asbestos-containing material, and a cover of vegetation shall be grown and maintained on the area adequate to prevent exposure of the asbestos-containing waste material; or

(ii) The asbestos-containing waste material shall be covered with at least 60 centimeters (ca. 2 feet) of compacted non-asbestos-containing material and maintained to prevent exposure of the asbestos-containing waste; or

(iii) For inactive waste disposal sites for asbestos tailings, a resinous or petroleum-based dust suppression agent which effectively binds dust and controls wind erosion shall be applied. Such agent shall be used as recommended for the particular asbestos tailings by the dust suppression agent manufacturer. Other equally effective dust suppression agents may be used upon prior approval by the Administrator. For purposes of this paragraph, waste crankcase oil is not considered a dust suppression agent.

7. The first sentence in § 61.23 is revised as follows:

§ 61.23 Air-Cleaning.

If air-cleaning is elected, as permitted by §§ 61.22(f) and 61.22(d)(4)(iv), the requirements of this section must be met.

• • •

8. The first sentence in § 61.24 is revised and redesignated as paragraph (e) and new paragraphs (c) and (d) are added as follows:

§ 61.24 Reporting.

• • • • •

(c) For sources subject to §§ 61.22(j) and 61.22(k):

(1) A brief description of each process that generates asbestos-containing waste material.

(2) The average weight of asbestos-containing waste material disposed of, measured in kg/day.

(3) The emission control methods used in all stages of waste disposal.

(4) The type of disposal site or incineration site used for ultimate disposal, the name of the site operator, and the name and location of the disposal site.

(d) For sources subject to § 61.22(l):

(1) A brief description of the site.

(2) The method or methods used to comply with the standard, or alternative procedures to be used.

(e) Such information shall accompany the information required by § 61.10. The information described in this section shall be reported using the format of Appendix A of this part.

9. A new section 61.25 is added to subpart B as follows:

§ 61.25 Waste disposal sites.

In order to be an acceptable site for disposal of asbestos-containing waste material under § 61.22 (j) and (k), an active waste disposal site shall meet the requirements of this section.

(a) There shall be no visible emissions to the outside air from any active waste disposal site where asbestos-containing waste material has been deposited, except as provided in paragraph (e) of this section.

(b) Warning signs shall be displayed at all entrances, and along the property line of the site or along the perimeter of the sections of the site where asbestos-containing waste material is deposited, at intervals of 100 m (ca. 330 ft) or less except as specified in paragraph (d) of this section. Signs shall be posted in such a manner and location that a person may easily read the legend. The warning signs required by this paragraph shall conform to the requirements of 20" x 14" upright format signs specified in 29 CFR 1910.145(d)(4) and this paragraph. The signs shall display the following legend in the lower panel, with letter sizes and styles of a visibility at least equal to those specified in this paragraph.

LEGEND

ASBESTOS WASTE DISPOSAL SITE

Do Not Create Dust

Breathing Asbestos
is Hazardous to Your Health

Notation

1" Sans Serif, Gothic or Block

¾" Sans Serif, Gothic or Block

14 Point Gothic

Spacing between lines shall be at least equal to the height of the upper of the two lines.

(c) The perimeter of the disposal site shall be fenced in order to adequately deter access to the general public except as specified in paragraph (d) of this section.

(d) Warning signs and fencing are not required where the requirements of paragraph (e)(1) of this section are met, or where a natural barrier adequately deters access to the general public. Upon request and supply of appropriate information, the Administrator will determine whether a fence or a natural barrier adequately deters access to the general public.

(e) Rather than meet the requirement of paragraph (a) of this section, an owner or operator may elect to meet the requirements of paragraph (e)(1) or (e)(2) of this section, or may use an alternative control method for emissions from active waste disposal sites which has received prior approval by the Administrator.

(1) At the end of each operating day, or at least once every 24-hour period while the site is in continuous operation, the asbestos-containing waste material which was deposited at the site during the operating day or previous 24-hour period shall be covered with at least 15 centimeters (ca. 6 inches) of compacted non-asbestos-containing material.

(2) At the end of each operating day, or at least once every 24-hour period while the disposal site is in continuous operation, the asbestos-containing waste material which was deposited at the site during the operating day or previous 24-hour period shall be covered with a resinous or petroleum-based dust suppression agent which effectively binds dust and controls wind erosion. Such agent shall be used as recommended for the particular dust by the dust suppression agent manufacturer. Other equally effective dust suppression agents may be used upon prior approval by the Administrator. For purposes of this paragraph, waste crankcase oil is not considered a dust suppression agent.

Subpart E—National Emission Standard for Mercury

10. Section 61.50 is revised to read as follows:

§ 61.50 Applicability.

The provisions of this subpart are applicable to those stationary sources which process mercury ore to recover mercury, use mercury chlor-alkali cells to produce chlorine gas and alkali metal hydroxide, and incinerate or dry wastewater treatment plant sludge.

11. Section 61.51 is amended by adding paragraphs (l) and (m) as follows:

§ 61.51 Definitions.

• • • • •

(l) "Sludge" means sludge produced by a treatment plant that processes municipal or industrial waste waters.

(m) "Sludge dryer" means a device used to reduce the moisture content of sludge by heating to temperatures above 65°C (ca. 150°F) directly with combustion gases.

12. Section 61.52 is revised to read as follows:

§ 61.52 Emission standard.

(a) Emissions to the atmosphere from mercury ore processing facilities and mercury cell chlor-alkali plants shall not exceed 2300 grams of mercury per 24-hour period.

(b) Emissions to the atmosphere from sludge incineration plants, sludge drying plants, or a combination of these that process wastewater treatment plant sludges shall not exceed 3200 grams of mercury per 24-hour period.

13. Section 61.53 is amended by adding paragraph (d) as follows:

§ 61.53 Stack sampling.

• • • • •

(d) Sludge incineration and drying plants.

(1) Unless a waiver of emission testing is obtained under § 61.13, each owner or operator of a source subject to the standard in § 61.52(b) shall test emissions from that source. Such tests shall be conducted in accordance with the procedures set forth either in paragraph (d) of this section or in § 61.54.

(2) Method 101 in Appendix B to this part shall be used to test emissions as follows:

(i) The test shall be performed within 90 days of the effective date of these regulations in the case of an existing source or a new source which has an initial startup date preceding the effective date.

(ii) The test shall be performed within 90 days of startup in the case of a new source which did not have an initial startup date preceding the effective date.

(3) The Administrator shall be notified at least 30 days prior to an emission test, so that he may at his option observe the test.

(4) Samples shall be taken over such a period or periods as are necessary to determine accurately the maximum emissions which will occur in a 24-hour period. No changes shall be made in the operation which would potentially increase emissions above the level determined by the most recent stack test, until the new emission level has been estimated by calculation and the results reported to the Administrator.

(5) All samples shall be analyzed, and mercury emissions shall be determined within 30 days after the stack test. Each determination shall be reported to the Administrator by a registered letter dispatched before the close of the next business day following such determination.

(6) Records of emission test results and other data needed to determine total emissions shall be retained at the source and shall be made available, for inspection by the Administrator, for a minimum of 2 years.

14. Sections 61.54 and 61.55 are added as follows:

§ 61.54 Sludge sampling.

(a) As an alternative means for demonstrating compliance with § 61.52 (b), an owner or operator may use Method 105 of Appendix B and the procedures specified in this section.

(1) A sludge test shall be conducted within 90 days of the effective date of these regulations in the case of an existing source or a new source which has an initial startup date preceding the effective date; or

(2) A sludge test shall be conducted within 90 days of startup in the case of a new source which did not have an initial startup date preceding the effective date.

(b) The Administrator shall be notified at least 30 days prior to a sludge sampling test, so that he may at his option observe the test.

(c) Sludge shall be sampled according to paragraph (c)(1) of this section, sludge charging rate for the plant shall be determined according to paragraph (c)(2) of this section, and the sludge analysis shall be performed according to paragraph (c)(3) of this section.

(1) The sludge shall be sampled after dewatering and before incineration or drying, at a location that provides a representative sample of the sludge that is charged to the incinerator or dryer. Eight consecutive grab samples shall be obtained at intervals of between 45 and 60 minutes and thoroughly mixed into one sample. Each of the eight grab samples shall have a volume of at least 200 ml but not more than 400 ml. A total of three composite samples shall be obtained within an operating period of 24 hours. When the 24-hour operating period is not continuous, the total sampling period shall not exceed 72 hours after the first grab sample is obtained. Samples shall not be exposed to any condition that may result in mercury contamination or loss.

(2) The maximum 24-hour period sludge incineration or drying rate shall be determined by use of a flow rate measurement device that can measure the mass rate of sludge charged to the incinerator or dryer with an accuracy of ±5 percent over its operating range. Other methods of measuring sludge mass charging rates may be used if they have received prior approval by the Administrator.

(3) The handling, preparation, and analysis of sludge samples shall be accomplished according to Method 105 in Appendix B of this part.

(d) The mercury emissions shall be determined by use of the following equation:

$$E_{Hg} = 1 \times 10^{-3} cQ$$

where

E_{Hg} = Mercury emissions, g/day.

c = Mercury concentration of sludge on a dry solids basis, μg/g (ppm).

Q = Sludge charging rate, kg/day.

(e) No changes in the operation of a plant shall be made after a sludge test has been conducted which would potentially increase emissions above the level determined by the most recent sludge test, until the new emission level has been estimated by calculation and the results reported to the Administrator.

(f) All sludge samples shall be analyzed for mercury content within 30 days after the sludge sample is collected. Each determination shall be reported to the Administrator by a registered letter dispatched before the close of the next business day following such determination.

(g) Records of sludge sampling, charging rate determination and other data needed to determine mercury content of wastewater treatment plant sludges shall be retained at the source and made available, for inspection by the Administrator, for a minimum of 2 years.

§ 61.55 Emission monitoring.

(a) Wastewater treatment plant sludge incineration and drying plants. All such sources for which mercury emissions exceed 1600 g/day, demonstrated either by stack sampling according to § 61.53 or sludge sampling according to § 61.54, shall monitor mercury emissions at intervals of at least once per year by use of Method 105 of Appendix B, or the procedures specified in § 61.54(c) and (d). The results of monitoring shall be reported and retained according to § 61.53(d) (5) and (6), or § 61.54(f) and (g).

15. Appendix A is revised to a new reporting format, and sections (I)(C) and (I)(D) are added as follows:

APPENDIX A

National Emission Standards for Hazardous Air Pollutants

Compliance Status Information

I. SOURCE REPORT

INSTRUCTIONS: Owners or operators of sources of hazardous pollutants subject to the National Emission Standards for Hazardous Air Pollutants are required to submit the information contained in Section I to the appropriate U.S. Environmental Protection Agency Regional Office prior to 90 days after the effective date of any standards or amendments which require the submission of such information.

A list of regional offices is provided in §61.04.

A. SOURCE INFORMATION

1. Identification/Location - Indicate the name and address of each source.

| | | |

Dup 1-18 | 4 1 | 19 20 | 21 Name 43

44 46 Area Code | 47 Number 54 | 80

3. Source Description - Briefly state the nature of the source (e.g., "Chlor-alkali Plant" or "Machine Shop").

Dup 1-18 | 4 2 | 19 20 | 21 Description 50

51 Continued 79 | 80

4. Alternative Mailing Address - Indicate an alternative mailing address if correspondence is to be directed to a location different than that specified above.

Dup 1-18 | 4 3 | 19 20 | 21 Number Street or Box Number 45 | 80

Dup 1-18 | 4 4 | 19 20 | 21 City 35 | 37 38 State | 41 Zip 44 | 80

5. Compliance Status - The emissions from this source ___ can ___ cannot meet the emission limitations contained in the National Emission Standards on or prior to 90 days after the effective date of any standards or amendments which require the submission of such information.

Signature of Owner, Operator or Other Responsible Official

NOTE: If the emissions from the source will exceed those limits set by the National Emission Standards for Hazardous Air Pollutants, the source will be in violation and subject to Federal enforcement actions unless granted a waiver of compliance by the Administrator of the U.S. Environmental Protection Agency. The information needed for such waivers is listed in Section II of this form.

B. PROCESS INFORMATION. Part B should be completed separately for each point of emission for each hazardous pollutant. [Sources subject to 61.22(1) may omit number 4. below.]

Dup 1-13 | 0 0 | 14 16 | 17 18 | 5 19 | 20 SCC 27 | 28 29 NEDS X Ref | 30 LS | 31 SIP

1. Pollutant Emitted - Indicate the type of hazardous pollutant emitted by the process. Indicate "AB" for asbestos, "BE" for beryllium, or "HG" for mercury.

32 33 Pollutant | 34 Regulation 48 | 49 EC

2. Process Description - Provide a brief description of each process (e.g., "hydrogen end box" in a mercury chlor-alkali plant, "grinding machine" in a beryllium machine shop). Use additional sheets if necessary.

50 Process Description 74 | 80

Dup 1-18 | 6 1 | 19 20 | 21 50

51 79 | 80

Dup 1-18 | 6 2 | 19 20 | 21 50

51 79 | 80

3. Amount of Pollutant - Indicate the average weight of the hazardous material named in Item 1 which enters the process in pounds per month (based on the previous twelve months of operation).

Dup 1-18 | 6 3 | 19 20 | 21 27 | 29 lbs./mo. 36 | 80

4. Control Devices

a. Indicate the type of pollution control devices, if any, used to reduce the emissions from the process (e.g., venturi scrubber, baghouse, wet cyclone) and the estimated percent of the pollutant which the device removes from the process gas stream.

Dup 1-18 | 6 4 | 19 20 | 21 PRIMARY CONTROL DEVICE: 43

45 Primary Device Name 64 | 66 70 Percent Removal Efficiency | 72 79

80

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Dup 1-18 6 5 (19 20) SECONDARY CONTROL DEVICES: (21 ____ 45)

47 Secondary Device Name 64 66 Percent Removal Efficiency 70 % EFFIC. 72 79 80

b. Asbestos Emission Control Devices Only

i. If a baghouse is specified in Item 4a, give the following information:

- The air flow permeability in cubic feet per minute per square foot of fabric area.

  Air flow permeability = _____ cfm/ft^2

- The pressure drop in inches water gauge across the filter at which the baghouse is operated.

  Operating pressure drop = _____ inches w.g.

- If the baghouse material contains synthetic fill yarn, check whether this material is / / spun / / or not spun.

- If the baghouse utilizes a felted fabric, give the minimum thickness in inches and the density in ounces per square yard.

  Thickness = _____ inches Density = _____ oz/yd^2

ii. If a wet collection device is specified in Item 4a, give the designed unit contacting energy in inches water gauge.

- Unit contacting energy = _____ inches w.g.

c. DISPOSAL OF ASBESTOS-CONTAINING WASTES. Part C should be completed separately for each asbestos-containing waste generation operation arising from sources subject to §61.22(a), (c), (e), and (h).

Dup 1-13 (14 16) 0 0 (17 18) 5 (19 20) SCC 27 (28 29) NEDS X Ref 30 CS 31 SIP

A B
32 33 Pollutant 34 Regulation 48 49 EC

1. Waste Generation - Provide a brief description of each process that generates asbestos-containing waste (e.g. disposal of control device wastes).

50 Process Description 79 80

2. Asbestos Concentration - Indicate the average percentage asbestos content of these materials.

Dup 1-18 6 1 (19 20) (21 ASBESTOS CONCENTRATION: 43) 45 48

% 50 80

3. Amount of Wastes - Indicate the average weight of asbestos-containing wastes disposed of, measured in kg/day.

Dup 1-18 6 2 (19 20) (21 27 29 kg/day 34) 80

4. Control Methods - Indicate the emission control methods used in all stages of waste disposal, from collection, processing, and packaging to transporting and deposition.

Dup 1-18 6 3 (19 20) (21 Primary Control Method 43)

45 79 80

Dup 1-18 6 4 (19 20) (21 50)

51 79 80

5. Waste Disposal - Indicate the type of disposal site (sanitary landfill, open, covered) or incineration site (municipal, private) where the waste is disposed of and who operates the site (company, private, municipal). State the name and location of the site (closest city or town, county, state).

Dup 1-18 6 5 (19 20) (21 TYPE OF SITE: 33) 35 50

51 79 80

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Dup 1-18 6 6 19 20 OPERATOR: 21 29 31 50

51 79 80

Dup 1-18 6 7 19 20 LOCATION: 21 29

31 70

71 79 80

D. WASTE DISPOSAL SITES. Part D should be completed separately for each asbestos waste disposal site subject to section 61.22(1).

Dup 1-13 0 0 5 14 16 17 18 19 20 SCC 27 28 29 NEDS X Ref 30 CS 31 SIP

A B 32 33 Pollutant 34 Regulation 48 49 EC

WASTE DISPOSAL SITE 50 68 80

1. Description - Provide a brief description of the site, including its size and configuration, and the distance to the closest city or town, closest residence, and closest primary road.

Dup 1-18 6 1 19 20 SITE DESCRIPTION 21 37 39 50

51 79 80

Dup 1-18 6 2 19 20 DISTANCE: 21 29 TOWN: 30 34 36 40 K M 42 43

RESIDENCE: 45 54 56 60 K M 62 63 ROAD: 65 69 71 75

K M 77 78 80

2. Inactivation - After the site is inactivated, indicate the method or methods used to comply with the standard and send a list of the actions that will be undertaken to maintain the inactivated site.

Dup 1-18 6 8 19 20 COMPLIANCE METHOD/INACTIVE SITE: 21 52

54 79 80

II. WAIVER REQUESTS

A. WAIVER OF COMPLIANCE. Owners or operators of sources unable to operate in compliance with the National Emission Standards for Hazardous Air Pollutants prior to 90 days after the effective date of any standards or amendments which require the submission of such information may request a waiver of compliance from the Administrator of the U.S. Environmental Protection Agency for the time period necessary to install appropriate control devices or make modifications to achieve compliance. The Administrator may grant a waiver of compliance with the standard for a period not exceeding two years from the effective date of the hazardous pollutant standards, if he finds that such period is necessary for the installation of controls and that steps will be taken during the period of the waiver to assure that the health of persons will be protected from imminent endangerment.

The report information provided in Section I must accompany this application. Applications should be sent to the appropriate EPA regional office.

1. Processes Involved - Indicate the process or processes emitting hazardous pollutants to which emission controls are to be applied.

2. Controls

   a. Describe the proposed type of control device to be added or modification to be made to the process to reduce the emissions of hazardous pollutants to an acceptable level. (Use additional sheets if necessary.)

   b. Describe the measures that will be taken during the waiver period to assure that the health of persons will be protected from imminent endangerment. (Use additional sheets if necessary.)

3. Increments of Progress - Specify the dates by which the following increments of progress will be met.

   • Date by which contracts for emission control systems or process modifications will be awarded; or date by which orders will be issued for the purchase of the component parts to accomplish emission control or process modification.

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Dup 1-16 017 17 19 53 54 55 60 61 MO/DY/YR 66 80

Date of initiation of on-site construction or installation of emission control equipment or process change.

Dup 1-16 027 17 19 53 54 55 60 61 MO/DY/YR 66 80

Date by which on-site construction or installation of emission control equipment or process modification is to be completed.

Dup 1-16 037 17 19 53 54 55 60 61 MO/DY/YR 66 80

Date by which final compliance is to be achieved.

Dup 1-16 047 17 19 53 54 55 60 61 MO/DY/YR 66 80

B. WAIVER OF EMISSION TESTS. A waiver of emission testing may be granted to owners or operators of sources of beryllium or mercury pollutants if, in the judgment of the Administrator of the Environmental Protection Agency the emissions from the source comply with the appropriate standard or if the owners or operators of the source have requested a waiver of compliance or have been granted a waiver of compliance.

This application should accompany the report information provided in Section I.

1. Reason - State the reasons for requesting a waiver of emission testing. If the reason stated is that the emissions from the source are within the prescribed limits, documentation of this condition must be attached.

_____

_____

_____

Date

Signature of the owner or operator

APPENDIX B—TEST METHODS

16. Method 105 is added to Appendix B as follows:

* * * * *

METHOD 105. METHOD FOR DETERMINATION OF MERCURY IN WASTEWATER TREATMENT PLANT SEWAGE SLUDGES

1. *Principle and applicability.* 1.1 Principle—A weighed portion of the sewage sludge sample is digested in aqua regia for 2 minutes at 95°C, followed by oxidation with potassium permanganate. Mercury in the digested sample is then measured by the conventional spectrophotometer cold vapor technique. An alternative digestion involving the use of an autoclave is described in paragraph 4.5.2 of this method.

1.2 Applicability—This method is applicable for the determination of total organic and inorganic mercury content in sewage sludges, soils, sediments, and bottom-type materials. The normal range of this method is 0.2 to 5 μg/g. The range may be extended above or below the normal range by increasing or decreasing sample size and through instrument and recorder control.

2. *Apparatus.* 2.1 Analysis—The conventional cold vapor technique(5) is used to analyze the sample.

2.1.1 Atomic Absorption Spectrophotometer[1]—Any atomic absorption unit having an open sample presentation area in which to mount the absorption cell is suitable. Instrument settings recommended by the particular manufacturer should be followed.

[1] Instruments designed specifically for the measurement of mercury using the cold vapor technique are commercially available and may be substituted for the atomic absorption spectrophotometer.

2.1.2 Mercury Hollow Cathode Lamp—Westinghouse WL-22847, argon filled, or equivalent.

2.1.3 Recorder—Any multirange, variable-speed recorder that is compatible with the UV detection system is suitable.

2.1.4 Absorption Cell—Standard spectrophotometer cells 10 cm long, having quartz end windows may be used. Suitable cells may be constructed from plexiglass tubing, 2.5 cm O.D. x 11.4 cm (ca. 1" O.D. x 4¼"). The ends are ground perpendicular to the longitudinal axis, and quartz windows [2.5 cm diameter x 0.16 cm thickness (ca. 1" diameter x 1/16" thickness)] are cemented in place. Gas inlet and outlet ports [also of plexiglass but 0.6 cm O.D. (ca. ¼" O.D.)] are attached approximately 1.3 cm (½") from each end. The cell is strapped to a burner for support and aligned in the light beam to give the maximum transmittance. NOTE: Two 5.1 cm x 5.1 cm (ca. 2" x 2") cards with 2.5 cm (ca. 1") diameter holes may be placed over each end of the cell to assist in positioning the cell for maximum transmittance.

2.1.5 Air Pump—Any peristaltic pump capable of delivering 1 liter of air per minute may be used. A Masterflex pump with electronic speed control has been found to be satisfactory. (Regulated compressed air can be used in an open one-pass system.)

2.1.6 Flowmeter—Capable of measuring an air flow of 1 liter per minute.

2.1.7 Aeration Tubing—Tygon tubing is used for passage of the mercury vapor from the sample bottle to the absorption cell and return. Straight glass tubing terminating in a coarse porous frit is used for sparging air into the sample.

2.1.8 Drying Tube—15 cm long x 1.9 cm diameter (ca. 6" long x ¾" diameter) tube containing 20 grams of the desiccant magnesium perchlorate. The apparatus is assembled as shown in Figure 105-1. In place of the magnesium perchlorate drying tube, a small reading lamp with 60W bulb may be used to prevent condensation of moisture inside the cell. The lamp is positioned so as not to interfere with the measurement and to shine on the absorption cell maintaining the air temperature about 5°C above ambient.

3. *Reagents.* 3.1 Analysis.

3.1.1 Aqua Regia—Prepare immediately before use by carefully adding three volumes of concentrated HCl to one volume of concentrated HNO_3.

3.1.2 Sulfuric Acid, 0.5N—Dilute 14.0 ml of concentrated sulfuric acid to 1.0 liter.

3.1.3 Stannous Sulfate—Add 25 g stannous sulfate to 250 ml of 0.5N sulfuric acid. This mixture is a suspension and should be stirred continuously during use. Stannous chloride may be used in place of the stannous sulfate.

3.1.4 Sodium Chloride—Hydroxylamine Sulfate Solution—Dissolve 12 grams of sodium chloride and 12 grams of hydroxylamine sulfate in distilled water and dilute to 100 ml. Hydroxylamine hydrochloride may be used in place of the hydroxylamine sulfate.

3.1.5 Potassium Permanganate—5% solution, w/v. Dissolve 5 grams of potassium permanganate in 100 ml of distilled water.

3.1.6 Stock Mercury Solution—Dissolve 0.1354 grams of reagent grade mercuric chloride (Assay >95%) in 75 ml of distilled water. Add 10 ml of concentrated nitric acid and adjust the volume to 100.0 ml. 1 ml=1 mg Hg.

3.1.7 Working Mercury Solution—Make successive dilutions of the stock mercury solution to obtain a working standard containing 0.1 μg per ml. This working standard and the dilutions of the stock mercury solution should be prepared fresh daily. Acidity of the working standard should be maintained at 0.15% nitric acid. This acid should be added to the flask as needed before the addition of the aliquot. Mercuric solutions should not be prepared in plastic containers.

4. *Procedures.* Samples for mercury analysis are subject to contamination from a variety of sources. Extreme care must be taken to prevent contamination. Certain interferences may occur during the analysis procedures. Extreme caution must be taken to avoid inhalation of mercury.

4.1 Sample Handling and Preservation.

4.1.1 Because of the extreme sensitivity of the analytical procedure and the omnipresence of mercury, care must be taken to avoid extraneous contamination. Sampling devices, sample containers, and reagents should be ascertained to be free of significant amounts of mercury; the sample should not be exposed to any condition in the laboratory that may result in contact or airborne mercury contamination. Sample containers to be used for collection and shipment of mercury samples should be properly cleaned before use. These should be rinsed with at least 20% v/v HNO_3 followed by distilled water.

4.1.2 While the sample may be analyzed without drying, it has been found to be more convenient to analyze a dry sample. Moisture may be driven off in a drying oven at a temperature of 60°C. No significant mercury losses have been observed by using this drying step. The dry sample should be pulverized and thoroughly mixed before the aliquot is weighed.

4.2 Interferences.

4.2.1 Interferences that may occur in sludge samples are sulfides, high copper, high chlorides, etc. A discussion of possible interferences and suggested preventative measures to be taken is given in Reference (6) (7).

4.2.2 Volatile materials which absorb at the 253.7 nm will cause a positive interference. In order to remove any interfering volatile materials, the dead air space in the BOD bottle should be purged with nitrogen before the addition of stannous sulfate.

4.3 Handling Sample Mercury Vapors After Analysis.

4.3.1 Because of the toxic nature of mercury vapor, precaution must be taken to avoid its inhalation. Therefore, a bypass should be included in the analysis system to either vent the mercury vapor into an exhaust hood or pass the vapor through some absorbing media, such as:

(a) equal volumes of 0.1N $KMNO_4$ and 10% H_2SO_4;

(b) 0.25% iodine in a 3% KI solution.

A specially treated charcoal that will absorb mercury vapor is also available from Barnebey and Cheney, E. 8th Ave. and North Cassidy St., Columbus, Ohio 43219, Catalog No. 580–13 or No. 580–22.[2]

4.4 Calibration.

4.4.1 Transfer 0, 0.5, 1.0, 2.0, 5.0 and 10 ml aliquots of the working mercury solution containing 0 to 1.0 μg of mercury to a series of 300-ml BOD bottles. Add enough distilled water to each bottle to make a total volume of 10 ml. Add 5 ml of aqua regia and heat 2 minutes in a water bath at 95°C. Allow the sample to cool and add 50 ml distilled water and 15 ml of $KMnO_4$ solution to each bottle and return to the water bath for 30 minutes. Cool and add 6 ml of sodium chloride-hydroxylamine sulfate solution to reduce the excess permanganate. Add 50 ml of distilled water. Treating each bottle individually, add 5 ml of stannous sulfate solution and immediately attach the bottle to the aeration apparatus. At this point, the sample is allowed to stand quitely without manual agitation. The circulating pump, which has previously been adjusted to a rate of 1 liter per minute, is allowed to run continuously.

[2] Mention of trade names or specific products does not constitute endorsement by the Environmental Protection Agency.

The absorbance, as exhibited either on the spectrophotometer or the recorder, will increase and reach maximum within 30 seconds. As soon as the recorder pen levels off, approximately 1 minute, open the bypass valve and continue the aeration until the absorbance returns to its minimum value. Close the bypass valve, remove the fritted tubing from the BOD bottle and continue the aeration. Proceed with the standards and construct a standard curve by plotting peak height versus micrograms of mercury.

4.5 Analysis.

4.5.1 Weigh triplicate 0.2g±0.001 g portions of dry sample and place in bottom of a BOD bottle. Add 5 ml of distilled water and 5 ml of aqua regia. Heat 2 minutes in a water bath at 95°C. Cool and add 50 ml distilled water and 15 ml potassium permanganate solution to each sample bottle. Mix thoroughly and place in the water bath for 30 minutes at 95°C. Cool and add 6 ml of sodium chloride-hydroxylamine sulfate to reduce the excess permanganate. Add 55 ml of distilled water. Treating each bottle individually, add 5 ml of stannous sulfate and immediately attach the bottle to the aeration apparatus. With each sample, continue as described in paragraph 4.4.1 of this method.

4.5.2 An alternative digestion procedure using an autoclave may also be used. In this method 5 ml of concentrated H_2SO_4 and 2 ml of concentrated HNO_3 are added to the 0.2 grams of sample. 5 ml of saturated $KMnO_4$ solution are added and the bottle is covered with a piece of aluminum foil. The samples are autoclaved at 121°C and 2.1 kg/cm² (ca. 15 psig) for 15 minutes. Cool, make up to a volume of 100 ml with distilled water, and add 6 ml of sodium chloride-hydroxylamine sulfate solution to reduce the excess permanganate. Purge the dead air space and continue as described in paragraph 4.4.1 of this method.

5. *Calculation.* 5.1 Measure the peak height of the unknown from the chart and read the mercury value from the standard curve.

5.2 Calculate the mercury concentration in the sample by the formula:

$$\mu g\ Hg/gm = \frac{\mu g\ Hg \text{ in the aliquot}}{\text{wt. of the aliquot in g}}$$

5.3 Report mercury concentrations as follows: Below 0.1 μg/g; between 0.1 and 1 μg/g, to the nearest 0.01 μg/g; between 1 and 10 μg/g, to nearest 0.1 μg; above 10 μg/g, to nearest μg.

6. *Precision and accuracy.* 6.1 According to the provisional method in reference number 5, the following standard deviations on replicate sediment samples have been recorded at the indicated levels: 0.29 μg/g±0.02 and 0.82 μg/g±0.03. Recovery of mercury at these levels, added as methyl mercuric chloride, was 97 and 94%, respectively.

7. *References.*

1. Bishop, J. N. "Mercury in Sediments," Ontario Water Resources Comm., Toronto, Ontario, Canada, 1971.

2. Salma, M. Private communication, EPA Cal/Nev Basin Office, Alameda, California.

3. Hatch, W. R., and Ott, W. L. "Determination of Sub-Microgram Quantities of Mercury by Atomic Absorption Spectrophotometry," Ana. Chem. *40*, 2085 (1968).

4. Bradenberger, H. and Bader, H. "The Determination of Nanogram Levels of Mercury in Solution by a Flameless Atomic Absorption Technique," Atomic Absorption Newsletter *6*, 101 (1967).

5. Analytical Quality Control Laboratory (AQCL), Environmental Protection Agency, Cincinnati, Ohio, "Mercury in Sediment (Cold Vapor Technique)," Provisional Method, April 1972.

6. Kopp, J. F., Longbottom, M. C. and Lobring, L. B. "Cold Vapor Method for Determining Mercury," Journal AWWA, 64, 1 (1972), pp. 20–25.

7. "Manual of Methods for Chemical Analysis of Water and Wastes," Environmental Protection Agency, EPA–625/2–74–003, pp. 118–138.

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TUESDAY, OCTOBER 14, 1975

PART VI:

GENERAL SERVICES ADMINISTRATION

PROCUREMENT

Regulations on Use of Standard Forms, Construction Contracts and Labor Surplus Area Set-asides

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Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 156]

PART 1–7—CONTRACT CLAUSES

PART 1–16—PROCUREMENT FORMS

New Edition of Standard Forms

This amendment of the Federal Procurement Regulations prescribes the use of the April 1975 editions of Standard Form 23–A, General Provisions (Construction Contract) and Standard Form 32, General Provisions (Supply Contract).

The new editions of the standard forms include new and revised contract provisions.

For Standard Form 23–A, the new and revised provisions involve the following clauses: Payments to Contractor, Assignment of Claims, Inspection and Acceptance, Superintendence by Contractor, Shop Drawings, Use and Possession Prior to Completion, Termination for Convenience of the Government, Payment of Interest on Contractors' Claims, Pricing of Adjustments, Additional Bond Security, Examination of Records by Comptroller General, Equal Opportunity, Convict Labor, Utilization of Minority Business Enterprises, and Federal, State, and Local Taxes.

For Standard Form 32, the new and revised provisions involve the following clauses: Assignment of Claims, Examination of Records by Comptroller General, Convict Labor, Contract Work Hours and Safety Standards Act—Overtime Compensation, Equal Opportunity, Utilization of Labor Surplus Area Concerns, Utilization of Minority Business Enterprises, Pricing of Adjustments, and Payments of Interest on Contractors' Claims.

Clauses for the Employment of the Handicapped and the Listing of Employment Openings were not included because revisions of the clauses currently are under consideration by the Department of Labor.

A recent revision of the Payments to Contractor clause was not included in the new edition of Standard Form 23–A because it would further delay the issuance of the form. However, the revision of the clause is prescribed in Part 7 for use in conjunction with the form. This revision leaves the retainage of progress payments to the discretion of contracting officers. A similar change has been made in Standard Form 19.

The table of contents is changed to add a new entry as follows:

Sec.
1–7.602–18 Payments to contractor

1. Part 1–7 is amended by adding § 1–7.602–18 as follows:

§ 1–7.602–18 Payments to contractor.

PAYMENTS TO CONTRACTOR

(a) The Government will pay the contract price as hereinafter provided.

(b) The Government will make progress payments monthly as the work proceeds, or at more frequent intervals as determined by the Contracting Officer, on estimates approved by the Contracting Officer. If requested by the Contracting Officer, the Contractor shall furnish a breakdown of the total contract price showing the amount included therein for each principal category of the work, in such detail as requested, to provide a basis for determining progress payments. In the preparation of estimates the Contracting Officer, at his discretion, may authorize material delivered on the site and preparatory work done to be taken into consideration. Material delivered to the contractor at locations other than the site may also be taken into consideration (1) if such consideration is specifically authorized by the contract and (2) if the Contractor furnishes satisfactory evidence that he has acquired title to such material and that it will be utilized on the work covered by this contract.

(c) In making such progress payments, there shall be retained 10 percent of the estimated amount until final completion and acceptance of the contract work. However, if the Contracting Officer finds that satisfactory progress was achieved during any period for which a progress payment is to be made, he may authorize such payment to be made in full without retention of a percentage. Also, whenever the work is substantially complete, the Contracting Officer shall retain an amount he considers adequate for protection of the Government and, at his discretion, may release to the Contractor all or a portion of any excess amount. Furthermore, on completion and acceptance of each separate building, public work, or other division of the contract, on which the price is stated separately in the contract, payment may be made therefor without retention of a percentage.

(d) All material and work covered by progress payments made shall thereup become the sole property of the Government, but this provision shall not be construed as relieving the Contractor from the sole responsibility for all material and work upon which payments have been made or the restoration of any damaged work, or as waiving the right of the Government to require the fulfillment of all of the terms of the contract.

(e) Upon completion and acceptance of all work, the amount due the Contractor under this contract shall be paid upon the presentation of a properly executed voucher and after the Contractor shall have furnished the Government with a release of all claims against the Government, arising by virtue of this contract, other than claims in stated amounts as may be specifically excepted by the Contractor from the operation of the release. If the Contractor's claim to amounts payable under the contract has been assigned under the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), a release may also be required of the assignee.

2. Part 1–16 is amended as follows:

A. Section 1–16.101(c) is revised, as follows:

§ 1–16.101 Contract forms.

* * * * *

(c) General Provisions (Supply Contract) (Standard Form 32, April 1975 edition). Pending the publication of a new edition of the form, the Listing of Employment Openings clause set forth in § 1–12.1102–2, the Employment of the Handicapped clause set forth in § 1–12.1304–1, and the Clean Air and Water clause set forth in § 1–1.2302–2 shall be added as additional articles of the General Provisions.

* * * * *

B. Section 1–16.401 (a) and (h) are revised as follows:

§ 1–16.401 Forms prescribed.

* * * * *

(a) *Invitation, Bid and Award (Construction, Alteration or Repair) (Standard Form 19, July 1973 edition).* Pending the publication of a new edition of the form, the Convict Labor clause prescribed by § 1–12.204 shall be substituted for the Convict Labor clause in Article 10, the Employment of the Handicapped clause in § 1–12.1304.1 shall be added as an additional article of the General Provisions, and the following clause shall be substituted for the Payments to Contractor clause in Article 6:

6. Payments to contractor. Progress payments equal to the value of the work performed shall be made monthly or at more frequent intervals as determined by the Contracting Officer on estimates approved by him. Upon payment therefor, title to the property shall vest in the Government, but this provision shall not be construed as relieving the Contractor from the sole responsibility for all material and work upon which payments have been made. The Contractor will notify the Government when all work is complete. Final payment will be made after final acceptance.

* * * * *

(h) *General Provisions (Construction Contract) (Standard Form 23–A, April 1975 edition).* Pending the publication of a new edition of the form, the Payments to Contractor clause prescribed by § 1–7.602–18 shall be substituted for the Payments to Contractors clause in Article 7, and the Listing of Employment Openings clause set forth in § 1–12.1102–2, the Employment of the Handicapped clause set forth in § 1–12.1304, and the Clean Air and Water clause set forth in § 1–1.2302–2 shall be added as additional articles of the General Provisions.

C. Section 1–16.901–23A is revised to illustrate the revised edition of Standard Form 23–A.

§ 1–16.901–23A Standard Form 23–A, General Provisions (Construction Contract).

(a) Page 1 of Standard Form 23–A.

GENERAL PROVISIONS

(Construction Contract)

1. DEFINITIONS

(a) The term "head of the agency" or "Secretary" as used herein means the Secretary, the Under Secretary, any Assistant Secretary, or any other head or assistant head of the executive or military department or other Federal agency; and the term "his duly authorized representative" means any person or persons or board (other than the Contracting Officer) authorized to act for the head of the agency or the Secretary.

(b) The term "Contracting Officer" as used herein means the person executing this contract on behalf of the Government and includes a duly appointed successor or authorized representative.

2. SPECIFICATIONS AND DRAWINGS

The Contractor shall keep on the work a copy of the drawings and specifications and shall at all times give the Contracting Officer access thereto. Anything mentioned in the specifications and not shown on the drawings, or shown on the drawings and not mentioned in the specifications, shall be of like effect as if shown or mentioned in both. In case of difference between drawings and specifications, the specifications shall govern. In case of discrepancy either in the figures, in the drawings, or in the specifications, the matter shall be promptly submitted to the Contracting Officer, who shall promptly make a determination in writing. Any adjustment by the Contractor without such a determination shall be at his own risk and expense. The Contracting Officer shall furnish from time to time such detail drawings and other information as he may consider necessary, unless otherwise provided.

3. CHANGES

(a) The Contracting Officer may, at any time, without notice to the sureties, by written order designated or indicated to be a change order, make any change in the work within the general scope of the contract, including but not limited to changes:

(1) In the specifications (including drawings and designs);

(2) In the method or manner of performance of the work;

(3) In the Government-furnished facilities, equipment, materials, services, or site; or

(4) Directing acceleration in the performance of the work.

(b) Any other written order or an oral order (which terms as used in this paragraph (b) shall include direction, instruction, interpretation, or determination) from the Contracting Officer, which causes any such change, shall be treated as a change order under this clause, provided that the Contractor gives the Contracting Officer written notice stating the date, circumstances, and source of the order and that the Contractor regards the order as a change order.

(c) Except as herein provided, no order, statement, or conduct of the Contracting Officer shall be treated as a change under this clause or entitle the Contractor to an equitable adjustment hereunder.

(d) If any change under this clause causes an increase or decrease in the Contractor's cost of, or the time required for, the performance of any part of the work under this contract, whether or not changed by any order, an equitable adjustment shall be made and the contract modified in writing accordingly: *Provided, however,* That except for claims based on defective specifications, no claim for any change under (b) above shall be allowed for any costs incurred more than 20 days before the Contractor gives written notice as therein required: *And provided further,* That in the case of defective specifications for which the Government is responsible, the equitable adjustment shall include any increased cost reasonably incurred by the Contractor in attempting to comply with such defective specifications.

(e) If the Contractor intends to assert a claim for an equitable adjustment under this clause, he must, within 30 days after receipt of a written change order under (a) above or the furnishing of a written notice under (b) above, submit to the Contracting Officer a written statement setting forth the general nature and monetary extent of such claim, unless this period is extended by the Government. The statement of claim hereunder may be included in the notice under (b) above.

(f) No claim by the Contractor for an equitable adjustment hereunder shall be allowed if asserted after final payment under this contract.

4. DIFFERING SITE CONDITIONS

(a) The Contractor shall promptly, and before such conditions are disturbed, notify the Contracting Officer in writing of: (1) Subsurface or latent physical conditions at the site differing materially from those indicated in this contract, or (2) unknown physical conditions at the site, of an unusual nature, differing materially from those ordinarily encountered and generally recognized as inhering in work of the character provided for in this contract. The Contracting Officer shall promptly investigate the conditions, and if he finds that such conditions do materially so differ and cause an increase or decrease in the Contractor's cost of, or the time required for, performance of any part of the work under this contract, whether or not changed as a result of such conditions, an equitable adjustment shall be made and the contract modified in writing accordingly.

(b) No claim of the Contractor under this clause shall be allowed unless the Contractor has given the notice required in (a) above; provided, however, the time prescribed therefor may be extended by the Government.

(c) No claim by the Contractor for an equitable adjustment hereunder shall be allowed if asserted after final payment under this contract.

5. TERMINATION FOR DEFAULT—DAMAGES FOR DELAY—TIME EXTENSIONS

(a) If the Contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in this contract, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the Contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. In such event the Government may take over the work and prosecute the same to completion, by contract or otherwise, and may take possession of and utilize in completing the work such materials, appliances, and plant as may be on the site of the work and necessary therefor. Whether or not the Contractor's right to proceed with the work is terminated, he and his sureties shall be liable for any damage to the Government resulting from his refusal or failure to complete the work within the specified time.

(b) If fixed and agreed liquidated damages are provided in the contract and if the Government so terminates the Contractor's right to proceed, the resulting damage will consist of such liquidated damages until such reasonable time as may be required for final completion of the work together with any increased costs occasioned the Government in completing the work.

(c) If fixed and agreed liquidated damages are provided in the contract and if the Government does not so terminate the Contractor's right to proceed, the resulting damage will consist of such liquidated damages until the work is completed or accepted.

(d) The Contractor's right to proceed shall not be so terminated nor the Contractor charged with resulting damage if:

(1) The delay in the completion of the work arises from unforeseeable causes beyond the control and without the fault or negligence of the Contractor, including but not restricted to, acts of God, acts of the public enemy, acts of the Government in either its sovereign or contractual capacity, acts of another contractor in the performance of a contract with the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather, or delays of subcontractors or suppliers arising from unforeseeable causes beyond the control and without the fault or negligence of both the Contractor and such subcontractors or suppliers; and

(2) The Contractor, within 10 days from the beginning of any such delay (unless the Contracting Officer grants a further period of time before the date of final payment

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STANDARD FORM 23–A (Rev. 4–75)
Prescribed by GSA, FED PROC REG (41 CFR) 1–16.401

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(b) Page 2 of Standard Form 23-A.

under the contract), notifies the Contracting Officer in writing of the causes of delay.

The Contracting Officer shall ascertain the facts and the extent of the delay and extend the time for completing the work when, in his judgment, the findings of fact justify such an extension, and his findings of fact shall be final and conclusive on the parties, subject only to appeal as provided in Clause 6 of these General Provisions.

(e) If, after notice of termination of the Contractor's right to proceed under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the delay was excusable under the provisions of this clause, the rights and obligations of the parties shall, if the contract contains a clause providing for termination for convenience of the Government, be the same as if the notice of termination had been issued pursuant to such clause. If, in the foregoing circumstances, this contract does not contain a clause providing for termination for convenience of the Government, the contract shall be equitably adjusted to compensate for such termination and the contract modified accordingly; failure to agree to any such adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(f) The rights and remedies of the Government provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

(g) As used in Paragraph (d)(1) of this clause, the term "subcontractors or suppliers" means subcontractors or suppliers at any tier.

6. DISPUTES

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the head of the agency involved. The decision of the head of the agency or his duly authorized representative for the determination of such appeals shall be final and conclusive. The decision shall not be pleaded in any suit involving a question of fact arising under this contract as limiting judicial review of any such decision to cases where fraud by such official or his representative or board is alleged: *Provided*, however, That any such decision shall be final and conclusive unless the same is fraudulent or capricious or arbitrary or so grossly erroneous as necessarily to imply bad faith or is not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This Disputes clause does not preclude consideration of questions of law in connection with decisions provided for in paragraph (a) above. Nothing in this contract, however, shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

7. PAYMENTS TO CONTRACTOR

(a) The Government will pay the contract price as hereinafter provided.

(b) The Government will make progress payments monthly as the work proceeds, or at more frequent intervals as determined by the Contracting Officer, on estimates approved by the Contracting Officer. If requested by the Contracting Officer, the Contractor shall furnish a breakdown of the total contract price showing the amount included therein for each principal category of the work, in such detail as requested, to provide a basis for determining progress payments. In the preparation of estimates the Contracting Officer, at his discretion, may authorize material delivered on the site and preparatory work done to be taken into consideration. Material delivered to the Contractor at locations other than the site may also be taken into consideration (1) if such consideration is specifically authorized by the contract and (2) if the Contractor furnishes satisfactory evidence that he has acquired title to such material and that it will be utilized on the work covered by this contract.

(c) In making such progress payments, there shall be retained 10 percent of the estimated amount until final completion and acceptance of the contract work. However, if the Contracting Officer, at any time after 50 percent of the work has been completed, finds that satisfactory progress is being made, he may authorize payment in full of each progress payment for work performed beyond the 50 percent stage of completion. Also, whenever the work is substantially complete, the Contracting Officer, if he considers the amount retained to be in excess of the amount adequate for the protection of the Government, at his discretion, may release to the Contractor all or a portion of such excess amount. Furthermore, on completion and acceptance of each separate building, public work, or other division of the contract, on which the price is stated separately in the contract, payment may be made therefor without retention of a percentage.

(d) All material and work covered by progress payments made shall thereupon become the sole property of the Government, but this provision shall not be construed as relieving the Contractor from the sole responsibility for all material and work upon which payments have been made or the restoration of any damaged work, or as waiving the right of the Government to require the fulfillment of all of the terms of the contract.

(e) Upon completion and acceptance of all work, the amount due the Contractor under this contract shall be paid upon the presentation of a properly executed voucher and after the Contractor shall have furnished the Government with a release of all claims against the Government arising by virtue of this contract, other than claims in stated amounts as may be specifically excepted by the Contractor from the operation of the release. If the Contractor's claim to amounts payable under the contract has been assigned under the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), a release may also be required of the assignee.

8. ASSIGNMENT OF CLAIMS

(a) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating $1,000 or more, claims for moneys due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Unless otherwise provided in this contract, payments to an assignee of any moneys due or to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or setoff. (The preceding sentence applies only if this contract is made in time of war or national emergency as defined in said Act; and is with the Department of Defense, the General Services Administration, the Energy Research and Development Administration, the National Aeronautics and Space Administration, the Federal Aviation Administration, or any other department or agency of the United States designated by the President pursuant to Clause 4 of the proviso of section 1 of the Assignment of Claims Act of 1940, as amended by the Act of May 15, 1951, 65 Stat. 41.)

(b) In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or "Confidential," be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same. However, a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

9. MATERIAL AND WORKMANSHIP

(a) Unless otherwise specifically provided in this contract, all equipment, material, and articles incorporated in the work covered by this contract are to be new and of the most suitable grade for the purpose intended. Unless otherwise specifically provided in this contract, reference to any equipment, material, article, or patented process, by trade name, make, or catalog number, shall be regarded as establishing a standard of quality and shall not be construed as limiting competition, and the Contractor may, at his option, use any equipment, material, article, or process, which, in the judgment of the Contracting Officer, is equal to that named. The Contractor shall furnish to the Contracting Officer for his approval the name of the manufacturer, the model number,

(c) Page 3 of Standard Form 23-A.

and other identifying data and information respecting the performance, capacity, nature, and rating of the machinery and mechanical and other equipment which the Contractor contemplates incorporating in the work. When required by this contract or when called for by the Contracting Officer, the Contractor shall furnish the Contracting Officer for approval full information concerning the material or articles which he contemplates incorporating in the work. When so directed, samples shall be submitted for approval at the Contractor's expense, with all shipping charges prepaid. Machinery, equipment, material, and articles installed or used without required approval shall be at the risk of subsequent rejection.

(b) All work under this contract shall be performed in a skillful and workmanlike manner. The Contracting Officer may, in writing, require the Contractor to remove from the work any employee the Contracting Officer deems incompetent, careless or otherwise objectionable.

10. INSPECTION AND ACCEPTANCE

(a) All work (which term includes but is not restricted to materials, workmanship, and manufacture and fabrication of components) shall be subject to inspection and test by the Government at all reasonable times and at all places prior to acceptance. Any such inspection and test is for the sole benefit of the Government and shall not relieve the Contractor of the responsibility of providing quality control measures to assure that the work strictly complies with the contract requirements. No inspection or test by the Government shall be construed as constituting or implying acceptance. Inspection or test shall not relieve the Contractor of responsibility for damage to or loss of the material prior to acceptance, nor in any way affect the continuing rights of the Government after acceptance of the completed work under the terms of paragraph (f) of this clause, except as hereinabove provided.

(b) The Contractor shall, without charge, replace any material or correct any workmanship found by the Government not to conform to the contract requirements, unless in the public interest the Government consents to accept such material or workmanship with an appropriate adjustment in contract price. The Contractor shall promptly segregate and remove rejected material from the premises.

(c) If the Contractor does not promptly replace rejected material or correct rejected workmanship, the Government (1) may, by contract or otherwise, replace such material or correct such workmanship and charge the cost thereof to the Contractor, or (2) may terminate the Contractor's right to proceed in accordance with the clause of this contract entitled "Termination for Default—Damages for Delay—Time Extensions."

(d) The Contractor shall furnish promptly, without additional charge, all facilities, labor, and material reasonably needed for performing such safe and convenient inspection and test as may be required by the Contracting Officer. All inspection and test by the Government shall be performed in such manner as not unnecessarily to delay the work. Special, full size, and performance tests shall be performed as described in this contract. The Government reserves the right to charge to the Contractor any additional cost of inspection or test when material or workmanship is not ready at the time specified by the Contractor for inspection or test or when reinspection or retest is necessitated by prior rejection.

(e) Should it be considered necessary or advisable by the Government at any time before acceptance of the entire work to make an examination of work already completed, by removing or tearing out same, the Contractor shall, on request, promptly furnish all necessary facilities, labor, and material. If such work is found to be defective or nonconforming in any material respect, due to the fault of the Contractor or his subcontractors, he shall defray all the expenses of such examination and of satisfactory reconstruction. If, however, such work if found to meet the requirements of the contract, an equitable adjustment shall be made in the contract price to compensate the Contractor for the additional services involved in such examination and reconstruction and, if completion of the work has been delayed thereby, he shall, in addition, be granted a suitable extension of time.

(f) Unless otherwise provided in this contract, acceptance by the Government shall be made as promptly as practicable after completion and inspection of all work required by this contract, or that portion of the work that the Contracting Officer determines can be accepted separately. Acceptance shall be final and conclusive except as regards latent defects, fraud, or such gross mistakes as may amount to fraud, or as regards the Government's rights under any warranty or guarantee.

11. SUPERINTENDENCE BY CONTRACTOR

The Contractor, at all times during performance and until the work is completed and accepted, shall give his personal superintendence to the work or have on the work a competent superintendent, satisfactory to the Contracting Officer and with authority to act for the Contractor.

12. PERMITS AND RESPONSIBILITIES

The Contractor shall, without additional expense to the Government, be responsible for obtaining any necessary licenses and permits, and for complying with any applicable Federal, State, and municipal laws, codes, and regulations, in connection with the prosecution of the work. He shall be similarly responsible for all damages to persons or property that occur as a result of his fault or negligence. He shall take proper safety and health precautions to protect the work, the workers, the public, and the property of others. He shall also be responsible for all materials delivered and work performed until completion and acceptance of the entire construction work, except for any completed unit of construction thereof which theretofore may have been accepted.

13. CONDITIONS AFFECTING THE WORK

The Contractor shall be responsible for having taken steps reasonably necessary to ascertain the nature and location of the work, and the general and local conditions which can affect the work or the cost thereof. Any failure by the Contractor to do so will not relieve him from responsibility for successfully performing the work without additional expense to the Government. The Government assumes no responsibility for any understanding or representations concerning conditions made by any of its officers or agents prior to the execution of this contract, unless such understanding or representations by the Government are expressly stated in the contract.

14. OTHER CONTRACTS

The Government may undertake or award other contracts for additional work, and the Contractor shall fully cooperate with such other contractors and Government employees and carefully fit his own work to such additional work as may be directed by the Contracting Officer. The Contractor shall not commit or permit any act which will interfere with the performance of work by any other contractor or by Government employees.

15. SHOP DRAWINGS

(a) The term "shop drawings" includes drawings, diagrams, layouts, schematics, descriptive literature, illustrations, schedules, performance and test data, and similar materials furnished by the Contractor to explain in detail specific portions of the work required by the contract.

(b) If this contract requires shop drawings, the Contractor shall coordinate all such drawings, and review them for accuracy, completeness, and compliance with contract requirements and shall indicate his approval thereon as evidence of such coordination and review. Shop drawings submitted to the Contracting Officer without evidence of the Contractor's approval may be returned for resubmission. The Contracting Officer will indicate his approval or disapproval of the shop drawings and if not approved as submitted shall indicate his reasons therefor. Any work done prior to such approval shall be at the Contractor's risk. Approval by the Contracting Officer shall not relieve the Contractor from responsibility for any errors or omissions in such drawings, nor from responsibility for complying with the requirements of this contract, except with respect to variations described and approved in accordance with (c) below.

(c) If shop drawings show variations from the contract requirements, the Contractor shall describe such variations in writing, separate from the drawings, at the time of submission. If the Contracting Officer approves any such variation(s), he shall issue an appropriate contract modification, except that, if the variation is minor and does not involve a change in price or in time of performance, a modification need not be issued.

16. USE AND POSSESSION PRIOR TO COMPLETION

The Government shall have the right to take possession of or use any completed or partially completed part of the work. Prior to such possession or use, the Contracting Officer shall furnish the Contractor an itemized list of work remaining to be performed or corrected on such portions of the project as are to be possessed or used by the Government, provided that failure to list any item of work shall not relieve the Contractor of responsibility for compliance with the terms of the

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contract. Such possession or use shall not be deemed an acceptance of any work under the contract. While the Government has such possession or use, the Contractor, notwithstanding the provisions of the clause of this contract entitled "Permits and Responsibilities," shall be relieved of the responsibility for the loss or damage to the work resulting from the Government's possession or use. If such prior possession or use by the Government delays the progress of the work or causes additional expense to the Contractor, an equitable adjustment in the contract price or the time of completion will be made and the contract shall be modified in writing accordingly.

17. SUSPENSION OF WORK

(a) The Contracting Officer may order the Contractor in writing to suspend, delay, or interrupt all or any part of the work for such period of time as he may determine to be appropriate for the convenience of the Government.

(b) If the performance of all or any part of the work is, for an unreasonable period of time, suspended, delayed, or interrupted by an act of the Contracting Officer in the administration of this contract, or by his failure to act within the time specified in this contract (or if no time is specified, within a reasonable time), an adjustment shall be made for any increase in the cost of performance of this contract (excluding profit) necessarily caused by such unreasonable suspension, delay, or interruption and the contract modified in writing accordingly. However, no adjustment shall be made under this clause for any suspension, delay, or interruption to the extent (1) that performance would have been so suspended, delayed, or interrupted by any other cause, including the fault or negligence of the Contractor or (2) for which an equitable adjustment is provided for or excluded under any other provision of this contract.

(c) No claim under this clause shall be allowed (1) for any costs incurred more than 20 days before the Contractor shall have notified the Contracting Officer in writing of the act or failure to act involved (but this requirement shall not apply as to a claim resulting from a suspension order), and (2) unless the claim, in an amount stated, is asserted in writing as soon as practicable after the termination of such suspension, delay, or interruption, but not later than the date of final payment under the contract.

18. TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

If not physically incorporated elsewhere, the clause in Section 1-8.703 of the Federal Procurement Regulations, or paragraph 7-602.29(a) of the Armed Services Procurement Regulation, as applicable, in effect on the date of this contract is hereby incorporated by reference as fully as if set forth at length herein.

19. PAYMENT OF INTEREST ON CONTRACTORS' CLAIMS

(a) If an appeal is filed by the Contractor from a final decision of the Contracting Officer under the Disputes clause of this contract, denying a claim arising under the contract, simple interest on the amount of the claim finally determined owed by the Government shall be payable to the Contractor. Such interest shall be at the rate determined by the Secretary of the Treasury pursuant to Public Law 92-41, 85 Stat. 97, from the date the Contractor furnishes to the Contracting Officer his written appeal under the Disputes clause of this contract, to the date of (1) a final judgment by a court of competent jurisdiction, or (2) mailing to the Contractor of a supplemental agreement for execution either confirming completed negotiations between the parties or carrying out a decision of a board of contract appeals.

(b) Notwithstanding (a) above, (1) interest shall be applied only from the date payment was due, if such date is later than the filing of appeal; and (2) interest shall not be paid for any period of time that the Contracting Officer determines the Contractor has unduly delayed in pursuing his remedies before a board of contract appeals or a court of competent jurisdiction.

20. PRICING OF ADJUSTMENTS

When costs are a factor in any determination of a contract price adjustment pursuant to the Changes clause or any other provision of this contract, such costs shall be in accordance with the contract cost principles and procedures in Part 1-15 of the Federal Procurement Regulations, (41 CFR 1-15) or Section XV of the Armed Services Procurement Regulation, as applicable, which are in effect on the date of this contract.

21. PATENT INDEMNITY

Except as otherwise provided, the Contractor agrees to indemnify the Government and its officers, agents, and employees against liability, including costs and expenses, for infringement upon any Letters Patent of the United States (except Letters Patent issued upon an application which is now or may hereafter be, for reasons of national security, ordered by the Government to be kept secret or otherwise withheld from issue) arising out of the performance of this contract or out of the use or disposal by or for the account of the Government of supplies furnished or construction work performed hereunder.

22. ADDITIONAL BOND SECURITY

If any surety upon any bond furnished in connection with this contract becomes unacceptable to the Government, or if any such surety fails to furnish reports as to his financial condition from time to time as requested by the Government, or if the contract price is increased to such an extent that the penal sum of any bond becomes inadequate in the opinion of the Contracting Officer, the Contractor shall promptly furnish such additional security as may be required from time to time to protect the interests of the Government and of persons supplying labor or materials in the prosecution of the work contemplated by this contract.

23. EXAMINATION OF RECORDS BY COMPTROLLER GENERAL

(a) This clause is applicable if the amount of this contract exceeds $10,000 and was entered into by means of negotiation, including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(b) The contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under this contract or such lesser time specified in either Appendix M of the Armed Services Procurement Regulation or the Federal Procurement Regulations Part 1-20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor involving transactions related to this contract.

(c) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under the subcontract or such lesser time specified in either Appendix M of the Armed Services Procurement Regulation or the Federal Procurement Regulations Part 1-20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding $10,000 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(d) The periods of access and examination described in (b) and (c), above, for records which relate to (1) appeals under the "Disputes" clause of this contract, (2) litigation or the settlement of claims arising out of the performance of this contract, or (3) costs and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall continue until such appeals, litigation, claims, or exceptions have been disposed of.

24. BUY AMERICAN

(a) *Agreement.* In accordance with the Buy American Act (41 U.S.C. 10a-10d), and Executive Order 10582, December 17, 1954 (3 CFR, 1954-58 Comp., p. 230), as amended by Executive Order 11051, September 27, 1962 (3 CFR, 1959-63 Comp., p. 635), the Contractor agrees that only domestic construction material will be used (by the Contractor, subcontractors, materialmen, and suppliers) in the performance of this contract, except for nondomestic material listed in the contract.

(b) *Domestic construction material.* "Construction material" means any article, material, or supply brought to the construction site for incorporation in the building or work. An unmanufactured construction material is a "domestic construction material" if it has been mined or produced in the United States. A manufactured construction material is a "domestic construction material" if it has been manufactured in the United States and if the cost of its components which have been mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. "Component" means any article, material, or supply directly incorporated in a construction material.

(c) *Domestic component.* A component shall be considered to have been "mined, produced, or manufactured in the

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United States" (regardless of its source in fact) if the article, material, or supply in which it is incorporated was manufactured in the United States and the component is of a class or kind determined by the Government to be not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

25. EQUAL OPPORTUNITY

(The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor (41 CFR, ch. 60).)

During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Equal Opportunity clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the contractor's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action will respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

26. COVENANT AGAINST CONTINGENT FEES

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

27. OFFICIALS NOT TO BENEFIT

No member of or delegate to Congress or resident Commissioner shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

28. CONVICT LABOR

In connection with the performance of work under this contract, the Contractor agrees not to employ any person undergoing sentence of imprisonment at hard labor except as provided by Public Law 89-176, September 10, 1965 (18 U.S.C. 4082(c)(2)) and Executive Order 11755, December 29, 1973.

29. UTILIZATION OF SMALL BUSINESS CONCERNS

(a) It is the policy of the Government as declared by the Congress that a fair proportion of the purchases and contracts for supplies and services for the Government be placed with small business concerns.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

30. UTILIZATION OF MINORITY BUSINESS ENTERPRISES

(a) It is the policy of the Government that Minority Business Enterprises shall have the maximum practicable opportunity to participate in the performance of Government contracts.

(b) The Contractor agrees to use his best efforts to carry out this policy in the award of his subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, the term "minority business enterprise" means a business, at least 50 percent of which is owned by minority group members or, in case of publicly-owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purposes of this definition, minority group members are Negroes, Spanish-speaking American persons, American-Orientals, American-Indians, American Eskimos, and American Aleuts. Contractors may rely on written representations by subcontractors regarding their status as minority business enterprises in lieu of an independent investigation.

31. FEDERAL, STATE, AND LOCAL TAXES

(a) Except as may be otherwise provided in this contract, the contract price includes all applicable Federal, State and local taxes and duties.

(b) Nevertheless, with respect to any Federal excise tax or duty on the transactions or property covered by this contract, if a statute, court decision, written ruling, or regulation takes effect after the contract date, and—

(1) Results in the Contractor being required to pay or bear the burden of any such Federal excise tax or duty or increase in the rate thereof which would not otherwise have been payable on such transactions or property, the contract price shall be increased by the amount of such tax or duty or rate increase: *Provided,* That the Contractor if requested by the Contracting Officer, warrants in writing that no amount for such newly imposed Federal excise tax or duty or rate increase was included in the contract price as a contingency reserve or otherwise; or

(2) Results in the Contractor not being required to pay or bear the burden of, or in his obtaining a refund or drawback of, any such Federal excise tax or duty which would otherwise have been payable on such transactions or property or which was the basis of an increase in the contract price, the contract price shall be decreased by the amount of the relief, refund, or drawback, or that amount shall be paid to the Government, as directed by the Contracting Officer. The contract price shall be similarly decreased if the Contractor, through his fault or negligence or his failure to follow instructions of the Contract-

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(f) Page 6 of Standard Form 23-A.

ing Officer, is required to pay or bear the burden of, or does not obtain a refund or drawback of, any such Federal excise tax or duty.

(c) No adjustment pursuant to paragraph b above will be made under this contract unless the aggregate amount thereof is or may reasonably be expected to be over $100.00.

(d) As used in paragraph b above, the term "contract date" means the date set for the bid opening, or if this is a negotiated contract, the date of this contract. As to additional supplies or services procured by modificatieh to this contract, the term "contract date" means the date of such modification.

(e) Unless there does not exist any reasonable basis to sustain an exemption, the Government, upon request of the Contractor, without further liability, agrees, except as otherwise provided in this contract, to furnish evidence appropriate to establish exemption from any tax which the Contractor warrants in writing was excluded from the contract price. In addition, the Contracting Officer may furnish evidence to establish exemption from any tax that may, pursuant to this Clause, give rise to either an increase or decrease in the contract price. Except as otherwise provided in this contract, evidence appropriate to establish exemption from duties will be furnished only at the discretion of the Contracting Officer.

(f) The Contractor shall promptly notify the Contracting Officer of matters which will result in either an increase or decrease in the contract price, and shall take action with respect thereto as directed by the Contracting Officer.

STANDARD FORM 23-A (Rev. 4-75)

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D. Section 1-16.901-32 is revised to illustrate the revised edition of Standard Form 32.

§ 1-16.901-32 Standard Form 32, General Provisions (Supply Contract).

(a) Page 1 of Standard Form 32.

GENERAL PROVISIONS
(Supply Contract)

1. DEFINITIONS

As used throughout this contract, the following terms shall have the meaning set forth below:

(a) The term "head of the agency" or "Secretary" as used herein means the Secretary, the Under Secretary, any Assistant Secretary, or any other head or assistant head of the executive or military department or other Federal agency; and the term "his duly authorized representative" means any person or persons or board (other than the Contracting Officer) authorized to act for the head of the agency or the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or civilian employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of a Contracting Officer acting within the limits of his authority.

(c) Except as otherwise provided in this contract, the term "subcontracts" includes purchase orders under this contract.

2. CHANGES

The Contracting Officer may at any time, by a written order, and without notice to the sureties, make changes, within the general scope of this contract, in any one or more of the following: (i) Drawings, designs, or specifications, where the supplies to be furnished are to be specially manufactured for the Government in accordance therewith; (ii) method of shipment or packing; and (iii) place of delivery. If any such change causes an increase or decrease in the cost of, or the time required for, the performance of any part of the work under this contract, whether changed or not changed by any such order, an equitable adjustment shall be made in the contract price or delivery schedule, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within 30 days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Where the cost of property made obsolete or excess as a result of a change is included in the Contractor's claim for adjustment, the Contracting Officer shall have the right to prescribe the manner of disposition of such property. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

3. EXTRAS

Except as otherwise provided in this contract, no payment for extras shall be made unless such extras and the price therefor have been authorized in writing by the Contracting Officer.

4. VARIATION IN QUANTITY

No variation in the quantity of any item called for by this contract will be accepted unless such variation has been caused by conditions of loading, shipping, or packing, or allowances in manufacturing processes, and then only to the extent, if any, specified elsewhere in this contract.

5. INSPECTION

(a) All supplies (which term throughout this clause includes without limitation raw materials, components, intermediate assemblies, and end products) shall be subject to inspection and test by the Government, to the extent practicable at all times and places including the period of manufacture, and in any event prior to acceptance.

(b) In case any supplies or lots of supplies are defective in material or workmanship or otherwise not in conformity with the requirements of this contract, the Government shall have the right either to reject them (with or without instructions as to their disposition) or to require their correction. Supplies or lots of supplies which have been rejected or required to be corrected shall be removed or, if permitted or required by the Contracting Officer, corrected in place by and at the expense of the Contractor promptly after notice, and shall not thereafter be tendered for acceptance unless the former rejection or requirement of correction is disclosed. If the Contractor fails promptly to remove such supplies or lots of supplies which are required to be removed, or promptly to replace or correct such supplies or lots of supplies, the Government either (i) may by contract or otherwise replace or correct such supplies and charge to the Contractor the cost occasioned the Government thereby, or (ii) may terminate this contract for default as provided in the clause of this contract entitled "Default." Unless the Contractor corrects or replaces such supplies within the delivery schedule, the Contracting Officer may require the delivery of such supplies at a reduction in price which is equitable under the circumstances. Failure to agree to such reduction of price shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor without additional charge shall provide all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. If Government inspection or test is made at a point other than the premises of the Contractor or subcontractor, it shall be at the expense of the Government except as otherwise provided in this contract: *Provided,* That in case of rejection the Government shall not be liable for any reduction in value of samples used in connection with such inspection or test. All inspections and tests by the Government shall be performed in such a manner as not to unduly delay the work. The Government reserves the right to charge to the Contractor any additional cost of Government inspection and test when supplies are not ready at the time such inspection and test is requested by the Contractor or when reinspection or retest is necessitated by prior rejection. Acceptance or rejection of the supplies shall be made as promptly as practicable after delivery, except as otherwise provided in this contract; but failure to inspect and accept or reject supplies shall neither relieve the Contractor from responsibility for such supplies as are not in accordance with the contract requirements nor impose liability on the Government therefor.

(d) The inspection and test by the Government of any supplies or lots thereof does not relieve the Contractor from any responsibility regarding defects or other failures to meet the contract requirements which may be discovered prior to acceptance. Except as otherwise provided in this contract, acceptance shall be conclusive except as regards latent defects, fraud, or such gross mistakes as amount to fraud.

(e) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the supplies hereunder. Records of all inspection work by the Contractor shall be kept complete and available to the Government during

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STANDARD FORM 32 (Rev. 4-75)
Prescribed by GSA, FED. PROC. REG. (41 CFR) 1-16.101

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(b) Page 2 of Standard Form 32.

the performance of this contract and for such longer period as may be specified elsewhere in this contract.

6. RESPONSIBILITY FOR SUPPLIES

Except as otherwise provided in this contract, (i) the Contractor shall be responsible for the supplies covered by this contract until they are delivered at the designated delivery point, regardless of the point of inspection; (ii) after delivery to the Government at the designated point and prior to acceptance by the Government or rejection and giving notice thereof by the Government, the Government shall be responsible for the loss or destruction of or damage to the supplies only if such loss, destruction, or damage results from the negligence of officers, agents, or employees of the Government acting within the scope of their employment; and (iii) the Contractor shall bear all risks as to rejected supplies after notice of rejection, except that the Government shall be responsible for the loss, or destruction of, or damage to the supplies only if such loss, destruction or damage results from the gross negligence of officers, agents, or employees of the Government acting within the scope of their employment.

7. PAYMENTS

The Contractor shall be paid, upon the submission of proper invoices or vouchers, the prices stipulated herein for supplies delivered and accepted or services rendered and accepted, less deductions, if any, as herein provided. Unless otherwise specified, payment will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the Contractor, payment for accepted partial deliveries shall be made whenever such payment would equal or exceed either $1,000 or 50 percent of the total amount of this contract.

8. ASSIGNMENT OF CLAIMS

(a) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating $1,000 or more, claims for moneys due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Unless otherwise provided in this contract, payments to an assignee of any moneys due or to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or setoff. (The preceding sentence applies only if this contract is made in time of war or national emergency as defined in said Act and is with the Department of Defense, the General Services Administration, the Energy Research and Development Administration, the National Aeronautics and Space Administration, the Federal Aviation Administration, or any other department or agency of the United States designated by the President pursuant to Clause 4 of the proviso of section 1 of the Assignment of Claims Act of 1940, as amended by the Act of May 15, 1951, 65 Stat. 41.)

(b) In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or "Confidential," be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same. However, a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

9. ADDITIONAL BOND SECURITY

If any surety upon any bond furnished in connection with this contract becomes unacceptable to the Government or if any such surety fails to furnish reports as to his financial condition from time to time as requested by the Government, the Contractor shall promptly furnish such additional security as may be required from time to time to protect the interests of the Government and of persons supplying labor or materials in the prosecution of the work contemplated by this contract.

10. EXAMINATION OF RECORDS BY COMPTROLLER GENERAL

(a) This clause is applicable if the amount of this contract exceeds $10,000 and was entered into by means of negotiation, including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(b) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under this contract or such lesser time specified in either Appendix M of the Armed Services Procurement Regulation or the Federal Procurement Regulations Part 1–20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(c) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under the subcontract or such lesser time specified in either Appendix M of the Armed Services Procurement Regulation or the Federal Procurement Regulations Part 1–20, as apropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor involving transactions related to the subcontract or subcontracts. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding $10,000 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(d) The periods of access and examination described in (b) and (c), above, for records which relate to (1) appeals under the "Disputes" clause of this contract, (2) litigation or the settlement of claims arising out of the performance of this contract, or (3) costs and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall continue until such appeals, litigation, claims, or exceptions have been disposed of.

11. DEFAULT

(a) The Government may, subject to the provisions of paragraph (c) below, by written notice of default to the Contractor, terminate the whole or any part of this contract in any one of the following circumstances:

(i) If the Contractor fails to make delivery of the supplies or to perform the services within the time specified herein or any extension thereof; or

(ii) If the Contractor fails to perform any of the other provisions of this contract, or so fails to make progress as to endanger performance of this contract in accordance with its terms, and in either of these two circumstances does not cure such failure within a period of 10 days (or such longer period as the Contracting Officer may authorize in writing) after receipt of notice from the Contracting Officer specifying such failure.

(b) In the event the Government terminates this contract in whole or in part as provided in paragraph (a) of this clause, the Government may procure, upon such terms and in such manner as the Contracting Officer may deem appropriate, supplies or services similar to those so terminated, and the Contractor shall be liable to the Government for any excess costs for such similar supplies or services: *Provided*, That the Contractor shall continue the performance of this contract to the extent not terminated under the provisions of this clause.

(c) Except with respect to defaults of subcontractors, the

(c) Page 3 of Standard Form 32.

Contractor shall not be liable for any excess costs if the failure to perform the contract arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather; but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the default of a subcontractor, and if such default arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be liable for any excess costs for failure to perform, unless the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Contractor to meet the required delivery schedule.

(d) If this contract is terminated as provided in paragraph (a) of this clause, the Government, in addition to any other rights provided in this clause, may require the Contractor to transfer title and deliver to the Government, in the manner and to the extent directed by the Contracting Officer, (i) any completed supplies, and (ii) such partially completed supplies and materials, parts, tools, dies, jigs, fixtures, plans, drawings, information, and contract rights (hereinafter called "manufacturing materials") as the Contractor has specifically produced or specifically acquired for the performance of such part of this contract as has been terminated; and the Contractor shall, upon direction of the Contracting Officer, protect and preserve property in possession of the Contractor in which the Government has an interest. Payment for completed supplies delivered to and accepted by the Government shall be at the contract price. Payment for manufacturing materials delivered to and accepted by the Government and for the protection and preservation of property shall be in an amount agreed upon by the Contractor and Contracting Officer; failure to agree to such amount shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." The Government may withhold from amounts otherwise due the Contractor for such completed supplies or manufacturing materials such sum as the Contracting Officer determines to be necessary to protect the Government against loss because of outstanding liens or claims of former lien holders.

(e) If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the default was excusable under the provisions of this clause, the rights and obligations of the parties shall, if the contract contains a clause providing for termination for convenience of the Government, be the same as if the notice of termination had been issued pursuant to such clause. If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, and if this contract does not contain a clause providing for termination for convenience of the Government, the contract shall be equitably adjusted to compensate for such termination and the contract modified accordingly; failure to agree to any such adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(f) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(g) As used in paragraph (c) of this clause, the terms "subcontractor" and "subcontractors" mean subcontractor(s) at any tier.

12. DISPUTES

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above: *Provided*, That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

13. NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT

The provisions of this clause shall be applicable only if the amount of this contract exceeds $10,000.

(a) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this contract of which the Contractor has knowledge.

(b) In the event of any claim or suit against the Government on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed hereunder, the Contractor shall furnish to the Government, when requested by the Contracting Officer, all evidence and information in possession of the Contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except where the Contractor has agreed to indemnify the Government.

14. BUY AMERICAN ACT

(a) In acquiring end products, the Buy American Act (41 U.S. Code 10 a–d) provides that the Government give preference to domestic source end products. For the purpose of this clause:

(i) "Components" means those articles, materials, and supplies, which are directly incorporated in the end products;

(ii) "End products" means those articles, materials, and supplies, which are to be acquired under this contract for public use; and

(iii) A "domestic source end product" means (A) an unmanufactured end product which has been mined or produced in the United States and (B) an end product manufactured in the United States if the cost of the components thereof which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. For the purposes of this (a)(iii)(B), components of foreign origin of the same type or kind as the products referred to in (b)(ii) or (iii) of this clause shall be treated as components mined, produced, or manufactured in the United States.

(b) The Contractor agrees that there will be delivered under this contract only domestic source end products, except end products:

(i) Which are for use outside the United States;

(ii) Which the Government determines are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality;

(iii) As to which the Secretary determines the domestic preference to be inconsistent with the public interest; or

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(d) Page 4 of Standard Form 32.

(iv) As to which the Secretary determines the cost to the Government to be unreasonable.

(The foregoing requirements are administered in accordance with Executive Order No. 10582, dated December 17, 1954.)

15. CONVICT LABOR

In connection with the performance of work under this contract, the Contractor agrees not to employ any person undergoing sentence of imprisonment at hard labor except as provided by Public Law 89–176, September 10, 1965 (18 U.S.C. 4082(c)(2)) and Executive Order 11755, December 29, 1973.

16. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT—OVERTIME COMPENSATION

This contract, to the extent that it is of a character specified in the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), is subject to the following provisions and to all other applicable provisions and exceptions of such Act and the regulations of the Secretary of Labor thereunder.

(a) Overtime requirements. No Contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers, mechanics, apprentices, trainees, watchmen, and guards shall require or permit any laborer, mechanic, apprentice, trainee, watchman, or guard in any workweek in which he is employed on such work to work in excess of eight hours in any calendar day or in excess of forty hours in such workweek on work subject to the provisions of the Contract Work Hours and Safety Standards Act unless such laborer, mechanic, apprentice, trainee, watchman, or guard receives compensation at a rate not less than one and one-half times his basic rate of pay for all such hours worked in excess of eight hours in any calendar day or in excess of forty hours in such workweek, whichever is the greater number of overtime hours.

(b) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the provisions of paragraph (a), the Contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer, mechanic, apprentice, trainee, watchman, or guard employed in violation of the provisions of paragraph (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of eight hours or in excess of his standard workweek of forty hours without payment of the overtime wages required by paragraph (a).

(c) Withholding for unpaid wages and liquidated damages. The Contracting Officer may withhold from the Government Prime Contractor, from any moneys payable on account of work performed by the Contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the provisions of paragraph (b).

(d) Subcontracts. The Contractor shall insert paragraphs (a) through (d) of this clause in all subcontracts, and shall require their inclusion in all subcontracts of any tier.

(e) Records. The Contractor shall maintain payroll records containing the information specified in 29 CFR 516.2(a). Such records shall be preserved for three years from the completion of the contract.

17. WALSH-HEALEY PUBLIC CONTRACTS ACT

If this contract is for the manufacture or furnishing of materials, supplies, articles, or equipment in an amount which exceeds or may exceed $10,000 and is otherwise subject to the Walsh-Healey Public Contracts Act, as amended (41 U.S. Code 35–45), there are hereby incorporated by reference all representations and stipulations required by said Act and regulations issued thereunder by the Secretary of Labor, such representations and stipulations being subject to all applicable rulings and interpretations of the Secretary of Labor which are now or may hereafter be in effect.

18. EQUAL OPPORTUNITY

(The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor (41 CFR, ch. 60).)

During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Equal Opportunity clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however*, That in the event the Contractor becomes involved in,

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or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

19. OFFICIALS NOT TO BENEFIT

No member of or delegate to Congress, or resident Commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

20. COVENANT AGAINST CONTINGENT FEES

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

21. UTILIZATION OF SMALL BUSINESS CONCERNS

(a) It is the policy of the Government as declared by the Congress that a fair proportion of the purchases and contracts for supplies and services for the Government be placed with small business concerns.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

22. UTILIZATION OF LABOR SURPLUS AREA CONCERNS

(a) It is the policy of the Government to award contracts to labor surplus area concerns that (1) have been certified by the Secretary of Labor (hereafter referred to as certified-eligible concerns with first or second preferences) regarding the employment of a proportionate number of disadvantaged individuals and have agreed to perform substantially (i) in or near sections of concentrated unemployment or underemployment or in persistent or substantial labor surplus areas or (ii) in other areas of the United States, respectively, or (2) are noncertified concerns which have agreed to perform substantially in persistent or substantial labor surplus areas, where this can be done consistent with the efficient performance of the contract and at prices no higher than are obtainable elsewhere. The Contractor agrees to use his best efforts to place his subcontracts in accordance with this policy.

(b) In complying with paragraph (a) of this clause and with paragraph (b) of the clause of this contract entitled "Utilization of Small Business Concerns" the Contractor in placing his subcontracts shall observe the following order of preference: (1) Certified-eligible concerns with a first preference which are also small business concerns; (2) other certified-eligible concerns with a first preference; (3) certified-eligible concerns with a second preference which are also small business concerns; (4) other certified-eligible concerns with a second preference; (5) persistent or substantial labor surplus area concerns which are also small business concerns; (6) other persistent or substantial labor surplus area concerns; and (7) small business concerns which are not labor surplus area concerns.

23. UTILIZATION OF MINORITY BUSINESS ENTERPRISES

(a) It is the policy of the Government that Minority Business Enterprises shall have the maximum practicable opportunity to participate in the performance of Government contracts.

(b) The Contractor agrees to use his best efforts to carry out this policy in the award of his subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, the term "minority business enterprise" means a business, at least 50 percent of which is owned by minority group members or, in case of publicly-owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purposes of this definition, minority group members are Negroes, Spanish-speaking American persons, American-Orientals, American-Indians, American-Eskimos, and American Aleuts. Contractors may rely on written representations by subcontractors regarding their status as minority business enterprises in lieu of an independent investigation.

24. PRICING OF ADJUSTMENTS

When costs are a factor in any determination of a contract price adjustment pursuant to the Changes clause or any other provision of this contract, such costs shall be in accordance with the contract cost principles and procedures in Part 1–15 of the Federal Procurement Regulations (41 CFR 1–15) or Section XV of the Armed Services Procurement Regulation, as applicable, which are in effect on the date of this contract.

25. PAYMENT OF INTEREST ON CONTRACTORS' CLAIMS

(a) If an appeal is filed by the Contractor from a final decision of the Contracting Officer under the Disputes clause of this contract, on a claim arising under the contract, simple interest on the amount of the claim finally determined owed by the Government shall be payable to the Contractor. Such interest shall be at the rate determined by the Secretary of the Treasury pursuant to Public Law 92–41, 85 Stat. 97, from the date the Contractor furnishes to the Contracting Officer his written appeal under the Disputes clause of this contract, to the date of (1) a final judgment by a court of competent jurisdiction, or (2) mailing to the Contractor of a supplemental agreement for execution either confirming completed negotiations between the parties or carrying out a decision of a board of contract appeals.

(b) Notwithstanding (a), above, (1) interest shall be applied only from the date payment was due, if such date is later than the filing of appeal, and (2) interest shall not be paid for any period of time that the Contracting Officer determines the Contractor has unduly delayed in pursuing his remedies before a board of contract appeals or a court of competent jurisdiction.

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Availability of forms. It is anticipated that copies of the forms will be available for use by December 31, 1975, and may be obtained by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective December 31, 1975, but may be observed as soon as copies of the new editions of the standard forms prescribed herein are available.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

Dated: September 29, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-27445 Filed 10-10-75;8:45 am]

[FPR Amendment 157]

PART 1-1—GENERAL

Labor Surplus Area Set-Asides

This amendment of the Federal Procurement Regulations modifies the text of paragraph (b)(1) of § 1-1.802-2 so that the intent of the section is clarified. The intent of the section when it was issued in the early 1960's was and continues to be that where a set-aside can be made for either small business concerns (total or partial) or labor surplus area concerns (partial), set-asides for labor surplus area concerns shall be preferred. This amendment revises the section so that the long standing intent regarding the preference for partial labor surplus area set-asides is more clearly indicated by means of an explicit statement. However, in view of the time that has elapsed since the original regulation was issued, agencies and other interested parties are invited to comment within 60 days after publication of this amendment in the FEDERAL REGISTER regarding the propriety of continuing the preference for partial labor surplus area set-asides. Comments should be forwarded to the Director, Federal Procurement Regulations Staff, Office of Federal Management Policy, General Services Administration, Washington, DC 20405.

Section 1-1.802-2 is amended to modify the language in paragraph (b)(1) to read as follows:

§ 1-1.802-2 Specific policies.

• • • • • •

(b) • • •

(1) Where either a partial labor surplus area set-aside, a small business set-aside (total or partial), or other form of set-aside can be appropriately made for any given procurement, the set-aside shall be made for labor surplus area concerns.

• • • • • •

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective November 10, 1975, but may be observed earlier.

Dated: October 1, 1975.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-27446 Filed 10-10-75;8:45 am]

[FPR Amendments 158]

PART 1-16—PROCUREMENT FORMS

PART 1-18—PROCUREMENT OF CONSTRUCTION

Labor Standards for Contracts Involving Construction

This amendment of the Federal Procurement Regulations implements the revised regulations of the Department of Labor, 29 CFR Part 5 (40 F.R. 30480, July 21, 1975), concerning employment and training of apprentices and trainees on Federal and federally assisted construction projects. The principle effect of the amendment is to eliminate the mandatory use of apprentices and trainees but to permit their use where the plan is approved by the Department of Labor.

1. Part 1-16 is amended by revising § 1-16.401(b) as follows:

§ 1-16.401 Forms prescribed.

• • • • • •

(b) *Labor Standards Provisions Applicable to Contracts in Excess of $2,000 (Standard Form 19-A, November 1972 edition).* Pending the publication of a new edition of the form, the Apprentices and Trainees clause prescribed by § 1-18.703-1(c) shall be substituted for the Apprentices and Trainees clause in Article 3 and the Payrolls and Basic Records clause prescribed by § 1-18.703-1(d) shall be substituted for the Payrolls and Basic Records clause in Article 4.

• • • • • •

2. Part 1-18 is amended as follows:

A. Section 1-18.703-1 (c) and (d) are revised to read as follows:

A. Section 1-18.703 is amended, as follows:

§ 1-18.703-1 Clauses for general use.

• • • • • •

(a) • • •

(b) • • •

(c) *Apprentices and Trainees.*

APPRENTICES AND TRAINEES

(a) Apprentices shall be permitted to work at less than the predetermined rate for the work they performed (1) when they are employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, or with a State Apprenticeship Agency recognized by the Bureau, or (2) if a person is employed in his first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in paragraph (b) of this clause and who is not registered or otherwise employed as stated above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The Contractor shall furnish to the Contracting Officer or a representative of the Wage-Hour Division of the U.S. Department of Labor written evidence of the registration of his program and apprentices as well as the appropriate ratios allowed and wage rates (expressed in percentages of the journeyman hourly rates) for the area of construction, prior to using any apprentices on the contract work. The wage rate paid apprentices shall be not less than the appropriate percentage of the journeyman's rate contained in the applicable wage determination.

(b) Except as provided in 29 CFR 5.15 trainees shall not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification, by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training. The term "trainee" means a person registered and receiving on-the-job training in a construction occupation under a program which has been approved in advance by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, as meeting its standards for on-the-job training programs and which has been so certified by the Bureau. The ratio of trainees to journeymen shall not be greater than the ratio permitted under the plan approved by the Bureau of Apprenticeship and Training. Every trainee must be paid at not less than the rate specified in the approved program for his level of progress. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Bureau of Apprenticeship and Training shall be paid not less than the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The Contractor shall furnish the Contracting Officer or a representative of the Wage-Hour Division of the U.S. Department of Labor written evidence of the certification of his program, the registration of the trainees, and the ratios and wage rates prescribed in that program. In the event the Bureau of Apprenticeship and Training withdraws approval of a training program, the Contractor shall no longer utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(c) The utilization of apprentices, trainees, and journeymen under this clause shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR Part 30.

(d) If at any time the Bureau of Apprenticeship and Training determines, after opportunity for a hearing, that the standards of a training program have not been complied with, or that such a program fails to provide adequate training for participants, the Contractor shall not utilize trainees at less than the predetermined rate for the classification of work actually performed until an acceptable program is approved. If the contractor brings an appeal pursuant to 29 CFR 5.17 within 30 days of his receipt of a certified letter withdrawing the Bureau of Apprenticeship and Training's approval, the effect of the withdrawal of approval of the program will be delayed until a decision is rendered on the appeal pursuant to 29 CFR 5.17.

(d) *Payrolls and basic records.*

PAYROLLS AND BASIC RECORDS

(a) The Contractor shall maintain payrolls and basic records relating thereto during the course of the work and shall preserve them for a period of 3 years thereafter for all laborers and mechanics, including apprentices, trainees, watchmen, and guards working at the site of the work. Such records shall contain the name and address of each such employee, his correct classification, rate of pay (including rates of contributing for or costs assumed to provide fringe benefits), daily and weekly number of hours worked, deductions made, and actual wages paid. Whenever the Contractor has obtained approval from the Secretary of Labor as provided in paragraph (c) of the clause entitled "Davis-Bacon Act", he shall maintain records which show the commitment, its approval, written communication of the plan or program to the laborers or mechanics affected, and the costs anticipated or incurred under the plan or program.

(b) The Contractor shall submit weekly a copy of all payrolls to the Contracting Officer. The Government Prime Contractor shall be responsible for the submission of copies of payrolls for all subcontractors. The copy shall be accompanied by a statement signed by the Contractor indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor, and that the classifications set forth for each laborer or mechanic, including apprentices and trainees, conform with the work he performed. Submission of the "Weekly Statement of Compliance" required under this contract and the Copeland Regulations of the Secretary of Labor (29 CFR Part 3) shall satisfy the requirement for submission of the above statement. The Contractor shall submit also a copy of any approval by the Secretary of Labor with respect to fringe benefits which is required by paragraph (c) of the clause entitled "Davis-Bacon Act."

Contractors employing apprentices or trainees under approved programs shall include a notation of the first weekly certified payrolls submitted to the contracting agencies that their employment is pursuant to an approved program and shall identify the program.

(c) The Contractor shall make the records required under this clause available for inspection by authorized representatives of the Contracting Officer and the Department of Labor, and shall permit such representatives to interview employees during working hours on the job.

• • • • • •

B. Section 1-18.705-4 is revised, as follows:

§ 1-18.705-4 Apprentices and trainees.

(a) As provided in paragraph (a) of the clause set forth in § 1-18.703-1(c), the contractor or subcontractor is required to furnish written evidence of registration of his program and apprentices as well as of the ratios allowed and the wage rates for the area of construction before using any apprentices on the contract work. Likewise, as provided in paragraph (b) of the clause set forth in § 1-18.703-1(c), the contractor or subcontractor is required to furnish written evidence of the certification of his program, the registration of the trainees, and the ratios and wage rates prescribed by that program before using any trainees on the contract work.

(b) Contractors planning to use apprentices on a construction project are required to obtain written evidence of registration of such employees in a program registered under the State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, Department of Labor. If no such agency exists within a State, an apprentice must be enrolled under a program registered with the Bureau of Apprenticeship and Training, Department of Labor. The contractor will then submit to the contracting officer this evidence of registration, together with evidence of the established apprenticeship-journeyman ratios and wage rates in the project area, which will be the basis for establishing such ratios and rates for the project. These data will be maintained by the contracting officer with payroll records.

(c) Contractors planning to use trainees on a construction project are required to obtain written evidence of registration of such employees in a program certified by the Bureau of Apprenticeship and Training, Department of Labor. The contractor will then submit to the contracting officer this evidence of certification of his program and the registration of the trainees together with evidence of established trainee-journeyman ratios and wage rates prescribed in the program. This data will be maintained by the contracting officer with payroll records.

(d) Enforcement activities, including the investigation of complaints of violations, to ensure compliance with the requirements of the clause entitled "Apprentices and Trainees" shall be the primary duty of the agency awarding the contract or providing the Federal assistance. The Department of Labor will coordinate its efforts with the various agencies.

(Sec. 205(c); 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective November 12, 1975, but may be observed earlier.

Dated: October 1, 1975.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-27447 Filed 10-10-75;8:45 am]

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federal register

TUESDAY, OCTOBER 14, 1975



PART VII:

PRIVACY ACT OF 1974

VARIOUS AGENCIES

VOLUME 40 NUMBER 199
OCT 14 75
XUM

Title 29—Labor

CHAPTER I—NATIONAL LABOR RELATIONS BOARD

PART 102—RULES AND REGULATIONS, SERIES 8

Privacy Act Regulations

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935,[1] the National Labor Relations Board hereby issues the following rules which it finds necessary to carry out the provision of said Act.

These rules are issued following proceedings conforming to the requirements of section (f) of the Privacy Act of 1974, 5 U.S.C. Section 552a(f), and of 5 U.S.C. Section 553, (See 40 FR 39763–4, August 28, 1975). The rules shall be effective on October 14, 1975 and shall apply to all matters affected thereby which are pending at the time of such publication or which may arise thereafter.

Dated, Washington, D.C., October 8, 1975.

By direction of the Board.

JOHN C. TRUESDALE,
Executive Secretary.

Section 102.117 of 29 CFR Chapter I is amended by adding the following paragraphs (e) through (k).

§ 102.117 Board materials and formal documents available for public inspection and copying; requests for described records; time limit for response; appeal from denial of request; fees for document search and duplication; files and records not subject to inspection.

. . . . . .

(e) An individual will be informed whether a system of records maintained by this agency contains a record pertaining to such individual. An inquiry should be made in writing or in person during normal business hours to the official of this agency designated for that purpose and at the address set forth in a notice of a system of records published by this agency, in a Notice of Systems of Government-wide Personnel Records published by the Civil Service Commission, or in a Notice of Government-wide System of Records published by the Department of Labor. The inquiry should contain sufficient information, as defined in the notice, to identify the record. Reasonable verification of identity of the inquirer, as described in subsection (i) of this section, will be required to assure that information is disclosed to the proper person. The agency shall acknowledge the inquiry in writing within 10 days (excluding Saturdays, Sundays, and legal public holidays) and, wherever practicable, the acknowledgment shall supply the information requested. If, for good cause shown, the agency cannot supply the information within 10 days, the inquirer shall within that time period be notified in writing of the reasons therefor and when it is anticipated the information will be supplied. An acknowledgment will not be provided where the information is supplied within the 10-day period. If the agency refuses to inform an individual whether a system of records contains a record pertaining to an individual, the inquirer shall be notified in writing of that determination and the reasons therefor, and of the right to obtain review of that determination under the provisions of subsection (j) of this section.

(f) An individual will be permitted access to records pertaining to such individual contained in any system of records described in the notices of systems of records published by this agency. The request for access must be made in writing or in person during normal business hours, to the person designated for that purpose and at the address set forth in the published notice of systems of records. Reasonable verification of the identity of the requester, as described in subsection (i) of this section, shall be required to assure that records are disclosed to the proper person. A request for access to records shall be acknowledged in writing by the agency within 10 days of receipt (excluding Saturdays, Sundays, and legal public holidays) and, wherever practicable, the acknowledgment shall inform the requester whether or not access will be granted and, if so, the time and location at which the records will be made available. If access to the record is to be granted, the record will normally be provided within 30 days (excluding Saturdays, Sundays, and legal public holidays) of the request, unless for good cause shown the agency is unable to do so, in which case the individual will be informed in writing within that 30-day period of the reasons therefor and when it is anticipated that access will be granted. An acknowledgment of a request will not be provided if the record is made available within the 10-day period. If an individual's request for access to a record under the provisions of this subsection is denied, the notice informing the individual of the denial shall set forth the reasons therefor and advise the individual of the right to obtain a review of that determination under the provisions of subsection (j) of this section.

(g) An individual granted access to records pertaining to such individual contained in a system of records may review all such records. For that purpose the individual may be accompanied by a person of the individual's choosing, or the record may be released to the individual's representative who has the written consent of the individual, as described in subsection (i) of this section. A first copy of any such record or information will ordinarily be provided without charge to the individual or representative in a form comprehensible to the individual. Fees for any other copies of records shall be assessed in accordance with the fee schedule set forth in subsection 102.117(c)(2)(iv)(a)(3) of this section.

(h) An individual may request amendment of a record pertaining to such individual in a system of records maintained by this agency. A request for amendment of a record must be in writing and submitted during normal business hours to the person designated for that purpose and at the address set forth in the published notice for the system of records containing the record of which amendment is sought. The requester must provide verification of identity as described in subsection (i) of this section, and the request should set forth the specific amendment requested and the reason for the requested amendment. The agency shall acknowledge in writing receipt of the request within 10 days of its receipt (excluding Saturdays, Sundays, and legal public holidays) and, wherever practicable, the acknowledgment shall advise the individual of the determination of the request. If the review of the request for amendment cannot be completed and a determination made within 10 days, the review shall be completed as soon as possible, normally within 30 days (Saturdays, Sundays, and legal public holidays excluded) of receipt of the request unless unusual circumstances preclude completing the review within that time, in which event the requester will be notified in writing within that 30-day period of the reasons for the delay and when the determination of the request may be expected. If the determination is to amend the record, the requester shall be so notified in writing and the record shall be amended in accordance with that determination. If any disclosures accountable under the provisions of 5 U.S.C. Sec. 552a(c) have been made, all previous recipients of the record which was amended shall be advised of the amendment and its substance. If it is determined that the request should not be granted, the requester shall be notified in writing of that determination and of the reasons therefor, and advised of the right to obtain review of the adverse determination under the provisions of subsection (j) of this section.

(i) Verification of the identification of individuals required under subsections (e), (f), (g), and (h) of this section to assure that records are disclosed to the proper persons shall be required by the agency to an extent consistent with the nature, location, and sensitivity of the records being disclosed. Disclosure of a record to an individual in person will normally be made upon the presentation of acceptable identification. Disclosure of records by mail may be made upon the basis of the identifying information set forth in the request. Depending upon the nature, location, and sensitivity of the requested record, a signed notarized statement verifying identity may be required by the agency. Proof of authorization as representative to have access to a record of an individual shall be in writing, and a signed notarized statement of such authorization may be required by the agency if the record requested is of a sensitive nature.

[1] 49 Stat. 449; 29 U.S.C. 151–166, as amended by act of June 23, 1947 (61 Stat. 136; 29 U.S.C. Sup. 151–167), act of October 22, 1951 (65 Stat. 601; 29 U.S.C. 158, 159, 168), and act of September 14, 1959 (73 Stat. 519; 29 U.S.C. 141–168).

(j)(1) Review may be obtained with respect to (i) a refusal, under subsection (e) or (k) of this section, to inform an individual if a system of records contains a record concerning that individual, (ii) a refusal, under subsection (f) or (k) of this section, to grant access to a record, or (iii) a refusal, under subsection (h) of this section, to amend a record. The request for review should be made to the chairman of the Board if the system of records is maintained in the offices of a member of the Board, the office of the executive secretary, the office of the solicitor, the division of information, or the division of administrative law judges. Consonant with the provisions of section 3(d) of the National Labor Relations Act, as amended, and the delegation of authority from the Board to the general counsel, the request should be made to the general counsel if the system of records is maintained by any office of the agency other than those enumerated above. Either the chairman of the Board or the general counsel may designate in writing another officer of the agency to review the refusal of the request. Such review shall be completed within 30 days (excluding Saturdays, Sundays, and legal public holidays) from the receipt of the request for review unless the chairman of the Board or the general counsel, as the case may be, for good cause shown, shall extend such 30-day period.

(2) If, upon review of a refusal under subsection (e) or (k), the reviewing officer determines that the individual should be informed of whether a system of records contains a record pertaining to that individual; such information shall be promptly provided. If the reviewing officer determines that the information was properly denied, the individual shall be so informed in writing with a brief statement of the reasons therefor.

(3) If, upon review of a refusal under subsection (f) or (k), the reviewing officer determines that access to a record should be granted, the requester shall be so notified and the record shall be promptly made available to the requester. If the reviewing officer determines that the request for access to records was properly denied, the individual shall be so informed in writing with a brief statement of the reasons therefor.

(4) If, upon review of a refusal under subsection (h), the reviewing official grants a request to amend, the requester shall be so notified, the record shall be amended in accordance with the determination, and, if any disclosures accountable under the provisions of 5 U.S.C. Sec. 552a(c) have been made, all previous recipients of the record which was amended shall be advised of the amendment and its substance. If the reviewing officer determines that the denial of a request for amendment should be sustained, the agency shall advise the requester of the determination and the reasons therefor, and that the individual may file with the agency a concise statement of the reasons for disagreeing with the determination, and may seek judicial review of the agency's denial of the request to amend the record. In the event a statement of disagreement is filed, that statement (i) will be made available to anyone to whom the record is subsequently disclosed together with, at the discretion of the agency, a brief statement summarizing the agency's reasons for declining to amend the record, and (ii) will be supplied, together with any agency statements, to any prior recipients of the disputed record to the extent that an accounting of disclosures was made.

(k) To the extent that portions of systems of records described in notices of governmentwide systems of records published by the Civil Service Commission are identified by those notices as being subject to the management of an officer of this agency, or an officer of this agency is designated as the official to contact for information, access or contest of those records, individual requests for access to those records, requests for their amendment, and review of denials of requests for amendment shall be in accordance with the provisions of 29 CFR part 297, subpart A, section 297.101, *et seq.*, as promulgated by the Civil Service Commission. To the extent that portions of systems of records described in notices of governmentwide systems of records published by the Department of Labor are identified by those notices as being subject to the management of an officer of this agency, or an officer of this agency is designated as the official to contact for information, access or contest of those records, individual requests for access to those records, requests for their amendment, and review of denials of requests for amendment shall be in accordance with the provisions of 29 CFR part 70a as promulgated by the Department of Labor. Review of a refusal to inform an individual whether such a system of records contains a record pertaining to that individual, and review of a refusal to grant an individual's request for access to a record in such a system may be obtained in accordance with the provisions of subsection (j) of this section.

[FR Doc.75-27554 Filed 10-8-75;3:45 pm]

Title 15—Commerce and Foreign Trade

CHAPTER XX—OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

PART 2005—SAFEGUARDING INDIVIDUAL PRIVACY

Final Regulations

In accordance with the Privacy Act of 1974, 5 USC 552(a), Pub. L. 93–579 (88 Stat. 1896), the Office of the Special Representative for Trade Negotiations on August 27, 1975, published proposed regulations implementing the provisions of that Act. No comments on the regulation were received and therefore, the following regulations, as published, became effective on September 27, 1975.

Sec.
2005.0 Purpose and scope.
2005.1 Rules for determining if an individual is the subject of a record.
2005.2 Requests for access.
2005.3 Access to the accounting of disclosure from records.
2005.4 Requests for copies of records.
2005.5 Requests to amend records.
2005.6 Request for review.
2005.7 Schedule of fees.

AUTHORITY: Pub. L. 93–579, 88 Stat. 1896 (5 U.S.C. 552a(f)).

§ 2005.0 Purpose and scope.

The purpose of these regulations is to provide certain safeguards for an individual against the invasion of his or her personal privacy by the Office of the Special Representative for Trade Negotiations (hereinafter frequently referred to as "STR"). These regulations are promulgated pursuant to the requirements for all Federal Agencies contained in 5 U.S.C. 552a(f).

§ 2005.1 Rules for determining if an individual is the subject of a record.

(a) Individuals desiring to know if a specific system of records maintained by STR contains a record pertaining to them should address their inquiries to the Administrative Officer, Office of the Special Representative for Trade Negotiations, Washington, D.C. 20506. The written inquiry should contain a specific reference to the system of records maintained by the STR listed in the STR Notice of Systems of Records or it should describe the type of record in sufficient detail to reasonably identify the system of records. Notice of STR systems of records subject to the Privacy Act will be published in the FEDERAL REGISTER and copies of the notices will be available upon request to the Administrative Officer when so published. A compilation of such notices will also be made and published by the Office of Federal Register, in accordance with section 5 U.S.C. 552a (f).

(b) At a minimum, the request should also contain sufficient identifying information to allow STR to determine if there is a record pertaining to the individual making the request in a particular system of records. In instances when the identification is insufficient to insure disclosure to the individual to whom the information pertains in view of the sensitivity of the information, STR reserves the right to solicit from the person requesting access to a record additional identifying information.

(c) Ordinarily the person requesting will be informed whether the named system of records contains a record pertaining to such person within 10 days of such a request (excluding Saturdays, Sundays, and legal Federal holidays). Such a response will also contain or reference the procedures which must be followed by the individual making the request in order to gain access to the record.

(d) Whenever a response cannot be made within the 10 days, the Administrative Officer will inform the person making the request the reasons for the

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delay and the date of which a response may be anticipated.

§ 2005.2 Requests for access.

(a) *Requirement for written requests.* Individuals desiring to gain access to a record pertaining to them in a system of records maintained by STR must submit their request in writing in accordance with the procedures set forth in paragraph (b) of this section. Individuals who are employed by the STR may make their request on a regularly scheduled workday (Monday through Friday, excluding legal Federal holidays) between the hours of 9 am and 5:30 pm. Such requests for access by individuals employed by STR need not be made in writing.

(b) *Procedures*—(1) *Content of the request.* The request for access to a record in a system of records shall be addressed to the Administrative Officer at the address cited above, and shall name the system of records or contain a description (as concise as possible) of such system of records. The request should state that the request is pursuant to the Privacy Act of 1974. In the absence of such a statement, if the request is for a record pertaining to the person requesting access which is maintained by STR in a system of records, the request will be presumed to be made under the Privacy Act of 1974. The request should contain necessary information to verify the identity of the person requesting access (see paragraph b(2) (vi) of this section). In addition, such person should include any other information which may assist in the rapid identification of the record for which access is being requested (e.g. maiden name, dates of employment, etc.) as well as any other identifying information contained in and required by the STR Notice of Systems of Records.

(i) If the request for access follows a prior request under § 2005.1, the same identifying information need not be included in the request for access if a reference is made to that prior correspondence or a copy of the STR response to that request is attached. If the individual specifically desires a copy of the record, the request should so specify under § 2005.4.

(2) *STR action on request.* A request for access will ordinarily be answered within 10 days, except when the Administrative Officer determines otherwise, in which case the person making the request will be informed of the reasons for the delay and an estimated date by which the request will be answered. When the request can be answered within 10 days, it shall include the following:

(i) A statement that there is a record as request or a statement that there is not a record in the systems of records maintained by STR;

(ii) A statement as to whether access will be granted only by providing a copy of the record through the mail; or the address of the location and the date and time at which the record may be examined. In the event the person requesting access is unable to meet the specified date and time, alternative arrangements may be made with the official specified in paragraph (b)(1) of this section.

(iii) A statement, when appropriate, that examination in person will be the sole means of granting access only when the Administrative Officer has determined that it would not unduly impede the right of access of the person making the request.

(iv) The amount of fees charged, if any (see §§ 2005.6 and 2005.7). (Fees are applicable only to requests for copies);

(v) The name, title, and telephone number of the STR official having operational control over the record; and

(vi) The documentation required by STR to verify the identity of the person making the request. At a minimum, STR verification standards include the following:

(A) *Current or former STR Employees.* Current or former STR employees requesting access to a record pertaining to them in a system of records maintained by STR may, in addition to the other requirements of this section, and at the sole discretion of the official having operational control over the record, have his or her identity verified by visual observation. If the current or former STR employee cannot be so identified by the official having operational control over the records, identification documentation will be required. Employee identification cards, annuitant identification, driver licenses, or the "employee copy" of any official personnel document in the record are examples of acceptable identification validation.

(B) *Other than current or former STR employees.* Individuals other than current or former STR employees requesting access to a record pertaining to them in a system of records maintained by STR must produce identification documentation of the type described in paragraph (b)(2)(vi)(A) of this section, prior to being granted access. The extent of the identification documentation required will depend on the type of record for which access is requested. In most cases, identification verification will be accomplished by the presentation of two forms of identification. Any additional requirements will be specified in the system notices published pursuant to 5 U.S.C. 552a(e)(4).

(C) *Access granted by mail.* For records to be made accessable by mail, the Administrative Officer shall, to the extent possible, establish identity by a comparison of signatures in situations where the data in the record is not so sensitive that unauthorized access could cause harm or embarrassment to the individual to whom they pertain. No identification documentation will be required for the disclosure to the person making the request of information required to be made available to the public by 5 U.S.C. 552. When, in the opinion of the Administrative Officer the granting of access through the mail could reasonably be expected to result in harm or embarrassment if disclosed to a person other than the individual to whom the record pertains, a notarized statement of identity or some similar assurance of identity will be required.

(D) *Unavailability of identification documentation.* If an individual is unable to produce adequate identification documentation the individual will be required to sign a statement asserting identity and acknowledging that knowingly or willfuly seeking or obtaining access to records about another person under false pretenses may result in a fine of up to $5,000. In addition, depending upon the sensitivity of the records to which access is sought, the official having operational control over the records may require such further reasonable assurances as may be considered appropriate; e.g., statements of other individuals who can attest to the identity of the person making the request.

(E) *Access by the parent of a minor, or by a legal guardian.* A parent of a minor, upon presenting suitable personal identification, may act on behalf of the minor to gain access to any record pertaining to the minor maintained by STR in a system of records. A legal guardian may similarly act on behalf of an individual declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, upon the presentation of the documents authorizing the legal guardian to so act, and upon suitable personal identification of the guardian.

(F) *Granting access when accompanied by another individual.* When an individual requesting access to his or her record in a system of records maintained by STR wishes to be accompanied by another individual during the course of the examination of the record, the individual making the request shall submit to the official having operational control of the record, a signed statement authorizing that person access to the record.

(G) *Denial of access for inadequate identification documentation.* If the official having operation control over the records in a system of records maintained by STR determines that an individual seeking access has not provided sufficient identification documentation to permit access, the official shall consult with the Administrative officer prior to finally denying the individual access.

(vii) *Medical records.* The records in a system of records which are medical records shall be disclosed to the individual to whom they pertain in such manner and following such procedures as the Administrative Officer shall direct. When STR in consultation with a physician, determines that the disclosure of medical information could have an adverse effect upon the individual to whom it pertains, STR may transmit such information to a physician named by the individual.

(viii) *Exceptions.* Nothing in this section shall be construed to entitle an individual the right to access to any information compiled in reasonable anticipation of a civil action or proceedings.

§ 2005.3 Access to the accounting of disclosures from records.

Rules governing the granting of access to the accounting of disclosures are the same as those for granting access to the records (including verification of identity) outlined in § 2005.2.

§ 2005.4 Requests for copies of records.

Rules governing requests for copies of records are the same as those for the granting of access to the records (including verification of identity) outlined in § 2005.2. (See also § 2005.7 for rules regarding fees.)

§ 2005.5 Requests to amend records.

(a) *Requirement for written requests.* Individuals desiring to amend a record that pertains to them in a system of records maintained by STR must submit their request in writing in accordance with the procedures set forth herein unless this requirement is waived by the official having responsibility for the system of records. Records not subject to the Privacy Act of 1974 will not be amended in accordance with these provisions. However, individuals who believe that such records are inaccurate may bring this to the attention of STR.

(b) *Procedures.* (1) (i) The request to amend a record in a system of records shall be addressed to the Administrative Officer. Included in the request shall be the name of the system and a brief description of the record proposed for amendment. In the event the request to amend the record is the result of the individual's having gained access to the record in accordance with the provisions concerning access to records as set forth above, copies of previous correspondence between the individual and STR will serve in lieu of a separate description of the record.

(ii) When the individual's identity has been previously verified pursuant to § 2005.2(b)(2)(vi) herein, further verification of identity is not required as long as the communication does not suggest that a need for verification has reappeared. If the individual's identity has not been previously verified, STR may require identification validation as described in § 2005.2(b)(2)(vi). Individuals desiring assistance in the preparation of a request to amend a record should contact the Administrative Officer at the address cited above.

(iii) The exact portion of the record the individual seeks to have amended should be clearly indicated. If possible, the proposed alternative language should also be set forth, or at a minimum, the facts which the individual believes are not accurate, relevant, timely, or complete should be set forth with such particularity as to permit STR not only to understand the individual's basis for the request, but also to make an appropriate amendment to the record.

(iv) The request must also set forth the reasons why the individual believes his record is not accurate, relevant, timely, or complete. In order to avoid the retention by STR of personal information merely to permit verification of records, the burden of persuading STR to amend a record will be upon the individual. The individual must furnish sufficient facts to persuade the official in charge of the system of the inaccuracy, irrelevancy, untimeliness, or incompleteness of the record.

(2) *STR action on the request.* To the extent possible, a decision upon a request to amend a record will be made within 10 days, excluding Saturdays, Sundays, and legal Federal holidays. In the event a decision cannot be made within this time frame, the individual making the request will be informed within 10 days of the expected date for a decision. The decision upon a request for amendment will include the following:

(i) The decision of the STR whether to grant in whole, or deny any part of the request to amend the record.

(ii) The reasons for the determination for any portion of the request which is denied.

(iii) The name and address of the official with whom an appeal of the denial may be lodged.

(iv) The name and address of the official designated to assist, as necessary, and upon request of, the individual making the request in the preparation of the appeal.

(v) A description of the review of the appeal within STR (see § 2005.6).

(vi) A description of any other procedures which may be required of the individual in order to process the appeal.

§ 2005.6 Request for review.

(a) Individuals wishing to request a review of the decision by STR with regard to an initial request to amend a record in accordance with the provisions of § 2005.5, should submit the request for review in writing and, to the extent possible, include the information specified in § 2005.5(a). Individuals desiring assistance in the preparation of their request for review should contact the Administrative Officer at the address provided herein.

(b) The request for review should contain a brief description of the record involved or in lieu thereof, copies of the correspondence from STR in which the request to amend was denied and also the reasons why the individual believes that the disputed information should be amended. The request for review should make reference to the information furnished by the individual in support of his claim and the reasons, as required by § 2005.5, set forth by STR in its decision denying the amendment. Appeals filed without a complete statement by the person making the request setting forth the reasons for the review will, of course, be processed. However, in order to make the appellate process as meaningful as possible, such person's disagreement should be understandably set forth. In order to avoid the unnecessary retention of personal information, STR reserves the right to dispose of the material concerning the request to amend a record if no request for review in accordance with this section is received by STR within 180 days of the mailing by STR of its decision upon an initial request. A request for review received after the 180 day period may, at the discretion of the Administrative Officer, be treated as an initial request to amend a record.

(c) The request for review should be addressed to the Freedom of Information Appeals Committee (established in 15 CFR 2004.7) Office of the Special Representative for Trade Negotiations, Room 719 1800 G St. NW. Washington, D.C. 20506.

(d) Final determinations on requests for reviews within STR will be made by the Freedom of Information Appeals Committee, chaired by the Special Representative for Trade Negotiations. Additional information may be requested by the Committee from the person requesting a review if necessary to make a determination.

(e) The FOI Appeals Committee will inform the person making the request in writing of the decision on the request for review within 30 days (excluding Saturdays, Sundays, and legal Federal holidays) from the date of receipt by STR of the individual's request for review, unless the Committee extends the 30 day period for good cause. The extension and the reasons therefor will be sent by STR to the individual within the initial 30 day period. Included in the notice of a decision being reviewed, if the decision does not grant in full the request for review, will be a description of the steps the individual may take to obtain judicial review of such a decision, and a statement that the individual may file a concise statement with STR setting forth the individual's reasons for his disagreement with the decision upon the request for review. The STR Administrative Officer has the authority to determine the "conciseness" of the statement, taking into account the scope of the disagreement and the complexity of the issues. Upon the filing of a proper concise statement by the individual, any subsequent disclosure of the information in dispute will have the information in dispute clearly noted and a copy of the concise statement furnished, setting forth its reasons for not making the requested changes, if STR chooses to file such a statement. A copy of the individual's statement, and if it chooses, STR's statement, will be sent to any prior transferee of the disputed information who is listed on the accounting required by 5 U.S.C. 552a(c).

§ 2005.7 Schedule of fees.

(a) *Prohibitions against charging fees.* Individuals will not be charged for:

(1) The search and review of the record;

(2) Any copies of the record produced as a necessary part of the process of making the record available for access; or

(3) Any copies of the requested record when it has been determined that access can only be accomplished by providing a copy of the record through the mail.

(b) *Waiver.* The Administrative Officer may, at no charge, provide copies of a record if it is determined the production

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of the copies is in the interest of the Government.

(c) *Fee schedule and method of payment.* Fees will be charged as provided below except as provided in paragraphs (a) and (b) of this section.

(1) Duplication of records. Records will be duplicated at a rate of $.10 per page for all copying of 4 pages or more. There is no charge for duplicating 3 or fewer pages.

(2) Where it is anticipated that the fees chargeable under this section will amount to more than $25, the person making the request shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In instances where the estimated fees will greatly exceed $25, an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the person requesting to consult with the Administrative Officer in order to reformulate the request in a manner which will reduce the fees, yet still meet the needs of individual making the request.

(3) Fees must be paid in full prior to issuance of requested copies. In the event the person requesting is in arrears for previous requests copies will not be provided for any subsequent request until the arrears have been paid in full.

(4) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the order of the Treasury of the United States and mailed or delivered to the Administrative Officer, Office of the Special Representative for Trade Negotiations, 1800 G St., NW., Washington, D.C., 20506.

(5) A receipt for fees paid will be given upon request.

FREDERICK B. DENT,
Special Representative for Trade Negotiations.

OCTOBER 6, 1975.

[FR Doc.75-27648 Filed 10-9-75;2:31 pm]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

PRIVACY ACT

Notices of Systems of Records

On August 27, 1975, the Office of the Special Representative for Trade Negotiations published in 40 FR 167 (pg 39215) four systems of records maintained on individuals. Opportunity for public comment on the "Routine Uses" section of those notices was given. No public comment has been received and therefore the routine use of the systems remains as published and made effective on August 27th.

Correction: EOP-STR-3 found on page 39215 (40 FR 167, Aug. 27, 1975) was erroneously titled "Correspondence File STR" after *System Name.* The correct title is, "*System name: General Financial Records STR.*"

FREDERICK B. DENT,
Special Representative for Trade Negotiations.

OCTOBER 6, 1975.

[FR Doc.75-27647 Filed 10-9-75;2:31 pm]

FEDERAL MARITIME COMMISSION

PRIVACY ACT OF 1974

Notice of Systems of Records

Pursuant to the Privacy Act of 1974 (P.L. 93-579 5 U.S.C. 552a(e) (4) and (11)), the Federal Maritime Commission on August 19, 1975, published in the FEDERAL REGISTER (40 FR 36287) proposed notices of systems of records maintained by the Commission.

Interested parties were afforded the opportunity to submit comments on the routine use portion of each notice. Although no comments were received, certain changes have been made to update the notices and to correct oversights.

Therefore, it is ordered, That pursuant to the Privacy Act of 1974 (5 U.S.C. 552a(e) (4) and (11), P.L. 93-579), the notices of systems of records are adopted with the following changes and corrections.

1. In each notice of a system of records under the heading "Record Access Procedures," delete ". . . proposed section 503.60–503.69 of Commission General Order No. 22" and substitute ". . . section 503.65 of Title 46 of the Code of Federal Regulations."

2. In each notice of a system of records under the heading "Contesting Records Procedures" delete ". . . proposed section 503.66 of Commission General Order No. 22" and substitute ". . . section 503.66 of Title 46 of the Code of Federal Regulations."

3. Add as a "Record Source Category" of the *Correspondence and Communications File*—FMC–3, "employees of the Commission and applicants for employment with the Commission."

4. Add as a "Record Source Category" of the Official Personnel Folder—FMC–8, "other federal agencies."

5. Add as a "Record Source Category" of the Correspondence Course on Traffic and Transportation Management File—FMC–11, "Correspondence Course School."

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-27668 Filed 10-9-75;3:44 pm]

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Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1975)

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List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statute citation. The list is kept current in each issue of the Federal Register and copies of the laws may be obtained from the U.S. Government Printing Office.

S. 2375..... Pub. Law 94–109

An act to extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for forty-five days

(Oct. 10, 1975; 89 Stat. 571)

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presidential documents

Title 3—The President

PROCLAMATION 4400

United Nations Day, 1975

By the President of the United States of America

A Proclamation

Each year, throughout the world, nations commemorate October 24 as United Nations Day. This year is the 30th Anniversary of the United Nations Charter. Originally with 51 nations as members, the United Nations today includes 141 nations, thus membership is nearly universal.

The primary purpose of the United Nations is to maintain international peace and security. Had the work of the organization included nothing more than its efforts for peace in the Middle East—through truce observers, emergency forces, and mediation services—it would have justified its existence. But its record of achievement is far greater, and it continues to face new tasks with skill and imagination.

Today, the United Nations is adjusting to the new realities of economic interdependence. At the Seventh Special Session of the United Nations General Assembly in September of this year, great progress was made toward reaching agreements through which the interests of all nations—less developed as well as developed—can be promoted through cooperative action. In the field of economic development, as in peacekeeping, the United Nations has proved its usefulness to all its members.

The United Nations also has accelerated its efforts to stress the individual rights of women and the need to use their talents for the progress of society. By its designation of 1975 as "International Women's Year" the United Nations has recognized the importance of women's increasing contributions to the cause of peace and friendly relations among the Nations of the world.

Many important tasks are still before the United Nations. These include agreements on Law of the Sea, procedures to eliminate torture and efforts to control debilitating diseases. We cannot be satisfied until great progress has been made in these and other areas of international concern.

I ask the American people to look at the United Nations with true perspective—neither exaggerating its accomplishments nor ignoring its shortcomings, but seeing clearly its record and its potential for constructive action in the best interests of the United States and of all other members.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Friday, October 24, 1975,

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as United Nations Day. I urge the citizens of this Nation to observe that day with community programs that will promote the United Nations and its affiliated agencies.

I have appointed H. J. Haynes to be United States National Chairman for United Nations Day and, through him, I call upon State and local officials to encourage citizens' groups and all agencies of communication to engage in appropriate observances of United Nations Day in cooperation with the United Nations Association of the United States of America and other interested organizations.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of October, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.75-27896 Filed 10-14-75;10:02 am]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 735—EMPLOYEE RESPONSIBILITIES AND CONDUCT

PART 1001—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Miscellaneous Amendments

Parts 735 and 1001 are amended to make editorial changes and, in addition, to bring Part 1001 up-to-date with reorganization changes.

Effective on October 15, 1975, the following changes are being made: (1) The headnote of § 735.409 is changed from "Information prohibited" to "Information not required"; (2) § 1001.735–401 is revised in its entirety; (3) the headnote of § 1001.735–408 is changed from "Information prohibited" to "Information not required"; and (4) § 1001.735–409, paragraphs (a) and (d), are amended to reflect title changes and the omission of a position. The changes are set out below:

§ 735.409 Information not required.

• • • • •

§ 1001.735–401 Employees required to submit statements.

The following employees shall submit statements of employment and financial interests in accordance with §§ 1001.735–402 through 1001.735–411:

(a) *Office of the Executive Director.*
(1) Executive Director.
(2) Deputy Executive Director.
(3) Assistant Executive Director.
(4) Assistant Executive Director for Regional Operations.
(5) Assistant Executive Director—Freedom of Information.
(b) *Office of Labor-Management Relations.*
(1) Director.
(c) *Office of the General Counsel.*
(1) General Counsel.
(2) Deputy General Counsel.
(d) *Appeals Review Board.*
(1) Chairman.
(e) *Federal Employees Appeals Authority.*
(1) Director.
(2) All Chief Appeals Officers.
(f) *Office of Administrative Law Judges.*
(1) Director.
(2) All employees in Administrative Law Judge positions.
(g) *Bureau of Management Services.*
(1) Director.
(2) Deputy Director.
(3) Director of Personnel and Labor Relations.
(4) Assistant Director, Personnel and Labor Relations.
(5) Chief, Office Services Division.
(6) Chief, Procurement and Operating Facilities Branch.
(7) Chief, Procurement and Property Section.
(8) Chief, Budget and Finance Division.
(9) Assistant Chief, Budget and Finance Division.
(h) *Bureau of Executive Manpower.*
(1) Director.
(i) *Bureau of Retirement, Insurance, and Occupational Health.*
(1) Director.
(2) Associate Director for Operations.
(3) Associate Director for Policy.
(4) Assistant to the Director.
(5) Chief, Legislative and Policy Division.
(6) Chief Actuary.
(7) Assistant to the Chief (Contracts and Instructions Specialists) GS–15, Legislative and Policy Division.
(8) Chief, Systems Development Division.
(9) Chief, Program Review and Audits Office.
(10) Associate Chief, Program Review and Audits Office.
(11) Auditors (Financial Activities), GS–13 and GS–14, Program Review and Audits Office.
(12) Assistant Director for Health.
(13) Chief, Occupational Health Division.
(j) *Bureau of Training.*
(1) Director.
(2) Deputy Director.
(3) Assistant Director for Training Operations.
(k) *Bureau of Personnel Management Evaluation.*
(1) Director.
(2) Deputy Director.
(l) *Bureau of Manpower Information Systems.*
(1) Director.
(2) Associate Director for Manpower Information.
(3) Associate Director for Information Systems.
(4) Chief, Data Center Operations Division.
(5) Chief, Information Technology Division.
(6) Chief, Information Systems Development Division.
(m) *Bureau of Intergovernmental Personnel Programs.*
(1) Director.
(2) Associate Director for Personnel Management Assistance.
(3) Associate Director for Grants Administration.
(4) Intergovernmental Personnel Programs Specialists, GS–13 and above.
(5) Grants Specialists, Office of Grants Administration, GS–13 and above.
(n) *Federal Executive Institute.*
(1) Director.
(o) *Executive Seminar Centers.*
(1) Director of each Center.
(p) *Regional Offices.*
(1) Regional Directors.
(2) Deputy Regional Directors.
(3) Chiefs, Intergovernmental Personnel Programs Division.
(4) Assistant Chiefs, Intergovernmental Personnel Programs Division.
(5) Chiefs, Grants Branch, Intergovernmental Personnel Programs Division.
(6) Chiefs, Merit Systems and Technical Assistance Branch, Intergovernmental Personnel Programs Division.
(7) Regional Intergovernmental Personnel Programs Specialist, GS–13 and above.
(8) Occupational Health Representatives.

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§ 1001.735–408 Information not required.

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§ 1001.735–409 Review of statements.

(a) The Executive Director, the Deputy Executive Director, the General Counsel, the Deputy General Counsel, and the Chairman of the Appeals Review Board shall submit their statements of employment and financial interests, and their supplementary statements, directly to the Chairman for review.

• • • • •

(d) When a statement submitted under paragraph (b) or (c) of this section indicates a conflict between the interests of an employee and the performance of his services for the Government, and when the conflict or appearance of conflict cannot be resolved by the reviewing official, he shall report the information concerning the conflict or appearance of conflict to the Chairman through the ethics counsel for the Commission. The employee concerned shall be given an opportunity to explain the conflict or appearance of conflict before remedial action is initiated.

(E.O. 11222, 3 CFR 1964–65 Comp. p. 306; 5 CFR 735.101 et seq.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 75-27669 Filed 10-14-75;8:45 am]

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Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Transfer of Certain Functions of the Judicial Officer

Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended to delegate responsibility for administrative supervision of the Board of Contract Appeals to the Assistant Secretary for Administration and for preparation of the "Agriculture Decisions" to the Director, Office of Communication, and to revoke these delegations to the Judicial Officer, as follows:

1. Section 2.25 is amended by adding a new paragraph (k) to read as follows:

§ 2.25 Delegations of authority to the Assistant Secretary for Administration.

* * * * *

(k) *Related to board of contract appeals.* Provide administrative supervision, and exercise general responsibility for budget and finance aspects of the Board of Contract Appeals. No review by the Assistant Secretary for Administration of the merits of appeals or of decisions of the Board is authorized and the Board shall be the representative of the Secretary in such matters.

2. Section 2.32 is amended by adding a new paragraph (k) to read as follows:

§ 2.32 Delegations of authority to the Director of Communication.

* * * * *

(k) Direct the preparation of the "Agriculture Decisions".

3. Section 2.35 is amended by revoking and reserving paragraphs (c) and (d) as follows:

§ 2.35 Delegations of authority to the Judicial Officer.

* * * * *

(c) [Reserved]

(d) [Reserved]

Effective date. These amendments shall become effective October 15, 1975.

Dated: October 8, 1975.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.75-27642 Filed 10-14-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Expenses and Rate of Assessment

This document authorizes expenses of $725,000 of the Texas Valley Citrus Committee, under Marketing Order No. 906, for the 1975-76 fiscal period and fixes a rate of assessment of 0.045 per 7/10-bushel carton or equivalent quantity of oranges and grapefruit handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses.

On September 17, 1975, notice of rulemaking was published in the FEDERAL REGISTER (40 FR 42886) regarding proposed expenses and the related rate of assessment for the period August 1, 1975, through July 31, 1976, pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This notice allowed interested persons 20 days during which they could submit written data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Texas Valley Citrus Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 906.215 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Texas Valley Citrus Committee during the period August 1, 1975, through July 31, 1976, will amount to $725,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 906.34, is fixed at $0.045 per 7/10-bushel carton, or an equivalent quantity of oranges and grapefruit.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of oranges and grapefruit are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit from the beginning of such period; and (3) the current fiscal period began on August 1, 1975, and the rate of assessment herein fixed will automatically apply to all assessable oranges and grapefruit beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 8, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-27641 Filed 10-14-75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Definition of Petrochemicals

On December 30, 1974, the Federal Energy Administration revised and redesignated its regulations affecting oil imports to conform to certain changes in the delegation of the President's authority under the Mandatory Oil Import Program (39 FR 45268, December 31, 1974). Among other things, the definition of the term "petrochemicals" formerly in Section 25A of Oil Import Regulation 1 (Revision 5), 32A CFR OI Reg. 1.25A, was redesignated without substantive change as § 213.27(q) of FEA's Oil Import Regulations [10 CFR 213.27(q)].

The definition of "petrochemicals" in § 211.51 of the Mandatory Petroleum Allocation Regulations [10 CFR 211.51] incorporates by reference the definition contained in the Oil Import Regulations. With the redesignation of the definition as 10 CFR 213.27(q), the reference in 10 CFR 211.51 should have been conformed accordingly. The admendment adopted today effects this change.

Since this amendment does not make any substantive change in the existing regulations and is intended only to correct an inadvertent error in the regulations, the FEA finds that good cause exists to issue this amendment immediately, without notice, opportunity for comment or delay in the effective date of the amendment.

As this amendment will not affect the quality of the environment, it is also unnecessary pursuant to § 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, to submit this amendment to the Administrator of the Environmental Protection Agency for comment.

The amendment adopted today has been reviewed in accordance with Executive Order 11821, issued November 27, 1974 and has been determined not to require evaluation of its inflationary impact.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 94-99; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, Part 211, Chapter II of Title 10, Code of Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C., October 8, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

Section 211.51 is amended by revising the definition of "petrochemicals" to read as follows:

§ 211.51 General definitions.

* * * * *

"Petrochemicals" are the organic chemicals defined as petrochemicals in § 213.27(q) of this chapter, plus any other analogous organic chemicals similarly derived.

* * * * *

[FR Doc.75-27593 Filed 10-9-75;10:16 am]

[Ruling 1975-17]

MANDATORY PETROLEUM PRICE AND ALLOCATION REGULATIONS

Application During September 1975

The expiration of the Emergency Petroleum Allocation Act of 1973 ("EPAA of 1973") on August 31, 1975 and the subsequent extension of that law by adoption of the Emergency Petroleum Allocation Act of 1975 ("EPAA of 1975"), which was signed by the President and became law on September 29, 1975, have raised a number of questions regarding the application of the FEA's regulations to transactions that occurred during the hiatus period of September 1 to September 29. The purpose of this Ruling is to give notice of the manner in which the FEA regulations apply to transactions occurring during that period.

I. *Background.*

S. 1849, which would have simply changed the expiration date in § 4(g)(1) of the EPAA of 1973 from August 31, 1975 to February 28, 1976, was passed by Congress on July 31, 1975. The President vetoed S. 1849 on September 9, 1975, and the veto was sustained by the Senate the following day.

Although S. 1849 passed the Congress a month prior to the scheduled expiration of the EPAA of 1973, it was contemplated at the time of its passage that the bill might not be sent to the President until late August, that the President was likely to veto it, and that it would become law only if Congress overrode the veto—which would occur at the earliest a few days after the August 31, 1975 expiration date. Thus, in the floor debate on S. 1849, several key proponents of the bill in the House made it clear that:

It is the intent of the Congress that the extension of the allocation act included in S. 1849 take effect immediately and retroactively in the event of a veto and an override of that veto, and that there be no hiatus or gap during which violations of these regulations would not be subject to civil sanctions. 121 Cong. Rec. H 7955 (daily ed., July 31, 1975) (remarks of Cong. Dingell). *See also id.* at H 7956-57.

During the month of August it became apparent that the President would indeed veto S. 1849 because he believed the six-month extension provided for therein would unnecessarily delay the resolution of the difficult energy issues confronting the Nation. However, on August 29, 1975, the President informed the Majority Leader of the Senate and the Speaker of the House that he would be willing to sign a short-term (approximately 30 to 45 day) extension of the Act if he received assurances that during the extension period the Congress would act to adopt a phased decontrol program. On that date FEA Administrator Frank G. Zarb issued a public statement, widely reported in the press, that:

A short-term extension, if signed by the President, would be applied retroactively. Since the Congress does not return until September 2, there would be a short gap in the Allocation Act authority between the August 31 expiration of current authority and any possible Congressional action on the short extension. It is likely, however that the Congress will intend no regulatory gap and will intend to reinstate automatically the price and allocation regulations in effect on August 31 with the passage of any short extension.

FEA, in consultation with the Department of Justice, has reviewed the legal effects of such a gap and concluded that by an extension the Congress can revive the current controls retroactively to September 1. If the President signs such a short extension, appropriate regulatory action can then be taken to correct any transactions in violation of FEA's current controls that occurred during the gap.

There was substantial commentary in the trade press and elsewhere to the effect that the reinstitution of controls would, and could legally, apply retroactively to September 1. For example, the September 12 edition of the *Oil Daily* commented that:

All this points to the wisdom that oil companies must still act as if controls were in place unless there is more assurance that decontrol will stick. Any action taken outside of the mandates of the defunct EPAA might be subject to expensive adjustments when Congress makes up its mind on the issue of oil company regulation.

On September 11, 1975, the day following the Senate's vote to sustain the veto of S. 1849, the House unanimously passed H.R. 9524, which would have extended the EPAA of 1973 for 60 additional days after September 1. The bill passed the Senate with certain amendments, including an expiration date of November 15, 1975 on September 26, 1975. The House concurred in the Senate amendments on the same day, and the EPAA of 1975 was signed into law by the President on September 29, 1975.

The EPAA of 1975 expressly states that the FEA regulations in effect on August 31, 1975 are to be considered reinstituted in full force and effect retroactive to that date:

Sec. 3. It is the intent of the Congress that the regulations promulgated under the Emergency Petroleum Allocation Act of 1973 shall be effective for the period between August 31, 1975, and the date of enactment of this Act.

In the floor debate on this amendment, Representative Staggers, the Chairman of the House Committee on Interstate and Foreign Commerce, stated:

It is the intent of both bodies of the Congress that the pricing and allocation controls contained in Federal Energy Administration regulations which were promulgated under that act continue in effect as though there had been no hiatus. Both the administration and leaders of the Congress have repeatedly stated that any extension of the Allocation Act finally agreed to would be retroactive in character. The industry has had ample notice of this matter.

Accordingly the Federal Energy Administration is called upon to enforce their regulations as if they had remained in full effect in the period it has taken for the Congress and the President to agree upon the terms of an extension of the act. In this regard the FEA will be expected to order a rollback and refunding of any price increases which may have occurred on or after September 1 and take other appropriate action to assure the continuity and integrity of the distribution system for petroleum products. 121 Cong. Rec. H 9193 (daily ed., September 26, 1975).

Similarly, Senator Jackson, Chairman of the Senate Interior Committee, stated in connection with H.R. 9524, as amended, that "the extension restores petroleum price controls, on a retroactive basis to September 1, until November 15, 1975." 121 Cong. Rec. S16866 (daily ed., September 26, 1976).

Judicial precedent supports the FEA's and the Congress' determination that the enactment of the EPAA of 1975 can lawfully reinstate the FEA's Mandatory Petroleum Allocation and Price Regulations as though they were continuously in force during the hiatus period, particularly where there was, as in this case, a clear expression of Congress' inention in this regard and extensive notice to the public that the EPAA of 1973 would be extended on a retroactive basis. *See Porter* v. *Senderowitz*, 158 F.2d 435 (3d Cir. 1946), *cert. denied*, 330 U.S. 848 (1947); *Porter* v. *Shibe*, 158 F.2d 68 (10th Cir. 1946); *Purvis* v. *United States*, 501 F.2d 311 (9th Cir. 1974); *First National Bank* v. *United States*, 420 F.2d 725 (Ct. Cl.), *cert. denied*, 398 U.S. 950 (1970).

II. *Guidelines for Determining Compliance with the FEA Regulations.*

A. *Civil Remedies.* Since the EPAA of 1975 reinstitutes the FEA Mandatory Petroleum Allocation and Price Regulations (Parts 210, 211, and 212, Chapter II of Title 10, Code of Federal Regulations) in effect on August 31, 1975 retroactive to that date, as stated above, FEA will apply its allocation and price regulations as though they had been in effect continuously since August 31, 1975. Persons subject to the regulations should carry out September transactions as though the EPAA of 1975 had been enacted prior to September 1, 1975.

This means, at a minimum, that any supplier/purchaser relationships terminated during the hiatus contrary to the regulations must be immediately reestablished and that that portion of prices charged during the hiatus in excess of amounts permitted by the regulations must immediately be refunded or rolled back. It is recognized, however, that in other types of cases, particularly in the allocation area, there may be some practical difficulties in retroactively implementing measures that will result in strict adherence to all other regulations during hiatus period. Thus, whether the FEA will require that steps other than reestablishing supplier/purchaser relationships and refunding overcharges be taken to remedy violations of the regulations during the hiatus will be determined on a case-by-case basis, depending upon the practical difficulties in doing so, the extent of injury already

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incurred by any person and the degree to which further remedy would amount to a penalty on any person.

Corrective actions to conform transactions during the hiatus to the regulations should be voluntarily undertaken by the firms involved as soon as possible. For example, supplier/purchaser relationships that were terminated during the hiatus period contrary to the regulations in effect on August 31 should be reestablished promptly. Prices charged in excess of amounts permitted by the regulations in effect on August 31 should be refunded where the overcharged customers are identifiable and, with respect to unidentifiable customers, should be "rolled back" through a reduction in the *current* (as opposed to the maximum lawful) selling price until the full amount of the overcharge is returned to the marketplace. To insure that proper credit is given by the FEA for the rollback or refund of prices charged during the hiatus period, firms are advised to keep detailed records of any corrective action taken and to advise the FEA of such corrective action. Firms that have questions concerning the form of remedy that will be acceptable to the FEA should seek guidance from the FEA as soon as possible.

The FEA will audit transactions that occurred during the hiatus period in the normal course of its compliance program. To the extent that violations are found not to have been remedied, the FEA, as part of its normal compliance efforts, intends to issue remedial orders and take such other action as is authorized by regulations to secure compliance with the regulations and to remedy violations that occurred during the hiatus.

B. *Civil and Criminal Penalties.* The *ex post facto* clause of the U.S. Constitution limits the authority of Congress to apply a criminal statute retroactively. Therefore, it is the FEA's intention not to seek criminal penalties for willful violations of FEA regulations that occurred during the hiatus period.

It is less certain that the *ex post facto* clause applies to a statute that imposes civil penalties, as does the EPAA of 1973, as amended by the EPAA of 1975, although due process considerations of course remain applicable. Therefore, while as a general rule the FEA will not seek civil penalties for violations that occurred during the hiatus period, it expressly reserves the right to do so if the factual circumstances of a particular case appear to warrant such action.

Finally, while the FEA's authority to seek civil or criminal penalties for violations that occurred during the hiatus may be limited, the FEA does not consider such limitations to apply to violations of lawful orders issued after the hiatus period to remedy violations that occurred during the hiatus. As noted above, the FEA intends to issue orders after the hiatus period to remedy violations that occurred during the hiatus. Notwithstanding the FEA's general intent not to seek civil or criminal penalties for *violations of the regulations* during the hiatus period, a firm that willfully refuses to comply with a *remedial or other order* issued by the FEA to remedy a violation that occurred during the hiatus period will be fully subject to the civil and criminal penalties provided for in Section 5(a) of the EPAA of 1973 and Section 208 of the Economic Stabilization Act.

III. *Compliance with Price Regulations, Illustrative Examples.*

The following examples illustrate how the FEA's Mandatory Petroleum Price Regulations will be applied to transactions that occurred during the period September 1 to September 29, 1975.

Example 1 (*Producers*): On September 2, 1975, Firm A, a producer of crude oil, sold 100 barrels of crude oil to Firm B, a refiner. Of the 100 barrels, 60 barrels were old crude oil subject to the ceiling price rule contained in § 212.73 of the regulations, and 40 barrels were new and released crude oil pursuant to § 212.74 of the regulations. Payment was made September 17, 1975 for all 100 barrels at the free market prices for new and released crude oil.

Firm A is required to present to Firm B a revised invoice that correctly states the volumes of old, new, and released oil sold on September 2, 1975 and specifies that payment for 60 barrels is to be made at or below the ceiling price for old crude oil, in accordance with § 212.73, and that payment for 40 barrels is to be made at the September 2, 1975 posted or free market price for new and released crude oil, in accordance with § 212.74 and with Ruling 1974–11, "New" and "Released" Crude Oil (Current Free Market Price Under § 212.74). Amounts paid by Firm B in excess of the corrected prices shall be refunded.

Example 2 (*Refiners*): Firm B, a refiner, entered into the above transaction. For purposes of §§ 212.82 and 212.83, in computing prices for October, Firm B's cost of crude oil for the month of measurement September must be computed according to the corrected invoices presented by Firm A. Prices charged by Firm B in October in excess of amounts permitted by the regulations (including amounts carried forward from previous months and available in accordance with § 212.83(e)) shall be refunded to identifiable customers and, to the extent its customers cannot be identified, shall be "rolled back" in the form of reductions from current (as opposed to maximum lawful) selling prices.

Example 3 (*Refiners*): Firm B, a refiner, anticipating increased costs of crude oil purchased during September, began on September 1 to charge prices for refined petroleum products based on September costs of crude oil at free market price levels. In applying the formulae in § 212.83 to compute prices for September, Firm B's cost of crude oil must be computed from costs for crude oil purchased or landed in August, the month of measurement, and may not include the cost of crude oil purchased or landed in September. Prices charged by Firm B in September in excess of maximum lawful prices permitted by §§ 212.82 and 212.83 of the regulations (including amounts carried forward from previous months and available in accordance with § 212.83(e)) shall be refunded to identifiable customers and, to the extent its customers cannot be identified, shall be "rolled back" in the form of reductions from current (as opposed to maximum lawful) selling prices.

Example 4 (*Resellers*): Firm C, a reseller, purchased refined products from Firm B in the circumstances of Example 2 and received a refund of overcharges in September by Firm B. Firm C is required to recalculate its product costs in the month of September to reflect the refund and to make appropriate refunds or rollbacks to its customers to the extent that the recalculation has resulted in its own prices having been in excess of prices permitted by the regulations. That is, Firm C is similarly required to make appropriate refunds or rollbacks of prices charged in September in excess of amounts permitted by §§ 212.92 and 212.93 of the regulations (including amounts carried forward from previous months in accordance with § 212.93(e) and available in accordance with § 212.93(g)).

Example 5 (*Leases*): Firm E, a refiner, is the lessor of real property used by Firm F in retailing gasoline. On September 2, 1975, Firm E notified Firm F of its intent to exercise the lease termination clause of their contract because of Firm F's failure to convert to a 24-hour per day operation. Firm F did not operate 24 hours per day at any previous time.

Firm E's notice violates § 212.103(c) of the regulations and is therefore void.

Example 6 (*Leases*): Firm E, a refiner, is the lessor of real property used by Firm G in retailing gasoline. On September 2, 1975, Firm E notified Firm G of its intent to exercise a lease clause permitting it to increase the rent up to 50%.

Firm E's notice is void, but Firm G is entitled to a refund of any rent already paid by it in excess of the amounts provided for in § 212.103(a) of the regulations.

IV. *Compliance with Allocation Regulations, Illustrative Examples*

The following examples and discussion illustrate how the FEA's Mandatory Petroleum Allocation Regulations will be applied with regard to the September 1–29 hiatus period.

Example 7 (*Supplier/wholesale purchaser relationships*): Supplier H is the base period supplier of middle distillates to Firm J, a wholesale purchaser-reseller, and Firm K, a wholesale purchaser-consumer. On September 1, 1975, Supplier H notified Firms J and K that it would no longer supply them.

Supplier H must continue to supply Firm J since under § 211.9(a)(2)(i), supplier/wholesale purchaser-reseller relationships are fixed for the duration of the allocation program and may not be modified or terminated without FEA approval.

Supplier H must also continue to supply Firm K since supplier/wholesale purchaser-consumer relationships are also established for the duration of the program, as provided in § 211.9(a)(2)(ii), unless the parties have given their mutual consent to the termination of the supplier/purchaser relationship. Only if Supplier H and Firm K had so consented and could establish that their consent was in fact mutual and voluntary, would their supplier/purchaser relationship be considered terminated.

Example 8 (*New supplier/wholesale purchaser relationships*): During September, 1975, Supplier H entered into a contract to supply middle distillates to Firm L, a wholesale purchaser-reseller, and also agreed to supply Firms M and N, both wholesale purchaser-consumers. On September 1, 1975, Firm M and its base period supplier had mutually consented to terminate their supplier/purchaser relationship. Firm N had been notified that its base period supplier no longer intended to supply it.

The supply contract between Supplier H and Firm L does not establish a valid supplier/wholesale purchaser-reseller relationship because FEA approval has not been obtained as required by § 211.12(e)(2)(ii). Unless Firm L is without a base period supplier or a new supplier as provided in § 211.10(e)(1), it may not even apply to FEA for assignment of Supplier H as its base period supplier.

The supply arrangement between Supplier H and Firm M may continue as a mutual arrangement as contemplated by § 211.12(e)(1). This new supplier/purchaser relationship is subject to the notice and approval provisions of § 211.12(e)(1)(ii) and (iii).

In the case of Firm N, however, the new relationship between it and Supplier H is not valid unless Firm N now arranges by mutual consent to terminate its supplier/purchaser relationship with its base period supplier, which unilaterally refused to supply it during September. If that termination is effected, Firm N is considered to have been without a base period supplier and is therefore able to enter into a mutual supply arrangement with Supplier H as provided by § 211.12(e)(1). In this event, the notice and approval provisions of § 211.12(e)(1)(ii) and (iii) apply.

Supplier H may, of course, supply purchasers with which it has no supplier/purchaser relationship to the extent that it has surplus product and has complied with the provisions of § 211.10(g).

Example 9 (*Crude oil supplier/purchaser rule*): On September 1, 1975 Firm O, a crude oil producer, contracted for the sale of its production to Firm P, to whom Firm O had never previously sold. Prior to September 1, 1975, Firm O had sold its production to Firm Q, which had purchased Firm O's production under a supplier/purchaser relationship in effect pursuant to § 211.63(a). Firm Q did not consent to the termination of its supplier/purchaser relationship with Firm O. Therefore, Firm Q continues to be entitled to purchase Producer O's production for the month of September 1975 and thereafter, except as to September 1975 production where the sale and delivery thereof to Firm Q is no longer feasible because it is no longer within Firm O's possession or control as of the date this ruling is published in the FEDERAL REGISTER. Crude oil which Firm O is otherwise contractually required to supply to Firm P but is still in Firm O's possession or control as of such publication date shall be delivered to Firm Q. This result would be identical if a broker or reseller, instead of Firm O, were the supplier to Firm Q.

In general, pursuant to the crude oil supplier/purchaser rule set forth in 10 CFR 211.63, all supplier/purchaser relationships in effect under contracts for sales, purchases, and exchanges of domestic crude oil on December 1, 1973 are required to remain in effect for the duration of the Mandatory Allocation Program. In accordance with the provisions of the EPAA of 1975, as a general rule, all crude oil supplier/purchaser relationships in effect under § 211.63 immediately prior to the period September 1 to 29, 1975 are required to be maintained in effect under § 211.63 for the period subsequent to August 31, 1975 during which the EPAA of 1973, as amended, is in effect.

If a valid termination under § 211.63 of Firm Q's supplier/purchaser relationship had been effected as of September 1, 1975, Firm O would no longer be required to sell its crude oil to Firm Q. Supplier/purchaser relationships required to be maintained under § 211.63 may be terminated by mutual consent of both parties and, as to new and released crude oil, may be terminated where the present purchaser of the crude oil refuses, after notice by the seller, to meet any bona fide offer for the crude oil by another purchaser at a higher lawful price. As to terminations by mutual consent, FEA has consistently ruled that any consent to such a termination must be made affirmatively in writing in light of the provisions of § 211.63. Accordingly, supplier/purchaser relationships in effect on August 31, 1975 may be terminated in the period September 1 to September 29, 1975 in the manner prescribed in § 211.63. No termination in this period is valid under § 211.63 unless effected in accordance with the provisions of that section.

Example 10 (*Old oil allocation program*): From September 1 to September 28, 1975 Firm R, a crude oil producer, sold its production to Firm S, a refiner. Firm R's entire production is classified as old crude oil under § 212.72 and therefore constitutes old oil (as defined in § 211.62) for purposes of the old oil allocation program set forth in § 211.67. All of such sales were made at a price in excess of the lawful ceiling price as computed under § 212.73.

Firm S must include the crude oil purchased from Firm R its crude oil receipts (in accordance with the provisions of § 211.62) and must report these particular receipts as old oil for purposes of § 211.66 and § 211.67, in accordance with the certification under § 212.131 received by Firm S from Firm R, regardless of the fact that Firm S may have paid an exempt price for the crude oil. Firm S's remedy in this case is to seek a refund from Firm R (under the procedures set forth in Example 1 above) for these sales made at a price in excess of the lawful ceiling price.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

OCTOBER 9, 1975.

[FR Doc.75-27717 Filed 10-9-75;4:30 pm]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 75N–0016]

PART 331—ANTACID PRODUCTS FOR OVER-THE-COUNTER (OTC) HUMAN USE

Testing Procedures

The Commissioner of Food and Drugs is amending the over-the-counter (OTC) antacid testing procedures in §§ 331.20, 331.23 (21 CFR 331.20, 331.23). This amendment shall be effective on November 14, 1975.

The Commissioner proposed, in the FEDERAL REGISTER of May 23, 1975 (40 FR 22553), to amend § 331.20(p) to provide for use of United States Pharmacopeia (U.S.P.) Purified Water, and to amend § 331.23 to provide for use of 25° C or 37° C ±3° C as the test temperature. No comments were received in response to the proposal during the comment period.

The Commissioner intends to require the simplest test that will yield uniform results and avoid unnecessary restrictions on testing procedures, unless there is a reasonable basis for such limitations. Since no comments were received, the Commissioner concludes that the proposed procedures should be adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended (21 U.S.C. 321, 352, 355, 371), and the Administrative Procedure Act (5 U.S.C. 553, 554, 702, 703, 704), and under authority delegated to the Commissioner (21 CFR 2.120), Part 331 is amended as follows:

1. By revising § 331.20(p).

§ 331.20 Apparatus and reagents.

* * * * * *

(p) Purified Water U.S.P.

2. By revising § 331.23.

§ 331.23 Temperature standardization.

All tests shall be conducted at 25° C ±3°, or 37° C ±3°.

Effective date. This amendment shall be effective on November 14, 1975.

(Secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended (21 U.S.C. 321, 252 355 371); (5 U.S.C. 553, 554, 702, 703, 704).)

Dated: October 8, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-27604 Filed 10-14-75;8:45 am]

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CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Exempt Chemical Preparations

The Acting Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations requesting that several chemical preparations containing controlled substances be granted the exemptions provided for in § 1308.24 of Title 21 of the Code of Federal Regulations.

The Acting Administrator hereby finds that each of the following chemical laboratory, industrial, educational, or preparations and mixtures is intented for special research purposes, is not intended for general administration to a human being or other animal, and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the package quantity does not present any significant potential for abuse, (b) contains either a narcotic or non-narcotic controlled substance and one or more adulternating or denaturing agents in such a manner, combination, quantity, proportion or concentration, that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. The Acting Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts, and suppliers of these products.

Therefore, pursuant to section 202(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812(d)), and under the authority vested in the Attorney General by sections 301 and 501(b) of the Act (21 U.S.C. 821 and 871(b)) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (see 38 FR 18380, July 2, 1973), and further, having been duly designated as Acting Administrator by Order No. 607–75 of the Attorney General, dated May 30, 1975, in accordance with the authority stated therein, and pursuant to the authority delegated to the Acting Administrator by § 0.132(d) of Title 28 of the Code of Federal Regulations, the Acting Administrator of the Drug Enforcement Administration hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as follows:

a. By amending § 1308.24(1) by adding the following chemical preparations.

§ 1308.24 Exempt chemical preparations.

(1) • • •

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
Analytical Systems	Toxi-Disc™ A, 121, A–1; 122, A–2; 124, A–4	Disc: ⅛ in x 0.2 mm	May 6, 1975
Do	Toxi-Disc™ B, 125, B–1; 126, B–2; 127, B–3; 128, B–4.	do	Do.
Bio-Rad Labs	Immunoelectrophoresis Barbital Buffer I, pH 8.6.	Dry-pack: 25.6 gm	Aug. 6, 1975
Do	Immunoelectrophoresis Barbital Buffer II, pH 8.6.	Dry-pack: 15.61 gm	Do.
Do	Immunoelectrophoresis Barbital Buffer III-a, pH 8.8.	Dry-pack: 15.07 gm	Do.
Paul B. Elder Co	338° F Templiag	Glass bottle: 16 fl. oz	July 3, 1975
Grand Island Biological Co	GIBFORM RBC Diluent	Glass bottle: 500 ml	July 23, 1975
Meloy Labs., Inc	Immunostat™ T3 Kit, No. K130	Cardboard box: 8¾" x 5¼" x 2¼".	July 7, 1975
Do	Immunostat™ T4 Test Kit, No. K140	Cardboard box: 8⅞" x 5¼" x 2¼".	07–07–75
Syva Corp	Coulter Tox Cut-Off Calibrator	Vial: 1 ml	04–24–75
Do	Coulter Tox Opiate Enzyme Reagent	Vial: 1 and 2 ml	Do.
Do	Coulter Tox Methadone Enzyme Reagent	do	Do.
Do	Coulter Tox Amphetamine Enzyme Reagent	do	Do.
Do	Coulter Tox Barbiturate Enzyme Reagent	do	Do.
Do	Coulter Tox Cocaine Metabolite Enzyme Reagent.	do	Do.
Do	Emit DAU LOW Calibrator	Vial: 3 ml	7–29–75
Do	Emit DAU MEDIUM Calibrator	do	Do.
Do	Emit BENZODIAZEPINE METABOLITE Enzyme Reagent B.	Glass bottle: 3.5 ml	Do.
Do	do	Glass bottle: 50.0 ml	Do.
Technam, Inc	Benzoyl Ecgonine-BSA, lot No. 81–172–A	Glass vial: 8 ml	7–21–75
Do	Benzoyl Ecgonine-BSA, lot No. 81–172–B	do	Do.

b. By amending § 1308.24(1) by deleting the following chemical preparations:

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
D. W. Jones Medical Labs	Toxi-Disc™ A; 121, A–1; 122, A–2; 124, A–4	Disc: ¼ in x 0.2 mm	May 6, 1975
Do	Toxi-Disc™ A; 125, B–1; 126, B–2; 127, B–3; 128, B–4	do	Do.
Meloy Labs., Inc	Counterelectrophoresis Plates for HAA Detection F-211.	Plates: 10 determinations, 6 per kit.	Sept. 5, 1973
Do	Immunoelectrophoresis Kit with vial of Buffer G–202.	Plates: 6 per unit and vial: 12.15 gm.	Do.
Do	Counterelectrophoresis Plates G–302	Plates: 20 determinations.	Do.
Do	Counterelectrophoresis Kit G–303	Plates: 10 determinations, 6 per unit.	Do.
Do	Counterelectrophoresis Kit G–304	Plates: 20 determinations, 6 per unit.	Do.
Do	Electrophoresis Buffer Barbital pH 8.6 G–999.	Vial: 12.15 gm	Do.
Syva Corp	Emit DAU LOW Calibrator	Vial: 3 ml	May 3, 1973
Do	Emit DAU MEDIUM Calibrator	Vial: 3 ml	Do.
Do	Emit Tox Cut-Off Calibrator	Vial: 1 ml	Apr. 24, 1975
Do	Emit Tox Opiate Enzymes Reagent	Vial: 1 & 2 ml	Do.
Do	Emit Tox Methadone Enzyme Reagent	do	Do.
Do	Emit Tox Amphetamine Enzyme Reagent	do	Do.
Do	Emit Tox Barbiturate Enzyme Reagent	do	Do.
Do	Emit Tox Cocaine Metabolite Enzyme Reagent.	do	Do.

Effective date. This order is effective October 15, 1975. Any person interested may file written comments on or objections to the order on or before December 15, 1975. If any such comments or objections raise significant issues regarding any findings of fact or conclusion of law upon which the order is based, the Acting Administrator shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Acting Administrator shall reinstate, revoke or amend his original order as he determines appropriate.

Dated: October 7, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75–27567 Filed 10–14–75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7382]

PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Temporary Regulations Relating to Requirement That Benefits Under a Qualified Plan Are Not Decreased on Account of Certain Social Security Increases

This document contains temporary income tax regulations (26 CFR Part 11) under section 401(a)(15) of the Internal Revenue Code of 1954, as added by section 1021(e) of the Employee Retirement Income Security Act of 1974 (Public Law 93–406, 88 Stat. 938), hereinafter referred to as "the Act", in order to provide rules relating to the requirement that benefits under a qualified plan are not decreased on account of certain social security increases. These temporary regulations are to remain in force and effect until superseded by permanent regulations.

Section 401(a) of the Internal Revenue Code of 1954 provides certain requirements for qualification of pension, profit-sharing, and stock bonus plans. Under paragraph (15) of section 401(a), as added by the Act, the benefits of a participant in a qualified plan may not be reduced by reason of an increase in benefit levels payable, or in the wage base, under title II of the Social Security Act if the increase takes place after the later of (1) September 2, 1974, or (2) the earlier of the date plan benefits are first received by the participant (or his beneficiary) or the date of the participant's separation from service.

Section 401(a)(15) and the temporary regulations apply with respect to benefits (1) which are being received under the plan by a participant or beneficiary or (2) to which a participant who is separated from service has nonforfeitable rights.

In part, section 401(a)(15) is a codification of administrative practice prior to the date of enactment of the Act. Under such administrative practice, certain qualified plans were not permitted to use increases in social security benefit levels to reduce the benefits they paid after a reduction to plan benefits was first applied to an employee's pension. The Act extended this prohibition to cases where the individuals concerned are separated from service prior to retirement and have nonforfeitable rights to plan benefits.

Section 401(a)(15) and the temporary regulations apply only to plans to which section 411, relating to minimum vesting standards, applies without regard to section 411(e)(2). Thus, these regulations do not apply to governmental plans, church plans, plans which have not at any time after the date of enactment of the Act provided for employer contributions, and plans established and maintained by a society, order, or association described in section 501(c)(8) or (9) of the Code, if no part of the contributions to or under such plans are made by employers of participants in such plans.

The temporary regulations provide that the rules of section 401(a)(15) apply to plans which supplement benefits provided under State or Federal laws other than the Social Security Act. Among such laws is the Railroad Retirement Act of 1937, which is specifically mentioned in section 206(b) of the Act (the counterpart, in title I of the Act, to section 401(a)(15) of the Internal Revenue Code).

The temporary regulations also cover the situation of a participant who separates from service and then returns to the service and to participation in the plan. The temporary regulations prohibit a reduction in benefits under the plan to the extent that the reduction would decrease the benefits or such a participation to a level below that which would have applied if he had not returned to the service.

Adoption of regulations. In order to prescribe temporary regulations relating to the requirement that plan benefits are not decreased by certain social security increases pursuant to section 401(a)(15) of the Internal Revenue Code of 1954, as added by section 1021(e) of the Employee Retirement Income Security Act of 1974 (Pub. L. 93–406, 88 Stat. 938), the following regulations are hereby adopted:

§ 11.401(a)–15 Requirement that plan benefits are not decreased on account of certain social security increases.

(a) *In general.* Under section 401(a)(15), a trust which is part of a plan to which section 411 applies (without regard to section 411(e)(2)) is not qualified under section 401 unless the plan of which such trust is a part provides as follows:

(1) *Benefit being received by participant or beneficiary.* A benefit (including a disability benefit) being received under the plan by a participant or beneficiary (other than a participant to whom subparagraph (2)(ii) of this paragraph applies, or a beneficiary of such a participant) is not decreased by reason of any post-separation social security benefit increase effective after the later of—

(i) September 2, 1974; or

(ii) The date of first receipt of any retirement benefit or disability benefit under the plan by the participant or by a beneficiary of the participant (whichever receipt occurs first).

(2) *Benefit to which participant separated from service has nonforfeitable right.* In the case of a benefit to which a participant has a nonforfeitable right under such plan—

(i) If such participant is separated from service and does not subsequently return to service and resume participation in the plan, such benefit is not decreased by reason of any post-separation social security benefit increase effective after the later of September 2, 1974, or separation from service; or

(ii) If such participant is separated from service and subsequently returns to service and resumes participation in the plan, such benefit is not decreased by reason of any post-separation social security benefit increase effective after September 2, 1974 and during separation

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from service which would decrease the benefits to which he would have been entitled if he had not returned to service after his separation.

(b) *Post-separation social security benefit increase.* For purposes of this section, the term "post-separation social security benefit increase" means, with respect or a beneficiary of the participant, an increase in a benefit level or wage base under title II of the Social Security Act (whether such increase is a result of an amendment of such title II or is a result of the application of the provisions of such title II) occurring after the earlier of such participant's separation from service or commencement of benefits under the plan.

(c) *Illustration.* The provisions of paragraphs (a) and (b) of this section may be illustrated by the following example:

Example. A plan to which section 401(a)(15) applies provides an annual benefit at the normal retirement age, 65, in the form of a stated benefit formula less a specified percentage of the primary insurance amount payable under title II of the Social Security Act. The plan provides no early retirement benefits. In the case of a participant who separates from service before age 65 with a nonforfeitable right to a benefit under the plan, the plan defines the primary insurance amount as the amount which the participant is entitled to receive under title II of the Social Security Act at age 65, multiplied by the ratio of the number of years of service with the employer to the number of years of service the participant would have had if he had worked for the employer until age 65. The plan does not satisfy the requirements of section 401(a)(15), because social security increases that occur after a participant's separation from service will reduce the benefit the participant will receive under the plan.

(d) *Other Federal or State laws.* To the extent applicable, the rules discussed in this section will govern classifications under a plan supplementing the benefits provided by other Federal or State laws, such as the Railroad Retirement Act of 1937. See section 206(b) of the Employee Retirement Income Security Act of 1974 (Public Law 93-406, 88 Stat. 864).

(e) *Effect on prior law.* Nothing in this section shall be construed as amending or modifying the rules applicable to post-separation social security increases prior to September 2, 1974. See paragraph (e) of § 1.401-3.

(f) *Effective date.* Section 401(a)(15) and this section shall apply to a plan with respect to plan years to which section 411 (relating to minimum vesting standards) is applicable to the plan without regard to section 411(e)(2).

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: October 8, 1975.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.75-27711 Filed 10-14-75;8:45 am]

SUBCHAPTER C—EMPLOYMENT TAXES

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Requirements With Respect to Certain Employment Tax Information Returns and Statements for Employees

CFR Correction

In Title 26, Code of Federal Regulations, Parts 30 to 39, revised as of April 1, 1975, several source citations appearing in brackets at the end of certain sections are incorrectly cited. The source citations are corrected as follows:

1. In § 31.6011(a)-1, on page 284, the source citation reading "39 FR 34527, September 26, 1974" should read "T.D. 7351, 40 FR 17144, April 17, 1975";

2. In § 31.6011(a)-4, on page 288, the source citation reading "39 FR 34527, September 26, 1974" should read "T.D. 7351, 40 FR 17144, April 17, 1975";

3. In § 31.6011(a)-5, on page 289, the source citation reading "39 FR 34527, September 26, 1974" should read "T.D. 7351, 40 FR 17145, April 17, 1975";

4. In § 31.6011(a)-9, on page 292, the source citation reading "39 FR 34527, September 26, 1974" should read "T.D. 7351, 40 FR 17145, April 17, 1975";

5. In §§ 31.6051-1, on page 297, 31.6051-2, on page 300, and 31.6053-2, on page 302, the source citations reading "39 FR 34528, September 26, 1974" should read "T.D. 7351, 40 FR 17145, April 17, 1975"; and

6. In §§ 31.6071(a)-1, on page 303, and 31.6081(a)-1, on page 304, the source citations reading "39 FR 34528, September 26, 1974" should read "T.D. 7351, 40 FR 17146, April 17, 1975".

Title 34—Government Management

CHAPTER II—OFFICE OF FEDERAL MANAGEMENT POLICY, GENERAL SERVICES ADMINISTRATION

SUBCHAPTER C—PROPERTY MANAGEMENT

[FMC 75-2]

PART 236—COMPATIBLE LAND USES AT FEDERAL AIRFIELDS

Federal Airfields

This document is promulgated pursuant to Executive Order 11717 dated May 9, 1973, Subject: Transferring Certain Functions from the Office of Management and Budget to the General Services Administration and the Department of Commerce; and under authority vested in the Administrator of General Services by the Federal Property and Administrative Services Act of 1949, as amended. This document prescribes general policy to achieve compatible land uses at Federal airfields.

Effective date: This regulation is effective September 30, 1975.

Dated: September 30, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

Sec.
236.1 Purpose.
236.2 Background.
236.3 Applicability and scope.
236.4 Policy and procedures.
236.5 Responsibilities.
236.6 Inquiries.

AUTHORITY: Executive Order 11717 (38 FR 12315, May 11, 1973).

§ 236.1 Purpose.

This part prescribes the executive branch's general policy with respect to achieving compatible land uses on either public or privately owned property at or in the vicinity of Federal airfields.

§ 236.2 Background.

(a) This part is prepared pursuant to Executive Order 11717 of May 9, 1973, which transferred certain real property management functions from the Office of Management and Budget to the General Services Administration.

(b) Federal airfields are employment centers. Nearby land holdings are attractive investments for housing developments, supportive business activities, and service industries. The general increase of development surrounding Federal airfields has not always considered noise levels and safety factors of flight operations. Complaints from residential and business owners has in some instances caused such actions as reduced takeoff weight, restriction of hours of operation, reduction of the number of flights, changes in takeoff and landing patterns, and noise abatement procedures. This type of action results in declining operating efficiencies which sometimes lead to closure or reduction in mission capability of multimillion dollar installations.

§ 236.3 Applicability and scope.

The provisions of this part are concerned with land use surrounding all airfields owned or operated by the Federal Government within the United States, its territories, trusts, and possessions. While most Federal airfields are operated by the Department of Defense, the policy also applies to airfields held and/or operated by any Federal agency. Federal air operations which are conducted at an airfield that is primarily non-Federal in character and/or not federally owned are excluded from the scope of this part.

§ 236.4 Policy and procedures.

(a) *Airfield plans.* (1) Operating agencies shall develop, and update as necessary, an airfield land use plan for each Federal airfield. Each plan shall contain an analysis of land use compatibility problems and potential solutions which can serve as the basis for Federal real property acquisition and disposal decisions. More specifically, each plan shall cover as a minimum the following:

(i) Identify present incompatible land uses;

(ii) Identify land that if inappropriately developed would be incompatible;

(iii) Indicate types of desirable development for various land tracts;

(iv) Determine by detailed study of flight operations, actual noise and safety surveys if necessary, and best available projections of future flying activities, the restriction on land use due to noise characteristics and safety of flight;

(v) Appraise land values with probable development in the near future and for the long term; and

(vi) Review the airfield master plans to ensure that existing and future facilities siting is consistent with the policies in this circular.

(2) In developing airfield plans, operating agencies shall:

(i) Follow the review and comment procedures established under OMB Circular A-95;

(ii) Ensure that appropriate environmental factors are considered; and

(iii) Ensure that other local, State, or Federal agencies engaged in land use planning or land regulation for a given area have an opportunity to review and comment upon any proposed plan or modification thereof.

(b) *Coordination with State and local governments.* Operating agencies shall develop procedures for coordinating airfield plans with the land use planning and regulatory agencies in the area. Developing compatible land use plans may require working with local governments, local planning commissions, special purpose districts, regional planning agencies, State agencies, as well as other Federal agencies. Operating agencies may provide techn'cal assistance to local, regional, and State agencies to assist them in developing their land use planning and regulatory processes, to explain an airfield plan and its implications, and to generally work towards compatible planning and development in the area of an airfield.

(c) *Land management.* The airfield plan shall serve as the basis for new land acquisitions, property disposal, and other proposed changes in the operating agencies' real property holdings in the area of a Federal airfield. Proposed real property transactions should be based upon the following guidelines:

(1) Where it is practical and advisable, necessary rights in land within the defined compatible use area may be obtained by purchase, exchange, or donation, in accordance with all applicable laws and regulations. If a holding agency desires an exchange, GSA may accept a report of excess for property subject to the condition that the property be used to acquire the needed property by exchange;

(2) If fee title is currently held or subsequently acquired to an area where compatible uses could be developed and no requirement for a fee interest in the land exists except to prevent incompatible use, disposal actions shall be instituted. Only those rights and interest necessary to establish and maintain compatible uses shall be retained. Where proceeds from disposal would be inconsequential, consideration may be given to retaining fee title;

(3) If the cost of acquisition of required interest approaches closely the cost of fee title, consideration shall be given to whether acquisition of fee title would be to the advantage of the Government;

(4) This policy does not contemplate that all land surrounding airfields remain open space or in Federal ownership, but it does foster uses that are reasonably compatible with airfield operations; and

(5) Real property holdings of executive agencies involving Federal airfield compatible use issues are subject to survey by the General Services Administration. The development and delineation of compatible use areas by an agency does not preclude the Administrator of General Services from expressing contrary opinions regarding the appropriateness of the defined area.

§ 236.5 Responsibilities.

Heads of executive departments and agencies shall be responsible for promulgating such agency regulations, controls, and review actions as are necessary to comply fully with the provisions of this part. Regulations shall identify:

(a) Who is responsible for developing and issuing airfield plans;

(b) How those plans are to be reviewed by State and local governments, other Federal agencies, and the public; and

(c) Who has final approval authority and what is the effect of an approved plan (that is, is it advisory or binding on agency actions).

All Federal agencies (in addition to those operating airfields) having programs which affect or may affect the use of land near Federal airfields shall ensure that their programs serve to foster compatible land use in accordance with the plans developed by the operating agencies. All implementing regulations shall be evaluated for inflationary impact in accordance with Executive Order 11821. Copies of all implementing documents, upon issuance, shall be forwarded to General Services Administration (AMP), Washington, D.C. 20405.

§ 236.6 Inquiries.

Further information concerning this part may be obtained by contacting:

General Services Administration (AMP), Washington, D.C. 20405. Telephone: IDS 183-7528, FTS 202-343-7528.

[FR Doc.75-27444 Filed 10-14-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 442-3]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCE

Delegation of Authority to State of New York

Pursuant to the delegation of authority for the standards of performance for new stationary sources (NSPS) to the State of New York on August 6, 1975, EPA is today amending 40 CFR 60.4, Address, to reflect this delegation. A Notice announcing this delegation is published elsewhere in today's FEDERAL REGISTER. The amended § 60.4, which adds the address of the New York State Department of Environmental Conservation, to which reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must also be addressed, is set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on August 6, 1975, and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations. This rulemaking is effective immediately, and is issued under the authority of Section 111 of the Clean Air Act, as amended. 42 U.S.C. 1857c-6.

Dated: October 4, 1975.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.4 paragraph (b) is amended by revising subparagraph (HH) to read as follows:

§ 60.4 Address.

* * * * * *

(b) * * *

(HH)—New York: New York State Department of Environmental Conservation, 50 Wolf Road, New York 12233, attention: Division of Air Resources.

[FR Doc.75-27582 Filed 10-14-75;8:45 am]

[FRL 442-4]

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to State of New York

Pursuant to the delegation of authority for national emission standards for hazardous air pollutants (NESHAPS) to the State of New York on August 6, 1975, EPA is today amending 40 CFR 61.04,

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Address, to reflect this delegation. A Notice announcing this delegation is published elsewhere in today's FEDERAL REGISTER. The amended § 61.04, which adds the address of the New York Department of Environmental Conservation, to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must also be addressed, is set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on August 6, 1975, and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of Section 112 of the Clean Air Act, as amended.

42 U.S.C. 1857c-7

Dated: October 4, 1975.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In 61.04 paragraph (b) is amended by revising subparagraph (HH) to read as follows:

§ 61.04 Address.

• • • • • •

(b) • • •

(HH)—New York: New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233, attention: Division of Air Resources.

• • • • • •

[FR Doc.75-27581 Filed 10-14-75;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 442-6]

PART 421—NONFERROUS METALS MANUFACTURING POINT SOURCE CATEGORY

On June 9, 1975, notice was published in the FEDERAL REGISTER (40 FR 24539), that the Environmental Protection Agency (EPA or Agency) was proposing to amend effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the bauxite refining and secondary aluminum smelting subcategories of the nonferrous metals manufacturing category of point sources.

The purpose of this notice is to establish final amendments to the effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources in the nonferrous metals manufacturing category of point sources by amending 40 CFR Chapter I, Subchapter N, Part 421, the bauxite refining subcategory (Subpart A) and the secondary aluminum smelting subcategory (Subpart C). This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Kaiser Aluminum & Chemical Corporation submitted the only comment received. They requested that the definition of impoundment area contained in Subpart A, Bauxite Refining Subcategory, be changed so that impoundment area for the purposes of calculating the allowable excess rainfall discharge would include all catchment areas which collect and channel rainfall to the impoundment.

Most operators of bauxite refining plants collect the plant rainfall runoff, either in their mud ponds or in some other storage reservoir. This collection of runoff is performed as a matter of water conservation, since the bauxite refining process is water consuming. By suitable water management techniques, such as diversion of plant runoff when the storage ponds are approaching capacity, it is the opinion of the Agency that there is no need for relatively uncontaminated stormwater to contact and mix with process waste water and thereby become a contaminated process waste water. This regulation does not limit the discharge of rainfall runoff. Only discharges of process waste water are limited.

In consideration of the foregoing, 40 CFR Chapter I, Subchapter N, Part 421, Subparts A and C are hereby amended as set forth below. These amendments to the final regulation are promulgated as set forth below and shall be effective November 14, 1975.

Dated: October 6, 1975.

RUSSELL E. TRAIN,
Administrator.

1. Section 421.11 is amended by adding new paragraphs (d) and (e) to read as follows:

§ 421.11 Specialized definitions.

• • • • • •

(d) For all impoundments the term "within the impoundment" for purposes of calculating the volume of process wastewater which may be discharged, shall mean the surface area within the impoundment at the maximum capacity plus the area of the inside and outside slopes of the impoundment dam and the surface area between the outside edge of the impoundment dam and seepage ditches upon which rain falls and is returned to the impoundment. For the purpose of such calculations, the surface area allowance for external appurtenances to the impoundment shall not be more than 30 percent of the water surface area within the impoundment dam at maximum capacity.

(e) The term "pond water surface area" for the purpose of calculating the volume of waste water shall mean the area within the impoundment for rainfall and the actual water surface area for evaporation.

2. Section 421.30 is amended to read as follows:

§ 421.30 Applicability; description of the secondary aluminum smelting subcategory.

The provisions of this subpart are applicable to discharges of fume-scrubbing wastewaters where aluminum fluoride or chlorine is used in the magnesium removal process and to wet residue milling and metal cooling wastewaters resulting from the recovery, processing, and remelting of aluminum scrap to produce metallic aluminum alloys.

[FR Doc.75-27580 Filed 10-14-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 8—VETERANS ADMINISTRATION

PART 8-1—GENERAL

PART 8-7—CONTRACT CLAUSES

Drug Quality Assurance

Chapter 8, Title 41, Code of Federal Regulations, is amended as set forth below.

In Subpart 8-1.12, Responsible Prospective Contractors, §§ 8-1.1203-3 and 8-1.1205-50 are revoked. The first section contained obsolete cross-references to legal review provisions now contained in § 8-1.403, and such cross-references are deemed inappropriate to this subpart. The latter section is revoked to conform to a Veterans Administration-Food and Drug Administration agreement whereby Food and Drug Administration assumed responsibility for quality assurance of Veterans Administration's procurement of drugs, biologics, chemicals, and reagents, and the Veterans Administration will no longer make plant inspections related to such items.

In Part 8-7, Contract Clauses, § 8-7.150-17 is revoked as incompatible with the transfer of responsibility for quality assurance stated above. Sections 8-7.150-16, 8-7.150-18, and 8-7.150-22 have been revised to reflect agency policy of using precise terms denoting gender.

It is the general policy of the Veterans Administration to allow time for interested parties to participate in the rule making process (§ 1.12, Title 38, Code of Federal Regulations). However, the amendments herein concern agency procedure and practices. Therefore, the public rule making process is deemed unnecessary in this instance.

Part 8-1 is amended as follows:

§ 8-1.1203-3 [Revoked]

1. Section 8-1.1203-3 is revoked.

§ 8-1.1205-50 [Revoked]

2. Section 8-1.1205-50 is revoked.

Part 8-7 is amended as follows:

3. Section 8-7.150-16 is revised to read as follows:

§ 8-7.150-16 Commercial advertising.

All invitations for bids will include the following clause:

COMMERCIAL ADVERTISING

The bidder agrees that if a contract is awarded to him/her, as a result of this solicitation, he/she will not advertise the award of the contract in his/her commercial advertising in such a manner as to state or imply that the Veterans Administration endorses a product, project or commercial line of endeavor.

§ 8-7.150-17 [Revoked]

4. Section 8-7.150-17 is revoked.

5. In § 8-7.150-18, the second paragraph of the clause is revised to read as follows:

§ 8-7.150-18 Telecommunications equipment.

(a) • • •

SPECIAL NOTICE

• • • • • •

However, within 5 days after award of contract, the Contractor will submit to the Contracting Officer literature describing the equipment he/she intends to furnish and indicating strict compliance with the specification requirements.

• • • • • •

6. Section 8-7.150-22 is revised to read as follows:

§ 8-7.150-22 Services provided eligible beneficiaries.

The following clause will be included in all contracts covering services provided to eligible beneficiaries:

NONDISCRIMINATION IN SERVICES PROVIDED BENEFICIARIES

The contractor agrees to provide all services specified in this contract for any person determined eligible by the Chief Medical Director, or designee, regardless of the race, color, religion, sex, or national origin of the person for whom such services are ordered. The contractor further warrants that he/she will not resort to subcontracting as a means of circumventing this provision.

(72 Stat. 1114, sec. 205(c), 63 Stat. 390; 38 U.S.C. 210, 40 U.S.C. 486(c))

These regulations are effective October 15, 1975.

Approved: October 8, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75-27656 Filed 10-14-75;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER U—OCEANOGRAPHIC VESSELS

[CGD 75-081]

PART 193—FIRE PROTECTION EQUIPMENT

Immediate Availability of Water for Fire Mains

On June 12, 1975 there was published in the FEDERAL REGISTER (40 FR 25026) a notice of proposed rulemaking to provide flexibility in the means of making water pressure immediately available in the fire main of oceanographic vessels. Interested parties were given until July 28, 1975, to comment. No comments have been received.

In accordance with the foregoing, 46 CFR Chapter 1 is amended as set forth below.

(46 U.S.C. 390b, 526p; 49 U.S.C. 1655(b); 49 CFR 1.4(b); 1.46(b))

Effective date: These amendments become effective on November 17, 1975.

Dated: October 8, 1975.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

1. By revising § 193.05-5(b) to read as follows:

§ 193.05-5 Fire main system.

• • • • • •

(b) Except as provided for in § 193.10-10(e), the fire main must be a pressurized or a remotely controlled system.

• • • • • •

2. By amending § 193.10-5 by deleting the second sentence of paragraph (a), changing the pressure requirements of paragraph (c), and adding a new paragraph (f) as follows:

§ 193.10-5 Fire pumps.

• • • • • •

(c) Each pump must be capable of delivering water • • • at a Pitot tube pressure of not less than 50 p.s.i. • • • Where ¾-inch hose is permitted by Table 193.10-5(a) the Pitot tube pressure may not be less than 35 p.s.i.

• • • • • •

(f) Except as provided for in § 193.10-10(e), a sufficient number of hose streams for fire fighting purposes must be immediately available from the fire main at all times by either of the following methods:

(1) *Maintenance of water pressure.* (i) Water pressure must be maintained on the fire main at all times by the continuous operation of:

(A) One of the fire pumps; or,

(B) Another suitable pump capable of supplying one hose stream at a Pitot tube pressure of not less than 50 p.s.i. (35 p.s.i. for ¾-inch hose); or,

(C) A pressure tank capable of supplying one hose stream at a Pitot tube pressure of not less than 50 p.s.i. (35 p.s.i. for ¾-inch hose) for five minutes.

(ii) An audible alarm must be installed to sound in a continuously manned space if the pressure in the fire main drops to less than that necessary to maintain the minimum Pitot tube pressures specified in § 193.10-5(f) (1) (i).

(2) *Remote control of fire pumps.* (i) At least one fire pump must be capable of remote activation and control.

(ii) If the fire pump is in a continuously manned machinery space, the controls for operating it and the controls for all necessary valves must be located on the manned operating platform in that space.

(iii) If the fire pump is in an unmanned machinery space, the controls for its operation and the controls for all necessary valves must be located in:

(A) The fire control station, if any; or,

(B) The bridge, if there is no fire control station; or,

(C) readily accessible space acceptable to the Officer in Charge, Marine Inspection.

3. By changing pressure requirement in paragraph (c) of § 193.10-15.

• • • • • •

(c) • • • The discharge of this quantity of water • • • must be at a minimum Pitot tube pressure of 50 pounds per square inch.

• • • • • •

[FR Doc.75-27601 Filed 10-14-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20265; FCC 75-1126]

PART 73—RADIO BROADCAST SERVICES

AM Station Assignment Standards

1. The Commission has before it the following petitions for reconsideration of our Report and Order, 54 F.C.C. 2d 1 (1975), in the above-captioned proceeding.[1] The parties filing individual petitions are the Association for Broadcast Engineering Standards, Inc. (ABES, or the Association), the National Black Media Coalition (NBMC, or the Coalition), and Zondervan Broadcasting Corporation (Zondervan), licensee of WJBL and WJBL-FM, Holland, Michigan.[2] Two parties, KNUJ, Inc. (KNUJ), licensee of KNUJ and KNUJ-FM, New Ulm, Minnesota, and North Idaho Broadcasting Company (Idaho), licensee of standard broadcast Station KVNI, Coeur d'Alene, Idaho, filed a joint petition.[3] The law firm of McKenna, Wilkinson and Kittner (MWK) submitted comments in response to the ABES pleading.

2. This rule making proceeding was instituted by a Notice of Proposed Rule Making, 39 F.R. 42920, FCC 74-1307, released on December 5, 1974. The Notice contained a specific proposed amend-

[1] An Errata to this Report and Order was released on July 21, 1975 (FCC 75-844) correcting some inadvertent omissions and making editorial corrections.

[2] Zondervan did not file comments in the original proceeding, "since the public notice of the proposed rulemaking appeared to be directed primarily at power increases for existing broadcasters. . . ." Zondervan Petition, at 2. While we do not believe that this constitutes the "good reason" required by Section 1.106(b) of the rules, particularly in light of paragraph 6 of the Notice, we note that the issues raised by Zondervan have been the subject of numerous inquiries since the release of the Report and Order in this proceeding. We shall therefore take this opportunity to address these issues despite the procedural infirmities of this petition.

[3] Idaho was not a party to the original proceeding. However, since KNUJ was a party thereto, we need not consider the extent of Idaho's compliance with the requirements of Section 1.106(b).

V40200 OCT 15 75 XUM

ment of Section 73.37(e)(3) of the rules, as well as a general paragraph inviting comments on possible amendments of other standards set forth elsewhere in Section 73.37(e). We duly considered all the comments filed pursuant to the notice. Our conclusions, as well as a summary of the numerous pleadings submitted by interested parties, were fully set forth in our Report and Order, supra. In brief, we relaxed former acceptance criteria of Section 73.37(e) of our rules with respect to applications for new standard broadcast stations, both daytime-only and full-time, and for changes in existing stations. In addition, we limited significantly the operation of the Section 307(b) Suburban Community presumption, and provided for a 2.5 kilowatt power level for Classes II and III stations.

3. ABES generally supports liberalization of Section 73.37(e) with respect to improvement in existing facilities. However, citing the potential adverse economic impact on smaller market broadcasters flowing from undue proliferation of new stations in those markets, the petitioner seeks further restrictions on the assignment of new stations. Specifically, with respect to such assignments, the Association proposes an additional set of standards modeled generally after the Table of Maximum AM Station Assignments proposed by the Commission in 1963.[4] The number of stations available to any community would depend on its population and its proximity to major metropolitan centers. ABES also requests that the considerations underlying any Section 307(b) Suburban Community determinations be specified in more detail. In this regard, some further specifications are proposed. MWK, on the other hand, supports the limitation in the applicability of the Section 307(b) Suburban Community presumption adopted in the Report and Order, but would have the Commission "reiterate that whenever an existing suburban station . . . increases its coverage of [a nearby principal city], Suburban Community Policy consideration will not be applicable, . . . unless conflicting applications are involved." MWK comments, at 2.

4. We will reject the ABES proposal. We believe that a Table of Maximum Assignments is unnecessary to protect the viability of small market stations. A party fearing dire economic consequences from a proposed new operation may seek to raise a Carroll issue against that operation by filing a petition to deny. See Carroll Broadcasting Co. 2. F.C.C., 103 U.S. App. D.C. 346, 258 F. 2d 440 (D.C. Cir. 1958); see also, WLVA, Inc. 2. F.C.C., 148 U.S. App. D.C. 262, 459 F. 2d 1286 (D.C. Cir. 1972). Such a case-by-case approach seems to us particularly apt in light of the many individualized factors contributing to any one community's ability or inability to support a given number of radio stations. Further, we believe that our discussion of Section 307(b) Suburban Community considerations in the Report and Order adequately describes our present policy in that matter. See Report and Order, supra, at 21. We note, however, that MWK apparently has misconstrued our language there. Therefore, we emphasize that Section 307(b) considerations will always be applicable—the Report and Order merely provides that uncontested applications of a nature which heretofore has made them automatically subject to the Suburban Community presumption will henceforth receive case-by-case consideration. *Id.*

5. KNUJ and Idaho raise a question concerning the relationship between the new rules and our action in Docket No. 18110, which involved, inter alia, ownership of daily newspapers by broadcast licensees. See First Report and Order in Docket No. 18110, 22 F.C.C. 2d 306 (1970); Second Report and Order in Docket No. 18110, 50 F.C.C. 2d 1046 (1975). The petitioners assert that Note 8 of Section 73.35 of the rules could be read to preclude any improvements in a station owned by a party with a daily newspaper interest in the community of license.[5] Such a result, they argue, would be inconsistent with the underlying purpose of the present proceeding, i.e., to ease somewhat the former restrictions on AM service improvements. Accordingly, the petitioners seek a clarification of whether, and to what extent, the present proceeding was intended to supersede our multiple ownership rules.

6. We need not resolve the precise question posed by the petitioners, since it does not appear to us that any conflict between the cited rules exists. Rather, the question arises out of an overly narrow construction of Section 73.35(a) and Note 8 thereto. The parties themselves note that language in the First Report and Order in Docket No. 18110, supra, indicates that major changes at one station will not be barred if they would result in increased overlap of contours with another, commonly owned, station if the two stations are in different broadcast services, and if proscribed community encompassment already exists. See First Report and Order in Docket No. 18110, supra, at 315. Although the term "different broadcast services" in this limited context was not expressly expanded in the Second Report and Order in Docket No. 18110, supra, to include daily newspapers, we believe that, in the situation in question, a commonly owned newspaper should be treated as is a commonly owned station in a different broadcast service. As a result, in the situation posed by the petitioners, Section 73.35 would not act as a bar to a major change application, assuming that "proscribed encompassment" exists. Since the petitioners request only this clarification, we will consider their request as granted.

7. In its petition, the Coalition seeks rescission of the new rules and reopening of this proceeding. Three events which have occurred since the final date for filing comments are said to warrant such reconsideration. These are the decision in Garrett v. F.C.C., — U.S. App. D.C. ——, 513 F. 2d 1056 (D.C. Cir. 1975), our issuance of proposed amendments to our present equal employment opportunity rules,[6] and our institution of procedures to assure that citizens group receive public notices of proposed Commission actions.[7] Generally, NBMC asserts that, in their effect, the new assignment standards will primarily benefit white broadcasters while "perpetuat[ing] the present disparity between the number of Black-owned and white-owned radio stations." NBMC Petition, at 24. The central thrust of the Coalition's argument is that the new rules are unlawful because they do not contain an affirmative action plan aimed at encouraging minority participation in the ownership structure of the broadcast industry. In support of this contention, primary reliance is placed on Sections 303 and 307 of the Communications Act of 1934, as amended, and the decisions in TV 9, Inc. v. F.C.C., 161 U.S. App. D.C. 349, 495 F. 2d 929 (D.C. Cir. 1973) and Garrett, supra. Reference is also made to a variety of equal employment opportunity materials, judicial and statutory. In addition, NBMC argues that the Report and Order in this proceeding is defective in that it provides neither sufficient data supporting the change adopted nor a "minority impact statement". The Coalition also restates its argument, made in its comments in the original proceeding, that the Notice initiating that proceeding was procedurally defective in that the views of citizens groups were not actively solicited. See Report and Order, supra, at 6.

8. As an initial matter, we find the procedural issues raised by the Coalition to be lacking merit. As noted in our Report and Order, this proceeding was undertaken under the rule-making provisions of the Administrative Procedure Act. See 5 U.S.C. § 553. With respect to the legal sufficiency of an agency's rule making decision, that Act does not require the exhaustive fact-finding of an adjudicatory proceeding. 5 U.S.C. § 553 (c); see also, WBEN, Inc. v. U.S., 396 F. 2d 601 (2d Cir. 1968), cert. denied, 393 U.S. 914 (1968). We believe that we have fully complied with the requirements of the Act in the discussion appearing at paragraphs 26–71 of the Report and Order. With respect to the findings an agency is required to make in such a proceeding, § 553(c) of the Act reads as follows:

> . . . [T]he agency shall incorporate in the rules adopted a concise general statement of their basis and purpose . . .

A formal opinion specifically covering all rejected alternatives is not required in proceedings undertaken pursuant to this section. Consumers Union of United States, Inc. v. Consumer Product Safety Commission, 491 F. 2d 810, 812 (2d Cir. 1974). In addition, we are aware of no other statutory authority requiring us to prepare a statement of the particular type urged on us by the Coalition. Thus, no "minority impact statement" is required, and our failure to include one cannot validly be deemed error. We note also that NBMC has offered no new support for its claim regarding the adequacy of our notice procedures in this case, and we affirm our initial disposition of this claim. See Report and Order, supra, at 23.

9. We wish to emphasize that we are not insensitive to the "affirmative action" issues raised by the Coalition, nor are we oblivious to the duties imposed on us by the Communications Act and outlined by the Court in TV 9, supra, and Garrett, supra.[8] However, considering the Coalition's argument in the context of this proceeding, we find that the public interest would not be served by injecting an affirmative action program into our technical allocations rules. This is not to say that minority ownership, management, and/or programming must be ignored. On the contrary, requests for waivers of our rules based on these factors will be given the obligatory "hard look". See WAIT Radio v. F.C.C., 135 U.S. App. D.C. 317, 418 F. 2d 1153 (D.C. Cir. 1969); see also, Garrett, supra.[9] However, being subject to frequent change, these three elements may not appropriately be factored into the engineering standards governing station assignments. Such a rule would have to comprehend a number of complex and ephemeral variables. These include the nature and extent of minority participation in the applicant's ownership and/or management structures, the nature of the proposed programming, and the apparent need for such programming in any particular community. While these factors are not readily quantifiable, others which may also be of relevance—e.g., an applicant's record of broadcast service to minorities—are even less so. It is clear that these factors do not involve "general characteristics of the industry" which lend themselves to resolution in a technical allocations proceeding. Compare WBEN, Inc., supra. Given the nature of the problem before us, we are doubtful that we could frame a generalized standard which would be useful in all, or even most, situations.[10] On the contrary, we believe that a case-by-case approach offers the best method for weighing the various facts and circumstances presented in relation to the broad objectives of the rule, in order to determine where the public interest lies in each particular case. In light of this, the Coalition's petition will be denied.[11]

10. With its petition, the Coalition also filed a Motion for Stay of the effectiveness of the rules. We denied that motion by Memorandum Opinion and Order, FCC 75–974, released August 20, 1975. However, in disposing of the issues, we indicated that, in the interest of fairness, we would not "cut-off" any applications filed under the new rules until the NBMC petition had been fully considered. In light of our disposition of the Coalition's petition herein, applications filed under the new rules may now be cut-off, and their processing may be completed.

11. The central argument of Zondervan's petition concerns the operation of Note 7 of Section 73.37(e). Specifically, the following amendment to Section 73.37(e)(2)(ii) is proposed:

(ii) That the proposed station would provide the community designated in the application with a first or second authorized nighttime aural transmission service (or which does not result in more than two authorized nighttime aural services), and that no FM channel is available for use in that community.

In support of this parenthetical addition to the existing rule, the petitioner notes that, where a licensee owns both an FM and a daytime-only AM station in a community, an application for full-time authority for the AM facility will only be acceptable if the community has no other FM or full-time AM stations. According to Zondervan, this is an anomaly, because, for the limited purpose of Note 7 of Section 73.37(e), such a grant of full-time authority would not affect the total number of nighttime services in the community, since commonly owned AM and FM facilities are counted as one service under the provisions of that note. Further, the petitioner asserts that the policy barring such applications deprives some areas of needed service, particularly in view of the limited number of FM receivers in many areas. In addition, the policy assertedly locks some licensees of FM/daytime-only AM combinations into competitively disadvantageous positions. Zondervan claims that the additional service provided as a result of its amendment would be generally consistent with the policies underlying the Report and Order, and would specifically benefit Holland, Michigan, Zondervan's community of license.[12] The petitioner also suggests revision or clarification of four other aspects of our Report and Order. With respect to Section 73.37(e), these suggestions include: addition of reference to Section 73.37(e)(1)(iii) in the last sentence of Note 5; substitution of the term "authorized" for "assigned" in the first and second sentences of Note 7; and insertion of the word "commercial" before "FM broadcast station" in the first sentence of Note 10. Zondervan also notes the omission from Section 73.41 of 5 kilowatts as an available power step.

12. Zondervan's proposal with respect to treatment of commonly-owned FM and daytime-only AM stations will be rejected. In liberalizing the rules, we intended the new standards to benefit all parties, incumbents and nonbroadcasters alike, in a uniform fashion. Thus, we framed the new criteria in terms of facilities already available in the community. See Sections 73.37(e)(1)(ii) and 73.37(e)(2)(ii). To amend the rule as proposed would open the criteria still further, but with the additional benefits flowing exclusively to owners of FM/daytime-only AM combinations. We do not believe that this specialized treatment would be consistent with our announced allocation policies, particularly with respect to the equivalency of FM and AM services and our view of them as complementary components of a single aural service. To permit the limited exception sought by Zondervan would be, in effect, to concede that nighttime AM service is in some way superior to FM service. This, of course, is contrary to our policy in this area and to the realities of the industry as we perceive them. See e.g., Report and Order in Docket No. 18651, 39 F.C.C. 2d 645 (1973). In addition, we believe it is not our purpose to cure competitive imbalances which, in many cases, are not correctable because of the limitations of the AM band and the manner in which it must be structured. We must, therefore, reject Zondervan's "competitive disadvantages" argument. We note, however, that this petition raises valid points concerning the four other aspects of our Report and Order. Insertion of the word "commercial" before both "FM broadcast station" and "standard broadcast station" in the first sentence of Note 10 would serve to codify our exclusion of noncommercial stations under the "aural services" rule. In addition, we neglected to include reference either to Section 73.37(e)(1)(iii) in the last sentence of Note 5 to Section 73.37(e), or to the power level of 5 kilowatts in the text of Section 73.41. It is clear from the Report and Order, and the Errata thereto, that inclusion of these terms was originally anticipated. Further, we believe that, in

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[4] Notice of Proposed Rule Making in Docket No. 15084. For the disposition of this matter, see Report and Order in Docket No. 15084, 2 R.R. 2d 1658 (1964).

[5] In relevant part, Note 8 to Section 73.35 reads:

". . . [Section 73.35(a)] will apply to . . . all applications for major changes in existing stations."

In relevant part, Section 73.35(a) reads:

"No license for a standard broadcast station shall be granted to any party . . . if such party directly or indirectly owns, operates, or controls . . . a daily newspaper and the grant of such license will result in the predicted or measured 2 mV/m contour, . . . encompassing the entire community in which such newspaper is published."

[6] Notice of Inquiry and Notice of Proposed Rule Making, 40 FR 31625, FCC 75–849, released July 25, 1975.

[7] Public Interest Mailing List, 40 FR 34641 (1975).

[8] The other authorities cited by NBMC are not directly applicable to the issues involved in this proceeding. While generally indicative of various approaches, including our own, to equal employment opportunity, they do not assist us in making the particular public interest determinations presented in a technical allocations proceeding.

[9] In this regard, with respect to consideration of waiver requests, the Court in Garrett expressly noted as relevant the factors of minority programming, ownership and participation in management, as well as the applicant's history of "identification with [minority] listeners." 513 F. 2d at 1063.

[10] We note in this regard that no proposal of any description has been offered by NBMC in either the original proceeding or its present pleading.

[11] The Coalition also urges that the Commission create a Minority Affairs Office. Inasmuch as this suggestion was not raised in the original proceeding, and since it is clearly outside the scope of this rule making, this aspect of the petition will be summarily denied.

[12] Zondervan does not, however, address itself to the problem of cumulative increases in skywave interference which would ensue if all similarly situated daytimers were authorized to operate during nighttime hours.

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Note 7 to Section 73.37(e), "authorized" should be substituted for "assigned," in order to avoid any confusion with the Table of FM Assignments found in Section 73.202 of the rules. Therefore, we will grant Zondervan's petition to the extent indicated [13] and deny it in all other respects.

13. *Accordingly, it is ordered*, That the petitions for reconsideration filed by the Association for Broadcast Engineering Standards, Inc. and the National Black Media Coalition are denied; the relief requested in the joint petition for reconsideration filed by KTUJ, Inc. and North Idaho Broadcasting Company is granted, and the petition for reconsideration filed by Zondervan Broadcasting Corporation is granted to the extent indicated in the text and denied in all other respects.

14. *It is further ordered*, That, effective October 14, 1975, Part 73 of the rules and regulations is amended as set forth in Appendix A hereto. Authority for this action is found in Sections 4(i), 303(r), 307(b), and 405 of the Communications Act of 1934, as amended.

(Secs. 4, 303, 307, 405, 48 Stat., as amended, 1066, 1082, 1083, 1095; 47 U.S.C. 154, 303, 307, 405)

Adopted: October 1, 1975.

Released: October 9, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[14]
VINCENT P. MULLINS,
Secretary.

1. Notes 5, 7 and 10 to § 73.37(e) are revised to read as follows:

§ 73.37 Applications for broadcast facilities; showing required.

* * * * *

(e) * * *

NOTE 5: Where an application for a new unlimited time station proposes to provide a first or second nighttime aural transmission service to the community designated in the application, and daytime operation of the station would result in the provision of more than two aural transmission services for that community during daytime hours, the latter fact does not render the application unacceptable for filing. However, under such circumstances, the proposed daytime power shall not exceed the proposed nighttime power, absent a showing that, with higher daytime power, new daytime service would be provided pursuant to paragraphs (e)(1)(i) or (e)(1)(iii).

* * * * *

NOTE 7: Where a standard broadcast station and an FM broadcast station authorized to the same community are commonly owned, these stations shall be considered as providing a single aural transmission service to that community for the purpose of determining the acceptability of applications pursuant to paragraphs (e)(1)(ii) and (e)(2)(ii). Noncommercial educational FM stations and noncommercial educational standard broadcast stations authorized to the community shall not be included in this determination.

* * * * *

NOTE 10: Where the term "aural service" is used in paragraphs (e)(1)(iii) and (e)(2)(iii), it is intended to mean interference-free groundwave service provided by a commercial standard broadcast station with a field strength of 5 mV/m or higher, or service provided by a commercial FM broadcast station with a field strength of 3.16 mV/m (70 dBu) or higher. Stations whose transmitter sites are located more than 50 miles from the nearest boundary of the community designated in the application shall be excluded from consideration in determining the existence of such aural services.

* * * * *

2. Section 73.41 is amended to read as follows:

§ 73.41 Maximum rated carrier power, tolerances.

The maximum rated carrier power of a transmitter shall be at a power step recognized by the Commission's plan of allocation (250 watts, 500 watts, 1 kW, 2.5 kW, 5 kW, 10 kW, 25 kW, 50 kW) and shall not be less than the authorized power nor shall it be greater than the value specified in the following table:

* * * * *

[FR Doc.75-27651 Filed 10-14-75;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 501—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Reservations and Delegations of Authority

The purpose of this notice is to amend Part 501 of Title 49, Code of Federal Regulations, to reflect the delegations of powers and duties within the National Highway Traffic Safety Administration, resulting from the passage of the Federal-Aid Highway Amendments of 1974 (Pub. L. 93-643; Stat. 2281). These powers and duties were delegated by the Secretary of Transportation to the National Highway Traffic Safety Administrator, in § 1.51(i), of Title 49 of the Code of Federal Regulations (FR Doc. 75-10687; page 17992, Vol. 40) (§ 1.51 was revised to § 1.50 of Title 49, Code of Federal Regulations, by FR Doc. 75-25436; page 43909, Vol. 40) with respect to administering the following sections of Chapter 1, Title 23 of the United States Code, with the concurrence of the Federal Highway Administrator:

(1) Section 141, as it relates to certification of the enforcement of speed limits, and

(2) Section 154(a), (b), and (d) with respect to the National Maximum Speed Limit.

In addition, the delegation of authority to Regional Administrators regarding the approval or disapproval of proposed revisions to State Highway Safety Comprehensive Plans is reworded to clarify the language of that subsection.

The amendments set forth in this notice relate solely to the organization and assignment of duties within the agency and have no substantive regulatory effect. Notice and public procedure are therefore not required and the amendments may be made effective in less than 30 days after publication.

In consideration of the foregoing, effective September 22, 1975, section 501, Chapter V of Title 49, Code of Federal Regulations, is amended as set forth below.

1. In § 501.7, *Administrator's reservations of authority*, add a new paragraph (e).

§ 501.7 Administrator's reservations of authority.

* * * * *

(e) The authority under section 141, and section 154 (a) and (d) of Title 23 of the United States Code, with the concurrence of the Federal Highway Administrator, to disapprove any State certification or to impose any sanction on a State.

§ 501.8 [Amended]

2. In § 501.8(d), change the period at the end of the last line of paragraph (d) to semicolon and add the following: "administer sections 141, as it relates to certification of the enforcement of speed limits, and 154(a), (b) and (d) of title 23, United States Code, with the concurrence of the Federal Highway Administrator."

3. In § 501.8(h), substitute the following new wording for paragraph (3):

* * * * *

(h) * * *

(3) Approve or disapprove proposed revisions to State Highway Safety Comprehensive Plans that previously have been approved by Headquarters, NHTSA; portions of such plans that have been conditionally approved by Headquarters, NHTSA, may not be approved or disapproved for revision without the prior concurrence of the Associate Administrator for Traffic Safety Programs; approve or disapprove revisions to conditionally approved portions of Comprehensive Plans that concern standards administered by the Federal Highway Administration.

Effective date. September 22, 1975.

(Sec. 9(e) Department of Transportation Act (49 U.S.C. 1657(c)))

Issued on: October 7, 1975.

GENE G. MANNELLA,
Acting National Highway Traffic Safety Administrator.

[FR Doc.75-27611 Filed 10-14-75;8:45 am]

[Docket No. 73-20; Notice 8]

PART 571—MOTOR VEHICLE SAFETY STANDARDS

Fuel System Integrity

The purpose of this notice is to amend Motor Vehicle Safety Standard No. 301, *Fuel System Integrity* (49 CFR 571.301) to extend the applicability of the standard to school buses with a GVWR in excess of 10,000 pounds. The amendment specifies conditions for a moving contoured barrier crash for school buses in order to determine the amount of fuel spillage following impact.

On October 27, 1974, the Motor Vehicle and Schoolbus Safety Amendments of 1974, amending the National Traffic and Motor Vehicle Safety Act, were signed into law (Pub. L. 93-492, 88 Stat. 1470). Section 103(l)(1)(A) of the Act, as amended, orders the promulgation of a safety standard establishing minimum requirements for the fuel system integrity of school buses. Standard No. 301 currently contains requirements for school buses with a GVWR of 10,000 pounds or less which will become effective beginning September 1, 1976. Larger school buses, which comprise approximately 90 percent of the school bus population, will be included in Standard No. 301 by this amendment.

A proposal to amend Standard No. 301 with respect to school buses, loading conditions, and spillage measurement time was published on April 16, 1975 (40 FR 17036). An amendment to the Standard specifying certain loading conditions and establishing a 30-minute fuel spillage measurement period was published on August 6, 1975 (40 FR 33036). At the request of several members of Congress, the period for comments on the school bus proposals was extended. This notice responds to the comments received with respect to the inclusion of school buses within the requirements of the standard.

Seven manufacturers opposed the requirement of a single impact test by a moving contoured barrier at any point on the school bus body, arguing that such a requirement would necessitate a proliferation of expensive tests in order to ensure compliance at every conceivable point of impact. The NHTSA does not agree. Although not specifying a particular impact point, the test allows for testing at the few most vulnerable points of each kind of school bus fuel system configuration. Therefore, only impacts at those points are necessary to determine compliance. On the basis of its knowledge of the bus design, a manufacturer should be able to make at least an approximate determination of the most vulnerable points on the bus body.

Two school bus body manufacturers requested a requirement that the manufacturer who installs the fuel system be responsible for compliance testing, while one chassis manufacturer argued that responsibility for compliance should rest with the final manufacturer. In most cases, if the basic fuel system components are included in the chassis as delivered by its manufacturer, the multistage vehicle regulations of 49 CFR Part 568 require the chassis manufacturer at least to describe the conditions under which the completed vehicle will conform, since it could not truthfully state that the design of the chassis has no substantial determining effect on conformity. Beyond that, however, the NHTSA position is that the decision as to who should perform the tests and who should take the responsibility is best not regulated by the government. The effect of Part 568 is to allow the final-stage manufacturer to avoid primary responsibility for conformity to a standard if it completes the vehicle in accordance with the conditions or instructions furnished with the incomplete vehicle by its manufacturer. Whether it does so is a decision it must make in light of all the circumstances.

This notice extends the proposed exclusion for vehicles that use fuel with a boiling point below 32° F. to school buses having a GVWR greater than 10,000 pounds. Fuel systems using gaseous fuels are not subject to the spillage problems against which this standard is directed.

The Vehicle Equipment Safety Commission requested that school buses be required to undergo static rollover tests and that the engine be running during the tests. Upon consideration, the NHTSA finds that a static rollover test for schoolbuses is impractical in light of the expensive test facility that would be required. A requirement that the engine be running during the impact test would make little difference in the resulting fuel spillage. Since the standard requires that the fuel tank be filled with Stoddard solvent during the impact test, the test vehicle would have to be equipped with an auxiliary fuel system for the engine. The expense of modifying the test vehicle to allow the engine to run during the test would not justify the minimal benefits resulting from a requirement that the engine be running. However, the fuel system integrity of school buses will be continually monitored and analyzed by the NHTSA. Therefore, suggestions such as these may be the subject of future rulemaking.

One school bus body manufacturer cited the infrequency of school bus fires resulting from collisions as a reason for ameliorating or eliminating altogether fuel system integrity requirements for school buses. In promulgating these amendments to Standard No. 301, the NHTSA is acting under the statutory mandate to develop regulations concerning school bus fuel systems. This statute reflects the need, evidently strongly felt by the public, to protect the children who ride in the school buses. They and their parents have little direct control over the types of vehicles in which they ride to school, and are therefore not in a position to determine the safety of the vehicles. Considering the high regard expressed by the public for the safety of its children, the NHTSA finds it important that the schoolbus standards be effective and meaningful.

The California Highway Patrol expressed the concern that these amendments would preempt State regulations to the extent that the State would be precluded from specifying the location of fuel tanks, fillers, vents, and drain openings in school buses. The standard will unavoidably have that effect, by the operation of section 103(d) of the National Traffic and Motor Vehicle Safety Act. However, although a State may not have regulations of general applicability that bear on these apsects of performance, the second sentence of the same section makes it clear that a State or political subdivision may specify higher standards of performance for vehicles purchased for its own use, although of course the Federal standards must be met in any case.

In addition to provisions directly relating to schoolbuses, this notice clarifies the loading condition amendments in the notice of August 6, 1975, by amending S6.1 to provide for testing with 50th percentile dummies. The wording of S6.1 is identical to that of the proposal.

In light of the foregoing, 49 CFR 571.301, Motor Vehicle Safety Standards No, 301, is revised to read as set forth below.

Effective date: July 15, 1976, in conformity with the schedule mandated by the 1974 Amendments to the Traffic Safety Act. However, the effective date of the amendment of S6.1 is October 15, 1975. Because the amendment to that paragraph clarifies the revision of certain requirements which became effective September 1, 1975, it is found for good cause shown that an effective date for the amendment of S6.1 less than 180 days after issuance is in the public interest.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); sec. 202, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1392); delegations of authority at 49 CFR 1.51 and 501.8).

Issued on October 8, 1975.

GENE G. MANNELLA,
Acting Administrator.

Section 571.301 is revised as follows:

§ 571.301 Standard No. 301; fuel system integrity.

S1. *Scope.* This standard specifies requirements for the integrity of motor vehicle fuel systems.

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries occurring from fires that result from fuel spillage during and after motor vehicle crashes.

S3. *Application.* This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks, and buses that have a GVWR of 10,000 pounds or less and use fuel with a boiling point above 32° F, and to schoolbuses that have a GVWR greater than 10,000 pounds and use fuel with a boiling point about 32° F.

S4. *Definition.* "Fuel spillage" means the fall, flow, or run of fuel from the vehicle but does not include wetness resulting from capillary action.

S5. *General requirements.*

S5.1 *Passenger cars.* Each passenger car manufactured from September 1, 1975, to August 31, 1976, shall meet the requirements of S6.1 in a perpendicular impact only, and S6.4. Each passenger car manufactured on or after September 1, 1976, shall meet all the requirements of S6, except S6.5.

S5.2 *Vehicles with GVWR of 6,000 pounds or less.* Each multipurpose passenger vehicle, truck, and bus with a GVWR of 6,000 pounds or less manufactured from September 1, 1976, to Au-

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[13] As noted, these amendments do not alter our policies in these areas. Rather, the changes merely serve to clarify aspects of the rules which might otherwise have given rise to some confusion had the inadvertent omissions not been corrected. As a result, it is clear that the effective date/notice procedures set forth in the Administrative Procedure Act are inapplicable here. See 5 U.S.C. 553(d)(3).

[14] Commissioner Hooks' statement filed as part of the original document.

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gust 31, 1977, shall meet all the requirements of S6.1 in a perpendicular impact only, S6.2, and S6.4. Each of these types of vehicles manufactured on or after September 1, 1977, shall meet all the requirements of S6, except S6.5.

S5.3 *Vehicles with GVWR of more than 6,000 pounds but not more than 10,000 pounds.* Each multipurpose passenger vehicle, truck, and bus with a GVWR of more than 6,000 pounds but not more than 10,000 pounds manufactured from September 1, 1976, to August 31, 1977, shall meet the requirements of S6.1 in a perpendicular impact only. Each vehicle manufactured on or after September 1, 1977, shall meet all the requirements of S6, except S6.5.

S5.4 *Schoolbuses with a GVWR greater than 10,000 pounds.* Each schoolbus with a GVWR greater than 10,000 pounds manufactured on or after July 15, 1976, shall meet the requirements of S6.5.

S5.5 *Fuel spillage: Barrier crash.* Fuel spillage in any fixed or moving barrier crash test shall not exceed 1 ounce by weight from impact until motion of the vehicle has ceased, and shall not exceed a total of 5 ounces by weight in the 5-minute period following cessation of motion. For the subsequent 25-minute period fuel spillage during any 1-minute interval shall not exceed 1 ounce by weight.

S5.6 *Fuel spillage: Rollover.* Fuel spillage in any rollover test, from the onset of rotational motion, shall not exceed a total of 5 ounces by weight for the first 5 minutes of testing at each successive 90° increment. For the remaining testing period, at each increment of 90° fuel spillage during any 1-minute interval shall not exceed 1 ounce by weight.

S6. *Test requirements.* Each vehicle with a GVWR of 10,000 pounds or less shall be capable of meeting the requirements of any applicable barrier crash test followed by a static rollover, without alteration of the vehicle during the test sequence. A particular vehicle need not meet further requirements after having been subjected to a single barrier crash test and a static rollover test.

S6.1 *Frontal barrier crash.* When the vehicle traveling longitudinally forward at any speed up to and including 30 mph impacts a fixed collision barrier that is perpendicular to the line of travel of the vehicle, or at any angle up to 30° in either direction from the perpendicular to the line of travel of the vehicle, with 50th-percentile test dummies as specified in Part 572 of this chapter at each front outboard designated seating position and at any other position whose protection system is required to be tested by a dummy under the provisions of Standard No. 208, under the applicable conditions of S7, fuel spillage shall not exceed the limits of S5.5.

S6.2 *Rear moving barrier crash.* When the vehicle is impacted from the rear by a barrier moving at 30 mph, with test dummies as specified in Part 572 of this chapter at each front outboard designated seating position, under the applicable conditions of S7, fuel spillage shall not exceed the limits of S5.5.

S6.3 *Lateral moving barrier crash.* When the vehicle is impacted laterally on either side by a barrier moving at 20 mph with 50th-percentile test dummies as specified in Part 572 of this chapter at positions required for testing to Standard No. 208, under the applicable conditions of S7, fuel spillage shall not exceed the limits of S5.5.

S6.4 *Static rollover.* When the vehicle is rotated on its longitudinal axis to each successive increment of 90°, following an impact crash S6.1, S6.2, or S6.3, fuel spillage shall not exceed the limits of S5.6.

S6.5 *Moving contoured barrier crash.* When the moving contoured barrier assembly traveling longitudinally forward at any speed up to and including 30 mph impacts the test vehicle (schoolbus with a GVWR exceeding 10,000 pounds) at any point and angle, under the applicable conditions of S7.1 and S7.5, fuel spillage shall not exceed the limits of S5.5.

S7. *Test conditions.* The requirements of S5 and S6 shall be met under the following conditions. Where a range of conditions is specified, the vehicle must be capable of meeting the requirements at all points within the range.

S7.1 *General test conditions.* The following conditions apply to all tests.

S7.1.1 The fuel tank is filled to any level from 90 to 95 percent of capacity with Stoddard solvent, having the physical and chemical properties of type 1 solvent, Table I ASTM Standard D484–71, "Standard Specifications for Hydrocarbon Dry Cleaning Solvents."

S7.1.2 The fuel system other than the fuel tank is filled with Stoddard solvent to its normal operating level.

S7.1.3 In meeting the requirements of S6.1 through S6.3, if the vehicle has an electrically driven fuel pump that normally runs when the vehicle's electrical system is activated, it is operating at the time of the barrier crash.

S7.1.4 The parking brake is disengaged and the transmission is in neutral, except that in meeting the requirements of S6.5 the parking brake is set.

S7.1.5 Tires are inflated to manufacturer's specifications.

S7.1.6 The vehicle, including test devices and instrumentation, is loaded as follows:

(a) Except as specified in S7.1.1, a passenger car is loaded to its unloaded vehicle weight plus its rated cargo and luggage capacity weight, secured in the luggage area, plus the necessary test dummies as specified in S6, restrained only by means that are installed in the vehicle for protection at its seating position.

(b) Except as specified in S7.1.1, a multipurpose passenger vehicle, truck, or bus with a GVWR of 10,000 pounds or less is loaded to its unloaded vehicle weight, plus the necessary test dummies, as specified in S6., plus 300 pounds or its rated cargo and luggage capacity weight, whichever is less, secured to the vehicle and distributed so that the weight on each axle as measured at the tire-ground interface is in proportion to its GAWR. If the weight on any axle, when the vehicle is loaded to unloaded vehicle weight plus dummy weight, exceeds the axle's proportional share of the test weight, the remaining weight shall be placed so that the weight on that axle remains the same. Each dummy shall be restrained only by means that are installed in the vehicle for protection at its seating position.

(c) Except as specified in S7.1.1, a schoolbus with a GVWR greater than 10,000 pounds is loaded to its unloaded vehicle weight, plus 120 pounds of unsecured weight at each designated seating position.

S7.2 *Lateral moving barrier crash test conditions.* The lateral moving barrier crash test conditions are those specified in S8.2 of Standard No. 208, 49 CFR 571.208.

S7.3 *Rear moving barrier test conditions.* The rear moving barrier test conditions are those specified in S8.2 of Standard No. 208, 49 CFR 571.208, except for the positioning of the barrier and the vehicle. The barrier and test vehicle are positioned so that at impact—

(a) The vehicle is at rest in its normal attitude:

(b) The barrier is traveling at 30 mph with its face perpendicular to the longitudinal centerline of the vehicle; and

(c) A vertical plane through the geometric center of the barrier impact surface and perpendicular to that surface coincides with the longitudinal centerline of the vehicle.

S7.4 *Static rollover test conditions.* The vehicle is rotated about its longitudinal axis, with the axis kept horizontal, to each successive increment of 90°, 180°, and 270° at a uniform rate, with 90° of rotation taking place in any time interval from 1 to 3 minutes. After reaching each 90° increment the vehicle is held in that position for 5 minutes.

S7.5 *Moving contoured barrier test conditions.* The following conditions apply to the moving contoured barrier crash test.

S7.5.1 The moving barrier, which is mounted on a carriage as specified in figure 1, is of rigid construction, symmetrical about a vertical longitudinal plane. The contoured impact surface, which is 24.75 inches high and 78 inches wide, conforms to the dimensions shown in figure 2, and is attached to the carriage as shown in that figure. The ground clearance to the lower edge of the impact surface is 5.25 ± 0.5 inches. The wheelbase is 120 ± 2 inches.

S7.5.2 The moving contoured barrier, including the impact surface, supporting structure, and carriage, weighs 4,000 ± 50 pounds with the weight distributed so that 900 ± 25 pounds is at each rear wheel and 1100 ± 25 pounds is at each front wheel. The center of gravity is located 54.0 ± 1.5 inches rearward of the front wheel axis, in the vertical longitudinal plane of symmetry, 15.8 inches above the ground. The moment of inertia about the center of gravity is:

$I_p = 27 \pm 13.6$ slug ft²

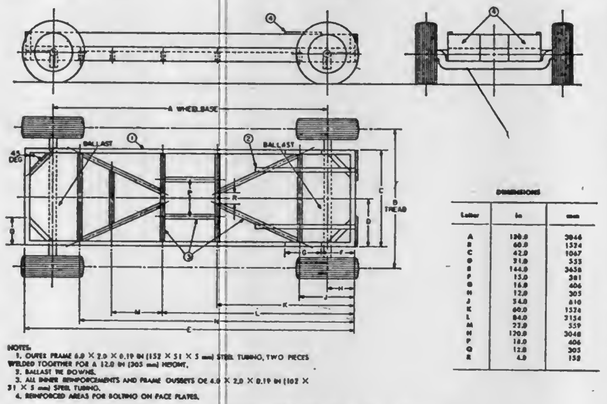
$I_r = 3475 \pm 174$ slug ft²

S7.5.3 The moving contoured barrier has a solid nonsteerable front axle and fixed rear axle attached directly to the frame rails with no spring or other type of suspension system on any wheel. (The moving barrier assembly is equipped with a braking device capable of stopping its motion.)

S7.5.4 The moving barrier assembly is equipped with G78–15 pneumatic tires with a tread width of 6.0 ± 1 inch, inflated to 24 psi.

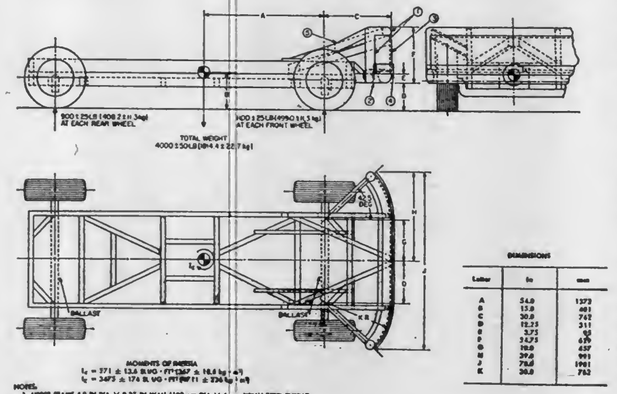
S7.5.5 The concrete surface upon which the vehicle is tested is level, rigid, and of uniform construction, with a skid number of 75 when measured in accordance with American Society of Testing and Materials Method E–274–65T at 40 mph, omitting water delivery as specified in paragraph 7.1 of that method.

S7.5.6 The barrier assembly is released from the guidance mechanism immediately prior to impact with the vehicle.



NOTES:
1. OUTER FRAME 6.0 × 2.0 × 0.19 IN (152 × 51 × 5 mm) STEEL TUBING, TWO PIECES WELDED TOGETHER FOR A 12.0 IN (305 mm) HEIGHT.
2. BALLAST BE BOWING.
3. ALL INNER REINFORCEMENTS AND FRAME GUSSETS OF 4.0 × 2.0 × 0.19 IN (102 × 51 × 5 mm) STEEL TUBING.
4. REINFORCED AREAS FOR BOLTING ON FACE PLATES.

FIG. 1—COMMON CARRIAGE FOR MOVING BARRIERS



NOTES:
1. UPPER FRAME 4.0 IN DIA × 0.25 IN WALL (102 mm DIA × 6 mm WALL) STEEL TUBING (THREE SIDES).
2. LOWER FRAME 8.0 IN DIA × 0.50 IN WALL (203 mm DIA × 13 mm WALL) STEEL TUBING.
3. FACE PLATE 0.75 IN (19 mm) THICK COLD ROLLED STEEL.
4. LEANING BRACE 1.0 × 4.0 IN (25 × 102 mm) SIZED, KILN DRIED SPRUCE TIMBER.
5. ALL INNER REINFORCEMENTS 4.0 × 2.0 × 0.19 IN (102 × 51 × 5 mm) STEEL TUBING.

FIG. 2—COMMON CARRIAGE WITH CONTOURED IMPACT SURFACE ATTACHED

[FR Doc.75-27612 Filed 10-14-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI–717]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

● Purpose. The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128). ●

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street S.W., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unneccessary.

Section 1914.4 of Part 1914 of Subchapter B of Chanter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

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§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Jefferson	Mulga, town of	Oct. 3, 1975, emergency	Sept. 20, 1974		
Do.	Talladega	Unincorporated areas	do	Dec. 13, 1974		
California	Los Angeles	Palmdale, city of	do	Oct. 18, 1974		
Florida	Washington	Unincorporated areas	Sept. 29, 1975 emergency			
Massachusetts	Middlesex	Stoneham, town of	Oct. 3, 1975, emergency	Aug. 2, 1974		
Do.	do.	Westford, town of	do	Oct. 18, 1974		
New York	Jefferson	Cape Vincent, town of	do	Apr. 25, 1974		
Do.	Greene	Cairo, town of	do	Dec. 20, 1974		
Do.	Chautauqua	Charlotte, town of	do	Oct. 18, 1974		
Do.	St. Lawrence	Colton, town of	do	Feb. 14, 1975		
Do.	Schoharie	Seward, town of	do	Sept. 20, 1974		
Do.	Oswego	West Monroe, town of	do	do.		
Oregon	Sherman	Grand Valley, city of	do	Nov. 22, 1974		
Pennsylvania	Armstrong	Wayne, township of	do	Sept. 13, 1974		
Do.	Clarion	Clarion, borough of	do	Nov. 29, 1974		
Do.	Crawford	Blooming Valley, borough of	do	Jan. 31, 1975		
Do.	Susquehanna	Gibson, township of	do	Apr. 4, 1975		
Do.	Warren	Mead, township of	do	Dec. 20, 1974		
Do.	Monroe	Middle Smithfield, township of.	do			
South Carolina	Spartanburg	Pacolet Mills, township of	do	June 28, 1974		
West Virginia	Grant	Bayard, town of	do	Nov. 22, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Georgia	Chatham	Bloomingdale, city of	Oct. 6, 1975, emergency			
Iowa	Clayton	Farmersburg, city of	do	Nov. 1, 1974		
Do.	Shelby	Portsmouth, town of	do			
Kansas	Barber	Kiowa, city of	do	Sept. 12, 1975		
Minnesota	Dakota	Vermillion, city of	do	Aug. 9, 1974		
New York	Wayne	Lyons, village of	do			
Do.	Oneida	Vernon, village of	do	Mar. 8, 1974		
Ohio	Henry	Liberty Center, village of	do	Oct. 18, 1974		
Pennsylvania	Potter	Sharon, township of	do	Dec. 13, 1974		
Tennessee	Rhea	Dayton, city of	do	Mar. 1, 1974		
Virgin Islands		Virgin Islands	do			
West Virginia	Greenbrier	Corporation of Falling Springs, (Renick), city of.	do	Nov. 15, 1974 Aug. 1, 1975		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Mississippi	Rankin	Florence, town of	Oct. 7, 1975	Aug. 23, 1974		
Missouri	Franklin	Berger, city of	do	Aug. 30, 1974		
Nebraska	Kearney	Minden, city of	do	Sept. 12, 1975		
New York	Montgomery	Ames, village of	do			
Oklahoma	Noble	Morrison, town of	do	Aug. 16, 1974		
Pennsylvania	Indiana	Shelocta, borough of	do	June 21, 1974		
South Carolina	Anderson	Pendleton, town of	do	Apr. 25, 1975		
Texas	Cameron	Bayview, town of	do	Jan. 24, 1975		
Do.	Collin	Frisco, city of	do	May 24, 1974		
Do.	Gaines	Seminole, city of	do	Sept. 12, 1975		
Virginia	Scott	Dungannon, town of	do	Mar. 22, 1974		
Do.	Giles	Pearisburg, town of	do			

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Coffee	Kinston, town of	October 8, 1975, emergency	Jan. 10, 1975		
Arkansas	Clay	McDougal, city of	do	Sept. 13, 1974		
Connecticut	Windham	Pomfret, town of	do	Sept. 20, 1974		
Florida	Escambia	South Flomaton, town of	do	Dec. 6, 1974		
Georgia	Tattnall	Reidsville, city of	do			
Michigan	Monroe	Bedford, township of	do	Feb. 15, 1974		
Minnesota	Chisago	Stacy, city of	do	Oct. 25, 1974		
Nebraska	Rock	Bassett, city of	do	Aug. 22, 1975		
Ohio	Columbiana	Hanoverton, village of	do	Aug. 9, 1974		
Pennsylvania	Allegheny	Mount Lebanon, township of.	do	Sept. 6, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: September 30, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-27483 Filed 10-14-75;8:45 am]

[Docket No. FI-720]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

● Purpose. The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128). ●

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, S.W., Washington D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arkansas	White	Beebe, city of	October 9, 1975, emergency	Mar. 8, 1974		
California	Sutter	Unincorporated areas	do	Oct. 25, 1974		
Kansas	Hodgeman	Hanston, city of	do	Dec. 27, 1974		
Michigan	Mason	Pere Marquette, township of.	do			
Do.	Calhoun	Marshall, township of	do			
New Jersey	Hunterdon	Hampton, borough of	do	June 7, 1974		
Ohio	Ottawa	Elmore, village of	do	July 11, 1975		
South Carolina	Abbeville	Abbeville, city of	do	May 31, 1974		
Texas	Bexar	Balcones Heights, city of	do	Aug. 15, 1975		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Georgia	Clinch	Unincorporated areas	October 16, 1975, emergency			
Illinois	Lee	Steward, village of	do	Sept. 13, 1974		
Kansas	Crawford	Unincorporated areas	do			
Massachusetts	Franklin	Irving, town of	do	June 28, 1974		
Do.	Middlesex	Townsend, town of	do	Sept. 20, 1974		
New York	Schoharie	Schoharie, town of	do			
Do.	Columbia	Steekport, town of	do	Oct. 18, 1974		
North Carolina	Columbus	Cerro Gordo, town of	do			
Rhode Island	Kent	West Greenwich, town of	do	Jan. 24, 1975		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: October 1, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-27482 Filed 10-14-75;8:45 am]

[Docket No. FI-708]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Village of Palatine, Illinois

On February 20, 1973, in 38 FR 4669, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the Village of Palatine, Illinois, as an eligible community and included Map No. H 175170 02 which indicates that Lot 48, Virginia Lake Subdivision Unit No. 1, being 1027 Grissom Drive, Palatine, Illinois, and recorded in Book 790 of Plats, Page 39, as Document No. 20821259, in the office of the Clerk of Cook County, Illinois, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective February 16, 1973, Map No. H 175170 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: August 15, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-27702 Filed 10-14-75;8:45 am]

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[Docket No. FI-446]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Overland Park, Kansas

On January 13, 1975, in 40 FR 2427, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Overland Park, Kansas, as an eligible community and included Map No. H 200174 12, which indicates that Lot 1, Block 18, of the subdivision known as Nall Hills, Overland Park, Kansas, as recorded in Book 20, Page 57, in the office of the Register of Deeds of Johnson County, Kansas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective January 3, 1975, Map No. H 200174 12 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 8, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-27703 Filed 10-14-75;8:45 am]

[Docket No. FI-440]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Houston, Texas

On January 10, 1975, in 40 FR 2190, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Houston, Texas, as an eligible community and included Map Nos. H 480296 45 and 58 which indicate that Northwest Crossing Section 1, as recorded in Deed Book 216, Page 103, and Northwest Crossing Section 2, Harris County, Texas, as recorded in Deed Book 218, Page 49 in the office of the Clerk of the Court of Harris County, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Northwest Crossing Sections 1 and 2, with the exception of the Drainage Easements as shown on the respective recorded plat maps, are not within the Special Flood Hazard Area. Accordingly, effective December 27, 1974, Map Nos. H 480296 45 and 58 are hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: September 8, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-27704 Filed 10-14-75;8:45 am]

[Docket No. FI-707]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Alexandria, Virginia

On May 2, 1970, in 35 FR 7013, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Floor Insurance Rate Maps were available for public inspection. This list included the City of Alexandria, Virginia, as an eligible community and included Map No. H 515519 05 which indicates that Lot 4, Timber Branch Terrace Subdivision, being 676 Timber Branch Parkway, Alexandria, Virginia, as recorded in Deed Book 459, Page 328 in the Land Records of the Clerk of the Circuit Court of Alexandria, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective May 5, 1970, Map No. H 515519 05 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 2, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-27705 Filed 10-14-75;8:45 am]

[Docket No. FI-711]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Chesapeake, Virginia

On July 18, 1970, in 35 FR 11586, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Chesapeake, Virginia, as an eligible community and included Map No. H 510034 02 which indicates that Lots 8, 10, 11, and 12, Block 69, Norfolk Highlands Subdivision 1, Chesapeake, Virginia, as recorded in Map Book 10, Pages 63 and 65 in the office of the Clerk of Chesapeake, Virginia, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structures on the above property are not within the Special Flood Hazard Area. Accordingly, effective July 18, 1970, Map No. H 510034 02 is hereby corrected to reflect that the structures on the above property are not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 23, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-27706 Filed 10-14-75;8:45 am]

[Docket No. FI-704]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 18 which indicates that Lot 441, Section 7, Kings Park West, Fairfax County, Virginia, as recorded in Deed Book 3156, Pages 548 and 550 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 18 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 15, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-27707 Filed 10-14-75;8:45 am]

[Docket No. FI-705]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 16 which indicates that Lot 613, Section 8, Brookfield Subdivision, being 13708 Lynncroft Drive, Chantilly, Virginia, as recorded in Deed Book 3400, Page 299 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, effective June 17, 1970, Map No. H 515525 16 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 19, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-27708 Filed 10-14-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5625, 34-11721, 35-19203, AS-178]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

Research and Development Costs

AMENDMENTS OF REPORTING REQUIREMENTS

The purpose of these amendments is to conform to the requirements pertaining to the accounting and reporting for research and development costs in Regulation S-X [17 CFR 210], Form and Content of Financial Statements, and the standards established by the Financial Accounting Standards Board in Statement of Financial Accounting Standards No. 2, Accounting for Research and Development Costs, in October 1974. Differences exist between the requirements in Regulation S-X and FASB Statement No. 2 in that Statement No. 2 specifies in summary that research and development costs shall be charged to expenses as incurred, whereas various rules and items in Regulation S-X relate to the recordation and amortization of deferred research and development expenses.

The Commission stated, in Accounting Series Release No. 150 [39 FR 260], that the pronouncements of the FASB will be considered to constitute substantial authoritative support for accounting and reporting procedures and practices used in preparing financial statements filed with the Commission. In accordance with this policy, the Commission issued on November 21, 1974, Securities Act Release No. 5541 [39 FR 41856] (Securities Exchange Act Release No. 11109, Public Utility Holding Company Act Release No. 18667) which contained proposals to amend the affected rules and items in Regulations S-X, including Caption 20 in Rule 5-02 [§ 210.5-02], Schedule VII in Rule 5-04 [§ 210.5-04], Rule 12-08 [§ 210.12-08], and Items 3 and 8 in Rule 12-16 [§ 210.12-16], to eliminate the differences, and to add a new caption in Rule 5-03 [§ 210.5-03] to provide for disclosure in the financial statements of the research and development costs charged to expense as specified in Statement No. 2.

Comments received from the public indicated general agreement with the proposed amendments. Minor technical changes which were suggested in the comments on the proposals are reflected in these amendments. An instruction is added to the proposed new caption in the income statement (Caption 3A of Rule 5-03) for research and development expenses to permit the alternative of disclosing the amount of such expenses in a note to the financial statements. The interpretation and guideline in Accounting Series Release No. 141 [38 FR 6064] which pertains to Item 8, Research and development costs, under Rule 12-16 of Regulation S-X, is rescinded inasmuch as Item 8 is rescinded and because a definition of research and development is provided in FASB Statement No. 2 that is considered applicable to that term where it appears elsewhere in Regulation S-X. A reference to research and development expense in Rule 3-16(o) (1) of Regulation S-X [17 CFR 210.3-16(o) (1)] is deleted.

The Commission hereby adopts (1) amendments of 17 CFR 210 revising paragraph (1) of § 210.3-16(o), Caption 20 of § 210.5-02, the title of Schedule VII of § 210.5-04, the title and instruction Nos. 1, 3 and 7 of § 210.12-08, and Item 3 of § 210.12-16, adding Caption 3A to § 210.5-03, and deleting Item 8 of § 210.12-16; and (2) an amendment of Accounting Series Release No. 141 [38 FR 6064] rescinding an interpretation in Part A pertaining to Item 8, Research and development costs, in § 210.12-16. The rules, as amended, and the application of the amendment of the release are stated below. Part 210 (Regulation S-X)

§ 210.3-16. General notes to financial statements. (See Release No. AS-4.)

• • • • • •

(o) *Income tax expense.* (1) Disclosure shall be made, in the income statement or a note thereto, of the components of income tax expense, including: (i) Taxes currently payable; (ii) the net tax effects, as applicable, of (A) timing differences (Indicate separately the amount of the estimated tax effect of each of the various types of timing differences, such as depreciation, warranty costs, etc. • • •) and (B) • • •

• • • • • •

§ 210.5-02. Balance sheets.

• • • • • •

20. Preoperating expenses and similar deferrals.

• • • • • •

§ 210.5-03. Income statements.

• • • • • •

3A. *Research and development expenses.* State here or in a note referred to herein the amount of the total research and development costs charged to expense.

• • • • • •

§ 210.5-04. What schedules are to be filed.

• • • • • •

Schedule VII. Intangible assets, preoperating expenses and similar deferrals.

• • • • • •

§ 210.12-08. Intangible assets, preoperating expenses and similar deferrals. 1, 2, 7.

• • • • • •

Instruction 1. The information required shall be presented in two parts: Part A—Intangible assets. Part B—Preoperating expenses and similar deferrals.

• • • • • •

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Instruction 3. Show by major classifications in each part, such as franchises, goodwill, etc.

* * * * *

Instruction 7. If an account for accumulated depreciation or amortization is maintained for any item of preoperating expenses and similar deferrals, § 210.12–09 shall apply to such accounts and that schedule shall be divided into parts A and B as shown above.

* * * * *

§ 210.12–16. Supplementary income statement information.[1]

* * * * *

Item 3. Depreciation and amortization of intangible assets, preoperating costs and similar deferrals.

* * * * *

Item 8. (Deleted).

* * * * *

Accounting Series Release No. 141 [38 FR 6064]. Part A—Interpretation relating to § 210.12–16, Supplementary income statement information. (The last paragraph, referring to Item 8, Research and development costs, is rescinded.)

* * * * *

The amendments are adopted pursuant to authority in Sections 6, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j, 77s] of the Securities Act of 1933; Section 12, 13, 15(d) and 23(a) [15 U.S.C. 78*l*, 78m, 78o (d) and 78w] of the Securities Exchange Act of 1934; and Sections 5(b), 14 and 20(a) [15 U.S.C. 79e, 79n, 79t] of the Public Utility Holding Company Act of 1935. The amendments are effective on November 15, 1975, for financial statements for fiscal years beginning on or after January 1, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 9, 1975.

[FR Doc.75–27994 Filed 10–14–75;11:44 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

REQUIREMENT THAT BENEFITS UNDER A QUALIFIED PLAN ARE NOT DECREASED ON ACCOUNT OF CERTAIN SOCIAL SECURITY INCREASES

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by December 15, 1975. Pursuant to 26 CFR 601.601 (b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702 (d) (9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by December 15, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform such regulations to section 401(a)(15) of the Internal Revenue Code of 1954, as added by section 1021(e) of the Employee Retirement Income Security Act of 1974 (the "Act") (88 Stat. 939).

Section 401(a) of the Internal Revenue Code of 1954 provides certain requirements for qualification of pension, profit-sharing, and stock bonus plans. Under paragraph (15) of section 401(a), as added by the Act, the benefits of a participant in a qualified plan may not be reduced by reason of an increase in benefit levels payable, or in the wage base, under title II of the Social Security Act if the increase takes place after the later of (1) September 2, 1974, or (2) the earlier of the date plan benefits are first received by the participant (or his beneficiary) or the date of the participant's separation from service.

Section 401(a)(15) and the proposed regulations apply with respect to benefits (1) which are being received under the plan by a participant or beneficiary or (2) to which a participant who is separated from service has nonforfeitable rights.

In part, section 401(a)(15) is a codification of administrative practice prior to the date of enactment of the Act. Under such administrative practice, certain qualified plans were not permitted to use increases in social security benefit levels to reduce the benefits they paid after a reduction to plan benefits was first applied to an employee's pension. The Act extended this prohibition to cases where the individuals concerned are separated from service prior to retirement and have nonforfeitable rights to plan benefits.

Section 401(a)(15) and the proposed regulations apply only to plans to which section 411, relating to minimum vesting standards, applies without regard to section 411(e)(2). Thus, the proposed regulations do not apply to governmental plans, church plans, plans which have not at any time after the date of enactment of the Act provided for employer contributions, and plans established and maintained by a society, order, or association described in section 501 (c) (8) or (9) of the Code, if no part of the contributions to or under such plans are made by employers of participants in such plans.

The proposed regulations provide that the rules of section 401(a)(15) apply to plans which supplement benefits provided under State or Federal laws other than the Social Security Act. Among such laws is the Railroad Retirement Act of 1937, which is specifically mentioned in section 206(b) of the Act (the counterpart, in title I of the Act, to section 401(a)(15) of the Internal Revenue Code).

The proposed regulations also cover the situation of a participant who separates from service and then returns to the service and to participation in the plan. The proposed regulations prohibit a reduction in benefits under the plan to the extent that the reduction would decrease the benefits of such a participant to a level below that which would have applied if he had not returned to the service.

Proposed amendments to the regulations. In order to prescribe regulations under section 401(a)(15) of the Internal Revenue Code of 1954, as added by section 1021(e) of the Employee Retirement Income Security Act of 1974 (Pub. L. 93–406, 88 Stat. 938), the Income Tax Regulations (26 CFR Part 1) are amended by adding the following new section immediately after § 1.401–14:

§ 1.401(a)–15 Requirement that plan benefits are not decreased on account of certain social security increases.

(a) *In general.* Under section 401(a)(15), a trust which is part of a plan to which section 411 applies (without regard to section 411(e)(2)) is not qualified under section 401 unless the plan of which such trust is a part provides as follows:

(1) *Benefit being received by participant or beneficiary.* A benefit (including a disability benefit) being received under the plan by a participant or beneficiary (other than a participant to whom paragraph (a)(2)(ii) of this section applies, or a beneficiary of such a participant) is not decreased by reason of any post-separation social security benefit increase effective after the later of—

(i) September 2, 1974; or

(ii) The date of first receipt of any retirement benefit or disability benefit under the plan by the participant or by a beneficiary of the participant (whichever receipt occurs first).

(2) *Benefit to which participant separated from service has nonforfeitable right.* In the case of a benefit to which a participant has a nonforfeitable right under such plan—

(i) If such participant is separated from service and does not subsequently return to service and resume participation in the plan, such benefit is not decreased by reason of any post-separation social security benefit increase effective after the later of September 2, 1974, or separation from service; or

(ii) If such participant is separated from service and subsequently returns to service and resumes participation in the plan, such benefit is not decreased by reason of any post-separation social security benefit increase effective after September 2, 1974 and during separation from service which would decrease the benefits to which he would have been entitled if he had not returned to service after his separation.

(b) *Post-separation social security benefit* increase. For purposes of this sec-

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tion, the term "post separation social security benefit increase" means, with respect to a participant or a beneficiary of the participant, an increase in a benefit level or wage base under title II of the Social Security Act (whether such increase is a result of an amendment of such title II or is a result of the application of the provisions of such title II) occurring after the earlier of such participant's separation from service or commencement of benefits under the plan.

(c) *Illustration.* The provisions of paragraphs (a) and (b) of this section may be illustrated by the following example:

Example. A plan to which section 401(a)(15) applies provides an annual benefit at the normal retirement age, 65, in the form of a stated benefit formula less a specified percentage of the primary insurance amount payable under title II of the Social Security Act. The plan provides no early retirement benefits. In the case of a participant who separates from service before age 65 with a nonforfeitable right to a benefit under the plan, the plan defines the primary insurance amount as the amount which the participant is entitled to receive under title II of the Social Security Act at age 65, multiplied by the ratio of the number of years of service with the employer to the number of years of service the participant would have had if he had worked for the employer until age 65. The plan does not satisfy the requirements of section 401(a)(15), because social security increases that occur after a participant's separation from service will reduce the benefit the participant will receive under the plan.

(d) *Other Federal or State laws.* To the extent applicable, the rules discussed in this section will govern classifications under a plan supplementing the benefits provided by other Federal or State laws, such as the Railroad Retirement Act of 1937. See section 206(b) of the Employee Retirement Income Security Act of 1974 (Public Law 93-406, 88 Stat. 864).

(e) *Effect on prior law.* Nothing in this section shall be construed as amending or modifying the rules applicable to post-separation social security increases prior to September 2, 1974. See paragraph (e) of § 1.401-3.

(f) *Effective date.* Section 401(a)(15) and this section shall apply to a plan only with respect to plan years to which section 411 (relating to minimum vesting standards) is applicable to the plan without regard to section 411(e)(2).

[FR Doc.75-27712 Filed 10-14-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 310]

[Docket No. 75N-0122]

INTRAUTERINE CONTRACEPTIVE DEVICES (IUD's)

Professional and Patient Labeling for Intrauterine Contraceptive Devices; Extension of Comment Period

Proposed professional and patient labeling for intrauterine contraceptive devices was published in the FEDERAL REGISTER of July 1, 1975 (40 FR 27796). The cutoff date for comments was September 2, 1975.

The Commissioner of Food and Drugs is aware that many physicians and other persons learned of the proposal through the July-August edition of the FDA Drug Bulletin (Vol. 5, #3), which issued in the latter part of August 1975.

To give all interested parties an adequate opportunity to respond to the proposal, the Commissioner hereby extends the comment period beyond the September 2 closing date to November 14, 1975.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (g), (h), 502, 505, 701(a), 52 Stat. 1040-1042, 1050-1053 as amended, 1055 (21 U.S.C. 321 (g), (h), 352, 355, 371(a))).

Dated: October 8, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-27605 Filed 10-14-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-710]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for Town of Refugio, Refugio County, Texas

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Refugio.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain managements in identified floor hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Refugio.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor William O'Rear, P.O. Box 323, Refugio, Texas 78377. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the Federal Register, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-year flood boundary facing downstream	
			Left	Right
Mission River	South Alamo St.	41	170	Corporate limits.
Tributary A	East Fedeacion St.	42	900	Do.
	West North St.	42	750	Do.
Dry Bayou	Pearl St.	37	50	Do.
Tributary B	North Alamo St.	47	150	90.
	Sw ft St.	52	70	50.

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.

Issued: September 17, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-27701 Filed 10-14-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H-017]

EXPOSURE TO COKE OVEN EMISSIONS

Proposed Standard; Rescheduled Hearing Date

On Thursday, July 31, 1975, a notice of proposed rulemaking regarding an occupational safety and health standard on occupational exposure to coke oven emissions was published in the FEDERAL REGISTER (40 F.R. 32268). An informal hearing on the proposal is scheduled for November 4, 1975. Written comments, data, views and arguments and notices of intention to appear are to be submitted by interested persons by September 30, 1975, in accordance with a notice published in the FEDERAL REGISTER on Thursday, September 4, 1975 (40 F.R. 40849).

The notice of proposed rulemaking provided that an inflation impact statement, as required by Executive Order 11821 (39 F.R. 41501, November 27, 1974), would be published on October 4, 1975, thirty days before the hearing. Since the publication of that notice, it has become apparent that the full inflation impact statement will not be available 30 days before the November 4, 1975 hearing date. Therefore, after the presentation of oral testimony at the hearing scheduled to begin on November 4, 1975, the hearing will be recessed. The hearing will be reconvened at least 30 days after notice of the availability of the full inflation impact statement for public inspection and comment is published, whereupon further testimony will be accepted on the subject of inflationary impact.

This procedure has been concurred in by the Council on Wage and Price Stability in accordance with the Office of Management and Budget Circular No. A-107 (January 28, 1975), issued pursuant to Executive Order 11821. In all other respects, the procedures and provisions set out in the notices of July 31, 1975 (40 F.R. 32268) and September 4, 1975 (40 F.R. 40849) remain the same.

Signed at Washington, D.C. this 8th day of October, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-27678 Filed 10-14-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 74-257]

DRAWBRIDGE OPERATION REGULATIONS, AIWW, HALLANDALE, FLA.

Notice of Proposed Rule Making

At the request of the City of Hallandale, the Coast Guard is considering revising the regulations for the East Hallandale Beach Boulevard drawbridge (SR-824) across the Atlantic Intracoastal Waterway in Hallandale, Florida. This change will provide restricted periods when the draw need not open for the passage of vessels on a year-round basis, rather than the seasonal basis now in effect. This change is being considered because of a significant increase in vehicular traffic from May 16 through November 14. Also, the periods would begin at 7:15 a.m. rather than 10:15 a.m. as originally proposed at 39 FR 39046 dated November 5, 1974, because vehicular traffic counts show a heavy flow during this period.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1028, Federal Building, 51 SW First Avenue, Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before November 14, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.446b to read as follows:

§ 117.446b SR-824 drawbridge, AIWW, Hallandale, Fla.

(a) The draw shall open on signal from 6:15 p.m. to 7:15 a.m. From 7:15 a.m. to 6:15 p.m. the draw need not open except on the quarter and three-quarter hour to allow any accumulated vessels to pass, and except as provided in paragraph (b) of this section.

(b) The draw shall open at any time for the passage of public vessels of the United States, tugs with tows, cruise boats operated on a regular schedule or vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, or by shouting.

(c) The owner of or agency controlling this bridge shall post, on both sides of the bridge, signs that state the conditions of this regulation. These signs shall be of such size that they may be easily read from an approaching vessel at any time.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Dated: October 7, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc.75-27602 Filed 10-14-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[41 CFR Part 9-9]

PATENTS, DATA, AND COPYRIGHTS

Proposed Policies and Procedures

The Energy Research and Development Administration (ERDA) was established by the Energy Reorganization Act of 1974 (Pub. L. 93-438). Pursuant to the authority contained in Section 105 of the Energy Reorganization Act of 1974 (Pub. L. 93-438) and 5 U.S.C. 552, all rules and regulations in Chapter 9 of Title 41, Code of Federal Regulations were adopted by ERDA for all ERDA activities under the Energy Reorganization Act of 1974, the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908), the Atomic Energy Act of 1954 (42 U.S.C. 2182), as amended, and other applicable law. However, these regulations did not fully implement Section 9 of Pub. L. 93-577 and to correct this deficiency, ERDA-PR Temporary Regulation No. 9 was published on April 15, 1975 (40 FR 16848) pending the issuance of a revision of ERDA-PR Part 9-9 which fully implements ERDA's legislative patent policies.

This Part sets forth the policies, procedures, and practices of ERDA in connection with inventions, patents, technical data, and copyrights based upon the Atomic Energy Act of 1954, as amended, and the Federal Nonnuclear Energy Research and Development Act of 1974; and, to the extent not inconsistent with the foregoing statutes, the revised Presidential Memorandum and Statement of Government Patent Policy, August 23, 1971 (36 FR 16887-16892).

The following proposed revision of Part 9-9 of the ERDA Procurement Regulations is being published for public comment and permissive use. Comments should be directed to:

James E. Denny, Assistant General Counsel for Patents, U.S. Energy Research and Development Administration, Washington, D.C. 20545.

All material received on or before December 1, 1975 will be considered and all comments in response to this proposal will be available for public inspection during normal business hours at ERDA's Public Document Room, 1717 H Street, N.W., Washington, D.C.

Dated: October 6, 1975.

ROBERT C. SEAMANS, Jr.,
Administrator.

PART 9-9—PATENTS, DATA, AND COPYRIGHTS

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Sec.
9–9.202–3 Procedures.
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§ 9–9.000 Scope of part.

This part sets forth policies, instructions, and contract clauses pertaining to patents, data, and copyrights in connection with the procurement of supplies and services.

Subpart A—Patents

§ 9–9.100 Scope of subpart.

This subpart sets forth policies, procedures, and contract clauses with respect to inventions made or utilized in connection with any contracts, agreements, understandings, or other arrangements entered into with or for the benefit of ERDA. ERDA's primary mission in its R&D procurement process is not oriented toward reprocurement for Government use, but rather toward the development and ultimate commercial utilization of all efficient sources of energy. To accomplish this mission, ERDA must work in cooperation with industry in the development of new energy sources and in achieving the ultimate goal of widespread commercial use. To this end, Congress has provided ERDA with an array of incentives to secure the adoption of the new technology developed for ERDA. An important incentive in commercializing technology is that provided by the patent system. As set forth in these regulations, patent incentives, including ERDA's authority to waive the Government's patent rights to the extent provided for by the statute will be utilized in appropriate situations at the time of contracting to encourage industrial participation, foster commercial utilization and competition and make the benefits of ERDA's activities widely available to the public. In addition to considering the waiver of patent rights at the time of contracting, ERDA will also consider the incentive of a waiver of patent rights upon the reporting of an identified invention when requested by the contractor, or the employee-inventor with the permission of the contractor. These requests can be made whether or not a waiver request was made at the time of contracting. Waivers for an identified invention will be provided where it is determined that the patent waiver will be a real incentive to achieving the development and ultimate commercial utilization. Where a waiver of the Government patent rights is granted, either at the time of contracting or upon request or after an invention is made, certain safeguards will be required by ERDA to protect the public interest.

§ 9–9.101 [Reserved]

§ 9–9.102 Authorization and consent.

(a) Under 28 USC 1498, any suit for infringement of a United States patent based on the manufacture or use by or for the United States of an invention described in and covered by a patent of the United States by a contractor or by a subcontractor (at any tier) can be maintained only against the Government in the Court of Claims, and not against the contractor or subcontractor, in those cases where the Government has authorized or consented to the manufacture or use of the patented invention. Accordingly, to insure that work by a contractor or subcontractor under a Government contract may not be enjoined by reason of patent infringement, authorization and consent shall be given as provided below. The liability of the Government for damages in any such suit against it may, however, ultimately be borne by a contractor or subcontractor in accordance with the terms of any patent indemnity clause also included in the contract, and an authorization and consent clause does not detract from any patent indemnification commitment by a contractor or subcontractor. Therefore, both a patent indemnity clause and an authorization and consent clause may be included in the same contract.

(b) In certain contracting situations, such as those involving demonstration projects, consideration should be given to the impact of third party-owned patents covering technology that may be incorporated in the project which may ultimately affect widespread commercial use of the project results. In such situations, patent counsel should be consulted to determine what modifications, if any, should be made to the utilization of the Authorization and Consent and Indemnity provisions or what other action might be deemed appropriate.

(c) An authorization and consent clause shall not be used in contracts where both complete performance and delivery are to be outside the United States, its possessions or Puerto Rico.

§ 9–9.102–1 Authorization and consent in contracts for supplies or services.

The following contract clause shall be included in all contracts for supplies or services except:

(i) When prohibited by § 9–9.102(c); or

(ii) In contracts for research, development, or demonstration work in which the clause in § 9–9.102–2 is required.

Authorization and Consent

The Government hereby gives its authorization and consent (without prejudice to any rights of indemnification) for all use and manufacture, in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract), of any invention described in and covered by a patent of the United States (i) embodied in the structure or composition of any article the delivery of which is accepted by the Government under this contract or (ii) utilized in the machinery, tools or methods the use of which necessarily results from compliance by the Contractor or the using subcontractor with (a) specifications or written provisions now or hereafter forming a part of this contract, or (b) specific written instructions given by the Contracting Officer directing the manner of performance. The entire liability to the Government for infringement of a patent of the United States shall be determined solely by the provisions of the indemnity clauses, if any, included in this contract or any subcontract hereunder (including any lower-tier subcontract), and the Government assumes liability for all other infringement to the extent of the authorization and consent hereinabove granted.

§ 9–9.102–2 Authorization and consent in contracts for research, development, or demonstration.

Greater latitude in the use of patented inventions may be necessary in a contract for research, development, or demonstration work than in a contract for supplies. Unless prohibited by § 9–9.102(c), the following clause shall be included in all contracts calling exclusively for research, development, or demonstration work and may be included in contracts calling for both supplies and research, development, or demonstration work where the latter work is a primary purpose of the contract. In all other contracts for both supplies and research, development, or demonstration work, the Authorization and Consent clause in § 9–9.102–1 shall be used. If the following clause is included in a contract the clause in § 9–9.102–1 shall not be included.

Authorization and Consent

The Government hereby gives its authorization and consent for all use and manufacture of any invention described in and covered by a patent of the United States in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract).

§ 9–9.103 Patent indemnification of Government by contractor.

In order that the Government may be reimbursed for liability for patent infringement arising out of or resulting from the performance of construction contracts or contracts for supplies which normally are or have been sold or offered for sale to the public in the commercial open market, or which are the same as such supplies with a relatively minor modification thereof, a clause providing for indemnification of the Government shall be included in such contracts in accordance with the instructions set forth below. However a Patent Indemnity clause normally shall not be used in contracts:

(a) When the Authorization and Consent clause in § 9–9.102–2 applicable to research, development, or demonstration contracts is authorized, except that in contracts calling also for supplies of the kind described above, the Patent Indemnity clause in § 9–9.103–3(b) may be used with respect to such supplies;

(b) When the contract is for supplies which clearly are not, or have not, been sold or offered for sale to the public in the commercial open market;

(c) When both performance and delivery are to be outside the United States, its possessions, or Puerto Rico, unless the contract indicates that the supplies are ultimately to be shipped into the United States, its possesions or Puerto Rico, in which case the instructions of § 9–9.103–1 or § 9–9.103–3 are applicable; or

(d) When the contract is for an amount of $10,000 or less (as a matter of administrative convenience, however, the clause need not be deleted where it is a part of a standard form being used for contracts of $5,000 or less, since it is self-deleting).

§ 9–9.103–1 Patent indemnification in formally advertised contracts—commercial status predetermined.

Except as prohibited by § 9–9.103, the following clause is appropriate in formally advertised construction contracts and shall be included in formally advertised contracts for supplies when it has been determined in advance of issuing the invitation for bids that the supplies (or such supplies apart from relatively minor modifications to be made thereto) normally are or have been sold or offered for sale by any supplier to the public in the commercial open market.

Patent Indemnity

If the amount of this contract is in excess of $10,000, the Contractor shall indemnify the Government and its officers, agents, and employees against liability, including costs, for infringement of any United States letter patent (except letters patent issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government) arising out of the manufacture or delivery of supplies or out of construction, alteration, modification, or repair of real property (hereinafter referred to as "construction work") under this contract, or out of the use or disposal by or for the account of the Government of such supplies or construction work. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further, such indemnity shall not apply to: (i) an infringement resulting from compliance with specific written instructions of the Contracting Officer directing a change in the supplies to be delivered or in the materials or equipment to be used, or directing a manner of performance of the contract not normally used by the Contractor; (ii) an infringement resulting from addition to, or change in, such supplies or components furnished or construction work performed which addition or change was made subsequent to delivery or performance by the Contractor; or (iii) a claimed infringement which is settled without the consent of the Contractor, unless required by final decree of a court of competent jurisdiction.

§ 9–9.103–2 [Reserved]

§ 9–9.103–3 Patent indemnification in negotiated contracts.

A Patent Indemnity clause is not required to be included in negotiated contracts, but may be included in negotiated construction contracts, and in negotiated contracts for supplies when such supplies normally are, or have been sold or offered for sale to the public in the commercial open market, or are such supplies with relatively minor modifications made thereto.

(a) Subject to the foregoing and to the prohibitions in § 9–9.103, the clause in § 9–9.103–1 is approved for use in negotiated contracts for construction work or supplies.

(b) Except as prohibited by § 9–9.103, the following clause is appropriate in research, development, or demobstration contracts when it has been determined in advance of contracting that the contract will require standard supplies or utilize the contractor's normal practices or methods.

Patent Indemnity

The Contractor shall indemnify the Government and its officers, agents, and employees against liability, including costs, for infringement of Letters Patent (except Letters Patent issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government (resulting from the Contractor's furnishing or supplying standard parts or components or utilizing its normal practices or methods in the performance of the contract or to any parts, components, practices, or methods as to which the Contractor has secured indemnification from liability. The foregoing indemnity shall not apply unless the Contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further, such indemnity shall not apply to a claimed infringement which is settled without the consent of the Contractor, unless required by final decree of a court of competent jurisdiction.

§ 9–9.103–4 Waiver of indemnity by the Government.

If it is desired to exempt one or more specified United States patents from the Patent Indemnity clause in § 9–9.103–1 and § 9–9.103–3(b), authority shall be obtained from the patent counsel assisting the procuring activity, and the following clause shall be included in the contract, in addition to the Patent Indemnity clause.

Waiver of Indemnity

Any provision of this contract to the contrary notwithstanding, the Government hereby authorizes and consents to the use and manufacture, solely in the performance of this contract, of any invention covered by the United States patents identified as listed below, and waives indemnification by the Contractor with respect to such patents: (Identify the patents by number or by other means if more appropriate).

§ 9–9.104 Notice and assistance.

The Government should be notified by the contractor of all claims of infringement in connection with the performance of a Government contract which come to the contractor's attention. The contractor should also assist the Government, to the extent of evidence and information in the possession of the contractor, in connection with any suit against the Government, or any claims against the Government made before suit has been instituted, on account of any alleged patent or copyright infringement arising out of or resulting from the performance of the contract. Accordingly, the following clause shall be included in all contracts in excess of $10,000 for supplies, services, construction, research, development, or demonstration work: *Provided*, That the clause shall not be included in contracts:

(a) Where both performance and delivery are to be outside the United States, its possessions, or Puerto Rico, unless the contract indicates that the supplies are ultimately to be shipped into the United States, its possessions, or Puerto Rico; or

(b) Of $10,000 or less (as a matter of administrative convenience, however, the clause need not be deleted when it is part of a standard form being used for such contracts since it is self-deleting.

Notice and Assistance Regarding Patent and Copyright Infringement

The provisions of this clause shall be applicable only if the amount of this contract exceeds $10,000.

(a) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this contract of which the Contractor has knowledge.

(b) In the event of any claim or suit against the Government on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed hereunder, the Contractor shall furnish to the Government when requested by the Contracting Officer, all evidence and information in possession of the Contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except where the Contractor has agreed to indemnify the Government.

(c) This clause shall be included in all subcontracts.

§ 9–9.105 [Reserved]

§ 9–9.106 Classified contracts.

Unauthorized disclosure of classified subject matter, whether in a patent application or resulting from the issuance of a patent, may be a violation of not only the Atomic Energy Act of 1954, as amended, and other laws relating to espionage and national security, but also provisions pertaining to disclosure of information incorporated in the contract. Accordingly, the following clause shall be included in every classified contract.

Classified Inventions

(a) The Contractor shall not file or cause to be filed on any invention or discovery conceived or first actually reduced to practice in the course of or under this contract, in any country other than the United States, an application or registration for a patent without first obtaining written approval of the Contracting Officer.

(b) When filing a patent application in the United States on an invention or discovery conceived of first actually reduced to practice in the course of or under this contract the subject matter of which is classified for reasons of security, the Contractor shall observe all applicable security regulations covering the transmission of classified subject matter. When transmitting the patent application to the United States Patent and Trademark Office, the Contractor shall by separate letter identify by agency and number the contract or contracts which require security classification markings to be placed on the application.

(c) The substance of this clause shall be included in all subcontracts which cover or are likely to cover classified subject matter.

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§ 9–9.107 Patent rights under contracts for research, development and demonstration and under special contracts.

§ 9–9.107–1 General.

This subpart sets forth the policies, procedures, and practices of ERDA in connection with inventions, patents, and related matters based upon the Atomic Energy Act of 1954, as amended (42 USC 2182) and the Federal Nonnuclear Energy Research and Development Act of 1974 (42 USC 5908); and (to the extent not inconsistent with the foregoing statutes, the revised Presidential Memorandum and Statement of Government Patent Policy, August 23, 1971 (36 FR 16887–16892). Section 152 of the Atomic Energy Act provides that the title to inventions useful in the nuclear energy field made or conceived in the course of or under a contract, subcontract, or arrangement entered into for the benefit of the Commission (now ERDA) shall be vested in the Government. Government rights in such an invention may be waived consistent with the policy of Section 152. In a similar manner, Section 9 of the Federal Nonnuclear Energy Research and Development Act provides that title to inventions made or conceived in the course of or under ERDA contracts other than in the nuclear energy field shall vest in the Government and that all or parts of the rights of the Government in such inventions may be waived if it is determined, in conformity with the provisions of Section 9, that the interests of the United States and the general public will best be served by such waiver.

§ 9–9.107–2 [Reserved]

§ 9–9.107–3 Policy.

(a) Whenever any invention is made or conceived in the course of or under any contract of ERDA, title to such invention shall vest in the United States unless the Administrator or his designee waives all or any part of the rights of the United States. While waivers are to be granted only in conformity with the specific minimum considerations and under the carefully delineated conditions set forth in § 9–9.109–6, it is recognized that waivers comprise a necessary part of the commercialization incentives available to ERDA. It is intended, therefore, that waivers will be provided in appropriate situations to encourage industrial participation and foster rapid commercial utilization in the overall best interest of the United States and the general public. With regard to any waivers granted under this Part 9–9, ERDA shall maintain a publicly available, periodically updated record of such waiver determinations.

(b) In contracts calling for research, development or demonstration work and in other special contracts, the Government shall normally acquire title in and to any invention or discovery conceived or first actually reduced to practice in the course of or under the contract, allowing the contractor to retain a non-exclusive, revocable, paid-up license in the invention and the right to file, upon written request to ERDA, and retain title in any foreign country in which the Government does not elect to secure patent rights. The contractor's nonexclusive license retained in the invention may be revoked or modified by ERDA only to the extent necessary to achieve expeditious practical application of the invention pursuant to an application for and the grant of an exclusive license in the invention.

(c) In contracts providing for substantial Government investment for research, development or demonstration work and in other special contracts the Government may have to acquire the right to direct licensing of background patent rights to insure reasonable public availability and accessibility necessary to practice the results of the contract work in the field of technology specifically contemplated in the contract effort. The need for background patent rights and the particular rights that should be obtained for either the Government or the public will depend upon the type, purpose, and scope of the contract effort, the end use intended for the contract results, and the cost to the Government of obtaining such rights. Accordingly, the background patent rights provision which will be appropriate for many contract situations is included in the Patent Rights clause.

(d) Nothing in this Part 9–9 shall be deemed to convey to any individual, corporation or other business organization immunity from civil or criminal liability, or to create defenses to actions under the antitrust laws.

§ 9–9.107–4 Procedures.

(a) *Selection of Patent Rights clause.* (1) Whenever a contract, subcontract or other arrangement has as a purpose the conduct of research, development or demonstration work, the operation of a Government-owned research and production facility, the furnishing of architect-engineer, design or other special services, or the coordination and direction of the work of others, and in other special situations involving the use of Government-owned materials, equipment or classified technical data and information, the contracting officer shall include in the proposed contract either the Patent Rights clause of § 9–9.107–5(a), or the clause of § 9–9.107–6. The clause set forth in § 9–9.107–6 may be used only in contracts calling for basic or applied research work with non-profit or educational institutions as set forth in paragraph (a)(5) of this section. Requests for proposals and proposed contracts shall provide offerors and prospective contractors with notice of and the opportunity to request, in advance of contracting, a waiver of all or any part of the rights of the United States with respect to inventions. In no event will offerors be asked to state their willingness to grant the Government principal or exclusive patent rights prior to a determination that proposals of equivalent merit have been presented. If an advance waiver is granted, the Patent Rights clause of § 9–9.107–5(a) shall be utilized and appropriately modified in accordance with the terms of such waiver.

(2) The Patent Rights clauses of § 9–9.107–5(a) and § 9–9.107–6 provide that the Government shall acquire title to inventions made in the course of or under the contract. However, the contractor shall retain a nonexclusive revocable license, and subject to ERDA security requirements and regulations, and may request the right to file and retain title in any foreign country in which the Government does not elect to secure patent rights. The contractor or the inventor may also retain greater rights than these after an invention has been identified and reported to ERDA if the Administrator or his designee determines that the interests of the United States and the general public will best be served by a waiver of such rights, utilizing the considerations set forth in § 9–9.109–6.

(3) The Patent Rights clauses shall normally include the provisions set forth in paragraph (1) of the clause § 9–9.107–5(a) and paragraph (f) of the clause in 9–9.107–6 requiring the contractor and its employees, consultants and subcontractors to agree to waive any claims for pecuniary award or compensation under the Atomic Energy Act of 1954, as amended, and requiring the contractor to obtain written agreements from its employees, consultants and subcontractors as to such waivers. If the contracting officer determines that the work to be performed under the contract would not be useful in the production or utilization of special nuclear material or atomic energy, such provisions may be omitted.

(4) The primary missions of ERDA may require that certain rights in the contractor's privately developed background patents be acquired for the Government's future production, research development and demonstration projects. Similar rights may also be required to enable private parties to utilize the technology developed or demonstrated with Government assistance in the field of technology specifically contemplated in the contract effort. To this end, subject to specified exceptions and negotiations the Patent Rights Clause in contracts over $250,000 shall normally include provisions obtaining rights of the type specified in § 9–9.107–5 to such background patents. It is recognized that the precise rights to be acquired will depend upon the facts of each situation and are a matter for determination by ERDA and for negotiation with the contractor. General guidelines for use by contracting officers and contract negotiators are provided in § 9–9.107–5(b).

(5) The short form Patent Rights clause in § 9–9.107–6 may be used in all contracts calling for basic or applied research where the contractor is a non-profit or educational institution, except in contracts calling for the operation of Government owned facilities, contracts in which an advance waiver has been granted, or in other special contracts.

(b) *License for the Government, States and municipal governments.* When a waiver is granted or foreign rights are retained by either the contractor or the inventor, the Government shall retain for the United States, States, and municipal governments at least a paid-up, non-exclusive, irrevocable license in all applicable inventions unless the Administrator or his designee determines that it would not be in the public interest to acquire such rights for the States and municipal governments. Requests by contractors for such determinations, together with a justification therefor shall be submitted to the contracting officer. Where such requests are not part of a waiver request, the contracting officer shall refer such requests to the patent counsel assisting the procuring activity for forwarding the request, along with appropriate comments and recommendations, to the Assistant General Counsel for Patents to serve as a basis for a determination by the Administrator or his designee.

(c) *Right to sublicense foreign Governments.* The Patent Rights clause does not provide the Government with the right to grant sublicenses to a foreign government pursuant to any treaty or agreement in subject inventions to which the contractor has been granted greater or foreign rights. The Administrator or his designee may determine at the time of contracting that it would be in the national interest to acquire this right, or he may reserve the right to make this determination after the invention is identified. When such a determination is made or such right is reserved, the Patent Rights clause should be amended as set forth in § 9–9.107–5(d).

(d) *License rights (upon request) to the contractor.* Paragraph (c) of the Patent Rights clauses specifies the license rights retained by the contractor in inventions made in the course of or under the contract. In appropriate circumstances, such as in contracts for the operation of Government-owned facilities and in other appropriate contracting situations, this provision shall be modified to provide a revocable, nonexclusive, royalty-free license in inventions only upon request by the contractor for reservation of such license. In such situations, the paragraph set forth in § 9–9.107–5(e) shall be substituted for paragraph (c)(1) of the Patent Rights clause.

(e) *License rights to contractor (irrevocable).* Paragraph (c) of the Patent Rights clauses specifies that the license rights retained by the contractor in such inventions are revocable. In special circumstances the license may be irrevocable, in which case the paragraph set forth in § 9–9.107–5(f) shall be substituted for paragraph (c) of the Patent Rights clause. Since granting irrevocable licenses may interfere with ERDA's licensing program, which is intended to promote the commercial utilization of inventions resulting from its research, development, or demonstration programs, contractors desiring irrevocable licenses shall submit a written request with a justification to the contracting officer. The contracting officer shall refer such requests to the patent counsel assisting the procuring activity for forwarding the request, along with appropriate comments and recommendations to the Assistant General Counsel for Patents to serve as a basis for approval by the Administrator or his designee.

(f) *Subcontracts.* (1) The policy expressed in § 9–9.107–3 is applicable to prime contracts and to subcontracts regardless of tier. The Patent Rights clause of § 9–9.107–5(a) or § 9–9.107–6 shall be included in all subcontracts having as a purpose any of the types of work or services specified in § 9–9.107–4(a)(1). However, the Patent Rights clause contained in the prime contract is not to be deemed automatically appropriate for subcontracts. For example, it would not be appropriate to the extent that waivers have been granted the prime contractor at the time of contracting. A separate waiver, if any, must be obtained by subcontractors. Further, except for contracting situations involving the operation of Government-owned facilities and special contracting situations, the withholding of payment provision of the prime contract will normally not be included in a subcontract. Whenever either the prime contractor or a proposed subcontractor considers the inclusion of the Patent Rights clause of § 9–9.107–5(a) or § 9–9.107–6 to be inappropriate, or the subcontractor refuses to accept such a clause in its subcontract, the matter shall be referred prior to award of the subcontract to the contracting officer for resolution in accordance with § 9–9.107–4(i). Upon such referral, the same considerations and procedures followed in selecting the appropriate Patent Rights clause included in the prime contract shall be used in selecting the subcontract clause.

(2) Contractors shall not use their ability to award subcontracts as economic leverage to acquire rights for themselves in the inventions resulting from subcontracts.

(g) *Record of decisions.* Patent counsel assisting the procuring activity shall record the basis for the following actions: (1) Waivers at the time of contracting; (2) waivers granted on identified inventions; (3) determinations that no license need be obtained for States or municipal governments; (4) determinations that the right to sublicense foreign governments should be obtained; and (5) the grant of irrevocable licenses.

(h) *Publication of invention disclosures.* The Patent Rights clauses specify that the Government may duplicate and disclose invention disclosures reported under the contract. Since public disclosure before the filing of a U.S. patent application may create a bar to the filing certain foreign applications, the clause also requires that patent approval for release or publication of information relating to the contract work be secured from patent counsel prior to any such release or publication. When the contractor has requested certain foreign filing rights, provision is made for ERDA to use its best efforts to withhold release or publication of such information for a specified time period in accordance with paragraph (d)(1) of the clause in § 9–9.107–5(a) to permit the timely filing of a U.S. patent application by the contractor.

(i) *Negotiations and deviations.* Contracting officers shall contact the field patent counsel assisting their activity or the Assistant General Counsel for Patents, for assistance in selecting, negotiating or approving appropriate patent, copyright and data clauses. Any intended departures or deviations from the policy set forth in § 9–9.107–3, these procedures, or the clauses specified in this Part 9–9 shall be referred to the patent counsel or the Assistant General Counsel for Patents for review and approval prior to entering into a contractural arrangement. In the case of field activities, patent counsel will coordinate such review and assistance with the Chief Counsel in accordance with established local procedures.

§ 9–9.107–5 Clause for contracts (long form).

(a) *Patent Rights clause.* When the contracting officer has determined that a contract falls within § 9–9.107–4(a)(1), except where the clause of § 9–9.107–6 is applicable, the following clause shall be included in the contract.

PATENT RIGHTS

(a) *Definitions.* (1) "Subject Invention" means any invention or discovery of the contractor conceived or first actually reduced to practice in the course of or under this contract, and includes any art, method, process, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plants, whether patented or unpatented under the Patent Laws of the United States of America or any foreign country.

(2) "Contract" means any contract, grant, agreement, understanding or other arrangement, which includes research, development, or demonstration work, and includes any assignment, substitution of parties, or subcontract executed or entered into thereunder.

(3) "States and domestic municipal governments" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, and any political subdivision and agencies thereof.

(4) "Government agency" includes an executive department, independent commission, board, office, agency, administration, authority, Government corporation, or other Government establishment of the Executive Branch of the Government of the United States of America.

(5) "To the point of practical application" means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine and under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

(6) "Patent Counsel" means the ERDA Patent Counsel assisting the procuring activity.

(b) *Allocation of principal rights.* (1) *Assignment to the Government.* The Contractor agrees to assign to the Government the entire right, title, and interest throughout the world in and to each Subject Invention, except to the extent that rights are retained by the Contractor under paragraphs (b)(2) and (c) of this clause.

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(2) *Greater rights determinations.* The Contractor or the employee-inventor with authorization of the Contractor may request greater rights than the nonexclusive license and the right to request foreign patent rights provided in paragraph (c) of this clause on identified inventions in accordance with 41 CFR 9–9.109–6. Such requests must be submitted to the Contracting Officer or Patent Counsel at the time of the first disclosure pursuant to paragraph (e)(2) of this clause, or not later than 3 months thereafter, or such longer period as may be authorized by the Contracting Officer or Patent Counsel for good cause shown in writing by the Contractor.

(c) *Minimum rights to the Contractor.* (1) *Contractor license.* The Contractor reserves a revocable, non-exclusive, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires title. The license shall extend to the Contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a part and shall include the right to grant sublicenses of the same scope, and revocable under the same terms and conditions set forth herein. The license shall be assignable only with approval of ERDA except to the successor of that part of the contractor's business to which the invention pertains.

(2) *Revocation limitations.* The Contractor's nonexclusive license retained pursuant to paragraph (c)(1) of this clause and sublicenses granted thereunder may be revoked or modified by ERDA, either in whole or in part, only to the extent necessary to achieve expeditious practical application of the Subject Invention under ERDA's published licensing regulations (10 CFR 781), and only to the extent an exclusive license is actually granted. This license shall not be revoked in that field of use and/or the geographical areas in which the Contractor, or its sublicensee, has brought the invention to the point of practical application and continues to make the benefits of the invention reasonably accessible to the public, or is expected to do so within a reasonable time.

(3) *Revocation proocedures.* Before modification or revocation of the license or sublicense, pursuant to paragraph (c)(2) of this clause, ERDA shall furnish the Contractor a written notice of its intention to modify or revoke the license and any sublicense thereunder, and the Contractor shall be allowed 30 days (or such longer period as may be authorized by the Patent Counsel for good cause shown in writing by the Contractor) after such notice to show cause why the license or any sublicense should not be modified or revoked. The Contractor shall have the right to appeal, in accordance with 10 CFR 781, any decision concerning the modification or revocation of his license or any sublicense.

(4) *Foreign patent rights.* Upon written request to the Contracting Officer or Patent Counsel, in accordance with paragraph (e)(2)(i) of this clause, and subject to ERDA security regulations and requirements, there may be reserved to the Contractor, or the employee-inventor with authorization of the Contractor, the patent rights to a Subject Invention in any foreign country where the Government has elected not to secure such rights provided:

(i) The recipient of such rights, when specifically requested by ERDA and three years after issuance of a foreign patent disclosing said Subject Invention, shall furnish ERDA a report setting forth:

(1) The commercial use that is being made, or is intended to be made, of said invention, and

(2) The steps taken to bring the invention to the point of practical application or to make the invention available for licensing.

(ii) The Government shall retain at least an irrevocable, nonexclusive, paid-up, license to make, use, and sell the invention throughout the world by or on behalf of the Government (including any Government agency) and States and domestic municipal governments, unless the Administrator or his designee determines that it would not be in the public interest to acquire the license for the State and domestic municipal governments.

(iii) Subject to the rights granted in (c)(1), (2) and (3) of this clause, the Administrator or his designee shall have the right to terminate the foreign patent rights granted in this paragraph (c)(4) in whole or in part unless the recipient of such rights demonstrates to the satisfaction of the Administrator or his designee that effective steps necessary to accomplish substantial utilization of the invention have been taken or within a reasonable time will be taken.

(iv) Subject to the rights granted in (c)(1), (2), and (3) of this clause, the Administrator or his designee shall have the right, commencing four years after foreign patent rights are accorded under this paragraph (c)(4) to require the granting of a nonexclusive or partially exclusive license to a responsible applicant or applicants, upon terms reasonable under the circumstances and in appropriate cricumstances to terminate said foreign patent rights in whole or in part; following a hearing upon notice thereof to the public, upon a petition by an interested person justifying such hearing:

(A) If the Administrator or his designee determines, upon review of such material as he deems relevant, and after the recipient of such rights, or other interested person, has had the opportunity to provide such relevant and material information as the Administrator or his designee may require, that such foreign patent rights have tended substantially to lessen competition or to result in undue market concentration in any section of the United States in any line of commerce to which the technology relates; or

(B) Unless the recipient of such rights demonstrates to the satisfaction of the Administrator or his designee at such hearing that the recipisnt has taken effective steps, or within a reasonable time thereafter is expected to take such steps, necessary to accomplish substantial utilization of the invention.

(d) *Filing of patent applicattons.* (1) With respect to each Subject Invention in which the Contractor or the inventor requests foreign patent rights in accordance with paragraph (c)(4) of this clause, a request may also be made for the right to file and prosecute the U.S. application on behalf of the U.S. Government. If such request is granted, the Contractor or Inventor shall file a domestic patent application on the invention within 6 months after the request for foreign patent rights is granted, or such longer period of time as may be approved by Contracting Officer or Patent Counsel for good cause shown in writing by the requestor. With respect to the invention, the requestor shall promptly notify the Contracting Officer or Patent Counsel of any decision not to file an application.

(2) For each Subject Invention on which a domestic patent application is filed by the Contractor or inventor, the Contractor or inventor shall:

(i) Within 2 months after the filing or within 2 months after submission of the invention disclosure if the patent application previously has been filed, deliver to the Contracting Officer or Patent Counsel a copy of the application as filed including the filing date and serial number;

(ii) Within 6 months after filing the application or within 6 months after submitting the invention disclosure if the application has been filed previously, deliver to the Contracting Officer or Patent Counsel a duly executed and approved Assignment to the Government, on a form specified by the Government;

(iii) Provide the Contracting Officer or Patent Counsel with the original patent grant promptly after a patent is issued on the application; and

(iv) Not less than 30 days before the expiration of the response period for any action required by the Patent and Trademark Office, notify the Contracting Officer or Patent Counsel of any decision not to continue prosecution of the application.

(3) With respect to each Subject Invention in which the Contractor or inventor has requested foreign patent rights, the Contractor or inventor shall file a patent application on the invention in each foreign country in which such request is granted in accordance with applicable statutes and regulations and within one of the following periods:

(i) Eight months from the date of filing a corresponding United States application, or if such an application is not filed, six months from the date of the request was granted;

(ii) Six months from the date a license is granted by the Commissioner of Patents and Trademarks to file the foreign patent application where such filing has been prohibited by security reasons; or

(iii) Such longer periods as may be approved by the Contracting Officer or Patent Counsel for good cause shown in writing by the Contractor or inventor.

(4) Subject to the license specified in paragraphs (c)(1), (2) and (3) of this clause, the Contractor or inventor agrees to convey to the Government, upon request, the entire right, title, and intereat in any foreign country in which the Contractor or inventor fails to have a patent application filed in accordance with paragraph (d)(3) of this clause, or decides not to continue prosecution or to pay any maintenance fees covering the invention. To avoid forfeiture of the patent application or patent the Contractor or inventor shall, not less than 60 days before the expiration period for any action required by any Patent Office, notify the Contracting Officer or Patent Counsel of such failure or decision, and deliver to the Contracting Officer or Patent Counsel the executed instruments necessary for the conveyance specied in this paragraph.

(e) *Invention identification, disclosures, and reports.* (1) The Contractor shall establish and maintain active and effective procedures to ensure that Subject Inventions are promptly identified and timely disclosed. These procedures shall include the maintenance of laboratory notebooks or equivalent records and any other records that are reasonably necessary to document the conception and/or the first actual reduction to practice of Subject Inventions, and records which show that the procedures for identifying and disclosing the inventions are followed. Upon request, the Contractor shall furnish the Contracting Officer a description of these procedures so that he may evaluate and determine their effectiveness.

(2) The Contractor shall furnish the Contracting Officer or Patent Counsel on an ERDA-approved form:

(i) A written report containing full and complete technical information concerning each subject Invention within 6 months after conception or first actual reduction to practice whichever occurs first in the course of or under this contract, but in any event

prior to any on sale, public use or public disclosure of such invention known to the Contractor. The report shall identify the contract and inventor and shall be sufficiently complete in technical detail and appropriately illustrated by sketch or diagram to convey to one skilled in the art to which the invention pertains a clear understanding of the nature, purpose, operation, and to the extent known, the physical, chemical, biological, or electrical characteristics of the invention. The report should also include any request for foreign patent rights under paragraph (c)(4) of this clause and any request to file a domestic patent application under (d)(1) of this clause. However, such requests shall be made within the period set forth in paragraph (b)(2) of this clause. When an invention is reported under this paragraph (e)(2)(i), it shall be presumed to have been made in the manner specified in Section (a)(1) and (2) of 42 USC 5908 unless the Contractor contends it was not so made in accordance with paragraph (g)(2)(ii) of this clause.

(ii) Upon request, but not more than annually, interim reports on an ERDA-approved form listing Subject Inventions and subcontracts awarded containing a Patent Rights clause for that period and certifying that:

(A) The Contractor's procedures for identifying and disclosing Subject Inventions as required by this paragraph (d) have been followed throughout the reporting period;

(B) All Subject Inventions have been disclosed or that there are no such inventions;

(C) All subcontracts containing a Patent Rights clause have been reported or that no such subcontracts have been awarded; and

(iii) A final report on an ERDA-approved form within 3 months after completion of the contract work listing all Subject Inventions and all subcontracts awarded containing a Patent Rights clause and certifying that:

(A) All Subject Inventions have been disclosed or that there were no such inventions; and

(B) All subcontracts containing a Patent Rights clause have been reported or that no such subcontracts have been awarded.

(3) The Contractor shall obtain patent agreements to effectuate the provisions of this clause from all persons in the employ who perform any part of the work under this contract except nontechnical personnel, such as clerical employees and manual laborers.

(4) The Contractor agrees that the Government may duplicate and disclose Subject Invention disclosures and all other reports and papers furnished or required to be furnished pursuant to this clause. If the Contractor is to file a foreign patent application on a Subject Invention, the Government agrees, upon written request, to use its best efforts to withhold publication of such invention disclosures until the expiration of the time period specified in paragraph (d)(1) of this clause, but in no event shall the Government or its employees be liable for any publication thereof.

(f) *Publication.* It is recognized that during the course of the work under this contract, the Contractor or its employees may from time to time desire to release or publish information regarding scientific or technical developments made or conceived in the course of or under this contract. In order that public disclosure of such information will not adversely affect the patent interests of ERDA or the Contractor, patent approval for release or publication shall be secured from Patent Counsel prior to any such release or publication.

(g) *Forfeiture of rights in unreported Subject Inventions.* (1) The Contractor shall forfeit to the Government, at the request of the Administrator or his designee, all rights in any Subject Invention which the contractor fails to report to the Contracting Officer or Patent Counsel within six months after the time the contractor:

(i) Files or causes to be filed a United States or foreign patent application thereon; or

(ii) Submits the final report required by paragraph (e)(2)(iii) of this clause, whichever is later.

(2) However, the Contractor shall not forfeit rights in a Subject Invention if, within the time specified in (1)(i) or (1)(ii) of this paragraph (g), the Contractor:

(i) Prepared a written decision based upon a review of the record that the invention was neither conceived nor first actually reduced to practice in the course of or under the contract and files the same with the Contracting Officer or Patent Counsel; or

(ii) Contending that the invention is not a Subject Invention the contractor nevertheless discloses the invention and all facts pertinent to this contention to the Contracting Officer or Patent Counsel; or

(iii) Establishes that the failure to disclose did not result from the contractor's fault or negligence.

(3) Pending written assignment of the patent applications and patents on a Subject Invention determined by the Administrator or his designee to be forfeited (such determination to be a final decision under the Disputes Clause), the Contractor shall be deemed to hold the invention and the patent applications and patents pertaining thereto in trust for the Government. The forfeiture provision of this paragraph (g) shall be in addition to and shall not supersede other rights and remedies which the Government may have with respect to Subject Inventions.

(h) *Examination of records relating to inventions.* (1) The Contracting Officer or Patent Counsel, until the expiration of 3 years after final payment under this contract shall have the right to examine any books (including laboratory notebooks), records, documents, and other supporting data of the Contractor which the Contracting Officer or Patent Counsel reasonably deem pertinent to the discovery or identification of Subject Inventions or to determine compliance with the requirements of this clause.

(2) The Contracting Officer or Patent Counsel shall have the right to review all books (including laboratory notebooks), records and documents of the Contractor relating to the conception or first actual reduction to practice of inventions in the same field of technology as the work under this contract to determine whether any such inventions are Subject Inventions, if the Contractor refuses or fails to:

(i) Establish the procedures of paragraph (e)(1) of this clause; or

(ii) Maintain and follow such procedures; or

(iii) Correct or eliminate any material deficiency in the procedures within thirty (30) days after the Contracting Officer or Patent Counsel notifies the Contractor of such a deficiency.

(i) *Withholding of payment.* (1) Any time before final payment of the amount of this contract, the Contracting Officer may, if he deems such action warranted, withhold payment until a reserve not exceeding $50,000 or 5 percent of the amount of this contract, whichever is less, shall have been set aside if in his opinion, the contractor fails to:

(i) Establish, maintain and follow effective procedures for identifying and disclosing Subject Inventions pursuant to paragraph (e)(1) of this clause; or

(ii) Disclose any Subject Invention pursuant to paragraph (e)(2)(i) of this clause; or

(iii) Deliver the interim reports pursuant to paragraph (e)(2)(ii) of this clause; or

(iv) Provide the information regarding subcontracts pursuant to paragraph (j)(5) or this clause; or

(v) Convey to the Government in an ERDA-approved form the title and/or rights of the Government in each Subject Invention as required by this clause.

The reserve or balance shall be withheld until the Contracting Officer has determined after consultation with Patent Counsel that the Contractor has rectified whatever deficiencies exist and has delivered all reports, disclosures, and other information required by this clause.

(2) Final payment under this contract shall not be made by the Contracting Officer before the Contractor delivers to Patent Counsel all disclosures of Subject Inventions and other information required by (e)(2)(i) of this clause, the final report required by (e)(2)(iii) of this clause, and Patent Counsel has issued a patent clearance certification to the Contracting Officer.

(3) The Contracting Officer may, in his discretion, decrease or increase the sums withheld up to the maximum authorized above. If the Contractor is a nonprofit organization, the maximum amount that may be withheld under this paragraph shall not exceed $50,000 or 1 percent of the amount of this contract, whichever is less. No amount shall be withheld under this paragraph while the amount specified by this paragraph is being withheld under other provisions of the contract. The withholding of any amount or subsequent payment thereof shall not be construed as a waiver of any rights accruing to the Government under this contract.

(j) *Subcontracts.* (1) For the purpose of this paragraph the term "Contractor" means the party awarding a subcontract and the term "Subcontractor" means the party being awarded a subcontract, regardless of tier.

(2) Unless otherwise authorized or directed by the Contracting Officer in accordance with 41 CFR 9–9.107–4(f), the Contractor shall include the Patent Rights clause of 41 CFR 9–9.107–5(a) or 41 CFR 9–9.107–6 as appropriate, modified to identify the parties in any subcontract hereunder. In the event of refusal by a Subcontractor to accept this clause, or if in the opinion of the Contractor this clause is inconsistent with ERDA's patent policies, the Contractor:

(i) Shall promptly submit written notice to the Contracting Officer setting forth reasons for the Subcontractor refusal and other pertinent information which may expedite disposition of the matter; and

(ii) Shall not proceed with the subcontract without the written authorization of the Contracting Officer.

(3) The Contractor shall not, in any subcontract or by using a subcontract as consideration therefor, acquire any rights in its Subcontractor's Subject Invention for the contractor's own use (as distinguished from such rights as may be required solely to fulfill the contractor's contract obligations to hte Government in the performance of this contract).

(4) All invention disclosures, reports, instruments, and other information required to be furnished by the Subcontractor to ERDA, under the provisions of a Patent Rights clause in any subcontract hereunder may, in the discretion of the Contracting Officer, be furnished to the Contractor for transmission to ERDA.

(5) The Contractor shall promptly notify the Contracting Officer in writing upon the award of any subcontract containing a Patent Rights clause by identifying the Subcontractor, the work to be performed under the subcontract, and the dates of award, and estimated completion. Upon the request of

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the Contracting Officer the Contractor shall furnish a copy of the subcontract.

(6) The Contractor shall identify all Subject Inventions of the Subcontractor of which it acquires knowledge in the performance of this contract and shall notify the Contracting Officer or Patent Counsel promptly upon the identification of the inventions.

(7) It is understood that the Government is a third party beneficiary of any subcontract clause granting rights to the Government in Subject Inventions, and the Contractor hereby assigns to the Government all rights that the Contractor would have to enforce the Subcontractor's obligations for the benefit of the Government with respect to Subject Inventions. The Contractor shall not be obligated to enforce the agreements of any Subcontractor hereunder relating to the obligations of the Subcontractor to the Government in regard to Subject Inventions.

(k) *Background Patents.* (1) "Background Patent" means a foreign or domestic patent covering an invention or discovery which is not a Subject Invention and which is owned or controlled by the Contractor at any time through the completion of this contract:

(i) Which the Contractor, but not the Government, has the right to license to others, and

(ii) Infringement of which cannot reasonably be avoided upon the practice of any specific process, method, machine, manufacture or composition of matter (including relatively minor modifications thereof) which is a subject of the research, development, or demonstration work performed under this contract.

(2) The Contractor agrees to and does hereby grant to the Government a royalty-free, nonexclusive, license under any Background Patent for practicing a subject of this contract for purposes of research, development, and demonstration work only.

(3) The Contractor also agrees that upon written application by the ERDA, it will grant to responsible parties for purposes of practicing a subject of this contract, nonexclusive licenses under any Background Patent on terms that are reasonable under the circumstances. If, however, the Contractor believes that exclusive or limited licensing is necessary to achieve expeditious commercial development or utilization, then a request may be made to ERDA for approval of such licensing by the Contractor.

(4) Notwithstanding the foregoing paragraphs (k)(2) and (k)(3), the Contractor shall not be obligated to license any Background Patent if the Contractor demonstrates to the satisfaction of the Administrator or his designee that:

(i) a competitive alternative to the subject matter covered by said Background Patent is commercially available from other sources; or

(ii) the Contractor or its licensees are supplying the subject matter covered by said Background Patent in sufficient quantity and at reasonable prices to satisfy market needs.

(l) *Atomic Energy.* (1) No claim for pecuniary award or compensation under the provisions of the Atomic Energy Act of 1954, as amended, shall be asserted by the Contractor or its employees with respect to any invention or discovery made or conceived in the course of or under this contract.

(2) Except as otherwise authorized in writing by the Contracting Officer, the Contractor will obtain patent agreements to effectuate the provisions of paragraph (l)(1) of this clause from all persons who perform any part of the work under this contract, except such clerical and manual labor personnel as will not have access to technical data.

(b) *Licenses in contractor Background Patents.* (1) It will normally be the case that a contractor qualified to perform work under an ERDA contract will have developed a degree of expertise in the general field of activity to which the contract relates. Accordingly, it will not be unusual for a prospective contractor to have an established patent position relating to the general field of work to be performed under an ERDA contract and to have ongoing research and development programs in that general field which could result in patentable inventions. Since the contractor is obligated to apply its best efforts to accomplishing the objectives of the contract work, it is to be expected that inventions owned or controlled by the contractor at any time during the contract period may be utilized in connection with the work performed under the contract. If such inventions are or become the subject of a patent, such patented inventions may control the contract results.

(2) It is usually the case that at the time an ERDA contract is negotiated, such inventions, if any, of the contractor are not known to the Government and may not be known to the contractor either. Use by the contractor of such inventions in connection with the contract work does not necessarily result in a need for rights in those inventions by the Government or others. However, failure of ERDA to obtain limited rights on behalf of the Government and/or third parties in a narrow class of those inventions, defined as "Background Patents" could frustrate the objectives of ERDA to promptly make the benefits of its programs widely available to the public and to promote the commercial utilization of the technology developed or demonstrated under ERDA programs. Therefore, it is ERDA's policy to obtain limited license rights in Background Patents on a basis that is reasonable under the circumstances of the particular contract and takes into account the relative equities of the contractor, th Government and the general public.

(3) Paragraph (k) of the Patent Rights clause of § 9–9.107–5(a) sets out the background patent provision that will appropriate for many ERDA contracting situations by balancing the needs of ERDA programs with the equities of the contractor. This clause obtains a paid-up, nonexclusive, license for the Government for research, development and demonstration work only, and requires the contractor to license responsible parties on reasonable terms at the request of ERDA in the field of technology specifically contemplated in the contract effort. The background provisions, however, are only applicable insofar as infringement of the patent cannot reasonably be avoided in order to utilize the results of the contract work for these purposes. Additionally, the clause is not effective if the contractor can demonstrate to the satisfaction of the Administrator or his designee that commercial alternatives are available or that the contractor by itself or with its licensees is supplying the market in sufficient quantities and at reasonable prices. In determining whether to request such licensing, ERDA will recognize the need, where appropriate, to limit licensing to preserve the commercialization incentives provided by the patent, and also to meet the needs of the public for early availability of the technology.

(4) Balancing of the respective equities in particular contracting situations, however, may require that paragraph (k) be modified. Paragraph (k) should normally be deleted for contracts under $250,000 but deletion of this paragraph in other contracting situations may be made with the advice of patent counsel. For example, paragraph (k) may not be appropriate in study contracts, planning contracts, contracts with educational institutions, and contracts for specialized equipment not intended for further procurement by the Government or for use by the public.

(5) On the other hand, there will be situations where the equities between the Government and the contractor, or anticipated Government needs, would require that rights be obtained for either the Government or for the public greater than those set forth in paragraph (k). For example, where (i) the contribution of the Government towards the development and/or commercialization of the Background Patent is substantially greater than that of the contractor, (ii) it is expected that the Government may be involved in special long-term projects, or (iii) the Government may require substantial production or procurement for purposes outside of research, development, and demonstration, it may be necessary to obtain greater rights. In such situations, consideration should be given to extending the Government's rights beyond research, development, and demonstration work, or to adjust royalties that may be due by the Government to reflect the Government's contribution. Such adjustment could take the form of (i) credit to be given the Government based upon its contribution through the contract, or (ii) a royalty based upon the relative contributions of the contractor and the Government. Consideration could also be given to utilizing the relative contributions in determining reasonable royalties to be charged to others.

(6) Similarly, it may be necessary to obtain greater rights for the public in the contractor's background patents where, for example, the contractor's background patents cover the basic technology intended to be developed under the contract effort, rather than subcomponents or products or processes which are ancillary to the contract effort. In such cases, subparagraph (4) of paragraph (k) should be deleted or modified accordingly. Deletion or modification of subparagraph (4) might also be appropriate where the future market for the contract results will be very large and there are presently only a few suppliers available.

(7) It may also be appropriate to modify the rights acquired by paragraph (k) where the contractor's background patent rights were of primary importance in granting the contractor a waiver. For example, if the contractor was permitted to retain exclusive rights to Subject Inventions based upon the consideration that both foreground and background

inventions would be licensed at reasonable royalties, then paragraph (k) should be modified. In such cases, the definition of "Background Patent" should be broadened to include all patents useful in the practice of the contract results, and subparagraph (4) should be deleted or appropriately modified.

(8) The application of paragraph (k) is limited to the practice of any specific process, method, or machine, manufacture or composition of matter which is a subject of the research, development or demonstration work performed under the contract, otherwise referred to as "a subject of this contract" in subparagraphs (2) and (3). The expression "a subject of this contract," therefore, is intended to limit the rights covered in paragraph (k) to the same fields of use or intended uses of the contract results as generally contemplated by the program involved. During negotiations, when the subject matter of the contract and the intended uses of the results thereof are known, a more specific statement of the field of technology intended to be covered may be substituted for the expression "subject of this contract." For example, the application of paragraph (k) may be limited to the generation of electric power utilizing coal derived fuels, to high temperature gas cooled reactors, or other specified fields of use which cover the anticipated use of the technology being developed under the contract.

(c) *License for the States and municipal governments.* When the Administrator or his designee determines at the time of contracting that it would not be in the public interest to acquire a paid-up license in subject inventions for States and domestic municipal governments, paragraph (c)(4)(ii) of the Patent Rights clause in § 9–9.107–5(a) shall be replaced with the following paragraph (c)(4)(ii):

(ii) At least an irrevocable, nonexclusive, paid-up license to make, use, and sell the invention throughout the world by or on behalf of the Government of the United States (including any Government agency).

(d) *Right to sublicense foreign governments.* (1) When the Administrator or his designee determines at the time of contracting that it would be in the national interest to acquire the right to sublicense foreign governments pursuant to any treaty or agreement, a sentence shall be added to the end of paragraph (c)(4)(ii) of the Patent Rights clause in § 9–9.107–5(a) as follows:

This license shall include the right of the Government to sublicense foreign governments pursuant to any treaty or agreement with such foreign governments.

(2) When the Administrator or his designee wishes to reserve the right to make the determination to sublicense foreign governments pursuant to any treaty or agreement until after the invention has been identified, a sentence shall be added to the end of paragraph (c)(4)(ii) of the Patent Rights clause in § 9–9.107–5(a) as follows:

This license shall include the right of the Government to sublicense foreign governments pursuant to any treaty or agreement if the Administrator or his designee determines after the invention has been identified that it would be in the national interest to acquire this right.

(e) *License rights (upon request) to contractor (revocable).* When the Administrator or his designee determines that the contractor may reserve a revocable, nonexclusive, paid-up license in Subject Inventions, only upon a request by the contractor for the retention of such a license, paragraph (c)(1) of the clause in § 9–9.107–5(a) shall be replaced with the following paragraph (c)(1):

CONTRACTOR LICENSE

(1) The Contractor may reserve upon request a revocable, nonexclusive, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires the title. The license shall extend to the Contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a part and shall include the right to grant sublicenses of the same scope and revocable under the same terms and conditions as set forth herein. The license shall be assignable only with approval of ERDA except to the successor of that part of the Contractor's business to which the invention pertains.

(f) *License rights to contractor (irrevocable).* When the Administrator or his designee determines that the contractor may reserve an irrevocable, nonexclusive, paidup license in the inventions resulting from the contract, paragraph (c)(1) of the Patent Rights clause of § 9–9.107–5(a) shall be replaced with the following paragraph (c)(1) and paragraphs (c)(2) and (c)(3) and references thereto shall be cancelled:

(1) The Contractor reserves an irrevocable, nonexclusive, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which the Government acquires title. The License shall extend to the Contractor's domestic subsidiaries and affiliates, if any, within the corporate structure of which the Contractor is a part and shall include the right to grant sublicenses of the same scope to the extent the Contractor was legally obligated to do so at the time the contract was awarded. The license shall be transferable only with approval of ERDA except when transferred to the successor of that part of the Contractor's business to which the invention pertains.

§ 9–9.107–6 Clause for contracts (short form).

The following clause may be used instead of the clause of § 9–9.107–5(a) in contracts for basic or applied research where the contractor is a nonprofit or educational institution, except in contracts calling for the operation of Government-owned facilities, or contracts in which an advance waiver has been granted, or other special contracts such as those for the conduct of major long-term continuing programs or basic overall agreements providing for the assignment of new tasks from time to time by mutual agreement.

PATENT RIGHTS (SHORT FORM)

(a) *Definitions.* (1) "Subject Invention" means any invention or discovery of the Contractor conceived or first actually reduced to practice in the course of or under this contract, and includes any art, method, process, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plants, whether patented or unpatented, under the Patent Laws of the United States of America or any foreign country.

(2) "Patent Counsel" means the ERDA Patent Counsel assisting the procuring activity.

(b) *Invention disclosures and reports.* (1) The Contractor shall furnish the Contracting Officer or Patent Counsel:

(i) A written report containing full and complete technical information concerning each Subject Invention within 6 months after conception or first actual reduction to practice whichever occurs first in the course of or under this contract, but in any event prior to any on sale, public use, or public disclosure of such invention known to the contractor. The report shall identify the contract and inventor and shall be sufficiently complete in technical detail and appropriately illustrated by sketch or diagram to convey to one skilled in the art to which the invention pertains a clear understanding of the nature, purpose, operation, and to the extent known, the physical, chemical, biological, or electrical characteristics of the invention;

(ii) Upon request, but not more than annually, interim reports on an ERDA-approved form listing Subject Inventions for that period and certifying that all Subject Inventions have been disclosed or that there were no such inventions; and

(iii) A final report on an ERDA-approved form within 3 months after completion of the contract work listing all Subject Inventions and certifying that all Subject Inventions have been disclosed or that there were no such inventions.

(2) The Contractor agrees that the Government may duplicate and disclose Subject Invention disclosures and all other reports and papers furnished or required to be furnished pursuant to the contract.

(c) *Allocation of principal rights.* (1) *Assignment to the Government.* The Contractor agrees to assign to the Government the entire right, title, and interest throughout the world in and to each Subject Invention, except to the extent that rights are retained by the Contractor under paragraphs (e)(2) and (d) of this clause.

(2) *Greater rights determinations.* The Contractor, or the employee-inventor with authorization of the Contractor, may request greater rights than the non-exclusive license and the right to request foreign patent rights provided in paragraph (d) of this clause on identified inventions in accordance with the procedure and criteria of 41 CFR 9–9.109–6. A request for a determination of whether the Contractor or the employee-inventor is entitled to retain such greater rights must be submitted to the Administration at the time of the first disclosure of the invention pursuant to paragraph (b)(1) of this clause or not later than 8 months thereafter or such longer period as may be authorized by the Contracting Officer or Patent Counsel for good cause shown in writing by the Contractor. The information to be submitted for a greater rights determination is specified in 41 CFR 9–9.109–6(e).

(d) *Minimum rights to the Contractor.* The Contractor reserves a revocable, nonexclusive, paid-up license in each patent application filed in any country on a Subject Invention and any resulting patent in which

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the Government acquires title. Revocation shall be in accordance with the procedure of paragraphs (c)(2) and (3) of the clause in 41 CFR 9–9.107–5(a). The Contractor also has the right to request foreign rights in accordance with the procedures of paragraph (c)(4) of the clause in 41 CFR 9–9.107–5(a).

(e) *Employee and Subcontractor agreements.* Unless otherwise authorized in writing by the Contracting Officer, the Contractor shall:

(1) Obtain patent agreements to effectuate the provisions of the Patent Rights clause from all persons in its employ who perform any part of the work under this contract except nontechnical personnel, such as clerical employees and manual laborers.

(2) Unless otherwise authorized or directed by the Contracting Officer in accordance with 41 CFR 9–9.107–4(f), the Contractor shall include the Patent Rights clause of 41 CFR 9–9.107–5(a) or 41 CFR 9–9.107–6, as appropriate, modified to identify the parties in any subcontract hereunder; and

(3) Promptly notify the Contracting Officer in writing upon the award of any subcontract containing a Patent Rights clause by identifying the Subcontractor, the work to be performed under the subcontract, and the dates of award, and estimated completion. Upon the request of the Contracting Officer the Contractor shall furnish a copy of the subcontract to such requestor.

(f) *Atomic Energy.* (1) No claim for pecuniary award or compensation under the provisions of the Atomic Energy Act of 1954, as amended, shall be asserted by the Contractor or its employees with respect to any invention or discovery made or conceived in the course of or under this contract.

(2) Except as otherwise authorized in writing by the Contracting Officer, the Contractor will obtain patent agreements to effectuate the provisions of paragraph (f)(1) of this clause from all persons who perform any part of the work under this contract, except such clerical and manual labor personnel as will not have access to technical data.

§ 9–9.107–7 Foreign contracts.

The clauses authorized for contracts in § 9–9.107–5 and § 9–9.107–6 may be modified by the contracting officer in consultation with patent counsel to meet the requirements peculiar to foreign procurement.

§ 9–9.108 [Reserved]

§ 9–9.109 Administration of patent clauses.

§ 9–9.109–1 Patent rights follow-up.

It is important that the Government and the contractor know and exercise their rights in inventions conceived or first actually reduced to practice in the course of or under Government contracts in order to ensure their expeditious availability to the public, to enable the Government, the contractor, and the public to avoid unnecessary payment of royalties and to defend themselves against claims and suits for patent infringement. To attain these ends, contracts having Patent Rights clauses should be so administered that:

(a) Inventions are identified, disclosed, and reported as required by the contract clauses;

(b) The rights of the Government in such inventions are established;

(c) When appropriate, patent applications are timely filed and prosecuted by the contractor, the inventor, or by the Government as appropriate;

(d) The filing of patent applications is documented by formal instruments such as licenses or assignments; and

(e) Expeditious commercial utilization of such inventions is achieved.

§ 9–9.109–2 Follow-up by contractor.

(a) The Patent Rights clause requires contractors to establish and maintain effective procedures to ensure that inventions made under the contract are identified, disclosed, and when appropriate, patent applications filed, and that the Government's rights therein are established and protected. When it is determined after the award of a contract that the contractor or subcontractor may not have a clear understanding of the rights and obligations of the parties under a Patent Rights clause, a post-award orientation conference or letter should be used by ERDA to explain these rights and obligations. When reviewing a contractor's procedures, particular attention shall be given to ascertaining their effectiveness for identifying and disclosing inventions.

(b) Upon completion of the work, a qualified representative of the contractor shall furnish to the contracting officer or patent counsel interim reports upon request, and a final report setting forth:

(1) A list of all subject inventions made during the reporting period;

(2) A certification that all subject inventions have been disclosed or that there were no such inventions, and that the contractor's procedures for identifying and disclosing inventions have been followed throughout the period;

(3) A list of all subcontracts entered into during the reporting period which contain a Patent Rights clause, together with copies of such subcontracts (if not earlier furnished to ERDA), or a statement that there were no such subcontracts.

(c) Ordinarily, inventions and discoveries will be reported on Form ERDA 213 (copies of which shall be made available by patent counsel) or on such other form that has been approved by patent counsel. Reporting of inventions promptly and before the completion of the work under the respective contracts will aid patent clearance. Submission of annual interim reports, where contracts cover an extended period, will also facilitate the disposition of patent matters and expedite the issuance of final patent clearance.

§ 9–9.109–3 Follow-up by Government.

(a) With respect to each contract, subcontract, or other agreement under their jurisdictions, the heads of procuring activities are responsible:

(1) For assuring compliance with the provisions of this Part 9–9 in executing or approving any contracts, subcontracts, other agreements, understandings, or other arrangements, or any supplements thereto. The patent counsel assisting their activity should be consulted to ensure that only authorized departure is made from the requirements set forth in these regulations and that all substantive and procedural rights required by section 152 of the Atomic Energy Act of 1954, as amended, or section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974, are obtained;

(2) For transmitting the information requested on the Patent Information Sheet, Form ERDA 242, to the Assistant General Counsel for Patents;

(3) For reviewing, in consultation with the contractor, subcontractor, or vendor, arrangements for obtaining adequate patent agreements from employees and others performing work under any contract, subcontract, or other agreements containing patent provisions in favor of the Government. (The form of such patent agreement actually in use or proposed for use shall be forwarded for approval to the patent counsel assisting the procuring activity.);

(4) For forwarding a notice of completion or termination of the work and a request for patent clearance to the Assistant General Counsel for Patents for each contract, subcontract, or other agreement containing patent provisions giving rise to rights in the Government; and

(5) For withholding payments due to contractors in accordance with paragraph (1) of the clause of § 9–9.107–5 until, in the case of interim reports, a determination has been made in consultation with patent counsel that existing deficiencies have been corrected or that delivery of all reports, disclosures, and other information have been made, or, in the case of final reports, receipt of written patent clearance certification from the Assistant General Counsel for Patents.

(b) The Assistant General Counsel for Patents, upon receipt of the Patent Information Sheet, Form ERDA 242, will assign the patent responsibility and notify the person who transmits the Information Sheet of the patent counsel assigned to conduct the patent surveillance of the reported contract, subcontract, or other agreement. Upon receipt of the notice of completion or termination as provided in paragraph (a)(4) of this section, a notice of patent clearance will be issued by the Assistant General Counsel for Patents when there has been to his best knowledge and belief compliance with the patent provisions.

(c) The patent counsel assigned to assist the procuring activity will assist contracting officers in selecting and negotiating patent provisions, and in the case of field activities, will coordinate such assistance with the Chief Counsel in accordance with established local procedures. Patent counsel will generally submit Patent Information sheets and otherwise assist heads of procuring activities contractors, contracting officers, subcontractors and vendors in: reporting of inventions and discoveries; reviewing and providing patent clearance prior to publication or release or reports and proposed technical articles and prior to public release or disclosure of information

regarding scientific and technical developments made in the course of or under the contract; handling claims for patent and copyright infringement; the preparation of certificates to initiate patent clearance; and the handling of other patent matters.

(e) *Patent application filing and determination of rights to inventions and discoveries.* The Assistant General Counsel for Patents or his designee shall:

(i) Make the determination specified in Section (a) (1) and (2) of 42 USC 5908 concerning inventors;

(ii) Determine whether and where patent protection will be obtained on inventions;

(iii) Represent ERDA before domestic and foreign patent offices;

(iv) Accept assignments and instruments confirmatory of the Government's rights to inventions; and

(v) Represent ERDA in patent matters not specifically reserved to the Administrator or his designee under these regulations.

§ 9–9.109–4 Remedies.

If a contractor operating under a Patent Rights clause fails to establish, maintain, or follow effective procedures for identifying and disclosing inventions as required by the Patent Rights clause or fails to correct any deficiency after notice thereof, the contracting officer may require the contractor to make available for examination books, records and documents relating to inventions in the same field of technology as the contract to enable an agency determination of whether there are such inventions, and may invoke the withholding of payments provision. Further, the contracting officer may invoke the withholding of payments provision if a contractor fails to disclose an invention deemed by ERDA to be a Subject Invention.

§ 9–9.109–5 Conveyance of invention rights acquired by the Government.

Whether the Government acquires the entire right, title, and interest in an invention pursuant to a contract or by operation of law, assignments shall be obtained from the inventor to the Government with the consent of the contractor, to perfect or confirm the Government's rights. The form of conveyance of title from the inventor to the contractor must be legally sufficient to convey the rights the contractor is required to convey to the Government.

§ 9–9.109–6 Waivers.

(a) *General.* The Administrator or his designee may waive all or any part of the rights of the United States (other than certain rights prescribed in paragraph (i) of this section) with respect to any invention or class of inventions made or which may be made by any person or class of persons in the course of or under any contract of ERDA, if it is determined that the interests of the United States and the general public as set forth in the Atomic Energy Act of 1954, as amended (42 USC 2182), and the Federal Nnonnuclear Energy Research and Development Act of 1974 (42 USC 5908), will best be served by such waivers. In making such determinations, the Administrator or his designee shall have the following objectives:

(1) Making the benefits of the energy research, development, and demonstration program widely available to the public in the shortest practicable time.

(2) Promoting the commercial utilization of such inventions.

(3) Encouraging participation by private persons in ERDA's energy research, development, and demonstration program.

(4) Fostering competition and preventing undue market concentration or the creation or maintenance of other situations inconsistent with the antitrust laws.

If it is not possible to attain each of these objectives immediately and simultaneously for any one waiver determination, the Administrator will seek to reconcile these objectives in light of the overall purposes of the patent policy sections of the Atomic Energy Act of 1954, as amended, and of the Federal Nonnuclear Energy Research and Development Act of 1974.

Over time, however, the application of this waiver policy is expected to attain each of these objectives. In addition to the patent policies provided by legislation, and where not inconsistent therewith, the Administrator's waiver determinations will also be guided by the revised Presidential Memorandum and Statement of Government Patent Policy issued August 23, 1971 (36 FR 16887–16892).

(b) *Advance waiver.* In determining whether a waiver to the contractor at the time of contracting will best serve the interests of the United States and the general public, the Administrator or his designee shall, as a minimum, specifically include as considerations the following:

(1) The extent to which the participation of the contractor will expedite the attainment of the purposes of the program;

(2) The extent to which a waiver of all or any part of such rights in any or all fields of technology is needed to secure the participation of the particular contractor;

(3) The extent to which the work to be performed under the contract is useful in the production or utilization of special nuclear material or atomic energy;

(4) The extent to which the contractor's commercial position may expedite utilization of the research, development, and demonstration program results;

(5) The extent to which the Government has contributed to the field of technology to be funded under the contract;

(6) The purpose and nature of the contract, including the intended use of the results developed thereunder;

(7) The extent to which the contractor has made or will make substantial investment of financial resources or technology developed at the contractor's private expense which will directly benefit the work to be performed under the contract;

(8) The extent to which the field of technology to be funded under the contract has been developed at the contractor's private expense;

(9) The extent to which the Government intends to further develop to the point of commercial utilization the results of the contract effort;

(10) The extent to which the contract objectives are concerned with the public health, public safety, or public welfare;

(11) The likely effect of the waiver on competition and market concentration;

(12) In the case of a nonprofit educational institution, the extent to which such institution has a technology transfer capability and program, approved by the Administrator or his designee as being consistent with the applicable policies of this section; and

(13) The small business status of the contractor.

(c) *Waiver of identified inventions.* In determining whether a waiver to the contractor or inventor of rights to an identified invention will best serve the interests of the United States and the general public, the Administrator or his designee shall, as a minimum, specifically include as considerations the following:

(1) The extent to which such waiver is a reasonable and necessary incentive to call forth private risk capital for the development and commercialization of the invention;

(2) The extent to which the plans, intentions, and ability of the contractor or inventor will obtain expeditious commercialization of such invention;

(3) The extent to which the invention is useful in the production or utilization of special nuclear material or atomic energy;

(4) The extent to which the Government has contributed to the field of technology of the invention;

(5) The purpose and nature of the invention, including the anticipated use thereof;

(6) The extent to which the contractor has made or will make substantial investment of financial resources or technology developed at the contractor's private expense which will directly benefit the commercialization of the invention;

(7) The extent to which the field of technology of the invention has been developed at the contractor's expense;

(8) The extent to which Government intends to further develop the invention to the point of commercial utilization;

(9) The extent to which the invention is concerned with the public health, public safety, or public welfare;

(10) The likely effect of the waiver on competition and market concentration;

(11) In the case of a nonprofit educational institution, the extent to which such institution has a technology transfer capability and program approved by the Administrator or his designee as being consistent with the applicable policies this section; and

(12) The small business status of the contractor.

(d) *Procedures.* (1) All waiver determinations shall be initiated by a written

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request. Such requests may be submitted by existing or potential contractors in the case of requests for an advance waiver and by contractors or employee-inventors in the case of requests for waiver for identified inventions. A request for an advance waiver may also be made for an identified invention which has already been conceived and which reasonably may be first actually reduced to practice in the course of or under an ERDA contract.

(2) A request for an advance waiver shall be submitted to the contracting officer or to contractors for their subcontractors at any time prior to execution of the contract or within thirty (30) days thereafter, but should normally be submitted as part of the contract proposal. In any event, requests should not be submitted so late as to delay award of the contract. Advance waivers may also be requested where the purpose or scope of work of an existing contract is to be substantially altered. When advance waivers are granted, the rights set forth in paragraphs (b), (c) and (d) of the clause of § 9–9.107–5(a) should be modified, to conform to the waiver granted.

(3) A request for waiver (other than advance waivers) for an identified invention shall be submitted to the contracting officer or patent counsel at the time of the first disclosure of the invention, or not later than three (3) months thereafter, or such longer period as may be authorized by the contracting officer or patent counsel for good cause shown in writing by the contractor or inventor.

(4) All requests for waiver received by ERDA or its contractors will be forwarded promptly to patent counsel assisting the procuring activity, together with any referenee or supporting documents provided by the requestor and any documents or comments provided by the staff of the activity. If the request for waiver appears to contain insufficient information, the patent counsel may seek additional information from the requestor to supplement the request, and may also seek additional information from other sources. The patent counsel will thoroughly analyze the request in view of each of the objectives and considerations set forth in this § 9–9.109–6. Where it appears that a lesser part of the rights of the United States than requested would be more appropriate in view of the policies set forth in this § 9–9.109–6, the patent counsel should attempt to negotiate a compromise acceptable to both the requestor and ERDA.

(5) The patent counsel will prepare and recommend a Statement of Considerations setting forth the rationale for either accepting or rejecting the waiver request. While the Statement need not make specific findings as to each and every consideration of paragraph (b) or (c) of this section, it will cover those that raise significant issues and those that are decisive, and it will explain the basis for the recommended determination. There may be occasions when the application of the various considerations in (b) or (c) of this section to a particular case could cause conflicting results and in those instances, the differences will be reconciled giving due regard to the overall policies set forth in this § 9–9.109–6. Field patent counsel will coordinate actions on advance waivers with the Chief Counsel of the field office concerned as required by local procedures.

(6) The Statement shall be forwarded to the Assistant General Counsel for Patents to serve as a recommended basis for the waiver determination. The Assistant General Counsel for Patents will also obtain comments from the appropriate ERDA program division to assist the Administrator or his designee in the waiver determination. In situations where time does not permit a delay in contract negotiations for the preparation and mailing of a full written Statement, field patent counsel may submit a recommendation on the waiver verbally to the Assistant General Counsel for Patents and request a verbal determination from the Administrator or his designee. Such action shall be promptly confirmed in writing.

(7) In making waiver determinations, the Administrator or his designee shall objectively review all requests for waiver in view of the objectives and considerations set forth in this § 9–9.109–6. If this determination and the rationale therefor is not accurately reflected in the recommended Statement of Considerations, a new Statement shall be prepared.

(8) The patent counsel assisting the procuring activity shall promptly notify the requestor by letter of the determination of the Administrator or his designee and the basis therefor. Such letter shall state the scope, terms, and conditions of the waiver if granted. Where a waiver of an identified invention (other than under an advance waiver) has been granted, the letter shall inform the requestor that the waiver shall be effective on the date of such letter; provided a copy of the letter is signed and returned to patent counsel by the requestor acknowledging the acceptance of the scope, terms, and conditions of the waiver. Whenever a requested determination has been denied, the requestor may, within thirty (30) days, request reconsideration. Such request shall include any additional facts and rationale not previously submitted which support the request. Requests for reconsideration shall be submitted and processed in accordance with the procedures set forth in paragraph (d) of this section.

(e) *Content of waiver requests.* (1) All requests for waiver shall include the following information:

(i) The requestor's identification, business address, and, if represented by counsel, the counsel's name and address.

(ii) An identification of the pertinent contract or proposed contract and a copy of the contract statement of work or a non-proprietary statement which fully describes the proposed work to be performed.

(iii) The nature and extent of waiver requested.

(iv) A full and detailed statement of facts, to the extent known by or available to the requestor, directed to each of the considerations set forth in paragraph (b) or (c) of this section, as applicable, and a statement applying such facts and considerations to the policies set forth in paragraph (a) of this section. It is important that this submission be tailored to the unique aspects of each request for waiver, and be as complete as feasible.

(v) The signature of the requestor or his authorized representative with the following statement:

The facts set forth in this request for waiver are within the knowledge of the requestor and are submitted with the intention that the Administrator or his designee rely on them in reaching the waiver determination.

(2) Requests for waiver for identified inventions shall additionally include:

(i) The full names of all inventors.

(ii) A statement of whether a patent application has been filed on the invention, together with a copy such application if filed, or, if not filed, a complete description of the invention.

(iii) If a patent application has not been filed, any information which may indicate a potential statutory bar to the patenting of the invention under 35 USC 102 or a statement that no bar or potential bar is known to exist.

(iv) Where the requester is the inventor, written authorization from the applicable contractor or subcontractor permitting the inventor to request a waiver.

(3) All material submitted in requests for waiver or in support thereof will be made available to the public after a determination on the waiver request has been made, regardless of whether a waiver is granted. Accordingly, requests for waiver should not contain information or data that the requester is not willing to have made public.

(f) *Reimbursement of costs.* In order to protect the interest of the Government and the party submitting a waiver request, the filing of a United States patent application prior to the waiver determination is permissible. If an application on a Subject Invention is filed during the pendency of the determination, or within 60 days prior to the receipt of a request by ERDA, ERDA shall reimburse the party filing the application for the reasonable filing costs and for any patent prosecution that may have occurred as provided by 41 CFR 1–15.205–26 or 41 CFR 1–15.309–22. Whenever such costs are not covered by 41 CFR 1–15.205–26 or 41 CFR 1–15.309–22, ERDA may nevertheless reimburse the requester causing the application to be filed for the reasonable costs of such filing and for any patent prosecution that may have occurred, subject to the availability of funds, provided:

(1) The Administrator or his designee determines that the requester is not entitled to the waiver; and

(2) Prior to reimbursement, the requestor assigns the application to, and ERDA accepts the assignment of the application.

(g) *Record waiver determinations.* The Assistant General Counsel for Patents shall maintain and periodically update a publicly available record of waiver determinations.

(h) *Waiver situations and types of waivers.* (1) The various factual situations which are appropriate for waivers cannot be categorized precisely inasmuch as the appropriateness of a waiver will depend upon the manner in which the considerations set forth in paragraph (b) or paragraph (c) of this section relate to the facts and circumstances surrounding the particular contracting situation or the particular invention in order to best achieve the objectives set forth in paragraph (a) of this section. However, some examples where waivers might be appropriate are the following:

(i) Cost sharing contracts;

(ii) Situations in which ERDA is providing increased funding to a specific ongoing privately sponsored research, development, or demonstration project;

(iii) Situations involving the private use of Government facilities and the contractor is funding all or a part of such costs; and

(iv) Situations in which the equities of the contractor are so substantial in relation of that of the Government that the waiver is necessary to obtain the participation of the contractor.

(2) As stated in paragraph (a) of this section, waivers may be granted as to all or any part of the rights of the United States to an invention except for certain rights set forth in paragraph (h) (1) (i) of this section. Accordingly, the waiver of all patent rights that are inherent to an invention, rather than part of the rights, will not necessarily be appropriate. The scope of the waiver will depend upon the relationship of the contractual situation or identified invention to the considerations set forth in paragraph (b) or (c) of this section in order to best achieve the objectives set forth in paragraph (a) of this section.

For example, waivers may be restricted to a particular field of use in which the contractor has substantial equities or a commercial position, or restricted to those uses that are not the primary object of the contract effort. Waivers may also be limited to particular geographical locations, may be made effective only for a specified duration of time, or may require the contractor to license others at reduced royalties in consideration of the Government's contribution to the research, development, or demonstration effort.

(i) *Terms and conditions of waivers.* Each waiver shall contain, as a minimum, provisions covering each of the following:

(1) Advance waivers shall apply only to inventions reported in accordance with paragraph (e) (2) (i) of the clause of § 9–9.107–5(a) and with which is included an election as to whether the contractor will retain the rights waived in the invention, and specifying those countries in which rights will be retained.

(2) Subject to the rights granted in paragraphs (c) (1), (2) and (3) of the clause of § 9–9.107–5(a), the contractor or inventor shall agree to convey to the Government, upon request, the entire domestic right, title, and interest in any Subject Invention when the contractor or inventor as appropriate:

(i) Does not elect, in accordance with (i) (1) of this section to retain such rights; or

(ii) Fails to have a United States patent application filed on the invention in accordance with paragraph (i) (5) of this section, or decides not to continue prosecution of such application; or

(iii) At any time, no longer desires to retain title.

(3) Subject to the rights granted in paragraph (c) (1), (2) and (3) of the clause of § 9–9.107–5(a), the contractor or inventor shall agree to convey to the Government, upon request, the entire right, title and interest in any Subject Invention in any foreign country if the contractor or inventor, as appropriate:

(i) Does not elect, in accordance with paragraph (i) (1) of this section, to retain such rights in the country; or

(ii) Fails to have a patent application filed in the country on the invention in accordance with paragraph (i) (6) of this section, or decides not to continue prosecution or to pay any maintenance fees covering the invention. To avoid forfeiture of the patent application or patent, the contractor or inventor shall notify the contracting officer or patent counsel not less than 60 days before the expiration period for any action required by the foreign patent office.

(4) Conveyances requested pursuant to paragraph (i) (2) or (3) of this section shall be made by delivering to the contracting officer or patent counsel duly executed instruments and such other papers as are deemed necessary to vest in the Government the entire right, title, and interest in the invention to enable the Government to apply for and prosecute patent applications covering the invention in this or the foreign country, respectively, or otherwise establish its ownership of the invention.

(5) (i) With respect to each invention in which the contractor has an advance waiver and elects to retain domestic rights pursuant to paragraph (i) (1) of this section, the contractor shall have a domestic patent application filed within 6 months after submission of the invention disclosure pursuant to paragraph (e) (2) (i) of the clause of § 9–9.107–5(a) or such longer period as may be approved by the contracting officer or patent counsel for good cause shown in writing by the contractor or inventor. For identified inventions waived to the contractor or inventor, the contractor or inventor shall have a domestic patent application filed within 6 months after the waiver has become effective. With respect to such inventions, the contractor or inventor shall promptly notify the contracting officer or patent counsel of any decision not to file an application.

(ii) For each Subject Invention on which a patent application is filed by the contractor or inventor, the contractor or inventor shall:

(A) Within 2 months after the filing or within months after submission of the invention disclosure if the patent application previously has been filed, deliver to the contracting officer or patent counsel a copy of the application as filed including the filing date and serial number;

(B) Include the following statement in the second paragraph of the specification of the application and any patents issued on a Subject Invention, "The Government has rights in this invention pursuant to Contract No. ---------- (or Grant No. ----------) awarded by the U.S. Energy Research and Development Administration.";

(C) Within 6 months after filing the application or within 6 months after submitting the invention disclosure if the application has been filed previously, deliver to the contracting officer or patent counsel a duly executed and approved instrument fully confirmatory of all rights to which the Government is entitled, and provide ERDA an irrevocable power to inspect and make copies of the patent application filed;

(D) Provide the contracting officer or patent counsel with a copy of the patent within 2 months after a patent is issued on the application; and

(E) Not less than 30 days before the expiration of the response period for any action required by the Patent and Trademark Office, notify the contracting officer or patent counsel of any decision not to continue prosecution of the application and deliver to the contracting officer or patent counsel executed instruments granting the Government a power of attorney.

(iii) For each invention in which the contractor initially elects pursuant to (i) (1) of this section not to retain the rights waived, the contractor shall inform the contracting officer or patent counsel promptly in writing of the date and identify of any on sale, public use, or public disclosure of the invention which may constitute a statutory bar under 35 U.S.C. 102, which was authorized by or known to the contractor, or any contemplated action of this nature.

(6) (i) With respect to each Invention in which the contractor elects pursuant to (i) (1) of this section to retain the rights waived in a foreign country, or in which the contractor or inventor has obtained a waiver of foreign rights on an identified invention, the contractor or inventor shall have a patent application filed on the invention in that country, in accordance with applicable statutes and regulations, and within one of the following periods:

(A) Eight (8) months from the date of a corresponding United States application filed by the contractor or inventor, or if such an application is not filed, 6 months from the date the invention is submitted in a disclosure pursuant to paragraph (c) (2) (i) of the clause of § 9–9.107–5(a);

(B) Six (6) months from the date a license is granted by the Commissioner of Patents and Trademarks to file foreign applications where such filing has been prohibited by security reasons; or

(C) Such longer period as may be approved by the contracting officer or patent counsel.

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(ii) The contractor or inventor shall notify the contracting officer or patent counsel promptly of each foreign application filed and upon written request shall furnish an English version of the application without additional compensation.

(7) The contractor or inventor shall, three years after a waiver is effective as to an invention, and at three-year intervals thereafter, and when specifically requested ERDA, furnish ERDA a report setting forth:

(i) the commercial use that is being made, or is intended to be made, of said invention, and

(ii) the steps taken to bring the invention to the point of practical application or to make invention available for licensing;

(8) The Government's retention of at least an irrevocable, nonexclusive, paid-up license to make, use, and sell the invention throughout the world by or on behalf of the Government (including any Government agency) and States and domestic municipal governments, unless the Administrator or his designee determines that it would not be in the public interest to acquire the license for the States and domestic municipal governments.

(9) The right in the Administrator to require the granting of a nonexclusive, exclusive, or partially exclusive license to a responsible applicant or applicants, upon terms reasonable under the circumstances:

(i) To the extent that the invention is required for public use by Governmental regulations;

(ii) As may be necessary to fulfill health, safety or energy needs; or

(iii) For such other purposes as may be stipulated in the applicable agreement.

(10) The right of the Administrator or his designee to terminate such waiver in whole or in part unless the recipient of such waiver demonstrates to the satisfaction of the Administrator or his designee that effective steps have been taken, or within a reasonable time thereafter are expected to be taken, necessary to accomplish substantial utilization of the invention.

(11) The right in the Administrator, commencing four years after a waiver is effective as to an invention, to require the granting of a nonexclusive or partially exclusive license to a responsible applicant or applicants, upon terms reasonable under the circumstances, and in appropriate circumstances to terminate the waiver in whole or in part, following a hearing upon notice thereof to the public, upon a petition by an interested person justifying such hearing:

(i) If the Administrator or his designee determines, upon review of such material as he deems relevant, and after the recipient of the waiver, or other interested person, has had the opportunity to provide such relevant and material information as the Administrator or his designee may require, that such waiver has tended substantially to lessen competition or to result in undue market concentration in any section of the United States in any line of commerce to which the technology relates; or

(ii) Unless the recipient of the waiver demonstrates to the satisfaction of the Administrator or his designee at such hearing that he has taken effective steps, or within a reasonable time thereafter is expected to take such steps, necessary to accomplish substantial utilization of the invention.

(j) *Terminations.* (1) Any waiver may be terminated at the discretion of the Administrator, or his designee, in whole or in part, if the request for waiver is found to contain false material statements or nondisclosure of material facts, and such were specifically relied upon in reaching the waiver determination.

(2) Any waiver, as applied to particular inventions, may be terminated at the discretion of the Administrator or his designee, in whole or in part, if the requirements set forth in paragraph (i) of this section (Terms and conditions) have not been fulfilled, and such failure is determined by the Administrator or his designee to be material and detrimental to the interests of the United States and the general public.

(3) Prior to terminating a waiver under paragraph (j) (1) or (j) (2) of this section, the recipient of the waiver will be given written notice of the intention to terminate the waiver, the extent of such proposed termination and the reason therefor, and a period of 30 days, or such longer period as the Administrator or his designee shall determine for good cause shown in writing, to show cause why the waiver should not be so terminated.

(4) All terminations of waivers shall be subject to the rights granted in paragraphs (c) (1), (2) and (3) of the clause of § 9-9.107-5(a), and termination shall normally be partial in nature, requiring the waiver recipient to grant nonexclusive or partially exclusive licenses to responsible applicants upon terms reasonable under the circumstances.

(k) *Effective date.* Waivers shall be effective on the following dates:

(i) For advance waivers of identified inventions, on the date of contract execution, even though the advance waiver may have been requested after this date;

(ii) For identified inventions under advance waivers, on the date the invention is reported with the election to retain rights as to that invention; and

(iii) For waivers of identified inventions (other than under an advance waiver), on the date of the letter notifying the requestor that the waiver has been granted. (paragraph (d) (8) of this section).

Subpart B—Technical Data and Copyrights

§ 9-9.110 Reporting of royalties.

In order that ERDA may be informed regarding royalty payments to be made by a contractor or subcontractor in connection with any procurement, construction, or operation where the amount of the royalty payments is reflected in the contract price, or is to be reimbursed by the Government, the negotiator shall (a) obtain from the offeror information concerning the royalty payments expected to be made in connection with the proposed procurement, construction, or operation, together with the names of the licensors and either the patent numbers involved or such other information as will permit identification of the patents and patent applications as well as the basis on which the royalties are to be paid, and (b) obtain from the offeror a certificate that the contract price includes no amount representing the payment of any royalty by the offeror directly to others in connection with the performance of the contract, or (c) insert in the contract the clause set forth below:

REPORTING OF ROYALTIES

If this contract is in an amount which exceeds $10,000 and if any royalty payments are directly involved in the contract or are reflected in the contract price to the Government, the contractor agrees to report in writing to the Contracting Officer or Patent Counsel during the performance of this contract and prior to its completion or final settlement the amount of any royalties or other payments paid or to be paid by it directly to others in connection with the performance of this contract together with the names and addresses of licensors to whom such payments are made and either the patent numbers involved or such other information as will permit identification of the patents or other basis on which the royalties are to be paid. The approval of ERDA of any individual payments or royalties shall not stop the Government at any time from contesting the enforceability, validity or scope of, or title to, any patent under which a royalty or payments are made.

§ 9-9.200 Scope of subpart.

This subpart sets forth ERDA's policy, procedures, and contract clauses with respect to the acquisition and use of technical data and copyrights in contracts or subcontracts entered into, with or for the benefit of the Government.

§ 9-9.201 Definitions.

For the purpose of this subpart, the following terms have the meanings set forth below:

"Technical Data" means recorded information, regardless of form or characteristic, of a scientific or technical nature. It may, for example, document research, experimental, developmental, demonstration, or engineering work or be usable or used to define a design or process or to procure, produce, support, maintain, or operate materiel. The data may be graphic or pictorial delineations in media such as drawings or photographs, text in specifications or related performance or design type documents, or computer software or printouts. Examples of technical data include research and engineering data, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identification, and related information. Technical data as used in this Subpart does not include financial reports, cost analyses, and other information incidental to contract administration.

"Proprietary Data" means technical data which are trade secrets, such as may be included in design procedures or techniques, chemical composition of materials, or manufacturing methods, processes, or treatments.

"Subject Data" means technical data resulting directly from performance of the contract and technical data which are specified to be delivered, or which are in fact, delivered pursuant to a contract.

§ 9-9.202 Acquisition and use of technical data.

§ 9-9.202-1 General.

(a) The provisions herein pertain to contracts other than those for the operation of a Government-owned facility and special contracts covered by § 9-9.202-4. Under ERDA's broad charter to perform research, development, and demonstration work in both nuclear and nonnuclear fields, and in operating Government-owned facilities, ERDA has extensive needs for technical data. The satisfaction of these needs and the achievement of ERDA's objectives through a sound data policy are found in the balancing of the needs and equities of the Government, industry, and the general public.

(b) It is important to keep a clear distinction between contract requirements for the furnishing of technical data on the one hand, and rights in the technical data furnished on the other. The legal rights which the Government acquires in technical data are set forth in the "Rights in Technical Data" clause of § 9-9.202-3. However, this clause does not obtain for the Government the delivery of any data whatsoever. Rather, known requirements for the technical data to be furnished by the contractor shall be set forth as part of the contract Statement of Work. A "Technical Data Requirements" clause is included in this Subpart to provide the contracting officer with an option to require the contractor to furnish additional technical data, the requirement for which was not known at the time of contracting. There is, however, a built-in limitation on the kind of technical data which a contractor may be required to deliver under either the contract Statement of Work or the "Technical Data Requirements" clause. This limitation is found in the withholding procedure of (e) of the "Rights in Technical Data" clause of § 9-9.202-3, which provides that the contractor need not furnish, even though ordered, "proprietary data" concerning an item or process which was developed at private expense. It is specifically intended that the contractor may withhold such proprietary data even though a general or specific requirement for technical data contained in the Statement of Work or required pursuant to the "Technical Data Requirements" clause would seemingly require the furnishing of proprietary data. This withholding of proprietary data is the primary means by which the contractor may protect its equitable position.

(c) There are, however, two situations where the Government, or its representative, may have limited access to a contractor's proprietary data. First, paragraph (f) of the "Rights in Technical Data" clause gives the contracting officer's representatives the limited right to inspect at the contractor's facility the contractor's proprietary data which was withheld from delivery under paragraph (e) for the purpose of verifying that such data was properly withheld or to evaluate work performance. The second situation is provided in optional paragraph (g) of the "Rights in Proprietary Data" clause. When used, paragraph (g) provides the Government the right to require the contractor to furnish with limited rights the proprietary data previously withheld under paragraph (e). In this situation, the limited rights in proprietary data and the Government's agreement to use this proprietary data only for specified purposes provides the means by which the contractor protects its equitable position. Paragraph (g) will be used only where there is a real need for the delivery of proprietary data to the Government as determined by the procuring activity.

§ 9-9.202-2 Policy.

The technical data policy is directed toward achieving the following objectives:

(a) Making the benefits of the energy research, development, and demonstration programs of ERDA widely available to the public in the shortest practicable time;

(b) Promoting the commercial utilization of the technology developed under ERDA programs;

(c) Encouraging participation by private persons in ERDA programs; and

(d) Fostering competition and preventing undue market concentration or the creation or maintenance of other situations inconsistent with the antitrust laws.

§ 9-9.202-3 Procedures (Supply, Research, Development or Demonstration Contracts).

(a) *Known requirements of technical data.* The Government's known requirements for technical data shall be explicitly determined and made known to the contracting officer in time for inclusion in requests for proposals. These requirements will be discussed during negotiations, and will thereafter be included in the contract.

(b) *Additional requirements for technical data—(1) Requirements for technical data in contracts for research, development, or demonstration.* Whenever a contract has as a purpose the conduct of research, development, or demonstration work, the clause as set forth in paragraph (c) of this section shall be included in the contract. Depending upon ERDA's requirements for technical data in the particular procuring activity, subparagraphs (a) (2) (ii) or (iii) may be deleted in whole or in part, or modified as indicated by the cognizant program representative. Also, upon request by the contractor, provision (2) of paragraph (c) of this clause may be deleted, in which case the identification "(1)" for provision (1) should also be deleted.

(2) *Requirements for technical data in supply contracts.* The requirements for technical data in a supply contract should be known in advance of making the contract and shall be specifically set forth in the contract. "Proprietary data" will not be requested by the Government in procurements for standard commercial items. If the contracting officer feels that the technical data requirements furnished for incorporation into the contract are inadequate, further guidance shall be obtained from the cognizant program representative. If additional guidance is considered necessary, the services of patent counsel assisting the procuring activity should be requested in drafting a suitable contract provision, using the following "Technical Data Requirements" clause as a guide, when appropriate.

(c) *Technical data requirements clause.*

TECHNICAL DATA REQUIREMENTS

(a) To the extent that the following technical data is not elsewhere required to be furnished to the Government under this contract, and is of the type customarily retained in the normal course of business, the Contractor, upon written request of the Contracting Officer, at any time during contract performance or within one year after final payment, shall furnish the following:

(1) A set of engineering drawings which will be sufficient to enable the manufacture of items or equipment furnished under this contract (other than components or items of standard commercial design, or items fabricated heretofore) by a firm skilled in the art of manufacturing items of equipment of the general type and character of the items or equipment furnished under this contract or a set of flow sheets and engineering drawings which will be sufficient to enable performance of any process developed under this contract by a firm skilled in the art of practicing processes of the general type and character of such process. Such set or sets of drawings and flow sheets shall incorporate all changes made in the equipment or process in the form in which it was delivered to the Government.

(2) Any of the following technical data which is necessary to explain or help Government technical personnel understand any equipment, items, or process developed under the contract and furnished to the Government:

(i) A copy of drawings and other technical data used in or prepared in connection with the development, practice, and testing of any process or processes required under the contract, or with the development, fabrication, and testing of prototype models of equipment or items (other than items of standard commercial design or items fabricated heretofore), if required under the contract.

(ii) A report of all studies made in planning the work, and in developing background research for the work, including citation references to all such background research, and a copy of all compilations, digests, or analyses of such background research compiled in connection with the performance of this contract.

(iii) A copy of design, studies, research notes, parameter and tolerance studies, drawings, including Contractor's identification of symbols and markings, specifications, test results, and any other technical information used in any research, development, demonstration, design, engineering, and testing required in the performance of this contract, including test equipment and related items, together with any information as to safety precautions which may be necessary in connection with the manufacture, storage or use of the equipment, material, or process, if any, in the event that equipment, material, or process is the subject of research, develop-

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ment, or demonstration work under this contract.

The Contractor shall not be required to furnish any technical data which may be described in (ii) and (iii) above unless such data is essential and closely related to the contract work.

(b) All technical data which are required to be furnished by the Contractor under this provision are "Subject Data" within the meaning of the "Rights in Technical Data" clause of this contract.

(c) Nothing contained in this "Technical Data Requirements" clause shall require the Contractor to deliver (1) any technical data, the delivery of which is excused by paragraph (e) and not called for under paragraph (h), if included, of the clause of this contract entitled "Rights in Technical Data"; or (2) technical data previously developed by parties other than the Contractor independently of this contract and acquired by the Contractor prior to this contract under conditions restricting the Contractor's right to disclose the same.

(d) In the event the Contracting Officer requests the delivery of technical data by the Contractor, as contemplated by (a) above, prior to final payment, such request shall be treated as a change under the clause of this contract entitled "Changes" and an equitable adjustment in the price, if this is a fixed-price contract, or estimated cost and any fixed fee, if this is a cost-type contract, shall be made to cover the cost of preparing drawings called for in (a)(1) above, and of collecting, preparing, editing, duplicating, assembling, and shipping the technical data requested under (a) above, but ony to the extent that the Contractor warrants that such costs were not included in the price (or estimated cost and fixed fee) of the contract. The Contractor shall comply with requests of the Contracting Office made under (a) above within one year following final payment, provided that suitable provision is made for reimbursement of the additional costs of complying with such request, together with a reasonable fee or profit thereon, such additional costs being limited to the costs set forth above, and warranted to have ben excluded from the price (or estimated cost and fixed fee) of the contract. Any adjustment or payment under this paragraph shall not include any amount for the value or the technical data, as distinguished from the costs set forth above.

(d) *Special instructions for proposals*—(1) *Requests for proposals.*

(i) Even though the contract Statement of Work sets forth the known requirements for technical data, there is no assurance that the contractor will furnish all of this data because paragraph (e) of the Rights in Technical Data clause permits the contractor to withhold certain proprietary data. In order to provide visibility as to which of the technical data the contractor will in fact withhold as proprietary data, and as an aid in determining whether to include optional paragraph (h) in the "Rights in Technical Data" clause, special instructions shall be included in Requests for Proposals (RFP). These instructions provide that RFP's will include ERDA's known requirements for technical data, and the offeror must list to the best of its knowledge which of this data will be withheld pursuant to paragraph (e) of the "Rights in Technical Data" clause, or state that no technical data will be withheld. When an offeror specifies that proprietary data is to be withheld, the contracting officer shall determine whether (1) the proprietary data need not be furnished, in which case optional paragraph (h) will not be included in the contract, (2) the Government needs limited rights in the proprietary data, in which case the optional paragraph (h) will be included in the contract, or (3) the Government needs unlimited rights in the proprietary data, in which case negotiations will be held to buy the proprietary data.

(ii) The following provision shall be included in all Requests for Proposals which may result in contracts calling for research, development, or demonstration work.

The section of this Request for Proposals (RFP) which describes the work to be performed also sets forth ERDA's known requirements for technical data. In addition, the "Technical Data Requirements" clause included in this solicitation provides the Government with the option to order additional technical data, the requirement for which was not known at the time of contracting. There is, however, a built-in limitation on the kind of technical data which may be required under either of those provisions. This limitation is found in paragraph (e) of the "Rights in Technical Data" clause included in this solicitation. This paragraph (e) provides that the Contractor need not furnish proprietary data concerning an item or proces which was developed at private expense. In view of this, and to provide visibility, it is necessary that your proposal state that the known requirements for technical data set forth in the RFP have been reviewed, and further state either that, to the best of your knowledge, none of this data will be withheld, or list the data which will be withheld.

(2) *Unsolicited proposals.* For unsolicited proposals, the contracting officer, during negotiations, shall identify that data which, if a contract is awarded, will be required to be furnished under the contract. The offeror, as part of the negotiation record, shall be required to the best of his knowledge to submit a list of which of this data will be withheld pursuant to paragraph (e) of the "Rights in Technical Data" clause, or state that no technical data will be withheld. The contracting officer shall then make the determinations, as set forth in paragraph (d)(1)(i) of this section, pertaining to technical data identified to be withheld.

(e) *Rights in technical data.* (1) In contracts for supplies and contracts calling for research, development, or demonstration the "Rights in Technical Data" clause set forth in paragraph (2) below shall be included in the contract.

(2) *Rights in technical data clause.*

RIGHTS IN TECHNICAL DATA

(a) *Definitions.*

(1) "Technical Data" means recorded information regardless of form or characteristic, of a scientific or technical nature. It may, for example, document research experimental, developmental, or demonstration, or engineering work, or be usable or used to define a design or process, or to procure, produce, support, maintain, or operate materiel. The data may be graphic or pictorial delineations in media such as drawings or photographs, text in specifications or related performance or design type documents or computer software or printouts. Examples of technical data include research and engineering data, engineering drawings, and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identification, and related information. Technical data as used herein does not include financial reports, cost analyses, and other information incidental to contract administration.

(2) "Proprietary Data" means technical data which are trade secrets, such as may be included in design procedures or techniques, chemical composition of materials, or manufacturing methods, processes, or treatments.

(3) "Subject Data" means technical data resulting directly from performance of the contract and technical data which are specified to be delivered, or which are in fact, delivered pursuant to this contract.

(4) "Unlimited Rights" means rights to use, duplicate, or disclose technical data, in whole or in part, in any manner and for any purpose whatsoever, and to have others to do so, without any claim for compensation by the Contractor.

(b) *General.*

The Government shall have:

(1) Unlimited rights in all Subject Data unless otherwise limited below; and

(2) The right at any time to modify, remove, or ignore any markings on Subject Data not authorized by this contract.

(c) *Copyrights.*

(1) The Contractor agrees to and does hereby grant to the Government, and to its officers, agents, servants, and employees acting within the scope of their official duties, (i) a royalty-free, nonexclusive, irrevocable license to reproduce, translate, publish, use, and dispose of, and to authorize others so to do, all copyrightable material first produced or composed under this contract by the Contractor, its employees or any individual or concern specifically employed or assigned to originate and prepare such material; and (ii) a license as aforesaid under any and all copyrighted or copyrightable work not first produced or composed by the Contractor in the performance of this contract but which is incorporated in the material furnished under the contract, provided that such license shall be only to the extent the Contractor now has, or prior to completion or final settlement of the contract, may acquire the right to grant such license without becoming liable to pay compensation to others solely because of such grant.

(2) The Contractor agrees that it will not include any copyrighted material in any written or copyrightable material furnished or delivered under this contract, without a license as provided for in paragraph (1)(ii) hereof, or without the consent of the copyright owner, unless specific written approval of the Contracting Officer to the inclusion of such copyrighted material is secured.

(3) The Contractor agrees to report to the Contracting Officer or Patent Counsel promptly and in reasonable written detail any notice or claim of copyright infringement received by the Contractor with respect to any material delivered under this contract.

(d) *Relation to patents.*

Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any licenses of other rights otherwise granted to the Government under any patent.

(e) *Withholding of proprietary data.*

Proprietary data need not be furnished for items or processes, including minor modifications thereof, which were developed at private expense and which are incorporated as component parts in or to be used with the product or process being developed or furnished under this contract, if in lieu thereof the Contractor provides the Contracting Officer a list of such items or processes, and furnishes data for the purpose of identifying sources, size, configuration, mating and attachment characteristics, functional characteristics and performance requirements ("form, fit and function" data).

(f) *Inspection rights.*

Except as specified in the contract schedule for specific items of proprietary data the Contracting Officer's representatives, at all reasonable times, may inspect at the Contractor's facility any proprietary data withheld pursuant to paragraph (e) of this clause for the purposes of verifying that such data properly fell within the withholding provision of paragraph (e) or to evaluate work performance.

(3) *Optional clause—limited rights in proprietary data for use in supply contracts.* In negotiated supply contracts where "proprietary data" is required to be furnished under the contract with limited rights in the Government, the "Rights in Technical Data" clause as set forth in (e)(2) of this section should be supplemented by the additional paragraph (g) set forth below. The contract Statement of Work must identify the "proprietary data" which is to be furnished and made subject to such limitations. Paragraph (g) below is not authorized for use in a contract having as one of its principal purposes, research, development, or demonstration work.

(g) *Limited rights in proprietary data.*

That portion of the Subject Data delivered under this contract which is identified in the contract as being "proprietary data" shall not be disclosed outside the Government, or be used, in whole or in part for procurement or manufacturing purposes without permission of the Contractor except that such "proprietary data" may be used by the Government or its representatives in connection with emergency repair or overhaul of an item acquired under the contract where the item is not procurable commercially so as to enable the timely performance of the overhaul or repair work; provided, however, that any other party receiving the "proprietary data" shall contractually agree to the foregoing use restrictions and to make no other use or disclosure of the "proprietary data." The following legend must be marked on each piece of "proprietary data" so limited either in its entirety or only partially as to its contents at the time of initial delivery to the Government:

LIMITED RIGHTS IN PROPRIETARY DATA

Furnished under Contract No. ---------- with the United States Energy Research and Development Administration and only those portions hereof which are marked (for example, by circling, underscoring, or otherwise) and indicated as being subject to this legend shall not be disclosed outside the Government nor be disclosed, used, or duplicated, for procurement or manufacturing purposes, except as otherwise authorized by contract, without the permission of ---------- This legend shall be marked on any reproduction hereof in whole or in part.

(4) *Optional clause—limited rights in proprietary data (research, development, or demonstration contracts).* In research, development, or demonstration contracts where it is determined that notwithstanding the provisions of Paragraph (e) of this section, delivery of proprietary data is necessary, albeit with limited rights in the Government, the "Rights in technical data" clause as set forth in paragraph (e)(2) of this section should be supplemented by the additional paragraph (g) set forth below. It should be noted that this paragraph does not entitle the contractor to place a "limited rights in proprietary data" legend on any technical data furnished to the Government unless the contracting officer requests in writing identified technical data previously withheld pursuant to paragraph (e) of the "Rights in technical data" clause.

(g) *Limited rights in proprietary data.*

The Contractor shall, upon written request from the Contracting Officer, promptly deliver to the Government any "proprietary data" withheld pursuant to paragraph (e) of the "Rights in technical data" clause of this contract. The following legend and no other is authorized to be affixed on any "proprietary data" delivered pursuant to this provision, provided the "proprietary data" meets the conditions for initial withholding under paragraph (e) of the "Rights in technical data" clause. The Government will thereafter treat the "proprietary data" in accordance with such legend.

LIMITED RIGHTS IN PROPRIETARY DATA

This "proprietary data," furnished under Contract No. ---------- with the United States Energy Research and Development Administration (and purchase order No. ---------- if applicable) may be duplicated and used by the Government with the express limitations that the "proprietary data" may not be disclosed outside the Government, nor be used for purposes of manufacture, without prior permission of the Contractor; provided, however, that this "proprietary data" may be disclosed to other contractors participating in the Government's program of which this contract is a part, for use in connection with the work performed under their contract.

These restrictions do not limit the Government's rights to use or disclose any data obtained from another source without restriction. This legend shall be marked on any reproduction of this data in whole or in part.

(5) *Optional clause—third party licensing.* In many contracting situations the achievement of ERDA's objectives would be frustrated if the Government at the time of contracting did not obtain on behalf of third parties limited license rights in and to contractor proprietary data. Where, for example, the contractor is required to provide third party licensing of background patents, consideration should be given to securing co-extensive license rights to third parties at reasonable royalties, and under appropriate restrictions, for contractor proprietary data in order to practice the technology resulting from the contract. When such a license right is deemed necessary, the "Rights in Technical Data" clause as set forth in (e)(2) of this section should be supplemented by the addition of a paragraph of the type of (h) below. Paragraph (h) will normally be sufficient to cover contractor proprietary data for items and processes that may be necessary in order to insure widespread commercial use of the contract results. Where, however, contractor proprietary data covers the main purpose of the research, development, or demonstration effort of the contract, the limitations to the paragraph set forth in paragraphs (i)–(iv) should be modified or deleted. When, on the other hand, contractor proprietary data is not deemed essential to the successful practice of the results of the contract, e.g., where commercial alternatives are available or the market is being supplied in sufficient quantities and at reasonable prices, the limited license rights to third parties as set forth in clause (h) below will not be required.

(g) [Reserved]

(h) *Third Party Licensing.*

The Contractor agrees that upon written application by ERDA, it will grant to responsible parties for purposes of practicing the results of this contract nonexclusive licenses under any Contractor proprietary data on terms and conditions reasonable under the circumstances; provided, however, the Contractor shall not be obligated to license any Contractor proprietary data if the Contractor demonstrates to the satisfaction of the Administrator or his designee that:

(i) the data is not essential to the manufacture or practice of hardware designed or fabricated, or processes developed, under this contract;

(ii) the data, in the form of results obtained by its use has a commercially competitive alternative available from other sources;

(iii) the data, in the form of results obtained by its use, is being supplied by the Contractor in sufficient quantity and at reasonable priees to satisfy market needs; or

(iv) the data, in the form of results obtained by its use, can be furnished by a firm skilled in the art of manufacturing items or performing processes of the same general type and character necessary to achieve the contract results.

(6) *Subcontracting.* The policy expressed in this subpart is applicable to prime contracts and subcontracts regardless of tier. It will be recognized that unless the subcontract activity contemplates research, development, or demonstration work, the requirements for technical data will be identical to those for supply contracts and will not normally require a "Technical Data Requirements" clause. The "Rights in Technical Data" clause set forth in paragraph (e)(2) of this section, however, will normally be included in all subcontracts not requiring the furnishing of technical data.

§ 9–9.202–4 Procedures (Government owned, contractor operated facilities, and other special contracts).

(a) *Rights in technical data clause.* Whenever a contract has as a purpose (1) the operation of a Government-owned research or production facility, or (2) special long-term, cost-reimbursement Government-funded research, development, or demonstration work, the clause as set forth below shall be included in the contract. Inasmuch as this clause secures to the Government ownership of all technical data which results directly in the performance of the contract activity, there is no need that a "Data Requirements" clause be included.

RIGHTS IN TECHNICAL DATA—SPECIAL

(a) *Definitions.*

(1) "Technical Data" means recorded information, regardless of form or characteristic, of a scientific or technical nature. It

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may, for example, document research, experimental, developmental, or demonstration, or engineering work or be usable or used to define a design or process or to procure, produce, support, maintain, or operate material. The data may be graphic or pictorial delineations in media such as drawings or photographs, text in specifications or printouts. Examples of technical data include research and engineering data, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identification and related information. Technical data as used herein does not include financial reports, cost and analyses and other information incidental to contract administration.

(2) "Proprietary Data" means technical data which are trade secrets, such as may be included in design procedures or techniques, chemical composition of materials, or manufacturing methods, processes, or treatments.

(b) *General.* All technical data, as well as all copies thereof, resulting directly from performance of the contract work, shall be subject to inspection by the Contracting Officer or his representatives at all reasonable times (for which inspection the proper facilities shall be afforded ERDA by the Contractor and its subcontractor), shall be the property of the Government and may be used by the Government for any purpose whatsoever without any claim on the part of the Contractor and its subcontractors and vendors for additional compensation and shall, subject to the right of the Contractor to retain a copy of said data for its own use, be delivered to the Government, or otherwise disposed of by the Contractor, either as the Contracting Officer may from time to time direct during the progress of the work or in any event as the Contracting Officer shall direct upon completion or termination of this contract. The Contractor's right of retention and use shall be subject to the security, patent, and use of information provisions, if any, of this contract.

(c) *Relation to patents.* Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other rights otherwise granted to the Government under any patent.

(d) *Copyrights.* (1) The Contractor agrees, to and does hereby grant to the Government, and to its officers, agents, servants and employees acting within the scope of their duties, (i) a royalty-free, nonexclusive, irrevocable license to reproduce, translate, publish, use, and dispose of and to authorize others so to do, all copyrightable material first produced or composed under this contract by the Contractor, its employees or any individual or concern specifically employed or assigned to originate and prepare such material; and (ii) a license as aforesaid under any and all copyrighted or copyrightable work not first produced or composed by the Contractor in the performance of this contract but which is incorporated in the material furnished under the contract, provided that such license shall be only to the extent the Contractor now has, or prior to completion or final settlement of the contract may acquire the right to grant such license without becoming liable to pay compensation to others solely because of such grant.

(2) The Contractor agrees that it will not include any copyrighted material in any written or copyrightable material furnished or delivered under this contract, without a license as provided for in paragraph (1) (ii) hereof, or without the consent of the copyright owner, unless specific written approval of the Contracting Officer to the inclusion of such copyrighted material is secured.

(3) The Contractor agrees to report to the Contracting Officer or Patent Counsel promptly and in reasonable written detail, any notice or claim of copyright infringement received by the Contractor with respect to any material delivered under this contract.

(b) *Optional clause—rights to proprietary data.* Where there is a necessity to acquire the rights in and to a contractor's proprietary data, the following paragraph should be added after paragraph (d) of the "Rights in Technical Data" clause of this section.

(e) In addition to the rights of the parties in technical data set forth in paragraph (b) of this clause, the Contractor agrees to and does hereby grant to the Government an irrevocable, non-exclusive license and right to use by or for the Government any proprietary data of the Contractor, made, developed, or acquired prior to or on the effective date of expiration, or completion of this contract, which shall be or is utilized, tested, or embodied in the work under this contract, or which shall be or is specifically incorporated in any scientific or technical report rendered under this contract; provided, however, that to the extent that any proprietary data when furnished or delivered is specifically identified by the Contractor at the time of initial delivery to the Government, or its representative, the same shall not be used by the Government except in the performance of this or other contracts or subcontracts with or for the benefit of the Government, unless such technical data is generally available to the public or has been made available to the Government from other sources or previously by the Contractor without limitation as to use.

§ 9–9.202–5 Negotiations and deviations.

Contracting officers shall contact patent counsel assisting the procuring activity in selecting, negotiating, or approving appropriate data and copyright clauses in accordance with the procedures as set forth in § 9–9.107–4(1).

[FR Doc.75–27896 Filed 10–14–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 87]

[Docket No. 20606; RM No. 2491; FCC 75–1097]

UTILIZATION OF FREQUENCIES ASSIGNED FOR FLIGHT TEST

Notice of Proposed Rule Making

In the matter of revision of Parts 2 and 87 of the rules relative to utilization of frequencies assigned for flight test in the band 123.125–123.575 MHz.

1. Notice of Proposed Rule Making in the above-entitled matter is hereby given.

2. This proposal is being issued as a result of a petition by the Aerospace and Flight Test Radio Coordinating Council (AFTRCC), an organization whose membership consists of major entities in the aerospace manufacturing field.

3. In response to Docket No. 19647,[1] which was concerned with establishing 25 kHz channel spacing in the band 117.975–136 MHz, AFTRCC recommended retention of certain frequencies for the exclusive use of aircraft manufacturers. They further recommended that certain frequencies be designated for itinerant use. Both of these suggestions were incorporated into the rules.

4. Since implementation of the rule changes contained in Docket 19647, the AFTRCC petition points out that certain changes are needed to "effect an orderly and economical transition to 25 kHz spacing, as well as minimize the potential for interference between flight test fixed land stations and flight test ground mobile operations." These changes requested are as follows:

a. In many cases, major component manufacturers use aircraft equipped with radio equipment capable of selecting only 50 kHz spaced channels. Airframe manufacturers, on the other hand, generally utilize aircraft equipped with radios capable of operating on 25 kHz spaced channels. To accommodate the additional need of component manufacturers for 50 kHz spaced channels while maintaining the present number of frequencies assigned to airframe manufacturers, AFTRCC proposes to interchange the frequencies 123.425 MHz and 123.450 MHz between paragraphs (a) and (b) of Section 87.331.

b. Because of greater itinerant needs than originally believed, AFTRCC proposes that four additional frequencies be designated exclusively for this use. They are 123.175 and 123.400 MHz under Section 87.331(a) and 123.150 and 123.575 MHz under Section 87.331(b).

c. AFTRCC states that a growing requirement exists for flight test frequencies for temporary periods at various airports throughout the United States. This requirement has, in many cases, been satisfied by using ground mobile units which are licensed for operation over large areas of the country. AFTRCC further points out that this has created an unacceptable interference problem when ground mobile units have moved within propagation range of a permanently located flight test station. AFTRCC proposes that "wide area" type mobile operations be restricted to designated itinerant frequencies and that ground mobile operations on other than itinerant frequencies be restricted to a distance no greater than a 200 mile radius from an associated flight test station at a fixed point.

d. AFTRCC points out that to allow an orderly transition the present "wide area" type mobile operation should be permitted until January 1, 1977. After that time, mobile operation would be restricted to a 200 mile radius of an associated flight test station at a fixed point, or changed to a designated itinerant frequency.

5. We believe these suggestions have merit and are proposing to change the rules to incorporate them. We have made an adjustment in that we are for administrative reasons proposing March 1, 1977, for terminating "wide area" operation in lieu of the January 1, 1977, date proposed by AFTRCC.

6. In addition to the changes proposed by AFTRCC, we propose to make the following administrative changes to Part 2 of the rules to correctly reflect the current authorizations:

[1] R&O, Docket 19647, 38 FR 29077, October 19, 1973.

(a) Delete Footnote US 2. This is unnecessary as the frequency 132.0 MHz is designated as NG use in the table; therefore, it needn't be so designated by footnote also.

(b) Footnote US 28 is changed to reflect a frequency band of 121.5875–121.9375 MHz. This change will reflect correctly the current authorizations.

(c) Footnote US 33 is changed to note that 121.950 MHz is available for aviation instruction.

7. The proposed amendments to the rules as set forth in the Appendix are issued pursuant to the authority contained in Sections 4(i), 303(b), (c), (f) and (r) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before November 10, 1975, and reply comments on or before November 20, 1975. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: October 1, 1975.

Released: October 7, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

1. Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

§ 2.106. Table of Frequency Allocations.

A. Section 2.106 is amended by changing Column 5, as follows:

5
. . . . .
117.975–121.9625 (273) (US 26) (US 28) (US 33) (US 85)
. . . . .
128.8125–132.0125 (US 85)
. . . . .

B. Section 2.106 footnotes are changed by deleting US 2 and modifying US 28 and US 33 as follows:

. . . . . .

US 33 The band 121.5875–121.9375 MHz is for use by aeronautical utility land and mobile stations, and for air traffic control communications.

. . . . . .

US 33 The band 123.1125–123.5875 MHz is for use by flight test and aviation instructional stations. The frequency 121.950 MHz is available for aviation instructional stations.

. . . . . .

2. Part 87 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

A. Section 87.331 is modified in paragraphs (a) and (b) by changing the authorized frequencies and footnote references, paragraph (c) is modified by changing the footnote reference, and all footnotes are relocated to the end of the section following paragraph (g).

§ 87.331 Frequencies available.

(a) The following frequencies are available for assignment to ground and aircraft flight test stations.

Kilohertz	Megahertz	Megahertz	Megahertz
[1] 3281	[2] 123.175 [3] 123.200	[2] 123.225 [3] 123.375	[2] 123.400 [3] 123.450

[1] When A3A, A3H or A3J emission is used, the assigned frequency will be 3282.5 kHz (3281 kHz carrier frequency).

[2] This frequency is available only to stations used in itinerant operations which require that the station be transferred temporarily from time to time to various locations.

[3] Assignments for ground mobile operations on these frequencies will be limited to an area within a 200 mile radius of an associated flight test station at a fixed point; however, flight test stations which are currently assigned these frequencies for wide area mobile operations may continue their use until March 1, 1977.

(b) The following additional frequencies are available for assignment only to flight test stations of aircraft manufacturers.

Megahertz	Megahertz	Megahertz	Megahertz
[2] 123.125	[2] 123.275	[2] 123.425	[2] 123.550
[2] 123.150	[2] 123.325	[2] 123.475	[2] 123.575
[2] 123.250	[2] 123.350	[2] 123.525	

[2] This frequency is available only to stations used in itinerant operations which require that the station be transferred temporarily from time to time to various locations.

[3] Assignments for ground mobile operations on these frequencies will be limited to an area within a 200 mile radius of an associated flight test station at a fixed point; however, flight test stations which are currently assigned these frequencies for wide area mobile operations may continue their use until March 1, 1977.

(c) The following frequencies are available for assignment to flight test stations for emergency and backup use only for communication with aircraft operating beyond the range of VHF propagation on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations. Types A3A, A3H, or A3J emission shall be employed. The carrier frequency in parentheses is 1.5 kHz below the assigned frequency.

kHz	kHz
2869.5(2868)	8918.5(8917)
2995.5(2994)	10010.5(10009)
3475.5(3474)	11288.5(11287)
4676.5(4675)	11376.5(11375)
4683.5(4682)	13357.5(13356)[4]
5470.5(5469)	17902.5(17901)
5597.5(5596)	17968.5(17965)
6660.5(6659)	

[4] Restricted to use in the Continental United States and Atlantic Ocean.

. . . . . .

[FR Doc.75–27652 Filed 10–14–75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 205]

TEMPORARY STAY RELIEF

Proposed Authority To Grant

The Federal Energy Administration hereby gives notice of a proposal to amend Part 205, Chapter II of Title 10, Code of Federal Regulations, to provide FEA with authority to grant temporary stay relief.

Section 205.125(b) sets forth the five criteria for the granting of a stay. Because the preparation of an application containing information relating to the satisfaction of these criteria, and FEA evaluation of that information as it relates to the five criteria, can be a time-consuming process, the FEA lacks the ability to grant immediate stay relief to parties who may be irreparably harmed by agency actions. Accordingly, it is proposed to establish a procedure for the granting of temporary stay relief where unusual circumstances exist and require an immediate suspension of FEA requirements to prevent an irreparable injury.

Under the proposed rule, a person who intended to file an application for stay could also file an "application for temporary stay" setting forth a description of the proceeding incident to which the temporary stay is being sought, and those facts and circumstances in support of the claim that the applicant would suffer irreparable injury unless immediate stay relief is granted. If FEA determined that the applicant had made a compelling showing of irreparable injury, it could grant a temporary stay. In addition, the rule would provide that FEA could issue a temporary stay on its own motion.

The proposal provides that the temporary stay order would expire according to its terms, but not more than twenty days after its issuance, except that the order would expire automatically at the end of five days unless during that time the applicant filed a complete application for stay. FEA could, for good cause shown, extend the time for filing an application for stay.

Finally, the proposal provides that as in the case of a stay, the grant or denial of temporary stay relief is not an order of the FEA subject to administrative review.

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the amendment proposed herein to Executive Communications, Room 3309, Federal Energy Administration, Box EM, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Temporary Stay Relief." Fifteen copies should be submitted. All comments received by October 28, 1975 before 4:30 p.m., e.d.t., and all relevant information will be considered before final action is taken on the proposed regulations.

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Any information or data considered confidential by the person furnishing it must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

FEA has determined that the procedural amendment proposed herein is not likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses and thus, under section 7(i)(1)(C) of the Federal Energy Administration Act of 1974, Pub. L. 93-275 ("FEAA"), a public hearing is not required. FEA has also determined that this proposed amendment would not affect the quality of the environment, and that therefore, under section 7(C)(2) of the FEAA, it need not be forwarded to the Administrator of the Environmental Protection Agency for his comments.

This amendment has been reviewed in accordance with Executive Order 11821 and has been determined not to require evaluation of its inflationary impact.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 93-511 and Pub. L. 94-99; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, it is proposed to amend Subpart I of Part 205 of Chapter II, Title 10 of the Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., October 8, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

1. Part 205 is revised by adding a new § 205.127 to read as follows:

§ 205.127 Temporary stay.

(a) In certain circumstances and upon application, the FEA may issue an order granting a temporary stay. Such an order may be issued if the FEA determines that an applicant has made a compelling showing that it would incur irreparable injury unless immediate stay relief is granted pending the submission of or determination on an application for stay pursuant to this subpart. An application for temporary stay shall be so labeled, and shall include a description of the proceeding incident to which the stay is being sought and of the facts and circumstances which support the applicant's claim that it will incur irreparable injury unless immediate stay relief is granted. The FEA on its own initiative may also issue an order granting a temporary stay upon a finding that a person will incur irreparable injury if such an order is not granted.

(b) An order granting a temporary stay shall expire by its terms within such time after issuance, not to exceed twenty (20) days, as the FEA fixes, except that it shall expire automatically five (5) days following its issuance if the applicant fails within that period to file an application for stay, unless within that period the FEA, for good cause shown, extends the time during which the applicant may file an application for stay.

(c) The grant or denial of a temporary stay is not an order of the FEA subject to administrative review.

[FR Doc.75-27638 Filed 10-9-75;11:53 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

COMMISSIONER'S ADVISORY GROUP

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776, 5 U.S.C. App. 1, Supp. II), the Office of the Commissioner of Internal Revenue Service announces the renewal of the following advisory committee:

Title: The Advisory Group to the Commissioner of Internal Revenue.

Purpose: The purpose of this Group is to provide constructive criticism of Service policies, procedures, and programs and suggest ways in which the Service can improve its operations; to furnish advice on solving particular problems; and, to serve as a sounding board on proposed new policies and programs affecting the public.

Termination Date: The services of the Group are expected to be needed for an indefinite period of time and no termination date of less than two years from the date the Committee's charter is approved by signature of the Assistant Secretary of the Treasury for Administration has been established.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75-27713 Filed 10-14-75;8:45 am]

Office of the Secretary

BIRCH 3 PLY DOORSKINS FROM JAPAN

Determination of Sales at Less than Fair Value

Information was received on December 12, 1974, that birch 3 ply doorskins from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Assistant Secretary of the Treasury was published in the FEDERAL REGISTER of July 14, 1975 (40 FR 29557).

I hereby determine that for the reasons stated below, birch 3 ply doorskins from Japan are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of Reasons on Which this Determination is Based: The information currently before the U.S. Customs Service indicates that the proper basis of comparison for fair value purposes is between purchase price or exporter's sales price, as appropriate, and the constructed value of the imported merchandise, since home market or third country sales of such or similar merchandise at prices above the cost of production were deemed so small as to provide an inadequate basis of comparison.

Purchase price was caluculated on the basis of the f.o.b. packed, Japanese port price, with deductions for freight and shipping charges.

Exporter's sales price was calculated on the basis of the resale price to unrelated purchasers in the United States, with deductions for the applicable transportation and insurance costs, U.S. duty and selling expenses in the United States.

Constructed value was calculated on the basis of the sum of the cost of materials and fabrication of the merchandise, an amount for general expenses and profit related to the manufacture and sale of merchandise of the same general class or kind as the merchandise under consideration and the cost of all containers and coverings used to pack the merchandise ready for shipment to the United States.

Using the above criteria, purchase price or exporter's sales price, as appropriate, was found to be lower than the constructed value of the imported merchandise.

The United States International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

OCTOBER 10, 1975.

[FR Doc.75-27803 Filed 10-14-75;8:45 am]

[Dept. Circular; Pub. Debt Series No. 31-75]

TREASURY NOTES OF SERIES N-1977

Dated and Bearing Interest From October 31, 1975, Due October 31, 1977

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $3,000,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series N-1977. The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Daylight Saving Time, Thursday, October 16, 1975, under competitive and noncompetitive bidding, as set forth in Section III hereof.

II. DESCRIPTION OF NOTES

1. The notes will be dated October 31, 1975, and will bear interest from that date, payable semiannually on April 30, 1976, October 31, 1976, April 30, 1977, and October 31, 1977. They will mature October 31, 1977, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Daylight Saving time, Thursday, October 16, 1975. Each tender must state the face amount of notes bid for, which must be $5,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit ten-

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ders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of one percent necessary to make the average accepted prices 100.000 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $3,000,000,000 of notes offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before October 31, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. Payment must be in cash, in other funds immediately available to the Treasury by October 31, 1975, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Tuesday, October 28, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in the case of the Treasury, or (2) Thursday, October 23, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

STEPHEN S. GARDNER,
Acting Secretary of the Treasury.

[FR Doc.75-27608 Filed 10-14-75;8:45 am]

[Supplement to Department Circular Public Debt Series No. 30-75]

INTEREST RATE

Redesignation

The Secretary of the Treasury announced on October 7, 1975, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 30-75, dated October 2, 1975, will be 8⅛ percent per annum. Accordingly, the notes are hereby redesignated 8⅛ percent Treasury Notes of Series H-1978. Interest on the notes will be payable at the rate of 8⅛ percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.75-27646 Filed 10-14-75;8:45 am]

[Treasury Department Order No. 234-3]

UNDER SECRETARY FOR MONETARY AFFAIRS

Directive To Sell Gold

By virtue of the authority vested in me as Secretary of the Treasury by Section 9 of the Gold Reserve Act of 1934 (31 U.S.C. 733) and Reorganization Plan No. 26 of 1950, I hereby authorize and direct the Under Secretary for Monetary Affairs to take all necessary and proper measures, including direction of other officials of the Department, for the sale of approximately 14,100 fine troy ounces of gold from the United States' gold stocks to the American Revolution Bicentennial Administration from October 1975 through July 1976. Any actions heretofore taken by the Under Secretary for Monetary Affairs in connection with such sales are hereby ratified and confirmed as the actions of the Secretary.

Dated: October 7, 1975.

[SEAL] WILLIAM E. SIMON,
Secretary.

[FR Doc.75-27655 Filed 10-14-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON DEPARTMENT OF DEFENSE SPACE SHUTTLE UTILIZATION

Cancelled Meeting

The Defense Science Board Task Force on Department of Defense Space Shuttle Utilization cancels its meeting scheduled for 6 and 7 November 1975 at the Space and Missile System Organization, Los Angeles Air Force Station, California, as published in the FEDERAL REGISTER of September 29, 1975 (FR Doc. 75-25881).

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

OCTOBER 9, 1975.

[FR Doc.75-27670 Filed 10-14-75;8:45 am]

DDR&E HIGH ENERGY LASER REVIEW GROUP, HIGH ENERGY LASER ASSESSMENT BOARD

Notice of Closed Meetings

Pursuant to the provisions of Section 10 of Public Law 92-463, dated October 6, 1972, notice is hereby given that a closed meeting of the DDR&E High Energy Laser Review Group, High Energy Laser Assessment Board will be held on Friday, October 31, 1975, at Kirtland Air Force Base, New Mexico.

The subject matter of the meeting is classified in accordance with subparagraph (1) of Section 552(b) of Title 5 of the U.S. Code.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

OCTOBER 9, 1975.

[FR Doc.75-27752 Filed 10-14-75;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE ON SMALL AREAS

Public Meeting

The Census Advisory Committee on Small Areas will convene on November 20, 1975 at 9:15 a.m. in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Small Areas was established in 1965 to advise the Director, Bureau of the Census, on the development of statistical programs in metropolitan and other local communities regarding transportation, urban renewal, poverty, and other activities.

The Committee is composed of 15 members appointed by the Secretary of Commerce.

The agenda for the meeting is: (1) Topics of current interest at the Bureau of the Census, (2) Census Bureau and State of Indiana Statistical Services Demonstration Project, (3) Business Users Survey, (4) land use statistics, (5) status of 1980 census planning, (6) regional data user services, and (7) Census Bureau and Department of Health, Education and Welfare Region VII Information System Project.

The meeting will be open to the public and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Control Officer, Mr. Michael G. Garland, Chief, Data User Services Division, Bureau of the Census, Room 3069, Federal Building 3, Suitland, Maryland. (Mail Address: Washington, D.C. 20233). Telephone (301) 763-7720.

Dated: October 8, 1975.

VINCENT P. BARABBA,
Director, Bureau of the Census.

[FR Doc.75-27645 Filed 10-14-75;8:45 am]

CENSUS ADVISORY COMMITTEE ON STATE AND LOCAL GOVERNMENTS STATISTICS

Public Meeting

The Census Advisory Committee on State and Local Governments Statistics will convene on November 21, 1975 at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on State and Local Governments Statistics was established in October 1948 to advise the Director, Bureau of the Census on planning current work and various censuses of Governments, and to advise on where the needs of users of the statistics could be served better.

The Committee is composed of ten members appointed by the Secretary of Commerce, and five members appointed by the organization they represent.

The agenda for the meeting is: (1) Topics of current interest at the Bureau of the Census, (2) report on current programs, (3) impact of the Revenue Sharing Act on the Governments Division's statistical program—present and future, (4) new approaches to public employment data, (5) Census Bureau data relating to the study and administration of the property tax, (6) possible new programs and activities related to State and local government finances, and (7) 1977 Census of Governments planning and proposed changes.

The meeting will be open to the public and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Control Officer, Mr. Sherman Landau, Chief, Governments Division, Bureau of the Census, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233.) Telephone: (301) 763-7368.

Dated: October 9, 1975.

VINCENT P. BARABBA,
Director, Bureau of the Census.

[FR Doc.75-27644 Filed 10-14-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N-0319; DESI Nos. 8046, 1205]

CYCLOPENTAMINE HYDROCHLORIDE NASAL SOLUTION

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

A notice (DESI 8046) was published in the FEDERAL REGISTER of February 9, 1973 (38 FR 4009), in which the Food and Drug Administration announced its conclusion that cyclopentamine hydrochloride nasal solution 1 percent, a prescription drug product, is less than effective (probably effective) for nasal congestion due to hay fever, vasomotor rhinitis, or the common cold; sinusitis; preoperative vasoconstriction of nasal and nasopharyngeal mucosa; and epistaxis due to nasal congestion, and that additional evidence is required to establish its effectiveness.

Another notice (DESI 1205) pertaining to certain over-the-counter (OTC) cold remedies was published in the FEDERAL REGISTER of July 8, 1972 (37 FR 13490), in which Agency action on these OTC drugs, including cyclopentamine hydrochloride nasal solution 0.5 percent was deferred pending the results of the OTC study. The notice announced the National Academy of Science-National Research Council's classification of the drugs and cyclopentamine hydrochloride nasal solution 0.5 percent was classified as probably effective for nasal congestion due to hay fever, vasomotor rhinitis, or the common cold; sinusitis; preoperative vasoconstriction of nasal and nasopharyngeal mucosa; and epistaxis due to nasal congestion. The notice also made reference to the announcement of May 11, 1972 (37 FR 9473), which stated the procedures for the OTC drug study and the required data to be submitted.

Because no data in support of effectiveness of the drug cyclopentamine for nasal use were submitted to the OTC drug study or to the Drug Efficacy Study, cyclopentamine hydrochloride nasal solution 0.5 percent and 1 percent are handled together in this notice, and the drugs are hereby reclassified as lacking substantial evidence of effectiveness. This notice, therefore, proposes to withdraw approval of the drug products described below. Persons wishing to request a hearing may do so on or before November 14, 1975.

Other products named in the notice of July 8, 1972, are not affected by this notice of opportunity for hearing.

1. NDA 6-666; Clopane Hydrochloride (nasal) Solution containing 0.5 percent cyclopentamine hydrochloride; and

2. NDA 8-046; Clopane Hydrochloride (nasal) Solution containing 1 percent cyclopentamine hydrochloride; both marketed by Eli Lilly and Co., P.O. Box 618, Indianapolis, IN 46206.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration,

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Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before November 14, 1975, a written notice of appearance and request for hearing, and (2) on or before December 15, 1975, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and susbtantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: October 7, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75-27607 Filed 10-14-75;8:45 am]

[FDA 225-76-4003]

MONITORING OF FOOD, BEVERAGE, AND SANITARY SERVICES ON COMMON CARRIERS

Memorandum of Understanding With the Medical Services Branch, Department of National Health and Welfare of Canada

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Medical Services Branch, Department of National Health and Welfare of Canada and the Food and Drug Administration have entered into an agreement concerning certain related objectives in carrying out their respective responsibilities. The agreement, which sets forth the working arrangements to be followed or adopted concerning the monitoring of food, beverage and sanitary services on common carriers operating between Canada and the United States, reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE MEDICAL SERVICES BRANCH, DEPARTMENT OF NATIONAL HEALTH AND WELFARE OF CANADA AND THE FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE OF THE UNITED STATES

The Medical Services Branch of the Department of National Health and Welfare of Canada (herein referred to as "MSB"), and the Food and Drug Administration of the Department of Health, Education, and Welfare of the United States of America (herein referred to as "FDA") affirm by this document their intention to cooperate in the monitoring of food, beverage, and sanitary services provided on common carriers operating between Canada and the United States.

In order that the traveling public may enjoy more comprehensive consumer protection, and in furtherance of the need for cooperation in public health inspection and classification of sources of water supply used or liable to be used by common carriers and of catering establishments which handle, prepare, store, and transport food and beverage (including ice) to be served on board common carriers operating from and between points in Canada and the United States, it is intended that:

1. Canada and the United States will enforce their respective federal laws covering watering points, servicing areas, and catering operations, so that:

a. Services supplied in the United States for use by common carriers operating to and within Canada will meet or surpass the requirements of Canadian federal law as enforced by MSB; and

b. Services supplied in Canada for use by common carriers operating to or within the United States will meet or surpass the requirements of United States federal law as enforced by FDA.

2. There shall be, subject to the requirements of Canadian or United States federal law, as the case may be, a full and free exchange of all relevant information including technical information, instruction manuals, guidelines and training course materials as necessary to enable the parties, wherever appropriate, to adopt equivalent standards for inspections, classification, notification and reporting.

3. The parties may arrange for meetings at appropriate intervals between their respective field personnel, technical experts, and management, who will meet for the purpose of reviewing program operations, discussion of program strategy and planning, and general consultation.

4. Whenever inspections of watering points, servicing areas or catering establishments located in the country of one party are desired by the other party, the other party will endeavor to facilitate such inspections.

5. Joint inspections may be conducted, from time to time, in the United States or Canada, if mutually agreed to by the parties.

6. Hhe format of reports relating to inspection, investigation and sample analysis submitted by either party to the other shall be similar and comparable.

7. The parties will provide each other immediately on becoming aware thereof, where permitted by the federal laws of Canada or the United States, as the case may be, information on findings that may constitute a health problem or a potential health hazard. This will include, subject as aforesaid, full exchange of information concerning food poisoning and food-related incidents and their investigation when related to food service on common carriers operating between Canada and the United States.

8. In furtherance of the general intention of this Memorandum of Understanding, MSB will enforce Canadian federal laws so that, wherever possible, services supplied in Canada by common carriers operating to or within the United States will meet or surpass

a. The requirements of United States regulations relating to the Interstate Travel Sanitation Program;

b. The potable water standards and requirements as set forth by the United States Environmental Protection Agency; and

c. The requirements applicable to food used by United States caterers under United States federal law.

9. In furtherance of the general intention of this Memorandum of Understanding, FDA will enforce United States federal laws so that, wherever possible, services supplied in the United States by common carriers operating to or within Canada will meet or surpass.

a. The requirements of the "Sanitary Code for Common Carriers, Construction Camps, and Eating Establishments under Federal Jurisdiction", issued by the MSB, January 1966, as amended from time to time;

b. The potable water standards and requirements as set forth in the Potable Water Regulations for Common Carriers, P.C. 1954-1213 of the Department of National Health and Welfare Act;

c. The requirements applicable to food used by Canadian caterers under Canadian federal law.

10. Environmental health personnel of either party who conduct inspections and submit reports thereon for use by the other party will be qualified to standards of inspection performance and will employ reporting terms and procedures that meet or surpass the requirements of the other party.

11. Information obtained pursuant to this Memorandum of Understanding by one party from the other will be treated as confidential, except where the federal laws of Canada or the United States, as the case may be, otherwise provide.

12. For the purpose of this Memorandum of Understanding:

a. The address of MSB and the name and address of its liaison officer shall be:

MSB
Medical Services Branch, Department of National Health and Welfare, 255 Argyle Avenue, Ottawa, Ontario K1A OL3.
Liaison Officer
Robert A. Sprenger, M.D., Senior Consultant, Quarantine & Regulatory, Medical Services Branch, Department of National Health and Welfare, 255 Argyle Ave., Ottawa, Ontario K1A OL3.

b. The address of FDA and the name and address of its liaison officer shall be:

FDA
Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20852.
Liaison Officer
Mr. Thomas H. Kingsley, Special Assistant for Special Programs, HFO-105, Office of the Executive Director of Regional Operations, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

13. This Memorandum of Understanding will become effective when signed by both parties and, subject as hereinafter provided, will continue for an indefinite period, but may be

a. Modified, if the parties mutually agree, or

b. Terminated by either party on the giving of thirty (30) days written advance notice to the other party.

The parties have approved and accepted this Memorandum of Understanding as indicated by the signatures of their proper officials in that behalf.

Department of National Health and Welfare of Canada, Medical Services Branch:

B. D. DEWAR,
Assistant Deputy Minister, Medical Services Branch.

Dated: August 20, 1975.

Department of Health, Education, and Welfare of the United States of America, Food and Drug Administration:

A. M. SCHMIDT,
Commissioner of Food and Drugs.

Dated: September 8, 1975.

Effective date. This Memorandum of Understanding became effective September 8, 1975.

Dated: October 7, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-27606 Filed 10-14-75;8:45 am]

Social and Rehabilitation Service

CERTIFICATION OF ALLOTMENT NEED

Fiscal Year 1976

Notice is hereby given that each State shall, pursuant to Section 2002(a)(2)(B) of the Social Security Act, certify whether the amount of its allotment as promulgated in the FEDERAL REGISTER, on August 5, 1974 (39 FR 28178), is greater or less than the amount needed for Fiscal Year 1976 and if so the amount by which the amount of such allotment is greater or less than such need. The certification shall be made on or before November 15, 1975, and shall apply to the twelve month period beginning July 1, 1975, and ending June 30, 1976.

Dated: October 8, 1975.

JOHN C. YOUNG,
Acting Administrator.

[FR Doc.75-27610 Filed 10-14-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 75 206]

NEW YORK HARBOR VESSEL TRAFFIC SYSTEM ADVISORY COMMITTEE

Open Meeting

This is to give notice in accordance with Section 10(a) of the Federal Advisory Committee Act (P.L. 92-463; 5 U.S.C. App. 1), of 6 October 1972, that the New York Harbor Vessel Traffic System Advisory Committee will conduct an open meeting on Wednesday, 5 November 1975, in the Auditorium of Building 108, Governors Island, New York beginning at 10:30 AM.

Members of the Committee and their positions are:

Admiral John M. WILL, USN (Ret.) (Chairman), State of New York Board of Commissioners of Pilots.
Mr. H. H. ANDERSON, Jr., Yacht Racing Association of Long Island Sound.
Captain H. C. BREITENFELD, United New York Sandy Hook Pilots' Benevolent Association.
Captain W. H. BURRILL, State of New Jersey Board of Commissioners of Pilots.
Mr. P. R. ELLIOTT, U.S. Environmental Protection Agency.
Commissioner V. J. FOSSELLA, P.E., New York City Department of Marine and Aviation.
Captain H. E. FRITZKE, Jr., USN, U.S. Navy, Military Sealift Command.
Mr. A. GIALLORENZI, American Institute of Merchant Shipping—Petroleum Industry Representative.
Mr. A. HAMMON, Port Authority of New York and New Jersey.
Colonel T. C. HUNTER, Jr., USA, Department of the Army, Corps of Engineers.
Captain T. A. KING, U.S. Department of Commerce, Maritime Administration.
Captain T. J. McGOVERN, United New Jersey Sandy Hook Pilots' Benevolent Association.
Mr. R. W. SANDERS, New York Harbor Panel, Marine Towing and Transportation Industry.
Captain S. M. SELDEEN, American Institute of Marine Underwriters.
Captain J. G. STILLWAGGON, Interport Pilots' Associates, Inc.
Captain K. C. TORRENS, American Institute of Merchant Shipping.

The summarized agenda for this meeting consists of:

1. Status Report of the Executive Committee given by Captain K. C. TORRENS, Chairman of the Executive Committee.
2. Report from the Vessel Traffic System Staff relating to:
   a. System Description.
   b. Implementation Plan.
3. Comments or questions from the floor.

The New York Harbor Vessel Traffic System Advisory Committee was established by the Commander Third Coast Guard District to advise on the need for, and development, installation and operation of a Vessel Traffic System for the New York Harbor. Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing Commander D. A. SUMI, Project Officer, Vessel Traffic System, Third Coast Guard District, Governors Island, New York, New York 10004, or by calling (212) 264-0499.

Dated: September 25, 1975.

W. F. REA III,
Vice Admiral, U.S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc.75-27603 Filed 10-14-75;8:45 am]

Urban Mass Transportation Administration

RAIL TRANSIT PROCUREMENT PRACTICES

Public Meeting

The Department of Transportation (DOT), Urban Mass Transportation Administration (UMTA) has initiated discussion with the transit industry on the costs of procuring and maintaining rail cars and associated equipment in connection with procurement policies and practices related to: contract general terms and conditions; specification and production of reliable and maintainable rail equipment; and, standardization of equipment specifications.

The views of the public, including fixed guideway transit operators and developers, transit suppliers, consultants and other interested parties are desired to assist UMTA in determining steps to be taken to resolve the issues stated above and to identify and resolve other issues related to the costs of procurement and maintenance or urban rail systems. To this end, a public meeting will be held on Tuesday, October 28, 1975, commencing at 9:00 a.m. (EDT) at the Department of Transportation Headquarters, Nassif Building, 400 7th Street, S.W., Washington, D.C. in Room 2230-32. A panel discussion will be conducted on these topics, following which any interested member of the public may make a statement or

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address questions to the meeting moderator. Additionally, written statements or views and opinions may be submitted by November 21, 1975, to the Acting Director, Office of Transit Management, 2100 2nd Street, S.W., Washington, D.C. 20590.

Issued in Washington, D.C., October 10, 1975.

ROBERT E. PATRICELLI,
Urban Mass Transportation Administrator.

[FR Doc.75-27847 Filed 10-14-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 28363; Order 75-9-115]

DOMESTIC FARE INCREASES

Order of Investigation and Suspension

Correction

In FR Doc. 75-26722 appearing at page 46150 in the issue for Monday, October 6, 1975, the following correction should be made. On page 46151, in the second column, in the last line of the paragraph numbered "5", the figure reading "2829" should read "28239".

CONSUMER PRODUCT SAFETY COMMISSION

PUBLIC PLAYGROUND EQUIPMENT

Extension of Period for Development of Safety-Related Requirements and Grant of Additional Funds

The purpose of this notice is to announce that the Consumer Product Safety Commission has granted a request by the National Recreation and Park Association (NRPA) for a ninety-day extension of time, from October 13, 1975 to January 12, 1976, for the development of recommended safety-related requirements for Public Playground Equipment, and that the Commission has agreed to provide additional funds in the amount of $3,970.

By notice in the FEDERAL REGISTER of March 7, 1975 (40 FR 10706), the Commission, pursuant to its Congressional Mandate to protect consumers against unreasonable risks of injury associated with consumer products, began a proceeding for the development of safety-related requirements applicable to Public Playground Equipment, that may be used as a proposed regulation under the Federal Hazardous Substances Act (FHSA, 15 U.S.C. 1261 et seq.).

On June 6, 1975, the Commission accepted the offer of the NRPA to develop the requisite safety-related requirements.

On July 21, 1975, the NRPA and the Commission executed a formal agreement setting forth the terms under which the development was to take place and describing the obligations of both parties in the development process. The Commission published a notice in the FEDERAL REGISTER of August 11, 1975 (40 FR 33703), announcing its acceptance of the NRPA offer, summarizing the terms of the formal agreement and confirming a development period of 120 days, beginning June 16, 1975 (the date on which the NRPA was officially notified of its selection as the successful offeror). The development period was to end on October 13, 1975, subject to extension if the Commission were to find, for good cause shown, that an additional period of time were appropriate. The Commission agreed to contribute $87,650 toward the cost of developing the safety-related requirements.

On September 26, 1975 the NRPA requested that the Commission extend the development period until January 12, 1976, citing as its reason the complexity of developing safety-related requirements employing a generic, hazard-oriented approach for such a large variety of consumer products as covered by the term "Public Playground Equipment." The NRPA also indicated that the need to provide for such a large variety of dissimilar items of equipment is resulting in longer time periods for identifying and resolving approaches and issues and in testing of technical rationales. The NRPA has also requested additional funds in the amount of $13,970 to cover anticipated costs for a "standards-writer" and administrative and testing expenses during the extended development period.

A copy of NRPA's request for an extension of the development time and additional funds is available for review in the Office of the Secretary of the Commission.

The Commission has determined that the reasons provided by the NRPA in requesting an extension of time comprise the requisite "good cause" upon which to base a decision to extend the development period.

Accordingly, the Commission hereby extends the period for development of safety-related requirements for Public Playground Equipment by a period of ninety days to January 12, 1976. In addition, the Commission agrees to increase its grant to the NRPA by an amount of $3,970 to cover miscellaneous and administrative expenses related to the development, testing and preparation of the safety-related requirements, declining to grant funds for a "standards-writer." The development period may be further extended for good cause shown by the publication in the FEDERAL REGISTER of a notice to this effect.

Dated: October 9, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-27710 Filed 10-14-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

REPORT ON PATENT POLICY

Notice of Hearing

Subsection 9(n), Public Law 93-577 "Federal Nonnuclear Energy Research and Development Act of 1974" provides that:.

"Within twelve months after the date of the enactment of this Act, the Administrator with the participation of the Attorney General, the Secretary of Commerce, and other officials as the President may designate, shall submit to the President and the appropriate congressional committees a report concerning the applicability of existing patent policies affecting the programs under this Act, along with his recommendations for amendments or additions to the statutory patent policy, including his recommendations on mandatory licensing, which he deems advisable for carrying out the purposes of this Act.

The Conference Report, Report No. 93-1563 accompanying this legislation amplified the scope and extent of this report by stating:

Subsection 9(n) reflects the conferees' concern for harmonizing the patent policies within ERDA. For example, nuclear programs will continue to follow the patent policy of the Atomic Energy Act while nonnuclear programs will follow the patent policy of section 9. This arrangement is likely to result in some anomalies. Thus, the conferees believed it prudent to include a study of the Federal patent policies affecting ERDA's programs. The conferees believe that section 9 will establish a workable patent policy until the study or experience demonstrates a need for revision.

The study will also investigate the desirability of mandatory licensing. The report resulting from that study should contain empirical data, in addition to opinions and conclusions. It also would be useful for the report to analyze the effect on research and development activity of existing legislative and judicial mandatory licensing provisions.

The study is to be undertaken by the Administrator with participation of other Federal agencies. The purpose of listing the Attorney General and the Secretary of Commerce is to assure that the views of those departments are available to the Congress. If there are differences of opinion between the agencies, the report should reflect the different views with dissenting or individual views where appropriate. The Administrator should also make allowance for input from interested non-Federal parties. One approach might be to hold public hearings from which the Administrator can better assess the public's concerns.

The study will be referred to the appropriate Congressional committees. Several committees have an interest in this area. Although the study will not necessarily lead to changes in our patent laws per se (title 35 of the United States Code), nevertheless, copies of it should be forwarded to both House and Senate Judiciary Committees. The specific responsibility for the ERDA patent policy rests in the committees with legislative jurisdiction over ERDA. These latter committees are expected to give due consideration to any suggestions which the Judiciary Committees may make regarding the report, and the Senate conferees believe that consideration of the report in the Senate should be with the full participation of the Senate Judiciary Committee.

The General Counsel of the Energy Research and Development Administration (ERDA) has been delegated responsibility to arrange and organize an interagency task force to complete this Congressionally mandated task. In accordance with the mission of ERDA as outlined in the "Declaration of Purpose" of the Energy Reorganization Act of 1974, Public Law 93-438, the objective of ERDA patent policy is to provide an incentive function to stimulate commercial industrial development in energy fields as well as protect the public's interest. The task force will focus on how ERDA patent policy is performing this incentive and protection function, and the desirability of mandatory licensing.

In order to access the public's concerns and make allowance for input from interested non-Federal parties in preparing this study, ERDA will hold public hearings on ERDA patent policy on November 18 and 19, 1975, at Germantown, Maryland.

The purpose of the hearings is to obtain comments from members of the public on such questions as:

(1) What patent policy should ERDA follow in order to carry out the purposes of the Atomic Energy Act and Federal Nonnuclear Energy Research and Development Act of 1974?

(2) What modifications to these statutory enactments should ERDA propose to Congress, and why are such modifications needed?

(3) Is legislation requiring mandatory licensing of energy-related patents needed to carry out the purposes of the Federal Nonnuclear Energy Research and Development Act of 1974? Mandatory licensing can be broadly defined as requiring a patent owner to forego the injunctive remedy provided by Title 35 of U.S. Code against the infringing acts of another. If legislation is required, what should be its essential provisions?

ERDA has published temporary implementing instructions on April 15, 1975 [ERDA-PR Temporary Reg. No. 9] (Appendix A—Modification in part of ERDA-PR Part 9-9, Patents and Copyrights) 40 Fed. Reg. 16848, and corrections thereon 40 Fed Reg. 17573, on April 19, 1975 of the two legislative enactments governing the patent, contracting and waiver policies of ERDA set forth in Section 152 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2182) and in Section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (Public Law 93-577). ERDA will shortly publish revised regulations for ERDA-PR Part 9-9 (41 CFR Part 9-9) and will seek written comments on the regulations.

The intent of the hearings is to provide a forum for members of the public to express their view on the two legislative enactments upon which ERDA patent policy is based, rather than to consider details of proposed ERDA patent and data regulations language. Comments regarding specific ERDA regulation language should be addressed to the Assistant General Counsel for Patents, U.S. Energy Research and Development Administration, Washington, D.C. 20545.

Notice is hereby given by the U.S. Energy Research and Development Administration that a public hearing on the Subsection 9(n) Report on existing ERDA patent policy, including the desirability of mandatory licensing, will be held on November 18 and 19, 1975, at 10:00 a.m. (Local time) in the Auditorium, U.S. Energy Research and Development Administration Building, Md. State Rt. 118, Germantown, Maryland.

All persons or organizations desiring to submit comments or suggestions or participate through written or oral presentations at the hearing are requested to notify Mr. Kenneth L. Cage, Room 92, 8th Floor, Office of the General Counsel, 20 Massachusetts Avenue, U.S. Energy Research and Development Administration, Washington, D.C. 20545, Telephone (202) 37-64254, before the close of business (5:00 p.m.) on November 12, 1975. Those participants wishing to make an oral presentation will be asked to address the interagency task force, and respond to questions which will be limited to those from members of the interagency task force.

Written presentations may be hand carried to Mr. Cage at the above address. Parties participating through written presentation at the hearing are requested to submit copies to Mr. Cage for duplication before the close of business on November 14, 1975.

Parties desiring copies of the patent provisions of the Federal Nonnuclear Energy Research and Development Act of 1974, the "Atomic Energy Act of 1954," as amended, or ERDA regulations should contact Mr. Cage.

Dated at Washington, D.C. this 6th day of October, 1975.

For the Energy Research and Development Administration.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION,
ROBERT C. SEAMANS, JR.,
Administrator.

[FR Doc.75-27667 Filed 10-14-75;8:45 am]

DEFENSE MANPOWER COMMISSION

NOTICE OF MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that the Commissioners of the Defense Manpower Commission will meet on October 31, 1975 at 9:00 a.m. in the New Executive Office Building, Room 2008, 726 Jackson Place, N.W., Washington, D.C. 20036.

The meeting will be open to the public. Because of limited space, interested persons wishing to attend should telephone (202) 254-7803 prior to each meeting.

Dated: October 8, 1975.

BRUCE PALMER, JR.,
General, USA (Ret), Executive Director.

[FR Doc.75-27649 Filed 10-14-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 442-5]

ENVIRONMENTAL RADIATION EXPOSURE ADVISORY COMMITTEE

Notice of Meeting

Pursuant to P.L. 92-463, notice is hereby given that a meeting of the Environmental Radiation Exposure Advisory Committee (EREAC) will be held on November 11-12, 1975, from 9:00 a.m. to 4:30 p.m. each day, in Conference Room 3908, Waterside Mall, 401 M Street, S.W., Washington, D.C.

This is the fourteenth meeting of the Committee and will center on discussions of the recommendations of the thirteenth meeting, future Committee activities, and a review and discussion of the Office of Radiation Programs' current critical problem areas.

The meeting will be open to the public. Any member of the public wishing to attend the meeting should contact Claire C. Palmiter, Executive Secretary, EREAC, Office of Radiation Programs, (202) 755-4894.

Dated: October 7, 1975.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.75-27585 Filed 10-14-75;8:45 am]

[FRL 442-2]

NEVADA

Notice of Approval of the Program for Control of Discharges of Pollutants to Navigable Waters

Notice is given hereby that the U.S. Environmental Protection Agency has granted the State of Nevada's request for approval of its program for controlling discharges of pollutants to navigable waters in accordance with the National Pollutant Discharge Elimination System (NPDES), pursuant to section 402(b) of the Federal Water Pollution Control Act, as amended (Pub. L. 92-500, 86 Stat. 816, 33 U.S.C. 1251; the Act).

Section 402 of the Act establishes a permitting system, known as the National Pollutant Discharge Elimination System, under which the Administrator of the U.S. Environmental Protection Agency (EPA) may issue permits for the discharge of any pollutant, upon condition that the discharge meets the applicable requirements of the Act. Section 402(b) provides that any State desiring to administer its own permit program for discharges into navigable waters within its jurisdiction may submit such program to the Administrator. If the Administrator determines that the State has adequate authority to carry out the requirements of the Act, he shall approve the submitted program and suspend the issuance of permits as to those navigable waters subject to such program. Guidelines specifying procedural and other elements for State NPDES programs appear at 40 CFR Part 124 (as amended by 38 FR 18000, July 5, 1973, and 38 FR 19894, July 24, 1973).

On June 23, 1975, Nevada submitted a program for carrying out the NPDES. On August 6, 1975, EPA conducted a public hearing on the proposed approval in Carson City, Nevada. After a thorough review of the Nevada program, the accompanying legal certification, and all comments submitted by the public during and following the public hearing, the Administrator determined that the State's authority was adequate to carry out the requirements of the Act, and so informed Governor Michael O'Callaghan in a letter dated September 19, 1975.

V40200 OCT 15 75 XUM

As of September 20, 1975, the Nevada NPDES permit program is being administered by the Nevada Department of Human Resources, Bureau of Environmental Health, Capitol Complex, 1209 Johnson Street, Carson City, Nevada 89701 (telephone (702) 885-4670). Mr. Roger S. Trounday is the Director of the Department of Human Resources. The Nevada program is being administered in accordance with Nevada statutes and regulations and a Memorandum of Agreement between Nevada and the EPA Region IX Office, 100 California Street, San Francisco, California 94111 (telephone (415) 556-2320). All pertinent documents are available for inspection at the Nevada State agency and EPA Regional Office at the addresses given above and EPA Headquarters in Room 3201, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

OCTOBER 3, 1975.

[FR Doc.75-27584 Filed 10-14-75;8:45 am]

[FRL 443-3; PP5G1586/T15]

PENWALT CORP.

Notice of Establishment of a Temporary Tolerance

The Penwalt Corp., Agricultural Chemicals Div., Three Parkway, Philadelphia PA 19102, submitted a pesticide petition (PP 5G1586) to the Environmental Protection Agency (EPA). This petition requested that temporary tolerances be established for combined residues of the fungicide thiophanatemethyl (dimethyl[1,2 - phenylene)bis iminocarbonothioyl]bis(carbamate)) and its benzimidazole containing metabolites in or on the following raw agricultural commodities: celery at 3 parts per million (ppm), beans (snap) at 2 ppm, and pecans at 0.2 ppm.

These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with a temporary permit which is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

The scientific data reported have been evaluated, and it has been determined that these temporary tolerances are adequate to cover residues resulting from the proposed experimental use, and that such tolerances will protect the public health. The temporary tolerances are, therefore, established for the fungicide on condition that the fungicide be used in accordance with the temporary permit with the following provisions:

1. The total amount of the active fungicide to be used must not exceed the quantity authorized by the temporary permit.

2. The Penwalt Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire October 6, 1976. Residues not in excess of these temporary tolerances remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the fungicide is legally applied during the term and in accordance with the provisions of the temporary permit and temporary tolerances. The temporary tolerances may be revoked if the temporary permit is revoked or if any scientific data or experience with this fungicide indicate such revocation is necessary to protect the public health.

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)))

Dated: October 6, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75-27583 Filed 10-14-75;8:45 am]

[FRL 443-4]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES (NSPS) AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)

Notice of Delegation of Authority for the State of New York on Behalf of New York State Department of Environmental Conservation

On December 23, 1971 (36 FR 24876) and March 8, 1974 (39 FR 9308), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations codified in 40 CFR Part 60 establishing standards of performance for twelve categories of new stationary sources (NSPS). In addition, on April 6, 1973 (38 FR 8820), pursuant to Section 112 of the Clean Air Act, as amended, the Administrator promulgated in 40 CFR Part 61 national emission standards for three hazards air pollutants (NESHAPS). Sections 111(c) and 112(d) direct the Administrator to delegate authority to implement and enforce the standards to any state which submits an adequate procedure therefor. The Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to a state.

On July 27, 1973, the Regional Administrator, Region II, forwarded to the State of New York information setting forth the requirements for an adequate procedure for implementing the NSPS and NESHAPS. On September 26, 1974, James Biggane, then Commissioner of the New York State Department of Environmental Conservation (DEC), submitted a request for delegation of authority to implement and enforce the NSPS and certain aspects of the NESHAPS program. A February 26, 1975 letter from John Hanna, Jr., then Deputy Commissioner of the DEC, served to amend the terms of New York's original request in certain respects, and to supplement it in others.

Examination of the State's request by the Regional Office revealed statutory inadequacies affecting the DEC's authority to implement the NSPS for fossil fuel-fired steam generators, and to disclose emission data gathered pursuant to both the NSPS and NESHAPS programs. (The problems growing out of these statutory inadequacies were communicated to Mr. Hanna in letters from the Region II Office dated May 15 and June 9, 1975.) The Regional Administrator otherwise found the procedures proposed to be employed by the DEC to be adequate and, by means of a letter to Commissioner Ogden Reid of the DEC dated August 6, 1975, formally delegated to the State of New York (per the New York Department of Environmental Conservation) certain aspects of the existing federal authority to implement and enforce the NSPS and NESHAPS programs.

As a result of the findings of statutory inadequacy discussed above, Section (B) of the Regional Administrator's August 6, 1975 letter of delegation informed Commissioner Reid that federal authority to implement and enforce the performance standard for new fossil fuel-fired steam generators was not being delegated. In addition, paragraph (C) (8) of that letter outlined an interim mechanism for the disclosure of emission data relating to NSPS and NESHAPS sources, employment of which was made a condition of delegation. What follows is the entire text of the Regional Administrator's August 6 letter, which describes fully the delegated aspects of the relevant programs, and articulates the conditions and understandings upon which delegation was based.

Commissioner Ogden R. Reid,
New York State Department of
Environmental Conservation,
50 Wolf Road
Albany, New York 12233

Dear Commissioner Reid:

On September 26, 1974, former Commissioner Biggane of your Department submitted New York State's formal request for delegation of federal authority for the implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS), pursuant to §§ 111(c)(1) and 112(d)(1) of the Clean Air Act, respectively. The February 26, 1975 letter of former Deputy Commissioner Hanna served to amend the terms of the State's request in certain respects, and to supplement it in others. This represents EPA's formal response to the referenced letters, and is further to our earlier letters dealing with this matter dated September 20 and November 12, 1974, and March 26, May 15 and June 9, 1975.

(A) We have reviewed the relevant laws of of the State of New York, and the codes, rules, and regulations of the New York Department of Environmental Conservation ("the Department" or "DEC"), and have determined that they may be employed to provide an adequate procedure for the effective implementation and enforcement of the NSPS and NESHAPS programs by the DEC and the State of New York. Therefore, the Administrator's authority to implement and enforce the following aspects of the NSPS and NESHAPS programs is hereby delegated to New York State per the DEC:

(1) Authority for all sources located in the State of New York subject to the following Standards of Performance for New Stationary Sources as promulgated in 40 CFR Part 60: incinerators; portland cement plants; nitric acid plants; sulfuric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; and sewage treatment plants.

(2) Authority for all sources located in the State of New York subject to the National Emission Standards for Hazardous Air Pollutants promulgated in 40 CFR Part 61, with the exception of the building demolition regulations codified at 40 CFR § 61.22(d). The three hazardous air pollutants covered by the delegation are asbestos, beryllium and mercury.

(B) As our May 15, 1975 letter to former Deputy Commissioner Hanna indicated, this office does not believe that the New York Environmental Conservation Law allows the DEC to condition unilaterally the construction of the fossil fuel-fired steam generators within the regulatory embrace of 40 CFR Part 60 Subpart D, and the Department's request for delegation of federal authority to implement and enforce this standard has therefore been denied. As the Department expressly accepted the regulation of asbestos-insulated building demolition from the scope of its delegation request, the authority conferred by 40 CFR Part 61 Subpart B for the regulation of this activity has not been delegated.

(C) The authority hereby delegated is conditioned as follows:

(1) Semi-annual reports shall be submitted to EPA by the DEC, such reports to include a list of all identified new sources subject to NSPS and sources of hazardous air pollutants subject to NESHAPS located within the State; the status of compliance of such sources; an identification of violators; a report of any legal action initiated by the State against such violators; and performance tests where applicable.

(2) The delegated authority shall be implemented by attaching as conditions to the Department's permits to construct and/or certificates to operate:

(a) All substantive emission limitations associated with the standards hereby delegated; and

(b) All notification, record-keeping, record-retention, reporting and self-monitoring requirements imposed by 40 CFR Parts 60 and 61 which are more stringent than analogous State requirements, provided that the relative stringency of any State requirements that DEC desires to substitute for a federal requirement within the meaning of this paragraph shall be determined by the EPA Region II Office upon written application by the Department.

(3) The Department shall itself conduct, or shall require each subject source to conduct, all of the tests mandated by 40 CFR Parts 60 and 61, at such times and in such manner as are specified in those parts, provided however that the Commissioner shall have the authority of the Administrator, pursuant to 40 CFR §§ 60.8(b)(4) and 61.13, to waive the performance of such tests if, in his judgment, said source is complying with relevant standards, and is able to demonstrate such compliance by means other than performance of the tests which would otherwise be required; provided further that the Commissioner shall provide immediate notice to the EPA Region II Office of his election to waive the performance of any test pursuant to the terms of the foregoing proviso, and shall provide an explanation of the reasons underlying that election.

(4) The Department shall employ the test methods and procedures set out in 40 CFR Part 60 Appendix A and Part 61 Appendix B in determining source compliance with the standards herein delegated, as appropriate for the particular source involved; *except*, that such DEC test methods as have been formally approved by the Administrator as "equivalent" or "alternative" methods, pursuant to 40 CFR §§ 60.8(b) or 61.14(a) (as limited by § 61.14(c)), may be employed by the Department in lieu of the analogous EPA reference method.

(5) Enforcement of the NSPS and NESHAPS for which authority is herewith delegated shall be the primary responsibility of the DEC; *except*, that if the Department determines that such enforcement is not feasible, and so notified the Regional EPA Office, or where the Department acts in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within New York State subject to the NSPS and NESHAPS.

(6) The Department shall at no time grant a "variance" or "exception" which will have the effect of waiving, deferring, or otherwise altering the compliance obligations of a source subject to the standards promulgated under 40 CFR Parts 60 or 61. Should the Department grant such a variance or exception, EPA will consider the grantee source to be in violation of the applicable federal regulation, and may initiate enforcement proceedings against such source pursuant to Section 113 of the Clean Air Act. The granting of such variances or exceptions by the Department shall also constitute grounds for revocation of delegation by EPA.

(7) Determinations of applicability like those specified in 40 CFR 60.6 and 40 CFR 61.06 shall be consistent with those which have already been made by EPA. Novel determinations shall be concurred upon by EPA.

(8) During the period commencing with receipt of this letter, and terminating with the State's enactment of legislation satisfying the disclosure requirements of Section 110(a)(2) of the Clean Air Act, the Department shall employ the following mechanism in disclosing information concerning sources subject to the NSPS or NESHAPS regulations to interested members of the public:

(a) Whenever a citizen's written request is received by the DEC for information concerning a source subject to the NSPS or NESHAPS programs, once delegated, the following shall be forwarded to the EPA Region II Office by the DEC within ten (10) days of receipt of such request:

(1) A copy of the citizen's request for information;

(2) Copies of all reports and test results previously submitted by the subject source, or prepared by the DEC, in connection with the NSPS or NESHAPS programs, as relevant.

(b) In addition, there shall be forwarded to the EPA Region II Office, within ten (10) days of dispatch to the addressee, a copy of the DEC's response to the citizen's request for information.

(c) Upon receipt of the above, an immediate examination of the material submitted will be initiated by the New York Regional Office of the EPA. If, upon examination of the relevant request, and the Department's response thereto, it is determined by the Regional Office that EPA's responsibilities for providing information to the public require the disclosure of other or additional information, such other or additional information will be thereupon provided by the Regional Office.

(d) The delegation effected herewith is further subject to the following understandings between the Agency and the Department:

(1) It is understood that acceptance of delegation of federal authority to implement and enforce the standards in paragraphs (A) (1) and (2), above, does not commit the State of New York or the DEC to request or to accept delegation of authority to implement and/or enforce such standards as may be promulgated in the future pursuant to Sections 111 or 112 of the Clean Air Act, and that a new request for delegation will be required in connection with any standard or standards to which express reference is not made in paragraphs (A) (1) or (2), above.

(2) It is understood that the State of New York and the Department do not receive hereby delegation of authority to implement or enforce the NSPS and/or NESHAPS against federal facilities located within the State of New York which may be subject to the requirements of the referenced programs.

(3) It is understood that if the Regional Administrator should determine at some future time that a State or Department procedure for enforcing or implementing the NSPS or NESHAPS is inadequate or is not being effectively carried out this delegation may be revoked in whole or in part, and that any such revocation shall be effective as of the date specified in a Notice of Revocation.

(4) It is understood that the State of New York and the Department do not receive hereby delegation of the Administrator's authority pursuant to 40 CFR § 61.11 to grant waivers of compliance to sources subject to the NESHAPS regulations.

(5) It is understood that the Commissioner of the DEC, upon approval of the Regional Administrator of Region II, may subdelegate his authority to implement and enforce those aspects of the NSPS and NESHAPS programs herein delegated to air pollution control authorities within the State of New York once such authorities have demonstrated that they have adequate procedures for implementing and enforcing those aspects of the programs proposed to be subdelegated.

A Notice concerning this delegation will be published in the FEDERAL REGISTER in the near future. This Notice will state, among other things, that, effective immediately, all reports required pursuant to the federal NSPS and NESHAPS by sources located in the State of New York should be submitted to the Department's office at 50 Wolf Road, Albany, New York, Attention: Division of Air Resources. Any such reports which have been or may be received by the Region II Office of EPA will be promptly transmitted to the Department.

Since this delegation is effective immediately, there is no requirement that the State or the Department notify EPA of acceptance. Unless EPA receives written notice of objections within 10 days of the date of receipt of this letter, the State and the Department will be deemed to have accepted all of the terms and conditions associated with this delegation.

Sincerely yours,

GERALD M. HANSLER, P.E.
Regional Administrator.

Copies of the request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10007.

Effective immediately, copies of all reports required by the NSPS (with the exception of those required in connection with the regulations set at 40 CFR Part 60 Subpart B for fossil-fuel steam generators) and NESHAPS (with the exception of those required in connection with building demolition pursuant to 40 CFR § 61.22) should be submitted to the office of the New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York, attention: Division of Air Resources.

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This Notice is issued under the authority of Sections 111 and 112 of the Clean Air Act, as amended (42 U.S.C. § 1857c–6 and 7).

Dated: September 25, 1975, New York, New York.

GERALD M. HANSLER,
Regional Administrator, U.S. Environmental Protection Agency Region II.

[FR Doc.75–27724 Filed 10–14–75;8:45 am]

[OPP—33000/328; FRL 443–8]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by each applicant will be available for examination at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before December 15, 1975 any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after December 15, 1975.

Dated: October 7, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED

EPA Reg. No. 239–2211. Chevron Chem. Co., Ortho Div., 940 Hensley St., Richmond, CA 94804. DIFOLATAN 4 FLOWABLE. Active Ingredients: Captafol 39%. Method of Support: Application proceeds under 2(c) of Interim policy. Republished: New Use. PM21

EPA File Symbol 4829–UG. Coastal Chem. Co., Div. of Coastal Industries, Inc., 190 Jony Dr., Carlstadt, NJ 07072. ISO CLOR SUPER CHLORINATING POWDER. Active Ingredients: [Mono(trichloro)tetra(monopotassium dichloro)]penta-s-triazinetrione 56.5%; Sodium Carbonate 34.5%; Alkyl (C14 95%, C12 3%, C16 2%) Dimethyl Ammonium Chlorides 1.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 4829–UU. Coastal Industries, Inc., 190 Jony Dr., Carlstadt, NJ 07072. ISO CLOR SUPER CHLORINATING TABLETS. Active Ingredients: [Mono(trichloro)tetra(monopotassium dichloro)]penta-s-triazinetrione 56.5%; Sodium Carbonate 33.5%; Alkyl (C14 60%, C12 25%, C16 15%) Dimethyl Benzyl Ammonium Chlorides 1.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 35902–R. Henley & Co., Inc., 750 3rd Ave., New York, NY 10017. PLANT PIN. Active Ingredients: 3-Methylsulfonyl-2-butanone O-[(methylamino)carbonyl]oxime 9.75%. Method of Support: Application proceeds under 2(a) of interim policy. PM13

EPA Reg. No. 359–662. Rhodia Inc., Agricultural Div., 23 Belmont Dr., Somerset, NJ 08873. ASULOX. Active Ingredients: Sodium salt of asulam (methyl sulfanilylcarbamate) 37.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA File Symbol 37664–R. Water Pic, Div. of Teledyne Aqua Tec., 1730 Prospect St., Fort Collins, CO 80521. INSTAPURE WATER PURIFIER. Active Ingredients: Elemental Silver 0.4%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

[FR Doc.75–27905 Filed 10–14–75;10:42 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75–1128]

NATIONAL CABLE TELEVISION ASSOCIATION AND AMERICAN TELEPHONE AND TELEGRAPH CO.

Pole Attachment Proceeding

OCTOBER 3, 1975.

On September 29, 1975, the National Cable Television Association and the American Telephone and Telegraph Company entered into an agreement respecting the pole attachment fees charged cable television companies. This agreement was the result of lengthy and intensive negotiations between the parties. During these negotiations, the parties were aided in their efforts by prices derived from a formula devised by the Commission's Staff.

While neither the Commission nor its staff considers this formula to be definitive, it may be useful to other parties who are in the process of negotiating or renegotiating pole attachment agreements. The Commission hereby instructs the staff to release this formula in the hope that it will help the parties to reach agreements among themselves.

In view of the foregoing, we do not contemplate taking further action at this time with respect to the matters contained in Docket 16928—the pole attachment proceeding.

Action by the Commission October 2, 1975. Commissioners Wiley (Chairman), Lee, Reid, Hooks, Washburn and Robinson.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–27653 Filed 10–14–75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 129, Future Civil Aviation Spectrum Requirements. It is to be held 6–7 November 1975, in RTCA Conference Room 261, Matomic Building, 1717 H Street, N.W., Washington, D.C., commencing at 9:30 A.M.

AGENDA

1. Approval of the Minutes of the Fourth Meeting, September 4, 1975.
2. Presentation by ICAO Representative.
3. Chairman's Comments.
4. Reports of Informal Groups.
5. Briefing on Proceedings of FCC Steering Committee.
6. Briefing on FCC Second Notice of Inquiry.
7. Other Business.
8. Date and Place of Next Meeting.

Meetings of Special Committee 129 are open to the public, subject to limitations of space available, and any member of the public may present oral statements at the meeting, subject to time available, or may submit written statements to the RTCA Secretariat. Persons planning to attend or who desires additional information concerning this meeting are requested to contact the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C., 20006, or telephone Area Code (202) 296–0484.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–27654 Filed 10–14–75;8:45 am]

FEDERAL MARITIME COMMISSION

LAVINO SHIPPING CO., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 28, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notices of agreement filed by:

Francis A. Scanlan, Esquire, Deasey, Scanlan & Bender, Ltd., Suite 2900, Two Girard Plaza, Philadelphia, Pennsylvania 19102.

In the matter of Lavino Shipping Company and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, Yamashita-Shinnihon Steamship Co., Ltd.

Agreement No. T–2695–3, between Lavino Shipping Company (Lavino) and Japan Lines, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, (the Lines), modifies the basic agreement between the parties under which Lavino furnishes the Lines comprehensive container stevedoring, terminal, and LCL services at its Packer Avenue Marine Terminal, located in Philadelphia, Pennsylvania. The purpose of the modification is to extend the term of the agreement to October 24, 1976.

By order of the Federal Maritime Commission.

Dated: October 9, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–27674 Filed 10–14–75;8:45 am]

PHILIPPINES NORTH AMERICAN CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 28, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

George A. Quadrino, Esq., Law Offices: Charles F. Warren, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

The Philippines North America Conference has submitted two amendments to its basic conference agreement, (No. 5600).

Agreement No. 5600–33 amends Article 19 to eliminate delays in the present provisions regarding the procedure for the filing and adoption of motions to amend the basic Conference agreement.

Agreement No. 5600–34 amends the agreement By-Laws under the subject "Docket" to insure that members have more time in which to receive and consider matters to be taken up at meetings.

By order of the Federal Maritime Commission.

Dated: October 9, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–27673 Filed 10–14–75;8:45 am]

PORT OF PALM BEACH DISTRICT AND WEST INDIA SHIPPING CO., INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 4, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Dwight Green, Traffic Consultant, Port of Palm Beach, P.O. Box 9935, Riviera Beach, Florida 33404.

Agreement No. T–2499–5, between the Port of Palm Beach District (Port) and West India Shipping Company, Inc. (WISC), modifies the basic agreement which provides for WISC's five-year exclusive use of certain facilities at the Port of Palm Beach, Florida. The purpose of the modification is to extend the term of the original agreement for a period of five years, make a slight change in the rental charges and terminate the use of certain rail trackage for storage of rail cars.

By order of the Federal Maritime Commission.

Dated: October 9, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–27672 Filed 10–14–75;8:45 am]

TRANS-PACIFIC FREIGHT CONFERENCE (HONG KONG) AND NEW YORK FREIGHT BUREAU

Notice of a Petition Filed

Notice is hereby given that the following petitions have been filed with the Commission for approval pursuant to Section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a).

Interested parties may inspect a copy of the proposed contract forms and of the petitions at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments with reference to the proposed contract forms and the petitions including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, on or before October 28, 1975. Any person desiring a hearing on the proposed contract systems shall provide a clear and concise

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statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the proposed contract forms and the petitions (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of proposed modifications of approved forms of dual rate contracts filed by:

George A. Quadrino, Esq., Law Offices Charles F. Warren, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

The Trans-Pacific Freight Conference (Hong Kong) and the New York Freight Bureau have filed identical modifications to their approved forms of exclusive patronage (dual rate) contracts. These modifications, Agreements Nos. 14 DR–6 and 5700 DR–5, respectively, amend Article 4(b) of each such contract to add the following new paragraph:

Alternatively, where conditions in the trade require such action and in order to meet the demands of the members and of the trade, carriers may suspend the application of the contract, provided that none of the carriers during a period of ninety (90) days after the date when the suspension becomes effective shall quote a rate in excess of Conference contract rates applicable on the effective date of such suspension, and provided further that the contract system shall not thereafter be reinstated on less than ninety (90) days' notice by the carriers through the filing of contract/non-contract rates in their tariff.

By order of the Federal Maritime Commission.

Dated: October 8, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–27675 Filed 10–14–75;8:45 am]

U.S. GULF/JAPAN COTTON POOL

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 4, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elkan Turk, Jr., Esq., Burlingham Underwood & Lord, 25 Broadway, New York, New York 10004.

Agreement No. 8682–14, entered into by the member lines of the U.S. Gulf/Japan Cotton Pool, is an application to suspend, for the 1975/1976 season, the requirement under Article 10 to effect a financial settlement resulting from the carriage of cotton.

By order of the Federal Maritime Commission.

Dated: October 9, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–27671 Filed 10–14–75;8:45 am]

[No. 75–39]

THOMAS P. GONZALEZ CORP. v. WESTFAL-LARSEN LINE

Notice of Filing of Complaint

OCTOBER 9, 1975.

Notice is hereby given that a complaint filed by Thomas P. Gonzalez Corporation against Westfal-Larsen Line was served October 9, 1975. The complaint alleges that complainant has been subjected to payment of ocean freight charges which are unjust and unreasonable in violation of section 18(b) of the Shipping Act, 1916.

Hearing in this matter shall commence on or before April 8, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–27676 Filed 10–14–75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. E–6893, E–6730]

ALABAMA POWER CO. AND GEORGIA POWER CO.

Time To File Reply to Comments

OCTOBER 6, 1975.

On September 15, 1975, pursuant to Notices of Settlement Offers issued August 12, 1975, in the above named dockets, the Alabama Power Company, the Georgia Power Company, the United States Department of the Interior, and the Staff of the Commission filed comments called for in the respective notices.

In its comments, Alabama Power expressed its expectation of having the right to file a reply to any comments filed by the Staff and other parties. Georgia Power also stated that it should be entitled to respond to any comments filed by Staff and other parties.

Notwithstanding that the Commission's Rules of Practice and Procedure do not provide for replies to comments filed in this instance, it is appropriate and in the public interest that replies be filed by all parties if they choose to do so.

Consequently, any response to the comments filed in the above named dockets, may be filed by parties to this proceeding on or before October 17, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27614 Filed 10–14–75;8:45 am]

[Project No. 620]

ALASKA PACKERS ASSOCIATION

Issuance of Annual License

OCTOBER 3, 1975.

On November 4, 1974, Alaska Packers Association, Licensee for the Chignik Project No. 620, located in the vicinity of Chignik, Third Judicial Division, Alaska, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 620 was issued effective October 5, 1950, for a period ending October 4, 1975. In order to authorize continued operation of the project, pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Alaska Packers Association for continued operation and maintenance of the Chignik Project No. 620.

Take notice that an annual license is issued to Alaska Packers Association (Licensee) for the period October 5, 1975, to October 4, 1976, unless during that period a new license for the project is issued, for the continued operation and maintenance of the Chignik Project No. 620, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27613 Filed 10–14–75;8:45 am]

[Docket No. CI76–183]

CALIFORNIA CO.

Notice of Application

OCTOBER 6, 1975.

Take notice that on September 26, 1975, the California Company, a Division of Chevron Oil Company (Applicant), 1111 Tulane Avenue, New Orleans, Louisiana 70112, filed in Docket No. CI76–183 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of gas in interstate commerce to Natural Gas Pipeline Company of America (Natural) from Block 28, West Cameron Area, offshore Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to sell to Natural gas production attributable to its interest in the 11,400-foot and 14,000-foot sands in Block 28, with an option for reservation of up to 20 percent for its own or affiliate's use after 5 years. The estimated monthly sales are 300,000 Mcf at 15.025 psia. The contract of September 2, 1975, between Applicant and Natural provides for an initial rate of $1.44 per Mcf, but Applicant states that it is willing to accept a certificate conditioned to the rate set forth in Section 2.56a of the Commission's General Policy and Interpretations (18 CFR 2.56a).

Any person desiring to be heard or to make any protest with reference to said application should on or before October 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27615 Filed 10–14–75;8:45 am]

[Docket Nos. RP75–86 and RP72–122 (PGA 76–1)]

COLORADO INTERSTATE GAS CO.

Revised Changes in Rates

OCTOBER 6, 1975.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on September 26, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, pursuant to ordering paragraph (F) of the Commission's order issued April 30, 1975, in Docket No. RP75–86.

The purpose of the filing is to comply with the directive stated in the Commission's order of April 30, 1975, to reflect the elimination from Docket No. RP75–86 of facilities, along with the related cost of service, which have not been certificated and placed in service by October 1, 1975. As a result of this filing, the jurisdictional cost of service in Docket No. RP75–86 will be reduced approximately $434,000.

Replacement Thirteenth Revised Sheet Nos. 5 and 6 are proposed to be substituted for and to replace Thirteenth Revised Sheet Nos. 5 and 6 as filed with the Commission on March 31, 1975, in Docket No. RP75–86 and suspended by the Commission until October 1, 1975, in its order issued April 30, 1975. Replacement Substitute Thirteenth Revised Sheet Nos. 5 and 6, Replacement Alternate Substitute Thirteenth Revised Sheet Nos. 5 and 6, and Replacement Fourteenth Revised Sheet Nos. 5 and 6 are proposed to be substituted for and to replace Substitute Thirteenth Revised Sheet Nos. 5 and 6, Alternate Substitute Thirteenth Revised Sheet Nos. 5 and 6, and Fourteenth Revised Sheet Nos. 5 and 6 as filed with the Commission on August 15, 1975, in Docket No. RP72–122 (PGA 76–1). CIG requested that the replacement tariff sheets be made effective on the dates previously requested in Docket Nos. RP75–86 and RP72–122 (PGA 76–1).

Copies of this filing have been served upon the Company's jurisdictional customers and upon interested public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 20, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27618 Filed 10–14–75;8:45 am]

[Docket No. CP76–66]

COLUMBIA GULF TRANSMISSION CO., ET AL.

Notice of Application

OCTOBER 6, 1975.

Take notice that on August 27, 1975, Columbia Gulf Transmission Company (Gulf), P.O. Box 683, Houston, Texas 77001, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas, jointly Applicants, filed in Docket No. CP76–66 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange and transportation of natural gas to enable Transco to receive into its system gas from production offshore Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of the application is to enable Transco to receive for an interim period into its existing onshore system certain oil-well gas that it would purchase from production of Shell Oil Company (Shell) in South Marsh Island Block 130, offshore Louisiana, during which time Transco would construct its own facilities to receive the reserves. Shell would gather up to 14,706 Mcf at 15,025 psia of gas per day at an existing Shell platform in South Marsh Island Block 58. There the gas would be sold by Shell to Transco Gas Supply Company (Gasco) and resold by Gasco to Transco. At the Block 58 point the gas would be delivered into the offshore system of Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) for the account of Columbia and would be in exchange for equivalent volumes of gas that Columbia would deliver to Gulf at an existing platform of Gulf and others in Eugene Island Block 250. Gulf would transport the equivalent volumes through its existing Eugene Island facilities and the Blue Water Project to the terminus at Egan, Louisiana, and would deliver or cause to be delivered to Transco equivalent volumes at one or more existing onshore delivery points:

(1) In the Humphreys-Orange Grove Area, Terrebonne Parish, Louisiana,

(2) at the Henry Plant of Texaco, Inc., Vermilion Parish, Louisiana,

(3) at the Acadia Plant of Continental Oil Company, Acadia Parish, Louisiana, and

(4) at the Egan Terminus of the Blue Water Project.

Michigan Wisconsin is said to be transporting gas to shore for Columbia under an agreement of February 26, 1969, from a point connecting the pipelines of Michigan Wisconsin and Gulf in Eugene Island Block 250. A second point of delivery of gas to Michigan Wisconsin's would be established on Shell's platform in South Marsh Island Block 58. Gulf could deliver up to 15,000 Mcf of gas per day to the proposed delivery point, for the account of Columbia as part of Columbia's contract demand quantity under the prior transportation agreement but the total contract demand that Michigan Wisconsin would transport under said agreement would be unchanged at 65,000 Mcf of gas per day.

The proposed Columbia-Transco exchange would be effected by Columbia's designating a gas volume in Eugene Island Block 250, which would otherwise be delivered under the February 26, 1969, agreement, as gas exchanged for gas delivered by Transco to Michigan Wisconsin for Columbia's account at the Block 58 exchange point. Such designated volume would be transported and delivered onshore to Transco by Gulf.

The proposed exchange would be rendered through existing facilities on a

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gas for gas basis. Transco would pay Gulf a transportation charge of 5.0 cents per Mcf of gas transported and delivered to Transco onshore. The application states that in negotiating for this rate the parties considered that Gulf is presently transporting gas through its 20-inch pipeline between Block 250 and the Blue Water Project and through the Blue Water Project to Egan under its FPC Gas Tariff, Volume 2, Rate Schedules X–12 and X–13 for Texas Gas Transmission Corporation and that said rate schedules provide for an overrun charge of 5.0 cents per Mcf. Further the application states, the parties considered that the proposed exchange is for a limited duration and for a relatively small volume of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.75–27616 Filed 10–14–75;8:45 am]

[Docket No. CP76–102]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application

OCTOBER 6, 1975.

Take notice that on September 24, 1975, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP76–102 an application pursuant to Section 7(c) of the Natural Gas Act, as implemented by Section 157.7(b) of the Regulations thereunder (18 CFR 157.7 (b)) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1976, and operation of certain natural gas purchase facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas purchased by Columbia Transmission Corporation which may become available from various producing areas generally coextensive with Applicant's pipeline system or other pipelines authorized to transport gas for or exchange gas with Columbia Gas Transmission Corporation.

The total cost of the proposed facilities would not exceed $7,000,000, and the cost of a single onshore project would not exceed $1,500,000, and the total cost of an offshore project would not exceed $2,500,000, which costs Applicant states would be financed from current working funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27617 Filed 10–14–75;8:45 am]

[Docket No. E–8952]

CONNECTICUT LIGHT AND POWER CO.

Order Granting Untimely Petition To Intervene

OCTOBER 7, 1975.

On August 2, 1974, The Connecticut Light and Power Company (CL&P), tendered for filing a proposed rate increase for electric service to seven customers [1] which provides for an estimated increase of $1,084,000 for the period ending December 31, 1974. Public notice of CL&P's filing was issued on August 9, 1974, with comments, protests, and petitions to intervene due on or before August 23, 1974.

On September 19, 1975, the Yale Steel Corporation (Yale) filed out-of-time a petition to intervene in the above-captioned proceeding. Yale states that only recently did it become aware of the full impact the CL&P rate filing would have on its operations, and this is why it did not seek timely intervention in this proceeding.

In support of its petition, Yale states that it is a new company formed to construct and operate a steel mill in Wallingford, Connecticut, with operations scheduled to commence at the end of 1975. Yale's sole source of electric power will be the Town of Wallingford which is supplied by CL&P. Yale states that since Wallingford proposes to pass on the rate increase to its customers. Yale will be directly affected in this proceeding.

Having reviewed the subject petition, we believe that Yale's participation in this proceeding may be in the public interest. Accordingly, such petition shall be granted.

The Commission finds:

Participation in this proceeding of Yale Steel Corporation may be in the public interest.

The Commission orders:

(A) Yale Steel Corporation is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27636 Filed 10–14–75;8:45 am]

[1] See order issued August 30, 1974, in this docket for listing of customers affected by the August 2, 1974, filing.

[Docket No. RP76–20]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Denying Request for Reconsideration

OCTOBER 6, 1975.

By contract dated February 19, 1971, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) entered into an advance payment agreement (the Agreement) with McCulloch Oil Corporation (McCulloch), pursuant to which McCulloch committed to Michigan Wisconsin all of its share of gas which may be produced from the Fin Creek Unit Area, North Slope, Alaska, in consideration of Michigan Wisconsin's commitment to make advance payments to McCulloch equal to 25% of the actual costs of the initial test well. Michigan Wisconsin made advance payments to McCulloch under the Agreement in the aggregate amount of $2,163,755.

On January 31, 1974, the Commission issued Opinion 685 [1] which approved inclusion of $450,000 of the McCulloch advance in Michigan Wisconsin's rate base, subject to conditions similar to those which were applied to Alaskan advances made by Columbia Gas Transmission Corporation (Columbia) [2] and El Paso Natural Gas Company (El Paso).[3] The Commission found that since the condition applied to the Alaskan advances made by Columbia and El Paso were similar to those set forth in Order 499,[4] it would be appropriate to make Michigan Wisconsin's McCulloch advance subject to the provisions of Order 499. Opinion 685 so provided. Although Michigan Wisconsin applied for rehearing of Opinion 685 on March 1, 1974, insofar as it related to Michigan Wisconsin's Canadian advances, Michigan Wisconsin's application did not challenge the Commission's treatment of the McCulloch advances.

By letter dated November 11, 1974, Michigan Wisconsin alleged that the well had become nonproductive and that the advances were therefore nonrecoverable. In view of this fact, Michigan Wisconsin requested the Commission to approve the transfer of the nonrecoverable McCulloch advance from Account 166 to Account 186 and to then amortize the nonrecoverable advance to Account 813 over a 5 year period.

By letter order dated January 20, 1975,[5] the Commission denied Michigan Wisconsin's requested accounting treatment and indicated that the nonrecoverable advance should be transferred from Account 166 to Account 435 or Account 426.5, as appropriate. The Commission referred to the Commission's Opinion No. 685, 51 FPC 391 (1974), wherein Michigan Wisconsin was permitted to include in rate base $450,000 in advance payments to McCulloch, and noted that such permission was granted "subject to the provisions set forth in Commission Order No. 499, issued December 28, 1973, in Docket No. RP74–4". The Commission stated further that Order No. 499

> • • • permits amortization of nonrecoverable advances *only* when the advances are subject to a full repayment guarantee by the producer and the producer is unable to repay the advance in gas or other economic consideration.
>
> The agreement governing the Alaskan advances to McCulloch does not provide for guaranteed repayment and in fact specifically limits recovery of the advance to Michigan Wisconsin's share of net profits, or in the event no hydrocarbons are produced, saved and sold from the unit area, to McCulloch's share of any net salvage value. In view of the contractual limitations on recovery of the advance, the special relief provisions of paragraph H of Account 166 in Order No. 499 are not applicable.

On May 5, 1975, Michigan Wisconsin filed a letter requesting reconsideration of the Commission's January 20, 1975, letter order. The company argues that at the time it entered into the Agreement, the orders governing advance payments were Order No. 410, 44 FPC 1142 (1970), issued on October 2, 1970, and Order No. 410–A, 45 FPC 135 (1971) issued January 8, 1971, respectively, in Docket No. R–380. Michigan Wisconsin notes that (1) under the provisions of Order Nos. 410 and 410–A, Michigan Wisconsin would be permitted to amortize the nonrecoverable McCulloch advance to Account 813 and (2) those orders do not exclude Alaskan advances from their purview and thus, it is argued, the McCulloch advance should be governed by Order Nos. 410 and 410–A. Michigan Wisconsin further argues that Opinion 685 allowed rate base treatment for the McCulloch advance but that that decision "is not dispositive" of the issue presented here. The company states that they were not "aggrieved" by Opinion 685 and that that order granted them what they wanted, i.e. rate base treatment of the McCulloch advance, and that the advance should therefore be governed by Order Nos. 410 and 410–A. To do otherwise, it is argued, would be to retroactively apply more severe standards which were not in effect during the time the Agreement was executed, citing *Columbia Gas Transmission Corporation*, Opinion No. 722, issued March 7, 1975, in Docket Nos. RP71–18, *et al.*

Michigan Wisconsin's arguments are not persuasive. The Commission found it appropriate in Opinion No. 685, 51 FPC at 392 to attach to the McCulloch advance conditions similar to those attached to Alaskan advances made by Columbia Gas Transmission Corporation [6] and El Paso Natural Gas Company.[7] The Commission, after noting that the conditions to the El Paso and Columbia advances were similar to those indicated in Order No. 499, then proceeded to make the McCulloch advance subject to the provisions of Order No. 499 51 FPC at 392, and at 393 (Finding Paragraph 3 and Ordering Paragraph B). In its application for rehearing of Opinion No. 685, Michigan Wisconsin did not challenge the Commission's treatment of the McCulloch advance. And, as set forth in the Commission's January 20, 1975, order, under the provisions of Order No. 499, Michigan Wisconsin is not permitted to amortize the nonrecoverable McCulloch advance to Account 813 over a 5 year period. Accordingly, we find nothing in Michigan Wisconsin's May 5, 1975, request which warrants modification of our January 20, 1975, letter order and shall therefore deny Michigan Wisconsin's May 5, 1975; request for reconsideration of our January 20, 1975, letter order.

The Commission finds:

Michigan Wisconsin's May 5, 1975, request for a reconsideration of our January 20, 1975, letter order presents no facts or principles of law which warrant modification of that order.

The Commission orders:

(A) Michigan Wisconsin's May 5, 1975, request for reconsideration of our January 20, 1975, letter order attached as Appendix A [8] hereto is denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27620 Filed 10–14–75;8:45 am]

[1] *Michigan Wisconsin Pipe Line Company*, 51 FPC 391 (1974), rehearing denied — FPC — issued March 29, 1974, in Docket No. RP 71–112, appeal docketed, *sub nom. Michigan Wisconsin Pipe Line Company* v. *F.P.C.* (OADC, Case No. 74–1450).

[2] Opinion 674, 50 FPC 1514 (1973).

[3] Opinion 673, 50 FPC 1530 (1973), amended Opinion 673–A, 51 FPC 36 (1974).

[4] 50 FPC 2120 (1973).

[5] See Appendix A.

[6] *Columbia Gas Transmission Corporation*, Opinion No. 674, 50 FPC 1514 (1973).

[7] *El Paso Natural Gas Company*, Opinion No. 673, 50 FPC 1530 (1973); amended Opinion No. 673–A, 51 FPC 36 (1974).

[Project Nos. 2360, 2363]

MINNESOTA POWER & LIGHT CO. AND THE NORTHWEST PAPER CO.

Order Providing for Pre-Hearing Conference and Denying Motions

OCTOBER 6, 1975.

On December 11, 1964 the Commission issued Orders Issuing License (Major) and Denying Request for Disclaimer of Jurisdiction for Minnesota Power & Light Company's St. Louis River Project No. 2360 and Northwest Paper Company's Cloquet Project No. 2363.[1]

The St. Louis River Project No. 2360 consists of four power developments on the St. Louis River (Knife Falls, Scanlon, Thomson and Fond du Lac) having a total installed capacity of 83,350 kilowatts, and five storage reservoirs (Whiteface, Boulder, Rice, Island, and Fish Lakes) having a total storage capacity of 33,870 acre-feet. The storage reservoirs are located on upstream tributaries of the St. Louis River.

The Cloquet Project No. 2363 is located on the St. Louis River immediately downstream from the aforementioned Knife

[8] Appendix A filed as part of the original document.

[1] Minnesota Power & Light Co., Project No. 2360, 32 F.P.C. 1407 (1964); The Northwest Paper Co., Project No. 2363, 32 F.P.C. 1413 (1964).

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Falls development of Project No. 2360. The Cloquet Project No. 2363 consists of a dam and a powerhouse having a total installed capacity of about 5480 kilowatts.

Northwest Paper Company and Minnesota Power & Light Company (MP&L) filed applications for rehearing of the December 11, 1964, Orders Issuing License on January 8 and 11, 1965, respectively. These applications alleged error with respect to the Commission's finding of navigability, assertion of jurisdiction, the effective and termination dates of the licenses, annual charges, and certain license conditions. On February 5, 1965, the applications were granted by the Commission's Order Granting Rehearing and Providing for Hearing. This order consolidated the proceedings for Project Nos. 2360 and 2363 and provided that the date for hearing was to be fixed at a later date.

On December 31, 1973, The Northwest Paper Company merged with its parent corporate entity, Potlatch Corporation (Potlatch), and on March 7, 1975, Potlatch filed a revised Exhibit A in the application for Project No. 2363 to reflect this change in the applicant's status. Potlatch assumes the same posture with respect to the Project No. 2363 proceedings as did its predecessor, The Northwest Paper Company.

MP&L on May 10, 1974, and Potlatch on June 4, 1974, filed motions for modification of the orders issuing licenses. Both motions indicated the willingness of the respective companies to accept licenses based on the interstate commerce standard of the *Taum Sauk* decision, *FPC v. Union Electric Co.*, 381 U.S. 90 (1965), with appropriate changes in license dating, instead of licenses based on navigability.

By this Order we set a pre-hearing conference on the issues raised by MP&L and Northwest Paper Company in their applications for rehearing. Public notice of the conference shall be given. At the conference, the Presiding Administrative Law Judge shall consider the admission into evidence of relevant but uncontroverted facts. If a statement of facts can be agreed upon by the parties, the Administrative Law Judge shall then require briefs and submit his initial decision, consistent with Sections 1.29 and 1.30 of the Commission's Rules of Practice and Procedure, 18 C.F.R. §§ 1.29–.30 (1975). If there is disagreement upon the issues of fact relating to the issues raised on rehearing, the Presiding Judge shall fix a public hearing on those issues. Upon conclusion of the hearing, the Presiding Judge shall require briefs and submit his decision in accordance with Sections 1.29 and 1.30 of the Commission's Rules of Practice and Procedure.

One of the issues to be explored in this proceeding will be the basis for the Commission's jurisdiction over Project Nos. 2360 and 2363. Accordingly, it is appropriate at this time that the motions of MP&L and Potlatch that licenses be issued based on *Taum Sauk* jurisdiction be denied, without prejudice to their being raised at a later date.

The Commission finds:

(1) Potlatch Corporation is a duly certified corporation organized and doing business in the State of Minnesota.

(2) It is appropriate and in the public interest to deny the motions of Minnesota Power & Light Company and Potlatch Corporation for modification of the Commission Orders Issuing License, without prejudice to their being raised at a later date.

(3) It is appropriate and in the public interest to hold a pre-hearing conference as hereinafter provided on the issues raised by Minnesota Power & Light Company and The Northwest Paper Company, predecessor of Potlatch Corporation, in their applications for rehearing.

The Commission orders:

(A) Potlatch Corporation shall be substituted for The Northwest Paper Company as applicant for the Cloquet Project No. 2363.

(B) The motions of Minnesota Power & Light Company and Potlatch Corporation for modification of the Commission Orders Issuing License are denied, without prejudice to their being raised at a later date.

(C) The following procedure is prescribed for this proceeding:

1. A pre-hearing conference before an Administrative Law Judge shall be held at 10:00 a.m. on November 18, 1975, in a hearing room of the Federal Power Commission, 825 North Capitol Street, Washington, D.C. respecting the issues raised by Minnesota Power & Light Company and The Northwest Paper Company, predecessor of Potlatch Corporation, in their applications for rehearing.

2. If the Presiding Administrative Law Judge finds no disagreement on material facts bearing on the issues raised on rehearing, he shall provide a briefing schedule to be followed by an initial decision in accordance with Sections 1.29 and 1.30 of the Commission's Rules of Practice and Procedure.

3. If the Presiding Administrative Law Judge finds that there is disagreement on facts bearing on the issues raised on rehearing, he shall schedule a public hearing on those issues to be followed by briefing and an initial decision in accordance with Sections 1.29 and 1.30 of the Commission's Rules of Practice and Procedure.

(D) The Commission's Rules of Practice and Procedure shall apply in this proceeding except to the extent they are modified or supplemented herein.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27621 Filed 10-14-75;8:45 am]

[Project No. 346]

MINNESOTA POWER AND LIGHT CO.

Issuance of Annual License

OCTOBER 6, 1975.

On August 13, 1970, Minnesota Power and Light Company, Licensee for Blanchard Project No. 346, located on the Mississippi River below Pike Rapids in Morrison County, Minnesota, filed an application for a new license under Section 15 of the Federal Power Act and Commission regulations thereunder (Sections 16.1–16.6).

The license for Project No. 346 was issued effective August 25, 1923, for a period ending August 24, 1973. In order to authorize the continued operation of the project pursuant to Section 15 of the Act pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Minnesota Power and Light Company for continued operation and maintenance of Blanchard Project No. 346.

Take notice that an annual license has been issued to Minnesota Power and Light Company (Licensee) under Section 15 of the Federal Power Act for the period August 25, 1975, to August 24, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Blanchard Project No. 346, subject to the terms and conditions of its license.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27622 Filed 10-14-75;8:45 am]

[Project No. 469]

MINNESOTA POWER & LIGHT CO.

Issuance of Annual License

OCTOBER 6, 1975.

On October 9, 1970, Minnesota Power & Light Company, Licensee for Project No. 469, located on the Kawishiwi River in Lake and St. Louis Counties, near the village of Winton, Minnesota, filed an application for a new license under Section 15 of the Federal Power Act and Commission Regulations thereunder (Sections 16.1–16.6).

The license for Winton Hydro-Electric Project No. 469 was issued effective September 5, 1924, for a period ending October 26, 1973. Since the original data of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to Section 15 of the Act, pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Minnesota Power & Light Company for continued operation and maintenance of Project No. 469.

Take notice that an annual license is issued to Minnesota Power & Light Company (Licensee) under Section 15 of the Federal Power Act for the period October 27, 1975, to October 26, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Winton Hydro-Electric Project No. 469 subject to the terms and conditions of its present license.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27623 Filed 10-14-75;8:45 am]

[Docket No. ER76-144]

ORANGE AND ROCKLAND UTILITIES, INC.

Rate Schedule Termination

OCTOBER 6, 1975.

Take notice that on September 22, 1975, Orange and Rockland Utilities, Inc. (Orange & Rockland) notified the Commission of its intention to terminate its Rate Schedule F.P.C. No. 32, pursuant to which it has previously rendered service to Consolidated Edison Company of New York, Inc. (Con Ed). Orange & Rockland proposes that said termination become effective as of October 24, 1975, and avers that such termination date is in accordance with the terms of the subject rate schedule.

Orange & Rockland states that it has mailed to Con Ed a copy of the proposed Notice of Termination together with a copy of the transmittal letter.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27624 Filed 10-14-75;8:45 am]

[Project No. 233]

PACIFIC GAS AND ELECTRIC CO.

Issuance of Annual License

OCTOBER 6, 1975.

On October 28, 1970, Pacific Gas and Electric Company, Licensee for Pit No. 3, 4, and 5 Project No. 233, located on Pit River in Shasta County, California, filed an application for a new license under Section 15 of the Federal Power Act and Commission Regulations thereunder (Section 16.1–16.6).

The license for Project No. 233 was issued effective October 23, 1923, for a period ending October 22, 1973. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project pursuant to Section 15 of the Act, pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Pacific Gas and Electric Company for continued operation and maintenance of Project No. 233.

Take notice that an annual license is issued to Pacific Gas and Electric Company (Licensee) under Section 15 of the Federal Power Act for the period October 23, 1975, to October 22, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Pit No. 3, 4, and 5 Project No. 233 subject to the terms and conditions of its present license.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27625 Filed 10-14-75;8:45 am]

[Docket No. E-8928]

PACIFIC GAS AND ELECTRIC CO.

Order Granting Untimely Petition To Intervene

OCTOBER 7, 1975.

On July 24, 1974, Pacific Gas and Electric Company (PG&E) tendered for filing proposed changes in its FPC Electric Tariff, Original Volume Nos. 1 and 2.

Notice of PG&E's filing was issued on August 6, 1974, with comments, protests or petitions to intervene due on or before August 13, 1974. An untimely petition to intervene was filed by California-Pacific Utilities Company.

Having reviewed said petition, we believe that California-Pacific Utilities Company has a sufficient interest in this proceeding to warrant its intervention herein, provided such intervention is conditioned as hereinafter ordered.

The Commission finds:

It is desirable and in the public interest to permit the intervention in this proceeding of California-Pacific Utilities Company, provided that such intervention is limited as hereinafter ordered and conditioned.

The Commission orders:

(A) California-Pacific Utilities Company is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further*, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27687 Filed 10-14-75;8:45 am]

[Project No. 309]

PENNSYLVANIA ELECTRIC CO.

Issuance of Annual License

OCTOBER 6, 1975.

On March 2, 1970, Pennsylvania Electric Company, Licensee for Piney Project No. 309, located on the Clarion River, Clarion County, Pennsylvania, filed an application for a new license under Section 15 of the Federal Power Act and Commission Regulations thereunder (Sections 16.1–16.6).

The License for Project No. 309 was issued effective October 13, 1922, for a period ending October 12, 1972. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to Section 15 of the Act, pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Pennsylvania Electric Company for continued operation and maintenance of Project No. 309.

Take notice that an annual license is issued to Pennsylvania Electric Company (Licensee) under Section 15 of the Federal Power Act for the period October 13, 1975, to October 12, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Piney Development Project No. 309, subject to the terms and conditions of its present license.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27626 Filed 10-14-75;8:45 am]

[Docket No. ID-1580]

ROBERT WILLIAM SCHERER

Supplemental Application

OCTOBER 6, 1975.

Take notice that on July 28, 1975, Robert William Scherer (Applicant), filed a supplemental application with the Federal Power Commission. Pursuant to Section 305(B) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Director and Senior Vice President; Georgia Power Company; Public Utility.
Director; Southern Electric Generating Company; Public Utility.

Any person desiring to be heard or to make any protest with reference to such application should, on or before October 17, 1975, file with the Federal Power Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27627 Filed 10-14-75;8:45 am]

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[Project No. 719]

JESSIE I. SMITH

Issuance of Annual License

OCTOBER 6, 1975.

On June 30, 1972, Jessie I. Smith, Licensee for Trinity Power Project No. 719, located in Wenatchee National Forest, Chelan County, on the James and Phelps Creeks, tributaries of the Chiwawa River in Washington, filed an application for a new license under Section 15 of the Federal Power Act and Commission Regulations thereunder (Sections 16.1–16.6).

The License for Project No. 719 was issued effective November 1, 1952, for a period ending October 31, 1972. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to Section 15 of the Act, pending completion of Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Jessie I. Smith for continued operation and maintenance of Project No. 719.

Take notice that an annual license is issued to Jessie I. Smith (Licensee) under Section 15 of the Federal Power Act for the period November 1, 1975, to October 31, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 719, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27619 Filed 10–14–75;8:45 am]

[Docket No. CP76–96]

STINGRAY PIPELINE CO.

Notice of Application

OCTOBER 6, 1975.

Take notice that on September 22, 1975, Stingray Pipeline Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP76–96 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 42.7 miles of pipeline, compressor and related facilities for the transportation of natural gas to be produced from West Cameron Blocks 616 and 630, offshore Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct approximately 28.1 miles of 42-inch O.D. pipeline from a valve manifold platform to be constructed in West Cameron Block 148 to Applicant's existing Holly Beach Compressor Station, in Cameron Parish, Louisiana, approximately 14.6 miles of 30-inch O.D. pipeline from West Cameron Block 616 to Applicant's existing system in West Cameron Block 564, two 3,400 horsepower compressor units at Applicant's compressor station in West Cameron Block 509, and related miscellaneous piping and facilities, at an estimated cost of approximately $67,530,000.

The proposed facilities are said to be able to transport all of the gas to be produced from West Cameron Blocks 616 and 630. The facilities would increase Applicant's system capacity from 1 million Mcf to 1.16 million Mcf per day. Natural Gas Pipeline Company of America (Natural) and Trunkline Gas Company (Trunkline) are each said to have the right to purchase 25 percent of Exxon Corporation's gas to be developed in Blocks 616 and 630, and when the proposed facilities are completed each would have a transportation quantity of 480,000 Mcf per day. The application states that United Gas Pipe Line Company's transportation quantity would remain unchanged at 200,000 Mcf per day. The deliveries of gas from Blocks 616 and 630 are said to be necessary for Natural and Trunkline to hold offset curtailments in their systems.

Applicant alleges that with the proposed facilities the annual system cost of service would be $51,779,200, the annual transportation quantity would be 13,920,000 Mcf and the transportation rate per Mcf transported would be $3.72.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27628 Filed 10–14–75;8:45 am]

[Docket No. RI75–6]

SUN OIL CO.

Order Approving Settlement Proposal and Granting Special Relief

OCTOBER 6, 1975.

On July 2, 1974, Sun Oil Company (Sun) filed a petition for special relief pursuant to Section 2.76 of the Commission's General Policy and Interpretations [1] from the applicable area rate ceiling set in Opinion No. 586.[2] Sun requested a rate increase from 13.5 cents per Mcf, 14.65 psia to 35.0 cents per Mcf, 14.65 psia, with an annual 1 cent per Mcf escalation for sales of natural gas produced from eight wells in the Bradshaw Field, Hamilton County, Kansas, to Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), under Sun's FPC Gas Rate Schedule No. 419.[3] The petition contained a contract amendment between Sun and Kansas-Nebraska authorizing the proposed increase.

Notice of Sun's petition was issued July 22, 1974, and published in the Federal Register on July 29, 1974 (39 FR 27513). No protests or petitions to intervene were filed. By order issued February 26, 1975, this matter was set for formal hearing.

Seven of the eight wells involved in this proceeding are operated and partly owned by Ladd Petroleum Company (Ladd), formerly LVO Corporation. Ladd's interest in these wells was the subject of a prior proceeding for special relief (*LVO Corporation*, Docket No. C174–19, settlement agreement approved April 22, 1974) which involved a program to upgrade a saltwater disposal system for the wells, necessitated by an increase in saltwater production and a decrease in bottomhole pressure. Originally, Sun's proffered support for its petition with regard to these seven wells was based almost entirely on the evidence and conclusion of the LVO proceeding. Sun's eighth well, known as Kincheloe B, was not involved in the prior proceeding. In its petition for reconsideration, Sun alleged that production from this well has fallen to the extent that its expenses far exceed the revenues derived from it and that it will have to be abandoned unless relief is granted.

On March 27, 1975, Sun petitioned for reconsideration of the Commission's order of February 28, 1975, setting this matter for hearing. This petition was denied by order of April 21, 1975, which held, in essence, that Sun's reliance on the LVO case was not adequate, in itself, to support Sun's petition for special relief.

In the course of this proceeding, the Commission's Staff requested and received of Sun various cost and reserve data relating to its petition and on April 16 through 21, 1975, conducted a detailed audit of Sun's books at Sun's offices in Tulsa, Oklahoma, to corroborate and clarify the data submitted. Subsequently, a settlement conference was held between members of the Commission's staff and a representative of Sun. On August 11, 1975, Sun filed a settlement proposal pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure (18 CFR 1.18) wherein it offered to accept a settlement rate of 19.5 cents per Mcf, 14.65 psia, for its gas from the above described seven wells operated by Ladd and 35 cents per Mcf, 14.65 psia, for its gas from the well known as Kincheloe B. This proposal was noticed by the Commission August 21, 1975 (40 FR 40211, September 2, 1975).

On September 4, 1975, the staff filed comment pursuant to the settlement proposal notice stating that as a result of careful analysis of the facts underlying Sun's petition for special relief it had concluded that the proposed settlement rates were justified. Appended to staff's comments was a detailed unit cost of gas calculation relating to the seven wells operated by Ladd. No other comments were received.

Based on our consideration of the petition, additional data submitted by Sun, and Staff's study and analysis we conclude that the settlement rates proposed herein are justified.

The Commission orders:

(A) The Settlement Proposal submitted to the Commission on August 11, 1975, in Docket No. RI75–6 is hereby approved.

(B) Sun is allowed to collect 19.5 cents per Mcf at 14.65 psia for its interest in sales of natural gas to Kansas-Nebraska from the Stanley Unit No. 1921, Eddy Unit No. 3211, Jerry Webb Unit No. 2531, Eaton Unit No. 2230, Unit No. 2431, Unit No. 2631 and Unit No. 2930, in Hamilton County, Kansas, and 35 cents per Mcf at 14.65 psia for its interest in sales of natural gas to Kansas-Nebraska from the Kincheloe "B" unit in Hamilton County, Kansas.

(C) Within thirty days of the date of issuance of this order, Sun shall file its contract amendment with Kansas-Nebraska to Sun's FPC Gas Rate Schedule No. 419 authorizing the rate increase provided for herein and shall file notice of change in rate to 19.5 cents and 35 cents per Mcf as set forth in paragraph (B) above for the subject sales in accordance with Part 154 of the Commission's Regulations.

(D) Upon notification by the Secretary of the Commission that the terms and conditions of this order have been complied with, the rates specified in paragraph (B) will become effective as of the date of issuance of this order.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27629 Filed 10–14–75;8:45 am]

[1] *Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Make Further Production Uneconomical At Existing Prices*, Order No. 461, Docket No. R–458, 49 FPC 962 (issued April 12, 1973), as amended, 13 C.F.R. § 2.76.

[2] *Opinion And Order Determining Just And Reasonable Rates For Natural Gas Produced In The Hugoton-Anadarko Area*, Docket No. AR64–1, et al., 44 FPC 761, issued September 18, 1970.

[3] The rate sought by Sun Oil Company does not reflect any increase in tax liability resulting from repeal of the percentage depletion allowance by the Tax Reducation Act of 1975.

[Docket No. CP76–109]

TENNESSEE GAS PIPELINE CO., AND COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

OCTOBER 6, 1975.

Take notice that on September 29, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325, jointly Applicants, filed in Docket No. CP76–109 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for UGI Corporation-Gas Utilities Division (UGI) to East Tennessee Natural Gas Company (East Tennessee) for storage,[1] all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants state that UGI has requested that gas be delivered to East Tennessee for liquefaction and storage in the period prior to October 31, 1975. Deliveries for the account of UGI would be made in volumes up to 23,000 Mcf per day and up to 450,000 Mcf in the period.

The proposed transportation service would be rendered by Applicants when UGI would reduce its receipts from Columbia's Millway Delivery Point in Lancaster County, Pennsylvania; and, at the same time, Columbia would make equivalent deliveries to Tennessee for the account of UGI by reducing volumes receipts of gas that would be available to Columbia from Tennessee at Tennessee's Unionville Meter Station in Beaver County, Pennsylvania, or at other mutually agreeable points. Tennessee would transport and deliver equivalent volumes to East Tennessee for the account of UGI at Tennessee's Lobelville Sales Meter Station and/or Greenbriar Sales Meter Station, in Perry and Robertson Counties, Tennessee, respectively. It is stated that East Tennessee would transport, liquefy or have liquefied and store such gas for UGI for redelivery in the 1975–1976 winter period by methods arranged between UGI and East Tennessee.

Tennessee proposes to charge UGI 17.93 cents per Mcf of gas transported and delivered to East Tennessee for the account of UGI, which rate is said to reflect Tennessee's system average haul per 100 miles of 3.014397 cents per Mcf applied to the distance from the Unionville Sales Meter Station to the Lobelville Sales Meter Station of approximately 594.95 miles. Columbia would pay Tennessee Tennessee's then-effective commodity rate, applicable at the point where Columbia makes gas available to Tennessee, for all volumes received by Tennessee from Columbia for the account of UGI.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 31, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27630 Filed 10–14–75;8:45 am]

[1] Proposed in Docket No. CP76–99.

[Docket No. CP76–67]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

OCTOBER 8, 1975.

Take notice that on August 27, 1975, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP76–67 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of gas for the account of Algonquin Gas Transmission Company (Algonquin), all as more fully set forth in the application on file with the Commission and open to public inspection.

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Applicant requests authorization to deliver through April 15, 1975, 1,200,000,000 Btu of gas per day to Pottsville Gas Company (Pottsville) 4,500,000,000 Btu of gas per day to Philadelphia Electric Company (Philadelphia), 600,000,000 Btu of gas per day to Transcontinental Gas Pipe Line Corporation (Transco) for further delivery to Union Gas Company (Union), and 4,505,000,000 of gas per day to Transco for further delivery to South Jersey Gas Company (South Jersey), all for the account of Algonquin, and to decrease deliveries to Algonquin during the same period. Algonquin is stated to have sold to Pottsville, Philadelphia, Union, and South Jersey synthetic gas in the aforementioned quantities under Rate Schedule SNG–1 and has requested that Applicant deliver equivalent volumes to the subscribing customers. This Applicant proposes to do be displacement, by reducing the volumes of gas delivered to Algonquin by the amount of gas delivered directly to the customers or to Transco. Pottsville, Philadelphia and Algonquin are customers of Applicant and Union and South Jersey are customers of Transco with whom Applicant has several exchange points. The deliveries and reductions would be made at existing delivery points by means of existing facilities, the application states.

Applicant states that it has been curtailing deliveries to its customers and expects curtailments to continue. Further, Applicant notes that Transco has forcast curtailments to its customers during the coming winter. The application states that delivery of SNG to the companies proposed to be served under the authorization requested herein is needed by them to help them meet their requirements during the coming winter.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.75–27631 Filed 10–14–75;8:45 am]

[Docket No. RP75–74]

TRANSWESTERN PIPELINE CO.

Filing of Substitute Tariff Sheets

OCTOBER 6, 1975.

Take notice that on September 30, 1975, the Transwestern Pipeline Company (Transwestern) tendered for filing, pursuant to Section 4(e) of the Natural Gas Act and Ordering Paragraphs (A) and (E) of the Commission's order issued April 30, 1975 in this proceeding, Second Revised Volume No. 1 to its FPC Gas Tariff and the following tariff sheets:

First Revised Sheet No. 5.
First Revised Sheet No. 6.
Substitute Original Sheet No. 66.
Substitute Original Sheet No. 77.
Substitute Original Sheet No. 78.
Substitute Original Sheet No. 79.

Transwestern requests that Second Revised Volume No. 1, as modified by First Revised Sheet Nos. 5 and 6 and Substitute Original Sheet Nos. 66, 77, 78 and 79 be placed into effect on October 1, 1975. In the event that the Commission suspends for one day the effectiveness of Transwestern's PGA filing proposed to be effective October 1, 1975 in Docket No. RP74–52, then Transwestern moves, alternatively, that Second Revised Volume No. 1, as modified by Substitute Original Sheet Nos. 5, 6, 66, 77, 78 and 79 be placed into effect on October 1, 1975, and requests an effective date of October 2, 1975 for First Revised Sheet Nos. 5 and 6. As a second alternative, Transwestern moves that Second Revised Volume No. 1, as originally tendered for filing on March 14, 1975, or as modified by any of the Revised or Substitute Original Tariff Sheets, attached hereto, deemed appropriate by the Commission, be placed into effect on October 1, 1975.

Transwestern claims that its latest filing herein proposes a revised Research and Development Adjustment Clause that conforms completely to the requirements specified by the Commission in its April 30, 1975 order, corrects a typographical oversight contained in its original filing of March 14, 1975, and restates subsequent PGA tracking increases so as to reflect the conversion to a dekatherm billing base and to reflect the Docket No. RP75–74 base cost of gas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27632 Filed 10–14–75;8:45 am]

[Docket No. CP75–143]

TRUNKLINE GAS CO.

Petition To Amend

OCTOBER 6, 1975.

Take notice that on September 2, 1975, Trunkline Gas Company (Petitioner), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP75–143 a petition to amend the order of the Commission of January 28, 1975, issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act to include authorization to exchange natural gas with Natural Gas Pipeline Company of America (Natural) at a point in Cameron Parish, Louisiana, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Applicant states that by the order of January 28, 1975, it is authorized to exchange gas with Natural in Montgomery County, Texas, and at two processing plants located in Vermilion Parish, Louisiana, and Brazoria County, Texas. In the instant amendment it is proposed that Petitioner be authorized to receive gas from Natural at an existing interconnection in Cameron Parish, Louisiana, for redelivery at other authorized exchange points. The measuring facilities would be operated by Natural at the proposed exchange point.

Accounting for deliveries at the proposed exchange point would be made by assigning the first volumes delivered to a transportation agreement between Petitioner and Natural under which gas is presently being delivered at said point, and all other volumes would be assigned to the exchange authorized in the instant docket. The transportation agreement is said to have been certificated by the Commission by its order of May 6, 1974.

Petitioner states that there would be no additional cost to it for the facilities at the proposed exchange point and no additional facilities are proposed in the instant petition.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 21, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and

Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

MARY KIDD PEAK,
Acting Secretary.

[FR Doc.75–27633 Filed 10–18–75;8:45 am]

[Project No. 596]

UTAH POWER & LIGHT CO.

Issuance of Annual License

OCTOBER 6, 1975.

On April 7, 1975, Utah Power & Light Company, Licensee for Olmsted Project No. 596, located on the Provo River and Lost Creek, Utah County, Utah, filed an application for a new license under the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 596 was issued effective October 21, 1925, for a period ending October 20, 1975. In order to authorize continued operation of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Utah Power & Light Company for continued operation and maintenance of Olmsted Project No. 596.

Take notice that an annual license is issued to Utah Power & Light Company (Licensee) for the period October 21, 1975, to October 20, 1976, unless during that period a new license for the project is issued, for the continued operation and maintenance of the Olmsted Project No. 596, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27634 Filed 10–14–75;8:45 am]

[Project No. 587]

WASHINGTON WATER POWER CO.

Issuance of Annual License

OCTOBER 6, 1975.

Washington Water Power Company is the Licensee for Transmission Line Project No. 587 located in Lincoln, Grant, Douglas, Chelan and Okanogan Counties, Washington, under the Federal Power Act and Commission Regulations thereunder. By letter dated May 26, 1975, Licensee was advised that the portion of the transmission line extending from Stratford to the Chelan hydroelectric plant (FPC Project No. 637) is a primary line and subject to relicense.

The license for Project No. 587 was issued effective August 26, 1925, for a period ending August 25, 1975. In order to authorize continued operation of the project, pending the filing of an application for license by Licensee for that portion of the line subject to license and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Washington Water Power Company for continued operation and maintenance of Project No. 587.

Take notice that an annual license has been issued to Washington Water Power Company (Licensee) for the period August 26, 1975, to August 25, 1976, unless during that period a new license for the project is issued, for the continued operation and maintenance of Project No. 587, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27635 Filed 10–14–75;8:45 am]

[Docket No. RP71–131]

ALGONQUIN GAS TRANSMISSION COMPANY

Availability of Draft Environmental Impact Statement

Notice is hereby given in the above Docket, that on October 10, 1975, a Draft Environmental Impact Statement prepared by the staff of the Federal Power Commission was made available. This draft statement deals with the environmental impact of alternative permanent curtailment plans proposed in Docket No. RP71–131 across the Algonquin Gas Transmission Company system.

This draft statement has been circulated to Federal, State and local agencies, and has been placed in the public files of the Commission, and is available for public inspection both in the Commission Office of Public Information, Room 1000, 825 North Capitol Street N.E., Washington, D.C. 20426 and in its Regional Office located at 26 Federal Plaza, 22nd Floor, New York, New York 10007. Copies are also available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27782 Filed 10–14–75;10:42 am]

GENERAL SERVICES ADMINISTRATION

JOINT FEDERAL, STATE, AND LOCAL GOVERNMENT ADVISORY PANEL ON PROCUREMENT AND SUPPLY

Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, October 6, 1972, notice is hereby given of the October 30–31, 1975, meeting of the Joint Federal, State, and Local Government Advisory Panel on Procurement and Supply. The meeting will convene at 9:00 a.m. each day in Room 1129, Crystal Mall Building 4, 1941 Jefferson Davis Highway, Arlington, Virginia.

The Panel provides a forum for discussion between all levels of government on problems and policies pertaining to procurement and supply to the end that all resources, experience, and expertise may be fully utilized.

The agenda will include discussions on: (1) Status of excess property legislation, (2) Model Procurement Code Project, (3) GSA Personal Property Rehabilitation Program, (4) Value incentive clause in contracts, (5) NIGP training and certification program, and (6) NASPO Information System.

This meeting is open to the public (within limitations of conference room facilities). Anyone who wishes to attend or desires further information should contact Mr. John F. Reutemann, Office of Customer Service and Support, FSS (telephone, 703–557–1823).

Dated at Washington, D.C., October 10, 1975.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

[FR Doc.75–27859 Filed 10–14–75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337–TA–20]

CERTAIN BISMUTH MOLYBDATE CATALYSTS

Notice of Investigation

A complaint was filed with the United States International Trade Commission on May 30, 1975, and a revised complaint was filed with the Commission on July 3, 1975, on behalf of the Standard Oil Company of Ohio (Sohio), Midland Building, Cleveland, Ohio 44115, alleging that the unlicensed importation of certain bismuth molybdate catalysts into the United States, and their sale, are unfair methods of competition and unfair acts within the meaning of section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), by reason of the coverage of such bismuth molybdate catalysts by claims in U.S. Letters Patents 2,941,007 or 3,642,930. The complainants further allege that the effect or tendency of the unfair methods of competition and unfair acts is to substantially injure an industry, efficiently and economically operated, in the United States. Complainant has requests that the imports in question be temporarily and permanently excluded from entry into the United States.

Having considered the above complaint, as revised, the United States International Trade Commission, on September 22, 1975, Ordered:

1. That pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), an investigation be instituted to determine whether there is any violation of this section in the unlicensed importation into the United States, or in their sale, of certain bismuth molybdate catalysts allegedly covered by claims in U.S. Letters Patents 2,941,007 or 3,642,930, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

2. That for the purposes of the investigation so instituted, (a) Rohm and Haas Company, Independence Mall West,

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Philadelphia, Pennsylvania 19105 and (b) Nippon Shokubai Kagaku Kogyo Co., Ltd., 5–1, Koraibashi Higashi-Ku, Osaka, Japan, both of which are alleged to be importing and/or selling the subject product, are hereby named as respondents upon which the complaint, as revised, is to be served.

3. That for purposes of the investigation so instituted, Richard W. Rappaport, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, is hereby named as Commission investigative attorney.

4. That all interested persons will be afforded the opportunity to respond to the complaint, in accordance with the following procedures:

(a) Each respondent named herein shall serve a response to the complaint upon complainant and the Commission investigative attorney no later than 30 days after service of this notice and complaint has been effected.

(b) Any further submission or reply of complainant shall be served by him upon all respondents and the Commission investigative attorney no later than November 25, 1975.

(c) A signed original and nineteen (19) true copies of each response, further submission, or reply shall be filed with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, within the respective time periods specified in subparagraphs (a) and (b) above.

5. That extensions of time for filing responses or submissions will not be granted unless good and sufficient cause is shown therefor.

6. That failure of respondent to file a response to each of the allegations which are the subject of this investigation as set forth in the notice, taking into consideration the applicable detailed allegations in the complaint, as revised, within the time provided, may be deemed to constitute a waiver of its rights to appear and contest such allegations and shall authorize the Commission, without further notice to that respondent, to find the facts to be as alleged and to enter an order containing such findings.

The complaint, as revised, is available for inspection by interested persons at the Office of the Secretary, United States International Trade Commission Building, Washington, D.C., and in the New York City office of the Commission, 6 World Trade Center.

By order of the Commission.

Issued: October 9, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75–27719 Filed 10–14–75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75–80)]

DRAWINGS AVAILABLE FOR PROTOTYPE FIREFIGHTERS BREATHING SYSTEM

Final Program Review To Be Conducted; Notice of Meeting

A prototype breathing system for firefighters has been developed at the Johnson Space Center in Houston as an Engineering Applications Project under the Technology Utilization Program. Microfiche drawings of this system are available from:

NASA Scientific and Technical Facility, Code TI, Post Office Box 8756, Baltimore/Washington International Airport, MD 21240.

In addition, Firefighters Breathing System Final Program Review will be conducted at the Johnson Space Center on November 13, 1975, to answer questions about the breathing apparatus design and to explore possible commercial applications of all or part of the new system.

For further information about the symposium, please call Mr. W. B. Wood at 713/483–3771.

CLARE F. FARLEY,
Acting Deputy Assistant Administrator for Technology Utilization.

[FR Doc.75–27590 Filed 10–14–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS PROCEDURES SUBCOMMITTEE

Notice of Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards Procedures Subcommittee will hold a meeting at 1:00 p.m. on November 5, 1975 in Room 1010, 1717 H Street, NW., Washington, D.C. 20555. This meeting will be closed to the public.

The Subcommittee will meet in closed Executive Session to discuss proposed changes to Committee policy and practices regarding the preparation of ACRS reports to the Nuclear Regulatory Commission. Individual members will exchange and discuss their personal opinions and recommendations regarding a proposed change in these procedures leading to a final recommendation by the Subcommittee to the ACRS.

I have determined in accordance with Subsection 10(d) of Public Law 92–463 that it is necessary to hold this meeting in closed session, as noted, to protect the free exchange of opinion during the Committee's deliberative process. Separation of factual information from the individual advice, opinion, or recommendations of ACRS members is not considered practical.

Dated: October 9, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75–27658 Filed 10–14–75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE JAMESPORT NUCLEAR POWER STATION, UNITS 1 AND 2

Notice of Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on the Jamesport Nuclear Power Station, Units 1 and 2, will hold a meeting on October 30, 1975 at the Dutch Inn Motor Hotel, 3845 Veterans Memorial Highway, Ronkonkoma, L.I., N.Y. 11779. The purpose of this meeting is to develop information to be considered by the ACRS in its review of the application of Long Island Lighting Company (LILCO) for a construction permit for the Jamesport Station.

The agenda for the subject meeting shall be as follows:

Thursday, October 30, 1975, 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent review of safety reports, regarding matters which should be considered during the open session in order to formulate a Subcommittee report and recommendations to the full Committee.

9 a.m. until the conclusion of business. The Subcommittee will meet in open session to hear presentations and hold discussions with the NRC Staff and representatives of LILCO regarding design features and site-related aspects of the application for a construction permit as well as other matters relating to review of the Safety Analysis Report.

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During this session, Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee will meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and the Applicant matters involving proprietary information, particularly with regard to specific features of the plant design and plans related to plant security.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary or plant security information (5 U.S.C. 552(b)(4)), Separation of factual material from individuals' advice, opinions and recommendations while closed Executive Sessions are in progress in considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing 15 copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than October 23, 1975 to Mr. R. Muller, ACRS, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555 and at the Riverhead Free Library, 330 Court St., Riverhead, N.Y. 11901.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on October 29, 1975 to the Office of the Executive Director of the Committee (telephone 202/634–1413, Attn: Mr. R. Muller) between 8:15 a.m. and 5 p.m., e.s.t.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information, other than plant security information, may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. R. Muller of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after November 6, 1975 at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555, and at the Riverhead Free Library, 330 Court St., Riverhead, N.Y. 11901. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555 after January 30, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: October 14, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75–27959 Filed 10–14–75;11:22 am]

[Docket No. 50–317]

BALTIMORE GAS AND ELECTRIC CO.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Facility Operating License No. DPR–53, issued to Baltimore Gas and Electric Company (the licensee), which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant Unit 1 (the facility) located in Calvert County, Maryland. The amendment was effective as of September 26, 1975.

The amendment modifies the Technical Specifications for the facility to permit removal of one of the safety injection system valves from service for a period of up to six hours for repair with the plant shut down and the primary coolant temperatures below 300° F.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated September 26, 1975, (2) Amendment No. 9 to License No. DPR–53, with Change No. 8, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Calvert County Library, Prince Frederick, Maryland 20678. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 6th day of October, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75–27597 Filed 10–14–75;8:45 am]

[Docket No. 50–293]

BOSTON EDISON CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating Licenses No. DPR–35, issued to Boston Edison Company (the licensee), which revised technical specifications for operation of the Pilgrim Nuclear Power Station (the facility) located near Plymouth, Massachusetts. The amendment is effective as of its date of issuance.

The amendment incorporates additional suppression pool water temperature limits: (1) During any testing which adds heat to the pool, (2) at which reactor scram is to be initiated and (3) requiring reactor pressure vessel depressurization. It also adds surveillance requirements for visual examination of the suppression chamber during each refueling and following operations in which the pool temperatures exceed 160° F and adds monitoring requirements of water temperatures during operations which add heat to the pool.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on July 23, 1975 (40 FR 30880). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated March 31, 1975, (2) Amendment No. 12 to License No. DPR–35, with Change No. 14 and (3) the Commission's related Safety Evaluation issued July 15, 1975. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Plymouth Library, North Street, Plymouth, Massachusetts 02360.

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A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 6th day of October, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-27659 Filed 10-14-75;8:45 am]

[Docket Nos. 50-237; 50-249]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 11 and 8 to Facility Operating License Nos. DPR-19 and DPR-25, respectively, issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of the Dresden Nuclear Power Station Units 2 and 3 (the facilities), located in Grundy County, Illinois. The amendments are effective as of their date of issuance.

The amendments incorporate additional suppression pool water temperature limits: (1) During any testing which adds heat to the pool, (2) at which reactor scram is to be initiated and (3) requiring reactor pressure vessel depressurization. They also add surveillance requirements for visual examination of the suppression chamber during each refueling and following operations in which the pool temperatures exceed 160° F and add monitoring requirements of water temperatures during operations which add heat to the pool.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Proposed Issuance of Amendments to Facility Operating Licenses in connection with this action was published in the FEDERAL REGISTER on July 23, 1975 (40 FR 30880). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendments dated April 11, 1975, (2) Amendment No. 11 to License No. DPR-19, with Change No. 36, (3) Amendment No. 8 to License No. DPR-25, with Change No. 25, and (4) the Commission's related Safety Evaluation issued on July 15, 1975. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Morris Public Library, 604 Library Street, Morris, Illinois 60451.

A single copy of items (2) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 6th day of October, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-27660 Filed 10-14-75;8:45 am]

[Docket Nos. 50-254; 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 19 and 15 to Facility Operating License Nos. DPR-29 and DPR-30, issued to the Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company), which revised Technical Specifications for operation of the Quad Cities Station Units 1 and 2 (the facilities) located in Rock Island County, Illinois. The amendments are effective as of their date of issuance.

These amendments incorporate additional suppression pool water temperature limits: (1) During any testing which adds heat to the pool, (2) at which reactor scram is to be initiated and (3) requiring reactor pressure vessel depressurization. They also add surveillance requirements for visual examination of the suppression chamber during each refueling and following operations in which the pool temperatures exceed 160°F and add monitoring requirements of water temperatures during operations which add heat to the pool.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Proposed Issuance of Amendments to Facility Operating Licenses in connection with this action was published in the FEDERAL REGISTER on July 23, 1975 (40 FR 30881). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated April 11, 1975, (2) Amendment Nos. 19 and 15 to License Nos. DPR-29 and DPR-30, respectively, with Change No. 29 and (3) the Commission's related Safety Evaluation issued on July 15, 1975. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Moline Public Library, 504 17th Street, Moline, Illinois 60625.

A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 6th day of October, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-27661 Filed 10-14-75;8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Facility Operating License No. DPR-57 issued to Georgia Power Company and Oglethorpe Electric Membership Corporation (the licensees) which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant Unit 1 (the facility), located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to decrease the minimum required residual heat removal service water (RHRSW) system developed pump head from 960 feet to 938 feet at the required delivery rate of 4000 gallons per minute (gpm).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated April 10, 1975, with supplement submitted August 25, 1975, (2) Amendment No. 17 to License No. DPR-57, with Change No. 17 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

A copy of items (2) and (3) may be obtained upon request addressed to the

U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 6th day of October, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75-27662 Filed 10-14-75;8:45 am]

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-16 issued to Jersey Central Power & Light Company (the licensee), for operation of the Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey.

The amendment would modify the provisions in the Technical Specifications relating to temperature limits for the pressure suppression pool water.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject provisional operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to George F. Trowbridge, Esq., Shaw, Pittman, Potts, Trowbridge & Madden, 910 17th Street, NW., Washington, D.C. 20016, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the letter from K. Goller to I. R. Finfrock, Jr. dated July 16, 1975 and the letter from I. R. Finfrock, Jr. dated August 8, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Ocean County Library, 15 Hooper Avenue, Toms River, New Jersey 08753. The proposed license amendment and the Safety Evaluation, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 6th day of October, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75-27663 Filed 10-14-75;8:45 am]

[Docket Nos. STN 50-561; STN 50-517]

LONG ISLAND LIGHTING CO.

Notice of Availability of Safety Evaluation Report for the Jamesport Nuclear Power Station, Units 1 and 2

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed construction of the Jamesport Nuclear Power Station, Units 1 and 2 to be located in the Towns of Riverhead and Southold, Suffolk County, New York. Notice of receipt of Long Island Lighting Company's application to construct and operate the Jamesport Nuclear Power Station, Units 1 and 2, was published in the FEDERAL REGISTER on September 13, 1974 (39 FR 33022).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Riverhead Free Library, 330 Court Street, Riverhead, New York 11901 for inspection and copying. The report (Document No. NUREG-75/095) can also be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 8th day of October 1975.

For the Nuclear Regulatory Commission.

IRVING A. PELTIER,
Acting Chief Light Water Reactors Project Branch No. 2-1, Division of Reactor Licensing.

[FR Doc.75-27598 Filed 10-14-75;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. DPR-46 issued to Nebraska Public Power District (the licensee) which revised Technical Specifications for operation of the Cooper Nuclear Station (the facility) located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

The amendment incorporates additional suppression pool water temperature limits: (1) During any testing which adds heat to the pool, (2) at which reactor scram is to be initiated and (3) requiring reactor pressure vessel depressurization. It also adds surveillance requirements for visual examination of the suppression chamber during each refueling and following operations in which the pool temperatures exceed 160° F and adds monitoring requirements of water temperatures during operations which add heat to the pool.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on July 23, 1975 (40 FR 30883). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the applications for amendment dated April 2, 1975 and August 28, 1975, (2) Amendment No. 12 to License No. DPR-46, with Change No. 15, and (3) the Commission's related Safety Evaluation issued on July 15, 1975. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Auburn Public Library, 1118 15th Street, Auburn, Nebraska 68305.

A single copy of items (2) and (3) may be obtained upon request addressed to

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the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 6th day of October, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-27599 Filed 10-14-75;8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR-63 issued to Niagara Mohawk Power Corporation which revised Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit 1, located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications relating to the reactor water level instrumentation, the low-low-low water level setpoints, description of the access penetrations in reactor building railroad bay, changes in position titles in the station operating organization, and to correct typographical errors.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the applications for amendment dated January 21 and February 27, 1975, and supplement dated March 19, 1975, (2) Amendment No. 1 to License No. DPR-63, with Change No. 1, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oswego City Library, 120 E. Second Street, Oswego, New York 13126.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 1st day of October 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-27600 Filed 10-14-75;8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR-63 issued to Niagara Mohawk Power Corporation which revised Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit 1, located in Oswego County, New York.

The amendment modifies the provisions in the Technical Specifications relating to temperature limits for the pressure suppression pool water.

The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on August 25, 1975 (40 FR 37109). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the letter from Karl Goller to G. Rhode dated June 13, 1975, (2) letter from G. Rhode to Karl Goller dated July 2, 1975, (3) Amendment No. 2 to License No. DPR-63, with Change No. 2, and (4) the Commission's related Safety Evaluation dated August 15, 1975. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Oswego City Library, 120 E. Second Street, Oswego, New York.

A copy of items (1), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 6th day of October, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75-27664 Filed 10-14-75;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Provisional Operating License No. DPR-22, issued to Northern States Power Company (the licensee), which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment incorporates additional suppression pool water temperature limits: (1) During any testing which adds heat to the pool, (2) at which reactor scram is to be initiated and (3) requiring reactor pressure vessel depressurization. It also adds surveillance requirements for visual examination of the suppression chamber during each refueling and following operations in which the pool temperatures exceed 160° F and adds monitoring requirements of water temperatures during operations which add heat to the pool.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on July 23, 1975 (40 FR 30884). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated March 24, 1975, (2) Amendment No. 13 to License No. DPR-22, with Change No. 21 and (3) the Commission's related Safety Evaluation issued on July 15, 1975. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 6th day of October, 1975.

For the nuclear regulatory commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2 Division of Reactor Licensing.

[FR Doc.75-27665 Filed 10-14-75;8:45 am]

[Docket No. 50-301]

WISCONSIN ELECRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company, which revised Technical Specifications for operation of the Point Beach Nuclear Plant Unit No. 2, located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to permit operation of Point Beach Nuclear Plant Unit No. 2 core Cycle 2 to a cumulative fuel residence time of 24,000 Effective Full Power Hours.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on August 29, 1975 (40 FR 39445). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated July 15, 1975, (2) Amendment No. 13 to License No. DPR-27, with Change No. 19, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Document Department, University of Wisconsin—Stevens Point Library, Stevens Point, Wisconsin 54481.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 6th day of October 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-27666 Filed 10-14-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 9, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

NATIONAL SCIENCE FOUNDATION

Factors affecting ability of universities to conduct research, single-time, department heads in universities, George Hall, 395-6140.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Asparagus growers' questionnaire, single-time, asparagus growers, Evinger, S. K., 395-3710.

DEPARTMENT OF AGRICULTURE

Extension service: Minnesota's food service industry study, single-time, food service operations, Harry B. Sheftel.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: National RMP Arthritis Initiative, BHPRD 0919, single-time, arthritis grantee recipients, Human Resources Division, Dick Eisinger, 395-3532.

Food and Drug Administration: Evaluation of a Nutrition Education Model, FDABF 0925, single-time, low and middle education groups, Human Resources Division, Sunderhauf, M. B., 395-3532.

Health Resources Administration: Pretest of the Examination and Subsequent phases of the Health and Nutrition Examination Survey, Hanes II, NCHS 0929, single-time, volunteers 6 months to 74 years of age, Atlanta, Ga., Dick Eisenger, 395-6140.

Food and Drug Administration: Registration of Blood and Blood Product Establishment, FD 2830, annually, blood and blood product establishments, Harry B. Sheftel.

Health Resources Administration: Applied Statistics Training Institute Application, HRA-69, on occasion, statisticians and other health professionals, Caywood, D. P., 395-3443.

Office of Education: National Advisory Committee on the Handicapped Survey of Selected Needs, OE-445, single-time, individuals dealing with handicapped people, Lowry, R. L., 395-3772.

REVISIONS

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

1975 Vacation and Bicentennial, USA-8, semiannually, individuals, Strasser, A., 395-5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Application for Federal Assistance (Nonconstruction program) for Bilingual Education—Instructions and Supplementary Questionnaire, OE 4561, annually, LEA's, SEA's, and IHE's, Lowry, R. L., 395-3772.

Center for Disease Controls: Supervisory Effects on Worker Safety in Roofing Industry, NIOSH 0718, single-time, persons in roofing industry, Eliett, C. A., 395-5867.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Administration (Office of Assistant Secretary), interstate land sales statement of facts, on occasion, business firms, Community and Veterans Affairs Division, 395-3532.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration: Tabulation of Bids (Received by REA Borrowers, etc.), REA-278, on occasion, architects of REA borrowers, Marsha Traynham, 395-4529.

Food and Nutrition Service:
Application for Donated Commodities (Nonprofit Private Schools), FNS-127, on occasion, school food authority (commodity only schools), Marsha Traynham, 395-4529).
Agreement—Nonprofit Lunch Program (Commodity Only Schools), FNS-129, on occasion, school food authority (commodity only schools), Marsha Traynham, 395-4529.

Statistical Reporting Service: Agricultural Labor Survey—Hawaii, monthly, farmers, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-27684 Filed 10-14-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1190]

MARYLAND

Declaration of Disaster Area

As a result of the President's declaration I find that the City of Baltimore, the counties of Anne Arundel, Baltimore, Carroll, Cecil, Charles, Frederick, Howard, Montgomery, Prince Georges, Washington, and adjacent counties within the State of Maryland, constitute a disaster area because of damage resulting from severe storms, heavy rains, and flooding beginning about September 22, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on December 4, 1975, and for economic injury until the close of business on July 5, 1976, at:

SMALL BUSINESS ADMINISTRATION—DISTRICT OFFICES

7800 York Road, Towson, Maryland 21204.
1030 15th Street NW., Suite 250, Washington, D.C. 20416.

Or other locally announced locations.

Dated: October 8, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-27595 Filed 10-14-75;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

FEDERAL COMMITTEE ON APPRENTICESHIP

Notice of Meeting

Pursuant to section 10(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, notice is hereby given that the Federal Committee on Apprenticeship will conduct an open meeting on Thursday, October 30, from 9:00 a.m.-4:30 p.m.; Friday, October 31, from 9:00 a.m.-12 noon in Room S-4215 (Fourth Floor), New Labor Building, 200 Constitution Avenue, NW., Washington, D.C.

V40200 OCT 15 75 XUM

The agenda for the meeting on the 30th will include:

1. Report of Subcommittee on Equal Apprenticeship Opportunity.

2. FCA Reviews First Year—Followup on FCA Recommendations made to the Department of Labor.

3. Report of Subcommittee on Goals of the FCA (including "Study of Operations of Federal Apprenticeship Programs"—Sol Swerdloff).

The agenda for the meeting on October 31 will include Reports of FCA Subcommittees: Federal-State Relations; Dept. of Defense; AGC Proposal.

Members of the public are invited to attend the proceedings. Any member of the public who wishes to file written data, views or arguments pertaining to the agenda may do so by furnishing it to the Executive Secretary before October 24, 1975. Thirty duplicate copies are needed for the members and for inclusion in the minutes of the meeting.

Any member of the public who wishes to speak at this meeting should so indicate in such a written statement, also the nature of intended presentation and amount of time needed. The Chairman will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Communications to the Executive Secretary should be addressed as follows:

Mrs. M. M. Winters, Bureau of Apprenticeship and Training, MA, U.S. Dept. of Labor, 601 D St., NW. (Rm. 5434), Washington, D.C. 20213.

Signed at Washington, D.C. this 9th day of October 1975.

WILLIAM H. KOLBERG,
Assistant Secretary for Manpower.

[FR Doc.75-27718 Filed 10-14-75;8:45 am]

MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKERS PROGRAMS

Funding Requests Received by Department of Labor

Notice is hereby given that the following applicants have submitted funding requests pursuant to 29 CFR 97.214 to the Department of Labor to request funds under the Migrant and Other Seasonally Employed Farmworkers Programs. Any eligible applicant which has submitted a pre-application prior to August 1, 1975, pursuant to 29 CFR 97.211(b) and a funding request pursuant to 29 CFR 97.214 not listed below should notify the Department of Labor at the address provided in 29 CFR 97.214(a) immediately.

ALABAMA

Alabama Migrant and Seasonal, Farmworkers Council, Inc., 404 East South Boulevard, Montgomery, Alabama 36105.

ARIZONA

Arizona Job Colleges, Inc., 1665 N. Pinal Avenue, Casa Grande, Arizona 85222.
Migrant Opportunities, Inc., 6611 South Central Avenue, Phoenix, Arizona 85040.

ARKANSAS

Arkansas Council for Farmworkers, Inc., 1200 Westpark Drive, Little Rock, Arkansas 72204.

CALIFORNIA

Fresno City-County Manpower Commission, 1726 Fulton Street, Fresno, California 93721.
Orange County Manpower Commission, 433 Civic Center Drive West, Santa Ana, California 92701.
Opportunities Industrialization Center, Central Coast Counties, 425 South Market Street, San Jose, California 96113.
Sacramento Consilio, Inc., 1912 F Street, Sacramento, California 95814.
Proteus Adult Training, Inc., P.O. Box 727, 1640 W. Mineral King, Suite 204, Visalia, California 93277.
Employment Development Migrant Services, 800 Capitol Mall, Sacramento, California 95814.
Kern County Economic Opportunity Corporation, Manpower Division, 218-220 Eureka Street, Bakersfield, California 93305.
Campesinos Unidos, Inc., P.O. Box 203, Brawley, California 92227.
County of Los Angeles, Department of Personnel, Manpower Programs Division, 320 West Temple Street, Room 780, Los Angeles, California 90012.
Economic Opportunity Commission of Yoló County, Inc., 511 Main Street, Suite 322, Woodland, California 95695.
San Diego State University Foundation, 5178 College Avenue, San Diego, California 92182.
Greater California Education Project, 841 West Belmont Avenue, Fresno, California 93728.
Tulare and Kings Counties, Comprehensive Manpower Agency, 1620 West Mineral King Avenue D, Visalia, California 93227.
Opportunities Industrialization Center, 302 South Blosser Road, Santa Maria, California 93454.
County of Santa Barbara, 105 East Anapamu Street, Santa Barbara, California 93101.
Inland Manpower Association, 131 West "N" Street, Colton, California 92324.
Santa Clara Valley Employment and Training Board, 675 North First Street, Suite 412, San Jose, California 95112.
Fresno County Economic Opportunities, 2100 Tulare Street, Room 505, Fresno, California 93721.
County of Butte, Butte County Personnel, County Administration Building, Orville, California 95965.
SER/Jobs for Progress, Inc., Department of Planning & Progress Development, 9841 Airport Boulevard, Los Angeles, California 90045.
Central Coast Counties Development Corp., 265 Center Avenue, Aptos, California 95003.
North Bay Human Development Corporation, Division, Fabric Casa, Inc., 2426 Mendocino Avenue, Santa Rosa, California 94501 (Submitting 2 Funding Request).
City of Stockton, City Hall, Stockton, California 95202.

COLORADO

State of Colorado, Dept. of Labor & Employment, Division of Manpower, 770 Grant Street, Denver, Colorado 80203.

CONNECTICUT

New England Farmworkers' Council, Inc., Operations Division, 3502 Main Street, Springfield, Massachusetts 01107.

DELAWARE

Migrant and Seasonal Farmworkers Association, Inc., P.O. Box 33315, Raleigh, North Carolina 27606.
Delmarva Ecumenical Agency, Rural Ministries Coalition, Blue Hen Mall, Dover, Delaware 19901.

FLORIDA

Community Action Migrant Program, 3521 West Broward Blvd., Suite 10, Fort Lauderdale, Florida 33312.
Fla. Dept. of Education/Vocational, Division of Vocational Education, Capitol Building, Tallahassee, Florida 32304.
Palm Beach County, Florida, P.O. Box 1989, West Palm Beach, Florida 33401.
Florida, Balance of State, Office of Manpower Planning, 1801 S. Gadsden Street, Tallahasse, Florida 32301.
Central Region Community Development Board, Inc., P.O. Box 247, Auburndale, Florida 33823.
Orange County—Orlando, Consortium, P.O. Box 2243, Orlando, Florida 32802.

GEORGIA

Georgia Community Action Association, Inc., P.O. Drawer 1219, Moultrie, Georgia 31768.
Office of Governor, Georgia Department of Labor, 501 Pulliam Street, SE, Rm. 525, Atlanta, Georgia 30312.
CSRA Economic Opportunity Authority, Inc., 2390 Walden Drive, Augusta, Georgia 30904.

HAWAII

State of Hawaii, Office of the Governor, Dept. of Labor & Ind. Relations, OMP, 825 Mililani Street, Honolulu, Hawaii 96813.

IDAHO

Idaho Migrant Council, 415 South 8th Street, Boise, Idaho 83706.

ILLINOIS

Shawnee Consortium, P.O. Box 298, Karnak, Illinois 62956.
Illinois Migrant Council, 19 West Jackson Blvd., Chicago, Illinois 60604.

INDIANA

AMOS, Inc., 3655 North Pennsylvania Street, Indianapolis, Indiana 46205.
Fort Wayne Area Consortium, 830 City-County Building, Fort Wayne, Indiana 46802.

IOWA

Migrant Action Program, Inc., 220 E. State Street, Mason City, Iowa 50401.

KANSAS

Kansas Council of Agricultural Workers & Low Income Families, Inc., 205 W. Chestnut, Garden City, Kansas 67846.
Office of the Governor, State of Kansas, Comprehensive Manpower Planning & Services Division, Suite 900, 525 Kansas Avenue, Topeka, Kansas 66603.

KENTUCKY

Commonwealth of Kentucky, Department of Human Resources, Capitol Annex Building, Frankfort, Kentucky 40601.

LOUISIANA

Manpower, Education, & Training of Louisiana, Inc. (METL), 105 East Houston Street, Cleveland, Texas 77327.

MAINE

None.

MARYLAND

Employment Security Administration, 1100 N. Eutaw Street, Baltimore, Maryland 21201.
Migrant and Seasonal Farmworkers Association, Inc., P.O. Box 33315, 3929 Western Boulevard, Raleigh, North Carolina 27606.

MASSACHUSETTS

New England Farmworkers' Council, Inc., Operations Division, 3502 Main Street, Springfield, Massachusetts 01107.

MICHIGAN

United Migrants for Opportunity, Inc., 111 South Lansing, Mt. Pleasant, Michigan 48858.

MINNESOTA

Minnesota Migrant Council, 618½ South Second Street, St. Cloud, Minnesota 56301.

MISSISSIPPI

Mississippi Delta Council for Farmworkers Opportunities, Inc., 1933 Fourth Street, Clarksdale, Mississippi 38614.

MISSOURI

Rural Missouri, Inc., 418 Madison Street, Jefferson City, Missouri 65101.
Missouri Association for Community Action, Inc., 127A East High Street, Jefferson City, Missouri 65101.

MONTANA

Office of the Governor, State of Montana, Box 169, Helena, Montana.

NEBRASKA

Mexican-American Commission, State of Nebraska, State Capitol, Lincoln, Nebraska 68509.
Migrant Action Program, Inc., 220 E. State Street, Mason City, Iowa 50401.
Nebraska Human Resources, Research Foundation, HEP, University of Nebraska, 501 North Tenth Street, Building 591, Lincoln, Nebraska 68508.
State of Nebraska, Department of Labor, 550 South 16th Street, Lincoln, Nebraska 68509.

NEVADA

None.

NEW HAMPSHIRE

Rockingham/Strafford Counties, c/o Rockingham/Strafford, Manpower Administration, P.O. Box 426, Epping, New Hampshire 03042.

NEW JERSEY

Farmworkers Corporation of New Jersey, 5 South State Street, Vineland, New Jersey 08360.

NEW MEXICO

Home Education Livelihood Program, 933 San Pedro S.E., Albuquerque, New Mexico 87108.

NEW YORK

County of Ulster, Intergovernmental Coordination Office, Manpower Division, 300 Flatbush Avenue, Kingston, New York 12401.
Westchester—Putnam Consortium, County Office Building, White Plains, New York 10601.
Program Funding, Inc., Suite 730 Powers Building, Rochester, New York 14614.
Suffolk County, Department of Labor, Veterans Memorial Highway, Hauppauge, New York 11787.
New York State Department of Labor on Behalf of Wayne County, Manpower Planning Secretariat, Room 563, Building 12, State Office Building Campus, Albany, New York 12226.

NORTH CAROLINA

Migrant and Seasonal Farmworkers Association, Inc., P.O. Box 33315, Raleigh, North Carolina 27606.
Rural Advancement Fund, 2128 Commonwealth Avenue, Charlotte, North Carolina 28205.

NORTH DAKOTA

Governor Arthur A. Link, State Capitol, Bismarck, North Dakota 58505.
North Dakota Migrant Council, Inc., 101 North Third Street, Grand Forks, North Dakota 58201.

OHIO

La Raza Unida de Ohio, 1616 East Wooster Street, Bowling Green, Ohio 43402.

OKLAHOMA

Oklahoma Rural Opportunities, Inc., CETA Title III, Sec 303 Div., P.O. Box 60126, Oklahoma City, Oklahoma 73106.

OREGON

Oregon Rural Opportunities, 5108 Portland Road, N.E., Salem, Oregon 97303.
Migrant and Indian Coalition for Community Coordinated Child Care, Inc., Route 1, Box 423, Hood River, Oregon 97031.

PENNSYLVANIA

Commonwealth of Penngylvania, Department of Community Affairs, Harrisburg, Pennsylvania 17120.

PUERTO RICO

Commonwealth of Puerto Rico, Department of Labor, 414 Barbosa Avenue, Hato Rey, San Juan, Puerto Rico 00917.

RHODE ISLAND

New England Farmworkers Council, Inc., Operations Division, 3502 Main Street, Springfield, Massachusetts 01107.

SOUTH CAROLINA

South Carolina Resources Development Corporation, 371 South Liberty Street, Spartanburg, South Carolina 29301.
South Carolina Commission for Farm Workers, Inc., 134 Meeting Street, Charleston, South Carolina 29402.
Office of the Governor, State of South Carolina, Capitol Building, Columbia, South Carolina 29201.

SOUTH DAKOTA

State of South Dakota, Department of Labor, Office of the Secretary, Foss Building, Pierre, South Dakota 57501.

TENNESSEE

Tennessee Opportunity Programs for Seasonal Farmworkers, Inc., 2803 Foster Avenue, Nashville, Tennessee 37211.
State of Tennessee, Employment Security, 161 Eighth Avenue, North, Nashville, Tennessee 37203.

TEXAS

Economic Opportunities Development Corporation of S. A. and Bexar County Texas, 410 S. Main, San Antonio, Texas 78204.
Associated City-County Economic Development Corporation of Hidalgo County, P.O. Box 1198, Edinburg, Texas 78539.
Governor's Office of Migrant Affairs, 211 East 14th Street, Sam Houston Building, Room 109, Austin, Texas 78711.
MET, Inc., 105 East Houston Street, Cleveland, Texas 77327.
Juarez Lincoln University (withdrawn), 715 East First Street, Austin, Texas 78701.
Community Action Council of South Texas, 420 East Main, Rio Grande City, Texas 78582.
Coastal Bend Migrant Council, Inc., 5001 Ambassador Row, Corpus Christi, Texas 78416.

UTAH

None

VERMONT

Agency of Human Services, Office of Manpower Services, 79 River Street, Montpelier, Vermont 05602.

VIRGINIA

Division of State Planning and Community Affairs, (Virginia Employment Commission), 109 Governor Street, 1010 James Madison Building, Richmond, Virginia 23219.
Migrant and Seasonal Farmworkers Association, Inc., P.O. Box 33315, 3929 Western Boulevard, Raleigh, North Carolina 27606.

WASHINGTON

Northwest Rural Opportunities, Manpower, 305 Euclid Avenue, Grandview, Washington 98930.
Office of Community Development, Employment and Training Section, General Administration Building, Olympia, Washington 98504.

WEST VIRGINIA

None

WISCONSIN

United Migrant Opportunity Services (UMOS), P.O. Box 5343, 309 West Greenfield Avenue, Milwaukee, Wisconsin 53204.

WYOMING

None

Signed in Washington, D.C., this 7th day of October, 1975.

ROBERT J. MCCONNON,
Director,
Office of National Programs.

[FR Doc.75-27677 Filed 10-14-75;8:45 am]

Office of the Secretary

[TA-W-202]

BATESVILLE R&P, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 2, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Rubber, Cork, Linoleum and Plastic Workers of America, on behalf of the workers and former workers of Batesville R&P, Incorporated, Batesville, Arkansas (TA-W-202).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with heels, soles, micro-cellular soling and insulation for shoes produced by Batesville R&P, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

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The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 2d day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27683 Filed 10-14-75;8:45 am]

[TA-W-110]

GENERAL COAT MANUFACTURING CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-110; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 13, 1975 in response to a worker petition received on August 4, 1975 which was filed by workers formerly producing men's sport coats at the General Coat Manufacturing Company of Baltimore, Maryland.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 36634) on August 21, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the General Coat Manufacturing Company, its customers, the Department of Commerce, U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significantly Total or Partial Separations. The average number of production workers declined 43 percent in the first half of 1975 compared to the like period in 1974. Average weekly hours declined 15 percent in the first half of 1975 compared to the like period in 1974

Sales or Production, or Both, Have Decreased Absolutely. Production in units at the Baltimore plant declined 32 percent in the first half of 1975 compared to the first half of 1974.

Increased Imports Contributed Importantly. The evidence developed by the Department's investigation indicates that General Coat produced finished sport coats under contract for two customers. The decision to close General Coat was based upon a significant decline in orders from customers which occurred in early 1975. Both customers indicated that their sales of sport coats of the type produced for them by General Coat declined sharply due to an increase in competitive imports. With the cutback in purchases by both of the firm's customers, officials of General Coat determined that the firm could not operate at a profitable level and terminated all production operations in May 1975.

In recent years leisure suits have become acceptable substitutes for sport coats. Imports of men's and boys' sport coats and suits, including leisure suits, have increased as a proportion of domestic production each year since 1971. Imports of sport coats were 23 percent of production in 1974 compared to 12.4 percent in 1971. Imports of suits were 11.2 percent of production in 1974 compared to 6.4 percent in 1971. Currently 10 exporting countries have agreed to specifically limit exports to the U.S. of sport coats and/or leisure suits on the basis that recent levels of imports were disrupting the domestic market.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's sport coats produced at the General Coat Manufacturing Company, contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers of the General Coat Manufacturing Company, Baltimore, Maryland, who became totally or partially separated from employment on or after March 3, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 5th day of October 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation.

[FR Doc.75-27679 Filed 10-14-75;8:45 am]

[TA-W-104]

SPRINGFIELD WIRE OF INDIANA, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-104; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 31, 1975 in response to a worker petition received on July 31, 1975 which was filed by the International Union of Electrical Workers on behalf of workers formerly producing power cords and wire harnesses at the Evansville, Indiana plant of Springfield Wire of Indiana, Inc.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 33715) on August 11, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Springfield Wire, Inc., its customers the U.S. International Trade Commission, the Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers fell 27 percent in the last quarter of 1974 from the last quarter of 1973 and 65 percent in the first quarter of 1975 compared to the like period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales at the Evansville, Indiana plant declined 26.4 percent in the last quarter of 1974 from the last quarter of 1973 and 48 percent in the first half of 1975 compared to the first half of 1974.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with those produced at Springfield Wire of Indiana increased in value from 2.0 million dollars in 1970 to 22.9 million dollars in 1974. The ratios of imports to domestic consumption and production increased from .7 percent and .7 percent, respectively in 1970 to 4.5 percent and 4.7 percent respectively in 1974.

The evidence developed by the Department's investigation indicates that the impact of imports on wiring components for electrical appliances was most severe on those products which are labor intensive. Import competition was not an important factor for Evansville's capital intensive products such as power cords and wire. Plant products such as wire harnesses, sewing and foil bonding are labor intensive products and have been subject to increasing competition from imports. As a consequence of competitive pressures, production of most sewing, and foil bonding and part of heater wire harness production was shifted from the Evansville plant to Mexico for shipment to the United States. Such shipments from Mexico to the United States have been increasing. The remaining production at Evansville was transferred to the Springfield, Massachusetts plant of Springfield Wire, Inc.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports from Springfield Wire's Nuevo Laredo, Mexico plant like or directly competitive with sewing, heater wire harnesses and foil bond produced at the Evansville plant contributed importantly to the total or partial separation of the workers of that plant. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with this provision of the Act, I make the following certification:

All hourly, piecework, and salaried workers employed at the Evansville plant of Springfield Wire of Indiana Inc. who became totally or partialy separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 3rd day of October 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-27680 Filed 10-14-75;8:45 am]

[TA-W-106]

MIDLAND ROSS CORP.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-106: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 5, 1975 in response to a worker petition received on August 5, 1975 which was filed by the International Union of Electrical, Radio and Machine Workers on behalf of workers formerly producing plastic articles at the Easton, Pennsylvania plant of the Midland Ross Corporation, Cleveland, Ohio.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 34492) on August 15, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Midland Ross Corporation, its customers, the U.S. Department of Commerce, the U.S. international Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The Easton plant ceased production operations in December of 1974. Factory worker employment dropped from a monthly average of 100 workers in October 1974 to 2 workers in February, 1975.

Sales or Production, or Both, Have Decreased Absolutely. The value of sales and production at the Easton plant declined by between 15 percent and 20 percent from 1973 to 1974. Production value in the fourth quarter of 1974 was more than 27 percent below production value in the fourth quarter of 1973.

Increased Imports Contributed Importantly. In 1974, less than 10 percent of the output of the Easton plant was of non-custom plastic products. The remainder of plant output was of plastic products made to customer specifications and oftentimes made with molds and tooling provided by the customers. Suppliers of custom plastic products work under tight quality and time restraints which make it extremely difficult for foreign suppliers to service the custom market.

Imports of commercial plastic products constitute less than 3 percent of domestic production. Such imports have declined in quantity since 1973, although the value of imports has increased. As a proportion of domestic production the quantity of imports has been declining steadily since 1971 while, in terms of value, the proportion has been relatively stable, falling within a range of 2.3 percent to 2.6 percent of domestic production from 1971 to 1974. Midland Ross closed the Easton plant because the profitability of production of custom plastic products was low, and the material handling products produced at Eastson could be more efficiently produced at other company plants.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with plastic products produced at the Easton, Pennsylvania plant of the Midland Ross Corporation did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 5th day of October 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation.

[FR Doc.75-27681 Filed 10-14-75;8:45 am]

[TA-W-113]

PENN-VULCAN HEEL CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-113: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 12, 1975 in response to a worker petition received on that date which was filed by the United Steelworkers of America, AFL-CIO, on behalf of workers formerly producing heels for men's and women's footwear at the Penn-Vulcan Heel Company, Hanover, Pennsylvania, a subsidiary of the Vulcan Corporation, Cincinnati, Ohio.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 36635) on August 21, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Penn Vulcan Heel Company, its customers, industry analysts, and Department files.

In order to make an alternative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not neces-

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sarily more important than any other cause.

Significant Total or Partial Separations. Average annual employment of production workers at Penn-Vulcan Heel Company declined 28 percent from 1973 to 1974 and declined 40 percent in the first half of 1975 compared to the same period in 1974. Layoffs of workers related to the closing of the plant occurred in July and August of 1975.

Sales or Production, or Both, Have Decreased Absolutely. Sales of heels by Penn-Vulcan declined 28 percent in quantity and 26 percent in value from 1973 to 1974, and 46 percent in quantity and 43 percent in value in the first half of 1975 compared to the same period in 1974. All production was terminated at Penn-Vulcan in July 1975.

Increased Imports Contributed Importantly. Although imports of heels increased from 55 thousand pairs in 1972 to 185 thousand pairs in 1974, imports have continued to comprise less than one-half of one percent of the domestic market for heels. The evidence developed in the investigation of Penn-Vulcan Heel Company indicates that Penn-Vulcan performed custom finishing work on heels for domestic shoe manufacturers according to customer specifications. Company officials and customers of Penn-Vulcan indicated that the decline in demand for domestically produced women's footwear was the cause of the decline in sales of heels by Penn-Vulcan. Since January 1973 nearly one-fourth of the shoe companies for which Penn-Vulcan supplied heels have terminated operations, and several other customers have significantly reduced output. The decision to close the Penn-Vulcan plant was based upon a significant decline in demand for footwear produced by Penn-Vulcan's customers and was not as a result of increased imports of heels. None of the former customers of Penn-Vulcan who were surveyed use imported heels in the manufacture of footwear and, with the closing of Penn-Vulcan, the customers are switching to other domestic suppliers.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with heels for men's and women's footwear produced by Penn-Vulcan Heel Company did not contribute importantly to the total or partial separation of workers of that firm.

Signed at Washington, D.C. this 6th day of October 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-27682 Filed 10-14-75;8:45 am]

[TA-W-216]

BYRON CLOTHING MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 3, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Byron Clothing Manufacturing Company, Somerville, Massachusetts (TA-W-216).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sports jackets, raincoats, and top jackets produced by Byron Clothing Manufacturing Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 3rd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27684 Filed 10-14-75;8:45 am]

[TA-W-210]

JOSEPH H. COHEN

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 2, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Joseph H. Cohen, New Haven, Indiana, a division of Rapid-American Corporation, New York, New York (TA-W-210).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with tailored suits and sport coats produced by Joseph H. Cohen or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27685 Filed 10-14-75;8:45 am]

[TA-W-215]

CONSOLIDATED FOODS CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 2, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Textile Workers Union of America on behalf of the workers and former workers of Conso Products Division, Montgomery, Pennsylvania, of Consolidated Foods Corporation, Chicago, Illinois (TA-W-215).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with fabricated textile products produced by Consolidated Foods Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27686 Filed 10-14-75;8:45 am]

[TA-W-203]

CORNING GLASS WORKS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 2, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the American Flint Glass Workers Union on behalf of the workers and former workers of Albion, Michigan plant of Corning Glass Works, Corning, New York (TA-W-203).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with glass bulbs for black and white televisions produced by Corning Glass Works or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27687 Filed 10-14-75;8:45 am]

[TA-W-201]

DELVIN CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 29, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of Delvin Company, New York, New York, a division of General Shoe Company, New York, New York, a division of Genesco, Incorporated, Nashville, Tennessee (TA-W-201). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Delvin Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27688 Filed 10-14-75;8:45 am]

[TA-W-220]

GUY LEWIS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 3, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the Workers and former workers of Guy Lewis, Inc., Boston, Massachusetts (TA-W-220).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sport coats and leisure suits produced by Guy Lewis, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter

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of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 3rd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27689 Filed 10-14-75;8:45 am]

[TA-W-212]

HART SCHAFFNER AND MARX

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 2, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Hart Schaffner and Marx, Chicago, Illinois (TA-W-212).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's tailored suits, sport coats and uniforms produced by Hart Schaffner and Marx or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27690 Filed 10-14-75;8:45 am]

[TA-W-208]

JERSEY COAT CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 2, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Jersey Coat Company, Egg Harbor City, New Jersey (TA-W-208).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits and sportcoats produced by Jersey Coat Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27691 Filed 10-14-75;8:45 am]

[TA-W-219]

LEON CLOTHING MANUFACTURING, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 3, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Leon Clothing Manufacturing, Inc., Boston, Massachusetts (TA-W-219).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's clothing—suit coats and sport coats produced by Major Coat Company, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 3rd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27692 Filed 10-14-75;8:45 am]

[TA-W-218]

MAJOR COAT COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 3, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Major Coat Company, Inc., Bridgeton, New Jersey (TA-W-218).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with tailored topcoats and overcoats produced by Malcolm Kenneth Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 3rd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27693 Filed 10-14-75;8:45 am]

[TA-W-217]

MALCOLM KENNETH CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 3, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Malcolm Kenneth Company, Dorchester, Massachusetts, a division of After-Six, Incorporated, Philadelphia, Pennsylvania (TA-W-217).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with tailored topcoats and overcoats produced by Malcolm Kenneth Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 3rd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27694 Filed 10-14-75;8:45 am]

[TA-W-211]

M. BORN AND CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 2, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of M. Born and Company, Chicago, Illinois (TA-W-211).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits, sport coats and men's slacks produced by Michaels Stern Company, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27695 Filed 10-14-75;8:45 am]

[TA-W-185]

MICHAELS STERN CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 26, 1975 the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Rochester and Penn Yan, New York plants of Michaels Stern Company, Inc., Rochester, N.Y. (TA-W-185).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits, sport coats and sport coats produced by M. Born and Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27695 Filed 10-14-75;8:45 am]

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tion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assitance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. N.W., Washington, D.C. 20210.

Signed at Washington, D.C. the 26th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assitance.

[FR Doc.75-27696 Filed 10-14-75;8:45 am]

[TA-W-221]

MODEL COAT CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 3, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Model Coat Company, Vineland, New Jersey (TA-W-221).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits and sport coats produced by Model Coat Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 3rd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27697 Filed 10-14-75;8:45 am]

[TA-W-205]

QUEEN CASUALS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 2, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union on behalf of the workers and former workers of Queen Casuals, Incorporated, Philadelphia, Pennsylvania (TA-W-205).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's sportswear and casual wear produced by Queen Casuals, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27698 Filed 10-14-75;8:45 am]

[TA-W-213]

ROBERT TAILORING MANUFACTURING CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 2, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Robert Tailoring Manufacturing Company, Incorporated, Davenport, Iowa (TA-W-213).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's tailored suits, sport coats, slacks and uniforms produced by Robert Tailoring Manufacturing Company, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27699 Filed 10-14-75;8:45 am]

[TA-W-214]

ZOHN MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 2, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Gross Division of Zohn Manufacturing Company, Denver, Colorado (TA-W-214).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's tailored western suits, sport coats and uniforms produced by Zohn Manufacturing Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 25, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27700 Filed 10-14-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 884]

ASSIGNMENT OF HEARINGS

OCTOBER 9, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 112520 Sub-301, McKenzie Tank Lines, Inc., now assigned November 11, 17975, at Atlanta, Ga., will be held in the Admiral Benow Inn, 1470 Spring Street, N.W., instead of Room 220, Post Office and Courthouse Bldg., 57 Forsyth St.

MC 63792 Sub-23, Tom Hicks Transfer Company, Inc., now assigned November 13, 1975, at Dallas, Tex., is canceled and application dismissed.

MC 19227 Sub-208, Leonard Bros. Trucking Co., Inc. and MC 19227 Sub-209, Leonard Bros. Trucking Co., Inc., now assigned November 10, 1975, at Denver, Colorado, is cancelled and application dismissed.

MC 140987 Sub-1, William Frederick, now being assigned December 8, 1975, at Boston, Massachusetts, in a hearing room to be later designated.

MC 107839 Sub-162, Denver Albuquerque Motor Transport, Inc., and MC 112822 Sub-374, Bray Lines Incorporated, now being assigned November 10, 1975, (1 day) in Room 567, 5th Floor, U.S. Federal Bldg. and Courthouse, 19th and Stout Street, Denver, Colorado.

MC-C-8749, C & H Transportation Co., Inc.—Investigation and Revocation of Certificates, now being assigned November 13, 1975 (2 days) at Dallas, Texas; in Room 5A15-17 New Federal Building, 1100 Commerce Street.

MC 71459 Sub-48, O.N.C. Freight System, now assigned November 4, 1975, at Phoenix, Arizona is canceled and the application is dismissed.

MC 136315 Sub-5, Glen Burrage Trucking, Inc., now assigned November 5, 1975, at New Orleans, Louisiana, is postponed indefinitely.

MC 138313 (Sub-No. 17), Builders Transport, Inc., now being assigned November 10, 1975, at Office of Interstate Commerce Commission, Washington, D.C.

MC 108461 Sub-124, Whitfield Transportation, Inc., now assigned December 2, 1975, at Albuquerque, NM, will be held at the Howard Johnson Mid-Town Motel, 900 Medical Arts Avenue.

MC 138896 Sub-6, Ajax Transfer Company, now assigned December 8, 1975, at St. Paul, Minn., will be held in Court Room 2, Federal Building and Courthouse, Kellog and Robert Streets.

MC 125628 Sub-4, S. S. Baird & Sons, Limited, now being assigned December 10, 1975 (3 days), at Boston, Massachusetts, in a hearing room to be later designated.

MC 139123 Sub-7, Gloucester Dispatch, Inc., now being assigned December 3, 1975 (3 days), at Boston, Massachusetts, in a hearing room to be later designated.

MC 106920 Sub-61, Rigga Food Express, Inc., now assigned December 5, 1975 at Chicago, Illinois, is canceled and transferred to Modified Procedure.

MC 107913 Sub-14, F & W Expreeb, Inc., now being assigned for continued hearing on December 2, 1975, at Little Rock Ark., at the Arkansas Transportation Commission, Justice Building

MC 120023 Sub-2, Sweeney Brothers, Incorporated, now being assigned December 2, 1975 (1 day), at Boston, Massachusetts, in a hearing room to be later designated.

MC 111729 Sub-535, Purolator Courier Corp., now being assigned November 17, 1975, for a pre-hearing conference, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.27715 Filed 10-14-75;8:45 am]

[AB 6 (Sub-No. 17)]

BURLINGTON NORTHERN, INC.

Abandonment Between Lewistown and Fairview, in Fulton County, Ill.

OCTOBER 9, 1975.

Present: Virginia Mae Brown, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request and;

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Fulton County, Ill., on or before October 24, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 1st day of October, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

BURLINGTON NORTHERN, INC., ABANDONMENT BETWEEN LEWISTOWN AND FAIRVIEW, IN FULTON COUNTY, ILLINOIS

The Interstate Commerce Commission hereby gives notice that by order dated October 1, 1975, it has been determined that the proposed abandonment by Burlington Northern, Inc. of its line of railroad between Lewis-

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town and Fairview, a distance of 14.91 miles, all in Fulton County, Ill., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because the volume of traffic on the subject line is low, and the principal highways serving the affected area are adequate to accommodate the diversion of traffic to motor carriers.

The decline of coal traffic on the line resulted from the closing of three area strip mining operations between 1968 and 1970. There is no indication of further industrial development or mining operations in the tributary territory which would produce increased traffic volumes on the line.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before November 10, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-27716 Filed 10-14-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

OCTOBER 9, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before November 14, 1975. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 2900 (Sub-No. 264G), filed July 9, 1974. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32209. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between points in Illinois on and north of U.S. Highway 40 (except Effingham), St. Louis, Mo., and points in Ohio. The purpose of this filing is to eliminate the gateways at Clarksville, Ind. (2) betwen points in the Chicago, Ill. Commercial Zone and points in Ohio. The purpose of this filing is to eliminate the gateways at points in Indiana in the Chicago, Ill. Commercial Zone. (3) from points in Illinois on and north of U.S. Highway 40 (except Effingham), and St. Louis, Mo., to points in that part of Pennsylvania south of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 62 to Franklin, Pa., thence along U.S. Highway 322 to Lewistown, Pa., and thence along U.S. Highway 22 to Easton, Pa., including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateways at Clarksville, Ind., and Youngstown, Ohio. (4) from points in Illinois on and north of U.S. Highway 40 (except Effingham), St. Louis, Mo., to points in that portion of Pennsylvania bounded by a line beginning at the Ohio-Pennsylvania State line, thence eastward along Pennsylvania Highway 358 to Greenville, thence along Pennsylvania Highway 58 to Mercer, thence westward along U.S. Highway 62 to the Ohio-Pennsylvania State line, thence northward along said line to the points of beginning. The purpose of this filing is to eliminate the gateways at Clarksville, Ind., and New Castle, Pa.

(5) From points in Illinois on and north of U.S. Highway 40 (except Effingham), St. Louis, Mo., to points in Bergen, Hudson, Passaic, Essex, Morris, Union, Somerset, Hunterdon, Sussex, Warren, Middlesex, Monmouth, and Mercer Counties, N.J. The purpose of this filing is to eliminate the gateways at Clarksville, Ind., Youngstown, Ohio, Easton (Northampton County), Pa. and Doylestown (Bucks County), Pa. (6) From points in Illinois on and north of U.S. Highway 40 (except Effingham), St. Louis, Mo., to points in North Carolina. The purpose of this filing is to eliminate the gateways at Clarksville, Ind., Youngstown, Ohio and Philadelphia, Pa. (7) From points in Illinois on and north of U.S. Highway 40 (except Effingham), St. Louis, Mo., to points in Charleston, S.C. The purpose of this filing is to eliminate the gateways at Clarksville, Ind., Youngstown, Ohio, Philadelphia, Pa., and Charlotte, N.C. (8) From points in Illinois on and north of U.S. Highway 40 (except Effingham), St. Louis, Mo., to Greenville, S.C. and points within 25 miles thereof. The purpose of this filing is to eliminate the gateways at Clarksville, Ind., Youngstown, Ohio, Philadelphia, Pa., and Tryon, N.C. (9) from points in Illinois on and north of U.S. Highway 40 (except Effingham), St. Louis, Mo., to points in New Jersey within 20 miles of City Hall in Philadelphia, Pa. The purpose of this filing is to eliminate the gateways at Clarksville, Ind., Youngstown, Ohio and Philadelphia, Pa.

(10) From points in Illinois on and north of U.S. Highway 40 (except Effingham), St. Louis, Mo., to points in Jefferson, Lewis, Onedia, Oswego, and Lawrence Counties, N.Y. The purpose of this filing is to eliminate the gateways at Clarksville, Ind., Youngstown, Ohio, Easton, Pa., and New York, N.Y. (11) From points in Illinois on and north of U.S. Highway 40 (except Effingham), St. Louis, Mo., to Hancock and Binghampton, N.Y. The purpose of this filing is to eliminate the gateways at Clarksville, Ind., Youngstown, Ohio and New York, N.Y. (12) From points in Indiana on the following specified highways: U.S. Highway 20, U.S. Highway 40, U.S. Highway 50, U.S. Highway 52 between junction U.S. Highway 41 and the Indiana-Ohio State line, U.S. Highway 41 between Vincennes and the Indiana-Illinois State line, U.S. Highway 24 between junction Indiana Highway 25 and the Indiana-Ohio State line, U.S. Highway 31 between Indianapolis and junction U.S. Highway 31E, U.S. Highway 31E between junction U.S. Highway 31 and the Indiana-Kentucky State line, U.S. Highway 31W between junction U.S. Highway 31 and the Indiana-Kentucky State line, U.S. Highway 150 between junction U.S. Highway 50 and the Indiana-Kentucky State line, U.S. Highway 35 between junction U.S. Highway 40 and the Indiana-Ohio State line, Indiana Highway 28 between junction U.S. Highway 41 and junction Indiana Highway 25, Indiana Highway 25 between junction Indiana Highway 28 and U.S. Highway 24, Indiana Highway 67 between Indianapolis and junction Indiana Highway 32, Indiana Highway 32 between junction Indiana Highway 67 and the Indiana-Ohio State line. To: (a) points in that part of Pennsylvania south of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 62 to Franklin, Pa., thence along U.S. Highway 322 to Lewistown, Pa., and thence along U.S. Highway 22 to Easton, Pa., including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateway at Youngstown, Ohio.

(12)(b) Points in that portion of Pennsylvania bounded by a line beginning at the Ohio-Pennsylvania State line, thence eastward over Pennsylvania Highway 358 to Greenville, thence over Pennsylvania 58 to Mercer, thence westward over U.S. Highway 62 to the Ohio-Pennsylvania State line, thence northward along said line to the point of beginning. The purpose of this filing is to eliminate the gateway at Youngstown, Ohio and New Castle, Pa. (12)(c) Points in Bergen, Hudson, Passaic, Essex, Morris, Union, Somerset, Hunterdon, Sussex, Warren, Middlesex, Monmouth, and Mercer Counties, N.J. The purpose of this filing is to eliminate the gateways at Youngstown, Ohio Easton (Northampton County), Pa. and Doylestown (Bucks County), Pa. (12)(d) Points in North Carolina. The purpose of this filing is to eliminate the gateways at Youngstown, Ohio and Philadelphia, Pa. (12)(e) Charleston, S.C. The purpose of this filing is to eliminate the gateways at Youngstown, Ohio, Philadelphia, Pa., and Charlotte, N.C. (12)(f) Greenville, S.C. and points within 25 miles thereof. The purpose of this filing is to eliminate the gateways at Youngstown, Ohio, Philadelphia, Pa., and Tryon, N.C.

(12)(g) Points in New Jersey within 20 miles of City Hall in Philadelphia, Pa. The purpose of this filing is to eliminate the gateways at Youngstown, Ohio, and Philadelphia, Pa. (12)(h) Points in Jefferson, Lewis, Oneida, Oswego, and St. Lawrence Counties, N.Y. The purpose of this filing is to eliminate the gateways at Youngstown, Ohio, Easton, Pa., and New York, N.Y. and (12)(i) Hancock and Binghamton, N.Y. The purpose of this filing is to eliminate the gateways at Youngstown, Ohio, Easton, Pa., and New York, N.Y. (13) From Blairsville, Pa. and points in Pennsylvania within 60 miles of Blairsville, to points of origin in (13) above. The purpose of this filing is to eliminate the gateways at E. Liverpool, Ohio. (14) From Blairsville, Pa. and points in Pennsylvania within 60 miles of Blairsville, to points in Illinois on and north of U.S. Highway 40 (except Effingham). The purpose of this filing is to eliminate the gateways at E. Liverpool, Ohio and Clarksville, Ind. (15) From Blairsville, Pa. and points in Pennsylvania within 60 miles of Blairsville, to St. Louis, Mo. The purpose of this filing is to eliminate the gateways at E. Liverpool, Ohio and Clarksville, Ind.

No. MC 24583 (Sub-No. 18G), filed June 3, 1974. Applicant: RODNEY STEWART AND TROY STEWART, doing business as, FRED STEWART COMPANY, P.O. Box 665, Magnolia, Ark. 71753. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies and equipment* incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development and production of natural gas and petroleum; *machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and *earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells, between points in Kansas and Oklahoma, on the one hand, and, on the other, Memphis, Tenn. and points in Louisiana, Arkansas and Mississippi. The purpose of this application is to eliminate the gateways of Texas; Crawford, Franklin, Johnson, Pope, Conway, Perry, Yell, Scott, Logan and Sebastian Counties, Ark.; and LeFlore, Latimer, Sequoyah, Haskell, Pittsburg, and McIntosh Counties, Okla.

No. MC 107515 (Sub-No. 921G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in packages, from New Orleans, La., Gulfport, Miss., Mobile, Ala., Charleston, S.C., and points in Florida, to points in Wisconsin, Minnesota, Illinois, Michigan, Indiana, Kentucky, Virginia, West Virginia, Pennsylvania, Ohio, Maryland, Delaware, New Jersey, New York, Rhode Island, Connecticut, and Massachusetts. The purpose of this filing is to eliminate gateways at Gatesville, N.C., and Atlanta and Forest Park, Ga.

No. MC 114211 (Sub-No. 232G), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., 324 Manhard St., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 2440 E. Commercial Blvd., Ft. Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *(1) *Tractors, road making machinery and contractors' equipment and supplies*, the transportation of which because of size or weight requires the use of special equipment: *(a) between points in Kansas and Missouri. The purpose of this filing is to eliminate the gateways at points in Nebraska and Iowa. *(b) Between points in Illinois and Missouri, restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways at points in Iowa and Nebraska. *(2) *Tractors, road making machinery, and contractors' equipment and supplies* (except those motor vehicles as defined in section 203(a)(13) of the Interstate Commerce Act, commodities moving in driveaway service, and tank semitrailers) which are self-propelled vehicles or equipment, parts or attachments therefor, from points in Illinois, Iowa, Minnesota, South Dakota, Nebraska, Kansas and Colorado, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia, restricted against the transportation to points in Maine, New Hampshire, Rhode Island, and Vermont of agricultural implements and machinery as defined in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 292. The purpose of this filing is to eliminate gateways at Minneapolis, Minn. and points in Dodge County, Wis.

*(3) *Tractors, road making machinery, and contractors' equipment and supplies* (except tractors with vehicle beds, bed frames or fifth wheels, and except motor vehicles as defined in section 203(a)(13) of the Interstate Commerce Act, commodities moving in driveaway service, and tank semitrailers) which are self-propelled vehicles or equipment, parts or attachments therefor, from points in Illinois, Iowa, Minnesota, South Dakota, Nebraska, Kansas and Colorado, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania and Virginia, restricted to the transportation of traffic originating at or destined to the plantsites, warehouse sites and experimental farms of Deere & Company. The purpose of this filing is to eliminate gateways at points in Dodge County, Wis. and Minneapolis, Minn. *(4)(a) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels) and (b) *road making machinery and contractors' equipment and supplies* which are designed for use in conjunction with tractors, from points in Illinois, Iowa, Minnesota, South Dakota, Nebraska, Kansas, Colorado, Texas and Oklahoma, to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate gateways at points in the Fargo, N. Dak. Commercial Zone located in Minnesota. *(5) *Tractors* used as road building equipment (except those with vehicle beds, bed frames, and fifth wheels), from points in Texas and Oklahoma, to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate gateways at points in Kansas, Bloomington, Minn., and Fargo, N. Dak.

(6)(a) *Tractors* (except those with vehicle beds, bed frames, or fifth wheels), (b) *agricultural machinery and implements*, (c) *industrial and construction machinery and equipment*, (d) *trailers* designed for the transportation of the commodities described above (except those designed to be drawn by passenger automobiles, (e) *attachments* for the commodities described in (a), (b), (c), and (d) above, (f) *internal combustion engines*, and (g) *parts* of the commodities described in (a), (b), (c), (d), (e), and (f) above, when moving in mixed loads with such commodities (except commodities which because of size or weight require the use of special equipment, and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), between points in Nebraska, South Dakota and Wyoming, on the one hand, and, on the other, points in Minnesota, North Dakota, Iowa

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and Illinois. The purpose of this filing is to eliminate gateways at Omaha, Nebr. and Council Bluffs, Iowa. (7) (a) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), (b) *equipment* designed for use in conjunction with tractors, (c) *attachments* for the above-described commodities, and (d) parts of the commodities described in (a) through (c) above, in mixed loads with such commodities, which are used in each instance as farm machinery or equipment attachments or parts thereof, from points in Nebraska, to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate gateways at Des Moines, Iowa and Fargo, N. Dak.

(8) (a) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), (b) *equipment* designed for use in conjunction with tractors, (c) *agricultural, industrial and construction machinery and equipment*, (d) *such merchandise* as is dealt in by lawn and garden dealers (except chemicals and commodities in bulk), (e) *trailers* designed for the transportation of the above described commodities (except those trailers designed to be drawn by passenger automobiles), (f) *internal combustion engines*, and (g) *accessories, parts and supplies* used in the manufacture, repair and assembly of the commodities in (a) through (f) above, from the plants, warehouse sites and storage facilities of the Sperry Rand Corp., New Holland Division, located at Belleville, Mountville and New Holland, Pa., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateway at Fargo, N. Dak. *(9) (a) *tractors*, with or without attachments, (b) *tractor attachments*, and (c) *parts* of tractors and tractor attachments when moving in mixed loads with the commodities specified in (a) and (b) above, between points in Iowa, Illinois, Minnesota, South Dakota, Nebraska, Kansas, and Colorado, on the one hand, and, on the other, points in the United States (except Hawaii), restricted to movements originating at or destined to foreign commerce, and restricted against the transportation of shipments originating at West Allis, Wis. The purpose of this filing is to eliminate the gateway of Topeka, Kans.

*(10) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), *road making machinery*, and *contractors' equipment and supplies*, from points in Illinois, Iowa, Minnesota, South Dakota, Nebraska, Kansas, and Colorado, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Idaho, Montana, Oregon, Utah, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Washington, Wyoming, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the plantsites, warehouse sites, and experimental farms of Deere & Company. The purpose of this filing is to eliminate gateways at the plants, warehouse sites and experimental farms of Deere & Company in Black Hawk County, Dubuque, Polk, and Wapello Counties, Iowa, and Rock Island County, Ill. *(11) *Farm tractors:* *(a) between points in South Dakota, Nebraska, Illinois, Colorado, Iowa, Minnesota, Kansas, Oklahoma and Missouri. The purpose of this filing is to eliminate gateways at Martin City, Mo. and points within 15 miles thereof, points in Missouri, and Fort Dodge, Iowa. *(b) From points in Illinois, Iowa, Nebraska, Kansas, Colorado and Minnesota, to points in Indiana. The purpose of this filing is to eliminate the gateway at Fort Dodge, Iowa. *(c) From points in Nebraska, to points in North Dakota. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa. *(12) *Farm tractors* (except those which because of size or weight require the use of special equipment), from points in Illinois, Iowa, Minnesota, South Dakota, Nebraska, Kansas and Colorado, to points in Alabama, Arkansas, Colorado, Florida, Georgia, Idaho, Kentucky, Louisiana, Minnesota, Mississippi, Montana, Nevada, North Dakota, Oregon, South Carolina, South Dakota, Tennessee, Utah, Washington, West Virginia, Wyoming, and the District of Columbia. The purpose of this filing is to eliminate gateways at Tulsa, Okla. and points in Kansas.

*(13) *Farm tractors* (except those which because of size or weight require the use of special equipment, and except commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), from points in Illinois, Iowa, Minnesota, South Dakota, Nebraska, Kansas and Colorado, to points in Arizona, California, Iowa, Kansas, Maryland, Nebraska, New Jersey, New Mexico, North Carolina, Oklahoma, Virginia, and Wisconsin, restricted against shipments moving in foreign commerce to points in Canada. The purpose of this filing is to eliminate gateways at Claremore, Okla. and points in Kansas. *(14) *Farm tractors* (except those with vehicle beds, bed frames, or fifth wheels, and those which, because of size or weight require the use of special equipment), from points in Illinois, Iowa, Nebraska, Colorado, Kansas, and Minnesota, to points in Wisconsin and the Upper Peninsula of Michigan, restricted against the transportation of: (1) Agricultural machinery and implements, other than hand, as described in Section (1) (b) of Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and farm tractors, from points in Racine County, Wis., Rock Island and Winnebago Counties, Ill., Des Moines County, Iowa, and Hennepin, Ramsey, and Dakota Counties, Minn., to points in New Mexico; (2) farm machinery, from points in Rock Island County, Ill. and Scott County, Iowa, to points in Wisconsin; and (3) tractors, traction engines and stationary engines, and attachments and parts therefor when their transportation is incidental to the transportation of tractors, traction engines and stationary engines, from points in Des Moines County, Iowa, to points in Wisconsin and the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Peru Township (Dubuque County), Iowa.

(15) *Farm tractors* (except those with vehicle beds, bed frames, and fifth wheels), the transportation of which because of size or weight requires the use of special equipment, from points in Missouri, to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the plant sites and warehouse facilities of Deere & Company. The purpose of this filing is to eliminate gateways at Fort Dodge, Iowa and the plantsites and storage facilities of Deere & Company in Dodge County, Wis. *(16) *Road building equipment* (except those commodities which because of size or weight require the use of special equipment, and except commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), from points in Illinois, Iowa, Minnesota, South Dakota, Nebraska, Kansas and Colorado, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia, restricted against shipments moving in foreign commerce to points in Canada. The purpose of this filing is to eliminate gateways at Claremore, Okla. and points in Kansas. *(17) *Road building equipment* (except those motor vehicles as defined in section 203 (a) (13) of the Interstate Commerce Act, commodities moving in driveaway service, and tank semitrailers) which are self-propelled vehicles or equipment, parts or attachments therefor, from points in Oklahoma, Kansas, and Texas, to points in Wisconsin. The purpose of this filing is to eliminate gateways at Minneapolis, Minn. and points in Kansas.

*(18) *Road building equipment:* *(a) from points in Oklahoma and Texas, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at or destined to the plantsites, warehouse sites and experimental farms of Deere & Company. The purpose of this filing is to eliminate gateways at points in Kansas and the plants, warehouse sites, and experimental farms of Deere & Company in Black Hawk and Dubuque Counties, Iowa. *(b) Between points in South Dakota, Colorado, Nebraska, Iowa, Illinois, Texas, Kansas, Oklahoma, and Minnesota. The purpose of this filing is to eliminate gateways at points in Kansas.*(c) From points in Texas, Oklahoma, and Kansas, to points in Idaho, Montana, Oregon, Utah, Washington, and Wyoming, restricted to the transportation of traffic originating at the plantsites, warehouse sites, and experimental farms of Deere & Company. The purpose of this filing is to eliminate gateways at points in Kansas, and the plants, warehouse sites, and experimental farms of Deere & Company in Black Hawk County, Dubuque, Polk, and Wapello Counties, Iowa and Rock Island County, Ill. (19) *Road building equipment* designed for use in conjunction with tractors (except commodities which because of size or weight require the use of special equipment, commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459, motor vehicles as defined in section 203(a)(13) of the Interstate Commerce Act, commodities moving in driveaway service, and tank semitrailers), from points in Texas and Oklahoma, to points in the United States (except Alaska, Hawaii, Massachusetts, Connecticut, Pennsylvania, and Delaware), restricted against shipments moving in foreign commerce to points in Canada, and further restricted against the transportation to points in Maine, New Hampshire, Rhode Island, and Vermont of agricultural implements and machinery as defined in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 292. The purpose of this filing is to eliminate gateways at Claremore, Okla. and Minneapolis, Minn.

*(20) *Road making machinery*, which is self-propelled vehicles or equipment, parts or attachments therefor (except motor vehicles defined in section 203(a)(13) of the Interstate Commerce Act, commodities moving in driveaway service, and tank semitrailers) from points in Texas and Oklahoma, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia, restricted against the transportation to points in Maine, New Hampshire, Rhode Island, and Vermont of agricultural implements and machinery as defined in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 292. The purpose of this filing is to eliminate gateways at points in Kansas and Minneapolis, Minn. *(21) *Road making machinery*, from points in Texas, Oklahoma, and Kansas, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at or destined to the plant sites, warehouse sites and experimental farms of Deere & Company. The purpose of this filing is to eliminate gateways at points in Kansas and the plants, warehouse sites, and experimental farms of Deere & Company in Black Hawk and Dubuque Counties, Iowa. *(22) *Contractors' equipment*, between points in Illinois and Minnesota, restricted against operations in foreign commerce. The purpose of this filing is to eliminate the gateway of Garner, Iowa.

*(23) *Grading, paving and finishing machinery, equipment, parts, accessories and attachments:* (a) from points in Illinois, Iowa, Minnesota, South Dakota, Nebraska, and Colorado, to points in the United States (except Hawaii and Iowa). The purpose of this filing is to eliminate the gateway of Canton, S. Dak. *(b) Between points in Texas, Oklahoma, and Kansas, on the one hand, and, on the other, points in the United States (except Hawaii and Iowa). The purpose of this filing is to eliminate gateways at points in Kansas and Canton, S. Dak. *(24) *Grading, paving and finishing machinery, and equipment, parts, accessories and attachments* therefor, which are considered to be tractors or equipment used in conjunction with tractors, from points in the United States (except Hawaii and Iowa), to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate gateways at Canton, S. Dak. and Fargo, N. Dak. (25) *Concrete pipe making machinery*, and when moving with concrete pipe making machinery with which it is to be used, *parts* of such machinery and *auxiliary equipment* to be used therewith, the transportation of which, because of size or weight, requires special equipment, from points in Missouri, Iowa and Nebraska, to points in Alabama, Arizona, California, Connecticut, Delaware, Florida, Georgia, Idaho, Louisiana, Maine, Maryland, Massachusetts, the Upper Peninsula of Michigan, Mississippi, Montana, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia. The purpose of this filing is to eliminate the gateway at Waterloo, Iowa.

(26) *Buildings, storage bins, grain driers and corn cribs*, knocked down or in sections, and when shipped with said commodities, *component parts, materials, supplies, fixtures and accessories* used in their construction and erection, *ventilators and irrigation well casings*, which because of size or weight require the use of special equipment, from points in Iowa, Missouri, and Nebraska, to points in Iowa, Illinois, Minnesota, Wisconsin, North Dakota, South Dakota and Missouri. The purpose of this filing is to eliminate the gateway at Columbus, Nebr. (27) *Cast iron pressure pipe and fittings and accessories* therefor, when moving with such pipe, which because of size or weight require the use of special equipment, from points in Iowa, Nebraska and Missouri, to points in Arkansas, Colorado, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming. The purpose of this filing is to eliminate gateways at Council Bluffs, Iowa, and the plantsite of the Griffin Pipe Products Co. at Council Bluffs, Iowa. (28) *Cast iron pressure pipe* (except pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts), and *fittings and accessories* therefor, when moving with such pipe, the transportation of which, because of size or weight requires the use of special equipment, from points in Iowa, Missouri and Nebraska, to points in Alabama, Arizona, Connecticut, Delaware, Florida, Georgia, Idaho, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

(29) *Cast iron pressure pipe and fittings* for cast iron pipe, the transportation of which because of size or weight requires the use of special equipment, from points in Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, North Carolina, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, to points in Iowa, Nebraska, and Missouri. The purpose of this filing is to eliminate the gateway at the facilities of Griffin Pipe Products Company at Council Bluffs, Iowa. *(30) *Self-propelled vehicles* (except those motor vehicles as defined in section 203(a)(13) of the Interstate Commerce Act and commodities moving in driveaway service), which are grading, paving and finishing machinery, and *equipment, parts, accessories and attachments* therefor (except tank semitrailers), from points in the United States (except Hawaii and Iowa), to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia, restricted against the transportation to points in Maine, New Hampshire, Rhode Island, and Vermont of agricultural implements and machinery as defined in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 292. The purpose of this filing is to eliminate gateways at Canton, S. Dak., and Minneapolis, Minn.

(31) *Farm machinery:* (a) from points in Minnesota, North Dakota, Iowa and Illinois, to points in Illinois, Indiana, Minnesota, Missouri, Nebraska, North Dakota, and Wisconsin (except between points in the Fargo, N. Dak. Commercial Zone as defined by the Commission, on the one hand, and, on the other, points

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in the Minneapolis-St. Paul Commercial Zone as defined by the commission). The purpose of this filing is to eliminate the gateway at Fort Dodge, Iowa. (b) From points in Colorado, Iowa, Kansas, Oklahoma, and South Dakota, and those points in Missouri in the Kansas City, Mo. Commercial Zone, to points in Illinois, Indiana, Minnesota, Missouri, Texas, Wisconsin, Michigan, and Ohio, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway at Beatrice, Nebr. (c) From points in Minnesota, North Dakota, Iowa, and Illinois, to points in Texas, Michigan, and Ohio, restricted against movement to oil field locations. The purpose of this filing is to eliminate gateways at points in Iowa, Beatrice, Nebr., and points in Nebraska within 50 miles of Nebraska City, Nebr. (d) Between points in Minnesota, North Dakota, Iowa, and Illinois, on the one hand, and, on the other, points in Colorado, Iowa, Kansas, Oklahoma, and South Dakota, and points in Missouri in the Kansas City, Mo. Commercial Zone. The purpose of this filing is to eliminate gateways at points in Iowa, Beatrice, Nebr., and points in Nebraska within 50 miles of Nebraska City, Nebr. (e) Between points in Iowa and Nebraska. The purpose of this filing is to eliminate the gateway at Beatrice, Nebr.

(32) *Farm machinery*, the transportation of which because of size or weight requires the use of special equipment: (a) from points in Iowa, Missouri, and Nebraska, to points in Indiana, Missouri, Texas, Wisconsin, Michigan, and Ohio, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway at Beatrice, Nebr. (b) Between points in Iowa, Nebraska, and Missouri, on the one hand, and, on the other, points in Colorado, Iowa, Kansas, and Oklahoma. The purpose of this filing is to eliminate the gateway at Beatrice, Nebr. (33) *Farm machinery and parts* thereof: (a) between points in Iowa, Missouri, and Nebraska, on the one hand, and, on the other, points in Illinois, Minnesota, North Dakota, and South Dakota, restricted to commodities the transportation of which because of size or weight requires the use of special equipment. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa. (b) From points in Minnesota, North Dakota, Iowa and Illinois, to points in Idaho, Montana, Oregon, Utah, Washington, and Wyoming, restricted to the transportation of traffic originating at the plantsites, warehouse sites, and experimental farms of Deere & Company. The purpose of this filing is to eliminate gateways at the plants, warehouse sites, and experimental farms of Deere & Company in Black Hawk County, Dubuque, Polk, and Wapello Counties, Iowa, and Rock Island County, Ill. (c) From points in Minnesota, North Dakota, Iowa, and Illinois, to points in Texas and New Mexico. The purpose of this filing is to eliminate gateways at Waterloo and Dubuque, Iowa.

(34) *Farm machinery* (except those commodities the transportation of which because of size or weight requires the use of special equipment or special handling), between points in Iowa and Nebraska (except points in Nebraska within 50 miles of Nebraska City, Nebr.), restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate gateways at Beatrice, Nebr. and points in South Dakota. (35) *Farm machinery* which is self-propelled vehicles or equipment, parts or attachments therefor (except motor vehicles as defined in section 203(a)(13) of the Interstate Commerce Act, commodities moving in driveaway service, and tank semitrailers), from points in Colorado, Iowa, Kansas, Oklahoma, South Dakota and points in Missouri in the Kansas City, Mo. Commercial Zone, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maine, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, Wyoming, and the District of Columbia, restricted against the transportation to points in Maine, New Hampshire, Rhode Island, and Vermont of agricultural implements and machinery as defined in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 292, and further restricted against movement to oil field locations. The purpose of this filing is to eliminate gateways at Beatrice, Nebr. and Minneapolis, Minn. (36) *Farm machinery* designed to be used in conjunction with tractors, from points in Colorado, Iowa, Kansas, Oklahoma, South Dakota, and points in Missouri in the Kansas City, Mo. Commercial Zone, to points in the United States (except Alaska and Hawaii), restricted against movement to oil field locations. The purpose of this filing is to eliminate gateways at Beatrice, Nebr. and points in the Fargo, N. Dak. Commercial Zone located in Minnesota.

(37) *Farm machinery*, the transportation of which because of size or weight requires the use of special equipment (except commodities which because of size or weight require the use of special equipment), between points in Nebraska and South Dakota, on the one hand, and, on the other, points in Iowa, Missouri and Nebraska. The purpose of this filing is to eliminate the gateway of points in Nebraska. (38) *Farm machinery* (except commodities which because of size or weight require the use of special equipment or special handling, and except commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459): (a) from points in Colorado, Iowa, Kansas, Oklahoma, South Dakota, and points in Missouri in the Kansas City, Mo. Commercial Zone, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at or destined to the plantsites, warehouse sites and experimental farms of Deere & Company. The purpose of this filing is to eliminate gateways at Beatrice and Omaha, Nebr.; Council Bluffs, Iowa; the plants, warehouse sites, and experimental farms of Deere & Company in Black Hawk and Dubuque Counties, Iowa; and points in Iowa and Nebraska. (b) Between points in Wyoming, and points in Missouri in the Kansas City, Mo. Commercial Zone, on the one hand, and, on the other, points in Minnesota, North Dakota, Iowa, and Illinois. The purpose of this filing is to eliminate gateways at Beatrice and Omaha, Nebr., Council Bluffs, Iowa, Nassau, Minn., and points in South Dakota. (c) From points in Nebraska, to points in Minnesota, North Dakota, Iowa, and Illinois. The purpose of this filing is to eliminate gateways at Omaha, Nebr. and Council Bluffs, Iowa. (d) From points in Nebraska and South Dakota, to points in Colorado, Kansas, Oklahoma, South Dakota, Indiana, Missouri, Texas, Wisconsin, Michigan, and Ohio, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

(39) *Agricultural machinery and implements*, other than hand, and *parts* thereof, when transported with such agricultural machinery and implements, as described in Sections B and C of Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except those requiring the use of special equipment), from Corpus Christi, Tex., to: (a) points in Illinois on, south and east of a line beginning at the Missouri-Illinois State Boundary line and extending along Illinois Highway 140 to intersection U.S. Highway 66, thence along U.S. Highway 66 to intersection U.S. Highway 51, and thence along U.S. Highway 51 to the Illinois-Wisconsin State Boundary line; Peoria, Ill.; and St. Paul and Minneapolis, Minn.; and (b) points in Indiana; points in Missouri on and south of U.S. Highway 40; St. Joseph, St. Louis and Kansas City, Mo; points in Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State Boundary line and extending along U.S. Highway 12 to intersection Wisconsin Highway 29, and thence along Wisconsin Highway 29 to and including Kewaunee, Wis.; and points in Michigan south of a line beginning at the International Boundary line between the United States and Canada and extending along Michigan Highway 21 to Holland, Mich., and thence westerly along a straight line from Holland to the shore of Lake Michigan; and Bay City, Saginaw, and Port Huron, Mich., restricted in (b) above against movement to oil field locations. The purpose of this filing is to eliminate gateways at points in Illinois and Minnesota other than those described immediately above, and Beatrice, Nebr.

(40) *Agricultural machinery, agricultural implements*, and *parts* therefor, when moving incidental to and in the same vehicle with said commodities, and *industrial and construction machinery* and *equipment and parts* therefor, when

moving in mixed loads with such machinery and equipment (except, in each instance, commodities which because of size or weight require the use of special equipment, and except commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), which are self propelled vehicles or cranes and hoisting equipment, from Scholfield, Wis., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, the District of Columbia, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, and North Dakota, restricted against shipments moving in foreign commerce to points in Canada. The purpose of this filing is to eliminate the gateway at Claremore, Okla. (41) *Agricultural machinery* (except those commodities which because of size or weight require the use of special equipment), from points in Nebraska, to points in Illinois, Indiana, Minnesota, Missouri, Texas, Wisconsin, Michigan, and Ohio, restricted against the transportation of those commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459, and further restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

(42) *Agricultural implements and parts*, the transportation of which because of size or weight requires the use of special equipment, between points in Iowa, Missouri and Nebraska, on the one hand, and, on the other, points in Colorado, Kansas, Oklahoma, and South Dakota, and points in Missouri in the Kansas City, Mo. Commercial Zone. The purpose of this filing is to eliminate the gateway at Beatrice, Nebr. (43) *Agricultural implements* (except commodities the transportation of which because of size or weight requires the use of special equipment and commodities described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459), from points in Kansas and Oklahoma, to points in Alabama, Arkansas, Colorado, Florida, Georgia, Idaho, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas (except Dallas, Fort Worth, Houston, Galveston, Abilene, Sweetwater, Big Springs, Midland, Odessa, and El Paso), Utah, Vermont, Washington, West Virginia, Wyoming, the District of Columbia, Arizona, California, Iowa, Maryland, Nebraska, New Jersey, North Carolina, Virginia, and Wisconsin, restricted against shipments moving in foreign commerce to points in Canada. The purpose of this filing is to eliminate gateways at Beatrice, Nebr. and Claremore, Okla. (44) *Agricultural shredders, agricultural sprayers, scalpers, row crop shields, knocked down corn cribs*, and *attachments and parts* for said shredders, sprayers, scalpers, and corn cribs, when moving incidental to and in the same vehicle with said commodities (except those requiring the use of special equipment), from Corpus Christi, Tex., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York (except points in Kings, Queens, Nassau and Suffolk Counties), North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin. The purpose of this filing is to eliminate the gateway at Oelwein, Iowa.

(45) *Agricultural shredders, agricultural sprayers, scalpers, row crop shields, knocked down corn cribs*, and *attachments and parts*. for said shredders, sprayers, scalpers, and corn cribs, when moving incidental to and in the same vehicle with said commodities, the transportation of which because of size or weight requires the use of special equipment, from points in Iowa, Missouri and Nebraska, to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York (except points in Kings, Queens, Nassau and Suffolk Counties), North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin. The purpose of this filing is to eliminate gateways at points in Kansas, and points in the Fargo, N. Dak. Commercial Zone located in Minnesota. *Restriction: the authorities listed above in 1(a), 1(b), 2, 3, 4, 5, 9, 10, 11(a), 11(b), 11(c), 12, 13, 14, 16, 17, 18(a), 18(b), 18(c), 20, 21, 22, 23(a), 23(b), 30, (24), and 46 are restricted against the transportation of tractors, road making machinery and contractors' equipment and supplies (except those requiring special equipment) from, to or between points specified as follows: (1) between Chicago, Ill. and Jefferson, Iowa; (2) between Chicago, Ill., Lincoln and Omaha, Nebr., and Council Bluffs, Iowa; (3) from Chicago, Rock Falls, Canton, Springfield, Peoria, Rock Island, Moline, and East Moline, Ill., and Davenport and Waterloo, Iowa, to Omaha and Lincoln, Nebr.; and (4) between Chicago, Sterling, and Rock Island, Ill., and Omaha, Nebr., on the one hand, and, on the other, Sioux City, Denison, Dedham, Woodbine, Audubon, Carroll, Arcadia, Breda, Templeton, Coon Rapids, and Manning, Iowa.

Office of Proceedings

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY-ELIMINATION OF GATEWAY LETTER NOTICES

Notice

OCTOBER 7, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission *within 10 days* from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 8973 (Sub-No. E11), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, and building materials, equipment and supplies* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), (1) from points in Union County, N.J., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Maryland, Virginia, District of Columbia, Ohio, Delaware, those in Connecticut north of Connecticut Highway 123, those in New York on, north, and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along New York Highway 28 to Kingston, thence along New York Highway 308 to junction New York Highway 199, thence along New York Highway 199 to junction Taconic State Parkway, thence along Taconic State Parkway to junction New York Highway 55, thence along New York Highway 55 to junction New York Highway 22, thence along the New York Highway 22 to the Putnam-Dutchess County line, thence along the Putnam-Dutchess County line to the New York-Connecticut State line, those in Pennsylvania on, south, and west of a line beginning at the New York-Pennsylvania State line and extending along unnumbered highway to junction Pennsylvania Highway 371 to junction Pennsylvania Highway 247.

Thence along Pennsylvania Highway 247 to junction Pennsylvania Highway 171, thence along Pennsylvania Highway 171 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Turnpike Extension, thence along the Pennsylvania Turnpike Extension to junction unnumbered highway near Bear Creek, to junction Pennsylvania Highway 93 near Hudsondale, to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Penn-

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sylvania Highway 143, thence along Pennsylvania Highway 143 to junction Pennsylvania Highway 863, thence along Pennsylvania Highway 863 to junction Pennsylvania Highway 73, thence along Pennsylvania Highway 73 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction with the Pennsylvania Turnpike, to the New Jersey-Pennsylvania State line; (2) from Scotch Plains, Berkeley Heights, Crawford, and Clark Townships, the cities of Linden, Rahway, Plainfield, and Summit, New Providence, Mountainside, Garwood, and Fanwood Boroughs, and the town of Westfield (Union County), N.J., to points in Connecticut; (3) from Mountainside, Garwood, Kenilworth, Roselle Park, and Roselle Boroughs, Clark, Crawford, Union, and Hillside Townships, the cities of Elizabeth, Linden, and Rahway, and the town of Westfield (Union County), N.J., to points in Pennsylvania; and (4) from Clark and Hillside Townships, and cities of Linden, Rahway, and Elizabeth (Union County), N.J., to points in New York. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E33), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, and building materials, equipment and supplies* (except commodities in bulk), (1) from points in Bergen County, N.J., to points in Maryland, Virginia, Ohio, Delaware, and the District of Columbia, those in New Hampshire on, north, and east of a line beginning at the New Hampshire-Vermont State line and extending along unnumbered highway to junction U.S. Highway 4, thence along U.S. Highway 4 to junction U.S. Highway 3, thence along U.S. Highway 3 to the Atlantic Ocean, those in Vermont on, east, and north of a line beginning at the United States-Canada International Boundary line and extending along unnumbered highway to junction U.S. Highway 5, thence along U.S. Highway 5 to junction Vermont Highway 16, thence along Vermont Highway 16 to junction Vermont Highway 5A, thence along Vermont Highway 5A to junction Vermont Highway 105, thence along Vermont Highway 105 to the Vermont-New Hampshire State line, those in Pennsylvania on, south, and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to junction unnumbered highway near Bodines, to junction Pennsylvania Highway 864, thence along Pennsylvania Highway 864 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction Pennsylvania Highway 61.

Thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 662, thence along Pennsylvania Highway 662 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction Pennsylvania Highway 663, thence along Pennsylvania Highway 663 to junction Pennsylvania Highway 313, thence along Pennsylvania Highway 313 to junction unnumbered highway near Dublin, to the Pennsylvania-New Jersey State line, and those in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction New York Highway 17, thence along New York 17 to junction New York Highway 414, thence along New York Highway 414 to junction New York Highway 14, thence along New York Highway 14 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 414, thence along New York Highway 414 to junction unnumbered highway near Clyde, to junction New York Highway 38, thence along New York Highway 38 to junction New York Highway 104, thence along New York Highway 104 to Lake Ontario; (2) from Fairlawn, East Patterson, Wallington, Wood-Ridge, Rutherford, and North Arlington Boroughs, Saddle Brook and Lyndhurst Townships, and the city of Garfield (Bergen County), N.J., to points in New Hampshire; (3) from Lyndhurst Townships, and the Boroughs of Rutherford and North Arlington (Bergen County), N.J.; and (4) from North Arlington Borough (Bergen County), N.J., to points in Rhode Island. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcon Aluminum Corporation at Woodbridge, N.J.

No. MC 27817 (Sub-No. E1), filed May 12, 1974. Applicant: H. C. GABLER, INC., P.O. Box 220, Chambersburg, Pa. 17201. Applicant's representative: Harold C. Gabler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, from the District of Columbia, and points in that part of Virginia within 300 miles of Baltimore, Md. (except points in Virginia east of the Chesapeake Bay), to points in that part of Pennsylvania east of U.S. Highway 15 (Baltimore, Md.)*; points in Rhode Island (Baltimore, Md., and York County, Pa.)*; and points in Maine, New Hampshire, and Vermont (Baltimore, Md., and New Freedom or Hanover, Pa.)*; and (2) *Canned fruit and vegetable products*, from the District of Columbia, and points in that part of Virginia within 300 miles of Baltimore, Md. (except points in Virginia east of the Chesapeake Bay), to points in New York, New Jersey, Connecticut, Massachusetts, Maryland, and points in that part of Delaware north of the Chesapeake and Delaware Canal (Baltimore, Md., and points in York County, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 27817 (Sub-No. E2), filed May 12, 1974. Applicant: H. C. GABLER, INC., PO Box 220, Chambersburg, Pa. 17201. Applicant's representative: Harold C. Gabler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and preserved food stuffs* (except frozen foods), from Aspers, Pa., and the facilities of H. J. Heinz Co., at Chambersburg, Pa., to points in Ohio and Kentucky; and (2) *Canned fruit and vegetable products*, from Adams, Franklin, and York Counties, Pa., to points in Ohio and Kentucky. The purpose of this filing is to eliminate the gateways of Morgan County, W. Va., or the facilities of Musselman Fruit Products, Division of Pet, Inc., at Inwood, W. Va.

No. MC 27817 (Sub-No. E3), filed May 12, 1974. Applicant: H. C. GABLER, INC., P.O. Box 220, Chambersburg, Pa. 17201. Applicant's representative: Harold C. Gabler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*; (1) from New York, N.Y., and points in that part of New York and New Jersey within ten miles of New York, N.Y., to points in that part of Maryland, Virginia, and West Virginia within 300 miles of Baltimore, Md.; points in that part of North Carolina bounded by a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 301 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction U.S. Highway 321 near Crowders, N.C., thence along U.S. Highway 321 to Boone, N.C., thence along North Carolina Highway 194 through Todd, N.C., to junction U.S. Highway 221, thence along U.S. Highway 221 to the North Carolina-South Carolina State line to the point of beginning, including points on the indicated portions of the highways specified; and to points in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 15 to junction Business Route U.S. Highway 15 (formerly portion U.S. Highway 15), thence along Business Route U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to Harrisburg, Pa., thence along U.S. Highway 11 to Northcumberland, Pa.

Thence along Pennsylvania Highway 147 (formerly Pennsylvania Highway 14), to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, thence along the Pennsylvania-New York State line to the Pennsylvania-Delaware River, to the Pennsylvania-Delaware State line, near Marcus Hook, Pa., thence along the Pennsylvania-Delaware State line to the Pennsylvania-Delaware-

Maryland State line, thence along the Pennsylvania-Maryland State line to the point of beginning, including points on the indicated portions of the highway specified; (2) from points in that part of Pennsylvania within 300 miles of Baltimore, Md., to points in that part of Virginia bounded by a line beginning at Richmond, Va., and extending along U.S. Highway 1 to Petersburg, Va., thence along U.S. Highway 460 to Cape Henry, thence along the Atlantic Coast to Deltaville, Va., thence along Virginia Highway 33 to the point of beginning, including points on the indicated portions of the highways specified; and (3) from points in that part of Pennsylvania on and east of a line beginning at Lake Erie, thence along Pennsylvania Highway 89 to Titusville, thence along Pennsylvania Highway 8 to Butler, thence along Pennsylvania Highway 422 to Indiana, thence along Pennsylvania Highway 119 to the Pennsylvania-Maryland State line to points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 220 to Rockingham, thence along U.S. Highway 1 to the North Carolina-South Carolina State line, and on and west of U.S. Highway 301. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 27817 (Sub-No. E4), filed May 12, 1974. Applicant: H. C. GABLER, INC., PO Box 220, Chambersburg, Pa. 17201. Applicant's representative: Harold C. Gabler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned fruit and vegetable products*, from Garrett and Allegany Counties, Md., and points in that part of West Virginia within 300 miles of Baltimore, Md. (except Cameron, Ohio, Brooke, and Hancock Counties, W.Va.), to points in that part of New York east of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 8 to junction New York Highway 7, thence along New York Highway 7 to Oneonta, N.Y., thence along New York Highway 28 to junction New York Highway 30, thence along New York Highway 30 to the United States-Canada International Boundary line and points in New Jersey, Connecticut, and Massachusetts (Baltimore, Md., and York County, Pa.)*; (2) *Canned goods*, from points in Garrett and Allegany Counties, Md., and points in that part of West Virginia within 300 miles of Baltimore, Md., (except Cameron, Ohio; Brooke and Hancock Counties, W.Va.), to points in that part of Pennsylvania east and south of Interstate Highway 78 (Baltimore, Md.)*; points in Rhode Island (Baltimore, Md., and York County, Pa.)*; and points in Vermont, New Hampshire, and Maine (Baltimore, Md., and New Freedom or Hanover, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 27817 (Sub-No. E5), filed May 12, 1974. Applicant: H. C. GABLER, INC., P.O. Box 220, Chambersburg, Pa. 17201. Applicant's representative: Harold C. Gabler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit products*, from the plant sites of Knouse Foods, Inc., and Knouse Foods Cooperative, Inc., at Orrtanna and Peach Glen (Adams County), Pa., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 27817 (Sub-No. E6), filed May 12, 1974. Applicant: H. C. GABLER, INC., P.O. Box 220, Chambersburg, Pa. 17201. Applicant's representative: Harold C. Gabler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned fruit and vegetables products*, from points in Adams, Franklin, and York Counties, Pa., to points in North Carolina and South Carolina; (2) *Canned and preserved foodstuffs* (except frozen foods and except commodities in bulk, in tank vehicles), from the plant site of Duffy Mott Company, Inc., at Aspers, Pa., to points in North Carolina and South Carolina; and (3) *Canned or preserved foodstuffs* (other than frozen, and except liquids in bulk), from the facilities of H. J. Heinz Company in Chambersburg, Pa., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of the plant site of Musselman Fruit Products, Division of Pet, Inc., at Inwood, W. Va.

No. MC 27817 (Sub-No. E8), filed May 12, 1974. Applicant: H. C. GABLER, INC., PO Box 220, Chambersburg, Pa. 17201. Applicant's representative: Harold C. Gabler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned fruits and vegetable products*, from New York, N.Y., and points in that part of New York and New Jersey within ten miles of New York, N.Y., to points in Ohio and Kentucky (York, Pa., and Morgan County, W. Va.)*; and (2) *Canned goods*, from Baltimore, Md., to points in Ohio and Kentucky (Morgan County, W. Va.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 29934 (Sub-No. E1), (Correction), filed May 31, 1974, published in the Federal Register April 24, 1975. Applicant: LO BIONDO BROS. MOTOR EXPRESS, INC., Box 160, Bridgeton, N.J. 08302. Applicant's representative: Michael R. Werner, 2 West 45th St., New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*; (4) from Philadelphia, Pa., and points in Camden, Gloucester, Salem, Cumberland, and Atlantic Counties, N.J., to points in Maryland (Salem, N.J.)*; *Frozen foods*; (3) from Newark, N.J., and New York, N.Y., to points in Virginia (Philadelphia, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to include (4) and (3) above. The remainder of this letter-notice remains as previously published.

No. MC 29934 (Sub-No. E2), filed May 31, 1974. Applicant: LO BIONDO BROS. MOTOR EXPRESS, INC., Box 160, Bridgeton, N.J. 08302. Applicant's representative: Michael R. Werner, 2 W. 45th St., New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Canned goods*, from those points in the New York, N.Y., commercial zone, as defined by the Commission, and Long Island, N.Y., to the District of Columbia (Camden, N.J.)*.

(2) *Frozen foods*, from Newark, N.J., and New York, N.Y., to points in Delaware, Maryland, those in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 219 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Interstate Highway 83, thence along Interstate Highway 83 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 276, thence along Interstate Highway 276 to the Delaware River, and the District of Columbia (Camden, N.J.)*.

(3) *Canned goods*, from those points in the New York, N.Y., commercial zone, as defined by the Commission, and Long Island, N.Y., to those points in Pennsylvania on and south of a line beginning at the Ohio-Pennsylvania State line and extending along Pennsylvania Highway 358 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 283, thence along Pennsylvania Highway 283 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 41, thence along Pennsylvania Highway 41 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 322, thence along U.S. Highway 322 to the Delaware River (Salem County, N.J.)*.

(4) *Metal* and *metal products*, between those points in Pennsylvania on and south of a line beginning at the Ohio-Pennsylvania State line and extending along Pennsylvania Highway 358 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 283, thence along Pennsylvania Highway 283 to junction

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U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 41, thence along Pennsylvania Highway 41 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 322, thence along U.S. Highway 322 to the Delaware River, on the one hand, and, on the other, those points in the New York, N.Y., commercial zone as defined by the Commission (Salem County, N.J.) *.

(5) *Groceries*, restricted to frozen foods, from Wilmington, Del. and Baltimore, Md., to points in New York (except New York, N.Y.), Massachusetts, Rhode Island, Connecticut, and those in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to junction Pennsylvania Turnpike Northeast Extension, thence along the Pennsylvania Turnpike Northeast Extension to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Pennsylvania Highway 320, thence along the Pennsylvania Highway 320 to the Delaware River (Camden, N.J.) *.

(6) *Groceries*, which are canned goods, from Wilmington, Del., and Baltimore, Md., to points in Connecticut, Massachusetts, Rhode Island, New York, and those in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to junction Pennsylvania Turnpike Northeast Extension, thence along the Pennsylvania Turnpike Northeast Extension to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 320, thence along Pennsylvania Highway 320 to the Delaware River (Philadelphia, Pa., and Salem, Cumberland, or Gloucester Counties, N.J.) *.

(7) *Canned goods*, from Philadelphia, Pa., to points in Massachusetts, Rhode Island, New York, Connecticut, those in Delaware on and south of a line beginning at the Delaware-Maryland State line and extending along Delaware Highway 404 to junction Delaware Highway 18, thence along Delaware Highway 18 to the Atlantic Ocean, those in Pennsylvania (except those south and east of a line beginning at the Pennsylvania-New Jersey State line and extending along Interstate Highway 80 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Pennsylvania Highway 34, thence along Pennsylvania Highway 34 to junction Pennsylvania Highway 134, thence along Pennsylvania Highway 134 to the Pennsylvania-Maryland State line) and the District of Columbia (Gloucester County, N.J.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 45736 (Sub E1), filed June 3, 1974. Applicant: GUIGNARD FREIGHT LINES, INC., Highway 21N, P.O. Box 26057. Applicant's representative: Edward G. Villalon, Suite 1032, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (A) between points in Virginia on and bounded by a line beginning at the Atlantic Ocean and extending along U.S. Highway 13 to junction U.S. Highway 460, to junction Virginia Highway 40, to junction Virginia Highway 610, to junction Virginia Highway 622, to junction U.S. Highway 460, to junction Virginia Highway 36, to junction Virginia Highway 10, to junction Virginia Highway 156, to junction Virginia Highway 5, to junction U.S. Highway 60 to point of beginning, on the one hand, and, on the other, points in Alabama on and north of U.S. Highway 278. (B) Between points in Virginia on and bounded by a line beginning at Ford, Va., and extending along Virginia Highway 622 to junction Virginia Highway 708 to junction Virginia Highway 153, to junction U.S. Highway 360, to junction Virginia Highway 604, to junction Virginia Highway 622, to junction U.S. Highway 522, to junction U.S. Highway 250, to junction U.S. Highway 60, to junction Virginia Highway 5 to junction Virginia Highway 156 to junction Virginia Highway 10 to junction Virginia Highway 36, to junction U.S. Highway 460 to point of beginning on the one hand, and, on the other, points in Alabama on and north of U.S. Highway 278. The purpose of this filing is to eliminate the gateways of Concord, N.C., Charlotte, N.C., and Sumter, S.C.

No. MC 45736 (Sub E2), filed May 17, 1974. Applicant: GUIGNARD FREIGHT LINES, INC., Highway 21N, P.O. Box 26057, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, Suite 1032, 13th & Penn. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, (A) between points in North Carolina on and bounded by a line beginning at Concord, N.C., and extending along North Carolina Highway 73 to junction North Carolina Highway 24, to junction U.S. Highway 15, to junction U.S. Highway 1 to the North Carolina-Virginia State line, to junction U.S. Highway 21, to junction North Carolina Highway 152, to junction North Carolina Highway 153, to junction U.S. Highway 29, to point of beginning, on the one hand, and, on the other, points in South Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 521 to junction South Carolina Highway 200, to junction U.S. Highway 301, to the South Carolina-Georgia State line, and on and west of Interstate Highway 85. (B) Between points in North Carolina on and west of U.S. Highway 1 and on and east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 21 to junction U.S. Highway 70, to junction U.S. Highway 321 to the North Carolina-South Carolina State line, on the one hand, and, on the other, Savannah, Ga.

(C) Between points in North Carolina on and north of a line beginning at Sanford, N.C., and extending along U.S. Highway 421 to junction North Carolina Highway 27, to junction unnumbered highway at Benson, N.C., to junction U.S. Highway 70, to junction North Carolina Highway 55, to Oriental, North Carolina, and on and east of U.S. Highway 1, which points are within 225 miles of Concord, N.C., and on the other, points in South Carolina on and east of a line beginning at the South Carolina-North Carolina State line, and extending along U.S. Highway 521 to junction South Carolina Highway 200, to junction U.S. Highway 21, to junction U.S. Highway 301, to the South Carolina-Georgia State line, and on and west of Interstate Highway 85. (D) Between points in North Carolina bounded on and east of U.S. Highway 1, and on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to junction U.S. Highway 311, to junction U.S. Highway 52, to junction U.S. Highway 29, to junction U.S. Highway 601, to junction North Carolina Highway 200, to junction North Carolina Highway 218, to junction U.S. Highway 74, to junction North Carolina Highway 742 to the North Carolina-South Carolina State line, on the one hand, and, on the other, points in South Carolina on and west of U.S. Highway 29. (E) Between points in North Carolina within 225 miles of Concord, N.C., which are on and west of U.S. Highway 1, on the one hand, and, on the other, points in South Carolina on and west of U.S. Highway 29.

(F) Between points in North Carolina on and bounded by a line beginning at Concord, N.C., and extending along U.S. Highway 29 to junction U.S. Highway 52, to junction U.S. Highway 311, to junction North Carolina Highway 89, to junction North Carolina Highway 8, to the North Carolina-Virginia State line, to junction U.S. Highway 21, to junction North Carolina Highway 152, to junction North Carolina Highway 153, to junction U.S. Highway 29, to point of beginning, on the one hand, and, on the other, points in South Carolina on and bounded by a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 521 to junction South Carolina Highway 200, to junction U.S. Highway 301, to the South Carolina-Georgia State line, to the Atlantic Ocean, to junction U.S. Highway 176, to junction U.S. Highway 1, to the South Carolina-North Carolina State line, to point of beginning. (G) Between points in North Carolina on and bounded by a line beginning at Concord, N.C., and extending along U.S. Highway 29 to junction U.S. Highway 52, to junction U.S. Highway 311, to junction North Carolina Highway 89, to junction

North Carolina Highway 8, to the North Carolina-Virginia State line, to junction U.S. Highway 21, to junction North Carolina Highway 152, to junction North Carolina Highway 153, to junction U.S. Highway 29, to point of beginning, on the one hand, and, on the other, points in South Carolina on and east of U.S. Highway 1 and on and north of U.S. Highway 176. (H) Between points in North Carolina on and bounded by a line beginning at Statesville, N.C., and extending along U.S. Highway 21 to the North Carolina-Virginia State line, to the North Carolina-Tennessee State line, to junction U.S. Highway 321, to junction U.S. Highway 70, to point of beginning, on the one hand, and, on the other, points in South Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 521 to junction South Carolina Highway 200, to junction U.S. Highway 21, to junction U.S. Highway 301, to the South Carolina-Georgia State line.

(I) Between points in North Carolina on and bounded by a line beginning at Concord, N.C., and extending along U.S. Highway 29 to junction North Carolina Highway 153, to junction North Carolina Highway 152, to junction U.S. Highway 21, to junction U.S. Highway 70, to junction U.S. Highway 321, to the North Carolina-Tennessee State line, to junction Interstate Highway 40, to junction U.S. Highway 23, to junction U.S. Highway 70, to junction U.S. Highway 321, to junction North Carolina Highway 27, to junction North Carolina Highway 73, to point of beginning, on the one hand, and, on the other, points in South Carolina on and north of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 601 to junction South Carolina Highway 151, to junction U.S. Highway 1, to junction South Carolina Highway 341, to junction U.S. Highway 15, to junction U.S. Highway 521, to junction U.S. Highway 52, to junction South Carolina Highway 45 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Concord, N.C.

No. MC 49052 (Sub-No. E14) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER, June 30, 1975, republished in the FEDERAL REGISTER, August 25, 1975. Applicant: MACON TRADING POST, INC., 103 Cherry St., Macon, Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (2) between points in Mississippi (except Pearl River, Hancock, Stone, Harrison, George and Jackson Counties), on the one hand, and, on the other, points in Franklin, Liberty, Gadsden, Leon, Wakulla, Jefferson, Madison, and Taylor Counties, Fla. The purpose of this filing is to eliminate the gateway of Dougherty County, Ga. The purpose of this partial correction is to correct the territorial description in (2) above. The remainder of the letter-notice remains as previously published.

No. MC 61231 (Sub-E50), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 East 43rd St., Des Moines, Iowa 50317. Applicant's representative: Wm. L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from points in that part of Minnesota, on, north and east of a line beginning at the Iowa-Minnesota border, thence over U.S. Highway 71 to junction Minnesota Highway 67, to junction U.S. Highway 212, to junction U.S. Highway 59, to junction U.S. Highway 52, thence over U.S. Highway 52 to the Minnesota-North Dakota Border, and points in that part of Iowa on, east and north of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 11 to junction Interstate Highway 80, to junction Iowa Highway 25, to junction U.S. Highway 34, to the Iowa-Illinois State line, to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 61825 (Sub-No. E139), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Tennessee bounded by a line beginning at the Virginia-Tennessee State line at U.S. Highway 23 and extending along U.S. Highway 23 to the Tennessee-North Carolina State line, thence along the Tennessee-North Carolina State line to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 25E, thence along U.S. Highway 25E to junction U.S. Highway 11W, thence along U.S. Highway 11W to junction Tennessee Highway 70, thence along Tennessee Highway 70 to the Virginia-Tennessee State line, thence along the Virginia-Tennessee State line to the point of beginning, on the one hand, and, on the other, points in California, Idaho, Montana, Nevada, Oregon, and Washington on and west of a line beginning at the United States-Mexico International Boundary line at Interstate Highway 5 and extending along Interstate Highway 5 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 138, thence along California Highway 138 to junction California Highway 14, thence along California Highway 14 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 168.

Thence along California Highway 168 to the California-Nevada State line, thence along Nevada Highway 3 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Nevada-Idaho State line, thence along U.S. Highway 93 to the Idaho-Montana State line, thence along U.S. Highway 93 to junction Montana Highway 38, thence along Montana Highway 38 to junction U.S. Alternate Highway 10, thence along U.S. Alternate Highway 10 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Montana Highway 271, thence along Montana Highway 271 to junction Montana Highway 200, thence along Montana Highway 200 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Canada-United States International Boundary line. The purpose of this filing is to eliminate the gateways of Pulaski, Lynchburg, and points in Smyth County, Va.

No. MC 61825 (Sub-No. E140), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Tennessee on and east of a line beginning at the Tennessee-Virginia State line at Tennessee Highway 70 and extending along Tennessee Highway 70 to the Tennessee-North Carolina State line, on the one hand, and, on the other, points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming on and west of a line beginning at the United States-Mexico International Boundary line at U.S. Highway 95, extending along U.S Highway 95 to the junction of Arizona Highway 95, thence along Arizona Highway 95 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Nevada-Arizona State line, thence along the Nevada-Arizona State line to junction Arizona-Utah State line, thence along the Arizona-Utah State line to Lake Powell, Utah, thence along the Lake Powell and the Colorado River to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 189, thence along U.S. Highway 189 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction U.S. Highway 89, thence along U.S. Highway 89 to the Idaho-Wyoming State line, thence along U.S. Highway 89 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Wyoming Highway 233, thence along Wyoming Highway 233 to the Canada-United States International Boundary line. The purpose of this filing is to eliminate the gateways of Pulaski, Lynchburg, and points in Smyth County, Va.

No. MC 61825 (Sub-No. E141), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle,

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over irregular routes, transporting: *New furniture*, between points in Georgia on and bounded by a line beginning at the Tennessee-Georgia State line at Georgia Highway 5 and extending along Georgia Highway 5 to junction U.S. Alternate Highway 27, thence along U.S. Alternate Highway 27 to the Alabama-Georgia State line at Columbus, Ga., thence along the Alabama-Georgia State line to junction Georgia Highway 53, thence along Georgia Highway 53 to junction Georgia Highway 225, thence along Georgia Highway 225 to the Georgia-Tennessee State line, thence along the Georgia-Tennessee State line to the point of beginning, on the one hand, and, on the other, points in Minnesota on and north of a line beginning at the Minnesota-North Dakota State line at Breckenridge, Minn., and extending along Minnesota Highway 210, thence along Minnesota Highway 210 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction U.S. Highway 61 at Lake Superior, thence along the shores of Lake Superior to the United States-Canadian International Boundary line. The purpose of this filing is to eliminate the gateway of Smyth County, Va.

No. MC 61825 (Sub-No. E142), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Georgia on and bounded by a line beginning at the Tennessee-Georgia State line at Georgia Highway 5 and extending along Georgia Highway 5 to junction U.S. Alternate Highway 27, thence along U.S. Alternate Highway 27 to junction Alabama-Georgia State line at Columbus, Ga., thence along the Alabama-Georgia State line to the Georgia-Florida State line, thence along the Georgia-Florida State line to junction Georgia Highway 97, thence along Georgia Highway 97 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Georgia Highway 195, thence along Georgia Highway 195 to junction Georgia Highway 128, thence along Georgia Highway 128 to junction U.S. Highway 341, thence along U.S. Highway 341 to junction Georgia Highway 42, thence along Georgia Highway 42 to junction Georgia Highway 83, thence along Georgia Highway 83 to junction Georgia Highway 11, thence along Georgia Highway 11 to junction Georgia Highway 211, thence along Georgia Highway 211 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction Georgia Highway 403, thence along Georgia Highway 403 to junction Georgia Highway 13, thence along Georgia Highway 13 to junction U.S. Highway 129, thence along U.S. Highway 129 to the North Carolina-Georgia State line, thence along the Georgia-Tennessee State line to the point of beginning, on the one hand, and, on the other, points in Minnesota on and north of a line beginning at the Minnesota-South Dakota State line at U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 19, thence along Minnesota Highway 19 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va.

No. MC 61825 (Sub-No. E143), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Georgia on and east of a line beginning at the North Carolina-Georgia State line at U.S. Highway 129, thence along U.S. Highway 129 to junction Georgia Highway 13, thence along Georgia Highway 13 to junction Georgia Highway 403, thence along Georgia Highway 403 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction Georgia Highway 211, thence along Georgia Highway 211 to junction Georgia Highway 11, thence along Georgia Highway 11 to junction Georgia Highway 83, thence along Georgia Highway 83 to junction Georgia Highway 42, thence along Georgia Highway 42 to junction U.S. Highway 341, thence along U.S. Highway 341 to junction Georgia Highway 128, thence along Georgia Highway 128 to junction Georgia Highway 195, thence along Georgia Highway 195 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Georgia Highway 97, thence along Georgia Highway 97 to the Georgia-Florida State line, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va.

No. MC 61825 (Sub-No. E144), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Johnson City, Tenn., to points in Minnesota on and north of a line beginning at the Minnesota-South Dakota State line and extending along Minnesota-Iowa State line to U.S. Highway 218, thence along U.S. Highway 218 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Minnesota Highway 42, thence along Minnesota Highway 42 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Martinsville, Va.

No. MC 61825 (Sub-No. E145), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Tennessee on and east of a line beginning at the Virginia-Tennessee State line at Tennessee Highway 70, thence along Tennessee Highway 70 to the Tennessee-North Carolina State line to points in Minnesota on, north and west of a line beginning at the South Dakota-Minnesota State line at U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 34, thence along Minnesota Highway 34 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to Lake Superior, thence along the Lake Superior Shore to the United States-Canadian International Boundary line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Martinsville, Va.

No. MC 61825 (Sub-No. E146), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Tennessee on and east of a line beginning at the Virginia-Tennessee State line at U.S. Highway 23, thence along U.S. Highway 23 to junction Tennessee Highway 107, thence along Tennessee Highway 107 to the Tennessee-North Carolina State line to points in Texas and Oklahoma on and west of a line beginning at the Gulf of Mexico at Texas Highway 361 at Port Arkansas, thence along Texas Highway 361 to junction U.S. Highway 181, thence along U.S. Highway 181 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Texas Highway 349, thence along Texas Highway 349 to junction Texas Highway 137, thence along Texas Highway 137 to junction U.S. Highway 385, thence along U.S. Highway 385 to the Texas-Oklahoma State line, thence along U.S. Highway 385 to the Oklahoma-Colorado State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Martinsville, Va.

No. MC 61825 (Sub-No. E147), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. BOX 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Florida on and south of a line beginning at the Gulf of Mexico at Florida Highway 580 and extending along Florida Highway 580 to

junction Interstate Highway 4, thence along Interstate Highway 4 to the Atlantic Ocean, to points in California, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, and Washington on and west of a line beginning at the North Dakota-Canada International Boundary line at the Minnesota-North Dakota State line to junction U.S. Highway 2, thence along U.S. Highway 2 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction North Dakota Highway 30, thence along North Dakota Highway 30 to junction North Dakota Highway 13, thence along North Dakota Highway 13 to junction North Dakota Highway 3, thence along North Dakota Highway 3 to the North Dakota-South Dakota State line, thence along the North Dakota-South Dakota State line to junction South Dakota Highway 63, thence along South Dakota Highway 63 to junction U.S. Highway 12, thence along U.S. Highway 12 to the North Dakota-South Dakota State line, thence along U.S. Highway 12 to the Montana-North Dakota State line, thence along U.S. Highway 12 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Wyoming State line, thence along the Montana-Wyoming State line to junction U.S. Highway 191, thence along U.S. Highway 191 to the Idaho-Montana State line, thence along U.S. Highway 191 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Idaho State line, thence along U.S. Highway 91 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-Utah State line, thence along U.S. Highway 40 to the California-Nevada State line, thence along U.S. Highway 40 to junction California Highway 20, thence along California Highway 20 to the Pacific Ocean. The purpose of this filing is to eliminate the gateways of Pulaski, Lynchburg, and points in Smyth County, Va.

No. MC 61825 (Sub-No. E148), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Florida on and bounded by a line beginning at the Georgia-Florida State line at U.S. Highway 441 and extending along U.S. Highway 441 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Florida Highway 26, thence along Florida Highway 26 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Florida Highway 24, thence along Florida Highway 24 to the Gulf of Mexico, thence along the Gulf of Mexico to junction Florida Highway 580, thence along Florida Highway 580 to junction Interstate Highway 4, thence along Interstate Highway 4 to the Atlantic Ocean, thence along the Atlantic Ocean Shore to the Georgia-Florida State line, thence along the Georgia-Florida State line to the point of beginning, to points in California, Idaho, Montana, North Dakota, Oregon, and Washington on, north and west of a line beginning at the North Dakota-Canada International Boundary line at U.S. Highway 83 and extending along U.S. Highway 83 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction North Dakota Highway 8, thence along North Dakota Highway 8 to junction U.S. Highway 10, thence along U.S. Highway 10 to the North Dakota-Montana State line.

Thence along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction Montana Highway 289, thence along Montana Highway 289 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Montana Highway 287, thence along Montana Highway 287 to junction Montana Highway 41, thence along Montana Highway 41 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction Montana Highway 324, thence along Montana Highway 324 to the Idaho-Montana State line, thence along Idaho Highway 29 to junction Idaho Highway 28, thence along Idaho Highway 28 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Idaho Highway 21, thence along Idaho Highway 21 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Idaho Highway 55 to junction U.S. Highway 95, thence along U.S. Highway 95 to the Oregon-Idaho State line, thence along U.S. Highway 95 to the Nevada-Oregon State line, thence along U.S. Highway 95 to junction Nevada Highway 49, thence along Nevada Highway 49 to junction Nevada Highway 34, thence along Nevada Highway 34 to junction Nevada Highway 81, thence along Nevada Highway 81 to the California-Nevada State line, thence along California Highway 81 to junction California Highway 299, thence along California Highway 299 to junction California Highway 89, thence along California Highway 89 to junction California Highway 36, thence along California Highway 36 to junction California Highway 32, thence along California Highway 32 to junction California Highway 45, thence along California Highway 45 to junction California Highway 20, thence along California Highway 20 to the Pacific Ocean. The purpose of this filing is to eliminate the gateways of Pulaski, Lynchburg, and points in Smyth County, Va.

No. MC 61825 (Sub-No. E149), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Florida south of a line beginning at the Atlantic Ocean at U.S. Highway 192 and extending along U.S. Highway 192 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction Florida Highway 70, thence along Florida Highway 70 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Florida Highway 29, thence along Florida Highway 29 to junction Florida Highway 846, thence along Florida Highway 846 to the Gulf of Mexico, to points in Minnesota. The purpose of this filing is to eliminate the gateways of Pulaski and Martinsville, Va.

No. MC 61825 (Sub-No. E150), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Florida on and bounded by a line beginning at the Florida-Georgia State line at U.S. Highway 301 and extending along U.S. Highway 301 to junction Florida Highway 44, thence along Florida Highway 44 to junction Florida Highway 490, thence along Florida Highway 490 to the Gulf of Mexico, thence along the Gulf of Mexico to junction Florida Highway 846, thence along Florida Highway 846 to junction Florida Highway 29, thence along Florida Highway 29 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Florida Highway 70, thence along Florida Highway 70 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 192, thence along U.S. Highway 192 to the Atlantic Ocean, thence along the Atlantic Ocean Shore to the Saint Mary's River, thence along the Saint Mary's River to the point of beginning, to points in Minnesota north of a line beginning at the Minnesota-South Dakota State line at Minnesota Highway 19 and extending along Minnesota Highway 19 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateways of Martinsville and Pulaski, Va.

No. MC 61825 (Sub-No. E151), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Georgia to points in Delaware and Maryland on and southeast of a line beginning on the eastern shore of the Chesapeake Bay and extending along the Nanticoke River to junction Maryland Highway 313, thence along Maryland Highway 313 to junction Maryland Highway 348, thence along Maryland Highway 348 to junction Delaware Highway 24, thence along Delaware

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Highway 24 to junction unnumbered highway three miles east of Lowes Crossroads, Dela., thence along unnumbered highway to junction Delaware Highway 26, thence along Delaware Highway 26 to Bethany Beach, Dela., and thence to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E152), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Georgia, on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania and points in Delaware, District of Columbia, and Maryland on and north of a line beginning at the Pennsylvania-West Virginia State line near Markleysburg, Pa., thence along the West Virginia-Maryland State line to Kempton, Md., thence along the Maryland-West Virginia State line to the Virginia-Maryland State line, thence along the Virginia-Maryland State line to the Virginia-District of Columbia State line, thence along the Virginia-District of Columbia State line to the Virginia-Maryland State line, thence along the Virginia-Maryland State line to the Chesapeake Bay, thence along the Chesapeake Bay to the Nanticoke River, thence along the Nanticoke River to junction Maryland Highway 313, thence along Maryland Highway 313 to junction Maryland Highway 348, thence along Maryland Highway 348 to junction Delaware Highway 24, thence along Delaware Highway 24 to junction unnumbered highway 3 miles east of Lowes Crossroads, Dela., thence along unnumbered highway to Delaware Highway 26, thence along Delaware Highway 26 to Bethany Beach, Dela., thence along to the Atlantic Ocean and points in Ohio and West Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along West Virginia Highway 102 to junction U.S. Highway 52, thence along U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction West Virginia Highway 2, thence along West Virginia Highway 2 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Ohio Highway 76, thence along Ohio Highway 76 to junction Ohio Highway 241, thence along Ohio Highway 241 to junction Ohio Highway 94, thence along Ohio Highway 94 to Cleveland, Ohio, and thence to Lake Erie. The purpose of this filing is to eliminate the gateway of Pulaski, Va.

No. MC 61825 (Sub-No. E153), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Georgia, on the one hand, and, on the other, points in Ohio and West Virginia on and bounded by a line beginning at the Kentucky-West Virginia State line and extending along U.S. Highway 119 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction unnumbered highways 9 miles north of Crum, W. Va., thence along unnumbered highways through Eloise, W. Va., to junction West Virginia Highway 37, thence along West Virginia Highway 37 to junction West Virginia Highway 10, thence along West Virginia Highway 10 to junction West Virginia Highway 3, thence along West Virginia Highway 3 to junction West Virginia Highway 34, thence along West Virginia Highway 34 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 7, thence along Ohio Highway 7 to junction Ohio Highway 160, thence along Ohio Highway 160 to junction Ohio Highway 346, thence along Ohio Highway 346 to junction Ohio Highway 681, thence along Ohio Highway 681 to junction Ohio Highway 356, thence along Ohio Highway 356 to junction Ohio Highway 56, thence along Ohio Highway 56 to junction Ohio Highway 278, thence along Ohio Highway 278 to junction Ohio Highway 595, thence along Ohio Highway 595 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 37, thence along Ohio Highway 37 to junction Ohio Highway 345.

Thence along Ohio Highway 345 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 179, thence along Ohio Highway 179 to junction Ohio Highway 95, thence along Ohio Highway 95 to junction Ohio Highway 89, thence along Ohio Highway 89 to junction Ohio Highway 58, thence along Ohio Highway 58 to Lorain, Ohio, thence along the shore of Lake Erie to Cleveland, Ohio, thence along Ohio Highway 94 to junction Ohio Highway 241, thence along Ohio Highway 241 to junction Ohio Highway 76, thence along Ohio Highway 76 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction West Virginia Highway 2, thence along West Virginia Highway 2 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction West Virginia Highway 102, thence along West Virginia Highway 102 to the West Virginia-Virginia State line, thence along the West Virginia-Virginia State line to the West Virginia-Kentucky State line and, thence along the West Virginia-Kentucky State line to the point of beginning. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va.

No. MC 61825 (Sub-No. E154), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and east of U.S. Highway 52 and points in Virginia on, south, and east of a line beginning at the Atlantic Ocean and extending along the Virginia-Maryland State line to the Chesapeake Bay, thence along the Potomac River to Virginia Highway 619, thence along Virginia Highway 619 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 211, thence along U.S. Highway 211 to junction Virginia Highway 260, thence along Virginia Highway 260 to junction Virginia Highway 259, thence along Virginia Highway 259 to junction Virginia Highway 613, thence along Virginia Highway 613 to junction Virginia Highway 257, thence along Virginia Highway 257 to junction Virginia Highway 731, thence along Virginia Highway 731 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Virginia-West Virginia State line to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 89, thence along Virginia Highway 89 to the Virginia-North Carolina State line and points in Arkansas, Kansas, Minnesota, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E155), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and east of a line beginning at the Virginia-Maryland State line and extending along Virginia Highway 619 to juction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 211, thence along U.S. Highway 211 to junction Virginia Highway 260, thence along Virginia Highway 260 to junction Virginia Highway 259, thence along Virginia Highway 259 to junction Virginia Highway 613, thence along Virginia Highway 613 to junction Virginia Highway 257, thence along Virginia Highway 257 to junction Virginia Highway 731, thence along Virginia Highway 731 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Virginia-West Virginia State line to points in Texas, Oklahoma, Arkansas, and those points in Kansas on and west of a line beginning at the Oklahoma-Kansas-Missouri State line, and extending along the Kansas-Missouri State line to junction Kansas Highway 52, thence along Kansas Highway 52 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Kansas Highway 68, thence along Kansas Highway 68 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 15, thence along Kansas Highway 15 to junction Kansas Highway 28, thence along Kansas Highway 28 to junction Kansas Highway 148, thence along Kansas Highway 148 to junction Kansas Highway 14, thence along Kansas Highway 14 to the Kansas-Nebraska State line and those points in Minnesota on and north of a line beginning at the North Dakota-Minnesota State line near Climax, Minn., at U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Minnesota Highway 32, thence along Minnesota Highway 32 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction Minnesota Highway 89, thence along Minnesota Highway 89 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E156), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 21, thence along U.S. Highway 21 to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to point of beginning to those points in Texas, Oklahoma, and Kansas on and west of a line beginning at the United States-Mexico International Boundary line and extending along the Gulf of Mexico to Lavaca Bay, thence along Lavaca Bay to U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Texas-Oklahoma State line, thence along Interstate Highway 35 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to junction U.S. Highway 177, thence along U.S. Highway 177 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Oklahoma-Kansas State line, thence along U.S. Highway 77 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Missouri State line, thence along the Kansas-Missouri State line to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E157), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the Virginia-North Carolina State line extending along U.S. Highway 21 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U. S. Highway 70, thence along U. S. Highway 70 to junction U. S. Highway 52, thence along U. S. Highway 52 to junction North Carolina Highway 73, thence along North Carolina Highway 73 to junction U. S. Highway 321, thence along U. S. Highway 321 to junction U. S. Highway 321A, thence along U. S. Highway 321A to junction U. S. Highway 321, thence along U. S. Highway 321 to junction U. S. Highway 421, thence along U. S. Highway 421 to the North Carolina-Tennessee State line, thence along the North Carolina-Tennessee State line to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to point of beginning, to points in Texas and Oklahoma on and west of a line beginning at the United States-Mexico International Boundary line at the Gulf of Mexico and extending along the Texas coast to Texas Highway 9, thence along Texas Highway 9 to junction U. S. Highway 281, thence along U. S. Highway 281 to junction U. S. Highway 87, thence along U. S. Highway 87 to junction U. S. Highway 290, thence along U. S. Highway 290 to junction Texas Highway 137, thence along Texas Highway 137 to junction U. S. Highway 385, thence along U. S. Highway 385 to the Texas-Oklahoma State line, thence along U. S. Highway 385 to the Oklahoma-Colorado State line and those points in Kansas west of a line beginning at the Kansas-Colorado State line and extending along U. S. Highway 160 to junction U. S. Highway 270, thence along U. S. Highway 270 to junction U. S. Highway 50, thence along U. S. Highway 50 to junction U. S. Highway 83, thence along U. S. Highway 83 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 23, thence along Kansas Highway 23 to junction U. S. Highway 24, thence along U. S. Highway 24 to junction U. S. Highway 283, thence along U. S. Highway 283 to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateway of Martinsville and Pulaski, Va.

No. MC 61825 (Sub-No. E158), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at U.S. Highway 70 and extending along U.S. Highway 70 to junction North Carolina Highway 18, thence along North Carolina Highway 18 to junction U.S. Highway 321A, thence along U.S. Highway 321A to point of beginning, to points in Texas on and west of a line beginning at the United States-Mexico International Boundary line and extending along the Val Verde-Terrell County line to junction U.S. Highway 90 thence along U.S. Highway 90 to junction Texas Highway 349, thence along Texas Highway 349 to junction Texas Highway 137, thence along Texas Highway 137 to junction U.S. Highway 385, thence along U.S. Highway 385 to the Texas-Oklahoma State line and points in Kansas on and west of a line beginning at the Kansas-Colorado State line at Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 27, thence along Kansas Highway 27 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Kansas Highway 161, thence along Kansas Highway 161 to the

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Nebraska-Kansas State line. The purpose of this filing is to eliminate the gateways of Pulaski and Martinsville, Va.

No. MC 61825 (Sub-No. E160), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the Tennessee-North Carolina State line and extending along U.S. Highway 19W to junction U.S. Highway 19E, thence along U.S. Highway 19E to junction North Carolina Highway 80, thence along North Carolina Highway 80 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 221, thence along U.S. Highway 221 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to U.S. Highway 70, thence along U.S. Highway 70 to junction North Carolina Highway 18, thence along North Carolina Highway 18 to junction U.S. Highway 321A, thence along U.S. Highway 321A to junction U.S. Highway 321, thence along U.S. Highway 321 to the North Carolina-Tennessee State line, thence along the North Carolina-Tennessee State line to point of beginning to points in El Paso County, Tex. The purpose of this filing is to eliminate the gateways of Pulaski and Martinsville, Va.

No. MC 61825 (Sub-No. E161), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 52 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction North Carolina Highway 18, thence along North Carolina Highway 18 to junction North Carolina Highway 10, thence along North Carolina Highway 10 to junction North Carolina Highway 127, thence along North Carolina Highway 127 to junction U.S. Highway 321A, thence along U.S. Highway 321A to junction U.S. Highway 321, thence along U.S. Highway 321 to junction U.S. Highway 421, thence along U.S. Highway 421 to the North Carolina-Tennessee State line, thence along the North Carolina-Tennessee State line to the North Carolina-Virginia State line, thence along the Virginia-North Carolina State line to the point of beginning to points in Minnesota. The purpose of this filing is to eliminate the gateways of Pulaski and Martinsville, Va.

No. MC 61825 (Sub-No. E162), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the North Carolina-South Carolina State line at North Carolina Highway 18 and extending along North Carolina Highway 10, thence along North Carolina Highway 10 to junction North Carolina Highway 127, thence along North Carolina Highway 127 to junction U.S. Highway 321A, thence along U.S. Highway 321A to junction U.S. Highway 321, thence along U.S. Highway 321 to junction North Carolina Highway 18, thence along North Carolina Highway 18 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 221, thence along U.S. Highway 221 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to point of beginning to points in Minnesota on and north of a line beginning at the Minnesota-Wisconsin State line and extending along Minnesota Highway 36 to junction Minnesota Highway 212, thence along Minnesota Highway 212 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 19, thence along Minnesota Highway 19 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Minnesota State line, thence along the Iowa-Minnesota State line, to the Minnesota-South Dakota State line. The purpose of this filing is to eliminate the gateways of Pulaski and Martinsville, Va.

No. MC 61825 (Sub-No. E163), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the North Carolina-Tennessee State line and extending along U.S. Highway 421 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction North Carolina Highway 18, thence along North Carolina Highway 18 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction North Carolina Highway 80, thence along North Carolina Highway 80 to junction U.S. Highway 19E, thence along U.S. Highway 19E to junction U.S. Highway 19W, thence along U.S. Highway 19W to the Tennessee-North Carolina State line, thence along the Tennessee-North Carolina State line to point of beginning, to points in Minnesota on and north of a line beginning at the North Dakota-Minnesota State line extending along U.S. Highway 75 to junction Minnesota Highway 9, thence along Minnesota Highway 9 to junction Minnesota Highway 34, thence along Minnesota Highway 34 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateways of Martinsville and Pulaski, Va.

No. MC 61825 (Sub-No. E164), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Virginia on and west of a line begining at the Virginia-West Virginia State line extending along U.S. Highway 460 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 89, thence along Virginia Highway 89 to the Virginia-North Carolina State line to points in Minnesota on and west of a line beginning at the Minnesota-North Dakota State line at U.S. Highway 2 and extending along Minnesota Highway 220, thence along Minnesota Highway 220 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Minnesota Highway 11, thence along Minnesota Highway 11 to junction Minnesota Highway 310, thence along Minnesota Highway 310 to the United States-Canada International Boundary line, and points in Texas on and west of a line beginning at Port Lavaca, near West Matagorda Bay and extending along U.S. Highway 87 to junction Texas Highway 208, thence along Texas Highway 208 to junction Texas Highway 70, thence along Texas Highway 70 to junction Texas Highway 836, thence along Texas Highway 836 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E165), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on and east of a line beginning on Lake Erie and extending along U.S. Highway 250 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 61, thence along Ohio Highway 61 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 586, thence along Ohio Highway 586 to junction Ohio Highway 146, thence along Ohio Highway 146 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 555, thence along Ohio Highway 555 to the Ohio River to points in Virginia on, east, and south of a line beginning on the North Carolina-Virginia State line near Stuart, Va., thence along Virginia Highway 8 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction Virginia Highway 623, thence along Virginia Highway 623 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 668, thence along Virginia Highway 668 to junction Virginia Highway 603, thence along Virginia Highway 603 to junction Virginia Highway 746, thence along Virginia Highway 746 to junction Virginia Highway 92, thence along Virginia Highway 92 to junction Virginia Highway 47, thence along Virginia Highway 47 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 659, thence along Virginia Highway 659 to junction Virginia Highway 611, thence along Virginia Highway 611 to junction Virginia Highway 46, thence along Virginia Highway 46 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E166), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio, east and north of a line beginning at the Indiana-Ohio State line and extending along Ohio Highway 15 to junction Ohio Highway 115, thence along Ohio Highway 115 to junction Ohio Highway 65, thence along Ohio Highway 65 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Interstate Highway 270, thence along Interstate Highway 270 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Ohio River and points located south and west of a line beginning at Lake Erie and extending along U.S. Highway 250 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 61, thence along Ohio Highway 61 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 586, thence along Ohio Highway 586 to junction Ohio Highway 146, thence along Ohio Highway 146 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 555, thence along Ohio Highway 555 to the Ohio River, to points in Virginia located on, east, and south of a line beginning at the North Carolina-Virginia State line and extending along Virginia Highway 8 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction Virginia Highway 623, thence along Virginia Highway 623 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 24, thence along Virginia Highway 24 to junction Virginia Highway 615, thence along Virginia Highway 615 to junction Virginia Highway 47, thence along Virginia Highway 47 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 35, thence along Virginia Highway 35 to junction Virginia Highway 58, thence along Virginia Highway 58 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E167), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio bounded by a line beginning on the Kentucky-Ohio State line and extending along U.S. Highway 42 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Interstate Highway 270, thence along Interstate Highway 270 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Ohio River, thence along the Ohio River to point of beginning, to points in Virginia located on, east, and south of a line beginning on the North Carolina-Virginia State line, thence along Virginia Highway 8 to junction U.S. Highway 58, thence along Virginia Highway 58 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction Virginia Highway 623, thence along Virginia Highway 623 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 24, thence along Virginia Highway 24 to junction Virginia Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction Virginia Highway 33, thence along Virginia Highway 33 to the Chesapeake Bay, thence across the Chesapeake Bay to Pungoteague, Va., thence along Virginia Highway 180 to Wachapreague, Va., thence through the Wachapreague Inlet to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E168), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on and west of a line beginning on the Indiana-Ohio State line near Edon, Ohio, thence along Ohio Highway 34 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction Ohio Highway 115, thence along Ohio Highway 65, thence along Ohio Highway 68 to junction U.S. Highway 42, thence along U.S. Highway 33 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 42, thence along U.S. Highway 42 to the Ohio-Kentucky State line to points in Virginia on, east, and south of a line beginning at the North Carolina-Virginia State line and extending along Virginia Highway 773 to junction Virginia Highway 614, thence along Virginia Highway 614 to the Blue Ridge Parkway, thence along the Blue Ridge Parkway to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction Virginia Highway 33, thence along Virginia Highway 33 to the Chesapeake Bay, thence across the Chesapeake Bay to Pungoteague, Va., thence along Virginia Highway 180 to Wachapreague, Va., thence through the Wachapreague Inlet to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E169), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on and east of a line beginning at Lake Erie and extending along the Cuyahoga River to Interstate Highway 90, thence along Interstate Highway 90 to junction Ohio Highway 14, thence along Ohio Highway 14 to junction Interstate Highway 480, thence along Interstate Highway 480 to junction Ohio Highway 14, thence along Ohio Highway 14 to junction Ohio Highway 183, thence along Ohio Highway 183 to junction Ohio Highway 173, thence along Ohio Highway 173 to Westville, Ohio, thence along unnumbered highway to East Rochester, Ohio, thence along U.S. Highway 30 to junction Ohio Highway 644, thence along Ohio Highway 644 to junction Ohio Highway 164, thence along Ohio Highway 164 to junction Ohio Highway 43, thence along Ohio Highway 43 to junction Ohio Highway 152, thence along Ohio Highway 152 to junction Ohio Highway 150, thence along Ohio High-

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way 150 to junction Ohio Highway 647, thence along Ohio Highway 647 to the Ohio River to points in North Carolina on, east, and south of a line beginning on the South Carolina-North Carolina State line and extending along the Jackson-Transylvania County line to the Blue Ridge Parkway, thence along the Blue Ridge Parkway to junction North Carolina Highway 151, thence along North Carolina Highway 151 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction North Carolina Highway 18, thence along North Carolina Highway 18 to junction North Carolina Highway 268, thence along North Carolina Highway 268 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction North Carolina Highway 103, thence along North Carolina Highway 103 to the North Carolina-Virginia State line and points located on, south, and west of a line beginning on the Virginia-North Carolina State line near Roanoke Rapids, N.C., thence along North Carolina Highway 46 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction North Carolina Highway 305, thence along North Carolina Highway 305 to junction U.S. Highway 13, thence along U.S. Highway 13 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 264, thence along U.S. Highway 264 to Swan Quarter, N.C., thence across Swan Quarter Bay and Pamlico Sound to the Ocracoke Inlet, thence to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E170), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in West Virginia, on the one hand, and, on the other, points in Arizona, California, Nevada, Oregon, and Washington on and west of a line beginning at the Mexico-United States International Boundary line and extending along U.S. Highway 80, thence along U.S. Highway 80 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Interstate Highway 17, thence along Interstate Highway 17 to junction Arizona Highway 69, thence along Arizona Highway 69 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction the Arizona-Nevada State line, thence along U.S. Highway 93 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Alternate Highway 95, thence along U.S. Alternate Highway 95 to junction Nevada Highway 34, thence along Nevada Highway 34 to junction Nevada Highway 8A, thence along Nevada Highway 8A to junction Nevada Highway 140, thence along Nevada Highway 140 to the Nevada-Oregon State line, thence along Oregon Highway 140 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction U.S. Highway 197, thence along U.S. Highway 197 to the Oregon-Washington State line, thence along U.S. Highway 197 to junction Washington Highway 14, thence along Washington Highway 14 to the Klickitat River, thence along the Klickitat River to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Washington Highway 123, thence along Washington Highway 123 to junction Washington Highway 410, thence along Washington Highway 410 to junction Washington Highway 169, thence along Washington Highway 169 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Canadian-United States International Boundary line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E171), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in West Virginia on and east of a line beginning at the Virginia-West Virginia State line at U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 219, thence along U.S. Highway 219 to the West Virginia-Maryland State line, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming on and west of a line beginning at the United States-Mexico International Boundary line and extending along the New Mexico-Texas State line to U.S. Highway 66, thence along U.S. Highway 66 to junction New Mexico Highway 39, thence along New Mexico Highway 39 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 85, thence along U.S. Highway 85 to the New Mexico-Colorado State line, thence along U.S. Highway 85 to junction Colorado Highway 69, thence along Colorado Highway 69 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction Colorado Highway 9, thence along Colorado Highway 9 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Colorado-Utah State line, thence along U.S. Highway 40 to junction Utah Highway 44, thence along Utah Highway 44 to junction Utah Highway 43.

Thence along Utah Highway 43 to the Utah-Wyoming State line, thence along Wyoming Highway 414 to junction Wyoming Highway 410, thence along Wyoming Highway 410 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 189, thence along U.S. Highway 189 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Idaho-Wyoming State line, thence along U.S. Highway 26 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Idaho-Montana State line, thence along U.S. Highway 191 to junction Montana Highway 293, thence along Montana Highway 293 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. 91, thence along U.S. Highway 91 to the United States-Canadian International Boundary line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E172), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in West Virginia bounded by a line beginning at the Pennsylvania-West Virginia State line at West Virginia Highway 69 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction West Virginia Highway 18, thence along West Virginia Highway 18 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Kentucky-West Virginia State line, thence along the Kentucky-West Virginia State line to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 219, thence along U.S. Highway 219 to the West Virginia-Maryland State line, thence along the West Virginia-Maryland State line to the West Virginia-Pennsylvania State line, thence along the West Virginia-Pennsylvania State line to the point of beginning, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Washington, on and west of a line beginning at the New Mexico-Texas State line at U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 54.

Thence along U.S. Highway 54 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction New Mexico Highway 32, thence along New Mexico Highway 32 to junction U.S. Highway 666, thence along U.S. Highway 666 to the Colorado-New Mexico State line, thence along U.S. Highway 666 to the Colorado-Utah State line, thence along U.S. Highway 666 to junction U.S. Highway 163, thence along U.S. Highway 163 to junction Utah Highway 95, thence along Utah Highway 95 to junction Utah Highway 24, thence along Utah Highway 24 to junction Utah Highway 119, thence along Utah Highway 119 to junction U.S.

Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Idaho State line, thence along U.S. Highway 91 to the Idaho-Montana State line, thence along U.S. Highway 91 to the United States-Canadian International Boundary line. The purpose of this filing is to eliminate the gateway of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E173), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in West Virginia on, east and south of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Virginia-West Virginia State line, on the one hand, and, on the other, points in Texas and Oklahoma on, west and south of a line beginning at the Gulf of Mexico and extending along U.S. Highway 69 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Texas-Oklahoma State line, thence along Interstate Highway 35 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Oklahoma Highway 325, thence along Oklahoma Highway 325 to the Oklahoma-New Mexico State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E174), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in West Virginia on, north and east of a line beginning at the West Virginia-Pennsylvania State line at U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line, on the one hand, and, on the other, points in Arkansas, Oklahoma and Texas on, west and south of a line beginning at the Louisiana-Texas State line at the Gulf of Mexico and extending along the Louisiana-Texas State line to the Louisiana-Arkansas State line, thence along the Louisiana-Arkansas State line to the Arkansas-Mississippi State line, thence along the U.S. Highway 82 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction Arkansas Highway 24, thence along Arkansas Highway 24 to the Arkansas-Oklahoma State line, thence along U.S. Highway 70 to junction Oklahoma Highway 3, thence along Oklahoma Highway 3 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Oklahoma-Texas State line, thence along Interstate Highway 40 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E175), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming to points in Maryland on and east of a line beginning at the Maryland-Delaware State line at the Interstate Highway 95, thence along Interstatae Highway 95 to junction Interstate Highway 495, thence along Interstate Highway 495 to junction Maryland Highway 193, thence along Maryland Highway 193 to junction Maryland Highway 586, thence along Maryland Highway 586 to junction Maryland Highway 28, thence along Maryland Highway 28 to junction Maryland Highway 107, thence along Maryland Highway 107 to the Maryland-Virginia State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E176), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between the District of Columbia, on the one hand, and, on the other, points in Arkansas, Kansas, Minnesota, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E177), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Virginia on and bounded by a line beginning at the Virginia-West Virginia State line at Virginia Highway 311 and extending along Virginia Highway 311 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Virginia Highway 208, thence along Virginia Highway 208 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Potomac Creek, thence along the Potomac Creek to the Potomac River, thence along the Potomac River to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to the point of beginning to points in North Carolina on and bounded by a line beginning at the Virginia-North Carolina State line at North Carolina Highway 8 and extending along North Carolina Highway 8 to junction North Carolina Highway 704, thence along North Carolina Highway 704 to junction North Carolina Highway 89, thence along North Carolina Highway 89 to junction North Carolina Highway 66, thence along North Carolina Highway 66 to junction North Carolina Highway 268, thence along North Carolina Highway 268 to junction North Carolina Highway 18.

Thence along North Carolina Highway 18 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 441, thence along U.S. Highway 441 to the Tennessee-North Carolina State line, thence along the Tennessee-North Carolina State line to the Georgia-North Carolina State line, thence along the Georgia-North Carolina State line to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to North Carolina Highway 177, thence along North Carolina Highway 177 to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 220, thence along U.S. Highway 220 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to the point of beginning. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E178), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Virginia on and east of a line beginning at the West Virginia-Virginia State line at U.S. Highway 33 and extending along U.S. Highway 33 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 29, thence along U.S. Highway 29 to the North Carolina-Virginia State line to points in North Carolina on and west of a line beginning at the Virginia-North Carolina State line at U.S. Highway 52 and extending along U.S. Highway 52 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 21, thence along U.S. Highway 21 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

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No. MC 61825 (Sub-No. E179), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Virginia on and west of a line beginning at the Virginia-West Virginia State line at Virginia Highway 311 and extending along Virginia Highway 311 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line, to points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line, to points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line at North Carolina Highway 86 and extending along North Carolina Highway 86 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E180), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Virginia on and bounded by a line beginning at the West Virginia-Virginia State line at Virginia Highway 311 and extending along Virginia Highway 311 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 419, thence along Virginia Highway 419 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Virginia Highway 208, thence along Virginia Highway 208 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Virginia Highway 630, thence along Virginia Highway 630 to the Potomac River, thence along the Potomac River to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to the point of beginning and Henry County, Va., to points in South Carolina. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E181), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. BOX 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Virginia on and bounded by a line beginning at the North Carolina-Virginia State line at U.S. Highway 220 and extending along U.S. Highway 220 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Virginia Highway 208, thence along Virginia Highway 208 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Virginia Highway 630, thence along Virginia Highway 630 to the Potomac River, thence along the Potomac River to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to the point of beginning, to points in South Carolina on, south, and west of a line beginning at the North Carolina-South Carolina State line at U.S. Highway 601 and extending along U.S. Highway 601 to junction South Carolina Highway 151, thence along South Carolina Highway 151 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction U.S. Highway 501, thence along US. Highway 501 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E182), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Virginia on and east of a line beginning at the Potomac River and extending along Virginia Highway 630 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Virginia Highway 208, thence along Virginia Highway 208 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Virginia Highway 6, thence along Virginia Highway 6 to junction Virginia Highway 45, thence along Virginia Highway 45 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 47, thence along Virginia Highway 47 to junction Virginia Highway 615, thence along Virginia Highway 615 to junction Virginia Highway 600, thence along Virginia Highway 600 to junction U.S. Highway 501, thence along U.S. Highway 501 to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to the point of beginning, to points in South Carolina on, south, and west of a line beginning at the North Carolina-South Carolina State line at U.S. Highway 601 and extending along U.S. Highway 601 to junction South Carolina Highway 151, thence along South Carolina Highway 151 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction U.S. Highway 501, thence along US. Highway 501 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E183), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Virginia on and bounded by a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 311 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 419, thence along Virginia Highway 419 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to junction Virginia Highway 89, thence along Virginia Highway 89 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 94, thence along Virginia Highway 94 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to the point of beginning, to points in South Carolina on and east of a line beginning at the North Carolina-South Carolina State line at U.S. Highway 52 and extending along U.S. Highway 52 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Alternate Highway 17, thence along U.S. Alternate Highway 17 to junction U.S. Highway 17, thence along U.S. Highway 17 to the South Carolina-Georgia State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E184), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Virginia on and east of a line beginning at the Virginia-West Virginia State line at U.S. Highway 250 and extending along U.S. Highway 250 to junction Virginia Highway 151, thence along Virginia Highway 151 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 668, thence along Virginia Highway 668 to junction Virginia Highway 603, thence along Virginia Highway 603 to junction U.S. Highway 501, thence along U.S. Highway 501 to the Virginia-North Carolina State line, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E197), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as

above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Wisconsin on, north, and west of a line beginning on the Illinois-Wisconsin State line and extending along Wisconsin Highway 120 to junction Wisconsin Highway 36, thence along Wisconsin Highway 36 to junction Wisconsin Highway 100, thence along Wisconsin Highway 100 to Lake Michigan to points in South Carolina on and east of a line beginning at the Atlantic Ocean and extending along South Carolina Highway 174 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction South Carolina Highway 165, thence along South Carolina Highway 165 to junction South Carolina Highway 61, thence along South Carolina Highway 61 to junction South Carolina Highway 27, thence along South Carolina Highway 27 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 521, thence along U.S. Highway 521 to junction U.S. Highway 601 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E198), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Wisconsin on and north of a line beginning at the Iowa-Wisconsin State line and extending along the Wisconsin River to Wisconsin Highway 33, thence along Wisconsin Highway 33 to junction Wisconsin Highway 68, thence along Wisconsin Highway 68 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Lake Michigan to points in South Carolina on and east of a line beginning on the Atlantic Ocean and extending along U.S. Highway 278 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction South Carolina Highway 210, thence along South Carolina Highway 210 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction South Carolina Highway 34, thence along South Carolina Highway 34 to junction U.S. Highway 321, thence along U.S. Highway 321 to the South Carolina-North Carolina State line and west of a line beginning on the Atlantic Ocean and extending along South Carolina Highway 174 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction South Carolina Highway 165, thence along South Carolina Highway 165 to junction South Carolina Highway 61, thence along South Carolina Highway 61 to junction South Carolina Highway 27, thence along South Carolina Highway 27 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 521, thence along U.S. Highway 521 to junction U.S. Highway 601, thence along U.S. Highway 601 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E199), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Wisconsin on, north, and west of a line beginning at the Illinois-Wisconsin State line extending along Wisconsin Highway 120 to junction Wisconsin Highway 36, thence along Wisconsin Highway 36 to junction Wisconsin Highway 100, thence along Wisconsin Highway 100 to Lake Michigan to points in North Carolina on and east of a line beginning on the South Carolina-North Carolina State line and extending along U.S. Highway 601 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction North Carolina Highway 109, thence along North Carolina Highway 109 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 311, thence along U.S. Highway 311 to junction North Carolina Highway 68, thence along North Carolina Highway 68 to junction U.S. Highway 220, thence along U.S. Highway 220 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E200), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Wisconsin on, north, and west of a line beginning at the Iowa-Wisconsin State line and extending along Wisconsin Highway 82 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Menominee River, thence along the Menominee River to Green Bay to points in North Carolina on and east of a line beginning on the South Carolina-North Carolina State line extending along U.S. Highway 321 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction U.S. Highway 52, thence along U.S. Highway 52 to the North Carolina-Virginia State line west of a line beginning on the South Carolina-North Carolina State line and extending along U.S. Highway 601 to junction Wisconsin Highway 49, thence along Wisconsin Highway 49 to junction Wisconsin Highway 109, thence along Wisconsin Highway 109 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 311, thence along U.S. Highway 311 to junction Wisconsin Highway 68, thence along Wisconsin Highway 68 to junction U.S. Highway 220, thence along U.S. Highway 220 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E217), filed May 13, 1974. Applicant: ROY STONE TRANFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Louisiana on and north of a line beginning at the Mississippi-Louisiana State line and extending west along U.S. Highway 84 to junction Louisiana Highway 28, thence southwest along Louisiana Highway 28 to junction Louisiana Highway 8, thence southwest along Louisiana Highway 8 to the Louisiana-Tennessee State line to points in Delaware, District of Columbia, Maryland, New Jersey, and those points in New York, Pennsylvania, and West Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending north along Interstate Highway 77 to junction West Virginia Highway 20, thence north along West Virginia Highway 20 to junction U.S. Highway 119, thence north along U.S. Highway 119 to junction Pennsylvania Highway 36, thence north along Pennsylvania Highway 36 to junction Pennsylvania Highway 968, thence north along Pennsylvania Highway 968 to junction Pennsylvania Highway 949, thence northeast along Pennsylvania Highway 949 to junction U.S. Highway 219, thence north along U.S. Highway 219 to junction New York Highway 98, thence northeast along New York Highway 98 to junction New York Highway 39, thence northeast along New York Highway 39 to junction U.S. Highway 20, thence east along U.S. Highway 20 to junction U.S. Highway 15 to Rochester, New York, and thence north along the Genesee River to Lake Ontario. The purpose of this filing is to eliminate the gateways of points in Smyth County and Martinsville, Va.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-27714 Filed 10-14-75;8:45 am]

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federal register

WEDNESDAY, OCTOBER 15, 1975



PART II:

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration

■

PRIVACY ACT OF 1974

Systems of Records

VOLUME 40 NUMBER 200
OCT 15 75
XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

(DOCKET NO. 75N-0211)

PRIVACY ACT OF 1974

AMENDMENT TO NOTICE OF SYSTEMS OF RECORDS

The Commissioner of Food and Drugs is amending the Notice of Systems of Records of the Food and Drug Administration, published in the FEDERAL REGISTER of August 27, 1975 (40 FR 39073), to include two additional systems of records not described in that notice: Employee Conduct Investigative Records (FDA-13) and Service Contractor Employee Investigative Records (FDA-14). Public comment is invited on the routine uses of records in these systems.

The FDA systems that are the subject of this notice have been proposed to be exempted from certain requirements of the Privacy Act because they include investigatory material compiled for law enforcement purposes, including criminal law enforcement purposes, or compiled solely to determine suitability, eligibility or qualification for Federal civilian employment, military service, Federal contracts, and access to classified information. The exemption was proposed as Sec. 7.61(b)(3) of FDA's proposed regulations to implement the Privacy Act (21 CFR 7.61(b)(3)), published in the FEDERAL REGISTER of August 27, 1975 (40 FR 39388). The proposed exemption referred to the records in the two systems in this notice as "Employee, consultant, and contractor security and investigative records that are the subject of a Department notice, to the extent that these files are maintained by the Food and Drug Administration." The final FDA regulations will substitute the two names given in this notice for the records in question, distinguishing contractor records from those dealing with regular and special government employees. White the FDA record systems that are the subject of this notice are related to record systems that are the subject of notice by staff offices of the Office of the Secretary, Department of Health, Education, and Welfare, also published in the FEDERAL REGISTER of August 27, 1975 (40 FR 38391), it has been determined that FDA needs to publish notice of the FDA records since they are not described adequately in the Office of the Secretary notice.

Interested persons may, on or before (insert date 30 days after date of publication in the FEDERAL REGISTER), submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this notice. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 8, 1975.

William F. Randolph
Acting Associate Commissioner for Compliance

Privacy Act Record Systems maintained by the Food and Drug Administration.

13. Employee Conduct Investigative Records.
14. Service Contractor Employee Investigative Records.

FDA-13

System name: Employee Conduct Investigative Records—HEW/FDA.

System location: Policy Management Staff, Associate Commissioner for Administration (HFA-20), Rm. 10-90, 5600 Fishers Lane, Rockville, MD 20852.

Categories of individuals covered by the system: Employees or former employees, or special Government employees of FDA who are alleged to have violated FDA or Departmental regulations and/or Federal statutes.

Categories of records in the system: This system includes records relating to correspondence concerning an individual's employment status or conduct while employed by FDA. Examples of these records include: Correspondence from employees, Members of Congress, and members of the public alleging misconduct by an official of FDA. It also contains reports of investigation to resolve allegation of misconduct or violation of statute, with related exhibits of statements, affidavits, or records obtained during the investigation; reports of action taken by management deciding action on any misconduct substantiated by the investigation; and reports of legal action resulting from violations of statutes referred for prosecution.

Authority for maintenance of the system: 5 U.S.C. 301; 18 U.S.C. 201, 203, 205, 207, 208, 209, 1905; 21 U.S.C. 331; 28 U.S.C. 535(b); 44 U.S.C. 3101; Executive Order 10450 and 11222; 45 CFR Part 73.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to the Department of Justice or State or local law enforcement agencies, in connection with a violation or potential violation of law, and in connection with requests for legal advice. Disclosure may be made during administrative or judicial proceedings. Disclosure may be made to other Government agencies, i.e., General Services Administration, Civil Service Commission, Consumer Product Safety Commission, Securities and Exchange Commission, Department of Treasury, etc., as necessary to report apparent violations of law. Disclosure may be made to authorized investigative offices of other Federal and State agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or suspected violation of the law.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, folders, and in file cabinets.

Retrievability: Alphabetical by name. Used within FDA for providing management with information needed to take action on complaints or alleged violations. May be referred to the Office of Investigations and Security, Office of the Secretary, Department of Health, Education, and Welfare, and disclosures may be made by that office.

Safeguards: Records are maintained in locked file cabinets within a locked file room or in a safe within a secured area.

Retention and disposal: Records are retained until death of subject individual.

System manager(s) and address: Director, Policy Management Staff, Associate Commissioner for Administration (HFA-20), Rm. 10-90, 5600 Fishers Lane, Rockville, MD 20852.

Notification procedure: FDA Privacy Coordinator (HF-50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Record access procedures: Same as notification procedure (some material is exempt from access and contest).

Contesting record procedures: Same as notification procedure (some material is exempt from access and contest).

Record source categories: Information in this system of records is obtained from FDA personnel and records, subects of investigations, complaints, witnesses, other Federal agencies, State and local agencies, and personal observation by the investigator.

Systems exempted from certain provisions of the act: This system is exempt from access and contest and certain other provisions of the Privacy Act (5 U.S.C. 552a(c)(3), (d)(1) to (4), (e)(3), (e)(4)(G) to (H), and (f)) to the extent that it includes investigatory material compiled for law enforcement purposes, including criminal law enforcement purposes, or investigatory material that would reveal confidential sources compiled solely for the purpose of determining suitability, eligibility, or qualification for Federal civilian employment, military service, Federal contracts, or access to classified information.

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System name: Service Contractor Employee Investigative Records.

System location: Policy Management Staff, Associate Commissioner for Administration (HFA-20), Rm. 10-90, 5600 Fishers Lane, Rockville, MD 20852.

Categories of individuals covered by the system: Employees of service contractors who must have access to FDA secured areas or FDA file material; employees of contractors who provide janitorial, guard, and maintenance services for FDA facilities.

Categories of records in the system: This system includes records of pre-employment checks of individuals who will have access to FDA facilities during security hours and correspondence concerning an individual's employment status or conduct while having such access. Examples of such correspondence include Reports of Investigations to resolve allegations of misconduct or of violations of law, with related exhibits of statements, affidavits or records obtained during the investigation; reports of action taken by management deciding action on any misconduct substantiated by the investigation; and reports of legal action resulting from violations of statutes referred for prosecution.

Authority for maintenance of the system: 5 U.S.C. 301; 18 U.S.C. 1905; 21 U.S.C. 331; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure of these records may be made to the contractors. Disclosure may be made to the Department of Justice or State or local law enforcement agencies, in connection with actual or potential violation of law, and in connection with requests for legal advice. Disclosure may be made during administrative or judicial proceedings. Disclosure may be made to other agencies, i.e., General Services Administration, Civil Service Commission, Consumer Product Safety Commission, Securities And Exchange Commission, Department of Treasury, etc., as necessary to report apparent violations of law. Disclosure may be made to authorized investigative offices of other Federal agencies in connection with background and security clearance procedures or when the subject is under investigation for employment or suspected violation of the law.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records, folders, and in file cabinets.

Retrievability: Alphabetical by name. Used by the Food and Drug Administration to determine if the employees of service contractors shall have access to FDA facilities. Used within FDA for providing management with information to take action on complaints or alleged violations. May be referred to the Office of Investigations and Security, Office of the Secretary, Department of Health, Education, and Welfare, and disclosures may be made by that office.

Safeguards: Records are maintained in locked file cabinets within a locked file room or in a safe within a secured area.

Retention and disposal: Records are retained until death of subject individual.

System manager(s) and address: Director, Policy Management Staff, Associate Commissioner for Administration (HFA-20), Rm. 10-90, 5600 Fishers Lane, Rockville, MD 20852.

Notification procedure: FDA Privacy Coordinator (HF-50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Record access procedures: Same as notification procedure (some material is exempt from access and contest).

Contesting record procedures: Same as notification procedure (some material is exempt from access and contest).

Record source categories: Information in this system of records is obtained from industrial, employment and police records, subjects of investigations, complaints, witnesses, other Federal agencies, State and local agencies, and personal observation by the investigator.

Systems exempted from certain provisions of the act: This system is exempt from access and contest and certain other provisions of the Privacy Act (5 U.S.C. 552a(c)(3), (d)(1) to (4), (e)(3), (e)(4)(G) to (H), and (f)) to the extent that it includes investigatory material compiled for law enforcement purposes, including criminal law enforcement purposes, or investigatory material that would reveal confidential sources compiled solely for the purpose of determining suitability, eligibility, or qualification for Federal civilian employment, military service, Federal contracts, or access to classified information.

[FR Doc.75-27639 Filed 10-9-75;12:01 pm]

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federal register

WEDNESDAY, OCTOBER 15, 1975

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

PART III:

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Coast Guard

Materials Transportation Bureau

■

TRANSPORTATION OF HAZARDOUS MATERIALS

Exemption Procedures

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Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-127]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Revocation of Authority to Deviate

For the reasons set forth in a document establishing new procedures governing exemptions from the Department of Transportation's regulations pertaining to the transportation of hazardous materials appearing elsewhere in this Part III of the FEDERAL REGISTER, 14 CFR 103.5 is revoked effective October 16, 1975.

(49 U.S.C. 1421(c), 49 CFR 1.53(h)).

Issued in Washington, D.C., on October 10, 1975.

JAMES T. CURTIS, JR.,
Director,
Materials Transportation Bureau.

[FR Doc.75-27804 Filed 10-14-75;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER N—DANGEROUS ARTICLES

[Docket No. HM-127]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Exemption Procedures

For the reasons set forth in a document establishing new procedures governing exemptions from the Department of Transportation's regulations pertaining to the transportation of hazardous materials appearing elsewhere in this Part III of the FEDERAL REGISTER, 46 CFR 146.02-25 is amended as follows effective October 16, 1975:

§ 146.02-25 [Amended]

1. Paragraph (a) is amended by adding the words "Except as provided in paragraph (f) of this section," at the beginning thereof.

2. Paragraph (d) is amended by adding the words "Except as provided in paragraph (f) of this section," at the beginning thereof.

3. By adding a new paragraph at the end thereof to read as follows:

(f) Petitions for exemptions or any other form of administrative relief from any requirement of this Part 146 shall be prepared and submitted to the Director, Office of Hazardous Materials Operations, in accordance with 49 CFR Part 107, Subpart B.

(46 U.S.C. 170(11), 49 CFR 1.53(f)).

Issued in Washington, D.C., on October 10, 1975.

JAMES T. CURTIS, JR.,
Director,
Materials Transportation Bureau.

[FR Doc.75-27805 Filed 10-14-75;8:45 am]

Title 49—Transportation

SUBTITLE B—OTHER REGULATIONS RELATING TO TRANSPORTATION

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-127]

HAZARDOUS MATERIALS TRANSPORTATION

Establishment of Exemption Procedures

On August 4, 1975, the Office of Hazardous Materials Operations published in the FEDERAL REGISTER (49 CFR 32758) a notice of proposed rule making in which it proposed a new set of procedures to be followed in applying for and in the processing of requests for exemptions from the Department of Transportation's regulations governing the transportation of hazardous materials. These procedures would implement the statutory requirements of section 107 of the Hazardous Materials Transportation Act (Title I of Pub. L. 93-633).

As provided in that notice of proposed rule making, interested persons were given until the close of business on September 12, 1975, to submit comments and a public hearing was held in Washington, D.C., on August 26, 1975. In response to the considerable interest expressed by persons shipping and transporting hazardous materials via aircraft in or to Alaska, a second public hearing was scheduled for Anchorage (40 FR 37247, August 26, 1975) and held there on September 2, 1975. The Materials Transportation Bureau has given due consideration to the comments received and has adopted the proposal with the modifications set forth below.

GENERAL ARRANGEMENT

As proposed the exemption procedures would have been Subpart A of Part 107. The Bureau has decided to move them to Subpart B and use Subpart A for general procedural provisions applicable to the hazardous materials program. A section on definitions and one covering request for confidential treatment of documents are included in this rule making. Other general procedural provisions will be added to Subpart A as they are developed. For the convenience of those who may wish to make a direct comparison between the proposed provisions and the final provisions, a table of comparative section numbers is set forth below:

Proposed §	*Final §*
107.1	107.101.
107.3	107.101.
107.5	107.103, 107.105, and 107.113.
107.7	107.107.
107.9	107.115.
107.11	107.109.
107.13	107.117.
107.15	107.119.
107.17	107.123.

PROCESSING PROCEDURES

Several comments addressed the proposed provision that would have allowed any interested person to meet informally with a Bureau official to discuss an exemption application or the action taken on an application. For the most part those comments expressed concern that this would allow the presentation of adverse information and arguments without opportunity for rebuttal. Some of the comments went on to suggest remedial safeguards, which tend to be formal, adversary and time-consuming.

The Bureau shares the concern expressed in those comments. It was this concern that accounts for the requirement in the proposed regulations which would have required a memorandum of all such meetings to be placed in the public docket. After reflecting on the comments, the Bureau is less than convinced as to the adequacy of the memorandum to docket provision.

For these reasons and in light of the opportunity being provided for interested persons to present their views on individual exemption applications through the public procedure process being implemented, the Bureau has decided not to adopt the proposed informal meeting provision. All comments received by the Bureau regarding an application will be available in the docket to other interested persons who comment, the applicant or any other person for such rebuttal as any of them may desire to submit.

Recommendations asking that all interested persons who comment on an application be required to serve copies of their comments on the applicant and those suggesting that the regulations should prescribe the form and style of comments are rejected as totally inconsistent with the statutory requirements governing the opportunity that must be offered the public for expressing their views informally on each application. As noted in § 107.123, the applicant or any other member of the public may obtain copies of any docketed document.

Several comments suggested that the regulations should set the public comment period on applications at 30 days. While the Bureau feels that 30 days will probably be the appropriate comment period for many, if not most, applications, it does not believe that the flexibility allowed by statute in this regard should be negated by a rigid regulation.

In finalizing these procedures, the Bureau is transferring into Appendix B the standard conditions previously made applicable to special permits by 49 CFR 171.6 where they will be applicable to all exemptions to be issued under these new procedures. Based on the recommendations of several commentors, it has also included in Appendix B and is making applicable to all future exemptions for carriage of hazardous materials by aircraft, a restatement of the standard terms previously contained in 14 CFR 103.5.

The proposed provision stating that the Director, OHMO, in acting on an application "may initiate rule making • • • in addition to or in lieu of granting or denying the application" drew divers comments. Suggestions were made that the words "or in lieu of" should be dropped; that exemptions should automatically become regulations after two years or after having been once renewed; and that all existing exemptions as well

as applications should be reviewed with a view to rule making. The Bureau appreciates the need for codifying into permanent regulations those exemption-tested concepts proven to be safe. (See Docket HM-128, 40 FR 45197, October 1, 1975.) It feels, however, that this objective is not to be achieved by prescribing a regulation commanding it to occur. Rather, its attainment is a function of administrative effort and realistic, properly balanced procedures. For these reasons, the Bureau is adopting this provision as proposed.

PROCESSING TIME

Comments from a number of holders of special permits and existing exemptions and from others who are potential future applicants for exemptions contested the proposed provision which would have required all applications (except those seeking priority treatment on the basis of an existing emergency) and all applications for renewals to be submitted at least 120 days before the requested effective date or expiration date. Those comments suggested shortening the period to 45, 60, 75, 80, or 90 days. In a related comment it was recommended that should the Bureau adopt the mandatory 120-day advance filing date, it should also allow for priority processing of an application which may not qualify as an emergency but for which there are compelling reasons for expedited handling after the public comment period has closed.

As discussed elsewhere in this preamble, a new section has been added governing all emergency exemptions. Also, as discussed elsewhere, the mandatory lead time of 120 days for renewal applications has been reduced to 60 days. With respect to original applications, the Bureau feels that, as a general proposition, it must have the 120-day period available to conduct the statutorily required public proceedings and to evaluate the application, its safety analysis and the public comments thereon. This is not to say that the Bureau is going to consume the full 120 days in the processing of each application. Each will be processed as expeditiously as practicable.

In view of these comments and considerations, § 107.103(b)(10) and (c) pertaining to non-emergency, original applications have been changed so as to provide the following. The provision dealing with the 120-day advance filing date has been modified from mandatory to advisory by changing the word "must" to "should". A provision has been added stating that applications are processed in the order received unless the Director, OHMO, is persuaded by information the applicant may submit in his application that priority processing is called for after the public proceeding on the application is completed.

Several comments asserted that the proposed provision stating that the administrative review of applications for completeness and conformity would be made within 30 days after its receipt should be changed by reducing that period or making it run concurrently with the public comment period.

As discussed elsewhere, the period has been reduced to 15 days for renewal applications. With respect to original applications, as in the case of the total 120-day processing period, the Bureau feels that this 30-day period must be available when the volume of new applications, complexity of particular applications and similar administrative considerations so require. Although the Bureau is adopting the 30-day figure as proposed, it should be noted that § 107.107 does not state that the Bureau is going to hold each application for 30 days before publishing the required Federal Register notice. That notice will be filed with the Federal Register for publication as quickly as the Bureau is satisfied that an application is complete and in conformity with the requirements of § 107.103(b). It is anticipated that, generally, such filings will be made well before the thirtieth day. What § 107.107 does inform the applicant is that if his application is not returned within 30 days, he can assume that it has been found complete and in conformity with § 107.103(b) and that the public comment process has been initiated.

RENEWALS

A number of comments focused on those parts of the proposal which would have required applications for renewals to be submitted and processed in the identical manner as applications for initial issuance. There were three major points made by commentors in this regard. First, they asserted that an applicant for renewal should not be required to resubmit what is frequently extensive technical data which the Bureau already has on file. Second, they expressed the opinion that since that data had already been through the Bureau's evaluation and approval process, it should not require the Bureau 120 days to review it on renewal. And third, they pointed out that holders of exemptions (and other existing forms of administrative relief from the hazardous materials regulations) which will expire between the proposed effective date (October 16, 1975) and 120 days thereafter may be technically precluded from the opportunity to obtain a renewal without a lapse because, under existing procedures, they would not have applied 120 days in advance of the expiration date.

Modifications have been made in response to each of these three lines of comments. The principal change has been to provide a separate section governing the filing of applications for renewal (§ 107.105) and limiting the applicability of the proposed section on applications to applications for initial issuance (§ 107.103). The Hazardous Materials Transportation Act requires that "[e]ach person applying for • • • an exemption or renewal shall, upon application, provide a safety analysis • • • to justify the grant of such exemption." The Bureau agrees that no useful purpose will be served by refiling of data which is already part of the public record and believes that the statutory objective can best be served in the case of renewal applications by requiring the applicant to review his earlier submissions and certify their continued accuracy and applicability and update that data as necessary. In all cases, a renewal application should be accompanied by a report on the applicant's activities covered by the exemption since its issuance; including all accidents or incidents relating to those activities. New § 107.105(a) so provides. The Bureau also agrees that review of renewal applications should not be as time-consuming as evaluation of initial applications even though public notice and comment proceedings are required in both cases. Accordingly, new § 107.105(b) provides, in advisory rather than mandatory terms, that applications for renewals should be submitted at least 60 days before the expiration date of the exemption.

In conjunction with this shortening of the renewal processing period from 120 to 60 days, the administrative review period provided for in § 107.107 has also been shortened from 30 to 15 days and a new § 107.105(c) has been added to expressly provide for the continuation of an exemption in the unlikely event that processing of a timely filed renewal application is not completed before the scheduled expiration date. These changes do not, of course, preclude earlier submissions. Moreover, renewal applications containing requests for amendments will be processed in the same manner as original applications and therefore should be submitted accordingly.

So that applicants for renewals who file during the first 60 days after the effective date of these procedures will not be prejudiced by the new requirements governing the contents of renewal applications, § 107.105(d) has been added to provide that renewal applications received during that period will be processed if they meet the content requirements under the Department's procedures in effect immediately prior to the effective date of these new procedures. The processing of such applications will, of course, include the public notice and opportunity for public comment steps described in § 107.109(a).

PROCESSING OF EMERGENCY APPLICATIONS

The vast majority of those who commented on the emergency exemption portion of the proposed regulation were concerned with its application to air commerce. The comments of shippers and carriers alike spoke with favor about the timely and efficient treatment they had received under 14 CFR 103.5 when faced with a pressing need for relief from the regulations. While the Bureau agrees that there are many well-tested and worthwhile features to the 14 CFR 103.5 procedures, some of which are being adopted in these regulations, it must be recognized that 14 CFR 103.5 allowed two bases for administrative relief from the hazardous materials regulations applicable to air commerce. One basis was

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"emergency" which was an overall concept is transferable to these regulations for implementing § 107 of the Hazardous Materials Transportation Act. The other basis was the impracticability of other forms of transportation. Regardless of the logic and soundness of this second basis, it is not by itself recognized by § 107 of the Act as a legitimate basis for the Bureau declaring that an emergency exists. The necessity to eliminate this second basis for emergency exemptions has caused great concern by interests in Alaska which has traditionally accounted for more than 75% of all relief granted under 14 CFR 103.5.

After reviewing the case-by-case history of actions taken under 14 CFR 103.5, the Bureau, on September 26, 1975, initiated rule making (40 FR 45197, October 1, 1975) based on demonstrated favorable safety experience thereunder. It is expected that such regulations will eliminate the need for several classes of reoccurring emergency exemptions for Alaska and other remote areas where a cargo-only aircraft is the only practicable means of transportation. To allow for finalization of this related proposed rule making, the Bureau is adopting certain transition procedures set forth in § 107.125 which will enable it to respond to the special situation in Alaska. To ensure that the needs of the citizens of Alaska are properly served during the transition period which the Bureau expects to be completed by January 16, 1976, the FAA and the Bureau have arranged for all essential exemption activities and decisions to be made in Alaska. For example, the "official designated by the Director, OHMO," to perform certain Bureau functions under § 107.125 will be stationed in the FAA Regional Office in Anchorage.

The Bureau feels that these steps, when fully completed, together with the modifications made in these regulations, will result in an accommodation of the well-articulated needs of persons in Alaska and at the same time fully satisfy the procedural requirements prescribed by the Hazardous Materials Transportation Act.

In response to recommendations that applications for emergency exemption be treated separately from general applications, the Bureau has grouped all provisions relating to the application for and processing of emergency exemptions into a separate distinct section (§ 107.113). In so doing and in response to related comments, provision has been made for making application through FAA District Offices in the case of air commerce and for 24-hour telephone numbers for the other modes of transportation.

Determination of Existing Emergency

The proposed criteria for determinations as to whether or not an emergency exists evoked a wide range of comments. At one extreme was a recommendation that the proposed criteria for making determinations be converted to flat declarations that an emergency does in fact exist when, in the view of an applicant, any of the described conditions occur (*i.e.*, risk to life or property or the chance of serious economic loss). At the other extreme was an assertion that an emergency exists only if there is "an imminent risk of a substantial injury to human health, welfare or life itself which is not outweighed by the public's statutory right to know of and participate in the pending exemption proceeding." The author of the latter comment would further restrict his narrow concept of emergency by providing that "no relief should be available where it appears that the applicant himself has induced or provoked the alleged emergency by unnecessarily delaying his filing." To deny an applicant the means to abate a danger to his own "health, welfare or life" is an unreasonable penalty to impose for late filing of an application. Such a penalty is unconscionable when, as in most such cases, the danger is to the health, welfare or life of innocent third parties rather than that of a dilatory applicant.

In between these extremes were suggestions that express recognition should be given to cost/benefit considerations and seasonal movement of products such as agricultural chemicals, and that lack of other forms of transportation should be considered to be an emergency authorizing the use of aircraft along the lines of present 14 CFR 103.5. A few commentors stated that there was a need for the criteria to be more specific, particularly with regard to the term "serious economic loss". One such commentor sought specificity as to whose economic loss (*e.g.*, shipper, carrier, consignee, general public) is to be considered under the criteria. Another commentor asserted that the criteria were not sufficiently specific to inform him as to how he could frame an application guaranteed to qualify it for emergency treatment. Another commentor complained that an emergency had not been "totally defined".

One commentor stated that there appeared to be no reason for the parenthetical expression in the protection of life and property criteria which excludes "the hazardous material to be transported" from the class of property for which an emergency exemption can be sought. This exclusion was proposed because the Bureau means to limit emergency determinations under that criterion to situations in which there is an urgent need for the hazardous material concerned to be (1) delivered elsewhere in order to alleviate a condition posing a threat to life or property, or (2) moved from its present location in order to protect life or property from the hazards the material may present.

The commentor who would limit "emergencies" to situations involving risk to health, welfare or life on the theory that the governing statute (§ 107 (d) of the Hazardous Materials Transportation Act) so requires, reads into the statute words of limitation that simply are not there. Those who seek specificity to precisely cover a particular factual situation would have the Bureau so narrow the criteria as to risk freezing out other legitimate emergency situations that surely will arise.

Several comments concerned the manner in which the emergency determination authority should be exercised under the proposed criteria. Although it does not consider it necessary or appropriate for inclusion in the regulations, the Bureau finds considerable merit in one commentor's admonition that "the finding that an emergency exists must result from a balancing of all of the relevant information available to the Department." The Bureau intends to do precisely this in making emergency determinations, particularly those which will be made under the "serious economic loss" criteria of § 107.115(b). While the Bureau fully anticipates that its emergency determinations under the "serious economic loss" criteria will nearly always be limited to situations in which the hazardous material concerned needs to be delivered elsewhere to prevent serious economic loss, it recognizes also the possibility of that infrequent instance when a manifest injustice or absurdity could result if the criteria is literally limited to needed deliveries.

Various elements of the Department of Defense (DOD) expressed the view that certain of their shipments of hazardous materials which require exemptions when transported by commercial carriers should be entitled to emergency exemptions in the interest of national defense. Two U.S. Army commentors recommended that such emergency exemptions should be granted for "shipments to be made by or for the DOD in support of the national defense program, when certified by the DOD as essential and critical." The Naval Sea Systems Command requested a "grandfather clause for DOD Special Permits in order that the transportation of DOD weapons systems/components will not be disturbed."

The Bureau does not find authority in law which would authorize it to adopt any of the DOD proposals for grandfather clauses or DOD certifications. The responsibility vested in the Secretary of Transportation by § 107(d) of the Hazardous Materials Transportation Act to determine that an emergency exists must be carried by him or by one of his subordinates within his Department. It cannot be transferred horizontally to another Executive Department. In addition, the Bureau believes that those determinations can only be made case-by-case on the basis of existing circumstances.

Comments from the Air Force question the need for requiring them to reapply biennially for an exemption issued in 1961 for an indefinite period. The provisions of §§ 107(a) and 114(b)(2) of the Hazardous Materials Transportation Act are controlling on this point. Section 114 (b)(2) operates to terminate the Air Force exemption and any other similar indefinite exemptions on January 4, 1977, unless renewed before that date, in accordance with regulations issued under § 107 of the Act. That section, under which the current regulations are being issued, does not allow any exemption or renewal thereof to be issued for more than a two-year term. As their comments suggest, a properly framed petition for rule making based on their satisfactory safety experience under the exemption they now hold may well be a more satisfactory way for the Air Force to proceed. Other elements of DOD may also find a well-reasoned petition for rule making preferable to repeated applications for exemptions. It should also be recognized that transportation of hazardous materials aboard DOD's own vessels, vehicles and aircraft does not require either rule making or exemptions since such operations are not considered to be in commerce.

After considering the various points advanced by the commentors on the criteria for determining whether an emergency exists, the Bureau finds itself in concurrence with the commentor who took the position that:

> The regulations implementing the exemption power should * * * refram from specific definition of an "emergency", for the very nature of emergencies is their unforeseen timing and character. The need for expedited treatment as an emergency matter is best left to the judgment and discretion of the Materials Transportation Bureau and its staff, to determine on a case-by-case basis as each situation arises. Attempts at definition of an indefinable concept will only serve to frustrate the equitable exercise of this power, by boxing it into criteria that fail to accommodate every situation that will be encountered.

Appeals

Several comments noted the lack of a specific appeal procedure for those applicants whose applications may be denied. One of the commentors went on to suggest that perhaps the reconsideration procedures in Part 102 pertaining to rule making should be available for appealing exemption denials. The other commentors recommended the addition of specific appeal procedures to this body of exemption regulations. The Bureau believes this latter approach to be preferable and therefore has added a new § 107.121 expressly providing for the appeal of various actions taken under these exemption regulations to the Director of the Materials Transportation Bureau whose decisions will be administratively final.

Confidential Information

A few commentors criticized the proposed regulations for not being specific as to the disposition of documents for which requested confidential treatment is denied by the Bureau. Several of those commentors expressed the view that an applicant faced with an adverse determination on his request for confidentiality should have the option of withdrawing his application. The Bureau agrees with both of these views. Therefore, it has established more comprehensive procedures governing requests for confidential treatment. These procedures in new § 107.3 will apply to all documents submitted with respect to hazardous materials, not just applications for exemptions. They provide for notice to an applicant when his request for confidentiality is denied and an opportunity for him to respond or withdraw his application before the Bureau discloses the information. Section 107.117 concerning withdrawal of a pending application has been modified to expressly allow an applicant to recover the contested documents if he withdraws his application before it is finally determined. These changes do not go so far as to allow the return of such documents after an application has been finally denied as was suggested by one commentor. The Bureau is not prepared to authorize withdrawal of documents once they have served as a basis for a completed official action on an application for exemption, be it an approval or a denial.

Also, in response to comments, the Bureau has modified § 107.123(b), pertaining to what the Bureau makes available for public inspection, by deleting the misleading reference to materials "not relevant to the petition" and by adding a citation to the Department of Transportation's Freedom of Information Act regulations.

Parties to Exemptions

A large number of comments made the point that a procedure should be established for extending the terms of an exemption granted to one person to other persons in like circumstances without requiring a complete duplication of the various steps and evaluations performed with regard to the original application. The arguments in support of this view are in many respects similar to those which justified simplification of the renewal process.

The procedures suggested by the commentors were for the most part analogous to the "registration" concept that has been employed for the past few years by the Hazardous Materials Regulations Board under its special permit program. Under that program, once the efficacy of a proposal susceptible of being performed by persons in addition to the applicant was established and a special permit (*i.e.*, exemption) issued, the Board would allow other persons to "register" (*i.e.*, become a co-holder) under that special permit.

The Bureau agrees that provision should be made for a similar process under these new exemption procedures. However, rather than merely codifying the earlier procedures, the Bureau has decided to incorporate certain modifications to bring them in line with the intent and purpose of the Hazardous Materials Transportation Act and in particular § 107 thereof. Since § 106 of the Act uses the term "registration" to describe an entirely different concept, the term "party to an exemption" has been adopted. New § 107.111 sets forth the requirements for applying for status as a party to an exemption and describes the Bureau's processing thereof. By filing an application to become a party to an exemption, the applicant constructively adopts as his own the technical and safety information submitted by the applicant for the exemption and if he is granted status as a party to the exemption he is bound by the limitations and conditions that apply to the initial holder of the exemption and will be identified separately as a holder on the exemption documents issued to him.

National Transportation Safety Board Comments

On September 12, 1975, the closing day for comments on the proposed exemption regulations, the Chairman of the National Transportation Safety Board (NTSB) filed as comments to the docket an advance copy of two formal NTSB recommendations subsequently delivered to the Secretary of Transportation on September 25, 1975.

Both of the NTSB's recommendations stem from its conclusion that "the proposed exemption procedures do not fulfill the intent of Section 107 of the Hazardous Materials Transportation Act, which calls for 'a safety analysis as prescribed by the Secretary to justify the grant of such exemption.'" The NTSB does not believe that the information required by proposed § 107.5(b) (4)–(7) and (9) [§ 107.103(b) (4)–(7) and (9) in these final regulations] will result in a clear presentation of specific safety concerns and does not constitute a safety analysis. In its view each applicant should be required to "prepare a formal safety analysis statement which would—

"(1) Identify the ways persons could be injured with respect to the quantity and form of the materials to be transported,

"(2) Identify the specific risks for which the applicant considers it necessary to establish safety control measures, based on § 107(9) (i) and (ii) of the proposed exemption procedures [§ 107.103(b)(9) (i) and (ii) of these final regulation], and

"(3) Describe measures which would eliminate these risks." In addition to assuring that such formal statements would cause applicants to focus on safety problems, the NTSB believes that the mass of data that would be derived could be used as base data in future *risk* analyses.

Having expressed these views, the NTSB proceeded to recommend to the Secretary of Transportation that he

"(1) Prescribe the content and form for a safety analysis statement to accompany applications for exemptions to the Materials Transportation Bureau's regulations. (Recommendation HM–75–1) (Class I).

"(2) Revise proposed 49 CFR 107.5(b)(9) to require submission of a safety analysis statement, in the form prescribed by the Secretary of Transportation, to support the applicant's belief that his proposed exemption will achieve the level of safety specified in 49 CFR 107.5(b)(9) (i) and (ii). (Recommendation HM–75–2) (Class I)."

The provisions of the Bureau's proposed procedures cited by the NTSB require an applicant to prepare (1) a detailed technical description of his proposal, (2) a quantitative and qualitative chemical analysis of the material concerned, (3) an analysis of all related shipping experience and accident experience, (4) a statement of the special transportation controls needed for the

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mode of transportation proposed to compensate for any increased risks that would be encountered should the exemption be granted, (5) a schedule of events under the proposal, and (6) a statement setting forth the applicant's analysis of why he believes his proposal will achieve a level of safety at least equivalent to that provided by the regulations or, if there is no regulatory standard, will adequately protect against risks to life and property which are inherent in the transportation of hazardous materials. These were the items of information and the analyses that the Bureau considered necessary for it to properly evaluate a proposal. Notwithstanding the construction assigned to the term "safety analysis" and the intent imputed to § 107 of the Hazardous Materials Transportation Act by the NTSB, the Bureau is of the firm belief that the information gathering and analytical requirements which it proposed with respect to applications for exemptions fulfills the "intent" of § 107 and will provide the Bureau with the information it needs to evaluate the proposals and establish the proper regulatory safeguards in those cases in which an exemption is granted.

In finalizing these regulations, the Bureau has modified items (7) and (9) in the list of required application contents in light of the NTSB comments. Item (7) has been amended to require an applicant to identify increased risks likely to result if an exemption is granted and specify the safety control measures necessary to compensate for them. Item (9), which requires a statement from the applicant as to why he believes his proposal will achieve the required statutory level of safety, has been amended to require that statement to cover the safety control measures proposed by the applicant. These changes, as the NTSB suggested, should help assure that applications focus on the safety problems which need to be considered.

The Bureau, however, cannot fully agree with the NTSB that each applicant should be required to "identify the ways persons could be injured with respect to the quantity and form of the materials to be transported." The NTSB approach applied literally would mean that a recent applicant seeking Bureau approval for a different (and what may well be a better) technique for applying glue in the fabrication of several different styles of hazardous material specification fiberboard boxes would have been confronted with an overwhelming task. One style of the fiberboard boxes alone is used to carry hundreds of different hazardous materials. Under the NTSB proposal, the applicant would have been required to identify the ways persons could be injured with respect to each of those hundreds of hazardous materials. While it is undoubtedly true that "the data derived from this procedure could be used as base data in future risk analysis", it is more likely that the applicant would have abandoned the effort. It is the Bureau's view that the risks to be identified and addressed by the applicant, by those who choose to comment on the application, and by the Bureau staff, are those risks that would arise as a direct result of granting the exemption. In rejecting this part of the NTSB's suggested changes, the Bureau does not mean to give the impression that it finds the suggestion totally without merit. In particular cases, the Bureau foresees requiring an applicant to supply the full range of information which the NTSB would require for all cases. The obtaining of such information on a case-by-case basis is clearly provided for in § 107.109(b) [proposed § 107.11(b)], which may have been overlooked in the formulation of the NTSB's comments.

Recommendation HM–75–1 calls for "a safety analysis statement to accompany applications for exemptions to the Materials Transportation Bureau's regulations." In addition to regulations pertaining to hazardous materials, the Bureau also prescribes and administers regulations under the Natural Gas Pipeline Safety Act of 1968. Although it would appear that the NTSB intended to include those regulations within the coverage of Recommendation HM–75–1, exemptions from those regulations are beyond the scope of this rule making and are governed by a different statutory standard.

Except as stated above, the Bureau is satisfied that the proposed regulations, modified as described in this preamble, reflect and accommodate the NTSB's Recommendations HM–75–1 and HM–75–2. The Bureau also believes that through the public notice and comment procedures being established, the NTSB will be afforded new opportunities to apply its insight and expertise to the matter of the transportation of hazardous materials in commerce.

Other Matters

Two comments addressed the proposed requirement that applications state the composition and percentage of each chemical which is the subject of an exemption application. Both commentors felt that information on traces or insignificant amounts need not be included in an application. One commentor would set the floor at 5% The Bureau understands and appreciates the commentor's point. While it is prepared to follow a general practice of accepting applications which provide the specified information with respect to all components which make up 1% or more of a mixture or solution, the Bureau believes that making this practice a fixed rule may, on occasion, induce an applicant to omit essential information.

Section 107.109(c) has been modified to accommodate suggestions that an applicant whose application is denied should be given the reasons for the denial.

Comments on the proposed termination and suspension provisions asserted that an exemption should not be subject to suspension for failure of the holder to adhere to its terms unless those terms are "repeatedly violated". The Bureau believes that such a change would effectively negate any therapeutic effect that is otherwise likely to result from the establishment of this sanction. A related suggestion stated that an immediate amendment rather than suspension is the appropriate administrative action to be taken when new information shows that an exemption does not adequately protect against risks to life and property. The Bureau believes that this might be so in *some* cases. In others, a suspension pending actual determination of an appropriate amendment may be necessary. It was to provide for this flexibility that the proposed suspension provision in question was cast in discretionary terms. The Bureau sees no reason to change it.

One commentor questioned the legality of giving packaging manufacturers, reconditioners, and other similarly situated persons the right to apply for exemptions under the proposed regulations. The commentor stated that through legislative oversight such persons were not expressly mentioned in § 107 of the Hazardous Materials Transportation Act as being potential applicants for exemptions. The commentor also correctly pointed out that a bill (S. 2024, 94th Conf) on this subject has been introduced in the Senate. That bill had its origins in the Bureau which is of the view that its enactment would merely clarify the matter and that legislative validation of the questioned class of potential applicants is not required. A person's right to petition an agency for relief from a regulation of that agency which directly affects that person is so well established as to be beyond question.

Several editorial adjustments have been made in response to comments and to be consistent with the changes discussed elsewhere in this preamble.

Effective Date

Since these amendments establishing new exemption procedures and making related changes to existing regulations are procedural rather than substantive and because of the need for immediate public guidance with respect to the new exemption procedures, they are being made effective in less than 30 days after publication in the FEDERAL REGISTER. As proposed in the notice of proposed rule making issued on July 30, 1975 (40 FR 32758, August 4, 1975), these amendments become effective on October 16, 1975.

Related Changes to Other Titles

Elsewhere in this edition of the FEDERAL REGISTER, 14 CFR 103.5 is being revoked and 46 CFR 146.02–25 is being amended to conform with the adoption of these new exemption procedures.

In consideration of the foregoing, 49 CFR Subtitle B, Chapter I, is amended as follows:

1. In Subchapter B—Hazardous Materials, a new Part 107 is established to read as follows:

PART 107—PROCEDURES

Subpart A—General Provisions

Sec.
107.1 Purpose and scope.
107.3 Definitions.
107.5 Request for confidential treatment.

Subpart B—Exemptions

Sec.
107.101 Purpose and scope.
107.103 Application for exemption.
107.105 Application for renewal.
107.107 Administrative review.
107.109 Processing of application.
107.111 Party to an exemption.
107.113 Application for and processing of emergency exemption.
107.115 Determination of existing emergency.
107.117 Withdrawal.
107.119 Termination.
107.121 Appeal.
107.123 Availability for public inspection.
107.125 Transition period and procedures for certain air commerce situations in Alaska.

APPENDIX A—List of Department of Transportation officials through whom applications for exemptions seeking priority treatment on the basis of existing emergencies may be initiated by telephone

APPENDIX B—Standard conditions applicable to exemptions

AUTHORITY: 18 U.S.C. 831–835, 46 U.S.C. 170 (11), 49 U.S.C. 1421(c), 49 U.S.C. 1806, 49 CFR 1.53(e)–(h).

Subpart A—General Provisions

§ 107.1 Purpose and scope.

(a) This part prescribes procedures utilized by the Materials Transportation Bureau and the Office of Hazardous Materials Operations in carrying out their duties under the laws pertaining to the transportation of hazardous materials.

(b) This subpart defines certain terms and prescribes procedures that are applicable to each proceeding described in this part.

§ 107.3 Definitions.

As used in this part—

"OHMO" means the Office of Hazardous Materials Operations.

"MTB" means the Materials Transportation Bureau.

§ 107.5 Request for confidential treatment.

(a) If any person filing a document with the OHMO claims that some or all the information contained in the document is exempt from the mandatory public disclosure requirements of the Freedom of Information Act (5 U.S.C. 552 (1970)), is information referred to in 18 U.S.C. 1905 (1970), or is otherwise exempt by law from public disclosure, and if that person requests the OHMO not to disclose the information, that person shall file together with the documents a second copy of the document from which has been deleted the information for which confidential treatment is claimed. The person shall indicate in the original document that it is confidential or contains confidential information and may file a statement specifying the justification for which confidential treatment is claimed. If the person states that the information comes within the exception in 5 U.S.C. 552(b)(4) for trade secrets and commercial or financial information, that person must include a statement as to why the information is privileged or confidential. If the person filing a document does not submit a second copy of the document with the confidential information deleted, the OHMO may assume that there is no objection to public disclosure of the document in its entirety.

(b) The OHMO retains the right to make its own determination with regard to any claim of confidentiality. Notice of a decision by the OHMO to deny the claim, in whole or in part, and an opportunity to respond shall be given to a person claiming confidentiality of information no less than five days prior to its public disclosure.

Subpart B—Exemptions

§ 107.101 Purpose and scope.

This subpart prescribes procedures by which persons who are subject to the requirements of this subchapter, Subchapter C of this chapter, 14 CFR Part 103, or 46 CFR Part 64 or Part 146 may obtain administrative relief therefrom on the basis of equivalent levels of safety or levels of safety consistent with the public interest and the policy of the Hazardous Materials Transportation Act.

§ 107.103 Application for exemption.

(a) Any person who is subject to the requirements of this subchapter, Subchapter C of this chapter, 14 CFR Part 103, or 46 CFR Part 64 or Part 146 may apply to the Director, OHMO, for an exemption from those requirements.

(b) Each application filed under this section for an exemption must—

(1) Be submitted in triplicate to: Office of Hazardous Materials Operations, U.S. Department of Transportation, Washington, D.C. 20590, Attention: Exemptions Branch;

(2) Set forth the text or substance of the regulation from which the exemption is sought;

(3) State the name, address, and telephone number of the applicant;

(4) Include a detailed description of the proposal, including when appropriate, drawings, plans, calculations, procedures, test results, previous exemptions, approvals or permits, a list of specification containers, if any, to be used, a list of modified specification containers, if any, to be used, and a description of the modifications, and any other supporting information;

(5) State the chemical name, common name, hazard classification, form, quantity, properties, and characteristics of the material covered by the proposal, including composition and percentage (specified by volume or weight) of each chemical, if a solution or mixture;

(6) Describe all relevant shipping and accident experience;

(7) Specify the proposed mode of transportation, identify any increased risks that are likely to result if the exemption is granted, and specify the safety control measures which the applicant considers necessary or appropriate to compensate for those increased risks;

(8) Specify the proposed duration or describe the proposed schedule of events for which the exemption is sought;

(9) State why the applicant believes the proposal including any safety control measures specified by the applicant will achieve a level of safety which—

(i) Is at least equal to that specified in the regulation from which the exemption is sought, or

(ii) If the regulations do not contain a specified level of safety, will be consistent with the public interest and will adequately protect against the risks of life and property which are inherent in the transportation of hazardous materials in commerce;

(10) If the applicant seeks to have the application processed on a priority basis, set forth the supporting facts and reasons.

(c) Unless the Director, OHMO, finds that there is good reason for priority processing of an application, each application is processed in the order in which it is received. To permit timely consideration, an application should be submitted at least 120 days before the requested effective date.

(d) If the applicant wishes to claim confidential treatment for any information contained in the application, the procedures set forth in § 107.5 apply.

§ 107.105 Application for renewal.

(a) Each application for the renewal of an exemption issued under this subpart must—

(1) Be submitted in triplicate to: Office of Hazardous Materials Operations, U.S. Department of Transportation, Washington, D.C. 20590, Attention: Exemptions Branch;

(2) Identify the exemption for which a renewal is requested;

(3) State the name, address, and telephone number of the applicant;

(4) Include (i) a certification by the applicant that the descriptions, technical information and safety assessment submitted in the original application, or as may have been updated by any subsequent application for renewal, remain accurate and correct, or (ii) such amendments to the previously submitted descriptions, technical information and safety assessment as is necessary to update them and assure their accuracy and correctness;

(5) A statement describing all relevant shipping and all accident experience that has occurred in connection with the exemption since its issuance or most recent renewal or, if no accidents have been experienced, a certification to that effect. This statement must include the approximate number of shipments made or packages shipped, as the case may be, and the number of shipments or packages involved in any loss of contents, including loss by venting when transporting a compressed or cold temperature gas.

(b) To permit timely consideration, an application for renewal should be submitted at least 60 days before the expiration date of the exemption.

(c) If, at least 60 days prior to the expiration of an existing exemption of a continuing nature, the holder files an application for renewal which is complete and conforms with the requirements of this section, the exemption will not be considered to have expired until the application for renewal has been finally determined.

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(d) Paragraphs (a) and (b) of this section notwithstanding, an application received after October 15, 1975, and before December 16, 1975, seeking the renewal of a special permit, exemption, waiver, deviation or any other similar form of administrative relief from the requirements of Subchapter C of this chapter, 14 CFR Part 103, or 46 CFR Part 64 or Part 146 issued under procedures superseded by this subpart will be processed in the manner prescribed in this subpart if that application contains all of the information that would have been required for renewal under the superseded procedure. An application received after December 15, 1975, seeking renewal of administrative relief granted under procedures superseded by this subpart, must contain the information required by paragraph (a) of this section.

§ 107.107 Administrative review.

In the case of a written application for an exemption submitted as provided in § 107.103(b) or the renewal of an exemption submitted as provided in § 107.105, the Director, OHMO, reviews it to determine whether it is complete and conforms with the requirements of this subpart. This determination will be made within 30 days of the receipt of an exemption application and within 15 days of the receipt of a renewal application. If it is not returned to the applicant by the end of that period, it will be processed as provided in § 107.109. If an application is returned, the applicant will be informed in what respects the application is incomplete.

§ 107.109 Processing of application.

(a) After an application for an exemption or renewal of an exemption is determined to be complete, the Director, OHMO, dockets the application and publishes a notice in the FEDERAL REGISTER affording an opportunity for interested persons to comment. All comments received before the close of the comment period are considered before final action is taken on an application.

(b) No public hearing, argument, or other formal processing is held directly on an application filed under this subpart before its disposition under this section. However, during the processing of an application the Director, OHMO, may require the applicant to supply additional information.

(c) If the Director, OHMO, determines that the application does not contain adequate justification, he denies it and notifies the applicant in writing, together with the reasons therefor. He also publishes in the FEDERAL REGISTER a notice of the denial.

(d) If the Director, OHMO, determines that the application contains adequate justification, he grants it subject to the conditions set forth in Appendix B to this subpart and such other terms as he considers necessary, and notifies the applicant in writing. He also publishes in the FEDERAL REGISTER a notice of the grant.

(e) If the Director, OHMO, determines that an application concerns a matter of such general applicability and future effect as to warrant being made the subject of rule making, he may initiate rule making under Part 102 of this chapter in addition to or in lieu of granting or denying the application.

§ 107.111 Party to an exemption.

(a) Any person who is eligible to apply under § 107.103 for an exemption may apply to the Director, OHMO, to be made a party to an application filed under that section or to an exemption granted under § 107.109(d).

(b) Each application filed under this section must—

(1) Be submitted to: Office of Hazardous Materials Operations, U.S. Department of Transportation, Washington, D.C. 20590, Attention: Exemptions Branch;

(2) Identify the exemption application or exemption to which the applicant seeks to become a party; and

(3) State the name, address and telephone number of the applicant.

(c) The applicant becomes a party to an exemption application or exemption if the Director, OHMO, determines that—

(1) The applicant is a person who is eligible to apply under § 107.103 for an exemption; and

(2) The exemption application or exemption to which the applicant seeks to become a party concerns a matter of a continuing nature and does not depend upon information entitled to confidential treatment.

(d) The Director, OHMO, publishes in the FEDERAL REGISTER a notice of each application received, each initial determination made and each renewal granted under this section.

(e) A person who becomes a party to an exemption under this section is subject to terms of that exemption, including the expiration date stated therein. If a party to an exemption wishes to renew his status as a party to an exemption, the procedures set forth in §§ 107.105 through 107.109 with respect to an application for renewal of an exemption apply.

§ 107.113 Application for and processing of emergency exemption.

(a) Any person who is subject to the requirements of this subchapter, Subchapter C of this chapter, 14 CFR Part 103, or 46 CFR Part 64 or Part 146 who seeks an exemption from any of those requirements on the basis of an existing emergency shall apply for that exemption through the appropriate Department of Transportation official listed in Appendix A to this subpart.

(b) An application submitted under this section must include such supporting information with respect to each of the topics specified in § 107.103 (2) through (11) as the receiving Department of Transportation official considers necessary for processing the application.

(c) Upon receipt of all of the information necessary for processing the application, the receiving Department of Transportation official shall transmit to the Director, OHMO, by the most rapid available means of communication, his evaluation as to whether an emergency exists and his recommendations with respect to the conditions to be included in the exemption. If the Director, OHMO, determines that an emergency exists and that there is adequate justification for the exemption, he grants the exemption subject to the applicable conditions set forth in Appendix B to this subpart and such other terms as he considers necessary, and immediately notifies the applicant. If the Director, OHMO, cannot determine that an emergency exists or that there is not adequate justification for the exemption, he immediately so notifies the applicant.

§ 107.115 Determination of existing emergency.

(a) The Director, OHMO, shall determine that an emergency exists if, on the basis of information submitted in the application and his own investigation, he finds that—

(1) Existing conditions require the hazardous material concerned to be transported in commerce for the protection of life or property (other than the hazardous material to be transported); and

(2) The protection of life or property to be provided by the hazardous material would not be possible if the application is processed on a routine basis.

(b) The Director, OHMO, may determine that an emergency exists if, on the basis of information submitted in the application, he finds that—

(1) Existing conditions require the hazardous material concerned to be transported in commerce to prevent or minimize serious economic loss; and

(2) The prevention or minimizing of serious economic loss to be provided by the hazardous material would not be possible if the application is processed on a routine basis.

(c) In determining what constitutes serious economic loss under paragraph (b) of this section, the Director, OHMO, considers the nature and extent of the expected loss.

§ 107.117 Withdrawal.

(a) An applicant may withdraw an application at any time prior to it being finally determined. When an application is withdrawn after publication of the notice of application in the FEDERAL REGISTER, the Director, OHMO, publishes a notice of withdrawal in the FEDERAL REGISTER.

(b) Except for documents for which confidential treatment was requested by the applicant, withdrawal of an application does not authorize the removal of any related records from the dockets or files of the OHMO.

§ 107.119 Termination.

(a) An exemption and any renewal thereof terminates according to its terms but not later than two years after the date of issuance unless terminated sooner pursuant to paragraph (b) or (c) of this section.

(b) The Director, OHMO, may suspend an exemption if he determines that—

(1) An activity under the exemption is not being performed in accordance with the terms of the exemption; or

(2) On the basis of information not available at the time it was granted, an amendment to the terms of the exemption is necessary to adequately protect against risks to life and property.

(c) The Director, OHMO, terminates an exemption if he determines that—

(1) The exemption is no longer consistent with the public interest;

(2) The exemption is no longer necessary because of an amendment to the regulations; or

(3) The exemption was granted on the basis of false, fraudulent, or misleading representations or information.

(d) Unless the Director, OHMO, believes that immediate suspension or termination is necessary to abate the risk of an imminent hazard, he notifies the holder in writing of the reasons therefor and provides the holder an opportunity to show why the exemption should not be suspended or termniated, before he suspends or terminates an exemption under paragraph (b) or (c) of this section.

§ 107.121 Appeal.

Any applicant for an exemption or the renewal of an exemption aggrieved by an action taken by the Director, OHMO, under this subpart and any holder of an exemption suspended or terminated by the Director, OHMO, under § 107.119 (b) or (c) may file an appeal with the Director, MTB. The appeal must be filed within 30 days of service of notification of that action, suspension or termination. There has not been an exhaustion of administrative remedies until an appeal has been filed and the appellate process is completed by the issuance of an order by the Director, MTB, granting or denying the appeal.

§ 107.123 Availability for public inspection.

(a) Information relevant to an application under this part, including the application and supporting data, memoranda of any informal meetings with the applicant, and the grant or denial of the application is available for public inspection, except as specified in paragraph (b) of this section, at the Office of Hazardous Materials Operations, Trans Point Building, 2100 2nd Street, SW., Washington, D.C. 20590. Copies of available information may be obtained, as provided in Part 7 of this title.

(b) Information made available for inspection does not include materials which the Director, OHMO, determines should be withheld from public disclosure under § 107.5 and in accordance with the applicable provisions of section 552(b) of title 5, United States Code, and Part 7 of this title.

§ 107.125 Transition period and procedures for certain air commerce situations in Alaska.

(a) Notwithstanding any other provision of this subpart, an application for an exemption from a requirement of 14 CFR Part 103 which—

(1) Does not involve radioactive materials;

(2) Is for one or more flights of civil aircraft to or between places in the State of Alaska to be completed before January 16, 1976; and

(3) Seeks priority treatment on the basis of an existing emergency or because other forms of transportation are impracticable

may be initiated through the appropriate Federal Aviation Administration official specified in Appendix A to this subpart. That official, upon receiving the information necessary for processing the application, will transmit to the official designated by the Director, OHMO, for that purpose in Alaska his evaluation as to whether an emergency exists or other forms of transportation are impracticable and his recommendations with respect to whether the exemption should be granted and any conditions that should be included therein. If the official designated by the Director, OHMO, determines that an emergency exists or that other forms of transportation are impracticable, and that the proposed flight or flights can be made safely, he grants the exemption subject to such conditions as he considers necessary and immediately notifies the applicant.

APPENDIX A

LIST OF DEPARTMENT OF TRANSPORTATION OFFICIALS THROUGH WHOM APPLICATIONS FOR EXEMPTIONS SEEKING PRIORITY TREATMENT ON THE BASIS OF EXISTING EMERGENCIES MAY BE INITIATED BY TELEPHONE

AIR CARRIERS

The Federal Aviation Administration Flight Standards District Office or Air Carrier District Office which serves the place where the flight[s] concerned will originate or which is responsible for overall inspection of the carrier's operations.

AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

The Federal Aviation Administration Flight Standards District Office or General Aviation District Office which serves the place where the flight[s] concerned will originate or which is responsible for overall inspection of the operator's operations.

MOTOR CARRIERS

Chief, Regulations Division, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590. Day 202/426-1700 and Night 202/426-1830.

RAIL CARRIERS

Associate Administrator for Safety, Federal Railroad Administration, Department of Transportation, Washington, D.C. 20590. Day 202/426-0897 or 426-2748 and Night 202/426-1830.

WATER CARRIERS

Chief, Packaged Cargo Branch, Cargo and Hazardous Materials Division, United States Coast Guard, Washington, D.C. 20590. Day or Night 202/426-1830.

APPENDIX B

STANDARD CONDITIONS APPLICABLE TO EXEMPTIONS

PACKAGES, CONTAINERS, SHIPMENTS

Exemptions from the regulations governing packages, containers, and the preparation and offering of hazardous materials for shipment are subject to the following conditions:

(1) The outside of each package must be plainly and durably marked "DOT-E" followed by the number assigned. On portable tanks, cargo tanks and tank cars, the markings must be in letters at least two inches high on a contrasting background.

(2) Each shipping paper issued in connection with any shipment made under an exemption must bear the notation "DOT-E" followed by the number assigned and the entries required by § 173.427 of this chapter.

(3) When an exemption issued to a shipper contains special carrier requirements, the shipper shall furnish a copy of the exemption to the carrier before or at the time a shipment is tendered.

FLIGHTS OF CIVIL AIRCRAFT

Exemptions from the regulations governing the transportation of hazardous materials on civil aircraft are subject to the following conditions:

(1) No person other than a required flight crewmember, an FAA inspector, the shipper or consignee of the material or a representative of the shipper or consignee so designated in writing, or a person necessary for handling the material may be carried on the aircraft.

(2) The operator of the aircraft must have advance permission from the owner or operator of each manned airport where the material is to be loaded or unloaded or where the aircraft is to land while the material is on board.

(3) At any airport where the airport owner or operator or authorized representative thereof has designated a location for loading or unloading the material concerned, the material may not be loaded or unloaded at any other location.

(4) If the material concerned can create destructive forces or have lethal or injurious effects over an appreciable area as a result of an accident involving the aircraft or the material, the loading and unloading of the aircraft and its operation in takeoff, enroute, and in landing must be conducted at a safe distance from heavily populated areas and from any place of human abode or assembly.

(5) If the aircraft is being operated by a holder of a certificate issued under Part 121 or Part 135 of title 14, CFR, operations must be conducted in accordance with conditions and limitations specified in the certificate holder's operations specifications or operations manual accepted by the FAA. If the aircraft is being operated under Part 91 of title 14, CFR, operations must be conducted in accordance with an operations plan accepted and acknowledged in writing by the operator's FAA District Office.

(6) Each crewmember of the aircraft must be provided written instructions on the conditions and limitations of the operation being conducted.

(7) The aircraft and the loading arrangement to be used must be approved for safe carriage of the particular materials concerned by the FAA District Office holding the operator's certificate and charged with overall inspection of its operations or the appropriate FAA District Office serving the place where the material is to be loaded.

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(8) When explosives are carried, the operator of the aircraft shall obtain route approval from the FAA inspector in the operator's FAA District Office.

PART 170—RULE-MAKING PROCEDURES OF THE HAZARDOUS MATERIALS REGULATIONS BOARD

§§ 170.13 and 170.15 [Revoked]

2. In Subchapter C, Part 170—Rulemaking Procedures of the Hazardous Materials Regulations Board, §§ 170.13 and 170.15 are revoked.

PART 171—GENERAL INFORMATION AND REGULATIONS

§ 171.16 [Revoked]

3. In Subchapter C, Part 171—General Information and Regulations, § 171.6 is revoked.

Issued in Washington, D.C., on October 10, 1975.

JAMES T. CURTIS, Jr.,
Director,
Materials Transportation Bureau.

[FR Doc.75-27806 Filed 10-14-75;8:45 am]

federal register

WEDNESDAY, OCTOBER 15, 1975



PART IV:

OFFICE OF MANAGEMENT AND BUDGET

■

RESCISSIONS AND DEFERRALS

Cumulative Report

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OFFICE OF MANAGEMENT AND BUDGET

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS

October 1975

This report is submitted in fulfillment of the requirements of Section 1014(e) of the current year Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014 (e) provides for a monthly report listing all current year budget authority with respect to which, as of the first day of such month, a special message has been transmitted to the Congress.

This month's report gives the status as of October 1, 1975, of the rescissions and deferrals contained in the first four special messages transmitted to the Congress for fiscal year 1976. These messages were transmitted to the Congress on July 1 and 25, and September 10 and 24, 1975.

RESCISSIONS (ATTACHMENT A)

On October 1, 1975, four proposals to rescind $105.2 million in 1976 budget authority were pending before the Congress. During the month of September, four other rescission proposals lost effect: funds for the construction of the Federal Law Enforcement Center were made available for obligation; the funds included in two proposed rescissions for the Community Services Administration lapsed on September 30, 1975; and funds for the National Scenic and Recreational Highway were, at the invitation of the House Appropriations Committee, deferred pending further Congressional review.

DEFERRALS (ATTACHMENT B)

As of October 1, 1975, $3,231.1 million in 1976 budget authority was being deferred from obligation and another $57.6 million in 1976 obligations was being deferred from expenditure.

The 56 deferrals transmitted in the four 1976 special messages are tabulated in Attachment B. Over 60 percent of the dollar amount deferred on October 1 was for two items in the Department of Defense. About 12 percent of the total deferred was for Agriculture Department programs. Another approximately 12 percent of the total was for Interior Department deferrals. The remainder of the deferrals are for 11 other agencies.

INFORMATION FROM SPECIAL MESSAGES

The four special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the FEDERAL REGISTERS of: Wednesday, July 9, 1975 (Vol. 40, No. 132, Part V); Wednesday, July 30, 1975 (Vol. 40, No. 147, Part II); Monday, September 15, 1975 (Vol. 40, No. 179, Part V); Monday, September 29, 1975 (Vol. 40, No. 189, Part V).

JAMES T. LYNN,
Director.

ATTACHMENT A

STATUS OF RESCISSIONS
FISCAL YEAR 1976
(Amounts in thousands of dollars)

As of October 1, 1975

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Department of Agriculture							
Forest Service							
Forest Roads and Trails	R76-4	25,723	07-25-75				
Department of Health, Education and Welfare							
Assistant Secretary for Human Development							
Child Development and Head Start	R76-5	7,000	07-25-75				
Department of the Interior							
Bureau of Mines							
Helium Fund	R76-6	47,500	07-25-75				
Department of Transportation							
Federal Highway Administration:							
National Scenic and Recreational Highway	R76-1	[90,000]	07-01-75	1/	1/		
Access Highway to Public Recreation Areas on Lakes	R76-2	25,000	07-01-75	2/	2/		
Department of the Treasury							
Office of the Secretary:							
Construction, Federal Law Enforcement Training Center	R76-3	[8,665]	07-01-75			8,665	09-23-75
Other Independent Agencies							
Community Services Administration							
Economic Opportunity Program							
Research and Demonstration	R76-7	[2,500] 3/	07-25-75				

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Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Community and Economic Development	R76-8	[7,500] 3/	07-25-75				
TOTAL		105,223				8,665	

1/ See House Report No. 94-496. Deferral of the $90 million was reported to the Congress on September 24, 1975, in D76-55.
2/ See H.R. 8365. Both the House and the Senate versions of the 1976 appropriations bill rescind the $25 million in R76-2 and make new appropriations of $10 million.
3/ These funds, provided in P.L. 94-32, lapsed on September 30, 1975.

STATUS OF DEFERRALS

ATTACHMENT B

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Agriculture 1/

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
Foreign Agricultural Service									
Salaries and Expenses (Special Foreign Currency)	D76-1		2,232	07-01-75					2,232
Agricultural Stabilization and Conservation Service									
Agricultural Conservation Program	D76-28	[31,667]		07-25-75 09-10-75				-31,667	0
	D76-28A		31,667	09-10-75					31,667
Water Bank Act Program	D76-29		536	07-25-75					536
Forestry Incentives Program	D76-30		3,750	07-25-75					3,750
Farmers Home Administration									
Rural Water and Waste Disposal	D76-31		37,500	07-25-75					37,500
Rural Housing for Domestic Farm Labor Grants	D76-32		1,250	07-25-75					1,250
Mutual and Self-help Housing Grants	D76-33		2,050	07-25-75					2,050
Self-help Housing Land Development Fund	D76-34		1,625	07-25-75					1,625
Agricultural Marketing Service									
Payments to States and Possessions	D76-35		400	07-25-75					400
Forest Service									
Forest Roads and Trails	D76-36		280,000	07-25-75					280,000
Expense, Brush Disposal	D76-37		27,113	07-25-75					27,113

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
Licensee Programs	D76-38		95	07-25-75					95
TOTAL		31,667	388,218					-31,667	388,218

1/ On July 10, 1975, the Senate passed an impoundment resolution requiring release of Youth Conservation Corps funds reported two days earlier by the General Accounting Office as being deferred ($10 million). Funds were released on July 16, 1975.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Commerce

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
National Oceanic and Atmospheric Administration									
Fisheries Loan Fund	D76-2		7,252	07-01-75					7,252
Promote and Develop Fishery Products	D76-3		1,355	07-01-75					1,355
TOTAL			8,607						8,607

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Defense, Military

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
Shipbuilding and Conversion, Navy	D76-4		1,793,590	07-01-75					1,793,590
Military Construction, All Services	D76-5		233,630	07-01-75					
				06-27-75	-1,582				
				07-29-75	-1,752				
				08-25-75	-15,046				209,735
				09-04-75	-5,515				
TOTAL			2,027,220		-23,895				2,003,325

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
Wildlife Conservation Military Reservations	D76-6		432	07-01-75 09-19-75 09-24-75				-13 1,2/ -31 1/	388
TOTAL			432					-44	388

1/ Reflects the actual unobligated balances carried forward July 1, which is a lesser amount than previously estimated.
2/ Reflects a decrease in anticipated receipts for the year.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
Health Services Administration Indian Health Facilities	D76-39		1,000	07-25-75					1,000
National Institutes of Health Buildings and Facilities	D76-7		2,164	07-01-75 09-22-75	-2,164				0
Alcohol, Drug Abuse and Mental Health Administration Alcohol, Drug Abuse, and Mental Health	D76-40		3,409	07-25-75					3,409
Health Resources Administration Health Resources	D76-41		22,000	07-25-75 07-25-75	-22,000				0
Assistant Secretary for Health Scientific Activities Overseas (Special Foreign Currency)	D76-8		3,652	07-01-75					3,652
Office of Education Elementary and Secondary Education	D76-51		8,000	09-10-75					8,000
	D76-52		2,968	09-10-75					2,968
School Assistance in Federally Affected Areas	D76-42		68,350	07-25-75 09-10-75				-68,350 1/	0
Higher Education	D76-9		49,040	07-01-75					49,040
Higher Education	D76-43		9,500	07-25-75 09-10-75				-9,500 1/	0
Library Resources	D76-44		10,437	07-25-75 09-10-75				-10,437 1/	0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
Social and Rehabilitative Service									
Public Assistance									
Child Welfare Services	D76-45		1,000	07-25-75					1,000
Social Security Administration									
Limitation on Construction	D76-54		14,910	09-24-75	--				14,910
Special Institutions									
Howard University	D76-10		8,174	07-01-75					8,174
Assistant Secretary for Human Development									
Research and Training Activities Overseas (Special Foreign Currency)	D76-11	[7,307]		07-01-75 07-25-75				-7,307	0
	D76-11A		8,307	07-25-75 07-15-75	-3,665				4,642
TOTAL		7,307	212,911		-27,829			-95,594	96,795

1/ Enactment of P.L. 94-94 (September 10, 1975) ended deferral of funds provided by the Continuing Resolution.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
Bureau of Land Management									
Public Lands Development Roads and Trails	D76-12		25,847	07-01-75	--				25,847
Bureau of Reclamation									
Construction and Rehabilitation	D76-13	[1,030]		07-01-75 07-25-75				-1,030	0
	D76-13A		1,030	07-25-75					1,030
Upper Colorado River Storage Project	D76-14		1,150	07-01-75					1,150
Bureau of Outdoor Recreation									
Land and Water Conservation Fund	D76-15		30,000	07-01-75					30,000
Fish and Wildlife Service									
Federal Aid in Fish Restoration and Management	D76-16		6,330	07-01-75					6,330
Federal Aid in Wildlife Restoration	D76-17		21,470	07-01-75					21,470
National Park Service									
Road Construction	D76-18		238,092	07-01-75					238,092
Geological Survey									
Payment from Proceeds, Sale of Water	D76-19		29	07-01-75					29
Bureau of Mines									
Drainage of Anthracite Mines	D76-46		3,375	07-25-75					3,375
Bureau of Indian Affairs									
Road Construction	D76-20		68,470	07-01-75					68,470
TOTAL		1,030	395,793					-1,030	395,793

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of the Treasury

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
Office of the Secretary									
State and Local Government Fiscal Assistance Trust Fund	D76-24		93,420	07-01-75 07-31-75 08-11-75	-246 -18				93,156
State and Local Government Fiscal Assistance Trust Fund	D76-25	[38,391] 1/		07-01-75 09-10-75				-38,391 2/ 1/	0
	D76-25A		57,587 1/	09-10-75					57,587 1/
Loans to the District of Columbia for Capital Outlay	D76-53		39,370	09-10-75					39,370
TOTAL		38,391 O	132,790 BA 57,587 O		-264			-38,391 O	132,526 BA 57,587 O

1/ Outlays only.
2/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
Coast Guard									
Acquisition, Construction and Improvements	D76-21		707	07-01-75					707
Federal Aviation Administration									
Civil Supersonic Aircraft Development Termination	D76-22		7,686	07-01-75					7,686
Facilities and Equipment (Airport and Airway Trust Fund)	D76-23		75,824	07-01-75					75,824
Federal Highway Administration									
National Scenic and Recreational Highway	D76-55		90,000	09-24-75					90,000
TOTAL			174,217						174,217

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STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
Rare Silver Dollar Program	D76-48		1,790	07-25-75					1,790
TOTAL			1,790						1,790

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Environmental Protection Agency

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
Abatement and Control	D76-47		4,000	07-25-75 07-23-75	-4,000				0
TOTAL			4,000		-4,000				0

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Other Independent Agencies

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 10-01-75
Community Services Administration									
Economic Opportunity Program									
Emergency Energy Conservation Services	D76-49		16,500	07-25-75					16,500
Community and Economic Development	D76-50		14,500	07-25-75 07-24-75	-14,500				0
Foreign Claims Settlement Commission									
Payment of Vietnam Prisoner of War Claims	D76-26		11,081	07-01-75					11,081
American Revolution Bicentennial Administration	D76-27		1,000	07-01-75					1,000
National Commission on Productivity and Work Quality	D76-56		1,500	09-24-75 10-01-75	-600				900
TOTAL			44,581		-15,100				29,481
TOTAL, ALL DEFERRALS		40,004 BA 38,391 O	3,390,559 BA 57,587 O		-71,088			-128,335 BA - 38,391 O	3,231,140 BA 57,587 O

[FR Doc.75-27807 Filed 10-10-75;2:55 pm]

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This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statute citation. Subsequent lists appear each day in the FEDERAL REGISTER, and copies of the laws may be obtained from the U.S. Government Printing Office.

H.J. Res. 683..... Pub. Law 94–110
Joint resolution to implement the United States proposal for the early-warning system in Sinai.
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H.R. 9600..... Pub. Law 94–111
An act to rescind certain budget authority recommended in the message of the President of July 26, 1975 (H. Doc. 94–225), transmitted pursuant to the Impoundment Control Act of 1974
(Oct. 13, 1975; 89 Stat. 574)

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Title 3—The President

Executive Order 11885 • October 15, 1975

Amending Executive Order No. 11861,[1] as Amended, Placing Certain Positions in Levels IV and V of the Executive Schedule

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, and as President of the United States of America, section 2 of Executive Order No. 11861 of May 21, 1975, as amended, placing certain positions in level V of the Executive Schedule, is further amended by deleting "(1) Principal Deputy Assistant Secretary of Defense (Comptroller), Department of Defense." and inserting in lieu thereof "(1) Defense Representative, Iran, Department of Defense."

Gerald R. Ford

THE WHITE HOUSE,
October 15, 1975.

[FR Doc.75–28073 Filed 10–15–75;10:13 am]

[1] 40 FR 22531.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 6—IMPORT QUOTAS AND FEES

Price Determination for Certain Cheese

The subpart, Section 22 Import Quotas, is amended to change the price, determined by the Secretary of Agriculture in accordance with headnote 3(a)(v) of Part 3 of the Appendix to the Tariff Schedules of the United States, which is used as a basis for establishing import restrictions under Section 22 on certain cheese. The change from 86 to 92 cents per pound is required since one of the factors used in determining such price (the Commodity Credit Corporation purchase price for Cheddar cheese under the milk price support program) has been increased.

The subpart, Section 22 Import Quotas, of Part 6, Subtitle A of Title 7, is amended as follows:

1. Section 6.16, under the heading "Price Determination for Certain Quotas", is amended to read as follows:

§ 6.16 Price Determination.

The price referred to in items 950.10B through 950.10E of Part 3 of the Appendix to the Tariff Schedules, determined by the Secretary of Agriculture in accordance with headnote 3(a)(v) of said Part 3, is 92 cents per pound. This price shall continue in effect until changed by amendment of this section.

2. Group V of Appendix 1, under the heading "Licensing Regulations", is amended by changing the description appearing immediately below "Group V" to read as follows:

Cheese described below, if shipped otherwise than in pursuance to a purchase, or if having a purchase price under 92 cents per pound.

The foregoing amendment shall be effective October 16, 1975. In accordance with headnote 3(a)(v) of Part 3 of the Appendix to the Tariff Schedules of the United States, the change in price effected by this amendment would not make the import restrictions contained in items 950.10B through 950.10E of Part 3 of the Appendix to the Tariff Schedules of the United States applicable to cheese having a purchase price of 86 or more cents per pound if such cheese had been exported to the United States on a through bill of lading or had been placed in bonded warehouse on or before the date of publication in the FEDERAL REGISTER of this amendment. Since the action taken herewith involves foreign affairs functions of the United States, this amendment falls within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553.

(Sec. 3, 62 Stat. 1248; as amended, 7 U.S.C. 624; Part 3 of the Appendix to the Tariff Schedules of the United States, 19 U.S.C. 1202)

Issued at Washington, D.C., this 10th day of October 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-27866 Filed 10-15-75;8:45 am]

PART 25—ADVISORY COMMITTEE MANAGEMENT

PART 25A—OTHER COMMITTEE MANAGEMENT

Miscellaneous Amendments

On September 11, 1975, committee management regulations for the Department of Agriculture were published in the FEDERAL REGISTER (40 FR 42171) as new Parts 25 and 25A, Subtitle A, Title 7 of the Code of Federal Regulations.

As a result of additional comments received after proposed rulemaking, the regulations are amended as follows:

1. The citation of authority for Part 25 following the table of contents is corrected to read:

AUTHORITY: 5 U.S.C. 301; Sec. 8, 83 Stat. 773, 5 U.S.C. App. I.

2. Section 25.11 is amended to change paragraphs (b)(4) and (b)(7) as follows:

§ 25.11 Establishment and renewal of advisory committees.

* * * * *

(b) *Procedure for establishment.* * * *

(4) *Preparation of charter.* The agency providing support services shall prepare a charter for the advisory committee containing the following: * * *

* * * * *

(7) *Filing of charter.* The original and four copies of the charter shall be submitted to the Office of Management and Finance no sooner than 15 days following publication of the notice in the FEDERAL REGISTER. The Office of Management and Finance shall be responsible for filing the charter and notifying the agency providing support services when this is done. An advisory committee shall not meet or take any action until its charter has been filed.

* * * * *

3. Section 25.19(m) is revised to read as follows:

§ 25.19 Meetings.

* * * * *

(m) The records, reports, transcripts, working papers, etc., of all open committee meetings shall be available for public inspection and copying. If a portion of a meeting was closed, the minutes of the open portion shall be available to the public. If meetings of an advisory committee have been entirely or partially closed, the agency that provides support services shall prepare for FEDERAL REGISTER publication, a notice of the availability of the annual report for that committee no later than 60 days after the report's completion. The notice shall include instructions which allow the public access to the report. Requests for access to the minutes of closed meetings shall be handled as requests for information under the Freedom of Information Act.

* * * * *

4. Section 25.24 is revised to read as follows:

§ 25.24 Annual Report and Comprehensive Review. (5 AR 4)

(a) The Department shall submit an annual report to the General Services Administration for preparation of the annual report required by the Federal Advisory Committee Act. Instructions for preparation of this report shall be issued to the agencies by the Office of Management and Finance.

(b) A comprehensive review shall be conducted by the agencies and the results forwarded to the Office of Management and Finance. This review shall be conducted in accordance with guidelines furnished by the Office of Management and Finance.

Effective date. These changes to Part 25 shall become effective on October 14, 1975. The Department's committee management regulations, 7 CFR Parts 25, 25A, become effective October 14, 1975. It is in the public interest that the amendment proposed herein become effective on the same date as the regulations and accordingly there is good cause found for making the amendment effective less than 30 days from publication.

JOSEPH R. WRIGHT, JR.,
Assistant Secretary for Administration.

OCTOBER 10, 1975.

[FR Doc.75-27800 Filed 10-15-75;8:45 am]

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CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Lettuce

Correction

In FR Doc. 75—26731, appearing at page 26295, of the issue of Tuesday, October 7, 1975, the following changes should be made:

1. In the diagram at the bottom of page 46297, the notation "USDA–AMS–F&V–1973", in the bottom left hand corner should be removed.

2. On page 46299, in Table II, in the entry "Discoloration (other than caused by freezing)", in the second line of (1), the word "or" should be changed to read "when".

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Amdt. 18]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Container and Pack Requirements

This amendment reduces by two the number of containers which the Texas citrus industry may use in shipping oranges and grapefruit, effective November 17, 1975. The two containers to be eliminated are used only to a limited extent. Their elimination will require less inventory to be maintained by handlers and will promote orderly marketing in the interest of producers and consumers.

On September 17, 1975, notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 42887) regarding a proposal, applicable to § 906.340 *Container, pack, and container marking regulations*, recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This notice allowed interested persons 20 days during which they could submit written data, views, or arguments pertaining to the proposal. None were submitted. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This action reflects the Department's appraisal of the need for restricting the use of containers to those most suitable for the packing and handling of fruit to promote orderly marketing in the interest of producers and consumers. Under the amendment, two currently little-used containers will no longer be authorized after handlers' current stocks of such containers are depleted during the 1975–76 season. One of these containers is the ⅞ bushel wirebound wooden box, the use of which has declined to an insignificant level in recent years. The other container, a fiberboard carton used as a master container for the shipment of six 8-pound bags of fruit, is now redundant as the use of 8-pound bags has declined significantly, and as a greater portion of fruit in 8-pound bags is now shipped in the other authorized master container. By rescinding authorization to use these two containers, handlers' inventory requirements and related expenses should be reduced. Both of these containers have quite limited acceptance by the trade. Those containers remaining for authorized use will be adequate for the shipment of the Texas orange and grapefruit crops.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Texas Valley Citrus Committee, and other available information, it is hereby found and determined that the amendment, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

Order. Therefore, in § 906.340 *Container, pack, and container marking regulations*, paragraphs (a) (1) (i) and (a) (1) (v) are deleted, and the remaining provisions of paragraph (a) (1) are amended to read as follows:

§ 906.340 Container, pack, and container marking regulations.

(a) • • •

(1) *Containers.* (i) Closed fiberboard carton with inside dimensions of 16½ x 10½ x 7¼ inches: *Provided*, That the container has a Mullen or Cady test of at least 200 pounds;

(ii) Closed fully telescopic fiberboard carton with inside dimensions of 13¼ x 10¾ x 9½ inches, described in Freight Container Tariff 2G as container No. 6506;

(iii) Closed fully telescopic fiberboard carton with inside dimensions of 19¾ x 13½ x 13 inches: *Provided*, That the cover section and bottom section each has a Mullen or Cady test of at least 250 pounds;

(iv) Closed wirebound wooden box with inside dimensions of 24⁵⁄₁₆ x 11⅜ x 11⅜ inches, described in Freight Container Tariff 2G as container No. 3680;

(v) Closed fiberboard carton with inside dimensions of 20 x 13¼ inches and of a depth from 9¾ to 10¾ inches: *Provided*, That the container has a Mullen or Cady test of at least 250 pounds and the container is used only for the shipment of eight 5-pound bags of fruit, or five 8-pound bags of fruit;

(vi) Bags having a capacity of 5 or 8 pounds of fruit: *Provided*, That fruit when packed in the number and container specified in paragraph (a) (1) (v);

(vii) Bags of the mesh or woven type having a capacity of 18 pounds of fruit;

(viii) Wire crib with inside dimensions of 46½ x 37 x 30 inches: *Provided*, That such cribs be constructed of either 4 x 4 inch mesh wire at least 0 gauge, or 2 x 2 inch mesh wire at least 2 gauge: *And provided further*, That a new liner shall be placed in this container each time it is filled for shipment;

(ix) Such other types and sizes of containers as may be approved by the Texas Valley Citrus Committee for testing in connection with a research project conducted by or in cooperation with the said committee: *Provided*, That the handling of each lot of fruit in such test containers shall be subject to prior approval, and under the supervision, of the Texas Valley Citrus Committee; and

(x) Those containers which are presently authorized under § 906.340 *Container, pack, and container marking regulations*, but which do not meet the requirements specified in this section may be used through July 31, 1976, by any handler who has such containers in his inventory on November 16, 1975.

• • • • •

(Sec. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated, October 10, 1975, to become effective November 17, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–27864 Filed 10–15–75;8:45 am]

[Grapefruit Reg. 41]

PART 909—GRAPEFRUIT GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Quality and Size Requirements

During the period October 17 through November 30, 1975, this regulation sets a minimum grade of U.S. No. 2 and a minimum diameter of 3⁹⁄₁₆ inches for the handling of grapefruit grown in California and Arizona, except that initial handlers may handle grapefruit smaller than 3⁹⁄₁₆ inches in diameter directly to destinations in states other than California, Arizona, Florida, and Texas, providing that grapefruit so handled to destinations in Washington, Oregon, Montana, Idaho, Wyoming, Nevada, and Utah shall measure not smaller than 3⁹⁄₁₆ inches in diameter. The establishment of such requirements under Marketing Order 909 is necessary to provide the market with fruit of acceptable quality in the interests of producers and consumers.

Findings. (1) Pursuant to Marketing Order No. 909, as amended (7 CFR Part 909), regulating the handling of fresh grapefruit grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee established pursuant to the said marketing order, and upon other available information, it is hereby found that the limitation of handling of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This regulation imposes minimum grade and size requirements on the handling of grapefruit. The regulation is based upon an appraisal of the crop and prospective market conditions as required in § 909.51 of said marketing order. Seasonal shipments of grapefruit from the production area are expected to begin on or about the effective date hereof. Grapefruit is reported to be of good quality this year, and sizes are reported to be larger than last year. This regulation is necessary during the period October 17, 1975, through November 30, 1975, to prevent the handling of any grapefruit of lower grades and smaller sizes than those herein specified, so as to provide the trade and consumers with fruit of acceptable quality pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Seasonal shipments of grapefruit are expected to begin on or about the effective date hereof; the recommendation and supporting information for regulation were promptly submitted to the Department after an open meeting of the Administrative Committee on October 2, 1975; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth, so as to provide for the regulation of the handling of such grapefruit, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective date hereof.

§ 909.341 Grapefruit Regulation 41.

(a) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period October 17, 1975, through November 30, 1975, no handler shall handle from the State of California or the State of Arizona to any point outside thereof except Mexico:

(i) Any grapefruit which do not meet the requirements for the U.S. No. 2 grade which for purpose of this section shall include the requirement that the grapefruit be fairly well colored, instead of slightly colored, and including as a part of the fairly well formed requirement, the requirement that the fruit be free from peel that is more than 1 inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided*, That in lieu of the tolerance provided for the U.S. No. 2 grade, the following tolerances, by count, shall be allowed for the defects listed:

(*a*) 10 percent for fruit which is not at least fairly well colored;

(*b*) 10 percent for defects other than color, but not more than one-twentieth of this amount, or one-half of 1 percent shall be allowed for decay and not more than one-half, or 5 percent, shall be allowed for any single defect caused by broken skins, sunburn, scars, or peel that is more than 1 inch in thickness at the stem end; or

(ii) Any grapefruit which measure less than 3⁹⁄₁₆ inches in diameter: *Provided*, That such diameter requirement shall not apply to individual packages containing 10 pounds or less in a lot and individual packages containing more than 10 pounds in a lot may contain not to exceed 10 percent of grapefruit of a size smaller than 3⁹⁄₁₆ inches in diameter, if the lot as a whole does not contain more than 5 percent of such size: *Provided, further*, That in determining the percentage of grapefruit in any lot which are smaller than 3⁹⁄₁₆ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3¹¹⁄₁₆ inches in diameter and smaller.

(2) Subject to the requirements of subparagraph (1) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than 3⁹⁄₁₆ inches in diameter directly to a destination in Zones 4, 5, or 6 and if the grapefruit is so handled to Zone 4, the grapefruit does not measure less than 3¹¹⁄₁₆ inches in diameter: *Provided*, That such diameter requirement shall not apply to individual packages containing 10 pounds or less in a lot and individual packages containing more than 10 pounds in a lot may contain not to exceed 10 percent of grapefruit of a size smaller than 3¹¹⁄₁₆ inches in diameter, if the lot as a whole does not contain more than 5 percent of such size: *Provided, further*, That in determining the percentage of grapefruit in any lot which are smaller than 3¹¹⁄₁₆ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3¹¹⁄₁₆ inches in diameter and smaller.

(b) As used herein, "handler", "grapefruit", "handle", "Zone 4", "Zone 5", and "Zone 6" shall have the same meaning as when used in said amended marketing order; the terms "U.S. No. 2", "fairly well colored", "slightly colored", and "fairly well formed" shall have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.925–51.955; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated, October 10, 1975, to become effective October 17, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–27863 Filed 10–15–75;8:45 am]

[Valencia Orange Reg. 520]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period October 17–23, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to to the parity price for Valencia oranges.

§ 908.820 Valencia Orange Regulation 520.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh

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market demand for Valencia oranges continues to be weak.

Prices f.o.b. averaged $3.47 per carton on a reported sales volume of 609,000 cartons last week, compared with an average f.o.b. price of $3.65 per carton and sales of 682,000 cartons a week earlier.

Track and rolling supplies at 365 cars were down 40 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 14, 1975.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period October 17, 1975, through October 23, 1975, are hereby fixed as follows:

(i) District 1: 155,000 cartons;

(ii) District 2: 345,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 15, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-28119 Filed 10-15-75;11:35 am]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

PART 1250—EGG RESEARCH AND PROMOTION ORDER

Referenda; Modification or Exemptions From Order

A notice of rulemaking on the procedure for the conduct of referenda with respect to the Egg Research and Promotion Order and rules of practice for modification or exemption from such order was published in the September 17, 1975, issue of the FEDERAL REGISTER (40 FR 42888–42890). The procedure and rules of practice, as hereinafter set forth, are in accordance with the authority vested in the Secretary of Agriculture by the Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.).

The notice of rulemaking provided for the filing of data, views, or arguments with respect to these proposals not later than October 2, 1975. A comment was received endorsing the proposed rules and procedure. In addition, an exception was filed within the prescribed time period.

The exception asserts that the referenda procedure fails to include a provision for an advanced registration of voters, at least 10 days prior to the date of the referendum, and a requirement that 50 percent of all registered voters must participate in the voting process before it is determined that the order effectuates the declared policy of the act. Exceptor contends that these proposed registration and minimum participation requirements are necessary to promote widespread discussion and participation in the referendum.

The act provides that an order must be submitted to a referendum among eligible egg producers for approval before it can become effective. Eligible egg producers are those persons defined in the order as egg producers, and who own a flock of laying hens consisting of 3,001 hens or more, which hens are not primarily engaged in the production of eggs for the hatching of baby chicks. There is no provision in the act which requires that egg producers preregister to vote in the referendum in order to establish voter eligibility, nor is there any provision that requires the participation of any minimum number of egg producers in the referendum for the referendum procedure to be valid.

In addition, if the position of the exceptor was adopted, the preregistration process would require the Department to mail to or otherwise provide every producer with registration forms prior to the mailing of the ballots. The cost that would be incurred by separately providing the registration forms cannot be justified in light of the fact that preregistration is not required by the act. Also, such a preregistration is considered unnecessary since the referenda procedure does allow for the registration of egg producers, and it is the intention of the Department to conduct a registration of egg producers simultaneous with the casting of every ballot. This registration will serve the purpose of providing information to the referendum agent, on a single form which also contains the ballot, to allow him to determine the eligibility to vote of each producer casting a ballot in the referendum. For the reasons stated above, the exception is denied.

After the consideration of all relevant matters, including the proposals set forth in the notice, the said rules as so proposed are hereby adopted. The following new subparts are hereby added to 7 CFR Part 1250:

Subpart—Procedure for the Conduct of Referenda in Connection With Egg Research and Promotion Order

Sec.
1250.200 Referenda.
1250.201 Definitions.
1250.202 Voting.
1250.203 Instructions.
1250.204 Subagents.
1250.205 Ballots.
1250.206 Referendum report.
1250.207 Confidential information.

§ 1250.200 Referenda.

Referenda for the purpose of ascertaining whether the issuance by the Secretary of Agriculture of an Egg Research and Promotion Order, or the continuance, termination, or suspension of such an order, is approved or favored by producers, shall unless supplemented or modified by the Secretary, be conducted in accordance with this subpart.

§ 1250.201 Definitions.

(a) "Act" means the Egg Research and Consumer Information Act and as it may be amended (Public Law 93–428, 7 U.S.C. 2701 et seq.).

(b) "Secretary" means the Secretary of Agriculture or any other officer or employee of the Department of Agriculture to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead; and "Department of Agriculture" means the United States Department of Agriculture.

(c) "Administrator" means the Administrator of the Agricultural Marketing Service, with power to redelegate, or any other officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in his stead.

(d) "Order" means the order or any amendment thereto promulgated pursuant to the act with respect to which the Secretary has directed that a referendum be conducted.

(e) "Referendum agent" means the individual or individuals designated by the Secretary to conduct the referendum.

(f) "Representative period" means the period designated by the Secretary pursuant to section 9 of the act (7 U.S.C. 2708).

(g) "Person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity.

(h) "Egg producer" or "producer" means any person who either: (1) Is an egg farmer who acquires and owns laying hens, chicks, and/or started pullets for the purpose of and is engaged in the production of commercial eggs; or (2) Is a person who supplied or supplies laying hens, chicks, and/or started pullets to an egg farmer for the purpose of producing commercial eggs pursuant to an oral or written contractual agreement for the production of commercial eggs. Such person is deemed to be the owner of such laying hens UNLESS it is established in writing, to the satisfaction of the Secretary or the Egg Board, that actual ownership of the laying hens is in some other party to the contract. In the event the party to an oral contract who supplied or supplies the laying hens cannot be readily identified by the Secretary or the Egg Board, the person who has immediate possession and control over the laying hens at the egg production facility shall be deemed to be the owner of such hens unless written notice is provided to the Secretary or the Egg Board, signed by the parties to said oral contract, clearly stating that the eggs are being produced under a contractual agreement and identifying the party (or parties) under said contract who is the owner of the hens.

§ 1250.202 Voting.

(a) Each person who is a producer, as defined in this subpart, at the time of the referendum, who was engaged in the production of commercial eggs during the representative period, and who is not exempt from the provisions of the order as provided for in § 1251.347 thereof, shall be entitled to only one vote in the referendum.

(b) Proxy voting is not authorized, but an officer or employee of a corporate producer, or an administrator, executor, or trustee of a producing estate, or an authorized representative of any other entity may cast a ballot on behalf of such producer or estate. Any individual so voting in a referendum shall certify that he is an officer or employee of the corporate producer, or an administrator, executor, or trustee of the producing estate, or an authorized representative of such other entity, and that he has the authority to take such action. Upon request of the referendum agent, such individual shall submit adequate evidence of his authority.

(c) Each producer shall be entitled to cast only one ballot in the referendum.

§ 1250.203 Instructions.

The referendum agent shall conduct the referendum, in the manner herein provided, under supervision of the Administrator. The Administrator may prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the referendum agent. Such agent shall:

(a) Determine the time of commencement and termination of the period of the referendum, and the time when all ballots must be received by the referendum agent.

(b) Determine whether ballots may be cast by mail, at polling places, at meetings of producers, or by any combination of the foregoing.

(c) Provide ballots and related material to be used in the referendum. Ballot material shall provide for recording essential information for ascertaining (1) whether the person voting, or on whose behalf the vote is cast, is an eligible voter, and (2) the total volume of commercial eggs produced during the representative period.

(d) Give reasonable advance notice of the referendum (1) by utilizing, without advertising expense, available media of public information (including, but not limited to, press and radio facilities) serving the production area(s), announcing the dates, places, and method(s) of voting, eligibility requirements, and other pertinent information, and (2) by such other means as said agent may deem advisable.

(e) Make available to producers instructions on voting, appropriate registration, ballot, and certification forms, and, except in the case of a referendum on the termination or continuance of an order, a summary of the terms and conditions of the order: *Provided*, That no person who claims to be qualified to vote shall be refused a ballot.

(f) If the ballots are to be cast by mail, cause all the material specified in paragraph (e) of this section to be mailed to each eligible producer whose name and address are known to the Secretary or the referendum agent.

(g) If the ballots are to be cast at polling places or meetings, determine the necessary number of polling or meeting places, designate them, announce the time of each meeting or the hours during which each polling place will be open, provide the material specified in paragraph (e) of this section, and provide for appropriate custody of ballot forms and delivery to the referendum agent of ballots cast.

(h) At the conclusion of the referendum, canvass the ballots, tabulate the results, and except as otherwise directed report the outcome to the Administrator and promptly thereafter submit the following:

(1) All ballots received by the agent and appointees, together with a certificate to the effect that the ballots listed are all of the ballots cast and received by the agent and appointees during the referendum period;

(2) A tabulation of all challenged ballots deemed to be invalid; and

(3) A report of the referendum including a detailed statement explaining the method used in giving publicity to the referendum and showing other information pertinent to the manner in which the referendum was conducted.

§ 1250.204 Subagents.

The referendum agent may appoint any person or persons deemed necessary or desirable to assist said agent in performing his functions hereunder. Each person so appointed may be authorized by said agent to perform, in accordance with the requirements herein set forth, any or all of the following functions (which, in the absence of such appointment, shall be performed by said agent):

(a) Give public notice of the referendum in the manner specified herein;

(b) Preside at a meeting where ballots are to be cast or as poll officer at a polling place;

(c) See that ballots and the aforesaid texts are distributed to producers and receive any ballots which are cast; and

(d) Record the name and address of each person casting a ballot with said subagent and inquire, as deemed appropriate, into the eligibility of such persons to vote in the referendum.

§ 1250.205 Ballots.

The referendum agent and his appointees shall accept all ballots cast; but, should they, or any of them, deem that a ballot should be challenged for any reason, said agent or appointee shall endorse above his signature, on said ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefor, the results of any investigations made with respect thereto, and the disposition thereof. Invalid ballots shall not be counted.

§ 1250.206 Referendum report.

Except as otherwise directed, the Administrator shall prepare and submit to the Secretary a report on results of the referendum, the manner in which it was conducted, the extent and kind of public notice given, and other information pertinent to analysis of the referendum and its results.

§ 1250.207 Confidential information.

The ballots cast or the manner in which any person voted and all information furnished to, compiled by, or in the possession of the referendum agent shall be regarded as confidential.

Subpart—Rules of Practice Governing Proceedings on Petitions to Modify or To Be Exempted From Orders

Sec.
1250.250 Words in the singular form.
1250.251 Definitions.
1250.252 Institution of proceeding.

§ 1250.250 Words in the singular form.

Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 1250.251 Definitions.

As used in this subpart, the terms as defined in the act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term "act" means the Egg Research and Consumer Information Act

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and as it may be amended (Public Law 93–428, 7 U.S.C. 2701 et seq.);

(b) The term "Department" means the U.S. Department of Agriculture;

(c) The term "Secretary" means the Secretary of Agriculture or any other officer or employee of the Department of Agriculture to whom there has heretofore been delegated, or to whom there may hereinafter be delegated, the authority to act in his stead;

(d) The term "Administrative Law Judge" or "Judge" means any Administrative Law Judge appointed pursuant to 5 U.S.C. 3105 and assigned to conduct the hearing;

(e) The term "Administrator" means the Administrator of the Agricultural Marketing Service, with power to redelegate, or any other officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in his stead;

(f) The term FEDERAL REGISTER means the publication provided for by the act of July 26, 1935 (49 Stat. 500), and acts supplementary thereto and amendatory thereof;

(g) The term "order" means any order or any amendment thereto which may be issued pursuant to the act;

(h) The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity, subject to an order or to whom an order is sought to be made applicable, or on whom an obligation has been imposed or is sought to be imposed under an order;

(i) The term "proceeding" means a proceeding before the Secretary arising under section 14(a) of the act;

(j) The term "hearing" means that part of the proceeding which involves the submission of evidence;

(k) The term "party" includes the Department;

(l) The term "Hearing Clerk" means the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C.;

(m) The term "Administrative Law Judge's report" means the Administrative Law Judge's report to the Secretary and includes the Administrative Law Judge's proposed (1) findings of fact and conclusions with respect to all material issues of fact, law, or discretion, as well as the reasons or basis therefor, (2) order, and (3) rulings on findings, conclusions, and orders submitted by the parties; and

(n) The term "petition" includes an amended petition.

§ 1250.252 Institution of proceeding.

(a) *Filing and service of petition.* Any person subject to an order desiring to complain that any order or any provision of any such order or any obligation imposed in connection therewith is not in accordance with the law, shall file with the Hearing Clerk, in quadruplicate, a petition in writing addressed to the Secretary. Promptly upon receipt of the petition, the Hearing Clerk shall transmit a true copy thereof to the Administrator and the General Counsel, respectively.

(b) *Contents of petition.* A petition shall contain:

(1) The correct name, address, and principal place of business of the petitioner. If petitioner is a corporation, such fact shall be stated, together with the name of the State of incorporation, the date of incorporation, and the names, addresses, and respective positions held by its officers and directors; if an unincorporated association, the names and addresses of its officers, and the respective positions held by them; if a partnership, the name and address of each partner;

(2) Reference to the specific terms and provisions of the order, or the interpretation or application thereof, which are complained of;

(3) A full statement of the facts (avoiding a mere repetition of detailed evidence) upon which the petition is based, and which it is desired that the Secretary consider, setting forth clearly and concisely the nature of the petitioner's business and the manner in which petitioner claims to be affected by the terms or provisions of the order or the interpretation or application thereof, which are complained of;

(4) A statement of the grounds on which the terms or provisions of the order, or the interpretation or application thereof, which are complained of, are challenged as not in accordance with law;

(5) Prayers for the specific relief which the petitioner desires the Secretary to grant; and

(6) An affidavit by the petitioner, or if the petitioner is not an individual, by an officer of the petitioner having knowledge of the facts stated in the petition, verifying the petition.

(c) *Application to dismiss petition.* (1) If the Administrator is of the opinion that the petition, or any portion thereof, does not substantially comply, in form or content, with the act or with the requirements of paragraph (b) of this section, he may, within 30 calendar days after the filing of the petition, file with the Hearing Clerk an application to dismiss the petition, or any portion thereof, on one or more of the grounds stated in this section. Such application shall specify the grounds of objection to the petition and if based, in whole or in part, on allegations of fact not appearing on the face of the petition, shall be accompanied by appropriate affidavits or documentary evidence substantiating such allegations of fact. The application may be accompanied by a memorandum of law. Upon receipt of such application, the Hearing Clerk shall cause a copy thereof to be served upon the petitioner, together with a notice stating that all papers to be submitted in opposition to such application, including any memorandum of law, must be filed by the petitioner with the Hearing Clerk not later than 20 calendar days after the service of such notice upon the petitioner. Upon the expiration of the time specified in such notice, or upon receipt of such papers from the petitioner, the Hearing Clerk shall transmit all papers which have been filed in connection with the application to the Judge for his consideration.

(2) *Decision by Administrative Law Judge.* The Judge, after due consideration, shall render a decision upon the motion stating the reasons for his action. Such decision shall be in the form of an order and shall be filed with the Hearing Clerk who shall cause a copy thereof to be served upon the petitioner and a copy thereof to be transmitted to the Administrator. Any such order shall be final unless appealed pursuant to § 900.65, incorporated by paragraph (d) of this section: *Provided,* That within 20 calendar days following the service upon the petitioner of a copy of the order of the Judge dismissing the petition, or any portion thereof, on the grounds that it does not substantially comply in form and content with the act or with paragraph (b) of this section, the petitioner shall be permitted to file an amended petition.

(3) *Oral argument.* Unless a written application for oral argument is filed by a party with the Hearing Clerk not later than the time fixed for filing papers in opposition to the motion, it shall be considered that the party does not desire oral argument. The granting of a request to make oral argument shall rest in the discretion of the Judge.

(d) *Further proceedings.* Further proceedings on petitions to modify or to be exempted from orders shall be governed by § 900.52a through § 900.71 excluding § 900.70 of the title "Rules of Practice Governing Proceedings on Petitions to Modify or To Be Exempted From Marketing Orders" revised October 29, 1973, and any amendments thereto, except that all references to marketing orders shall mean orders under the act, and as may hereafter be amended, and the same are incorporated herein and made a part hereof by reference.

Effective Date. It is hereby found that good cause exists for the making of the provisions of the procedure for conduct of referenda and rules of practice effective on October 16, 1975, and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (5 U.S.C. 553). The provisions of the procedure and these rules are known to egg producers. These rules and procedure were initially published on September 17, 1975, and there were no substantial changes. In addition, the procedure governs the conduct of the referendum on the Egg Research and Promotion Order published on October 1, 1975, and the referendum is to be set by the Department for the period of November 3 to November 28, 1975. Therefore, to allow sufficient time to notify egg producers of the referendum period and to allow distribution of ballots and other relevant materials, these rules of practice and procedure for conduct of referenda should be made effective October 16, 1975.

Signed at Washington, D.C., on October 10, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-27865 Filed 10-15-75;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Definition of Savings Deposits; Correction

In FR Doc. 75-26878 appearing at page 46301 of the issue for Tuesday, October 7, 1975, § 204.1(e) (1) should be corrected to read as follows:

§ 204.1 Definitions.

* * * * *

(e) *Savings deposits.* The term "savings deposit" means a deposit—

(1) * * * or that consists of funds deposited to the credit of or in which the entire beneficial interest is held by the United States, any State of the United States, or any county, municipality, or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or political subdivision thereof; * * *.

Board of Governors of the Federal Reserve System, October 9, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-27841 Filed 10-15-75;8:45 am]

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

PART 336—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Miscellaneous Amendments

Effective on October 16, 1975, Part 336 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR Part 336) is amended as follows:

§ 336.735–11 [Amended]

1. Section 336.735–11(e) is amended by deleting the words "Pub. L. 89–673, 80 Stat. 952" and by inserting the words "section 7342 of Title 5 of the United States Code" in lieu thereof.

§ 336.735–12 [Amended]

2. Section 336.735–12(e) is deleted and reserved.

3. Section 336.735–15 is amended by designating the current text paragraph (a) and by adding paragraphs (b) through (d) to read as follows:

§ 336.735–15 Misuse of information.

(a) For the purpose of furthering a private interest, an employee shall not, except as provided in § 336.735–12(d), directly or indirectly use, or allow the use of, official information obtained through or in connection with his Corporation employment which has not been made available to the general public.

(b) An employee shall not disclose, directly or indirectly, to another individual, concern, or governmental agency, personal information pertaining to individuals, except when such disclosure is permitted as provided in § 310.10(b) of this chapter.

(c) An employee shall not design, develop, or maintain any system of information on individuals which is not relevant and necessary for the performance of a Corporation function.

(d) Pursuant to the requirements of section (e) of the Privacy Act of 1974 (5 U.S.C. 552a(e)), notice of the existence of any official Corporation system of information maintained on individuals shall be published as a "system of records" in the FEDERAL REGISTER.

4. Section 336.735–19 is amended by adding paragraph (s), to read as follows:

§ 336.735–19 Miscellaneous statutory provisions.

* * * * *

(s) The prohibition against the unauthorized accumulation of information on individuals by employees and the disclosure of personal information on individuals by employees, under the Privacy Act of 1974 (5 U.S.C. 552a(i)).

5. Appendix A of Part 336 is amended to read as follows:

APPENDIX A—EMPLOYEES WHO MUST FILE STATEMENTS

SPECIFIC POSITIONS

A Head, Associate Head or Assistant Head of a Division or Office of the Corporation (regardless of his specific title).

An Adviser or Assistant to the Board of Directors.

A Regional Director.

An Assistant Regional Director.

A Regional Counsel.

The purpose of these amendments is to comply with the requirements of the Privacy Act of 1974 (5 U.S.C. 552a(e)(9)) concerning the establishment of employee rules of conduct. The amendments also make structural and technical changes of Part 336 of the Corporation's rules and regulations. The amendments are authorized under paragraphs "Seventh" and "Tenth" of section 9 of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1819 "Seventh" and "Tenth").

Inasmuch as the Board of Directors has found that these amendments involve statements of only internal Corporation policy and, therefore, pursuant to § 302.6 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 302.6), that notice, public participation, and prior publication are unnecessary and would serve no useful purpose, the requirements of section 553 of Title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with these amendments.

By order of the Board of Directors, October 9, 1975.

FEDERAL DEPOSIT INSURANCE CORPORATION,

[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.75-27754 Filed 10-15-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 75–SW–11, Amdt. 39–2386]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Models 206A, 206B, 206A–1, and 206B–1 Helicopters

Amendment 39–2122, (40 FR 10661), AD 75–06–03, as revised by Amendment 39–2146 (40 FR 14297) required an immediate and a 100-hour repetitive inspection for possible cracks in the upper and lower clevis on each main rotor blade pitch link assembly, P/N 206–010–330 or 206–010–342, and an inspection of the outer swashplate ring horn bearings for excessive breakaway torque on Bell Models 206A, 206B, 206A–1 and 206B–1 helicopters. After issuing Amendment 39–2122, AD 75–06–03, and Amendment 39–2146, the agency was informed of satisfactory service history on the affected clevises and helicopters and Amendment 39–2350 (40 FR 41091) was issued to require only a one-time inspection of the Model 206 series helicopters.

In the preamble to Amendment 39–2350, the agency requested interested persons to submit written information and comments on the main rotor pitch link assemblies as they desired. All five letters received had comments and data that supported the adoption of Amendment 39–2350.

The agency discovered by verbal comments that paragraph 1 of AD 75–06–03 should also be deleted since it referred to increasing the repetitive inspection interval that was no longer a part of AD 75–06–03. Therefore, the AD is being further amended to delete paragraph 1. Since this amendment imposes no additional burden on any person, the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–2122 (40 FR 10661), AD 75–06–03 as amended by Amendment 39–2146 (40 FR 14297) and Amendment 39–2350 (40 FR 41091) is further amended by deleting paragraph 1.

This amendment becomes effective October 20, 1975.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Texas, on October 6, 1975.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.75-27735 Filed 10-15-75;8:45 am]

[Airworthiness Docket No. 74–WE–52–AD; Amdt. 39–2383]

PART 39—AIRWORTHINESS DIRECTIVES

Certain AiResearch Model TPE331–1, –2, –3, –5, and –6 Series Engines

Amendment 39–2367 (40 FR 42740), AD 74–26–11, published in the FEDERAL

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REGISTER on September 16, 1975, contained a typographical error in enumeration of a specific engine model number. AD 74-26-11 is being amended to correct the error.

Since this amendment corrects a typographical error and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations Amendment 39-2054 (39 FR 44439), AD 74-26-11 as amended by Amendments 39-2092 (40 FR 6771), 39-2214 (40 FR 22126), 39-2254 (40 FR 28605), and 39-2367 (40 FR 42740) is further amended by amending paragraph (2), in pertinent part, at lines 6 and 7, to read:

(2) • • • TPE331-5-251C S/N 22058 through 22119; TPE331-5-251K S/N 06443, 06455, through 06556; • • •

This amendment becomes effective October 20, 1975.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Los Angeles, Calif., on October 3, 1975.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.75-27734 Filed 10-15-75;8:45 am]

[Docket No. 75-GL-17, Amdt. 39-2384]

PART 39—AIRWORTHINESS DIRECTIVES

Enstrom F-28A Helicopters

During manufacture, some of the main rotor spindles, Part No. 28-14282 used on the Enstrom F-28A helicopters, were machined improperly. There are two separate distinct discrepancies in the machining of the spindle: (1) The internal tapered bore of the spindle was machined improperly to a constant 1.37" diameter straight bore, and, (2) The depth of the bore may have been machined too deep. Both of these conditions will reduce the fatigue life of the spindle. It should be noted that both of these deficiencies do not occur simultaneously on the same S/N helicopters. The retirement life for the spindles which contain either of the above machining deficiencies has been established as 1,000 hours total time in service. Since these spindles are common to all Enstrom helicopters of the same type design, an Airworthiness Directive is being issued to require inspection and to impose a life limit for those spindles found to be discrepant.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive.

ENSTROM. Applies to Enstrom Model F-28A helicopters certificated in all categories, as indicated in the following tables:

Table I—Improper Machining of the Tapered Bore of Main Rotor Spindle P/N 28-14282. Helicopter S/N's 203, 205, 209, 216, 220, 221, 223, 224, 225, 227, 231, 232, 233, 235, 236, 237, 240 and all other helicopters which received replacement main rotor spindles between June 18, 1974 and October 1, 1974 inclusive.

Table II—Bore of Main Rotor Spindle P/N 28-14282 Machined Too Deep. Helicopter S/N's 116, 117, 160, 177, 178, 179, 184, 185, 187, 188, 189, 190, 192, 193, 194, 195, 196, 197, 198, 201, 204 and 217.

Compliance required as indicated unless already accomplished.

To detect main rotor spindles with machining deficiencies accomplish the following:

(a) Within the next 100 hours time in service after the effective date of this Airworthiness Directive, inspect all helicopters listed in Table I above for improper machining of the tapered spindle bore in accordance with the information contained in Enstrom Service Note No. 0020A dated August 11, 1975, or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Great Lakes Region. All spindles that have been machined with a straight internal bore shall be identified in the log book as a life limited spindle. (See paragraph (c) for retirement life of these spindles.)

(b) Within the next 100 hours time in service after the effective date of this Airworthiness Directive, inspect all helicopter main rotor spindles listed in Table II above for an excessive bore depth in accordance with the information contained in Enstrom Service Note 0021B dated August 11, 1975, or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Great Lakes Region. All spindles that have been machined with an improper bore depth shall be identified in the log book as life limited spindles. (See paragraph (c) for the retirement life of these spindles.)

(c) Main rotor spindles which have machining deficiencies indicated in paragraphs (a) and (b) above are considered to be life limited parts and must be replaced with a new part of the same part number no later than at 1,000 hours total time in service and the life depleted part is to be rendered inserviceable. Spindles which are determined to be machined correctly may be returned to service and do not have a life limited imposed on them.

This amendment becomes effective October 20, 1975.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Ill., on October 6, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75-27733 Filed 10-15-75;8:45 am]

[Docket No. 15044, Amdt. 39-2392]

PART 39—AIRWORTHINESS DIRECTIVES

SIAI Marchetti S. 205 and S. 208 Airplanes

There has been a reported failure of the landing gear actuator attaching fork on SIAI Marchetti S. 205 and S. 208 airplanes that could result in landing gear failure. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require a one-time inspection and replacement, as necessary, of the landing gear actuator fork with a newly designed fork on SIAI Marchetti S. 205 and S. 208 airplanes.

Since this situation requires immediate adoption of this regulation, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c))

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SIAI MARCHETTI. Applies to Models S. 205-18/R, -20/R, and -22/R, S/N's 001 thru 003, 101 thru 399, 4-101 thru 4-232, 4-285, 4-292, 5-302, 5-303 and 5-406; and Model S. 208, S/N's 001 thru 003, 1-03 thru 1-15, 2-16 thru 2-27, 2-47 thru 2-50, 4-51, 4-60, 4-61, 4-62, 369, 3-100, 4-231, 4-233, 4-256, 4-257, and 4-258 airplanes, certicated in all categories.

Compliance is required as indicated.

To prevent possible failure of the landing gear, accomplish the following:

(a) Within the next 25 hours' time in service after the effective date of this AD, unless already accomplished, inspect the landing gear actuator attaching fork, P/N 205-6-214-15, for cracks, failure, and fork fin distance in accordance with Instructions, paragraph a., of SIAI Marchetti Service Bulletin, S.B. No. 205B40, dated April 7, 1975, or an FAA-approved equivalent.

(b) If the inspection required by paragraph (a) of this AD reveals cracks or failure of the attaching fork, or if the fork fin distance is less than the minimum specified in the service bulletin, Instructions, paragraph a. 8., before further flight, replace the landing gear actuator attaching fork, P/N 205-6-214-15, with one of new design, P/N 205-6-214-07, in accordance with Instructions, paragraph b. of SIAI Marchetti S.B. No. 205B40, or an FAA-approved equivalent.

(c) If the inspection required by paragraph (a) of this AD reveals no cracks or failures and the fork fin distance is within allowable limits, either—

(1) Reinstall the landing gear actuator fork, P/N 205-6-214-15, in accordance with Instructions, paragraph c. of SIAI Marchetti S.B. No. 205B40, or an FAA-approved equivalent; or

(2) Install a new landing gear actuator attaching fork, P/N 205-6-214-07, in accordance with Instructions, paragraph b. of SIAI Marchetti S.B. No. 205B40, or an FAA-approved equivalent.

This amendment becomes effective October 30, 1975.

Issued in Washington, D.C., on October 7, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-27732 Filed 10-15-75;8:45 am]

[Docket No. 15045, Amdt. 39-2393]

PART 39—AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale (Formerly Sud Aviation) Model SA 316B Alouette III Helicopters

It has been determined that certain main rotor transmission gear boxes (MGBs) installed on Societe Nationale Industrielle Aerospatiale (S.N.I.A.S., formerly Sud Aviation) Model SA 316B helicopters cannot safely be operated at the helicopter's certificated maximum takeoff power and maximum weight. Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued to require replacement of the affected MGBs, and to restrict the maximum operating weight and takeoff power until the replacement is made on S.N.I.A.S. Model SA 316B Alouette III helicopters.

Since this situation requires immediate adoption of this regulation, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.-89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SOCIETE NATIONALE INDUSTRIELLE AEROPATIALE. (S.N.I.A.S., formerly SUD AVIATION). Applies to Model SA316B Alouette III helicopters, certificated in all categories, incorporating main rotor transmission gearbox (MGB), Serial Number 9,999 or lower P/N 3160S.62.00.000.10 through .12 incorporating Modification AM1212, or P/N 3160S.62.00.000.-13 or .14.

Compliance is required as indicated, unless, already accomplished.

To prevent possible failure of the main gearbox, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, install a temporary operating limitations placard on the instrument panel in full view of the pilot reading as follows: "Operate in accordance with the limitations specified in the Alouette III SE.3160 Helicopter Flight Manual. Limitations or performance specified in Appendix 2 of that manual are not applicable to this helicopter."

(b) Within the next 450 hours' time in service after the effective date of this AD, or replace the MGB with a serviceable MGB having a part number specified in Subparagraph 1C of Alouette Service Bulletin No. 01.34 dated June 24, 1974, or an FAA-approved equivalent.

(c) After complying with paragraph (b) of this AD, the placard required by paragraph (a) may be removed.

This amendment becomes effective October 30, 1975.

Issued in Washington, D.C. on October 7, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-27731 Filed 10-15-75;8:45 am]

[Airspace Docket No. 75-GL-52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 34140 of the FEDERAL REGISTER dated August 14, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Mansfield, Ohio.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendment shall be effective 0901 G.m.t., December 4, 1975.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348); Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Des Plaines, Ill., on September 30, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

1. In § 71.171 (40 FR 354), the following control zone is amended to read:

MANSFIELD, OHIO

Within a 5-mile radius of the Mansfield-Lahm Municipal Airport (latitude 40°49'17" N., longitude 82°31'00" W.); and within 2 miles each side of the Mansfield VORTAC 307° radial extending from the 5-mile radius zone to 5.5 miles NW of the airport.

92. In § 71.181 (40 FR 441), the following transition area is amended to read:

MANSFIELD, OHIO

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Mansfield-Lahm Municipal Airport (latitude 40°49'17" N., longitude 82°31'00" W.); within a 5-mile radius of Galion Municipal Airport (latitude 40°45'15" N., longitude 82°43'30" W.); within a 5-mile radius of Shelby Community Airport (latitude 40°52'-23" N., longitude 82°41'48" W.); within a 7.5-mile radius of Willard Airport (latitude 41°-02'23" N., longitude 82°43'38" W.); within 7 miles each side of the Mansfield, Ohio VORTAC 307° radial extending from the 9-mile radius area to 17 miles NW of the VORTAC; and within 5 miles each side of the Mansfield VORTAC 130° radial extending from the 9-mile radius area to 22 miles SE of the VORTAC.

3. In § 71.181 (40 FR 441), the following transition areas are deleted:

Shelby, Ohio
Willard, Ohio

[FR Doc.75-27736 Filed 10-15-75;8:45 am]

[Airspace Docket No. 75-EA-57]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to alter Restricted Area R-4001 Aberdeen, Md., by subdividing it into two areas, R-4001A and R-4001B.

Alerting R-4001 will allow more effective utilization of the airspace as it will permit the using agency to temporarily return one portion to the public while retaining the other for the restricted area's designated purpose. Increased public access to the airspace will simplify routing and reduce flight distance for aircraft transiting between several adjacent general aviation airports. Depicting the restricted area in a two-part configuration may also help improve its joint use because it should prompt more pilots to ask appropriate air traffic control facilities for clearance through one portion or the other.

Since no additional airspace is involved herein, this is a minor amendment upon which the public would not be particularly interested to comment. Therefore, notice and public procedure hereon are unnecessary. Also as it is in the public interest to improve the utilization of the airspace as soon as possible, good cause exists for making this amendment effective immediately.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication of this amendment in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.40 (40 FR 677) the description of Restricted Area R-4001 Aberdeen, Md., is deleted and the following is substituted therefor:

R-4001A ABERDEEN, MD.

Boundaries. Beginning at Lat. 39°30'30"N., Long. 76°10'00"W.; to Lat. 39°29'00"N., Long. 76°06'00"W.; to Lat. 39°29'30"N., Long. 76°05'00"W.; to Lat. 39°27'00"N., Long. 76°00'30"W.; to Lat. 39°19'47"N., Long. 76°-11'34"W.; to Lat. 39°17'30"N., Long. 76°12'-50"W.; to Lat. 39°16'24"N., Long. 76°16'18" W.; to Lat. 39°17'13"N., Long. 76°18'49"W.; to Lat. 39°19'41"N., Long. 76°22'01"W.; to Lat. 39°22'00"N., Long. 76°22'00"W.; to Lat. 39°28'38"N., Long. 76°20'40"W.; to Lat. 39°26'10"N., Long. 76°14'50"W.; to Lat. 39°27'00"N., Long. 76°12'30"W.; to point of beginning.

Designated altitudes and time of designation.

1. Surface to unlimited, 0700 to 2400 local time.

2. Surface to 10,000 feet MSL, 0000 to 0700 local time; higher altitudes by NOTAM issued 24 hours in advance.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commanding General, Aberdeen Proving Ground, Md.

R-4001B ABERDEEN, MD.

Boundaries. Beginning at Lat. 39°17'30"N., Long. 76°12'50"W.; to Lat. 39°12'10"N., Long. 76°16'30"W.; to Lat. 39°12'45"N., Long. 76°22'30"W.; to Lat. 39°17'30"N., Long. 76°19'45"W.; to Lat. 39°18'30"N., Long. 76°22'00"W.; to Lat. 39°19'41"N., Long. 76°22'01"W.; to Lat. 39°17'13"N., Long. 76°18'49"W.; to Lat. 39°16'24"N., Long. 76°16'18"W.; to point of beginning.

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Designated altitudes and time of designation.

1: Surface to unlimited, 0700 to 2400 local time.

2. Surface to 10,000 feet MSL, 0000 to 0700 local time; higher altitudes by NOTAM issued 24 hours in advance.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commanding General, Aberdeen Proving Ground, Md.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on October 7, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-27737 Filed 10-15-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-934, Amdt. 9]

PART 217—REPORTING DATA PERTAINING TO CIVIL AIRCRAFT CHARTERS PERFORMED BY FOREIGN AIR CARRIERS

Reports of One-Stop-Inclusive Tour Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 7, 1975.

By notice of proposed rulemaking EDR-281/SPDR-38/ODR-9,[1] the Board proposed adoption of a new Special Regulation (14 CFR Part 378a) establishing a new class of charter to be designated as a One-stop-inclusive Tour Charter. At the same time, the Board proposed various implementing amendments to other of its Economic Regulations, including Part 217 (14 CFR Part 217). By SPR-85, issued August 8, 1975, the Board adopted its proposal to authorize One-stop-inclusive Tour Charters. For the reasons set forth in SPR-85, the Board has now decided to adopt the proposed amendments to Part 217. Accordingly, in consideration of the foregoing, the Board hereby amends Part 217 of its Economic Regulations (14 CFR Part 217) effective September 13, 1975, as follows:

1. Amend § 217.6(b) by adding new subparagraphs (10) and (11) to read as follows:

§ 217.6 Reporting instructions.

• • • • • •

(b) • • •

(10) One-stop-inclusive tour charter, as defined in Part 378a of this chapter (Board's Special Regulations).

(11) Special event charter, as defined in Part 378a of this chapter (Board's Special Regulations).

2. Amend § 217.5(g) to read as follows:

§ 217.6 Reporting instructions.

• • • • • •

(g) Columns 4 and 5 shall reflect, respectively, the aggregate number of seats and the aggregate cargo capacity in tons contracted for on flights reported in Column 3. Column 4 on the split charter report shall reflect a breakdown of the aggregate number of seats contracted for (on flights reported in Column 3) by type of charter group. The following symbols shall be used: A-single entity; B-ordinary pro rata; C-study group; D-inclusive tour; E-overseas military personnel; F-travel group; G-one-stop-inclusive tour; and H-special event.

• • • • • •

(Secs. 204(a) and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757; 49 U.S.C. 1324, 1372.)

NOTE: The reporting requirements contained herein have been approved by the U.S. General Accounting Office under number B-180226 (R0230).

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-27882 Filed 10-15-75;8:45 am]

[Reg. ER-933, Amdt. 19]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Reports of One-Stop-Inclusive Tour Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 7, 1975.

By notice of proposed rulemaking EDR-281/SPDR-38/ODR-9,[1] the Board proposed adoption of a new Special Regulation (14 CFR Part 378a) establishing a new class of charter to be designated as a One-stop-inclusive Tour Charter. At the same time, the Board proposed various implementing amendments to other of its Economic Regulations, including Part 241 (14 CFR Part 241). By SPR-85, issued August 8, 1975, the Board adopted its proposal to authorize One-stop-inclusive Tour Charters. For the reasons set forth in SPR-85, the Board has now decided to adopt the proposed amendments to Part 241.[2] Accordingly, in consideration of the foregoing, the Board hereby amends Part 241 of its Economic Regulations (14 CFR Part 241) effective September 13, 1975, as follows:

1. Amend Section 25, Schedule T-6, by adding new subparagraphs (9) and (10) to paragraph (c), and by revising paragraph (i), the section as amended to read in pertinent part as follows:

Section 25—Traffic and Capacity Elements

• • • • • •

Schedule T-6—Summary of Civil Aircraft Charters.

• • • • • •

(c) • • •

(9) One-stop-inclusive tour charter, as defined in Part 378a of the Board's Special Regulations.

(10) Special event charter, as defined in Part 378a of the Board's Special Regulations.

• • • • • •

(i) Columns 4 and 5 shall reflect, respectively, the aggregate number of seats and the aggregate cargo capacity in tons contracted for on flights reported in Column 3. Column 4 on the split charter report shall reflect a breakdown of the aggregate number of seats contracted for (on flights reported in column 3) by type of charter group. The following symbols shall be used: A-single entity; B-ordinary pro rata; C-study group; D-inclusive tour; E-overseas military personnel; F-travel group; G-one-stop-inclusive tour; and H-special event.

• • • • • •

2. Amend Section 35, Schedule T-6, by adding new subparagraphs (9) and (10) to paragraph (b) and by revising paragraph (h), the section as amended to read in pertinent part as follows:

Section 35—Traffic and Capacity Elements

• • • • • •

Schedule T-6—Summary of Civil Aircraft Charters.

• • • • • •

(b) • • •

(9) One-stop-inclusive tour charter, as defined in Part 378a of the Board's Special Regulations.

(10) Special event charter, as defined in Part 378a of the Board's Special Regulations.

• • • • • •

(h) Columns 4 and 5 shall reflect, respectively, the aggregate number of seats and the aggregate cargo capacity in tons contracted for on flights reported in column 3. Column 4 on the split charter report shall reflect a breakdown of the aggregate number of seats contracted for (on flights reported in column 3) by type of charter group. The following symbols shall be used: A-single entity; B-ordinary pro rata; C-study group; D-inclusive tour; E-overseas military personnel; F-travel group; G-one-stop-inclusive tour; and H-special event.

• • • • • •

(Secs. 204 and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377.)

NOTE: The reporting requirements contained herein have been approved by the U.S. General Accounting Office under the number B-180226 (R0229).

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-27881 Filed 10-15-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Docket No. 75N-0191]

PART 522—IMPLANTATION OR INJECTABLE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Oxytetracycline Hydrochloride Injection

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (95-642V) filed by Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, MO 64502, proposing safe and effective use of oxytetracycline hydrochloride injection containing 100 milligrams of oxytetracycline per milliliter for treatment of pneumonia, shipping fever complex, foot rot, diphtheria, bacterial enteritis, wooden tongue, leptospirosis, anaplasmosis, acute metritis, and wound infections in beef cattle and nonlactating dairy cattle. The supplemental application is approved, effective October 16, 1975.

The Commissioner is amending § 522.1662a(b) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), § 522.1662a is amended by revising paragraph (b)(1) to read as follows:

§ 522.1662a Oxytetracycline hydrochloride injection.

• • • • • •

(b)(1) *Specifications.* (i) 50 milligrams of oxytetracycline (as oxytetracycline hydrochloride) in each milliliter of sterile solution for use in beef and nonlactating dairy cattle and sows; (ii) 100 milligrams of oxytetracycline (as oxytetracycline hydrochloride) in each milliliter of sterile solution for use in beef and nonlactating dairy cattle only.

• • • • • •

Effective date. This amendment shall be effective October 16, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: October 7, 1975.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.75-27743 Filed 10-15-75;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108.717]

PART 6—FREEDOM OF INFORMATION POLICY AND PROCEDURES

Revised Schedule of Fees

A notice of proposed rulemaking regarding amendments to Title 22, Part 6 of the Code of Federal Regulations was published in the FEDERAL REGISTER on August 20, 1975 (40 FR 36366).

Interested persons were invited to submit written comments for consideration by September 19, 1975. Since no comments were received, the revised schedule of fees is adopted as set forth below.

It should be noted that the proposed rulemaking notice inadvertently referred to § 6.8 (a) and (b) of Title 22 of the Code of Federal Regulations whereas the correct section should be § 6.14 (a) and (b) as published in the FEDERAL REGISTER on February 19, 1975 (40 FR 7256).

(Sec. 4 of the Act of May 26, 1949, as amended (63 Stat. 11; 22 U.S.C. 2658); E.O. 11652 (37 FR 5209); 5 U.S.C. 552, as amended by Pub. L. 93-502)

Effective date. This revision is effective September 22, 1975.

Dated: October 3, 1975.

For the Secretary of State.

[SEAL] LAWRENCE S. EAGLEBURGER,
Deputy Under Secretary for Management.

Paragraphs (a) and (b) of § 6.14 of Title 22 of the Code of Federal Regulations are revised and amended to read as follows:

§ 6.14 Schedule of fees and method of payment for services rendered.

(a) The following specific fees shall be applicable with respect to services rendered to members of the public under this Part, except that the search fee will normally be waived when the search involves less than one-half hour of clerical time.

(1) Search for records, per hour or fraction thereof—	
(i) Professional	$11.00
(ii) Clerical	6.00
(2) Computer service charges per second for actual use of the computer central processing unit	.25
(3) Copies made by photostat or otherwise (per page); maximum of 5 copies will be provided	.10
(4) Certification of each record as a true copy	1.00
(5) Certification of each record as a true copy under official seal	1.50
(6) Duplication of architectural photographs and drawings	2.00

(b) If records requested under this Part are stored elsewhere than the headquarters of the Department of State at 2201 C Street, NW., Washington, D.C., the special costs of returning such records to the headquarters shall be included in the search costs. These costs will be computed at the actual cost of transportation of either a person or the requested record between the place where the record is stored and Departmental headquarters when, for time or other reasons, it is not feasible to rely on Government mail service or diplomatic pouch. The most economical means of transportation available and consistent with the purpose of incurring special costs shall be utilized. Such costs will also include the cost of any telegrams sent to the Department's overseas establishments to facilitate timely identification, location, and assembly of records requested. Search costs are due and payable even if the record which was requested cannot be located after all reasonable efforts have been made, or if the Department determines that a record which has been requested, but which is exempt from disclosure under this Part, is to be withheld.

• • • • • •

[FR Doc.75-27793 Filed 10-15-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-714]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

● Purpose: The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128). ●

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186-93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

[1] Dated October 30, 1974 (Docket 27135).

[2] We will also take this occasion to amend Section 25 of Part 241 to prescribe a symbol for reporting of inclusive tour split charters.

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§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
California	Kern	Wasco, city of	October 2, 1975, emergency	May 17, 1974 Feb. 7, 1975 May 24, 1974		
Colorado	Costilla	San Luis, town of	do			
Florida	Columbia	Lake City, city of	do			
Georgia	Columbia	Unincorporated areas	do			
Indiana	Whitley	South Whitley, town of	do	Dec. 21, 1973		
Iowa	Winnebago	Leland, city of	do			
Do	Shelby	Panama, city of	do	Dec. 20, 1974		
Do	Sac	Sac City, city of	do	Dec. 28, 1973		
Kansas	Brown	Robinson, city of	do	Nov. 29, 1974		
Kentucky	Cumberland	Burkesville, city of	do	Feb. 15, 1974		
Michigan	Alpena	Alpena, township of	do	Jan. 31, 1975		
Do	Monroe	Milan, township of	do	May 24, 1974		
Minnesota	Itasca	Bigfork, city of	do	Sept. 13, 1974		
Missouri	Boone	Rocheport, city of	do	Oct. 25, 1974		
New Jersey	Warren	Alpha, borough of	do			
New York	Erie	Eden, town of	do	Sept. 20, 1974		
Do	Chautauqua	Ellery, town of	do			
Do	Seneca	Fayette, town of	do	Sept. 20, 1974		
Do	Schuyler	Tyrone, town of	do	Sept. 6, 1974		
North Dakota	Steele	Hope, city of	do	Feb. 14, 1975		
Ohio	Van Wert	Convoy, village of	do	May 31, 1974		
Do	Champaign	Mechanicsburg, village of	do	Feb. 1, 1974		
Oklahoma	Cleveland	Noble, town of	do	Aug. 30, 1974		
South Carolina	Florence	Scranton, town of	do	May 24, 1974		
Utah	Weber	North Ogden, city of	do			
Vermont	Orleans	Craftsbury, town of	do	Sept. 13, 1974		
Do	Grand Isle	Isle La Motte, town of	do	Nov. 1, 1974		
Do	Orange	Orange, town of	do	Jan. 24, 1975		
West Virginia	Morgan	Paw Paw, town of	do	Nov. 15, 1974		
Wyoming	Converse	Douglas, town of	do	Nov. 1, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969) as amended (39 FR 2787, Jan. 24, 1974).

Issued: September 25, 1975.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75-27484 Filed 10-15-75;8:45 am]

[Docket No. FI-715]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

● **Purpose: The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.** ●

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be November 17, 1975, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin on November 17, 1975, or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin on November 17, 1975, or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked effective date of identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Coffee	Enterprise, city of	H 010045A 01 through H 010045A 04	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 458, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, P.O. Box 1160, Enterprise, Ala. 36330.	July 26, 1974.
Arkansas	Ashley	Hamburg, city of	H 050005A 01	Division of Soil and Water Resources, State Department of Commerce, 1020 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	City Attorney, City Hall, Hamburg, 71646.	May 17, 1974. Oct. 10, 1975.
Do	do	Portland, city of	H 050008A 01	do	Mayor, City Hall, Portland, Ark. 71663.	Mar. 29, 1974.
Do	Benton	Sulphur Springs, city of.	H 050015A 01	do	Mayor, City Hall, Sulphur Springs, Ark. 72768.	Aug. 23, 1974. Oct. 10, 1975.
Do	Bradley	Warren, city of	H 050022A 01 through H 050022A 02	do	Mayor, Town Hall, Warren, Ark. 71671.	June 10, 1974. Oct. 10, 1975.
Do	Calhoun	Hampton, city of	H 050023A 01	do	Mayor, City Hall, Hampton, Ark. 71744.	June 21, 1974.
Do	Chicot	Eudora, city of	H 050027A 01 through H 050027A 02	do	Mayor, City Hall, Eudora, Ark. 71640.	Mar. 1, 1974. Oct. 10, 1975.
Do	Cleveland	Rison, city of	H 050040A 01	do	Mayor, City Hall, Rison, Ark. 71665.	Mar. 8, 1974.
Do	Craighead	Lake City, town of.	H 050049A 01	do	Mayor, Town Hall, Lake City, Ark. 72437.	May 24, 1974. Oct. 10, 1975.
Do	Dallas	Carthage, city of	H 050062A 01 through H 050062A 02	do	Mayor, City Hall, Carthage, Ark. 71725.	Mar. 8, 1974. Oct. 10, 1975.
Do	Drew	Winchester, town of.	H 050077A 01	do	Mayor, Town Hall, Winchester, Ark. 71677.	Aug. 30, 1974. Oct. 10, 1975.
Do	Jefferson	Sherrill, town of	H 050110A 01	do	Mayor, Town of Sherrill, Town Hall, Sherrill, Ark. 72152.	Aug. 30, 1974. Oct. 10, 1975.
Do	Johnson	Lamar, city of	H 050113A 01	do	Mayor, City Hall, Lamar, Ark. 72846.	Apr. 5, 1974. Oct. 10, 1975.
Do	Lafayette	Buckner, city of	H 050115A 01	do	Mayor, City Hall, Buckner, Ark. 71827.	Oct. 25, 1974.
Do	Lawrence	Black Rock, city of.	H 050118A 01	do	Mayor, City Hall, Black Rock, Ark. 72415.	Apr. 12, 1974. Oct. 10, 1975.
Do	do	Imboden, town of	H 050120A 01	do	Mayor, Town Hall, Imboden, Ark. 72434.	May 3, 1974. Oct. 10, 1975.
Do	Logan	Paris, city of	H 050132A 01 through H 050132A 03	do	Mayor, City of Paris, City Hall, Paris, Ark. 72855.	May 31, 1974. Oct. 10, 1975.
Do	Marion	Flippin, city of	H 050135A 01	do	Mayor, City Hall, Flippin, Ark. 72634.	June 7, 1974.
Do	do	Yellville, city of	H 050136A 01	do	Mayor, City Hall, Yellville, Ark. 72687.	Nov. 30, 1973. Oct. 10, 1975.
Do	Miller	Texarkana, city of.	H 050137A 01 through H 050137A 05	do	Mayor, City Hall, Texarkana, Ark. 75501.	May 24, 1974. Oct. 10, 1975.
Do	Monroe	Brinkley, city of	H 050155A 01 through H 050155A 02	do	Mayor, City Hall, Brinkley, Ark. 72021.	May 10, 1974. Oct. 10, 1975.
Do	Poinsett	Harrisburg, city of.	H 050173A 01	do	Mayor, City Hall, Harrisburg, Ark. 72432.	May 10, 1974. Oct. 10, 1975.
Do	do	Marked Tree, city of.	H 050175A 01	do	Mayor, City Hall, Marked Tree, Ark. 72365.	Oct. 26, 1973. Oct. 10, 1975.
Do	St. Francis	Caldwell, town of	H 050185A 01	do	Mayor, Town Hall, Caldwell, Ark. 72222.	Nov. 1, 1974. Oct. 10, 1975.
Do	White	McRae, city of	H 050228A 01	do	Mayor, City Hall, McRae, Ark. 72102.	Mar. 8, 1974. Oct. 10, 1975.
California	Colusa	Williams, city of	H 060024A 01	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 600 South Commonwealth Ave., Los Angeles, Calif. 90005.	Mayor, City Hall, 810 E St., Williams, Calif. 95987.	Mar. 29, 1974. Oct. 10, 1975.
Do	Los Angeles	La Mirada, city of	H 060131A 01 through H 060131A 03	do	Mayor, 13700 La Mirada Blvd., La Mirada, Calif. 90638.	June 28, 1974. Oct. 10, 1975.
Do	Marin	Mill Valley, city of.	H 060177A 01 through H 060177A 04	do	Director of Public Works, P.O. Box 31, Mill Valley, Calif. 94941.	June 7, 1974. Oct. 10, 1975.
Do	Placer	Auburn, city of	H 060240A 01 through H 060240A 03	do	Mayor, City Hall, 1103 High St., Auburn, Calif. 95603.	May 31, 1974.
Do	do	Lincoln, city of	H 060241A 01	do	Mayor, City of Lincoln, 517 G St., Lincoln, Calif. 95648.	May 24, 1974. Oct. 10, 1975.
Do	San Mateo	Brisbane, city of	H 060314A 01 through H 060314A 03	do	Mayor, City Hall, 44 Visitation Ave., Brisbane, Calif. 94005.	May 24, 1974.
Do	Siskiyou	Dunsmuir, city of	H 060363A 01 through H 060363A 02	do	Mayor, Cedar St. and Dunsmuir Ave., Dunsmuir, Calif. 96025.	May 24, 1974. Oct. 10, 1975.
Do	Tulare	Lindsay, city of	H 060405A 01 through H 060405A 02	do	Mayor, City Hall, 251 Honolulu St., Lindsay, Calif. 93247.	Mar. 1, 1974. Oct. 10, 1975.
Do	Tuolumne	Sonora, city of	H 060412A 01	do	Mayor, City Hall, 94 North Washington St., Sonora, Calif. 95370.	May 31, 1974. Oct. 10, 1975.
Do	El Dorado	South Lake Tahoe, city of.	H 065060A 01 through H 065060A 05	do	Mayor, City Hall, 1275 Meadow Crest Rd., South Lake Tahoe, Calif. 95705.	July 19, 1974. Oct. 10, 1975.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
District of Columbia.			H 110001A 01 through H 110001A 23	District of Columbia Insurance Department, North Potomac Bldg., Room 512, 614 H St. NW., Washington, D.C. 20001.	Mayor, Room 520, District Bldg., 14th and E Sts. NW., Washington, D.C. 20004.	Nov. 1, 1974. Oct. 10, 1975.
Illinois	Champaign	Sidney, village of.	H 170033A 01	Governor's Task Force on Flood Control, 300 North State St., Room 1010, P.O. Box 475, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Village President, Village Hall, Sidney, Ill. 61877.	Jan. 16, 1974. Oct. 10, 1975.
Do	Cook	Indian Head Park, village of.	H 170110A 01	do	Village President, 201 Acalia Dr., Indian Head Park, Ill. No ZIP.	Apr. 5, 1974. Oct. 10, 1975.
Do	do	La Grange Park, village of.	H 170115A 01 through H 170115A 02	do	Village President, 447 North Catherine Ave., La Grange Park, Ill. 60525.	June 28, 1974. Oct. 10, 1975.
Do	Iroquois	Cissna Park, village of.	H 170289A 01	do	Mayor, Box 101, Cissna Park, Ill. 60924.	Feb. 22, 1974. Oct. 10, 1975.
Do	Lake	Winthrop Harbor, village of.	H 170398A 01 through H 170398A 02	do	Mayor, 830 Sheridan Rd., Winthrop Harbor, Ill. 60096.	Mar. 8, 1974. Oct. 10, 1975.
Do	Perry	Pinckneyville, city of.	H 170640A 01 through H 170640A 02	do	Mayor, 110-114 South Walnut, Pinckneyville, Ill. 62274.	Mar. 22, 1974. Oct. 10, 1975.
Do	do	Woodland, village of.	H 170819A 01	do	Mayor, Box 103, Woodland, Ill. 60974.	Mar. 21, 1975. Oct. 10, 1975.
Indiana	Johnson	Edinburg, town of.	H 180113A 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Town Board, President, Town Hall, Edinburg, Ind. 46124.	Feb. 1, 1974. Oct. 10, 1975.
Do	Madison	Ingalls, town of.	H 180155A 01 through H 180155A 02	do	Town Board President, Ingalls, Ind. 46048.	May 17, 1974.
Kansas	Johnson	Prairie Village, city of.	H 200175A 01 through H 200175A 02	Division of Water Resources, Kansas Department of Agriculture, 1720 South Topeka Ave., Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, 7700 Mission Rd., Prairie Village, Kans. 66208.	June 14, 1974. Oct. 10, 1975.
Do	Meade	Meade, city of.	H 200219A 01	do	City Superintendent, 132 South Fowler St., Meade, Kans. 67864.	Feb. 1, 1974. Oct. 10, 1975.
Do	Ness	Ness City, city of.	H 200244A 01	do	Mayor, City Bldg., Ness City, Kans. 67560.	Mar. 22, 1974. Oct. 10, 1975.
Do	Osborne	Osborne, city of.	H 200255A 01	do	Mayor, City Hall, Osborne, Kans. 67473.	Mar. 15, 1974.
Do	Phillips	Phillipsburg, city of.	H 200267A 01	do	Mayor, City Hall, 425 E St., Phillipsburg, Kans. 67661.	June 28, 1974. Oct. 10, 1975.
Do	Rush	La Crosse, city of.	H 200308A 01	do	Mayor, City Hall, La Crosse, Kans. 67548.	Feb. 22, 1974. Oct. 10, 1975.
Louisiana	Calcasieu Parish	Iowa, town of.	H 220039A 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Physical Planner, Imperial-Calcasieu Regional Planning Commission, Town of Iowa, Lake Charles, La. 70601.	May 24, 1974. Oct. 10, 1975.
Maine	Aroostook	Limestone, town of.	H 230023A 01 through H 230025A 12	Office of Civil Emergency Preparedness, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Town Manager, 27 Church St., Limestone, Maine 04750.	June 7, 1974. Oct. 10, 1975.
Do	Somerset	Skowhegan, town of.	H 230128A 01 through H 230128A 19	do	Administrative Assistant, Municipal Bldg., Skowhegan, Maine 04976.	Oct. 18, 1974.
Do	York	Kennebunk, town of.	H 230151A 01 through H 230151A 15	do	Chairman, Board of Selectmen, 1 Summer St., Kennebunk, Maine 04043.	June 28, 1974. Oct. 10, 1974.
Michigan	Hillsdale	Litchfield, city of.	H 260409A 01	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	Acting Manager, City Hall, Litchfield, Mich. 49252.	July 11, 1975. Oct. 10, 1975.
Minnesota	Cass	East Gull Lake, city of.	H 270059A 01 through H 270095A 01	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City of East Gull Lake, Route 10, Brainerd, Minn. 56401.	Dec. 20, 1974. Oct. 10, 1975.
Do	Ramsey	Shoreview, city of.	H 270384A 01 through H 270384A 05	do	City Manager, 4665 North Victoria, Shoreview, Minn. 55112.	June 14, 1974. Oct. 10, 1975.
Missouri	Buchanan	St. Joseph, city of.	H 290043A 01 through H 290043A 14	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 205 East High St., Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City Hall, Room 208, 11th and St. Joseph, Mo. No ZIP.	June 7, 1974. Oct. 10, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Warren	Marthasville, village of.	H 290444A 01	do	Executive Director, Regional Planning, Village of Marthasville, 1205 East Old Highway, P.O. Box 343, Warrenton, Mo. 63383.	Sept. 13, 1974.
Nebraska	Butler	Bruno, village of.	H 3100271 01	Nebraska Natural Resources Commission, 7th Floor, Terminal Bldg., Lincoln, Nebr. 68508. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Village Attorney for Village of Bruno, P.O. Box 46, Sabata Bldg., David City, Nebr. 68632.	Nov. 22, 1974. Oct. 10, 1975.
Do	Hall	Doniphan, village of.	H 310102A 01	do	Chairman, Board of Trustees, Village Hall, Doniphan, Nebr. 68832.	Jan. 24, 1975.
Do	Keith	Ogallala, city of.	H 310129A 01 through H 310129A 04	do	City Manager, 410 East 2d St., Ogallala, Nebr. 69153.	May 31, 1974.
New York	Broome	Binghamton, town of.	H 360039A 01 through H 360039A 08	New York State Department of Environmental Conservation, Division of Resources, Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 2 World Trade Center, New York, N.Y. 10047.	Town Supervisors, Town of Binghamton, Carmen Rd., Rural Delivery No. 2, Binghamton, N.Y. 13903.	June 7, 1974. Oct. 10, 1975.
Do	Broome	Maine, town of.	H 360051A 01 through H 360051A 05	do	Town Supervisor, Town of Maine, Box 120, Main Rd., Endicott, N.Y. 13760.	May 17, 1974. Oct. 10, 1975.
Do	Cayuga	Springport, town of.	H 360125A 01 through H 360125A 08	do	Town Supervisor, Town of Springport, Rural Delivery No. 1, Union Springs, N.Y. 13160.	May 17, 1974. Oct. 10, 1975.
Do	Tioga	Newark Valley, town of.	H 360835A 01 through H 360835A 04	do	Town Supervisors, 9 Franklin Ave., Newark Valley, N.Y. 13811.	Feb. 22, 1974. Oct. 10, 1975.
Do	Warren	Glens Falls, city of.	H 360872A 01 through H 360872A 03	do	Mayor, 42 Ridge St., Glens Falls, N.Y. 12801.	May 31, 1974.
Do	Cattaraugus	Allegany, village of.	H 360967A 01	do	Mayor, Town Hall, Box 185, Allegany, N.Y. 14706.	Nov. 9, 1973. Oct. 30, 1975.
Do	Wayne	Walworth, town of.	H 361228A 01 through H 361228A 09	do	Town Supervisor, Sherburn Rd., Walworth, N.Y. 14568.	Dec. 13, 1974. Oct. 10, 1975.
Do	Tioga	Spencer, village of.	H 361471A 01 through H 361471A 02	do	Mayor, 35 Owego St., Spencer, N.Y. 14883.	Nov. 15, 1974.
Ohio	Cuyahoga	Warrensville Heights, city of.	H 390135A 01 through H 390135A 03	Ohio Department of Natural Resources, Fountain Sq., Flood Insurance Coordination Bldg., Columbus, Ohio 43224. Ohio Insurance Department, 447 East Broad St., Columbus, Ohio 43215.	Mayor, 4301 Warrensville Center, Warrensville Heights, Ohio. No ZIP.	Mar. 15, 1974. Oct. 10, 1975.
Oklahoma	Noble	Red Rock, city of.	H 400135A 01	Oklahoma Water Resources Board, 5th Floor, Jim Thorpe Bldg., Oklahoma City, Okla. 73105. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, City Hall, Red Rock, Okla. 74651.	Nov. 29, 1974. Oct. 10, 1975.
Pennsylvania	Bradford	Troy, borough of.	H 420179A 01 through H 420179A 03	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Borough Manager, 110 Elmira St., Box 356, Troy, Pa. 16947.	May 10, 1974. Oct. 10, 1975.
Do	Fayette	Uniontown, city of.	H 420466A 01 through H 420466A 04	do	Mayor, Gallatin National Bank Bldg., Uniontown, Pa. 15401.	June 14, 1974. Oct. 10, 1975.
Do	Indiana	Plumville, borough of.	H 420504A 01	do	Borough Council President, Plumville, Pa. 16246.	Aug. 9, 1974.
Do	Jefferson	Sykesville, borough of.	H 420515A 01 through H 420515A 03	do	Borough President, 29 East Main, Sykesville, Pa. 17044.	Apr. 12, 1974. Oct. 10, 1975.
Do	Lycoming	Watson, township of.	H 420661A 01 through H 420661A 07	do	Board of Supervisors, Township of Watson, Jersey Shore, Pa. 17740.	Aug. 9, 1974. Oct. 10, 1975.
Do	Mifflin	Lewistown, borough of.	H 420687A 01 through H 420687A 02	do	Mayor, 2 East 3rd St., Lewistown, Pa. 17044.	July 20, 1973. Oct. 10, 1975.
Do	Snyder	Beavertown, borough of.	H 420805A 01	do	Mayor, Beavertown, Pa. 17813.	May 31, 1974. Oct. 10, 1975.
Do	Centre	Boggs, township of.	H 421193A 01 through H 421193A 07	do	Township Supervisors, Chairman, Township of Boggs, Rural Delivery No. 2, Howard, Pa. 16841.	Sept. 13, 1974. Oct. 10, 1975.
Do	Bradford	Ulster, township of.	H 421218A 01 through H 421218A 03	do	Township Supervisors, Chairman, Rural Delivery No. 2, Ulster, Pa. 18850.	Sept. 20, 1974. Oct. 10, 1975.
Do	Crawford	Troy, township of.	H 421572A 01 through H 421572A 04	do	Township Supervisors, Township of Troy, Rural Delivery No. 4, Titusville, Pa. 16354.	Nov. 1, 1974. Oct. 10, 1975.
Do	Wyoming	Noxen, township of.	H 422205A 01 through H 422205A 08	do	Township Supervisors, Chairman, Rural Delivery Box 99, Noxen, Pa. 18636.	Nov. 29, 1974. Oct. 10, 1975.
Do	Cambria	Edensburg, borough of.	H 422260A 01 through H 422260A 02	do	Borough Council, President, 300 West High St., Ebensburg, Pa. 15931.	Nov. 22, 1974. Oct. 10, 1975.
South Carolina	Beaufort	Port Royal, town of.	H 450028A 01 through H 450028A 03	South Carolina Water Resources Commission, P.O. Box 4515, Columbia, S.C. 29240. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Mayor, P.O. Drawer 8, Port Royal, S.C. 29935.	June 14, 1974. Oct. 10, 1975.
Do	Horry	Atlantic Beach, town of.	H 450222A 01	do	Mayor, 301 30th Ave. South, Atlantic Beach, S.C. 29582.	Aug. 23, 1974.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
South Dakota	Faulk	Faulkton, city of	H 460175A 01	State Planning Bureau, Office of Executive Management, State Capitol Bldg., Pierre, S. Dak. 57501. South Dakota Department of Insurance, Insurance Bldg., Pierre, S. Dak. 57501.	City Auditor, City Hall, Faulkton, S. Dak. 57438.	Feb. 21, 1975. Oct. 10, 1975.
Utah	Garfield	Hatch, town of	H 490068A 01	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Town President, Town Hall, Hatch, Utah 84735.	Feb. 7, 1975. Oct. 10, 1975.
Virginia	Craig	New Castle, town of.	H 510226A 01	Bureau of Water Control Management, State Control Board, P.O. Box 11143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Mayor, New Castle, Va. 24127	Aug. 9, 1974.
Washington	Adams	Washtucna, town of.	H 530006A 01	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Mayor, Town Hall, Washtucna, Wash. 99371.	Dec. 27, 1974. Oct. 10, 1975.
West Virginia	Jefferson	Ranson, city of	H 540068B 01 through H 540068B 02	Office of Federal-State Relations, Division of Planning and Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305. Mr. Donald W. Brown, Insurance Commissioner, 1800 Washington St., Building No. 3, Room 643, Charleston, W. Va. 25305.	Mayor, City Hall, Ranson, W. Va. 25438.	May 3, 1974. Apr. 25, 1975.
Do	Kanawha	Glasgow, town of	H 540078A 01	do	Mayor, Town Hall, Glasgow, W. Va. 25086.	Mar. 8, 1974. Oct. 10, 1975.
Wisconsin	Columbia	Wyocena, village of.	H 550066A 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53703.	Village President, Wyocena, Wis. 53969.	Apr. 12, 1974. Oct. 10, 1975.
Do	Dodge	Beaver Dam, city of.	H 550095A 01 through H 550095A 02	do	Mayor, City Hall, Beaver Dam, Wis. 53916.	Dec. 17, 1973.
Do	Fond Du Lac	Fairwater, village of.	H 5501354 01	do	Village President, Box F, Fairwater, Wis. 53931.	Nov. 8, 1974. Oct. 10, 1975.
Do	Green Lake	Markesan, city of	H 550169A 01	do	Mayor, Box 352, Markesan, Wis. 53946	May 10, 1974. Oct. 10, 1975.
Do	Polk	St. Croix Falls, city of.	H 550337A 01 through H 550337A 02	do	Mayor, City Office, St. Croix Falls, Wis. 54024.	May 24, 1974.
Do	Racine	Rochester, village of.	H 550352A 01	do	Village President, Box 52, Rochester, Wis. 53167.	Jan. 9, 1974.
Wyoming	Weston	Newcastle, city of.	H 560051A 01	Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyenne, Wyo. 82001. Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001.	City Engineer for Newcastle, Plains Engineering, P.O. Box 727, Newcastle, Wyo. 82701.	Aug. 30, 1974. Oct. 10, 1975.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: September 25, 1975.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.75–27485 Filed 10–15–75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7378]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Determination of Sources of Income; Income Derived by a Foreign Central Bank of Issue From Obligations of the United States or From Bank Deposits
States or From Bank Deposits; Correction

On October 2, 1975, T.D. 7378 was published in the FEDERAL REGISTER (40 FR 45427). The corrections listed below are made to the Income Tax Regulations (26 CFR Part 1), as prescribed by T.D. 7378:

(1) In § 1.861–2(d), line 14 (page 45432), the word "within" should be changed to read "without".

(2) In § 1.861–3(a)(3), line 23 (page 45432), the word "groups" should be changed to read "gross".

(3) In § 1.861–3(a)(3), line 27 (page 45432), the language "by such corporation" should be inserted between the word "conduct" and the word "of".

(4) In § 1.861–4(a)(4) line 17 (page 45434), the language reading "§ 274–5" should be changed to read "§ 1.274–5".

(5) In § 1.862–1 (page 45434), delete the flush material following paragraph (a)(1)(vi).

(6) In § 1.895–1(e), line 2 (page 45435), the language "and (E)," should be inserted between "(A)" and the word "and."

ROBERT A. BLEY,
Acting Director, Legislation and Regulations Division.

[FR Doc.75–27727 Filed 10–15–75;8:45 am]

[T.D. 7383]

PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Nonbank Trustees of Pension and Profit-Sharing Trusts Benefiting Owner-Employees

The following temporary regulations relate to the amendment made to the Internal Revenue Code of 1954 by section 1022(c) of the Employee Retirement Income Security Act of 1974 (Pub. L. 93–406, 88 Stat. 939) (hereinafter called the "Act"), relating to pension and profit-sharing trusts benefiting owner-employees.

Section 1022(c) of the Act permits a person who is not a bank to be the trustee of a qualified pension or profit-sharing trust benefiting owner-employees if he demonstrates to the satisfaction of the Commissioner that he will administer the trust in a manner consistent with the law. Such a demonstration must be made by filing a written application. In general, the applicant must demonstrate his ability to act within the accepted rules of fiduciary conduct, experience and competence with respect to accounting for the interests of a large number of individuals, and familiarity with other activities normally associated with the handling of retirement funds. Thus, the applicant must be prepared to comply with specified rules of fiduciary conduct. In addition, he must possess such attributes as continuity, permanent location, financial responsibility, and fiduciary experience. For a plan in existence on January 1, 1974, section 1022(c) of the Act shall apply to the first plan year commencing after December 31, 1975, and all subsequent plan years.

ADOPTION OF REGULATIONS

To prescribe temporary regulations relating to the amendment of the Internal Revenue Code of 1954 by section 1022(c) of the Employee Retirement Income Security Act of 1974 which shall remain in effect until superseded by permanent regulations, the following regulations are hereby adopted:

§ 11.401(d)(1)–1 Nonbank trustees of trusts benefiting owner-employees.

(a) *Effective dates.*—(1) *General rule.* For a plan not in existence on January 1, 1974, this section shall apply to the first plan year commencing after September 2, 1974, and all subsequent plan years.

(2) *Existing plans.* For a plan in existence on January 1, 1974, this section shall apply to the first plan year commencing after December 31, 1975, and all subsequent plan years.

(b) *In general.* For plan years to which this section applies, the trustee of a trust described in § 1.401–12(c)(1)(i) may (notwithstanding § 1.401–12(c)) be a person other than a bank (within the meaning of section 401(d)(1)) if he demonstrates to the satisfaction of the Commissioner that the manner in which he will administer trusts will be consistent with the requirements of section 401. Such demonstration must be made by a written application to the Commissioner of Internal Revenue, Attention: E:EP, Internal Revenue Service, Washington, D.C. 20224. Such application must meet the requirements set forth in paragraphs (c) to (g) of this section.

(c) *Fiduciary ability.* The applicant must demonstrate in detail his ability to act within the accepted rules of fiduciary conduct. Such demonstration must include the following elements of proof:

(1) *Continuity.* (i) The applicant must assure the uninterrupted performance of its fiduciary duties notwithstanding the death or change of its owners. Thus, for example, there must be sufficient diversity in the ownership of the applicant to ensure that the death or change of its owners will not interrupt the conduct of its business. Therefore, the applicant cannot be an individual.

(ii) Sufficient diversity in the ownership of an incorporated applicant means that individuals each of whom owns more than 20 percent of the voting stock in the applicant own, in the aggregate, no more than 50 percent of such stock.

(iii) Sufficient diversity in the ownership of an applicant which is a partnership means that—

(A) Individuals each of whom owns more than 20 percent of the profits interest in the partnership own, in the aggregate, no more than 50 percent of such profits interest, and

(B) Individuals each of whom owns more than 20 percent of the capital interest in the partnership own, in the aggregate, no more than 50 percent of such capital interest.

(iv) For purposes of this subparagraph, the ownership of stock and of capital and profits interests shall be determined in accordance with the rules for constructive ownership of stock provided in section 1563(e) and (f)(2). For this purpose, the rules for constructive ownership of stock provided in section 1563(e) and (f)(2) shall apply to a capital or profits interest in a partnership as if it were a stock interest.

(2) *Established location.* The applicant must have an established place of business in the United States where he is accessible during every business day.

(3) *Fiduciary experience.* The applicant must have fiduciary experience or expertise sufficient to ensure that he will be able to perform his fiduciary duties. Evidence of fiduciary experience must include proof that a significant part of the business of the applicant consists of exercising fiduciary powers similar to those he will exercise if his application is approved. Evidence of fiduciary expertise must include proof that the applicant employs personnel experienced in the administration of fiduciary powers similar to those he will exercise if his application is approved.

(4) *Fiduciary responsibility.* The applicant must assure compliance with the rules of fiduciary conduct set out in paragraph (f) of this section.

(5) *Financial responsibility.* The applicant must exhibit a high degree of solvency commensurate with the obligations imposed by this section. Among the factors to be taken into account are the applicant's net worth, his liquidity, and his ability to pay his debts as they come due.

(d) *Capacity to account.* The applicant must demonstrate in detail his experience and competence with respect to accounting for the interests of a large number of individuals (including calculating and allocating income earned and paying out distributions to payees). Examples of accounting for the interests of a large number of individuals include accounting for the interests of a large number of shareholders in a regulated investment company and accounting for the interests of a large number of variable annuity contract holders.

(e) *Fitness to handle funds*—(1) *In general.* The applicant must demonstrate in detail his experience and competence with respect to other activities normally associated with the handling of retirement funds.

(2) *Examples.* Examples of activities normally associated with the handling of retirement funds include:

(i) To receive, issue receipts for, and safely keep securities;

(ii) To collect income;

(iii) To execute such ownership certificates, to keep such records, make such returns, and render such statements as are required for Federal tax purposes;

(iv) To give proper notification regarding all collections;

(v) To collect matured or called principal and properly report all such collections;

(vi) To exchange temporary for definitive securities;

(vii) To give proper notification of calls, subscription rights, defaults in principal or interest, and the formation of protective committees;

(viii) To buy, sell, receive, or deliver securities on specific directions.

(f) *Rules of fiduciary conduct*—(1) *Administration of fiduciary powers.* The applicant must demonstrate that under applicable regulatory requirements, corporate or other governing instruments, or its established operating procedures:

(i)(A) The owners or directors of the applicant will be responsible for the proper exercise of fiduciary powers by the applicant. Thus, all matters pertinent thereto, including the determination of policies, the investment and disposition of property held in a fiduciary capacity, and the direction and review of the actions of all employees utilized by the applicant in the exercise of his fiduciary powers, will be the responsibility of the owners or directors. In discharging this responsibility, the owners or directors may assign to designated employees, by action duly recorded, the administration of such of the applicant's fiduciary powers as may be proper to assign.

(B) A written record will be made of the acceptance and of the relinquishment or closing out of all fiduciary accounts, and of the assets held for each account.

(C) At least once during each period of 12 months all the assets held in or for each fiduciary account where the applicant has investment responsibilities will be reviewed to determine the advisability of retaining or disposing of such assets.

(ii) All employees taking part in the performance of the applicant's fiduciary duties will be adequately bonded. Nothing in this subdivision shall require any person to be bonded in contravention of section 412(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1112(d)).

(iii) The applicant will designate, employ, or retain legal counsel who will be readily available to pass upon fiduciary matters and to advise the applicant.

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(iv) In order to segregate the performance of his fiduciary duties from other business activities, the applicant will maintain a separate trust division under the immediate supervision of an individual designated for that purpose. The trust division may utilize the personnel and facilities of other divisions of the applicant, and other divisions of the applicant may utilize the personnel and facilities of the trust division, as long as the separate identity of the trust division is preserved.

(2) *Adequacy of net worth.* (i) Not less frequently than once during each calendar year the applicant will determine the value of the assets held by him in trust. Such assets will be valued at their current value, except that the assets of an employee benefit plan to which section 103(b)(3)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023(b)(3)(A)) applies will be considered to have the value stated in the most recent annual report of the plan.

(ii) No fiduciary account will be accepted by the applicant unless his net worth (determined as of the end of the most recent taxable year) exceeds the greater of—

(A) $100,000, or

(B) Four percent of the value of all of the assets held by the applicant in trust (determined as of the most recent valuation date).

(iii) The applicant will take whatever lawful steps are necessary (including the relinquishment of fiduciary accounts) to ensure that his net worth (determined as of the close of each taxable year) exceeds the greater of—

(A) $50,000, or

(B) Two percent of the value of all of the assets held by the applicant in trust (determined as of the most recent valuation date).

(3) *Audits.* (i) The applicant will at least once during each period of 12 months cause detailed audits of the fiduciary books and records to be made by an independent qualified public accountant, and at such time will ascertain whether the fiduciary accounts have been administered in accordance with law, this section, and sound fiduciary principles. Such audits shall be conducted in accordance with generally accepted auditing standards, and shall involve such tests of the fiduciary books and records of the applicant as are considered necessary by the independent qualified public accountant.

(ii) In the case of an applicant who is regulated, supervised, and subject to periodic examination by a State or Federal agency, such applicant may adopt an adequate continuous audit system in lieu of the periodic audits required by paragraph (f)(3)(i) of this section.

(iii) A report of the audits and examinations required under this subparagraph, together with the action taken thereon, will be noted in the fiduciary records of the applicant.

(4) *Funds awaiting investment or distribution.* Funds held in a fiduciary capacity by the applicant awaiting investment or distribution will not be held uninvested or undistributed any longer than is reasonable for the proper management of the account.

(5) *Custody of investments.* (i) Except for investments pooled in a common investment fund in accordance with the provisions of paragraph (f)(6) of this section, the investments of each account will not be commingled with any other property.

(ii) Fiduciary assets requiring safekeeping will be deposited in an adequate vault. A permanent record will be kept of fiduciary assets deposited in or withdrawn from the vault.

(6) *Common investment funds.* Where not in contravention of local law the assets of an account may be pooled in a common investment fund (as defined in paragraph (f)(8)(iii) of this section) which must be administered as follows:

(i) Each common investment fund must be established and maintained in accordance with a written agreement, containing appropriate provisions as to the manner in which the fund is to be operated, including provisions relating to the investment powers and a general statement of the investment policy of the applicant with respect to the fund; the allocation of income, profits and losses; the terms and conditions governing the admission or withdrawal of participations in the fund; the auditing of accounts of the applicant with respect to the fund; the basis and method of valuing assets in the fund, setting forth specific criteria for each type of asset; the minimum frequency for valuation of assets of the fund; the period following each such valuation date during which the valuation may be made (which period in usual circumstances may not exceed 10 business days); the basis upon which the fund may be terminated; and such other matters as may be necessary to define clearly the rights of participants in the fund. A copy of the agreement must be available at the principal office of the applicant for inspection during all business hours, and upon request a copy of the agreement must be furnished to any interested person.

(ii) All participations in the common investment fund must be on the basis of a proportionate interest in all of the assets.

(iii) Not less frequently than once during each period of 3 months applicant must determine the value of the assets in the fund as of the date set for the valuation of assets. No participation may be admitted to or withdrawn from the fund except (A) on the basis of such valuation and (B) as of such valuation date. No participation may be admitted to or withdrawn from the fund unless a written request for or notice of intention of taking such action has been entered on or before the valuation date in the fiduciary records of the applicant. No request or notice may be canceled or countermanded after the valuation date.

(iv) (A) The applicant must at least once during each period of 12 months cause an adequate audit to be made of the common investment fund by a qualified public accountant.

(B) The applicant must at least once during each period of 12 months prepare a financial report of the fund which, based upon the above audit, must contain a list of investments in the fund showing the cost and current market value of each investment; a statement for the period since the previous report showing purchases, with cost; sales, with profit or loss and any other investment changes; income and disbursements; and an appropriate notation as to any investments in default.

(C) The applicant must transmit and certify the accuracy of the financial report to the administrator of each plan participating in the common investment fund within 120 days after the end of the plan year.

(v) When participations are withdrawn from a common investment fund, distributions may be made in cash or ratably in kind, or partly in cash and partly in kind, provided that all distributions as of any one valuation date must be made on the same basis.

(vi) If for any reason an investment is withdrawn in kind from a common investment fund for the benefit of all participants in the fund at the time of such withdrawal and such investment is not distributed ratably in kind, it must be segregated and administered or realized upon for the benefit ratably of all participants in the common investment fund at the time of withdrawal.

(7) *Books and records.* (i) The applicant must keep his fiduciary records separate and distinct from other records. All fiduciary records must be so kept and retained for as long as the contents thereof may become material in the administration of any internal revenue law. The fiduciary records must contain full information relative to each account.

(ii) The applicant must keep an adequate record of all pending litigation to which he is a party in connection with the exercise of fiduciary powers.

(8) *Definitions.* For purposes of this paragraph and paragraph (c)(5) of this section—

(i) The term "account" or "fiduciary account" means a trust described in section 401(a) (including a custodial account described in section 401(f), a custodial account described in section 403(b)(7), or an individual retirement account described in section 408(a) (including a custodial account described in section 408(h)).

(ii) The term "administrator" means an administrator as defined in section 3(16)(A) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1002(16)(A).

(iii) The term "common investment fund" means a trust which satisfied the following requirements:

(A) The trust consists of all or part of the assets of several accounts which have been established with the applicant, and

(B) The trust is described in section 401(a) and exempt from tax under section 501(a), or is a common investment fund described in § 1.408-2(b)(5) (as published with notice of proposed rule making in the FEDERAL REGISTER on February 21, 1975, at 40 FR 7661), or both.

(iv) The term "employee benefit plan" means an employee benefit plan as defined in section 3(2) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1002(2).

(v) The term "fiduciary records" means all matters which are written, transcribed, recorded, received or otherwise come into the possession of the applicant and are necessary to preserve information concerning the acts and events relevant to the fiduciary activities of the applicant.

(vi) The term "qualified public accountant" means a qualified public accountant as defined in section 103(a)(3)(D) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1023(a)(3)(D).

(vii) The term "net worth" means the amount of the applicant's assets less the amount of his liabilities, as determined in accordance with generally accepted accounting principles.

(g) *Special rules*—(1) *Passive trustee.* (i) An applicant who undertakes to act only as a passive trustee may be relieved of one or more of the requirements of this section upon clear and convincing proof that such requirements are not germane, under all the facts and circumstances, to the manner in which he will administer any trust. A trustee is a passive trustee only if under the written trust instrument he has no discretion to direct the investment of the trust funds or any other aspect of the business administration of the trust, but is merely authorized to acquire and hold particular investments specified by the trust instrument. Thus, for example, in the case of an applicant who undertakes merely to acquire and hold the stock of a single regulated investment company, the requirements of paragraph (f)(1)(i)(C), (1)(iv), and (6) of this section shall not apply and no negative inference shall be drawn from the applicant's failure to demonstrate his experience or competence with respect to the activities described in paragraph (e)(2)(v) to (viii) of this section.

(ii) The determination letter issued to an applicant who is approved by reason of this subparagraph shall state that the applicant is authorized to act only as a passive trustee.

(2) *Federal or State regulation.* Evidence that an applicant is subject to Federal or State regulation with respect to one or more relevant factors shall be given weight in proportion to the extent that such regulatory standards are consonant with the requirements of section 401.

(3) *Savings account.* (i) An applicant will be presumed to meet the requirements of this section upon proof of the following:

(A) The investment of the trust assets will be solely in deposits in the applicant;

(B) Section 4975(c) will not apply to such investment by reason of section 4975(d)(4); and

(C) Such deposits will be fully insured by an agency of the United States or a State.

(ii) The determination letter issued to an applicant who is approved by reason of this subparagraph shall state that the applicant is authorized to act as the trustee of a trust only if the requirements of paragraph (g)(3)(i) of this section are satisfied.

(4) *Notification of Commissioner.* The applicant must notify the Commissioner in writing of any change which affects the continuing accuracy of any representation made in the application required by this section, whether the change occurs before or after the applicant receives a determination letter. Such notification must be addressed to Commissioner of Internal Revenue, Attention: E:EP, Internal Revenue Service, Washington, D.C. 20224.

(5) *Substitution of trustee.* No applicant shall be approved unless he undertakes to act as trustee only under trust instruments which contain a provision to the effect that the employer is to substitute another trustee upon notification by the Commissioner that such substitution is required because the applicant has failed to comply with the requirements of this section or is not keeping such records, or making such returns, or rendering such statements as are required by forms or regulations.

(6) *Revocation.* Approval of the application required by this section may be revoked for any good and sufficient reason.

Because of the need for immediate guidance with respect to the manner of making the demonstration required by section 1022(c) of the Employee Retirement Income Act of 1974 (Pub. L. 93-406), it is found to be impracticable to issue this Treasury decision with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 401(d)(1) and 7805 Internal Revenue Code of 1954 (88 Stat. 939 and 68A Stat. 917; 26 U.S.C. 401 and 7805).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: October 15, 1975.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.75-27887 Filed 10-15-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 204—DANGER ZONE REGULATIONS

Gulf of Mexico, Matagorda Island, Texas

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.162 establishing and governing the use and navigation of a danger zone in the Gulf of Mexico, Texas, is hereby revoked, effective on October 16, 1975.

Since this revocation will result in the removal of a restriction affecting a navigable water, notice of proposed rulemaking and public procedures thereto are considered unnecessary. Accordingly, § 204.162 of Title 33 of the Code of Federal Regulations is hereby revoked, as follows:

§ 204.162 Gulf of Mexico off Matagorda Island, Texas; Air Force practice gunnery, bombing and rocket firing range. [Revoked]

Dated: September 19, 1975.

MARTIN R. HOFFMANN,
Secretary of the Army.

[FR Doc.75-27809 Filed 10-15-75;8:45 am]

PART 205—DUMPING GROUNDS REGULATIONS

Entrance to Seaports.

Pursuant to the provisions of section 4 of the River and Harbor Act of March 3, 1905 (33 Stat. 1147; 33 U.S.C. 419) § 205.80 establishing and governing the use of dumping grounds and prohibited dumping grounds in waters adjacent to and water constituting the approaches and entrances to certain ports is hereby amended with respect to paragraph (c) revoking subparagraph (9) effective on October 16, 1975.

Since this revocation will result in the removal of a restriction affecting a navigable water, notice of proposed rule making and public procedures thereto are considered unnecessary. Accordingly, § 205.80(c)(9) of Title 33 of the Code of Federal Regulations is hereby revoked as follows:

§ 205.80 Entrance to seaports.

• • • • • •

(c) • • •

(9) [Revoked]

• • • • • •

Dated: September 19, 1975.

MARTIN R. HOFFMANN,
Secretary of the Army.

[FR Doc.75-27810 Filed 10-15-75;8:45 am]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

PRIVACY ACT OF 1974

Revised Policies and Procedures for Records and Information Management

Correction

In FR Doc. 75-26394 appearing at page 45721 in the issue of Thursday, October 2, 1975, the following changes should be made:

PART 261—RECORDS AND INFORMATION MANAGEMENT

1. On page 45722 in the fourth line of § 261.1, delete the comma after the word "Act".

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PART 266—PRIVACY OF INFORMATION

2. In the fourth line of § 266.5(a)(2)(viii), on page 45724, immediately after the word "him", insert a comma.

PART 267—PROTECTION OF INFORMATION

3. On page 45726, the first word in § 267.4(b)(1) now reading "Personal", should read "Personnel".

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-6; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Bus Window Retention and Release

This notice amends Federal Motor Vehicle Safety Standard No. 217, *Bus Window Retention and Release*, 49 CFR 571.217, to clarify the marking requirements for emergency exits on buses. The amendment requires certain markings on all bus emergency exits except manually-operated windows of sufficient size and doors in buses with a GVWR of 10,000 pounds or less.

The amendment was proposed in a notice published April 18, 1975 (40 FR 17266). Comments were received from Chrysler Corporation and General Motors. Chrysler concurred with the proposal. GM, while also concurring, suggested that the wording of the amendment be modified somewhat. The amendment has been reworded to reflect more clearly the intent of this amendment, distinguishing between emergency exits that require markings and those that do not. The NHTSA has determined that special emergency exit markings are unnecessary for doors and manually-operated windows in buses with a GVWR of 10,000 pounds or less. This amendment does not exempt buses with a GVWR of 10,000 pounds or less from complying with the unobstructed openings requirements of S5.2. It only provides that the openings do not have to be marked as emergency exits. However, specially-installed emergency exits in such buses, such as push-out windows, are not exempted from the marking requirements.

The amendment also allows bus manufacturers the option of designating an emergency door as "Emergency Door" or "Emergency Exit." This will bring Standard No. 217 into conformity with current NHTSA interpretations of the emergency exit marking requirements. However, any emergency exit other than a door must have the designation "Emergency Exit."

Accordingly, S5.5.1 of 49 CFR 571.217, *Bus Window Retention and Release*, is amended to read:

§ 571.217 Standard No. 217; Bus window retention and release.

* * * * *

S5.5.1 Except for windows serving as emergency exits in accordance with S5.2.2(b) and doors in buses with a GVWR of 10,000 pounds or less, each emergency door shall have the designation "Emergency Door" or "Emergency Exit" and each push-out window or other emergency exit besides a door shall have the designation "Emergency Exit". Concise operating instructions shall be located within 6 inches of the release mechanism. When a release mechanism is not located within an occupant space of an adjacent seat, a label meeting the requirements of S5.5.2 that indicates the location of the nearest release mechanism shall be placed within that occupant space.

Example: EMERGENCY EXIT INSTRUCTIONS LOCATED NEXT TO SEAT AHEAD

* * * * *

Effective date: October 16, 1975.

(Secs. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegations of authority at 49 CFR 1.51)

Issued on October 8, 1975.

GENE G. MANNELLA,
Acting Administrator.

[FR Doc.75-27843 Filed 10-15-75;8:45 am]

[Docket No. 74-10; Notice 17]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Emergency Air Brake Systems; Correction

In FR Doc. 75-19675, appearing at page 31771 in the issue of Tuesday, July 29, 1975, on page 31772, the section designations "S5.7.4(a)" and "S5.7.4(b)" that appear in S6.1.14 of the amendment should read "S5.7.3(a)" and "S5.7.3(b)" respectively.

(Sec. 103, 119 Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51)

Issued on October 7, 1975.

GENE G. MANNELLA,
Acting Administrator.

[FR Doc.75-27844 Filed 10-15-75;8:45 am]

[Docket No. 75-14; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Seat Belt Assemblies; Correction

In FR Doc. 75-17804, appearing at page 28805 in the issue of Wednesday, July 9, 1975, on page 28806, the section designation "S4.2.1" in the first sentence of the text of S4.2.1 should read "S4.2.1.1".

(Sec. 103, 119 Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51)

Issued on October 7, 1975.

GENE G. MANNELLA,
Acting Administrator.

[FR Doc.75-27845 Filed 10-15-75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Second Revised S.O. No. 1186-A]

PART 1033—CAR SERVICE

Distribution of Privately Owned Coal Cars

At a session of the Interstate Commerce Commission, held in Washington, D.C., on the 6th day of October, 1975.

Upon further consideration of Second Revised Service Order No. 1186 (39 FR 20685, 26911, 27575, 38658, 41419, 42429; 40 FR 24526, and 34240), and good cause appearing therefor:

It is ordered, That: § 1033.1186 *Second Revised Order* No. 1186-A (Distribution of privately owned coal cars) be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies Secs. 1(10-17), 15(4) and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10-17), 15(4), (17(2))

It is further ordered, That this order shall become effective at 11:59 p.m., October 10, 1975; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-27876 Filed 10-15-75;8:45 am]

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 38147]

PART 1241—ANNUAL, SPECIAL, OR PERIODIC REPORTS CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE ACT

PART 1249—REPORTS OF MOTOR CARRIERS

PART 1250—REPORTS OF WATER CARRIERS

PART 1251—REPORTS OF FREIGHT FORWARDERS

Addition of a Schedule to the Annual Reports for Reporting of Competitive Bidding; Clayton Antitrust Act Transactions

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 2nd day of October 1975.

All common carriers subject to the Interstate Commerce Act are presently required to file certain information on contracts subject to section 10 of the Clayton Antitrust Act (15 U.S.C. 20) with this Commission within 30 days after the contract is awarded. In order that this Commission will be able to readily determine if the carriers are complying with the provisions of the Clayton Act, the pertinent information relative to competitive bidding should also be reported in the annual reports filed with this Commission. Therefore, we have added a schedule to the annual reports of the following common carriers:

Railroads, Electric Railways, Refrigerator Car Lines, Holding Companies Subject to Section 5(3), Pipelines, Express Companies, Motor Carriers of Passengers (Class I only), Motor Carriers of Property (Class I and II), Inland and Coastal Waterways Carriers (Class A and B), Freight Forwarders (Class A), and Maritime Carriers.

Since the reporting of this information in the annual report is a summary of the filings with this Commission, and carriers are required to retain such information in their files by the regulations governing preservation of records (49 CFR Parts 1220-1228), there should be no additional burden on the carriers.

Upon consideration of the above described matters and good cause appearing therefor:

It is ordered, That the schedule set forth in Appendix A of this order be adopted and included in the annual reports of all carriers required to file annual reports under 49 CFR Part 1241, 49 CFR Part 1249, 49 CFR Part 1250, and 49 CFR Part 1251.

It is further ordered, That the prescribed schedule shall be filed effective with the 1975 annual reports.

It is further ordered, That service of this order shall be made on carriers affected; and to the Governor of every state and to the Public Utilities Commission or boards of each state having jurisdiction over transportation; and the notice of this order shall be given to the general public by depositing of a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D. C., and by filing a copy with the Director, Office of Federal Register, for publication in the FEDERAL REGISTER.

(49 CFR Parts 12, 20, 304, 320, 904, 913, 1003 1012)

NOTE.—This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX A—Schedule Competitive Bidding—Clayton Antitrust Act

Section 10 of the Clayton Antitrust Act (15 U.S.C. 20) states "no common carrier engaged in commerce shall have any dealings in securities, supplies or other articles of commerce, or shall make or have any contracts for construction or maintenance of any kind, to the amount of more than $50,000, in the aggregate, in any one year, with another corporation, firm, partnership or association when the said common carrier shall have upon its board of directors or as its president, manager or as its purchasing or selling officer, or agent in the particular transaction, any person who is at the same time a director, manager, or purchasing or selling officer of, or who has any substantial interest in, such other corporation, firm, partnership or association, unless and except such purchases shall be made from, or such dealings shall be made with, the bidder whose bid is the most favorable to such common carrier, to be ascertained by competitive bidding under regulations to be prescribed by rule or otherwise by the Interstate Commerce Commission." The specification for competitive bids is found in the Code of Federal Regulations, Part 1010—Competitive Bids through Part 1010.7—Carriers Subject to the Interstate Commerce Act.

To ensure that this Section of the Clayton Antitrust Act and the Commission's regulations are being complied with, all carriers required to file this report should complete this schedule.

Nature of bid	Date published	Contract No.	Number of bidders	Method of awarding bid	Date filed with the Commission	Company awarded bid [1]

[1] Identify the company awarded the bid by including company name and address, also name and title of respondent officers, directors, selling officer, purchasing officer and/or general manager that has an affiliation with the seller.

[FR Doc.75-27875 Filed 10-15-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Brigantine National Wildlife Refuge, N.J.; Correction

Special regulations governing hunting on Brigantine National Wildlife Refuge were originally published as FR Doc. 75-24833 on page 43030 of the September 16, 1975 issue of the FEDERAL REGISTER.

These regulations are amended by adding a paragraph reading as follows:

Hunting unit 3 will be open during the regular State waterfowl season for trainees of the Young Waterfowlers Program only. Permits are required and will be issued by the Refuge Manager for designated blind sites.

ROBERT H. SHIELDS,
Regional Director,
U.S. Fish and Wildlife Service.

OCTOBER 8, 1975.

[FR Doc.75-27818 Filed 10-15-75;8:45 am]

PART 32—HUNTING

Audubon National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on October 16, 1975.

§ 32.32 Special regulations; big game, for individual wildlife refuge areas.

NORTH DAKOTA

AUDUBON NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Audubon National Wildlife Refuge, North Dakota, is permitted only in the area designated by signs as open to hunting. This open area, comprising 13,837 acres, is delineated on a map available at refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer, subject to the following special conditions:

(1) Hunting is permitted from 12 noon, c.s.t. November 15, 1975 to sunset of that day, and from sunrise until sunset of each day from November 16 through November 23, 1975.

(2) All hunters must exhibit their hunting license, deer tag, game, and vehicle contents to Federal and State officers upon request.

(3) Vehicular traffic, including the use of boats, is prohibited by hunters on the refuge during the deer season.

The provision of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through November 23, 1975.

DAVID C. MCGLAUCHLIN,
Refuge Manager, Audubon National Wildlife Refuge, Coleharbor, North Dakota.

OCTOBER 7, 1975.

[FR Doc.75-27784 Filed 10-15-75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

NONBANK TRUSTEES OF PENSION AND PROFIT-SHARING TRUSTS BENEFITING OWNER-EMPLOYEES

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by December 15, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.-702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commission by December 15, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 401(d)(1) and 7805 of the Internal Revenue Code of 1954 (88 Stat. 939 and 68A Stat. 917; 26 U.S.C. 401 and 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform such regulations to the provisions of section 1022 (c) and (f) of the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406, 88 Stat. 939, 940) (hereinafter called the "Act"), relating to pension and profit-sharing trusts benefiting owner-employees.

Section 1022(c) of the Act permits a person who is not a bank to be the trustee of a qualified pension or profit-sharing trust benefiting owner-employees if he demonstrates to the satisfaction of the Commissioner that he will administer the trust in a manner consistent with the law. Such a demonstration must be made by filing a written application. In general, the applicant must demonstrate his ability to act within the accepted rules of fiduciary conduct, experience and competence with respect to accounting for the interests of a large number of individuals, and familiarity with other activities normally associated with the handing of retirement funds. Thus, the applicant must be prepared to comply with specified rules of fiduciary conduct. In addition, he must possess such attributes as continuity, permanent location, financial responsibility, and fiduciary experience. For a plan in existence on January 1, 1974, section 1022(c) of the Act shall apply to the first plan year commencing after December 31, 1975, and all subsequent plan years.

Section 1022(f) of the Act permits a Federally insured credit union to be the trustee of a qualified pension or profit-sharing trust benefiting owner-employees.

In order to conform the Income Tax Regulations (26 CFR Part 1) to the provisions of section 1022 (c) and (f) of the Employee Retirement Income Security Act of 1974, such regulations are amended as set forth below:

PARAGRAPH 1. Section 1.401 is amended by revising section 401(d)(1) and the historical note to read as follows:

§ 1.401 Statutory provisions; qualified pension, profit-sharing, and stock bonus plans.

Sec. 401. *Qualified pension, profit-sharing, and stock bonus plans—*

• • • • •

(d) *Additional requirements for qualification of trusts and plans benefiting owner-employees.* • • •

(1) In the case of a trust which is created on or after October 10, 1962, or which was created before such date but is not exempt from tax under section 501(a) as an organization described in subsection (a) on the day before such date, the assets thereof are held by a bank or other person who demonstrates to the satisfaction of the Secretary or his delegate that the manner in which he will administer the trust will be consistent with the requirements of this section. A trust shall not be disqualified under this paragraph merely because a person (including the employer) other than the trustee or custodian so administering the trust may be granted, under the trust instrument, the power to control the investment of the trust funds either by directing investments (including reinvestments, disposals, and exchanges) or by disapproving proposed investments (including reinvestments, disposals, or exchanges). This paragraph shall not apply to a trust created or organized outside the United States before October 10, 1962, if, under section 402(c), it is treated as exempt from tax under section 501(a) on the day before such date; or, to the extent provided under regulations prescribed by the Secretary or his delegate, to a trust which uses annuity, endowment, or life insurance contracts of a life insurance company exclusively to fund the benefits prescribed by the trust, if the life insurance company supplies annually such information about trust transactions affecting owner-employees as the Secretary or his delegate shall by forms or regulations prescribe. For purposes of this paragraph, the term "bank" means a bank as defined in section 581, an insured credit union (within the meaning of section 101(6) of the Federal Credit Union Act), a corporation which under the laws of the State of its incorporation is subject to supervision and examination by the commissioner of banking or other officer of such State in charge of the administration of the banking laws of such State, and, in the case of a trust created or organized outside the United States, a bank or trust company, wherever incorporated, exercising fiduciary powers and subject to supervision and examination by governmental authority.

• • • • •

[Sec. 401 as amended by sec. 2, Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 809); sec. 2(a), Act of Oct. 23, 1962 (Pub. Law 87-863, 76 Stat. 1141); sec. 106 (d)(4), Social Security Amendments 1965 (79 Stat. 337); sec. 1022 (c) and (f), Employee Retirement Income Security Act 1974 (88 Stat. 939, 940)]

PAR. 2. Section 1.401-12 is amended as follows:

1. Paragraph (a) is amended by deleting the last sentence and inserting two new sentences in lieu thereof;
2. Paragraph (c)(1)(i) is amended;
3. Paragraph (c)(2)(iii) is amended by substituting a semicolon for the period at the end thereof;
4. Paragraph (c)(2)(iv) is added; and
5. Paragraph (n) is added.

These amended and added provisions read as follows:

§ 1.401-12 Requirements for qualification of trusts and plans benefiting owner-employees.

(a) *Introduction.* • • • Except as otherwise provided, paragraphs (b) through (m) of this section apply to taxable years beginning after December 31, 1962. Paragraph (n) of this section applies to plan years determined in accordance with paragraph (n)(1) of this section.

• • • • •

(c) *Bank trustee.* (1)(i) If a trust created after October 9, 1962, is to form a part of a qualified pension or profit-sharing plan covering an owner-employee, or if a trust created before October 10, 1962, but not exempt from tax on October 9, 1962, is to form part of such a plan, the trustee of such trust must be a bank as defined in paragraph (c)(2) of this section, unless an exception contained in paragraph (c)(4) of this section applies, or paragraph (n) of this section applies.

• • • • •

(2) • • •

(iv) Beginning on January 1, 1974, an insured credit union (within the meaning of section 101(6) of the Federal Credit Union Act, 12 U.S.C. 1752(6)).

• • • • •

(n) *Nonbank trustee*—(1) *Effective dates*—(i) *General rule.* For a plan not in existence on January 1, 1974, this paragraph shall apply to the first plan year commencing after September 2, 1974, and all subsequent plan years.

(ii) *Existing plans.* For a plan in existence on January 1, 1974, this paragraph shall apply to the first plan year commencing after December 31, 1975, and all subsequent plan years.

(2) *In general.* For plan years to which this paragraph applies, the trustee of a trust described in paragraph (c)(1)(i) of this section may be a person other than a bank if he demonstrates to the satisfaction of the Commissioner that the manner in which he will administer trusts will be consistent with the requirements of section 401. Such demonstration must be made by a written application to the Commissioner of Internal Revenue, Attention: E:EP, Internal Revenue Service, Washington, D.C. 20224. Such application must meet the requirements set forth in paragraph (n)(3) to (7) of this section.

(3) *Fiduciary ability.* The applicant must demonstrate in detail his ability to act within the accepted rule of fiduciary conduct. Such demonstration must include the following elements of proof:

(i) *Continuity.* (A) The applicant must assure the uninterrupted performance of its fiduciary duties notwithstanding the death or change of its owners. Thus, for example, there must be sufficient diversity in the ownership of the applicant to ensure that the death or change of its owners will not interrupt the conduct of its business. Therefore, the applicant cannot be an individual.

(B) Sufficient diversity in the ownership of an incorporated applicant means that individuals each of whom owns more than 20 percent of the voting stock in the applicant own, in the aggregate, no more than 50 percent of such stock.

(C) Sufficient diversity in the ownership of an applicant which is a partnership means that—

(*1*) Individuals each of whom owns more than 20 percent of the profits interest in the partnership own, in the aggregate, no more than 50 percent of such profits interest, and

(*2*) Individuals, each of whom owns more than 20 percent of the capital interest in the partnership own, in the aggregate, no more than 50 percent of such capital interest.

(D) For purposes of this subdivision, the ownership of stock and of capital and profits interests shall be determined in accordance with the rules for constructive ownership of stock provided in section 1563 (e) and (f)(2). For this purpose, the rules for constructive ownership of stock provided in section 1563 (e) and (f)(2) shall apply to a capital or profits interest in a partnership as if it were a stock interest.

(ii) *Established location.* The applicant must have an established place of business in the United States where he is accessible during every business day.

(iii) *Fiduciary experience.* The applicant must have fiduciary experience or expertise sufficient to ensure that he will be able to perform his fiduciary duties. Evidence of fiduciary experience must include proof that a significant part of the business of the applicant consists of exercising fiduciary powers similar to those he will exercise if his application is approved. Evidence of fiduciary expertise must include proof that the applicant employs personnel experienced in the administration of fiduciary powers similar to those he will exercise if his application is approved.

(iv) *Fiduciary responsibility.* The applicant must assure compliance with the rules of fiduciary conduct set out in paragraph (n)(6) of this section.

(v) *Financial responsibility.* The applicant must exhibit a high degree of solvency commensurate with the obligations imposed by this paragraph. Among the factors to be taken into account are the applicant's net worth, his liquidity, and his ability to pay his debts as they come due.

(4) *Capacity to account.* The applicant must demonstrate in detail his experience and competence with respect to accounting for the interests of a large number of individuals (including calculating and allocating income earned and paying out distributions to payees). Examples of accounting for the interests of a large number of individuals include accounting for the interests of a large number of shareholders in a regulated investment company and accounting for the interests of a large number of variable annuity contract holders.

(5) *Fitness to handle funds*—(i) *In general.* The applicant must demonstrate in detail his experience and competence with respect to other activities normally associated with the handling of retirement funds.

(ii) *Examples.* Examples of activities normally associated with the handling of retirement funds include:

(A) To receive, issue receipts for, and safely keep securities;

(B) To collect income;

(C) To execute such ownership certificates, to keep such records, make such returns, and render such statements as are required for Federal tax purposes;

(D) To give proper notification regarding all collections;

(E) To collect matured or called principal and properly report all such collections;

(F) To exchange temporary for definitive securities;

(G) To give proper notification of calls, subscription rights, defaults in principal or interest, and the formation of protective committees;

(H) To buy, sell, receive, or deliver securities on specific directions.

(6) *Rules of fiduciary conduct*—(i) *Administration of fiduciary powers.* The applicant must demonstrate that under applicable regulatory requirements, corporate or other governing instruments, or its established operating procedures:

(A)(*1*) The owners or directors of the applicant will be responsible for the proper exercise of fiduciary powers by the applicant. Thus, all matters pertinent thereto, including the determination of policies, the investment and disposition of property held in a fiduciary capacity, and the direction and review of the actions of all employees utilized by the applicant in the exercise of his fiduciary powers, will be the responsibility of the owners or directors. In discharging this responsibility, the owners or directors may assign to designated employees, by action duly recorded, the administration of such of the applicant's fiduciary powers as may be proper to assign.

(*2*) A written record will be made of the acceptance and of the relinquishment or closing out of all fiduciary accounts, and of the assets held for each account.

(*3*) At least once during each period of 12 months all the assets held in or for each fiduciary account where the applicant has investment responsibilities will be reviewed to determine the advisability of retaining or disposing of such assets.

(B) All employees taking part in the performance of the applicant's fiduciary duties will be adequately bonded. Nothing in this (B) shall require any person to be bonded in contravention of section 412(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1112 (d)).

(C) The applicant will designate, employ or retain legal counsel who will be readily available to pass upon fiduciary matters and to advise the applicant.

(D) In order to segregate the performance of his fiduciary duties from other business activities, the applicant will maintain a separate trust division under the immediate supervision of an individual designated for that purpose. The trust division may utilize the personnel and facilities of other divisions of the applicant, and other divisions of the applicant may utilize the personnel and facilities of the trust division, as long as the separate identity of the trust division is preserved.

(ii) *Adequacy of net worth.* (A) Not less frequently than once during each calendar year the applicant will determine the value of the assets held by him

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in trust. Such assets will be valued at their current value, except that the assets of an employee benefit plan to which section 103(b)(3)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023(b)(3)(A)) applies will be considered to have the value stated in the most recent annual report of the plan.

(B) No fiduciary account will be accepted by the applicant unless his net worth (determined as of the end of the most recent taxable year) exceeds the greater of—

(*1*) $100,000, or

(*2*) Four percent of the value of all of the assets held by the applicant in trust (determined as of the most recent valuation date).

(C) The applicant will take whatever lawful steps are necessary (including the relinquishment of fiduciary accounts) to ensure that his net worth (determined as of the close of each taxable year) exceeds the greater of—

(*1*) $50,000, or

(*2*) Two percent of the value of all of the assets held by the applicant in trust (determined as of the most recent valuation date).

(iii) *Audits.* (A) The applicant will at least once during each period of 12 months cause detailed audits of the fiduciary books and records to be made by an independent qualified public accountant, and at such time will ascertain whether the fiduciary accounts have been administered in accordance with law, this paragraph, and sound fiduciary principles. Such audits shall be conducted in accordance with generally accepted auditing standards, and shall involve such tests of the fiduciary books and records of the applicant as are considered necessary by the independent qualified public accountant.

(B) In the case of an applicant who is regulated, supervised, and subject to periodic examination by a State or Federal agency, such applicant may adopt an adequate continuous audit system in lieu of the periodic audits required by paragraph (n)(6)(iii)(A) of this section.

(C) A report of the audits and examinations required under this subdivision, together with the action taken thereon, will be noted in the fiduciary records of the applicant.

(iv) *Funds awaiting investment or distribution.* Funds held in a fiduciary capacity by the applicant awaiting investment or distribution will not be held uninvested or undistributed any longer than is reasonable for the proper management of the account.

(v) *Custody of investments.* (A) Except for investments pooled in a common investment fund in accordance with the provisions of paragraph (n)(6)(vi) of this section, the investments of each account will not be commingled with any other property.

(B) Fiduciary assets requiring safekeeping will be deposited in an adequate vault. A permanent record will be kept of fiduciary assets deposited in or withdrawn from the vault.

(vi) *Common investment funds.* Where not in contravention of local law the assets of an account may be pooled in a common investment fund (as defined in paragraph (n)(6)(viii)(C) of this section) which must be administered as follows:

(A) Each common investment fund must be established and maintained in accordance with a written agreement, containing appropriate provisions as to the manner in which the fund is to be operated, including provisions relating to the investment powers and a general statement of the investment policy of the applicant with respect to the fund; the allocation of income, profits and losses; the terms and conditions governing the admission or withdrawal of participations in the fund; the auditing of accounts of the applicant with respect to the fund; the basis and method of valuing assets in the fund, setting forth specific criteria for each type of asset; the minimum frequency for valuation of assets of the fund; the period following each such valuation date during which the valuation may be made (which period in usual circumstances may not exceed 10 business days); the basis upon which the fund may be terminated; and such other matters as may be necessary to define clearly the rights of participants in the fund. A copy of the agreement must be available at the principal office of the applicant for inspection during all business hours, and upon request a copy of the agreement must be furnished to any interested person.

(B) All participations in the common investment fund must be on the basis of a proportionate interest in all of the assets.

(C) Not less frequently than once during each period of 3 months the applicant must determine the value of the assets in the fund as of the date set for the valuation of assets. No participation may be admitted to or withdrawn from the fund except (*1*) on the basis of such valuation and (*2*) as of such valuation date. No participation may be admitted to or withdrawn from the fund unless a written request for or notice of intention of taking such action has been entered on or before the valuation date in the fiduciary records of the applicant. No request or notice may be canceled or countermanded after the valuation date.

(D) (*1*) The applicant must at least once during each period of 12 months cause an adequate audit to be made of the common investment fund by a qualified public accountant.

(*2*) The applicant must at least once during each period of 12 months prepare a financial report of the fund which, based upon the above audit, must contain a list of investments in the fund showing the cost and current market value of each investment; a statement for the period since the previous report showing purchases, with cost; sales, with profit or loss and any other investment changes; income and disbursements; and an appropriate notation as to any investments in default.

(*3*) The applicant must transmit and certify the accuracy of the financial report to the administrator of each plan participating in the common investment fund within 120 days after the end of the plan year.

(E) When participations are withdrawn from a common investment fund, distributions may be made in cash or ratably in kind, or partly in cash and partly in kind, provided that all distributions as of any one valuation date must be made on the same basis.

(F) If for any reason an investment is withdrawn in kind from a common investment fund for the benefit of all participants in the fund at the time of such withdrawal and such investment is not distributed ratably in kind, it must be segregated and administered or realized upon for the benefit ratably of all participants in the common investment fund at the time of withdrawal.

(vii) *Books and records.* (A) The applicant must keep his fiduciary records separate and distinct from other records. All fiduciary records must be so kept and retained for as long as the contents thereof may become material in the administration of any internal revenue law. The fiduciary records must contain full information relative to each account.

(B) The applicant must keep an adequate record of all pending litigation to which he is a party in connection with the exercise of fiduciary powers.

(viii) *Definitions.* For purposes of this subparagraph and paragraph (n)(3)(v) of this section—

(A) The term "account" or "fiduciary account" means a trust described in section 401(a) (including a custodial account described in section 401(f)), a custodial account described in section 403(b)(7), or an individual retirement account described in section 408(a) (including a custodial account described in section 408(h)).

(B) The term "administrator" means an administrator as defined in section 3(16)(A) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1002(16)(A).

(C) The term "common investment fund" means a trust which satisfies the following requirements:

(*1*) The trust consists of all or part of the assets of several accounts which have been established with the applicant, and

(*2*) The trust is described in section 401(a) and is exempt from tax under section 501(a), or is a common investment fund described in § 1.408-2(b)(5), or both.

(D) The term "employee benefit plan" means an employee benefit plan as defined in section 3(2) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1002(2).

(E) The term "fiduciary records" means all matters which are written, transcribed, recorded, received or otherwise come into the possession of the applicant and are necessary to preserve information concerning the acts and events relevant to the fiduciary activities of the applicant.

(F) The term "qualified public accountant" means a qualified public accountant as defined in section 103(a)(3)(D) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1023(a)(3)(D).

(G) The term "net worth" means the amount of the applicant's assets less the amount of his liabilities, as determined in accordance with generally accepted accounting principles.

(7) *Special rules*—(i) *Passive trustee.* (A) An applicant who undertakes to act only as a passive trustee may be relieved of one or more of the requirements of this paragraph upon clear and convincing proof that such requirements are not germane, under all the facts and circumstances, to the manner in which he will administer any trust. A trustee is a passive trustee only if under the written trust instrument he has no discretion to direct the investment of the trust funds or any other aspect of the business administration of the trust, but is merely authorized to acquire and hold particular investments specified by the trust instrument. Thus, for example, in the case of an applicant who undertakes merely to acquire and hold the stock of a single regulated investment company, the requirements of paragraph (n)(6)(i)(A)(*3*), (i)(D), and (vi) of this section shall not apply and no negative inference shall be drawn from the applicant's failure to demonstrate his experience or competence with respect to the activities described in paragraph (n)(5)(ii)(E) to (H) of this section.

(B) The determination letter issued to an applicant who is approved by reason of this subdivision shall state that the applicant is authorized to act only as a passive trustee.

(ii) *Federal or State regulation.* Evidence that an applicant is subject to Federal or State regulation with respect to one or more relevant factors shall be given weight in proportion to the extent that such regulatory standards are consonant with the requirements of section 401.

(iii) *Savings account.* (A) An applicant will be presumed to meet the requirements of this paragraph upon proof of the following:

(*1*) The investment of the trust assets will be solely in deposits in the applicant;

(*2*) Section 4975(c) will not apply to such investment by reason of section 4975(d)(4); and

(*3*) Such deposits will be fully insured by an agency of the United States or a State.

(B) The determination letter issued to an applicant who is approved by reason of this subdivision shall state that the applicant is authorized to act as the trustee of a trust only if the requirements of paragraph (n)(7)(iii)(A) of this section are satisfied.

(iv) *Notification of Commissioner.* The applicant must notify the Commissioner in writing of any change which affects the continuing accuracy of any representation made in the application required by this paragraph, whether the change occurs before or after the applicant receives a determination letter. Such notification must be addressed to Commissioner of Internal Revenue, Attention: E:EP, Internal Revenue Service, Washington, D.C. 20224.

(v) *Substitution of trustee.* No applicant shall be approved unless he undertakes to act as trustee only under trust instruments which contain a provision to the effect that the employer is to substitute another trustee upon notification by the Commissioner that such substitution is required because the applicant has failed to comply with the requirements of this paragraph or is not keeping such records, or making such returns, or rendering such statements as are required by forms or regulations.

(vi) *Revocation.* (A) Approval of the application required by this paragraph may be revoked for any good and sufficient reason in accordance with the procedures described in this subdivision.

(B) [Reserved]

[FR Doc.75-27886 Filed 10-15-75;8:45 am]

[26 CFR Part 1]

USE OF CUSTODIAL ACCOUNTS AND ANNUITY CONTRACTS UNDER QUALIFIED PENSION, PROFIT-SHARING, AND STOCK BONUS PLANS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by December 15, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by December 15, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 401(f)(2) and 7805 of the Internal Revenue Code of 1954 (68 Stat. 939, 68A Stat. 917; 26 U.S.C. 401 and 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

PREAMBLE

This documents contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform such regulations to the provisions of section 1022(d) of the Employee Retirement Income Security Act of 1974 relating to certain custodial accounts and annuity contracts.

Prior law permitted custodial accounts to be used in lieu of a trust under any qualified pension, profit-sharing, or stock bonus plan, provided that the custodian was a bank, and provided also that the custodial account met the requirements that a trust would have had to have met for qualification. Further, the custodial account's assets had to be invested solely in open-end mutual funds or solely in annuity, endowment, or life insurance contracts (and certain other conditions had to be met).

Section 1022(d) allows entities other than banks to be custodians of qualified custodial accounts in order to enhance competition and open the field to other suitable types of enterprises. An entity other than a bank holding the assets of the custodial account must satisfy the Commissioner of Internal Revenue that it will hold the assets in a manner consistent with the general eligibility requirements for tax qualification. Section 1022(d) also permits the investment of the assets of the custodial account without special limitations. In addition, in order to allow the participation of the insurance industry, section 1022(d) permits an annuity contract to be used in lieu of a trust under any qualified pension or profit-sharing plan, provided that the annuity contract meets the same requirements that a trust would have to meet for qualification.

Just as the bank was treated as the trustee of a custodial account under prior law, so is another entity holding the assets of a qualified custodial account or holding a qualified annuity contract treated as the trustee under section 1022(d).

PROPOSED AMENDMENTS TO THE REGULATIONS

In order to conform the Income Tax Regulations (26 CFR Part 1) to the provisions of section 1022(d) of the Employee Retirement Income Security Act of 1974, such regulations are amended as follows:

PARAGRAPH 1. Section 1.401 is amended by revising section 401(f) and the historical note to read as follows:

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§ 1.401 Statutory provisions; qualified pension, profit-sharing, and stock bonus plans.

Sec. 401. *Qualified pension, profit-sharing, and stock bonus plans—*

* * * * *

(f) Certain custodial accounts and annuity contracts. For purposes of this title, a custodial account or an annuity contract shall be treated as a qualified trust under this section if—

(1) The custodial account or annuity contract would, except for the fact that it is not a trust, constitute a qualified trust under this section, and

(2) In the case of a custodial account the assets thereof are held by a bank (as defined in subsection (d)(1)) or another person who demonstrates, to the satisfaction of the Secretary or his delegate, that the manner in which he will hold the assets will be consistent with the requirements of this section.

For purposes of this title, in the case of a custodial account or annuity contract treated as a qualified trust under this section by reason of this subsection, the person holding the assets of such account or holding such contract shall be treated as the trustee thereof.

* * * * *

[Sec. 401 as amended by sec. 2, Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 809; sec. 2(a), Act of Oct. 23, 1962 (Pub. Law 87-863, 76 Stat. 1141); sec. 106(d)(4), Social Security Amendments 1965 (79 Stat. 337); sec. 1022(d), Employee Retirement Income Security Act 1974 (88 Stat. 939)]

PAR. 2. Section 1.401–8 is redesignated as § 1.401–8A and is amended by revising the title and adding a new sentence at the end of paragraph (a) to read as follows:

§ 1.401–8A Custodial accounts prior to January 1, 1974.

(a) *Treatment of a custodial account as a trust.* * * * For regulations relating to the period after December 31, 1973, see § 1.401–8.

* * * * *

PAR. 3. A new § 401.8 is added immediately before § 1.401–8A (as redesignated by paragraph 2 of this appendix) to read as follows:

§ 1.401–8 Certain custodial accounts and annuity contracts.

(a) Treatment of a custodial account or an annuity contract as a qualified trust. Beginning on January 1, 1974, a custodial account or an annuity contract may be used, in lieu of a trust, under any qualified pension, profit-sharing, or stock bonus plan if the requirements of paragraph (b) of this section are met. A custodial account or an annuity contract may be used under such a plan, whether the plan covers common-law employees, self-employed individuals who are treated as employees by reason of section 401 (c), or both. The use of a custodial account or annuity contract as part of a plan does not preclude the use of a trust or another custodial account or another annuity contract as part of the same plan. A plan under which a custodial account or an annuity contract is used may be considered in connection with other plans of the employer in determining whether the requirements of section 401 are satisfied. For regulations relating to the period before January 1, 1974, see § 1.401–8A.

(b) *Rules applicable to custodial accounts and annuity contracts.* (1) Beginning on January 1, 1974, a custodial account or an annuity contract is treated as a qualified trust under section 401 if the following requirements are met:

(i) The custodial account or annuity contract would, except for that fact that it is not a trust, constitute a qualified trust under section 401; and

(ii) In the case of a custodial account, the custodian either is a bank or is another person who demonstrates, to the satisfaction of the Commissioner, that the manner in which he will hold the assets will be consistent with the requirements of section 401. Such a demonstration must be made in accordance with the provisions of § 1.401–12 (n), as if the custodial account were a trust described in § 1.401–12 (c) (1) (i).

(2) If a custodial account would, except for the fact that it is not a trust, constitute a qualified trust under section 401, it must, for example, be created pursuant to a written agreement which constitutes a valid contract under local law. In addition, the terms of the contract must make it impossible, prior to the satisfaction of all liabilities with respect to the employees and their beneficiaries covered by the plan, for any part of the funds of the custodial account to be used for, or diverted to, purposes other than for the exclusive benefit of the employees or their beneficiaries as provided for in the plan (see paragraph (a) of § 1.401–2).

(3) An annuity contract would, except for the fact that it is not a trust, constitute a qualified trust under section 401 if it is purchased by an employer for an employee under a plan which meets the requirements of section 404 (a) (2) and the regulations thereunder, except that the plan may be either a pension or a profit-sharing plan.

(c) *Effect of this section.* (1) (i) Any custodial account or annuity contract which satisfies the requirements of paragraph (b) of this section is treated as a qualified trust for all purposes of the Internal Revenue Code of 1954. Such a custodial account or annuity contract is treated as a separate legal person which is exempt from the income tax under section 501 (a). In addition, the person holding the assets of such account or holding such contract is treated as the trustee thereof. Accordingly, such person is required to file the returns described in sections 6033 and 6047 and to supply any other information which the trustee of a qualified trust is required to furnish.

(ii) Any procedure which has the effect of merely substituting one custodian for another shall not be considered as terminating or interrupting the legal existence of a custodial account which otherwise satisfies the requirements of paragraph (b) of this section.

(2) (i) The beneficiary of a custodial account which satisfies the requirements of paragraph (b) of this section is taxed in accordance with section 402. In determining whether the funds of a custodial account are distributed or made available to an employee or his beneficiary, the rules which under section 402 (a) are applicable to trusts will also apply to the custodial account as though it were a seperate legal person and not an agent of the employee.

(ii) If a custodial account which has qualified under section 401 fails to qualify under such section for any taxable year, such custodial account will not thereafter be treated as a separate legal person, and the funds in such account shall be treated as made available within the meaning of section 402 (a) (1) to the employees for whom they are held.

(3) The beneficiary of an annuity contract which satisfies the requirements of paragraph (b) of this section is taxed as if he were the beneficiary of an annuity contract described in section 403 (a).

(d) *Definitions.* For purposes of this section—

(1) The term "bank" means a bank as defined in section 401 (d) (1).

(2) The term "annuity" means an annuity as defined in section 401 (g). Thus, any contract or certificate issued after December 31, 1962, which is transferable is not treated as a qualified trust under this section.

(e) *Cross reference.* For the requirement that the assets of an employee benefit plan be placed in trust, and exceptions thereto, see section 403 of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1103, and the regulations prescribed thereunder by the Secretary of Labor.

[FR Doc.75-27885 Filed 10-15-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Proposed Expenses of the Walnut Marketing Board, and Rates of Assessment, for 1975–76 Marketing Year

Notice is hereby given of a proposal regarding expenses of the Walnut Marketing Board, and rates of assessment, for the 1975–76 marketing year. That year began August 1, 1975. The proposal is pursuant to §§ 984.68 and 984.69 of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984). The amended marketing agreement and order regulate the handling of walnuts grown in California, Oregon, and Washington, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal is based on a recommendation of the Board.

The proposed expenses total $218,665; the proposed assessment rates are 0.125 cent per pound for inshell walnuts and 0.30 cent per pound for shelled walnuts. These rates will be applied to all merchantable walnuts handled or declared for handling during the 1975–76 marketing year. Such rates of assessment are expected to provide sufficient funds to meet the estimated expenses of the Board.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 31, 1975. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 984.327 Expenses of the Walnut Marketing Board and rates of assessment for the 1975–76 marketing year.

(a) *Expenses.* Expenses in the amount of $218,665 are reasonable and likely to be incurred by the Walnut Marketing Board during the marketing year beginning August 1, 1975, for its maintenance and functioning, and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment for said marketing year, payable by each handler in accordance with § 984.69, are fixed at 0.125 cent per pound for merchantable inshell walnuts handled or declared for handling, and 0.30 cent per pound for merchantable shelled walnuts handled or declared for handling.

Dated: October 9, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-27799 Filed 10-15-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 75-SW-69]

BELL MODELS 204B, 205A–1, AND 212 HELICOPTERS

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Models 204B, 205A–1, and 212 helicopters. There have been several cases reported of the emergency exit panels leaving the three noted Bell helicopter models. One exit panel allegedly hit a main rotor blade as it left the helicopter. The emergency exit may have been opened by a passenger and not properly reinstalled prior to helicopter departure. Since loss of an exit panel could occur on other helicopters of the same type designs, the proposed airworthiness directive would require compliance with Bell Helicopter Company Service Bulletin No. 204–75–2, No. 205–75–6, and No. 212–75–7 for the Bell Models 204B, 205A–1, and 212, respectively. All Model 205A helicopters have been converted to Model 205A–1 helicopters.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before November 20, 1975, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the office of Regional Counsel, for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to Bell Models 204B, 205A–1, and 212 helicopters certificated in all categories.

Compliance required within 100 hours' time in service after the effective date of this AD unless already accomplished and, thereafter, at intervals not to exceed 300 hours' time in service from the last inspection.

To deter unauthorized access to the emergency exit operating handle and to improve identification of the emergency exit handle and the main sliding door handle, accomplish the following:

(a) Inspect the helicopter main passenger doors and the four emergency exits for proper and legible placards and for proper exit handle covers, both inside and outside the helicopter, in accordance with the figures in Bell Helicopter Company Service Bulletins noted in paragraph (c).

(b) If proper and legible placards and proper exit handle covers are not installed, install the placards and handle covers as specified in Bell Helicopter Company Service Bulletins noted in paragraph (c).

(c) The following Bell Helicopter Company service bulletins, or later approved revisions thereto, apply to the noted helicopter models.

(1) Bell Helicopter Company Service Bulletin No. 204–75–2 dated September 16, 1975, for Model 204B.

(2) Bell Helicopter Company Service Bulletin No. 205–75–6, Revision A, dated August 22, 1975, for Model 205A–1.

(3) Bell Helicopter Company Service Bulletin No. 212–75–7, Revision A, dated August 22, 1975, for Model 212.

(d) Equivalent means of compliance with this AD may be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, Southwest Region, Fort Worth, Texas.

(e) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, Southwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

(f) The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at Office of Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

Issued in Fort Worth, Texas, on October 2, 1975.

A. H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-27738 Filed 10-15-75;8:45 am]

[14 CFR Part 39]

[Docket No. 15046]

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE (S.N.I.A.S) PUMA MODEL SA. 330 SERIES HELICOPTERS

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to certain Puma SA.330F and SA.330G helicopters. There have been cracks occurring in the formed sheet beams under the attachment fittings for the forward engine mounts that could result in failure of the forward engine mount support structure. Since this condition is likely to exist or develop in other helicopters of the same type design, the proposed airworthiness directive would require periodic inspection of the beams for cracks and the repair and modification of the beams, as necessary, on Puma SA.330F and SA.330G helicopters.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before November 17, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date

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for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603, of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE. Applies to Puma Model SA. 330F and SA. 330G helicopters that have not been modified in accordance with Puma Service Bulletin No. 53.13.

Compliance is required within the next 50 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 50 hours' time in service since the last inspection, until accomplishment of Puma Service Bulletin No. 53.13, dated May 29, 1974, or an FAA-approved equivalent.

To prevent possible failure of the forward engine mount support structure, accomplish the following:

(a) Inspect for cracks in beams under attachment fittings for the forward engine mounts located between frames 3245 and 3550 in accordance with subparagraph 1C(1) of Puma Service Bulletin No. 05.35, dated April 9, 1974, or an FAA-approved equivalent.

(b) If cracks are found which exceed the criteria for continued service set forth in subparagraph 1C(2) of Puma Service Bulletin No. 05.35, before further flight, except that the helicopter may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the work can be performed, replace the beams in accordance with Puma Service Bulletin No. 53.13, dated May 29, 1974, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, APO, New York, N.Y. 09667.

Issued in Washington, D.C., on October 7, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-27739 Filed 10-15-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SO-124]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Selma, Ala., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before November 17, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Selma transition area described in § 71.181 (40 FR 441) would be amended by deleting the present description and substituting the following therefor:

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Craig AFB (latitude 32°20'30" N., longitude 86°59'15" W.); within an 18.5-mile radius of the Canaba VORTAC, extending clockwise from the 301° radial to the 212° radial.

A review of the airspace designation at Selma revealed the need for additional transition area to provide controlled airspace protection of aircraft executing the HI-VORTAC RWY 14L and HI-VORTAC/ILS RWY 32R instrument approach procedures to Craig Air Force Base. Additional transition area is also required north, east and west of the airport for protection of aircraft operating at less than 1,500 feet above the surface during radar vectoring operations.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on October 2, 1975.

W. B. RUCKER,
Acting Director,
Southern Region.

[FR Doc.75-27740 Filed 10-15-75;8:45 am]

Federal Highway Administration

[49 CFR Part 390]

[Docket No. MC-64; Notice 75-8]

PLENARY EXERCISE OF STATUTORY AUTHORITY OVER MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS

Extension of Comment Period

● **Purpose. This notice extends the period for comments to the Advance Notice, published July 15, 1975 (40 FR 29729), clarifying the extent to which the Bureau of Motor Carrier Safety exercises statutory authority to prescribe or enforce standards or regulations in the fields of interstate motor carriage and the handling of hazardous materials.** ●

The American Trucking Associations, Inc., has requested that the comment period be extended to November 28, 1975. The request argued that additional time is needed to obtain clear and direct evaluation of the proposal from motor carrier members. This, they contend, is needed to properly and effectively reply to the docket.

It has been decided that the request is reasonable, and the comment period is hereby extended to November 28, 1975.

This notice is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, 18 U.S.C. Chapter 39, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4 respectively.

Issued in Washington, D.C., on October 3, 1975.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.75-27823 Filed 10-15-75;8:45 am]

[49 CFR Part 393]

[Docket No. MC-53; Notice No. 75-21]

AUTOMATIC DEVICES FOR REDUCING FRONT-WHEEL BREAKING EFFORT ON COMMERCIAL MOTOR VEHICLES

Proposed Rulemaking

● **Purpose. The purpose of this document is to allow public comment on a proposed rule change which would permit the front-wheel braking force to be reduced if the front-wheel antilock system fails.** ●

An amendment to § 393.48 of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 393.48) is being considered which would allow the operation in interstate or foreign commerce of a motor vehicle having an air-mechanical or air-hydraulic brake system which automatically reduces front-wheel braking effort in the event of a failure of an antilock device on the front-wheels.

This proposal stems from petitions filed by Mack Trucks, Inc. (Mack), Ford Motor Company (Ford), and White Motor Corporation (White), manufactures of commercial motor vehicles. The petitions are supported by correspondence and documents from Wagner Electric Corporation (Wagner), MGM Brakes (MGM), Ryder Systems, Inc. (Ryder), Western Gillette Motor Freight, Inc. (Western Gillette), Consolidated Metco, Inc. (Metco), Oil Field Haulers Conference (Oil Field Haulers), and American Trucking Associations, Inc. (ATA). The Ford, Mack and White petitions refer to the most recent rulemaking in this Docket (Notice No. 74-12), which permitted the use of automatic devices to reduce front-wheel braking effort under certain circumstances.

Mack's petition describes two situations in which application of this rule against front-wheel braking effort reduction above certain air pressures allegedly may produce safety hazards. First, it notes the possibility of front-wheel antilock failures, and asserts that, in such an eventuality, vehicle stability and controlability would be improved by limiting front-wheel braking to 50 percent throughout the entire operating range. The Ford and White petitions also support this view. Second, Mack states that certain short wheel base truck tractors equipped with the high torque front-wheel brakes mandated by Federal Motor Vehicle Safety Standard (FMVSS) No. 121 (49 CFR 571.121), being operated without a semitrailer, have been observed to lift their rear wheels clear of the roadway under severe braking.

The first point is supported by the Ford and White petitions, correspondence from MGM, Ryder, Metco, ATA, Oil Field Haulers, Western Gillette, and by a study (with charts) prepared by Wagner which also generally pertains to Mack's second petition point. Mack has asked for deletion of § 393.48(b)(2)(iii) or, in the alternative, to footnote that paragraph with interpretations as to its applicability, evidently so as to permit the use of Mack's proposed 50 percent limiting valve in the two circumstances described. Ford has asked for an amendment or an interpretation and White has asked for an amendment.

For many years, the Federal Motor Carrier Safety Regulations have provided that the front-wheel braking effort on certain motor vehicles could be reduced or removed under certain roadway conditions. The device used to limit the front-wheel braking effort was under the control of the driver and it could have been used at times other than when the Regulations permitted it with a resultant degradation of braking capability. As a result of the rule making actions, the amendments to § 393.48 were issued on July 15, 1974 (39 FR 26906) which specified that on and after March 1, 1975, only automatic devices could be used to reduce front-wheel braking effort.

Section 393.48(b)(2)(iii) now provides that such devices must not—"reduce the braking force when the air pressure that transmits brake control application forces exceeds the vehicle's air compressor cut-in pressure."

The Mack petition also speaks to the problem that may occur with truck tractors when they are not coupled to semitrailers. Mack states "in the course of our brake evaluation program, it has become apparent that truck tractors incorporating high torque front brakes as mandated by FMVSS No. 121 demonstrate varying degrees of instability when subjected to severe brake applications in a bobtail configuration. This can occur despite the operation of the antilock system. In the case of very short wheel base truck tractors, we have observed the rear axle lifting clear of the roadway while the vehicle pivots about the front axle." The truck tractor when operated in a bobtail condition is a very unstable vehicle. This instability results from the fact that, in most cases, the rear axles have braking capability for the load that will be carried when the vehicle is being operated in combination with a semitrailer. The front axle of a truck tractor, and especially a Cab-Over-Engine (COE) type, has more proportionate weight on it when it is being operated in a bobtail configuration. In other words, the greater proportionate load on the front axle needs greater braking effort than the rear axle.

Mack's statement that they have observed the rear axle lifting clear of the roadway during a severe brake application on a bobtail truck tractor does not reflect an unusual situation since present-day truck tractors, that is, those without the FMVSS No. 121 brake system, have had the problem of rear wheels locking and the wheels leaving the pavement. In situations such as this, vehicles equipped with front-wheel brakes, whether they are of an antilock type or not, would pivot about the front axle. The Mack petition requests that bobtail truck tractors be allowed to reduce the braking effort to the front-wheels when being operated singly. Mack states that this can be accomplished by tying the front-wheel limiting device into the tractor protection valve. The method to be used is not set forth by Mack. It must be assumed that it will have to be a pneumatic type of control or with an electrical connection built into the tractor protection valve.

Serious consideration has been given to the request for allowing the front-wheel braking effort to be reduced to 50 percent on bobtail truck tractors. The problem of stability and control is believed to be present with bobtail tractors not equipped with the FMVSS No. 121 braking system because of rear axle braking capability greater than needed for the load. To permit the front-wheel braking effort to be reduced to 50 percent would not solve the problem. In view of this, the Mack petition to allow the reduction of the front-wheel effort by 50 percent on bobtail truck tractors is denied.

It is concluded that, while the petitions, together with the supporting documentation, contain adequate justification for rulemaking regarding reduction of front-wheel braking effort in event of antilock failure on the front axle, none of the proposed alternative solutions (deletion, interpretation or footnoting) seem as workable as a straight forward amendment to the paragraph in question. Therefore, to give all interested persons the opportunity to comment on changes in § 393.48 to achieve the objective sought by petitioners, it is proposed that paragraph (b)(2)(iii) of § 393.48 of the Federal Motor Carrier Safety Regulations, Subchapter B of Chapter III of Title 49, CFR, be revised to read as follows:

§ 393.48 Brakes to be operational.

• • • • • •

(b) *Devices to reduce or remove front-wheel braking effort.* • • •

(2) *Automatic devices.* An automatic device to reduce front-wheel braking effort must not—

• • • • • •

(iii) Reduce the braking effort when the air pressure that transmits brake control application forces exceeds the vehicle's air compressor cut-in pressure, except that front-wheel braking force may be reduced by 50 percent in the event of front-wheel antilock system failure on a vehicle so equipped.

Interested persons are invited to submit written data, views, or arguments pertaining to this proposal.

All comments should be submitted in three copies to the Bureau of Motor Carrier Safety, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20590. All comments received before the close of business on January 19, 1976, will be considered before further action is taken. Comments will be available for examination in the public docket room of the Bureau of Motor Carrier Safety, Room 3401, 400 Seventh Street SW., Washington, D.C., both before and after the closing date for comments.

This notice of proposed rulemaking is issued under the authority of section 204 of the Interstate Commerce Act, as amended, (49 U.S.C. 304), section 6 of the Department of Transportation Act, (49 U.S.C. 1655), and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Issued on October 3, 1975.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.75-27824 Filed 10-15-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 420-8]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Sulfur Oxides Control Strategy, Montana

The purpose of this notice is to repropose regulations for the control of sulfur dioxide at the Anaconda Company's Copper smelter (Anaconda) located near Anaconda, Montana in the Helena Intrastate Air Quality Control Region and to change the date for attainment of the primary national ambient air quality standard (NAAQS) and to establish a date for attainment of the secondary NAAQS. The preamble which follows contains a discussion of the background for this action, a discussion of the air quality in the Region, a description of the proposed regulations, a discussion of the proposed primary and secondary sulfur oxides attainment dates, an announcement of a public hearing, and a request for written comments. The Administrator encourages public comment at the public hearing or in writing. The findings from all information available to the Administrator will be the basis of the Administrator's final promulgation.

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BACKGROUND

Pursuant to section 110 of the Clean Air Act, the State of Montana submitted an Implementation Plan on March 22, 1972. After review, on May 31, 1972 (37 FR 10842), the Administrator approved, with specific exceptions, the Montana Implementation Plan for attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) set forth at 40 CFR Part 50. Specifically, the Administrator disapproved Montana's Plan since it lacked control necessary for attainment and maintenance of the primary and secondary standards for sulfur oxides in the Helena Intrastate Region. The reason for this was that a State regulation which still exists as State law and which would have subjected Anaconda to a 90 percent control requirement as an implementation plan provision was removed from the plan prior to its submission to EPA. On July 27, 1972 (37 FR 15094), the Administrator proposed regulations to correct deficiencies in the regulatory provisions of the Montana plan. The proposed regulations included in part a sulfur dioxide emissions limitation of 7040 pounds per hour from the Anaconda smelter located near Anaconda, Montana. This limit was based upon data obtained from a single sampler maintained by the State of Montana.

Although a public hearing on the proposed regulation was conducted in Helena, Montana by the Environmental Protection Agency (EPA) on August 30, 1972, no final action was taken on the sulfur oxides proposed regulations because litigation between Anaconda and EPA delayed further action. On September 26, 1972, Anaconda brought an injunctive suit in the U.S. District Court to enjoin EPA from promulgating the proposed rule unless and until EPA conducted an adjudicatory hearing and unless and until EPA promulgated an environmental impact statement on the proposed regulations. On December 19, 1972, the District Court granted a declaratory judgment and a preliminary injunction. "Anaconda Co. v. Ruckelshaus, et al." 352 F. Supp. 697 (D. Colo. 1972).

On appeal, the 10th Circuit Court of Appeals reversed the United States District Court's opinion on August 8, 1973, "Anaconda Co. v. Ruckelshaus et al." 482 F2d 1301 (10th Cir. 1973). During this litigation-caused delay, the State of Montana began to develop a SIP revision for control of sulfur oxides.

Subsequent to termination of this litigation, EPA delayed its actions pending reassessment of the supporting technical data. At a public hearing conducted in the fall of 1972, the State air quality data upon which EPA based its July 27, 1972 proposed regulations applicable to Anaconda was seriously brought into question. Accordingly, it was not considered in the regulations proposed below.

Final action on the proposal was further delayed in anticipation of an approvable state submittal of regulations with adequate compliance schedules. To date, no such submittal has been made. In the absence of an appropriate state submittal of a sulfur oxide control strategy applicable to Anaconda with adequate compliance schedules, EPA is proceeding to propose an appropriate sulfur oxides control strategy applicable to the Company.

AIR QUALITY ASSESSMENT

In order to obtain more comprehensive ambient sulfur dioxide air quality data, EPA established a three station monitoring network in the vicinity of the Anaconda smelter in April 1973 to augment the existing state operated monitoring network. Data from three stations are summarized in the table below. Other than control requirements relating to fugitive emissions, the data from these stations were not used as the basis for the control requirements contained in this proposal. This is because winter weather conditions have, in the past, made it virtually impossible to operate and maintain stations in the high terrain areas such as "C" hill where, during the winter months, the highest concentrations of SO_2 can be expected to occur. To offset the insufficiency of high terrain, wintertime data, an atmospheric dispersion model for estimating sulfur oxide concentrations in the vicinity of the Anaconda smelter was applied.

Summary of 1973 and 1974 sulfur dioxide air quality concentrations near Anaconda, Mont.

Station	1973 air quality summary			1974 air quality summary		
	Percent of year station was operational	Maximum 3-hr concentration (micrograms per cubic meter)	Maximum 24-hr concentration (micrograms per cubic meter)	Percent of year station was operational	Maximum 3-hr concentration (micrograms per cubic meter)	Maximum 24-hr concentration (micrograms per cubic meter)
Post office	41	1703	(1)	26	1362	(1)
"C" Hill	0			15	3118	786
Hotel		2358	681		(1)	(1)

[1] No violations of standards were observed.

The model predicted a maximum annual average sulfur dioxide concentration of 115 ug/m³ to occur on elevated terrain located approximately seven kilometers southwest of the main stack serving the Anaconda smelter. The model also predicted a maximum twenty-four hour sulfur dioxide concentration of 3400 ug/m³ to occur on two points of elevated terrain located approximately three and seven kilometers southwest of the main stack. Further, the model predicts maximum three-hour sulfur dioxide concentrations of 8500 ug/m³ to occur on elevated terrain located approximately three and seven kilometers southwest of the main stack. The predicted frequency of the above 3 hour and 24 hour values was such that they could be expected to occur more than once a year. The emission limitations contained in the proposal are based upon these predicted values.

PROPOSED REGULATIONS

The high ambient sulfur dioxide levels recorded at the Hotel and Post Office stations (located approximately two and one half miles northwest of the Anaconda smelter and at an elevation 960 feet lower than the top of the main stack serving the smelter) in 1973 were greatly influenced by fugitive sulfur dioxide emissions from the buildings housing the converters and reverberatory furnaces. By mid-1973, Anaconda began to operate primary hoods on the converters and to vent what had been fugitive emissions to the main stack serving the smelter. A portion of these emissions are captured and used to produce sulfuric acid. A comparison of the 1973 and 1974 data at the Hotel and Post Office stations seems to indicate that Anaconda's efforts to reduce fugitive emissions from the converter building have improved air quality in areas greatly affected by fugitive emissions. However, since air quality can be further improved to meet ambient standards by greater capture of fugitive emissions from matte and slag transfer points, the Administrator is proposing below a regulation requiring Anaconda to continue to operate and maintain the present hooding system on the converters and to capture fugitive emissions from the matte and slag transfer points and vent such captured emissions to a stack serving the facility.

Measured air quality data and atmospheric dispersion model predicted air quality values indicate that the national sulfur oxides ambient air quality standards are exceeded in the vicinity of the Anaconda smelter and that control of fugitive emissions alone will not provide for attainment and maintenance of the ambient air quality standards. Therefore, sulfur dioxide emissions from the smelter must be reduced in order to provide for attainment and maintenance of the national ambient air quality standards. While the measured air quality data indicates that sulfur dioxide emissions should be limited to 36,700 pounds per hour, the atmospheric disperson model predicted air quality values such that sulfur dioxide emissions would have to be limited to 10,400 pounds per hour. This disparity between the measured and atmospheric dispersion model predicted emission limitations occurs because the present ambient air quality samplers have not been operational for a sufficient amount of time during the periods of the year when maximum concentrations of sulfur dioxide are expected to occur. Also, a comparison of sulfur dioxide emissions and resultant air quality, in the vicinity of other facilities which emit large amounts of sulfur dioxide, indicates that the observed SO_2 air quality in the vicinity of the Anaconda smelter does not reflect the actual situation. Two other copper smelters with SO_2 emissions approximately one-half of Anaconda's cause ambient sulfur dioxide concentrations approximately four times those observed in the vicinity of Anaconda. The Administrator believes that the dispersion model results more accurately reflect the true sulfur dioxide ambient air quality situation in the vicinity of the Anaconda smelter. Therefore, the Administrator is proposing below a sulfur dioxide emission limitation of 10,400 pounds per hour from the smelter premises in order to provide for attainment and maintenance of the national sulfur dioxide ambient air quality standards.

Continuous monitoring of the sulfur dioxide emissions is required to ensure continued compliance with the proposed emission limitation. Appendix D to 40 CFR Part 52 specifies procedures to determine sulfur dioxide concentrations and Appendix E to 40 CFR Part 52 specifies procedures to determine volumetric flow rates. These appendices have been proposed in a separate FEDERAL REGISTER notice dated October 7, 1974 (39 FR 36018) and promulgated in a FEDERAL REGISTER notice dated February 6, 1975 (40 FR 5508). Under these appendices, compliance with the sulfur dioxide emission limitation is based on average pounds per hour of sulfur dioxide emitted over a six hour period. The six hour sampling period is incorporated to account for process fluctuations.

On July 27, 1972 (37 FR 15085), pursuant to section 110(e) of the Clean Air Act, the Administrator granted a full two-year extension of the attainment of the primary standards for sulfur oxides in the Helena Region. The extension was granted because data indicated that Anaconda could not be in final compliance before July 31, 1977.

The regulation below proposes to extend this attainment date to September 30, 1978. This later date reflects EPA's assessment of the time required to comply expeditiously with the substantive requirements of the proposal. This is consistent with the Clean Air Act requirement that compliance with regulations designed to achieve primary ambient air quality standards take place as expeditiously as is practicable. See section 110(a)(2)(A) of the Clean Air Act. The September 30, 1978 date is also consistent with section 110(a)(2)(A)'s requirement that attainment be achieved within three years of the Administrator's promulgation of a plan.

Although the Administrator considered retaining the existing attainment date on the theory that Anaconda has been subject to an almost identical state regulation since November 23, 1968, the September 1978 date was, nevertheless, deemed to be appropriate. This is because, prior to completion of the modeling leading up to this proposal, the Company had no real way of knowing whether the July 1972 proposed emission requirements, or some other set of emission requirements, would ultimately be imposed upon it. This, in conjunction with the fact that the Company has been operating under a variance from the State regulation, led the Administrator to conclude that this proposal would constitute the first official notice to the Company that, for Federal purposes, it would have to meet a very rigid control requirement.

A public hearing on the proposed regulations will be held at Webster-Garfield Elementary School Auditorium, Front and Montana Street, Butte, Montana 59701, on November 19, 1975, beginning at 9 a.m., and, if necessary, reconvening at 7 p.m. so that all present may be heard. Copies of the proposals and the supporting technical documentation are available for inspection at the offices of the Environmental Protection Agency listed below:

Environmental Protection Agency, Region VIII, Office of Public Affairs, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203.

Environmental Protection Agency, Room 329, 401 M Street SW., Washington, D.C. 20460.

Interested persons may also participate in this rulemaking by submitting written comments, preferably in triplicate, to the Office of the Regional Counsel, Environmental Protection Agency, Region VIII, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203. All relevant comments received on or before November 19, 1975, will be considered. Comments received will be available for public inspection during normal business hours at the offices of the Environmental Protection Agency noted above.

This notice of proposed rulemaking is issued under the authority of sections 110(c) and 301(a) of the Clean Air Act. 42 U.S.C. 1857 et seq.

Dated: October 1, 1975.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

It is proposed to amend Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations as follows:

Subpart BB—Montana

1. Section 52.1373 is amended by adding paragraphs (b) and (c) as follows:

§ 52.1373 Control strategy: Sulfur oxides.

* * * * *

(b) *Regulation for control of fugitive sulfur oxides emissions (Helena Intrastate Region).* (1) The owner or operator of the Anaconda Copper Company smelter located in Deer Lodge County, Montana, in the Helena Intrastate Region shall utilize best engineering practices to reduce the escape of sulfur oxides to the atmosphere, to capture sulfur oxides emissions and pass them through control equipment where feasible, and to vent sulfur oxides emissions from process and control equipment through a stack or stacks. Such practices shall include, but not be limited to:

(i) Installing and operating tight fitting exhaust hoods on all active matte tapholes, matte launders, slag tapholes, slag launders, and converter slag return launders;

(ii) Installing tight fitting exhaust hoods on all active converters and operating such hoods except during pouring and charging operations;

(iii) Operating and maintaining all ducts, flues, and stacks in a leakfree condition;

(iv) Operating and maintaining all furnaces and converters so that under normal operating conditions leakage of sulfur oxides gases to the atmosphere will be prevented to the maximum extent possible; and

(v) Wherever possible, ducting sulfur oxides emissions through the tallest stack or stacks serving the facility.

(2)(i) The owner or operator of the smelter subject to this paragraph shall comply with the compliance schedule specified below:

(a) *February 1, 1976.* Submit a final plan to the Administrator for meeting the requirements of subparagraph (1) of this paragraph. Such plan shall be subject to approval by the Administrator.

(b) *June 1, 1976.* Let contracts or issue purchase orders for emission capture systems.

(c) *June 1, 1977.* Initiate on-site construction and/or installation of emission capture equipment.

(d) *May 31, 1978.* Complete on-site construction and/or installation of emission capture systems.

(e) *September 30, 1978.* Achieve final compliance with the requirements of subparagraph (1) of this paragraph.

(ii) The owner or operator of the smelter subject to this paragraph may submit in writing to the Administrator, no later than thirty (30) days after the effective date of this paragraph, a proposed alternative compliance schedule. As a minimum, any such proposed schedule shall contain the actions specified in subparagraph (2)(i)(a)–(e) of this paragraph. Additionally, no such compliance schedule may provide for final compliance after September 30, 1978. If approved by the Administrator, such compliance schedule shall satisfy the compliance schedule requirements of subparagraph (2)(i) of this paragraph for the affected source. If disapproved by the Administrator the requirements of subparagraph (2)(i) of this paragraph shall apply to the affected source.

(iii) The owner or operator of the smelter subject to the requirements of this subparagraph shall certify to the Administrator within five days after the deadline for each increment of progress of the applicable compliance schedule, whether or not the required increment of progress has been met.

(iv) The owner or operator of the smelter subject to this paragraph which is presently in compliance with the requirements of subparagraph (1) of this paragraph shall certify such compliance

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to the Administrator within thirty (30) days of the effective date of this paragraph. The administrator may request whatever supporting information he considers necessary to determine the validity of the certification. If such certification is unacceptable to the Administrator, the requirements of subparagraph (2)(i) of this paragraph shall not apply to the certifying source. If such certification is unacceptable to the Administrator, the requirements of subparagraph (2)(i) of this paragraph shall apply to the certifying source.

(c) *Regulation for control of sulfur oxides emissions (Helena Intrastate Region).* (1) The owner or operator of the Anaconda Company's copper smelter located in Deer Lodge County, Montana, in the Helena Intrastate Region shall not discharge or cause the discharge of sulfur dioxide into the atmosphere in excess of 10,400 pounds per hour (4717 kg/hr) maximum six-hour average as determined by the methods specified in subparagraph (4) of this paragraph. Such limitation shall apply to the sum total of sulfur dioxide emissions from the smelter premises, but not including uncaptured fugitive emissions and those emissions due solely to the use of fuel for space heating or steam generation.

(2)(i) The owner or operator of the smelter subject to this paragraph shall comply with the compliance schedule specified below:

(a) *February 1, 1976.* Submit a final plan to the Administrator for meeting the requirements of subparagraph (1) of this paragraph. Such plan shall be subject to approval by the Administrator.

(b) *June 1, 1976.* Let contracts or issue purchase orders for emission control systems and/or process modifications.

(c) *June 1, 1977.* Initiate on-site construction and/or installation of emission control equipment and/or process modifications.

(d) *May 31, 1978.* Complete on-site construction and/or process modifications.

(e) *September 30, 1978.* Achieve final compliance with the requirements of subparagraph (1) of this paragraph.

(ii) The owner or operator of the smelter subject to this paragraph may submit in writing to the Administrator, no later than thirty (30) days after the effective date of this paragraph, a proposed alternative compliance schedule. As a minimum, any such proposed schedule shall contain the actions specified in subparagraph (2)(i) (a)–(e) of this paragraph. Additionally, no such compliance schedule may provide for final compliance with subparagraph (1) of this paragraph after September 30, 1978. If approved by the Administrator, such compliance schedule shall satisfy the compliance schedule requirements of this paragraph for the affected source. If disapproved by the Administrator, the requirements of subparagraph (2)(i) of this paragraph shall apply to the affected source.

(iii) The owner or operator of the smelter subject to the requirements of this subparagraph shall certify to the Administrator within five days after the deadline for each increment of progress of the applicable compliance schedule, whether or not the required increment of progress has been met.

(iv) The owner or operator of the smelter subject to this paragraph which is presently in compliance with the requirements of subparagraph (1) of this paragraph shall certify such compliance to the Administrator within sixty (60) days of the effective date of this paragraph. Such certification shall include, as a minimum, a performance or stack test, conducted according to the procedures specified in subparagraph (4)(ii) of this paragraph, for each stack which emits 5 percent or more of the total potential (without emissions controls) hourly sulfur oxides emissions from the source. Notice shall be given to the Administrator at least 30 days prior to conducting a performance test(s) to afford him the opportunity to have an observer present. The Administrator may request whatever supporting information he considers necessary to determine the validity of the certification. If such certification is acceptable to the Administrator, the requirements of subparagraph (2)(i) of this paragraph shall not apply to the certifying source. If such certification is unacceptable to the Administrator, the requirements of subparagraph (2)(i) of this paragraph shall apply to the certifying source.

(3)(i) The owner or operator of the smelter to which this paragraph is applicable shall install, calibrate, maintain, and operate a measurement system(s) for continuously monitoring sulfur dioxide missions and stack gas volumetric flow rates in each stack which emits 5 percent or more of the total potential (without emission controls) hourly sulfur oxides emissions from the source. For the purpose of this paragraph, "continuous monitoring" means the taking and recording of at least one measurement of sulfur dioxide concentration and stack gas flow rate from the effluent of each affected stack, in each 15-minute period.

(ii) No later than May 31, 1978 and at such other times in the future as the Administrator may specify, the sulfur dioxide concentration measurement system(s) and stack gas volumetric flow rate measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendices D and E to this part, respectively.

(iii) The Administrator shall be notified at least 30 days in advance of the start of the field test period required in Appendices D and E to this part to afford the Administrator the opportunity to have an observer present.

(iv) The sampling point for monitoring emissions shall be in the duct at the centroid of the cross section if the cross sectional area is less than 4.647 m^2 (50 ft^2) or at a point no closer to the wall than 0.914 m (3 ft) if the cross sectional area is 4.647 m^2 (50 ft^2) or more. The monitor sample point shall be in an area of small spatial concentration gradient and shall be representative of the average concentration of the duct.

(v) The measurement system(s) installed and used pursuant to this section shall be subjected to the manufacturer's recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer(s) specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed. Records of these procedures shall be made which clearly show instrument readings before and after zero adjustment and calibration.

(vi) Six-hour average sulfur dioxide emission rates shall be calculated in accordance with subparagraph (4) of this paragraph and recorded daily.

(vii) The owner or operator of the smelter subject to this paragraph shall maintain a record of all measurements required by this paragraph. Measurement results shall be expressed as pounds of sulfur dioxide emitted per six-hour period for those stacks which emit five percent or more of the potential (without emission controls) emissions from the facility.

(viii) Six-hour average values calculated pursuant to subparagraph (4) of this paragraph shall be reported as of each hour for the preceding six-hour period. Results shall be summarized monthly and shall be submitted to the Administrator within 15 days after the end of each month. A record of such measurements shall be retained for at least two years following the date of such measurements.

(ix) The continuous monitoring and recordkeeping requirements of this subparagraph shall become applicable on July 31, 1978.

(4)(i) Compliance with the requirements of subparagraph (1) of this paragraph shall be determined using the continuous measurement system(s) installed, calibrated, maintained and operated in accordance with the requirements of subparagraph (3) of this paragraph. For all stacks equipped with the measurement system(s) required by subparagraph (3) of this paragraph, a six-hour average sulfur dioxide emission rate shall be calculated as of the end of each clock hour for the preceding six hours in the following manner:

(a) Divide each six-hour period into twenty-four 15-minute segments.

(b) Determine on a compatible basis a sulfur dioxide concentration and stack gas flow rate for each 15-minute period for all affected stacks. These measurements may be obtained either by continuous integration of sulfur dioxide concentrations and stack gas flow rates (from the respective affected facilities) recorded during the 15-minute period or from the arithmetic average of any number of sulfur dioxide concentration and stack gas flow readings equally spaced over the 15-minute period. In the latter case, the same number of concentration readings shall be taken in each 15-minute period and shall be similarly spaced within each 15-minute period.

(c) Calculate the arithmetic average (lbs SO_2/hr) from all twenty-four emission rate measurements in each six-hour period for each stack.

(d) Total the average sulfur dioxide emission rates for all affected stacks.

(ii) Notwithstanding the requirements of subparagraph (4)(i) of this paragraph, compliance with the requirements of subparagraph (1) of this paragraph shall also be determined by using the methods described below at such times as may be specified by the Administrator. For all stacks equipped with the measurement system(s) required by subparagraph (3) of this paragraph, a six-hour average sulfur dioxide emission rate (lbs SO_2/hr) shall be determined as follows:

(a) The test of each stack emission rate shall be conducted while the processing units, venting emissions through such stack, are operating at or above the maximum rate at which they will be operated and under such other relevant conditions as the Administrator shall specify based on representative performance of the smelter units.

(b) Concentrations of sulfur dioxide in emissions shall be determined by using Method 8 as described in Part 60 of this chapter. The analytical and computational portions of Method 8 as they relate to determination of sulfuric acid mist and sulfur trioxide as well as isokinetic sampling may be omitted from the over-all test procedure.

(c) Three independent sets of measurements of sulfur dioxide concentrations and stack gas volumetric flow rates shall be conducted during three six-hour periods for each stack. Each six-hour period will consist of three consecutive two-hour tests. Measurements need not necessarily be conducted simultaneously of emissions from all stacks on the smelter premises. All tests must be completed within a 72-hour period.

(d) In using Method 8, traversing shall be conducted according to Method 1 as described in Part 60 of this chapter. The minimum sampling volume for each two-hour test shall be 40 cubic feet corrected to standard conditions, dry basis.

(e) The volumetric flow rate of the total effluent from each stack evaluated shall be determined by using Method 2 as described in Part 60 of this chapter and traversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3 as described in Part 60 of this chapter. Moisture content shall be determined by use of Method 4 as described in Part 60 of this chapter, except that stack gases arising only from a sulfuric acid production unit may be considered to have zero moisture content.

(f) The gas sample shall be extracted at a rate proportional to gas velocity at the sampling point.

(g) For each two-hour test, the sulfur dioxide emission rate for each stack shall be determined by multiplying the stack gas volumetric flow rate (ft^3/hr at standard conditions, dry basis) by the sulfur dioxide concentration (lb/ft^3 at standard conditions, dry basis). The sulfur dioxide emission rate in lbs/hr for each stack is determined by calculating the arithmetic average of three independent six-hour periods, each consisting of three consecutive two-hour tests.

(h) The sum total of sulfur dioxide emissions from the smelter premises in lbs/hr is determined by adding together the emission rates (lbs/hr) from all stacks equipped with the measurement systems required by subparagraph (3) of this paragraph.

(iii) A violation of the requirements of subparagraph (1) of this paragraph shall occur whenever the total sulfur dioxide emission rate determined according to subparagraph (4)(i) or (ii) of this paragraph exceeds the sulfur dioxide emission rate specified in subparagraph (1) of this paragraph.

2. Section 52.1375 is amended to read as follows:

§ 52.1375 Attainment dates for national standards.

The following table presents the latest dates by which the national standards will be attained. These dates reflect the information presented in Montana's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Billings Intrastate	(a)	(a)	(b)	(c)	(a)	(a)	(a).
Great Falls Intrastate	(a)	(a)	(c)	(c)	(a)	(a)	(a).
Helena Intrastate	(a)	(a)	Sept. 30, 1978	Sept. 30, 1978	(a)	(a)	(a).
Miles City Intrastate	(a)	(a)	(c)	(c)	(a)	(a)	(a).
Missoula Intrastate	(a)	(a)	(c)	(c)	(a)	(a)	(a).

[a] 3 yrs from plan approval or promulgation.
[b] Air quality levels presently below primary standards.
[c] Air quality levels presently below secondary standards.

NOTE.—Footnote references which are italicized are proposed by the Administrator because the plan does not provide a specific date.

3. Section 52.1376 is revised to read as follows:

§ 52.1376 Extensions.

The Administrator hereby extends for 18 months the statutory timetable for submission of the plan for the attainment and maintenance of the secondary standard for sulfur oxides in the Helena Intrastate Region.

[FR Doc.75-27722 Filed 10-15-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20401, RM-2363; FCC 75-1086]

FM BROADCAST STATIONS, JEFFERSON CITY, MO.

Proposed Table of Assignments

Report and order—Proceeding Terminated. In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations, (Jefferson City, Missouri), Docket No. 20401, RM-2363.

1. The Commission has before it a "Notice of proposed rulemaking" (40 FR 14946), issued in response to a petition filed by George E. Bryant, proposing assignment of Channel 269A to Jefferson City, Missouri (pop. 32,407), county seat and State capital, as its third FM assignment.[1] We requested information on the effect this assignment would have on future FM channels available to Centralia, Missouri (pop. 3,618), a nearby community that does not have a local broadcast facility.[2] Comments were received in support of the proposed rule making from CLW Broadcasters ("CLW"), Chattanooga, Tennessee, apparent successor-in-interest to petitioner.[3]

2. CLW's comments were received by the Commission on June 16, 1975, along with its request for late acceptance. The cut-off date had been extended once, at CWL's request, to June 9, 1975.[4] A second request for extension to June 13 was denied.[5] CLW's only reason for late filing was a miscalculation in delivery time of the engineering study it had commissioned. We do not find its argument persuasive, especially since CLW not only missed our extended deadline, but also missed its own requested deadline.

3. Furthermore, even if its comments had been timely filed, they are clearly inadequate. CLW has not stated its intention to apply for the channel if assigned and to promptly build a station if authorized. Rather, it offered only the statement that it "is interested in forming a group to apply for an FM broadcast station construction permit" if the channel is assigned. To insure that a channel

[1] Jefferson City presently has two full-time AM stations, two commercial FM stations, and one educational FM station.

[2] While we do not reach the issue in this case, we have been informed that Channels 221A and 272A could be assigned to Centralia.

[3] CLW has the same counsel of record as petitioner. Counsel now informs us that Mr. Bryant is no longer interested in this proceeding.

[4] 40 FR 22847 (May 16, 1975).

[5] Mimeo 51507 released June 16, 1975. We denied the extension because CLW's motion was untimely since it was filed less than the required seven days before the filing deadline. See § 1.46(b) and 39 FR 43301 (1974). The Commission acted on the motion June 11, 1975.

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will be promptly utilized, we require a clear, unequivocal commitment before we proceed to make an assignment. If CLW forms a group which intends to operate a station, or if another interested party appears, we can again consider the matter through the filing of a new petition for rule making. Until such time, the proposal must be denied without prejudice.

4. *Accordingly, it is ordered*, That the subject proposal for rule making is denied, and that this proceeding is terminated.

Adopted: September 24, 1975.

Released: October 7, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[a]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-27826 Filed 10-15-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 231, 241]

[Release Nos. 33-5622, 34-11697; File No. S7-599]

BANK HOLDING COMPANIES

Proposed Guides for Statistical Disclosure

The Commission today authorized the publication for public comment of proposed Guides 61 and 3, "Statistical Disclosure by Bank Holding Companies," of the Guides for the Preparation and Filing of Registration Statements under the Securities Act of 1933 and the Guides for the Preparation and Filing of Reports and Registration Statements under the Securities Exchange Act of 1934 (hereafter, the "Guides for the Preparation and Filing of Reports and Proxy and Registration Statements under the Securities Exchange Act of 1934"), respectively. The proposed guides are not rules of the Commission nor are they published as bearing the Commission's official approval; they represent policies and practices followed by the Commission's Division of Corporation Finance in administering the disclosure requirements of the federal securities laws. Moreover, it should be noted that although the guides are published for comment, the Division of Corporation Finance has been issuing comments similar in substance to some of the proposed guides in reviewing registration statements and will continue to issue such comments in reviewing registration statements during the comment period.

GENERAL BACKGROUND

THE DISCLOSURE SYSTEM

Congress in enacting the Federal securities statutes created a continuous disclosure system designed to protect investors and to assure the maintenance of fair and honest securities markets. Congress felt that a disclosure law would provide the best protection for investors. In other words, if the investor had available to him all the material facts concerning a security and its issuer, he would then be in a position to make an informed judgment whether or not to buy, hold or sell the security. In order to provide such information to investors, Congress determined that a distribution of securities requires the filing of a registration statement with the Commission and the delivery to investors of a prospectus containing accurate and current information concerning the issuer and its securities. In addition, in the Securities Exchange Act of 1934 (Exchange Act), Congress provided for periodic reporting by issuers whose securities were held by the public so that there would be continuous disclosure available to the market place. The Commission, in administering and implementing the objectives of these statutes, has sought to coordinate and integrate the disclosure system, with a view toward the fundamental purposes of the Securities Act of 1933 (Securities Act):

> To provide full and fair disclosure of the character of the securities sold in interstate commerce and through the mails, and to prevent fraud in the sale thereof * * *

When choosing among investment opportunities, investors are primarily interested in future earnings potential. Recognizing this, the staff of the Commission has encouraged registrants to provide full disclosure of those factors which have a material effect upon historical earnings or which may have a material effect upon earnings. Changes in the nature of the banking business have influenced the type of disclosure that is most meaningful. As banking has diversified both geographically and in terms of the nature of business activities undertaken, it has become increasingly difficult for the investor to identify the sources of income of the bank. Since various sources of income can have a wide range of risk characteristics, the investor may have difficulty assessing the future earnings potential of a bank or bank holding company. In addition, in some circumstances, future earnings may be not so much a function of prior years' results as they are a function of present and future economic conditions. In other words, evaluations about future earnings which are extrapolated from prior experience may not be sufficient, especially during periods of rapid changes in the business environment.

Recent events, including significant changes in the economy, have increased interest in, and the need for, more meaningful disclosures relating to the loan and investment portfolios of banks. Public statements by bank regulators have indicated that the economy and bank practices may have affected the risk characteristics of the portfolios. Independent public accountants with banks as clients have expressed similar concerns. Accounting Series Release No. 166 (December 23, 1974) addressed this point specifically by calling for substantial and specific disclosure of changes in the risk characteristics of loan portfolios. In light of these concerns, the Commission's staff has been seeking more meaningful disclosure about loan portfolios and related items.

THE ROLE OF THE COMMISSION'S STAFF IN REVIEWING FILINGS

Certain misconceptions about the role of the staff and of the Commission in reviewing registration statements have come to the attention of the Division in connection with the recently sought disclosure about bank holding companies. The misconceptions are not applicable only to bank holding companies, but they have surfaced in that context. The Division is therefore taking this opportunity to dispel certain of these misunderstandings.

The staff of the Division reviews registration statements with the objective of attaining, to the extent feasible, full and fair disclosure. Before the staff, through delegated authority, accelerates the effective date of a registration statement, it must give due regard to the adequacy of the information available about the issuer and to the protection of investors.[1] Although the burden of making full disclosure of all material facts rests solely on the issuer of the securities, and cannot be shifted to the staff, the staff nevertheless has a responsibility to satisfy itself that the disclosure in the registration statement is as complete as feasible under the circumstances. This is as true with bank holding companies as it is with any other type of issuer. The changing nature of our economy means that the staff must be able to address areas that are of current significance or concern; the flexibility of the review process is intended to achieve this.

One misconception is that the staff cannot raise comments about a registration statement if it did not raise the same comments the last time the issuer or a similar issuer was in registration. This is contrary to the above described objective of staff review. The purpose of staff review is to try to attain as complete disclosure as feasible in light of present considerations and concerns. Comments that were appropriate last year may not be appropriate this year due to changing economic conditions; comments that no one considered raising last year may be the most critical this year for the same reason. In addition, a registration statement may have received a cursory form of review in the past so that detailed questions were not raised[2] or, as happens, there may have been inadvertence on the part of the staff.

It has also been asserted, in the same context, that if information is not specifically called for by an item in the registration form, it need not be provided to the staff or included in the registration statement. Again, this is contrary to the basic purpose of the disclosure system. The disclosure setting changes with economic change; it is not possible at any point in time to determine what items will always be material and to thereafter rely solely on disclsure of them. It is for this reason that Rule 408 (17 CFR 230.408) under the Securities Act and Rule 12b-20 (17 CFR 240.12-20) under the Exchange Act require that, in addition to the information expressly required to be included in a registration statement or report there shall be added such further material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

To fulfill its function of seeking full disclosure, to the extent feasible, the staff generally asks for "supplemental information" from registrants to evaluate the adequacy of the information that is disclosed in the registration statement. Obtaining and analysing such supplemental information is often a vital part of the staff's review. The fact that the staff asks for and receives supplemental information does not mean that it will appear in the registration statement. The staff seeks such information because it believes that the information may be material in its analysis of the disclosure in the registration statement, both in ascertaining, to the extent feasible, whether the registration statement contains adequate information and in determining what comments, if any, to make. Accordingly, it is unacceptable for a registrant to withhold information from the staff on the grounds that the information is "immaterial" in the registrant's view.

In connection with this, it should be noted that the determination of materiality depends on particular facts and is not subject to objective rules. Particularly in the case of bank holding companies, where the figures may be large, it has been contended that a certain figure is not material in relation to the total dollar amount of the loan portfolio. Although this may be true, the total dollar amount of the loan portfolio is not the only reference point. There may be an impact on income or equity or there may be a trend that might be of importance to an investor. The test for materiality as enunciated by the Supreme Court is whether a reasonable investor might consider the particular fact important in making an investment decision.[3]

It is in the context of these misunderstandings and with the intention of clarifying them as well as clarifying the type of disclosure that the Commission's staff expects from bank holding companies, that the Commission has authorized the publication for comment of these guides. As these guides were being prepared, the Commission's staff consulted extensively with representatives of the Federal Reserve Board, the Comptroller of the Currency and the Federal Deposit Insurance Corporation through an Interagency Bank Disclosure Coordinating Group. Because of their expertise in banking matters, the banking agencies were of assistance in providing the Commisison with information about the operations and activities of banks. The Commission recognizes that the type of information described in the proposed guides pertains to banks which are held by public bank holding companies since it is only these bank holding companies that are subject to the registration requirements of the Securities Act. However, the Commission understands that the bank regulatory agencies are considering obtaining some of the same information about banks subject to their jurisdiction through increased disclosure in the Call Reports required to be filed by banks, thus encouraging a system of coordinated disclosure.

Banks are regulated by various governmental agencies in order to assure that they are sound and that they can perform their role in our economy in a satisfactory manner. That regulation involves examination, reporting and enforcement. Regulation by the bank regulatory agencies, however, cannot substitute for the full disclosure that is required under the federal securities laws when an issuer proposes to sell its securities to public investors or its securities are being traded in the public markets. With these guides, the Division seeks to obtain data that would, to the extent feasible, provide more meaningful information about the specific bank holding company and enable investors to make meaningful comparisons among bank holding companies.

GENERAL DESCRIPTION

Proposed Guides 61 and 3 would be applicable to Securities Act registration statements (17 CFR 239.4-61) and Exchange Act registration statements on Form 10 (17 CFR 249.210), annual reports on Form 10-K (17 CFR 249.310), and proxy statements (17 CFR 240.14a-1 to 240.14a-103). The title of the Exchange Act guides has been amended to include "proxy statements." This amendment does not affect the applicability of the existing guides.

The Division believes that having the same type of statistical information available about all bank holding companies on a regular periodic basis would make the information more useful to investors. The guides specify disclosures of certain statistics relating to loans and related items, and are intended to apply only to one part of the bank holding company prospectus, proxy statement or report, the description of business. These guides are not all inclusive and in no way limit the type of information that may be required. Appropriate disclosure must always depend on the facts at the time. Although the guides give registrants descriptions of certain information that should be disclosed, they cannot cover every situation; the staff will still request supplemental information when appropriate to aid in the analysis of the information provided and may request additional disclosures.

In the preparation of the guides the staff has been mindful of the investor's need to assess uncertainties. The focus of many of the disclosures suggested is to provide information to help differentiate among banks as to sources of income and exposure to risks. Thus, for example, the registrant is asked to provide a breakdown of loan portfolios by types of loan. With information of this kind the investor is assisted in evaluating the potential impact of economic events of the future which may not be anticipated at the time of preparation of the registration statement. The same concept of providing information for risk assessment underlies the suggestions for disclosure of sources of funds and sensitivities to interest rate fluctuations. Among other things, this information should help the investor to evaluate the ability of the bank to move into or out of situations with favorable or unfavorable risk/return characteristics.

The proposed guides contain nine sections, each dealing with a particular area of statistical disclosure for bank holding companies. The first section, "Distribution of Assets, Liabilities and Capital," would require that balance sheet data for the past five years be presented in terms of daily averages and in terms of percentages of total assets, and total liabilities and capital. The percentage of assets associated with foreign operations would also be disclosed under certain specified conditions. The second section, "Investment Portfolio," would require the furnishing of specific information concerning the investment portfolio at the end of each of the last five fiscal years and any interim period presented. In addition, the portfolio at the end of the latest period would be separated into ranges of maturities and the weighted average interest rate for each range of maturities would be disclosed.

The proposed third section, "Loan Portfolio", sets forth five areas of disclosure relating to the registrant's loan portfolio. The disclosures include a breakdown of the types of loans in the portfolio at the end of each of the last five years and any interim period presented. Generally, the breakdown would follow the classifications in the banking regulators' Call Reports, but further elaboration might be necessary in some cases. In addition, the disclosures with respect to the loan portfolio would include information as of the end of the latest fiscal year about the portfolio's sensitivity to changes in interest rates and its range of maturities.

The proposed third section would also require disclosures relating to the risk aspects of the registrant's loan portfolio. The Division recognizes the complexities in this area and the difficulty of obtaining meaningful information. Therefore, three alternatives are being proposed and specific comment is invited on the form of guide that would result in the most meaningful information to investors. The first alternative would require disclosure relating to loans which are designated "nonperforming"—generally those loans 60 days past due or which have been renegotiated because of the weakened condition of the borrower. The aggregate amount of each category and the impact on income or loss of interest on such loans would have to be disclosed. Similar

[a] Commissioner Hooks absent.

[1] Section 8(a) of the Securities Act of 1933.

[2] Securities Act Release No. 5231 (February 3, 1972).

[3] "Affiliated Ute Citizens v. United States," 406 U.S. 128 (1972).

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information would have to be provided for all loans which, in management's opinion, involve a reasonable probability that principal and interest, in whole or in part, may not be collectable. This would include any "nonperforming" loans that involved such reasonable probability, as well as any other loans that came within that standard.

The second alternative is exactly the same as the first except that it does not call for disclosure of the aggregate amount of either "nonperforming" or "reasonable probability of noncollectability" loans or for information about collateral. The third alternative would require the same information about nonperforming loans as the second alternative, and would in addition seek information about loans involving "expected losses," including the aggregate amount of such loans.

The fourth section, "Deposits, Long-Term Debt and Funds Borrowed," specifies the statistical disclosure to be made with respect to the composition of the registrant's deposits, long-term debt and funds borrowed with specific disclosure of the maturities of time deposits of $100,000 or more. The fifth section, "Return on Equity and on Assets," would require for each period disclosures of the percentage of income to average stockholders' equity and to average total assets. Under the sixth section, "Interest Rates and Interest Differential," the registrant would furnish a comparison of the average interest rates earned and paid for each reported period. In addition, dollar amounts of changes in income and expense for earning assets and for borrowed funds for the last two fiscal years and any interim period presented would be required, as well as the net interest differential.

Certain disclosure requirements relating to the registrant's international banking operations are set forth in the seventh section, "Foreign Banking Operations." Comment is specifically requested on whether "foreign banking operations" should be defined as business transacted through foreign branches, or business with foreign obligors or depositors whether through foreign branches or not, or whether another definition would be preferable. Until such time as there is a definition of "foreign banking operations," the staff will accept disclosure based on the registrant's own definition, as long as that definition is disclosed. It is anticipated that the guides, particularly with respect to foreign banking activities, will be revised based on further experience.

The eighth section, "Commitments," sets forth disclosure concerning commitments for future loans, including firm lines of credit. The proposed guide would require information as of the end of the most recent fiscal year and any subsequent period about unused and used commitments broken down into those made for commercial and industrial loans, loans to financial institutions, and mortgages. A proposed definition of commitment for these purposes is also included. These disclosures are designed to provide investors with information about the possible future application of funds.

The ninth section, "Summary of Loan Loss Experience," would require an analysis of the registrant's loan loss experience for the last ten years and any interim period presented. Certain portions of this analysis are keyed to the types of loans presented in the disclosure of the loan portfolio required under Section three (Loan Portfolio). One of the items to be disclosed is the additions to the reserve charged to operating expense. A description of the factors which influenced management's judgment in determining the amount of the provision for loan losses would be required. The single statement that the amount is based on management's judgment is not sufficient.

It should be emphasized in this connection that the formulas established by bank regulatory agencies represent a statistical technique for providing additions to the reserve based upon the average loss experience of the past. While such an approach is a reasonable starting point for determining an adequate provision, it does not take into account changing circumstances which may require a smaller or larger amount to be provided. Where the amount actually provided is not based on a statistical analysis of past experience, Issuers should so indicate and should explain the reasons for any variance.

Operation of the Proposed Guides

The Division recognizes that some of the information called for by the proposed guides may not be presently available without undue burden or expense. Therefore, if the guides are adopted, they would operate prospectively as to certain items. An example of such an item would be the area of loan loss experience in previous years.

The Division is mindful of the cost to registrants and others of its proposals and recognizes its responsibilities to weigh with care the costs and benefits which result from its practices. Accordingly, the Division specifically invites comments on the cost to registrants of complying with the proposed guides.

The Commission has authorized the publication for comment of proposed Guides 61 and 3, pursuant to sections 7 and 10 of the Securities Act of 1933 and sections 12, 13 and 15(d) of the Securities Exchange Act of 1934. All interested persons are invited to submit their views or comments on the guides to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before November 30, 1975. Such communications should refer to File No. S7-589 and will be available for public inspection. The text of the proposed guides is attached below.

By the Commission.

George A. Fitzsimmons,
Secretary.

October 1, 1975.

Proposed Guide 61—Guides for the Preparation and Filing of Registration Statements Under the Securities Act of 1933

Statistical Disclosure by Bank Holding Companies

This guide applies to the description of business required in registration statements filed on Forms S-1 (Item 9) (17 CFR 239.11), S-7 (Item 5) (17 CFR 239.26) and S-14 (Item 1) (17 CFR 239.23).

Information furnished in accordance with this guide should be set forth in the order appearing below for the periods specified. When the term "reported period" is used in the guide, it refers to each of the periods described below, unless otherwise specified:

(a) Each of the last five fiscal years of the registrant,

(b) Any subsequent interim period for which an income statement is furnished, and

(c) Any additional period necessary to keep the information presented from being misleading.

If the registrant believes that the presentation described in this guide is inappropriate, or that specific items are not relevant or are otherwise inappropriate, the registrant should bring this to the staff's attention, indicating the reasons therefor. It is recognized that some of the information called for by the proposed guides, such as loan loss data in prior years, may not be presently available without undue burden or expense. If this is the case, the staff should be so advised.

With respect to daily averages, which are required by some of the guides, if the registrant does not have daily data and if management believes that averages as of ends of quarters or as of call dates would not be misleading, such averages are acceptable.

The data required by this guide should be presented in tabular format unless an alternative presentation is clearly preferable.

I. *Distribution of assets, liabilities and capital.* A. For each reported period, present the daily average of (1) total assets and (2) each principal category of asset.

B. As of the end of each reported period, present the percentage of (1) each principal category of assets to total assets and (2) each principal category of liabilities and capital to total liabilities and capital.

C. If during any reported period (1) the revenues or income before taxes associated with foreign operations exceeded 5 percent of the registrant's consolidated revenues or income before taxes, respectively, or (2) the assets associated with foreign operations exceeded 5 percent of total assets, present the percentage of total assets associated with foreign operations as of the end of each reported period.

Note: For additional statistical disclosure concerning foreign operations see Paragraph VII.

II. *Investment portfolio.*—A. As of the end of each reported period, present the amount of investment in obligations of (1) the U.S. Treasury, (2) U.S. government agencies and corporations, (3) state and political subdivisions (domestic), (4) other bonds, notes and debentures, and (5) corporate stock. In addition, state the average maturities as of the end of each reported period for each of the aforementioned investment categories, except (5).

B. As of the end of the latest reported period, present the amount of each investment category listed above (except (5)) which is due (1) in one year or less, (2) after one year through five years, (3) after five years through ten years, and (4) after ten years. In addition, state the weighted average interest rate for each range of maturities.

Note: It should be indicated whether or not yields on tax exempt obligations have been computed on a tax equivalent basis.

III. *Loan portfolio.*—A. *Types of loans.* For each reported period, present the daily average amount of each type of loan listed below. Additional detail of loans by type may be appropriate in some circumstances, such as when a substantial portion of total commercial and industrial loans is concentrated in one or a few industries.

Note: See "Call Report Instructions to Schedule A Loans" of the federal banking agencies for definitions of types of loans. If the registrant believes that it is appropriate to categorize loans differently than required by such Instructions, an explanation of the differences should be provided to the staff.

1. Real estate loans (include only loans secured primarily by real estate):
(a) Construction and land development.
(b) Secured by farmland.
(c) Secured by 1–4 family residential properties: (1) Insured by FHA or guaranteed by VA, (2) Not insured by FHA or guaranteed by VA.
(d) Secured by multi-family (5 or more) residential properties: (1) Insured by FHA, (2) Not insured by FHA.
(e) Secured by nonfarm, nonresidential properties.

2. Loans to financial institutions:
(a) Real estate investment trusts and mortgage companies.
(b) Domestic commercial banks.
(c) Foreign banks.
(d) Other depositary institutions.
(e) Other financial institutions.

3. Loans for purchasing or carrying securities.

4. Commercial and industrial loans.

5. Loans to individuals for household, family, and other personal expenditures:
(a) Installment (including credit cards).
(b) Single payment.

6. All other loans.

B. *Sensitivity to changes in interest rates.* As of the end of the latest fiscal year and any interim period reported on, present separately the amount of loans (based on remaining scheduled repayments of principal) (1) due in one year or less and (2) due after one year (a) which have interest rates dependent upon the "prime" rate of interest, (b) which have other variable rates of interest and (c) which have fixed rates of interest.

C. *Maturities.* Excluding residential mortgages (1-4 family residences) and loans to individuals for household, family and other personal expenditures, present separately as of the end of the latest reported period the amount of loans maturing (based on remaining scheduled repayments of principal) (1) in one year or less, (2) after one year through five years and (3) after five years.
(3) After five years.

[Paragraphs D and E seek disclosure relating to the risk characteristics of the loan portfolio. Three alternative guides are set forth below; comment is specifically requested on these alternatives.]

Alternative (1)

D. *Nonperforming loans.* As of the end of the latest two fiscal years and any interim period reported on, state separately the following for loans (a) which are contractually past due 60 days or more as to interest or principal payments, or (b) the terms of which have been renegotiated to provide a reduction or deferral of interest or principal because of a weakening in the position of the borrower (exclusive of loans in (a)):

1. The aggregate amount of such loans;

2. The gross amount of interest income which would have been recorded on such loans during the period if all such loans had been current (in accordance with their original terms) and outstanding throughout the period;

3. The amount of interest payments which were recorded in interest income (excluding reversals of previously accrued interest) during the period on these loans;

4. If any disclosure is made relating to collateral, state the portion of loans disclosed pursuant to (1) which is secured by marketable collateral.

Notes.—1. A loan remains in category (b) until such time as the terms are substantially equivalent to terms on which loans with comparable risks are being made.

2. For filings made in the first year that the guides are in effect, information is required only for the latest fiscal year and any interim period reported on unless similar information for previous years has been included in filings with the Commission.

E. *Loans involving reasonable probability of non collectability.* As of the end of the latest two fiscal years and any interim period reported on, state the following for loans which, in management's opinion, involve a reasonable probability that principal and interest, in whole or in part, may not be collectable, broken down into (a) loans which are contractually past due 60 days or more as to interest or principal payments, (b) loans the terms of which have been renegotiated to provide a reduction or deferral of interest or principal because of a weakening in the position of the borrower (exclusive of loans in (a)), and (c) other loans (exclusive of loans in (a) and (b)) (for example, those single payment loans not yet due from borrowers whose financial condition raises questions as to ultimate collectability):

1. The aggregate amount of such loans;

2. The gross amount of interest income which would have been recorded on such loans during the period if all such loans had been current (in accordance with their original terms) and outstanding throughout the period;

3. The amount of interest payments which were recorded in interest income (excluding reversals of previously accrued interest) during the period of these loans;

4. If any disclosure is made relating to collateral, state the portion of loans disclosed pursuant to (1) which is secured by marketable collateral.

Notes.—1. A loan remains in category (b) until such time as the terms are substantially equivalent to terms on which loans with comparable risks are being made.

2. For filings made in the first year that the guides are in effect, information is required only for the latest fiscal year and any interim period reported on, unless similar information for previous years has been included in filings with the Commission.

Alternative (2)

D. *Nonperforming loans.* Paragraph D would be identical to D in Alternative (1) except that paragraph D.1. calling for the aggregate amount and paragraph D.4. relating to collateral would be deleted.

E. Loans Involving Reasonable Probability of NonCollectability Paragraph E would be identical to E in Alternative (1) except that paragraph E.1. calling for the aggregate amount and paragraph E.4. relating to collateral would be deleted.

Alternative (3)

D. *Nonperforming Loans.* As of the end of the latest reported period, state separately the following for loans (a) which are contractually past due 60 days or more as to interest or principal payments, or (b) the terms of which have been renegotiated because of a weakening in the position of the borrower, to provide a reduction or deferral of interest or principal:

1. The gross amount of interest income which would have been recorded on such loans during the period if all such loans had been current (in accordance with their original terms) and outstanding throughout the period.

2. The amount of interest payments which were recorded in interest income (excluding reversals of previously accrued interest) during the period of these loans.

3. If desired by management, the amount of marketable collateral which is available to cover the loans in D(a) and D(b) may be stated.

E. *Loans involving expected losses.* As of the latest reported period, state the following for those outstanding loans which management has taken specific account of in computing its provision for loan loss reserves because of an expected loss in whole or in part. These loans may include some portion of those in D(a), some portion of those in D(b), and any additional loans that are expected to become losses:

1. The aggregate amount of such loans.

2. The gross amount of interest income which would have been recorded on such loans during the period if all such loans had been current (in accordance with their original terms) and outstanding throughout the period.

3. The amount of interest payments which were recorded in interest income (excluding reversals of previously accrued interest) during the period of these loans.

4. If desired by management, the amount of marketable collateral which is available to cover the loans involving expected losses may be stated.

IV. *Deposits, long-term debt and funds borrowed.* For each reported period, present separately the average daily amount of (1) domestic demand deposits, (2) domestic savings and time deposits (excluding time deposits separately reportable under (3) below), (3) domestic time deposits issued in amounts of $100,000 or more (set forth in dollar amounts by time remaining until maturity: under 3 months, 3 to 6 months, 6 to 12 months, and over 12 months), (4) federal funds purchased and securities sold under agreements to repurchase, (5) notes and debentures, (6) mortgage indebtedness, (7) foreign demand and time deposits and (8) other funds borrowed.

V. *Return on equity and on assets.* For each reported period, present the percentage of net income to average stockholders' equity and to average total assets.

VI. *Interest rates and interest differential.* A. For each reported period, present a summarization of the average rate earned on each major type of earning assets, the average rate paid for each major type of purchased funds and net weighted differential between rates earned and rates paid.

B. For the latest two fiscal years and any interim period reported on, present (1) the dollar amounts of the changes in interest income for earning assets (in total and broken down into loans, investments, federal funds and other appropriate categories); (2) the dollar amounts of the changes in interest expense for borrowed funds (time deposits, short-term borrowings and other appropriate categories); and (3) the net interest differential. The dollar amounts

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should be analyzed to indicate the amount of the change resulting from variances in volume and from variances in rates and yields.

VIII. *Foreign Banking Operations.*

NOTE: See paragraph I.C. for additional disclosure on international operations.

If during either of the last two reported periods, (1) the revenues or income before taxes associated with foreign banking operations exceeded 5 percent of the registrant's consolidated revenues or income before taxes, respectively, or (2) the assets associated with foreign banking operations exceeded 5 percent of total assets, furnish the following information with respect to such operations:

A. As of the end of the latest reported period present separately the aggregate amount of:

1. Loans to banks.
2. Loans to other financial institutions.
3. Loans to governments and official institutions.
4. Consumer loans.
5. Loans to businesses.
6. Real estate loans.
7. Other loans.
8. Deposits.
9. Other borrowing from foreign sources.

B. As of the end of the latest reported period present separately the amount of foreign assets by appropriate geographic grouping. If five percent or more of the registrant's total assets are located in one foreign country, such country shall be identified and the amount of assets so located shall be stated separately.

C. As of the end of the latest reported period, present separately the amount of foreign assets and liabilities by currency (with disclosure of open currency positions at that date).

NOTE: If these disclosures would involve violation of the banking confidentiality requirements of any country, registrants may omit such disclosure: *Provided*, That a statement is made that such information has been omitted. The staff may in its discretion ask for support for the registrant's assertion that disclosure would violate any such confidentiality requirements.

D. For each reported period, present separately revenues and net income by appropriate geographic grouping. If five percent or more of the registrant's revenue or net income from operations is attributable to one foreign country, such country shall be identified and the amount of revenue or net income so attributed shall be stated separately.

VIII. *Commitments.* As of the end of the most recent fiscal year and any subsequent period reported on, present the following information in regard to loan commitments:

	Commitments, including confirmed lines [1]		
	Unused [2]	Used [3]	Total
A. For commercial and industrial loans:			
(1) Commitments for term loans			
(2) Commitments for revolving credit			
(3) Confirmed lines of credit			
(4) Other commitments			
(5) Total			
B. For loans to financial institutions:			
(1) Banks			
(2) Bank holding companies			
(3) Other			
(4) Total			
C. For mortgages			

[1] Commitments are official promises to lend that are expressly conveyed, orally or in writing, to the bank's customers. Such commitments are usually in the form of a formally executed agreement or a letter signed by one of the bank's officers. Oral commitments made by bank officers to customers are usually accompanied by some documentation for the bank's own records such as a notation in the customer's credit file. Authorizations (internal guidance lines) where the customer is not informed of the amount, however, should be excluded as should those cases where loan funds are temporarily pending loan committee approval.

[2] Unused commitments are the amounts still available under commitment arrangements, but not borrowed, as of the indicated date. Unused commitments exclude any takedowns, expirations, or cancellations.

[3] Used commitments are all loans, less repayments of principal, made under commitments currently or previously in force.

NOTE.—The information may be furnished only for loans over $100,000 if such size cut-off is used for reporting similar data to the bank regulatory agency with jurisdiction over the registrant.

IX. *Summary of loan loss experience.* An analysis of loan loss experience shall be furnished in the following format for the latest ten fiscal years and any interim period reported on.

NOTE: As indicated in the introduction to the guide, if the loan loss data is not available without undue burden or expense, the staff should be so advised.

A. Amount of loans outstanding at end of period.

B. Amount of daily average loans outstanding.

C. Amount of valuation portion of loan loss reserve at beginning of period. A note to the table should explain that the valuation portion of the reserve is the only part available to cover loans that are charged off.

D. Amount of losses charged off during each period:

1. Loans to individuals for household, family and other personal expenditures.
2. Residential mortgages (1–4 family).
3. Other real estate (including construction loans).
4. Commercial and industrial loans.
5. Foreign loans.
6. All other loans.
7. Total.

E. Amount of recoveries of losses previously charged off during each period:

1. Loans to individuals for household, family and other personal expenditures.
2. Residential mortgages (1–4 family).
3. Other real estate (including construction loans).
4. Commercial and industrial loans.
5. Foreign loans.
6. All other loans.
7. Total.

F. Net loans charged off during each period.

G. Additions to reserve charged to operating expense during each period. Indicate the amount by which the provisions for the latest fiscal year differs from the applicable regulatory agency formula disclosing which formula is used. In connection with this information, for the latest fiscal year and any interim period reported on, describe briefly the factors which influenced management's judgment in determining the amount charged to operating expense. The statement that the amount is based on management's judgment is not sufficient.

H. For all reported periods, a breakdown of the loan loss reserve by loan type as described in paragraph E above, including also as a loan type any unallocated portion of the reserve, in terms of: (a) Dollar amounts, (b) percentages of total loans of each loan type, (c) percentages of total nonperforming loans of each loan type described in paragraph III (D).

NOTE: For filings made in the first ten years that the guides are in effect, information in response to Paragraph H is required only for the latest fiscal year and any interim period reported on, unless similar information for previous years has been included in filings with the Commission.

I. Valuation portion of reserve at end of year.

J. Ratio of net charge-offs during each period to average loans outstanding for the period.

K. Ratio of valuation portion to loans at end of period.

PROPOSED GUIDE 8—GUIDES FOR THE PREPARATION AND FILING OF REPORTS AND PROXY AND REGISTRATION STATEMENTS UNDER THE SECURITIES EXCHANGE ACT OF 1934

STATISTICAL DISCLOSURE BY BANK HOLDING COMPANIES

This guide applies to the description of business required in registration statements filed on Form 10 (Item 1) (17 CFR 249.210), in proxy statements relating to mergers, consolidations, acquisitions and similar matters (Item 14 of Schedule 14A) (17 CFR 240.14a–101), and in reports filed on Form 10–K (Item 1) (17 CFR 249.310).

[The rest of Proposed Guide 8 is identical to Proposed Guide 61 set forth above.]

(Secs. 7, 10, 48 Stat. 78, 81; secs. 12, 13, 15(d), 48 Stat. 892, 894, 895; sec. 205, 48 Stat. 906; secs. 1, 3, 49 Stat. 1375, 1377; secs. 8, 202, 68 Stat. 685, 686; secs. 3, 4, 6, 78 Stat. 565–568, 569, 570–574; secs. 1, 2, 82 Stat. 454; secs. 1, 2, 28, 84 Stat. 1435, 1497 (15 U.S.C. 77g, 77j, 781, 78m, 780(d)))

[FR Doc.75–27892 Filed 10–15–75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1975 Rev., Supp. No. 3]

SIGNAL INSURANCE CO. AND IMPERIAL INSURANCE CO.

Surety Companies Acceptable on Federal Bonds; Termination of Authority

Notice is hereby given that the Certificates of Authority issued by the Treasury to Signal Insurance Company, Los Angeles, California, and its subsidiary, Imperial Insurance Company, Los Angeles, California, under sections 6 to 13 of Title 6 of the United States Code, to qualify as acceptable sureties on Federal bonds, are hereby terminated effective this date. The companies were last listed as acceptable sureties on Federal bonds at 40 FR 29256, July 10, 1975, and 40 FR 29252, July 10, 1975, respectively.

The companies were placed in conservatorship under the California Insurance Department on September 23, 1975. The companies' latest financial statements filed with the Treasury reflected a substantial amount of surplus at June 30, 1975. However, current information obtained from the Insurance Department and acknowledged by the companies indicates a recently completed State examination determined the companies were actually insolvent at that date.

In the circumstances, bond-approving officers of the Government should, in instances where such action is necessary, secure new bonds in lieu of bonds executed by Signal Insurance Company and Imperial Insurance Company. Claims against the companies should continue to be prepared in the usual manner, and in the future, forwarded to:

Mr. J. A. Morton, Deputy Insurance Commissioner, California Insurance Department, Room 1401, 600 South Commonwealth Avenue, Los Angeles, California 90005.

Dated: October 1, 1975.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.75-27798 Filed 10-15-75;8:45 am]

Internal Revenue Service

[Order No. 88 (Rev. 4)]

DISTRICT DIRECTORS OF INTERNAL REVENUE

Issuance of Notices of Revocation and Re-establishment of Exemption; Delegation of Authority

1. Pursuant to the provisions of 26 CFR 1.503(a)-1 and Treasury Department Order 150-37, the authority vested in the Commissioner of Internal Revenue to determine that any organization or trust described in section 401 or 501 has engaged in a prohibited transaction and to notify such entity in writing of the revocation of exemption is delegated to the District Director of Internal Revenue in each of the following Key Districts:

Key Districts:	*IRS District Covered*
CENTRAL REGION	
Cincinnati	Cincinnati, Louisville, and Indianapolis.
Cleveland	Cleveland and Parkersburg.
Detroit	Detroit.
MID-ATLANTIC REGION	
Baltimore	Baltimore, Pittsburgh, Richmond and Office of International Operations.
Philadelphia	Philadelphia and Wilmington.
Newark	Newark.
MIDWEST REGION	
Chicago	Chicago.
St. Paul	St. Paul, Aberdeen, Fargo, and Milwaukee.
St. Louis	St. Louis, Des Moines, Omaha, and Springfield.
NORTH-ATLANTIC REGION	
Boston	Boston, Augusta, Burlington, Providence, Hartford, and Portsmouth.
Manhattan Brooklyn	Manhattan. Brooklyn, Albany, and Buffalo.
SOUTHEAST REGION	
Atlanta	Atlanta, Greensboro, Nashville, and Columbia.
Jacksonville	Jacksonville, Jackson, and Birmingham.
SOUTHWEST REGION	
Austin	Austin, New Orleans, Albuquerque, Denver, and Cheyenne.
Dallas	Dallas, Oklahoma City, Little Rock, and Wichita.
WESTERN REGION	
Los Angeles	Los Angeles, Phoenix and Honolulu.
San Francisco	San Francisco, Reno, and Salt Lake City.
Seattle	Seattle, Portland, Anchorage, Boise, and Helena.

2. Such Key District Directors are also delegated authority to determine that such organizations and trusts will not knowingly again engage in a prohibited transaction and that they also satisfy all other requirements under sections 501(c)(3), 501(c)(17), 501(c)(18) or section 401(a) of the Internal Revenue Code of 1954 and to notify such trust or organization in writing of the re-establishment of its exemption pursuant to 26 CFR 1.503(d)-(1).

3. To the extent that any action taken between February 9, 1970, (the effective date of Delegation Order No. 88 (Rev. 3)) and the effective date of this order by District Directors or their delegates consistent with the delegation of authority in this Delegation Order, or any action taken by District Directors or their delegates which would have been authorized under a prior Delegation Order but which would be inconsistent with the delegation of authority in this Delegation Order, may require ratification, such action is hereby affirmed and ratified.

4. The authority delegated in this order may be redelegated but not below Chief, Employee Plans and Exempt Organizations Division.

5. This order supersedes Delegation Order No. 88 (Rev. 3) issued January 30, 1970.

Issued: August 6, 1975.

Effective: September 8, 1975.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.75-27726 Filed 10-15-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

AIR FORCE ACADEMY BOARD OF VISITORS

Meeting

OCTOBER 10, 1975.

The Air Force Academy Board of Visitors will meet at the Air Force Academy, Colorado Springs, Colorado, on October 31, 1975. The purpose of this meeting is to fulfill the requirements of section 9355d U.S.C. 10 for the Board to meet at the Academy annually to inquire into matters of morale, discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic matters, and other matters relating to the Academy which the Board decides to consider.

Portions of this meeting will be open for public attendance on October 31, 1975 from 9:15 a.m. to 12:00 noon in the Academy Superintendent's Conference Room, Harmon Hall. Among the topics on the tentative agenda during the open portion of the meeting are: Characteristics of the Class of 1979, Causes of Attrition, Women Cadets, and Review of Basic Cadet Training for the Class of 1979. The remainder of the meeting will pertain to internal Academy policies, procedures, and personnel matters and will be held in closed session.

The topics discussed will involve subject matter analogous to the Freedom of Information Act and listed in Title 5, U.S.C. 552(b) (2), (5) and (6).

If additional information is desired, contact Headquarters, U.S. Air Force (DPPA), Washington, D.C. 20330, at 202-697-7116.

JAMES L. ELMER,
Major, USAF, Executive,
Directorate of Administration.

[FR Doc.75-27730 Filed 10-15-75;8:45 am]

AIR FORCE COMMUNICATIONS SERVICE (AFCS) FROM RICHARDS-GEBAUR AIR FORCE BASE, MO TO SCOTT AIR FORCE BASE, IL AND RELATED MISSION REALIGNMENTS

Proposed Relocation

OCTOBER 8, 1975.

Notice is hereby given that in accordance with the National Environmental Policy Act, the United States Air Force intends to prepare an environmental impact statement on the proposed relocation of AFCS from Richards-Gebaur Air Force Base, MO to Scott Air Force Base, IL and related mission realignments. One of the related realignments is the proposed relocation of the 37th Tactical Airlift Squadron from Langley Air Force Base, VA to Pope AFB, NC. Another is the proposed relocation of the 1866th Facilities Checking Squadron from Richards-Gebaur Air Force Base, MO to Tinker Air Force Base, OK.

Environmental studies leading to the preparation of the environmental impact statement will be conducted at Richards-Gebaur Air Force Base, MO; Scott Air Force Base, IL; Pope Air Force Base, NC and Tinker Air Force Base, OK and their surrounding communities. These studies are expected to begin on or about October 1, 1975 and will be conducted by both Air Force personnel and civilian personnel under contract to the Air Force.

The Environmental Impact Statement will examine socioeconomic and physical environmental interrelationships which exist between the bases and the local communities including, but not limited to such factors as: The regional setting, demographic profile, economic base, manufacturing and industrial profiles, tourism and recreation, cultural and historic resources, human resources program, employment profiles, housing, education and community planning, and noise, air and water quality.

All interested persons desiring to submit suggestions for consideration in connection with the preparation of the environmental impact statement should send them to Lieutenant Colonel William R. Sims, AF/PREVX, Headquarters, U.S. Air Force, Washington, D.C. 20330, telephone 202-697-7763.

JAMES L. ELMER,
Major, USAF, Executive,
Directorate of Administration.

[FR Doc.75-27778 Filed 10-15-75;8:45 am]

AIR FORCE INSTITUTE OF TECHNOLOGY SUBCOMMITTEE

Meeting

OCTOBER 8, 1975.

The Air Force Institute of Technology Subcommittee of the Air University Board of Visitors will hold an open meeting on November 21, 1975 at 11:00 a.m. in the Commandant's Conference Room (Building 125), Wright-Patterson Air Force Base, Ohio.

The purpose of the meeting is to give the Subcommittee opportunity to present to the Commandant, Air Force Institute of Technology, a report of findings and recommendations concerning the Institute's educational programs. The findings of the Subcommittee will also be reported to the Commander, Air University, at the next regularly scheduled meeting of the Air University Board of Visitors.

For further information on this meeting, contact Lieutenant Colonel Jonathan H. Snead, Chief, Degree Programs Division, Directorate of Educational Plans and Operations, Air Force Institute of Technology, at 513-255-4219 or 513-255-5402.

JAMES L. ELMER,
Major, USAF, Executive,
Directorate of Administration.

[FR Doc.75-27777 Filed 10-15-75;8:45 am]

NATIONAL DEFENSE TRANSPORTATION ASSOCIATION

Meeting

OCTOBER 7, 1975.

The National Defense Transportation Association Military Airlift Committee will hold a meeting on November 12 and 13, 1975, with the following agenda:

WEDNESDAY, NOVEMBER 12

1300 Meeting Convenes
1320 The Impart of Technology on Airlift
1400 Ground Test Facilities at Arnold Engineering Development Center
1430 The Last Quarter of the Twentieth Century
1500 Break
1520 The Role of Intermodality, 1980-2000
1550 Adjournment

THURSDAY, NOVEMBER 13

0845 Meeting Reconvenes
0850 MAC Resource Optimization
0930 YC-14
1015 Break
1030 Tour of Boeing YC-14 and Plant
1145 Lunch
1315 747SP Flight Demonstration
1500 Adjournment

The NDTA Military Airlift Committee, serving as an industry advisory committee, advises the Commander of the Military Airlift Command on broad management problems pertaining to his command responsibilities. Presentations and discussions, in consonance with the theme, "The Airlift Scene, 1980-2000," will be featured.

The meeting is open for general public attendance, but this does not include participation in the proceedings or questioning the briefers and committee members. If an individual wishes to make a formal, oral statement germane to the meeting, he may submit a formal application, including the substance of the statement, in advance to the Commander, Military Airlift Command, Attention: Executive Agent, Military Airlift Committee, Scott Air Force Base, Illinois 62225. Formal written statements may be submitted to the Commander at any time before or after the meeting.

For additional information concerning this meeting, contact Colonel Floyd D. Castleman (Executive Agent), at 618-256-3025.

JAMES L. ELMER,
Major, USAF, Executive,
Directorate of Administration.

[FR Doc.75-27775 Filed 10-15-75;8:45 am]

SCIENTIFIC ADVISORY BOARD

Meeting

OCTOBER 7, 1975.

The USAF Scientific Advisory Board FTD Advisory Group will hold a meeting on November 18, 1975 from 8:00 a.m. to 5:00 p.m., and on November 19, 1975 from 8:00 a.m. to 12:30 p.m. at HQ Foreign Technology Division, Bldg. 828, Room 276, Wright-Paterson Air Force Base, Ohio.

The meeting will consist of classified briefings and discussions on the analytic methods utilized by the Foreign Technology Division.

The meeting will be closed to the public in accordance with Title 5, U.S.C. 552 (b), specifically subparagraph (1).

For further information, contact the Scientific Advisory Board Secretariat at 202-697-4648.

JAMES L. ELMER,
Major, USAF, Executive,
Directorate of Administration.

[FR Doc.75-27776 Filed 10-15-75;8:45 am]

SCIENTIFIC ADVISORY BOARD

Meeting

OCTOBER 7, 1975.

The USAF Scientific Advisory Board ad hoc Committee on Turbine Engines will hold a meeting on November 7, 1975 from 8:30 a.m. to 5 p.m. at the Pentagon, Washington, D.C.

The Committee will receive classified briefings on U.S. and foreign engine development programs and practices.

The meeting will be closed to the public under the provisions of 5 U.S.C. 552(b), specifically subparagraph (1).

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

JAMES L. ELMER,
Major, USAF Executive,
Directorate of Administration.

[FR Doc.75-27774 Filed 10-15-75;8:45 am]

V40201 OCT 16 75 XUM

AIR FORCE SYSTEMS COMMAND AERONAUTICAL SYSTEMS DIVISION ADVISORY GROUP

Meeting

OCTOBER 10, 1975.

The Air Force Systems Command Aeronautical Systems Division Advisory Group will hold meetings on October 30 and 31, 1975 at the Fairchild Republic Company, Building 17, Mezzanine (A–10 Control Room), Farmingdale, Long Island, New York, from 8:30 a.m. to 5:30 p.m. each day.

The meeting will consist of proprietary briefing and discussions on the A–10 aircraft structural design and fatigue test program.

The meetings concern matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (4) thereof, and that accordingly the meetings will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–8404.

JAMES J. SHEPARD,
Director of Administration.

[FR Doc.75–27848 Filed 10–15–75;8:45 am]

Department of the Army

MISSISSIPPI ARMY AMMUNITION PLANT, BAY ST. LOUIS, MISS.

Public Hearing

The Department of the Army will conduct a Public Hearing on the Draft Environmental Impact Statement concerning the establishment of the Mississippi Army Ammunition Plant. The hearing will take place at the National Space Technology Laboratories on October 16, 1975 at 7:30 PM, chaired by Office of the Project Manager for Munitions Production Base Modernization and Expansion.

The hearing will provide an opportunity to organizations and other interested members of the general public to comment on the draft statement.

Copies have been previously provided to federal, state and local agencies. CEQ announced availability of the statement in the FEDERAL REGISTER, Vol. 40, No. 188, Friday, September 26, 1975 (40 FR 44349).

Additional information may be obtained from Project Manager for Munitions Production Base Modernization and Expansion, ATTN: Mississippi Army Ammunition Plant Branch (AMCPM–PBM–MA), Dover, NJ 07801 (Commercial No. 201 328–2912/4744).

BRUCE A. HILDEBRAND,
Deputy for Environmental Affairs, Office of the Assistant Secretary of the Army (Civil Works).

[FR Doc.75–27779 Filed 10–15–75;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Meeting

This is to provide notice of meeting of the Juvenile Delinquency Task Force on Criminal Justice Standards and Goals.

The Juvenile Delinquency Task Force will meet on October 31 and November 1, 1975 at The Regency Hotel of Denver, 3900 Elati, Denver, Colorado 80216. The meeting will convene at 8:30 a.m. and will be open to the public.

Discussion will focus on the proposed standards on delinquency prevention and neglect and abuse. Also, to review redrafted standards in the jurisdiction area.

For further information, contact John Greacen, Acting Director for the National Institute for Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, NW., Washington, D.C.

GERALD H. YAMADA,
Attorney-Advisor, Office of General Counsel.

[FR Doc.75–27858 Filed 10–15–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Sacramento 051359]

CALIFORNIA

Order Providing for Opening of Land

OCTOBER 7, 1975.

Pursuant to the authority redelegated to me by the State Director, California State Office, Bureau of Land Management, approved by the Director, Bureau of Land Management, effective January 12, 1972 (37 FR 491), it is ordered as follows:

The following described national resource land which was withdrawn from application under the nonmineral public land laws and from disposition under the homestead, desert land and scrip selection laws and designated as the Panoche National Cooperative Land and Wildlife Management Area by Public Land Order 2460, has been classified as proper for private exchange pursuant to Sec. 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272).

MOUNT DIABLO MERIDIAN

T. 16 S., R. 12 E.,
Sec. 1, SW¼NW¼.

containing 40 acres.

The land shall immediately be opened for filing of an exchange application.

Inquiries concerning the land should be addressed to the Bureau of Land Management, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75–27781 Filed 10–15–75;8:45 am]

ROSWELL DISTRICT MULTIPLE USE ADVISORY BOARD

Public Meeting

OCTOBER 1, 1975.

Notice is hereby given that the Bureau of Land Management, Roswell District Multiple Use Advisory Board, will meet in the District Office, 1717 West Second Street, November 18, 1975, at 9:30 a.m. The meeting will be devoted principally to organization of the board, orientation and consideration of multiple use management of the resources on national resource lands in the Roswell District.

The agenda will include; organization of the board, presentation by district personnel of Bureau programs, problems, and historical background. There will be presentation, discussion and recommendations concerning the Bureau Planning System and the East Chaves Planning Unit.

The meeting will be open to the public and opportunity will be afforded for a limited number of brief oral statements from members of the public. Written statements also may be submitted. Written comments or inquiries should be addressed to the Bureau of Land Management District Manager at 1717 W. Second Street, Roswell, New Mexico, 88201. Oral requests for information will be received at the same office at (505–622–7670).

WILLIAM W. CAMPBELL,
District Manager.

[FR Doc.75–27780 Filed 10–15–75;8:45 am]

[ES 14827; Survey Group 82]

WISCONSIN

Filing of Plat of Survey

OCTOBER 6, 1975.

The plat of survey of the following described land, which was accepted on December 4, 1974, will be officially filed in the Eastern States Office, Silver Spring, Maryland at 10:00 a.m. on November 17, 1975.

FOURTH PRINCIPAL MERIDIAN

T. 8 N., R. 5 E.
Sec. 3: Lot 6.
Containing 3.64 acres.

This plat represents the survey of an island within the Wisconsin River. The island's formation is in all regards similar to the opposite mainland and is at an elevation of 7 feet above mean-water level. The soil is rich, sandy loam. Timber consists primarily of maple, ash, box elder and willow; the undergrowth consists mostly of young trees, brush and grass. The character of the island and the timber growth thereon attest to its existence on May 29, 1848, when Wisconsin was admitted into the Union, and at all times since. It is, therefore, held to be public land. The island is well over fifty percent upland in character within the interpretation of the Swampland Act of September 28, 1850.

Except for valid existing rights, these lands will not be subject to application, petition, location, selection or to any other type of appropriation under any public land law, including the mining and mineral leasing laws, until a further order is issued.

All inquiries relating to these lands should be sent to the Director, Eastern States, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

LOWELL J. UDY,
Director, Eastern States.

[FR Doc.75–27783 Filed 10–15–75;8:45 am]

[Wyoming 52521]

WYOMING

Application

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Western Oil Transportation Company, Incorporated has applied for an oil pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 45 N., R. 76 W.
Sec. 21;

The pipeline will convey oil from a tank battery to an existing pipeline all in Sec. 21, T. 45 N., R. 76 W., in Campbell County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 2834, Casper, WY 82601.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75–27815 Filed 10–15–75;8:45 am]

[Wyoming 52522]

WYOMING

Application

OCTOBER 8, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Western Oil Transportation Company, Incorporated has applied for an oil pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 45 N., R. 76 W.
Sec. 8;

The pipeline will convey oil from a tank battery to an existing pipeline, all in Sec. 8, T. 45 N., R. 76 W., in Johnson County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 2834, Casper, WY 82601.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75–27816 Filed 10–15–75;8:45 am]

[Wyoming 52825]

WYOMING

Application

OCTOBER 8, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Colorado Interstate Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 98 W., sec. 12.

The pipeline will convey natural gas from the Rock Springs Grazing Association 11–7 well in Sec. 7, T. 18 N., R. 97 W., to an existing pipeline in Sec. 1, T. 18 N., R. 98 W., in Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, WY 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75–27817 Filed 10–15–75;8:45 am]

WYOMING STATE MULTIPLE USE ADVISORY BOARD

Meeting

OCTOBER 6, 1975.

Notice is hereby given that the Wyoming State Multiple Use Advisory Board will meet at 8:15 a.m. November 6, 7, 1975 at the Ramada Inn, Casper, Wyoming.

The agenda will include the implications of the National Resource Defense Council suit; inter-relationships between the BLM planning process and the state planning process; and other presentations.

The meeting will be open to the public. Oral or written statements may be submitted for the Board's consideration during the second day of the meeting. Such statements should be limited to matters set forth in the agenda. Those wishing to make an oral statement must inform the State Director (912), Bureau of Land Management, Box 1828, Cheyenne, Wyoming 82001, in writing by close of business October 31, 1975. Time limits for oral presentations may be established by the chairman to ensure that all may be heard within the time available for such statements. Any interested person or organization may file a written statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the State Director (912), Bureau of Land Management, Box 1828, Cheyenne, Wyoming 82001.

Further information concerning the meeting may be obtained from Mr. John Burnett, Chief, Office of Public Affairs, Bureau of Land Management, Box 1828, Cheyenne, Wyoming 82001. His telephone number is (307) 778–2220, ext. 2384.

NYLES L. HUMPHREY,
Acting State Director.

[FR Doc.75–27833 Filed 10–15–75;8:45 am]

Fish and Wildlife Service

MIGRATORY BIRD HUNTING STAMP CONTEST

Announcement of Judging

Notice is hereby given that pursuant to 50 CFR Part 91, a panel of judges chosen by the Secretary of the Interior will select the design that will be used on the 1975 migratory waterfowl hunting stamp at a judging to be held October 29, 1975, at 1 p.m., in Room 7000A–B of the Department of the Interior Building, 18th and C Streets, NW. This is an annual contest drawing entries from top wildlife artists all over the United States. The public and the press are invited to attend the judging.

Dated: October 10, 1975.

F. V. SCHMIDT,
Acting Director, U.S. Fish and Wildlife Service.

[FR Doc.75–27767 Filed 10–15–75;8:45 am]

Geological Survey

UTAH

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by section 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as an

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addition to the known geothermal resources area, effective February 1, 1974:

(44) UTAH

ADDITION TO CRATER SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

Salt Lake Meridian, Utah

T. 13 S., R. 8 W.,
Sec. 31.
T. 14 S., R. 8 W.,
Secs. 3, 5 to 9, inclusive, and 17 to 20, inclusive.
T. 14 S., R. 9 W.,
Secs. 1, 3, and 12.

The area described aggregates 9,001.13 acres, more or less.

Dated: September 26, 1975.

WILLIAM H. FELDMILLER,
Acting Conservation Manager, Central Region.

[FR Doc.75-27819 Filed 10-15-75;8:45 am]

National Park Service

MINUTE MAN NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Minute Man National Historical Park Advisory Commission will be held, commencing at 11 a.m. on Friday, 31 October 1975, at the North Bridge Visitor Center, off Liberty Street, in Concord, Massachusetts.

The Commission was established by Public Law 86-321 to advise the Secretary of the Interior on the development of Minute Man National Historical Park.

The members of the Advisory Commission are as follows:

The Honorable F. Bradford Morse, Chairman, New York, New York.
Mr. James DeNormandie, Lincoln, Massachusetts.
Mr. Donald Nickerson, Lexington, Massachusetts.
Mrs. Lucy Richardson, Concord, Massachusetts.
Mrs. Katherine S. White, Lincoln, Massachusetts.

At this meeting reports will be submitted by the Superintendent on Park Operations and Land Acquisition Activities since the last Commission meeting.

The meeting will be open to the public. However, facilities and space are limited and it is expected that not more than 15 persons will be able to attend. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact David L. Moffitt, Superintendent, Minute Man National Historical Park at 617-369-6993. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Superintendent.

DENNIS P. GALVIN,
Acting Regional Director, North Atlantic Region, National Park Service.

[FR Doc.75-27897 Filed 10-15-75;8:45 am]

Office of the Secretary

[Order No. 2979]

ARCTIC NATURAL GAS TRANSPORTATION SYSTEMS

Environmental Impact Statement Revised Guidelines

SEC. *Purpose.* This order provides revised guidelines and assignments regarding responsibilities within the Department for work associated with the preparation of the environmental impact statement (EIS) for proposed arctic natural gas transportation systems. It supersedes Secretary's Order 2967 dated July 29, 1974.

SEC. 2. *Background.* On May 15, 1974, and on May 20, 1974, respectively, the Secretary of the Interior and the Chairman of the Federal Power Commission signed a Memorandum of Understanding which was published in the FEDERAL REGISTER on July 19, 1974 (39 FR 26433). The Memorandum of Understanding established procedures regarding the preparation of a joint environmental impact statement for proposed arctic natural gas transportation systems. Secretary's Order 2967 was issued to implement the provisions of the Memorandum. The Department formally withdrew from the Memorandum of Understanding on February 20, 1975. This action was explained and documented in the FEDERAL REGISTER on February 28, 1975 (40 FR 8578).

SEC. 3. *General responsibilities.* (a) The Under Secretary is designated to oversee the completion of the EIS, including supervision of the Project Manager.

(b) Preparation of the EIS is a Department-wide responsibility, and full and complete cooperation of all bureaus and offices involved is essential if this important undertaking is to be done properly, professionally and thoroughly. To this end, all bureaus and offices will furnish to the Project Manager, designated per section 4(b) of this order, any and all requested assistance, information and studies; provide necessary space; and assign personnel as required to work at the direction of the Project Manager.

SEC. 4. *Specific responsibilities.*—(a) *Secretarial Officers.* All Secretarial officers shall assure that required support is provided for the effort by bureaus and offices for which they are responsible.

(1) The Solicitor shall supervise all legal work in connection with the subject-matter of this order, including any litigation arising in connection therewith. He shall furnish legal support and guidance to the Secretary, Secretarial Officers, Technical Assistant to the Under Secretary, Project Manager, and the Federal Task Force on Alaskan Oil Development.

(2) The Assistant Secretary—Energy and Minerals is responsible for pertinent economic and security analyses (this includes energy and transportation alternatives and other considerations that may be mutually prepared with other agencies); and shall provide advice to the Project Manager insofar as these analyses relate to the EIS.

(3) The Assistant Secretary—Program Development and Budget is responsible for a balanced and independent review of all decision documents and supporting analyses, including the EIS, prepared for proposed arctic natural gas transportation systems.

(b) *Project Manager.* A Project Manager, designated by the Secretary, shall be responsible for day-to-day supervision and overall completion of the EIS to include: Policy determinations and clarifications; project criteria and design review; technical coordination with officials of the Canadian Government, State Governments, and other Federal agencies; communication of deficiencies in applications and project descriptions to applicants; and full control of budget and manpower allocations for the project.

(c) *Bureau of Land Management.* The Bureau of Land Management through the Assistant Secretary—Land and Water Resources, will determine information deficiencies in applications and project descriptions; establish and coordinate interagency work groups; supervise Interior work group employees; coordinate with State Governments, other Federal agencies, and Interior bureaus and offices; coordinate preparation of general and environmental stipulations; and prepare the EIS.

(d) *Technical Assistant to the Under Secretary.* The Technical Assistant to the Under Secretary shall coordinate design review; assist in determining information deficiencies in applications and project descriptions; assist the Project Manager and other agencies in evaluating liquefaction plants, marine terminals, ocean transport and regasification of liquefied natural gas; and coordinate preparation of technical stipulations. It is intended that the Technical Assistant to the Under Secretary may receive necessary assistance in carrying out his responsibilities from an interagency interdisciplinary technical group such as the Technical Advisory Board of the Federal Task Force on Alaskan Oil Development.

SEC. 5. *Technical Assistance.* The Project Manager may request technical assistance from private contractors and, on a reimbursable basis, from other Federal agencies when the expertise or data needed is not available within the Department. The Department shall be reimbursed for these expenses by the applicant companies.

SEC. 6. *Recordkeeping Requirements.* Since the applicant companies will be required to reimburse the United States for expenses incurred in this effort, all bureaus and offices receiving funds for this purpose shall keep careful records of such costs. Recordkeeping and reporting in this regard shall be prescribed by the Department's Office of Budget, and administered by the Bureau of Land Management.

SEC. 7. *Effective Date.* This order is effective immediately. Its provisions shall remain in effect until completion of the final EIS described in section 1 of this order, or until it is amended, superseded, or revoked, whichever occurs first. However, in the absence of the foregoing action, the provisions of this order shall terminate and be considered obsolete on September 30, 1977.

Dated: October 6, 1975.

KENT FRIZZELL,
Acting Secretary of the Interior.

[FR Doc.75-27785 Filed 10-15-75;8:45 am]

[Int FES 75-86]

BELLE AYR SOUTH MINE, CAMPBELL COUNTY, WYOMING

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement on a proposed expansion of coal mining operations at Amax Coal Company's Belle Ayr South Mine, Campbell County, Wyoming. The final statement assesses the environmental impacts of the lessee's plan for the strip mining of federally owned coal and the concurrent reclamation and revegetation of surface lands. The proposed action is an extension and expansion of present mining operations in the Belle Ayr South Mine, including a further extension thereof onto Federal coal lease Wyoming 0317682, Ts. 47 and 48N., R. 71 W., 6th Prin. Mer.

Comments received on the draft environmental statement during the 45 day comment period were considered in the preparation of the final environmental statement and are reproduced in its appendix.

The final environmental statement is available for public review in the:

U.S. Geological Survey Public Inquiries Office, Room 1012, Federal Building, Denver, Colorado 80202; the U.S. Geological Survey Library, Building 25, Denver Federal Center, Denver, Colorado 80225; the U.S. Geological Survey Library, Room 4A100, USGS National Center, Reston, Virginia; the Converse County Library, 300 Walnut Street, Douglas, Wyoming 82633; the George Amos Memorial Library, 412 South Gillette Avenue, Gillette, Wyoming 82716; the Library of Natrona County, 307 East Second, Casper, Wyoming 82601; and the State Library, State of Wyoming, Supreme Court Building, Cheyenne, Wyoming 82002.

U.S. Geological Survey Public Inquiries Office, Room 1012, Federal Building, Denver, Colorado 80202 and the United States Geological Survey, National Center, Mailstop 760, Reston, Virginia 22092.

The proposed mining and reclamation plan assessed in this statement was one of the mining proposals identified in the preparation of the regional analysis (Part I) of the Department's final environmental statement, FES 74-55, entitled "Proposed Development of Coal Resources in the Eastern Powder River Coal Basin of Wyoming," which was filed with the Council on Environmental Quality on October 18, 1974. Public hearings on the draft of that statement were held as follows: June 24-25, 1974 at Cheyenne, Wyoming; June 26, 1974 at Casper, Wyoming; and June 27-28, 1974 at Gillette, Wyoming.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

OCTOBER 7, 1975.

[FR Doc.75-27786 Filed 10-15-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

CASCADE PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Cascade Planning Unit, Boise National Forest, Idaho. The Forest Service report number is USDA-FS-FES (Adm) R4-75-22.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Cascade Planning Unit on the Boise National Forest, Idaho. The purpose of the plan is to allocate the 136,466 acres of National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, management decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects.

This final environmental statement was transmitted to CEQ on October 7, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.
Regional Planning Office, USDA, Forest Service, Federal Building, Room 4408, 324-25th Street, Ogden, Utah 84401.
Forest Supervisor, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.
District Forest Ranger, Cascade Ranger District, Cascade, Idaho 83611.

A limited number of single copies are available upon request from Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: October 7, 1975.

P. M. REES,
Director, Regional Planning and Budget.

[FR Doc.75-27769 Filed 10-15-75;8:45 am]

KANCAMAGUS UNIT PLAN WHITE MOUNTAIN NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement on the Kancamagus Unit Plan for the White Mountain National Forest, USDA-FS-R9-DES-(ADM)-76-01.

The environmental statement concerns a proposed land use plan for 105,000 acres of Forest Service land located on the White Mountain National Forest in Carroll and Grafton Counties in the State of New Hampshire.

This draft environmental statement was transmitted to CEQ on October 6, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.
USDA, Forest Service, White Mountain National Forest, Federal Building, 719 Main St., P.O. Box 638, Laconia, New Hampshire 03246.

A limited number of single copies are available upon request to Forest Supervisor, White Mountain National Forest, Federal Building, 719 Main Street, P.O. Box 638, Laconia, New Hampshire 03246.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Written comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Written comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, White Mountain National Forest, Federal Building, 719 Main Street, P.O. Box 638, Laconia, New Hampshire 03246. Written comments must be received by December 5, 1975, in order to be considered in the preparation of the final environmental statement.

JAY H. CRAVENS,
Regional Forester.

OCTOBER 6, 1975.

[FR Doc.75-27770 Filed 10-15-75;8:45 am]

ROCK CREEK ADVISORY COMMITTEE

Meeting

The Rock Creek Advisory Committee will meet at 7:00 p.m. on Tuesday, No-

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vember 18th. Meeting place will be in Drummond, Montana in the St. Michael's Catholic Church basement.

The purpose of this meeting is to review public response to the alternatives on the Upper Rock Creek Planning Unit. The Study Plan and the status of resource inventories for the Lower Rock Creek Planning Unit will also be reviewed.

The meeting will be open to the public. Any member of the public who wishes to do so shall be permitted to file a written statement with the Committee before or after the meeting. To the extent that time permits, the Committee Chairman may permit interested persons to present oral statements at the meeting.

General participation by members of the public, or questioning of Committee members or other participants shall not be permitted unless approved by the majority of Committee members.

ROBERT W. DAMON,
Forest Supervisor
Deerlodge National Forest.

OCTOBER 8, 1975.

[FR Doc.75-27812 Filed 10-15-75;8:45 am]

Soil Conservation Service

MARION COUNTY PARK—A WATER-BASED RECREATION RC&D MEASURE, TENNESSEE

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Marion County Park—a Water-Based Recreation RC&D Measure, Marion County, Tennessee.

The environmental assessment of this federal action indicates that the measure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the measure. As a result of these findings, Mr. Donald C. Bivens, State Conservationist, Soil Conservation Service, USDA, 561 United States Courthouse, 801 Broadway, Nashville, Tennessee, 37203, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure concerns a plan for development of a recreation park on a 45-acre peninsula adjacent to the Tennessee Valley Authorities Nickajack Lake. Water use facilities to be built include a boat ramp, fishing pier, parking lots, and beach development. Other facilities such as a shelter, picnic tables, and restrooms are to be provided along with lighting facilities, landscaping, fencing, an entrance gate and gatehouse. Development of the peninsula will provide the needed recreational facilities for the 12,000 people living within a 15-mile radius.

Single copies of the Negative Declaration are available on request and the environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 561 United States Courthouse, Nashville, Tennessee 37203.

No administrative action on implementation of the proposal will be taken on or before October 30, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Service)

VICTOR H. BARRY, JR.,
Deputy Administrator for Field Services, Soil Conservation Service.

[FR Doc.75-27772 Filed 10-15-75;8:45 am]

MUD CREEK WATERSHED PROJECT, TENNESSEE

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and Part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Mud Creek Watershed Project, Weakley and Obion Counties, Tennessee.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Donald C. Bivens, State Conservationist, Soil Conservation Service, USDA, 561 United States Courthouse, Nashville, Tennessee, 37203, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include land treatment supplemented by eight single-purpose floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 561 U.S. Courthouse, Nashville, Tennessee 37203.

Requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken on or before October 30, 1975.

Dated: October 3, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-27773 Filed 10-15-75;8:45 am]

UPPER MUDDY BOGGY CREEK WATERSHED PROJECT, OKLAHOMA

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Upper Muddy Boggy Creek Watershed Project, Coal, Hughes, Pittsburg and Pontotoc Counties, Oklahoma, USDA-SCS-EIS-WS-ADM-75-2(F)OK.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment and 36 floodwater retarding structures.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074

Dated: October 8, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

JOSEPH W. HAAS,
Deputy Administrator for Water Soil Conservation Service.

[FR Doc.75-27813 Filed 10-15-75;8:45 am]

ZUNI PUEBLO WATERSHED PROJECT, NEW MEXICO

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement for the Zuni Pueblo Watershed Project, McKinley County, New Mexico, USDA-SCS-EIS-WS-(ADM)-74-1-(F)-NM.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment supplemented by one water control structure. The water control structure is a single-purpose floodwater retarding structure with associated outlet works. The outlet works consist of a 30-inch diameter principal spillway through the embankment and about 8,000 linear feet of 36" diameter pipeline.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Box 2007, Albuquerque, NM 87103

Dated: October 3, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-27771 Filed 10-15-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[Order No. 41-1, Amdt. 1]

OFFICE OF THE ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS

Organization and Function

This order effective September 24, 1975 amends the material appearing at 40 FR 12696 of March 20, 1975, DIBA Organization and Function Order 41-1, dated March 6, 1975, is hereby amended, as follows:

1. In Sec. 3. The Deputy Assistant Secretary for Domestic and International Business: a new subsection .04 is added, as follows:

".04 The Assistant for Congressional Affairs will report to the Deputy Assistant Secretary for Domestic and International Business and will be responsible for coordinating congressional matters within DIBA and serving as DIBA liaison with the Department's Office of Congressional Affairs and for performing functions as prescribed by DIBA Administrative Instruction 1-2, 'Congressional Relations'."

2. Subsection 3.04 of March 6, 1975, is renumbered .05, as follows:

".05 The Deputy Assistant Secretary for Domestic and International Business may redelegate his authority subject to such conditions in the exercise of such authority as he may prescribe."

Effective date: September 24, 1975.

DONALD E. JOHNSON,
Acting Assistant Secretary for Domestic and International Business.

[FR Doc.75-27814 Filed 10-15-75;8:45 am]

Economic Development Administration

NATIONAL PUBLIC ADVISORY COMMITTEE ON REGIONAL ECONOMIC DEVELOPMENT

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) and section 8b(1) of OMB Circular No. A-63, announcement is made of the following Committee Meeting:

Name: National Public Advisory Committee on Regional Economic Development.

Date: November 20, 1975.

Place: Room 4833, Commerce Department, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Time: 10:30 a.m.

Purpose of Meeting: The Committee will receive a report from the Task Force which was named to determine the course of action the Committee will take in the coming year.

The meeting of the Advisory Committee is open to the public. Any member of the public is permitted to file a written statement with the Committee, before or after the meeting. To the extent that time permits, the Committee Chairman or the Committee may permit oral statements by members of the public to be presented at the meeting.

All communications in regard to this meeting or the Advisory Committee should be addressed to Miss Marina Gentilini, Office of the Deputy Assistant Secretary for Economic Development, Economic Development Administration, Department of Commerce, Room 7814, 14th Street and Constitution Avenue, Washington, D.C. 20230.

Dated: October 14, 1975.

WILMER D. MIZELL,
Assistant Secretary for Economic Development.

[FR Doc.75-28092 Filed 10-15-75;10:42 am]

United States Travel Service

TRAVEL ADVISORY BOARD

Meeting

As noted in the FEDERAL REGISTER dated September 19, 1975, on page 43263, a meeting of the Travel Advisory Board of the U.S. Department of Commerce will be held on October 21, 1975, at 9:30 a.m., in Room 4830, of the Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

Established in July 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments who are appointed by the Secretary of Commerce to serve two year terms.

Members advise the Secretary of Commerce and Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended.

Agenda items are as follows:

1. Introduction of New Commerce Department Secretarial Officers.
2. Aspirations of the New Assistant Secretary for Tourism.
3. Update of Major Tourism Issues.
4. Energy Study.
5. Discussion of Domestic Tourism Policy and Proposed Programs.
6. Adjournment.

A limited number of seats—approximately 14—will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation of oral statements will be allowed.

Robert Jackson, Director of Information Services, of the United States Travel Service, Room 1519, U.S. Department of Commerce, Washington, D.C. (telephone 202/967-4987) will respond to public requests for information about the meeting.

CREIGHTON HOLDEN,
Assistant Secretary for Tourism, U.S. Department of Commerce.

[FR Doc.75-27989 Filed 10-15-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PANEL ON REVIEW OF EAR, NOSE, AND THROAT DEVICES

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Panel on Review of Ear, Nose, and Throat Devices by the Secretary, Department of Health, Education, and Welfare, for an additional period of 2 years beyond October 15, 1975.

Authority for this committee will expire October 15, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: October 9, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-27746 Filed 10-15-75;8:45 am]

PANEL ON REVIEW OF GENERAL AND PLASTIC SURGERY DEVICES

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Panel on Review of General and Plastic Surgery Devices by the Secretary, Department of Health, Education, and Welfare, for an additional period of 2 years beyond October 15, 1975.

Authority for this committee will expire October 15, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: October 9, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-27748 Filed 10-15-75;8:45 am]

HOSPITAL AND PERSONAL USE DEVICES PANEL ON REVIEW OF GENERAL

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App.

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D)), the Food and Drug Administration announces the renewal of the Panel on Review of General Hospital and Personal Use Devices by the Secretary, Department of Health, Education, and Welfare, for an additional period of 2 years beyond October 15, 1975.

Authority for this committee will expire October 15, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: October 9, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-27744 Filed 10-15-75;8:45 am]

PANEL ON REVIEW OF NEUROLOGICAL DEVICES

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Panel on Review of Neurological Devices by the Secretary, Department of Health, Education, and Welfare, for an additional period of 2 years beyond October 15, 1975.

Authority for this committee will expire October 15, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: October 9, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-27747 Filed 10-15-75;8:45 am]

PANEL ON REVIEW OF OPHTHALMIC DEVICES

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Panel on Review of Ophthalmic Devices by the Secretary, Department of Health, Education, and Welfare, for an additional period of 2 years beyond October 15, 1975.

Authority for this committee will expire October 15, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: October 9, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-27749 Filed 10-15-75;8:45 am]

PANEL ON REVIEW OF PHYSICAL MEDICINE (PHYSIATRY) DEVICES

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Panel on Review of Physical Medicine (Physiatry) Devices by the Secretary, Department of Health, Education, and Welfare, for an additional period of 2 years beyond October 15, 1975.

Authority for this committee will expire October 15, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: October 9, 1975.

WILLIAM F. RANDOLPH,
Acting Association Commissioner for Compliance.

[FR Doc.75-27750 Filed 10-15-75;8:45 am]

PANEL ON REVIEW OF RADIOLOGICAL DEVICES

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Panel on Review of Radiological Devices by the Secretary, Department of Health, Education, and Welfare, for an additional period of 2 years beyond October 15, 1975.

Authority for this committee will expire October 15, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: October 9, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-27745 Filed 10-15-75;8:45 am]

National Institute of Education

STATE DISSEMINATION GRANTS PROGRAM—FY 1976

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 405 of the General Education Provisions Act, as amended, 20 USC 1221e, and 45 CFR Part 1460, applications are being accepted from State educational agencies (SEA's) for grants under the State Dissemination Grants Program.

Awards will be made (i) for new grants for dissemination capacity building and (ii) for continuation of capacity building grants made in fiscal 1975.

Applications for new grants must be received by the National Institute of Education, Proposal Clearinghouse, on or before January 15, 1976.

Applications for continuation grants must be received by the National Institute of Education, Proposal Clearinghouse, on or before May 3, 1976.

A. Applications sent by mail. An application sent by mail should be addressed as follows: National Institute of Education, Proposal Clearinghouse, Washington, D.C. 20208, Attention: NIE PA-76-1. An application sent by mail will be considered to be received on time by the Clearinghouse if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such calendar day is a Saturday, Sunday or Federal holiday, not later than the next following business day) as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by the mail room in Washington, D.C. of either the Department of Health, Education, and Welfare or the National Institute of Education. (In establishing the date of receipt, the Director of the Institute will rely upon the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department or the Institute).

B. Hand delivered applications. An application to be hand delivered must be taken to the proposal Clearinghouse, Room 813, 1832 "M" Street NW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 9 a.m. and 4:30 p.m., Washington, D.C. time, except Saturdays, Sundays, and Federal holidays. Applications will not be accepted after 4:30 p.m. on the closing dates January 15, 1976 or May 3, 1976. A receipt will be issued upon acceptance of the application package.

C. Program information and forms. Information and application forms may be obtained from the Information and Communication Systems Division, Office of Dissemination and Resources, National Institute of Education, Room 711, 1200 19th Street NW., Washington, D.C. 20208, telephone 202-254-7930.

D. Applicable regulations. The regulations applicable to this Program include the National Institute of Education General Provisions Regulations (45 CFR Subchapter A) published in the FEDERAL REGISTER on November 4, 1974 (39 FR 38992) and regulations for the State Dissemination Grants Program published in the FEDERAL REGISTER on March 20, 1975 (40 FR 25454).

(Catalog of Federal Domestic Assistance Program Number 13.575, Educational Research and Development)

Dated: October 7, 1975.

HAROLD L. HODGKINSON,
Director,
National Institute of Education.

[FR Doc.75-27849 Filed 10-15-75;8:45 am]

National Institutes of Health

ARTERIOSCLEROSIS AND HYPERTENSION ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Arteriosclerosis and Hypertension Advisory Committee, National Heart and Lung Institute, November 20, 1975, in the Disneyland Hotel, Magnolia Room "A," Anaheim, California.

The entire meeting will be open to the public from 7 p.m. to 12 midnight on Thursday, November 20, to evaluate program support in Arteriosclerosis and Hypertension. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLI, Room 5A21, Building 31, National Institute of Health, Bethesda, Maryland 20014, Phone (301) 496-4236, will provide summaries of the meeting and rosters of committee members.

Dr. Gardner C. McMillan, Associate Director for Etiology of Arteriosclerosis and Hypertension, NHLI, Room C803, Landow Building, National Institutes of Health, Bethesda, Maryland 20014, Phone (301) 496-1613, will furnish substantive program information.

Dated: October 8, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-27759 Filed 10-15-75;8:45 am]

BOARD OF SCIENTIFIC COUNCELORS; NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, December 4 and 5, 1975, National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public from 9 a.m. to 5 p.m. on December 4. During this open session permanent staff of the Laboratory of Clinical Investigation will present and discuss their immediate past and present research activities. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 9 a.m. to 5 p.m. on December 5 for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, National Institute of Allergy and Infectious Diseases, including consideration of personnel qualifications and performance, and the competence of individual investigators of the Laboratory of Clinical Investigation, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Building 31, Room 7A34, Bethesda, Maryland 20014, telephone (301) 496-5717, will provide summaries of the meeting and rosters of the Board members.

Dr. John R. Seal, Executive Secretary, Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Building 5, Room 137, Bethesda, Maryland 20014, telephone (301) 496-2144, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-301, National Institutes of Health)

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

OCTOBER 7, 1975.

[FR Doc.75-27757 Filed 10-15-75;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS; NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Child Health and Human Development, November 24-25, 1975, Building 5, Conference Room 216. This meeting will be open to the public from 9 a.m. to 3 p.m. on November 24 and 9 a.m. to 3 p.m. on November 25 for review of the neonatal program of NICHD. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 3:00 p.m. to 5:00 p.m. on November 24 and from 3 p.m. to 5 p.m. on November 25 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, NICHD, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1848, will provide a summary of the meeting and a roster of committee members. Dr. James Sidbury, Scientific Director, NICHD, Building 31, Room 2A-50, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-2133, will furnish substantive program information.

Dated: October 7, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-27758 Filed 10-15-75;8:45 am]

COMMITTEE ON CANCER IMMUNOTHERAPY

Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Committee on Cancer Immunotherapy, National Cancer Institute, October 23, 1975, Building 10, Room 4B14, which was published in the FEDERAL REGISTER on September 23, 1975, Volume 40, No. 185, page 43751.

Dated: October 8, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-27760 Filed 10-15-75;8:45 am]

HIGH BLOOD PRESSURE WORK GROUP

Meeting

The Division of Heart and Vascular Diseases of the National Heart and Lung Institute announces a meeting of the High Blood Pressure Work Group. The meeting will be held on the National Institutes of Health campus in Building 31, Conference Room 5A16 from 9 a.m. to 3 p.m., on November 6, 1975. The entire meeting will be open to the public.

The purpose of the meeting is to discuss the status of the National High Blood Pressure Education Program. Attendance by the public will be limited to space available.

For detailed program information contact Mr. Graham Ward, Program Coordinator, National High Blood Pressure Education Program, Room 1005, Landow Building, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, telephone 301-496-2311.

The meeting agenda, list of participants and meeting summary may be obtained from Mr. York Onnen, Chief, Public Inquiries and Reports Branch, Building 31, Room 5A03, National Heart and Lung Institute, 9000 Rockville Pike, Bethesda, Maryland 20014.

Dated: October 7, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-27756 Filed 10-15-75;8:45 am]

NATIONAL ADVISORY NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE COUNCIL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Neurological and Communicative Disorders and Stroke Council, National Institutes of Health, November 20, 21, and 22, 1975, at 9 a.m. in Building 31-C, Conference Room 6, Bethesda, Maryland.

The meeting will be open to the public from 9 a.m. until 1:30 p.m. on November 20, 1975, and from 8:30 a.m. to 9 a.m. on November 21, 1975, and from 9 a.m. until the conclusion of the meeting on November 22, 1975, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1:30 p.m. on November 20, 1975, until the conclusion of the meeting that day, and from 9 a.m. until the conclusion of the meeting on November 21, 1975, for the review, discussion and evaluation of individual initial pending and renewal research grant applications and applications for institutional and individual National Research Service Awards. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a

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proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with application for research grants.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Building 31, Room 8A03, NINCDS, NIH, Bethesda, Maryland, phone: (301) 496–5751, will furnish summaries of the meeting and rosters of committee members.

Dr. Murray Goldstein, Executive Secretary, Westwood Building, Room 757, Bethesda, Maryland, telephone (301) 496–7705, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.851, 13.852, 13.853, 13.854, National Institutes of Health)

Dated: October 9, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–27762 Filed 10–15–75;8:45 am]

NATIONAL COMMISSION ON ARTHRITIS AND RELATED MUSCULOSKELETAL DISEASES

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of meetings of the National Commission on Arthritis and Related Musculoskeletal Diseases on November 10, 11, 12, 1975. All of the meetings will be open to the public.

On November 10, from 9 a.m. to 1 p.m. the Commission will meet at the Marc Plaza Hotel, Crystal Ballroom, 509 West Wisconsin Avenue, Milwaukee, Wisconsin, to hear testimony from interested members of the public.

On November 11 the Commission will meet at the Busch Memorial Center, Sesquicentennial Room, 20 North Grand Boulevard, St. Louis, Missouri. From 9 a.m. to 1 p.m. the Commission will hear testimony from interested members of the public. Immediately following, a business and planning meeting will be held.

On November 12, from 9 a.m. to 1 p.m., the Commission will meet at the Holiday Inn Downtown, Flintstone Hall, 617 Broadway, Little Rock, Arkansas, to hear testimony from interested members of the public.

Members of the public who wish to appear before the Commission during the above times when the Commission is prepared to receive public testimony shall file a written statement or detailed summary of remarks with the Commission before 5 p.m. on October 31, 1975. Statements or summaries shall be sent or delivered to the Office of Scientific and Technical Reports, address below.

The time allotted to each participant will be determined by the Commission Chairman based upon the number of individuals who request an opportunity to make presentations.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496–3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.846, National Institutes of Health)

Dated: October 9, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–27765 Filed 10–15–75;8:45 am]

NATIONAL COMMISSION ON ARTHRITIS AND RELATED MUSCULOSKELETAL DISEASES

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of meetings of the National Commission on Arthritis and Related Musculoskeletal Diseases on December 8, 9, 10, 1975. All of the meetings will be open to the public.

On December 8, from 9 a.m. to 1 p.m. the Commission will meet at the St. Petersburg Hilton, Lucayan Room, 33 First Street, South, St. Petersburg, Florida, to hear testimony from interested members of the public.

On December 9 the Commission will meet at the Center for Disease Control, "B" Auditorium, 1600 Clifton Road, Northeast, Atlanta, Georgia. From 9:30 a.m. to 1:30 p.m. the Commission will hear testimony from interested members of the public. Immediately following, a business and planning meeting will be held.

On December 10, from 9 a.m. to 1 p.m., the Commission will meet at Stouffers Greenway Plaza Hotel, Greenway I Ballroom, 6 Greenway Plaza East, Houston, Texas, to hear testimony from interested members of the public.

Members of the public who wish to appear before the Commission during the above times when the Commission is prepared to receive public testimony shall file a written statement or detailed summary of remarks with the Commission before 5 p.m. on November 28, 1975. Statements or summaries shall be sent or delivered to the Office of Scientific and Technical Reports, address below.

The time allotted to each participant will be determined by the Commission Chairman based upon the number of individuals who request an opportunity to make presentations.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496–3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.846, National Institutes of Health)

Dated: October 9, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–27766 Filed 10–15–75;8:45 am]

NATIONAL COMMISSION ON DIABETES

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Commission on Diabetes, November 13, 1975 (times below), at the National Institutes of Health, Building 31, Conference Room 10, C Wing, Bethesda, Maryland.

The entire meeting, which will be open to the public from 9 a.m. to 5 p.m. on November 13 at the above address, is being held to solicit opinions, reviews, and additional recommendations for the Commission to use in the finalization of its report.

Mr. Victor Wartofsky, Chief, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496–3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.846 National Institutes of Health)

Dated: October 3, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–27755 Filed 10–15–75;8:45 am]

NATIONAL HEART AND LUNG ADVISORY COUNCIL

Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Heart and Lung Advisory Council, National Heart and Lung Institute, December 4–6, 1975, from 9 a.m. to 5 p.m. in Building 31, Conference Room 10, Bethesda, Maryland. This meeting will be open to the public on December 4 from 9 a.m. to 5 p.m. to discuss program policies and issues. Attendance by the public will be limited to space available. In addition, meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be held on December 3, 1975 in Building 31; the Manpower Subcommittee at 8:30 p.m. in Conference Room 8, C Wing, and the Research Subcommittee at 8:30 p.m. in Conference Room 9, C Wing.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting of the Council will be closed to the public on December 5 from 9 a.m. to 5 p.m., and on December 6 from 9 a.m. to adjournment for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The Manpower Subcommittee of the above Council will be closed from 8:30 p.m. to 10:30 p.m., and the Research Subcommittee will be closed from 8:30 p.m. to 11 p.m. on December 3, 1975, also for the review, discussion and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries, and personal information concerning individuals associated with the applications.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014, (301) 496–4236, will provide summaries of the meetings and rosters of the Council members.

Dr. Jerome G. Green, Director of Extramural Affairs, NHLI, Westwood Building, Room 5A18, (301) 496–7416, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, 13.838, and 13.839, National Institutes of Health)

Dated: October 9, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–27763 Filed 10–15–75;8:45 am]

PERIODONTAL DISEASES ADVISORY COMMITTEE

Amended Meeting

Notice is hereby given of a change in the meeting dates of the Periodontal Diseases Advisory Committee, National Institute of Dental Research, which was published in the FEDERAL REGISTER on October 7, 1975 (40 FR 46341).

This Committee was to have convened on November 7, 1975 at 9 a.m., but has been changed to begin on November 6, 1975 from 9 a.m. to 5 p.m. and on November 7, from 9 a.m. to adjournment in Building 31–C, Conference Room 8.

The entire meeting will be open to the public. Attendance by the public will be limited to space available.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

OCTOBER 9, 1975.

[FR Doc.75–27764 Filed 10–15–75;8:45 am]

TRANSPLANTATION AND IMMUNOLOGY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Transplantation and Immunology Committee, National Institute of Allergy and Infectious Diseases, November 20–21, 1975, Building 31A, Conference Room 6A–23, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public from 8:30 a.m. to 5 p.m. on November 20, 1975 to review and discuss transplantation and immunology collaborative studies and other Transplantation and Immunology Branch programs, progress and administrative reports. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)4 and 552(b)6, Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 8:30 a.m. to 5 p.m. on November 21, 1975 for review, discussion and evaluation of individual contractor's performance and review responses to Request for Proposal announcements. Discussions will contain information of a proprietary or confidential nature, including detailed research protocols, designs and other technical information, financial data, such as salaries; and personal information concerning individuals associated with existing contracts and with Request for Proposal responses.

Mr. Robert Schreiber, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A–32, National Institutes of Health, Bethesda, Maryland 20014, phone 496–5717 will furnish rosters of committee members, summary of the meeting and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Health)

Dated: October 9, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75–27761 Filed 10–15–75;8:45 am]

Office of Education

METRIC EDUCATION PROGRAM

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 403 of Title IV (Part C), of Pub. L. 93–380, applications are being accepted from local educational agencies, State educational agencies, institutions of higher education; and public and private nonprofit agencies organizations, and institutions for grants and contracts for the development, continuation and expansion of metric education projects.

Applications must be received by the U.S. Office of Education Application Control Center on or before November 24, 1975.

A. *Applications by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.561. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than November 19, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW, Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington, D.C. time, except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Requests for additional information and application forms are to be addressed to the attention of: Dr. Floyd A. Davis, Project Manager, Metric Education Program, U.S. Office of Education, Regional Office Building Three, Room 5640, 7th and D Streets, SW, Washington, D.C. 20202.

D. *Applicable regulations.* Awards made pursuant to this notice will be subject to: (1) The Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a) and, (2) upon becoming effective, the regulations for the Metric Education Program published as Notice of Proposed Rulemaking on September 8, 1975 (40 FR 41670–41674).

(20 U.S.C. 1862)

(Catalog of Federal Domestic Assistance Number 13.561; Special Projects Act, Education for the Use of the Metric System of Measurement Programs)

Dated: October 8, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75–27728 Filed 10–10–75;11:00 am]

TEACHER CORPS PROJECTS

Rescission of Preapplication Requirements

Notice is hereby given that the U.S. Commissioner of Education has rescinded the requirement that potential grantees must submit preapplications in order to be eligible to submit applications for grants for Teacher Corps projects which begin July 1, 1976. This requirement was previously published in the FEDERAL REGISTER on July 18, 1975. No applicant will be denied the opportunity of submitting an application because of failure to submit a preapplication.

The authority for the Teacher Corps program is set forth in Part B–1 of the Education Professions Development Act (Title V of the Higher Education Act of 1965, as amended; 20 U.S.C. 1101–1107a).

A subsequent notice will be published in the FEDERAL REGISTER with respect to the funding criteria. The December 15, 1975 closing date for receipt of applications remains in effect.

V40N201 OCT 16 75 XUM

Dated: October 8, 1975.

(Catalog of Federal Domestic Assistance Number 13.489; Teacher Corps Operations and Training)

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-27729 Filed 10-15-75;8:45 am]

Social and Rehabilitation Service

WORK INCENTIVE PROGRAM—SOCIAL AND SUPPORTIVE SERVICES

Revised Limits of Entitlement, for Fiscal Year 1975

Notice is hereby given of revised limits of entitlement for the period July 1, 1974 to June 30, 1975 for child care and supportive services under the Work Incentive (WIN) Program.

Pub. L. 94-41, the joint resolution making continuing appropriations for the Fiscal Year 1976, and for other purposes, appropriated an additional amount of $70,000,000 for activities under Title IV Part C, of the Social Security Act. Of this amount $35,000,000 is available for child care and supportive services, as authorized under section 402(a)(19)(G) of the Social Security Act, for Fiscal Years 1974 and 1975, $5,462,176 for Fiscal Year 1974 expenditures and the remaining $29,537,824 for Fiscal year 1975 expenditures. The total amount now available for FY 1975 expenditures is $123,886,824 which consists of this $29,537,824 and the $94,349,000 made available in the Fiscal Year 1975 annual appropriation. Original limits of entitlement were published for the $94,349,000 in the FEDERAL REGISTER on December 31, 1974 (39 FR 45308).

Accordingly, additional Federal financial participation is available under the revised limits of entitlement published herein for Fiscal Year 1975 expenditures under the Work Incentive Program in excess of the original limits of entitlement: *Provided*, That claims for Federal financial participation in all Fiscal Year 1975 expenditures are received by the Secretary with postmark dated prior to February 1, 1976. The revised limits of entitlement for FY 1975 are calculated using the same formula and data used by this Department to calculate the original Fiscal Year limits of entitlement.

If the total of the claims made by February 1, 1976 is less than $123,886,824 all claims will be paid without regard to the revised limits of entitlement published herein. However, if the total of the claims exceeds $123,886,824 and there are one or more States which do not claim the entire amount of the revised entitlement by February 1, 1976, the total of the unclaimed additional amounts provided in these revised limits will be redistributed among States having Fiscal Year 1975 expenditures in excess of the revised limits of entitlement published herein. Such redistribution will be made on the basis of the ratios each such State's revised limit of entitlement bears to the total of the revised limits of entitlement of all the States having Fiscal Year 1975 expenditures in excess of the revised limits of entitlements. Such distribution involves a number of steps.

First, the amount available for distribution is determined. For example, if 51 States failed to claim the entire additional amount made available under these revised limits, then the unclaimed amounts would be available for redistribution to the 3 other States with Fiscal Year 1975 expenditures in excess of their revised limits. For example purposes assume the amount of Federal funds available for redistribution is $5,000,000.

Second, in each of the three States the amount of the expenditures in excess of the revised limits is determined. For example purposes assume the excess is, State A—$6,000,000, State B—$4,000,000 and State C—$2,000,000.

Third, the ratio of the revised limit of each of these three States to the total of the revised limits of all three States is calculated in order to determine each State's share of the $5,000,000 available. If the revised limits were, State A—$100,000, State B—$300,000 and State C—$600,000, then the share of the $5,000,000 available to State A would be $500,000 or 10 percent of $5,000,000, State B's share would be $1,500,000 and State C's share would be $3,000,000.

Fourth, if any State's share of the Federal funds available for redistribution exceeds expenditures, then the excess Federal funds are available for further redistribution and steps one through four are repeated. In this example State C's share of the $5,000,000 available for redistribution is $3,000,000. However, the Fiscal Year 1975 expenditures of State C only exceeded the revised limit of entitlement of State C by $2,000,000. Therefore State C receives $2,000,000 from the $5,000,000 available for redistribution and steps one through four are repeated for States A and B.

In this second redistribution, $1,000,000 is available, the share of State A is $250,000 and the share of State B is $750,000. Since the amount of the expenditures in excess of the revised limits in both States exceeds the share of the Federal funds available for redistribution, both States will receive their share of the remaining $1,000,000 available and be left with Fiscal Year 1975 expenditures for which there are no Federal matching funds available under the WIN appropriations.

The revised limits of entitlement for each State for Fiscal Year 1975 expenditures for child care and supportive services, as authorized under section 402(a)(19)(G) and 403(d) of the Social Security Act, 42 U.S.C. § 602(a)(19)(G) and 603(d), are as follows:

State:	*Revised fiscal year 1975 limits of entitlement*
Alabama	1,601,106
Alaska	567,936
Arizona	1,369,028
Arkansas	890,777
California	8,535,642
Colorado	1,594,853
Connecticut	1,631,055
Delaware	480,815
District of Columbia	2,131,179
Florida	3,040,039
Georgia	3,660,657
Hawaii	444,099
Idaho	792,166
Illinois	3,330,992
Indiana	1,032,803
Iowa	1,245,513
Kansas	1,007,993
Kentucky	1,560,680
Louisiana	1,285,064
Maine	833,420
Maryland	2,947,827
Massachusetts	2,265,218
Michigan	13,861,903
Minnesota	2,094,560
Mississippi	776,364
Missouri	2,360,748
Montana	625,638
Nebraska	661,006
Nevada	135,683
New Hampshire	206,042
New Jersey	8,279,595
New Mexico	496,618
New York	17,196,986
North Carolina	1,784,456
North Dakota	294,514
Ohio	2,984,479
Oklahoma	1,060,307
Oregon	3,374,352
Pennsylvania	3,440,893
Rhode Island	908,441
South Carolina	1,265,846
South Dakota	385,329
Tennessee	1,819,946
Texas	3,847,588
Utah	1,559,611
Vermont	735,001
Virginia	1,752,447
Washington	2,323,323
West Virginia	1,936,621
Wisconsin	4,181,611
Wyoming	175,784
Guam	69,424
Puerto Rico	1,250,230
Virgin Islands	43,656
Total	123,886,824

Dated: October 10, 1975.

JOHN A. SVAHN,
Acting Administrator, Social and Rehabilitation Service.

[FR Doc.75-27829 Filed 10-15-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-75-445]

OYSTER BAY COMMUNITY

Order of Suspension

In the matter of Oyster Bay Community OILSR No. 0-1975-54-107, Land Sales Enforcement Division Docket No. Y-1016.

Notice is hereby given that: On or about November 15, 1974, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, mailed by certified mail to Oyster Bay Development Company, Inc., Box 232, Chincoteaque, Virginia 23336, a letter[1] requesting certain documents and that the return receipt requested was returned showing delivery had been made; that the requested documents were were not furnished and on or about March 20, 1975, the Department attempted to serve upon Donald W. Gregg, President, Oyster Bay Development Company, Inc., a Voluntary Consent to Suspension by certified mail and service of process was not possible. Accordingly, pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), an Order of Suspension is being issued as follows:

[1] Letter filed as part of the original document.

ORDER OF SUSPENSION

1. The Developer, having filed a Statement of Record for the above captioned subdivision pursuant to the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 et seq. and the rules and regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, had its Statement of Record become effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. As authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been delegated to the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Interstate Land Sales Administrator may make an examination to determine whether a Suspension Order should be issued under 15 U.S.C. 1706(d), and if a developer or any agents thereof shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of an order suspending the Statement of Record.

4. Under the authority of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), a letter dated on or about November 15, 1974, was sent to the Developer, the body of said letter being in the form and substance of the form letter attached hereto and made part hereof as Exhibit A. The Developer has failed to comply with the request for the documents referred to in the third paragraph of said letter.

5. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of the receipt of this Order of Suspension by the Said Developer. This Order of Suspension shall remain in full force and effect until the Developer has complied with the requirements of the order.

6. If the Developer desires a hearing in this matter, he shall file a request for hearing accompanied by an answer and three copies thereof within fifteen days after service of this order pursuant to 24 CFR 1720.145 and 24 CFR 1720.165. Any request for hearing, answer, motion, amendment to pleading, offer of settlement or correspondence during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10150, HUD Building, 451 Seventh Street SW., Washington, D.C. 20410. All such papers shall clearly identify the subdivision, the type of matter and the docket number as set forth in this order.

Issued in Washington, D.C., October 9, 1975.

By the Secretary.

ALAN J. KAPPELER,
Acting Secretary of Housing and Urban Development.

[FR Doc.75-27801 Filed 10-15-75;8:45 am]

[Docket No. N-75-448]

RINCON RESORTS OF COSTA RICA

Order of Suspension

In the matter of Rincon Resorts of Costa Rica, OILSR No. 0-3280-60-102, Land Sales Enforcement Division Doc. No. Y-1039.

Notice is hereby given that: On or about November 15, 1974, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, mail by certified mail to Rincon Resorts, S.A., Calle 30, No. 145, San Jose, Costa Rica, Central America, c/o OSA, a letter[1] requesting certain documents and that the return receipt requested was returned showing delivery had been made; that the requested documents were not furnished and on or about March 3, 1975, the Department attempted to serve upon Donald Philip (Peterson) Allen, President, Rincon Resorts, S.A., an Order of Suspension by certified mail and service of process was not possible. Accordingly, pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), an Order of Suspension is being issued as follows:

ORDER OF SUSPENSION

1. The Developer, having filed a Statement of Record for the above captioned subdivision pursuant to the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 et seq. and the Rules and Regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, had its Statement of Record become effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. As authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been delegated to the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Interstate Land Sales Administrator may make an examination to determine whether a Suspension Order should be issued under 15 U.S.C. 1706(d), and if a developer or any agents thereof shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of an order suspending the Statement of Record.

4. Under the authority of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), a letter dated on or about November 15, 1974 was sent to the Developer, the body of said letter being in the form and substance of the form letter attached hereto and made part hereof as Exhibit A. The Developer has failed to comply with the request for the documents referred to in the third paragraph of said letter.

5. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of the receipt of this Order of Suspension by the Said Developer. This Order of Suspension shall remain in full force and effect until the Developer has complied with the requirements of the order.

6. If the Developer desires a hearing in this matter, he shall file a request for hearing accompanied by an answer and three copies thereof within fifteen days after service of this order pursuant to 24 CFR 1720.145 and 24 CFR 1720.165. Any request for hearing, answer, motion, amendment to pleading, offer of settlement or correspondence during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10150, HUD Building, 451 Seventh Street SW., Washington, D.C. 20410. All such papers shall clearly identify the subdivision, the type of matter and the docket number as set forth in this order.

[1] Filed as part of the original document.

[Docket No. N-75-447]

HOLIDAY OUT IN AMERICA AT TANSI, INC.

Order of Suspension

In the matter of Holiday Out in America at Tansi, Campsite No. 1, OILSR No. 0-2255-48-46, Land Sales Enforcement Division Doc. No. Y-777.

Notice is hereby given that: On or about November 15, 1974, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, mailed by certified mail to Holiday Out in America at Tansi, Inc., Route 5, Box 231, Crossville, Tennessee 38555, a letter[1] requesting certain documents and that the return receipt requested was returned showing delivery had been made; that the requested documents were not furnished and on or about February 18, 1975, the Department attempted to serve upon W. Wayne Carr, President, Holiday Out in America at Tansi, Inc., an Order of Suspension by certified mail and service of process was not possible. Accordingly, pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), an Order of Suspension is being issued as follows:

[1] Filed as part of the original document.

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ORDER OF SUSPENSION

1. The Developer, having filed a Statement of Record for the above captioned subdivision pursuant to the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 et seq. and the Rules and Regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, had its Statement of Record become effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. As authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been delegated to the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Interstate Land Sales Administrator may make an examination to determine whether a Suspension Order should be issued under 15 U.S.C. 1706(d), and if a developer or any agents thereof shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of an order suspending the Statement of Record.

4. Under the authority of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), a letter dated on or about November 15, 1974, was sent to the Developer, the body of said letter being in the form and substance of the form letter attached hereto and made part hereof as Exhibit A. The Developer has failed to comply with the request for the documents referred to in the third paragraph of said letter.

5. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of the receipt of this Order of Suspension by the Said Developer. This Order of Suspension shall remain in full force and effect until the Developer has complied with the requirements of the order.

6. If the Developer desires a hearing in this matter, he shall file a request for hearing accompanied by an answer and three copies thereof within fifteen days after service of this order pursuant to 24 CFR 1720.145 and 24 CFR 1720.165. Any request for hearing, answer, motion, amendment to pleading, offer of settlement or correspondence during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10150, HUD Building, 451 Seventh Street, SW., Washington, D.C. 20410. All such papers shall clearly identify the subdivision, the type of matter and the docket number as set forth in this order.

By the Secretary.

Dated: October 3, 1975.

ALAN J. KAPPELER,
Acting Secretary of Housing and Urban Development.

[FR Doc.75-27877 Filed 10-15-75;8:45 am]

[Docket No. N-75-446]

TRANQUILITY FALLS

Order of Suspension

In the matter of Tranquility Falls OILSR No. 0-0434-44-16, Land Sales Enforcement Division Doc. No. Y-1242.

Notice is hereby given that: On or about November 15, 1974, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, mailed by certified mail to Tranquility Falls, Inc., R.D. 1 Box 76, Greentown, Pennsylvania 78426, a letter[1] requesting certain documents and that the return receipt requested was returned showing delivery had been made; that the requested documents were not furnished and on or about March 27, 1975, the Department attempted to serve upon Tranquility Falls, Inc., a Voluntary Consent to Suspension by certified mail and service of process was not possible. Accordingly, pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), an Order of Suspension is being issued as follows:

ORDER OF SUSPENSION

1. The Developer, having filed a Statement of Record for the above captioned subdivision pursuant to the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 et seq. and the rules and regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, had its Statement of Record become effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. As authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been delegated to the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Interstate Land Sales Administrator may make an examination to determine whether a Suspension Order should be issued under 15 U.S.C. 1706(d), and if a developer or any agents thereof shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of an order suspending the Statement of Record.

4. Under the authority of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2) a letter dated on or about November 15, 1974, was sent to the Developer, the body of said letter being in the form and substance of the form letter attached hereto and made part hereof as Exhibit A. The Developer has failed to comply with the request for the documents referred to in the third paragraph of said letter.

5. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1710.45(b)(2), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of the receipt of this Order of Suspension by the Said Developer. This Order of Suspension shall remain in full force and effect until the Developer has complied with the requirements of the order.

6. If the Developer desires a hearing in this matter, he shall file a request for hearing accompanied by an answer and three copies thereof within fifteen days after service of this order pursuant to 24 CFR 1720.145 and 24 CFR 1720.165. Any request for hearing, answer, motion, amendment to pleading, offer of settlement or correspondence during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10150, HUD Building, 451 Seventh Street SW., Washington, D.C. 20410. All such papers shall clearly identify the subdivision, the type of matter and the docket number as set forth in this order.

By the Secretary.

ALAN J. KAPPELER,
Acting Secretary of Housing and Urban Development.

[FR Doc.75-27802 Filed 10-15-75;8:45 am]

[1] Letter filed as part of the original document.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX75-29; Notice 1]

ADVANCE MIXER, INC.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

Advance Mixer, Inc. ("AMI"), Fort Wayne, Indiana, has petitioned for an exemption until March 1, 1976, from Federal Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, 49 CFR 571.121, on the basis that compliance would cause it substantial economic hardship.

From its incorporation in mid-1972 until November 1974 AMI was a final-stage manufacturer, adding its own patented front discharge mixer unit to truck chassis supplied by Walter Motor Truck Company, which certified the vehicle after completion as conforming to all applicable Federal motor vehicle safety standards. In November 1974 AMI became a manufacturer of motor vehicle by producing complete mixer trucks. It has manufactured 23 such vehicles between that time and September 5, 1975, 21 of which, according to petitioner, do not comply with Standard No. 121. The vehicles apparently cannot meet "stopping distances within the specified lane, the prohibition against wheel lock up and the required dynamometer tests on brake assemblies." It anticipates that it will have procured and introduced into production by March 1, 1976, "complying axles with proper anti-skid equipment attached." In the interim, 27 additional noncomplying trucks would be manufactured.

The company attributes its lack of compliance and tardiness in filing an exemption petition to its former general manager who did not contact "manufacturers of anti-skid equipment" until AMI became a vehicle manufacturer in November 1974.

As an alternate means of compliance, AMI contacted Oshkosh Truck Co. but has been unable to locate a complying "driven front steering axle." The company had a net profit of $8,300 in July 1975 but a net loss of $102,000 in the first 11 months of its 1975 fiscal year. Its cumulative net loss since incorporation in 1972 appears to be $397,000 as of July 31, 1975. Denial of the petition allegedly would cause AMI to cease operations. The company argues that an exemption would be in the public interest because exempted vehicles would have braking characteristics substantially similar to its competitors, Rite-Way, Inc. of Indiana and Travel Batcher, which have already been exempted by NHTSA.

Thus, this petition raises the question whether a manufacturer who has knowingly manufactured nonconforming vehicles can be found to have attempted in good faith to meet the requirements of the standard, as the statute requires (15 U.S.C. 1410(a)(7)(A)).

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition for exemption of Advance Mixer, Inc. Committee should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW, Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent practicable. Notice a final action on the petition will be published in the FEDERAL REGISTER.

Comment closing date: November 17, 1975.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on October 10, 1975.

ELWOOD T. DRIVER,
Acting Associate Administrator, Motor Vehicle Programs.

[FR Doc.75-27846 Filed 10-15-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 28381; Order 75-10-29]

CONTINENTAL AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 9th day of October 1975.

By tariff revisions[1] marked to become effective October 10, 1975, Continental Air Lines, Inc. proposes a general fare increase of 4.0 percent in its mainland-Hawaii markets.

Continental bases its justification on data for the year ended March 31, 1975. However, an evaluation of industry results for the year ended June 30, 1975 will be completed shortly, and the Board is of the opinion that it would be inappropriate to consider a fare increase proposal at this time based upon data which will soon be outdated.[2]

Upon consideration of all relevant matters, the Board has determined that the proposal may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof:

It is ordered, That: 1. An investigation be instituted to determine whether the fares and provisions described in Appendix A attached hereto,[3] and rules, regulations and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions.

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto are suspended and their use deferred to and including January 7, 1976 unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board; and

3. A copy of this order will be filed in the aforesaid tariff and be served upon Continental Air Lines, Inc.

[1] Revisions to Airline Tariff Publishers Company, Agent, Tariff C.A.B. No. 247.

[2] We note that although the tariff pages containing Continental's proposal would become effective October 10, 1975, the fare increases would not be implemented until October 19, 1975, the same date on which two other carriers have also proposed mainland-Hawaii fare increases. The Board will dispose of all three tariffs based on an evaluation of year ended June 1975 data prior to that date.

[3] Filed as part of the original document.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-27880 Filed 10-15-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[CP 74-177]

HOME WORKSHOP POWER SAWS

Denial of Petition To Require Safety Booklets

The purpose of this notice is to announce denial of a petition from Barry H. Limoges to require safety booklets to be distributed with home workshop power saws.

Section 10 of the Consumer Product Safety Act (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies such petition, it shall publish in the FEDERAL REGISTER the reasons for the denial.

On April 15, 1974, the Commission received a petition (CP 74-17) from Barry H. Limoges requesting the Commission to require manufacturers of home workshop power saws to distribute booklets on the human and mechanical safety problems of operating home workshop power saws with these saws. In the request, Mr. Limoges referred to the July, 1973 NEISS News which reported 43,000 estimated hospital emergency room treated cases in the United States during the calendar year 1972 associated with the use of electrically powered saws.

In response to the petition, the Commission staff reviewed NEISS data and 339 in-depth injury investigations associated with power saws. Commission staff also held a meeting on this issue with the Power Tool Institute, and the National Bureau of Standards conducted an analysis of instruction booklets. As a result of the meeting with the Power Tool Institute and the National Bureau of Standards analysis, it was learned that power saw operation manuals discussing product safety are presently called for by Underwriters Laboratories standards and are distributed with power saws.

After considering this information and other staff comments, the Commission believes requiring safety booklets to be distributed with home workshop power saws at this time may be of marginal utility, since the practice of providing safety information with power saws is already widely adhered to by power saw manufacturers as recommended by voluntary standards. Therefore, the Commission has denied the petition.

V 40 201 OCT 16 75 XUM

The Commission intends to continue its research on the hazards associated with power saws and on the appropriate action to take regarding these hazards.

A copy of the petition may be seen during working hours, Monday through Friday, in the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C. 20207.

Dated: October 10, 1975.

SHELDON D. BUTTS,
Acting Secretary,
Consumer Product Safety Commission.

[FR Doc.75-27890 Filed 10-15-75;8:45 am]

TECHNICAL ADVISORY COMMITTEE ON POISON PREVENTION PACKAGING

Meeting

Notice is given that the Technical Advisory Committee on Poison Prevention Packaging will meet on Tuesday, November 11, 1975, from 9 a.m. to 5 p.m., and Wednesday, November 12, 1975, from 9 a.m. to approximately 3 p.m. The meeting will be held at the Consumer Product Safety Commission, 1750 K Street, NW., Washington, D.C., Sixth Floor Conference Room.

Tentative plans for the agenda include: a discussion of Advisory Committee Regulations (FR, 9/24/75, Vol. 40, No. 186); the requirements of the official compendia for tightly-closed containers; testing protocol; and ammonia and petroleum distillates as substances for possible regulation under the Poison Prevention Packaging Act.

Persons wishing to make oral or written presentations to the Technical Advisory Committee should notify the Secretary of the Consumer Product Safety Commission at least 5 days in advance of the meeting.

The meeting is open to the public, however, space is limited. Further information concerning this meeting and specific agenda topics may be obtained from the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; phone (202) 634-7700.

Dated: October 10, 1975.

SHELDON D. BUTTS,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc.75-27891 Filed 10-15-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

JOINT INDUSTRY/GOVERNMENT COMMITTEE ON BROADCASTING SATELLITES

Schedule of Meetings

OCTOBER 10, 1975.

Pursuant to Pub. L. 92-463 notice is hereby given of the Working Group meetings and a meeting of the full Joint Industry/Government Committee (JI/GC) (on the use of the frequency band 11.7 to 12.2 GHz) in preparation of proposed United States position papers for the 1977 World Administrative Radio Conference (WARC-77).

The meetings are as follows:

NOVEMBER 3, 1975

Joint meeting of JI/GC Working Group C on Sharing Criteria and CCIR Study Group 10/11B, 9:30 a.m. to 4:30 p.m., Room A-110, Howich Bldg., 1229 20th St., NW., Washington, D.C.

NOVEMBER 4, 1975

Joint meeting of Working Groups A and D (A on Definitions and Terminology and D on Evolution Requirements), 9:30 a.m. to 12:30 p.m., Room 752, 1919 "M" St., NW., Washington, D.C.

NOVEMBER 4, 1975

Meeting of Working Group B on Sharing Principles, 1:30 p.m. to 4:30 p.m., Room 712-A 1800 "G" Street, NW., Washington, D.C.

NOVEMBER 5, 1975

Joint meeting of Working Group E on International Non-Technical Implications, and a new Working Group F on Procedures, 9:30 a.m. to 1:30 p.m., Room 752, 1919 "M" St., NW., Washington, D.C.

NOVEMBER 5, 1975

US CCIR Study Group 10/11, 9:00 a.m. to 1:00 p.m., Room A-110, Howich Bldg., 1229 20th St., NW., Washington, D.C.

NOVEMBER 5, 1975

Full meeting of Joint Industry/Government Committee (JI/GC), 1:30 p.m. to 4:30 p.m., Room A-110, Howich Bldg., 1229 20th St., NW., Washington, D.C.

Agendas for the above meetings will be essentially the same, as follows:

1. Review of activities.
2. Submission and discussion of reports.
3. New assignments.
4. Main Committee only—discussion on tasks to be assigned to a new Working Group F on Procedures to govern the use of the frequency band 11.7 to 12.5 GHz in Region 1 and 11.7 to 12.2 GHz in Regions 2 and 3.

The Department of State authorizes CCIR meetings. They are included herein because of the close association with 1977 WARC activities.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-27827 Filed 10-15-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

OIL IMPORT REGULATIONS

Extension of Licenses for Canadian Imports

Sections 213.28(d)(12) and 213.36(c)(2) of the Oil Import Regulations, dealing with imports from Canada into Districts I-IV and District V, respectively, provide that:

> The Director [of Oil Imports] shall issue before May 1, 1975 to each eligible applicant a license equal to one half of the allocation calculated pursuant to [the respective applicable provisions]. Such licenses shall expire on October 31, 1975 unless extended by the Director. The Director shall issue before November 1, 1975 a second license to each eligible applicant equal to the remainder of the allocation * * * Such licenses shall expire on April 30, 1976.

The purpose of the October 31, 1975 expiration date is to provide flexibility in the event that the method of allocating Canadian imports is changed during the annual allocation period.

It is now apparent, however, that no such change will be made prior to October 31, 1975. Accordingly, licenses issued pursuant to §§ 213.28 and 213.36 are hereby extended through April 30, 1976.

This action does not affect the Federal Energy Administration's (FEA) plans with respect to development of an allocation program for Canadian imports under the Emergency Petroleum Allocation Act (40 FR 17783, April 22, 1975). That program is presently being formulated in light of the needs of those importers dependent on Canadian oil.

Issued in Washington, D.C., October 10, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

[FR Doc.75-27751 Filed 10-10-75;11:00 am]

FEDERAL HOME LOAN BANK BOARD

[No. AC-1]

FRANKLIN SAVINGS ASSOCIATION, AUSTIN, TEXAS

Approval of Conversion

OCTOBER 10, 1975.

Notice is hereby given that on October 10, 1975, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 75-924, approved the application of Franklin Savings Association, Austin, Texas, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 320 First Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN,
Secretary.

[FR Doc.75-27888 Filed 10-15-75;8:45 am]

[H. C. No. 201]

GIBRALTAR FINANCIAL CORP. AND GIBRALTAR SAVINGS AND LOAN ASSOCIATION

Receipt of Application for Permission To Acquire Control

OCTOBER 9, 1975.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Gibraltar Financial Corporation and Gibraltar Savings and Loan Association, a savings and loan holding company and its insured subsidiary, located in Beverly Hills, California for approval of acquisition of control of Western Loan Financial Corporation, San Francisco, California, a savings and loan holding company, and Cal-Western Savings and Loan Association, San Francisco, California, its insured subsidiary, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected through the purchase of the outstanding shares of Western Loan Financial Corporation's capital stock. Subsequent to such acquisition, Gibraltar Savings and Cal-Western Savings will be merged. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before November 17, 1975.

[SEAL] J. J. FINN,
Secretary,
Federal Home Loan Bank Board.

[FR Doc.75-27850 Filed 10-15-75;8:45 am]

[H.C. No. 202]

HOUSEHOLD FINANCE CO.

Receipt of Application for Permission To Acquire Control

OCTOBER 9, 1975.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Household Finance Company, Chicago, Illinois, a Delaware Corporation, for approval of acquisition of control of the Keystone Savings and Loan Association, Westminster, California, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by a purchase of substantially all of the association's capital stock for cash from the working capital of the applicant. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before November 17, 1975.

[SEAL] J. J. FINN,
Secretary,
Federal Home Loan Bank Board.

[FR Doc.75-27851 Filed 10-15-75;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 75-40]

ACE MACHINERY CO. AND HAPAG-LLOYD AKTIENGESELLSCHAFT

Filing of Complaint

OCTOBER 10, 1975.

Notice is hereby given that a complaint filed by Ace Machinery Company against Hapag-Lloyd Aktiengesellschaft was served October 10, 1975. The complaint alleges that rates charged by respondent on a particular shipment of a Bliss Toledo Knuckle Joint Press were unlawful under sections 15, 16 and 17 of the Shipping Act, 1916.

Hearing in this matter shall commence on or before April 10, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-27861 Filed 10-15-75;8:45 am]

FLOTA MERCANTE GRAN CENTROAMERICANA, S.A. AND PAN AMERICAN MAIL LINE, INC.

Agreement Filed

Correction

In FR Doc. 75-27725, in the issue for Tuesday, October 14, 1975 appearing at page 48167, in the second paragraph, the thirteenth line, the date now reading "November 21, 1975" should be changed to read "October 21, 1975".

UNITED STATES GULF/JAPAN COTTON POOL

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 5, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elkan Turk, Jr., Esq., Burlingham Underwood & Lord, 25 Broadway, New York, New York 10004.

Agreement No. 8682-15, entered into by the American Companies and the Japanese Companies comprising the membership of the United States Gulf/Japan Cotton Pool, modifies Article 12 thereof to (1) reduce the combined total minimum number of sailings to be maintained by the American and the Japanese Companies from 180 to 100 per annum; (2) allocate said 100 minimum number of sailings per annum to the American and Japanese Companies on the basis of 50 minimum sailings per annum each; and (3) allocate the 50 minimum sailings per annum of the American Companies on the basis of 33 to Lykes Bros. Steamship Co., Inc. and 17 to Waterman Steamship Corporation.

Dated October 10, 1975.

By order of the Federal Maritime Commission

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-27860 Filed 10-15-75;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

COMMITTEE MEETINGS

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, November 6, 1975.
Thursday, November 13, 1975.
Thursday, November 20, 1975.

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street, NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Pub. L. 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C., section 552(b)(2), that the closing is necessary in order to provide the members with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C. 20415.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

OCTOBER 10, 1975.

[FR Doc.75-27842 Filed 10-15-75;8:45 am]

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FEDERAL POWER COMMISSION

[Docket No. E-9480]

CITY OF MISHAWAKA, INDIANA AND INDIANA & MICHIGAN ELECTRIC CO.

Staff Conference

OCTOBER 14, 1975.

On June 10, 1975 the City of Mishawaka, Indiana (Applicant) filed an "Application for an Order Directing the Establishment of Physical Connection of Facilities," pursuant to section 202(b) of the Federal Power Act, 16 U.S.C. 824a (b), seeking an order directing) Indiana & Michigan Electric Company (I&M) to physically connect its facilities with those of Applicant. This application states that Applicant is a wholesale customer of I&M, is presently interconnected with I&M at several points and seeks further interconnection at a new substation, the Bercado Substation, which was completed in January, 1974 and capable of immediate operation to relieve the present load on Applicant's Twelfth Street Substation.

On August 14, 1975, the Commission issued a "Notice of Application for Order Directing Physical Interconnection." 40 FR 37093. On September 9, 1975, Indiana & Michigan Electric Co. filed with the Commission a "Protest and Petition to Intervene" which, *inter alia*, requested that I&M be permitted to intervene in this proceeding as a party participant. The Commission has not yet acted on these pleadings.

The nature of this case suggests that it would be in the public interest to convene a staff conference between the parties and the staff of the Federal Power Commission for the purpose of exploring the problems with and/or feasibility of the physical connection which is the subject of Applicant's petition. Therefore, a conference will be held at the Federal Power Commission, Rm. 8200, 825 North Capitol St., N.E. Washington, D.C. on November 6, 1975 at 10:00 a.m. All interested parties are requested to attend. This conference will be of record.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27950 Filed 10-15-75;8:45 am]

[Docket No. RP75-56]

TEXAS GAS PIPE LINE CORP.

Conference

OCTOBER 14, 1975.

Take notice that on Monday, October 20, 1975, Commission Staff is convening an informal conference for the purpose of discussing the issues in the above-referenced docket with a view toward settling this proceeding. The conference will be held in Room 8402 of the Federal Power Commission offices, 825 North Capitol Street, NE., Washington, D.C. 20426, at 10:00 a.m.

All parties in attendance will be expected to come fully prepared to discuss all issues involved in this proceeding, both procedural and substantive, and to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in this proceeding. A petition to intervene filed pursuant to Section 1.8 of the Commission's rules of practice and procedure is required for that purpose.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27949 Filed 10-15-75;8:45 am]

[Docket Nos. CP75-96, *et al.*]

EL PASO ALASKA CO., ET AL.

Notice of Intent To Partially Adopt Department of Interior's Draft Environmental Impact Statement

OCTOBER 16, 1975.

The Federal Power Commission Staff (Staff) is in the process of preparing a Draft Environmental Impact Statement (DEIS) for the proceeding pending in Docket Nos. CP75-96, et al. This proceeding involves proposals to bring Arctic gas from the Prudhoe Bay field in Alaska and from the MacKenzie Delta region of Canada to market areas in the lower forty-eight states. Two separate natural gas transportation systems have been proposed: The Alaskan Arctic Gas Pipeline System utilizing a land route through Canada and the El Paso Alaska Company System utilizing a land-sea route with liquefied natural gas facilities and tankers.

The Department of the Interior has currently before it, permit application from the participants of the Alaskan Arctic Gas Pipeline System requesting permission for their pipeline system to cross federal lands, and in this connection on July 28, 1975, has issued a DEIS. The FPC Commission Staff herein announces its intention to adopt partially the Department of the Interior's DEIS for the Alaskan Arctic Gas Pipeline System. The Staff's DEIS will be composed of Interior's draft for the Alaskan Arctic System; the Staff's comments and substantive analysis in those areas where the Staff believes modification is necessary to Interior's DEIS, the Staff's own environmental analysis of the El Paso Alaska Company and Western Terminal Company proposals; and a separate comparative analysis of all proposals in this proceeding. At the time the FPC's DEIS is issued all the aforesaid parts will be sent to the appropriate parties, except the Interior's DEIS. All persons who have not received a copy of the Interior's DEIS and feel they are entitled to because of their interest or relationship with the FPC proceeding should immediately notify either the FPC or the Department of the Interior.

Communications should be addressed in this regard to the following addresses.

Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 24026, ATTN: Michael Sotak.

Department of the Interior, Bureau of Land Management, Washington, D.C. 20240, ATTN: Russel Soulen.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28105 Filed 10-15-75;11:14 am]

[Docket No. E-7561]

HOLYOKE WATER POWER CO. ET AL.

Order Fixing Places of Local Hearings

OCTOBER 9, 1975.

It is ordered that public hearing sessions be held at the Hampshire Superior Court, *New* District Court Room #2, Northampton, Massachusetts on October 28, 1975, at 2 PM and the Middlesex County Superior Court, Court Room 9A, Cambridge, Massachusetts on October 29, 1975 at 10 AM.

The matters to be considered are the installations, at dams of the New England Power Company and Western Massachusetts Electric Company at Hadley Falls and Turner's Falls on the Connecticut River in Hampshire County, of facilities to permit the passage of fish. All interested persons may present their views and testimony.

THOMAS L. HOWE,
Presiding Administrative Law Judge.

[FR Doc.75-28104 Filed 10-15-75;11:14 am]

FEDERAL RESERVE SYSTEM

AVERAGE PREDOMINANT PRIME RATE

Determination

In accordance with provisions of section 6621 of the Internal Revenue Code (26 U.S.C. 6621), the Secretary of the Board, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, has determined that the average predominant prime rate charged by commercial banks to large businesses in September, 1975, was 7.88 per cent.

Board of Governors of the Federal Reserve System, October 2, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-27840 Filed 10-15-75;8:45 am]

CLEVETRUST CORP.

Order Approving Acquisition of Bank

CleveTrust Corporation, Cleveland, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors qualifying shares) of the successor by merger to The Northeastern Ohio National Bank, Ashtabula, Ohio.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest bank holding company in Ohio, controls three banks with aggregate deposits of approximately $3 billion,[1] representing 10 per cent of the total deposits in commercial banks in the State.[2] Acquisition of Bank would increase Applicant's share of State deposits by two-tenths of one per cent. Consummation of the proposal would not significantly affect State-wide concentration of banking resources in Ohio.

Bank is the second largest of four banking organizations in the Ashtabula banking market[3] and controls approximately 36.7 per cent of total market deposits. On the basis of the record, it appears that some existing competition between Applicant's banking subsidiaries and Bank may be eliminated as a result of the proposal. However, the service areas of Applicant's subsidiaries and Bank do not appear to overlap, and the amount of any such competition that would be eliminated as a result of the proposal does not appear to be significant. Furthermore, it appears unlikely that Applicant would enter the market *de novo*, in view of the fact that the market's population and deposits per banking office ratios are below the respective State averages. Therefore, the Board concludes that consummation of the proposed transaction would not have a significantly adverse effect on existing or potential competition in any relevant area.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as satisfactory and consistent with approval of the application. Affiliation with Applicant will enable Bank to expand a number of its services such as equipment leasing, trust services and international banking services. These expanded services should provide some added convenience to the residents of the area. Therefore, convenience and needs considerations lend weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[4] effective October 8, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-27836 Filed 10-15-75;8:46 am]

[1] Applicant has obtained Board approval to acquire but has not yet acquired The City Bank, Kent, Ohio.

[2] All banking data are as of December 31, 1974, and reflect bank holding company formations and acquisitions approved by the Board through September 9, 1975.

[3] The Ashtabula banking market is approximated by Ashtabula County.

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of August 19, 1975

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on August 19, 1975.[1]

The information reviewed at this meeting suggests that output of goods and services bottomed out in the second quarter and is likely to increase appreciably in the current quarter. In July retail sales expanded further and industrial production rose moderately for the second consecutive month, following 8 months of decline. Conditions in labor markets improved further: Employment increased, the unemployment rate declined from 8.6 to 8.4 per cent, and the average workweek in manufacturing lengthened considerably. Average wholesale prices rose sharply in July, chiefly because of increases in prices of agricultural and energy products. The advance in average wage rates has continued to moderate over recent months.

In recent weeks the average exchange value of the dollar against leading foreign currencies has risen considerably further, reflecting additional increases in interest rates on U.S. dollar assets relative to rates on foreign currency assets. In June the U.S. foreign trade surplus rose substantially, as exports increased sharply while imports declined slightly further.

In July M_1 increased relatively little and growth in M_2 and M_3 slowed substantially, following a sharp increase in depositors' balances in May and June in connection with Federal income tax rebates and supplementary social security payments. Market interest rates in general have risen appreciably further in recent weeks, in association with indications of strengthening economic activity, more rapid inflation, and larger current and prospective Treasury financing requirements. Corporate bond offerings moderated somewhat in July but State and local government offerings continued large. Financial markets reflected considerable uncertainty stemming from New York City's financing problems. Business demands for short-term credit remained weak, although less so than in earlier months.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to stimulating economic recovery, while resisting inflationary pressures and contributing to a sustainable pattern of international transactions.

To implement this policy, while taking account of developments in domestic and international financial markets, the Committee seeks to achieve bank reserve and money market conditions consistent with moderate growth in monetary aggregates over the months ahead.

By order of the Federal Open Market Committee, October 6, 1975.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.75-27797 Filed 10-15-75;8:45 am]

NEVADA BRICK AND TILE CO.

Acquisition of Bank

Nevada Brick and Tile Co., Nevada, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 19.9 per cent and to hold 2.2 per cent of the voting shares of Nevada National Bank, Nevada, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 11, 1975.

Board of Governors of the Federal Reserve System, October 8, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-27796 Filed 10-15-75;8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Authorization for Domestic Open Market Operations; Correction

OCTOBER 8, 1975.

FR Doc. 75-23769 should be corrected to read as follows:

In accordance with the Committee's rules regarding availability of information, notice is given that on August 6, 1975, paragraph (2) of the Committee's authorization for domestic open market operations was amended to raise from $2 billion to $3 billion the limit on System holdings of special short-term certificates of indebtedness purchased directly from the Treasury, for the period until the close of business on August 19, 1975.

NOTE: For paragraph (2) of the authorization see 40 FR 10660.

By order of the Federal Open Market Committee, October 5, 1975.

[SEAL] ARTHUR L. BROIDA,
Secretary.

[FR Doc.75-27839 Filed 10-15-75;8:45 a.m.]

SOUTHEASTERN BANCSHARES, INC.

Order Approving Formation of Bank Holding Company

Southeastern Bancshares, Inc., Broken Bow, Oklahoma, has applied for the

[1] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Coldwell, and Jackson. Absent and not voting: Chairman Burns and Governor Wallich.

[1] The Record of Policy Actions of the Committee for the meeting of August 19, 1975, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

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Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 per cent of the voting shares, less directors' qualifying shares, of 1st Bank & Trust, Broken Bow, Oklahoma ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842 (c)).

Applicant is a recently organized corporation formed for the purpose of becoming a bank holding company through the acquisition of Bank. Bank (deposits of $19.8 million)[1] is the second largest of five banks in the McCurtain banking market[2] and controls approximately 27 per cent of the total deposits in commercial banks in the market. Upon acquisition of Bank, Applicant would control 0.2 of one per cent of the total deposits in commercial banks in Oklahoma.

The principal shareholder of Applicant also controls First State Bank of Idabel ("Idabel Bank") Idabel, Oklahoma. Idabel Bank (deposits of $27.0 million) is the largest bank in the McCurtain banking market. Idabel Bank is located in the town of Idabel approximately 12 miles south of Bank, and is separated from Bank by a natural barrier. Although Idabel Bank and Bank are both located in the McCurtain banking market, the Board notes that the principal of Applicant acquired Idabel Bank at a time when that bank was experiencing some financial and managerial problems, and that his subsequent control of Idabel Bank has been beneficial to that bank's overall operations. Accordingly, based on the facts of this case, particularly the fact that the transaction represents merely a reorganization of the existing ownership of Bank, the Board concludes that consummation of the proposal would not have any adverse effect on other banks in the relevant market, and that competitive considerations are consistent with approval of the application.

The future prospects of Applicant are entirely dependent upon the financial resources of Bank. Applicant proposes to service the debt it would assume incident to this proposal over a twelve year period through dividends from Bank. In light of Bank's past earnings and its anticipated growth, the projected earnings of Bank appear reasonable and would provide Applicant with the necessary financial flexibility to meet its annual debt servicing and preferred stock dividend requirements and to maintain an adequate capital position for Bank. Moreover, Applicant intends to inject $300 thousand in additional capital into Bank shortly after consummation of this transaction. The managerial resources of Applicant and Bank are considered satisfactory and the future prospects for each appear favorable.

As noted above, Applicant's principal is also involved with Idabel Bank. A factor lending weight toward approval of the subject application is the fact that permitting the principal of Applicant to place his interest in Bank in a holding company structure will relieve the principal from some additional debt associated with his initial acquisition of Bank. As a result, Applicant's principal will have greater financial flexibility in his efforts to strengthen the overall financial condition of Idabel Bank. Accordingly, on the basis of the foregoing and other facts of record, the Board concludes that, on balance, considerations relating to banking factors are consistent with approval of the subject application.

Although consummation of the proposal would effect no immediate changes in the banking services offered by Bank, considerations relating to the convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[3] effective October 8, 1975.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-27838 Filed 10-15-75;8:45 am]

[1] All banking data are as of December 31, 1974.

[2] The McCurtain banking market is approximated by McCurtain County, Oklahoma.

SOUTHERN BANCORPORATION, INC.

Proposed Acquisition of F. & I. Finance Company, Inc.

Southern Bancorporation, Inc., Greenville, South Carolina, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire, through a wholly owned direct subsidiary, World Acceptance Corporation, all of the assets of F. & I. Finance Company, Inc., Tyler, Texas. Notice of the application was published on September 24, 1975, in the Tyler Courier Times and the Tyler Morning Telegraph, newspapers circulated in Tyler, Texas.

Applicant states that the proposed subsidiary would engage in the activities of making direct loans to individuals on an installment basis under the Consumer Finance Laws of Texas pursuant to a "B" Consumer Finance License, which will limit its operations to cash loans of $100 or less. These activities will be conducted at offices in Tyler, Texas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 6, 1975.

Board of Governors of the Federal Reserve System, October 7, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-27837 Filed 10-15-75;8:45 am]

MARINE MAMMAL COMMISSION

MARINE MAMMAL COMMISSION AND COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

Meetings

Notice is hereby given that the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals will meet on November 13–15, 1975 in Anchorage, Alaska. Notice of the specific location, time, and agenda items of the meeting will be published in the near future.

The purpose of this notice is to invite the suggestions of interested persons concerning issues and subjects to be considered at the meetings. Suggestions should be submitted, in writing, to the Marine Mammal Commission, 1625 Eye Street NW., Washington, D.C. 20006 by October 24, 1975.

JOHN R. TWISS, Jr.,
Executive Director,
Marine Mammal Commission.

OCTOBER 8, 1975.

[FR Doc.75-27820 Filed 10-15-75;8:45 am]

[3] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Coldwell, and Jackson. Absent and not voting: Chairman Burns and Governor Wallich.

DEPARTMENT OF COMMERCE

National Advisory Committee on Oceans and Atmosphere

OPEN MEETING

OCTOBER 10, 1975.

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting Monday and Tuesday, November 17 and 18, 1975. The Monday session will be on Capitol Hill and the Tuesday session at the Department of Commerce. Both sessions are open to the public and will begin at 9:00 a.m.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science, and other appropriate areas, was established by Congress by Public Law 92-125, on August 16, 1971. Its duties are to (1) undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before 30 June of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration.

Times, locations, and topics are as follows:

Monday—Room 2318, Rayburn House Office Building, Washington, D.C., 9:00 a.m. to approximately 4:00 p.m. Expression of Congressional views on issues for future NACOA consideration.

Tuesday—Room 6802, Department of Commerce Building, 14th and E Streets, N.W., Washington, D.C., 9:00 a.m. to approximately 3:00 p.m. Reports on NACOA work in progress including such topics as a review of the Sea Grant Program, weather and air safety, and information requirements of coastal zone managers. Discussion of NACOA plans for the year.

The public is welcome at these sessions and will be admitted to the extent of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after such session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5223, Washington, D.C. 20230. The telephone number is 967-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.75-27893 Filed 10-15-75;8:45 am]

ADDENDUM TO PREVIOUS NOTICE

OCTOBER 10, 1975.

The agenda for the meeting previously announced for October 20 and 21, 1975, in the FEDERAL REGISTER of September 19, 1975, will consist of the following:

Monday morning beginning at 9:00 a.m. Briefings on research and development aspects of renewable energy sources in the sea.

Afternoon until adjournment at approximately 4:00 p.m. Reports on NACOA work in progress. Briefings on legislation of current interest to NACOA.

Tuesday until adjournment at approximately 1:30 p.m. Briefings on urban air pollution effects on weather and EPA's atmospheric research programs. Continued discussion of NACOA work in progress.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone is: (202) 967-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.75-27894;Filed 10-15-75;8:45 a.m.]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 75-28]

ACCIDENT REPORTS; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Aircraft accident reports. The crash of a Northwest Airlines jetliner near Thiells, New York, December 1, 1974, was the subject of an aircraft accident report released October 7 by the National Transportation Safety Board. The report, No. NTSB-AAR-75-13, states that the probable cause of the accident was the loss of control of the aircraft because the flightcrew failed to recognize and correct the aircraft's high-angle-of-attack, low-speed stall and its descending spiral. The stall was precipitated by the flightcrew's improper reaction to erroneous airspeed and Mach indications which had resulted from a blockage of the pitot heads by atmospheric icing. Contrary to standard operational procedures, the flightcrew had not activated the pitot head heaters. Following investigation of the accident, the Safety Board last March 20 issued three recommendations, A-75-25 through 27, to the Federal Aviation Administration. These recommendations and FAA's response of May 27 (40 FR 25862) are reproduced in the report.

Also released last week was the report of the midair collision of a commuter flight and a private aircraft near Whittier, California, last January 9. The report, No. NTSB-AAR-75-14 released October 8, concerns a Golden West Airlines DeHavilland DHC-6 and a CessnAir Aviation Cessna 150. The Safety Board determined that the probable cause of the accident was the failure of both flightcrews to see the other aircraft in sufficient time to initiate evasive action. The Board was unable to determine why each crew failed to see and avoid the other aircraft when the late-afternoon weather was clear and visibility was 40 miles.

Safety recommendations. The Safety Board's investigation of the September 8, 1975, accident of an American Airlines Boeing 747 on approach to San Juan International Airport, Puerto Rico, prompted issuance on October 6 of recommendation A-75-79 to the Federal Aviation Administration. The Board recommends that the FAA promptly amend AD-75-20-05 to require that the inspection of the inboard foreflaps be conducted within the next 25 flights, effective on the date of issuance of the amended AD.

Subject of recommendation letter issued October 10 to the U.S. Coast Guard was the pumproom explosion aboard the tankship *Texaco North Dakota* en route October 2, 1973, from Tampa, Florida, to Port Arthur, Texas. The Board determined that the probable cause of this accident was the ignition of fuel-air vapors in the pumproom by hot gases, or other products of combustion, which were being ejected from a steam-driven air compressor. This accident, and several other marine casualties involving explosions, prompted the Safety Board to recommend that the Coast Guard (1) expedite the promulgation of regulations prohibiting the deliberate drainage of cargoes into the pumproom bilges of tankships; (2) insure that piping systems entering pumprooms are designed to preclude even accidental discharge of cargoes into the pumproom bilges; (3) expedite the promulgation of regulations prohibiting the installation of air compressors in the pumprooms of tankships and requiring the removal of air compressors already installed; (4) issue regulations concerning the operation of tankship pumproom power ventilation systems to insure removal of explosive vapors before any activities are begun in the pumproom; (5) prohibit workshops and the storage of tools in pumprooms of tankships in which the bilges are not prohibited by regulation from containing cargoes or cargo residue; (6) institute a procedure which would require an active Coast Guard search for technology available in other Federal agencies before approval is granted for new types of equipment installations which may affect hazardous materials aboard ship; (7) use formal hazard analysis during the next annual tankship inspection to identify pumproom explosion risks; (8) use formal hazard analysis to evaluate the possibility of an explosion be-

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fore approval is given for the design or modification of tank vessels; and (9) issue regulations to require adequate management and shipboard supervision during the transportation and handling of hazardous cargoes on tankships. (Recommendations M–75–19 through 27)

Responses to safety recommendations. During the past week, the Safety Board received four letters from the Federal Aviation Administration in response to the following recommendations:

A–74–67 and 68. FAA's letter of September 18 is in reply to the Board's letter of September 3 requesting reconsideration of the FAA's response of January 13 concerning these recommendations (40 FR 42248). FAA notes further compliance efforts, such as distribution to their Accident Prevention Specialists of a slide-tape presentation, "Weatherwise—Go or No Go," which is being shown to the public at many accident prevention meetings and is made available to flight schools during sessions on meteorology. Also, FAA is encouraging industry advisory groups to further publicize weather involvement in general aviation accidents through their member companies and their own in-house publications. Regarding recommendations A–74–68, FAA states, " . . . we cannot justify making weather knowledge the deciding factor in determining if an applicant passes the written test for a certificate." and further comments," We see no reason for singling out weather knowledge as being more important than these other basic airman skills."

A–75–61. FAA's letter of September 19 is in response to a recommendation issued July 31 following Board investigation of an emergency landing accident involving a Kodiak Western Airlines Cessna Model 207 at Egegik, Alaska, March 4, 1975. The Board recommended that the FAA issue an airworthiness directive requiring inspection of the throttle cable housing on Cessna Model 207 airplanes and appropriate corrective action as necessary. FAA replied, "Since the facts in this accident and two other occurrences of record indicate faulty or improper maintenance, we do not believe that issuance of an airworthiness directive is warranted as this time. However, we will insert an item in the publication, Inspection Aids, alerting all concerned of the potential hazard possible if inspection requirements are not observed. This is scheduled for the October 1975 issue."

A–75–64 (40 FR 36628). FAA's letter of September 19 describes the material which FAA distributes to the public pertaining to multiengine aircraft emergency procedures, and indicates FAA's belief that this information adequately deals with the subject and sufficiently supplements the material presented in AC 61–67. However, the FAA states that the General Aviation Division of Flight Standards Service is making copies of this recommendation available to the regional accident prevention coordinators, with the direction that they place greater emphasis on this subject area in their future public presentations.

A–75–78 (40 FR 42247). By letter of September 23, FAA indicates that Change 14 to Handbook 8260.19 is in preparation. This will include the following instruction: "On procedures when neither a procedure turn nor a one-minute holding pattern is authorized, the profile view shall include the intermediate fix and should be extended to include all fixes that are established on the final approach course extended." This will ensure a smooth transition from the airway structure to the profile of the instrument approach, FAA states:

Reports and recommendation letters are available to the general public: single copies may be obtained without charge. A $4.00 user-service charge will be made for each recommendation response, in addition to a charge of 10¢ per page for reproduction. All requests must be in writing, identified by report and/or recommendation number and date of FEDERAL REGISTER notice. Address inquiries to: Publication Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172) (49 U.S.C. 1903, 1906)

MARGARET L. FISHER,
Federal Register Liaison Officer.

OCTOBER 10, 1975.

[FR Doc.75–27862 Filed 10–15–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON PLUTONIUM SHIPPING PACKAGES

Meeting; Correction

The agenda for the meeting of the ACRS Working Group on Plutonium Shipping Packages published at 40 F.R. 47220, October 8, 1975 is corrected to read "Thursday, October 23, 1975 * * *" instead of "Monday, October 23, 1975 * * *"

All other matters pertaining to the meeting remain unchanged.

Dated: October 10, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75–27811 Filed 10–15–75;8:45 am]

[Docket No. 50–298]

NEBRASKA PUBLIC POWER DISTRICT (COOPER NUCLEAR STATION)

Order for Modification of License

I. Nebraska Public Power District (the licensee) is the holder of Facility Operating License No. DPR–46 which authorizes operation of the Cooper Nuclear Station (the facility) at steady-state reactor core power levels not in excess of 2381 megawatts thermal (rated power). The facility is a boiling water reactor (BWR) located near Brownville, Nemaha County, Nebraska.

II. 1. On July 22, 1975, the Nuclear Regulatory Commission (the Commission) issued an "Order for Modification of License" (40 F.R. 31837, July 29, 1975) which confirmed a plan for limited additional operation of the facility. As detailed in the Order, the facility's channel box wear, as indicated by the noise-to-signal ratio recorded by the traversing incore probe (TIP), had exceeded the remedial action threshold. The remedial plan confirmed by the Order limited operation of the facility at not more than 40 percent of rated core flow and with a maximum fuel bundle power of 3.20 MWt. In addition, the Order permitted operation up to full flow and power for a brief period of time as necessary to collect flow vibration and water quality data. The Order further stipulated that the licensee was to shutdown the facility following approximately 45 equivalent full flow days from April 26, 1975 unless within that period certain specified tests have been completed which demonstrated the efficacy of the 40 percent flow limit.

2. On August 1, 1975, the Commission issued an "Order for Modification of License" (40 FR 33739, August 11, 1975) which clarified the intent of the July 22, 1975 Order to explicitly allow continued operation for the balance of a period of 50 effective full flow days prior to demonstrating the efficacy of the 40 percent flow limit. The bases for this action were schedules for delivery of equipment needed for accelerometer tests and the desirability from a power demand standpoint to schedule the installation of the equipment during a weekend or other low load period. The Commission's staff, in its August 1, 1975 evaluation of the request, concluded that the recently obtained TIP traces did not show any accelerated channel box wear, and that operation of Cooper for the balance of a period of 50 effective full flow days prior to demonstrating the efficacy of the 40 percent flow limit was acceptable since no appreciable additional wear would be incurred.

3. By letter dated September 11, 1975, the licensee proposed a plan, previously discussed with the NRC staff, setting forth a course of remedial action, which would allow operation with flow rates above 40 percent of rated flow and maximum bundle power above 3.20 MWt. The plan would involve shutdown of the reactor and appropriate replacement of worn channel boxes and plugging of the core support plate bypass holes.

4. By its letter dated September 11, 1975,[1] the licensee provided details (by

[1] Copies of (1) the September 11, 1975 filing by the licensee, and (2) the NRC staff Safety Evaluation of Mechanical Plugs to be Inserted in the Cooper Nuclear Station and the documents referenced therein, are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and are being placed in the Auburn Public Library, 1118 15th Street, Auburn, Nebraska 68305.

reference to previous staff evaluations for the Vermont Yankee and Duane Arnold plants) relating to the installation of core bypass flow plugs in the lower core plate and supplied analyses to demonstrate the adequacy of such plugs to minimize future channel box wear and the adequacy of the procedures for plug installation.

5. The installation of the core bypass flow plugs in the lower core plate is designed to reduce the instrument tube-channel box interaction that produced the unacceptable wear. The referenced reports in the licensee's letter of September 11, 1975, lists a total of 75 channels that were inspected during normal refueling outages in seven plants that have instrument thimbles similar to those in the Cooper reactor, but that do not have flow bypass holes. The bypass flow for these plants enters through clearances in the fuel assembly and fittings which are similar to the proposed Cooper configuration with plugged bypass flow holes. For this configuration, no significant wear was observed at the corners of the channel boxes adjacent to the instrument thimbles.

6. Plugs identical to those proposed for the Cooper reactor have previously been installed in the Vermont Yankee and Pilgrim reactors in 1973 and 1974, respectively, to eliminate the vibration of temporary control curtains that caused channel box wear in those reactors. They have also been installed in the Duane Arnold and Vermont Yankee reactors to mitigate channel box wear. The plugs in the Vermont Yankee reactor installed in 1973 were removed at the time that the temporary curtains were removed after ten months of successful service. In addition, the General Electric Company has conducted tests to demonstrate the adequacy of the plug design. These tests included full flow mockup tests which demonstrated negligible leakage flow through the plugged holes. The NRC staff has reviewed the design, the testing, and the previous experience with the proposed plugs in the Vermont Yankee and Pilgrim reactors, and in its concurrently issued Safety Evaluation of Mechanical Plugs to be Inserted in the Cooper Nuclear Station, the staff concluded that the mechanical design of the proposed bypass flow plugs is acceptable and that the plugs will reduce the vibration of the instrument thimbles caused by flow through the bypass holes and that installation of the plugs should be authorized. Subsequent operation of the facility with the plugs installed is under review.

III. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50: *It is ordered*, that Facility Operating License No. DPR–46 is hereby amended by substituting the following provisions for the provisions set out in Appendix A to the Commission's Order for Modification of License dated July 22, 1975, as amended August 1, 1975:

1. The licensee is authorized to install bypass hole plugs in the facility's lower core plate. The licensee shall not, without prior written approval of the Director, Office of Nuclear Reactor Regulation, return the facility to operation following the installation of the bypass hole plugs.

Dated at Bethesda, Md., this 8th day of October 1975.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

[FR Doc.75–27794 Filed 10–15–75;8:45 am]

[Docket No. 50–271]

VERMONT YANKEE NUCLEAR POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. DPR–28 issued to Vermont Yankee Nuclear Power Corporation (the licensee) which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment incorporates additional suppression pool water temperature limits: (1) During any testing which adds heat to the pool, (2) at which reactor scram is to be initiated, and (3) requiring reactor pressure vessel depressurization. It also adds surveillance requirements for visual examination of the suppression chamber during each refueling and following operations in which the pool temperatures exceed 160° F and adds monitoring requirements of water temperatures during operations which add heat to the pool.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on July 23, 1975 (40 FR 30886). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated March 31, 1975, (2) Amendment No. 16 to License No. DPR–28, with Change No. 27, and (3) the Commission's related Safety Evaluation issued July 15, 1975. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md. this 8th day of October 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.75–27795 Filed 10–15–75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 10, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control: Obstetrical Interview Regarding Amniocentesis, TF 4.234, single-time, Atlanta obstetricians, Dick Eisinger, 395–6140.

National Institutes of Health: Pharmacy Utilization Validation, OS–NIH–IA–1, single-time, retirement community residents, Dick Eisinger, 395–6140.

National Center for Education Statistics: Survey of Recent College Graduates, OE 2385, OE 2385–1, single-time, recent college graduates, Joan Turek.

Social and Rehabilitation Service: Social Services Expenditures Under Title XX (SSA), SRS–OA–41.1, SRS–OA–41.1, SRS–OA–41.1, SRS–OA–41, quarterly, States' welfare agencies, human resources division, Caywood, D. P., 395–3532.

DEPARTMENT OF TRANSPORTATION

Departmental and Other: 1974 NTS—Update 1990 Plan, single-time, State governments, District of Columbia and territories, Strasser, A., 395–5867.

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REVISIONS

DEPARTMENT OF AGRICULTURE

Farmers Home Administration: Certification of Disaster Losses—Farm Loans, FHA 441-22, on occasion, farms, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Education in Librarianship, Application, Enrollment Data, fiscal report, OE-3095, 3096, 3097, annually, mostly institutions of higher education, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of East-West Trade: Exceptions to Reporting Requirements for Exports to Switzerland and Other Specified Destinations, EOR 375.3, on occasion, commercial exporters, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-28014 Filed 10-15-75;8:45 am]

ADVISORY COMMITTEE ON GNP DATA IMPROVEMENT

Public Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Advisory Committee on GNP Data Improvement to be held in Room 10103, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. on Wednesday, November 19, 1975 at 9:45 a.m.

The purpose of the meeting is to comment on additional draft chapters of the final report.

The meeting will be open to public observation and participation. Anyone wishing to participate should contact the GNP Data Improvement Project, Statistical Policy Division, Room 10222, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395-6173.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.75-27835 Filed 10-15-75; 8:45am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11732; File No. 4-180]

EXCHANGE OFF-BOARD TRADING RULES

Revised Schedule of Oral Hearings

The Securities and Exchange Commission on October 14, 1975 announced the revised schedule of the oral hearings on rules of national securities exchanges which limit or condition the ability of members to effect transactions otherwise than on such exchanges ("off-board trading rules"). The hearings, which began on Tuesday, October 14, 1975, at 10 a.m., will now continue through October 23, 1975.

The revised schedule of witnesses for the hearings is as follows:

Tuesday, October 14, 1975

10:00 Harry M. Jacobson, Association for the Preservation of the Auction Market.
2:00 Jeffrey W. Casdin, Source Securities Corporation, New York, New York.
3:00 Margaret Cox Sullivan, Stockholders of America, Inc.

Wednesday, October 15, 1975

2:00 G. Robert Ackerman, Pacific Stock Exchange, Inc.

Thursday, October 16, 1975

10:00 Donald Regan, Merrill Lynch, Pierce, Fenner & Smith, Incorporated, New York, New York.
2.00 Ralph Saul, INA Corporation.

Friday, October 17, 1975

10:00 Donald E. Weeden, Weeden & Co. Incorporated, New York, New York.
2:00 Robert H. B. Baldwin, Morgan, Stanley and Co., Incorporated, New York, New York.
3:00 Tom O'Hara, National Association of Investment Clubs.

Monday, October 20, 1975

10:00 David W. Hunter, Ad Hoc Committee of Regional Firms.
11:00 James E. Dowd, J. Stephen Putnam, Boston Stock Exchange.
2:00 Gerald Parsky, Department of the Treasury.
3:00 H. Virgil Sherrill, Edward I. O'Brien, Securities Industry Association.

Tuesday, October 21, 1975

10:00 Paul Kolton, American Stock Exchange, Inc.
2:00 Michael E. Tobin, Midwest Stock Exchange, Inc.

Wednesday, October 22, 1975

10:00 James J. Needham, New York Stock Exchange, Inc.

Thursday, October 23, 1975

10:00 Alfred Eisenpreis, The City of New York.
11:00 Forrester A. Clark, H. C. Wainwright & Co.
2:00 Bernard H. Garil, Oppenheimer & Co., Inc.
3:00 J. Walter Sherman, Sherman, Dean & Co.

Copies of the transcripts of the hearings may be purchased through Technical Reporting Company, Inc., at a price of $0.15 per page. Expedited and next day delivery service is available at additional cost. Requests should be made directly to Mr. Frank Stout, Technical Reporting Company, Inc., 300 Seventh Street, S.W., Washington, D.C. 20024, telephone (202) 628-2355.

Persons wishing to make written submissions of views, data or arguments should file 30 copies thereof with George A. Fitzsimmons, Secretary of the Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549, not later than October 31, 1975. Persons wishing to submit written views, data or arguments in respect of submissions made by others or in respect of views, data and arguments presented at the oral hearings may do so until November 10, 1975. All comments should refer to Securities and Exchange Commission File No. 4-180 and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 14, 1975.

[FR Doc.75-28111 Filed 10-15-75;11:29 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1189]

ALABAMA

Declaration of Disaster Area

As a result of the President's declaration I find that Barbour, Bullock, Chambers, Coffee, Covington, Dale, Geneva, Houston, Lee, Macon, Pike, Russell, and adjacent counties within the State of Alabama, constitute a disaster area because of damage resulting from high winds, tornadoes, heavy rains, and flooding resulting from Hurricane Eloise beginning about September 22, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on December 1, 1975, and for economic injury until the close of business on July 2, 1976, at:

Small Business Administration, District Office, 908 South 20th Street, Birmingham, Alabama 35205.

or other locally announced locations.

Dated: October 6, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-27788 Filed 10-15-75;8:45 am]

[License No. 05/05-0097]

BANKIT FINANCIAL CORP.

Issuance of a Small Business Investment Company License

On February 8, 1974, a notice was published in the FEDERAL REGISTER (39 FR 4973) stating that an application had been filed by Bankit Financial Corporation, 733 Van Buren Street, Milwaukee, Wisconsin 53202 with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1974)) for a license as a small business investment company.

Interested parties were given until close of business February 25, 1974, to submit their comments to SBA. No comments were received. Issuance of the license was delayed until such time as Bankit Financial Corporation was capitalized, which was accomplished on September 2, 1975.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05-0097 on September 19, 1975, to Bankit Financial

Corporation to operate as a small business investment company.

Dated: October 8, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-27821 Filed 10-15-75;8:45 am]

[Declaration of Disaster Loan Area No. 1186]

CONNECTICUT

Declaration of Disaster Area

Fairfield and Litchfield and adjacent counties within the State of Connecticut, constitute a disaster area because of damage resulting from heavy rains and flooding, which occurred September 17 through September 27, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on December 1, 1975, and for economic injury until the close of business on July 2, 1976, at:

Small Business Administration, District Office, 450 Main Street, Hartford, Connecticut 06103.

or other locally announced locations.

Dated: October 2, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-27789 Filed 10-15-75;8:45 am]

[License No. 03/03-0119]

HOUSING CAPITAL CORP.

Issuance of Small Business Investment Company License

On May 5, 1975, a Notice of Application for a license as a small business investment company (SBIC) was published in the FEDERAL REGISTER (40 F.R. 19548) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1975)) for a license as a small business investment company by Housing Capital Corporation, Suite 700, 1133 Fifteenth Street N.W., Washington, D.C. 20005.

The applicant's plan of operations is designed to achieve the greatest degree of national impact in its efforts to restore and maintain the viability of operative builders and to assist National Corporation for Housing Partnership (NCHP) and National Housing Partnership (NHP), private organizations created by the Congress under Title IX of the Housing and Urban Development Act of 1968, in stimulating the production by private enterprise of low and moderate income housing. In this regard, the applicant will invest in and/or provide loans to operative builders, (meeting the size requirement of a small business concern) needing working capital to construct single family homes or condominium units which will be offered for sale to prospective occupants. These investments may involve stock interests in incorporated entities or a limited interest in partnerships. The applicant will not manage or control the small concern.

The applicant will commence operations with an initial private capital of $2,000,000 from the sale of its stock to NHP, instead of an initial proposed capital of $750,000. The public offering as proposed, is not contemplated, at this time.

NCHP will serve as investment advisors to the applicant and may provide management services to portfolio concerns of the applicant in accordance with §§ 107.601, 107.809, and 107.1004 of SBA regulations.

NHP may participate in joint financings with the applicant in accordance with § 107.1004 of the regulations.

SBA approval of the applicant's proposal to invest up to 100 percent (from 66⅔ percent) of its funds in eligible small business concerns classified in Major Group 15 and Industry Numbers 6531, 6541 and 6552 of the Standard Industrial Classification Manual is a special exemption to § 107.101(c) (1) and (2) of SBA rules and regulations, based on the fact that NCHP and NHP are entities created in the public interest and for a national purpose. The exemption was granted to accommodate the applicant's plans of operation to invest in "Operative Builders", and is not an exemption to SBA's prohibited real estate investment policy.

Interested persons were given until May 15, 1975, to submit their comments to SBA.

In the absence of any unfavorable comments and considering all factors involved, notice is hereby given that Housing Capital Corporation was issued License No. 03/03-0119 by SBA on September 2, 1975, pursuant to section 301 (c) of the Small Business Investment Act of 1958, as amended, to operate as a small business investment company.

Dated: October 3, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-27787 Filed 10-15-75;8:45 am]

[Proposed License No. 02/02-0314]

LLOYD CAPITAL CORP.

Application for a License to Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1975)) under the name of Lloyd Capital Corporation, 186 Riverside Drive, New York, New York 10024, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the rules and regulations promulgated thereunder.

The proposed officers, directors and shareholders are as follows:

Name	*Title*
Solomon T. Scharf, 186 Riverside Drive, New York, New York 10024.	General Manager, Director, 100% owner of all stock.
Leah Scharf, 186 Riverside Drive, New York, New York 10024.	Vice President, Treasurer, Director.
Sherwood Gordon, 225 Brody Lane, Bellmore, New York 11710.	Secretary, Director.
Martin Schwarzschild, 144 West 86th Street, New York, New York 10024.	Director.
Alexander Scharf, 186 Riverside Drive, New York, New York 10024.	Director.

The company proposes to commence operations with a capitalization of $350,000, to be further increased to $500,000 within a year from time of licensing. Applicant proposes to finance small concerns primarily in the States of New York, New Jersey and Connecticut, but does not intend to limit itself in terms of any particular geographical areas within said states.

Matters involved in SBA's consideration of the application include the general business reputation and character of the owner and management, and the probability of successful operations of the new company, in accordance with the Act and regulations.

Notice is further given that any person may, not later than fifteen days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

Dated: October 6, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-27822 Filed 10-15-75;8:45 am]

[Declaration of Disaster Loan Area. No. 1185]

MICHIGAN

Declaration of Disaster Area

As a result of the President's declaration, I find that Allegan, Clare, Genesee, Gratiot, Ingham, Isabella, Mecosta, Midland, Montcalm, Muskegon, Newaygo, Oceana, Osceola, Ottawa, Saginaw, Shiawassee and adjacent counties within the State of Michigan, constitute a disaster area because of damage resulting from severe rain storms, high winds, and flooding beginning about August 21, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on December 1, 1975, and for economic injury until the close of business on June 30, 1976 at:

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Small Business Administration, District Office, 1249 Washington Boulevard, Detroit, Michigan 48226.

or other locally announced locations.

Dated: October 3, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-27790 Filed 10-15-75;8:45 am]

[Declaration of Disaster Loan Area #1187]

NEW YORK

Declaration of Disaster Area

As a result of the President's declaration I find that Allegany, Broome, Cayuga, Chemung, Madison, Onondaga, Oswego, Queens, Rockland, Steuben, Tioga, Westchester and adjacent counties within the State of New York, constitute a disaster area because of damage resulting from severe storms, heavy rains, landslides, and flooding beginning about September 22, 1975. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on December 1, 1975, and for economic injury until the close of business on July 2, 1976, at:

Small Business Administration, District Offices, 26 Federal Plaza, Room 3110, New York, N.Y. 10007; Fayette and Salina Streets, Syracuse, N.Y. 13202.

or other locally announced locations.

Dated: October 6, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-27791 Filed 10-15-75;8:45 am]

[Declaration of Disaster Loan Area #1188]

VIRGINIA

Declaration of Disaster Area

The Independent City of Alexandria and the adjacent counties of Arlington and Fairfax within the State of Virginia, constitute a disaster area because of damage resulting from heavy rains and flooding September 22 through September 26, 1975. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on December 4, 1975, and for economic injury until the close of business on July 6, 1976, at:

Small Business Administration, District Office, 1030 15th Street, NW., Suite 250, Washington, D.C. 20416.

or other locally announced locations.

Dated: October 3, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-27792 Filed 10-15-75;8:45 am]

VETERANS ADMINISTRATION

VOLUNTARY SERVICE NATIONAL ADVISORY COMMITTEE

Meeting

The Veterans Administration gives notice pursuant to Public Law 92-463 that the annual meeting of the Veterans Administration Voluntary Service National Advisory Committee, established in 1946 and composed of representatives from 46 national voluntary organizations, will be held at the Shoreham-Americana Hotel, 2500 Calvert Street, NW., Washington, D.C., October 30-31, 1975. The meeting will convene at 8:30 a.m., October 30, 1975, in the Empire Room of the hotel. The purpose of the meeting is to constructively plan with the National Committee on the further promotion, development and coordination of volunteer assistance, channeled through national and local organizations, in the care and treatment of veteran patients in the Agency's nationwide medical program.

This business meeting of the National Committee is open to the general public and to volunteers who serve in the Veterans Administration Voluntary Service program in any of the Agency's health care facilities.

Date: October 10, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-27889 Filed 10-15-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-209]

ELKTON FASHIONS, INDUSTRIES

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 2, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Elkton Fashions, Industries, Elkton, Maryland (TA-W-209).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits produced by Elkton Fashions, Industries or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 28, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 2nd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27854 Filed 10-15-75;8:45 am]

[TA-W-206]

LOUSONS KNITTING MILLS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 2, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union on behalf of the workers and former workers of Lousons Knitting Mills, Incorporated and Marder Knitting Mills, Incorporated, a subsidiary of Lousons Knitting Mills, Incorporated, Philadelphia, Pennsylvania (TA-W-206). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's, boy's, and ladies sweaters produced by Lousons Knitting Mills, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total of partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 28, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 75-27855 Filed 10-15-75; 8:45 a.m.]

[TA-W-222]

MARYLAND HAMPSTEAD CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 3, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Maryland Hampstead Company, Hampstead, Maryland, a subsidiary of Paramount Clothing Company, Baltimore, Maryland (TA-W-222). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits, sport coats and slacks produced by Maryland Hampstead Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 28, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 3d day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27856 Filed 10-15-75;8:15 am]

[TA-W-207]

ROBERT BRUCE

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 2, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union on behalf of the workers and former workers of Robert Bruce, Philadelphia, Pennsylvania (TA-W-207).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's and boy's sweaters produced by Robert Bruce or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 28, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 2d day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27853 Filed 10-15-75;8:45 am]

[TA-W-102; 150]

STACKPOLE CARBON CO.

Determinations Concerning Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-102 and TA-W-150; investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

Investigations TA-W-102 and TA-W-150 were initiated on July 31, 1975 and September 16, 1975, respectively in response to worker petitions received on July 31, 1975 and September 12, 1975, respectively. Both petitions were filed by the International Union of Electrical, Radio and Machine Workers on behalf of workers formerly producing resistors, ferrites, brushes, and anodes at the St. Marys, Pennsylvania plant and workers producing resistors at the Kane, Pennsylvania plant of Stackpole Carbon Company, St. Marys, Pennsylvania.

Notices of investigation were published in the FEDERAL REGISTER (40 FR 33716) on August 11, 1975 and (40 FR 44211) on September 25, 1975 for the St. Marys, TA-102 and Kane, TA-W-150, plants, respectively. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Stackpole Carbon Company, its customers, the National Electrical Manufacturers Association, the U.S. International Trade Commission, the Department of Commerce and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers at the St. Marys and Kane plants declined 19 percent in the last half of 1974 compared to the last half of 1973.

Sales or production, or both, have decreased absolutely. Sales and production at the St. Marys and Kane plants of carbon composition resistors declined 6 percent and 7 percent respectively in 1974

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compared to 1973. Sales and production of carbon composition resistors declined 45 percent and 49 percent respectively in the last quarter of 1974 compared to the last quarter of 1973. Sales and production of ferrites at the St. Marys plant declined 11 percent and 9 percent respectively in 1974 compared to 1973. Sales and production of ferrites declined 54 percent and 58 percent respectively in the last quarter of 1974 compared to the last quarter of 1973.

Increased imports contributed importantly. Imports of fixed composition resistors increased from 629 million units in 1973 to 1,417 units in 1974. The ratio of imports to domestic consumption and production increased from 13.7 percent and 15.2 percent, respectively in 1973 to 30.0 percent and 39.6 percent, respectively in 1974. The ratios of imports of ferrites to domestic consumption and production have increased from 15.3 percent and 15.5 percent, respectively in 1973 to 16.1 percent and 15.6 percent, respectively in 1974.

The evidence developed by the Department's investigation indicates that the separation of workers engaged in employment related to the production of carbon composition resistors was caused by the increase in competitive imports of such products. The evidence further indicates that while industry-wide imports of ferrites increased only marginally from 1973 to 1974, two major customers for Stackpole ferrites established overseas ferrite production facilities during the same period. The resultant loss of orders by Stackpole caused significant declines in its ferrite production and sales and resulted in the separation of workers engaged in employment related to the production of ferrites.

The evidence further developed that imports of anodes increased from $2.8 million in 1973 to $3.9 in 1974. The ratios of imports of anodes to consumption and production increased from 7.6 percent and 8.9 percent, respectively in 1973 to 14.4 percent and 16.1 percent, respectively in 1974. However, sales and production of anodes at the St. Marys plant of Stackpole also increased from 1973 to 1974. Imports of brushes increased from $2.9 million in 1973 to $3.2 million in 1974. The ratios of imports to consumption and production increased from 4.3 percent and 4.4 percent, respectively in 1973 to 4.7 percent and 4.8 percent, respectively in 1974. Sales and production of brushes at the St. Marys plant of Stackpole decreased from 1973 to 1974. However, the decline was caused solely by domestic economic conditions and was not related to imports of brushes most of which are not competitive with those produced by Stackpole Carbon Company.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with carbon composition resistors and ferrites produced at the St. Marys and Kane, Pennsylvania plants of Stackpole Carbon Company contributed importantly to the total or partial separation of workers of those plants. It is further concluded that increases of imports like or directly competitive with brushes and anodes produced at the St. Marys, Pennsylvania plant of Stackpole Carbon Company did not contribute importantly to the total or partial separation of workers at such plant.

Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months prior to April 3, 1975, the effective date of the new program.

In accordance with this provision of the Act, I make the following certification:

All hourly and salaried workers engaged in employment related to the production of carbon composition resistors and ferrites at the St. Marys and Kane, Pennsylvania plants of Stackpole Carbon Company who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 1st day of October 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation.

[FR Doc.75-27852 Filed 10-15-75;8:45 am]

[TA-W-194]

SAGNER, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 26, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Frederick, Md.; McConnelsburg, Pa.; and New Bern, N.C. plants of Sagner, Incorporated, Frederick, Maryland (TA-W-194). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits and sport coats produced by Sagner, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 20 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 28, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW, Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of September 1975.

MARVIN H. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-27857 Filed 10-15-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 885]

Assignment of Hearings

OCTOBER 10, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 107295 Sub 765 Pre-Fab Transit Co., now assigned November 14, 1975, at Kansas City, Mo., is postponed indefinitely.

MC 2202 Sub 488, Roadway Express, now assigned for hearing, at Des Moines, Iowa, is postponed indefinitely.

MC-F 12485, Road Express, Inc.—Control and Merger—Howard Hall Company, Inc., now being assigned December 1, 1975, at Office of Interstate Commerce Commission, Washington, D.C.

MC 98743 Sub 12, The Rocket Freight Lines Company, continued to November 11, 1975 (2 days) at Tulsa, Oklahoma; in the Fairmont-Mayo Hotel, 115 West Fifth.

MC 115654 (Sub-No. 38), Tennessee Cartage Co., Inc., now assigned December 8, 1975, at Atlanta, Ga. is canceled and application dismissed.

MC 119783 Sub 248, Caravan Refrigerated Cargo, Inc., now assigned December 11, 1975, at Washington, D.C., is canceled and application dismissed.

MC 82492 Sub 118, Michigan & Nebraska Transitco., Inc., now assigned December 5, 1975 at Chicago, Illinois, is canceled and transferred to Modified Procedure.

MC 118142 Sub 89, M. Bruenger & Co., Inc. and MC 128468 Sub 15, Donco Carriers, Inc., now being assigned November 14, 1975, (1 day), at Kansas City, Missouri, in Room 609, Federal Office Building, 911 Walnut Street.

MC 116763 Sub 315, Carl Subler Trucking, Inc., now being assigned December 1, 1975 (1 day) at New York, N.Y.; in a hearing room to be designated later.

MC 136436 Sub 25, Cargo Contract Carrier Corp., now being assigned December 2, 1975 (1 day) at New York, N.Y.; in a hearing room to be designated later.

MC 139539 Sub 4, Afro-Urban Transportation, Inc., now being assigned December 3, 1975 (2 days) at New York, N.Y.; in a hearing room to be designated later.

MC 117557 Sub 37, Matson, Inc., now being assigned December 5, 1975 (1 day), at Chicago, Ill.; in a hearing room to be designated later.

No. 35940, Investigation into the Lawfulness of Interchange Arrangements Between the Bangor and Aroostook Railroad and CP Rail at Brownville, Junction, Maine, No. 35967, Maine Central Railroad Company vs Bangor and Aroostook Railroad Company, and

No. 35913 Sub 1, Boston and Maine Corporation, Robert W. Meserve and Benjamin H. Lacy, Trustees vs Bangor and Aroostook Railroad Company, now assigned for continued hearing on October 21, 1975, is postponed until October 28, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 140053, TRK Transport, Inc., now being assigned December 2, 1975, at Los Angeles, Calif., (2 days), in a hearing room to be later designated.

MC 139134 Sub 2, Kennedy Motors, Inc., now being assigned December 4, 1975, at Los Angeles, Calif. (2 days); in a hearing room to be later designated.

MC-F-12510, Imperial Van lines, Inc.-Control-Martin Van Lines, Inc., now being assigned December 8, 1975 (2 wks), at Los Angeles, Calif., in a hearing room to be later designated.

I & S M28751, General Increase, September 1975, M.W.M.F.B. and

I & S M28751 Sub 1, Increased Rates, McCarthy Truck Line, Inc., 1975, now being assigned December 2, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 119777 Sub 318, Ligon Specialized Hauler, Inc., now assigned October 15, 1975, at Chicago, Illinois, is canceled and the application is dismissed

No. 36186, Idaho Rail Freight Rates and Charges—1975, now being assigned January 6, 1976, at Boise, Idaho, in a hearing room to be later designated.

MC 140217 Sub 1, Clyde Hunsaker, d/b/a Hunsaker Trucking, now assigned October 17, 1975, at Chicago, Illinois, is canceled and the application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-27867 Filed 10-15-75;8:45 am]

Assignment of Hearings

[Notice 886]

OCTOBER 10, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction

MC 129762 Sub 11, P. L. Lawton, Inc., now being assigned *November 5, 1975*, at the Offices of the Interstate Commerce Commission, Washington, D.C., instead of *November 11, 1975*.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-27868 Filed 10-15-75;8:45 am]

[Ex Parte MC 96]

ENTRY CONTROL OF BROKERS

Extension of Time

OCTOBER 7, 1975.

At the request of James E. Wilson, Counsel for Trailways Travel Bureau Corporation, the time for filing representations in the above-entitled proceeding has been extended from October 23, 1975, to November 7, 1975.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-27874 Filed 10-15-75;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 10, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 55953, filed September 23, 1975. Applicant: AUTO FAST FREIGHT, INC., 194 W. Benedict Street, San Bernardino, Calif. 92402. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* as follows: (1) Between all points and places within the Los Angeles Basin Territory described in Note A and within the San Diego Territory described in Note B and between said territories, serving all points and places on and within ten (10) miles laterally of Interstate Highways 5 or 15, or U.S. Highway 395; (2) Between the Los Angeles Basin Territory and Newberry, serving all points and places on and within ten (10) miles laterally of Interstate Highways 15 and 40; (3) Between the Los Angeles Basin Territory and Boron, serving all points and places on and within ten (10) miles laterally of U.S. Highway 395 and California Highway 58; (4) Between the Los Angeles Basin Territory and Lucerne Valley, serving all points and places on and within ten (10) miles laterally of California Highway 18; and (5) Between the Los Angeles Basin Territory and the Coachella Valley Territory as described in Note C, serving all points and places on and within ten (10) miles laterally of Interstate Highway 10.

Except that pursuant to the authority herein granted, carrier shall not transport any shipments of: (1) Used household goods, personal effects, and office, store, and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B; (2) Automobiles, trucks, and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses, and bus chassis; (3) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder

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pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers; (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) Logs; (8) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper; and (9) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

NOTE A: Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth, easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Los Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways No. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly, and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly, and northerly along said corporate boundary to the right-of-way of the Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right-of-way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary lines; westerly along said boundary line to the Orange County-San Diego County boundary lines; southerly along said boundary line to the Pacific Ocean northwesterly along the shoreline of the Pacific Ocean to point of beginning.

NOTE B: SAN DIEGO TERRITORY includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highway 101E and 101W (four miles north of La Jolla); thence easterly to Miramar on State Highway No. 395; thence southeasterly to Lakeside on the El Cagon-Ramona Highway; thence southerly to Bostonia on U.S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line; west to the Pacific Ocean and north along the coast to point of beginning.

NOTE C: COACHELLA VALLEY TERRITORY is defined as the area lying between the Little San Bernardino Mountains and Cottonwood Mountains, on the one hand, and the San Jacinto and Santa Rosa Mountains, on the other hand, and bounded on the northwest by West Palm Springs Village and on the southeast by the Riverside-Imperial County line on California Highways 86 and 111. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Bldg., Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should *not* be directed to the Interstate Commerce Commission.

California Docket No. 55960, filed September 24, 1975. Applicant: NATION WIDE ENTERPRISES, INC., doing business as CAL-PACIFIC COMPANY, 1075 Bryant Street, San Francisco, Calif. 94103. Applicant's representative: Eldon M. Johnson, The Hartford Building, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, between all points and places on or within twenty (20) miles of the following routes and territory: (1) The San Francisco Territory (as described in Note 1 hereto); (2) Marysville and the San Francisco Territory (as described in Note 1 hereto), via State Highway 70 to its intersection with Interstate Highway 80 at Sacramento; thence via Interstate Highway 80 to the San Francisco Territory; (3) Sacramento and Modesto, via State Highway 99; (4) The San Francisco Territory (as described in Note 1 hereto) and Lodi, via Interstate Highway 580 to its intersection with Interstate Highway 205 near Bethany; thence via Interstate Highway 205 to its intersection with Interstate Highway 5 near Lathrop; thence via Interstate Highway 5 to its intersection with State Highway 12 near Kingdon; thence via State Highway 12 to Lodi; and (5) The San Francisco Territory (as described in Note 1 hereto) and Merced, via Interstate Highway 580 to its intersection with State Highway 132 near Vernalis; thence via State Highway 132 to its intersection with State Highway 99 at Modesto; thence via State Highway 99 to Merced. In performing the service herein described, the routes and territory listed above may be joined and combined, and use may be made of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service. Except that, pursuant to the authority herein requested, no shipments of the following shall be transported:

(A) Used household goods, personal effects and office, store, and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drum, bags, (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard or straw matting); (B) automobiles, trucks and buses, viz.: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (C) Livestock, viz.: Barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, shows, steers, stags, swine or wethers; (D) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (E) commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers; (F) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (G) logs; (H) articles of extraordinary value; and (I) trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.

NOTE 1.—The San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point of the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said county line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific Company right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Boulevard) via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard and MacArthur Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard to Warren Boulevard (State Highway 13); northerly along Warren Boulevard to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the campus boundary of the University of California; westerly, northerly, and easterly, along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue, northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Bldg., Civic Center, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 2674 (amended) (correction) filed August 4, 1975, published in the FEDERAL REGISTER issue of September 24, 1975, and republished as corrected this issue. Applicant: TEXAS TEX-PACK EXPRESS, INC., 150 E. Zavalla St., San Antonio, Tex. 78204. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of (A) *General commodities*, subject to the following restriction: No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day; and *motion picture films and theater supplies, flowers, and potted plants, magazines and newspapers*, to, from, and between all points along the route set forth below, with service to all intermediate points unless otherwise specified: (1) F.M. Road 1304 between Aquilla and its intersection with I.S. 35; (2) F.M. Road 933 between Whitney and Waco; (3) F.M. Road 510 between its intersection with U.S. 77 B.R. and its intersection with State Highway 100, near Port Isabel; (4) F.M. Road 580 between San Saba and Lampasas; (5) F.M. Road 501 and F.M. Road 581 between Lometa and Pontotoc; (6) State Highway 22 between Laguna Park and Frost; (7) F.M. Road 667 between Italy and Frost; (8) State Highway 72 between Tilden and Three Rivers;

(9) U.S. Highway 83 and State Highway 55 between Uvalde and Rocksprings; (10) State Highway 21 between its intersection with State Highway 80 near San Marcos and its intersection with State Highway 71; (11) State Highway 286 and F.M. Road 70 between Corpus Christi and the intersection of F.M. Road 70 and U.S. Highway 77; (12) State Highway 97 between Jourdanton and Charlotte; (13) State Highway 7 between Kosse and its intersection with U.S. Highway 77; (14) State Highway 320 between its intersection with State Highway 7 near Chilton and its intersection with State Highway 53; (15) State Highway 53 between Temple and Rosebud; (16) F.M. Road 140 between Charlotte and Campbellton; (17) U.S. Highway 90 between Del Rio and Sanderson; (18) State Highway 95 between Taylor and Elgin; (19) F.M. Road 1854 between its intersection with State Highway 21 near Mendoza and its intersection with F.M. Road 20; (20) State Highway 31 between Dawson and its intersection with U.S. Highway 64; (21) State Highway 9 and I.S. 37 between Mathis and Corpus Christi; (22) F.M. Road 1021 and F.M. Road 2644 between Eagle Pass and the intersection of F.M. Road 2644 and U.S. Highway 277 near Carrizo Springs; (23) F.M. Road 812 between its intersection with U.S. Highway 183 near Austin and Red Rock; (24) State Highway 29 and F.M. Road 864 between Menard and Fort McKavett; (25) State Highway 97 and State Highway 72 between Cotulla and the intersection of State Highway 72 and State Highway 16 near Tilden; (26) State Highway 123 between Seguin and San Marcos; (27) State Highway 80 and State Highway 123 between Nixon and Karnes City; (28) F.M. Road 493 between its intersection with State Highway 107 near Elsa and its intersection with State Highway 186; (29) F.M. Road 413 between Rosebud and Kosse; (30) F.M. Road 308 between Elm Mott and its intersection with I.S. 35 near Milford; (31) F.M. Road 1431 between Jonestown and its intersection with U.S. Highway 183; (32) F.M. Road 1222 between Katemcy and its intersection with U.S. Highway 87 and U.S. Highway 377.

(33) F. M. Road 471 between Natalia and its intersection with U.S. Highway 90; (34) F.M. Road 755 between Rio Grande City and Rachal; (35) F.M. Road 1017 between La Gloria and its intersection with U.S. Highway 281; (36) State Highway 186 between Raymondville and its intersection with U.S. Highway 281; (37) F.M. Road 1015 between its intersection with State Highway 186 near Lasara and its intersection with F.M. Road 1422; (38) F.M. Road 1422 and F.M. Road 491 between the intersection of F.M. Road 1422 and R.M. Road 88 near Monte Alto and the intersection of F.M. Road 491 and U.S. Highway 77 near Lyford; (39) U.S. Highway 83 between Uvalde and Leakey; (40) State Highway 127 between Sabinal and Concan; (41) F.M. Road 337 between Leakey and Camp Wood; (42) U.S. Highway 87 between Fredericksburg and Mason; (43) F.M. Road 1604 between Somerset and its intersection with I.S. 10 east of San Antonio; (44) State Highway 218 between its intersection with I.S. 35 and its intersection with F.M. 78 at Randolph Air Force Base; (45) F.M. 973 between its intersection with U.S. Highway 290 and its intersection with State Highway 71 near Del Valle; (46) State Highway 80 between San Marcos and Luling; (47) F.M. Road 1346 between San Antonio and its intersection with U.S. Highway 87 near La Vernia; (48) State Highway 142 between Martindale and Lockhart; (49) U.S. Highway 190 between its intersection with U.S. Highway 77 and Hearne, excluding General commodity service to Hearne except for the purpose of interline with other carriers; (50) U.S. Highway 290 between Elgin and Giddings, including the nearby points of Butler and McDade; (51) F.M. Road 86 between its intersection with U.S. 183 near Luling and its intersection with F.M. Road 20 near Red Rock; (52) F.M. Road 20 between Fentress and its intersection with State Highway 71 near Bastrop.

(53) F.M. Road 2026 between Melvin and its intersection with U.S. Highway 87; (54) F.M. Road 88 between its intersection with U.S. Highway 281 near Progreso and its intersection with State Highway 186; (55) F.M. Road 339 between its intersection with F.M. Road 308 near Birome and its intersection with State Highway 164 east of Mart; (56) State Highway 9 between its intersection with U.S. 281 near Three Rivers and its intersection with U.S. Highway 59 east of George West; (57) State Highway 72 between Kenedy and Three Rivers; (58) F.M. Road 2114 between West and its intersection with State Highway 171 near Hubbard; (59) F.M. Road 1427 between Penitas and its intersection with U.S. Highway 83; (60) F.M. Road 1825 and F.M. Road 685 between the intersection of F.M. 1825 and I.S. 35 north of Austin and the intersection of F.M. 685 and U.S. Highway 79 near Hutto; (61) State Highway 71 between Llano and its intersection with U.S. Highway 87 and U.S. Highway 377 near Brady; (62) State Highway 186 between Raymondville and San Perlita; (63) F.M. Road 497 between Port Mansfield and its intersection with State Highway 186 near San Perlita; (64) State Highway 342 and U.S. Highway 77 between Red Oak and the intersection of U.S. Highway 77 and I.S. 35; (65) F.M. Road 106 between Harlingen and its intersection with State Highway 345 east of Rio Hondo; (66) State Highway 345 between San Benito and its intersection with F.M. 106 east of Rio Hondo.

(67) F. M. Road 535 between Cedar Creek and Rosanky; (68) State Highway 304 between Gonzales and its intersection with State Highway 21 and State Highway 71 near Bastrop; (69) F.M. Road 487 between Florence and Bartlett; (70) F.M. Road 1535 between San Antonio and its intersection with F.M. 1604 near Shavano Park; (71) F.M. Road 1518 between Scherts and Lytle; (72) F.M. Road 2241 between Llano and Tow; (73) State Highway 261 between Bluffton and its intersection with State Highway 29 near Buchanan Dam; (74) State Highway 359 between Mathis and Skidmore; (75) F.M. Road 187 between Sabinal and Utopia; (76) F.M. Road 1050

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between Utopia and its intersection with U.S. Highway 83; (77) F.M. Road 972 between its intersection with I.S. 35 north of Georgetown and its intersection with State Highway 95 south of Bartlett; (78) F.M. Road 971 beween Granger and its intersection with I.S. 35; (79) F.M. Road 12 between San Marcos and Wimberley; (80) F.M. Road 2200 between Devine and D'Hanis; (81) F.M. Road 462 between Hondo and Moore; (82) F.M. Road 2114 between Laguna Park and West; (83) F.M. Road 1242 between Bynum and its intersection with I.S. 35; (84) State Highway 171 and State Highway 14 between Coolidge and Groesbeck, excluding service to any intermediate point; (85) F.M. Road 107 between its intersection with I.S. 35 near Eddy and its intersection with U.S. Highway 77 near Chilton; (86) State Highway 317 between Moody and Belton; (87) State Highway 36 between Temple and its intersection with State Highway 317.

(88) Alternate U.S. Highway 90 between Seguin and Belmont; (89) State Highway 97 between Conzales and Waelder; (90) U.S. Highway 281 between Johnson City and its intersection with State Highway 71 near Marble Falls; (91) I.S. 10 between Kerrville and Comfort; (92) State Highway 107 between Edinburg and Misson; and (93) State Highway 80 between Luling and Belmont. Applicant proposes to coordinate the service proposed above with service now performed under existing authority and to interline with other carriers at appropriate interline points. (B) *Motion picture films and theater supplies, flowers and potted plants, magazines and newspapers* to, from and between all points along the routes shown below, serving all intermediate points thereon unless otherwise specified: (1) I.S. 35 between Dallas and San Antonio (to be added to present authority over U.S. Highway 77 and U.S. Highway 81); (2) U.S. Highway 79 between Hearne and Taylor; (3) U.S. Highway 183 between Austin and Gonzales; (4) State Highway 80 and State Highway 97 and Alternate Route U.S. Highway 90 between Nixon and Gonzales; (5) F.M. Road 881 between Sinton and Rockport; (6) F.M. Road 136 between Woodsboro and its intersection with F.M. Road 881; (7) U.S. Highway 183 between Lampasas and its intersection with State Highway 29 near Liberty Hill; (8) State Highway 29 between Llano and Mason; (9) State Highway 71 between its intersection with U.S. Highway 281 and Llano; (10) State Highway 361 between Gregory and Port Aransas; (11) U.S. Highway 77 between Waco and Victoria; (12) State Highway 39 between Hunt and Ingram; (13) State Highway 48, F.M. Road 1792 and State Highway 100 between Brownsville and Port Isabel; (14) State Highway 100 between Port Isabel and its intersection with U.S. Highways 83 and 77 near Olmito; (15) U.S. Highway 281 between Pharr and Brownsville, including Hidalgo; (16) F.M. Road 133 between Artesia Wells and its intersection with U.S. Highway 83 near Catarina; (17 F.M. Road 190 between Asherton and Brundage; (18) F.M. Road 649 between Mirando City and its intersection with State Highway 359; (19) F.M. Road 1518 between Elmendorf and its intersection with U.S. Highway 181; (20) F.M. Road 1123 and F.M. Road 436 between Belton and Heidenheimer, via Little River.

(21) U.S. Highway 190 and State Highway 36 between Cameron and Temple; (22) F.M. Road 967 between Buda and its intersection with I.S. 35; (23) F.M. Road 1786 between its intersection with U.S. Highway 79 and Alcoa; (24) F.M. Road 1786 and F.M. Road 2116 between Alcoa and Rockdale; (25) State Highway 173 between Jourdanton and its intersection with State Highway 16 near Kerrville; (26) State Highway 97 between Pleasanton and its intersection with U.S. Highway 87 near Stockdale; (27) State Highway 46 between Seguin and its intersection with State Highway 16 near Pipe Creek; (28) State Highway 202 and U.S. Highways 77A and 183 between Beeville and Refugio; (29) U.S. Highway 290 between Fredericksburg and its intersection with State Highway 27; (30) U.S. Highway 290 between Austin and Johnson City; (31) State Highway 71 between Austin and its intersection with U.S. Highway 281 near Marble Falls; (32) U.S. Highway 83 between Brownsville and Mission; (33) U.S. Highway 77 between Harlingen and San Benito; (34) U.S. Highway 281 between Edinburg and Pharr; and (35) U.S. Highway 84 and F.M. Road 73 between Waco and Coolidge. (C) *Motion picture films and theater supplies, flowers and potted plants, and magazines* to, from and between all points along the routes shown below serving all intermediate points thereon unless otherwise specified: (1) State Highway 16 between Kerrville and San Antonio; (2) I.S. 10 between Kerrville and San Antonio (added to present authority over State Highway 27 and U.S. Highway 87); (3) U.S. Highway 83 between Catarina and Laredo; (4) U.S. Highway 83 between Rio Grande City and Mission, including the nearby points of Grulla, Sullivan City, Los Ebanos, and La Joya.

(5) State Highway 16 between San Antonio and Poteet; (6) State Highway 16 between Jourdanton and Freer; and (7) State Highway 27, I.S. 10 and U.S. Highway 290 between Comfort and Junction. (D) *Motion picture films and theater supplies and magazines* to, from, and between all points along the routes shown below, serving all intermediate points thereon unless otherwise specified: (1) U.S. Highway 90 between Seguin and Luling; (2) I.S. 10 between San Antonio and Houston (added to present authority over U.S. Highway 90 between San Antonio and Seguin, U.S. Highway 90 between Luling and Houston, alternate authority over U.S. Highway 90 between Seguin and Luling, and application immediately above); and (3) State Highway 44 between Robstown and Alice. (E) *Flowers and potted plants, magazines and newspapers* to, from, and between all points along the routes shown below, serving all intermediate points thereon unless otherwise specified: (1) State Highway 123 between Seguin and Stockdale; and (2) U.S. Highway 87 between San Antonio and Nixon. (F) *Flowers, potted plants and newspapers* to, from, and between all points along the routes shown below, serving all intermediate points thereon unless otherwise specified: (1) U.S. Highway 90 between Seguin and Luling; (2) U.S. Highway 90 between Waelder and Houston; (3) I.S. 10 between San Antonio and Houston (added to present authority and that requested immediately above over U.S. Highway 90); (4) U.S. Highway 181 between San Antonio and Corpus Christi; (5) State Highway 35 between Gregory and Fulton; (6) State Highway 44 between Corpus Christi and Alice.

(7) U.S. Highway 77 between Victoria and Brownsville; (8) State Highway 141 between Kingsville and its intersection with U.S. Highway 281; (9) U.S. Highway 281 between Alice and Edinburg; (10) U.S. Highway 59 between Victoria and Houston; (11) U.S. Highway 83 between Harlingen and Mission; and (12) State Highway 107 between Combes and Edinburg. (G) *Newspapers* to, from, and between all points along the routes shown below, serving all intermediate points thereon unless otherwise specified: (1) U.S. Highway 290 between Johnson City and Fredericksburg; (2) State Highway 16 between Fredericksburg and San Antonio; (3) State Highway 27, I.S. 10 and U.S. Highway 290 between Comfort and Junction; (4) U.S. Highway 87 and I.S. 10 between Fredericksburg and San Antonio; (5) U.S. Highway 90 between San Antonio and Del Rio; (6) U.S. Highway 277 between Del Rio and Carrizo Springs; (7) U.S. Highway 83 between Catarina and Mission, including the nearby points on Grulla, Sullivan City, Los Ebanos, and LaJoya; (8) State Highway 85 between Carrizo Springs and Dilley; (9) F.M. Road 65 between Crystal City and Brundage; (10) State Highway 6 between Waco and Hearne, via Marlin and Calvert; (11) State Highway 164 between Waco and Groesbeck, via Mart; (12) State Highway 14 between Groesbeck and its intersection with State Highway 6 south of Bremond; (13) F.M. Road 107 between Moody and Eddy; (14) State Highway 16 between San Antonio and Freer; and (15) U.S. Highway 87 between Nixon and Victoria, serving only the intermediate points of Smiley and Westoff. Applicant proposes to coordinate the service proposed in (B), (C), (D), (E), (F), and (G) with service presently being performed under existing authorities and to interline with other carriers at appropriate interline points. (H) Applicant further proposes to delete the restrictions presently contained on page 3 and page 5 of Applicant's certificate, and substitute, in lieu thereof, the restrictions contained below:

(1) No service shall be rendered on any shipments originating in Houston and destined to Victoria, or any intermediate point located on U.S. Highway 59 between Victoria and Houston; nor on shipments originating at Victoria destined to Houston, or any intermediate point located on U.S. Highway 59 between Victoria and Houston; nor on shipments originating at any intermediate point located on U.S. Highway 59 between Victoria and Houston destined to Houston, Victoria, or any other intermediate point along said route. (2) No service shall be rendered on shipments of general commodities as described herein moving to, from, or between the following named towns: Brownsville, Olmito, San Benito, McAllen, Pharr, Alamo, Donna, Weslaco, Mercedes, LaFeria, San Juan, and Mission. (3) No service shall be rendered on shipments of general commodities as described herein moving between Harlingen and Edinburg. (4) The holder of this authority is prohibited from serving LaGrange, Hallettsville, or any intermediate point on U.S. Highway 77 between Schulenburg and Victoria. (5) The holder of this authority is prohibited from serving Hearne in the transportation of General commodities as described herein except for the purpose of Interline with other carriers. (6) The holder of this authority shall operate with closed doors in the transportation of Motion Picture Films and Theater Supplies between Refugio and Houston, Tex., and is prohibited from transporting films originating in Dallas, Tex., over the route between Houston and Refugio, and vice versa. (7) The carrier is prohibited from transporting Magazines to or from Houston, Corpus Christi, Robstown, Sinton, Odem, Woodsboro, and Refugio except in interline service with Bluebonnet Express, Inc.

(8) In the transportation of motion picture films and theater supplies, the holder of this authority shall operate with closed doors between Waelder and Houston, serving Waelder and Houston in both directions. (9) The holder of this authority is prohibited from transporting motion picture films and theater supplies, flowers and potted plants, and magazines to or from LaGrange, Schulenburg, Victoria, or any intermediate point between Schulenburg and Victoria; and (10) The holder of this authority is prohibited from transporting motion picture films originating in Dallas moving through Houston to any point served by the holder hereof and vice versa, and prohibited from transporting motion picture films originating at Houston destined to Victoria or vice versa.

NOTE.—The purpose of this correction is to, (1) Indicate F.M. Road 20 under paragraph (A), sub-paragraph (51); (2) Add sub-paragraph (88) under paragraph (A); (3) Place sub-paragraphs (89), (90), and (92) in proper context under paragraph (A); (4) Indicate Los Ebanos, under paragraph (G), sub-paragraph (7); (5) Indicate Carrizo Springs, under paragraph (G), sub-paragraph (8); and (6) Indicate U.S. Highway 59, under paragraph (H), sub-paragraph (1), line 11. Interstate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place will be scheduled on or before November 17, 1975. Requests for procedural information should be addressed to the Railroad Commission of Texas, Capitol Station, P.O. Drawer 12967, Austin, Tex. 78711 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,

[FR Doc.75-27873 Filed 10-15-75;8:45 am]

[Notice 37]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 10, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Paotests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before November 17, 1975.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 647 (Deviation No. 2), EXHIBITORS SERVICE COMPANY, 85 Helen St., McKees Rocks, Pa. 15136, filed October 1, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Altoona, Pa., over Pennsylvania Highway 36 to junction U.S. Highway 219, thence over U.S. Highway 219 to Grampian, Pa., thence over Pennsylvania Highway 879 to Clearfield, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Altoona, Pa., over U.S. Highway 220 to Port Matilda, Pa., thence over U.S. Highway 322 to Clearfield, Pa., and return over the same route.

No. MC 2202 (Deviation No. 149), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309, filed October 2, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Shreveport, La., over U.S. Highway 71 to junction U.S. Highway 190, thence over U.S. Highway 190 to Baton Rouge, La., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Shreveport, La., over U.S. Highway 80 to Ruston, La., thence over U.S. Highway 167 to Winfield, La., thence over U.S. Highway 84 to Ferriday, La., thence over U.S. Highway 65 to Vidalia, La., thence over U.S. Highway 61 to Baton Rouge, La., and return over the same route.

No. MC 33641 (Deviation No. 92), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed October 1, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Seattle, Wash., over Interstate Highway 90 to junction Interstate Highway 82 near Ellensburg, Wash., thence over Interstate Highway 82 (U.S. Highway 97) to Toppenish, Wash., thence over Washington Highway 22 to Prosser, Wash., thence over Interstate Highway 82 (using portions of Washington Highways 221 and 14 to Plymouth, Wash., thence over unnumbered highway across the Columbia River to Umatilla, Oreg., thence over U.S. Highway 395, where Interstate Highway 82 is incomplete) to junction Interstate Highway 80N near Pendleton, Oreg., thence over Interstate Highway 80N (using portions of U.S. Highway 30 where Interstate Highway 80N is not completed) to Ontario, Oreg., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Seattle, Wash., over U.S. Highway 99 and Interstate Highway 5 to Portland, Oreg., thence over Sandy Blvd. (formerly U.S. Highway 30) to junction By-Pass U.S. Highway 30 (formerly U.S. Highway 30), thence over By-Pass U.S. Highway 30 to junction U.S. Highway 30, hence over U.S. Highway 30 to Arlington, Oreg., thence over Oregon Highway 30, thence over U.S. Highway 30 (formerly U.S. Highway 28), thence over U.S. Highway 26 to junction Oregon Highway 201 (formerly U.S. Highway 28), thence over Oregon Highway 201 to Ontario, Oreg., and return over the same route.

No. MC 33641 (Deviation No. 93), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed October 1, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 90 to Rapid City, S. Dak. (using portions of U.S. Highway 16 where Interstate Highway 90 is not completed), thence over Interstate Highway 90 to Sheridan, Wyo. (using portions of U.S. Highway 14 where Interstate Highway 90 is not completed), thence over Interstate Highway 90 to Billings, Mont. (using portions of U.S. Highway 87 where Interstate Highway 90 is not

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completed), thence over Interstate Highway 90 to Ritzville, Wash. (using portions of U.S. Highway 10 where Interstate Highway 90 is not completed), thence over U.S. Highway 395 to Wallula, Wash., thence over U.S. Highway 730 to junction Interstate Highway 80N near Boardman, Oreg., thence over Interstate Highway 80N to Arlington, Oreg., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over U.S. Highway 34 to junction Highway 34 near Oswego, Ill., thence over Illinois Highway 34 to junction Illinois Highway 92, thence over Illinois Highway 92 to Moline, Ill., thence over U.S. Highway 6 to Hastings, Nebr., thence over U.S. Highway 34 to Brush, Colo., thence over U.S. Highway 6 to Denver, Colo., thence over U.S. Highway 40 to junction Alternate U.S. Highway 40, thence over Alternate U.S. Highway 40 to junction U.S. Highway 40, thence over U.S. Highway 40 to Salt Lake City, Utah, thence over U.S. Highway 91 to Brigham City, Utah, thence over U.S. Highway 30S to Burley, Idaho, thence over U.S. Highway 30 to junction to U.S. Highway 20 near Caldwell, Idaho, thence over U.S. Highway 20 to junction Oregon Highway 201, thence over Oregon Highway 201 to junction U.S. Highway 26 near Ontario, Oreg., thence over U.S. Highway 26 to junction Oregon Highway 19, thence over Oregon Highway 19 to Arlington, Oreg., and return over the same route.

No. MC 33641 (Deviation No. 94), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed October 1, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 94 (using portions of U.S. Highways 12, 52, and 10 where Interstate Highway 94 is incomplete) to Billings, Mont., thence over Interstate Highway 90 to Ritzville, Wash. (using portions of U.S. Highway 10 where Interstate Highway 90 is incomplete), thence over U.S. Highway 395 to Wallula, Wash., thence over U.S. Highway 730 to junction Interstate Highway 80N near Boardman, Oreg., thence over Interstate Highway 80N to Arlington, Oreg., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to junction U.S. Highway 34 near Oswego, Ill., thence over U.S. Highway 34 to junction Illinois Highway 92, thence over Illinois Highway 92 to Moline, Ill., thence over U.S. Highway 6 to Hastings, Nebr., thence over U.S. Highway 34 to Brush, Colo., thence over U.S. Highway 6 to Denver, Colo., thence over U.S. Highway 40 to junction Alternate U.S. Highway 40, thence over Alternate U.S. Highway 40 to junction U.S. Highway 40, thence over U.S. Highway 40 to Salt Lake City, Utah, thence over U.S. Highway 91 to Brigham City, Utah, thence over U.S. Highway 30S to Burley, Idaho, thence over U.S. Highway 30 to junction to U.S. Highway 20 near Caldwell, Idaho, thence over U.S. Highway 20 to junction Oregon Highway 201, thence over Oregon Highway 201 to junction U.S. Highway 26 near Ontario, Oreg., thence over U.S. Highway 26 to junction Oregon Highway 19, thence over Oregon Highway 19 to Arlington, Oreg., and return over the same route.

No. MC 33641 (Deviation No. 95), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed October 1, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Council Bluffs, Iowa, over Interstate Highway 29 to junction Interstate Highway 90 near Sioux Falls, S. Dak., thence over Interstate Highway 90 (using portions of U.S. Highways 16, 14, 87, and 10 where Interstate Highway 90 is not completed) to Ritzville, Wash., thence over U.S. Highway 395 to Wallula, Wash., thence over U.S. Highway 730 to junction Interstate Highway 80N near Boardman, Oreg., thence over Interstate Highway 80N to Arlington, Oreg., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Council Bluffs, Iowa, over U.S. Highway 6 to Hastings, Nebr., thence over U.S. Highway 34 to Brush, Colo., thence over U.S. Highway 6 to Denver, Colo., thence over U.S. Highway 40 to junction Alternate U.S. Highway 40, thence over Alternate U.S. Highway 40 to junction U.S. Highway 40, thence over U.S. Highway 40 to Salt Lake City, Utah, thence over U.S. Highway 91 to Brigham City, Utah, thence over U.S. Highway 30S to Burley, Idaho, thence over U.S. Highway 30 to junction U.S. Highway 20 near Caldwell, Idaho, thence over U.S. Highway 20 to junction Oregon Highway 201, thence over Oregon Highway 201 to junction U.S. Highway 26, thence over U.S. Highway 26 to junction Oregon Highway 19 to Arlington, Oreg., and return over the same route.

No. MC 33641 (Deviation No. 96), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed October 1, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Omaha, Nebr., over U.S. Highway 275 to junction U.S. Highway 30 near Fremont, Nebr., thence over U.S. Highway 30 to Columbus, Nebr., thence over U.S. Highway 81 to junction Interstate Highway 90, thence over Interstate Highway 90 (using portions of U.S. Highways 16, 14, 87, and 10 where Interstate Highway 90 is not completed) to Ritzville, Wash., thence over U.S. Highway 395 to Wallula, Wash., thence over U.S. Highway 730 to junction Interstate Highway 80N near Boardman, Oreg., thence over Interstate Highway 80N to Arlington, Oreg., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Omaha, Nebr., over U.S. Highway 6 to Hastings, Nebr., thence over U.S. Highway 34 to Brush, Colo., thence over U.S. Highway 6 to Denver, Colo., thence over U.S. Highway 40 to junction Alternate U.S. Highway 40, thence over Alternate U.S. Highway 40 to junction U.S. Highway 40, thence over U.S. Highway 40 to Salt Lake City, Utah, thence over U.S. Highway 91 to Brigham City, Utah, thence over U.S. Highway 30S to Burley, Idaho, thence over U.S. Highway 30 to junction U.S. Highway 20 near Caldwell, Idaho, thence over U.S. Highway 20 to junction Oregon Highway 201, thence over Oregon Highway 201 to junction U.S. Highway 26, thence over U.S. Highway 26 to junction Oregon Highway 19, thence over Oregon Highway 19 to Arlington, Oreg., and return over the same route.

No. MC 33641 (Deviation No. 97), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed October 1, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over U.S. Highway 31 to junction U.S. Highway 30 near Plymouth, Ind., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 52 to junction U.S. Highway 41, thence over U.S. Highway 41 to Schererville, Ind., thence over U.S. Highway 30 to junction U.S. Highway 31 near Plymouth, Ind., and return over the same route.

No. MC 33641 (Deviation No. 98), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed October 1, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 21 and U.S. Highway 250 over U.S. Highway 250 to Wooster, Ohio and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway 250 and U.S. Highway 21 over U.S. Highway 21 to junction U.S. Highway 62, thence over U.S. Highway 62 to Canton, Ohio, thence over U.S. Highway 30 to Wooster, Ohio, and return over the same route.

No. MC 33641 (Deviation No. 99), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed October 2, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 90 (using portions of U.S. Highways 16, 14, 87, and 10 where Interstate Highway 90 is not completed) to Seattle, Wash., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to junction U.S. Highway 34 near Oswego, Ill., thence over U.S. Highway 34 to junction Illinois Highway 92, thence over Illinois Highway 92 to Moline, Ill., thence over U.S. Highway 6 to Hastings, Nebr., thence over U.S. Highway 34 to Brush, Colo., thence over U.S. Highway 6 to Denver, Colo., thence over U.S. Highway 40 to junction Alternate U.S. Highway 40, thence over Alternate U.S. Highway 40 to junction U.S. Highway 40, thence over U.S. Highway 40 to Salt Lake City, Utah, thence over U.S. Highway 91 to Brigham City, Utah, thence over U.S. Highway 30S to Burley, Idaho, thence over U.S. Highway 30 to junction U.S. Highway 20 near Caldwell, Idaho, thence over U.S. Highway 20 to junction Oregon Highway 201, thence over Oregon Highway 201 to junction U.S. Highway 26 near Ontario, Oreg., thence over U.S. Highway 26 to junction Oregon Highway 19, thence over Oregon Highway 19 to Arlington, Oreg., thence over U.S. Highway 30 to junction By-Pass U.S. Highway 30, thence over By-Pass U.S. Highway 30 (formerly U.S. Highway 30) to junction Sandy Blvd., thence over Sandy Blvd. (formerly U.S. Highway 30) to Portland, Oreg., thence over Interstate Highway 5 and U.S. Highway 99 to Seattle, Wash., and return over the same route.

No. MC 33641 (Deviation No. 100), IML FREIGHT, INC., 2175 So. 3270 West. P.O. Box 2277, Salt Lake City, Utah 84110, filed October 2, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 94 (using portions of U.S. Highways 12, 52, and 10 where Interstate Highway 94 is not completed) to Billings, Mont., thence over Interstate Highway 90 to Seattle, Wash. (using portions of U.S. Highway 10 where Interstate Highway 90 is not completed), and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to junction U.S. Highway 34 near Oswego, Ill., thence over U.S. Highway 34 to junction Illinois Highway 92, thence over Illinois Highway 92 to Moline, Ill., thence over U.S. Highway 6 to Hastings, Nebr., thence over U.S. Highway 34 to Brush, Colo., thence over U.S. Highway 6 to Denver, Colo., thence over U.S. Highway 40 to junction Alternate U.S. Highway 40, thence over Alternate U.S. Highway 40 to junction U.S. Highway 40, thence over U.S. Highway 40 to Salt Lake City, Utah, thence over U.S. Highway 91 to Brigham City, Utah, thence over U.S. Highway 30S to Burley, Idaho, thence over U.S. Highway 30 to junction U.S. Highway 20 near Caldwell, Idaho, thence over U.S. Highway 20 to junction Oregon Highway 201, thence over Oregon Highway 201 to junction U.S. Highway 26 near Ontario, Oreg., thence over U.S. Highway 26 to junction Oregon Highway 19, thence over Oregon Highway 19 to Arlington, Oreg., thence over U.S. Highway 30 to junction By-Pass U.S. Highway 30, thence over By-Pass U.S. Highway 30 (formerly U.S. Highway 30) to junction Sandy Blvd., thence over Sandy Blvd. (formerly U.S. Highway 30) to Portland, Oreg., thence over Interstate Highway 5 and U.S. Highway 99 to Seattle, Wash., and return over the same route.

No. MC 33641 (Deviation No. 101), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed October 2, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Omaha, Nebr., over U.S. Highway 275 to junction U.S. Highway 30 near Fremont, Nebr., thence over U.S. Highway 30 to Columbus, Nebr., thence over U.S. Highway 81 to junction Interstate Highway 90, thence over Interstate Highway 90 (using portions of U.S. Highways 16, 14, 87, and 10 where Interstate Highway 90 is not completed), to Seattle, Wash., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Omaha, Nebr., over U.S. Highway 6 to Hastings, Nebr., thence over U.S. Highway 34 to Brush, Colo., thence over U.S. Highway 6 to Denver, Colo., thence over U.S. Highway 40 to junction Alternate U.S. Highway 40, thence over Alternate U.S. Highway 40 to junction U.S. Highway 40, thence over U.S. Highway 40 to Salt Lake City, Utah, thence over U.S. Highway 91 to Brigham City, Utah, thence over U.S. Highway 30S to Burley, Idaho, thence over U.S. Highway 30 to junction U.S. Highway 20 near Caldwell, Idaho, thence over U.S. Highway 20 to junction Oregon Highway 201, thence over Oregon Highway 201 to junction U.S. Highway 26 near Ontario, Oreg., thence over U.S. Highway 26 to junction Oregon Highway 19, thence over Oregon Highway 19 to Arlington, Oreg., thence over U.S. Highway 30 to junction By-Pass U.S. Highway 30, thence over By-Pass U.S. Highway 30 (formerly U.S. Highway 30) to junction Sandy Blvd., thence over Sandy Blvd. (formerly U.S. Highway 30), to Portland, Oreg., thence over Interstate Highway 5 and U.S. Highway 99 to Seattle, Wash., and return over the same route.

No. MC 33641 (Deviation No. 102), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed October 2, 1975. Carrier proposes to operate as a common carrier, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Council Bluffs, Iowa over Interstate Highway 29 to junction Interstate Highway 90 near Sioux Falls, S. Dak., thence over Interstate Highway 90 (using portions of U.S. Highways 16, 14, 87, and 10 where Interstate Highway 90 is not completed), to Seattle, Wash., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Council Bluffs, Iowa over U.S. Highway 6 to Hastings, Nebr., thence over U.S. Highway 34 to Brush, Colo., thence over U.S. Highway 6 to Denver, Colo., thence over U.S. Highway 40 to junction Alternate U.S. Highway 40, thence over Alternate U.S. Highway 40 to junction U.S. Highway 40, thence over U.S. Highway 40 to Salt Lake City, Utah, thence over U.S. Highway 91 to Brigham City, Utah, thence over U.S. Highway 30S to Burley, Idaho, thence over U.S. Highway 30 to junction U.S. Highway 20 near Caldwell, Idaho, thence over U.S. Highway 20 to junction Oregon Highway 201, thence over Oregon Highway 201 to junction U.S. Highway 26 near Ontario, Oreg., thence over U.S. Highway 26 to junction Oregon Highway 19, thence over Oregon Highway 19 to Arlington, Oreg., thence over U.S. Highway 30 to junction By-Pass U.S. Highway 30, thence over By-Pass U.S. Highway 30 (formerly U.S. Highway 30) to junction Sandy Blvd., thence over Sandy Blvd. (formerly U.S. Highway 30), to Portland, Oreg., thence over Interstate Highway 5 and U.S. Highway 99 to Seattle, Wash., and return over the same route.

No. MC 33641 (Deviation No. 103), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed October 2, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cheyenne, Wyo., over Interstate Highway 25 to junction Interstate Highway 90 near Buffalo, Wyo., thence over Interstate Highway 90 (using portions of U.S. Highways 87 and 10 where Interstate Highway 90 is not completed), to Seattle, Wash., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cheyenne, Wyo., over U.S. Highway 30 to junction U.S. Highway 287, thence over U.S. Highway 287 to junc-

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tion U.S. Highway 30, thence over U.S. Highway 30 to junction unnumbered highway, thence over unnumbered highway via Walcott, Wyo., to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 30S near Little America, Wyo., thence over U.S. Highway 30S to Ogden, Utah, thence over U.S. Highway 91 to Brigham City, Utah, thence over U.S. Highway 30S to Burley, Idaho, thence over U.S. Highway 30 to junction U.S. Highway 20 near Caldwell, Idaho, thence over U.S. Highway 20 to junction Oregon Highway 201, thence over Oregon Highway 201 to junction U.S. Highway 26 near Ontario, Oreg., thence over U.S. Highway 26 to junction Oregon Highway 19, thence over Oregon Highway 19 to Arlington, Oreg., thence over U.S. Highway 30 to junction Bypass U.S. Highway 30, thence over Bypass U.S. Highway 30 (formerly U.S. Highway 30) to junction Sandy Blvd., thence over Sandy Blvd. (formerly U.S. Highway 30) to Portland, Oreg., thence over Interstate Highway 5 and U.S. Highway 99 to Seattle, Wash., and return over the same route.

No. MC 48958 (Deviation No. 69), ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Ave., Denver, Colo. 80216, filed October 1, 1975. Carrier's representative: Morris G. Cobb, P.O. Box 9050, Amarillo, Tex. 79105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Albuquerque, N. Mex., over Interstate Highway 40 to Oklahoma City, Okla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Albuquerque, N. Mex., over U.S. Highway 66 to Amarillo, Tex., thence over U.S. Highway 287 to Wichita Falls, Tex., thence over Texas Highway 79 to the Texas-Oklahoma State Line, thence over Oklahoma Highway 79 to junction U.S. Highway 70, thence over U.S. Highway 70 to junction Oklahoma Highway 76, thence over Oklahoma Highway 76 to junction U.S. Highway 277, thence over U.S. Highway 277 to Oklahoma City, Okla., and return over the same route.

No. MC 111383 (Deviation No. 36), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 4447, Dallas, Tex. 75208, filed September 22, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Houston, Tex., over U.S. Highway 290 to Van Horn, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Houston, Tex., over U.S. Highway 90 to junction U.S. Highway 80 and return over the same route.

No. MC 111383 (Deviation No. 37), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 4447, Dallas, Tex. 75208, filed September 23, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Waco, Tex., over U.S. Highway 84 to junction U.S. Highway 79, thence over U.S. Highway 79 to Jacksonville, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Jacksonville, Tex., over U.S. Highway 175 to Dallas, Tex., thence over U.S. Highway 77 to Waco, Tex., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-27872 Filed 10-15-75;8:45 am]

[Notice 81]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 10, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) Grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under sections 5(2) and 212(b); (4) notices of filing of sections 5(2) and 210a(b) finance applications; and (5) notices of filing of section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 CFR 1100.250.

Protests to the granting of the requested authority must be filed with the Commission on or before November 17, 1975. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247 (d) or section 240(c) as appropriate of the Commission's general rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

No. MC 67646 (Sub-No. 73) (Republication), filed January 2, 1975, and published in the FEDERAL REGISTER February 6, 1975, and republished this issue. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, Pa. 17055. Applicant's representative: John F. Fullerton, 407 North Front Street, Harrisburg, Pa. 17101. The Order dated July 1, 1975 is vacated and set aside, and the amendment tendered by applicant in its petition of August 20, 1975, is accepted in this proceeding, and the Supplemental Order of the Commission, Operating Rights Board, dated September 12, 1975 and served October 3, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Mercer, Pa., on the one hand, and, on the other, points in Ohio and Pennsylvania within 80 miles of Greenville, Pa., subject to the restriction that the authority granted herein shall not be serverable by sale or otherwise from the irregular-route authority to operate between Greenville, Pa., on the one hand, and, on the other, points in Ohio and Pennsylvania within 80 miles of Greenville as set forth in Certificate No. MC 67646 (Sub-No. 64); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder.

The purpose of this republication is to indicate the grant of authority described above, and that the only purpose of the amended application is to provide an alternate gateway at Mercer in connection with applicant's present authority under Certificate No. MC 67646 (Sub-No. 64) to transport general commodities, with the usual exceptions, over irregular routes, between Greenville, Pa., on the one hand, and, on the other points in Ohio and Pennsylvania within 80 miles of Greenville. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been prejudiced, by description of the base area in terms of Mercer, Pa.

No. MC 12721 (Notice of filing of petition to modify license), filed September 24, 1975. Petition: BECKHAM TRAVEL SERVICE, INC., 587 Washington Street, Canton, Mass. 02021. Petitioner's representative: Jeremy Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Petitioner holds a license to engage in operations as a *broker* at Canton, Mass., in MC 12721, issued June 18, 1968, to sell or offer to sell the transportation of *Passengers and their baggage*, beginning and ending at points in Massachusetts, Connecticut, Rhode Island, Maine, and points in that part of New Hampshire east of U.S. Highway 3, and points in Hillsboro County, N.H., and extending to points in the United States (except Alaska and Hawaii). By the instant petition, petitioner seeks to establish additional offices at Concord, Laconia, and Nashua, N.H., or alternatively, assign this matter for disposition under modified procedure, and issue such further order or orders as may be deemed necessary in the premises. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 130132 (Correction of notice of filing of petition to modify license), filed August 18, 1975, and published in the FEDERAL REGISTER issue of September 17, 1975, and republished as corrected this issue. Petitioner: THE DAYTON AUTOMOBILE CLUB, a Corporation, 825 South Ludlow St., Dayton, Ohio 45202. Petitioner's representative: Gene W. Satchell, (same address as petitioner). Petitioner holds a license to engage in operations as a *broker* at Enon (Clark County), Ohio, in No. MC 130132, issued February 7, 1974, to sell or offer to sell the transportation of *Passengers and their baggage*, in round-trip charter and special operations, beginning and ending at points in Clark, Champaign, Greene, Miami, and Montgomery Counties, Ohio, and extending to points in the United States, including Alaska, but excepting Hawaii. By the instant petition, petitioner seeks to substitute Dayton and Kettering, (Montgomery County), Ohio, for Enon (Clark County), Ohio, as places at which it is authorized to engage in the above operations. The purpose of this correction is to add Kettering, Ohio to the above request. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 58152 (Sub-No. 23) (PARTIAL CORRECTION), filed September 8, 1975, published in the FEDERAL REGISTER issue of October 1, 1975, and republished as corrected, in part this issue. Applicant: OGDEN & MOFFETT COMPANY, a Corporation, 1515 Busha Highway, Marysville, Mich. 48084. Applicant's representative: Walter N. Bieneman, 101 W. Long Lake Road, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) (5) Between Grand Rapids, Mich. and Manistee, Mich., serving all intermediate points and the off route points of North Muskegon, Whitehall, Montague, Hart, Pentwater and Luddington, (except no traffic originating at Muskegon or points intermediate to Grand Rapids shall be transported to Grand Rapids or vice versa): From Grand Rapids over Interstate Highway 96 to junction U.S. Highway 31, thence over U.S. Highway 31 to Manistee, and return over the same route.

NOTE.—The purpose of this partial republication is to correct the service restriction in Route (5) above. The purpose of this application is to convert a Certificate of Registration applicant seeks to acquire to a Certificate of Public Convenience and Necessity. This is a matter directly to a Section 5(2) proceeding in MC-F-12632 published in the FEDERAL REGISTER issue of September 24, 1975. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. 8958 (Sub-No. 30), filed September 29, 1975. Applicant: THE YOUNGSTOWN CARTAGE CO., a Corporation, 825 West Federal Street, P.O. Box 119, Youngstown, Ohio 44501. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio, 432125. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Contractors' equipment, machinery, and iron and steel articles* of the kind used in construction and manufacture, which because of size or weight require specialized handling or rigging, between points in Massachusetts, Connecticut, ette, Washington and Greene Counties, Pa., and points in Ohio and West Virginia, on the one hand, and, on the other, points in Massachusetts, Conneceicut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Ohio, West Virginia, the District of Columbia and points in Maryland on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateways at Ohio Turnpike Interchange No. 15, Niles, Ohio, Toledo, Ohio, Steubenville, Ohio and its commercial zone, Martins Ferry, Ohio and its commercial zone, any point in that part of Ohio on and east of U.S. Highway 21 and on and north of a line beginning at junction U.S. Highways 21 and 36 and extending eastward along U.S. Highway 36 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State Boundary line, points in New York, and those in Pennsylvania on and east of U.S. Highway 15.

(2) *Wire and wire products, steel steel ware, steel coal doors, steel channels, steel fence posts, solder, sheet steel, tinplate, and terne plate* of the kind used in construction and manufacture, between points in that part of Indiana south of a line beginning at the Ohio-Indiana State Boundary line and extending along U.S. Highway 30 to Etna Green, Ind., thence along Indiana Highway 19 to junction Indiana Highway 10, thence along Indiana Highway 10 to the Indiana-Illinois State Boundary line, and north of a line beginning at the Ohio-Indiana State Boundary line and extending along U.S. Highway 50 to junction Indiana Highway 7, thence along Indiana Highway 7 to Columbus, Ind., thence along Indiana Highway 46 to Bloomington, Ind., thence along Indiana Highway 45 to junction Indiana Highway 54, thence along Indiana Highway 54 to the Indiana-Illinois State Boundary line, including points in the indicated portions of the highways specified, on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, West Virginia, District of Columbia, points in that part of Maryland on and east of U.S. Highway 15 and points in that part of Ohio on and east and north of U.S. Highway 250. The purpose of this filing is to eliminate the gateways at Columbus, Portsmouth and Niles, Ohio, Ohio Turnpike Interchange 15, any point in that part of Ohio on and east of U.S. Highway 21 and on and north of a line beginning at junction U.S. Highways 21 and 36 and extending eastward along U.S. Highway 36 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State Boundary line, Wheeling, W.Va., and points within 25 miles of Wheeling, W. Va., points in New York, and those in Pennsylvania on and east of U.S. Highway 15.

(3) *Wire and wire products, sheet steel ware, steel coal doors, steel channels, steel fence posts, solder, sheet steel, tinplate, and terne plate*, from points in that part of Indiana south of a line beginning at the Ohio-Indiana State Boundary line

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and extending along U.S. Highway 30 to Etna Green, Ind., thence along Indiana Highway 19 to junction Indiana Highway 10, thence along Indiana Highway 10 to the Indiana-Illinois State Boundary line, and north of a line beginning at the Ohio-Indiana State Boundary line and extending along U.S. Highway 50 to junction Indiana Highway 7, thence along Indiana Highway 7 to Columbus, Ind., thence along Indiana Highway 46 to Bloomington, Ind., thence along Indiana Highway 45 to junction Indiana Highway 54, thence along Indiana Highway 54 to the Indiana-Illinois State Boundary line, including points on the indicated portions of the highways specified, to points in Ohio and those in that part of Michigan on and east of U.S. Highway 27 and on south of Michigan Highway 20. The purpose of this filing is to eliminate the gateways at Columbus and Portsmouth, Ohio, Niles, Ohio, Ohio Turnpike Interchange No. 15, and any point in that part of Ohio on and east of U.S. Highway 21 to its junction with U.S. Highway 30 and on and north of U.S. Highway 30.

(4) *Wire and wire products, sheet steel ware, steel coal doors, steel channels, steel fence posts, solder, sheet steel, tinplate and terne plate*, from points in Ohio and those in Michigan on and south of Michigan Highway 21 and on and east of U.S. Highway 27, to points in that part of Indiana south of a line beginning at the Ohio-Indiana State Boundary line and extending along U.S. Highway 30 to Etna Green, Ind., thence along Indiana Highway 19 to junction Indiana Highway 10, thence along Indiana Highway 10 to the Indiana-Illinois State Boundary line, and north of a line beginning at the Ohio-Indiana State Boundary line and extending along U.S. Highway 50 to junction Indiana Highway 7, thence along Indiana Highway 7 to Columbus, Ind., thence along Indiana Highway 46 to Bloomington, Ind., thence along Indiana Highway 45 to junction Indiana Highway 54, thence along Indiana Highway 54 to the Indiana-Illinois State Boundary line, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateways at Niles, Ohio and Ohio Turnpike Interchange No. 15, Columbus and Portsmouth, Ohio, and points in that part of Ohio on and east of U.S. Highway 21 to its junction with U.S. Highway 30 and on and north of U.S. Highway 30. (5) *Flat rolled steel sheets and strip steel* (flat or on coils) from Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, West Virginia, points in that part of Maryland on and east of U.S. Highway 15 and points in that part of Ohio on and east of U.S. Highway 21 and on and north of a line beginning at junction U.S. Highway 21 and 36 and extending eastward along U.S. Highway 36 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State Boundary line to Seymour, Ind. The purpose of this filing is to eliminate the gateways at points in New York and points in Pennsylvania on and east of U.S. Highway 15 and Weirton, W. Va., and points in Ohio within the Weirton, W. Va. Commercial Zone.

(6) *Contractors' equipment, machinery, and iron and steel articles* of the kind used in construction and manufacture which because of size or weight require specialized handling or rigging between points in Allegheny, Westmoreland, Fayette, Washington, and Greene Counties, Pa., points in West Virginia, and those in Ohio on and east of U.S. Highway 21, on the one hand, and, on the other, points in Michigan on and south of Michigan Highway 21 and on and east of U.S. Highway 27 and points in Lake and Porter Counties, Ind., which are on and north of U.S. Highway 30; Chicago, Ill., and points within 25 miles thereof; points in Cook County, Ill., which are on and south of U.S. Highway 34, points in Cook, McHenry, DuPage, Lake, DeKalb, Grundy, Kane, Kendall, and Will Counties, Ill.; points in LaSalle County, Ill., which are within 50 miles of Oswego, Ill.; Libertyville, Grayslake, and Belvidere, Ill. and points in Kenosha and Walworth Counties, Wis. The purpose of this filing is to eliminate the gateways at Weirton, W. Va. and Steubenville, Ohio and points in Ohio and West Virginia within the commercial zones of each, Martins Ferry, Ohio and points in its commercial zone, Niles and Toledo, Ohio, and Ohio Turnpike Interchange No. 15 and points in that part of Ohio on and east of U.S. Highway 21 and on and north of a line beginning at junction U.S. Highways 21 and 36 and extending eastward along U.S. Highway 36 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State Boundary line.

NOTE.—This is a gateway elimination request and is directly related to a Section 5 (2) proceeding in MC–F–12532, published in the FEDERAL REGISTER issue of June 4, 1975.

No. MC 99521 (Sub-No. 5), filed August 7, 1975. Applicant: AIR FREIGHT, INCORPORATED, Highway 64–70, Hickory, N.C. 28601. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave., NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Personal effects and property* used or to be used in a dwelling when a part of the equipment or supply of such dwelling; *furniture* (except materials used in the manufacture of furniture and the manufactured products hauled to or from such manufacturing plants); *fixtures; equipment;* and the *property* of stores, offices, museums, institutions, hospitals, or other establishments when part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; and *articles*, including objects of art, displays, and exhibits, which because of their unusual nature or value, require specialized handling; and *equipment* usually employed in moving household goods, between points in North Carolina; and (2) *express and freight shipments*, from the Seaboard Air Line Railway and Piedmont and Northern Railway Stations in Mount Holly, N.C., to the consignees thereof at points within 5 miles of Mount Holly, N.C.; (3) *general commodities*, between Mount Holly, N.C. and Charlotte, N.C., restricted to traffic moving on bills of lading originating at or destined to the Sou-Tex Chemical Company, of Mount Holly, N.C.; and (4) *general commodities* (except those requiring special equipment, unmanufactured tobacco and accessories), (a) between points in Mecklenburg County, N.C.; (b) from points in Mecklenburg County, N.C., to points in North Carolina, and (c) from points in North Carolina, to points in Mecklenburg County, N.C.

NOTE.—The purpose of this application is to convert a Certificate of Registration applicant seeks to acquire to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) Proceeding in MC–F–12601 published in the FEDERAL REGISTER issue of August 20, 1975. If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.

No. MC 107403 (Sub-No. 930) (Partial Correction), filed January 31, 1975, published in the FEDERAL REGISTER issues of March 6, 1975 and October 1, 1975, and in third republication, as corrected in part, this issue. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). (118) *Dry Chemicals*, in bulk, in tank vehicles, from points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne Counties, Ohio, to points in Kentucky, Arkansas, Kansas, Alabama, Louisiana, Mississippi, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Calvert City, Ky.

NOTE.—The purpose of this partial republication is to indicate the destination points sought, previously published in error. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-No. 8) noticed in the FEDERAL REGISTER issue of December 9, 1974; and is directly related to MC–F–12302 published in the FEDERAL REGISTER issue of September 18, 1974.

No. MC–F–12627 (UNIVERSAL TRANSPORT, INC.—PURCHASE (PORTION)—THE WEICKER TRANSFER & STORAGE COMPANY), published in the September 17, 1975, issue of the FEDERAL REGISTER. Application filed October 1, 1975, for temporary authority under section 210a(b).

No. MC–F–12639 (E.K. MOTOR SERVICE, INC.—PURCHASE—JOE N. MOSELEY, BILLIE R. MOSELEY, AND VIRGIE D. MANKIN, doing business as M & M TRANSPORT), published in the October 1, 1975, issue of the FEDERAL REGISTER. Application filed September 23, 1975, for temporary authority under section 210a(b).

No. MC–F–12643 (ALL-AMERICAN, INC.—CONTROL AND MERGER—MORRISON MOTOR FREIGHT, INC.), published in the October 8, 1975, issue of the FEDERAL REGISTER. Application filed October 2, 1975, for temporary authority under section 210a(b).

MOTOR CARRIER PASSENGERS

No. MC–F–12646. Authority sought for control by RED & TAN ENTERPRISES, ET AL, of 126 North Washington Ave., Bergenfield, N.J. 07621, of NORTH BOULEVARD TRANSPORTATION CO., 9261 Kennedy Blvd., North Bergen, N.J. 07047, and for acquisition by RICHARD A. CAPITANI, ERNEST CAPITANI, MARY CAPITANI, ERNEST A. CAPITANI, JR., ARLEEN SCHMIDT, MILDRED CAPITANI, AMELIA GERACE CAPITANI, RONALD GERACE, JANIS HANSENFLUGH, and LORI GERACE, all of 126 North Washington Ave., Bergenfield, N.J. 07621, of control of NORTH BOULEVARD TRANSPORTATION CO., through the acquisition by RED & TAN ENTERPRISES, ET AL. Applicants' attorneys: S. S. Eisen and W. C. Mitchell, 370 Lexington Ave., New York, N.Y. 10017. Operating rights sought to be controlled: Passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, as a common carrier over irregular routes, from points and places in Hudson and Bergen Counties, N.J., to New York, N.Y., and points and places in Orange, Rockland, Sullivan, Westchester, and Nassau Counties, N.Y.; passengers and their baggage, over regular routes, between North Bergen, N.J., and Manhattan, New York, N.Y., between Jersey City, N.J., and Manhattan, New York, N.Y., serving all intermediate points except those in New Jersey not on Hudson County Boulevard or Marginal Street, between North Bergen, N.J., and Fort Lee, N.J., between Underwood Place and Journal Square, both in Jersey City, N.J. RED & TAN ENTERPRISES, ET AL, holds no authority from this Commission. However, they are affiliated with (1) Rockland Coaches, Inc., 126 North Washington Ave., Bergenfield, N.J. 07621 (MC 29890), authorized to operate as a common carrier in New Jersey and New York; (2) The Hudson Bus Transportation Co., Inc., 437 Tonnell Avenue, Jersey City, N.J. 07306 (MC 29854), authorized to operate as a common carrier in New Jersey, New York, Connecticut, Virginia, Pennsylvania, Maryland, Delaware, and the District of Columbia, and under MC 134981 (Sub-No. 1) as a contract carrier in New Jersey and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12650. Authority sought for control and merger by GENERAL TRANSPORTATION, INCORPORATED, P.O. Box 6484, Phoenix, AZ 85009, of the operating rights and property of POPA TRANSPORT, INC., P.O. Box 6787, Phoenix, AZ 85005, and for acquisition by D. PARKER CROSBY, P.O. Box 670, Springerville, AZ 85938, of control of such rights and properties through the transaction. Applicants' attorney: A. Michael Bernstein, 1327 United Bank Bldg., Phoenix, AZ 85012. Operating rights sought to be controlled and merged: *Stone*, as a *common carrier* over irregular routes, from points in Yavapai, Maricopa, Coconino, Pima, and Yuma Counties, Ariz., to points in California, from points in California, to points in Apache, Cochise, Coconino, Maricopa, Navajo, Pima, and Yavapai Counties, Ariz., from points in Apache, Cochise, Gila, Greenlee, Graham, Mohave, Navajo, Santa Cruz, and Pinal Counties, Ariz., to points in California, from points in California and Nevada, to points in Idaho, from points in Arizona, to points in Nevada, Oregon, Washington, and Idaho, between points in California, on the one hand, and, on the other, points in Nevada, from points in California and Nevada, to points in Washington and Oregon.

Lumber, from Medford, Ashland, White City, Wolf Creek, Grants Pass, Glendale, Riddle, Dillard, Roseburg, Remote, Cottage Grove, Eugene, Portland, Tillamook, and Wilbur, Oreg., and Redding, Ukiah, Eureka, Susanville, and Hoopa, Calif., to points in Apache, Cochise, Coconino, Maricopa, Navajo, Pima, and Yavapai Counties, Ariz., from points in Apache, Coconino, and Navajo Counties, Ariz., to points in Los Angeles, Riverside, Orange, San Bernardino, Ventura, San Francisco, San Mateo, and Santa Clara Counties, Calif., with restriction, from points in Oregon, to points in Arizona (except from Medford, Ashland, White City, Wolf Creek, Grants Pass, Glendale, Riddle, Dillard, Roseburg, Remote, Cottage Grove, Eugent, Portland, Tillamook, and Wilbur, Oreg., to points in Apache, Cochise, Coconino, Maricopa, Navajo, Pima, and Yavapai Counties, Ariz.), from points in Los Angeles County, Calif., and points in that part of California in and north of Inyo, Fresno, and Monterey Counties, Calif., to points in Arizona (except from Redding, Ukiah, Eureka, Susanville, Hoopa, Calif., to points in Apache, Cochise, Coconino, Maricopa, Navajo, Pima, and Yavapai Counties, Ariz.), from points in Arizona, to ports of entry on the United States-Mexico Boundary line located at San Luis and Nogales, Ariz., from points in Oregon, California, and Arizona, to points in Hidalgo County, N. Mex., from points in Washington, and points in Imperial, Kern, Kings, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Tulare, and Ventura Counties, Calif., to points in Arizona, from points in Arizona (except points in Apache, Coconino, and Navajo Counties, Ariz.) to points in California (except points in Los Angeles, Riverside, Orange, San Bernardino, Ventura, San Francisco, San Mateo, and Santa Clara Counties, Calif.), from points in Arizona, to points in Nevada, from Snowflake, Cutter, Fredonia, and Payson, Ariz., to points in New Mexico, and points in that part of Texas on and north of U.S. Highway 80 extending from El Paso, Tex., to Dallas, Tex., and on and west of U.S. Highway 75 extending from Dallas, Tex., to the Oklahoma-Texas State line; *brick*, from ports of entry on the United States-Mexico Boundary line located at San Luis and Nogales, Ariz., to points in Arizona; *boards* or *sheets* made from ground wood, from points in Washington, Oregon, and California, to points in Arizona, and Hidalgo County, N. Mex.

GENERAL TRANSPORTATION INCORPORATED, is authorized to operate as a common carrier in Arizona, New Mexico, Texas, Oklahoma, Arkansas, Kansas, Nevada, and California. Application has ben filed for temporary authority under section 210a(b).

PENN CENTRAL TRANSPORTATION COMPANY AND ERIE LACKAWANNA RAILWAY COMPANY, 6 Penn Center Plaza, Philadelphia, Pennsylvania 19104, and Midland Building, Cleveland, Ohio 44115, represented by Mr. Charles E. Mechem, Commerce Counsel, Penn Central Transportation Company, 6 Penn Center Plaza, Room 1138, Philadelphia, Pennsylvania 19104, and Mr. Richard Jackson, Vice President Law, Erie Lackawanna Railway Company, Midland Building, Room 1336, Cleveland, Ohio 44115, respectively, hereby gives notice that on the 11th day of September, 1975, they filed with the Interstate Commerce Act at Washington, D.C., an application under section 5(2) of the Interstate Commerce Act for an order or orders approving and authorizing exchange of trackage rights in Utica, New York, which application was assigned Finance Docket No. 27994. The proposed transaction covers the Erie Lackawanna Railway Company granting trackage rights to Penn Central Transportation Company over a segment of Erie Lackawanna's Utica Branch, 0.93 miles in length. Consideration for the rights granted to Penn Central is the reciprocal grant by Penn Central to Erie Lackawanna of trackage rights over a segment of Penn Central's West Shore Secondary Track, 0.47 miles in length.

The purpose of the exchange is to permit the achievement of a highway project by the Highway Department of the State of New York in the immediate vicinity. The highway project will entail as well the abandonment of certain portions of the lines of Penn Central and of Erie Lackawanna in the area and the abandonments are being made the subject of applications to the United States Railway Association under section 304(f) of the Regional Rail Reorganization Act of 1973, as amended. All lines are located within the City of Utica, County of Oneida, State of New York.

In the opinion of the applicants, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1100.-250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant

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factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b)(1)-(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

PENN CENTRAL TRANSPORTATION COMPANY AND ERIE LACKAWANNA RAILWAY COMPANY

By the Commission

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-27869 Filed 10-15-75;8:45 am]

[Notice 115]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 9, 1975.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication on or before October 31, 1975. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 14702 (Sub-No. 70TA), filed September 26, 1975. Applicant: OHIO FAST FREIGHT, INC., 3893 Market St. NE., Warren, Ohio 44484. Applicant's representative: Michael Spurlock, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sheets*, from the plantsite and facilities of Alcan Aluminum Corporation, at South Kearney, N.J., to the plantsite and facilities of Alcan Aluminum Corporation at Indianapolis, Ind., for 180 days. Supporting shipper: Alcan Aluminum Corporation, P.O. Box 6977, Cleveland, Ohio 44114. Send protests to: James Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.

No. MC 52861 (Sub-No. 40TA), filed September 29, 1975. Applicant: WILLS TRUCKING, INC., 5755 Granger Road, Cleveland, Ohio 44131. Applicant's representative: Paul F. Beery, Ninth Floor, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are usually transported in dump trucks, from the plantsites or facilities of Consolidated Dock, Inc., at Detroit, Mich., and Toledo, Ohio to points in Michigan, restricted against: (1) Traffic moving to or from Canada; (2) the transportation of salt; and (3) traffic from the plantsites of Consolidated Dock, Inc., to Lenawee and Monroe Counties, Mich., for 180 days. Supporting shipper: Consolidated Dock, Inc., 5755 Granger Road, Cleveland, Ohio 44131. Sent protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.

No. MC 69371 (Sub-No. 7TA), filed September 29, 1975. Applicant: NORMAN TRANSPORTATION LINES, INC., 6201 Lee Road, Cleveland, Ohio 44137. Applicant's representative: John H. Baker, 435 Delaware Ave., Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk, in tank vehicles), between points in Cleveland and Salem, Ohio; Warren and McKean Counties, Pa., and Cattaraugus, Steuben, Livingston, and Chemung Counties, N.Y., under a continuing contract with The Great Atlantic & Pacific Tea Company, Inc., for 180 days. Supporting shipper: The Great Atlantic & Pacific Tea Company, Inc., 2 Paragon Drive, Montvale, N.J. 07645. Send protests to: James Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.

No. MC 103051 (Sub-No. 354TA), filed September 26, 1975. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave., North, Nashville, Tenn. 37209. Applicant's representative: William G. North (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from Nashville, Tenn., to Canton and Waynesville, N.C., for 180 days. Supporting shipper: Evans Oil Company, 403 Stonewall Drive, Thompson, Ga. 30824. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 109397 (Sub-No. 321TA), filed October 1, 1975. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 223 Ciudad Bldg., 3000 United Founders Blvd., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (1) from the plantsites of NCC Foods at Hillister, San Jose, and Oakland, Calif.; (2) from the plantsites of Tri-Valley Growers at or near Modesto, Madera, and Stockton, Calif., to points in Iowa, Minnesota, Wisconsin, Illinois, Missouri, Indiana, Ohio, Michigan, and Kentucky, for 180 days. Supporting shippers: NCC Foods, 570 Race St., San Jose, Calif. 95150. Tri-Valley Growers, 100 California St., San Francisco, Calif. 94106. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 113959 (Sub-No. 6TA), filed September 26, 1975. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. 24354. Applicant's representative: Daryl J. Henry (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plantsite and storage facilities of Olin Corporation at or near Charleston, Tenn., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Virginia, and West Virginia (except Kanawha County, W. Va.), under a continuing contract with Olin Corporation, for 180 days. Supporting shipper: Olin Corporation, 120 Long Ridge Road, Stamford, Conn. 06904. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Ave. SW., Roanoke, Va. 24011.

No. MC 117119 (Sub-No. 554TA), filed September 26, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles* as are dealt in by wholesale, retail, and discount stores (except in bulk), from Charlotte, N.C., to the facilities of Wal-Mart Stores, at Bentonville, Ark., for 180 days. Supporting shipper: Wal-Mart Stores, Inc., Bentonville, Ark. 72712. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 118535 (Sub-No. 69TA) filed October 1, 1975. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead oxide*, in bulk, in tank vehicles, from Terrell, Tex., to Kansas City and St. Joseph, Mo., for 180 days. Supporting shipper: Powerlab, Inc., P.O. Box 913, Terrell, Tex. 75160. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 123407 (Sub-No. 267TA) filed September 27, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flooring, and materials and supplies* used in the installation thereof, from the plantsite of A.G.A., Inc., at Amasa, Mich., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting Shipper: A.G.A., Inc., Abendroth-Gambel-Ahonen, Inc., Box 42, Amasa, Mich. 49903. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 124027 (Sub-No. 11TA) filed October 3, 1975. Applicant: MIDWEST BULK, INCORPORATED, 901 Lyndale Ave., Neenah, Wis. 54956. Applicant's representative: Frank M. Coyne, 25 W. Main St., Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cinders*, in bulk, from Kaukauna, Wis., to West Chicago, Ill., for 180 days. Supporting shipper: Thilmany Pulp & Paper Co., a division of Hammermill Paper Company, Thilmany, Kaukauna, Wis. 54130. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 127355 (Sub-No. 17TA) filed October 1, 1975. Applicant: M & N GRAIN COMPANY, P.O. Box "P", Nevada, Mo. 64772. Applicant's representative: Donald J. Quinn, Suite 900-1012 Baltimore, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Compressed fireplace logs*, made of peanut hulls and wax, in boxes, from Camilla, Ga., to points in Alabama, Arkansas, Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin and Wyoming, under a continuing contract with Camilla Cotton Oil Company, Camilla, Ga., for 180 days. Supporting shipper: Camilla Cotton Oil Company, Camilla, Ga. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 128383 (Sub-No. 64TA) filed September 26, 1975. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Avt., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, and motor vehicles requiring the use of special equipment), between John F. Kennedy International Airport at or near New York, N.Y., and O'Hare International Airport at or near Chicago, Ill., on the one hand, and, on the other, Memphis International Airport, at or near Memphis, Tenn., and St. Louis International Airport (Lambert Field) at or near St. Louis, Mo., restricted to the transportation of traffic having a prior or subsequent movement by air, for 180 days. Supporting shipper: Five Star Air Freight Corp., Sharon Hill, Pa. 19079. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa 19106.

No. MC 128866 (Sub-No. 56TA), filed September 29, 1975. Applicant: B & B TRUCKING, INC., P.O. Box 128, 9 Brade Lane, Cherry Hill, N.J. 08034. Applicant's representative: J. Michael Farrell, 1725 K St., NW. #814, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum food containers*, from the plantsites of Penny Plate, Inc., (1) at Cherry Hill, N.J., to Atkins, Ark.; Baltimore and Beaver Heights, Md.; Lawrence, Mass.; Bethlehem, Bowmansville, and Lake City, Pa.; Spartanburg, S.C.; Crossville, Tenn.; Darien and Oconomowac, Wis.; (2) at Searcy, Ark., to Batesville, Ark.; Wethersfield, Conn.; Crossville and Memphis, Tenn., and (3) at Deerfield, Ill., to Washington, Ind.; Detroit and Lavonia, Mich.; Wilmar, Minn.; Cherry Hill, N.J.; Bethlehem, Pa.; Darien, Milwaukee, and West Allis, Wis., under a continuing contract with Penny Plate, Inc., for 180 days. Supporting shipper: Penny Plate, Inc., P.O. Box 458, Haddonfield, N.J. 08033. Send protests to: Dieter H. Harper, Transportation Specialist, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

No. MC 135270 (Sub-No. 3TA), filed September 24, 1975. Applicant: WALTER LEMMONS, doing business as W. L. LEASING, Highway 41 North & John St., Ft. Branch, Ind. 47648. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from Sebree, Ky., to Evansville, Princeton, Vincennes, and Sullivan, Ind., and Lawrenceville, Mt. Carmel, Crossville, Flora, Fairfield, Olney, Newton, and Grayville, Ill., under a continuing contract with Amax Resource Recovery Systems, Inc., for 180 days. Supporting Shipper: Amax Resource Recovery Systems, Inc., Box 300 Bolton Road RR #1, West Terre Haute, Ind. 47885. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg., & U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 136220 (Sub-No. 24TA), filed October 1, 1975. Applicant: ROY SULLIVAN, doing business as SULLIVAN TRUCKING, CO., 1705 NE., Woodland, Ponca City, Okla. 74601. Applicant's representative: G. Timothy Armstrong, Suite 200, 6161 N. May Ave., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Calcined petroleum coke* (except in tank vehicles), from the facilities of Conalco, Inc., Lake Charles, La., to the facilities of Conalco, Inc., Waverly, Tenn.; (2) *Carbon annode scraps* (except in tank vehicles), from the facilities of Conalco, Inc., Waverly, Tenn., to the facilities of Conalco, Inc., Lake Charles, La., and (3) *Aluminum dross residue* (except in tank vehicles), from the facilities of Consolidated Aluminum Co., Lake Charles, La., and New Johnsonville, Tenn., to the facilities of Vulcan Materials Company (Metals Div.), Benton, Ark., for 180 days. Supporting shippers: Conalco, Inc., Ernest Claudel, P.O. Box LL, Lake Charles, La. 70601. Vulcan Materials Company (Metals Div.), Frank Bower, Distribution Mgt., P.O. Box 720, Sandusky, Ohio 44870. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 141137 (Sub-No. 3TA), filed October 2, 1975. Applicant: R & R TRUCKING COMPANY, INC., 3900 64th St., SW., P.O. Box 292, Grandville, Mich. 49418, Applicant's representative: Peter W. Steketee, 950 Union Bank Bldg., Grand Rapids, Mich. 49502. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is marketed by Home Products Distributors, *including return of empty containers, pallets, similar shipping devices, and damaged, rejected, or returned goods*, from Ada, Mich., on the one hand, and on the other, points in Arlington, Tex.; Atlanta, Ga.; Dayton and Secaucus, N.J.; and Denver, Colo., under a continuing contract with Amway Corporation, for 180 days. Supporting shipper: Amway Corporation, 7575 East Fulton Road, Ada, Mich. 49301. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Com-

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mission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 141325TA filed October 1, 1975. Applicant: POLKINGHORN MOLASSES, INC., 907 East Wyatt Earp, Dodge City, Kans. 67801. Applicant's representative: Clyde N. Christey, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Urea*, from Sugar City, Colo.; Amarillo, Tex., and Neosho, Mo., to Spearville, Kans.; *limestone products*, from Weeping Water, Nebr., to Spearville, Kans.; Potash, from Carlsbad, N. Mex., to Spearville, Kans.; *alfalfa pellets*, from Jossland, Darr, Brule, Gothenburg and Brady, Nebr., and McClave, Colo., to Spearville, Kans.; *Calcium*, from Carthage, Mo., to Spearville, Kans.; *cottonseed meal*, from Lamesa and Lubbock, Tex., to Spearville, Kans.; *cottonseed products*, from Memphis, Tenn., to Spearville, Kans.; *feed ingredients*, from St. Joseph, Mo., and La-Moure, N. Dak., to Spearville, Kans.; *rice pellets*, from Stuttgart, Ark., to Spearville, Kans., under a continuing contract with Central Milling, Inc., of Spearville, Kans., and (2) *Animal fats*, from Garden City, Liberal and Dodge City, Kans., to Houston, Tex., under a continuing contract with Polkinghorn Feed Yard, Inc., for 180 days. Supporting shippers: Central Milling, Inc., Spearville, Kans. 67876. Polkinghorn Feed Yard, Inc., Butter & Egg Road, Dodge City, Kans. 67801. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 141363 (Sub-No. 1 TA) filed October 1, 1975. Applicant: J. M. MARC TRANSPORTATION, INC., 253 Marylou Ave., Yonkers, N.Y. 10703. Applicant's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap and waste paper*, from Linden and Woodbridge, N.J., to the facilities of Clevepak Corp., at Piermont, N.Y., under a continuing contract with Clevepak Corporation, for 180 days. Supporting shipper: Clevepak Corporation, Main St., Piermont, N.Y. 10968. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 141365TA, filed September 24, 1975. Applicant: COUNTRYSTYLE, INC., 1025 Highway 45, Grayslake, Ill. 60030. Applicant's representative: Edward G. Bazelon, 39 S. La Salle St., Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packaged milk, packaged milk products, packaged ice cream, and packaged fruit drinks and juices*, from Sheboygan, Wis., to points in Lake, Cook (except Chicago), Kane, McHenry, DeKalb, Winnebago, Boone, Will, Ogle, Lee DuPage, Kendall, La Salle, Grundy, Stephenson, Kankakee, and Vermillion Counties, Ill., under a continuing contract with Lake to Lake Dairy Cooperative, for 180 days. Supporting shipper: Lake to Lake Dairy Cooperative, Harry Flottman, Director of Marketing, 1606 Erie Ave., Sheboygan, Wis. 53081. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

APPLICATION OF PASSENGERS

No. MC 129969 (Sub-No. 2TA), filed October 3, 1975. Applicant: LAKELAND BUS LINES, INC., East Blackwell St., Dover, N.J. 07801. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* for the account of Nebisco, Inc., over irregular routes, between the Port Authority Bus Terminal, at New York, N.Y., and the plantsite of Nebisco, Inc., at East Hanover, N.J., under a continuing contract with Nabisco, Inc., for 180 days. Supporting shipper: Nabisco, Inc., 425 Park Ave., New York, N.Y. 10022. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.75-27870 Filed 10-15-75;8:45 am]

[Notice 116]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 10, 1975.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication on or before October 31, 1975. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 384TA), filed October 1, 1975. Applicant: PACIFIC INTERNATIONAL EXPRESS CO., 1417 Clay St., Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parachlorothiophenol*, in bulk, in tank vehicles, from Henderson, Nev., to Mt. Pleasant, Tenn., for 180 days. Supporting shipper: Stauffer Chemical Company, 636 California St., San Francisco, Calif. 94119. Send protests to: A. J. Rodriguez, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 15859 (Sub-No. 9TA), filed October 1, 1975. Applicant: THE HINE LINE, 247 Emmett St., Newark, N.J. 07114. Applicant's representative: Warren E. Hine (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, and pelts and pieces thereof, and chromes*, between New Jersey and Canton, Ohio on the one hand, and, on the other, Florida, Georgia, South Carolina, and Tennessee, Tampa and Ocala, Fla.; Macon and Moultrie, Ga.; Wilson, S.C.; and Memphis, Bolivar, New Port, and Tullahoma, Tenn., for 180 days. SUPPORTING SHIPPERS: (1) Radel Leather Manufacturing Co., a Division of Seton Company, 445 Wilson Ave., Newark, N.J. 07105. (2) Seton Leather Company, a Division of Seton Company, 849 Broadway, Newark, N.J. 07104. SEND PROTESTS TO: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Room 618, Newark, N.J. 07102.

No. MC 16502 (Sub-No. 18TA), filed September 30, 1975. Applicant: WILLIAM A. ROBINSON, HENRY CLAY ROBINSON, JR., RICHARD A. ROBINSON and FRANK TAYLOR ROBINSON, doing business as ROBINSON TRUCK LINES, P.O. Box 737, West Main St., West Point, Miss. 39773. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphorus pentasulfide*, in containers, *and empty containers* on return, from Columbus, Miss., to Port Arthur, Tex., for 180 days. SUPPORTING SHIPPER: Hooker Chemicals & Plastic Corp., M. P. O. Box 8, Niagara Falls, N.Y. 14302. SEND PROTESTS TO: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 30887 (Sub-No. 223TA), filed October 3, 1975. Applicant: SHIPLEY TRANSFER, INC., 1550 E. Patapsco Ave., Baltimore, Md. 21225. Applicant's representative: William B. Eckels (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste oil*, in bulk, in pneumatic trailers, from Westville, N.J., to Sparrows Point, Md., for 180 days. SUPPORTING SHIPPER: Del-Mar Pollution Control Corp., Box 340, Claymont, Del. 19703. SEND PROTESTS TO: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 42011 (Sub-No. 18TA), filed October 1, 1975. Applicant: D. Q. WISE & CO., INC., P.O. Box 15125, Tulsa, Okla. 74115. Applicant's representative: Marvin J. McDonald (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal tubing and fabricated metal tubing*, from Mannford and San Springs, Okla., to Houston, Tex.; St. Louis, Mo., and Chicago, Ill., for 180 days. SUPPORTING SHIPPER: Southwest Tube Mfg. Co., James A. Brandt, II, Vice President, 1800 S. 83rd West Ave., Sand Springs, Okla. 74063. SEND PROTESTS TO: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 59640 (Sub-No. 47TA), filed September 30, 1975. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, N.J. 07106. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Health care products including disposable and non-disposable surgical and hospital supplies, equipment, and materials, oxygen administering apparatus, atomizers or nebulizers, plastic bags, tubing and fittings, sanitary belts, elastic bandages, plastic specimen bottles, canes, crutches, invalid chairs, walkers, laboratory glassware, disposable durgeons, drapes, gowns, sheets, pillowcases, towels, leggings, bedding pads, caps* other than millinery, made from non-woven fabric, in kits or packs with or without accessories, *medical or surgical instruments, needles, paper or steel bottle tags, inpatient treatment kits and parts thereof*, (1) between Billerica, Mass., Murray Hill, N.J., Fitzwilliam, N.H., Covington, Ga., and Upland, Calif.; (2) from Lawrence, Kans., to Billerica, Mass., Murray Hill, N.J., Covington, Ga., Dallas, Tex., Los Angeles, Calif., and Itasca, Ill., (3) from Billerica, Mass., Murray Hill, N.J., Covington, Ga., and Upland, Calif., to Dallas, Tex., Itasca, Ill., Chicago, Ill., Los Angeles, Calif., and Detroit, Mich.; (4) between Providence, R.I., and Murray Hill, N.J. RESTRICTIONS: (1) The authority sought herein is limited to a transportation service to be performed, under a continuing contract, or contract with C. R. Bard, Inc., and (2) between the plants, warehouses, and other facilities of C. R. Bard, Inc., at the above-named points, for 180 days. SUPPORTING SHIPPER: C. R. Bard, Inc., 731 Central Ave., Murray Hill, N.J. 07974. SEND PROTESTS TO: Robert E. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Room 618, Newark, N.J. 07102.

No. MC 59640 (Sub-No. 48TA), filed September 30, 1975. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, N.J. 07106. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain camping and sporting goods stores and in connection therewith, equipment, materials, and supplies used in the conduct of such business, between the facilities of Lionel Morsan, Inc., at Mahwah, N.J., on the one hand, and, on the other, Doraville, Decatur, and Forest Park, Ga., under a continuing contract or contracts with Lionel Morsan, Inc., for 180 days. SUPPORTING SHIPPER: Lionel Morsan, Inc., Mahwah, N.J. SEND PROTESTS TO: Robert E. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Room 618, Newark, N.J. 07102.

No. MC 82841 (Sub-No. 163TA), filed October 3, 1975. Applicant: HUNT TRANSPORTATION, INC., 10770 I St., Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fireplace logs*, from Montrose, Colo., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, lower peninsula of Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Lothlorien Lumber & Logging Co., Inc., L. G. Broderick, President, P.O. Box 1066, Montrose, Colo. 81401. Send protests to: Carroll Russell, District Supervisor, Suite 620, Union Pacific Plaza, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 102817 (Sub-No. 25TA), filed September 30, 1975. Applicant: PERKINS FURNITURE TRANSPORT, INC., P.O. Box 24335, 5034 Lafayette Road, Indianapolis, Ind. 46254. Applicant's representative: Robert W. Loser, 320 North Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture stock, rough milled and/or rough sanded; furniture parts, panels, and squares; materials, supplies, machinery and machinery parts* used to manufacture furniture; *chips, sawdust, wood scrap, and pallets*, between the plantsites of Tell City Chair Company, Tell City, Ind., and the plantsite of Tell City Chair Company, Leitchfield, Ky., also *chips, sawdust, and wood scrap*, from Tell City, Ind., to Hawesville, Ky., for 180 days. Supporting shipper: Tell City Chair Company, 417 Seventh St., Tell City, Ind. 47586. Send protests to: Frances Sterling, Interstate Commerce Commission, Federal Bldg., & U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 105733 (Sub-No. 54TA), filed September 24, 1975. Applicant: H. R. RITTER TRUCKING CO., INC., 928 East Hazelwood Ave., Rahway, N.J. 07065. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butadine*, in bulk, in tank vehicles, from Paulsboro, N.J., to Sheswold, Del., for 180 days. Supporting shipper: Standard Brands Chemical Industries, Inc., P.O. Drawer K, Dover, Del. 19901. Send protests to: Robert E. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Room 618, Newark, N.J. 07102.

No. MC 160119 (Sub-No. 23TA), filed October 3, 1975. Applicant: ASSOCIATED PETROLEUM CARRIERS, P.O. Box 2808, Spartanburg, S.C. 29302. Applicant's representative: R. E. Littlejohn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paving asphalt*, from Douglasville, Ga. (Young Refining Company), to points in York and Kershaw Counties, S.C., and Union County, N.C., for 180 days. Supporting shipper: Dickerson, Inc., P.O. Box 400, Monroe, N.C. 28110. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 110525 (Sub-No. 1133TA), filed October 3, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur dioxide*, in bulk, in tank vehicles, from ports of entry on the International Boundary line, between the United States and Canada, located at Port Huron, Mich., to Marysville, Mich., for 180 days. Supporting shipper: Detroit Edison Co., 2000 Second Ave., Detroit, Mich. 48226. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 115162 (Sub-No. 313TA), filed October 2, 1975. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). authority sought to oper-

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ate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plant and warehouse facilities of MacMillan Bloedel, Inc., at or near Pine Hill, Ala. (Wilcox County), to points in the District of Columbia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia ,West Virginia, and Wisconsin, for 180 days. Supporting shipper: MacMillan Bloedel, Inc., 12th Floor Brown Marx Bldg., Birmingham, Ala. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 118806 (Sub-No. 40TA), filed October 3, 1975. Applicant: ARNOLD BROS. TRANSPORT LTD., 739 Lagimodiere Blvd., Winnipeg, Manitoba, Canada R2J 0T8. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in and distributed by lumber mills and lumber yards, from Franklin Park, Ill., to the port of entry on the International Boundary Line between Canada and the United States at or near Noyes, Minn., for 180 days. Supporting shipper(s): Canadian Forest Products, Ltd., 440 Cantor Avenue, New Westminster, British Columbia, Canada. Send protests to: Joseph H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 124117 (Sub-No. 16TA), filed October 1, 1975. Applicant: EARL FREEMAN, doing business as MID-TENN EXPRESS, P.O. Box 101, Eagleville, Tenn. 37060. Applicant's representative: Roland M. Lowell, 618 Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap batteries, scrap parts thereof, scrap lead and recycled lead*, between College Grove, Tenn.; Bristol, Tennessee-Virginia; Louisville, Ky.; Paducah, Ky.; Evansville, Ind.; Chattanooga, Tenn.; Atlanta, Ga.; and Birmingham, Ala., for 180 days. Supporting shipper: General Smelting & Refining, Inc., P.O. Box 37, College Grove, Tenn. 37046. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 129526 (Sub-No. 5TA), filed October 2, 1975. Applicant: FACTOR TRUCK SERVICE, INC., 2607 Old Rodgers Road, Bristol, Pa. 19007. Applicant's representative: Robert B. Einhorn, 3220 PSFS Bldg., 12 South 12th St., Philadelphia, Pa. 19107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fluorescent lighting fixtures*, from Saddle Brook, N.J., to points in Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, Michigan, Indiana, Alabama, Ohio, West Virginia, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, Maryland, the District of Columbia, Virginia, North Carolina, South Carolina, Georgia, and Florida; (2) *Electrical transformers*, from Mendenhall, Miss., and Chicago, Ill., to Saddle Brook, N.J.; and (3) *Plastic sheets and extrusions*, from Columbia, S.C., and Falsington, Pa., to Saddle Brook, N.J., under a continuing contract with Robert Manufacturing Company, for 180 days. Supporting shipper: Robert Manufacturing Company, Capital and Fifth Streets, Saddle Brook, N.J. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 138752 (Sub-No. 3TA), filed September 26, 1975. Applicant: BEAUFERD SCHMIDT, P.O. Box 107, McPherson, Kans. 67460. Applicant's representative: Eugene W. Hiatt, 308 Casson Bldg., Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Polyurethane foam*, between Newton, Kans., on the one hand, and, on the other, Tulsa, Edmond, Guthrie, Lawton, Chickasha, and Muskogee, Okla.; Gainsville, Amarillo, Arlington and Houston, Tex.; Little Rock, Fort Smith, and Siloam Springs, Ark.; Neosho, Mo.; Council Bluffs, Iowa; and Lincoln, Nebr., under a continuing contract with Future Foam, Inc., for 180 days. Supporting shipper: Future Foam, Inc., 400 North 10th St., Council Bluffs, Iowa 51501. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 139388 (Sub-No. 1TA), filed September 30, 1975. Applicant: CONTRAN CARRIER CORP., 4537 Forest Lane, Garland, Tex. 75042. Applicant's representative: Robert K. Frisch, 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, tobacco products, cosmetics, or other merchandise* dealt in by Ward Drug Stores, Inc., retail stores, known as Ward Drug Stores and Eckerd Stores, between the warehouse site of Ward Drug Stores, Inc., at Garland, Tex., on the one hand, and, on the other, Eckerd Drugs retail stores, at Aravada, Colo., under a continuing contract with Ward Drug Stores, Inc., for 180 days. Supporting shipper: Ward Drug Stores, Inc., 4409 Action St., Garland, Tex. 75042. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 140260 (Sub-No. 3TA), filed October 1, 1975. Applicant: MERRY SHIPPING COMPANY, INC., 310 Bay St., Savannah, Ga. 31402. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except cement), between points in the Jacksonville, Fla., Commercial Zone, including Jacksonville, Fla. (except Yulee and Fernandina Beach, Fla.), for 180 days. Supporting shippers: Strachan Shipping Company, 931 Florida National Bank Bldg., Jacksonville, Fla. Sea-Land Service, Inc., P.O. Box 3261, Jacksonville, Fla. 32206. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 140677 (Sub-No. 7TA), filed October 2, 1975. Applicant: JOHN T. BREWER, JOHN R. BREWER, AND LEWIS L. BREWER, doing business as BREWER TRUCKING, 1603 East Talent, Rapid City, S. Dak. 57701. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust, bark, shavings, and other sawmill products* (except lumber), *and additives thereto*, from points in Pennington, Custer, and Butte Counties, S. Dak., and Crook and Weston Counties, Wyo., to points in Colorado, Idaho, Iowa, Illinois, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota and Wyoming, for 180 days. Supporting Shipper: B & G, INC., 1603 East Talent, Rapid City, S. Dak. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 141366TA, filed September 26, 1975. Applicant: CENTRAL TRANSFER & STORAGE CO., 3060 Irving Blvd., Dallas, Tex. 75247. Applicant's representative: Clark and Tartaglia, 3212 Collinsworth, Fort Worth, Tex. 76107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, (1) between points in Erath, Hood, Parker, Sommerville, Denton, Palo Pinto, Wise, Cook, Fannin, Grayson, Delta, Hopkins, Hunt, Lamar, Rains, Henderson, Navarro, Van Zandt, Freestone, Anderson, Smith, Cherokee, Wood, Collin, Hill, Bosque, and Taylor Counties, Tex. and (2) between those points named in (1) above, on the one hand, and, on the other, points in Dallas, Tarrant, Rockwall, Johnson, Ellis, and Kaufman Counties, Tex. (1) Operations are restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized; (2) operations are restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating or decontainerization of subject traffic, for 180 days. Supporting shipper: Department of Defense, Regulatory Law Office, OTJAG Department of the Army, Washington, D.C. 20310. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-27871 Filed 10-15-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

OCTOBER 10, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission on or before November 17, 1975. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 30045 (Sub-No. 3G) filed June 4, 1974. Applicant: KITCHELL TRUCK LINE, INCORPORATED, Ipswich, S. Dak. 57451. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, from Sioux City, Iowa, Omaha, Nebr., Winona, Minn., and points in the Minneapolis-St. Paul, Minn. Commercial Zone as defined by the Commission, to points in Iowa west of U.S. Highway 63 and Minnesota. The purpose of this filing is to eliminate the gateway of points in South Dakota.

No. MC 109891 (Sub-No. 25G) filed June 12, 1974. Applicant: INFINGER TRANSPORTATION COMPANY, INC., P.O. Box 7398, Charleston Heights, S.C. 29405. Applicant's representative: Frank B. Hand, Jr., P.O. Box 163, Berryville, Va. 22661. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Charleston, S.C. and points within 10 miles thereof, to points in Georgia. The purpose of this filing is to eliminate the gateway of Belton, S.C.

NOTE: Although this application is filed on June 12, 1974, applicant previously timely filed this request in No. MC 109891 (Sub-No. 24G). The request for authority is restrictively duplicative of that sought in MC 109891 (Sub-No. 24G).

No. MC 114273 (Sub-No. 237G) filed June 4, 1974. Applicant: CRST, INC., 3930 16th Ave., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue N.E., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from points in Minnesota, Iowa, and Fargo, N. Dak., to points in Colorado, Connecticut, Illinois, Indiana, Kansas, Kentucky, Maine, Massachusetts, Maryland, Michigan, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Wisconsin, Vermont, and Virginia. The purpose of this filing is to eliminate the gateways of California, Mo. and Moberly, Mo.

No. MC 114312 (Sub-No. 29G) filed June 4, 1974. Applicant: ABBOTT TRUCKING, INC., Route 3, Box 74, Delta, Ohio 43515. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer*, from Ft. Wayne, Ind., to points in Ohio, Pennsylvania, West Virginia, New York, Kentucky, Maryland, and New Jersey. The purpose of this filing is to eliminate the gateways of Toledo, Ohio (including the Michigan portion of Toledo, Ohio Commercial Zone), Maumee, Ohio and Spencerville, Ohio. (2) *chemical fertilizer*, from points in Ohio, to points in Indiana, Pennsylvania, Illinois, Wisconsin, New York, Maryland, New Jersey, Iowa, Minnesota, and Missouri. The purpose of this filing is to eliminate the gateways of Toledo, Ohio (including the Michigan portion of the Toledo, Ohio Commercial Zone), Silica, Woodville and Spencerville, Ohio and Ft. Wayne, Ind.

(3) *Chemical fertilizer*, from points in the lower peninsula of Michigan, to points in Indiana, Pennsylvania, West Virginia, Illinois, Wisconsin, New York, Kentucky, Maryland, New Jersey, Iowa, Minnesota, and Missouri. The purpose of this filing is to eliminate the gateways of Toledo, Ohio (including the Michigan portion of the Toledo, Ohio Commercial Zone), Silica, Woodville, Maumee and Spencerville, Ohio and Ft. Wayne, Ind. (4) *fertilizer, fertilizer materials and fertilizer ingredients*, from Joliet, Ill., to points in Pennsylvania, West Virginia, New York, Kentucky, Maryland, and New Jersey. The purpose of this filing is to eliminate the gateways of Toledo, Ohio (including the Michigan portion of the Toledo, Ohio Commercial Zone), Maumee and Washington Court House, Ohio. (5) *fertilizer and fertilizer ingredients* in bulk (except in tank vehicles), from Whiteland, Ind., to points in Ohio, the lower peninsula of Michigan, Pennsylvania, West Virginia, New York, Maryland, and New Jersey. The purpose of this filing is to eliminate the gateways of Toledo, Ohio (including the Michigan portion of the Toledo, Ohio Commercial Zone), Spencerville, Woodville, and Maumee, Ohio, and points in Allen, Auglaize, Champaign, Clark, Darke, Hancock, Marion, Mercer, Miami, Preble, Van Wert, Wood, and Wyandot Counties, Ohio.

No. MC 124711 (Sub-No. 29G) filed June 4, 1974. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, Kans. 67042. Applicant's representative: T. M. Brown, Suite 223, Cludad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas on and north of U.S. Highway 66 to points in that part of Colorado on and east of a line beginning at the New Mexico-Colorado state line and extending along U.S. Highway 285 to Denver, Colo., thence along U.S. Highway 287 to junction Colorado Highway 7, thence along Colorado Highway 7 to Estes Park, Colo., thence east along Colorado Highway 66 to junction U.S. Highway 287 and thence north along U.S. Highway 287 to the Colorado-Wyoming state line. The purpose of this filing is to eliminate the gateway of Elkhart, Kans. (2) *petroleum and petroleum products*, in bulk, in tank vehicles from points in that part of Oklahoma on and north of U.S. Highway 66 and on and west of U.S. Highway 183, to points in that part of Colorado on and east of a line beginning at the New Mexico-Colorado state line and extending along U.S. Highway 285 to Denver, Colo., thence along U.S. Highway 287 to junction Colorado Highway 7, thence along Colorado Highway 7 to Estes Park, Colo., thence east along Colorado Highway 66 to junction U.S. Highway 287 and thence north along U.S. Highway 287 to the Colorado-Wyoming state line. The purpose of this filing is to eliminate the gateways of Liberal and Garden City, Kans.

(3) *Oil, gasoline, and grease*, in bulk, in tank vehicles, from Potter and Randall Counties, Tex., to points in that part of Colorado on and east of a line beginning at the New Mexico-Colorado state line and extending along U.S. Highway 285 to Denver, Colo., thence along U.S. Highway 287 to junction Colorado Highway 7, thence along Colorado Highway 7 to Estes Park, Colo., thence east along Colorado Highway 66 to junction U.S. Highway 287 and thence north along U.S. Highway 287 to the Colorado-Wyoming state line. The purpose of this filing is to eliminate the gateway of Elkhart, Kans. (4) *petroleum and petroleum products*, in bulk, in tank vehicles between points in that part of Oklahoma on and north of U.S. Highway 66 and on and west of U.S. Highway 183, on the one hand, and, on the other, points in that part of Nebraska on and west of U.S. Highway 183 extending from Elm Creek, Nebr., through Holdrege and Alma, Nebr., to the Nebraska-Kansas state line, and on and south of U.S. Highway 30 extending from the Wyoming-

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Nebraska state line through Kimball, Chappell, and North Platte, Nebr., to Elm Creek. The purpose of this filing is to eliminate the gateways of Shallow Water and Shamrock, Kans. (5) *petroleum and petroleum products*, in bulk, in tank vehicles from points in that part of Texas on and north of U.S. Highway 66, to points in that part of Nebraska on and west of U.S. Highway 183 extending from Elm Creek, Nebr., through Holdrege and Alma, Nebr., to the Nebraska-Kansas state line, and on and south of U.S. Highway 30 extending from the Wyoming-Nebraska state line through Kimball, Chappell, and North Platte, Nebr., to Elm Creek. The purpose of this filing is to eliminate the gateways of Shallow Water and Shamrock, Kans.

(6) *Oil, gasoline, and grease*, in bulk, in tank vehicles, from Borger and Sheerin, Tex., to points in that part of Kansas bounded by a line beginning at the Kansas-Oklahoma state line from the point of intersection with the Kansas-Colorado state line and extending along the Kansas-Colorado state line to intersection with U.S. Highway 36, thence along U.S. Highway 36 to Belleville, thence along U.S. Highway 81 to the Kansas-Oklahoma state line, and thence along the Kansas-Oklahoma state line to point of beginning. The purpose of this filing is to eliminate the gateway at Randall County, Tex.

OCTOBER 8, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 28, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 106603 (Sub-E33), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Grand Rapids, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, which are building contractors' materials, from those points in Ohio on and east of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 127 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Ohio-Indiana State line, to those points in Illinois on and north of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 114 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Whiting, Ind.

No. MC 106603 (Sub-E34), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, which are building contractors' materials, from those points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Illinois Highway 95, thence along Illinois Highway 95 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State line, to those points in Illinois south of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 34 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 48, thence along Illinois Highway 48 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 140, thence along Illinois Highway 140 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateway of Whiting, Ind.

No. MC 106603 (Sub-E35), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 48167. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: roofing materials, which are building contractors' materials, from those points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 6 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction Ohio Highway 39, thence along Ohio Highway 39 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State line, to those points in Illinois on, north and west of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 51 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 48, thence along U.S. Highway 48 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 140, thence along Illinois Highway 140 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateway of Whiting, Ind.

No. MC 106603 (Sub-E36), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Building contractors' materials, restricted to insulated brick siding, from those points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 6 to junction Ohio Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line to those points in Illinois on, south, and west of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 114 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Illinois Highway 127 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Illinois-Missouri State line, thence along the Illinois-Missouri State line to the Illinois-Kentucky State line, thence along the Illinois-Kentucky State line to Interstate Highway 24, thence along Interstate Highway 24 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 51, thence along U.S. Highway

51 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Illinois Highway 128, thence along Illinois Highway 128 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Lowell, Ind.

No. MC 106603 (Sub-E37), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing materials*, which are building contractors' materials from the plantsite of Certain-teed Products Corporation at Avery, Ohio, to points in Illinois. The purpose of this filing is to eliminate the gateway of Indiana.

No. MC 107002 (Sub-E18), filed June 4, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *refined petroleum products* from Crupp, Miss., to points in North Carolina and South Carolina (Tuscaloosa, Ala.)*; (2) *petroleum* and *petroleum products* from Crupp, Miss., to points in Florida (Mobile, Ala., and points within 10 miles thereof)*; and (3) *petroleum* and *petroleum products*, as defined by the Commission, from Crupp, Miss., to points in Illinois, Indiana, Ohio, Oklahoma, Virginia, West Virginia, Kentucky (Washington County, Miss.)*; and Texas (Natchez, Miss.)*, restricted against the transportation of asphalt and liquefied petroleum gas to points in Illinois, Indiana, Ohio, Oklahoma, Virginia, West Virginia and Kentucky. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 107002 (Sub-E23), filed May 17, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *chemicals*, in bulk, in tank vehicles, from Vicksburg, Miss., to points in Florida (Mobile, Ala.)*, Illinois, Indiana, Iowa, Michigan, Ohio, Wisconsin (Barfield, Ark., and points within 10 miles thereof)*, North Carolina, and South Carolina (Decatur, Ala.)*, restricted against the transportation of petrochemicals to points in North Carolina; (2) *liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from Vicksburg, Miss., to points in West Virginia (the plantsite of Monsanto Chemical Company in Anniston, Ala.)*; (3) *liquid chemicals* (except hydrogen peroxide from Vicksburg, Miss., to points in Missouri (points in Mississippi in the Memphis, Tenn., Commercial Zone or Barfield, Ark., and points within 10 miles thereof)*; (4) *chemicals* (except fertilizer and fertilizer ingredients), in bulk, in tank vehicles, from Vicksburg, Miss., to those points in Tennessee on and west of U.S. Highway 27 (points in Mississippi within the Memphis, Tenn., Commercial Zone)*; (5) *dry fertilizer*, in bulk, from Vicksburg, Miss., to points in Tennessee (Canton, Hattiesburg, Meridian, and New Albany, Miss.)*; The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107002 (Sub-No. E346) filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except fertilizer and fertilizer ingredients), in bulk, in tank vehicles, from Taylorsville, Miss., to points in Indiana (except those in Clay, Floyd, and Harrison Counties), (points in Louisiana within the Vicksburg, Miss., Commercial Zone; points in Mississippi within the Memphis, Tenn., Commercial Zone, and Arlington, Tenn.)*, and *chemicals* (except petrochemicals), in bulk, in tank vehicles, from Taylorsville, Miss., to points in Clay, Floyd, and Harrison Counties, Ind. (Decatur, Ala.)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 107107 (Sub-No. E37), (correction) filed April 16, 1975, published in the FEDERAL REGISTER September 4, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (3) *Meats, meat products, and meat by-products*, as defined by the Commission, *dairy products and frozen foods*, as defined by the Commission, from New York, N.Y., and points within 15 miles thereof, to those points in Georgia on and south of U.S. Highway 280 (except Savannah), and those in Alabama on and south of U.S. Highway 80 (Florida)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above. The purpose of this correction is to extend the commodity description above.

No. MC 107403 (Sub-No. E402), (correction), filed May 29, 1974, published in the FEDERAL REGISTER, August 21, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except asphalt and except those commodities listed in said appendix which are also listed as chemicals in Appendix XV of the same report), in bulk, in tank vehicles, from points in Ohio on and north of a line beginning at the West Virginia-Ohio State line, and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to the Ohio-Indiana State line to points in Delaware, New Jersey, and New York. The purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and Petrolia, Pa. The purpose of this correction is to include the destination areas.

No. MC 107496 (Sub-No. E820) filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., Keosauqua Way at 3rd Street, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Kansas City, Kans., points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Nebraska west of U.S. Highway 98.

No. MC 107496 (Sub-No. E821) filed June 4, 1974. Applicant: RUAN TRANSPORT CORP., Keosauqua Way at 3rd Street, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Mankato, Minn., to points in Washington. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 110149 (Sub-No. E1), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, W. Virginia, Wisconsin, Wyoming, and those points in New York on and south of a line beginning at Cape Vincent and Lake Ontario extending along New York Highway 12E to junction New York Highway 12, thence along New York Highway 23 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 30A, thence along New York Highway 30A to junction New

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York Highway 29, thence along New York Highway 29 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction U.S. Highway 4, thence along U.S. Highway 4 to the New York-Vermont State line, on the one hand, and, on the other, points in Maine (except points in Oxford, Franklin, and Somerset Counties). The purpose of this filing is to eliminate the gateway of Beverly, Mass., and 20 miles thereof, and (1) points in Lea, Eddy, Chaves, Roosevelt, Curry, and Quay Counties, N. Mex., (2) points in Montana, or (3) points in Georgia.

No. MC 110149 (Sub-No. E2), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, W. Virginia, Wisconsin, Wyoming, and the District of Columbia, that part of Pennsylvania on, west and south of a line beginning at Lake Erie extending along Pennsylvania Highway 8 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction US Highway 322, thence along US Highway 322 to junction Interstate Highway 83 to the Pennsylvania-Maryland State line, points in Maryland (except points in Harford and Cecil Counties), points in Delaware (except points in New Castle County), on the one hand, and, on the other, points in New Hampshire; (2) between points in Connecticut, Delaware, Maryland, New Jersey, Pennsylvania, Rhode Island, that part of Massachusetts on and east of a line beginning at the Massachusetts-Rhode Island State line extending along Massachusetts Highway 126 to junction Massachusetts Highway 62.

Thence along Massachusetts Highway 62 to junction Interstate Highway 93, thence along Interstate Highway 93 to the Massachusetts-New Hampshire State line, and that part of New York on, west and south of a line beginning at Lake Ontario extending along New York Highway 98 to junction New York Highway 63, thence along New York Highway 63 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 220, thence along U.S. Highway 220 to the New York-Pennsylvania State line, thence along the New York-Pennsylvania State line to junction New York Highway 17 at or near Hancock, thence along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line, on the one hand, and, on the other, points in New Hampshire on and east of a line beginning at the Vermont-New Hampshire State line extending along New Hampshire Highway 18 to junction U.S. Highway 3, thence along U.S. Highway 3 to the Massachusetts-New Hampshire State line. The purpose of this filing is to eliminate the gateways of Beverly, Mass., and points within 20 miles thereof, and (1) points in Lea, Eddy, Chaves, Roosevelt, Curry and Quay Counties, N. Mex., (2) points in Montana, or (3) points in Georgia.

No. MC 110149 (Sub-No. E3), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, Delaware, District of Columbia, Idaho, Maine, Maryland, Massachusetts, Montana, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio (except Cincinnati), Oregon, Pennsylvania, Rhode Island, South Carolina, Virginia, Washington, West Virginia, Wyoming, those points in California on and north of a line beginning at the Pacific Ocean extending along California Highway 166 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction California Highway 178, thence along California Highway 178 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line, points in Nevada on and north of U.S. Highway 6, those in Utah on and north of a line beginning at the Utah-Nevada State line extending along U.S. Highway 6 to junction Utah Highway 26, thence along Utah Highway 26 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Utah-Colorado State line, those in Colorado on and north of a line beginning at the Utah-Colorado State line extending along U.S. Highway 6 to junction Interstate Highway 80S, thence along Interstate 80S to the Colorado-Nebraska State line, those in Nebraska on, west and north of a line beginning at the Nebraska-Colorado State line extending along Interstate Highway 80S to junction Nebraska Highway 61.

Thence along Nebraska Highway 61 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-South Dakota State line, those points in South Dakota on, west and north of a line beginning at the Nebraska-South Dakota State line extending along U.S. Highway 281 to junction South Dakota Highway 44, thence along South Dakota Highway 44 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 212, thence along U.S. Highway 212 to the South Dakota-Minnesota State line, those points in Minnesota on and north of a line beginning at the Minnesota-South Dakota State line extending along U.S. Highway 212 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction Minnesota Highway 95, thence along Minnesota Highway 95 to the Minnesota-Wisconsin State line, those points in Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line extending along U.S. Highway 8 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Lake Michigan, those points in Michigan on, north and east of a line beginning at Lake Michigan extending along U.S. Highway 10 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Indiana State line, those points in Kentucky on and east of Interstate Highway 75, those points in Tennessee on and east of U.S. Highway 27, on the one hand, and, on the other, points in Alabama; and between points in Nebraska, on the one hand, and, on the other, points in Alabama on and east of a line beginning at the Alabama-Tennessee State line extending along U.S. Highway 31 to junction Alabama Highway 55, thence along Alabama Highway 55 to the Alabama-Florida State line. The purpose of this filing is to eliminate the gateways of points in Georgia; or points in Georgia and (1) points in Montana, or (2) Beverly, Mass., and points in Massachusetts within 20 miles thereof, or (3) points in Wyoming, or (4) points in Lea, Eddy, Chaves, Roosevelt, Curry and Quay Counties, N. Mex.

No. MC 110149 (Sub-No. E4), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in California, Nevada, those in Utah on and west and north of the Colorado River, those in Arizona on and west of a line beginning at the United States-Mexico International Boundary line extending along Arizona Highway 85 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Interstate Highway 17, thence along Interstate Highway 17 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Arizona-Utah State line, on the one hand, and, on the other, points in Alabama on and east of a line beginning at Mobile extending along U.S. Highway 43 to junction Interstate Highway 59, thence along Interstate Highway 59 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateways of points in Georgia; or points in Georgia and (1) points in Montana, or (2) points in Lea, Eddy, Chaves, Roosevelt, Curry and Quay Counties, N. Mex.

No. MC 110149 (Sub-No. E5), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINE, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in Alabama on and east of a line beginning at the Alabama-Tennessee State line extending along U.S. Highway 31 to junction Alabama Highway 55, thence along Alabama Highway 55 to the Alabama-Florida State line. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC 110149 (Sub-No. E6), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arizona, California, Connecticut, Delaware, District of Columbia, Georgia, Idaho, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, points in Colorado (except Costilla, Los Animas, and Baca Counties), points in Illinois on and north of U.S. Highway 50, those points in Indiana on and east of U.S. Highway 41, points in Kansas on and north of a line beginning at the Kansas-Colorado State line extending along U.S. Highway 50 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Kansas-Missouri State line, those points in Kentucky on and east of U.S. Highway 41, those points in New Mexico west of the Rio Grande River, points in Tennessee on and east of U.S. Highway 41, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate the gateways of points in Georgia; or points in Georgia and (1) points in Lea, Eddy, Chaves, Roosevelt, Curry, and Quay Counties, N. Mex., or (2) points in Montana, or (3) Beverly, Mass., and points in Massachusetts within 20 miles thereof, or (4) points in Wyoming.

No. MC 110149 (Sub-No. E7), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90501. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in New Mexico, Colorado, Kansas, points in Texas on and west of a line beginning at the United States-Mexico International Boundary line extending along Texas Highway 118 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction Texas Highway 208, thence along Texas Highway 208 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Texas-Oklahoma Stateline, points in Oklahoma on, west and north of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 62 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Interstate Highway 44, thence along Interstate Highway 44 to the Oklahoma-Missouri State line, points in Missouri on and north of a line beginning at the Oklahoma-Missouri State line extending along Interstate Highway 44 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Missouri-Illinois State line, points in Illinois on and north of U.S. Highway 50, those points in Indiana on and east of U.S. Highway 41, points in Kenutcky on and east of U.S. Highway 41, points in Tennessee on and east of U.S. Highway 41, on the one hand, and, on the other, points in Florida (except points in Escambia and Santa Rosa Counties); (2) between points in Arkansas, Illinois, Indiana, Kentucky, Louisiana, Missouri, Oklahoma, Tennessee, and Texas, on the one hand, and, on the other, points in Florida east of the Apalachiocola River. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC 110149 (Sub-No. E8), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, Delaware, District of Columbia, Massachusetts, Maryland, Maine, North Carolina, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Virginia and West Virginia, on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate points in Georgia; or points in Georgia and Beverly, Mass., and points in Massachusetts within 20 miles thereof.

No. MC 110149 (Sub-No. E9), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, Ohio, points in Minnesota on and east of U.S. Highway 53, points in Indiana on and east of U.S. Highway 31, points in Kentucky on and east of U.S. Highway 31E, points in Tennessee on and east of U.S. Highway 231, on the one hand, and, on the other, points in Mississippi on and south of U.S. Highway 80. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC 110149 (Sub-No. E10), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, points in Montana on and west of a line beginning at the United States-Canada International Boundary extending along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Wyoming State line, points in Teton, Lincoln and Uintah Counties, Wyo., points in Moffatt, Rio Blanco, Garfield, Mesa, Delta, Montrose, Ouray, San Miguel, Dolores, San Juan, Montezuma, La Plata, Archuleta, Hinsdale, Mineral, Rio Grande, Alamosa, Conejos Counties, Colo., points in New Mexico on, south and west of a line beginning at the New Mexico-Colorado State line extending along New Mexico Highway 3 to junction U.S. Highway 84, thence along U.S. Highway 84 to the New Mexico-Texas State line, points in Texas on and south of U.S. Highway 84, and points in Louisiana on and south of U.S. Highway 84, on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate the gateways of (A) Hattiesburg, Miss., or (B) Hattiesburg, Miss., and points in Louisiana; or (C) Hattiesburg, Miss., and points in Louisiana and (1) points in Lea, Eddy, Chaves, Roosevelt, Curry and Quay Counties, N. Mex., or (2) points in Montana, or (3) points in Wyoming.

No. MC 110149 (Sub-No. E11), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common*

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carrier, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Colorado, Kansas, Montana, New Mexico, Nebraska, North Dakota, Oklahoma, South Dakota, Wyoming, Texas, points in Minnesota on and west of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 53 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Minnesota-Iowa State line, points in Iowa on and west of U.S. Highway 69, points in Missouri on and west of U.S. Highway 69, points in Louisiana on, west and south of a line beginning at the Louisiana-Arkansas State line extending along U.S. Highway 71 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Louisiana-Mississippi State line, on the one hand, and, on the other, points in Alabama, on and south of U.S. Highway 80. The purpose of this filing is to eliminate the gateways of (A) Hattiesburg, Miss., or (B) Hattiesburg, Miss., and points in Louisiana, or (C) Hattiesburg, Miss., and points in Louisiana, and points in Wyoming.

No. MC 110149 (Sub-No. E12), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, points in Colorado (except points in Sedgwick, Phillips, Yuma, Kit Carson, Cheyenne, and Kiowa Counties), points in Texas (except points in Lipscomb, Hemphill, Wheeler, and Collingsworth Counties), on the one hand, and, on the other, points in Mississippi; (2) between points in Colorado, Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, points in Minnesota on and west of Interstate Highway 35, on the one hand, and, on the other, points in Mississippi on and south of U.S. Highway 82; (3) between points in Iowa, Minnesota, Wisconsin, points in Missouri on, north and west of a line beginning at the Missouri-Iowa State line extending along U.S. Highway 136 to junction Missouri Highway 15, thence along Missouri Highway 15 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Missouri Highway 3, thence along Missouri Highway 3 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Missouri-Arkansas State line, and points in Arkansas on and west of a line beginning at the Missouri-Arkansas State line extending along U.S. Highway 167 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in Mississippi on and south of U.S. Highway 80. The purpose of this filing is to eliminate the gateway of (A) points in Louisiana, or (B) points in Louisiana and points in (1) Lea, Eddy, Chaves, Roosevelt, Curry and Quay Counties, N. Mex., or (2) Montana, or (3) Wyoming.

No. MC 110149 (Sub-No. E13), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission between points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, points in New York (except Chautauqua County), points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 62 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to the Pennsylvania-Ohio State line, points in Ohio on and south of a line beginning at the Pennsylvania-Ohio State line extending along Ohio Highway 39 to junction Ohio Highway 212, thence along Ohio Highway 212 to junction Ohio Highway 151, thence along Ohio Highway 151 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction Interstate Highway 71.

Thence along Interstate Highway 71 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Ohio-Indiana State line, points in Indiana on and south of U.S. Highway 460, points in Illinois in and south of White, Hamilton, Franklin, Perry, and Randolph Counties, points in Missouri on and south of a line beginning at the Illinois-Missouri State line extending along Missouri Highway 32 to junction Missouri Highway 17, thence along Missouri Highway 17 to junction Missouri Highway 38, thence along Missouri Highway 38 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Missouri-Kansas State line, and points in Oklahoma (except points west of U.S. Highway 54), on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateways of Lea, Eddy, Chaves, Roosevelt, Curry, and Quay Counties, N. Mex., or points in Lea, Eddy, Chaves, Roosevelt, Curry, and Quay Counties, N. Mex., and (1) Hattiesburg, Miss., or (2) points in Georgia, or (3) Beverly, Mass., points in Massachusetts within 20 miles thereof.

No. MC 110149 (Sub-No. E14), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, New York, Ohio, Oklahoma, Pennsylvania, points in Michigan (except points in Baraga, Gogebic, Houghton, Iron, Keweenaw, Ontonagon Counties), points in Illinois (except points in Bureau, Carroll, Henry, Jo Daviess, Lee, Mercer, Ogle, Rock Island, Stephenson, Whiteside, Winnebago Counties), points in Des Moines and Lee Counties, Iowa, points in Missouri on and southeast of a line beginning at the Missouri-Iowa State line extending along Missouri Highway 15 to junction Missouri Highway 11, thence along Missouri Highway 11 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Missouri Highway 10, thence along Missouri Highway 10 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Missouri Highway 92, thence along Missouri Highway 92 to the Missouri-Kansas State line, points in Kansas on and south of a line beginning at the Missouri-Kansas State line extending along Kansas Highway 92 to junction Kansas Highway 4, thence along Kansas Highway 4 to junction Kansas Highway 177, thence along Kansas Highway 177 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Kansas Highway 61, thence along Kansas Highway 61 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Beaver, Garfield, Iron, Kane, Piute, Sevier, Washington, and Wayne Counties, Utah. The purpose of this filing is to eliminate the gateway of points in Lea, Eddy, Chaves, Roosevelt, Curry, and Quay Counties, N. Mex.

No. MC 110149 (Sub-No. E15), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Arizona, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia; (2) between points in Arizona in, south, and east of Mohave County, on the one hand, and, on the other, points in Kansas and Minnesota; (3) between points in Arizona in, on, and south of a line beginning at the Arizona-California State line extending along Arizona Highway 95 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Arizona-New Mexico State line, on the one hand, and, on the other, points in Nebraska, North Dakota, and South Dakota; (4) between points in Arizona on and southeast of a line beginning at the United States-Mexico International Boundary line extending along U.S. Highway 89 to junction Arizona Highway 77, thence along Arizona Highway 77 to junction Arizona Highway 177, thence along Arizona Highway 177 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Arizona-New Mexico State line, on the one hand, and, on the other, points in Colorado on and east of a line beginning at the Colorado-New Mexico State line extending along Interstate Highway 25 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Colorado Highway 119, thence along Colorado Highway 119 to junction U.S. Highway 287.

Thence along U.S. Highway 287 to the Colorado-Wyoming State line, and points in Wyoming on and east of a line beginning at the Wyoming-Colorado State line extending along U.S. Highway 287 to junction Wyoming Highway 34, thence along Wyoming Highway 34 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Wyoming-Montana State line, and points in Montana on and east of a line beginning at the Montana-Wyoming State line extending along Interstate Highway 90 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction Montana Highway 204, thence along Montana Highway 204 to the United States-Canada International Boundary line; (5) between points in Arizona on and north of a line beginning at the Arizona-California State line extending along U.S. Highway 60 to the Arizona-New Mexico State line, on the one hand, and, on the other, points in Texas on and north of a line beginning at the Texas-New Mexico State line extending along U.S. Highway 70 to the Texas-Oklahoma State line; (6) between points in Arizona on and south of Interstate Highway 10, on the one hand, and, on the other, points in New Mexico on, north and east of a line beginning at the Colorado-New Mexico State line extending along Interstate Highway 25 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Interstate Highway 40, thence along Interstate Highway 40 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateways of (A) points in Lea, Eddy, Chaves, Roosevelt, Curry, and Quay Counties, N. Mex., or (B) points in Lea, Eddy, Chaves, Roosevelt, Curry, and Quay Counties, N. Mex., and (1) Hattiesburg, Miss., or (2) points in Georgia, or (3) Beverly, Mass., and points in Massachusetts within 20 miles thereof, or (4) points in Louisiana, or (5) points in Wyoming.

No. MC 110149 (Sub-No. E16), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission (1) between points in California, on the one hand, and, on the other, Trinidad, Colo., points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, points in Illinois on and southeast of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 34 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Illinois-Wisconsin State line, Indiana, Kansas on and south of a line beginning at the Kansas-Colorado State line extending along Kansas Highway 96 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line, points in Kentucky, Louisiana, Maine, Maryland, Massachusetts, the Lower Peninsula of Michigan on, west, and south of a line beginning at Lake Michigan extending along Michigan Highway 72 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 32, thence along Michigan Highway 32 to Lake Huron, Mississippi, Missouri on, south and east of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 36 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Missouri-Iowa State line, points in New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, points in Texas on and east of a line beginning at the Texas-New Mexico State line extending along U.S. Highway 84 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Texas Highway 16, thence along Texas Highway 16 to junction Texas Highway 649, thence along Texas Highway 649 to the United States-Mexico International Boundary line, points in Virginia, West Virginia, points in Wisconsin on, south, and east of a line beginning at the Wisconsin-Illinois State line extending along U.S. Highway 51 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction Wisconsin Highway 109, thence along Wisconsin Highway 109 to junction Wisconsin Highway 167.

Thence along Wisconsin Highway 167 to Lake Michigan, and points in the District of Columbia; (2) between points in California in and south of Inyo, Fresno, San Benito and Monterey Counties, on the one hand, and, on the other, points in Colorado on, south, and east of a line beginning at the Colorado-New Mexico State line extending along Interstate Highway 25 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Colorado-Kansas State line, points in Illinois, Iowa (except points in Lyon County), Kansas, Michigan, Minnesota on and east of a line beginning at the Minnesota-Iowa State line extending along Minnesota Highway 60 to the junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 72, thence along Minnesota Highway 72 to the United States-Canada International Boundary line, Missouri, Nebraska on, south, and east of a line beginning at the Nebraska-Kansas State line extending along Nebraska Highway 61 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota State line, and points in Wisconsin; (3) between points in California on, south, and west of a line beginning at the California-Arizona State line extending along Interstate Highway 40 to Barstow.

Thence along California Highway 58 to junction California Highway 99, thence along California Highway 99 to junction California Highway 140, thence along California Highway 140 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 152, thence along California Highway 152 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 17, thence along California Highway 17 to the Pacific Ocean, on the one hand, and, on the other, points in Colorado on, south, and west of a line beginning at the Colorado-New Mexico State line extending along Interstate Highway 25 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Colorado-Kansas State line; (4) between points in Imperial and San Diego Counties, Calif., on the one hand, and, on the other, points in Colorado on and east of a line beginning at the Colorado-New Mexico State line extending along Interstate Highway 25 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Colorado Highway 1, thence along Colorado Highway 1 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-Wyoming State line, points in Nebraska, Minnesota, South Dakota on, south, and east of a line beginning at the South Dakota-Wyoming State line extending along U.S. Highway 18 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction South Dakota Highway 73, thence along South Dakota Highway 73 to the South Dakota-North Dakota State line, and points in North Dakota on and east of a line beginning at the North Dakota-

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South Dakota State line extending along U.S. Highway 12 to junction North Dakota Highway 22, thence along North Dakota Highway 22 to junction North Dakota Highway 23, thence along North Dakota Highway 23 to junction U.S. Highway 83, thence along U.S. Highway 83 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateways of (A) points in Quay County, N. Mex., or (B) points in Lea, Eddy, Chaves, Roosevelt, Curry, and Quay Counties, N. Mex., and (1) Hattiesburg, Miss., or (2) points in Georgia, or (3) Beverly, Mass., and points in Massachusetts within 20 miles thereof.

No. MC 110149 (Sub-No. E17), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Nevada, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, points in Illinois on and south of a line beginning at the Illinois-Missouri State line extending along Illinois Highway 140 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 48, thence along Illinois Highway 48 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Indiana State line, points in Indiana on and south of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 36 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 47, thence along Indiana Highway 47 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Indiana-Ohio State line, points in Kansas on and south of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 56 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Kansas-Missouri State line, points in Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, points in Missouri on and south of a line beginning at the Missouri-Kansas State line extending along Interstate Highway 70 to junction Missouri Highway 140.

Thence along Missouri Highway 140 to the Missouri-Illinois State line, points in New Hampshire, New Jersey, New York, North Carolina, points in Ohio on, south, and east of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 224 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction Ohio Highway 4, thence along Ohio Highway 4 to Lake Erie, points in Oklahoma, Pennsylvania, Erie, points in Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, points in Texas on and east of a line beginning at the Texas-New Mexico State line extending along U.S. Highway 285 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Texas Highway 170, thence along Texas Highway 170 to the United States-Mexico International Boundary line, points in Virginia, West Virginia, and points in the District of Columbia; (2) between points in Nevada on and southwest of a line beginning at the Nevada-California State line extending along Interstate Highway 80 to junction U.S. Alternate Highway 95, thence along U.S. Alternate Highway 95 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Nevada Highway 25, thence along Nevada Highway 25 to the Nevada-Utah State line, on the one hand, and, on the other, points in Illinois, Indiana, Iowa on and southeast of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 169 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Iowa Highway 137, thence along Iowa Highway 137 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 150, thence along Iowa Highway 150 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 76, thence along Iowa Highway 76 to junction Iowa Highway 9.

Thence along Iowa Highway 9 to the Mississippi River, points in Kansas on, south, and east of a line beginning at the Kansas-Colorado State line extending along Kansas Highway 96 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Nebraska State line, points in Michigan on, south, and east of a line beginning at the Michigan-Wisconsin State line extending along U.S. Highway 2 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Michigan Highway 67, thence along Michigan Highway 67 to junction Michigan Highway 94, thence along Michigan Highway 94 to Lake Superior, points in Missouri (except points in Atchison, Holt, and Nodaway Counties), points in Ohio and those in Wisconsin on and south of a line beginning at the Wisconsin-Iowa State line extending along Wisconsin Highway 82 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Wisconsin Highway 58, thence along Wisconsin Highway 58 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction Wisconsin Highway 49, thence along Wisconsin Highway 49 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction U.S. Highway 141, thence along U.S. Highway 141 to the Wisconsin-Michigan State line; (3) between points in Clark County, Nev., on the one hand, and, on the other, points in Iowa (except points in Lyon County), points in Kansas on and south of a line beginning at the Kansas-Colorado State line extending along Kansas Highway 96 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 283.

Thence along U.S. Highway 283 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line, points in Michigan, those in Minnesota on, south, and east of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 59 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 28, thence along Minnesota Highway 28 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction Minnesota Highway 200, thence along Minnesota Highway 200 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line, points in Missouri, those in Nebraska on and south of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 81 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Iowa State line, and points in Wisconsin; (4) between Las Vegas, Nev., on the one hand, and, on the other, points in Colorado on and east of a line beginning at the Colorado-New Mexico State line extending along Interstate Highway 25 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Colorado Highway 71, thence along Colorado Highway 71 to junction Colorado Highway 96, thence along Colorado Highway 96 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 34.

Thence along U.S. Highway 34 to the Colorado-Nebraska State line, points in Iowa, Kansas, Minnesota, points in Nebraska on and east of a line beginning at the Nebraska-Colorado State line extending along U.S. Highway 34 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-South Dakota State line, points in New Mexico on and east of a line beginning at the New Mexico-Colorado State line extending along Interstate Highway 25 to junction U.S. Highway 84, thence along U.S. Highway 84 to the New Mexico-Texas State line, points in North Dakota on and east of a line commencing at the North Dakota-South Dakota State line extending along North Dakota Highway 3 to junction North Dakota Highway 11, thence along North Dakota Highway 11 to junction U.S. Highway 281, thence along U.S. Highway 281 to the United States-Canada International Boundary line, and points in South Dakota on and east of a line beginning at the South Dakota-Nebraska State line extending along Kansas Highway 83 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction South Dakota Highway 45, thence along South Dakota Highway 45 to the South Dakota-North Dakota State line. The purpose of this filing is to eliminate the gateway of (A) points in Quay County, N. Mex., or (B) points in Lea, Eddy, Chaves, Roosevelt, Curry, and Quay Counties, N. Mex., and (1) Hattiesburg, Miss., or (2) points in Georgia, or (3) Beverly, Mass., and points in Massachusetts within 20 miles thereof, or (4) points in Louisiana.

No. MC 110149 (Sub-No. E18), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, the District of Columbia, that part of Colorado on and east of Interstate Highway 25, points in Texas (except points in El Paso, Hudspeth, Culberson, Loving, Winkler, Ward, Crane, Reeves, Pecos, Terrell, Brewster, and Presido Counties), points in Laramie, Platte, Goshen, Niobrara, Campbell, Weston, and Crook Counties, Wyoming, on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate the gateway of points in Montana or points in Montana and points in North Dakota, South Dakota, or Minnesota.

No. MC 110149 (Sub-No. E19), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, points in Nebraska (except points in Scottsbluff, Banner, Kimbell, Morrill, Cheyenne, Deuel, Garden, Arthur, McPherson, Logan, Keith, Lincoln, Perkins, Chase, Hayes, Frontier, Red Willow, Hitchcock, and Dundy Counties), points in that part of Kansas in and east of Phillips, Rooks, Ellis, Rush, Pawnee, Stafford, Pratt, and Barber Counties, Kans., points in that part of Oklahoma on and east of a line beginning at the Oklahoma-Kansas State line extending along U.S. Highway 281 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Oklahoma-Texas State line, points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 77 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Gulf of Mexico, on the one hand, and, on the other, points in Oregon. The purpose of this filing is to eliminate the gateway of points in Montana in and west of Blaine, Fergus, Golden Valley, Stillwater, and Carbon Counties, or points in the involved Montana Counties and points in North Dakota, South Dakota or Minnesota.

No. MC 110149 (Sub-No. E20) filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, Delaware, the District of Columbia, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Rhode Island, points in that part of Virginia on and north of a line beginning at the Virginia-North Carolina State line extending along U.S. Highway 17 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Virginia-West Virginia State line, points in that part of West Virginia on and northeast of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 60 to junction US Highway 19, thence along US Highway 19 to junction US Highway 250, thence along US Highway 250 to the West Virginia-Ohio State line, points in that part of Ohio on and north of a line beginning at the West Virginia-Ohio State line extending along US Highway 250 to junction US Highway 36, thence along US Highway 36 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 95, thence along Ohio Highway 95 to junction US Highway 30S, thence along US Highway 30S to junction US Highway 30, thence along US Highway 30 to the Ohio-Indiana State line, points in Wisconsin (except points in Grant, Iowa, and Lafayette Counties), points in Iowa on and north of US Highway 18, and points in South Dakota on and north of Interstate Highway 90, on the one hand, and on the other, points in Utah on and west of a line beginning at the Utah-Wyoming State line extending along US Highway 189 to junction US Highway 91, thence along US Highway 91 to the Utah-Arizona State line. The purpose of this filing is to eliminate the gateway of points in that part of Montana in and west of Blaine, Fergus, Golden Valley, Stillwater, and Carbon Counties, or points in the involved Montana Counties and points in North Dakota, South Dakota or Minnesota.

No. MC 110149 (Sub-No. E21), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, points in that part of Nebraska on and northeast of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 83 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa State line, on the one hand, and, on the other, points in Idaho on and northwest of a line beginning at the Idaho-Wyoming State line and extending along U.S. Highway 20 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Nevada State line. The purpose of this filing is to eliminate the gateways of points in that part of Montana in and west of Blaine, Fergus, Golden Valley, Stillwater, and Carbon Counties, or points in the involved Montana Counties and points in North Dakota, South Dakota, or Minnesota.

No. MC 110149 (Sub-No. E22) filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, Missouri, and points in Shelby County, Tenn., on the one hand, and, on the other, points in Mobile and Baldwin Counties, Ala. The purpose of this filing is to eliminate the gateway of Hattiesburg, Miss.

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No. MC 110149 (Sub-No. E23), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, Iowa, Michigan, Minnesota, Wisconsin, points in that part of Illinois on, north and east of a line beginning at the Illinois-Iowa State line and U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 130, thence along Illinois Highway 130 to the Illinois-Indiana State line, points in that part of Kentucky on and east of U.S. Highway 231, points in that part of Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and U.S. Highway 231, thence along U.S. Highway 231 to junction Tennessee Highway 26, thence along Tennessee Highway 26 to junction Tennessee Highway 53, thence along Tennessee Highway 53 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Tennessee-Georgia State line, on the one hand, and, on the other, points in that part of Alabama on and southeast of a line beginning at the Alabama-Georgia State line and Interstate Highway 59, thence along Interstate Highway 59 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC 110149 (Sub.-No. E24), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Indiana on and north of a line beginning at the Indiana-Ohio State line extending along Indiana Highway 67 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Indiana-Illinois State line, points in that part of Illinois on and north of Interstate Highway 70, points in that part of Missouri on, north and west of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 66 to junction Missouri Highway 19, thence along Missouri Highway 19 to the Missouri-Arkansas State line, points in that part of Arkansas on and west of a line beginning at the Missouri-Arkansas State line extending along U.S. Highway 63 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in Mississippi on and south of U.S. Highway 84. The purpose of this filing is to eliminate the gateway of points in Louisiana.

No. MC 110149 (Sub-No. E25) filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission (1) between points in Indiana, on the one hand, and, on the other, points in Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone and Wayne Counties, Miss.; (2) between points in Kentucky on and east of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction U.S. Alternate Highway 41, thence along U.S. Alternate Highway 41 to the Kentucky-Tennessee State line, points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Alternate Highway 41 to junction U.S. Highway 64, thence along U.S. Highway 64 to the junction Tennessee Highway 56, thence along Tennessee Highway 56 to the Tennessee-Alabama State line, on the one hand, and, on the other, points in Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl River, Perry, and Stone Counties, Miss. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC 110149 (Sub-No. E26), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Indiana on and north of a line beginning at the Indiana-Ohio State line extending along Indiana Highway 67 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Indiana-Illinois State line, points in that part of Illinois on and north of Interstate Highway 70, points in that part of Missouri on, north and west of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 66 to junction Missouri Highway 19, thence along Missouri Highway 19 to the Missouri-Arkansas State line, points in that part of Arkansas on and west of a line beginning at the Missouri-Arkansas State line extending along U.S. Highway 63 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in Mississippi on and south of U.S. Highway 84. The purpose of this filing is to eliminate the gateway of points in Louisiana.

No. MC 110149 (Sub-No. E27), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in that part of Wyoming on and east of a line beginning at the Colorado-Wyoming State line extending along U.S. Highway 87 to junction Wyoming Highway 59, thence along Wyoming Highway 59 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Wyoming-Montana State line, on the one hand, and, on the other, points in Idaho in and north of Idaho County. The purpose of this filing is to eliminate the gateway of points in that part of Montana in and west of Blaine, Fergus, Golden Valley, Stillwater and Carbon Counties, and points in South Dakota.

No. MC 110149 (Sub-No. E28), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) between points in Minnesota, North Dakota, that part of Michigan on and north of Michigan Highway 72, that part of Wisconsin on and north of a line beginning at Lake Michigan extending along Wisconsin Highway 60 to the Wisconsin-Iowa State line, and that part of South Dakota on and north of Interstate Highway 90, on the one hand, and, on the other, points in California; (2) between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Dakota, West Virginia, Wisconsin, the District of Columbia, that part of Virginia on and east of U.S. Highway 52, that part of Indiana on and north of Interstate Highway 74, that part of Illinois on and north of U.S. Highway 136, that part of Iowa on and north of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 63 to junction Iowa Highway 163, thence along Iowa Highway 163 to junction Interstate Highway 235, thence along Interstate Highway 235 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction Iowa Highway 175, thence along Iowa Highway 175 to the Nebraska-Iowa State line, that part of Nebraska on and north of a line beginning at the Nebraska-Iowa State line extending along Nebraska Highway 51 to junction U.S. Highway 275.

Thence along U.S. Highway 275 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Nebraska-Wyoming State line, on the one hand, and, on the other, points in California in and north of Mono, Fresno and Monterey Counties; (3) between points in Illinois, Indiana, Iowa, that part of Nebraska on, north and east of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 281 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Wyoming State line, on the one hand, and, on the other, points in that part of California on and west of a line beginning at the Oregon-California State line extending along Interstate Highway 5 to junction Interstate Highway 505, thence along Interstate Highway 505 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 680, thence along Interstate Highway 680 to junction California Highway 17, thence along California Highway 17 to junction California Highway 9, thence along California Highway 9 to junction California Highway 236, thence along California Highway 236 to the Pacific Ocean. The purpose of this filing is to eliminate the gateway of points in that part of Montana in and west of Blaine, Fergus, Golden Valley, Stillwater, and Carbon Counties, or points in the involved Montana Counties, and points in Minnesota, North Dakota or South Dakota.

No. MC 110149 (Sub-No. E29) filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in California on, north and west of a line beginning at the California-Oregon State line extending along U.S. Highway 97 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 299, thence along California Highway 299 to junction U.S. Highway 101, thence along U.S. Highway 101 to Eureka and the Pacific Ocean, on the one hand, and, on the other, points in Colax, Union, Hardin, Mora, San Miguel, Santa Fe, Guadalupe, Torrance, and Bernalillo Counties, N. Mex. The purpose of this filing is to eliminate the gateway of points in Lea, Eddy, Chaves, Roosevelt, Curry and Quay Counties, N. Mex.

No. MC 110149 (Sub-No. E30), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Texas on, south and west of a line beginning at the Texas-New Mexico State line extending along U.S. Highway 180 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Gulf of Mexico (except points in El Paso and Hudspeth Counties), on the one hand, and, on the other, points in Arizona, California, Nevada and Utah. The purpose of this filing is to eliminate the gateway of points in Eddy County, N. Mex.

No. MC 110149 (Sub-No. E31), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of California in and north of Mono, Fresno, and Monterey Counties, points in Nevada (except points in Clark, Lincoln, Nye and Esmeralda Counties), points in that part of Utah in and north of Millard, Seviet and Carbon Counties, on the one hand, and, on the other, points in Dona Ana and Otero Counties, N. Mex. The purpose of this filing is to eliminate the gateway of points in Lea, Eddy, Chaves, Roosevelt, Curry and Quay Counties, N. Mex.

No. MC 110149 (Sub-No. E32) filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in California on, north and west of a line beginning at the California-Oregon State line extending along U.S. Highway 97 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 299, thence along California Highway 299 to junction U.S. Highway 101, thence along U.S. Highway 101 to Eureka and the Pacific Ocean, on the one hand, and, on the other, points in Colax, Union, Hardin, Mora, San Miguel, Santa Fe, Guadalupe, Torrance, and Bernalillo Counties, N. Mex. The purpose of this filing is to eliminate the gateway of points in Lea, Eddy, Chaves, Roosevelt, Curry and Quay Counties, N. Mex.

No. MC 110149 (Sub-No. E33), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison NY 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in El Paso and Hudspeth Counties, Tex., on the one hand, and, on the other, points in California (except points in Imperial, Inyo, Riverside, San Bernardino and San Diego Counties), points in Nevada on and north of a line beginning at the Nevada-California State line extending along U.S. Highway 6 to junction Nevada Highway 25, thence along Nevada Highway 25 to the Nevada-Utah State line, and points in Utah on and north of a line beginning at the Utah-Nevada State line extending along Utah Highway 56 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction Utah Highway 20, thence along Utah Highway 20 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Utah-Colorado State line. The purpose of this filing is to eliminate the gateway of points in Chaves County, N. Mex.

No. MC 110149 (Sub-No. E34), filed May 30, 1974. Applicant: PAN AMERICAN VAN LINES, INC., P.O. Box 923, Long Beach, Calif. 90801. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Kansas, Nebraska, Oklahoma, South Dakota, and that part of Colorado on and east of U.S. Highway 85, that part of Texas on and east of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 87 to junction U.S. Highway 277, thence along U.S. Highway 277 to the United States-Mexico International Boundary, on the one hand, and, on the other, points in Idaho in and north of Idaho County. The purpose of this filing is to eliminate the gateway of points in that part of Montana in and west of Blaine, Fergus, Golden Valley, Stillwater, and Carbon Counties, or points in the involved Montana Counties and points in North Dakota, South Dakota or Minnesota.

No. MC 112595 (Sub-No. E25) filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio 45638. Applicant's representative: Walter S. Dall, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases and natural gasoline*, in bulk, in tank vehicles, from points in Ohio in the area north and west of a line beginning at the Ohio-West Virginia State line at Bridgeport, Ohio and extending along U.S. Highway 40 to Cambridge, Ohio, thence along U.S. Highway 77 to its junction with Ohio Highway 78, thence along Ohio Highway 78 to its junction with Ohio Highway 13 (near Glouster, Ohio), thence along Ohio Highway 13 to Athens, Ohio, thence along U.S. Highway 33 to the Ohio-West Virginia State line (near Pomeroy, Ohio), and east of a line extending north and west from the Ohio-Indiana State line along Ohio Highway 73 to Hillsboro, Ohio, thence along Ohio Highway 72 to Springfield, Ohio, thence along U.S. Highway 68 to its junction with U.S. Highway 33 (near Bellefontaine, Ohio), thence along U.S. Highway 33 to the Ohio-Indiana State line (near Wilshire, Ohio), to points in Tennessee on and east of U.S. Highway 27. The purpose of this filing is to eliminate the gateways of Ashland, Ky., and the site of the plant of the Columbia Hydrocarbon Corporation at or near Silsoa, Ky.

No. MC 112595 (Sub-No. E126) filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio 45638. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, which is a liquid petroleum product, in bulk, in

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tank vehicles, from points in Kentucky on, east and south of a line beginning at the Ohio-Kentucky State line at Wurtland, Ky., and extending along Kentucky Highway 1 to Grayson, Ky., thence along Kentucky Highway 7 to West Liberty, Ky., thence along U.S. Highway 460 to Mariba, Ky., thence along Kentucky Highway 77 to Kentucky Highway 715, thence along Kentucky Highway 715 to Torrent, Ky., thence along Kentucky Highway 11 to Gausdale, Ky., thence along Kentucky Highway 92 to Williamsburg, Ky., thence along U.S. Highway 25W to the Tennessee-Kentucky State line near Jellico, Tenn., to points in Michigan. The purpose of this filing is to eliminate the gateways of Van Wert, Ohio and Ashland, Ky.

No. MC 112595 (Sub-No. E127) filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio 45638. Applicant's representative: Walter S. Dail, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, which is a liquid petroleum product, in bulk, in tank vehicles, from points in Kentucky east of U.S. Highway 31W and west of a line beginning at the Kentucky-Tennessee State line to its junction with U.S. Highway 25W near Jellico, Tenn., thence along U.S. Highway 25W to Corbin, Ky., thence along U.S. Highway 25 to Lexington, Ky., thence along U.S. Highway 27 to Cynthiana, Ky., thence along Kentucky Highway 19 to the Ohio-Kentucky State line at Augusta, Ky., to points in Michigan on, east and north of a line beginning at Holland, Mich., and extending along Michigan Highway 40 to Allegan, Mich., thence along Michigan Highway 89 to junction U.S. Highway 131, thence along U.S. Highway 131 to the Indiana-Michigan State line. The purpose of this filing is to eliminate the gateway of Van Wert, Ohio.

No. MC 112595 (Sub-No. E130) filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio 45638. Applicant's representative: Walter D. Dail, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, which is a liquid petroleum product, in bulk, in tank vehicles, from points in West Virginia in the area bounded on the north by a line extending east from the Ohio-West Virginia State line at Wheeling, W. Va., thence along U.S. Highway 40 to the Ohio-Pennsylvania State line, and on the south by a line extending west from the West Virginia-Maryland State line along U.S. Highway 219 to Elkins, W. Va., thence along U.S. Highway 33 to the Ohio-West Virginia State line at Mason, W. Va., to points in Indiana on and west of a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 31 to South Bend, Ind., thence along Indiana Highway 23 to Grovertown, Ind., thence along U.S. Highway 30 to Wanatah, Ind., thence along U.S. Highway 421 to Reynolds, Ind., thence along U.S. Highway 24 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateways of Marietta, Ohio and Van Wert, Ohio.

No. MC 112595 (Sub-No. E131), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio 45638. Applicant's representative: Walter S. Dail, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, which is a liquid petroleum product, in bulk, in tank vehicles, from points in West Virginia on and south of a line beginning at the Ohio-West Virginia State line at New Martinsville, W. Va., and extending along West Virginia Highway 7 to the West Virginia-Maryland State line and on, north and west of a line beginning at the Maryland-West Virginia State line near Breedlove, W. Va., and extending along U.S. Highway 219 to Marlinton, W. Va., thence along West Virginia Highway 39 to Gauley Bridge, W. Va., thence along U.S. Highway 60 to Charleston, W. Va., thence along U.S. Highway 35 to the West Virginia-Ohio State line at Henderson, W. Va., to points in Indiana on and north of a line beginning at the Ohio-Indiana State line near Ft. Recovery, Ohio and extending along Indiana Highway 26 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateways of Van Wert, Ohio and Marietta, Ohio.

No. MC 112595 (Sub-No. E138), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio 45638. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum asphalt*, in bulk, in tank vehicles, from points in Kentucky on and east of U.S. Highway 31W and south of U.S. Highway 60, to points in West Virginia north of a line beginning at the Ohio-West Virginia State line at Parkersburg, W. Va., and extending along U.S. Highway 50 to Grafton, W. Va., thence along U.S. Highway 250 to Elkins, W. Va., thence along U.S. Highway 33 to the West Virginia-Virginia State line east of Brandywine, W. Va. The purpose of this filing is to eliminate the gateways of Ironton, Ohio, or Marietta, Ohio, and points in Ohio within 10 miles thereof, and Leach or Catlettsburg, Ky.

No. MC 112595 (Sub-No. E139) filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio 45638. Applicant's representative: Walter S. Dail, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, and *liquid petroleum* (except petro-chemicals), in bulk, in tank vehicles, (a) from points in Kentucky in the area bounded on the west by a line beginning at the Ohio-Indiana State line near Louisville, Ky., and extending along U.S. Highway 31W to the Kentucky-Tennessee State line, thence along the Kentucky-Tennessee State line to the Kentucky-Virginia State line, thence along the Kentucky-Virginia State line to the Kentucky-West Virginia State line, thence along the Kentucky-West Virginia State line to the Kentucky-Ohio State line, thence along the Kentucky-Ohio State line to Vanceburg, Ky., thence along Kentucky Highway 59 to Olive Hill, Ky., thence along U.S. Highway 60 to Mt. Sterling, Ky., thence along U.S. Highway 460 to Louisville, Ky., to points in Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania; and (b) from points in Kentucky on and west of a line beginning at the Kentucky-Ohio State line at Mentor, Ky., and extending along Kentucky Highway 10 to junction Kentucky Highway 159, thence along Kentucky Highway 159 to Falmouth, Ky., thence along U.S. Highway 27 to Lexington, Ky., thence along U.S. Highway 60 to Elizabethtown, Ky., thence along U.S. Highway 31W to the Ohio-Indiana State line at Louisville, Ky., to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateways of (a) Ironton, Ohio and Congo, W. Va., and (b) Congo, W. Va., and Hamilton County, Ohio.

No. MC 112595 (Sub-No. E143), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio 45638. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products* (except petro-chemicals), in bulk, in tank vehicles, (a) from points in Ohio on, west and south of a line beginning at the Ohio-Indiana State line at Union City, Ohio and extending along Ohio Highway 571 to Greenville, Ohio, thence along U.S. Highway 36 to Marysville, Ohio, thence along Ohio Highway 38 to Washington Court House, Ohio, thence along U.S. Highway 35 to Jackson, Ohio, thence along Ohio Highway 93 to Ironton, Ohio, thence along U.S. Highway 52 to the Kentucky-Ohio State line at Coal Grove, Ohio, to points in Connecticut, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, and those points in New York and Pennsylvania on and east of a line beginning at the United States-Canadian Boundary near Wellesley, N.Y., and extending along U.S. Highway 81 to Wilkes Barre, Pa., thence along the Pennsylvania Turnpike extension to Plymouth Meeting, Pa., thence along U.S. Highway 422 to the Pennsylvania-New Jersey State line at Philadelphia, Pa., and (b) from points in Ohio on, west and south of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to Columbus, Ohio, thence along U.S. Highway 62 to the Ohio-Kentucky State line at Ripley, Ohio, to points in New York and Pennsylvania on and east of a line beginning at Lake Ontario near Pulaski, N.Y., and extending along New York Highway 13 to Elmira, N.Y., thence along New York Highway 17 to Waverly, N.Y., thence along U.S. Highway 220 to Dushore, Pa., thence along Pennsylvania Highway 487 to Red Rock, Pa., thence along Pennsylvania Highway 118 to Dallas, Pa., thence along Pennsylvania Highway 309 to Wilkes Barre, Pa., thence along the Pennsylvania Turnpike Extension to Pilgrim Meeting, Pa., thence along U.S. Highway 422 to the Pennsylvania-New Jersey State line at Philadelphia, Pa. The purpose of this filing is to eliminate the gateways of Marietta, Ohio and Congo, W. Va.

No. MC 112595 (Sub-No. E144), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio 45638. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products* (except petrochemicals) in bulk, in tank vehicles, (a) from points in Ohio on and south of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to Summerford, Ohio, thence along Ohio Highway 56 to Athens, Ohio, thence along U.S. Highway 50 to the Ohio-West Virginia State line at Belpre, Ohio, to points in Delaware, and (b) from points in Ohio on and south of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to Delphos, Ohio, thence along U.S. Highway 30S to Lima, Ohio, thence along Ohio Highway 117 to Huntsville, Ohio, thence along U.S. Highway 33 to the Ohio-West Virginia State line at Pomeroy, Ohio, to points in Delaware on and south of Delaware Highway 6. The purpose of this filing is to eliminate the gateways of Marietta, Ohio and Congo, W. Va.

No. MC 112595 (Sub-No. E163), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio 45638. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum asphalt*, in bulk, in tank vehicles, from points in Ohio, within an area bounded by a line beginning at the Ohio-Michigan State line north of Toledo, Ohio and extending south along U.S. Highway 23 to Delaware, Ohio, thence along U.S. Highway 36 to Coshocton, Ohio, thence along Ohio Highway 83 to Wooster, Ohio, thence along U.S. Highway 42 to Cleveland, Ohio, to points in West Virginia on and south of a line beginning at the Ohio-West Virginia State line at New Martinsville W. Va., and extending along West Virginia Highway 20 to Clarksburg, W. Va., thence along U.S. Highway 50 to the Virginia-West Virginia State line east of Capon Bridge, W. Va., and east of a line beginning at Bluefield, W. Va., and extending along U.S. Highway 21 to the West Virginia-Ohio State line at Parkersburg, W. Va. The purpose of this filing is to eliminate the gateway of Marietta, Ohio.

No. MC 113459 (Sub-No. E114), filed May 14, 1975. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, except in connection with main or trunk pipelines, and *machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, except in connection with main or trunk pipelines, between points in Nebraska, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateways of points in Nebraska, west of U.S. Highway 83 or Colorado, east of U.S. Highway 87 and points in Wyoming on and east of a line beginning at the Colorado-Wyoming State line, and extending along U.S. Highway 287 through Laramie, Wyo., to Bosler, Wyo., thence along Wyoming Highway 34 to junction U.S. Highway 87, about 7 miles south of Wheatland, Wyo., thence along U.S. Highway 87 through Wheatland and Orin, Wyo., to Douglas, Wyo., thence along Wyoming Highway 59 through Bill and Verse, Wyo., to Gillette, Wyo., and thence along U.S. Highway 14 through Moorecroft, Sundance and Beulah, Wyo., to the Wyoming-South Dakota State line, and Casper, Wyo.

No. MC 113855 (Sub E143), filed May 31, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, SE., Rochester, Minnesota 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: I. (1) *hay balers*, (2) *irrigation sprinklers* and *winches* designed for use with irrigation sprinklers, (3) *stump-cutting, cable-laying, trench-digging, trench-backfilling* and *tree-moving equipment*, (4) *parts* for the commodities in (1), (2), and (3) and *attachments* for the commodities in (2) and (3), when moving in connection therewith, (5) trailers designed to transport commodities in (2) and (3), restricted in (1), (2), (3), and (5) above to the transportation of commodities which because of size or weight require the use of special equipment, and (6) *Self-propelled hay balers and stump-cutting, cable-laying, trench-digging, trench-backfilling and tree-moving equipment*, each weighing 15,000 pounds or more, and related parts and supplies moving in connection therewith, (A) from points in Montana to points in Arkansas, Louisiana, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, Vermont, New Hampshire, and Maine. (B) from points in Wyoming on and north of U.S. Highway 20 to points in Arkansas and points in Louisiana on and east of a line beginning at the Louisiana-Arkansas State line and extending along U.S. Highway 167 to junction Lafayette-Acadia County line, to junction Iberia-Vermillion County line to the Gulf of Mexico. (C) from points in Wyoming on and north of U.S. Highway 16, to points in Louisiana. (D) from points in Wyoming to points in Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, Vermont, New Hampshire, and Maine. (points in South Dakota east of the Missouri River or on and east of South Dakota Highway 73 (except Madison and points within 25 miles thereof) and Pella, Iowa)* II. (1) *hay balers and parts*, and (2) *stump-cutting, cable-laying, trench-digging, trench-backfilling, and tree-moving equipment* and *parts and attachments* therefor, restricted to transportation in foreign commerce, from the port of entry on the United States-Canada International Boundary line at Portal, N. D. (Pella, Iowa)* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub E170), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *street sweeping machines* (except those which because of size or weight require the use of special equipment), in flat bed trailers, (1) from points in Arizona to points in Maine, Vermont, New Hampshire, New York, Massachusetts, Connecticut, Rhode Island, Delaware, Michigan, Pennsylvania, Wisconsin, District of Columbia, and those points in Ohio and Indiana on and north of U.S. Highway 30. (2) from points in Arizona in and west of Coconino, Yavapai, Maricopa and Yuma counties, to points in Ohio south of U.S. Highway 30 (except in and south of Preble, Montgomery, Greene, Clinton, Highland, Pike, Scioto and Lawrence counties), points in Virginia on, north and east of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 60 to junction U.S. Highway 301, to junction U.S. Highway 460, to junction Virginia Highway 32, to the Virginia-North Carolina State line, and points in West Virginia, on and north of U.S. Highway 33. (3) from points in Maine, Vermont, New Hampshire, New York, Massachusetts, Connecticut, Rhode Island, Delaware, Michigan (except Battle Creek and Benton Harbor), and points in Indiana on and north of U.S. Highway 30 (ex-

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cept Hammond, Whiting, Gary, and East Chicago), to points in Arizona. (4) from points in Virigninia on, north and east of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 60 to junction U.S. Highway 301, to junction U.S. Highway 460 to junction Virginia Highway 32 to the Virginia-North Carolina State line, to points in Arizona in and west of Coconino, Yavapai, Maricopa and Yuma c_unties. (Minneapolis, Minn.)*

(B) *Road construction machinery and equipment*, as defined by the Commission, and *lift trucks*, (except commodities which because of size or weight require the use of special equipment), in flat bed trailers, (1) from points in Arizona to points in Maine, Vermont, New Hampshire, New York, Massachusetts, Connecticut, Rhode Island, Delaware, Michigan, and points in Indiana on and north of U.S. Highway 30. (2) from points in Arizona in and west of Coconino, Yavapai, Maricopa and Yuma counties, points in Virginia, on, north and east of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 60 to junction U.S. Highway 301, to junction U.S. Highway 460, to junction Virginia Highway 32, to the Virginia-North Carolina State line. (3) from points in Maine, Vermont, New Hampshire, New York, Massachusetts, Connecticut, Rhode Island, Delaware, Michigan (except Battle Creek and Benton Harbor), and points in Indiana on and north of U.S. Highway 30 (except Hammond, Whiting, East Chicago and Gary), to points in Arizona. (4) from points in Virginia, on, north and east of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 60 to junction U.S. Highway 301, to junction U.S. Highway 460, to junction Virginia Highway 32, to the Virginia-North Carolina State line, to points in Arizona in and west of Coconino, Yavapai, Maricopa and Yuma Counties. (Minneapolis-St. Paul, Minn., or points within 15 miles thereof)* (c) *road construction machinery and equipment*, as defined by the Commission, and *lift trucks*, in flat bed trailers, which require the use of special equipment, restricted so that, or provide that, the loading and/or unloading, which necessitates the special equipment, is performed by the consignor or consignee, or both, from points in Arizona to points in Wisconsin and points in Illinois on and north of U.S. Highway 6. (Minneapolis-St. Paul, Minn., or points within 15 miles thereof.)* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub E173), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 520 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *road construction machinery and equipment*, as defined by the Commission and *lift trucks*, in flat bed trailers only, which require special equipment, restricted so that, or provided that, the loading and/or unloading, which necessitates the special equipment, is performed by the consignor or consignee, or both, between points in Nebraska, on the one hand, and, on the other, points in Maine, Vermont and New Hampshire (points in Minnesota within 50 miles thereof).* (B) (1) *Road construction equipment and machinery*, and *lift trucks*, which because of size or weight require the use of special equipment, and (2) *self-propelled articles* described in (1) above, which do not require special equipment, each weighting 15,000 pounds or more, restricted to commodities transported on trailers, from points in Nebraska to points in Maine, Vermont and New Hampshire (points in Minnesota within 50 miles of Sioux Falls, S.D., and Minneapolis-St. Paul, Minn., or points within 15 miles thereof).* (C) (1) *Street sweeping machines* (except those which because of size or weight require the use of special equipment), in flat bed trailers only, from points in Maine, Vermont and New Hampshire to points in Nebraska. (Minneapolis, Minn.)* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 114552 (Sub E55), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in Virginia, on and south of a line commencing at the James River, and extending along Virginia Highway 31 to junction Virginia Highway 10, thence along Virginia Highway 10 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line, to points in Kentucky. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, North Carolina.

No. MC 114552 (Sub E57), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in Virginia, on and south of a line commencing at the James River, and extending along Virginia Highway 31 to junction Virginia Highway 10, thence along Virginia Highway 10 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line, to points in Indiana. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub E58), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in Virginia, on and south of a line commencing at the James River, and extending along Virginia Highway 31 to junction Virginia Highway 10, thence along Virginia Highway 10 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line, to points in Ohio, on and west of a line commencing at the Ohio-Michigan State line, and extending along Interstate Highway 75 to its intersection with U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of the facilities of Celotex Corp., in Wayne County, North Carolina.

No. MC 114552 (Sub E56), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in Virginia, on and south of a line commencing at the James River, and extending along Virginia Highway 31 to junction Virginia Highway 10, thence along Virginia Highway 10 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 460, thence along U.S. Highway 460

to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line, to points in Illinois. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, North Carolina.

No. MC 114552 (Sub E 59), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in Virginia, on and east of a line commencing at the Virginia-North Carolina State line, and extending along Interstate Highway 85 to junction Virginia Highway 138, thence along Virginia Highway 138 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay, to points in Illinois, on and south of a line commencing at the Illinois-Kentucky State line, thence extending along Illinois Highway 13 to junction Illinois Highway 3, thence along Illinois Highway 3 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub E61), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in Virginia, on and east of a line commencing at the Virginia-West Virginia State line, and extending along Virginia Highway 259 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 501, thence along U.S. Highway 501 to the Virginia-North Carolina State line, to points in Arkansas, on and west of a line beginning at the Arkansas-Missouri State line, thence extending along Arkansas Highway 9 to junction Arkansas Highway 69, thence along Arkansas Highway 69 to junction Arkansas Highway 14, thence along Arkansas Highway 14 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Interstate Highway 55, thence along Interstate Highway 55 to the Arkansas-Tennessee State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne, N.C.

No. MC 114552 (Sub E62), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in Virginia, on and east of a line commencing at the Virginia-District of Columbia line, and extending along Interstate Highway 95 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction Virginia Highway 49, thence along Virginia Highway 49 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 46, thence along Virginia Highway 46 to the Virginia-North Carolina State line, to points in Tennessee, on and west of Tennessee Highway 13. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub E63), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in Virginia, on and east of a line commencing at the Tennessee-Kentucky State line, and extending along Interstate Highway 65 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Tennessee-Georgia State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub E64), filed August 27, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in Virginia, on and east of a line commencing at the Virginia-West Virginia State line, and extending along Virginia Highway 259 to junction Interstate Highway 81 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 501, thence along U.S. Highway 501 to the Virginia-North Carolina State line, to points in Mississippi. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub E65), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in Virginia, on and east of a line commencing at the Virginia-West Virginia State line, and extending along U.S. Highway 250 to junction Virginia Highway 6, thence along Virginia Highway 6 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 501, thence along U.S. Highway 501 to the Virginia-North Carolina State line, to points in Louisiana. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub E66), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in Virginia, on and east of a line commencing at the Virginia-West Virginia State line

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and extending along U.S. Highway 60 to junction U.S. Highway 501, thence along U.S. Highway 501 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Virginia-North Carolina State line, to points in Florida. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub E67), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr. 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in Virginia, on and east of a line commencing at the Virginia-West Virginia State line, and extending along Virginia Highway 311 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line, to points in Florida, on and east of a line commencing at the Georgia-Florida State line, and extending along U.S. Highway 221 to junction Florida Highway 361A, thence along Florida Highway 361A to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub E68), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in Virginia, on and east of a line commencing at the Virginia-West Virginia State line, and extending along U.S. Highway 250 to junction Virginia Highway 6, thence along Virginia Highway 6 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 501, thence along U.S. Highway 501 to the Virginia-North Carolina State line, to points in South Carolina, on and east of a line commencing at the South Carolina-North Carolina State line, and extending along U.S. Highway 701 to junction U.S. Highway 521, thence along U.S. Highway 521 to junction U.S. Highway 301, thence along U.S. Highway 301 to the South Carolina-Georgia State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub E69), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in Virginia, on and east of a line commencing at the Virginia-West Virginia State line, and extending along Virginia Highway 55 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Virginia Highway 609, thence along Virginia Highway 609 to junction Virginia Highway 614, thence along Virginia Highway 614 to junction Virginia Highway 625, thence along Virginia Highway 625 to junction Virginia Highway 46, thence along Virginia Highway 46 to the Virginia-North Carolina State line, to points in Georgia. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub E70), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in Virginia, on and north of a line commencing at the Virginia-West Virginia State line and extending along U.S. Highway 33 to junction Virginia Highway 22, thence along Virginia Highway 22 to junction Virginia Highway 618, thence along Virginia Highway 618 to junction Virginia Highway 715, thence along Virginia Highway 715 to junction Virginia Highway 739, thence along Virginia Highway 739 to junction Virginia Highway 684, thence along Virginia Highway 684 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction Virginia Highway 30, thence along Virginia Highway 30 to junction Virginia Highway 33, thence along Virginia Highway 33 to the Chesapeake Bay, to points in Alabama, on and south of U.S. Highway 278. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub E71), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in Virginia, on and east of a line commencing at the Virginia-North Carolina State line, and extending along Interstate Highway 85 to junction Virginia Highway 138, thence along Virginia Highway 138 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 36, thence along Virginia Highway 36 to junction Virginia Highway 10, thence along Virginia Highway 10 to junction Virginia Highway 31, thence along Virginia Highway 31 to the James River, to points in Alabama. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub E72), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in Virginia, on and north of a line commencing at the Virginia-West Virginia State line and extending along U.S. Highway 33 to junction Virginia Highway 22, thence along Virginia Highway 22 to junction Virginia Highway 618, thence along Virginia Highway 618 to junction Virginia Highway 715, thence along Virginia Highway 715 to junction Virginia Highway 739, thence along Virginia Highway 739 to junction Virginia Highway 684, thence along Virginia Highway 684 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction Virginia Highway 30, thence along Virginia Highway 30 to junction Virginia Highway 33, thence along Virginia Highway 33 to the Chesapeake Bay, to points in Alabama, on and south of U.S. Highway 278. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub E73), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in Virginia, on and east of a line commencing at the Virginia-West Virginia State line, and extending along U.S. Highway 250 to junction Virginia Highway 6, thence along Virginia Highway 6 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 501, thence along U.S. Highway 501 to the Virginia-North Carolina State line, to points in Georgia on and south of a line commencing at the Georgia-South Carolina State line, and extending along U.S. Highway 301 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Georgia-Alabama State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub E74), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in Virginia, on and east of a line commencing at the Virginia-West Virginia State line, and extending along U.S. Highway 6, thence along Virginia Highway 6 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 501, thence along U.S. Highway 501 to the Virginia-North Carolina State line, to points in Alabama, on and south of a line commencing at the Alabama-Tennessee State line, and extending along Interstate Highway 65 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub E75), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in South Carolina to points in New Jersey and Delaware. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub E76), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in South Carolina to points in Pennsylvania on and east of a line commencing at the Pennsylvania-New York State line and extending along U.S. Highway 62 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 321, thence along Pennsylvania Highway 321 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 153, thence along Pennsylvania Highway 153 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 350, thence along Pennsylvania Highway 350 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114522 (Sub-No. E77), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in South Carolina on and east of U.S. Highway 321 to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp. in Wayne County, N.C.

No. MC 114552 (Sub-No. E78), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in South Carolina, on and east of a line commencing at the South Carolina-North Carolina State line, and extending along U.S. Highway 701 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Winyah Bay, to points in Louisiana, on and west of a line commencing at the Louisiana-Arkansas State line, and extending along U.S. Highway 167 to junction Louisiana Highway 82, thence along Louisiana Highway 82 to junction Louisiana Highway 333, thence along Louisiana Highway 333 to the Vermilion Bay. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp. in Wayne County, N.C.

No. MC 114552 (Sub-No. E79), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in South Carolina, on and east of a line commencing at the South Carolina-North Carolina State line, and extending along U.S. Highway 701 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Winyah Bay, to points in Arkansas. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp. in Wayne County, N.C.

No. MC 114552 (Sub-No. E80), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in South Carolina, on and east of a line commencing at the South Carolina-North Carolina State line, and extending along U.S. Highway 701 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Winyah Bay, to points in Kentucky, on, north, and west of a line commencing at the Kentucky-West Virginia State line, and extending along Interstate Highway 64 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Kentucky Highway 84, thence along Kentucky Highway 84 to junction U.S. Highway 31–E, thence along U.S. Highway 31–E to junction Kentucky Highway

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88, thence along Kentucky Highway 88 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of the Celotex Corp. in Wayne County, N.C.

No. MC 114552 (Sub-No. E81), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing materials and supplies as are useful in the manufacture and distribution of roofing materials* (except in bulk), from points in South Carolina, on and east of a line commencing at the South Carolina-North Carolina State line and extending along U.S. Highway 701 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Winyah Bay, to points in Illinois. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp. in Wayne County, N.C.

No. MC 114552 (Sub-No. E82), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in South Carolina, on and east of a line commencing at the South Carolina-North Carolina State line, and extending along U.S. Highway 701 to junction South Carolina Highway 261, thence along South Carolina Highway 261 to junction South Carolina Highway 513, thence along South Carolina Highway 513 to junction South Carolina Highway 41, thence along South Carolina Highway 41 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction South Carolina Highway 700, thence along South Carolina Highway 700 to the Atlantic Ocean, to points in Illinois, on and north of a line commencing at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp. in Wayne County, N.C.

No. MC 114552 (Sub-No. E83), filed August 18, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in South Carolina, on and east of a line commencing at the South Carolina-North Carolina State line, and extending along Interstate Highway 95 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Atlantic Ocean, to points in Illinois, on and north of a line commencing at the Illinois-Indiana State line, and extending along U.S. Highway 150 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 104, thence along Illinois Highway 104 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp. in Wayne County, N.C.

No. MC 114552 (Sub-No. E84), filed August 21, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in South Carolina, on and east of a line commencing at the South Carolina-North Carolina State line, and extending along U.S. Highway 701 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Winyah Bay, to points in Indiana. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub E85), filed August 18, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing materials*, (except in bulk), from points in South Carolina, on and east of a line commencing at the South Carolina-North Carolina State line, and extending along U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 261, thence along South Carolina Highway 261 to junction South Carolina Highway 513, thence along South Carolina Highway 513 to junction South Carolina Highway 41, thence along South Carolina Highway 41 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction South Carolina Highway 700, thence along South Carolina Highway 700 to the Atlantic Ocean, to points in Indiana, on and north of a line commencing at the Indiana-Ohio State line, and extending along U.S. Highway 224, to junction Indiana Highway 9, thence along Indiana Highway 9 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Indiana-Michigan State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub E86), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in South Carolina, on and east of a line commencing at the South Carolina-North Carolina State line, and extending along Interstate Highway 95 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Atlantic Ocean, to points in Indiana, on and north of a line commencing at the Indiana-Ohio State line, thence extending along Indiana Highway 32, thence along Indiana Highway 32 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub E87), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Box 385, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing materials*, (except in bulk), from points in South Carolina, on and east of a line commencing at the South Carolina-North Carolina State line, and extending along U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Winyah Bay, to points in Ohio. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub E90), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing materials* (except in bulk), from points in South Carolina, on and east of a line commencing at the South Carolina-North Carolina State line and extending along Interstate Highway 95 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Atlantic Ocean, to points in Ohio, on and north of a line commencing at the Ohio-Pennsylvania State line, and extending along U.S. Highway 30 to junction Ohio Highway 21, thence along Ohio Highway 21 to Lake Erie. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub E92), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in South Carolina, on and east of a line commencing at the South Carolina-North Carolina State line, thence extending along Interstate Highway 95 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction South Carolina Highway 45, thence along South Carolina Highway 45 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction South Carolina Highway 63, thence along South Carolina Highway 63 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction U.S. Highway 601, thence along U.S. Highway 601 to the South Carolina-Georgia State line, to points in West Virginia, on and north of U.S. Highway 33.

No. MC 114552 (Sub E93), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in South Carolina, on and east of a line commencing at the South Carolina-North Carolina State line, and extending along U.S. Highway 701 to junction U.S. Highway 261, thence along U.S. Highway 261 to junction South Carolina Highway 513, thence along South Carolina Highway 513 to junction South Carolina Highway 41, thence along South Carolina Highway 41 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction South Carolina Highway 700, thence along South Carolina Highway 700 to the Atlantic Ocean, to points in Illinois, on and north of a line commencing at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-E94), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing materials*, (except in bulk), from points in South Carolina, to points in Maryland, on and east of Interstate Highway 81. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-E96), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 929 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials*, (except in bulk), from points in North Carolina, on and east of a line beginning at the North Carolina-Virginia State line, and extending along U.S. Highway 15 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction North Carolina Highway 55, thence along North Carolina Highway 55 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Atlantic Ocean, to points in Mississippi. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-E97), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials*, (except in bulk), from points in North Carolina, on and east of a line commencing at the Virginia-North Carolina State line and extending along North Carolina Highway 62, to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-South Carolina State line, to points in Louisiana. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-E98), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials*, (except in bulk), from points in North Carolina, on and east of a line commencing at the North Carolina-Virginia State line, and extending along U.S. Highway 401 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-South Carolina State line, to points in Mississippi, on and west of a line commencing at the Tennessee-Mississippi State line, and extending along U.S. Highway 45 to junction U.S. Alternate Highway 45, thence along U.S. Alternate Highway 45 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-E99), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over ir-

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regular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials*, (except in bulk), from points in North Carolina, on and east of U.S. Highway 501, to points in Arkansas. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-27832 Filed 10-15-75;8:45 am]

[Notice 82]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 10, 1975.

The following applications are governed by Special Rule 1100 247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, on or before December 15, 1975, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 531 (Sub-No. 323), filed September 22, 1975. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equilibrium catalyst*, in bulk, in tank vehicles, from the plantsite of Mobil Oil Company located at or near Beaumont, Tex., to the plantsite of Mobil Oil Company at or near Joliet, Ill.

NOTE: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex., or Chicago, Ill.

No. MC 1759 (Sub-No. 35) filed September 22, 1975. Applicant: FROEHLICH TRANSPORTATION CO., INC., Federal Road, Danbury, Conn. 06810. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products* (except unleavened and frozen bakery products, and except commodities in bulk): (a) from Danbury, Conn., to points in New York, Massachusetts, Rhode Island, Vermont, and New Hampshire, and points in Erie County, Pa.; and (b) from Marysville, Pa., to points in New Jersey, New York, Vermont, New Hampshire, Rhode Island, Massachusetts, and Connecticut; and (2) *ingredients and supplies* (except commodities in bulk) used in the manufacture of the commodities in (1) above, from points in New York, to Danbury, Conn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.; Harrisburg, Pa.; or New York, N.Y.

No. MC 2368 (Sub-No. 51) filed September 26, 1975. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Rd., P.O. Box 495, Richmond, Va. 23204. Applicant's representative: William T. Marshburn, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil and vegetable oil products* (except vegetable oil products which are chemicals), in bulk, in tank vehicles, from the plantsite of Cargill, Inc., at or near Fayetteville, N.C., to points in Alabama, Connecticut, Florida, Georgia, Massachusetts, New Jersey, New York, North Carolina, Tennessee, Virginia, and West Virginia; and (2) *vegetable oil*, in bulk, in tank vehicles, from the plantsites of Cargill, Inc., at or near Chesapeake, Va., and Gainsville, Ga., to the plantsite of Cargill, Inc., at or near Fayetteville, N.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 2392 (Sub-No. 101) filed September 22, 1975. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F Street, P.O. Box 14248 West Omaha Station, Omaha, Nebr. 68114. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the terminal site of Agrico Chemical Company at or near Falls City, Nebr., to points in Iowa, Missouri and Kansas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 2862 (Sub-No. 60) filed September 15, 1975. Applicant: ARROW TRANSPORTATION COMPANY OF DELAWARE, a Corporation, 3125 N.W. 35th Avenue, Portland, Oreg. 97210. Applicant's representative: Robert R. Hollis, 400 Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Whitman County, Wash., to points in Washington.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg., or Spokane, Wash.

No. MC 2900 (Sub-No. 280), filed September 19, 1975. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. 32200. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Swatz, La. and Cities Service Company located at or near Swartz, La., as off-route point in connection with applicant's presently authorized regular routes.

NOTE: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Shreveport, La., New Orleans, La., or Washington, D.C.

No. MC 9325 (Sub-No. 70), filed September 25, 1975. Applicant: K LINES, INC., P.O. Box 1348, Lake Oswego, Oreg. 97034. Applicant's representative: Eugene A. Feise (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granulated slag* (abrasive grit), from Riddle, Oreg., to points in California, Oregon, Washington, Idaho and Nevada.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg., or San Francisco, Calif.

No. MC 10343 (Sub-No. 30), filed September 22, 1975. Applicant: CHURCHILL TRUCK LINES, INC., U.S. Highway 36 West, Chillicothe, Mo. 64601. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite and other facilities of Minnesota Mining and Manufacturing Company at or near Knoxville, Iowa, as off-route points in connection with applicant's regular routes operations to and from Ottumwa, Iowa.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 14702 (Sub-No. 69), filed September 22, 1975. Applicant: OHIO FAST FREIGHT, INC., 3393 Market Street, N.E., Warren, Ohio 44484. Applicant's representative: Michael Spurlock, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sheets*, from plantsite and facilities of Alcan Aluminum Corporation, at South Kearney, N.J., to plantsite and facilities of Alcan Aluminum Corporation, at Indianapolis, Ind.

NOTE: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 29079 (Sub-No. 84), filed September 23, 1975. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union, P.O. Box 935, Kokomo, Ind. 46901. Applicant's representative: Richard H. Streeter, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas or liquids; and *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids; and (2) *parts, materials, equipment and supplies* used in the manufacture, distribution, installation, or operation of the items listed in (1) above (except in bulk), between points in Monroe, Randolph, and Perry Counties, Ill., and points in St. Clair County, Ill. on and south of a line beginning at the intersection of Illinois Highway 177 and the St. Clair County Boundary line and extending along Illinois Highway 177 to intersection Illinois Highway 158, thence along Illinois Highway 158 to intersection the St. Clair County Boundary line, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at or destined to the plantsite and warehouse facilities of the Singer Company at points in Monroe, Randolph, Perry and St. Clair Counties, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Springfield, Ill., or Washington, D.C.

No. MC 35628 (Sub-No. 377) filed September 22, 1975. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 135 Grandville, S.W., Grand Rapids, Mich. 49502. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except household goods as defined by the Commission, Classes A and B explosives, commodities in bulk and those requiring special equipment), serving the plantsite of Onan Corporation at or near Madison, Ala., as an off-route point in connection with applicant's regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 42487 (Sub-No. 840), filed September 25, 1975. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: E. T. Liipfert, Suite 1100, 1660 L Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hot roofing asphalt*, in bulk, in tank vehicles, from Hazlewood, Mo., to points in Illinois and Kentucky.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52460 (Sub-No. 178), filed September 22, 1975. Applicant: ELLEX plosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Charlotte, N.C. and Columbia, S.C.: From Charlotte over U.S. Highway 21 to Columbia, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 42487 (Sub-No. 841), filed September 25, 1975. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: E. T. Liipfert, Suite 1100, 1660 L Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Stroudsburg, Pa. and Newburgh, N.Y.: From Stroudsburg over U.S. Highway 209 to junction Interstate Highway 84 near Port Jervis, N.Y., thence over Interstate Highway 84 to junction U.S. Highway 9W near Newburgh, N.Y., thence over U.S. Highway 9W to Newburgh, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations; and (2) Between Stroudsburg, Pa. and Waterbury, Conn.: From Stroudsburg over U.S. Highway 209 to junction Interstate Highway 84 near Port Jervis, N.Y., thence over Interstate Highway 84 to Waterbury, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 50069 (Sub-No. 503), filed September 24, 1975. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, a corporation, 445 Earlwood Avenue, Oregon, Ohio 43816. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hot roofing asphalt*, in bulk, in tank vehicles, from Hazlewood, Mo., to points in Illinois and Kentucky.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

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TRANSPORTATION INC., 1420 West 35th Street, P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material* and *empty containers returned*, from the Pabst Brewing Co. facility near Perry, Ga., to points in Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 56244 (Sub-No. 39), filed September 25, 1975. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. #2, Gardners, Pa. 17324. Applicant's representative: John M. Musselman, 410 North Third Street, P.O. Box 1146, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen), and *materials, supplies and equipment* used in the production, distribution or sale of foodstuffs, between the plantsites and warehouses of California Canners and Growers in the township of Conewago (Adams County), Pa., on the one hand, and, on the other, points in Pennsylvania on and west of U.S. Highway 15, restricted to the transportation of traffic having a prior or subsequent movement by rail or water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 56244 (Sub-No. 40), filed September 26, 1975. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. #2, Gardners, Pa. 17324. Applicant's representative: John M. Musselman, 410 North Third Street, P.O. Box 1146, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in containers, from the plantsite and facilities of Fuhrer-Ford Mill Co., division of ADM Milling Co., located at Mt. Vernon, Ind., to Hershey, Pa.

NOTE.— If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 59129 (Sub-No. 38), filed September 29, 1975. Applicant: EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, Pa. 15201. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving points in Fayette, Greene and Somerset Counties, Pa. as off-route points in connection with applicant's presently authorized regular route operations to and from Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 59531 (Sub-No. 103), filed September 22, 1975. Applicant: AUTO CONVOY CO., 3020 S. Haskell Avenue, Dallas, Tex. 75223. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in secondary movements, in truckaway service, restricted to traffic having an immediately prior movement by rail or water, (1) from Houston, Tex. and Shreveport, La. to points in Texas, Oklahoma, Louisiana, Mississippi, Arkansas, Tennessee and Alabama; (2) from Tulsa, Okla., to points in Oklahoma, Texas, Arkansas, Missouri, Kansas, and Colorado; (3) from Amarillo, Tex. to points in Texas, Oklahoma, Kansas, Colorado, New Mexico and Arizona; and (4) from El Paso, Tex., to points in Texas, New Mexico, Arizona, and Colorado.

NOTE.—Any duplicating authority shall create only one operating right. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Washington, D.C.

No. MC 61396 (Sub-No. 290), filed September 22, 1975. Applicant: HERMAN BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the terminal site of Agrico Chemical Company, located at or near Falls City, Nebr., to points in Iowa, Missouri and Kansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Kansas City, Mo.

No. MC 61396 (Sub-No. 291), filed September 25, 1975. Applicant: HERMAN BROS. INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Sioux City, Iowa, to points in Union, Clay, Yankton, Turner, Bon Homme, Hutchinson, Douglas, Lincoln, Charles Mix, Gregory and Tripp Counties, S. Dak.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Kansas City, Mo.

No. MC 69397 (Sub-No. 17), filed September 29, 1975. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, Md. 21851. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated and untreated piling*, from Bridgeville, Del., to points in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or New York, N.Y.

No. MC 74321 (Sub-No. 113), filed September 22, 1975. Applicant: B. F. WALKER, INC., P.O. Box 17–B, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt making machinery, storage systems, storage silos, surge systems, control centers, heaters and equipment, parts, materials and supplies* used in the construction thereof, from the plantsite of C.M.I. Systems, Inc., located at Oklahoma City, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla., or Dallas, Tex.

No. MC 74321 (Sub-No. 114), filed Sept. 24, 1975. Applicant: B. F. WALKER, INC., P.O. Box 17–B, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves and regulators*, from the plantsite of Grove Valve & Regulator Company, located in Washoe County, Nev., to points in the United States including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Reno, Nev., or Denver, Colo.

No. MC 83539 (Sub-No. 415), filed September 8, 1975. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling towers, and fluid coolers, and parts and accessories*, for cooling towers and fluid cooling towers and fluid coolers, between Houston, Tex., Henderson, Ky., Tulsa, Okla., and points in Sonoma County, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies* used in the manufacture, sale and distribution of commodities in (1) above (except in bulk), between points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex., or Washington, D.C.

No. MC 93840 (Sub-No. 21), filed September 22, 1975. Applicant: W. W. GLESS, doing business as GLESS BROS., Blue Grass, Iowa 52726. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplements*, from the

production facilities utilized by Hubbard Milling Co. at or near Durant, Iowa, to points in Illinois and points in Wisconsin on and south of U.S. Highway 18.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 96925 (Sub-No. 6), filed September 22, 1975. Applicant: JACKSONVILLE TRANSFER & STORAGE, INC., 127 Willowbranch Avenue, Jacksonville, Fla. 32205. Applicant's representative: Gregory A. Presnell, 17th Floor, CNA Building, P.O. Box 231, Orlando, Fla. 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Ocala, Fla., and Tampa, Fla.: From Ocala over Florida Highway 200 to junction Interstate Highway 75, thence over Interstate Highway 75 to Tampa, and return over the same route, serving no intermediate points, but serving points in Pinellas County, Fla., and points within the Commerical Zone of Tampa as off-route points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Tampa, or Orlando, Fla.

No. MC 99625 (Sub-No. 6), filed September 25, 1975. Applicant: LUCIEN BISSON, INC., P.O. Box 262, West Bath, Maine 04530. Applicant's representative: William P. Jackson, Jr., 919 18th St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and unaccompanied baggage*, as defined by the Commission, from West Bath, Augusta, and Portland, Maine, to points in Maine. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103498 (Sub-No. 45) (Amendment), filed August 18, 1975, published in the FEDERAL REGISTER issue of September 25, 1975, and republished as amended this issue. Applicant: W. D. SMITH TRUCK LINE, INC., P.O. Drawer C, De Queen, Ark. 71832. Applicant's representative: Bruce J. Kinnee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Miami, Okla., to points in Arkansas, Tennessee, Georgia, Louisiana, Alabama, Mississippi, Missouri, Kansas, Ohio, Illinois, Texas, and Florida. Note: The purpose of this republication is to indicate that applicant seeks to transport particleboard in lieu of lumber and lumber products as previously noticed. If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 104832 (Sub-No. 11), filed September 18, 1975. Applicant: HOLMAN TRANSFER COMPANY, 49 SE. Clay Street, Portland, Oreg. 97214. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, dry, in bulk, from Portland, Oreg., to points in Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 104896 (Sub-No. 45), filed September 24, 1975. Applicant: WOMELDORF, INC., P.O. Box G, Knox, Pa. 16232. Applicant's representative: James W. Patterson, 2100 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by chain retail variety stores, and *materials, supplies, and equipment* used in the conduct of such business, from the warehouse facilities of G. C. Murphy Company at McKeesport, Pa., to the facility of G. C. Murphy Company at Erwin (Steuben County), N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 105045 (Sub-No. 59), filed September 18, 1975. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas, or liquids; and *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids, and parts, from points in Monroe, Perry, Randolph, and St. Clair Counties, Ill., to points in the United States (except Alaska and Hawaii); and (2) *parts, materials, equipment, and supplies* used in the manufacture, distribution, installation, or operation of those items named in (1) above (except commodities in bulk, in tank vehicles), from points in the United States (except Alaska and Hawaii), to points in Monroe, Perry, Randolph, and St. Clair Counties, Ill., retricted to shipments originating at or destined to the plantsites, warehouses, and facilities of the Singer Company. Note: If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Chicago, Ill.

No. MC 105813 (Sub-No. 205), filed August 7, 1975. Applicant: BELFORD TRUCKING CO., 3500 NW. 79th Ave., Miami, Fla. 33148. Applicant's representative: Arnold L. Burke, 180 N. La Salle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* which are at the time moving on Bills of Lading of Freight Forwarders, as defined in Section 402(a), Part IV of the Act, between New York, N.Y., and points in Rockland, Westchester, Nassau, and Suffolk Counties, N.Y., and Bergen, Monmouth, Morris, Somerset, Hudson, Essex, Union, Passaic, Middlesex, and Mercer Counties, N.J., on the one hand, and on the other, points in Florida. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., or Miami, Fla.

No. MC 105813 (Sub-No. 208), filed September 17, 1975. Applicant: BELFORD TRUCKING CO., INC., 1759 SW. 12th Street, P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arnold L. Burke, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from Frankfort, Ind., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. Note: Common control was approved in MC–F–7806. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 106009 (Sub-No. 9), filed September 15, 1975. Applicant: CAUSTIC SODA TRANSPORTATION COMPANY, a Corporation, 792½ Haywood Rd., Asheville, N.C. 28806. Applicant's representative: James N. Golding, 4 South Pack Square, P.O. Box 7316, Asheville, N.C. 28807. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ethylene glycol*, in bulk, in tank vehicles, from Penrose, N.C., to Cedar Mountain, N.C.; and (2) *ethylene glycol, used or recovered*, suitable only for refining, from Cedar Mountain, N.C., to Penrose, N.C., on traffic having a subsequent out-of-state movement.

Note: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Asheville, Charlotte, or Raleigh, N.C.

No. MC 106497 (Sub-No. 123), filed September 26, 1975. Applicant: PARKHILL TRUCK COMPANY, a Corporation, Post Office Box 912, Bus. Rte. I-44 East, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, and *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles, between points in Liberty County, Tex., on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii, restricted to the transportation of traffic originating at or destined to points in Liberty County, Tex. Note: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex. or Birmingham, Ala.

No. MC 106943 (Sub-No. 117), filed September 22, 1975. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808. Applicant's representative: Peter M. Witham (same

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address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, livestock, grain, petroleum products, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), serving the distribution center of the London Fog Division of the Londontown Corporation at Eldersburg (Carroll County), Md., as an off-route point in connection with applicant's regular route operations to and from Baltimore, Md. Note: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Wichita, Kans.

No. MC 108341 (Sub-No. 37), filed September 22, 1975. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building panels, building parts, and materials, accessories, and supplies* used in the installation, erection and construction of buildings, building panels, and building parts (except commodities in bulk), from Annville (Lebanon County), Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, District of Columbia, Kentucky, West Virginia, Virginia, Tennessee, North Carolina, and Ohio, restricted to traffic originating at the plantsite and storage facilities of Butler Manufacturing Company. Note: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108631 (Sub-No. 6), filed September 12, 1975. Applicant: BOB YOUNG TRUCKING, INC., Schoenersville Road at Industrial Drive, Bethlehem, Pa. 18017. Applicant's representative: Morris Mindlin, 1509 Easton Avenue, Bethlehem, Pa. 18017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of size, shape, dimension, or weight require the use of special equipment, and *related parts and accessories* when their transportation is incidental thereto, between the plantsites and warehouses of the Fuller Company at or near Allentown and Catasauqua (Lehigh County), Pa., on the one hand, and, on the other, piers and wharves located in (1) the Harbor of New York, N.Y., and harbors contiguous thereto as defined in 49 CFR 1070.1; (2) the Harbor of Philadelphia, Pa., and harbors contiguous thereto as defined in 49 CFR 1070.1; and (3) the Harbor of Baltimore, Md., and harbors contiguous thereto. Note: If a hearing is deemed necessary, the applicant requests it be held at Allentown, Bethlehem, Easton, or Philadelphia, Pa.

No. MC 108835 (Sub-No. 33), filed September 17, 1975, Applicant: HYMAN FREIGHTWAYS, INC., 3030 Harbor Lane, Minneapolis, Minn. 55427. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) (1) Between Knoxville, Iowa and Des Moines, Iowa: From Knoxville over Iowa Highway 5 to Des Moines, and return over the same route; (2) Between Knoxville, Iowa and Davenport, Iowa: From Knoxville over Iowa Highway 92 to junction U.S. Highway 61, thence over U.S. Highway 61 to Davenport, Iowa and return over the same route; (3) Between Knoxville, Iowa and junction Interstate Highway 35 and U.S. Highway 34 near Osceola, Iowa: From Knoxville over Iowa Highway 14 to junction U.S. Highway 34, and thence over U.S. Highway 34 via Osceola, Iowa to junction Interstate Highway 35, and return over the same route; (4) Between Knoxville, Iowa and Des Moines, Iowa: From Knoxville over Iowa Highway 14 to junction Interstate Highway 80; thence over Interstate Highway 80 to Des Moines and return over the same route; (5) Between Knoxville, Iowa and Davenport, Iowa: From Knoxville over Iowa Highway 14 to junction Interstate Highway 80, thence over Interstate Highway 80 to Davenport, and return over the same route. Restriction: Service to intermediate points on routes 1, 2, 4, and 5 above is limited to points already authorized. Service in connection with route 3 at Osceola and junction Interstate Highway 35 is limited to tacking and joining with other authorized routes with no service to intermediate points. Note: If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 109448 (Sub-No. 20), filed September 25, 1975. Applicant: PARKER TRANSFER COMPANY, a Corporation, P.O. Box 256, Elyria, Ohio 44035. Applicant's representative: James R. Madler, 1255 North Sandburg Terrace, Suite 1608, Chicago, Ill. 60610. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers* and *equalizers* for air, gas, or liquids, *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids; and (2) *parts, materials, equipment, and supplies* used in the manufacture, distribution, installation, or operation of the items described in (1) above (except in bulk), between points in Monroe, Randolph, and Perry Counties, Ill., and points in St. Clair County, Ill., on and south of a line beginning at the St. Clair County Boundary line and extending along Illinois Highway 177 to intersection Illinois Highway 158, thence along Illinois Highway 158 to the St. Clair County Boundary line, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to the transportation of shipments originating at or destined to the plantsite and warehouse facilities of the Singer Company at points in Monroe, Randolph, Perry, and St. Clair Counties, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 110420 (Sub-No. 746), filed September 15, 1975. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry corn products* (except sugar), in bulk, in hopper type vehicles, from Kansas City, Mo., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 110420 (Sub-No. 747), filed September 17, 1975. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Syrup coloring, burnt sugar, caramel*, in bulk, in tank vehicles, from Louisville Ky., to Cedar Rapids, Iowa; (2) *vinegar, vinegar stock and vinegar stock concentrate*, in bulk, in tank vehicles, from Alton, Ill., Evansville, Ind., and Manitowoc, Wis., to Wichita, Kans.; and (3) *dry ammonium sulphate*, in bulk, in hopper type vehicles from Burns Harbor, Ind., to Cudahy, Wis. Note: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

Note: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 110988 (Sub-No. 325), filed September 15, 1975. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ferric chloride, ferrous chloride, muriatic acid*, in bulk, in tank vehicles, from the plantsite and storage facilities of K. A. Steel Chemicals, Inc., located at or near Gary, Ind., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Wisconsin, and the District of Columbia; (2) *spent muriatic acid*, in bulk, in tank vehicles, from points in Wisconsin, Michigan, and Illinois, to Gary, Ind.; and (3) *spent ferric chloride*, in bulk, in tank vehicles, from Indianapolis, Ind., to Joliet, Ill. Note: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 111274 (Sub-No. 6), filed September 19, 1975. Applicant: ELMER C. SCHMIDGALL AND BENJAMIN G. SCHMIDGALL, doing business as SCHMIDGALL TRANSFER, a Partnership, Box 249, Tremont, Ill. 61568. Applicant's representative: Frederick C. Schmidgall, 318 Lilac Lane, East Peoria, Ill. 61611. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, fencing materials, farm buildings, their materials and components*, from Morton, Ill., to points in Kentucky, under a continuing contract or contracts with Morton Buildings, Inc. (formerly Interlocking Fence Co.).

NOTE: If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 111545 (Sub-No. 215), filed September 22, 1975. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, Ga. 30062. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air pollution control equipment, and parts* thereof, from points in Arizona, California, and Ohio, to points in the United States, including Alaska but excluding Hawaii, restricted to the transportation of traffic originating at the plants, warehouses, and shipping facilities of Industrial Clean Air, Inc. and its subcontractors. Note: If a hearing is deemed necessary, applicant requests it be held in San Francisco, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 111545 (Sub-No. 216), filed September 22, 1975. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., P.O. Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from points in Ellis County, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee, and Texas; and (2) *scrap iron and scrap steel* from points in the destination states in (1) above, to points in Ellis County, Tex. Note: If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 111729 (Sub-No. 575), filed September 17, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Television film* and *video tape:* (1) between Atlanta, Ga., on the one hand, and, on the other, Birmingham and Huntsville, Ala.; Augusta, Columbus and Savannah, Ga.; Baton Rouge, Lafayette and New Orleans, La.; and Jackson, Miss.; (2) between Baltimore, Md., on the one hand, and on the other Washington, D.C.; (3) between Boston, Mass., on the one hand, and, on the other Hartford, New Haven and West Hartford, Conn.; Poland Spring, Maine; and Providence, R.I.; (4) between Charlotte, N.C., on the one hand, and, on the other, Greensboro, High Point, Raleigh, Washington, and Wilmington, N.C.; Charleston, Columbia, and Spartanburg, S.C.; Norfolk, Richmond, and Roanoke, Va.; and Charleston and Huntington, W. Va.; (5) between Chicago, Ill., on the one hand, and, on the other, Peoria, Rockford, and Springfield, Ill.; Evansville, Ft. Wayne, Indianapolis, South Bend, and Terre Haute, Ind.; Sioux City, Iowa; Wichita, Kans.; Lexington, Louisville, and Paducah, Ky.; Alexandria and Duluth, Minn.; Omaha, Nebr.; Bismarck and Minot, N. Dak.; Oklahoma City, Okla.; Florence, Reliance, and Sioux Falls, S.D.; and Madison, Milwaukee, and Wausau, Wis.; (6) between Cincinnati, Ohio, on the one hand, and, on the other, Columbus and Dayton, Ohio; (7) between Cleveland, Ohio, on the one hand, and, on the other, Youngstown, and Toledo, Ohio; (8) between Dallas, Tex., on the one hand, and, on the other, Shreveport, La.; and Amarillo, El Paso, Ft. Worth, Lubbock, Midland, Waco, and Wichita Falls, Tex.

(9) Between Detroit, Mich., on the one hand, and, on the other, Cheboygan, Clio, Flint, Jackson, Kiamazoo, Lansing, Southfield, and Traverse City, Mich.; (10) between Houston, Tex., on the one hand, and, on the other, Austin, Bryan, San Antonio, and Temple, Tex.; (11) between Los Angeles, Calif., on the one hand, and, on the other, Bakersfield, Hollywood, and San Diego, Calif.; (12) between Miami, Fla., on the one hand, and, on the other, Jacksonville, Orlando, and West Palm Beach, Fla.; (13) between Philadelphia, Pa., on the one hand, and, on the other, Johnstown, Lancaster, Pittsburgh, Scranton, and York, Pa.; and Wheeling, W. Va.; (14) between St. Louis, Mo., on the one hand, and, on the other, Quincy, Ill.; and Joplin, Kansas City and Springfield, Mo.; (15) between Tampa, Fla., on the one hand, and, on the other, St. Petersburg, Fla.; (16) between San Francisco, Calif., on the one hand, and, on the other, Fresno, Sacramento, Salinas, and San Louis Obispo, Calif.; Portland, Oreg.; and Seattle and Spokane, Wash.; (17) between Phoenix, Ariz., on the one hand, and, on the other, Tuscon, Ariz.; (18) between Atlanta, Ga., on the one hand, and, on the other, Chattanooga, Knoxville, Memphis, and Nashville, Tenn.; and (19) between New York, N.Y., on the one hand, and, on the other, points in New York, restricted to the transportation of traffic having an immediately prior or subsequent movement by air.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or New York, N.Y.

No. MC 112304 (Sub-No. 102), filed Sept. 22, 1975. Applicant: ACE DORAN HAULING & RIGGING CO., a Corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building panels, building parts, and materials, accessories, and supplies*, used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk), from the plantsite and storage facilities of Butler Manufacturing Company, at Annville (Lebanon County), Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Kentucky, West Virginia, Virginia, Tennessee, North Carolina, Ohio, and the District of Columbia, restricted to traffic originating at the above named plantsite and storage facilities of Butler Manufacturing Company, at Annville, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 112669 (Sub-No. 10), filed September 24, 1975. Applicant: FRIESEN TRUCK LINE, INC., 1207 East 2nd Street, Hutchison, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream products, and water ice products*, from Denver, Colo., to Hutchinson, Kans.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 112713 (Sub-No. 187), filed September 15, 1975. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A & B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between St. Louis, Mo. and Memphis, Tenn.: From St. Louis over Interstate Highway 55 to Memphis, and return over the same route; and (2) between Springfield, Mo. and Memphis, Tenn.: From Springfield over U.S. Highway 60 to junction U.S. Highway 63, thence over U.S. Highway 63 to junc-

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tion U.S. Highway 55, thence over U.S. Highway 55 to Memphis, and return over the same route; in (1) and (2) above, as alternate routes for operating convenience only, in connection with carrier's authorized regular routes, serving no intermediate points: Restriction: The alternate routes authorized immediate above shall not be used to transport shipments originating at points in Missouri destined to points in Tennessee, or vice versa.

NOTE.—Common control was approved in MC–F–11641. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Kansas City, Mo.

No. MC 113024 (Sub-No. 143), filed September 11, 1975. Applicant ARLINGTON J. WILLIAMS, INC., R.D. No. 2, South DuPont Hwy., Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Garden and industrial hose, and materials, supplies and equipment*, used in the manufacture thereof (except commodities in bulk, and those requiring special equipment), between Wilmington, Del., and McCook, Nebr., on the one hand, and, on the other, points in Denton, Tarrant and Young Counties, Tex., under contract with Electric Hose & Rubber Company, at Wilmington, Del.

NOTE.—Applicant holds common carrier authority in MC 135046 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113959 (Sub-No. 5), filed September 29, 1975. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. 24354. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite and storage facilities of Olin Corporation, located at or near Charleston, Tenn., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Virginia, and West Virginia (except points in Kanawha County), under a continuing contract with Olin Corporation.

NOTE.—Applicant holds common carrier authority in MC 107544 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113974 (Sub-No. 52), filed September 29, 1975. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a Corporation, 211 Washington Avenue, Dravosburg, Pa. 15034. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road building, earth moving, and construction equipment, cranes*, and *attachments, accessories and parts* of such commodities, and (2) *parts, materials and supplies* used in the construction of the items described in (1) above, between Antrim Township (Franklin County), Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Harrisburg, Pa.

No. MC 114028 (Sub-No. 19), filed September 19, 1975. Applicant: ROWLEY INTERSTATE TRANSPORTATION COMPANY, INC., 1717 Maple Street, Dubuque, Iowa 52001. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, inedible skins, and pieces thereof, and commodities in bulk, in tank vehicles), from Dubuque, Iowa to points in Kansas, those points in Illinois on and north of U.S. Highway 6, those points in Indiana in the commercial zone of Chicago, Ill., and Minneapolis and St. Paul, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Des Moines, Iowa.

No. MC 114273 (Sub-No. 238), filed September 19, 1975. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, materials and supplies*, between the plantsite and facilities of Fiat-Allis Construction Machinery, Inc., at Springfield, Ill., on the one hand, and, on the other, the plantsites and facilities of Henderson Mfg. Co. at Manchester, Iowa and Henderson Metal Products, Inc. at Cedar Rapids, Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114569 (Sub-No. 125), filed Sept. 22, 1975. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Stanley C. Geist (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A)(1) *Motorcycles, recreational vehicles, and machines, accessories and parts*, and (2) *equipment, materials and supplies*, used in the manufacture, distribution, or sale of the commodities in (1) above, between Lincoln, Nebr., on the one hand, and on the other, points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except California); and (B) *bicycles, accessories and parts*, from Long Beach and El Segundo, Calif., to points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except California).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 114725 (Sub-No. 73), filed September 22, 1975. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the terminal site of Agrico Chemical Company located at or near Falls City, Nebr. to points in Iowa, Missouri and Kansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 115496 (Sub-No. 37), filed September 22, 1975. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the facilities of Union Camp Corporation, located at Folkston, Higgston and Meldrim, Ga., to points in Alabama, Mississippi, North Carolina, South Carolina, Virginia, and Shelby County, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta or Savannah, Ga.

No. MC 115554 (Sub-No. 14), filed September 25, 1975. Applicant: SCOTT'S TRANSPORTATION SERVICE, INCORPORATED, P.O. Box 1136, 300–19th St. SE., Cedar Rapids, Iowa 52406. Applicant's representative: James R. Madler, 1255 North Sandburg Terrace, Suite 1608, Chicago, Ill. 60610. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas or liquids; *machinery and equipment* for heating cooling, conditioning, humidifying, dehumidifying, and moving of air, gas or liquids; and (2) *parts, materials, equipment, and supplies* used in the manufacture, distribution, installation, or operation of those items named in (1) above (except in bulk), between points in Monroe, Randolph, Perry Counties, Ill. and St. Clair County, Ill. on and south of State Highways 177 and 158, on the one hand, and, on the other, points in the United States, (except Alaska and Hawaii), restricted to shipments originating at or destined to the plantsite and warehouse facilities of the Singer Company located at Monroe, Randolph, Perry and St. Clair Counties, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Chicago, Ill.

No. MC 116632 (Sub-No. 18), filed September 26, 1975. Applicant: RALPH E. CURTIS & SON, INC., 123 Mt. Hope Avenue, Bangor, Maine 04401. Applicant's representative: Frederick T. McGonagle, 36 Main Street, Gorham, Maine 04038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Lumber*, (1) from points in Aroostook and Penobscot Counties, Maine, to points in Virigina, West Virginia, North Carolina, South Carolina, Georgia, Ohio, and Michigan; (2) from Sherman and Staceyville, Maine, to points in Delaware, Maryland, and the District of Columbia; (3) from Ellsworth, Maine, to points in Delaware, Maryland, Virginia, West Virginia, and the District of Columbia; (4) from Woodland, Maine, to points in Vermont; and (5) from points in Aroostook and Penobscot Counties, Maine, to the ports of entry on the International Boundary line between the United States and Canada located in Maine (b) *wooden fencing*, from Hampden and Fort Kent, Maine, to points in Virginia, West Virginia, North Carolina, South Carolina, Georgia, Ohio, and Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Maine; Augusta, Maine or Boston, Mass.

No. MC 116763 (Sub-No. 323), filed September 24, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured animal and poultry feeds and ingredients* (except in bulk), (1) from Red Bay, Ala., to points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota (except that part of Florida west of U.S. Highway 231); and (2) from Tupelo, Miss., to points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota (except Mississippi, Indiana, Michigan, and Ohio).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 116763 (Sub-No. 324), filed September 24, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Common ground clay and ground soapstone* (except in bulk), from Gonzales, Palestine, and Zavella, Tex., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Tennessee, Oklahoma, and New Jersey; and (2) *ground barites* (except in bulk), from Gonzales, Houston, and Zavalla, Tex. and Morgan City, La., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 116763 (Sub-No. 325), filed September 24, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet* and *materials and supplies* used in the manufacture, installation and distribution of carpet (except in bulk), between Bristow, Okla., on the one hand, and, on the other, points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 116947 (Sub-No. 45), filed September 15, 1975. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street, SW., Atlanta, Ga. 30310. Applicant's representative: William Addams, Suite 212—5299 Roswell Road, NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibre cans, SU, material and supplies* incidental to the manufacture of fibre cans; can ends (aluminum, steel or tin); *and wooden pallets, platforms or skids*, between Greenville, N.C., and points in Alabama, Florida, Delaware, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Virginia, and West Virginia, under a continuing contract or contracts with Container Corporation of America.

NOTE.—Applicant holds common carrier authority in MC 117956 Subs 2 and 8; therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 117557 (Sub-No. 22), filed September 17, 1975. Applicant: MATSON, INC., P.O. Box 43, Cedar Rapids, Iowa 52406. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cranes, parts, attachments and accessories*, from the plantsite of FMC Corp., Crane and Excavator Division, located at or near Bowling Green, Ky., to points in the United States (except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington and Wyoming); and (2) *materials, equipment and supplies* used or useful in the manufacture of the above named commodities (except commodities in bulk), from points in the United States (except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington and Wyoming), to the plantsite of FMC Corp., Crane and Excavator Division, located at or near Bowling Green, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky., or Washington, D.C.

No. MC 118142 (Sub-No. 101), filed September 18, 1975. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and textile products*, from La Crosse, Kans., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wichita, Kans.

No. MC 118159 (Sub-No. 162), filed September 18, 1975. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P. O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, and products produced or distributed by manufacturers and converters of paper and paper products, from points in Little River County, Ark., to points in Colorado, Florida, Georgia, Iowa, Kansas, Minnesota, Nebraska, New Mexico, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Virginia and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 118866 (Sub-No. 8), filed September 17, 1975. Applicant: PAUL L. ZAMBERLAN & SONS, INC., Box 15, Lewis Run, Pa. 16738. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used and reconditioned pipe*, incidental to or used in the construction, development, operation, and maintenance of water wells and facilities for the discovery, development, and production of natural gas and petroleum, from points in Cattaraugus and Allegany Counties, N.Y., and points in Allegheny, Cameron, Elk, Forest, Mercer, McKean, Potter, and Warren Counties, Pa., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia, and returned shipments in return; and (2) *new pipe*, incidental to or used in the construction, development, operation, and maintenance of water wells and facilities for the discovery, development, and production of natural gas and petroleum, from points in Erie County, N.Y.; Lorain and Youngstown, Ohio; and points in Mercer, Bea-

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ver, and McKean Counties, Pa., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and West Virginia, and returned shipments in return, restricted against the transportation of pipe incidental to or used in the construction, development, operations, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum between points in McKean, Potter, Elk, Warren, Cameron, Forest, Clearfield, and Clinton Counties, Pa., on the one hand, and, on the other, points in Ohio, New York, and West Virginia, to avoid duplication of operating authority.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Buffalo, N.Y., or Pittsburgh, Pa.

No. MC 118922 (Sub-No. 15), filed September 24, 1975. Applicant: CARTER TRUCKING CO., INC., P.O. Box 126, Locust Grove, Ga. 30248. Applicant's representative: William Addams, 5299 Roswell Road, NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *materials and supplies*, used in the distribution of malt beverages, (1) from Stroh Brewery, at Detroit, Mich., to Louisville, Ky.; (2) from Miller Brewing Co., at Milwaukee, Wis., to Louisville, Ky.; (3) from Pabst Brewery, at Peoria, Ill., to Louisville, Ky.; and (4) from Pabst Brewery, at Perry, Ga., to Louisville, Ky., under contract with Dixie Beer Distributors, Inc., at Louisville, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 119344 (Sub-No. 8), filed September 17, 1975. Applicant: ELDON D. AYRES, 640 Canyon Street, Spearfish, S. Dak. 57783. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and coal by-products*, from points in Montana, North Dakota, South Dakota, Wyoming, Colorado, and Utah, to points in Colorado, Nebraska, South Dakota and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Belle Fourche, Spearfish, or Rapid City, S. Dak.

No. MC 119400 (Sub-No. 16), filed September 24, 1975. Applicant: SIMANEK, INC., 150 West 7th Street, Wahoo, Nebr. 68066. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the terminal site of Agrico Chemical Co. at or near Falls City, Nebr., to points in Iowa, Kansas and Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119489 (Sub-No. 42), filed September 25, 1975. Applicant: PAUL ABLER, doing business as, CENTRAL TRANSPORT COMPANY, P.O. Box 249, 2500 North 13th Street, Norfolk, Nebr. 68701. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions* in bulk, in tank vehicles, from the terminal site of Agrico Chemical Company located at or near Falls City, Nebr., to points in Iowa, Missouri and Kansas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 119632 (Sub-No. 64) filed September 24, 1975. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, Ohio 43512. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Adhesives, building materials, carpet, gypsum and gypsum products, insulation and insulating materials, mineral fibre products, refractories, urethane and urethane products;* and (2) *materials, equipment and supplies*, used or useful in the manufacture, packaging, installation or distribution of the commodities in (1) above, between Aurora, Ill.; Huntington, Ind.; Kalamazoo, Mich.; and Alliance, Ohio, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 119789 (Sub-No. 268), filed September 25, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toys*, from Saddle Brook, N.J., to points in Arizona, Arkansas, California, Colorado, Idaho, Louisiana, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex. or New York, N.Y.

No. MC 121060 (Sub-No. 36) (Amendment), filed July 31, 1975, published in the FEDERAL REGISTER issue of August 21, 1975, and republished as amended this issue. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials and composition board* (except in bulk), from the facilities of the Celotex Corporation located at or near Deposit, N.Y., to points in Wisconsin, Illinois, Kentucky, Tennessee, South Carolina, North Carolina, Virginia, West Virginia, Indiana, Ohio, Michigan, Maryland, Delaware, Pennsylvania, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, and New Hampshire.

NOTE.—The purpose of this republication is to add composition board to the commodity description. If a hearing is deemed necessary, the applicant requests it be held at Albany, N.Y.

No. MC 121060 (Sub-No. 39), filed September 24, 1975. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, 919 Eighteenth Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials*, from the facilities of the Celotex Corporation at or near Philadelphia, Pa., to points in Virginia, Maryland, Delaware, New Jersey, New York, West Virginia, Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 121424 (Sub-No. 4), filed September 22, 1975. Applicant: DALHAR DISTRIBUTING COMPANY, INC., 400 West Main Street, Dallas, Tex. 75208. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal and scrap iron*, between points in Texas.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Houston, Tex.

No. MC 123061 (Sub-No. 77) filed September 24, 1975. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 315 East 2nd South, Suite 400, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bags, and bulk (except in liquid or tank vehicles), from points in Nye and Pershing Counties, Nev., to points in Washington, Oregon, Idaho and Nevada.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Boise, Idaho.

No. MC 124251 (Sub-No. 36) (Correction) filed August 29, 1975, published in the FEDERAL REGISTER issue of October 2, 1975 as MC 12451 (Sub-No. 36), and republished as corrected this issue. Applicant: JACK JORDAN, INC., Highway 41 South, P.O. Box 689, Dalton, Ga. 30720. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feldspar*, in bulk, from points in Jasper County, Ga., to points in North Carolina, South Carolina and Tennessee.

NOTE: The purpose of this republication is to indicate the correct docket number assigned to this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 124711 (Sub-No. 37) filed September 22, 1975. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, Kans. 67042. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the terminal site of Agrico Chemical Company, located at or near Falls City, Nebr., to points in Iowa, Missouri and Kansas.

NOTE: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Tulsa, or Oklahoma City, Okla.

No. MC 126276 (Sub-No. 138) filed September 19, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Lenexa, Kans., New Market, N.J., Cincinnati, Ohio, and Elk Grove, Ill., to points in the United States (except points in Alaska, Arizona, California, Hawaii, Idaho, Montana, Oregon, Nevada, New Mexico, Utah, Washington and Wyoming), under a continuing contract or contracts with Continental Can Company, Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 126305 (Sub-No. 73), filed September 29, 1975. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 2, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets*, and *equipment, materials and supplies* used or useful in the manufacture and sale of carpets (except commodities in bulk), between the plant and warehouse facilities of Columbus Mills, Inc. at or near Columbus, Ga., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Birmingham, Ala.

No. MC 126904 (Sub-No. 14), filed September 16, 1975. Applicant: H. C. PARRISH TRUCK SERVICE, INC., RFD #2, Freeburg, Ill. 62243. Applicant's representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, Mo. 63105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand*—additive, (1) from points in Boone County, Ill., to St. Louis, Mo. and points in St. Louis County, Mo.; and (2) from St. Louis, Mo. and points in St. Louis County, Mo., to Decatur and Peoria, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo., or Springfield, Ill.

No. MC 127651 (Sub-No. 29) (CORRECTION), filed August 20, 1975, published in the FEDERAL REGISTER issue of September 25, 1975, and republished as corrected this issue. Applicant: EVERETT G. ROEHL, INC., East 29th St., P.O. Box 7, Marshfield, Wis. 54449. Applicant's representative: Nancy J. Johnson, 4506 Regent St., Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transportating: *Wooden doors*, from the facilities of Graham Manufacturing Corp., located at or near Marshfield, Wis., to points in Iowa, Minnesota, Ohio, Colorado, Kansas and Nebraska.

NOTE.—The purpose of this republication is to delete language limiting the proposed services to specified contracting shippers. If a hearing is deemed necessary, applicant requests it be held at either Madison, Wis., or Minneapolis-St. Paul, Minn.

No. MC 127799 (Sub-No. 8), filed September 24, 1975. Applicant: LUPPES TRANSPORT COMPANY, INC., P.O. Box 101, Webster City, Iowa 50595. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from the facilities of W. R. Grace & Co., at or near Webster City, Iowa, to points in Minnesota, Nebraska and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 128205 (Sub-No. 21), filed September 26, 1975. Applicant: BULK-MATIC TRANSPORT COMPANY, a Corporation, 12000 S. Doty Avenue, Chicago, Ill. 60628. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bags, from Chicago, Ill. and Gary, Ind., to points in Indiana, Michigan, Ohio, Wisconsin, and Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128273 (Sub-No. 199), filed September 8, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-ferrous metals and alloys (including scrap metal), non-ferrous ores and non-ferrous concentrates* (except commodities in bulk and except commodities which, because of size or weight, require use of special transportation equipment) between points in the United States (except the transportation of the following: (1) Non-ferrous scrap metal, from points in the United States to plant sites and storage facilities of Central Non-Ferrous, Inc. at Fort Scott, Kans. and to the plant sites and storage facilities of American Metal Climax, Inc. and its subsidiaries at Hernando, Miss., Carteret, N.J., St. Louis, Mo., Decatur, Ala., Cleveland, Ohio, East Morris and Chicago, Ill.; (2) recycled non-ferrous metal ingots and billets, from plant sites and storage facilities of Central Non-Ferrous, Inc. at Fort Scott, Kans. to points in the United States; (3) recycled non-ferrous metal ingots and billets, from plant sites and storage facilities of American Metal Climax, Inc. and its subsidiaries at Cleveland, Ohio, Chicago, Ill., and Carteret, N.J., to points in Maine, Vermont, New Hampshire, Mississippi, Louisiana, Minnesota, North Dakota, South Dakota, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon and Washington.

(4) Aluminum, from plant sites and storage facilities of Kaiser Aluminum, Inc. at Chalmette, La. to points in the United States (except Minnesota, Wisconsin, Illinois, Ohio and Indiana); (5) copper, from plant sites and storage facilities of American Metal Climax, Inc. and its subsidiaries at Carteret, N.J. to points in Maine, New Hampshire, Vermont, Mississippi, Louisiana, Minnesota, North Dakota, South Dakota, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon and Washington; (6) lead, from plant sites and storage facilities of American Metal Climax Inc. and its subsidiaries at Buick, Mo. to points in the United States; (7) zinc, from plant sites and storage facilities of American Metal Climax, Inc. and its subsidiaries at Blackwell, Okla. and Sauget, Ill. to points in Maine, Vermont, New Hampshire, Mississippi, Louisiana, Minnesota, North Dakota, South Dakota, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon and Washington; (8) molybdenum, from plant sites and storage facilities of American Metal Climax, Inc. and its subsidiaries at Climax, Henderson and Urad, Colo. to points in the United States; (9) molybdenum, from plant sites and storage facilities of American Metal Climax, Inc. and its subsidiaries at Langeloth, Pa., to points in Maine, New Hampshire, Vermont, Mississippi, Louisiana, Minnesota, North Dakota, South Dakota, Texas, New Mexico, Colorado, Wyoming, Montana, Utah, Idaho, Arizona, Nevada, California, Oregon and Washington; (10) refined copper, from facilities of American Smelting and Refining Company at Amarillo, Tex. to points in the United States; (11) aluminum, from facilities of Kaiser Aluminum and Chemical Corporation at or

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near Ravenswood, W. Va., to points in the United States (except Michigan, Ohio, Indiana, Kentucky, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Rhode Island, Maine, Connecticut, Massachusetts, New Hampshire and Vermont); (12) recycled non-ferrous metals and non-ferrous metals, between Checotah, Okla. on the one hand, and, on the other, points in the United States.

(13) Zinc, from Corpus Christi, Tex. to points in the United States (except Idaho, Nevada, Utah, New Mexico, Wyoming, Montana, North Dakota and South Dakota); (14) Lead and lead alloys, from Glover, Mo. to points in the United States; and (15) amonium molybdate, ammonium di-molybdate, ammonium hepta molybdate, ammonium paramolybdate, calcium molybdate, ferro-molybdenum trioxide, molybdic oxide, molybdic oxide briquettes, molysulfide, ores, sodium molybdate, between the plant site and storage facilities of AMAX, Inc. at or near Fort Madison, Iowa, on the one hand, and, on the other, points in the United States.

NOTE: The above exceptions are necessary to avoid duplication between authority sought and that now held or which is being sought in presently pending applications. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 128273 (Sub-No. 203), filed September 19, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *comon carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum building sections, panels, curtain wall units, doors and door frames, windows and window frames, molding and architectural shapes and parts and accessories*, between the plant sites and facilities of Kawneer Co., Inc. at or near Bloomsburg, Pa., Harrisonburg, Va., Jonesboro, Ga., Franklin, Ind., Denison, Tex. and Visalia, Calif., on the one hand, and, on the other, points in Ohio, Michigan, Indiana, Kentucky, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon and Washington, restricted to traffic originating at or destined to plant sites and facilities of Kawneer, Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128273 (Sub-No. 204), filed September 22, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, plastic products and aluminum foil* backed with paper, from the plant sites and storage facilities used by Georgia Pacific Corporation located at or near Norwood and Cincinnati, Ohio to points in the United States (except Alaska, Hawaii and Ohio).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 128762 (Sub-No. 13), filed September 25, 1975. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, Pa. 18603. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transpoting: (1) *Prepared foodstuffs* (except frozen and in bulk), from the facilities of Old London Foods Division of Borden Foods, Borden, Inc., located at New York, N.Y., to points in Illinois and Tennessee; (2) *Prepared foodstuffs* (except frozen and in bulk), and *advertising materials, displays, dispensing equipment, premiums and office equipment and supplies*, from Berwick, Pa. to points in Alabama, Illinois, Kentucky, Missouri and Tennessee; and (3) *Packing materials; display racks; machinery; office equipment and supplies; foodstuff ingredients* (except in bulk); *prepared foodstuffs* (except frozen and in bulk); *advertising materials; displays; dispensing equipment; and premiums*, from points in Alabama, Illinois, Kentucky, Missouri, and Tennessee, to Berwick, Pa., under a continuing contract or contracts with Wise Foods Division of Borden Foods, Borden, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa. or Washington, D.C.

No. MC 129808 (Sub-No. 15), filed September 26, 1975. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., West Highway 30, P.O. Box F, Grand Island, Nebr. 68801. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gun shot and target practice equipment, materials and supplies*, from points in Arkansas, Oklahoma, and Missouri, to Grand Island, Nebr., under a continuing contract or contracts with Leisure Time Sports, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, or Lincoln, Nebr.

No. MC 133689 (Sub-No. 65), filed September 24, 1975. Applicant: OVERLAND EXPRESS, INC., 719 First Street, SW., New Brighton, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Glassware, glass-ceramicware, electric appliances*; and (B) *Parts and accessories*, of the commodities in (A) above (except commodities in bulk), from Greencastle, Pa., to points in Iowa, Minnesota, Nebraska, and those points in Illinois on and north of U.S. Highway 36 (except Chicago, Ill. and points in the Chicago, Ill. Commercial Zone), and points in North Dakota and South Dakota, restricted to traffic originating at the plant site and storage facilities of Corning Glass Works, at or near Greencastle, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134068 (Sub-No. 22), filed September 22, 1975. Applicant: KODIAK REFRIGERATED LINES, INC., 3336 E. Fruitland Ave., P.O. Bo 58327, Vernon, Calif. 90058. Applicant's representative: Joseph W. Harvey, P.O. Box 1018, Denver, Colo. 80201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, washing, scouring, and polishing compounds* (except in bulk, in tank vehicles), from Watertown, Wis., to points in Arizona, Colorado, California, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 134779 (Sub-No. 9), filed September 22, 1975. Applicant: JANESVILLE AUTO TRANSPORT COMPANY, a Corporation, 1800 South Jackson Street, Janesville, Wis. 53545. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (A) *Automobiles, trucks, and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements in truckaway service, from Janesville, Wis., to points in Connecticut, Dalaware, District of Columbia, Maryland, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, restricted to the transportation of traffic moving from the plantsite of the General Motors Corporation in Janesville, Wis., and further restricted to traffic moving through Lordstown, Ohio; (B) *Automobiles, trucks, and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements in truckaway service, from Lordstown, Ohio, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and Wisconsin, restricted to the transportation of traffic moving from the plantsite of the General Motors Corporation in Lordstown, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 135046 (Sub-No. 11), filed September 22, 1975. Applicant: ARLINGTON J. WILLIAMS, INC., R.D. No. 2, South Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, D.C. 20005. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibre, fibre products, plastics, plastic products and insulating materials*, from Yorklyn, Del., and Kennett Square, Pa., to Addison, Ill.

NOTE.—Applicant holds contract carrier authority in MC 113024, Sub 3 and others, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135221 (Sub-No. 1), filed September 23, 1975. Applicant: DICK SIMON TRUCKING, INC., 3700 South 4355 West, Salt Lake City, Utah 84120. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Books and bindings*, (a) from the distribution center of John Wiley & Sons, Inc., at Somerset, N.J., to the distribution center of John Wiley & Sons, at Salt Lake City, Utah; and (b) from the distribution center of Prentice Hall, at West Nyack, N.Y., to the distribution center of Prentice Hall, at Salt Lake City, Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 135797 (Sub-No. 42), filed September 17, 1975. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cypert, 108 Terrace Drive, Lowell, Ark. 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods*, from Chicago, Ill. and Hamilton, Mich., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Missouri, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia, restricted to traffic originating at the plantsite and warehouse facilities of Hi-Life Packing Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill. or Tulsa, Okla.

No. MC 136590 (Sub-No. 3), filed September 19, 1975. Applicant: MOUNTAINEER TRUCK LINE, INC., P.O. Box D960 (U.S. Highway 17), Darien, Ga. 31305. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Shoes*, from Newport, N.H., to points in the United States (except Alaska and Hawaii); and (2) *Materials and supplies* used in the manufacture of shoes, from points in the United States (except Alaska and Hawaii), to Newport, N.H., under a continuing contract or contracts with Altama Delta Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville, Fla. or Savannah, Ga.

No: MC 138398 (Sub-No. 12), filed September 17, 1975. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tile*, from Lexington and Mt. Gilead, N.C., to points in Oklahoma, Nebraska, Missouri, Kansas, Utah, Idaho, Colorade, New Mexico, Nevada, Oregon, Texas, Arizona, California, and Washington, under a continuing contract or contracts with Mid-State Tile Company.

NOTE.—Applicant holds common carrier authority in MC 134755 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 138403 (Sub-No. 1), filed September 24, 1975. Applicant: CONSOLIDATED EXPRESS, INC., 501 N. Claiborne, P.O. Box 3086, New Orleans, La. 70177. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics, toilet preparations, toilet articles, and premiums*, and (2) *equipment and supplies* used in connection with the items in (1) above, from Baton Rouge, La., to points in Acadia, Allen, Ascension, Avoyelles, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Livingston, Pointe Coupee, Rapides, St. Landry, St. Martin, Vermilion, West Baton Rouge, and West Feliciana Parishes, La.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La. or Atlanta, Ga.

No. MC 138807 (Sub-No. 11), filed September 17, 1975. Applicant: ZIP TRUCKING, INC., P.O. Box 5717, Jackson, Miss. 39208. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Spheres, highway marking strip, and glass beads* for blast cleaning packaged in bags, drums, and boxes, from Jackson, Miss., to points in Colorado, Montana, North Dakota, Utah, Kansas, Wyoming, South Dakota, Nebraska, and Oklahoma, under a continuing contract or contracts with Cataphote Division of Ferro Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss., or New Orleans, La.

No. MC 139495 (Sub-No. 93), filed September 16, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street (P.O. Box 1358), Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, dessert preparations, and advertising materials, premiums and toys* (except commodities in bulk, in tank vehicles), from Chicago, Ill., to Memphis, Tenn., Omaha, Nebr. and points in Missouri and Arkansas.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 94), filed September 25, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans., 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceramic products*, from Houston, Tex., to points in and west of Texas, Arkansas, Missouri, Illinois, Indiana, Ohio and Michigan.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 95), filed September 19, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, buffing and polishing compounds, sweetening compounds, and foodstuffs* (except commodities in bulk, in tank vehicles), (1) from the plantsite and storage facilities utilized by Alberto Culver Company at or near Melrose Park, Ill., to Reno, Nev., Atlanta, Ga., and Piscataway, N.J.; and (2) from the plantsite and storage facilities utilized by Alberto Culver Company at or near Reno, Nev., to Los Angeles and San Francisco, Calif., Portland, Oreg. and Seattle, Wash.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139573 (Sub-No. 2), filed September 12, 1975. Applicant: ADRIAN VAN ZANDBERGEN, Route 2, Orange City, Iowa 51041. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural sprayers and applicators, and related parts and accessories*, from the facilities utilized by Dethmers Mfg. Co. at or near Boyden, Iowa, to points in the United States (except Alaska, Hawaii, Illinois, Indiana, Ohio, Nebraska, Missouri, Tennessee, Georgia, Texas, Oklahoma, Kansas, Minnesota, and Wisconsin); and (2) *materials and supplies* utilized in the production and manufacture of agricultural sprayers and applicators and related parts and accessories, from points in the United States (except Alaska, Hawaii, Wisconsin and Illinois), to the facilities utilized by Dethmers Mfg. Co. at or near Boyden, Iowa. Restrictions: The operations sought herein are to be performed

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under a continuing contract or contracts with Dethmers Mfg. Co., and further restricted against the transportation of commodities in bulk, and against the transportation of commodities which by reason of their size and weight require special handling or equipment.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sioux City, Iowa.

No. MC 139584 (Sub-No. 7), filed September 23, 1975. Applicant: JOHN BUSCH, an individual Box 211, Conyngham, Pa. 18219. Applicant's representative: Kenneth R. Davis, 121 S. Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing and plastic pipe fittings, malleable and cast iron pipe and pipe fittings*, from Hazle Township, Pa., to points in Virginia, Maryland, New York, New Jersey, Delaware, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139659 (Sub-No. 1), filed September 22, 1975. Applicant: BRIGHT TRUCKING, INC., First Avenue & 16th Street, P.O. Box 922, St. Cloud, Minn. 56301. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the facilities of Landy, Inc. located at Minneapolis, Minn.; Landy Packing Co. located at St. Cloud, Minn.; and Landy of Wisconsin located at Eau Claire, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Idaho, Louisiana, Maine, Mississippi, Montana, New Hampshire, New Mexico, North Carolina, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming; (2) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of the commodities in (1) above, from the destination territory in (1) above to the named origin facilities in (1) above, restricted to a transportation service to be performed under a continuing contract or contracts with Landy, Inc. of Minneapolis, Minn.; Landy Packing Co. of St. Cloud, Minn.; and Landy of Wisconsin of Eau Claire, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 139858 (Sub-No. 7), filed September 26, 1975. Applicant: AMSTAN TRUCKING, INC., 1255 Corwin Avenue, Hamilton, Ohio 45015. Applicant's representative: Chandler L. Van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed and advertising matter and forms, brochures, pamphlets, descriptive materials, and magazine or newspaper inserts*, from Philadelphia, Pa., to points in Arizona, California, Connecticut, Georgia, Iowa, Massachusetts, Michigan, New York, North Carolina, Texas, Washington, and Wisconsin, under Contract with Stern Majestic Press (an American Standard Company).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.; Cincinnati, Ohio; or Indianapolis, Ind.

No. MC 140370 (Sub-No. 3), filed September 26, 1975. Applicant: V. G. H. TRUCKING, INC., Highway Two East, East Grand Forks, Minn. 56721. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Records, 8-track tapes, and plastic articles*, (1) from Minneapolis, Minn., to Chicago, Ill.; Cleveland, Ohio; Indianapolis, Ind.; Atlanta, Ga.; Dallas, Tex.; Denver, Colo.; Seattle, Wash.; and Los Angeles, Calif.; (2) from Los Angeles, Calif., to Minneapolis, Minn. and Indianapolis, Ind.; and (3) from Indianapolis, Ind., to Atlanta, Ga.; Denver, Colo.; Seattle, Wash.; and Los Angeles, Calif., under a continuing contract or contracts with K-Tel International, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 140370 (Sub-No. 4), filed September 19, 1975. Applicant: V. G. H. TRUCKING INC., Highway 2 East, East Grand Forks, Minn. 56721. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Oak Brook, Ill. 60521. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes*, cooked and diced, flaked, shredded, or sliced other than frozen, from Grand Forks, N. Dak., to Clearfield, Utah, under a continuing contract or contracts with Pillsbury Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 140417 (Sub-No. 2), filed September 19, 1975. Applicant: JAMES E. THOMAS, doing business as THOMAS MOBILE HOME REPAIR SERVICE, 3072 Victory Drive, Columbus, Ohio 31903. Applicant's representative: C. E. Walker, P.O. Box 1085, Suite 307 First National Bank Bldg., Columbus, Ohio 31902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes, including fixtures and parts thereof*, when transported as a component part of the mobile home, between points in Muscogee, Harris, Chattahoochee Counties, Ga., on the one hand, and, on the other, points in Russell, Lee, Chambers, Tallapoosa, Macon, Barbour, Bullock, and Montgomery Counties, Ala.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Columbus or Atlanta, Ga.

No. MC 140484 (Sub-No. 10), filed Sept. 26, 1975. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, Fla. 33902. Applicant's representative: Clayton Geer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horticultural commodities*, and materials and supplies, used in the growing, shipping, or marketing of horticultural commodities (except commodities in bulk), between points in Illinois, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 134443 Sub-1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Tampa, Fla.

No. MC 140834 (Sub-No. 1), filed September 12, 1975. Applicant: TURNER TRANSPORTATION, INC., Route 2, South 2nd Street, Mitchell, Ind. 47446. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buses*, in driveaway service, between the Carpenter Body Works, Inc., at Mitchell, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 140915 (Sub-No. 1), filed September 26, 1975. Applicant: K. W. AND WILLIE JANE MCKINNEY, doing business as QUICK SERVICE DELIVERY, 2319 Schilder, Houston, Tex. 77018. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid refrigerants*, in one ton tanks and 55 gallon drums, (1) between Houston, Tex., on the one hand, and, on the other, points in Louisiana and Oklahoma; and (2) between Gramercy and Baton Rouge, La., on the one hand, and, on the other, points in Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex., or New Orleans, La.

No. MC 140998 (Sub-No. 2), filed September 19, 1975. Applicant: DALE OSBURN, INC., 5850 Pardee, Taylor, Mich. 48180. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar pellets*, in dump vehicles, from Dearborn, Mich.,

to the port of entry on the International Boundary line between the United States and Canada, located at Sault Ste. Marie, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, or Lansing, Mich.

No. MC 141097 (Sub-No. 2), filed September 17, 1975. Applicant: CAL-TEX, INC., 3051 Capri Lane, Costa Mesa, Calif. 92626. Applicant's representative: Eric Meierhoefer, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Synthetic yarn, and synthetic fiber*, from the plantsites and warehouse facilities of E. I. du Pont de Nemours & Company located at or near Seaford, Del. and Camden, S.C.; the plantsite and warehouse facilities of the Monsanto Company located at or near Greenwood, S.C.; and the plantsites and warehouse facilities of Dow Badische Company located at or near Anderson, S.C., to the facilities of Pharr Yarns, Inc. located at or near McAdenville, Gastonia, Belmont, and Spencer Mt., N.C., Clover, S.C., Rome, Ga., and Costa Mesa, Calif.; (2) *synthetic yarn, and synthetic fiber*, (a) between the facilities of Pharr Yarns, Inc., located at or near McAdenville, Gastonia, Belmont, and Spencer Mt., N.C., Clover, S.C., Rome, Ga., and Costa Mesa, Calif., on the one hand, and, on the other, Dallas, Marlin, El Paso, Hillsboro and Houston, Tex., Lake Charles, La., Las Cruces and Albuquerque, N. Mex., Phoenix, Ariz., points in Oklahoma and California, and Calgary, Alberta, Canada and Kelowna, British Columbia, Canada, via the ports of entry on the International Boundary line between the United States and Canada located at points in Washington, Idaho, and Montana; and (b) from the facilities of Pharr Yarns, Inc. located at or near Costa Mesa, Calif., to points in Georgia, Tennessee, Alabama, North Carolina, South Carolina and Pennsylvania, and Calgary, Alberta, Canada and Kelowna, British Columbia, Canada, via the ports of entry on the International Boundary line between the United States and Canada located at points in Washington, Idaho and Montana; and (3) *synthetic yarn, and synthetic fiber*, between the facilities of Pharr Yarns, Inc. located at or near McAdenville, Gastonia, Belmont, and Spencer Mt., N.C., Clover, S.C. and Rome, Ga., under a continuing contract or contracts, with Pharr Yarns, Inc. of McAdenville, N.C.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 141136 (Sub-No. 1), filed September 24, 1975. Applicant: TRIANGLE EXPRESS, LTD., 5051 Still Creek Avenue, Burnaby, British Columbia, Canada V5C 4H6. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, including veneers, between ports of entry on the International Boundary line between the United States and Canada located in Washington, on the one hand, and, on the other, points in Washington, Oregon, and California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash. or Vancouver, B.C., Canada.

No. MC 141157 (Sub-No. 2), filed September 24, 1975. Applicant: B & E CO., INC., 225 South Second Street, Sheffield, Iowa 50475. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic drain tile*, from Hayfield, Minn., to Sheffield, Iowa, under a continuing contract or contracts with, Sheffield Brick & Tile Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn., or Omaha, Nebr.

No. MC 141163 (Sub-No. 1), filed September 17, 1975. Applicant: FIDELITY TRANSPORTATION CORPORATION, a Corporation, P.O. Box 2101, Modesto, Calif. 95354. Applicant's representative: William H. Kessler, 638 Divisadero Street, Fresno, Calif. 93721. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, sand, and gravel* in dump truck equipment, from points in Washoe County, Nev., to points in Siera, Plumas, and Lassen Counties, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Fresno, Modesto, or San Francisco, Calif.

No. MC 141265, filed September 2, 1975. Applicant: TRANSPORTADORA DE JUAREZ, S. A., a Corporation, Apartado 659, Ciudad Juarez, Chihuahua, Mexico. Applicant's representative: Candido Velarde Maese, P.O. Box 928, El Paso, Tex. 79946. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, between the port of entry on the International Boundary line between the United States and the Republic of Mexico at or near El Paso, Tex. and Odessa, Tex. and Artesia, N. Mex., under a continuing contract or contracts with Gas Commercial de Juarez, S.A., Cd. Juarez Chihuahua; Gas Supremo de Juarez, S.A., Cd. Juarez, Chihuahua; and Gas Commercial de Chihuahua, S.A., Chihuahua, Chihuahua.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 141281 (Sub-No. 1), filed September 17, 1975. Applicant: MINNESOTA LINES, INC., Route 2, Highway 13, North, Albert Lea, Minn. 56007. Applicant's representative: Earl H. Scudder, Jr., 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural and industrial insecticides, herbicides, pesticides and chemicals and empty containers* for the commodities described in (2) below (except commodities in bulk, in tank vehicles), from the facilities of Imperial, Inc., located at or near Albert Lea, Minn., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the packaging, processing, formulating, production, blending and storage of the commodities described in (1) above (except commodities in bulk, in tank vehicles), from the destination named in (1) above to the facilities of Imperial, Inc., located at or near Albert Lea, Minn., under a continuing contract or contracts with Imperial, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Minneapolis, Minn.

No. MC 141312 (Sub-No. 1), filed September 10, 1975. Applicant: DOKTER TRUCKING CORP., a Corporation, Weeping Water, Nebr. 68463. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and dicalcium phosphate*, from Weeping Water, Nebr., to points in South Dakota, Minnesota, Wisconsin, Iowa, Illinois, Kansas, Missouri, Indiana, Ohio, Kentucky, North Dakota, Nebraska, Montana, Arkansas, Colorado, and Wyoming, under a continuing contract or contracts with Texasgulf, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lincoln, Nebr.

No. MC 141330 (Sub-No. 1), filed September 19, 1975. Applicant: MALCOLM POWELL, doing business as POWELL TRUCKING, Route 1, Lumber City, Ga. 31549. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from Lumber City, Ga., to points in Alabama, Florida, Georgia, Delaware, Kentucky, Illinois, Indiana, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania. South Carolina, Tennessee, Virginia and West Virginia; and (2) *materials and supplies* used by a lumber manufacturer (except commodities in bulk), from points in the above states, to Lumber City, Ga., under a continuing contract with Allied Timber Company, Inc., a division of St. Regis Paper Co.

NOTE.—If a hearing is a deemed necessary, the applicant requests it be held at either Jacksonville, Fla., or Atlanta, Ga.

No. MC 141334, filed September 15, 1975. Applicant: VERNON R. MORGAN, JAMES D. MORGAN AND WILLIAM R. MORGAN, doing business as YOUNG & MORGAN TRUCKING CO., a Partnership, P.O. Box 377, 4600 S. W. Linn Blvd., Mill City, Oreg. 97360. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, Oreg. 97210. Authority sought to operate as a *contract*

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carrier, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, and wood products*, between points in Linn and Marion Counties, Oreg., on the one hand, and, on the other, points in Oregon, Washington, California, Nevada, Idaho, and Utah, under a continuing contract or contracts with North Santiam Plywood Co., Green Veneer, Inc., Young & Morgan Lumber Co., dba Stout Creek Lumber, Co., Young & Morgan Lumber Co., and Northwest Wood Products, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 141354 (Sub-No. 1), filed September 22, 1975. Applicant: COLUMBIA DISTRIBUTING CORPORATION, 1009 Airport Boulevard, Columbia, S.C. 29202. Applicant's representative: William F. Austin, Suite 1718 Bankers Trust Tower, P.O. Box 11929, Columbia, S.C. 29211. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquetes*, in bags on pallets, from Lake City, S.C., to points in North Carolina, Georgia, Florida, Virginia, Maryland, the District of Columbia, Tennessee, Kentucky, Ohio, Pennsylvania, New York and New Jersey, under a continuing contract or contracts with T.S. Ragsdale Company, Incorporated.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbia, S.C.; Atlanta, Ga. or Charlotte, N.C.

No. MC 141358, filed September 22, 1975. Applicant: S & M CORP., 14 Middletown Avenue, North Haven, Conn. 06473. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, between points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania and New Jersey, under a continuing contract with Giltex, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at North Haven, Conn.

PASSENGER APPLICATIONS

No. MC 123916 (Sub-No. 15), filed September 22, 1975. Applicant: GROVE CITY BUS LINES, INC., P.O. Box 31, Grove City, Pa. 16127. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Clarion, Jefferson and Beaver Counties, Pa., and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Beaver, Pa.

No. MC 141087 (Sub-No. 2), filed August 19, 1975. Applicant: SCHOOL BUS SERVICE, INC., 1301 Argus Street, Richmond Heights, Mo. 63117. Applicant's representative: Richard A. Franck (Same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Scott Air Force Base, Ill., and Lambert St. Louis International Airport, Mo., under a continuing contract or contracts with United States Air Force.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

BROKER APPLICATION

No. MC 130339, filed September 2, 1975. Applicant: US, INC., 1312 South 78th Street, Omaha, Nebr. 68124. Applicant's representative: Arnold J. Stern, 707 City National Bank Building, Omaha, Nebr. 68102. Autohrity sought to engage in operation, in interstate or foreign commerce, as a *broker* at Omaha, Nebr., to sell or offer to sell the transportation of *Passengers and their baggage*, in special and charter operations, by motor and rail carriers, beginning and ending at Omaha, Nebr. and extending to points in Colorado.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

FREIGHT FORWARDER APPLICATION

No. FF-325 (Sub-No. 1) filed September 25, 1975. Applicant: COLUMBIA EXPORT PACKERS, INC., 19032 South Vermont Avenue, Torrance, Calif. 90502. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express, in the transportation of (a) *Used household goods and unaccompanied baggage*, and (b) *used automobiles*, between points in the United States including Hawaii and Alaska, restricted in (b) above to the transportation of export and import traffic.

NOTE.—Common control may be be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. FF-360 (Sub-No. 1) filed September 25, 1975. Applicant: CARTWRIGHT INTERNATIONAL VAN LINES, INC., 11901 Cartwright Avenue, Grandview, Mo. 64030. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a freight forwarder, through use of the facilities of common carriers by rail, motor, water and express, in the transportation of (a) *Used household goods and unaccompanied baggage;* and (b) *used automobiles*, between points in the United States including Alaska and Hawaii, restricted in (b) above to the transportation of export and import traffic.

NOTE: Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC FF-419 (Sub-No. 1), filed September 25, 1975. Applicant: DELCHER INTERCONTINENTAL MOVING SERVICE, INC., 4219 Central Avenue, St. Petersburg, Fla. 33733. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express in the transportation of (a) *Used household goods and unaccompanied baggage*, and (b) *used automobiles*, between points in the United States including Hawaii and Alaska, restricted in (b) above to the transportation of export and import traffic.

NOTE.—The purpose of the application is to add Alaska to applicant's present authority. If a hearing is deemed necessary, the applicant requests it be held at St. Petersburg, Fla.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-27831 Filed 9-15-75;8:45 am]

federal register

THURSDAY, OCTOBER 16, 1975

PART II:

ENVIRONMENTAL PROTECTION AGENCY

MINERAL MINING AND PROCESSING POINT SOURCE CATEGORY

Effluent Guidelines and Standards

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

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Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 443-5]

PART 436—MINERAL MINING AND PROCESSING POINT SOURCE CATEGORY

Interim Final Rulemaking

Notice is hereby given that effluent limitations and guidelines for existing sources to be achieved by the application of best practicable control technology currently available as set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). The regulation set forth below establishes Part 436—Mineral mining and processing point source category and will be applicable to existing sources for the gypsum subcategory (Subpart E), the asphaltic minerals subcategory (Subpart F), the asbestos and wollastonite subcategory (Subpart G), the barite subcategory (Subpart J), the fluorspar subcategory (Subpart K), the salines from brine lakes subcategory (Subpart L), the borax subcategory (Subpart M), the potash subcategory (Subpart N), the sodium sulfate subcategory (Subpart O), the Frasch sulfur subcategory (Subpart S), the bentonite subcategory (Subpart V), the magnesite subcategory (Subpart W), the diatomite subcategory (Subpart X), the jade subcategory (Subpart Y), the novaculite subcategory (Subpart Z), the tripoli subcategory (Subpart AF) and the graphite subcategory (Subpart AL) of the mineral mining and processing point source category pursuant to sections 301, 304 (b) and (c), of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314(b) and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act).

(a) *Legal authority*—(1) *Existing point sources.* Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301 (b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the gypsum subcategory (Subpart E), the asphaltic minerals subcategory (Subpart F), the asbestos and wollastonite subcategory (Subpart G), the barite subcategory (Subpart J), the fluorspar subcategory (Subpart K), the salines from brine lakes subcategory (Subpart L), the borax subcategory (Subpart M), the potash subcategory (Subpart N), the sodium sulfate subcategory (Subpart O), the Frasch sulfur subcategory (Subpart S), bentonite subcategory (Subpart V), the magnesite subcategory (Subpart W), the diatomite subcategory (Subpart X), the jade subcategory (Subpart Y), the novaculite subcategory (Subpart Z), the tripoli subcategory (Subpart AF), and the graphite subcategory (Subpart AL) of the mineral mining and processing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(2) *New sources.* Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306 also requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306 of the Act. Regulations will be proposed at a future date that set forth the standards of performance applicable to new sources.

Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR Part 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. These limitations are simultaneously being proposed.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Regulations will be proposed in fulfillment of these requirements at the time new source performance standards are proposed.

(b) Summary and basis of interim final effluent limitations and guidelines for existing sources, proposed effluent limitations and guidelines for existing sources to be achieved by the application of the best available technology economically achievable, proposed standards of performance for new sources, and proposed pretreatment standards for both new and existing sources.

(1) *General methodology.* The effluent limitations and guidelines set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the dimension stone subcategory (Subpart A), the crushed stone subcategory (Subpart B), the construction sand and gravel subcategory (Subpart C), the industrial sand subcategory (Subpart D), the the gypsum subcategory (Subpart E), the asphaltic minerals subcategory (Subpart F), the asbestos and wollastonite subcategory (Subpart G), the lightweight aggregates subcategory (Subpart H), the mica and sericite subcategory (Subpart I), the barite subcategory (Subpart J), the fluorspar subcategory (Subpart K), the salines from brine lakes subcategory (Subpart L), the borax subcategory (Subpart M), the potash subcategory (Subpart N), the sodium sulfate subcategory (Subpart O), the trona subcategory (Subpart P), the rock salt subcategory (Subpart Q), the phosphate rock subcategory (Subpart R), the Frasch sulfur subcategory (Subpart S), the mineral pigments subcategory (Subpart T), the lithium subcategory (Subpart U), the bentonite subcategory (Subpart V), the magnesite subcategory (Subpart W), the datomite subcategory (Subpart X), the jade subcategory (Subpart Y), the novaculite subcategory (Subpart Z), the fire clay subcategory (Subpart AA), the attapulgite and montmorillonite subcategory (Subpart AB), the kyanite subcategory (Subpart AC), the shale and common clay subcategory (Subpart AD), the aplite subcategory (Subpart AE), the tripoli subcategory (Subpart AF), the kaolin subcategory (Subpart AG), the ball clay subcategory (Subpart AH), the feldspar subcategory (Subpart AI), the talc, steatite, soapstone and pyrophyllite subcategory (Subpart AJ), the garnet subcategory (Subpart AK) and the graphite subcategory (Subpart AL) of the mineral mining and processing point source category.

(i) *Categorization.* For the purpose of studying waste treatment and establishing effluent limitations guidelines and standards of performance the mineral mining and processing category was divided in 38 discrete subcategories. The subcategories consist of specific mineral types or classes of minerals. In addition within each subcategory a determination was made whether subparts required different effluent limitations based on type of ore, method of ore transport, type of processing, use of wet air emissions control devices, type of product, and ground water seepage and runoff into the mine and process waste water impoundments. In general the largest contributing factors to the further subdivision within subcategories for process waste water has been differences in processes and the use of wet air emissions control devices. For example the differences in dry and wet processing techniques for the barite and fluorspar subcategories are recognized and different effluent limitations are established. The use of wet air emissions control devices and the added complexity of waste water treatment and management has been recognized as requiring separate consideration for best practicable control technology currently available for the gypsum and tripoli subcategories.

Factors affecting the treatability of mine water discharges within each subcategory have also been accounted for where applicable. For example anhydrite Frasch sulfur mining and processing operations can achieve no discharge by recycling bleed-off water. In contrast salt dome operations cannot recycle this water due to the corrosive saline properties of this bleed-off water that would damage equipment upon the continual reuse of this water.

(ii) *Waste characteristics.* The known significant pollutants and pollutant properties resulting from mineral mining and processing include pH and total suspended solids. Large quantities of dissolved solids exist in the waste waters from the salines from brine lakes, borax, potash and sodium sulfate subcategories. The bleed-off water in the Frasch sulfur subcategory contains sulfides. Iron exists in the mine water discharge from the graphite subcategory.

(iii) *Origin of waste water pollutants.* The sources of waste water pollutants at the mine include surface runoff of rain water into the mine and mine water treatment systems, ground water seepage and infiltration into the mine, and water used to transport the ore to the processing plant. The waste waters that are the sources of waste water pollutants at the process plant include transport water, ore and product wash water, dust suppression water, classification water, heavy media separation water, flotation water, solution water, air emissions control equipment water and equipment and floor wash down water.

(iv) *Treatment and control technology.* Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is the best practicable control technology currently available.

The following discussion of treatment technology provides the basis for the effluent limitations guidelines. This discussion does not preclude the selection of other waste water treatment alternatives which provide equivalent or better levels of treatment.

In the following discussion the term no discharge applies to dry weather conditions. Waste water impoundments may be subject to runoff from their drainage area. Some rainfall events may cause these impoundments to overflow. For the following subcategories requiring no discharge of process waste water pollutants, an allowance has been made for such circumstances.

(1) *Treatment for the gypsum subcategory.* Processing plants that do not use water would need no treatment system. Water at wet process plants is used to wash the ore and for heavy media separation. This water is clarified in a settling pond and recirculated back to the processes with no need for a discharge. Waste water originating from wet air emissions control scrubbers is being studied further.

(2) *Treatment for the asphaltic minerals subcategory.* Bituminous limestone is processed by dry methods and there is no process waste water. Water is used for air scrubbers in processing oil impregnated diatomite. This water is completely recycled, and there is no process waste water discharge. Water in the processing of gilsonite is used for ore washing, froth flotation and wet scrubbers. This water can be clarified in a settling pond and recycled back to the processes. Alternatively a Utah plant plans to combine mine water and process waste water in a process recirculation system and use the excess water for irrigation with no discharge to navigable waters.

(3) *Treatment for the asbestos and wollastonite subcategory.* Some asbestos plants and the wollastonite plant do not use water in the process and treatment is not necessary. Plants that do use process waste water achieve no discharge by recirculation, evaporation and seepage ponds.

(4) *Treatment for the salines from brine lakes subcategory.* Brines are concentrated by solar evaporation in order to precipitate the saleable salt. Spent bitterns are discharged back to the intake water body. Best practicable control technology consists of discharging no added constituents to navigable waters that were not in the brine water intake.

(5) *Treatment for the borax, potash and sodium sulfate subcategories.* The ore is either dry mined or solution mined through brine wells. Spent liquor is either evaporated in large ponds or injected into the deposit. There is no discharge to navigable waters.

(6) *Treatment for the Frasch sulfur subcategory.* In anhydrite operations heated water used to melt sulfur deposits is bled out of the deposit, reheated and re-injected. There is no discharge of process waste water or of mine water. For salt dome operations, bleed-off water cannot be reused because of its corrosive nature; hence regulations are not promulgated at this time pending completion of the economic impact of regulating this type of operation.

(7) *Treatment for the bentonite subcategory.* There is no water used in the processing of bentonite. Air emissions control on dryers is accomplished by dry cyclones and bag houses.

(8) *Treatment for the magnesite subcategory.* All process waste water is clarified in a settling pond and is both evaporated and is recycled back to the processes.

(9) *Treatment for the diatomite subcategory.* Water is principally used to slurry waste fines and for air scrubbers. Waste water is clarified in settling ponds and is either evaporated or recycled back to the processes.

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(10) *Treatment for the jade subcategory.* Very little water is used in jade processing plants. Waste water is either evaporated or used as irrigation water from which there is no discharge.

(11) *Treatment for the novaculite subcategory.* Process waste water that originates from wet scrubbers is clarified and totally recycled. There is no discharge of process waste water to navigable waters.

(12) *Treatment for the tripoli subcategory.* There is no process waste water used in all but one plant. Waste water originating from the one plant employing wet processes is being studied further.

(13) *Treatment for the graphite subcategory.* Process waste water from washing, flotation and filtering operations is clarified in a settling pond. Mine water discharge is treated with lime to raise the pH and to precipitate dissolved iron. The treated wastes are then allowed to settle in a pond. The combined discharge has achieved 10 mg/l and 20 mg/l TSS as a monthly average and daily maximum respectfully and 1 mg/l and 2 mg/l total iron. pH is maintained between 6.0 and 9.0.

(14) *Treatment for the barite subcategory.* Those plants that do not wet process or float the ore have no process waste water. The plants that do use process water are being studied further.

(15) *Treatment for the fluorspar subcategory.* Those plants that do not use heavy media separation or flotation either do not use process water or this water is fully consumed in the process. The plants that do use heavy media separation or flotation are being studied further.

(16) *Treatment for the remaining subcategory.* Treatment technologies for the dimension stone subcategory (Subpart A), the crushed stone subcategory (Subpart B), the construction sand and gravel subcategory (Subpart C), the industrial sand subcategory (Subpart D), the lightweight aggregates subcategory (Subpart H), the mica and sericite subcategory (Subpart I), the trona subcategory (Subpart P), the rock salt subcategory (Subpart Q), the phosphate rock subcategory (Subpart R), the mineral pigments subcategory (Subpart T), the lithium subcategory (Subpart U), the fire clay subcategory (Subpart AA), the attapulgite and montmorillonite subcategory (Subpart AB), the kyanite subcategory (Subpart AC), the shale and common clay subcategory (Subpart AD), the aplite subcategory (Subpart AE), the kaolin subcategory (Subpart AG), the ball clay subcategory (Subpart AH), the fledspar subcategory (Subpart AI), the talc, steatite, soapstone and pyrophyllite subcategory (Subpart AJ), the garnet subcategory (Subpart AK) have yet to be defined pending an economic impact analysis study of the EPA contractor's draft recommendations. These technologies will be specified when it is determined what technology is currently available and economically practicable.

The proper management of solid wastes resulting from pollution control systems must be practiced. Pollution control technologies generate many different amounts and types of solid wastes and liquid concentrates through the removal of pollutants. These substances vary greatly in their chemical and physical composition and may be either hazardous or non-hazardous. A variety of techniques may be employed to dispose of these substances depending on the degree of hazard.

If thermal processing (incineration) is the choice for disposal, provisions must be made to ensure against entry of hazardous pollutants into the atmosphere. Consideration should also be given to recovery of materials of value in the wastes.

For those waste materials considered to be nonhazardous where land disposal is used, practices similar to proper sanitary landfill technology may be followed. The principles set forth in the EPA's Land Disposal of Solid Wastes Guidelines 40 CFR Part 241 may be used as guidance for acceptable land disposal techniques.

For those waste materials considered to be hazardous, disposal will require special precautions. In order to ensure long-term protection of public health and the environment, special preparation and pretreatment may be required prior to disposal. If land disposal is to be practiced, these sites must not allow movement of pollutants to either ground or surface waters. Sites should be selected that have natural soil and geological conditions to prevent such contamination or, if such conditions do not exist, artificial means (e.g. liners) must be provided to ensure long-term protection of the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

(v) *Cost estimates for control of waste water pollutants.* The promulgated regulations for best practicable control technology currently available are expected to effect increased pollution control costs for one subcategory. Total recycle of process waste water for the mineral gilsonite of the asphaltic minerals subcategory will have an increased annual operating cost of $1.00 per ton of product. However these costs are not attributable to these interim final regulations.

(vi) *Energy requirements and nonwater quality environmental impacts.* The energy requirements effected by these limitations consist of the energy expended in pond construction and of pumping the pond water back to the processing plants. These added energy uses are judged to be very minor. There are no other expected nonwater quality environmental impacts.

(vii) *Economic impact analysis.* The economic impact of the interim final regulations on the industries covered in the mineral mining regulation will be minimal. All plants are now in compliance, with the exception of one operation in the asphaltic minerals category which is presently installing a recycle system. As a result prices, production, industry growth, balance of trade and community economies will not be significantly impacted.

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by Agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated.

OMB Circular A–107 (January 28, 1975) prescribes guidelines for the identification and evaluation of major proposals requiring preparation of inflationary impact certifications. The circular provides that during the interim period prior to final approval by OMB of criteria developed by each Agency, the Administrator is responsible for identifying those regulations which require evaluation and certification. The Administrator has directed that all regulatory actions which are likely to result in capital investment exceeding $100 million or annualized costs in excess of $50 million will require certification.

As the Agency's analysis of the potential economic impacts of these regulations indicates, the capital investment and annualized costs associated with compliance are estimated to be considerably less than these amounts. Nevertheless, the Agency has reviewed and identified the projected effect on prices and estimates that there will be no effect on prices for the segments of the industry controlled herein.

The reports entitled "Development Document for Interim Final Effluent Limitations Guidelines and New Source Performance Standards for the Mineral Mining and Processing Industry Point Source Category", Volume I "Minerals for the Construction Industry," Volume II "Minerals for the Chemical and Fertilizer Industries," and Volume III "Clay, Ceramic, Refractory and Miscellaneous Minerals" detail the analsyis undertaken in support of the interim final regulation set forth herein and is available for inspection and copying in the EPA Public Information Reference Unit, Room 2404, Waterside Mall, Washington, D.C. 20460, at all EPA regional offices, and at State water pollution control offices. Copies of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH 552.

When this regulation is promulgated in final rather than interim form, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis document will be available through the National Technical Information Service, Springfield, VA 22151.

(c) *Summary of public participation.* Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards proposed for the mineral mining and processing category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) the Ohio River Valley Sanitation Commission; (4) the Delaware River Basin Commission; (5) the New England Interstate Water Pollution Control Commission; (6) U.S. Department of Commerce; (7) U.S. Department of the Interior; (8) U.S. Department of Defense; (9) U.S. Department of Agriculture; (10) U.S. Department of Transportation; (11) U.S. Department of Health, Education, and Welfare; (12) U.S. Department of Housing and Urban Development; (13) U.S. Department of Treasury; (14) Tennessee Valley Authority; (15) Council of Environmental Quality; (16) National Commission on Water Quality; (17) Federal Power Commission; (18) Federal Energy Administration; (19) Office of Management and Budget; (20) Internal Revenue Service; (21) Nuclear Regulatory Commission; (22) The American Society of Mechanical Engineers; (23) The Conservation Foundation; (24) Businessmen for the Public Interest; (25) Environmental Defense Fund, Inc.; (26) National Resources Defense Council; (27) The American Society of Civil Engineers; (28) Water Pollution Control Federation; (29) National Wildlife Federation; (30) Gypsum Association; (31) Indiana Limestone Institute of America; (32) Marble Institute of America; (33) National Crushed Stone Association; (34) National Industrial Sand Association; (35) National Limestone Institute; (36) National Sand and Gravel Association; (37) American Mining Congress; (38) Asbestos Information Association of North America; (39) Barre Granite Association; (40) Brick Institute of America; (41) Building Stone Institute; (42) The Fertilizer Institute; (43) Florida Limerock Institute; (44) Florida Phosphate Council; (45) North Carolina Minerals Association; (46) North Carolina Sand, Gravel and Crushed Stone Association; (47) Portland Cement Association; (48) The Refractories Institute; (49) Salt Institute; (50) Sorptive Minerals Institute; (51) National Clay Pipe Institute; (52) National Lime Association; (53) Environmental Protection Service, Canada; (54) Manufacturing Chemists Association; and (55) Georgia Association of Mineral Producing Industries. In addition many individual companies that participated in the contractor's study were consulted.

The following responded with comments: Effluent Standards and Water Quality Information Advisory Committee; Southwestern Graphite Co.; Indiana Limestone Institute of America; Delaware Department of Natural Resources and Environmental Control; Gypsum Association; Illinois State Geological Survey; Swift Chemical Co.; Illinois Association of Aggregate Producers; American Aggregates Corp.; Texas Water Quality Board; North Carolina Industrial Mineral Association; Brick Institute of America; International Minerals and Chemicals Corp.; Asbestos Information Association; American Mining Congress; The Feldspar Corp.; Sobin Chemicals, Inc.; Harris Mining Co.; Water Resources Commission, Michigan; Winter Brothers Material Co.; Illinois Environmental Protection Agency; Waverly Mineral Products Co.; Department of Natural Resources, Georgia; U.S. Water Resources Council; Colorado Department of Health; Ohio Environmental Protection Agency; State of Florida Department of Pollution Control; Department of Health, Education, and Welfare; Region 8, Environmental Protection Agency; Delta Materials, Inc.; Harry T. Campbell Sons' Co.; Bethlehem Steel Corp.; Ingram Materials, Inc.; National Lime Association; Cape Girardeau Sand Co.; Becker Sand and Gravel Co.; New York State Department of Environmental Conservation; Unsil Corp.; U.S. Department of Agriculture; National Sand and Gravel Association; National Industrial Sand Association; U.S. Department of Transportation; Freeport Minerals Co.; Erie Sand and Gravel Co.; The Georgia Kaolin Co.; American Limestone Co.; The Refractories Institute; State of Indiana Department of Natural Resources; Atlantic Richfield Co.; Ottawa Silica Co.; American Sand and Gravel Co.; Globe Refractories; CF Industries; Mr. David Branfman; Duval Corp.; Milchem — Mineral Division; Great Salt Lake Minerals and Chemicals Co.; Morton Salt Co.; Dresser Industries; Environmental Protective Service, Canada; J.R. Simplot Co.; U.S. Borax; EPA, Research Triangle Park, North Carolina; Engelhard Minerals and Chemicals Corp.; The Fertilizer Institute; North Carolina Department of Natural and Economic Resources; Commonwealth of Pennsylvania, Department of Environmental Resources; Freeport Sulfur Co.; American Industrial Clay Co.; National Limestone Institute; Thiele Kaolin Co.; Cyprus Minerals Co.; Anglo-American Clay Corp.; Gardinier, Inc.; Assistant Secretary of Defense; Jefferson Lake Sulfur Co.; National Clay Pipe Institute; Kerr-McGee Corp.; International Minerals and Chemical Corp.; J. M. Huber Corp.; Freeport Kaolin Co.; Lithium Corporation of America; Foote Mineral Co.; New Riverside Ochre Co.; Texas-Gulf Inc.; Agrico; Basic Inc. Brewster Phosphates; USS Agri-Chemicals; W.R. Grace and Co.; Kaiser Refractories; Morton Salt Co.; Martin Marietta; Ozark-Mahoning Co.; Florida Phosphate Council; Salt Institute; Sorptive Minerals Institute; Manufacturing Chemists Association; Kaiser Cement and Gypsum Corp.; U.S. Department of the Interior; Lone Star Industries, Inc.; Monsanto; Texas Gulf, Inc.; The Fertilizer Institute; General Refractories Co.; Allied Chemical; Pfizer, Minerals, Pigments and Metals Division; North American Refractories Co.; GAF Corp.; National Wildlife Federation; Kaiser Cement and Gypsum Association; Ideal Basic Industries; Martin Marietta Cement; Huron Cement; Southwestern Portland Cement Co.; Lehigh Portland Cement Co.; General Portland Inc.; Medusa Cement Co.; Portland Cement Association; and the Flintkote Co., Calaveras Cement Division.

The primary issues raised in the development of the interim final effluent limitations and guidelines and the treatment of these issues herein are as follows:

(1) There was considerable comment on the requirement of treating mine and plant areas until reclamation is successfully completed and of diverting storm runoff away from process waste water impoundments.

In the 17 subcategories regulated, there will be no requirement to treat runoff as best practicable control technology currently available. Reclamation is not included in the interim final regulations.

(2) Some commenters recommended that the effluent limitations should be applied on a net basis, especially where no discharge of pollutants is required.

The Agency has promulgated regulations (40 CFR Part 125) concerning the net or gross application of effluent standards. Prior to the permit issuance an affected plant can petition for a net limit if the applicant demonstrates that specified pollutants which are present in the applicant's intake water will not be removed by waste water treatment systems designed to reduce process waste water pollutants and other added pollutants to the levels required by the applicable limitations or standards. Only the limitations for salines from brine lakes and, under restricted conditions, Frasch sulfur have provisions for net application.

(3) It was suggested that the EPA should consider the impact of other Federal regulations on this industry.

Other Federal and State regulations as they affect the technical achievability of the effluent limitations were taken into consideration. The economic impact analysis assesses the current financial status of the industry. This base level status would include current operating costs including Federal requirements. The costs of EPA imposed water pollution abatement are then added to this base level and the impact is assessed.

(4) One commenter suggested that periodic discharges be allowed for the subcategories limited to no discharge of process waste water pollutants in order to drain the pond for the purpose of digging out the sludge.

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Many plants clean out their ponds by use of draglines and similar devices without having to discharge from the pond. Others utilize a second pond after the first has been filled with solids.

(5) Some commenters suggest that the potential harm of using chlorine to oxidize sulfides exceeds the benefit of removing what little sulfide ion exists after proper oxidation of Frasch sulfur waste waters.

Properly designed and operated oxidation ponds have been demonstrated to reduce the sulfide concentration to very low levels. The remaining concentration discharged (less than 2 mg/l S) has been shown to rapidly oxidize. Therefore there is no need to chlorinate this effluent.

(6) One Frasch sulfur company requested that well scaling water not be regulated.

Because of the difficulty in collection and the small volume involved, this waste stream will not have the same degree of treatment required as that for well bleed water for best practicable control technology currently available.

(7) One Frasch sulfur company requested that the costs of treating all non-process waste waters be included in order to properly assess the economic impact.

Non-process waste waters such as water treatment and power plant waste waters are not treated in the process waste water treatment system. Furthermore, they are not significant pollution problems. Therefore these wastes are better regulated by a general regulation covering such for all industry. The economic impact will be reassessed at that time.

(8) One company requested that open pit sulfur mining should be regulated.

There are no domestic open sulfur pits currently operating. Regulations will be determined at such time as this type of operation occurs.

(9) One commenter questioned whether the return flow of process waste to dredged pits need to meet the proposed no discharge of process waste water pollutants limits.

The proposed limits are only to be applied to point source discharges to navigable waters.

(10) One company claimed that it will discharge water from its treatment pond system as it tries to match the water lost by evaporation and percolation with fresh water intake.

Adequate control of the intake water volume will prevent treatment pond overflow in this case.

(11) One commenter complained that the cost of recycling water will increase as new ponds are located farther from the process equipment.

The newer plants have usually taken this into account when the plant was constructed. Older plants have the option of moving the plant to a more favorable location, pumping farther distances to new treatment ponds or dredging the existing ponds to prolong their life. The tailings from dredging may be disposed of in inactive sections of the mine.

(12) Another commenter suggested that portable plants should be a separate subcategory.

Portable plants were studied by the contractor and there is no reason why they cannot recycle process waste water as do permanent processing facilities. Further subcategorization is therefore not necessary.

(13) Two commenters pointed out that there can be land availability problems in building treatment ponds and in disposing sludge.

If sufficient land is not available, one alternative treatment system that could be used is cyclones followed by mechanical thickeners. Furthermore there are many plants able to successfully recycle water even at a few hundred mg/l of suspended solids. To discharge waste water at higher concentrations could cause significant damage to aquatic life. The additional sludge produced by eliminating the discharge and totally recycling is minor compared to the raw waste load that is reduced before discharge.

(14) One contributor requested that runoff that enters barite tailings ponds not be classified as process waste water.

Process waste water includes any water coming into contact with waste product (tailings) and with process waste water. However, a discharge from such tailings ponds is allowed when resulting from specified storm conditions.

(15) Questions have been raised concerning the availability of standards or guidelines applicable to the disposal of solid wastes resulting from the operation of pollution control systems.

The principles set forth in "Land Disposal of Solid Wastes Guidelines" (40 CFR Part 241) may be used as guidance for acceptable land disposal techniques. Potentially hazardous wastes may require special considerations to ensure their proper disposal. Additionally, state and local guidelines and regulations should be considered wherever applicable.

(16) It was questioned whether the Agency should regulate waste waters from mine areas before the economic impact analysis is complete.

With one exception, the graphite subcategory (Subpart AL), in the 17 subcategories regulated, only process waste waters are regulated. In these 17 cases the plants are currently achieving or are in the act of installing treatment facilities that will achieve the limitations representing the best practicable control technology currently available for process waste water. The limitations depicting the Agency's best judgments concerning control of mine and plant areas drainage is likely to have some economic effect. Hence the Agency will await the completion of the economic impact analysis before proposing standards for mine drainage. The standards for both process waste water and mine drainage are currently being achieved by the lone graphite plant and an economic assessment is therefore not required. In the remaining 21 subcategories any meaningful regulations will have an economic impact. Therefore the Agency is awaiting completion of the impact analysis before proposing substantial regulations.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in "Natural Resources Defense Council v. Train" et al. (Cv. No. 1609-73) which requires the promulgation of regulations for this industry category no later than October 5, 1975. This order also requires that such regulations become effective immediately upon publication. In addition, it is necessary to promulgate regulations establishing limitations on the discharge of pollutants from point sources in this category so that the process of issuing permits to individual dischargers under section 402 of the Act is not delayed.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a 30 day comment period, and to make any necessary revisions in light of the comments received within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 U.S.C. 553(b) that notice and comment on the interim final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective immediately upon publication.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Attention: Distribution Officer, WH-552. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before November 17, 1975, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate

public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202). In the event that the final regulation differs substantially from the interim final regulation set forth herein the Agency will consider petitions for reconsideration of any permits issued in accordance with this interim final regulation.

The numerical limitations set forth in Subparts A through AL below represent the best efforts of the Agency to develop effluent limitations based on the data and information available within the time allowed by the aforementioned court order which requires promulgation of the regulation for the mineral mining and processing category by October 6, 1975. At the earliest possible date, the Agency expects to propose amendments to this regulation based on additional information which is expected to become available.

In consideration of the foregoing, 40 CFR Part 436 is hereby established as set forth below.

Dated: October 8, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart A—Dimension Stone Subcategory

Sec.
436.10 [Reserved]

Subpart B—Crushed Stone Subcategory

436.20 [Reserved]

Subpart C—Construction Sand and Gravel Subcategory

436.30 [Reserved]

Subpart D—Industrial Sand Subcategory

436.40 [Reserved]

Subpart E—Gypsum Subcategory

436.50 Applicability; description of the gypsum subcategory.
436.51 Specialized definitions.
436.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart F—Asphaltic Minerals Subcategory

436.60 Applicability; description of the asphaltic minerals subcategory.
436.61 Specialized definitions.
436.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart G—Asbestos and Wollastonite Subcategory

436.70 Applicability; description of the asbestos and wollastonite subcategory.
436.71 Specialized definitions.
436.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart H—Lightweight Aggregates Subcategory

436.80 [Reserved]

Subpart I—Mica and Sericite Subcategory

Sec.
436.90 [Reserved]

Subpart J—Barite Subcategory

436.100 Applicability; description of the barite subcategory.
436.101 Specialized definitions.
436.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart K—Fluorspar Subcategory

436.110 Applicability; description of the fluorspar subcategory.
436.111 Specialized definitions.
436.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart L—Salines from Brine Lakes Subcategory

436.120 Applicability; description of the salines from brine lakes subcategory.
436.121 Specialized definitions.
436.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart M—Borax Subcategory

436.130 Applicability; description of the borax subcategory.
436.131 Specialized definitions.
436.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart N—Potash Subcategory

436.140 Applicability; description of the potash subcategory.
436.141 Specialized definitions.
436.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart O—Sodium Sulfate Subcategory

436.150 Applicability; description of the sodium sulfate subcategory.
436.151 Specialized definitions.
436.152 Effluent limitations guidelines representing the degree of effluent reductions attainable by the application of the best practicable control technology currently available.

Subpart P—Trona Subcategory

436.160 [Reserved]

Subpart Q—Rock Salt Subcategory

436.170 [Reserved]

Subpart R—Phosphate Rock Subcategory

436.180 [Reserved]

Subpart S—Frasch Sulfur Subcategory

436.190 Applicability; description of the Frasch sulfur subcategory.
436.191 Specialized definitions.
436.192 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart T—Mineral Pigments Subcategory

436.200 [Reserved]

Subpart U—Lithium Subcategory

436.210 [Reserved]

Subpart V—Bentonite Subcategory

436.220 Applicability; description of the bentonite subcategory.
436.221 Specialized definitions.
436.222 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart W—Magnesite Subcategory

436.230 Applicability; description of the magnesite subcategory.
436.231 Specialized definitions.
436.232 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart X—Diatomite Subcategory

436.240 Applicability; description of the diatomite subcategory.
436.241 Specialized definitions.
436.242 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart Y—Jade Subcategory

436.250 Applicability; description of the jade subcategory.
436.251 Specialized definitions.
436.252 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart Z—Novaculite Subcategory

436.260 Applicability; description of the novaculite subcategory.
436.261 Specialized definitions.
436.262 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart AA—Fire Clay Subcategory

436.270 [Reserved]

Subpart AB—Attapulgite and Montmorillonite Subcategory

436.280 [Reserved]

Subpart AC—Kyanite Subcategory

436.290 [Reserved]

Subpart AD—Shale and Common Clay Subcategory

436.300 [Reserved]

Subpart AE—Aplite Subcategory

436.310 [Reserved]

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Subpart AF—Tripoli Subcategory

Sec.
436.320 Applicability; description of the tripoli subcategory.
436.321 Specialized definitions.
436.322 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart AG—Kaolin Subcategory

436.330 [Reserved]

Subpart AH—Ball Clay Subcategory

436.340 [Reserved]

Subpart AI—Feldspar Subcategory

436.350 [Reserved]

Subpart AJ—Talc, Steatite, Soapstone and Pyrophyllite Subcategory

436.360 [Reserved]

Subpart AK—Garnet Subcategory

436.370 [Reserved]

Subpart AL—Graphite Subcategory

436.380 Applicability; description of the graphite subcategory.
436.381 Specialized definitions.
436.382 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

AUTHORITY: Sec. 301, 304 (b) and (c) Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 86 Stat. 816 et seq., Pub. L. 92–500) (the Act).

Subpart A—Dimension Stone Subcategory

§ 436.10 [Reserved]

Subpart B—Crushed Stone Subcategory

§ 436.20 [Reserved]

Subpart C—Construction Sand and Gravel Subcategory

§ 436.30 [Reserved]

Subpart D—Industrial Sand Subcategory

§ 436.40 [Reserved]

Subpart E—Gypsum Subcategory

§ 436.50 Applicability; description of the gypsum subcategory.

The provisions of this subpart are applicable to the processing of gypsum.

§ 436.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 436.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator or the State will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) For operations not employing wet air emissions control scrubbers there shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment. The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

Subpart F—Asphaltic Mineral Subcategory

§ 436.60 Applicability; description of the asphaltic mineral subcategory.

The provisions of this subpart are applicable to the processing of bituminous limestone, oil-impregnated diatomite and oilsonite not primarily as an energy source.

§ 436.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 436.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Subject to the provisions of the following paragraphs of this section, there shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment. The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

Subpart G—Asbestos and Wollastonite Subcategory

§ 436.70 Applicability; description of the asbestos and wollastonite subcategory.

The provisions of this subpart are applicable to the processing of asbestos and wollastonite.

§ 436.71 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 436.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) Only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment. The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

Subpart H—Lightweight Aggregates Subcategory

§ 436.80 [Reserved]

Subpart I—Mica and Sericite Subcategory

§ 436.90 [Reserved]

Subpart J—Barite Subcategory

§ 436.100 Applicability; description of the barite subcategory.

The provisions of this subpart are applicable to the processing of barite.

§ 436.101 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 436.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: For operations not employing wet processes or flotation processes there shall be no discharge of process generated waste water pollutants into navigable waters.

Subpart K—Fluorspar Subcategory

§ 436.110 Applicability; description of the fluorspar subcategory.

The provisions of this subpart are applicable to the processing of fluorspar.

§ 436.111 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 436.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied of other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different

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for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: For operations not employing heavy media separation or flotation processes there shall be no discharge of process generated waste water pollutants into navigable waters.

Subpart L—Salines from Brine Lakes Subcategory

§ 436.120 Applicability; description of the salines from brine lakes subcategory.

The provisions of this subpart are applicable to the processing of salines from brine lakes.

§ 436.121 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 436.122 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Subject to the provisions of the following paragraphs of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) The limitations specified in paragraph (a) of this section shall be applied on a net basis if the discharge is in compliance with § 125.28 of this chapter "the source of the applicant's water supply is the same body of water into which the discharge is made * * *"

Subpart M—Borax Subcategory

§ 436.130 Applicability; description of the borax subcategory.

The provisions of this subpart are applicable to the processing of borate minerals. Borax obtained from brine lakes is regulated in the salines from brine lakes subcategory (Subpart L of this part).

§ 436.131 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 436.132 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Subject to the provisions of the following paragraphs of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) Only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment. The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

Subpart N—Potash Subcategory

§ 436.140 Applicability; description of the potash subcategory.

The provisions of this subpart are applicable to the processing of potash. Potash obtained from brine lakes is regulated in the saline from brine lakes subcategory (Subpart L of this part).

§ 436.141 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 436.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all

information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Subject to the provisions of the following paragraphs of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) Only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment. The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

Subpart O—Sodium Sulfate Subcategory

§ 436.150 Applicability; description of the sodium sulfate subcategory.

The provisions of this subpart are applicable to the processing of sodium sulfate. Sodium sulfate obtained from brine lakes is regulated in the salines from brine lakes subcategory (Subpart L of this part.

§ 436.151 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 436.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Subject to the provisions of the following paragraphs of this section, there shall be no discharge of process waste water pollutants into navigable waters.

(b) Only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment. The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

Subpart P—Trona Subcategory

§ 436.160 [Reserved]

Subpart Q—Rock Salt Subcategory

§ 436.170 [Reserved]

Subpart R—Phosphate Rock Subcategory

§ 436.180 [Reserved]

Subpart S—Frasch Sulfur Subcategory

§ 436.190 Applicability; description of the Frasch sulfur subcategory.

The provisions of this subpart are applicable to the processing of sulfur on shore and in marshes and estuaries by the Frasch process. Not covered are sulfur refining operations that are not performed at the mining and collection site.

§ 436.191 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 436.192 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the

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discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Subject to the provisions of the following paragraphs of this section for operations mining anhydrite deposits, there shall be no discharge of process waste water pollutants into navigable waters.

(b) Only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment. The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

Subpart T—Mineral Pigments Subcategory

§ 436.200 [Reserved]

Subpart U—Lithium Subcategory

§ 436.210 [Reserved]

Subpart V—Bentonite Subcategory

§ 436.220 Applicability; description of the bentonite subcategory.

The provisions of this subpart are applicable to the processing of bentonite.

§ 436.221 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 436.222 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process generated waste water pollutants into navigable waters.

Subpart W—Magnesite Subcategory

§ 436.230 Applicability; description of the magnesite subcategory.

The provisions of this subpart are applicable to the processing of naturally occurring magnesite ore.

§ 436.231 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 436.232 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Subject to the provisions of the following paragraphs of this section, there shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment. The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

Subpart X—Diatomite Subcategory

§ 436.240 Applicability; description of the diatomite subcategory.

The provisions of this subpart are applicable to the processing of diatomite.

§ 436.241 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 436.242 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Subject to the provisions of the following paragraphs of this section, there shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment. The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

Subpart Y—Jade Subcategory

§ 436.250 Applicability; description of the jade subcategory.

The provisions of this subpart are applicable to the processing of jade.

count all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Subject to the provisions of the following paragraphs of this section, there shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a proc ess waste water impoundment may be discharged from that impoundment. The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

§ 436.251 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 436.252 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Subject to the provisions of the following paragraphs of this section, there shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment. The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

Subpart Z—Novaculite Subcategory

§ 436.260 Applicability; description of the novaculite subcategory.

The provisions of this subpart are applicable to the processing of novaculite.

§ 436.261 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 436.262 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to

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the provisions of this subpart after application of the best practicable control technology currently available:

(a) Subject to the provisions of the following paragraphs of this section, there shall be no discharge of process generated waste water pollutants into navigable waters.

(b) Only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment. The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

Subpart AA—Fire Clay Subcategory

§ 436.270 [Reserved]

Subpart AB—Attapulgite and Montmorillonite Subcategory

§ 436.280 [Reserved]

Subpart AC—Kyanite Subcategory

§ 436.290 [Reserved]

Subpart AD—Shale and Common Clay Subcategory

§ 436.300 [Reserved]

Subpart AE—Aplite Subcategory

§ 436.310 [Reserved]

Subpart AF—Tripoli Subcategory

§ 436.320 Applicability; description of the tripoli subcategory.

The provisions of this subpart are applicable to the processing of tripoli.

§ 436.321 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 436.322 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: For operations not employing wet processes there shall be no discharge of process generated waste water pollutants into navigable waters.

Subpart AG—Kaolin Subcategory

§ 436.330 [Reserved]

Subpart AH—Ball Clay Subcategory

§ 436.340 [Reserved]

Subpart AI—Feldspar Subcategory

§ 436.350 [Reserved]

Subpart AJ—Talc, Steatite, Soapstone and Pyrophyllite Subcategory

§ 436.360 [Reserved]

Subpart AK—Garnet Subcategory

§ 436.370 [Reserved]

Subpart AL—Graphite Subcategory

§ 436.380 Applicability; description of the graphite subcategory.

The provisions of this subpart are applicable to the mining and processing of naturally occurring graphite.

§ 436.381 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "mine drainage" shall mean any water drained, pumped or siphoned from a mine.

§ 436.382 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations. The following limitations for process waste water and mine dewatering establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(a) Subject to the provisions of the following paragraphs of this section, process waste water and mine drainage shall meet the following limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
TSS	20 mg/l.	10 mg/l.
Total Fe	2 mg/l.	1 mg/l.
pH	Within the range 6.0 to 9.0.	

(b) Only that volume of water resulting from precipitation that exceeds the maximum safe surge capacity of a process waste water impoundment may be discharged from that impoundment. The height difference between the maximum safe surge capacity level and the normal operating level must be greater than the inches of rain representing the 10 year, 24 hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the locality in which such impoundment is located.

[FR Doc.75-27723 Filed 10-15-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 436]

[FRL 443-6]

MINERAL MINING AND PROCESSING POINT SOURCE CATEGORY

Application of Effluent Limitations Guidelines for Existing Sources to Pretreatment Standards for Incompatible Pollutants

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 436—Mineral mining and Processing Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement an interim final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources within the gypsum subcategory (Subpart E), the asphaltic minerals subcategory (Subpart F), the asbestos and wollastonite subcategory (Subpart G), barite subcategory (Subpart J), the fluorspar subcategory (Subpart K), the salines from brine lakes subcategory (Subpart L), the borax subcategory (Subpart M), the potash subcategory (Subpart N), the sodium sulfate subcategory (Subpart O), the Frasch sulfur subcategory (Subpart S), the bentonite subcategory (Subpart V), the magnesite subcategory (Subpart W), the diatomite subcategory (Subpart X); the jade subcategory (Subpart Y), the novaculite subcategory (Subpart Z), the tripoli subcategory (Subpart AF) and the graphite subcategory (Subpart AL) of the mineral mining and processing point source category. The information contained in the preamble to the interim final regulation is incorporated herein by reference. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the effluent limitations guidelines (40 CFR Part 436) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants.) Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

"In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by the promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; and provided further that when the effluent limitations guidelines for each industry are promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment."

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Preliminary Draft Development Documents were made available to the public in February, 1975, and the Development Documents to support the interim final regulation are now being published. Copies of the Development Documents will continue to be maintained for inspection and copying during the comment period at the EPA Public Information Reference Unit, Room 2404, Waterside Mall, 401 M Street, SW, Washington, D.C. 20460. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices.

The Development Documents referred to above contain information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the mining and processing of minerals, the characteristics of these pollutants, and the degree of pollutant reduction attainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Documents referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies.

The options available to the Agency in establishing the level of pollutant reduction attainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the mineral mining and processing industry the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) Differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

As described in the Development Documents the process waste waters from the mineral mining and processing category may contain pH and suspended solids. Accordingly, it is the opinion of the EPA that because pH is recognized as a compatible pollutant, the first option is appropriate and the guidelines should not apply to process waste waters from plants in the mineral mining and processing category discharging to publicly owned treatment works. However the operator of the publicly owned treatment works is cautioned that some of the constituents of the process waste waters from these subcategories may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process

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waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation by the Agency pursuant to section 307(b) of the Act.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304 and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 436 be amended to add §§ 436.54, 436.64, 436.74, 436.104, 436.114, 436.124, 436.134, 436.144, 436.154, 436.194, 436.224, 436.234, 436.244, 436.254, 436.264, 436.324, and 436.384 as set forth below. All comments received on or before November 17, 1975, will be considered.

Dated: October 8, 1975.

RUSSELL E. TRAIN,
Administrator.

PART 436—MINERAL MINING AND PROCESSING POINT SOURCE CATEGORY

Subpart E—Gypsum Subcategory

Subpart E is amended by adding § 436.54 as follows:

§ 436.54 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 436.52 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart F—Asphaltic Minerals Subcategory

Subpart F is amended by adding § 436.64 as follows:

§ 436.64 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this Chapter, the effluent limitations guidelines set forth in § 436.62 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart G—Asbestos and Wollastonite Subcategory

Subpart G is amended by adding § 436.74 as follows:

§ 436.74 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 436.72 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart J—Barite Subcategory

Subpart J is amended by adding § 436.104 as follows:

§ 436.104 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 436.102 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart K—Fluorspar Subcategory

Subpart K is amended by adding § 436.114 as follows:

§ 436.114 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 436.112 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart L—Salines from Brine Lakes Subcategory

Subpart L is amended by adding § 436.124 as follows:

§ 436.124 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 436.122 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart M—Borax Subcategory

Subpart M is amended by adding § 436.134 as follows:

§ 436.134 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.113 of this chapter, the effluent limitations guidelines set forth in § 436.132 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307 (b) of the Act.

Subpart N—Potash Subcategory

Subpart N is amended by adding § 436.144 as follows:

§ 436.144 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 436.142 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately

treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart O—Sodium Sulfate Subcategory

Subpart O is amended by adding § 436.154 as follows:

§ 436.154 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 436.152 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart S—Frasch Sulfur Subcategory

Subpart S is amended by adding § 436.194 as follows:

§ 436.194 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 436.192 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately. treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart V—Bentonite Subcategory

Subpart V is amended by adding § 436.224 as follows:

§ 436.224 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 436.222 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart W—Magnesite Subcategory

Subpart W is amended by adding §436.234 as follows:

§ 436.234 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 436.232 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart X—Diatomite Subcategory

Subpart X is amended by adding § 436.244 as follows:

§ 436.244 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under §128.133 of this chapter, the effluent limitations guidelines set forth in § 436.242 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart Y—Jade Subcategory

Subpart Y is amended by adding § 436.254 as follows:

§ 436.254 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under §128.133 of this chapter, the effluent limitations guidelines set forth in §436.252 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart Z—Novaculite Subcategory

Subpart Z is amended by adding § 436.264 as follows:

§ 436.264 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 436.262 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart AF—Tripoli Subcategory

Subpart AF is amended by adding § 436.324 as follows:

§ 436.324 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 436.322 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

Subpart AL—Graphite Subcategory

Subpart AL is amended by adding § 436.384 as follows:

§ 436.384 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 436.382 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to section 307(b) of the Act.

[FR Doc.75-27721 Filed 10-15-75;8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL 443-7]

WATER POLLUTION PREVENTION AND CONTROL

Mineral Mining; Addition to List of Categories of Sources

Section 306(b)(1)(A) of the Federal Water Pollution Control Act, as amended October 18, 1972 (Pub. L. 92-500), directs the Administrator of the Environmental Protection Agency to publish, and from time to time revise a list of categories of sources which shall, at the minimum, include those listed in section 306(b)(1)(A). As soon as practicable, but in no case more than one year after the inclusion of a category of sources in such list, the Administrator is required to propose and publish regulations establishing Federal standards of performance for new sources within such categories. The original list of 27 source categories was published January 16, 1973 (38 FR 1624). Standards of performance have been promulgated for all 27 source categories.

The Administrator, after evaluating available information, has determined that mineral mining is an additional category of point sources which meets the above requirements. Evaluation of other point source categories is in progress, and the list will be supplemented from time to time as the Administrator deems appropriate. Accordingly, notice is given that the Administrator, pursuant to section 306(b)(1)(A) of the Act amends the list of categories of sources as follows:

LIST OF CATEGORIES OF SOURCES

32. Mineral Mining.

Proposed effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources applicable to the above point source categories appear elsewhere in this issue of the FEDERAL REGISTER.

Dated: October 8, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75-27720 Filed 10-15-75;8:45 am]

federal register

THURSDAY, OCTOBER 16, 1975



PART III:

PRIVACY ACT OF 1974

VARIOUS AGENCIES

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VETERANS ADMINISTRATION

PRIVACY ACT OF 1974

Proposed Amendment of Notice of Systems of Records

Notice is hereby given that the Veterans Administration is considering adding the following statement to each of the systems of records described and adopted in the notice published in the FEDERAL REGISTER October 10, 1975 (40 FR 47980): "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual." The proposed amendment was recommended by the Office of Management and Budget in a memorandum of October 3, 1975 directed to the heads of Executive Departments and Establishments. The implementation of this routine use will obviate the need for the written consent of the constituent in every case where the constituent requests assistance of the Member which would entail a disclosure of information pertaining to the constituent.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans' Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before November 17, 1975, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that it is proposed to make this description effective September 27, 1975, the effective date of section 3, Pub. L. 93–579.

Approved: October 9, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75–27883 Filed 10–15–75;8:45 am]

NATIONAL SCIENCE FOUNDATION

SYSTEMS OF RECORDS UNDER THE PRIVACY ACT

Pursuant to the requirements of Section 3 of the Privacy Act of 1974, 5 USC 552a(e)(4) notice is hereby given of the existence and character of an additional system of records maintained by the National Science Foundation and of the routine uses thereof. Interested persons are invited to submit written data, views or arguments to the Director, National Science Foundation, ATTN: General Counsel, Washington, D.C. 20550, not later than 30 days after the publication of this notice.

Richard C. Atkinson (for) H Guyford Stever,
Director.

NSF-38

System name: Alien Applications for Consideration of Waiver of Two-Year Foreign Residence Requirements-NSF

System location: NSF Office of International Programs, 1800 G Street, NW., Washington, DC 20550.

Categories of individuals covered by the system: Aliens subject to conditions of Section 212(e) of the Immigration and Nationality Act, seeking waiver of two-year foreign residence requirements, in order to apply for immigrant or temporary worker status.

Categories of records in the system: Curriculum vitae, next of kin, correspondence and employment data.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records may be made available to Department of State.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Records are filed alphabetically by last name of alien.

Safeguards: Building has security guards during nonbusiness hours. Records are in locked rooms after business hours. Access is limited to persons whose official duties require their use.

Retention and disposal: Records are held at NSF approximately two years after close out of case. Records are destroyed 10 years after close of alien case folder.

System manager(s) and address: Head, Office of International Programs.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: The individual and U.S. host institution (employer).

[FR Doc.75–27338 Filed 10–7–75;3:06 pm]

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

(Notice 75-78)

Proposed Notice of System of Records

Pursuant to the requirements of the Privacy Act of 1974 (5 U.S.C. 552a, P.L. 93-579) the National Aeronautics and Space Administration hereby gives notice of the maintenance of the following system of records.

This system of records was in existence on September 27, 1975, but due to administrative oversight the notice was not previously published. Accordingly, public comment on the system is invited.

Written comments should be addressed to the NASA Privacy Officer, Mail Code AE, National Aeronautics and Space Administration, Washington, DC 20546. All comments received by November 7, 1975, will be considered by NASA before taking final action on the system notice. Any comments received will be available for public inspection at the National Aeronautics and Space Administration, Room 7137, 400 Maryland Avenue, SW, Washington, DC 20546, between the hours of 9 a.m. and 4 p.m. Monday through Friday (except holidays), until 4 p.m., November 7, 1975.

It is proposed that this system notice shall be finally effective on November 14, 1975.

Duward L. Crow
Associate Deputy Administrator.

NASA 220RER

System name: LeRC Occupational Radiation Exposure Records—NASA

System location: Locations 8 and 14, as set forth in Appendix A (See Federal Register of September 22, 1975, 40 FR 184, 43687)

Lewis Research Center—NASA, 21000 Brookpark Road, Cleveland, OH 44135

LeRC Plum Brook Station, National Aeronautics and Space Administration, Sandusky, OH 44870

Categories of individuals covered by the system: Present and former LeRC employees and contractor personnel who may be exposed to radiation.

Categories of records in the system: Name, date of birth, exposure history, name of license holder, social security number, employment and training history.

Authority for maintenance of the system: 42 U.S.C. 2473, 44 U.S.C. 3101, 42 U.S.C. 2021, 2073, 2093, 2095, 2111, 2133, 2134, 2201, Title 10 Code of Federal Regulations, Part 20.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to inform individuals of their radiation dosage.

In addition to the internal uses of the information contained in this system of records the following are routine uses outside of NASA:

1. Standard routine uses 1-4 inclusive as set forth in Appendix B. (See Federal Register of September 22, 1975, 40 FR 184, 43688)
2. The Nuclear Regulatory Commission (formerly Atomic Energy Commission) may inspect records pursuant to fulfilling their responsibilities in administering and issuing licenses to use radiation sources.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are personally supervised during the day and locked in the office at night.

Records are protected in accordance with the requirements and procedures which appear in the NASA rules section of the FEDERAL REGISTER. (40 FR 184, 43668)

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Chief, Office of Environmental Health, Location 8

Subsystem manager: Manager, Plum Brook Reactor Facility, Location 14. Locations are set forth in Appendix A (See Federal Register of September 22, 1975 (40 FR 184, 43687)

Notification procedure: Individuals may obtain information from the cognizant System Manager or subsystem manager listed above.

Record access procedures: Same as above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER. (See 40 FR 184, 43668).

Record source categories: Individual is sole source.

[FR Doc.75-27495 Filed 10-8-75;11:44 am]

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Correction:

In the Reminders for the issue of Wednesday, October 15, 1975, on page xi, the last entry for the Veterans Administration should read as follows:

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rules and regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Staff Assistant to the Under Secretary is excepted under Schedule C.

Effective October 17, 1975, § 213.3315 (a) (43) is added as set out below:

§ 213.3315 Department of Labor.

(a) • • •

(43) One Staff Assistant to the Under Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistance to the Commissioners.

[FR Doc.75-28022 Filed 10-16-75;8:45 am]

PART 213—EXCEPTED SERVICE

U.S. Arms Control and Disarmament Agency

Section 213.3364 is amended to show that one position of Staff Assistant to the Deputy Director is excepted under Schedule C.

Effective October 17, 1975, § 213.3364 (l) is added as set out below:

§ 213.3364 U.S. Arms Control and Disarmament Agency.

• • • • • •

(l) One Staff Assistant to the Deputy Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-28024 Filed 10-16-75;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

Section 213.3388 is amended to show that one position of Special Assistant to the Deputy Administrator is excepted under Schedule C.

Effective October 17, 1975, § 213.3388 (b) (3) is added as set out below:

§ 213.3388 Federal Energy Administration.

• • • • • •

(b) • • •

(3) One Special Assistant to the Deputy Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-28021 Filed 10-16-75;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

Section 213.3388 is amended to show that one position of Special Assistant to the Deputy Administrator (Policy Planning) is excepted under Schedule C.

Effective October 17, 1975, § 213.3388 (l) (1) is added as set out below:

§ 213.3388 Federal Energy Administration.

• • • • • •

(l) *Office of the Deputy Administrator (Policy Planning).*

(1) One Special Assistant.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-28020 Filed 10-16-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Secretary to the Director, Materials Transportation Bureau is excepted under Schedule C.

Effective October 17, 1975, § 213.3394 (a) (4) is added as set out below:

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* • • •

(4) One Secretary to the Director, Materials Transportation Bureau.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-28023 Filed 10-16-75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM74-20; Order No. 537]

PART 35—FILING OF RATE SCHEDULES

Rate Design Information

OCTOBER 9, 1975.

Revisions to regulations under the Federal Power Act to provide for filing of rate design information.

On April 26, 1974, the Commission issued a notice of proposed rulemaking proposing to amend the Regulations under the Federal Power Act by requiring the submission of rate design information by public utilities as a part of their filings of initial rate schedules under Section 35.12 of the regulations and their filing of rate schedule changes under Section 35.13.

In the original notice, the Commission referred to its policy ". . . to develop the role of rate design in the conservation and efficient utilization of energy resources . . ." Accordingly, the proposed regulations would have required an explanation of each rate design in relation to conservation as well as cost considerations. The Commission also specifically called into question the typical design of rates in power contracts, stating that they must be considered promotional in nature.

Comments in response to the notice of April 26 were received from 34 parties. These parties are shown on Appendix A of this order. A majority of parties expressed opposition to the proposed rulemaking. Several of the parties contended that the proposed filing requirements would be unduly burdensome. For the most part, however, the majority of parties opposing the rulemaking interpreted it as an attempt by the Commission to depart from traditional cost-based rates in order to achieve certain social, economic, or conservation objectives. A total of sixteen parties, including utilities, public and rural cooperative distribution systems, and retail industrial consumers, strongly voiced their continued support for the concept of cost-based rates.

In order to clarify the purpose and intent of the proposed rulemaking, the Commission issued a revised rulemaking notice on February 14, 1975, incorporating certain modifications to the original proposals. The renotice makes clear the central role of costs in determining the reasonableness of rate designs, and eliminates the suggestion or implication that the Commission intends to depart from the principle of cost-based rates.

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Comments in response to the renotice were received from seven investor-owned utilities, the Salt River Project, the Environmental Defense Fund (EDF) and General Motors Corporation. The commenting parties are listed in Appendix B.

A majority of the commenting investor-owned utilities object wholly or in part to the proposed regulations on grounds the required information would be burdensome and in some cases difficult to prepare. Based upon a review of these comments, we find that the proposed regulations will in all likelihood be less burdensome in practice than may be anticipated by the utilities, and that in any event the information sought is necessary in order to properly enable this Commission to determine the justness and reasonableness of proposed rates, as required by Sections 205 and 206 of the Federal Power Act.

General Motors in its comments strongly supports the concept of cost-based rates, and further recommends that the proposed rulemaking require the submittal or data which would reveal the impact upon customers of any rate which is not cost-based. In view of the revisions contained in the renotice, we find that the additional information requested by General Motors has not been shown to be necessary in achieving the purpose or objectives of the proposed rulemaking, and the request to include such information is therefore denied.

EDF suggests the proposed regulations be modified to require the reporting of annual and monthly load duration curves, estimated incremental capacity costs, maximum and typical weekday and weekend instantaneous demands, and other information necessary to apply the principles of so-called marginal cost pricing.

It appears EDF's suggestions go well beyond the scope of the present rulemaking and must therefore be denied. Nevertheless, in view of widespread and growing interest in application of marginal cost pricing principles, including peak load pricing, long run incremental cost pricing, time-of-day metering, daily and seasonal differentials and the like, we believe that this is a matter of deserving of our attention insofar as such pricing techniques are applicable to rates subject to our jurisdiction.

Section 202(a) of the Federal Power Act makes reference to two principal objectives to be pursued by the Commission, namely: (1) assurance of ". . . an abundant supply of electric energy throughout the United States with the greatest possible economy . . ." and (2) regard for ". . . the proper utilization and conservation of natural resources . . ." The principal thrust of national power policies for many decades has been toward the first of these objectives. Recently, however, public policy has shifted to greater concern for the second objective, namely proper utilization and conservation of our natural resources including fuels and raw materials as well as air, water and land. It is primarily with the latter objective in view that some degree of restructuring of electric utility rates to reflect marginal cost pricing principles may be in order. It has been argued that pricing on this basis will bring about a closer alignment of rates to costs and thereby minimize misallocation of resources as well as reduce waste, inequity and discrimination.

The Federal Power Act establishes criteria for this Commission in the exercise of its rate regulatory authority. Rates must be just and reasonable, nonpreferential and non-discriminatory. We believe that it would be appropriate for the Commission to consider the extent to which application of marginal cost pricing principles will result in rates which conform more closely with these criteria while at the same time achieving the objectives outlined above. The record before us in this proceeding, however, does not provide a sufficient basis to determine the feasibility of applying marginal cost pricing principles to the design of rates subject to our jurisdiction, particularly rates charged to distributor systems for firm power.[1] Issuance of the subject filing requirements will not prejudice any party's rights, including those of our staff, to offer innovative rate design proposals through evidentiary presentations. Indeed, we believe that this matter should be examined by all electric systems with a view to determining whether alternate pricing mechanisms, particularly those based on marginal cost principles, for wholesale sales subject to the jurisdiction of this Commission would be economically sound as well as in accordance with statutory requirements. We note that at the present time a number of studies of rate design alternatives are in progress. We would welcome the introduction into evidence in rate proceedings before this Commission materials that become available from these studies to assist us in reaching judgements that are in the public interest.

Based on a review of the record in this rulemaking proceeding including the Commission's notices and the comments filed in response thereto, we find that the proposed revised regulations set forth in the renotice of February 14, 1975, are necessary to the proper discharge of our regulatory responsibilities under the Federal Power Act, and that such regulations should be approved and adopted. The regulations as set forth in the February 14, 1975, renotice will be amended to make clear the requirement to submit the specified rate design information with rate increase applications of less than $50,000 annually. They will be further clarified, in response to the comments of Detroit Edison Company, to eliminate any apparent duplication of the requirement to file summary cost data.

The Commission finds: (1) The notice and opportunity to participate in this rulemaking by the submission in writing of data, views, and comments in the manner described above are in accordance with the procedural requirements of Section 553 of Title 5 of the United States Code.

(2) The amendments of the Commission's regulations herein prescribed are necessary and appropriate in the public interest and in carrying out the provisions of the Federal Power Act.

The Commission, acting pursuant to the authority granted by the Federal Power Act, as amended, particularly Section 309 thereof (49 Stat. 858–859; 16 U.S.C. 829h) *orders:*

(1) A new § 35.12(b)(5) of the Commission's Regulations under the Federal Power Act is added immediately following Section 35.12(b)(4), to read as follows:

§ 35.12 Filing of initial rate schedules.

* * * * * *

(b) * * *

(5) In support of the design of the proposed rate, the filing public utility shall submit the same material required to be furnished pursuant to § 35.13(b)(4)(iii) Statement P. In addition to the summary cost analysis required by Statement P, the public utility shall also submit a complete explanation as to the method used in arriving at the cost of service allocated to the sales and service for which the rate or charge is proposed, and showing the principal determinants used for allocation purposes. In connection therewith, the following data should be submitted:

(i) In the event the filing public utility considers certain special facilities as being devoted entirely to the service involved, it shall show the cost of service related to such special facilities.

(ii) Computations showing the energy responsibility of the service, based upon considerations of energy sales under the proposed rate schedule and the kWh delivered from the filing public utility's supply system.

(iii) Computations showing the demand responsibility of the service, and explaining the considerations upon which such responsibility was determined (e.g., coincident or non-coincident peak demands, etc.).

(2) Existing § 35.13(b)(4)(ii) is revised as follows:

§ 35.13 Filing of changes in rate schedules.

* * * * * *

(b) * * *

(4) * * *

(ii) Statements A through O need not be filed where a proposed rate increase amounts to less than $50,000 annually. Increases of less than $50,000 annually shall, however, be accompanied by the information specified in § 35.12(b)(2) and (5), except where the increase results from changes such as an increase in the number of delivery points or a change in delivery-voltage.

§ 35.13 [Amended]

(3) Existing Statement P under § 35.13(b)(4)(iii) is revised as follows:

Statement P. In support of the design of the proposed rate, the filing public utility shall submit the following material:

(1) A narrative statement describing and justifying the objectives of the design of the proffered rate. If the purpose of the rate design is to reflect costs, the narrative should state how that objective is achieved, and should be accompanied by a summary cost analysis that would justify the rate design. If the rate design is not intended to reflect costs (whether fully distributed, incremental or other) a statement should be furnished justifying the departure from cost-based rates.

(2) where the billing determinants (quantities of demand, energy, delivery points, etc.) are on different bases than the cost allocation determinants supporting such charges, an explanation shall be submitted setting forth the economic or other considerations which warrant such departure. The information should include, but need not be limited to, the following:

(a) For rate schedules so structured, where the individual rates for the demand, energy, and customer charges do not correspond to the comparable cost classifications supporting such charges, a detailed explanation shall be submitted stating the reasons for the differences.

(b) For rate schedules so structured, where the rates being charged contain more than one demand or energy block, a detailed explanation shall be submitted indicating the rationale for the blocking and the considerations upon which such blocking is based, together with adequate cost support for the specific blocking.

(4) Existing Section 35.13(b)(4)(iii) is amended by revising the portion of the introductory text beginning with the words "Following is a description . . ." to read as follows:

Following is a description of statements A through P required to be filed pursuant to this subparagraph. In addition, the public utility shall file statements A through P together with related work papers based on estimates for any twelve consecutive months beginning after the end of Period I but no later than the date the rates are proposed to become effective (Period II). Full explanation of the bases of each of the estimated figures shall be included. Period II shall be the test period.

(5) The revised regulations promulgated by this order shall become effective 30 days following the date on which this order is issued.

(6) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

PARTIES SUBMITTING COMMENTS ON DOCKET NO. RM74-20

1. Carolina Power & Light Company.
2. Consumers Power Company.
3. Detroit Edison Company.
4. Duke Power Company.
5. Iowa-Illinois Gas and Electric Company.
6. Iowa Southern Utilities Company.
7. Louisiana Power & Light Company.
8. Northern States Power Company (Minnesota).
9. Ohio Edison Company.
10. Pennsylvania Power Company.
11. Public Service Company of New Hampshire.
12. Southern Indiana Gas and Electric Company.
13. Wisconsin Electric Power Company.
14. Wisconsin Public Service Corporation.
15. Butler Rural Electric Cooperative, Inc.
16. City of Webster City, Iowa.
17. New England Public Systems (7 Connecticut and Massachusetts municipals).
18. Kansas Forestry, Fish and Game Commission.
19. New York Public Service Commission.
20. American Public Power Association.
21. O. Franklin Rogers, representing:
    (a) National Rural Electric Cooperative Association.
    (b) 19 rural cooperative associations.
    (c) 2 municipal associations.
    (d) 1 regional service organization serving electric cooperatives, municipals and public power districts.
22. Environmental Action Foundation.
23. Mid-America Coalition for Energy Alternatives.
24. Natural Resources Defense Council, Inc.
25. Resources for the Future, Inc.
26. U.S. Environmental Protection Agency.
27. Air Products and Chemicals, Inc.
28. American Cyanamid Company.
29. Georgia Industrial Group representing 21 industrials.
30. FMC Corporation.
31. Jones & Laughlin Steel Corp.
32. Owens-Illinois, Inc.
33. Vulcan Materials Company.
34. Gilbert Management Consultants.

APPENDIX B

PARTIES SUBMITTING COMMENTS ON RENOTICING IN DOCKET NO. RM74-20

1. Carolina Power and Light Company.
2. Consumers Power Company.
3. Detroit Edison Company.
4. Duke Power Company.
5. New England Power Company.
6. Public Service Company of Colorado.
7. Public Service Company of New Hampshire.
8. Salt River Project.
9. Environmental Defense Fund.
10. General Motors Corporation.

[FR Doc.75-27943 Filed 10-16-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 75F-0221]

PART 121—FOOD ADDITIVES

Resinous and Polymeric Coatings

Notice was given in the FEDERAL REGISTER of September 18, 1974 (39 FR 33584), that a petition (FAP 5B3029) had been filed by Union Carbide Corp., River Rd., Bound Brook, NJ 08805, proposing that § 121.2514 (21 CFR 121.2514) be amended for the item "Vinyl chloride-acetate-2,3-epoxypropyl methacrylate copolymers * * *" by deleting the limitation on the types of foods that may be contacted by the copolymers.

The Commissioner of Food and Drugs, having evaluated the data in the food additive petition and other relevant material, concludes that § 121.2514 should be amended as set forth below; effective October 17, 1975.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2514(b)(3)(xv) is amended by revising the item "Vinyl chloride-acetate-2,3-epoxypropyl methacrylate copolymers * * *" to read as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * * *

(b) * * *

(3) * * *

(xv) * * *

Vinyl chloride-acetate-2,3-epoxypropyl methacrylate copolymers	Limitations
	Vinyl chloride-acetate-2,3-epoxypropyl methacrylate copolymers containing not more than 10 weight percent of total polymer units derived from 2,3-epoxypropyl methacrylate and not more than 0.1 weight percent of unreacted 2,3-epoxypropyl methacrylate monomer for use in coatings for containers.

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before November 17, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective October 17, 1975.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: October 9, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-27958 Filed 10-16-75;8:45 am]

[Docket No. 75N-0216]

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Phenylbutazone Tablets

The Commissioner of Food and Drugs has evaluated a new animal drug application (99-618V) filed by Philips-Roxane, Inc., St. Joseph MO 64502, pro-

[1] Pricing on the basis of incremental costs, however, is quite common in rate schedules covering power pooling type transactions.

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posing safe and effective use of phenylbutazone tablets for anti-inflammatory treatment of the musculoskeletal systems in horses. The application is approved, effective October 17, 1975.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), § 520.1720a is amended by revising paragraph (c) to read as follows:

§ 520.1720a Phenylbutazone tablets and boluses.

• • • • •

(c)(1) *Specifications.* The drug is a tablet containing 100 or 200 milligrams, or one gram of phenylbutazone.

(2) *Sponsor.* See No. 000010 in § 510.600(c) of this chapter.

(3) *Conditions of use.* (i) It is used for the relief of inflammatory conditions associated with the musculoskeletal system in dogs and horses.

(ii) It is administered orally as follows:

(a) *Dogs:* Administer 100- or 200-milligram tablets at 20 milligrams per pound of body weight in three divided doses daily, with a maximum dosage level of 800 milligrams per day regardless of body weight. It is used at a relatively high dosage level for the first 48 hours and then reduced gradually to a maintenance dosage level, with the lowest dosage maintained at the level capable of producing the desired clinical response.

(b) *Horses:* The 1-gram tablet is administered at 1 to 2 grams per 500 pounds of body weight, not to exceed 4 grams per animal per day. As symptoms regress, reduce dosage to 25 percent to 50 percent of initial dose as needed to control symptoms. If there is no improvement in 5 days, discontinue treatment. Treated animals should not be used for food purposes.

(iii) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

• • • • • •

Effective date. This regulation shall be effective October 17, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: October 9, 1975.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.75-27957 Filed 10-16-75;8:45 am]

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

PART 529—CERTAIN OTHER DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Gentamicin Sulfate Injection and Intrauterine Solution

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications (38–292V, 46–724V) filed by Schering Corp., Kenilworth, NJ 07033, proposing safe and effective use of gentamicin sulfate, veterinary, in the manufacture of gentamicin sulfate injection for the treatment of dogs and cats and gentamicin sulfate intrauterine solution for the treatment of horses. The applications are approved, effective October 17, 1975.

Accordingly, § 522.1044 (21 CFR 522.1044) is being amended to provide for the alternate use of gentamicin sulfate, veterinary, in the manufacture of the product used for the treatment of dogs and cats and certain additional indications; and § 529.1044a (21 CFR 529.1044a) is being amended to provide for the alternate use of gentamicin sulfate, veterinary, in the manufacture of the product for the treatment of horses.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

1. In Part 522, § 522.1044 is amended by revising paragraphs (a) and (c)(1) to read as follows:

§ 522.1044 Gentamicin sulfate injection.

(a) *Specifications.* If intended for use in dogs or cats, each milliliter of the drug contains 50 milligrams of gentamicin (as the sulfate) in sterile aqueous solution. If intended for use in turkeys, each milliliter of the drug contains 5 milligrams of gentamicin (as the sulfate) in sterile aqueous solution.

• • • • •

(c) • • •

(1) It is used or intended for use in:

(i) Dogs: For the treatment of infections of urinary tract (cystitis, nephritis), respiratory tract (tonsillitis, pneumonia, tracheobronchitis), skin and soft tissue (pyodermatitis, wounds, lacerations, peritonitis).

(ii) Cats: For the treatment of infections of urinary tract (cystitis, nephritis), respiratory tract (pneumonitis, pneumonia, upper respiratory tract infections), skin and soft tissue (wounds, lacerations, peritonitis), and as supportive therapy for secondary bacterial infections associated with panleucopenia.

• • • • • •

2. In Part 529, § 529.1044a is amended by revising paragraph (a) to read as follows:

§ 529.1044a Gentamicin sulfate intrauterine solution.

(a) *Specifications.* Each milliliter of the drug contains 50 milligrams of gentamicin (as the sulfate) in sterile aqueous solution.

• • • • • •

Effective date. This order shall be effective October 17, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: October 9, 1975.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.75-27960 Filed 10-16-75;8:45 am]

[Docket No. 75N-0246]

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Nystatin, Neomycin, Thiostrepton, and Triamicinolone Acetonide Ointment

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (12–258V) filed by E. R. Squibb & Sons, Inc., P.O. Box 4000, Princeton, NJ 08540, proposing that safe and effective conditions of use of nystatin, neomycin, thiostrepton, and triamicinolone acetonide ointment for topical treatment of cutaneous disorders in dogs and cats require that the drug be dispensed by or on the order of a licensed veterinarian. The supplemental application is approved, effective October 17, 1975.

The Commissioner is amending § 524.1600a (21 CFR 524.1600a) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 524 is amended in § 524.1600a by adding paragraph (c)(2)(v), to read as follows:

§ 524.1600a Nystatin, neomycin, thiostrepton, and triamicinolone acetonide ointment.

• • • • •

(c) • • •

(2) • • •

(v) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This regulation shall be effective October 17, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: October 9, 1975.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.75-27956 Filed 10-16-75;8:45 am]

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-318]

PART 82—REAL ESTATE SETTLEMENT PROCEDURES

Miscellaneous Amendments; Correction

On October 10, 1975 (40 FR 47792) the Department published Miscellaneous Amendments to Part 82. The effective date for these amendments was inadvertently omitted. The Secretary has determined that in view of the extreme urgency for these changes which are based largely on public comment, good cause exists for making the amendments effective upon publication.

Accordingly, the effective date appearing on page 47793 should be October 9, 1975.

DOUGLAS M. PARKER,
Deputy General Counsel.

[FR Doc.75-27980 Filed 10-16-75;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FI-712]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 F.R. 26186–93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arkansas	Lonoke	Cabot, city of	Sept. 26, 1975, emergency	Jan. 17, 1975		
Colorado	Eagle	Minturn, town of	do	Aug. 16, 1974		
Florida	Madison	Lee, town of	do	Sept. 6, 1974		
Do	Washington	Vernon, city of	do	June 28, 1974		
Georgia	Coweta and Fulton.	Palmetto, city of	do	June 14, 1974		
Kentucky	Spencer	Taylorsville, town of	do	Feb. 1, 1974		
Louisiana	St. Landry Parish.	Grand Coteau, town of	do	Dec. 7, 1973		
Massachusetts	Essex	Topsfield, town of	do	Sept. 13, 1974		
Do	Hampshire	Williamsburg, town of	do	do		
Michigan	Barry	Castleton, township of	do			
Do	Macomb and St. Clair.	Memphis, city of	do			
Minnesota	Clay	Glyndon, city of	do	May 17, 1974		
Missouri	Scott	Benton, city of	do			
New Hampshire	Hillsborough	Bedford, town of	do	Mar. 29, 1974		
New York	Schoharie	Carlisle, town of	do	Sept. 20, 1974		
Do	St. Lawrence	Hermon, town of	do	Feb. 7, 1975		
Do	Wayne	Macedon, town of	do	Dec. 20, 1974		
Do	Ulster	Marbletown, town of	do	Sept. 20, 1974		
Do	Schuyler	Montour, town of	do	July 19, 1974		
Do	Chenango	Pitcher, town of	do	Sept. 20, 1974		
Do	Cattaraugus	Randolph, village of	do	Nov. 22, 1974		
North Carolina	Alamance	Mebane, town of	do			
Ohio	Cuyahoga	Valley View, village of	do	Jan. 23, 1974		
Oklahoma	Pontotoc	Allen, town of	do	June 28, 1974		
Do	Cleveland	Lexington, city of	do	do		
Oregon	Sherman	Unincorporated areas	do			
Pennsylvania	Butler	Harrisville, borough of	do	Jan. 24, 1975		
Do	Lycoming	McNett, township of	do	July 25, 1975		
Do	Allegheny	Ohio, township of	do	Sept. 20, 1974		
Utah	Sevier	Elsinore, town of	do	Jan. 10, 1975		
Do	do	Sigurd, town of	do			

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State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Louisiana	Natchitoches Parish.	Natchez, village of	Sept. 29, 1975, emergency			
Michigan	Lake	Pleasant Plains, Township of.	do	Aug. 1, 1975		
Minnesota	Rice	Dundas, city of	do	Oct. 25, 1974		
Do	Anoka	St. Francis, city of	do	June 28, 1974		
Missouri	Iron	Pilot Knob, city of	do	Feb. 14, 1975		
New Jersey	Cumberland	Greenwich, township of	do			
Do	Burlington	Westampton, township of	do	June 28, 1974		
New York	Washington	Kingsbury, town of	do	Nov. 1, 1974		
Oklahoma	Cherokee	Hulbert, town of	do	Apr. 12, 1974		
Pennsylvania	Carbon	Lansford, borough of	do	June 7, 1974		
Do	Indiana	Marion Center, borough of	do	Aug. 30, 1974		
Do	Schuylkill	North Manheim, township of.	do	Nov. 15, 1974		
Do	Monroe	Price, township of	do	do		
South Dakota	Aurora	Plankinton, city of	do	June 7, 1974		
Tennessee	Shelby	Collierville, city of	do	Feb. 14, 1975		
Do	Sequatchie	Dunlap, city of	do	May 24, 1974		
Do	Maury	Spring Hill, city of	do	May 17, 1974		
Utah	Weber	Harrisville, city of	do	Aug. 8, 1975		
Vermont	Franklin	Bakersfield, town of	Sept. 26, 1975, emergency	Feb. 7, 1975		9
Do	Orleans	Orleans, village of	do	Aug. 9, 1974		
Wisconsin	Barron	Dallas, village of	do	July 19, 1974		
Do	Waupaca	Iola, village of	do	June 7, 1974		
Wyoming	Park	Meeteetse, town of	do	Nov. 22, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Chambers	LaFayette, city of	Sept. 30, 1975, emergency	Dec. 6, 1974		
Colorado	Conejos	Antonito, town of	do	July 11, 1975		
Georgia	Carroll	Bowdon, city of	do	Nov. 15, 1974		
				Aug. 8, 1975		
Do	Mitchell	Pelham, city of	do			
Idaho	Power	American Falls, city of	do	May 24, 1974		
Illinois	Stark	Bradford, village of	do	Dec. 20, 1974		
Do	Williamson	Carterville, city of	do	Feb. 15, 1974		
Do	Christian	Taylorville, city of	do	Sept. 6, 1974		
Indiana	Johnson	New Whiteland, town of	do	Jan. 16, 1974		
Louisiana	Jefferson Parish	Jean Lafitte, village of	do			
Minnesota	Carlton	Cormwell, city of	do	Aug. 30, 1974		
Missouri	Wright	Hartville, city of	do	June 28, 1974		
New Jersey	Warren	Fralinghuysen, township of	do	Nov. 22, 1974		
New York	Cattaraugus	Ashford, town of	do	Sept. 13, 1974		
Do	Otsego	Edmeston, town of	do	Dec. 20, 1974		
Do	Chautauqua	North Harmony, town of	do			
Do	Chenango	Plymouth, town of	do	Oct. 18, 1974		
Ohio	Henry	Napoleon, city of	do	May 31, 1974		
Pennsylvania	Luzerne	Hollenback, township of	do	Dec. 13, 1974		
Do	Chester	Lower Oxford, township of	do	Oct. 18, 1974		
Do	Westmoreland	New Stanton, borough of	Sept. 22, 1975, emergency	Aug. 2, 1974		
Do	Wayne	Salem, township of	do	Nov. 29, 1974		
Do	Bradford	Springfield, township of	do	Nov. 8, 1974		
Do	Northampton	Tatamy, borough of	do	Apr. 12, 1974		
Do	Jefferson	Washington, township of	do	Feb. 7, 1975		
Tennessee	Perry	Linden, town of	do	June 14, 1974		
Utah	Emery	Orangeville, city of	do	June 7, 1974		
Vermont	Franklin	Berkshire, town of	do	May 31, 1974		
Wisconsin	Jackson	Unincorporated areas	do			
Do	Trempealeau	Arcadia, city of	do	Nov. 30, 1973		
Do	Oconto	Gillett, city of	do	Apr. 12, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Georgia	Clinch	Dupont, city of	Oct. 1, 1975, emergency			
Illinois	Bureau	Manlius, village of	do	Mar. 8, 1974		
Do	Gallatin	New Haven, village of	do	Jan. 16, 1974		
Indiana	Dearborn	West Harrison, town of	do	Sept. 6, 1974		
Iowa	Cedar	Lowden, city of	do	June 28, 1974		
Maine	Kennebec	Chelsea, town of	do	Feb. 21, 1975		
Do	Aroostook	Dyar Brook, town of	do	Feb. 14, 1975		
Do	do	Easton, town of	do	Oct. 18, 1974		
Do	Waldo	Freedom, town of	do	Feb. 14, 1975		
Do	do	Lincolnville, town of	do	Nov. 22, 1974		
Do	Cumberland	Standish, town of	do	Apr. 18, 1975		
Do	Oxford	Stoneham, town of	do	Feb. 21, 1975		
Do	Waldo	Winterport, town of	do	do		
Massachusetts	Middlesex	Stow, town of	do	Oct. 18, 1974		
Michigan	Oakland	Orchard Lake Village, city of.	do	July 18, 1975		
Missouri	St. Louis	Hanley Hills, village of	do	Aug. 2, 1974		
New Hampshire	Strafford	Durham, town of	do	Sept. 13, 1974		
New Jersey	Sussex	Frankford, township of	do	Jan. 31, 1975		
Do	Warren	Hackettstown, town of	do			
New York	Orange	Crawford, town of	do	Nov. 15, 1974		
Do	Rensselaer	Grafton, town of	do	Nov. 1, 1974		
Tennessee	Shelby	Germantown, city of	do			
Texas	Bexar, Comal and Guadalupe.	Selma, city of	do	Dec. 6, 1974		
Virginia	Highland	Unincorporated areas	do	Mar. 21, 1975		
West Virginia	Mercer	Bluefield, city of	do			
Do	Fayette	Meadow Bridge, town of	do	Dec. 20, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: September 23, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75–27709 Filed 10–16–75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7381]

PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Temporary Regulations Relating to Commencement of Benefits Under Qualified Trusts

Correction

In FR Doc. 75–27007 appearing on page 47107 of the issue for Wednesday, October 8, 1975, the last line in the first column, reading "normal retirement benefits". The re-", should read "normal retirement age, actuarially re-".

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1953—CHANGES TO STATE PLANS FOR THE DEVELOPMENT AND ENFORCEMENT OF STATE STANDARDS

Requirements for Adoption of Permanent Federal Standards

Pursuant to the authority of sections 8(g)(2) and section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657(g)(2) and 667) (hereinafter called the Act), 29 CFR Part 1953, "Changes to State Plans for the Development and Enforcement of State Standards" is amended by adding to Subpart C, "Federal Program Change Supplements", a revised § 1953.23(a) adding requirements for adoption by States of changes to permanent Federal Standards adopted under section 6(b) of the Act.

Under section 18(c) of the Act an approved State plan must provide for standards which are or will be at least as effective as comparable Federal standards. Section 1902.4(b)(2)(ii), which implements this requirement, provides that a State must have an adequate method to assure that its standards will continue to be at least as effective as the Federal standards and States with approved plans have been required to incorporate this assurance in their plans. Confusion has existed in the past over the implementation of this assurance, but most States have complied within a six month time limit and all States generally have the ability to do so. The Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) may extend this time period where a State can show good cause why such a delay is necessary.

Therefore, it is determined that it is reasonable to provide that States must meet the requirement for continuing to maintain standards at least as effective as those promulgated under Section 6(b) of the Act by adopting State standards comparable to new permanent Federal standards, or more stringent amendments to existing Federal standards, within six months after the adoption of the new permanent Federal standard, or any more stringent amendment to an existing permanent Federal standard. As pointed out in § 1953.20, a Federal standard change that would either not affect, or that would result in no diminution of the effectiveness of comparable State regulation, generally would not require action by the States. The six months period is set forth as a reasonable maximum time frame for accomplishment of the required State standard action and is not meant to discourage prompter State action. For example, where State law provides for continued incorporation of Federal standards by reference, the appropriate State action would be accomplished almost simultaneously with the Federal standard action. Separate requirements are found in § 1953.22 for State adoption of standards comparable to Federal temporary emergency standards published under section 6(c) of the Act.

The revised §1953.23(a) includes statements of policy, interpretations of the Act and interpretations of existing regulations. Regulations dealing with statutory interpretations and policy statements do not require a public comment period prior to becoming effective. (5 U.S.C. 553(b)(3)(A)). Accordingly, the Assistant Secretary finds good cause exists and that no public comment period or notice is necessary.

In consideration of the foregoing, § 1953.23(a) of Part 1953, Chapter XVII, Title 29, Code of Federal Regulations, is hereby revised to read as follows:

§ 1953.23 Submission and consideration of Federal program changes.

(a)(1) Within a reasonable time after the occurrence of a Federal program change, other than promulgation of emergency temporary standards, the Assistant Regional Director, as directed by the Assistant Secretary, shall advise the States of the Federal program change and that a State supplement is required. The notification shall also contain a time period, generally not to exceed 30 days, for submission of the Federal program change supplement, or a schedule for the completion of such change.

(2) Where the Federal program change is a new permanent standard, or a more stringent amendment to an existing permanent standard, the State shall promulgate a State standard adopting such new Federal standard, or more stringent amendment to an existing Federal standard, or an at least as effective equivalent thereof, within six months of the date of promulgation of the new Federal standard or more stringent amendment. The Assistant Secretary may permit a longer time period if the State makes a timely demonstration that good cause exists for extending the time limitation.

• • • • • •

(Secs. 8(g), 18; Pub. L. 91–596, 84 Stat. 1600, 1608; (29 U.S.C. 657(g), and 667))

Signed at Washington, D.C. this 6th day of October, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75–27992 Filed 10–16–75;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Marriage Dates of Widows and Widowers

On page 37059 of the FEDERAL REGISTER of August 25, 1975, there was published a notice of proposed regulatory development to amend § 3.54 relating to marriage dates of widows and widowers. Paragraph (a) of § 3.54, applicable in pension cases, provides that the delimiting date for veterans who served during the Vietnam era is "10 years after end of Vietnam era." Presidential Proclamation 4373, signed by the President on May 7, 1975, designated May 7, 1975, as the last day of the Vietnam era. This amendment to § 3.54 establishes May 8, 1985, as the specific delimiting date for widows and widowers of Vietnam era.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

No written comments have been received and the proposed regulation is hereby adopted without change and is set forth below.

Effective date. This VA Regulation is effective May 7, 1975.

Approved: October 14, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

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In § 3.54, paragraph (a) (3) (vii) is revised to read as follows:

§ 3.54 Marriage dates.

• • • • •

(a) *Pension.* Death pension may be paid to a widow or widower who was married to the veteran:

• • • • •

(3) Prior to the applicable delimiting dates, as follows:

• • • • •

(vii) Vietnam era..... May 8, 1985.

• • • • •

[FR Doc.75-28059 Filed 10-16-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 433-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Oregon Implementation Plan

On February 19, 1975, the Director of the Oregon Department of Environmental Quality (DEQ) submitted to the Administrator revisions to the Oregon Administrative Rules (OAR) Chapter 340, Sections 12-030 through 12-055, *Civil Penalties*, as a proposed revision to the Oregon State Implementation Plan (SIP). Pursuant to Section 110 of the Clean Air Act, as amended, announcement of receipt of the revision was published in a Notice of Proposed Rulemaking in the FEDERAL REGISTER on June 26, 1975 (40 FR 27050). Public comments were solicited as to whether or not the proposed revision should be approved or disapproved. No comments were received during the thirty-day period provided.

The Oregon Environmental Quality Commission repealed the former rules pertaining to Civil Penalties (Sections 12-005 through 12-025) and adopted the new Civil Penalty Rules on September 4, 1974 after proper notice and public hearing in accordance with 40 CFR 51.4 and 51.6. The revision for Civil Penalties is summarized as follows:

1. Each violation is considered a separate and distinct offense and, in cases of continued violation, each day's continuance shall be so considered. Proceedings for the assessment of multiple penalties for multiple violations may, however, be consolidated into a single proceeding.

2. Prior to the assessment of Civil Penalties, the DEQ shall serve written notice of violation and state that the DEQ will assess a civil penalty if the violation continues five days following service of the notice. Written notice shall not be required in cases where the respondent has otherwise received actual notice of the violation not less than five days prior to the violation for which a penalty is assessed. Advance notice will not be required where the pollution or contaminant source would normally not be in existence for five days, or where the source might leave or be removed from the DEQ's jurisdiction.

3. Factors considered in the levying of penalties include the following:

a. Whether the respondent has committed any prior violation, regardless of whether any action was commenced.

b. The history of the respondent in the matter of taking all feasible steps to correct the violation.

c. The economic and financial condition of the respondent.

d. The seriousness of the violation.

e. Whether the violation was continuous, and repeated.

f. Whether the cause of violation was accidental and unavoidable, or occurred through negligence or deliberate action on the part of the respondent.

g. The opportunity and degree of difficulty to correct the violation.

h. The cooperativeness of the respondent in efforts to correct the cause of the violation.

i. The cost to the Department of investigation and correction procedures prior to receipt of the respondent's answer to written notice.

j. Unless discussed in the respondent's answer to written notice of violation, the Commission presumes that the economic/financial conditions of the respondent will allow imposition of the penalty assessed. Burden of proof regarding economic conditions will rest with the respondent.

4. *Air Quality Schedule of Penalties.* The Civil Penalties schedules in the approved implementation plan provide specific penalties for certain violations. The revised regulation consolidates these into three basic types and is summarized as follows. In addition to any liability, duty, or other penalty provided by law, the appropriate authorities may assess a civil penalty for any violation pertaining to air quality by service of a written notice of assessment of civil penalty upon the respondent. The amount of penalty shall be determined by the following schedule:

1. Not less than $100 nor more than $500 for violation of an order of the Commission, DEQ, or regional air quality control authority.

2. Not less than $25 nor more than $500 for any violation which causes, contributes to, or threatens the emission of an air contaminant into the outdoor atmosphere.

3. Not less than $25 nor more than $300 for any other violations.

The Administrator has thoroughly reviewed and evaluated the revision to the Oregon Civil Penalties regulation and has determined the regulation to be approvable.

In addition to approving the Oregon Civil Penalties regulation, the Administrator is today correcting an error that occurred in the August 7, 1975 FEDERAL REGISTER (40 FR 33216). Under § 52.1970(c)(2) the date January 24, 1974 should read January 17, 1974. This error is corrected below.

The Administrator finds good cause for making this rulemaking effective immediately, as the regulation is already in effect under State law and approval by EPA will impose no additional burdens on the parties affected.

This Notice of Final Rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended. (42 U.S.C. 1857c-5).

Dated: October 10, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart MM—Oregon

In § 52.1970, paragraph (c)(2) is amended to read as follows:

§ 52.1970 Identification of plan.

• • • • • •

(c) Supplemental information was submitted on: • • •

(2) August 10, 1972; February 8, 9, and 13, May 30, June 8, 22, and 25, July 17 and August 3, 20, and 27, 1973; January 17, 1974; and February 19, 1975, by the Department of Environmental Quality.

[FR Doc.75-28070 Filed 10-16-75;8:45 am]

[FRL 445-7; PP5F1637 and PP5F1638/R59]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Carboxin

On July 18, 1975, notice was given (40 FR 30314) that Uniroyal Chemical, Division of Uniroyal, Inc., Bethany CT 06525, had filed two pesticide petitions (PP 5F1637 and PP 5F1638) with the Environmetal Protection Agency (EPA). Both petitions proposed that 40 CFR 180.301 be amended by establishing a tolerance for residues of the fungicide carboxin (5,6-dihydro-2-methyl-1,4-oxathiin-3-carboxanilide) and its metabolite 5,6 - dihydro-3-carboxanilide-2-methyl-1,4-oxathiin-4-oxide (calculated as carboxin); PP 5F1637 proposed a tolerance in or on the raw agricultural commodity soybeans at 0.2 part per million (ppm) and, PP 5F1638 proposed a tolerance in or on the raw agricultural commodities sorghum grain, fodder, and forage at 0.2 ppm.

The data submitted in the petitions and other relevant material have been evaluated, and the fungicide is considered to be useful for the purposes for which the tolerance is sought. Established tolerances are adequate to cover any residue which might occur in eggs, milk, and meat of livestock, and § 180.6(a)(3) applies. The tolerance established by amending § 180.301 will protect the public health, and it has, therefore, been concluded that the tolerance should be established as set forth below.

Any person adversely affected by this regulation may, on or before November 17, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective October 17, 1975.

Part 180, Subpart C, § 180.301 is amended as set forth below.

Dated: October 10, 1975.

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticide Programs.

AUTHORITY: Section 408(d)(2) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(d)(2)].

Section 180.301 is amended by revising the paragraph "0.2 part per million . . ." to include the raw agricultural commodities sorghum grain, fodder, and forage, and soybeans to read as follows:

§ 180.301 Carboxin; tolerances for residues.

• • • • •

0.2 part per million in or on barley (grain and straw); corn (grain, fodder, and forage); fresh corn including sweet corn (kernels plus cob with husk removed); oats (seed and straw); rice and rice straw; sorghum (grain, fodder, and forage); soybeans; and wheat (grain and straw).

• • • • •

[FR Doc.75-28061 Filed 10-16-75;8:45 am]

[FRL 445-6; PP5F1533/R60]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Oxadiazon

On October 31, 1974, notice was given (39 FR 38411) that Rhodia Inc., Chipman Division, 120 Jersey Ave., New Brunswick NJ 18903, had filed a pesticide petition (PP 5F1533) with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR 180.346 be amended by the establishment of a tolerance for combined negligible residues of the herbicide oxadiazon (2-*tert*-butyl-4-(2,4 - dichloro-5-isopropoxyphenyl) - Δ^2-1,3,4-oxadiazolin-5-one) and its metabolites (2 - *tert*-butyl-4-(2,4-dichloro-5-hydroxyphenyl) - Δ^2-1,3,4-oxadiazolin- 5 - one) and (2 - carboxyisopropyl - 4 - (2,4-dichloro-5-isopropoxyphenyl) - Δ^2-1,3,4-oxadiazolin-5-one) in or on the raw agricultural commodities almond hulls, the raw agricultural group nut crops (40 CFR 180.34), and pistachio nuts at 0.05 part per million (ppm).

Rhodia Inc. subsequently amended the petition by proposing that the tolerance be established only for Brazil nuts, bush nuts, butternuts, cashews, chestnuts, filberts, hazelnuts, hickory nuts, macadamia nuts, pecans, pistachio nuts, and walnuts.

The data submitted in the petition and other relevant material have been evaluated, and the herbicide is considered to be useful for the purpose for which the tolerance is sought. There is no reasonable expectation of residues in eggs, meat, and meat byproducts of poultry, and § 180.6(a)(3) applies. The tolerance established by amending § 180.346 of the regulations will protect the public health, and it has, therefore, been concluded that the tolerance should be established as set forth below.

Any person adversely affected by this regulation may, on or before November 17, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective October 17, 1975, Part 180, Subpart C, § 180.346 is amended as set forth below.

Dated: October 10, 1975.

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticide Programs.

AUTHORITY: Section 408(d)(2) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(d)(2)].

Section 180.346 is amended by revising the paragraph "0.05 part per million . . ." to include the raw agricultural commodities Brazil nuts, bush nuts, butternuts, cashews, chestnuts, filberts, hazelnuts, hickory nuts, macadamia nuts, pecans, pistachio nuts, and walnuts to read as follows:

§ 180.346 Oxadiazon; tolerances for residues.

• • • • •

0.05 part per million (negligible residues) in or on Brazil nuts, bush nuts, butternuts, cashews, chestnuts, crabapples, filberts, hazelnuts, hickory nuts, macadamia nuts, pears, pecans, pistachio nuts, quinces, rice grain, stone fruit, and walnuts.

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[FR Doc.75-28062 Filed 10-16-75;8:45 am]

[FRL 445-5; OPP-300006A]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Exemptions From Requirement of a Tolerance for Certain Inert Ingredients in Pesticide Formulations

On September 8, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 41538) a notice of proposed rulemaking to amend 40 CFR 180.1001 by exempting certain pesticide chemicals which are additional inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements under the provisions of Section 408(e) of the Federal Food, Drug, and Cosmetic Act. No comments or requests for referral to an advisory committee were received with regard to this notice, and it has, therefore, been concluded that the amendment to the regulations be adopted as proposed.

Any person adversely affected by this regulation may, on or before November 17, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective October 17, 1975, Part 180, Subpart D, § 180.1001, is amended as set forth below.

Dated: October 10, 1975.

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticide Programs.

AUTHORITY: Section 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)].

Part 180, Subpart D, § 180.1001 is amended by revising the item "α-(o,p-dinonylphenyl)-ω-hydroxypoly (oxyethylene) produced • • •" in paragraph (c) and by alphabetically inserting new item in paragraphs (c), (d), and (e) as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

• • • • • •

(c) • • •

FEDERAL REGISTER, VOL. 40, NO. 202—FRIDAY, OCTOBER 17, 1975

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Inert Ingredients	Limits	Uses
α-Alkyl (C₈-C₁₀)-ω-hydroxypoly (oxypropylene) block polymer with polyoxyethylene; polyoxypropylene content average 3 moles; polyoxyethylene content average 7 moles; average molecular weight approximately 625.	----------	Surfactants, related adjuvants of surfactants.
α-(o,p-dinonylphenyl)-ω-hydroxypoly(oxyethylene) produced by condensation of 1 mole of dinonylphenol (nonyl) group is a propylene trimer isomer) with an average of 4-14 or 140-160 moles of ethylene oxide.	----------	Surfactants, related adjuvants of surfactants.

(d) • • •

Inert Ingredients	Limits	Uses
Glyceryltris 12-hydroxystearate.	----------	Flow control agent.
Sodium tetraborate.	Not more than 2 percent of pesticide formulation.	Buffering agent; corrosion inhibitor.

(e) • • •

Inert Ingredients	Limits	Uses
α-Alkyl (C₈-C₁₀)-ω-hydroxypoly(oxypropylene) block polymer with polyoxyethylene; polyoxypropylene content average 3 moles; polyoxyethylene content average 7 moles; average molecular weight approximately 625.	----------	Surfactants, related adjuvants of surfactants.
Glyceryltris 12-hydroxystearate		Flow control agent.
Polyacrylic acid		Surfactants, related adjuvants of surfactants.
Sodium carboxymethyl-cellulose		Suspending and thickening agent.
Sodium sulfate		Solid diluent, carrier.

[FR Doc.75-28063 Filed 10-16-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds; Correction

In FR Doc. 75-24772 appearing at page 44709 in the FEDERAL REGISTER of September 29, 1975, season dates for ducks under "Remainder of State" under "Oregon" in the table at page 44720 reading "Oct. 11-Jan. 1" are corrected to read "Oct. 11-Jan. 11."

AUTHORITY: Migratory Bird Treaty Act of July 3, 1916, as amended (40 Stat. 755; 16 U.S.C. 703-711).

Dated: October 14, 1975.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-28056 Filed 10-16-75;8:45 am]

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits and Possession of Certain Migratory Game Birds; Amendment

On September 29, 1975, a document was published in the FEDERAL REGISTER (40 FR 44709) amending certain sections of Part 20, Title 50 CFR to set open seasons, shooting hours, and bag and possession limits for the hunting of migratory game birds in the United States for the 1975-76 season. Included in that document were season dates for hunting snow (including blue) geese in the Atlantic Flyway, under § 20.105(e).

Officials of the Division of Fish, Game and Shellfisheries of the New Jersey Department of Environmental Protection have notified the U.S. Fish and Wildlife Service that season dates for hunting snow geese in the Counties of Atlantic, Cape May, and Cumberland in the State of New Jersey are being changed from Nov. 10-Dec. 9 to Nov. 26-Dec. 25, with a noon opening on November 26. The remainder of the State continues to remain closed to snow goose hunting. The reason for the change is to bring the snow goose season in New Jersey into conformance with the stipulations contained in the *Final Regulations Frameworks for 1975-76 Hunting Seasons on Waterfowl, Coots, and Gallinules; Cranes in Parts of North Dakota, South Dakota, New Mexico, Texas, Colorado, Oklahoma, Montana, and Wyoming; and for Common Snipe in the Pacific Flyway* which were published in the FEDERAL REGISTER on September 5, 1975 (40 FR 41096).

The Service concurs in this change since it brings the season dates for snow geese within the regular waterfowl season for New Jersey, as specified in the frameworks, to protect the snow goose from undue hunting pressure. Since the change in season dates fulfills a legal requirement set forth in the final frameworks, the Service finds that notice of a proposed rulemaking is impractical, unnecessary, and contrary to the public interest.

Furthermore, because of the need to expedite the implementation of this amendment in order to communicate the season change to the hunters in New Jersey prior to November 10th, the Service finds that "good cause" exists within the terms of 5 U.S.C. § 553(d)(3) of the Administrative Procedures Act; these regulations will therefore take effect immediately upon publication.

(40 Stat. 755; U.S.C. 703-711)

Effective date: October 17, 1975.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

OCTOBER 14, 1975.

Accordingly, in § 20.105 paragraph (e) is amended as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

• • • • •

(e) *Atlantic, Mississippi, and Central Flyways.*

Atlantic Flyway. • • •

		Limits	
		Bag	Possession
NEW JERSEY			
Ducks	Oct. 8*-Oct. 18; Nov. 26*-Jan. 3	Point system	Point system.
Coots		15	30.
Geese:			
Canada	Oct. 8*-Nov. 7; Nov. 26*-Jan. 3	3	6.
Snow (including blue) (in Atlantic, Cape May, and Cumberland Counties only).	Nov. 26*-Dec. 25	2	4.
Brant	Nov. 10-Dec. 9	4	8.

• • • • • • •

[FR Doc.75-28057 Filed 10-16-75;8:45 am]

PART 32—HUNTING

Eastern Neck National Wildlife Refuge, Md.

The following special regulations are issued and are effective during the period October 25, 1975 through December 31, 1975. Administrative and biological needs require the Eastern Neck Refuge deer hunting season to be held concurrent with the Maryland State hunting season. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

§ 32.32 Special regulations; big game, for individual wildlife refuge areas.

MARYLAND

EASTERN NECK NATIONAL WILDLIFE REFUGE

Public hunting of White-tailed deer on the Eastern Neck National Wildlife Refuge, Maryland, is permitted on all areas except county roads, parking areas, and areas designated by signs as closed to hunting. This open area, comprising 2,169 acres, is delineated on maps available from Eastern Neck National Wildlife Refuge, Route 2, Box 225, Rock Hall, Maryland 21661, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions:

(1) White-tailed deer may be taken from sunrise to sunset during the following open seasons:

Archery only: October 25 and November 1, 1975.

Muzzle-loading longarm only: November 8, 1975.

Shotgun only: November 24, 25, 26, 29, 1975.

(2) Bag limits: One deer, either sex.

(3) All participants in the deer hunt must check in and out at the refuge check station before entering or leaving the refuge. All deer killed must be presented for examination at the refuge check station on the day killed.

(4) Hunters may not enter the refuge before sunrise and must check out no later than one hour after sunset.

(5) Possession of loaded weapons, including arrows notched in bows, is not permitted on county blacktop roads, in parking areas, in or on vehicles, and before shooting hours.

(6) All hunters must enter and leave by way of State Road 445 only. Entry by boat is not permitted.

(7) During all refuge hunts, hunters must furnish and wear, so as to be readily noticeable, daylight fluorescent orange caps or hats and a minimum of 144 square inches of fluorescent orange material worn on the chest and on the back above the waistline.

(8) Hunters under 18 years of age must be accompanied by a hunting, permit-holding adult.

(9) Contained fire cooking devices will be permitted within fifty (50) feet of legally parked vehicles and in the Bogle's Wharf and Ingleside Recreation Areas.

(10) All hunters must exhibit their hunting weapons, game, Federal permit, Federal qualification certificate, State hunting license, and deer-turkey stamp to Federal or State officers on request.

(11) A completed proficiency certificate will be required of all archery and all muzzle-loading longarm hunters. Valid proficiency certificates will be honored for three (3) years. The certificate will contain identification of shooter, identification of certifying individuals, and identification of weapons with which hunter is proficient. Required proficiency levels for muzzle-loading firearm hunters are placement of three (3) consecutive shots in a twelve (12) inch bullseye at a fifty (50) yard distance using an off-hand firing position and a minimum of .40 caliber and not less than 60 grains of black powder. The weapon ignition system used to hunt must be the same as that used to qualify. Bow hunters required proficiency will be the ability to place three (3) of five (5) consecutive shots in a nine (9) inch by fourteen (14) inch chest area of a standard deer target using bow and arrows legal for the taking of deer in the State of Maryland.

(12) All arrows in possession of archery hunters must have the hunter's full name and permanent address legibly affixed with indelible ink or paint to the arrow shaft.

(13) Use or possession of alcoholic beverages by hunters is not permitted during the hunt.

(14) A Federal hunt permit will be required of all participants in the deer hunts. Permits will be issued in advance of the season to hunters selected by lottery. Permits will be limited to seventy-five (75) per day for gun hunts, and one hundred (100) per day for archery hunts.

(15) The permit must be returned to the refuge at check-out or, in the case of persons unable to hunt on the day selected, the permit must be returned prior to December 31, 1975. Noncompliance with this and other regulations will subject hunter to regular penalties and, in addition, be grounds for non-selection in future hunts.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1975.

Dated: October 9, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-27975 Filed 10-16-75;8:45 am]

PART 32—HUNTING

Tewaukon National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on October 17, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Public bow hunting of deer on the Tewaukon National Wildlife Refuge, North Dakota, is permitted from noon November 24, 1975, through December 31, 1975, on the entire refuge as posted. This area, comprising 7,929 acres, is delineated on maps available at refuge headquarters, Cayuga, North Dakota 58013, and from the office of the Area Manager, U.S. Fish and Wildlife Service, Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State and Federal Regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1975.

HERBERT G. TROESTER,
Refuge Manager,
Tewaukon National Wildlife Refuge.

OCTOBER 8. 1975.

[FR Doc.75-27976 Filed 10-16-75;8:45 am]

PART 32—HUNTING

Santee National Wildlife Refuge, S.C.

The following special regulations are issued and are effective on November 1, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

SOUTH CAROLINA

SANTEE NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks, and coots on the Santee National Wildlife Refuge, South Carolina is suspended for

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the 1975–76 season inasmuch as lands which have previously been hunted have been removed from the refuge under a lease agreement with the South Carolina Public Service Authority.

PHILLIP S. MORGAN,
Acting Regional Director.

OCTOBER 8, 1975.

[FR Doc.75-27977 Filed 10-16-75;8:45 am]

PART 32—HUNTING

Chincoteague National Wildlife Refuge, Va.

The following special regulations are issued and are effective during the period October 20, 1975 through January 2, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Hunting of fox, raccoon and opossum on the Chincoteague National Wildlife Refuge, Virginia is permitted on areas designated as open to deer hunting, by authorized deer hunters, on dates open for deer hunting. Hunting will be in accordance with all applicable State regulations governing the hunting of fox, raccoon and opossum.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 2, 1976.

Dated: October 10, 1975.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-27978 Filed 10-16-75;8:45 am]

PART 32—HUNTING

Chincoteague National Wildlife Refuge, Va.

The following special regulations are issued and are effective during the period October 20, 1975 through January 2, 1976. Administrative and biological needs require the Chincoteague Refuge deer hunting season to be held concurrent with the Virginia State hunting season. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Chincoteague National Wildlife Refuge, Virginia, is permitted only on areas designated by signs as open to hunting. The open areas are delineated on maps available at refuge headquarters, P.O. Box 62, Chincoteague, Virginia 23336, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting will be in accordance with all applicable State regulations governing the hunting of deer subject to the following conditions:

(1) Species to be taken: (a) Archery Hunt—Sika and white-tailed deer, either sex; (b) Stag hunt—Sika and white-tailed. Hunter must bag an adult female before a stag (five points or better) can be taken.

(2) Bag Limits: (a) Archery Hunt—One per day, two per license year, either sex; (b) Stag hunt—One per day, two per license year, with the provisions that the first deer must be an adult female and the second a stag (five points or better),

(3) Season: (a) Archery—Will coincide with the State archery deer season, except Sundays; (b) Stag hunt—November 17–19, November 20–21, December 1–5, December 8–12, December 15–19, December 22–26, and December 29, 1975–January 2, 1976. The number of Stag hunts will depend on the number of hunters applying.

(4) Weapon: (a) Archery—Long bow and arrow only. Archers must use broadhead arrows with blades at least ⅞ inches wide and bows capable of propelling any arrow in their possession 125 yards. All arrows in an archer's possession while hunting must be *permanently marked with hunter's name* and address. Archers may not have firearms or illegal arrows in their possession. (b) Stag weapons—Rifles and shotguns, modern or antique, capable of holding only one round will be acceptable. Rifles of .23 caliber or larger and shotguns of 20 gauge or larger will be permitted. Slugs only will be permitted in shotguns. Possession of firearms or ammunition on refuge which is not stipulated as permitted in these regulations is prohibited.

(5) Dogs are prohibited.

(6) Hunting hours—Same as State hunting hours. All hunters must be clear of hunting areas by 8 p.m.

(7) Carrying loaded firearms or nocked arrows in or on or shooting from a vehicle is prohibited.

(8) Camping and fires on refuge are prohibited.

(9) All hunters under 18 years of age must be accompanied by an adult.

(10) *All wounded deer will be reported to refuge personnel immediately* so that data on the wounded deer can be gathered. All deer taken on the area must be brought by the maintenance area to be checked out. Jawbone may be removed by refuge personnel.

(11) Before a permit will be issued to any hunter he must take and pass a hunter qualification test based on State and Refuge hunting regulations. (a) Archery—To qualify for an archery permit, archers must submit a certified target to the refuge office. *The target must bear the name and address of the archery range and the signature of the range official who actually witnessed the placing of at least three out of five arrows within a 12-inch bullseye from 25 yards or better.* Hunter's name and complete mailing address should be on the target. Permits will be mailed or may be picked up in person at the refuge office. Permits must be returned with the data Section completed to the refuge office by November 30, 1975. Hunters failing to return their permit, whether used or not, may be refused a permit for the 1976 season. (b) Stag hunt—Hunters will be selected for each hunt by a drawing held on October 30 and will be notified of their selection by mail. To apply for the hunt, each hunter must submit a target to the refuge office not later than October 20, 1975. *The target must bear the name and address of the range and range official who actually witnessed the firing* of three consecutive shots held within a 12 inch bullseye from 50 yards or better. Hunter's name and address must be written on the target. Specify which hunt you prefer, if any. Permits to hunt will be issued during an orientation briefing at 8 a.m. on the Monday of each hunt, except for the hunt which begins on Thursday, November 20. The orientation briefing for this hunt will be held at 2 p.m. on Wednesday, November 19. Hunters will need to bring their license, big game tag and weapon to the briefing. A refuge official will show each hunter the boundaries of his or her assigned hunting area. All applicable Virginia game laws and Federal regulations shall be in effect.

(12) There are two species of endangered wildlife (Delmarva Fox Squirrel and Peregrine Falcon) found on the refuge, therefore, hunters must not shoot at any squirrels or birds.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50 Code of Federal Regulations, Part 32 and are effective through January 2, 1976.

Dated: October 10, 1975.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-27979 Filed 10-16-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 280—YELLOWFIN TUNA

Increase in Incidental Catch Rate; Correction

FR Doc. 75-27306, as published in the issue of October 10, 1975, on page 47791, contained certain errors. The following corrections should be made:

1. Paragraph 2, line 6, the figure 70 percent (70%), should read "50 percent (50%)."

2. Paragraph 2, line 11, the figure 50 percent (50%), should read "70 percent (70%)."

Issued at Washington, D.C. and dated October 15, 1975.

MORRIS M. PALLOZZI,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.75-28183 Filed 10-16-75;9:33 am]

PART 280—YELLOWFIN TUNA

Revision of Incidental Catch Rate

Notice of revision of the incidental catch rate of yellowfin tuna for bait and jig boats is hereby given pursuant to § 280.7(b)(3), Title 50, Code of Federal Regulations, as follows:

At 0001 hours, local time, at the port of departure on October 19, 1975, the incidental catch rate of yellowfin tuna for bait and jig boats will revert to 15 percent (15%). On the basis of the catch and present catch rate, as of October 19, 1975, the amount of yellowfin tuna caught during the closed season by bait and jig boats will have reached 2800 short tons as provided in § 280.7(b)(3), Title 50, Code of Federal Regulations.

Issued at Washington, D.C., and dated October 15, 1975.

MORRIS M. PALLOZZI,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.75-28184 Filed 10-16-75;9:33 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

PART 722—COTTON

1976 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

The provisions of §§ 722.558 to 722.561 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 *et seq.*) (referred to as the "Act") with respect to the 1976 crop of extra long staple cotton (referred to as "ELS cotton"). The purpose of these provisions is to (1) proclaim a national marketing quota and national acreage allotment for the 1976 crop of ELS cotton; (2) apportion the national acreage allotment to States; and (3) establish the period for holding the national marketing quota referendum. The latest available statistics of the Federal Government have been used in making determinations under these provisions.

A notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on July 18, 1975 (40 F.R. 30275), in accordance with 5 U.S.C. 553. The views and recommendations received in response to such notice have been duly considered.

It is essential that these provisions be made effective as soon as possible since the proclamation of the quota and the national allotment is required to be made not later than October 15, 1975. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, §§ 722.558 to 722.561 shall become effective upon the filing of this document with the Director, Office of the Federal Register. The material previously appearing in these sections under centerhead "1975 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas" remains in full force and effect as to the crop to which it was applicable.

Sections 722.558 through 722.561 are revised to read as follows:

§ 722.558 National marketing quota for the 1976 crop of ELS cotton.

The marketing quota for the 1976 crop of ELS cotton is hereby proclaimed to be an amount of 82,481 standard bales determined in accordance with Section 347 (b) of the Act. The marketing quota for the 1976 crop is the minimum quota prescribed under section 347(b)(2) of the Act. The quota is based on the following data:

(1) Estimated domestic consumption, 1976–77	68,000
(2) Estimated exports, 1976–77	+10,000
(3) Adjustment to assure adequate stocks and to provide the minimum quota	+24,481
(4) Estimated imports, 1976–77	−20,000
Total	82,481

§ 722.559 National acreage allotment for the 1976 crop of ELS cotton.

It is hereby determined and proclaimed that a national acreage allotment shall be in effect for the crop of ELS cotton produced in the calendar year 1976. The amount of such national allotment is 83,702 acres calculated by multiplying the national quota in bales by 480 pounds (net weight of a standard bale) and dividing the result by the national average yield of 473 pounds per planted acre of ELS cotton for the four calendar years 1971, 1972, 1973 and 1974.

§ 722.560 Apportionment of national acreage allotment to the States.

The national acreage allotment of 83,702 acres as apportioned to the States in accordance with section 344(b) of the Act as follows:

State:	*State allotment (acres)*
Arizona	36,279
California	515
Florida	108
Georgia	111
New Mexico	17,029
Texas	29,660

§ 722.561 National marketing quota referendum for the 1976 crop of ELS cotton.

The national marketing quota referendum for the 1976 crop of ELS cotton shall be held during the referendum period December 8 to 12, 1975, inclusively, by mail ballot in accordance with Part 717 of this chapter (33 F.R. 18345, 34 F.R. 12940, 36 F.R. 12730, 38 F.R. 12891).

(Secs. 301, 343, 344, 347, 375, 52 Stat. 38, as amended; 63 Stat. 670, as amended; 63 Stat. 675, as amended; 52 Stat. 66, as amended; 7 U.S.C. 1301, 1343, 1344, 1347, 1375).

Effective date: October 14, 1975.

Signed at Washington, D.C., on October 10, 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-27895 Filed 10-14-75;9:58 am]

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

Deletion of Chapter

By memorandudm dated September 8, 1975, the Acting Director of the Sugar Division, ASCS, notified the Director, Office of the Federal Register, that the Sugar Act of 1948 (61 Stat. 922, 7 U.S.C. 1100 *et seq.*) had expired. Regulations promulgated under the authority of this Act have been codified in Chapter VIII of Title 7, Code of Federal Regulations. Since the authority for those regulations has expired, Chapter VIII is hereby deleted.

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS: FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 16]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Oct. 19–25, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.316 Lemon Regulation 16.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other

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available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is unchanged this week on all sizes. Average f.o.b. price was $9.09 per carton the week ended October 11, 1975, compared to $8.44 per carton the previous week. Track and rolling supplies at 47 cars were down 5 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 14, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period October 19, 1975, through October 25, 1975, is hereby fixed at 210,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 16, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-28244 Filed 10-16-75;11:30 am]

PART 966—TOMATOES GROWN IN FLORIDA

Handling Regulation

During the period October 20 through November 23, 1975 this regulation, designed to provide orderly marketing of Florida tomatoes, imposes a minimum grade of U.S. No. 3, a minimum size of 2 2/32 inches in diameter and requires inspection of fresh shipments. The establishment of such requirements under Marketing Order No. 966 is necessary to keep undesirable tomatoes from being shipped to consumers.

Findings: (1) Pursuant to Order No. 966, as amended (7 CFR Part 966), regulating the handling of tomatoes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee established pursuant to the order, and upon other available information, it is hereby found that the handling regulation, hereinafter set forth, will tend to effectuate the declared policy of the act.

(2) The regulation imposes minimum grade, size, and maturity requirements on the handling of tomatoes. The regulation is based upon an appraisal of the crop and prospective market conditions as required in § 966.50 of the order. This regulation is necessary to prevent the handling of any tomatoes of lower grades or smaller sizes than those specified in the regulation, and to provide the trade and consumers with tomatoes of acceptable quality pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because shipments of tomatoes from the production area are expected to begin on or about the effective date hereof. The recommendation and supporting information for regulation were submitted to the Department after an open meeting of the Florida tomato committee; said meeting was held to consider recommendations for regulations, after giving due notice of the meeting, and interested persons were afforded an opportunity to submit their views at this meeting; and handlers registered under the order as required in § 966.113 have been informed of the proposal. It is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the regulation of the handling of such tomatoes, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective date of the regulation.

§ 966.313 Handling regulation.

During the period October 20, 1975, through November 23, 1975, no person shall handle any lot of tomatoes for shipment outside the regulated area unless they meet the requirements of paragraph (a) or are exempted by paragraphs (b) or (d).

(a) *Grade, size, container and inspection requirements.*—(1) *Grade.* Tomatoes shall be graded and meet the requirements specified in § 51.1855 U.S. No. 1, § 51.1856 U.S. Combination, § 51.1857 U.S. No. 2 or § 51.1858 U.S. No. 3, of the U.S. Standards for Grades of Fresh Tomatoes except that when not more than 15 percent of tomatoes in any lot fail to meet the requirements of U.S. No. 1 grade and not more than one-third of this 15 percent (or 5 percent) are comprised of defects causing very serious damage including not more than one percent of tomatoes which are soft or affected by decay, such tomatoes may be shipped and designated as at least 85 percent U.S. No. 1 grade.

(2) *Size.* (i) Tomatoes shall be over 2-4/32 inches in diameter and be sized in accordance with § 51.1859 of the U.S. tomato standards.

(ii) Tomatoes of designated sizes may not be commingled unless they are over 2-17/32 inches in diameter and each container shall be marked to indicate the designated size.

(iii) Only the generic terms as defined in § 51.1859 may be used to indicate size designations on containers of tomatoes; except that the following abbreviations may be used—sml for small, med for medium, lg for large, ex lg for extra large, or max lg for maximum large.

(3) *Containers.* (i) Tomatoes shall be packed in containers of 20, 30 or 40 pounds designated net weights and comply with the requirements of § 51.1863 of the U.S. tomato standards.

(ii) Each container shall be marked to indicate the designated net weight.

(iii) If the container in which the tomatoes are packed has been previously used, the lid of such container shall be marked with the words "USED BOX" in letters not less than three-fourths inch high.

(4) *Inspection.* Tomatoes shall be inspected and certified pursuant to the provisions of § 966.60. Each handler who applies for inspection shall register with the committee pursuant to § 966.113. Registered handlers shall pay assessments as provided in § 966.42. Inspection certificates must accompany truck shipments.

(b) *Special purpose shipments.* The requirements of paragraph (a) of this section shall not be applicable to shipments of tomatoes for canning, relief, charity or export if the handler thereof complies with the safeguard requirements of paragraph (c) of this section. Shipments for canning are also exempt from the assessment requirements of this part.

(c) *Safeguards.* Each handler making shipments of tomatoes for canning, relief, charity or export in accordance with paragraph (b) of this section shall:

(1) Apply to the committee and obtain a Certificate of Privilege to make such shipments.

(2) Prepare on forms furnished by the committee a report in quadruplicate on such shipments authorized in paragraph (b) of this section.

(3) Bill or consign each shipment directly to the designated applicable receiver.

(4) Forward one copy of such report to the committee office and two copies to the receiver for signing and returning one copy to the committee office. Failure of the handler or receiver to report such shipments by signing and returning the applicable report to the committee office within ten days after shipment shall be cause for cancellation of such handler's certificate and/or receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of any such certificate, the handler may appeal to the committee for reconsideration.

(d) *Exemption*—(1) *For types.* The following types of tomatoes are exempt from these regulations: Elongated types commonly referred to as pear shaped or paste tomatoes and including but not limited to San Marzano, Red Top and Roma varieties; cerasiform type tomatoes commonly referred to as cherry tomatoes, hydroponic tomatoes, and greenhouse tomatoes.

(2) *For minimum quantity.* For purposes of these regulations each person subject thereto may handle up to but not to exceed 60 pounds of tomatoes per day without regard to the requirements of these regulations but this exemption shall not apply to any shipment or any portion thereof of over 60 pounds of tomatoes.

(3) *For special packed tomatoes.* Tomatoes resorted, regraded and repacked by a handler who has been designated as a "Certified Tomato Repacker" by the committee are exempt from the tomato grade classifications of paragraph (a) (1) and the size classifications of paragraph (a) (2) except that tomatoes shall be over 2 4/32 inches in diameter; and the container weight requirements of paragraph (a) (3) if such tomatoes comply with the inspection requirements of paragraph (a) (4).

(e) *Definitions.* "Hydroponic tomatoes" means tomatoes grown in solution without soil; "greenhouse tomatoes" means tomatoes grown indoors. A "Certified Tomato Repacker" is a repacker of tomatoes in the regulated area who has the facilities for handling, regrading, resorting, and repacking tomatoes into consumer sized packages and has been certified as such by the committee. "U.S. tomato standards" means the revised United States Standards for Grades of Fresh Tomatoes (§§ 51.1855–51.1877), effective December 1, 1973, or variations thereof specified in this section. Other terms in this section shall have the same meaning as when used in Marketing Agreement No. 125, as amended, and this part, and the U.S. tomato standards.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in acordance with OMB Circular A–107.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 15, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-28141 Filed 10-16-75;8:45 am]

PART 980—VEGETABLES: IMPORT REGULATIONS

Tomatoes

Findings: (a) Pursuant to Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1), it is hereby found that the import regulation, hereinafter set forth, should be made effective, and that the minimum grade, size, quality and maturity requirements are the same as those in effect under Marketing Order No. 966, as amended (7 CFR Part 966), for shipments of tomatoes grown in the Florida production area.

(b) It is hereby further found that good cause exists for not postponing the effective date of this regulation beyond the time specified (5 U.S.C. 553) in that (1) the requirements established by this regulation are mandatory under Section 8e of the act; (2) in fixing the effective date hereof consideration was given to the time required for transportation of the tomatoes and entry into the United States; and (3) such notice is in excess of the three day minimum required by the act.

The regulation is as follows:

§ 980.209 Tomato import regulation.

Except as otherwise provided, during the period October 23, 1975, through November 23, 1975, no person may import fresh tomatoes, except pear shaped, cherry, hydroponic and greenhouse tomatoes as defined herein, unless they are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements.* (1) At least U.S. No. 3 grade and over 2-4/32 inches in diameter;

(2) Not more than 10 percent, by count, in any lot may be smaller than the specified minimum diameter.

(d) *Designation of governmental importation which in the aggregate does* not exceed 60 pounds may be imported without regard to the provisions of this section.

(c) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(d) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of tomatoes that are imported into the United States under the provisions of Section 8e of the act.

(e) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the tomatoes meet the United States import requirements for tomatoes under Section 8e (7 U.S.C. 608e–1), issued by a designated governmental inspection service and applicable to a specified lot is required on all imports of fresh tomatoes.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

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Ports	Office	Advance notice
All Texas points.	L. M. Denbo, P.O. Box 107, San Juan, Tex. 78589 (Phone 512-787-4091 or 6881).	1 day.
All Arizona points.	B. O. Morgan, P.O. Box 1614, Nogales, Ariz. 85621 (Phone 602-287-2002).	Do.
All California points.	D. P. Thompson, 784 South Central Ave., Room 266, Los Angeles, Calif. 90021 (Phone 213-622-8756).	3 days.
All Hawaii points.	Stevenson Ching, P.O. Box 5425, Pawaa Substation, 1428 South King St., Honolulu, Hawaii 96814 (Phone 808-941-3071).	1 day.
All Puerto Rico points.	John L. Coulon, P.O. Box 10163, Santurce, P.R. 00908, (Phone 809-783-2230 or 4116).	2 days.
New York City.	Carmine J. Cavallo, Room 28A Hunts Point Market, Bronx, N.Y. 10474, (Phone 212-991-7569 or 7668).	1 day.
New Orleans...	Leonard E. Mixon, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone 504-589-6741 or 6742).	Do.
Miami.....	Lloyd W. Boney, 1350 NW. 12th Ave., Room 530, Miami, Fla. 33136 (Phone 305-324-6116 or 6117).	Do.
All other Florida points.	C. B. Brantley, P.O. Box 1282, Winter Haven, Fla. 33880 (Phone 813-294-3511, Extention 33 and 813-294-2089).	Do.
All other points.	Chief, FPSI Branch, Fruit and Vegetable Division, AMS, Washington, D.C. 20250 (Phone 202-447-5870).	3 days.

(4) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any tomatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e–1.

(f) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of tomatoes for the purpose of making it eligible for importation.

(g) *Definitions.* For the purpose of this section, "Importation" means release from custody of the United States Bureau of Customs. "Cherry tomatoes" means cerasiform types commonly referred to as "cherry tomatoes." "Pear shaped tomatoes" means elongated types, commonly referred to as pear shaped or paste tomatoes and include San Marzano, Red Top and Roma varieties. "Hydroponic tomatoes" means tomatoes grown in solution without soil. "Greenhouse tomatoes" means tomatoes grown indoors. The terms relating to grade and size, as used herein, shall have the same meaning as when used in the U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855–51.1877 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Signed October 15, 1975, to become effective October 23, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-28142 Filed 10-16-75;8:45 am]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

PART 1250—EGG RESEARCH AND PROMOTION ORDER

Referendum Order

A public hearing on a proposal to formulate an Egg Research and Promotion Order, submitted by 19 States, regional, and national producer organizations on behalf of egg producers, was held in Atlanta, Georgia, May 6 and 7; in Philadelphia, Pennsylvania, May 12; in Des Moines, Iowa, May 15; in Dallas, Texas, May 19; and in South San Francisco, California, May 22, 1975. The hearing was held pursuant to the notice thereof published in the FEDERAL REGISTER, March 27, 1975, 40 FR 13513–13517, and as corrected, April 8, 1975, 40 FR 15906. Following the hearing and the designated period of time for filing briefs, a recommended decision and order were prepared by the Acting Administrator and published in the FEDERAL REGISTER, August 13, 1975, 40 FR 33982–33995. Exceptions to the recommended decision and order were due to be filed not later than September 12, 1975. The decision and order were thereafter prepared by the Secretary and published in the FEDERAL REGISTER, October 1, 1975, 40 FR 45176–45190.

It is hereby directed that a referendum be conducted beginning on November 3, 1975, and ending on November 28, 1975, in accordance with the procedure for the conduct of referenda (7 CFR 1250.200 et seq.), to determine whether issuance of the Egg Research and Promotion Order, as published in the FEDERAL REGISTER, issued pursuant to the provisions of the Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.), is approved or favored, as required by section 9 of the act, by eligible egg producers who during the representative period were engaged in commercial egg production and who are engaged in the production of commercial eggs at the time of voting.

The representative period for the conduct of such referendum is hereby determined to be June 1, 1975, through August 31, 1975.

The agents of the Secretary to conduct such referendum are hereby designated to be Pierre C. Boucher and James W. Coddington, both of the Poultry Division, Agricultural Marketing Service (AMS), U.S. Department of Agriculture (USDA). The said agents may appoint subagents to assist them in performing their functions hereunder.

If any eligible voter does not receive a ballot by November 3, 1975, the beginning date of the referendum period, such individual may obtain a ballot from a county office of the Agricultural Stabilization and Conservation Service, USDA, or from the Director, Poultry Division, AMS, USDA, Washington, D.C. 20250. Copies of the complete text of the Egg Research and Promotion Order may be obtained from the Poultry Division, AMS, USDA, Washington, D.C. 20250.

Signed at Washington, D.C., on October 10, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-27967 Filed 10-16-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Definition of Bona Fide Hedging

As announced in the FEDERAL REGISTER on August 18, 1975, the Commodity Futures Trading Commission ("Commission") is considering defining the term "bona fide hedging transactions or positions" as that term is used in section 4a(3) of the Commodity Exchange Act ("Act"), 7 U.S.C. § 6a, as amended by section 404 of the Commodity Futures Trading Commission Act of 1974 ("CFTC Act"), Pub. L. No. 93–463, 88 Stat. 1389, 1413. See 40 FR 34627 (August 18, 1975). The Commission is required to define bona fide hedging transactions or positions by October 18, 1975, and the Commission's prior August release requested public comment on an appropriate definition. The Commission release suggested certain broad areas for comment, and requested that all comment be submitted to the Commission by September 15, 1975.

In response to that release the Commission has received approximately 100 comments and, as of the date of this release, was still receiving comments. While many of the comments stressed the same issues, numerous areas were raised which the Commission had not previosly considered but which the Commission believes deserve due consideration. For that reason, the Commission has determined that it will be unable to promulgate a new definition of bona fide hedging transactions or positions prior to October 18, 1975. However, the Commission has determined to adopt § 1.3(z) of the present regulations under the Commodity Exchange Act with minor changes as an interim definition of bona fide hedging transactions and positions. That interim definition will remain effective until such time as a new definition is promulgated by the Commission.

Section 1.3(z) was promulgated by the Secretary of Agriculture pursuant to section 404 of the CFTC Act and was published for public comment in the FEDERAL REGISTER on November 11, 1974. See 39 FR 39731. Subsequently, on March 12, 1975, § 1.3(z) in an amended form was adopted by the Secretary. See 40 FR 11560. Since that time, § 1.3(z) has been in effect with little adverse comment from hedgers. The Commission, however, acknowledges that it is not satisfied with revised § 1.3(z), especially as it applies to the newly regulated or so-called "world" commodities. Therefore, the Commission has determined to adopt § 1.3(z) as an interim measure only. In order to adopt a more permanent definition, the Commission anticipates proceeding as follows:

The Commission has appointed the Advisory Committee on the Economic Role of Contract Markets which will, among other things, study the area of bona fide hedging transactions or positions. Also the Commission has directed its staff to draft a proposed new definition. All comments presented (either prior to or after the date of this FEDERAL REGISTER notice) will be considered in the formation of that definition and will be made a part of the record for the purposes of any proceeding which follows. The proposed definition will be published in the FEDERAL REGISTER, and comment on the newly proposed definition will be requested. At the end of the comment period, public hearings may be held by the Commission on an appropriate definition of bona fide hedging transactions or positions.

The Commission is mindful of the problems that § 1.3(z) presents in the area of the newly regulated commodities; however, those problems may be avoided during the interim period if speculative limits are not imposed. For that reason, the Commission has determined that, barring unforeseen circumstances, it will not impose speculative limits on the newly regulated commodities until such time as a new definition of bona fide hedging transactions or positions is adopted. However, such exemption shall not include those newly regulated commodities which have exchange imposed limits. The Commission expects the exchanges to continue enforcing those limits in accordance with their rules.

For clarification purposes, since a distinction is made on CFTC reporting forms between hedging and speculation, the Commission has amended paragraph (1) of § 1.3(z) to clearly reflect that that paragraph is applicable to agricultural commodities, relates to commodities wherever grown (the previous paragraph had contained a parenthetical statement that the commodity had to have been grown in the United States or its Territories), and extends the anticipatory period in the case of cane sugar only to eighteen months.

Accordingly, the Commission has adopted, pursuant to sections 4a(3) and 8a(5), § 1.3(z), as amended, effective October 18, 1975, as its definition of bona fide hedging transactions or positions.

Section 1.3(z), as revised, reads as follows:

§ 1.3 Definitions.

* * * * *

(z) *Bona fide hedging transactions or positions.* These shall mean sales of, or short positions in, any commodity for future delivery on or subject to the rules of any contract market made or held by any person to the extent that such sales or short positions are offset in quantity by the ownership or fixed-price purchase of the same cash commodity by the same person or, conversely, purchases of, or long positions in, any commodity for future delivery on or subject to the rules of any contract market made or held by any person to the extent that such purchases or long positions are offset by fixed-price sales of the same cash commodity by the same person. In addition, there shall be included in the amount of any commodity which may be hedged by any person:

(1) With respect to agricultural commodities, the amount of such commodity such person is raising, or in good faith intends or expects to raise, within the next twelve months [eighteen months for cane sugar] on land which such person owns or leases;

(2) Any amount of such commodity the sale of which for future delivery would be a reasonable hedge against any product or byproduct of such commodity owned or purchased at a fixed-price by such person or the purchase of which for future delivery would be a reasonable hedge against the fixed-price sale of any product or byproduct of such commodity by such person;

(3) If such commodity is a product or byproduct of another commodity, an amount of such product or byproduct the sale of which for future delivery would be a reasonable hedge against the ownership or fixed-price purchase by such person of such other commodity of which it is a product or byproduct;

(4) An amount of such commodity the purchase of which for future delivery shall not exceed:

(i) Such person's unfilled anticipated requirements for processing or manufacturing;

(ii) The bushel value equivalent of corn reflecting such person's unfilled anticipated requirements for seed corn or sweet corn processing;

(iii) The wheat equivalent of such person's unfilled anticipated requirements of flour for baking;

(iv) The corn equivalent of such person's unfilled anticipated requirements of dry corn milling products for use in further processing or manufacturing;

(v) Such person's unfilled anticipated feeding requirements of corn, wheat, oats, barley, flaxseed, grain sorghum, rye, or soybean meal for the feeding of livestock or poultry or both; during a specified operating period not in excess of one year.

Transactions and positions shall not be classified as hedging unless their bona fide purpose is to offset price risks incidental to commercial cash or spot operations, and such positions are established and liquidated in an orderly manner and in accordance with sound commercial practices in conformity with such regulations as may be prescribed pursuant to the Commodity Exchange Act as amended.

* * * * *

Issued in Washington, D.C. this 15th day of October 1975.

WILLIAM T. BAGLEY,
Chairman.

[FR Doc.75-28188 Filed 10-16-75;10:16 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 162]

INSPECTION, SEARCH, AND SEIZURE

Summary Forfeiture Proceedings Where the Value of Seized Property Is Not Over $2500

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), and sections 607, 624, 46 Stat. 754, as amended, 759 (19 U.S.C. 1607, 1624), it is proposed to amend § 162.45 (b) of the Customs Regulations (19 CFR 162.45(b)). This section presently requires the district director to advertise in a newspaper of general circulation for at least 3 successive weeks the intention to forfeit and sell or otherwise dispose of according to law, seized property subject to forfeiture which is valued over $250 but not in excess of $2,500, except for narcotics and dangerous drugs. In the case of seized property subject to forfeiture which is valued at $250 or less, or $2,500 or less in the case of narcotics and dangerous drugs, § 162.45(b) provides that notice of intent to forfeit and sell or otherwise dispose of according to law shall be given by posting such a notice in the appropriate customhouse for at least 3 successive weeks. Narcotics and dangerous drugs are now included under the broader term "controlled substances."

The proposed amendment would permit the notice procedure presently used in the case of seized property subject to forfeiture which is valued at $250 or less (or $2,500 or less in the case of narcotics and dangerous drugs) to be used with respect to all prohibited merchandise, including controlled substances (as defined in 21 U.S.C. 802), subject to Customs summary forfeiture proceedings and valued not in excess of $2,500, and all other seized merchandise valued not in excess of $250. This proposed amendment would make applicable to all prohibited merchandise subject to summary forfeiture proceedings the same public notice procedure that presently applies only to one class of prohibited merchandise, narcotics and dangerous drugs, provided such merchandise is not valued in excess of $2,500. The public notice procedure presently applying to seized merchandise other than prohibited merchandise subject to summary forfeiture proceedings would not be changed.

Accordingly, it is proposed to revise § 162.45(b) of the Customs Regulations (19 CFR 162.45(b)) to read as follows:

162.45 Summary forfeiture where value not over $2500: Notice of seizure and sale.

* * * * *

(b) *Publication.* When the appraised value of any property in one seizure from one person other than prohibited articles exceeds $250, the notice shall be published for at least 3 successive weeks in a newspaper of general circulation in the Customs district and judicial district in which the property was seized. In the case of any controlled substance, as defined in 21 U.S.C. 802, all other prohibited articles for which summary forfeiture proceedings may be applied, and any seizure not in excess of $250 appraised value, the notice shall be published by posting in a conspicuous place accessible to the public in the customhouse nearest the place of seizure and in the customhouse at the Headquarters port for the Customs district, with the date of posting noted thereon, and shall be kept posted for at least 3 successive weeks. However, summary forfeiture procedures shall not apply to obscene or other articles seized under section 305, Tariff Act of 1930, as amended (19 U.S.C. 1305), or to other seizures required by law or regulations to be forfeited by means of libel, other judicial process, or proceedings conducted by another Government agency. Articles of small value of the same class or kind included in two or more seizures shall be advertised as one unit.

* * * * *

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received not later than November 17, 1975.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)) at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

VERNON D. ACREE,
Commissioner of Customs.

Approved: October 7, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-28011 Filed 10-16-75;8:45 am]

Internal Revenue Service

[26 CFR Part 1]

COMMENCEMENT OF BENEFITS UNDER QUALIFIED TRUSTS

Proposed Rulemaking

Correction

In FR Doc. 75-27006 appearing at page 47138 of the issue for Wednesday, October 8, 1975, the reference in § 1.401(a)-14(c)(1), page 41739, reading "paragraph (b)(2) of this section" should read "paragraph (c)(2) of this section".

[26 CFR Part 1]

INDUSTRIAL DEVELOPMENT BONDS

Public Hearing on Proposed Regulations

Proposed regulations under section 103 of the Internal Revenue Code of 1954, relating to Industrial Development Bonds, appear in the FEDERAL REGISTER for August 20, 1975 (40 FR 36371).

A public hearing on the provisions of such proposed regulations will be held on November 21, 1975, beginning at 10 a.m. e.s.t. in the George S. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue N.W., Washington, D.C. 20224.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3) persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rulemaking, and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by November 11, 1975. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by November 14, 1975. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents ($0.10) per page.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on November 20, 1975, by telephoning (Washington, D.C.) 202-964-3935.

ROBERT A. BLEY,
Acting Director, Legislation and Regulations Division.

[FR Doc.75-28161 Filed 10-15-75;4:14 pm]

[26 CFR Part 1]

LIMITATIONS ON PERCENTAGE DEPLETION IN THE CASE OF OIL AND GAS WELLS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by November 17, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by November 17, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

PREAMBLE

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform in part such regulations to the amendments made to the Internal Revenue Code of 1954 by section 501 of the Tax Reduction Act of 1975 (89 Stat. 47). The notice primarily deals with issues arising under section 501 of the Act on which taxpayers require prompt guidance. Sections 1.613A-2 through 1.613A-4 inclusive have been reserved and will be dealt with in another notice proposing additional rules under section 501 to be published later.

With certain exceptions, the Tax Reduction Act repealed percentage depletion for oil or gas sold on or after January 1, 1975. Depletion is continued for natural gas sold under a fixed price contract in effect February 1, 1975, which does not permit price adjustment to reflect repeal of depletion. Depletion is also continued until July 1, 1976, for gas regulated by the Federal Power Commission if no such price adjustment has been made.

Exemption from the repeal of percentage depletion is provided for certain production of independent producers and royalty owners, sometimes called the small producer exemption. Initially, an exemption of 2,000 barrels of average daily production for oil (or up to 12,000,000 cubic feet for natural gas if the taxpayer so elects) is provided. The amount is reduced by 200 barrels a year for 5 years from 1976 through 1980, when the permanent exemption of 1,000 barrels per day will be reached. The depletion rate for oil and gas covered under this exemption will also be phased down gradually from 22 percent. In 1981, the rate will be 20 percent; in 1982, 18 percent; in 1983, 16 percent; and in 1984 the rate will be reduced to a permanent level of 15 percent. Average daily production includes only actual production and therefore does not take lease bonuses or advanced royalties into account.

The small producer exemption also permits a taxpayer to take percentage depletion at a 22 percent rate on the exempt quantity of secondary or tertiary production until 1984. The proposed regulations define the term "secondary or tertiary production" as the production of crude oil or natural gas from a domestic well at any time after production from the well has been significantly increased by reason of the application of a secondary process. The term "secondary process" is defined by the proposed regulations as a process applied for the recovery of hydrocarbons in which part of the energy employed to move the hydrocarbons is applied by the injection of liquids or gases into the reservoir, except that no process which must be introduced early in the productive life of the mineral property in order to be reasonably effective (such as cycling of gas in the case of a gas-condensate well) is a secondary process.

The new law provides that the deduction resulting from the small producer exemption may not exceed 65 percent of the taxpayer's taxable income from all sources (computed without regard to depletion, net operating loss carrybacks and capital loss carrybacks). The proposed regulations define the amount disallowed by the 65 percent limitation as the excess of the percentage depletion allowable as computed without regard to the 65 percent limitation over the amount of depletion allowed, whether cost depletion or percentage depletion.

The exemption relating to average daily production is not to be available to a transferee of any interest in a proven oil or gas property transferred after December 31, 1974. The proposed regulation defines "transfer" to include any change in legal or equitable ownership by sale, exchange, gift, lease, sublease, assignment, contract, a change in the membership of a partnership or the beneficiaries of a trust, or other disposition. However, the term does not include a transfer by reason of death or certain section 351 transactions. The transfer is deemed to occur on the day on which a binding contract to transfer the property is executed, or, if no such contract is executed, the day on which the document which causes title to pass is executed.

The proposed regulations also provide that a person will not be treated as a transferee (and hence will not be denied depletion) with respect to an oil or gas property to the extent that he was entitled to a depletion allowance on mineral produced with respect to that property immediately before the transfer, as in the case of a partner who transfers a property to his partnership. This rule is applied so as to prevent a transfer under a unitization or pooling agreement from resulting in a loss of percentage depletion.

The proposed regulation defines "interest in an oil or gas property" as an economic interest in oil or gas property, including an interest in a partnership or trust holding an economic interest in oil or gas property, but not including shares of stock in a corporation owning such an interest. The proposed regulations also provide that an oil or gas property is "proven" (i.e., its principal value has been demonstrated by prospecting, exploration, or discovery work) only if the fair market value of the property at the time of the transfer is 50 percent or more of the fair market value of the property (without regard to equipment acquired after the transfer) at the time production commences. Normally, this will occur only where before the transfer oil or gas has been produced in the area of the transferred property and exploration indicates the probability that such property

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will have gross income from the same deposit sufficient to justify development of such property.

The new law also provides that the small producer exemption does not apply to a taxpayer who directly or through a related person sells oil or natural gas, or any product derived from oil or natural gas, through a retail outlet or to certain persons. The term "any product derived from oil or natural gas" is defined to exclude products that are only secondarily derived from oil or natural gas. A retail outlet is any place where sales of oil, natural gas, or a product of oil or natural gas, accounting for more than 5 percent of the gross receipts from all sales made at such place during the taxpayer's taxable year, are systematically made to any person or persons for any purpose other than for resale. The term "related person" is defined in the proposed regulations.

The small producer exemption is also not available to any taxpayer who, directly or through a related person, engages in the refining of crude oil and whose refinery runs exceed 50,000 barrels on any day during the taxable year.

Rules regarding the making of elections to apply the exemption for average daily production of oil to such production of gas are provided in the proposed regulations.

Recordkeeping requirements are imposed by the proposed regulations with respect to certain transfers of oil or gas property and in cases where depletion is claimed for secondary or tertiary production.

Proposed amendments to the regulation. In order to conform in part the Income Tax Regulations (26 CFR Part 1) to the amendments made to the Internal Revenue Code of 1954 by section 501 of the Tax Reduction Act of 1975 (89 Stat. 47), such regulations are amended as follows:

PARAGRAPH 1. Paragraph (c) (2) of § 1.613–2 is amended by revising so much thereof as precedes the example, by redesignating the example as example (1), and by adding a new example (2) immediately thereafter, to read as follows:

§ 1.613–2 Percentage depletion rates.

* * * * *

(c) *Rules for application of paragraph (a) of this section.* * * *

(2) In cases in which there are produced from a mineral property two or more minerals, each entitled to a different percentage depletion rate under section 613(b) and this section or any of which is entitled to cost depletion only, the percentage depletion allowance is the sum of the results obtained by applying the percentage applicable to each mineral (zero, if not entitled to percentage depletion) to the "gross income from the property" attributable to such mineral. The sum so computed is subject to the limitation provided in section 613(a) and § 1.613–1, that is, 50 percent of the taxpayer's taxable income from the property (computed without allowance for depletion). Such taxable income (computed in accordance with § 1.613–4) is the total taxable income resulting from the sale of all minerals produced from the mineral property (as defined in section 614 and the regulations thereunder). The provisions of this subparagraph may be illustrated by the following examples:

* * * * *

Example (2). Oil and gas are produced from a single mineral property of a taxpayer who operates a retail outlet for the sale of oil products within the meaning of section 613A(d)(2). The taxpayer is not entitled to percentage depletion on the gross income attributable to the oil, but is entitled to percentage depletion on the gross income attributable to gas which is regulated gas under section 613A(b)(2)(B). Accordingly, the taxpayer's maximum allowable percentage depletion deduction would be zero percent of gross income from the property with respect to oil, plus 22 percent (see section 613A(b)(1)) of gross income from the property with respect to gas. This maximum deduction would be subject to the limitation provided for in section 613(a), *i.e.*, 50 percent of "taxable income from the property (computed without allowance for depletion)," such taxable income being the overall taxable income resulting from the sale of both oil and gas. However, in the case of oil or gas production which qualifies for percentage depletion under section 613A(c), see the special allocation rules contained in section 613A(c)(7)(C) and (E) and § 1.613A–4.

* * * * *

PAR. 2. There are inserted immediately after § 1.613–7 the following new sections:

§ 1.613A Statutory provisions; limitations on percentage depletion in case of oil and gas wells.

SEC. 613A. *Limitations on percentage depletion in case of oil and gas wells*—(a) *General rule.* Except as otherwise provided in this section, the allowance for depletion under section 611 with respect to any oil or gas well shall be computed without regard to section 613.

(b) *Exemption for certain domestic gas wells*—(1) *In general.* The allowance for depletion under section 611 shall be computed in accordance with section 613 with respect to—

(A) Regulated natural gas,

(B) Natural gas sold under a fixed contract, and

(C) Any geothermal deposit in the United States or in a possession of the United States which is determined to be a gas well within the meaning of section 613(b)(1)(A) [as in effect before enactment of the Tax Reduction Act of 1975], and 22 percent shall be deemed to be specified in subsection (b) of section 613 for purposes of subsection (a) of that section.

(2) *Definitions.* For purposes of this subsection—

(A) *Natural gas sold under a fixed contract.* The term "natural gas sold under a fixed contract" means domestic natural gas sold by the producer under a contract, in effect on February 1, 1975, and at all times thereafter before such sale, under which the price for such gas cannot be adjusted to reflect to any extent the increase in liabilities of the seller for tax under this chapter by reason of the repeal of percentage depletion for gas. Price increases after February 1, 1975, shall be presumed to take increases in tax liabilities into account unless the taxpayer demonstrates to the contrary by clear and convincing evidence.

(B) *Regulated natural gas.* The term "regulated natural gas" means domestic natural gas produced and sold by the producer, before July 1, 1976, subject to the jurisdiction of the Federal Power Commission, the price for which has not been adjusted to reflect to any extent the increase in liability of the seller for tax under this chapter by reason of the repeal of percentage depletion for gas. Price increases after February 1, 1975, shall be presumed to take increases in tax liabilities into account unless the taxpayer demonstrates the contrary by clear and convincing evidence.

(c) *Exemption for independent producers and royalty owners*—(1) *In general.* Except as provided in subsection (d), the allowance for depletion under section 611 shall be computed in accordance with section 613 with respect to—

(A) So much of the taxpayer's average daily production of domestic crude oil as does not exceed the taxpayer's depletable oil quantity; and

(B) So much of the taxpayer's average daily production of domestic natural gas as does not exceed the taxpayer's depletable natural gas quantity;

and the applicable percentage (determined in accordance with the table contained in paragraph (5)) shall be deemed to be specified in subsection (b) of section 613 for purposes of subsection (a) of that section.

(2) *Average daily production.* For purposes of paragraph (1)—

(A) The taxpayer's average daily production of domestic crude oil or natural gas for any taxable year, shall be determined by dividing his aggregate production of domestic crude oil or natural gas, as the case may be, during the taxable year by the number of days in such taxable year, and

(B) In the case of a taxpayer holding a partial interest in the production from any property (including an interest held in a partnership) such taxpayer's production shall be considered to be that amount of such production determined by multiplying the total production of such property by the taxpayer's percentage participation in the revenues from such property.

In applying this paragraph, there shall not be taken into account any production of crude oil or natural gas resulting from secondary or tertiary processes (as defined in regulations prescribed by the Secretary or his delegate).

(3) *Depletable oil quantity*—(A) *In general.* For purposes of paragraph (1), the taxpayer's depletable oil quantity shall be equal to—

(i) The tentative quantity determined under the table contained in subparagraph (B), reduced (but not below zero) by

(ii) The taxpayer's average daily secondary or tertiary production for the taxable year.

(B) *Phase-out table.* For purposes of subparagraph (A)—

In the case of production during the calendar year:	The tentative quantity in barrels is:
1975	2,000
1976	1,800
1977	1,600
1978	1,400
1979	1,200
1980 and thereafter	1,000

(4) *Daily depletable natural gas quantity.* For purposes of paragraph (1), the depletable natural gas quantity of any taxpayer for any taxable year shall be equal to 6,000 cubic feet multiplied by the number of barrels of the taxpayer's depletable oil quantity to which the taxpayer elects to have this paragraph apply. The taxpayer's depletable oil quantity for any taxable year shall be reduced by the number of barrels with respect to which an election under this paragraph applies. Such election shall be made at such time and in such manner as the Secretary or his delegate shall by regulations prescribe.

(5) *Applicable percentage.* For purposes of paragraph (1)—

In the case of production during the calendar year:	The applicable percentage is
1975	22
1976	22
1977	22
1978	22
1979	22
1980	22
1981	20
1982	18
1983	16
1984 and thereafter	16

(6) *Oil and natural gas resulting from secondary or tertiary processes*—(a) *In general.* Except as provided in subsection (d), the allowance for depletion under section 611 shall be computed in accordance with section 613 with respect to—

(i) So much of the taxpayers average daily secondary or tertiary production of domestic crude oil as does not exceed the taxpayer's depletable oil quantity (determined with [sic] regard to paragraph (3)(A)(ii)); and

(ii) So much of the taxpayer's average daily secondary or tertiary production of domestic natural gas as does not exceed the taxpayer's depletable natural gas quantity (determined without regard to paragraph (3)(A)(ii));

and 22 percent shall be deemed to be specified in subsection (b) of section 613 for purposes of subsection (a) of that section.

(B) *Average daily secondary or tertiary production.* For purposes of this subsection—

(i) The taxpayer's average daily secondary or tertiary production of domestic crude oil or natural gas for any taxable year shall be determined by dividing his aggregate production of domestic crude oil or natural gas, as the case may be, resulting from secondary or tertiary processes during the taxable year by the number of days in such taxable year, and

(ii) In the case of a taxpayer holding a partial interest in the production from any property (including any interest held in any partnership) such taxpayer's production shall be considered to be that amount of such production determined by multiplying the total production of such property by the taxpayer's percentage participation in the revenues from such property.

(C) *Termination.* This paragraph shall not apply after December 31, 1983.

(7) *Special rules*—(A) *Production of crude oil in excess of depletable oil quantity.* If the taxpayer's average daily production of domestic crude oil exceeds his depletable oil quantity, the allowance under paragraph (1)(A) with respect to oil produced during the taxable year from each property in the United States shall be that amount which bears the same ratio to the amount of depletion which would have been allowable under section 613(a) for all of the taxpayer's oil produced from such property during the taxable year (computed as if section 613 applied to all of such production at the rate specified in paragraph (5) or (6), as the case may be) as his depletable oil quantity bears to the aggregate number of barrels representing the average daily production of domestic crude oil of the taxpayer for such year.

(B) *Production of natural gas in excess of depletable natural gas quantity.* If the taxpayer's average daily production of domestic natural gas exceeds his depletable natural gas quantity, the allowance under paragraph (1)(B) with respect to natural gas produced during the taxable year from each property in the United States shall be that amount which bears the same ratio to the amount of depletion which would have been allowable under section 613(a) for all of the taxpayers [sic] natural gas produced from such property during the taxable year (computed as if section 613 applied to all of such production at the rate specified in paragraph (5) or (6), as the case may be) as his depletable natural gas quantity in cubic feet bears to the aggregate number of cubic feet representing the average daily production of domestic natural gas of the taxpayer for such year.

(C) *Taxable income from the property.* If both oil and gas are produced from the property during the taxable year, for purposes of subparagraphs (A) and (B) the taxable income from the property, in applying the 50-percent limitation in section 613(a), shall be allocated between the oil production and the gas production in proportion to the gross income during the taxable year from each.

(D) *Partnerships.* In the case of a partnership, the depletion allowance in the case of oil and gas wells to which this subsection applies shall be computed separately by the partners and not by the partnership.

(E) *Secondary or tertiary production.* If the taxpayer has production from secondary or tertiary recovery processes during the taxable year, this paragraph (under regulations prescribed by the Secretary or his delegate) shall be applied separately with respect to such production.

(8) *Businesses under common control; members of the same family*—(A) *Component members of controlled group treated as one taxpayer.* For purposes of this subsection, persons who are members of the same controlled group of corporations shall be treated as one taxpayer.

(B) *Aggregation of business entities under common control.* If 50 percent or more of the beneficial interest in two or more corporations, trusts, or estates is owned by the same or related persons (taking into account only persons who own at least 5 percent of such beneficial interest), the tentative quantity determined under the table in paragraph (3)(B) shall be allocated among all such entities in proportion to the respective production of domestic crude oil during the period in question by such entities.

(C) *Allocation among members of the same family.* In the case of individuals who are members of the same family, the tentative quantity determined under the table in paragraph (3)(B) shall be allocated among such individuals in proportion to the respective production of domestic crude oil during the period in question by such individuals.

(D) *Definition and special rules.* For purposes of this paragraph—

(i) The term "controlled group of corporations" has the meaning given to such term by section 1563(a), except that section 1563(b)(2) shall not apply and except that "more than 50 percent" shall be substituted for "at least 80 percent" each place it appears in section 1563(a),

(ii) A person is a related person to another person if such persons are members of the same controlled group of corporations or if the relationship between such persons would result in a disallowance of losses under section 267 or 707(b), except that for this purpose the family of an individual includes only his spouse and minor children,

(iii) The family of an individual includes only his spouse and minor children, and

(iv) Each 6,000 cubic feet of domestic natural gas shall be treated as 1 barrel of domestic crude oil.

(9) *Transfer of oil or gas property.* (A) In the case of a transfer (including the subleasing of a lease) after December 31, 1974 of an interest (including an interest in a partnership or trust) in any proven oil or gas property, paragraph (1) shall not apply to the transferee (or sublessee) with respect to production of crude oil or natural gas attributable to such interest, and such production shall not be taken into account for any computation by the transferee (or sublessee) under this subsection. A property shall be treated as a proven oil or gas property if at the time of the transfer the principal value of the property has been demonstrated by prospecting or exploration or discovery work.

(B) Subparagraph (A) shall not apply in the case of—

(i) A transfer of property at death, or

(ii) The transfer in an exchange to which section 351 applies if following the exchange the tentative quantity determined under the table contained in paragraph (3)(B) is allocated under paragraph (8) between the transferor and transferee.

(10) *Special rule for fiscal year taxpayers.* In applying this subsection to a taxable year which is not a calendar year, each portion of such taxable year which occurs during a single calendar year shall be treated as if it were a short taxable year.

(11) *Certain production not taken into account.* In applying this subsection, there shall not be taken into account the production of natural gas with respect to which subsection (b) applies.

(d) *Limitations on application of subsection (c)*—(1) *Limitation based on taxable income.* The deduction for the taxable year attributable to the application of subsection (c) shall not exceed 65 percent of the taxpayer's taxable income for the year computed without regard to—

(A) Depletion with respect to production of oil and gas subject to the provisions of subsection (c),

(B) Any net operating loss carryback to the taxable year under section 172, and

(C) Any capital loss carryback to the taxable year under section 1212.

If an amount is disallowed as a deduction for the taxable year by reason of application of the preceding sentence, the disallowed amount shall be treated as an amount allowable as a deduction under subsection (c) for the following taxable year, subject to the application of the preceding sentence to such taxable year. For purposes of basis adjustments and determining whether cost depletion exceeds percentage depletion with respect to the production from a property, any amount disallowed as a deduction on the application of this paragraph shall be allocated to the respective properties from which the oil or gas was produced in proportion to the percentage depletion otherwise allowable to such properties under subsection (c).

(2) *Retailers excluded.* Subsection (c) shall not apply in the case of any taxpayer who directly, or through a related person, sells oil or natural gas, or any product derived from oil or natural gas—

(A) Through any retail outlet operated by the taxpayer or a related person, or

(B) To any person—

(i) Obligated under an agreement or contract with the taxpayer or a related person to use a trademark, trade name, or service mark or name owned by such taxpayer or a related person, in marketing or distributing oil or natural gas or any product derived from oil or natural gas, or

(ii) Given authority, pursuant to an agreement or contract with the taxpayer or a related person, to occupy any retail outlet owned, leased, or in any way controlled by the taxpayer or a related person.

(3) *Related person.* For purposes of this subsection, a person is a related person with

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respect to the taxpayer if a significant ownership interest in either the taxpayer or such person is held by the other, or if a third person has a significant ownership interest in both the taxpayer and such person. For purposes of the preceding sentence, the term "significant ownership interest" means—

(A) With respect to any corporation, 5 percent or more in value of the outstanding stock of such corporation,

(B) With respect to a partnership, 5 percent or more interest in the profits or capital of such partnership, and

(C) With respect to an estate or trust, 5 percent or more of the beneficial interests in such estate or trust.

(4) *Certain refiners excluded.* If the taxpayer or a related person engages in the refining of crude oil, subsection (c) shall not apply to such taxpayer if on any day during the taxable year the refinery runs of the taxpayer and such person exceed 50,000 barrels.

(e) *Definitions.* For purposes of this section—

(1) *Crude oil.* The term "crude oil" includes a natural gas liquid recovered from a gas well in lease separators or field facilities.

(2) *Natural gas.* The term "natural gas" means any product (other than crude oil) of an oil or gas well if a deduction for depletion is allowable under section 611 with respect to such product.

(3) *Domestic.* The term "domestic" refers to production from an oil or gas well located in the United States or in a possession of the United States.

(4) *Barrel.* The term "barrel" means 42 United States gallons.

(Sec. 613A as added by sec. 501(a), Tax Reduction Act 1975 (89 Stat. 47))

§ 1.613A–1 Post-1974 limitations on percentage depletion in case of oil and gas wells; general rule.

Except as otherwise provided in section 613A and the regulations thereunder, in the case of oil or gas which is first sold, converted, or transported after December 31, 1974, the allowance for depletion under section 611 with respect to any oil or gas well shall be computed without regard to section 613. In the case of a taxable year beginning before January 1, 1975, and ending after that date, the percentage depletion allowance (but not the cost depletion allowance) with respect to oil and gas wells for such taxable year shall be determined by treating the portion thereof in 1974 as if it were a short taxable year for purposes of section 613 and the portion thereof in 1975 as if it were a short taxable year for purposes of section 613A.

§ 1.613A–2 Exemption for certain domestic gas wells. [Reserved]

§ 1.613A–3 Exemption for independent producers and royalty owners. [Reserved]

§ 1.613A–4 Limitations on application of § 1.613A–3 exemption. [Reserved]

§ 1.613A–5 Election under section 613A(c)(4).

The election under section 613A(c)(4) is an annual election which shall be made by filing a statement with the district director or the director of the internal revenue service center with whom the income tax return is filed for the taxable year to which the election is applicable. The statement of election shall be so filed not later than the time prescribed by law for filing the taxpayer's income tax return (including extensions thereof) for such taxable year. The statement shall specify the number of barrels of the taxpayer's depletable oil quantity which the taxpayer elects to treat as depletable natural gas quantity for the taxable year.

§ 1.613A–6 Recordkeeping requirements.

(a) *Principal value of property demonstrated.* In the case of a transfer (as defined in § 1.613A–7(n)) after December 31, 1974, of an interest in an oil or gas property (as defined in § 1.613A–7(p)), the transferee shall keep records showing the terms of the transfer, any geological and geophysical data or other exploratory data with respect to the property transferred, and any other information which bears upon the question of whether at the time of the transfer the principal value of the property transferred had been demonstrated by prospecting, exploration, and discovery work.

(b) *Production from secondary or tertiary processes.* Every taxpayer who claims depletion with respect to oil or gas produced by secondary or tertiary processes (as defined in § 1.613A–7(k)) shall keep records of the secondary and tertiary processes applied and maintain records of the amount of production so resulting.

§ 1.613A–7 Definitions.

For purposes of section 613A and the regulations thereunder—

(a) *Domestic.* The term "domestic" refers to production from an oil or gas well located in the United States or in a possession of the United States.

(b) *Natural gas.* The term "natural gas" means any product (other than crude oil) of an oil or gas well if a deduction for depletion is allowable under section 611 with respect to such product.

(c) *Regulated natural gas.* Natural gas is considered to be "regulated" only if all of the following requirements are met:

(1) The gas must be domestic gas produced and sold by the producer (whether for himself or on behalf of another person) before July 1, 1976,

(2) The price for which the gas is sold by the producer must not be adjusted to reflect to any extent the increase in liability of the seller for tax under chapter 1 of the Code by reason of the repeal of percentage depletion for gas,

(3) The sale of the gas must be subject to the jurisdiction of the Federal Power Commission for regulatory purposes,

(4) An order or certificate of the Federal Power Commission must be in effect (or a proceeding to obtain such an order or certificate must have been instituted), and

(5) The price at which such gas is sold must be taken into account, directly or indirectly, in the issuance of the order or certificate by the Federal Power Commission.

Price increases after February 1, 1975, shall be presumed to take increases in tax liabilities into account unless the taxpayer demonstrates to the contrary by clear and convincing evidence that the increases are wholly attributable to a purpose or purposes unrelated to the repeal of percentage depletion for gas, such as increases to reflect additional State and local real property or severance taxes, increases for additional operating costs (such as costs of secondary or tertiary processes), increases up to the highest area rate fixed by the Federal Power Commission for interstate sales, or increases to reflect changes in the quality of gas sold. In the absence of a statement in writing by the Federal Power Commission that the price of the gas in question was not in fact regulated, the requirement of subparagraph (5) of this paragraph is deemed to have been met in any case in which the Federal Power Commission issues an order or certificate approving the sale to an interstate pipeline company or, in a case in which it is established by the taxpayer that the Federal Power Commission has influenced the price of such gas, an order or certificate permitting the interstate transportation of such gas. In addition, an "emergency" sale of natural gas to an interstate pipeline, which, pursuant to the authority contained in 18 CFR 2.68, 2.70, 1.5722, and 1.5729, may be made (for a period not to exceed 60 days) without prior order approving the sale, is deemed to have met the requirements of subparagraphs (3), (4), and (5) of this paragraph. For purposes of meeting the requirements under this paragraph, it is not necessary that the total gas production from a property qualify as "regulated natural gas"; the determination of whether mineral production is "regulated natural gas" shall be made with respect to each sale of the mineral or minerals produced.

(d) *Natural gas sold under a fixed contract.* The term "natural gas sold under a fixed contract" means domestic natural gas sold by the producer (whether for himself or on behalf of another person) under a contract, in effect on February 1, 1975, and at all times thereafter before such sale, under which the price for such gas during such period cannot be adjusted to reflect to any extent the increase in liabilities of the seller for tax under chapter 1 of the Code by reason of the repeal of percentage depletion for gas. The term may include gas which is also regulated natural gas. Price increases after February 1, 1975, shall be presumed to take increases in tax liabilities into account unless the taxpayer demonstrates to the contrary by clear and convincing evidence. See paragraph (c) of this section for examples of increases which do not take increases in tax liabilities into account. An additional example would be increases of a fixed percentage or fixed dollar amount pursuant to escalation clauses designed merely to reflect projected effects or inflation. For purposes of meeting the requirements of this paragraph, it is not necessary that the total gas production from a property qualify as "natural gas sold under a fixed contract", for the determination of "natural gas sold under a fixed contract" is to be made with respect to each type of natural gas sold pursuant to each contract.

(e) *Geothermal deposit.* The term "geothermal deposit" means a geothermal reservoir consisting of heat, largely stored in rocks, and, to a lesser extent, in aqueous fluid in the form of liquid or vapor.

(f) *Average daily production.* (1) The term "average daily production" means the taxpayer's aggregate production of domestic crude oil or natural gas, as the case may be, during the taxable year divided by the number of days in such year. Notwithstanding the provisions of § 1.612–3, in computing the average daily production only actual production of crude oil or gas shall be taken into account. For example, advanced royalties (with respect to which there is no actual production during the taxable year) and lease bonuses, while taken into account for purposes of sections 61 and 612 (relating to the definition of gross income and to cost depletion, respectively), would not be taken into account in computing the percentage depletion allowance under section 613A(c). Average daily production does not include production resulting from secondary or tertiary processes.

(2) In the case of a fiscal-year taxpayer, subparagraph (1) of this paragraph shall be applied separately to each short taxable year under section 613A(c)(10).

(3) In the case of a taxpayer holding a partial interest in the production from any property (including an interest of a partner in property of his partnership) such taxpayer's production shall be considered to be that amount of such production determined by multiplying the total production of such property by the taxpayer's percentage participation in the revenues from such property.

(g) *Crude Oil.* The term "crude oil" means—

(1) A mixture of hydrocarbons which existed in the liquid phase in natural underground reservoirs and which remains liquid at atmospheric pressure after passing through surface separating facilities (and which may include amounts of nonhydrocarbons produced with the mixture),

(2) Hydrocarbons which existed in the gaseous phase in natural underground reservoirs but which are liquid at atmospheric pressure after being recovered from oil well (casinghead) gas in lease separators (and which may include small amounts of nonhydrocarbons produced with the hydrocarbons), and

(3) Natural gas liquid recovered from gas well effluent in lease separators or field facilities before any conversion process has been applied to such production.

(h) *Depletable oil quantity.* The taxpayer's depletable oil quantity shall be equal to—

(1) The tentative quantity determined under the table contained in section 613A(c)(3)(ii), reduced (but not below zero) by

(2) The taxpayer's average daily secondary or tertiary production for the taxable year.

(i) *Depletable natural gas quantity.* For purposes of section 613A(c)(1), the depletable natural gas quantity of any taxpayer for any taxable year shall be equal to 6,000 cubic feet multiplied by the number of barrels of the taxpayer's depletable oil quantity to which the taxpayer elects to have this paragraph apply. The taxpayer's depletable oil quantity for any calendar year shall be reduced by the number of barrels with respect to which an election under section 613A(c)(4) has been made. See § 1.613A–5.

(j) *Barrel.* The term "barrel" means 42 United States gallons.

(k) *Secondary or tertiary production.* The term "secondary or tertiary production" means the production of crude oil or natural gas from a domestic well at any time after production from such well has been significantly increased by reason of the application of a secondary process. A secondary process is a process applied for the recovery of hydrocarbons in which part of the energy employed to move the hydrocarbons through the reservoir is applied by the injection of liquids or gases into the reservoir, except that no process which must be introduced early in the productive life of the mineral property in order to be reasonably effective (such as cycling of gas in the case of a gas-condensate well) is a secondary process.

(l) *Controlled group of corporations.* The term "controlled group of corporations" has the meaning given to such term by section 1563(a), except that section 1563(b)(2) shall not apply and except that "more than 50 percent" shall be substituted for "at least 80 percent" each place it appears in section 1563(a).

(m) *Related person.* (1) For purposes of section 613A(c)(8) and § 1.613A–3, a person is a "related person" to another person if such persons are members of the same controlled group of corporations or if the relationship between such persons would result in a disallowance of losses under section 267 or 707(b) except that for this purpose the family of an individual includes only his spouse and minor children.

(2) For purposes of subsection 613A(d)(2) and (4), § 1.613A–4, and paragraphs (r) and (s) of this section, a person is a "related person" to another person if a significant ownership interest in either such person is held by the other or if a third person has a significant ownership interest in both such persons. For these purposes, any reference to such a related person shall also include a person controlled by him. A person is controlled by a related person if the former person is a corporation more than 50 percent of the voting shares of which are owned by the related person, a partnership more than 50 percent of the capital interest or the profits interest of which is owned by the related person, a trust or estate of which the related person is a fiduciary, or a spouse or minor child of the related person. The term "significant ownership" means—

(i) With respect to any corporation, 5 percent or more in value of the outstanding stock of such corporation,

(ii) With respect to a partnership, 5 percent or more interest in the profits or capital of such partnership, and

(iii) With respect to an estate or trust, 5 percent or more of the beneficial interests in such estate or trust.

(n) *Transfer.* The term "transfer" means any change in legal or equitable ownership by sale, exchange, gift, lease, sublease, assignment, contract, a change in the membership of a partnership or the beneficiaries of a trust, or other disposition (including any contribution to or any distribution by a corporation, partnership, or trust). However, the term does not include a transfer of property at death (including a distribution by an estate) nor an exchange to which section 351 applies (until the tentative quantity determined under the table contained in section 613A(c)(3)(ii) ceases to be allocated under section 613A(c)(8) between the transferor and transferee). A transfer is deemed to occur on the day on which a binding contract to transfer such property is executed, or, if no such contract is executed, on the day on which the document which causes title to the property to pass is executed.

(o) *Transferee.* For purpose of section 613(c)(9)(A) and § 1.613A–4, the term "transferee" includes the original transferee and his successors in interest. A person shall not be treated as a transferee of an interest in a proven oil or gas property to the extent that such person was entitled to a depletion allowance on mineral produced with respect to such property immediately before the transfer. For example, where the owner of a proven oil property transfers his entire interest therein to a partnership of which he is a member and, as a consequence, becomes entitled to a depletion allowance based on only one-third of the oil produced with respect to that property, he (the transferor) is not denied percentage depletion with respect to the one-third interest in oil production which he still possesses. However, if the partnership agreement had made an effective allocation (under section 704 and § 1.704–1) of all the income in respect of such property to the transferor partner, he would be entitled to percentage depletion on the entire oil production from that property. For this purpose, a person who has transferred property pursuant to a unitization or pooling agreement shall be treated as having been entitled to a depletion allowance immediately before the transfer with respect to all of the mineral in respect of which he receives gross income from the property pursuant to the unitization or pooling agreement.

(p) *Interest in proven oil or gas property.* The term "interest in an oil or gas property" means an economic interest in oil or gas property, including working or operating interests, royalties, overriding

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royalties, net profits interests, and to the extent not treated as loans under section 636, production payments in oil or gas properties. The term also includes an interest in a partnership or trust holding an economic interest in oil or gas property but does not include shares of stock in a corporation owning such an interest. An oil or gas property is "proven" if its principal value has been demonstrated by prospecting, exploration, or discovery work. The principal value of the property has been demonstrated by prospecting, exploration, or discovery work only if the fair market value of the property at the time of the transfer is 50 percent or more of the fair market value of the property (without regard to equipment acquired after the transfer) at the time production commences. Normally this will occur only where before the time of transfer—

(1) Any oil or gas has been produced from a deposit, whether or not produced by the taxpayer or from the property transferred; and

(2) Prospecting, exploration, or discovery work indicate that it is probable that the property transferred will have gross income from oil or gas from such deposit sufficient to justify development of the property.

For purposes of this paragraph, each deposit is a separate property or properties unless there is in effect at the time of the transfer an aggregation or combination which includes the taxpayer's interest therein. See section 614 and the regulations thereunder. The term "prospecting, exploration, or discovery work" includes activities which produce information relating to the existence, location, extent, or quality of any deposit of oil or gas, such as seismograph surveys and the drilling of wells (whether for exploration or for the production of oil or gas).

(q) *Amount disallowed.* The amount disallowed, within the meaning of section 613A(d)(1), is the excess of the percentage depletion allowable as computed without regard to section 613A(d)(1), over the amount of depletion allowed, whether cost depletion or percentage depletion. Such disallowed amount shall be carried over to the succeeding year and treated as an amount allowable as a deduction under section 613A(c) for such succeeding year, subject to the 65-percent limitation of section 613A(d)(1).

(r) *Retailer.* The term "retailer" means any taxpayer who directly, or through a related person (as defined in paragraph (m)(2) of this section), sells oil or natural gas, or any product derived from oil or natural gas—

(1) Through any retail outlet operated by the taxpayer or a related person,

(2) To any person—

(i) Obligated under an agreement or contract with the taxpayer or a related person to use a trade mark, trade name, or service mark or name owned by such taxpayer or a related person, in marketing or distributing oil or natural gas or any product derived from oil or natural gas, or

(ii) Given authority, pursuant to an agreement or contract with the taxpayer or a related person, to occupy any retail outlet owned, leased, or in any way controlled by the taxpayer or a related person.

The term "any product derived from oil or natural gas" means gasoline, kerosene, distillates (including Number 2 fuel oil), refined lubricating oils, diesel fuel, methane, butane, propane, and similar products which are recovered from petroleum refineries or field facilities. A retail outlet is any place where sales of oil, natural gas, or a product of oil or natural gas, accounting for more than 5 percent of the gross receipts from all sales made at such place during the taxpayer's taxable year, are systematically made to any person or persons for any purpose other than for resale. For purposes of the preceding sentence, bulk sales of oil or natural gas (or a product derived therefrom) to industrial or commercial users shall be disregarded if in the aggregate such sales account for less than 25 percent of the taxpayer's gross receipts derived from all sales of such items for the taxable year. For purposes of this paragraph, a taxpayer shall be deemed to be selling oil or natural gas (or a product derived therefrom) through a related person in any case in which any sale of oil or natural gas (or a derivative product) by the related person produces income from which the taxpayer may benefit by reason of his direct or indirect ownership interest in the related person. In such cases (and in any case in which the taxpayer is himself operating a retail outlet referred to in section 613A(d)(2)(A) or is directly selling such items to a person described in section 613A(d)(2)(B)), it is immaterial whether the oil or natural gas which is sold, or from which is derived a product which is sold, was produced by the taxpayer. Of course, a taxpayer shall be deemed to be selling oil or natural gas (or a derivative product) through a related person in any case in which the related person acquires for resale oil or natural gas (or a derivative product) which the taxpayer produced or caused to be made available for acquisition by the related person.

An owner of a nonoperating mineral interest (such as a royalty) shall not be treated as an operator of a retail outlet merely because his oil or gas is sold on his behalf through a retail outlet operated by an unrelated person. In addition, the mere fact that a member of a partnership is a retailer shall not result in characterization of the remaining partners as retailers; however, if the partnership itself is a retailer its partners having a 5 percent or more interest in the partnership's profits or capital are treated as retailers. A person who is a retailer during a portion of the taxable year shall be treated as a retailer with respect to a fraction of his gross and taxable income from his oil or gas properties for the taxable year, the numerator of which is the number of days during the taxable year in which the taxpayer was a retailer and the denominator of which is the total number of days during the taxable year; except that a person who ceases to be a retailer during the taxable year before his first production of oil or gas during such year shall not be treated as a retailer for any portion of such year.

(s) *Refiner.* The term "refiner" means any taxpayer who, directly or through a related person (as defined in paragraph (m)(2) of this section), engages in the refining of crude oil and whose refinery runs exceed 50,000 barrels on any day during the taxable year. Refining is any operation by which the physical or chemical characteristics of crude oil or crude oil products are changed, exclusive of such operations as passing crude oil through separators to remove gas, placing crude oil in settling tanks to recover basic sediment and water, and dehydrating crude oil.

[FR Doc.75-28042 Filed 10-14-75;4:12 pm]

[26 CFR Part 53]

EXEMPTION FROM VARIOUS EXCISE TAXES FOR THE UNITED STATES

Withdrawal of Notice of Proposed Rule Making

The purpose of this document is to withdraw regulations proposed to be prescribed under section 4293 of the Internal Revenue Code of 1954, which were published in tentative form with a notice of proposed rule making in the Federal Register on October 1, 1970 (35 FR 15302).

Section 4293 of the Code allows the Secretary of the Treasury to authorize exemption from certain excise taxes as to any article or service to be purchased for the exclusive use of the United States if he determines that the imposition of such taxes will cause substantial burden or expense which can be avoided by granting tax exemption and that the full benefit of such exemption will accrue to the United States. The proposed addition to the regulations would have made it clear that the exemption would apply only to articles or services purchased directly by the United States where the burden or expense to be avoided was administrative in nature and continuous transactions were involved.

The proposed regulations are being withdrawn because of the small number of requests for exemption received in past years.

The regulations proposed to be prescribed under section 4293 of the Internal Revenue Code of 1954, relating to exemption for the United States from excise taxes imposed by chapter 31 (retailers excise taxes), 32 (manufacturers excise taxes), and subchapter B (communications) of chapter 33 of the Internal Revenue Code of 1954, which were published in tentative form with a notice of proposed rule making in the Federal Register on October 1, 1970 (35 FR 15302) are hereby withdrawn.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

[FR Doc.75-28043 Filed 10-16-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 78]

SWINE BRUCELLOSIS REGULATIONS

Proposed Rulemaking

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114a–1, 115, 120, 121, 123, 125, 134b, 134f), the Animal and Plant Health Inspection Service is considering amending Part 78, Title 9, Code of Federal Regulations, concerning brucellosis in swine.

Statement of considerations. Considerable progress has been made in the control and eradication of swine brucellosis in the United States in recent years. Twelve (12) States have been declared validated swine brucellosis free. Several other States are now working toward that goal. However, since swine brucellosis still exists in many areas of the United States there is an urgent need for: (1) a means to prevent the spread of brucellosis through interstate movement of infected and exposed swine and, (2) a system through which swine may be tested for brucellosis at the time of slaughter and reactors traced to their herds of origin. The purpose of this proposal is to provide for both of these needs.

To satisfy the first need, it is proposed to require that all swine six months of age and over moving interstate for breeding purposes, except swine from Validated Brucellosis-Free Herds and Validated Brucellosis-Free Areas, be tested for brucellosis and found negative within 30 days prior to interstate movement; and to require that brucellosis reactors and exposed swine moving interstate be identified as such and be so moved only for immediate slaughter, or sale for slaughter.

To satisfy the second need, it is proposed to require that all sows and boars over six months of age being moved interstate for slaughter be tattooed, or identified in an approved manner, so that those which are found to be reactors at the time of slaughter may be traced to their herds of origin. This will make it possible to quickly locate diseased herds, and take appropriate steps to eliminate the disease in the herd of origin and prevent disease spread therefrom.

Definitions for Validated Brucellosis-Free Herd, Validated Brucellosis-Free Area, Herd of origin, Breeding Swine, Sow, Boar, Brucellosis Reactor Swine, Brucellosis Exposed Swine, Permit, Owner's Statement, and Other Document are provided as a means of clarifying the intent of the regulations.

To date, the swine brucellosis eradication program has been conducted in the various States through cooperative efforts between industry and related groups, and State and Federal animal health agencies. While considerable progress has been made, uniform guidelines and interstate requirements as proposed are now needed to achieve final eradication of swine brucellosis with minimum delay. Presently, 44 States require identification and testing of swine imported into those States for breeding purposes; and 36 States require identification for intrastate movement within their borders.

The proposed amendments would:

1. In § 78.30, provide for definition of terms used in Subpart E.

2. In § 78.31, provide for general restrictions on the interstate movement of swine, except in compliance with the regulations in the new proposed Subpart E.

3. In § 78.32, provide for the interstate movement of brucellosis reactor swine to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act, or to a specifically approved slaughtering establishment, or to a specifically approved stockyard for sale to such a slaughtering establishment. The reactor swine must be: (1) identified with a reactor tag on the left ear, (2) accompanied to destination by a permit, and (3) kept separate from other animals by a partition unless all the animals in the shipment are being moved interstate for immediate slaughter.

4. In § 78.33, provide for the interstate movement of brucellosis exposed swine to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act, or to a specifically approved slaughtering establisment or a specifically approved stockyard for sale to such a slaughtering establishment only when accompanied by a permit.

5. In § 78.34, provide for a negative brucellosis test within 30 days prior to the movement of breeding swine six months of age or over from nonvalidated herds in nonvalidated areas that moved interstate for other than slaughter purposes.

6. In § 78.35(a), provide that all sows and boars moved interstate for slaughter or for sale for slaughter be identified to the herd of origin by a tattoo code prior to such interstate movement. However, such swine may be moved interstate without such prior identification provided that they are identified upon arrival at a slaughtering establishment or a posted stockyard or market agency or dealer registered under the Packers and Stockyards Act before being mixed with swine from other sources.

7. In § 78.35(b), provide that all breeding swine six months of age or over moved interstate for other than slaughter be identified to the herd of origin by an eartag prior to interstate movement and accompanied by an owner's statement or other document. Registered swine may be identified in the same manner as recorded with the particular registry association in lieu of the approved eartag.

8. In § 78.35(c), provide that each person who causes the movement of swine interstate is responsible for the proper identification of the swine. No unauthorized person shall tamper with or remove such tattoo or eartag.

9. In § 78.35(d), provide for the Deputy Administrator to approve other identification systems in specific cases, if he determines that such system would allow for traceback of swine to their herd of origin.

Accordingly, Part 78, Title 9, Code of Federal Regulations, would be amended as follows:

PART 78—BRUCELLOSIS

A new Subpart E would be added to read:

Subpart E—Restrictions on Interstate Movement of Swine Because of Brucellosis

Sec.

78.25—78.29 [Reserved].
78.30 Definitions.
78.31 General restrictions.
78.32 Brucellosis reactor swine.
78.33 Brucellosis exposed swine.
78.34 Brucellosis testing of breeding swine.
78.35 Identification of sows and boars.

Subpart E—Restrictions on Interstate Movement of Swine Because of Brucellosis

§§ 78.25–78.29 [Reserved]

§ 78.30 Definitions.

For the purposes of this part, the following terms shall be construed respectively to mean:

(a) *Validated Brucellosis-Free Herd.* A herd of swine which has achieved and maintains status as a Validated Brucellosis-Free Herd according to the provisions of the Uniform Methods and Rules, Chapter II, Parts I, II, III, and IV.

(b) *Validated Brucellosis-Free Area.* A State, or a political subdivision of a State, or a portion thereof, which has achieved and maintains status as a Validated Brucellosis-Free Area according to the provisions of the Uniform Methods and Rules, Chapter II, Parts I, II, III, and V, *Provided*, That such Validated Brucellosis-Free Area status has been recommended by a State representative in the State in which the area is located and has been approved by the Deputy Administrator.

(c) *Herd of origin.* Any herd in which swine are farrowed and raised or in which such swine were maintained for a period of 30 days immediately prior to shipment interstate.

(d) *Breeding swine.* Any swine 6 months of age or over which are maintained for breeding purposes as a part of a formal breeding program.

(e) *Sow.* A female swine which has given birth to one or more litters of pigs or which is parturient.

(f) *Boar.* An uncastrated male swine which has reached a stage of maturity rendering him capable of being used as a breeding animal including those which through age or infirmity are no longer capable of such use.

(g) *Brucellosis reactor swine.* Any swine which has reacted to an official test for brucellosis as defined in the Uniform Methods and Rules, Chapter II, Part I–A and Part II–G.

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(h) *Brucellosis exposed swine.* Any swine as defined in the Uniform Methods and Rules, Chapter II, Part I–H.

(i) *Permit.* An official document issued for the movement of swine under this part by a Veterinary Services representative, State representative, or an accredited veterinarian which lists the identification tag, tattoo, or registration number or similar identification of each animal so moved, the number of animals covered by the document, the purpose for which the animals are to be moved, the points of origin and destination, the consignor and the consignee. In the case of any swine that is a brucellosis reactor, the document shall show the reactor tag number of each animal and the name of the owner of such animal when it was tested for brucellosis.

(j) *Owner's statement.* A statement signed by the owner or shipper of the swine stating: (1) the point from which the swine are moved interstate; (2) the destination of the swine; (3) the number of swine covered by the statement; and (4) the name and address of the owner or shipper.

(k) *Other document.* Other document means a shipping permit, an official health certificate, a bill of lading, a waybill, or an invoice on which is listed the information required on an owner's statement as defined in § 78.30(j).

§ 78.31 General restrictions.[4]

Swine may not be moved interstate except in compliance with the regulations in this subpart.

§ 78.32 Brucellosis reactor swine.

Brucellosis reactor swine may only be moved interstate under this section for immediate slaughter directly to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), or directly to a specifically approved slaughtering establishment, or directly to a specifically approved stockyard for sale to such a slaughtering establishment, in accordance with the following requirements:

(a) *Marking of brucellosis reactor swine.* Brucellosis reactor swine shall be identified by attaching to the left ear a metal tag bearing a serial number and the inscription "U.S. Reactor" or a similar State reactor tag.

(b) *Permit required.* Brucellosis reactor swine shall be accompanied to destination by a permit for movement of the animals in accordance with the provisions of § 78.3.

(c) *Marking of records.* Each transportation agency moving brucellosis reactor swine in the course of their interstate movement shall plainly write or stamp upon the face of each waybill, conductor's manifest, switch order, vehicle interchange record, or other document, which it prepares in connection with such movement, the words "Brucellosis Reactor Swine."

[4] In each instance, the regulations of the State of destination should be consulted before interstate shipments are made.

(d) *Segregation of brucellosis reactor swine en route interstate.* Brucellosis reactor swine shall not be moved interstate in a railroad car, boat, truck, or other means of conveyance, containing nonreactor animals susceptible to brucellosis, unless all of the animals in the shipment are for immediate slaughter, or unless the reactor swine are kept separate from all other animals by a partition securely affixed to the sides of the means of conveyance.

§ 78.33 Brucellosis exposed swine.

Brucellosis exposed swine may be moved interstate for immediate slaughter directly to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), or directly to a specifically approved slaughtering establishment, or to a specifically approved stockyard for sale and shipment to such a slaughtering establishment, if such swine are accompanied by a permit as defined in § 78.30(i).

§ 78.34 Brucellosis testing of breeding swine.

Breeding swine from nonvalidated herds in nonvalidated areas may be moved interstate for other than slaughter purposes if they have been tested negative for brucellosis within 30 days prior to interstate movement in accordance with the Uniform Methods and Rules, Chapter II, Part I–C and Part II–G and are accompanied by a certificate.

§ 78.35 Identification of sows and boars.

(a) *Sows and boars sold for slaughter or for sale for slaughter.* To provide for traceback to their herd of origin, all sows and boars moved interstate for slaughter or for sale for slaughter shall be individually identified to the herd of origin by a Veterinary Services-approved tattoo code applied[5] to the shoulder area of each swine prior to such interstate movement and before they are mixed with swine from any other source. However, such swine may be moved interstate, without such prior identification, directly from a herd of origin to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), or a State inspected slaughtering establishment, or to a stockyard posted under the provisions of the Packers and Stockyards Act, as amended (7 U.S.C. 181 *et seq.*), or a market agency or dealer registered under said Packers and Stockyards Act, if such swine are individually identified to the herd of origin by a Veterinary Services-approved tattoo code applied[5] to the shoulder area of each swine upon arrival thereat and before they are mixed with swine from any other source.[6]

(b) *Breeding swine.* To provide for traceback of swine to their herd of origin: All breeding swine moved interstate for any purpose shall be individually identified to the herd of origin by a Veterinary Services-approved eartag,[7] prior to such interstate movement and before they are mixed with swine from any other source, and such swine shall be accompanied by an owner's statement or other document as defined in § 78.30(j) or (k) and which shall be delivered by the carrier to the consignee.[8] Further, registered swine may be identified in the same manner as recorded with the particular registry association in lieu of the approved eartag.

(c) Each person who causes the movement of the swine interstate is responsible for the identification of the animals as required by this section. No such person shall remove or tamper with or cause the removal of or tampering with an identification tattoo or eartag required in this section for interstate movement of swine, except at the time of slaughter, or as may be authorized by the Administrator, Veterinary Services, upon request in specific cases and under such conditions as he may impose to insure continuing identification.

(d) The Deputy Administrator, Veterinary Services, upon request to him, may approve other identification systems in specific cases and under such conditions as he may prescribe if he determines that such systems provide the necessary information to allow for traceback of the swine to their herd of origin.

[5] Veterinary Services-approved tattoo codes will be assigned to owners, market agencies, dealers, and other persons upon application to the State Animal Health official or the Area Veterinarian in Charge, Veterinary Services, Animal and Plant Health Inspection Service, for the State in which such owner, market agency, dealer, or other person maintains his principal place of business.

[6] It is requested that the operator of each livestock concentration point, slaughter establishment or other place of business where such swine are identified on arrival in accordance with this section, enter such identification on the yarding receipt, scale ticket, invoice, waybill, or similar document relating to the swine, and that such document be maintained on file at the place of business for at least one year and be made available for inspection during ordinary business hours upon request by a Veterinary Services or State inspector.

[7] Serial numbers of eartags to be used will be assigned to owners, market agencies, dealers, and other persons upon application to the State Animal Health official or the Area Veterinarian in Charge, Veterinary Services, Animal and Plant Health Inspection Service, for the State in which such owner, market agency, dealer, or other person maintains his place of business.

[8] It is requested that the operator of each livestock concentration point or other place of business where such swine are identified upon arrival in accordance with this section, enter such identification on the yarding receipt, scale ticket invoice, waybill, or similar document relating to the swine and that such documents be maintained on file at the place of business for at least one year and be made available for inspection during ordinary business hours upon request by a Veterinary Services or State inspector. It is further requested that the official inspection certificate or other document required by this section to accompany certain swine interstate be maintained on file at the farm or other place of business of the consignee for at least one year and be made available for inspection during ordinary business hours upon request by a Veterinary Services or State inspector.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782 before December 17, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, Maryland 20782 during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (9 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 10th day of October, 1975.

PIERRE A. CHALOX,
Acting Deputy Administrator, Veterinary Services Animal and Plant Health Inspection Service.

[FR Doc.75-28041 Filed 10-16-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 25, 43, 63, 65, 91, 105, 121, 123, 127, 133, 135, 137, 143, 145, 147, and 183]

[Docket No. 14322; Notice No. 75-9B]

OPERATIONS REVIEW PROGRAM

Availability of Agenda and Related Working Documents for Operations Review Conference

On February 26, 1975, the FAA invited all interested persons to submit proposals for consideration during the First Biennial Operations Review (Notice No. 75-9, 40 FR 8685, February 28, 1975). The FAA also stated that it would compile and make available for comment, all proposals that were to be given consideration as possible agenda items for the First Biennial Operations Review Conference. On May 29, 1975, the FAA announced the availability of the *Compilation of Proposals* and invited all interested persons to submit comments on the proposals (Notice No. 75-9A, 40 FR 24041, June 4, 1975).

In response to that invitation, over 5,000 individual comments, contained in 123 submissions, were received by the FAA. Based on those comments and on the compilation of Proposals, the FAA has prepared a number of working documents to be used for the Operations Review Conference to be held at the Sheraton-National Hotel, Columbia Pike and Washington Boulevard, Arlington, Virginia 22204, December 1 through 5, 1975.

The FAA hereby announces the availability of those working documents for the Operations Review Conference. They are being distributed to all persons who have participated thus far in the Operations Review Program and to other persons who have expressed an interest. As long as the supply lasts, interested persons may obtain a copy of those documents by contacting the Federal Aviation Administration, Flight Standards Service, Attention: Operations Review Branch, AFS-920, 800 Independence Avenue, S.W., Washington, D.C. 20591.

As stated in Notice 75-9 and Notice 75-9A, not all of the proposals contained in the *Compilation* would necessarily be included in the final agenda for the Conference. Whether or not a proposal appeared in the *Agenda* would in large measure depend on the comments received. In that light and based on a review by the FAA, a number of proposals will not be given formal consideration during the Conference. The basis for removal from consideration at the Conference are as follows:

(1) Proposals that were beyond the scope of the Operations Review Program, but which were inadvertently included in the *Compilation of Proposals*.

(2) Proposals that were withdrawn by their proponent.

(3) Proposals that, because of their lack of clarity or justification, or because of a need for further study or development are not likely to produce fruitful discussion at the Conference. Such proposals may be deferred for further study and may be considered during the next Operations Review.

(4) Proposals that deal with issues covered in other FAA rulemaking actions.

(5) Proposals that are straightforward, adequately justified and for which the comment indicate that no useful purpose would be served by discussion at the Conference. These proposals have been held for inclusion in a forthcoming Notice of Proposed Rule Making.

To facilitate the identification of the proposals that were contained in the *Compilation* but have been removed from consideration during the Conference, the FAA has published an *Agenda Supplement* which will provide information relating to those proposals. Inquiries may be made of the Operations Review Branch, at the above address if more specific information is desired.

In addition to the document titled *Agenda Supplement*, an *Agenda* for the Operations Review Conference and the following workbooks have been prepared:

1. Aircraft and Equipment Requirements.
2. Aircraft Maintenance.
3. Aircraft Operating Rules.
4. Airman Certification.
5. Air Traffic Rules.
6. Certificated Operators and Agencies.
7. Flight Attendants.
8. Flight Time Limitations.
9. Training.
10. Special Issues.

NOTE: Workbook 6 has been divided into two parts. Part A deals with Certified Operators and Part B with Certificated Agencies.

Each of the workbooks contains the proposals to be discussed at the Conference by the eleven designated Committees in a form similar to that used for the *Compilation of Proposals* but with comments by interested persons included.

Within each workbook, the proposals are arranged numerically by proposal number. The *Agenda*, in addition to providing general information relating to the Conference program, contains detailed information on how the proposals have been grouped as agenda items, and how these agenda items have been scheduled for discussion by the respective Committees.

Advance registration information for the Conference is being distributed to all persons who have shown an interest and will be forwarded to anyone requesting such information from the Operations Review Branch, AFS-920.

Persons who plan to attend the Conference should be aware that the following procedures have been established to facilitate the workings of the Conference.

(1) Transcripts of Committee meetings will not be made; however all meetings will be recorded and the tapes may be made available to interested persons. Copies of the tapes may also be purchased, at fees determined in accordance with 49 CFR 7.85(j).

(2) Summaries of the Committee discussion on each agenda item will be recorded. Transcripts of these summaries will be made available to all persons who register at the Conference. These summaries will also be available in the Rules Docket.

(3) Cognizance will not be taken of material prepared for discussion at the Conference by participants (but not contained in the working documents distributed by the FAA) unless the following procedures are followed:

(a) The material must be submitted to the FAA Operations Review Branch, AFS-920 as soon as possible or presented at the Conference Registration Desk by 7:00 a.m. on the first day (December 1).

(b) A copy of the material must be made for each person expected to attend the meeting at which it is to be discussed. (This information will be available at the Registration Desk).

(c) The material must, on its first page or cover, identify the preparer, the agenda item to which it relates, the Committee in which the material is to be discussed and a concise statement of the reason for the submission (i.e. the material contains a counter-proposal, or a more specific proposal or the material provides additional justification for the preparer's position on the agenda item). The FAA will distribute such additional material to the appropriate participants on the first day of the Conference.

(4) It should be noted that proposals appearing on the agenda will not necessarily become formal rulemaking. Notwithstanding that the FAA indicated concurrence or agreement in its comments, this concurrence or agreement is

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in principle and does not indicate a final FAA position. The FAA may decide after discussion of these proposals at the Conference, that certain of them will be changed, expanded, rejected or deferred for further study.

This notice is issued under the authority of Section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 10, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-28086 Filed 10-16-75;8:45 am]

FEDERAL ELECTION COMMISSION

[11 CFR Parts 130, 131, 132, 133]

[Notice 1975-62]

PRESIDENTIAL PRIMARY MATCHING FUNDS

Interim Guideline; Notice of Hearing

The Federal Election Commission announces that it will hold hearings on Tuesday and Wednesday, November 4 and 5, 1975, for the purpose of receiving further comments from interested persons on the proposed rules published in 40 FR 47688, on October 9, 1975, entitled "Presidential Primary Matching Fund Regulations."

All persons wishing to present views at these hearings should, no later than Thursday, October 30, 1975, request in writing that their name be placed on the Hearing Calendar. The request should be addressed to the General Counsel, Federal Election Commission, 1325 K Street, NW., Washington, D.C. 20463. All persons desiring to appear should submit to the Commission, at that same address, a written statement setting forth their proposed testimony no later than Friday, October 31, 1975.

All questions regarding this notice should be addressed to the Office of the General Counsel, Federal Election Commission, 1325 K Street, NW., Washington, D.C., or telephone (202) 382-5657.

Dated: October 14, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.75-28120 Filed 10-16-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[19 CFR Parts 201, 210]

PROPOSED RULES OF PRACTICE AND PROCEDURE

Extension of Comment Period

Notice is hereby given that the United States International Trade Commission is extending the time period for submission of comments on its proposed rules 19 CFR Parts 201 and 210, from October 2, 1975 to October 31, 1975.

The proposed regulations, which were published in the FEDERAL REGISTER on Tuesday, September 2, 1975 (40 FR 40173), implement sections 337 and 337a of the Tariff Act of 1930, as amended by section 341 of the Trade Act of 1974, 88 Stat. 2053 (19 U.S.C. 1337 and 1337a).

Final regulations, modified as the Commission deems appropriate after consideration of comments, will be adopted as soon as practicable after such consideration. The Commission intends to make the final regulations effective immediately upon publication in the FEDERAL REGISTER on good cause found and published with the rule. It is anticipated that publication of the final regulations as effective will take place on or about the twentieth of November, 1975.

By order of the Commission.

Issued: October 10, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-27966 Filed 10-16-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 75-228]

WEMBLEY INDUSTRIES, INC.

Recordation of Trade Name

In FR Doc. 75-24342, appearing on page 42378 in the issue for Friday, September 12, 1975, the second paragraph, the third line, the first word which presently reads "Wimbley" should read "Wembley".

[(T.D. 75-260) Customs Delegation Order No. 52]

COMMISSIONER OF CUSTOMS

Authority Delegation

By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955 (20 F.R. 2875), it is hereby ordered that the following officers of the U.S. Customs Service in the order of succession enumerated, shall act as Commissioner of Customs, in the event of an enemy attack or during the absence or disability of the Commissioner of Customs, or when there is a vacancy in such office:

1. The Deputy Commissioner of Customs.
2. The Assistant Commissioner (Operations).
3. The Assistant Commissioner (Regulations & Rulings).
4. The Assistant Commissioner (Administration).
5. The Assistant Commissioner (Investigations).
6. The Assistant Commissioner (Internal Affairs).
7. The Assistant Commissioner (Enforcement Support).
8. Chief Counsel.
9. The Regional Commissioner of Customs, Region II.
10. If none of the above officials is available, the remaining Regional Commissioners of Customs, in order of their appointment as Regional Commissioners of Customs.

By virtue of authority vested in me by said Treasury Department Order No. 129 (Revision No. 2), and Treasury Department Order No. 165, Revised (T.D. 53654; 19 F.R. 7241), there is hereby delegated to the regional commissioners of Customs, district directors of Customs, and port directors of Customs, in the event of an enemy attack on the continental United States, authority to perform any function of the Comissioner of Customs which is necessary to insure continuous performance of essential functions otherwise assigned to such officers. This delegation of authority will remain in effect until notice has been received from proper authority that it has been terminated.

This order supersedes Customs Delegation Order No. 44, dated January 15, 1973 (T.D. 73-22; 38 F.R. 1944).

VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.75-28010 Filed 10-16-75;8:45 am]

[T.D. 75-258]

INTERNAL ADVICE PROCEDURE

Clarification of Procedures

OCTOBER 8, 1975.

There is published below for the information and guidance of the public a clarification of the Internal Advice Procedure established by the Commissioner of Customs for the use of Customs officers, importers, and other interested parties in obtaining advice and rulings from Customs Headquarters with respect to ongoing Customs transactions within the technical areas of law interpreted by the Office of Regulations and Rulings. This Procedure was set forth in Treasury Decisions 75-17 and published in the FEDERAL REGISTER of January 13, 1975 (40 F.R. 2453).

[SEAL] LEONARD LEHMAN,
Assistant Commissioner,
Regulations and Rulings.

CLARIFICATION OF INTERNAL ADVICE PROCEDURES

The internal advice procedures were designed to give the Customs Service the ability to identify and resolve at Headquarters level, problems for which there are no clear administrative or judicial precedents, or when the issue is so unusual and complex as to warrant consideration by Headquarters. Likewise, the internal advice procedures are applicable to situations where nonuniformity of action is evident, or the issue is considered to have national application.

The internal advice procedures were not designed to supersede existing formal or informal procedures traditionally utilized for the resolution of issues in circumstances where the nature of the question is such that it does not require a new or clarifying ruling. The utilization of internal advice procedures for the resolution of problems which can be resolved by other means adds to the formalized workload under internal advice, and inhibits Headquarters' ability to respond promptly to those questions where clear precedents do not exist. Moreover, requests for internal advice on long settled issues could represent an attempt to defer payment of additional duties, pending resolution of requests for internal advice.

Consistent with established procedures, Headquarters may refuse to consider internal advice requests if it determines that the interests of the public and the Customs Service can best be served through Headquarters review of formal protests involving issues raised in requests for internal advice.

Regional Commissioners, district or area directors will determine whether internal advice is to be requested on any issue before them which pertains to an ongoing transaction. Issues dealing with prespective transactions must be submitted under the provisions of Part 177, Customs Regulations.

Requests for internal advice will not be submitted until all internal coordinating procedures have been exhausted in an attempt to resolve the issue. Visits to importer's premises in accordance with established guidelines should be utilized, when appropriate, to develop information necessary for the full evaluation of the issue.

If, after completion of the actions stipulated above, the regional commissioner or district/area director continues to adhere to his initial position on the issue, and this position is consistent with that coordinated through the Customs Information Exchange, a request by an importer for an internal advice ruling may be denied by the regional commissioner or district/area director. Denials of internal advice requests must be based on clear and definitive precedents which unequivocally support the position taken by the regional commissioner or district/area director. Such precedents should be communicated to the person being denied an internal advice ruling.

In instances where a request for internal advice is denied, the importer will be notified in writing of the reason for such denial, and advised of his right to request and obtain further review under the provisions of section 174.24(d), Customs Regulations. If further review of a protest is requested, and the reason set forth is the denial of a request for internal advice on the same issue, further review of such a protest will be automatically granted.

If additional information is presented to supplement a request for internal advice, which tends to support the importer's position, and if based upon the new information the field office does not agree with the position coordinated through the Customs Information Exchange, a request for internal advice should be initiated to resolve the issue.

A request for internal advice shall be limited to a specific commodity, manufacturer, seller, and country of exportation. If an issue covers other commodities, manufacturers/sellers, or country of exportation, a separate request must be submitted for each case.

During the period in which a request for internal advice is being considered at Headquarters, withholding of appraisement by other field offices should be limited to merchandise that can be specifically identified with the issue being considered.

Requests for internal advice submitted to Headquarters must be accompanied by copies of all documents bearing on the issue which are available at the field office originating

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or transmitting a request for internal advice. Requests involving tariff classification issues must contain a complete description of the merchandise. Samples, catalogues, or other descriptive information should be submitted when appropriate.

[FR Doc.75-27944 Filed 10-16-75;8:45 am]

[TMK-2-R:E:R]

MARKETING PLANNING ASSOCIATES, INC.

Notice of Application for Recordation of Trade Name

Application has been filed pursuant to section 133.12, Customs Regulations (19 CFR 133.12), for recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name Marketing Planning Associates, Inc., used by Marketing Planning Associates, Inc., a corporation organized under the laws of the State of California, located at 9701 Wilshire Boulevard, Seventh Floor, Beverly Hills, California 90210.

The application states that the trade name is applied to articles of clothing, including male and female undergarments. The application further states that no foreign person, parent or subsidiary company under common ownership or control, or other business entity is authorized to use the trade name sought to be recorded. Appropriate papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20229, in time to be received not later than November 17, 1975.

Notice of the action taken on the application for recordation of the trade name will be published in the FEDERAL REGISTER.

[SEAL] LEONARD LEHMAN,
Assistant Commissioner, Regulations and Rulings.

OCTOBER 7, 1975.

[FR Doc.75-28012 Filed 10-16-75;8:45 am]

[T.D. 75-259]

WHITE OR IRISH POTATOES, OTHER THAN CERTIFIED SEED

Tariff-Rate Quota for the Quota Year Beginning September 15, 1975

OCTOBER 10, 1975.

The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to item 137.25, Tariff Schedules of the United States, for the 12-month period beginning September 15, 1975, is 45 million pounds.

The estimate of the production of white or Irish potatoes, including seed potatoes, in the United States for the calendar year 1975, made by the United States Department of Agriculture as of September 1, 1975, was in excess of 21 billion pounds.

In accordance with headnote 2, part 8A, of schedule 1, Tariff Schedules of the United States, the quantity is not increased because the estimated production is greater than 21 billion pounds.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.75-27945 Filed 10-16-75;8:45 am]

Office of the Secretary

TANTALUM ELECTROLYTIC FIXED CAPACITORS FROM JAPAN

Antidumping Proceeding Notice

On September 24, 1975, information was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating the possibility that tantalum electrolytic fixed capacitors from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act").

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States. This evidence indicates that domestic employment, sales, production, profitability, and prices during the period 1974–1975 have declined significantly. While imports from Japan represent a relatively small portion of U.S. consumption, these imports have increased dramatically during the period 1971–1974 and there is evidence that these imports are underselling domestic competitors by a margin in a range 20–70 percent. On the basis of such evidence, it is not deemed necessary to refer the case to the International Trade Commission pursuant to section 201(c)(2) of the Act (19 U.S.C. 160(c)(2)).

Having conducted a summary investigation as required by section 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows: The information received tends to indicate that the prices of the merchandise sold for export to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-28013 Filed 10-14-75;3:07 pm]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 26629, 26716, 26717 and 26749]

NEW MEXICO

Applications

OCTOBER 9, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for four 4½ inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDAN, NEW MEXICO

T. 30 N., R. 5 W. Sec. 5, SW¼SW¼; Sec. 6, NW¼SW¼ and S½SE¼; Sec. 15, S½SW¼; Sec. 29, SE¼NE¼.

These pipelines will convey natural gas across .811 mile of national resource land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico, 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-27974 Filed 10-16-75;8:45 am]

NEW MEXICO MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the New Mexico Multiple Use Advisory Board of the Bureau of Land Management will meet in Albuquerque, New Mexico, November 11 and 12, 1975, at the Albuquerque Inn at Third and Marquette Streets, NW., as follows:

November 11, 8 a.m. to 4 p.m., orientation of members as to functions and duties of board members, general missions and responsibilities of the Bureau, areas of jurisdiction, program priorities, and manpower allocations.

November 12, 8 a.m. to 4 p.m., election of officers, reports and discussions and possible problem assignments to the board pertaining to federal energy policy and development in New Mexico, Texas and Oklahoma, as related to Bureau jurisdiction, general environmental concerns including workloads upon the Bureau for preparation of environmental analysis and statements; Bureau land occupancy and title problems in New Mexico; and public participation in the Bureau planning and decision processes.

Committees selected from the membership by the co-chairman may deliberate during the day, November 12, but also

may be assigned information gathering roles for the period between board meetings on topics chosen by the co-chairmen as appropriate for eventual full board action. Committees may make recommendations to the full board, either during the November 12 meeting, or subsequently as provided and announced during or following November 12.

Meetings will be open to the public. Effort will be made on a space-available and time-available basis to accommodate members of the public wishing to participate in the sessions, and wishing to make written or oral statements to the Board, provided that notice of such desire and intent are communicated to the New Mexico State Director of the Bureau of Land Management not later than 4 p.m., November 7, 1975.

Written communications and requests for information on the meetings should be directed to the Office of Public Affairs, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Telephone requests or messages on the same subjects should be directed to Doyle Kline (505) 988-6316.

ARTHUR W. ZIMMERMAN,
State Director.

OCTOBER 8, 1975.

[FR Doc.75-28033 Filed 10-16-75;8:45 am]

[NM 26540]

NEW MEXICO

Application

OCTOBER 8, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for three 4½ inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 32 N., R. 13 W.
Sec. 15, W½SW¼;
Sec. 21, N½NE¼, SW¼NE¼, SE¼NW¼, NE¼SW¼ and S½SW¼;
Sec. 28, NW¼NW¼;
Sec. 30, lots 6, 9, 10, 13 and 14.

These pipelines will convey natural gas across 2.990 miles of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-28034 Filed 10-16-75;8:45 am]

[NM 26617]

NEW MEXICO

Application

OCTOBER 8, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 6⅝ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 S., R. 27 E.
Sec. 20, E½SW¼ and SW¼SE¼;
Sec. 28, NW¼SW¼ and S½SW¼;
Sec. 29, NE¼ and NE¼SE¼;
Sec. 33, SE¼NE¼, NE¼NW¼ and NE¼SE¼;
Sec. 34, NW¼SW¼ and S½SW¼.
T. 26 S., R. 27 E.
Sec. 3, NW¼NE¼, S½NE¼, NE¼NW¼ and NE¼SE¼;
Sec. 11, SW¼NE¼, SE¼NW¼, N½NW¼ and NW¼SE¼.

This pipeline will convey natural gas across 4.385 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, New Mexico, 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-28025 Filed 10-16-75;8:45 am]

[NM 26728]

NEW MEXICO

Application

OCTOBER 10, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Company of America has applied for a 4 inch natural gas pipeline right-of-way and a .34 acre meter site across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 S., R. 30 E.
Sec. 10, W½ NE¼.

This pipeline will convey natural gas across .273 mile of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, New Mexico, 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-28036 Filed 10-16-75;8:45 am]

[NM 26752, 26763, 26764, 26766, 26768, and 26772]

NEW MEXICO

Applications

OCTOBER 10, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for four 4½ inch and one 6⅝ inch natural gas pipelines and a 2.5 acre compressor site right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 28 E.
Sec. 3, S½N½ and NW¼SW¼;
Sec. 4, N½S½;
Sec. 5, S½SW¼, N½SE¼ and SW¼SE¼;
Sec. 6, S½SE¼.
T. 26 S., R. 30 E.
Sec. 25, SW¼SW¼;
Sec. 26, S½S½;
Sec. 27, SE¼NW¼, E½SW¼ and S½SE¼;
Sec. 34, NE¼NW¼.

These pipelines will convey natural gas across 6.001 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, Roswell, New Mexico 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-28037 Filed 10-16-75;8:45 am]

UKIAH DISTRICT MULTIPLE-USE ADVISORY BOARD

Meeting

Notice is hereby given that the Ukiah District Multiple-Use Advisory Board to the Bureau of Land Management will meet at the Ukiah District Office, 555 Leslie St., Ukiah, California, December 11–12, 1975. Meeting times are 1:00 p.m. to 5:30 p.m. on Thursday and 8:00 a.m. to 12:30 p.m. on Friday. The agenda for the first day will include consideration of board functions and procedures, district organization, planning and environmental analysis in the Ukiah District, implementation of the King Range National Conservation Area plan and Cow Mountain land use conflicts. The agenda for the second day will consist

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of a discussion of geothermal development in the Ukiah District, Board elections, committee assignments, committee meetings and reports, and a general business meeting.

The meeting will be open to the public. Time will be made available at 5:00 p.m. on Thursday and 12:00 noon on Friday for brief statements by members of the public. Such statements should be limited to matters set forth in the agenda. Those wishing to make an oral statement on an agenda topic should notify the Ukiah District Manager prior to the meeting days. Any interested person or organization may file a written statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the Ukiah District Manager.

MELVIN D. CLAUSEN,
District Manager.

[FR Doc.75-28032 Filed 10-16-75;8:45 am]

National Park Service

CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, November 7, 1975, at 1:30 pm, at the Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Massachusetts.

The Commission was established by Public Law 87-126 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The purpose of the meeting is to consider the following Agenda items: (1) Water Resources study in the Seashore, (2) Policy regarding improvements, alterations, renovations, etc. of "improved properties," (3) Research report on effects of foot traffic on dunes/dune grass, (4) Proposed improvements to Thompson's Clam Bar Restaurant (commercial property) in Truro, and (5) Proposal to adopt oversand vehicle fees. The Superintendent will give a progress report covering current problems and items of interest, which will be reviewed and discussed.

The meeting is open to the public. It is expected that 15 persons will be able to attend the session in addition to Commission members.

Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Lawrence C. Hadley, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663 (telephone: 617-349-3785). Minutes of the meeting will be available for public inspection and copying four weeks after the meeting at the Office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Dated: October 3, 1975.

DAVID A. RICHIE,
Acting Regional Director,
North Atlantic Region.

[FR Doc.75-27946 Filed 10-16-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

COUNCIL PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Council Planning Unit, Payette National Forest, Idaho. The Forest Service report number is USDA-FS-DES (Adm) R4-76-5.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Council Planning Unit on the Payette National Forest. The purpose of the plan is to allocate National Forest lands within the planning unit to specific resource uses and activities; establish objectives; document management direction, management decisions, and necessary coordination between resource uses; and provide for the protection, use, and development of the various resources within the planning unit.

This draft environmental statement was transmitted to CEQ on October 9, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave. SW., Washington, D.C. 20250.
Regional Planning Office, USDA, Forest Service, Federal Building, Room 4403, Ogden, Utah 84401.
Forest Supervisor, Payette National Forest, Forest Service Building, P.O. Box 1026, McCall, Idaho 83638.
District Ranger, Council Ranger District Council, Idaho 83612.

A limited number of single copies are available upon request to Forest Supervisor William B. Sendt, Payette National Forest, Forest Service Building, P.O. Box 1026, McCall, Idaho 83638.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor William B. Sendt, Payette National Forest, Forest Service Building, P.O. Box 1026, McCall, Idaho 83638. Comments must be received by December 8, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: October 9, 1975.

P. M. REES,
Director, Regional Planning and Budget.

[FR Doc.75-27971 Filed 10-16-75;8:45 am]

DESCANSO DISTRICT GRAZING ADVISORY BOARD

Notice of Meeting

The Descanso District Grazing Advisory Board will meet at 8 p.m., November 3, 1975 at the Alpine Ranger Station Office, 2707 Alpine Boulevard, Alpine, CA 92001.

The purpose of this meeting is to provide National Forest grazing permittees means for expression of recommendations concerning management and administration of Cleveland National Forest grazing resource; better understanding of policy, regulations, and requirements; to develop local interest and responsibility in better range management; and to elect members to the Board of Directors and other offices of the organization as set forth in the bylaws.

The contact address is: Peter Marston, P.O. Box 176, Pine Valley, CA 92062, phone (714) 473-8777.

Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation. Public members may participate only when they are recognized by the officer in charge of the meeting.

Dated: October 9, 1975.

FREDERIK G. DEHOLL,
Forest Supervisor.

[FR Doc.75-28005 Filed 10-16-75;8:45 am]

DESCHUTES NATIONAL FOREST ADVISORY COMMITTEE

Meeting

The Deschutes National Forest Advisory Committee will meet at 6:30 p.m., November 6, 1975, for a no-host dinner at Tony's Poco Toro Restaurant, Bend, Oregon. The program will follow at 8 p.m.

The subject to be discussed at this meeting will be "Review and comment on proposed concepts for riding and hiking trail location and relocations."

The meeting will be open to the public.

Dated: October 9, 1975.

EARL E. NICHOLS,
Forest Supervisor.

[FR Doc.75-27970 Filed 10-16-75;8:45 am]

GIFFORD PINCHOT NATIONAL FOREST, WASH.

Availability of Draft Environmental Statement Regarding Upper Lewis River Planning Unit

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Upper Lewis River Planning Unit, Gifford Pinchot National Forest, Washington. USDA-FS-R6-DES-(Adm)-76-1.

The environmental statement concerns a revised land use plan for the Upper Lewis River Planning Unit. The proposed action describes how the various resources of the Unit would be used and what the output for each resource is expected to be.

This draft environmental statement was transmitted to CEQ on October 10, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. & Independence Ave. SW., Washington, D.C. 20250.
Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, Washington 98660.
USDA, Forest Service, Pacific Northwest Region, 319 S.W. Pine Street, Portland, Oregon 57204.

A limited number of single copies are available upon request to Forest Supervisor, Spencer T. Moore, Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, Washington 98660.

Copies of the environmental statement have been sent to various Federal, state and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Spencer T. Moore, Forest Supervisor, Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, Washington 98660. Comments must be received by December 15, 1975, in order to be considered in the preparation of the final environmental statement.

CURTIS L. SWANSON,
Regional Environmental Coordinator Planning, Programing & Budgeting.

OCTOBER 10, 1975.

[FR Doc.75-27972 Filed 10-16-75;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

ALLOCATION OF THIRD COUNTRY RIGHTS IN INVENTIONS RESULTING FROM COOPERATIVE US/USSR RESEARCH AND DEVELOPMENT

Invitation for Comments

The Department of Commerce is seeking suggestions regarding the allocation of rights in countries, other than the U.S. and the Soviet Union, to inventions which may be made under US/USSR government-to-government cooperative research in science and technology. On the U.S. side, participation in such cooperative activity is either through a U.S. government body, or a firm or institution on contract to the government.

To provide a proper setting for this request, it is helpful to know that a Joint Commission on Scientific and Technical Cooperation was established in accordance with an agreement signed May 24, 1972, by the United States and the Soviet Union. As a result, the two countries are engaged in various joint activities, basically R & D efforts that are not primarily commercial arrangements.

This Joint Commission in 1973 approved a Statement of Guiding Principles for Intellectual Property and established a Joint Working Group on Intellectual Property. The function of the Working Group is to give priority attention to legal, economic and other questions basic to the formulation and application of intellectual property provisions in specific agreements defining the various cooperative research activities envisaged.

The Joint Working Group has been conducting negotiations on Implementing Procedures for the Guiding Principles and at its first meeting in Moscow, May 1975, signed a Protocol. While agreement was reached on some matters, most notably copyrights, no formal agreement was reached on Implementing Procedures for rights to inventions.

Copies of the Statement of Guiding Principles for Intellectual Property approved in 1973 by the US/USSR Joint Commission on Scientific and Technical Cooperation and the Protocol of the Joint US/USSR Working Group on Intellectual Property, May 1975 may be obtained upon request. Requests should be addressed to the Office of the Assistant Secretary for Science and Technology, Department of Commerce, Washington, D.C. 20230.

Like the Statement of Guiding Principles, the Implementing Procedures that are being worked out will be no more than guidelines. Intellectual Property provisions of agreements for cooperative activities will be negotiated on a case-by-case basis.

The U.S. side of the Joint Working Group is presently developing its position on Implementing Procedures for inventions rights and more specifically on how to handle rights in countries other than the U.S. or U.S.S.R. (third countries). As set forth in the Guiding Principles, each side will determine the allocation of all rights to inventions in its own country. Rights in other countries shall be agreed upon during negotiations pertaining to individual cooperative activities. It is intended that these Implementing Procedures will be helpful in these negotiations and should be applicable to the majority of the cooperative activities.

It is specifically in connection with the development of a position for allocation of invention rights in third countries that the Department is interested in views of U.S. industry.

Two separate situations are identified below and views are solicited regarding allocation of rights to inventions in third countries for both.

(a) *Inventions arising out of cooperative activities made jointly by inventors of the U.S. and U.S.S.R. working together in their respective countries.* Under these conditions, one proposal that has been made is that as to third countries both sides would, effectively, own all resulting patent rights. The consequence of such an approach would be that each Party would freely use, and license others to use the joint invention within third countries.

(b) *Inventions arising out of cooperative activities where personnel of only one side are involved in making the invention.* It must be realized that although only one side made the invention the other side may well have provided a significant contribution by way of funding, equipment, technical information, or otherwise. Typical examples of this latter case would be an invention made by either an American engineer (or engineers) operating Soviet equipment or a Soviet engineer (or engineers) operating American equipment. Views are sought for treating the ownership of rights in third countries where either an American or Soviet citizen (or citizens) create an invention within the cooperative activity but without active collaboration on that particular invention with a citizen of the other side.

Two contrasting views are presented for consideration. These relate specifically to the conditions outlined in the preceding paragraph where nationals of only one country are involved. Comments are solicited on which proposal, if any, under situation (b), is deemed preferable. Alternatively, suggestions for other approaches are welcome.

PROPOSAL I

The party or side to the agreement in whose country the invention was made shall have the first option to acquire all rights in third countries, subject to the grant of an irrevocable, royalty free, non-exclusive license with the right to grant sublicenses, to the other Party, to use, manufacture, and/or sell such inventions in such third countries.

Under this approach, regardless of who or where an invention is made or who employs the inventor (or inventors), any

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invention which results from a contribution by both parties would be regarded as an invention that is available for use by either party.

PROPOSAL II

The party or side whose employee (or employees), or organization, makes (or make) the invention shall acquire all rights in third countries.

In this second proposal the party employing the inventor (or inventors) would determine the ownership of invention rights in third countries. Specifically, if an American cooperating on behalf of the US made the invention in the USSR, the US would determine third country rights, and vice versa for a Soviet employed by a State enterprise inventing in the US during the course of a cooperative activity.

In formulating comments, respondents should bear in mind several desirable goals: (1) maximizing success in USSR cooperative activities; (2) the allocation of industrial property rights that are realistic and equitable; and (3) provision of incentive for US firms and institutions to participate in cooperative activities under the bilateral government programs.

In order to proceed in a timely fashion with this undertaking, and to allow for time to analyze the responses, communications are requested by October 31, 1975 and should be addressed to Betsy Ancker-Johnson, Ph. D., Assistant Secretary for Science and Technology, Department of Commerce, Washington, D.C. 20230.

Copies of comments received will be filed in the public docket which will be available for examination by interested persons at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7068, Main Commerce Building, 14th Street between E Street and Constitution Avenue, N.W., Washington, D.C. 20230.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

OCTOBER 10, 1975.

[FR Doc.75-27965 Filed 10-16-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75C-0283]

ETHICON, INC.

Filing of Petition for Color Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (d), 74 Stat. 402 (21 U.S.C. 376(d))), notice is given that a petition (CAP 6C0113) has been filed by Ethicon, Inc., Route 22, Somerville, N.J. 08876, proposing the issuance of a regulation (21 CFR Part 8) to provide for the safe and suitable use of logwood for coloring nylon or silk nonabsorbable surgical sutures, USP, for use in general and ophthalmic surgery.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: October 9, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75-27962 Filed 10-16-75;8:45 am]

ONCOLOGIC DRUGS ADVISORY COMMITTEE

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Oncologic Drugs Advisory Committee by the Secretary, Department of Health, Education, and Welfare, for an additional period of 2 years beyond October 24, 1975.

Authority for this committee will expire October 24, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: October 9, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-27961 Filed 10-16-75;8:45 am]

Health Services Administration

IOWA

Announcement of Results of Poll of Physicians

On May 14, 1975, the Secretary of the Department of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with the Iowa Foundation for Medical Care, Inc., designating it as the Professional Standards Review Organization for the State of Iowa, which area is designated a Professional Standards Review Organization Area in 42 CFR 101.19.

Such notice was also published in three consecutive issues of The Des Moines Register-Tribune, The Quad-City Times, The Cedar Rapids Gazette, Waterloo Daily Courier, Fort Dodge Messenger and Chronicle, and The Dubuque Telegraph-Herald on May 14, 15, and 16, 1975. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and county medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in the State of Iowa of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in Iowa who objects to the Secretary entering into an agreement with the Iowa Foundation for Medical Care, Inc. on the grounds that such organization is not representative of doctors in Iowa, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022, on or before June 13, 1975.

After reviewing the final tabulation of objections from doctors of medicine or osteopathy in Iowa, the Secretary has determined, pursuant to 42 CFR 101.105, that more than 10 percentum of the doctors engaged in the active practice of medicine or osteopathy in Iowa have expressed timely objection to entering into an agreement with the Iowa Foundation for Medical Care, Inc.

Therefore, on July 21, 1975, in accordance with 42 CFR 101.106, the Secretary of the Department of Health, Education, and Welfare published in the FEDERAL REGISTER a notice announcing a poll to be conducted of all doctors of medicine or osteopathy engaged in active practice in Iowa to determine whether the Iowa Foundation for Medical Care, Inc. is representative of such doctors in the area.

Such notice was also published in The Des Moines Register-Tribune, The Quad-City Times, The Cedar Rapids Gazette, Waterloo Daily Courier, Fort Dodge Messenger and Chronicle, and The Dubuque Telegraph-Herald on July 21, 1975. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and county medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in Iowa of the contents of the notice.

The notice stated that a ballot was to be mailed to each such doctor on which he was to indicate whether in his opinion the Iowa Foundation for Medical Care, Inc. was or was not representative of the doctors of medicine or osteopathy engaged in active practice in Iowa. The notice also requested that any licensed doctor of medicine or osteopathy engaged in active practice in Iowa who had not received a ballot by July 28, 1975, might request in writing a ballot from the Secretary of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. According to the notice, only those ballots postmarked no later than August 20, 1975, and returned in the stamped self-addressed envelope provided to each individual doctor would be considered valid.

A ballot and envelope together with a letter of explanation was mailed to each individual doctor of medicine or osteopathy whom the Secretary determined, pursuant to 42 CFR 101.103, to be engaged in the active practice of medicine or osteopathy in the PSRO area.

The counting of the ballots took place in a proceeding open to the public at the City Council Chambers, City Hall, East First and Locust, Des Moines, Iowa on August 29, 1975.

After tabulating the ballots received under 42 CFR 101.105, the Secretary has determined, pursuant to 42 CFR 101.107, that more than 50 percentum of the doctors responding to the poll indicated by checking the appropriate box on the ballot, that the Iowa Foundation for Medical Care, Inc., was representative of the doctors in the area and therefore the Secretary intends to enter into an agreement designating the Iowa Foundation for Medical Care, Inc., as the conditional Professional Standards Review Organization for the State of Iowa.

This count will be final, except that the Secretary will conduct a recount if at least five doctors in the area so request in writing postmarked on or before October 28, 1975.

Such recount will be conducted in a public proceeding and the result of the recount will be final.

Dated: October 7, 1975.

ROBERT VAN HOEK,
Acting Administrator, Health Services Administration.

[FR Doc.75-27973 Filed 10-16-75;8:45 am]

Social Security Administration

SUPPLEMENTAL SECURITY INCOME STUDY GROUP

Meeting

Notice is hereby given pursuant to Pub. L. 92-463, that the Supplemental Security Income Study Group will hold the following meetings from 9:00 a.m. to 4:00 p.m. at the Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland, 21235:

October 30 and 31, Room 4-B-13 Operations Bldg.
November 13 and 14, Room G-B-10 East Bldg.
December 11 and 12, Room G-B-10 East Bldg.
December 18 and 19, Room G-B-10 East Bldg.

All meetings are open to the public.

Further information on the Study Group may be obtained from Nelson Sabatini, Executive Secretary of the Study Group, Room 960 Altmeyer Building, Social Security Administration, 6401 Security Boulevard, Baltimore Maryland 21235, telephone (301) 594-2330. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

(Catalog of Federal Domestic Assistance Program Number 13.807, Supplemental Security Income for the Aged, Blind, and Disabled)

Dated: October 10, 1975.

NELSON SABATINI,
Executive Secretary, Supplemental Security Income Study Group.

[FR Doc.75-28019 Filed 10-16-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-110; FDAA-489-DR]

MARYLAND

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Maryland, dated October 4, 1975, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 4, 1975:

The Counties of:

Calvert, Kent, Queen Anne's, St. Mary's, Talbot.

(Catalog of Federal Domestic Assistance No. 14701, Disaster Assistance.)

Dated: October 10, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-28055 Filed 10-16-75;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON RATEMAKING AND ECONOMIC REGULATION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Ratemaking and Economic Regulation of the Administrative Conference of the United States, to be held at 10:00 A.M., Thursday, October 30, 1975 in the offices of the Administrative Conference of the United States, Suite 500, 2120 L Street, N.W., Washington, D.C. 20037.

The Committee will meet to consider the report and recommendations by Professor Mason Willrich concerning the administration of energy shortages.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact David B. H. Martin (telephone 202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

OCTOBER 10, 1975.

[FR Doc.75-27969 Filed 10-16-75;8:45 am]

[Order 75-10-43; Docket 26494; Agreement C.A.B. 25431; R-1 through R-3]

CIVIL AERONAUTICS BOARD

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Passenger Fares

Issued under delegated authority October 14, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above C.A.B. agreement number.

The agreement would amend certain first class, economy, and group fares between Lisbon and points in North Africa. We will approve the first and economy class fares, which are combinable with fares to/from United States points and thus have indirect application in air transportation as defined by the Act, but will disclaim jurisdiction with respect to creative fares which are not similarly combinable.

Pursuant to authority duly delegated by the Board in the Board's Regulations 14 CFR 385.14:

1. It is not found that the following resolutions, incorporated in Agreement C.A.B. 25431 as indicated, and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25431:			
R-1	052	TC2 First Class Fares (Within Europe) (Amending)	2
R-2	062	TC2 Economy Class Fares (Within Europe) (Amending)	2

2. It is not found that the following resolution, incorporated in Agreement C.A.B. 25431, affects air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
25431:			
R-3	072g	TC2 Creative Fares Board-Europe (Amending)	2

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Accordingly, IT IS ORDERED THAT:

1. Those portions of Agreement C.A.B. 25431 described in finding paragraph I above, which have indirect application in air transportation as defined by the Act, be and hereby are approved; and

2. Jurisdiction be and hereby is disclaimed with respect to that portion of Agreement C.A.B. 25431 described in finding paragraph 2 above.

Persons entitled to petition the Board for review of this orde: pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-28029 Filed 10-16-75;8:45 am]

[Order 75-10-50; Docket 27573; Agreement C.A.B. 25453]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority October 14, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate as set forth below for cargo rates; and was adopted pursuant to unprotested notices to the carriers and promulgated in IATA letter dated October 6, 1975.

Specific Commodity Item No.	*Description and Rate*
1407	Floral and Nursery Stock and Seeds, excluding cut flowers 164 cents per kgs., minimum weight 100 kgs. From Copenhagen to New York

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, IT IS ORDERED THAT:

Agreement C.A.B. 25453 is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-28030 Filed 10-16-75;8:45 am]

[Order 75-10-51; Docket 28392]

KOREAN AIR LINES CO., LTD.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of September, 1975.

By tariff revisions filed September 5, 1975 for effect October 5, 1975, Korean Air Lines Co., Ltd. (KAL) proposes to establish new general commodity, freight-all-kinds (FAK) rates from the United States to Japan and the Republic of Korea. The rates would apply to shipments of 30,000 kgs. from Los Angeles to Seoul or Tokyo, tendered to the carrier in containers or pallets. On a per kilogram basis, the rates equate to $1.05 per kg. to Tokyo and $1.10 per kg. to Seoul.

A complaint requesting suspension and investigation of the rates has been filed jointly by The Flying Tiger Line, Inc. (Tiger), Pan American World Airways, Inc. (Pan American), China Airlines, Ltd. (CAL) and Japan Air Lines Company, Ltd. (JAL).[1] An answer in support of the complaint has been submitted by Trans International Airlines, Inc. (TIA).

In its justification accompanying the tariff filing, KAL asserts that the proposed rates are consistent with the Board's recent emphasis on the need for lower rates, and its consideration of whether the public interest is better served by less regulation and more competition, citing *Transatlantic FAK Container and Charter Freight Rates Investigation*, Docket 27557, *Evaluation of Economic Behavior and Other Consequences of Civil Aviation System Operating with Limited or No Regulatory Constraints*, Docket 28048, and "Regulatory Reform: Report of the C.A.B. Special Staff"; that although the Board attempted to suspend similar FAK container rates over the North Atlantic, the President disapproved the Board's proposed action on the basis that those rates would reduce worldwide inflation and international transportation costs, and KAL's proposed rates satisfy the same objectives; and that the proposed rates are consistent with the Board's policy statement issued prior to the IATA Worldwide Cargo Conference in Nice, June 1975, which supported measures to reduce reliance on specific commodity rates, and the introduction of high weightbreak general cargo rates. KAL alleges further that the rates are economically justified in that they would cover all out-of-pocket costs and make a contribution to profit, even though they would not cover fully allocated costs; that they would correct the present directional imbalance of KAL's transpacific traffic and therefore are not required to cover fully allocated costs;[2] that the proposed rates will generate a significant amount of new air freight traffic now moving by surface; that there would be very little diversion of traffic from other carriers due to the relatively limited capacity operated by KAL and the proposed rates' high minimum weight requirement; and that Tiger's current earnings position which, allegedly, is substantially in excess of the Board's guidelines, demonstrates that the IATA cargo rates significantly exceed costs.

In their consolidated complaint the Joint Carriers contend that KAL has twisted the precedents of the North Atlantic high weightbreak rates in that the North Atlantic rates were filed in the context of a long history of intense competition between scheduled and charter services for large-volume shipments, but there is no significant charter activity in the transpacific market; and that the President set aside the Board's suspension of Seaboard's rates for reasons of foreign policy rather than economics.[3] The complainants assert further that KAL's filing represents an attempt to gain a competitive advantage in westbound traffic similar to that it now enjoys over non-Korean carriers in Korean-originating traffic, and that approval of the rates would result in similar stratagems by other foreign-flag carriers in attempts to maintain their share of the U.S. market; and that the proposed rates contravene policies set forth in Judge Present's Initial Decision in Docket 22859, *Domestic Air Freight Rate Investigation* (DAFRI) and in the Board's Policy Statement issued prior to

[1] Hereinafter referred to as the Joint Carriers.

[2] In this connection KAL cites *Air Freight Rate Investigation-Directional Rates*, 11 C.A.B. 238 (1950), *Air Freight Rate Investigation*, 9 C.A.B. 340, 344 (1948), and *Directional Charter Rates*, 40 C.A.B. 752,753 (1964). The carrier also refers to Order 75-7-94, in which the Board dismissed Tiger's complaint against domestic rates filed by Northwest Airlines, Inc., even though Northwest's rates were found to be below fully allocated costs.

[3] The Joint Carriers allege further that while the President stated that the North Atlantic rates should remain available to the shipping public, in fact very little benefit accrues to the direct shipper, as the high minimum weights assure that only forwarders, through consolidations, can make use of the rates.

the IATA Cargo Conference in Nice, both of which discouraged the use of promotional rates except in very limited, specific cases.[4] In this connection the Joint Carriers go on to state that the proposed KAL rates clearly fall far short of covering fully allocated costs; and that KAL's traffic projections under the new rates seriously underestimate self-diversion from higher-rated traffic categories, and grossly overestimate the traffic which would be diverted from surface. It is alleged that most of the traffic moving at the proposed rates would, in fact, result from self-diversion and diversion from other carriers who would be forced to match the rates out of competitive necessity, and accordingly would suffer massive revenue dilution. Tiger, Pan American and JAL estimate dilution totaling over $4.1 million in the U.S.-Japan/Korea market, and contend that the impact would be even more severe if the rates spread to other markets.[5]

The Joint Carriers also assert that this is a particularly inopportune time for KAL to propose such low rates due to the recent declines in mail and military charter traffic, and the large operating losses Pan American and JAL suffered in 1974 ($3.9 million and $14.4 million, respectively).[6] Finally, the complainants state that in their earlier complaints against Seaboard's high weightbreak transatlantic rates, they expressed the fear that Seaboard's rates, if permitted to become effective, would prove attractive to other carriers seeking to augment their market share, and the instant KAL filing proves the point.

TIA, in its answer in support of the complaint, alleges that KAL's proposed rates would undercut transpacific charter rates, divert traffic from charters, and destroy the distinction between scheduled and charter service.[7]

Upon full consideration of the tariff filing, the complaint and answers thereto, and all other relevant matters, the Board has concluded that the proposed rates may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and should be investigated. The Board further concludes that the rates should be suspended pending investigation.

The Board is not opposed to innovative new concepts in air transportation, and has long supported the principle of high weightbreak rates in scheduled service, while encouraging the carriers to reduce reliance on low specific commodity rates. However, new proposals such as KAL's proposed 30,000 kg. FAK rates must be set at compensatory levels; if they introduce below-cost rates, the inevitable result is a decline in carrier yield, and pressure for general rate increases which raise the cost of transportation to all shippers.

Our analysis of the data submitted indicates that KAL's proposed rates are patently uneconomic. By the carrier's own admission, the rates would not cover fully allocated costs, but it is claimed that this is not required since the rates will help correct an alleged directional imbalance in traffic, and cover "out-of-pocket" costs plus a contribution to profit. We cannot agree. In the first instance, there is no evidence of substantial directionality in traffic between the United States and Japan/Korea, as KAL's own figures show a 48/52 percent distribution, westbound/eastbound, during calendar year 1974. Second, the Board's established policy, set forth in the Nice Policy Statement, is that cargo service is sufficiently well-established to be priced in line with the full costs of providing the service.

It is clear that the rates are significantly below cost. KAL's own estimate, which adopts expenses reported by Tiger as the basis of its justification, shows operating costs of 18.67 cents per revenue ton-mile (rtm), while KAL estimates the average yield from the proposed FAK rates at 16.4 cents per rtm, substantially below the costs of carriage, without even considering return. Even these figures overstate the profitability of the proposed rates, as KAL seriously understates costs and grossly exaggerates revenues. KAL's cost estimate is based on Tiger's first-quarter 1975 B-747F operating costs of $6.48 per mile, but during the second quarter Tiger's costs rose to $6.71 per mile, and a corresponding adjustment in KAL's estimate brings the operating cost to 19.31 cents per rtm. Moreover, these cost and yield figures reflect KAL's anticipated traffic and revenue ton-miles which appear grossly overstated.

KAL estimates that the bulk of the traffic under the new FAK rates will be diverted from surface, and that self-diversion from traffic already moving by air will be minimal. However, KAL has provided no support for either its generation or diversion estimates, which appear wholly unrealistic, and the Board believes the situation would be the reverse of that presented by KAL. As the complainants have pointed out, the proposed rates would still be 213 to 661 per cent of the comparable ocean rates from the U.S. West Coast to Seoul or Tokyo, and KAL admits that it has no commitments from ocean shippers to divert their freight to air if the proposed rates become effective. Thus, significant diversion from surface transport is extremely unlikely. On the other hand, even though the proposed FAK rates undercut every existing air freight rate in the affected markets, KAL forecasts diversion of no existing general-cargo-rate traffic, and only 20 percent of existing specific-commodity-rate traffic.[8] These estimates appear inordinately low in light of the proposed rates would still be 213 and 661 per-rates, and thus it seems clear that the bulk of the traffic under the proposed rates would result from self-diversion, and would reduce KAL's overall revenues significantly.

The extremely low level of the proposed rates would also subject the traffic of other carriers to substantial diversion, and would inevitably result in matching filings out of competitive necessity. Although KAL contends that Tiger's average shipment weight of 360 kgs. means that very little of Tiger's traffic would be subject to diversion, Tiger has indicated that over 95 percent of its North/Central Pacific freight revenues are generated by forwarders and consolidators, who would be in a position to utilize the FAK rates. The proposal does, in fact, seem to be designed for use as a forwarder rate and thus, although the average shipper and the public would receive little benefit from the rates, Tiger and other carriers would be forced to match the rates. Although the Joint Carriers' dilution estimates seem to be somewhat overstated, there is little doubt that approval of these rates would result in significant revenue dilution. Moreover, the adverse impact of the low FAK rates would be magnified far beyond the immediate effect on the U.S.-Japan/Korea market because the proposed rates, in combination with existing rates on either end, could undercut rates as far east as New York and as far west as Singapore.[10]

Finally, we cannot agree with KAL that Tiger's current earnings position justifies resort to the extremely low rates proposed here. KAL is well aware that

[4] The Joint Carriers state that, in accordance with the Policy Statement, cargo rates should be established at levels which cover fully allocated costs, not merely "out-of-pocket" expenses as KAL contends; and that KAL's attempt to justify the rates on the basis of directional imbalance, with reference to past Board decisions, is faulty because there is no significant directional imbalance in KAL's traffic.

[5] CAL states that, although it does not serve Japan and Korea from the U.S., if the rates become effective they will surely spread to most other Asian markets as each nation strives to maintain the balance between competing markets. The complainants also contend that the proposed rates, in combination with local rates at either end, would undercut through rates from interior U.S. points and to Asian points other than Tokyo and Seoul.

[6] Although Tiger, which has the lowest operating costs, experienced a return on investment of 13.8 percent, it states that this is only slightly over the Board's 12 percent guideline, and the recent trend in Tiger's earnings is decidedly downward.

[7] Pan American and Tiger.

[8] KAL has submitted an answer to the complaints which merely reiterates points raised in its initial justification.

[9] The proposed FAK rates are marginally above existing cargo charter rates as cited by TIA, but as there is very little charter activity in the market, the comparison is somewhat academic.

[10] In contrast to Seaboard's transatlantic high weightbreak FAK rates, which were approved by the Federal Republic of Germany, KAL's rates have not received the approval of the other governments concerned. While approval by the Korean government may be presumed, JAL has stated that the Japanese authorities have clearly indicated that although KAL has not yet filed its FAK rates in Japan, they will not be permitted to go into effect. Were the rates to become effective to Seoul but not to Tokyo, the proximity of the two points (725 miles) would still permit KAL to use Seoul as a break-bulk point for traffic destined to Tokyo and other Far East points.

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the Board generally evaluates international fares and rates in the context of the composite earnings position of all the U.S. international flag carriers serving a particular area. The U.S. carriers' composite earnings are currently unfavorable, would be further jeopardized by the significant rate reductions now proposed by KAL, and, in any event, the U.S. carriers' earnings will be carefully considered in the Board's disposition of the overall IATA rate structure under the procedures set forth in Order 75–7–88, July 17, 1975. The data before us clearly show that KAL's proposed rates are significantly below costs, would seriously undermine the financial positions of all the affected carriers, including their proponent, and should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, 801 and 1002(j) thereof.

IT IS ORDERED THAT:

1. An investigation be instituted to determine whether the rates, charges and provisions from Los Angeles, California to Seoul, Korea and Tokyo, Japan, bearing the reference mark "(c)", and the explanation of the reference marks "(b)" and "(c)" on 8th and 9th Revised Pages 101 of Tariff C.A.B. No. 52, Air Tariffs Corporation, Agent, and rules, regulations and practices affecting such rates, charges and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such rates, charges and provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the rates and provisions on the tariff page specified in paragraph 1 above are suspended and their use deferred to and including October 13, 1976 unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President[1] and shall become effective October 14, 1975;

4. Except to the extent granted herein, the complaints in Dockets 28259 and 28296 be and hereby are dismissed;

5. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

6. Copies of this order be served upon Korean Air Lines Co., Ltd., China Airlines, Ltd., Japan Air Lines Company, Ltd., The Flying Tiger Line Inc., Pan American World Airways, Inc. and Trans International Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–28031 Filed 10–16–75;8:45 am]

[1] This order was transmitted to the President on October 2, 1975.

CIVIL SERVICE COMMISSION

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Chief, Consumer Affairs Section, Antitrust Division.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–28025 Filed 10–16–75; 8:45am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Notice of Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92–28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1975, November 12, 1974 (39 F.R. 39964).

NO NSN
Gypsy Moth Traps
Orange
Brown

CLASS 8349
Pin, Tent, Aluminum
8340–00–261–9749

CLASS 7520
Easel, Display and Training
7520–00–579–7013

Comments and views regarding these proposed additions may be filed with the Committee not later than 30 days after the date of this FEDERAL REGISTER. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled April 17, 1975.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75–28017 Filed 10–16–75; 8:45 am]

PROCUREMENT LIST 1975

Additions to Procurement List

Notice of proposed additions to Procurement List 1975, November 12, 1974 (39 F.R. 39964) were published in the FEDERAL REGISTER on July 25, 1975 (40 F.R. 31255), August 15, 1975 (40 F.R. 34450), and September 8, 1975 (40 F.R. 41551).

Pursuant to the above notices the following commodities and service are added to the Procurement List:

CLASS 4910	*PRICE*
Creeper, Mechanic's (SH)	$6.34 Each
4910–00–251–6981	
CLASS 7230	
Curtain, Shower (IB)	$1.57 each
7230–00–247–1280	
INDUSTRIAL CLASS 7349	
Janitorial/Custodial U.S. Army Reserve Center Camp Drum Watertown, New York (SH)	$7,505.54 per year

By the Committee.

[SEAL] C. W. FLETCHER,
Executive Director.

[FR Doc.75–28018 Filed 10–16–75; 8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from October 6 through October 13, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (December 1, 1975). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fowden G. Maxwell, Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359–A, Washington, D.C. 20250, 202–447–3965.

FOREST SERVICE

Draft

O'Brien-17 Mile-Cross Mt. Units, Kootenai National Forest, Lincoln County, Mont., October 6: The action involves the implementation of a revised multiple use management plan for the O'Brien-Seventeenmile-Cross Mountain Planning Units, Kootenai National Forest. The proposal will cover approximately 146,500 acres of land. The plan calls for continued development activity, management of the wildlife and visual resources, and increased timber production due to more intensive management. (ELR Order No. 51488.)

Kancamagus Unit Plan, White Mt. National Forest, Carroll and Grafton Counties, Vt., October 10: Proposed is the land use plan for the Kancamagus Unit of the White Mountain National Forest. Major points under the proposed action include: strategic water quality monitoring, major deer yard improvement, elimination and minimal expansion of camp and picnic grounds, more varied recreation facilities, use restrictions and carrying capacity standards, and timber sales producing over 4.8 million board feet per year. Adverse impacts of the proposal include sedimentation, stream channel instability, on-site erosion, decreased local tax revenues, and increased solid waste problems due to anticipated increase in dispersed off-road recreation. (ELR Order No. 51510.)

Final

Moose Creek Basin, Salmon National Forest, Lemhi County, Idaho, October 6: The statement concerns the land use plan for the Moose Creek Basin Planning Unit of Salmon National Forest. The Unit contains 74,100 acres, of which 641 acres are privately owned and, in addition, there are 125 acres of unpatented mining claims where surface rights are not held by the United States. The major environmental effects will be due to timber harvests, access road construction, and possible mining activities. Comments made by: EPA, AHP, DOC, DOI, and State agencies and individuals. (ELR Order No. 51487.)

SOIL CONSERVATION SERVICE

Draft

South Fourche Watershed, several counties in Arkansas, October 6: Proposed is a project for watershed protection and flood prevention for the City of Perryville and surrounding areas. Six floodwater retarding structures will be constructed and will supply for the area. About 10 miles of upland intermittent streams and 8 miles of upland ephemeral streams will be permanently inundated by the 7 reservoirs. (ELR Order No. 51482.)

Final

Lower Pine Creek Watershed Project, Contra Costa County, Calif., October 6: The statement refers to the Lower Pine Creek watershed protection, flood prevention and recreation project in Contra Costa County, California. The proposed project consists of conservation land treatment measures along with two earthfill multiple purpose dams with a common reservoir and basic recreational facilities, and forming a park area. Construction of the project will eliminate livestock grazing area and change the wildlife habitat at the site. There will also be temporary disturbances during construction. Comments made by: COE, HEW; DOI, DOT, EPA, 2AHP, and State and local agencies. (ELR Order No. 51491.)

Upper Muddy Boggy Creek Watershed, several counties in Oklahoma, October 9: The Upper Muddy Boggy Creek Watershed work plan proposes a project for watershed protection and flood prevention. The project measures include accelerated application of land treatment measures for the protection of 94,809 acres of agricultural upland and the installation of 36 floodwater structures for the reduction of floodwater, sediment, and erosion damages on 8,876 acres of floodplain land in Pontotoc, Hughes, Coal, and Pittsburgh Counties. Adverse impacts are the inundation of land, decreased woody habitat, disruption of fish and wildlife, and short term increase in erosion and turbidity (40 pages). Comments made by: COE, DOI, DOT, EPA, and conservation interests. (ELR Order No. 51505.)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314. 202–693–6861.

Draft

Gulf Intracoastal Waterway, Pearl to Apalachee Bay, Florida and Mississippi, October 6: The statement concerns the continued operation and maintenance to authorized dimensions of the Gulf Intracoastal Waterway from Pearl River, Louisiana-Mississippi to Apalachee Bay, Florida. Primary adverse effects include loss of benthic community in the dredged material; turbidity, mudflows, and lower water quality in the area of the cutterhead and open water disposal sites; and displeasing appearance of the fast land disposal sites. (Mobile District.) (ELR Order No. 51494.)

Rouge River, Maintenance Dredging, Michigan, October 6: The statement concerns the maintenance dredging of 4.5 miles of the Rouge River navigation channel. An estimated 230,500 cubic yards of sediments must be removed annually to maintain the channels. Adverse impacts of the project include increased turbidity, destruction of benthic habitat, water quality degradation in the dredging area, and the disturbance of the disposal site. (Detroit District.) (ELR Order No. 51488.)

Detroit River, Maintenance Dredging, Michigan, October 6: Proposed is the maintenance dredging in the Detroit River connecting channels. Upon completion of the Pointe Mouillee confined disposal facility, an estimated 672,000 cubic yards must be removed annually to maintain the connecting channels. Adverse impacts of the proposal include alteration of existing habitate due to dredge disposal and destruction of aquatic life in the dredged area. (Detroit District.) (ELR Order No. 51492.)

Final

Waukegan Harbor, Maintenance Dredging, Lake County, Ill., October 6: The project proposes to resume maintenance dredging and to dispose the unpolluted sediments from the entrance channel at Waukegan Harbor into a deep open water disposal site in Lake Michigan and to dispose the polluted sediments into a confined disposal site located at Kenosha Harbor, Wisconsin. The proposed project would dredge over a 10 year period, 350,000 cu. yds. of sediment. Adverse impacts are disruptions of benthic community, increased turbidity within the harbor and open lake disposal site, and navigation hazards. (Chicago District.) Comments made by: USDA, DOC, HEW, HUD, DOI, EPA, USCG 2, and State and regional agencies. (ELR Order No. 51483.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 202–386–6084.

Draft

East Tennessee Natural Gas, Curtailment, October 7: The action consists of FPC's analysis of two permanent curtailment plans for the East Tennessee Natural Gas Company System. Environmental impacts resulting from curtailment are the increased use of coal and oil to replace the curtailed natural gas and the associated cost increases, and increased pollution in the form of sulfur dioxide and particulates. Rate structures and deregulation are not included as alternatives to curtailment. (ELR Order No. 51496.)

Algonquin Gas Transmission Co., Curtailment, October 9: The action consists of FPC's analysis of two permanent curtailment plans for the Algonquin Gas Transmission Company. Enviroamental impacts resulting from curtailment are the increased use of oil to replace the curtailed natural gas and the associated cost increases, and increased pollution in the form of sulfur dioxide and particulates. Rate structure and deregulation are not included as alternatives to curtailment. (ELR Order No. 51504.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410, 202–755–6308.

SECTION 104(h)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

Draft

Pulaski Pike Area Water System, Huntsville, Madison County, Ala., October 6: The statement concerns a water system for the city of Huntsville and rural areas of Monroe County to provide a water supply more dependable than wells currently used. Construction of the project involves trenching for water distribution lanes from the existing main in Huntsville to outlying areas. Increased population density along the route is expected. (ELR Order No. 51486.)

Final

Lightening Brook Channel Modification, Union County, N.J. October 7: The statement concerns a plan to provide flood protection, drainage improvement, and land enhancement along portions of the Elizabeth River (Lightening Brook). The project includes the construction of a concrete flume, concrete trapezoidal channel, and retention basin. Temporary construction disruption will result. Comments made by: (ELR Order No. 51495.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BUREAU OF OUTDOOR RECREATION

Final

North Country Trail, October 7: The statement discusses the recommendation that Congress authorize the concept of the North Country Trail. Such authorization would permit the eventual designation of a hiking trail, approximately 3,246 miles in length originating at the Appalachian Trail in Vermont, traversing New York, Pennsylvania, Ohio, Michigan, Wisconsin, and Minnesota, and terminating at the proposed Lewis and Clark Trail in North Dakota. The Secretary of the Interior would have the authority to designate some sections of the trail "scenic" and recognize others as "recreational". Recreational use would cause continued disturbance of vegetation and wildlife, and soil compaction along the trail itself. Comments made by: AHP, COE, DOI, HUD, DOT, EPA, FPC, and State clearing houses (ELR Order No. 51497.)

GEOLOGICAL SURVEY

Final

Belle Ayr South Mine, Amax Coal Co., Campbell County, Wyo., October 8: Proposed is the approval of a strip mining and reclamation plan for Belle Ayr South Mine, Amax Coal Company. The plan proposes expansion of the existing operation from 3.1 million to 15 million tons per year. The land surface, vegetation, and coal bed aquifers will be destroyed in the area mined, and there will be a permanent reduction in productivity on the 3,018 acres. Comments made by: HEW, FEA, DOI, ICC, EPA, and State and local agencies, power companies and conservation interests. (ELR Order No. 51500.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. A. Giambusso, Director of Division of Reactor Licensing, P–722, NRC, Washington, D.C. 20555, 301–492–7373.

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Final

Floating Nuclear Power Plants, Offshore Power System, Duval County, Fla., October 7: The statement refers to the issuance of a manufacturing license to Offshore Power Systems an Unincorporated venture of Westinghouse Electric and Westinghouse International Power Systems, Inc. for the startup and operation of a proposed manufacturing facility on Blount Island, Jacksonville. Eight floating nuclear power plants (FNP) will be constructed in a shipyard-like facility. Each plant has a pressurized water reactor of 3425 MWt (net) generating capacity. No nuclear fuel will be handled at the site. A second EIS will be issued to evaluate the generic impacts of siting and operations in the coastal waters of the Atlantic Ocean and the Gulf of Mexico. Comments made by: AHP, USDA, DOC, HEW, HUD, DOI, USCG, EPA, FPC, and State agencies. (ELR Order No. 51498.)

Jamesport Nuclear Power Station, Units 1 and 2, Suffolk County, N.Y., October 9: Proposed is the issuance of permits to the Long Island Lighting Company for the construction of the Jamestown Nuclear Power Station, Units 1 and 2, located on Long Island Sound. The plant will employ two identical pressurized-water reactors to produce up to 3425 MWt each. Two steam turbine generators will use this heat to provide 1122 MWe (net) of electrical power capacity from each turbine-generator. A design power level of 3579 MWt (1169 MWe net) for each unit is anticipated in the future. The waste heat will be rejected by a once-through flow of water obtained from and discharged to the Long Island Sound. The cooling system will kill fish and organisms. Comments made by: AHP, USDA, DOC, HEW, DOI, DOT, EPA, FDC, FEA, and State and local agencies and citizen groups. (ELR Order No. 51508.)

Davis-Besse Nuclear Power Station, 2 and 3, Ottawa County, Ohio, October 6: The proposed action is the issuance of construction permits to the Toledo Edison Company for the construction of the Davis-Besse Nuclear Power Station Units 2 and 3. The station will employ identical pressurized-water reactors to produce 2772 megawatts thermal (MWt) each. A steam turbine generator will use this heat to provide about 906 WMe (net) of electric power capacity. A cooling tower will be constructed which will obtain water from and discharge it to Lake Erie. The project will require the change of about 100 acres from agricultural to industrial use. Comments made by: USDA, COE, DOC, HEW, DOI, USCG, EPA Order No. 51484.)

Cherokee Nuclear Stations, Units 1, 2, and 3, Cherokee County, S.C., October 6: The proposed action is the issuance of a construction permit to the Duke Power Company for the construction of the Cherokee Nuclear Station Units 1, 2 and 3. The stations will employ three identical pressurized water reactors to produce up to approximately 3617 MWt each. A steam turbine generator will use this heat to provide 1260 MWe of electrical power capacity per unit. Water for cooling will be obtained from and discharged to the Broad River. A total of 2263 acres will be utilized for the site, displacing about 17 families. The cooling tower blowdown and chemical effluents from the station will increase the dissolved solids concentration in the Broad. Comments made by: COE, USDA, DOI, DOT, ERDA, EPA, FPC, DOC, HEW and State agencies and the applicant. (ELR Order No. 51493.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

South Canton Bypass, Cherokee County, Ga. October 9: The statement concerns the construction of a 1.1 mile segment of the Canton Bypass from S.R. 20 and S.R. 5 to the intersection with the F-057 segment of the Canton Bypass, short of Scott Mill Road. Building the divided, four-lane roadway will require the displacement of 33 households and five businesses. (ELR Order No. 51506.)

Kansas Highway 177 and Kansas Highway 18, Manhattan, County, October 9: Proposed is the improvement of an expressway highway from southeast of Manhattan, Kansas north and northwesterly into the city. A new bridge over the Kansas River is included. Depending upon the design alternative selected, 80 to 91 people will be displaced, and forty-eight to seventy-four acres of land will be diverted from other use to highway right-of-way. (ELR Order No. 51507.)

Relocated U.S. 140 and Phase I Rapid Transit (Supplement), Baltimore County, Md. October 10: Proposed is the construction of relocated US Route 140 (Northwest Expressway) and Phase I of the Northwest Rapid Transit Line along the same alignment in Baltimore County. The project would run from the Baltimore City Line to Reisterstown. A 4(f) statement is included concerning a number of historic sites. (ELR Order No. 51511.)

Brownville Bridge West, U.S. 136, Nemaha County, Nebraska, October 8: Proposed is the improvement of approximately 2 miles of U.S. 136 in the vicinity of Brownville, Nebraska. The road will be two lane except in the village of Brownville where it will be four lane. Displacement of families and acquisition of land for right-of-way may be necessary depending upon the alternative chosen. (ELR Order No. 51501.)

Center St. and Mercy Rd. Intersection, Nebraska, October 8: Proposed is the improvement of the intersection of Center Street and Mercy Road which also provides access to Ak-Sar-Ben grounds. The type of construction includes a viaduct over the Chicago and Northwestern Railroad tracks and Little Papillion Creek on Mercy Road and Center Street. Sidewalks will be provided for pedestrian traffic. The project will require acquisition of approximately 13 acres and the displacement of between 30 and 45 residences and four to five businesses. (ELR Order No. 51502.)

I-287, US202 to N.Y. State line, Bergen, Morris, and Passaic Counties, N.J., October 9: The proposed project is part of an expressway system providing an 87 mile circumference around New York City. The 19-mile 6-lane segment will run from the present terminus of I-287 at US202 in Montville Township to the New York State Line in Mahwah Township. Construction of the facility will result in the displacement of 93 to 224 families and 29 to 57 businesses. A section 4(f) statement is included concerning impacts on parks and recreation lands. (ELR Order No. 51509.)

Columbus-Phenix City North Bypass, Georgia and Alabama, October 7: The project consists of construction of the Columbus-Phenix Bypass from the Columbus-Manchester Expressway to U.S. Route 280 (Opelika Road). Total distance of the project ranges from 12.5 to 15.5 miles depending upon the alignment chosen. Relocation of families (9 to 41) and businesses (0 to 5) will result from the project. A 4(f) statement is included concerning Idle Hour Park. (ELR Order No. 51499.)

Final

Iowa 2, Donnelson to U.S. 61, Lee County, Iowa, October 6: The proposed project involves the reconstruction of Iowa 2 in Lee County, Iowa. The 9.1 mile project will cross both Big Sugar Creek and Devils Creek. Adverse impacts are the acquisition of 79 acres for right-of-way, and the displacement of 2 homes and 3 farm buildings. Comments made by: HEW, USDA, DOI, EPA, and State agencies. (ELR Order No. 51485.)

U.S. Route 4, Vermont, Rutland County, Vt., October 6: Proposed is the construction of approximately 4.3 miles of U.S. Route 4 on new location. The project will be a 4-lane divided, controlled-access facility and involves structures at five locations. Three hundred and nine acres are required for right-of-way. One residence, one vacant house and one wood products business will be displaced; two farm operations will be affected. Comments made by: HUD, EPA, DOC, USDA, FPC, HEW, DOI. (ELR Order No. 51490.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-28015 Filed 10-16-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[(FRL 444-1); OPP-00017]

STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the State-Federal FIFRA Implementation Advisory Committee (SFFIAC) will be held at 8:30 a.m., Wednesday, November 19, 1975, in Room 2117, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C.

This is the third meeting of the full Committee. A complete agenda has not, as yet, been developed. However, the agenda will, in all probability, contain items relating to implementation of key sections of the amended FIFRA. A considerable portion of the available time will also be devoted to reports by the chairmen of the four Working Groups responsible to SFFIAC. In addition, the Chairman of the Working Group on Training, which is responsible primarily to the Extension Committee on Policy, will present his report.

The meeting will be open to the public. Any member of the public wishing to attend should contact P. H. Gray, Jr., Acting Chief, Program Support and Special Projects Branch, Operations Division, Office of Pesticide Programs, 401 M Street, S.W., Washington, D.C. 20460, (202) 755-8053.

Dated: October 10, 1975.

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-27904 Filed 10-16-75;8:45 am]

[FRL 444-4]

WATER POLLUTION PREVENTION AND CONTROL

Addition to the List of Categories of Sources

Section 306(b)(1)(A) of the Federal Water Pollution Control Act, as amended October 18, 1972 (Public Law 92-500), directs the Administrator of the Environmental Protection Agency to publish, and from time to time revise a list of categories of sources which shall, at the minimum, include those listed in section 306(b)(1)(A). As soon as practicable, but in no case more than one year after the inclusion of a category of sources in such list, the Administrator is required to propose and publish regulations establishing Federal standards of performance for new sources within such categories. The original list of 27 source categories was published January 16, 1973 (38 FR 1624). Standards of performance have been promulgated for all 27 source categories.

The Administrator, after evaluating available information, has determined that coal mining is an additional category of point sources which meets the above requirements. Evaluation of other point source categories is in progress, and the list will be supplemented from time to time as the Administrator deems appropriate. Accordingly, notice is given that the Administrator, pursuant to section 306(b)(1)(A) of the Act amends the list of categories of sources as follows:

List of Categories of Sources

33. Coal Mining

Proposed effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources applicable to the above point source categories appear elsewhere in this issue of the FEDERAL REGISTER.

Dated: October 6, 1975.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.75-27903 Filed 10-16-75;8:45 am]

[FRL 445-4; PP4F1450/PW4]

CIBA-GEIGY CORP.

Pesticide Petition; Withdrawal

On February 26, 1974, the Environmental Protection Agency (EPA) gave notice (39 FR 7484) that CIBA-GEIGY Corp., Ardsley NY 10502, had filed a petition (PP 4F1450). This petition proposed the establishment of a tolerance (40 CFR Part 180) for combined residues of the insecticide 0,0-dimethyl phosphorodithioate, S-ester with 4-(mercaptomethyl)-2-methoxy-Δ^2-1,3,4-thiadiazolin-5-one and its oxygen analog 0,0-dimethyl-S-[2-methoxy-1,3,4-thiadiazol-5-(4H)-onyl-(4)-methyl] phosphorothioate in or on the raw agricultural commodity artichokes at 4 parts per million.

CIBA-GEIGY Corp. has withdrawn this petition without prejudice in accordance with the regulations (40 CFR 180.8) pertaining to Section 408 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346(a)].

Dated: October 10, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.75-28064 Filed 10-16-75;8:45 am]

[FRL 445-1]

COMMONWEALTH OF PUERTO RICO

Proposed Sulfur in Fuel Limitations; Public Hearings

On September 11, 1975 (40 FR 42191), the Administrator published an approval/disapproval notice on a proposed revision to the Puerto Rico implementation plan which revised the Commonwealth's control strategy for sulfur oxides. The notice disapproved the sulfur in fuel limitations which had been assigned to two sources on the Commonwealth due to the fact that national ambient air quality standards for sulfur oxides would not be maintained through the use of such fuel.

On the same date (40 FR 42211), the Administrator proposed regulations designed to correct the deficiencies in the Puerto Rico implementation plan. In the notice of proposed rulemaking, the Administrator signified his intention of holding public hearings on such proposed regulations and indicated that such public hearings would be held no earlier than 30 days following publication of the notice of proposed rulemaking. The purpose of this notice is to specify the date, time and place at which the public hearing for Puerto Rico is to be held. This information is set forth below:

Puerto Rico; October 29, 1975 at 10:00 a.m.; Puerto Rico Environmental Quality Board, 1550 Ponce De Leon Avenue, Santurce, P.R., 7th Floor Hearing Room.

Hearing Officer: Mr. Warren Llewellyn

Persons wishing to participate in the public hearing should specify their intentions by notifying the Regional Administrator and supplying five copies of their statements five days in advance of the hearing date. Notification and copies of such statements should be addressed to the attention of the hearing officer, as identified above, at the following address:

26 Federal Plaza, New York, New York 10007. Room 807.

Copies of the material which will be considered at the public hearing are available for public inspection at the Public Information Research Center, 401 M Street, S.W., Washington, D.C. 20460, at the Region II Office, 26 Federal Plaza, New York, N.Y. 10007, Room 907 and at the EPA San Juan Field Office, P.O. Box 792, Santurce, Puerto Rico 00902.

Dated: October 14, 1975.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.75-28067 Filed 10-16-75;8:45 am]

[FRL 1445-3; FAP5H5072/PW3]

NATIONAL CANNERS ASSOCIATION

Food Additive Petition; Withdrawal

On January 31, 1975, the Environmental Protection Agency (EPA) gave notice (40 FR 4676) that National Canners Association, 1133 20th St. NW, Washington DC 20036 had filed a petition (FAP 5H5072). This petition proposed the establishment of a food additive tolerance (21 CFR Part 121) for residues of the insecticide toxaphene (chlorinated camphene containing 67-69 percent chlorine) in dried tomato pomace for livestock feed at 100 parts per million when present therein as a result of application of the insecticide to tomatoes.

National Canners Association has withdrawn this petition without prejudice in accordance with the regulations (40 CFR 180.8) pertaining to Section 408 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346(a)].

Dated: October 9, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.75-28065 Filed 10-16-75;8:45 am]

[FRL 444-7]

STATE-FEDERAL WATER PROGRAMS ADVISORY COMMITTEE (COMMITTEE OF TEN)

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting:

Name: State-Federal Water Programs Advisory Committee.

Date: November 4, 1975.

Place: Environmental Protection Agency, 401 M St. S.W., Washington, D.C., Room 3305 Mall.

Time: 9:00 AM—4:30 PM (Meeting room will open at approximately 8:30)

Proposed Agenda:

Time	Topic and Speaker
9 to 9:15 a.m.	Introductory remarks, Mr. Train.
9:15 to 9:45 a.m.	Summary of public hearings on potential Administration proposals to amend Public Law 92-500, Dr. Breidenbach.
9:45 to 10:15 a.m.	Status of A/E regulations; report of study group on architectural / engineering subagreements, Mr. Maughan and Mr. Alm.
10:15 to 10:30 a.m.	Break.
10:30 to 11 a.m.	Report of study group on Secondary treatment regulations for ponds, Mr. Yantis.
11 to 11:30 a.m.	Decentralization of authorities, report of study group on regulations implementing Cleveland bill, Mr. Maughan; report of decentralization task force, Mr. Frangos.
11:30 to Noon	Construction grants, status of obligations, Mr. Rhett.
Noon to 1:15 p.m.	Lunch.
1:15 to 2:15 p.m.	Areawide planning program: status/evaluation; allocation of funds to States; State role in development of 208 planning in nondesignated areas; followup to 208 management workshop; Mr. Beck.
2:15 to 2:30 p.m.	Discharge of dredged or fill material into navigable waters, Mr. Beck.

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Time	Topic and Speaker
2:30 to 2:45 p.m.	Break.
2:45 to 3:15 p.m.	Municipal permit program: extension of 1977 deadline; new policy; Mr. Legro.
3:15 to 3:45 p.m.	Municipal operations; national program strategy; manpower issues; Mr. Rhett.
3:45 to 4:30 p.m.	State comments on Nonagenda items, States.
4:30 p.m.	Adjourn.

This meeting is open to the public, however, seating capacity of the room is limited. Any member of the public may file a written statement on any agenda item before, during, or after the meeting. Statements should be given to the executive secretary whose name and address appear below.

The Committee is developing a mailing list for those persons wishing to receive copies of the minutes and any reports that may be prepared by the Committee. To place your name on the mailing list, please call or write:

David K. Sabock, Executive Secretary, State-Federal Water Programs Advisory Committee, Office of Water and Hazardous Materials (WH 556), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC. 20460 (202) 755-0405.

Dated: October 14, 1975.

ANDREW W. BREIDENBACH,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-28069 Filed 10-16-75;8:45 am]

[FRL 445-8; OPP-180038C]

WYOMING DEPARTMENT OF AGRICULTURE

Revision of Specific Exemption To Control Rabid Skunks in Campbell and Crook Counties

The Environmental Protection Agency (EPA) published a notice in the FEDERAL REGISTER of September 12, 1975 (40 FR 42397), which announced the issuance of a specific exemption to the Wyoming Department of Agriculture. This exemption allowed the use of strychnine baits in defined areas of Campbell and Crook Counties for rabid skunk control. The amount of strychnine alkaloid or strychnine sulfate used in the program was not to exceed six (6) ounces; the maximum number of strychnine baits per three mile radius of confirmed rabid skunks was to be 500. In addition to other restrictions, the accepted rabid skunk control program stipulated that treatment would be completed in each county within a 45-day period.

On September 15, the Wyoming Department of Agriculture contacted the Registration Division, Office of Pesticide Programs, EPA, and requested that EPA remove the 45-day restriction for both counties, due to additional confirmed cases of rabid skunks in Campbell County alone. It should be noted that Wyoming did not request an extension of the exemption period, only a modification of the terms of the treatment period.

After reviewing the request and other available information, EPA has decided to grant this revision in order that Wyoming may adequately complete treatment of Campbell and Crook Counties. EPA emphasizes that treatment of each county will be completed no later than October 15, 1975, the specified expiration date; however, there is no limitation on the number of days required to treat a county. All other restrictions noted in the specific exemption previously granted remain in force.

Dated: October 10, 1975.

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-28060 Filed 10-16-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

NATIONAL PLAN FOR ENERGY RESEARCH, DEVELOPMENT AND DEMONSTRATION

Southeastern Regional Public Meeting

On Monday, September 22, 1975, the Energy Research and Development Administration published in the FEDERAL REGISTER (40 FR 43565) notice of the Southeastern Regional public meeting on the comprehensive national energy research, development and demonstration plan, *Creating Energy Choices for the Future* (ERDA-48), to be held in Atlanta, Georgia, on October 20-21, 1975, starting at 8:30 a.m. The September 22, 1975, FEDERAL REGISTER notice also set forth the purpose of the meeting and information on the procedures and other pertinent aspects of the meeting.

Notice is hereby given that the public meeting will be conducted in the Textile Auditorium on the campus of the Georgia Institute of Technology, the time for commencement of the meeting has been changed to 9:30 a.m. Dr. Joseph M. Pettit, President of the Georgia Institute of Technology, will serve as the meeting moderator. The panel for the public meeting will be composed of key ERDA regional and headquarters officials responsible for the energy production and conservation technologies described in the National Plan.

Dated at Washington, D.C., this 10th day of October, 1975.

FOR THE ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION.

R. G. ROMATOWSKI,
Assistant Administrator for Administration.

[FR Doc.75-27968 Filed 10-16-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

OLD OIL ALLOCATION PROGRAM

Entitlement Notice for August 1975

In accordance with the provisions of 10 CFR § 211.67 relating to FEA's old oil allocation program, the monthly notice specified in § 211.67(l) is hereby published.

Based on reports submitted to FEA by refiners as to crude oil receipts and crude oil runs to stills for August 1975 and an application of the entitlement adjustment for small refiners provided in 10 CFR § 211.67(e), the adjusted national old oil supply ratio for August 1975 is calculated to be .3516.

The issuance of entitlements for the month of August 1975 to refiners is set forth in the Appendix to this notice. The Appendix lists the name of each refiner to which entitlements have been issued, the number of entitlements issued to each such refiner, and the number of barrels of old oil included in each such refiner's adjusted crude oil receipts.

Pursuant to 10 CFR § 211.67(l)(4), FEA hereby fixes the price at which entitlements shall be sold and purchased for the month of August 1975 at $8.31, which is the exact differential as reported for the month of August between the weighted average costs to refiners of old oil and of new, released, stripper well and imported crude oil.

In accordance with 10 CFR § 211.67(b), each refiner that has been issued fewer entitlements for the month of August 1975 than the number of barrels of old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of August 1975 equal to the difference between the number of barrels of old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of August 1975 in excess of the number of barrels of old oil included in their adjusted crude oil receipts for August 1975 shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for prior reporting errors pursuant to 10 CFR § 211.67(l)(5).

The listing specifies a negative volume of old oil receipts and a negative entitlement issuance as to one refiner due to corrective adjustments to that refiner's volumes of old oil receipts and crude oil runs to stills. The total number of entitlements issued to that refiner under the listing is equal to the number of barrels of old oil shown as the negative volume less the negative entitlement issuance shown in the "issued" column.

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by FEA pursuant to § 211.67(h).

The listing of entitlement issuances contained in the Appendix also reflects relief granted by FEA's Office of Exceptions and Appeals. The following refiners are not shown in the listing due to their having been exempted from the entitlement purchase requirements of the program under exception decisions or stays: Good Hope, J&W, Laketon, Midland, Navajo, OKC, Thagard and Young. The aggregate volume of old oil receipts for these firms for August 1975 was 1,850,360 barrels, which was not taken into account for purposes of making the calculations in the listing.

The total number of entitlements required to be purchased and sold under this notice is 17,851,603.

Payment for entitlements required to be purchased under 10 CFR § 211.67(b) for August 1975 must be made by October 31, 1975. On or prior to November 10, 1975, each firm which is required to purchase or sell entitlements for the month of August shall file with FEA the monthly transaction report specified in 10 CFR § 211.66(i) certifying its purchases and sales of entitlements for the month of August. FEA will mail monthly transaction report forms for the month of August to reporting firms in October 1975. FEA requests that firms which have been unable to locate other firms for required entitlement transactions by October 31, 1975 contact FEA at 202-634-7615 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to October 31, 1975, FEA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR § 211.67(j).

This notice is issued pursuant to Subpart G of FEA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with FEA's Office of Exceptions and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before November 17, 1975.

Issued in Washington, D.C. on October 10, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

APPENDIX.—*Entitlements for allocation of old oil*

Reporting firm, short name	Old oil adjusted receipts	Entitlement position		
		Issued	Required to buy	Required to sell
A-Johnson	72,524	144,828	0	72,304
Allied	60,812	57,735	3,077	0
Amer-Petrofina	1,699,631	1,810,116	0	110,485
Amerada-Hess	2,351,557	6,202,030	0	3,850,473
Amoco	11,330,175	11,080,151	250,024	0
Apco	388,990	600,443	0	210,453
Arco	6,621,798	7,206,314	0	584,516
Arizona	36,157	17,189	18,968	0
Asamera	6,342	18,153	0	11,811
Ashland	2,540,129	3,956,113	0	1,415,983
Bay	29,154	80,918	0	51,764
Bayou	24,507	40,515	0	16,008
Beacon	314,203	179,817	134,386	0
C&H	1,969	1,068	901	0
Calumet	0	16,655	0	16,655
Canal	67,434	53,077	14,357	0
Caribou	92,472	92,578	0	106
Champlin	2,135,188	1,519,100	616,088	0
Charter	1,106,563	1,036,564	69,999	0
Citgo	4,093,009	2,630,793	1,462,216	0
Claiborne	[1] −91,820	[1] −74,754	0	17,066
Clark	519,339	1,168,671	0	649,332
Coastal	715,980	1,071,270	0	355,290
Conoco	3,754,371	3,434,273	320,098	0
Corco	0	1,088,901	0	1,088,901
Cra-Farmland	660,281	697,612	0	37,331
Cross	7,705	4,980	2,725	0
Crown	610,926	938,321	0	327,395
Crystal-Oil	139,806	179,960	0	40,152
Crystal-Ref	311	23,924	0	23,613
Delta	425,004	418,278	6,726	0
Diamond	471,460	597,786	0	125,726
Dorchester	1,385	12,710	0	11,325
Eddy	41,689	39,813	1,876	0
Edgington-Oil	391,952	268,628	123,324	0
Edgington-Ozn	9,949	16,942	0	6,993
Evangeline	28,999	20,409	8,590	0
Exxon	14,445,313	12,697,875	1,747,438	0
Famariss	411,990	382,095	29,895	0
Farmers-Un	349,025	427,574	0	78,549
Fletcher	386,669	350,286	36,383	0
Flint	11,447	9,519	1,928	0
Gary	812	84,768	0	83,956
Getty	297,132	256,420	40,712	0
Giant	26,588	36,909	0	10,321
Gladieux	80,327	120,638	0	40,311
Golden-Eagle	53,449	123,628	0	70,179
Guam	0	304,713	0	304,713
Gulf	11,537,447	8,872,860	2,664,587	0
Gulf-Sts	29,308	32,980	0	3,677
Hirl	0	613,592	0	613,592
Howell	848,452	380,430	468,022	0
Hunt	483,296	321,879	161,417	0
Husky	548,868	562,189	0	13,321
Indiana-Farm	118,862	243,049	0	124,187
Kentucky	1,667	5,095	0	3,428
Kerr-McGee	2,283,445	1,716,744	566,696	0
Koch	586,528	1,338,355	0	751,827
Lagloria	434,640	299,668	134,972	0
Lakeside	8,063	35,606	0	27,523
Little-Amer	306,406	239,473	69,933	0
MacMillan	150,391	168,806	0	18,415
Marathon	3,759,121	3,328,327	430,794	0
Marion	65,986	258,401	0	192,415
Mid-Amer	7,835	36,790	0	28,955
Mid-Tex	0	20,022	0	20,022

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APPENDIX.—*Entitlements for allocation of old oil*—Continued

Reporting firm, short name	Old oil adjusted receipts	Entitlement position		
		Issued	Required to buy	Required to sell
Mobil	8,683,713	8,604,019	79,694	0
Mohawk	575,842	601,189	0	25,347
Monsanto	441,831	365,813	75,018	0
Morrison	4,262	7,347	0	3,085
Mountaineer	2,073	5,122	0	3,049
Murphy	929,153	1,089,429	0	160,276
N-Amer-Petro	0	94,355	0	94,355
Nati-Coop	546,356	674,156	0	127,799
Newhall	130,672	135,632	0	4,960
Northland	78,941	67,983	10,958	0
Oil-Shale	1,084,515	999,068	85,447	0
Pasco	804,492	838,268	56,224	0
Pennroil	600,530	579,705	20,825	0
Phillips	3,391,136	4,155,845	0	764,709
Pioneer	16,895	29,817	0	12,922
Placid	452,406	355,155	97,251	0
Plateau	134,317	94,659	39,658	0
Powerine	603,346	424,987	178,359	0
Pride	143,686	272,187	0	128,501
Quaker-St	8,854	262,230	0	253,376
Road-Oil	0	4,195	0	4,195
Rock-Island	470,624	449,911	20,713	0
Saber-Tex	43,189	111,683	0	68,494
Sabre-Cal	0	15,055	0	15,055
Sage-Creek	846	3,171	0	2,325
San-Joaquin	122,745	127,957	0	5,209
Seminole	0	45,139	0	45,139
Shell	14,248,867	10,513,456	3,735,411	0
Sigmor	6,594	4,706	1,888	0
Skelly	791,921	874,268	0	82,347
So-Hampton	104,229	111,466	0	7,237
Socal	9,189,000	10,575,189	0	1,386,189
Sohio	2,588,701	4,486,296	0	1,897,585
Somerset	670	41,073	0	40,403
Sound	61,625	47,573	14,052	0
Southland	313,009	269,105	43,904	0
Sunland	66,877	115,014	0	48,137
Sunoco	6,560,849	4,806,880	1,753,969	0
Tenneco	1,130,758	1,194,682	0	63,929
Tesoro	1,077,378	668,689	408,689	0
Texaco	11,979,383	11,795,724	183,659	0
Texas-Asph	335	1,131	0	796
Texas-City	930,473	849,889	80,584	0
The-Refinery	79,227	183,430	0	104,203
Thriftway	13,982	61,584	0	47,602
Thunderbird	86,070	172,294	0	86,224
Tonkawa	26,396	50,523	0	24,127
Total-Leonard	144,818	481,300	0	336,482
Union-Oil	6,355,812	4,885,160	1,470,652	0
Union-Texas	144,275	116,170	28,105	0
Unid-Ind	1,696	1,690	206	0
Unid-Ref	140,245	432,795	0	292,550
Us-Oil	77,921	137,872	0	59,951
Vickers	217,748	392,857	0	75,109
Vulcan	0	35,306	0	35,306
Warrior	63,636	53,099	10,537	0
West-Coast	60,307	33,462	26,845	0
Western	31,865	60,917	0	29,052
Wickett	15,049	15,114	0	65
Winston	54,776	157,508	0	102,732
Wireback	0	1,710	0	1,710
Witco	197,306	155,573	41,823	0
Yetter	0	948	0	948
Total	154,109,533	154,109,533	17,851,603	17,851,603

[1] Reflects a correction for excessive old oil receipts reported for prior months.
[2] Does not include entitlements issued by virtue of the negative volume of old oil receipts shown.

[FR Doc.75-27879 Filed 10-10-75;4:44 pm]

CONSTRUCTION ADVISORY COMMITTEE

Charter Amendment

Following consultation with the Office of Management and Budget, notice is hereby given of a revision to the Charter of the Construction Advisory Committee. The Charter was published in the August 21, 1974, issue of the FEDERAL REGISTER (39 FR 30195).

The amendment will revise the Charter to provide for the establishment of subcommittees to the Committee. No other changes are being made in the Charter.

The Charter published August 21, 1974, is hereby amended, effective immediately; the revised Charter is published below.

Issued at Washington, D.C. on October 14, 1975.

FRANK G. ZARB,
Administrator.

CONSTRUCTION ADVISORY COMMITTEE CHARTER

A. ESTABLISHMENT

The Administrator, Federal Energy Administration (FEA) having determined after consultation with the Director, Office of Management and Budget, that the establishment of an advisory committee to deal with matters related to construction is in the public interest in connection with duties imposed on the Federal Energy Administration by law, hereby establishes the Construction Advisory Committee pursuant to the Federal Advisory Committee Act (Pub. L. 92-463).

B. DUTIES, FUNCTIONS, AND ADMINISTRATIVE PROVISIONS

1. *Objectives and Scope.* The objectives of the Construction Advisory Committee are to advise the Administrator, FEA, with respect to the interests and problems of the construction industry as they relate to the policy and implementation of programs to meet the current and continuing national energy shortage.

2. *Committee Tenure.* In view of the goals and purposes of the Committee, it will be expected to continue for the duration of the FEA.

3. *Official to Whom Committee Reports.* The Committee will report to the Administrator, FEA.

4. *Support Services.* Support for the Committee will be furnished by the Federal Energy Administration.

5. *Committee Duties.* The duties of the Committee are solely advisory and are stated in Paragraph 1 above.

6. *Estimated Annual Operating Costs.* The estimated annual operating costs for the Committee are $20,000.00 and involve approximately one-half man-years of staff support.

7. *Meetings.* The Committee will meet approximately four times a year.

8. *Termination Date.* The Committee will terminate on June 30, 1976, or if the Federal Energy Administration Act of 1974 is amended to extend the duration of FEA beyond that date, the Committee will terminate on such later date or 2 years from the date of the original charter (August 16, 1974), whichever occurs earlier.

9. *Subcommittees.* The Construction Advisory Committee shall have five subcommittees as follows:

a. Energy Conservation Subcommittee.
b. Oil and Gas Regulation Subcommittee.
c. Construction Labor Availability Subcommittee.
d. Construction Material Availability Subcommittee.
e. Central Clearing House for Construction Projects Subcommittee.

The objective of each Subcommittee is to make recommendations to the parent Committee with respect to matters concerning construction aspects of FEA policies and programs falling within the interests of the particular Subcommittee.

Each Subcommittee shall be comprised of such members of the parent Committee, as may be determined by the Chairman of the parent Committee.

All actions of the Subcommittees shall be consistent with the provisions of B-1 through B-8.

Dated: October 14, 1975.

FRANK G. ZARB,
Administrator.

[FR Doc.75-27963 Filed 10-14-75;11:27 am]

NORTHEAST ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Northeast Advisory Committee will meet Wednesday, November 5, 1975, at 10:00 a.m., 20th Floor Conference Room, JFK Federal Building, Government Center, Cambridge Street, Boston, Massachusetts.

The Committee was established to provide advice to the Federal Energy Administration regarding the interests and problems of this area of the country as they relate to FEA policies and programs.

The agenda for the meeting is as follows:

1. Middle Distillate Fuels.
2. Residual Fuels.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on October 14, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-27987 Filed 10-14-75;11:55 am]

STATE REGULATORY ADVISORY COMMITTEE

Notice of Charter Amendment

Following consultation with the Office of Management and Budget, notice is hereby given to advise of a revision in the Charter of the State Regulatory Advisory Committee. The Charter was published in the August 21, 1974, issue of the Federal Register (39 FR 30198).

This amendment will revise the Charter to provide for the establishment of a subcommittee to the Committee. Specifically, the Charter published August 21, 1974, is hereby amended by adding a new Section B(9), to read as follows:

9. *Subcommittees*—The State Regulatory Advisory Committee shall have one subcommittee as follows;

a. The Executive Subcommittee.

The objective of this Subcommittee is to make recommendations to the parent Committee with respect to matters concerning FEA plans and programs which are related to the responsibilities of state regulatory commissions.

The Subcommittee shall be comprised of such members of the parent Committee as may be determined by the Chairman of the parent Committee.

All actions of the Subcommittee shall be consistent with the provisions of B-1 through B-8.

The above amendment is effective immediately. Issued at Washington, D.C., on October 14, 1975.

FRANK G. ZARB,
Administrator.

[FR Doc.75-28026 Filed 10-14-75;3:31 pm]

FEDERAL MARITIME COMMISSION

[Docket No. 75-41]

COMMON CARRIERS BY WATER

Filing of Mail Rates; Petition for Declaratory Order and Application for Exemption

OCTOBER 10, 1975.

Notice is hereby given that counsel for various conferences of common carriers by water operating in the foreign commerce of the United States have petitioned for a declaratory order of the Commission. Petitioners seek a declaratory order to the effect that the Shipping Act, 1916 does not require the filing with the Commission of rates and charges for mail transported by water to and from the United States and foreign countries. Petitioner seeks in the alternative an order under section 35 of the Shipping Act, 1916 granting an exemption applicable to all conferences and common carriers by water from the requirement of filing mail rates with the Federal Maritime Commission.

Interested parties may inspect and obtain a copy of the petition at the Washington office of the Federal Maritime Commission, 1100 L St., N.W., Room 11409; or may inspect the petition at the Field Offices located at New York N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such petition including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 10, 1975. Any person desiring a hearing on the petition shall provide a clear and concise statement of the matters upon which they desire to adduce evidence.

A copy of any such statement should also be forwarded to the party filing the petition (Mr. Stanley O. Sher, Billig Sher & Jones, 1126 16th St., N.W., Washington, D.C. 20036 and Mr. Howard A. Levy, Suite 727, 17 Battery Place, New York, New York 10004).

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-28039 Filed 10-16-75;8:45 am]

KOREA SHIPPING CORP. AND ORIENT OVERSEAS CONTAINER LINE, INC.

Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814)

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W. Room 10126; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 28, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Seymour H. Kligler, Esq., Brauner Baron Rosenzweig & Kligler, 120 Broadway, New York, New York 10005.

Agreement 10186 would permit the Korea Shipping Corporation to charter from Orient Overseas Container Line, Inc. sufficient space in the latter line's vessels to accommodate a minimum of 150 and a maximum of 300 forty foot containers per month for a minimum term of five years. This arrangement will permit the Korea Shipping Corporation to inaugurate container services between the Republic of Korea, the Republic of China, Hong Kong, Japan (including Okinawa), Thailand, Singapore, Indonesia, and the Philippines and the United States.

By Order of the Federal Maritime Commission.

Dated: October 14, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-28038 Filed 10-16-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CS72-95, etc.]

"SMALL PRODUCER" CERTIFICATES[1]

Applications

OCTOBER 8, 1975.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 31, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to be-

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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come parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS72-95	Sept. 15, 1975	[1] J. P. Owen & Co., Inc., P.O. Box 51144, Oil Center Station, Lafayette, La. 70401.
CS76-139	Sept. 18, 1975	M H & M Joint Venture, 642 Bank of Oklahoma Bldg., Tulsa, Okla. 74103.
CS76-140	do	Theodore G. Glass, P.O. Box 663, Mount Vernon, Ill. 62864.
CS76-141	do	L. V. Bell, d.b.a. Bell Oil Co., 360 North 135th West, Wichita, Kans. 67235.
CS76-142	do	John H. McCarter, Jr., 2012 University Ave., Monroe, La. 71201.
CS76-143	do	BCS Natural Resources Corp., 1303 Avocado No. 245, Newport Beach, Calif. 92660.
CS76-145	Sept. 19, 1975	Booth Coal Co., Inc., P.O. Box 310, Kenova, W. Va. 25530.
CS76-146	do	B. P. Huddleston, 1219 Americana Bldg., Houston, Tex. 77002.
CS76-147	do	B. P. Huddleston & Co., Inc.
CS76-148	do	William E. Henderson, 2900 Entex Bldg., Houston, Tex. 77002.
CS76-149	do	Hartford H. Prewett, 2900 Entex Bldg., Houston, Tex. 77002.
CS76-150	do	Leonard B. Rosenberg, 2900 Entex Bldg., Houston, Tex. 77002.
CS76-151	do	Wayne G. Dotson, 2900 Entex Bldg., Houston, Tex. 77002.
CS76-152	do	W. C. DeArman, 1021 Nells Esperson Bldg., Houston, Tex. 77002.
CS76-153	do	Wm. G. Ross, P.O. Box 86, Midland, Tex. 79701.

[1] Petition to amend to substitute J. P. Owen & Co., Inc., in lieu of Owen Oil Co., Inc., as certificate holder.

[FR Doc.75-27955 Filed 10-16-75;8:45 am]

[Docket No. CP76-85]

ALGONQUIN GAS TRANSMISSION CO., ET AL.

Petition for a Declaratory Order

OCTOBER 8, 1975.

Take notice that on September 30, 1975, Boston Gas Company (Boston Gas), 144 McBride Street, Boston, Massachusetts 02130, and The Brooklyn Union Gas Company (Brooklyn Union), 195 Montague Street, Brooklyn, New York 11201, collectively Petitioners, filed in Docket No. CP76-85 pursuant to Section 1.7(c) of the Commission's Rules of Practice and Procedure a joint petition for a declaratory order of the Commission waiving or disclaiming its jurisdiction over the operations of Boston Gas and Brooklyn Union in connection with a limited-term exchange of natural gas involving Petitioners, Algonquin Gas Transmission Company (Algonquin), Texas Eastern Transmission Corporation (Texas Eastern), and Distrigas of Massachusetts Corporation (DOMAC), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

As set forth in the application of Algonquin and Texas Eastern in the subject docket,[1] Brooklyn Union, a customer of Texas Eastern, proposes to purchase from DOMAC vaporized liquefied natural gas (LNG) in an amount approximating 2.4 trillion Btu. In order to implement such sale Boston Gas would release volumes of gas to its supplier Algonquin. Algonquin would, by displacement, transport and deliver equivalent volumes of gas to Texas Eastern; and Texas Eastern would, by displacement, transport and deliver equivalent volumes of gas to Brooklyn Union.

Petitioners state that neither of them will be engaged in the transportation of natural gas in interstate commerce or in the sale in interstate commerce of natural gas for resale as a result of the gas exchanges proposed in this proceeding. Rather, Petitioners claim, on approval of the application in the subject docket they will be engaged in the local distribution of gas at retail which is exempt from the jurisdiction of the Commission under Section 1(b) of the Natural Gas Act, and they will, therefore, be subject to their respective state's regulation.

In support of their claim Petitioners allege that (1) they are both presently exempt under Section 1(c) of the Natural Gas Act from the provisions of the Act and the orders, rules and regulations of the Commission, (2) title to and possession of all gas received by Brooklyn Union under the proposed gas exchange will pass at existing Texas Eastern delivery points within the City of New York, (3) Boston Gas will neither sell gas in interstate commerce for resale nor transport gas in interstate commerce, and (4) the compensation paid to Boston Gas for its displacement or exchange services by Brooklyn Union is designed to reimburse Boston Gas for revenue losses resulting from distribution of vaporized LNG with a higher Btu content than the gas which would otherwise be delivered to Boston Gas by Algonquin.

However, Petitioners state that the Commission's decisions in Opinion Nos. 735 and 735-A, Marathon Oil Company, *et al.*, Docket No. CI74-537, *et al.*, issued June 23, 1975, and August 19, 1975, respectively, have created some doubt in cases involving the interstate sale of LNG as to the jurisdictional status of distributor purchasers otherwise exempt under Section 1(c) of the Natural Gas Act. To remove any uncertainty which may be created by the gas exchange proposal in the instant docket, and without conceding that their exempt status would be affected by their participation in such gas exchange, Petitioners request a Commission order waiving or disclaiming jurisdiction over Petitioners solely for this limited-term transaction. Petitioners state that they recognize that any waiver or disclaimer granted would be confined to this limited-term proposal and could not be considered to be binding in other or future proceedings.

Any person desiring to be heard or to make any protest with reference to said petition should on or before November 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27912 Filed 10-16-75;8:45 am]

[1] Notice of the application was published in the FEDERAL REGISTER on October —, 1975 (40 FR ——).

[Docket Nos. ER76-126, ER76-137, E-7775]

APPALACHIAN POWER CO.

Order Accepting for Filing, Suspending, Consolidating Proceedings, Denying Request for Waiver and Granting Request for Incorporation by Reference

OCTOBER 9, 1975.

On September 9, 1975, Appalachian Power Company (Appalachian) tendered for filing two (2) Supplements to Appalachian's FPC Rate Schedule No. 26 for the City of Danville, Virginia (Danville) (Docket No. ER76-126). On September 18, 1975, Appalachian tendered for filing two (2) similar supplements to its FPC Rate Schedule No. 30 for the City of Salem, Virginia (Salem) (Docket No. ER76-137). The first supplement for each city incorporates Appalachian's "Rate Schedule WS" which is presently the subject of proceedings in Docket E-7775; the second two supplements would replace the fuel adjustment clause of Rate Schedule WS by a filing identical with that made in Docket No. ER76-24.

Appalachian requested a waiver of the 30 day notice requirement so that the proposed rate could go into effect for Danville on September 16, 1975, upon the expiration of its fixed-rate contract on September 15, 1975. The requested effective date of the Salem rate supplement is October 20, 1975 upon the expiration of its fixed-rate contract on October 19, 1975.

Appalachian states it has tendered these filings in order to place Danville and Salem on the same rate schedule which applies to those of Appalachian's other wholesale customers and which are presently subject to proceedings in Docket E-7775. Rate increases for the Cities of Danville and Salem were held to be barred under *Mobile-Sierra* upon a finding that their contracts were fixed-rate contracts which could not be unilaterally amended in Commission orders issued on December 15, 1972 and March 27, 1973. Since those contracts will expire by the requested effective dates, (pursuant to notice given on September 13, 1973 to Danville and on September 17, 1973 to Salem), Appalachian now seeks the rate change formerly prohibited by the contract terms.

Notice of the tendered filings was issued on September 24, 1975 for Danville and on September 26, 1975 for Salem. Comments are due on October 1, 1975 for Danville and on October 6, 1975 for Salem.

Our review of Appalachian's filings and the issues raised therein indicates that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly, we accept the tendered filings but shall suspend the proposed changes for one day. The proposed rate for Salem will therefore become effective on October 20, 1975 as requested, subject to refund.

Section 205(d) of the Federal Power Act requires that notice of all rate changes be filed with the Commission thirty days before the proposed effective date. Since Appalachian has advanced no adequate justification for its request of a waiver of the notice requirement, we deny the request. The proposed rate for Danville will therefore become effective, subject to refund, on October 10, 1975.

Since the rates proposed by Appalachian for Danville and Salem are the same as those which are the subject of Docket No. E-7775, administrative efficiency and convenience dictate that Dockets ER76-126 and ER76-137 be consolidated with Docket No. E-7775.

Pursuant to such consolidation order, Appalachian will be required to supply all information necessary regarding Danville and Salem which is required for the E-7775 proceeding by Commission Order of August 15, 1975.

As requested by Appalachian, we shall order that the comparative billing analysis contained in the cost-of-service study dated June 20, 1975, and filed by Appalachian in Docket Nos. E-7775 and E-9101, be deemed to have been incorporated by reference in the present filings.

The Commission finds: (1) The proposed rate increases tendered by Appalachian Power Company in Dockets No. ER76-126 and ER76-137 should be accepted for filing as hereinafter conditioned and suspended as hereinafter provided, and should be consolidated with Docket No. E-7775 for administrative convenience and efficiency.

(2) Good cause does not exist to waive the filing requirements of Section 205(d) of the Federal Power Act as to Docket No. ER76-126.

(3) The comparative billing analysis contained in the cost-of-service study dated July 20, 1975 and filed by Appalachian in Docket Nos. E-7775 and E-9101 should be deemed incorporated by reference in the filings herein.

The Commission orders: (A) The rate increases tendered in Dockets No. ER76-126 and ER76-137 are hereby accepted for filing and suspended for one day to become effective October 10, 1975 and October 20, 1975, respectively, subject to refund, and subject to the further informational requirements of Docket No. E-7775, with which they are hereby consolidated.

(B) Appalachian's request for waiver of the notice requirements of Section 205(d) of the Federal Power Act with respect to Docket No. ER76-126 is hereby denied.

(C) The comparative billing analysis contained in the cost-of-service study dated July 20, 1975 and filed by Appalachian in Docket Nos. E-7775 and E-9101 is hereby deemed incorporated by reference in the filings herein.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27932 Filed 10-16-75;8:45 am]

[Docket Nos. RP74-61, PGA75-3]

ARKANSAS LOUISIANA GAS CO.

Notice of Settlement Proposal

OCTOBER 8, 1975.

Take notice that on September 23, 1975, Arkansas Louisiana Gas Company (Arkla) filed with the Commission for its consideration a proposed settlement agreement in the above-designated proceeding. The settlement agreement, if approved, would resolve all issues in this proceeding.

Any person wishing to do so may submit comments in writing concerning the proposed settlement agreement to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. All comments should be submitted on or before October 20, 1975. Copies of the settlement agreement are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27918 Filed 10-16-75;8:45 am]

[Docket No. E-8250]

ARKANSAS POWER AND LIGHT CO.

Further Extension of Procedural Dates

OCTOBER 8, 1975.

On September 30, 1975, the Conway Corporation, Benton Municipal Light and Water Works, Hope Water & Light Commission, City of North Little Rock, City of West Memphis, Farmers Electric Cooperative Corporation and Mississippi County Electric Cooperative, Inc. jointly filed a motion to extend the procedural dates fixed by order issued May 16, 1975, as most recently modified by notice issued July 31, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, October 22, 1975.
Service of Company Rebuttal, December 5, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27914 Filed 10-16-75;8:45 am]

[Docket No. ER76-157]

CAMBRIDGE ELECTRIC LIGHT CO.

Filing of Superseding Rate Schedule and Service Agreement

OCTOBER 8, 1975.

Take notice that on October 1, 1975, Cambridge Electric Light Company (Cambridge) tendered for filing a rate schedule, as well as an unexecuted service agreement providing for service thereunder, governing its wholesale electric service to the Town of Belmont, Massachusetts (Belmont). The tendered filing, which supersedes its Rate Schedule FPC No. 26 and Supplement No. 1 thereto, is made pursuant to Section 35.13 of the Commission's Regulations under the Federal Power Act. Cambridge states that the aforesaid Rate Schedule FPC No. 26 presently on file has been revised by a settlement agreement approved by the Commission's Order issued September 22, 1975 in Docket Nos. E-8445 and E-8949. Pursuant to the latter order, Cambridge intends to file, on or before October 22, 1975, a revised Rate Schedule FPC No. 26 to be effective October 1, 1975 as well as an executed service agreement thereunder on or before October 22, 1975. When made effective, the rate schedule here tendered will supersede the revised Rate Schedule FPC No. 26 and will increase annual revenue from Belmont by $200,396.81 based upon the twelve months ending June 30, 1975.

The proposed effective date of the tendered rate schedule is November 1, 1975. Cambridge requests, however, that its effectiveness be suspended until April 1, 1976 in accordance with the moratorium provision contained in Article V of the aforementioned settlement agreement approved by the Commission.

By the tendered superseding rate schedule, Cambridge proposes the following changes in its Rate Schedule FPC No. 26 as revised and to be filed pursuant to the Commission's aforementioned settlement approval order:

(1) An increase in demand charge from $5.21 per KVA to $5.25 per KVA.
(2) An increase in energy charge from $0.0105 per KWH to $0.0265 per KWH.

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(3) A revision in the Fuel Cost Adjustment clause in compliance with Commission Order No. 517.

Cambridge states that the proposed increase in rate level is necessary because of increased operating expenses and capital costs caused by continuing inflationary conditions in the economy. This has resulted in serious erosion in Cambridge's earnings which impairs its ability to finance capital requirements essential for maintenance of adequate customer service. This is demonstrated by the fact that its revised Rate Schedule FPC No. 26 yields an overall rate of return of only 3.31%, resulting in a negative equity allowance of 0.64%, based upon the twelve months ending June 30, 1975. Based upon the same twelve month period, Cambridge states that the proposed increased rate will yield an overall return of 7.78% and an equity allowance of 8.00%.

Copies of the tendered filing have been served by Cambridge upon the Town of Belmont and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27915 Filed 10-16-75;8:45 am]

[Docket No. CP76-110]

CITIES SERVICE GAS CO.

Notice of Application

OCTOBER 8, 1975.

Take notice that on September 29, 1975, Cities Service Gas Company P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP76-110 an application pursuant to Section 7(c) of the Natural Gas Act, as implemented by Section 157.7(c) of the Regulations thereunder (18 CFR 157.7(c)), for a certificate of public convenience and necessity authorizing the construction during the calendar year 1976, and operation of gas sales and transportation facilities for miscellaneous rearrangements, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in making unspecified minor rearrangements of gas sales and transportation facilities. It is stated that the proposed rearrangements would not result in any change in service rendered or the volumes of natural gas authorized to be sold or delivered by Applicant.

Applicant states that the proposed projects would not cost in excess of $300,000, which cost would be borne from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27916 Filed 10-16-75;8:45 am]

[Docket No. CP76-103]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application

OCTOBER 9, 1975.

Take notice that on September 24, 1975, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP76-103 an application pursuant to Sections 7 (b) and (c) of the Natural Gas Act and Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abandonment, during the calendar year 1976, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment would not exceed $2,000,000, nor would the cost of any single project exceed $500,000. Applicant states that the funds necessary for the proposed construction would be supplied from current working capital.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 31, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonments are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27933 Filed 10-16-75;8:45 am]

[Docket Nos. RP74-81, RP74-82]

COLUMBIA GULF TRANSMISSION CO. AND COLUMBIA GAS TRANSMISSION CORP.

Extension of Time

OCTOBER 7, 1975.

On October 3, 1975, Staff Counsel filed a motion to extend the date for filing initial and reply comments on the proposed Stipulation and Agreement certified to the Commission on August 21, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the date for filing initial comments in the above matter is extended from October 3, 1975, to October 10, 1975. The date for filing reply comments is extended from October 24, 1975 to October 31, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27906 Filed 10-16-75;8:45 am]

[Docket No. E-9002]

COMMONWEALTH EDISON CO.

Further Extension of Procedural Dates

OCTOBER 7, 1975.

On September 23, 1975, The Cities of Batavia, Geneva, Naperville, St. Charles, Rochelle, and Rock Falls, Illinois filed a motion to extend the date to file intervenors' testimony fixed by order issued October 29, 1974, as most recently modified by notice issued August 28, 1975, in the above-designated proceeding. On September 29, 1975, Commonwealth Edison Company filed a response opposing the above motion.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Intervenor Testimony, October 28, 1975.
Service of Company Rebuttal, December 8, 1975.
Hearing, December 18, 1975 (10 a.m. e.s.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27907 Filed 10-16-75;8:45 am]

[Docket No. G-18671]

DORCHESTER GAS PRODUCING CO.

Notice of Certification of Proposed Settlement Agreement

OCTOBER 8, 1975.

Take notice that on September 19, 1975, the Presiding Administrative Law Judge certified to the Commission a settlement proposal in the above referenced docket. The settlement proposal, in substance, seeks Commission approval of an exploration fund agreement funded by monies now held in trust to defray Dorchester's obligation to pay refunds to Northern. The record of the proceeding was also certified for the Commission's use in reviewing the settlement proposal. The settlement proposal would resolve all outstanding issues.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before October 28, 1975. Replies to comments are due on or before November 4, 1975. Comments and replies to comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27917 Filed 10-16-75;8:45 am]

[Docket No. CP76-99]

EAST TENNESSEE NATURAL GAS CO.

Notice of Application

OCTOBER 8, 1975.

Take notice that on September 23, 1975, East Tennessee Natural Gas Company (Applicant), P.O. Box 10245, Knoxville, Tennessee 37919, filed in Docket No. CP76-99 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation, liquefaction and storage of natural gas for UGI Corporation—Gas Utilities Division (UGI), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to receive up to 23,000 Mcf of gas per day and up to a total of 450,000 Mcf of gas from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), prior to October 31, 1975, for the account of UGI. Applicant states that it would transport the part of those volumes to Chattanooga Gas Company (Chattanooga) for liquefaction and would liquefy the remainder itself. Applicant proposes then to have transported such volumes of liquefied natural gas (LNG) from its own liquefaction facility and the liquefaction facility of Chattanooga to Applicant's LNG storage facility near Kingsport, Tennessee. Applicant states that it would deliver to UGI in the period of November 1, 1975, through March 31, 1976, up to 336,611 Mcf of LNG to UGI at Kingsport, Tennessee. The difference between the volume received and volumes redelivered would be accounted for as liquefaction, truck transportation and storage losses. The redelivery would be to cryogenic trucks that UGI would provide. Applicant would only provide such service to UGI when in Applicant's opinion Applicant has enough LNG to meet the needs of its own customers' 1975–1976 supplemental winter service requirements so that such service proposed for UGI would have no effect on Applicant's service to such customers.

Applicant is said to anticipate an excess capacity of storage volume in its Kingsport LNG storage facility; and UGI, which is said to have a summer period surplus of approximately 2 million Mcf, is expecting its deliveries to be curtailed by its principal supplier, Columbia Tas Transmission Corporation in the winter period. The proposed service would be used to reduce the winter curtailment that is presently projected for UGI and is proposed for the winter period of 1975–1976 only.

Applicant proposes to charge UGI $3.26 per Mcf of LNG stored, or $3.43 per Mcf of LNG stored if the LNG is delivered to Applicant on a Sunday or holiday, which rate is said to reflect:

Service	Volume[1]	Rate	Charge
Maximum delivery quantity transported by applicant from Lobelville to Chattanooga	480,000	$0.16	$81,600.00
Liquefaction by Chattanooga Gas Co.	351,222	.95	333,660.90
Truck carriage by Gas Inc. from Chattanooga to applicant's LNG facility	351,222	[2].67	336,316.74
Maximum liquid quantity stored by applicant	336,611	1.33	447,692.63
Total			1,097,872.27

[1] The volumes shown in the rate calculations are said to assume the maximum volumes specified in the contract.
[2] Gas Inc.'s truck carriage charge for Sundays and holidays would be $0.80/M ¹⁹.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 4, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27918 Filed 10-16-75;8:45 am]

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[Docket No. RP75-114]

EAST TENNESSEE NATURAL GAS CO.

Correction

SEPTEMBER 17, 1975.

In the Order Accepting for Filing and Suspending in Part Proposed Tariff Sheets, Subject to Condition, Denying Waiver, Granting Interventions, and Establishing Procedures, issued August 14, 1975 and Published in the FEDERAL REGISTER on August 25, 1975, 40 FR Page 37087, please change "Tennessee's" in Ordering Paragraph (D) at page 37088 to "East Tennessee's".

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27951 Filed 10-16-75;8:45 am]

[Docket No. CP76-89]

EL PASO NATURAL GAS CO.

Notice of Application

OCTOBER 7, 1975.

Take notice that on September 17, 1975, El Paso Natural Gas Company (Applicant), P.O. Box 1642, El Paso, Texas 79978, filed in Docket No. CP76-89 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of storage facilities associated with Applicant's Rhodes Reservoir Storage Project necessary for the injection of gas into and the withdrawal of gas from such reservoir on a permanent basis, the transportation and sale of gas withdrawn from Rhodes Reservoir to Applicant's east-of-California customers to prevent curtailment of Priority 1 and 2 requirements customers, and the transportation and sale of gas withdrawn from the Rhodes Reservoir to Southern California Gas Company (SoCal) to make up for equivalent volumes which would be diverted from SoCal to protect service to Applicant's east-of-California high priority requirements customers pursuant to special operating procedures which are the subject of Applicant's pending application in Docket No. CP75-360, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that by orders issued August 7, 1973, and October 10, 1973, in Docket No. CP73-334 the Commission issued Applicant a certificate of public convenience and necessity authorizing, *inter alia*, the construction and operation of certain facilities on its interstate system required for the reactivation and the injection into and withdrawal of gas from the Rhodes Reservoir, an underground natural gas storage area located in Lea County, New Mexico. Applicant alleges that reactivation of Rhodes Reservoir was thereupon initiated for protection of Applicant's east-of-California Priority 1 and 2 requirements customers during the 1973-74 heating season. The principal facilities utilized for Rhodes Reservoir storage operations are said to consist of 35 injection/withdrawal wells, with appurtenances, a total of 23.1 miles of small diameter pipeline, and 4,400 compressor horsepower and dehydration plant facilities. Subsequent authorizations issued to Applicant in Docket No. CP73-334 are said to provide for interim arrangements which have enabled Applicant to utilize the Rhodes Reservoir for the storage of natural gas up to a total storage inventory of 25,866,000 Mcf, including approximately 11,300,000 Mcf of working gas, with a maximum deliverability of not less than 100,000 Mcf per day.

Applicant states that since October 30, 1972, it has continued to experience such a gas supply deficiency as to result in extensive and essentially continuous curtailment of its customers' requirements for firm gas service. It is alleged that Applicant has been unable to acquire sufficient sources of gas supply to offset the decline in deliverability from dedicated gas sources and that this deterioration will cause Applicant to experience increasing difficulty in meeting its system's Priority 1 and 2 requirements. Applicant predicts that approximately the following volumes would occur as deficiencies for Priority 1 and 2 east-of-California customers if the Rhodes Reservoir is not operated as proposed:

[In 1,000 ft³]

1975-75	1976-77	1977-78
2,715,000	6,339,000	12,756,000

Applicant states that it would however, have gas for sale to Priority 3, 4, and 5 requirements customers system-wide from time-to-time and that the instant proposal, and that in Docket No. CP75-360 are designed to conserve and utilize subsequently, to the maximum extent possible, the availability of these supplies for the protection of its east-of-California customers' Priority 1 and 2 requirements. Applicant would rely on the Rhodes Reservoir to the extent possible in order to accumulate the maximum quantity of gas authorized under special operating arrangements with Pacific Gas and Electric Company for retention and future use under such arrangements. Applicant proposes to withdraw gas from the Rhodes Reservoir as necessary to make up for those reductions in otherwise authorized deliveries to SoCal under the further special operating arrangements as are required to augment Applicant's supply available for service to the Priority 1 and 2 requirements of its east-of-California customers on those days during the 1975-76 and 1976-77 heating seasons when additional deliverability provided by Rhodes Reservoir is insufficient to protect fully such service. Such make-up deliveries to SoCal would only be made from Rhodes Reservoir in the event there are insufficient quantities of Priority 3, 4 and 5 gas available from Applicant's east-of-California customers for such make up deliveries.

The volumes of gas to be utilized for injection into Rhodes Reservoir are proposed to be classified as Priority 2 requirement under Applicant's applicable curtailment plan. Applicant's billings to its east-of-California customers for each month in a heating season would include a surcharge to compensate Applicant for its costs in providing protection of service to those customers' Priority 1 and 2 requirements through operation of the Rhodes Reservoir. Such surcharge has been determined as reflected by Applicant in its notice of rate change filed in Docket No. RP75-39. The monthly billing surcharge under the permanent operations of Rhodes Reservoir would be 0.68 cents per Mcf applied to the Priority 1 and 2 requirements of each east-of-California customer during each heating season month, November through April. The surcharge is said to be designed to recover the cost incurred by Applicant in providing the Rhodes Reservoir storage service now proposed on a permanent basis and would be collected from those customers who will be the beneficiaries of the proposed service.

Applicant alleges that the proposed permanent operation of the Rhodes Reservoir would provide permanent storage capacity for over 11 million Mcf of working gas, and would have a deliverability at its peak of not less than 100,000 Mcf of gas per day for use in protecting the Priority 1 and 2 requirements of Applicant's east-of-California customers. The Rhodes Reservoir is said to be the only storage facility available to Applicant which is under its direct operational control and would make efficient use of existing natural gas pipeline capacity.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 31, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27908 Filed 10-16-75;8:45 am]

[Docket Nos. E-9521, E-9522 and E-9091]

GEORGIA POWER CO.

Correction

SEPTEMBER 23, 1975.

Order accepting for filing and instituting investigation under section 206 of the Federal Power Act, granting request for waiver, granting interventions, and establishing procedures; Issued September 11, 1975; Published in the FEDERAL REGISTER on 9/22/75; 40 FR Page 43554.

Please include the following Attachment A.

KENNETH F. PLUMB,
Secretary.

ATTACHMENT A

[Docket Nos. E-9521, E-9522, and E-9091]

GEORGIA POWER COMPANY

Designations Filed in Docket Nos. E-9521 and E-9522

Filed: August 12, 1975.
Dated: (1) & (3) June 30, 1975; (2) Undated; (4) January 6, 1975.
Effective: July 1, 1975.

Partial Requirements Tariff:
(1) FPC Electric Tariff
Original Volume No. 2
(Partial Requirements Service)
(2) Service Agreement
FPC Electric Tariff
Original Volume No. 2
(Oglethorpe Electric Membership Corporation)

Transmission Tariff:
(3) FPC Electric Tariff
Original Volume No. 3
(Transmission Service)
(4) Service Agreement Under
FPC Electric Tariff
Original Volume No. 3
(Oglethorpe EMC)
(5) Supplement No. 1 to Service Agreement
Transmission Facilities and Investments
(6) Supplement No. 2 to Service Agreement
Transmission Investment Responsibility
(7) Supplement No. 3 to Service Agreement
Four Year Plan of Additions

Designations Superseded by (2) and (4): Service Agreements to FPC Electric Tariff Original Volume No. 1

Applicable to the Following EMC's:
Altamaha, Amicalola, Canoochee, Carroll, Central Georgia, Coastal, Cobb County Rural, Colquitt, Coweta-Fayette, Douglas County, Excelsior, Flint, Grady County, Habersham, Hart County, Irwin County, Jackson, Jefferson County, Lamar, Little Ocmulgee, Middle Georgia, Mitchell, Ocmulgee, Oconee, Okefenoke, Pataula, Planters, Rayle, Satilla Rural, Sawnee, Slash Pine, Snapping Shoals, Sumter, Three Notch, Tri-County, Troup County, Upson County, Walton, Washington County.

[FR Doc.75-27953 Filed 10-16-75;8:45 am]

[Docket No. ER76-5]

INDIANA & MICHIGAN POWER CO.

Order Accepting for Filing

OCTOBER 8, 1975.

On July 3, 1975, as completed on September 8, 1975, Indiana & Michigan Power Company (I & M Power) tendered as an initial rate filing an agreement with Indiana & Michigan Electric Company (I & M Electric), the parent company, providing for the sale of all power and associated energy from the Donald C. Cook Generating Plant.[1]

The tendered agreement provides that upon completion of construction, I & M Power will provide I & M Electric with all the power generated from the plant. In return I & M Electric will reimburse I & M Power such amounts as when added to amounts received from I & M Power from any other source, will enable I & M Power to pay all of its operating expenses plus sufficient funds to cover interest on indebtedness, required dividends on preferred stock and its return on common stock equity.[2]

I & M Power estimates that for the period from August 1, 1975, through December 1, 1975: net generation will be approximately 2,500,000 MWh, O&M expense will be $3,942,000, depreciation will be $6,667,000, and taxes other than income taxes will be $1,455,000. I & M Power estimates an interest charge of $7,901,563 for the five month period, and a return on common equity stock of $13,685,175.

I & M Power has requested the Commission to waive its notice requirements and permit the rate schedule to become effective August 23, 1975, the date upon which Unit No. 1 was placed into commercial operation.

Notice of I & M Power's initial rate filing was issued on July 15, 1975, with comments, protests and petitions to intervene due on or before July 31, 1975.

A petition to intervene was filed on behalf of certain municipal wholesale customers of I & M Electric[3] who have joined together in an association under the name of Indiana & Michigan Municipal Distributors Association (IMMDA). Petitioners contend that because of the affiliate relationship, the absence of historical cost of service figures, and the lack of any previous review of costing principles adopted by I & M Power the Commission should conduct a full investigation into the rate filing.

A petition to intervene and protest was filed by Richmond Power & Light of the City of Richmond, Indiana (Richmond) which contends that the rate of return is excessive, and that the agreement may have an impact on the American Electric Power Pool Agreement which should be inquired into. Richmond requests that the matter be set for hearing and that I & M Electric be directed to explain how the proposed transaction will be treated under the AEP Pool Agreement.

A petition to intervene, protest and request for rejection was filed on behalf of the Cities of Anderson, and Auburn, Indiana. Anderson and Auburn state that the tendered filing does not indicate either the overall rate of return to be derived by I & M Power and request therefore that the filing be rejected or, in the alternative, set for investigation.

Our review of I & M Power's filing indicates that the proposed initial rate schedule has not been shown to be just and reasonable and may be unjust, unreasonable, and unduly discriminatory, preferential or otherwise unlawful. Accordingly we shall institute an investigation of the proposed initial rate schedule pursuant to the Commission's authority under Section 206 of the Federal Power Act and establish a hearing procedure to determine the reasonableness of I & M Power's filing. In addition to presenting testimony on the issue of rate of return and the propriety of the methodology used to compute the return on equity we shall direct I & M Power to include in its prepared testimony an explanation on how the proposed rate schedule will affect the AEP Pool Agreement.

Upon consideration of I & M Power's request for waiver of our notice requirement to permit the initial rate schedule to become effective August 23, 1975, we find such request to be appropriate and shall grant the requested waiver.

The Commission finds: (1) It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act that the Commission institute a Section 206 investigation and hearing.

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[1] The Donald C. Cook Nuclear Generating Plant consists of two 1,100 MW nuclear generating units, the first of which was placed into operation in August, 1975. I & M Power has scheduled operation of the Second unit for 1978.

[2] I & M Power and I & M Electric have agreed that the rate of return on common stock equity will be derived as follows:

(1) A monthly amount equal to the product of (I) the operating ratio and (II) the amount of any interest for such month; provided, however, that the amount so determined for any such month: (a) shall not exceed (except by reason of clause (b) below) an amount equal to the product of (1) the operating ratio and (II) .45833% of the capitalization of I & M Power at the end of such month; and (b) shall not be less than an amount equal to the product of (I) the operating ratio and (II) 1% of such common stock equity.

(2) The operating ratio referred to in (1) above shall be derived by dividing (a) the amount of electric plant in service of I & M Power, its operating materials and supplies and prepayments at the end of the month immediately preceeding such month by (b) the sum of (i) the amount determined pursuant to (a) plus (ii) the amount of construction work in progress of I & M Power at the end of such immediately preceeding month.

[3] The municipalities of Avilla Bluffton, Columbia City, Frankton, Garrett, Gas City, Mashawaka, New Carlisle, and Warren, Indiana, and the municipalities of Niles, South Haven and Sturgis, Michigan.

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(2) Good cause exists to grant the requested waiver of the notice requirements in the Commission's Rules and Regulations in order that an effective date of August 23, 1975 be established.

(3) Good cause does not exist to grant Anderson and Auburn's Motion to reject I & M Power's filing.

(4) Good cause does exist to grant the interventions of Anderson, Auburn, Richmond and the Cities that comprise the Indiana & Michigan Municipal Distributor Association.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly Section 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act, a public hearing shall be held on January 13, 1976, in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications and services contained in I & M Power's proposed initial rate schedule.

(B) On or before November 11, 1975, company shall serve its direct testimony. On or before December 9, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before December 23, 1975. Any company rebuttal evidence shall be served on or before January 6, 1975.

(C) I & M Power's request of a waiver of the notice requirements set forth in the Commission's Rules and Regulations to allow an effective date of August 23, 1975 is hereby granted.

(D) Anderson and Auburn's Motion to reject I & M Power's filing is hereby denied.

(E) The petitions to intervene filed on behalf of Anderson, Auburn, Richmond and the Indiana & Michigan Municipal Distributors Association are hereby granted.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in Section 2.59 of the Commission's Rules of Practice and Procedure.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27920 Filed 10-16-75;8:45 am]

[Docket No. ES76-14]

IOWA PUBLIC SERVICE CO.

Notice of Application

OCTOBER 8, 1975.

Take notice that on October 2, 1975, Iowa Public Service Company (Applicant) filed an application seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance of up to 1,000,000 shares of Common Stock (par value $5 per share). Applicant proposes to sell the additional Common Stock at competitive bidding in accordance with the applicable requirements of Section 34.1a of the Commission's regulations.

Applicant is incorporated under the laws of the State of Iowa, with its principal business office in Sioux City, Iowa, and is engaged in the electric utility business in northwestern, north central and east central Iowa and a few small communities in South Dakota.

Applicant proposes to use the proceeds from the issuance of the securities to reduce short-term loans incurred and to be incurred prior to the sale of the New Stock to secure funds for construction purposes and to meet expenditures for the construction program.

Any person desiring to be heard or to make any protest with reference to said application should, on or before October 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27919 Filed 10-16-75;8:45 am]

[Docket No. E-9485]

KANSAS GAS & ELECTRIC CO.

Extension of Procedural Dates

OCTOBER 8, 1975.

On October 6, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 6, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, December 17, 1975.
Service of Intervenor Testimony, December 30, 1975.
Service of Applicant's Rebuttal, January 13, 1976.
Hearing, January 20, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27921 Filed 10-16-75;8:45 am]

[Docket Nos. E-9489 and E-9502]

MINNESOTA POWER AND LIGHT CO.

Order Affirming Prior Order

OCTOBER 9, 1975.

On August 4, 1975, Minnesota Power and Light Company (MP&L or the Company) filed substitute tariff sheets purporting to reflect the exclusion of Construction Work In Progress (CWIP) from rate base for applicable facilities, and to be in compliance with ordering paragraph (F) of the Commission's order issued July 18, 1975, in the above-captioned dockets.

That Order was issued in response to MP&L's filing of June 18, 1975, which proposed, *inter alia*, rate increases to seventeen municipal customers (Municipals), one privately-owned electric system customer (Superior Water, Light and Power Company, or SWL&P), two rural electric cooperative customers (Cooperatives), and its wheeling service customers (Wheeling)[1]. Paragraphs (E) and (F) of the Order provided that that portion of the Company's filing not rejected was suspended for 30 days[2] with the rates to go into effect thereafter, subject to refund, pending a hearing and decision thereon, subject to the condition that "MP&L shall be required to file, within 15 days, substitute tariff sheets which reflect the exclusion of Construction Work In Progress (CWIP) from the rate base for facilities which will not be placed into service prior to January 1, 1976."

MP&L's compliance filing of August 4, contained revised Rate Schedule 92-R, Resale Service for the Municipals and SWL&P, and an attached Rider for Standby Service, which reflects the results of excluding CWIP from the rate base, and which also reflects deletion of a previously shown addition to income which was based on interest capitalized. MP&L did not submit a revised Rate Schedule 93, Resale Service for the Cooperatives, nor did it submit a revised schedule for its Wheeling services, to reflect the exclusion of CWIP from the rate base. MP&L's August 4 filing also included revised exhibits of its case-in-chief of June 18, 1975, reflecting the total exclusion of $14,319,324 of CWIP from the rate base, and deleting from its earned income showing the $1,020,000 of allowance for funds used during construction (AFUDC). To reflect the above adjustments, MP&L reduced the proposed operating revenues by $96,273 from the Municipals and $80,650 from its subsidiary, SWL&P.

The Commission, by letter dated September 4, 1975, requested MP&L to explain its reasons for not submitting rate schedule revisions for the Cooperatives and Wheeling services. In its letter dated September 10, 1975, MP&L merely states that after exclusion of CWIP from rate base, the earned rates of return from these services are less than that claimed as reasonable by MP&L's witnesses in prepared testimony.

We note that our acceptance of part of MP&L's initial rate increase filing of June 18, 1975, was expressly conditioned upon the Company submitting revised sheets to reflect exclusion of CWIP in the rate base for facilities not to be placed into service prior to January 1, 1976. We note further, that MP&L's August 4, 1975, filing was deficient in its purported conformance with the conditions of our July 18 order. The Commission's letter of September 4, 1975 afforded MP&L the opportunity to correct this deficiency, yet the company failed to cure the deficiency.

MP&L in its September 10, 1975, letter alleges that revised tariff sheets are not necessary for its Cooperatives and Wheeling service for, even after excluding CWIP from the rate base, its rate of return is still justifiable by other evidence. The Supreme Court has addressed and answered this contention in *F.P.C. v. Tennessee Gas Transmission Co.*, 371 U.S. 145 (1962). The Commission, after establishing a phased hearing on that pipeline's requested rate increase, later ordered an interim refund based on its affirmance of an initial decision that the filed rate of return was excessive (24 FPC 204). The Supreme Court interpreted Section 4(e) of the Natural Gas Act, which is substantively identical in pertinent parts to Section 205(e) of the Federal Power Act, affirmed the Commission's order, and reversed a decision of the Court of Appeals (293 F. 2d 761) which expressed the arguments now advanced by MP&L. The applicability of *Tennessee* requires that MP&L must stand on the rate level as filed on June 18, 1975 and as reduced by the exclusion of CWIP. Any further increase which the company may believe just and reasonable must be tendered for filing in compliance with Section 205 of the Federal Power Act, the notice provisions thereof and the Regulations governing filing requirements thereunder. We have determined that the current rate tariff is unlawful to the extent that it reflects a rate base including CWIP, and have ordered appropriate revised tariffs.

Upon review of MP&L's September 10, 1975, letter and for the reasons stated above, we reaffirm our order of July 18, 1975, and shall herein order that within 15 days of the issuance hereof that MP&L shall be required to file, for its Municipal, Private Utilities (SWL&P), Rural Electric Cooperatives and Wheeling service customers, as specified in paragraphs (E) and (F) of our order issued July 18, 1975, substitute tariff sheets which reflect the exclusion of CWIP from the rate base for facilities that will not be placed into service prior to January 1, 1976.

The Commission finds: Good cause exists to require MP&L to comply with the terms of paragraphs (E) and (F) of our order issued July 18, 1975.

The Commission orders: (A) MP&L shall file within 15 days from the date of issuance of this order revised tariff sheets which reflect the exclusion of Construction Work In Progress in the rate base for facilities that will not be placed into service prior to January 1, 1976. This information shall be submitted for all customers affected as specified in ordering paragraphs (E) and (F) of Order issued July 18, 1975, in the subject dockets.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27934 Filed 10-16-75;8:45 am]

[1] See order issued July 18, 1975, in the subject dockets for list of customers and rate schedule designations.

[2] One customer's increase, Itasca-Mantrap, was suspended until September 28, 1975, due to provisions of its existing agreement.

[Docket No. RP71-125, PGA76-1a, PGA76-2a]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Revision to PGA Filing To Track Pipeline Supplier Rate Increases

OCTOBER 8, 1975.

Take notice that on October 1, 1975, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the below listed substitute tariff sheets:

	To be effective
Substitute 3d revised substitute, 24th revised sheet No. 5	Nov. 1, 1975.
Substitute 4th revised substitute, 24th revised sheet No. 5	Nov. 14, 1975.

On September 19, 1975 Natural filed PGA unit adjustments to become effective November 1, and November 14, 1975. The purpose of that filing was to track increases in purchased gas cost to Natural from Great Lakes Gas Transmission Company (Great Lakes), a pipeline supplier.

On September 26, 1975, Colorado Interstate Gas Company (Colorado), filed on September 26, 1975 to place into effect as of October 1, 1975 subject to refund adjusted rates in compliance with Commission order in Docket No. RP75-86. The effect of Colorado's proposed change translates to a reduction in Natural's commodity rate of 0.11¢ per Mcf.

Natural states that technically this decrease should be reflected in its rates on October 1, 1975, but in order to avoid an administrative burden to Natural's customers in filing retroactive adjustments with their regulatory agencies, Natural requested waiver of the terms of its PGA clause and the Commission's regulations to the extent necessary to permit the adjustment to be included as part of Natural's September 19 PGA filing to become effective November 1, 1975. Natural states that the approximate overcollection of $83,000 for the month of October will be passed back to their customers through the working of the Deferred Purchased Gas Cost Account.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are filed with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-27922 Filed 10-16-75;8:45 am]

[Docket No. CP76-98]

NATURAL GAS PIPELINE CO. OF AMERICA AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

OCTOBER 7, 1975.

Take notice that on September 23, 1975, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, jointly Applicants, filed in Docket No. CP76-98 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of up to 125,000 Mcf of natural gas per day, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants state that they have entered into an exchange agreement dated September 15, 1975, under the terms of which Transco would deliver up to 125,000 Mcf of natural gas per day to Natural at the outlet of Mobil Oil Corporation's (Mobil) La Gloria Plant in Jim Wells County, Texas, and Natural would redeliver to Transco equivalent volumes at the outlet of Mobil's Cameron Meadows Plant in Cameron Parish, Louisiana. The exchange agreement provides that in no event would Transco deliver less than 50,000 Mcf of gas per day on any day it is entitled to receive 50,000 Mcf at the La Gloria plant. No costs or charges are said to be involved in the proposed exchange, and it is said that no new facilities would be required.

Applicants state that the proposed exchange would be beneficial to both parties because it would allow Natural to displace gas from its Louisiana pipeline where a temporary capacity limitation exists and would allow Transco to experience a net forward haul of approximately 400 miles with the attendant savings of fuel and line losses.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Pro-

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cedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27909 Filed 10-16-75;8:45 am]

[Docket No. ER76-158]

NEW ENGLAND POWER CO.

Tariff Change

OCTOBER 9, 1975.

Take notice that New England Power Company ("NEPCO") on October 1, 1975, tendered for filing proposed changes in its FPC Electric Tariff, Original Volume Number 1. NEPCO states that the purpose of the filing is to provide a new type of service—Contract Demand Service to those of its customers that elect to become self-standing Participants in the New England Power Pool ("NEPOOL").

NEPCO requests a November 1, 1975, effective date for this service since certain of its customers have stated their intention of joining NEPOOL at that time.

NEPCO further requests a waiver of the Commission's Regulations for providing comparative billing data inasmuch as takings under this service are not as yet quantified.

NEPCO states that the Contract Demand Service Rate is based on its presently effective Primary Service for Resale Rate R-9.

Copies of this filing were served on NEPCO's non-affiliated customers, the Service List in Docket Nos. E-9140 and E-9136 and the appropriate State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27935 Filed 10-16-75;8:45 am]

[Docket No. CP76-108]

NORTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 9, 1975.

Take notice that on September 29, 1975, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP 76-108 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an additional sales measuring station to serve as a point for delivery of natural gas to Metropolitan Utilities District (MUD) serving Douglas County, Nebraska, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant alleges that MUD has requested Applicant to construct the proposed delivery point for the purpose of delivering gas for distribution in southwest Omaha and that the proposed facilities would obviate the need for MUD to extend and enlarge its existing distribution system. Deliveries at the proposed point would be provided out of MUD's presently effective contract demand volume. The proposed point of delivery is on Applicant's southwest Omaha 16-inch pipeline.

The estimated cost of the proposed facilities is stated to approximately $177,700. The total actual cost would be reimbursed by MUD.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27936 Filed 10-16-75;8:45 am]

[Docket Nos. RP71-107 (Phase II), RP72-127, RP72-50]

NORTHERN NATURAL GAS CO. AND NORTHERN ILLINOIS GAS CO.

Motion To Withdraw Prior Commission Staff Motion and To Terminate Proceeding

OCTOBER 8, 1975.

In Docket Nos. RP71-107 (Phase II) and RP72-127, several issues were settled between Northern Natural Gas Company (Northern) and Northern Illinois Gas Company (NI Gas), while others concerning apportionment of increases in contract demand were reserved, by a Commission order issued January 4, 1974. These reserved issues are substantively identical to those issues raised by NI Gas in its complaint of October 4, 1971, Docket No. RP72-50, filed on the basis that a separate action was in order to expedite the resolution of apportionment-related issues. Because the issues in these dockets were both closely related and still pending, Staff Counsel moved to consolidate the resolution of all of these issues by its Motion to Consolidate the Proceedings of Docket Nos. RP71-107 (Phase II) and RP72-127 with Docket No. RP72-50, filed on September 17, 1975.

On October 3, 1975, NI Gas filed a Petition for permission to withdraw its Complaint, in which it stated that charged circumstances have caused Northern to desist in the practices alleged to be discriminatory in the complaint filed in Docket No. RP72-50. Because of this changed situation, NI Gas now seeks permission to withdraw this complaint, which it states would render the Commission Staff's Motion to Consolidate moot.

On October 7, 1975, Staff Counsel moved the Commission to grant the NI Gas petition and thus to terminate the proceedings of Docket No. RP72-50. Because this action would render Staff's prior motion moot, Staff Counsel also sought permission to withdraw its Motion to Consolidate.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (19 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 27, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27923 Filed 10-16-75;8:45 am]

[Docket No. CP76-104]

PACIFIC INTERSTATE TRANSMISSION CO.

Notice of Application

OCTOBER 9, 1975.

Take notice that on September 26, 1975, Pacific Interstate Transmission Company (Applicant), 720 West Eighth Street, Los Angeles, California 90017, filed in Docket No. CP76-104 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas for resale to Pacific Lighting Service Company (PLS) at the Arizona-California border, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that its affiliate, Pacific Lighting Gas Development Company (PLGD) is engaged in exploration and Development of natural gas sources to alleviate the deficiency in supply of Southern California Gas Company (So Cal) brought about by curtailments in deliveries by El Paso Natural Gas Company (El Paso) and Transwestern Pipeline Company (Transwestern). It is further stated that PLGD's interest in five wells located in Texas and New Mexico is presently available for dedication to So Cal's market. PLGD is said to have available 9,700 Mcf per day presently and anticipates approximately 25,000 Mcf of gas per day will be available in 1976 from the five forementioned wells and PLDC's interest in nine wells currently being drilled. PLGD is expected by Applicant to sell all of the gas resulting from its interest in the wells to Applicant.

Applicant states that it expects to enter into a gas transportation with Transwestern for the transportation of such gas to the California-Arizona border. The gas so produced and transported would be sold by Applicant to PLS at the Arizona-California border at a proposed initial rate under Rate Schedule S-G-1 which is said to be as follows;

(1) Transportation charge based on Transwestern's Rate Schedule CDQ-1 of 2.644 cents per therm.

(2) Fixed charge of $2,500 per month.

(3) Commodity rate of 5.513 cents per therm.

(4) Purchased gas adjustment rate of 0.6 cents per therm.

Applicant states that its current average purchased gas cost is 5.513 cents per therm and that this would increase to 5.621 cents per therm on January 1, 1976. Applicant requests that the Commission approve an increase in the commodity rate for the subject sale to 5.621 cents per therm on January 1, 1976.

It is stated that PLS is engaged in the purchase, transmission and storage of gas for its affiliate SoCal. The volume of gas for which Applicant request authorization to transport is 25,000 Mcf per day, although only 9,700 Mcf per day are presently available.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27937 Filed 10-16-75;8:45 am]

[Docket Nos. RP73-108 and RP73-36 (AP75-2) (PGA75-4)]

PANHANDLE EASTERN PIPELINE CO.

Order on Petition for Rehearing and Granting Intervention

OCTOBER 9, 1975.

On September 2, 1975, the State of California and the California Public Utilities Commission (CPUC) filed a petition for rehearing of the Commission's order, dated July 31, 1975, in the above-captioned docket, wherein we accepted for filing certain revised tariff schedules of Panhandle Eastern Pipeline Company (Panhandle) to become effective August 1, 1975. The revised tariff sheets included, *inter alia*, an increase in the cost of advance payments, a portion of which was attributable to an initial advance payment made by Panhandle to the Atlantic Richfield Company (ARCO) on July 31, 1975. Said payment was made pursuant to an advance payment agreement entered into by Panhandle and ARCO on May 30, 1975, with respect to an undivided twenty percent of ARCO's working interest in proved natural gas reserves in the Prudhoe Bay field on the North Slope of Alaska.

The CPUC asserts its interest in these proceedings stems from the significance the Commission's actions with respect to Panhandle's advances to ARCO in connection with ARCO's Prudhoe Bay reserves has in two proceedings pending before the CPUC.

On August 1, 1975, in Decision No. 84729, the CPUC, approved a funding arrangement involving interest payments to Atlantic Richfield Company (ARCO) from Southern California Gas Company (SoCal), a natural gas distribution utility serving southern California, in return for the exclusive rights to negotiate for the purchase of 60% of the natural gas to be produced from ARCO's working interest from the Prudhoe Bay field on the North Slope of Alaska.[2] In Decision No. 84729, the CPUC indicated that it approved the arrangement reluctantly only after ARCO threatened to go to this Commission with an advance payment agreement for sales of the Alaskan gas to an area other than California if the CPUC failed to approve the project by August 1, 1975. The CPUC is currently conducting hearings on a proposal by Pacific Gas & Electric Company (PG&E) to make advance payments to Exxon in return for the exclusive rights to negotiate for the purchase of 30% of the natural gas to be produced from Exxon's working interest in the Prudhoe Bay field on the North Slope of Alaska.[3]

In urging the Commission's reconsideration of its approval without suspension of the advance payment by Pan-

[2] *In the Matter of the Application of Southern California Gas Company*, Application No. 55599, filed April 3, 1975.

[3] *In the Matter of Pacific Gas & Electric Company*, Application No. 55661, filed May 1, 1975.

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handle to ARCO in the July 31, 1975, order in *Panhandle* in this docket, CPUC notes this Commission has disallowed interest payments by certain pipelines to Exxon in Alaska.[3]

It is correct, as the CPUC notes, that we disallowed interest payments to Exxon, as well as to other producers, because interest payments arrangements, by their very nature, show that the producer is demonstrably able to acquire capital for exploration, development, and production without help from pipelines. Accordingly, we denied these requests by the pipelines to include such payments in their rates and thus, in effect, denied their proposal to vastly expand the scope of the advance payments program at a time when serious questions were and are being raised as to the necessity for the program in its narrower form, as promulgated most recently in Order No. 499. However, the CPUC argues that to deny rate treatment to *interest payments* to Alaskan producers, but to allow rate treatment for *advance payments* to Alaskan producers, is a distinction without substance.

In opposition to the rate base treatment afforded Panhandle with respect to the ARCO advance payment, CPUC asserts the July 31, 1975 order lacks any indication the Commission examined the ARCO advance payment by Panhandle to determine whether ARCO in fact needed the advance payment in order to produce its share of the Prudhoe Bay reserves, or whether ARCO would not dedicate its Prudhoe Bay reserves to the interstate market absent such advance payments by Panhandle. CPUC states it is unable to assess ARCO's need for the capital being supplied by Panhandle, but submits that the absence of the advance payment from Panhandle would not affect ARCO's dedication of its Prudhoe Bay reserves to the interstate market. CPUC contends the Commission should suspend or terminate its advance payment program with respect to the Prudhoe Bay reserves or face a factional battle for gas among the various market areas of the country with the only benefit accruing to the North Slope producers. CPUC urges the Commission to assert sole jurisdiction over all aspects of the sale and transportation of natural gas from Prudhoe Bay to the lower 48 states to avoid any further jurisdictional split in regulation as has occurred in effect with regard to the agreements between SoCal and ARCO and between PG&E and Exxon.

Accordingly, CPUC requests that in addition to granting rehearing of that portion of our July 31, 1975 order approving rate base treatment of the advance payments made by Panhandle to ARCO with respect to ARCO's Prudhoe Bay reserves, that the Commission suspend any further approval of advance payments made by jurisdictional pipelines to North Slope producers, until the Commission completes its investigation of its advance payment program in Docket Nos. R–411 and RM74–4,[4] and the Commission require the filing of gas purchase contracts by all North Slope producers who have made or will make commitments of Prudhoe Bay reserves to interstate pipeline companies, as well as to local distribution companies, or their respective affiliates.

We believe that the issues raised by the competing Alaskan gas proposals as well as all issues related to Alaskan advance payments should be discussed at the oral argument we have scheduled, including the issue of whether or not this Commission should suspend approval of rate base treatment for future Alaskan advances pending conclusion of the investigation in Docket Nos. R–411 and RM74–4, or otherwise take steps to preclude payment by any jurisdictional pipelines, intrastate distributors, or others and/or *receipt* by any jurisdictional producer in Alaska, or other party, of any form of advance payment, interest payment or other form of advance consideration, relating to Alaskan gas to be delivered at a future date.

In conjunction with its petition for rehearing of the Commission's order of July 31, 1975, CPUC also filed in this docket its Notice of Intervention out of time. It similarly urges the Commission to grant rehearing of that portion of its order of July 31, 1975, approving rate base treatment of the advance payments made by Panhandle to ARCO with respect to ARCO's Prudhoe Bay reserves and to suspend any further approval of rate base treatment for advance payments made by jurisdictional pipelines to producers on the North Slope of Alaska until the Commission completes its investigation of its advance payment program in Docket Nos. R–411 and RM74–4.

On September 16, 1975, Panhandle filed its answer to CPUC's notice of intervention opposing CPUC's intervention and petition for rehearing by the Commission of its July 31, 1975 order. Panhandle distinguishes its advance payment contract with ARCO from those in which interest costs are advanced by the pipeline to the producer and which the Commission has previously disallowed.[5] Rather, Panhandle characterizes its payment as ". . . the normal advance of capital for exploration and development specifically provided for in the Commission's Regulations".

In addition, Panhandle opposes CPUC's proposed intervention on the basis that it is untimely and that CPUC is not a party with a legitimate interest in the proceedings. Further, Panhandle asserts CPUC is thus barred from seeking rehearing for the purpose, Panhandle alleges, of litigating in this proceeding its dissatisfaction with the Commission's policy with respect to advance payments.

In addition to the asserted impediments to CPUC's intervention, Panhandle states there is no basis for rehearing. Panhandle contends its advance to ARCO is in accordance with the Commission's Regulations and the cost's inclusion as a rate base item, in compliance with the provisions to its settlement agreement.[6] The Commission's acceptance without suspension of Panhandle's June 13, 1975, filing implementing the effect of the approved rate base treatment of the cost of the advance is a discretionary act of the agency and is not subject to challenge.

On September 24, 1975, CPUC filed its reply to the answer of Panhandle in opposition to CPUC's intervention in this docket's proceeding. There, CPUC reiterates its request that the Commission grant CPUC's intervention and grant rehearing of its July 31, 1975 order and that the Commission suspend any further approval of rate base treatment for advances by Panhandle to ARCO with respect to Prudhoe Bay reserves.

Our review of CPUC's petition for rehearing of the Commission's order of July 31, 1975, in the above-referenced docket indicates there have been issues raised with respect to Panhandle's June 13, 1975, filing which concern the inclusion of costs of an advance payment from Panhandle to ARCO relating to Alaskan gas to be delivered in the future. All issues related to Alaskan advance payments are anticipated subjects of discussion at the oral argument, scheduled October 23, 1975, including the issue of whether or not this Commission should suspend approval of rate base treatment for future Alaskan advances pending conclusion of the investigation in Docket Nos. R–411 and RM74–4. Panhandle and CPUC should address themselves to the issues regarding Alaskan advances under consideration in this proceeding at the oral argument scheduled October 23, 1975, in Docket Nos. R–411 and RM74–4. Pending oral argument on the issues related to Alaskan advance payments and decision thereon, we will defer further action on CPUC's motion for reconsideration. We shall permit CPUC's untimely intervention in these proceedings, as hereinafter ordered.

The Commission finds: (1) It is necessary and appropriate in the public interest that Panhandle and CPUC address themselves to the issues regarding Alaskan advances under consideration in this proceeding at the oral argument scheduled October 23, 1975, in Docket Nos. R–411 and RM74–4.

(2) Pending oral argument on the issues related to Alaskan advance payments and decision thereon, we shall defer further action on CPUC's petition for rehearing.

(3) CPUC's untimely notice of intervention should be permitted in these proceedings.

(A) Panhandle and CPUC are hereby directed to address themselves to the issues regarding Alaskan advance payments under consideration in this proceeding at the oral argument scheduled October 23, 1975, in Docket Nos. R–411 and RM74–4; pending which, further Commission action on CP&C's petition for rehearing will be deferred.

(B) The CPUC is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27938 Filed 10–16–75;8:45 am]

[Docket No. E–9388]

PHILADELPHIA ELECTRIC CO.

Extension of Procedural Dates

OCTOBER 8, 1975.

On September 17, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 9, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, November 7, 1975.
Service of Intervenor Testimony, November 21, 1975.
Service of Company Rebuttal, December 5, 1975.
Hearing, December 16, 1975 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27924 Filed 10–16–75;8:45 am]

[Docket No. ER76–159]

PUBLIC SERVICE CO. OF OKLAHOMA

Electric Service Contract

OCTOBER 8, 1975.

Take notice that on October 1, 1975 the Public Service Company of Oklahoma (Company), tendered for filing a proposed new electric service contract with the Town of South Coffeyville, Oklahoma (Town). The requested commencement date of the service is January 1, 1976. The Town is presently served by the City of Coffeyville, Kansas.

The Town will be billed under Company's filed Rate Schedule RE–5, which contains an 80% ratchet feature in the demand clause. Company states that the high demand estimated to be established in the summer of 1976 may result in higher billing demands in subsequent years.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27925 Filed 10–16–75;8:45 am]

[Docket No. ER76–156]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Tariff Change

OCTOBER 8, 1975.

Take notice that Public Service Electric and Gas Company of New Jersey, on October 1, 1975, tendered for filing proposed changes in its FPC Electric Service Tariff Nos. 48 and 49. The proposed changes would increase revenues from jurisdictional sales and service by $186,159 based on the twelve month period ending June 30, 1975. The proposed effective date for the change is October 31, 1975. In addition, the proposed filing also modifies Public Service Electric and Gas Company's existing fuel adjustment clauses in the above tariffs to conform to Section 35.14 of the Commission's Regulations.

Public Service states that despite all efforts by it to combat increased costs, the continuing inflationary trend has affected practically all its operations. Due to these increased costs, Public Service states that it is becoming increasingly difficult for it to provide adequate and reliable service for the growing needs of its customers. The Company also contends that the rate increases are necessary to assure continued confidence in its financial integrity to provide earnings which will attract additional capital at reasonable cost to enable the Company to finance its electrical construction programs.

Copies of the filing were served upon the public utility's jurisdictional customers, the Boroughs of Milltown and South River, and the New Jersey Board of Public Utility Commissioners.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 20, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27926 Filed 10–16–75;8:45 am]

[Project No. 516]

SOUTH CAROLINA ELECTRIC & GAS CO.

Correction

SEPTEMBER 24, 1975.

In the Notice of Application for Use of Project Property and Application for Change in Land Rights, issued September 12, 1975, and Published in the FEDERAL REGISTER on September 22, 1975, 40 FR Page 43557, 4th paragraph, lines 3 and 4, please change "October 20, 1975" to "November 10, 1975".

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27954 Filed 10–16–75;8:45 am]

[Docket No. CP76–97]

STINGRAY PIPELINE CO.

Notice of Application

OCTOBER 7, 1975.

Take notice that on September 23, 1975, Stingray Pipeline Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP76–97 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline facilities to transport natural gas from High Island Area, offshore Texas, to its existing facilities in West Cameron Area, Block 564, offshore Louisiana, for Natural Gas Pipeline Company of America (Natural) and Trunkline Gas Company (Trunkline), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately (1) 16.5 miles of 30-inch O.D. pipeline to connect Applicant's existing facilities in West Cameron Block 564 to a valve manifold platform to be located in High Island Block 330, offshore Texas, (2) 16.0 miles of 30-inch O.D. pipeline from Block 330 to a valve platform to be located in High Island Block 343, (3) 9.4 miles of 24-inch O.D. pipeline from High Island Block 330 to High Island Blocks 369 and 370, and (4) the aforementioned platforms and other related facilities for the gathering and transmission of gas produced from such areas. Applicant estimates that the cost of the proposed pipeline would be $44,955,000, and the related projects would be approximately $16,840,000, and filing

[3] *Natural Gas Pipeline Company,* Docket No. RP75–90; *Northern Natural Gas Company,* Docket Nos. RP75–87 and RP75–89; *Michigan Wisconsin Pipeline Company,* Docket No. RP75–96.

[4] On September 16, 1975, the Commission issued "Notice Of Oral Argument Concerning: Investigation Of The Advance Payments Program, Possible Termination Of The Program And Conditions Thereof, And Proposals For Interim Treatment Of Alaskan Advances Pending Conclusion Of Investigation Of Entire Advance Payments Program", now scheduled to be held October 23, 1975.

[5] See our discussion, *supra,* of interest cost advances.

[6] Article V of the July 29, 1974, Settlement Agreement in *Panhandle,* Docket No. RP73–108, approved by Commission order issued August 30, 1974.

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fees would be $120,000 for an estimated total of $61,915,000.

Applicant states that the proposed facilities would be used to transport gas produced from the High Island area to onshore Louisiana. Natural and Trunkline are said to have advised Applicant that they intend to utilize the proposed facilities to receive gas from blocks in the High Island area not presently being served by any pipeline. Pursuant to a gas transportation agreement between Applicant, Natural and Trunkline dated October 2, 1973, as amended, Applicant would transport up to 480,000 Mcf of gas per day pursuant to Applicant's FPC Rate Schedule T–1 for both participants. The proposed facilities are alleged to have a daily capacity of 500,000 Mcf, which is capable of flow in either direction.

Applicant states that it is aware that High Island Offshore System (HIOS) proposes in Docket Nos. CP75–81 and CP75–104 to construct and operate a system designed to transport gas from offshore Texas to interconnect with transmission systems in Louisiana, and that the facilities proposed in the instant application would be compatible with the facilities proposed HIOS and would in the event of emergency be able to transmit gas in either direction. Applicant further notes that the facilities that it proposes to construct between Blocks 330 and 343 are similar in design to those proposed by HIOS and that it is not the intention of Applicant or HIOS to construct duplicate lines, but rather either Applicant or HIOS would construct those facilities. The project proposed in the instant application is said to be neither dependent upon, nor mutually exclusive with, the HIOS project.

Applicant has included with its application estimates by Burmah Oil Development, Inc. (Burmah), of the reserves and deliverability for the High Island Block A–330 Field. Burmah estimates that the proven reserves are 231 million Mcf with the potential for an additional 120 million Mcf and that initial deliveries could commence by early 1977. It is indicated that peak deliveries would not occur until late 1977 or early 1978, at which time deliverability is estimated by Burmah to be 200,000 to 300,000 Mcf per day.

Applicant indicates that the cost per Mcf of gas transported would be $4.52 based on total system annual cost of service of $62,896,300 and annual transportation quantity of 13,920,000 Mcf.

The proposed facilities are said to make available to Natural and Trunkline additional volumes of natural gas from the High Island Area at a time when both are curtailing gas deliveries.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 31, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27910 Filed 10–16–75;8:45 am]

[Docket No. RP76–17]

TEXAS GAS TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

OCTOBER 8, 1975.

Take notice that on September 30, 1975 Texas Gas Transmission Corporation (Texas Gas) tendered for filing proposed changes to its FPC Gas Tariff, Third Revised Volume No. 1 and Original No. 2. The proposed changes would increase revenues from jurisdictional sales and services by approximately $64,080,927 based on the 12 month period ending June 30, 1975, as adjusted, and the proposed settlement rates set forth in Appendix A of the Stipulation and Agreement, filed with the Commission on June 12, 1975, in Docket No. RP75–19.

Texas Gas states that the increase costs are attributable to (1) increases in operating expenses; (2) increased costs associated with increased curtailment and further husbanding of gas; (3) increased income taxes related to liberalized depreciation, and (4) increase in rate of return.

Texas Gas requests an effective date of November 1, 1975, for the proposed Revised Sheets. Texas Gas further states that it served copies of this filing upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27927 Filed 10–16–75;8:45 am]

[Docket No. RP75–75]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Further Extension of Procedural Dates

OCTOBER 9, 1975.

On September 18, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued April 30, 1975, as most recently modified by notice issued August 8, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff, Testimony, October 10, 1975.
Service of Intervenor, Testimony, October 24, 1975.
Service of Company, Rebuttal, November 7, 1975.
Hearing, December 2, 1975 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27939 Filed 10–16–75;8:45 am]

[Docket No. CP76–107]

TRANSWESTERN PIPELINE CO.

Notice of Application

OCTOBER 9, 1975.

Take notice that on September 29, 1975, Transwestern Pipeline Company (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP76–107 an application pursuant to Section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 25,000 Mcf of natural gas per day for Pacific Interstate Transmission Company (PIT), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to transport up to 25,000 Mcf of gas per day that would be made available to it by PIT for delivery to Pacific Lighting Service Company (PLS) at the Arizona-California border. Such gas would be produced from five wells in Winkler, Ward, and Roberts Counties, Texas, and Eddy County, New Mexico, by Pacific Lighting Gas Development Company (PLGD), an affiliate of PLS. Applicant states that nine additional wells are being drilled. The five producing wells are said to be presently delivering approximately 10,000 Mcf of gas per day attributable to PLGD's interest, which gas is sold to PIT. These wells are said to be connected to Applicant's pipeline system.

Applicant proposes to transport the gas under new Rate Schedule TP–1 at the rate of 2.644 cents per therm, which is said to be equal to the rate for contract demand service to PLS in effect under Rate Schedule CDQ–1, less gas purchase costs. Deliveries and redeliveries would be balanced by heating content. Applicant states that it presently has excess capacity available in the system to be used for the proposed transportation.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 4, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27940 Filed 10–16–75;8:45 am]

[Docket No. CI76–161]

UNION TEXAS PETROLEUM

Notice of Application

OCTOBER 8, 1975.

Take notice that on September 16, 1975, Union Texas Petroleum, a Division of Allied Chemical Corporation (Applicant), P.O. Box 2120, Houston, Texas 77001, filed in Docket No. CI76–161 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Columbia Gas Transmission Corporation (Columbia) from Block 544, West Cameron Area, offshore Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to sell to Columbia gas attributable to its interest in Block 544 pursuant to their contract of July 9, 1975, at 52.52 cents per Mcf subject to upward and downward Btu adjustment. Estimated monthly sales are 60,000 Mcf of gas at 15.025 psia. Applicant would reserve the option to receive 25 percent of the daily quantity of gas produced.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–27929 Filed 10–16–75;8:45 am]

[Docket No. CP76–105]

UNITED GAS PIPE LINE CO.

Notice of Application

OCTOBER 7, 1975.

Take notice that on September 26, 1975, United Gas Pipe Line Company (Applicant), 1500 Southwest Tower, Houston, Texas 77002, filed an application in Docket No. CP76–105 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a 4-inch tap to serve Entex, Inc. (Entex), near Cameron in Cameron Parish, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that pursuant to a letter agreement dated May 30, 1975, between it and Entex, they have agreed to the construction of a 4-inch tap by Applicant on Applicant's 4-inch pipeline in Cameron Parish. The proposed facilities would comprise a new and additional point of delivery from Applicant to Entex, proposed City Gate No. 2. The stated purpose of the proposed delivery point is to allow Entex to take delivery of natural gas from Applicant at a point from which Entex's facilities would not have to cross corrosive, marshy areas. It is alleged that the pipeline from City Gate Station No. 1 does pass through such an area and is corroded, leaking and in need of replacement.

Applicant further proposes to deliver to Entex a maximum daily quantity of 3,237 Mcf of gas at the City Gate No. 1 and a maximum daily quantity of 3,034 Mcf of gas at the proposed City Gate No. 2, in lieu of a maximum daily quantity of 6,271 Mcf of gas at the City Gate No. 1 as is presently authorized.

The estimated cost of the proposed facilities is said to be approximately $950, which cost would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 31, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

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unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27911 Filed 10-16-75;8:45 am]

[Docket No. CP63-92]

UNITED GAS PIPE LINE CO.

Notice of Petition To Amend

OCTOBER 8, 1975.

Take notice that on September 29, 1975, United Gas Pipe Line Company (Petitioner), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP63-92 a petition to amend the order of the Commission of July 5, 1963, issued in said docket pursuant to Section 7(c) of the Natural Gas Act by deleting therefrom authorization to exchange natural gas with Texas Eastern Transmission Corporation (Texas Eastern) at one authorized point of exchange and by authorizing the exchange of natural gas at one additional point in Ganado, Jackson County, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the authorized exchange point near Beaumont, Jefferson County, Texas, is no longer in operation and was abandoned by sale by Applicant to Pennzoil Pipe Line Company as authorized by the Commission in its order of August 14, 1970 (44 FR 292). In substitution for the deliveries made at Beaumont Applicant requests authorization to deliver approximately 35,000 Mcf of natural gas per day to Texas Eastern at an existing point of interconnection at Ganado, pursuant to a letter agreement dated April 2, 1975.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27930 Filed 10-16-75;8:45 am]

[Docket No. ES76-15]

UTAH POWER & LIGHT CO.

Notice of Application

OCTOBER 8, 1975.

Take notice that on October 1, 1975, Utah Power & Light Company (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance and sale of $60,000,000 in principal amount of its First Mortgage Bonds and 900,000 additional shares of Common Stock.

The New Bonds and the New Stock are proposed to be offered pursuant to competitive bidding procedures on or about November 19, 1975.

The proceeds from the sale of the New Bonds and the New Stock will be applied to Applicant's construction program and to the repayment of short-term indebtedness incurred for construction purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27931 Filed 10-16-75;8:45 am]

[Docket No. CP76-100]

VERMONT GAS SYSTEMS, INC.

Notice of Application

OCTOBER 9, 1975.

Take notice that on September 24, 1975, Vermont Gas Systems, Inc. (Applicant), 31 Swift Street, South Burlington, Vermont 05401, filed in Docket No. CP76-100 an application pursuant to Section 3 of the Natural Gas Act for authorization to import volumes of natural gas daily from Canada, in addition to those volumes presently authorized to be imported daily, to meet its peak day requirements, but without an increase in the annual volumes authorized to be imported, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it is an intrastate pipeline that operates solely in the State of Vermont and that it purchases all of its natural gas from TransCanada PipeLines Limited (TransCanada) authorized to be imported by orders of the Commission in Docket Nos. CP65-142, CP69-132 and CP72-38. Applicant requests in the instant application that it be authorized to import an additional 3,000 Mcf of gas on its peak day, for a total of 20,700 Mcf, without change in the annual import authorization of 6,460,000 Mcf of gas.

Applicant alleges that the presently authorized peak day volume of 17,700 Mcf is insufficient to meet the present peak day demands. The application states that the availability of a sufficient supply of natural gas in the areas now served and proposed to be served by Applicant will provide the residents thereof with a competitive fuel which would not otherwise be available to them, the location of Applicant's market is such that it will not permit an economically feasible use of natural gas produced in the United States and at the same time Applicant can deliver to its market in Vermont a supply of natural gas from Canada more economically than from any United States source and thus can provide natural gas service at more reasonable rates than would otherwise be available to its customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 31, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27941 Filed 10-16-75;8:45 am]

[Docket No. E-9147 (Phase I)]

VIRGINIA ELECTRIC AND POWER CO.

Correction

SEPTEMBER 18, 1975.

In the Notice of Further Extension of Procedural Dates, issued August 26, 1975, and Published in the Federal Register on September 3, 1975, 40 FR Page 40589, line 6 after period in the above-designated notice please revise to read: "Counsel for ElectriCities and for the Commonwealth of Virginia and Commission Staff Counsel do not oppose this motion." Following line 6, please add: "One August 19, 1975, Old Dominion Electric Cooperative, Northern Neck Electric Cooperative, North Carolina Electric Membership Corporation, and Roanoke Electric Membership Corporation filed a response in opposition to the motion by Virginia Electric and Power Company."

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27952 Filed 10-16-75;8:45 am]

[Docket No. ER76-160]

WASHINGTON WATER POWER CO.

Notice of Tender of "Letter Agreement"

OCTOBER 8, 1975.

Take notice that on October 3, 1975, The Washington Water Power Company (Washington) tendered for filing copies of a service schedule applicable to what Washington refers to as "Letter Agreement" between Washington and the Portland General Electric Company (Portland). Washington states that this "Letter Agreement" would apply to the delivery of 50 average megawatts of energy to Portland during the period September 1, 1975, through December 31, 1975.

The Company states that the return or purchase of this energy by Portland is dependent on the amount of water stored, as of July 31, 1976, in the Coordinated System reservoirs (Washington and Portland are both parties to the Coordinated System). If the reservoirs refill, then Portland will pay Washington for the energy delivered at the rate of 9.0 mills per kilowatt hour.

The Company requests that the requirements of prior notice be waived and that the effective date be made retroactive to September 1, 1975, adding that there would be no effect upon purchasers under other rate schedules.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-27928 Filed 10-16-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 9, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FPC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before November 4, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL POWER COMMISSION

The Federal Power Commission (FPC) requests an extension no change clearance to continue the use of FPC Form No. 3-P, Monthly Residential, Commercial and Industrial Electric Bill Data for BLS. EPC Form No. 3-P is used by the Commission to obtain monthly bills from electric utilities for transmittal to the Bureau of Labor Statistics, for use in computing the Consumer and Wholesale Price Indexes. These price indexes are the Government's official indicators of price movements and are widely used for measuring changes in the national economy. Form No. 3-P is filed monthly by approximately 129 electric utilities with a separate response for each of 174 communities throughout the United States and it is estimated that an average .2 hour will be required monthly per response.

The Federal Power Commission requests clearance of a new single-time reporting requirement, "1972-3 Residential Electric Bill Data for BLS" as a supplement to FPC Form No. 3-P. The new reporting requirement is being instituted at the request of the Bureau of Labor Statistics and is designed to develop detailed information on the number of residential customers and the aggregate revenues by kilowatt-hour use levels. This information is to be used by BLS to refine its weighting of residential electric power expenditures in the calculation of the Consumer Price Index and Wholesale Price Index. The new survey is to cover a select group of 129 electric utilities which now report monthly in FPC Form No. 3-P and it is estimated that an average of 2 hours will be required per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-2805 Filed 10-16-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR Temp. Reg. E-42]

ADP AND TELECOMMUNICATIONS REQUIREMENTS CHECKLIST

1. *Purpose.* This regulation simplifies the procurement process by consolidating agency certifications concerning compliance with privacy, budget, and certain other requirements into a single checklist.

2. *Effective date.* This regulation is effective on October 17, 1975.

3. *Expiration date.* This regulation expires March 31, 1976, unless sooner revised or superseded.

4. *Background.* The Privacy Act of 1974 requires reports on user systems and public notice of all systems of records. The Office of Management and Budget (OMB) Circular No. A-108 makes GSA responsible for revising ADP and telecommunications procurement policies to provide that agencies must review all proposed equipment and service procurements to ensure compliance with applicable provisions of the act. Operational experience with FPMR Temporary Regulation E-38 demonstrated a need for more explicit consideration of related funding and procurement policies. The checklist included as attachment A to this regulation has been developed to assist agencies by consolidating certification requirements into a single list.

5. *Requirements checklist.* Agencies must include with all proposed ADP and telecommunications equipment and service procurements the information described in attachment A before GSA can process the request.

6. *Effect on other issuances.* This regulation supplements requirements expressed in FPMR 101-32.203, 101-32.404, and 101-35.203. This checklist, however, is not all-inclusive of the applicable procurement and/or other requirements. Therefore, in addition to the checklist, agencies are obligated to comply with all applicable regulations.

7. *Agency comments.* Agency comments may be submitted to the General Services Administration (CP), Washington, DC 20405, no later than December 31, 1975.

8. *Information.* Information concerning this checklist may be obtained from:

General Services Administration (CP)
Washington, DC 20405.

Telephone IDS 183-7301; FTS 202 343-7301.

ARTHUR F. SAMPSON,
Administrator of General Services.

OCTOBER 7, 1975.

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ADP AND TELECOMMUNICATIONS REQUIREMENTS CHECKLIST

Date of request ..... Subject of request.....

	Yes	No	Not applicable
I. PRIVACY REQUIREMENTS			
(1) Equipment or services identified by this request will be used to maintain system of records, subject to the Privacy Act of 1974.	☐	☐	
(2) A report of new systems has been submitted to the Congress and OMB on ..... as required by OMB Circular No. A-108.	☐	☐	☐
(3) The notice requirements of the Privacy Act (5 U.S.C. 552a (e) (4)(D), (e) (11), and (f)) have been complied with.	☐	☐	☐
II. FUNDING REQUIREMENTS			
(1) Funding in the amount of $..... was ☐ explicitly/☐ implicitly included in the agency's fiscal year ..... budget request and the proposed procurement is consistent with OMB budget guidance and policy directives.	☐	☐	☐
III. OTHER REQUIREMENTS			
(1) A feasibility study required by FMC 74-6 was completed on .....:	☐	☐	☐
(2) A system study has been conducted as required by FPMR 101-32.11 for procurements which contain communications requirements.	☐	☐	☐
(3) The requirements of the ADP sharing program in FPMR 101-32.2 have been met.	☐	☐	☐

Documentation supporting the above certifications is retained in the agency's files.

Submitting department/agency Certifying official

NOTE.—Item II(1) is not applicable if procurement is under $50,000.
NOTE.—Item III(1) is not applicable if procurement is under $100,000 or if a lease is under $2,500/month.

[FR Doc.75-28008 Filed 10-16-75;8:45 am]

ARCHIVES ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given that the Archives Advisory Council shown below will meet at the time and place indicated. Anyone who is interested in attending or wants additional information should contact the person shown below.

Regional Archives Advisory Council—Region 9

Meeting dates: November 17–18, 1975.
Time: November 17: 9:00 a.m.–4:00 p.m.; November 18: 9:00 a.m.–1:00 p.m.
Place: Federal Archives and Records Center, 24000 Avila Road, Laguna Niguel, CA 92677.
Agenda: Archival Training, Bicentennial Symposia, Status of Archival Legislation, Reports on Archival Operations, National Archives Advisory Council Items.

For further information contact: Mr. Artel Ricks, NARS Regional Commissioner (GSA), 1000 Commodore Drive, San Bruno, CA 94066, 415–876–9015.

Issued in Washington, DC on October 7, 1975.

JAMES B. RHOADS,
Archivist of the United States.

[FR Doc.75–28006 Filed 10-16-75;8:45 a.m.]

[FPMR Temp. Reg. F-358]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an intrastate rate proceeding.

2. *Effective date.* This regulation is effective September 26, 1975.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Arkansas Public Service Commission (Docket No. U5649) involving the application of Arkansas Power and Light Company for general increases in its electrical rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

OCTOBER 7, 1975.

[FR Doc.75–28007 Filed 10-16-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[75–81]

APPLICATIONS STEERING COMMITTEE, AD HOC ADVISORY SUBCOMMITTEE FOR EVALUATION OF THE APPLICATIONS EXPLORER MISSIONS-A/HEAT CAPACITY MAPPING MISSION PROPOSALS

Date and Place of Meeting

The Applications Steering Committee, ad hoc Advisory Subcommittee for Evaluation of the Applications Explorer Missions-A/Heat Capacity Mapping Mission Proposals will meet on November 3 through 7, 1975, at the Goddard Space Flight Center, Greenbelt, Maryland 20771, Building 16, Rooms 24, 101, and 242. The meeting will be closed to the public because the Subcommittee panels will be discussing and appraising proposers and individuals involved. The ad hoc Subcommittee panels will assist NASA in evaluating proposals for scientific analysis of satellite acquired thermal data. Discussion of the professional qualifications of the proposers and their potential scientific contributions to the Heat Capacity Mapping Mission would invade the privacy of the proposers and the other individuals involved. Since the ad hoc Subcommittee sessions will be concerned throughout with matters listed in 5 USC 552(b)(6), it has been determined that the session be closed to the public.

Currently, the ad hoc Subcommittee comprises 26 members and an Executive Secretary, Mr. Locke Stuart, who can be contacted for further information at (301) 982–5770.

The following is the approved agenda and schedule for the November 3 through 7, 1975, meeting of the Applications Steering Committee, ad hoc Advisory Subcommittee for Evaluation of the Applications Explorer Missions-A/Heat Capacity Mapping Mission Proposals:

November 3, 1975

8:30 a.m.–12 noon—Orientation and guidelines for the evaluation and categorizing of proposals.
12:30 p.m.–5 p.m.—Subcommittee Proposal Evaluation.

November 4 and 5, 1975

8:30 a.m.–5 p.m.—Subcommittee Proposal Evaluation.

November 6, 1975

8:30 a.m.–12 noon—Preparation of Subcommittee Evaluation documentation.
12:30 p.m.–5 p.m.—Evaluation progress to be discussed with the Chairman; review and finalize minutes of panels.

November 7, 1975

8:30 a.m.–5 p.m.—The full ad hoc Subcommittee will meet and review the recommendations of each panel and establish order of priority for recommended proposals.
5 p.m.—Adjourn.

DUWARD L. CROW,
Associate Deputy Administrator.

OCTOBER 10, 1975.

[FR Doc.75–27947 Filed 10-16-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR MOLECULAR BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Molecular Biology.
Date: November 3 and 4, 1975.
Time: 9 a.m. each day.
Place: Rm. 321, National Science Foundation, 1800 G Street, NW., Washington, D.C.
Type of Meeting: Closed.
Contact Person: Dr. Walter Bonner, Program Director for Biochemistry, Rm. 320, National Science Foundation, Washington, D.C. 20550, telephone 202/632–4260.
Purpose of Panel: To provide advice and recommendations concerning support for research in molecular biology.
Agenda: To review and evaluate research proposals that have been assigned to the Molecular Biology Program.
Reason for Closing: The proposals being reviewed contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (6), and (6).
Authority to Close Meeting: The Director of the National Science Foundation's determination dated February 21, 1975, pursuant to the provisions of Section 10(d) of P.L. 92–463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

OCTOBER 14, 1975.

[FR Doc.75–27948 Filed 10-16-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–293]

BOSTON EDISON CO.

Notice of Proposed Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–35 issued to Boston Edison Company (the licensee) for operation of Unit 1 of the Pilgrim Nuclear Power Station (the facility), a boiling water reactor located near Plymouth, Massachusetts.

In accordance with the licensee's application for a license amendment dated July 9, 1975, the amendment would modify operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR Section 50.46. The amendment would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to the facility, terminate the further restrictions imposed by the Commission's December 27, 1974 Order for Modification of License, and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR Section 50.46. The amendment would also revise the Technical Specifications to permit operation of the facility using operating limits based on the General Electric Thermal Analysis Basis (GETAB).

By November 17, 1975 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Dale G. Stoodley, Counsel, Boston Edison Company, 800 Boylston Street, Boston, Massachusetts 02199, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the application for amendment dated July 9, 1975, (2) the Commission's Order for Modification of License and the documents referred to in the Order dated December 27, 1974, published in the FEDERAL REGISTER on January 9, 1975 (40 FR 1757), (3) the nonproprietary General Electric Report NEDO–10958 on GETAB, and (4) the Commission's evaluation dated September 1974 of the General Electric Report (NEDO–10958), which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 10th day of October, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75–28087 Filed 10-16-75;8:45 am]

[Docket No. 50–29]

YANKEE ATOMIC ELECTRIC CO. (YANKEE-ROWE)

Notice of Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR–3 issued to Yankee Atomic Electric Company (the licensee) for operation of the Yankee Nuclear Power Station (the facility), a pressurized-water reactor located in Rowe, Massachusetts, and currently authorized for operation at power levels up to 600 MWt.

In accordance with the licensee's application for a license amendment dated October 10, 1975, the amendment would modify operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR § 50.46. The amendment would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to the Yankee Nuclear Power Station, terminate the further restrictions imposed by the Commission's December 27, 1974 Order for Modification of License, and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR § 50.46.

In addition, the amendment would revise provisions in the Technical Specifications in accordance with the licensee's application for license amendment dated July 14, 1975, related to the replacement of 40 of the 76 fuel assemblies in the Yankee-Rowe core with fuel assemblies of a different design, constituting refueling of the core for operation with Core XII.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By November 17, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and § 2.714, and must be filed with the Secretary of the Com-

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mission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Frederic Greenmond, Esquire, New England Electric System, 20 Turnpike Road, Westboro, Massachusetts 01581, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the application for amendment dated July 14 and October 10, 1975, and (2) the Commission's Order for Modification of License and the documents referred to in the Order dated December 27, 1974 [published in the FEDERAL REGISTER on January 9, 1975 (40 FR 1782)], which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Greenfield Public Library, 402 Main Street, Greenfield, Massachusetts. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 15th day of October 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-28185 Filed 10-16-75;9:49 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 14, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of Census:

Import questionnaire, export questionnaire: Pretest of survey of domestic and international transportation of U.S. foreign trade: 1976—bulk commodities, single-time, exporters and importers or bulk commodities, Strasser, A., 395-5867.

Reconciliation Worksheet — 1975 Rural Listing Test Part of 1980 Decennial Census of Population and Housing, DA-106, single-time, selected households, Marsha Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development:

Survey of national information sources on the handicapped, single-time, private organizations, Dick Eisinger, 395-6140.

Food and Drug Administration: Protein Electrophoresis and Immunoglobulin Data and Information Form, FD-2600-A, single-time, licensed manufacturers of source plasma (human), Lowry, R. L., 395-3772.

DEPARTMENT OF LABOR

Bureau of International Labor Affairs: Questionnaire for Growers of Cigar Wrapper Tobacco, ILAB-35, single-time, growers of cigar wrapper tobacco, Harry B. Sheftel.

Occupational Safety and Health Administration: Readership Survey: Job Safety and Health, OSHA 85, single-time, individuals, Caywood, D. P., 395-3443.

REVISIONS

VETERANS ADMINISTRATION

Application for Automobile or Other Conveyance and Adaptive Equipment, 21-4502, on occasion, veterans and service persons, Caywood, D. P., 395-3443.

Statement of Accredited Representative in Appealed Case, 1-646, on occasion, accredited representatives of service organizations, Caywood, D. P., 395-3443.

Request for Organizational Data From Builder, FL26-312, on occasion, builders, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: A National Survey of Inactive Physicians, HRO 0903, single-time, inactive physicians, Caywood, D. P., 395-3443.

National Institutes of Health: Breast Cancer Detection Demonstration Project, OSNIH CA-1, other (see SP-83), women screences, aged 35-75, Dick Eisinger, 395-6140.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration: Alternative surveillance concepts and methods for freeway incident management (statement of work), single-time, Strasser, A., 395-5867.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-28143 Filed 10-16-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11714; File No. SR-Amex-75-2]

AMERICAN STOCK EXCHANGE, INC.

Filing of Proposed Rule Change and Order Declaring Rule Change Effective

Notice is hereby given that the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, New York 10006, a national securities exchange registered with the Commission pursuant to Section 6 of the Securities Exchange Act of 1934 (the "Act"), filed with the Commission pursuant to Subsection 19 (b)(1) of the Act a proposed amendment to its Rule 952 which would raise from $2.00 to $3.00 the price under which options may be traded on that exchange in sixteenths. Such options are presently traded in eighths. The purpose of the rule is to permit tighter markets and greater price flexibility in these options.

Amex's Rule 952 has been amended as follows (Brackets indicate words to be deleted and italics indicate words to be added.):

Rule 952. The minimum fractional change for dealings on the Exchange in option contracts shall be one-eighth point in option contracts trading at ($2.00) *$3.00* per share per option or higher, and one-sixteenth point in option contracts under ($2.00) *$3.00* per share per option. However, different minimum fractional changes for dealings in option contracts may be fixed by the Exchange from time to time for option contracts of a particular series.

The Commission finds good cause for approving the amendment before the thirtieth day after publication of the filing because (1) the regulatory and policy issues involved are substantially the same as those raised by a similar change in the CBOE's rules which was published in the FEDERAL REGISTER at 40 FR 15015 (April 4, 1975) and 40 FR 17355 (April 18, 1975), (2) the effectiveness of Amex's amendment has been delayed by the necessity of refiling under recently adopted Rule 19b-4, and (3) the Commission is not aware of any substantial reason to treat Amex differently than CBOE in this matter, and (4) the amendment will help eliminate confusion arising from the difference in CBOE and Amex rules.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the amendment to Amex Rule 952 be, and the same hereby is, approved.

Interested persons are invited to submit written data, views and arguments concerning this submission on or before

November 21, 1975. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-Amex-75-2.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 7, 1975.

[FR Doc.75-28001 Filed 10-16-75;8:45 am]

[Release No. 34-11717; File No. SR-BSE-75-1]

BOSTON STOCK EXCHANGE

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 15, 1975 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change Chapter XVIII Section 1 of the Rules [Bracketed language deleted]

Acts inconsistent with good order and decorum on the Floor of the Exchange are prohibited and may be punished by a fine [not in excess of fifty dollars] for each offense or, by a two-thirds vote of all existing members of the Board of Governors, by suspension for up to sixty days. Members will be held responsible for the conduct of their employees.

STATEMENT OF BASIS AND PURPOSE

Purpose of the proposed rule change. The purpose of the rule change is to delete the stated maximum amount of a fine which can be imposed for acts inconsistent with good order and decorum on the Floor of the Exchange, so that the disciplinary authority may, when appropriate, impose a more meaningful fine for violations.

Comments received from members, participants or others on proposed rule change. No comments were solicited or received.

On or before November 21, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 17, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 8, 1975.

[FR Doc.75-27985 Filed 10-16-75;8:45 am]

[Release No. 34-11720; File No. SR-CBOE-1975-4]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 3, 1975 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

This filing is made in respect of the request by the Chicago Board Options Exchange, Incorporated ("CBOE") to be granted permission to expand the number of underlying stocks on which it could approve call options for CBOE trading from the current number of 80 to between 90 and 100 as soon as possible. This filing should be viewed as a request for approval of a near-term expansion program, recognizing that the CBOE's longer term expansion plans, i.e. first half of 1976 and beyond, will be fully formulated within a short time and will thereafter be submitted to the Securities and Exchange Commission for approval. In order that interested persons may be afforded an opportunity for formal notice of and to comment on its request, CBOE hereby elects pursuant to clause (ii) of paragraph (a) of Rule 19b-4 to treat its request for expansion of stocks underlying call options traded on CBOE as a "proposed rule change" under said Rule and to file such proposed rule change in accordance with the provisions of Section 19(b)(2) of the Securities Exchange Act of 1934, as amended.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change will enable the CBOE to engage in a limited expansion of the number of underlying stocks on CBOE call options from the current number of 80 up to 100.

CBOE believes it consistent with the protection of investors and the public interest that it be permitted to modestly increase the number of underlying stocks whose call options it trades. The CBOE's current, as well as its projected near-term, capabilities in the areas of communication systems, floor facilities and regulation are, and will be, more than sufficient to accommodate the increased volume of trading which would result from the approval of from 10 to 20 additional option classes.

In that regard, since May, 1975 CBOE has greatly improved its data collection and input capabilities with respect to its dissemination of last sale information. In addition, within the last few months, the CBOE has resumed its quote reporting activities.

With regard to the CBOE's physical facilities, expansionary construction has now been in progress for the past few months and will result within a month in an increase of trading posts and member firm floor facilities support booths.

With regard to CBOE's regulatory capability, the CBOE's Department of Compliance and Department of Trading Procedures, although presently adequately staffed and operating efficiently, have recently expanded the number of experienced and highly educated people on their respective staffs.

The granting of this request for an increase, as soon as possible, in the number of options classes traded on the CBOE would permit the CBOE to utilize some of its present excess capacity in the areas mentioned above on a short-term basis, while it completes its longer-range plans for future expansion in the number of call option classes as well as other types of options contracts traded on the CBOE.

Comments were not, and are not intended to be, solicited with respect to the proposed rule change.

CBOE believes that no burden on competition will be imposed by permitting CBOE to increase the number of underlying stocks on which it lists call options.

On or before November 21, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-men-

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tioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 17, 1975.

For the Commission by the Division of Market Regulation, pursuant to the delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 9, 1975.

[FR Doc.75-28003 Filed 10-16-75;8:45 am]

[Release No. 34-11722; File No. SR—NYSE-75-4]

NEW YORK STOCK EXCHANGE, INC.

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 7, 1975 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes (amendments to New York Stock Exchange Constitution) to change the present composition of its Board of Directors from 10 members who are representative of the industry, 10 members who are representative of the public and the Chairman of the Board to 14 members who are representative of the industry, 10 members who are representative of the public and the Chairman. The proposed rule changes would also lessen the qualifications for industry representatives to be eligible for election to the Board.

While the Board of Directors is obliged to file the proposed amendments with the Commission, it opposes approval of the amendments as being inimical to: (1) the public interest, (2) the interests of investors, (3) the interests of the members of the New York Stock Exchange, Inc., and (4) the interests of the Exchange as an institution.

Purpose of proposed rule change.—The proposed rule change if approved by the Commission would significantly alter the present composition of the Board of Directors of the Exchange. The amendments would:

(a) *increase* the number of Directors elected by the members of the Exchange from the present requirement of 20 to 24. The additional four Directors must be members or allied members of the Exchange;

(b) *change* the existing eligibility requirement that a member or allied member associated with a member corporation be *both* a principal executive officer *and* a director of the member corporation to provide that the member or allied member need be only a principal executive officer *or* a director of the member corporation;

(c) *preserve* the requirement that at least two members of the entire Board be specialists who spend a substantial part of their time on the Floor, but *change* the present limitation that not more than three members of the entire Board shall spend a substantial part of their time on the Floor to a *mandatory* requirement that five members of the entire Board spend a substantial part of their time on the Floor;

(d) *alter* the circumstances for the disqualification of a director because of his change of status; (a) i.e., if he has ceased to be a principal executive officer *and* a director of a member corporation—to provide that the disqualification would not apply if the director remains either as a principal executive officer *or* a director of a member corporation; and (b) to provide that a director shall not be disqualified if he commences spending a substantial part of his time on the Floor unless as a result thereof more than five directors would then be spending a substantial part of their time on the Floor;

(e) *alter* the requirements of the Nominating Committee to provide that up to four members of that Committee may each be either a principal executive officer *or* a director of a member corporation and need no longer be both a principal executive officer *and* a director of a corporation.

The proposed rule change would also add a new Article XXII to the Exchange Constitution. This Article consists of six separate sections which prescribe the procedures under which the four additional directorships created by the proposed rule change would be filled. They provide that—

(a) a special election will be held within sixty days after the adoption of the proposed rule change.

(b) the Nominating Committee is to be convened and hold meetings to receive suggestions for nominations and for the purpose of nominating candidates to fill the vacancies, and

(c) nominations may be made by petition of the members and that the election procedures presently contained in the Constitution would be applied to the Special Election which would be held pursuant to the proposed rule change if approved.

Basis under the Act for Proposed Rule Change—State the basis under the Act for adopting the proposed rule change.—The Board of Directors has repeatedly stated its opposition to the proposed rule change. It is nonetheless obliged under the Exchange Constitution and in accordance with the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934, to file the proposed rule change with the Commission. In so doing however, the Board of Directors of the New York Stock Exchange strongly urges the Commission to disapprove the proposed rule change.

The Board of Directors of the Exchange does not believe that any of the items specified in Item 4(a) of Form 19-b-4A are applicable to the proposed rule change being filed herewith, except that the Board calls the Commission's attention to Item 4(a)(v)(E) which speaks of *"protection . . . of the public interest"*, which is relevant to the reasons behind the Board's opposition to the proposed rule change.

The proposed rule change would alter the present balance of the Board represented by an equal number of industry and public directors by increasing the number of industry directors by 40%. There does not appear to be any objective standard which can be applied to justify this change. The existing balanced concept resulted from the recommendation made by William McChesney Martin in his Report dated August 5, 1971 and from the recommendations made by the Committee on Exchange Reorganization in its Report dated December 29, 1971. The objective of a balanced Board as stated in the Martin Report was:

> To create an organization which, through the public representation on its governing board and the authority and independence of its management, will strengthen self-regulation and answer the prevalent criticism that member firms of the New York Stock Exchange cannot be expected to discipline themselves. (Martin Report, page 5)

The record of the Board as presently structured demonstrates that it has promoted the welfare objectives and purposes of the Exchange (a duty with which the Board is charged under Article III, Sec. 1 of the Exchange Constitution) and that it has discharged its public responsibilities in a manner consistent with the best interests of public investors, listed companies, and members of the exchange. In discharging these responsibilities it is significant that no vote of the Board has been divided along industry and public member lines.

The Board believes there is no basis for the Commission to approve the proposed rule change which would alter the present structure. The issue that is raised for the Commission is one of justification, for approving the increase in the number of industry directors over the number of public directors, thereby running the risk of diminishing the influence of the latter group. Such approval would provide a Board whose deliberations could result in possible potential conflict of interest to the detriment of public investors, listed companies and members of the Exchange.

The proposed rule change would also alter the stated qualifications for directors who are associated with member corporations of the Exchange by eliminating the present requirement that each such director be both "a principal executive officer *and* a director of a member corporation". The present requirement was recommended by the Exchange's "Committee on Exchange Reorganization", headed by Director Cornelius Owens, which stated its reasons in the Committee's December 29, 1971, Report as follows:

> The Committee recommends that members of the Board of Directors who come from the New York Stock Exchange member organizations (industry directors) should be the principal executives of their member organizations. To accomplish this, we have set forth as a qualification for an industry director that he be either a principal officer and director of a member corporation or a member of the managing committee of a member partnership or a sole proprietor. We

> are attempting to obtain for the new Board the decision makers, the men who occupy positions of leadership in their own firms.

This requirement is consistent with the recommendations made by Mr. William McChesney Martin in his August 5, 1971, Report to the then Board of Governors of the Exchange in which he outlined the objectives of the reorganization of the Exchange. One of these objectives was:

> To permit and encourage the principal officers and partners within the member firms to serve on the governing board without respect to business background, e.g., the floor, the back office or the New York metropolitan area.

The Board of the New York Stock Exchange has previously considered a not dissimilar proposal which would have eliminated the dual qualification requirement as to a certain class of industry director, so that members of that class would not have been required to be both a principal executive officer and a director of a member corporation. After discussion of that proposal at its meeting of September 6, 1973, the Board deferred action on the proposal for a period of one year. That proposal was again reviewed by the Board at its meeting of September 12, 1974 and was at that time rejected by a unanimous vote of the Board as constituting an undesirable change in the make-up and structure of the Board.

It is also significant that the high qualification standards for industry directors now required by the Constitution of the New York Stock Exchange are incorporated in the Constitution of the American Stock Exchange.

No rationale has been provided in support of the proposed amendments which justifies altering the existing high qualification standards.

The present Board believes that the concepts of a balanced Board and high qualification standards promulgated in the Martin Report, recommended by the Committee on Exchange Reorganization and overwhelmingly approved by the membership in 1972 by a vote of 852 to 109 in favor of the reorganization amendments, has served the Exchange and its members well in a period of intense stress and change. The wise counsel of the public representatives has contributed immeasurably to the decision-making processes of the Board and has provided new credibility with the investing public and with regulatory bodies in Washington.

For these reasons the Board of Directors of the Exchange urges the Commission to disapprove the proposed rule change.

Comments Received From Members, Participants or Others on Proposed Rule Change.—If comments were received from members of or participants in the self-regulatory organization or others, summarize the substance of all comments received. If comments were not or are not to be solicited, so state.

Comments were not solicited; however, written comments were received from: (a) Robert C. Gunness, a public director of the Exchange; (b) William M. Batten, a public director of the Exchange both of whom oppose the proposed rule change; (c) Ray Garrett, Jr., Chairman, Securities and Exchange Commission; and (d) Harry M. Jacobson, President of the Association for the Preservation of the Auction Market and a member of the Exchange who supports the proposed rule change. A copy of each of these comments is attached—excerpts from each are as follows:

(1) Letter dated August 22, 1975 from Robert C. Gunness—

> The Board has on two occasions gone on record as opposing the change as not being in the best interest of the Exchange, the industry, or the public. I see nothing which has come forward to change this view and am therefore in favor of forwarding the matter to the SEC with the recommendation that the Constitutional amendment be disapproved.
>
> In my opinion, the only viewpoint that would support a contrary action is to narrowly interpret the responsibilities of the Board as being limited to representing the desires of the membership of the Exchange. In such an event, the Board should be directly responsive to the membership vote. I do not interpret the Board's responsibilities as being so narrowly defined. In fact, were its responsibilities to be so defined no purpose would be served by any public representation on the Board and, in my opinion, all public members should resign from the Board.

(2) Letter dated August 28, 1975 from William M. Batten—

> The events since the inception of the new type of Board have, in my opinion, tended to confirm the validity of the rationale for establishing it. After the usual amount of time required to get organized, become more familiar with the major issues and gain a greater understanding of the securities industry and the operation of the New York Stock Exchange, the Board has, in my opinion, acted decisively and on the basis of weighing carefully the respective interests of the Exchange, its members and the public. This is particularly significant, I think, because the new Board came into being at a very significant time when many forces—legislative and otherwise—were bringing to bear very great pressures on the industry. Even so, the decisions made by the Board have not been made on a narrow, self interest basis and at no time has a vote of the Board divided along industry and public member lines. In fact, each member of the Board, regardless of his label, "securities industry" or "public", has acted as a responsible member of the Board trying diligently to consider all viewpoints. The diversity and balance of viewpoints has, in my opinion, been helpful to and in the best interest of the Exchange, its members and the public.

(3) Letter dated July 29, 1975 from Ray Garrett, Jr.—

> At the outset, it should be noted that the underlying rationale for this rule proposal is an important factor warranting the Exchange's attention, and ours, under the recent amendments to the Securities Exchange Act. While such a proposal may have a number of appropriate bases, both the Exchange and the Commission are under an obligation to ensure that the proposal is not being suggested, or would not otherwise operate, to effect purposes that are inconsistent with the Securities Exchange Act, including the recently restated goals of that Act. Thus, for example, whatever purposes might have generated the proposal, if it would likely impose undue burdens on competition, or otherwise operate to deter the development of a national market system, this Commission could not approve the rule.
>
> On a more pragmatic plane, it is apparent that the present composition of the Exchange's board of directors, as established in 1972 on the recommendation of William McChesney Martin, has been an important contributing factor in the significant role the New York Stock Exchange has played in all market developments since that time. I believe that the diligence and concern of your public members have contributed significantly to the acceptance of your Exchange as an important public institution, and not merely a parochial group of persons seeking only their self-interest. It is clear in my mind that this stature was instrumental in persuading the Congress not to adopt certain measures that I am sure many of your members would have strongly opposed.
>
> Under the mandate and with broad Commission authority and responsibility embodied in the Securities Acts Amendments of 1975, we must now work toward the establishment of a national market system as contemplated by the Congress. The New York Stock Exchange should play an important role in this process. But the degree and nature of the role it will play, the attention given its views, and ultimately the responsibilities it is permitted to assume, will reflect the extent to which the Exchange appears to be governed by considerations of the public interest, rather than by considerations of private and local benefit.

(4) Letter dated May 9, 1975 from Harry M. Jacobson—

> In addition to increasing the technical expertise available to the Board, the proposed amendments will also make the Board more responsive to and representative of the needs of the members of the New York Stock Exchange. Under the present structure, not more than three and sometimes only two directors are selected from Exchange members working on the trading floor. However, our recent survey showed that over one-half of the Exchange members work on the trading floor and vote their own membership.

Burden on Competition

Explain any burden on competition to be imposed by any proposed rule change. Set forth the basis on which the self-regulatory organization has concluded that any burden on competition imposed by the proposed rule change is necessary or appropriate in furtherance of the purposes of the Act. In that connection, respond to comments as to burdens on competition perceived by members, participants or others who comment on the proposed rule change to the self-regulatory organization.

No burden on competition is imposed by the proposed rule change.

On or before November 21, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

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(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 11, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 9, 1975.

[FR Doc.75-27986 Filed 10-16-75;8:45 am]

[Release No. 34-11715; File No. SR-PSE-75-3]

PACIFIC STOCK EXCHANGE INC.

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 3, 1975 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The rule change consists of interface agreements between Pacific Securities Depository Trust Company ("PSDTC") and Depository Trust Company ("DTC") and between PSDTC and Midwest Securities Trust Company ("MSTC"). The two agreements are substantially identical.

The terms of substance of the interface agreements are as follows:

1. PSDTC makes another depository (DTC or MSTC) custodian with respect to certain securities held by PSDTC, and the custodian agrees to promptly deliver any such securities to PSDTC, without asserting any lien against such securities.

2. PSDTC warrants to the custodian that it has authority to enter into the agreement with the custodian and deliver the securities to the custodian.

3. PSDTC agrees to indemnify the custodian against losses incurred as a result of following the instructions of PSDTC, and the custodian agrees that its liability with respect to securities deposited with it by PSDTC will be the same as its liability with respect to securities deposited with it by other depositors.

4. PSDTC agrees to pay such fees as are mutually agreed upon by both parties.

5. The agreements continue until terminated by mutual agreement, or terminated by either party on not less than sixty days written notice to the other.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed change is to permit the inter-linking of PSDTC with DTC and MSTC to effect a national depository system in accordance with the Securities Acts Amendments of 1975.

The proposed change, by establishing a national depository system, substantially improves the ability of any registered broker, dealer or bank to effect bookkeeping movements of securities between San Francisco-Los Angeles and New York and Chicago, thereby reducing the necessity for physical handling of securities certificates.

This, in turn, facilitates the prompt and accurate clearance and settlement of securities transactions and is a major step in removal of impediments to and perfection of the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

Comments were not solicited and were not received.

The proposed change will not impose any burden on competition. Rather, the proposed change will encourage competition. By establishment of a nationwide system for movement of securities by bookkeeping entry, the ability of any broker-dealer to clear and settle trades anywhere in the country will be enhanced and geographical barriers to competition will be minimized.

On or before November 21, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within three weeks after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 8, 1975.

[FR Doc.75-28002 Filed 10-16-75;8:45 am]

[Release No. 34-11724; File No. SR-PSE-75-4]

PACIFIC STOCK EXCHANGE INC.

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 7, 1975 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed change establishes a satellite facility in Seattle, Washington for handling securities receipts and deliveries for local brokers and banks for processing at the San Francisco and Los Angeles offices of Pacific Securities Depository Trust Company ("PSD") and Pacific Clearing Corporation ("PCC").

Pursuant to the establishment of the satellite facility, participants in the Seattle, Washington and Portland, Oregon area could:

1. Use the facility to make deliveries to and obtain receipts of securities from PSD and PCC;

2. Input forms for bookkeeping movements of securities in connection with clearance and settlement of securities; and

3. Become linked with other clearing corporations and depositories by means of interfaces available through PSD and PCC.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the Seattle facility is to provide access for broker-dealers, banks and other qualified users in the Seattle area to the depository and clearing operations of PSD and PCC.

The Seattle facility increases the capacity of PSD and PCC to facilitate prompt and accurate clearance and settlement of securities transactions for a broader group of broker-dealers; increases the ability of broker-dealers and other qualified users outside of the San Francisco and Los Angeles area to become participants in the clearing and depository operations of PCC and PSD; and, by making clearing and depository services available in Seattle, helps perfect the mechanism for a national system for the prompt and accurate clearance and settlement of securities transactions.

Comments were not solicited from participants. PSD and PCC officials did, however, hold meetings in Seattle, Washington and Portland, Oregon to determine the interest of firms in those cities in the Seattle Facility. At these meetings several broker-dealers and banks commented that they believed such a facility was needed and that they would expect to use it.

The Seattle facility will not impose any burden on competition. Rather, the facility will encourage competition. It will do this by making available to firms in the Northwest region clearing and settlement methods not previously economically feasible for such firms. These firms will thus be better able to compete for business with larger firms headquartered in the nation's money centers.

On or before November 21, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or (B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 3 weeks after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 10, 1975.

[FR Doc.75-28027 Filed 10-16-75;8:45 am]

[Release No. 34-11718 File No. SR-PBWSE-75-3]

PBW STOCK EXCHANGE, INC.

Filing of Proposed Rule Change and Order Declaring Rule Change Effective

Notice is hereby given that the PBW Stock Exchange, Inc ("PBW"), 17th Street and Stock Exchange Place, Philadelphia, Pennsylvania 19103, a national securities exchange registered with the Commission pursuant to Section 6 of the Securities Exchange Act of 1934 (the "Act"), filed with the Commission pursuant to Subsection 19(b)(1) of the Act a proposed amendment to its Rule 1037 which would raise from $2.00 to $3.00 the price under which options may be traded on that exchange in sixteenths. Such options are presently traded in eighths. The purpose of the rule is to permit tighter markets and greater price flexibility in these options.

The text of PBW's Rule 1037 is as follows (Brackets indicate words to be deleted and italics indicate words to be added.):

Rule 1037: The minimum fractional change for dealings on the Exchange in option contracts shall be one-eighth point in option contracts trading at ($2.00) *$3.00* per share per option or higher, and one-sixteenth point in option contracts under ($2.00) *$3.00* per share per option. However, different minimum fractional changes for dealings in option contracts may be fixed by the Exchange from time to time for option contracts of a particular series.

The Commission finds good cause for approving the amendment before the thirtieth day after publication of the filing because (1) the regulatory and policy issues involved are substantially the same as those raised by a similar change in the CBOE's rules which was published in the FEDERAL REGISTER at 40 FR 15015 (April 4, 1975) and 40 FR 17355 (April 18, 1975), and (2) the Commission is not aware of any substantial reason to treat PBW differently than CBOE in this matter, and (3) the amendment will help eliminate confusion arising from the difference in CBOE and PBW rules.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the amendment to PBW Rule 1037 be, and the same hereby is, approved.

Interested persons are invited to submit written data, views and arguments concerning this submission on or before November 21, 1975. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-PBWSE-75-3.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 8, 1975.

[FR Doc.75-27995 Filed 10-16-75;8:45 am]

[Release No. 34-11706; File No. S7-592]

STREET NAME STUDY

Solicitation of Comments

The Securities and Exchange Commission requests interested persons to submit views, data and arguments on issues to be considered in connection with the "Street Name Study" mandated by the Securities Acts Amendments of 1975 ("1975 Amendments").[1]

Section 12(m) of the Securities Exchange Act of 1934 (the "Act") directs the Commission to undertake a study and investigation of the practice of recording the ownership of securities in the records of the issuer in other than the name of the beneficial owner of such securities and to determine (1) whether such practice is consistent with the purposes of the Act with particular reference to Sections 12(g), 13, 14, 15(d), 16, and 17A of the Act[2] and (2) whether steps can be taken to facilitate communications between issuers and the beneficial owners of their securities while at the same time retaining the benefits of such practice. The Commission is directed to report to Congress its preliminary findings by December 4, 1975, and its final conclusions and recommendations by June 4, 1976.

The practice of recording stock ownership in other than the name of the beneficial owner entails the use of "street" and "nominee" names.

"Street name" is a term used by the securities industry to denote stock registered in the name of a brokerage firm or its nominee. Such stock frequently belongs to customers of the firm but is held by the brokerage firm in its own name for several reasons—principally the fact that such registration facilitates trading by the customer and completion of the transaction by the broker-dealer.[3] For example, when a customer wishes to sell stock held by his broker and registered in street name, the customer need only notify the broker. The need for delivery by the customer to his broker of

[1] P. L. 94-29 (June 4, 1975).

[2] Section 12(g) in general requires registration of any class of equity security (other than an exempted security) of certain issuers which have more than $1 million in total assets if the security is held of record by more than 500 persons; Section 13 requires the filing of certain reports by issuers and certain owners of securities registered pursuant to Section 12 and limits purchases by an issuer of its own securities where the securites are registered under Section 12; Section 14 relates to proxies; Section 15(d) requires issuers which have filed a registration statement pursuant to the Securities Act of 1933 to comply with the reporting requirements of Section 13 if the security to which the registration statement relates is held of record by more than 300 persons but is not registered pursuant to Section 12; Section 16 requires reports from and places certain trading restrictions on officers, directors and specified principal stockholders of issuers which have a security registered pursuant to Section 12; and Section 17A directs the Commission, among other things, to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of securities transactions.

[3] In addition, customers who purchase securities on margin must leave the shares with the broker-dealer who extends the margin credit. Such shares normally are registered in street name.

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the certificates and the execution of a signature guarantee and stock power to authorize transfer are eliminated. Moreover, in many circumstances delivery by one broker to another broker of stock registered in street name and endorsed in blank constitutes "good delivery".[4] The transaction completion process is facilitated because the buying broker will accept from the selling broker securities registered in street name and endorsed in necessarily the selling broker's street name) and the buying broker-dealer may in turn redeliver such securities to another broker-dealer in each case without the need to effect transfer of record ownership prior to delivery. Thus numerous routine transfers are eliminated.

"Nominee name" reflects arrangements used principally by institutional investors (insurance companies and investment companies, among others) and financial agents (banks and trust companies) for the registration of securities held by them for their own account or the account of customers. In most instances the nominee is a partnership formed solely for the purpose of acting as the record holder of the securities.[5] While nominee name certificates are not generally "good delivery" between brokers, the institution can, through the use of a nominee name arrangement, more regularly and efficiently transfer its certificates to complete a sale.[6] If a certificate is not registered in a nominee arrangement, transfer agents may require proof of authority which they would not otherwise require.

More recently nominee name arrangements have been used by clearing agencies[7] and particularly securities depositories which hold stock on behalf of their participants (broker-dealers, institutional investors and financial agents) for the purpose of permitting those participants to effect the settlement of transactions and the transfer or pledge of securities among themselves by book entry and without physical delivery of certificates. Since the late 1960's the performance of transaction completion functions by clearing agencies has been facilitated further through the increased use of automation.

DISCUSSION

The benefits to the financial community of nominee and street name registration—the avoidance of multiple routine transfers, the significant economies of the book-entry depository, and the decrease in the level of fails[8] which occurs when clearing agencies are used to complete transactions—contribute to faster transaction processing and lower cost. Furthermore, the use of street or nominee arrangements facilitates the transfers of record ownership which do occur. Reviewing the last five years in the securities industry, it appears that the methods of clearance and settlement which have developed have substantially alleviated the "back office" problems endemic in the late 1960's and that it would be difficult for the securities industry to handle periods of heavy volume through present processing systems without the use of street or nominee names.

Nevertheless, the use of street and nominee names has serious drawbacks. It places one or more layers between issuers and the beneficial owners of their stock[9] which may make issuer-shareholder communications more difficult and expensive.[10] The street or nominee names reflected on the issuer's books as owners of record are not the beneficial owners, that is the persons entitled to receive dividends, vote on matters presented to stockholders, dispose of the stock or otherwise exercise the prerogatives of ownership. If the record owner is not the beneficial owner, the issuer cannot contact the beneficial owner directly, nor can the beneficial owner directly exercise the prerogatives or receive the benefits of ownership. Both must act through one or more intermediaries—the brokerage firm or financial agent, and perhaps the depository.

Issuers assert that such intermediaries impede the communications process so that beneficial owners do not receive proxy and information statements or other mailings in a timely manner.[11] Furthermore, issuers suggest they are entitled to a communications system that does not depend on intermediaries but rather enables issuers to communicate with their shareowners directly and thus, for example, react more effectively to adverse tender offers by bringing management's position before the shareholders more quickly or perhaps by making personal contact.[12] Beneficial owners who leave their holdings in street or nominee name with their broker also assert that proxy or other mailings are sometimes unnecessarily delayed.[13]

The Commission has attempted in the past to measure the parameters of this problem. In Securities Exchange Act Release No. 11243 (Feb. 13, 1975) (40 FR 7508), the Commission requested issuers, brokers, banks, proxy soliciting agents, and the public to report to the Commission or to the appropriate securities exchange or the National Association of Securities Dealers, Inc. (with a copy to the Commission), any specific problems encountered in the issuer-shareholder communications process, including specific instances where participants in the process appeared to impede the timely flow of material and any complaint which an issuer or broker received from a beneficial owner. There were very few responses to this request for information, however. In late 1974 the Commission held a public investigatory hearing which among other things considered the issuer-shareholder communications problem. As a result, the Commission has proposed a rule to help improve the current communications process.[14]

The Commission (and Congress through its mandate to the Commission) believes it is appropriate to explore further the scope of the problem created by the use of street and nominee names primarily to determine whether the existing communication process can be further improved by rulemaking or

[4] "Good delivery" means the certificates are in a form and have such documentation attached that the buying broker-dealer must under industry practice accept such securities and pay for them.

[5] The nominee is typically an assumed name and not the business name of the underlying entity.

[6] Partnerships are used as nominees primarily because a partnership can transact business by any of its general partners. Transfers of securities are facilitated because a single individual can endorse the certificates for transfer and the transfer agent will recognize the individual's authority to effect transfers on behalf of the partnership. A corporation on the other hand, may need a resolution of its board of directors and other documentation in order to effect transfers of securities. Thus the partnership arrangement facilitates handling of securities by the institution.

[7] As defined in Section 3(a)(23) of the Securities Exchange Act of 1934. Many nominees such as banks or investment companies act not merely as custodians for securities but are charged, to some degree, with management of the securities held. Securities depositories, however, act strictly as custodians and forwarding agents for participants, and perform certain services (e.g., effecting pledges) in accordance with participants' instructions.

[8] "Fails" are transactions which are not completed by settlement date.

[9] "Beneficial ownership" may be used in the economic sense (the right to receive the financial benefits of shareownership) or in the voting sense (the right to vote the shares of the corporation) or in terms of investment discretion (the right to dispose of the securities) or all three.

[10] For example, a customer in the Midwest may deal with a broker in his hometown which in turn uses a correspondent broker in New York which in turn deposits securities in a depository.

[11] See the record of the Public Fact Finding Investigation Concerning Beneficial Ownership, Takeovers, and Acquisitions by Foreign and Domestic Persons, File No. 4–175.

[12] *Id.*

[13] See communications received in response to Securities Exchange Act Release No. 11243 (February 13, 1975) (40 FR 7508), File No. S7–552.

[14] Securities Exchange Act Release No. 11617 (August 25, 1975) (40 FR 42219). Proposed Rule 14b–1 would require a registered broker to (1) respond promptly, by means of a search card or otherwise, to inquiries made by issuers in accordance with Rule 14a–3(d) with respect to how many of the broker's customers are beneficial owners of the issuer's securities which are held of record by the broker or its nominees and (2) upon receipt of a sufficient number of proxy statements and annual reports to security holders and assurances that its reasonable expenses shall be paid by the issuer, to forward such materials in a timely manner to such customers. As an alternative to complying with the foregoing obligations, the proposed rule would permit a registered broker to furnish an issuer with a list of its customers who are beneficial owners of the issuer's securities held of record by the broker or its nominees provided that the broker also furnished authorization to vote such securities in accordance with instructions of the customer. A note to the proposed rule makes clear that a broker furnishing such a list to an issuer may impose reasonable conditions upon the issuer's use of such a list.

whether more extensive changes are needed.

In addition to considering the issuer-shareholder communications problems created by the use of street or nominee names, the Commission believes it is appropriate to continue to review the impact such registration has on the disclosure of beneficial ownership. The practice of using street or nominee registration may impede the public availability of information with respect to beneficial owners of significant positions in publicly held companies. While holdings of specific size must be disclosed under Sections 13 and 16 of the Act, and certain types of transactions are required to be reported to the Commission under Sections 14 and 16 of the Act, it is argued that beneficial owners may use street or nominee name arrangements to delay or avoid necessary reporting or to mask activities which could entail civil liabilities or criminal sanctions. Secrecy laws of other countries can compound that problem and defeat legitimate national interests in knowing the beneficial ownership of United States public corporations.[15] Finally, ownership reports which reflect certain kinds of record ownership (e.g., Cede & Co., the nominee for the Depository Trust Company) may be confusing to interested persons who cannot be expected to be cognizant of the intricacies of street name or nominee name arrangements.

Effective appraisal of the benefits of street or nominee name arrangements and the problems those arrangements create in accomplishing the purposes of the Act and improving the issuer-shareholder communications process will be facilitated by receipt of additional information from those who have been involved in that communications process. Accordingly, the Commission requests shareowners, proxy solicitation agents, broker-dealers, banks, financial institutions and other intermediaries to forward to the Commission their views, data and arguments regarding the effectiveness and costs of the current system of issuer-shareholder communications and regarding possible alternatives which would retain or even increase the transactional efficiencies currently permitted by the use of street and nominee names. The Commission also urges shareowners to relate to the Commission their experiences in obtaining proxy and information statements and other communications when the underlying stock is held in street or nominee name. Finally the Commission requests the views of interested persons as to the way in which the system of recording share ownership may be used to effect appropriate disclosure of beneficial holdings.

The testimony of persons at the public investigatory hearing,[16] the comments of interested persons on proposed Rule 14b–1[17] and the comments of interested persons in response to Securities Exchange Act Release No. 11243[18] will be considered and such persons, to the extent of their previous comments, need not comment again.

The comment period will remain open until October 31, 1975, and comments received will be considered in connection with the preliminary report to Congress to be submitted in December 1975. All communications should be sent to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, should bear the File No. S7–592, and will be available for public inspection.

By the Commission

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 3, 1975.

[FR Doc.75–28004 Filed 10–16–75;8:45 am]

[15] See the record of the Public Fact Finding Investigation, *supra* note 11.

[16] *Supra*, note 11.

[17] *Supra*, note 14.

[18] *Supra*, note 13.

[Rel. No. 19205; 70–5742]

ALLEGHENY POWER SYSTEM, INC.

Proposal of Holding Company To Act as Surety for Subsidiary Company

OCTOBER 10, 1975.

Notice is hereby given that Allegheny Power System, Inc. ("APS") 320 Park Avenue, New York, New York 10022, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 12(b) and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transaction.

APS proposes to act as surety for its electric utility subsidiary company, The Potomac Edison Company of West Virginia ("PE W. Va.") in connection with a certain PE W. Va. rate proceeding now pending before the West Virginia Public Service Commission ("state commission"). PE W. Va. has filed tariffs with the state commission containing a revision of rates and charges. The state commission has suspended these tariffs until November 26, 1975, and has commenced an investigation into the reasonableness thereof. No final order has been issued by the state commission in this matter and the state commission investigation is continuing.

APS will act as surety for PE W. Va. in such amount as shall be determined by the state commission for prompt refund by PE W. Va. of the amounts filed with the state commission on June 30, 1975. The amount of the bond will not exceed $4,500,000, which is the estimated additional annual revenue that the new rates will provide. In the event the amount of the bond ordered by the state commission shall exceed that amount, APS will not execute the bond without a further order of this Commission.

It is stated that aside from the rate proceeding described herein, no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses of APS or any associate company to be incurred in connection with the proposed transaction, including legal fees, are estimated not to exceed $200.

Notice is further given that any interested person may, not later than November 5, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–28000 Filed 10–16–75;8:45 am]

[Rel. No. 19206; 70–5744]

ARKANSAS POWER & LIGHT CO.

Proposed Issue and Sale of Preferred Stock at Competitive Bidding

OCTOBER 10, 1975.

Notice is hereby given that Arkansas Power & Light Company ("Arkansas"), First National Building, Little Rock, Arkansas 72203, an electric utility subsidiary of Middle South Utilities, Inc. ("Middle South"), has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 8 (b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

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Arkansas proposes to issue and sell 400,000 shares of a new series of cumulative Preferred Stock ("preferred stock"), $100 par value, subject to the competitive bidding requirements of Rule 50 under the Act. The dividend rate of the preferred stock (which will be a multiple of 1/25 of 1%) and the price to be paid to Arkansas (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. The preferred stock will not be redeemable prior to November 1, 1980, through the use of borrowed funds, or funds derived from sale of additional preferred stock, at an effective cost to Arkansas lower than the cost of the proposed preferred stock.

The terms of the preferred stock may include provisions for a sinking fund designed to redeem at $100 per share, plus accumulated dividends, 20,000 shares on each November 1 commencing in the year 1980. Arkansas may also have a non-cumulative option to redeem an additional 20,000 shares on each November 1 during the sinking fund redemption period.

Arkansas proposes to utilize the net proceeds from the issuance and sale of the preferred stock to repay short-term borrowings incurred for the purpose of financing its construction program (estimated to total $180 million for 1975). Such short-term borrowings will aggregate an estimated $30 million at the time of the aforementioned sale.

Fees and expenses incident to the proposed transaction are estimated at $126,000, including counsel fees of $39,000 and accountants' fees of $12,000. The fees of counsel for the successful bidders are estimated at $15,000, to be paid by the successful bidders.

The proposed transaction has been approved by the Arkansas Public Service Commission. The application states that the Tennessee Public Service Commission has jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 4, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed, or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-27993 Filed 10-16-75;8:45 am]

[File No. 500-1]

BBI, INC.

Suspension of Trading

OCTOBER 10, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of BBI, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 11, 1975 through October 20, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-27981 Filed 10-16-75;8:45 am]

[File No. 81-188]

COMMERCIAL SOLVENTS CORP.

Notice of Application and Opportunity for Hearing

OCTOBER 7, 1975.

Notice is hereby given that Commercial Solvents Corporation ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for a finding that an exemption from the requirement to file reports pursuant to Section 13 of the 1934 Act would not be inconsistent with the public interest or the protection of investors.

Section 13 of the 1934 Act provides that every issuer of a security registered pursuant to Section 12 of the 1934 Act shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate for the proper protection of investors and to ensure fair dealing in the security, such information and documents required to be included in or filed with an application or registration statement filed pursuant to such Section 12 and such annual reports and such quarterly reports as the Commission may prescribe.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the periodic reporting provisions of Section 13 of the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states in part:

1. Applicant, a Maryland corporation, is a wholly-owned subsidiary of International Minerals & Chemical Corporation ("IMC"). IMC and its subsidiaries operate in three general business or product lines: phosphate and potash for the fertilizer industry; industrial minerals for the ceramics and glass industries; and a variety of raw materials for the iron and steel industry. In addition, IMC manufactures animal feed products and industrial chemicals. CSC manufactures and sells chemicals and chemically derived specialty products for human use, for agriculture and for use in chemical and other industries.

2. In 1966, Applicant issued $20,000,000 principal amount of 4½% Convertible Subordinated Debentures, due July 1, 1991 (the "Debentures"), of which about $12,500,000 aggregate principal amount remain outstanding.

3. As a condition of the granting of this application, IMC would agree (a) to guarantee all interest, principal, premium, if any, sinking fund and conversion payments of the Debentures and (b) to provide The Chase Manhattan Bank (National Association), as Trustee under the related Indenture dated as of July 1, 1966, with IMC's 1934 Act reports and the Debentureholders with its Annual Reports to Shareholders (and Forms 10-K upon request).

4. None of the securities of the Applicant (other than the Debentures) are presently held by any person other than IMC.

In the absence of an exemption, Applicant is required to file certain periodic reports with the Commission pursuant to Section 13 of the 1934 Act.

Accordingly, Applicant believes that the exemption order requested by it is appropriate in view of the fact that none of the securities of the Applicant (other than the Debentures) are held by any person other than IMC and that, since the Debentures will be fully and directly guaranteed by IMC, it is the 1934 Act Reports of IMC and not those of Applicant in which reasonable investors would be primarily interested. Additionally, continued reporting would be burdensome on and expensive to Applicant.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C.

Notice is further given that any interested person not later than October 31, 1975, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W. Washington, D.C. 20549 and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-27997 Filed 10-16-75;8:45 am]

[Rel. No. 19204; 70-5746]

DELMARVA POWER & LIGHT CO.

Proposal To Issue and Sell Common Stock Through Dividend Reinvestment and Common Share Purchase Plan

OCTOBER 9, 1975.

Notice is hereby given that Delmarva Power & Light Company ("Delmarva"), 800 King Street, Wilmington, Delaware 19899, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Delmarva proposes to issue and sell up to 300,000 shares of its common stock, par value $3.37½ per share, to the holders of record of its outstanding common stock. Such new shares will be issued through a voluntary dividend reinvestment and common share purchase plan ("Plan"), under which shareholders may elect to invest regular cash dividends and/or optional cash payments of between $25 and $3,000 per quarter in such additional shares. It is stated that the purchase price will be the average of the highest and lowest prices on the New York Stock Exchange on the pricing date, which will normally be the last day of the month. The net proceeds from the sale of shares pursuant to the Plan, assuming all shares are sold at $11.00 per share, will amount to $3,300,000 and will be applied to Delmarva's construction program.

The Plan will be administered by BT Bradford Stock Service, Inc., an affiliate of Bankers Trust Company of New York ("Bank"), which will serve as agent for the Plan participants. All shares purchased will be held for the exclusive benefit of the Plan participants. All record holders of Delmarva's outstanding common stock are eligible to participate in the Plan and may join by executing an authorization form and returning it to the Bank. A participant may withdraw from the Plan at any time upon giving written notice to the Bank. Upon withdrawal, certificates for whole shares credited to a participant's account will be issued and a cash payment will be made for any fractional share.

It is stated that all costs for administering the Plan will be paid by Delmarva and that there will be no brokerage fees when shares are purchased under the Plan. However, if participants withdrawing from the Plan request the Bank to sell all whole and fractional shares credited to their account, there will be brokerage commissions and transfer taxes.

The Bank will not vote any shares held by it under the Plan. Participants will receive a single proxy with respect to full shares which they own of record or which are credited to their accounts under the Plan.

The fees and expenses incurred or to be incurred in connection with the proposed transaction are estimated to aggregate $105,000, including accounting fees of $10,500, Bank administration fee of $25,000, and legal fees of $6,000. It is stated that The Public Service Commission of Delaware has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 14, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-27998 Filed 10-16-75;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

OCTOBER 10, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 14, 1975 through October 23, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-27962 Filed 10-16-75;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

OCTOBER 10, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 14, 1975 through October 23, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-27963 Filed 10-16-75;8:45 am]

[Rel. No. 8978; 812-3648]

NARRAGANSETT CAPITAL CORP.

Filing of Application

OCTOBER 8, 1975.

Notice is hereby given that Narragansett Capital Corporation ("Narragansett"), 40 Westminster Street, Providence, Rhode Island 02903, a non-diversified, closed-end management investment company registered under the Investment Company Act of 1940 ("Act"), and a licensed small business investment company under the Small Business Investment Act of 1958, has filed an application on May 30, 1974, and amendments thereto on March 4, July 29, and September 24, 1975, for an order, pursuant to Section 17(b) of the Act, exempting from the provisions of Section 17(a) of the Act, and pursuant to Rule 17d-1 under the Act, permitting under Section 17(d) of the Act, certain proposed transactions which are to be made in connection with the reorganization under Chapter XI of the Bankruptcy Act of the financial structure of Bevis Industries, Inc. ("Bevis"), a Rhode Island corporation with its principal offices located in White Plains, New York.

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All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Bevis is engaged in the business of, *inter alia*, manufacturing and selling Christmas cards; Narragansett owns approximately 36.2% of that company's outstanding common stock, and thus is presumed to control Bevis pursuant to Section 2(a)(9) of the Act. In early 1974, Bevis, finding itself with insufficient liquid working capital, sought additional loans from its institutional lenders, which included Narragansett and Industrial National Bank of Rhode Island ("Industrial"). However, the Board of Directors of Narragansett determined that it would not be in the best interests of Narragansett's shareholders to make a further extension of credit to Bevis.

Industrial, on the other hand, agreed to extend further credit to Bevis, provided that, among other things, (a) Bevis file a petition for an arrangement under Chapter XI of the Bankruptcy Act, and (b) the principal equity owners of Bevis—Narragansett, Royal Little ("Little"), and Bernhardt Denmark ("Denmark")—make a significant contribution to working out Bevis' problem.

Little, who is Chairman of the Executive Committee and a Director of Narragansett and a former Chairman of the Board and Director of Bevis, owns approximately 3% of Bevis' outstanding stock. Denmark is President, Chief Executive Officer, and a Director of Bevis, and owner of approximately 21.6% of its outstanding common stock. Industrial has been the principal institutional lender to Bevis in recent years. A Senior Vice-President of Industrial is a Director of Bevis, and one Director of Industrial is a Director of Narragansett. Industrial also owns, through a wholly-owned small investment company subsidiary, 10% of the shares of Main Line Fashions, Inc., of which Narragansett owns 45%.

On April 15, 1974, Bevis filed a petition for an arrangement with the United States District Court for the Southern District of New York (No. 74–B 436). Pursuant to the Chapter XI proceeding, an Official Creditors Committee of Bevis was appointed. Neither Narragansett nor its representatives participated on this committee. The committee agreed upon a Debtor's Arrangement which was filed with the court by Bevis on December 16, 1974, and was later amended by court orders on December 30, 1974 and April 14, 1975, and confirmed by the court on April 23, 1975. The Debtor's Arrangement, as approved by the court, provided for, among other things, full payment to priority creditors, and payment to general unsecured creditors as follows: (i) full payment in cash of claims up to $100; (ii) payment in cash of 12½% of claims amounting to more than $100, other than claims of Industrial; and (iii) full payment of Bevis' indebtedness of $921,000 to Industrial. Pursuant to the Debtor's Arrangement, Industrial advanced to Bevis the full amount of its indebtedness to Industrial of $921,000 as a term loan which is to be repaid by Bevis subject to specified terms. The full amount of this loan by Industrial is secured by a lien on all of Bevis' assets.

On May 2, 1975, Industrial and Bevis entered into an agreement ("May Agreement") under which Industrial advanced to Bevis the $921,000 mentioned above. In addition, Industrial committed advances to Bevis during 1975 of up to approximately $4,000,000, subject to, among other things, Commission approval of the consideration to be paid for such loan. These advances would bear interest at 2% above Industrial's prime rate in effect from time to time, and are secured by a first security lien on all of Bevis' assets. Under the May Agreement, Bevis has agreed, among other things, to grant to Industrial the following consideration, subject to Commission approval:

(a) Additional compensation, up to a maximum of $450,000, equal to 25% of the difference between (i) the net worth of Bevis determined as of April 23, 1975, plus $100,000, and (ii) the net worth of Bevis at the close of its 1979 fiscal year. Industrial has the right to require the determination of such compensation under the same formula to be based on the net worth of Bevis at the close of earlier fiscal years, but limited to a maximum of $350,000 through 1976, $250,000 through 1977, or $150,000 through 1976. Payment of such additional compensation is contingent upon Industrial's continued financing of Bevis' reasonable financial requirements, if requested by Bevis, through the 1979 fiscal year, or such earlier fiscal year as for which Industrial chooses to require the additional compensation; and

(b) The right to purchase 225,000 shares of Bevis' common stock at its par value of $.10 per share, which shares contain certain put and call provisions.

Failure of the Commission to grant this application constitutes a default under the May Agreement and, in such event, Industrial has the right to accelerate maturity of all loans. In addition, Bevis has guaranteed certain obligations of Bevis' wholly-owned subsidiary, Necro Realty, Inc., on a mortgage in favor of Industrial on properties leased by Bevis.

The application states that, in order to induce Denmark to continue as Chief Executive Officer of Bevis beyond the existing term of his employment agreement, Denmark's employment agreement will be amended, subject to Commission approval, to increase his share of the annual pre-tax profits of Bevis from 2% to 5%. Bevis has also agreed, subject to Commission approval, to sell to Denmark 400,000 shares of Bevis' common stock at $.10 per share; to sell to Stanley Goldstein, ("Goldstein"), who until April 1, 1974, was Secretary of Bevis, 50,000 shares at $.10 per share; and to sell to Daniel Kaplan ("Kaplan"), a Vice-President of Bevis, 25,000 shares at $.10 per share. Bevis has further agreed, subject to Commission approval, to lend Denmark and Kaplan up to an aggregate of approximately $40,000, to be repaid one year after the date of each advance with interest at the rate of 4%, for the purpose of acquiring such shares.

The application suggests that, as a result of their stockholdings in Bevis or other circumstances, Industrial, its designee, Denmark, Kaplan and Goldstein are, under Section 2(a)(3) of the Act, affiliated persons of, or affiliated persons of affiliated persons of, Narragansett or Bevis, a company controlled by Narragansett.

Section 17(a)(2) and (3), respectively, prohibit an affiliated person of a registered investment company, or an affiliated person of such a person, acting as principal, from purchasing from such registered investment company, or from any company controlled by such registered company, any security or other property (except securities of which the seller is the issuer), and from borrowing money or other property from such registered investment company, or from any company controlled by such registered company (unless the borrower is controlled by the lender) except as permitted in Section 21(b) of the Act. Under Section 17(b) of the Act, however, the Commission may, upon the filing of an application, exempt a transaction from the provisions of Section 17(a) upon finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; that the proposed transaction is consistent with the policy of each registered investment company concerned as recited in its registration statement and reports filed under the Act; and that the proposed transaction is consistent with the general purposes of the Act.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together, provide among other things, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, to effect any transaction in which such registered company, or a company controlled by such registered company, is a joint or a joint and several participant with such person, unless an application regarding such transaction has been granted by an order of the Commission. In passing upon such an application, the Commission will consider whether the participation of such registered or controlled company in such transaction is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Narragansett requests an order exempting from the provisions of Section 17(a) of the Act the purchase by Denmark, Kaplan and Goldstein of shares of Bevis' common stock and the borrowing by Denmark and Kaplan of money from Bevis to pay for such purchase. Narragansett also requests an order permitting under Section 17(d) of the Act and Rule 17d–1 thereunder the following: (a) the repayment by Bevis of the term loan in the manner described; (b) the additional consideration to be paid Industrial as consideration for its advances; (c) the purchase by Industrial's designee of 225,000 shares of Bevis' common stock; (d) the put and call provisions of these shares of Bevis' common stock to be purchased by Industrial; (e) the modification of Denmark's employment agreement increasing his percentage of the annual pre-tax profits of Bevis; and (f) the purchases of shares of Bevis by Denmark, Kaplan and Goldstein, and the related borrowings from Bevis by Denmark and Kaplan.

With respect to the transactions described above which involve Industrial, Narragansett states that continued financing of Bevis was essential for its recovery. A bankruptcy liquidation, Narragansett states, would result in little, if any, recovery for Narragansett, either as a subordinated creditor or stockholder. Narragansett also suggests that Industrial alone was willing to extend credit to Bevis, and that the only practical alternative to liquidation of Bevis was to accept Industrial's terms. Narragansett represents that Industrial dealt on a totally arms-length basis with both Bevis and Narragansett on these transactions. Narragansett further states that although its equity position in Bevis has been somewhat reduced, it nevertheless maintains a potential for recovery in the event Bevis recovers from its present financial difficulties.

With respect to the transactions described above which involve Denmark, Kaplan, and Goldstein, Narragansett states that Industrial believed that the success of Bevis depended on the continued management of Bevis by Denmark for up to five years. Narragansett also states that, because of the reduced profit opportunities now available to Bevis and in order to provide Denmark with an incentive to achieve a recovery for Bevis without burdening Bevis if such efforts were unsuccessful, it was deemed appropriate by the Board of Directors of Bevis, with the acquiescence of Industrial to increase his profit participation from 2% to 5% and to increase his equity interest through a sale to him of an additional 400,000 shares of Bevis. Narragansett states that Denmark has undertaken not to sell any of the 400,000 shares prior to December 31, 1977, and that the amount was reached through arms-length negotiation. Narragansett also states that Kaplan occupies an important executive position in the management of Bevis, and in order to stimulate his efforts to achieve a recovery of Bevis without burdening Bevis in the event such efforts were unsuccessful, Industrial, with the acquiescence of Narragansett, deemed it appropriate to make available to him an equity interest in Bevis through the sale to him of its shares. The number of shares was agreed upon, Narragansett states, through arms-length negotiation. Narragansett also states that Goldstein made significant contributions to the ongoing operations of Bevis, and in order to encourage his continuing participation, it was deemed desirable to make available to him an equity interest in Bevis through the sale to him of its shares. The number of shares, Narragansett states, were agreed upon through arms-length negotiation. Narragansett states that neither Kaplan nor Goldstein is or has been a Director of Bevis. Narragansett further states that Denmark, Kaplan and Goldstein are not stockholders, directors or officers of Narragansett; have no affiliation with Narragansett or Little apart from their position or former position with Bevis; have no family relationship with any officer or director of Narragansett; and have no prior business dealings with or engaged in any ventures with Narragansett or any of its officers or directors.

NOTICE IS FURTHER GIVEN that any interested person may, not later than October 28, 1975, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, and the reason for such request, and the issues, if any, of fact or law proposed to be controverted or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Narragansett at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–27996 Filed 10–16–75;8:45 am]

[File No. 500–1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5% and 6%), the 6% subordinated debentures due 1979 and the 6½% convertible subordinated debentures due 1987, and all other securities of Westgate California Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 14, 1975 through October 23, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–27904 Filed 10–16–75;8:45 am]

[File No. 500–1]

W. T. GRANT CO.

Suspension of Trading

OCTOBER 8, 1975.

The common stock of W. T. Grant Company being traded on the New York Stock Exchange, the Boston Stock Exchange and the Midwest Stock Exchange, the 4¾% sinking fund debentures due 1987, the 4% convertible subordinated debentures due 1990, and the 4¾% convertible subordinated debentures due 1996 listed on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of W. T. Grant Company being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from midnight EDT on October 8, 1975 and continuing through midnight EDT on October 18, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 75–27994 Filed 10–16–75; 8:45 am]

[File No. 500–1]

ROYAL PROPERTIES INC.

Suspension of Trading

SEPTEMBER 9, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 10, 1975 through October 19, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–27999, Filed 10–16–75;8:45 am]

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OFFICE OF THE FEDERAL REGISTER

FREEDOM OF INFORMATION INDEX REQUIREMENTS

Guide to Agency Material; January–September, 1975

5 U.S.C. 552 (commonly called the Freedom of Information Act) requires agencies to maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required to be made available or published (5 U.S.C. 552(a)(2)). Recent amendments (Pub. L. 93–502, November 21, 1974, 88 Stat. 1561) require the publication (with some exceptions) and distribution of these indexes at least quarterly. This guide has been compiled by the Office of the Federal Register from information submitted by agencies for the first nine months of 1975 in order to notify the public of the availability of these indexes for sale and/or public inspection.

Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Department of Agriculture, Agricultural Stabilization and Conservation Service.	ASCS handbooks: Current listing of all administrative staff manuals.	Director, Data Systems Division, ASCS, USDA, 14th and Independence Ave. SW., Washington, D.C. 20250. No charge.	Director, Data Systems Division, ASCS, USDA, 14th and Independence Ave. SW. Washington, D.C. 20250.
Do	Marketing quota. Review committee determinations; 1960–1974; listing by crop-year of all decisions made on marketing quota appeals.	do	Do.
Do	Board of contract appeals decisions; 1969–1974; listing of all decisions on appeals affecting ASCS and or CCC.	do	Do.
Do	CCC Board dockets; 1969–1974; listing of all Commodity Credit Corporation dockets approved by the Secretary of Agriculture.	do	Do.
Rural Electrification Administration.	Index of current REA publications—electric program as of Feb. 25, 1975, with supplement thereto updating the Index to Sept. 30, 1975. An alphabetic and numerical index of REA electric program bulletins, contract forms, and specifications.	Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4043–S, Washington, D.C. 20250. No charge.	Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4043–S, Washington, D.C. 20250.
Do	Index of current REA publications-telephone as of Mar. 18, 1975, with supplement thereto updating the Index to Sept. 30, 1975. An alphabetic and numerical index of REA telephone program bulletins, contract forms, specifications, sections of the telephone engineering and construction and telephone operations manuals, and the rules and regulations of the Rural Telephone Bank.	do	Do.
Department of Defense, Department of the Air Force.	Numerical index of departmental forms (AFR 0–9). Apr. 4, 1975. Lists forms numerically within each category, including accountable forms, forms requiring storage safeguards, and obsolete forms.	DADF at nearest Air Force installation Shelf stock, $2.80 per copy; reproduced copies, $6.00 per copy; shelf stock will be used while it lasts. Checks payable to: AFO (name of base furnishing copies).	DADF at nearest Air Force installation.
Do	Guide to indexes, catalogs, and lists of departmental publications (AFR 0–1). Sept. 1, 1974. Describes the indexes, catalogs, and lists of departmental publications; explains their use, tells how often they are revised, shows their distribution and gives the office of primary responsibility.	DADF at nearest Air Force installation. Shelf stock, $2.05 per copy; reproduced copies $2 per copy; shelf stock will be used while supply lasts. Checks payable to: AFO (name of base furnishing copies).	Do.
Do	Numerical index of standard publications and recurring periodicals (AFR 0–2). June 6, 1975. Lists regulations, manuals, and pamphlets together under each subject series; lists visual aids and recurring periodicals separately.	DADF at nearest Air Force installation. Shelf stock, $2.76; reproduced copies $5.50; shelf stock will be used while supply lasts. Checks payable to: AFO (name of base furnishing copies).	Do.
Do	Miscellaneous Air Force and other Government agency publications (AFR 0–16). Oct. 1, 1974. Lists a wide range of subjects of interest to the Air Force.	DADF at nearest Air Force installation. Shelf stock, $2.00 per copy; reproduced copies, $2.15 per copy; shelf stock will be used while supply lasts. Checks payable to: AFO (name of base furnishing copies).	Do.
Do	Publications Numbering Systems (AFR 5–4). February 1974. Contains subject series and description guide and alphabetical list of subjects.	DADF at nearest Air Force installation. Shelf stock $2.15 per copy, reproduced copies $2.45 per copy; shelf stock will be used while it lasts. Checks payable to: AFO (name of base furnishing copies).	Do.
Department of the Army, TAGCEN, Army Publications Directorate.	DA Pamphlet 310–1, Index of Administrative Publications, Regulations, circulars, pamphlets, posters, general orders, Joint Chiefs of Staff publications and DOD publications. Basic dated November 1973 with change 3, Aug. 30, 1974.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $4.30. Payable to: Treasurer of United States.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314.
Do	DA Pamphlet 310–2, Index of Blank Forms. Basic dated May 1974 with change 1, December 1974.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $3.50. Payable to: Treasurer of United States.	Do.
Do	DA Pamphlet 310–3, Index of Doctrinal, Training, and Organizational Publications. Field manuals, reserve officers' training corps manuals, training circulars, Army training programs, Army subject schedules, Army training tests, firing tables, and trajectory charts, tables of organization and equipment, distribution and allowances. Basic dated August 1973 with change 4, August 1974.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $3.55. Payable to: Treasurer of United States.	Do.
Do	DA Pamphlet 310–4, Index of Technical Manuals, Technical Bulletins, Supply Manuals (types 7, 8, and 9), Supply Bulletins, and Lubrication Orders. Basic dated November 1974 with change 1, February 1975.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $8.50. Payable to: Treasurer of United States.	Do.
Do	DA Pamphlet 310–6, Index of Supply Catalogs and Supply Manuals. Basic dated July 1974 with change 1, January 1975.	Director, Army Publications Directorate, Forrestal Bldg., Washington, D.C. 20314. Price: $3.50. Payable to: Treasurer of United States.	Do.
Do	DA Pamphlet 310–7, Index of Equipment Modification Work Orders, December 1974.	do	Do.

Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Defense Nuclear Agency (DNA).	Index to administrative publications; Feb. 28, 1974 with changes. Description: Administrative instructions covering manpower, personnel, international programs, planning and readiness, research and development, logistics, maintenance, transportation, general administration, organization and function, security, administrative services, public information, legal and legislative policies, comptrollership, budgeting, appropriations accounting and control, auditing, and reports control.	Defense Nuclear Agency, attention: PAO, Washington, D.C. 20305. $1 by Xeroxing, $0.35 by printing run. Checks payable to: Treasurer of the United States.	
Do	Government reports index; biweekly annual cumulation. Description: Indexes DNA and other Government sponsored research and development reports prepared by Federal agencies or their contractors.	National Technical Information Service, Springfield, Va. 22161. $125 annual subscription rate. Payable to National Technical Information Service.	Director, Defense Nuclear Agency, Technical Library, Washington, D.C. 20305.
Defense Nuclear Agency, Armed Forces Radiobiology Research Institute.	Index of Armed Forces Radiobiology Research Institute (AFRRI), Instructions; Mar. 27, 1974, with changes. Description: Listing of all AFRRI instructions in force.	Director, Armed Forces Radiobiology Research Institute, attention of: Administrative Officer, Defense Nuclear Agency, National Naval Medical Center, Bethesda, Md. 20014. 9 pp. at $0.05 per page ($0.45). Payable to Treasurer of the United States.	
Defense Nuclear Agency Field Command.	FCDNA instruction 5025.8; Oct. 1, 1974 with changes. Description: Current index to Field Command instructions.	Field Command, Defense Nuclear Agency, attention of Security Specialist, Support Directorate, Kirtland AFB, N. Mex. 87115. No charge.	
Defense Supply Agency, Defense General Supply Center.	Index of publications: Current listing of policy statements, regulations, handbook, manuals, directives, procurement circulars, letters, supplements, procedures, and clause manual.	Commander, Defense General Supply Center, attention of DGSC–B, Richmond, Va. Reproduced copies $2. Treasurer of the United States.	Public Affairs Officer, Defense General Supply Center, Richmond, Va. 23297.
Department of Health, Education, and Welfare, Food and Drug Administration (DHEW/FDA).	Administrative Guidelines Manual. Jan. 1, 1973. Provides guidance to personnel responsible for regulatory decisions. Contains regulatory tolerances and guidance, and authorization for direct action by the field in areas of seizure, citation, and prosecution.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $50. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA–120, 5600 Fishers Lane, Rockville, Md. 20852.	Supervisor, Public Records and Documents Center (HFC–18), Room 4–62, FDA, 5600 Fishers Lane, Rockville, Md. 20852.
Do	Bureau of Foods Staff Manual Guide. Primarily concerned with the preparation of and review of documents within the Bureau of Foods.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $10. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA–120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Compliance Policy Guides. Provides a system for the issuing, filing, and retrieval of all official statements of FDA compliance policy.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	Compliance Program Guidance Manual. Provides general guidance to the field as to how certain industries will be inspected, sampled, etc., during a fiscal year. Programs within this manual assign the number of inspections or samples to be done within a specific industry.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. 10 cents per page. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA–120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Drug autoanalysis manual. Provides content uniformity test specifications in USP XVII and NFX II. Provides assurance of homogeneity within a single lot for a safe and effective drug supply. Specifications are for all tablet monographs where the active ingredient is present in low quantities (usually 50 mg or less).	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	ERDO data code manual. Lists computer code information for programs management system project (PMS) which is used for reporting project information into the program oriented data system (PODS).	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $15. Checks payable to Food and Drug Administration: mail to DFM, Accounting Branch, HFA–120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Field management directives. Used by the field staff to transmit FDA field policy in the areas of operations management, planning and budget guidance, program management, and State program management which gives policy information.	do	Do.
Do	Food additives analytical manual. Presents a compilation of analytical methodology for additives authorized for use. Compilation consists of methods for additives which can be used only as permitted in foods for human consumption and in feeds and drinking water of animals or treatment of food-producing animals.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do	Hazard Analysis and Critical Control Point—A System for Inspection of Food Processors. Explains the hazard analysis and critical control point procedure. Used for overseeing industry's processing practices in order to provide the consumer with the best assurances possible of quality control in processing foods.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $131.95. Checks payable to Food and Drug Administration: mail to DFM, Accounting Branch, HFA–120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Inspector Operations Manual. Provides FDA personnel with standard operating inspectional and investigational procedures. Contains instructions needed by operating inspectors and investigators. Contains authorities, objectives, responsibilities, policies, and guides.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $25. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA–120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do	Inspector Training Manual. Basic training manual for food and drug inspectors and inspection technicians to provide the field with uniform approach to the administration of basic training.	Supervisor, Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20852. $15. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA–120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.

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Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Do.	Inspector's Manual for State Food and Drug Officials. Divided into 2 parts: (1) Operations manual with information applicable to sample collection, inspections, and investigations in all fields of food and drug work; (2) commodities manual divided into specific types of food commodities. Manual for official use of State and local food and drug enforcement officers only.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $65. Checks payable to Food and Drug Administration, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do.	Inspector's Technical Guide. To provide a medium for making all FDA inspectors aware of selected technical information not previously available on a broad scale.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do.	Instrument Operations Manual. Provides guidelines for analysis by instrumentation using the gas chromatograph, atomic absorption, nuclear magnetic resonance, and mass spectrograph. Provides brief, concise, operating instructions augmenting manufacturers' manuals.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $25. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do.	Laboratory Operations Manual. Provides day-to-day guide for laboratory directors and supervisors. Reflects the science advisor program and district laboratory relationships with BDAC field offices and disposition of consumer complaint samples.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $17.50. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do.	Pesticide Analytical Manual. Brings together the procedures and methods used in the FDA laboratories for surveillance of the extent and significance of contamination of man and his environment by pesticides and their metabolites.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do.	Quantity of contents compendium. Used to measure acceptable levels of shrinkage in food containers. Manual divided into 2 parts: (1) Contains procedures for measuring fill-of-container, statistical evaluation acceptable common or usual declaration of quantity of contents; (2) contains information on sampling where special techniques are required.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $25. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do.	Regulatory Procedures Manual. Provides guidance on regulatory policy and supporting processing procedures.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $85. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do.	Staff Manual Guides—Organization and Delegations. Contains directives issued by the Food and Drug Administration to establish policy, organization, procedures or responsibilities in the administrative area. Used to issue continuing instructions or information and remains in effect until rescinded or superseded.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. Vol. I, $40; Vol. II, $80; Vol. III, $30. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do.	Supervisory Inspectors Guide. Designed to furnish supervisory inspectors with guidelines to assist them in performing their duties.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $28.50. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do.	Vitamin Analytical Manual. For use and guidance of analytical chemists who are assigned to assay vitamin products offered for human and for animal use.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do.	Index to Administrative Staff Manuals. Current listing of all staff manuals with indexes and/or table of contents and costs.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. $20. Checks payable to Food and Drug Administration; mail to DFM, Accounting Branch, HFA-120, 5600 Fishers Lane, Rockville, Md. 20852.	Do.
Do.	Statements of policy and interpretations adopted by FDA and not published in the FEDERAL REGISTER.	Supervisor, Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20852. No charge.	Do.
Do.	Extracts from annual subject indexes published by the FEDERAL REGISTER relating to food and drugs from 1967 to date.	do.	Do.
U.S. Government Printing Office (GPO).	Bacteriological Analytical Manual. Prepared to establish and maintain in FDA laboratories uniform analytical procedures for qualitative and quantitative determination of micro-organisms in foods, drugs, cosmetics, etc. Provides mechanism for informing other government agencies, industry, etc. of bacteriological methods commonly used in FDA district laboratories.	Superintendent of Documents, U.S. Government Printing Office, $2.80. Checks to GPO, Washington, D.C. 20402. (Stock No. 1712-00162.)	Superintendent of Documents, GPO, Washington, D.C. 20402.
Department of Health, Education, and Welfare, National Institutes of Health (NIH).	NIH Freedom of Information Act (FOIA) Index; July 4, 1967, to June 30, 1975; The NIH FOIA index is composed of 12 sections plus an additional section of FOIA indexes for component organizations of NIH. The 12 sections are: Index of NIH manual releases; NIH supplements to HEW staff manuals, division of personnel management instructions and circulars; index of instruction and information memoranda issued by NIH/OD components; Office of Director central files classification guide; index of NIH guide for grants and contracts; index of decisions by the NIH Grants Appeals Board; index of permits and licenses for shipment of etiologic agents and vectors (NIAID); index of rhesus monkeys certificates (DRR); NIH Division of Engineering Services instruction manual index; index of NIH publications; reference set of PHS grants and awards, current awards report; and index of active and inactive correspondence (ES/NIH).	In addition to copies of the NIH FOIA index maintained by HEW, NIH will make photocopies available if requests are forwarded to: Associate Director for Communications, NIH, Building 1, Room 309, 9000 Rockville Pike, Bethesda, Md. 20014. Fees, as prescribed in 45 CFR 5.61, are 10 cents per page with the charge being made if the total amount exceeds 5 dollars. Checks payable to: DHEW—National Institutes of Health.	Associate Director for Communications, NIH, Building 1, Room 309, 9000 Rockville Pike, Bethesda, Md. 20014. (301)496-4461.

Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Department of the Interior, Bonneville Power Administration.	Bonneville Power Administration information index.	The public may review the index, obtain a copy of the index without charge, or secure further information concerning the contents of the records listed by contacting: Bonneville Power Administration's Public Information Office, 1002 NE., Holladay St., Portland, Oreg. 97208, or the Washington, D.C., office, 5600 Interior Bldg., Washington, D.C. 20240.	Bonneville Power Administration offices listed in previous column or BPA area offices at the following: 919 Northeast 19th Ave., Portland, Oreg. 97232; 415 1st Ave. N., Seattle, Wash. 98109; U.S. Courthouse, Spokane, Wash. 99201; West 101 Poplar St., Walla Walla, Wash. 99362; U.S. Federal Bldg., 211 East 7th St., Eugene, Oreg. 97401; Highway 2 E., Kalispell, Mont. 59901; U.S. Federal Office Bldg., Wenatchee, Wash. 98801, and 531 Lomax St., Idaho Falls, Idaho 83401.
Department of Justice, Immigration and Naturalization Service.	1. Administrative Decisions under Immigration and Nationality Laws of the United States, Vols. 1 through 13 (Decisions Board of Immigration Appeals) last vol. No. 13.	1. Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. $6.05 domestic prepaid. $8.50 G.P.O. bookstore.	1. Associate Commissioner, Management, INS. 425 I St., Washington, D.C. 20536.
Do.	2. Published Interim Decisions of the BIA (not yet bound in book form)—precedent decisions from I.D. #2116 to last published—#2346).	2. Superintendent of Documents, G.P.O. (as above). Subscription—domestic $11.50 year—$3.00 additional for foreign mailing—single copies vary in price.	2. For inspection contact (1) above.
Do.	3. Supplemental indexes to vol. 13 I. & N. reports (I, II, and III).	do.	3. Access: available in public reading rooms in (1) above; plus 4 regional offices and all district offices of INS in the United States, for address check telephone directory. (See 8 CFR 100.4.) (Fee for copying is in sec. 103.7.)
Do.	4. Unpublished interim decisions of BIA.	4. [Not published]	4. Access: available for information and copying same as (3) above.
Do.	5. Unpublished service decisions.	5. [Not published]	5. Access: As in (3) above.
Do.	6. Title 8 of the Code of Federal Regulations (last revision Jan. 1, 1975). Paperback—See chapter I & II. Included under pts 299 and 499 contain complete set of forms for INS.	6. Jan. 1, 1975 issue paperback, $2.45 G.P.O.	6. Access: for information same as (3) above.
Do.	7. Operations Instructions of INS (white pages).	do.	7. Access: for information and copying same as (3) above.
Do.	8. Information regarding amendments to 8 CFR (Aliens and Nationality) changes issued, adopted as published in the FEDERAL REGISTER from Jan. 1, 1975, through June 30, 1975, as follows: (a) 40 FR 2794, Jan. 16, 1975, secs. 214.1, 214.2. (b) 40 FR 3210A, Jan. 20, 1975, secs. 235.10, 299.1. (c) 40 FR 3407, Jan. 22, 1975, secs. 100.4, 108.2, 238.4, 242.2, 299.1. (d) 40 FR 4904, Feb. 3, 1975, sec. 100.4(d). (e) 40 FR 5380, Feb. 5, 1975, sec. 214. (f) 40 FR 6745, Feb. 14, 1975, sec. 204.2. (g) 40 FR 7294, Feb. 19, 1975, secs. 103.7, 103.8, 103.9, 103.10. (h) 40 FR 17743, Apr. 22, 1975, secs. 100.4, 103.10(b)(2), 238.4, 316a.2. (i) 40 FR 20816, May 13, 1975, sec. 212.14(e). (j) 40 FR 21700, May 19, 1975, sec. 211.1 (b)(3). (k) 40 FR 22271, May 29, 1975, secs. 1.1, 292.1, 292.2.	8. FEDERAL REGISTER, Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. $5.00 per month. $45.00 per year. 75¢ each issue.	8. Access: for information and copying at Public Information Office, Room 7202, INS Office, 425 I St. NW., Washington, D.C. 20536.
Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms.	The Director, Bureau of Alcohol, Tobacco, and Firearms (ATF) has determined that publication in the FEDERAL REGISTER of the ATF Index of Materials required by the Freedom of Information Act is unnecessary and impracticable for the reason that the Index is changing continually and that items listed are of interest to relatively few potential users. The Index consists of the following: July 1967-August 1975: Listing of Final Opinion Statements of Policy and Interpretations, Administrative, Criminal Enforcement, Regulatory Enforcement, Technical and Scientific Services, and Inspection Directives, and the latest listing of ATF publications.	Office of the Assistant to the Director (Public Affairs) (Room 4402) Bureau of Alcohol, Tobacco, and Firearms, Washington, D.C. 20226. Price: $1.50. Make check payable to Bureau of Alcohol, Tobacco, and Firearms.	Public Affairs Reading Room, Room 4402, Bureau of Alcohol, Tobacco, and Firearms, 1726 Pennsylvania Ave. NW., Washington, D.C. 20226. Bureau of Alcohol, Tobacco, and Firearms, North Atlantic Regional Office, 6 World Trade Center, Room 620, New York, N.Y. 10048. Bureau of Alcohol, Tobacco, and Firearms, Mid-Atlantic Regional Office, 2 Penn Center Plaza, Room 340, Philadelphia, Pa. 19102. Bureau of Alcohol, Tobacco, and Firearms, Southeast Regional Office, 3835 Northeast Expressway, Room 201, Atlanta, Ga. 30340. Bureau of Alcohol, Tobacco, and Firearms, Central Regional Office, Federal Office Bldg., Room 6522, 550 Main St., Cincinnati, Ohio 45202. Bureau of Alcohol, Tobacco, and Firearms, Midwest Regional Office, 230 South Dearborn St., 15th Floor, Chicago, Ill. 60604. Bureau of Alcohol, Tobacco, and Firearms, Southwest Regional Office, Main Tower, 1200 Main St., Room 855, Dallas, Tex. 75202. Bureau of Alcohol, Tobacco, and Firearms, Western Regional Office, 525 Market St., 34th Floor, San Francisco, Calif. 94105.
Department of the Treasury, Office of the Secretary.	Index of Selected Records; July 1967-August 1975; Listing of current administrative documents, reports, and releases from the Office of the Secretary, Bureau of Engraving and Printing, Bureau of the Mint, U.S. Secret Service, Bureau of the Public Debt, Bureau of Government Financial Operations, Federal Law Enforcement Training Center, U.S. Customs Service.	Treasury Department Library, Room 5010, Treasury Bldg., 15th and Pennsylvania Ave., Washington, D.C. 20220; $1.80; Treasury of the United States.	Treasury Department Library, Room 5010, Treasury Bldg., 15th and Pennsylvania Ave., Washington, D.C. 20220.
Civil Service Commission (CSC).	Index to Civil Service Commission information. CSC documents No. 1. Period covered: June, 1975 to August, 1975. A listing of policy and nonpolicy publications and information systems arranged alphabetically by title and subject.	Mail and Distribution Unit, Room B-431, U.S. Civil Service Commission, 1900 E St. NW., Washington, D.C. 20415. Free.	Commission Library or any Commission office, including regional and area offices.
Consumer Product Safety Commission.	Index: Final Opinions and Orders; Statements of Policy and Interpretations; Administrative Staff Manual and Instructions.	Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; No charge.	Office of the Secretary, Consumer Product Safety Commission, 1750 K St. NW., Washington, D.C. 20207.
Council on Environmental Quality.	*Memoranda to the heads of all Federal agencies;*		
Do.	(i) CEQ memo to heads of agency on revised guidelines, Apr. 23, 1971.	Available from CEQ.	Council on Environmental Quality, General Counsel's Office, 722 Jackson Pl., NW., Washington, D.C. 20006; (202) 383-7966.
Do.	(ii) CEQ memo to agency NEPA liaison on agency NEPA procedures May 14, 1971.	do.	Do.

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Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Do	(iii) CEQ memo to agency NEPA liaison on inclusion of cost-benefit analyses, May 24, 1971.	do	Do.
Do	(iv) CEQ memo to agency NEPA liaison on *Calvert Cliffs* decision, July 30, 1971.	do	Do.
Do	(v) CEQ memo to agency NEPA liaison on extension of deadline on NEPA procedures, Aug. 5, 1971.	do	Do.
Do	(vi) CEQ memo to heads of agencies on agency NEPA procedures, Sept. 23, 1971.	do	Do.
Do	(vii) CEQ memo to heads of agencies on agency NEPA procedures, Nov. 2, 1971.	do	Do.
Do	(viii) CEQ memo to agency NEPA liaison on outline of issues in agency NEPA procedures Dec. 3, 1971.	do	Do.
Do	(ix) CEQ memo to agency NEPA liaison on extracts from leading NEPA court decisions, Dec. 3, 1971.	do	Do.
Do	(x) CEQ memo to agency NEPA liaison on cumulative list of environmental impact statements, Dec. 23, 1971.	do	Do.
Do	(xi) Revised CEQ guidelines on environmental impact statements prepared under section 102(2)(C) of the National Environmental Policy Act, Apr. 23, 1971.	do	Do.
Do	(xii) Recommendations for improving agency NEPA procedures, May 16, 1972.	do	Do.
Do	(xiii) Revision of agency procedures for preparation of environmental impact statements, Aug. 2, 1973.	do	Do.
Do	(xiv) NTIS and the public availability of environmental impact statements under NEPA, Mar. 1, 1974, 102 Monitor vol. 4, No. 2, March 1974, p. 23.	do	Do.
Do	(xv) Council advisory memorandum #1 on delegation by Federal agencies of responsibility for preparation of EIS's. 102 Monitor.	do	Do.
Do	(xvi) CEQ publications list, Apr. 24, 1975	do	Council on Environmental Quality, Attention: Freedom of Information Officer, 722 Jackson Pl. NW., Washington, D.C. 20006; (202) 382-1415.
Do	(A) Memorandum of implementation of the agreement between the United States and the U.S.S.R. on cooperation in the field of environmental protection, May 1972, 102 Monitor vol. 2, No. 9, October 1972.	Available by Ordering Cited Copy of the 102 Monitor from GPO.	Council on Environmental Quality, General Counsel's, Office 722 Jackson Place NW., Washington, D.C. 20006 (202) 382-7965.
Do	(B) 20 questions and answers explaining NEPA Sec. 102, environmental impact statement process, 102 Monitor, vol. 1, No. 10, November 1971, p. 1.	do	Do.
Do	(C) Coal surface mining and reclamation study, 102 Monitor, vol. 3, No. 2, March 1973, p. 62.	do	Do.
Do	(D) Economic impact of environmental programs, 102 Monitor vol. 4, No. 10, November 1974, p. 3.	do	Do.
Do	(E) Environmental programs and employment, 102 Monitor vol. 5, No. 4, May 1975.	do	Do.
Do	(F) Council advisory memorandum (memo on) 102 Monitor, vol. 5, No. 3, April 1975.	do	Do.
	(G) Council advisory memorandum #2 on application of NEPA to enforcement of the antitrust laws by the FTC, 102 Monitor, vol. 5, No. 2, March 1975, p. 18.	do	Do.
Federal Power Commission	Supplement to Index of Commission actions, July 1, 1975, through Sept. 30, 1975.	Office of Public Information, Federal Power Commission, Washington, D.C. 20426. No charge.	Office of Public Information, Federal Power Commission, Room 1000, 825 North Capitol St. NE., Washington, D.C. 20426.
Federal Trade Commission (FTC).	Final orders and opinions:[1] Bound volumes of decisions July 1967, to June 1973.	Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Checks: Superintendent of Documents. $5-12 each.	Legal and Public Records, Federal Trade Commission, Room 130, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580.
Do	Advisory opinions:[1] Bound volume, July 1967 to December 1968. Index of advisory opinions subsequent to above date is in bound volumes of decisions.	Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Checks: Superintendent of Documents. $2.25 each.	Do.
Do	Final orders and opinions: Supplemental Index, July 1973 to September 1975.	Legal and Public Records FTC, Room 130, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580. $0.10 per page.	Do.
Do	Enforcement statement, July 1967 to September 1975.	do	Do.
Do	Trade regulation rules, July 1967 to September 1975.	do	Do.
Do	Manuals—operating administrative	do	Do.
Do	Freedom of Information Act, access requests and responses, March 1973-September 1975. Closing letters, investigatory material, March 1974-September 1975.	do	Do.

[1] Duplicated Pages of Index.

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General Services Administration (GSA).	GSA Freedom of Information Act Index; July 4, 1967 through Sept. 30, 1975. Category A information which is final opinions, including concurring and dissenting opinions and orders, made in the adjudication of cases. Category B information which is those statements of policy and interpretations which have been adopted by GSA and are not published in the FEDERAL REGISTER. Category C information which is administrative staff manuals and instructions to staff that affect a member of the public.	GSA, Director of Information (ALVP), Washington, D.C. 20405. Price: $4.75. Make checks payable to: General Services Administration.	GSA Central Office Library and the business service centers located in each regional office listed below: Central Office Library, 18 and F Sts. NW., Room 1023, Washington, D.C. 20405. Business service centers: Region 1: John W. McCormack Post Office and Courthouse, Boston, Mass. 02109. Region 2: 26 Federal Plaza, New York, N.Y. 10007. Region 3: 7 and D Sts. SW., Washington, D.C. 20407. Region 4: 1776 Peachtree St. NW., Atlanta, Ga. 30309. Region 5: 230 South Dearborn St., Chicago, Ill. 60604. Region 6: 1500 East Bannister Rd., Kansas City, Mo. 64131. Region 7: 819 Taylor St., Fort Worth, Tex. 76102. Region 8: Building 41, Denver Federal Center, Denver, Colo. 80225. Region 9: 525 Market St., San Francisco, Calif. 94105. Region 10: GSA Center, Auburn, Wash. 98002.
National Science Foundation (NSF).	Index of NSF circulars, manuals, and bulletins in effect as of Sept. 30, 1975. A numerical and classification index of agency-wide issuances, encompassing: (a) NSF circulars—convey agency policies, regulations, and procedures of a continuing nature; (b) NSF manuals—provide detailed instructions for implementing operating procedures, requirements, and criteria; and (c) NSF bulletins—used to communicate, urgent information concerning changes in policy or procedure prior to its incorporation into a circular or manual, and to communicate other information that is pertinent for a specific period.	NSF Public Information Office, Room 531, 1800 G St. NW., Washington, D.C. 20550. $0.10 per page, per copy. Payable to: National Science Foundation.	NSF Library, Room 219, 1800 G St. NW., Washington, D.C. 20550.
Do	Index of Office of the Director staff memoranda (O/D) in effect, as of Sept. 30, 1975. A numerical index, by calendar year, of issuances used by the Director and Deputy Director of the National Science Foundation to implement policy and to communicate with the staff on subjects of their choice.	do	Do.
Do	Numerical index of NSF important notices in effect as of Sept. 12, 1974. An index of notices serving as the primary means of general communication by the Director, NSF, with organizations receiving or eligible for NSF support. The notices convey important announcements of NSF policies and procedures or concerning other subjects determined to be of interest to the academic community and to other selected audiences.		
Do	Index of current internal directorate issuances. A listing, by NSF directorate, of pertinent internal issuances of major NSF organizational components conveying policies, criteria, instructions or procedures amplified at a level below the Office of the Director and to communicate information of specific scope.	do	Do.
Do	Index of NSF regulations promulgated in the Code of Federal Regulations under title 41, public contracts, property management; and title 45, public welfare. A listing, by subject title, of current Foundation regulations with a brief description of the content of each.	do	Do.
Do	Publications of the National Science Foundation. An index by topical classification, as of February 1975, of current NSF publications issued and available to the public. Listings include annual reports, specific program announcements and brochures, science resources studies pamphlets, special publications and NSF periodicals. In addition to titles, provides NSF publication numbers and copy prices. (NSF publication 75-13.)	NSF Central Processing Section, 1800 G St. NW., Washington, D.C. 20550. One copy gratis.	For inspection or copying: NSF Library, Room 219, 1800 G St. NW., Washington, D.C. 20550. For additional information: NSF Publications Resource Office, Room 531, 1800 G St. NW., Washington, D.C. 20550.
Do	NSF guide to programs. A composite listing of summary information about NSF assistance support programs, as of October 1974. Provides general guidance and information describing the principal characteristics and basic purposes of each activity; eligibility requirements; closing dates (where applicable); and the address where more detailed information or applications may be obtained. (NSF publication 75-42.)	NSF Central Processing Section, 1800 G St. NW., Washington, D.C. 20550. One copy gratis; Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Stock No. 3800-00195. Unit price: $1.70.	Do.
National Transportation Safety Board (NTSB).	Initial decisions of administrative law judges, Apr. 4, 1967 to Sept. 30, 1975. Chronological listing (by date of service) of initial decisions after hearings on appeal involving airman/air safety certificates.	Copies of indexes and checklist may be obtained by writing to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. (Fees for duplication and instructions for payment will be included in letter acknowledgment to requester.)	Chief, Public Inquiries Section, Room 806-B, National Transportation Safety Board, 800 Independence Ave. SW., Washington, D.C. 20594. Public Reference Room 806-B.
	Safety enforcement decisions, May 14, 1967 to Sept. 30, 1975. Alphabetical and numerical listings (by EA and EM order No.) of final opinions/orders of the Board on appeal from initial decisions of NTSB administrative law judges or Commandant, U.S. Coast Guard.		
	NTSB directives checklist as of Jan. 9, 1975. Numerical listing (by NTSB order No.) of staff operational directives.		

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Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to	For inspection, copying, or additional information contact
Office of Management and Budget (OMB).	Index to BOB/OMB bulletins, July 4, 1967 to June 30, 1975. Keyword index of OMB bulletins.	Office of Management and Budget. No fee. Velma N. Baldwin, Assistant to the Director for Administration.	Velma N. Baldwin Assistant to the Director for Administration.
Do	Office of Management and Budget circulars index, 1948 to June 30, 1975. Arranges current OMB circulars by keywords in the titles of the directives and by a limited number of broader captions.	do	Do.
Do	Index to Office of Management and Budget manual. All those sections currently in effect through June 30, 1975. Arranged by keywords in the titles.	do	Do.
Do	Rescinded Office of Management and Budget circulars, through June 30, 1975. Arranged by number, date, subject, rescission date, and circular replacement (if any).	do	Do.
Postal Rate Commission	Postal Rate Commission index	Secretary of the Commission, Postal Rate Commission, Washington, D.C. 20268. No charge.	Commission's Reading Room, Suite 500, 2000 L St. NW., Washington, D.C.
Selective Service System	1. Index to Selective Service regulations and directives, 1948 to 1972. 2. Index to Selective Service regulations and registrants processing manual, 1972 to present. 3. General index to reconciliation service manual. 4. Registrant information bank guide index, 1972 to present.	National Headquarters, Selective Service System, 1724 F St. NW., Washington, D.C. 20435. Prices: 1. $2, 2. $2, 3. $0.10, 4. $0.10. Make checks payable to: Selective Service System	Records Manager, National Headquarters, Selective Service System, 1724 F St. NW., Room 108, Washington, D.C. 20435. Telephone (202) 343-7117
Tennessee Valley Authority	Index to general administrative releases; covers period through September 1975; index to TVA organization bulletins, TVA codes, and TVA instructions.	John Van Mol, Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902. Price: $2.00. Checks payable to: Tennessee Valley Authority.	John Van Mol, Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902.

[1] Duplicated pages of index.

OCTOBER 16, 1975.

FRED J. EMERY,
Director, Office of the Federal Register.

[FR Doc.75-28182 Filed 10-16-75;9:13 am]

DEPARTMENT OF LABOR

Manpower Administration

EMPLOYMENT: TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Manpower, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 14th day of October, 1975.

BEN BURDETSKY,
Deputy Assistant Secretary for Manpower.

Applications received during the week ending Oct. 10, 1975

Name of applicant	Location of enterprise	Principal product or activity
Surrette Storage Battery Co., Inc.	Northfield, N.H.	Lead acid electric storage batteries.
A&E Plastik Pak Co., Inc.	Rockaway, N.J.	Manufacture of transparent plastic packaging for the food industry.
B&H Warehouses	Aiken, S.C.	Self-service mini-warehouses and specialty shop rental property.
Farm Service Center, Inc.	Dudley, Ga.	Drying and storage peanuts, sale of fertilizer, cotton warehouse, hardware store.
Cashiers Plastic Corp.	Cashiers, N.C.	Custom injection molding using the structural foam process.
Eutaw Equipment Co., Inc.	Eutawville, and Orangeburg, S.C.	Sales and service of farm equipment.
Faithway Industries	Andover, Ohio	Custom extruded rubber products.
Southern Gardens, Inc.	Flora, Ill.	Shopping center.
Woodhull Co-operative Grain Co.	Woodhull, Ill.	Grain, handling, grinding, mixing, and miscellaneous farm supplies.
Kinder Industries (tenant of Kinder)	Kinder, La.	Manufacturing of knit shirts.
Signs Inc.	Riverton, Wyo.	Design, sell, service, maintain, and install plastic and neon signs and store fronts.
Golden State Building Products	Shingle Springs, Calif.	Softwood lumber.

[FR Doc.75-28028 Filed 10-16-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 887]

ASSIGNMENT OF HEARINGS

OCTOBER 14, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 19537 Sub 6, Virgil Brooks Tucker and Marjorie Clark Tucker, d/b/a Clark Truck Line, now assigned October 20, 1975 at Jackson, Mississippi, is canceled and the application is dismissed.

MC 113528 Sub 24, Mercury Freight Lines, Inc., now assigned November 3, 1975 at Baton Rouge, Louisiana, is postponed indefinitely.

MC 19227 Sub 207, Leonard Bros. Trucking Co., Inc., now assigned November 10, 1975 at Denver, Colo., is canceled and application dismissed.

MC 103926 Sub 42, W. T. Mayfield Sons Trucking Co., now assigned November 4, 1975 at Atlanta, Georgia, will be held in Room 452, Federal Office Building, 275 Peachtree Street, instead of Room 556.

MC 111729 Sub 519, Purolator Courier Corp.; MC 10761 Subs 240, 246, 247, 249, 253, 254, 256, 257, 259, 260, Transamerican Freight Lines, Inc.; MC 113843 Sub 220, Refrigerated Food Express, Inc.; MC 134022 Sub 15, Richard A. Zima d/b/a Zipco; MC 138144 Sub 6, Fred Olson, Co., Inc.; and MC 139741 Sub 2, D & D Disposal Services Limited, now being assigned for a pre-hearing conference December 1, 1975, at Chicago, Illinois, in a hearing room to be later designated.

MC 87511 Sub 17, Saia Motor Freight Line, Inc., now being assigned continued hearing December 1, 1975 (5 days) at Shreveport, Louisiana, in the Chateau Motor Hotel, 201 Lake Street, continued to December 8, 1975 (1 week) at Dallas, Texas, in the Holiday Inn—Downtown, 1015 Elm Street.

MC 67996 (Sub-No. 9), Distillery Transfer Service, Inc., now being assigned November 17, 1975, (1 week), at Holiday Inn, Junction of U.S. Highway 31E and Bluegrass Parkway, Bardstown, Kentucky.

MC 114789 Sub 47, Nationwide Carriers, Inc., now being assigned December 2, 1975, (2 days), at Chicago, Illinois, in a hearing room to be later designated.

MC 110420 Sub 734, Quality Carriers, Inc., now being assigned December 4, 1975, (2 days), at Chicago, Illinois, in a hearing room to be later designated.

MC 64932 Sub 548, Rogers Cartage Co., now being assigned December 8, 1975, (1 day), at Chicago, Illinois, in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-28047 Filed 10-16-75;8:45am]

[Notice No. 888]

ASSIGNMENT OF HEARINGS

OCTOBER 14, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction

MC 200 (Sub-No. 273), Riss International Corporation, MC 10761 Sub 276, Transamerican Freight Lines, Inc., MC 30844 Sub 532, Kroblin Refrigerated Xpress, Inc., MC 95540 Sub 922, Watkins Motor Lines, Inc., MC 111231 Sub 191, Jones Truck Lines, Inc., MC 113678 Sub 584, Curtis, Inc., MC 114569 Sub 115, Shaffer Trucking, Inc., 119789, Sub 236, Caravan Refrigerated Cargo, Inc., MC 133655 Sub 82, MC 134323 Sub 69, Jay Lines, Inc., and MC 134755 Sub 51, Charter Express, Inc., now assigned October 29, 1975, at the Internal Revenue Service Building, Rooms 118 & 120 1412 South Main St., Wichita, Kansas, is canceled and reassigned for hearing October 29, 1975 (3 *days*), instead of *1 Week*, at Wichita, Kansas, Room 406, Bankruptcy Courtroom, Federal Building, 3rd & Market St.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-28048 Filed 10-16-75;8:45 am]

TEMPORARY AND EMERGENCY TEMPORARY AUTHORITY APPLICATIONS

Disposition

OCTOBER 7, 1975.

On the basis of the recent study of the Commission's operations by the Blue Ribbon Staff, it appears that some carriers and shippers do not respond adequately to the questions set forth in the TA application Form OP-MCB 95 (Rev. 1/74), thus making it necessary, in the press of time, to proceed to decision on a poorly presented record in order to expedite the handling of cases involving alleged emergency needs. We are concerned that inclusion of the answers omitted from a number of questions might have altered the disposition of such applications. To improve the processing of TA applications, the Commission's field offices henceforth will forward to the Motor Carrier Board only applications that are complete and fully responsive. Below are examples of poorly prepared responses to key questions on the application form.

Question (6) on page 8 of the application requests that the supporting shipper "List efforts made to obtain the service from existing carriers, including the dates and results of such efforts; the names and addresses of existing carriers that have either failed or refused to provide service; and the reasons for any such failure or refusal."

Question (8) on the same page reads "The undersigned shipper has supported, or is supporting the following application for authority similar to that sought in the application. (If none, so state)." The information expressly requested to be filled in is the name of the carrier, its docket number, the filing date of the application, whether the application was granted or denied and the date of such action.

The frequently-used answer to Question (6): "I am unaware of any available service," is not responsive. It may be regarded as evasive and could lead to the denial of the application where an opposing carrier later asserts an ability and desire to provide the service and a lack of success in past efforts to solicit the traffic.

An answer to Question (8) stating, "I have no personal knowledge that my company has supported such an application," is not responsive and where an opposing carrier makes an unchallenged claim that the shipper by whom the replicant is employed has in fact supported similar applications in the past, the subject application may be denied for that reason alone.

Instructions for the preparation of the application are set out on page 5. The third paragraph from the bottom of page

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5 begins with "The National Transportation Policy . . ." and requests the submission of specific information relative to the operational feasibility of the proposed service. Response to such instruction is often omitted. Henceforth, such omission, in and of itself may cause the application to be denied.

Carriers and their supporting shippers are urged to prepare their TA applications fully and responsively in order to avoid delays in processing as well as to avoid the possible denial of the sought TA or ETA because of less than complete application forms. In this regard, the Commission's field staff has been alerted to provide all necessary and appropriate assistance to TA applicants in preparation of their applications.

By the Commission, Division 1.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28049 Filed 10-16-75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 14, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before November 3, 1975.

FSA No. 43057—*Joint Water-Rail Container Rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 88), for itself and interested rail carriers. Rates on general commodities, from rail carriers terminals at Stockton and Sacramento, California, to ports in Europe, Mediterranean and United Kingdom.

Grounds for relief—Water competition.

Tariff—Sea-Land Service, Inc., tariff I.C.C. No. 69. Rates are published to become effective on November 13, 1975.

FSA No. 43058—*Rubber to Points in Louisiana and Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-559), for interested rail carriers. Rates on rubber, etc., in carloads, as described in the application, from specified points in Louisiana and Texas, to specified points in Delaware, Maryland, New Jersey, and Pennsylvania.

Grounds for relief—Rate relationship and water competition.

Tariff—Supplement 121 to Southwestern Freight Bureau, Agent, tariff 13-E, I.C.C. No. 4982. Rates are published to become effective on November 13, 1975.

FSA No. 43059—*Cinders, Clay or Shale, from Pueblo, Colorado.* Filed by Southwestern Freight Bureau, Agent (No. B-561), for interested rail carriers. Rates on cinders, clay or shale, crude or crushed, not ground, in carloads, as described in the application, from Pueblo, Colorado, to points in New Mexico, Oklahoma and Texas.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 232 to Southwestern Freight Bureau, Agent, tariff 270-F, I.C.C. No. 4832. Rates are published to become effective on November 13, 1975.

FSA No. 43060—*Rubber to South Providence, R.I.* Filed by Southwestern Freight Bureau, Agent, (No. B-562), for interested rail carriers. Rates on rubber, etc., in carloads, as described in the application, from points in Louisiana and Texas, to South Providence, R.I.

Grounds for relief—Rate relationship and water competition.

Tariff—Supplement 121 to Southwestern Freight Bureau, Agent, tariff 13-E, I.C.C. No. 4982. Rates are published to become effective on November 13, 1975.

FSA No. 43061—*Corn and Soybeans to Chicago, Illinois.* Filed by Chicago and North Western Transportation Company, (No. 107), for interested rail carriers. Rates on corn and soybeans, in carloads, as described in the application, from Belvidere and Esmond, Illinois, also Milwaukee, Wisconsin, to Chicago, Illinois.

Grounds for relief—Carrier and market competition.

Tariff—Chicago and North Western Transportation Company tariff 17194-A, I.C.C. No. 151. Rates are published to become effective on November 15, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28045 Filed 10-16-75;8:45 am]

[Notice No. 97]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 17, 1975.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76100. (Correction) (ALBERT E. HUSSEY, SR., doing business as RELIABLE AIR FREIGHT TRUCKING, Transferee, and JAMES M. GIBNEY, doing business as GIBNEY'S TRANSPORTATION, Transferor), in lieu of JAMES M. GIBNEY, doing business as GIBNEY'S TRANSPORTATION, Transferee, and ALBERT E. HUSSEY, SR., doing business as RELIABLE AIR FREIGHT TRUCKING, Transferor, published in the September 25, 1975, issue of the FEDERAL REGISTER.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28046 Filed 10-16-75;8:45 am]

[Ex Parte 241; Rule 19, Exemption No. 104]

NORFOLK AND WESTERN RAILWAY CO. AND THE PITTSBURGH AND LAKE ERIE RAILROAD CO.

Exemption Under Mandatory Car Service Rules

It appearing, That the Norfolk and Western Railway Company (N&W) and The Pittsburgh and Lake Erie Railroad Company (P&LE), have each agreed to the unrestricted use by the other of its plain gondola cars 61 ft. in length, or greater, and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GH", "GS", "GT", and "GW", which are 61 ft. in length or greater, which bear the reporting marks listed herein, may be used by the N&W and P&LE without regard to the requirements of Car Service Rules 1 and 2.

Reporting Marks:

N&W: N&W, NKP, P&WV, VGN, WAB; P&LE: P&LE.

Effective October 7, 1975.

Expires January 15, 1975.

Issued at Washington, D.C., October 7, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-28050 Filed 10-16-75;8:45 am]

[Ex Parte 241; Rule 19, 10th Rev. Exemption 99]

CENTRAL RAILROAD COMPANY OF NEW JERSEY ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, That the U.S. railroads own numerous plain gondolas less than 61 ft.; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain gondolas, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GA", "GB", "GD", "GH", "GS", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks assigned to United States Railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exceptions 1, 2 and 3)

Exception 1: This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

Exception 2: This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to Directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

Exception 3: This exemption shall not apply to plain gondola cars owned by the railroads named below:

The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee. Reporting Marks: CNJ.

The Denver and Rio Grande Western Railroad Company. Reporting Marks: DRGW.

Florida East Coast Railway Company. Reporting Marks: FEC.

Grand Trunk Western Railroad Company. Reporting Marks: GTW.

The Kansas City Southern Railway Company. Reporting Marks: KCS.

Illinois Terminal Railroad Company. Reporting Marks: KCS.

Louisiana & Arkansas Railway Company. Reporting Marks: LA.

Maine Central Railroad Company. Reporting Marks: MEC.

Missouri-Kansas-Texas Railroad Company. Reporting Marks: BKTY-MKT-MKTT.

Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees. Reporting Marks: PC-PRR-NYC.

Richmond, Fredericksburg and Potomac Railroad Company. Reporting Marks: RFP.

Union Pacific Railroad Company. Reporting Marks: UP.

Effective October 14, 1975.

Expires November 30, 1975.

Issued at Washington, D.C., October 7, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-28051 Filed 10-16-75;8:45 am]

[Ex Parte 241; Rule 19, 6th Rev. Exemption 89]

BURLINGTON NORTHERN INC. ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, That the U.S. railroads own numerous 40-ft. plain boxcars; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars of railroad ownership described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44 ft. 6 in. or less, and which bear the reporting marks assigned to United States railroads, shall be exempt from the provisions of Car Service Rules 1(a) 2(a) and 2(b). (See Exceptions 1, 2 and 3)

Exception No. 1: This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

Exception No. 2: This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to Directives issued by the Car Service Division, of the Association of American Railroads, restricting the use of designated cars.

Exception No. 3: This exemption shall not apply to 40-ft. boxcars owned by the railroads named below:

Burlington Northern Inc. Reporting Marks: BN-CBQ-GN-NP-SPS.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company. Reporting Marks: MILW.

Chicago and North Western Transportation Company. Reporting Marks: CGW-CMO-CNW-MSTL.

Illinois Central Gulf Railroad Company. Reporting Marks: CLG-GM&O-IC-ICG.

The Kansas City Southern Railway Company. Reporting Marks: KCS.

Louisiana & Arkansas Railway Company. Reporting Marks: LA.

Maine Central Railroad Company. Reporting Marks: MEC.

SOO Line Railroad Company. Reporting Marks: SOO.

Effective October 13, 1975.

Expires October 31, 1975.

Issued at Washington, D.C., October 6, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-28052 Filed 10-16-75;8:45 am]

[AB 64]

ILLINOIS TERMINAL RAILROAD CO.

Abandonment Between Hamel and Worden, in Madison County, Illinois

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Madison County, Ill., on or before October 28, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the Federal Register as notice to interested persons.

Dated at Washington, D.C., this 2nd day of October, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD, *Secretary.*

ILLINOIS TERMINAL RAILROAD COMPANY, ABANDONMENT BETWEEN HAMEL AND WORDEN, IN MADISON COUNTY, ILLINOIS

The Interstate Commerce Commission hereby gives notice that by order dated October 2, 1975, it has been determined that the proposed abandonment by the Illinois Terminal Railroad Company of its line of railroad between Hamel and Worden, Ill., a distance of 2.59 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because the volume of traffic handled on the subject line is low, and the area highways are adequate to handle the small amount of additional truck traffic resulting from an authorized abandonment. In addition, there is the absence of any historic, safety or ecological impacts associated with the proposal.

The area traversed by the line is primarily rural agricultural land. At the present time there are no definite plans for sale of the right-of-way. Presumably it will be made available to the adjacent landowners for agricultural purposes.

The 2.59 miles of track to be abandoned represent an isolated segment of applicant's mainline which at one time extended between Edwardsville and Benld, Ill. The two segments of this line between Edwardsville and Hamel and between Worden and Benld were authorized for abandonment in 1970 (F.D. 26019), and at the same time the applicant was granted trackage rights over the C&NW line between Edwardsville and Benld. Consequently, it is no longer necessary for applicant to use its track between Hamel and Worden for mainline operations.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before November 12, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28053 Filed 10-16-75;8:45 am]

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[FINANCE DOCKET NOS. 27805, 27806]

ILLINOIS CENTRAL GULF RAILROAD CO.

Construction—A Line of Railroad South of the City of Springfield, in Sangamon County, Illinois; Trackage Rights Over a Line of the Illinois Terminal Railroad Company, in Sangamon County, Illinois

Upon consideration of the record in the above-entitled proceedings, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in these proceedings because these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Sangamon County, Ill., on or before October 20, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 7th day of October, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD, *Secretary.*

FINANCE DOCKET NO. 27805, ILLINOIS CENTRAL GULF RAILROAD COMPANY — CONSTRUCTION — A LINE OF RAILROAD SOUTH OF THE CITY OF SPRINGFIELD, IN SANGAMON COUNTY, ILLINOIS.

FINANCE DOCKET NO. 27806, ILLINOIS CENTRAL GULF RAILROAD COMPANY — TRACKAGE RIGHTS — OVER A LINE OF THE ILLINOIS TERMINAL RAILROAD COMPANY, IN SANGAMON COUNTY, ILLINOIS.

The Interstate Commerce Commission hereby gives notice that by order dated October 7, 1975, it has been determined that the proposed construction of approximately 1 mile of additional trackage and the acquisition of trackage rights over approximately 0.7 miles of Illinois Terminal Railroad Company trackage, near the southern limits of Springfield, Ill., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are considered insignificant because the proposed action provides for uninterrupted Illinois Central Gulf Railroad Company overhead operations through Springfield, in lieu of existing zig-zag, intracity movements. The net environmental impacts will be localized reductions in fuel consumption, air pollutant emissions, grade crossing safety hazards, and ambient noise levels.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before November 10, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28054 Filed 10-16-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY ELIMINATION OF GATEWAY LETTER NOTICES

OCTOBER 14, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 28, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 19227 (Sub-E4), filed June 14, 1974. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 Northwest 20th Street, Miami, Florida 33152. Applicant's representative: William O. Turney, 2001 Massachusetts Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *commodities* (except boats) and (except oil field equipment), the transportation of which because of their size or weight requires the use of special equipment; and (2) *self-propelled articles*, each weighing 15,000 pounds or more and related machinery, tools, parts and supplies in connection therewith (restricted against the transportation of oilfield commodities and restricted to the transportation of commodities on trailers); (a) between points in Arizona, on the one hand, and, on the other, points in Arkansas and Louisiana; (b) between points in New Mexico, Nebraska, Kansas, and Oklahoma, on the one hand, and, on the other, points and places in Louisiana; (c) between points in New Mexico, on the one hand, and, on the other, points and places in Arkansas; and (3) *Commodities* (except oil field equipment), the transportation of which because of their size or weight requires the use of special equipment and (4) *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies moving in connection therewith restricted to commodities which are transported on trailers; (a) between points in California, on the one hand, and, on the other, points in Florida; (c) between points in Arizona, on the one hand, and, on the other, points in Nebraska, Kansas, New Mexico, and Oklahoma, on the one hand, and, on the other, points in Florida; (d) between points in Arkansas (West of Boone, Searcy, Van Buren, Faulkner, Lonoke, Arkansas, Lincoln, Drew, and Ashley Counties), on the one hand, and, on the other, points in Florida; (e) between points in Louisiana (West of Morehouse, Richland, Caldwell, LaSalle, Grant, Rapides, Allen, Jefferson Davis, and Cameron parishes), on the one hand, and, on the other, points and places in Florida. The purpose of this filing is to eliminate the gateway of: (1) & (2) (a)-(c) Texas or that part of Texas west of the eastern boundary lines of Lipscomb, Hemphill, Wheeler, Collingsworth Hall, Motley, Dickens, Kent, Scurry, Howard, Glasscock, Reagan, Crockett, and Val Verde Counties, Texas; (3) & (4) (b)-(c) Texas.

No. MC 32882 (Sub-E3), filed June 6, 1975. Applicant: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Boulevard, Portland, Oreg. 97217. Applicant's representative: Russell M. Allen, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, other than iron and steel, (A) between points in California, on the one hand, and, on the other, points in Montana, and (B) between points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Tuolumne and Alpine Counties, on the one hand, and, on the other, points in Utah in and north of Tooele, Utah, Duchesne, Unitah Counties. The purpose of this filing is to eliminate the gateway of points in Oregon.

No. MC 32882 (Sub-E4), filed June 6, 1975. Applicant: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Boulevard, Portland, Oreg. 97217. Applicant's representative: Russell M. Allen, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials* (except commodities in bulk), between points in California in and north of San Luis Obispo, Kings, Fresno, and Mono Counties, on the one hand, and, on the other, points in Montana on and west of a line beginning at the Montana-Wyoming State line and extending along U.S. Highway 87 to junction U.S. Highway 91 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateway of points in Washington.

No. MC 32882 (Sub-E5), filed June 6, 1975. Applicant: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Boulevard, Portland, Oreg. 97217. Applicant's representative: Russell M. Allen, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the size or weight which would require the use of special equipment or special handling (restricted against the transportation of commodities in bulk and new passenger automobiles); between points in California on the one hand, and, on the other, points in Montana on and west of a line beginning at the Montana-Wyoming State line and extending through U.S. Highway 87 through Hardin, Roundup and Lewiston, Montana to Great Falls, Montana, thence along U.S. Highway 91 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of points in Oregon.

No. MC 32882 (Sub-E6), filed June 6, 1975. Applicant: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Boulevard, Portland Oreg. 97217. Applicant's representative: Russell M. Allen, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Construction materials* (other than forest products, lumber, lumber products and wood products, commodities in bulk, iron and steel articles as described in Ex Parte No. 45, Descriptions in Motor Carrier Certificates, Appendix V, and commodities which by reason of size or weight require special equipment); (2) *Self-propelled articles* each weighing 15,000 lbs. or more (restricted to commodities which are transported on trailers and restricted against transporting new passenger automobiles in truck-away service); (3) *General Commodities* (except those of unusual value of classes A and B explosives, household goods as defined by the Commission, commodities in bulk, new passenger automobiles in truck-away service and commodities requiring special equipment) in mixed loads with commodities, the transportation of which, because of size or weight, require the use of special equipment or special handling when the mixed load moves on a special bill of lading from a single consignor; (4) *Commodities*, the size or weight of which would require the use of special equipment or special handling (restricted against the transportation of commodities in bulk and new passenger automobiles); (a) between points in California, in and north of Santa Cruz, Santa Clara, Stanislaus, Tuolumne and Alpine Counties, on the one hand, and, on the other, points in Montana on and east of a line beginning at the Montana-Wyoming State line and extending along U.S. Highway 87 through Hardin, Roundup and Lewiston, Mont., to Great Falls, Mont., thence along U.S. Highway 91 to the United States-Canada International Boundary line. Restriction: The above operations are restricted against the transportation of boats.

No. MC 53269 (Sub-No. E2) filed June 3, 1974. Applicant: EDITH R. ALLEN, doing business as S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Brisol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania in and west of Erie, Crawford, Venango, Butler, Westmoreland, and Fayette Counties, on the one hand, and, on the other, points in Tennessee in and east of Pickett, Overton, Putnam, White, Van Buren, Grundy, and Marion Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E5) filed June 3, 1974. Applicant: EDITH R. ALLEN, doing business as S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania in and east of Warren, Forest, Clarion, Armstrong, Indiana, Cambria, and Somerset Counties, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E7), filed June 3, 1974. Applicant: EDITH R. ALLEN, doing business as S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania in and west of Fulton, Bedford, Blair, Clearfield, Elk, and McLean Counties, on the one hand, and, on the other, points in North Carolina in and west of Alleghany, Wilkes, Iredell, Mecklenburg, and Union Counties, N.C., and points in South Carolina in and west of Chesterfield, Darlington, Lee, Sumter, Clarendon, Berkeley, and Charleston Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E8), filed June 3, 1974. Applicant: EDITH R. ALLEN, doing business as S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania in and east of Potter, Cameron, Clinton, Centre, Huntingdon, and Franklin Counties, on the one hand, and, on the other, points in North Carolina in and west of Avery, McDowell, and Rutherford Counties, and points in South Carolina in and west of Cherokee, Union, Fairfield, Richland, Calhoun, Orangeburg, and Colleton Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E9), filed June 3, 1974. Applicant: EDITH R. ALLEN d/b/a S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio in and east of Gallia, Vinton, Hocking, Fairfield, Licking, Knox, Richland, Huron, and Erie Counties, on the one hand, and, on the other, points in North Carolina in and west of Watauga, Avery, Burke, and Rutherford Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E10), filed June 3, 1974. Applicant: EDITH R. ALLEN d/b/a S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio in and west of Lawrence, Jackson, Ross, Pickaway, Franklin, Delaware, Morrow, Crawford, Seneca, Sandusky, and Ottawa Counties, on the one hand, and, on the other, points in North Carolina in, west and south of Caswell, Orange, Durham, Wake, Johnston, Wayne, Lenoir, Jones, and Carteret Counties. The

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purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E14), filed June 3, 1974. Applicant: EDITH R. ALLEN, d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio in and west of Erie, Huron, Richland, Knox, Licking, Perry, Hocking, Vinton, Gallia, and Lawrence Counties, on the one hand, and, on the other, points in Georgia in and south of Lincoln, Wilkes, Taliaferro, Hancock, Putnam, Jones, Bibb, Peach, Macon, Sumter, Webster, Randolph, and Clay Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E15), filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio in and east of Lorain, Ashland, Holmes, Coshocton, Muskingham, Morgan, Athens, and Meigs Counties, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E16) filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E21) filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in North Carolina (except those in and east of Northampton, Bertie, Chowan, Perquimans, Pasquotank, Camden, and Currituck Counties). The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E23) filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in Tennessee in and east of Blount, Knox, Anderson, and Campbell Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E28) filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, between those points in Virginia within 150 miles of Bristol, Tenn. (except those points in and west of Bland, Wythe, and Grayson Counties), on the one hand, and, on the other, points in Kentucky (except those points in Pike County). The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E29), filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, between points in Virginia in and west of Buchanan, Russell, and Washington Counties (except Lee County), on the one hand, and, on the other, points in North Carolina in and west of Avery, Burke, and Rutherford Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.,

No. MC 53269 (Sub-No. E30) filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, between those points in Virginia within 150 miles of Bristol, Tenn. (except those points in and west of Tazewell, Russell, and Scott Counties), on the one hand, and, on the other, points in Kentucky (except those points in and east of Carroll, Owen, Scott, Bourbon, Clark, Powell, Wolfe, Magoffin, Knott, Perry, and Letcher Counties). The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E31), filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, between those points in Tennessee in and east of Sullivan, Washington, and Unicoi Counties, on the one hand, and, on the other, points in South Carolina in and east of Lancaster, Kershaw, Richland, Lexington, Saluda, and Edgefield Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E32), filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, between those points in Tennessee within 150 miles of Bristol, Tenn.–Va., on the one hand, and, on the other, points in South Carolina in and east of Chesterfield, Darlington, Lee, Sumter, Clarendon, Berkeley, Dorchester, Colleton, and Hampton Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E33), filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, between those points in Tennessee in and east of Unicoi, Washington, and Sullivan Counties, on the one hand, and, on the other, points in Georgia in and south of Floyd, Bartow, Cherokee, Forsyth, Hall, Jackson, Clarke, Oglethorpe, Wilkes, and Lincoln Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E34), filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 38622. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Avenue, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E35) filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 38622. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E36) filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 38622. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana in and north of Warren, Tippecanoe, Clinton, Tipton, Grant, Blackford, and Jay Counties, on the one hand, and, on the other, points in Virginia in and west of Bath, Rockbridge, Bedford, and Pittsylvania Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E37), filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 38622. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave. NW., Washington D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida in and west of Jefferson County to points in Virginia except those in, east and south of Mecklenburg, Lunenburg, Prince Edward, Cumberland, Fluvanna, Louisa, Spotsylvania, and Stafford Counties, Va. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E39) filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 38622. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida in and south of Citrus, Sumter, Lake, Seminole, and Brevard Counties, on the one hand, and, on the other, points in Watauga, Ashe, Alleghany, and Wilkes Counties, N.C. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E40) filed June 3, 1974. Applicant: EDITH R. ALLEN d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida in and south of Sumter, Lake, Citrus, Seminole, and Brevard Counties, on the one hand, and, on the other, points in Tennessee in and east of Pickett, Fentris, Morgan, Roane, Louden, and Blount Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E41) filed June 3, 1974 Applicant: EDITH R. ALLEN, d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Dade, and Monroe Counties, Fla., on the one hand, and, on the other, points in North Carolina in and north of Avery, Burke, Catawba, Iredell, Rowan, Davidson, Randolph, Alamance, and Caswell Counties. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E42) filed June 3, 1974 Applicant: EDITH R. ALLEN, d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in Maryland and New Jersey. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E43) filed June 3, 1974. Applicant: EDITH R. ALLEN, d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida (except those in and west of Franklin, Liberty, and Gasden Counties), on the one hand, and, on the other, points in Kentucky (except those in and west of Henderson, Webster, Hopkins, and Christian Counties). The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E44) filed June 3, 1974. Applicant: EDITH R. ALLEN, d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, on the one hand, and, on the other, points in and north of Avery, Burke, Catawba, Iredell, Rowan, Davidson, Randolph, Alamance, and Caswell Counties, N.C. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E45), filed June 3, 1974. Applicant: EDITH R. ALLEN, d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama in and south of Pickens, Tuscalossa, Jefferson, Shelby, Talladaga, Clay and Randolph Counties, on the one hand, and, on the other, points in Kentucky in and east of McCreary, Laurel, Jackson, Estill, Powell, Montgomery, Bath, Fleming, and Lewis. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E46) filed June 3, 1974. Applicant: EDITH R. ALLEN, d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in and north of Lamar, Fayette, Walker, Blount, Marshall and DeKalb Counties, Ala., on the one hand, and, on the other, points in West Virginia (except those north and west of Wayne, Lincoln, Kanawaha, Roane, and Jackson Counties). The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E47), filed June 3, 1974. Applicant: EDITH R. ALLEN, d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's repre-

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sentative: James F. Flint, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama (except those in and north of Lamar, Fayette, Walker, Blount, Marshall, and DeKalb Counties), on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 53269 (Sub-No. E48), filed June 3, 1974. Applicant: EDITH R. ALLEN, d.b.a. S. P. RUTHERFORD TRANSFER & STORAGE, P.O. Box 209, Bristol, Tenn. 36822. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, on the one hand, and, on the other, points in Maryland and New Jersey. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 61825 (Sub-No. E188), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Ohio County, W. Va., on the one hand, and, on the other, points in Allen, Ashland, Ashtabula, Auglaize, Butler, Columbiana, Crawford, Cuyahoga, Darke, Defiance, Delaware, Erie, Fulton, Geauga, Hamilton, Hancock, Hardin, Henry, Huron, Lake, Logan, Lorain, Lucas, Mahoning, Marion, Medina, Mercer, Miami, Montgomery, Morrow, Ottawa, Paulding, Portage, Preble, Putnam, Richland, Sandusky, Seneca, Shelby, Stark, Summit, Trumbull, Union, Van Wert, Warren, Wayne, Williams, Wood, and Wyandot Counties, Ohio. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E189), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Marshall County, W. Va., on the one hand, and, on the other, points in Allen, Ashland, Ashtabula, Auglaize, Butler, Champaign, Clark, Clermont, Clinton, Columbiana, Crawford, Cuyahoga, Darke, Defiance, Delaware, Erie, Fulton, Geauga, Greene, Hamilton, Hancock, Hardin, Henry, Huron, Lake, Logan, Lorain, Lucas, Mahoning, Marion, Medina, Mercer, Miami, Montgomery, Morrow, Ottawa, Paulding, Portage, Preble, Putnam, Richland, Sandusky, Seneca, Shelby, Stark, Summit, Trumbull, Union, Van Wert, Warren, Wayne, Williams, Wood, and Wyandot Counties, Ohio. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E190), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Hancock County, W. Va., on the one hand, and, on the other, points in Ohio (except points in Ashtabula, Carroll, Columbiana, Harrison, Jefferson, Mahoning, Portage, Stark, and Trumbull Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E191), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Brooke County, W. Va., on the one hand, and on the other, points in Ohio (except points in Belmont, Harrison, Jefferson, Monroe, Noble, and Washington Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E192), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Brooke County, W. Va., on the one hand, and, on the other, points in Pennsylvania (except in Allegheny, Fayette, Greene, Somerset, Washington, and Westmoreland Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E193), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Hancock County, W. Va., on the one hand, and, on the other, points in Pennsylvania (except points in Allegheny, Beaver, Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, Mercer, McKean, Venango, Warren, and Washington Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E194), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Marshall County, W. Va., on the one hand, and, on the other, points in Pennsylvania (except points in Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Somerset, Washington, and Westmoreland Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E195), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Wetzel County, W. Va., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Berks, Bradford, Bucks, Cameron, Carbon, Chester, Clarion, Clinton, Columbia, Crawford, Delaware, Elk, Erie, Forest, Juniata, Lackawanna, Lebanon, Lehigh, Luzerne, Lycoming, Mercer, McKean, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Wayne, Wyoming, and Monroe Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E196), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Ohio County, W. Va., on the one hand, and, on the other, points in Pennsylvania (except those in Allegheny, Fayette, Greene, Somerset, Washington, and Westmoreland Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E235), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment* and *supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Missouri to points in Maryland on, east, and south of a line beginning at the Virginia-Maryland State line and extending along the District of Columbia border line to U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Maryland-Delaware State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E236), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's

representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Missouri on and south of a line beginning at the Missouri-Illinois State line and extending along Missouri Highway 51 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Missouri Highway 32, thence along Missouri highway 32 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Missouri-Kansas State line to points in Maryland on and east of Interstate Highway 81 and west of a line beginning at the Virginia-Maryland State line and extending along the District of Columbia border line to U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Maryland-Delaware State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E237), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Missouri to Washington, D.C. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E238), filed May 13, 1974. Applicant: ROW STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Missouri to points in Virginia on, east, and south of a line beginning at the North Carolina-Virginia State line and extending along Virginia Highway 8 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction Virginia Highway 8, thence along Virginia Highway 8 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction Virginia Highway 419, thence along Virginia Highway 419 to junction Virginia Highway 311, thence along Virginia Highway 311 to junction Virginia Highway 18, thence along Virginia Highway 18 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Virginia Highway 55, thence along Virginia Highway 55 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Virginia Highway 655, thence along Virginia Highway 655 to the Virginia-Maryland State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E239), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Missouri on and west of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 63 to junction Missouri Highway 68, thence along Missouri Highway 68 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Missouri-Arkansas State line to points in Virginia bounded by a line beginning at the North Carolina-Virginia State line and extending along the Carroll-Patrick County line to the Carroll-Floyd County line to junction U.S. Highway 221, thence along U.S. Highway 221 to junction Virginia Highway 787, thence along Virginia Highway 787 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Virginia-West Virginia State line, and extending along the Virginia-West Virginia State line to the Potomac River, and extending along the Potomac River to Virginia Highway 655, thence along Virginia Highway 655 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Virginia Highway 55, thence along Virginia Highway 55 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Virginia Highway 18, thence along Virginia Highway 18 to junction Virginia Highway 311, thence along Virginia Highway 311 to junction Virginia Highway 419 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction Virginia Highway 8, thence along Virginia Highway 8 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 8, thence along Virginia Highway 8 to the Virginia-North Carolina State line, and extending along the Virginia-North Carolina State line to the point of beginning. The purpose this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E240), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Missouri to points in North Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 501 to junction North Carolina Highway 22, thence along North Carolina Highway 22 to junction U.S. Highway 220, thence along U.S. Highway 220 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E241), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, supplies, and equipment* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Missouri on, north, and west of a line beginning at the Arkansas-Missouri State line and extending along Missouri Highway 101 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Missouri-Illinois State line and extending along U.S. Highway 501 to junction North Carolina Highway 22, thence along North Carolina Highway 22 to junction U.S. Highway 220, thence along U.S. Highway 220 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E242), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture

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and furniture parts (except in bulk), from points in Missouri on, north, and west of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 66 to junction Missouri Highway 39, thence along Missouri Highway 39 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Missouri Highway 123, thence along Missouri Highway 123 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Missouri Highway 73, thence along Missouri Highway 73 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 42, thence along Missouri Highway 42 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction Missouri Highway 161, thence along Missouri Highway 161 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Illinois State line to points in South Carolina on, north, and east of a line beginning at the Atlantic Ocean and extending along Winyah Bay to junction U.S. Highway 701, thence along U.S. Highway 701 to junction South Carolina Highway 51, thence along South Carolina Highway 51 to junction U.S. Highway 52, thence along U.S. Highway 52 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E243), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies*, used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Arkansas to Washington, D.C. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E244), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Arkansas to points in Maryland. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E245), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Arkansas to points in Virginia on and east of a line beginning at the North Carolina-Virginia State line and extending along Virginia Highway 8 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction Virginia Highway 419, thence along Virginia Highway 419 to junction Virginia Highway 311, thence along Virginia Highway 311 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E246), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Arkansas to points in North Carolina on and east of a line beginning at the Atlantic Ocean near Surf City, N.C., extending along North Carolina Highway 210 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction North Carolina Highway 210, thence along North Carolina Highway 210 to junction North Carolina Highway 242, thence along North Carolina Highway 242 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction North Carolina Highway 82, thence along North Carolina Highway 82 to junction North Carolina Highway 55, thence along North Carolina Highway 55 to junction North Carolina Highway 42, thence along North Carolina Highway 42 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E247), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Arkansas on and west of a line beginning at the Arkansas-Missouri State line and extending along Arkansas Highway 9 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction Arkansas Highway 124, thence along Arkansas Highway 124 to junction Arkansas Highway 5, thence along Arkansas Highway 5 to junction U.S. Highway 67/167, thence along U.S. Highway 67/167 to junction Interstate Highway 30, thence along Interstate Highway 30 to the Arkansas-Texas State line to points in North Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 52 to junction North Carolina Highway 8, thence along North Carolina Highway 8 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 52, thence along U.S. Highway 52 to the North Carolina-Virginia State line and points west of a line beginning at the Atlantic Ocean near Surf City, N.C., and extending along North Carolina Highway 210 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction North Carolina Highway 210, thence along North Carolina Highway 210 to junction North Carolina Highway 242, thence along North Carolina Highway 242 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction North Carolina Highway 82, thence along North Carolina Highway 82 to junction North Carolina Highway 55, thence along North Carolina Highway 55 to junction North Carolina Highway 42, thence along North Carolina Highway 42 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E280), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts* (except in bulk), from points in Iowa on, north, and west of a line beginning on the Illinois-Iowa State line and extending along Iowa Highway 64 to junction U.S. Highway 151, thence west along U.S. Highway 151 to junction U.S. Highway 30, thence west along U.S. Highway 30 to junction U.S. Highway 63, thence south along U.S. Highway 63 to junction U.S. Highway 6, thence west along U.S. Highway 6 to junction Interstate Highway 80, thence west along Interstate Highway 80 to junction Interstate Highway 35, thence south along Interstate Highway 35 to junction U.S. Highway 34, thence west along U.S. Highway 34 to junction U.S. Highway 169, thence south along U.S. Highway 169 to the Iowa-Missouri State line to points in South Carolina on and east of a line beginning on the Atlantic Ocean at Edisto Island, thence north along South Carolina Highway 174 to junction South Carolina Highway 64, thence northwest along South Carolina Highway 64 to junction U.S. Highway 15, thence north along U.S. Highway 15 to junction South Carolina Highway 341, thence north along South Carolina Highway 341 to junction U.S. Highway 1.

Thence north along U.S. Highway 1 to junction State Highway 145, thence north along South Carolina Highway 145 to the South Carolina-North Carolina State line and points west of a line beginning on the Atlantic Ocean at the mouth of the South Santee River to U.S. Highway 17, thence south along U.S. Highway 17 to junction South Carolina Highway 45, thence north along South Carolina Highway 45 to junction Alternate U.S. Highway 17, thence north along Alternate U.S. Highway 17 to junction South Carolina Highway 41, thence north along U.S. Highway 41 to junction U.S. Highway 521, thence west along U.S. Highway 521 to junction South Carolina Highway 377, thence north along South Carolina Highway 377 to junction South Carolina Highway 261, thence west along South Carolina Highway 261 to junction U.S. Highway 52, thence north along U.S. Highway 52 to junction South Carolina Highway 341, thence north along South Carolina Highway 341 to junction South Carolina Highway 403, thence north along South Carolina Highway 403 to junction U.S. Highway 15, thence north along U.S. Highway 15 to junction South Carolina Highway 102, thence north along South Carolina Highway 102 to junction State Highway 742, thence north along South Carolina Highway 742 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E281), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts* (except in bulk), from points in Oklahoma, on and west of Interstate Highway 35 to points in Virginia on and east of U.S. Highway 21 and west of a line beginning on the North Carolina-Virginia State line and extending along Virginia Highway 89 to junction U.S. Highway 58, thence east along U.S. Highway 58 to junction Virginia Highway 100, thence north along Virginia Highway 100 to junction U.S. Highway 11, thence north along U.S. Highway 11 to junction U.S. Highway 460, thence west along U.S. Highway 460 to junction U.S. Highway 219, thence north along U.S. Highway 219 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E282), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts* (except in bulk), from points in Oklahoma on, south, and west of a line beginning on the Kansas-Oklahoma State line, thence south along U.S. Highway 169 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction U.S. Highway 69, thence south along U.S. Highway 69 to junction Oklahoma Highway 33, thence east along Oklahoma Highway 33 to junction Oklahoma Highway 82, thence south along Oklahoma Highway 82 to junction Oklahoma Highway 100, thence east along Oklahoma Highway 100 to the Oklahoma-Arkansas State line to points in West Virginia on and east of U.S. Highway 219. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E283), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Oklahoma to points in Virginia on and east of a line beginning on the North Carolina-Virginia State line and extending along Virginia Highway 89 to junction U.S. Highway 58, thence east along U.S. Highway 58 to junction Virginia Highway 100, thence north along Virginia Highway 100 to junction U.S. Highway 11, thence north along U.S. Highway 11 to junction U.S. Highway 460, thence west along U.S. Highway 460 to junction U.S. Highway 219, thence north along U.S. Highway 219 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E284), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Oklahoma, on and west of a line beginning on the Texas-Oklahoma State line and extending along Interstate Highway 35 to junction Oklahoma Highway 7, thence north along Oklahoma Highway 7 to junction U.S. Highway 177, thence north along U.S. Highway 177 to the Oklahoma-Kansas State line to points in North Carolina on and east of a line beginning on the South Carolina-North Carolina State line and extending along North Carolina Highway 207 to junction U.S. Highway 601, thence north along U.S. Highway 601 to junction North Carolina Highway 152, thence west along North Carolina Highway 152 to junction U.S. Highway 21, thence north along U.S. Highway 21 to the North Carolina-Virginia State line and west of a line beginning on the South Carolina-North Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 601, thence north along U.S. Highway 601 to junction U.S. Highway 52, thence north along U.S. Highway 52 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E286), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Oklahoma, on and west of a line beginning on the Texas-Oklahoma State line and extending along Interstate Highway 35 to junction Oklahoma Highway 7, thence north along Oklahoma Highway 7 to junction U.S. Highway 177, thence north along U.S. Highway 177 to the Oklahoma-Kansas State line to points in North Carolina on and east of a line beginning on the South Carolina-North Carolina State line and extending along North Carolina Highway 207 to junction U.S. Highway 601, thence north along U.S. Highway 601 to junction North Carolina Highway 152, thence west along North Carolina Highway 152 to junction U.S. Highway 21, thence north along U.S. Highway 21 to the North Carolina-Virginia State line and west of a line beginning on the South Carolina-North Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 601, thence north along U.S. Highway 601 to junction U.S. Highway 52, thence north along U.S. Highway 52 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E287), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Oklahoma, on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 183 to junction U.S. Highway 62, thence east along U.S. Highway 62 to junction Oklahoma Highway 54, thence north along Oklahoma Highway 54 to junction Oklahoma Highway 49, thence east along Oklahoma Highway 49 to junction H. E. Bailey Turnpike, thence east along the H. E. Bailey Turnpike to junction U.S. Highway 81, thence north along U.S. Highway 81 to junction Oklahoma Highway 33, thence east along Oklahoma Highway 33 to junction Oklahoma Highway 99, thence north along Oklahoma

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Highway 99 to junction Oklahoma Highway 20, thence east along Oklahoma Highway 20 to junction U.S. Highway 169, thence north along U.S. Highway 169 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction Interstate Highway 44, thence east along Interstate Highway 44 to the Oklahoma-Missouri State line to points in South Carolina on, east and north of a line beginning on the Atlantic Ocean and extending along Winyah Bay to U.S. Highway 701, thence north along U.S. Highway 701 to junction South Carolina Highway 51, thence north along South Carolina Highway 51 to junction South Carolina Highway 41, thence north along South Carolina Highway 41 to junction South Carolina Highway 512, thence west along South Carolina Highway 512 to junction U.S. Highway 52, thence north along U.S. Highway 52 to junction South Carolina Highway 341, thence west along South Carolina Highway 341 to junction South Carolina Highway 53, thence north along South Carolina Highway 53 to the Lynches River, thence north along the Lynches River to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E288), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Kansas to Washington, D.C. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E289), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Kansas to points in North Carolina on and east of a line beginning on the South Carolina-North Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 70, thence north along U.S. Highway 70 to junction U.S. Highway 601, thence north along U.S. Highway 601 to junction U.S. Highway 52, thence north along U.S. Highway 52 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E290), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Kansas on and west of a line beginning on the Nebraska-Kansas State line, and extending along U.S. Highway 81 to junction Kansas Highway 18, thence west along Kansas Highway 18 to junction Kansas Highway 14, thence south along Kansas Highway 14 to junction Interstate Highway 70, thence east along Interstate Highway 70 to junction U.S. Highway 156, thence southwest along U.S. Highway 156 to junction U.S. Highway 56, thence west along U.S. Highway 56 to junction U.S. Highway 183, thence south along U.S. Highway 183 to junction U.S. Highway 54, thence west on U.S. Highway 54 to the Kansas-Oklahoma State line to points in North Carolina on and east of a line beginning on the South Carolina-North Carolina State line and extending along U.S. Highway 21 to junction North Carolina Highway 16, thence north along North Carolina Highway 16 to junction U.S. Highway 70, thence west along U.S. Highway 70 to junction North Carolina Highway 127, thence north along North Carolina Highway 127 to junction North Carolina Highway 90, thence east along North Carolina Highway 90 to North Carolina Highway 16, thence north along North Carolina Highway 16 to junction North Carolina Highway 18, thence north along North Carolina Highway 18 to junction U.S. Highway 21, thence north along U.S. Highway 21 to the North Carolina-Virginia State line and west of a line beginning on the South Carolina-North Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 70, thence north along U.S. Highway 70 to junction U.S. Highway 601, thence north along U.S. Highway 601 to junction U.S. Highway 52, thence north along U.S. Highway 52 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E291), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Kansas to points in South Carolina on and east of a line beginning on the South Santee River, thence west along the South Santee River to the Santee River, thence west along the Santee River to South Carolina Road 41, thence north along South Carolina Road 41 to junction U.S. Highway 521, thence west along U.S. Highway 521 to junction South Carolina Highway 377, thence north along South Carolina Highway 377 to junction U.S. Highway 52, thence north along U.S. Highway 52 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E296), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Oklahoma on, west, and south of a line beginning on the Kansas-Oklahoma State line, thence south along U.S. Highway 177 to junction Oklahoma Highway 11, thence east along Oklahoma Highway 11 to junction Oklahoma Highway 33, thence east along Oklahoma Highway 33 to the Oklahoma-Arkansas State line to points in Maryland, on and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E297), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Kansas to points in Virginia on and east of a line beginning on the Texas-Oklahoma State line and extending along Oklahoma Highway 9 to junction U.S. Highway 183, thence south along U.S. Highway 183 to junction Oklahoma Highway 19, thence east along Oklahoma Highway 19 to junction Oklahoma Highway 12, thence east along Oklahoma Highway 12 to junction U.S. Highway 270, thence east along U.S. Highway 270 to the Oklahoma-Arkansas State line to points in West Virginia on and east of a line beginning on the Virginia-West Virginia State line and extending along U.S. Highway 460 to junction U.S. Highway 19, thence north along U.S. Highway 19 to the West Virginia-Pennsylvania State line and points located west of U.S. Highway 219. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E298), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Kansas to points in Maryland on and east of Interstate Highway 81. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E299), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Kansas on and west of a line beginning on the Nebraska-Kansas State line, thence south along U.S. Highway 283, to junction U.S. Highway 50, thence west along U.S. Highway 50 to junction Alternate U.S. Highway 50, thence southwest along Alternate U.S. Highway 50 to junction U.S. Highway 283, thence south along U.S. Highway 283 to the Kansas-Oklahoma State line to points in West Virginia on and east of U.S. Highway 219. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E300), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts* (except in bulk), from points in Kansas to points in Virginia on and east of a line beginning on the North Carolina-Virginia State line and extending along U.S. Highway 52 to junction Interstate Highway 81, thence north along Interstate Highway 81 to junction U.S. Highway 11, thence north along U.S. Highway 11 to junction Virginia Highway 100, thence north along Virginia Highway 100 to junction U.S. Highway 460, thence north along U.S. Highway 460 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E301), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Mississippi to Washington, D.C. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E302), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Mississippi to points in Maryland, to points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E303), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, (except in bulk), from points in Mississippi to points in West Virginia on and east of a line beginning on the Virginia-West Virginia State line and extending along West Virginia Highway 12 to junction West Virginia Highway 3, thence west along West Virginia Highway 3 to junction West Virginia Highway 20, thence north along West Virginia Highway 20 to junction West Virginia Highway 4, thence north along West Virginia Highway 4 to junction U.S. Highway 119, thence north along U.S. Highway 119 to junction U.S. Highway 50, thence east along U.S. Highway 50 to junction West Virginia Highway 92, thence north along West Virginia Highway 92 to the Monongalia-Preston County line to the West Virginia-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E305), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, material, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts* (except in bulk), from points in Mississippi to points in Virginia on and east of a line beginning on the North Carolina-Virginia State line, thence along U.S. Highway 220 to junction Virginia Highway 419, thence along Virginia Highway 419 to junction Virginia Highway 311, thence along Virginia Highway 311 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E306), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, material, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts* (except in bulk), from points in Mississippi bounded by a line beginning on the Mississippi River and extending along Mississippi Highway 4 to junction U.S. Highway 45, thence along north along Mississippi Highway 15 to junction U.S. Highway 80, thence east along U.S. Highway 80 to the Mississippi-Alabama State line, to points in West Virginia, on and east of a line beginning on the Virginia-West Virginia State line and extending along the New River to U.S. Highway 19, thence north along U.S. Highway 19 to junction West Virginia Highway 5, thence west along West Virginia Highway 5 to junction U.S. Highway 119, thence north along U.S. Highway 119 to junction West Virginia Highway 47, thence north along West Virginia Highway 47 to junction West Virginia Highway 18, thence north along West Virginia Highway 18 to the West Virginia-Ohio State line, and west of a line beginning on the Virginia-West Virginia State line, thence north along West Virginia Highway 12 to junction West Virginia Highway 3, thence west along West Virginia Highway 3 to junction West Virginia Highway 20, thence north along West Virginia Highway 20 to junction West Virginia Highway 4, thence north along West Virginia Highway 4 to junction U.S. Highway 119, thence north along U.S. Highway 119 to junction U.S. Highway 50, thence east along U.S. Highway 50 to junction West Virginia Highway 92, thence north along West Virginia Highway 92 to the Monongalia-Preston County line to the West Virginia-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

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U.S. Highway 45 to junction Mississippi Highway 6, thence along Mississippi Highway 6 to the Natchez Trace National Parkway, thence along the Natchez Trace National Parkway to junction Mississippi Highway 15, thence along Mississippi Highway 15 to the Gulf of Mexico, thence along the Gulf of Mexico to the Mississippi-Louisiana State line, thence along the Mississippi-Louisiana State line to the Mississippi River, thence along the Mississippi River to the point of beginning, to points in Virginia on and east of a line beginning on the North Carolina-Virginia State line and extending along the Carroll-Patrick County line to the Blue Ridge Parkway, thence along the Blue Ridge Parkway to junction Virginia Highway 8, thence along Virginia Highway 8 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 42, thence along Virginia Highway 42 to the Giles-Craig County line, thence along the Giles-Craig County line to the Virginia-West Virginia State line and west of a line beginning on the North Carolina-Virginia State line and extending along U.S. Highway 220 to junction Virginia Highway 419, thence along Virginia Highway 419 to junction Virginia Highway 311, thence along Virginia Highway 311 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E307), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, material, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts* (except in bulk), from points in Louisiana to Washington, D.C. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E308), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, material, equipment and supplies used in the manufacture and distribution of new furniture and furniture parts* (except in bulk), from points in Louisiana to points in Maryland. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E338), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment*, and *supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Louisiana on and west of a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 167 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Iberia-St. Mary County line, thence along the Iberia-St. Mary County line to the Gulf of Mexico, to points in Virginia on and east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 52 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Virginia-West Virginia State line and west of a line beginning at the North Carolina-Virginia State line and extending along Virginia Highway 8 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction Virginia Highway 8, thence along Virginia Highway 8 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 42, thence along Virginia Highway 42 to the Giles-Craig County line, thence along the Giles-Craig County line to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E339), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment*, and *supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Louisiana on and west of a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 167 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Iberia-St. Mary County line, thence along the Iberia-St. Mary County line to the Gulf of Mexico, to points in Virginia on and east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 52 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Virginia-West Virginia State line and west of a line beginning at the North Carolina-Virginia State line and extending along Virginia Highway 8 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction Virginia Highway 8, thence along Virginia Highway 8 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 42, thence along Virginia Highway 42 to the Giles-Craig County line, thence along the Giles-Craig County line to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E340), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Louisiana to points in West Virginia, on and east of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 12 to junction Virginia Highway 3, thence along Virginia Highway 3 to junction Virginia Highway 20, thence along Virginia Highway 20 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Virginia Highway 69, thence along Virginia Highway 69 to the West Virginia-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E341), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Louisiana to points in West Virginia, on and east of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 12 to junction Virginia Highway 3, thence along Virginia Highway 3 to junction Virginia Highway 20, thence along Virginia Highway 20 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction West Virginia Highway 69, thence along West Virginia Highway 69 to the West Virginia-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E342), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Louisiana to points in North Carolina on, north, and east of a line beginning at the Atlantic Ocean and extending along the White Oak River to U.S. Highway 17, thence along U.S. Highway 17 to junction North Carolina Highway 58, thence along North Carolina Highway 58 to junction North Carolina Highway 55, thence along North Carolina Highway 55 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E343), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Louisiana on and west of a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 167 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Iberia-Saint Mary County line, thence along the Iberia-Saint Mary County line to the Gulf of Mexico to points in North Carolina on, north, and east of a line beginning at the Atlantic Ocean and extending along the New Hanover-Pender County line to junction U.S. Highway 117 to junction North Carolina Highway 210, thence along North Carolina Highway 210 to junction North Carolina Highway 53, thence along North Carolina Highway 53 to junction U.S. Highway 701, thence along U.S. 701 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction North Carolina Highway 65, thence along North Carolina Highway 65 to junction U.S. Highway 211, thence along U.S. Highway 211 to junction North Carolina Highway 89, thence along North Carolina Highway 89 to the North Carolina-Virginia State line and west of a line beginning at the Atlantic Ocean and extending along the White Oak River to junction U.S. Highway 17, thence along U.S. Highway 17 to junction North Carolina Highway 58, thence along North Carolina Highway 58 to junction North Carolina Highway 55, thence along North Carolina Highway 55 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E344), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture (except in bulk), from points in Mississippi to points in North Carolina on, east, and north of a line beginning at the Atlantic Ocean and extending along the Ocracoke Inlet, thence across the Pamlica Sound to the Mouth of the Neuse River, thence along the Neuse River to North Carolina Highway 55, thence along North Carolina Highway 55 to junction North Carolina Highway 11, thence along North Carolina Highway 11 to junction North Carolina Highway 102, thence along North Carolina Highway 102 to junction U.S. Highway 258, thence along U.S. Highway 258 to junction North Carolina Highway 58, thence along North Carolina Highway 58 to junction U.S. Highway 264, thence along U.S. Highway 264 to junction North Carolina Highway 96, thence along North Carolina Highway 96 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E345), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Mississippi on and west of a line beginning at the Tennessee-Mississippi State line and extending along Mississippi Highway 7 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Mississipi-Louisiana State line to points in North Carolina on, north, and east of a line beginning at the Atlantic Ocean and extending along the New River to U.S. Highway 258, thence along U.S. Highway 258 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction U.S. Highway 117, thence along U.S. Highway 117 to junction North Carolina Highway 50, thence along North Carolina Highway 50 to junction North Carolina Highway 55, thence along North Carolina Highway 55 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E346), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Texas to Washington, D.C. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E347), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Texas to points in Maryland. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E348), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and*

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supplies used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Texas to points in Virginia on and east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 52 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Virginia Highway 100, thence along Virginia Highway 100 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E349), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Texas to points in West Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 219 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 41, thence along West Virginia Highway 41 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 19, thence along U.S. Highway 19 to the West Virginia-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E 350), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Texas on, west, and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 285 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Texas Highway 18, thence along Texas Highway 18 to junction Texas Highway 329, thence along Texas Highway 329 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Texas Highway 915, thence along Texas Highway 915 to junction Texas Highway 29, thence along Texas Highway 29 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction Texas Highway 173, thence along Texas Highway 173 to junction Texas Highway 97, thence along Texas Highway 97 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Texas Highway 99, thence along Texas Highway 99 to junction U.S. Highway 181, thence along U.S. Highway 181 to junction Texas Highway 72, thence along Texas Highway 72 to junction Texas Highway 239, thence along Texas Highway 239 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Lavaca Bay, thence through Cavallo Pass to the Gulf of Mexico to points in West Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 52 to junction West Virginia Highway 20.

Thence along West Virginia Highway 20 to junction West Virginia Highway 71, thence along West Virginia Highway 71 to junction West Virginia Highway 10, thence along West Virginia Highway 10 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Ohio State line and points located west of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 460 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 19, thence along U.S. Highway 19 to the West Virginia-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E351), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Texas to points in North Carolina on and east of a line beginning at the South Carolina-North Carolina State line extending along U.S. Highway 1 to Rockingham, N.C., to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction North Carolina Highway 109, thence along North Carolina Highway 109 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction North Carolina Highway 8, thence along North Carolina Highway 8 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction North Carolina Highway 8, thence along North Carolina Highway 8 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E352), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along Texas Highway 8 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Texas Highway 8, thence along Texas Highway 8 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Texas Highway 10, thence along Texas Highway 10 to junction Texas Highway 1970, thence along Texas Highway 1970 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Texas Highway 288, thence along Texas Highway 288 to the Gulf of Mexico to points in North Carolina on and east of a line beginning at the South Carolina-North Carolina State line extending along U.S. Highway 601 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction North Carolina Highway 268, thence along North Carolina Highway 268 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction U.S. Highway 52, thence along U.S. Highway 52 to the North Carolina-Virginia State line and west of a line beginning at the South Carolina-North Carolina State line extending along U.S. Highway 1 to Rockingham, N.C., to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction North Carolina Highway 109, thence along North Carolina Highway 109 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction North Carolina Highway 8, thence along North Carolina Highway 8 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction North Carolina Highway 8, thence along North Carolina Highway 8 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E353), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same

as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Kansas on and west of a line beginning at the Nebraska-Kansas State line extending along Interstate Highway 70 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Alternate U.S. Highway 50, thence along Alternate U.S. Highway 50 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Oklahoma State line to points in South Carolina west of a line beginning at the Atlantic Ocean at the South Santee River, thence along the South Santee River to the Santee River, thence along the Santee River to South Carolina Highway 41, thence along South Carolina Highway 41 to junction U.S. Highway 521, thence along U.S. Highway 521 to junction South Carolina Highway 377, thence along South Carolina Highway 377 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 52, thence along U.S. Highway 52 to the South Carolina-North Carolina State line and on and east of a line beginning at the Atlantic Ocean extending along South Carolina Highway 703 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction South Carolina Highway 41, thence along South Carolina Highway 41 to junction South Carolina Highway 402, thence along South Carolina Highway 402 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction South Carolina Highway 311, thence along South Carolina Highway 311 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction South Carolina Highway 6, thence along South Carolina Highway 6 to junction South Carolina Highway 267, thence along South Carolina Highway 267 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction U.S. Highway 521, thence along U.S. Highway 521 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-E366), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Clarion County, Pa., on the one hand, and, on the other, points in North Carolina, bounded by a line beginning at the North Carolina-Virginia State line at its junction with North Carolina Highway 8, and extending south along North Carolina Highway 8 to Winston-Salem, thence west along Interstate Highway 40 to Hickory, thence south along U.S. Highway 321 to the North Carolina-South Carolina State line, thence east along the North Carolina-South Carolina State line to the Atlantic Ocean, thence northeast along the Atlantic Ocean to Morehead City, thence north along U.S. Highway 70 to Kinston, thence along North Carolina Highway 58 to Norlina, thence north along U.S. Highway 1 to the North Carolina-Virginia State line, thence west along the North Carolina-Virginia State line to the point of beginning, including points on the highways named. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E367), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Elk, Forest, Jefferson, Indiana, McKean Counties, Pa., on the one hand, and, on the other, points in North Carolina bounded by a line beginning at the North Carolina-Virginia State line and its junction with U.S. Highway 29, and extending south along U.S. Highway 29 to Lexington, thence west along U.S. Highway 64 to Hickory, thence south along North Carolina Highway 127 to its junction with North Carolina Highway 10, thence along North Carolina Highway 10 to Toluca, thence south along North Carolina Highway 18 to the North Carolina-South Carolina State line, thence east along the North Carolina-South Carolina State line to the Atlantic Ocean, thence east along the Atlantic Ocean to Carolina Beach, thence north along U.S. Highway 421 to Dunn, thence along U.S. Highway 301 to Benson, thence north along North Carolina Highway 50 to Raleigh, thence north along U.S. Highway 70 to Durham, thence north along U.S. Highway 501 to the North Carolina-Virginia State line, thence west along the North Carolina-Virginia State line to the point of beginning; including points on the highways named. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E368), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New furniture, between points in Virginia on and bounded by a line beginning at Staunton, Va., and extending south along U.S. Highway 11 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction U.S. Highway 29, thence north along U.S. Highway 29, to junction U.S. Highway 250, thence west along U.S. Highway 250 to point of beginning, on the one hand, and, on the other, points in Illinois and those points in Indiana and Michigan on and west of a line beginning at Dexter, Ind., and extending north along Indiana Highway 66 to junction Indiana Highway 37, thence north along Indiana Highway 37 to junction Indiana Highway 46, thence northwest along Indiana Highway 46 to junction Indiana Highway 59, thence north along Indiana Highway 39 to junction U.S. Highway 36, thence west along U.S. Highway 36 to junction U.S. Highway 41, thence north along U.S. Highway 41 to junction Indiana Highway 28, thence east along Indiana Highway 28 to junction Indiana Highway 25, thence northeast along Indiana Highway 25 to junction U.S. Highway 421, thence north along U.S. Highway 421 to junction U.S. Highway 24, thence east along U.S. Highway 24 to junction Indiana Highway 39, thence north along Indiana Highway 39 to junction Indiana Highway 119, thence north along Indiana Highway 119 to junction U.S. Highway 35, thence north along U.S. Highway 35 to junction Indiana Highway 10, thence east along Indiana Highway 10 to junction Indiana Highway 17, thence north along Indiana Highway 17 to junction U.S. Highway 30, thence east along U.S. Highway 30 to junction U.S. Highway 31, thence north along U.S. Highway 31 to junction U.S. Highway 33, thence north along U.S. Highway 33 to St. Joseph, Mich., thence to Lake Michigan, thence along the eastern shore of Lake Michigan to the Straits of Mackinac, thence through the Straits of Mackinac to Lake Huron, thence to the United States-Canadian International Boundary line, thence northwest along the United States-Canadian International Boundary line to Whitefish Bay. The purpose of this filing is to eliminate the gateway of Lynchburg, and Pulaski, Va.

No. MC 61825 (Sub-E369), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between Bedford, Va., on the one hand, and, on the other, points in Illinois, Indiana, and Michigan and those points in Ohio on and northwest of a line beginning at Ripley, Ohio, and extending north along U.S. Highway 62 to junction Ohio Highway 16, thence east along Ohio Highway 16 to junction Ohio Highway 83, thence north along Ohio Highway 83 to junction U.S. Highway 36, thence east along U.S. Highway 36 to junction Ohio Highway 751, thence north along Ohio Highway 751 to junction Interstate Highway 77, thence north along Interstate Highway 77 to Cleveland, Ohio, and thence to Lake Erie. The purpose of this filing is to eliminate the gateway of Lynchburg, and Pulaski, Va.

No. MC 61825 (Sub-E370), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box

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385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, between points in Virginia on and bounded by a line beginning at the West Virginia-Virginia State line and extending east along U.S. Highway 33 to junction Virginia Highway 42, thence south along Virginia Highway 42 to junction Virginia Highway 257, thence east along Virginia Highway 257 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 250, thence east along U.S. Highway 250 to junction U.S. Highway 1, thence north along U.S. Highway 1 to junction Virginia Highway 218, thence east along Virginia Highway 218 to junction U.S. Highway 301, thence north along U.S. Highway 301 to the Potomac River, thence north along the Potomac River to the Virginia-West Virginia State line thence southwest along the Virginia-West Virginia State line to point of beginning, on the one hand, and, on the other, points in West Virginia on and south of a line beginning at the Virginia-West Virginia State line and extending north along West Virginia Highway 102 to junction U.S. Highway 52 at Bramwell, thence west along U.S. Highway 52 to junction West Virginia Highway 40 at Kermit, thence south along West Virginia Highway 40 to the West Virginia-Kentucky State line and those points in Illinois and Indiana on and south of a line beginning at Leavenworth, Ind., and extending west along U.S. Highway 460 to junction Indiana Highway 37, thence north along Indiana Highway 37 to junction Indiana Highway 64, thence west along Indiana Highway 64 to junction Illinois Highway 15, thence west along Illinois Highway 15 to junction Illinois Highway 158, thence west along Illinois Highway 158 to junction U.S. Highway 50 Bypass, thence west along U.S. Highway 50 Bypass to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateways of Lynchburg and Pulaski, Va.

No. MC 61825 (Sub-E371), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, between points in Virginia on and bounded by a line beginning at Lynchburg, Va., and extending south along U.S. Highway 29 to junction Virginia Highway 668, thence east along Virginia Highway 668 to junction Virginia Highway 40, thence east along Virginia Highway 40 to junction Virginia Highway 137, thence east along Virginia Highway 137 to junction Virginia Highway 46, thence south along Virginia Highway 46 to junction U.S. Highway 1, thence north along U.S. Highway 1 to junction Virginia Highway 40, thence west along Virginia Highway 40 to junction U.S. Highway 460, thence west along U.S. Highway 460 to point of beginning, on the one hand, and, on the other, points in Illinois, Indiana, and Michigan and points in Ohio and West Virginia on and west of a line beginning at the Virginia-West Virginia State line and extending north along West Virginia Highway 102 to junction U.S. Highway 52, thence north along U.S. Highway 52 to junction West Virginia Highway 16, thence north along West Virginia Highway 16 to junction West Virginia Highway 10, thence north along West Virginia Highway 10 to junction West Virginia Highway 85, thence north along West Virginia Highway 85 to junction U.S. Highway 119, thence north along U.S. Highway 119 to junction Interstate Highway 77, thence north along Interstate Highway 77 to Cleveland, Ohio. The purpose of this filing is to eliminate the gateways of Lynchburg and Pulaski, Va.

No. MC 61825 (Sub-E372), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Virginia on and bounded by a line beginning at Charlottesville, Va., and extending south along U.S. Highway 29 to junction U.S. Highway 460, thence east along U.S. Highway 460 to junction Virginia Highway 40, thence east along Virginia Highway 40 to junction U.S. Highway 1, thence north along U.S. Highway 1 to junction U.S. Highway 250, thence northwest along U.S. Highway 250 to point of beginning, on the one hand, and, on the other, points in Illinois and Indiana and those points in West Virginia on and south of a line beginning at the Virginia-West Virginia State line and extending west along U.S. Highway 460 to junction West Virginia Highway 10, thence west along West Virginia Highway 10 to junction West Virginia Highway 37, thence west along West Virginia Highway 37 to the West Virginia-Kentucky State line and points in Ohio on and west of a line beginning at Aberdeen, Ohio, and extending west along U.S. Highway 52 to junction U.S. Highway 62, thence north along U.S. Highway 62 to junction Ohio Highway 41, thence north along Ohio Highway 41 to junction U.S. Highway 68, thence north along U.S. Highway 68 to junction U.S. Highway 33, thence north along U.S. Highway 33 to junction Ohio Highway 117, thence north along Ohio Highway 117 to junction Ohio Highway 65, thence north along Ohio Highway 65 to junction Ohio Highway 115, thence north along Ohio Highway 115 to junction Ohio Highway 15, thence north along Ohio Highway 15 to the Ohio-Michigan State line and points in Michigan on, west and north of a line beginning at the Ohio-Michigan State line and extending north along Michigan Highway 99 to junction Interstate Highway 69, thence east along Interstate Highway 69 to junction Michigan Highway 21, thence east along Michigan Highway 21 to Port Huron, Michigan and thence to Lake Huron. The purpose of this filing is to eliminate the gateways of Lynchburg and Pulaski, Va.

No. MC 61825 (Sub-E373), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, between points in Virginia on and bounded by a line beginning at Fredericksburg, Va., and extending south along U.S. Highway 1 to junction Interstate Highway 64, thence east along Interstate Highway 64 to the Colonial Parkway, thence east along the Colonial Parkway to the York River, thence east along the York River to the Chesapeake Bay, thence across the Chesapeake Bay to the Atlantic Ocean, thence north along the Atlantic Coast to the Virginia-Maryland State line, thence west along the Virginia-Maryland State line to the Chesapeake Bay, thence across the Chesapeake Bay to the Potomac River, thence north along the Potomac River to junction U.S. Highway 301, thence west along U.S. Highway 301 to junction Virginia Highway 218, thence west along Virginia Highway 218 to point of beginning, on the one hand, and, on the other, points in Illinois and those points in Indiana, Ohio and West Virginia on, south and west of a line beginning at the Virginia-West Virginia State line and extending west along U.S. Highway 460 to junction West Virginia Highway 10, thence west along West Virginia Highway 10 to junction West Virginia Highway 85, thence north along West Virginia Highway 3.

Thence west along West Virginia Highway 3 to junction West Virginia Highway 10, thence west along West Virginia Highway 10 to junction U.S. Highway 60, thence west along U.S. Highway 60 to junction U.S. Highway 52, thence west along U.S. Highway 52 to junction Ohio Highway 104, thence north along Ohio Highway 104 to junction Ohio Highway 73, thence north along Ohio Highway 73 to junction U.S. Highway 68, thence north along U.S. Highway 68 to junction U.S. Highway 35, thence west along U.S. Highway 35 to junction Ohio Highway 48, thence north along Ohio Highway 48 to junction U.S. Highway 40, thence west along U.S. Highway 40 to junction U.S. Highway 35, thence north along U.S. Highway 35 to junction Indiana Highway 15, thence north along Indiana Highway 15 to junction Indiana Highway 114, thence west along Indiana Highway 114 to junction Indiana Highway 14, thence west along Indiana Highway 14 to junction U.S. Highway 31, thence north along U.S. Highway 31 to junction U.S. Highway 30, thence west along U.S. Highway 30 to junction U.S. Highway 35, thence north along U.S. Highway 35 to Michigan City, Indiana, thence to Lake Michigan, thence west along the shores of Lake Michigan to the Indiana-Illinois State line and points in Michigan on and northwest of a line beginning at Menominee, Mich., and extending north along the shores of Green Bay to Lake Michigan, thence north along the shores of Lake Michigan to Manistique, Mich., thence east along U.S. Highway 2 to junction Michigan Highway 77, thence north along Michigan Highway 77 to junction Michigan Highway 28, thence east along Michigan Highway 28 to junction Michigan Highway 123, thence northeast along Michigan Highway 123 to Paradise, Mich., thence to Lake Superior. The purpose of this filing is to eliminate the gateways of Lynchburg and Pulaski, Va.

No. MC 61825 (Sub-E374, filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, between points in Virginia on and bounded by a line beginning at Richmond, Va., and extending south along U.S. Highway 1 to junction Virginia Highway 40, thence east along Virginia Highway 40 to junction U.S. Highway 460, thence southeast along U.S. Highway 460 to junction Virginia Highway 620, thence east along Virginia Highway 620 to junction U.S. Highway 258, thence east along U.S. Highway 258 to the James River, thence southeast along the James River to the Chesapeake Bay, thence north along the Chesapeake Bay to the York River, thence along the York River to Yorktown, Virginia, thence along the Colonial Parkway to junction Interstate Highway 64, thence west along Interstate Highway 64 to the point of beginning, on the one hand, and, on the other, points in Illinois and Indiana, and those points in Ohio, and West Virginia on and west of a line beginning at the Virginia-West Virginia State line and extending north along West Virginia Highway 12 to junction West Virginia Highway 3, thence west along West Virginia Highway 3 to junction U.S. Highway 21, thence north along U.S. Highway 21 to junction U.S. Highway 60, thence west along U.S. Highway 60 to Interstate Highway 77, thence north along Interstate Highway 77 to junction U.S. Highway 33, thence north along U.S. Highway 33 to junction Ohio Highway 681.

Thence north along Ohio Highway 681 to junction Ohio Highway 356, thence north along Ohio Highway 356 to junction Ohio Highway 56, thence west along Ohio Highway 56 to junction Ohio Highway 328, thence north along Ohio Highway 328 to junction U.S. Highway 33, thence north along U.S. Highway 33 to junction U.S. Highway 23, thence north along U.S. Highway 23 to junction Ohio Highway 568, thence north along Ohio Highway 568 to junction Interstate Highway 75, thence north along Interstate Highway 75 to junction Ohio Highway 25, thence north along Ohio Highway 25 to junction Ohio Highway 64, thence north along Ohio Highway 64 to junction U.S. Highway 20, thence west along U.S. Highway 20 to junction Ohio Highway 109, thence north along Ohio Highway 109 to the Ohio-Michigan State line and points in Michigan on and northwest of a line beginning at Lake Michigan, and extending east along the Indiana-Michigan State line to the Ohio-Michigan State line, thence east along the Ohio-Michigan State line to junction Michigan Highway 52, thence north along Michigan Highway 52 to junction U.S. Highway 223, thence northwest along U.S. Highway 223 to junction U.S. Highway 127, thence north along U.S. Highway 127 to junction Interstate Highway 94, thence east along Interstate Highway 94 to junction Michigan Highway 14, thence east along Michigan Highway 14 to junction Interstate Highway 96, thence east along Interstate Highway 96 to the Detroit River. The purpose of this filing is to eliminate the gateways of Lynchburg and Pulaski, Va.

No. MC 61825 (Sub-E375), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, between points in Virginia on and bounded by a line beginning at the West Virginia-Virginia State line and extending south along Interstate Highway 77 to junction Virginia Highway 606, thence east along Virginia Highway 606 to junction Virginia Highway 42, thence west along Virginia Highway 42 to junction Virginia Highway 738, thence south along Virginia Highway 738 to junction Virginia Highway 100, thence south along Virginia Highway 100 to junction Virginia Highway 693, thence northeast along Virginia Highway 693 to junction U.S. Highway 11, thence north along U.S. Highway 11 to junction U.S. Highway 460, thence northwest along U.S. Highway 460 to the Virginia-West Virginia State line, thence west along the Virginia-West Virginia State line to point of beginning, on the one hand, and, on the other, points in Virginia on and east of a line beginning at the Maryland-Virginia State line and extending south along Virginia Highway 674 to junction Virginia Highway 123, thence south along Virginia Highway 123 to junction U.S. Highway 1 to Woodbridge, thence north along U.S. Highway 1 to the Occoquan River, thence east along the Occoquan River to the Potomac River, thence south along the Potomac River to the King George-Westmoreland County line, thence south along the King George-Westmoreland County line to the King George-Essex County line.

Thence west along the King George-Essex County line to the Caroline-Essex County line, thence south along Caroline-Essex County line to the Caroline-King and Queen County line, thence west along the Caroline-King and Queen County line to the Caroline-King William County line, thence southwest along the Caroline-King William County line to the Hanover-King William County line, thence southeast along the Hanover-King William County line to the Hanover-New Kent County line, thence southwest along the Hanover-New Kent County line to the Henrico-New Kent County line, thence southeast along the Henrico-New Kent County line to the Henrico-Charles City County line, thence south along the Henrico-Charles City County line to the James River, thence south along the James River to Hopewell, Virginia, thence southwest along the Virginia Highway 36 to junction U.S. Highway 460, thence southeast along U.S. Highway 460 to junction U.S. Highway 13 at Suffolk, Virginia, and thence south along U.S. Highway 13 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Lynchburg and Pulaski, Va.

No. MC 61825 (Sub-E376), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New Furniture*, between points in Virginia on and west of a line beginning at the West Virginia-Virginia State line and extending south along Interstate Highway 77 to junction Virginia Highway 606, thence east along Virginia Highway 606 to junction Virginia Highway 42, thence west along Virginia Highway 42 to junction Virginia Highway 738, thence south along Virginia Highway 738 to junction Virginia Highway 100, thence south along Virginia Highway 100 to junction Virginia Highway 693, thence northeast along Virginia Highway 693 to junction U.S. Highway 11, thence north along U.S. Highway 11 to junction U.S. Highway 460, thence northwest along U.S. Highway 460 to the Virginia-West Virginia State line, thence west along the Virginia-West Virginia State line to point of beginning, on the one hand, and, on the other, points in Virginia on and east of a line beginning at the Maryland-Virginia State line and extending south along Virginia Highway 674 to junction Virginia Highway 123, thence south along Virginia Highway 123 to junction U.S. Highway 1 to Woodbridge, thence north along U.S. Highway 1 to the Occoquan River, thence east along the Occoquan River to the Potomac River, thence south along the Potomac River to the King George-Westmoreland County line, thence south along the King George-Westmoreland County line to the King George-Essex County line.

Thence west along the King George-Essex County line to the Caroline-Essex County line, thence south along Caroline-Essex County line to the Caroline-King and Queen County line, thence west along the Caroline-King and Queen County line to the Caroline-King William County line, thence southwest along the Caroline-King William County line to the Hanover-King William County line, thence southeast along the Hanover-King William County line to the Hanover-New Kent County line, thence southwest along the Hanover-New Kent County line to the Henrico-New Kent County line, thence southeast along the Henrico-New Kent County line to the Henrico-Charles City County line, thence south along the Henrico-Charles City County line to the James River, thence south along the James River to Hopewell, Virginia, thence southwest along the Virginia Highway 36 to junction U.S. Highway 460, thence southeast along U.S. Highway 460 to junction U.S. Highway 13 at Suffolk, Virginia, and thence south along U.S. Highway 13 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Lynchburg and Pulaski, Va.

No. MC 61825 (Sub-E377), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, between points in Virginia on and bounded by a line beginning at the West Virginia-Virginia State line and extending south along Interstate Highway 77 to junction Virginia Highway 606, thence east along Virginia Highway 606

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to junction Virginia Highway 42, thence west along Virginia Highway 42 to junction Virginia Highway 738, thence south along Virginia Highway 738 to junction Virginia Highway 100, thence south along Virginia Highway 100 to junction U.S. Highway 221, thence west along Virginia Highway 221 to junction U.S. Highway 52, thence south along U.S. Highway 52 to the Virginia-North Carolina State line, thence east along the Virginia-North Carolina State line to junction Virginia Highway 8, thence north along Virginia Highway 8 to junction U.S. Highway 460, thence north along U.S. Highway 460 to the Virginia-West Virginia State line to point of beginning, on the one hand, and, on the other, points in the District of Columbia and Maryland on and east of a line beginning at the Pennsylvania-Maryland State line and extending south along Maryland Highway 30 to junction Maryland Highway 27, thence south along Maryland Highway 27 to junction U.S. Highway 140, thence south along U.S. Highway 140 to junction Maryland Highway 97, thence south along Maryland Highway 97 to junction Maryland Highway 28, thence west along Maryland Highway 28 to junction Maryland Highway 189, thence south along Maryland Highway 189 to the Potomac River, thence south along the Potomac River to the Chesapeake Bay, thence across the Chesapeake Bay to the Maryland-Virginia State line, thence east along the Maryland-Virginia State line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Pulaski and Lynchburg, Va.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-28044 Filed 10-16-75;8:45 am]

federal register

FRIDAY, OCTOBER 17, 1975

PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

HEALTH SYSTEMS AGENCIES

Proposed Rulemaking

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 122]

HEALTH SYSTEMS AGENCIES

Notice of Proposed Rulemaking

Notice is hereby given that the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to add to Title 42, Code of Federal Regulations, a new Subchapter K, entitled "Health Planning and Resources Development," to add a new Part 122, entitled "Health Systems Agencies," to such Subchapter K, and to add a new Subpart A entitled "Definitions," a new Subpart B, entitled "Designation of Health Systems Agencies," and a new Subpart C, entitled "Grants to Health Systems Agencies," to such Part 122.

The National Health Planning and Resources Development Act of 1974 (P.L. 93-641, January 4, 1975) added a new Title XV, "National Health Planning and Development," to the Public Health Service Act. Among other things, the new Title XV authorizes the Secretary to enter into agreements with eligible entities for the designation of such entities as health systems agencies for health service areas established pursuant to section 1511 of the Public Health Service Act as geographic regions appropriate for the effective planning and development of physical and mental health services and to provide grant assistance to such agencies. Each such health systems agency shall have as its primary responsibility the provision of effective health planning for its health service area and the promotion of the development within the area of health services, manpower, and facilities which meet identified needs, reduce documented inefficiencies, and implement the health plans of the agency.

This notice proposes regulations to implement portions of Title XV dealing with health systems agencies. The Secretary intends to propose additional regulations implementing other provisions of the National Health Planning and Resources Development Act of 1974. In particular, proposed regulations governing the designation and funding of State health planning and development agencies will be published shortly.

The purpose of the proposed new Subpart B is to set forth the eligibility and operational requirements for health systems agencies. The Secretary wishes to call attention to section 122.109 "Governing body; executive and other committees", and in particular to paragraph (d) thereof. Throughout the process incident to the formulation of this Notice of Proposed Rulemaking, the Department has received numerous proposals concerning the governing structure of a public health systems agency and, specifically, the relationship of the regular public governing board of such entity to the governing body for health planning mandated by section 1512(b)(3) of the Act. The Secretary has concluded that this relationship is governed, as a matter of law, by the provisions of section 1512(b)(3) which are reflected in § 122-.109(d).

As proposed, these regulations would permit (but not require) the regular public governing board of a public health systems agency to exercise considerable authority over its health planning and resources development program. This would include authority to:

(1) Select and remove members of the separate governing body for health planning;

(2) Establish personnel policies and review the appointment of the Executive Director and staff;

(3) Establish, execute, and revise the agency's budget;

(4) Set rules and regulations for the functioning of the agency;

(5) Review and comment on any proposed action of the separate governing body.

The purpose of proposed new Subpart C is to establish regulations implementing the Secretary's authority pursuant to section 1516 of the Act to make grants to designated health systems agencies.

In order to expedite the review procedures for the designation and funding of health systems agencies, notice is hereby given that applications for designation and funding may be submitted prior to the publication of final regulations in accordance with application requirements set forth in this notice. Application materials and further information may be obtained from the Regional Health Administrator in each of the Department's ten regional offices.

It should be noted that these application materials and requirements are based on the proposed regulations, and that final action with respect to any applications submitted will not be taken by the Department until final regulations are published. Furthermore, should the final regulations differ from the proposed regulations, applications filed on the basis of the proposed regulations will be required to be revised or amended as may be necessary to conform to the final regulations.

In accordance with the requirements of Section 1515, the Secretary will consult with the Governor of each State in which a health service area is located prior to designation of a health systems agency for that health service area. Since Governors are in an excellent position to know the unique State characteristics which would affect a health systems agency's ability effectively to carry out a health planning and resources development program, the Secretary intends to give considerable weight to the Governors' recommendations. Governors have been encouraged to assume a leadership role in the designation process, and eligible applicants are hereby encouraged to contact Governors for a description of any issues or procedures which the Governor considers it necessary for the applicant to address.

Written comments concerning the proposed regulations are invited from interested persons. Inquiries may be addressed, and data, views and arguments relating to the proposed regulations may be presented in writing, preferably in triplicate, to the Office of Policy Coordination, Bureau of Health Planning and Resources Development, Room 1127, 5600 Fishers Lane, Rockville, Maryland 20852. All comments received in response to this notice will be available for public inspection and copying at the Office of Policy Coordination on weekdays (Federal holidays excepted) between the hours of 9:00 a.m. and 5:00 p.m. All relevant material received not later than November 17, 1975 will be considered.

It is therefore proposed to amend Title 42 by adding thereto a new Subchapter K and Part 122, as set forth below.

Dated: September 15, 1975.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: October 9, 1975.

DAVID MATHEWS,
Secretary.

SUBCHAPTER K—HEALTH PLANNING AND RESOURCES DEVELOPMENT

PART 120 [RESERVED]

PART 121 [RESERVED]

PART 122—HEALTH SYSTEMS AGENCIES

Subpart A—Definitions

Sec.
122.1 Definitions.

Subpart B—Designations of Health Systems Agencies

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AUTHORITY: Sec. 215, 58 Stat. 690 (42 U.S.C. 216); sec. 1515 and 1516 of the Public Health Service Act, 88 Stat. 2239, 2241; (41 U.S.C. 300l-4, 300l-5).

Subpart A—Definitions

§ 122.1 Definitions.

As used in this part:

(a) "Act" means the Public Health Service Act, as amended.

(b) "A-95 Agency" means an area-wide planning and development clearinghouse established under Title IV of the Intergovernmental Cooperation Act of 1968.

(c) "Conditionally designated health systems agency" means an entity which has been designated as a health systems agency on a conditional basis pursuant to section 1515(b)(1) of the Act.

(d) "Designation agreement" means an agreement entered into or renewed pursuant to section 1515 of the Act.

(e) "Fully designated health systems agency" means an entity which has been designated as a health systems agency pursuant to section 1515(c)(1) of the Act.

(f) "Governing board" means the body which has responsibility for the overall governance of a public regional planning body or single unit of general local government.

(g) "Governing body" means, in the case of a nonprofit private entity or similar legal mechanism, the governing body of such entity or mechanism and, in the case of a public regional planning body or single unit of general local government, the governing body for health planning of such body or single unit as required by section 1512(b)(3) of the Act which is responsible for the health planning and development functions of such body or single unit.

(h) "Governor" means the chief executive officer of a State or his designee.

(i) "Grant period" means the period with respect to which assistance is provided under Subpart C of this part.

(j) "Health systems agency" or "agency" means a conditionally or fully designated health systems agency as defined in paragraphs (c) and (e) of this section.

(k) "Health resources" includes health services, health professions personnel, and health facilities, except that such term does not include Christian Science sanitoriums operated, or listed and certified, by the First Church of Christ Scientist, Boston, Massachusetts.

(l) "Non-metropolitan area" means an area no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget.

(m) "PSRO" means an entity designated as a Professional Standards Review Organization under section 1152 of the Social Security Act.

(n) "Nonprofit", as applied to any entity, means that no part of the net earnings of such entity inures or may lawfully inure to the benefit of any private shareholder or individual.

(o) "Provider of health care" means an individual:

(1) Who is a direct provider of health care (including a physician (doctor of medicine or doctor of osteopathy), dentist, nurse, podiatrist, or physician assistant) in that the individual's primary current activity is the provision of health care to individuals or the administration of facilities or institutions (including hospitals, long-term care facilities, outpatient facilities, and health maintenance organizations in which such care is provided and, when required by State law, the individual has received professional training in the provision of such care or in such administration and is licensed or certified for such provision or administration, or

(2) Who is an indirect provider of health care in that the individual:

(i) Holds a fiduciary position with or has a fiduciary interest in, any entity described in paragraph (o)(2)(ii)(B) or (D) of this section; (for purposes of this paragraph, a "fiduciary position or interest" as applied to any entity means a position or interest with respect to such entity affected with the character of a trust, including members of boards of directors and officers, majority shareholders, agents and attorneys); or (ii) receives (either directly or through his spouse) more than one-tenth of his gross annual income from any one or a combination of the following:

(A) Fees or other compensation for research into or instruction in the provision of health care;

(B) Entities (or associations or organizations composed of such entities) engaged in the provision of health care or in such research or instruction;

(C) Producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care; and

(D) Entities (or associations or organizations composed of such entities) engaged in producing drugs or such other articles;

(iii) Is a member of the immediate family of an individual described in paragraph (o)(1) or paragraph (o)(2)(i), (ii), or (iv) of this section (for purposes of this paragraph, "immediate family" as applied to any individual includes only his parents, spouse, children, brothers and sisters who reside in the same household); or

(iv) Is engaged in issuing any policy or contract of individual or group health insurance or hospital or medical service benefits.

(p) "Jurisdiction", as applied to any unit of general local government, means the geographical area within which such unit exercises general purpose political authority.

(q) "Unit of general local government" means (1) any city, county, township, town, borough, parish, village or other general purpose subdivision of a State; or (2) a recognized Indian tribal government.

(r) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(s) "State" means any one of the several States, the District of Columbia and the Commonwealth of Puerto Rico.

(t) "Statewide health coordinating council" or "SHCC" means the body established pursuant to section 1524 of the Act to advise the State health planning and development agency.

(u) "State health planning and development agency" or "State Agency" means an agency of State government selected by the Governor and designated in an agreement entered into pursuant to section 1521 of the Act to carry out the State's health planning and development program.

Subpart B—Designation of Health Systems Agencies

§ 122.101 Purpose and scope.

(a) Section 1515 of the Public Health Service Act authorizes the Secretary to enter into agreements with eligible entities for the designation of such entities as health systems agencies for health service areas established pursuant to section 1511 of the Act as geographical regions appropriate for the effective planning and development of physical and mental health services. Each such health systems agency shall have as its primary responsibility the provision of effective health planning for its health service area and the promotion of the development within the area of health services, manpower, and facilities which meet identified needs, reduce documented inefficiencies, and implement the health plans of the agency.

(b) The regulations of this subpart are applicable to agreements, pursuant to section 1515 of the Public Health Service Act, under which the Secretary conditionally or fully designates an entity as a health systems agency for a health service area.

§ 122.102 Eligibility.

To be eligible to enter into an agreement under section 1515 of the Act for designation as a health systems agency for a health service area, an entity must be:

(a) A nonprofit private corporation (or similar legal mechanism such as a public benefit corporation) which is incorporated in the State in which the largest part of the population of the health service area resides. Such corporation may not be a subsidiary of, or be otherwise controlled by, any other private or public corporation or other legal entity, and must be authorized only to engage in health planning and development functions;

(b) A single or multipurpose public regional planning body whose planning area is identical to the health service area, and which (1) has a governing board composed of a majority of elected officials of units of general local government or (2) was, prior to January 4, 1975, in existence and authorized by State law to carry out health planning and review functions such as those described in section 1513 of the Act; *Provided however*, That such public regional planning body may not be an agency of state government; or

(c) A single unit of general local government if the area of the jurisdiction of that unit is identical to the health service area; *Provided*, That a health systems agency may not be an educational institution or operate such an institution. For purposes of this subpart,

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(1) an educational institution means an institution whose primary purpose is the provision of educational programs, and (2) an entity shall be deemed to operate such an institution where it has the direct responsibility for administering an educational institution or supervising its administration.

§ 122.103 Application.

An application under this subpart shall be submitted at such time and in such form and manner as the Secretary may prescribe, and shall be executed by an individual authorized to act for the applicant and to assume for the applicant the obligations imposed by the Act, the regulations of this subpart, and any additional terms or conditions of the agreement entered into pursuant to § 122.106 or 122.107 of this subpart.[1]

§ 122.104 Contents of applications.

In addition to such other information as the Secretary may require, an approvable application shall contain:

(a) In the case of an application for conditional designation pursuant to section 1515(b) of the Act and this subpart:

(1) A copy of the Articles of Incorporation and by-laws of the applicant (or, in the case of a public applicant, its charter, authorizing statute, ordinance, or executive order and any internal rules or regulations governing its operations) which must meet the requirements of § 122.104(b)(1) of this subpart or, if the entity is not incorporated (or, in the case of a public entity, is not chartered or otherwise authorized by statute, ordinance, or executive order) or does not have by-laws (or, with respect to a public entity, has not adopted rules or regulations governing its operations) at the time of application, a description of the proposed articles of incorporation (or, in the case of a public entity, its proposed charter, authorizing statute, ordinance, or executive order) and by-laws (or, with respect to a public entity, its proposed rules or regulations) and the timetable for obtaining such incorporation and adopting such by-laws (or, in the case of a public entity, for obtaining its authorization and adopting the rules or regulations governing its operations) prior to entering into an agreement pursuant to § 122.106 of this subpart.

(2) A description of the health care needs and resources within the health service area.

(3) A detailed description of the functions which the applicant proposes to carry out during the period of the Conditional Designation Agreement, the manner in which it proposes to carry out such functions, and a time-phased plan for the orderly assumption of all the responsibilities and functions of a health systems agency as set forth in section 1513 of the Act (hereinafter referred to as the "work program").

(4) In the case of an applicant which has decided to establish subarea advisory councils, a detailed description of the need for and proposed use of such subarea advisory councils.

(5) A detailed description of the current and projected staff to be employed by the applicant during the period of the conditional designation agreement, including their qualifications, authority, functions, numbers, assignments, and the manner in which they will be organized to carry out the agency's work program.

(6) A detailed description of the services the applicant expects to be provided by contractors and consultants.

(7) A detailed description of the facilities, equipment, and financial resources available to the applicant.

(8) A detailed description of the manner in which the residents of the health service area have been involved in the formation of the applicant entity and the submission of the application under this subpart including evidence that the applicant has provided at a minimum an opportunity for members of the public to express their views on the qualifications, proposed governing body composition, and proposed work program of the applicant both in writing and at a public meeting sponsored by the applicant entity. Notice of the time, place, and purpose of such meeting shall be given to members of the public through publication of a notice in at least two newspapers of general circulation throughout the health service area at least two weeks prior to such meeting and at least 30 days prior to the date of submission of the application to the Secretary. Such notice shall also provide that a statement of the qualifications and proposed governing body composition of the applicant and a copy of the proposed work program will be available for public inspection and copying at a specified address, and shall invite written comments thereon by members of the public. A summary of the comments made at the public meeting and copies of any written comments of members of the public shall be appended to the application.

(9) In the case of a nonprofit private applicant, a detailed description of the manner in which local public officials have been involved in the formation of the applicant entity and the submission of the application. Copies of any written comments of such officials shall be appended to the application.

(10) A list of the proposed members of the applicant's governing body and executive committee, if any, including their names, occupations, affiliations, the basis for their appointment to the governing body in light of the requirements of section 1512(b)(3)(C) of the Act and § 122.109 of this subpart, and the method utilized in selecting such members.

(11) In the case of a public applicant, a detailed description of the manner in which its governing board and governing body will operate, consistent with § 122.109 of this subpart, in carrying out the responsibilities and functions of a health systems agency as set forth in section 1513 of the Act and this subpart.

(12) Assurances satisfactory to the Secretary that upon completion of the period of conditional designation the applicant will meet all the requirements of section 1512(b) of the Act and be qualified to perform all of the functions prescribed by section 1513 of the Act.

(b) in the case of an application for full designation pursuant to section 1515(c) of the Act and this subpart:

(1) A copy of the Articles of Incorporation and by-laws (or, in the case of a public applicant, its charter, authorizing statute, ordinance, or executive order, and any internal rules or regulations which govern its operations) of the applicant, which must provide:

(i) That the applicant has the authority to carry out all the responsibilities and functions of a health systems agency as provided in section 1513 of the Act and this subpart;

(ii) That in the case of a private entity, it is nonprofit;

(iii) The manner in which governing body members will be selected and replaced, including provision for:

(A) Removal of governing body members for good cause; (B) replacement of members in the event of resignation, death, or removal; (C) length of terms of members, which may not exceed three years; and (D) limitations on the number of consecutive terms which any member of the governing body may serve, which may not exceed two such terms;

(iv) The manner in which the governing body will carry out its responsibilities, including provisions for voting and quorums;

(v) The manner in which the executive committee and subcommittees or advisory groups, if any, will be selected consistent with section 1512(b)(3) of the Act, their responsibilities, and the manner in which they will carry out those responsibilities;

(vi) The manner in which subarea advisory councils, if any, will be established, their members nominated, a description of their functions, and the manner in which they will carry out those functions;

(vii) The manner in which health systems agency representatives to the Statewide Health Coordinating Council will be nominated;

(viii) The manner in which the public will be given adequate notice of business meetings of the agency, which at a minimum must provide for periodic publication in two newspapers of general circulation throughout the health service area of a schedule of the regular meetings of the agency and the address where specific agenda information may be obtained in advance of such meetings; and

(ix) Requirements relating to conflicts of interest which shall be designed to preclude the use of membership on the governing body for purposes which are, or give the appearance of being, motivated by private gain on the part of any member.

(2) A detailed description of the manner in which the applicant has met its responsibilities during any prior period of designation under section 1515(b)(1) or 1515(c)(1) of the Act.

(3) A detailed description of the current and projected staff to be employed by the applicant during the period of the designation agreement, including their qualifications, authority, functions, numbers, assignments, and the manner in which they will be organized to carry out the functions of the agency.

(4) A detailed description of the services and the approximate costs of the services the applicant expects to be provided by contractors and consultants.

(5) A list of the members of the applicant's governing body and executive committee, if any, including their names, occupations, affiliations, the basis for their appointment to the governing body in light of the requirements of section 1515(b)(3)(C) of the Act and § 122.109 of this subpart, and the method utilized in selecting such members.

(6) A detailed description of the facilities, equipment and financial resources available to the applicant.

(7) A detailed description of the manner in which the community has been involved in the submission of the application under this subpart, including evidence that the applicant has provided at a minimum an opportunity for members of the public to express their views on the qualifications, proposed governing body composition, and proposed work program of the applicant both in writing and at a public meeting sponsored by the applicant entity. Notice of the time, place and purpose of such meeting shall be given to members of the public through publication of a notice in at least two newspapers of general circulation throughout the health service area at least two weeks prior to such meeting and at least 30 days prior to the submission of the application to the Secretary. Such notice shall also provide that a statement of the qualifications and proposed governing body composition of the applicant and a copy of the proposed work program will be available for public inspection and copying at a specified address, and shall invite written comments thereon by members of the public. A summary of the comments made at the public meeting and copies of any written comments shall be appended to the application.

(8) In the case of private nonprofit applicant entities, a detailed description of the manner in which local officials have been involved in the submission of the application. Copies of any written comments of local officials shall be appended to the application.

(9) A projected work program setting forth the manner in which the applicant proposes to carry out the responsibilities and functions of a health ssystems agency as set forth in section 1513 of the Act and this subpart.

(10) In the case of a public applicant, a detailed description of the manner in which its governing board and governing body will operate, consistent with § 122.109 of this subpart, in carrying out the responsibilities and functions of a health systems agency as set forth in section 1513 of the Act and this subpart.

(11) Assurances satisfactory to the Secretary that the applicant meets the requirements of section 1512(b) of the Act and is qualified to perform or is performing the functions prescribed by section 1513 of the Act and this subpart.

§ 122.105 Selection of agencies.

(a) *Conditionally designated agencies.*

(1) The Secretary, after consultation with and consideration of the recommendations of the appropriate Governor in accordance with paragraph (a)(2) of this section, may enter into a Conditional Designation Agreement with an entity whose designation will, in his judgment, best promote the purposes of section 1513 of the Act and this subpart, taking into consideration among other pertinent factors:

(i) The adequacy of the proposed work program for orderly agency development to meet the requirements for full designation after the period of conditional designation,

(ii) The reasonableness of the proposed work program in light of the financial resources to be available to the applicant,

(iii) The adequacy of the governing body selection procedures in assuring that all affected groups in the health service area had reasonable opportunity to be represented on the governing body;

(iv) The extent and type of involvement of health service area residents in development of the application for designation specifically evidence that the public meeting required by § 122.104(a)(6) of this subpart was widely publicized and that comments made were taken into consideration by the applicant;

(v) The extent of the knowledge within the applicant organization of the needs and resources within the health service area,

(vi) The adequacy of plans for developing working relationships with appropriate A-95 agencies, PSRO's, State Agencies and Statewide Health Coordinating Councils; with health systems agencies which are designated for health service areas within the same standard metropolitan statistical area (as determined by the Office of Management and Budget) as the health service area for which the applicant is seeking designation; and with other planning bodies, and

(vii) The extent to which the application provides for the consideration of special or unique circumstances which affect the application of criteria (i) through (vi) within a State; *Provided*, That in considering applications the Secretary shall give priority to an application which has been recommended for approval by each entity which has received a grant under section 314(b) of the Act to develop a plan for all or part of the health service area with respect to which the application was submitted, and by each regional medical program established in such area under Title IX of the Act.

(2) Prior to entering into a Conditional Designation Agreement with an entity with respect to a particular health service area, the Secretary will provide the Governor of each State in which such health service area is located 30 days in which to review and make recommendations concerning such applications for conditional designation. Where the Secretary does not accept such recommendations, he will provide the Governor with a detailed statement of the reasons for the decision. Further, the Secretary will consult with such other State and local officials as he may deem appropriate, with respect to such designation.

(b) *Fully designated agencies.*

(1) The Secretary, after consultation with and consideration of the recommendation of the appropriate Governor in accordance with paragraph (b)(2) of this section, may enter into a Full Designation Agreement with an entity whose performance during a period of conditional designation that is not less than one year and its application for full designation demonstrate to the satisfaction of the Secretary that it is capable of fulfilling, in a satisfactory manner, the requirements and functions of a health systems agency as provided in sections 1512 and 1513 of the Act and this subpart; *Provided*, That in considering applications the Secretary will give priority to an application which has been recommended for designation by each entity which has received a grant under section 314(b) of the Act to develop a plan for all or part of the health service area with respect to which the application was submitted, and by each regional medical program established in such area under Title IX of the Act.

(2) Prior to entering into a Full Designation Agreement with an entity with respect to a particular health service area, the Secretary will provide the Governor of each State in which such health service area is located 30 days in which to review and make recommendations to the Secretary concerning such application for full designation. Where the Secretary does not accept such recommendations he will provide the Governor with a detailed statement of the reasons for the decision. Further, the Secretary will consult with such other State and local officials as he may deem appropriate with respect to such designation.

§ 122.106 Conditional designation agreements.

In accordance with § 122.105(a) of this subpart, the Secretary may enter into an agreement (hereinafter referred to as the Conditional Designation Agreement) with an entity under which the entity will be designated as a health systems agency on a conditional basis with a view toward determining the entity's ability at the end of the period of its conditional designation to meet the requirements and perform the functions of a fully designated health systems agency under the Act and this subpart. Such agreement shall provide that:

(a) The entity is designated as the conditionally designated health systems agency for a health service area for a term not to exceed 12 months, beginning on a date specified in the agreement.

[1] Applications and instructions may be obtained at the Regional Offices of the Department of Health, Education, and Welfare for the region in which the applicant is located.

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(b) During the period of conditional designation, the Secretary shall require the agency to meet only such requirements of section 1512(b) of the Act and perform only such of the functions prescribed by section 1513 of the Act and this subpart as he determines such agency to be capable of meeting and performing, and the agency shall perform only those functions under the agreement which the Secretary, in writing, directs it to perform; *Provided*, That the agency must perform at least the functions described in § 122.107(c) (1), (2), (3), (4), (5), (10), (11), (12), (13) and (14), of this subpart; *Provided further*, that an agency may not perform the function described in § 122.107(c)(9) during any period of conditional designation.

(c) During the period of conditional designation the numbers and types of requirements and functions may, in accordance with paragraph (b) of this section, be progressively increased as the agency, in the judgment of the Secretary, becomes capable of added responsibility; *Provided*, That an agency may not perform the functions described in § 122.107(c) (15) or (17), during the first year of conditional designation; and *Provided further*, That an agency may not in any event perform the functions described in § 122.107(c) (15) and (17) until such agency has developed a health systems plan and annual implementation plan in accordance with section 1513(b) (2) and (3) of the Act and the Secretary has in writing authorized the agency to perform such functions.

(d) The agency shall, during the entire period of the Conditional Designation Agreement, maintain a governing body which meets the requirements of section 1512(b) (3) of the Act and § 122.109 of this subpart.

(e) The agency shall promptly notify the Secretary of changes in its legal status, organization, or executive director which occur during the period of the Conditional Designation Agreement.

(f) The agency shall agree to meet the requirements of the Act, this subpart, and any additional conditions set forth in the Conditional Designation Agreement.

§ 122.107 Full designation agreements.

In accordance with § 122.105(b) of this subpart, the Secretary may enter into an agreement (hereinafter referred to as the Full Designation Agreement) with an entity under which the entity agrees to perform all the functions of a health systems agency under the Act and this subpart. Such Full Designation Agreement shall provide that:

(a) The entity is designated by the Secretary as a health systems agency for a health service area for a term not to exceed 12 months, beginning on a date specified in the agreement.

(b) The agency shall continue to meet the requirements of section 1515(b) (1) of the Act with respect to legal structure.

(c) The agency shall perfrom the following functions:

(1) The agency shall assemble and analyze data concerning: (i) The status (and its determinants) of the health of the residents of the area; (ii) the status of the health care delivery system in the area and the use of that system by the residents of the area; (iii) the effect the area's health care delivery system has on the health of the residents of the area; (iv) the number, type and location of the area's health services, manpower, and facilities; (v) the patterns of utilization of the area's health resources; and (vi) the environmental and occupational exposure factors affecting immediate and long-term health conditions. In carrying out its responsibility to assemble such data, the agency shall coordinate its activities with the cooperative system provided for under section 306(e) of the Act. The agency shall not undertake the collection of data where adequate data is already collected by other entities including those in the cooperative system provided for under section 306(e) of the Act. Where the agency wishes to undertake the design, development and operation of a new data system, whether directly or by the use of contractors or consultants, it must obtain the prior approval of the Secretary.

(2) The agency shall, after appropriate consideration of the recommended national guidelines for health planning policy issued by the Secretary under section 1501 of the Act, the recommendations of the State Agency designated for each State in which the agency's health service area is located concerning measures to meet Statewide health needs, priorities set forth in section 1502 of the Act, and the data developed pursuant to paragraph (1), establish, annually review, and amend as necessary a health systems plan (hereinafter referred to as the "HSP") which shall be a detailed statement of goals (i) describing a healthful environment and health systems in the area which, when developed, will assure that quality health services will be available and accessible in a manner which assures continuity of care, at reasonable cost, for all residents of the area; (ii) which are responsive to the unique needs and resources of the area; and (iii) which take into account and are consistent with the national guidelines for health planning policy issued by the Secretary under section 1501 of the Act respecting supply, distribution, and organization of health resources and services. Before establishing an HSP, the agency shall conduct a public hearing on the proposed HSP and shall give interested persons an opportunity to submit their views orally and in writing. Not less than 30 days prior to such hearing, the agency shall publish in at least two newspapers of general circulation throughout its health service area a notice of its consideration of the proposed HSP, the time and place of the hearing, the place at which interested persons may consult the HSP in advance of the hearing and the place and period during which to submit written comments to the agency concerning the HSP. After the HSP has been established, the agency shall distribute copies of the HSP to all public libraries in the health service area and shall publish in accordance with the requirements of this paragraph a notice stating that the HSP has been adopted and that the HSP is available at specified addresses for inspection and copying by interested persons.

(3) The agency shall establish, annually review, and amend as necessary an annual implementation plan (hereinafter referred to as the "AIP") which describes objectives which will achieve the goals of the HSP and priorities among the objectives. In establishing the AIP, the agency shall give priority to those objectives which will maximally improve the health of the residents of the area, as determined on the basis of the relation of the cost of attaining such objectives to their benefits, and which are fitted to the special needs of the area. After the AIP has been established the agency shall distribute copies of the AIP to all public libraries in the health service area and publish in at least two newspapers of general circulation throughout its health service area a notice stating that an AIP has been adopted and that the AIP is available at specified addresses for inspection and copying by interested persons.

(4) The agency shall annually provide copies of the agency's HSP to the State Agency and Statewide Health Coordinating Council designated for each State in which the agency's health service area is located in accordance with their requirements, for integration into the State health plan pursuant to sections 1523(a) (2) and 1524(c) (2) (A) of the Act. As required by the SHCC, the agency shall revise its HSP to achieve appropriate coordination with the HSPs of other health systems agencies which participate in the SHCC or to deal more effectively with statewide health needs.

(5) The agency shall provide to the Statewide Health Coordinating Council designated for each State in which the agency's health service area is located copies of the agency's AIP.

(6) The agency shall develop and publish specific plans and projects for achieving the objectives established in the AIP which shall include specific strategies for the development and implementation of programs and the priority assigned to the plans and projects developed.

(7) The agency shall seek, to the extent practicable, to implement its HSP and AIP with the assistance of individuals and public and private entities in its health service area.

(8) The agency may provide, in accordance with the priorities established in the AIP, technical assistance to individuals and public and private entities for the development of projects and programs which the agency determines are necessary to achieve the health systems described in the HSP, including assistance in meeting the requirements of the agency with respect to reviews of proposed health systems changes in accordance with section 1532 of the Act and applicable regulations of the Secretary.

(9) The agency shall, in accordance with the priorities established in the AIP, make grants to public and nonprofit private entities and enter into contracts with individuals and public and private nonprofit entities to assist them in planning and developing projects and programs which the agency determines are necessary for the achievement of the health systems described in the HSP. Such grants and contracts shall be made from the Area Health Services Development Fund of the agency established with funds provided under grants made under section 1640 of the Act and in accordance with such regulations as the Secretary may prescribe.

(10) The agency shall seek to enter into a written agreement with each PSRO whose PSRO area is in whole or in part in the agency's health service area, for the purpose of achieving coordination of their respective activities and which shall contain at a minimum, the following:

(i) Provision for development of a common data base and exchange of data, subject to the requirements of section 1166 of the Social Security Act;

(ii) Provision for review and comment by the PSRO on the HSP and AIP, especially with respect to quality of care, utilization of services and facilities, and need for new resources;

(iii) Provision for technical assistance to be made available by the agency to the PSRO; and

(iv) Provision to assure that actions taken by the PSRO which alter the health system will be taken in a manner which is consistent with the HSP and the AIP in effect for the area. Where an agency has been unable to enter into an agreement with a PSRO within six months from the effective date of the Full Designation Agreement, it shall submit a statement to the Secretary indicating the efforts that have been made to secure such an agreement and the reason why such an agreement has not been entered into.

(11) The agency shall seek to enter into a written agreement with each A–95 Agency whose area of responsibility is in whole or in part in the agency's health service area, for the purpose of achieving coordination of their respective activities and which shall, at a minimum, contain the following:

(i) Provision for organizational and procedural arrangements for coordination of plan development;

(ii) Provision for formal arrangements for review of health and health-related matters subject to review to assure concurrent and complementary actions;

(iii) Provision for technical assistance to be made available by the agency to the A–95 Agency;

(iv) Provision to assure that actions taken by the A–95 agency which alter the health systems will be taken in a manner which is consistent with the HSP and the AIP in effect for the area; and

(v) Provision for development of a common data base and exchange of data. Where an entity has been unable to enter into an agreement with an A–95 agency within six months from the effective date of the Full Designation Agreement, it shall submit a statement to the Secretary indicating the efforts that have been made to secure an agreement and the reasons why such an agreement has not been entered into.

(12) Where an agency is designated for a health service area which contains only a portion of a standard metropolitan statistical area (as determined by the Office of Management and Budget), the agency shall seek to enter into a written agreement with the other entity or entities which have been designated as the health systems agency or agencies for the remaining portions of the standard metropolitan statistical area, for the purpose of achieving coordination of their respective activities. The agreement shall contain at a minimum the following:

(i) Provision for review and comment on the HSP, AIP, and plans for the use of the Area Health Services Development Fund, when available, by each such health systems agency;

(ii) Provision for organization and procedural arrangements that will result in joint review of projects and policies and exchange of information on activities that have implications throughout the standard metropolitan statistical area.

(iii) Provision for development of a common data base. Where an agency has been unable to enter into such an agreement or agreements within six months from the effective date of the Full Designation Agreement, it shall submit a statement to the Secretary indicating the efforts that have been made to secure an agreement and the reasons why such agreement has not been entered into.

(13) The agency shall coordinate its activities with (i) entities referred to in paragraphs (1) and (2) of section 204 (a) of the Demonstration Cities and Metropolitan Development Act of 1966, (ii) regional and local entities the views of which are required to be considered under regulations prescribed under section 403 of the Intergovernmental Cooperation Act of 1968 to carry out section 401(b) of such Act, (iii) other appropriate general or special purpose regional planning or administrative agencies, and (iv) any other appropriate entity in the agency's health service area. Where appropriate, the agency shall secure data for use in the agency's planning and development activities from such entities, provide technical assistance to such entities, and enter into agreements with such entities which will assure that actions taken by such entities which alter the area's health system will be taken in a manner which is consistent with the area's HSP and AIP.

(14) To assist State Agencies in carrying out their functions under paragraphs (4) and (5) of section 1523(a) of the Act, the agency shall review, in accordance with the procedures and criteria established pursuant to section 1532 of the Act and applicable regulations of the Secretary, the need for new institutional health services proposed to be offered or developed in the health service area of such agency, and make recommendations to the appropriate State Agency respecting such services, in accordance with procedural requirements developed by the State Agency and pursuant to section 1122 of the Social Security Act.

(15) The agency shall review on a periodic basis (but at least every five years) in accordance with the procedures and criteria established pursuant to section 1532 of the Act and applicable regulations of the Secretary, all institutional health services offered in the health service area of the agency and shall make recommendations to the State Agency for each State in which the agency's health service area is located respecting the appropriateness in the area of such services, in accordance with procedural requirements developed by the State Agencies; *Provided*, That the agency shall develop and implement a plan for such reviews which will result in its initial review of existing institutional health services being completed within three years after the effective date of its initial Full Designation Agreement.

(16) The agency shall annually recommend, in accordance with such regulations as the Secretary may prescribe, to the State Agency for each State in which the agency's health service area is located (i) projects for the modernization, construction, and conversion of medical facilities in the entity's health service area which will achieve the HSP and AIP of the health systems agency, and (ii) priorities among such projects.

(17) The agency shall review and approve or disapprove each specified proposed use within its health service area of Federal funds in accordance with section 1513(c) of the Act and applicable regulations of the Secretary.

(d) The agency shall maintain a staff which meets the requirements of section 1512(b) (2) of the Act and § 122.110 of this subpart.

(e) The agency shall, during the entire period of the Full Designation Agreement, maintain a governing body which meets the requirements of section 1512 (b) (3) of the Act and § 122.109 of this subpart.

(f) The agency shall promptly notify the Secretary of changes in its legal status, organization, or executive director which occur during the period of the Full Designation Agreement.

(g) The agency agrees to meet the requirements of the Act, this subpart, and any additional conditions set forth in the Full Designation Agreement.

§ 122.108 Renewal and termination of agreements.

(a) *Conditionally designated agencies*—(1) *Renewal.* A Conditional Designation Agreement may, at the option of the Secretary and based upon the Secretary's review of the agency's performance and its application for renewal, be renewed for an additional term not to exceed 12 months, but in no case may the total period of conditional designation of an agency exceed 24 months. Where the Secretary determines not to renew such agreement, the agency will be notified in writing of the reasons for such determination.

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(2) *Termination.* A Conditional Designation Agreement may be terminated by the agency prior to the expiration of its term upon 90 days written notice to the Secretary which shall set forth the reasons for such termination and its effective date. The Secretary may terminate the Conditional Designation Agreement prior to the expiration of its term upon his determination, after having given the agency at least 90 days written notice and an opportunity for a hearing before an officer or employee of the Department designated for such purpose by the Secretary, that the agency is not complying with the provisions of the Agreement or is incapable of progressively assuming more functions and responsibilities.

(b) *Fully designated agencies*—(1) *Renewal.* A Full Designation Agreement may be renewed for a period not to exceed 12 months, upon the application by the agency for renewal, if upon review by the Secretary (as provided in section 1535 of the Act) he determines that it has fulfilled, in a satisfactory manner, the functions of a health systems agency as prescribed by section 1513 of the Act and the applicable provisions of this subpart and continues to meet the requirements of section 1512(b) of the Act. A determination by the Secretary not to renew the Agreement will be made only after he has provided the agency with written notice of the reasons for such failure to renew and the opportunity for a hearing before an officer or employee designated for such purpose by the Secretary.

(2) *Termination.* A Full Designation Agreement may be terminated by the agency prior to the expiration of its term upon 90 days written notice to the Secretary which will set forth the reasons for such termination and its effective date. The Agreement may be terminated by the Secretary prior to the expiration of its term if he determines, after having given the agency at least 90 days notice of its deficiencies and the corrective actions required and an opportunity for a hearing before an officer or employee of the Department designated for such purpose by the Secretary, that the agency is not complying with or effectively carrying out the provisions of the Agreement.

§ 122.109 Governing body: executive and other committees.

(a) *General.* (1) A health systems agency which is a public regional planning body or single unit of general local government shall have, in addition to any other governing board, a governing body for health planning (hereinafter referred to as the "governing body") which is established in accordance with the requirements in paragraphs (b) and (c) of this section and which has the responsibilities prescribed by paragraph (d) of this section.

(2) A health systems agency which is a non-profit private corporation (or similar legal mechanism) shall have a governing body to direct all its health planning and development activities which is established in accordance with the requirements in paragraphs (b) and (c) of this section.

(b) *Composition.* The membership of the governing body of an agency shall meet the following requirements:

(1) A majority (but not more than 60 per centum of the members) shall be residents of the health service area served by the agency who are consumers of health care and who are not (and within the twelve months preceding appointment have not been) providers of health care and who are broadly representative of the social, economic, linguistic and racial populations, geographic areas of the health service area and major purchasers of health care. For purposes of this paragraph, "major purchasers of health care" means entities, other than any entity described in paragraph (b)(2) of this section, which either directly or indirectly provide health care for their employees or members.

(2) The remainder of the members shall be residents of the health service area served by the agency who are providers of health care (of whom not less than ⅓ shall be direct providers of health care) and who represent: (i) physicians (particularly practicing physicians), dentists, nurses, and other health professionals; (ii) health care institutions (particularly hospitals, long-term care facilities, and health maintenance organizations); (iii) health care insurers; (iv) health professions schools (which includes schools of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy or veterinary medicine as defined in section 724(4) of the Act, and schools of nursing as defined in section 853 of the Act); and (v) the allied health professions.

(3) The total membership as described in paragraphs (b) (1) and (2) of this section shall:

(i) Include (either through consumer or provider members) a number of public elected officials and other representatives of governmental authorities in the agency's health service area and representatives of public agencies in the area concerned with health which is not more than ⅓ of the total membership;

(ii) Include representatives of private agencies in the area concerned with health;

(iii) Include a percentage of individuals who reside in nonmetropolitan areas within the health service area which is equal to the percentage of residents of the area who reside in nonmetropolitan areas;

(iv) If the health systems agency serves an area in which there is located one or more hospitals or other health care facilities of the Veterans' Administration, include, as an ex officio member, an individual whom the Chief Medical Director of the Veterans' Administration shall have designated for such purpose; and

(v) If the agency serves an area in which there is located one or more qualified health maintenance organizations (within the meaning of section 1310 of the Act), include at least one member who is representative of such organizations.

(c) *Number of members.* The governing body shall be composed of not less than 10 members nor more than 30 members, except that the number of members may exceed 30 where the governing body has, in accordance with its Articles of Incorporation or by-laws (or in the case of a public entity its charter, authorizing statute, ordinance, or executive order, or any rules or regulations governing its internal management), established an executive committee which meets the requirements of paragraph (f)(1) of this section.

(d) *Responsibilities and authority.* (1) The governing body of a health systems agency shall:

(i) Be responsible for the internal affairs of the agency, including matters relating to the staff of the agency and the agency's budget;

(ii) Be responsible for the adoption of procedures and criteria developed and published pursuant to section 1532 of the Act and applicable regulations of the Secretary to be utilized in the agency's performance of its functions under section 1513 (e), (f) and (g) of the Act;

(iii) Be responsible for issuing an annual report concerning the activities of the agency in accordance with § 122.115 of this subpart; and

(iv) Have the exclusive authority to perform for the agency the functions described in section 1513 of the Act and the agency's designation agreement entered into pursuant to § 122.106 or 122.107 of this subpart. For such purposes the term "exclusive" as it applies to the role of the governing body means that the governing body shall have the sole, undivided authority to act for the agency in performing such functions subject to the provision of paragraph (f)(1) of this section relating to the delegation of functions to an executive committee; *Provided*, That this does not preclude the governing board of a health systems agency which is a public regional planning body or unit of general local government from establishing procedures not inconsistent with the requirements of this part for the functioning of the agency, including an opportunity for such governing board to comment on any action proposed by the governing body in the performance of its functions; and *Provided further*, That such governing board must be given the opportunity to comment on the health systems plan and the annual implementation plan prior to their establishment.

(2) The governing board of a health systems agency which is a public regional planning body or unit of general local government may establish rules and regulations for the exercise of the responsibilities described in paragraph (d)(1) of this section by the governing body; *Provided*, That such rules and regulations are not inconsistent with the Act and the regulations of this part.

(e) *Meetings and conduct of business.* The governing body shall:

(1) Meet at least once in each calendar quarter of a year and at least two additional times in a year unless its executive committee, if any, meets at least twice in that year;

(2) Act only by vote of a majority of its members present and voting at a meeting called upon adequate notice to all its members and at which a quorum, which shall be not less than one-half of its members, is in attendance;

(3) Conduct its business meetings in public, give adequate notice to the public of such meetings (as required by the agency's Articles of Incorporation or by-laws or, in the case of a public entity, its charter, authorizing statute, ordinance, or executive order or any rules or regulations for internal management) and make its data and records available to the public in accordance with the requirements of § 122.114 of this subpart; and

(4) Reimburse its members for their reasonable costs incurred in attending meetings of the governing body.

(f) *Executive committee, subcommittees, and advisory groups*—(1) *Executive committee.* (i) A governing body whose membership exceeds 30 shall establish an executive committee of its members, which shall consist of not more than 25 members, shall be composed in accordance with the requirements of paragraph (b) of this section, and shall be delegated the authority to take such action as the governing body is authorized to take, except that the executive committee may not be delegated the responsibility for the establishment and amendment of the health systems plan and annual implementation plan required by section 1513(b)(2) and (3) of the Act.

(ii) The executive committee shall (A) act only by vote of a majority of its members present and voting at a meeting called upon adequate notice to all of its members at which a quorum, which shall be not less than ½ of its members, is in attendance, and (B) conduct its business meetings in public, give adequate notice to the public of such meetings (as required by the agency's Articles of Incorporation or by-laws or, in the case of a public entity, its charter, authorizing statute, ordinance, or executive order or any rules or regulations for internal management) and make its data and records available to the public in accordance with the requirements of § 122.114 of this subpart.

(2) *Subcommittees and advisory groups.* Where in the exercise of its functions the governing body or executive committee appoints a subcommittee of its members or an advisory group, it shall, to the extent practicable, make its appointments to such subcommittee or group in such a manner as to provide that the representation on such subcommittee or group meets the composition requirements of paragraph (b) of this section.

§ 122.110 Health systems agency staff.

(a) A fully designated health systems agency must have a staff of adequate numbers and appropriate skills, as described in paragraph (b) of this section, to carry out the functions of the agency as described in section 1513 of the Act; *Provided*, That an agency must have a staff numbering not less than five professional members or one professional member for every 100,000 population as determined in accordance with § 122.205 of this part, whichever is greater up to a maximum of 25; and *Provided further*, That the staff shall include and shall be headed by a full time executive director who is responsible for the organization and management of the staff.

(b) The staff of the agency shall provide the agency with expertise in at least the following: Administration and management, data management and analysis and systems analysis, health planning theory and techniques, health economics, project management, community relations and organization, and development and use of health resources. The staff shall be organized in such a fashion that the functions of planning and of development of health resources shall be conducted by staffs with skills appropriate to each function.

(c) The staff of the agency shall be selected, paid, promoted, and discharged in accordance with such personnel system as the agency may establish, except that the rate of pay for any position shall not be less than the rate of pay prevailing in the health service area for similar positions in public or private health service entities.

§ 122.111 Contracting for services; consultants.

(a) If necessary for the performance of its functions, and subject to the requirements of paragraphs (b) and (c) of this section, a health systems agency may employ consultants and may contract with individuals and entities for the provision of services.

(b) A health systems agency which employs consultants to assist the agency in the performance of its functions must adopt and follow a uniform policy for the employment of consultants which requires, at a minimum, a written finding by the agency prior to the employment of each consultant that:

(1) The consultant services to be provided are essential to the performance of the agency's function and cannot be performed by persons otherwise presently employed by the agency;

(2) A selection process for consultants has been employed to assure the selection of the most qualified individual available;

(3) The selection of the consultant has been approved by the executive director of the agency;

(4) Where a consultant who resides outside the health service area has been selected, reasonable efforts were first made to obtain a consultant with equivalent qualifications who resides within the health service area;

(5) The payment to the consultant is appropriate considering the individual's qualifications, normal charges for similar services, and the nature of the services rendered; and

(6) Where a governing body member has been selected as a consultant, that the expertise required is not otherwise available within the health service area served by the agency, and the consultant services to be performed are not within the individual's duties and responsibilities as a member of the governing body.

(c) A health systems agency may contract with other entities to assist the agency in the performance of specific administrative support activities such as payroll, accounting, and computer services. The agency may also contract with other entities to provide it with assistance in the performance of the functions assigned to the agency in its designation agreement, except that the agency may not contract for the performance of an entire function for it by another entity; *Provided*, That the agency has made a written finding that the contract services are essential to the performance of the agency's functions, and cannot be provided by persons otherwise employed by the agency; and *Provided further*, That an agency may not contract for the performance of routine staffing and planning functions. All procurements of supplies, equipment, or other services, whether the cost is borne by Federal funds made available to the agency pursuant to section 1516 of the Act or otherwise, must conform to the standards set forth in Subpart P of 45 CFR Part 74.

§ 122.112 Subarea advisory councils.

(a) A health systems agency may establish subarea advisory councils representing parts of the agency's health service area to advise the agency on the performance of its functions. The composition of such council must conform to the requirements of section 1512(b)(3)(C) of the Act.

(b) Consistent with the provisions of § 122.111(c) of this subpart, a health systems agency may make financial and other resources available to the subarea advisory council to assist it in performing agreed upon activities which the agency has requested such council to perform. Such activities may include making recommendations to the agency (1) to assist it in obtaining local or regional advice on the performance of its functions, (2) with regard to proposed membership on the governing body and advisory groups and (3) with regard to planning needs for the local area.

§ 122.113 Private funds, services, or facilities.

(a) No health systems agency (whether conditionally or fully designated) may accept any funds or contributions of services or facilities from any individual or private entity which has a financial, fiduciary, or other direct interest in the development, expansion, or support of health resources, unless in the case of an entity, it is an organization described in section 509(a) of the Internal Revenue Code of 1954 and is not directly engaged in the provision of health care in the health service area of the agency. The prohibition of this section includes contributions of cash, bonds and other securities, services, property, or equipment as well as payments made to the agency under contracts, grants, or loans; *Provided*, That service on a governing body, executive committee, sub-

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committee, subarea advisory council or advisory group shall not be deemed to be a contribution of services.

(b) For purposes of this section, an individual or private entity which has a financial, fiduciary, or other direct interest in the development, expansion or support of health resources includes but is not limited to:

(1) With respect to any individual, one who

(i) Is a provider of health care as defined in § 122.1(o) of this part;

(ii) Is an employee of any entity described in paragraph (2) of this section; or

(iii) Holds a fiduciary position or has a fiduciary interest as defined in § 122.1 (o) of this part in any entity described in paragraph (2) of this section.

(2) With respect to any private entity:

(i) Health care institutions (including hospitals, long-term care facilities, and health maintenance organizations) and organizations and associations of such institutions; *Provided*, That an entity will not be considered a health care institution for purposes of this section solely on the basis of providing (directly or indirectly) health care for its employees;

(ii) Health professions schools and organizations and associations of such schools;

(iii) Health professions professional societies;

(iv) Entities engaged in issuing any policy or contract of individual or group health insurance or hospital or medical services benefits and associations and organizations of health care insurers;

(v) Providers of ancillary medical services (including laboratory services, manufacture or sale of medical devices and equipment, and pharmaceutical services);

(vi) Allied health professions training programs;

(vii) Entities producing drugs for individuals or entities for use in the provision of health care or research into or instruction in the provision of health care; and

(viii) Entities which are in a position with respect to the entities listed in this paragraph affected with the character of a trust, including trustees, boards of directors and majority shareholders.

Provided, That private entities which would be included within this paragraph shall not be included if such contribution is being made in connection with the dissolution of the entity in accordance with applicable State law.

§ 122.114 Access of the public to agency records and data.

(a) Each agency shall adopt a policy for making its records and data available to the public for inspection and copying in accordance with section 1512(b)(3)(B) of the Act, which shall include a procedure for the submission of requests to the agency by members of the public, the agency's procedure for handling such requests, and a uniform fee schedule for copying such material which shall be limited to reasonable costs. For purposes of this section, "records and data" includes publications, brochures, pamphlets, punch cards, magnetic tapes, minutes, staff manuals, slides, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by the agency in connection with the performance of the agency's functions under its designation agreement and retained by the agency as evidence of the agency's functions, policies, decisions, procedures, operations, programs, or other activities.

(b) Each agency is required to maintain and make available for public inspection and copying an index of the records and data of the agency and must publish within 3 months of the effective date of its designation agreement, in at least two newspapers of general circulation throughout its health service area, a notice setting forth the policy adopted pursuant to paragraph (a) of this section.

§ 122.115 Annual report.

Each agency shall issue an annual report concerning the activities of the agency.

(a) Such report shall include the HSP and AIP developed by the agency pursuant to section 1513(b)(2) and (3) of the Act and this subpart, either in their entirety or by incorporation by reference. Where such plans are included by incorporation by reference, the report shall include a summary of the HSP and AIP and a statement of where copies of the HSP and AIP and supporting documentation may be obtained by interested persons;

(1) A detailed description of the agency's progress in meeting the objectives of its work program during the past year; and

(2) a list of the agency's income, expenses, assets, and liabilities including a list of all contributors to the agency which shall contain the contributor's name, occupation, affiliations and the amount of the contribution.

(b) Such report shall be made available at no cost upon request to the residents of the health service area served by the agency and shall be distributed to all public libraries throughout the health service area as well as to all newspapers, radio stations and television stations serving the population of the health service area. Notice of the availability of the annual report shall appear in at least two newspapers of general circulation throughout the health service area.

Subpart C—Grants to Health Systems Agencies

§ 122.201 Applicability.

The regulations of this subpart are applicable to grants under section 1516 of the Public Health Service Act (42 U.S.C. 300l–5) to health systems agencies designated under section 1515 of the Public Health Service Act (42 U.S.C. 300l–4) to assist in meeting the cost of compensation for health systems agency personnel, collection of data, planning, and the performance of the functions of the health systems agency.

§ 122.202 Eligibility.

Any conditionally or fully designated health systems agency is eligible for a grant under this subpart.

§ 122.203 Application.

(a) An application for a grant under this subpart shall be submitted to the Secretary at such time and in such form and manner as the Secretary may prescribe and shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the Act, the regulations of this subpart, and any additional terms or conditions of the grant.[1]

(b) The application shall contain the following:

(1) A detailed budget for the grant period;

(2) A statement and justification of the amount of grant funds requested; and

(3) Where the applicant is requesting an increased amount of grant funds pursuant to section 1516(b)(2) of the Act and § 122.204 of this subpart based on its assurance of providing non-Federal funds to be expended or obligated during the grant period, the application shall also contain:

(i) A total dollar figure of the amount of non-Federal funds meeting the requirements of § 122.206 of this subpart that the applicant assures will be expended or obligated during the grant period for the purposes for which funds awarded under this subpart may be expended or obligated, and

(ii) A statement of the dollar figure of the amount of non-Federal funds which the applicant has currently available and a detailed timetable for the applicant's receipt of the remainder of the funds assured, including documentary evidence concerning the sources and amounts of the proposed contributions, such as letters of intent to contribute specific amounts of funds.

§ 122.204 Grant award.

(a) The Secretary will award a grant under this subpart to each health systems agency whose application meets the applicable requirements of the Act and this subpart.

(b) The amount of any grant under this subpart shall be:

(1) With respect to conditionally designated health systems agencies an amount determined by the Secretary in accordance with the formula set forth in section 1516(b)(1) and (2) of the Act, subject to reduction to the amount that the Secretary estimates is the sum needed by the applicant for the purposes of this subpart, taking into consideration:

(i) The scope of the work program for the grant period as set forth in the applicant's designation agreement; and

[1] Applications and instructions may be obtained at the Regional Office of the Department of Health, Education, and Welfare for the region in which the health systems agency is located.

(ii) The staffing and other anticipated costs during the grant period.

(2) With respect to fully designated health systems agencies, an amount computed in accordance with the formula set forth in section 1516(b) of the Act; except that no such grant may be less than $175,000. *Provided*, That if the total of the amounts computed under paragraphs (b)(1) and (b)(2) of this section for any fiscal year exceeds the total of the amounts appropriated for such grants in such year, the amount of the grant for that fiscal year to each agency shall be an amount which bears the same ratio to the amount determined for that agency for that fiscal year under paragraph (b)(1) or (b)(2) of this section as the total of the amounts appropriated for such grants for such fiscal year bears to the total of the amount computed in accordance with paragraphs (b)(1) and (b)(2) of this section; except that the amount of any grant to a fully designated health systems agency for any fiscal year shall not be less than $175,000, unless the amount appropriated for that fiscal year is less than the amount required to make a grant of $175,000 to each such fully designated agency, in which case each fully designated health systems agency shall receive an equal share of the funds available.

(c) All grant awards shall be in writing and shall set forth the amount of funds granted and the period for which such funds will be available for obligation in accordance with § 122.208(c) of this subpart.

§ 122.205 Determination of the population of health service areas.

For purposes of section 1516 of the Act and § 122.204 of this subpart, the population of a health service area will be determined annually by the Secretary on the basis of the latest available estimate from the Department of Commerce. The Secretary shall make available and publish annually in the FEDERAL REGISTER a list of all health service areas and their populations as determined in accordance with this section.

§ 122.206 Assurance of expenditure of non-Federal funds.

(a) In accordance with section 1516 of the Act and § 122.204 of this subpart, an agency may receive an increased amount of grant funds where the agency provides assurance satisfactory to the Secretary that the agency will expend or obligate non-Federal funds during the grant period for the purposes for which grants under this subpart may be made. In determining whether such assurance is satisfactory, the Secretary will take into consideration the agency's past performance in meeting such assurances, and where an agency has previously failed to meet the assurances, the Secretary may require further evidence of the agency's current ability to meet an assurance provided by the agency under this section, including evidence that the agency has the non-Federal funds assured currently available.

(b) The non-Federal funds which an agency may use for the purpose of obtaining an increased amount of grant funds pursuant to section 1516(b)(2) of the Act and § 122.204 of this subpart may be any contribution of funds (excluding in-kind contributions) from public or private sources, including State and local general revenue funds, but shall (1) not include any funds contributed to an agency by an individual or private entity which has a financial, fiduciary, or other direct interest in the development, expansion, or support of health resources as defined in § 122.113 of this part; (2) not be paid to the agency for the performance of particular services by it; and (3) be contributed to the agency without conditions as to their use other than the condition that the funds be used for the purposes for which a grant under section 1516 and this subpart may be used.

§ 122.207 Grant payments.

The Secretary will from time to time make payments to a grantee of all or a portion of any grant award, either by way of reimbursement for expenses incurred in the grant period or in advance for expenses to be incurred in the grant period, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved activity.

§ 122.208 Use of grant funds.

(a) Any funds granted pursuant to this subpart, as well as other funds required as a condition of the grant to be used in performance of the approved activity, shall be expended solely for carrying out the approved activity in accordance with section 1516 of the Act, the regulations of this subpart, the terms and conditions of the grant award, and the applicable cost principles prescribed by Subpart Q of 45 CFR Part 74.

(b) Funds granted pursuant to this subpart may be expended for the following purposes:

(i) Compensation of agency personnel;

(ii) The performance of the agency's functions as specified in Subpart B of this part;

(iii) Employment of consultants to assist the health systems agency in the performance of its functions in accordance with § 122.111 of this part; and

(iv) Contracts with other entities in accordance with § 122.111 of this part; *Provided*, That grant funds may not be used to make payments under a grant or contract with another entity for the development or delivery of health services or resources.

(c) Funds granted pursuant to this subpart shall be available for obligation during the period of an agency's designation agreement current at the time of the grant award.

§ 122.209 Nondiscrimination.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1966 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular section 601 of such Act which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

(b) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(c) Grant funds used for alteration or renovation shall be subject to the condition that the grantee shall comply with the requirement of Executive Order 11246, 30 FR 12319 (September 24, 1965), as amended, and the applicable rules, regulations, and procedures prescribed pursuant thereto.

§ 122.210 Publications and copyright.

(a) *Local governments.* Where the grantee is a local government as defined in 45 CFR 74.3, the Department of Health, Education, and Welfare copyright requirement set forth in 45 CFR 74.140 shall apply with respect to any book or other copyrightable material developed or resulting from the activity supported by a grant under this subpart.

(b) *Grantees other than local governments.* Where the grantee is not a local government as so defined, except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films or similar materials developed or resulting from an activity supported by a grant under this subpart, subject, however, to a royalty-free nonexclusive, and irrevocable license in the Department to reproduce, publish, or otherwise use, and to authorize others to use the work for government purposes.

§ 122.211 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for costs meeting the requirements of this subpart.

(b) *Accounting for non-Federal funds.* Where a health systems agency has received an increased amount of grant funds based on its assurance of expenditure of non-Federal funds, the agency shall account for the sum total of the amount so assured by presenting or otherwise making available evidence sat-

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isfactory to the Secretary of expenditures in such amount during the grant period for costs meeting the requirements of this subpart.

(c) *Accounting for royalties.* Royalties received by grantees from copyrights on publications or other works developed under the grant, or from patents or inventions conceived or first actually reduced to practice in the course of or under such grant, shall be accounted for as follows:

(1) *Local governments.* Where the grantee is a local government as defined in Subpart A or 45 CFR Part 74, royalties shall be accounted for as provided in 45 CFR 74.44.

(2) *Grantee other than local governments.* Where the grantee is not a local government as so defined royalties shall be accounted for as follows:

(i) Patent royalties, whether received during or after the grant period, shall be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the grantee, pursuant to the Department's patent regulations (45 CFR Parts 6 and 8).

(ii) Copyright royalties, whether received during or after the grant period, shall first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials, and any royalties in excess of publishing or producing the materials shall be distributed in accordance with Chapter 1-420 of the Department of Health, Education, and Welfare Grants Administration Manual.[3]

(d) *Audit.* Where a grantee is a local government as defined in Subpart A of 45 CFR Part 74, audits shall be conducted as provided in 45 CFR 74.61. Where a grantee is not a local government as so defined, it shall arrange for an annual independent financial audit of the approved activity.

§ 122.212 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this subpart to local governments as defined in Subpart A of that Part 74. The relevant provisions of the following subparts of 45 CFR Part 74 shall also apply to all other grantee organizations under this subpart.

Subpart
A—General.
B—Cash Depositories.
C—Bonding and Insurance.
D—Retention and Custodial Requirements for Records.
F—Grant-Related Income.
H—Standards for Grantee and Subgrantee Financial Management Systems.
I—Financial Reporting Requirements.
K—Grant Payment Requirements.
L—Budget Revision Procedures.
M—Grant Close-out, Suspension, and Termination.
O—Property.
P—Procurement Standards.
Q—Cost Principles.

§ 122.213 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of the public health, or the conservation of grant funds.

[FR Doc.75-27884 Filed 10-16-75;8:45 am]

[3] The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department's and Regional Offices' information centers listed in 45 CFR 5.31 and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

federal register

FRIDAY, OCTOBER 17, 1975



PART III:

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

■

BERYLLIUM

Proposed Occupational Safety and Health Standard

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H-005]

OCCUPATIONAL EXPOSURE TO BERYLLIUM

Notice of Proposed Rulemaking

Pursuant to sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 ("the Act") (84 Stat. 1593, 1599; 29 U.S.C. 655, 657), and Title 29, Code of Federal Regulations (CFR), Part 1911, it is proposed to amend Part 1910 of 29 CFR by deleting the present standard for beryllium and beryllium compounds contained in § 1910.1000, Table Z–2, and by adding a new occupational safety and health standard for exposure to beryllium as § 1910.1026. This standard would apply to all employments in all industries covered by the Act, including "general industry," construction, and maritime. In addition, pursuant to section 4(b)(2) of the Act (84 Stat. 1592, 29 U.S.C. 653), if the new standard, when promulgated, is determined to be more effective than corresponding standards now applicable to the maritime and construction industries contained in Subpart B of Part 1910, Parts 1915, 1916, 1917, 1918, and 1926 of 29 CFR, the new beryllium standard will supersede the corresponding maritime and construction standards for exposure to beryllium. Appropriate conforming amendments will be made in Subpart B of Part 1910, and amendments to delete the superseded standards will be made in 29 CFR 1926.55 and in similar sections of Parts 1915–1918.

The accompanying document is a proposed standard issued pursuant to sections 6(b) and 8(c) of the Act. The agency requests the submission of written comments, data, and arguments from interested persons on a variety of issues addressed or implicit in the proposal. In addition to filing written comments, interested persons may also file written objections to the proposal and request an informal hearing on the proposal and attendant issues.

The proposed new standard reduces the current permissible employee exposure for an 8-hour time-weighted average concentration, based on a 40-hour work week, to 1.0 microgram of beryllium per cubic meter of air (1.0 $\mu g/m^3$), sets a 5 microgram per cubic meter of air (5 $\mu g/m^3$) ceiling limit for exposures to airborne concentrations of beryllium, eliminates the peak concentration level and proposes a dermal exposure limit.

The proposal also provides for regulated areas, employee exposure measurements, methods of compliance, personal protective equipment and clothing, training, signs and labels, medical surveillance, and recordkeeping.

The issues raised in the proposal include, among others, the following:

1. The selection of the time-weighted average and ceiling limits, and the technological feasibility of compliance with the permissible exposure limit of 1.0 ug/m^3.

2. OSHA's regulatory decision, based largely on animal data, to treat beryllium as a substance that poses a carcinogenic risk to man.

3. Whether human evidence suggests that beryllium exposure causes cancer in man.

4. The provisions for, among other things, regulated areas, employee exposure measurements, compliance procedures, medical surveillance, protective equipment and clothing, hygiene facilities, and recordkeeping.

5. The appropriateness of the recordkeeping and similar requirements as applied to small employers and those with transient workforces.

6. The determination as to what employment protection can or should be afforded workers who are removed from their present jobs as a result of the medical surveillance program.

7. The environmental and inflationary impacts of the proposal.

8. The determination of the appropriate sampling method to be used for determining compliance.

I. Background

A. *General.* Beryllium, an extremely light metal, is widely distributed geographically.[1, 2] Because of its many unique properties, such as high strength-to-weight ratio, resistance to corrosion, and extreme hardness coupled with ductility, it has come to be used extensively in industry, especially as an alloy. Beryllium and its compounds are suited for a wide variety of uses, including among others, the manufacture of ceramic parts, household appliances electric circuitry, electrical measuring instruments, thermal coatings, switch-gear and welding apparatus. It also is used in the aerospace and nuclear industries in the manufacture of inertial guidance systems, rocket motor parts and fuels, aircraft brake systems, gyroscopes, heat shields, and moderator reflectors.[1, 21]

Exposures to dusts and fumes containing beryllium may occur in both large scale processing plants and in small plants which perform operations such as melting, casting, grinding, drilling and machining.[1] However, exposures are not limited to industrial operations concerned with the production and manufacture of beryllium products.

Poor industrial housekeeping, maintenance, and clean up operations in plants where beryllium products are manufactured or used may expose employees handling beryllium as well as disperse it into other employee work areas. Also maintenance of processing equipment containing beryllium may be a source of employee exposure, especially if operations such as welding, burning, or cutting[8] are involved.

The first major use of beryllium in the United States was in the production of fluorescent and neon lamp tubes. However, after the discovery of an epidemic of beryllium disease among workers in this industry, use of beryllium phosphors for these products was completely discontinued by the early 1950's.[9]

Domestic production of beryl, the principal beryllium-containing ore of commercial importance, was approximately 500 tons in 1950. Domestic production has remained relatively constant as contrasted with domestic consumption which, in 1969, reached 8,500 tons and is expected to reach 20,000 tons by the year 2000. A survey conducted by the United States Public Health Service in 1970 estimated that 30,000 persons in the work force could have potential exposure to dust or fumes containing beryllium.[1]

B. *History of Regulation.* Although the incidence of occupational disease associated with beryllium use has been recognized since the early 1940's, evidence regarding the cause and effect relationships between beryllium and disease developed slowly. One reason for the lack of data on the subject was the unavailability of sensitive analytical methods for measuring trace amounts of beryllium. However, as it was known that the incidence of beryllium related disease was increasing, a meeting was held in Saranac Lake, New York in 1947 to review the entire beryllium problem.[20]

The information gained from this 6th Saranac Symposium, coupled with research and recommendations of Eisenbud and his co-workers,[12, 14] published in 1948 and 1949, provided the basis for the United States Atomic Energy Commission Control Requirements, established in 1949. Based on his own investigations, Eisenbud recommended a maximum permissible peak exposure limit of 25 $\mu g/m^3$ for control of *acute* beryllium disease.[13]

Attempts by Eisenbud to establish a level for control of *chronic* exposure to beryllium for the AEC proved more difficult. Eisenbud[12] commented in 1961 that "There was not then, nor is there today, any substantial body of environmental information that could be correlated with clinical reports of occupational berylliosis, and such data as do exist are puzzling." Lacking empirical data for establishment of a limit for chronic exposure, Eisenbud and Machle arrived at a figure of 2.0 $\mu g/m^3$, based on information on animals and man gained from the Saranac Symposium, and by analogy with industrial air limits for such toxic heavy metals as mercury, cadmium and thallium.[14]

In 1949, on the recommendation of an ad hoc committee, the AEC adopted Eisenbud's limits for exposure to beryllium in the workplace and added requirements for air levels in neighborhoods in the vicinity of plants handling beryllium compounds. In summary, the AEC levels permitted a daily average concentration of 2.0 $\mu g/m^3$ with the provision that no person be exposed to beryllium in excess of 25 $\mu g/m^3$. These exposure limits were adopted by all AEC installations handling beryllium, and were binding on all AEC contractors involved in the handling of beryllium.

In 1959, the American Conference of Governmental Industrial Hygienists also

NOTE: Notes and references contained in part VII of the introductory material.

adopted an eight-hour time-weighted average limit of 2.0 $\mu g/m^3$.[14] This level has not been changed since then.[17]

In 1956, The American Industrial Hygiene Association published a Hygienic Guide in which it also recommended the AEC exposure levels.[18] In 1969, however, the World Health Organization, in a joint statement with the International Labor Organization,[19] recommended a permissible level for beryllium and its compounds as 1.0 to 2.0 $\mu g/m^3$.

The present Occupational Safety and Health Administration (OSHA) standard for beryllium, found in 29 CFR 1910.1000, Table Z–2, was adopted from the American National Standards Institute's (ANSI) Z37.29–1970 standard, "Acceptable Concentrations of Beryllium and Beryllium Compounds." The present OSHA standard prescribes an 8-hour time-weighted average of 2.0 ug/m^3 with a ceiling concentration of 5.0 ug/m^3. In addition, the present standard allows a peak concentration above the acceptable ceiling concentration for an 8 hour shift of 25 ug/m^3, for a maximum duration of 30 minutes.

II. Occupational Health Implications of Beryllium

Toxic effects of beryllium and its compounds on humans occur in both acute and chronic forms. Tepper, Hardy and Chamberlin[3] characterized acute beryllium diseases as "those beryllium-induced disease patterns of less than one year's natural duration." The same authors described chronic beryllium disease as a pattern of more than 1 year's duration. In addition, it has been suggested that beryllium may be involved in the production of cancer.

A. *Acute effects.* Acute effects on the skin and eye area include contact dermatitis, beryllium ulcers and various ocular effects. Abscesses and ulcerations occur as a result of crystal implantation of soluble or insoluble beryllium materials in cutaneous areas previously injured as a result of cuts or abrasions. Ocular effects may occur either as a result of a "splash burn" which causes inflammation of the conjunctiva, or in association with contact dermatitis.[3] Beryllium splashes may also result in corneal burns.[1]

Beryllium-induced acute respiratory effects range from a mild inflammation of the nasal mucous membranes and pharynx, to tracheobronchial involvement and severe chemical pneumonitis. Recovery is generally rapid, ranging from 1 to 6 weeks for mild cases. However, recovery from acute pneumonitis may be prolonged and severe cases may become fatal.[1, 3]

B. *Chronic Beryllium Disease (Berylliosis).* The clinical nature of chronic beryllium disease differs from the acute in that the former is often separated by a period of years from the time of beryllium exposure. A number of case histories have revealed a delay ranging from 5–10 years between the last beryllium exposure and the appearance of detectable evidence of disease, and in some cases a delay of 20 years or more.[1, 4] Further, chronic illness is characterized as being a systemic disease, prolonged in duration and commonly progressive in severity despite cessation of exposure.[3]

Chronic beryllium disease results from inhalation of beryllium particulates. Its most familiar symptom is pneumonitis, with its accompanying cough, chest pain and general weakness.[4] Pulmonary dysfunction and systemic effects, such as heart enlargement, leading to cardiac failure; enlargements of the liver and spleen; cyanosis; and the appearance of kidney stones also characterize the chronic illness.[5]

The Beryllium Case Registry was instituted in 1952 at the Massachusetts General Hospital to provide a central source of information for cases of diagnosed acute and chronic beryllium disease.[7] By 1974, 853 cases of the disease were on record at the Registry.[24]

Annually reported Registry cases decreased considerably following discontinuance of the use of beryllium phosphors by the fluorescent lamp industry.[7, 15] Prior to 1949, exposure levels had been extremely high in all facets of industry. For example, a 1946 survey of a beryllium plant by Laskin, Turner and Stockinger[9] indicated beryllium dust concentrations of 110 to 533 $\mu g/m^3$ during the beryllium furnace coke removal operation. Also, Zielinski[8] reported levels of 11,330 to 43,300 $\mu g/m^3$ in a beryllium alloy plant.

After 1949, however, environmental exposure levels were markedly reduced.[10, 11, 27] Breslin and Harris[10] stated in a 1958 report that beryllium air concentrations in one Ohio extraction plant operated by the AEC were recorded at 2.0 $\mu g/m^3$ or less during most of a seven year period. Surveys by Breslin and Harris[10] and by Mitchell and Hyatt[11] reported concentrations of 0.1 $\mu g/m^3$ or less for sites such as beryllium fabrication and machine shops.

Despite these great reductions in beryllium exposure levels, an average of 10–12 new cases of beryllium disease have consistently been added to the Registry each year since 1962.[7, 25] It has been suggested that new cases continue to emerge for two reasons. First, because of the long latency period between beryllium exposure and the development of chronic beryllium disease, new cases continue to be reported involving workers exposed before the 1949 limits were adopted. However, this does not account for all the new cases added. A recent report on the Registry Hasan and Kazemi[25] of cases of chronic beryllium disease reported since 1966 produced 76 such new case histories. While approximately 40 of these cases involved workers with exposures before 1949, it appears that at least 36 were first exposed to beryllium subsequent to 1949. The Director of the Registry has also indicated that the incidence of confirmed beryllium disease is continuing even though the Registry's file may not include all cases of the disease resulting from beryllium exposure.

Second, because beryllium has come to be used in many diverse types of products and processes, it is suggested that beryllium disease continues to occur among the employee population as a result of exposures exceeding the permissible limits due to inadequate engineering and work practice controls, engineering control failures, improper use of respirators and, in some cases, lack of awareness of the degree of hazard involved in employee exposure.[4, 26]

Hasan and Kazemi[25] (1974) found that of the 36 patients exposed to beryllium after 1949, 29 or 81 percent have a history of handling, grinding or machining beryllium metal and alloys in the aircraft industry, electronics and the manufacture of nuclear reactors. NIOSH, in referring to some of these new cases, stated: "Of interest is that recent cases are occurring not only in smelting and extraction operations, but also in alloy and ceramics operations where contaminant control reportedly has been quite successful."

C. *Carcinogenic Effects.*—(1) *General Considerations:* In the case of beryllium, we are dealing with a substance that poses a range of health risks to the working population. These include the threat of cancer, as well as acute and chronic toxicological effects. In considering the controversial issue of carcinogenicity, OSHA is relying upon leading scientific principles and opinions believed to reflect the research conclusions of international cancer experts. In such an inquiry, we recognize that we are operating on the frontiers of knowledge. We rely however, upon what we believe to be the best available evidence and interpretations and are prepared to modify our views if new evidence or future scientific advances show we are in error.

(a) *The Latency of Carcinogenic Effects.* In man, the latency period for chemical carcinogens may well be as long as 20, 30 or more years. Analogous periods exist for test animals. This means that the disease may undergo a long development before a tumor is actually detected. At that point, it has reached a stage where removal of the worker from the workplace may be of no avail and where treatment may be extremely difficult, if not futile. Prudent policy would therefore seem to indicate that every reasonable measure should be taken to eliminate human exposure to chemical compounds as soon as their carcinogenic nature is identified.

(b) *The Variability in Individual Susceptibility in Relation to the Concept of a Threshold.* Cancer development may be influenced by such factors as the differing susceptibility of various body organs. Further, in animal studies it has been found that individual variability in response to carcinogens is great, depending upon such factors as age, sex hormonal status, diet, and genetic factors. Thus, it may be concluded that certain groups in the working population, such as those already biologically compromised, may be more susceptible than other groups.

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(c) *A "Threshold" Limit.* Because of the variability of individual response to carcinogens and other factors, the concept of a "no effect" or "threshold level" may have little real significance on the basis of existing knowledge. While such a level, below which exposure to a carcinogen does not cause cancer, may conceivably exist for any one individual, other individuals in the working population may have cancer induced by doses so low as to be effectively zero. This is not to say that researchers will never find a threshold level for a carcinogenic substance, but it does mean that the threshold concept for carcinogens is at present more a matter of responsible regulatory policy than matter of a precise, scientific determination.

(d) *Identification of Carcinogens.* A carcinogenic agent may be identified either by experiments with laboratory animals exposed to an agent or by properly conducted epidemiological studies. While epidemiological studies are valuable in general, the overwhelming logical and ethical considerations of not using humans as test subjects to determine the carcinogenic potential of a compound has led to reliance upon animal testing in the laboratory. Moreover, often severe reliability problems exist which further reduces the value of such epidemiological studies.

(i) *Acceptability of Animal Testing.* The use of animal test data to aid in the formulation of public policy has long been supported by community and official agencies such as NIOSH, the United States Environmental Protection Agency, the National Cancer Institute, the World Health Organization, and the National Academy of Sciences.

Animal testing is particularly appropriate with respect to cancer because the relatively short life span of test animals allows for testing for the entire latency period for tumor development and because of our relatively well-defined understanding of the pathological development of tumors in mice, rats, and certain other mammalian species. Moreover, this reliance on animal testing is supported by the fact that, at least at this time, all chemical substances or mixtures that have been proved carcinogenic by direct observation in man have also been shown to be carcinogenic in test animals, with the possible exception of arsenic. Thus, laboratory animals provide a reliable and accepted means of evaluating the potential carcinogenicity of chemical agents in man.

(ii) *Animal or Organ-Specificity.* It has been suggested that some carcinogens are animal or organ specific. However, in a recent survey by Dr. Tomatis of 58 chemicals known to produce liver tumors in mice, 40 also induced tumors in a variety of other organs in the same species. Further, Dr. Tomatis found that chemically induced tumors in one species need not appear in the same organ in other species. Thus, a carcinogen which induces liver tumors in mice might, for example, produce mammary cancers in rats and lung tumors in men. However, where the available human epidemiological data indicate induction of cancer in a specific organ, and where the animal data clearly demonstrates the development of cancer in the same organ from the same substance, the extrapolation from the animal tests to man is even more compelling and justifiable.

(e) *Conclusion.* These theoretical concepts have a bearing on the questions of how beryllium exposure should be treated as to man and whether there is or is not a threshold level of carcinogenic effect.

In previous rulemaking proceedings, OSHA has considered these issues and determined that in the absence of evidence to establish a safe level on the basis of present knowledge, employee exposure must be reduced as low as feasible (See the preambles to the carcinogen standards, 29 CFR 1910.1003–1016 (39 FR 3756) and the vinyl chloride standard, 29 CFR 1910.1017 (39 FR 35892)). See also the preamble to the proposed coke oven standard (40 FR 32268).

OSHA believes that in setting prudent public policy as to how to deal with substances that give positive results for cancer in test animals, recognition must be given to the fact that an animal carcinogen, as a matter of science or research, may be different from a positive proven carcinogen to man. Nevertheless, we do not know that they are different, and no data are available that would so prove.

Therefore, OSHA believes that, as to any substance, a valid carcinogenic reaction in test animals must be considered sufficient, without other circumstances unique to that substance, to describe the test compound as a carcinogen to the test species and thus a potential carcinogenic hazard to man.

We welcome all views and comments on these subjects as well as the other issues raised by the proposal.

(2) *Evidence of Beryllium Carcinogenicity*—(a) *Animal Studies.* In the course of OSHA's investigations, it was found that beryllium compounds have been reported to readily produce malignant tumors in laboratory animals. For example, beryllium sulfate and beryl ore were found to produce lung tumors in rats following inhalation. Beryllium oxide and beryllium sulfate produce lung cancer in monkeys following intrabronchial implantation or inhalation. Zinc beryllium silicate, beryllium metal, and beryllium phosphate produce bone tumors in rabbits following intravenous administration. The following is a summary of several relevant studies of beryllium carcinogenesis in animals.

(a) *Pulmonary Cancer in Experimental Animals by Inhalation.* Schepers *et al.* (1957) [52] reported the induction of malignant pulmonary neoplasms in rats exposed to an aerosol of beryllium sulfate at an average dose level of 35 $\mu g/m^3$ for periods of up to six months, and thereafter observed without treatment for periods of up to 18 months.

Reeves *et al.* (1967) [50] exposed 75 male and 75 female rats continuously to the inhalation of beryllium sulfate aerosol at a mean concentration of 34 $\mu g/m^3$ for periods of up to 56 weeks. Sample animals were killed at 4-week intervals during the 56-week exposure period, and also after the end of treatment until the 82nd week of age. From the 40th week onwards, Reeves reported that alveolar adenocarcinomas began to be found and tumors of this type were seen in all of 43 rats killed after the 56th week of exposure. No lung tumors were reported to have developed in 150 unexposed control rats.

Wagner *et al.* (1969) [43] exposed rats, monkeys and hamsters for 6 hours per day, 5 days per week to an atmosphere containing 15 mg/m^3 of bertrandite or beryl ore dust. The atmospheric concentrations in terms of beryllium (Be) were 210 $\mu g/m^3$ and 620 $\mu g/m^3$, respectively. After 17 months, 18 out of the 19 rats exposed to beryl ore at levels of 620 μg Be/m^3 had developed pulmonary tumors of various types. Lung changes, including granulomatous lesions, but no tumors, were seen in rats exposed to bertrandite dust. Monkeys and hamsters did not exhibit pre-neoplastic or neoplastic lesions as a result of exposure to either ore.

Schepers (1964) [54] found a 3-mm diameter neoplasm in a female monkey of the *Macacus mulatta* species that died 82 days after the last of 10 daily exposures (6 hours per day) to an aerosol of beryllium phosphate ($BeHPO_4$) at a concentration of 10,556 μg per cubic meter. The monkey was one of 20 females of the same species exposed variously to beryllium sulfate, beryllium fluoride or beryllium phosphate. Most of the monkeys died or were killed early in the experiment. Chemical pneumonitis was a common cause of death. The author could not rule out the possibility that the tumor was spontaneous in origin.

In 1966, Stokinger et al. reported upon beryllium induced pulmonary cancer in rats as found by Vorwald in various studies. Stokinger stated that:

> Primary pulmonary cancer appeared as early as 8 months after completion of the intratracheal injection and after 9 months of inhalation, 7 hours daily, 5 days a week. The incidence of the cancer was almost 100% in a large number of rats that had survived 18 months of daily exposure to beryllium sulfate aerosol, at a concentration averaging either 42 or 21 $\mu g/m$ of chamber air. Even at the very low concentration of 2.8 $\mu g/m$, which incidentally approaches the maximum allowable concentration of beryllium for human subjects, a substantial number (13 of 21) of rats developed pulmonary cancer. Pulmonary cancer had never been discovered in thousands of rats of many different strains that for purposes of control had lived in clean air.

In 1966, Vorwald et al.[54] gave each of the 20 young Rhesus monkeys a single intrabronchial and/or bronchomural implantation of pure beryllium oxide (5% suspension in physiological saline). They exposed an additional 10 monkeys intermittently, over a prolonged period, to an atmospheric concentration of beryllium sulfate aerosol of 35 $\mu g/m^3$. During the first 8 years of the study, three of the monkeys exposed to beryllium oxide and two of those exposed to beryllium sulfate developed pulmonary cancers.

(b) *Bone Cancer in Experimental Animals by Intravenous Administration.* Gardner and Heslington (1946) were the first of many investigators to report the induction of osteosarcomas in rabbits following intravenous injection of zinc beryllium silicate or beryllium oxide. All of the 7 rabbits that survived treatment with zinc beryllium silicate for 7 months or more developed malignant osteosarcomas, often with multiple primary sites. The administration of 65 other different minerals in the same way to rabbits produced none of the above effects. The compounds that gave negative results included zinc silicate, zinc oxide, and silicitic acid.

In 1950, Hoagland et al.[46] confirmed the findings of Gardner and Heslington by reporting 6 examples of the induction of osteosarcomas subsequent to intravenous administration of zinc beryllium silicate to 10 rabbits. They also reported the induction of one tumor of the same type following intravenous administration of beryllium oxide to a total of 9 rabbits. No tumors arose in 5 rabbits given a total of 1 g of beryllium phosphate by the ear vein.

Barnes et al. (1950) [42] induced osteosarcomas in rabbits through intravenous injection of non-radioactive zinc beryllium silicate or beryllium silicate. Barnes also reported induction of osteosarcomas in two rabbits given intravenous injections of beryllium metal particles.

Dutra and Largent (1950) [42] studied the effects of intravenously administered "highly purified beryllium oxide" and a "highly purified calcined phosphor comprised of beryllium oxide, zinc oxide, and silica mixed in molar ratio 1:1:1." Four of the 6 rabbits treated with beryllium oxide, and 2 of the 3 treated with beryllium phosphor developed osteosarcomas.

In 1951, Dutra et al.[42] reported the occurence of an osteogenic sarcoma in one rabbit exposed by inhalation to beryllium oxide at a concentration of 6 mg/m^3.

The production of osteosarcomas in rabbits by the intravenous injection of insoluble beryllium salts has also been recorded, by Janes et al. (1954, 1956),[34,45] Araki et al. (1954),[40] Kelly et al. (1961),[35] Yamaguchi (1963),[56] and Komitowski (1968).[47] Vorwald (1950)[55] reported the induction of osteosarcomas in rabbits by the intravenous injection of beryllium phosphate.

(2) *Human Studies of Beryllium Carcinogenicity.* Epidemiological studies, several of which are summarized below, have been carried out on the possible relationship between exposure to beryllium compounds and the occurrence of cancer in humans.

Stokinger (1966) [13] stated that "to date no human beryllium cancer has been identified, but the difficulties in attributing a lung, or other organ, cancer to beryllium are such that the beryllium source could well be overlooked; chemical carcinogens do not commonly remain at the site of the cancer, so the causative agent can be identified only through work histories."

Stoeckle et al. (1969) [39] reported the longterm follow-up of 60 selected cases of chronic beryllium disease first diagnosed between 1944 and 1966. The nature of the exposure to beryllium varied. At the time of the report, 18 patients had died: 13 from corpulmonale, 1 from respiratory insufficiency, 1 from cardiac arrest, 1 from virus pneumonia, 1 from renal insufficiency and 1 from an unstated cause. It is interesting that cancer had not been observed in this series up to 1969.

Mancuso and El-Attar (1969) [29] studied the incidence of cancer in workers in two separate beryllium companies but could not conclude that cancer at any particular organ could be correlated with the worker's exposure to beryllium.

Mancuso (1970) [30] studied the relation of duration of employment and prior respiratory illness to respiratory cancer among beryllium workers. Among 142 cases of beryllium related bronchitis and pneumonitis identified by De Nardi during 1940–1948, six deaths due to lung cancer subsequently occurred, for an age-adjusted lung cancer mortality rate of 284.3 per 100,000 population. This rate, contrasted with 77.7 for all white males employed in the same beryllium production facility during 1937–1948, led Mancuso to conclude that "prior chemical respiratory illness does influence the subsequent development of lung cancer among beryllium workers."

Hardy *et al.* in 1967 [7] reported on the complications of beryllium disease among 535 individuals entered into the Beryllium Case Registry during 1952–1966. Of 14 subjects known to have subsequently developed cancer in this group, three were diagnosed as having cancer of the bone. As the International Agency for Research on Cancer of the World Health Organization has estimated that no more than 0.1 and possibly only .05 cases of bone cancer would have been expected to occur among these 535 individuals, the observation of 3 such cases by Hardy et al. may be significant. Hardy also observed that these cases of bone cancer occurred among a subset of approximately 200 individuals all of whom had received no steroid medication. The statement in this review, however, that "there is no registry evidence as yet that beryllium causes cancer", is noteworthy.

Hasan and Kazemi (1974) [27] reviewed 76 cases of chronic berryllium disease reported to the Beryllium Case Registry since 1966. They suggested that, "Enough time has lapsed since the epidemics of the 1940's, so that malignancy as a complication of exposure to beryllium should have become evident. Of the 76 cases reported, 7 patients died from malignancy. Cancer of the lung developed in four, one of whom had a broncho-alveolar cell carcinoma. All 4 patients were men over 65 years of age, with a prolonged period of high exposure prior to 1949. A patient with a neighborhood case died from a cervical cancer. Two patients with recent exposure died from leukemia." The report states further, that the "Incidence of lung cancer was higher than expected (four cases), although the small series does not allow a definitive conclusion."

The American Conference of Governmental Industrial Hygienists [17 25] in their "Threshold Limit Values for Chemical Substances in Workroom Air Adopted by ACGIH for 1975" have included beryllium in the category of "Occupational Substances Suspect of Oncogenic Potential for Workers." Beryllium was included in this list based on "limited epidemiologic evidence" and "demonstration of benign or malignant growths in one or more animal species by appropriate methods."

3. *Conclusions.* As we have pointed out above, beryllium exposure poses a significant problem to the working population insofar as acute and chronic (other than cancer) effects are concerned. However, in light of the general theories and OSHA's policies concerning cancer set forth above, and in light of the overwhelming animal data, OSHA believes that beryllium should be treated as posing a carcinogenic threat to man. In addition, we believe that the epidemiological evidence in man, while not determinative in itself, is consistent with this conclusion.

Additional information which may support or dispute these conclusions regarding carcinogenic potential of beryllium and regarding the protection afforded by the proposed limits, are solicited in order to provide the Secretary of Labor with the best available evidence on which to base a determination for the final rule.

IV. Pertinent Legal Authority

The primary purpose of the Act is to assure so far as possible safe and healthful working conditions for every working man and woman. One means prescribed by Congress to achieve this goal is the authority vested in the Secretary of Labor to set mandatory safety and health standards. The standards setting process under section 6 of the Act is an integral part of an occupational safety and health program in that the process permits the participation of interested parties in consideration of medical data, industrial processes and other factors relevant to the identification of hazards. Occupational safety and health standards provide notice of the requisite conduct or exposure level and provide a basis for ensuring the existence of safe and healthful workplaces.

The Act provides that:

> The Secretary, in promulgating standards dealing with toxic materials or harmful physical agents under this subsection, shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life. Development of standards under this subsection shall be based upon research, demonstrations, experiments, and

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such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. [Section 6(b)(5)].

Sections 2(b) (5) and (6), 20, 21, 22, and 24 of the Act reflect Congress' recognition that conclusive medical or scientific evidence including causative factors, epidemiological studies or dose-response data may not exist for many toxic materials or harmful physical agents. Nevertheless, standards cannot be postponed because definitive medical or scientific evidence is not currently available. Indeed, while final standards are based on the best available evidence, the legislative history makes it clear that "it is not intended that the Secretary be paralyzed by debate surrounding diverse medical opinion." [House Committee on Education and Labor, Report No. 91–1291, 91st Cong., 2d Session, p. 18 (1970).] This Congressional judgment is supported by the courts which have reviewed standards promulgated under the Act. In sustaining the standard for occupational exposure to vinyl chloride (29 CFR 1910.1017), the U.S. Court of Appeals for the Second Circuit stated that "It remains the duty of the Secretary to act to protect the working man, and to act even in circumstances where existing methodology or research is deficient." ["Society of Plastics Industry, Inc. v. Occupational Safety and Health Administration," 509 F. 2d 1301, 1308 (2d Cir. 1975), *cert denied* ----- U.S. ----- 95 S.Ct. 1998, 44 L. Ed.2d 482 (1975).]

A similar rationale was applied by the U.S. Court of Appeals for the District of Columbia in reviewing the standard for occupational exposure to asbestos (29 CFR 1910.1001). The Court stated that

> some of the questions involved in the promulgation of these standards are on the frontiers of scientific knowledge, and consequently as to them insufficient data is presently available to make a fully informed factual determination. Decision making must in that circumstance depend to a greater extent upon policy judgments and less upon purely factual analysis.

["Industrial Union Department, AFL–CIO v Hodgson," 499 F. 2d 467, 474 (D.C. Cir. 1974).]

In setting standards, the Secretary is expressly required to consider the feasibility of the proposed standards. Senate Comm. on Labor and Public Welfare, S.Rep. No. 91–1282, 91st Cong., 2d Sess. 58 (1970). Nevertheless, considerations of technological feasibility are not limited to devices already developed and in use. Standards may require improvements in existing technologies or require the development of new technology. ["Society of Plastics Industry, Inc. v Occupational Safety and Health Administration," 509 F. 2d at 1309.]

Where appropriate, the standards are required to include provisions for labels or other forms of warning to apprise employees of hazards, suitable protective equipment, control procedures, monitoring and measuring of employee exposure, employee access to the results of monitoring, and appropriate medical examinations; moreover where a standard prescribes medical examinations or other tests, they must be made available at no cost to the employee [(Section 6(b)(7))]. Standards may also prescribe recordkeeping requirements where necessary or appropriate for enforcement of the Act or for developing information regarding occupational accidents and illnesses (Section 8(c)).

V. The Proposal

In the development of this proposal, the Occupational Safety and Health Administration (OSHA) has considered recommendations contained in the document "Criteria for a Recommended Standard . . . Occupational Exposure to Beryllium" which was developed for the Secretary of Labor by the National Institute for Occupational Safety and Health (NIOSH), Department of Health, Education, and Welfare. Further, OSHA has reviewed and considered the Atomic Energy Commission Control Requirements for beryllium exposure [1, 6, 13, 15, 22] as well as numerous reference works and journal articles.

The following discussion analyzes the significant issues of the proposed standard for occupational exposure to beryllium and its compounds:

A. *Scope and Application.* The proposed standard would apply to all workplaces in all industries, including construction and maritime as well as "general industry, where beryllium or any of its compounds or alloys, is produced, released, packaged, repackaged, stored, handled, used or transported, and over which OSHA has jurisdiction.

B. *Exposure Limits.* The proposed standard includes requirements addressing the hazards associated with inhalation of beryllium and dermal and eye contact with beryllium.

(1) *Permissible Exposure Limits.* In setting a permissible exposure limit for beryllium, OSHA recognizes that many of the matters considered in this proposal are controversial and that, at best, gaps exist in the available scientific evidence. OSHA believes that in this case we are dealing with a substance that causes chronic disease and perhaps cancer.

As to chronic beryllium disease, we are dealing with a latency period in man which by its very nature makes more difficult the setting of a safe standard insofar as beryllium is concerned. What we do know is that 10–12 new cases of diagnosed chronic beryllium disease are added to the Beryllium Registry each year. Whether these cases result from exposures higher than the present 2 $\mu g/m^3$ standard is unknown. Nor do we know what margin of safety, if any, might exist as to the present standard and its relationship to the working populace.

However, this decision in the proposal as to an appropriate level is not made without sound support. Here we are dealing with a substance that is carcinogenic in test animals at levels comparable to exposure levels suggestive of cancer in man. Based on the best available evidence, we do not know whether "safe" levels or "no effect" levels exist for a carcinogen and, if so, what they may be. Therefore, attempts to control levels are compromises between the best medical and scientific evidence on the one hand and practical considerations of technological and economic feasibility on the other.

It is not possible at this time to state precisely how low beryllium exposures can be maintained in all cases through engineering controls, but it is clear that many employers have successfully achieved control to levels well below the present standard for many years. Based on data from AEC in the period 1950–1961, when concerted efforts were made to reduce concentrations, NIOSH found that the established level of 2 $\mu g/m^3$ could be met, and that, though uniform control was not attained throughout a plant, the survey data showed that at one time or another nearly every job category was within permissible limits.[1] In one Ohio extraction plant exposure levels were recorded at or below 2 $\mu g/m^3$ over a seven year period.[6] Williams, in 1961,[22] presented results of surveys of beryllium exposures in 15 plants of various types which indicate that exposures were effectively controlled to well below the current standard in the preponderance of cases.

In view of the information presently available to OSHA, including the above, it appears reasonable to consider a reduction in the permissible exposure limit to 1 $\mu g/m^3$. We hope that comments submitted concerning this proposal will assist OSHA in its final determination of this issue.

(2) *Dermal and eye exposure limit.* Numerous studies of both human and animal responses to beryllium and its compounds have shown the substance, upon contact, to be capable of producing skin irritation, dermatitis, and ulcerations and inflammation of the conjunctiva, and corneal burns. For this reason the proposed standard would not allow employers to expose employees to skin or eye contact with bulk forms of beryllium (see definition of "bulk forms" in the proposed standard).

C. *Action Level.* The proposed standard does not prescribe an action level, below the TWA, at which certain measures such as monitoring and medical surveillance must generally be initiated and below which no monitoring or medical surveillance need be conducted. The concept of an action level provides, statistically, a means by which the employer may assure himself that his employees will not be exposed to a substance over the permissible exposure level. Where, however, a permissible exposure level is not a "safe" level but rather a level predicated upon feasibility, every justification appears to exist to require certain protective measures such as monitoring if there is any exposure to the substance. This would be true in the case of a carcinogen, where a "threshold" or "no effect" level may not or does not exist. Accordingly, the proposal requires that monitoring be instituted at any level of exposure.

D. *Measurement of Exposure.* The employer would be required to monitor the exposure of all employees exposed to airborne concentrations or to bulk forms beryllium. In conducting the monitoring of employee exposure the employer should be certain that such monitoring reflects employee exposure conditions over the entire work day.

In establishments having more than one work operation involving the use of beryllium, monitoring must be performed for each operation and each type of employee exposure.

Where measurement indicates levels of exposure to be above the permissible exposure limit, employers are required to monitor monthly. Otherwise, monitoring shall be done quarterly.

When any employee may be exposed by skin contact to bulk forms of beryllium, the employer must provide affected employees with protective clothing impermeable to the beryllium-containing material being handled.

E. *Methods of Measurement.* The proposal would require that exposure measurements reflect the actual exposure conditions for each employee. No specification is made for the location of the samples taken. Thus, the employer may choose to perform either personal, breathing zone, or general air samples, provided that the method chosen gives an accurate indication of the employee's exposures. Further, any appropriate combination of long-term or short-term samples would be acceptable. However, the proposal requires that all exposure measurements be calculated on an eight-hour time-weighted average basis, with the exception of the ceiling concentration measurements. The sampling method must collect both respirable and nonrespirable particles for analysis. Samplers which separate the collected material into size fractions are useful in indicating the relative particle size of the beryllium, but are of no value in assessing compliance with permissible limits, as these limits are based on the total airborne concentration.[10]

The proposal requires that the accuracy of the sampling method have a confidence level of 95%. The term "accuracy" refers to the difference between the measured value and the true concentration. It allows for both the random variation of the method (its precision) and the difference between the average result from the method and the true value (bias of the method). For beryllium, the required accuracy for concentration at or above 1.0 $\mu g/m^3$ is plus or minus 25% at a 95% confidence level. This means that out of a long series of measurements, 95% must be within 25% of the true value.

F. *Methods of Compliance.* The proposed standard would require the employer to immediately institute engineering controls to reduce employee exposures to or below the permissible limits except in situations where such controls are infeasible. Further, in situations where the engineering controls that can be instituted immediately will not reduce exposures to the time-weighted average limit, they must nonetheless be used to reduce exposures to the lowest practicable level, and be supplemented by the use of work practice controls. Where both engineering controls and work practice controls are insufficient to reduce exposure to the permissible limits, they must nonetheless be used to reduce exposures to the lowest practicable level. Where both engineering controls and work practice controls are insufficient to reduce exposure to the permissible limits, the use of personal protective devices, such as respirators, would be required. In addition, a program must be established and implemented to reduce exposures to within the permissible exposure limits or to the greatest extent feasible, solely by means of engineering controls. Written plans for this program must be developed and be furnished upon request for examination and copying to representatives of the Secretary and the Director. These plans must be reviewed and updated periodically to reflect the current status of exposure control.

Engineering controls are the preferred means of compliance because they reduce exposure hazards in the work place environment by removing the airborne contaminants. Engineering controls may include the installation of local exhaust ventilation or the modification of a process so as to reduce emission of the contaminant into the work place. When mechanical ventilation is used for engineering control, checks of air system efficiency, such as capture velocity, duct velocity or static pressure must be made at least every 3 months. These checks are necessary to assure that the primary control system (mechanical ventilation) is functioning effectively at all times.

When engineering controls prove to be infeasible or inadequate, work practice controls become the preferred means of compliance. Work practice controls include such items as the use of vacuum cleaners or water-spray cleaning methods, instead of compressed air. However, work practice controls are effective only when strong supervisory control is maintained.

Respirators are the least satisfactory means of control because of certain difficulties inherent in their use. Respirators are capable of providing good protection only if they are properly selected for the concentrations of airborne contaminants present, properly fitted to the employee, worn by the employee, and replaced when they have ceased to provide protection. While it is theoretically possible for all of these conditions to be met, it is more often the case that they are not, and as consequence, the protection of employees by respirators is not always effective.

G. *Regulated Area.* The proposal requires that regulated areas be established, that access be limited to authorized persons, and that a roster of persons authorized to enter be made weekly and maintained for at least 40 years or for the duration of the employment plus 20 years, whichever is longer. One purpose of establishing regulated areas is to limit the exposure to as few employees as possible. The burden on the employer is considered to be minimal since the provisions require the employer merely to identify and control such areas.

H. *Housekeeping and Waste Disposal.* Removal and prevention of accumulations of beryllium dust deposits on all surfaces in the workplace are important aspects in the control of air contaminants. To ensure that beryllium dusts and particles are not reintroduced into the workplace air, the proposal prohibits dry sweeping or the use of compressed air for cleaning of floors and other surfaces where beryllium dust is found.

Vacuuming and water-spray methods for dust removal are both safe and adequate provided the practices outlined in the proposal also calls for periodic cleaning of dust collection systems, i.e. ducts, filters, etc., to reduce dust accumulations which may create a fire hazard.

For disposal of beryllium wastes, scraps, equipment or debris, the proposal would require that such materials be collected and disposed of in sealed bags or other closed containers which will prevent dispersion of the beryllium outside of the bag or container.

I. *Medical Surveillance.* As discussed in Section II of this Notice, the toxic effects of overexposure to beryllium take many forms including perhaps cancer. Further, since the symptoms of chronic beryllium disease are often similar to those of other respiratory diseases, the real cause of the symptoms has often been incorrectly diagnosed as tuberculosis, sarcoidosis, etc. To diagnose a case of cancer or chronic beryllium disease requires supportive evidence of x-ray findings, immunological tests, pulmonary function tests, and the establishment of beryllium exposure by finding beryllium in urine or tissue or by strong epidemiological evidence of exposure. To differentiate beryllium disease from other respiratory ailments, the physician must evaluate the entire clinical picture."

For beryllium workers, evidence of beryllium in the urine or tissues would not automatically indicate that they are suffering from beryllium disease, unless other evidence such as x-rays or pulmonary function tests indicate that such findings are probably an indication of the disease. For this reason, employees who work with beryllium should undergo medical screening so that indications of overexposure are detected as early as possible. OSHA has proposed medical surveillance requirements for employers having employees exposed to airborne

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concentrations of beryllium above the TWA or ceiling limit. The purpose of the requirements is to ensure, to the extent possible, that early symptoms of cancer or beryllium disease are properly diagnosed and appropriate measures taken.

The proposed standard requires that a comprehensive medical and work history be taken at the time of initial assignment or upon institution of medical surveillance for any employee assigned to a regulated area. A medical examination including at least a 14 X 17 posterior-anterior chest x-ray; pulmonary function tests, including forced vital capacity; a baseline weight determination and a skin examination, must also be made available to employees.

In a June 5, 1974, letter to OSHA, Dr. Homayoun Kazemi,[21] Chief, Pulmonary Unit, Massachusetts General Hospital, recommended that tests of arterial blood gas or carbon monoxide diffusing capacity of the lung be made at least every three to five years for individuals working with beryllium. Dr. Kazemi stated that early interstitial lung disease may not appear as an abnormality on the chest x-ray or by measurements of forced vital capacity until the disease is in an advanced stage. Other experts agree that measurements of arterial blood gas or carbon monoxide diffusing capacity are more sensitive detectors of lung disease, but feel that it is technically infeasible for employers to have this test administered on a large scale. For this reason, OSHA has not included this test as part of the proposed medical surveillance requirements. However, the test is suggested in the Appendix C medical guidelines when tests of forced vital capacity are abnormal or the physician feels such an examination would be necessary.

Although the proposal specifies the types of medical tests and examinations to be given affected employees, the employer may allow the examining physician to use other types of medical examinations, provided they can give at least equal assurance of detecting the medical conditions pertinent to protecting employees from the health hazards associated with beryllium exposure. The employer may accept such alternative medical examinations if the employer obtains a statement from the physician setting forth the alternative medical examinations and the rationale for their substitution.

The employer must provide the examining physician with a copy of the standard for beryllium, including appendices; a description of the employee's duties; a description of any personal protective equipment used by the employee; the results of the employee's exposure measurement; and an estimate of the levels to which the employee will be exposed. The employer must also provide any available employee medical history information requested by the physician.

Following the medical examination, the employer must obtain a written opinion from the examining physician stating whether the employee has any medical condition that would place him at increased risk to his health, or that would be aggravated by exposure to beryllium. The physician's opinion must state any recommended limitations upon the employee's exposure or upon the employee's use of protective equipment and respirators. Also, the opinion must state that the employee has been informed of any medical conditions which require further examination or treatment, although the written opinion must not contain specific findings or diagnoses unrelated to the employee's exposure to beryllium. The employer must provide a copy of the physician's written opinion to each employee.

If, based on the physician's opinion, the employer determines that exposure of an employee to beryllium would materially impair the employee's health, it is the responsibility of the employer to remove the employee from exposure.

The employer must inform each employee who refuses required medical examinations of the possible health consequences of such refusal and the employee must sign a statement indicating an understanding of the risk involved in the refusal to be examined. The intent of this requirement is to encourage employees to take medical examinations. It is felt that a clear understanding of the necessity of medical examinations to minimize potential health consequences will encourage employees to accept the medical surveillance program.

J. *Employee Information and Training.* Information and training are essential for the protection of employees because an employee can do much to protect himself if he is informed of the nature of the hazards in his work place. To be effective, an employee education system must apprise the employee of the specific hazards associated with his work environment. For this reason, the employer would be required to inform each employee assigned to regulated areas of the nature of beryllium-related health problems, the necessity for exposure control and the medical and industrial hygiene monitoring programs. Further the employee must be instructed to report promptly the development of symptoms or conditions which could be attributed to overexposure to beryllium.

K. *Recordkeeping.* The proposed standard would require the employer to keep written records of the following: measurements of employee exposure; tests of mechanical ventilation system efficiency (where such systems are used for engineering control); annual training and information sessions; authorized personnel rosters; medical examinations and pre-placement histories.

Since symptoms of chronic beryllium disease often do not appear for many years after the last exposure to beryllium, records of exposure measurements and medical examinations should be retained for a period of years, even after the employee ceases to work in the beryllium industry. For this reason, the recordkeeping provisions of the proposal require the employer to retain these records for at least 40 years, or for the duration of employment plus 20 years, whichever is longer.

OSHA is aware that certain provisions of this proposal, such as medical surveillance and the extended retention period for exposure measurement and medical monitoring records may pose special problems to some employers, especially those who have small numbers of employees, operate with non-fixed places of employment, or use workforces which are highly transient in nature.

This awareness has been expressed by the Department of Labor in a statement submitted to the House Sub-Committee on Environmental Problems Affecting Small Business on 26 June 1975, as follows:

> It has become increasingly evident that the combined body of Federal regulations imposes a substantial, and, to some extent, unnecessary burden upon employers, particularly those who run small businesses. While most of these requirements serve a necessary and useful purpose, a definite potential exists for duplication, conflicting standards, and inappropriate recordkeeping requirements. In an effort to eliminate problems where any exist in the Department of Labor, I have requested my agency heads to assess the small business impact of the laws they administer and determine what can be done to ease the burden on the small employer, while still assuring compliance with the law.

Although it is clear that OSHA's first and primary responsibility is to assure employees safe and healthful places of employment, the Act and its legislative history recognize that economic and technological feasibility are legitimate factors to be considered in the setting of occupational safety and health standards.

In addition, the Act explicitly takes cognizance of its impact upon affected small business, specifically with respect to any recordkeeping requirements which are imposed.

Pursuant to section 8(d) of the Act, OSHA is exploring methods of reducing, to the maximum extent possible, the administrative and economic burdens of the proposal's various recordkeeping requirements.

While the proposal does not address itself to specific alternatives, OSHA invites comments concerning options which would both provide full protection to affected employees and at the same time minimize the administrative and economic burden on affected employers—especially those with small numbers of employees, non-fixed workplaces, or highly transient workforces.

A record of the tests of mechanical ventilation system efficiency is required to be maintained so that the employer can ensure that tests of the system are being made at the required time intervals. Further, the record is useful to the employer since the evaluation of the data obtained in any individual test is needed to compare the most recent test with previous tests to detect any trends that may be occurring.

L. *Observation of Monitoring.* Section 8(c)(3) of the Act requires that employers provide employees or their representatives with the opportunity to observe monitoring of employee exposures to toxic materials or harmful physical agents. In accordance with this section, the proposed standard contains provisions for such observation. To ensure that the right to observe is meaningful, observers would be entitled to receive an explanation of the measurement procedure, to observe all steps related to the measurement procedure, and to record the results obtained.

The observer, whether an employee or designated representative, must be provided with and is required to use any personal protective devices required to be worn by employees working in the area that is being monitored, and must comply with all other applicable safety procedures.

M. *Appendixes.* Three appendixes have been included in this proposal: Appendix A, "Substance Safety Data Sheet;" Appendix B, "Substance Technical Guidelines;" and Appendix C, "Medical Surveillance Guidelines." It should be noted that the appendixes have been included for informational purposes only. None of the statements contained therein should be construed as imposing a mandatory requirement which is not otherwise imposed or as negating any requirement which is imposed by the standard.

The information contained in Appendixes A and B is intended to aid the employer in complying with requirements of the standard. This information is also to be provided to employees as part of the annual training and education program.

Appendix C gives the employer a means of providing the examining physician with an explanation of the potential health effects of beryllium exposure and provides information needed by the physician to make an accurate results. Appendix C also lists other types of examinations, not required by the standard, which may help the physician in making an accurate determination of whether an employee should be exposed or should continue to be exposed to beryllium.

VI. Environmental Impact Assessment

The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4347), requires, among other things, that Federal agencies assess their proposed major actions, including rulemaking, to determine whether a significant impact on the quality of the human environment may result. Furthermore, 29 CFR 1999.3(d) requires that where OSHA determines that an environmental impact statement should be prepared, the determination to do so must be published in the Federal Register. Accordingly, it is hereby noticed that OSHA intends to prepare an environmental impact statement on the proposed standard for occupational exposure to beryllium in accordance with the requirements of 29 CFR Part 1999.

Once the draft environmental impact statement has been prepared, a copy of it will be made available by OSHA to any member of the public who requests an opportunity to comment on it. Any person or agency submitting comments on it to OSHA must at the same time forward five copies of the comments to the Council on Environmental Quality (CEQ), 722 Jackson Place NW., Washington, D.C. A 45-day period will be allowed for the submission of comments after the publication of the notice of availability of the draft environmental impact statement. The draft statement will be available, where practicable, at least 15 days prior to a public hearing on the proposed standard. The environmental impact of the proposal would be an appropriate issue at such hearing.

It appears at present that the preceding preamble to the proposed standard for occupational exposure to beryllium adequately assesses the impact of the proposal on the workplace environment. It further appears that the proposed standard for occupational exposure to beryllium will have no significant effects on the quality of the human environment external to the workplace. The proposal does not increase the amount of beryllium permitted to be released into the ambient air, nor does the proposal call for changes of industry practice in disposal of beryllium wastes. For these reasons, OSHA does not anticipate any increased impact on the community contiguous to establishments in which beryllium is used or produced.

Interested persons may submit comments that may be helpful in preparing the draft environmental impact statement on the proposed standard. A person having revelant information or data not readily available in the open literature is invited to submit it to David R. Bell, Office of Standards Development, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N3669, Washington, D.C. 20210, by November 17, 1975. Comments submitted in regard to the proposed standard need not be resubmitted. All material received on environmental impact will be available for public inspection and copying at the above address.

VII. Notes and References

The studies discussed herein represent the primary sources upon which the proposed beryllium standard is based. The discussion does not include all studies and source materials which OSHA has considered in the development of this proposal. A complete list of references is available for inspection and copying at the OSHA Technical Data Center, Room N3620, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

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VIII. Public Participation

Interested persons are invited to comment on the proposed standard on or before December 16, 1975. Written data, views and arguments must be submitted in quadruplicate to the Docket Officer, OSHA Technical Data Center, Docket No. H005, Room N3620, 200 Constitution Avenue, N.W., U.S. Department of Labor, Washington, D.C. 20210. Written submissions must clearly identify the provisions of the proposed standard addressed and the position taken with respect to each such provision. The data, views and arguments will be available for public inspection and copying at the above address and will be made a part of the record.

In addition to the comments and objections invited above, OSHA hereby solicits comments from interested persons regarding the potential inflationary impact of the proposed standard. Comments may be directed toward any or all of the following subjects:

(1) Cost impact on consumers, businesses, markets or Federal, state, or local government;

(2) Effect on productivity of wage-earners, businesses or government;

(3) Effect on competition;

(4) Effect on supplies of important materials, products, or services;

(5) Effect on employment; and

(6) Effect on energy supply or demand.

It is OSHA's intention to prepare an inflationary impact statement and analysis, if appropriate, or a certification that the proposal has no substantial inflationary impact, at least 30 days prior to any public hearings on the proposed standard. The potential inflationary impact of the proposed standard will be an appropriate issue at the hearings.

This procedure has been concurred in by the Council on Wage and Price Stability in accordance with the Office of Management and Budget Circular A–107 (January 28, 1975), issued pursuant to Executive Order 11821 (39 FR 41501, November 27, 1974).

Pursuant to 29 CFR 1911.11 (b) and (c), interested persons may, in addition to filing written matter as provided above, file objections to the proposal requesting an informal hearing with respect thereto in accordance with the following conditions:

(1) The objections must include the name and address of the objector;

(2) The objections must be postmarked on or before December 16, 1975.

(3) The objections must specify with particularity the provision of the proposed rule to which objection is taken, and must state the grounds therefor;

(4) Each objection must be separately stated and numbered; and

(5) The objections must be accompanied by a summary of the evidence proposed to be adduced at the requested hearing.

The proposed standard will be reviewed after consideration of the entire record of this proceeding, including any oral and written data, views or arguments will be modified appropriately if the submissions so warrant.

Accordingly, pursuant to sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657), and 29 CFR Part 1911, it is hereby proposed to amend Part 1910 of Title 29 of the Code of Federal Regulations as set forth below.

Signed in Washington, D.C. this 10th day of October, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

1. Table Z–2 in § 1910.1000 is proposed to be amended by deleting the following:

§ 1910.1000 [Amended]

* * * * *

Beryllium and beryllium compounds	2μg/m³	5μg/m³	25μg/m³ . . . 30 minutes (Z37.29–1970)

* * * * *

2. A new § 1910.1026 is proposed to be added to Part 1910 of Title 29 of the Code of Federal Regulations, reading as follows:

§ 1910.1026 Beryllium.

(a) *Scope and application.* This section applies to the transportation, production, release, packaging, repackaging, storage, handling, or use of beryllium except that this section will not apply to working conditions with respect to which any other Federal agency has exercised statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health hazards.

(b) *Definitions.* "Authorized persons" means any person authorized by the employer to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the opportunity to observe monitoring and measuring procedures under paragraph (d) of this section.

"Beryllium" means elemental beryllium and compounds and alloys of beryllium (as elemental beryllium) that may be released into the place of employment as particulate matter or that may be present in the place of employment in bulk forms.

"Bulk forms" means beryllium which is not airborne but which poses a dermal hazard to employees upon contact with, of penetration of the skin. Such forms include soluble beryllium compounds or solid forms (i.e. crystals, chips, shavings, etc.) of soluble or insoluble beryllium which could penetrate the skin.

"Director" means the Director, National Institute for Occupational Safety and Health, U.S. Department of Health, Education, and Welfare, or his designee.

"Emergency" means any occurrence such as, but not limited to equipment failure, rupture of containers, or failure of control equipment which is likely to, or does, result in the unexpected release of beryllium in excess of the ceiling limit.

"Secretary" means the Secretary of Labor, U.S. Department of Labor, or his designee.

(c) *Exposure limits*—(1) *Permissible exposure limits*—(i) *Time-weighted average limit (TWA).* No employee may be exposed to an 8-hour time-weighted average airborne concentration of beryllium in excess of 1.0 per cubic meter of air (1.0 ug/m³), based on a 40-hour work week.

(ii) *Ceiling limit.* No employee may be exposed to an airborne concentration of beryllium in excess of 5 micrograms per cubic meter of air (5 μg/m³) as averaged over a maximum sampling time of 15 minutes.

(2) *Dermal and eye exposure limit.* No employee may be exposed by skin or eye contact to bulk forms of beryllium.

(d) *Exposure monitoring and measurement*—(1) *Initial monitoring.* Each employer who has a place of employment in which beryllium, is present shall monitor each such workplace and work operation to accurately measure if any employee may be exposed to beryllium above the permissible exposure limits, and determine if any employee is exposed by skin contact with bulk forms of beryllium. Such a determination shall be made by monitoring which is representative of each employee's exposure to beryllium over an 8-hour period.

(2) *Measurements below the permissible limit.* If the measurements under paragraph (d)(1) of this section reveal employee exposure, to be below the permissible exposure limits the employer shall repeat the measurements for each employee at least quarterly.

(3) *Measurements above the Permissible Limits.* (i) Where the measurements reveal employee exposures to be in excess of the permissible exposure limits, the measurements required under paragraph (d)(1) of this section shall be repeated for each employee at least monthly. The employer shall continue measurements under this paragraph (d)(3) until at least two consecutive measurements are below the permissible exposure limits and thereafter the employer shall comply with paragraph (d)(2) of this section.

(ii) If exposure measurements reveal employee exposure to be above the TWA or the ceiling limit, the employer shall, in addition to the requirement in paragraph (d)(3)(i):

(a) Inform the employee of the exposure as required by paragraph (d)(5) of this section;

(b) Institute control measures as required by paragraph (f) of this section; and

(c) Provide personal protective equipment and clothing as required by paragraphs (g) and (i) of this section.

(4) *Additional monitoring.* Whenever there has been a production process control change which may result in new or additional exposures, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures, or whenever the employer has any other reason to suspect a change in exposure conditions, additional measurements in accordance with this paragraph shall be made.

(5) *Employee notification.* The employer shall individually notify in writing, within 5 working days after the receipt of measurement results, every employee who is found to be exposed to beryllium above the TWA or the ceiling limit. Such notification need not be given more frequently than once a month. The employee shall also be notified of the corrective action being taken, to reduce exposure to or below the permissible limits.

(6) *Accuracy of measurement.* The method of measurement shall have an accuracy (with a confidence limit of 95%) of not less than plus or minus 25% for concentrations of beryllium greater than or equal to 1.0 ug/m³. Sampling of airborne concentrations of beryllium to determine employee exposure, shall be performed by methods which collect all airborne particles (i.e. respirable and nonrespirable).

(7) *Employee exposure.* For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(e) *Regulated Areas.* (1) A regulated area shall be established where concentrations are in excess of the permissible exposure limits,

(2) Access to regulated areas shall be limited to authorized persons.

(3) A weekly roster shall be made of all persons who enter a regulated area.

(f) *Methods of compliance.*—(1) *Engineering controls.* (i) Engineering controls shall be instituted immediately to reduce exposures to or below the permissible exposure limits, except to the extent that such controls are not feasible.

(ii) A program shall be established as soon as practicable, and implemented to reduce exposures to or below the permissible exposure limits or to the greatest extent feasible, solely by means of engineering controls.

(iii) Written plans for such a program shall be developed and furnished upon request for examination and copying to the Secretary and the Director. Such plans shall be reviewed and revised at least every 6 months to reflect the current status of the program.

(iv) When mechanical ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system to control the exposure, such as capture velocity, duct velocity, or static pressure, shall be made at least every three months. Measurements of the system's effectiveness to control exposure shall also be made within 5 days of any change in production, process, or control which might result in any change in airborne concentrations of beryllium.

(2) *Work practice controls.* Wherever feasible engineering controls which can be instituted immediately are not sufficient to reduce exposures to or below the permissible exposure limits, they shall nonetheless be used to reduce exposures to the lowest practicable level, and shall be supplemented by work practice controls.

(3) *Respirators.* Where feasible engineering controls and supplemental work practice controls are insufficient to reduce exposures to or below permissible exposure limits, they shall nonetheless be used to reduce exposures to the lowest practicable level and shall be supplemented by the use of respirators in accordance with paragraph (g) of this section as required.

(g) *Respiratory protection*—(1) *Permitted use.* Where respirators are required under this section, compliance with the permissible exposure limit may not be achieved by the use of respirators except:

(i) During the time period necessary to install engineering controls; or

(ii) In work situations such as maintenance and repair activities in which engineering controls are not feasible; or

(iii) In work situations in which engineering controls and supplemental work practice controls are insufficient to reduce exposure to or below the permissible exposure limits; or

(iv) In emergencies.

(2) *Respirator selection.* (i) Where respirators are required under this section the employer shall select and provide the appropriate respirator from Table 1 and shall ensure the employee uses the respirator provided.

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TABLE 1

RESPIRATORY PROTECTION FOR BERYLLIUM

Concentration of Beryllium (ug/m)[2]	*Required Respirator*
Equal to or less than 10.	(a) Air-purifying respirator equipped with high-efficiency filters[1] and quarter-mask or half-mask facepiece; or (b) Supplied air respirator equipped with half mask facepiece.
Equal to or less than 50.	(a) Air-purifying respirator equipped with high-efficiency filters[1] and full facepiece; or (b) Supplied-air respirator equipped with full facepiece; or (c) Self-contained breathing apparatus equipped with full facepiece.
Equal to or less than 1,000.	(a) Supplied-air respirator equipped with half-mask facepiece and operated in continuous flow mode; or (b) Powered air purifying respirator equipped with high efficiency filters[1] and equipped with half-mask or full facepiece or hood.
Equal to or less than 2,000.	(a) Supplied-air respirator equipped with full facepiece, helmet, or hood and operated in continuous flow or pressure - demand mode.
Greater than 2,000 or unknown.	(a) Self - contained breathing apparatus equipped with full facepiece and operated in pressure-demand mode.

[1] NOTE: High efficiency filter—99.97 percent efficient against 0.3 micron size particles.

(ii) Respirators shall be selected from those approved by the Mining Enforcement and Safety Administration (formerly called the Bureau of Mines) or by the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11.

(iii) Respirators prescribed for higher concentrations may be used for any lower concentration.

(3) *Respirator program.* (i) The employer shall institute a respiratory program in accordance with § 1910.134 (b), (d), (e), and (f).

(ii) Employees who wear respirators shall be allowed to leave work areas to wash the face and respirator facepiece to prevent potential skin irritation associated with respirator use.

(h) *Emergency situations*—(1) *Written plan.* (i) A written plan for emergency situations shall be developed for each facility involved in a beryllium operation in which there is a possibility of an emergency. Appropriate portions of the plan shall be implemented in the event of an emergency.

(ii) The plan shall specifically provide that employees engaged in correcting emergency conditions shall be equipped as required in paragraphs (g) and (i) of this section until the emergency is abated.

(iii) Employees not engaged in correcting the emergency shall be restricted from the area and normal operations in the affected area(s) shall not be resumed until the emergency is abated.

(2) *Alerting employees.* Where there is the possibility of employee exposure to beryllium in excess of the ceiling limit due to the occurrence of an emergency, a general alarm shall be installed and maintained to promptly alert employees of such occurrences.

(i) *Skin protection and work clothing.*—(1) *Work clothing.* Where employees are exposed to airborne concentrations of beryllium in excess of the permissible exposure limits, or are subject to skin contact with bulk forms of beryllium the employer shall provide and ensure that employees wear work clothing and other appropriate protective equipment in accordance with this paragraph.

(i) The employer shall provide each employee with coveralls or similar full-body work clothing, headcoverings, and work shoes or shoe coverings. Resin-impregnated paper or similar disposable work clothing may be substituted for fabric-type clothing.

(ii) New or laundered work clothing shall be provided at least daily to each affected employee.

(2) *Skin and eye protection.* (i) Wherever employees are subject to skin contact with bulk forms of beryllium, the employer shall provide and ensure that employees wear protective gloves impermeable to the material handled.

(ii) Additional protection such as face shields, goggles, and gauntlets, which provide protection for eyes, face, neck, arms and other exposed skin areas, shall be provided if the operation could result in such areas having contact with bulk forms of beryllium.

(iii) Protective clothing and equipment required by this paragraph shall be supplied to each employee daily, and shall be maintained in accordance with paragraph (j) of this section.

(j) *Equipment and clothing laundering and maintenance.*—(1) *Laundering.* (i) The employer shall launder, maintain, or dispose of skin protective devices and work clothing required by paragraph (i) of this section.

(ii) The employer shall inform any person who launders or cleans beryllium contaminated protective devices or work clothing of the potentially harmful effects of exposure to beryllium.

(2) *Removal and storage.* (i) the employer shall ensure that employees remove contaminated work clothing only in change rooms as required by paragraph (m) (1) of this section.

(ii) The employer shall ensure that no employee removes contaminated protective devices and work clothing from the change room except for those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

(iii) Beryllium-contaminated protective devices and work clothing shall be placed and stored in closed containers which prevent dispersion of the beryllium outside the container.

(iv) Containers of contaminated protective devices or work clothing which are to be removed from change rooms or from the work place for laundering or disposal, or for any other reason, shall bear labels in accordance with paragraph (p) (2) of this section.

(v) Dust removal by blowing or shaking of work clothing is prohibited.

(k) *Housekeeping*—(1) *Work surfaces.* (i) All external work surfaces shall be maintained free of accumulations of beryllium dust.

(ii) Dry sweeping and the use of compressed air for the cleaning of floors and other surfaces where beryllium dust is found is prohibited.

(iii) Where vacuuming methods are selected, either portable units or permanent systems may be used.

(*a*) If a portable unit is selected, the exhaust shall be attached to the general workplace exhaust ventilation system or collected within the vacuum unit, equipped with high efficiency filters, so that beryllium is not reintroduced into the work place air; and

(*b*) Portable vacuum units used to collect beryllium, may not be used for other cleaning purposes and shall be labeled as prescribed by paragraph (p) (2) of this section.

(iv) Cleaning of floors and other contaminated surfaces may not be performed by washing down with a hose, unless a fine spray has first been laid down.

(2) *Dust collection systems.* Periodic cleaning of dust collection systems, i.e. ducts, filters, etc. shall be performed to reduce beryllium dust buildups.

(l) *Waste disposal.* Beryllium waste, scrap, debris, bags, containers or equipment, consigned for disposal, shall be collected and disposed of in sealed bags or other closed containers which prevent dispersion of beryllium outside the container.

(m) *Hygiene facilities and practices.* Where employees are exposed to airborne concentrations of beryllium in excess of the permissible exposure limits, the facilities described by this paragraph shall be provided by the employer for the use of those employees and employees shall be required to use the facilities provided.

(1) *Change rooms.* The employer shall provide change rooms in accordance with § 1910.141(e).

(2) *Showers.* Showers shall be provided in accordance with § 1910.141(d) (3).

(3) *Locker-shower arrangements.* Clothes locker and shower facilities shall be so arranged that the showers serve to demarcate between potentially contaminated and uncontaminated areas.

(4) *Lavatory-toilet arrangements.* Lavatory and toilet facilities which are located in beryllium contaminated areas shall be so arranged that no access is available to an uncontaminated area.

(n) *Medical surveillance*—(1) *General requirements.* (i) Each employer who has a place of employment in which employees are, have been, or will be exposed to

beryllium above the permissible exposure limit or ceiling limit shall institute a medical surveillance program.

(ii) The program shall provide each affected employee with an opportunity for medical examinations in accordance with this paragraph.

(iii) If any employee refuses any required medical examination, the employer shall inform the employee of the possible health consequences of such refusal and obtain a signed statement from the employee indicating that the employee understands the risk involved by the refusal to be examined.

(iv) All medical examinations and procedures shall be performed by or under the supervision of a licensed physician, and shall be provided during the employee's normal working hours, without cost to the employee.

(2) *Initial examinations.* At the time of initial assignment, or upon institution of medical surveillance, the following shall be performed by the physician:

(i) A work history and a medical history which shall include the presence and degree of respiratory symptoms, i.e., breathlessness, cough, sputum production and wheezing; and

(ii) A medical examination which must include as a minimum the following:

(*a*) A 14 x 17 posterior-anterior chest X-ray;

(*b*) Pulmonary function tests to include forced vital capacity (FVC);

(*c*) Baseline weight; and

(*d*) A skin examination.

(3) *Periodic examinations.* (i) Examinations specified in this paragraph shall be performed at least annually for all employees specified in paragraph (n) (1) of this section.

(ii) If an employee has not had the examinations prescribed in paragraph (n) (2) of this section within 3 months of his termination of employment, the employer shall make such examination available to the employee.

(4) *Alternative medical examinations.* If the examining physician determines that alternative medical examinations to those specified in paragraph (n) (2) of this section will provide at least equal assurance of detecting medical conditions pertinent to protecting the employee from the health hazards associated with exposure to beryllium, the employer may accept such alternative medical surveillance examinations as meeting the requirements of this section provided that the employer:

(i) Obtains a statement from the examining physician setting forth the alternative medical examinations and the rationale for their substitution; and

(ii) Informs each exposed employee of the fact that alternative medical examinations to those required in paragraph (n) (2) of this section are to be made available.

(5) *Interim examinations.* Each employee exposed to beryllium due to the occurrence of an emergency shall be provided the medical examinations prescribed in paragraph (n) (2) of this section.

(6) *Information provided to the physician.* The employer shall provide the following information to the examining physician:

(i) A copy of this regulation for beryllium including Appendixes A, B, and C;

(ii) A description of the affected employee's duties as they relate to his exposure;

(iii) The results of the employee's exposure measurement;

(iv) A description of any personal protective equipment used;

(v) The employee's anticipated or estimated exposure level (for preplacement examinations or in cases of exposure due to an emergency); and

(vi) Upon request of the physician, information from previous medical examinations of the affected employee.

(7) *Physician's written opinion.* (i) The employer shall obtain a written opinion from the examining physician, containing the following:

(*a*) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to beryllium, or which would directly or indirectly aggravate any detected medical condition; and

(*b*) Any recommended limitations upon the employee's exposure to beryllium and upon the use of protective equipment and respirators; and

(*c*) A statement that the employee has been informed by the physician of any medical conditions which require further examination or treatment.

(ii) The written opinion shall not reveal specific findings or diagnoses unrelated to exposure to beryllium.

(iii) A copy of the written opinion shall be provided to the affected employee.

(iv) If the employer determines, on the basis of the physician's written opinion, that any employee's health would be materially impaired by continued exposure to beryllium, such employee shall be withdrawn from possible exposure to beryllium.

(o) *Employee information and training.*—(1) *Training program.* (i) The employer shall provide a training program for all employees assigned to workplace areas where any beryllium is produced, released, packaged, repackaged, stored, handled, or used.

(ii) The training program shall be provided at the time of initial assignment, and at least annually thereafter, and shall include informing each employee of:

(*a*) The information contained in the substance data sheets for beryllium, which are contained in Appendixes A and B;

(*b*) The quantity, location, manner of use, release or storage of beryllium and the specific nature of operations which could result in exposure to beryllium at or above the permissible limits as well as any necessary protective steps;

(*c*) The purpose, proper use, and limitations of respiratory devices as specified in § 1910.134 (b), (d), (e), and (f);

(*d*) The purpose and a description of the medical surveillance program as required by paragraph (n) of this section and the information contained in Appendix C;

(*e*) Emergency procedures as required by paragraph (h) of this section; and

(*f*) A review of this standard.

(2) *Access to training materials.* (i) A copy of this standard and its appendices shall be readily available to all employees exposed to beryllium.

(ii) All materials relating to the employee information and training program shall be provided upon request to the Assistant Secretary and the Director.

(p) *Precautionary labels and signs.* (1) *General.* (i) Labels or signs required by this paragraph may be in addition to or in combination with labels required by other statutes, regulations or ordinances.

(ii) No statement shall appear on or near any required sign, label or instruction which contradicts or detracts from the effect of any such required sign, label or instruction.

(2) *Labels.* Precautionary labels shall be applied to all containers, packages or equipment containing beryllium. The label shall provide at least the following information:

(i) The word "WARNING" or "DANGER"

(ii) The word "Beryllium" (may include additional words such as alloy, powder, product, etc.)

(iii) A warning statement against breathing dusts or fumes,

(iv) A warning statement to avoid skin or eye contact where such hazards are present and to wash thoroughly after handling.

(3) *Signs.* Entrances or access ways to regulated areas shall be posted with legible signs bearing the legend:

WARNING (OR DANGER)

AUTHORIZED PERSONNEL ONLY

Respirators and Protective Clothing Required to be Worn in this Area

(q) *Recordkeeping*—(1) *Exposure measurement.* The employer shall keep an accurate record of all measurements taken to monitor employee exposure to beryllium as prescribed in paragraph (d) of this section.

(i) This record shall include:

(*a*) The date of measurements;

(*b*) The operation involving exposure to beryllium which is being monitored;

(*c*) Sampling and analytical methods used and evidence of their accuracy;

(*d*) Number, duration, and results of samples taken;

(*e*) Type of protective devices worn, if any; and

(*f*) Name and social security number and exposure of the employee monitored.

(ii) This record shall be maintained for at least 40 years, or for the duration of the employee's employment plus 20 years, whichever is longer.

(2) *Mechanical ventilation measurements.* When mechanical ventilation is used as an engineering control, the employer shall maintain a record of the measurements demonstrating the effectiveness of such ventilation as required by paragraph (f) (1) (iv) of this section.

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(i) This record shall include:
(*a*) Date of measurement;
(*b*) Type of measurement taken; and
(*c*) Result of measurement.
(ii) This record shall be maintained for at least two years.

(3) *Employee training.* The employer shall keep an accurate record of all employee training required by paragraph (o) of this section.
(i) This record shall include:
(*a*) Date of training;
(*b*) Name and social security number of employee trained; and
(*c*) Content or scope of training provided;
(ii) This record shall be maintained for at least 2 years.

(4) *Medical surveillance.* The employer shall keep an accurate medical record for each employee subject to medical surveillance required by paragraph (n) of this section.
(i) The record shall include:
(*a*) Physician's written opinion;
(*b*) Any employee medical complaints related to exposure to beryllium;
(*c*) A copy of the information provided to the physician as required by paragraph (n) (6) of this section; and
(*d*) A signed statement of any refusal to be examined.
(ii) This record shall be maintained for at least 40 years, or for the duration of employment plus 20 years, whichever is longer.

(5) *Rosters.* Rosters required by paragraph (e) (3) of this section shall be maintained for at least 40 years.

(6) *Availability.* (i) All records required to be maintained by this section shall be made available upon request to the Secretary and the Director for examination and copying.
(ii) Employee exposure measurement records as required by paragraph (q) (1) of this section shall be made available for examination and copying to employees, former employees, and their designated representatives.
(iii) Employee medical records required to be maintained by this section shall be made available upon request for examination and copying to a physician designated by the employee or former employee.

(7) *Transfer of records.* (i) In the event the employer ceases to do business, the successor shall receive and retain all records required to be maintained by this section.
(ii) In the event the employer ceases to do business and there is no successor to receive and retain his records, these records shall be transmitted by mail to the Director, and each employee and former employee shall be individually notified in writing of this transfer.

(r) *Observation of monitoring.* (1) *Employee observation.* The employer shall give his employees or their representatives, an opportunity to observe any measuring of their exposure to beryllium which is conducted pursuant to this section.

(2) *Observation procedures.* (i) When observation of the monitoring of employee exposure to beryllium requires entry into an area where the use of personal protective devices is required, the observer shall be provided with and required to use such equipment and shall comply with all other applicable safety and health procedures.
(ii) Without interfering with the measurement, observers shall be entitled to:
(*a*) Receive an explanation of the measurement procedures;
(*b*) Observe all steps related to the measurement of airborne concentration of beryllium performed at the place of exposure; and
(*c*) Record the results obtained.

(s) *Effective date.* This standard shall become effective 30 days following publication of the final standard in the FEDERAL REGISTER.

(t) *Startup dates.* (1) *Employee measurement.* Measurements prescribed in paragraph (d) of this section shall be instituted within 3 months of the effective date of the final standard, except that for new production areas or operations such measurements shall be instituted within 30 days of startup of operation.

(2) *Medical surveillance.* Medical surveillance prescribed in paragraph (n) of this section shall be instituted within 3 months of the promulgation of the final standard.

(u) *Appendixes.* The information contained in the appendixes to § 1910.1026 is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligation.

APPENDIX A

SUBSTANCE SAFETY DATA SHEET

Beryllium

I. SUBSTANCE IDENTIFICATION

A. Substance Beryllium
B. Permissible exposure:
1. *Airborne.* 1.0 microgram of beryllium per cubic meter of air (1.0$\mu g/m^3$), time-weighted-average (TWA) for an 8-hour workday, with a ceiling concentration limit of 5$\mu g/m^3$ as averaged over a maximum sampling time of 15 minutes.
2. *Dermal.* Skin contact with bulk forms of beryllium is prohibited.
C. Appearance: Steel-gray-solid (metal)

II. HEALTH HAZARD DATA

A. Ways in which beryllium affects your body: Beryllium can affect your body when you breathe in airborne beryllium particles. Certain forms of beryllium can also cause diseases of the skin and eyes if they contact such areas.
B. Effects of overexposure:
1. *Short-term overexposure:* Breathing airborne concentrations of beryllium materials may cause damage to your respiratory system. Symptoms of overexposure may include spasmodic cough, substernal discomfort and burning, tightness of the chest, difficulty in breathing upon exertion, mild nose bleeds and irritation of nasal and bronchial passages.

Skin contact with certain forms of beryllium may cause skin disease. Symptoms of skin disease include itching and reddened, elevated, or fluid accumulated lesions which appear on the body, especially the face, neck, arms and hands. Ulcers can result from implantation of beryllium substances in skin areas previously injured as a result of abrasions, cuts, etc. Abscess and ulceration frequently result from such exposure.

Eye effects may occur as inflammation of the conjunctiva in "splash burn" or in association with contact dermatitis. Splashes may also cause corneal burns closely resembling those produced by acids and alkalies. Fluid accumulation and reddening around the eye socket are frequently observed.

2. *Long-term (chronic) overexposure:* If you are overexposed to beryllium for long periods of time you may develop serious respiratory disease. This disease may not develop until many years after exposure. Early symptoms and signs may include weakness, easy fatigability, weight loss, cough and chest pain.

III. EMERGENCY AND FIRST AID PROCEDURES

1. *Skin exposure:* If powders or liquids containing beryllium contact skin areas, immediately wash the affected skin areas with soap and water to remove the beryllium.
2. *Eye exposure:* If a beryllium is splashed into the eyes, the eyes should be flushed immediately with water for at least 5 minutes. The individual should then be referred to a physician.
3. *Breathing:* Individuals who accidentally inhale large amounts of beryllium dust or fumes should be removed from contact with beryllium and immediately referred to a physician.

IV. PROTECTIVE CLOTHING AND EQUIPMENT

A. *Respirators:* Respirators can only be required for routine use if your employer is in the process of installing engineering controls and in situations where these controls are insufficient or cannot feasibly reduce exposure levels to permissible limits. You may be required to wear respirators for non-routine activities or in emergencies if you are likely to be exposed in excess of permissible exposure limits. If respirators are worn, they must have a Mining Enforcement and Safety Administration or National Institute for Occupational Safety and Health (NIOSH) seal of approval. (Older respirators may have a Bureau of Mines approval label). If you experience difficulty breathing while wearing a respirator, tell your employer.

B. *Protective clothing.* Protective clothing must be provided for you and you must wear such clothing to prevent beryllium from being carried outside the workplace on your own clothing and to protect your skin from contact with beryllium.

C. *Eye and face protection:* Your employer is required to provide and you must wear safety goggles if beryllium dust or solutions could be splashed in your eyes, and a face shield if solutions could be splashed on your face.

V. PRECAUTIONS FOR SAFE USE, HANDLING AND STORAGE

Beryllium should be cleaned up by vacuuming or by wet methods. Where you are subject to airborne beryllium particles in excess of the permissible limits, you must wear clean work clothes every day and shower at the end of each work day. You may not wear your work clothes home. Containers of beryllium substances should be safely handled and stored to prevent breakage and possible dispersion of beryllium into the air. Ask your supervisor where beryllium is used in your work area and for any additional plant safety rules.

VI. REGULATED AREAS

Only employees authorized by your employer should enter a regulated area.

APPENDIX B

SUBSTANCE TECHNICAL GUIDELINES

Beryllium

I. PHYSICAL AND CHEMICAL DATA

A. Substance Identification
1. Synonyms: Glucinium
2. Formula: Be
3. Be containing materials (examples):

Be carbonate, Be fluoride, Be silicate, Be hydroxide, Be sulfate, Be chloride, Be oxide, Be oxyfluoride, Be copper alloys, Be nickel alloys, Beryl (BeO·Al2O3·6SiO2), Bertrandite ($Be_4Si_2O_7(OH)_2$), Chrysoberyl (BeAl2O4). Phenacite (Be_2SiO_4).

B. Physical Data (Beryllium Metal)
1. Boiling Point (760 mm Hg): 2970 C
2. Specific gravity @ 25 C: 1.85
3. Melting Point: 1283 C
4. Solubility in water: Insoluble
5. Vapor Pressure @ 1910 C: 7.6 mm Hg
6. Appearance (Metal): Steel-gray-solid

II. FIRE, EXPLOSION, AND REACTIVITY DATA

Locations where very fine dusts or powders of Beryllium may be present are considered Class II Group E for the purpose of conforming to the requirements of 29 CFR 1910.309.

III. SPILL OR LEAK PROCEDURES

A. *Steps to be taken if substance is released or spilled:* Clean-up crews are required to wear protective clothing and appropriate respiratory protection. Vacuum clean-up procedures are recommended although wet methods are acceptable. B. Persons not wearing protective equipment and not involved in clean-up operations should be restricted from areas of spills until clean-up has been completed. C. *Waste Disposal Method:* Beryllium waste and scrap should be recycled or buried.

IV. MONITORING AND MEASUREMENT PROCEDURE

Measurements taken for the purpose of determining exposure under this section are best taken such that the average 8-hour exposure may be determined from a single sample or two (2) 4-hour samples. Short time interval samples (up to 30 minutes) may also be used to determine average exposure level if a minimum of five (5) measurements are taken in a random manner over the work shift. Random sampling means that any portion of the work shift has the same chance of being sampled as any other. The arithmetic average of all such random samples taken on one (1) work shift is an estimate of an work shift. The short-term interval samples should also be used to ensure that no exposures above 5$\mu g/m^3$ are occurring. Samples of the work environment may be taken on filters or other media that are capable of trapping all suspended dusts, mists, or fumes that contain beryllium.

V. MISCELLANEOUS PRECAUTIONS

A. Employees exposed above permissible limits must wear clean clothes each day and shower at the end of each day's work. Work clothes may not be worn home.

B. All contaminated clothing including impervious protective clothing should be washed under controlled conditions. The employer must inform the launderer of work clothing contaminated with beryllium, of the hazardous properties of beryllium.

C. Employers are required to advise affected employees of all plant areas and operations where exposure to beryllium could occur.

APPENDIX C

MEDICAL SURVEILLANCE GUIDELINES

Beryllium

I. Route of entry. Inhalation.

II. Toxicology. The health hazard is high. Breathing beryllium can bring about acute and chronic diseases of the respiratory tract. Skin contact with some forms of beryllium may cause dermatitis. Implantation of beryllium metal or contamination of an abrasion, superficial laceration, or dermatitic area with crystals of soluble beryllium salts may result in ulceration. Conjunctivitis and associated periorbital edema may accompany contact dermatitis or may occur separately. Also beryllium is suspected of having carcinogenic potential in humans.

III. Symptoms and signs. Symptoms of skin disease include itching and reddened, elevated, or fluid accumulated lesions. Implantation of beryllium in the skin can cause abscess and ulceration. Eye effects include fluid accumulation and reddening around the eye socket.

Respiratory symptoms include spasmodic cough, substernal discomfort and burning, tightness of the chest, difficulty in breathing upon exertion, weakness, easy fatigability, weight loss, mild nose bleeds and irritation of nasal and bronchial passages.

IV. Surveillance and preventive examinations. A. Preplacement. Routine medical histories and physical examinations are required for each employee exposed to beryllium. In addition to the medical history, a complete physical examination shall be given that shall include as a minimum the following:

a. 14 x 17 posterior-anterior chest X-ray;

b. Pulmonary function tests to include forced vital capacity (FVC);**

c. Weight determination; and

d. Examination of the skin.

B. Periodic Examinations: The above examinations are to be given at least annually, to each employee subject to exposure to beryllium.

(Secs. 4, 6, 8, 84 Stat. 1592, 1593, 1599 (29 U.S.C. 653, 655, 657) and 29 CFR Part 1911)

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**If pulmonary function tests show a decrease in forced vital capacity (FVC), a determination of the arterial blood gas or carbon monoxide diffusing capacity of the lung should be made.

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PART IV:

ENVIRONMENTAL PROTECTION AGENCY

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COAL MINING POINT SOURCE CATEGORY

Interim Final Rules
and
Notice of Proposed Rulemaking

VOL. 40 NO. 202 OCT 17 75

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 444-2]

PART 434—COAL MINING POINT SOURCE CATEGORY

Interim Final Rule Making

Notice is hereby given that effluent limitations and guidelines for existing sources to be achieved by the application of best practicable control technology currently available as set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). The regulation set forth below establishes Part 434—coal mining point source category and will be applicable to existing sources for the coal preparation plant subcategory (Subpart A), the coal storage, refuse storage and coal preparation ancillary area subcategory (Subpart B), the acid or ferruginous mine drainage subcategory (Subpart C), and the alkaline mine drainage subcategory (Subpart D) of the coal mining point source category pursuant to sections 301, 304 (b) and (c), of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act). Simultaneously the Agency is publishing in proposed form pretreatment standards for existing sources in the coal mining point source category. The Agency expects to publish at a future date proposed effluent limitations and guidelines for existing sources to be achieved by the application of best available technology economically achievable, standards of performance for new point sources and pretreatment standards for new sources.

(a) *Legal authority.* (1) *Existing point sources.* Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, for the degree of effluent reduction attainable through the application of best practicable control technology currently available pursuant to sections 301 and 304(b) of the Act, for the coal preparation plant subcategory (Subpart A), the coal storage, refuse storage and the coal preparation plant ancillary area subcategory (Subpart B), the acid or ferruginous mine drainage subcategory (Subpart C), and the alkaline mine drainage subcategory (Subpart D) of the coal mining point source category.

The Agency expects to publish at a future date best available technology economically achievable which will set forth the effluent limitations and guidelines attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods, and other alternatives for the coal preparation plant subcategory (Subpart A), the coal storage, refuse storage and the coal preparation plant ancillary area subcategory (Subpart B), the acid or ferruginous mine drainage subcategory (Subpart C), and the alkaline mine drainage subcategory (Subpart D) of the coal mine point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(2) *New sources.* Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306 also requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306 of the Act. Regulations will be proposed at a later date which will set forth the standards of performance applicable to new sources for the coal preparation plant subcategory (Subpart A), the coal storage, refuse storage and the coal preparation plant ancillary area subcategory (Subpart B), the acid or ferruginous mine drainage subcategory (Subpart C), and the alkaline mine drainage subcategory (Subpart D) of the coal mining point source category.

Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306.

(b) Summary and basis of interim final effluent limitations and guidelines for existing sources, proposed effluent limitations and guidelines for existing sources to be achieved by the application of the best available technology economically achievable, proposed standards of performance for new sources, and proposed pretreatment standards for both new and existing sources.

(1) *General methodology.* The effluent limitations and guidelines set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the coal preparation plant subcategory (Subpart A), the coal storage, refuse storage and the coal preparation plant ancillary are a subcategory (Subpart B), the acid or ferruginous mine drainage subcategory (Subpart C), and the alkaline mine drainage subcategory (Subpart D) of the coal mining point source category.

(i) *Categorization.* For the purpose of studying waste treatment and effluent limitations the coal mine point source category was initially subcategorized by the established Standard Industrial Classification (SIC) groups applicable to the coal mining industry. These SIC groups were then further subdivided by: geographic location of the mine, type of mine (surface or deep), and size of mine (annual tonnage); all based on anticipated variations in raw waste water. After statistical analysis of the data obtained during the study it was determined that based on waste treatment the coal mining point source category should be divided into four discrete subcategories based on the origin of the waste water, i.e., waste water from the mining activities themselves and waste water from the coal preparation activities, or mining services activities. Waste water from the mining activities themselves was further subdivided by the characteristics of the raw mine drainage. Coal preparation, or mining services activities, were subdivided as to the waste water from the preparation plants themselves and the waste water from coal storage, refuse storage, and the ancillary areas associated with the coal preparation plants.

(1) Subpart A—Coal Preparation Plant. The provisions of this subpart are applicable to discharges resulting from the cleaning or benefication of coal of any rank including but not limited to bituminous, lignite, and anthracite.

(2) Subpart B—Coal Storage, Refuse Storage, and the Coal Preparation Plant Ancillary Area. The provisions of this subpart are applicable to discharges which are pumped, siphoned or drained from coal storage, refuse storage and coal preparation plant ancillary areas related to the cleaning or beneficiation of coal of any rank including but not limited to bituminous, lignite and anthracite.

(3) Subpart C—Acid or Ferruginous Mine Drainage. The provisions of this subpart are applicable to acid or ferruginous mine drainage resulting from the mining of coal of any rank, including but not limited to bituminous, lignite, and anthracite.

(4) Subpart D—Alkaline Mine Drainage. The provisions of this subpart are applicable to alkaline mine drainage resulting from the mining of coal of any rank including but not limited to bituminous, lignite, and anthracite.

(ii) *Waste characteristics.* The raw waste characteristics of coal preparation plant process water are highly dependent upon the particular process or recovery technique utilized in the operation. Process techniques generally require an alkaline media for efficient and economic operation, therefore process water does not dissolve significant quantities of the constituents present in the raw coal. The principal pollutant present in coal preparation plant process water is suspended solids. In preparation plants cleaning coal fines, process water contains less suspended solids than process water at coal preparation plants which do not clean or recover coal fines.

The raw waste characteristics of the discharge from coal storage, refuse storage and coal preparation plant ancillary areas are characterized as being generally similar to the raw mine drainage at the mine served by the preparation plant. Geologic and geographic setting of the mine and the nature of the coal mined affect the characteristics of the discharge from coal storage, refuse storage, and the coal preparation plant ancillary areas.

The raw waste characteristics of the waste water discharged from the actual coal mining activities themselves vary significantly. The chemical characteristics of raw mine drainage are determined by local and regional geology of the coal, associated overburden, and mine bottom. Raw mine drainage ranges from grossly polluted to drinking water quality. Major differences were observed between the two classes of raw mine drainage (1. acid or ferruginous, and 2. alkaline) which are generally representative of geographic areas. These differences are unrelated or only indirectly related to mine size (annual tonnage) and mine type (deep or surface). Each class of mine drainage is directly related to the treatment technology required.

Acid or ferruginous mine drainage can be characterized as raw mine drainage requiring neutralization and sedimentation which is acid with high iron concentrations and varying concentration of other metal ions including aluminum, manganese, nickel, and zinc, plus varying concentrations of total suspended solids. Alkaline mine drainage can be characterized as raw mine drainage of generally acceptable quality, not requiring neutralization, but possibly requiring sedimentation to reduce concentration of suspended solids.

Effluent limitations guidelines and standards of performance are established to control pollutant parameters based primarily on the following criteria: (1) pollutants which are frequently present in coal mine point source discharges in concentrations deleterious to aquatic organisms; (2) technology exists for the reduction or removal of the pollutant in question; and (3) research data indicates that certain concentrations of pollutants are capable of disrupting an aquatic ecosystem. The following were identified as the pollutants in coal mine drainage, coal storage, refuse storage, and preparation plant ancillary area waste water discharges: acidity, iron, manganese, aluminum, nickel, zinc, and suspended solids. The following were identified as the pollutants in preparation plant waste water discharges: acidity, iron, and suspended solids.

Several other waste water constituents were considered including: total dissolved solids, sulfates, fluorides, strontium, and ammonia. Effluent limitations have not been proposed for ammonia, sulfates, fluoride, and strontium because the level observed in coal mine waste water discharges generally do not warrant concern. Total dissolved solids concentrations in coal mine discharges approach levels capable of disrupting an aquatic ecosystem, but economically feasible technology for achieving substantial reductions in dissolved solids levels does not exist at this time.

(iii) *Origin of waste water pollutants.* Coal preparation plants fall into three general stages, based on degree of cleaning and unit operations. Stage 1 consists of crushing and sizing which are basically dry processes and do not produce a waste water discharge. Stage 2 consists of primary crushing, sizing, gravity separation of coarse coal, dewatering of clean coal and refuse, and removal of coal and refuse fines from process waters. Stage 3 consists of crushing, sizing, gravity separation of all sizes of coal, secondary separation of coal fines or froth flotation, dewatering of clean coal and refuse, heavy media recovery when required, thermal drying of clean coal, and removal of coal and refuse fines from process water. Stages 2 and 3 coal preparation plants use water in the beneficiation processes. Fine coal and mineral particles are suspended in the coal preparation plant process waters, and some minerals associated with the coal and its impurities are dissolved in the coal preparation plant's process water. Additional waste water of a non-contact nature may result from boiler blowdowns and non-contact cooling waters such as bearing cooling water.

The waste water situation evident in the mining segment of the coal industry is unlike that encountered in most other industries. Water enters mines via precipitation, ground water infiltration, and runoff where it may become polluted by contact with materials in the coal, overburden material, or mine bottom. Except for dust control and fire protection, water is not used in the actual mining of coal in the U.S. at the present time. Waste water handling and management

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is required, and is a part of most coal mining methods or systems to insure the continuance of the mining operation and to improve the efficiency of the mining operation. This waste water is discharged from the mine as mine drainage. Mine drainage may be polluted and require treatment before it can be discharged to navigable waters. In addition to handling and treating often massive volumes of waste water during actual mining operations or coal loading, coal mine operators are faced with the same burden during idle periods. Mine drainage may continue indefinitely after all mining operations have ceased if proper mining methods, control technology and reclamation is not employed, or even increase in intensity after mine closure if proper mine drainage control technology is not employed. Control of mine drainage after mine abandonment is not included in the interim final regulation although techniques are described in the Development Document, referenced below, which can control or ameliorate mine drainage after mine closure and all activities associated with the mine have ceased.

Water enters coal storage, refuse storage, and coal preparation plant ancillary areas via precipitation, wash down, and runoff where it comes into contact with coal or coal refuse. The waste water discharges from coal storage, refuse storage, and coal preparation plant ancillary areas contain pollutants similar to the pollutants discharged by the mine served by the preparation plant. As with the coal mining segment of the industry, waste water handling from coal storage, refuse storage, and coal preparation plant ancillary areas continue during idle periods; and may continue indefinitely from refuse storage after preparation plant closure if proper control technology is not employed, although these control technologies are not required as part of these interim final regulations.

These waste waters from the mining segment and the coal storage, refuse storage and coal preparation ancillary areas of the coal mining industry are unrelated, or only indirectly related, to production quantities. Therefore, raw waste loadings are expressed in terms of concentration rather than units of production.

(iv) *Treatment and control technology.* Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is the best practicable control technology currently available.

Waste water control technology includes techniques employed before, during and after the actual mining operation to reduce or eliminate adverse environmental effects resulting from waste water discharges from coal mine point sources. Control technology as discussed in the Development Document, referenced below, has been categorized as to control technology related to surface mining, underground mining, and coal preparation. Surface mine pollution control technology is divided into two major categories—mining technology (specific mining techniques) and final waste water pollution control technology (reclamation of land areas disturbed by mining). Underground mine pollution control technology is divided into methods of reducing water influx into mine workings, and preplanned flooding on mine closure. Coal preparation pollution control technology is divided into surface water control and final waste water pollution control technology at preparation plant refuse disposal areas (reclamation).

Waste water treatment technology is categorized in the Development Document, referenced below, as to treatment technology for coal preparation plant process waste water and treatment technology for the two classes of mine drainage. Coal preparation plant process waste water treatment consists primarily of clarification techniques for suspended solids removal including thickeners, flocculation, settling basins, vacuum filtration, and pressure filtration. Of the more than 180 coal preparation facilities utilizing wet cleaning processes investigated during the study (either through site visits or industry supplied data), over 100 located in various terrain and geographic locations had closed water circuits. Treatment technology for acid or ferruginous mine drainage includes flow equalization, acidity neutralization and precipitation of insoluble metal hydroxides, ferrous iron oxidation, and suspended solids removal. Surface holding ponds or underground sumps are employed to equalize the flow of mine drainage before treatment. Mineral acidity in the raw mine drainage is neutralized with an alkali, usually hydrated lime, which removes iron, manganese, and other soluble metals through the formation of their insoluble hydroxides. When iron is present in raw mine drainage in the ferrous form, usual practice is to provide aeration facilities for oxidation to the ferric state. Suspended solids are formed as a result of the chemical treatment. Both earthen settling basins and mechanical clarifiers are used for removal of these suspended solids. Treatment technology for alkaline mine drainage consists of solids removal when required.

The proper management of solid wastes resulting from pollution control systems must be practiced. Pollution control technologies generate many different amounts and types of solid wastes and liquid concentrates through the removal of pollutants. These substances vary greatly in their chemical and physical composition and may be either hazardous or non-hazardous. A variety of techniques may be employed to dispose of these substances depending on the degree of hazard.

If thermal processing (incineration) is the choice for disposal, provisions must be made to ensure against entry of hazardous pollutants into the atmosphere. Consideration should also be given to recovery of materials of value in the wastes.

For those waste materials considered to be non-hazardous where land disposal is the choice for disposal, practices similar to proper sanitary landfill technology may be followed. The principles set forth in the EPA's Land Disposal of Solid Wastes Guidelines 40 CFR 241 may be used as guidance for acceptable land disposal techniques.

For those waste materials considered to be hazardous, disposal will require special precautions. In order to ensure long-term protecion of public health and the environment, special preparation and pretreatment may be required prior to disposal. If land disposal is to be practiced, these sites must not allow movement of pollutants to either ground or surface waters. Sites should be selected that have natural soil and geological conditions to prevent such contamination or, if such conditions do not exist, artificial means (e.g. liners) must be provided to ensure long-term protection of the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

(v) *Cost estimates for control of waste water pollutants.* The estimated capital investment required for coal mining facilities to meet interim final guidelines range between $3,500 and $76,250 depending on size and type of mine. Annual operating costs of effluent treatment facilities are expected to range between $3,425 and $75,500. All coal mine point sources included in the study to support the Development Document, referenced below, as a minimum, were in compliance; however, some coal mining facilities may not be in compliance and may have to incur these costs.

(vi) *Energy requirements and non-water quality environmental impacts.* Energy requirements for interim final best practicable control technology currently available are low. The main use of energy is for pumps, mixers, and control instruments. Wherever feasible gravity flow is used at coal preparation plants and mine drainage treatment facilities. Mine dewatering is considered an inherent part of the mining method or system.

(vii) *Economic impact analysis.* These guidelines are not expected to significantly affect prices, production, employment or the balance of trade. In most cases, coal mines and preparation plants should presently be achieving the interim final limitation of pH 6.0 to 9.0 in order to comply with State requirements. However, even if a mining operation had to install treatment as a result of these limitations, the economic impact is expected to be minimal. Annual effluent treatment costs are estimated to be .3% to 1.6% of annual operating costs, depending on the size and type of mine. Investment costs for treatment facilities, if necessary, is not anticipated to exceed 3.2% of original capital investment in the mining operation.

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by Agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated.

OMB Circular A–107 (January 28, 1975) prescribes guidelines for the identification and evaluation of major proposals requiring preparation of inflationary impact certifications. The circular provides that during the interim period prior to final approval by OMB of criteria developed by each Agency, the Administrator is responsible for identifying those regulations which require evaluation and certification. The Administrator has directed that all regulatory actions which are likely to result in capital investment exceeding $100 million or annualized costs in excess of $50 million will require certification.

As the Agency's analysis of the potential economic impacts of these regulations indicates, the capital investment and annualized costs associated with compliance are not estimated to exceed these amounts. However, the Agency has reviewed and analyzed the projected effect on the prices and economics of the industry as summarized above.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Coal Mining Point Source Category" details the analysis undertaken in support of the interim final regulation set forth herein and is available for inspection in the EPA Public Information Reference Unit, Room 2404, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH–552.

When this regulation is promulgated in final rather than interim form, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, VA 22151.

(c) *Summary of public participation.* Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations guidelines and standards proposed for the coal mining point source category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) U.S. Department of the Interior; (4) U.S. Department of Agriculture; (5) U.S. Department of Health, Education, and Welfare; (6) U.S. Department of Transportation; (7) American Electric Power Company; (8) Save Our Cumberland Mountains Association; (9) Campaign Clean Water; (10) U.S. Water Resources Council; (11) National Coal Association; (12) American Society of Mechanical Engineers; (13) The Conservation Foundation; (14) Businessmen for the Public Interest; (15) Environmental Defense Fund; (16) American Society of Civil Engineers; (17) National Wildlife Federation; (18) American Mining Congress; (19) Bituminous Coal Research; (20) Independent Miners Association; (21) Society of Mining Engineers; and (22) National Independent Coal Association.

The following responded with written comments: U.S. Department of the Interior; U.S. Environmental Protection Agency, Region III; American Electric Power Company; Department of Agriculture, Soil Conservation Service; Illinois Environmental Protection Agency; State of Maryland, Water Resources Administration; State of New Mexico Environmental Improvement Agency; Save Our Cumberland Mountains; State of West Virginia Department of Natural Resources; Campaign Clean Water, Charleston, West Virginia; Effluent Standards and Water Quality Information Advisory Committee; Department of Health, Education and Welfare; State of Delaware, Department of Natural Resources and Environmental Control; United States Water Resources Council; Trust Territory of the Pacific Islands; State of Florida, Department of Pollution Control; U.S. Department of Transportation; North Carolina Department of Natural and Economic Resources; MITRE Corporation; and the National Coal Association.

The primary issues raised in the draft development document and the treatment of these issues herein are as follows:

(1) A commenter stated that provisions should be made in setting standards for effluent quality during the start of operations at a new mine site.

Regulations for the coal mining industry do take into consideration the factors related to mining operations start ups.

(2) Commenters suggested the use of turbidity rather than total suspended solids as a control for surface mines. Turbidity is quickly determinable in the field, giving the mine operator opportunity to take corrective action sooner if permit conditions are being violated.

Turbidity is an indicator of suspended solids and as such can be used to determine quickly the effectiveness of suspended solids removal. The turbidity test is specific to the type of solids in the water sample. Because the type of solids may change, turbidity will not always indicate accurately the level of solids present in the waste water.

(3) One commenter suggested that the subcategories "acid or ferruginous" and "alkaline" should be replaced by "underground" and "surface" because active deep mines sometimes change from alkaline to acid over a few months period, and some mines may be acid at one location and alkaline at another.

Deep mines and surface mines are equally subject to change in raw mine drainage characteristics during the life of the mine and may go from alkaline to acid or ferruginous. There may be mines which are on the border line of the two classes of mine drainage and may change, or fluctuate, during the life of the mine. The two classes of mine drainage are generally related to geographic locations, and are directly related to waste treatment technology.

(4) It was stated that the suggested limitation on dissolved iron is not necessary because available data indicates that when total iron concentration is equal to or below 3.5 mg/l, dissolved iron is always below 0.3 mg/l.

A three month sampling and analysis of waste waters determined that the dissolved iron level does not always remain below the 0.3 mg/l level when total iron is less than or equal to 3.5 mg/l.

(5) A commenter indicated that the effect of un-ionized ammonia on aquatic life can be serious and that the rejection of ammonia as a significant pollutant should be reconsidered.

Ammonia was not detected in sufficient concentrations to warrant concern at this time. The effluent quality information collected during the study of the coal mining industry determined that the concentration of un-ionized ammonia present in industry waste waters was not sufficient to require control.

(6) One commenter suggested that the stringent limits and standards for surface mine discharges in the draft report may not be appropriate because surface mining is a mobile operation in which the active mine area continually changes location.

A mine includes the area "used in and resulting from" the work of extracting coal from its natural deposit. The draft development document supports the position that the limitations applicable to surface mining are achievable and are being achieved today.

(7) Commenters indicated that the "no discharge" limitation for coal preparation plants may not be achievable for all plants because of such factors as existing facilities, terrain, precipitation periods, etc.

Over 100 preparation plants in various geographic locations and terrain of the 180 preparation plants included in this study had, or reported, "no discharge." An allowance for discharge is made based

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on the design of a facility to handle all process water plus runoff from 10 year 24 hour storm.

(8) One commenter indicated that the analytical data supporting the suggested limitations was inadequate: grab samples were used, and additional sampling is necessary to determine seasonal variations in effluents from treatment systems.

Winter-spring sampling completed at selected mine sites after distribution of the draft report verified that there are insignificant seasonal variations.

(9) One commenter stated that the suggested limits for daily maximums should be three times the thirty day average rather than two times.

The daily maximum allowable discharges of pollutants were determined by a statistical analysis of the data generated in the study.

(10) One commenter indicated that the effluent limitations development study does not justify the conclusion that there is no significant difference between untreated mine drainage from surface and underground mining operations in similar geologic settings.

Variations within the two classes of raw mine drainage may exist, but study confirms that a mine in a specific geographic location with specific geologic conditions will have an alkaline drainage or acid or ferruginous drainage whether the mining method utilized is deep or surface.

(11) A commenter indicated that if the sampling of strip mines presented in the draft report were not taken during periods of rainfall, further sampling should be done during rainfall to confirm that the suggested technology is adequate to achieve the required control.

Additional sampling and analysis conducted during the 1975 winter-spring period confirmed that the suggested technology was adequate.

(12) One commenter indicated that the pollutant content of supply water be taken into consideration when determining permit limitations.

The net-gross question is covered in another regulation (40 CFR Part 125). In summary the regulation states that if an applicant for an NPDES permit can establish that he is fundamentally different, he may be given an allowable discharge based on net removal limits.

(13) One commenter said that the proposed limits and standards for total iron would require stringent plant design and operation and higher costs than indicated in the draft report.

Costs used in the draft report are actual costs reported by industry which were updated and adjusted to September 1974 costs using *Engineering News Record Construction Index*.

(14) A commenter indicated that the total iron limitations recommended in the contractors draft report are too high, in that a state regulatory agency sets a standard approximately 50% of limits in the report. The commenter also suggested a limit be established for the discharge of sulfates.

The limitations presented in the draft development document were developed under the directions and constraints of the Water Pollution Control Act Amendments of 1972. Technical and economic considerations resulted in the suggested best practicable control technology.

(15) One commenter voiced concern that the Agency's contractor did not consult with public interest groups during the course of the contract study.

The contractor's draft report was distributed to a number of public interest groups for the purpose of soliciting their comments. Their comments are taken into consideration before promulgation. A list of groups that received the document is listed elsewhere in this preamble.

(16) One commenter stated that "certain heavy metals might still be released in harmful quantities despite implementation of these guidelines."

The constraints, technical and economic, established by "the Act" make it infeasible to establish a no discharge limitation for portions of this industry. The presence of heavy metals in the discharges was not considered to be significant enough to justify national limitations. Local water quality requirments may justify application of more restrictive limitations.

(17) One commenter indicated that the presence of total dissolved solids, sodium, and fluorides may cause potential health and livestock problems in certain areas of the country and suggested that limits be proposed.

The contractor's draft development document determined that the amounts of the above pollutants present in industry discharges were not sufficient in enough specific situations to justify the establishment of national standards. State or local pollution control agencies have the authority to establish limits on parameters other than those included in effluent limitations guidelines when local water quality requirements warrant.

(18) A commenter stated that settleable solids should be controlled by the suggested effluent limitations in order to prevent solids from settling on the stream bed.

The contractor's draft development document suggested limits on total suspended solids. This limitation effectively controls the discharge of settleable solids from a point source.

(19) A commenter recommended that a limitation on aluminum should be imposed only in special cases because excess concentrations of aluminum are found only in specific locations.

The objective of "the Act" is the establishment of national standards. In specific locations where aluminum is not present in discharges from coal mines, the limitation on aluminum will not result in the application of unnecessary control technology or increased costs. The monitoring requirements will be determined when individual permit conditions are established.

(20) One commentor stated that reclamation procedures for surface mines and preparation plants addressed in the draft report, while helpful background information, "should be included in reclamation laws presently being enforced or enacted" to avoid duplication of enforcement.

Reclamation and revegetation are commonly recognized as water pollution control techniques of substantial value and are in general use. In this light they are discussed in substantial detail in the Development Document. However the application of reclamation or revegetation is not required by this regulation as the technologys used as the basis for BPT regulation is end-of-pipe treatment only.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in *Natural Resources Defense Council v. Train* et al. (Cv. No. 1609–73) which requires the promulgation of regulations for this industry category not later than October 6, 1975. This order also requires that such regulations become effective immediately upon publication. In addition, it is necessary to promulgate regulations establishing limitations on the discharge of pollutants from point sources in this category so that the process of issuing permits to individual dischargers under section 402 of the Act is not delayed.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a 30 day comment period, and to make any necessary revisions in light of the comments received within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 USC 553(b) that notice and comment on the intern final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective immediately upon publication.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the Environmental Protection Agency, 401 M St. S.W., Washington, D.C. 20460. Attention: Distribution Officer, WH–552. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404, Waterside Mall, 401 M Street, S.W., Washington D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before November 17, 1975, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202). In the event that the final regulation differs substantially from the interim final regulation set forth herein the Agency will consider petitions for reconsideration of any permits issued in accordance with these interim final regulation.

The Agency has completed major technical studies on which to base the establishment of detailed effluent standards for coal mining. However, the Agency has not completed economic impact or inflationary impact analyses relative to this complete control regulation. For this reason only one parameter—pH—is being regulated by this interim final regulation.

Set forth below are limitations based on best practicable control technology for each of the subcategories as are indicated by the technical studies. There is a strong presumption that these limitations if promulgated, would not cause an undue economic hardship on the coal industry. Unless the economic impact studies reveal unexpectedly gross impact, the Agency anticipates proposal of these limitations at an early date.

SUBPART A—COAL PREPARATION PLANT SUBCATEGORY

The effluent limitation based on best practicable control technology, set forth in the Development Document for this subcategory is:

No discharge of process water.

SUBPART B—COAL STORAGE, REFUSE STORAGE, AND COAL PREPARATION PLANT ANCILLARY AREAS SUBCATEGORY

The effluent limitation based on best practicable control technology set forth in the Development Document for this subcategory is:

Effluent characteristic	Effluent limitations: Maximum for any 1 day (milligrams per liter)	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed (milligrams per liter)
Iron, total	7.0	3.5
Iron, dissolved	0.60	0.30
Aluminum, total	4.0	2.0
Manganese, total	4.0	2.0
Nickel, total	0.40	0.20
Zinc, total	0.40	0.20
TSS	70	35
pH	Within the range 6.0 to 9.0.	

SUBPART C—ACID OR FERRUGINOUS MINE DRAINAGE SUBCATEGORY

The effluent limitation based on best practicable control technology set forth in the Development Document for this subcategory is:

Effluent characteristic	Effluent limitations: Maximum for any 1 day (milligrams per liter)	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed (milligrams per liter)
Iron, total	7.0	3.5
Iron, dissolved	0.60	0.30
Aluminum, total	4.0	2.0
Manganese, total	4.0	2.0
Nickel, total	0.40	0.20
Zinc, total	0.40	0.20
TSS	70	35
pH	Within the range 6.0 to 9.0.	

SUBPART D—ALKALINE MINE DRAINAGE SUBCATEGORY

The effluent limitation based on best practicable control technology set forth in the Development Document for this subcategory is:

Effluent characteristic	Effluent limitations: Maximum for any 1 day (milligrams per liter)	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed (milligrams per liter)
Iron, total	7.0	3.5
Iron, dissolved	0.60	0.30
Aluminum, total	4.0	2.0
Manganese, total	4.0	2.0
Nickel, total	0.40	0.20
Zinc, total	0.40	0.20
TSS	70	35
pH	Within the range 6.0 to 9.0.	

In addition to encouraging written comments on the interim final regulation, the Agency would like to encourage written comments on the outlined specific effluent limitations for the subcategories of the coal mine point source category above. Such comments should be submitted following the procedure for comments addressed to the interim final regulation.

It is recognized that coal mining may result in long term water quality degradation caused by mine drainages continuing after mining activities have been concluded. In many cases the pollution is worse than that from an active mine. The Agency is aware of the problem and is considering possible applications of this aspect of coal mining related pollution and may provide additional guidance to control this facet of the pollution problem at a future date.

In consideration of the foregoing, 40 CFR Part 434 is hereby established as set forth below.

Dated: October 6, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 434 is added as set forth below:

Subpart A—Coal Preparation Plant Subcategory

Sec.
434.10 Applicability; description of the coal preparation plant subcategory.
434.11 Specialized definitions.
434.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
434.13—434.16 [Reserved]

Subpart B—Coal Storage, Refuse Storage, and Coal Preparation Plant Ancillary Area Subcategory

434.20 Applicability; description of the coal storage, refuse storage, and coal preparation plant ancillary area subcategory.
434.21 Specialized definitions.
434.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
434.23—434.26 [Reserved]

Subpart C—Acid or Ferruginous Mine Drainage Subcategory

434.30 Applicability; description of the acid acid or ferruginous mine drainage subcategory.
434.31 Specialized definitions.
434.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
434.33—434.36 [Reserved]

Subpart D—Alkaline Mine Drainage Subcategory

434.40 Applicability; description of the alkaline mine drainage subcategory.
434.41 Specialized definitions.
434.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
434.43—434.46 [Reserved]

AUTHORITY: Secs. 301, 304(b) and (c) and 306(b) and 307(c), Federal Water Pollution Control Act, as amended 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c); (86 Stat. et seq.; Pub. L. 92–500) (the Act).

Subpart A—Coal Preparation Plant Subcategory

§ 434.10 Applicability; description of the coal preparation plant subcategory.

The provisions of this subpart are applicable to discharges resulting from the cleaning or beneficiation of coal of any rank including but not limited to bituminous, lignite, and anthracite.

§ 434.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "coal preparation plant" shall mean a facility where coal is crushed, screened, sized, cleaned, dried, or otherwise prepared and loaded prior to the final handling or sizing in transit to or at a consuming facility.

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(c) The term "ten year 24-hour precipitation event" shall mean the maximum 24-hour precipitation event with a probable re-occurrence interval of once in 10 years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and subsequent amendments or equivalent regional or rainfall probability information developed therefrom.

§ 434.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutant or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	*Effluent limitations*
pH	Within the range 6.0 to 9.0.

(b) Any untreated overflow from facilities designed, constructed, and operated to contain all process generated waste water and the surface runoff to the treatment facility resulting from a 10 year 24 hour precipitation event shall not be subject to the limitations set forth in paragraph (a) of this section.

§ 434.13—434.16 [Reserved]

Subpart B—Coal Storage, Refuse Storage, and Coal Preparation Plant Ancillary Area Subcategory

§ 434.20 Applicability; description of the coal storage, refuse storage, and coal preparation plant ancillary area subcategory.

The provisions of this subpart are applicable to discharges which are pumped, siphoned or drained from coal storage, refuse storage and coal preparation plant ancillary areas related to the cleaning or beneficiation of coal of any rank including but not limited to bituminous, lignite and anthracite.

§ 434.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "coal preparation plant" shall mean a facility where coal is crushed, screened, sized, cleaned, dried, or otherwise prepared and loaded prior to the final handling or sizing in transit to or at a consuming facility.

(c) The term "coal preparation plant ancillary area" shall mean the areas associated with a coal preparation plant including: the coal preparation plant yards, access roads, and other areas immediately associated with a coal preparation plant where coal or coal refuse, either purposefully or accidentally is allowed to come in contact with precipitation runoff or plant washdown.

(d) The term "ten year 24-hour precipitation event" shall mean the maximum 24-hour precipitation event with a probable re-occurrence interval or once in 10 years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and subsequent amendments or equivalent regional or rainfall probability information developed therefrom.

§ 434.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutant or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	A average of daily values for 30 consecutive days shall not exceed—
Iron, total	(1)	(1)
Iron, dissolved	(1)	(1)
Aluminum, total	(1)	(1)
Manganese, total	(1)	(1)
Nickel, total	(1)	(1)
Zinc, total	(1)	(1)
TSS	(1)	(1)
pH	Within the range 6.0 to 9.0.	

[1] Numerical value to be determined.

(b) Any untreated overflow from facilities designed, constructed, and operated to treat the process waste water and the runoff from the coal preparation plant ancillary area resulting from a 10 year 24-hour precipitation event shall not be subject to the limitations set forth in paragraph (a) of this section.

§ 434.23—434.26 [Reserved]

Subpart C—Acid or Ferruginous Mine Drainage Subcategory

§ 434.30 Applicability; description of the acid or ferruginous mine drainage subcategory.

The provisions of this subpart are applicable to acid or ferruginous mine drainage resulting from the mining of coal of any rank including but not limited to bituminous, lignite, and anthracite.

§ 434.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "coal mine" shall mean an active mining area of land with all property placed upon, under or above the surface of such land, used in or resulting from the work of extracting coal from its natural deposits by any means or method including secondary recovery of coal from refuse or other storage piles derived from the mining, cleaning, or preparation of coal.

(c) The term "mine drainage" shall mean any water drained, pumped or siphoned from a coal mine.

(d) The term "ten year 24-hour precipitation event" shall mean the maximum 24-hour precipitation event with a probable re-occurrence interval or once in 10 years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and subsequent amendments or equivalent regional or rainfall probability information developed therefrom.

(e) The term "acid or ferruginous mine drainage" shall mean mine drainage which before any treatment either has a pH of less than 6.0 or a total iron concentration of more than 10 mg/l.

§ 434.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutant or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	A average of daily values for 30 consecutive days shall not exceed—
Iron, total	(1)	(1)
Iron, dissolved	(1)	(1)
Aluminum, total	(1)	(1)
Manganese, total	(1)	(1)
Nickel, total	(1)	(1)
Zinc, total	(1)	(1)
TSS	(1)	(1)
pH	Within the range 6.0 to 9.0.	

[1] Numerical value to be determined.

(b) Any untreated overflow from facilities designed, constructed and operated to treat the mine drainage and the runoff at the treatment facility resulting from a 10 year 24-hour precipitation event shall not be subject to the limitations set forth in paragraph (a) of this section.

§ 434.33–434.36 [Reserved]

Subpart D—Alkaline Mine Drainage Subcategory

§ 434.40 Applicability; description of the alkaline mine drainage subcategory.

The provisions of this subpart are applicable to alkaline mine drainage resulting from the mining of coal of any rank including but not limited to bituminous, lignite, and anthracite.

§ 434.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "coal mine" shall mean an active mining area of land with all property placed upon, under or above the surface of such land, used in or resulting from the work of extracting coal from its natural deposits by any means or method and secondary recovery of coal from refuse or other storage piles derived from the mining, cleaning, or preparation of coal.

(c) The term "mine drainage" shall mean any water drained, pumped or siphoned from a coal mine.

(d) the term "ten year 24-hour precipitation event" shall mean the maximum 24-hour precipitation event with a probable re-occurrence interval or once in 10 years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and subsequent amendments or equivalent regional or rainfall probability information developed therefrom.

(e) The term "alkaline mine drainage" shall mean mine drainage which before any treatment has a pH of more than 6.0 and with a total iron concentration of less than 10 mg/l.

§ 434.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutant or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available.

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Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
Iron, total	(1)	(1)
Iron, dissolved	(1)	(1)
Aluminum, total	(1)	(1)
Manganese, total	(1)	(1)
Nickel, total	(1)	(1)
Zinc, total	(1)	(1)
TSS	(1)	(1)
pH	Within the range 6.0 to 9.0.	

[1] Numerical value to be determined.

(b) Any untreated overflow from facilities designed, constructed and operated to treat the mine drainage and the runoff at the treatment facility resulting from a 10 year 24 hour precipitation event shall not be subject to the limitations set forth in paragraph (a) of this section.

§ 434.43–434.46 [Reserved]

[FR Doc.75-27898 Filed 10-16-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 434]

[FRL 444-3]

COAL MINING POINT SOURCE CATEGORY

Application of Effluent Limitations Guidelines for Existing Sources to Pretreatment Standards for Incompatible Pollutants

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 434—Coal Mining Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement an interim final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources within the coal preparation plant; coal storage, refuse storage, and coal preparation plant ancillary area; acid or ferruginous mine drainage; and alkaline mine drainage subcategories of the coal mining point source category. The information contained in the preamble to the interim final regulation is incorporated herein by references. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the effluent limitations guidelines (40 CFR 434) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants.) Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

"In addition to the prohibitions set forth in Section 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to Section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by the promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to Sections 301(b) and 304(b) of the Act; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; and provided further that *when the effluent limitations guidelines for each industry are promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.*" (Emphasis added).

The regulation proposed below is intended to implement that portion of section 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

A preliminary Draft Development Document was made available to the public approximately January 1, 1975 and a Development Document to support the interim final regulation is now being published. An economic analysis report is being made available at the time of interim final promulgation. Copies of the Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) the identification of pollutants present in waste waters resulting from the mining and preparation of coal, the characteristics of these pollutants, and the degree of pollutant reduction attainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of coal.

The options available to the Agency in establishing the level of pollutant reduction attainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the coal preparation; coal storage, refuse storage, and coal preparation plant ancillary area; acid or ferruginous mine drainage; and the alkaline mine drainage subcategories the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

As described in the Development Document the process waste waters from the coal preparation plant; coal storage, refuse storage, and coal preparation plant ancillary area; acid or ferruginous mine drainage; and alkaline mine drainage subcategories may contain pH and suspended solids. Accordingly, it is the opinion of the EPA that because pH is recognized as a compatible pollutant, the first option is appropriate and the guidelines should not apply to process waste waters from plants in the coal preparation; coal storage, refuse storage, and coal preparation ancillary area; acid or ferruginous mine drainage and the alkaline mine drainage subcategories discharging to publicly owned treatment works. However, the operator of the publicly owned treatment works is cautioned that some of the constituents of the waste waters from these subcategories may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject

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of subsequent further regulation by the Agency pursuant to Section 307(b) of the Act.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Ms. Ruth Brown. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304 and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. The EPA information regulation, 40 CFR 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR 434 be amended to add sections 434.14, 434.24, 434.34 and 434.44 as set forth below. All comments received on or before November 17, 1975 will be considered.

Dated: October 6, 1975.

RUSSELL E. TRAIN,
Administrator.

40 CFR 434 is proposed to be amended by adding §§ 434.14, 434.24, 434.34 and 434.44 as follows:

Sec.

434.14 Pretreatment Standards for Existing Sources.
434.24 Pretreatment Standards for Existing Sources.
434.34 Pretreatment Standards for Existing Sources.
434.44 Pretreatment Standards for Existing Sources.

* * * * *

§ 434.14 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible poilutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 434.12 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to Section 307(b) of the Act.

§ 434.24 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 434.22 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to Section 307(b) of the Act.

§ 434.34 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 434.32 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to Section 307(b) of the Act.

§ 434.44 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 434.42 above shall not presently apply. Some of the constituents of the process waste waters from this subcategory may interfere with certain treatment works or may pass through such treatment works inadequately treated. Therefore, such process waste waters should receive special consideration by the operator of the publicly owned treatment works and may be the subject of subsequent further regulation pursuant to Section 307(b) of the Act.

[FR Doc.75-27902 Filed 10-16-75;8:45 am]

federal register

FRIDAY, OCTOBER 17, 1975

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PART V:

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

VOL 40 NO 202 OCT 17 75 XUM

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from October 10, 1975 without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Colorado:	
CO75–5101	Aug. 8, 1975.
CO75–5116; CO75–5117; CO 75–5118.	Sept. 19, 1975.
Georgia:	
GA75–51105	Jan. 17, 1975.
New Jersey:	
NY75–3098	Sept. 26, 1975.
Pennsylvania:	
AR–2030	Aug. 30, 1974.
AR–2095	Dec. 13, 1974.
AR–2099	Dec. 27, 1974.
PA75–3025	Mar. 21, 1975.
PA75–3053	May 23, 1975.
PA75–3055	June 27, 1975.
PA75–3065; PA75–3082; PA 75–3083; PA75–3084; PA 75–3085.	July 11, 1975.
PA75–3086	Aug. 22, 1975.
PA75–3087	Aug. 29, 1975.
Virginia:	
VA75–3069	July 11, 1975.
VA75–3094	Sept. 19, 1975.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision Numbers are in parentheses following the numbers of the decision being superseded.

Colorado:	
CO75–5115(CO75–5129)	Sept. 19, 1975.
Kentucky:	
AR–4018(KY75–1101)	Aug. 9, 1974.
AR–4054(KY75–1103)	Nov. 8, 1974.
KY75–1064(KY75–1102)	June 20, 1975.
North Dakota:	
ND75–5110(ND75–5130)	Aug. 29, 1975.
Texas:	
TX75–4086 (TX75–4159)	May 16, 1975.
TX75–5118(TX75–4161)	July 11, 1975.
TX75–4135(TX75–4160)	July 25, 1975.
West Virginia:	
WV75–3009(WV75–3105)	Jan. 31, 1975.

Signed at Washington, D.C., this 10th day of October 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATION P. 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION NO. CO75-5117 - Mod. #1 (40 FR 43442 - September 19, 1975) Las Animas, Otero and Pueblo Counties, Colorado					
Change: Line Construction: All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is over 115 KV and all other NON-REA work					
Cable Splicer	$9.97	.35	11%		3/4%
Lineman Cableman	9.36	.35	11%		3/4%
Journeyman Lineman	9.29	.35	11%		3/4%
Line Equipment Operator	7.90	.35	11%		3/4%
Line Equipment Maintenance Man	7.90	.35	11%		3/4%
Groundman, Inexperienced	5.92	.35	11%		3/4%
Groundman, over 180 days experience	6.52	.35	11%		3/4%
Sprinkler Fitters	10.55	.50	.80		.08
DECISION NO. CO75-5118 - Mod. #1 (40 FR 43449 - September 19, 1975) Statewide, Colorado					
Change: Line Construction: All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is over 115 KV and all other NON-REA Work					
Cable Splicer	9.97	.35	11%		3/4%
Lineman Cableman	9.36	.35	11%		3/4%
Journeyman Lineman	9.29	.35	11%		3/4%
Line Equipment Operator	7.90	.35	11%		3/4%
Line Equipment Maintenance Man	7.90	.35	11%		3/4%
Groundman, Inexperienced	5.92	.35	11%		3/4%
Groundman, over 180 days experience	6.52	.35	11%		3/4%
Sprinkler Fitters	10.55	.50	.80		.08

MODIFICATION P. 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #CO75-5101 - Mod. #2 (40 FR 35393 - August 8, 1975) El Paso County, Colorado					
Change: Line Construction: All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is over 115 KV and all other NON-REA work					
Cable Splicer	$9.97	.35	11%		3/4%
Lineman Cableman	9.36	.35	11%		3/4%
Journeyman Lineman	9.29	.35	11%		3/4%
Line Equipment Operator	7.90	.35	11%		3/4%
Line Equipment Maintenance Man	7.90	.35	11%		3/4%
Groundman, Inexperienced	5.92	.35	11%		3/4%
Groundman, over 180 days experience	6.52	.35	11%		3/4%
Sprinkler Fitters	10.55	.50	.80		.08
DECISION CO75-5116 - Mod. #1 (40 FR 43439-September 19, 1975) Delta, Garfield, Gunnison, Mesa, Montrose and Pitkin Counties, Colorado					
Change: Line Construction: All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is over 115 KV and all other NON-REA Work					
Cable Splicer	9.97	.35	11%		3/4%
Lineman Cableman	9.36	.35	11%		3/4%
Journeyman Lineman	9.29	.35	11%		3/4%
Line Equipment Operator	7.90	.35	11%		3/4%
Line Equipment Maintenance Man	7.90	.35	11%		3/4%
Groundman, Inexperienced	5.92	.35	11%		3/4%
Groundman, over 180 days experience	6.52	.35	11%		3/4%
Sprinkler Fitters	10.55	.50	.80		.08

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MODIFICATION P. 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION # GA75-1005 - Mod #4 (40 FR-3091 - January 17, 1975 Richmond County, Georgia					
Change:					
Carpenters	$7.35				.01
Electricians	7.96	.30	1%+.20		½ of 1%
Millwrights	7.65				.01
Piledrivermen	7.65				.01
DECISION #NJ75-3098 - Mod. #1 (40 FR 44433 - September 26, 1975) Bergen, Essex, Hudson & Passaic Counties, New Jersey					
Change:					
Bricklayers, Stone Masons, Cement Masons & Plasterers:					
Bergen (North Arlington, Lyndhurst - east of Ridge Rd. and north to Rutherford Ave. and Berry's Creek west of the Hackensack River), Essex (except Millburn Twp.) and Hudson (that portion west of the Hackensack River) Counties	$10.35	$.60	$.70		$.02
Hudson (remainder of county) County:					
Bricklayers & Stone Masons	10.51	.87	.75		
Electricians & Cable Splicers:					
Bergen & Hudson Counties	11.92	5%	6% + .58		1.5%
Laborers:					
Bergen (Garfield, Passaic & Wellington Twps., Lodi, Lodi Boro. & East Patterson) & Passaic Counties:					
Laborers, Air Tool Operators (jackhammers, Vibrators), Mason Tenders, Mortar Mixers, Pipelayers (concrete & clay) & Plasterer Tenders	7.10	.50	.70		.02
Bergen (remainder of county) County:					
Laborers, Air Tool Operators (jackhammers, vibrators), Mason Tenders, Mortar Mixers, Pipelayers (concrete & clay), Plasterer Tenders, Wrecking & Excavation	6.80	.90	.60		.02
Essex (City of East Orange, Twps. of South Orange & Maplewood) County:					
Regular Laborers	7.45	.70	.30		.02
Mortar Mixers, Scaffold Men & Pneumatic Hammer Operators	7.70	.70	.30		.02

MODIFICATION P. 4

DECISION NO. NJ75-3098 - Mod. #1

Laborers - (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Essex (Orange and Montclair) County:					
Common Laborers	$ 7.60	$ .40	$ .30		$ .02
Essex (Millburn Twp.) County:					
Common Laborers	7.00	.70	.60		.02
Essex (remainder of county) & Hudson (Kearny, East Newark & Harrison) Counties:					
Common Laborers, Air Tool Operators, Mason Tenders, Morter Mixers & Pipelayers (concrete & clay)	7.20	.50	.60		.02
Hudson (remainder of county) County:					
Common Laborers	6.80	.60	.60	.35	.02
Line Construction:					
Bergen & Hudson Counties:					
Linemen, Cable Splicers, Equipment Operators & Groundmen	11.92	5%	6% + .58		½ of 1%
Plumbers:					
Zone 2	9.85	.66	.65	1.00	.02
Plumbers & Pipefitters:					
Zone 2	10.55	.475	1.16		.04
Sheet Metal Workers:					
Bergen & Hudson	10.17	5%+.16+h	5% + .10	4% + .06	.02

MODIFICATION P. 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2030 - Mod. #9 (40 FR 31851 - August 30, 1974) Lancaster County, Pennsylvania					
Change:					
Boilermakers	$11.05	.65	1.00		.02
DECISION #AR-2095 - Mod. #5 (39 FR 43494 - December 13, 1974) Northumberland County, Pennsylvania					
Change:					
Boilermakers	11.05	.65	1.00		.02
DECISION #AR-2099 - Mod. #8 (39 FR 44931 - December 27, 1974) Adams & York Counties, Pennsylvania					
Change:					
Boilermakers	11.05	.65	1.00		.02

MODIFICATION P. 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #PA-75-3025 - Mod. #4 (40 FR 12982 - March 21, 1975) Luzerne County, Pennsylvania					
Change:					
Boilermakers	$11.05	.65	1.00		.02
DECISION #PA-75-3053 - Mod. #3 (40 FR 22782 - May 23, 1975) Lebanon County, Pennsylvania					
Change:					
Boilermakers	11.05	.65	1.00		.02
DECISION #PA-75-3055 - Mod. #2 (40 FR 2736 - June 27, 1975) Berks County, Pennsylvania					
Change:					
Boilermakers	11.05	.65	1.00		.02
Electricians:					
Herford, Longswamp, & Washington Twps. portion of Maxatawney, Twp. east of Saccony Creek	10.30	.35	1%		.01
Piledrivermen	10.17	1.58	1.10	h	.12
Roofers:					
Albany, Maxatany and Windsor Composition and Slate	10.05	.35	.35		
Sprinkler Fitters	10.75	.50	.80		.08

MODIFICATION P. 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #PA-75-3065 - Mod. #2 (40 FR 29517 - July 11, 1975) Lycoming County, Pennsylvania					
Change:					
Boilermksers	$11.05	.65	1.00		.09
DECISION #PA-75-3082 - Mod. #1 (40 FR 36972 - August 22, 1975) Bucks County, Pennsylvania					
Change:					
Boilermakers	11.05	.65	1.00		.02
DECISION #PA-75-3083 - Mod. #1 (40 FR 36980 - August 22, 1975) Chester County, Pennsylvania					
Change:					
Boilermakers	11.05	.65	1.00		.02
Electricians					
Remainder of County	11.55	4.4%	1%+2.6%		1.5%
Painters:					
Commercial					
Brush	9.05	.65	.50		
Spery	9.40	.65	.50		

MODIFICATION P. 8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #PA-75-3084 - Mod. #2 (40 FR 36983 - August 22, 1975) Delaware County, Pennsylvania					
Change:					
Boilermakers	$11.05	.65	1.00		.02
Painters:					
Remainder of County					
Commercial, brush	9.05	.65	.50		
Comercial, spray	9.55	.65	.50		
DECISION #PA-75-3085 - Mod. #2 (40 FR 36986 - August 22, 1975) Montgomery County, Pennsylvania					
Change:					
Boilermakers	$11.05	.65	1.00		.02
Electricians:					
Remainder of County	11.55	4.4%	1%+2.6%		1.5%
DECISION #PA-75-3086 - Mod. #2 (40 FR 36989 - August 22, 1975) Philedelphia County, Pennsylvania					
Change:					
Boilermakers	11.05	.65	1.00		.02
DECISION #PA-75-3087 - Mod. #1 (40 FR 40031 - August 29, 1975) Bucks, Chester, Delaware, Montgomery and Philedelphia Counties, Pennsylvania					
Change:					
Boilermakers	11.05	.65	1.00		.02

MODIFICATION P. 9

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #VA75-3069 - Mod. #2 (40 FR 29438 - July 11,1975) Radford Army Ammunition Plant, Virginia					
Change:					
Laborers:					
Common Laborers	$ 4.35	$.20	$.20		$.03
Air Tool Operators	4.60	.20	.20		.03
Mason Tenders	4.45	.20	.20		.03
DECISION #VA75-3094 - Mod. #1 (40 FR 43415 - September 19, 1975) Albemarle County, Virginia					
Change:					
Sprinkler Fitters	8.55	.50	.80		.08

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld

DECISION NUMBER: CO75-5129

DATE: Date of Publication

Supersedes Decision No. CO75-5115 dated September 19, 1975, in 40 FR 43626

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons:					
Eagle County	9.25	.50	.60	.25	.05
Boulder and Grand Counties	8.95	.50	.60		.05
Elbert, Lake and Park Counties	8.50	.45	.50		.04
Larimer County	8.95	.45	.60		.05
Remaining Counties	9.25	.50	.60	.25	.05
CARPENTERS:					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Elbert, Grand, Gilpin, Jefferson and Park (Northern area) Counties					
Area (a) Denver Metropolitan Area including Louisville, Golden, Boulder and Longmont basing Points					
Zone I (0 to 20 miles)	8.835	.53	.60	.40	.05
Zone II (20 to 50 miles)	9.94	.53	.60	.40	.05
Zone III (50 miles and over)	11.04	.53	.60	.40	.05
Morgan and Weld Counties:					
Area (b) Denver Northeastern Area of Colorado including Greeley, Loveland and Fort Morgan basing points					
Zone I (0 to 20 miles)	8.835	.53	.60	.40	.05
Zone II (20 to 50 miles)	9.94	.53	.60	.40	.05
Zone III (50 miles and over)	11.04	.53	.60	.40	.05
Larimer County (S.E. portion within Loveland basing point, Zone I)	8.135	.48	.60	.40	.05
Larimer (Remainder of County), Eagle, Lake, Park (south 40 miles) and Summit Counties					
Zone I (0-30 miles from P. O. in Leadville or Fort Collins)	7.54	.48	.60	.40	.05

DECISION NO. CO75-5129

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS: (Cont'd)					
Zone II (30-60 miles from P. O. in Leadville or Fort Collins)	$7.79	.48	.60	.40	.05
Zone III (All work outside of the 60 mile radius from P. O. in Leadville or Fort Collins)	8.04	.48	.60	.40	.05
CEMENT MASONS:					
Cement Masons	7.74	.44	1.10	.60	.08
Working with composition materials and color	8.24	.44	1.10	.60	.08
Working on scaffold, swing stage or temporary platform over 25'	7.99	.44	1.10	.60	.08
ELECTRICIANS:					
Electricians (Elbert and Park Counties)	10.07	.42	1%+.45		.015
Electricians (Remaining Counties)	10.24	.65	1%+.25		2/10%
Cable Splicers (Remaining Counties	10.49	.65	1%+.25		2/10%
ELEVATOR CONSTRUCTORS	8.63	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37			.35	
IRONWORKERS	9.20	.63	.90		.08
MARBLE MASONS	9.20	.55	.61		.04
MILLWRIGHTS	9.13	.53	.60	6%	.05
PAINTERS:					
Park County (Southern half) Brush, roller, taper, hand texture	7.20	.50	.20		.03
Steel and paperhanger	7.70	.50	.20		.03
Spray	7.80	.50	.20		.03
Steel Spray	8.30	.50	.20		.03
Remaining Counties including N½ of Park County*					
Brush and roller	9.31	.50	.60		.05
Drywall finisher; Paperhanger	9.51	.50	.60		.05
Spray; Swing Stage	9.79	.50	.60		.05
PLASTERERS	9.44				.01

DECISION NO. CO75-5129

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PLUMBERS; Pipefitters:					
Southern portions of Douglas, Elbert and Park Counties (See* below)	$8.28	.55	.65	1.17	.05
Boulder County	8.60	.55	.65	.50	.05
Larimer County	8.60	.55	.65	.50	.05
Remaining Counties (including Northern portions of Douglas, Elbert and Park Counties)	9.45	.60	.65	.50	.10
ROOFERS:					
Eagle and Southern portions of Lake, Jefferson, Park, Douglas and Elbert Counties (See ** below)	7.91	.42	.10		
Remaining Counties including Northern portions of Lake, Park, Jefferson, Douglas, and Elbert Counties	8.25	.55			.08
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS	8.29	.35	.55	.30	.05
SPRINKLER FITTERS	10.55	.50	.80		.08
TILE SETTERS:					
Elbert, Lake and Park Counties	7.41	.45	.50		
Remaining Counties	9.20	.55	.61		.04
TILE, MARBLE and TERRAZZO HELPERS:					
*Park County dividing line: A line from the S.W. corner of Jefferson County to the S. E. corner of Lake County					
Halpers	6.22	.56	.50	.40	
Floor Grinder	6.37	.56	.50	.40	
Base Grinder	6.92	.56	.50	.40	

DECISION NO. CO75-5129

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
**Area south of an east-west line from west border of Lake County to a point 2 miles north of the city of Leadville to a point 1/2 miles north of the City of Limon at the west border of Lincoln County					

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% baisc hourly rate for 6 months to 5 years service as Vacation Pay Credit.
Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Idnependence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. C075-5129

LABORERS (Building Construction)	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	App. Tr.
AREA A	ZONE 1	ZONE 2	ZONE 3				
Group 1	$ 4.15	$ 4.60	$ 5.05	.44	.50		.05
Group 2	5.65	6.10	6.55	.44	.50		.05
Group 3	5.93	6.38	6.83	.44	.50		.05
Group 4	6.15	5.50	7.05	.44	.50		.05
Group 5	6.20	6.65	7.10	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05
AREA B							
Group 1	4.15	4.60	5.05	.44	.50		.05
Group 2	5.50	5.95	6.40	.44	.50		.05
Group 3	5.78	6.23	6.68	.44	.50		.05
Group 4	5.98	6.43	6.88	.44	.50		.05
Group 5	5.82	6.27	6.72	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05

AREA A
Adams, Arapahoe, Boulder, Denver, Lake, Larimer and Summit Counties. Douglas and Jefferson Counties lying north of the south line of Township 7 south; Elbert County lying west of the east line of Range 65 West and North of the south line of Township 7 South. Weld County lying south and west of the following described line: Beginning at the northwest corner of Township 4 North, Range 68 West of the 6th p.m.; thence east along the north line of said Township six (6) miles,more or less, to the east line of said Township; thence south along the east line of said Township three (3) miles, more or less, to the southeast corner of Section 13, Township 4 North, Range 68 West; thence east along the eastwest center line of Township 4 North, Range 67 West, six (6) miles, more or less, to the east line of said Township; thence south along the east line of Range 67 West, being the east lines of Township 4 North, 3 North, 2 North, and 1 North, Range 67 West, sixteen (16) miles to the southeast corner of Section 1, Township 1 North, Range 67 West; thence east and parallel to the Base Line twelve (12) miles, more or less, to the southeast corner of Section 1, Township 1 North, Range 65 West; thence south along the east line of Range 65 West, five (5) miles, more or less, to the Base Line being the south line of Weld County.

DECISION NO. C075-5129

LABORERS (Cont'd)
(Building Construction)

AREA A (Cont'd)
Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Boulder, Denver, Dillon, Englewood, Fort Collins, Golden, Greeley and Leadville

Zone 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities

AREA B
Douglas, Elbert, Jefferson, and Weld Counties lying outside of the area as described in Area A, and all of Clear Creek, Eagle, Gilpin, Grand, Morgan, and Park Counties.

Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Eagle, Fort Morgan, Golden Grandby, Greeley and Vail.

Zone 2: That area encompassed by 30 to 70 driving miles from main Post Office of above named Cities

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office in above named Cities

DECISION NO. C075-5129

LABORERS (Cont'd)
Building Construction

GROUP DESCRIPTION For All COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring Eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas, and electrical tools, including Self-propelled Buggies and Cement Finisher Tenders.
Laborers preparing and placing of stone or any other Aggregate in a sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzlemen and Sand Blasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Under-pinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$7.19	.53	.60	.40	.05
UNDERGROUND CARPENTERS	7.39	.53	.60	.40	.05
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite.	7.49	.53	.60	.40	.05
CEMENT MASONS	6.74	.44	1.10	.30	.08

DECISION NO. C075-5129

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 6.45	.40	.30	.30	
DUMP TRUCKS, to & including 6 cu. yds.; Sweeper; Flat Rack, single Axle; Liquid & Bulk Tankers, single Axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers	6.55	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to & incl. 14 cu. yds.; Flat Rack, Tandem Axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man haul shuttle truck or Bus	6.65	.40	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid & Bulk Tankers, Tandem Axle	6.70	.40	.30	.30	
FORK LIFT DRIVER; fuel truck; Grease truck; Combination fuel & grease	6.75	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to & including 10 cu. yds.; Liquid & Bulk Tankers, semi or combination	6.80	.40	.30	.30	
MULTI-PURPOSE TRUCK; Specialty & Hoisting	6.85	.40	.30	.30	
DUMP TRUCKS over 14 cu. yds. to 6 including 29 cu. yds.; High Boy, Low Boy, Floats, Semi; Cab operated Distributor Truck Driver, Semi; Liquid & Bulk Tankers, Euclid, Electric, or similar; Truck Driver Dumptor type, Youngbuggy, Jumbo & similar type equipment	6.90	.40	.30	.30	
TRUCK DRIVER, Snow Plow	7.00	.40	.30	.30	

DECISION NO. CO75-5129

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CEMENT MIXER, Agitator Truck over 10 cu. yds., to & incl. 15 cu. yds.	$ 7.05	.40	.30	.30	
DUMP TRUCKS over 29 cu. yds. to & incl. 39 cu. yds.	7.15	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	.40	.30	.30	
DUMP TRUCKS over 39 cu. yds. to & incl. 54 cu. yds.; Fireman	7.35	.40	.30	.30	
MECHANIC	7.45	.40	.30	.30	
DUMP TRUCKS over 54 cu. yds. to & incl. 79 cu. yds.	7.55	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	7.65	.40	.30	.30	
DUMP TRUCKS over 79 cu. yds. to & incl. 104 cu. yds.	7.75	.40	.30	.30	
DUMP TRUCKS over 104 cu. yds.	7.95	.40	.30	.30	

DECISION NO. CO75-5129

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
All work performed for a single REA Co-op where nominal voltage is below 34.5 KV					
Journeyman Lineman	$7.10	.35	1%		3/4%
Line Equipment Operator	5.96	.35	1%		3/4%
Groundman, Inexperienced	3.42	.35	1%		3/4%
Groundman 90-180 dayes experience	4.04	.35	1%		3/4%
Groundman, over 180 days experience	4.40	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is between 34.5 KV and 115 KV					
Journeyman Lineman	8.11	.35	1%		3/4%
Line Equipment Operator	6.82	.35	1%		3/4%
Line Equipment Maintenance Man	6.82	.35	1%		3/4%
Groundman, Inexperienced	4.71	.35	1%		3/4%
Groundman, over 180 days experience	5.43	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is over 115 KV and all other NON-REA work					
Cable Splicer	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundman, Inexperienced	5.92	.35	1%		3/4%
Groundman, over 180 days experience	6.52	.35	1%		3/4%

DECISION NO. CO75-5129

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS (Heavy Construction)					
Group 1	$5.55	.44	.50		.05
Group 2	5.65	.44	.50		.05
Group 3	5.95	.44	.50		.05
Group 4	6.10	.44	.50		.05
Group 5	6.30	.44	.50		.05
LABORERS (TUNNELS)					
Group 1	5.55	.44	.50		.05
Group 2	6.45	.44	.50		.05
Group 3	6.55	.44	.50		.05
Group 4	6.63	.44	.50		.05
Group 5	6.70	.44	.50		.05
Group 6	6.85	.44	.50		.05
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	6.55	.44	.50		.05
Group 2	6.70	.44	.50		.05
Group 3	6.80	.44	.50		.05
Group 4	6.98	.44	.50		.05
Group 5	7.08	.44	.50		.05
Group 6	7.13	.44	.50		.05

DECISION NO. CO75-5129

LABORERS (Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12': Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in tranches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

DECISION NO. C075-5129

LABORERS (Cont'd)
(Heavy Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in conncection with highway work Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

DECISION NO. C075-5129

LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

DECISION NO. C075-5129

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Group 1	$6.40	.35	.59	.30	.06
Group 2	6.75	.35	.59	.30	.06
Group 3	7.10	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.55	.35	.59	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	6.55	.35	.59	.30	.06
Group 2	6.90	.35	.59	.30	.06
Group 3	7.00	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.80	.35	.59	.30	.06

DECISION NO. C075-5129

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank hester, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or laydown machine; Cableway signalman; caisson drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

DECISION NO. CO75- 5129

POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

SUPERSEDEAS DECISION

STATE: Kentucky
DECISION NUMBER: KY75-1101
Supersedes Decision No.: AR-4018 dated August 9, 1974 in 39 FR 28836
DESCRIPTION OF WORK: Building Construction, (exoluding single family homes and garden type apartments up to and including 4 stories.)

COUNTY: Fayette
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	9.71	.35	.40		
Boilermakers	8.55	.60	.80		.02
Bricklayers	8.50	.25	.25		
Carpenters:					
Carpenters	9.00	.30	.30		
Millwrights	9.50	.30	.30		
Piledrivermen	9.50	.30	.30		
Cement masons	9.55				
Electricians	10.20	.40	7%+.50		.025
Elevator constructors	9.20	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	7.80				
Ironworkers:					
Structural	9.95	.65	.70		.05
Ornamental	9.95	.65	.70		.05
Reinforcing	9.95	.65	.70		.05
Lathers	8.24		.10		
Leadburners	8.25	.30		o	.01
Line Construction:					
Linemen and equipment operators	9.90	.30	1%		½ of 1%
Groundmen truck driver	7.92	.30	1%		½ of 1%
Groundmen truck driver with winch or pole steel handling	8.42	.30	1%		½ of 1%
Marble setters	7.60	.25	.25	.25	
Painters:					
Brush & roller	8.20				
Paperhangers	8.20				
Spray and sandblasting	8.95				
Plasterers	8.55				
Plumbers and steamfitters	10.20	.25	.60		.02
Roofers	6.20	.35			
Sheet metal workers	8.95	.60	.60		.07
Soft floor layers	9.00	.30	.30		
Sprinkler fitters	10.55	.50	.80		.08
Stone masons	8.50	.25	.25		
Terrazzo workers	7.60	.25	.25	.25	
Tile setters	7.60	.25	.25	.25	
Welders - receive rate prescribed for craft performing operation to which welding is incidental					

KY75-1101 P.2

PAID HOLIDAYS: 34-KY-1-Q

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Nine paid holidays: A through F, plus Washington's Birthday, Christmas Eve and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holidays.

KY75-1101

KY-34-Lab - 1 L (1-1)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. T
GROUP I	5.85	.25	.25		
GROUP II	6.05	.25	.25		
GROUP III	6.20	.25	.25		
GROUP IV	6.25	.25	.25		
GROUP V	6.35	.25	.25		
GROUP VI	6.45	.25	.25		
GROUP VII	7.05	.25	.25		
GROUP VIII	7.35	.25	.25		

GROUP I: Tool room checkers, carpenters' tenders, landscapers, roofers' helpers, sheeting and shoring, construction laborers

GROUP II: Air track drills, jackhammers, wagon drills, pavement breakers, chain saws, Barco tampers, all types of vibrators for concrete and grade work, concrete saws, sewer pipe layers, all storm sewers, sanitary sewers, signal man, asphalt men, rakers, batchmen, plant scale men, form setters (street or highway), hand spiker

GROUP III: Mason tenders, Plaster tenders, bug operators

GROUP IV: Gunnite nozzlemen, Powderman helpers, Fork lift, Pumpmen

GROUP V: Gunnite nozzle machine, Powderman and blasters, Tunnels and cofferdams

GROUP VI: Miners tunnels or cofferdams

GROUP VII: Caisson holes (6' and over including tools), Sand hogs (pressure air)

GROUP VIII: Sand hogs (free air)

KY75-1101 (Cond't)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	9.20	.30	.30		.05
CLASS B	7.06	.30	.30		.05
CLASS C	6.48	.30	.30		.05

Class A:
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, Clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoetype machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, (regardless of lift height), all types of boom cats, core drill, hop tow or push boat, concrete paver, Gradeall, hoist, hyster, pumpcrete, Ross carrier, side boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydro crane, backfiller, gurries, sub-grader

Class B:
All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock) tractor (50 hp. and over) bull float, finish machine, outboard motor boat, flexoplane, firemen, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakemen, mechanic helper, Whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (one drum or buck hoist), well pointe, grout pump, throttle-valve man, tugger, electric vibrator compactor

Class C:
Bituminous distributor, cement gun, conveyor, mud jackm joint machine, roller (earth), tamping machine, tractore (under 50 hp.), vibrator, oiler, concrete saw. burlap and curing machine, hydro-seeder, power form handling equipment, deckhand oiler, hydraulic post driver, and drill helper

KY75-1101 (Cond't)

Kentucky 34-TD-1-B

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
3 tons and under	6.07	a	b		
Over 3 tons, semi-trailer, or pole trailers. dump truck, tandem axle, farm tractor when used to pull bldg. materials or equipment	6.98	a	b		
Truck mechanic, driver, concrete mixer trucks (all types, hauling only on jobs sites)	7.05	a	b		
Greaser tire changer and mechanic s helpers	6.87	a	b		
Driver, Euclid and other heavy moving equipment and low-boy winch truck when used to transport building materials. fork lift truck, when used inside warehouse or storage area	7.15	a	b		

Footnotes:
a. Employer contributes $13.50 per week for employee who has been employed 20 work days within 90 consecutive days.

b. Employer contributes $14.00 per week for employee who has been employed 20 work days within 90 consecutive days.

SUPERSEDEAS DECISION

STATE: Kentucky COUNTY: See Below*
DECISION NUMBER: KY75-1103 DATE: Date of Publication
Supersedes Decision No.: AR-4054 dated November 8, 1974 in 39 FR 39697
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: Adair Barren, Bell Breathitt, Casey Clay Clinton, Cumberland, Estill Floyd, Garrard, Green. Harlan, Hart, Jackson Knott, Knox, Laurel, Lee, Leslie, Letcher, Lincoln, McCreary, Magoffin, Martin, Menifee, Metcalfe, Monroe, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Russell, Taylor, Wayne, Whitley and Wolfe

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY AND HIGHWAY CONSTRUCTION					
Bricklayers	7.45	.25	.25	.30	
Carpenters	7.10	.30	.30	.20	
Cement masons	6.95	.30	.30	.20	
Electricians:					
Wiremen and technician (sound, signal and communication)(inside)	10.70	.40	1%.50		½ of 1%
Linemen (outside)	11.25	.35	1%		½ of 1%
Cable splicers (outside)	11.50	.35	1%		½ of 1%
Groundman:					
1 st 6 mos.	50%a	.35	1%		½ of 1%
2 nd 6 mos.	60%a	.35	1%		½ of 1%
3 rd 6 mos.	65%a	.35	1%		½ of 1%
4 th 6 mos.	70%a	.35	1%		½ of 1%
Over 2 years	75%a	.35	1%		½ of 1%
Ironworkers:					
Structural & Ornamental	9.95	.65	.80		.05
Reinforcing	9.95	.65	.80		.05
Painters:					
Brush and roller	7.00	.25	.30	.20	
Spray	7.00	.25	.30	.20	
Piledriver	6.75	.30	.30	.20	
Plumbers and pipefitters	10.05	.25	.60		.02
Sprinkler fitters	10.55	.50	.80		.08
Footnote:					
a. Percentage of Linemen rate.					

KY75-1103 - (Cond't)
LABORERS

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	5.20	.30	.30	.20	
GROUP II	5.45	.30	.30	.20	
GROUP III	5.45	.30	.30	.20	
GROUP IV	5.55	.30	.30	.20	
GROUP V	5.60	.30	.30	.20	
GROUP VI	6.50	.30	.30	.20	
GROUP VII	5.70	.30	.30	.20	
GROUP VIII	5.75	.30	.30	.20	
GROUP IX	5.80	.30	.30	.20	
GROUP X	6.15	.30	.30	.20	
GROUP XI	6.70	.30	.30	.20	

GROUP I: Laborers

GROUP II: Hand blade operator & batch truck dumpers

GROUP III: Deckhand or scow men

GROUP IV: Power-driver tools: wagon drills, jackhammers, chain saw, concrete saws, sewer pipe layers, bottom men, dry cement handlers, concrete rubbers, mason tenders, sandblaster and concrete chipper, vibrator operators, power wheelbarrow and power buggy, pavement breakers

GROUP V: Asphalt lute, raker men, side rail setters

GROUP VI: Powderman and drill operator of percussion type drills which are both powered and propelled by an independent air supply

GROUP VII: Gunnite nozzleman and gunnite operator

GROUP VIII: Tunnel laborers (free air)

GROUP IX: Tunnel muckers (free air)

GROUP X: Tunnel miners & blasters drillers (free air)

GROUP XI: Caisson workers

KY75-1103 (Cond't)

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HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	9.05	.30	.30		.05
CLASS B	7.06	.30	.30		.05
CLASS C	6.48	.30	.30		.05

CLASS A
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge engineer, elevator, (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine, locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, mechanic welder, orangepeel bucket, piledriver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist (two or more drums), hyster, pumpcrete, ross carrier, side boom, tail boom, rotary drill, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, subgrader.

CLASS B
All air compressors (over 900 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tugger, tractor (50 H.P. and over), bull bloat, finish machine, outboard motor boat, well points, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, joint sealing machine, mechanic helper, whirley oiler, traotair and road widening trencher, grout pump, electric vibrator compactor/self-propelled compactor, throttle valve, elevator (one drum or buck hoist), power sweeper (riding type), core drill and caisson drill helper (truck mounted).

CLASS C
Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractore (under 50 H.P.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, dockhand steerman, hydraulic post driver, core drill and caisson drill helper (track or skid mounted).

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HIGHWAY CONSTRUCTION Power Equipment Operators:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	7.80	.30	.30	.20	
GROUP B	6.50	.30	.30	.20	
GROUP C	6.33	.30	.30	.20	
GROUP D	6.55	.30	.30	.20	

GROUP A: Auto patrol, batcher plant, bituminous paver, cableway, clamshell, concrete pump, concrete mixer (21 cu. ft. or over), crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine, locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, orangepeel, bucket, piledriver, power blade, roller (bituminous), scarifier, shovel, truck crane, well points, winch truck, push dozer, grout pump, high lift, fork lift, (regardless of lift height), all types of boom cats, multipla operator, core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist, hyster, material pump, pumpcrete, ross carrier, sheep foot, side boom throttle - value man, rotary drill, power generator, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, tugger, backfiller gurries, subgrader, electric vibrator compactor, weiderburner,

GROUP B: All air compressor (200 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tractor (50 H.P. and over), bull float, finish machine, outboard motor boat, flexplane, boom type tamping machine, truck crane oiler, switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair and road widening trencher, fireman.

GROUP C: Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth, tamping machine, tractors (under 50 H.P.), vibrator, oiler air compressor (under 200 cu. ft. per min. capacity), concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand oiler, hydraulic post driver.

GROUP D: Greaser on grease facilities servicing heavy equipment

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TRUCK DRIVERS HEAVY* AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	5.73	.30	.30	.20	
GROUP II	5.94	.30	.30	.20	
GROUP III	5.65	.30	.30	.20	
GROUP IV	6.51	.30	.30	.20	
GROUP V	5.70	.30	.30	.20	
GROUP VI	5.80	.30	.30	.20	
GROUP VII	5.55	.30	.30	.20	
GROUP VIII	6.55	.30	.30	.20	
GROUP IX	5.45	.30	.30	.20	
GROUP X	5.75	.30	.30	.20	

GROUP I: Drivers, 3 tons and under, tire changer and mechanic helper

GROUP II: Drivers, over 3 tons

GROUP III: Drivers, distributors; dump truck tandem axle, semi-trailer or pole trailers

GROUP IV: Drivers, euclid and other heavy earth-moving equipment and low boy

GROUP V: Drivers on mixer trucks (all types)

GROUP VI: Driver on pavement breakers

GROUP VII: Driver, winch truck and A-Frame truck when used in transporting materials

GROUP VIII: Greaser on greasing facilities

GROUP IX: Truck helper and warehousemen

GROUP X: Truck mechanic

SUPERSEDEAS DECISION

STATE: Kentucky COUNTY: See below*
DECISION NUMBER: KY75-1102 DATE: Date of Publication
Supersedeas Decision No: KY75-1064 dated June 20, 1975 in 40 FR 26198
DESCRIPTION OF WORK: Building Construction (exoluding single family homes and garden type apartments up to and including 4 stories)

*Counties: Hardin, Jefferson, & Meade

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	9 71	.35	.40		
Boilermakers - Blacksmith	8.55	60	.80		.02
Bricklayers:					
Bricklayers and concrete block layers	9.43	.40	.40		
Caulkers	9.43	.40	.40		
Cleaners	9.43	.40	.40		
Pointers	9.43	.40	.40		
Stone masons	9.43	.40	40		
Carpenters:					
Carpenters	9.25	.30	.30		
Carpenters when work in excess of 30' to 100' above ground or a solid floor on scaffold skip hoist, tower or slip form	9.50	.30	.30		
Carpenters, when working in excess of 100' above ground or a solid floor on scaffold, skip hoist, tower or slip form	9.75	.30	.30		
Carpenters when working on suspended or swinging scaffold	9.50	.30	.30		
Cement masons	9.28	.40			
Electricians, linemen and hole digger:					
Zone 1 (within 36 miles radius of 3rd & Broadway Louisville)	10.98	.29	7%+ 40		½ of 1%
Zone 2 (over 36 mile radius)	11.38	.29	7%+ 40		½ of 1%
Elevator constructors	9 20	.445	.29	3%+a&b	.02
Elevator constructors' helpers	6.44	.445	.29	3%+a&b	.02
Elevator constructors' helpers (prob.)	4.60				
Glaziers	8.50	.35	.35		
Ironworkers:					
Conveyormen, machinery movers	9.95	.65	.70		.05
Structural, ornamental and reinforcing	9.95	.65	.70		.05
Riggers, fence erectors, shesters	9.95	.65	.70		.05
Lathers	9.49		.20		.01
Leadburners	8.25	.30		o	.01
Marble, tile and terrazzo workers	8.80	.25	.40		
Millwrights	10.20	.30	.30		.02

KY75-1102 - (Cond't)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Painters:					
Zone 1 - 35 mile radius from Jefferson Co. Courthouse, Louisville, Ky					
New Construction:					
Basic	7.82	.25	.20		.03
Special	8.17	.25	.20		.03
Spray	8.39	.25	.20		.03
Old Construction:					
Basic	7.48	.25	.20		.03
Special	7.83	.25	.20		.03
Spray	7.93	.25	.20		.03
Zone 2 - Over 35 mile radius from Jefferson Co., Courthouse, Louisville, Ky.					
New Construction:					
Basic	8.17	.25	.20		.03
Special	8.52	.25	.20		.03
Spray	8.62	.25	.20		.03
Old Construction:					
Basic	7.83	.25	.20		.03
Special	8.18	.25	.20		.03
Spray	8.38	.25	.20		.03
Work on bridges (over navigable water) $2.00 per hour premium all zones					
Pilsdrivermen	9.25	.30	.30		
Plasterers	9.30				
Plumbers:					
Zone 1					
Jefferson & Warren Counties	9.77	.36	.75	.77	.07
Zone 2					
Outside Jefferson & Warren Counties 35-mile radius of Jefferson & Warren Counties Courthouse and entire Ft Knox Reservation.	10.22	.36	.75	.77	.07
Zone 3					
Beyond 35-mile radius of Jefferson & Warren Counties Courthouses	10 47	.36	.75	.77	.07
Roofers:					
Roofers	7.00	.50	.20		
Slate, tile and precast concrete slab	7.40	.50	.20		
Helpers	4.80	.50	.20		

KY75-1102 - (Cond't)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Sheet metal workers:					
Zone 1					
Jefferson County	8.95	.60	.60		.07
Zone 2					
Hardin & Meade Counties including Ft. Knox Reservation	9.70	.60	.60		.07
Soft floor layers	9.25	.30	.30		
Sprinkler fitters	10.55	.50	.80		.08
Steamfitters:					
Zone 1					
Jefferson & Warren Counties	9.99	.45	.60	.60	.08
Zone 2					
Outside Jefferson County to 35-mile radius of Jefferson & Warren Counties Courthouses and all of Ft. Knox	10.44	.45	.60	.60	.08
Zone 3					
Beyond 35-mile radius of Jefferson & Warren Counties Courthouses	10.69	.45	.60	.60	.08

Footnotes:
a. Six paid holidays: A through F

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employer who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years

c. Nine paid holidays: A through F, plus Washington's Birthday, Christmas Eve and Good Friday providing employee has worked 45 full days during the 120 calendar days prior to the holidays and the regular scheduled work days immediately preceding and following the holiday.

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

KY75-1102 - (Cond't)

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	6.75	.25	.25		.02
GROUP II	6.95	.25	.25		.02
GROUP III	7.10	.25	.25		.02
GROUP IV	7.25	.25	.25		.02
GROUP V	7.95	.25	.25		.02

GROUP I:
Laborers, general, mobile, sweeper

GROUP II:
Power driven Georgia buggy, chain saw, vibrator operator, mesh handler, power tools (air, diesel electric gasoline), wagon drill, pipelayer, wall man, chip & bush hammer, concrete saw, gasoline tamper machine, walk behind trenching machine, burner man, joint maker, asphalt raker

GROUP III:
Air track driller, mason tender, rail setter (metal), stackman

GROUP IV:
Powderman introflax burning rod, gunnite nozzle man operator, sewer, tunnel laborers (free air), sand hog or mucker (free air)

GROUP V:
Holeman driller piers, augured caissons, sand miner (tunnel free air), caisson workers

KY75-1102 - (Cond't)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	9.20	.30	.30		.05
CLASS B	7.06	.30	.30		.05
CLASS C	6.08	.30	.30		.05

CLASS A:
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoetype machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift, (regardless of lift height), all types of buom cats, core drill, hept tow or push boat, concrete paver, Gradeall, hoist, hyster, pumpcrete, Koss carrier, side boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydr crane, backfiller, gurries, sub-grader

CLASS B:
All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp. and over) bull float, finish machine, outboard motor boat, flexoplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, Whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor

CLASS C:
Bituminous distributur, cement gun, conveyor, mud jackm joint machine, roller (earth), tamping machine, tractors (under 50 hp.), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand oiler, hydraulic post driver, and drill helper

KY75-1102 - (Cond't)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	7.15	a	a	b	
GROUP II	7.05	a	a	b	
GROUP III	6.98	a	a	b	
GROUP IV	6.87	a	a	b	
GROUP V	6.75	a	a	b	

GROUP I:
Winch trucks, A-Frame when used to transport building materials. Euclids and other heavy earth moving equipment, lowboy, fork lift trucks, when used inside warehouse of storage area

GROUP II:
Truck mechanics, concrete mixer trucks (all types, hauling only on the job site)

GROUP III:
Trucks over 3 tons, semi-trailer tandem axle or pole trailers and dumps, farm tractor when used to pull building material or equipment

GROUP IV:
Trucks 3 tons and under, mechanic helper

GROUP V:
Truck helper, warehousemen

FOOTNOTE:
a. Employer contributes $13.50 per week to Health & Welfare and $14.00 per week to Pension for each employee whose name appears on the payroll that week who has been employed a minimum of 20 work days within any 90 consecutive day period

b. Employee who have been regularly employed on a project by an employer for one year and who worked a minimum of 1200 hours during the year receive a vacation and pay for 40 hours. Employees who have been regularly employed on a project by an employer for one year, and who have worked a minimum of 650 hours during the year receive a vacation and pay for 20 hours. Employees who have worked 1200 hours since their 2nd year of employment and have completed three years receive an additional week vacation (40 hours)

SUPERSEDEAS DECISION

STATE: North Dakota

COUNTIES: Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward

DECISION NUMBER: ND75-5130
Supersedes Decision No. ND75-5110 dated August 29, 1975, in 40 FR 40025
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

DATE: Date of Publication

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Zone (B) 15-30 miles of each main P. O.	$9.22	.40	1%	6%	1½%
Electricians	9.65	.40	1%	6%	1½%
Cable Splicers					
Zone (C) Over 30 miles of each main P. O.					
Electricians	9.85	.40	1%	6%	1½%
Cable Splicers	10.28	.40	1%	6%	1½%
Burleigh, Morton and Ward Cos. Zone mileage from main P. O. in the Cities of Minot, Bismarck and Mandan					
Zone (A) Within 0-25 miles of each main P. O.					
Electricians	8.40	.40	1%	6%	1½%
Cable Splicers	8.80	.40	1%	6%	1½%
Zone (B) Over 25 miles from main P. O.					
Electricians	9.90	.40	1%	6%	1½%
Cable Splicers	10.30	.40	1%	6%	1½%
ELEVATOR CONSTRUCTORS (excluding Walsh County)	8.75	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS:					
Ornamental; Structural; Reinforcing	9.19	.52	.50		.05
PAINTERS:					
Cass, Grand Forks, Richland and Steele Counties					
Brush; Roller; Paperhangers	7.75				.02
Sandblasting; Structural Steel					
Spray	8.50				.02
Burleigh and Morton Counties					
Brush	6.25				
Spray	6.55				

DECISION NO. ND75-5130

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Ward County	$5.20				
Brush	5.55				
Spray					
PLASTERERS:					
Grand Forks and Steele Counties	7.62		.15		
Ward County	6.50				
Cass and Richland Counties	8.30				
PLUMBERS:					
Cass, Grand Forks, Richland, Steele, and Walsh Counties	9.20	.38	.20		.01
Burleigh and Morton Counties	8.66	.40	.25		.02
Ward County	9.05	.35	.25		.04
ROOFERS:	6.85				
Cass and Richland Counties					
SHEET METAL WORKERS:					
Burleigh, Grand Forks, Morton, Steele and Ward Counties	9.20				
Cass and Richland Counties	8.05	.40	.10		.01
SOFT FLOOR LAYERS:					
Cass and Richland Counties	5.75	.20			
SPRINKLER FITTERS (except Walsh County)	8.75	.50	.80		.08

FOOTNOTE:
a. Employer credits 2% basic hourly rate for employee with 6 months to 5 years' service; 4% basic hourly rate with over 5 years' service as Vacation Credit Plan. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BUILDING CONSTRUCTION					
LABORERS					
Grand Forks and Steele Counties					
Group 1:					
Laborers; Concrete bucket dumpman	$5.72	.20			
Group 2:					
All power tools (air, gas and electric); Operators of tools that come under the laborers' jurisdiction; Brick, plaster and finisher tender; Sandblaster and gunnite pot tender; Hose tender where under the laborers' jurisdiction	5.87	.20			
Group 3:					
Hod carriers; Non-metallic pipelayer; Gas line wrapping or taping; Sand blaster and gunnite nozzleman where under laborers' jurisdiction; Cutting torch for demolition	6.07	.20			
Burleigh and Morton Counties					
Group 1:					
Laborers; Concrete bucket man; Brick and plasterer tender	5.10	.20			
Groups 2 and 3:					
All power tool operator of tools that come under the laborers' jurisdiction; Material mixer; Hod carriers; Non-metallic pipelayer; Gas line wrapping or taping; Cutting torch for demolition	5.20	.20			

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS: (Cont'd) Cass and Richland Counties					
Group 1: Laborers; Concrete bucket dumpman; Bricktender	$5.29	.20			
Group 2: All power tool operators of tools that come under the laborers' jurisdiction; Plasterers tender; and Mortar mixer	5.44	.20			
Group 3: Nod carriers; Non-metallic pipe layer; Gas line wrapping and taping (Distribution only); Cutting torch for demolition	5.44	.20			
Ward County					
Group 1: Laborer; Concrete bucket dumpman	5.29	.20			
Group 2: All power tool operators of all tools that come under the laborers' jurisdiction; Mortar mixer; and Plasterer tender	5.39	.20			
Group 3: Non-metallic pipe layer; Gas line wrapping or taping (Distribution only); Cutting torch for demolition	5.54	.20			

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DECISION NO ND75-5130

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS					
Group 1: Cranes, tower and overhead; Cherry picker	$ 7.40	.35	.25		
Group 2: Brakemen; Any air compressed operations over 300 well points; Frontend loader over 1½ cu. yds.; Power plant engineer; Straddle carrier; Oiler; Mechanic and welder; Batch plant drill rig; Tractor, over 75 HP; Concrete pumps, stationary and boom type; Forklift, over 3,000 lbs. lifting capacity	6.80	.25	.25		
Group 3: Hoist; Greaser; Concrete mixer operator; Boom truck; Firemen; Tractor, 75 HP and under; Front-end loader, 1½ cu. yds., and under; Air compressor, 300 and under; Forklift, 3,000 lbs. and under lifting capacity; Self-propelled scissor jax	5.80	.35	.25		

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DECISION NO. ND75-5130

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Site Preparation Excavation and Incidential Paving (except Walsh County)					
LABORERS					
Group 1	$3.20				
Group 2	3.30				
Group 3	3.40				
Group 4	3.50				
Site Preparation Excavation and Incidential Paving (except Walsh County)					
POWER EQUIPMENT OPERATORS					
Group 1	7.20	.35	.25		
Group 2	7.05	.35	.25		
Group 3	6.90	.35	.25		
Group 4	6.85	.35	.25		
Group 5	6.60	.35	.25		
Group 6	6.37	.35	.25		
Group 7	5.44	.35	.25		
Group 8	5.29	.35	.25		
Group 9	5.19	.35	.25		
Group 10	4.85	.35	.25		
Site Preparation Excavation and Incidental Paving (except Walsh County)					
TRUCK DRIVERS					
Single Axle	4.77	.35	.15		
Tandem	4.87	.35	.15		
Agitator Dumpcrete	5.12	.35	.15		
Off road heavy end dumps, 20 yds. and under; Tandem Semi, Lowboy	5.12	.35	.15		
Euclid, over 20 yds.	5.75	.35	.15		

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DECISION NO. ND75-5130

LABORERS

Site Preparation Excavation and Incidential Paving (except Walsh County)

Group 1: General Construction Laborer (Chip Spreader Leverman, Fine Grader, Form Grader, Landscape Worker, Pump Operator (prewater) Tunnel Worker, Sign Erector); Reinforced Steel Setter; Sack Shaker (cement and mineral filler); Pipe Handler; Drill Runner Helper; Salamander Heater and Blower Tender

Group 2: Semi-skilled Laborer (Joint Filler Machine Operator, Chip Spreader Operator); Bulk Cement Handler; Conduit Layer, telephone or electrical; Form Setter (pavement); Gas, Electric or Pneumatic Tool Operator (Chipping Hammer, Grinders and Paving Breakers, Tamper (dirt), Concrete Vibrator Operator); Chain Saw Operator; Concrete Curing Man (not water); Bituminous Worker (Shoveler, Dumper, Raker and Floater); Kettleman (bituminous or lead); Concrete Bucket Signalman; Power Buggy Operator; Brick and Mason Tender; Multiplate Pipe Layer; Culvert Pipe Layer

Group 3: Caisson Work; Bottom Man, (sanitary sewer, storm sewer, water, and gas lines); Concrete Mixer Operator (one bag capacity); Mortar Mixer

Group 4: Pipe Layers (sanitary sewer, storm sewer, water, and gas lines); Drill Runner (including Wagon Churn or Air Track); Powderman, Gunite and Sandblast, Nozzleman .

POWER EQUIPMENT OPERATORS

Site Preparation Excavation and Incidential Paving (except Walsh County)

Group 1: Cableway Operator; Crane Operator with over 135' boom; Derrick (Guy and Stiff Leg), (power), (skids and stationary); Front End Loader over 10 cu. yds.; Gantry Crane Operator; Mole Operator, including power supply or tunnel mucking machine; Power Shovel and/or other equipment with shovel type controls 3½ cu. yds.

Group 2: Concrete Mixer Stationary Plant Operator over 34E; Dredge Operatpr or Engineer, Dredge Operator (power) and Engineer; Elevator Grader Operator; Locomotive, Crane Operator; Master Mechanic; Mixer (paving) Concrete Paving Operator, road; Power Shovel and/or other equipment with shovels and/or other equipment with shovel type controls up to 3½ cu. yds.; Scraper Tandem; Tandem Pusher Quad 9 or similar; Tractor Operator (pipeline); Side Boom; Truck Crane Operator; Hydrocrane Operator, 15 ton and over

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POWER EQUIPMENT OPERATORS (Cont'd)

Site Preparation Excavation and Incidential Paving (except Walsh County)

Group 3: Dope Machine Operator (pipeline); Drill Rigs, Heavy Duty Rotery or Churn or Cable Drill; Front End Loader Operator, 6 cu. yds. and over; Locomotive, all types; Pipeline wrapping, cleaning and bending Machine Operator; Power actuated Hydrizontal Boring Machine over 6" Operator (pipeline); Pumpcrete Operator; Refrigeration Plant Engineer; Slip Form Operator (power driven) (paving); Tandem Scraper - twin engine, 50 cu. yds. struck and over

Group 4: Asphalt Paving Machine Operator; Asphalt Plant Operator and Console Board Operator; CMI Grading Operator; Crushing Plant Operator (gravel and stone or grsvel washing crushing and screening plant operator); Front End Loader Operator, 1 cu. yd. up to 6 cu. yds.; Grader or Motor Patrol, Finishing Earth Work and Bituminous; Mechanic or Welder (heavy duty); Rubber Tired Industrial Tractor with Backhoe attachment (water main sanitary sewer and storm sewer, truck line construction); Scraper Operator; Tractor type Dozer D-6 and over; Trenching Machine Operator, sewer and water, (except Ditch Witch or similar use oiler rates); Turnapull Operstor, (or similar type)

Group 5: Bituminous Spreader and Bituminous Finishing Operator (power); Concrete Distributor and Spreader Operator, Finishing Machine Longitudinal Float Operator, Ft. Machine Operator and Spray Operator; Concrete Mixer Operator on job site 16S or over; Paving Breaker or Tamping Machine Operator, including machine with power shovel attachments (power driven); Power actuated Augers and Boring Machine Operator; Power actuated Jacks Operator; Power Plant Engineer, 100 K.W.H. and over; Push Tractor; Self-propelled Traveling Soil Stabilizer; Soil Cement Stabilizer; Truck Mechanic

Group 6: Concrete Saw Operator (multiple blade) (power operated); Fine Grade Operator; Roller, steel and self-propelled rubber, on Hot Mix; Asphalt Paving; Tractor type Dozer under D-6 H.P.; Distributor Operator

Group 7: Brakeman or Switchman; Concrete Batch Plant Operator (cement, rock and sand) Electronic; Concrete Mixer Operator on job site under 16S; Crane Truck Oiler; Grader Operator (Motor Patrol) (haul road); Gravel Screening Plant Operator (portable not crushing or washing); Greaser (truck or tractor); Gunnite Operator Gunall; Hoist Engineer (power); Launchman (Tankerman or Pilot License); Pick-up Sweeper, 1 yd. and over hopper capacity; Shouldering Machine Operator (power Apsco or similar type) including self-propelled Sand Chip Spreader; Flsherty or similar; Sheepsfoot Roller or Compactor (self-propelled)

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 8: Crawler type Tractor pulling Compaction or Areating Equipment; Farm type Rubber Tired Tractor with Backhoe attachment; Self-propelled Vibrating Packer Operator Pad type (35 hp and over); Off road self-propelled watering equipment; Boom Truck Operator; Roller, steel and self-propelled rubber, on other than Hot Mix

Group 9: Bituminous Spreader and Bituminous Finishing Machine Operator (helper) (power); Concrete Batch Operator (cement, rock and sand) (manual); Form Trench Digger (power); Front End Loader Operator up to 1 cu. yd.; Hyster Carrier or Forklift; Leverman; Mechanics' Helpers or Greaser Helper; Oiler (power shovel, crane, dragline); Pugmill Operator; Pump Operator (well points); Self-propelled Broom

Group 10: Conveyor Operator; Curb Machine Operator (manual); Dredge Deck Hand; Farm Tractors, Rubber Tired for Compacting and Areating; Front End Loader Operator (farm type rubber tired tractor); Stump Chipper Operator; Tie Tamper and Ballast Machine Operator

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LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1: Cable Splicer; Lineman; Tractor dozer operator (D-4 and larger) all rigs erecting steal tower and "H" fixtures, also tension-pulling machines	$8.30	.35	1%		1/2%
Group 2: Groundman - operating apecial equipment hole digging machines; Aerial baskets on energized circuits; Tractors (D-4) and larger; Transmission line pole hauling; All Fifth wheel trucks and other setting and assembly equipment excluding steel tower and "H" fixture erection	6.69	.35	1%		1/2%
Group 3: Groundman - truck or tractor driver (with winch); Operators of trucks up to and including 2½ tons; Tractor including D-2 and smaller; Including wheel tractors and crawler tractors	5.58	.35	1%		1/2%
Group 4: Groundman - truck or tractor driver (without winch); Operators of trucks up to and including 2½ tons; D-2 and smaller; including wheel tractors and crawler tractors; Groundmen	5.13	.35	1%		1/2%

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	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Sign Erector	$3.25	$ -	$ -	$ -	$ -
Sign Erector Helper	3.75	3.50	3.00	3.25	3.25
Spreader Box Man	3.10	2.60	-	-	3.00
Swamper					
Power Equipment Operators:					
Asphalt Distributor	4.65	3.50	3.35	3.00	3.25
Asphalt Paving Machine	4.65	3.50	3.50	3.25	3.45
Broom or Sweeper Operator	3.00	2.75	3.25	-	2.70
Bulldozer, 150 HP and Less	3.95	3.00	3.50	3.20	3.25
Bulldozer, over 150 HP	4.20	3.50	3.95	3.50	3.50
Concrete Paving Curing Machine	-	-	-	-	-
Concrete Paving Finishing Machine	-	-	-	-	-
Concrete Paving Form Grader	-	-	-	-	-
Concrete Paving Joint Machine	-	-	-	-	-
Concrete Paving Longitudinal Float	-	-	-	-	-
Concrete Paving Saw	-	-	-	-	-
Concrete Paving Spreader	-	-	-	-	-
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1¼ CY)	4.60	3.85	3.90	3.75	3.65
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1¼ CY and Over)	4.80	4.80	4.25	4.10	4.40
Crusher or Screening Plant Operator	4.15	3.50	3.50	3.00	3.75
Elevating Grader	-	-	4.10	-	-
Form Loader	-	-	-	-	-
Foundation Drill Operator (Crawler Mounted)	-	-	-	-	6.00
Foundation Drill Operator (Truck Mounted)	3.90	-	4.60	-	6.00
Foundation Drill Operator Helper	-	-	-	-	3.55
Front End Loader (2¼ CY and Less)	3.75	3.30	3.50	3.30	3.25
Front End Loader (Over 2¼ CY)	4.30	3.85	3.75	3.70	4.00
Mixer (over 16 CF)	-	-	-	-	-
Motor Grader Operator, Fine Grade	4.80	4.65	4.40	4.00	4.25
Motor Grader Operator	4.45	4.10	4.00	3.75	3.75
Pump Crete	-	-	-	-	-
Roller, Steel Wheel (Plant-Mix Pavements)	3.40	3.20	3.25	3.25	2.75
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.45	3.00	2.90	2.75	2.85
Roller, Pneumatic (Self-Propelled)	3.25	3.00	2.50	2.50	2.50
Scrapers (17 CY and Less)	3.50	3.50	3.45	3.25	3.00
Scrapers (Over 17 CY)	4.20	3.50	3.50	3.50	3.50
Self-Propelled Hammer	-	-	-	-	-

SUPERSEDES DECISION

STATE: Texas COUNTY: Statewide (excluding Dallas-Fort Worth Regional Airport)

DECISION NO.: TX75-4159 DATE: Date of Publication

Supersedes Decision No. TX75-4086, dated May 16, 1975, in 40 FR 21667.

DESCRIPTION OF WORK: See "Area Covered by Various Zones"

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ -	$ -	$2.90	$ -	$2.75
Asphalt Hesterman	3.50	3.10	3.00	-	2.75
Asphalt Raker	3.90	3.25	3.25	3.00	3.00
Asphalt Shoveler	-	2.60	2.50	2.50	2.50
Batching Plant Scaleman	4.30	3.75	3.35	3.35	-
Batterboard Setter	-	-	3.65	3.65	2.50
Carpenter	4.70	3.75	2.50	3.50	3.75
Carpenter Helper	3.25	3.25	2.75	3.00	2.80
Concrete Finisher (Paving)	4.15	-	3.00	2.50	2.95
Concrete Finisher Helper (Paving)	3.40	-	2.75	3.20	3.65
Concrete Finisher (Structures)	4.65	3.50	3.75	2.75	3.00
Concrete Finisher Helper (Structures)	3.25	3.15	3.00	2.75	2.50
Concrete Rubber	-	-	-	6.00	6.50
Electrician	-	-	-	4.60	3.20
Electrician Helper	-	-	-	-	-
Fireman	-	-	4.00	3.15	3.85
Form Builder (Structures)	-	-	3.00	2.65	2.95
Form Builder Helper (Structures)	5.00	-	-	3.00	-
Form Liner (Paving and Curb)	4.90	-	3.75	3.60	3.75
Form Setter (Paving and Curb)	3.50	-	2.75	-	3.00
Form Setter Helper (Paving and Curb)	4.80	3.50	4.00	3.40	3.50
Form Setter (Structures)	4.20	3.00	2.75	2.70	2.75
Form Setter Helper (Structures)	2.75	2.60	2.50	2.10	2.25
Laborer, Common	3.00	3.00	2.75	2.65	2.50
Laborer, Utility Man	-	-	3.00	-	2.75
Manhole Builder, Brick	4.50	3.95	3.95	3.50	4.10
Mechanic	3.55	3.20	3.10	3.00	3.00
Mechanic Helper	3.55	3.20	3.25	3.00	3.00
Oiler	3.80	3.40	3.30	3.40	4.90
Serviceman	5.00	-	-	-	3.00
Painter (Structures)	-	-	-	2.75	5.30
Painter Helper (Structures)	-	-	-	2.75	3.00
Piledriverman	3.25	-	3.50	2.75	3.00
Pipelayer	-	-	2.90	2.25	2.75
Pipelayer Helper	4.20	4.00	4.00	3.60	3.75
Powderman	-	-	3.10	3.00	2.50
Powderman Helper	-	-	-	-	-
Reinforcing Steel Setter (Paving)	4.50	4.10	4.00	3.10	3.65
Reinforcing Steel Setter (Structures)	-	-	2.75	2.75	2.70
Reinforcing Steel Setter Helper	-	-	-	-	4.30
Steel Worker (Structural)	-	-	-	-	-
Steel Worker Helper (Structural)	-	-	-	-	-

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	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Electrician	$7.50	$7.05	$6.00	$6.40	$ -
Electrician Helper 4	-	5.80	-	-	-
Fireman	4.00	3.75	3.55	4.00	4.00
Form Builder (Structures)	3.00	3.00	3.00	3.25	3.00
Form Builder Helper (Structures)	3.00	3.50	3.75	-	4.25
Form Liner (Paving and Curb)	3.00	3.00	4.00	-	4.00
Form Setter (Paving and Curb)	2.75	-	2.60	-	3.60
Form Setter (Structures)	3.75	3.90	3.50	-	4.00
Form Setter Helper (Structures)	3.00	3.00	3.00	4.00	4.15
Laborer, Common	2.35	2.45	2.50	2.50	3.50
Laborer, Utility Man	2.85	2.85	2.75	2.90	2.70
Manhole Builder, Brick	3.50	3.50	-	-	3.00
Mechanic	4.00	4.10	4.00	4.50	-
Mechanic Helper	2.85	3.10	3.00	3.80	4.00
Oiler	2.80	2.95	3.00	3.75	2.75
Serviceman	2.50	3.00	3.00	3.50	3.50
Painter (Structures)	-	5.00	5.25	-	3.75
Painter Helper (Structures)	-	-	-	-	-
Piledriverman	3.75	3.50	3.00	3.25	3.50
Pipelayer	2.85	2.50	2.75	2.50	3.50
Pipelayer Helper	2.50	-	2.25	3.75	4.25
Powderman	-	-	-	-	-
Powderman Helper	-	-	3.00	-	3.00
Reinforcing Steel Setter (Paving)	3.30	3.50	3.75	3.50	4.20
Reinforcing Steel Setter (Structures)	2.40	3.00	3.00	2.50	3.00
Reinforcing Steel Setter Helper	-	-	-	-	-
Steel Worker (Structural)	-	-	-	-	-
Steel Worker Helper (Structural)	-	-	3.25	3.25	3.55
Sign Erector	-	3.00	2.95	-	3.00
Sign Erector Helper	3.25	-	3.15	3.65	3.00
Spreader Box Man	-	-	-	3.30	-
Swamper					
Power Equipment Operators:					
Asphalt Distributor	3.25	3.35	3.50	4.00	3.75
Asphalt Paving Machine	3.50	3.65	3.50	4.00	3.75
Broom or Sweeper Operator	2.50	2.45	3.10	3.10	-
Bulldozer, 150 HP and Less	3.25	3.25	3.25	3.75	3.95
Bulldozer, over 150 HP	3.55	3.50	3.50	4.00	4.25
Concrete Paving Curing Machine	-	-	-	-	4.25
Concrete Paving Finishing Machine	-	-	-	-	-
Concrete Paving Joint Machine	-	-	-	-	-

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Decision Number TX75-4159 Page 3

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):	$ -	$ -	$3.70	$ -	$ -
Side Boom					
Tractor (Crawler Type) 150 HP and Less	3.00	3.00	-	2.80	2.50
Tractor (Crawler Type) over 150 HP	3.70	3.50	3.25	3.00	3.35
Tractor (Pneumatic) 80 HP and Less	3.10	3.40	3.25	2.75	3.25
Tractor (Pneumatic) over 80 HP	3.55	3.60	3.50	3.50	3.50
Traveling Mixer	3.75	3.25	-	-	-
Trenching Machine, Light	-	3.00	3.70	2.50	3.50
Trenching Machine, Heavy	-	-	3.80	-	3.50
Wagon Drill, Rotary Machine or Rock Hole Driller Operator	3.55	3.60	3.50	3.50	3.50
Truck Drivers:					
Single Axle, Light	3.00	2.75	2.95	2.75	2.50
Single Axle, Heavy	3.40	3.00	3.00	2.75	2.50
Tandem Axle or Semitrailer	3.00	3.00	3.00	2.70	2.75
Lowboy-Float	3.50	-	3.35	2.50	3.25
Transit-Mix	-	-	2.60	2.75	-
Winch	-	-	3.40	-	3.50
Vibrator Man (Hand Type)	2.75	2.70	2.75	2.65	-
Weighman (Truck Scales)	4.80	4.00	4.00	3.70	4.00
Welder	-	-	-	-	3.30
Welder Helper					

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$2.75	$ -	$3.30	$2.80	$ -
Asphalt Hesterman	3.25	2.75	3.00	3.40	3.75
Asphalt Raker	3.25	3.10	3.00	3.25	3.00
Asphalt Shoveler	2.50	2.50	-	-	2.50
Batching Plant Scaleman	3.40	3.00	3.75	3.75	4.25
Batterboard Setter	-	3.10	-	-	-
Carpenter	3.50	3.80	3.50	4.00	4.25
Carpenter Helper	2.40	3.00	2.50	3.00	4.25
Concrete Finisher (Paving)	2.75	-	-	-	3.50
Concrete Finisher Helper (Paving)	2.35	-	-	-	-
Concrete Finisher (Structures)	3.35	3.65	3.70	3.85	4.00
Concrete Finisher Helper (Structures)	2.65	3.25	3.00	2.50	3.25
Concrete Rubber	-	-	2.75	-	-

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Concrete Paving Longitudinal Float	$ -	$ -	$ -	$ -	$4.25
Concrete Paving Saw	-	-	-	3.50	3.75
Concrete Paving Spreader	-	-	-	-	3.60
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1¼ CY)	3.00	3.55	3.90	4.00	4.25
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1¼ CY and Over)	4.25	4.25	4.25	4.25	4.65
Crusher or Screening Plant Operator	-	3.50	-	3.75	-
Elevator Grader	-	-	-	-	-
Form Loader	-	-	-	-	-
Foundation Drill Operator (Crawler Mounted)	-	-	5.75	-	-
Foundation Drill Operator (Truck Mounted)	-	-	6.00	5.15	4.50
Foundation Drill Operator Helper	-	-	3.60	3.00	3.45
Front End Loader (2½ CY and Less)	3.00	3.00	3.00	3.75	3.50
Front End Loader (Over 2½ CY)	3.50	3.50	4.00	4.00	4.30
Mixer (Over 16 CF)	-	-	-	-	-
Motor Grader Operator, Fine Grade	4.00	4.25	4.50	4.50	4.25
Motor Grader Operator	3.50	3.50	3.70	4.00	4.00
Pump Crete	-	-	-	-	-
Roller, Steel Wheel (Plant-Mix Pavements)	2.65	3.00	3.15	3.00	3.50
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.60	2.60	2.50	3.00	3.60
Roller, Pneumatic (Self-Propelled)	2.60	2.45	2.50	2.95	3.00
Scrapers (17 CY and Less)	3.00	3.25	3.00	3.50	3.75
Scrapers (Over 17 CY)	3.50	3.25	3.60	3.75	4.00
Self-Propelled Hammer	-	-	-	-	4.25
Side Boom	-	-	-	-	-
Tractor (Crawler Type) 150 HP and Less	2.85	2.60	2.75	3.00	-
Tractor (Crawler Type) over 150 HP	3.10	3.25	3.50	3.50	4.10
Tractor (Pneumatic) 80 HP and Less	2.75	2.50	2.75	2.70	3.35
Tractor (Pneumatic) over 80 HP	3.00	2.90	-	3.10	3.50
Traveling Mixer	3.00	2.80	-	-	3.25
Trenching Machine, Light	-	3.65	2.95	-	-
Trenching Machine, Heavy	-	-	-	3.75	-
Wagon Drill, Boring Machine or Post Hole Driller Operator	-	-	3.00	3.15	3.80

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Truck Drivers:					
Single Axle, Light	$2.35	$2.45	$2.50	$3.00	$3.00
Single Axle, Heavy	2.50	2.50	2.75	3.00	3.10
Tandem Axle or Semitrailer	2.35	2.75	3.00	3.00	3.50
Lowboy-Float	-	3.00	-	3.00	4.25
Transit-Mix	-	-	-	-	-
Winch	-	-	-	-	-
Vibrator Man (Hand Type)	-	-	-	-	-
Weighman (Truck Scales)	-	-	-	2.50	-
Welder	3.75	3.50	4.15	4.00	4.15
Welder Helper	-	-	-	3.25	-

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$3.10	$ -	$ -	$ -	$3.50
Asphalt Heaterman	-	2.75	3.35	-	3.35
Asphalt Raker	4.00	3.75	3.15	3.25	3.55
Asphalt Shoveler	-	3.00	2.90	-	-
Batching Plant Scaleman	4.25	2.90	-	2.85	4.00
Batterboard Setter	-	-	-	-	-
Carpenter	4.25	4.00	4.35	3.90	4.35
Carpenter Helper	3.20	3.30	3.30	3.50	3.50
Concrete Finisher (Paving)	4.00	4.00	4.60	-	4.75
Concrete Finisher Helper (Paving)	3.40	3.25	3.10	-	3.50
Concrete Finisher (Structures)	4.00	4.00	4.00	4.00	4.30
Concrete Finisher Helper (Structures)	3.00	3.50	3.50	3.00	3.60
Concrete Rubber	3.00	4.00	-	-	3.80
Electrician	5.75	5.75	5.25	-	6.00
Electricians Helper	3.75	-	-	-	-
Fireman	-	-	2.90	3.00	-
Form Builder (Structures)	4.25	3.75	4.25	4.25	3.50
Form Builder Helper (Structures)	3.50	2.95	3.00	2.50	2.85
Form Liner (Paving and Curb)	4.25	4.30	-	-	4.75
Form Setter (Paving and Curb)	4.00	3.50	3.50	-	4.50
Form Setter Helper (Paving and Curb)	2.90	3.00	3.00	-	3.50
Form Setter (Structures)	4.00	4.00	3.50	4.00	4.25
Form Setter Helper (Structures)	3.45	3.30	3.00	2.55	3.60
Laborer, Common	2.50	2.50	2.50	2.50	2.85
Laborer, Utility Man	2.60	3.15	3.00	2.60	3.00

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Manhole Builder, Brick	$ -	$ -	$ -	$ -	$3.90
Mechanic	4.20	3.75	4.95	4.00	4.75
Mechanic Helper	3.10	3.15	3.50	3.00	4.00
Oiler	3.35	3.40	3.20	3.00	3.25
Serviceman	3.50	3.50	3.75	2.75	3.95
Painter (Structures)	-	4.50	-	-	5.50
Painter Helper (Structures)	-	-	-	-	4.00
Piledrivermen	-	-	-	-	4.00
Pipelayer	3.00	3.10	3.20	-	4.75
Pipelayer Helper	2.60	2.65	-	-	3.75
Powderman	4.50	4.25	-	3.40	-
Powderman Helper	-	3.25	-	-	-
Reinforcing Steel Setter (Paving)	3.25	-	-	-	3.85
Reinforcing Steel Setter (Structures)	4.00	3.50	-	3.75	4.20
Reinforcing Steel Setter Helper	3.25	3.00	-	-	2.85
Steel Worker (Structural)	4.00	4.50	-	-	4.50
Steel Worker Helper (Structural)	-	-	-	-	3.60
Sign Erector	-	-	-	-	-
Sign Erector Helper	-	-	-	-	-
Spreader Box Man	-	3.00	4.00	-	4.00
Sweeper	-	-	-	-	-
Power Equipment Operators:					
Asphalt Distributor	3.75	3.25	3.75	3.25	3.25
Asphalt Paving Machine	4.00	3.75	3.65	3.45	4.00
Broom or Sweeper Operator	-	3.50	3.25	3.25	3.10
Bulldozer, 150 HP and Less	3.50	3.75	3.75	3.25	4.00
Bulldozer, over 150 HP	4.00	4.00	4.15	3.50	4.30
Concrete Paving Curing Machine	-	-	-	-	3.60
Concrete Paving Finishing Machine	3.50	3.75	-	-	3.50
Concrete Paving Form Grader	-	-	-	-	-
Concrete Paving Joint Machine	-	-	-	-	4.15
Concrete Paving Longitudinal Float	-	-	-	-	4.50
Concrete Paving Saw	3.10	3.75	-	-	4.25
Concrete Paving Spreader	-	4.00	-	-	4.10
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1¼ CY)	4.00	4.00	4.00	4.00	4.00
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1¼ CY and Over)	4.50	4.50	4.50	4.55	5.00
Crusher or Screening Plant Operator	-	3.75	-	3.35	3.50
Elevating Grader	-	-	-	-	-
Form Loader	-	-	-	-	3.50

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Foundation Drill Operator (Crawler Mounted)	$ -	$ -	$ -	$ -	$6.10
Foundation Drill Operator (Truck Mounted)	4.95	5.75	-	-	-
Foundation Drill Operator Helper	3.35	3.85	-	-	-
Front End Loader (2½ CY and Less)	3.75	3.40	3.75	3.50	3.50
Front End Loader (Over 2½ CY)	4.00	4.00	4.00	3.75	4.50
Mixer (Over 16 CF)	-	-	-	-	4.00
Motor Grader Operator, Fine Grade	4.50	4.50	4.50	4.00	4.75
Motor Grader Operator	4.00	4.00	4.00	3.50	4.50
Pump Crete	-	3.60	-	-	-
Roller, Steel Wheel (Plant-Mix Pavements)	4.00	3.25	3.65	3.15	4.00
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00	3.00	3.25	2.70	3.50
Roller, Pneumatic (Self-Propelled)	3.50	3.90	3.45	2.90	3.50
Scrapers (17 CY and Less)	3.75	3.75	3.50	3.00	3.25
Scrapers (Over 17 CY)	4.20	4.00	4.00	3.50	4.25
Self-Propelled Hammer	-	-	-	-	-
Side Boom	-	-	-	-	-
Tractor (Crawler Type) 150 HP and Less	3.25	3.30	-	-	3.25
Tractor (Crawler Type) over 150 HP	4.00	3.50	4.35	-	4.00
Tractor (Pneumatic) 80 HP and Less	-	-	-	-	3.35
Tractor (Pneumatic) over 80 HP	4.10	3.35	-	-	3.90
Traveling Mixer	3.00	3.45	4.25	3.00	3.35
Trenching Machine, Light	3.00	-	-	-	4.25
Trenching Machine, Heavy	-	-	-	-	-
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.35	3.50	-	3.00	-
Truck Drivers:					
Single Axle, Light	3.00	3.00	3.00	2.50	3.00
Single Axle, Heavy	3.00	2.80	3.50	2.50	3.45
Tandem Axle or Semitrailer	3.25	2.75	3.00	2.75	2.85
Lowboy-Float	-	3.50	3.55	-	4.25
Transit-Mix	3.00	-	-	-	-
Winch	-	-	-	-	3.50
Vibrator Man (Hand Type)	2.50	2.50	-	-	-
Weighman (Truck Scales)	3.00	2.75	-	-	2.85
Welder	4.00	4.00	-	-	4.60
Welder Helper	-	-	-	-	3.30

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ -				
Asphalt Heaterman	-				
Asphalt Raker	4.00				
Asphalt Shoveler	-				
Batching Plant Scaleman	4.00				
Batterboard Setter	-				
Carpenter	4.60				
Carpenter Helper	3.60				
Concrete Finisher (Paving)	4.55				
Concrete Finisher Helper (Paving)	-				
Concrete Finisher (Structures)	4.50				
Concrete Finisher Helper (Structures)	-				
Concrete Rubber	-				
Electrician	6.30				
Electrician Helper	-				
Fireman	-				
Form Builder (Structures)	-				
Form Builder Helper (Structures)	-				
Form Liner (Paving and Curb)	-				
Form Setter (Paving and Curb)	4.25				
Form Setter Helper (Paving and Curb)	-				
Form Setter (Structures)	4.75				
Form Setter Helper (Structures)	-				
Laborer, Common	3.00				
Laborer, Utility Man	3.70				
Manhole Builder, Brick	-				
Mechanic	4.50				
Mechanic Helper	-				
Oiler	4.50				
Serviceman	3.25				
Painter (Structures)	-				
Painter Helper (Structures)	-				
Piledrivermen	-				
Pipelayer	3.25				
Pipelayer	-				
Powderman	-				
Powderman Helper	-				
Reinforcing Steel Setter (Paving)	-				
Reinforcing Steel Setter (Structures)	-				
Reinforcing Steel Setter Helper	-				
Steel Worker (Structural)	-				
Steel Worker Helper (Structural)	-				

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Sign Erector	$ -				
Sign Erector Helper	-				
Spreader Box Man	4.50				
Swamper	-				
Power Equipment Operators:					
Asphalt Distributor	4.50				
Asphalt Paving Machine	4.75				
Broom or Sweeper Operator	3.00				
Bulldozer, 150 HP and Less	4.25				
Bulldozer, over 150 HP	4.50				
Concrete Paving Curing Machine	-				
Concrete Paving Finishing Machine	-				
Concrete Paving Form Grader	4.50				
Concrete Paving Joint Machine	-				
Concrete Paving Longitudinal Float	-				
Concrete Paving Saw	-				
Concrete Paving Spreader	4.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.15				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	5.00				
Crusher or Screening Plant Operator	-				
Elevating Grader	-				
Form Loader	-				
Foundation Drill Operator (Crawler Mounted)	-				
Foundation Drill Operator (Truck Mounted)	-				
Foundation Drill Operator Helper	-				
Front End Loader (2½ CY and Less)	3.50				
Front End Loader (Over 2½ CY)	4.50				
Mixer (Over 16 CF)	-				
Motor Grader Operator, Fine Grade	4.75				
Motor Grader Operator	4.25				
Pump Crete	-				
Roller, Steel Wheel (Plant-Mix Pavements)	-				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	4.25				
Roller, Pneumatic (Self-Propelled)	3.80				
Scrapers (17 CY and Less)	4.25				
Scrapers (Over 17 CY)	4.50				

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Self-Propelled Hammer	$ -				
Side Boom	-				
Tractor (Crawler Type) 150 HP and Less	-				
Tractor (Crawler Type) over 150 HP	4.50				
Tractor (Pneumatic) 80 HP and Less	3.15				
Tractor (Pneumatic) over 80 HP	4.25				
Traveling Mixer	3.90				
Trenching Machine, Light	-				
Trenching Machine, Heavy	-				
Wagon Drill, Boring Machine or Post Hole Driller Operator	-				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	-				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	4.80				
Transit-Mix	-				
Winch	-				
Vibrator Man (Hand Type)	-				
Weighman (Truck Scales)	-				
Welder	5.45				
Welder Helper	-				

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AREA COVERED BY VARIOUS ZONES

ZONE 1 - Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hardeman, Harcley, Hemphill, Hutchinson, Lipscomb, Montague, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita & Wilbarger Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 2 - Bailey, Borden, Cochran, Cottle, Crosby, Dawson, Dickens, Fisher, Floyd, Foard, Gaines, Garza, Hale, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Scurry, Shackelford, Stephens, Stonewall, Terry, Throckmorton, Yoakum & Young Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 3 - Andrews, Brown, Callahan, Coke, Coleman, Comanche, Concho, Crane, Crockett, Eastland, Ector, Erath, Glasscock, Howard, Irion, Kimble, Loving, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Upton, Ward & Winkler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 4 - Brewster, Culberson, El Paso*, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves & Terrell Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Not to be used for Utilities Incidental to General Building Construction in El Paso County

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ZONE 5 - Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Guadalupe, Kendall, Kerr, Kinney, LaSalle, Maverick, McMullen, Medina, Real, Uvalde, Val Verde, Wilson & Zavala Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 6 - Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Kenedy, Starr, Webb, Willacy & Zapata Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 7 - Aransas, Bee, Calhoun, DeWitt, Goliad, Jackson, Jim Wells, Karnes, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio & Victoria Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 8 - Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis & Williamson Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 9 - Bell*, Bosque, Coryell*, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone, McLennan & Navarro Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Not to be used for Paving & Utilities Incidental to General Building Construction in Bell & Coryell Counties

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ZONE 10 - Cooke, Denton, Hood, Jack, Johnson, Palo Pinto, Parker, Sommervell, Tarrant* & Wise Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels, dams & work performed on the site of water or sewage treatment facilities) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Not to be used for Utilities Incidental to General Building Construction in Tarrant County

ZONE 11 - Collin, Dallas, Ellis, Grayson & Rockwall Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels, dams & work performed on the site of water or sewage treatment facilities) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 12 - Bowie, Camp, Cass, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Raine, Red River, Rusk, Smith, Titus, Upshur, Van Zandt & Wood Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 13 - Anderson, Angelina, Cherokee, Henderson, Houston, Jasper, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity & Tyler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

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ZONE 14 - Brazos, Burleson, Grimes, Leon, Madison, Milam, Robertson, Walker & Washington Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 15 - Brazoria, Fort Bend, Galveston*, Harris, Matagorda, Montgomery, Waller & Wharton Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Not to be used for Paving & Utilities Incidental to General Building Construction on Galveston Island and work performed on the site of water or sewage treatment facilities in Galveston County

ZONE 16 - Chambers, Hardin, Jefferson*, Liberty & Orange* Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DECISION NO.: TX75-4161 DATE: Date of Publication

Supersedes Decision No. TX75-4118, dated July 11, 1975, in 40 FR 29529.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$8.65		.20		
CARPENTERS	8.45				
CEMENT MASONS	7.80				
ELECTRICIANS	8.53	.40	1%		1/2%
LABORERS:					
Laborers	4.31	.30	.10		
Mason tenders	4.66	.30	.10		
PAINTERS	6.60		.20		
PLUMBERS	8.18	.25	.55	.30	
SHEET METAL WORKERS	5.08		.10		.04
TILE SETTERS	4.60				

DECISION NO. TX75-4161

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asphalt Heaterman	$3.50				
Asphalt Raker	3.90				
Batching Plant Scaleman	4.30				
Carpenter	4.70				
Carpenter Helper	3.25				
Concrete Finisher (Paving)	4.15				
Concrete Finisher Helper (Paving)	3.40				
Concrete Finisher (Structures)	4.65				
Concrete Finisher Helper(Structures)	3.25				
Form Liner (Paving and Curb)	5.00				
Form Setter (Paving and Curb)	4.90				
Form Setter Helper (Paving and Curb)	3.50				
Form Setter (Structures)	4.80				
Form Setter Helper (Structures)	4.20				
Laborer, Common	2.75				
Laborer, Utility Man	3.00				
Mechanic	4.50				
Mechanic Helper	3.55				
Oiler	3.55				
Serviceman	3.80				
Painter (Structures)	5.00				
Pipelayer	3.25				
Powderman	4.20				
Reinforcing Steel Setter(Structures)	4.50				
Sign Erector	3.25				
Spreader Box Man	3.75				
Swamper	3.10				
Power Equipment Operators:					
Asphalt Distributor	4.65				
Asphalt Paving Machine	4.65				
Broom or Sweeper Operator	3.00				
Bulldozer, 150 HP and Less	3.95				
Bulldozer, over 150 HP	4.20				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.60				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	4.80				
Crusher or Screening Plant Operator	4.15				
Foundation Drill Operator (Truck Mounted)	3.90				
Front End Loader (2½ CY and Less)	3.75				
Front End Loader (Over 2½ CY)	4.30				

DECISION NO. TX75-4161

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd):					
Motor Grader Operator, Fine Grade	$4.80				
Motor Grader Operator	4.45				
Roller, Steel Wheel (Plant-Mix Pavements)	3.40				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.45				
Roller, Pneumatic (Self-Propelled)	3.25				
Scrapers (17 CY and Less)	3.50				
Scrapers (Over 17 CY)	4.20				
Tractor (Crawler Type) 150 HP and Less	3.00				
Tractor (Crawler Type) over 150 HP	3.70				
Tractor (Pneumatic) over 80 HP	3.30				
Traveling Mixer	3.75				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.55				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.60				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	3.50				
Weighman (Truck Scales)	2.75				
Welder	4.80				

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DECISION NO. TX75-4160

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GLAZIERS	$5.75	.55	.60		.10
IRONWORKERS	8.25				
LABORERS:					
GROUP 1 - Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing steel, chain saw, clean-up, loading & unloading materials, wrecking buildings & all structures & all unskilled laborers	4.51	.30	.10		
GROUP 2 - Air tool operator (jackhammer, tamper, brush hammer, chipping hammer, air or electric), sand blaster, power buggy man, pipelayer (concrete & clay & all non-metallic pipe), & pipe wrappers; mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders, asphalt rakers, tampers, well drillers, bail hole men, dumpers, spotters	4.66	.30	.10		.01
LATHERS	8.00				
LINE CONSTRUCTION:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos.:					
Lineman	8.53	.40	1%		1/2%
Cable splicers	9.38	.40	1%		1/2%
Groundman, more than 1 year experience	5.61	.40	1%		1/2%
Groundman, less than 1 year experience	4.90	.40	1%		1/2%
Operator-hole digger, line truck	6.50	.40	1%		1/2%
Flat bed truck driver	4.90	.40	1%		1/2%

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DECISION NO.: TX75-4160

Supersedes Decision No. TX75-4135, dated July 25, 1975, in 40 FR 31569.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

DATED: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.00	.35	.30		.02
BOILERMAKERS	8.00	.50	.75		.02
BRICKLAYERS & STONEMASONS	8.65		.20		
CARPENTERS:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos.:					
Carpenters	8.45				
Millwrights	8.80				
ZONE 2 - Childress County:					
Carpenters	7.90	.30	.40		.07
Millwrights	8.39	.30	.40		.07
CEMENT MASONS:					
Cement masons	7.80				
Machine operators	8.05				
ELECTRICIANS:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos.:					
Electricians	8.53	.40	1%		1/2%
Cable splicers	9.38	.40	1%		1/2%
ZONE 2 - Childress County:					
Electricians	9.25	.20	1%		1/4%
Cable splicers	9.50	.20	1%		1/4%
ELEVATOR CONSTRUCTORS	4.06	.175	.20	2%+4b	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+4b	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	30%JR				

FOOTNOTES: a-1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate. b-Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

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CLASSIFICATION DEFINITIONS FOR POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 3 - Air compressors, pumps, welding machines, chemcle valves, light plants (3 - 6); Farm type tractor (loader, under 1 yd.) with backhoe; Godevil; Mixer, 14 cu. ft. or over; Rollers, over 10 tons; Air compressors and one tugger; 2 or more boilers; All other equipment of similar nature coming within the light class, when power operated

GROUP 4 - Winch trucks

GROUP 5 - Front end scoopmobile, loader & payloader

GROUP 6 - Blade grader, trenching machines, boom type backhoe; Elevators, building; Fork lifts; Hoist, single drum or one line hoisting (1 tugger); Mixers, less than 14 cu. ft.; Rollers; Screening plants; Crushing plants; Tractors wheel type except when hauling material; Truck crane driver and/or oiler; Front end crane

GROUP 7 - Mechanic helper; Welder helper; Fireman

GROUP 8 - Greasers

GROUP 9 - Oilers, 1st year

GROUP 10 - Oilers, 2nd year

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROOFERS	$4.50				
SHEET METAL WORKERS	8.68		.20		.07
SPRINKLER FITTERS	10.10	.50	.80		.08
TERRAZZO WORKERS	4.60				
TILE SETTERS	4.60				
TRUCK DRIVERS:					
1/2 ton to 3 tons	2.86				
3 to 5 tons	3.13				
5 tons and over	3.36				
Ready mix concrete to 3 yds.	2.86				
Ready mix concrete over 3 yds.	3.13				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

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DECISION NO. TX75-4160

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION (CONT'D):					
ZONE 2 - Childress County:					
Lineman; Operator	$9.86		1%		1/2%
Cable splicer	10.85		1%		1/2%
Groundman, 1st 6 months	5.92		1%		1/2%
Groundman, 2nd 6 months	6.41		1%		1/2%
Groundman, 1 year & over	6.90		1%		1/2%
MARBLE MASONS (EXTERIOR)	8.65		.20		
MARBLE MASONS (INTERIOR)	8.80				
PAINTERS:					
GROUP 1 - Brush & roller; paperhangers; parts-tapers	6.60		.20		
GROUP 2 - Structural steel painters; swinging stage or chair below 60 ft.	6.725		.20		
GROUP 3 - Spray painters & sandblasters	7.35		.20		
GROUP 4 - Parts-tape machine operator	6.85		.20		.01
PLASTERERS	8.00				
PLUMBERS & PIPEFITTERS	8.18	.25	.55	.30	
POWER EQUIPMENT OPERATORS:					
GROUP 1	6.49	.30	.35		.05
GROUP 2	6.34	.30	.35		.05
GROUP 3	6.15	.30	.35		.05
GROUP 4	6.06	.30	.35		.05
GROUP 5	6.01	.30	.35		.05
GROUP 6	5.90	.30	.35		.05
GROUP 7	5.71	.30	.35		.05
GROUP 8	5.51	.30	.35		.05
GROUP 9	5.40	.30	.35		.05
GROUP 10	5.53	.30	.35		.05

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Utility operator

GROUP 2 - Blade grader, self-propelled; Clam shells; Cableways; Cranes, power operated (all types); Air compressors; Pumps, welding machines and light plants; Derricks, power operated (all types); Draglines; Elevating graders, self-propelled; Hoist, 2 drum or more; Locomotives; Mixmobiles; Paving mixers, all types; Pile drivers; Scrapers; Bulldozers; Side booms; Cherry pickers; Shovels; Heavy duty mechanic; All welders; All tractors with power attachments (crawler type); Ditching machine; Farm type tractor (loader, 1 yd & over) with backhoe; All other equipment of similar nature coming within the heavy class, when power operated

V40N202 OCT 17 75 XUM

SUPERSEDEAS DECISION

STATE: West Virginia
DECISION NO.: WV75-3105
Supersedes Decision No. WV75-3009, dated January 31, 1975, in 40 FR 4883.
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTY: Statewide
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS & STONEMASONS:					
ZONE 1	$ 9.06	.50	.75		
ZONE 2	8.55	.30	.30	.30+d	
ZONE 3	8.60	.50	4%	6%	.02
ZONE 4	9.48	.35			.02
ZONE 5	9.40	.30	.25		
ZONE 6	9.65	.40			
ZONE 7	10.63		.20		
ZONE 8	9.05	.45			
ZONE 9	8.84		.40		
ZONE 10	9.00				
ZONE 11	6.70				

AREAS COVERED BY BRICKLAYERS ZONE

ZONE 1 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, Nicholas, Putnam, Raleigh & Summers Counties.
ZONE 2 - Doddridge, Gilmer, Harrison, Lewis, Taylor & Upshur Counties.
ZONE 3 - Marshall, Ohio, Tyler & Wetzel Counties.
ZONE 4 - Brooke, Hancock Counties.
ZONE 5 - Monongalia & Preston Counties.
ZONE 6 - Marion County.
ZONE 7 - Cabell, Lincoln, Mason, Mingo & Wayne Counties.
ZONE 8 - Calhoun, Jackson, Pleasants, Ritchie, Roane, Wirt & Wood Counties.
ZONE 9 - Berkeley, Hampshire, Jefferson, Mineral & Morgan Counties.
ZONE 10 - Barbour, Grant, Hardy, Pendleton, Pocahontas, Randolph & Tucker Counties.
ZONE 11 - McDowell, Mercer, Monroe & Wyoming Counties.

	HEAVY	HIGHWAY				
	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
CARPENTERS:						
ZONE 1	$ 7.72	$ 7.56	.25	.25		.02
ZONE 2	6.97	6.80	.25	.25		.02

DECISION NO. WV75-3105

AREA COVERED BY CARPENTERS ZONE

ZONE 1 - Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Preston, Putnam, Tyler, Wayne, Wetzel & Wood Counties.
ZONE 2 - Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Webster, Wirt & Wyoming Counties.

DECISION NO.	HEAVY	HIGHWAY				
	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS:						
ZONE 1	$ 7.96	$ 7.79	.25			
ZONE 2	7.48	7.29	.25			

AREA COVERED BY CEMENT MASONS ZONES

ZONE 1 - Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Preston, Putnam, Tyler, Wayne, Wetzel & Wood Counties.
ZONE 2 - Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Webster, Wirt & Wyoming Counties.

DECISION NO. WV75-3105

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS:					
ZONE 1					
Wiremen	$10.70	.30	1%+.07	.02	.04
Cable splicers	11.75	.30	1%+.07	.02	.04
ZONE 2					
Contracts $15,000 or less:					
Wiremen	6.50	.30	1%+.12	.52	.04
Cable splicers	6.80	.30	1%+.12	.52	.04
Contracts over $15,000:					
Wiremen	9.40	.30	1%+.12	.52	.04
Cable splicers	9.70	.30	1%+.12	.52	.04
ZONE 3					
Wiremen	9.10	.30	1%	1.02	.03
Cable splicers	10.01	.30	1%	1.02	.03
ZONE 4					
Wiremen	9.15	.30	1%+.32	1.09+a	.04
Cable splicers	9.40	.30	1%+.32	1.09+a	.04
ZONE 5					
Wiremen	10.80	6%	7%	8%	1/5of 1%
Cable splicers	11.20	6%	7%	8%	1/5of 1%
ZONE 6					
Contracts under $12,000:					
Wiremen	5.00	.30	1%+.87	1.27	.02
Contractors $12,000 or more:					
Wiremen	8.35	.30	1%+.87	1.27	.02
Cable splicers	8.50	.30	1%+.87	1.27	.02
ZONE 7					
Wiremen	9.05	.30	1%+1.02	1.02	.04
Cable splicers	9.30	.30	1%+1.02	1.02	.04
ZONE 8					
Wiremen	9.80	.30	1%+.32	1.02	.04
Cable splicers	10.79	.30	1%+.32	1.02	.04
ZONE 9					
Wiremen	10.25	.30	1%+.32	1.02	.04
Cable splicers	11.275	.30	1%+.32	1.02	.04
ZONE 10					
Wiremen	10.00	.30	1%+.32	1.02	.04
Cable splicers	11.00	.30	1%+.32	1.02	.04

DECISION NO. WV75-3105

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 11					
Wiremen	$ 9.05	.30	1%+.25		1%
Cable splicers	9.30	.30	1%+.25		1%
ZONE 12					
Wiremen	9.25	.30	1%+.25		1%
Cable splicers	9.50	.30	1%+.25		1%
ZONE 13					
Wiremen	9.45	.30	1%+.25		1%
Cable splicers	9.70	.30	1%+.25		1%
ZONE 14					
Wiremen	7.94	.30	1%		¼ of 1%
Cable splicers	8.34	.30	1%		¼ of 1%
ZONE 15					
Contracts $15,00 or less:					
Wiremen	6.80	.30	1%+.12	.52	.04
Cable splicers	7.10	.30	1%+.12	.52	.04
Contracts over $15,000:					
Wiremen	9.70	.30	1%+.12	.52	.04
Cable splicers	10.00	.30	1%+.12	.52	.04
ZONE 16					
Contracts $15,000 or less:					
Wiremen	7.00	.30	1%+.12	.52	.04
Cable splicers	7.30	.30	1%+.12	.52	.04
Contracts over $15,000:					
Wiremen	9.90	.30	1%+.12	.52	.04
Cable splicers	10.20	.30	1%+.12	.52	.04
ZONE 17					
Contracts under $30,000:					
Wiremen	5.85	.30	1%		3/4of1%
Contracts $30,000 or more:					
Wiremen	9.25	.30	1%		3/4of1%

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AREA COVERED BY ELECTRICIANS ZONES

ZONE 1 - Boone, Braxton, Calhoun, Clay, Fayette (Falls & Kanawha Townships only), Gilmer, Kanawha, Nicholas, Putnam, Raleigh (Clear Fork & Marsh Fork Townships only), Roane & Webster Counties.
ZONE 2 - Raleigh (remainder of county) County.
ZONE 3 - Barbour, Doddridge, Harrison, Lewis, Randolph & Upshur Counties.
ZONE 4 - Brooke (Buffalo Twp Only), Marshall, Ohio & Wetzel Counties.
ZONE 5 - Brooke (except Buffalo Twp) & Hancock Counties.
ZONE 6 - Marion, Monongalia, Preston, Taylor & Tucker Counties.
ZONE 7 - Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties.
ZONE 8 - Cabell & Wayne Counties.
ZONE 9 - Logan, Mason & Mingo Counties.
ZONE 10 - Lincoln County.
ZONE 11 - Mineral County.
ZONE 12 - Berkeley, Hampshire & Morgan Counties.
ZONE 13 - Grant County.
ZONE 14 - Greenbrier, McDowell, Mercer, Monroe & Pocahontas Counties.
ZONE 15 - Fayette (remainder of county) County.
ZONE 16 - Summers & Wyoming Counties.
ZONE 17 - Hardy, Jefferson & Pendleton Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
IRONWORKERS:					
ZONE 1	$ 9.35	.55	.55	5%	.05
ZONE 2	9.30	.60	.50	5%	.03
ZONE 3	8.89	.55	.85		.01
ZONE 4					
AREA 1 - 10 mile from Union Hall	9.66	.55	.55		.01
AREA 2 - 10-15 mile from Union Hall	9.81	.55	.55		.01
AREA 3 - 15-20 mile from Union Hall	9.91	.55	.55		.01
AREA 4 - 20-25 mile from Union Hall	10.01	.55	.55		.01
ZONE 5	9.12	.50	.50		
ZONE 6	8.15	.50	.55		.03

DECISION NO. WV75-3105

AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Boone, Braxton, Clay, Fayette, Kanawha, Lincoln, Logan, McDowell, Nicholas, Putnam, Raleigh, Webster & Wyoming Counties.
ZONE 2 - Barbour, Brooke, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Taylor, Tyler & Wetzel Counties.
ZONE 3 - Calhoun, Doddridge, Gilmer, Jackson, Lewis, Mason, Pleasants, Ritchie, Roane, Upshur, Wirt & Wood Counties.
ZONE 4 - Cabell, Mingo & Wayne Counties.
ZONE 5 - Berkeley, Grant, Hampshire, Hardy, Mineral, Morgan, Pendleton, Preston, Randolph & Tucker Counties.
ZONE 6 - Greenbrier, Mercer, Monroe, Pocahontas & Summers Counties.

	HEAVY	HIGHWAY				
	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
LABORERS:						
ZONE 1						
GROUP 1	$ 7.18	7.01	.25	.25		.03
GROUP 2	6.77	6.60	.25	.25		.03
GROUP 3	6.45	6.29	.25	.25		.03
GROUP 4	6.14	5.96	.25	.25		.03
GROUP 5	5.89	5.72	.25	.25		.03
GROUP 6	5.39	5.28	.25	.25		.03
ZONE 2						
GROUP 1	7.08	6.93	.25	.25		.03
GROUP 2	6.66	6.53	.25	.25		.03
GROUP 3	6.36	6.18	.25	.25		.03
GROUP 4	6.03	5.88	.25	.25		.03
GROUP 5	5.79	5.53	.25	.25		.03
GROUP 6	5.29	5.04	.25	.25		.03

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CLASSIFICATION DEFINITIONS
LABORERS ZONES 1 & 2

GROUP 1 - Blacksmith, Tunnel Driller, Tunnel Miner.
GROUP 2 - Powderman, Mucker-Chucker.
GROUP 3 - Caisson bttom men, Pipe Layer (including Laser Beam Set-up), Form setter (road), Drill Operator and Inside Laborer.
GROUP 4 - Airtool Operator, Vibrator Man, Wrecker, Chainsaw Operator, Mortarman, Mason Tender, Blacksmith Helper, Cement Finisher Helper, Drill Helper, Powderman Helper, Waterproofer, Sheeter and Shorer, Pipelayers Helper, Bullfloat Man, Pavement Reinforcing Placer, Handyman, Signal Man, Asphalt Raker, Greencutter, Georgia Power Buggie, Burner, Grade Checker, Concrete Blower Man.
GROUP 5 - Laborer, Deckhand, Mulcher and Seeder (hand or machine), Trees Trimmer, Flagmen.
GROUP 6 - Watchmen

AREA COVERED BY LABORERS ZONES

ZONE 1 - Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Preston, Putnam, Tyler, Wayne, Wetzel & Wood Counties.
ZONE 2 - Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Webster, Wirt & Wyoming Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
ZONE 1					
Linemen & Operators (all mechanized equipment)	$ 9.76	.35	1%+.32	1.02	½ of 1%
Cable Splicers	10.74	.35	1%+.32	1.02	½ of 1%
Groundmen	7.81	.35	1%+.32	1.02	½ of 1%
ZONE 2					
Linemen & Operators (all mechanized equipment)	9.40	.30	1%+.12	.52	½ of 1%
Cable Splicers	9.70	.30	1%+.12	.52	½ of 1%
Groundmen	7.52	.30	1%+.12	.52	½ of 1%

DECISION NO. WV75-3105

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 3					
Linemen & Operators (all mechanized equipment)	$ 9.00	.35	1%+1.02	1.02	½ of 1%
Cable Splicers	9.90	.35	1%+1.02	1.02	½ of 1%
Groundmen	7.20	.35	1%+1.02	1.02	½ of 1%
ZONE 4					
Linemen & Operators (all mechanized equipment)	9.10	.30	1%	1.02	½ of 1%
Cable Splicers	10.01	.30	1%	1.02	½ of 1%
Groundmen	7.28	.30	1%	1.02	½ of 1%
ZONE 5					
Linemen & Operators (all mechanized equipment)	9.15	.30	1%+.32	1.09+a	½ of 1%
Cable Splicers	9.40	.30	1%+.32	1.09+a	½ of 1%
Groundmen	7.32	.30	1%+.32	1.09+a	½ of 1%
ZONE 6					
Linemen & Operators (all mechanized equipment)	10.80	5%	6%	8%	½ of 1%
Cable Splicers	11.20	5%	6%	8%	½ of 1%
Groundmen	7.02	5%	6%	8%	½ of 1%
ZONE 7					
Linemen & Operators (all mechanized equipment)	8.25	.30	1%+.37	1.02	½ of 1%
Cable Splicers	9.075	.30	1%+.37	1.02	½ of 1%
Groundmen	6.60	.30	1%+.37	1.02	½ of 1%
ZONE 8					
Linemen	9.05	.30	1%+.25		½ of 1%
Equipment Operator	8.63	.30	1%+.25		½ of 1%
Truck Driver, Groundmen	5.88	.30	1%+.25		½ of 1%
ZONE 9					
Linemen	9.25	.30	1%+.25		½ of 1%
Equipment Operator	8.83	.30	1%+.25		½ of 1%
Truck Driver, Groundmen	6.08	.30	1%+.25		½ of 1%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 10					
Linemen	$ 9.45	.30	1%+.25		½ of 1%
Equipment Operator	9.03	.30	1%+.25		½ of 1%
Truck Driver, Groundmen	6.28	.30	1%+.25		½ of 1%
ZONE 11					
Linemen, Cable Splicers, Equipment Operators	10.61	.35	1%		½ of 1%
Truck with winch, pole or steel handling	7.63	.35	1%		½ of 1%
Groundmen	7.37	.35	1%		½ of 1%
ZONE 12					
Linemen & Operators (all mechanized equipment)	9.70	.30	1%+.12	.52	½ of 1%
Cable Splicers	10.00	.30	1%+.12	.52	½ of 1%
Groundmen	7.76	.30	1%+.12	.52	½ of 1%
ZONE 13					
Linemen & Operators (all mechanized equipment)	9.90	.30	1%+.12	.52	½ of 1%
Cable Splicers	10.20	.30	1%+.12	.52	½ of 1%
Groundmen	7.92	.30	1%+.12	.52	½ of 1%

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Boone, Braxton, Cabell, Calhoun, Clay, Gilmer, Kanawha, Lincoln, Logan, Mason, Mingo, Nicholas, Putnam, Roane, Wayne & Webster Counties.
ZONE 2 - Raleigh County.
ZONE 3 - Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties.
ZONE 4 - Barbour, Doddridge, Harrison, Lewis, Randolph & Upshur Counties.
ZONE 5 - Brooke (Buffalo Twp. only), Marshall, Ohio & Wetzel Counties.
ZONE 6 - Brooke (except Buffalo Twp.) & Hancock Counties.
ZONE 7 - Marion, Monongalia, Preston, Taylor & Tucker Counties.
ZONE 8 - Mineral County.
ZONE 9 - Berkeley, Hampshire & Morgan Counties.
ZONE 10 - Grant County.
ZONE 11 - Hardy, Jefferson & Pendleton Counties.
ZONE 12 - Fayette County.
ZONE 13 - Summers & Wyoming Counties.

DECISION NO. WV75-3105

	NEW	REPAINT				
	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
PAINTERS:						
ZONE 1						
Brush	$ 7.34	6.58				
Air Compressor Operator	7.34	6.58				
Roller, Spray, Dipping & Mitten Work	7.63	6.91				
Water blasters, Steam jenny nozzle men, swinging scaffold & Boatswain chair, window belt & window jack work	8.12	7.61				
Brush painters on bridges needle beam, cable work power tool work, brush & flame cleaning	8.48	8.00				
Sand blaster	8.78	8.31				
All stacks, vent pipes, flag poles, in excess of 30' high, all towers, water towers, elevated tanks, electrical switch yards, transformer banks, television towers	9.66	9.29				

DECISION NO. WV75-3105

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 2					
Brush-Roller	$ 7.25				
Power cleaning tools, hanging & preparing scaffolding	7.75				
Spray, sandblasting, Mitens, structural steel; materials emitting toxic vapors	8.75				
ZONE 3					
Painters	8.40				
Structural steel after erection	9.25				
Bridge painting	9.15				
Spray painters	9.40				
Towers, tanks & stacks	9.65				
Repaint industrial & structural steel	8.50				
Sand blasters	10.25				
Swing & boatswain chair	8.75				
ZONE 4					
New Construction:					
Brush	8.51		.20		.01
Roller	8.77		.20		.01
Spray & Blast, Pot-Men	9.53		.20		.01
Repaint Work					
Brush	7.09		.20		.01
Roller	7.37		.20		.01
Spray-Pot-Men	9.53		.20		.01
Bridge					
Brush	9.21		.20		.01
Roller	9.46		.20		.01
Spray, Blast, Glove	10.21		.20		.01
Open structural steel	8.86		.20		.01
Stacks, vent pipes, flag poles, electrical, radio & T.V. towers & tanks over 30 feet high	9.46		.20		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 5					
Painters	$ 6.82	.20	.25		.02
Painters on towers, smoke stacks, flagpoles, bridges & tanks	8.63	.20	.25		.02
ZONE 6					
Brush & Roller	6.42	.50			.01
Glove	6.67	.50			.01
Spray & Sandblast	7.42	.50			.01
Heavy Construction:					
Roller	6.67	.50			.01
Structural Steel	7.50	.50			.01
Spray & Sandblast	8.50	.50			.01
Towers & Tanks over 35'	8.74	.50			.01
Railroad & Highway Bridges:					
Brush	8.85	.50			.01
Glove & Roller	9.10	.50			.01
Spray & Sandblast	9.85	.50			.01
ZONE 7					
Brush	5.80	.30	.25		
Roller	6.05	.30	.25		
Spray	6.50	.30	.25		
ZONE 8					
Light Work:					
Brush, rollers, sign painting	8.60		.25		
Brush & rollers (toxic materials)	9.10		.25		
Sprey, sand blasting and use of flame burning & power tools	9.60		.25		
Spray (toxic materials)	10.10		.25		

DECISION NO. WV75-3105

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Heavy & Hazardous Work:					
Brush & sign painting	$ 9.60		.25		
Brush (toxic materials)	10.10		.25		
Spray, rollers, sand blasting & use of flame burning and power tools	10.60		.25		
Spray & roller (toxic materials)	11.10		.25		

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, McDowell, Mercer, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Summers & Wyoming Counties.
ZONE 2 - Monongalia & Preston Counties.
ZONE 3 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Randolph, Taylor, Tucker, Upshur & Webster Counties.
ZONE 4 - Calhoun, Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt & Wood Counties.
ZONE 5 - Cabell, Lincoln, Logan, Mason, Mingo & Wayne Counties.
ZONE 6 - Brooke, (south of Buffalo Creek), Marshall, Ohio & Wetzel Counties.
ZONE 7 - Brooke (remainder of county) & Hancock Counties.
ZONE 8 - Grant, Hampshire, Hardy, Mineral, Morgan & Pendleton Counties.

	HEAVY	HIGHWAY					
	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments				
			H & W	Pensions	Vacation	App. Tr.
PILEDRIVERS:						
ZONE 1	$ 8.05	7.88	.25	.25		.02
ZONE 2	7.30	7.14	.25	.25		.02

DECISION NO. WV75-3105

AREA COVERED BY PILEDRIVERS ZONES

ZONE 1 - Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Preston, Putnam, Tyler, Wayne, Wetzel & Wood Counties.
ZONE 2 - Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Webster, Wirt & Wyoming Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS & PIPEFITTERS:					
ZONE 1	$ 8.55	.35	5%	10%	.04
ZONE 2	10.46	.50	7%	8%	.05
ZONE 3	8.13	.25	.30	10%	.04
ZONE 4	9.02	.40	.50	10%	.04
ZONE 5	9.47	.40	.40		
ZONE 6					
Plumbers	9.02	.45	.30		.05
Steamfitters	9.32	.30	.15		.05
ZONE 7					
AREA 1 - within 8 mi radius of Cabell Co. Courthouse	9.42	.40	.60		.02
AREA 2 - 8 to 15 mi from the Courthouse	9.62	.40	.60		.02
AREA 3 - 15 to 25 mi from the Courthouse	9.82	.40	.60		.02
AREA 4 - Over 25 mi from the Courthouse	10.07	.40	.60		.02
ZONE 8					
Contracts $75,000 or less	6.28	.45	.40	.35	.09
Contracts over $75,000	8.35	.45	.40	.35	.09
ZONE 9					
Contracts under $25,000	7.32	.40	.50	"	
Contracts $25,000 more	8.42	.40	.50	"	

DECISION NO. WV75-3105

AREA COVERED BY PLUMBERS & PIPEFITTERS ZONES

ZONE 1 - Brooke (south of Buffalo Creek), Marshall, Ohio & Wetzel Counties.
ZONE 2 - Brooke (remainder of county) & Hancock Counties.
ZONE 3 - Barbour, Braxton (northeast portion including the Town of Sutton), Doddridge, Gilmer, Hardy, Harrison, Lewis, Marion, Pendleton, Randolph, Taylor, Upshur & Webster (northeast portion including the Town of Webster Springs) Counties.
ZONE 4 - Grant, Hampshire, Mineral, Monongalia, Preston & Tucker Counties.
ZONE 5 - Calhoun, Jackson (northern portion to but not including the Town of Ripley), Pleasants, Ritchie, Roane (northern portion to but not including the Town of Spencer), Tyler, Wirt & Wood Counties.
ZONE 6 - Boone (northeast portion including the Towns of Madison & Whitesville), Braxton (remainder of county), Clay, Fayette, Greenbrier, Jackson (remainder of county), Kanawha, Nicholas, Pocahontas, Putnam, Roane (remainder of county), Summers & Webster (remainder of county) Counties.
ZONE 7 - Boone (remainder of county), Cabell, Lincoln, Logan, Mason, Mingo & Wayne Counties.
ZONE 8 - Mercer, Monroe Raleigh, McDowell & Wyoming Counties.
ZONE 9 - Berkeley, Jefferson & Morgan Counties.

	HEAVY	HIGHWAY					
	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments				
			H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:						
GROUP 1	$ 8.48	8.34	.25	.35		.04
GROUP 2	7.68	7.51	.25	.35		.04
GROUP 3	6.94	6.77	.25	.35		.04
GROUP 4	6.70	6.53	.25	.35		.04
GROUP 5	6.37	6.20	.25	.35		.04
GROUP 6	6.05	5.88	.25	.35		.04
GROUP 7	7.26	7.10	.25	.35		.04

DECISION NO. WV75-3105

CLASSIFICATION DEFINITIONS POWER EQUIPMENT OPERATORS

GROUP 1 - Equipment with booms of 150 and/or capacity of 3 yards and over, or 50 tons or over, front end loader with capacity of 4 yards and over, capacities to be based on manufacturer's specifications, transloader.
GROUP 2 - Cable way, crane, derrick (2 drums or more) derrick boat, dragline, dredge, gradall, hoist (2 drums or more) mechanic (heavy), mixer plant (2 or more mixers including batch control), paver (dual drums), pile driver, shovel, side boom tractor, cone drill, operator trencher (20" or over), truck crane, back hoe, hi-lift (1½ cubic yards or over), dozer with ripper (when dozer is D-8 class or larger), double hitched equipment, bulldozer with roller, standard guage locomotive, tug boat, concrete pump, controlled fine grade machine.
GROUP 3 - Bulldozer, derrick (single drum), hi-lift (under 1½ cubic yards), hoist (single drum), single drum paver, trencher (under 20"), motor grader, air tugger, rubber-tired scraper, self-loading tractor pan, Ross Carrier, "A" frame, multiple concrete saw, asphalt paver, hydraulic post driver, base paver, rotary drill, lead grasser on grease truck or service island, snake or push tractor, and horizontal road boring machine.
GROUP 4 - Concrete mixer (single drum), one cubic yard or over fork lift, asphalt batch plant, concrete batch plant, crushing plant, screening and washing plant, self-propelled power concrete spreader, sub-grader, power form handling equipment, burlap and curing machine, concrete finishing machine, form grader, bull float, portable concrete saw, roller and compactor, bar and joint installing machine.
GROUP 5 - High pressure firemen and tiremen.
GROUP 6 - Air compressor, concrete mixer (under 1 cubic yard), conveyor-belt or bucket, light plant, narrow guage locomotive, welding machine, low pressure firemen, mechanic's helper, oiler, screed man, spreader box man, farm tractor, joint sealer and pump.
GROUP 7 - Group 6 operating up to 5 pieces of utility equipment.

DECISION NO. WV75-3105

	HEAVY	HIGHWAY				
	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:						
ZONE 1						
GROUP 1	$ 6.19	5.95	b	a		
GROUP 2	6.34	6.11	b	c		
GROUP 3	6.60	6.34	b	c		
GROUP 4	6.95	6.71	b	c		
GROUP 5	7.02	6.77	b	c		
GROUP 6	7.19	6.96	b	c		
GROUP 7	7.36	7.02	b	c		
GROUP 8	7.42	7.19	b	c		
ZONE 2						
GROUP 1	5.94	5.77	b	c		
GROUP 2	6.11	5.94	b	c		
GROUP 3	6.34	6.18	b	c		
GROUP 4	6.68	6.52	b	c		
GROUP 5	6.75	6.60	b	c		
GROUP 6	6.95	6.76	b	c		
GROUP 7	7.19	7.00	b	c		
GROUP 8	7.19	7.00	b	c		

CLASSIFICATION DEFINITIONS TRUCK DRIVERS ZONES - 1 & 2

GROUP 1 - Warehousemen, yardmen, truck helpers, pick-ups, station wagons, panel trucks, team 2-up.

GROUP 2 - Single axle trucks used as dump, supply, fuel, water, van, flatbody, monorail, distributor, (other than bituminous distributors), and including towed single units-material checkers, material receivers, Team 4-Up, greasers, firemen and mechanic helpers (trucks).

GROUP 3 - Tandem axle trucks used as dump, supply, fuel, water, van flat-body, monrail and including towed single units, truck tractors used in combination with dump, van, tank, flatbed, low platform, or pole trailers, bituminous distributors, off highway near dump - to 22 tons-agitator or mixer trucks (up to and including 3 c.y.).

GROUP 4 - Rubber tired tractors (towing or pushing).

GROUP 5 - Tri-axle trucks used as dump, supply, fuel, water, van, flatbed, monorail and including towed single units, agitator or mixer trucks (over 12 c.y. to 20 c.y.), off highway near dump - 23 tons to 40 tons - mucker trucker.

GROUP 6 - Agitator or mixer trucks (over 20 c.y.), off highway near dump 40 tons to 75 tons.

GROUP 7 - "A" frame operator.

GROUP 8 - Mechanics (truck), off highway near dump - over 75 tons.

DECISION NO. WV75-3105

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Preston, Putnam, Tyler, Wayne, Wetzel & Wood Counties.

ZONE 2 - Barbour, Berkeley, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Upshur, Webster, Wirt & Wyoming Counties.

FOOTNOTES:

a. Paid Holidays: New Year's Day' Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

b. Employers contribute $41.16 per month per employee employed 30 days or more.

c. Employers contributes $34.67 per month per employee employed 30 days or more.

d. Paid Holiday - Christmas Day.

[FR Doc.75-27828 Filed 10-16-75;8:45 am]

federal register

FRIDAY, OCTOBER 17, 1975

PART VI:

PRIVACY ACT OF 1974

VARIOUS AGENCIES

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

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ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

[1 CFR Part 304]

PRIVACY ACT OF 1974

Proposed Rulemaking

Pursuant to the requirements of the Privacy Act of 1974, 5 U.S.C. 552a (Pub. L. 93–579), a new Subpart B of Part 304 of Title 1 of the Code of Federal Regulation, is proposed herein. These proposed regulations provide for the protection of identifiable personal information under the control of the Administrative Conference of the United States and establish procedures to be followed by individuals who request information about such records pertaining to themselves and access to or amendments of records which are contained in a system of records maintained by the Conference.

Prior to final adoption of these proposed regulations, consideration will be given to any comments or suggestions which are submitted in writing on or before November 17, 1975, to the Executive Secretary, Administrative Conference of the United States, Suite 500, 2120 L Street, N.W., Washington, D.C. 20003. All comments received will be available for public inspection at the Conference's office during regular business hours.

Chapter III of Title 1 of the Code of Federal Regulations is amended by designating Public Availability of Documents and Records as Subpart A of Part 304 and adding a new Subpart B, Privacy Act Implementation, §§ 304.20–304.25, as follows:

Subpart B—Privacy Act Implementation

Sec.

304.20 Purpose and scope.
304.21 Definitions.
304.22 Procedures for requests pertaining to individual records in a system of records.
304.23 Request for amendment or correction of a record.
304.24 Disclosure of a record to a person other than the individual to whom it pertains.
304.25 Schedule of fees.

Authority: 5 U.S.C. 552, 552a, 571–576.

Subpart B—Privacy Act Implementation

§ 304.20 Purpose and scope.

The purpose of this subpart is the implementation of the Privacy Act of 1974, 5 U.S.C. 552a, by establishing procedures whereby an individual can determine if a system of records maintained by the Administrative Conference contains a record pertaining to himself, and procedures for providing access to such a record for the purpose of review, amendment, or correction.

§ 304.21 Definitions.

As used in this subpart, the terms "individual", "maintain", "record", "system of records", and "routine use" shall have the meaning specified in 5 U.S.C. 552a(a).

§ 304.22 Procedures for requests pertaining to individual records in a system of records.

(a) An individual can determine if a particular system of records maintained by the Administrative Conference contains a record pertaining to himself by submitting a written request for such information to the Executive Secretary. The Executive Secretary shall respond to a written request under this subpart within a reasonable time by stating that a record on the individual either is or is not contained in the system.

(b) If an individual seeks access to a record pertaining to himself in a system of records, he shall submit a written request to the Executive Secretary. The Executive Secretary or his designee shall, within ten working days after its receipt, acknowledge the request and if possible decide if it should be granted. In any event, a decision shall be reached promptly and notification thereof provided to the individual seeking access. If the request is denied, the individual shall be informed of the reasons therefor and his right to seek judicial review.

(c) In cases where an individual has been granted access to his records, the Executive Secretary shall, prior to releasing such records, require reasonable identification to assure that such records are disclosed to the proper person. No verification of identity will be required of individuals seeking notification of or access to records which are otherwise available to a member of the public under the Freedom of Information Act, 5 U.S.C. 552, as amended.

§ 304.23 Request for amendment or correction of a record.

(a) An individual may file a request with the Executive Secretary for amendment or correction of a record pertaining to himself in a system of records. Such written request shall state the nature of the information in the record the individual believes to be inaccurate or incomplete, the amendment or correction desired and the reasons therefor. The individual should supply whatever information or documentation he can in support of his request for amendment or correction of a record.

(b) The Executive Secretary or his designee shall, within ten working days after its receipt, acknowledge a request for amendment or correction of a record. A decision shall be reached promptly and notification thereof provided to the individual seeking to amend or correct a record. The Executive Secretary may request such additional information or documentation as he may deem necessary to arrive at a decision upon the request.

(c) If the request is denied, the individual shall be informed of the reasons therefor and his right to appeal the denial to the Chairman of the Conference. An appeal shall be submitted in writing within twenty working days following receipt of the notice of denial. The Chairman shall render a decision on an appeal within thirty working days following the date on which the appeal is received. The individual shall be notified promptly of the Chairman's decision and, if the request is denied, the reasons therefor and the individual's right to seek judicial review.

(d) Requests for amendment or correction of a record must be accompanied by a signed notarized statement verifying the identity of the requesting party.

§ 304.24 Disclosure of a record to a person other than the individual to whom it pertains.

Except in accordance with 5 U.S.C. 552a(b), or as required by the Freedom of Information Act, 5 U.S.C. 552, as amended, or other applicable statute, the Conference shall not disclose a record to any individual other than the individual to whom the record pertains without the written consent of such individual.

§ 304.25 Schedule of fees.

Copies of records supplied to any individual at his request shall be provided for $.10 per copy per page. Copying fees of less than $2 per request are waived.

RICHARD K. BERG,
Executive Secretary.

OCTOBER 8, 1975.

[FR Doc.75-27498 Filed 10-8-75;11:57 am]

Administrative Conference of the United States

Privacy Act of 1974
Notice of Systems of Records

The Privacy Act of 1974, Pub. L. No. 93-579 (88 Stat. 1896), requires that each agency publish at least annually a notice of the existence and character of each system of records, as defined in 5 U.S.C. 552a(a)(5), which the agency maintains. Such notice is to contain for each system of records a description of the name; location; categories of individuals on whom the records are maintained; the categories of records; each routine use of the records; the policies and practices governing storage, retrievability, access controls, retention, and disposal of the records; the title and business address of the agency official responsible for the system of records; agency procedures for notification, access, and contest of the records in each system; and the categories of the sources of the records in each system. 5 U.S.C. 552a(e)(4).

Pursuant to this provision, the notice of systems of records is proposed as set forth below. Any interested person may submit to the Executive Secretary, Administrative Conference of the United States, Suite 500, 2120 L Street, N. W., Washington, D. C. 20037, not later than November 17, 1975, comments or suggestions in writing concerning all or part of the notice proposed herein. All such submittals will be placed in the public files and will be available for public inspection during regular business hours.

October 8, 1975.

Richard K. Berg,
Executive Secretary.

ACUS-1

System name: Membership and Correspondence Files—ACUS

System location: Office of the Chairman, Administrative Conference of the United States, 2120 L Street, N. W., Suite 500, Washington, D. C. 20037.

Categories of individuals covered by the system: Current and former members of the Administrative Conference of the United States.

Categories of records in the system: Correspondence between current and former members of the Conference and the Chairman or staff of the Conference; biographical data on members.

Authority for maintenance of the system: 5 U.S.C. 575; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are maintained and used by the Chairman and staff of the Conference as a reference and working file of current and former members' membership status, their views on Conference studies, proposals, statements and recommendations, and their activities on Conference committees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders in metal file cabinets.

Retrievability: These records are indexed by the names of the current and former members of the Conference.

Safeguards: Stored in metal file cabinets in an area to which access is controlled by and restricted to ACUS personnel.

Retention and disposal: Retained in the permanent files of the Conference.

System manager(s) and address: Executive Director, Administrative Conference of the United States, 2120 L Street, N. W., Suite 500, Washington, D. C. 20037.

Notification procedure: Contact the Executive Secretary as provided in 1 C.F.R. 304.20 et seq.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Past and present Conference members; ACUS Chairmen and

Record source categories: Past and present Conference members; ACUS Chairman staff; publications.

ACUS-2

System name: Consultants' Contracts and Correspondence Files—ACUS

System location: Office of the Chairman, Administrative Conference of the United States, 2120 L Street, N. W., Suite 500, Washington, D. C. 20037

Categories of individuals covered by the system: Current and former consultants to the Administrative Conference of the United States.

Categories of records in the system: Contracts entered into by the consultants with the Conference and correspondence related thereto; records of the consultants' expenses paid by the Conference.

Authority for maintenance of the system: 5 U.S.C. 574-75; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are maintained for use by the ACUS Chairman and staff in administering the research projects of the Conference and for financial record keeping purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders in metal file cabinets.

Retrievability: These records are indexed by the names of current and former consultants to the Conference.

Safeguards: Stored in metal file cabinets in an area to which access is controlled by and restricted to ACUS personnel.

Retention and disposal: Retained in the permanent files of the Conference.

System manager(s) and address: Executive Director, Administrative Conference of the United States, 2120 L Street, N. W., Suite 500, Washington, D. C. 20037.

Notification procedure: Contact the Executive Secretary as provided in 1 C.F.R. 304.20 et seq.

Record access procedures: Same as above.

Contesting record procedures: Same as above

Record source categories: Current and past consultants to the Conference; ACUS Chairmen and staff.

ACUS-3

System name: Council Membership and Correspondence Files—ACUS

System location: Office of the Chairman, Administrative Conference of the United States, 2120 L Street, N. W., Suite 500, Washington, D. C. 20037.

Categories of individuals covered by the system: Current and former members of the Council of the Administrative Conference of the United States.

Categories of records in the system: Correspondence between current and former Council members of the Conference and the Chairman or staff of the Conference; biographical data on Council members.

Authority for maintenance of the system: 5 U.S.C. 575; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are maintained and used by the Chairman and staff of the Conference as a reference and working file of current and former Council members' membership status, their views on Conference studies, proposals, statements, and recommendations, as well as a record of their activities on the Council of the Conference.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders in metal file cabinets.

Retrievability: These records are indexed by the names of the current and former Council members of the Conference.

Safeguards: Stored in metal file cabinets in an area to which access is controlled by and restricted to ACUS personnel.

Retention and disposal: Retained in the permanent files of the Conference.

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System manager(s) and address: Executive Director, Administrative Conference of the United States, 2120 L Street, N. W., Suite 500, Washington, D. C. 20037.

Notification procedure: Contact the Executive Secretary as provided in 1 C.F.R. 304.20 et seq.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Current and former Council members; ACUS Chairman and staff.

ACUS-4

System name: Mailing list for press releases, newsletters, annual reports, and general information—ACUS.

System location: Office of the Chairman, Administrative Conference of the United States, 2120 L Street, N. W., Suite 500, Washington, D. C. 20037.

Categories of individuals covered by the system: Current and former members of the Conference and consultants to the Conference; officials of all branches of government; representatives of the press; other individuals who have requested that they be kept informed of Conference activities or whose names are placed on the list by the Conference Chairman or staff.

Categories of records in the system: Names and addresses of recipients of Conference publications.

Authority for maintenance of the system: 5 U.S.C. 575; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the staff of the Chairman's Office for the distribution of Conference publications and announcements.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Index card file maintained in a metal index card cabinet.

Retrievability: Indexed alphabetically.

Safeguards: Stored in metal file cabinet in an area to which access is controlled by and restricted to ACUS personnel.

Retention and disposal: Maintained on an ongoing basis; cards removed from the file are destroyed.

System manager(s) and address: Executive Director, Administrative Conference of the United States, 2120 L Street, N. W., Suite 500, Washington, D. C. 20037.

Notification procedure: Contact the Executive Secretary as provided in 1 C.F.R. 304.20 et seq.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals requesting information; Conference membership lists and personnel lists of other agencies and units of government; Consultants to Conference committees; representatives of the press.

ACUS-5

System name: Pay and Pay-Related Records. (Payroll, Travel, Attendance, Leave)—ACUS

System location: General Services Administration, Region 3 Office, Room 7109, 7th and D Streets, S. W., Washington, D. C. 20407; copies held by the Administrative Conference of the United States, 2120 L Street, N. W., Suite 500, Washington, D. C. 20037. (GSA holds records for the Conference under agreement.)

Categories of individuals covered by the system: Current and former employees of the Conference.

Categories of records in the system: Varied payroll records, including among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees, health benefits records; requests for deductions; tax forms; W2 forms; overtime requests; leave data; retirement records. Records are used by the Conference and GSA employees to maintain adequate payroll information for Conference employees and otherwise by Conference and GSA employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 5 U.S.C. 575; 31 U.S.C. generally; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used in-house and by GSA to complete reports, take personnel action, and fulfill other administrative requirements. Also, see the Appendix below. Categories of users are appropriate ACUS and GSA personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files stored in metal file cabinets and on microfilm.

Retrievability: Retrieved by name and/or social security number.

Safeguards: Records are stored in locked metal file cabinets in secured premises; access is limited to those whose official duties require access.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address:

General Services Administration 3BCE, Room 7109
Regional Office Building 3, 7th and D Streets, S. W.,
Washington, D. C. 20407.

Executive Director, Administrative Conference of the United States, 2120 L Street, N. W., Suite 500, Washington, D. C. 20037.

Notification procedure: Contact the Executive Secretary as provided in 1 C.F.R. 304.20 et seq.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual to whom records pertain; the Chairman and staff of the Conference.

ACUS-6

System name: Personnel Records—ACUS

System location: General Services Administration, 2100 M Street, N. W., Room 155, Washington, D. C. 20405; copies held by the Administrative Conference of the United States, 2120 L Street, N. W., Suite 500, Washington, D. C. 20037. (GSA holds records for the Administrative Conference under agreement).

Categories of individuals covered by the system: Conference staff employees, including per diem employees.

Categories of records in the system: This records system contains a variety of records relating to personnel actions and determinations about individuals while employed in the Federal service. These records include: recommendations not submitted on standard Government forms, such as, awards, salary increases, performance ratings and training; intra-office and inter- office communications; resumes; probationary period reports; issuance of motor vehicle operator permits; issuance of Administrative Conference identification cards; career counseling; training needed by an individual, including enrollment individual development plans, counseling, and determinations under the upward mobility, executive development, student trainee, and worker trainee programs; executive inventory records sheets; written requests for information on employment from creditors, financial institutions, etc.; beneficiary designations for unpaid compensation; schedules, tabulations, lists, and organizational charts which contain personal information; Congressional correspondence; and related information.

Authority for maintenance of the system: 5 U.S.C. 575; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used in-house and by GSA to complete reports, take personnel action, and fulfill other administrative requirements. Also, see Appendix below. Categories of users are appropriate ACUS and GSA personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records stored in file folders in metal file cabinets.

Retrievability: Retrieved manually, by name of individual.

Safeguards: Records are stored in locked metal file cabinets in secured premises; access is limited to those whose official duties require access.

Retention and disposal: Records retained indefinitely.

System manager(s) and address:

General Services Administration,
2100 M Street, N.W.,
Room 155, Washington, D.C. 20405.
Executive Director, Administrative Conference of the United States,
2120 L Street, N. W., Suite 500,

Washington, D.C. 20037.

Notification procedure: Contact the Executive Secretary as provided in 1 C.F.R. 304.20 et seq.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual to whom records pertain; supervisors; official personnel records.

Appendix to Notice of Systems ACUS 5 and 6

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

4. A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement or a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

5. A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

6. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

7. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving the individual when the individual has requested assistance from the Member with respect to the subject matter of the record.

[FR Doc.75-27499 Filed 10-8-75;11:58 am]

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DEPARTMENT OF THE TREASURY

Fiscal Service

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

Privacy Act Notices To Accompany Certain Government Forms Addressed and Delivered to Individuals

5 U.S.C. 552a(e)(3), as added by section 3 of the Privacy Act of 1974, requires that individuals who supply information to agencies on their forms, be informed of the authority for soliciting the information; and the purpose of, uses for, and effect of not providing the information. Such advice shall be provided on the forms on which the information is to be entered, or separately. Section 7 of the Privacy Act requires similar disclosures to individuals with respect to the solicitation of their social security account numbers.

Certain Bureau of Government Financial Operations forms require individuals to supply information, including social security numbers in some instances. Until these forms are revised to include the necessary advice to individuals, Government departments and agencies, Federal Reserve Banks, and financial organizations which deliver the following prescribed forms to individuals, shall be responsible for the preparation and inclusion with each such form, of a supplemental notice, identified as a Privacy Act requirement, containing the language set forth hereinafter. The required notices are grouped by those forms requiring the identical language.

GROUP 1

Standard Form 231—Power of Attorney by Individual for the Collection of Checks Drawn on the United States Treasury.

Standard Form 232—Power of Attorney by Individual for the Collection of a Specified Check Drawn on the United States Treasury.

Standard Form 233—Power of Attorney by Individual to a Bank for the Collection of Checks Drawn on the Unitsd States Treasury.

The above-listed Government forms shall include a supplemental notice reading as follows:

PRIVACY ACT NOTICE REQUIREMENT

The following information is provided to comply with the Privacy Act of 1974 (Pub. L. 93-579). The information requested on the enclosed form is required under the provisions of 5 U.S.C. 301 and 31 CFR 240.12 for the purpose of providing authority to a person whom you designate as your attorney-in-fact to receive, endorse, and collect Treasury checks payable to you. The information requested is for identification of the parties named and failure to execute the instrument will prevent the negotiation of your Treasury checks by your attorney-in-fact.

GROUP 2

Standard Form 1034—Public Voucher for Purchases and Services Other Than Personal.

Standard Form 1034-A—Public Voucher for Purchases and Services Other Than Personal.

Standard Form 1129—Reimbursement Voucher.

Stanaard Form 1129-A—Reimbursement Voucher-Memorandum.

The above-listed Government forms shall include a supplemental notice reading as follows:

PRIVACY ACT NOTICE REQUIREMENT

The following information is provided to comply with the Privacy Act of 1974 (Pub. L. 93-579). The information requested on the enclosed form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

GROUP 3

Standard Form 1189—Request by Employee for Payment of Salaries or Wages by Credit to Account at a Financial organization.

Standard Form 1198—Request by Employee for Allotment of Pay for Credit to Savings Account With a Financial organization.

Standard Form 1199—Authorization for Deposit of Social Security Payments.

The above-listed Government forms shall include a supplemental notice reading as follows:

PRIVACY ACT NOTICE REQUIREMENT

The following information is provided to comply with the Privacy Act of 1974 (Pub. L. 93-579). All information requested on the form including the social security number, is confidential and is required under various provisions in title 31 U.S.C., including section 492 thereof, and 31 CFR Parts 209 and 210 to direct your payments to your financial organization. The information provided by you will be used for identification with the records of the program agency and the financial organization in order to direct your payments to the point you authorize. Failure to provide the requested information may affect or preclude the direct deposit of your payments.

GROUP 4

Standard Form 1177—U.S. Savings Bonds Issue File Action Request.

Standard Form 1192—U.S. Savings Bonds Authorization for Purchase and Request for Change.

The above-listed Government forms shall include a supplemental notice reading as follows:

PRIVACY ACT NOTICE REQUIREMENT

The following information is provided to comply with the Privacy Act of 1974 (Pub. L. 93-579). The furnishing of social security numbers is required by the regulations governing savings bonds, Treasury Department Circular No. 530, 31 CFR 315. The numbers are used to maintain ownership records of the bonds. Other information requested by this form is also required under the above regulations to establish the rights, authority and/or entitlement of the signers. Failure to furnish any of the requested information may prevent completion of the transaction.

GROUP 5

TFS 3023 (formerly TUS 3023 and GFO 3023)—Specimen signature.

TUS 5582—Signature Card.

The above-listed Government forms shall include a supplemental notice reading as follows:

PRIVACY ACT NOTICE REQUIREMENT

The following information is provided to comply with the Privacy Act of 1974 (Pub. L. 93-579). The information requested on the enclosed form is required under the provisions of 31 U.S.C. 82b to identify the accredited official for disbursing operations. Failure to provide the information requested may affect the accreditation of the individual.

GROUP 6

TFS 2244 (formerly TUS 2244 and GFO 2244)—Undertaking of Indemnity—Substitute Checks.

TFS 2244A (formerly TUS 2244A)—Application to Obtain the Issuance of a Substitute Check (or Checks) Without the Execution of an Undertaking of Indemnity.

TUS 2244B—Undertaking of Indemnity—Substitute Checks.

TUS 2244G—Application to Obtain Substitute Check by Resident of Foreign Country.

TUS 2244H—Affidavit by Individual Surety.

The above-listed Government forms shall include a supplemental notice reading as follows:

PRIVACY ACT NOTICE REQUIREMENT

The following information is provided to comply with the Privacy Act of 1974 (Pub. L. 93-579). All information requested is specifically required by 31 U.S.C. 528. The completed form may be used to provide indemnification against loss to the United States in the issuance of a substitute check(s). If all information is not furnished, the issuance of the check(s) may be delayed.

Dated: October 10, 1975.

[SEAL] DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.75-27988 Filed 10-16-75;8:45 am]

federal register

FRIDAY, OCTOBER 17, 1975

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OFFICE OF THE FEDERAL REGISTER

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As part of its continuing program to improve the quality of the daily FEDERAL REGISTER and CODE OF FEDERAL REGULATIONS, the Office of the Federal Register is soliciting the views of interested persons on the effectiveness of individual Federal Register documents and on regulations contained in the CODE OF FEDERAL REGULATIONS.

Our goal is twofold:

First—to make each document published in the FEDERAL REGISTER easily understandable, thus making compliance easier, more efficient, and less costly; and

Second—to identify and correct any existing Federal regulations which are obsolete, unnecessarily wordy, or unclearly stated.

We believe this effort is consistent with the objectives stated by President Ford in his October 8th speech on the economy in which he announced "a joint effort by the Congress, the executive branch and the private sector to identify and eliminate existing Federal rules and regulations that increase costs to the consumer without any good reason in today's economic climate."

The Office of the Federal Register welcomes your comments and suggestions. The survey blank below is provided for that purpose. All comments received will be maintained in a public docket and will be available for inspection in the Office of the Federal Register to any interested persons or agencies. Comments which point out the need for substantive changes in existing regulations also will be forwarded to the responsible agency.

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rules and regulations

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Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 2, Amdt. 2]

PART 102—DISCLOSURE OF INFORMATION AND PRIVACY ACT OF 1974

Regulations Implementing the Privacy Act of 1974

Correction

In FR Doc. 75-26580 appearing at page 46280 of the issue of Monday, October 6, 1975, the headings should read as set forth above.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Special Assistant to the Deputy Assistant Secretary for Education is excepted under Schedule C.

Effective on October 20, 1975, § 213.3316 (r) (8) is added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

• • • • • •

(r) *Office of the Assistant Secretary for Education.* • • •

(8) One Special Assistant to the Deputy Assistant Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958, Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-28093 Filed 10-17-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one position of Special Assistant to the Assistant Attorney General (Civil Division) has been reestablished and excepted under Schedule C.

Effective on October 20, 1975, § 213.3310(e)(4) is added as set out below:

§ 213.3310 Department of Justice.

• • • • • •

(e) Civil Division. • • •

(4) One Special Assistant to the Assistant Attorney General.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

CIVIL SERVICE COMMISSION,

[SEAL]. JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-28094 Filed 10-17-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74-WE-47-AD; Amdt. 39-2390]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model GTCP30-54, -59, -70 and -92 Auxiliary Power Units (APU's)

Amendment 39-2022 (39 FR 40939), AD 74-24-09, requires a one time inspection of the turbine rotor to air seal clearance indicating proper assembly, an initial and recurring inspection of the turbine rotor hub for presence of thermal fatigue cracks and replacement as necessary. The directive was required because possible improper assembly and/or thermal fatigue of the turbine rotor hub can result in hub separation after which fragments may not be contained within the APU. After issuing Amendment 39-2022, the agency determined that other specific versions of the Model GTCP30 APU are potentially subject to the same condition as the -92 although no failures have been reported in these units. The AD was adopted November 7, 1974, and distributed by airmail letter dated November 8, 1974, to all known United States operators of aircraft incorporating the APU's. The AD was thereafter published in the FEDERAL REGISTER on November 22, 1974.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2022 (39 FR 40939), AD 74-24-09, is amended to read as follows:

AIRESEARCH MANUFACTURING COMPANY OF ARIZONA. Applies to AiResearch Model GTCP30-54, -59, -70 and -92 Auxiliary Power Units (APU's), installed in, but not limited to Hawker Siddeley HS and DH-125, Beech Hawker BH-125, Lockheed Model 1329, AMD-BA Falcon 20, Jet Commander 1121, Fairchild F-27, Goodyear Blimp, NAMC YS-11, BAC Viscount, HFB Noratlas, and Douglas DC-7 (conversion) certificated in all categories.

Compliance required as indicated to detect, correct and prevent turbine wheel hub separation, accomplish the following:

(a) APU serial numbers prior to 29046:

Within the next 25 hours of APU operating time in service after the effective date of Amendment 39-2022 (for Model GTCP30-92 APU's), or 25 hours of operating time in service after the effective date of the Amendment 39-2390 (for Models GTCP30-54, -59, and -70 APU's), unless previously accomplished, inspect the clearance between the turbine wheel and the stationary seal at a minimum of six (6) approximately equally spaced circumferential positions using a tool and procedures described in Paragraph 2.B and C. of AiResearch Service Bulletin GTCP30-49-3649, dated October 17, 1974, or later FAA-approved revisions. The clearance must be a minimum of 0.075 inch at each measured position. If clearance is less than minimum, the condition must be corrected before further operation.

(b) All serial number APU's:

Before exceeding 500 APU operating hours time in service, or, 50 hours of additional APU operating time in service after the effective date of Amendment 39-2022, whichever occurs later (for Model GTCP30-92 APU's only), or, before exceeding 500 APU operating hours time in service, or 50 hours of additional APU operating time in service from the effective date of Amendment 39-2390 (for Models GTCP30-54, and -70 APU's), whichever occurs later, and at intervals not to exceed 500 hours of APU operating time in service thereafter, inspect the turbine wheel hub "saddle area" for presence of fatigue cracks. If cracks are detected, replace turbine wheel with a serviceable part before further operation. AiResearch Service Bulletin GTCP 30-49-3649, dated October 17, 1974, or later FAA-approved revisions, describes an acceptable method of performing this inspection.

(c) Equivalent procedures may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submission of adequate substantiation data.

This amendment becomes effective November 19, 1975.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California on October 9, 1975.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.75-28081 Filed 10-17-75;8:45 am]

[Docket No. 75-NE-27; Amdt. 39-2385]

PART 39—AIRWORTHINESS DIRECTIVES

Avco Lycoming T53 Series Engines

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of the torquemeter boost

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pump on Avco Lycoming T53 series engines was published in "40 FR 24364".

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator [31 FR 13697], § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AVCO LYCOMING. Applies to all Avco Lycoming T53 series engines. To prevent secondary failure of the N_2 accessory drive shaft, as a result of binding of the torquemeter boost pump drive shaft, remove torquemeter boost pump, Part Number 1-300-221-01 or Part Number 1-300-221-02, and replace with Part Number 1-300-221-03 or Part Number 1-300-221-04 within 200 hours time in service after the effective date of this AD.

NOTE: Avco Lycoming Service Bulletin Number 0031 pertains to this subject.

This amendment becomes effective October 29, 1975.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421, and 1423] and of Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Burlington, Massachusetts, on October 6, 1975.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.75-28083 Filed 10-17-75;8:45 am]

[Docket No. 72-CE-30-AD; Amdt. 39-2395]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 18 Airplanes

Amendment 39-2222, AD 72-20-5, published in the FEDERAL REGISTER on May 30, 1975 (40 FR 23456), is an Airworthiness Directive (AD) applicable to Beech Model 18 airplanes which amended 39-1526 (37 FR 20231, 20232), and 39-1632 (38 FR 11340, 11341). AD 72-20-5 as amended in part authorizes the continued operation of unmodified aircraft until October 15, 1975, provided certain repetitive X-ray requirements are met.

Subsequent to the issuance of Amendment 39-2222, a supplemental notice of proposed rulemaking (Docket No. 75-CE-12-AD) was published in the FEDERAL REGISTER on September 29, 1975 (40 FR 44570 thru 44575). This rulemaking action, if adopted, will require a more extensive modification than that provided in AD 72-20-5. Pending the finalization of the supplemental notice, the agency believes that safety will not be compromised and that it is in the public interest to permit continued operation of those Beech Model 18 airplanes without the installation of Beech Kits 18-4024 and 791 as presently required in Paragraph D(4) of AD 72-20-5. These aircraft must continue to be X-ray inspected at 500 hour intervals and the X-ray plates submitted to the FAA or the manufacturer for evaluation, as presently required by currently effective ADs. Accordingly, AD 72-20-5 is being so amended.

Since this amendment is relieving in nature and is in the public interest, it imposes no additional burden on any person. Consequently, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2222 (40 FR 23456), AD 72-20-5, is being amended in the following respects:

1. Delete Paragraph D(4).

2. Revise Paragraph H so that it now reads as follows:

H. Those airplanes which have not been modified by installation of wing straps as of the effective date of this amendment may continue to be operated, provided they meet the following requirements:

(1) The X-ray plates required to be transmitted to the FAA by this AD and AD 73-18-4 have been so transmitted.

(2) For airplanes that have accumulated 500 or more hours' time in service since the last X-ray inspection of the wings and for which X-ray plates have been submitted to the FAA or Beech Aircraft Corporation, reinspect in accordance with paragraphs B, C, E and F of AD 75-09-18 before further flight.

(3) For airplanes which have accumulated less than 500 hours' time in service since the last X-ray inspection of the wings and for which X-ray plates have been submitted to the FAA or Beech Aircraft Corporation, prior to the accumulation of 500 hours' time in service and thereafter at 500 hour intervals, reinspect in accordance with Paragraphs B, C, E and F of AD 75-09-18.

This amendment becomes effective October 15, 1975.

This amendment is made under the authority of section 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on October 10, 1975.

C. R. MCLUCIN, JR.,
Director, Central Region.

[FR Doc.75-28080 Filed 10-17-75;8:45 am]

[Docket No. 75-GL-18); Amdt. 39-2391]

PART 39—AIRWORTHINESS DIRECTIVES

Detroit Diesel Allison Model 501-D13 Series Engines

There has been a recent failure of a second stage turbine wheel in a Detroit Diesel Allison Model 501-D13D engine which resulted in penetration of the engine case and damage to surrounding structure. Investigation has shown that a low cycle fatigue failure can occur in a carbide precipitation network which may exist in the microstructure of the hub spline area of some wheels. Since the condition described herein may exist or develop in other engines of the same type design, an Airworthiness Directive is being issued requiring removal and inspection of all second stage turbine wheels from heat lots in which this condition has been found to exist, and from heat lots of unknown microstructure.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

Applies to Detroit Diesel Allison Model 501-D13 series engines which incorporate P/N 6829072 and 6847112 second stage turbine wheels with the serial numbers listed below:

Compliance required as indicated:

I. Remove from service in accordance with the schedule in paragraphs I. A, B, C, and D, wheels with the following serial numbers: CA-6108; CA-6112; CA-6114; CA-6056; CA-6083; KK-2052 to and including KK-2053; KK-2055 to and including KK-2085; KK-2092 to and including KK-2094; KK-2099 to and including KK-2100; KK-2102 to and including KK-2115; KK-2117 to and including KK-2167; KK-2169 to and including KK-2251; KK-2253 to and including KK-2329; KK-2332 to and including KK-2382; KK-2384 to and including KK-2460; KK-2475 to and including KK-2500; KK-2502 to and including KK-2643; KK-2645 to and including KK-2682; KK-2763 to and including KK-2813; KK-2824 to and including KK-2857; KK-2873 to and including KK-2901; KK-3033 to and including KK-3034; KK-3047 to and including KK-3048; KK-3063 to and including KK-3075; KK-3108 to and including KK-3118; KK-3136 to and including KK-3239; KK-3287 to and including KK-3300; KK-3314 to and including KK-3327; KK-3617 to and including KK-3643; KK-3756 to and including KK-3768; KK-3867 to and including KK-3880; KK-11829 to and including KK-11832; KK-16501 to and including KK-16589; KK-16901 to and including KK-16999; KK-19966 to and including KK-20064.

NOTE: At time of overhaul, some wheels have R1, R2, R3, R4, or R5 added as a suffix to the wheel serial number. The suffix should be disregarded in determining the applicability of this A.D.

A. Remove from service within the next 200 cycles, wheels which have 16,000 or more total cycles on the effective date of this A.D.

B. Remove from service within the next 400 cycles, or prior to exceeding 16,200 total cycles, which ever comes first, wheels which have from 14,000 to 16,000 total cycles on the effective date of this A. D.

C. Remove from service within the next 500 cycles, or prior to exceeding 14,400 total cycles whichever comes first, wheels which have 13,500 to 14,000 total cycles on the effective date of this A. D.

D. Remove from service prior to exceeding 14,000 total cycles, wheels which have less than 13,500 total cycles on the effective date of this A. D.

II. Remove from service in accordance with the schedule in paragraphs II A, B, C, D, E and F, wheels with the following serial numbers:

KK-3132 and KK-15499; KK-2961 to and including KK-2997; KK-3035 to and including KK-3046; KK-3049 to and including KK-3062; KK-3076 to and including KK-3107; KK-3119 to and including KK-3130; KK-3240 to and including KK-3286; KK-3301 to and including KK-3313; KK-3328 to and including KK-3364; KK-3376 to and including KK-3580; KK-3582 to and including KK-3616; KK-3644 to and including KK-3755; KK-3769 to and including KK-3782; KK-3798 to and including KK-3866; KK-3881 to and including KK-3949; KK-3963 to and including KK-3976; KK-3996 to and including KK-4006; KK-11801 to and including KK-11821; KK-14201 to and including KK-14207; KK-14466 to and including KK-14470; KK-14801 to and including KK-14815; KK-15704 to and including KK-15784; KK-20577 to and including KK-20680; KK-21599 to and including KK-21653.

A. Remove from service within the next 200 cycles, wheels which have 16,000 or more total cycles on the effective date of this A.D.

B. Remove from service within the next 400 cycles, or prior to exceeding 16,200 total cycles, whichever comes first, wheels which have from 14,000 to 16,000 total cycles on the effective date of this A.D.

C. Remove from service within the next 1000 cycles, or prior to exceeding 14,400 total cycles whichever comes first, wheels which have 10,500 to 14,000 total cycles on the effective date of this A.D.

D. Remove from service within the next 2,000 cycles, or prior to exceeding 11,500 total cycles, whichever comes first, wheels which have from 7,000 to 10,500 total cycles on the effective date of this A.D.

E. Remove from service within the next 2,100 cycles, or prior to exceeding 9,000 total cycles, whichever comes first, wheels which have from 4,900 to 7,000 total cycles on the effective date of this A.D.

F. Remove from service prior to exceeding 7,000 total cycles, wheels with less than 4,900 total cycles on the effective date of this A.D.

III. Remove from service in accordance with the schedule in paragraphs III A, and B, wheels with serial numbers not specified in Paragraphs I or II above, or in AD 75-17-32 (Amdt. 39-2068).

A. Remove from service within the next 100 cycles, wheels which have 6,900 or more total cycles on the effective date of this A.D.

B. Remove from service prior to exceeding 7,000 total cycles, wheels which have less than 6,900 total cycles on the effective date of this A.D.

IV. Wheels removed per paragraphs I, II or III above, which have less than 14,000 total cycles may be inspected as specified in IV. A and B, and if found satisfactory, may be returned to service until they reach the total number of cycles specified in IV. C; however, no wheels may exceed 11,000 total hours in service.

A. Inspect for hub spline cracks using fluorescent penetrant method FP-30A or ZL-30A.

B. Inspect and classify microstructure per Detroit Diesel Allison 501-D13 Commercial Overhaul Information Letter No. COIL-349.

C. Wheels inspected and classified per IV. A and B above, may be continued in service as follows:

1. Light carbide and medium light carbide wheels may be operated for a maximum of 14,000 cycles total.

2. Medium heavy carbide wheels may be operated for 7,000 cycles between inspections per IV. A and B above, for a maximum of 14,000 total cycles.

3. Heavy carbide wheels may not be operated more than 7,000 total cycles maximum.

V. For the purposes of this airworthiness directive, a cycle is defined as one takeoff.

VI. Detroit Diesel Allison 501-D13 Commercial Service Letter No. CSL-295 pertains to this subject.

The manufacturer's service letter identified and described in this directive is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received this document from the manufacturer may obtain copies upon request to Detroit Diesel Allison, Division of General Motors Corporation, P.O. Box 894, Indianapolis, Indiana, 46206.

This document may also be examined at the Office of the Regional Counsel, Federal Aviation Administration, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois, 60018, and at Federal Aviation Administration Headquarters, 800 Independence Avenue, SW., Washington, D.C., 20591. A historical file on this AD which includes the incorporated material in full is maintained by the Federal Aviation Administration at its headquarters in Washington, D.C., and at the Great Lakes Regional Office in Des Plaines, Illinois.

This supersedes Amendment 39-2117, Airworthiness Directive 75-05-15.

This amendment is effective: October 23, 1975.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois on October 9, 1975.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

NOTE.—The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.)

[FR Doc.75-28079 Filed 10-17-75;8:45 am]

[Airworthiness Docket No. 75-WE-49-AD; Amdt. 39-2387]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Hughes Models 369, 369A, 369H Series and Military Models YOH-6A and OH-6A Helicopters

There have been incidents of failures of tail rotor drive shafts, P/N 369A5518, used in combination with metal tail rotor blades in Hughes 369 series helicopters which have caused emergency flight situations.

While investigations into the incidents have not identified all the possible causes of the failures, the combination of metal tail rotor blades with thin wall tail rotor shafts in these incidents, which involve a variety of operating conditions, indicates that the combination is a contributing, if not the primary cause of the failures. The manufacturer has issued Service Information Notice, No. HN-86, dated April 28, 1975 which requires, in part, the identification of the drive shaft and replacements, if applicable, on certain Hughes 369 Series helicopters. The agency, for the purpose of this rule making action, has limited the required action to those helicopters incorporating the equipment combination common to the incidents, and makes mandatory certain portions of the Service Information Notice.

Since this condition exists or is likely to develop in other tail rotor drive shafts of the same design, when used in combination with metal tail rotor blades, an airworthiness directive is being issued to require replacement of certain tail rotor drive shafts on Hughes 369 series helicopters and military YOH-6A and OH-6A helicopters which incorporate metal tail rotor blades.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HUGHES HELICOPTERS. Applies to all Hughes Model 369, 369A, 369H, 369HS, 369HE, 369HM, certificated in all categories and military OH-6A and YOH-6A helicopters incorporating metal tail rotor blades Part Number 369A1613, or -3, in combination with tail rotor drive shaft, Part Number 369A5518.

Compliance required within the next 50 hours time in service, after the effective date of this AD unless already accomplished.

(a) To prevent possible emergency flight situations resulting from failure of the tail rotor drive shaft, replace drive shaft P/N 369A5518 with drive shaft P/N 369A5518-601 in accordance with Part I, B.8. of Hughes Service Information Notice No. HN-86, dated April 28, 1975, or later FAA-approved revisions.

(b) Aircraft may be flown in accordance with FAR 21.197 to a base for the performance of the maintenance described herein.

(c) Equivalent modification procedures may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

NOTE.—Assure that the record to reflect compliance with this AD is made in aircraft records in accordance with FAR's 91.165 and 91.173.

This amendment becomes effective October 24, 1975.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California on October 7, 1975.

LYNN L. HINK,
Acting Director
FAA Western Region.

[FR Doc.75-28077 Filed 10-17-75;8:45 am]

[Airworthiness Docket No. 75-WE-48-AD; Amdt. 39-2389]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes 369 Series Helicopters

There have been numerous instances of corrosion and one fracture of the fiberglass tail rotor blades on Hughes Model 269 series helicopters. Most of the Model 369 Series helicopters incorporate tail rotor blades of similar design and thus would be subject to the same service difficulties. Fracture of a tail rotor

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blade will result in hazardous degradation of control of the helicopter. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued to require inspection, repair and replacement of these tail rotor blades on Hughes Model 369 series helicopters. The manufacturer has developed FAA-approved procedures in a service bulletin.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HUGHES HELICOPTERS. Applies to Hughes Model 369, 369A, 369H, 369HM, 369HS, and 369HE helicopters certificated in all categories, including military YOH-6A and OH-6A equipped with fiberglass tail rotor blades P/N 369A1710, 369A1710-9, 369A 1710-11, 369-6120, 369A1607, and 369 CSK22.

Compliance required as indicated.

To detect possible corrosion, cracks, or other defects, inspect by visual, X-ray, or other specified means, the affected tail rotor blades and replace or rework in accordance with the instructions specified in Hughes Service Information Notice (SIN) No. HN-88, dated August 28, 1975, or later FAA-approved revisions, as follows:

(a) For blades with 500 or more hours time in service on the effective date of this AD, perform the visual and X-ray inspection, corrosion removal, casting procedure, metal treatment procedure, corrosion protection procedure, and fiberglass inspection—repair/spar exterior inspection procedure, set forth at Parts I through VIII of the Hughes SIN, referenced above, within the next 100 hours additional time in service or within 6 calendar months from the effective date of the AD, whichever occurs first, unless already accomplished.

(b) For blades with less than 500 hours time in service on the effective date of this AD, perform the visual and X-ray inspections, corrosion removal, casting procedures, metal treatment procedure, corrosion protection procedure, and fiberglass inspection—repair/spar exterior inspection procedure, set forth at Parts I through VIII of the Hughes SIN, referenced above, prior to accumulating 600 hours total time in service or within 6 calendar months from the effective date of this AD, whichever occurs first, unless already accomplished.

(c) After the effective date of this AD, perform the inspections and procedures described at Parts I through VIII of the Hughes SIN, referenced above, prior to the installation of spare blades or rotors on the aircraft.

(d) After the effective date of this AD, for all blades, perform the visual and X-ray inspections described as Part X of the Hughes SIN, referenced above, at intervals not to exceed 12 calendar months from the last inspection.

(e) After the effective date of this AD, repair or rework eligible blades as specified in the Hughes SIN, referenced above, as necessary, prior to further flight. Reinstall blades in accordance with Part IX of the Hughes SIN. Blades that exceed limits specified in the Hughes SIN and are therefore not repairable, must be marked in a conspicuous manner or destroyed so as to prevent inadvertent return to service.

(f) Paragraphs (a), (b), and (c), above, do not have to be accomplished on blades marked with a green dot or white dot per the preface, Hughes SIN. After the effective date of this AD, perform the visual and X-ray inspections for corrosion described at Part X of the Hughes SIN, referenced above, within 12 months after putting the blades into service, and at intervals not to exceed twelve months thereafter.

(g) Equivalent inspections and rework may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(h) Special flight permits may be issued for operating aircraft to a base for performance of the inspections and repairs or rework required by paragraphs (a) and (b), above, of this AD, per FAR's 21.197 and 21.199.

This amendment becomes effective October 23, 1975.

This amendment is made under the authority of Section 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California on October 8, 1975.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc.75-28078 Filed 10-17-75;8:45 am]

[Docket No. 75-EA-31; Amdt. 39-2394]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amended § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-31P airplanes.

There have been reports of an inability to feather the propeller on the subject aircraft when an overspeed condition developed in the engine. It has been determined that this has resulted from a loss of air charge in the propeller dome. Since the foregoing deficiency can exist or develop in airplanes of similar type design, an airworthiness directive is being issued which will require a change to the airplane flight manual and eventual replacement of the propeller.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

PIPER. Applies to Model PA-31P aircraft equipped with Hartzell Model HC-C3YN-2L or HC-C3YN-2LF propellers, certificated in all categories.

Compliance required as indicated unless already accomplished.

In order to prevent propeller overspeeding and loss of feathering capability due to low propeller air dome pressure, accomplish the following:

1. Within 10 hours time in service after the effective date of this AD, incorporate the following temporary instructions into the PA-31P FAA approved Airplane Flight Manual as indicated.

Section III A8 Normal Operating Procedures, Engine Run-Up.

f. Check feathering at 1000±20 RPM. Observe positive feathering action as evidenced by a 300 RPM drop within approximately 5 seconds. If propeller air charge is low or zero, feathering check will be sluggish or slow and no further flight shall be attempted. Refer to applicable airplane and propeller service manuals for corrective action.

Section III C18 Emergency Procedures—Propeller Overspeed In-Flight.

a. Symptoms.—(1) RPM control may be sluggish, particularly in the direction of reducing RPM.

(2) Slight overspeed or poor synchronization at the upper end of the cruising speed range.

b. Corrective Action.—(1) Control prop overspeed by immediately reducing airspeed to approximately 135 MPH by nosing-up slightly with a simultaneous slow throttle reduction to 20-25" manifold pressure. Do not allow airspeed to fall below best single engine rate of climb speed.

Reduction of prop speed can be assisted with prop control in the "feather detent" position. Therefore, if overspeed is above the red line (2133 RPM), select feather until prop speed drops below red line, then move control out of feather position.

(2) Set propeller control to desired speed, preferably 2000 RPM or less to provide a margin below red line RPM for further surges with power/airspeed changes.

(3) Slowly add throttle to regain power without overspeeding the propeller. Once proper RPM is recovered, hold airspeed well below that at which the overspeed occurred, preferably below 150 MPH. Use landing gear and/or flaps to increase drag for descent and maintain a manifold pressure of at least "20". Once control of propeller speed is regained, flight can be continued at reduced airspeed. With slow throttle changes at reduced airspeed, the engine will provide climb power without overspeeding.

CAUTION

Do not shut down the engine in flight since the propeller will not feather without air charge; and high drag will result from the windmilling propeller. If inadvertently shut down, the engine should be restarted carefully with low RPM setting and closed throttle; airspeed should be slightly above best single engine rate of climb speed to minimize RPM surge upon starting.

2. Within 30 days after the effective date of this AD, replace the subject propellers with Hartzell Model HC-C3YN-2LU or HC-C3YN-2LUF as applicable.

NOTE.—Hartzell propeller Models HC-C3YN-2L and HC-3YN-2LF may be converted to Models HC-C3YN-2LU and HC-C3YN-2LUF, which incorporate feathering springs in accordance with Hartzell Service Instruction No. 102.

3. Upon installation of feathering spring propellers per paragraph 2 above, the temporary AFM instructions specified in paragraph 1 above are no longer required.

4. Aircraft may be flown to a base where the maintenance required by this Airworthiness Directive is to be performed per FAR's

21.197 and 21.199. Piper Service Bulletin No. 458 and Hartzell Service Bulletin No. 111 also pertain to this subject.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Piper Aircraft Corporation, Service Department, Lock Haven, Penn. 17745. These documents may also be examined at the Engineering and Manufacturing Branch, Federal Aviation Administration, Eastern Region, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Eastern Region Headquarters.

This amendment is effective October 24, 1975.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421 and 1423], and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on October 10, 1975.

DUANE W. FREER,
Director, Eastern Region.

[FR Doc. 75-28082 Filed 10-17-75;8:45 am]

[Docket No. 15053; Amdt. 39-2402]

PART 39—AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale Models SA330F and SA330G Helicopters

Electrical connections of the external hoist pyrotechnic shears on certain Aerospatiale (formerly Sud Aviation) SA330 helicopters have been wired improperly so that external loads cannot be released by the electrical release system.

Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued to require an inspection of the electrical connections to ensure that the connections are properly wired on certain Aerospatiale SA330 helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE. Applies to SA330F and SA330G helicopters certificated in all categories, equipped with external hoists AE-76 360-100 or AE-76 360-110-01.

Compliance is required within the next 10 hours time in service after the effective date of this AD, unless already accomplished. To ensure proper functioning of the pyrotechnic shears, accomplish the following:

(a) Inspect electrical connections ME 24F and ME 25F on mobile connector 52 Ma of the pyrotechnic shears control for proper connections.

(b) Electrical connections which are improperly connected must be disassembled, reconnected and checked in accordance with paragraph 2.B of Aerospatiale Service Bulletin No. 45.06, dated April 2, 1975, or an FAA-approved equivalent.

This amendment becomes effective November 3, 1975.

Issued in Washington, D.C. on October 10, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-28075 Filed 10-17-75;8:45 am]

[Docket No. 15051; Amdt. 39-2401]

PART 39—AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale Model SA341G "Gazelle" Helicopter

There have been defects found on new and recently overhauled main gear boxes of Aerospatiale (formerly Sud Aviation) SA341G helicopters that could result in failure of the main gear box. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued to require checks of the main gear box (MGB) for free rotation, and checks of the MGB magnetic plug oil filter, on Aerospatiale SA341G helicopters with less than 25 hours time in service since the installation of new or overhauled main gear boxes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

This amendment is made under the authority of Sections 313(a), 601, and 603, of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 16(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE. Applies to SA341G helicopters, certificated in all categories, equipped with main gear boxes P/N 341A.32.1000.01, .02, .03, or .05 with less than 25 hours time in service since new or overhauled, and that have not been altered in accordance with AMS 07.7077.

Compliance is required until the accumulation of 25 hours time in service on new and newly overhauled main gear box.

To detect main gear box (MGB) defects, accomplish the following:

(a) Before each flight after the effective date of this AD check the MGB magnetic plug for particles and check the main gear box for abnormal friction points or noise by slowly rotating the main rotor by hand.

(b) Before the first flight of each day after the effective date of this AD or within intervals of 5 hours MGB time in service after the last inspection, whichever occurs first, check the MGB oil filter for foreign metallic particles.

(c) If highly heated and laminated (black) particles appear on the magnetic plug, or if fine particles deposited on the magnetic plug are preceded or accompanied by bronze particles left in the main gear box oil filter, or if abnormal friction points or noise is detected on the main gear box, prior to further flight replace main gear box with a serviceable part of the same part number incorporating Modification AMS 07.7077, or an FAA-approved equivalent. The checks required by this AD may be performed by the pilot.

(Aerospatiale's Service Bulletin No. 05.10 dated February 7, 1975, refers to this subject.)

This amendment becomes effective November 3, 1975.

Issued in Washington, D.C. on October 10, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-28076 Filed 10-17-75;8:45 am]

[Airspace Docket No. 75-SO-101]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

Correction

In FR Doc 75-27092 appearing at page 47481 in the issue for Thursday, October 9, 1975, in the third column, third paragraph, the following should be added immediately after the third line: "December 4, 1975, as hereinafter set forth."

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED (1974.....)

Income and Resources

On October 3, 1973, and January 22, 1974, there were published in the FEDERAL REGISTER (38 FR 27406; 39 FR 2487) notices of proposed rule making with amendments adding new Subparts K and L to new Part 416 (20 CFR). The proposed amendments define income and exclusion from income and resources and exclusions from resources. Further, they establish the policies and limitations pertaining to income and resources to be excluded and income and resources to be counted and the disposition of excess resources for persons eligible or applying for benefits under title XVI of the Act.

Interested persons were given the opportunity to submit within 30 days, data, views, or arguments with regard to the proposed changes.

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Several organizations expressed concern about the difficulty in the application and administration of gifts as income and the market value limitations on "house" and household furnishings. However, these difficulties had been recognized and were considered in formulating the proposed rules.

Comments were received from other organizations concerning the treatment as income of supplementary medical insurance benefit premiums which are deducted from title II benefits. However, there seems to be no basis for any conclusion other than that the full title II benefit is income. The amount deducted from the title II benefit is income over which the beneficiary has control and chooses to spend for the purchase of supplementary medical insurance. There is no apparent distinction between this case and that of the title II beneficiary who uses part of his benefit to purchase private health insurance.

Several organizations also believed the definition of income which excluded social services was not explicit enough. It was suggested that payments made for services which are intended only to "pass through" the recipient to the provider of services not be counted as income. We concur in that position; however, we do not believe that a reading of the regulation as originally proposed leads to the conclusion that such payments are counted as income. Therefore, a change is not required. However, § 416.1109(b) has been clarified by adding the phrase "of the type furnished in accordance with title IV, V, or VI of the Social Security Act as amended" in defining the kinds of services excluded. Therefore, cash to pay for services, which services would not be income if furnished directly, will not be income if the payment is made to the provider of services through the recipient.

A number of comments were received on § 416.1125 dealing with unearned income, support and maintenance. Due to the enactment of Public Law 93–484 and other policy decisions made by the Secretary requiring changes in that section, it is being published again with a notice of proposed rulemaking and an additional period for public comment. Therefore, that section has been omitted from these final regulations.

Another comment was that the interpretation of the statute concerning the proceeds of a life insurance policy is incorrect. It was felt that the net proceeds of a life insurance policy, up to $1,500, after the payment of the expenses of last illness and burial, should be excluded from income. However, title XVI specifically states that all proceeds of life insurance policies in excess of the costs of last illness and burial costs not to exceed $1,500 are income.

Another organization raised several questions which took issue with the statute rather than the regulations; e.g., treatment of gifts and inheritances as income, no work expenses excluded from income for the aged and disabled. One comment, though, questioned the rule which would not allow depreciation or depletion to be counted as an expense to be deducted from unearned rental income. While cash expenses incurred in receiving the unearned income do reduce the amount of income considered, it is not believed to be consistent with the intent of title XVI to allow persons with rental property to set aside part of their income to improve the property or to recoup their investments. Therefore, no changes have been made in this provision. In response to several suggestions, the proposed regulations have been modified to clarify that casualty insurance received as a replacement for a nonexcluded resource is counted as a resource and not as income, portions of scholarships, grants, or fellowships used for educational purposes are excluded from income, and legal fees incurred in receiving unearned income are excluded from income.

With respect to resources, one organization expressed concern that while resources would be evaluated according to their current market value, the regulations did not furnish any guidance as to the mechanics of determining market value. It was suggested that if such guidance is not issued in the regulations, it should be issued in the form of operating instructions. The mechanics of establishing market value are operational in nature and, therefore, are believed to be inappropriate for issuance in the regulations. They are contained in operating instructions for Social Security Administration claims personnel. Operating instructions are available for inspection by the public at any social security office.

Several organizations expressed dissatisfaction with the maximum value of an excludable home and indicated that it should be increased or that there should be greater regional variations. The statute requires that a reasonable limit be established for the value of a home which will be excluded. The home value limitations were established based on national statistics which indicated that individuals with incomes low enough to be eligible for supplemental security income payments would hardly be able to maintain homes of greater value. Several groups also expressed concern over the maximum value ($1,500) of excludable household goods and personal effects. It was felt that the limitation should be raised considerably or that there should be no limitation at all. The law requires setting a reasonable value on excludable household goods and personal effects. As the regulations provide, these items are evaluated based upon their resale value. Ordinary used household goods and personal effects generally have low values. Only when an individual owns an item or items of exceptional value would his household goods and personal effects exceed the limitations prescribed in the regulations.

Several groups also felt the $1,200 limitation on an excludable automobile was too low. The regulations do provide that vehicles can also be excluded, regardless of value, if they are used for regular medical treatment or employment or are specially modified for a handicapped person. The value set in the regulations pertains only to vehicles other than those identified in the previous sentence. A number of groups felt that establishing limitations on the value of excludable property (home, household goods, personal effects, automobile) would be exceedingly difficult to administer and would be inequitable in their effect. However; the law requires establishing such limits. Some groups also felt that encumbrances on property should be taken into account in determining value. Consideration was given to this approach. However, it was felt to be inconsistent with the purposes of the supplemental security income program to permit an individual with property having a considerable market value to be eligible because there were large encumbrances on the property while another individual with property having a similar market value would be ineligible because there were small or no encumbrances on the property.

Section 416.1125 (Unearned income; support and maintenance) published in the FEDERAL REGISTER on October 3, 1973, (38 FR 27407) with a notice of proposed rulemaking; and § 416.1185 (Deeming of Income) published in the FEDERAL REGISTER on January 22, 1974, (39 FR 2487) with notice of proposed rule making are not contained in the final regulations set forth below and retain their interim effect. These sections will be published as final regulations in the FEDERAL REGISTER at a later date.

The provision that tax refunds are included as income only if the amounts were not previously counted has been deleted from the general rule of § 416.1112 that tax refunds are not income. Since tax refunds result almost exclusively from earned income, the provision had only the unintended effect of counting as income refunds relating to earnings from a time before the individual became an SSI recipient.

The parenthetical phrase, other than a home determined to be an includable resource, in § 416.124(a)(1) which resulted in unequal treatment to individuals (and spouses, if any) has been omitted from the final regulations.

Accordingly, with these changes and additions, as well as other editorial and clarifying changes, the proposed rules are adopted as set forth below.

(Secs. 1102, 1601, 1602, 1611, 1612, 1613, 1614 (f), and 1631(d), 49 Stat. 647 as amended, 86 Stat. 1465, 1466, 1468, 1470, 1473; 42 U.S.C. 1302, 1381, 1381a, 1382, 1382a, 1382b, 1382c(f), and 1383(d).)

Effective date. These amendments shall become effective on October 20, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: June 30, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: October 14, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding thereto Subpart K (§§ 416.1101–416.1180) and Subpart L (§§ 416.1201–416.1266) to read as follows:

Subpart K—Income and Exclusions

Sec.
416.1101 Income—general.
416.1102 Income defined.
416.1105 Receipts from the conversion or replacement of resource not income.
416.1107 Supplementary medical insurance premiums.
416.1109 Medical and social services.
416.1112 Income tax refund.
416.1115 Countable income defined.
416.1120 Availability of unearned income.
416.1130 Unearned income; annuities, pensions and similar payments.
416.1132 Unearned income; prizes and awards.
416.1134 Unearned income; proceeds of life insurance policy.
416.1136 Unearned income; gifts, support and alimony, inheritances.
416.1138 Unearned income; rents, dividends, interest, royalties.
416.1145 Exclusions from income; order of application.
416.1149 Refund of taxes.
416.1151 State assistance based on need.
416.1153 Grants, scholarships, and fellowships.
416.1155 Home produce.
416.1157 Infrequent or irregular income.
416.1159 Foster care payments.
416.1161 Child support.
416.1163 Earned income of a student child.
416.1165 First $60 of unearned or earned income.
416.1167 Amount of earned income exclusion.
416.1169 Work expenses of the blind.
416.1171 Income needed to fulfill a plan for self-support.
416.1175 Income exclusions for certain blind individuals.
416.1180 Consideration of income.

Subpart K—Income and Exclusions

§ 416.1101 Income—general.

(a) Under title XVI of the Act, an individual's income includes all of his own income in cash or in kind, both earned income and unearned income. It also includes all of the income of his or her eligible spouse (as defined in § 416.120 (c)(14)). In addition, an individual's income is deemed to include:

(1) (i) Certain income of his or her ineligible spouse who lives in the same household, or

(ii) If the individual is a child as defined in § 416.1050 and under age 21, certain income of his parent and the spouse of such parent who live in the same household, and

(2) The income of an essential person as provided by § 416.1190.

(b) If countable income (see § 416.1115) equals or exceeds the standard payment amount as set forth in Subpart D of this part, no Federal benefit under title XVI may be paid for that quarter (or month where applicable).

§ 416.1102 Income defined.

(a) *Meaning of income.* The term "income" for purposes of title XVI means the receipt by an individual of any property or service which he can apply, either directly or by sale or conversion, to meeting his basic needs for food, clothing, and shelter.

(b) *Earned income.* The term "earned income" is defined in section 1612(a)(1) of the Act by reference to the definition of wages for purposes of the earnings test (see § 404.429(c) of this chapter) and net earnings from self-employment for coverage purposes (see § 404.1050 of this chapter) under title II of the Act.

(c) *Unearned income.* The term "unearned income" means all income that is not included in the definition of "earned income" (see §§ 416.1125—416.1138).

§ 416.1105 Receipts from the conversion or replacement of resource not income.

(a) *Conversion of resource.* Any cash or other property received from the sale or exchange of a resource as defined in § 416.1201 is not income, but retains the character of a resource.

(b) *Insurance payment on excluded resource.* The cash proceeds of casualty insurance to replace a resource are not income but retain the character of resources. For treatment of an excluded resource see § 416.1232.

§ 416.1107 Supplementary medical insurance premiums.

The term "income" does not include the amount of a premium payment for supplementary medical insurance under title XVIII of the Act which is paid by a third-party insurer on behalf of a beneficiary.

§ 416.1109 Medical and social services.

(a) *Medical services.* The term "income" does not include the value of any third-party payment for medical care or medical services furnished to a beneficiary. This exclusion from income also applies to room and board furnished during medical confinement and paid for by such third party.

(b) *Social services.* The term "income" does not include the value of advice, consultation (e.g., on educational plans, money management), training (e.g., on chores which the individual might be able to perform for himself), or other services of a strictly social nature furnished an individual by any governmental or private agency of the type furnished in accordance with title IV, V, VI, or XX of the Social Security Act, as amended.

§ 416.1112 Income tax refund.

Since income taxes are included as income when determining the amount of wages (see § 416.1102(b)) or unearned income (see § 416.1120) of an individual, a refund of such taxes will not be included as income.

§ 416.1115 Countable income defined.

(a) The amount of a beneficiary's countable income for a calendar quarter (or shorter period, when applicable) is used to determine whether he is or is not eligible for benefits under title XVI of the Act and, if he is eligible, the amount payable. Countable income is the amount of an individual's income which affects payments under title XVI. It is the sum of:

(1) His total earned income (as set forth in § 416.1102(b)) less his earned income exclusions (as set forth in §§ 416.1145–416.1175); and

(2) His total unearned income (as set forth in § 416.1102(c)) less his unearned income exclusions (as set forth in §§ 416.1145–416.1175).

(b) The countable income so determined may not have a negative value; it never can be less than zero. After countable income has been determined for a calendar quarter (or month, where applicable), the benefit payable is computed in accordance with Subpart D of this part.

§ 416.1120 Availability of unearned income.

In determining the amount of unearned income the amount actually available to the individual is considered. The gross amount is reduced by any ordinary and necessary expenses incurred in getting or receiving the unearned income. However, reduction is not permitted below a zero value. For example, where an individual receives compensation for damages incurred in an automobile accident, the amount of unearned income under title XVI is the final settlement amount less ordinary and necessary legal, medical, and other expenses. An amount earmarked to replace the damaged automobile could be excluded from income under § 416.1105(b). Personal income tax withheld from unearned income before it is paid to the individual is not a deductible expense and, therefore, does not reduce the amount of the unearned income to the individual (e.g., income tax withheld from lottery winnings).

§ 416.1130 Unearned income; annuities, pensions, and similar payments.

The following types of periodic payments are among those included in unearned income; however, this list is not all-inclusive:

(a) *Annuities.* Annuities are periodic payments calculated on an annual basis which are in the nature of returns on prior payments or services. They may be received from any source.

(b) *Pensions or retirement payments.* Normally, pension or retirement payments are paid to a worker following his retirement from employment. Such payments may be paid directly by a former employer; however, they also may be paid from a fund, insurance, or any similar-purpose source.

(c) *Disability benefits.* Disability benefits normally are paid to one who has suffered injury or impairment. Such payments are not limited to those arising from an employment relationship. Such payments may be made by an employer or from any insurance or other public or private fund.

(d) *Veterans compensation and pension.* Veterans payments are based on service in the armed forces; but this service is not limited to the U.S. armed

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forces. Such payments may be made by the U.S. Veterans Administration, another country, a State or local governmental entity, or any other organization or entity.

(e) *Workmen's compensation payments.* Workmen's compensation payments are awarded to an injured employee or to his dependents. This includes payments under Federal and State workmen's compensation statutes, Longshoremen and Harbor Worker's Act, and so forth. Amounts included in such awards for medical, legal, or related expenses paid or actually incurred by an individual in connection with such claim are deducted in determining the amount that is counted as unearned income.

(f) *Social security benefits.* Old-age, survivors, and disability insurance payments made by the Social Security Administration under provisions of the Social Security Act are unearned income. Also included are special payments at age 72 (see § 404.374 of this chapter) and payments under title IV of the Federal Coal Mine Health and Safety Act of 1969 (i.e., Black Lung Benefits).

(g) *Railroad retirement payments.* Payments, such as sick pay, annuities, pensions, and unemployment insurance benefits, which are paid by the Railroad Retirement Board to an individual who is or was a railroad worker, or to his dependents or survivors, are unearned income.

(h) *Unemployment compensation.* Payments in the nature of insurance for which one qualifies by reason of having been employed and which are financed by contributions made to a fund during periods of employment are unearned income.

§ 416.1132 Unearned income; prizes and awards.

In general, the term "prize" means something won in a contest, lottery, or game of chance. In general, the term "award" means something of value received as the result of a decision or judgment of a court, a board of arbitration, or the like; ordinarily it does not come from a competition. In either event, the income is unearned income in determining eligibility for and the amount of benefits payable. Where a prize or award is not in cash, the current fair market value of the item is counted as unearned income.

§ 416.1134 Unearned income; proceeds of life insurance policy.

Unearned income under title XVI of the Act includes the proceeds of any life insurance policy to the extent that the proceeds exceed $1,500, or the amount expended by the beneficiary of the policy on the insured's last illness and burial expenses, whichever is less. Last illness and burial expenses include related hospital, medical expenses, funeral, burial plot and interment expenses, and related costs.

§ 416.1136 Unearned income; gifts, support and alimony, inheritances.

(a) *General.* Unearned income under title XVI of the Act includes gifts, support and alimony payments, and inheritances. The fair market value of the item received is used where the item is not received in cash.

(b) *Gifts.* A gift may or may not be in cash. It is anything given to an individual which is:

(1) Not compensation for services or other consideration, and

(2) Without legal obligation on the donor's part.

(c) *Support and alimony.* For purposes of this section, support means contributions in cash or in kind to provide some or all of an individual's usual needs (e.g., food, shelter, clothing); it may be provided voluntarily or pursuant to court order. Alimony is the allowance made by a court to one spouse from funds of the other spouse either pending decision on a suit for separation or divorce or after decision in such suit. In some jurisdictions a court uses the term "maintenance" instead of alimony.

(d) *Inheritance.* For purposes of this section, inheritance means cash, other liquid resources, noncash items, or any right in real or personal property to which one succeeds as the result of the death of another. An inheritance counts as unearned income when it meets the definition of income in § 416.1102(a).

§ 416.1138 Unearned income; rents, dividends, interest, royalties.

(a) *General.* Unearned income under title XVI of the Act includes rents, dividends, interest, and royalties which are not income from self-employment (as defined in section 211(a) of the Act).

(b) *Rents*—(1) *Defined.* Rents represent compensation in cash or in kind for the use of real or personal property (e.g., land, an apartment, a room, machinery).

(2) *Amount included.* In determining the amount of rent that is unearned income (i.e., not net earnings from self-employment), only ordinary and necessary "out of pocket" expenses incurred in operating and maintaining the property are deducted from the gross rent. Such expenses shall include only those expenses necessary for the production or collection of income, as defined in sections 163, 164, and 212 of the Internal Revenue Code of 1954 and the regulations thereunder; under no circumstances will depreciation or depletion of the property be considered such an expense.

(c) *Dividends and interest.* Dividends and interest normally represent return on a capital investment, usually on stocks, bonds, and savings accounts.

(d) *Royalties.* Royalties are payments to the holder of a patent or copyright, the owner of a mine, oil well, etc., for duplication of a writing, use of an invention, extraction of a product, or the like.

§ 416.1145 Exclusions from income; order of application.

(a) For the purpose of determining countable income in accordance with § 416.1115 of this subpart, the following income shall be excluded:

(1) Return or refund by any public agency of taxes on real property or food (§ 416.1149).

(2) Assistance based on need, which is paid by any State or political subdivision in supplementation of benefits (§ 416.1151).

(3) Tuition and fee portions of grants, scholarships and fellowships (§ 416.1153).

(4) Home produce used for personal consumption (§ 416.1155).

(5) Infrequently or irregularly received income, unearned and earned, if such income does not exceed $60 per quarter of unearned income and $30 per quarter of earned income (§ 416.1157).

(6) Certain payments received for foster care (§ 416.1159).

(7) One-third of child support payments by an absent parent (§ 416.1161).

(8) Student child's earned income up to specified limits (§ 416.1163).

(9) The first $60 per quarter of income, earned or unearned, other than income based on need (§ 416.1165).

(10) Earned income in the amount of $195, plus one-half of the remainder of the earned income per quarter (§ 416.1167).

(11) Work expenses of the blind (§ 416.1169).

(12) Income of the blind and disabled needed to fulfill a plan for self-support (§ 416.1171).

(b) In determining the countable income in accordance with § 416.1115, the exclusions listed in paragraph (a) of this section shall apply first to unearned income, and then to earned income, where appropriate. In so applying they shall be considered in the numerical sequence in which they are listed in paragraph (a) of this section.

§ 416.1149 Refund of taxes.

Any amount refunded from any public agency, if paid on the purchase of food or the satisfaction of real property levies, shall not be considered in determining countable income under § 416.1115.

§ 416.1151 State assistance based on need.

Assistance by a State or a political subdivision (including Indian tribes) which is based on need and which meets the definition of State supplementation in Subpart T of this part shall not be considered in determining countable income under § 416.1115.

§ 416.1153 Grants, scholarships, and fellowships.

Any portion of any grant, scholarship or fellowship, for use in paying tuition, fees or other expenses necessary to the securing of an education at an educational institution received by an individual or spouse shall not be considered in determining countable income under § 416.1115. Portions used to defray the expenses of food, clothing or shelter shall be considered in determining countable income under § 416.1115.

§ 416.1155 Home produce.

The value of agricultural products raised by an individual or spouse and not

raised in connection with a trade or business and consumed by such individual or his immediate family shall not be considered in determining countable income under § 416.1115.

§ 416.1157 Infrequent or irregular income.

(a) *Earned income.* Earned income as defined in § 416.1102(b) if it does not exceed $30 per quarter in total which is received less frequently than twice per quarter or which cannot be reasonably anticipated shall not be considered in determining countable income under § 416.1115.

(b) *Unearned income.* Unearned income as defined in § 416.1102(c) if it does not exceed $60 per quarter in total which is received less frequently than twice per quarter or which cannot be reasonably anticipated shall not be considered in determining countable income under § 416.1115.

§ 416.1159 Foster care payments.

Income to an individual or spouse which represents payment for the foster care of a child who is not an eligible individual but is living in the same home as such individual and was placed there by a public or nonprofit private child-placement or child-care agency, shall not be considered in determining countable income under § 416.1115.

§ 416.1161 Child support.

Income received as support by an individual who meets the definition of child in § 416.1050 from an absent parent of such child shall be reduced by one-third before it is considered in determining countable income under § 416.1115.

§ 416.1163 Earned income of a student child.

The first $1,200 of quarterly earnings, not to exceed $1,620 a calendar year, shall be excluded from the earned income of a blind or disabled child who is a student regularly attending school in accordance with the provisions of § 416.1057.

§ 416.1165 First $60 of unearned or earned income.

The first $60 of unearned income or earned income received in a quarter, not otherwise excluded by §§ 416.1149 through 416.1163 shall not be considered in determining countable income under § 416.1115; except income which is paid on the basis of need shall not be excluded under this section.

§ 416.1167 Amount of earned income exclusion.

Earned income not excluded from consideration by § 416.1149 through § 416.1165 in the amount of $195 received per quarter plus one-half of any remaining earned income not previously excluded and received in the same quarter shall not be considered in determining countable income under § 416.1115.

§ 416.1169 Work expenses of the blind.

Earned income not excluded from consideration by § 416.1149 through § 416.1167 of an individual who is blind as defined in Subpart I shall not be considered in determining countable income under § 416.1115 of this subpart to the extent that such income is used to meet any expenses reasonably attributable to the earning of any income.

§ 416.1171 Income needed to fulfill a plan for self-support.

Earned or unearned income which has not been excluded from consideration by § 416.1149 through § 416.1169 shall not be considered in determining countable income under § 416.1115 to the extent that such earned or unearned income is needed to fulfill an approved plan for self-support pursuant to § 416.1731 for an individual who is disabled or blind as provided by Subpart I of this part.

§ 416.1175 Income exclusions for certain blind individuals.

For an individual who is blind as defined under a State plan, which was approved under title X or XVI of the Act, as in effect in October 1972 and who for the month of December 1973 was a recipient of aid or assistance under such State plan, the maximum amount of earned or unearned income which could have been disregarded under such State plan will be disregarded in determining countable income under § 416.1115 in lieu of applying the exclusions from income provided in § 416.1145, provided that the application of the provisions of § 416.1145 would result in a larger amount of countable income.

§ 416.1180 Consideration of income.

Except as otherwise noted, income is counted in determining eligibility for and the amount of benefits payable under title XVI when it is actually received or is counted when constructively received (see § 404.1026(b)(2) of this chapter), whichever first occurs. In general, this is the first point at which it is available to the individual to use. For example, interest on a regular savings account is counted when credited to the account. Generally, wages will be counted when received. Net earnings from self-employment will be allocated and counted as received equally in each quarter of the individual's taxable year.

Subpart L—Resources and Exclusions

Sec.
416.1201 Resources; general.
416.1202 Deeming of resources.
416.1205 Limitation on resources.
416.1210 Exclusions from resources; general.
416.1212 Exclusion of the home.
416.1216 Exclusion of household goods and personal effects.
416.1218 Exclusion of the automobile.
416.1220 Exclusion of property essential to self-support.
416.1222 Exclusion of property of a trade or business essential to self-support.
416.1224 Exclusion of nonbusiness property essential to self-support.
416.1226 Exclusion of resources necessary to fulfill an approved plan for self-support.
416.1228 Exclusion of Alaskan natives' stock in regional or village corporations.
416.1230 Exclusion of life insurance.
416.1232 Replacement of damaged or lost excluded resources.
416.1234 Exclusion of Indian lands.
416.1240 Disposition of resources.
416.1242 Time limits for disposing of resources.
416.1244 Treatment of proceeds from disposition of resources.
416.1260 Special resource provisions for recipients under a State plan.
416.1261 Application of special resource provision.
416.1264 Spouse ineligible under a State plan in December 1973.
416.1266 Individual under special resource provision dies after December 1973.

Subpart L—Resources and Exclusions

§ 416.1201 Resources; general.

(a) *Resources; defined.* For purposes of this subpart L, resources mean cash or other liquid assets or any real/or personal property that an individual (or spouse, if any) owns and could convert to cash to be used for his support and maintenance. If the individual has the right, authority or power to liquidate the property, or his share of the property, it is considered a resource. If a property right cannot be liquidated, the property will not be considered a resource of the individual (or spouse).

(b) *Liquid resources; defined.* Liquid resources are those properties that are in cash or are financial instruments which are convertible to cash. Liquid resources include cash on hand, cash in savings accounts or checking accounts, stocks, bonds, mutual fund shares, promissory notes, mortgages and similar properties.

(c) *Nonliquid resources; defined.* Nonliquid resources include all other properties. The term includes both real and personal property. Nonliquid resources are evaluated according to their current market value except as otherwise provided. For purposes of this Subpart L, the "current market value" of an item is defined as the price that item can reasonably be expected to sell for on the open market in the particular geographic area involved.

§ 416.1202 Deeming of resources.

(a) *Married individual.* In the case of an individual who is living with a person not eligible under this part and who is considered to be the husband or wife of such individual under the criteria in § 416.1005, such individual's resources shall be deemed to include any resources, not otherwise excluded under this subpart, of such spouse whether or not such resources are available to such individual.

(b) *Child.* In the case of a child (as defined in § 416.1050) who is under age 21, such child's resources shall be deemed to include any resources, not otherwise excluded under this subpart, of a parent of such child (or the spouse of such a parent) who is living in the same household (as defined in § 416.1070) as such child, whether or not available to such child, to the extent that the resources of such parent (or such spouse of a parent)

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exceed $1,500 in the case of one parent or $2,250 in the case of two parents (or one parent and the spouse of such parent). As used in this section, the term "parent" means the natural or adoptive parent of a child and "spouse of a parent" means the spouse (as defined in Subpart J of this part) of such natural or adoptive parent.

(c) *Applicability.* When used in this Subpart L, the term "individual" refers to an eligible aged, blind, or disabled person, and also includes a person whose resources are deemed to be the resources of such individual (as provided in paragraphs (a) and (b) of this section).

§ 416.1205 Limitation on resources.

(a) *Individual with no eligible spouse.* An aged, blind, or disabled individual with no spouse shall be eligible for benefits under title XVI of the Act if his nonexcludable resources do not exceed $1,500 and all other eligibility requirements are met. An individual who is living with an ineligible spouse shall be eligible for benefits under title XVI of the Act if his nonexcludable resources, including the resources of such spouse, do not exceed $2,250 and all other eligibility requirements are met.

(b) *Individual with an eligible spouse.* An aged, blind, or disabled individual who has an eligible spouse shall be eligible for benefits under title XVI of the Act if their nonexcludable resources do not exceed $2,250 and all other eligibility requirements are met.

§ 416.1210 Exclusions from resources; general.

In determining the resources of an individual (and spouse, if any) the following items shall be excluded:

(a) The home (including the land appertaining thereto) to the extent its value does not exceed the amount set forth in § 416.1212;

(b) Household goods and personal effects to the extent that their total value does not exceed the amount provided in § 416.1216;

(c) An automobile to the extent that its value does not exceed the amount provided in § 416.1218;

(d) Property of a trade or business which is essential to the means of self-support as provided in § 416.1222;

(e) Nonbusiness property which is essential to the means of self-support as provided in § 416.1224;

(f) Resources of a blind or disabled individual which are necessary to fulfill an approved plan for achieving self-support as provided in § 416.1226;

(g) Stock in regional or village corporations held by natives of Alaska during the twenty-year period in which the stock is inalienable pursuant to the Alaska Native Claims Settlement Act (see § 416.1228);

(h) Life insurance owned by an individual (and spouse, if any) to the extent provided in § 416.1230; and

(i) Restricted allotted land owned by an enrolled member of an Indian tribe as provided in § 416.1234.

§ 416.1212 Exclusion of the home.

(a) A home is excluded in determining the resources of an individual (and spouse, if any) to the extent its current market value does not exceed $25,000 ($35,000 in Alaska and Hawaii).

(b) A home, for purposes of this part, is any shelter in which the individual (and spouse, if any) has ownership interest and which is used by the individual (and spouse, if any) as his principal place of residence. The home includes any land that appertains thereto and any related outbuildings necessary to the operation of the home.

(c) Where a State or locality imposes a value-based property tax or levy, the current market value of a home shall be based on the most recent assessed value placed on it by such State or locality, taking into consideration the ratio between such assessed value and the market value.

(d) The proceeds from the sale of a home which is excluded from the individual's resources will also be excluded from resources to the extent they are intended to be used and are, in fact, used to purchase another home, which is similarly excluded, within 3 months of the date of receipt of the proceeds.

§ 416.1216 Exclusion of household goods and personal effects.

(a) *Household goods and personal effects; defined.* Household goods are defined as including household furniture, furnishings and equipment which are commonly found in or about a house and are used in connection with the operation, maintenance and occupancy of the home. Household goods would also include the furniture, furnishings and equipment which are used in the functions and activities of home and family life as well as those items which are for comfort and accommodation. Personal effects are defined as including clothing, jewelry, items of personal care, individual education and recreational items such as books, musical instruments, and hobbies.

(b) *Limitation on household goods and personal effects.* In determining the resources of an individual (and spouse, if any), household goods and personal effects are excluded if their total market value is $1,500 or less. If the market value of household goods and personal effects is in excess of $1,500, the excess will be counted against the resource limitation.

(c) *Additional exclusions of household goods and personal effects.* In determining the resources of an individual (and spouse, if any) and in determining the value of the household goods and personal effects of such individual (and spouse), there shall be excluded a wedding ring and an engagement ring and household goods and personal effects such as prosthetic devices, dialysis machines, hospital beds, wheel chairs and similar equipment required because of a person's physical condition. The exclusion of items required because of a person's physical condition is not applicable to items which are used extensively and primarily by members of the household in addition to the person whose physical condition requires the item.

§ 416.1218 Exclusion of the automobile.

(a) *Automobile; defined.* As used in this section, the term "automobile" includes, in addition to passenger cars, other vehicles used to provide necessary transportation.

(b) *Limitation on automobile.* In determining the resources of an individual (and spouse, if any) an automobile is excluded from counting as a resource if its current retail market value is $1,200 or less. If the retail market value of the automobile exceeds $1,200, the amount to be counted against the resource limit is that portion of the retail market value which exceeds $1,200. However, an automobile will be totally excluded if it is used for employment or for the medical treatment of a specific or regular medical problem of the individual or a member of his household, or if it has been modified for operation by or transportation of a handicapped person.

(c) *Number of automobiles.* Only one automobile may be excluded in determining the resources of an individual (and spouse, if any) under this section.

(d) *Retail market value.* The "retail market value" of an automobile is the average price a vehicle of that particular year, make, model, and condition will sell for on the open market (to a private individual) in the particular geographic area involved.

§ 416.1220 Exclusion of property essential to self-support.

In determining the resources of an individual (and spouse, if any) there shall be excluded, subject to the criteria and limitations in §§ 416.1222 and 416.1224, property so essential to the self-support of the individual (and spouse, if any) as to warrant its exclusion. Such property shall include both the property used in a trade or business (as defined in § 404.1070 of Part 404) and property not used in a trade or business but which nevertheless produces income or is otherwise necessary to the self-support of the individual (and spouse, if any). In the case of property not used in a trade or business, however, it shall not include cash, stocks, bonds, or any other liquid resources (as defined in § 416.1201) even though such liquid resources may be producing income.

§ 416.1222 Exclusion of property of a trade or business essential to self-support.

(a) In determining the resources of an individual (and spouse, if any) there shall be excluded property used by the individual (and spouse, if any) in his trade or business (as defined in § 404.1070 of this chapter) to the extent that such property is essential to the self-support of such individual (and spouse, if any).

(b) Property of a trade or business is considered essential for self-support if its current market value does not exceed limits which take into account the nature of the business and the gross and net income such business may be expected to produce in the light of such property.

(c) For purposes of this section, "property of a trade or business" means items commonly referred to as tangible business assets such as land and buildings, equipment and supplies, inventory, cash on hand, accounts receivable, etc.

§ 416.1224 Exclusion of nonbusiness property essential to self-support.

(a) In determining the resources of an individual (and spouse, if any) there shall be excluded nonliquid property (as defined in § 416.1201) which although not used in a trade or business is essential to the self-support of the individual (and spouse, if any). Nonbusiness property is considered essential for self-support if it is relied upon by the individual as a significant factor in producing income on which he can live, it is used to produce goods essential to the support of the individual, or it is used to provide services essential to the individual's support.

(b) Property used exclusively to produce items for home consumption is considered essential for self-support if the items produced are a significant factor in the support and maintenance of the individual.

(c) Tools, equipment, uniforms, and similar items required by the individual's employer are considered essential for self-support.

(d) A motor vehicle (in addition to that otherwise excludable under this Subpart L) is considered essential for self-support if, because of climate, terrain, distance, or similar factors, additional or specially modified vehicles are required to provide necessary transportation. The limitations on value of otherwise excluded vehicles in this Subpart L are applicable to vehicles in this category.

§ 416.1226 Exclusion of resources necessary to fulfill an approved plan for self-support.

In determining the resources of a blind or disabled individual, there shall be excluded such resources as an approved plan for achieving self-support pursuant to § 416.1731, specifies as being necessary for the fulfillment of such plan for so long as such plan remains in effect.

§ 416.1228 Exclusion of Alaskan natives' stock in regional or village corporations.

(a) In determining the resources of a native of Alaska (and spouse, if any) there will be excluded from resources, shares of stock held in a regional or village corporation during the period of 20 years in which such stock is inalienable, as provided by sections 7(h) and 8(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606, 1607). The 20-year period of inalienability terminates on January 1, 1992.

(b) As used in this section, "native of Alaska" has the same meaning as that contained in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

§ 416.1230 Exclusion of life insurance.

(a) *General.* In determining the resources of an individual (and spouse, if any), life insurance owned by the individual (and spouse, if any) will be considered to the extent of its cash surrender value. If, however, the total face value of all life insurance policies on any person does not exceed $1,500, no part of the cash surrender value of such life insurance will be taken into account in determining the resources of the individual (and spouse, if any). In determining the face value of life insurance on the individual (and spouse, if any), term insurance and burial insurance will not be taken into account.

(b) *Definitions*—(1) *Life insurance.* Life insurance is a contract under which the insurer agrees to pay a specified amount upon the death of the insured.

(2) *Insurer.* The insurer is the company or association which contracts with the owner of the insurance.

(3) *Insured.* The insured is the person upon whose life insurance is effected.

(4) *Owner.* The owner is the person who has the right to change the policy. This is normally the person who pays the premiums.

(5) *Term insurance.* Term insurance is a form of life insurance having no cash surrender value and generally furnishing insurance protection for only a specified or limited period of time.

(6) *Face value.* Face value is the basic death benefit of the policy exclusive of dividend additions or additional amounts payable because of accidental death or under other special provisions.

(7) *Cash surrender value.* Cash surrender value is the amount which the insurer will pay (usually to the owner) upon cancellation of the policy before death of the insured or before maturity of the policy.

(8) *Burial insurance.* Burial insurance is insurance whose terms specifically provide that the proceeds can be used only to pay the burial expenses of the insured.

§ 416.1232 Replacement of damaged or lost excluded resources.

Cash received from an insurance company for purposes of repairing or replacing an excluded resource that is lost, damaged, or stolen, etc., is excluded as a resource provided the total amount of the cash is used to repair or replace such excluded resource within 3 months if the resource is personal property and 6 months if the resource is real property. Any such cash not so used within such time periods is an includable resource to the extent retained beginning with the quarter following the quarter of receipt.

§ 416.1234 Exclusion of Indian lands.

In determining the resources of an individual (and spouse, if any) who is of Indian descent from a federally recognized Indian tribe, there shall be excluded such restricted, allotted lands as such individual (and spouse, if any) may possess if such individual (and spouse, if any) cannot sell, transfer or otherwise dispose of such land without permission of other individuals, his tribe or an agency of the Federal Government.

§ 416.1240 Disposition of resources.

(a) Where the resources of an individual (and spouse, if any) are determined to exceed the limitations prescribed in § 416.1205, such individual (and spouse, if any) shall not be eligible for payment except under the conditions provided in this section. Payment will be made to an individual (and spouse, if any) if:

(1) Total includable resources do not exceed $3,000 in the case of an individual or $4,500 in the case of an individual and spouse; and

(2) Total includable liquid resources (as defined in § 416.1201) do not exceed one-fourth of the applicable dollar amount specified in section 1611(b)(1) of the Act in the case of an individual and in section 1611(b)(2) in the case of an individual and spouse; and

(3) The individual agrees in writing to:

(i) Dispose of the nonliquid resources (as defined in § 416.1201) in excess of the limitations prescribed in § 416.1205 within the time period specified in § 416.1242; and

(ii) Repay any overpayments (as defined in § 416.1244) with the proceeds of such disposition.

(b) Payment made for the period during which the resources are being disposed of will be conditioned upon the disposition of resources prescribed in paragraph (a)(3) of this section. Any payments so made are (at the time of disposition) considered overpayments to the extent they would not have been paid had the disposition occurred at the beginning of the period for which such payments were made.

§ 416.1242 Time limits for disposing of resources.

(a) In order for payment conditioned on the disposition of nonliquid resources to be made, the individual must agree in writing to dispose of real property within 6 months and other property within 3 months. The time period will begin on the date the written agreement to dispose of the resources is signed by the individual: However, in case of an individual who is disabled, the time period will begin with the date the individual is determined to be disabled.

(b) The 6 and 3 month time periods for disposition will be extended an additional 3 months where it is found that the individual had "good cause" for failing to dispose of the resources within the original time period.

(c) An individual will be found to have "good cause" for failing to dispose of a resource if, despite reasonable and diligent effort on his part, he was prevented by circumstances beyond his control from disposing of the resource.

§ 416.1244 Treatment of proceeds from disposition of resources.

(a) Upon disposition of the resources, the net proceeds to the individual from

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the sale are considered available to repay that portion of the payments that would not have been made had the disposition occurred at the beginning of the period for which payment was made.

(b) The net proceeds from disposition will normally be the sales price less any encumbrance on the resource and the expenses of sale such as transfer taxes, fees, advertising costs, etc. where, however, a resource has been sold (or otherwise transferred) by an individual to a friend or relative for less than its current market value, the net proceeds will be the current market value less costs of sale and encumbrance.

(c) After deducting any amount necessary to raise the individual's (and spouse's, if any) resources to $1,500 or $2,250 (as applicable), as of the beginning of the disposition period, the balance of the net proceeds will be used to recover the payments made to the individual (and spouse, if any). Any remaining proceeds are considered liquid resources.

(d) The overpayment to be recovered is equal to the balance of the net proceeds (as described in paragraph (c) of this section) or the total payments made to the individual (and spouse, if any) for the period of disposition, whichever is less.

§ 416.1260 Special resource provision for recipients under a State plan.

(a) *General.* In the case of any individual or any individual (and spouse, if any) who for the month of December 1973 was a recipient of aid or assistance under a State plan approved under title I, X, XIV, or XVI, of the Act, the resources of such individual (and spouse, if any) shall be deemed not to exceed the amount specified in § 416.1205 during any period that the resources of such individual (and spouse, if any) do not exceed the maximum amount of resources specified in such State plan as in effect in October 1972.

(b) *State plan; defined.* As used in this section and §§ 416.1261–416.1266, "an approved State plan as in effect in October 1972" and "State plan for October 1972" means a State plan as approved under the provisions of 45 CFR Ch. II as in effect in October 1972.

§ 416.1261 Application of special resource provision.

In determining the resources of an individual (and spouse, if any) who meets the conditions specified in § 416.1260(a), either the State plan resource limit and exclusions (as specified in § 416.1260) or the resource limit (as specified in § 416.1205) and exclusions (as specified in § 416.1210), whichever is most advantageous to the individual (and spouse, if any) will be used.

§ 416.1264 Spouse ineligible under a State plan in December 1973.

In the case of an individual who meets the conditions specified in § 416.1260 but whose spouse does not meet such conditions, whichever of the following is most advantageous for the individual (and spouse, if any) will be applied:

(a) The resource limitation and exclusions for an individual as in effect under the approved State plan for October 1972, or

(b) The resource limitation (as specified in § 416.1205) and exclusions (as specified in § 416.1210) for an individual and eligible spouse or an individual living with an ineligible spouse.

§ 416.1266 Individual under special resource provision dies after December 1973.

Where only one person, either the eligible individual or the eligible spouse, meets the conditions specified in § 416.1260 and that person dies after December 1973, the State plan resource limitation and exclusions will not be applied to determine the amount of resources of the surviving individual. The resource limitation (as specified in § 416.1205) and exclusions (as specified in § 416.1210) will be applied for the now eligible individual beginning with the month such person is considered the eligible individual as defined in Subpart A of this part.

[FR Doc.75-28126 Filed 10-17-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 75N-0267]

PART 310—NEW DRUGS

Oral Contraceptive Patient Labeling

The Commissioner of Food and Drugs is amending § 310.501 (21 CFR 310.501) to require manufacturers of oral contraceptives to include in the mandatory patient labeling and the patient brochure a statement that oral contraceptives are of no value in the prevention or treatment of venereal disease, effective January 19, 1976.

The Commissioner proposed, in the FEDERAL REGISTER of April 19, 1974 (39 FR 13972), to amend § 310.501 to require the statement in the mandatory patient labeling and the patient brochure for oral contraceptives. Interested persons were invited to submit comments regarding the proposal on or before June 18, 1974. An editorial correction of the proposal was published in the FEDERAL REGISTER of May 16, 1974 (39 FR 17448).

Twenty-one comments were received in response to the proposal: From a city health agency, a community organization for VD awareness, and other persons. Fifteen comments expressed approval of the proposal, some with suggested modification. Five comments opposed the proposal. One comment did not directly respond to the proposal, and one comment that favored the proposal was also directed to the overall content and language of the patient package information. In this regard, the Food and Drug Administration is currently reviewing the broader issue of patient package inserts for prescription drugs. The printed information supplied to a user of oral contraceptives is included in this review and will be assessed by physicians, patients, and experts in communications in an effort to test the adequacy of the information. Any deficiencies identified in the patient insert for these drugs will be remedied when the review is completed. The principal issues raised in the comments and the Commissioner's conclusions are as follows:

1. One comment opposed the proposal because no connection between an increase in venereal disease and the absence of the proposed warning statement has been established.

The Commissioner agrees that there is no factual evidence that an increase in venereal disease is related to the absence of a statement in the labeling warning patients that oral contraceptives are of no value in the prevention or treatment of this disease. The justification for this warning does not rely on an increase in venereal disease. The request for the addition of this warning, as discussed in the proposal, asserted that lay persons are uninformed on this subject and may be misled into believing that oral contraceptives prevent venereal disease. Education of the public might therefore reduce the incidence of this disease. The Commissioner concludes that it is in the public interest to require that such a warning statement be included in the mandatory patient labeling and patient brochure for oral contraceptives. As noted in the preamble to the proposal, this requirement has the support of the Center for Disease Control, Atlanta, GA, and the Food and Drug Administration's Obstetrics and Gynecology Advisory Committee.

2. Two comments favored the proposal but suggested adding a more positive statement relating to the physiological effect of these drugs, which may make the genital tract more susceptible to infection. One of these comments suggested including recommendations that, while using oral contraceptives, the patient be provided an active program for prevention of venereal disease.

The Commissioner is aware that an association between females taking oral contraceptives and an increase in venereal disease has been reported in medical literature. Reports suggest that these drugs produce a physiological change in the genital tract, thus making the female more susceptible to venereal disease. He concludes, however, that there is insufficient evidence of this association to justify including such information in the labeling. Many other factors may contribute to an increase in venereal disease. The Food and Drug Administration will continue to monitor adverse reaction information received and the published literature regarding the effect noted by the comment. If such an effect appears reasonably associated with the use of oral contraceptives, the Commissioner will then consider adding such information to the oral contraceptive labeling.

The Commissioner believes that programs for preventing venereal disease can be more appropriately dealt with by the physician, other health care experts, and social scientists. Such programs are not within the scope of this proposal.

3. One comment suggested that the proposed warning statement appear in the Spanish language as well as the English language since Spanish is often the commonly used language in some U.S. population sectors.

The Commissioner advises that there is no prohibition against printing the entire patient package information leaflet in both the English and Spanish languages and that such printing should be encouraged for Spanish speaking communities. (See 21 CFR 201.15(c).) However, printing the warning statement regarding venereal disease in both Spanish and English on all English language versions would place undue emphasis on this statement over all other information in the leaflet and therefore will not be permitted.

4. One comment recommended adding a statement informing patients that they can contact their physician or pharmacist for additional information regarding the use of oral contraceptives and venereal disease.

The Commissioner recognizes that, although physicians and pharmacists are reliable sources for helpful information regarding venereal disease and the use of oral contraceptives, they are not the sole sources. Other health professionals such as nurses, physicians' assistants, medical societies, government agencies, and consumer educational groups are also engaged in educating the public about venereal disease. The Commissioner is of the opinion that most people are aware of these sources of information on oral contraceptives and venereal disease from publicity in the press, television, and other media. He does not believe the addition of such information to the patient labeling is necessary at this time.

5. One comment suggested that the caution statement regarding venereal disease and the use of oral contraceptives be in boldface type.

The Commissioner advises that paragraph (a)(5)(i) and (ii) of § 310.501 requires that the text of all information in paragraph (a)(4) of that section, which is the patient package information, be in boldface type. The statement "Caution: Oral contraceptives are of no value in the prevention or treatment of venereal diseases" required in the patient package information by this regulation will therefore be in boldface type, as the comment suggested. For the reasons discussed in paragraph 3 above, no other special attention should be called to this statement.

6. One comment suggested placing the caution statement on the label of the dispensed oral contraceptive pack where it would be more easily seen since many patients rarely read the accompanying literature after the first month of use.

The Commissioner advises that the printed information included in or with the oral contraceptive package dispensed to the patient contains the necessary information to alert the patient to the nature of oral contraceptives, to the potential hazards of taking these drugs, and to the fact that continued medical supervision is needed for their safe and effective use. A caution statement regarding venereal disease, as required by this regulation, is appropriate as part of this printed information. Including such a statement on the label of the dispensed oral contraceptive container rather than as part of the printed patient information leaflet may erroneously imply that this caution is of greater importance than all other information contained in the patient leaflet. The Commissioner believes that the widespread dissemination of patient information to the many users of oral contraceptives will most likely bring such a caution statement to the attention of all who need to have this information.

7. One comment suggested changing the caution statement to read "Caution: Not for the Prevention or Treatment of Venereal Disease."

The Commissioner believes that the suggested change does not properly emphasize that oral contraceptives are of no value in the treatment or prevention of venereal disease. The recommended wording change erroneously suggests that although oral contraceptives are not intended for the treatment or prevention of venereal disease, they may nevertheless be of value in such treatment or prevention.

The Commissioner concludes that the statement as proposed more accurately informs the patient.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502 (a) and (f), 505, 701(a), 52 Stat. 1050–1053 as amended, 1055 (21 U.S.C. 352 (a) and (f), 355, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 310 is amended in § 310.501 by revising the "Patient Package Information" in paragraph (a)(4) and by adding a new paragraph (a)(6)(xiii), to read as follows:

§ 310.501 Preparations for contraception; labeling directed to the patient.

(a) • • •

(4) • • •

(Patient Package Information)

ORAL CONTRACEPTIVES

(Birth Control Pills)

Do Not Take This Drug Without Your Doctor's Continued Supervision

The oral contraceptives are powerful and effective drugs which can cause side effects in some users and should not be used at all by some women. The most serious known side effect is abnormal blood clotting which can be fatal.

Safe use of this drug requires a careful discussion with your doctor. To assist him in providing you with the necessary information, _____ has prepared a booklet (or other form) written in a style understandable to you as the drug user. This provides information on the effectiveness and known hazards of the drug including warnings, side effects and who should not use it. Your doctor will give you this booklet (or other form) if you ask for it and he can answer any questions you may have about the use of this drug.

(Firm name)

Notify your doctor if you notice any unusual physical disturbance or discomfort.

Caution: Oral contraceptives are of no value in the prevention or treatment of venereal disease.

• • • • • •

(6) • • • (xiii) A statement warning the patient that oral contraceptives are of no value in the prevention or treatment of venereal disease.

• • • • • •

Effective date. This regulation shall be effective on January 19, 1975.

(Secs. 502(a) and (f), 505, 701(a), 52 Stat. 1050–1053 as amended, 1055 (21 U.S.C. 352(a) and (f), 355, 371(a)).)

Dated: October 10, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-28099 Filed 10-17-75;8:45 am]

[Docket No. 75N-0241]

PART 369—INTERPRETATIVE STATEMENTS RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

Insulin Syringes; Warning and Caution Statement

Correction

In FR Doc. 75-26603 appearing on page 46100 in the issue of Monday, October 6, 1975, make the following changes:

1. On page 46100, in the second column, first and second lines, the date "January 5, 1975" should read "January 5, 1976".

2. On page 46101, in the first column, third paragraph, the date, "January 5, 1975" should read "January 5, 1976".

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-352]

PART 25—MORTGAGEE REVIEW BOARD

Subpart A—Department of Housing and Urban Development Mortgagee Review Board

Correction

In FR Doc. 75-24840, appearing at page 43026 in the issue for Thursday, September 18, 1975, in § 25.5(c), the word "person" in the second line should read "purpose".

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Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

SUBCHAPTER M—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. ATF–19; Ref. No. 279]

PART 245—BEER

Tax Offset Limitation for Beer Returned to Brewery

Correction

In FR Doc. 75–27243 appearing on page 47490 in the issue of Thursday, October 9, 1975, the heading below the CFR part heading for Part 254 should read as set forth above.

Title 41—Public Contracts and Property Management

CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 159]

PART 1–16—PROCUREMENT FORMS

New Edition of a Standard Form

This amendment of the Federal Procurement Regulations prescribes the use of the April 1975 edition of Standard Form 253, General Provisions (Architect-Engineer Contract).

The new edition of the standard form includes new and revised contract provisions. The new and revised provisions involve the following clauses: Assignment of Claims, Examination of Records by Comptroller General, Contract Work Hours and Safety Standards Act—Overtime Compensation, Convict Labor, Equal Opportunity, Pricing of Adjustments, Payment of Interest on Architect-Engineer's Claims, Utilization of Small Business Concerns, Utilization of Minority Business Enterprises, and Suspension of Work.

Clauses for the Employment of the Handicapped and Listing of Employment Openings were not included because revisions of the clause currently are under consideration by the Department of Labor.

In order not to further delay the issuance of the new edition of the form, the recently issued Clean Air and Water clause was not physically incorporated in the new edition but was prescribed for use with the new form by § 1–16.701(b).

Subpart 1–16.7—Forms for Negotiated Architect-Engineer Contracts

1. Section 1–16.701(b) is revised, as follows:

§ 1–16.701 Forms prescribed.

* * * * *

(b) *General Provisions (Architect-Engineer Contract) (Standard Form 253, April 1975 edition).* Pending the publication of a new edition of the form, the Listing of Employment Openings clause set forth in § 1–12.1102–2, the Employment of the Handicapped clause set forth in § 1–12.1304–1, and the Clean Air and Water clause set forth in § 1–1.2302–2 shall be added as additional articles of the General Provisions.

* * * * *

Subpart 1–16.9—Illustrations of Forms

2. Section 1–16.901–253 is revised to illustrate the revised edition of Standard Form 253.

§ 1–16.901–253 Standard Form 253, General Provisions (Architect-Engineer Contract).

(a) Page 1 of Standard Form 253.

GENERAL PROVISIONS
(Architect-Engineer Contract)

1. DEFINITIONS

(a) The term "head of the agency" or "Secretary" as used herein means the Secretary, or any other head of the executive or military department or other Federal agency, and the term "his duly authorized representative" means any person or persons, or board (other than the Contracting Officer) authorized to act for the head of the agency or the Secretary.

(b) The term "Contracting Officer" as used herein means the person executing this contract on behalf of the Government and includes a duly appointed successor or authorized representative.

2. RESPONSIBILITY OF THE ARCHITECT-ENGINEER

(a) The Architect-Engineer shall be responsible for the professional quality, technical accuracy and the coordination of all designs, drawings, specifications, and other services furnished by the Architect-Engineer under this contract. The Architect-Engineer shall, without additional compensation, correct or revise any errors or deficiencies in his designs, drawings, specifications, and other services.

(b) Neither the Government's review, approval or acceptance of, nor payment for, any of the services required under this contract shall be construed to operate as a waiver of any rights under this contract or of any cause of action arising out of the performance of this contract, and the Architect-Engineer shall be and remain liable to the Government in accordance with applicable law for all damages to the Government caused by the Architect-Engineer's negligent performance of any of the services furnished under this contract.

(c) The rights and remedies of the Government provided for under this contract are in addition to any other rights and remedies provided by law.

3. CHANGES

(a) The Contracting Officer may, at any time, by written order, make changes within the general scope of the contract in the services to be performed. If such changes cause an increase or decrease in the Architect-Engineer's cost of, or time required for, performance of any services under this contract, whether or not changed by any order, an equitable adjustment shall be made and the contract shall be modified in writing accordingly. Any claim of the Architect-Engineer for adjustment under this clause must be asserted in writing within 30 days from the date of receipt by the Architect-Engineer of the notification of change unless the Contracting Officer grants a further period of time before the date of final payment under the contract.

(b) No services for which an additional cost or fee will be charged by the Architect-Engineer shall be furnished without the prior written authorization of the Contracting Officer.

4. TERMINATION

(a) The Contracting Officer may, by written notice to the Architect-Engineer, terminate this contract in whole or in part at any time, either for the Government's convenience or because of the failure of the Architect-Engineer to fulfill his contract obligations. Upon receipt of such notice, the Architect-Engineer shall: (1) immediately discontinue all services affected (unless the notice directs otherwise), and (2) deliver to the Contracting Officer all data, drawings, specifications, reports, estimates, summaries, and such other information and materials as may have been accumulated by the Architect-Engineer in performing this contract, whether completed or in process.

(b) If the termination is for the convenience of the Government, an equitable adjustment in the contract price shall be made, but no amount shall be allowed for anticipated profit on unperformed services.

(c) If the termination is due to the failure of the Architect-Engineer to fulfill his contract obligations, the Government may take over the work and prosecute the same to completion by contract or otherwise. In such case, the Architect-Engineer shall be liable to the Government for any additional cost occasioned to the Government thereby.

(d) If, after notice of termination for failure to fulfill contract obligations, it is determined that the Architect-Engineer had not so failed, the termination shall be deemed to have been effected for the convenience of the Government. In such event, adjustment in the contract price shall be made as provided in paragraph (b) of this clause.

(e) The rights and remedies of the Government provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

5. DISPUTES

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Architect-Engineer. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Architect-Engineer mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the head of the agency involved. The decision of the head of the agency or his duly authorized representative for the determination of such appeals shall be final and conclusive. This provision shall not be pleaded in any suit involving a question of fact arising under this contract as limiting judicial review of any such decision in cases where fraud by such official or his representative or board is alleged: **Provided, however,** that any such decision shall be final and conclusive unless the same is fraudulent or capricious or arbitrary or so grossly erroneous as necessarily to imply bad faith or is not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Architect-Engineer shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, the Architect-Engineer shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This Disputes clause does not preclude consideration of questions of law in connection with decisions provided for in paragraph (a) above. Nothing in this contract, however, shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

6. ASSIGNMENT OF CLAIMS

(a) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating $1,000 or more, claims for moneys due or to become due the Architect-Engineer from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Except as otherwise provided in this contract, payments to an assignee of any moneys due or to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or set-off. (The provisions of the Assignment of Claims Act of 1940, as amended, are modified by the provisions of the Anti-Assignment Act; and it is with the Department of Defense, the General Services Administration, the Energy Research and Development Administration, the National Aeronautics and Space Administration, the Federal Aviation Administration, and any other department or agency of the United States designated by the President pursuant to Clause 4 of the proviso of Section 1 of the Assignment of Claims Act of 1940, as amended by the Act of May 15, 1951, 65 Stat. 41.)

(b) In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or "Confidential," be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same. However, a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

7. GOVERNMENT RIGHTS (UNLIMITED)

The Government shall have unlimited rights, for the benefit of the Government, in all drawings, designs, specifications, notes and other work developed in the performance of this contract, including the right to use same on any other Government work without additional cost to the Government, and with respect thereto the Architect-Engineer agrees to and does hereby grant to the Government a royalty-free license to all such data which he may cover by copyright and to all designs on to which he may assert any rights or establish any claim under the design patent or copyright laws. The Architect-Engineer for a period of three (3) years after completion of the project agrees to furnish and to provide access to the originals or copies of all such materials on the request of the Contracting Officer.

8. EXAMINATION OF RECORDS BY COMPTROLLER GENERAL

(a) This clause is applicable if the amount of this contract exceeds $10,000 and was entered into by means of negotiation, including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(b) The Architect-Engineer agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under this contract or such lesser time specified in either Appendix M of the Armed Services Procurement Regulation or the Federal Procurement Regulations Part 1–20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Architect-Engineer involving transactions related to this contract.

(c) The Architect-Engineer further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under the subcontract or such lesser time specified in either Appendix M of the Armed Services Procurement Regulation or the Federal Procurement Regulations Part 1–20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding $10,000 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(d) The periods of access and examination described in (b) and (c), above, for records which relate to (1) appeals under the "Disputes" clause of this contract, (2) litigation or the settlement of claims arising out of the performance of this contract, or (3) costs and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall continue until such appeals, litigation, claims, or exceptions have been disposed of.

9. COVENANT AGAINST CONTINGENT FEES

The Architect-Engineer warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Architect-Engineer for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

10. OFFICIALS NOT TO BENEFIT

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

11. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT—OVERTIME COMPENSATION

This contract, to the extent that it is of a character specified in the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), is subject to the following provisions and to all other applicable provisions and exceptions of such Act and the regulations of the Secretary of Labor thereunder.

(a) Overtime requirements. No Architect-Engineer or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers, mechanics, apprentices, trainees, watchmen, and guards shall require or permit any laborer, mechanic, apprentice, trainee, watchman, or guard in any workweek in which he is employed on such work to work in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek on work subject to the provisions of the Contract Work Hours and Safety Standards Act unless such laborer, mechanic, apprentice, trainee, watchman, or guard receives compensation at a rate not less than one and one-half times his basic rate of pay for all such hours worked in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek, whichever is the greater number of overtime hours.

(b) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the provisions of paragraph (a), the Architect-Engineer and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Architect-Engineer and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer, mechanic, apprentice, trainee, watchman, or guard employed in violation of the provisions of paragraph (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of 8 hours or in excess of the standard workweek of 40 hours without payment of the overtime wages required by paragraph (a).

(c) Withholding for unpaid wages and liquidated damages. The Contracting Officer may withhold from the Architect-Engineer, from any moneys payable on account of work performed by the Architect-Engineer or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such Architect-Engineer or subcontractor for unpaid wages and liquidated damages as provided in the provisions of paragraph (b).

(d) Subcontracts. The Architect-Engineer shall insert paragraphs (a) through (d) of this clause and the preamble in all subcontracts, and shall require their inclusion in all subcontracts of any tier.

(e) Records. The Architect-Engineer shall maintain payroll records containing the information specified in 29 CFR 516.2(a). Such records shall be preserved for 3 years from the completion of the contract.

12. CONVICT LABOR

In connection with the performance of work under this contract, the Architect-Engineer agrees not to employ any person undergoing sentence of imprisonment except as provided by Public Law 89–176, September 10, 1965 (18 U.S.C. 4082(c)(2)) and Executive Order 11755, December 29, 1973.

13. EQUAL OPPORTUNITY CLAUSE

(The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor (41 CFR, ch. 60).)

During the performance of this contract, the Architect-Engineer agrees as follows:

(a) The Architect-Engineer will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Architect-Engineer will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Architect-Engineer agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Equal Opportunity clause.

(b) The Architect-Engineer will, in all solicitations or advertisements for employees placed by or on behalf of the Architect-Engineer, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(c) The Architect-Engineer will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the Architect-Engineer's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Architect-Engineer will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Architect-Engineer will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Architect-Engineer's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Architect-Engineer may be declared ineligible for further Government contracts, in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Architect-Engineer will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, so that such provisions will be binding upon each subcontractor or vendor. The Architect-Engineer will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: **Provided, however,** that in the event the Architect-Engineer becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Architect-Engineer may request the United States to enter into such litigation to protect the interests of the United States.

(b) Page 2 of Standard Form 253.

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(c) Page 3 of Standard Form 253.

14. PRICING OF ADJUSTMENTS

When costs are a factor in any determination of a contract price adjustment pursuant to the "Changes" clause or any other provision of this contract, such costs shall be in accordance with the contract cost principles and procedures in Part 1–15 of the Federal Procurement Regulations (41 CFR 1–15) or section XV of the Armed Services Procurement Regulation as applicable which are in effect on the date of this contract.

15. PAYMENT OF INTEREST ON ARCHITECT-ENGINEER'S CLAIMS

(a) If an appeal is filed by the Architect-Engineer from a final decision of the Contracting Officer under the Disputes clause of this contract, denying a claim arising under the contract, simple interest on the amount of the claim finally determined owed by the Government shall be payable to the Architect-Engineer. Such interest shall be at the rate determined by the Secretary of the Treasury pursuant to Public Law 92–41, 85 Stat. 97, from the date the Architect-Engineer furnishes to the Contracting Officer his written appeal under the Disputes clause of this contract, to the date of (1) a final judgment by a court of competent jurisdiction, or (2) mailing to the Architect-Engineer of a supplemental agreement for execution either confirming completed negotiations between the parties or carrying out a decision of a board of contract appeals.

(b) Notwithstanding (a), above, (1) interest shall be applied only from the date payment was due, if such date is later than the filing of appeal, and (2) interest shall not be paid for any period of time that the Contracting Officer determines the Architect-Engineer has unduly delayed in pursuing his remedies before a board of contract appeals or a court of competent jurisdiction.

16. UTILIZATION OF SMALL BUSINESS CONCERNS

(a) It is the policy of the Government as declared by the Congress that a fair proportion of the purchases and contracts for supplies and services for the Government be placed with small business concerns.

(b) The Architect-Engineer agrees to accomplish the maximum amount of subcontracting to small business concerns that the Architect-Engineer finds consistent with the efficient performance of this contract.

17. UTILIZATION OF MINORITY BUSINESS ENTERPRISES

(a) It is the policy of the Government that minority business enterprises shall have the maximum practicable opportunity to participate in the performance of Government contracts.

(b) The Architect-Engineer agrees to use his best efforts to carry out this policy in the award of his subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, the term "minority business enterprise" means a business, at least 50 percent of which is owned by minority group members or, in cases of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purposes of this definition, minority group members are Negroes, Spanish-speaking American persons, American-Orientals, American-Indians, American-Eskimos, and American Aleuts. The Architect-Engineer may rely on written representations by subcontractors regarding their status as minority business enterprises in lieu of an independent investigation.

18. SUSPENSION OF WORK

(a) The Contracting Officer may order the Architect-Engineer in writing to suspend all or any part of the work for such period of time as he may determine to be appropriate for the convenience of the Government.

(b) If the performance of all or any part of the work is, for an unreasonable period of time, suspended or delayed by an act of the Contracting Officer in the administration of this contract, or by his failure to act within the time specified in this contract (or if no time is specified, within a reasonable time), an adjustment shall be made for any increase in cost of performance of this contract (excluding profit) necessarily caused by such unreasonable suspension or delay, and the contract modified in writing accordingly. However, no adjustment shall be made under this clause for any suspension or delay to the extent (1) that performance would have been suspended or delayed by any other cause, including the fault or negligence of the Architect-Engineer or (2) for which an equitable adjustment is provided for or excluded under any other provision of this contract.

(c) No claim under this clause shall be allowed (1) for any costs incurred more than 20 days before the Architect-Engineer shall have notified the Contracting Officer in writing of the act or failure to act involved (but this requirement shall not apply to a claim resulting from a suspension order), and (2) unless the claim, in an amount stated, is asserted in writing as soon as practicable after the termination of such suspension or delay, but not later than the date of final payment. No part of any claim based on the provisions of this clause shall be allowed if not supported by adequate evidence showing that the cost would not have been incurred but for a delay within the provisions of this clause.

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3 Standard Form 253 Page 3 (Rev. 4-75)

☆ U.S. GOVERNMENT PRINTING OFFICE : 1974 O—560-454 (4-1

Availability of forms. It is anticipated that copies of the form will be available for use by January 30, 1976, and may be obtained by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective January 30, 1976, but may be observed as soon as copies of the new edition of the standard form prescribed herein are available.

Dated: October 8, 1975.

It is hereby certified that the economic and inflationary impact of this regulation have been carefully evaluated in accordance with OMB Circular A–107.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-28009 Filed 10-17-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19973; FCC 75–1096]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Terrestrial Services

In the matter of amendment of Part 2 of the Commission's rules to provide allocations in the 40 GHz to 300 GHz bands for terrestrial services,

1. In 1971 a World Administrative Radio Conference for Space Telecommunications (WARC–ST) was convened in Geneva, Switzerland, by the International Telecommunication Union (ITU). As a result of that conference the table of frequency allocations of the ITU was amended so as to include allocations in the 40 GHz to 275 GHz band for radio astronomy and various space radio services. Previously, there had been no ITU allocations above 40 GHz. In its Report and Order of February 14, 1973 (38 FR 5562, March 1, 1973; FCC 73–169), terminating the proceedings in Docket No. 19547, the Commission amended its Table of Frequency Allocations (§ 2.106 of its rules and regulations) to conform, as nearly as was practicable, to the ITU Regulations as revised by the WARC–ST. In the notice of proposed rulemaking initiating that proceeding (37 FR 15714, August 4, 1972; FCC 72–629) the Commission stated that it intended to initiate at some future time a rulemaking proceeding to make allocations for terrestrial services in the bands above 40 GHz. Accordingly, the Commission adopted the notice of proposed rulemaking opening this proceeding on March 13, 1974 (39 FR 11196, March 26, 1974; FCC 74–249). The dates established for the filing of comments and reply comments were April 29, 1974, and May 10, 1974, respectively.

2. Comments were filed by American Satellite Corporation (ASC), American Telephone and Telegraph Company (AT&T), Communications Satellite Corporation (Comsat), and Comsat General Corporation. Reply comments were filed by AT&T, Comsat, CML Satellite Corporation (CML), and RCA Global Communications, Inc., (RCA Globcom). AT&T favored adoption of the proposed amendments to the Table of Frequency Allocations, while the other parties filing opposed them. The opposing comments allege three main deficiencies in the Commission proposals: (1) the lack of a showing of any rationale for the proposed allocations, (2) the inconsistency of the proposed allocations with the ITU Regulations, and (3) the prematureness of any general terrestrial allocations above 40 GHz at this time.

A. THE RATIONALE OF THE ALLOCATION

3. Comsat and RCA Globcom both commented that they could find nothing in the Notice of Proposed Rule Making that explained how the proposed allocations to the various terrestrial services were derived. Actually, the terrestrial allocations which were proposed and which we are now adopting conform very closely to recommendations contained in the Final Acts of the 1971 WARC–ST (23 U.S.T. 1527). That conference was competent to deal only with allocations for radio astronomy and space services. It did, however, make recommendations, addressed to administrations and to future competent World Administrative Radio Conferences, as to the kinds of

terrestrial services it considered should share various of the bands it had allocated to space services. For example, the bands allocated to the inter-satellite service (54.25–58.2 GHz, 59–64 GHz, 105–130 GHz, 170–182 GHz and 185–190 GHz) were located close to peaks of atmospheric absorption; therefore, in Recommendation No. Spa2–3, the WARC–ST recommended that a future conference should consider also allocating these bands to terrestrial services, excepting aeronautical mobile services. Recommendation No. Spa2–4 concerns the 43–48 GHz, 66–71 GHz, 95–101 GHz, 142–150 GHz, 190–200 GHz and 250–265 GHz bands, which the WARC–ST allocated to the aeronautical mobile-satellite, maritime mobile-satellite, aeronautical radionavigation-satellite, and maritime radionavigation-satellite services. The WARC–ST recommended that a furture conference consider the shared use of these bands by the aeronautical mobile, maritime mobile, aeronautical radionavigation, and maritime radionavigation services. With regard to the 41–43 GHz and 84–86 GHz bands allocated by the WARC–ST to the broadcasting satellite service, Recommendations No. Spa2–5 recognizes "that it is possible, by appropriate coordination for a frequency band to be shared by the broadcasting-satellite service, on the one hand, and the fixed and mobile services, on the other * * *" (23 U.S.T. 1527, 1843).[1]

4. The remaining major category where terrestrial allocation have been proposed consists of bands allocated by the WARC—ST to the fixed-satellite service (40–41 GHz, 50–51 GHz, 92–95 GHz, 102–105 GHz, 140–142 GHz, 150–152 GHz, 220–230 GHz, and 265–275 GHz). The fixed-satellite service currently shares a number of bands at lower frequencies with the fixed and mobile services and it is therefore probable that such sharing will also prove feasible at frequencies above 40 GHz.

5. The 52–54.25 GHz, 58.2–59 GHz, 64–65 GHz, 86–92 GHz, 101–102 GHz, 130–140 GHz, 182–185 GHz, and 230–240 GHz bands were allocated by the WARC—ST to radio astronomy and passive research operations. Consequently, we did not propose that these bands be shared with active operations. Also, since no equipment capable of operating at frequencies above 300 GHz is expected to be available in the foreseeable future, neither the ITU, the Office of Telecommunications Policy (OTP), or the Commission, suggested any allocations there. Instead, we have followed our usual practice of allowing amateur stations to operate on these unallocated frequencies.

6. Thus, our proposed terrestrial allocations do, we feel, confrom very closely to the intent of the allocations and recommendations made by the 1971 WARC—ST. It should also be mentioned that the Commission has worked very closely with the OTP in this area and that many terrestrial allocations included in our proposals are based upon defined Federal Government requirements. For example, some of the bands which are not presently allocated by the ITU, i.e., 48–50 GHz, 71–84 GHz, 152–170 GHz, 200–220 GHz, 240–250 GHz and bands above 275 GHz are presently allocated under OTP regulations to services such as radio-location for which there are specific U.S. Government needs. The remaining bands unallocated by the ITU have been proposed for the general fixed and mobile services, which are very broad categories allowing maximum flexibility in future planning and development.

7. In summary, our proposed allocations conform very closely to the terrestrial allocations above 40 GHz currently in effect for U.S. Government entities. It is obviously desirable when Government and non-Government services are sharing a band that the services be similar. Of equal importance, the allocations that were proposed are consistent with the recommendations made by the 1971 WARC—ST and with our own experiences with such sharing.

B. CONSISTENCY WITH ITU REGULATIONS

8. Comsat alleged that the allocations which we proposed were not consistent with the international allocations adopted by the ITU and gave undue preference to the terrestrial service. It states that the Commission did not, with regard to a number of bands, follow the international allocations adopted in Docket No. 19547, the proceeding conducted to modify the Commission's rules to reflect the results of the 1971 WARC—ST. Comsat correctly states that we did not allocate the bands 54.25–58.2 GHz, 59–64 GHz, 105–110 GHz, 117.5–122.5 GHz, 170–175 GHz and 189–190 GHz to the Inter-Satellite Service, nor did we allocate the bands 92–93 GHz, 102–103 GHz, 140–141 GHz and 150–151 GHz to the Fixed-Satellite Service. Such allocations were made by the 1971 WARC—ST, but were not adopted by us for non-Government services.

9. However, there is good reason for this. As we stated in paragraph 38 of the notice of proposed rulemaking in Docket 19547 (37 FR 15714), a philosophy of general sharing between Government and non-Government services was followed in the allocations then proposed except in those to the broadcasting-satellite service, where there was no defined Government requirement, and in certain of the fixed-satellite and inter-satellite bands, where specific Government needs for exclusivity had been identified. The bands mentioned by Comsat fall into this latter category. These bands are allocated to space services in close harmony with the ITU allocations, but are not available for non-Government use in this country. Consequently, all frequencies allocated by the 1971 WARC–ST to space services in Region II have also been allocated to space services in the United States, though not all are available to non-Government stations. Therefore, Comsat's statement that these bands are being allocated exclusively to fixed and mobile terrestrial services in the United States is incorrect.

10. Comsat is correct in stating that fixed and mobile terrestrial services will have some bands allocated exclusively to them. These are bands which were not allocated to space services by the WARC–ST and were therefore not included in our Docket No. 19547. Comsat suggests that some of these bands should also be allocated to space services. While such additional space allocations lie beyond the scope of this proceeding, the matter may be considered in connection with preparations for upcoming 1979 WARC.

11. Therefore, the space allocations in effect in the United States are in accord with the international allocations. The ITU has, of course, made no terrestrial allocations above 40 GHz. Nevertheless, terrestrial stations operating in those bands will not necessarily be acting in contravention of the ITU Regulations. ITU Regulation No. RR 115 permits administrations to authorize the use of frequencies by stations different from those specified in the ITU allocation table so long as such authorizations are made subject to the express condition that such stations shall not cause harmful interference to stations operating in accordance with the ITU table. Although the proposed terrestrial allocations do not now appear in the ITU Regulations, they follow the recommendations made by the WARC–ST (see section A). Terrestrial stations operating under this allocation will not contravene international agreement so long as they do not interfere with foreign space stations and any developmental authorizations made by the Commission will be so conditioned. The allocation is therefore not inconsistent with ITU Regulations and is consistent with the spirit of the Final Acts of the 1971 WARC–ST.

C. THE TIMELINESS OF THE ALLOCATION

12. AT&T stated that it was desirable that the proposed allocations be implemented without delay because any substantial delay would discourage exploration and development. Such a delay, it said, would cause the curtailment of preliminary terrestrial system planning and development activities. AT&T felt that "further progress depends on reasonable assurances that clearly defined frequency bands will be available to receive and nurture substantial investments of creative technical talent and financial resources." (AT&T Reply Comment, p. 2.). It stated that the terrestrial services and space services, both of which are of interest to AT&T, should have the opportunity to develop and grow. AT&T also supported the delaying for a time of the establishment of specific criteria for sharing between space and terrestrial services. Such criteria if established now would be based on practices required at frequencies well below 40 GHz, and the imposition of such standards in the bands

[1] Recommendation No. Spa2–5 mentions only the 41–43 band specifically. However, the language logically implies that a similar situation should in all probability exist in the 84–86 GHz band.

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above 40 GHz could well inhibit future development. It stated that sharing criteria should not be adopted until firmer data has been developed on how these frequencies may be employed. Further, AT&T stated that it was their view that the proposals made by the Commission were "well drawn" to encourage the development of the portion of the spectrum between 40 GHz and 300 GHz, AT&T therefore supported the immediate adoption of the allocations in the form proposed.

13. All of the other parties filing, however, requested that no allocations to terrestrial services be made above 40 GHz until after studies on the feasibility of the sharing of these bands by space and terrestrial services had been conducted. Comsat stated (Comsat Comments, p. 10) that a rulemaking proceeding is an awkward vehicle for developing a sound general allocation table since it entails only two opportunities to file written pleadings and no opportunity for joint discussions or for an interchange of ideas and positions based on substantial groundwork. It was therefore suggested that the proposed allocations not be now adopted and the issues involved be made part of the preparatory work for the General World Administrative Radio Conference scheduled for 1979. The preparation for that conference will stretch over several years and involve a number of filings.

14. The parties opposing the allocation generally feel that it is necessary to obtain more experience and more data before terrestrial services are permitted to share the bands with space services. It is not now possible, in their opinion, to determine whether such sharing is feasible and, if so, what standards will be necessary.[2] These parties think that the feasibility of sharing is very much in doubt and that no sharing should be authorized until that question is resolved. Comsat also asserts that sharing between terrestrial and space services may lead to severe inefficiencies in spectrum use because of technical characteristics of these bands. For similar reasons Comsat thinks it may prove economically desirable for the existing allocations for fixed satellites to be widened. In short, the parties opposing the proposed allocations think that nothing should be done to alter the situation of having space allocations exclusively[3] above 40 GHz until lengthy studies have been carried out.

15. Other comments filed go essentially to the matter of how information can best be gathered so that these bands can be effectively developed. AT&T thinks that general terrestrial allocations now will encourage study and development while the other parties filing want a comprehensive study made first. Because of the large number of services which must be considered and the lack of developed technology in these bands, we feel that making general allocations now will more probably result in the best and most rapid development of information and experience on which future specific sharing decisions can be made. With the number and variety of operations involved and the current lack of knowledge, any extended compatibility study would necessarily deal only with hypotheticals for many years. Such a study would be unlikely to produce any concrete results in the foreseeable future and could, we believe, unnecessarily curtail beneficial experimentation and development of terrestrial services above 40 GHz. The general allocation scheme we are adopting will permit specific types of systems and sharing configurations to be considered and tested on a case-by-case basis. It should be emphasized that we are now adopting only general allocations; there are no provisions, applicable to either space or terrestrial services, under which stations can be regularly licensed in these bands. We will consider such rules only when more development has been done and specific systems are proposed. Sharing criteria will also be considered at that time. Interested parties will of course be afforded opportunity to participate in any such proceeding. It may be, as Comsat and ASC suggest, that some exclusive space or terrestrial allocations will be necessary where we have provided for sharing, but that can best be determined by consideration of specific bands and specific systems. Even in the absence of Government terrestrial services, we would not feel that we would be justified in suppressing the development of non-Government terrestrial services in these bands simply because there are uncertainties about the feasibility of sharing. Certainly we cannot decide at this time that terrestrial services will be any less valuable to the public in these bands that the yet undefined space services, or that sharing would unduly hinder the development of either. On the contrary, we are convinced that the shared allocations that were proposed will lead to the most rapid and efficient development of these bands, and produce the greatest amount of useful information for our future spectrum planning, including the preparation for the next General World Administrative Radio Conference scheduled for 1979.

16. Finally, both Comsat and CML, in their reply comments stated that allocations for specific services might be made before the conclusion of general study, but only upon showing of need. Under the approach we are adopting another rulemaking proceeding will be necessary before any regular systems can be authorized. In any such proceeding, need, technical merit, economic viability, etc. would be weighed, and all interested parties would be able to participate and have their positions considered. We are making a general terrestrial allocation now because we feel it will lead to the best development of these bands in the public interest. It was on this same general basis that space allocations were made above 40 GHz, and equal consideration, we feel, should be given to the terrestrial counterparts. In what will be necessary before any stations can actually become operational, however, our approach does not differ significantly from what others have recommended in opposition to the notice.

17. Accordingly, *it is ordered*, Effective November 14, 1975, that Part 2 of the Commission's rules and regulations be amended to reflect the changes which were proposed and which are contained below. Authority for this act is contained in sections 4(i), 303(c), and 303(r) of the Communications Act of 1934, as amended.

18. *It is further ordered*, That the proceeding in Docket No. 19973 is terminated.

Adopted: October 1, 1975.

Released: October 8, 1975.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 164, 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended by amending the table in § 2.106 as follows:

[2] Comsat, in a footnote on p. 9 of its Reply Comments, states that the bands now allocated to the inter-satellite service are presently recognized as "potentially suitable for sharing with terrestrial services."

[3] These statements overlook the fact, already mentioned, that the bands between 40 GHz and 300 GHz are not now allocated exclusively to the space services in the United States. Government terrestrial services already share most of the space bands in a manner almost identical to what we have proposed. These Government allocations were developed in coordination with the Commission and parallel the non-Government allocations proposed herein.

§ 2.106 Table of frequency allocations.

United States		Federal Communications Commission				
Band (GHz)	Allocation	Band (GHz)	Service	Class of Station	Frequency (GHz)	Nature of services
(5)	(6)	(7)	(8)	(9)	(10)	(11)
• • •	• • •	• • •	• • •	• • •	• • •	• • •
40.0–41.0	G, NG	40.0–41.0	FIXED. FIXED-SATELLITE. MOBILE.	Space.		
41.0–43.0	G, NG	41.0–43.0	FIXED. BROADCASTING-SATELLITE. MOBILE.	Space.		
43.0–48.0	G, NG	43.0–48.0	AERONAUTICAL MOBILE. AERONAUTICAL MOBILE-SATELLITE. MARITIME-MOBILE. MARITIME-MOBILE SATELLITE. AERONAUTICAL RADIONAVIGATION. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME RADIONAVIGATION. MARITIME RADIONAVIGATION-SATELLITE.			
48.0–50.0	G, NG	48.0–50.0	RADIOLOCATION. Amateur.			
50.0–51.0	G, NG	50.0–51.0	FIXED. FIXED-SATELLITE. MOBILE.	Earth.		
51.0–52.0	G, NG	51.0–52.0	EARTH EXPLORATION-SATELLITE. SPACE RESEARCH.			
52.0–54.25	G, NG 412J	52.0–54.25	SPACE RESEARCH (Passive).			
54.25–58.2	G, NG	54.25–58.2	FIXED. MOBILE (except aeronautical mobile).			
58.2–59.0	G, NG 412J	58.2–59.0	SPACE RESEARCH (Passive).			
59.0–64.0	G, NG	59.0–64.0	FIXED. MOBILE (except aeronautical mobile).			
64.0–65.0	G, NG 412J	64.0–65.0	SPACE RESEARCH (Passive).			
65.0–66.0	G, NG	65.0–66.0	EARTH EXPLORATION-SATELLITE. SPACE RESEARCH.			
66.0–71.0	G, NG	66.0–71.0	AERONAUTICAL MOBILE. AERONAUTICAL MOBILE-SATELLITE. MARITIME MOBILE. MARITIME MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME RADIONAVIGATION. MARITIME RADIONAVIGATION-SATELLITE.			

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United States		Federal Communications Commission				
Band (GHz)	Allocation	Band (GHz)	Service	Class of Station	Frequency (GHz)	Nature of Services of stations
(5)	(6)	(7)	(8)	(9)	(10)	(11)
• • •	• • •	• • •	• • •	• • •	• • •	• • •
71.0-76.0	G, NG	71.0-76.0	RADIOLOCATION. Amateur.			
76.0-81.0	G, NG	76.0-84.0	FIXED. MOBILE.			
81.0-86.0	G, NG	84.0-86.0	FIXED. BROADCASTING-SATELLITE. MOBILE.			
86.0-92.0	G, NG 412J US74	86.0-92.0	RADIO ASTRONOMY. SPACE RESEARCH (Passive).			
92.0-93.0	G, NG	92.0-93.0	FIXED. MOBILE.			
93.0-95.0	G, NG	93.0-95.0	FIXED. FIXED-SATELLITE. MOBILE.	Earth.		
95.0-101.0	G, NG	95.0-100.0	AERONAUTICAL MOBILE. AERONAUTICAL MOBILE-SATELLITE. MARITIME MOBILE. MARITIME MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME RADIONAVIGATION. MARITIME RADIONAVIGATION-SATELLITE.			
101.0-102.0	G, NG 412J	101.0-102.0	SPACE RESEARCH (Passive).			
102.0-103.0	G, NG	102.0-103.0	FIXED. MOBILE.			
103.0-105.0	G, NG	103.0-105.0	FIXED. FIXED-SATELLITE. MOBILE.	Space.		
105.0-110.0	G, NG	105.0-110.0	FIXED. MOBILE (except Aeronautical Mobile).			
110.0-117.5	G, NG	110.0-117.5	FIXED. INTER-SATELLITE. MOBILE (except Aeronautical Mobile).			
117.5-122.5	G, NG	117.5-122.5	FIXED. MOBILE (except Aeronautical Mobile).			
122.5-130.0	G, NG	122.5-130.0	FIXED. INTER-SATELLITE. MOBILE (except Aeronautical Mobile).			
130.0-140.0	G, NG 412J US74	130.0-140.0	RADIO ASTRONOMY. SPACE RESEARCH (Passive).			
140.0-141.0	G, NG	140.0-141.0	FIXED. MOBILE.			
141.0-142.0	G, NG	141.0-142.0	FIXED. FIXED-SATELLITE. MOBILE.	Earth.		
142.0-150.0	G, NG	142.0-150.0	AERONAUTICAL MOBILE. AERONAUTICAL MOBILE-SATELLITE. MARITIME MOBILE. MARITIME MOBILE-SATELLITE.			

United States		Federal Communications Commission				
Band (GHz)	Allocation	Band (GHz)	Service	Class of Station	Frequency (GHz)	Nature of Services of stations
(5)	(6)	(7)	(8)	(9)	(10)	(11)
• • •	• • •	• • •	• • •	• • •	• • •	• • •
			AERONAUTICAL RADIONAVIGATION. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME RADIONAVIGATION. MARITIME RADIONAVIGATION-SATELLITE.			
150.0-151.0	G, NG	150.0-151.0	FIXED. MOBILE.			
151.0-152.0	G, NG	151.0-152.0	FIXED. FIXED-SATELLITE. MOBILE.	Space.		
152.0-165.0	G, NG	152.0-165.0	FIXED. MOBILE.			
165.0-170.0	G, NG	165.0-170.0	RADIOLOCATION. Amateur.			
170.0-175.0	G, NG	170.0-175.0	FIXED. MOBILE (except Aeronautical Mobile).			
175.0-182.0	G, NG	175.0-182.0	FIXED. INTER-SATELLITE. MOBILE (except Aeronautical Mobile).			
182.0-185.0	G, NG 412J	182.0-185.0	SPACE RESEARCH (Passive).			
185.0-189.0	G, NG	185.0-189.0	FIXED. INTER SATELLITE. MOBILE (except Aeronautical Mobile).			
189.0-190.0	G, NG	189.0-190.0	FIXED. MOBILE (except Aeronautical Mobile).			
190.0-200.0	G, NG	190.0-200.0	AERONAUTICAL MOBILE. AERONAUTICAL MOBILE SATELLITE. MARITIME MOBILE. MARITIME-MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME RADIO-NAVIGATION. MARITIME RADIONAVIGATION-SATELLITE.			
200.0-220.0	G, NG	200.0-220.0	FIXED. MOBILE.			
220.0-230.0	G, NG	220.0-230.0	FIXED. FIXED-SATELLITE. MOBILE.			
230.0-240.0	G, NG 412J US74	230.0-240.0	RADIO ASTRONOMY. SPACE RESEARCH (Passive).			
240.0-250.0	G, NG	240.0-250.0	RADIOLOCATION. Amateur.			
250.0-265.0	G, NG	250.0-265.0	AERONAUTICAL MOBILE. AERONAUTICAL MOBILE-SATELLITE. MARITIME MOBILE. MARITIME MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION.			

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United States		Federal Communications Commission					
Band (GHz)	Allocation	Band (GHz)	Service	Class of Station	Frequency (GHz)	Nature OF SERVICES of stations	
(5)	(6)	(7)	(8)	(9)	(10)	(11)	
...	...	...	...	...	...	...	
			AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME RADIONAVIGATION. MARITIME RADIONAVIGATION-SATELLITE.				
265.0-275.0	G, NG	265.0-275.0	FIXED. FIXED-SATELLITE. MOBILE.				
275.0-300.0	G, NG	275.0-300.0	FIXED. MOBILE.				
Above 300.0	G, NG	Above 300.0	Amateur.				

[FR Doc.75-27825 Filed 10-17-75;8:45 am]

[Docket No. 20371; FCC 75-1145]

PART 76—CABLE TELEVISION SERVICE

Surveys Showing Significantly Viewed Stations

In the matter of amendment of Part 76 of the Commission's rules and regulations to permit showings that certain television stations are significantly viewed based on county-wide surveys.

1. On March 5, 1975, (40 FR 11000) the Commission issued a notice of proposed rule making in Docket 20371 to "consider the application of § 76.54(b) of the Commission's Rules to television broadcast stations not operating during the original survey periods * * * used in formulating the significantly viewed list * * *."[1] We advanced for comment a proposed amendment to § 76.54 which would permit post survey period stations to demonstrate significantly viewed status on the basis of county-wide audience surveys in lieu of the more burdensome community-by-community method presently prescribed by § 76.54(b). We believed the proposal worthy of consideration as a means of redressing the inherent inequity in applying a more lenient significantly viewed standard to some stations than to others, where the distinction between them derived solely from the fact that the stations operating at the time of our original audience surveys were subjected only to a county-wide survey. To supplement our current list of significantly viewed stations, a community-by-community survey is required. Comments in response to the notice have been received from both broadcast and cable television interests and are summarized below.

COMMENTS

a. *Broadcast Interests.* 2. The Association of Independent Television Stations, Inc. (INTV) agrees in principle with the proposed amendment, but argues that the Commission should go further. Specifically, INTV suggests that the Commission itself should periodically update the list of significantly viewed stations on the basis of county-wide data. This approach, it is contended, would have a number of advantages. First, Commission revision of the list would advance the goal of equitable treatment for post survey period stations in that they would not be required to bear the expense of individually demonstrating significantly viewed status. Second, periodic updating would assure the Commission of uniformity since "* * * its list would accurately reflect current significant viewing levels in all communities, not just those in which either the audience levels had not changed or where a local station or system had undertaken the burden of a special petition proceeding."[2] Finally, Commission updating would avoid the increased administrative burden on the Cable Television Bureau which is certain to result from the individual showing proposed in this proceeding. In the alternative, INTV argues that the Commission should at least extend the present proposal to permit stations existing at the time of the original surveys but which have since undertaken noticeable improvements in their technical facilities to demonstrate significantly viewed status on the basis of county-wide data. Otherwise INTV urges, the knowledge that they will obtain neither significantly viewed status nor mandatory signal carriage rights without a burdensome showing pursuant to Section 76.54(b), might well deter broadcasters from improving their facilities.

3. The Association of Maximum Service Telecasters, Inc. (AMST) appears to consider the proposed amendment unnecessary, but, in the event the Commission deems a rule change appropriate, recommends certain methodological modifications to the approach contained in the notice. Essentially, AMST argues that the two week survey period specified in our proposal is too brief to provide dependable results in view of the inherent unreliability of countywide data in the first instance. As an alternative, AMST suggests that the same twelve week survey period employed in compiling the original significantly viewed list be utilized, arguing that expense should be no barrier since professional survey organizations compile the relevant monthly data in the normal course of their operations. Hence, the only cost involved would be that necessary to have the specific data "broken out" for the station and counties in question. AMST adds that such an approach would also advance the concept of equal treatment for pre and post survey period stations in that both the countywide basis and the period of sample for the survey would be identical.

b. *Cable Television Interests.* 4. The National Television Association, Inc. (NCTA) expresses support for the concept inherent in our proposed rule, but submits that some modification and clarification are appropriate. Specifically, NCTA argues that the rule should be redrafted to preclude a signal shown to be significantly viewed under the proposed provisions from forcing the deletion of an existing signal on a cable television system operating at full channel capacity. NCTA contends that where such a conflict of carriage prerogatives would occur, the competing signals would necessarily be "non-market" in origin[3] and in balancing the equities between them the Commission should elect to preserve the *status quo*. In this regard, NCTA notes that the Commission has never granted significantly viewed stations the right to displace the programming of other stations, citing the syndicated program exclusivity and the recently revised network program nonduplication rules as examples. NCTA is particularly concerned that adoption and enforcement of these revisions to Section 76.54 might force the deletion of grandfathered signals. NCTA therefore proposes that any rule we adopt should at least require post survey period stations to demonstrate their significantly viewed status on a "per community" rather than a county-wide basis when enforcement of its newly-acquired carriage rights would otherwise displace an existing grandfathered signal.

5. NCTA also requests clarification of the proposed amendment in two respects. First, to clarify whether cable television systems, as well as television broadcast stations, may invoke the new rule and demonstrate significantly viewed status for post survey stations. Second, to explicitly recognize that a showing of significantly viewed status made by a cable television system may be relied upon by any other cable television system operating in the same county as that of the petitioning system.

DISCUSSION

6. While not numerous, the comments filed in this proceeding have been of considerable assistance in evaluating the proposed amendment. Indeed, these comments have served to sharpen the focus of this proceeding and we have incorporated some of the proposed revisions in the rule we adopt today. Other changes resulted from our own reevaluation of the proposal. Of course, there were proposals which we could not adopt. For instance, we have eschewed INTV's proposal that the Commission itself periodically update the entire significantly viewed list. We believe such a decision should be taken only after careful consideration of many factors which are beyond the scope of the instant proceeding. The Commission is not now inclined to undertake regular revisions without the benefit of comments specifically directed to and staff evaluation of these factors. We have also considered the possibility of periodic Commission updating on a smaller scale, limited to those stations which commenced operations after the original survey period. However, we have concluded this approach is not appropriate at this time. A routine revision of this nature would necessarily be restricted to the addition of signals, since subjecting newly added stations to the risk of future deletion upon a subsequent updating would not only entail the potential disruption of subscribers' viewing habits, but would run counter to our fundamental objective of equal treatment for pre and post survey period stations. In view, therefore, of the extremely narrow applicability of the exception, creation of the anomalous administrative procedure of periodic updating does not appear justified. Moreover, present estimates of the costs inherent in requiring individual stations or systems to demonstrate significantly viewed status confirm our belief that the burden is not prohibitive.[4] We are convinced, therefore, that the *ad hoc* approach we adopt here is both viable and fair and better calculated to achieve equitable treatment among all stations.

7. We have also rejected INTV's alternative formulation of the rule which would permit stations effecting significant improvements in their technical facilities to utilize county-wide surveys to demonstrate significantly viewed status. Since INTV's proposal would not be limited to post survey stations, this proposition is outside the purview of the instant proceeding. However, we are not unmindful of the merits of the suggestion. Consequently, we shall seriously consider issuing a Notice of Proposed Rule Making on this matter in the near future.

8. AMST's contention that the two-week sample period prescribed in the initial proposal is too brief is persuasive. We agree that the reliability of county-wide surveys can be undermined by such an abbreviated sampling. We have, therefore, adopted AMST's proposed twelve-week sample period requirement, believing it will not only improve dependability but will further equalize the treatment of pre and post survey period stations.

9. While we sympathize with NCTA's concern over the possible mandatory deletion of existing signals on systems operating at full channel capacity, we are not persuaded that the potential hardship attributable to the instant rule change will either be widespread or unredressable pursuant to our special relief processes. Based on a five-year increase in the number of television broadcast stations of 75, the annual increase in operating stations since the original significantly viewed survey period ended, is approximately 15.[5] Of this small number, only a few can be expected to rely upon their significantly viewed status for mandatory carriage rights and a smaller portion still to be seeking carriage on systems operating at maximum channel capacity. The fact that we have infrequently permitted retention of a grandfathered signal on saturated systems in the face of carriage demands from a "must carry" station is simply a reflection of a considered policy and not the result of some procedural defect in our special relief provisions. We perceive no reason to carve out a complicating exception to that policy applicable only to newly added significantly viewed signals. Indeed, such a step would not only controvert our established precedent governing this type of carriage conflict,[6] but would further differentiate the treatment of pre and post survey period stations in direct contradiction of our stated objective in the instant proceeding. For these reasons the Commission must reject NCTA's proposal to preclude stations from asserting mandatory carriage rights on saturated systems, *vis-a-vis* existing "may carry" signals on the basis of their newly acquired significantly viewed status. For like reasons, we must also reject NCTA's alternative formulation which would require such stations to make an additional, community based showing of significantly viewed status before gaining preemptive carriage rights on systems operating at full channel capacity. We note, of course, that where a conflict of carriage occurs between "must carry" stations, a wholly different situation is presented which must be resolved consistent with applicable precedent.[7]

10. One further matter requires some explanation. We have required that any showing made pursuant to the new rule be based upon data derived from the first three years of broadcast operations. This provision does not require a station to meet the significantly viewed criteria of § 76.5(k)[8] for the entire three year period, however. It requires only that the three separate, consecutive four-week surveys be taken within the given three years. Our purpose here is to limit the data base so that all concerned parties may, within a reasonable time and with fair certainty, estimate their rights and obligations under the new rule. The period selected is a fair compromise between the competing interests of rapidly determining carriage rights and affording adequate time to affected stations to establish audience levels sufficient to meet the significantly viewed criteria. It should be noted, however, that while the data base is restricted to the first three years, there is no restriction on when a showing made pursuant to that data need be submitted. To do otherwise would unfairly prejudice future parties. It is also important to note that we have imposed no constraint on the number of showings a particular party may make pursuant to the new rule's provisions. For example, a station may elect to demonstrate significantly viewed status in one county at the end of its first two years of operation and, at a later date, again demonstrate such status with respect to other counties. While at first this may appear to create a disparity in the treatment of pre and post survey period stations, the distortion is largely illusory since, regardless of their number, all showings must be based on audience level surveys derived from a limited data base period. Thus, although a station may invoke the rule repeatedly, once its viewing levels for the first three years of operation have been established, the frequency or timing of subsequent showings will have no substantive effect.

11. Two final issues raised by NCTA should be clarified. First, as with those stations presently listed, once significantly viewed status has been established pursuant to the new rule, it is fixed, and, regardless of which party makes the demonstrations, may be relied upon by all parties. Furthermore, invocation of the new rule in no way precludes the demonstrating party from making future showings pursuant to the per-community provisions of § 76.54(b). This construction of the rule is not only consistent with the language of § 76.54(b), but directly parallels the treatment of stations

[1] FCC 75-239, 51 FCC 2d 445 (1975).

[2] Comments of the Association of Independent Television Stations, Inc., in Docket 20371 at 3.

[3] This conclusion is based on the assumption that "market" stations with respect to a given cable television system are those which are within 35 miles of the system, if the station is licensed to a first 100 market, or which place a Grade B contour over the system, if the station is licensed to a smaller television market. In such cases, NCTA argues, significantly viewed status is not critical since it is not essential to a station's carriage rights.

[4] Currently, for example, the per county cost of obtaining the requisite data from Arbitron is approximately $145.00 for a client-station and between $435.00 and $580.00 for a nonclient cable television system.

[5] As of January 1, 1971, there were some 881 operating stations as compared with 956 as of August 31, 1975. During this five year period, then, the total increase in television broadcast stations was 75, or on the average, 15 per year.

[6] See, e.g., TelePrompTer Cable Communications Corp., FCC 74-711, 47 FCC 2d 1222 (1974).

[7] See, e.g., TelePrompTer of San Bernardino, Inc., FCC 74-1356, 50 FCC 2d 444 (1974).

[8] Section 76.5(k) provides in pertinent part:

Viewed in other than cable television households as follows:

(1) For a full or partial network station—a share of viewing hours of at least 3 percent (total week hours), and a net weekly circulation of at least 25 percent; and

(2) for an independent station—a share of viewing hours of at least 2 percent (total week hours), and a net weekly circulation of at least 5 percent.

These share of viewing hours and net weekly circulation requirements continue to apply under the new rule.

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now listed in that those stations may also be shown to be significantly viewed on a per-community basis. Second, the rule is not restricted in its use to television broadcast stations. Rather, it may be utilized by any interested party. In this regard, we also note that prior showings by one party do not foreclose the availability of the rule to others.

PROCEDURAL ISSUES

12. In the Notice of Proposed Rule Making for this proceeding we indicated that all petitions filed pursuant to the proposed rule would be treated as requests for declaratory rulings and placed on public notice for thirty days to permit the filing of comments and objections. Our object in so designating petitions under the new rule was to avoid the possibility of unrepresentative surveys resulting from our decision not to require compliance with the standard error and notice requirements of §§ 76.54 (b) and (c). While we now confirm our intention not to demand adherence to these requirements, we believe the need to consider all showings under the rule as petitions for declaratory rulings has been vitiated. In view of the longer sample period prescribed in the rule we adopt today, the potential for unrepresentative survey submissions has been considerably lessened. Moreover, it is now anticipated that showings pursuant to the rule will almost invariably arise in the context of an application for a certificate of compliance or petitions for an order to show cause of special relief, all of which entail adequate notice provisions. We shall, therefore, impose no particular restriction on the procedural character of showings filed pursuant to the rule we adopt today.

In view of the foregoing, we find that the public interest would be served by adoption of the rules set forth below. Authority for such rules is contained in Sections 2, 4(i) and (j), 301, 303, 307, 308 and 309 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That effective November 24, 1975, Part 76 is amended as set forth below.

It is further ordered, That the proceeding in Docket 20371 is terminated.

(Secs. 2, 4, 301, 303, 307, 308, 309, 48 Stat. as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309).

Adopted: October 9, 1975.

Released: October 16, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 76.54, paragraph (b), the first sentence is revised and a new paragraph (d) added to read as follows:

§ 76.54. Significantly viewed signals; method to be followed for special showings.

* * * * *

(b) On or after March 31, 1973, significant viewing in a cable television community for signals not shown as significantly viewed under paragraphs (a) or (d) of this section may be demonstrated by an independent professional audience survey of noncable television homes that covers at least two weekly periods separated by at least thirty (30) days but no more than one of which shall be a week between the months of April and September. * * *

* * * * *

(d) Signals of television broadcast stations not encompassed by the surveys (for the periods May 1970, November 1970 and February/March 1971) used in establishing Appendix B of the *Memorandum Opinion and Order on Reconsideration of Cable Television Report and Order,* FCC 72-530, 36 FCC 2d 326 (1972), may be demonstrated as significantly viewed on a county-wide basis by independent professional audience surveys which cover three separate, consecutive four-week periods and are otherwise comparable to the surveys used in compiling the above-referenced Appendix B; *Provided, however,* That such demonstration shall be based upon audience survey data for the first three years of the subject station's broadcast operations.

[FR Doc.75-28146 Filed 10-17-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amdt. No. 5, Rev. S. O. No. 1156]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co. Authorized To Operate Over Tracks of Missouri Pacific Railroad Co. and Union Pacific Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 14th day of October, 1975.

Upon further consideration of Revised Service Order No. 1156 (38 FR 29220, 35002; 39 FR 7792, 24510, 35573; and 40 FR 2990, 29863), and good cause appearing therefor:

It is ordered, That:

Revised Service Order No. 1156 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

§ 1033.1156 Service Order No. 1156.

(a) Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Missouri Pacific Railroad Company and over tracks of Union Pacific Railroad Company. * * *

* * * * *

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 15, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., October 15, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1(10-17), 15 (4) and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17 (2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-28176 Filed 10-17-75;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS INSPECTION, MARKETING PRACTICES)

PART 51—FRESH FRUIT, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

United States Standards for Grades of Florida Oranges, Tangelos, Grapefruit, Tangerines [1]

On September 3, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 40522) regarding amendments of United States Standards for grades of Florida oranges and tangelos (7 CFR 51.1140—51.1180), Florida grapefruit (7 CFR 51.750—51.784), and Florida tangerines (7 CFR 51.1810—51.1835).

These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Statement of considerations leading to the amendment of these grade standards. Following publication of the proposal in the Federal Register on September 3, 1975, copies were widely distributed to industry organizations and individuals for comment.

Interested persons were given until September 30, 1975 in which to submit written comments, suggestions, or objections regarding the proposed amendments. Only two written comments were received in response to the proposal. Both were from receivers expressing disapproval of the proposed amendments as, in their opinion, they would serve to "loosen" the requirements of the standards.

The Florida Fresh Citrus Shippers Association and the Florida Citrus Commission, Department of Citrus of the State of Florida have requested that the U.S. Grade Standards for Florida Oranges and Tangelos, Grapefruit and Tangerines be amended to provide for a tolerance for fruit affected by worms. The existing standards for these commodities provide no such tolerance.

It has been recognized that a zero tolerance for fruit affected by certain defects is too rigid and unrealistic. Producers find that citrus fruit totally free of natural defects such as worms is impractical to achieve under normal growing and harvesting conditions. Under inspection procedures, lots of citrus fruit offered for inspection and certification are sampled for examination. Adequate and representative samples of the entire lot are essential for accurate certification. However, it is recognized that no sampling plan short of 100 percent examination could assure that all fruits in the lot are free of certain damage. Therefore, these amendments would provide a one-half of one percent tolerance for fruit affected by worms. The tolerance is expressed in numbers of fruits permitted in existing tolerance tables, based on statistical sampling.

After consideration of all relevant matters presented by interested persons, these proposed amendments are hereby adopted without change pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; U.S.C. 1621-1627), and are set forth below.

These amendments are effective on November 22, 1975.

Dated: October 15, 1975.

DONALD E. WILKINSON,
Administrator.

As amended § 51.1152 *Tolerances,* and Tables I and II, in the U.S. Standards for Grades of Florida Oranges and Tangelos shall remain the same except for the addition of acceptance numbers for wormy fruit. The foregoing amendment without setting forth in entirety Tables I and II shall read as follows:

TOLERANCES

§ 51.1152 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, based on sample inspection, the number of defective or offsize specimens in the individual sample, and the number of defective or offsize specimens in the lot, shall be within the limitations specified in Tables I and II.

TABLE I(A).—*Shipping point [1] for 1 through 20 samples*

Factor	Grades	AL [2]	Number of 50-count samples [3]																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers [4] (maximum permitted)																			
Wormy fruit	All		1	0	1	[5]1	1	2	[5]2	2	3	3	3	[5]3	3	4	4	[5]4	4	5	5	5	5
Very serious damage including decay and wormy fruit.	U.S. Fancy, U.S. No. 1, U.S. No. 2.		6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45
Total defects including decay, wormy fruit, and very serious damage.	All		8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94

TABLE I(B).—*Shipping point [1] for 21 through 40 samples*

Factor	Grades	AL [2]	Number of 50-count samples [3]																			
			21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
			Acceptance numbers [4] (maximum permitted)																			
Wormy fruit	All		1	[5]5	6	6	6	[5]6	6	7	7	7	7	[5]7	7	8	8	8	[5]8	8	9	9
Very serious damage including decay and wormy fruit.	U.S. Fancy, U.S. No. 1, U.S. No. 2.		6	47	49	51	53	54	56	58	60	62	64	66	68	70	72	74	76	78	80	81	83
Total defects including decay, wormy fruit, and very serious damage.	All		8	98	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	174	180

TABLE II.—*En route or at destination*

Factor	Grades	AL [2]	Number of 50-count samples [3]																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers [4] (maximum permitted)																			
Wormy fruit	All		1	0	1	[5]1	1	2	[5]2	2	3	3	3	[5]3	3	4	4	[5]4	4	5	5	5	5
Very serious damage other than decay and wormy fruit.	U.S. Fancy, U.S. No. 1, U.S. No. 2.		6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45
Total defects including very serious damage other than decay and wormy fruit.	All		8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94

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2. As amended § 51.761 Tolerances, and Tables I and II, in the U.S. Standards for Grades of Florida Grapefruit shall remain the same except for the addition of acceptance numbers for wormy fruit. The foregoing amendment without setting forth in entirety Tables I and II shall read as follows:

TOLERANCES

§ 51.761 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, based on sample inspection, the number of defective or offsize specimens in the individual sample, and the number of defective or offsize specimens in the lot, shall be within the limitations specified in Tables I and II.

TABLE I(A).—*Shipping point [1] for 1 through 20 samples*

Factor	Grades	AL [2]	Number of 33-count samples [3]																		
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers [4] (maximum permitted)																			
Wormy fruit	All		1	0	0	0	1	[5]1	1	2	2	2	[5]2	2	2	3	3	3	[5]3	3	4	4	4
Very serious damage including decay and wormy fruit.	U.S. Fancy, U.S. No. 1, U.S. No. 2.		4	3	5	7	8	10	11	13	14	16	17	18	20	21	23	24	25	27	28	30	31
Total defects including decay, wormy fruit, and very serious damage.	All		5	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64

TABLE I(B).—*Shipping point [1] for 21 through 40 samples*

Factor	Grades	AL [2]	Number of 33-count samples [3]																			
			21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
			Acceptance numbers [4] (maximum permitted)																			
Wormy fruit	All		1	4	4	[5]4	4	4	5	5	5	5	[5]5	5	5	6	6	6	6	6	[5]6	6
Very serious damage including decay and wormy fruit.	U.S. Fancy, U.S. No. 1, U.S. No. 2.		4	32	34	35	36	38	39	40	42	43	44	45	47	48	49	51	52	53	54	56	57
Total defects including decay, wormy fruit, and very serious damage.	All		5	67	70	73	76	79	82	84	87	90	93	96	99	102	105	107	110	113	116	119	122

TABLE II.—*En route or at destination*

Factor	Grades	AL [1]	Number of 33-count samples [3]																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers [2] (Maximum permitted)																			
Wormy fruit	All		1	0	0	0	1	[3]1	1	2	2	2	[3]2	2	2	3	3	3	[3]3	3	4	4	4
Very serious damage other than decay and wormy fruit.	U.S. Fancy, U.S. No. 1, U.S. No. 2.		4	3	5	7	8	10	11	13	14	16	17	18	20	21	23	24	25	27	28	30	31
Total defects including very serious damage other than decay and wormy fruit.	All		5	5	9	12	16	19	22	25	28	31	34	37	40	44	46	49	52	55	58	61	64

3. As amended § 51.1818 Tolerances, and Tables I and II, in the U.S. Standards for Grades of Florida Tangerines shall remain the same except for the addition of acceptance numbers for wormy fruit. The foregoing amendment without setting forth in entirety Tables I and II shall read as follows:

TOLERANCES

§ 51.1818 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, based on sample inspection, the number of defective or offsize specimens in the individual sample, and the number of defective or offsize specimens in the lot, shall be within the limitations specified in Tables I and II.

TABLE I(A).—*Shipping point [1] for 1 through 20 samples*

Factor	Grades	AL [2]	Number of 50-count samples [3]																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers [4] (maximum permitted)																			
Wormy fruit	All		1	0	1	[5]1	1	2	[5]2	3	3	3	[5]3	3	4	4	[5]4	4	5	5	5	5
Very serious damage including decay and wormy fruit.	U.S. Fancy, U.S. No. 1, U.S. No. 2.		6	4	6	9	11	14	16	18	20	22	24	26	28	30	32	35	37	39	41	43	45
Total defects including decay, wormy fruit, and very serious damage.	All		8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94

TABLE I(B).—*Shipping point [1] for 21 through 40 samples*

Factor	Grades	AL [2]	Number of 50-count samples [3]																			
			21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
			Acceptance numbers [4] (maximum permitted)																			
Wormy fruit	All		1	[5]5	6	6	[5]6	6	[5]6	6	7	7	7	[5]7	7	8	8	8	[5]8	8	9	9
Very serious damage including decay and wormy fruit.	U.S. Fancy, U.S. No. 1, U.S. No. 2.		6	47	49	51	53	54	56	58	60	62	64	66	68	70	72	74	76	78	80	81	83
Total defects including decay, wormy fruit, and very serious damage.	All		8	96	103	107	111	116	120	124	129	133	137	141	146	150	154	159	163	167	171	176	180

TABLE II.—*En route or at destination*

Factor	Grades	AL [1]	Number of 50-count samples [2]																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
			Acceptance numbers [3] (maximum permitted)																			
Wormy fruit	All		1	0	1	[4]1	1	2	[4]2	2	3	3	3	[4]3	3	4	4	[4]4	4	5	5	5	5
Very serious damage other than decay and wormy fruit.	U.S. Fancy, U.S. No. 1, U.S. No. 2.		6	4	6	9	11	14	16	18	20	22	24	26	28	30	33	35	37	39	41	43	45
Total defects including very serious damage other than decay and wormy fruit.	All		8	7	12	17	22	27	32	36	41	45	50	54	59	63	68	72	76	81	85	90	94

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

[FR Doc.75-28160 Filed 10-17-75;8:45 am]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS [1]

Miscellaneous Amendments

On page 33043 of the FEDERAL REGISTER of August 6, 1975, a notice of proposed rule making was published that would amend the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products (7 CFR 52.1–52.83). Interested persons were given 30 days (to September 8, 1975) in which to submit written data, views, or arguments regarding the proposal with the Hearing Clerk of the Department of Agriculture.

The proposed amendments to the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products included:

(1) Revised and additional definitions of terms for the types of Inspection Services;

(2) Revised sampling plans;

(3) Inclusion of new inspection marks; and

(4) Revised rules for the use of the sampling mark.

The previously defined pack certification inspection service was limited to designated lots. The pack certification type service is now expanded to include a "Quality Assurance" type of inspection contract.

This type of inspection was requested by some users of the inspection service to minimize duplication of inspection efforts between plant quality control and AMS and to reduce inspection costs.

This type of service provides assurance to the processor that his own quality control efforts are adequate and that the evaluations of product characteristics can be relied upon.

In § 52.38 Table III, for Groups 2 and 3, the "3 pound" reference is changed to 60 ounces. A common can size included in Group 2 sampling includes a can size which, when filled with certain products, may have a net weight slightly in excess of 48 ounces. This proposed increase in the Group 2 maximum weight does not change the sampling rate, but is intended to include this can size in Group 2 regardless of variations in net weight due to types of products contained within.

Tables IV and V in § 52.38 are amended by adding provisions for a smaller sample size for on-line inspection than for lot inspection. The smaller sample is practical because the on-line inspection includes additional information about the product from raw material through to the finished product.

A new inspection mark is included in § 52.53 so that plans operating under the new "Quality Assurance" type inspection contract may distinguish their products with an approved identification. It is the policy of the Department to provide inspection marks whereby products packed under, or monitored by various USDA inspection services may be so identified in the commercial trade.

The "officially sampled" mark has always been available to identify a product that has been officially sampled and inspected by the Department. The current regulations prohibit placing this stamp on any case with a grade designation on it or the packages within, until the product has been graded to verify that it meets the declared grade.

This restriction is being deleted to promote a more economical, efficient and orderly conduct of the inspection service.

This is accomplished by:

(1) re-emphasizing the fact that the sampling mark denotes only that a particular lot was "officially sampled." The sampling mark is not intended to indicate compliance or non-compliance with a specification, requirement, regulation, or label declaration;

(2) reducing the applicant inspection costs in those instances where cases are not stamped at time of sampling and a return trip is required; and

(3) permitting the stamping of lots at time of sampling so that positive identification can be maintained. This is an important aspect in those situations where control of the lot by the Department is necessary or required.

As of the close of business on September 10, 1975 the Department's Hearing Clerk had received no submitted data, views, or arguments. Two (2) comments were indirectly received. The comments from a California consumers organization are not pertinent to the Regulations. The comments of a food industry member generally agreed with the proposal.

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date beyond October 20, 1975 (5 U.S.C. 553), in that:

1. The processing industry affected by the amended Regulations is familiar with the amendments;

2. Additional time is not need for the industry to make preparations for compliance with the amended Regulations;

3. The amendments were subjected to a request for comments, views and arguments prior to these rule making procedures. No adverse comments were received; and

4. Benefit to the consumer can accrue because of an immediate implementation of a new, less costly form of quality inspection.

[1] NOTE: Compliance with the provisions of these Regulations shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

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The proposed amendments to the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products are hereby promulgated without change, and are set forth below pursuant to the authority contained in the Agricultural Marketing Act of 1946, as amended (Sec. 205, 60 Stat. 1090, as amended (7 CFR U.S.C. 1624)).

Effective date: October 20, 1975.

Dated: October 10, 1975.

DONALD E. WILKINSON,
Administrator.

The amendments are as follows:

1. In § 52.2 under the definition for "Inspection service; types of" paragraph (c) is revised as follows:

§ 52.2 Terms defined.

* * * * *

Inspection service; types of.

* * * * *

(c) Pack Certification is the conduct of inspection and grading services in an approved plant whereby one or more inspectors may make inspections of the preparation and processing of products but are not required to be present at all times the plant is in operation.

(1) Under a Designated Lot contract, inspectors will grade and certify only those lots designated by the applicant.

(2) Under a Quality Assurance contract, inspector(s) will use information available from the applicant's quality control records to certify lots, as requested, and will grade lots at random as often as necessary to verify the reliability of the applicant's quality control system.

* * * * *

§ 52.38 [Amended]

2. In § 52.38, Table III, under the Group 2 and Group 3 headings in the first column, the "3 pound" reference is changed to read "60 ounces."

3. In § 52.38, Tables IV and V are revised by deleting the bottom row (headed "Sample Size-Acceptance Number) and substituting the following in both tables:

Lot inspection: Sample size (No. of sample units) [1]	3	6	13	21	29	38	48	60
Acceptance number	0	1	2	3	4	5	6	7
On-line in-plant inspection: Sample size (No. of sample units) [1]	3	6	6	13	21	29	38	48
Acceptance number	0	1	1	2	3	4	5	6

(NOTE: There is no change proposed in the footnotes)

4. In § 52.53, paragraphs (a), (b), (c), (d), and (e) are revised to read as follows:

§ 52.53 Approved identification.

(a) *General.* Use of the approved identification marks described and illustrated in figures 1 through 10 of this section is restricted to processed products that:

(1) Are clean, safe, and wholesome;

(2) Have been produced in an approved plant;

(3) Are truthfully and accurately labeled;

(4) Meet the quality requirements for U.S. Grade C or better;

(5) Meet applicable fill weight and/or drained weight, condition of container criteria, Brix or other characteristics of a commodity related to market value; and

(6) Have been certified, or have been inspected and are eligible for certification, by an inspector; and, in addition, meet the specific requirements stated in paragraphs (b), (c), and (d) of this section.

(b) *Inspection (Continuous) grade and inspection marks.* The official marks approved for use by plants operating under USDA continuous inspection service contracts shall be similar in form and design to the examples in figure 1 through 10 of this section: *Provided,* That the official marks illustrated by figures 8 and 9 are limited to products packed by plants operating under an approved Quality Assurance type of inspection contract: *And provided further,* That the inspection marks illustrated in figures 1 through 4 may only be used on products packed by plants operating under USDA continuous inspection.



FIGURE 1.



FIGURE 2.



Statement enclosed within a shield.

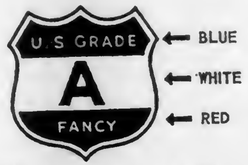
FIGURE 3.

PACKED UNDER
CONTINUOUS
INSPECTION
OF THE
U. S. DEPT. OF
AGRICULTURE

Statement without the use of the shield.

FIGURE 4.

(c) *In-plant inspection (other than continuous) grade and inspection marks.* The official marks approved for use by plants operating under USDA inspection service contracts (other than continuous) requiring a resident inspector shall be limited to those similar in form and design to the examples in figures 5 through 10 of this section; *Provided,* That the official marks illustrated by figures 8 and 9 are limited to products packed by plants operating under an approved Quality Assurance type of an inspection contract.



Shield using red, white, and blue background or other colors appropriate for label.

FIGURE 5.



Shield with plain background.

FIGURE 6.



Shield with plain background.

FIGURE 7.



FIGURE 8

PACKED UNDER
QUALITY ASSURANCE
PROGRAM
of the
U.S. DEPT. OF AGRICULTURE

Statement without the use of the shield.

FIGURE 9

(d) *Approved plant-lot inspection grade marks.* Processed products that are produced in an approved plant and inspected and certified by an inspector on a lot basis may be labeled with an official grade mark, not in a shield design, such as is illustrated by marks (1) and (2) of figure 10. Failure to have all lots, bearing such official marks, inspected and certified shall be cause for the debarment of services and such other actions as provided for in the Agricultural Marketing Act of 1946.

(1) U. S. GRADE A

(2) U. S. CHOICE

Grade marks not in shield design.

FIGURE 10.

(e) *Sampling marks.* Processed products which have been packed under inspection as provided for in this section and products sampled for inspection on a lot basis as provided in this part may, at the option of the Department, be identified by an authorized representative of the Department by stamping the shipping cases and inspection certificate(s) covering such lot(s) with an officially drawn sampling mark similar in form and design to the example in figure 11 of this section.



FIGURE 11.

* * * * *

[FR Doc.75-28040 Filed 10-17-75;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Japanese Beetle

EXEMPTIONS

● The purpose of this document is to amend the list of Japanese beetle exempted articles (7 CFR 301.48–2b). ●

This document amends the regulations supplemental to the Japanese Beetle Quarantine by deleting compost, decomposed manure, humus, and peat; true bulbs, corms, rhizomes, and tubers of ornamental plants; used mechanized soil-moving equipment.

These articles are being deleted from the list of exempted articles because they are no longer regulated under the Japanese Beetle Quarantine.

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and in accordance with § 301.48–2 of the Japanese beetle quarantine regulations (7 CFR 301.48–2, as amended), the supplemental regulation exempting certain articles from specified requirements of the regulations, 7 CFR 301.48–2b, is hereby revised to read as follows:

§ 301.48–2b Exempted articles.[1]

The following articles are exempt from the certification, permit, or other requirements of this subpart if they meet

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

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the applicable conditions prescribed in paragraphs (a) and (b) of this section and have not been exposed to infestation after cleaning or other handling as prescribed in said paragraphs:

(a) Potting soil, if commercially prepared, packaged, and shipped in original containers.

(b) Transplants, if substantially free[*] of soil.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33 (7 U.S.C. 161, 162, 150ee); 37 FR 28464, 28477, as amended; 38 FR 19141)

The Deputy Administrator of the Plant Protection and Quarantine Programs has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided herein.

This amendment relieves certain restrictions heretofore imposed, and should be made effective promptly in order to be of maximum benefit to the persons subject to the restrictions that are being relieved. Also, it does not appear that additional information would be made available to the Department by public participation in rulemaking proceedings on the amendment. Accordingly, it is found, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to this amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The amendment shall become effective October 20, 1975.

Done at Washington, D.C., this 15 day of October 1975.

JAMES O. LEE, JR.,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.75-28163 Filed 10-17-75;8:45 am]

PART 301—DOMESTIC QUARANTINE NOTICES

Japanese Beetle Quarantine and Regulations

● **The purpose of this document is to amend the list of Japanese beetle regulated articles.** ●

This document amends § 301.48(b) of Japanese beetle quarantine and regulations (7 CFR 301.48(b)) by deleting compost, decomposed manure, humus, muck, and peat; plant crowns and roots for propagation; true bulbs, corms, rhizomes, and tubers of ornamental plants; and used mechanized soil-moving equipment from the list of regulated articles specified in subparagraph (1); and by deleting used mechanized soil-moving equipment from the list of regulated articles specified in subparagraph (2).

These articles are being deleted from these lists of regulated articles because empirical data in the Department indicates that the movement of the deleted articles would present only a minimal, if any, risk of spread of the Japanese beetle.

Section 301.48(b) of the Japanese beetle quarantine and regulations is further amended by excepting from the list of regulated articles specified in subparagraph (1), greenhouse-grown plants. Movement of greenhouse-grown plants present minimal, if any, risk of spread of the Japanese beetle.

Accordingly, § 301.48(b) of the Japanese beetle quarantine and regulations is hereby amended as set forth below:

1. Paragraph (b) of § 301.48 is revised to read as follows:

§ 301.48 Quarantine; restrictions on interstate movement of specified regulated articles.

* * * * *

(b) *Quarantine restrictions on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined State any of the following articles (defined in § 301.48–1(p) as regulated articles), except in accordance with the conditions prescribed in this subpart:

(1) When moved from any generally infested area, or any area outside the regulated areas, in a quarantined State:

(i) Soil, separately or with other things;

(ii) Plants with roots except houseplants grown in the home and not for sale, greenhouse-grown plants, soil-free aquatic plants, moss, and Lycopodium (clubmoss or ground pine or running pine);

(iii) Grass sod;

(iv) Any other products, articles, or means of conveyance of any character whatsoever, not covered by paragraphs (b)(1)(i) through (iii) of this section, when it is determined by an inspector that they present a hazard of spread of the Japanese beetle, and the person in possession thereof has been so notified.

(2) When moved from any suppressive area in a quarantined State:

(i) Bulk soil;

(ii) Any other products, articles, or means of conveyance of any character whatsoever, not covered by paragraph (b)(2)(i) of this section, when it is determined by an inspector that they present a hazard of spread of the Japanese beetle, and the person in possession thereof has been so notified.

* * * * *

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; (7 U.S.C. 161, 162, 150ee); 37 FR 28464, 28477; 38 FR 19141.)

This action relieves restrictions heretofore imposed, and it should be made effective promptly in order to be of maximum benefit to the persons subject to the restrictions that are being relieved. Also, it does not appear that additional information would be made available to the Department by public participation in rulemaking proceedings concerning this amendment. Accordingly, it is found, under the administrative procedure provisions in 5 U.S.C. 553, that notice of rulemaking and other public procedure with respect to this amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. This amendment shall become effective on October 20, 1975.

Done at Washington, D.C. this 15th day of October 1975.

JAMES O. LEE, JR.,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.75-28162 Filed 10-17-75;8:45 am]

[*] Not sufficient soil to harbor Japanese beetle larvae.

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 205]

GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

Standards of Personnel Administration

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Acting Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The regulations amend the current 45 CFR 205.200, Standards of Personnel Administration, with three changes necessitated by legislation enacted and regulations published since the last amendment (37 FR 14723, July 22, 1972). These changes are: (1) The addition of title XX in paragraph (a); (2) the delegation of authority to the U.S. Civil Service Commission to prescribe standards under the Intergovernmental Personnel Act of 1970 (Pub. L. 91–648); and, (3) the submittal of statements and citations providing assurance of conformity to the U.S. Civil Service Commission under the central submittal system published in 5 CFR, Part 900, § 900.604 (39 FR 31513, August 29, 1974).

Prior to the adoption of the proposed regulations, consideration will be given to written comments, suggestions, or objections thereto addressed to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2382, Washington, D.C. 20013, and received on or before November 19, 1975.

Such comments will be available for public inspection in Room 5225 of the Department's offices at 330 C Street, SW., Washington, D.C., beginning approximately two weeks after publication of this notice in the FEDERAL REGISTER, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area Code 202 245–0950).

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance No. 13.761, Public Assistance-Maintenance Assistance (State Aid); 13.714, Medical Assistance Programs, 13.724, Public Assistance-State and Local Training; 13.748, Work Incentive Program-Child Care-Employment Related Services, and 13.754, Public Assistance-Social Services.)

Dated: September 16, 1975.

JOHN A. SVAHN,
Acting Administrator, Social and Rehabilitation Service.

Approved: October 14, 1975.

DAVID MATHEWS,
Secretary.

Part 205, Chapter II, Title 45 of the Code of Federal Regulations is amended by revising § 205.200 to read as follows:

§ 205.200 Standards of personnel administration.

(a) A State plan under title I, IV–A, VI, X, XIV, XVI, XIX, or XX of the Social Security Act shall provide that methods of personnel administration will be established and maintained in the State agency administering or supervising the State plan and in local agencies administering the State plan in conformity with the Standards for a Merit System of Personnel Administration, 45 CFR Part 70 and any standards prescribed by the U.S. Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970 modifying or superseding such standards. Under this requirement, State laws, rules, regulations, and policy statements effectuating such methods of personnel administration are a part of the State plan. Statements of acceptance of these standards by all official local agencies included in the State plan must be obtained and methods must be established by the State to assure compliance by local jurisdictions. These statements and citations of applicable State laws, rules, regulations, and policies which provide assurance of conformity to the standards in 45 CFR Part 70 or to modifying or superseding standards issued by the Commission must be submitted to the U.S. Civil Service Commission in accordance with 5 CFR Part 900 for determination as to adequacy. Copies of the materials cited and of similar local materials maintained by a State official responsible for compliance by local jurisdictions must be furnished to the Department of Health, Education, and Welfare on request.

(b) The Secretary of Health, Education, and Welfare shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods.

(c) The State plan must provide that the State agency will develop and implement an affirmative action plan for equal employment opportunity in all aspects of personnel administration as specified in § 70.4 of this title. The affirmative action plan will provide for specific action steps and timetables to assure such equal opportunity. The plan shall be made available for review upon request.

[FR Doc.75-28128 Filed 10-17-75;8:45 am]

Social Security Administration

[20 CFR Part 416]

[Reg. No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Unearned Income; Support and Maintenance

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendment to the regulations which is set forth in tentative form is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendment, set forth below revises Subpart K of Part 416 at § 416.1125 (Unearned income; support and maintenance).

The proposed amendment implements section 4 of Public Law 93–484 which amends section 1612(a)(2)(A) of the Social Security Act retroactive to January 1974 and which provides that the value of any support and maintenance provided to an individual residing in a nonprofit retirement home or similar nonprofit institution shall be excluded from income if such support and maintenance is provided by the institution itself without receiving any payment therefor, or if payment therefor is made by another nonprofit organization. However, section 4 of Public Law 93–484 further provides that the exclusion does not apply if the organization or institution has undertaken an express obligation to provide full support and maintenance without receiving any current or future payment therefor.

Conversely, it should be noted that section 4 of Public Law 93–484 is not applicable to support and maintenance provided through a public institution (or from a public source) or through a private for-profit facility, nor is it applicable to payments by third parties (such as friends or relatives) to an institution for support or maintenance. In those limited situations where an individual is eligible while in a public institution, support and maintenance provided by a public institution must be included in computing income. Ordinarily, payments by individuals to for-profit institutions are commercial transactions and do not result in in-kind income to those individuals. However, in all institutions—public, private nonprofit, or profit-making—payments by third parties give rise to in-kind income to the individual (except when a private nonprofit organization makes a payment to a private nonprofit institution). These policies will be set out in further amendments to § 416.1125 of the regulations to be published shortly as Notice of Proposed Rule Making.

V 40 203 OCT 20 75 XUM

The proposed amendment to the regulations also relates to situations in which an individual living in a household receives support or maintenance, or both support and maintenance, but the statutory requirements for a one-third reduction in the payment standard for living in the household of another does not apply. In such situations, the maximum value of the in-kind support or maintenance will be presumed to be that amount which, for an individual with no other income, would reduce the applicable supplemental security income payment standard by one-third. The individual may rebut this presumption by establishing that the current market value of such support and maintenance, less any payment he makes therefor, is less than the presumed value.

The proposed amendment to the regulations further provides that, where an individual lives in the household of another and the one-third reduction provision is applicable, the value of additional support or maintenance, or both support and maintenance, received in kind from a person other than the householder with whom the individual lives will be excluded from income for purposes of determining eligibility for and amount of supplemental security income payments.

In addition, the amendment makes clear that, unless otherwise specified, value means current market value.

Inasmuch as section 4 of Public Law 93–484 amends section 1612(a)(2)(A) of the Social Security Act retroactively to January 1974, the rules set forth in § 416.1125(f) of the proposed amendment to the regulations will be applied by the Social Security Administration during the period beginning January 1, 1974, when the new program became effective, until a final regulation is adopted. The rules set forth in § 416.1125(b)(2), (d) and (e) of the proposed amendment pertaining to support and maintenance provided to individuals living in households will be applied by the Social Security Administration with respect to supplemental security income benefits payable for months beginning with December 1974, until a final regulation is adopted.

It should be noted that § 416.1125 was first published as an interim regulation for comment on October 3, 1973, and a number of comments were received relating to the one-third reduction for living in the household of another. This section has been removed from Subpart K of the final regulations and will continue in effect, as here amended, on an interim basis until a final regulation is adopted.

Prior to the final adoption of the amendment to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before November 19, 1975. Consideration will also be given to all comments received in response to the Notice of Proposed Rule Making published on October 3, 1973.

Copies of all comments received in response to this notice as well as to the earlier one will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendment is to be issued under the authority contained in sections 1102 and 1631(d)(1) of the Social Security Act, 49 Stat. 647, as amended, 86 Stat. 1476; 42 U.S.C. 1302, and 1383(d)(1); and section 1612 of the Social Security Act, 88 Stat. 1460; 42 U.S.C. 1382(a), as amended by Public Law 93–484.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: June 30, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: October 14, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

Section 416.1125 is revised to read as follows:

§ 416.1125 Unearned income; support and maintenance.

(a) *General.* Unearned income includes support and maintenance furnished in cash or in kind. Support and maintenance in kind may generally be defined as room and board, and would also include other incidentals, such as clothing, necessary to an individual's normal sustenance. Unless otherwise specified herein, the value of in-kind support and maintenance refers to its current market value.

(b) *One-third reduction for individual living in another person's household.* (1) In the case of an eligible individual (or eligible individual and eligible spouse) who lives in another person's household and receives support and maintenance in kind from such person, the payment standard for such eligible individual (or eligible individual and eligible spouse) will be reduced by one-third in lieu of including the value of such support and maintenance as unearned income to the eligible individual (or eligible individual and eligible spouse). The one-third reduction in the payment standard will apply only for months wholly spent in the household of another person. Thus, the reduction is made beginning with the first full calendar month in which an eligible individual (or eligible individual and eligible spouse) lives in another person's household and ends with the last such full calendar month. The one-third reduction will apply regardless of whether the individual (or eligible individual and eligible spouse) is making any payment for support and maintenance (room and board) to the person in whose household he is living.

(2) When the one-third reduction applies, any additional support or maintenance, or both support and maintenance, received in kind from a source other than the person in whose household the eligible individual (or eligible individual and eligible spouse) lives is not counted as income.

(3) For purposes of this section, "another person's" household refers to the household of a private individual. It does not include a commercial establishment (e.g., rooming or boarding house) or an institution.

(c) *Household situations not included under paragraph (b) of this section.* The reduction in the payment standard for living in the household of another and described in paragraph (b)(1) of this section will not apply in the following situations and support and maintenance provided in kind will be valued as provided herein and in paragraphs (d) and (e) of this section:

(1) In the case of an eligible individual (or eligible individual and eligible spouse) who lives in another person's household and receives only support or maintenance (i.e., only room or only board) from the householder.

(2) In the case of an eligible individual with an eligible spouse, where only the individual or the spouse is living in another person's household. Any support and maintenance received in kind will be included as unearned income. Absent evidence of a lesser value, such support and maintenance will be valued at one-sixth of the payment standard for a couple.

(3) In the case of an individual who is subject to the provisions of this part regarding the deeming of income (§ 416.1185 or § 416.1190) and who is living in the household of the person from whom income is or would be deemed. In such case, any support and maintenance furnished by the person in whose household the individual is living is not counted as income.

(4) In the case of an eligible individual (or eligible individual and eligible spouse) who lives in an institution or commercial establishment.

(d) *Valuation of support and maintenance for individuals in household situations.* When an eligible individual (or eligible spouse) lives in a household (i.e., is not in an institution) and the reduction in the payment standard described in paragraph (b) of this section is inapplicable and the provisions of §§ 416.1185 and 416.1190 do not apply, any support or maintenance, or both support and maintenance, received in kind is unearned income. In such cases, the maximum value of such support and maintenance is presumed to be that amount which will reduce the applicable payment standard by one-third; i.e., the value is presumed to be one-third of the payment standard, plus the exclusion applicable to unearned income. This presumption will be applied in determining

the benefits payable unless it is rebutted by the individual's establishing that the current market value of such support and maintenance, less any payment he makes therefor, is lower than the presumed value. This rule will apply in the following circumstances:

(1) When an eligible individual (or eligible individual and eligible spouse) lives in the household of another and receives only support or maintenance from the householder. These provisions do not apply, however, when the provisions of paragraph (c)(2) of this section apply.

(2) When an eligible individual (or eligible spouse) lives in his own household, including a commercial establishment, and receives support or maintenance, or both support and maintenance, in kind.

(e) *Individuals to whom income is deemed.* When an eligible individual (or eligible spouse) lives in the household of the person from whom income is, or would be, deemed (§ 416.1185 or § 416.1190) and receives support or maintenance, or both support and maintenance, from a source other than the householder from whom income is, or would be, deemed, the value of such support or maintenance will be treated as income in addition to any deemed income. The maximum value of such support or maintenance is presumed to be the same amount as described in paragraph (d) of this section and the same rules pertaining to application and rebuttal of that presumption will be applied.

(f) *Individual living in private nonprofit residential care institution.* In the case of an eligible individual (or eligible spouse) living in a nonprofit retirement home or similar nonprofit institution, the value of in-kind support and maintenance provided by that institution without receiving payment therefor, or for which payment is made by another nonprofit organization, is not income. However, if the nonprofit institution or organization has undertaken an express obligation to furnish full support and maintenance to an individual without receiving any current or future payment therefor, the current market value of the support and maintenance so provided is counted as unearned income. For purposes of this paragraph (f) of this section, the following definitions apply:

(1) *Nonprofit organization.* "Nonprofit organization" means a private organization which is tax-exempt under section 501(c) or (d) of the Internal Revenue Code of 1954.

(2) *Nonprofit retirement home or similar nonprofit institution.* A "nonprofit retirement home or similar nonprofit institution" means a private institution (as defined in § 416.231(b)) which, with respect to the individual, neither provides services which are (or could be) covered under the State's Medicaid plan nor is an institution for education or vocational training, and is itself, or is controlled by a private organization which is, tax-exempt under section 501(c) or (d) of the Internal Revenue Code of 1954.

(3) *Full support and maintenance.* When a nonprofit organization or institution is providing "full support and maintenance" to an individual as the result of an express obligation, it must be providing at least all of that individual's needs for food and shelter.

(g) *Effective dates.* The provisions set forth in paragraphs (b)(2), (d) and (e) of this section are effective beginning with amounts payable for December 1974. All other paragraphs are effective beginning with amounts payable for January 1974.

[FR Doc.75-28127 Filed 10-17-75;8:45 am]

FEDERAL AVIATION ADMINISTRATION

[14 CFR Part 71]

[Airspace Docket No. 75-NW-24]

ADDITIONAL CONTROL AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area over the Olympic Peninsula, Wash.[1] Coincident with the amendment, associated nonrule-making action would be taken to establish a Military Operations Area (MOA) within that airspace.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash., 98108. All communications received on or before November 19, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would designate Additional Control Area under § 71.163 as follows:

OLYMPIC PENINSULA, WASH.

That airspace extending upward from 5500 feet MSL beginning at Latitude 48°14′ N, Longitude 124°45′ W to Latitude 48°00′ N, Longitude 124°07′ W to Latitude 47°38′ N, Longitude 123°40′ W to Latitude 47°15′ N, Longitude 123°40′ W to Latitude 47°07′ N, Longitude 124°11′ W to Latitude 47°30′ N, Longitude 124°21′ W to Latitude 48°00′ N, Longitude 124°45′ W to point of beginning. That airspace below 1200 feet AGL is excluded.

[1] Map filed as part of the original document.

The Additional Control Area is required to provide controlled airspace for military IFR training operations.

The nonrule-making action associated with the proposed amendment would establish a MOA of defined vertical and lateral dimensions within which required IFR military training activities would be conducted. The description of the proposed MOA is as follows:

Name: Olympic.
Controlling Agency: Seattle ARTCC.
Scheduling Agency: Commander, Medium Attack Tactical Electronic Warfare Wing, U.S. Pacific Fleet NAS Whidbey Island, Wash.
Time of Operation: Seven days per week 0600–0000 local, other times by NOTAM.
Altitude: From 6000 MSL to but not including FL 180 excluding that airspace below 1200′ AGL.
Boundaries: Same as Additional Control Area described above.

The proposed training activities that would be conducted within the MOA are not considered sufficient in volume or nature to justify restricted area airspace. The purpose of the MOA is to contain military training activities. IFR flights will be provided IFR separation from military operations within the area. The MOA would not impose flight restrictions or additional communications requirements on VFR flights. However, the agency has determined that flight safety would be improved if the area is made known to the public. Accordingly, the MOA would be identified and shown on appropriate aeronautical charts.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 14, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-28084 Filed 10-17-75;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 75-WA-16]

JET ROUTES

Proposed Alteration and Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would reorganize certain U.S. segments of J/HL routes serving Eastern Canada.[1]

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803. All communications received on or before November 19, 1975,

[1] Map filed as part of the original document.

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will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

The proposed amendment would:

1. Renumber J/HL 553 between Beauce, Quebec; Houlton, Me. and Moncton, New Brunswick to J/HL 509.

2. Renumber J/HL 570 from Long Lake, N.Y., Intersection to Montreal, Quebec to J/HL 524.

3. Designate J/HL 570 from Long Lake, N.Y., Intersection to Mirabel, Quebec (Lat. 45°53'13'' N., Long. 74°22'33'' W).

4. Renumber J/HL 582 from Presque Isle, Me., to Mont Joli, Quebec to J/HL 561.

5. Designate J/HL 582 from Presque Isle to Sept Iles, Quebec.

Canada proposes to reorganize the high level altitude structure in Eastern Canada to better serve north atlantic traffic operating to and from the major terminals. This proposal would make the route segments that lie within U.S. airspace compatible with their high level altitude reorganization structure.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 10, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-28085 Filed 10-17-75;8:45 am]

MATERIALS TRANSPORTATION BUREAU

[49 CFR Parts 192 and 195]

[Docket Nos. OPSO-30, OPSO-35; Notices 75-4A, 75-5A]

OFFSHORE PIPELINE FACILITIES

Notice of Hearing and Extension of Comment Periods

By Notice 75-4, published in the FEDERAL REGISTER on September 23, 1975 (40 FR 43740), the Office of Pipeline Safety Operations (OPSO) proposed to amend Part 195 regarding the safety of offshore pipelines transporting petroleum, petroleum products, and other liquid hazardous materials. Also, by Notice 75-5, published on October 6, 1975 (40 FR 45192), OPSO proposed to amend Part 192 to enhance the safety of gas pipeline facilities and the transportation of gas offshore.

The American Petroleum Institute (API) has requested that the period for written comments to Notice 75-4 be extended 30 days to November 19, 1975. API argues that additional time is needed to prepare a response based on a study by its member carriers of the proposals contained in the Notice. Anticipating that its analysis of the issues may warrant the requesting of a public hearing, API further requests that the deadline to petition OPSO for a public hearing be extended to November 10, 1975.

For similar reasons, the Interstate Natural Gas Association of America has requested that OPSO extend the time for written comments to Notice 75-5 to December 1, 1975.

Likewise, in a petition requesting additional time to comment on both Notices 75-4 and 75-5, the Offshore Operators Committee, representing gas and oil producers, argues that the time for comment provided by each Notice is insufficient to complete a careful study upon which to base a response. Also, the Committee suggests that an "on-the-record exploratory conversation between industry and OPSO" is needed to clarify issues and to aid the Committee in preparing comments. It requests that the comment periods be extended 60 days from date of any conference.

After reviewing the matter, and particularly the proposals which would extend the applicability of Parts 192 and 195 to offshore gathering lines and subject pipelines crossing inland navigable waters to the requirements for offshore pipelines, OPSO has decided to grant the three requests for additional time to respond in writing by extending the deadline for written comments on both Notice 75-4 and Notice 75-5 to December 1, 1975. This extension allows interested persons at least 60 days to study the various rule making proposals and to make accurate and complete responses.

OPSO does not believe that a conference with industry representatives for purposes of explaining the rule makings is appropriate. Clarifying statements giving reasons for the various proposed rules are contained in the preamble to each Notice. Commenters who are uncertain about the intent of the proposed rules or who note possible ambiguities should make these points clear in their comments to the relevant Notice. OPSO will consider these comments and may conduct any additional rule making proceedings it finds necessary before a final rule is issued.

Further, OPSO has not granted the request by API for additional time to request a public hearing. Instead, OPSO will conduct a public hearing at 10:00 a.m. on November 17, 1975, in Room 3201, Trans Point Building, 2100 Second Street, S.W., Washington, D.C., on the subjects of both Notice 75-4 and Notice 75-5. The hearing will provide an opportunity for all interested persons to comment orally. It will be informal, not a judicial type of hearing. There will be no cross examination of persons making statements. A member of the OPSO staff will preside at the hearing, and each person will be allowed to make an initial oral statement, including statements of any witnesses. Those who wish to make rebuttal statements will be allowed to do so in the same order in which they made their initial statement. All statements will become a part of the public record of the respective rule making proceeding.

Persons who wish to make oral statements at the hearing should notify Peggy Tubbs, Office of Pipeline Safety Operations, 2100 Second Street, S.W., Washington, D.C. 20590 (Telephone: 202-426-0135), stating the approximate amount of time required for an initial statement.

This Notice is issued under the authority of Section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 USC 1672); Section 105 of the Hazardous Materials Transportation Act (49 USC 1804); Sections 831-835 of Title 18, United States Code, Section 6(e)(4) of the Department of Transportation Act (49 USC 1655(e)(4)); § 1.64 of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.64), and the redelegation of authority to the Director, Office of Pipeline Safety Operations, set forth in Appendix A to Part 102 of the regulations of the Office of the Director, Materials Transportation Bureau (49 CFR Part 102).

Issued in Washington, D.C., on October 16, 1975.

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc.75-28330 Filed 10-17-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[OPP-300007; FRL 445-2]

CERTAIN INERT INGREDIENTS IN PESTICIDE FORMULATIONS

Proposed Exemptions From Requirement of Tolerance

At the request of several interested persons, the Administrator, Environmental Protection Agency (EPA), is proposing, pursuant to Section 408(e) of the Federal Food, Drug, and Cosmetic Act, to amend 40 CFR 180.1001 to exempt certain pesticide chemicals which are additional inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements.

The inert (or occasionally active) ingredients concerned, and the persons requesting that the Administrator propose exemptions with respect to them, are as follows:

Manganese carbonate—Leffingwell Chemical Co., P.O. Box 188, Brea, CA 92621.

D & C Green No. 6—Allied Chemical, Specialty Chemicals Div., P.O. Box 1087R, Morristown, NJ 07960.

Sodium mono- and dimethyl naphthalene sulfonate—Petrochemicals Co., Inc., 2001 N. Grove, P.O. Box 2199, Ft. Worth, TX 76101.

Partial sodium salt of *N*-lauryl-β-iminodipropionic acid—General Mills Chemicals, Inc., 2010 East Hennepin, Minneapolis, MN 55413.

Epoxidized soybean oil; Magnesium silicate, hydrated magnesium silicate; Sodium butylnaphthalene sulfonate—Ciba-Geigy Corp., Agricultural Div., P.O. Box 11422, Greensboro, NC 27409.

Zinc stearate USP—Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond, CA 94804.

α - alkyl(C_{12}-C_{18}) - ω - hydroxypoly (oxyethylene/oxypropylene) heteric polymer in which the oxyethylene content is 8-12 moles and the oxypropylene content is 3-7 moles; and α-alkyl (C_{12}-C_{18}) -ω-hydroxypoly (oxyethylene/oxypropylene) heteric polymer in which the oxyethylene content averages 13-17 moles and the oxypropylene content averages 2-6 moles—BASF Wyandotte Corp., Wyandotte, MI 48192.

Xanthan gum—PM17; Gerald Harrison, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Based on available information on the chemistry and toxicity of these substances, as well as a review of the history of their use, it has been found that when used in accordance with good agricultural practice, these substances are useful as adjuvants and do not pose a hazard. It has, therefore, been concluded that the proposed amendment to the regulation (40 CFR 180.1001) will protect the public health.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before November 19, 1975, that this proposal be referred to an advisory committee in accordance with Section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the agency and others interested in inspecting them. The comments must be received on or before November 19, 1975, and should bear a notation indicating the subject [OPP-300007]. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: October 10, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)))

It is proposed that Part 180, Subpart D, § 180.1001 be amended by alphabetically inserting new items in paragraphs (d) and (e) as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
* * * * *		
α-Alkyl (C_{12}-C_{18})-ω-hydroxypoly(oxyethylene/oxypropylene) heteric polymer in which the oxyethylene content is 8-12 moles and the oxypropylene content is 3-7 moles.		Surfactants, related adjuvants of surfactants.
* * * * *		
α-Alkyl (C_{12}-C_{18})-ω-hydroxypoly(oxyethylene/oxypropylene) heteric polymer in which the oxyethylene content averages 13-17 moles and the oxypropylene content averages 2-6 moles.		Surfactants, related adjuvants of surfactants.
* * * * *		
D & C Green No. 6		Dye.
* * * * *		
Manganese carbonate		Plant nutrient.
* * * * *		
Partial sodium salt of *N*-lauryl-β-iminodipropionic acid	Not more than 1 percent of pesticide formulation.	Surfactants, related adjuvants of surfactants.
* * * * *		
Zinc stearate, conforming to 21 CFR, section 121.101(d)(5)		Flow control agent.

(e) * * *

* * * * *		
Epoxidized soybean oil		Stabilizer.
* * * * *		
Magnesium silicate, hydrated magnesium silicate		Solid diluent, carrier.
* * * * *		
Sodium butylnaphthalene sulfonate	Not more than 0.5 pct of pesticide formulation.	Surfactants, related adjuvants surfactants.
* * * * *		
Sodium mono- and dimethyl naphthalene sulfonate, molecular weight 245-260.		Surfactants, related adjuvants surfactants.
* * * * *		
Xanthan gum		Thickener.
* * * * *		

[FR Doc.75-28066 Filed 10-17-75;8:45 am]

[40 CFR Part 52]

[FRL 446-1]

CONTROL OF SULFUR OXIDE; NEW MEXICO

Proposed Approval of Regulations

The purpose of this notice is to propose approval of the New Mexico Regulation for control of sulfur oxides in New Mexico including the New Mexico portion of the Four Corners Interstate Air Quality Control Region (AQCR) and propose rescinding the Federal Regulation identified as 40 CFR 52.1624(c) and the corollary portions of 40 CFR 52.1626.

Pursuant to Section 110 of the Clean Air Act, 42 USC 1857c-5, the Administrator on May 31, 1972 (37 FR 10881) approved with some exceptions, the plan submitted by the State of New Mexico for the implementation of the National Ambient Air Quality Standards (NAAQS). Specifically, the Administrator disapproved on July 27, 1972 (37 FR 15086) New Mexico's Plan and Regulation 602B (Air Quality Control Regulation, fossil fuel-fired steam generators in the Four Corners Interstate Region), since it did not provide the degree of control necessary for attainment of sulfur oxide standards.

On July 27, 1972 (37 FR 15094), the Administrator proposed regulations to correct deficiencies in the regulatory provisions of the plan and promulgated replacement regulations on March 23, 1973 (38 FR 7554) with amendments published on March 21, 1974 (39 FR 10582). At that time the Administrator determined that an extension of time was required to achieve the standards and that 70% control of sulfur oxide emission was necessary.

On October 3, 1975, the Governor of New Mexico submitted a revision to the State Implementation Plan which revises Regulation 602 with regard to existing plants to require 65% reduction in emissions for power plants of rated heat capacity greater than 250 British Thermal Units (BTU) and less than 3000 BTU, and 85% reduction for plants of rated heat capacity greater than 3000 BTU to be achieved by July 1977. The larger capacity units, greater than 3000 BTU, also are required to achieve 90% reduction in emissions by July 1979. The reductions specified in the revision, show an overall control effort greater than the 70% reduction of emissions required by the Administrator. Such reductions, more stringent than that required by the Administrator, are the prerogative of the State under Section 116 of the Clean Air Act. Therefore, notice is hereby given that the Administrator of the Environmental Protection Agency intends to approve the New Mexico regulation for control of sulfur oxides and intends to revoke the Federal promulgation.

The State of New Mexico subjected the revisions to public hearings on August 27 through 29, 1974 in accordance with 40 CFR 51.4. The regulations were

V 40 203 OCT 20 75 XUM

formally adopted by the State on December 13, 1974. Therefore, the Administrator does not plan to conduct further hearings regarding the revisions; however, interested persons may still participate in this rulemaking by submitting written comments to:

Regional Administrator, Environmental Protection Agency, Region VI, 1600 Patterson Street, Dallas, Texas 75201.

Relevant comments received on or before November 19, 1975. The material as submitted by the State of New Mexico is available for inspection during normal business hours at the above designated office and also at the following offices:

Environmental Protection Agency, Public Information Reference Unit, Room 2922, EPA Library, 401 "M" Street SW., Washington, D.C. 20460.

New Mexico Environmental Improvement Agency, College of Santa Fe, Cirrillos Road, Santa Fe, New Mexico 87503.

This notice of proposed approval is issued under the authority of section 110 (a) of the Clean Air Act as amended, 42 USC 1857c–5.

Dated: October 10, 1975.

JOHN C. WHITE,
Regional Administrator, Region VI, Environmental Protection Agency.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

Subpart GG—New Mexico

1. In § 52.1620, paragraph (c) (4) is revised to read as follows:

§ 52.1620 Identification of plan.

* * * * *

(c) * * *

(4) Revisions to Air Quality Control Regulation 602, Coal Burning Equipment-Sulfur Dioxide, adopted by the New Mexico Environmental Improvement Board on December 13, 1974 and submitted by the Governor on October 3, 1975.

§ 52.1624 [Amended]

2. In § 52.1624 *Control strategy and regulations: sulfur oxides*, the following paragraphs are rescinded: (a) (1), (b) (1), and (c).

§ 52.1626 [Amended]

3. In § 52.1626 *Compliance schedules*, paragraphs (c) and (e) are rescinded.

[FR Doc.75–28179 Filed 10–17–75;8:45 am]

[40 CFR Part 52]

[FRL 446–2]

NEW HAMPSHIRE

Proposed Change in Recordkeeping Requirements and in the Review of New and Modified Indirect Sources

On May 31, 1972 (37 FR 10842) pursuant to Section 110 of the Clean Air Act and 40 CFR 51, the Administrator approved with exceptions the New Hampshire Implementation Plan for the attainment of national ambient air quality standards.

On May 28, 1975 the Director of the New Hampshire Air Pollution Control Commission submitted two proposed revisions to be included in the plan: (1) An amendment to the requirement that records be kept at facilities which discharge air contaminants (State Regulation 18 Section III–D in order to have the previous EPA disapproval rescinded), and (2) a requirement for review of new or modified indirect sources (State Regulation 20) in compliance with 40 CFR § 52.22(b). The purpose of Regulation 18 will be to eliminate a previous stipulation which allowed for the withholding of emission data which might destroy the confidentiality of a manufacturing process. Due to the recent court decision that all emission data should be made available to the public, this provision of Regulation 18 has to be deleted.

The change in Regulation 20 requires that an applicant who intends to construct any facility which might cause mobile source activity should submit a draft Environmental Impact Statement as opposed to the previously required final Impact Statement.

Regulation 20 was originally proposed in the FEDERAL REGISTER, Vol. 39, No. 82, Friday, April 26, 1974.

Copies of the New Hampshire submission are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, JFK Federal Building, Room 2113, Boston, Massachusetts 02203; Nashua Health Office, 18 Mulberry Street, Nashua; Manchester Health Office, 730 Elm Street, Manchester; Air Pollution Control Agency, Hazen Drive, Concord; Conway Public Library, Conway; Berlin Health Office, City Building, Berlin; and the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460.

The Regional Administrator hereby issues this notice setting forth the New Hampshire revisions as proposed rulemaking and advises the public that interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate to the Regional Administrator, EPA, Region I, JFK Federal Building, Room 2113, Boston, Massachusetts 02203. Relevant comments received within 30 days of this notice will be considered and acknowledged. Comments received will be available during normal working hours at the Region I office.

The Administrator's decision to approve or disapprove the plan is based on whether it meets the requirements of Section 110(a)(2) (A)–(H) of the Clean Air Act and EPA regulations in 40 CFR Part 51. All relevant matter presented shall be evaluated and the agency will incorporate in the rules adopted a concise general statement of their basis and purpose. Authority Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c–5(a).

Dated: October 6, 1975.

KENNETH L. JOHNSON,
Acting Regional Administrator.

[FR Doc.75–28180 Filed 10–17–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 20620; RM–2426; FCC 75–1136]

WIDE-BAND SWEPT RF EQUIPMENT

Provision for Operation as Anti-Pilferage Devices; Notice of Inquiry

1. The Commission has before it for consideration a petition for rule making, RM 2426, to amend Part 15 to provide for the operation of a swept frequency anti-pilferage device, filed by Checkpoint Systems Inc. on July 30, 1974 [1] and pleadings related thereto.[2]

2. The petition was placed on public notice in Report No. 920, issued August 13, 1974. In response to this public notice, the Commission received comments from the 3M Company and from the Knogo Corporation. The 3M Company states that it manufactures an anti-pilferage device which uses a magnetic field and is not subject to regulation by the Commission. Knogo states that it is providing an anti-pilferage device which operates within the existing Part 15 Rules. Both of these comments imply that it may not be necessary to make additional provisions for anti-pilferage equipment. Subsequently, the Commission was informally advised that the Magnavox Co. is also manufacturing and distributing an anti-pilferage device which does not require the use of RF energy.

3. In view of these contentions, the Commission is instituting this inquiry seeking information as to the need for additional regulation for anti-pilferage devices; and if such a need exists, the form these regulations should take.

THE PETITION

4. Checkpoint is a manufacturer of electronic detection systems used as an anti-pilferage device in retail and department stores, libraries, and other commercial establishments. Greatly simplified, the technique employed by the Checkpoint equipment is to detect

[1] Simultaneously with its petition for rule making, Checkpoint filed a petition for waiver of the present Part 15 requirements to permit it to market its proposed system during the pendency of the rule making. The requested waiver was granted by the Commission on December 13, 1974. A request from Knogo dated December 16, 1974 for a stay of this waiver was denied by the Commission on February 26, 1975.

[2] Supplement to petition for rule making filed October 7, 1974. Comment from the 3–M Company filed September 13, 1974. Opposition to petition filed by Knogo Corporation on November 19, 1974. Reply to opposition filed by Checkpoint Systems on December 4, 1974. Request for expedited action filed by Checkpoint Systems on May 7, 1975. Request for expedited action filed by Knogo Corporation on June 20, 1975.

a tag concealed in the protected article by use of an RF generator that sweeps over the frequency range of operation.[3] Checkpoint states that when the frequency sweep encounters one of the concealed tags, each of which contains a "resonant" printed circuit, the operator is alerted to the presence of a protected item.

5. Checkpoint claims that a system such as the one which it produces cannot operate efficiently in conformity with the Commission's present rules and regulations, which restrict field disturbance sensors operating on frequencies below 10 MHz to a field of 15 μV/m at a distance of $\lambda/2\pi$. Checkpoint contends that a higher level of signal—100 μV/m peak at 100 feet is required for the efficient operation of an anti-pilferage system in an area of high ambient noise, which is alleged to be typical of the locations where its system will be installed. Checkpoint also raises the question of measurement procedure to be used in determining compliance. It points out that the Commission's present regulations were promulgated to apply to a narrow band generator which can be measured with a field strength meter using an average detector. Since its system uses a frequency sweeping technique the output is a broad band signal that cannot be properly characterized in terms of microvolts per meter, nor can it be measured with a field strength meter using an average detector. The difficulty in interpreting the measurements of the Checkpoint output signal are clearly illustrated by the measurement report attached as Exhibit C(3) to the Checkpoint petition.

6. Checkpoint states the interference potential of its equipment to communication services has been analyzed and maintains that operation under the rules it has suggested in its petition would cause no harmful interference to radio communications services operating in the frequency bands specified. This claim is set out in paragraphs 4, 4.1, and 4.2 of Exhibit C attached to the petition and is elaborated upon in the supplement filed October 7, 1974. Checkpoint reports that this study showed that on a clear channel (one with no other signals present), the signals from the Checkpoint Mark II anti-theft device were not audible on a high-quality receiver at a distance of 560 feet. With a weak signal (in the order of 3–5 microvolts into the antenna) present on the channel, the signal from the Checkpoint transmitter was not significantly audible beyond 100 feet.

7. Checkpoint asserts that pilferage from stores is a pressing problem and that adoption of the rules they have proposed would facilitate an important advance in anti-pilferage equipment. To show the magnitude of the theft problem Checkpoint cites the following statistics:

Mr. H. Haimowitz, an executive of the National Retail Merchants Association claims shoplifting losses to be more than $8 million per day.

Mr. Thomas J. Mackell, District Attorney, Queens, New York, stated that over $600 million in merchandise was stolen in the New York City area.

The FBI reported in August 1971 that shoplifting incidents increased about 45% from 1969 to 1970.

Mr. David Yunich, retired president of Macy's in New York, stated that during 1970, Macy's lost $8 million in "shoplifting" or about 5% of total sales volume. (New York Times, Dec. 3, 1970)

The effectiveness of the system in containing such losses is alleged to be shown by the statistics presented by Checkpoint (Exhibit E page X). This table shows that the loss of books in 11 libraries was reduced on the average by about 87% after a Checkpoint system was installed.

THE 3M COMMENT

8. The 3M Company has submitted an *amicus curiae* comment. 3M is supplying two book detection systems to libraries. These systems use a magnetic field at 1 kHz for detection. 3M disputes the claim by Checkpoint that its equipment is more efficient and less costly to operate than the 3M equipment, and calls attention to a 1974 survey by the American Library Association (3M Exhibit B) of detection systems offered by seven different manufacturers. 3M points out that this survey lists ten systems with prices comparable with those of Checkpoint II. 3M agrees with Checkpoint about the benefits to be derived from such a system. It cites the experience of its customers (3M Exhibit A) that the installation of its book detection systems has reduced book losses by 80% to 95% at various libraries.

THE KNOGO OPPOSITION

9. The Knogo Corporation has filed a comment on the Checkpoint petition in which it opposes the institution of rule making requested by Checkpoint. Knogo manufactures and installs equipment to prevent loss of merchandise by theft which uses a swept radio frequency system similar to that of Checkpoint. However, the frequency of operation is significantly different. Whereas the Checkpoint system operates on a frequency between 4 and 10 MHz, the Knogo system operates on a frequency in the vicinity of 2 MHz.

10. Knogo agrees with Checkpoint's contention that there is a need for anti-pilferage equipment at present. However, it points out that there are at least nine companies supplying this market, that the market is highly competitive and that the current supply exceeds the demand for the equipment. Knogo also disputes Checkpoints characterization of its equipment as being subject to false alarms, having slow response time and being generally inferior.

11. In its comments Knogo asserts that there is nothing intrinsically new in the Checkpoint system. The swept frequency technique used by Checkpoint is almost identical to that used by Knogo since 1966. Moreover, the operating characteristics of the Knogo equipment were selected to bring it into conformance with the applicable FCC regulations although this caused increased development expense and higher production costs. The basic thesis of the Knogo opposition appears to be that since it is possible to manufacture and operate anti-pilferage equipment within the present specifications prescribed by the Commission there is no need to relax these standards and thereby increase the potential of interference to users of the radio spectrum.

12. Checkpoint in its response to Knogo's opposition urges the Commission to institute the requested rule making as the appropriate vehicle by which to resolve the diverse contentions and allegations.

THE QUESTION OF PERSONAL HAZARD

13. On June 25, 1975, the Food and Drug Administration held an open public hearing [4] to allow interested persons an opportunity to present data, technical information, and views concerning the possible interference with cardiac pacemakers by anti-theft devices.[5] In its notice concerning this meeting FDA described the anti-theft devices in question as those used in retail outlets and libraries to detect shoplifting. Such devices create an electromagnetic field which when perturbed by a special tag attached to the protected article, will trigger the device and alert the store personnel to possible shoplifting or theft.

14. The possibility that the anti-theft anti-pilferage devices may be a hazard to persons using cardiac pacemakers is a public interest factor that the Commission will have to consider in making its decision in this proceeding. Accordingly, persons commenting in this proceeding are requested to address the question of personal hazard as well as the economic and technical questions raised in this Notice.

COMMISSION INQUIRY

15. Having reviewed Checkpoint's petition, the comments of 3M and the Knogo opposition, the Commission finds that there is sufficient merit in the Checkpoint proposal to argue against an outright denial as proposed by Knogo. The mere fact that there is equipment on the market to serve a particular need is not sufficient grounds for refusing to promulgate additional regulations to make it possible for a new, allegedly more efficient competing equipment to enter the market. However, we cannot overlook the contention that the market is adequately served by devices that either do not require Commission authorization or comply with the present regulations and that additional regulations may not be required.

[3] In its petition, Checkpoint stated the frequencies of operation were either 4.5 to 5.7 MHz or 6.3 to 7.7 MHz. The waiver granted by the Commission (footnote [1] Supra) authorized operation on 4.5 to 5.7 MHz or 7.4 to 9.0 MHz.

[4] 40 FR 23500 (May 30, 1975).

[5] A transcript of the meeting and such written material that may have been submitted are available for review in the Office of the Hearing Clerk, Food & Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, Maryland 20852.

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16. The Commission has studied the materials that have thus far been filed, but is not satisfied that sufficient information has been elicited to enable it to adequately consider the merits of continuing to allow the use of radio spectrum for wide-band, swept RF equipments used as anti-pilferage devices. Accordingly, the Commission is issuing this Notice of Inquiry seeking additional information to help it resolve the present controversy. All persons supplying anti-theft devices are requested to make themselves known to the Commission, to describe how their respective equipment operates, what the operating parameters are, and whether their equipment is subject to Commission regulation. The Commission is also seeking information on the relative costs of these equipments and the advantages vis-a-vis competing equipment:

17. Information is also sought on the following specific questions. Information concerning interference should be quantitative and should be based on measurements made under laboratory conditions as well as on-site in quiet as well as noisy locations.

(a) Knogo is currently using the frequency band 2±0.2 MHz for its anti-pilferage device. Checkpoint requested the use of 4.5–5.7 MHz and 6.3–7.7 MHz. In its waiver to Checkpoint, the Commission authorized the use of 4.5–5.7 MHz or 7.4–9.0 MHz. Are these frequencies the best suited for such anti-pilferage devices?

(b) What level of emission is required for the operation of an anti-pilferage device operating on the frequencies listed in paragraph (a) above, noting that the Knogo device is operating under the Commission's present technical specification (15 μV/m at $\lambda/2\pi$) whereas Checkpoint alleges that a level of 100 μV/m peak at 30 meters is required.

(c) What measurement procedure should be used to determine compliance of an anti-pilferage device using swept frequency techniques such as are used by Knogo and Checkpoint.

(d) What interference problems have been caused by the Knogo equipment now in use operating at 2 ± 0.2 MHz with a level of emission of 15 μV/m at $\lambda/2\pi$?

(e) What interference problems have been caused by the Checkpoint equipment now in use operating in the band 4.5–5.7 MHz or 7.4–9.0 MHz with a level of emission of 100 μV/m peak at 30 meters under a waiver of the technical specifications in Part 15?

(f) If anti-pilferage devices were authorized to operate on the frequencies listed in paragraph (a) with the level of emission requested by Checkpoint—100 μV/m peak at 30 meters, and the use of anti-pilferage devices were to proliferate, what interference problems could be expected to arise?

18. Since a question of personal hazard has been raised, information is also sought on this subject: The electromagnetic field that the wearer of a cardiac pacemaker must pass through and the effect of this field on the several pacemakers currently in use.

19. Authority for this proceeding is contained in Section 4(i), 302, 303(g) and 303(r) of the Communications Act of 1934, as amended.

20. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before November 24, 1975 and reply comments on or before December 5, 1975. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission also may take into account other relevant information before it, in addition to specific comments invited by this Notice.

21. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 11 copies of all statements, briefs, or comments shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: October 8, 1975.

Released: October 16, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-28150 Filed 10-17-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20615; RM-2534]

FM BROADCAST STATIONS, OHIO

Table of Assignments

1. *Petitioner, Proposal and Comments:*

(a) *Notice of Proposed Rule Making* is given concerning amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's Rules and Regulations) as concerns Zanesville, Ohio.

(b) A petition for rule making was filed[1] on behalf of a partnership identified as Vichroski, Eddy, Taggart, and Thedwall ("Vichroski"), proposing that Channel 224A be assigned to Zanesville, Ohio, as a second FM assignment to the community. Since Zanesville's current channel is Class B, this would cause intermixture, a matter discussed below in paragraph 4.

2. *Community Data:*

(a) *Location:* Zanesville, the seat of Muskingum County, is located approximately 150 miles south of the Canadian-U.S. border,[2] and approximately fifty miles east of Columbus, Ohio.

(b) *Population:* Zanesville—33,045; Muskingum County—77,826.[3]

(c) *Local Broadcast Service:* Zanesville presently receives local aural service from one FM station (WHIZ–FM, Channel 273) and one AM station (WHIZ, Class IV–U), both of which are licensed to Southeastern Ohio Broadcasting System, Inc. ("Southeastern"). The community is served by one UHF television station, WHIZ, Channel 18, also licensed to Southeastern.

(d) *Economic:* Zanesville serves as a retail trading center for the surrounding rural counties. A varied assortment of items including glass, ceramic, and metal products are manufactured there.

3. *Preclusion Studies:*

(a) Preclusion would occur on co-channel 224A and third adjacent Channel 221A. Two of the six Ohio communities in the co-channel preclusion area, Crooksville (pop. 2,828) and New Concord (pop. 3,399), presently have no local aural service. Petitioner should indicate whether alternate assignments exist for those communities.

4. *Additional Considerations:*

(a) Petitioner admits that the proposal would intermix a Class A channel assignment with an existing Class B channel but asserts that an additional Class B channel is not available for assignment to Zanesville. Vichroski adds that despite the differences in coverage characteristics between a Class A and a Class B channel, it is willing to proceed and believes that it will be competitive with the existing facility. Where a channel of the class previously assigned to the community is not available and a Class A assignment exists as the only means of providing needed additional service, we have permitted an "intermixture" of channels in order to provide the service, particularly where, as here, a party expresses a desire to proceed with operation on a Class A channel.[4]

5. Assignment of the channel as proposed would be consistent with the population criteria governing FM channel assignments.[4] Moreover, operation of a station on the proposed channel at Zanesville would create a diversity of media ownership and thus further Commission policy. On this basis, we believe the proposal worthy of further exploration and conclude that "intermixture" does not constitute an impediment to favorable action in this case.

6. *Proposed Amendment to the FM Table of Assignments:*

The Commission proposes to amend the FM Table of Assignments, § 73.202(b), with regard to the community of Zanesville, Ohio, as follows:

City	Channel No.	
	Present	Proposed
Zanesville, Ohio	273	224A, 273

[5] Commissioner Hooks concurring in the result.

[1] Public notice of the filing of the petition was issued on April 7, 1975 (Rept. No. 941).

[2] Since Zanesville is located within 250 miles of the U.S.-Canada border, this proposal is subject to approval under the provisions of the Working Agreement of the U.S.-Canada FM Agreement of 1947.

[3] All population statistics cited are from the 1970 U.S. Census.

[4] See *Jackson, Tenn.*, 49 FCC 2d 785 (1974); *Columbus, Ind.*, 42 FCC 2d 718 (1973); and *Yakima, Wash.*, 42 FCC 2d 548 (1973).

[4] *Further Notice of Proposed Rule Making*, Docket 14185, and incorporated by reference in para. 25, *Third Report and Memorandum Opinion and Order*, 23 R.R. 1859 (1963).

7. *Authority:*

The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are set forth below.

8. *Comments and Replies:*

Interested parties may file comments on or before December 8, 1975, and reply comments on or before December 29, 1975.

Adopted: October 7, 1975.

Released: October 14, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in this Notice of Proposed Rule Making.

2. Showings required. Comments are invited on the proposal(s) discussed in this notice of proposed rule making. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. Cut-off procedures. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. Comments and reply comments; service. Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in this Notice of Proposed Rule Making. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. Number of copies. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and eleven copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public inspection of filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.75-28147 Filed 10-17-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20616]

FM BROADCAST STATIONS IN CERTAIN STATES

Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Shallottee, N.C.; Rainelle, W. Va.; Pana, Illinois; Montgomery City, Missouri; Malta, Montana).

1. The Commission has under consideration five petitions which propose the amendment of § 73.202(b) of the Rules, the FM Table of Assignments, by assigning a first Class A FM channel to each of the above-mentioned communities. None of the five communities is located in or near any large urbanized area and the channels can be assigned consistent with minimum mileage separation requirements.[1] The five petitions are unopposed. The proposals and petitioners are as follows:

RM-2540, Channel 228A to Shallotte, North Carolina (Union Broadcasting Corporation)
RM-2546, Channel 244A to Rainelle, West Virginia (The R–B Company, Inc.)
RM-2548, Channel 265A to Pana, Illinois (Larry W. Craig)
RM-2549, Channel 280A to Montgomery City, Missouri (Vincent Charles Myles)
RM-2553, Channel 261A to Malta, Montana (W. L. Holter)

A brief description of each petition follows.

2. *Shallotte, North Carolina (RM–2540).* Union Broadcasting Corporation petitioned on March 27, 1975, for the assignment of Channel 228A to Shallotte, North Carolina (pop. 597). Shallotte is near the southern Atlantic coast of North Carolina, in Brunswick County (pop. 24,223). Minimum spacing requires the transmitter antenna be located southeast of Shallotte. Petitioner's engineering study speaks to assignment at Ocean Isle Beach, 6 miles south of Shallotte. Because petitioner requests the assignment at Shallotte, we request correction of this inconsistency in comments, informing us at which community it intends to operate a station if authorized. Shallotte has a daytime-only AM station.

3. Petitioner has filed data concerning the economic, social, and governmental situation of Shallotte. It states that this is a rural area, presently expanding because of condominium, retirement, and tourist business. It estimates the 1973 population to have been 675. Petitioner states that it intends to apply for use of the channel if it is assigned. For these reasons, consideration of the proposal for a first Class A FM channel which would provide a first nighttime local service to Shallotte, North Carolina, is warranted.

4. *Rainelle, West Virginia (RM–2546).* The R–B Company, Inc. of Rainelle, West Virginia, filed a petition on May 20, 1975, proposing assignment of Channel 224A to Rainelle (pop. 1,826). Petitioner is the licensee of WRRL, a daytime-only AM station, the only broadcast service in Rainelle.

5. Petitioner states that Rainelle's population has increased 180% since 1960. It is located in Greenbrier County (pop. 32,090). In addition, there are several unincorporated areas and communities adjacent to Rainelle, with an estimated population of 19,000. Petitioner has filed information on government, industry, banks, and economy in Rainelle. For the above reasons, we find the proposal to provide a first FM broadcast service to Rainelle, West Virginia, should be considered in rule making.

6. *Pana, Illinois (RM–2548).* Larry W. Craig filed a petition May 1, 1975, seeking the assignment of Channel 265A to Pana, Illinois (pop. 6,327). Pana has no broadcast facilities at this time.

7. Petitioner has supplied statistical information on governmental, social, educational, and economic conditions in Pana. He informs us that Pana, in Christian County, Illinois, is a railway center to major cities in the United States. Petitioner has also submitted letters from citizens of the community in support of his proposal. Mr. Craig states that he represents a group that will apply for a construction permit if the channel is assigned. In view of the foregoing, and the fact that Pana has no local broadcast service, this proposal merits exploration in a rule making proceeding.

8. *Montgomery City, Missouri (RM–2549).* By petition received May 8, 1975, Vincent Charles Myles, requests that Channel 280A be assigned to Montgomery City (pop. 2,700), seat of Montgomery County (pop. 11,000). It now has no local broadcast station.

9. Petitioner informs us that Montgomery City has 8 churches, 2 banks, 2 industrial parks, 8 manufacturers, 1 weekly newspaper, and 5 civic organizations. It is a farming and marketing community. Petitioner states that he intends to apply for and construct a broadcast station, if the channel is assigned, which would look to the demands of the local community. Because of these considerations, and the fact that this would provide for a first aural broadcast service for Montgomery City, we are inviting comments on the proposal.

[1] In order to meet the minimum spacing requirements of our rules, a site southeast of Shallottee, North Carolina, would be required.

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10. Malta, Montana (RM-2553), W. L. Holter filed a petition on May 23, 1975, asking for the assignment of Channel 261A to Malta, Montana (pop. 2,195), seat of Phillips County (pop. 5,386). Malta is located in northeast Montana near the Canadian border. It presently has no broadcast facility. Petitioner owns an AM station 70 miles east of Malta in Glasgow, which maintains a studio in Malta for two hours of local programming on weekdays and local newscasting.

11. Petitioner states that he intends to apply for a construction permit and build a station if authorized in Malta. In support of the assignment, he informs us that Malta is a rural community with an economy based largely on agriculture and livestock, along with adjacent national recreational areas. We are informed that Malta is the trade center for its surrounding area with several businesses, churches, professionals, a work center for handicapped persons, transportation, social organizations, recreational and cultural opportunities. Because of these facts and in view of the proposal to provide a first local aural broadcast service to Malta, Montana, we are inclined to consider its merits in a rule making. This assignment will require coordination with the Canadian Government.

12. Accordingly, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as follows for the listed communities:

City	Channel No. Present	Proposed
Shallotte, N.C.		228A
Rainelle, W. Va.		244A
Pana, Ill.		265A
Montgomery City, Mo.		280A
Malta, Mont.		261A

13. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are set forth below.

14. Interested parties may file comments on or before December 8, 1975, and reply comments on or before December 29, 1975.

Adopted: October 7, 1975.

Released: October 14, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in this notice of proposed rule making.

2. *Showings required.* Comments are invited on the proposal(s) discussed in this notice of proposed rule making. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in this notice of proposed rule making. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and eleven copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.75-28148 Filed 10-17-75;8:45 am]

[47 CFR Part 76]

[Docket No. 20621; RM-2499; FCC 75-1141]

CABLE TELEVISION SERVICE

General Citizenship Requirements

1. The Commission has before it a "Petition for Proposed Rule Making" (RM-2499) filed by the law firm of Greeley, Bernard & Tierney seeking institution of a rule making proceeding considering amendment of the Commission's cable television rules to impose foreign ownership restrictions on those applying for cable television certificates of compliance. Petitioner requests that we propose in this proceeding the amendment of § 76.31 (franchise standards) of the Commission's Rules such that, to obtain a certificate of compliance, a proposed or existing cable television system shall demonstrate, under oath, that applicant is not:

1. An alien or a representative of any alien;

2. A foreign government or a representative of a foreign government;

3. A corporation organized under a foreign government;

4. A corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country;

5. Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens or of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or a representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by refusal of such certification.

2. The basic language of petitioner's proposed rule amendment is taken from the statutory provisions of Section 310 (a) and (b) of the Communications Act of 1934, as amended, which imposes alien ownership restrictions on the grant of licenses in, *inter alia*, the broadcast and common carrier services.[1] While noting that cable television systems are not licensed by the Commission,[2] and that the regulation of cable systems does not come within the purview of these statutory ownership restrictions, petitioner maintains that adoption of the proposed rule amendment, which would apply to cable television the same limitations of ownership by foreign powers and interests that are now applicable to certain other Commission authorizations, does appear desirable. Moreover, it is contended that initiation of the requested rule making proceeding is necessary to resolve any doubt that would otherwise exist as to the Commission's long range policy in this area of cable regulation.

3. In support for its proposal, petitioner suggests that the framers of the Communications Act did not forsee the emergence of cable television, nor anticipate its becoming a significant medium of communications. Petitioner maintains, however, that cable television has developed into a medium capable of influencing the lives and actions of people

[1] See footnote 6, *infra*, for the relevant provisions of amended Section 310 of the Communications Act.

[2] While cable television systems are not licensed, stations in the Cable Television Relay Service (CARS) are authorized by license. See further discussion of CARS, *infra*.

in this country with the potential of becoming one of the chief media of information and communication upon which the citizenry will depend. It is asserted that the Commission already has given cognizance to this development and further potential in its proceedings concerning newspaper-cable[3] and television-cable[4] cross-ownership and in the promulgation of rules governing origination cablecasting.[5] Petitioner cites the current financial problems confronting the cable industry and the fact that foreign interests are seeking investment opportunities in the United States. In view of these factors, it then asks the Commission to act immediately to inform the cable industry and potential investors whether unrestricted foreign investment in that industry is to be permitted or if restrictions similar to those imposed on broadcasting are to be made applicable to cable television. In comments filed in response to this petition for rule making, the National Cable Television Association declines to address the merits of petitioner's proposals yet agrees that the Commission should institute a rule making proceeding in this regulatory area. NCTA indicates that it does not have, at this time, sufficient data to determine the extent of foreign ownership of cable systems operating in the United States.

4. Having reviewed the subject petition, we believe it is appropriate to consider the adoption of rules, applicable to cable television, paralleling the provisions of Section 310 of the Communications Act to regulate cable television system ownership or control by foreign interests.[6] Cable is a hybrid form of communications with functions analogous to those carried out by both broadcaster and common carrier entities and with the capacity to provide additional services not now provided by either. A cable system can not only relay the information and entertainment product of others but can make its own original contribution to this electronic stream. Because of this capacity of cable systems to originate programming as well as to forward that of others, we believe it appropriate to concern ourselves with the question of whether control of these facilities might fall into the hands of those who would use them against our national interests. Inasmuch as the cable television industry in the United States is still in its growing stages and, as far as we can determine, is not now subject to extensive foreign domination or influence, action now in this regulatory area appears both appropriate and timely.

5. Until recently, all major segments of the cable television industry were subject to the limitations of Section 310 by virtue of their use of microwave radio stations in the Cable Television Relay Service (CARS). Section 310 applied to authorizations in the CARS service and, accordingly, cable operators applying for CARS facilities were subject to its limitations. Although clearly not adopted with this end in mind, the revision to Section 310 adopted by the Congress in Pub. L. 93-505 rendered that section, under a literal reading, no longer applicable to authorizations in the Cable Television Relay Service. While this specific limitation no longer appears applicable, we do not believe this reflects a Congressional determination that restrictions on foreign ownership of cable systems are not appropriate.[7] Even in the absence of a specific Congressional directive on this matter, the Commission has general statutory responsibilities in the granting of radio authorizations and regulatory authority over cable television which we believe mandate consideration of whether restrictions on foreign ownership of cable television systems should be adopted. While the primary focus of the present proceeding is on the application of rules of this type directly to the operation of cable systems, we also question, and seek comment on, whether rules of this type ought not again be applied to CARS station licensees. Because authorizations in the CARS service are generally granted only to cable television system owners or operators, the application of similar rules would generally appear to be redundant but could aid us in our enforcement of whatever policy may be adopted.

6. The nature of the amendment which we propose for Part 76 of the Commission's Rules is set forth in the Appendix attached.[8] Included are citizenship and alien interest restrictions not unlike those found in the Communications Act and in several sections of the Commission's Rules.[9] However, because of the various differences between our current cable television regulatory scheme and the licensing processes and policies adopted for regulation of other communications entities, certain accommodating modifications have been proposed. As proposed, § 76.503 refers to alien ownership and operation of cable systems, rather than to the grant or holding of a license,[10] and provides procedures by which cable systems with certain alien interests would be required to submit notifications of same to the Commission and, where applicable, seek Commission approval of such existing or proposed alien interests. Proposed paragraphs (a) (6) and (7), like the related provisions of Section 310(b)(4) of the Communications Act, refer to Commission action as a condition subsequent to election or to the sale or transfer of capital stock.[11] However, we hope that, to avoid placing systems in needless jeopardy, the preferable practice would be for a corporation to seek Commission approval prior to either election or the sale or transfer of capital stock.

7. We have not decided, as yet, whether it would be appropriate to require divestiture of any foreign interests in existence now or established during the pendency of this proceeding. A decision to grandfather any of these interests would be based on a showing that the current complement of foreign ownership and operation of domestic cable systems is small enough such that no overriding reason exists for demanding system divestiture or corporate reorganization. Systems in operation or applicants holding a valid franchise which possess a potentially proscribed complement of foreign ownership at this time will be permitted, subject to our final decision in this proceeding, to continue or begin cable television operation (on the grant

[3] See, *e.g.*, *First Report in Docket 18891*, FCC 75-303, 52 FCC 2d 170 (1975).

[4] See, *e.g.*, *Report and Order in Docket 20243*, FCC 75- ——, —— FCC 2d —— (1975).

[5] See Sections 76.205, *et al*, of the Commission's Rules.

[6] Section 310, to the extent here pertinent, states:

(a) The station license required under this Act shall not be granted to or held by any foreign government or the representative thereof.

(b) No broadcast or common carrier or aeronautical en route or aeronautical fixed radio station license shall be granted to or held by—

(1) any alien or the representative of any alien;

(2) any corporation organized under the laws of any foreign government;

(3) any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country;

(4) any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, or of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

. . . . .

[7] Prior to its amendment, the alien restrictions of Section 310 generally applied to the holding of a "station license" required by the Communications Act. After the adoption of P.L. 93-505, enacted November 30, 1974, this section's alien ownership prohibitions applied only to "broadcast or common carrier or aeronautical en route or aeronautical fixed radio station" licenses. See footnote 6, *supra*. The legislative history of this change indicates that the intention was to permit the grant of radio licenses in the safety and special and experimental radio services directly to aliens, representatives of aliens, and foreign corporations. See Commission *Order*, —— FCC 2d ——, 40 FR 5565 (1975).

[8] The specific language of the rule proposed in the petition of Greeley, Bernard & Tierney has not been adopted because it related only to those cable systems seeking a Certificate of Compliance and would leave outside of the regulation systems who have already obtained Certificates or who have not yet been required to obtain a Certificate. It would not, moreover, provide a mechanism for regulating ownership changes during the term of a Certificate.

[9] See *e.g.* §§ 81.23 (Land Maritime Services) and 87.3 (Aviation Services).

[10] While we have, for the purpose of this Notice, substituted "owned or operated" for the holding or grant of a "license," the Commission realizes that such a substitution results in a rule which does not functionally parallel the alien restrictions found in Section 310(b) of the Communications Act. We seek specific comment and guidance on this matter.

[11] See in this regard, AVCO Broadcasting Corp., FCC 70-604, 23 FCC 2d 659 (1970).

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of a certificate of compliance). However, during the pendency of this proceeding, all authorizations, whether Certificates of Compliance grants or construction permits or licenses in the Cable Television Relay Service, will be conditioned on the outcome of this proceeding. Those obtaining ownership interests or increasing ownership interests inconsistent with the rules proposed herein are cautioned that they will be doing so at their own risk.

8. We believe, subject to our analysis of the comments to be submitted herein by interested parties, that the rule amendments proposed today will serve the public without jeopardizing the ability of the cable television industry to attract the capital and expertise necessary for its continued operation and growth. In any event, however, the necessity of addressing these issues in a rule making proceeding is clearly apparent. We are not unmindful of the position, which may be taken by some of the parties commenting herein, that the Commission's imposition of citizenship restrictions in the area of cable television system regulation is statutorily improper and that enactment of any such restrictions should be left to the Congress. Such an opinion, as well as all other forms of guidance submitted in this proceeding, will be thoroughly considered and weighed well prior to our adoption of any amendment to the Commission's Rules.

9. Authority for the rule making proposed herein is contained in Sections 2, 3, 4 (i), and (j), 301, 303, 307, 308, 309, and 310 of the Communications Act of 1934, as amended. All interested parties are invited to file written comments on this rule making proposal on or before November 24, 1975, and reply comments on or before December 15, 1975. In reaching a decision on this matter the Commission may take into account any other relevant information before it, in addition to those invited by this Notice.

10. In accordance with the provisions of Section 1.419 of the Commission's Rules and Regulations, an original and 11 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission Public Reference Room at its Headquarters in Washington, D.C.

Adopted: October 8, 1975.

Released: October 15, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended, as follows:

[1] Commissioner Robinson's statement filed as part of the original document.

Subpart J—Diversification of Control and General Citizenship Restrictions

1. The title of Subpart J is revised to read as set forth above.

2. A new § 76.503 is added, as follows:

§ 76.503 General citizenship restrictions.

(a) No cable television system shall be owned or operated by:

(1) Any alien or the representative of any alien,

(2) Any foreign government or a representative thereof,

(3) Any corporation organized under the laws of any foreign government,

(4) Any corporation of which any officer or director is an alien,

(5) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or the representative thereof, or by any corporation organized under the laws of a foreign country,

(6) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that such ownership or control would not be consistent with the public interest, or

(7) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or the representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that such ownership or control would not be consistent with the public interest.

(b) Corporations seeking Commission approval of existing or proposed interests as described in paragraphs (a) (6) and (7) of this section shall file with the Commission no later than ten days following the creation of any such interests, a notification clearly stating the extent and nature of such interests, and shall include therewith a copy of the ownership section of FCC Form 325 "Annual Report of Cable Television Systems," supplying the information requested, as if the alien interest were already in existence. The notice shall be filed in accordance with the procedural requirements of § 76.7 of the Commission's Rules.

[FR Doc.75-28149 Filed 10-17-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 213]

REPORTING REQUIREMENTS

Proposed Elimination

Under § 213.23(c) of the Oil Import Regulations, the Federal Energy Administration (FEA) collects, from each importer, information concerning the quantity, country of origin, and further processing requirements of all imported crude oil and petroleum products. The reporting system was originally intended to facilitate the monitoring of accounts receivable, and to expedite information on importing trends (39 FR 1266, January 7, 1974). However, the information supplied by this system is no longer utilized, since it duplicates information more quickly available from Customs Forms 7501 and 7505, and from the telephone reports of District Directors of Customs. Accordingly, FEA hereby proposes to eliminate the reporting requirements of § 213.23(c) from the Oil Import Regulations.

Interested persons are invited to submit written data, views, or arguments with respect to these amendments to Executive Communications, Room 3309, Federal Energy Administration, Box EN, The Federal Building, Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted to the Federal Energy Administration with the designation "Elimination of Reporting Requirements." Fifteen (15) copies should be submitted. All comments received by 4:30 p.m., October 30, 1975, will be considered by the Federal Energy Administration in evaluating the revision and amendments.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

FEA has determined that since this proposal is procedural only, it is not "likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses." The requirements of Section 7(1) (c) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275), concerning opportunity for the oral presentation of views and arguments under such circumstances, are therefore deemed not to apply.

Since this proposal will have no affect on the quality of the environment, the requirements of Section 7(c) (2) of the Federal Energy Administration Act, providing for review of proposed actions by the Administrator of the Environmental Protection Agency, are also deemed not to apply.

Finally, this proposal has been reviewed in accordance with Executive Order 11821 and OMB Circular No. A-107 and, since it is procedural in nature, has been determined not to require evaluation of its inflationary impact as provided therein.

(Federal Energy Administration Act of 1974, Pub. L. 93275; E.O. 11790, 39 FR 23185; Trade Expansion Act of 1962, P.L. 87794, as amended; Proclamation No. 3279, 24 FR 1781, as amended by Proclamation No. 4210, 38 FR 9645, Proclamation No. 4227, 38 FR 16195, Proclamation No. 4317, 38 FR 35103, Proclamation No. 4341, 40 FR 8956, Proclamation No. 4355, 40 FR 10437, Proclamation No. 4370, 40 FR 19421, and Proclamation No. 4377, 40 FR 23429)

In consideration of the foregoing, it is proposed that Part 213 of Chapter II, Title 10 of the Code of Federal Regulations be amended as set forth below.

Issued in Washington, D.C., October 15, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

§ 213.23 [Amended]

Section 213.23 is amended by deleting paragraph (c), and by redesignating paragraphs (d) and (e) as paragraphs (c) and (d) respectively.

[FR Doc.75-28091 Filed 10-15-75;10:26 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

CANNED SWEETPOTATOES

Notice of Proposed Standards for Grades[1]

Notice is hereby given that the United States Department of Agriculture is proposing a revision of the United States Standards for Grades of Canned Sweetpotatoes (7 CFR 52.8041-52.2060). This grade standard is issued under authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of the applicant and upon payment of a fee to cover the cost of such service.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same in duplicate by December 31, 1975 with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submittals made pursuant to this notice will be available for public review at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of Consideration Leading to the Proposed Revision. The current United States Standards for Grades of Canned Sweetpotatoes have been in effect since 1951. Since that time there have been a number of significant changes in the preparation, processing and marketing of canned sweetpotatoes.

A previous notice of proposed rulemaking to revise these grade standards appeared in the FEDERAL REGISTER (38 FR 3195) of February 2, 1973. Interested persons were invited to submit to the Department not later than May 1, 1973, written data, views, or arguments in connection with the notice.

In response to a number of objections received from canners of sweetpotatoes regarding the recommended drained weights presented in the proposed revision, the Department conducted a study of the drained weight of different can sizes of sweetpotatoes. The analyses of that study have recently been completed.

This notice reflects the results of the study in that adjusted recommended minimum drained weights—both for an entire sample and for individual containers—are set forth. Also, a procedure for the determination of fill weights—as an optional supplement to, or in lieu of, drained weights—is set forth and the applicable limits for such fill weights are provided.

This second notice of proposed rulemaking includes a number of revisions or modifications that were made as a result of the comments submitted to the first notice.

In brief summary, in addition to the above referenced changes in the recommended fill weight and drained weight limits, this proposed revision contains the following major changes from the currently effective (1951) grade standards:

(1) Includes and defines a new style to be designated as "sections";

(2) Presents revised allowances for size and shape variations in tabular form and modifies the limiting rules which apply thereto;

(3) Provides for the determination of consistency in "solid-pack" sweetpotatoes only;

(4) Sets forth new and revised definitions of defects and character and includes allowances for each grade in tabular form;

(5) Provides for the color classification and style classification of individual sample units and of a lot; and

(6) Realigns the score points to allow a 10 point range in each grade and establishes U.S. Grade B, rather than U.S. Grade C, as the level of quality below U.S. Grade A. Such realignment conforms with the current practice in most U.S. grade standards for processed fruits and vegetables and does not alter the quality levels between the various grades.

(7) Deletes the terms "U.S. Fancy" and "U.S. Extra Standard" as alternative terms to U.S. Grade A and U.S. Grade B, respectively. Letters and studies have indicated consumer preferences for single letter designations to indicate different levels of quality and that the letter "A" most clearly and easily identified a product as being of the best or superior quality; the letter "B" implied a second or next best quality, and so on.

Therefore, in recognition of this preference and in the interest of clarity and understanding, these somewhat confusing alternative terms of "U.S. Fancy" and "U.S. Extra Standard" are deleted from these standards.

It is proposed to amend Part 52 by revising §§ 52.2041-52.2056 and adding new §§ 52.2057-52.2060 as follows:

[1] NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

Sec.
52.2041 Identity.
52.2042 Colors.
52.2043 Styles.
52.2044 Types of packs.
52.2045 Grades.
52.2046 Recommended designations of liquid media and Brix measurement.
52.2047 Recommended fill of container.
52.2048 Recommended minimum drained weights.
52.2049 Recommended fill weights.
52.2050 Determining the grade of a sample unit.
52.2051 Determining the rating for the factors which are scored.
52.2052 Color.
52.2053 Uniformity of size and shape.
52.2054 Consistency—"Solid-pack" only.
52.2055 Defects.
52.2056 Character.
52.2057 Determining the grade of a lot.
52.2058 Designating the color classification(s) of sample units and of a lot.
52.2059 Determining the style(s) of sample units and of a lot.
52.2060 Score sheet.

AUTHORITY: Agricultural Marketing Act of 1946, Sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624.

§ 52.2041 Identity.

Canned sweetpotatoes is the product as defined in the Definitions and Standards of Identity for Canned Vegetables (21 CFR 51.990), issued pursuant to the Federal Food, Drug, and Cosmetic Act. For the purposes of this subpart, canned sweetpotatoes include the product to which permitted optional flavorings, spices, artificial sweeteners, or garnish ingredients (such as pineapple, orange, or apple components) may be added Artificial coloring shall not be added to canned sweetpotatoes.

§ 52.2042 Colors. (See § 52.2058)

(a) Golden.
(b) Yellow.
(c) Mixed. A combination of the aforementioned colors in any proportions in a sample unit.

§ 52.2043 Styles. (See § 52.2059)

(a) "Whole" means that the canned sweetpotatoes have the appearance of being essentially whole, irrespective of size.

(b) "Halves" or "Halved" means canned sweetpotatoes that have been cut longitudinally into approximate halves.

(c) "Sections" means canned sweetpotatoes that have been cut transversely into approximate cylindrical units 2 inches or more in length and the length to diameter ratio is not less than 1.5 to 1.

(d) "Pieces," "Cuts," or "Cut' means canned sweetpotatoes that have been cut into:

(1) Portions of random size and/or shape;

(2) Approximate single or double cube-shaped units; or

(3) Any other form not otherwise defined in this section.

(e) Any combination of two or more of the foregoing styles constitutes a style and shall be considered as a mixture of the individual styles that comprise the combination.

(f) "Mashed" means canned sweetpotatoes that are wholly comminuted or pureed.

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§ 52.2044 Types of packs.

(a) Canned sweetpotatoes of the style(s) other than "mashed" described in § 52.2043 may be processed as one of the following types of packs:

(1) Regular pack, to which a liquid packing medium is added.

(2) Vacuum pack, to which no liquid packing medium is added.

(b) Canned sweetpotatoes of the "mashed" style described in § 52.2043 are processed as:

(1) Solid-pack, to which no liquid packing medium is added.

§ 52.2045 Grades.

(a) "U.S. Grade A" is the quality of canned sweetpotatoes that has at least the following attributes:

(1) Good color;

(2) Reasonably uniform size and shape of the units in the regular pack or vacuum pack types;

(3) Good consistency in the solid-pack type;

(4) Practically free from defects;

(5) Good character;

(6) Good flavor and odor; and

(7) Score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" is the quality of canned sweetpotatoes that has at least the following attributes:

(1) Reasonably good color;

(2) May possess considerable variation of size and shape of the units in the regular pack or vacuum pack types;

(3) Reasonably good consistency in the solid-pack type;

(4) Reasonably free from defects;

(5) Reasonably good character;

(6) Reasonably good flavor and odor; and

(7) Score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned sweetpotatoes that fails to meet the requirements of "U.S. Grade B."

§ 52.2046 Recommended designations of liquid media and Brix measurements.

(a) Brix measurement requirements for liquid media in canned sweetpotatoes are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades.

(b) Brix measurements as referenced in this subpart means the degree of Brix of the liquid media of the equalized product. The recommended designations of liquid packing media and Brix measurement, where applicable, are as follows:

Recommended designation	*Brix measurement*
Extra heavy sirup	30° or more.
Heavy sirup	25° or more, but less than 30°.
Light sirup	18° or more, but less than 25°.
In water	Not applicable.
Artificially sweetened	Not applicable.

(c) The respective density of the packing media is measured on the refractometer or any other procedure which provides equivalent results, expressed as percent by weight sucrose ("degrees Brix") with correction for temperature to the equivalent at 20° C. (68° F.) but without correction for invert sugar or other substances.

(1) The "Brix" measurement may be made on the packing media only if the sweetpotatoes have been canned for 15 or more days and shall be considered as the "degree of Brix" of the liquid media of the equalized product.

(2) Any "Brix" measurement made on a blended homogenized slurry of the comminuted entire contents of the container shall be considered as the "degree of Brix" of the liquid media of the equalized product.

§ 52.2047 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of canned sweetpotatoes be filled with sweetpotatoes as full as practicable without impairment of quality.

§ 52.2048 Recommended minimum drained weight.

(a) *General.* (1) The drained weight recommendations are given in Table I. They are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(2) The recommended minimum drained weights are based on the weight of the sweetpotatoes and other permitted garnish ingredients, if added, after the canned product has been allowed to equalize for 15 or more days after the product has been canned.

(b) *Method for determining drained weight.* (1) The drained weight of canned sweetpotatoes is determined by emptying the sample unit upon a U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch (2.3 mm), ± 3% square openings) so as to distribute the product evenly. Without shifting the product, incline the sieve to about a 17 to 20 degree angle to facilitate drainage and allow to drain for two (2) minutes.

(2) The drained weight is the weight of the sieve and sweetpotatoes less the weight of the dry sieve. A sieve 8 inches in diameter is used for No. 3 cans (404 x 414) and smaller sizes, and a sieve 12 inches in diameter is used for containers larger than the No. 3 size can. The temperature of the packing medium at time of drained weight determination shall be 20° Centigrade ± 10 degrees (68° Fahrenheit ± 18 degrees).

(c) *Compliance with recommended minimum drained weights.* Compliance with the recommended minimum weights in Table I is determined by averaging the drained weights from all sample units in the sample which represent a specific lot. Such lot is considered as meeting the recommended minimum drained weight if the following criteria are met:

(1) The sample average (average of all the sample units in the sample) meets the recommended minimum drained weight (designated as "$\overline{X}_d$" in Table I); and

(2) The number of sample units which fail to meet the recommended minimum drained weight for individuals (designated as "LL" in Table I) does not exceed the applicable acceptable number specified in the single sample plan contained in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products.

TABLE I.—*Recommended minimum drained weights for canned sweetpotatoes*

Container size	Regular pack		Vacuum pack	
	LL[1]	$\overline{X}_d$[2]	LL[1]	$\overline{X}_d$[1]
	ounces	*ounces*	*ounces*	*ounces*
8Z Tall	4.9	5.3		
No. 2 Squat	7.7	8.4		
No. 303	9.7	10.5		
No. 2	12.1	13.0		
No. 3 Squat	13.9	15.0	17.7	18.5
No. 2½	18.0	19.1		
No. 2½ Tall	23.5	24.6		
No. 3 Cylinder	32.7	33.8		
No. 10	71.2	73.0		

[1] LL means the minimum drained weight for individual sample units.

[2] $\overline{X}_d$ means the minimum average drained weights from all the sample units in the sample.

§ 52.2049 Recommended fill weights.

(a) *General.* Minimum fill weight recommendations for canned sweetpotatoes are given in Table II. They are not incorporated in the grades of the finished product since fill weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Definitions of terms and symbols.* "Sample unit" for the determination of fill weights means the entire amount of prepared sweetpotatoes and other ingredients, if any, in a container, exclusive of any packing medium, prior to cooking.

"Subgroup" means a group of sample units representing a portion of a sample.

X'_{min} means the specified minimum lot average fill weight.

$LWL_{\bar{x}}$ means the lower warning limit for subgroup averages.

$LRL_{\bar{x}}$ means the lower reject limit for subgroup averages.

LWL means the lower warning limit for individual fill weight measurements.

LRL means the lower reject limit for individual fill weight measurements.

$\overline{R}'$ means a specified average range value.

R_{max} means a specified maximum range for a subgroup.

"Sampling allowance" is the amount that the sample quantity may deviate from the lot quantity due solely to the fact that only a portion has been taken from the whole lot.

(c) *Subgroup size.* The subgroup size for the determination of fill weights shall be 5 sample units.

(d) *Sampling frequency.* (1) Small lots—for lots consisting of 100 cases or less which require 4 hours or more to pack use the optional fill weight procedure for small lots set forth in § 52.232 of the United States Standards for Determination of Fill Weights.

(2) Other than small lots—draw at least one subgroup per code approximately every 45 minutes.

(e) *Determining fill weights and compliance therewith.* The determination of compliance with the recommended fill weights for canned sweetpotatoes shall be in accordance with the U.S. Standards for Determination of Fill Weights, and U.S. Standards for Inspection by Variables.

TABLE II.—*Recommended fill weight values for canned sweetpotatoes*

Container size	$\overline{X}_{min}$	$LWL_{\bar{x}}$	$LRL_{\bar{x}}$	LWL	LRL	$\overline{R}'$	R_{max}	Sampling allowance code
	ounces	*ounces*	*ounces*	*ounces*	*ounces*	*ounces*	*ounces*	
8Z Tall	5.3	4.9	4.7	4.6	4.1	0.9	2.0	G
No. 2-Squat	8.0	7.5	7.2	6.8	6.2	1.4	3.0	J
No. 303	10.3	9.7	9.4	9.0	8.3	1.5	3.2	L
No. 2	12.7	12.0	11.6	11.1	10.3	1.9	3.9	O
No. 3 Squat	14.7	13.8	13.3	12.7	11.7	2.3	4.9	S
No. 2½	18.6	17.7	17.4	16.6	15.6	2.3	4.9	S
No. 2½ Tall	26.8	22.9	22.4	21.8	20.8	2.3	4.9	S
No. 3 Cylinder	33.6	32.4	31.8	31.0	29.7	3.0	6.4	V
No. 10	70.0	68.4	67.6	66.4	64.6	4.2	8.9	A-1
	Vacuum pack							
No. 3 Squat	19.0	18.1	17.6	17.0	16.0	2.3	4.9	S
	Solid pack							
No. 303	18.0	17.6	17.4	17.2	16.8	0.9	2.0	G
No. 3 Cylinder	53.6	52.9	52.5	52.0	51.2	1.9	3.9	O
No. 10	110.4	109.1	108.4	107.4	105.9	3.5	7.4	X

§ 52.2050 Determining the grade of a sample unit.

(a) *General.* The grade of a sample unit of canned sweetpotatoes is determined by considering the factor of flavor and odor which is not scored; the ratings for the factors of color, size and shape or consistency, defects, and character, which are scored; the total score; and the limiting rules which apply.

(b) *Definition of a sample unit.* A sample unit as applied to the determination of the grade and to the evaluation of quality factors shall consist of the entire contents of one container, irrespective of size.

(c) *Definition of a sample.* Any number of sample units used for the evaluation of the factors of quality as outlined in this subpart.

(d) *Definition of flavor and odor.* (1) "Good flavor and odor" means a good, distinctive flavor and odor which is characteristic of properly prepared and properly processed sweetpotatoes (including any packing medium or added garnish ingredients) that are free from objectionable flavors or objectionable odors of any kind.

(2) "Reasonably good flavor and odor" means that the processed sweetpotatoes (including any packing medium or added garnish ingredients) may be lacking in good flavor and odor but are free from objectionable flavors or objectionable odors of any kind.

(e) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors	*Points*
Color	30
Size and shape or consistency	20
Defects	30
Character	20
Total score	100

§ 52.2051 Determining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that a value may be determined for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.2052 Color.

(a) *Evaluation of color.* The evaluation of color of canned sweetpotatoes is made as quickly as possible after opening the container. The evaluation of color is based upon the degree of brightness, intensity of color, degree of uniformity, and whether the sample unit is of a single color or mixed colors.

(b) *Visual Aids.* Models illustrative of the "yellow" or "golden" color classification are available for review at USDA Processed Products Inspection Offices. Information regarding the location of such offices is available upon request from:

Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250

(c) (*A*) *classification.* Canned sweetpotatoes that have a good color may be given a score of 27 to 30 points. "Good color" means a typical, bright color characteristic of either a yellow or golden—but not both—variety of sweetpotato. There may be moderate variations of such characteristic color throughout the sweetpotato units, within a single sweetpotato unit, or within the mass.

(d) (*B*) *classification.* Canned sweetpotatoes that have a reasonably good color may be given a score of 24 to 26 points. Canned sweetpotatoes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that both golden and yellow varieties may be present in any amount in a sample unit and the following conditions, singly or in combination, may be present, but not to the degree that the appearance of the product is seriously affected:

(1) More than moderate variability throughout the sweetpotato units, within a single sweetpotato unit, or within a mass;

(2) Slight oxidation;

(3) Unit(s) having a distinct green external surface;

(4) Slightly dull, but not "off-color" unit(s) or mass; or

(5) Any condition which adversely affects the color of the sample unit.

(e) (*SStd*) *classification.* Canned sweetpotatoes that fail to meet the requirements of U.S. Grade B shall be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2053 Uniformity of size and shape.

(a) (*A*) *classification.* Canned sweetpotatoes of the "vacuum pack" or "regular pack" types that are practically uniform in size and shape may be given a score of 18 to 20 points. "Practically uniform in size and shape" means that a sample unit of canned sweetpotatoes does not exceed the allowances specified in Table III, as applicable.

(b) (*B*) *classification.* Canned sweetpotatoes of the "vacuum pack" or "regular pack" types that are reasonably uniform in size and shape may be given a score of 16 or 17 points. "Reasonably uniform in size and shape" means that a sample unit of canned sweetpotatoes does not exceed the allowances specified in Table III, as applicable.

(c) (*SStd*) *classification.* Canned sweetpotatoes of the "vacuum pack" or "regular pack" types that fail to meet the requirements of U.S. Grade B shall be given a score of 0 to 15 points and shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule).

TABLE III.—*Allowances for size and shape variations of canned sweetpotatoes*

Grade	Shape variation within a sample unit (applies to a single style only)	Size variation within a sample unit (single style or mixtures of styles)—Maximum allowable weight ratio of largest to second smallest sweetpotato unit
A	May vary moderately	3:1.
B	do	4:1.
SStd[1]	May vary considerably.	Fails requirements for U.S. grade B.

[1] Sample unit is limited to no higher than Grade B.

§ 52.2054 Consistency. (Applies to "solid-pack" type only).

"Consistency" refers to the firmness of the sweetpotato mass and the tendency to resist flow characteristics and separation of free liquor. Consistency if evaluated by emptying the contents of

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the container on a tray and noting the characteristics of the mass as a whole including slicing with a spatula or the equivalent thereof.

(a) (*A*) *classification.* Canned sweetpotatoes of the "solid-pack" type that have a good consistency may be given a score of 18 to 20 points. "Good consistency" means that the sweetpotatoes as a mass are sufficiently firm to retain the general shape of the container with no more than slight settling, are not dry, and may show more than a slight separation of free liquid after 2 minutes.

(b) (*B*) *classification.* Canned sweetpotatoes of the "solid-pack" type that have a reasonably good consistency may be given a score of 16 or 17 points. Canned sweetpotatoes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good consistency" means that the sweetpotato mass is:

(1) Sufficiently soft so as to retain the general shape of the container, but may not be free flowing; or

(2) Noticeably firm not very dry or hard. There may be moderate separation of free liquid after 2 minutes.

(c) (*SStd*) *classification.* Canned sweetpotatoes of the "solid-pack" type that fail to meet the requirements of U.S. Grade B shall be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2055 Defects.

(a) *General.* The factor of defects concerns the degree of freedom from defects defined in paragraph (b) of this section or from any other defects present which detract from the appearance of edibility of the product.

(b) *Definitions and kinds of defects.*

(1) "Insignificant imperfections" refer to units with very slight abnormalities, scars, discolorations, or any other imperfections which may affect the appearance slightly but which do not affect the edibility of the unit.

(2) "Blemished unit" means any sweetpotato unit that has, singly or in the aggregate, darkened surface areas or definite abnormalities on or within the unit which materially affect the appearance of the sweetpotato unit.

(3) "Seriously blemished unit" means any sweetpotato unit that has, singly or in the aggregate, darkened surface areas or definite abnormalities on or within the unit which seriously affect the appearance and/or edibility of the sweetpotato unit.

(4) "Secondary rootlets" longer than one (1) inch are scoreable. "Secondary rootlets" of one (1) inch or less in length are individually regarded as insignificant but when considered collectively are scoreable as defects if the overall appearance and/or edibility of the product is affected.

(5) "Untrimmed fibrous ends" are the end portions of sweetpotatoes which have external fibers protruding more than ¼ inch.

(6) "Pitted" sweetpotatoes are those units which have external pockmarks to the degree that the appearance is materially affected.

(7) "Pathological or insect injury" refers to obvious pathological or insect damage on or in any sweetpotato unit which affects the appearance or edibility of the unit.

(8) "Sand, grit, or silt" means any kind of fine earthy material.

(9) "Peel" means the skin of the sweetpotato.

(10) "Harmless plant material" means harmless plant material which is part of the sweetpotato plant (such as leaves, stems, or roots) or other succulent material from indigenous plants and which is harmless.

(c) (*A*) *Classification.* Canned sweetpotatoes that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that:

(1) All defects present, whether or not specifically defined or listed in this section, do not materially detract from the appearance or edibility of the product; and

(2) The defects that may be present in a sample unit and/or in the sample do not exceed the allowances specified in Table IV or Table VI, as applicable.

(d) (*B*) *classification.* Canned sweetpotatoes that are reasonably free from defects may be given a score of 24 to 26 points. Canned sweetpotatoes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:

(1) All defects present, whether or not specifically defined or listed in this section, do not seriously detract from the appearance or edibility of the product; and

(2) The defects that may be present in a sample unit and/or in the sample do not exceed the allowances specified in Table V or Table VI, as applicable.

(e) (*SStd*) *classification.* Canned sweetpotatoes that fail to meet the requirements of U.S. Grade B shall be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE IV.—*Allowances for defects in canned sweetpotatoes*

Defects	Of the vacuum pack type or regular pack type only	
	U.S. grade A—Maximum—per sample unit	U.S. grade A—Maximum—sample average
Blemished and seriously blemished sweetpotato units—total.	15 pct, by count, but not more than 5 pct, by count, or one (1) sweetpotato unit, whichever is greater, may be seriously blemished.	8 pct, by count, but not more than 2 pct, by count, may be seriously blemished.
Insignificant imperfections; untrimmed fibrous ends; secondary rootlets of one (1) inch or less in length:	Accumulative effect—does not materially detract from the appearance of the product.	Not applicable.
Unit(s) with one (1) or more secondary rootlets longer than one (1) inch.	15 pct, by count	5 pct, by count.
Harmless plant material	One (1) piece	1 piece per 120 oz of total contents.
Peel—per pound of total contents	¼ in²	¼ in².
Pitted sweetpotato units	15 pct, by count	6 pct, by count.
Unit(s) affected by obvious pathological or insect injury.	One (1)	1 pct, by count.
Sand, grit, or silt	None	Not applicable.
Total—All defects specified above and/or and other defects.	Accumulative effect—does not materially detract from the appearance and/or edibility of the product.	Do.

TABLE V.—*Allowances for defects in canned sweetpotatoes*

Defects	Of the vacuum pack type or regular pack type only	
	U.S. grade B—Maximum—per sample unit	U.S. grade B—Maximum—sample average
Blemished and seriously blemished sweetpotato units—total.	30 pct, by count, but not more than 10 pct, by count, or two (2) sweetpotato units, whichever is greater, may be seriously blemished.	15 pct, by count, but not more than 4 pct, by count, may be seriously blemished.
Insignificant imperfections; untrimmed fibrous ends; secondary rootlets of one (1) inch or less in length.	Accumulative effect—does not seriously detract from the appearance of the product.	Not applicable.
Unit(s) with one (1) or more secondary rootlets longer than (1) inch.	25 pct, by count	10 pct, by count.
Harmless plant material	2 pieces	1 piece per 60 oz of total contents.
Peel—per pound of total contents	1 in²	½ in².
Pitted sweetpotato units	100 pct, by count	25 pct, by count.
Unit(s) affected by obvious pathological or insect injury.	Two (2)	2 pct, by count.
Sand, grit, or silt	Trace	Not applicable.
Total—All defects specified above and/or any other defects.	Accumulative effect—does not seriously detract from the appearance and/or edibility of the product.	Do.

TABLE VI.—*Allowances for defects in canned sweetpotatoes*

Defects	Solid-pack type only	
	U.S. grade A—Maximum—per sample unit	U.S. grade A—Maximum—entire sample
Total of all defects present	Accumulative effect—does not materially detract from the appearance and/or edibility of the product.	Not applicable.
	U.S. grade B—Maximum—per sample unit	U.S. grade B—Maximum—entire sample
Total of all defects present	Accumulative effect—does not seriously detract from the appearance and/or edibility of the product.	Not applicable.

§ 52.2056 Character.

(a) *General.* The factor of character refers to the texture and condition of the flesh, the degree of freedom from internal tough or internal coarse fibers, the tenderness of the sweetpotatoes, and tendency of sweetpotatoes packed in "regular pack" or as "vacuum pack" to retain their apparent original conformation.

(b) *Definition of terms.* For the purposes of evaluating character, the following definitions apply:

(1) "Internal tough" or "internal coarse" fibers means tough, stringy or fibrous material which does not substantially disintegrate easily upon chewing.

(2) "Firm" are those individual sweetpotato units which, either externally or internally, are slightly grainy and/or possess a somewhat stiff, yet yielding texture.

(3) "Very firm" are those individual sweetpotato units units which, either externally or internally, are noticeably grainy or have a hardened texture similar to that of an uncooked sweetpotato.

(4) "Soft" are those individual sweetpotato units which are tender but are not approaching disintegration.

(5) "Very soft" are those individual sweetpotato units which show slight to partial disintegration of the sweetpotato unit and a major portion of which is soft and yielding.

(6) "Mushy" sweetpotatoes are those which have materially or completely disintegrated into small pieces or puree-like consistency. The portions have lost their identity as an individual sweetpotato unit and there is a pulpy and/or pasty texture.

(7) "Broken" sweetpotato units are those which have been broken into pieces, or are noticeably crumbly, but are not soft nor mushy.

(c) (*A*) *classification.* Canned sweetpotatoes that have a good character may be given a score of 18 to 20 points. "Good character" has the following meanings with respect to the following types of packs:

(1) "*Vacuum pack*" *or* "*regular pack*". "Good character" means the sweetpotato units have a uniformly smooth texture, are practically free from internal tough or internal coarse fibers, may be slightly variable in tenderness but hold their apparent original conformation, and do not exceed the allowances in Table VII.

(2) "*Solid-pack*". "Good character" means that the mass has a smooth texture and that the product is practically free from tough or coarse fibers.

(d) (*B*) *classification.* Canned sweetpotatoes that have a reasonably good character may be given a score of 16 or 17 points. Canned sweetpotatoes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" has the following meanings with respect to the following types of packs:

(1) "*Vacuum pack*" *or* "*regular pack*". "Reasonably good character" means that the sweetpotato units have a reasonably uniform smooth texture, are substantially free from internal tough or internal coarse fibers, may be variable in tenderness, may be very soft to very firm but hold their apparent original conformation, and do not exceed the allowances in Table VII.

(2) "*Solid-pack*". "Reasonably good character" means that the mass has a reasonably smooth texture which may be slightly grainy, and that the product is substantially free from tough or coarse fibers.

(e) (*SStd*) *classification.* Canned sweetpotatoes that fail to meet the requirements of U.S. Grade B shall be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

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TABLE VII.—*Allowances for classification of character in canned sweetpotatoes*

Character classification	Regular pack or vacuum pack types only—Maximum percent per sample unit—by count	
	U.S. grade A	U.S. grade B
Soft to Firm, Mushy	100 pct: 2 percent, or one (1) sweetpotato unit, whichever is greater.	100 pct: 10 percent, or two (2) sweetpotato units, whichever is greater.
Tough or Coarse Fibers	2 percent, or one (1) sweetpotato unit, whichever is greater.	5 percent, or two (2) sweetpotato units, whichever is greater.
Very Soft; and Very Firm; and Broken.	Total—10 percent, or one (1) sweetpotato unit, whichever is greater—but not more than—	Total—100 percent—but not more than—
Limitation for:		
Broken	5 percent, or one (1) sweetpotato unit, whichever is greater.	10 percent, or two (2) sweetpotato units, whichever is greater.
or		
Very Firm	5 percent, or one (1) sweetpotato unit, whichever is greater.	10 precent, or two (2) sweetpotato units, whichever is greater.
or		
Any combination of Broken and Very Firm.	5 percent, or one (1) sweetpotato unit, whichever is greater.	10 percent, or two (2) sweetpotato units, whichever is greater.

§ 52.2057 Determining the grade of a lot.

The grade of a lot of canned sweetpotatoes covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Products (§§ 52.1 through 52.83).

§ 52.2058 Designating the color classification of a sample unit and of a lot.

(a) For the purposes of this subpart, the color of each sample unit of canned sweetpotatoes is designated as "yellow", "golden", or "mixed". "Mixed color" is given to any sample unit containing both "golden" and "yellow" sweetpotatoes in any proportion.

(b) A lot of canned sweetpotatoes in which all of the sample units are of the same color classification shall be designated as "golden", or "yellow", or "mixed", as appropriate.

(c) A lot of canned sweetpotatoes in which all of the sample units are not of the same color classifications shall be designated in terms of the number of sample units of each color classification present in the sample.

§ 52.2059 Determining the style of a sample unit and of a lot.

(a) This section applies to the "vacuum pack" and "regular pack" types only.

(b) A sample unit of canned sweetpotatoes is considered as a single style when the limits specified in Table VIII, as applicable, are met.

(c) A sample unit of canned sweetpotatoes which fails the limits set forth in Table VIII shall be considered as a mixture of the styles present in the sample unit.

(d) A lot of canned sweetpotatoes shall be assigned a single style designation when all of the sample units representing the lot meet the requirements of one single style.

(e) A lot of canned sweetpotatoes which fails the requirements for a single style classification shall be designated in terms of the styles present in the individual sample units.

Table VIII—Allowances for Single Style Classification in a Sample Unit of Canned Sweetpotatoes

Style classification:	*Minimum percentage, by count, of specified style contained in each sample unit*
Whole	80 percent; with balance essentially resembling whole sweetpotatoes.
Halved; halves	80 percent; with balance essentially resembling halved sweetpotatoes.
Sections	70 percent; with balance essentially resembling sections of sweetpotatoes.
Pieces; cuts; cut.	60 percent; with balance of any style except mashed.

§ 52.2060 Score Sheet.

Size and kind of container
Container marks or identification
Label
Net weight (ounces)
Vacuum (inches)
Drained weight (ounces)
Brix measurement (sirup, regular pack only)
Sirup designation (light, heavy, extra only)
Color (yellow, golden, or mixed)
Type of pack (regular, vacuum, solid)
Style (whole, halves, etc.)
Count

Factors		Score points	
Color	20	(A)	17-20
		(B)	[1] 14-16
		(SStd)	[1] 0-13
Size and shape or consistency.	20	(A)	18-20
		(B)	[2] 16-17
		(SStd)	[3] or [2] 0-15
Defects	30	(A)	27-30
		(B)	[1] 24-26
		(SStd)	[1] 0-23
Character	20	(A)	18-20
		(B)	[1] 16-17
		(SStd)	[1] 0-15
Total score	100		

Flavor and odor (A—good; B—reasonably good; SStd—Off
Grade

[1] Indicates limiting rule.
[2] Indicates partial limiting rule for size and shape only.
[3] Indicates limiting rule for consistency only.

Dated: October 10, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-28016 Filed 10-17-75;8:45 am]

[7 CFR Part 929]

CRANBERRIES GROWN IN CERTAIN STATES

Proposed Expenses and Rate of Assessment

In the matter of handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

This notice invites written comments relative to the proposed expenses of $62,725 and the assessment rate of $0.03 per barrel of cranberries to support the activities of the Cranberry Marketing Committee during the 1975-76 fiscal period under Marketing Order No. 929. This is a regulatory program effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration is being given to the following proposals submitted by the Cranberry Marketing Committee, established under the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), as the agency to administer the terms and provisions thereof. Said agreement and order regulate the handling of cranberries grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

The proposals are as follows:

(a) That the expenses that are reasonable and likely to be incurred by said committee, during the fiscal period September 1, 1975, through August 31, 1976, will amount to $62,725.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 929.41, be fixed at $0.03 per barrel or equivalent quantity of cranberries.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112A, Washington, D.C. 20250, not later than November 10, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 14, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-28129 Filed 10-17-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-5/117]

STUDY GROUPS 10 AND 11 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Groups 10 and 11 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet jointly on November 5, 1975, under the chairmanship of Mr. Harold L. Kassens. The meeting will convene at 9:00 a.m., in Room A-110, Federal Communications Commission Annex, 1229 20th Street, N.W., Washington, D.C.

Study Group 10 deals with questions relating to sound broadcasting; Study Group 11 deals with questions relating to television broadcasting. The agenda for the meeting is:

1. Approval of the agenda.
2. Approval of minutes of October 15 meeting.
3. Reports on preparations for the 1976 meetings of the international Study Groups 10 and 11.
4. Any further business.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Dated: October 14, 1975.

DEXTER ANDERSON,
Executive Secretary,
U.S. CCIR National Committee.

[FR Doc.75-28144 Filed 10-17-75;8:45 am]

[PubHc Notice CM-5/116]

GOVERNMENT ADVISORY COMMITTEE ON INTERNATIONAL BOOK AND LIBRARY PROGRAMS

Notice of Meeting

The Government Advisory Committee on International Book and Library Programs is announcing its fifty-sixth meeting on November 12-13, 1975. The meeting is open to the public and the November 12 session will be held in the Pierre Suite, L'Enfant Plaza Hotel, 480 L'Enfant Plaza East, Washington, D.C. from 2:00 p.m. to 5:00 p.m. The November 13 session will be held in Room 1406 in the Department of State, 2201 C Street, N.W., Washington, D.C. from 9:00 a.m. to 1:00 p.m.

The session on November 12 will be devoted entirely to a discussion of the "Role of Books in Foreign Policy: Implementation of the Helsinki Agreement."

On November 13 the Committee will receive a report on U.S. participation at the Frankfurt Book Fair. It will also discuss reports of its Task Force on the Florence Agreement and Task Force on Double Taxation of Copyright Royalties.

Members of the public may submit written comments to the Chairman prior to November 7, 1975. The Chairman will, as time permits, entertain all comments made by the public attending the meeting.

For purposes of fulfilling building security requirements, anyone wishing to attend the meeting must advise the Executive Secretary by telephone in advance of the meeting. Telephone: (202)-632-2841.

Dated: October 9, 1975.

CAROL M. OWENS,
Executive Secretary.

[FR Doc.75-28109 Filed 10-17-75;8:45 am]

Agency for International Development

ASSISTANT ADMINISTRATOR FOR ASIA

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, dated November 3, 1961, from the Secretary of State, (26 F.R. 10608), and in furtherance of my decisions relating to country composition of A.I.D. Geographic Bureaus as announced in A.I.D. General Notice of September 18, 1975, it is hereby ordered as follows:

SECTION 1. Each of the following delegations of authority is amended (1) by deleting the title "Assistant Administrator for East Asia," and (2) by inserting among the titles of the officers named in those delegations the title "Assistant Administrator for Asia."

A. Delegation of Authority No. 5, dated December 29, 1961 (27 FR 449), as amended, with respect to Loan Agreements;

B. Delegation of Authority No. 23, dated December 28, 1962 (23 FR 563), as amended, relating to the Agricultural Trade Development and Assistance Act of 1954, as amended;

C. Delegation of Authority No. 27, dated April 15, 1963, as amended, relating to Personnel;

D. Delegation of Authority No. 38, dated April 10, 1964 (29 FR 5280), as amended, relating to Project Agreements, Trust Fund Agreements, and Grants to International Organizations;

E. Delegation of Authority No. 40, dated April 17, 1964 (29 FR 5695), as amended, relating to Waivers of Procurement Source Requirements;

F. Delegation of Authority No. 41, dated May 8, 1964 (29 FR 6892), as amended, relating to the Furnishing of Services and Commodities pursuant to section 607 of the Foreign Assistance Act of 1961, as amended;

G. Delegation of Authority No. 43, dated June 12, 1964 (29 FR 8122), relating to the Acceptance of Donated Non-military Property and Services pursuant to section 635(d) of the Foreign Assistance Act of 1961, as amended;

H. Delegation of Authority No. 75, dated January 11, 1968 (33 FR 919), relating to Certifications under section 611 (e) of the Foreign Assistance Act of 1961, as amended;

I. Delegation of Authority No. 98, dated September 28, 1973 (38 FR 27628), with respect to the Order of Succession for the Deputy Administrator and Assistant Administrators;

J. Delegation of Authority No. 99, dated April 27, 1973 (38 FR 12834-12836), as amended, with respect to Contracting and Related Functions;

K. Delegation of Authority No. 100, dated May 8, 1974 (39 FR 17933), with respect to the determination of Adequacy of Assurances of Host Country Participants; and

L. Delegation of Authority No. 107, dated March 10, 1975 (40 FR 12685), with respect to transfer of funds pursuant to sections 38(b), 39(d) and 40(b) of the Foreign Assistance Act of 1974.

SEC. 2. In addition there is hereby delegated to the Assistant Administrator for Asia, with respect to the countries and areas within the responsibility of that officer, all those authorities or functions which are conferred on A.I.D. Assistant Administrators or Regional Assistant Administrators or delegated to the Assistant Administrators for East Asia and Near East and South Asia in any regulations (published or unpublished), manual orders, policy directives or determinations, manual circulars or circular airgrams or instructions or communications of any nature.

SEC. 3. The authorities made available hereunder may be exercised by an officer serving in an acting capacity and may be delegated successively according to the terms of the delegations set forth in Sections 1 and 2 of the Delegation of Authority.

SEC. 4. Currently effective redelegations of authority issued by prior Assistant Administrators affecting countries and areas within the responsibility of the Assistant Administrator for Asia are hereby continued in effect according to their terms until modified or revoked by appropriate authority.

V 40 10203 OCT 20 75 XUM

SEC. 5. Delegation of Authority No. 102 dated October 15, 1974 (39 FR 37655) is hereby revoked.

SEC. 6. This Delegation of Authority shall be effective as of October 12, 1975.

Dated: October 8, 1975.

DANIEL PARKER,
Administrator.

[FR Doc.75-28110 Filed 10-17-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, November 4, 1975; Tuesday, November 11, 1975; Tuesday, November 18, 1975; and Tuesday, November 25, 1975 at 9:45 a.m. in Room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552 (b) of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 USC 552(b)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 USC 552(b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 USC 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence, (5 USC 552(b)(4)).

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD(C).

OCTOBER 14, 1975.

[FR Doc.75-28130 Filed 10-17-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[INT FES 75-88]

WOLF CREEK NATIONAL FISH HATCHERY, KENTUCKY

Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a final environmental statement for the proposed Wolf Creek National Fish Hatchery in Russell County, Kentucky.

The Wolf Creek National Fish Hatchery below Wolf Creek Dam in Russell County, Kentucky will be constructed, operated and maintained for the propagation of rainbow trout. When completed, the Wolf Creek Hatchery will produce about 500,000 trout annually, weighing approximately 150,000 pounds. The fish are needed for the management of streams, lakes, reservoirs, and tailwaters in Kentucky. Most of the production will support the fishery in waters associated with Federal dam construction projects.

Copies of the final statement are available for inspection at the following locations:

Dale Hollow National Fish Hatchery, P.O. Box C, Celina, Tennessee 38551.
U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE., Atlanta, Georgia 30329.
U.S. Fish and Wildlife Service, Branch of Environmental Coordination, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240.
Lake Cumberland Development District, P.O. Box 387, Jamestown, Kentucky 42629.

Single copies may be obtained by writing the Chief, Branch of Environmental Coordination, Division of Ecological Services, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Branch of Environmental Coordination, Division of Ecological Services. Please refer to the statement number above.

Dated: October 14, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary, Program Development and Budget.

[FR Doc.75-28107 Filed 10-17-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE

Public Meeting Cancellation and Notice of Scheduled Committee Meetings

This document cancels the October 21, 1975, meeting of the Shippers Advisory Committee, announced in the October 3, 1975, issue of the FEDERAL REGISTER (40 FR 45861), and gives notice of the time and location of meetings of the committee to be held November 4 and November 11, 1975. This notice is issued pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770). The committee is established under Marketing Order No. 905 (7 CFR Part 905), which regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The cancellation of the October 21 meeting is based on the committee's assessment that present regulations are appropriate to the prevailing supply situation.

The committee plans to reconsider current information concernnig the available crop, shipments and supplies of each variety and recommendations for regulation of shipments of the named fruits at meetings to be held November 4 and November 11, 1975, at 10:30 A.M. in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida. The meetings will be open to the public and a brief period will be set aside at each meeting for public comments and questions.

The names of committee members, agenda, and other information pertaining to each meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813-682-3103.

Dated: October 15, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-28159 Filed 10-17-75;8:45 am]

Farmers Home Administration

[Notice of Designation No. A262]

LOUISIANA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, and aquaculture operations have been substantially affected in Pointe Coupee Parish, Louisiana, as a result of continuous and excessive rainfall with flooding March 18 to July 14, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Edwin Edwards that such designation be made.

Applications for Emergency loans must be received by this Department no later than November 24, 1975, for physical losses and June 28, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 10th day of October, 1975.

FRANK W. NAYLOR, JR.,
Acting Administrator, Farmers Home Administration.

[FR Doc.75-28164 Filed 10-17-75;8:45 am]

[Notice of Designation No. A180, Amdt. 1]

LOUISIANA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Richland Parish, Louisiana, as a result of excessive rainfall with flooding in some areas January 1 to June 18, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Edwin Edwards that such designation be made.

Applications for Emergency loans must be received by this Department no later than November 25, 1975, for physical losses and June 28, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 10th day of October, 1975.

FRANK W. NAYLOR, JR.,
Acting Administrator, Farmers Home Administration.

[FR Doc.75-28165 Filed 10-17-75;8:45 am]

Forest Service

PRESCOTT NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Prescott National Forest Grazing Advisory Board will meet at 1:30 p.m. on November 14, 1975, at the Forest Supervisor's Office in Prescott, Arizona.

The purpose of this meeting is to review items of mutual interest to grazing permittees and the Forest Service.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Prescott National Forest, 344 South Cortez Street, Prescott, Arizona, telephone number 602-445-4860, Extension 311. Written statements may be filed with the Board before or after the meeting.

The Board has established the following rules for public participation:

Members of the public will be given an opportunity for comments and questions following discussion by the Advisory Board.

JOHN W. BOHNING,
Acting Forest Supervisor.

OCTOBER 9, 1975.

[FR Doc.75-28074 Filed 10-17-75;8:45 am]

Soil Conservation Service

DELAWARE CREEK WATERSHED, OKLAHOMA

Notice of Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Delaware Creek Watershed Project, Atoka, Coal, Johnston and Pontotoc Counties, Oklahoma.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA, Agricultural Center Office Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by two single-purpose floodwater retarding structures.

Single copies of the negative declaration are available upon request and the environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: October 10, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-28106 Filed 10-17-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

LAFAYETTE COLLEGE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00554-98-77030. Applicant: Lafayette College, Easton, Pennsylvania 18042. Article: NMR Spectrometer, Model CPS-2. Manufacturer: Spin Lock Electronics Ltd., Canada. Intended use of article: The article is intended to be used in the study of the volume change at the liquid-solid phase transition and molecular motion in the solid near the melting point so as to test quasi-lattice models of liquids and shed more light on the mechanism of melting itself.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability to measure relaxation in the rotating reference frame. The most closely comparable domestic instrument, the Model CFT-20, manufactured by Varian Associates is not suitable for measuring relaxation in the rotating reference frame. The National Bureau of Standards (NBS) advises in its memorandum dated September 25, 1975 that the capability to measure relaxation in the rotating reference frame is pertinent to the applicant's intended purposes. We, therefore, find that the Model CFT-20 is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

V 40 203 OCT 20 75 XUM

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-28100 Filed 10-17-75;8:45 am]

NATIONAL RADIO ASTRONOMY OBSERVATORY ASSOCIATED UNIVERSITIES, INC., ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230 on or before November 10, 1975.

Amended regulations issued under cited Act, (40 FR 12253 et seq., 15 CFR 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00146-18-80050. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., 1000 Bullock Blvd., Socorro, New Mexico 87801. Article: (20mm Diameter) Flexible Helix Waveguide Length. Manufacturer: Fujikura Cable Works, Ltd., Japan. Intended use of article: The article is intended to be used as part of the Very Large Array radio telescope to transmit radio wavelengths radiation received from extraterrestrial objects to recording apparatus. The study of this radiation enables astronomers to study the sources of energy, origin and evaluation of the universe. Application received by Commissioner of Customs: September 29, 1975.

Docket Number: 76-00147-33-90000. Applicant: University of Florida-Shands Teaching Hospital, Dept. of Radiology, Box J-374, J. Hillis Miller Health Center, Gainesville, Florida 32610. Article: EMI Scanner System with Magnetic Tape Storage system. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for noninvasive investigation of intracranial structures of patients in research into the basic nature, character, and clinical course of intracranial disease processes. With particular emphasis in the following areas:

a. Further definition of reconstruction scan's role in acute head trauma.

b. Efficiency of diagnosis and prognosis in Stroke.

c. Efficiency of differentiation between occult hydrocephalus and brain atrophy.

d. Efficiency of identification of the demyelinating (or degenerative) diseases (multiple sclerosis, Parkinson's disease, etc.).

e. Efficiency of identification of intracranial tumors.

f. Contrast enhancement potential; i.e., which diseases can most efficiently be diagnosed with the reconstruction scanner in conjunction with intravenous contrast administration.

g. Efficiency of identification of tumors outside of the CNS but still within the scan range-retroglobar tumors of the orbit, nasopharyngeal tumors, etc.

The article will also be used for the following educational purposes:

(1) Physician or medical student education in neurology.

(2) Post-graduate education (Radiologists particularly) in the handling of the reconstruction scanner.

(3) Neuro-anatomy training.

Application received by Commissioner of Customs: September 29, 1975.

Docket Number: 76-00148-33-46500. Applicant: University of South Carolina, School of Medicine, Columbia, South Carolina 29208. Article: Ultramicrotome, Model OMU-3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used to thin section single neurosecretory neurons that have been previously subjected to scanning electron microscopy (SEM). Individual neurons are dissected and prepared for SEM. After examination, specimens are embedded in plastic, sectioned, and examined by transmission electron microscopy. This procedure allows for both external (SEM) and internal (TEM) examination of neurosecretory neurons at different physiologically different times. Application received by Commissioner of Customs: September 29, 1975.

Docket Number: 76-00149-25-64000. Applicant: Loyola Marymount University, 7101 West 80th Street, Los Angeles, CA 90045. Article: Polariscope, Model 109. Manufacturer: Norwood Instruments Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies of photoelasticity of objects under static loading in a laboratory course by undergraduate engineering students. Application received by Commissioner of Customs: September 29, 1975.

Docket Number: 76-00150-33-90000. Applicant: National Institutes of Health, Bethesda, Md. 20014. Article: EMI Scanner System with Magnetic Tape Unit, Head holders, support device and interchangeable collimators. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article will be used to study the brain, the cerebrospinal fluid cavities and the cerebral circulation in human beings and experimental animals (primates). The investigations will include determination of the absorption coefficients of the various tissues in and around the brain. Systemic introduction of high atomic number tracers will also be employed to enhance the differential in absorption coefficients. Application received by Commissioner of Customs: September 29, 1975.

Docket Number: 76-00151-33-46040. Applicant: University of Pennsylvania, Department of Biology, 210 Biology Bldg. G5, Philadelphia, Pa. 19174. Article: Electron Microscope, Model JEM 100S and accessories. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used for examination of biological tissues after they have been fixed, dehydrated, embedded in plastic, and sectioned. Some of the tissues to be examined will be muscle specimens from animals, with or without previous experimental treatment for the study of the mechanisms of control of muscle activity, muscle tissues from normal and diseased human biopsies, and other tissues in a variety of studies in basic cell biology. The experiments to be conducted will be aimed at obtaining information both qualitative and quantitative, on the structure of muscle and other biological tissues of different types (comparative morphology) and under different physiological states (experimental morphology) and in different disease states (pathology). The article will also be used in the course Biology/Biochemistry 530, Electron Microscopy Techniques, an introductory course as well as for informal teaching of undergraduate and graduate students. Application received by Commissioner of Customs: September 29, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-28103 Filed 10-17-75;8:45 am]

NEROC, HAYSTACK OBSERVATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00059-00-41200. Applicant: NEROC, Haystack Observatory, Off Route 40, Westford, Massachusetts 01886. Article: Two Varian CW klystrons, Model #VRE-2103B. Manufacturer: Varian Associates Ltd., Canada. Intended use of article: The article is a component part of a K-band maser microwave radiometric receiver used at a radio/radar observatory engaged in radio spectral-line studies.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a 42-53 gigahertz frequency range with 150 millivolts (mV) guaranteed output power (350mW target). The National Bureau of Standards (NBS) advises in its memorandum dated September 25, 1975 that (1) the capability of the article described above is pertinent to the applicant's research purposes and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-28101 Filed 10-17-75;8:45 am]

WASHINGTON STATE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00045-65-86300. Applicant: Washington State University, Division of Purchasing, Pullman, Washington 99163. Article: Rheovibron Viscoelastometer. Manufacturer: Toyo Baldwin Co., Ltd., Japan. Intended use of article: The article is intended to be used in studies of the structure-property correlations of epoxy composites and polymers in which dynamic mechanical properties will be evaluated as a function of frequencies at constant temperature and of different temperature at constant frequencies. The article will also be used for educational purposes in the courses: MSE 543 Natural and synthetic polymers; MSE 501 Advanced Topics in Materials Science.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability to measure dynamic properties of solids in the form of thin films and fibers. The National Bureau of tandards (NBS) advises in its memorandum dated September 26, 1975 that (1) the capability described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-28102 Filed 10-17-75;8:45 am]

National Bureau of Standards

POLYTETRAFLUOROETHYLENE PLASTIC-LINED STEEL PIPE AND FITTINGS

Notice of Intent To Withdraw Voluntary Product Standard

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the intent to withdraw Voluntary Product Standard PS 33-70, "Polytetrafluoroethylene (PTFE) Plastic-Lined Steel Pipe and Fittings." This withdrawal action is being taken for the reason that the product is covered by American Society for Testing and Materials' ASTM F 432-75, "Polytetrafluoroethylene (PTFE) Plastic-Lined Ferrous Metal Pipe and Fittings," and the continued duplication of this standard is inappropriate.

Any comments or objections concernthis intended withdrawal of this standard should be made in writing to the Standards Development Services Section, National Bureau of Standards, Washington, D.C. 20234, on or before November 19, 1975. The effective date of withdrawal, if appropriate, will be not less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of withdrawal.

Dated: October 15, 1975.

ERNEST AMBLER,
Acting Director.

[FR Doc.75-28133 Filed 10-17-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Federal Council on the Aging

SENIOR SERVICES COMMITTEE

Notice of Meeting

The Federal Council on the Aging was established by the 1973 amendment to the Older Americans Act of 1965 (Pub. L. 93-29) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to Pub. L. 92-463, that the Council's Senior Services Committee will meet on November 6, 1975 from 9:30 a.m. to 5:00 p.m. and on November 7, 1975 from 9:00 a.m. to 3:00 p.m., in Room 4563, Donohoe Building, 400 Sixth Street, S.W., Washington, D.C. 20201. The agenda will consist of: Final Committee Action on Benefits Study, Further Strategies on Services for the Frail Elderly, Future Implications of Relationships Between Social Service Programs Under the Older Americans Act and the Social Security Act and Review of Possible Reforms in Medicare and Medicaid.

This meeting is open for public observation.

Further information on the Council may be obtained from Cleonice Tavani, Executive Director, Federal Council on the Aging, Room 4022, Donohoe Building, 400 Sixth Street, S.W., Washington, D.C. 20201, telephone; (202)-245-0441.

CLEONICE TAVANI,
Executive Director,
Federal Council on the Aging.

OCTOBER 10, 1975.

[FR Doc.75-28122 Filed 10-17-75;8:45 am]

Office of the Assistant Secretary for Planning and Evaluation

[Modification of Contract No. HEW-OS-74-122]

NEW FEDERAL CASH TRANSFER PROGRAM—WELFARE REFORM STUDIES

Notice of Contract Modification

Pursuant to Section 606 of the Community Services Act of 1974 (Pub. L. 93-644), 42 USC 2946, this agency announces the modification of Contract Number HEW-OS-74-122 awarded to Mathematica, Inc., Princeton Station, P.O. Box 2392, Princeton, New Jersey 08540 for a research project entitled "New Federal Cash Transfer Program—Welfare Reform Studies." This project supports analyses of data which will provide information concerning the planning and possible implementation of a comprehensive assistance program. Analyses will focus on lower income population statistics using data from the Census Bureau and the Income Maintenance Experiments conducted by this Office. The estimated cost of this modification is $154,-893.00 and the intended completion date is January 30, 1976.

Dated: October 14, 1975.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.75-28124 Filed 10-17-75;8:45 am]

V 40 203 OCT 20 75 XUM

Office of the Secretary

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which was established to review the policies, programs, and activities of the Department of Health, Education, and Welfare relative to women and to make recommendations to the Secretary on how to better the services of HEW's programs to meet these special needs of women, will meet on Thursday, and Friday, November 6–7, 1975, from 9:00 a.m. to 5:00 p.m. each day in Room 5169, HEW-North Building, 330 Independence Avenue, S.W., Washington, D.C. The agenda includes the consideration of new priorities for 1976 and a report on the status of the Committee and its 1975 projects.

Interested persons wishing to address the Committee, should contact the Executive Secretary by COB Friday, October 31. Phone: 202–245–8454. Written statements received by October 31 will be duplicated and distributed to the members. Members of the public are invited to attend the meeting.

Dated: October 10, 1975.

SANDRA S. KRAMER,
Acting Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc.75–28123 Filed 10–17–75;8:45 am]

Public Health Service

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Statement of Organization, Functions, and Delegations of Authority

Part 11 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Chapter 11, entitled Office of the Assistant Secretary for Health (38 FR 18571–74, as amended) is amended in Section 11–B, *Organization and Functions*, to realign activities relating to quality assurance and health care standards among appropriate organizational components as follows:

Retitle and amend the functions of the Office of Professional Standards Review by deleting reference to the *Office of Professional Standards Review (1N04)* in its entirety and substituting the following statement:

Office of Quality Standards (1N04). The Director of the Office of Quality Standards provides technical advice on programs of health care standards and quality assurance matters to the Assistant Secretary for Health. In conjunction with the Office of Policy Development and Planning, Public Health Service, coordinates the development of all Department policies relating to quality assurance and standards of health care with the Social Security Administration and the Social Rehabilitation Service and other Departmental components. Coordinates, in particular, such activities for the Assistant Secretary regarding Professional Standards Review Organizations, Utilization Review, and the quality assurance aspects of the Health Maintenance Organizations and the End-Stage Renal Disease programs. Also, provides staff support to the Assistant Secretary for Health in carrying out his responsibilities for the Maximum Allowable Cost of Drugs program. Serves as the Executive Secretariat to the National Professional Standards Review Council, and provides staff support to other appropriate committees as necessary. Reviews and evaluates the implementation of the Professional Standards Review Organization evaluation plan in conjunction with the National Professional Standards Review Council.

Amend the *Office of the Deputy Assistant Secretary for Quality Assurance (1N12)* in its entirety by substituting the following statement:

Office of the Deputy Assistant Secretary for Quality Assurance (1–12). The Deputy Assistant Secretary for Quality Assurance is responsible for the Department's overall national effort regarding quality assurance and health care standards. Serves as Departmental focal point for interagency clearance of major policy issues, plans, agreements and standards related to quality assurance and health care standards. Serves as the principal advisor to the Assistant Secretary for Health on matters dealing with quality assurance and health care standards and is the principal representative of the Assistant Secretary for Health in dealing with Congress and other Departments and agencies in these matters. Coordinates the activities of the Office of Quality Standards, the Office of Nursing Home Affairs and the Office of Population Affairs, as they affect quality assurance and standards of health care.

Amend the statement for the *Office of Policy Development and Planning (1N33)*, by substituting the following for the last function: "serves as staff to the ASH Policy Board (comprised of the heads of the PHS Agencies and Offices); and provides staff support for the Health Insurance Benefits Advisory Council, including development of policy proposals for consideration by that Council."

Dated: October 9, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75–28125 Filed 10–17–75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA–488–DR; NFD–307]

ALABAMA

Amendment To Notice of Major Disaster

Notice of Major Disaster for the State of Alabama, dated October 2, 1975, and amended October 8, 1975, is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declation of October 2, 1975:

The Counties of:
Crenshaw Henry

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: October 10, 1975.

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.75–26153 Filed 10–17–75;8:45 am]

Office of the Secretary

[Docket No. D–75–374]

REGIONAL ADMINISTRATOR AND DEPUTY REGIONAL ADMINISTRATOR, REGION III

Redelegation of Authority

Section A. *Authority redelegated.* Pursuant to Section C of the redelegation of authority to the Regional Administrator and Deputy Regional Administrator, Region III (Philadelphia), at 40 FR 28659, July 8, 1975, there is hereby redelegated to the Area Director and the Deputy Area Director, Washington, D.C. Area Office, the power and authority of the Secretary to convey to the District of Columbia Redevelopment Land Agency title to those portions of the Fort Lincoln property located in Washington, D.C. together with any improvements and related personal property located thereon which were transferred to the Secretary by the Administrator of General Services on June 4, 1973, pursuant to Section 108 of the Housing Act of 1949 (42 U.S.C. 1458) and a certain agreement between the Department of HUD and the GSA.

Section B. *Further authority redelegated.* Pursuant to Section C of the redelegation of authority at 40 FR 28659, the Area Director and the Deputy Area Director, Washington, D.C. Area Office, each is further authorized to exercise the power and authority of the Secretary to return those portions of the Fort Lincoln property as may be delineated public use parcels by Development Area Plans under the Urban Renewal Plan for the Fort Lincoln Urban Renewal Area to the Administrator of General Services for subsequent disposition to appropriate Federal or District of Columbia public agencies.

(Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d); Delegation of Authority to the Assistant Secretary for Community Planning and Management, 36 FR 5004; Delegation of Authority to the Assistant Secretary for Community Planning and Development, 38 FR 8011).

Effective Date. This redelegation is effective on October 20, 1975.

VINCENT A. MARINO,
Acting Regional Administrator, Region III (Philadelphia).

[FR Doc.75–28154 Filed 10–17–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIRPORT NOISE POLICY

Notice of Public Hearings

The Federal Aviation Administration will hold a series of public hearings on its airport noise policy. These hearings will afford interested persons the opportunity to present views, data, and arguments regarding the subjects and issues stated in a general notice published in the FEDERAL REGISTER on July 9, 1975 (40 FR 28844). In addition to the afternoon sessions of the hearings, evening sessions are provided to accommodate the general public. Additional hearings at other locations will be announced at later dates.

The hearings for the months of November and December will be conducted at the following times and locations:

Nov. 3, 1975—Richmond, Virginia: Convening at 1:00 p.m. and 6:00 p.m. at the Ramada Inn—Airport, 5700 Williamsburg Rd., Sandston, Virginia.

Nov. 7, 1975—Buffalo, New York: Convening at 1:00 p.m. and 6:00 p.m. at Amherst Municipal Building, 5583 Main Street, Williamsville, New York.

Nov. 10, 1975—Denver, Colorado: Convening at 1:00 p.m. and 6:00 p.m. at the Marriott Hotel, I–75 & Hamdon, Denver, Colorado.

Nov. 11, 1975—Aspen, Colorado: Convening at 1:00 p.m. and 6:00 p.m. at the Holiday Inn, Aspen, Colorado.

Nov. 13, 1975—Salt Lake City, Utah: Convening at 1:00 p.m. and 6:00 p.m. at the Hilton Hotel, 150 W. 5th South, Salt Lake City, Utah.

Nov. 13–14, 1975—Boston, Massachusetts: Convening on Nov. 13 at 1:00 p.m. and 7:00 p.m., and Nov. 14 at 9:30 a.m. in the TSC Auditorium, Transportation Systems Center, 55 Broadway, Kendall Square, Cambridge, Massachusetts.

Nov. 17, 1975—Omaha, Nebraska: Convening at 1:00 p.m. and 7:00 p.m. in the Legislative Chamber, Civic Center Building, 1819 Barnum Street, Omaha, Nebraska.

Nov. 18, 1975—St. Louis, Missouri: Convening at 1:00 p.m. and 7:00 p.m. at the Federal Mart Building, 2nd floor auditorium, 405 South 12th Street, St. Louis, Missouri.

Dec. 1, 1975—Washington, D.C.: Convening at 1:00 p.m. and 6:00 p.m. at the Stouffer National Center Hotel, 2399 South Jefferson Davis Highway, Arlington, Virginia.

Dec. 10, 1975—Ft. Lauderdale, Florida: Convening at 2:00 p.m. and 7:30 p.m. at Florida Department of Transportation Auditorium, 780 S.W. 24th Street, Ft. Lauderdale, Florida.

Dec. 11, 1975—Miami, Florida: Convening at 2:00 p.m. and 7:30 p.m. at Airport Lakes Holiday Inn, 1101 N.W. 57th Avenue, Miami, Florida.

Dec. 15, 1975—New York, New York: Convening at 1:00 p.m. and 6:00 p.m. at the Town Meeting Pavilion, Main Street, Hempstead, New York.

Dec. 16, 1975—New York, New York: Convening at 1:00 p.m. and 6:00 p.m. at the Holiday Inn, La Guardia, 100–15 Ditmars Boulevard, East Elmhurst, New York.

The hearings will be informal in nature and will be conducted by a designated representative of the Administrator.

Since the hearings will not be evidentiary or judicial in nature, there will be no cross-examination or other adjudicatory procedure applied to the presentations. However, interested persons wishing to make rebuttal statements will be given the opportunity to do so at the conclusion of the presentations in the same order in which initial statements are made.

Interested persons are invited to attend the hearings and to participate by making oral or written statements concerning the respective topics, their substance and issues. Written statements should be submitted in duplicate and will be made a part of the record of proceedings. Persons wishing to make oral statements at the hearings must notify the FAA that they desire to be heard, and indicate the amount of time requested for their initial statements. Presentations will be scheduled on a first-come-first-served basis, as time may permit. Requests to receive additional information should be made as follows:

For the hearings in Richmond, Buffalo, Washington, and New York, write or call:

Public Affairs Officer, Eastern Region (AEA–5), Federal Aviation Administration, Federal Building, JFK International Airport, Jamaica, New York 11430; (212) 995–9684.

For the hearings in Denver, Aspen, and Salt Lake City, write or call:

Public Affairs Officer, Rocky Mountain Region (ARM–5), Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colorado 80207; (303) 837–4992.

For the hearings in Boston, write or call:

Public Affairs Officer, New England Region (ANE–5), Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; (617) 273–7391.

For the hearings in Omaha and St. Louis, write or call:

Public Affairs Officer, Central Region (ACE–5), Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; (816) 374–5449.

For the hearings in Ft. Lauderdale and Miami, write or call:

Public Affairs Officer, Southern Region (ASO–5), Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; (404) 526–7201.

In addition to materials presented at the hearing, persons not participating in the hearings are invited to submit written comments on the airport noise policy in accordance with the notice published in the FEDERAL REGISTER on July 9, 1975.

Such communications should be addressed to:

Federal Aviation Administration: Associate Administrator for Policy Development and Review, 800 Independence Avenue, SW., Washington, D.C. 20591, Attention: Airport Noise Policy Proceedings.

The closing date for submitting written comments is January 1, 1976. All comments will be available for examination both before and after the closing date for comments.

The general notice (40 FR 28844, July 9, 1975) regarding the FAA's airport noise policy identifies a number of possible airport use-restriction options which may be considered for inclusion in an airport noise relief program. In addition, the FAA identified four potential policy options and their implications. Those policy options are as follows:

1. Airport proprietor actions unconstrained by the FAA.
2. Airport proprietor completely constrained by the FAA with a correlated development of a Federal airport noise abatement plan.
3. Airport proprietor to establish a noise abatement plan.
4. Continue the present policy.

The notice presents analysis of the respective options and contains the material that is the subject of these public hearings. While all comments are of interest, the FAA specifically invites statements or comments regarding the policy options in terms of the specific questions stated in the notice.

Before taking final action regarding its airport noise policy, the FAA will consider the statements presented at the hearings and all written comments submitted.

Transcripts of each hearing will be made and anyone may purchase copies from the reporter. A transcript of each hearing will be available for examination in the office of the Associate Administrator for Policy Development and Review, Room 1000W, 800 Independence Avenue SW., Washington, D.C.

Since the hearings contained in this notice have been previously announced in their respective localities in which they will be held, it is determined that publication of the notice of public hearing in the FEDERAL REGISTER less than 15 days before the first hearing is reasonable under 44 U.S.C. 1508.

Issued in Washington, D.C., on October 15, 1975.

FREDERICK A. MEISTER,
Associate Administrator for Policy Development and Review (Acting).

[FR Doc.75–28300 Filed 10–17–75;8:45 am]

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

ADVISORY COMMITTEE ON RACIAL, ETHNIC AND NATIVE AMERICAN PARTICIPATION IN THE BICENTENNIAL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, (Pub. L. 92–463), notice is hereby given that a meeting of the American Revolution Bicentennial Committee on Racial, Ethnic and Native American Participation in the Bicentennial will be held on November 10, 1975, in Room 2010 of the New Executive Office Building in Washington, D.C. The meeting will begin at 8:30 a.m.

The tentative agenda includes the review of six prototypical Bicentennial programs and a presentation regarding July 4, 1976.

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The meeting will be open to the public on a space available basis. Further information can be obtained from Verna E. Clayborne, Director of Ethnic Racial Programs, American Revolution Bicentennial Administration, 2401 E Street, N.W., Washington, D.C., 20276, Telephone (202) 634–1767.

JOHN W. WARNER,
Administrator.

[FR Doc.75–28132 Filed 10–17–75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27067; Order 75–10–46]

ALLEGHENY AIRLINES INC., ET AL

Authorization of Discussions Concerning Pricing Policies and Related Practices of Fuel Suppliers

ORDER EXTENDING AUTHORIZATION

Issued under delegated authority October 14, 1975.

By order 75–5–15, May 2, 1975, the Board extended the authorization of all U.S. certificated air carriers and foreign air carriers to participate in discussions concerning the pricing policies and related practices of fuel suppliers for an additional period of 90 days from April 21, 1975, through July 20, 1975.[1]

By application filed with the Board on July 21, 1975, various U.S. and foreign air carriers now request that the authorization be extended for an additional period of 90 days.[2]

In support of their request, the applicants state that precipitous increases in the price of fuel have continued, and that international uncertainties also continue with the threat of embargo not entirely dissipated and with a substantial risk of further pricing disruptions by the Organization of Petroleum Exporting Countries (OPEC). The applicants further state that significant progress has already been made toward collective judgment on numerous courses of action. Specifically, the applicants state that the Information Exchange Subcommittee has developed an information exchange agreement which has been signed by nine participants and is in circulation to all other carrier participants; that the Standard Form Contract Subcommittee is presently reviewing a contract manual, including a model contract; that the Joint Negotiation/Operations Subcommittee is preparing a report on the potential for developing new competition for jet fuel supply through joint action including the related problems of storage, transportation, and geographic distribution. The applicants also state that in view of the current debate over national energy policy and the absence of clarification of future petroleum pricing it is extremely difficult for the carrier participants to make definitive judgments on the effect and efficiency of collective arrangements.

Upon consideration of the foregoing, it is concluded that a continuation of the discussions for an additional period of time is reasonable. In view of the complexity of the task undertaken by the carriers, as asserted by the applicants, it appears that the participants have demonstrated their willingness, if not their ability, to accomplish that task in a reasonable time frame.[3] In these circumstances, it has been concluded to extend the authorized discussions for a period of 90 days from the date of this order. It is noted that three discussion meetings were held during the first 120-day period initially authorized by the Board on December 23, 1974 (*i.e.*, on January 30, April 8, and April 17, 1975). However, during the 90-day authorized extension period no discussion meetings have been held by the carrier participants. Nor does it appear that the workings of the technical subcommittees have been periodically reported to the carrier participant group for review and action thereon at any discussion meeting during this period as contemplated under the conditions of the orders authorizing such discussions. Further, as recognized by the applicants, the Board authorized the discussion in order that the participant carriers determine for themselves and present to the Board their position as to whether a genuine contribution, through such discussions, can be rendered by any appropriate collective action. Conditions established by order 74–12–89 will remain in effect for the extended discussions authorized herein.

Pursuant to authority duly delegated by the Board's Regulations, 14 CFR 385.13 and 385.3, and pursuant to subparagraph (h) of ordering paragraph 1 of order 74–12–89, and order 75–5–15, it is found that the applicants' record should be granted.[4]

ACCORDINGLY, IT IS ORDERED THAT: Order 74–12–89 be and it hereby is modified by the amendment of subparagraph (g) of ordering paragraph 1 therein to read as follows:

(g) The authorization granted herein shall expire after January 13, 1976.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 15 days of the date of service of this order. This order shall be effective immediately, and the filing of a petition for review shall not preclude such effectiveness.

This order shall be served on all U.S. certificated carriers, including supplemental air carriers; on all interested persons described in order 74–12–89; on the Departments of Justice (Antitrust Division), State, and Transportation; and on the Federal Energy Administration.

This order shall be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–28155 Filed 10–17–75;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92–463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, November 5, 1975. This meeting will be held in room 5A06A of the U.S. Civil Service Commission building, 1900 E Street, NW., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent:

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75–28098 Filed 10–17–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary—Congressional and Legislative Affairs, Office of the Assistant Secretary—Congressional and Legislative Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–28095 Filed 10–17–75;8:45 am]

[1] The initial period for discussions as authorized by order 74–12–89, Dec. 23, 1974 was limited to 120 days.

[2] The joint applicants herein are the same as those in the application for the first extension request filed on Apr. 15, 1975, with the following exceptions: Air New England is an applicant herein, and Aeronaves de Mexico, Capitol International Airways, Inc., and Mexicana have not joined in the application.

[3] On Sept. 26, 1975, Congress extended oil price controls until Nov. 15, 1975. Also, Federal Energy Administration has stated that the $2-per-barrel tariff on imported oil will continue to be collected during any period of extension of the old controls. (A Federal appeals court has ruled that the tariff was imposed illegally, and the case is pending before the Supreme Court.) On Sept. 27, 1975, the Organization of Petroleum Exporting Countries (OPEC) imposed a 10 percent increase on world petroleum prices, effective Oct. 1, 1975. (Wall Street Journal, Sept. 29, 1975.)

[4] It is further found, pursuant to 14 CFR 385.6, that the action taken herein is governed by prior Board precedent and policy, and immediate action is required to permit the prompt continuation of the discussions. Therefore, it is determined that the filing of petitions for review of this order will not preclude the order from becoming effective immediately.

DEPARTMENT OF THE INTERIOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Solicitor—Program Coordination, Solicitor's Immediate Office, Office of the Solicitor, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–28097 Filed 10–17–75;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Attorney General, Office of Legislative Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–28096 Filed 10–17–75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on October 14, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before November 7, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–376–5425.

NUCLEAR REGULATORY COMMISSION

Request clearance of a revision to the Nuclear Material Transaction Report, Form NRC/ERDA–741 and Form NRC/ERDA–741A which serve as a shipping and transfer document for special nuclear material, source material, and tritium. The frequency of the use of the report is on occasion; potential respondents are approximately 400 NRC licensees authorized to possess and use special nuclear material, source material, or tritium; respondent burden is estimated to be 15 minutes a report.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75–28181 Filed 10–17–75;8:45 am]

SMALL BUSINESS ADMINISTRATION

LOWER RIO GRANDE VALLEY DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Lower Rio Grande Valley District Advisory Council will hold a public meeting at 9:30 a.m., Tuesday, November 4, 1975, at the Harlingen Chamber of Commerce, 311 East Tyler, Harlingen, Texas, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call James R. Woodall, P.O. Box 2567, Harlingen, Texas 78550, (512)–888–4533.

Dated: October 10, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy Small Business Administration.

[FR Doc.75–28186 Filed 10–17–75;8:45 am]

ANCHORAGE DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Anchorage District Advisory Council will hold a public meeting at 9:30 a.m., Monday, November 24, 1975, at the Small Business Administration, 1016 West 6th Avenue, Suite 200, Anchorage, Alaska to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information write Frank D. Cox at the above address, or call 272–5561.

Dated: October 15, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75–28137 Filed 10–17–75;8:45 am]

COLUMBIA DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Columbia District Advisory Council will hold a public meeting at 10 a.m., Tuesday, November 11, 1975, at the Carolina Inn, 937 Assembly Street, Columbia, South Carolina, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call Vern F. Amick, 1801 Assembly Street, Columbia, South Carolina 29201, (803) 765–5373.

Dated: October 15, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75–28138 Filed 10–17–75;8:45 am]

HARTFORD DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Hartford District Advisory Council will hold a public meeting at 10 a.m., Wednesday, November 12, 1975, at the Federal Building, 450 Main Street, Hartford, Connecticut, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write Thomas E. Higgins at the above address, or call (203) 244–2511.

Dated: October 14, 1975

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75–28139 Filed 10–17–75;8:45 am]

MONTPELIER DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Montpelier District Advisory Council will hold a public meeting at 11 a.m., Wednesday, November 5, 1975, at the Holiday Inn, Waterbury, Vermont, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, write or call David C. Emery, P.O. Box 605, Montpelier, Vermont 05602, (802) 223–8422.

Dated: October 14, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75–28136 Filed 10–17–75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 444–8]

1975 MODEL YEAR VOLUNTARY AUTOMOBILE FUEL ECONOMY LABELING PROGRAM

Correction to Listing of Specific Label Data

On August 26, 1975 the Environmental Protection Agency published a listing in

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the FEDERAL REGISTER of vehicles for which specific fuel economy labels for 1975 model year vehicles had been approved (40 FR 37250). Those labels had been approved in accordance with the provisions of the 1975 Model Year FEA/EPA Voluntary Fuel Economy Labeling Program for automobiles (39 FR 36890).

While the list which was published on August 26 was thought to be a complete listing of 1975 model year vehicles for which specific labels had been approved, it has since come to our attention that the vehicles of four manufacturers were omitted from the list. Therefore, to publish the specific label figures for those vehicles, this notice has been prepared.

Dated: October 14, 1975.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management, U.S. Environmental Protection Agency.

Additional fiscal year 1975 specific labels which need to be added to "Federal Register" publication

Car line	Displacement (CID)	Carburetor (barrels)	Transmission	Axle ratio	Catalyst	Weight (pounds)	City (miles per gallon)	Highway (miles per gallon)	Date approved
1975 50-STATE SPECIFIC LABELS									
Honda:									
Civic CVCC	91	3	M5	4.7		2,000	28	42	Nov. 8, 1974
Do	91	3	M4	4.7		2,000	28	38	Do.
Do	91	3	A	4.1		2,000	23	28	Do.
Rolls Royce:									
Silver Shadow	412	2x1	A	3.07	X	5,500	9	12	Dec. 11, 1974
1975 49-STATE SPECIFIC LABELS									
BMW:									
530	182	Fuel injection	M4	3.64		3,500	13	23	Dec. 20, 1974
530	182	do	A	3.64		3,500	14	21	Do.
3.0	182	do	M4	3.64		3,500	13	23	Do.
3.0	182	do	A	3.64		3,500	14	21	Do.
Honda:									
Civic	76	2	M4	4.9		2,000	28	41	[1] Dec. 16, 1974
Do	76	2	A	4.1		2,000	24	30	Dec. 16, 1974
Saab:									
99	121	Fuel injection	M4	3.89		3,000	22	32	Oct. 17, 1974
99	121	do	A	3.89		3,000	21	23	Do.
1975 CALIFORNIA SPECIFIC LABELS									
Saab:									
99	121	do	M4	3.89		3,000	21	28	Do.
99	121	do	A	3.89		3,000	21	22	Do.

[1] Revised Apr. 18, 1975.

[FR Doc.75-28068 Filed 10-17-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20810; File No. BR-4842; FCC 75-1121]

MID-STATE BROADCASTING CO.

Memorandum Opinion and Order Designating Application for Hearing

1. On March 3, 1972, Mid-State Broadcasting Company (Mid-State) filed an application for renewal of the license of radio Station WHLW, Lakewood, New Jersey. The principal stockholders and officers of Mid-State are Melvyn Lieberman, President; Seymour Abramson, Vice-President; and Del Sharbutt, Secretary-Treasurer. A petition to deny the application for renewal of the license for radio Station WHLW, Lakewood, New Jersey, was filed April 28, 1972, by John McAuliffe and Arthur Reid.[1] Lieberman, on behalf of Mid-State, filed an opposition to the petition to deny on July 5, 1972. A field investigation was conducted at Lakewood, Toms River and Neptune, New Jersey, and New York, New York, from June 27 through July 7, 1972, by investigators in the Complaints and Compliance Division.

OWNERSHIP REPORTING

2. Mid-State filed an application for a construction permit with the Commission, January 18, 1966. Since Mid-State's application was mutually exclusive with several others, it was consolidated in a comparative hearing. On March 6, 1970, the Commission granted Mid-State's application.

PETITIONERS' ALLETATIONS

3. Petitioners allege that in 1968, while Mid-State had pending before the Commission an application for construction permit to serve the community of Lakewood, New Jersey, representatives of Mid-State solicited from McAuliffe "substantial contributions of capital," stating that he would become a principal stockholder in Mid-State, through succeeding to the interest of Dr. Solomon Zinkin, one of the owners listed in the pending application. Further, petitioner McAuliffe states he obtained letters of credit from a bank in favor of Mid-State at the request of Lieberman, as additional consideration for McAuliffe's becoming a stockholder.

4. The petitioners charge that Lieberman, "with an intent to deceive and wrongfully influence the Commission, knowingly and wilfully, made false statements of ownership, neglected and refused to amend the said application so as to reveal and disclose to the Commission the ownership interest of the petitioner, alleging as the reason therefor, a desire to preserve an impression of complete local ownership." McAuliffe says he was told subsequently by Lieberman that an attorney for a contending applicant was inquiring into McAuliffe's interest in Mid-State, and Lieberman asked McAuliffe to falsely swear that he never had an interest in Mid-State, but McAuliffe refused. McAuliffe then demanded the return of his capital contribution—the amount of which is not set out in the petition—but Lieberman and Abramson refused.

LICENSEE'S REPLY

5. In an opposition filed by Lieberman, Mid-State said that Sharbutt, Abramson and Lieberman requested that McAuliffe lend money or guarantee a bank letter of credit to replace the credit that Dr. Zinkin had guaranteed prior to his withdrawal of ownership in Mid-State. Mid-State explains further: "However, Mid-State was not disposed to grant him any equity in the corporation by virtue of his making this commitment. It was further stated, however, that after a grant, Mr. McAuliffe was free to bring the subject up again and the circumstances surrounding a possible participation in ownership would then be reviewed." A $100,000.00 bank letter was obtained by McAuliffe and sent to Lieberman along with a letter stating that he was making the guarantee solely on the basis of his friendship with Sharbutt. Later a new bank letter for $150,000 was obtained and filed with the Commission along with another letter from McAuliffe stating that he was "doing this solely due to his friendship with Mr. Sharbutt." Concurrently, Sharbutt obtained from McAuliffe $1,300 and gave Mid-State his personal check for $1,300 in order to repay Dr. Zinkin for his investment upon his withdrawal. Again, there was no understanding that Mr. McAuliffe was to become an officer or stockholder of the corporation. Altogether, Sharbutt obtained from McAuliffe funds totaling $4,800 without any promise or guarantee by Abramson or Lieberman that McAuliffe would become a participant in Mid-State's ownership.

[1] By letter dated June 11, 1975, John McAuliffe withdrew his name from the petition to deny.

6. Between January, 1968 and March, 1969, Lieberman discussed with Mr. McAuliffe's attorney, Morris Friedman, "the nature of the McAuliffe guarantee." At that time, Lieberman emphasized to Friedman that there was no understanding with McAuliffe concerning ownership, that possible ownership might possibly be discussed in the future, but there were no present understandings by virtue of McAuliffe's guarantees or cash advances.

7. On May 18, 1969, the Broadcast Bureau inquired into possible agreements between McAuliffe and Mid-State in regard to the loan guarantee. In response to that inquiry, McAuliffe was asked to sign an affidivit denying the promise of any ownership interest. But he declined, saying that it was his understanding that he was to have an ownership interest. Lieberman alleges that this is contrary to the views expressed to McAuliffe by himself and Abramson; therefore, Mid-State "determined to withdraw the commitment of Mr. McAuliffe from the application." An amendment to this effect and the bank letters guaranteed by McAuliffe were filed with the Commission. Friedman demanded the return of McAuliffe's $4,800 advance through Sharbutt to Mid-State but the corporation was unable to pay this demand, and Sharbutt persuaded McAuliffe to withdraw his demand, which McAuliffe did until after the license grant. WHLW commenced operation in November, 1970, and additional financing was requested of Sharbutt who refused and suggested that others should be enlisted for ownership positions, citing McAuliffe as a possible owner. McAuliffe was subsequently asked to purchase a sizable amount of stock, which he refused to do. He demanded the return of his $4,800.00, to which Lieberman responded that he could be paid in cash or stock. McAuliffe chose to receive stock and was issued 350 shares to himself and 150 shares to his wife, which was reported on Form 323, filed May 4, 1971. Both remain stockholders.

F.C.C. INVESTIGATION

8. Commission investigators took a statement of McAuliffe on June 28, 1972. McAuliffe stated that he was approached by Sharbutt in the fall of 1967 about his becoming a one-fourth partner in Mid-State, through his purchase of the Zinkin interest, which was later verified by a letter from Sharbutt dated January 16, 1968. This letter confirms the receipt of McAuliffe's check for $2,300.00 and asserts that the purpose of this payment is to "buy out" the interest of Dr. Solomon Zinkin "* * * in a project to attempt to secure from the FCC a franchise to build a five kw radio station in Lakewood." The $2,300.00 contribution is broken down into $1,300.00 original investment repayment to Zinkin and $1,000.00 to meet calls for capital which Zinkin had refused to meet, and which Abramson, Lieberman and Sharbutt had met. Next Sharbutt expressed the understanding that McAuliffe was to replace Zinkin in his obligation to purchase ten shares of common stock for $10,000.00 upon F.C.C. approval of the application and "be a full partner in Mid-State Broadcasting Company, with Sharbutt, Lieberman and Abramson." The letter further specifies that McAuliffe has agreed to guarantee a letter of bank credit for $85,000.00 and concludes that it "constitutes an understanding between you and myself as treasurer of Mid-State Broadcasting Company." McAuliffe provided his personal check to Del Sharbutt in the amount of $2,300.00 and dated January 11, 1968. His statement alleges that Lieberman and Abramson asked him to make his checks payable to Sharbutt rather than to Mid-State. In retrospect, this request was intended to prevent McAuliffe from taking an active part of the operation and management of Mid-State, according to McAuliffe's statement.

9. On March 4, 1968, Sharbutt responded to Friedman's inquiries concerning whether McAuliffe was the only guarantor of the $100,000.00, whether McAuliffe would receive a 25 percent interest in the business, and whether and in what amounts McAuliffe would be required to make additional contributions of capital. Sharbutt warned that McAuliffe's investment entailed great risk of capital loss. He stated that each of the original investors had obligated themselves to a $10,000 investment, with Zinkin agreeing to guarantee a $75,000 bank letter of credit for one year of operating costs. Zinkin had met each capital call until his investment reached $1,300, and then he refused to make further contributions while the other three investors' capital investment reached $2,300 each. Finally, Zinkin requested the return of his $1,300 investment. When he learned that McAuliffe was interested in an investment, Sharbutt states that without asking Lieberman and Abramson, he asked McAuliffe to "take Dr. Zinkin's place." McAuliffe then met with Lieberman and Abramson, and he later sent Sharbutt a check for $2,300, "which brought all four partners even." The $100,000 bank letter of credit was never to be drawn down in the form of a loan but was merely to be presented to the Commission. Sharbutt explains to Friedman that McAuliffe was being asked to take Zinkin's place in guaranteeing the bank loan "since Jack [referring to McAuliffe] was taking over his interest." Once the license is granted, Sharbutt stated, "it will be very valuable and no guarantee by McAuliffe would be necessary for Mid-State to get a loan." In answer to Friedman's question concerning who would be the guarantors of the loan, Sharbutt replied, "the three other partners" would also be liable.

10. Six months later, McAuliffe's June 28, 1972, statement continues, Lieberman told him that a competing applicant had discovered that McAuliffe was listed as an owner, and Lieberman asked McAuliffe to sign a disclaimer of any ownership interest. McAuliffe claims that this action indicated to him that his name had been omitted in Commission filings causing him to request that Friedman convey to Mid-State counsel Sam Miller, McAuliffe's request for the return of his investment—now $4,800.00. McAuliffe provided a Miller letter of June 13, 1969, to Friedman, which enclosed a June 10, 1969 amendment to the application withdrawing the proposed bank commitment guaranteed by McAuliffe. McAuliffe also gave our investigators a copy of the supplement to petition to amend, dated June 10, 1969, in which Mid-State sought to substitute a $150,000.00 loan commitment from Miller and his wife for the bank letter guaranteed by McAuliffe.

11. A February 1, 1968 letter from Lieberman to McAuliffe was given to investigators by McAuliffe, requesting McAuliffe to sign a letter stating that he had no interest—current or proposed—in ownership of Mid-State. The final paragraph of the letter proposed by Lieberman reads:

> So as to avoid any question, this is to state that I have no ownership interest, nor have I been promised any such interest in Mid-State Broadcasting Company as an inducement for this letter, or for any other purpose. As stated above, my guarantee is based upon my long time friendship with Mr. Sharbutt.

McAuliffe claims that he refused to sign the letter containing the above-quoted paragraph and later signed one omitting that statement. The relevant paragraph of the letter which McAuliffe signed and which was filed with the application reads as follows:

> As you know, I have been a long time friend of Del Sharbutt, who is one of the principals in the application for a radio station in Lakewood, New Jersey. As a personal favor, I am willing to guarantee the note as required by the bank, and to be of assistance to him and his associates in securing a grant.

12. At the request of F.C.C. investigators, Del Sharbutt sent a letter to the Chief of the Complaints and Compliance Division containing his recollection of the events surrounding the involvement of McAuliffe in Mid-State. Sharbutt states that Lieberman called McAuliffe and told him to send his initial check for $2,300 and subsequent checks to Sharbutt in New York. Lieberman then called Sharbutt to say that McAuliffe's check would be made out to Sharbutt and instructed Sharbutt to send his own personal check to Mid-State including McAuliffe's payment. Although Sharbutt served as treasurer of the company and

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his home was in New York City, Mid-State's bank account was in Lakewood, New Jersey. When Sharbutt questioned Lieberman concerning this method of receiving McAuliffe's payment, Lieberman replied this would make "for simpler bookkeeping for the time being." Lieberman allegedly told Sharbutt that McAuliffe's name was not on the application form because his residence was outside Lakewood, and this would harm their chances for the Commission to award them the license. Following the grant of the construction permit, Sharbutt states that Lieberman gave McAuliffe $5,000 worth of stock in Mid-State and told Sharbutt that he considered the matter closed.

13. Sharbutt gave our investigators copies of his personal checks in the amounts of $1,300, $500 and $500, dated January 15, 1968, February 28, 1968 and March 7, 1968, respectively. These checks were made out to Mid-State Broadcasting Company and were marked either "Reimbursement to Dr. Zinkin for pre-construction permit expenses for radio station in Lakewood, New Jersey. (McAuliffe)." or "McAuliffe."

14. Our investigators also obtained copies of the minutes of two meetings of the Mid-State Board of Directors. The first was held on June 30, 1970 and its minutes note an indebtedness "due to Mr. Sharbutt in the amount of $4,800 should be secured by a note bearing interest from March 10, 1969 with interest at eight percent." March 10, 1969, was the date of the final contribution from McAuliffe to Sharbutt, which raised his total of contributed capital to $4,800. Sharbutt maintains that this notation in the minutes was intended as a subterfuge to keep McAuliffe's name out of Mid-State's records before the Commission. The other board meeting was held March 28, 1971.

15. A joint statement by Lieberman and Abramson was offered on August 22, 1972, stating their belief that in past business dealings with Sharbutt and McAuliffe, money had transferred back and forth between them. They further deny that they were ever given any indication that money received from Sharbutt had come from McAuliffe. In support of this position, they allege that Sharbutt never indicated the source of any of the funds which he gave to Mid-State nor did he ever disclose any arrangements with McAuliffe concerning payment of funds or use of the funds which were obtained from McAuliffe or others. Sharbutt was not asked nor did he volunteer the source of funds transmitted to Mid-State, according to Lieberman and Abramson. Additionally, they maintain that Sharbutt lacked the authority from the corporation to accept stock certificates or substitute stockholders. Lieberman and Abramson conclude that there was never an agreement by Mid-State, expressed or implied, whereby McAuliffe would become a stock subscriber, prior to "the circumstances" which led to the issuance of 500 shares of stock to him and to his wife. They emphasize that their discussions concerning McAuliffe made clear that they would consider his participation only after the grant, if at all, but no commitments were made.

CONCLUSION—OWNERSHIP REPORTING

16. Section 1.613(b) of the Commission's rules requires that licensees or permittees file with the Commission any contracts relating to present or future ownership or control, to include oral agreements which must be reduced to writing, or any changes in ownership or control. Where such changes occur through the issuance of new stock, § 1.615(c) (3) (ii) mandates the filing of Form 323, ownership reports, within thirty (30) days of the change. Although Mid-State's opposition claims that McAuliffe's stock interest was reported to the Commission in an ownership report filed December 10, 1970, our records indicate that no such report was filed on that date. A supplemental report was filed on May 1, 1971, following the February 1, 1971, grant of Mid-State's license, which contained the first notice to the Commission of McAuliffe's stock interest and stated that this stock had been issued on December 10, 1970. While confusion between the filing and issuance dates might account for the licensee's error, there remains an apparent violation of § 1.615(c) (3) (ii) through Mid-State's failure to file within thirty days an ownership report of the issuance of McAuliffe's stock.

17. Regarding the representations of ownership of WHLW, petitioners charge licensee, specifically Lieberman, with "an intent to deceive and wrongfully influence" the Commission in the matter of ownership reporting (para. 4) and with solicitation of one of the aggrieved, McAuliffe, to declare to the Commission that he did not hold, and had not been promised, any ownership interest in Mid-State Broadcasting Company (para. 11). Additionally, there is uncontradicted evidence that Mid-State's treasurer, Sharbutt, acted without consulting his fellow principals, Lieberman and Abramson, before soliciting from McAuliffe the $2,300 in cash (later rising to $4,800) that, according to Sharbutt, was to enable McAuliffe to replace Zinkin, an original subscriber. (para. 9). Lieberman and Abramson met with McAuliffe and Sharbutt after Sharbutt's initial solicitation of McAuliffe, but the understanding reached at that meeting is disputed. John McAuliffe indicates that he understood he was purchasing Zinkin's interest in the corporation.

18. In a letter signed by McAuliffe, and which was filed with Mid-State's application for a construction permit, Sharbutt is referred to as "one of the principals" and further mentioned as "him and his associates" in the third person. The purpose of this letter was to indicate that McAuliffe's guarantee of a bank letter of credit to Mid-State (initially $100,000, later $150,000) had been tendered as "a personal favor" to a "long time friend," Del Sharbutt. (para. 11). Yet McAuliffe, in a statement to Commission investigators some four years later, indicates his belief that by the time he signed this letter he had purchased a one-quarter interest in Station WHLW.

19. Petitioners claim that McAuliffe's purchase of a present interest in the WHLW application was understood by all, but that Lieberman and Abramson engaged in the following subterfuges to hide McAuliffe's participation: arranging for a two-step payment from McAuliffe to Sharbutt and Sharbutt to Mid-State (pars. 5 and 8); soliciting from McAuliffe, unsuccessfully, a complete denial of any present or future interest (para. 11); and characterizing the eventual $4,800 in cash contributions from McAuliffe as a debt "due to Sharbutt." While petitioners infer from these facts subterfuge and deceit on the part of Lieberman and Abramson, the same facts support licensee's explanation that McAuliffe as yet had no interest in the WHLW application, and would not be considered for participation in the station until after the grant, if at all. More tellingly, McAuliffe's own letter concerning the guarantee of the bank letter of credit tends to support that explanation, as does the eventual issuance to McAuliffe, after grant of operating authority to WHLW, of stock valued at some $5,000.

20. As noted above, we are presented with two conflicting interpretations of the participation of John McAuliffe in the ownership of WHLW. These questions of fact are material to the license renewal of WHLW, due to possible misrepresentations of fact by the licensee concerning the events prior to the initial license grant.

21. Accordingly, we cannot make the required finding that a grant of the subject license renewal application would be in the public interest and will therefore institute an administrative hearing to inquire into the substantial and material questions of fact regarding the ownership of WHLW and the licensee's representations to the Commission concerning said ownership.

SHARBUTT'S RESPONSIBILITY

PETITIONERS' ALLEGATIONS

22. McAuliffe and Reid maintain that the licensee misled the Commission by representing in the construction permit application that Sharbutt, using his thirty-plus years of broadcast experience, would serve as general manager and engage actively in station programing and advertising. They charge that Lieberman and Abramsor. did not intend for Sharbutt to exercise either administrative or supervisory control, and further, that within three months of beginning operation of WHLW, Sharbutt was divested of all authority and control, which was shifted to Lieberman and Abramson.

LICENSEE'S REPLY

23. Mid-State claims that in the summer of 1970 it became apparent that Sharbutt either did not intend, or lacked the capacity, to fulfill his commitment of working forty hours per week at the station. The licensee states that only one afternoon per week was devoted to station affairs by Sharbutt, and that his absence was felt during the balance of the week since the station was constructed and became operational. An example of Sharbutt's inability or unwillingness to assist in managing the station, according to the licensee, was his lack of specificity in suggesting methods of satisfying the corporation's critical need for operating funds. Mid-State charges that Sharbutt's role had to be "rearranged" because of evidence that he lacks administrative and supervisory expertise.

SHARBUTT LETTER OF JULY 3, 1972

24. Sharbutt rebuts the licensee's argument that he was unwilling or unable to suggest means of obtaining station operating funds by stating that he suggested soliciting contributions of capital from new investors, citing two prospective "partners" who had contacted him as possible sources of funds, but he alleges that Abramson refused to "allow his ownership to be diluted." On one occasion described by Sharbutt, he brought a group of potential investors to discuss with Abramson and Lieberman a capital contribution, but they "brushed the group off." Sharbutt concluded that his association with Mid-State was no longer desired by Lieberman and Abramson and offered to either allow them to buy out his interest or to bring in others who would buy theirs. Lieberman and Abramson refused to sell, and at first mentioned buying Sharbutt's interest, but later threatened to "freeze" him out of ownership, which led to his locating a buyer for his interest who was not acceptable to Abramson, according to Sharbutt, which resulted in his bringing court action against them.

CONCLUSION—SHARBUTT'S RESPONSIBILITY

25. No material and substantive question of fact, has been raised concerning the intentions of Mid-State in reporting in its construction permit application that Sharbutt was to control the supervision and administration of the station. Petitioners' allegations that the licensee intended to mislead the Commission are wholly unsupported by any sworn statement setting out specific examples within their own knowledge of such intentions during the pendency of the application, apart from their general conclusion after the grant of the license that such intentions existed.

PREFERENTIAL TREATMENT OF CANDIDATES

PETITIONERS' ALLEGATIONS

26. Petitioners allege the violation of § 73.120 (b), (c) and (d) of the rules by Mid-State. McAuliffe and Reid contend that Liebermán and Abramson prevented the broadcast of news releases distributed to the station by a candidate for the state legislature. Later, they charge, after WHLW employees arranged for distribution of these releases directly to the news staff, Lieberman and Abramson took steps to learn the contents of these releases and disclose the contents to an opposing candidate so that rebuttals could be prepared before the releases were broadcast. Additionally, according to the petitioners, Lieberman and Abramson allowed one candidate to hear campaign commercials supplied by an opposing candidate, who had paid to have WHLW broadcast them, and to use the station facilities to tape record rebuttals which were broadcast sometimes prior to the commercials. These actions violated § 73.120 (b), (c) and (d) of the rules, in the opinion of McAuliffe and Reid.

LICENSEE'S REPLY

27. Mid-State denies the claims of petitioners that Lieberman and Abramson either intercepted news releases from a candidate for the state legislature to prevent their being broadcast or divulged the contents of political commercials by one candidate to an opponent, allowing use of station facilities to record rebuttals for broadcast prior to the airing of the commercials. The licensee states that a receptionist, not Lieberman or Abramson, receives the mail as delivered and distributes it within the station. Thus, if a letter is directed to the news department, it would not be seen by Lieberman or Abramson. Mid-State offers an affidavit by John F. Russo, who identifies himself as the candidate alleged by petitioners to have been favored by Station WHLW in his campaign for the state legislature. Russo also denies that his opponent's news releases were divulged to him prior to their being broadcast and that he reviewed his opponent's commercials and recorded rebuttals before the commercials were aired. Russo admits he requested, and was allowed, to hear commercials after they were broadcast on local stations, including WHLW, but reaffirms that he never heard a commercial prior to broadcast.

COMPLAINTS AND COMPLIANCE DIVISION'S INVESTIGATION

28. Statement of Lieberman and Abramson—Ceemel Company is a partnership of Lieberman and Abramson which produced political radio announcements for Russo, who paid $295.00 for the service. Jack Tracksler, a WHLW employee, was hired by Ceemel to direct the production, and he employed and supervised two additional employees in the project. Ceemel used WHLW equipment in producing the announcement without payment to the licensee for two reasons: the utilization of the facilities involved was incidental, and the licensee used personal equipment of Lieberman and Abramson without compensation.

29. Licensee's Employees' Statement—Five employees of Mid-State—Tracksler; Arthur Reid, a petitioner herein; Robert Dowd; John Calure and Richard Davidson—gave signed statements to Commission investigators. Each claims to have witnessed Lieberman or Abramson, or both, playing tape recordings of the political announcements of John Brown, a candidate for the state legislature, for Russo, his opponent, prior to the airing of these tapes. They maintain that Russo prepared rebuttal announcements, using WHLW facilities, from the information on Brown's tapes disclosed to him in this manner. Additionally, Dowd cites two instances in which, after recording Brown's announcements by telephone, he would call Russo upon Lieberman's instructions, and play the tapes for Russo to review before they were broadcast. Tracksler alleges that after Lieberman and Abramson played Brown's tapes for Russo prior to broadcast, he wrote the rebuttal for Russo to tape record for broadcast on WHLW. Tracksler also states that he once conveyed one of Brown's announcements to Russo by telephone, following Lieberman's instructions.

CONCLUSION—PREFERENTIAL TREATMENT OF CANDIDATES

30. We must question the licensee's principals' practice of actively participating on one side of a political campaign through the establishment of a business entity for the purpose of producing announcements for one candidate. In *Ubiquitous Corp.*, 51 FCC 2d 780 (1975), we stated our belief that it was indiscreet for a licensee to permit an employee to produce a political commercial using the station's facilities which gave rise to a suspicion of bias, and we criticized the licensee "for not recognizing that—like Caesar's wife—he must remain above suspicion." *Id.* at 800. In the instant case, the indiscretions exceed in gravity those noted in *Ubiquitous, supra*, because the licensee's principals are directly involved by creating a company and hiring a station employee to staff it with additional station employees. These errors of judgment led to the appearance of involvement on one side of a political contest. We must fault even the appearance of using a license invested with the public interest for furtherance of the private concerns of the licensee's principals, which would be antithetical to the scheme of the Communications Act and the numerous decisions interpreting it.

31. Section 73.120(c)(2) of our rules provides:

> In making time available to candidates for public office no licensee shall make any discriminations between candidates in charges, practices, regulations, facilities, or services * * *, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; * * *

From the evidence obtained in the investigation it appears that the principals of WHLW may have violated § 73.120(c)(2) by giving preferential treatment to the Democratic candidate for State Senate in Ocean County and thereby subjecting the Republican candidate for the same office to prejudice and disadvantage. Jack Tracksler, former WHLW chief announcer, stated that Lieberman and Abramson disclosed the information as alleged. Tracksler stated that he was present when Lieberman and Abramson

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telephoned the Democratic candidate and played for him the opponent's announcements prior to their broadcast. Three other former employees corroborated Tracksler's statement. This evidence reveals that Lieberman and Abramson may have engaged in the conduct complained of in the petition to deny; that is, they delayed the broadcast of political advertisements of the Republican candidate and made them available to the Democratic candidate prior to broadcast thus enabling the opposing candidate to prepare immediate rebuttal statements. In *WANV, Inc.*, FCC 75–533, released May 23, 1975, we held that Section 73.120(c)(2) had been violated when, with only four days remaining in the campaign, one candidate was permitted to preview the other's reply to a station editorial in order to prepare a rebuttal for broadcast immediately following the reply. The circumstances in the instant case, while differing as to some details, are substantially similar. We believe that, based on the rationale expressed in *WANV, Inc.*, affording one candidate the singular opportunity to obtain an opponent's comments discriminates against a candidate for public office in contravention of § 73.120(c)(2). In view of the evidence tending to support petitioners' allegations, versus Lieberman's contention—accompanied by the affidavit of Democrat Russo—that he and Abramson had not so discriminated against the Republican candidate, an issue is specified to determine whether or not Mid-State has violated Section 73.120 of the rules by its conduct concerning the political broadcasts.

FRAUDULENT BILLINGS

PETITIONERS' ALLEGATIONS

32. A "turkey shoot" contest was conducted in 1971, according to the petitioners, with prizes consisting of turkeys given by a local merchant who exchanged them for advertising, to those named winners by Mid-State. McAuliffe and Reid charged that Lieberman sent letters to employees and their relatives, under fictitious names and arbitrary dates, designating them winners because an insufficient number of turkeys had been awarded in the contest to justify the amount of advertising given the merchant. Petitioners claim that this distribution of turkeys to employees and their relatives perpetrated a "fraudulent distribution of prizes."

33. The Philadelphia local of the American Federation of Television and Radio Artists, AFL–CIO, claim party-in-interest status in this matter as bargaining representative for announcers and newsmen employed at WHLW. In its letter of March 29, 1972, the union stated that licensee should not be renewed because station management misled the public by predetermining that a number of turkeys would be given to the families of station employees rather than being awarded to the public. Also, the union alleges that the licensee's management had engaged in unfair bargaining practices involving bad-faith bargaining and failure to comply with a court order relating to the employment of two dismissed employees.

LICENSEE'S REPLY

34. In an April 10, 1972, letter to the Commission, Mid-State states that following the end of the contest, since only thirteen turkeys had been awarded to winners out of an anticipated fifty that had been projected, the decision was made by management to provide turkeys to employees as Thanksgiving gifts. Mid-State maintains that no minimum or maximum numbers of turkeys were ever announced to the public as part of the contest promotion. Lieberman states that Abramson's arrangement with the merchant for the turkeys, in exchange for advertising, provided only that up to fifty turkeys might be awarded, and in the event that this number of turkeys was not awarded, "we would be free to provide as Thanksgiving gifts to our employees additional turkeys." The licensee explains that it felt justified in giving fourteen turkeys to employees, bringing the total number of turkeys received to 27, because WHLW had carried 160 sixty-second announcements for the meat market, valued at $1,200.00. The union's charges relating to the unfair bargaining issue are dismissed by Mid-State as having been brought in the wrong forum, alleging that our rules exempt labor union contracts from the filing requirements.

COMMISSION LETTER

35. We wrote to the union's attorneys on April 28, 1972, explaining the procedure to be followed by parties objecting to the renewal of a license: i.e., filing an affidavit with sufficient specificity to support allegations contained in the union's letter of March 29, 1972. Concerning the complaint about bargaining practices, we emphasized our refusal to enter disputes between licensee and labor organizations that do not involve violations of the Act or our rules.

COMPLAINTS AND COMPLIANCE DIVISION'S INVESTIGATION

36. Six letters awarding turkeys to the families of WHLW employees were delivered to our investigators. The employees maintain that these letters were never exchanged for turkeys, but the merchant's records show that turkeys were awarded the recipients. The letters were addressed to wives, in either their married or maiden names, or to one employee's mother. Statements of four of the employees—Reid, Dowd, Calure and Davidson—were given to us recounting the receipt of the contest letters. Reid states he was given a letter addressed to his wife using her married name; Dowd said that his mother received a letter through the mail; Calure declared that he was given a letter by Lieberman addressed to his wife in her maiden name; and Davidson alleges that he never saw the letter made out to his wife such as was received by Reid, but that he authorized Reid to send it to the union. All four claim they and their families neither participated in the contest nor received turkeys in exchange for the letters.

37. Richard L. Berberian, the owner of Granny's Meat Market and the merchant who supplied the turkeys, maintains in a July 6, 1972 statement that he had no agreement with Abramson requiring him to award fifty turkeys and states: "I never agreed with Mr. Abramson or WHLW to give any turkeys to any employees of WHLW, only to winners of the turkey shoot contest." Mr. Berberian gave our investigators a copy of the advertising contract executed by Abramson and dated October 29, 1971. The contract provided for 90 commercial announcements of sixty-second duration. Pertinent details of the contract follow:

> WHLW will run daily six turkey shoot contests and for winners will issue a letter entitling the winner to free 10 lb. turkey from Granny's Meats. During the six daily contests WHLW will acknowledge that the turkeys are from Granny's plus read prepared messages about Granny's Meats. Granny's agrees to honor letters from WHLW winners for turkeys.

Commission investigators examined the program logs and found approximately 150 sixty-second commercial announcements had been run for Granny's Meat Market for the period November 3 through November 23, 1971. Mr. Berberian also delivered forty-six cards containing the names and addresses of turkey recipients and the date the turkey was awarded. These cards list the families of WHLW employees as having received turkeys.

38. In their August 22, 1972, statement, Lieberman and Abramson point out the reasons for sending the same letters to the families of employees, as those sent to contest winners. It was "simpler" to send the same letters to employees and winners than to have a secretary type two different sets. Each employee was asked to specify to whom the employee's letter should be sent, according to Lieberman and Abramson, and this explains why some letters were addressed to the wives or mothers of employees. Finally, they allege that 160 announcements for Granny's Meat Market were aired, instead of the 90 called for by the contract, and that their value was $1,200.00 based on a $7.50 average rate.

CONCLUSION—FRAUDULENT BILLING

39. Fraudulent billing practices are addressed by § 73.1205 of our rules, which provides:

> No licensee • • • shall knowingly issue to any local, regional or national advertiser, • • • any bill, invoice, affidavit or other document, which contains false information concerning the amount actually charged by the licensee for the broadcast advertising for which such bill, invoice, affidavit or other document is issued • • •

The Commission has explained that this rule was promulgated chiefly to prohibit "double billing," defined as the furnishing of false information concerning broadcast advertising to any party contributing to the payment of such advertising, the purpose being to induce such party to pay more than the actual rate for the advertising. See 1 FCC 2d 1068 (1965).

40. While the instant case does not fit the model of "double billing," since payment comes from a lone advertiser who is neither reimbursed nor represented by an agent, Section 73.1205 clearly proscribes the issuance of a document containing false information concerning the amount charged for advertising related to such document. Absent the oral agreement between Abramson and Berberian regarding the distribution to employees of turkeys, which Berberian contradicts, the letters sent to employees' families by the licensee contain false information in that addressees are not winners of the contest, as specified by the written advertising contract. Since each letter represents a bill for advertising, these documents containing false information obviously concern the amount actually charged by the licensee for the broadcast advertising relating to the letters. Hence, the more winning letters Berberian honored, the more his cost for the advertising. Therefore, in supplying false letters to its employees to be given in turn to Granny's, WHLW apparently issued documents which misrepresented the nature or content of the advertising and the amount actually charged by the licensee for the advertising in apparent violation of Section 73.1205 of the rules. Accordingly, we are designating an issue to inquire into this disputed agreement for a determinaton of whether the licensee has engaged in a fraudulent billing practice.

REFUSAL TO AIR COMMUNITY APPEALS

PETITIONERS' ALLEGATIONS

41. Two examples of the licensee's refusal to serve the public interest are cited by petitioners. The licensee would not broadcast appeals for a fund drive to provide a kidney machine for an ailing nineteen-year old girl or for donations to an impoverished family for extensive hospital and medical costs incurred by their four-year old son who had been severely mutilated by wild dogs.

LICENSEE'S REPLY

42. The licensee maintains that Arthur Reid (para. 22) told management the fund drive for the nineteen-year old girl was a fraud because the family was misapplying the collection proceeds. As to the boy who was attacked by dogs, the licensee states that Reid was requested to investigate the circumstances. Reid first reported that no free air time was justified because the parents were "well off," and then later, the licensee alleges, Reid reported that the family could use the funds, but by then another station was broadcasting appeals so it was felt unnecessary to broadcast similar appeals. Further, the licensee countered these charges by citing two instances of fund drive participation by the station, one involving a hospital, for which $1,200.00 was raised by the station, and the other relating to the Heart Fund, which netted $8,000.00.

CONCLUSION—REFUSAL TO AIR COMMUNITY APPEALS

43. Petitioners fail to raise a material and substantial question of fact regarding the licensee's obligation to program to meet the community's needs, problems and interests because the two instances cited as violative of this duty are within the wide discretion granted licensees by the Commission to program in the public interest. *RadiOhio, Inc.*, 38 FCC 2d 721 (1973) *aff'd sub nom. Columbus Broadcasting Coalition* v. *F.C.C.*, 505 F. 2d 320, 30 RR 2d 981 (D.C. Cir. 1974).

LETTERS OF COMPLAINT

44. Two letters of complaint precipitated the aforementioned investigation by the Complaints and Compliance Division. Reid sent a letter to the Commission on March 27, 1972, alleging the unfair treatment of a candidate for the state legislature, which was later more fully described in statements offered by him and other employees. (See paras. 26–31 *supra*) Paul I. Feinman, another WHLW employee, wrote to the F.C.C. on March 28, 1972, reporting the failure of Abramson to pay over to Deborah Hospital in Browns Mills, New Jersey, all of the money collected during a fund raising campaign. Specifically, he charges that $100.00 was withheld by Abramson.

45. The Reid letter contained only allegations which were later repeated in the petition which Reid joined McAuliffe in filing April 28, 1972. These allegations have been discussed. However, the Feinman letter touched on subjects not included in the petition, which were made a subject of the investigation.

46. Commission investigators obtained from Abramson a copy of a March 3, 1972, check for $94.00 from Village Liquors, which Abramson owns, made out to cash and endorsed "For Deposit Mid-State Broadcasting Co." They also were furnished a March 3, 1972, check for $174.00 from Mid-State Broadcasting Company to Deborah Hospital. Lieberman and Abramson explained to our investigators that one contribution of $100.00 had been accepted in the form of a Diners Club credit card draft to Village Liquors because the donor preferred not to make a cash gift. After deducting the six percent service charged him by Diners Club, Abramson placed the $94.00 balance in the licensee's bank account through the first check described above, and then forwarded it along with some cash and silver which was "accumulated" following the campaign to Deborah Hospital by the second check noted above.

47. This evidence that the monies were paid over to the hospital and the explanation of the tardiness and diminution of the final payment established that no material and substantial question of improprieties surrounded the transfer to Deborah Hospital of funds collected during the campaign for it.

TECHNICAL VIOLATIONS

48. Complaints and Compliance Division requested on March 27, 1974, that the Enforcement Division of the Field Operations Bureau, monitor, record and inspect Station WHLW. On April 18, 1974, the Engineer in Charge of the Philadelphia Field Operations Office reported the results of that investigation, which disclosed the following violations:

(a) Four times the station was identified "WHLW 1170 near New York", which violates § 73.1201(b)(1) and (b)(3) concerning required station identification.

(b) On twelve days in March of 1974, operators failed to either sign on and/or off, the program logs, as required by § 73.111(a).

(c) Mutual News was not broadcast during the period monitored, 2 p.m. to 7:30 p.m. on April 1, 1974, and 6 a.m. to 11 a.m. on April 2, 1974. The reason given by station employees was that the phone line used was too noisy and distorted. The failure to correct the notation on the program logs showing that Mutual News had been broadcast is a violation of § 73.112(d).

An Official Notice of Violation, Form 793, was sent to the licensee concerning the above violations on April 19, 1974. However, the time for assessing forfeitures for these violations has passed.

49. These violations do not raise such serious questions of the licensee's ability to continue proper operation of the station as would adversely affect the renewal of the license. *Lakes Area Broadcasting Co.*, 48 FCC 2d 640 (1974).

CONCLUSION

50. Accordingly, *it is ordered*, That the application is designated for hearing pursuant to Section 309(e) of the Communications Act of 1934, as amended, at a time and place to be specified in a subsequent Order, upon the following issues:

(a) To determine all the facts and circumstances surrounding the past and present participation of John Edward McAuliffe, Jr., in the ownership of licensee; specifically, whether there existed at any time any arrangements, agreements or understandings, written or oral, relative to the present or future ownership, control or operation of the proposed station (BP–1708) and whether there were any documents, instruments, contracts or understandings relating to such ownership, management, use or control of the proposed station, or any right or interest therein, which was not disclosed to the Commission.

(b) To determine, in light of the evidence adduced under issue (a) above, whether the principals of the applicant misrepresented, or concealed facts from the Commission with regard to any interest of John Edward McAuliffe, Jr., in the applicant.

(c) To determine, in light of the evidence adduced under issues (a) and (b) above, whether the applicant violated § 1.514 of the Commission's rules concerning the content of applications.

(d) To determine all the facts and circumstances surrounding the filing by the applicant of all Ownership Reports (FCC Form 323) and to determine whether the reports are accurate.

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(e) To determine, in light of the evidence adduced under issue (d) above, whether the applicant violated § 1.613 of the Commission's Rules and Regulations concerning the timely filing of correct Ownership Reports.

(f) To determine all the facts and circumstances surrounding the preparation and broadcast of political advertising by WHLW with specific regard to the conduct of the applicant with respect to the 1971 campaigns of the Democratic and Republican candidates for State Senate from Ocean County, New Jersey.

(g) To determine, in light of the evidence adduced under issue (f) above, whether the applicant violated § 73.120 of the Commission's Rules and Regulations concerning broadcasts by candidates for public office.

(h) To determine all the facts and circumstances surrounding a "turkey shoot" contest conducted by the applicant in the fall of 1971, including whether the applicant awarded prizes to its own employees under false pretenses.

(i) To determine, in light of the evidence adduced under issue (h) above, whether the applicant violated § 73.1205 of the Commission's Rules and Regulations concerning fraudulent billing practices.

(j) To determine, in light of the evidence adduced under the preceding issues, whether the applicant possesses the requisite qualifications to be or to remain a licensee of the Commission, and whether a grant of the application would serve the public interest, convenience and necessity.

51. *It is further ordered,* That the petition to deny the above-captioned license renewal application, filed by John McAuliffe and Arthur Reid, is granted to the extent indicated above.

52. *It is further ordered,* That Arthur Reid is made Party Respondent to the hearing ordered herein.

53. *It is further ordered,* That, in accordance with section 309(e) of the Communications Act of 1934, as amended, the burden of proceeding with the introduction of evidence and the burden of proof with respect to all of the issues herein shall be upon Mid-State Broadcasting Company.

54. *It is further ordered,* That to avail themselves of the opportunity to be heard, Mid-State Broadcasting Company and Parties Respondent, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, shall within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

55. *It is further ordered,* That, Mid-State Broadcasting Company shall pursuant to § 3.11(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: October 1, 1975.

Released: October 16, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-28151 Filed 10-17-75;8:45 am]

[Docket No. 20604; File No. BR-2578; FCC 75-1085]

NORTHWESTERN INDIANA BROADCASTING CORP.

Application for Renewal of License of Station WLTH, Gary, Indiana

1. Before the Commission for consideration are: (i) the application of Northwestern Indiana Broadcasting Corporation for renewal of license of Station WLTH, Gary, Indiana, filed April 30, 1973 (WLTH or licensee); (ii) a petition to deny that application filed July 2, 1973, by the Gary Human Relations Commission of Gary, Indiana (HRC or petitioners); (iii) the licensee's opposition to the petition to deny, filed October 1, 1973, and supplement to its opposition, filed October 23, 1973; (iv) petitioners' reply of November 16, 1973; and (v) various related and responsive pleadings and items of correspondence.[1]

2. Briefly, HRC alleges that WLTH has: (i) misrepresented facts and/or was lacking in candor to the Commission with regard to its ascertainment efforts; (ii) conducted an inadequate survey of community problems; (iii) engaged in news distortion; (iv) intimidated its audience on its phone-in talk shows; (v) misrepresented facts to the Commission in its employment reports; and (vi) has not performed as promised in its 1970 renewal application by failing to abide by an agreement entered into with petitioners. For the reasons set forth herein, we believe that substantial questions have been raised as to the truthfulness of several of the representations made in the licensee's 1973 renewal application, as amended, and whether WLTH has made any efforts to honor the terms of an agreement entered into with petitioners. Therefore, in accordance with Section 309(e) of the Communications Act of 1934, as amended, a hearing is required to determine if renewal of WLTH's license would serve the public interest, convenience and necessity.

ASCERTAINMENT

3. As Exhibit 3-A of its 1973 renewal application, WLTH submitted two surveys it had conducted to ascertain local community needs. In this exhibit, licensee represented that a survey of the general public "was conducted on a random selection basis by the station staff and others," and that a survey of 116 community leaders, "was conducted by Warren Freiberg, Vice President of the applicant, and George Uzelac, Executive Assistant to Mr. Freiberg." The results of these surveys were tabulated, according to licensee, "with the assistance of Information Research Associates of Merrillville, Indiana, professional statistical assistance . . . [and] evaluated by Freiberg, Uzelac and the other responsible officers of the applicant."

4. An analysis of petitioners' pleadings discloses that they contacted 56 of the 116 community leaders listed as being interviewed by WLTH in its 1973 renewal application. HRC submits affidavits from 27 of these persons who answered an unqualified "no" to the following questions set forth in the affidavits:

a. Were you contacted by Warren Freiberg or George Uzelac, as a representative of WLTH, with respect to this survey? Yes/No If yes, When? By Whom?

b. Were you contacted by any representative of Station WLTH with respect to the needs and problems of the Gary area? Yes/No If yes, When? By Whom?

In addition to the 27 who said they were not contacted, two persons stated that they could not recall being contacted, six stated that they were contacted and 21 statements were not supported by affidavits. Petitioners also submit that WLTH failed to follow the requirements of the Commission's Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650 (1971), because at least three persons were contacted by phone, in contradiction of the Primer's requirement of face-to-face interviews, and principals or management-level employees did not contact all of the community leaders. Specifically, they claim that George Uzelac was not, and is not, employed at WLTH in a management-level position as the licensee represented in Exhibit 3-A of its renewal application for WLTH (see paragraph 3, supra). Rather, petitioners state that Uzelac is an officer of Information Research Associates of Merrillville, the organization which tabulated the results of the ascertainment survey. They further allege that, although some community leaders were contacted, they were not contacted about needs and interests of the community; that two of the leaders who were interviewed indicated that they were contacted in April, although the licensee represented in its application that the survey was conducted between February 9 and March 20; and that the methods used by WLTH to conduct its community leader and general public surveys were not described in the application.

5. In defense of its survey, licensee states that H. B. Snyder, Jr., President and majority owner of WLTH, ". . . is satisfied that the contacts claimed to have been made were, in fact, made, although not necessarily by George Uzelac,

[3] Commissioner Hooks concurring in the result; Commissioners Quello and Washburn dissenting.

[1] These include an amendment to the licensee's renewal application, petitioners' motion to strike that amendment, the licensee's opposition to that motion to strike, and petitioners' reply, which are discussed in paragraph 7, infra; and correspondence between the parties dealing with WLTH's contested ascertainment survey, which is discussed in paragraph 16, infra.

personally," and that ". . . Mr. Uzelac delegated portions of the survey work to others, who contacted or claimed to contact the individuals listed in the renewal application." Also, in his affidavit attached to the licensee's opposition, Snyder states that at a meeting with his lawyers, ". . . counsel explained in detail the F.C.C. requirement that the survey be taken by management-level personnel and nobody else . . . I came to the conclusion that the Primer standards had not been met." Licensee also notes that Warren Freiberg, the person chiefly responsible for the preparation of the application, has left employment with the station, and that his separation is ". . . complete and permanent." WLTH also submits affidavits from seven persons, including George Uzelac, who conducted the community leader survey. The affidavits state: [2]

a. That I was retained by Information Research Associates, Inc., to perform a survey for the purpose of ascertaining community attitudes and needs of northwestern Indiana.

b. That during the months of February and March, 1973, I interviewed either in person, by persons designated by me, in writing or by telephone the following persons, to-wit: (list follows)

c. That upon completion of said interviews, I submitted my records of said interviews with the above named persons to Information Research Associates, Inc.

Licensee further submits sixteen statements, unsupported by affidavits, from persons on petitioners' list of those not contacted (12 of whom had previously executed affidavits to the contrary for petitioners). These statements claim:

a. That I was contacted by [name of interviewer] by telephone, by mail, or in person during the month of March 1973.

b. That I was asked questions concerning my opinion of community attitudes and community needs relative to northwest Indiana.

c. That I stated my opinions of such community attitudes and needs in such interview as above taken.

6. Additionally, in its opposition, WLTH submits the unsigned and unsworn statement of George Uzelac, Jr., claiming that the survey was made by the interviewers under his supervision "without disclosing to the persons being interviewed, the name of the client or the specific purpose of the survey. The reason for this non-disclosure was to avoid a biased response from the person being interviewed."

7. Having determined that the Primer requirements had not been met, licensee submitted an October 23, 1973, amendment to its application ". . . to remove any and all possible questions concerning the survey." The amended survey, conducted by Freiberg and Snyder during July, August and September of 1973, contains 118 interviews with many of the same persons who were contacted in the original survey. Also included was information concerning the dates of the contacts, when and by whom the contacts were made, as well as the needs ascertained as a result of the survey and the programs to be broadcast to meet those needs.

8. HRC then filed a motion to strike the amendment as improper, citing Stone v. F.C.C., 466 F. 2d 316, reh. den. 466 F. 2d 331 (1972), and attacking it on the merits. Petitioners allege that the amended survey fails to meet the requirements of the Primer, and that it contains misrepresentations to the Commission. Petitioners first assert that the licensee contacted community leaders by telephone, rather than conducting person-to-person interviews, and that it misinformed the Commission about the number of persons contacted by telephone. They allege that the Primer explicitly requires face-to-face interviews, and that, while the licensee admits it conducted eleven of the "re-make" interviews by telephone, the application alone reveals it conducted at least fourteen. They further claim that of 20 of the "re-make" interviewees contacted by petitioners, nine who were listed as having been contacted in person stated that Snyder had contacted them by telephone. They also alleged that the interviewees were not asked specifically about community problems, but, rather, the licensee referred in its interviews to community "needs" and even titled its survey form "Community Needs Survey Form" in violation of the Primer's explicit use of the word "problems."

9. HRC also states that it contacted 20 of the 21 persons residing in Gary claimed by WLTH to have been contacted in its "re-make" survey, and that five of these stated that they were not contacted by Snyder or by anyone from WLTH for the survey. However, no affidavits from the five were submitted. Additionally, petitioners claim the survey shows "the licensee's lack of rapport with its community," due to the great number of people (12% of those contracted) who did not wish to participate in WLTH's ascertainment survey. Also, petitioners charge that no persons presently at the station in a management position were involved in the survey. Further, HRC contends that the programs proposed by WLTH to meet local needs are "grossly inadequate."

10. In defense of its amendment, WLTH responds that two of the five community leaders claimed by petitioners not to have been contacted, Henry Coleman and Juanita Butler, were identified in the interview forms as unreachable, but were inadvertently included on the list of those contacted by the person typing the list. Two others, Joel Johnson and Jon Evans, submitted unsworn statements that they were, in fact, contacted by Mr. Snyder. The licensee also claims that one of its interviewees, a Reverend Brooks, ". . . was contacted, whether Rev. Brooks remembers the contact or not." [3] WLTH also defended its telephone contacts with community leaders, stating that the nine persons claimed by petitioners to have been listed wrongly as contacted in person were, in fact, contacted by phone, but were mistakenly listed as "in-person" due to different tabulation methods of the persons preparing the list for WLTH's amendment.

11. In considering petitioners' allegations with respect to WLTH's survey efforts, we turn first to the amended community leader survey. As noted, petitioners moved to strike the amendment, citing *Stone* (see paragraph 8, *supra*). However, referring specifically to Section 1.522 of the Commission's Rules,[4] the *Stone* Court held that:

[I]t was not harmful to the public interest to allow a licensee to submit an amendment to its prospective ascertainment findings, even after a Petition to Deny has been filed. 466 F.2d at 331.

The *Stone* prohibition against multiple amendments speaks to repeated and fragmentary ascertainments, ostensibly submitted in bad faith simply in order to thwart petitions to deny. Here, the amendment serves the very purpose petitioners would seem to pursue; that is, the licensee has discovered, through petitioners efforts, that its original effort was lacking and accordingly has made a new effort to ascertain community needs, problems and interests, in compliance with the Commission's Rules. The purpose of petitions to deny is not to vindicate personal rights, but to enforce the public's right to have its licensees, as public trustees, perform in the public interest. Such purpose seems to have been accomplished here. Therefore, we find that the amendment is acceptable under our rules, and accordingly, petitioners' motion to strike will be denied. See *Roy H. Park Broadcasting of Virginia, Inc.*, FCC 75-939, released August 12, 1975.

12. Having accepted WLTH's amendment, the questions raised by petitioners as to whether the original survey was adequate are rendered moot. There remain, of course, the allegations of misrepresentation in WLTH's reporting of that initial ascertainment. See *Roy H. Park Broadcasting of Virginia, Inc., supra.*

13. In fact, we believe petitioners have raised serious questions concerning the truthfulness and accuracy of WLTH's representations with regard to both its original and amended community leader surveys. In the first instance, we note that the licensee never directly confronts petitioners' accusation that George Uzelac is not a management-level employee as represented in Exhibit 3-A of WLTH's

[2] In particular, the affidavit of George Uzelac, Jr., stated that he acted as "president of Information Research Associates, Inc.," and that, "I, as President . . . received the reports and working papers of all members of my staff conducting said survey and that under my supervision John Maiolo and Inder Khera made an analysis and evaluation of the results of said survey and prepared a report of their findings."

[3] See discussion regarding the Reverend Brooks controversy in paragraph 16, *infra*.

[4] Section 1.522 of the Rules provides, in pertinent part, that ". . . any application may be amended as a matter of right prior to the adoption date of an order designating such application for hearing."

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renewal application, nor does it rebut the allegation that it misrepresented Uzelac and Freiberg as the sole ascertainment interviewers. Uzelac describes himself, in an affidavit attached to the opposition to the petition to deny, as "President of Information Research Associates, Inc." (see note 2, *supra*). Uzelac does not, however, state that he was a principal or manager of licensee corporation, or otherwise deny petitioners' charges in this regard. Moreover, the licensee does not respond to this charge in either its opposition pleadings or the affidavit of H. B. Snyder, Jr. Thus, the Commission believes that a question has been raised which warrants further inquiry in hearing, and an appropriate misrepresentation issue will be specified herein.

14. With respect to the interviewers used by WLTH in its original ascertainment, WLTH admits that not all of the community leaders interviews were conducted by Freiberg and Uzelac, as represented in its application: "• • • Mr. Snyder is satisfied that the contacts claimed to have been made were, in fact, made, *although not necessarily by George Uzelac, personally.*" (emphasis added). Also, in his affidavit attached to the opposition as "Exhibit B," Snyder states that, in discussing the survey, "• • • I came to the conclusion that the Primer standards had not been met." Further, WLTH relies on the affidavits of six persons, not employed at WLTH, who state that they contacted community leaders for Information Research Associates, Inc., (see paragraph 5, *supra*). Thus, by the evidence presented from petitioners, and by licensee's own admission, it appears that Uzelac and Freiberg did not, in fact, contact all community leaders, as represented, and that licensee may have misrepresented the facts regarding the WLTH officials who conducted its community leader survey. This matter may be explored under the misrepresentation issue to be specified herein.

15. A similar misrepresentation issue is raised by the affidavits from 27 persons claiming not to have been interviewed. Although licensee has submitted statements from 12 persons on this list of "no contacts," contradicting their previous sworn statements, they are unsupported by affidavit as required by Section 309(d) of the Act and, thus, we are unable to attach evidentiary weight to them. See *Itawamba County Broadcasting Co., Inc.*, 46 FCC 2d 60, 62 (Rev. Bd. 1974). Also, 15 of the affidavits submitted by HRC remain uncontroverted by WLTH. The applicant claims that "the survey was made by these persons without disclosing to the persons being interviewed [either] the name of the client or the specific purpose of the survey. The reason for this non-disclosure was to avoid a biased response from the person being interviewed." [5] However, this claim is made in the unsigned and unsworn statement of Mr. Uzelac, attached to the licensee's opposition to the petition. Having the same procedural failing as WLTH's other statements, it may not be accorded evidentiary value sufficient to rebut HRC's sworn allegations. While licensee's explanation may well account for the numerous affidavits of leaders who state that they were not contacted by WLTH, we cannot be sure without the benefit of a full evidentiary inquiry, in light of petitioners' showing. This question will be explored under the misrepresentation issue to be specified herein.

16. Finally, in the face of one particular contested interview, that of "Rev. Brooks," the Commission believes that yet another serious question has been raised by the pleadings and related correspondence. In its original survey, WLTH listed "Rev. Brooks" as a black male, community agency executive. In its petition, HRC lists Brooks as one of those not contacted, and submitted an affidavit from "William M. Brooks" to this effect in support of its claim. WLTH responded with an unsworn statement, Item 18 attached to its opposition, from "William M. Brooks" stating that he was contacted by one of Mr. Uzelac's interviewers. In addition, John Maiolo, an interviewer employed by Uzelac, stated, in an affidavit, that he, or someone designated by him, interviewed "Rev. William M. Brooks." In WLTH's amended survey, "Rev. Brooks" is again listed as a black male, but is further identified as a minister. In their motion to strike the amendment, petitioners again assert that "Rev. Brooks" was not contacted. In response, by letter of April 16, 1974, counsel for WLTH states that licensee agrees that it did not contact Reverend William Brooks, but rather, that it contacted Reverend Georgia Brooks, who formerly was a broadcaster on WLTH, and who was erroneously listed as a male on the interview sheet and in the applications.[6] The licensee follows with an affidavit from Snyder, filed May 20, 1974, supporting this claim. By letter of November 14, 1974, petitioners respond with an affidavit from "Georgia Brooks, missionary" (sic) who formerly was a moderator on a WLTH program, stating that she never has been referred to as "Reverend." To this charge, WLTH replies with a letter on December 6, 1974, enclosing a brochure used by Georgia Brooks, which refers to her as "missionary" (sic) and states, "most lay persons regard her as a radio minister and would address her as 'Reverend.'" It also states that Ms. Brooks is indebted to WLTH under contracts for radio time for her show.[7]

17. In view of the above, we believe a question is raised as to whether the licensee misrepresented its contact with "Rev. Brooks." Of particular interest to us, is that, after being confronted with petitioners' affidavit from "William M. Brooks," the licensee responded with a statement from "William M. Brooks" that he has been interviewed, although six months later, in its April 16, 1974, letter to the Commission, WLTH contends that no William Brooks was interviewed. Despite twice listing Brooks as a male in its ascertainment surveys, it now contends that Brooks is a female lay minister. This appears to cast doubt on licensee's claim that it made the contact as represented in both its original and amended surveys. Since, "Rev. Brooks" was listed in both surveys as having been contacted, the misrepresentation issue must include the amended survey and subsequent correspondence. However, petitioners have failed to show that four other persons, listed in the amended survey, were not contacted (see paragraph 9, *supra*) in that they failed to submit affidavits to this effect and later admitted that two of the five were, in fact, contacted.

18. The charges relating to WLTH telephone interviews are without merit. We have stated in the past that telephone interviews are not *per se* unacceptable if the licensee has contacted a crosssection of the community and a meaningful dialogue has been established. See *California Stereo, Inc.*, 39 FCC 2d 401 (Rev. Bd. 1973); and *Further Notice of Proposed Inquiry and Notice of Proposed Rule-making on Ascertainment of Community Problems by Broadcast Applicants*, FCC 75-540, Docket No. 19715 (released May 15, 1975), at paragraph 46. Further, we find no issue raised by the licensee's failure to show all telephone interviews on its amended survey, since clerical inadvertence seems to have been the cause. Also, the failure of an applicant to inform the Commission that interviews were conducted by phone does not necessarily warrant addition of any issue. See *California Stereo, supra*.

19. HRC's assertion that the licensee did not ask specifically about community "problems" is also without merit. Although the Commission has designated "problems" as the short form of the phrase "problems, needs, and interests," no adherence to such language is required in contacts with members of the community as long as the information ultimately solicited is that which the applicant is expected to acquire under the *Primer, supra*.

20. We further find no issue raised by the vague and unsupported claim that the licensee has exhibited a "lack of rapport" with the community, nor by the assertion that no person conducting the amended survey presently holds a management-level position, at the station. Moreover, ascertainment of community needs is a prospective effort. While we encourage the establishment of person-to-person relationships between community leaders and broadcast stations management, it would be unreasonable

[5] By letter of July 16, 1975, counsel for WLTH again stated ". . . the record shows that Mr. Uzelac allowed assistants to make community leader interviews . . . and [they] failed to identify themselves as being from WLTH . . ."

[6] In its January 30, 1974 opposition to the motion to strike amendment, WLTH encloses a copy of an interview sheet, giving "Rev. Brooks" as the name of the respondent, and noting the sex as female.

[7] Letters of December 31, 1974, from HRC, and of January 15, 1975, from WLTH also were exchanged but added no further evidence to the debate.

to fault a survey simply because the person conducting it had left the station's employment. See, *Key Stephens*, 53 FCC 2d 389 (Rev. Bd. 1975).

21. Finally, regarding petitioners' charge that WLTH has proposed insufficient programming to meet local needs, we find no serious question raised. A review of licensee's application and subsequent amendments [8] shows that WLTH proposed three programs to meet specifically enumerated local needs:

Viewpoint, aired daily from 12:15 to 1:30 p.m., a telephone talk show; *Harriet Fuller Show*, broadcast 11:05 to 12 noon daily; and *Senator Clay's Rap Line*, aired 4 to 5 p.m. It appears that, acting within its discretion, WLTH has proposed programs that are satisfactorily correlated to meet the local needs ascertained, and thus, we find no merit to HRC's allegation.

NEWS DISTORTION

22. Petitioners next allege that the management of WLTH is guilty of news distortion, citing a number of specific instances of such distortion, all of which are directed at Warren Freiberg, WLTH's former vice-president and general manager. Referring in particular to *The Warren Freiberg Show* and *Warren Freiberg's Viewpoint*, petitioners claim that "the licensee regularly resorts to distortion of news, half truths, and fabrications." One instance, listed by petitioners, concerned the rape of a local high school girl near her school. Petitioners state that Freiberg broadcast that the girl had been raped in the school cafeteria, although the police report made no mention that the girl had been attacked at the school. The school principal called Freiberg to tell him of the error and was rebuffed, with Freiberg refusing to correct his story. According to petitioners, WLTH was the only one of all of the local media which referred to the rape as having taken place at the school. In another instance, HRC states that Freiberg gratuitously added racial overtones to a story about a fight at a school, claiming that "inter-racial beatings" had taken place, when, in fact, the fight had taken place between two white students, as the mother of one of the students reportedly informed him. Petitioners claim that Freiberg even ran a tape of his conversation with this parent about the fight, but cut out the section in which she stated that both participants were white. Three other similar instances of such alleged distortion, and refusal to make corrections when confronted with the facts, are alleged by HRC, from their own monitoring of the station and from letters of complaint from local citizens.[9]

23. Petitioners also allege that the licensee engaged in intimidation of its audience, and thereby, failed to afford the public free and open discussion of controversial issues of public importance. HRC contends that Freiberg, in hosting his talk shows, was consistently rude to callers who disagreed with his views, to the point of degrading them, and engaging in "a pattern of operation which includes intimidation, harassment, and ridicule," and thereby denying the public free and open discussion. Here again, petitioners cite a number of letters of complaint from local citizens who claim that they were not allowed freely to express their views on Freiberg's listener phone-in talk shows. They claim they were met instead with sarcasm and rudeness, that they were generally intimidated from talking freely, and in some instances were disconnected if they disagreed with Freiberg. They also mentioned a November 10, 1971, letter to the licensee from the Complaints and Compliance Division of the Commission admonishing the station for Freiberg's discouragement of "robust-wide-open debate" on controversial issues of public importance by intimidating and harassing callers.

24. In opposition to these charges, WLTH contends that petitioners' allegations are directed exclusively toward Warren Freiberg, and that any investigation would involve inquiry into his "journalistic decisions, as well as his confidential news sources." The licensee claims, therefore, that, since Freiberg has left employment at the station, "no useful purpose would be served by any attempted investigation on the part of the licensee into Freiberg's stewardship of the WLTH news department." Licensee declines further comment, contending that this would be detrimental to its ongoing negotiations with petitioners.

25. Regarding petitioners' allegations of news distortion, we must first reject WLTH's claim of mootness owing to Freiberg's departure from the station. Petitioners' charges go not only to an individual employee, but to the conduct of the licensee, as it has long been held that a licensee is liable for the wrongful acts of its employees. *Empire Broadcasting Corp.*, 25 FCC 2d 68, 69 (1970). However, we are proscribed from taking any further action with regard to these complaints. The Commission traditionally has refused to supervise in any way the programming or news judgment of a broadcast licensee. See section 326 of the Communications Act of 1934, as amended, 47 U.S.C. 326. We are not the national arbiter of truth, and, indeed, must eschew such a role as it would constitute a worse danger than possible unfairness or distortion. See *Columbia Broadcasting System, Inc.* v. *Democratic National Committee*, 412 U.S. 94 (1973). The Commission cannot commence action on complaints of distortion of news unless accompanied by significant extrinsic evidence that news deliberately has been distorted or fabricated. This evidence must implicate the licensee, its top management, or its news management, and be from a source with direct personal knowledge of the intentional attempt to falsify the news. Letter to Mrs. J. R. Paul, 26 FCC 2d 591 (1969). Here, petitioners have failed to submit any such evidence, nor have they supported their allegation with affidavits. Accordingly, although we would be concerned by these charges if true, we have insufficient evidence to warrant further inquiry on news distortion.

26. As to HRC's allegation that the station, particularly Freiberg, intimidated its talk show callers, the cited letters of complaint as shown in the Commission's complaints folder for WLTH (see paragraph 23, *supra*), suggest that licensee's behavior might be of the same variety for which the Commission has admonished WLTH in the past. As such, the licensee should be forewarned that evidence of a continuation or pattern of the kind of conduct complained of here could adversely affect its qualifications to remain a Commission licensee. However, as no hard evidence supported by affidavit is submitted by petitioners, and since there is no record of such conduct in the complaints file since mid-1973, we find no issue warranted.

WLTH'S LIST OF EMPLOYEES

27. HRC also alleges that the licensee misrepresented the number of persons employed by WLTH. Specifically, petitioners claim that the staff list submitted by the licensee in answer to Question 31 of Section IV–A of the station's renewal application includes the names of several persons who were not actually on the paid staff of the station when the application was filed. Two persons listed by the licensee as full-time employees, Bill Fisher and Robert Guerrero, Jr., are claimed to have left the station in mid-February, two months before the employment list was filed. In addition, Kirby Jefferies, listed as full-time, allegedly was working only 10–12 hours per week. Further, three others also are claimed not to be paid employees: George Uzelac (paragraph 13, *supra*), is said to be president of a research corporation, and not a full-time assistant to Freiberg; Roy Harris, listed as a part-time announcer, is claimed to be an unsalaried public service announcer; and Robert Guerrero, Sr., listed as a part-time news

[8] WLTH submitted an additional amended ascertainment survey on August 15, 1975, almost two and one-half years after its application was filed. Although we accept this amendment in accordance with Section 1.522 of the Commission's Rules, this is not to be construed as Commission approval of lengthy delays in the amendment of applications. We wish to make clear that we are using this amendment only for the limited purposes of determining the implementation of WLTH's proposed programming as set forth in its 1973 renewal application, as amended. We do not intend, and would not permit, any "upgrading" of the licensee's past programming performance, which properly must be confined to the 1970–73 period covered by the challenged application.

[9] Also, the station's complaints folder contains a number of letters from Gary area citizens complaining of these incidents, of racially divisive rhetoric and of distroted news.

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and sports announcer, is alleged to be unpaid also, working on a trade-out basis with the station in exchange for free advertising for his barber shop. Finally, petitioners state that only five of the station's 26 employees are members of minority groups, "a dismal record in a city over 60 percent non-white."

28. In opposition to these allegations, the licensee concedes petitioner's charges about the status of "employees" Fisher, Guerrero, Jr., Harris and Guerrero, Sr. However, it states that Guerrero, Jr. has resumed full-time employment and that Jefferies, since he works every day, even though only from 3:00 to 5:00 p.m., is correctly classified as a full-time employee.

29. In analyzing HRC's allegations regarding WLTH's alleged misrepresentation of its employment profile, and of the status of six named employees, we note that licensee offered no explanation why these persons were incorrectly represented as station employees (with the exception of reasons for considering Jefferies full-time). It is a fundamental principle of Commission operation, that the Commission must be able to rely upon the representations made in applications, pleadings and correspondence. *KORD, Inc.*, 31 FCC 85 (1961). Having failed to explain away the discrepancies raised by petitioners with respect to its list of employees, we find that a material question is raised as to whether WLTH misrepresented facts, or was lacking in candor, concerning its employment list. This matter must, therefore, be fully explored under the misrepresentation issue to be specified herein.

30. However, we find no question raised by the applicant's minority employment figures. In a Standard Metropolitan Statistical Area (SMSA) of 23.9 percent total minority population,[10] the station's FCC Form 395's showed that it employed 21 percent minorities (four of 19 full-time employees) in 1973, 24 percent (four of 17 employees) in 1974, and 18 percent (three of 17 employees) in 1975. We find that this percentage is within a "zone of reasonableness." See *Bilingual Bicultural Coalition of Mass Media, Inc.*, v. *F.C.C.*, 492 F.2d 656, 29 RR 2d 745 (D.C. Cir. 1974).

THE 1970 AGREEMENT

31. Additionally, petitioners claim that WLTH has not abided by an agreement it entered into with HRC. They contend that they withdrew a complaint against the licensee on September 10, 1970, in reliance upon the August 21, 1970 agreement which, they state, was "an amendment to the pending renewal application." They contend that the agreement states that any "material variance shall be deemed to be failure [of the licensee] to operate substantially as set forth in the license." HRC specifies that the station: (i) did not invite HRC to assist in its ascertainment; (ii) failed to make monthly announcements of its desire to discuss community needs with all citizens; (iii) did not convene meetings with HRC on a regular basis (at least once every four months);[11] (iv) failed to establish an affirmative action training program; (v) did not make the promised weekly announcements concerning equal employment opportunity; (vi) continues to distort the news;[12] (vii) failed to broadcast programming dealing specifically with poverty; (viii) failed to hire a full-time black announcr to handle news from the black community; (ix) did not air announcements indicating that all groups have the opportunity to have PSA's aired; and (x) has not determined its programming through a continuing ascertainment of community interests, needs and desires. Licensee, however, does not address itself to these charges in its opposition or any subsequent correspondence. Indeed, the only reference made by WLTH to this issue is in its opposition where it states that it "* * * does not now propose to enter into a debate concerning its * * * agreements with HRC."

32. We are concerned by licensee's refusal to respond to these serious charges involving an amendment to its 1970 renewal application. Without such a response, we are unable to determine whether WLTH made any efforts to honor the terms of its agreement with petitioners. Based on the information now before us, it appears that WLTH may have entered into the 1970 agreement solely for the purpose of obtaining petitioners' dismissal of its prior petition to deny, rather than with an intent to honor the agreement once the petition was withdrawn. Such an abuse of the process of community dialogue cannot be tolerated and falls well below the standard of conduct expected of a broadcast licensee. In this regard, the Commission has stated that "... on a showing of reasonable cause to believe that either party has abused the process of community dialogue, we will seek to ascertain whether action by the Commission would be appropriate." *Proposed Policy Statement and Notice of Proposed Rulemaking Re: Agreements Between Broadcast Licensees and the Public*, FCC 75-633, released June 10, 1975. In our view, licensee's failure to rebut petitioners' allegations, or even respond to these allegations, warrants evidentiary inquiry upon licensee's efforts, if any, to honor the terms of the agreement.

33. Moreover, even if our further inquiry finds no abuse of the agreements process, this would not necessarily dispose of the "promise versus performance" question presented by petitioners, since any substantial variation from the representations in an application may affect not only our view of the licensee's past performance but also our confidence in its future stewardship. Accordingly, the promise-versus-performance element can be explored under Issue (ii) below.

34. Accordingly, *it is ordered*, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned license renewal application, is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

(i) To determine whether the licensee of WLTH made misrepresentations of fact or was lacking in candor in its representations to the Commission in its 1973 renewal application and subsequent amendment and correspondence related thereto.

(ii) To determine the efforts, if any, made by the licensee of WLTH to comply with the terms of an amendment to its 1973 renewal application encompassing an agreement which it entered into with the Gary Human Relations Commission.

(iii) To determine whether, in light of the evidence adduced pursuant to the foregoing issues, a grant of the subject license renewal application would serve the public interest, convenience and necessity.

35. *It is further ordered*, That the petition to deny the above-captioned license renewal application, filed by the Gary Human Relations Commission of Gary, Indiana is granted to the extent indicated herein, and is denied in all other respects.

36. *It is further ordered*, That the "Motion to Strike Amendment for Limited Purposes" filed by petitioners is denied.

37. *It is further ordered*, That the Gary Human Relations Commission of Gary, Indiana is made a party to the hearing ordered herein.

38. *It is further ordered*, That, in accordance with Section 309(e) of the Communications Act of 1934, as amended, the burden of proceeding with the introduction of evidence upon issues (i) and (ii) shall be upon the petitioners, Gary Human Relations Commission, and the burden of proof shall be upon the applicant, WLTH, with respect to all issues herein.

39. *It is further ordered*, That to avail themselves of the opportunity to be heard, applicant and petitioners shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the Order.

[10] See 1970 U.S. Census Bureau General Social and Economic Characteristics for Indiana.

[11] HRC contends that only one meeting was ever held, on March 3, 1971, and that such meeting was called at its insistence, rather than the licensee's.

[12] While we believe that licensee's efforts to meet the terms of the 1970 agreement should be explored in hearing (see paragraph 32, *infra*), we have already determined that petitioners have failed to raise a question concerning news distortion at WLTH (see paragraph 25, *supra*). Accordingly, the hearing issue specified below is not intended to explore the unsupported allegations of news distortion.

40. It is further ordered, That WLTH shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 24, 1975.

Released: October 7, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[13]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-28152 Filed 10-17-75;8:45 am]

[13] Commissioner Hooks absent.

INDUSTRY ADVISORY COMMITTEE TO THE FCC STEERING COMMITTEE

Notice of Meeting

OCTOBER 15, 1975.

A meeting of the Industry Advisory Committee to the Federal Communications Commission Steering Committee for the 1979 General World Administrative Radio Conference is scheduled to be held on Monday, November 3, 1975, at 10:00 A.M. in Room 8210 of the Commission's offices located at 2025 M Street NW., Washington, D.C.

This meeting will be held to consider the progress of the various WARC '79 preparatory sub-elements, to evaluate that progress, and to solicit suggestions from the Advisory Committee regarding the WARC '79 preparatory effort. Additionally, issues identified at the previous meeting on September 29, 1975, will be discussed. Membership on the Committee is limited to Commission invitation; however, attendance at this meeting will be open to the general public and any written comments will be accepted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-28281 Filed 10-16-75;2:24 pm]

FEDERAL ENERGY ADMINISTRATION

MODIFICATION OR TERMINATION OF THE STATE SET-ASIDE PROGRAM

Notice of Schedule for Regional Public Hearings

On July 16, 1975, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing concerning a proposal to modify or terminate the State set-aside program (40 FR 30500, July 21, 1975). By notice issued August 7, 1975, the public hearing scheduled for August 12, 1975, in Washington, D.C., was postponed in light of a number of requests by interested parties that public hearings in this matter be held on a regional basis. (40 FR 33724, August 11, 1975).

In response to these requests FEA has scheduled the following regional hearings with respect to the modification or termination of the state set-aside program:

Location	Date	Address
Boston, Mass	Tuesday, Nov. 18, 1975.	1 Ashburton Place, 21st Floor Conference Room.
Atlanta, Ga	Wednesday, Nov. 19, 1975.	Environmental Protection Agency Bldg., 1421 Peachtree St., 5th Floor Conference Room.
Chicago, Ill	Thursday, Nov. 20, 1975.	Everett McKinley Dirksen Federal Bldg., 219 South Dearborn St., 23d Floor Public Hearing Room (Room 2306).
San Francisco, Calif	Friday, Nov. 21, 1975..	U.S. Patent Office and Court of Appeals, 7th and Mission Sts., Courtroom 14, 3d Floor.

NOTE.—Each of the scheduled hearings will begin at 9:30 a.m., local time, on the date indicated.

Any person who has an interest in the subject of the hearings or who is a representative of a group or class of persons which has such an interest, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, Room 3309, Federal Energy Administration, Box EK, The Federal Building, Washington, D.C. 20461 and must be received before 4:30 p.m., e.s.t., October 31, 1975. Such a request may be hand delivered to Executive Communications at the above address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should specify the location and date of the hearing for which the request is made; describe the interest concerned; if appropriate, state why he or she is a proper representative of a group or class of persons which has such an interest; and give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through November 14, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.s.t., November 3, 1975 and must submit 100 copies of his or her statement to FEA by 9:30 a.m. on the day of the hearing at the location where the hearing will be held.

In addition to providing this general notice, FEA will attempt to contact all persons who requested an opportunity to make an oral presentation on August 12, to inform them of the regional hearings.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested persons may submit questions to be asked of any person making a statement at the hearings to Executive Communications, FEA, before 4:30 p.m., e.s.t. November 7, 1975. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

Transcripts of the hearings will be made and the entire record of the hearings, including the transcripts, will be retained by the FEA and made available for inspection in the Administrator's Reception Area, Room 3400, Federal Building, 12th and Pennsylvania Avenue, N.W., Monday through Friday. Any person may purchase copies of the transcript from the reporter.

In addition to the scheduled regional hearings, FEA will continue to receive written data, views, and arguments with respect to the proposed modification or termination of the State set-aside program through November 10, 1975. All such written comments should be addressed to Executive Communications, Room 3309, Federal Energy Administration, Box EK, Federal Building, Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted to the Federal Energy Administration with the designation "State Set-Aside Program." Fifteen (15) copies should be submitted. All comments received by 4:30 p.m., November 10, 1975, will be considered by FEA in evaluating the proposals.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing in accordance with the procedures stated in 10 CFR 205.9(f), one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to FEA's determination.

Issued in Washington, D.C., October 15, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-28135 Filed 10-15-75;1:35 pm]

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STATE REGULATORY ADVISORY COMMITTEE, EXECUTIVE SUBCOMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 85 Stat. 770), notice is hereby given that the Executive Subcommittee of the State Regulatory Advisory Committee will meet Tuesday, November 4, 1975, at 2:30 p.m., Board Room, Sheraton Boston Hotel, Prudential Center, Boston, Massachusetts.

The purpose of the meeting will be to discuss the structure of the Advisory Committee, the scheduling of future Committee meetings, and the future role of the Committee in advising FEA on matters related to the utility industry and its regulations.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Director, Advisory Committee Management, (202)–961–7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on October 15, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75–28219 Filed 10–16–75;10:53 am]

MANDATORY BEVERAGE CONTAINER DEPOSIT LEGISLATION; ECONOMIC AND ENERGY IMPACT

Availability of Study for Comment

The Federal Energy Administration has conducted a study of the economic and energy impact of mandatory beverage container deposit legislation. A draft copy of this study will be available for inspection in the Federal Energy Administration Public Reading Room, Room 206, Old Post Office Building, 11th and Pennsylvania Avenue, NW., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday. A draft copy of the study will also be available for inspection in each regional office of the Federal Energy Administration during regular working hours.

Interested persons are invited to submit data and/or comments with respect to the study to the Office of Energy Conservation and Environment, FEA, Washington, D.C. 20461. Comments should be sent to the attention of M. Zusman. All comments received by November 14, 1975, will be considered by FEA for incorporation into the final report.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Issued in Washington, D.C., October 14, 1975.

ROBERT E. MONTGOMERY, Jr.
General Counsel,
Federal Energy Administration.

[FR Doc.75–28072 Filed 10–15–75;9:42 am]

FEDERAL MEDIATION AND CONCILIATION SERVICE

ARBITRATION SERVICES ADVISORY COMMITTEE

Meeting

NOTE.—The following document, which originally appeared in the FEDERAL REGISTER of October 3, 1975 at page 45874, is being republished because it did not appear in the table of contents of that issue.

Notice is hereby given that the Federal Mediation and Conciliation Service Arbitration Services Advisory Committee, in accordance with section 10 of the Federal Advisory Committee Act of October 6, 1972 (Public Law 92–463, 86 Stat. 770–776), will meet on Thursday, November 6, and Friday, November 7, 1975, in the Toulouse Room of the Delta Towers Hotel, 1732 Canal Street, New Orleans, Louisiana. The meeting will commence at 2 p.m. on November 6 and 9 a.m. on November 7.

The agenda for the meeting is as follows:

1. Review of Committee suggestions and actions since prior meeting.
2. Proposed revision of rules and regulations, including removal procedure.
3. Structuring Office of Arbitration Services with regional representation.
4. Current statistical report.
5. Additions to roster of arbitrators.
6. Arbitrator symposiums.
7. Code of professional responsibility.
8. Arbitration development program.

The meeting shall be open to the public.

Communications regarding this meeting should be addressed as follows:

Mr. Lawrence B. Babcock, Jr., Executive Assistant to the National Director, Federal Mediation and Conciliation Service, Washington, D.C. 20427.

Signed at Washington, D.C., this twenty-ninth day of September 1975.

W. J. USERY, Jr.,
National Director.

[FR Doc.75–26538 Filed 10–2–75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75–82)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL

Notice of Meeting

The NASA Research and Technology Advisory Council will meet on November 6–7, 1975, in Room 625 of Federal Office Building 10B at NASA Headquarters, 600 Independence Avenue, SW., Washington, DC 20546. The meeting will be open to the public on a first-come, first-served basis up to the seating capacity of the room, which is about 40 persons.

The NASA Research and Technology Advisory Council was established to advise NASA's senior management in the area of aeronautics and space research and technology. The Council studies issues, pinpoints critical problems, determines gaps in needed technology, points out desirable goals and objectives, summarizes the state of the art, assesses ongoing work, and makes recommendations to help NASA plan and carry out a program of greatest benefit to the nation. The Chairman is Dr. Ronald Smelt. There are 17 members on the Council itself and additional members on five committees and four panels which report to the Council.

The following list sets forth the approved agenda and schedule for the meeting. For further information, please contact the Executive Secretary, Mr. C. Robert Nysmith, Area Code 202, 755–3150.

NOVEMBER 6, 1975

Time	*Topic*
8:30 a.m.	NASA Program Overview (Purpose: To brief the Council on the status of the NASA FY 1976 program and potential future programs.)
9:30 a.m.	Office of Aeronautics and Space Technology (OAST) Program Overview (Purpose: To brief the Council on the status of the OAST FY 1976 program and possible future thrusts in aeronautics and space technology.)
10:30 a.m.	Update on Status of OAST Outlook for Aeronautics and Aircraft Energy Efficiency Technology (Purpose: To discuss activities in progress and issues identified by these studies.)
11:00 a.m.	NASA/Air Force Program Relationships (Purpose: To brief the Council on activities and plans to implement suggestions made at the last Council meeting with regard to joint NASA/Air Force programs.)

NOVEMBER 7, 1975—Continued

Time	*Topic*
11:30 a.m.	Discussion of FY 1977 Congressional Activities (Purpose: To inform the Council of FY 1977 Congressional activities and afford an opportunity to discuss participation by the Research and Technology Advisory Council.)
1:00 p.m.	Status of Issues and Recommendations (Purpose: To discuss NASA actions in response to previous issues and recommendations from the Council.)
	Committee and Panel Reports (Purpose: To permit the Chairman of each committee and panel to identify issues and recommendations from the last meeting of his committee/panel, including background briefings where necessary to familiarize the Council with selected issues, and to allow time for the Council to discuss the committee/panel issues and recommendations. Background briefings planned are identified under the appropriate committee or panel name.)
1:30 p.m.	Committee on Energy Technology and Space Propulsion (Proposed to be changed to Committee on Space Propulsion and Power)—Space Propulsion and Power Report
2:30 p.m.	Committee on Guidance, Control and Information Systems—Flight Computer Software Plan
4:15 p.m.	Panel on General Aviation Technology
3:30 p.m.	Panel on Space Vehicles—Critique of Outlook for Space—Long-Duration Exposure Facility (LDEF) Review
5:15 p.m.	Panel on Research

NOVEMBER 7, 1975

Committee and Panel Reports (Continued)

8:00 a.m.	Committee on Materials and Structures
8:45 a.m.	Panel on Aeronautical Operating Systems
9:30 p.m.	Committee on Aerodynamics and Configurations
10:15 a.m.	Committee on Aeronautical Propulsion—NASA's Involvement in Future Engine Development Programs—Report on Activities of Ad Hoc Panel on Jet Engine Hydrocarbon Fuels
11:15 a.m.	Council Deliberations and Preparation of Report to NASA (Purpose: To allow time for the Council to categorize and document recommendations and observations to be reported to NASA.)

NOVEMBER 6, 1975—Continued

Time	*Topic*
2:00 p.m.	Informal Council Report to NASA (Purpose: The Council will report recommendations to senior NASA officials, and other highlights of the meeting will be discussed.)
3:30 p.m.	Adjournment

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

OCTOBER 15, 1975.

[FR Doc.75–28140 Filed 10–17–75;8:45 am]

[Notice 75–83]

SPACE SCIENCE STEERING COMMITTEE, AD HOC ADVISORY SUBCOMMITTEE TO REVIEW THE PHASE 1 DEFINITION STUDIES OF THE SOLAR MAXIMUM MISSION PAYLOAD

Notice of Meeting

The NASA Ad Hoc Advisory Subcommittee of the Space Science Steering Committee to review the Phase 1 Definition Studies of the Solar Maximum Mission Payload will meet at the Goddard Space Flight Center in Greenbelt, Maryland on November 4, 5 and 6, 1975. The meetings will be held in Room 200 in Building 26 from 9:00 am to 5:00 pm on 4 and 5 November and from 9:00 am to 12:30 pm on 6 November. The Subcommittee will evaluate the results of the Solar Maximum Mission (SMM) Experiment Phase 1 Definition Studies and will recommend an experiment complement which will achieve the primary objectives of the SMM mission. Throughout the Subcommittee sessions, the professional qualifications of the proposers and their potential scientific contributions to the Solar Maximum Mission as well as the merits of their proposed instruments will be candidly discussed and appraised.

Discussion of these matters in a public session would invade the privacy of the Principal Investigators and the other individuals involved. The meeting will be closed to members of the public.

Since the Subcommittee session will be concerned throughout with matters listed in 5 USC 552(b)(6), it has been determined that the session will be closed to the public.

For further information please contact Dr. Adrienne F. Timothy at 202–755–8490.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

OCTOBER 15, 1975.

[FR Doc.75–28217 Filed 10–17–75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

FEDERAL-STATE PARTNERSHIP ADVISORY PANEL

Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the Federal-State Partnership Advisory Panel to the National Council on the Arts will be held on November 5, 6, and 7, 1975 from 9:30 a.m.–5 p.m. On November 5, this Panel will meet in the banquet room of the Performing Arts Center in Milwaukee, Wisconsin; on November 6, in the Wingspread Conference Center in Racine, Wisconsin; on November 7, in the board room of the Performing Arts Center, Milwaukee, Wisconsin.

A portion of this meeting will be open to the public on November 5 and 6 from 9:30 a.m.–5 p.m. on a space available basis. Accommodations are limited. During the open session on November 5, Regional Program, Program Development, and Services to the Field will be discussed; on November 6, Basic State, Grants, Community Development, General Programs, and General Discussion. Each discussion will open with panel-coordinator-staff participation. The Chairman will open up the discussion to guests at the appropriate point. Douglas Richards will present a report at the November 5 Regional discussion.

The remaining sessions of this meeting on November 7 from 9:30 a.m.–5 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75–28108 Filed 10–17–75;8:45 am]

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NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ENVIRONMENTAL BIOLOGY

Notice of Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Environmental Biology. Date: November 6 and 7, 1975. Time: 9:00 a.m. each day. Place: Rm. 643, National Science Foundation, 1800 G Street, NW., Washington, D.C. Type of meeting: Closed.

Contact person: Dr. Paul G. Risser, Program Director for Environmental Biology, Rm. 336, National Science Foundation, Washington, D.C. 20550, telephone (202) 632–7324.

Purpose of advisory panel: To provide advice and recommendations concerning support for research in Environmental Biology.

Agenda: Review and evaluate research proposals that have been assigned to the Environmental Biology Program.

Reason for closing: The proposals being reviewed contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6).

Authority to close meeting: A determination was made on February 21, 1975, by the Director of the National Science Foundation pursuant to provisions of Section 10(d) of Pub. L. 92–463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

OCTOBER 15, 1975.

[FR Doc.75–28145 Filed 10–17–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50–488, STN 50–489, STN 50–490]

DUKE POWER CO.

Availability of Final Environmental Statement for Perkins Nuclear Station, Units 1, 2, and 3

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation, related to the proposed Perkins Nuclear Station, Units 1, 2, and 3, by Duke Power Company to be located in Davie County, North Carolina, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and in the Davie County Public Library, 461 N. Main Street, P.O. Box 158, Mocksville, North Carolina. The Final Environmental Statement is also being made available at the Office of Intergovernmental Relations, 116 West Jones Street, Raleigh, North Carolina, and at the Piedmont Triad Council of Governments, P.O. Box 8945, 5506 W. Friendly Avenue, Greensboro, North Carolina.

The notice of availability of the Draft Environmental Statement for the Perkins Nuclear Station, Units 1, 2, and 3, and requests for comments from interested persons was published in the FEDERAL REGISTER on May 9, 1975 (40 FR 20370). The comments received from Federal, State, local and interested members of the public have been included as appendices to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG–75/088 may be purchased, $7.50 for printed copies and $2.25 for microfiche, from the National Technical Information Service, Springfield, Va. 22161.

Dated at Rockville, Maryland, this 15th day of October 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75–28194 Filed 10–17–75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE ARCHITECT-ENGINEER BALANCE OF PLANT

Meeting Cancellation

The meeting of the Advisory Committee on Reactor Safeguards Subcommittee on the Architect-Engineer Balance of Plant, originally scheduled for October 8, 1975 and subsequently rescheduled for October 24, 1975 is being postponed. Notices were published at 40 FR 43779, September 23, 1975 and 40 FR 44894, September 30, 1975. A new time and date for the meeting will be announced when a firm schedule has been established.

Dated: October 14, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75–28090 Filed 10–17–75;8:45 am]

[Docket Nos. STN 50–528, STN 50–529, and STN 50–530]

ARIZONA PUBLIC SERVICE COMPANY, ET AL. (PALO VERDE NUCLEAR GENERATING STATION, UNITS 1, 2, AND 3)

Availability of Safety Evaluation Report

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed construction of the Palo Verde Nuclear Generating Station, Units 1, 2 and 3, to be located in Maricopa County, Arizona. Notice of receipt of the application filed by Arizona Public Service Company, on behalf of itself and five joint applicants, the Salt River Project Agricultural Improvement and Power District, Tucson Gas & Electric Company, El Paso Electric Company, Public Service Company of New Mexico, and Arizona Electric Power Cooperative, Inc., to construct and operate the Palo Verde Nuclear Generating Station, Units 1, 2 and 3 was published in the FEDERAL REGISTER on October 22, 1974 (39 FR 37527).

This application has been filed utilizing the "reference system" option of the Commission's standardization policy for nucelar power plants, wherein a standard design that involves a major fraction of a nuclear facility may be referenced in license applications. This application references the standard nuclear steam supply system design of Combustion Engineering's Standard Safety Analysis Report (CESSAR), Docket No. STN 50–470, which is currently under staff review.

The Safety Evaluation Report for the Palo Verde Nuclear Generating Station is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Phoenix Public Library, Science and Industry Division, 12 East McDowell Road, Phoenix, Arizona 85004, for inspection and copying. The report (Document No. NUREG–75/098) can also be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland this 10th day of October 1975.

For the Nuclear Regulatory Commission.

RALPH A. BIRKEL,
Acting Chief, Light Water Reactors, Project Branch 1–3, Division of Reactor Licensing.

[FR Doc.75–28088 Filed 10–17–75;8:45 am]

[Docket Nos. 50–282, 50–306]

NORTHERN STATES POWER CO. (PRAIRIE ISLAND NUCLEAR GENERATING PLANT, UNITS 1 AND 2)

Postponement of Evidentiary Hearing

Notice is hereby given that the evidentiary hearing on the steam generator tube integrity issue, previously scheduled to commence on October 28, 1975 (see FR Doc. 75–26181, 40 FR 45237, October 1, 1975), has been postponed to a date to be later determined by the Appeal Board.

Dated: October 14, 1975.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75–28089 Filed 10–17–75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON THE PILGRIM NUCLEAR POWER STATION, UNIT 2

Notice of Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on the Pilgrim Nuclear Power Station, Unit 2, will hold a meeting on November 4, 1975 in the Blue Room of Memorial Hall, Plymouth, Massachusetts. The purpose of this meeting is to develop information to be considered by the ACRS in its review of the application of Boston Edison Company, et al., for a permit to construct this nuclear power plant. The facility is located on the western shore of Cape Cod Bay in the Town of Plymouth. The site is about 4.4 miles east-southeast of the center of the Town of Plymouth, and is about 38 miles southeast of Boston, Massachusetts.

The agenda for the subject meeting shall be as follows:

Tuesday, November 4, 1975, 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations of Subcommittee members relating to the above evaluation.

9:00 a.m. until the conclusion of business. The Subcommittee will meet in open session to hear presentations by representatives of the Nuclear Regulatory Commission (NRC) Staff and Boston Edison Company and their consultants and will hold discussions with these groups pertinent to its review of the application of Boston Edison, et al., for a permit to construct this plant.

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During this session, Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee will meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and the Applicant matters involving proprietary information, particularly with regard to specific features of the plant design and plans related to plant security.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary or plant security information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing 15 copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than October 28, 1975 to Mr. G. Quittschreiber, ACRS, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555 and at the Plymouth Public Library, North Street, Plymouth, MA 02360.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on November 3, 1975 to the Office of the Executive Director of the Committee (telephone 202/634–1374, Attn: Mr. G. Quittschreiber) between 8:15 a.m. and 5:00 p.m., EST.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physcial installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information, other than plant security information, may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. G. Quittschreiber, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after November 11, 1975 at the NRC Public Document Room, 1717 H St., N.W., Wash., D.C. 20555, and at the Plymouth Public Library, North Street, Plymouth, MA 02360. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Wash., D.C. 20555 after February 4, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: October 16, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75–28343 Filed 10–17–75;9:36 am]

OFFICE OF THE FEDERAL REGISTER

INFLATION IMPACT STATEMENTS

Certification Language and Form

The purpose of this notice is to inform Federal agencies of standard language to be used for Inflation Impact Certification and to revise draft instructions previously published in the FEDERAL REGISTER on June 23, 1975 (40 FR 26312).

Executive Order No. 11821 (39 FR 41501) November 29, 1974) requires all executive branch agencies to prepare evaluations of the inflationary impact of major proposals for legislation and for the promulgation of regulations and rules.

The Executive order requires that major proposals "be accompanied by a statement which certifies that the inflationary impact of the proposal has been evaluated." It makes no requirement on proposals which are determined not major.

To this end, it is important first that appropriate documents clearly announce that proper consideration has been given to the potential inflationary impact of a major regulation. Second, it is important that interested parties have a way of finding out that such a certification

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exists. To achieve these purposes, the Office of the Federal Register and Office of Management and Budget have determined that each Federal agency shall use the following standard certification language.

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

To facilitate the finding of each statement within a document, such statement shall be placed immediately above the signature of the authorizing official. A sample excerpt of a typed document follows which shows the proper placement of the certification language.

FEDERAL TRADE COMMISSION

[16 CFR Part 444]

CREDIT PRACTICES

Proposed Trade Regulation

The purpose of this document • • •

Authority: • • • .

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with Executive Order 11821.

JOHN BURTON HOLMES,
Secretary.

After Federal agencies have begun to implement this recommendation, the Office of the Federal Register plans to establish in the FEDERAL REGISTER a finding aid that will make it easy for users to determine when an agency has made an inflation impact certification.

Persons with comments or questions concerning this announcement may direct them to the Director of the FEDERAL REGISTER, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

Dated: October 15, 1975.

FRED J. EMERY,
Director of the Federal Register.

[FR Doc.75-28134 Filed 10-17-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 8986; 811-1019]

AID INVESTMENT FUND, INC.

Filing of Application

OCTOBER 14, 1975.

Notice is hereby given that AID Investment Fund, Inc. ("Applicant"), 701 5th Avenue, Des Moines, Iowa 50304, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 (the "Act"), filed an application on June 23, 1975, and an amendment thereto on September 22, 1975, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, organized under the laws of Maryland in 1960, registered under the Act in January of 1961. At such time Applicant also filed a Registration Statement ("Registration Statement") on Form S-5 under the Securities Act of 1933 ("1933 Act"), offering for sale 700,000 shares of its capital stock. As of March 14, 1975, 78,902 of such shares had been sold.

On March 26, 1975, shareholders of Applicant adopted a Plan of Liquidation and Dissolution. Pursuant thereto, Articles of Dissolution were filed on Applicant's behalf pursuant to the Maryland General Corporation Law, and on June 2, 1975, the State Department of Assessments and Taxation approved and filed same. Thus, under Maryland law, Applicant has been dissolved, subject to continuing its corporate existence for the purpose of winding up its business and affairs.

On March 17, 1975, Applicant filed a Post-Effective Amendment 1975-2 to the Registration Statement, for the purpose of deregistering the 621,098 unsold shares covered by such Registration Statement. On March 25, 1975, such post-effective amendment was declared effective and said shares deregistered.

Subsequent to the adoption of its Plan of Liquidation and Dissolution, and until its dissolution on June 2, 1975, Applicant continued to honor requests for redemption of shares by shareholders at the regular net asset value thereof. Subsequent to such dissolution, and to the date of the application, Applicant has paid out the liquidating distributions payable to all shareholders of record on the date of dissolution, except for three shareholders who have not surrendered their stock certificates and ten shareholders whose current addresses are unknown to the Applicant. These 13 shareholders hold 436.5 shares, having an approximate net asset value of $4.03 each, or an aggregate of approximately $1,761. The directors of Applicant, as statutory liquidating trustees, will continue for a period of three years as required by Maryland law to locate such shareholders for purposes of making final distribution.

Thus, Applicant represents that it has less than 100 shareholders, owns no securities, is not making and does not propose to make a public offering of its securities, and under state law has been dissolved.

Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 10, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued by the Commission as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-28112 Filed 10-17-75;8:45 am]

[Rel. No. 8984; 812-3855]

AMCAP FUND, INC., ET AL.

Notice of Application for Exemption

OCTOBER 14, 1975.

Notice is hereby given that AMCAP Fund, Inc., American Mutual Fund, Inc., The Bond Fund of America, Inc., The Growth Fund of America, Inc., The Income Fund of America, Inc., The Investment Company of America, New Perspective Fund, Inc., and Washington Mutual Investors Fund, Inc. (herein collectively referred to as the "Funds" and each individually as a "Fund"), and American Fund of Government Securities, Inc. ("AFGS"), each of which is registered as an open-end investment company under the Investment Company Act of 1940 (the "Act") and American Funds Distributors, Inc. ("AFD") (collectively referred to with the Funds and AFGS as the "Applicants") 611 West Sixth Street, Los Angeles, California 90017, have filed an application for an order (1) pursuant to Section 11(a) of the Act to permit the Funds to offer to exchange their shares for shares of AFGS on a basis other than their relative net asset value per share at the time of the exchange and (2) pursuant to Section 6(c) of the Act granting exemptions from Section 22(d) of the Act and Rule 22d-1 thereunder in connection with such exchanges. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

AFD, as principal underwriter for each of the Funds and AFGS, maintains a continuous public offering of the shares of each of the Funds and AFGS at their respective net asset values, plus a sales charge. The maximum sales charge for each of the Funds is 8.5% on purchases of less than 015,000; the sales charge is reduced on larger purchases. Shares of each of the Funds may be exchanged for shares of any of the other Funds on the basis of the relative net asset value per share at the time of the exchange without a sales or other charge. The maximum sales charge for AFGS is 1.75% on purchases of less than $15,000; the sales charge is reduced on larger purchases.

Each of the Funds proposes to offer its shares to shareholders of AFGS in exchange for shares of AFGS on the following bases: (1) Shares of AFGS which were acquired through a share exchange or acquired as a result of the reinvestment of dividends or distributions will be exchanged for shares of any of the Funds on the basis of their relative net asset value per share at the time of the exchange; (2) Shares of AFGS acquired other than through a share exchange or reinvestment of dividends or distributions will be exchanged for shares of any of the Funds on the basis of their relative net asset value per share at the time of the exchange, plus the sales charge described in the prospectus of each of the Funds (maximum 8.5%), less an amount equal to the sales charge previously paid on the AFGS shares being exchanged. As a result, a shareholder acquiring shares of one of the Funds through exchange of shares of AFGS would pay approximately the same overall sales charge that he would have paid had he directly purchased the same number of shares of one of the Funds.

With shareholders of the Funds having the right to exchange their shares for shares of AFGS without payment of any sales charges, a shareholder who acquired his shares of a Fund by way of an exchange of shares of AFGS would be able to re-exchange the shares of the Fund for shares of AFGS at net asset value since such shareholder would have paid a normal sales charge on the shares of the Fund when he had previously exchanged AFGS shares for shares of the Fund. No further sales charges would be assessed on any future exchange of the shares so acquired. No refund of sales charges will be made on any of the exchanges permitted hereunder.

In the event a shareholder desires to exchange only a portion of his shares of AFGS, those shares which may be exchanged at relative net asset value without sales charge will be exchanged first. The remaining shares to be exchanged will be selected from those shares which are entitled to be exchanged upon payment of the lowest additional sales charge. For example, if a shareholder who desired to exchange 1,000 shares of AFGS owned 2,000 shares of AFGS on which he had paid a sales charge of 1.75% and 250 shares of AFGS which had been acquired upon the reinvestment of dividends, the shares to be exchanged and the sales charge due would be as follows: 250 shares would be exchanged at net asset value and the remaining 750 shares would be exchanged upon the payment of sales charge of 8.5% less the sales charge paid on the 750 shares at the time they were acquired. If, because of rights of accumulation at the time of the exchange, the shareholder would be entitled to directly purchase shares of the Fund to be acquired at a lower sales charge, he will be assessed the lower sales charge less the sales charge previously paid.

Section 11(a) of the Act provides, in part, that it shall be unlawful for any registered open-end investment company or any principal underwriter for such company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange said security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission.

Section 22(d) of the Act provides, in part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus. The sales charge described in the prospectus of each of the Funds and AFGS differs from and may be greater than the sales charge which would be applicable to the proposed exchange offer.

Applicants state that the purpose of the proposed exchange offer is to permit a shareholder of AFGS who changes his investment objective to change his investment to a different investment company without paying the full sales charge otherwise applicable. It is submitted by Applicants that the exchange offer to shareholders of AFGS cannot be made at the relative net asset value of the Fund to be acquired because the shareholder of AFGS would have paid substantially less sales charges on his investment than similarly situated investors in the Fund to be acquired. Applicants further submit that if shares of the Funds could be acquired by a shareholder of AFGS at net asset value in an exchange, it is possible that the exchange would be in violation of Section 22(d) of the Act since an investor would be able to purchase shares of one of the Funds at a sales charge other than that described in its prospectus merely by purchasing shares of AFGS and subsequently exchanging those shares at net asset value for shares of one of the Funds.

Section 6(c) provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction or any class of persons, securities, or transactions from any provision or provisions of the Act and the Rules promulgated thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given, that any interested person may, not later than November 10, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his request, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following November 10, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-28113 Filed 10-17-75;8:45 am]

[Rel. No. 19209; 70-5747]

COLUMBIA GAS SYSTEM, INC.

Proposed Issue and Sale of Debentures at Competitive Bidding

OCTOBER 14, 1975.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), 20 Montchanin Road, Wilmington, Delaware 19807, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

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Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $75,000,000 principal amount of __% debentures due November 1995. The interest rate of the debentures (which shall be a multiple of ⅛ of 1%) and the price, exclusive of accrued interest, to be paid to Columbia (which shall be not less than 98½% nor more than 101½% of the principal amount thereof), will be determined by the competitive biddmg. The debentures will be issued under an Indenture between Columbia and Morgan Guaranty Trust Company of New York, Trustee, dated as of June 1, 1961, as heretofore supplemented by various indentures and as to be further supplemented by a Twenty-Fourth Supplemental Indenture to be dated as of November 1, 1975.

The supplemental indenture will prohibit redemption of any of the debentures prior to November 1, 1980, directly or indirectly, with borrowed funds, or in anticipation of funds to be borrowed, having an effective annual interest cost to Columbia of less than the effective annual interest cost of the debentures to Columbia. The proposed debentures will be subject to a sinking fund providing for retirement of $70,500,000 (94%) thereof prior to maturity through annual payments of $4,700,000 commencing in 1980. Columbia will also have the non-cumulative option to redeem on any sinking fund day, at the then current sinking fund redemption price, not more than $4,700,000 principal amount of this debentures.

The net proceeds from the sale of the debentures will be added to the general funds of Columbia and, together with other funds then available and funds thereafter to be generated from operations, will be used by Columbia to finance, among other things, the remainder of its 1975 capital expenditures program and part of the 1976 capital expenditures program of Columbia's subsidiary companies, which involves expenditures of approximately $350,000,000. The capital expenditures program involves additions and improvements to the properties of the Columbia system necessary to explore for, produce, receive, transport, store, and distribute the quantities of gas required by the system's customers. Columbia estimates that additional long-term financing of up to $90,000,000 may be required in 1976 to complete this program. Such additional financing, to the extent necessary, will be the subject of future filings with this Commission.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees, commissions, and expenses related to the proposed transaction is to be filed by amendment.

Notice is further given that any interested person may, not later than November 7, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issue of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 160 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-28114 Filed 10-17-75;8:45 am]

[Rel. No. 8983; 811-963]

DANA ASSOCIATES

Filing of Application

OCTOBER 14, 1975.

Notice is hereby given that Dana Associates ("Applicant"), 52 Marginal Way Portland, Maine 04104 a Maine corporation, registered under the Investment Company Act of 1940 ("Act") as a closed-end, diversified management investment company, filed an application on August 5, 1975, and an amendment thereto on September 9, 1975, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that on June 11, 1975, pursuant to a Plan and Agreement of Reorganization ("Agreement"), it transferred to Chemical Fund, Inc. ("Chemical"), substantially all of its portfolio securities and cash or cash equivalents in return for shares of Chemical.

Applicant further states that the Securities and Exchange Commission issued an order on May 21, 1975, pursuant to Section 17(b) of the Act exempting Applicant and Chemical from the provisions of Section 17(a) of the Act with respect to the transactions contemplated by and carried out under the Agreement (Investment Company Act Release No. 8795). Applicant represents that the Agreement was approved by the holders of two-thirds of its shares at a Special Meeting held on June 10, 1975.

Applicant further represents that all of its shares of Chemical, received pursuant to the Agreement, have been distributed to its former shareholders who have surrendered their shares of Applicant. Applicant also states that its only present assets consist of approximately $4,000 in cash and the rights to tax refunds of approximately $36,000 from the Internal Revenue Service and the State of Maine expected to be received in the fall of 1975. Applicant represents that following receipt of such refunds and the payment of outstanding liabilities relating to accounting and legal matters, the remaining cash will be distributed pro rata to its former shareholders and Applicant, which has filed a Statement of Intent to dissolve with the State of Maine, will be dissolved.

Section 8(f) provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 10, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-28115 Filed 10-17-75;8:45 am]

[Rel. No. 8987; 812-3862]

FINANCIAL INTERNATIONAL CORP. ET AL.

Filing of Application

OCTOBER 14, 1975.

Notice is hereby given that Financial International Corporation, a Delaware corporation ("FIC"), 1701 Pennsylvania Avenue N.W., Washington, D.C. 20006, registered as a closed-end non-diversified management investment company under the Investment Company Act of 1940, as amended (the "Act"), Financial General Bankshares, Inc., a Virginia corporation ("FG"), 1701 Pennsylvania Avenue, N.W. Washington, D.C. 20006, a bank holding company registered under the Bank Holding Company Act of 1956 (the "Bank Holding Company Act"), Empire Shares Corporation, a Delaware Corporation ("Empire"), 1701 Pennsylvania Avenue, N.W. Washington, D.C. 20006, a wholly-owned subsidiary of FG and a registered bank holding company under the Bank Holding Company Act, and Bank of Buffalo, a New York State banking corporation ("Buffalo"), 17 Court Street, Buffalo, New York 14202, which is a majority-owned subsidiary of Empire, have filed an Application on September 19, 1975 pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder for an order of the Commission permitting the parties to participate as principals in a certain joint transaction. The aforementioned persons hereinafter are referred to collectively as "Applicants." All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein which are summarized below.

FIC is the owner of 402,229 shares (7.9%) of the outstanding common stock of FG and holds an irrevocable proxy from International Bank, an Arizona corporation ("IB"), empowering FIC to vote an additional 363,720 shares (7.1%) of the outstanding common stock of FG. IB is the owner of 1,129,674 shares (22.2%) of the outstanding common stock of FG but, as noted above, has granted to FIC an irrevocable proxy to vote 363,720 of such shares, so that FIC and IB each possesses the power to vote approximately 15.1% of the outstanding common stock of FG, the aggregate voting power of FIC and IB together being approximately 30.2%.

Applicants state that FIC and IB may be considered to be affiliated with each other since approximately 35% of the outstanding shares of voting stock of FIC and approximately 32% of the outstanding voting stock of IB is beneficially owned, directly or indirectly, by Mr. George Olmsted. While neither FIC nor IB owns or holds the power to vote 25% or more of the outstanding voting shares of FG, the aggregate number of shares held by the two companies exceeds 25%. For this reason, applicants say, without admitting, FIC may be deemed for purposes of Section 2(a)(9) of the Act to be a part of the control of FG.

FG is the sole stockholder of Empire, which in turn owns approximately 61% of the outstanding capital stock of Buffalo. Accordingly, if and to the extent that FIC would be deemed to control FG within the meaning of the Act, it would, therefore, also control Empire and Buffalo.

FG, Empire and Buffalo have entered into an Acquisition Agreement ("Agreement"), dated May 15, 1975, with The Bank of New York Company, Inc. ("BNY Company"), a registered bank holding company under the Bank Holding Company Act, and Niagara Frontier Bank of New York ("Niagara"), a New York State banking corporation which is a wholly-owned subsidiary of BNY Company with its principal office and banking activities in Buffalo, New York.

Applicants state that the Agreement provides that BNY Company will purchase from Empire the shares of capital stock of Buffalo owned by Empire at a price of $30 per share or an aggregate of $6,067,920, subject to the conditions set forth in the Agreement, and will also make an offer to all other stockholders of Buffalo to purchase their shares at the same price of $30 per share. Applicants represent that the consummation of the purchase of stock of Buffalo from Empire and other tendering stockholders is contingent upon acceptance of the cash offer of BNY Company by holders of at least 80% of the stock of Buffalo or such lesser percentage, not less than 66⅔%, as BNY Company may elect and to the fulfillment of other conditions, including approval by all applicable regulatory authorities, including the Board of Governors of The Federal Reserve System and the New York State Banking Department. Applicants further state that the Agreement provides for the merger of Buffalo and Niagara on terms whereby minority stockholders of Buffalo would receive the sum of $30 per share in cash, subject to appraisal rights under New York law. Applicants anticipate that, concurrently or immediately following the making of the tender offer, proxy material for a special meeting of stockholders of Buffalo to consider the merger with Niagara will be mailed to said stockholders and that such material will comply with the Proxy Rules under the Securities Exchange Act of 1934.

Applicants assert that there are no affiliations between BNY Company or Niagara and any of FIC, FG, IB, Buffalo or any affiliates known to any of the applicants and that, accordingly, the sale by Empire and the merger of Buffalo with Niagara would not fall within the scope of Section 17(a) of the Act.

Section 17(d) of the Act and Rule 17d-1 thereunder taken together provide, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by an order of the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Applicants state that, in view of the assumption for purposes of this application that, FIC will be deemed to be in control of FG and therefore also of Empire and Buffalo within the meaning of Section 2(a)(9) of the Act, the proposed arrangements involved in the Agreement would be deemed to involve a joint participation by controlled affiliates of an investment company within the meaning of Section 17(d) of the Act and Rule 17d-1 thereunder and the transaction is not one which would fall within the exceptions from the filing of applications provided by subparagraph (5) of Rule 17d-1(d). Accordingly, the applicants jointly apply for an order under Section 17(d) of the Act and Rule 17d-1 thereunder permitting the proposed transaction.

In support of such application, the Applicants urge the following:

1. The Agreement, involving a proposed sale of stock of Buffalo by Empire to BNY Company and the subsequent merger of Buffalo with Niagara, was arrived at as a result of arm's-length negotiations involving FG, as sole stockholder of Empire, Buffalo, and BNY Company, as sole stockholder of Niagara. No affiliations exist between any of the applicants and BNY Company or Niagara.

2. The sum to be paid to Empire as a controlling stockholder of Buffalo and to each minority stockholder of Buffalo accepting the BNY Company tender offer will be the same, i.e., $30 per share. Moreover, the proposed terms of merger will provide for payment of the same cash price of $30 per share, subject to appraisal rights, to stockholders of Buffalo who do not accept the tender offer.

3. To the extent that any minority stockholder of Buffalo feels that the price of $30 per share is not fair, he is entitled to exercise appraisal rights under the New York Banking Law.

4. The interest of the public community in the proposed transaction is protected by the regulatory approvals required from the Board of Governors of The Federal Reserve System and the New York State Banking Department, which must pass upon the acquisition of the shares by BNY Company and upon the merger.

The applicants submit that the proposed transaction is fair and equitable to each of the participating parties and to their respective stockholders, is the result of arm's-length negotiations with non-affiliated persons, does not involve

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overreaching or any special benefits or consideration to any participating party and is consistent with the provisions, policies and purposes of the Act.

Notice is further given that any interested person may, not later than November 10, 1975, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at their addresses stated above. Proof of service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the application will be issued as of gated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of hearing (if ordered) and any postponements thereof.

For the Commission by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–28116 Filed 10–17–75;8:45 am]

[Rel. No. 8985; 811–1695]

FINANCIAL VENTURE FUND, INC.

Filing of Application

OCTOBER 14, 1975.

Notice is hereby given that on August 18, 1975, Financial Venture Fund, Inc. ("Applicant"), 1050 South Broadway, Denver, Colorado 80209, registered as an vestment company under the Investopen-end diversified management investment company under the Investment Company Act of 1940 ("Act") filed application pursuant to Section 8(f) of the Act for an order of the Commission declaring that it has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which is summarized below.

Applicant was incorporated under the laws of Colorado on July 19, 1968, and registered under the Act on July 26, 1968. On July 18, 1975, at an annual meeting of shareholders, 69% of the outstanding voting securities of Applicant were voted in favor of an agreement and plan of reorganization (Plan) dated March 31, 1975, which provided for the following: an exchange of substantially all of the assets of Applicant for shares of Financial Dynamics Fund, Inc. (Dynamics), based upon the relative net asset values of Applicant and Dynamics at the valuation time as defined in the Plan; the distribution of the Dynamics shares to shareholders of Applicant; and the liquidation and dissolution of the Applicant. Since Applicant and Dynamics were parties to certain litigation identified in the Plan, it provided for the assignment to Dynamics of all claims asserted by Applicant in the law suits in which Applicant was a plaintiff and for the assumption by Dynamics of all liability in law suits in which Applicant was a defendant.

The Exchange was consummated on July 21, 1975, after conditions of the Plan had been satisfied, including approval of the Plan by a vote of two-thirds of the outstanding shares of Applicant pursuant to the laws of Colorado. In accordance with the Plan, all Dynamics shares were distributed to the shareholders of Applicant, and active operations of Applicant have ceased. All liabilities of Applicant have been paid or provided for.

Section 8(f) of the Act provides, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 4, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request as provided by Rule 0–5 of the Rules and Regulations promulgated under the Act. An order disposing of the application herein will be issued as of course following November 4, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–28117 Filed 10–17–75;8:45 am]

[Rel. No. 8981; 812–3844]

NORTHWESTERN MUTUAL LIFE INSURANCE CO.

Notice of Application

OCTOBER 10, 1975.

NOTICE IS HEREBY GIVEN that the Northwestern Mutual Life Insurance Company ("Northwestern Mutual"), a mutual life insurance company organized in 1857 by a special statute of the legislature of the State of Wisconsin, NML Variable Annuity Account B ("Account B") and NML Variable Annuity Account 2 ("Account 2"), 720 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, unit investment trusts registered under the Investment Company Act of 1940 ("Act"), (hereinafter collectively called "Applicants") have filed an application on July 29, 1975 and an amendment thereto on September 8, 1975 for an order approving certain offers of exchange. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Account B and Account 2 were established by Northwestern Mutual in connection with the sale of certain variable annuity contracts (the "Contracts"). Net purchase payments under the Contracts are allocated to the appropriate Account and invested in shares of NML Fund, Inc. (the "Stock Fund"), a diversified open-end management company registered under the Act which invests primarily in equity securities. Northwestern Mutual has organized a second investment company, NML Bond Fund, Inc. (the "Bond Fund"), which will invest primarily in debt securities and provide an alternative investment medium for the Accounts. Registration statements under the Act and under the Securities Act of 1933 have recently been filed with the Commission on behalf of the Bond Fund.

Applicants propose to create within each Account a Stock Division and a Bond Division, assets of which will be invested in shares of the Stock Fund and the Bond Fund, respectively. Applicants will then offer revised Contracts which will permit the purchasers of the Contracts to direct the apportionment of their net purchase payments between the Stock Division and the Bond Division (the "Divisions"). In the case of Deferred Contracts, the owner will be entitled to transfer accumulated funds from one Division to the other on an ongoing basis. After annuity payments commence, under either a Deferred Contract or an Immediate Contract, a similar transfer privilege will be available. During the accumulation phase, the minimum amount which may be transferred will be the lesser of $1,000 or the entire amount in the Division from which the transfer is being made.

In regard to a transfer during the annuity payment period, the amount to be transferred will be based on the present value of the remaining payments due, reflecting the attained age of the annuitant and mortality and interest assumptions. The present value must be equal to or greater than the minimum reserve required by state insurance laws. The participant will receive his monthly payments thereafter based on the investment experience of the newly selected Division. Applicants assert that, aside from the slight reduction in his monthly payments which will result from the deduction of a $5 administrative fee from the amount transferred and the fact that such payments will be subject to the investment experience of the newly selected Division, the transfer will have no impact on the value of the participant's payments. They further assert that such transfer will have no impact on other contract owners and payees in either Division.

The right to transfer will be subject to limitations described in the Contracts, including the limitation that repeat transfers will be permitted only if at least twelve months have elapsed since the last transfer and the $5 administrative charge for each transfer mentioned above. The transfer privileges are to be included in the revised Contracts, which will also be extended to owners and payees under existing Contracts which are outstanding on the date the revised Contracts are first offered for sale.

Section 11(a) makes it unlawful for any registered open-end company or principal underwriter therefor to make an offer to the holder of a security of such company or of any other open-end investment company to exchange its security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) of the Act provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer of exchange of the securities of a registered unit investment trust for the securities of any other investment company.

Although Applicants consider that transfers pursuant to these transfer privileges would not appear to involve any exchange of a security of a registered unit trust for the security of any other investment company, Applicants are requesting an order pursuant to Section 11 approving the transfer privilege to avoid any question that might be raised. Applicants assert that the transfer privileges discussed in the application and summarized herein are consistent with the policy of Sections 11 (a) and (c) and would benefit contract owners.

Applicants state that the apparent purpose of Section 11 is to protect investors against unfair exchange offers and, since the transfer privilege to be included in the revised Contracts will be based on the respective net asset values of the underlying mutual fund shares, and the $5 charge on each transaction will not exceed the actual administrative expenses incurred by Northwestern Mutual, the investor is assured that the arrangement is fair. Applicants note that Northwestern Mutual stands to gain nothing from these transactions, except that the attractiveness of the Contracts for its customers and prospective customers will be enhanced by the transfer privileges.

Applicants submit that a variable annuity contract is normally purchased as a long-term investment and it is appropriate to allow investors to reevaluate their investment objectives from time to time and change from one investment vehicle to another without paying additional charges for sales expenses when they conclude that the alternative investment is more suitable in their present circumstances.

Notice is further given that any interested person may, not later than November 5, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following such date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–28118 Filed 10–17–75;8:45 am]

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DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-126]

DORSEY TRAILERS INC., ELBA, ALA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-126: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 25, 1975 in response to a worker petition received on August 12, 1975 which was filed by workers formerly producing truck bodies and trailers at Dorsey Trailers Incorporated.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 41207) on September 5, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Dorsey Trailers Incorporated, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers declined 50 percent in the 12 months ending September 1975 when compared to the 12 months ending September 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production of trailers at Dorsey Trailer Incorporated declined 50 percent in the 12 months ending September 1975 when compared to the previous 12 months.

Increased Imports Contributed Importantly. Imports like or directly competitive with truck bodies and trailers produced by Dorsey Trailers Incorporated have been negligible in the past several years. In addition products like or directly competitive with alleged increases of imports of seagoing ISO containers constituted about one percent of total company production in recent years.

Evidence developed in the Department's investigation indicates that separations at the Dorsey plant of workers producing trailers and truck bodies resulted from decreased orders due to the depressed economic conditions. Ninety-nine percent of production at Dorsey Trailers Incorporated consists of truck bodies and trailers for inland transportation. Separations of these employees were totally unrelated to allegedly increased imports of seagoing ISO containers.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with trailers produced at Dorsey Trailers Incorporated did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 10th day of October 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-28156 Filed 10-17-75;8:45 am]

[TA-W-116]

RANDY MANUFACTURING CO., INC., RANDOLPH, MASS.

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-116; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 14, 1975 in response to a worker petition received on August 12, 1975 which was filed by employees of Randy Manufacturing Company, Inc. on behalf of workers formerly producing canvas footwear at the Randolph, Massachusetts plant.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 37277) on August 26, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Randy Manufacturing Company, Inc., its customers, the Rubber Manufacturers Association, the U.S. International Trade Commission, the Department of Commerce and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at the Randolph plant decreased 14 percent in the first half of 1975 compared to the first half of 1974. Average weekly hours decreased 43 percent in the first half of 1975 compared to the first half of 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales and production at the Randolph plant declined 24 percent and 18 percent, respectively in the first half of 1975 compared to the first half of 1974.

Increased Imports Contributed Importantly. Imports of canvas footwear like or directly competitive with that produced at the Randolph plant increased from 24.2 million units in 1973 to 26.3 million in 1974. Imports increased from 14.0 million units in the first six months of 1974 to 14.1 million units in the first 6 months of 1975.

The ratios of imports to domestic consumption and production increased from 14.0 percent and 16.3 percent, respectively in 1973 to 15.4 percent and 18.2 percent, respectively in 1974. The ratios of imports to domestic consumption and production increased from 14.8 percent and 17.4 percent, respectively in the first 6 months of 1974 to 15.2 percent and 18.0 percent, respectively in the first 6 months of 1975. Major customers of Randy Manufacturing Company have increased amounts of imported canvas footwear while reducing purchases from Randy.

The evidence developed by the Department's investigation indicates that the separation of workers engaged in employment related to the production of canvas footwear at the Randolph plant was caused by the increase of competitive imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with canvas footwear produced at the Randolph plant contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly, piecework, and salaried workers engaged in employment related to the production of canvas footwear at the Randolph, Massachusetts plant of Randy Manufacturing Company, Inc. who become totally or partially separated from employment on or after April 5, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 8th day of October 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-28157 Filed 10-17-75;8:45 am]

[TA-W-114]

ROCKFORD CABINET PLANT OF THE GENERAL ELECTRIC CO., ROCKFORD, ILL.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-114: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 13, 1975 in response to a worker petition received on August 12, 1975 which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers formerly producing wood console television cabinets at General Electric's Rockford Cabinet Plant, Rockford, Illinois.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 36634) on August 21, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of General Electric, the Electric Industries Association, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers declined 62 percent in the first half of 1975 compared to the like period in 1974. The average number of salaried workers dropped 45 percent in the first half of 1975 compared to the like period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production at the Rockford plant declined 53 percent in the first half of 1975 compared to the first half of 1974.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with those produced at the Rockford plant decreased from 17 thousand units ($1.3 million) in 1973 to 13 thousand units ($900 thousand) in 1974. Imports of console television cabinets have comprised less than one percent of the United States market in each year since 1970. The ratios of imports to domestic consumption and production in terms of quantity remained unchanged at .5 percent during 1973 and 1974. In terms of dollar value, both ratios fell from .9 percent in 1973 to .8 in 1974.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in the production of wood console television cabinets at the Rockford plant was not caused by an increase in competitive imports. The Rockford plant was a "captive supplier," producing cabinets only for G.E.—made televisions with screen sizes larger than 19 inches. In 1974, G.E. imported cabinets that amounted to four percent of Rockford's 1974 production. However, over 80 percent of these imports were specially made wood cabinets which could not have been produced at Rockford. Further, imports of console televisions with screen sizes larger than 19 inches are negligible according to industry analysts.

The declining demand in recent years for console televisions plus the adverse impact of the economic recession on 1974 year-end television sales caused production and employment at Rockford to drop sharply after October 1974. G.E. announced the closing of the Rockford plant in March 1975, after a corporate decision to purchase console cabinets from other more competitive domestic cabinet manufacturers.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the wood console television cabinets produced at the Rockford, Illinois plant of the General Electric Company did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 9th day of October 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-28158 Filed 10-17-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

OCTOBER 15, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 30, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 564 (Sub-No. E13), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods;* (1) Between points in that part of Michigan east of a line beginning at Lake Superior at L'Anse, thence along U.S. Highway 41 to junction U.S. Highway 141, thence along U.S. Highway 141 to the Wisconsin-Michigan State line, on the one hand, and, on the other, Yankton and North Sioux City, S. Dak.; and (2) between points in Michigan on and south of a line beginning at Lake Michigan and extending along U.S. Highway 10 to junction Michigan Highway 25, thence along Michigan Highway 25 to Port Huron, Mich., on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate the gateway of points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-No. E22), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods;* (1) Between points in Iowa within 150 miles of Austin, Minn., on the one hand, and, on the other, points in that part of Oregon on and west of U.S. Highway 97 and points in Wheeler, Morrow, Gilliam, Grant, and Umatilla Counties, Oreg. (Wenatchee, Wash., and points in Montana)*: (2) between points in that part of Iowa on, east, and north of a line beginning at the Iowa-Wisconsin State line, thence along U.S. Highway 61 to junction U.S. Highway 92 to the Iowa-Illinois State line, on the one hand, and, on the other, points in that part of Oregon described in (1) above (Wenatchee, Wash., points in Montana; and points in that part of Illinois within 150 miles of Austin, Minn.)*. The purpose of this filing is to elminate the gateways indicated by asterisks above.

No. MC 564 (Sub-No. E29), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

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ing: *Household goods,* between points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 271 to Paris, thence along Texas Highway 24 to Greenville, thence along Interstate Highway 30 to junction Interstate Highway 635, thence along Interstate Highway 635 to junction Interstate Highway 45, thence along Interstate Highway 45 to Richland, thence along Texas Highway 14 to junction Highway 6 to Bryan, thence along Texas Highway 21 to junction U.S. Highway 77, thence along U.S. Highway 77 to Victoria, thence along U.S. Highway 87 to the Gulf of Mexico, on the one hand, and, on the other, points in that part of Indiana on and north of U.S. Highway 30. The purpose of this filing is to eliminate the gateways of points in Illinois; points in Iowa within 150 miles of Austin, Minn.; and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-No. E45), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* between points in Maryland, on the one hand, and, on the other, points in that part of Kansas on, west, and south of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 75 to junction Kansas Highway 68, thence along Kansas Highway 68 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateways of (1) Points in Lincoln, Nebr., and points in Illinois; or (2) points in Illinois; points in Iowa within 150 miles of Austin, Minn.; and points in that part of Missouri south of U.S. Highway 54 and west of U.S. Highway 5.

No. MC 564 (Sub-No. E50), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods;* (1) Between points in that part of Kansas on, south, and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 75 to junction U.S. Highway 56, thence along U.S. Highway 56 to the Missouri-Kansas State line, on the one hand, and, on the other, points in New York; and (2) between Leavenworth, Kans., on the one hand, and, on the other, Plattsburgh, N.Y. The purpose of this filing is to eliminate the gateways of (1) Lincoln, Nebr., and points in Illinois; or (2) points in Missouri south of U.S. Highway 54 and west of Missouri Highway 5, points in Iowa within 150 miles of Austin, Minn., and points in Illinois.

No. MC 564 (Sub-No. E51), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* between points in Kansas on, west, and south of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 77 to junction U.S. Highway 56, thence along U.S. Highway 56 to the Missouri-Kansas State line, on the one hand, and, on the other, points in Minnesota within a 150 miles of Austin. The purpose of this filing is to eliminate the gateway of Lincoln, Nebr., or points in that part of Missouri south and west of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 54 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Missouri-Arkansas State line.

No. MC 564 (Sub-No. E53), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods;* (1) Between points in that part of Kansas on, west, and south of a line beginning at the Kansas-Nebraska State line and extending along Kansas Highway 99 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Kansas State line, on the one hand, and, on the other, points in that part of Illinois on and north of U.S. Highway 30 (Lincoln, Nebr., or points in Iowa within 150 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5) *; and (2) between Kansas City, Mo., on the one hand, and, on the other, points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 34 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Indiana-Illinois State line (points in Iowa within 150 miles of Austin, Minn.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 564 (Sub-No. E54), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* between points in that part of Indiana on and north of U.S. Highway 24, on the one hand, and, on the other, points in that part of Kansas on and west of Kansas Highway 99. The purpose of this filing is to eliminate the gateways of (1) Lincoln, Nebr., and points in Illinois; or (2) points in Illinois; points in Iowa within 150 miles of Austin, Minn.; and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-No. E56), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* between points in Iowa within 150 miles of Austin, Minn., on the one hand, and, on the other, points in that part of Kansas on, west, and south of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 77 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateways of Lincoln, Nebr., or points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-No. E64), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods;* (1) Between points in that part of Kansas on, west, and north of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 77 to Manhattan, thence along Interstate Highway 70 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Oklahoma-Kansas State line and points in Riley and Geary Counties, Kans., on the one hand, and, on the other, points in Ohio; and (2) between points in that part of Ohio, on, north, and east of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 6 to Fremont, thence along U.S. Highway 20 to Norwalk, thence along U.S. Highway 18 to Akron, thence along Interstate Highway 77 to Canton, thence along U.S. Highway 30 to the Pennsylvania-Ohio State line, on the one hand, and, on the other, points in that part of Arkansas, on and west of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 77 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateways of (1) Lincoln, Nebr., and points in Illinois; or (2) points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5; points in Iowa within 150 miles of Austin, Minn.; and points in Illinois.

No. MC 564 (Sub-No. E65), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* between points in that part of Kansas on, west, and south of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 75 to junction Kansas Highway

68, thence along Kansas Highway 68 to the Kansas-Missouri State line, on the one hand, and, on the other, points in that part of Wisconsin on and south of Wisconsin Highway 77. The purpose of this filing is to eliminate the gateways of (1) Lincoln, Nebr.; points in Iowa or Wisconsin within 150 miles of Austin, Minn; and points in Illinois; or (2) points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5 and points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-No. E136), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods;* (1) Between points in Okanogan, Chelan, Douglas, Grant, and Ferry Counties, Wash., on the one hand, and, on the other, points in Josephine, and Jackson Counties, Oreg., and Klamath Falls, Oreg.; (2) between points in Kings County, Wash., on the one hand, and, on the other, points in Malheur County, Oreg.; (3) between points in Harney County, Oreg., on the one hand, and, on the other, points in Whatcom County, Wash.; (4) between points in Grays Harbor County, Wash., on the one hand, and, on the other, points in Malheur County, Oreg.; (5) between points in Pierce County, Wash., on the one hand, and, on the other, points in Baker County, Oreg.; (6) between points in Josephine and Jackson Counties, Oreg., on the one hand, and, on the other, points in Ferry, Stevens, and Pend Oreille Counties, Wash.; (7) between points in Multnomah County, Oreg., on the one hand, and, on the other, points in Chelan and Douglas Counties, Wash.; and (8) between points in Sherman, Hood River, Multnomah, Tillamook, Yamhill, Clackamas, Wasco, Marion, Polk, Lincoln, Benton, Jefferson, Deschutes, Lane, Douglas, Klamath, Coos, Curry, Lake, and Linn Counties, Oreg., on the one hand, and, on the other, points in Ferry, Grant, Douglas, Chelan, and Okanogan Counties, Wash. The purpose of this filing is to eliminate the gateway of Wenatchee, Wash.

No. MC 61825 (Sub E378), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture,* between points in Virginia on and west of a line beginning at the West Virginia-Virginia State line and extending south along Interstate Highway 77 to junction Virginia Highway 606, thence east along Virginia Highway 606 to junction Virginia Highway 42, thence west along Virginia Highway 42 to junction Virginia Highway 738, thence south along Virginia Highway 738 to junction Virginia Highway 100, thence south along Virginia Highway 100 to junction U.S. Highway 221, thence west along U.S. Highway 221 to junction U.S. Highway 52, thence south along U.S. Highway 52 to the Virginia-North Carolina State line, on the one hand, and, on the other, the District of Columbia and points in Maryland and West Virginia on and east of U.S. Highway 522. The purpose of this filing is to eliminate the gateways of Pulaski and Lynchburg, Va.

No. MC 61825 (Sub E379), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture,* from points in Henry County, Va., and those points in Pittsylvania County, Va., on and bounded by a line beginning at the North Carolina-Virginia State line and extending north along U.S. Highway 29 to junction Virginia Highway 41, thence north along Virginia Highway 41 to junction Virginia Highway 57, thence west along Virginia Highway 57 to the Pittsylvania-Henry County line, thence south along the Pittsylvania-Henry County line to the Virginia-North Carolina State line, thence east along the Virginia-North Carolina State line to point of beginning, to points in Delaware, the District of Columbia, Illinois, Indiana, Iowa, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub E380), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture,* from points in Henry County, Va., to points in Virginia on and north of a line beginning at the West Virginia-Virginia State line and extending east along U.S. Highway 33 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Virginia Highway 659, thence south along Virginia Highway 659 to junction U.S. Highway 340, thence south along U.S. Highway 340 to junction U.S. Highway 250, thence east along U.S. Highway 250 to junction Virginia Highway 208, thence northeast along Virginia Highway 208 to junction Virginia Highway 606, thence east along Virginia Highway 606 to junction Virginia Highway 2, thence south along Virginia Highway 2 to junction U.S. Highway 301, thence north along U.S. Highway 301 to the Potomac River. The purpose of this filing is to eliminate the gateway of Martinsville and Lynchburg, Va.

No. MC 61825 (Sub-No. E413), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture,* from points in North Carolina on and bounded by a line beginning at the Tennessee-North Carolina State line extending along U.S. Highway 421 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction North Carolina Highway 16, thence along North Carolina Highway 16 to junction Interstate Highway 77, thence along Interstate Highway 77 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction U.S. Highway 52, thence along U.S. Highway 52 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to the North Carolina-Tennessee State line, thence along the North Carolina-Tennessee State line to points of beginning, to those points in New Jersey, New York, and Pennsylvania on, north, and east of a line beginning at the United States-Canada International Boundary line extending along New York Highway 5 to junction New York Highway 75, thence along New York Highway 75 to junction New York Highway 391, thence along New York Highway 391 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 46, thence along Pennsylvania Highway 46 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Hudson River, thence along the Hudson River to Upper New York Bay, thence through The Narrows to Lower New York Bay and thence to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Pulaski and Martinsville, Va.

No. MC 61825 (Sub-No. E414), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture,* from points in North Carolina on, south and west of a line beginning at the Tennessee-North Carolina State line extending along U.S. Highway 421 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction North Carolina Highway 16, thence along North Carolina Highway 16 to junction Interstate Highway 77, thence along Interstate Highway 77 to the North Carolina-South Carolina State line to those points in Delaware, New Jersey, New York, and Pennsylvania on, north, and east of a line beginning at Youngstown, N.Y., extending along the United States-Canada International Boundary line to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 75, thence along New York Highway 75 to junction U.S. Highway 62, thence along U.S. Highway 62 to junc-

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tion New York Highway 17, thence along New York Highway 17 to junction New York Highway 60, thence along New York Highway 60 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 948, thence along Pennsylvania Highway 948 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641, thence along Pennsylvania Highway 641 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 230, thence along Pennsylvania Highway 230 to junction U.S. Highway 222, thence along U.S. Highway 222 to junction Pennsylvania Highway 741, thence along Pennsylvania Highway 741 to junction Pennsylvania Highway 896, thence along Pennsylvania Highway 896 to junction Delaware Highway 896, thence along Delaware Highway 896 to junction Delaware Highway 273, thence along Delaware Highway 273 to the Delaware River, thence along the Delaware River to the Delaware Bay, and thence to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Pulaski and Martinsville, Va.

No. MC 61825 (Sub-No. E415), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Robbinsville, N.C., to points in Delaware, New Jersey, New York, and Pennsylvania on and northeast of a line beginning near Youngstown, N.Y., extending along the United States-Canada International Boundary line to New York Highway 5, thence along New York Highway 5 to junction New York Highway 75, thence along New York Highway 75 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 60, thence along New York Highway 60 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction Pennsylvania Highway 359, thence along Pennsylvania Highway 359 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to junction Pennsylvania Highway 156, thence along Pennsylvania Highway 156 to junction Pennsylvania Highway 981, thence along Pennsylvania Highway 981 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 381, thence along Pennsylvania Highway 381 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 219, thence along U.S. Highway 219 to Berlin, Pa., thence along Pennsylvania Highway 160 to the Pennsylvania-Maryland State line, thence along the Pennsylvania-Maryland State line to the Maryland-Delaware State line, thence along the Maryland-Delaware State line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Pulaski and Martinsville, Va.

No. MC 61825 (Sub-No. E416), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the Tennessee-North Carolina State line extending along U.S. Highway 421 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction North Carolina Highway 16, thence along North Carolina Highway 16 to junction Interstate Highway 77, thence along Interstate Highway 77 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction U.S. Highway 52, thence along U.S. Highway 52 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to the North Carolina-Tennessee State line, thence along the North Carolina-Tennessee State line to points of beginning, to those points in West Virginia, Maryland and the District of Columbia on and bounded by a line beginning at the Pennsylvania-Maryland State line extending along U.S. Highway 522 to the West Virginia-Virginia State line, thence along the West Virginia-Virginia State line to the Maryland-Virginia State line, thence along the Maryland-Virginia State line to the District of Columbia-Virginia boundary line, thence along the District of Columbia-Virginia boundary line to junction Interstate 495, thence along Interstate Highway 495 to junction Maryland Highway 4, thence along Maryland Highway 4 to junction Maryland Highway 260, thence along Maryland Highway 260 to the Chesapeake Beach, thence along the Chesapeake Bay to Honga, Md., thence along Maryland Highway 335 to junction Maryland Highway 16, thence along Maryland Highway 16 to junction Maryland Highway 392, thence along Maryland Highway 392 to the Maryland-Delaware State line, thence along the Maryland-Delaware State line to the Maryland-Pennsylvania State line, thence along the Maryland-Pennsylvania State line to points of beginning. The purpose of this filing is to eliminate the gateway of Pulaski and Lynchburg, Va.

No. MC 61825 (Sub-No. E417), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and southwest of a line beginning at the Tennessee-North Carolina State line extending along U.S. Highway 421 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction North Carolina Highway 16, thence along North Carolina Highway 16 to junction Interstate Highway 77, thence along Interstate Highway 77 to the North Carolina-South Carolina State line, to those points in the District of Columbia, Maryland, and West Virginia on and bounded by a line beginning at the Pennsylvania-West Virginia-Maryland State line extending along the West Virginia-Maryland State line to junction U.S. Highway 219, thence along U.S. Highway 219 to junction West Virginia Highway 32, thence along West Virginia Highway 32 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line, thence along the West Virginia-Virginia State line to the Potomac River, thence along the Potomac River to the Chesapeake Bay, thence across the Chesapetake Bay to Nanticoke, Md., thence along Maryland Highway 349 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Maryland Highway 528, thence along Maryland Highway 528 to the Maryland-Delaware State line, thence along the Maryland-Delaware State line to the Maryland-Pennsylvania State line, thence along the Maryland-Pennsylvania State line to point of beginning. The purpose of this filing is to eliminate the gateway of Pulaski and Lynchburg, Va.

No. MC 61825 (Sub-No. E418), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Robbinsville, N.C., to points in Maryland and the District of Columbia, and those in West Virginia on and northeast of a line beginning at the Pennsylvania-West Virginia State line extending along U.S. Highway 19 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction West Virginia Highway 38, thence along West Virginia Highway 38 to junction West Virginia Highway 72, thence along West Virginia Highway 72 to junction West Virginia Highway 32, thence along West Virginia Highway 32 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 220, thence along U.S. Highway 220 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Pulaski and Lynchburg, Va.

No. MC 61825 (Sub-No. E419), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Beaver

County, Pa., on the one hand, and, on the other, points in Amelia, Amherst, Appomattox, Bedford, Botetourt, Buckingham, Campbell, Charlotte, Cumberland, Floyd, Franklin, Halifax, Henry, Lunenburg, Mecklenburg, Montgomery, Mottoway, Patrick, Pittsylvania, Prince Edward, Washington, and Wythe Counties, Va., including independent cities bounded by the above-named counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E420), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Butler County, Pa., on the one hand, and, on the other, points in Amherst, Appomattox, Bedford, Buckingham, Campbell, Charlotte, Cumberland, Floyd, Halifax, Henry, Lunenburg, Mecklenburg, Nottoway, Patrick, Pittsylvania, and Prince Edward Counties, Va., including independent cities bounded by the above-named counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E421), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Crawford County, Pa., on the one hand, and, on the other, points in Amelia, Amherst, Appomattox, Bedford, Botetourt, Buckingham, Campbell, Charlotte, Cumberland, Floyd, Franklin, Halifax, Henry, Lunenburg, Mecklenburg, Montgomery, Nottoway, Patrick, Pittsylvania, Prince Edward, Roanoke, Washington, and Wythe Counties, Va., including independent cities bounded by the above-named counties. The purpose of this filing is to eliminate the gateway of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E422), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Erie County, Pa., on the one hand, and, on the other, points in Amelia, Amherst, Appomattox, Bedford, Botetourt, Buckingham, Campbell, Carroll, Charlotte, Cumberland, Floyd, Franklin, Grayson, Halifax, Henry, Lunenburg, Mecklenburg, Montgomery, Nottoway, Patrick, Pittsylvania, Prince Edward, Pulaski, Roanoke, Smyth, Washington, and Wythe, Counties, Va., including independent cities bounded by the above-named counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E423), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Forest County, Pa., on the one hand, and, on the other, points in Appomattox, Bedford, Campbell, Charlotte, Halifax, Henry, Lunenburg, Mecklenburg, Patrick, and Pittsylvania Counties, Va., including independent cities bounded by above-named counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E424), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Lawrence County, Pa., on the one hand, and, on the other, points in Amelia, Amherst, Appomattox, Bedford, Botetourt, Buckingham, Campbell, Charlotte, Cumberland, Floyd, Franklin, Halifax, Henry, Lunenburg, Mecklenburg, Montgomery, Nottoway, Patrick, Pittsylvania, Prince Edward, Washington, and Wythe Counties, Va., including independent cities bounded by the above-named counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E425), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Mercer County, Pa., on the one hand, and, on the other, points in Appomattox, Bedford, Campbell, Charlotte, Floyd, Halifax, Henry, Lunenburg, Mecklenburg, Nottoway, Patrick, Pittsylvania, and Prince Edward Counties, Va., including independent cities bounded by the above-named counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E426), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Venango County, Pa., on the one hand, and, on the other, points in Amherst, Appomattox, Bedford, Buckingham, Campbell, Charlotte, Cumberland, Floyd, Franklin, Halifax, Henry, Lunenburg, Mecklenburg, Montgomery, Nottoway, Patrick, Pittsylvania, and Prince Edward Counties, Va., including independent cities bounded by the above-named counties. The purpose of this filing is to eliminate the gateway of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E427), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Warren County, Pa., on the one hand, and, on the other, points in Appomattox, Bedford, Campbell, Carroll, Charlotte, Floyd, Grayson, Halifax, Henry, Lunenburg, Mecklenburg, Montgomery, Nottoway, Patrick, Pittsylvania, Prince Edward, Pulaski, Roanoke, Smyth, Washington, and Wythe Counties, Va., including independent cities bounded by the above-named counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E428), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Lawrence and Venango Counties, Pa., on the one hand, and, on the other, points in North Carolina bounded by a line beginning at the North Carolina-Virginia State line extending along North Carolina Highway 8 to junction U.S. Highway 421 to Villas, thence along U.S. Highway 321 to the North Carolina-Tennessee State line, thence along the North Carolina-Tennessee State line to the North Carolina-Tennessee-Georgia State lines, thence along the North Carolina-Georgia and North Carolina-South Carolina State lines to the Atlantic Ocean, thence along the Atlantic Ocean to Morehead City, N.C., thence along U.S. Highway 70 to New Bern, thence along U.S. Highway 17 to Windsor, thence along North Carolina Highway 308 to Rice Square, thence along North Carolina Highway 305 to Jackson, thence along U.S. Highway 158 to Garysburg, thence along U.S. Highway 301 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to the point of beginning, including all points on the highways named. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E429), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Mercer and Warren Counties, Pa., on the one hand, and, on the other, points in North Carolina bounded by a line beginning at

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the North Carolina-Virginia State line extending along U.S. Highway 8 to Winston Salem, thence along Interstate Highway 40 to Hickory, thence along U.S. Highway 321 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to the Atlantic Ocean, thence along the Atlantic Ocean to Morehead City, N.C., thence along U.S. Highway 70 to New Bern, thence along U.S. Highway 17 to Washington, thence along North Carolina Highway 33 to Bethel, thence along North Carolina Highway 11 to Oak City, thence along North Carolina Highway 125 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to point of beginning, including all points in the highways named. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E430), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Beaver, Crawford, and Erie Counties, Pa., on the one hand, and, on the other, points in North Carolina on and west of a line beginning at the North Carolina-Virginia State line extending along U.S. Highway 301 to Garysburg, thence along U.S. Highway 158 to Jackson, thence along North Carolina Highway 305 to Rich Square, thence along North Carolina Highway 308 to Windsor, thence along U.S. Highway 17 to New Bern, thence along U.S. Highway 70 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E431), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between Pittsburgh, Pa., and points in Allegheny County, Pa., on the one hand, and, on the other, points in North Carolina bounded by a line beginning at the North Carolina-Virginia State line extending along U.S. Highway 220 to Madison, thence along U.S. Highway 311 to Winston-Salem, thence along Interstate Highway 40 to Statesville, thence along U.S. Highway 21 to Charlotte, thence along U.S. Highway 29 to junction North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to the Atlantic Ocean, thence along the Atlantic Ocean to Morehead City, N.C., thence along U.S. Highway 70 to New Bern, thence along U.S. Highway 17 to Washington, thence along North Carolina Highway 33 to Greenville, thence along North Carolina Highway 43 to Rocky Mount, thence along U.S. Highway 301 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to the point of beginning, including all points on the highways named. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E432), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Armstrong and Butler Counties, Pa., on the one hand, and, on the other, points in North Carolina bounded by a line beginning at the North Carolina-Virginia State line extending along North Carolina Highway 8 to Winston Salem, thence along Interstate Highway 40 to Newton, thence along U.S. Highway 321 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to the Atlantic Ocean, thence along the Atlantic Ocean to Morehead City, thence along U.S. Highway 70 to New Bern, thence along U.S. Highway 17 to Washington, thence along North Carolina Highway 33 to Bethel, thence along U.S. Highway 258 to Scotland Neck, thence along North Carolina Highway 125 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to the point of beginning, including all points on the named highways. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E557), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials used in the manufacture of furniture* from points in Indiana south of a line beginning on the Indiana-Kentucky State line and extending along Indiana Highway 256 to junction U.S. Highway 31, thence north on U.S. Highway 31 to junction Indiana Highway 250, thence west on Indiana Highway 250 to junction Indiana Highway 39, thence west on Indiana Highway 39 to junction U.S. Highway 50, thence west on U.S. Highway 50 to junction Indiana Highway 37, thence north on Indiana Highway 37 to junction Indiana Highway 46, thence west on Indiana Highway 46 to junction Interstate Highway 70, thence west on Interstate Highway 70 to the Indiana-Illinois State line to points in Virginia on, east and south of a line beginning on the North Carolina-Virginia State line and extending along Virginia Highway 104 to junction Virginia Highway 773, thence east on Virginia Highway 773 to junction Virginia Highway 614, thence north on Virginia Highway 614 to the Blue Ridge Parkway, thence north along the Blue Ridge Parkway to junction Virginia Highway 8, thence north along Virginia Highway 8 to junction U.S. Highway 221, thence north along U.S. Highway 221 to junction U.S. Highway 460, thence north along U.S. Highway 460 to the Blue Ridge Parkway, thence north along the Blue Ridge Parkway to U.S. Highway 60, thence east along U.S. Highway 60 to junction U.S. Highway 29, thence north along U.S. Highway 29 to junction U.S. Highway 250, thence east along U.S. Highway 250 to junction Virginia Highway 20, thence east along Virginia Highway 20 to junction Virginia Highway 3, thence east along Virginia Highway 3 to junction Virginia Highway 218, thence east along Virginia Highway 218 to junction U.S. Highway 301, thence east along U.S. Highway 301 to the Maryland-Virginia State line, thence east along the Maryland-Virginia State line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E558), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials used in the manufacture of furniture* from points in Indiana on and north of a line beginning on the Indiana-Ohio State line and extending along U.S. Highway 33 to junction Indiana Highway 19, to the Indiana-Michigan State line to points in Georgia on and east of a line beginning on the Florida-Georgia State line and extending along U.S. Highway 441 to junction U.S. Highway 221, to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E559), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials used in the manufacture of furniture*, from those points in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 40 to junction U.S. Highway 27, thence north on U.S. Highway 27 to junction Interstate Highway 70, thence west on Interstate Highway 70 to junction Indiana Highway 38, thence west on Indiana Highway 38 to junction Indiana Highway 32, thence west on Indiana Highway 32 to junction U.S. Highway 136, thence west on U.S. Highway 136 to the Indiana-Illinois State line and south of a line beginning on the Indiana-Ohio State line and extending along U.S. Highway 33 to junction State Highway 19 to the Indiana-Michigan State line to points in Georgia on and east of U.S. Highway 17. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E560), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials used in the manufacture of furniture*, from points in Indiana on and north of a line beginning on the Indiana-Ohio State line, thence north on U.S. Highway 33 to junction Indiana Highway 19, thence north on State Highway 19 to the Indiana-Michigan State line to points in Florida on and east of a line beginning on the coast of the Gulf of Mexico and extending along Florida Highway 24 to junction Florida Highway 345, thence north on Florida Highway 345 to junction U.S. Highway 129, thence north on U.S. Highway 129 to junction Florida Highway 47, thence north on Florida Highway 47 to junction U.S. Highway 441, thence north on U.S. Highway 441 to the Florida-Georgia State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E561), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials used in the manufacture of furniture* from those points in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 40 to junction U.S. Highway 27, thence north on U.S. Highway 27 to junction Interstate Highway 70, thence west on Interstate Highway 70 to junction U.S. Highway 35, thence west on U.S. Highway 35 to junction Indiana Highway 67, thence west on Indiana Highway 67 to junction Interstate Highway 69, thence north on Interstate Highway 69 to junction Indiana Highway 32, thence west on Indiana Highway 32 to junction Indiana Highway 9, thence north on Indiana Highway 9 to junction Indiana Highway 28, thence west on Indiana Highway 28 to junction Indiana Highway 13, thence north on Indiana Highway 13, to junction Indiana Highway 26, thence west on Indiana Highway 26 to junction U.S. Highway 31, thence north on U.S. Highway 31 to junction U.S. Highway 35, thence north on U.S. Highway 35 to junction U.S. Highway 24, thence west on U.S. Highway 24 to the Indiana-Illinois State line and south of a line beginning on the Indiana-Ohio State line and extending along U.S. Highway 33 to junction Indiana Highway 19, to the Indiana-Michigan State line to points in Florida on and east of a line beginning on the Gulf of Mexico and extending along U.S. Highway 19 to junction Interstate Highway 75, thence north on Interstate Highway 75 to junction Florida Highway 48, thence east on Florida Highway 48 to junction Florida Highway 33, thence north on Florida Highway 33 to junction U.S. Highway 27, thence north on U.S. Highway 27 to junction U.S. Highway 441, thence east on U.S. Highway 441 to junction Florida Highway 19, thence north on Florida Highway 19 to junction Florida Highway 20, thence east on Florida Highway 20 to junction U.S. Highway 17, thence north on U.S. Highway 17 to the Florida-Georgia State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E562), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials used in the manufacture of furniture*, from those points in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along Interstate Highway 74 to junction Indiana Highway 32, thence west on Indiana Highway 32 to junction U.S. Highway 136, thence west on Indiana Highway 136 to the Indiana-Illinois State line and south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 40 to junction U.S. Highway 27, thence north on U.S. Highway 27 to junction Interstate Highway 70, thence west on Interstate Highway 70 to junction U.S. Highway 35, thence west on U.S. Highway 35 to junction Indiana Highway 67, thence west on Indiana Highway 67 to junction Interstate Highway 69, thence north on Interstate Highway 69 to junction Indiana Highway 32, thence west on Indiana Highway 32 to junction Indiana Highway 9, thence north on Indiana Highway 9 to junction Indiana Highway 28, thence west on Indiana Highway 28 to junction Indiana Highway 13, thence north on Indiana Highway 13 to junction Indiana Highway 26, thence west on Indiana Highway 26 to junction U.S. Highway 31, thence north on U.S. Highway 31 to junction U.S. Highway 35, thence north on U.S. Highway 35 to junction U.S. Highway 24, thence west on U.S. Highway 24 to the Indiana-Illinois State line to points in Florida on, east and south of a line beginning on the Atlantic Ocean and extending along Florida Highway 520 to junction Interstate Highway 95, thence south on Interstate Highway 95 to junction Florida Highway 60, thence east on Florida Highway 60 to junction U.S. Highway 1, thence south on U.S. Highway 1 to junction Florida Highway 70, thence west on Florida Highway 70 to junction U.S. Highway 98, thence south on U.S. Highway 98 to junction Florida Highway 78, thence south on Florida Highway 78 to junction U.S. Highway 27, thence west on U.S. Highway 27 to junction Florida Highway 78, thence west on Florida 78 to Pine Island Sound. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E563), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials used in the manufacture of furniture* from points in Delaware in Sussex County to points in South Carolina west of a line beginning on the Atlantic Ocean near Sullivans Island, S.C., thence west on South Carolina Highway 703 to junction U.S. Highway 17, thence west on U.S. Highway 17 to U.S. Highway 52, thence north on U.S. Highway 52 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. 564), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials used in the manufacture of furniture* from points in Delaware in New Castle and Kent Counties to points in South Carolina. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E565), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials used in the manufacture of furniture* from points in Delaware in New Castle and Kent Counties to points in North Carolina on and west of a line beginning at the South Carolina-North Carolina State line and extending along North Carolina Highway 41 to junction Interstate Highway 95, thence north on Interstate Highway 95 to junction North Carolina Highway 87, thence north on North Carolina Highway 87 to junction U.S. Highway 15, thence north on U.S. Highway 15 to junction North Carolina Highway 86, thence north on North Carolina Highway 86 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E566), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials used in the manufacture of furniture*, from points in Delaware in Sussex County to points in North Carolina on and west of a line beginning on the North Carolina-South Carolina State line and extending along U.S. Highway 1 to junction U.S. Highway 74, thence north on U.S. Highway 74 to junction U.S. Highway 220, thence north on U.S. Highway 220 to junction North Carolina Highway 24, thence east on North Carolina Highway 24 to junction North Carolina Highway 705, thence north on North Carolina Highway 705 to Robbins, thence north

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on an unnumbered highway to High Falls, thence north on North Carolina Highway 22 to junction North Carolina Highway 62, thence north on North Carolina Highway 62 to junction North Carolina Highway 86, thence north on North Carolina Highway 86 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E567), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials used in the manufacture of furniture* from points in Delaware to points in Alabama, Florida, Georgia, Louisiana, Mississippi and Tennessee. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub E569), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials used in the manufacture of furniture*, from points in Delaware to points in Kentucky on and south of a line beginning at the West Virginia-Kentucky State line and extending along Kentucky Highway 32 to junction Kentucky Highway 7, thence south on Kentucky Highway 7 to junction U.S. Highway 460, to the Ohio River. The purpose of this filing is is eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub E570), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials used in the manufacture of furniture*, from Chicago, Illinois to points in Florida, Georgia, North Carolina, South Carolina and Virginia, bounded by a line beginning at Key West, Florida, thence north along the Gulf of Mexico coastline to St. Petersburg, Fla., thence north on U.S. Highway 19 to junction Interstate Highway 75, thence north along Interstate Highway 75 to junction U.S. Highway 41, thence north on U.S. Highway 41 to junction Florida Highway 121, thence north on Florida Highway 121 to the Florida-Georgia State line, thence north on Georgia Highway 121 to junction U.S. Highway 1, thence north on U.S. Highway 1 to junction Georgia Highway 56, thence north on Georgia Highway 56 to junction U.S. Highway 25, thence north on U.S. Highway 25 to the Georgia-South Carolina State line, thence north on U.S. Highway 25 to junction South Carolina Highway 121, thence north on South Carolina Highway 121 to junction U.S. Highway 176, thence north on U.S. Highway 176 to junction South Carolina Highway 114, thence north on South Carolina Highway 114 to junction South Carolina Highway 18, thence north on South Carolina Highway 18 to the Blue Ridge Parkway, thence north along Blue Ridge Parkway to the North Carolina-Virginia State line, thence north along the Blue Ridge Parkway to State Highway 89, thence north along South Carolina Highway 89 to junction U.S. Highway 58, thence north on U.S. Highway 58 to junction South Carolina Highway 100, thence north along South Carolina Highway 100 to junction U.S. Highway 11, thence north on U.S. Highway 11 to junction U.S. Highway 340, thence east on U.S. Highway 340 to junction U.S. Highway 250, thence east along U.S. Highway 250 to junction South Carolina Highway 605, thence east on South Carolina Highway 605 to junction U.S. Highway 33, thence east on U.S. Highway 33 to junction South Carolina Highway 54, thence east on South Carolina Highway 54 to junction Interstate Highway 95, thence north on Interstate Highway 95 to junction South Carolina Highway 30, thence east on South Carolina Highway 30 to junction U.S. Highway 360, thence east on U.S. Highway 360 to junction South Carolina Highway 624, thence east on South Carolina Highway 624 to the Maryland-Virginia State line, thence east along the Maryland-Virginia State line to the Atlantic Ocean, thence south along the Atlantic Shore to point of beginning including points on highways specified. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub E571), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and, those injurious or contaminating to other lading between Norfolk, Newport News, and Hampton, Va., and points in the Counties of Northampton and Accomack, on the one hand, and, on the other, points in Virginia on and west of a line beginning at the West Virginia-Virginia State line at Virginia Highway 39, and extending southeast along Virginia Highway 39 to junction Virginia Highway 252, thence along Virginia Highway 252 to junction Virginia Highway 606, thence along Virginia Highway 606 to junction Virginia Highway 56, thence along Virginia Highway 56 to junction Virginia Highway 655, thence along Virginia Highway 655 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Virginia Highway 26, thence along Virginia Highway 26 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 24, thence along Virginia Highway 24 to junction U.S. Highway 501, thence south along U.S. Highway 501 to junction Virginia Highway 761, thence south along Virginia Highway 761 to junction Virginia Highway 699, thence west along Virginia Highway 699 to junction U.S. Highway 29, thence south along U.S. Highway 29 to junction Virginia Highway 57, thence southwest along Virginia Highway 57 to junction U.S. Highway 220, thence south along U.S. Highway 220 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 61825 (Sub E572), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading between points in Virginia, on and bounded by a line beginning at U.S. Highway 301 at the Potomac River and extending south along U.S. Highway 301 to junction Virginia Highway 218, thence west along Virginia Highway 218 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 1, thence south along U.S. Highway 1 to the James River, thence southeast along the James River to the Chesapeake Bay, thence north along the Chesapeake Bay to the Potomac River, thence northwest along the Potomac River to the point of beginning, on the one hand, and, on the other, points in Virginia on and west of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 311 near Paint Bank, thence extending along Virginia Highway 311 to junction Virginia Highway 18, thence north along Virginia Highway 18 to junction Virginia Highway 619, thence along Virginia Highway 619 to junction Virginia Highway 616, thence along Virginia Highway 616 to junction Virginia Highway 621, thence along Virginia Highway 621 to junction Virginia Highway 615, thence along Virginia Highway 615 to junction Virginia Highway 43, thence along Virginia Highway 43 to junction Interstate Highway 81, thence north along Interstate Highway 81 to junction Virginia Highway 130, thence along Virginia Highway 130 to junction U.S. Highway 29, thence south along U.S. Highway 29 to junction U.S. Highway 460, thence east along U.S. Highway 460 to junction Virginia Highway 24, thence south along Virginia Highway 24 to junction U.S. Highway 501, thence south along U.S. Highway 501 to junction Virginia Highway 761, thence along Virginia Highway 761 to junction Virginia Highway 640, thence along Virginia Highway 640 to junction U.S. Highway 29, thence south along U.S. Highway 29 to junction Virginia Highway

86, thence south along Virginia Highway 86 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 61825 (Sub E577), filed May 23, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading between points in North Carolina on and south of a line beginning at the Atlantic Ocean and extending along the Neuse River to junction U.S. Highway 17, thence west along U.S. Highway 17 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 70A, thence along U.S. Highway 70A to junction U.S. Highway 301, thence south along U.S. Highway 301 to the North Carolina-South Carolina State line, on the one hand, and, on the other, points in Virginia on and northwest of a line beginning at the West Virginia-Virginia State line and extending south along Virginia Highway 311 to junction U.S. Highway 11, thence east along U.S. Highway 11 to junction Virginia Highway 24, thence along Virginia Highway 24 to junction U.S. Highway 501, thence north along U.S. Highway 501 to junction Virginia Highway 24, thence east along Virginia Highway 24 to junction U.S. Highway 460, thence east along U.S. Highway 460 to junction Virginia Highway 24, thence along Virginia Highway 24 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction U.S. Highway 15, thence north along U.S. Highway 15 to junction Virginia Highway 229, thence along Virginia Highway 229 to junction U.S. Highway 211, thence east along U.S. Highway 211 to junction Virginia Highway 688, thence along Virginia Highway 688 to junction Virginia Highway 647, thence north along Virginia Highway 647 to junction U.S. Highway 17, thence south along U.S. Highway 17 to junction Virginia 55, thence east along Virginia Highway 55 to junction Virginia Highway 626, thence along Virginia Highway 626 to junction U.S. Highway 50, thence east along U.S. Highway 50 to junction U.S. Highway 15, thence north along U.S. Highway 15 to the Maryland-Virginia State line. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 61825 (Sub E578), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along Interstate Highway 85 to junction U.S. Highway 70, thence east along U.S. Highway 70 to the Atlantic Ocean, on the one hand, and, on the other, points in Virginia within an area bounded by a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 250 to junction U.S. Highway 220, thence south along U.S. Highway 220 to junction Virginia Highway 39, thence east along State Highway 39 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction U.S. Highway 29, thence south along U.S. Highway 29 to junction U.S. Highway 501, thence south along U.S. Highway 501 to junction Virginia Highway 24 West, thence along Virginia Highway 24 to junction U.S. Highway 11, thence west along U.S. Highway 11 to junction Virginia Highway 311, thence along Virginia Highway 311 to the West Virginia-Virginia State line, and thence along the Virginia-West Virginia State line to the point of beginning. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 61825 (Sub E579), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in West Virginia located on and south of U.S. Highway 60, on the one hand, and, on the other, the District of Columbia. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 61825 (Sub E580), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Euscarawas County, Ohio, on the one hand, and, on the other, Amelia, Amherst, Appomattox, Bedford, Brunswick, Buckingham, Campbell, Carroll, Charlotte, Chesterfield, Cumberland, Dinwiddie, Floyd, Franklin, Greensville, Halifax, Henry, Isle of Wight, Lunenburg, Mecklenburg, Nelson, Nottoway, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Southampton, Surry, Sussex Counties, Va., including independent cities bounded by the above named Counties, and Chesapeake, Nansemond, Newport News, Norfolk, Princess Anne, and Virginia Beach, Va. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub E581), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Maryland on the eastern shore on and south and east of a line beginning at the Chesapeake Bay and extending along the Nanticoke River to Maryland Highway 313, thence south along Maryland Highway 313 to junction Maryland Highway 348, thence southeast along Maryland Highway 348 to the Maryland-Delaware State line, thence along the Maryland-Delaware State line to the Atlantic Ocean, on the one hand, and, on the other, points in Georgia except points east of a line beginning at the South Carolina-Georgia State line and extending southwest along Georgia Highway 119 to junction U.S. Highway 82, to junction U.S. Highway 17, to junction Georgia Highway 38, thence southeast along Georgia Highway 38 to Saint Catherines Sound and to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 61825 (Sub E582), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Delaware on and south of a line beginning at the Maryland-Delaware State line and extending east along Delaware Highway 24, to junction unnumbered Highway near Lowes Crossroads, Del., to junction Delaware Highway 26, to the Atlantic Ocean, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateway of Pulaski, Va.

No. MC 61825 (Sub E583), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in District of Columbia and Maryland on and north of a line beginning at the West Virginia-Maryland State line and extending along the West Virginia-Maryland State line to the Virginia-Maryland State line, thence along the Virginia-Maryland State line to the Virginia-District of Columbia line, thence southeast along the Virginia-District of Columbia line, to junction Interstate Highway 495, thence east along Interstate Highway 495 to junction Maryland Highway 4, thence east along Maryland Highway 4 to junction Maryland

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Highway 260, thence southeast along Maryland Highway 260 to the Chesapeake Bay, thence east across the Chesapeake Bay to Tilgham, Md., thence northeast along Maryland Highway 33 to junction U.S. Highway 50, thence south along U.S. Highway 50 to junction Maryland Highway 328, thence northeast along Maryland Highway 328 to junction Maryland Highway 404, thence east along Maryland Highway 404 to junction Maryland Highway 313, thence along Maryland Highway 313 to junction Maryland Highway 317, thence along Maryland Highway 317 to the Maryland-Delaware State line, to points in South Carolina. The purpose of this filing is to eliminate the gateways of Lynchburg, and Martinsville, Va.

No. MC 61825 (Sub E584), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from New York, N.Y., and points in New Jersey and Pennsylvania on, south and east of a line beginning at the New York-New Jersey State line and extending along U.S. Highway 202 to Norristown, Pa., thence west along U.S. Highway 422 to Harrisburg, Pa., thence southwest along U.S. Highway 15 to junction U.S. Highway 15 Business, to junction U.S. Highway 15, thence southwest along U.S. Highway 15 to the Pennsylvania-Maryland State line, to points in South Carolina. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub E585), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above) Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New furniture, from points in Delaware on and north of a line beginning at the Maryland-Delaware State line and extending along Delaware Highway 14 to junction Delaware Highway 36, thence east along Delaware Highway 36 to the Atlantic Ocean, to points in South Carolina on and west of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 21 to junction U.S. Highway 321, thence south along U.S. Highway 321 to junction South Carolina Highway 119, thence south along South Carolina Highway 119 to the South Carolina-Georgia State line. The purpose of this filing is to eliminate the gateways of Pulaski and Martinsville, Va.

No. MC 61825 (Sub E586), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Pennsylvania on and bounded by a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 522 to junction Pennsylvania Highway 104, thence north along Pennsylvania Highway 104 to junction Pennsylvania Highway 45, thence east along Pennsylvania Highway 45 to junction Pennsylvania Highway 642, thence east along Pennsylvania Highway 642 to junction Interstate Highway 80, thence east along Interstate Highway 80 to junction U.S. Highway 11, thence northeast along U.S. Highway 11 to junction U.S. Highway 6, thence east along U.S. Highway 6 to junction Pennsylvania Highway 652, thence northeast along Pennsylvania Highway 652 to the Pennsylvania-New York State line, thence southeast along the Pennsylvania-New York State line to the Pennsylvania-New Jersey State line to junction U.S. Highway 202, thence southwest along U.S. Highway 202 to Norristown, Pa., thence west along U.S. Highway 422 to Harrisburg, Pa., thence southwest along U.S. Highway 15 to junction U.S. Highway 15 (Business), thence southwest along U.S. Highway 15 (Business) to junction U.S. Highway 15, thence southwest along U.S. Highway 15 to the Pennsylvania-Maryland State line, thence west along the Pennsylvania-Maryland State line to point of beginning and points in New Jersey, on and northwest of U.S. Highway 202 and, points in New York on and south of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 97 to junction New York Highway 52, thence northeast along New York Highway 52 to junction U.S. Highway 209, thence northeast along U.S. Highway 209 to junction New York Highway 213, thence east along New York Highway 213 to junction New York Highway 32, thence north along New York Highway 32 to junction New York Highway 199, thence east along New York Highway 199 to junction U.S. Highway 44, thence northeast along U.S. Highway 44 to the New York-Connecticut State line, to points in South Carolina on and west of a line beginning at the North Carolina-South Carolina State line and extending south along U.S. Highway 521 to junction U.S. Highway 15, thence south along U.S. Highway 15 to junction South Carolina Highway 303, thence south along South Carolina Highway 303 to junction U.S. Highway 17, thence southwest along U.S. Highway 17 to junction U.S. Highway 21, thence southeast along U.S. Highway 21 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Pulaski and Martinsville, Va.

No. MC 62825 (Sub E587), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from those points in New York and Pennsylvania on, north and west of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 522 to junction Pennsylvania Highway 104, thence north along Pennsylvania Highway 104 to junction Pennsylvania Highway 45, thence east along Pennsylvania Highway 45 to junction Pennsylvania Highway 642, thence east along Pennsylvania Highway 642 to junction Interstate Highway 80, thence east along Interstate Highway 80 to junction U.S. Highway 11, thence northeast along U.S. Highway 11 to junction U.S. Highway 6, thence east along U.S. Highway 6 to junction Pennsylvania Highway 652, thence northeast along Pennsylvania Highway 652 to junction New York Highway 97, thence southeast along New York Highway 97 to junction New York Highway 52, thence northeast along New York Highway 52 to junction U.S. Highway 209, thence northeast along U.S. Highway 209 to junction New York Highway 213, thence east along New York Highway 213 to junction New York Highway 32, thence north along New York Highway 32 to junction New York Highway 199, thence east along New York Highway 199 to junction U.S. Highway 44, thence northeast along U.S. Highway 44 to the New York-Connecticut State line, those points in Ohio on, north, and east of a line beginning at the West Virginia-Ohio State line and extending northwest along Ohio Highway 60 to junction Ohio Highway 179, thence north along Ohio Highway 179 to junction Ohio Highway 89, thence north along Ohio Highway 89 to junction Ohio Highway 58, thence north along Ohio Highway 58 to Lorain, Ohio, thence to Lake Erie and those points in the Lower Peninsula of Michigan, on, north and east of a line beginning at Lexington, Michigan and extending along Michigan Highway 90 to junction Michigan Highway 24, thence north along Michigan Highway 24 to junction Michigan Highway 46, thence west along Michigan Highway 46 to junction Michigan Highway 15.

Thence northwest along Michigan Highway 15 to junction Michigan Highway 25, thence west along Michigan Highway 25 to junction Interstate Highway 75, thence northwest along Interstate Highway 75 to junction Michigan Highway 32, thence west along Michigan Highway 32 to junction Michigan Highway 66, thence northwest along Michigan Highway 66 to Lake Michigan, and those points in the Upper Peninsula of Michigan east of a line beginning at Lake Michigan and extending along Michigan Highway 94 to junction Michigan Highway 28, thence west along Michigan Highway 28 to Marquette, Mich., thence to Lake Superior and those points in West Virginia on and bounded by a line beginning at the Virginia-West Virginia State line and extending northwest along U.S. Highway 250 to junction U.S. Highway 219, thence south along U.S. Highway 219 to junction West Virginia Highway 15, thence west along West Virginia Highway 15 to junction West Virginia Highway 20, thence north along West Virginia Highway 20 to junction U.S. Highway 33, thence west along U.S. Highway 33 to junction West Virginia Highway 47, thence west along West Virginia 47 to junction U.S. Highway 50, thence west along U.S. Highway 50 to the West Virginia-Ohio State line, thence

along the West Virginia-Ohio State line to the West Virginia-Pennsylvania State line, thence along the West Virginia-Pennsylvania State line to the West Virginia-Maryland State line, thence along the West Virginia-Maryland State line to junction U.S. Highway 522, thence south along U.S. Highway 522 to the West Virginia-Virginia State line, thence southwest along the West Virginia-Virginia State line to the point of beginning, to points in South Carolina. The purpose of this filing is to eliminate the gateways of Pulaski and Martinsville, Va.

No. MC 61825 (Sub E588), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Tuscarawas County, Ohio, on the one hand, and, on the other, points in North Carolina except points in Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Cherokee, Clay, Cleveland, Davie, Graham, Haywood, Henderson, Iredell, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rowan, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin and Yancey Counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va. and Lynchburg, Va.

No. MC 61825 (Sub E589), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Washington County, Pa., on the one hand, and, on the other, points in Campbell, Charlotte, Halifax, Mecklenburg, Pittsylvania, and Prince Edward Counties, Va., including independent cities bounded by the above named Counties. The purpose of this filing is to eliminate the gateway of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub E590), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Belmont County, Ohio, on the one hand, and, on the other, points in Campbell, Charlotte, Halifax, Lunenburg, Mecklenburg, Prince Edward, and Pittsylvania Counties, Va., including independent Cities bounded by the above named Counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub E591), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Guernsey County, Ohio, on the one hand, and, on the other, points in Amelia, Amherst, Appomattox, Bedford, Brunswick, Buckingham, Campbell, Charlotte, Cumberland, Dinwiddie, Greenville, Halifax, Isle of Wight, Lunenburg, Mecklenburg, Nottoway, Pittsylvania, Powhatan, Prince Edward, Prince George, Roanoke, Southampton, Surry and Sussex Counties, Va., including independent Cities in the above named Counties, and Chesapeake, Nansemond, Norfolk, Princess Anne, and Virginia Beach, Va. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lunchburg, Va.

No. MC 61825 (Sub E595), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware*, restricted against the transportation of commodities in bulk, Classes A and B Explosives, and those requiring special equipment, between points in Lawrence County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of points in Brooke County, W. Va., which are within the Steubenville, Ohio, commercial zone, Clarksburg, and Lynchburg, Va.

No. MC 61825 (Sub E596), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Virginia on and bounded by a line beginning at the Virginia-West Virginia State line and extending east along U.S. Highway 250 to junction Virginia Highway 151, thence south along Virginia Highway 151 to junction U.S. Highway 29, thence south along U.S. Highway 29 to junction Virginia Highway 668, thence southeast along Virginia Highway 668 to junction Virginia Highway 603, thence southeast along Virginia Highway 603 to junction U.S. Highway 501, thence south along U.S. Highway 501 to the Virginia-North Carolina State line, thence west along the Virginia-North Carolina State line to junction U.S. Highway 220, thence north along U.S. Highway 220 to junction Virginia Highway 419, thence north along Virginia Highway 419 to junction Virginia Highway 311, thence north along Virginia Highway 311 to the Virginia-West Virginia State line, thence north along the Virginia-West Virginia State line to the point of beginning, and Henry County, Va., on the one hand, and, on the other, points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line at Interstate Highway 65 and extending south on Interstate Highway 65 to junction U.S. Highway 41A, thence south along U.S. Highway 41A to junction U.S. Highway 231, thence south along U.S. Highway 231 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateways of points in Smyth County, and Lynchburg, Va.

No. MC 61825 (Sub E597), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Virginia on and bounded by a line beginning at the Virginia-North Carolina State line at U.S. Highway 220 and extending north along U.S. Highway 220 to junction U.S. Highway 460, thence east along U.S. Highway 460 to junction U.S. Highway 29, thence south along U.S. Highway 29 to junction Virginia Highway 668, thence south along Virginia Highway 668 to junction Virginia Highway 603, thence south along Virginia Highway 603 to junction U.S. Highway 501, thence south along U.S. Highway 501 to the Virginia-North Carolina State line, thence west along the Virginia-North Carolina State line to the point of beginning, and Henry County, Va., on the one hand, and, on the other, points in Kentucky west of a line beginning at the Kentucky-Indiana State line at Kentucky Highway 79 and extending south along Kentucky Highway 79 to junction Kentucky Highway 54, thence east along Kentucky Highway 54 to junction Kentucky Highway 187, thence south along Kentucky Highway 187 to junction Kentucky Highway 70, thence west along Kentucky Highway 70 to junction Kentucky Highway 185, thence south along Kentucky Highway 185 to junction U.S. Highway 31W, thence south along U.S. Highway 31W to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E598), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Virginia on and east of a line beginning at the Virginia-District of Columbia line at U.S. Highway 1 and extending south along U.S. Highway 1 to junction Virginia Highway 208, thence west along Virginia Highway 208 to junction U.S. Highway 522, thence south along U.S. Highway 522 to junction U.S. Highway 60, thence west along U.S. Highway 60 to junction U.S. Highway 29, thence south along U.S. Highway 29 to junction Virginia Highway 668, thence south along Virginia Highway 668 to junction Virginia Highway 603, thence south along Virginia Highway 603 to junction U.S. Highway 501 to the North

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Carolina-Virginia State line, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateways of Lynchburg and Pulaski or points in Smyth County, Va.

No. MC 61825 (Sub E599), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to junction North Carolina Highway 770 to the North Carolina-South Carolina State line and extending along U.S. Highway 221 to junction South Carolina Highway 215, to junction South Carolina Highway 34 to junction U.S. Highway 52, to junction Interstate Highway 95 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub E600), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the Cape Fear River at U.S. Highway 421 and extending north along U.S. Highway 421 to junction North Carolina Highway 210, to junction North Carolina Highway 87, to junction North Carolina Highway 42, to junction North Carolina Highway 22, to junction North Carolina Highway 62, to junction U.S. Highway 311, to junction U.S. Highway 421, to junction U.S. Highway 52, to junction U.S. Highway 74, to junction U.S. Highway 17, to the point of beginning, to points in Mississippi on and west of a line beginning at the Arkansas-Mississippi State line and extending east along Mississippi Highway 8 to junction U.S. Highway 61, to junction Mississippi Highway 448, to junction U.S. Highway 49W, to junction U.S. Highway 49, to junction U.S. Highway 51, to junction Mississippi Highway 27, to junction U.S. Highway 84, to junction Mississippi Highway 13, to junction Mississippi Highway 35, to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateways of Martinsville, Va. and points in Georgia.

No. MC 61825 (Sub E601), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the North Carolina-South Carolina State line and extending north along U.S. Highway 52 to junction U.S. Highway 74, to junction U.S. Highway 17, to the Cape Fear River, thence south along the Cape Fear River to the Atlantic Ocean, thence along the shore of the Atlantic Ocean to the North Carolina-South Carolina State line, thence northwest along the North Carolina-South Carolina State line to the point of beginning, to points in Mississippi on and west of a line beginning at the Mississippi-Louisiana State line and extending along U.S. Highway 80 to junction U.S. Highway 61, to junction Mississippi Highway 547, to junction Mississippi Highway 28, to junction Mississippi Highway 550, to junction U.S. Highway 51, to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateways of Martinsville, Va., and points in Georgia.

No. MC 61825 (Sub E602), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on, east, and north of a line beginning at the North Carolina-Virginia State line and extending south along U.S. Highway 52 to junction U.S. Highway 421, thence east along U.S. Highway 421 to junction U.S. Highway 311, to junction North Carolina Highway 62, to junction North Carolina Highway 22, to junction North Carolina Highwy 42, to junction North Carolina Highway 87, to junction North Carolina Highway 210, to junction U.S. Highway 421, to the Cape Fear River, thence south along the Cape Fear River to the Atlantic Ocean to points in Mississippi. The purpose of this filing is to eliminate the gateways of Martinsville, Va., and points in Georgia.

No. MC 61825 (Sub E603), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the Virginia-North Carolina State line and extending south along U.S. Highway 52 to junction U.S. Highway 311, to junction U.S. Highway 70, to junction U.S. Highway 15, to junction U.S. Highway 1, to the North Carolina-Virginia State line, thence west along the North Carolina-Virginia State line to the point of beginning to points in Florida. The purpose of this filing is to eliminate the gateways of Martinsville, Va., and points in Georgia.

No. MC 61825 (Sub E604), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the Virginia-North Carolina State line and extending south along U.S. Highway 1 to junction U.S. Highway 158, to junction U.S. Highway 15, to junction U.S. Highway 70, to junction U.S. Highway 64, to the Atlantic Ocean, thence north along the shore of the Atlantic Ocean to the Virginia-North Carolina State line, thence west along the Virginia-North Carolina State line to the point of beginning to points in Florida on and south of a line beginning at the Atlantic Ocean and extending west along Florida Highway 405 to junction Florida Highway 50, to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of Martinsville, Va., and points in Georgia.

No. MC 61825 (Sub E605), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and east of U.S. Highway 52 to points in Louisiana on and west of a line beginning at the Arkansas-Louisiana State line and extending south along Louisiana Highway 33 to junction Louisiana Highway 143, to junction Louisiana Highway 2, to junction U.S. Highway 165, to junction Louisiana Highway 15, to junction U.S. Highway 65, to junction Louisiana Highway 131, to junction Louisiana Highway 15, to junction Louisiana Highway 1, to junction Louisiana Highway 10, to junction U.S. Highway 61, to junction Interstate Highway 10, to junction Louisiana Highway 1, to junction Louisiana Highway 69, to junction Louisiana Highway 70, to junction U.S. Highway 90 to the Lower Atchafalaya River, to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of Martinsville, Va., and points in Georgia.

No. MC 61825 (Sub E606), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in North Carolina on and bounded by a line beginning at the Virginia-North Carolina State line and extending south along U.S. Highway 52 to junction U.S. Highway 421, to junction U.S. Highway 311, to junction North Carolina Highway 62, to junction North Carolina Highway 22, to junction North Carolina Highway 42, to junction North Carolina Highway 87, to junction North Carolina Highway 210, to junction U.S. Highway 421, to the Cape Fear River, thence south along the Cape Fear River to the Atlantic Ocean to points in Mississippi. The purpose of this filing is to eliminate the gateways of Martinsville, Va., and points in Georgia.

No. MC 61825 (Sub E607), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: New furniture, between points in North Carolina on and bounded by a line beginning at the Cape Fear River and extending along North Carolina Highway 133 to junction U.S. Highway 117, to junction North Carolina Highway 581, to junction North Carolina Highway 39, to junction U.S. Highway 158, to junction North Carolina Highway 501, to junction North Carolina Highway 55, to junction North Carolina Highway 210, to junction U.S. Highway 401, to junction North Carolina Highway 210, to junction U.S. Highway 421, to junction North Carolina Highway 133, to the point of beginning, on the one hand, and, on the other, points in Kentucky on and west of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 68 to junction Kentucky Highway 61, to junction Kentucky Highway 88, to junction U.S. Highway 31 E to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateways of Lynchburg and Pulaski and points in Smyth County, Va.

No. MC 61825 (Sub E608), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line at U.S. Highway 220 and extending along U.S. Highway 220 to junction North Carolina Highway 770, to junction North Carolina Highway 87, to junction North Carolina Highway 120, to junction U.S. Highway 421, to the Cape Fear River, to the Atlantic Ocean, on the one hand, and, on the other, points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along Tennessee Highway 118 to junction Tennessee Highway 54, to junction U.S. Highway 45E, to junction Tennessee Highway 18, to junction Tennessee Highway 125, to the Mississippi-Tennessee State line. The purpose of this filing is to eliminate the gateways of Lynchburg and Smyth County, Va.

No. MC 61825 (Sub E609), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along North Carolina Highway 62, to junction North Carolina Highway 57, to junction U.S. Highway 158, to junction U.S. Highway 15, to junction North Carolina Highway 96, to junction North Carolina Highway 56, to junction North Carolina Highway 39, to junction U.S. Highway 264, to junction North Carolina Highway 581, to junction U.S. Highway 70, to junction U.S. Highway 258, to the New River at Jacksonville, to the Atlantic Ocean, on the one hand, and, on the other, points in Tennessee on and west of a line beginning at the Tennessee-Virginia State line and extending along U.S. Highway 25E to junction Tennessee Highway 33, to junction Tennessee Highway 61, to junction U.S. Highway 27, to junction Tennessee Highway 30, to junction U.S. Highway 127, to junction Tennessee Highway 28, to junction Tennessee Highway 27, to junction U.S. Highway 41, to junction U.S. Highway 72, to the Tennessee-Alabama State line. The purpose of this filing is to elimiate the gateways of Lynchburg and points in Smyth County, Va.

No. MC 61825 (Sub E610), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending south along U.S. Highway 52 to junction U.S. Highway 421, to junction U.S. Highway 311, to junction North Carolina Highway 62, to junction U.S. Highway 70, to the Atlantic Ocean to points in Alabama on and west of a line beginning at the Tennessee-Alabama State line and extending south along U.S. Highway 231 to junction U.S. Highway Alt. 231, to junction U.S. Highway 280, to junction Alabama Highway 49, to junction Alabama Highway 120, to junction Alabama Highway 81, to junction U.S. Highway 29, to junction U.S. Highway 331, thence south along U.S. Highway 331 to the Alabama-Florida State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub E611), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Washington County, Pa., on the one hand, and, on the other, points in Alamance, Anson, Bladen, Brunswick, Cabarrus, Carteret, Caswell, Chatham, Columbus, Craven, Cumberland, Duplin, Durham, Franklin, Granville, Greene, Harnett, Hoke, Johnston, Jones, Lee, Lenoir, Mecklenburg, Montgomery, Moore, Nash, New Hanover, Onslow, Orange, Pender, Person, Randolph, Richmond, Robeson, Sampson, Scotland, Stanly, Union, Vance, Wake, Wayne, and Wilson Counties, North Carolina. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub E612), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Monroe County, Ohio, within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Pennsylvania *except* points in Beaver, Fayette, Greene, and Washington Counties. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub E613), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware*, restricted against the transportation of commodities in bulk, Classes A and B Explosives, and those requiring special equipment, between points in Butler County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of points in Brooke County, W. Va., which are within the Steubenville, Ohio, commercial zone, Clarksburg, and Lynchburg, Va.

No. MC 61825 (Sub E614), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware*, restricted against the transportation of commodities in bulk, Classes A and B Explosives, and those requiring special equipment, between points in Beaver County, Pa., on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of points in Brooke County, W. Va., which are within the Steubenville, Ohio, Commercial zone, Clarksburg, and Lynchburg, Va.

No. MC 61825 (Sub E615), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware, restricted against the transportation* of commodities in bulk, classes A and B explosives, and those requiring special equipment, between points in Allegheny County, Pa., on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of points in Brooke County, W. Va., which are within the Steubenville, Ohio, commercial zone, Clarksburg, and Lynchburg, Va.

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No. MC 61825 (Sub E616), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, machinery, mine supplies, glassware, paper products, and hardware*, restricted against the transportation of commodities in bulk, classes A and B explosives, and those requiring special equipment, between points in Wetzel County, W. Va., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Berkeley, Charleston, and Georgetown Counties, S.C. The purpose of this filing is to eliminate the gateway of points in Brooke County, W. Va., which are within the Steubenville, Ohio, commercial zone, Clarksburg, and Lynchburg, Va.

No. MC 65941 (Sub E9), filed April 28, 1974. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: George V. Thieroff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *oil, grease*, and *materials, equipment* and *supplies* used or useful in the production and packing of metal and clay products restricted to the petroleum products (except petrochemicals), in containers, (1) from points in Pennsylvania on and west of U.S. Highway 219, to points in Alabama, Florida, Tennessee, Kentucky, and points in Georgia on and south of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 1 to junction Georgia Highway 24, to junction Georgia Highway 22 to the Georgia-Alabama State line. (2) From points in Erie, Crawford, Mercer, Lawrence, Beaver, Butler, Clarion, Venango, Forest and Warren Counties, Pa., to points in Virginia north and east of a line beginning at the Atlantic Ocean and extending along U.S. Highway 60 to junction U.S. Highway 15 to the Virginia-Maryland State line, and the District of Columbia. (3) From points in Pennsylvania on and west of U.S. Highway 219 (except Fayette, Somerset, Cambria, Clearfield, Westmoreland, Indiana and Jefferson Counties), to points in Virginia on and south of U.S. Highway 60, and those points in North Carolina and South Carolina east of U.S. Highway 1. (4) From points in Ashtabula, Lake Medina, Georgia, Trumbull, Mahoning, Belmont, Wayne, Tuscarawas, Portage, Carroll, Jefferson, Harrison, Summit, Cuyahoga, Columbiana and Stark Counties, Ohio, to points in Alabama and Tennessee. (5) From points in Ashtabula, Trumbull, Mahoning and Columbiana Counties, Ohio, to points in Kentucky. (6) From points in Ohio on and east of Ohio Highway 60, to points in Florida west of the Apalochicola River and points in Georgia south of a line beginning at the South Carolina-Georgia State line and extending along U.S. Highway 1 to junction Georgia Highway 22 to the Georgia-Alabama State line. (7) From points in Ohio on and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 50 to junction U.S. Highway 33, to junction U.S. Highway 23, to the Ohio-Michigan State line, to points in Florida east of the Apalochicola River. (8) From points in Ohio on, north and east of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 70 to junction Ohio Highway 13, to junction Ohio Highway 95, to junction U.S. Highway 30S, to junction U.S. Highway 30 to the Indiana-Ohio State line, to points in Virginia on and north of U.S. Highway 60. (10) From points in Ohio on, north and east of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 70 to junction U.S. Highway 33, to junction Interstate Highway 75 to the Ohio-Michigan State line, to those points in North Carolina and South Carolina on and east of U.S. Highway 1. (11) From points in Monongalia, Marion, Tyler, Ohio, Hancock, Harrison, Wetzel, Marshall, and Brooke Counties, W. Va., to points in Alabama, Florida, Kentucky, Tennessee, those points in North Carolina and South Carolina on and east of U.S. Highway 1, and points in Georgia on and south of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 1 to junction Georgia Highway 24, to junction Georgia Highway 22 to the Georgia-Alabama State line. The purpose of this filing is to eliminate the gateway of Congo or St. Marys, W. Va.

No. MC 65941 (Sub E11), filed May 15, 1974. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: Geo. V. Thieroff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *aluminum sheets*, (except commodities requiring special equipment or in bulk), from points in Pennsylvania on and west of U.S. Highway 219, points in Ohio on and east of Ohio Highway 60, and points in Monongalia, Marion, Tyler, Ohio, Hancock, Harrison, Wetzel, Marshall, and Brooke Counties, W. Va., to points in Georgia on and north of a line beginning at the Atlantic Ocean and extending along U.S. Highway 80 to junction U.S. Highway 280, to the Georgia-Alabama State line, which are on and south of a line beginning at the Atlantic Ocean and extending along U.S. Highway 1 to junction Georgia Highway 24, to junction Georgia Highway 22, to the Georgia-Alabama State line. The purpose of this filing is to eliminate the gateway of Dallas, W. Va., Greene, Washington or Allegheny Counties, Pa., and Fairmont, W. Va.

No. MC 65941 (Sub E13), filed May 9, 1974. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: George V. Thieroff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *oil, grease, paper, roofing, metal* and *clay products*, and *materials, equipment* and *supplies* used or useful in the production and packing of metal and clay products, and *building stone, structural steel* and *heavy machinery* and *equipment*, (except commodities in bulk and those requiring special equipment), (1) from points in Pennsylvania on and west of U.S. Highway 219, to points in South Carolina on and west of U.S. Highway 1, and points in Georgia on and north of a line beginning at the Atlantic Ocean and extending along U.S. Highway 1 to junction Georgia Highway 24, to junction Georgia Highway 22 to the Georgia-Alabama State line. (2) From those points in Erie, Warren, McKean, Crawford, Venango, Forest, Elk, Mercer, Clarion, Lawrence, Butler, Armstrong, Allegheny, Beaver, Washington and Greene Counties, Pa., which are on and west of U.S. Highway 219, to points in North Carolina on and west of U.S. Highway 1. (3) From those points in Jefferson, Clearfield, Indiana, Cambia, Somerset, Gayette and Westmoreland Counties, Pa., which are on and west of U.S. Highway 219 to points in North Carolina on and west of U.S. Highway 52. (4) From points in West Virginia north and west of a line beginning at the West Virginia-Ohio State line and extending along U.S. Highway 50 to junction U.S. Highway 119, to the West Virginia-Pennsylvania State line, and points in Ohio on and east of Ohio Highway 60, to points in Georgia on and north of a line beginning at the Atlantic Ocean and extending along U.S. Highway 1 to junction Georgia Highway 24, to junction Georgia Highway 22, to the Georgia-Alabama State line, and points in South Carolina on and west of U.S. Highway 1. (5) From points in Ohio, on, north, and east of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 70 to junction Ohio Highway 60, to junction Ohio Highway 39, to junction Ohio Highway 13, to Lake Erie, to points in North Carolina on and west of U.S. Highway 1. The purpose of this filing is to eliminate the gateway of Wheeling, W. Va.

No. MC 66900 (Sub-No. E8), filed June 4, 1974. Applicant: HOUFF TRANSFER, INC., P.O. Box 91, Weyer Cave, Va. 24486. Applicant's representative: Harold G. Hernly, Jr., 118 N. St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities requiring special equipment, articles exceeding 20 feet in length or 6 feet in height, or 7 feet in width, except in special arrangements, and articles requiring refrigeration), between Cumberland, Md., on the one hand, and, on the other, points in Virginia within 80 miles of Staunton, Va., including Staunton, Va., but excluding Roanoke, Va.; (2) *general commodities* (with the same exceptions as in (1) above and except commodities in bulk), between Cumberland, Md., on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the North Carolina-Virginia State line extending along Interstate Highway 85 to Petersburg, Va., and in and south of Prince George, Sury, James City, and York Counties, Va. (including Newport News, Hampton, Norfolk, Portsmouth, Chesapeake, Virginia Beach, Suffolk, and Williamsburg, Va.); and (3) *general commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities requiring special equipment, and commodities in bulk, in tank vehicles), between Hagerstown, Md., on the one hand, and, on the other, points in Virginia on and south of U.S. Highway 33 which are within 80 miles of Staunton, Va., including Staunton, Va., but excluding Roanoke, Va. The purpose of this filing is to eliminate the gateways of points in Virginia which are within 50 miles of Washington, D.C., and within 80 miles of Staunton, Va., in (1) above, points in Virginia within 50 miles of Washington, D.C. and within 80 miles of Staunton, Va., and points in Augusta County, Va., in (2) above, and points in Rockingham County, Va., in (3) above.

No. MC 72243 (Sub-No. E6), filed February 3, 1975. Applicant: THE AETNA FREIGHT LINES, INC., P.O. Box 350, Warren, Ohio 44482. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel; and iron and steel articles*, which because of size or weight require the use of special equipment, between points in Alabama, Arkansas, Kentucky, Louisiana, Mississippi and Tennessee, on the one hand, and, on the other, (A) points in Connecticut and Massachusetts, (Boyd County, Ky., Lawrence County, Ohio or Wayne County, W. Va., and New York, N.Y.)*; (B) points in Delaware, Maryland and New Jersey (Boyd County, Ky., Lawrence County, Ohio or Wayne County, W. Va., and points in Pennsylvania within 150 miles of Philadelphia)*, restricted in (A) and (B) above against the transportation of (1) traffic originating at Anniston, Birmingham, Decatur, Gadsden, and Tuscaloosa, Ala., or points within 10 miles thereof, and (2) pipe, pipeline, dope, and values used in, or in connection with the construction, operation, repair, maintenance, servicing, or dismantling of pipelines. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 72243 (Sub-No. E7), filed February 3, 1975. Applicant: THE AETNA FREIGHT LINES, INC., P.O. Box 350, Warren, Ohio 44482. Applicant's representative: Edward G. Villalon, Suite 1032 Penn. Bldg., Penn. Ave., & 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, and iron and steel articles*, which because of size or weight require the use of special equipment, between points in Alabama, Arkansas, Louisiana, Mississippi, points in Tennessee on and west of Interstate Highway 24, and points in Kentucky on and west of U.S. Highway 41, on the one hand, and, on the other, points in West Virginia on and east of Interstate Highway 77 and on and north of U.S. Highway 60, restricted against the transportation of (1) traffic originating at Anniston, Birmingham, Decatur, Gadsden and Tuscaloosa, Ala., or points within 10 miles thereof, and (2) pipe, pipeline dope, and valves used in, or in connection with the construction, operation, repair, maintenance, servicing, or dismantling of pipelines, including the stringing or picking up of pipe in connection therewith. The purpose of this filing is to eliminate the gateways of Boyd County, Ky., and Wayne Counties, W. Va.

No. MC 72243 (Sub-No. E8), filed February 3, 1975. Applicant: THE AETNA FREIGHT LINES, INC., 2507 Youngstown Rd., SE., P.O. Box 350, Warren, Ohio 44482. Applicant's representative: Edward G. Villalon, Suite 1032 Penn. Bldg., Penn. Ave., & 13th Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, and iron and steel articles*, which because of size or weight require the use of special equipment, between points in Alabama, Arkansas, Louisiana, Kentucky, Mississippi and Tennessee, on the one hand, and, on the other, points in Pennsylvania and New York, restricted against the transportation of (1) traffic originating at Anniston, Birmingham, Decatur, Gadsden and Tuscaloosa, Ala., or points within 10 miles thereof, and (2) pipe, pipeline dope, and values used in or in connection with the construction, operation, repair, maintenance, servicing, or dismantling of pipelines. The purpose of this filing is to eliminate the gateways of Boyd County, Ky., and Wayne County, W. Va.

No. MC 78228 (Sub E98), filed July 31, 1975. Applicant: J. MILLER EXPRESS, INC., 2310 Grant Building, Pittsburgh, Pa. 15219. Applicant's representative: Thomas M. Mulroy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as defined by the Commission, from points in New York bounded by a line beginning at Lake Ontario, and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 19A, thence along New York Highway 19A to junction New York Highway 98, thence along New York Highway 98 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction New York Highway 39, thence along New York Highway 39 to junction New York Highway 428, thence along New York Highway 428 to Silver Creek, N.Y., thence along New York Highway 5 to Lake Erie to points in Indiana. The purpose of this filing is to eliminate the gateway of the Bethlehem Steel Corp., plantsite at Lackawanna, N.Y.

No. MC 78228 (Sub E208), filed July 31, 1975. Applicant: J. MILLER EXPRESS, INC., 2310 Grant Building, Pittsburgh, Pa. 15219. Applicant's representative: Thomas M. Mulroy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as defined by the Commission, from points in New York on, north and west of a line beginning at Lake Ontario, and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 19A, thence along New York Highway 19A to junction New York Highway 98, thence along New York Highway 98 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction New York Highway 39, thence along New York Highway 39 to junction New York Highway 428, thence along New York Highway 428 to Silver Creek, N.Y., thence along New York Highway 5 to Lake Erie to points in Indiana. The purpose of this filing is to eliminate the gateway of the Bethlehem Steel Corp., plantsite at Lackawanna, N.Y.

No. MC 78228 (Sub E209), filed July 31, 1975. Applicant: J. MILLER EXPRESS, INC., 2310 Grant Building, Pittsburgh, Pa. 15219. Applicant's representative: Thomas M. Mulroy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as defined by the Commission, from points in New York on or west of a line beginning at Lake Ontario, and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania border to points in Indiana on or west of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of the Bethlehem Steel Corp., plant site at Lackawanna, N.Y.

No. MC 78228 (Sub E210), filed July 31, 1975. Applicant: J. MILLER EXPRESS, INC., 2310 Grant Building, Pittsburgh, Pa. 15219. Applicant's representative: Thomas M. Mulroy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel arti-*

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cles, as defined by the Commission, from points in New York west of a line beginning at Lake Ontario, and extending along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20, to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania Border to points in Illinois on or west of a line beginning at the Illinois-Wisconsin border, thence along U.S. Highway 51 to junction U.S. Highway 150, thence along U.S. Highway 150 to Champaign, Ill., thence along U.S. Highway 45 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Illinois-Kentucky border. The purpose of this filing is to eliminate the gateway of the Bethlehem Steel Corp., plant site at Lackawanna, N.Y.

No. MC 78228 (Sub E211), filed July 31, 1975. Applicant: J. MILLER EXPRESS, INC., 2310 Grant Building, Pittsburgh, Pa. 15219. Applicant's representative: Thomas M. Mulroy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as defined by the Commission, from Bradford, Pa., to points in Illinois. The purpose of this filing is to eliminate the gateway of the Bethlehem Steel Corp., plant site at Lackawanna, N.Y.

No. MC 78228 (Sub E212), filed July 31, 1975. Applicant: J. MILLER EXPRESS, INC., 2310 Grant Building, Pittsburgh, Pa. 15219. Applicant's representative: Thomas M. Mulroy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as defined by the Commission, from points in New York on or west of a line beginning at Lake Ontario, thence along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York 16, thence along New York Highway 16 to Olean, N.Y., thence along New York Highway 16A to the New York-Pennsylvania Border to points in the Lower Peninsula of Michigan on or north of a line beginning at Lake Huron, thence along Michigan Highway 32 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 72, thence along Michigan Highway 72 to Lake Michigan. The purpose of this filing is to eliminate the gateway of the Bethlehem Steel Corp., plant site at Lackawanna, N.Y.

No. MC 78228 (Sub E213), filed July 31, 1975. Applicant: J. MILLER EXPRESS, INC., 2310 Grant Building, Pittsburgh, Pa. 15219. Applicant's representative: Thomas M. Mulroy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as defined by the Commission, from points in Pennsylvania bounded by a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 62, thence along U.S. Highway 62 to the New York-Pennsylvania State line, thence along the New York-Pennsylvania State line to the place of beginning to points in Illinois on or west of U.S. Highway 51. The purpose of this filing is to eliminate the gateway of the Bethlehem Steel Corp. plant site at Lackawanna, N.Y.

No. MC 78228 (Sub E214), filed July 31, 1975. Applicant: J. MILLER EXPRESS, INC., 2310 Grant Building, Pittsburgh, Pa. 15219. Applicant's representative: Thomas M. Mulroy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as defined by the Commission, from points in New York bounded by a line beginning at Lake Ontario, thence along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Geneseo, N.Y., thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 245, thence along New York Highway 245 to junction Alternate New York Highway 19A, thence along New York Highway 19A to junction New York Highway 98, thence along New York Highway 98 to junction New York Highway 39, thence along New York Highway 39 to junction New York Highway 428, thence along New York Highway 428 to Silver Creek, N.Y., thence along New York Highway 5 to Buffalo, N.Y., thence along the New York-Canadian border to Lake Ontario, thence along Lake Ontario to the place of beginning to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of the Bethlehem Steel Corp., plant site at Lackawanna, N.Y.

No. MC 83745 (Sub E31), filed June 4, 1974. Applicant: BOND TRANSPORT, INC., 4620 Rolling Road, Pittsburgh, Pa. 15236. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* requiring special equipment, restricted so that the loading and/or unloading which necessitates the special equipment is performed by the consignor, or consignee, or both, between Allenport, Pa., on the one hand, and, on the other, points in Ohio (except points in Belmont, Harrison, Jefferson and Monroe Counties), and points in Maryland on and east of U.S. Highway 522. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa., and points in its Commercial Zone.

No. MC 83745 (Sub E34), filed June 4, 1974. Applicant: BOND TRANSPORT, INC., 4620 Rolling Road, Pittsburgh, Pa. 15236. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* requiring special equipment, restricted so that the loading and/or unloading which necessitates the special equipment is performed by the consignor, or consignee, or both, between points in that part of Washington County, Pa., which is within 25 miles of Pittsburgh, Pa., and on and west of a line beginning at the Pennsylvania-West Virginia State line and extending along Pennsylvania Highway 50 to junction Pennsylvania Highway 231, thence along Pennsylvania Highway 231 to the Greene County, Pennsylvania line, on the one hand, and, on the other, points in Ohio on and west of Interstate Highway 75, and points in Maryland on and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa., and points in its Commercial Zone.

No. MC 106603 (Sub-No. E24), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, which are building contractors' materials, from those points in Illinois on and north of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 34 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line, to points in Ohio. The purpose of this filing is to eliminate the gateway of Whiting, Ind.

No. MC 106603 (Sub-No. E28), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, from Chicago Heights, Ill., to points in Ohio. The purpose of this filing is to eliminate the gateway of Gary, Ind.

No. MC 106603 (Sub-No. E30), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, restricted to facing tile and flooring tile, from Kankakee, Ill., to points in Ohio. The purpose of this filing is to eliminate the gateway of Indiana.

No. MC 100603 (Sub-No. E32), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and Roofing materials*, which are building contractors' materials, from points in Ohio to those points in Illinois on and north of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 34 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Whiting, Ind.

No. MC 102298 (Sub-No. E2), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 102298 (Sub-No. E3), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 102298 (Sub-No. E4), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 102298 (Sub-No. E5), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in Vermont. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 102298 (Sub-No. E6), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in New Hampshire. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 102298 (Sub-No. E7), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in New York on and east of New York Highway 14. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 102298 (Sub-No. E8), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in New Jersey north of New Jersey Highway 541 from the Pennsylvania-New Jersey State line to junction New Jersey Highway 530, thence along New Jersey Highway 530 to Seaside Heights, N.J. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 102298 (Sub-No. E9), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in Iowa on and west of U.S. Highway 63. The purpose of this filing is to eliminate the gateways of Lebanon, Mo., and Albia, Iowa.

No. MC 102298 (Sub-No. E10), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateways of Lebanon, Mo., and Albia, Iowa.

No. MC 102298 (Sub-No. E11), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 102298 (Sub-No. E12), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Georgia, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 102298 (Sub-No. E13), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Georgia, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 102298 (Sub-No. E14), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Georgia, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 102298 (Sub-No. E15), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Georgia, on the one hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 102298 (Sub-No. E16), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Georgia, on the one hand, and, on the other, points in Vermont. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 102298 (Sub-No. E17), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

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transporting: *Household goods*, as defined by the Commission, between points in Georgia, on the one hand, and, on the other, points in New Hampshire. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 102298 (Sub-No. E18), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Georgia, on the one hand, and, on the other, points in New York on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 11 to junction New York Highway 57, thence along New York Highway 57 to Oswego, N.Y. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 102298 (Sub-No. E19), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Georgia, on the one hand, and, on the other, points in New Jersey on and north of New Jersey Highway 33. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 102298 (Sub-No. E20), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in North Carolina, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate gateway of New York, N.Y.

No. MC 102298 (Sub-No. E21), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in North Carolina, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 102298 (Sub-No. E22), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in North Carolina, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of New York, N.Y.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28166 Filed 10-17-75; 8:45am]

[Amdt. No. 1 to I.C.C. Order No. 149, under Rev. S.O. No. 994]

WESTERN MARYLAND RAILWAY CO.

Rerouting of Traffic

Upon further consideration of I.C.C. Order No. 149 (WM), and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 149 be, and it is hereby, amended by sustituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., November 15, 1975, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., September 29, 1975, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 29, 1975.

INTERSTATE COMMERCE COMMISSION,

[SEAL] LEWIS R. TEEPLE, *Agent.*

[FR Doc.75-28172 Filed 10-17-75; 8:45 am]

[Notice No. 889]

ASSIGNMENT OF HEARINGS

OCTOBER 15, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 67460, Sub 52, Peterlin Cartage Co., now being assigned December 9, 1975, (2 days), at Chicago, Illinois, in a hearing room to be later designated.

MC 129529 Sub 7, Thruway Messenger Service, Inc., now assigned November 5, 1975 at *Newark, New Jersey*, is canceled and reassigned on November 5, 1975, (3 days) at *White Plains, New York*, in the White Plains Hotel, S. Broadway & Lyon Place.

MC 8214 Sub 3, Port Jersey Transportation, now assigned November 3, 1975, at New York, New York; will be held in Room A-238 U.S. Court of Claims, 26 Federal Plaza.

MC 113362 Sub 283, Ellsworth Freight Lines, Inc., now assigned November 4, 1975, at New York, New York; will be held in Room A-238 U.S. Court of Claims, 26 Federal Plaza.

MC 112801 Sub 171, Transport Service Co., MC 116273 Sub 193, D. & L. Transport, Inc., and MC 119777 Sub 317, Ligon Specialized Hauler, Inc., now being assigned December 9, 1975 (2 days), at Chicago, Illinois, in a hearing room to be later designated.

MC 123872 Sub 40, W. & L. Motor Lines, Inc., now assigned November 3, 1975 at Wichita, Kansas, is cancelled and application dismissed. No. 36095, Investigation Into Lawfulness of Off-Line Limitations Placed on Non-Assigned Hopper Cars now being assigned for Continued hearing on December 1, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 114632 Sub 81, Apple Lines, Inc., now being assigned December 11, 1975 (2 days), at Chicago, Illinois, in a hearing room to be later designated.

I. & S.M. 2874, General Increase, O.S.M.F.B. and I. & S.M. 28743 Sub 1, Increased Rates-Missouri-Illinois Traffic Services, Inc., now assigned November 5, 1975, at Washington, D.C., is postponed until December 17, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 106920 Sub 59, Riggs Food Express, Inc., now being assigned December 8, 1975 (2 days), at Atlanta, Ga. in a hearing room to be designated later.

MC 104004 Sub 180, Associated Transport, Inc. Extension-T.V.A. Power Plan, now assigned November 17, 1975, at New York, New York; will be held in Room 238 Court Room A, 26 Federal Plaza.

MC-F-12431, Akers Motor Lines, Incorporated—Control—P. & K. Transportation, Inc., and MC 72442 Sub 45, Akers Motor Lines, Incorporated, now assigned November 19, 1975, at New York, New York; will be held in Room 238 Court Room A, Court of Claims, 26 Federal Plaza.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28168 Filed 10-17-75; 8:45 am]

[I.C.C. Order No. 150 under Rev. S.O. No. 994]

ERIE LACKAWANNA RAILWAY CO.

Rerouting of Traffic

In the opinion of Lewis R. Teeple, Agent, the Erie Lackawanna Railway Company, Thomas F. Patton and Ralph S. Tyler, Trustees (EL) is unable to transport traffic over its line between Northumberland, Pennsylvania, and Pittston, Pennsylvania, because of high water and flooding.

It is ordered, That:

(a) *Rerouting traffic.* The EL being unable to transport traffic over its line between Northumberland, Pennsylvania, and Pittston, Pennsylvania, because of high water and flooding, that line is hereby authorized to reroute or divert such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers: or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 2 p.m. September 29, 1975.

(g) *Expiration date.* This order shall expire at 11:59 p.m. October 4, 1975, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 29, 1975.

INTERSTATE COMMERCE COMMISSION,

[SEAL] LEWIS R. TEEPLE, *Agent.*

[FR Doc.75-28169 Filed 10-17-75; 8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 15, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before November 4, 1975.

FSA No. 43062—*Joint Water-Rail Container Rates—Seatrain International, S.A.* Filed by Seatrain International, S.A. (No. WEE-12), for itself and interested rail carriers. Rates on general commodities, between rail terminal in Lake Charles, Louisiana, and European ports and terminals.

Grounds for relief—Water competition.

Tariffs—Seatrain International, S.A., tariffs I.C.C. Nos. 9, 10, 11, 12, 13 and 14. Rates are published to become effective on November 13, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28167 Filed 10-17-75; 8:45 am]

[AB 103]

KANSAS CITY SOUTHERN RAILWAY CO.

Abandonment of Line

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon requests; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Jefferson County, Texas, on or before October 28, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 8th day of October, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD, *Secretary.*

KANSAS CITY SOUTHERN RAILWAY COMPANY ABANDONMENT IN PORT ARTHUR, GRIFFING PARK, AND LAKEVIEW, JEFFERSON COUNTY, TEXAS

The Interstate Commerce Commission hereby gives notice that by order dated October 8, 1975, it has been determined that the proposed abandonment by the Kansas City Southern Railway Company of its line of railroad in Port Arthur, Griffing Park, and Lakeview, all in Jefferson County, Tex., a distance of 3.31 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action will not be significant because no traffic has moved over the line since September 1974, alternative rail access is available through the Griffing team track, and there are no developmental plans dependent upon continued rail service over the line.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before November 4, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28173 Filed 10-17-75; 8:45 am]

[AB 12 (Sub-No. 18)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment of Line

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Colorado County, Texas, on or before October 28, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 8th day of October, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD, *Secretary.*

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SOUTHERN PACIFIC TRANSPORTATION COMPANY ABANDONMENT BETWEEN ALTAIR AND HELMS, IN COLORADO COUNTY, TEXAS

The Interstate Commerce Commission hereby gives notice that by order dated October 8, 1975, it has been determined that the proposed abandonment by the Southern Pacific Transportation Company of its line of railroad between Altair and Helms, in Colorado County, Tex., a distance of 9.02 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332 (2) (C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are not considered significant because no traffic has moved over the line since November 1974, and there is no identifiable demand for future service, no diversion of traffic from rail to motor carrier will occur, and there are no development plans or land use policies in the tributary territory which are dependent on the availability of rail service. The property comprising the right-of-way will revert to adjoining land owners upon abandonment.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before November 4, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-28175 Filed 10-17-75;8:45 am]

[AB 108]

TEXAS EXPORT RAILROAD CO.

Abandonment of Line

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Wise, Jack, and Young Counties, Texas, on or before October 28, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 8th day of October, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

TEXAS EXPORT RAILROAD COMPANY ABANDONMENT OF OPERATIONS BETWEEN BRIDGEPORT AND GRAHAM, IN WISE, JACK, AND YOUNG COUNTIES, TEXAS

The Interstate Commerce Commission hereby gives notice that by order dated October 8, 1975, it has been determined that the proposed abandonment of operations by the Texas Export Railroad Company over a line of railroad between Bridgeport and Graham, in Wise, Jack, and Young Counties, Tex., a distance of 54.34 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are not considered significant because traffic is no longer moving over the line, having been previously diverted to motor carriers and no development plans exist which are dependent on the continuation of rail operations.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before November 4, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-28174 Filed 10-17-75;8:45 am]

[Ex Parte No. 241, Rule 19; 9th Rev. Exemption No. 99]

UNITED STATES RAILROADS

Utilization of Plain Gondolas; Mandatory Car Service Exemption

It appearing, That the U.S. railroads own numerous plain gondolas less than 61 ft.; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain gondolas, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GA", "GB", "GD", "GH", "GS" and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks assigned to United States Railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exceptions 1, 2 and 3)

Exception 1: This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

Exception 2: This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to Directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

Exception 3: This exemption shall not apply to plain gondola cars owned by the railroads named below:

The Central Railroad Company of New Jersey,
Robert D. Timpany, Trustee
Reporting Marks: CNJ
Florida East Coast Railway Company
Reporting Marks: FEC
[1] Grand Trunk Western Railroad Company
Reporting Marks: GTW
The Kansas City Southern Railway Company
Reporting Marks: KCS
Illinois Terminal Railroad Company
Reporting Marks: ITC
Louisiana & Arkansas Railway Company
Reporting Marks: LA
Maine Central Railroad Company
Reporting Marks: MEC
Missouri-Kansas-Texas Railroad Company
Reporting Marks: BKTY-MKT-MKTT
Penn Central Transportation Company (Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees)
Reporting Marks: PC-PRR-NYC
Richmond, Fredericksburg and Potomac Railroad Company
Reporting Marks: RFP
Union Pacific Railroad Company
Reporting Marks: UP

Effective October 10, 1975.

Expires November 30, 1975.

Issued at Washington, D.C., October 1, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[1] Addition.

[FR Doc.75-28171 Filed 10-17-75;8:45 am]

[I.C.C. Order No. 149 Under Rev. S.O. No. 944]

WESTERN MARYLAND RAILWAY CO.

Rerouting of Traffic

In the opinion of Lewis R. Teeple, Agent, the Western Maryland Railway Company, (WM) is unable to transport traffic over its lines east of Hagerstown, Maryland, because of high water and flooding.

It is ordered, That:

(a) *Rerouting traffic.* The WM being unable to transport traffic over its lines east of Hagerstown, Maryland, because of high water and flooding, that line is hereby authorized to reroute or divert such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers: or upon failure of the carriers to so agree, said diversions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 4:30 p.m., September 26, 1975.

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 29, 1975, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 26, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.75-28170 Filed 10-17-75;8:45 am]

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federal register

MONDAY, OCTOBER 20, 1975



PART II:

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

■

TRICHLOROETHYLENE

Proposed Occupational Exposure Standard

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H–048]

OCCUPATIONAL EXPOSURE TO TRICHLOROETHYLENE

Notice of Proposed Rulemaking

Pursuant to sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 ("the Act") (84 Stat. 1593, 1599; 29 U.S.C. 655, 657), and Title 29, Code of Federal Regulations ("CFR") Part 1911, it is proposed to amend Part 1910 of 29 CFR by deleting the present standard for trichloroethylene ("TCE") contained in § 1910.1000, Table Z–2 (formerly § 1910.93, Table G–2), and by adding a new occupational safety and health standard for exposure to TCE as § 1910.-1027. This standard would apply to all employments in all industries covered by the Act, including "general industry," construction, and maritime. In addition, pursuant to section 4(b)(2) of the Act (84 Stat. 1592, 29 U.S.C. 653), if the new standard, when promulgated, is determined to be more effective than corresponding standards now applicable to the maritime and construction industries contained in Subpart B of Part 1910, Parts 1915, 1916, 1917, 1918, and 1926 of 29 CFR, the new TCE standard will supersede the corresponding maritime and construction standards for exposure to TCE. Appropriate conforming amendments will be made in Subpart B of Part 1910, and amendments to delete the superseded standards will be made in 29 CFR 1926.55 and in similar sections of Parts 1915–1918.

The accompanying document is a proposed standard issued pursuant to sections 6(b) and 8(c) of the Act. The agency requests the submission of written comments, data, and arguments from any interested persons on the issues addressed or implicit in the proposal. In addition, interested persons may also file written objections to the proposal requesting an informal hearing with respect thereto.

The proposed new standard would retain the current eight-hour time-weighted average limit for exposure to airborne concentrations of TCE of 100 parts per million (ppm) as presently listed in Table Z–2, and would reduce the ceiling limit from 200 ppm to 150 ppm. In addition, the acceptable maximum peak of 300 ppm for five minutes in any two hour period would be deleted. Moreover, the proposed standard would add detailed requirements on measuring employee exposures, methods of compliance, respiratory protection, hazardous and emergency situations, protective equipment, housekeeping, training, signs and labels, medical surveillance, and recordkeeping.

The issues raised in the proposal include, among others, the following:

1. The selection of an appropriate time-weighted average and a ceiling level for TCE;

2. The possibility that TCE may be an animal carcinogen, and, if so, whether it should be treated as posing a carcinogenic risk to humans;

3. The requirement for shielding and ventilation in hazardous operations to prevent employee exposure to the breakdown products of TCE;

4. The provisions for, among other things, employee exposure measurements, methods of compliance, medical surveillance, and protective equipment and clothing, hygiene facilities, signs and labels and recordkeeping;

5. Whether it is appropriate to permit initial determinations to be made without monitoring, or whether initial monitoring should be required in all cases; and

6. The environmental and inflationary impact of this proposal.

In the development of this proposal, OSHA has considered recommendations contained in the document "Criteria for a Recommended Standard . . . Occupational Exposure to Trichloroethylene," which was developed for the Secretary of Labor by the National Institute for Occupational Safety and Health (NIOSH), Department of Health, Education, and Welfare, as well as numerous reference works, studies, case histories, and journal articles, many of which are included in the reference section of this notice.

I. Introduction

A. *Background.* Trichloroethylene ("TCE"), Chemical Abstracts Service Registry Number 76016, is a clear, colorless, noncorrosive, nonflammable liquid with the "sweet" odor characteristic of chlorinated hydrocarbons. It is primarily produced by chlorination and oxyhydrochlorination of ethylene. Although TCE is not highly reactive, it does slowly decompose upon exposure to light and water vapor to form hydrogen chloride and, at elevated temperatures, chlorine. Upon contact with certain metals, open flames or ultraviolet radiation, TCE decomposes almost instantly to form phosgene and/or hydrogen chloride. It may also react with strong alkalis to form the very toxic substance, dichloroacetylene, and other explosive mixtures (*1*).

Annual production of TCE in the United States is on the order of 2.34×10^8 kg or about 234,000 metric tons. Approximately 90 percent of the substance consumed in the United States is used as a solvent in vapor degreasing operations. Five percent is used as a dry-cleaning solvent or as an extractive solvent, especially in processes which require the selective extraction of medicines and foods. The remainder is utilized as a solvent or chemical intermediate in a variety of operations including the production of pesticides, waxes, gums, resins, tars, paints, varnishes and specific chemicals, such as chloroacetic acid (*1*). TCE has also found application as a general anesthetic and analgesic (*1, 8*).

B. *History of Regulation.* In 1943, the U.S. Public Health Service published a "Manual of Industrial Hygiene and Medical Service in War Industries," which listed maximum allowable concentrations for workplace air contaminants. For TCE, the limit listed in the manual was 200 ppm based on an eight-hour daily exposure.

As noted in the NIOSH Criteria Document, the list of concentrations in this manual was critically reviewed, unified, and extended by Cook in 1945. Cook supplemented the Public Health Service's list with lists of acceptable concentrations supplied by other sources, including the California Industrial Accident Commission, the American Standards Association and the states of Connecticut, Massachusetts, New York, Oregon and Utah. All of these sources listed a value of 200 ppm for TCE. Cook considered these sources and the works of Seifter, Morse and Goldberg when he also recommended a maximum allowable concentration of 200 ppm (*39*).

In 1946, the American Standards Association's (now the American National Standards Institute or ANSI) Z–37 Committee published a standard for exposure to TCE which recommended a maximum exposure of 200 ppm as averaged over an eight-hour day. However, in 1967, this limit was changed to 100 ppm with a ceiling limit of 200 ppm. Further, the revised standard allowed peak exposures to concentrations of 300 ppm for a duration of not more than five minutes, provided these levels were not encountered more than once in two hours during an eight-hour workday.

During the years 1947 through 1961, the American Conference of Government Industrial Hygienists (ACGIH) listed a Threshold Limit Value (TLV) for TCE of 200 ppm. In 1961, based on the work of Adams et al., ACGIH lowered its TLV to 100 ppm (*1*). Adams has reported that there was an extremely low probability of adverse effects on human subjects if the vapor concentrations of TCE were kept below 100 ppm.

The Hygienic Guides Committee of the American Industrial Hygiene Association also recommended a time-weighted average concentration of 100 ppm for an eight-hour workday with fluctuations to be kept below 200 ppm (*1*).

In 1972, under the section 6(a) rulemaking procedures of the Act, OSHA adopted the ANSI standard for exposure to TCE of 100 ppm as averaged over an eight-hour workday, a 200 ppm acceptable ceiling concentration and allowance for peak exposures of 300 ppm occurring not more frequently than five minutes in any two hours. This is the current OSHA standard for occupational exposure to TCE, found in Table Z–2 of § 1910.1000. As noted, the proposal would retain the 100 ppm time-weighted average and would reduce the permissible ceiling concentration to 150 ppm, and would delete the peak exposure concentration.

II. Toxicology

A. *Effects of Trichloroethylene.* The predominant effect of overexposure to TCE appears to be depression of the central nervous system. Such exposures often result in visual disturbances, mental confusion, fatigue, tremors, dizziness, nausea and vomiting (*1, 3, 14*). Continued overexposure may produce unconsciousness eventually leading to death.

TCE also has toxic action on the cardiovascular and gastrointestinal systems. Deaths have been reported from ventricular fibrillation and cardiac arrest following severe exposure to the substance (*1, 16, 21*). Cases of injury to the liver and kidney have also been observed (*18, 19, 20*).

Chronic exposure to the substance may produce double vision, changes in color perception, blindness, loss of coordination and sense of smell, and impairment of the tactile sense (*1, 21, 29*).

Effects of TCE on the skin and eyes include reddening and dermographism, contact skin burns and generalized dermatitis (*29, 30*). Studies have indicated that TCE is not significantly absorbed through the skin unless it is trapped against the skin, as for example under tight clothing (*25*).

TCE is rapidly absorbed by the lungs with 50–70 percent being retained and metabolized in the body. The metabolites excreted include monochloroacetic acid, accounting for 4 percent of the retained TCE; trichloroacetic acid, 10–30 percent; and trichloroethanol, 32–59 percent. There is an initial conversion to chloral hydrate, a sedative-hypnotic. This converts into trichloroacetic acid and trichloroethanol, which are then excreted in the urine (*1*). Because the metabolism has a requirement for the reduced form of nicotinamide adenine dinucleotide phosphate (NADPH) and oxygen, it is felt that TCE is metabolized in the liver microsomes by enzymes known as the mixed-function oxidase system (*33*). This has been verified by the studies of Byington and Leibman (*31, 32*).

The biological half-life of TCE is approximately 41 hours, which suggests that TCE may accumulate in the body (*34*). Because of this fairly extended half-life, the effects of TCE may depend upon the duration as well as the intensity of exposure. A study by Grandjean showed that as the duration of exposure increases, the rate of incidence of various nervous disorders also increases (*3*).

B. *Animal Studies.* The bulk of animal study data is concerned with either the systemic toxicity or neurotoxicity of TCE.

In a 1944 study, which attempted to demonstrate a relationship between exposure to TCE and hepatic injury, Seifter reported that dogs exposed by inhalation to levels ranging from 150 ppm to 300 ppm showed no liver injury. Dogs exposed to concentrations of 500–750 ppm showed a progressive impairment of liver function, with the degree of toxic effect directly proportional to the intensity of exposure. However, the changes in liver function were transient, returning to normal within five weeks after discontinuance of TCE exposure (*9*).

In a study by Wirtschafter and Cronyn, rats given a single subcutaneous injection of TCE (0.004 mole/kg) showed elevated serum glutamic oxalacetic transaminase (SGOT) values during the 12th to 16th hours following the injection. Also, histological examination showed "mild degenerative changes of the liver parenchyma" at the 12th hour following injection (*10*). As in the Seifter study, the changes were transient, returning to normal by the 24th hour.

In 1967, Mazza and Brancaccio examined the myelograms and blood indices of rabbits exposed to 2790 ppm of TCE by inhalation. An increase in lymphatic and reticuloendothelial cells, hypoplasia of erythroblastic parenchyma, leukopenia and thrombocytopenia were found. In addition, the investigators found a severe normochromic anemia which they attributed to the toxic action of TCE on bone marrow (*45*).

A study by Battig and Grandjean (1963) examined the effects of chronic exposure to TCE vapors on rat behavior. Ten rats, exposed to an eight-hour average concentration of 400 ppm TCE, five days per week, for 14 weeks, were subjected to four tests. The rats' performances in swimming, a Hebb or rat "intelligence" test, exploratory behavior, and conditioned avoidance response tests were compared against the performance of ten control rats exposed only to fresh air. The researchers found that chronic exposure to TCE vapors detrimentally affected the rats neuromuscular efficiency in the swimming tests, but enhanced exploratory behavior performance in a maze situation. These results appeared to stem from the narcotic effects of TCE, which reduce both neuromuscular coordination and inhibitions. However, exposure to TCE did not appear to affect performance in either the intelligence or conditioned avoidance response tests (*26*).

Although TCE alone is initially a strong depressant on the central nervous system, its toxic effects are compounded by the fact that one of its primary metabolites, trichloroethanol, is six times as strong a depressant. This has been verified in studies done using guinea pigs (*37*). As one-third to one-half of the retained amount of TCE is metabolized to trichloroethanol, this quantity in combination with chloral hydrate, a hypnotic, probably contributes to the pharmacodynamic and toxic effect of TCE.

In a 1960 study, Grandjean investigated the effect of TCE vapor inhalation on food-motivated conditioned responses in rats. The animals were conditioned to climb a rope in order to reach food. Grandjean found that rats exposed to TCE climbed more frequently without previous signals than did the control rats. He observed that TCE in the doses studied (200 and 800 ppm) modified the psychological equilibrium of the rats by decreasing inhibitions and increasing excitability (*35*).

Adams et al. (1951 studied the effects of TCE inhalation on various animal species. The study sought to determine both the quantitative measures of acute toxicity by using single exposure tests on rats and the effects of chronic toxicity by using repeated exposure tests on several species.

In the single exposure tests, groups of rats were exposed to various concentrations of TCE vapor ranging from 100 to 20,000 ppm for periods of six minutes to 20 hours to determine (1) the lowest exposure at which all the animals would die, (2) the highest exposure at which all the animals would survive, and (3) the highest exposure at which all the animals would survive and remain free of organic injury. No testing was performed to determine functional impairment. The results were plotted on a graph, and typical results showed that 100 percent survival was achieved at 20,000 ppm for 24 minutes, 12,000 ppm for 36 minutes, 6400 ppm for 84 minutes and 3000 ppm for seven hours. No organic injuries were found at 20,000 ppm for 18 minutes, 12,000 ppm for 36 minutes, 4800 ppm for 84 minutes, and 3000 ppm for five hours.

Of the rats that survived, the only toxic effects observed were depressions of the central nervous system (anesthetic effect), from which the rats recovered rapidly. Other effects noted were some loss of body weight and minor tissue changes which were considered insignificant by the authors.

Adams' test for chronic toxicity was performed on rats, rabbits, monkeys and guinea pigs. They were exposed to various concentrations up to 3000 ppm of TCE for seven hours a day, five days a week for six months. Not all species were exposed to all concentrations. Maximum TCE concentrations inhaled without adverse effects were 400 ppm for the monkeys, 200 ppm for the rats and rabbits and 100 ppm for the guinea pigs. Above these concentrations the same adverse effects observed in the single exposure test were noted, and minor importance was likewise ascribed to them.

Comparing these results with existing human studies, Adams concluded that "for uniform daily exposure of about seven-hours' duration there is little probability of any adverse effects on human subjects if trichloroethylene concentrations are kept below 200 ppm; the probability of any effect whatsoever is extremely small if concentrations are kept below 100 ppm." (*36*).

C. *Human Studies.* Much research has been conducted on human subjects' response to TCE exposure. The following studies are representative of the literature that OSHA has relied upon in developing this proposed standard.

While attempting to devise tests that would be sensitive enough to measure changes in psychophysiological functions of a single subject exposed to low vapor concentrations of TCE (100, 200, 300, and 500 ppm), Stopps and McLaughlin (1967) found that psychomotor performance on various tests was not significantly affected at 100 ppm, but did deteriorate as the concentration of TCE was increased. Between 100 and 200 ppm, a slight decline in performance was observed, and in one test, a manual dexterity test, no difference in results was found. At the 300 and 500 ppm concen-

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trations, declines in performance were significantly pronounced.

At all exposures, the subject reported "a slight tendency toward somnolence, and, in addition, at the 500-ppm concentration, mild irritation in the upper respiratory tract and a dull woolyheaded feeling."

Dr. Richard D. Stewart of the Medical College of Wisconsin, has conducted extensive research on TCE exposure. In a 1970 study, Stewart et al. tested for neurophysiological effects of TCE exposure. In nine separate experiments, he exposed subjects to 200 ppm for seven hours for five days. Some subjects reported a variety of mild subjective symptoms such as throat and eye irritation. Yet these subjects did not again experience these symptoms when exposed to TCE on consecutive days. All of the subjects, however, reported feelings of fatigue and sleepiness. Further, although the investigators found normal results on all performance tests taken by the subjects, 50 percent of the subjects reported that a greater effort was required for them to perform normally in a modified Romberg test for coordination (*24*).

Salvini, Binaschi and Riva (1971) studied the performances of six male university students exposed to average concentrations of 110 ppm in tests of perception, memory, and manual dexterity. The subjects were exposed to TCE in two four-hour sessions separated by one and one-half hours. The investigators found a "statistically significant decrease in performance ability when the subjects were exposed to TCE, indicating that 100 ppm was very close to the average concentration capable of interfering with psychophysiological efficiency."

In an attempt to test their findings, the investigators repeated the entire experiment using workmen who regularly worked with TCE. The results of the second experiment confirmed the conclusions drawn from the results of the tests with university students (*7*).

An expanded version of the Salvini experiment was performed by Stewart et al. (1974), but failed to corroborate Salvini's findings of interference with pyschophysiological efficiency at 110 ppm. Stewart et al. attributed the different results to three possible deficiencies in the Salvini study: ". . . questionable statistical analysis of the data, an inaccurate TCE vapor exposure, or poor experimental execution. . . ." (*28*).

Foster, Newton, Soto, and Stewart (1974) conducted a study to determine the effect of daily exposure to low levels (20, 100, 200 ppm) of TCE on the spontaneous and evoked electrical activity of the brain. The exposures resulted in electroencephalogram (EEG) changes at 200 ppm in one of the six (three male, three female) subjects. Exposure to 100 ppm for one week resulted in a reduced amplitude in the Visual Evoked Response (VER) readings for all of the female subjects. Exposure to concentrations of TCE at 100 and 200 ppm resulted in a reduced amplitude in the VER readings for only one of the three male subjects. As a result of these responses, the researchers hypothesized that "TCE may . . . directly stimulate cortical neurons and/or it may influence subcortical facilitory or inhibitory centers." (*28*). At this time it is unknown what effect, if any, these changes have on the health of employees. However, as Stewart noted, at concentrations of 300 or 400 ppm, the changes could become sufficiently significant to suggest harmful effects.

In all of Stewart's work he did not find ". . . that TCE has a well defined deleterious effect upon humans either at 100 ppm or 200 ppm in the atmosphere for the 7½ hour per day, 5 days per week." He concluded that ". . . the 100 ppm concentration probably has a three- to four-fold margin of safety for most individuals." (*28*).

In a review of the criteria document published by NIOSH, Messite (1974) cited several authors in establishing her reasons for lowering the TWA to 75 ppm (*14*). She stated that:

> . . . the psychophysiological effects of human exposures to trichloroethylene at levels approximately those of the proposed standard and the clinical impressions expressed by a number of other authors of subjective symptoms . . . do not appear to be sufficiently appreciated in the document.

Among the authors primarily relied upon were Grandjean (1955) and Bardodej (1955).

Grandjean et al. made 96 air analyses in 24 different workshops which showed concentrations of TCE between 1 and 355 ppm, with the majority between 20 and 40 ppm. Either through case histories (30 people) or clinical examinations (50 people), Grandjean found symptoms such as fatigue, dizziness, and inability to tolerate alcohol among exposed employees.

Grandjean pointed out that the air monitoring "provided insufficient indication of the total extent of exposure of the workers," because there was no long term air sampling and the ten minute air samples did not fully take into account such job tasks as special tank cleaning, removal of TCE, etc. Both because the study did not measure the extent of employee exposure and because there was no control group, this study cannot be utilized to definitely establish a dose-response level for TCE (*3*).

In concluding that NIOSH should have recommended a level of 75 ppm, Messite also relied upon a study by Bardodej and Vyskocil (*46*). Seventy-five workers employed in dry-cleaning and degreasing occupations were studied. The workers' length of employment varied from six months to 25 years. The authors reported that the TCE concentrations in the plants ranged between 5 and 630 ppm. They found a statistically significant correlation between the duration of exposure and toxic effects of TCE. NIOSH, in its review, criticized this report because "no controls were used, the areas sampled were not reported, and the general health of the worker population was not given." Therefore, this study is also not that helpful in establishing a dose-response level for TCE.

Effects of exposure to TCE on the skin and eyes have also been studied by Stewart. In 1964, Stewart and Dodd published results of investigations of the rate of skin absorption for five industrial solvents including TCE. Volunteer subjects were exposed by immersion of the thumbs into containers of the substances for 30 minutes. The amount of skin absorption was estimated by comparing concentrations of the solvents found in the expired alveolar breath of the subjects following the skin exposure, with previously obtained data on alveolar breath concentrations following exposure to known vapor levels of the solvents.

All of the subjects experienced burning sensations during skin contact with TCE. Erythema and fine scales were also noted in all subjects with the erythema subsiding in two hours. The researchers found that the rate of skin absorption of TCE was comparatively slow, and hypothesized that the substance would probably not be absorbed through the skin in toxic quantities during similar contact with hand and forearms (*25*).

In one study, mild eye irritation was reported for exposures as low as 160 ppm for a total exposure period of 83 minutes (*43*).

D. *Case histories.* Most of the facts obtained concerning the effects of occupational exposure to TCE have come from case histories. Although these case histories are important, they often involved exposures to high, although unknown, concentrations.

For example, there are numerous reported cases of deaths from inhalation of TCE vapors during degreasing operations (*16, 18, 19, 21*). There are also reports of deaths resulting from the intentional "sniffing" of TCE vapors by workers and children (*15, 23*). Other effects noted from case histories such as nausea, dizziness, sleepiness, etc., parallel effects seen under the controlled-condition studies. Effects such as renal and hepatic failures due to either occupational or deliberate inhalation of TCE vapors have not been seen in human experimental studies, but are readily apparent in the case histories (*17, 19, 20*). Acute illnesses have been documented by reports of unconsciousness among workers exposed to concentrations between 1,700 and 3,300 ppm for as little as ten minutes (*29*) and dysfunctions of the central nervous system at exposures of 1,000 ppm for even short periods of time (*42*).

While these case studies are useful in identifying severe symptoms of exposure to extremely high levels of TCE, they are not helpful in determining the lower toxic limits of TCE exposures.

III. The Consideration of Carcinogenicity

OSHA has received an alert as to the potential carcinogenicity of TCE from the National Cancer Institute (NCI) and from NIOSH. Both alerts, which were based on a carcinogenesis bioassay of TCE conducted by NCI, state that a preliminary evaluation of the bioassay indicates the substance to be carcinogenic in mice. However, NCI emphasized that its memorandum represents "only a statement of concern" and that "no definite conclusions as to the carcinogenicity of the substance may be reached until all of the data from histopathology examinations have been received and evaluated." NIOSH's memorandum was based upon the same NCI study and was intended to "alert members of the occupational and health community to new information on a potential occupational hazard."

OSHA shares the concern expressed by NCI and NIOSH as to the possible carcinogenicity of TCE. However, we believe it is inappropriate at this time to treat TCE as a human carcinogen based solely on the preliminary information now available. OSHA solicits and will give serious consideration to all data concerning the carcinogenic potential of TCE, including data on whether TCE is an animal carcinogen and other data which may indicate that TCE should be regulated in the workplace as a carcinogen. If the evidence submitted during the course of this rulemaking proceeding, including the final NCI data, indicates that TCE should be regulated as a carcinogen, the final standard promulgated as a result of this proceeding may set a maximum exposure limit significantly below the limit set out herein. In addition to possibly requiring employers to reduce exposures to the lowest feasible level, the final standard may, in the circumstances noted above, contain other provisions, such as for regulated areas, appropriate to the regulation of a carcinogen (see, e.g., 29 CFR 1910.1017).

In any event, we solicit any data, views or arguments on the issue of carcinogenicity, feasibility and related matters.

IV. Pertinent Legal Authority

The primary purpose of the Act is to assure so far as possible safe and healthful working conditions for every working man and woman. One means prescribed by Congress to achieve this goal is the authority vested in the Secretary of Labor to set mandatory safety and health standards. The standards-setting process under section 6 of the Act is an integral part of an occupational safety and health program in that the process permits the participation of interested parties in consideration of scientific data, industrial processes and other factors relevant to the identification of hazards and the selection of appropriate control measures. Occupational safety and health standards establish the requisite conduct or exposure level and provide a basis for ensuring the existence of safe and healthful workplaces.

The Act provides that:

> The Secretary, in promulgating standards dealing with toxic materials or harmful physical agents under this subsection, shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life. Development of standards under this subsection shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. (Section 6(b)(5))

Sections 2(b) (5) and (6), 20, 21, 22, and 24 of the Act reflect Congress' recognition that conclusive medical or scientific evidence including causative factors, epidemiological studies or dose-response data may not exist for many toxic materials or harmful physical agents. Nevertheless, standards cannot be postponed because definitive medical or scientific evidence is not currently available. Indeed, while final standards are to be based on the best available evidence, the legislative history makes it clear that "it is not intended that the Secretary be paralyzed by debate surrounding diverse medical opinion." House Comm. on Education and Labor, H.R. Rep. No. 91–1291, 91st Cong., 2d Sess. 18 (1970). This congressional judgment is supported by the courts which have reviewed standards promulgated under the Act. In sustaining the standard for occupational exposure to vinyl chloride (29 CFR 1910.1017), the U.S. Court of Appeals for the Second Circuit stated that "it remains the duty of the Secretary to act to protect the workingman, and to act even in circumstances where existing methodology or research is deficient." "Society of Plastics Industry, Inc. v. Occupational Safety and Health Administration," 509 F. 2d 1301, 1308 (2d Cir. 1975), *cert. denied*, — U.S. —, 95 S.Ct. 1998, 44 L.Ed.2d 482 (1975).

A similar rationale was applied by the U.S. Court of Appeals for the District of Columbia Circuit in rereviewing the standard for occupational exposure to asbestos (29 CFR 1910.1001). The Court stated that:

> some of the questions involved in the promulgation of these standards are on the frontiers of scientific knowledge, and consequently as to them insufficient data is presently available to make a fully informed factual determination. Decision making must in that circumstance depend to a greater extent upon policy judgments and less upon purely factual analysis.

"Industrial Union Department, AFL–CIO v. Hodgson," 499 F.2d 467, 474 (D.C. Cir. 1974).

In setting standards, the Secretary is expressly required to consider the feasibility of the proposed standards. Senate Comm. on Labor and Public Welfare, S. Rep. No. 91–1282, 91st Cong., 2d Sess. 58 (1970). Nevertheless, considerations of technological feasibility are not limited to devices already developed and in use. Standards may require improvements in existing technologies or require the development of new technology. "Society of Plastics Industry, Inc. v. Occupational Safety and Health Administration," 509 F.2d at 1309.

Where appropriate, the standards are required to include provisions for labels or other forms of warning to apprise employees of hazards, suitable protective equipment, control procedures, monitoring and measuring of employee exposure, employee access to the results of monitoring, and appropriate medical examinations. Where a standard prescribes medical examinations or other tests, they must be made available at no cost to the employee (Section 6(b)(7)). Standards may also prescribe recordkeeping requirements where necessary or appropriate for enforcement of the Act or for developing information regarding occupational accidents and illnesses (Section 8(c)).

V. The Proposal

The following discussion analyzes significant provisions of the proposed standard for occupational exposure to TCE:

A. *Scope and application.* The proposed standard would apply to all workplaces in all industries, including construction and maritime as well as "general industry," where TCE is produced, released, packaged, repackaged, stored, handled, used or transported, except to the extent that this section will not apply to working conditions with respect to which other Federal agencies, such as, but not limited to, the Environmental Protection Agency or the Department of Transportation, have exercised their statutory authority to prescribe or enforce standards affecting occupational safety or health. Although the scope of this proposal is broad, covering nearly every use or handling of TCE, the specific provisions of the proposed standard that would apply to any particular employer depend upon the amount of the toxic substance actually released into the workplace air, or upon whether employees are likely to have eye or repeated skin contact with liquid TCE. It should be noted, however, that certain provisions of the proposed standard, such as employee training and information, apply wherever TCE is relased as a result of operations, without regard to the airborne concentrations.

B. *Exposure limits.* The proposed standard establishes limits for exposure to airborne concentrations of TCE and for dermal and eye exposure.

1. *Permissible airborne exposure limits.* The proposed standard would retain the eight-hour time-weighted average limit (TWA) based on a 40-hour work week of 100 parts of TCE per million parts of air (100 ppm) currently listed in § 1910.1000, Table Z–2. However, the 200 ppm ceiling concentration currently listed in § 1910.1000 would be changed to 150 ppm, as averaged over a 15 minute period, and the concept of a peak concentration would be completely eliminated.

Based on the studies discussed above, it is OSHA's judgment that there is a significant probability that well-defined symptoms of TCE exposure will appear in employees exposed to approximately 300 ppm or greater. In addition, fatigue and sleepiness, probably resulting from the anesthetic effects of TCE, have been observed at 200 ppm. There are also data

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to suggest that milder symptoms and effects may appear at levels below 200 ppm, although probably not under 100 ppm.

It is apparent that we must protect against well-defined symptoms of TCE exposure. Moreover, we believe that it is inappropriate to permit employees to be exposed to a known anesthetic at levels which produce even mild anesthetic effects, such as fatigue and sleepiness. Therefore, in OSHA's judgment and in accordance with NIOSH's recommendations, the current TWA for TCE appears to be both necessary and adequate for the protection of employees. We believe the proposed TWA provides an appropriate margin of safety to protect employees from well-defined symptoms of TCE exposure and from its anesthetic effects. It also provides significant protection from milder symptoms and effects.

However, as previously mentioned, studies indicate that the current ceiling level of 200 ppm may be too high. Thus, for example, subjects exposed to concentrations between 150 and 200 ppm experienced eye irritation, fatigue and sleepiness even when exposure durations were for less than eight hours, and especially when continued for five days per week. Therefore, OSHA proposes to set the ceiling limit, as averaged over any 15 minute period, at 150 ppm to protect workers from experiencing toxic effects from exposure.

2. *Dermal and eye exposure limit.* As in the case of most organic solvents, TCE acts as a defatting agent on skin tissues, resulting in irritation and dermatitis. Repeated or prolonged exposures may even result in skin burns. Eye contact with TCE results in severe pain and irritation often lasting for several days.

For these reasons, the proposed standard would prohibit employers from exposing employees to eye and repeated skin contact with liquid TCE.

C. *Effects of overtime on exposure.* The permissible exposure limits are based on an eight-hour time-weighted average (TWA) concentration for a 40-hour work week. OSHA recognizes, however, that work shifts can extend beyond the regular eight-hour period as the result of overtime or other alterations of the work schedule. This extension of work time also extends the time during which the employee is exposed. The effects of this additional exposure time must be considered in arriving at a level of exposure.

For the purpose of calculating an exposure level, the relationship of concentration and time of exposure has been assumed to be linear. As the exposure time increases, the factor of concentration multiplied by time (C x T) must remain constant. Thus, for example, employees exposed to TCE for ten hours could not be exposed to more than 80 ppm on the average.

It is believed that by equating exposure with the eight-hour TWA, reasonable assurance of maintaining a safe exposure level is retained.

D. *Action level.* In addition to time-weighted average and ceiling limits, the proposed standard prescribes an action level which is a concentration of TCE equal to one-half of the TWA, at or above which certain precautionary measures such as exposure measurements and medical surveillance must be initiated.

The proposed action level for TCE is any concentration greater than or equal to 50 parts per million (50 ppm). Like the TWA, the action level is based on an eight-hour time-weighted average.

In OSHA's judgment, two kinds of uncertainties can affect an employer's efforts to be reasonably confident of the results of his exposure measuring program. First, he must know if his sampling and analysis accurately informs him of his employee's actual exposure level on the day of measurement. Assuming that an employee's exposure has been properly measured (excluding such things as precision and accuracy of the sampling method) an employer can be reasonably sure of the employee's exposure on the day of measurement.

Second, the employer must also know whether the measured exposure level on one day is indicative of exposure levels on days he does not measure. It is known that the level of contamination in occupational environments varies from day to day in a random fashion. This variation in levels is unavoidable; it is only minimally connected to the precision and accuracy of the method of measurement, and does not include variations due to changes in work processes or controls.

OSHA has determined statistically that even though all measurements of exposure level may fall below the permissible limit, some possibility exists that on unmeasured days the employee's actual exposure may exceed the permissible limit. (Leidel, N.A. et al. "Exposure Measurement Action Level and Occupational Environmental Variability," DHEW, PHS, CDC, NIOSH, DLCK (August 1975).) Where exposure measurements are above one half the permissible limit, i.e., the action level, the statistical risk is such that an employer can not reasonably be confident that his employees may not be overexposed. Therefore, requiring exposure measurements to begin at the action level provides the employer with a reasonable degree of confidence in the results of his measurement program.

In view of these considerations and in order to provide maximum employee protection, the proposal would also require the employer to commence medical surveillance at the action level.

E. *Determination and measurement of exposure.* The employer would be required by the proposal to make an initial determination of employee exposure to airborne or liquid TCE. This determination may be an observation based on the amount of TCE present in the workplace, type of operations being performed, the amount and type of ventilation, and the proximity of employees to the TCE. Also, the employer's determination must consider any employee complaints of symptoms that may be attributable to TCE exposure.

When making this determination, the employer is not required to sample or measure airborne concentrations of TCE. However, if the employer has performed any measurements, these must also be considered in the initial determination. In making the initial determination, the employer must be certain that the determination accurately reflects employee exposure conditions over the entire workday.

In establishments having more than one work operation involving the use of TCE, an initial determination must be made for each operation. Also, the determination must be repeated each time there is a change in production, process or control measures which could result in new or additional exposures, or whenever the employer has any other reason to suspect that a change in exposure conditions has occurred.

If the results of the initial determination are negative, that is, if the employer determines that no employee is exposed to eye or repeated skin contact and that no employee is exposed to airborne concentrations of TCE vapor at or above the action level or above the ceiling limit, a written record of this determination must be made. This record must contain any information or observations that indicate an employee may be exposed to liquid or airborne concentrations of TCE, including employee complaints of symptoms that may be attributable to such exposure. Further, the determination record must include measurements of TCE that have been made, even though such measurements are not required to be made for the initial determination, and the names and social security numbers of the employees considered in reaching the determination.

When results of the initial determination of dermal or eye exposure indicate that any employee may be exposed to liquid TCE, the employer must provide affected employees with impermeable protective clothing and devices to protect the areas of the body likely to come in contact with liquid TCE.

When the initial exposure determination indicates that any employee may be exposed in excess of the action level, the employer must measure the exposure of the employee most likely to have the highest exposure. If the results of this measurement indicate that the employee is exposed to concentrations in excess of the action level, or the ceiling limit the employer must implement a program to measure the exposures of all employees similarly affected. Because a positive determination triggers the exposure measurement program, with its own record-keeping requirements, no written record of positive determination need be made.

When the results of the single employee's exposure measurement reveal exposures in excess of the action level or the ceiling limit, the employer would be required to identify all other employees who may be similarly exposed, and to measure the exposures of each of these employees. Detailed instructions for monitoring the exposures of such employees are contained in the proposed standard.

The measurement procedure may be terminated as to a particular employee if the employee exposure measurement does not indicate exposures in excess of the action level or ceiling limit. However, it should be noted that if an employer has knowledge of a change in production, process or control measures which could result in increased exposures to TCE, or if the employer has any other reason to suspect that a change in exposure conditions has occurred, the initial determination procedure must be repeated.

The monitoring provisions are designed so that employers who have workplaces in which exposures to TCE are below the action level would not be required to make continual measurements. Further, those employers having establishments with exposures at or above the action level, but below the permissible exposure limits, would be required to make only the minimum number of exposure measurements necessary for protection of employees. The intent of these procedures is to provide adequate protection for employees while minimizing the burden on employers.

F. *Methods of measurement.* The proposal would require that exposure measurements reflect the actual exposure conditions for each employee. No specification is made for the location of the samples taken. Thus, the employer may perform either personal breathing zone or general air sampling, provided that the method chosen gives an accurate indication of each employee's exposure. Further, any appropriate combination of long-term or short-term samples would be acceptable. However, the proposal requires that all exposures be calculated on an eight-hour time-weighted average basis, with the exception of the ceiling concentration measurements. The sampling method must have an accuracy, to a confidence level 95%, of ± 35% up to 100 ppm and ± 25% above 100 ppm. The term "accuracy" refers to the difference between the measured value and the true concentration. It allows for both the random variation of the method (its precision) and the difference between the average result from the method and the true value (bias of the method). As noted, the required accuracy for concentrations of TCE above 100 ppm is 25% at a 95% confidence level. This means that out of a long series of measurements, 95% must be within 25% of the true value.

G. *Methods of compliance.* The proposed standard would require the employer to immediately institute engineering controls to reduce employee exposures to or below the permissible exposure limits, except in situations where such controls are infeasible. Further, in situations where the engineering controls that can be instituted immediately will not reduce exposures to the permissible exposure limits, they must nonetheless be used to reduce exposures to the lowest practicable level, and be supplemented by the use of work practices.

Where engineering controls and work practices will not reduce exposures to the permissible exposure limits, they must nonetheless be implemented to reduce exposures to the lowest practicable limit, and be supplemented by the use of personal protective devices. In addition, a program must be established and implemented to reduce exposure to within the permissible exposure limits, or to the greatest extent feasible, solely by means of engineering controls. Written plans for this program must be developed and furnished upon request for examination and copying to representatives of the Secretary and the Director. These plans must be reviewed and updated periodically to reflect the current status of exposure control.

In the compliance priorities set out in the proposal, engineering controls are the preferred means of compliance because they reduce exposure hazards in the workplace environment by removing the airborne contaminants. Engineering controls may include the installation of local exhaust ventilation or the modification of a process so as to reduce emission of the contaminant into the workplace. When mechanical ventilation is used for engineering control, checks of air system efficiency, such as capture velocity, duct velocity or static pressure must be made at least every three months. These checks are necessary to assure that the primary control system (mechanical ventilation), is functioning effectively at all times.

When engineering controls prove to be infeasible or inadequate, work practice controls must be instituted. Work practice controls include, for example, adherence to proper process techniques and proper maintenance. However, the effectiveness of work practice controls is dependent on strong supervisory controls being continuously maintained, and they are therefore generally less reliable than engineering controls. For this reason the proposal establishes work practice controls as the secondary means of controlling employee exposures.

Where both engineering and work practice controls are infeasible or insufficient to reduce the exposure to permissible levels, they must nonetheless be used to reduce exposure to the lowest practicable level, and be supplemented by the use of respirators. Respirators are the least satisfactory means of control because of certain difficulties inherent in their use. Respirators are capable of providing good protection only if they are properly selected for the concentrations of airborne contaminants present, properly fitted to the employee, worn by the employee, and replaced when they have ceased to provide adequate protection. While it is possible for all of these conditions to be met, it is often the case that they are not, and, as a consequence, the protection of employees by respirators is not as effective as the other methods of compliance. Where respirators are used, the proposed standard would establish requirements for their selection and maintenance.

H. *Hazardous operations and emergency situations.* As discussed above, TCE decomposes rapidly into several hazardous breakdown products such as chlorine, hydrogen chloride, phosgene and dichloroacetyl chloride, upon exposure to high temperatures, open flames or ultraviolet light (*1*). For this reason, the proposed standard would require operations involving high temperatures, open flames or ultraviolet light to be performed outside of areas in which TCE vapors are present, unless such operations are appropriately shielded and ventilated.

A TWA for dichloroacetyl chloride is not included in Table Z–1 at this time, but it is known that a concentration of approximately 10 ppm will immediately cause coughing and eye irritation to an extent that most employees cannot tolerate it for more than a short time. Dahlberg states that dichloroacetyl chloride, not phosgene, is the main decomposition product caused by welding in areas where TCE vapors are present. The rate of creation of dichloroacetyl chloride is dependent on the amount of TCE present, and welding is very hazardous where levels of TCE exceed 30 ppm (*5*). Dahlberg points out that even 30 ppm may be too high in certain cases, and recommends that precautions be taken to eliminate TCE from the work area altogether. Therefore, to prevent irradiation and consequent oxidation of TCE, the proposed standard requires hazardous operations, such as welding, to be screened and adequately ventilated.

Degreasing and storage tanks which have been emptied for cleaning, maintenance or inspection purposes may contain concentrations of TCE vapors which are immediately hazardous to the lives and health of employees. For this reason, the proposed standard cross-references § 1910.94(d) (11) (ii)–(v) which contain provisions for safe entry into tanks.

I. *Employee information and training.* Information and training are essential for the protection of employees because an employee can do much to protect himself if, and only if, he is informed of the nature of the hazards in his workplace. To be effective, an employee education system must apprise the employee of the specific hazards associated with his work environment. For this reason, the employer would be required to inform each employee of the effects of TCE, the necessity for controlling exposure, the emergency procedures and the purpose and description of the medical surveillance and exposure monitory programs. Further, the employee must be instructed to report promptly the development of symptoms or conditions which could be attributed to overexposure to TCE. The proposal also contains requirements for warning signs and labels.

J. *Medical surveillance.* The proposed standard would require employers to institute a program of medical surveillance for employees who may be exposed to concentrations of TCE vapor at or above the action level or in excess of the ceiling limit. As in the case of exposure determinations, the level of an employee's exposure is considered without regard to the use of respirators. The purposes of

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the medical surveillance requirements include: determining the effects of exposure on the health of employees, ensuring to the extent possible that no employee is exposed to concentrations of TCE which are above his own level of tolerance and ensuring that if symptoms of overexposure do occur, they are recognized as early as possible and that appropriate action is taken.

The proposal requires a comprehensive medical and work history to be taken at the time of initial assignment or upon institution of the medical surveillance program. The purpose of these histories is to identify those individuals whose past experiences indicate hypersusceptibility to various chlorinated hydrocarbons and whose exposures, therefore, might need to be reduced.

The proposal also calls for an initial and an annual medical examination which must include an electrocardiogram, pulmonary function testing, urinalysis and a complete blood count. Because exposures to TCE have been reported as the cause of cardiac arrhythmias in some workers, the electrocardiogram is necessary for identifying workers with heart problems that might be affected by TCE exposure. Also, since TCE is a chlorinated solvent, overexposure has the potential for causing liver and kidney impairments. Urinalysis is useful for screening for individuals who have or may develop liver or kidney dysfunctions. Pulmonary function testing is necessary for determining whether an employee is able to wear certain types of respiratory protective equipment.

Although the proposal specifies the type of medical tests and examinations to be given affected employees, the employer may allow the examining physician to use other types of medical examinations, provided the alternative procedures can give at least equal assurance of detecting medical conditions pertinent to protecting employees against TCE exposure. If the examining physician elects to use such alternative medical examinations, the employer must obtain a statement from the physician setting forth the alternative medical examinations to be used and the rationale for their substitution and submit that to the Secretary. The employer must also inform affected employees that medical examinations other than those prescribed in the standard are to be made available.

The employer must provide the examining physician with a copy of the standard for TCE, including appendixes, a description of the employer's duties, a description of any personal protective equipment used by the employee, the results of the employee's exposure measurement, and an estimate of the levels to which the employee will be exposed. The employer must also provide any available employee medical history information requested by the physician.

Following the medical examination, the employer must obtain a written opinion from the examining physician stating whether the employee has any medical condition that would place him at increased risk to his health or that would be aggravated through exposure to TCE. Additionally, the opinion must state any recommended limitations upon the employee's exposure or upon the employee's use of protective equipment and respirators. The opinion must also state that the employee has been informed of any medical conditions which require further examinations or treatment, although the written opinion must not contain specific findings or diagnoses unrelated to the employee's exposure to TCE. The employer must provide a copy of the physician's opinion to the affected employee.

If, based on the physician's opinion, the employer determines that exposure of an employee to TCE would materially impair the employee's health, the employer must place specific limitations on the employee's continued exposure to TCE so as to remove the employee from increased risk.

If an employee refuses to take an examination, the proposed standard contains a provision requiring the employer to inform the employee of the risks that may be incurred by his refusal, and to obtain a signed statement from the employee attesting to the fact that the employee fully understands the potential risks, but still does not wish to be examined. The purpose of this provision is not to encourage employees to avoid medical examinations. On the contrary, OSHA believes the positive action taken by employers to inform employees of the risk involved will encourage employees to undergo the examinations.

K. *Recordkeeping.* The proposed standard would require employers to keep written records of the following: initial determinations which indicate that employees are not exposed at or above the action level or above the ceiling limit; measurements of employee exposure; tests of mechanical ventilation system efficiency (where such systems are used for engineering control); annual training and information sessions; medical examinations; and preplacement histories.

Besides showing that an employer has made an examination of the workplace, records of negative determinations also assist the employer in pinpointing areas of his operations where there might be potential for exposure above the action level in the future. Records of initial positive determinations, however, are not needed, because a positive determination requires the employer to take other actions which carry their own recording requirements.

When symptoms of organic damage appear, a physician often needs information as to the patient's previous medical conditions to make an accurate diagnosis of the problem and its apparent cause. Records of previous occupational medical examinations could be an invaluable aid to the physician treating a patient with organic damage which may be due to exposure to a toxic chemical substance. For this reason, the proposal would require the employer to retain records of employee exposure measurements and medical examinations for a period of no less than ten years, even if the employee ceases to work for the employer.

A record of the tests of mechanical ventilation system efficiency is required to be maintained so that the employer can ensure that tests of the system are being made at the required time intervals. Further, the record is useful to the employer since a comparison of the most recent test with previous tests will assist in the evaluation of the effectiveness of the ventilation system, and will enable the employer to detect any progressive loss of efficiency before it becomes critical.

Section 8(c)(3) of the Act requires, and paragraph (n) of this proposal contains provisions for access to records of exposure measurements by employees, former employees or their representatives, and for access to medical records made pursuant to paragraph (m) by physicians designated by employees or former employees. It should be noted that such access is limited only to the records of determinations, exposure measurements, and medical examinations that are being maintained by the employer in accordance with the recordkeeping requirements. It should also be noted that the employer is not required to retain or make those records accessible for periods longer than those required in paragraph (o) of the proposed standard.

The proposal provides for the transfer of monitoring and medical records, when: (1) one employer succeeds another, and (2) an employer ceases to do business and there is no successor. An employer succeeding another is merely required to receive and maintain those records which his predecessor would have been required to keep. Employers closing out their businesses without successors are required to send their records to NIOSH and notify each employee and former employees of the transfer.

OSHA is aware that certain provisions of this proposal, such as medical surveillance and the extended retention period for medical and monitoring records may pose special problems to some employers, especially those who have small numbers of employees, operate with non-fixed places of employment, or use workforces which are highly transient in nature.

This awareness has been expressed by the Department of Labor in a statement submitted to the House Subcommittee on Environmental Problems Affecting Small Business on 26 June 1975, as follows: "It has become increasingly evident that the combined body of Federal regulations imposes a substantial, and, to some extent, unnecessary burden upon employers, particularly those who run small businesses. While most of these requirements serve a necessary and useful purpose, a definite potential exists for duplication, conflicting standards, and inappropriate recordkeeping requirements. In an effort to eliminate problems where any exist in the Department of Labor, I have requested my agency heads to assess the small business impact of the laws they administer and determine what can be done to ease the burden on the small employer, while still assuring compliance with the law."

Although it is clear that OSHA's first and prime responsibility is to assure employees safe and healthful places of employment, the Act and its legislative history recognize that economic and technological feasibility are legitimate factors to be considered in the setting of occupational safety and health standards.

In addition, the Act explicitly takes cognizance of its impact upon affected small businesses, specifically with respect to any recordkeeping requirements which are imposed.

Pursuant to section 8(d) of the Act, OSHA is exploring methods of reducing, to the maximum extent possible, the administrative and economic burdens of the proposal's various recordkeeping requirements.

While the proposal does not address itself to specific alternatives, OSHA invites comments concerning options which would both provide full protection to affected employees and at the same time minimize the administrative and economic burden on affected employers—especially those with small numbers of employees, non-fixed workplaces, or highly transient workforces.

L. *Observation of monitoring.* Section 8(c)(3) of the Act requires employers to provide employees or their representatives with the opportunity to observe monitoring of employee exposures to toxic materials or harmful physical agents. To ensure that the right to observe is meaningful, observers would be entitled to receive an explanation of the measurement procedure, to observe all steps related to the measurement procedure and to record the results obtained.

It should be noted that the observer, whether an employee or designated representative, must be provided with and is required to use any personal protective devices required to be worn by employees working in the area that is being monitored, and must comply with all other applicable safety procedures.

M. *Appendixes.* Three appendixes have been included in this proposal: Appendix A, "Substance Safety Data Sheet;" Appendix B, "Substance Technical Guidelines;" and Appendix C, "Medical Surveillance Guidelines." It should be noted that the appendixes have been included primarily for informational purposes. None of the statements contained therein should be construed as establishing a mandatory requirement not otherwise imposed by the standard or as detracting from an obligation which the standard does impose.

The information contained in Appendixes A and B is meant to aid the employer in complying with requirements of the standard. This information is also to be provided to employees as part of the annual training and education program.

Appendix C gives the employer a means of providing the examining physician with an explanation of the potential health effects of TCE exposure and provides information needed by the physician to make an accurate interpretation of the medical examination results. Appendix C also lists other types of examinations, not required by the standard, which may help the physician in making an accurate assessment as to whether any limitation should be placed upon the employees exposure to TCE.

VI. Environmental Impact Assessment

The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4347), requires, among other things, that Federal agencies assess their proposed major actions, including rulemaking, to determine whether a significant impact on the quality of the human environment may result. Furthermore, 29 CFR 1999.3(d) requires that where OSHA determines that an environmental impact statement should be prepared, the determination to do so must be published in the Federal Register. Accordingly, it is hereby noticed that OSHA intends to prepare an environmental impact statement on the proposed standard for occupational exposure to trichloroethylene in accordance with the requirements of 29 CFR Part 1999.

Once the draft environmental impact statement has been prepared, a copy of it will be made available by OSHA to any member of the public who requests an opportunity to comment on it. Any person or agency submitting comments on it to OSHA must at the same time forward five copies of the comments to the Council on Environmental Quality (CEQ), 722 Jackson Place NW., Washington, D.C. A 45-day period will be allowed for the submission of comments after the publication of the notice of availability of the draft environmental impact statement. The draft statement will be available, where practicable, at least 15 days prior to a public hearing on the proposed standard. The environmental impact of the proposal would be an appropriate issue at such hearing.

It appears at present that the preceding preamble to the proposed standard for occupational exposure to trichloroethylene adequately assesses the impact of the proposal on the workplace environment. It further appears that the proposed standard for occupational exposure to trichloroethylene will have no significant effects on the quality of the human environment external to the workplace. The proposal does not increase the amount of TCE permitted to be released into the ambient air, nor does the proposal call for changes of industry practice in disposal of trichloroethylene wastes. For these reasons, OSHA does not anticipate any increased impact on the community contiguous to establishments in which trichloroethylene is used or produced.

Interested persons may submit comments that may be helpful in preparing the draft environmental impact statement on the proposed standard. Any person having relevant information or data not readily available in the open literature is invited to submit it to David R. Bell, Office of Standards Development, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N3669, Washington, D.C. 20210, by November 19, 1975. Comments submitted in regard to the proposed standard need not be resubmitted. All material received on environmental impact will be available for public inspection and copying at the above address.

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VII. Public Participation

Interested persons are invited to comment on the proposed standard on or before December 19, 1975. Written data, views, and arguments concerning the proposal must be submitted in quadruplicate to the Docket Officer, Docket No. H–048, Room N–3620, 200 Constitution Avenue NW., Washington, D.C. 20210 (Telephone 202/523–8076). Written submissions must clearly identify the provision of the proposal addressed and the position taken with respect to each such provision. The data, views, and arguments will be available for public inspection and copying at the above address. All written submissions received will be made a part of the record of this proceeding.

Pursuant to 29 CFR 1911.11 (b) and (c), interested persons may, in addition to filing written comments as provided above, file objections to the proposal and request an informal hearing with respect thereto, in accordance with the following conditions:

1. The objections must include the name and address of the objector;
2. The objections must be postmarked on or before December 19, 1975;
3. The objections must specify with particularity the provision of the proposed rule to which objection is taken, and must state the grounds therefor;
4. Each objection must be separately stated and numbered; and
5. The objections must be accompanied by a detailed summary of the evidence proposed to be adduced at the requested hearing.

In addition to the comments and objections invited above, concerning the proposal and its environmental impact, OSHA hereby solicits comments from interested parties regarding the potential inflation impact of the proposed standard. Comments must be submitted in accordance with the above requirements for comments on the proposal and may be directed toward any or all of the following subjects:

1. Cost. impact on consumers, businesses and markets, or Federal, State, or local governments;
2. Effect on the productivity of wage earners, businesses, or government;
3. Effect on competition;
4. Effect on supplies of important materials, products, or services;
5. Effect on employment; and
6. Effect on energy supply or demand.

It is OSHA's intention to prepare an inflationary impact statement and analysis, if appropriate, or a certification that the standard has no substantial inflationary impact, and to make such statement or certification available at least 30 days prior to any public hearings on the proposed standard. The potential inflationary impact of the proposed standard would be an appropriate issue at such hearings.

This procedure has been concurred in by the Council on Wage and Price Stability in accordance with the Office of Management and Budget Circular A–107 (January 28, 1975), issued pursuant to Executive Order 11821 (39 FR 41501, November 27, 1974).

Accordingly, pursuant to sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657) and 29 CFR Part 1911, it is hereby proposed to amend Part 1910 of Title 29 of the Code of Federal Regulations as set forth below.

Signed in Washington, D.C., this 10th day of October, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

§ 1910.1000 [Amended]

1. Table Z–2 in § 1910.1000 is proposed to be amended by deleting the entry for Trichloroethylene (Z37.19–1967).

* * * * *

2. A new § 1910.1027 is proposed to be added to Part 1910 of Title 29 of the Code of Federal Regulations, reading as follows:

§ 1910.1027 Trichloroethylene.

(a) *Scope and application.* This section applies to the production, release, packaging, repackaging, storage, transportation, handling, or use of trichloroethylene except that this section will not apply to working conditions with respect to which any other Federal agency has exercised statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health hazards covered by this section.

(b) *Definitions.* "Director" means the Director, National Institute for Occupational Safety and Health, U.S. Department of Health, Education, and Welfare, or his designee.

"Emergency" means any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which is likely to or does, result in the release of trichloroethylene in excess of the ceiling limit.

"Hazardous operation" means any procedure or activity where a release of the decomposition products of trichloroethylene such as chlorine, hydrogen chloride, phosgene and dichloroacetyl chloride might be expected as a consequence of the operation.

"Secretary" means the Secretary of Labor, or his designee.

(c) *Action level.* Action level means a concentration of trichloroethylene of 50 parts per million parts of air (50 ppm) as determined on an eight-hour time-weighted average, based on a 40-hour work week.

(d) *Exposure limits*—(1) *Permissible exposure limits*—(i) *Time-weighted average limit (TWA).* No employee may be exposed to an airborne concentration of trichloroethylene in excess of 100 parts per million parts of air (100 ppm), as determined on an eight-hour time-weighted average based on a 40-hour week; and

(ii) *Ceiling limit.* No employee may be exposed to an airborne concentration of trichloroethylene in excess of 150 parts per million parts of air (150 ppm) as averaged over any 15 minute period during the working day.

(2) *Dermal and eye exposure limit.* No employee may be exposed to eye contact or repeated skin contact with liquid trichloroethylene.

(e) *Determination and measurement of exposure*—(1) *Employee exposure.* For the purpose of this paragraph, employee exposure is that exposure which would occur if the employee were not using a respirator.

(2) *Determination of requirement for measurement.* Each employer who has a place of employment in which trichloroethylene is occupationally produced, released, packaged, repackaged, stored, transported, handled or used, shall inspect each workplace and work operation to determine if any employee may be exposed to airborne concentrations of trichloroethylene at or above the action level or in excess of the ceiling limit, or to eye contact or repeated skin contact with liquid trichloroethylene. Such a determination shall be based on the following, along with any other relevant considerations:

(i) Any information, observations, or calculations which would indicate employee exposure to trichloroethylene;

(ii) Any measurements which may have been taken of airborne concentrations of trichloroethylene; and

(iii) Any employee complaints of symptoms which may be attributable to exposure to trichloroethylene.

(3) *Negative determination.* When a determination is made that no employee is exposed to airborne concentrations of trichloroethylene at or above the action level or in excess of the ceiling limit, and that no employee is exposed to eye contact or repeated skin contact with liquid trichloroethylene, the employer shall make a record of such determination. This record shall include at least the information specified in paragraph (e)(2) of this section, and shall also include the date of the determination, the work being performed at the time, the location within the work site, and the names and the social security numbers of employees considered.

(4) *Positive determination.* When a determination conducted under paragraph (e)(2) of this section indicates the possibility of any employee exposure to airborne concentrations of trichloroethylene at or above the action level or in excess of the ceiling limit, the employer shall measure the exposure of the employee believed to have the greatest exposure in each work operation in which a positive determination is made. The exposure measurement shall be representative of the maximum exposure to the employee.

(5) If the exposure measurement taken pursuant to paragraph (e)(4) of this section reveals any employee exposure to airborne concentrations of trichloroethylene in excess of the action level or ceiling limit, the employer shall:

(i) Identify all employees who may be similarly exposed; and

(ii) Measure the exposures of the employees so identified.

(6) If exposure measurements taken pursuant to paragraph (e)(5) of this section reveal employee exposure at or above the action level, but below the permissible exposure limits, the employer shall repeat measurements for such employees at least every two months.

(7) If exposure measurements taken pursuant to paragraph (e)(5) of this section reveal employee exposure to be above the permissible exposure limits, the employer shall:

(i) Inform the employee in writing of the exposure as required by paragraph (e)(12) of this section;

(ii) Measure the exposure of the employee at least monthly; and

(iii) Institute control measures as required by paragraph (f) of this section.

(8) If two consecutive employee exposure measurements, taken at least one week apart, reveal that the employee is exposed to airborne concentrations of trichloroethylene below the action level and the ceiling limit, the employer may terminate monitoring for that employee.

(9) A record of all measurements shall be made and shall include at least the information required in paragraph (n)(2) of this section.

(10) Where a determination conducted under paragraph (e)(2) of this section shows that an employee may be exposed to eye contact or repeated skin contact with liquid trichloroethylene, the employer shall provide such employee with protective equipment and clothing in accordance with paragraph (h) of this section.

(11) *Redetermination.* Whenever there has been a production, process or control change which may result in new or additional exposures, or whenever the employer has any other reason to suspect a change in exposure conditions, a new determination under paragraph (e)(2) of this section shall be made.

(12) *Employee notification.* The employer shall individually notify in writing, within five working days after receipt of measurement results, every employee who is found to be exposed to trichloroethylene above the permissible exposure limits. Such notification need not be given more frequently than once per month. The employee shall also be notified of the corrective action being taken to reduce exposure to within permissible limits.

(13) *Method and accuracy of measurement.* (i) An employee's exposure shall be obtained by a combination of long-term or short-term samples which represent the employee's actual exposure as averaged over an 8 hour work shift (See Appendix B).

(ii) The method of measurement shall have an accuracy, to a confidence level of 95%, of not less than that given in Table 1 below.

TABLE 1

Concentration	Minimum Required Accuracy
At or below permissible exposure.	±35%
Above permissible exposure.	±25%

(Methods meeting these accuracy requirements are available from NIOSH.)

(f) *Methods of compliance.* Employee exposures to trichloroethylene shall be controlled to or below the permissible exposure limits provided in paragraph (d) of this section by engineering controls, work practices, and personal protection controls as follows:

(1) *Control priorities.* (i) Engineering controls shall be instituted immediately to reduce exposures to or below the permissible exposure limits, except to the extent that such controls are not feasible.

(ii) Wherever engineering controls which can be instituted immediately are not sufficient to reduce exposures to or below the permissible exposure limits, they shall nonetheless be used to reduce exposures to the lowest practicable level, and shall be supplemented by work practice controls.

(iii) Where engineering controls and supplemental work practice controls are insufficient to reduce exposures to or below the permissible exposure limits, they shall nonetheless be used to reduce exposures to the lowest practicable level, and shall be supplemented by the use of respirators in accordance with paragraph (f)(4) of this section.

(2) *Compliance program.* (i) A program shall be established and implemented to reduce exposures to or below the permissible exposure limits, or to the

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greatest extent feasible, solely by means of engineering controls.

(ii) Written plans for such a program shall be developed and furnished upon request for examination and copying to the Secretary or the Director or both. Such plans shall be reviewed and revised at least every six months to reflect the current status of the program.

(3) *Mechanical ventilation.* When mechanical ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system in controlling the exposure, such as capture velocity, duct velocity, or static pressure, shall be made at least every three months. Measurements of the system's effectiveness to control exposure shall also be made within five days of any change in production, process or control which might result in any change in airborne concentrations of trichloroethylene.

(4) *Respiratory protection*—(i) *Required use.* Respirators shall be used where required under this section. Compliance with the permissible exposure limits may not be achieved by the use of respirators except:

(*a*) During the time period necessary to institute engineering controls or work practice controls or both;

(*b*) In work operations in which engineering controls and supplemental work practice controls are not feasible;

(*c*) In work situations in which engineering controls and supplemental work practice controls are insufficient to reduce exposures to or below the permissible exposure limits; or

(*d*) In emergencies.

(ii) *Respirator selection.* (*a*) Where respirators are required under this section, the employer shall select and provide the appropriate respirator from Table 2 below and shall ensure that the employee uses the respirator provided.

(*b*) Respirators shall be selected from those approved by the Mining Enforcement and Safety Administration (formerly called the Bureau of Mines) or by the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11.

TABLE 2: REQUIRED RESPIRATORY PROTECTION

Trichloroethylene concentration in air in part per million (ppm).	Equipment selection options (Respirators designated for higher concentrations of trichloroethylene may be used for any lower concentrations).
less than 1,000	(1) Chemical cartridge respirator with replaceable organic vapor cartridge(s) and half-mask facepiece (30 CFR 11.150); (2) A Type C supplied-air respirator, with one-half facepiece operated at a pressure demand mode. (30 CFR 11.110).
less than 5,000	(3) A supplied-air respirator, with a full facepiece operated at a pressure demand mode or continuous flow; (4) Gas mask, chin style with organic vapor canister and full facepiece.
greater than 5,000 and/or unknown.	(5) A supplied-air respirator, with a full facepiece operated at a pressure-demand mode or continuous flow; (6) Self-contained breathing apparatus, pressure demand type, with full facepiece (30 CFR 11.70(a)(2)(ii)).
firefighting	(7) A self-contained breathing apparatus with a full facepiece operated in pressure-demand (positive pressure) mode (30 CFR 11.70).

(iii) *Respirator program.* (*a*) The employer shall institute a respiratory protection program in accordance with § 1910.134 (b), (d), (e) and (f).

(*b*) Employees who wear respirators shall be allowed to leave work areas to wash their face and respirator facepiece to prevent potential skin irritation associated with respirator use.

(g) *Hazardous operations and emergency situations*—(1) *Hazardous operations.* (i) Any operation which generates or involves a high temperature source, open flame or ultraviolet light may not be performed in areas where airborne concentrations of trichloroethylene are present or may be present unless such operations are shielded and adequately ventilated. Examples of hazardous operations are those involving open flames, unshielded (unventilated) resistance heating, and arc welding or cutting.

(ii) Cleaning of or entry into tanks which have contained trichloroethylene shall be performed in accordance with § 1910.94 (d)(11)(ii), (iii), (iv) and (v).

(2) *Emergencies.* (i) A written plan for emergency situations shall be developed for each facility involved in a trichloroethylene operation in which there is a possibility of an emergency as defined in paragraph (b) of this section. Appropriate portions of the plan shall be implemented in the event of an emergency.

(ii) The plan shall specifically provide that employees engaged in correcting emergency conditions shall be equipped as required in paragraphs (f)(4) and (h) of this section until the emergency is abated.

(iii) Employees not engaged in correcting the emergency shall be restricted from the area and normal operations in the affected area shall not be resumed until the emergency is abated.

(h) *Protective equipment.* (1) Where splashes, sprays, spills, or eye or repeated skin contact with liquid trichloroethylene may ocur, employers shall provide and ensure that employees wear impermeable clothing, gloves, or coverings to protect the area of the body likely to come in contact with liquid trichloroethylene.

(2) Eye and face protection shall be provided in accordance with § 1910.133 (a)(2), (4), (5), and (6).

(i) *Housekeeping.* (1) Spills of trichloroethylene which could result in exposure in excess of the permissible exposure limits or which could expose employees to the risk of eye or repeated skin contact shall be cleaned up immediately by persons wearing appropriate respirators and protective equipment. Persons not wearing appropriate respiratory protection and protective equipment shall not be allowed in areas of the spills until cleanup has been completed or the concentration of trichloroethylene is within the permissible levels.

(2) The workplace shall be kept clean in accordance with § 1910.141(a)(3).

(3) Trichloroethylene waste shall be collected and disposed of in closed metal containers.

(j) *Sanitation.* (1) The employer shall provide adequate washing facilities in accordance with § 1910.141(d).

(2) The employer shall provide eye wash facilities which are immediately accessible to each operation and are suitable for quick drenching or flushing of the eyes for emergency use where trichloroethylene is used.

(k) *Employee information and training*—(1) *Training program.* (i) The employer shall provide a training program for employees assigned to workplace areas in which trichloroethylene is produced, released, packaged, repackaged, stored, handled or used.

(ii) The training program shall be provided at the time of initial assignment, and at least annually thereafter, and shall include informing each employee of:

(*a*) The information contained in the substance data sheets for trichloroethylene, which are contained in Appendixes A and B of this section;

(*b*) The quantity, location, manner of use, release or storage of trichloroethylene and the specific nature of operations which could result in exposure at or above the action level or ceiling limit as well as necessary protective steps;

(*c*) The purpose, proper use, and limitations of respiratory devices as specified in § 1910.134;

(*d*) The purpose and a description of the medical surveillance program required by paragraph (m) of this section and the information contained in Appendix C of this section;

(*e*) Emergency procedures required by paragraph (g)(2) of this section; and

(*f*) The contents of this standard.

(2) *Access to training materials.* (i) A copy of this standard and its appendixes shall be made readily available to all employees exposed to trichloroethylene.

(ii) The employer shall, upon request, provide the Secretary or the Director all materials relating to the employee information and training program.

(l) *Signs and labels.* (1) *General.* (i) Signs or labels required by this paragraph may be in addition to or in combination with signs or labels required by other statutes, regulations or ordinances.

(ii) No statement shall appear on or near any required sign, label or instruction which contradicts or detracts from the message of any such required sign, label or instruction.

(2) *Signs.* (i) All entrances or access ways to areas where trichloroethylene is present to the extent that an employee may be exposed in excess of the action level shall be marked with legible signs bearing at least the following information:

CAUTION (or WARNING)
TRICHLOROETHYLENE
AVOID SKIN CONTACT AND INHALATION
OF VAPOR

(ii) In addition to the signs required by paragraph (l)(2)(i), all areas where concentrations of trichloroethylene exceed the TWA or ceiling shall be posted with legible signs bearing at least the following information:

CAUTION (or WARNING)
TRICHLOROETHYLENE VAPORS
USE RESPIRATORS IN THIS AREA

(3) *Labels.* Precautionary labels shall be applied to all containers, packages or equipment containing trichloroethylene. The label shall provide at least the following information:

(i) The word "CAUTION" or "WARNING,"

(ii) The word "TRICHLOROETHYLENE," and

(iii) A warning statement against breathing vapors or having skin or eye contact with liquid trichloroethylene.

(m) *Medical surveillance*—(1) *General requirements.* (i) For the purposes of this paragraph, employee exposure is that exposure which would occur if the employee were not using a respirator.

(ii) Each employer shall institute a medical surveillance program for all employees who are or will be exposed to concentrations of trichloroethylene at or above the action level or in excess of the ceiling level.

(iii) The program shall provide each affected employee with an opportunity for medical examinations in accordance with this paragraph.

(iv) All medical examinations and procedures shall be performed by or under the supervision of a licensed physician, and shall be provided during the employee's normal working hours, without cost to the employee.

(v) If any employee refuses any required medical examination, the employer shall inform the employee of the possible health consequences of such refusal and shall obtain a signed statement from the employee indicating that the employee understands the risk involved in the refusal to be examined.

(2) *Preplacement examinations.* At the time of initial assignment, or upon institution of medical surveillance, the following shall be performed by the physician:

(i) A medical history, which shall cover at least:

(*a*) Cardiac problems and pulmonary diseases;

(*b*) Seizure disorders;

(*c*) Liver disease;

(*d*) Incidence of headache, nausea, and dizziness;

(*e*) Eye complaints;

(*f*) Irritation of mucous membranes;

(*g*) Skin irritations;

(ii) A complete work history; and

(iii) A medical examination which must include at least the following:

(*a*) A general physical examination;

(*b*) Electrocardiogram (EKG);

(*c*) Urinalysis;

(*d*) Pulmonary function test; and

(*e*) Complete blood count.

(3) *Periodic examinations.* Examinations and medical and work histories specified in paragraph (m)(2) of this section shall be provided at least annually for all employees specified in paragraph (m)(1) of this section.

(4) *Interim examinations.* (i) Each employee exposed to trichloroethylene due to the occurrence of an emergency shall be provided the medical examinations prescribed in paragraph (m)(2) of this section.

(ii) If the employee is accidentally or otherwise exposed by ingestion, inhalation or by skin or eye contact under conditions known or suspected to be hazardous or for any reason develops signs and symptoms commonly associated with toxic exposure to trichloroethylene, the employer shall provide appropriate emergency medical treatment.

(5) *Alternative medical examinations.* If the examining physician determines that medical examinations alternative to those specified in paragraph (m)(2) of this section will provide at least equal assurance of detecting medical conditions pertinent to protecting the employee against overexposure to trichloroethylene, the employer may accept such alternative medical surveillance examinations and tests as meeting the requirements of paragraph (m)(2) of this section, provided that the employer:

(i) Obtains a statement from the examining physician setting forth the alternative medical examinations or tests and the rationale for their substitution and submits such statement to the Secretary; and

(ii) Informs each exposed employee of the fact that medical examinations or tests alternative to those required in paragraph (m)(2) of this section are to be made available.

(6) *Information provided to the physician.* The employer shall provide the following information to the examining physician:

(i) A copy of this regulation for trichloroethylene including Appendixes A, B, and C;

(ii) A description of the affected employee's duties as they relate to exposure to trichloroethylene;

(iii) A description of any personal protective equipment used;

(iv) The results of the employee's exposure measurements, if available;

(v) The employee's anticipated exposure level; and

(vi) Upon request of the physician, information from previous medical examinations of the affected employee.

(7) *Physician's written opinion.* (i) The employer shall obtain, and furnish the employee with a copy of, a written opinion from the examining physician containing the following:

(*a*) Signs and symptoms of toxic effects of trichloroethylene manifested by the employee, if any;

(*b*) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at increased risk of material impairment to the employee's health from exposure to trichloroethylene, or would directly or indirectly aggravate any detected medical condition;

(*c*) Any recommended limitations upon the employee's exposure to trichloroethylene or upon the use of protective equipment and respirators; and

(*d*) A statement that the employee has been informed by the physician of any medical conditions which require further examination or treatment.

(ii) The written opinion obtained by the employer may not reveal specific findings or diagnoses unrelated to occupational exposure to trichloroethylene.

(iii) If the employer determines, on the basis of the physician's written opinion, that any employee's health would be materially impaired by maintaining the existing exposure to trichloroethylene, the employer shall place specific limitations, based on the physician's written opinion, on the employee's continued exposure to trichloroethylene. In no case shall any employee be placed at increased risk of material impairment of health from such exposure.

(n) *Recordkeeping.*—(1) *Exposure determinations.* The employer shall keep an accurate record of all determinations required by paragraphs (e)(2) and (e)(3) of this section.

(i) This record shall include the written determination and any supporting documentation required by paragraphs (e)(2) and (e)(3) of this section.

(ii) This record shall be maintained for at least two years or until replaced by a more recent determination, whichever is longer.

(2) *Measurements.* The employer shall keep an accurate record of all measurements taken to monitor employee exposure to trichloroethylene.

(i) This record shall include:

(*a*) The date of measurements;

(*b*) The operation involving exposure to trichloroethylene which is being monitored;

(*c*) Sampling and analytical methods used and evidence of their accuracy;

(*d*) Number, duration, and results of samples taken;

(*e*) Type of protective devices worn, if any; and

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(f) Name and social security number and exposure levels of the employee monitored.

(ii) This record shall be maintained for at least ten years.

(3) *Mechanical ventilation measurements.* When mechanical ventilation is used as an engineering control, the employer shall maintain a record of the measurements demonstrating the effectiveness of such ventilation as required by paragraph (f) (3) of this section.

(i) This record shall include:

(*a*) Date of measurement;

(*b*) Type of measurement taken; and

(*c*) Result of measurement.

(ii) This record shall be maintained for at least two years.

(4) *Employee training.* The employer shall keep an accurate record of all employee training required by paragraph (k) of this section.

(i) This record shall include:

(*a*) Date of training;

(*b*) Name and social security number of employee trained; and

(*c*) Content or scope of training provided.

(ii) This record shall be maintained for at least one year.

(5) *Medical surveillance.* The employer shall keep an accurate medical record for each employee subject to the medical surveillance program required by paragraph (m) of this section.

(i) The record shall include:

(*a*) The physician's written opinion;

(*b*) Any employee medical complaints related to exposure to trichloroethylene;

(*c*) A copy of the information provided to the physician as required by paragraph (m) (6) of this section; and

(*d*) A signed statement of any refusal to be examined.

(ii) This record shall be maintained for at least ten years.

(6) *Availability.* (i) Employers shall, upon request, make available to the Secretary or Director for examination and copying all records required to be maintained by this section.

(ii) Written determinations and employee exposure measurements records required by paragraphs (n) (1) and (n) (2) of this section shall be made available for examination and copying upon request of employees, former employees, or their designated representatives.

(iii) Employee medical records required to be maintained by this section shall be made available for examination and copying upon request of a physician designated by the affected employee or former employee.

(7) *Transfer of records.* (i) In the event the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section.

(ii) In the event the employer ceases to do business and there is no successor to receive and retain the records, these records shall be transmitted by registered mail to the Director, and each employee and former employee shall be individually notified in writing of this transfer.

(o) *Observation of monitoring*—(1) *Employee observation.* The employer shall give his employees or their representatives an opportunity to observe any measuring of their exposure to trichloroethylene which is conducted pursuant to this section.

(2) *Observation procedures.* (i) When observation of the monitoring of employee exposure to trichloroethylene requires entry into an area where the use of personal protective equipment is required, the observer shall be provided with and required to use such equipment and shall comply with all other applicable safety procedures.

(ii) Without interfering with the measurement, observers shall be entitled to:

(*a*) Receive an explanation of the measurement procedures;

(*b*) Observe all steps related to the measurement of airborne concentrations of trichloroethylene performed at the place of exposure; and

(*c*) Record the results obtained.

(p) *Effective date.* This standard shall become effective 30 days following publication of the final standard in the FEDERAL REGISTER.

(q) *Startup dates*—(1) *Determination and measurement.* Determinations and measurements prescribed in paragraph (e) of this section shall be instituted within three months of the effective date of the final standard, except that for new production areas or operations begun after the effective date, such determinations and measurements shall be instituted within 30 days of startup of operation.

(2) *Medical surveillance.* Medical surveillance prescribed in paragraph (m) of this section shall be instituted within three months of the effective date of the final standard.

(r) *Appendixes.* The information contained in the following appendixes of this section is advisory in nature and is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligation.

APPENDIX A—SUBSTANCE SAFETY DATA SHEET TRICHLOROETHYLENE

I. Substance Identification

A. *Substance:* Trichloroethylene.

B. *Permissible exposure:*

1. *Airborne.* One hundred (100) parts of trichloroethylene vapor per million parts of air (100 ppm), time-weighted average (TWA) for an eight-hour workday, with a ceiling limit of 150 ppm.

2. *Dermal.* No employee may be exposed to any eye or repeated skin contact with trichloroethylene.

C. *Appearance and odor:* Trichloroethylene is clear, colorless liquid with a "sweet" odor. You can generally smell trichloroethylene at levels lower than the permissible exposure limits.

II. Health Hazard Data

A. *Ways in which trichloroethylene affects your body:* Trichloroethylene can affect your body if you inhale it, swallow it, or if it comes in contact with your eyes or skin.

B. *Effects of overexposure:*

1. *Short-term overexposure.* If you are overexposed to trichloroethylene, your eyes may become irritated and your throat may feel dry. Trichloroethylene splashed in the eyes is very painful. You may have a feeling of lightheadedness or "drunkenness," and also have a headache, feel dizzy, nauseous, sleepy, and fatigued. Trichloroethylene can produce unconsciousness rapidly, and death may result.

2. *Long-term (chronic) overexposure.* Repeated and prolonged overexposure can cause reddening and irritation of the skin, possible damage to the nervous system, liver damage, lightheadedness, and dizziness.

III. Reporting Symptoms

You should inform your employer if you develop any of the above symptoms and suspect that they may be caused by exposure to trichloroethylene.

IV. Emergency and First Aid Procedures

A. *Breathing.* If you breathe in large amounts of trichloroethylene or if you develop any of the symptoms listed above, leave the contaminated area and get to fresh air immediately. Artificial respiration should be applied if breathing has stopped. Call a doctor as soon as possible.

B. *Eye or face exposure:* If trichloroethylene is splashed in your eye, wash it out immediately with large amounts of water. Remove contact lenses at the same time. Wash the face immediately if splashed by trichloroethylene. Call a doctor as soon as possible.

V. Protective Equipment and Clothing

A. *Respirators:* Suitable respirators are to be worn:

(1) During the time period necessary to install engineering controls to reduce the airborne concentration of trichloroethylene below 100 ppm.

(2) In work situations in which engineering controls are not feasible to reduce the airborne concentration of trichloroethylene below the permissible exposure limits; or

(3) In emergencies. Where new respirators are worn, they must have a NIOSH label of approval. Older respirators which have a Mining Enforcement and Safety Administration (MESA) or Bureau or Mines (BM) approved label may be used. If you experience difficulty in breathing while wearing a respirator, tell your employer.

VI. Precautions for Safe Use, Handling and Storage

Trichloroethylene should be stored in a cool, dry, and well ventilated area. Operations producing a high temperature and ultraviolet light, such as open flames, unshielded resistance heating, arc welding, etc., may not be done where trichloroethylene vapors are present. Your supervisor must tell you where trichloroethylene is used in your area and what additional plant safety procedures are used.

APPENDIX B—SUBSTANCES TECHNICAL GUIDELINES TRICHLOROETHYLENE

I. Physical and Chemical Data

A. *Substance identification:*

1. *Synonyms:* Trichloroethylene, TCE

2. Formula: ClCH=CCl$_2$

B. *Physical data:*

1. Boiling Point (760 mm Hg): 87.1 C (188.7°F).

2. Specific Gravity at 20/4 C (68/39 F). (Water —1): 1.464.

3. Vapor Density (air=1.0): 4.5.

4. Melting Point: —73 C (—99.4°F).

5. Vapor Pressure at 25 C: 74.3 mm Hg.

6. Solubility in Water at 25 C: 0.1 part.

7. Appearance and Odor: Colorless liquid, sweet odor.

II. Fire, Explosion and Reactivity Hazard Data

A. *Fire:*

1. Auto Ignition Temperature: 463.0°C.

2. Flammable Limits in Air, % by Volume: Lower Upper 41% at 100°C. "Trichloroethylene does not form flammable mixtures with air at ordinary temperature and pressure."

B. *Reactivity:*

1. *Conditions contributing to instability:* Light, water vapor, ultraviolet radiation, open flames.

2. *Incompatibility:* Strong alkalis and certain metals.

3. *Hazardous decomposition products:* Phosgene, hydrogen chloride, dichloroacetylene.

III. Spill and Leak Procedures

A. *Steps to be taken if the material is released or spilled:* Respirators should be available nearby for possible evacuation and for clean-up. Flush floors with water, not into a confined place such as a sewer.

B. All employees engaged in clean-up operations shall wear protective clothing and equipment.

(c) *Waste disposal method:* Trichloroethylene-contaminated waste should be stored in a ventilated area in closed metal drums, and disposed of in properly designated incinerators.

IV. Addiction to Trichloroethylene

Addicts can show mental changes in such things as irritability, changes in personality, increased dreaminess, and decreases in coordination. They also experience tremors, nausea, and mild delirium.

V. Monitoring and Measurement Procedures

A. *Monitoring program below permissible limits:* Measurements taken for the purpose of determining employee exposure under this section are best taken in such a fashion that the average eight-hour exposure may be determined from a single eight-hour or two four-hour samples. Short time interval samples (up to 30 minutes) may also be used to determine average exposure level if a minimum five measurements are taken in a random manner over the eight-hour work shift. Random sampling means that any portion of the work shift has the same chance of being sampled as any other. The arithmetic average of all such random samples taken in one work shift is an estimate of an employee's average level of exposure for the work shift. Air samples should be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee). Sampling and analysis may be performed by instruments, such as detector tubes certified by NIOSH under 42 CFR Part 84, portable direct-reading instruments, gas and vapor absorption tubes with subsequent chemical analysis dosimeters or with continuous monitoring systems that can sample and analyze those areas that would accurately represent the highest airborne concentrations of trichloroethylene where employees are exposed. The analytical method must determine the concentrations of trichloroethylene to plus or minus 35%.

B. *Monitoring program above permissible limit:* The monitoring under this section should be essentially the same as described above, except that portable direct-reading instruments should be NIOSH certified and should receive regular maintenance and calibration. Laboratories performing chemical analyses should be accredited in Industrial Hygiene Chemistry by the American Industrial Hygiene Association (AIHA). The analytical method must determine the concentrations of trichloroethylene to plus or minus 25%.

APPENDIX C—MEDICAL SURVEILLANCE GUIDELINES

I. Route of Entry

Primarily inhalation; also ingestion and skin and eye contact.

II. Toxicology

This substance, trichloroethylene, is a central nervous system depressant. It can also cause cardiac arrhythmia, and with high enough levels—renal and hepatic impairment. Skin tests on human subjects caused irritation only when trapped against the skin. Reports have been made of loss of smell, sight, and and intolerance to alcohol.

III. Signs and Symptoms

Headache, nausea, dizziness, uncoordination, mental confusion, fatigue, irritation of eyes and skin, and irritation of respiratory tract.

IV. Special Tests

None in common usage.

V. Treatment

Remove from exposure. Flush eyes and skin with water. If swallowed; do not make person vomit.

VI. Surveillance and Preventive Considerations

A. *Preplacement:* A routine medical examination and a complete medical and work history are required to be made available. Those employees giving a positive history on these conditions (listed below) should not be placed where there is increased risk from trichloroethylene.

1. *Skin disease.* Trichloroethylene can cause dermatitis on prolonged exposure. Persons with preexisting skin disorders may be more susceptible to the effects of this agent.

2. *Liver and kidney disease.* There have been reported cases of liver impairment due to inhalation of trichloroethylene. Although this is not common, because trichloroethylene is a chlorinated solvent, people with liver disease should not be placed in an area of possible exposure.

3. *Heart disease.* Trichloroethylene has caused arrhythmias, fibrillation, and extrasystoles; therefore, persons who have a heart condition should not be placed in areas of exposure.

4. *Alcoholics.* People are much more intolerant to alcohol when they have been exposed to trichloroethylene.

5. *Exceedingly fleshy or undernourished individuals.* These people are unduly susceptible to various chlorinated hydrocarbons.

6. *Those suffering from paralysis, convulsive seizures, and highly nervous states.* As trichloroethylene is a central nervous system depressant, people with these types of problems should not be exposed to high levels of this solvent.

C. *Periodic examinations:* Annual physical examinations are required to be made available. These should include as a minimum a urinalysis, CBC, a pulmonary function test, and an electrocardiogram.

REFERENCES.—1. Chemical Safety Data Sheet: Trichloroethylene, Revised 1956, MCA. 2. Patty, Frank A., *Ind. Hyg. and Tox.*, Vol. II, pp 1309–1313, 1963.

(Secs. 4, 6, 8, 84 Stat. 1592, 1593, 1599 (29 U.S.C. 653, 655, 657) and 29 CFR Part 1911)

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PART III:

ENVIRONMENTAL PROTECTION AGENCY

■

NATIONAL AMBIENT AIR QUALITY STANDARDS

Implementation Plans

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 51]

[FRL 418–6]

MAINTENANCE OF NATIONAL AMBIENT AIR QUALITY STANDARDS

Requirements for Preparation, Adoption, and Submittal of Implementation Plans

INTRODUCTION

The regulations proposed below pertain to the analysis and development of plans for air quality maintenance areas (AQMAs), required under 40 CFR 51.12. The regulations specify the minimum requirements for the form and content of the AQMA analyses and plans and attainment plan revisions required in AQMAs.

Briefly, the process for developing a maintenance plan consists of the following tasks:

Projecting emissions into the future.
Allocating emissions according to estimated projections of location.
Calculating air quality resulting from the future emission pattern.
Developing a control strategy if needed to maintain the national ambient air quality standards.
Adopting regulations to make the control strategy enforceable.

The proposed regulations set up the technical and procedural framework for the States to develop revisions to their implementation plans to cover maintenance. The regulations leave entirely in the hands of the States the choice of measures that are needed to maintain the national air quality standards. EPA intends to be flexible with regard to these plans to allow maximum consideration of varying local conditions.

BACKGROUND

On May 31, 1972 (37 FR 10842), the Administrator of the Environmental Protection Agency published his initial approvals and disapprovals of State implementation plans to attain and maintain the national ambient air quality standards (NAAQSs). These plans were submitted to EPA pursuant to section 110 of the Clean Air Act, as amended in 1970. These actions of approval and disapproval were codified in 40 CFR part 52. Thereafter, the Natural Resources Defense Council, Inc. (NRDC) and various other petitioners challenged the Administrator's approvals in the United States Court of Appeals for the District of Columbia Circuit on several grounds, including the contention that the plans approved were not adequate to ensure maintenance of the NAAQSs once they were attained.

Regarding this issue, the Court ruled in NRDC v. EPA, 475 F.2d 968 (D.C. Cir. 1973) that the record before the court was insufficient to ascertain whether the Administrator had made a State-by-State determination as to the adequacy of the maintenance provisions in the State plans. Accordingly, the Court ordered the Administrator to review these provisions and disapprove those plans that did not (1) contain measures necessary to ensure maintenance of the primary standards after the statutory attainment date and (2) analyze maintenance in a manner consistent with the Administrator's regulations.

Upon further review, the Administrator determined that no State plan contained all the measures necessary to ensure maintenance of the standards and that no plan had adequately analyzed the impact of growth on air quality maintenance for any significant period of time into the future. Accordingly, on March 8, 1973 (38 FR 6279), the Administrator disapproved all State plans with respect to maintenance of standards.

In the notice of disapproval, the Administrator noted that several mechanisms already available under the Act and in regulations would serve to mitigate the impact of overall community growth on air quality maintenance. These measures included: (1) review of new and modified stationary sources and prevention of their construction or modification if air quality standards will be violated, (2) new source performance standards promulgated under section 111 of the Act, and (3) standards for emissions from new motor vehicles promulgated under section 202 of the Act.

The Administrator determined, however, that such measures alone would not be adequate to ensure maintenance, particularly for pollutants resulting from general urban and commercial development. Accordingly, the Administrator determined that the new source review procedures then existing should be expanded.

On April 18, 1973 (38 FR 9599), this expanded scope of new source review was proposed by the Administrator. In the preamble to the proposed amendments, the Administrator called attention to the importance of analyzing the general growth of population, industrial activity, and mobile sources in relation to regional air quality. The Administrator did not propose at that time to require such analysis but urged that States consider the use of such procedures. A number of comments were received on the proposal urging that such analysis be required on the grounds that preconstruction review of relatively larger individual sources on a source-by-source basis could not adequately deal with generalized growth and its impact on regional air quality.

Consequently, the Administrator determined in concurrence with public comments that, in addition to review of new and modified sources, comprehensive growth analyses and, where shown necessary, plan revisions should be specifically required of the States in order to make the maintenance provisions of implementation plans fully acceptable. On June 18, 1973 (38 FR 15834), the Administrator promulgated additional regulations amending 40 CFR 51.12, which regulations implement this determination.

40 CFR 51.12, as amended on June 18, 1973, and subsequently amended on May 8, 1974 (39 FR 16343), requires in part that State implementation plans identify by May 10, 1974, areas that may, as a consequence of current air quality and/or the projected growth rate of the area, have the potential for exceeding any national standard within the subsequent 10-year period. The Administrator is to publish, based upon the information submitted by the States, a list of potential problem areas that must then be analyzed in more detail by the States. By June 18, 1975, each State was required to submit a detailed analysis of the impact on air quality of projected growth in each potential problem area designated by the Administrator. Where the analysis indicated that an area will not maintain the primary and secondary NAAQSs, once attained, for the following 10 years, the State was to have also submitted a plan containing measures to ensure the maintenance of the NAAQS during the ensuing 10-year period. Furthermore, to ensure the continued maintenance of the national standards, States would have had to perform the area identification-analysis-plan development process at least every 5 years under the current regulations.

In the FEDERAL REGISTER of June 19, 1975 (40 FR 25814), the Administrator rescinded the June 18, 1975, date for submission of the analyses and plans for the problem areas. Instead of specifying a new submission date applicable to all analyses and plans in that action, the Administrator will specify: (1) those areas that need plans from among those he has or will have identified as problem areas and (2) individual dates for submission of each area's analysis and plan depending on the individual needs of each area.

As expeditiously as practicable but no later than July 1, 1976, the Administrator will determine which areas need plan revisions to provide for the maintenance of the national standards. The proposed regulations below would require States to submit AQMA analyses by April 1, 1976, but the Administrator could modify that date. This would allow the Administrator to make his determination by July 1, 1976.

Although dates for submission of AQMA plans will vary, the Administrator will require that the plan be submitted as expeditiously as practicable for areas that will fail to maintain NAAQSs in the near future; for areas that will not fail to maintain standards until the more distant future, the Administrator will generally require the AQMA plan to be submitted at least 3 to 5 years before measures are actually needed to maintain the standards.

The maintenance revision must include all regulations that are necessary to be implemented within the time period that is covered by the maintenance revision in order to be effective in preventing a standards violation at some time in the future. That is, if the 10 year air quality analysis reveals maintenance problems, and to solve the problem requires an action 7 years in advance, then the necessary action must be in the first maintenance revision. No matter how many years the revision covers, the necessary

lead time from action to prevention of air quality standards violation must be considered.

The States will have to identify, at least every 5 years, those areas that may fail to maintain the national standards. Under the existing regulations, EPA was to have identified new AQMAs based upon information submitted by the States. As discussed below, the proposed regulation will change this procedure so that no new AQMAs will be identified; rather, plan revisions to ensure maintenance of the standards will be called for under the usual plan revision procedures.

On January 15, 1974, EPA issued to the States *Guidelines for Designation of Air Quality Maintenance Areas* (OAQPS No. 1.2–016), in which techniques for the States to use in identifying potential problem areas were described. Opportunity for public inspection of this document was announced in the FEDERAL REGISTER of February 25, 1974 (39 FR 7196). These guidelines specified that the States should consider, as a minimum, all Standard Metropolitan Statistical Areas (SMSAs).

The Administrator identified in the FEDERAL REGISTER a list of these areas, herein referred to as "air quality maintenance areas" (AQMAs), in three actions: the first on April 29, 1975 (39 FR 18726), the second on June 2, 1975 (40 FR 23746), and the third on September 9, 1975 (40 FR 41941). In these three actions the Administrator identified a total of 168 AQMAs for at least one pollutant. Of these, he identified 159 with regard to particulate matter, 61 for sulfur dioxide, 24 for carbon monoxide, 49 for photochemical oxidants, and 5 for nitrogen dioxide.

GUIDELINES DOCUMENTS

To provide guidance to the States on techniques for analyzing the air quality impact of growth and development and for developing air quality maintenance plans, the Administrator has published *Guidelines for Air Quality Maintenance Planning and Analysis*. Titles and brief descriptions of the volumes in this guidelines series follow:

Volume 1: Designation of Air Quality Maintenance Areas—This document was originally published in January, 1974, as *Guidelines for Designation of Air Quality Maintenance Areas*, OAQPS No. 1.2–016. This volume contains a description of the minimum requirements and procedures for identifying AQMAs.

Volume 2: Plan Preparation—This volume provides a general overview of the AQMA planning process and presents information and guidance in preparing the AQMA plan. It describes tasks that should be undertaken, such as intergovernmental cooperation and coordination, review of existing data and resources, AQMA analysis, maintenance strategy development, and AQMA plan preparation and assembly.

Volume 3: Control Strategies—This volume describes the various maintenance measures that may be used as part of a maintenance strategy. The listing of measures is not exhaustive but does provide those measures that appear to have broad application to all States. States are encouraged to develop additional measures that may be required for the air quality maintenance problems peculiar to their areas of responsibility.

Volume 4: Land Use and Transportation Considerations—This volume describes the relationship of air quality maintenance to comprehensive planning and elaborates on items presented in Volume 3.

Volume 5: Case Studies in Plan Development—This volume describes the experiences of four EPA contractors who developed trial AQMA plans for Denver, San Diego, St. Louis, and Baltimore. Problems and solutions are included along with illustrative portions of trial plans.

Volume 6: Overview of Air Quality Maintenance Area Analysis—This document presents an overview of Guideline Volumes 7 through 12 and discusses ways to enhance the analytical capabilities of local agencies, the role of analysis in AQMA plan development, and the advantages of including provisions for augmenting analytical capabilities in an AQMA.

Volume 7: Projecting County Emissions—This document presents a three-step procedure to project future emissions on a county-wide basis. Step 1 is the determination of base period emissions through a systematized routine updating procedure of the National Emission Data System (NEDS) and other emission data; step 2 is a projection of economic and demographic growth; and step 3 is an estimation and projection of relationships between economic/demographic parameters and emissions.

Volume 8: Computer-Assisted Area Source Emissions Gridding Procedure (CAASE)—This document is a user's manual for a computerized technique that apportions area source emissions within a county. The apportionment is based on population data from U.S. Census Bureau tapes.

Volume 9: Evaluating Indirect Sources—This volume presents methodologies for estimating carbon monoxide (CO) concentrations in the vicinity of indirect sources. Simple methods are presented for the following kinds of indirect sources: highways, airports, regional shopping centers, sports complexes, municipal parking lots, amusement parks, and recreational areas. More detailed methodologies for estimating emissions from indirect sources and the resulting impact on air quality are presented in appendices to this volume.

Volume 10: Reviewing New Stationary Sources—This document describes methods for estimating the impact of point sources on ground-level concentrations of stable pollutants after certain design parameters are identified and the source's location is known. Concentrations estimated using these guidelines would be superimposed over the general background concentrations (actual or estimated) to determine whether the proposed new source is likely to result in an unacceptable threat to air quality standards.

Volume 11: Air Quality Monitoring and Data Analysis—This volume contains infomation on the following eight areas:

Air quality monitoring network design and instrument siting;
Acceptable air quality monitoring methods;
Monitoring site description;
Procedures for flow and auditing of air quality data;
Air quality trends evaluation;
Air quality data evaluation;
Interpretation of air quality data as it relates to the NAAQSs;
Establishment of baseline air quality levels.

Volume 12: Applying Atmospheric Simulation Models to Air Quality Maintenance Areas—This volume discusses models that are available and that are suitable for estimating representative concentrations over spatial scales ranging from approximately 1 km² to city-wide averages. Model discussed in this volume include modified rollback, Miller-Holzworth, Hanna-Gifford, HIWAY, APRAC–IA, AQDM, CDM, the Sampled Chronological Input Model (SCIM), and the SAI photochemical model.

Volume 13: Allocating Projected Emissions to Sub-County Areas—This volume presents techniques for spatial assignment of emissions that are projected both of a county-wide basis, using the techniques presented in Volume 7, and directly from sub-county areas. Spatial assignment of emissions to sub-county areas, as described in Volume 7 and Volume 13, is essential to determine the efficacy of land use and/or emission density patterns as a means for maintaining the NAAQSs. An appendix to Volume 13 contains the results of a trial application of the emission allocation procedure in Atlanta, Georgia. This appendix will be made available upon request.

In addition to these 13 volumes, the Administrator may issue, from time to time, other guideline documents or revisions to the above-listed volumes as the need arises.

The Administrator is making these volumes available to all State air pollution control agencies and to local air pollution control agencies and planning agencies that are located in the AQMAs that the Administrator identified. Other interested persons may obtain copies of any or all volumes in the guidelines series. Copies are available free of charge to Federal employees, current contractors and grantees, and nonprofit organizations, as supplies permit, from the Air Pollution Technical Information Center, Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Other interested persons may obtain copies at a nominal cost from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22151. These guidelines documents are also available for public inspection at each of the EPA Regional Offices and at the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460.

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These guidelines are intended to provide States with background and suggestions for developing adequate AQMA analyses and plans. To clarify the requirements for acceptable AQMA analyses and plans, the Administrator is proposing below revisions to 40 CFR part 51. While the guidelines are offered as suggestions, the actual requirements for preparation, adoption, and submission of AQMA analyses and plans are contained in 40 CFR Part 51.

The Administrator wishes to emphasize that the basic requirement for identification, analysis, and plan development for AQMAs was promulgated on June 18, 1973. EPA has been distributing detailed guidelines to the States containing suggestions on how to comply with the basic requirement since the beginning of 1974. Therefore, States that have not already done so can begin work on their AQMA analyses and plans. While the accompanying regulations are in proposed form, they (and the already-distributed guidelines) offer sufficient general guidance on EPA's basic approach to allow the States to proceed with appropriate AQMA analysis and plan development pending final promulgation of these regulations.

PROPOSED REQUIREMENTS FOR MAINTENANCE OF AIR QUALITY STANDARDS

In the action below, the administrator proposes to revise several portions of the existing 40 CFR 51 requirements and to add a new subpart D, which would apply solely to the AQMA analysis and plan and to attainment plan revisions needed in AQMAs. Many of the proposed changes are self-explanatory and therefore need no further elaboration here. Other changes are relatively new and will be discussed in detail.

The AQMA plan (and similarly the transportation control plan, regulations to prevent significant deterioration, and provisions for indirect source review), once approved by the Administrator, constitutes an official revision of the State implementation plan. As such, the AQMA plan is subject to all the applicable procedural requirements set forth in 40 CFR 51. (These items are not separate "plans", but simply revisions to the implementation plan; it has been convenient to refer to them as "plans" however.)

As noted above, there are several other mechanisms available under the Act and in regulations that are designed to assist in maintaining the NAAQSs. These mechanisms include: (1) preconstruction review of new and modified air pollution sources, (2) new source performance standards promulgated under section 111 of the Act, and (3) standadrs for emissions from new motor vehicles promulgated under section 202 of the Act. The AQMA plans are intended to provide for any additional mechanisms that may be necessary to ensure full maintenance of the standards.

Maintenance in Areas Outside SMSAs. One criticism of EPA's *Guidelines for Designation of Air Quality Maintenance Areas* was EPA's emphasis on considering SMSAs as potential AQMAs. This would appear to imply that areas outside SMSAs do not present a potential for a violation of NAAQSs over the next 10 years. It was EPA's intent that States consider SMSAs *at a minimum.*

It is the Administrator's judgment that standards will be maintained in most areas outside SMSAs through currently-imposed mechanisms, particularly review of new and modified sources under 40 CFR 51.18, new source performance standards promulgated or to be promulgated by EPA under section 111 of the Clean Air Act, and motor vehicle emission standards promulgated under section 202 of the Clean Air Act.

Certain situations in areas outside SMSAs do not seem to be effectively regulated by existing mechanisms, however. Since substantial new changes in growth or land development patterns or both could arise between the 5-year periodic reassessments of maintenance problems under § 51.12, the Administrator is proposing in § 51.12 an additional requirement that the State plan contain a procedure for obtaining information on land development as it relates to air quality in all areas of the State. It is expected that States will utilize available data files from cognizant planning agencies for this purpose. Where an area is undergoing an amount of growth sufficient to threaten a standard over the subsequent 10-year or longer period, the State would be required to notify the Administrator. The Administrator would then determine whether to call for a plan revision to maintain the national standards in the area.

All areas of the State, including AQMAs, would be subject to the proposed information-gathering regulations, because a significant amount of development in an AQMA might jeopardize a standard for a pollutant for which that AQMA was not designated. The Administrator will develop guidance for States to follow in establishing a procedure to implement the regulation. The Administrator expects to complete his guidance on this system by the time these regulations are promulgated. The Administrator particularly wishes to solicit comments on ways to implement this procedure.

Elimination of Future AQMA Identifications. In June, 1973, EPA promulgated the requirement that States must identify areas that had the potential for not maintaining the national standards over the subsequent 10-year period. EPA took this action as part of a program to correct all State implementation plans, which were inadequate to maintain the NAAQSs. Now that AQMAs have been identified, States must begin to analyze the areas to determine if they will maintain the standards and then develop corrective strategies if necessary. The Administrator believes that this action will assist in correcting the original plan deficiencies regarding maintenance.

Under the existing regulations, the States must reassess the area identification at least every 5 years to determine whether additional areas should formally be identified as AQMAs. The Administrator believes that this formal AQMA identification in the future is no longer necessary, because the Act already has provision for calling for revisions to plans that, once approved, have been found substantially inadequate to attain or maintain the national standards. It is EPA's intent to call for revisions to plans that are substantially inadequate.

Therefore, the Administrator is proposing that § 51.12 be revised to eliminate future AQMA identifications. The regulations would still require States to reassess, at intervals of not more than 5 years, all areas to determine whether any areas need plan revisions. The Administrator believes that this 5-year reassessment, together with the proposed system for collecting information on growth and development that may affect air quality, discussed above, will provide a procedure for determining which areas may need further plan revisions in the future.

Requirements for AQMA Analysis and Plan Development. To provide specific guidance and requirements concerning AQMA analyses and plans and any attainment plan revilson in AQMAs, the Administrator is proposing to add a new subpart D to part 51. Some of the proposed requirements, such as presentation of data, legal authority, resources, and intergovernmental cooperation, differ from existing requirements for State implementation plans in subparts A and B of part 51. The Administrator is therefore proposing a new § 51.23 to indicate that subpart D will govern where the requirements of subpart D conflict with the requirements of subparts A and B regarding AQMA analyses and plans and any plan revisions in AQMAs to provide for attainment of NAAQSs.

The following discussion concerns the requirements proposed for the new subpart D.

Retention of Authority to Modify Certain Requirements. The Administrator is proposing to retain the authority to modify certain of the new Part 51 requirements upon application by the State or on his own initiative on an AQMA-by-AQMA basis. The requirements that could be modified are:

§ 51.12(g)(1)(i) Date for submission of AQMA analysis.

§ 51.41 (b) Interstate consistency of data bases; (c) Air quality data bases; (d) Emission inventory data bases.

§ 51.42 *Techniques for projecting emissions.*

§ 51.43 *Techniques for allocating future emissions.*

§ 51.44 *Techniques for projecting air quality concentrations.*

§ 51.49(b) Format for submission of descriptions of resources available for implementation of the AQMA plan.

The Administrator recognizes that each area may have different problems, different amounts and kinds of resources available to develop the AQMA analyses and plans, different data bases, and different approaches to solving their air

quality problems. By specifying only one way of performing the analysis and developing a plan, EPA would ignore these differences. Therefore, the Administrator is retaining the option of modifying, on application by the State or on his own initiative, many of the requirements concerning the techniques used in the analysis and plan and the formats for submission of results. This will allow the States to tailor each plan to the individual needs of each AQMA.

The procedures for processing modification applications are being proposed as § 51.51. The procedures are designed to assure that the interested public will be informed of a modification prior to the time a State's AQMA analysis or plan is submitted to public hearings so that the public can more intelligently participate in the rulemaking process. EPA is required to make its decision public in a FEDERAL REGISTER notice.

In order to expedite the handling of such applications and to carry out EPA's policy of augmenting the responsibility of its Regional Offices, the Administrator plans to delegate the authority to grant modifications under § 51.51 to his Regional Administrators. (The Administrator also plans to delegate to the Regional Administrators the authority to determine for each State whether AQMA plans are needed, when they must be submitted, and the time period for which such plans must assure maintenance of the national standards.)

AQMA Analysis. The Administrator is proposing requirements for the AQMA analysis in §§ 51.41, 51.42, 51.43, and 51.44. The requirements concern the applicable period that the analysis must cover, interstate AQMAs, air quality and emission data bases, methods of analysis, and retention of data on growth and development.

The AQMA analysis is currently required under § 51.12(g)(1) for the purpose of determining whether or not the existing State implementation plan is adequate to maintain the NAAQSs for the designated pollutants for a 10-year period in the AQMA identified under § 51.12 (e) and (f). Although States may have performed some analysis already in identifying AQMAs under paragraph (e), the AQMA analysis required under paragraph (g) is intended to be more detailed and sophisticated than the original analysis used to identify the AQMA and should provide for a separate analysis of each AQMA-pollutant combination. As mentioned above, the date for submission of the AQMA analysis would be April 1, 1976, but the Administrator could modify that date.

Several federally-sponsored planning programs that may have an air quality impact require States or substate entities to submit plans that may cover periods longer than 10 years. Examples of such programs are the Department of Transportation's 3–C ("continuing, comprehensive, cooperative") planning process under the Federal Aid Highway Act of 1962, the Department of Housing and Urban Development-sponsored comprehensive plans under section 701 of the Housing and Urban Development Act of 1965, the EPA-sponsored areawide waste treatment plans under section 208 of the Federal Water Pollution Control Act of 1972. The Administrator believes that the periods covered by these plans should be considered in the AQMA analyses and plans. Therefore in AQMAs where plans developed under these and other federal programs cover periods of more than 10 years, the regulations would require that the analysis address the longest period covered by one of these federal plans. If no such plans covering more than 10 years exist in an area, the AQMA analysis would have to address at least the 10 year period from the date of AQMA identification. The Administrator recognizes that some of these other federal plans may not have enough detail upon which to base a thorough projection of air quality beyond the initial 10-year period. In such cases, the Administrator, using his discretion to modify the techniques used in projecting air quality, may permit a less-detailed AQMA analysis for the period beyond the initial 10 years than for the initial 10-year period.

Although it is not necessary for the agency that prepares the AQMA analysis to prepare the AQMA plan, the Administrator believes it would be advantageous to at least have that agency be responsible for the assessment of the control strategy.

For interstate AQMAs, the constituent States must base their AQMA analyses on the same regional emission inventory and air quality baseline wherever possible, but the Administrator may modify this requirement. Where there is disagreement among the States concerning the data bases, the proposed regulations would require that the States consult with the appropriate Regional Offices before they select those data bases.

Emission data used in performing the AQMA analysis is to be submitted to EPA in National Emission Data System (NEDS) format for data that are not already in the NEDS. This data may be submitted in machine-readable format at the State's discretion. The reason for this requirement is the Administrator's desire to have the capability to evaluate projections of emissions and analyses of air quality on a valid data base that can easily be used as input to an automated atmospheric simulation model and to be able to make these data available to others who may have need for them.

For AQMAs designated for nitrogen dioxide, the Administrator recognizes that uncertainty exists regarding the acceptability of air quality data upon which the States must base their AQMA analyses and plans. EPA has not yet defined a single reference method for collecting NO_2 data but has proposed three candidate reference methods in the FEDERAL REGISTER of June 5, 1974 (38 FR 15174). EPA is still evaluating these methods. For purposes of the AQMA analyses and plans, the Administrator proposes below in § 51.41 to allow a State to use the most meaningful data from any one of the three proposed reference methods after consultation with and approval by the Administrator.

§§ 51.42, 51.43, and 51.44 propose that States follow techniques in EPA's *Guidelines for Air Quality Maintenance Planning and Analysis* for projecting emissions, allocating emissions to sub-county areas, and relating projected emissions to air quality concentrations unless States have satisfactory alternative techniques. The proposed regulations specify that several forms contained in the guidelines be completed and submitted as a portion of the AQMA analysis. States that have satisfactory alternative techniques for performing these tasks could, however, employ them, subject to EPA approval. States would have to identify and describe these alternative techniques, justify their use in lieu of EPA's techniques and summarize the calculations made. The alternative techniques would have to be comparable in scope and in level of detail of results to the EPA-specified techniques. Also, the States would have to obtain approval from the Administrator before using such alternative techniques. Procedures for approval are being proposed in a new § 51.51, discussed above.

Although Volume 12 of the *Guidelines for Air Quality Maintenance Planning and Analysis, Applying Atmospheric Simulation Models to Air Quality Maintenance Areas,* allows for the use of several models for each of the pollutants, the regulations proposed below require the States to use the Air Quality Display Model (AQDM) or an equivalent model for particulate matter and sulfur dioxide where appropriate. AQDM has the advantage over other models in that it presents a table indicating the contribution of the air quality at each site from each point source and area source grid. Such a source contribution table is highly desirable when developing a strategy to maintain the national standards, especially when the strategy contains land use measures, and the State must have a fairly detailed estimate of how new sources of emissions will locate in the region.

States can obtain the AQDM program on punched cards through the Regional Offices from the Air Pollution Technical Information Center (APTIC), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. The program now incorporates the Briggs' Plume Rise equation for point sources. The user's manual, *Air Quality Display Model* (NTIS No. PB 189194); November 1969, can be obtained from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22151.

States would have to obtain concurrence from EPA on any decision by the State that AQDM or an equivalent model is not appropriate in a particular situation. The State should determine whether such a model is appropriate based on the compatibility of its data bases with the needs of the model, the agency's resources in relation to those needed to

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run the model, and any other relevant factors.

States must also determine whether the short-term particulate matter (24-hour primary and secondary) and sulfur dioxide (24-hour primary and 3-hour secondary) NAAQSs will be maintained for the appropriate period. Since AQDM and similar models yield long-term concentrations (seasonal or annual), States must apply a model to relate the long-term concentrations to short-terms concentrations. The recommended model for obtaining the short-term concentrations for the general urban area is found in Larsen, Ralph I., "An Air Quality Data Analysis System for Interrelating Effects, Standards, and Needed Source Reductions—Part 2," *Journal of the Air Pollution Control Association, 24:* 551 (June, 1974); for large point sources, however, the regulations would require that the short-term localized air quality impact of individual sources be considered. The Administrator will issue guidance on a procedure for considering these cases.

Proportional modeling should be used for carbon monoxide and nitrogen dioxide. To determine the reduction in hydrocarbon emissions required to maintain the photochemical oxidant standard, States may use the model contained in 40 CFR 51, appendix J. It is preferable, however, for States that have adequate air quality data for both photochemical oxidants and hydrocarbons to develop relationships between oxidants and hydrocarbons unique to their area of interest. States that do this should consult with EPA on the application of such a derived relationship.

The Administrator also encourages States to perform an areal allocation of projected emissions for all AQMAs, using *Guidelines for Air Quality Maintenance Planning and Analysis, Volume 13: Allocating Projected Emissions to Sub-County Areas*, even where States will be using proportional air quality modeling, to understand the spatial distribution of their future emissions and thus be able to develop a more meaningful control strategy.

The Administrator is aware of the problems inherent in the assessment of the impact of growth and development on air quality. Such factors as the completeness of the current emission inventory, uncertainty in demographic and economic projections, uncertainty about where new sources of pollution will locate, and hard-to-identify relationships between demographic and economic projections and future emissions all combine to create uncertainty in the emission projections. Furthermore, the models used to relate these future emissions to future air quality concentrations have inherent uncertainties regarding the variability of meteorological conditions, the variability in emission rates over time, the unevenness of topography, and, in the case of reactive pollutants, the relationships between the pollutant emitted and the secondary pollutants that form in the atmosphere after emission. Consequently, the quantitative computation should, where appropriate, be supplemented by empirical knowledge in judging whether the NAAQSs will be maintained.

Therefore, the Administrator is proposing that the determination of whether the national standards will be maintained may be based, not only on the quantitative comparison of the calculated air quality concentrations with the national standards, but also on the consideration of a number of factors that affect the accuracy of the projections of air quality concentrations. These factors include, among others, the degree of completion of abatement activities, year-to-year variations in air quality concentrations, adequacy of the emission inventory, the degree of confidence in the data and methods used to project air quality, and the frequency and magnitude of air pollution episodes.

De-Designation of AQMAs. Where the AQMA analysis indicates that an AQMA will maintain a particular national standard, and where the Administrator determines that no AQMA plan is required, it is not necessary for the State to consider the requirements in §§ 51.45, 51.46, 51.47, 51.48, 51.49, and 51.50 which pertain to the AQMA plan. Where the Administrator agrees with the State's determination that the area in fact will not violate a NAAQS for the particular pollutant, the Administrator will rescind his identification of the area for the pollutant. The AQMA analysis, in this case, will not be a part of the AQMA plan and therefore does not have to be subjected to a public hearing.

AQMA Plan. The existing provisions of 40 CFR 51.12 require that an AQMA plan provide for the maintenance of NAAQS for at least ten years from the time the plan is submitted. The Administrator recognizes that a ten year period for maintenance planning may not be appropriate in all cases. For instance, an area may have only a minor amount of growth such that it will marginally fail to maintain the NAAQS. Consequently, the area may need only a modest revision of its existing regulations to offset the small growth in emissions anticipated; a full 10-year plan may not be necessary. On the other hand, an area may have plans for major growth that is anticipated over the next 20 years. A plan for only ten years in such a case would probably not be sufficiently far-reaching to account for the air pollution impact of this growth.

As a result, the Administrator is proposing that the AQMA plan provide for maintenance of the NAAQS for a period of time to be determined by the Administrator, acting through his Regional Administrators, for each AQMA and each pollutant for which the AQMA was identified. The Administrator feels that in no case should this period be less than 3 years and in many cases should probably be for 10 to 20 years. Plans for less than 3 years appear impractical because they would have to be revised too often to provide for continuous maintenance of NAAQS. On the other hand, census data and projections are generally available on a 10- and 20-year basis for transportation, water supply, and waste water treatment. Thus, from 10 to 20 years appears to be an appropriate period of time for planning for air quality maintenance in most areas.

As mentioned above in the discussion on the AQMA analysis, several federally-sponsored planning programs require that States or substate entities submit plans that may cover periods longer than 10 years. The proposed regulations would require that the AQMA plan consider the same period as Department of Transportation-sponsored "3-C" plans, Department of Housing and Urban Development-sponsored 701 comprehensive plans and EPA-sponsored 208 areawide waste treatment plans and any other plans that may have an air quality impact if these plans cover a period of more than 10 years. If no such plan in the area covers a period of more than 10 years, the AQMA plan would only have to consider the 10 year period.

The AQMA plan, however, would not necessarily have to provide a firm, specific strategy for maintenance of the national standards for all of this applicable period. If the AQMA plan provides for maintenance for a period less than the applicable period (for example, 10 years or longer depending on the existence of other federally-sponsored plans with longer time periods), the plan would have to discuss the air quality maintenance problem in the AQMA for the period from the year to which the AQMA plan provides for the maintenance of standards to the end of the applicable period. This discussion would have to outline:

The kinds of control strategies that could be applied to solve the maintenance problem for the applicable time period, and

The kinds of actions that would need to be taken to adopt the necessary laws or regulations in a timely manner.

To provide for continued maintenance of the national standards, States originally had to revise their 10-year plans every 5 years under § 51.12(h). Because the proposed regulations would remove the requirement that the AQMA plan must, in all cases, provide for maintenance of the national standards for 10 years, the proposed regulations would require that the States revise the AQMA plans on a schedule that the Administrator will establish for each area, rather than every 5 years. The Administrator will assess the requirement for revisions of the AQMA plan at least every 5 years, but may require revisions more frequently, if the period over which the plan maintains the standards is less than 5 years. The revisions would have to be submitted in sufficient time, usually at least 2 years, before the period of an existing plan expires. The analysis associated with each revision would have to account for at least the following 10 years, although any plan revision would only have to provide for the maintenance of standards for a period of time specified by the Administrator.

Also, the Administrator recognizes that providing for the continued maintenance of air quality standards will require different degrees of effort in different areas. Some areas may require merely a simple strengthening and expansion of existing implementation plan regulations. Other areas may have to examine thoroughly the air quality aspects of their general land development and transportation plans, if such exist, and determine whether the growth and development projected by these plans are consistent with continued maintenance of air quality standards. Where no such plan exists, the area's existing legal restrictions on land development, such as zoning restrictions, may have to be examined for their consistency with air quality standards. EPA's *Guidelines for Air Quality Maintenance Planning and Analysis*, specifically, *Volume 4: Land Use and Transportation Considerations* would be helpful in such an examination. Through 40 CFR 51.12 and the regulations proposed below, the Administrator intends to encourage State and local governments to incorporate air quality considerations into plans for growth and development so that air quality standards will be maintained.

The Administrator recognizes that local land use plans themselves will be modified over time irrespective of any air quality considerations. Changes will be made to reflect changing community and regional objectives. Where these and use plans form an integral part of the AQMA plan, changes in the land use plans should be reflected in the AQMA plan.

The Administrator realizes that where States do elect to modify their land use and transportation plans, the States will probably not be able to accomplish the necessary studies, develop new institutional arrangements, obtain the necessary legal authority and measures to ensure adherence to those plans to maintain air quality standards, incorporate the plans into the AQMA plans, and submit them to EPA within a short time. Therefore, under the proposed regulations, the State could submit an AQMA plan that ensures maintenance of the standards for several years and then use those several years to develop a longer range, more comprehensive AQMA plan.

Even though EPA proposes to allow a flexible period over which the NAAQS must be maintained, the State must still submit an analysis covering the 10-year period from AQMA identification. The States and EPA identified AQMAs as areas that have the potential for failing to maintain the standards within the subsequent 10-year period. Therefore, the AQMA analysis must be done for that period of time to determine if this potential really exists.

Among other requirements, § 51.45 specifies that the AQMA plan be submitted in a format indicated in Appendix S, and § 51.46 specifies the content of the AQMA plan strategy.

The Administrator intends to follow the progress of the States in the development of the AQMA plans and in the implementation of all elements of the plans. The Regional Offices will monitor such progress through the process of the semi-annual report required under a proposed amendment to § 51.7. This section would require the States to report in their semi-annual report the status and progress of such items as the acquisition of additional resources, the adoption of new laws or regulations, studies to provide a basis for further actions directed toward the maintenance of the national air quality standards, and the initiation of new programs or the expansion of existing program for the maintenance of the NAAQSs.

Where the Administrator determines that an AQCR will not attain a NAAQS by the specified attainment date, he will call for a plan revision for both attainment and maintenance. As discussed further below, the notice to revise a plan will indicate that the maintenance plan should be submitted with the attainment plan. For the combined attainment/maintenance plan, the Administrator will require the submission by July 1, 1977, of all needed regulations, up to reasonably available control technology (RACT) for emission limitations and other reasonable measures, that will ensure the attainment of national standards as expeditiously as practicable. If RACT and other reasonable measures are not sufficient to attain and maintain the standards, the State would have to submit by July 1, 1978, the complete plan to attain and maintain the standards. The State would have to follow the requirements of Subpart D in preparing attainment/maintenance plan revisions for AQMAs.

Assumptions for quantification of measure effectiveness. The following discussion concerns assumptions that States may make in calculating the effectiveness of various air quality maintenance measures; these are not being proposed below in regulatory form but are presented for the benefit of agencies preparing AQMA plans.

EPA has published revisions to the document, *Compilation of Air Pollutant Emission Factors* (EPA publication No. AP-42). These revisions contain new emission factors for light- and heavy-duty vehicles and motorcycles based upon future estimated control of all pollutants resulting from EPA's requirements for control of emissions from new motor vehicles and from control of fuel additives. Such control should be accounted for in projecting emissions from vehicles in developing AQMA plans.

EPA has provided a best judgment of the emission rates for the groups of sources for which EPA, between now and 1985, will promulgate new source performance standards (NSPSs) under section 111 of the Clean Air Act. States should account for any emission reduction due to these emission rates in projecting emissions from new sources. EPA will provide guidance on procedures for doing so in future supplements to the *Guidelines for Air Quality Maintenance Planning and Analysis.*

States should account for the reduction in emissions of particulate matter, as is the case in control of asbestos and asbestos-containing material, required by the National Emission Standards for Hazardous Air Pollutants, which have been promulgated under section 112 of the Clean Air Act.

Additionally, the Administrator will distribute guidance from time to time to the States on other assumptions to be used concerning the effect of measures to maintain air quality standards.

Quantification of the impact of maintenance measures. As indicated above, the Administrator is aware of the shortcomings in the techniques used to project air quality. The assessment of the impact of measures designed to maintain standards also contains uncertainties. For some individual maintenance measures, the projected effects on reduction of either emissions or the growth in emissions will not readily lend themselves to specific quantification. Therefore, the Administrator is proposing a variation on the computational technique. Where the quantification of the reduction of emissions or growth in emissions resulting from a measure cannot be done with a substantial degree of precision, the State would be allowed to combine that measure with other similar measures and estimate an aggregate effect, based on best available quantitative data and sound scientific judgment. One should bear in mind that the Clean Air Act requires that implementation plans ensure the attainment and maintenance of the national ambient air quality standards; although some calculations that are used to demonstrate that plans will ensure attainment and maintenance defy absolute precision, States and the Administrator must use their best judgement to develop workable plans to carry out the Congressional mandate.

AQMA Plan: Legal Authority. The proposed requirements for legal authority in the new § 51.48 differ from the requirements of § 51.11 in that it provides for approval by EPA of legal authority for certain kinds of measures that local government will be expected to enforce, even though such measures may not also be enforceable by the State.

The proposed regulations would require that the plan demonstrate that the State or substate entity has adequate legal authority to implement the measures contained in the plan.

The Administrator recognizes that in some areas the State may have to include in its AQMA plan measures that local governments have traditionally enforced or that would be more effectively enforced by a local government or, in some cases, that must be enforced by local governments as a matter of State law. Examples of these measures are (1) local zoning ordinances that would preserve a specific emission density limitation and (2) minimum thermal insulation requirements for all new buildings that are designed to reduce consumption of fuel used for space heating and thereby reduce pollutant emissions from such combustion. Under the existing regulations in § 51.11, the State would have to obtain the necessary legal authority to enforce these measures.

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Furthermore, since the acquisition of such authority is a time-consuming process in some States, States may not be able to acquire such authority in time to submit an acceptable plan. Therefore, the Administrator is proposing that the State need only demonstrate in the AQMA plan that a local government has the legal authority to enforce such measures.

AQMA Plan: Intergovernmental Cooperation and Coordination. The Administrator recognizes that the development of AQMA plans in many areas may involve measures not traditionally employed by air pollution control agencies, such as measures that may affect the distribution of new emission-producing or emission-inducing facilities. Many air pollution control agencies have neither the expertise in developing and implementing these measures nor the authority to implement them. The Administrator realizes that these air pollution control agencies by themselves may not be able to develop and implement AQMA plans that will be politically and socially acceptable. It may be more appropriate for the Governor of a State to designate an agency other than the air pollution control agency as the lead agency in the development of the AQMA plan. In any case, the agency developing the plan will have to draw upon the resources of a great many State, regional, and local agencies and local governments. Furthermore, the implementation of a comprehensive AQMA plan will undoubtedly require the services of other State and local agencies and local governments in addition to those of the air pollution control agencies.

To provide for such coordination, the regulations proposed below contain provisions to ensure participation in the AQMA plan preparation and implementation process by other agencies and local governments. Specifically, the proposed regulation would require the State to consider which governmental offices should participate in AQMA plan development and implementation. A list of agencies to be considered is included in appendix U to the proposed regulations. The regulations would also require the lead agency responsible for the development of the AQMA plan, regardless of whether it is a State or local agency, to consult with the appropriate agencies established to administer planning under section 701 of the Housing and Urban Development Act of 1965, the appropriate urban transportation planning agencies established under the Federal Aid Highway Act of 1962, and the Urban Mass Transportation Act of 1964, the agencies responsible for planning and implementation of requirements under Section 208 of the Federal Water Pollution Control Act Amendments of 1972, the appropriate agencies designated under the Coastal Zone Management Act of 1972, and cognizant clearinghouses established under Office of Management and Budget Circular A-95 (published in the FEDERAL REGISTER of November 28, 1973 (39 FR 32674)) if such lead agency does not have continuing responsibilities for the management of land use and transportation facilities. If the State or local lead agency is not an air pollution control agency, then the agency would also have to consult with the appropriate State and local air pollution control agencies.

Each AQMA plan would also have to contain (1) an identification of the agency designated by the governor as primarily responsible for the implementation of the AQMA plan, (2) an identification of other State agencies and substate agencies responsible for the implementation of the AQMA plan, and (3) a definition of their responsibilities. The State would still, however, have the ultimate responsibility for the implementation of the plan. Also, AQMA plans must include:

A description of the relationships between air quality management and State, regional, and local programs for land use management, transportation and parking management, water quality and solid waste management, and other processes substantially affecting or affected by air quality management; and

A description of the existing and proposed relationships for coordinating the development and implementation of the AQMA plan with the development and implementation of comparable plans in any adjacent AQMA.

It is important that the agencies responsible for developing an AQMA plan coordinate with agencies responsible for developing an Areawide Waste Treatment Management Plan under section 208 of the Federal Water Pollution Control Act for the same or overlapping area. Aspects of 208 planning and AQMA planning are interrelated in the sense that both utilize an areawide planning approach to deal with significant pollutant problems, and both can affect decisions regarding such things as industrial location and general growth and development. Therefore, the regulations would require that the AQMA plan not conflict with the applicable requirements of the Federal Water Pollution Control Act Amendments of 1972.

Guidelines for Air Quality Maintenance Planning and Analysis, Volume 2: Plan Preparation presents a discussion of several modes of intergovernmental coordination concerning who will develop and who will implement the AQMA plan.

The proposed regulations would also provide for additional transmission of information among agencies responsible for AQMA plan implementation. Furthermore, to provide for a comprehensive review by all appropriate State, regional, and local agencies and governments, the State would have to submit the AQMA plan and any substantive regulatory revisions thereof for review and comment for a period of 30 days to the cognizant clearinghouses as established under Office of Management and Budget Circular A-95. This 30-day review could occur simultaneously with the 30-day period before the public hearing on the AQMA plan.

The Administrator also encourages the Governors of the States to appoint an advisory committee to assist in the development of the AQMA plan. Such a committee could meet periodically during the preparation of the AQMA plan and could be given the opportunity to review and comment on the AQMA plan prior to its submission to EPA. Such a committee could include representatives of appropriate governmental offices, public interest groups, commercial, industrial and institutional interests, and members of the scientific and academic communities.

Although the proposed regulations would not specifically require that AQMA plans for State portions of interstate AQMAs be compatible, the Administrator encourages the constituent States of interstate AQMAs to develop compatible plans in such areas. The plan must, however, under section 110(a)(2)(E) of the Act, provide for measures that are necessary to ensure that emissions from sources in one region will not interfere with the attainment or maintenance of national standards in any region outside the State or in any other region.

Other Proposed Revisions. The Administrator is also proposing other revisions to 40 CFR 51 concerning air quality maintenance in addition to the items discussed above. These include the following: definitions, public hearings, submission and preliminary review of AQMA analyses and plans, reporting requirements, AQMA plan format, air quality and source surveillance, and resources. The Administrator encourages States to work closely with the EPA Regional Offices in performing their AQMA analyses and developing their AQMA plans. The States are particularly urged to submit draft copies of the AQMA analysis for preliminary review by the Regional Office prior to beginning development of the AQMA plans.

WORKLOAD ON STATES

Undoubtedly, the requirements for AQMA analysis and plan development will necessitate a large expenditure by the States of financial, technical, and human resources. The Administrator was aware of this from the time of promulgation of the original regulations concerning AQMAs on June 18, 1973, and has taken all the steps in his power to minimize this workload on the States and still abide by the Clean Air Act. For instance, EPA's development of techniques to identify AQMAs, project emissions, allocate projected emissions, and develop plans will reduce the burden of the States considerably, since States will not have to develop their own techniques. EPA will also be able to provide a limited amount of contractual assistance to States in performing tasks related to air quality maintenance. Even with this assistance, States must still make a substantial effort to complete these tasks. The Administrator's judgment, however, is that the effort must be made to satisfy the requirements of the Clean Air Act.

PUBLIC PARTICIPATION

Since the AQMA plan is a substantive revision to the State implementation plan, the public hearing requirements of § 51.4 apply to its development. The Clean Air Act strongly emphasizes the necessity for broad public participation in the implementation plan development process. This emphasis particularly applies to the consideration of measures that may affect existing growth patterns and transportation modes.

PERIODIC REASSESSMENT

Essential to any continuing air quality management program is the periodic assessment of both current status of air quality and projected air quality. States should at least annually upgrade their emission inventory, reassess the distribution of emissions, and familiarize themselves with latest advances in techniques for projecting emissions and relating them to air quality concentrations. Although the Administrator will require States to perform a repetition of the process of problem area reanalysis at least every five years, the Administrator encourages States to perform this process, in whole or at least in part, more frequently, particularly when newer data and techniques become available. Presumably, as a result of this present iteration, much information will be gained to enable the development of more accurate projection techniques.

Although the proposed regulations below do not require air quality monitors for AQMAs beyond those already required in 40 CFR 51.17, the Administrator encourages States to consider establishing more sites as the need for such becomes evident. Furthermore, the Administrator is contemplating the proposal of a revised minimum requirement for additional monitors beyond those in 40 CFR 51.17.

RELATIONSHIP TO SIGNIFICANT DETERIORATION REGULATIONS

In the FEDERAL REGISTER of December 5, 1974 (39 FR 42510), and June 12, 1975 (40 FR 25004), the Administrator published regulations requiring the prevention of significant deterioration of air quality as defined in those regulations.

Aside from the differences in procedural requiremnts for the non-significant deterioration regulations and the air quality maintenance regulations, the difference between the two regulations is mainly one of emphasis: the non-significant deterioration regulations are designed to maintain air quality in certain areas at a level superior to the NAAQSs; the air quality maintenance regulations are designed to maintain air quality areas at a level superior to the NAAQSs; Both the regulations to prevent significant deterioration and the AQMA plan are portions of the State implementation plan.

The non-significant deterioration regulations provide for State designation of areas under three classifications: Class I applies to areas in which practically any change in air quality would be considered significant; Class II applies to areas in which deterioration normally accompanying moderate orderly growth would be considered insignificant; Class III applies to those areas in which deterioration up to the standard would be considered insignificant. Counties or other functionally equivalent areas that pervasively exceed any NAAQSs for particulate matter or sulfur dioxide are exempt from the classification. Until the State (or Federal Land Manager or Indian Governing Body, as appropriate) reclassifies areas, all areas (except those areas exempted) are classified Class II.

The mechanism for enforcing the air quality deterioration limits is the review of new and modified stationary sources of 18 categories for their impact on particulate matter and sulfur dioxide limitations. An affected source built in an area of one classification (or in an exempt area) also cannot violate the deterioration limit in another area.

Where an AQMA has been designated because of projected problems in maintaining the NAAQSs for either particulate matter or sulfur dioxide, the significant deterioration increment is applicable only to those portions of the AQMA that are cleaner than either standard. By design, many AQMA boundaries will be designated to include areas that are relatively clean. This will be done to ensure that the planning area corresponds to the entire area where projected new growth in emissions is likely to occur and where regional planning for public services, housing, and employment is focused.

Although there seemed to be a general assumption that AQMAs should be designated as Class III, there are several situations where a State may wish to leave the clean air portions of an AQMA as Class II or even to redesignate the area to a Class I. This would force very restrictive controls on peripheral growth so as to complement the goals of the AQMA plan and in this context, the significant deterioration limits would actually be a mechanism for partially implementing the AQMA plan. In addition, there are several clean air areas that have been proposed as AQMAs due to anticipated large-scale development of natural resources. A Class I or Class II designation for such areas may eliminate the need for an AQMA plan for particulate matter or sulfur dioxide since the air quality constraint would be the Class I or Class II air quality increment. Therefore, a "de-designation" of the AQMA for particulate matter or sulfur dioxide may be appropriate if growth in emissions due to facilities other than those reviewed under the non-significant deterioration regulations is not expected to prevent the maintenance of the NAAQSs. In any case, the Administrator recommends that any proposed significant deterioration redesignation have boundaries consistent with AQMA boundaries where necessary to faciltate the development of the AQMA plan.

A Class III designation does not necessarily mean that an AQMA plan would be required. For example, a Class III area's air quality concentrations may be expected to increase up to the NAAQS but not beyond.

Furthermore, it is important to recognize that area classifications need not necessarily be based on current air quality or current and use patterns. Instead, classifications should reflect the desired degree of change from current levels and patterns.

CORRECTION OF PLAN DEFICIENCIES

The Administrator is concerned about the deficiencies other than those regarding air quality maintenance and nonsignificant deterioration that still exist in some implementation plans. (All 55 plans are still deficient regarding air quality maintenance and non-significant deterioration.) As of March 1, 1975, all 55 plans still had other regulatory deficiencies requiring EPA promulgation. These regulatory deficiencies include lack of adequate provisions for the following: variance procedures, public availability of emission data, source record keeping, review of new and modified sources, obtaining adequate compliance schedules, transportation control measures, and emission limitations. Also, non-regulatory deficiencies exist in some State implementation plans for air quality surveillance, periodic source testing and inspection, resources, and intergovernmental cooperation. The Administrator strongly recommends that the States correct these deficiencies, especially the regulatory ones, so that the Administrator can withdraw his disapproval and rescind his promulgation. The States are encouraged to use the AQMA analysis and plan submittal as a vehicle for transmitting their plan revisions to EPA to correct the deficiencies, if not transmitted earlier.

RELATIONSHIP TO ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT OF 1974

In June, 1974, Congress passed and the President signed the Energy Supply and Environmental Coordination Act (ESECA) of 1974. As stated in section 1 of this Act, the purposes of the Act are "(1) to provide for a means to assist in meeting the essential needs of the United States for fuels, in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment, and (2) to provide for reports respecting energy resources." To carry out these purposes, the Act (1) gives the Federal Energy Administration (FEA) the authority to increase the use of coal in major fuel-burning installations, (2) gives EPA the authority to apply environmental requirements to such installations as necessary to protect the public, (3) defers automobile emission standards and places limitations on transportation control plans, and (4) requires FEA, EPA, and other agencies to report to Congress on matters pertinent to energy and the environment.

The provisions of ESECA are difficult to summarize here without a lengthy explanation; the reader is referred to ESECA for details. The provisions of ESECA may, however, cause an increase in emissions in some areas as a result of the increased use of coal in fuel-burning installations and the possible tem-

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porary relaxation of emission limitations. States should familiarize themselves with the provisions of ESECA and should account for potential increases in emissions resulting from the application of the ESECA provisions when they develop their AQMA analyses and plans.

EPA has recently revised its *Compilation of Air Pollution Emission Factors* (EPA document AP-42, Second Edition, April 1973), which is used to project emissions from mobile sources (such as automobiles). The revision now accounts for the fact that the full statutory automobile emission standards have been delayed for two years: one year (to 1977) by ESECA and another year (to 1978) by the Administrator's granting of a discretionary suspension, which is permitted under ESECA.

FAILURE TO ATTAIN AIR QUALITY STANDARDS BY ATTAINMENT DATE

In March, 1974, the Administrator forwarded to Congress a proposed amendment to the Clean Air Act which would provide EPA with greater flexibility in implementing the Act. One aspect of the proposed amendment concerns the transportation controls required for some urban areas. Many of these urban areas can achieve the national photochemical oxidant and carbon monoxide ambient air quality standards by mid-1977 through the application of new motor vehicle emission standards, stringent stationary source standards, and in some cases additional control efforts, such as institution of motor vehicle inspection and maintenance programs and greater use of mass transit and car pools. A number of communities, however, are so heavily impacted by motor vehicle-related pollutants that extreme measures such as severe gasoline rationing would be necessary to achieve air quality standards within the statutory deadline even after all other control measures were instituted.

Under the proposed Act amendment, EPA would be authorized to allow up to five additional years for compliance with the mobile source-related air quality standards for those communities where attainment of those standards by 1977 would cause serious economic and social disruption. EPA would grant this extra time only if all reasonable control measures under existing plans have been or will be instituted. EPA would be authorized to provide a further five-year extension in those cases where it would not be possible to achieve compliance within the first five years. It is anticipated that only a few cities may need more than a single five-year extension. Providing this additional time in appropriate cases will allow for the full impact of federal regulations applicable to new motor vehicles to be realized and grant communities the flexibility they need to develop long-term transportation system solutions necessary to help meet air quality standards.

In January, 1975, the Administrator also forwarded to Congress, another proposed amendment to the Clean Air Act that would allow more time to attain the particulate matter standard where attainment by 1977 would require measures that are not reasonably available. Under the proposed amendment, EPA would be able to allow up to five additional years for attainment of the particulate standard, but would only grant this extra time if all reasonable control measures under existing plans have been or will be instituted. EPA would be authorized to provide a further extension up to five years in those cases where it would not be possible to achieve compliance within the first five years.

Until the time that these Act amendments are passed by Congress, it is possible that an area may not attain an air quality standard by the mandatory deadline. The Administrator intends to continue to monitor both the States' progress toward attainment of air quality standards and their status in maintaining those standards after attainment.

In any area where there appears to be a genuine problem in attaining or maintaining an air quality standard, the Administrator will take action and either enforce a regulation with which sources may not be complying or issue a notice to revise the plan if all sources are in compliance and the apparent cause for the discrepancy is a substantially inadequate plan. If there appears to be a potential for non-maintenance of a national standard in an area that had not been designated as an AQMA, the Administrator will decide whether to call for a plan revision to maintain standards in the area. As discussed above, however, EPA will not identify any more AQMAs.

The Administrator will be conducting a review of all areas throughout the States, including AQMAs, prior to July 1, 1976, to assess the adequacy of the existing State implementation plans to attain the national standards. Assessment of the adequacy of State implementation plans is a continuing task of the Administrator; this review will insure consideration of those areas which were not identified by the Administrator as AQMAs. The Administrator will notify the States by July 1, 1976, as to which State implementation plans are substantially inadequate to attain the standards and will require those States to revise their implementation plans to provide for attainment and maintenance. Dates for submission of these revisions are discussed above. An attainment plan revision for an AQMA would also have to follow the requirements of subpart D of 40 CFR 51.

Where the Administrator calls for a plan revision, one should note that until the plan is actually revised (i.e., subjected to public hearing, adopted by the State, submitted to and approved by the Administrator), the existing implementation plan (including, of course, transportation control strategies which are part of the plan) remains in effect. The Administrator expects sources to comply fully with the plan in the interim. Furthermore, many sections of the plan will be unaffected by a revision.

If sources delay in coming into compliance on the grounds that the plan may be revised to require more stringent controls, States should commence enforcement proceedings against such sources. Where the States neglect to take such action, it is the Administrator's intent to proceed against the sources. States may, however, delay compliance with the new, more stringent regulations, once adopted, for those sources that have recently installed control equipment that met the previously effective regulations. The Administrator realizes that such a "grandfather clause" is often appropriate so that sources may amortize their recently-acquired control equipment over a reasonable time before being required to replace existing equipment with more effective equipment. Such "grandfathering", however, must not be allowed to interfere with attainment or maintenance of a standard.

The Administrator realizes that in performing their AQMA analyses, States may discover that the area in question may not attain the national secondary air quality standards by the attainment date specified in 40 CFR Part 52. In these instances, States may request an extension to attain the secondary standards, as long as the date for such attainment is within a "reasonable time" as described under 40 CFR 51.13(b).

ENVIRONMENTAL IMPACT STATEMENT

In the FEDERAL REGISTER of October 21, 1974 (39 FR 37419), the Administrator published procedures for the voluntary preparation of environmental impact statements on the Environmental Protection Agency's most significant regulatory actions. Those procedures apply to "regulations prescribing substantive criteria with major significance for the preparation, adoption, and submittal of implementation plans by States under section 110 (of the Clean Air Act)." The Administrator promulgated the substantive requirement that the States identify AQMAs and submit analyses and plans for these AQMAs under § 51.12 on June 16, 1973 (38 FR 15834). He amended these substantive requirements on June 19, 1975 (40 FR 25814). The regulations proposed below are intended as a clarification and amplification of those basic requirements and are essentially procedural rather than substantive in nature. As such, this proposal does not require an environmental impact statement.

EPA regional offices

[The following are the addresses of EPA's regional offices. These are presented here for the benefit of those who wish to inspect any of the volumes in the series, "Guidelines for Air Quality Maintenance Planning and Analysis"]

Region	States	Address
I	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.	2313 John F. Kennedy Federal Bldg., Boston, Mass. 02203.
II	New Jersey, New York, Puerto Rico, Virgin Islands.	26 Federal Plaza, New York, N.Y. 10007.
III	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.	Curtis Bldg., 6th and Walnut Sts., Philadelphia, Pa. 19106.
IV	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.	1421 Peachtree St., N.E., Atlanta, Ga. 30309.
V	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.	Federal Bldg., 230 South Dearborn, Chicago, Ill. 60604.
VI	Arkansas, Louisiana, New Merico, Oklahoma, Texas.	1600 Patterson St., Suite 1100, Dallas, Tex. 75201.
VII	Iowa, Kansas, Missouri, Nebraska.	1735 Baltimore Ave., Kansas City, Mo. 64108.
VIII	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming	1860 Lincoln St., Suite 900, Denver, Colo. 80203.
IX	American Samoa, Arizona, California, Guam, Hawaii, Nevada.	100 California St., San Francisco, Calif. 94111.
X	Alaska, Idaho, Oregon, Washington.	1200 6th Ave., Seattle, Wash. 98101.

PUBLIC COMMENT

Interested persons are invited to participate in this rulemaking.

Written comments on this proposal may be submitted to the Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attn. Mr. Jean Schueneman. Comments should be submitted preferably in triplicate to facilitate distribution to staff personnel and for public availability. All relevant comments received on or before November 19, 1975, will be considered. Comments received will be available for public inspection during normal business hours at the Freedom of Information Center, EPA, 401 M St., S.W., Washington, D.C. 20460.

AUTHORITY: Secs. 110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857c-5, 1857g(a)).

Dated: October 9, 1975.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend 40 CFR Part 51 as follows:

1. Section 51.1 is amended by adding paragraphs (ee), (ff), and (gg) as follows:

§ 51.1 **Definitions.**

* * * * * *

(ee) "Air quality maintenance area" (AQMA) means any area that has been identified by the Administrator under § 51.12(f) of this part as having the potential for exceeding any national standard.

(ff) "Air quality maintenance area (AQMA) analysis" means an analysis of the impact of emissions from existing sources and emissions associated with projected growth and development on air quality in an AQMA, which analysis is required to be submitted under § 51.12 (g) of this part.

(gg) "Air quality maintenance area (AQMA) plan" means a plan to prevent any national standard from being exceeded in an AQMA, which plan is required to be submitted:

(1) Under § 51.12(g) of this part; or

(2) At the notification of the Administrator to provide for both the attainment and maintenance of the national standards.

2. In § 51.4, paragraph (b) is amended by adding subparagraph (6) as follows:

§ 51.4 **Public hearings.**

* * * * * *

(b) * * *

(6) In the case of hearings on AQMA analyses and plans, notification to the chief executives of affected local governments, planning agencies, transportation agencies, environmental control agencies, economic development agencies, and any other affected States.

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3. Section 51.5 is amended by adding paragraph (f) as follows:

§ 51.5 **Submission of plans; preliminary review of plans.**

* * * * * *

(f) Submission of the AQMA analysis and plan to the Administrator shall be accomplished by delivering six copies of the AQMA analysis and plan to the appropriate Regional Office. Such AQMA analysis and plan shall be adopted by the State and submitted by the Governor by the date prescribed by the Administrator.

4. Section 51.7 is amended by adding paragraph (e) as follows:

§ 51.7 **Reports.**

* * * * * *

(e) Where an AQMA plan prescribes that the State or any governmental subdivision

(1) Obtain additional resources; or

(2) Adopt new laws or regulations; or

(3) Conduct studies to provide a basis for further actions directed toward the maintenance of national standards; or

(4) Initiate new programs or expand existing programs for the maintenance of national standards;

the State shall report on the status and progress of such in the semi-annual report, commencing with the first semi-annual reporting period following submission of the AQMA plan and ending with the completion of such programs. The Administrator shall identify those matters on which the State must report.

5. In § 51.12, paragraphs (e)(3), (g), and (h) are revised, and paragraph (i) is added as follows:

§ 51.12 **Control strategy: General.**

* * * * * *

(e) * * *

(3) At intervals of no more than 5 years, the State shall reassess all areas of the State to determine if any additional areas are in need of plan revisions because of a substantially inadequate plan. The State shall retain its written reassessment for inspection by the Administrator.

* * * * * *

(g)(1) For each area identified by the Administrator pursuant to paragraph (f) of this section, the State shall submit the following:

(i) An analysis of the impact on air quality of projected growth and development over the applicable period specified in § 51.41(a) of this part. The State shall submit this analysis by April 1, 1976, but the Administrator may modify this date pursuant to the procedures set forth in § 51.51 of this part.

(ii) A plan to prevent any national standards from being exceeded. This plan shall include, as necessary, control strategy revisions and/or other measures to ensure that projected growth and development will be compatible with maintenance of the national standards. This plan shall be subject to the provisions of § 51.6 of this part. The State shall submit the plan according to a time schedule to be specified by the Administrator.

(h) The plan required under paragraph (g) of this section shall, for all purposes, be considered as a portion of the applicable State implementation plan within the contemplation of § 110(d) of the Act and shall be subject to all of the applicable procedural requirements set forth in this part. More specific regulations concerning the AQMA analysis and plan appear in Subpart D of this part.

(i)(1) For all areas of the State, the State implementation plan shall, within 1 year of the effective date of this regulation, provide for a procedure for the continual acquisition of information about new and modified land development.

(2) The State shall collect and retain annual data for all areas of the State on actual growth and development in terms of parameters and information used in projecting emissions, such as population, earnings, employment, production, building starts, land use development, vehicle miles traveled, and gasoline sales.

(3) The State shall notify the Administrator if it determines, based upon the information required to be collected under paragraphs (i)(1) and (2) of this section, that an area is undergoing an amount of development such that it presents the potential for a violation of national standards within a period of 10 years or longer.

6. Subpart B is amended by adding § 51.23 as follows:

§ 51.23 **Exceptions.**

To the extent that Subpart D conflicts with the requirements of Subparts A or B with respect to the air quality maintenance area analysis or plan, Subpart D shall govern.

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7. Subpart D is added as follows:

Subpart D—Maintenance of National Standards

§ 51.40 Scope.

(a) The requirements of this subpart shall cover:

(1) The AQMA analysis of the impact on air quality of emissions from existing sources and emissions associated with projected growth and development as required under § 51.12(g)(1) of this part.

(2) The AQMA plan to prevent any national standard from being exceeded as required under § 51.12(g)(2) of this part; the Administrator will identify those AQMA's for which the State must submit an AQMA plan.

§ 51.41 Air quality maintenance area analysis: General.

(a) *Applicable analysis period.* The AQMA analysis shall provide a projection of the impact on air quality of projected growth and development over:

(1) The longest period covered by any of the following federally-sponsored plans in the AQMA if such federally-sponsored plans cover a period that extends beyond the 10-year period following the date on which the Administrator identified the AQMA:

(i) Transportation plans developed under the Federal Aid Highway Act of 1962;

(ii) Comprehensive plans developed under section 701 of the Housing and Urban Development Act of 1965;

(iii) Areawide waste treatment plans developed under section 208 of the Federal Water Pollution Control Act of 1972; and

(iv) Any other federally-sponsored plan that may have an air quality impact; or

(2) A period of at least 10-years from the date on which the Administrator identified the AQMA, if no federally-sponsored plan under paragraph (a)(1) of this section in the AQMA covers a period that extends beyond the 10-year period following the date on which the Administrator identified the AQMA.

(b) *Interstate AQMAs.* For interstate AQMAs, the AQMA analysis from each constituent State shall be based upon the same regional emission inventory and air quality baseline. Prior to selecting an emission inventory and an air quality baseline, the constituent States in which the interstate AQMA lies shall consult with the appropriate EPA Regional Offices where there is disagreement among the constituent States as to the data bases.

(c) *Air quality data base.* (1) All applicable data collected from all existing sites since October 1, 1972, must be considered in the development of the baseline air quality in the AQMA for the AQMA analysis, which is to be submitted by the date specified by the Administrator. The following identification and submission requirements shall apply to all air quality data used for computing baseline levels:

(i) Data used in computing baseline levels previously submitted to EPA pursuant to § 51.7 of this part must be identified by the SAROAD identification number of all applicable sites, the time period(s) utilized (month, calendar year quarter, etc.), and the Universal Transverse Mercator (UTM) coordinates of each of the applicable sites.

(ii) Air quality data collected since October 1, 1972, that have been used in computing baseline levels but have not previously been submitted to EPA pursuant to § 51.7 of this part shall be recorded and submitted in accordance with the procedures and data forms specified in the "Storage and Retrieval of Aerometric Data (SAROAD) Users Manual," USEPA, OAP, APTD–0663. Sampling site information for each sampling site shall be submitted in the SAROAD Site Identification Form to the appropriate EPA Regional Office prior to submission of the air quality data to EPA.

(2) Where an AQMA has been identified for nitrogen dioxide, the air quality baseline shall be based upon measurements by one of the three proposed candidate reference methods described in the FEDERAL REGISTER of June 8, 1973 (38 FR 15174). Before selecting the data, the State shall obtain from the Administrator approval of the choice of data on which to base the nitrogen dioxide air quality baseline.

(d) *Emission inventory data base.* All source emissions data used in the AQMA analysis baseline inventory that have not previously been transmitted to EPA must be submitted in National Emissions Data System (NEDS) format in conjunction with, but not as part of, the plan. The data required by this paragraph shall be recorded and submitted according to the respective formats for point source data and area source data specified in the "Guide for Compiling a Comprehensive Emission Inventory," Revised (March 1973) U.S. Environmental Protection Agency, Office of Air and Water Programs, APTD–1135, or latest revision or supplement thereof.

(e) For each AQMA and for each pollutant for which the AQMA is identified, the AQMA analysis shall contain identification of the sources of projections of growth and development used in projecting and allocating emissions for the period being analyzed by source category and a justification of the choice of such parameters. Projections may be in terms of such parameters and information as earnings, employment, production, building starts, land use development, vehicle miles traveled, and gasoline sales.

(f) The State shall retain a detailed data and calculations and shall submit such to the Administrator at his request. Such data and calculations shall not be considered part of the applicable plan.

(g) In making the determination of whether a national standard will be violated in an AQMA within the applicable period, the State may account for factors such as those listed below, that may affect the accuracy of the calculations of projected air quality concentrations. Where the State considers such factors in its determination of whether a national standard will be violated the AQMA analysis shall contain a full discussion of the factors.

(1) The degree of completion of abatement activities for which regulations currently exist;

(2) Current air quality concentrations, the magnitude of past year-to-year variations in air quality concentrations, and the degree to which the national standard is currently being violated;

(3) The future date when currently applicable measures will no longer be able to ensure maintenance of national standards;

(4) The stringency and comprehensiveness of existing regulations;

(5) The adequacy of the existing emission inventory;

(6) The adequacy of the current air quality surveillance procedures and enforcement activities;

(7) The adequacy of the current new source review procedures;

(8) The degree of confidence in the projected demographic and economic data that was used to project emissions;

(9) The degree of confidence in the methods used to project emissions, allocate projected emissions and determine the air quality concentrations resulting from the projected emissions;

(10) Local and regional meteorological and topographical conditions;

(11) The frequency and severity of air pollution episodes since the adoption of the existing implementation plan;

(12) Progress made in reducing pollutant concentrations in the last three years;

(13) The adequacy of the manpower and financial resources that the State will obtain to implement current and future regulations and the growth of the control program since the adoption of the existing plan.

(h)(1) Where the State or the Administrator determines that a national standard for which an AQMA is identified will be violated within that AQMA within the applicable analysis period, the State shall submit to EPA an AQMA plan under this subpart and § 51.12(g)(2) of this part.

(2) The State shall submit the AQMA analysis.

(i) In a preliminary form to the Administrator by the date he specifies; such preliminary analysis shall not be considered a part of the AQMA plan at the time of submission;

(ii) In final form as a part of the AQMA plan to the Administrator by the date he specifies, if the Administrator requires the State to submit an AQMA Plan.

(i) Where the State determines that a national standard for which an AQMA is identified will not be violated within that AQMA within the applicable analysis period, the State shall submit to EPA only the AQMA analysis under this section and § 51.12 of this part. Such analysis shall not be considered a part of the applicable plan.

(j) The Administrator shall have the authority to modify the requirements of paragraphs (b), (c), and (d) of this section pursuant to the procedures set forth in § 51.51 of this part.

§ 51.42 Air quality maintenance area analysis: Projection of emissions.

(a) For each AQMA and for each pollutant for which the AQMA is identified, the AQMA analysis shall contain projections of emissions for the period being analyzed by county and by source category. Except as otherwise provided under paragraph (c) of this section, the State shall project emissions by following the techniques for projecting emissions specified in "Guidelines for Air Quality Maintenance Planning and Analysis, Volume 7, Projecting County Emissions," U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. (OAQPS No. 1.2–026) (hereinafter referred to as "Volume 7"); any subsequent revision or supersedure of this document shall take precedence over the existing document. The AQMA analysis shall indicate the level of analysis performed, except as otherwise provided under paragraph (c) of this section.

(1) A projection of emissions shall be presented:

(i) For at least the fifth and tenth years following the date of the Administrator's identification of the AQMA and for the end of the applicable analysis period, if the AQMA analysis is used to determine the effect of growth and development on air quality under § 51.12(g)(1) of this part;

(ii) For the last year of the period for which the AQMA plan is designed to maintain the national standards and for any other preceding years the Administrators specifies, if the AQMA analysis is used to evaluate the effect of a control strategy in an AQMA plan submitted under § 51.12(g)(2) of this part.

(2) If the State allocates emissions under § 51.43 of this part, Volume 7 shall be used to project emissions from all source categories except (i) transportation, if an Order 2 or 3 allocation (as specified in "Guidelines for Air Quality Maintenance Planning and Analysis, Volume 13: Allocating Projected Emissions to Sub-County Areas," U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C.) is performed for the transportation category and (ii) industrial (both process and fuel combustion sources).

(3) If the State does not allocate emissions under § 51.43 of this part, volume 7 shall be used to project emissions from all source categories.

(b)(1) If an allocation of emissions is performed under § 51.43 of this part, the State shall submit as a part of the AQMA analysis a summary of baseline emissions and projected emissions for the years specified in paragraph (a) of this section for at least the entire AQMA in a format similar to that in Table 7.1, "County Base Year Emissions Report," contained in Volume 7.

(2) If an allocation of emissions is not performed under § 51.43 of this part, the State shall submit as a part of the AQMA analysis completed Tables 7.1, "County Base Year Emissions Report," and 7.2, "Projected County Emissions Report," contained in Volume 7, for each county in the AQMA; Table 7.1 shall present the base year emissions and Table 7.2 shall present projections for the years specified in paragraph (a) of this section.

(c) A State may project emissions using techniques other than those specified in paragraph (a) of this section; where a State uses alternative techniques, the following requirements shall be met:

(1) Prior to using alternative techniques, the State shall obtain approval to use these techniques from the Administrator pursuant to the procedures set forth in § 51.51 of this part.

(2) The alternative techniques shall be comparable in scope and level of detail of results to the techniques specified in paragraph (a) of this section.

(3) The AQMA analysis shall contain:

(i) An identification, complete description, and justification for the use of the alternative techniques;

(ii) A summarization of the calculations used in projecting emissions;

(iii) A summarization of present emissions and the emissions projected for the years specified in paragraph (a) of this section. These tables need only be completed for those pollutants for which the AQMA was designated.

(4) Such alternative emission projection techniques shall include the effect on emission rates due to:

(i) Standards of Performance for New Stationary Sources under section 111 of the Act,

(ii) National Emissions Standards for Hazardous Air Pollutants under section 112 of the Act,

(iii) Motor Vehicle Emission and Fuel Standards under part A and Aircraft Emission Standards under part B of title II of the Act,

(iv) All other effective regulations in the State implementation plan for the period analyzed.

(5) The State shall retain all detailed calculations for inspection by the Administrator, and submit them at his request.

§ 51.43 Air quality maintenance area analysis: Allocation of emissions.

(a) For each AQMA and for each pollutant for which the AQMA is identified, the AQMA analysis shall contain an allocation of projected emissions to subcounty areas if the method used to project air quality concentrations required under § 51.44 of this part is not a proportional model. Except as otherwise provided under paragraph (c) of this section, the State shall use the techniques for allocating emissions to sub-county areas specified in "Guidelines for Air Quality Maintenance Planning and Analysis, Volume 13, Allocating Projected Emissions to Sub-County Areas," U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. (OAQPS No. 1.2–032); any subsequent revision or supersedure of this document shall take precedence over the existing document. The AQMA analysis shall indicate the order of analysis performed. An allocation of emissions shall be presented:

(1) For at least the fifth and tenth years following the date of the Administrator's identification of the AQMA and for the end of the applicable analysis period, if the AQMA analysis is used to determine the effect of growth and development on air quality under § 51.12(g)(1) of this part;

(2) For the last year of the period for which the AQMA plan is designed to maintain the national standards and for any other preceding years the Administrator specifies, if the AQMA analysis is used to evaluate the effect of a control strategy in an AQMA plan submitted under § 51.12(g)(2) of this part.

(b) Completed Table 4.2, "Master Grid Emissions," contained in the document cited in paragraph (a) of this section and a map indicating the master grid shall be submitted with the AQMA analysis except as otherwise provided under paragraph (c) of this section; Table 4.2 shall present emission allocations for the years indicated in paragraph (a) of this section.

(c) A State may allocate projected emissions using techniques other than those specified in paragraph (a) of this section; where a State uses such alternative techniques, the following requirements shall be met:

(1) Prior to using alternative techniques, the State shall obtain approval to use these techniques from the Administrator pursuant to the procedures set forth in § 51.51 of this part.

(2) The alternative techniques shall be comparable in scope and level of detail of results to the techniques specified in paragraph (a) of this section.

(3) The AQMA analysis shall contain:

(i) An identification, complete description, and justification for the use of the techniques;

(ii) A summarization of the calculations used in allocating projected emissions;

(iii) A summarization of the emissions allocated to each subcounty area for the years specified in paragraph (a) of this section.

(4) The State shall retain all detailed calculations for inspection by the Administrator and submit them to the Administrator at his request.

§ 51.44 Air quality maintenance area analysis: Projection of air quality concentrations.

(a)(1) For each AQMA and for each pollutant for which the AQMA is identified, the AQMA analysis shall contain projections of air quality concentrations resulting from the emissions projected under § 51.42 of this part. Except as otherwise provided under paragraph (b) of this part, the State shall use the techniques for relating emissions to air quality concentrations specified in "Guidelines for Air Quality Maintenance Planning and Analysis, Volume 12, Ap-

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plying Atmospheric Simulation Models to Air Quality Maintenance Areas," U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. (OAQPS No. 1.2-031); any subsequent revision or supersedure of this document shall take precedence over the existing document.

(2) For projection of air quality concentrations of particulate matter and sulfur dioxide, the Air Quality Display Model (AQDM) or an equivalent model shall be used where appropriate; where the State determines that these models are inappropriate, the State shall obtain concurrence on that determination from the Administrator.

(3) To determine short-term (24- and 3-hour) air quality concentrations for particulate matter and sulfur dioxide, the model used, if not a proportional model, shall provide for consideration of the short-term localized air quality impact of individual large point sources.

(4) A projection of air quality concentrations shall be presented:

(i) For at least the fifth and tenth years following the date of the Administrator's identification of the AQMA and for the end of the applicable analysis period, if the AQMA analysis is used to determine the effect of growth and development on air quality under § 51.12(g)(1) of this part;

(ii) For the last year of the period for which the AQMA plan is designed to maintain the national standards and for any other preceding years the Administrator specifies, if the AQMA analysis is used to evaluate the effect of a control strategy in an AQMA plan submitted under § 51.12(g)(2) of this part.

(b) A State may project air quality concentrations using techniques other than those specified in paragraph (a) of this section; where a State uses alternative techniques, the following requirements shall be met:

(1) Prior to using alternative techniques, the State shall obtain approval to use such techniques from the Administrator pursuant to the procedures set forth in § 51.51 of this part.

(2) The alternative techniques shall be comparable in scope and level of detail of results to the techniques specified in paragraph (a) of this section.

(3) The AQMA analysis shall contain an identification, complete description, and justification for the use of the techniques.

(4) The State shall retain all detailed calculations for inspection by the Administrator and submit them to the Administrator at his request.

(c) Air quality levels for the years specified in paragraph (a)(4) of this section shall be presented either in tabular form or as an isopleth map showing maximum pollutant concentrations and concentration gradients. Computer printouts of the input and output data associated with the use of an atmospheric simulation model shall be retained and made available for inspection by the Administrator.

§ 51.45 Air quality maintenance area plan: General.

(a) The AQMA plan shall:

(1) Provide for the maintenance of national standards for the pollutants for which the AQMA was identified for a period to be specified by the Administrator;

(2) Demonstrate that the measures contained in the AQMA plan are adequate to ensure that the national standards will be maintained for that period. In providing such a demonstration, the State shall follow the requirements of §§ 51.41 to 51.44, inclusive, of this part pertaining to the AQMA analysis.

(b) The State shall revise the AQMA plan on a schedule that the Administrator will establish to provide for continued maintenance of the national standards. The Administrator shall require a review of the AQMA plan at least every 5 years. The analysis associated with such review shall account for at least the following 10 years as provided under § 51.46 of this part.

(c) The AQMA plan shall be submitted in the general format indicated in Appendix S to this part.

(d) The air quality and emission baselines and the air quality and emission projection methods used in calculating the limitation of emissions obtained through the application of the maintenance measures shall be the same as those used in performing the AQMA analysis.

(e) The AQMA plan shall provide a detailed description of each revision to the existing State implementation plan that the AQMA plan effects, together with a list of any documents or portions of the plan that are being revised.

(f) Upon request of a State, the Administrator will provide preliminary review of the draft AQMA plan submitted in advance of the date the plan is due. Such requests shall be made as provided in § 51.5(c) of this part and shall not operate to relieve a State of its responsibility for adopting and submitting the AQMA plan in accordance with prescribed due dates.

(g) The State shall retain all detailed data and calculations and shall submit such to the Administrator at his request. Such data and calculations shall not be considered part of the applicable plan.

§ 51.46 Air quality maintenance area plan: Strategies.

(a) The AQMA plan shall contain the following:

(1) Measures as necessary to provide for the maintenance of the national standards for the pollutants for which the AQMA was identified, once such standards are attained. The Administrator will specify the period over which the AQMA plan shall maintain the national standards.

(2) Duly adopted enforceable rules and regulations that implement the measures that provide for maintenance of the national standards for a period to be specified by the Administrator.

(3) A description of each measure that is incorporated into the AQMA plan.

(4) A summary of the computations, assumptions, and judgments used to determine the reduction of emissions or reduction of the growth in emissions that will result from the application of the AQMA plan.

(5) A summary of emission levels expected to result from application of each measure of the control strategy. Where the quantification of the reduction in either emissions or growth in emissions resulting from a measure cannot be done with a substantial degree of precision, that measure may be combined with other similar measures and an aggregate effect estimated. The summary of emission levels expected to result from application of the control strategy shall be included as specified under § 51.42(b) of this part.

(6) A presentation of the air quality levels expected to result from application of the overall control strategy presented either in tabular form or as an isopleth map showing maximum pollutant concentrations and expected concentration gradients. The plan must provide these results for the last year of the period for which the AQMA plan is designed to maintain the national standards and for any other preceding years the Administrator specifies.

(7) A description of administrative procedures to be used in implementing each selected maintenance measure.

(8) A description of enforcement methods including, but not limited to, procedures for monitoring compliance with each of the selected maintenance measures, procedures for handling violations, and designation of enforcement responsibilities.

(9) Identification and responsibilities of the State and sub-state agencies designated under § 51.50(e) of this part to implement the AQMA plan in each AQMA.

(b)(1) The AQMA plan shall contain a discussion of the air quality maintenance problem in the AQMA for the period from the year to which the AQMA plan provides for maintenance of the national standards to the end of the longest period covered by any federally-sponsored plan that may have an air quality impact if:

(i) Any of the following federally-sponsored plans in the AQMA cover a period that extends beyond the 10-year period following the date on which the Administrator identified the AQMA:

(*a*) Transportation plans developed under the Federal Aid Highway Act of 1962;

(*b*) Comprehensive plans developed under section 701 of the Housing and Urban Development Act of 1965;

(*c*) Areawide waste water treatment plans developed under section 208 of the Federal Water Pollution Control Act of 1972;

(*d*) Any other federally-sponsored plan that may have an air quality impact; and

(ii) The AQMA plan does not provide for maintenance of the national standards for the period covered by such a federally-sponsored plan.

(2) The AQMA plan shall contain a discussion of the air quality maintenance problem in the AQMA for the period from the year to which the AQMA plan provides for maintenance of the national standards to the end of the 10-year period following the date on which the Administrator identified the AQMA if:

(i) No federally-sponsored plan specified under subparagraph (1)(i) of this paragraph in the AQMA covers a period that extends beyond the 10-year period following the date on which the Administrator identified the AQMA, and

(ii) The AQMA plan does not provide for maintenance of the national standards for the 10-year period following the date on which the Administrator identified the AQMA.

(3) The discussion of the air quality maintenance problem required under paragraphs (b)(1) and (2) of this section shall address the following:

(i) The kinds of control strategies that could be applied to solve the maintenance problem for the applicable time period and

(ii) The kinds of actions that would need to be taken to adopt the necessary laws or regulations in a timely manner.

(4) All rules and regulations that are necessary to maintain the national standards in an AQMA must be adopted in sufficient time before compliance is necessary to ensure the maintenance of the national standards. The State shall consult with the Administrator in determining what constitutes "sufficient time". When these rules and regulations are adopted, the State shall submit them as portions of the plan.

§ 51.47 Air quality maintenance area plan: Legal authority.

(a) The AQMA plan shall demonstrate that the State has adequate legal authority to implement any adopted measures that are submitted in the AQMA plan.

(b) The State is not required to have the legal authority to enforce measures contained in the AQMA plan if the State provides a demonstration that a local government or substate agency has the legal authority to enforce the measures specified in the AQMA plan subject to the provisions of paragraph (a) of this section.

§ 51.48 Air quality maintenance area plan: Surveillance.

(a) *Air quality surveillance*—(1) *Description of the existing monitoring network.* The AQMA plan shall contain a discussion of the adequacy of the existing network that is part of the applicable plan in meeting the air quality monitoring objectives of maintenance of air quality standards.

(2) *Description of proposed monitoring network.* The AQMA plan shall provide for the installation of any necessary additional monitoring sites and contain a description and installation schedule of any new monitoring sites proposed, if:

(i) The AQMA plan identifies monitoring deficiencies in the existing network that is described in the applicable plan, or

(ii) The Administrator determines that additional monitoring sites are needed in the AQMA.

(3) *Reporting of data from new monitors.* On a quarterly basis commencing with the reporting period following establishment of a new air quality monitor in an AQMA described under subparagraph (2) of this paragraph, the State agency shall report to the Administrator information on air quality from the new site. Data shall be reported and submitted in accordance with the procedures specified in § 51.7(a) of this part.

(b) *Source surveillance.* The AQMA plan shall contain a description of the source surveillance procedures, such as those required under § 51.46, paragraph (a)(8) of this part, to be followed under the AQMA plan beyond those contained in the existing applicable State implementation plan.

§ 51.49 Air quality maintenance area plan: Resources.

(a) The AQMA plan shall include:

(1) A description of the resources available to the State and local agencies and other offices and agencies that are involved and will participate in the implementation of the AQMA plan at the date of submission of the AQMA plan;

(2) A description of any additional resources needed to carry out the plan for the applicable period;

(3) A description of any revisions to the resources indicated in the applicable plan under § 51.20 of this part to account for the implementation of the AQMA plan; and

(4) Written assurances from the Governor or local government chief executive or both that they will actively seek additional resources needed to implement the AQMA plan, if any.

(b) Descriptions under paragraphs (a)(1) and (2) of this section for each AQMA shall be provided in a form similar to that in appendix T to this part and shall include projections of the extent to which resources will be acquired at the end of at least the first and last years of the period for which the AQMA plan is designed to maintain standards, and at any other time the Administrator specifies. Upon application by the State pursuant to the procedures set forth in § 51.51 of this part, the Administrator shall have the authority to modify the required form for submission of the descriptions required under this paragraph.

§ 51.50 Air quality maintenance area plan: Intergovernmental cooperation and coordination.

(a) The agency responsible for implementing national standards in any portion of an interstate AQMA shall furnish any available data on emissions, air quality, control strategy development, growth projections, and AQMA plan development upon request to any other State or local agency having such responsibility in any other portion of such interstate AQMA. Such data need not include data concerning specific source operating parameters and processes certified by the State to be confidential. Confidential data shall not be construed to include data on actual emissions to the atmosphere.

(b) The agency responsible for implementing national standards in any AQMA or portion of an AQMA shall consider which governmental institutions, such as those listed in appendix U to this part, should participate in the development and implementation of the AQMA plan and seek such participation wherever appropriate. Copies of written comments from governmental agencies on the AQMA plan shall be retained by the State for inspection by the Administrator and the public.

(c)(1) Where the lead responsibility for the development of an AQMA plan is assigned to the State air pollution control agency, and if that agency does not also have continuing responsibilities for the management of land use and transportation facilities, it shall consult with the appropriate agencies established to administer planning under section 701 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3101), the appropriate urban transportation planning agencies established under the Federal Aid Highway Act of 1962 (23 U.S.C. 134) and the Urban Mass Transportation Act of 1964 (49 U.S.C. 1602), the appropriate agencies designated under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) and cognizant clearinghouses established under Office of Management and Budget Circular A-95, published in the FEDERAL REGISTER of November 28, 1973 (38 FR 32874), in the development of the AQMA plan.

(2) Where the lead responsibility for the development of an AQMA plan is assigned to a State-level agency that is not the air pollution control agency, that lead agency shall consult with the State air pollution control agency and appropriate local air pollution control agencies, the appropriate agencies established to administer planning under section 701 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3101), the appropriate urban transportation planning agencies established under the Federal Aid Highway Act of 1962 (23 U.S.C. 134) and the Urban Mass Transportation Act of 1964 (49 U.S.C. 1602), the appropriate agencies designated under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) and cognizant clearinghouses established under Office of Management and Budget Circular A-95, published in the FEDERAL REGISTER of November 28, 1973 (38 FR 32874), in the development of the AQMA plan.

(3) The AQMA plan shall be developed in consultation with the agencies responsible for comprehensive local and areawide planning including, as a minimum, those responsible for areawide waste treatment management planning under Section 208 of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1151), transportation planning under the Federal Aid

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Highway Act of 1962 (23 U.S.C. 134) and the Urban Mass Transportation Act of 1964 (49 U.S.C. 1602), planning for coastal areas under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq). and comprehensive planning under section 701 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3101).

(d) Where the State chooses to delegate authority for the development of all or a portion of an AQMA plan to one or more substate agencies, any agency delegated such authority shall:

(1) Have authority on its own or on behalf of local governments of general jurisdiction in the AQMA, to develop a plan covering the entire geographical area of its portion of the AQMA.

(2) Consult with the appropriate State and local air pollution control agencies in the development of the plan if the substate agency is not an air pollution control agency.

(3) Consult with the agencies established to administer planning under section 701 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3101), the urban transportation planning agencies established under the Federal Aid Highway Act of 1962 (23 U.S.C. 134) and the Urban Mass Transportation Act of 1964 (49 U.S.C. 1602), the appropriate agencies designated under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) and cognizant clearinghouses established under Office of Management and Budget's Circular A-95, published in the FEDERAL REGISTER of November 28, 1973 (38 FR 32874), in the Development of the plan if the substate agency does not have continuing responsibility for the management of land use and transportation facilities.

(4) Give assurances that there will be adequate provision for participation of the public in the development of the plan.

(5) Agree that the State retains the ultimate responsibility for assuring compliance with the plan, except as otherwise provided under § 51.47(b) of this part pertaining to local governmental responsibility.

(e) The AQMA plan shall contain:

(1) An identification of the agency designated by the governor as primarily responsible for the implementation of the AQMA plan.

(2) An identification of other State agencies and substate agencies that have responsibilities in the implementation of the AQMA plan, a definition of their responsibilities, and assurances from each such agency that it will implement its responsibilities indicated in the plan.

(3) A description of the relationships between air quality management and State, regional, and local programs for:

(i) Land use management,

(ii) Transportation and parking management,

(iii) Water quality and solid waste management,

(iv) Other processes substantially affecting or affected by air quality management.

(4) A description of the existing and proposed relationships for coordinating the implementation of the AQMA plan, including further AQMA plan development, with the development and implementation of comparable plans in any adjoining AQMA in the State or adjoining State.

(f) Each AQMA plan shall provide assurances that the State agency having primary responsibility for implementing national standards in any AQMA or portion thereof will promptly transmit to other State and local agencies having similar or related responsibility in the same or other States and any other State agency that participated in the development and implementation of the AQMA plan information on factors (e.g., construction of new stationary or indirect sources) which may substantially affect air quality in any portion of any adjoining region.

(g) The AQMA plan shall not conflict with the applicable requirements of the Federal Water Pollution Control Act Amendments of 1972 (33 USC 1151), or any subsequent amendments thereto.

(h)(1) Prior to submission to EPA, the State shall submit the AQMA plan for review and comment for a period of thirty days to the cognizant clearinghouses as established under Office of Management and Budget Circular A-95, published in the FEDERAL REGISTER of November 28, 1973 (38 FR 32874). Comments received from the clearinghouses within that 30-day period shall be considered before the AQMA plan is submitted to EPA. Copies of these comments shall be retained by the State for inspection by the Administrator and the public.

(2) The State shall submit any substantial regulatory revisions to the AQMA plan for review and comment to the cognizant A-95 clearinghouse in a manner similar to that under paragraph (h)(1) of this section.

§ 51.51 Modification of certain requirements.

(a) Whenever a State applies for a modification to the requirements of this part as permitted by §§ 51.12(g)(1)(i), 51.41(j), 51.42(c)(1), 51.43(c)(1), 51.44(b)(1), and 51.49(b) of this part, the following requirements shall apply:

(1) The State shall apply for the modification in writing to the Administrator; the application shall include a statement of reasons why a modification would be appropriate.

(2) Modifications shall be considered on a separate AQMA-by-AQMA basis.

(3) The Administrator may grant a modification if he determines in his judgment that such a modification would be appropriate in the circumstances of the particular case presented, considering such factors as the air quality problems, financial and manpower limitations, administrative feasibility, and existing commitments by the State.

(4) The Administrator shall act upon a request for modification within 45 days after receipt of a properly prepared and filed request.

(5) The Administrator shall publish his determination on and a description of each modification request in the FEDERAL REGISTER.

(6) The State shall not propose its AQMA analysis or AQMA plan (as the case may be) for public hearing within the State until the Administrator has acted upon the State's application pursuant to paragraph (a)(5) of this section.

(7) When the State provides notice of its public hearing(s) pursuant to the requirements of section 51.4(b) of this part, the State shall recite in its notice the extent to which the Administrator has modified the requirements of this part.

(b) Whenever the Administrator proposes his own AQMA plan provisions, he may also modify, on an AQMA-by-AQMA basis, the requirements of this part as permitted by §§ 51.12(g)(1)(i), 51.41(j), 51.42(c)(1), 51.43(c)(1), 51.44(b)(1), and 51.49(b) of this part. For each such modification, the Administrator will, when he publishes notice of his proposed AQMA plan provision in the FEDERAL REGISTER recite in such notice the extent to which he has modified the requirements of this part.

8. Appendices S, T, and U are added as follows:

APPENDIX S—AQMA PLAN FORMAT

The AQMA plan shall be submitted in the following format:

1. *Introduction.*

1.1 *Designation of AQMA.* The geographical definition of the AQMA and the pollutants for which designated.

1.2 *Summary of the AQMA plan.*

1.1.1 Reason why plan is necessary.

1.1.2 Results of the AQMA analysis.

1.1.3 List of control measures employed.

1.1.4 Legal authority needs.

1.1.5 Brief description of air quality and source surveillance needs.

1.1.6 Resource needs.

1.1.7 Brief description of intergovernmental coordination aspects.

2. *AQMA analysis.* Demonstrations and information that may be required under §§ 51.41, 51.42, 51.43 and 51.44 of this part.

3. *AQMA control strategies.* Demonstrations and information required under §§ 51.45 and 51.46 of this part.

4. *Legal authority.* Demonstrations and information required under § 51.47 of this part.

5. *Surveillance.* Information required under § 51.48 of this part.

6. *Resources.* Information required under § 51.49 of this part.

7. *Intergovernmental cooperation and coordination.* Information required under § 51.50 of this part.

8. *Miscellaneous.* Certification that public hearings were held pursuant to § 51.4 of this part.

APPENDIX T.—*Agency functions for air quality maintenance area plans—Funds estimates by function for the _____ AQMA in the State of _____ for the year _____*

Agencies [1]—Control measures	State air pollution control agencies	Local air pollution control agencies	Implementation plan review agencies (A-95, 3-C)	Planning Agencies	Transportation agencies	Other (water control, public works, etc.)
Measure a						
Measure b						
Measure m						
Total funds						

[1] Specific agencies should be identified in a narrative attachment.

NOTE.—Report funds as $1,000.

APPENDIX T—*Agency functions for air quality maintenance area plans. Man-year estimates by function for the _____ AQMA in the State of _____ for the year _____*

Agencies [1]—Control measures	State air pollution control agencies	Local air pollution control agencies	Implementation plan review agencies (A-95, 3-C)	Planning agencies	Transportation agencies	Other (water control, public works, etc.)
Measure a						
Measure b						
Measure m						
Total						

[1] Specific agencies should be identified in a narrative attachment.

APPENDIX U—GENERAL LIST OF INSTITUTIONS AND OFFICES OF STATE, REGIONAL, AND LOCAL GOVERNMENT WHICH SHOULD BE CONSIDERED FOR PARTICIPATION IN AQMA PLAN DEVELOPMENT AND IMPLEMENTATION

STATE

Governor's Office
State Office of Planning
Environmental Agency
Water Quality Board
Department of Health
State Recreation Department
Regional Office of Air Quality (part of State Environmental Agency or Department of Health)
Department of Transportation
Highway Administration
Department of Urban Development and Housing
Office of Intergovernmental Relations
Office of Economic Development

REGIONAL

Air Quality Control Agency
Regional Planning Council
Council of Governments
Land-Use Planning Department
Environmental Quality Agency
Transportation Planning Department
Economic Development Planning Department
Recreation and Open Space Planning Department
Citizens and Agency Air Quality Review or Advisory Committee (Task Force)
Water Quality Control Boards
Area-Wide Waste Water Treatment Planning Agencies (established under section 208 of the Federal Water Pollution Control Act Amendments of 1972)

LOCAL

Air Quality Control Agency
Chief Executive of the City and County Local Board or Committee charged with responsibility for activities in the conduct of the urban transportation planning process (3-C process)
Municipal (City, County, Township) elected officials
Municipal Planners (community, transportation, environmental, parks, and recreation)
Local Departments (health, water and sewer, solid waste disposal)
Local Development Offices
Local Zoning Administrators

[FR Doc.75-27901 Filed 10-17-75;8:45 am]

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federal register

MONDAY, OCTOBER 20, 1975

THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

PART IV:

FEDERAL ELECTION COMMISSION

ADVISORY OPINION REQUESTS

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FEDERAL ELECTION COMMISSION

[Notice 1975–63, AOR 1975–60 and 1975–79—1975–81]

ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975–4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Requests 1975–60 and 1975–79 through 1975–81 are published today.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests within 10 calendar days of the date of the publication of the request in the FEDERAL REGISTER. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street, NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to the specific AOR number of the Request commented upon, and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975–60: LABOR UNION SPONSORSHIP OF FUNDRAISING RAFFLE FOR FEDERAL CANDIDATE (REQUEST EDITED BY THE COMMISSION)

Note: The following supplements the original request AOR 1975–60 published on September 18, 1975, at 40 FR 43166.

DEAR CHAIRMAN CURTIS: This is to submit additional questions relating to a fundraising raffle contemplated by supporters of U.S. Congressman Toby Moffett, Sixth District, Connecticut. • • •

• • • • •

1. If a raffle ticket purchaser chooses to pay by check, must the check be written to the sponsoring organization, which is likely to be a union or Democratic Town Committee, or to the benefiting organization, Citizens for Moffett, or may it be written to either?

2. If the net total of funds raised exceeds the total debt of Citizens for Moffett, can Citizens for Moffett retain the surplus; if it cannot, should the surplus funds be retained by the sponsoring organization, returned to ticket purchasers, or disbursed in some other fashion?

SALVATORE GIONFRIDDO,
Chairman,
Citizens for Moffett.

Source: Salvatore Gionfriddo, Chairman, Citizens for Moffett, 110 Jones Drive, New Britain, Connecticut (September 10, 1975).

AOR 1975–79: ESTABLISHMENT OF POLITICAL COMMITTEE BY CORPORATION UNDER 18 U.S.C. § 610 AND § 611. (REQUEST EDITED BY THE COMMISSION)

DEAR COMMISSIONERS: This is a request for an advisory opinion made on behalf of the USS Employees Good Government Fund (the "Fund") pursuant to Section 437f of Title 2 of the United States Code. The Fund has been established by United States Steel Corporation (the "Corporation") pursuant to Sections 610 and 611 of Title 18 of the United States Code. The details of the organization and proposed operation of the Fund are as follows:

The Fund is unincorporated and neither the contributors to it nor any other individuals will have any membership status or property rights in regard to the Fund. The offices of the Fund include those of Chairman, Vice Chairman, Treasurer, and Assistant Treasurer, and it also has a Selection Committee comprised of the Chairman, the Treasurer and such other individuals as the Chairman may from time to time designate. • • •

It is expected that the Fund will solicit contributions initially from only salaried employees of the Corporation and of certain of its domestically-incorporated, wholly-owned subsidiaries, who are exempt from the provisions of the Fair Labor Standards Act. Unsolicited contributions may be accepted from other employees, including retired employees and employees represented by unions, of the Corporation and such subsidiaries, and from stockholders of the Corporation. Such other employees, retired employees and stockholders may, at some future date, be solicited to contribute to the Fund. It is anticipated that initially solicitation of contributions to the Fund will be made by means of material mailed to the employees' home addresses. • • • Subsequent solicitation may be made at group meetings by individuals who have no supervisory power over those employees present. You will note that the proposed solicitation material enclosed bears a legend prohibiting foreign nationals or individuals entitled to, or receiving relief from contributing. Contributions will be solicited on a voluntary basis only and moneys will not be secured by physical force, job discrimination, or financial reprisals, or the threat thereof, or required as a condition of employment, or obtained in any commercial transaction. Contributions will be permitted by means of check or payroll deduction only.

Contributions to the Fund will be maintained in a bank account separate from the accounts of the Corporation. The account may bear interest. Only the Chairman and Treasurer of the Fund and their duly designated agents will be able to draw on the account.

Contributors to the Fund will be able, if they so desire, to require the disbursement of their contributions to candidates and political committees affiliated with a political party designated by them. While specific candidates and committees will receive distributions from the Fund, the amount of each distribution and when distributions will be made, will be determined by the Selection Committee, within the party designations (if any) made by the contributors and the limits imposed on the size of contributions by applicable law. In selecting candidates and committees to receive distributions the Selection Committee will be guided by the principle that the general business interests of the Corporation are served by fostering a political and economic environment conducive to the preservation of a competitive fee enterprise system. The Fund will be used to support, primarily, candidates for Federal offices, and committees supporting such candidates, but will also support candidates for state and local offices, if permitted by applicable state and local laws.

The Fund has been registered with the Commission as a political committee and will maintain the records and file the reports required under Federal law and applicable regulations.

I would appreciate your opinion as to whether the organization and proposed operation of the Fund, including its procedures and proposed methods of solicitation, as detailed above, would comply with the provisions of the Federal Election Campaign Act Amendments of 1974, and with Sections 606, 610, 611 and 613 to 617 of Title 18 of the United States Code. You may assume that the Corporation is at all times party to a contract with the United States.

• • • • •

M. G. HEATWOLE,
General Counsel.

Source: M. G. Heatwole, General Counsel, U.S. Steel Corporation, 600 Grant Street, Pittsburgh, Pennsylvania 15230 (September 23, 1975).

AOR 1975–80: Cost of Hosting Voluntary Advisory Committee Luncheon in a Member's District (Request Edited by the Commission)

GENTLEMEN: An advisory opinion is requested in regard to the question of reportability in the following-described circumstances:

In the ordinary course of his official duties, a Representative in Congress organizes a voluntary advisory committee, consisting of representatives of major elements of the economy of the Congressional district he represents.

The purpose of the advisory group is to meet with the Representative on an irregular basis to provide current information on the state of the economy of the Congressional district, and to offer comments on the possible effects of pending legislation, or administrative actions of federal agencies, on that economy.

The meetings of the advisory group are shifted from place to place in the geographically large Congressional district, in order that travel inconvenience not be of a constant degree for each member.

The informal conferences include a "Dutch treat" luncheon, and a member of the committee residing in the community in which a particular meeting is to be held makes the arrangements, with each individual attending paying the pro-rated cost of the luncheon.

On occasion, a member of the committee has offered to host the luncheon and pay the total cost. If such an offer were accepted, would the cost of the luncheon be reportable as a contribution to the representative in Congress—the representative in Congress not being a declared candidate for re-election at the time—or would the cost of the luncheon be regarded as a consolidation of contributions of individual luncheons to the members of the group attending?

J. KENNETH ROBINSON,
Member of Congress.

Source: Honorable J. Kenneth Robinson, House of Representatives, 418 Cannon House Office Building, Washington, D.C. 20515 (September 16, 1975).

AOR 1975–81: STATUS AND REPORTING REQUIREMENTS OF FREEDOM OF CHOICE, INC. (REQUEST EDITED AND PARAPHRASED BY THE COMMISSION; CONDENSATION OF TWO LETTERS)

DEAR CHAIRMAN CURTIS: This letter will serve to provide the Federal Election Commission with formal notification concerning the establishment of a new organization, to be known as Freedom of Choice, a nonprofit corporation chartered under the laws of the Commonwealth of Virginia [Freedom of Choice, Inc., has registered as a political committee with the Commission].

The officers of Freedom of Choice, Inc. are: Chairman—William A. Rusher, 150 East 35th Street, New York, New York 10016; Treasurer—Howard Phillips, 9520 Bent Creek Lane, Vienna, Virginia 22180.

Freedom of Choice, Inc., is not now committed to support any candidate for either President of the United States, Vice President of the United States, Senator in Congress, or Representative in Congress.

Its entire purpose is to assure that, in the 1976 Presidential election at least, the American voter will, in each state, have the option of supporting an independent conservative alternative slate of electors for the offices of President and Vice President.

To this end, the officers of Freedom of Choice will raise and expend funds in support of a small staff, based in the Washington, D.C. area, which shall undertake to obtain information concerning legal requirements, and to secure the views of knowledgeable individuals in each state, on the combined basis of which, members of the staff will recommend to the officers particular alternative courses of action which may be pursued in each state to assure the presence of an independent conservative choice on the November 1976 ballot.

In some cases, the officers may decide to cooperate with the officials of an already established political party which has ballot position in a given state—for example, the Conservative Party of New York, the American Party of Massachusetts, or the American Independent Party of California.

In other states, Freedom of Choice may wish to participate in the choice of electors of either the Republican or Democratic Party.

The situation in certain states may, on the other hand, require the constitution of a new political instrument, whether a new party, or a petition drive for independent electors, perhaps pledged to particular candidates, perhaps not.

Freedom of Choice will not directly commit resources to the implementation of preferred strategies. It will simply decide on such strategies. The cost and responsibility of implementation will repose with committees to be formed for such purposes in each state where the initiation of independent action seems necessary.

• • • • •

Specifically, our request for an advisory opinion is twofold:

1. Is Freedom of Choice, Inc. a "political committee" such that it must meet the requirements of Public Law 93–443?

2. If the answer to inquiry 1 is affirmative, what must Freedom of Choice, Inc. do to comply with Public Law 93–443? What reports must it file and what restrictions, if any, would be placed on its activities?

• • • • • •

HUGH C. CREGGER, Jr.

Source: Hugh C. Cregger, Jr., Counsel, Freedom of Choice, Inc., P.O. Box 667 Court House Station, Arlington, Virginia 22216 (September 18, 1975).

Dated: October 15, 1975.

NEIL STAEBLER,
Vice Chairman of the
Federal Election Commission.

[FR Doc.75-28131 Filed 10-17-75;8:45 am]

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Note: There are no items eligible for inclusion in the List of Rules Going Into Effect.

List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statute citation. The list is kept current in each issue of the Federal Register and copies of the laws may be obtained from the U.S. Government Printing Office.

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PROCLAMATION 4401

Drug Abuse Prevention Week, 1975

By the President of the United States of America

A Proclamation

The spread of drug abuse across the country continues to threaten the quality of our national life by destroying individual lives, dividing families and disrupting the social structures of our cities and communities.

The economic cost alone, in terms of lost productivity, narcotics-related crime and drug abuse prevention programs, is estimated to be in excess of $10 billion a year. The toll of human suffering is beyond measure.

The Federal Government, with the cooperation of States, municipalities and concerned community groups, has made marked progress in the last six years. Together, we have reduced both the supply and demand for drugs through vigilant law enforcement and humane treatment and rehabilitation programs. But, unfortunately, the prevalence and incidence of drug abuse remains high. Cities which only two years ago were reporting a decline in heroin use are now reporting an increase, and the demand for treatment continues to rise. These signs must be read realistically as clear signals of danger ahead. This danger is of such national significance that we must dedicate ourselves anew to the task of safeguarding the country against the consequences of drug abuse.

An important focus for our effort must be on developing the self-esteem which is the key to preventing drug abuse and other forms of destructive behavior. Prevention programs which address the broad developmental needs of children and youth and which respond to all the favorable social factors that affect young people offer the best promise of helping solve a range of youth problems, including drug abuse.

Successful prevention programs, however, cannot function in isolation. Experience has taught us that in all programs where prevention efforts have been successful, the local community has been a vital part of program planning, management and financial support.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate and proclaim the week beginning October 19, 1975, as Drug Abuse Prevention Week, 1975.

I call upon officials of every level of government, upon educators, medical professionals, communicators, upon business communities, our civic groups, the churches and their clergy, and upon all who bear the

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trust of community leadership to rededicate themselves during this designated week to the prevention of drug abuse in America.

I ask for a coordinated community response in the conduct of drug prevention programs. Where that coordinated response exists, let us reaffirm it, and where it is absent, let us build it.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of October, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.75-28524 Filed 10-20-75;10:37 am]

Executive Order 11886 • October 17, 1975

Abolishing the Culebra Island Naval Defensive Sea Area Established by Executive Order No. 8684 [1]

By virtue of the authority vested in me by section 2152 of Title 18 of the United States Code, and as President of the United States of America, and as Commander-in-Chief of the Armed Forces, in order to abolish the Culebra Island Naval Defensive Sea Area, since the United States Navy ceased using targets on the island of Culebra, Puerto Rico on July 1, 1975, and terminated all weapons training activities in the vicinity of Culebra on September 30, 1975, and since the Culebra Island Naval Airspace Reservation has, at the request of the United States Navy, been revoked by the Federal Aviation Administration (14 CFR Part 73.71; 40 FR 45804), Executive Order No. 8684 of February 14, 1941, as amended, is hereby revoked.

Gerald R. Ford

THE WHITE HOUSE,
October 17, 1975.

[FR Doc.75-28546 Filed 10-20-75;11:08 am]

[1] 6 FR 1016; 3 CFR, 1938-1943 Comp., p. 895.

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Memorandum of October 10, 1975

Military Sales to the Government of Turkey

[Presidential Determination No. 76-4]

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, October 10, 1975.

Pursuant to the authority vested in me by section 2(b)(1)(A) of the Act of October 6, 1975 to authorize appropriations for the Board of International Broadcasting for fiscal year 1976; and to promote improved relations between the United States, Greece, and Turkey, to assist in the solution of the refugee program on Cyprus, and to otherwise strengthen the North Atlantic Alliance, I hereby determine and certify that

a) The furnishing to the Government of Turkey of those defense articles and defense services with respect to which contracts of sale were signed under section 21 or section 22 of the Foreign Military Sales Act on or before February 5, 1975; and

b) The issuance of licenses for the transportation to the Government of Turkey of arms, ammunition, and implements of war (including technical data relating thereto),

are important to the national security interests of the United States.

You are requested on my behalf to report this determination and certification to the Congress as required by law.

This determination and certification shall be published in the FEDERAL REGISTER.

Gerald R. Ford

[FR Doc.75-28419 Filed 10-17-75;2:38 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 519, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period October 10–16, 1975. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have take place in the marketing situation since the issuance of Valencia Orange Regulation 519 (40 FR 47476). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(i), and (ii) of § 908.819 (Valencia Orange Regulation 519 (40 FR 47476) are hereby amended to read as follows:

§ 908.819 Valencia Orange Regulation.

* * * * *

(b) * * *

(1) * * *

(i) District 1: 163,000 cartons;

(ii) District 2: 362,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: October 15, 1975.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-28278 Filed 10-20-75;8:45 am]

Title 10—Energy

CHAPTER III—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PART 714—ADMINISTRATION CLAIMS UNDER FEDERAL TORT CLAIMS ACT

OCTOBER 14, 1975.

The Energy Research and Development Administration (ERDA) has affirmed and continued in effect the pertinent rules and regulations of the Atomic Energy Commission, Title 10 CFR, Chapter I, Parts 0 through 170, as a result of the Energy Reorganization Act of 1974, Pub. L. 93–438 (40 FR 3242, January 20, 1975). Such rules and regulations have been redesignated as Parts 700 through 870 respectively of Chapter III of Title 10. (40 FR 8794, March 3, 1975) Under the redesignation, Part 14 of 10 CFR, "Administrative Claims Under Federal Tort Claims Act," became Part 714 of Title 10 Chapter III.

Part 714 is now revised and is presented in full text. It implements the Federal Tort Claims Act, 28 U.S.C. 2672, et seq., and contains the ERDA regulations applying to claims under the Federal Tort Claims Act for money damages against the United States for injury to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of ERDA while acting within the scope of his office or employment. It also assigns responsibilities to ERDA officers with respect to certain of these matters.

Because this revised Part 714 is a statement of ERDA procedures, the provisions of 5 U.S.C. 553 requiring advance notice of proposed rulemaking and opportunity for public participation do not apply.

While these regulations are effective on the date of publication, interested persons who desire to submit written comments or suggestions for consideration in connection with such regulation should send them on or before January 19, 1976 to the General Counsel, Energy Research and Development Administration, Washington, D.C. 20545.

Effective date: October 21, 1975.

R. TENNEY JOHNSON,
General Counsel.

Subpart A—General

Sec.
714.1 Scope of regulations.

Subpart B—Procedures

714.2 Administrative claim; when presented; appropriate office.
714.3 Administrative claim; who may file.
714.4 Investigation.
714.5 Administrative claims; evidence and information to be submitted.
714.6 Authority to adjust, determine, compromise, and settle.
714.7 Limitation on authority.
714.8 Referral to Department of Justice.
714.10 Final denial of claim.
714.11 Action on approved claims.

AUTHORITY: Sec. 1(a), 80 Stat. 306, 28 U.S.C. 2672; 28 CFR Part 14.

Subpart A—General

§ 714.1 Scope of regulations.

(a) These regulations shall apply only to claims asserted under the Federal Tort Claims Act, as amended, accruing on or after January 18, 1967, for money damages against the United States for injury to or loss of property or personal injury of death caused by the negligent or wrongful act or omission of any employee of the Energy Research and Development Administration while acting within the scope of his office or employment.

(b) The terms "Energy Research and Development Administration," "ERDA," and "Administration" as used in this part mean the agency established by Title I of the Energy Reorganization Act of 1974, but do not include any contractor of the Energy Research and Development Administration.

(c) The regulations in this part supplement the Attorney General's regulations in Part 14 of Chapter 1 of Title 28, Code of Federal Regulations, as amended. Those regulations, including subsequent amendments thereto, and the regulations

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in this part apply to the consideration by the ERDA of administrative claims under the Federal Tort Claims Act.

Subpart B—Procedures

§ 714.2 Administrative claim; when presented; appropriate office.

(a) For purposes of these regulations, a claim shall be deemed to have been presented when ERDA receives, at a place designated in paragraph (b) of this section, an executed Standard Form 95 or other written notification of an incident, accompanied by a claim for money damages in a sum certain for injury to or loss of property, for personal injury, or for death, alleged to have occurred by reason of the incident. A claim which should have been presented to ERDA, but which was mistakenly addressed to or filed with another Federal agency, shall be deemed to be presented to ERDA as of the date that the claim is received by ERDA. A claim mistakenly addressed to or filed with ERDA shall forthwith be transferred to the appropriate Federal agency, if ascertainable, or returned to the claimant.

(b) Claims shall be mailed or delivered to the Claims Officer at the ERDA Headquarters or field organization office employing the person or persons whose negligent or wrongful act or omission is alleged to have caused the loss, damage, or injury, unless such location of employment or address is either unknown to claimant or is otherwise inconvenient, in which case claims may be mailed or delivered to:

The General Counsel, U.S. Energy Research and Development Administration, Washington, D.C. 20545.

(c) A claim presented in compliance with this section may be amended by the claimant at any time prior to final ERDA action or prior to the exercise of the claimant's option under 28 U.S.C. 2675 (a). Amendments shall be submitted in writing and signed by the claimant or his duly authorized agent or legal representative. Upon the timely filing of an amendment to a pending claim, the ERDA shall have 6 months in which to make a final disposition of the claim as amended and the claimant's option under 28 U.S.C. 2675(a) shall not accrue until 6 months after the filing of an amendment.

§ 714.3 Administrative claim; who may file.

(a) A claim for injury to or loss of property may be presented by the owner of the property interest which is the subject of the claim, his duly authorized agent, or his legal representative.

(b) A claim for personal injury may be presented by the injured person, his duly authorized agent, or his legal representative.

(c) A claim based on death may be presented by the executor or administrator of the decedent's estate or by any other person legally entitled to assert such a claim under applicable State law.

(d) A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the insurer or the insured individually, as their respective interests appear, or jointly. Whenever an insurer presents a claim asserting the rights of a subrogee, he shall present with his claim appropriate evidence that he has the rights of a subrogee.

(e) A claim presented by an agent or legal representative shall be presented in the name of the claimant, be signed by the agent or legal representative, show the title or legal capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.

§ 714.4 Investigation.

The ERDA may investigate, or may request any other Federal agency to investigate, a claim filed hereunder.

§ 714.5 Administrative claims; evidence and information to be submitted.

(a) Death. In support of a claim based on death, the claimant may be required to submit the following evidence or information:

(1) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of the decedent.

(2) Decedent's employment or occupation at time of death, including his monthly or yearly salary or earnings (if any), and the duration of his last employment or occupation.

(3) Full names, addresses, birth dates, kinship, and marital status of the decedent's survivors, including identification of those survivors who were dependent for support upon the decedent at the time of his death.

(4) Degree of support afforded by the decedent to each survivor dependent upon him for support at the time of his death.

(5) Decedent's general physical and mental condition before death.

(6) Itemized bills for medical and burial expenses incurred by reason of the incident causing death, or itemized receipts of payment for such expenses.

(7) If damages for pain and suffering prior to death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain, and the decedent's physical condition in the interval between injury and death.

(8) Any other evidence or information which may have a bearing on either the responsibility of the United States for the death or the amount of damages claimed.

(b) Personal injury. In support of a claim for personal injury, including pain and suffering, the claimant may be required to submit the following evidence or information:

(1) A written report by his attending physician or dentist setting forth the nature and extent of the injury, nature and extent of treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical or mental examination by a physician employed by the ERDA or another Federal agency. A copy of the report of the examining physician shall be made available to the claimant upon the claimant's written request, provided that he has, upon request, furnished the report referred to in the first sentence of his subparagraph and has made or agrees to make available to the ERDA any other physician's reports previously or thereafter made of the physical or mental condition which is the subject matter of his claim.

(2) Itemized bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for such expenses.

(3) If the prognosis reveals the necessity for future treatment, a statement of expected expenses for such treatment.

(4) If a claim is made for loss of time from employment, a written statement from his employer showing actual time lost from employment, whether he is a full- or part-time employee, and wages or salary actually lost.

(5) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost.

(6) Any other evidence or information which may have a bearing on either the responsibility of the United States for the personal injury or the damages claimed.

(c) Property damage. In support of a claim for injury to or loss of property, real or personal, the claimant may be required to submit the following evidence or information:

(1) Proof of ownership of the property interest which is the subject of the claim.

(2) A detailed statement of the amount claimed with respect to each item of property.

(3) An itemized receipt of payment for necessary repairs or itemized written estimates of the cost of such repairs.

(4) A statement listing date of purchase, purchase price, and salvage value, where repair is not economical.

(5) Any other evidence or information which may have a bearing on either the responsibility of the United States for the injury to or loss of property or the damages claimed.

§ 714.6 Authority to adjust, determine, compromise, and settle.

The authority to consider, ascertain, adjust, determine, compromise, and settle claims under the provisions of 28 U.S.C. 2672, as provided herein, is delegated to the General Counsel, and under his delegation and without power of redelegation, to the field organization Chief Counsels for their respective organization.

§ 714.7 Limitation on authority.

(a) An award, compromise, or settlement of a claim hereunder in excess of $25,000 shall be effected only with the prior written approval of the Attorney General or his designee. For the purposes of this paragraph, a principal claim and any derivative or subrogated claim shall be treated as a single claim.

(b) An administrative claim may be adjusted, determined, compromised, or settled hereunder only after consultation with the Department of Justice when, in the opinion of the General Counsel or designee:

(1) A new precedent or a new point of law is involved; or

(2) A question of policy is or may be involved; or

(3) The United States is or may be entitled to indemnity or contribution from a third party and the ERDA is unable to adjust the third party claim; or

(4) The compromise of a particular claim, as a practical matter, will or may control the disposition of a related claim in which the amount to be paid may exceed $25,000.

(c) An administrative claim may be adjusted, determined, compromised, or settled hereunder only after consultation with the Department of Justice when the ERDA is informed or is otherwise aware that the United States or an employee, agent, or cost-type contractor of the United States is involved in litigation based on a claim arising out of the same incident or transaction.

(d) Authority of field organization Chief Counsels for award, compromise or settlement of over $10,000 is subject to the prior approval of the General Counsel.

§ 714.8 Referral to Department of Justice.

(a) When Department of Justice approval or consultation is required under § 714.7, the referral or request shall be transmitted to the Department of Justice by the General Counsel or his designee.

(b) When an ERDA field Organization Chief Counsel is processing a claim hereunder requiring ERDA General Counsel or Department of Justice approval or consultation, the referral or request shall be transmitted by the Chief Counsel to the General Counsel in writing and shall contain (1) a short and concise statement of the facts and of the reasons for the referral or request, (2) copies of relevant portions of the claim file, and (3) a statement of the recommendations or views of the field organization Chief Counsel.

§ 714.9 Final denial of claim.

(a) Final denial of an administrative claim hereunder shall be in writing and delivered to the claimant, his attorney, or legal representative, or sent by certified or registered mail. The notification of final denial may include a statement of the reasons for the denial and shall include a statement that, if the claimant is dissatisfied with ERDA action, he may file suit in an appropriate U.S. District Court not later than 6 months after the date of mailing of the notification.

(b) Prior to the commencement of suit and prior to the expiration of the 6-month period provided in 28 U.S.C. 2401 (b), a claimant, his duly authorized agent, or legal representative, may file a written request with the ERDA General Counsel for reconsideration of a final denial of a claim under paragraph (a) of this section. Upon the timely filing of a request for reconsideration the ERDA shall have 6 months from the date of filing in which to make a final disposition of the claim and the claimant's option under 28 U.S.C. 2675(a) shall not accrue until 6 months after the filing of a request for reconsideration. Final ERDA action on a request for reconsideration shall be effected in accordance with the provisions of paragraph (a).

§ 714.10 Action on approved claims.

(a) Payment of any claim approved hereunder, shall be contingent upon claimant's execution of (1) a Standard Form 1145, or (2) a claims settlement agreement or (3) a Standard Form 95, as appropriate. When a claimant is represented by an attorney, the voucher for payment shall designate both the claimant and his attorney as payees, and the check shall be delivered to the attorney, whose address shall appear on the voucher.

(b) Acceptance by the claimant, his agent, or legal representative, of any award, compromise, or settlement made pursuant to the provisions of section 2672 or 2677 of Title 28, United States Code, shall be final and conclusive on the claimant, his agent or legal representative and any other person on whose behalf or for whose benefit the claim has been presented, and shall constitute a complete release of any claim against the United States and against any employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

Effective date. This Part 714 shall become effective October 21, 1975.

[FR Doc.75-28201 Filed 10-20-75;8:45 am]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 7—INTERPRETIVE RULINGS

Customer-Bank Communication Terminals; Suspension of Ruling

On October 10, 1975, the Comptroller of the Currency published the following statement in connection with his suspension of 12 CFR 7.7491:

The Comptroller's Office has received many inquiries concerning the status of Interpretive Ruling 7.7491, Customer-Bank Communication Terminals ("CB CTs"), 40 FR 21700 (May 9, 1975), in view of recent litigation relating to this ruling. This statement is being issued in response to those inquiries.

Eight different lawsuits have been filed challenging I.R. 7.7491. The Comptroller is a party to five of these lawsuits. In two of these lawsuits federal district courts have entered final decisions and orders. *State of Colorado* v. *First National Bank of Fort Collins* and *Smith*, D. Colo., Civil No. 75 M 397 (May 28, 1975), *appeal pending;* and *IBAA, et al.* v. *Smith*, D. D.C., Civil No. 75-0089 (July 31, 1975), *appeal pending.*

The *Colorado* opinion upheld the Comptroller's ruling except to the extent that the CBCT in that case was permitted to receive cash or other items for subsequent deposit. In the *IBAA* case, the district court found the Comptroller's entire ruling to be "without merit". The Court entered an order reading in part as follows:

FURTHER ORDERED that Defendant and all persons acting under his direction and authority or in active concert or participation with him be and hereby are, permanently enjoined from further implementation of the ruling, and any authority heretofore given to national banks by the ruling is hereby rescinded.

No national bank was a party to the *IBAA* case. A stay of the District Court's order pending appeal was sought by the Comptroller and denied. The Court of Appeals, however, has granted an expedited hearing on the merits of the appeal.

Inasmuch as the Comptroller's implementation of the interpretive ruling has been enjoined, the Comptroller has suspended it pending further appellate proceedings. Accordingly, the 30-day notice requirement and all other provisions contained in the ruling are no longer in effect. National banks seeking to establish CBCTs must rely upon the advice of their own legal counsel.

The Comptroller intends both to pursue the appeal of the *IBAA* case and to defend the other lawsuits involving CBCTs to which he is a party. Consistent with the Comptroller's position before the courts, the Comptroller will not accept or process branch applications for the installation of CBCTs. However, national banks are cautioned that the Comptroller will not hesitate to use his supervisory powers to eliminate any unsafe, unsound, or anti-competitive practices among national banks which might come to the Comptroller's attention.

§ 7.7491 [Removed]

Accordingly, 12 CFR 7.7491 has been suspended.

Dated: October 15, 1975.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.75-28218 Filed 10-20-75;8:45 am]

CHAPTER VI—FARM CREDIT ADMINISTRATION

LOAN POLICIES AND INVESTMENTS

Miscellaneous Amendments

The Farm Credit Administration, by its Federal Farm Credit Board, took final action on an amendment to its regulations concerning the investment policy of each Farm Credit bank and authorized its issuance effective October 7, 1975. By a notice published in the FEDERAL REGISTER on August 12, 1975, interested persons were afforded the opportunity to file written comments or suggestions on the proposed regulation not later than September 12, 1975. No comments were received. Therefore, the regulation as published on August 12 has been adopted without change.

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The Farm Credit Administration also amends its regulations by deleting a provision dealing with formal approval by the Farm Credit Administration of participation agreements between production credit associations and commercial banks, the deletion of which has been approved by the Federal Farm Credit Board, and to correct a printing error.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by deleting § 614.4333(e), adding § 615.5135, and correcting § 619.9330 as follows:

PART 614—LOAN POLICIES AND OPERATIONS

§ 614.4333 [Amended]

1. In § 614.4333, paragraph (e) is deleted.

PART 615—FUNDING AND FISCAL AFFAIRS

2. Section 615.5135 is added to read as follows:

§ 615.5135 Investment policy.

Each bank's board of directors shall adopt a policy, subject to approval by the Farm Credit Administration, regarding the management of surplus funds.

PART 619—DEFINITIONS

3. Section 619.9330 is revised to read as follows:

§ 619.9330 Speculative purposes.

To buy or sell with the expectation of profiting by fluctuations in price.

(Sec. 5.9, 5.18, 85 Stat. 619, 621)

GENE L. SWACKHAMER,
Acting Governor,
Farm Credit Administration.

[FR Doc.75-28202 Filed 10-20-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 307—TECHNICAL ASSISTANCE, RESEARCH, AND INFORMATION

PART 309—GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE

Grant and Loan Program; Miscellaneous Amendments

Pursuant to the authority vested in it by section 701 of the Public Works and Economic Development Act of 1965, as amended, the Economic Development Administration hereby amends Parts 307 and 309 of 13 CFR Chapter III.

The Public Works and Economic Development Act of 1965, as amended provides for two types of assistance under section 302. Pursuant to the Act, a variety of entities are eligible to apply for § 302 (a) assistance, whereas only designated economic development districts are eligible for assistance under § 302(b). Because the existing regulation covering eligible applicants under section 302 of the Act fails to make this distinction, it is necessary to amend 13 CFR 307.52 in order to accurately implement the Act. Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest. Moreover, this amendment is both an interpretative rule and a matter relating to the grant program of this agency. Thus, it is not subject to the Administrative Procedure Act (5 U.S.C. 553).

Section 711 of the Act obligates business enterprises, as a prerequisite for assistance, to certify the names of expediters and to agree to refrain from employing persons who previously held EDA position involving discretion. In 13 CFR 309.7 this requirement was broadly construed to apply to all applicants including States and other public entities. This regulation is amended pursuant to an opinion received from the General Services Administration which states that the EDA interpretation of section 711 of the Act is at variance with the standards of Federal Management Circular 74-7. Accordingly, 13 CFR 309.11, as amended, will apply only to business enterprises. Paragraph (b) of this regulation is also amended by adding the position of Regional Office Deputy Director to the list of positions involving discretion. Because this regulation is an interpretative rule and concerns agency organization, it is exempt from the public notice provisions of the Administrative Procedure Act. Furthermore, as these amendments pertain to the grant and loan program of EDA and are intended to relieve a restriction, they shall become effective immediately.

In consideration of the foregoing Parts 307 and 309 of Chapter III of Title 13 of the Code of Federal Regulations are hereby amended.

1. Title 13, § 307.52 is revised to read as follows:

§ 307.52 Eligible applicants.

(a) Eligible applicants under § 302(a) of the Act are:

(1) The Governor of a State or an agency designated by him, and the Chief Executive Officer of the District of Columbia, Puerto Rico, Virgin Islands, Guam and American Samoa.

(2) Chief Officer of governing bodies of sub-State planning units, economic development districts, and redevelopment areas.

(3) Chief Executive of cities and counties meeting EDA eligibility criteria and not located wholly within larger multi-county planning and development organizations receiving planning funds under section 301 of the Act.

(4) Chief Executives of cities, counties, and redevelopment areas in multi-county organizations receiving funds under section 301 of the Act whose applications are endorsed by the Boards of the multi-county organizations, and who demonstrate exceptional need for planning assistance, beyond that provided through the multi-county organizations, for planning activities other than on-going administrative support, the preparation of original OEDP documents, updated OEDP documents or OEDP reports, and other activities usually funded under § 301(b) of the Act.

(5) Eligible applicants cited under this subpart, if the Secretary determines that planning assistance is necessary and other funds are not available to develop a plan required by Title IX of the Act.

(b) The eligible applicant under § 302 (b) of the Act is the Chief Officer of a designated economic development district.

(1) An economic development district must also be designated by the State or, where necessary, by the State and OMB, in order to qualify for assistance as an authorized A-95 reviewing agency.

2. Title 13, §309.7 is amended by revising introductory paragraph (a) and the entire paragraph (b) to read as follows:

§ 309.7 Employment of expediters of administrative employees, compensation of persons engaged by or on behalf of applicants.

(a) No application or plan for financial assistance for any business enterprise shall be approved by EDA under sections 101, 201, 202 or 403 of the Act unless the applicant:

* * * * *

(b) Definitions as used in this section: "Positions involving discretion" means the Assistant Secretary, Deputy Assistant Secretaries for Economic Development, Economic Development Planning, and Economic Development Operations; Office Directors, Deputy Office Directors, and Division Chiefs in the Office of Public Works, Business Development, and Technical Assistance; and Director and Deputy Director of the Offices of Economic Research, Planning and Program Support, and Development Organizations. This term also includes Regional Office Directors and Regional Office Deputy Directors with respect to projects located in their region. Clerical employees do not occupy positions involving discretion with respect to the granting of assistance under the Act. The discretionary nature of the positions and activities of other employees shall be determined by the Assistant Secretary at such time as the employee terminates his employment.

* * * * *

(Sec. 701, Pub. L. 89-136 (August 26, 1965); 42 U.S.C. 3211; 79 Stat. 570 and Department of Commerce Organization Order 10-4 (April 1, 1970) as amended (35 FR 5970 as amended at 40 FR 12532))

Effective date: This amendment becomes effective on October 21, 1975.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

Dated October 10, 1975.

D. J. CAHILL,
Acting Assistant Secretary
for Economic Development.

[FR Doc.75-28297 Filed 10-20-75;8:45 am.]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2728]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Checkmate Inquiry Service, Inc. and Samuel Berke

Subpart—Collecting, assembling, furnishing or utilizing consumer reports: § 13.382 Collecting, assembling, furnishing or utilizing consumer reports; § 13.382-1 Confidentiality, accuracy, relevancy, and proper utilization; § 13.382-1(a) Fair Credit Reporting Act; § 13.382-quirements; § 13.382-5(a) Fair Credit Reporting Act. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; § 13.533-45 Maintain records; § 13.533-45(m) Records, sales.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 84 Stat. 1127-36; 15 U.S.C. 1604, et seq.)

In the Matter of Checkmate Inquiry Service, Inc., a corporation, and Samuel Berke, individually and as an officer of said corporation.

Consent order requiring a New York City consumer credit reporting agency, among other things to cease failing to comply with the requirements of the Fair Credit Reporting Act pertaining to the reporting of information disputed by the consumer. Respondents are further required to retain evidence of compliance for a period of two years.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondents Checkmate Inquiry Service, Inc., a corporation, its successors and assigns, and its officer Samuel Berke, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the collecting, assembling or furnishing of consumer reports, as "consumer report" is defined in section 603(d) of the Fair Credit Reporting Act (Pub. L. No. 91-508, 15 U.S.C. 1601, et seq.), shall forthwith cease and desist from:

1. Failing to explicitly disclose in writing to the consumer his or her right to request that a consumer statement with respect to disputed information be sent by respondents to persons designated by the consumer who have received the deleted or disputed information within two years for employment purposes or within six months for any other purpose. Such disclosure shall be made at or prior to the time the information is deleted or the consumer's statement regarding the disputed information is received.

2. Failing to furnish any consumer statement, codification or summary thereof to any person designated by the consumer and qualified under section 611(d) of the Fair Credit Reporting Act to receive such information. Such notification shall take place within five business days after the deletion or receipt of the consumer's request that the statement, codification or summary be sent.

3. Failing, whenever a statement of dispute has been filed, unless there are reasonable grounds to believe that the statement of dispute is frivolous or irrelevant, to clearly note in any subsequent consumer report containing the information in question that it is disputed by the consumer, and to provide either the consumer's statement or a clear and accurate codification or summary thereof.

It is further ordered, That respondents shall, at all times subsequent to the effective date of this order, maintain complete business records relative to the manner and form of their compliance with this order during the immediately preceding two-year period. Such records shall include all correspondence with consumers and consumer report applicants, policy directives, completely filled out interview reports, complaints from consumers and consumer report applicants, and other pertinent documents. Such records shall be kept in chronological order separate from the consumer files and shall be made available for inspection and photocopying by any authorized representative of the Federal Trade Commission upon reasonable notice at respondents' place of business or other properly designated location.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all employees now or thereafter engaged in the collecting, assembling, evaluating or furnishing of consumer information to third parties and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

The decision and order was issued by the Commission September 22, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-28275 Filed 10-20-75;8:45 am]

[1] Copies of the Complaint, Decision and Order, filed with the original document.

[Docket No. C-2729]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Pay 'N Save Corp. and Donald Thoreson

Subpart—Coercing and intimidating: § 13.356 Delinquent debtors. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; § 13.533-45 Maintain records; § 13.533-45(k) Records, in general; § 13.533-70 Vacate court action(s). Subpart—Enforcing dealings or payments wrongfully: § 13.1045 Enforcing dealings or payments wrongfully. Subpart—Neglecting, unfairly or deceptively to make material disclosure: § 13.1985 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Pay 'N Save Corporation, a corporation, and Donald Thoreson, an individual.

Consent order requiring a Seattle, Wash., retailer of drugs and toiletries, wearing apparel, hardware, garden supplies and sporting goods, in connection with its debt collection activities, among other things to cease failing to honor agreements it has made to refrain from further legal action in collecting debts from allegedly delinquent debtors. Where debtor violates the agreement, respondent still must give the debtor notice before taking further legal action. Further, respondent is required to inform the court of the existence of any such agreements or any other response to the summons made by debtor.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondents Pay 'N Save Corporation (hereinafter Pay 'N Save), a corporation, its successors, assigns, officers, agents, representatives and employees, and Donald Thoreson, an individual, directly or through any other device, in connection with the collection of consumer credit obligations in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Filing any motion for default judgment against an alleged debtor with whom they have entered an agreement, either written or oral, regarding the payment of a consumer credit obligation, subsequent to service of summons and complaint upon the alleged debtor, unless the alleged debtor is given at least 10 days notice prior to entry of the default judgment.

2. Taking a default judgment in any lawsuit instituted to collect a consumer credit obligation when subsequent to service of summons and complaint upon the alleged debtor; a. The respondents have agreed, either orally or in writing, to a method of payment, and b. the al-

[1] Copies of the Complaint, Decision and Order, filed with the original document.

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leged debtor is complying with the terms of such agreement.

3. Failing to inform the court of any timely appearance or response to the summons, formal or informal, written or oral, made by the alleged debtor subsequent to service of summons and complaint, prior to obtaining a default judgment.

It is further ordered, That where respondents learn subsequent to the filing of a motion for default judgment that the preceding paragraph has not been complied, with they shall forthwith terminate the lawsuit and vacate any default judgment entered therein.

It is further ordered, That Pay 'N Save prepare and maintain records of suits instituted by Pay 'N Save or any of its divisions or subsidiaries, agents or assignees for the collection of consumer credit obligations in which default judgments have been granted which shall include copies of all legal papers relating to the default judgment, copies of all written communication, and summaries of all oral communication between respondents and defendants in such suits during the period of time between service of summons and complaint and the granting of default judgment. Such records shall be maintained for a period of one year after the granting of default judgment and shall be made available to representatives of the Federal Trade Commission for inspection and copying at all times upon reasonable request therefor.

It is further ordered, That Pay 'N Save shall forthwith deliver a copy of this order to each of its subsidiaries, operating divisions and employees engaged in the collection of consumer credit obligations or enforcement of judgments based on consumer credit obligations.

It is further ordered, That Pay 'N Save notify the Commission at least thirty days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation, which may affect compliance obligations arising out of this order.

It is further ordered, That the individual respondent promptly notify the Commission of the discontinuance of his present business affiliation with Pay 'N Save and/or of any new affiliation with, or representation of, a business, where such new affiliation or representation involves substantial collections of consumer credit obligations. Such notice shall include respondent's current business address and a statement as to the nature of the new business with which he is affiliated or which he is representing.

It is further ordered, That the respondents herein shall within sixty days after service upon them of this order, file with the Commission a report, in writing setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission September 23, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-28276 Filed 10-20-75;8:45 am]

[Docket No. 88480]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Budd Co.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18)

In the Matter of The Budd Company, a corporation.

Order dismissing complaint issued against a Philadelphia, Pa., automotive parts supplier for alleged violation of section 7 of the Clayton Act. The Commission vacated the initial decision of the Administrative Law Judge, finding respondent's acquisition of Gindy Manufacturing Corporation to be procompetitive rather than anticompetitive as alleged in the complaint.

The final order, is as follows:

FINAL ORDER

This matter having been heard by the Commission upon briefs and oral argument in support of and in opposition to the appeal of respondent from the Administrative Law Judge's initial decision herein, and the Commission, for the reasons stated in the accompanying opinion, having concluded that the appeal should be granted:

It is ordered, That the Administrative Law Judge's initial decision be, and it hereby is, vacated and the attached opinion be, and it hereby is, adopted as the decision of the Commission, and

It is further ordered, That the complaint in this matter be, and it hereby is, dismissed.

Opinion of the Commission by Commissioner Engman.

Dissenting Statement of Commissioner Dixon and Dissenting Statement of Commissioner Hanford.

The Final Order was issued by the Commission August 29, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-28274 Filed 10-20-75;8:45 am]

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[1] Copies of the Complaint, Initial Decision, Final Order, Opinion of the Commission by Commissioner Engman, Dissenting Statement of Commissioner Dixon and Dissenting Statement of Commissioner Hanford, filed with the original document.

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-8959]

PART 271—INTERPRETIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Guidelines for Filing of Application for Order Permitting Registration of Foreign Investment Companies

Correction

In FR Doc. 75-26371 appearing at page 45424 in the issue of Thursday, October 2, 1975 the twelfth and thirteenth lines of the second paragraph in footnote on page 45426 reading "company, and to other persons in their company as though such were a reg-" should read "company, and to other persons in their transactions and relations with such company, as though such company were a reg-".

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75G-0174]

PART 121—FOOD ADDITIVES

Food Additives Permitted in Food for Human Consumption; Citric Acid

The Commissioner of Food and Drugs is adding a new section to the food additive regulations (21 CFR Part 121, Subpart D) to permit a new solvent extraction process for citric acid, effective October 21, 1975.

The Food and Drug Administration (FDA) is conducting a study of the safety of ingredients added directly to human food that have been previously classified as generally recognized as safe (GRAS) or sanctioned by FDA or the U.S. Department of Agriculture before enactment of the Food Additives Amendment of 1958. The Commissioner has issued various rules, proposals, and notices, notably those published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20036-20057) and September 23, 1974 (39 FR 34172-34219), implementing this review.

Under section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), a food manufacturer need not consult with or obtain approval from FDA before using a food ingredient on the ground that it is GRAS for the use involved. Moreover, FDA previously concluded in § 121.101(a) (21 CFR 121.101(a)) that it was impractical to attempt to list all food ingredients that are GRAS for their intended use. Thus a number of ingredients are used in foods on the determination and responsibility of food manufacturers that an ingredient is GRAS for the purpose used, without review or approval by FDA.

Use of food ingredients as GRAS without the review and approval of FDA often does not afford opportunity for participation of qualified scientists and other interested members of the public. In addition, the law requires FDA to monitor the use of all food ingredients and to make certain that no ingredients are used that are not in fact GRAS, unless a food additive regulation is promulgated. Accordingly, the Commissioner has determined that it is in the public interest to have the safety of ingredients used in food on the basis of GRAS status reviewed through public procedures. The Commissioner has promulgated criteria by which a substance may be eligible for GRAS status (21 CFR 121.3), and procedures for submitting petitions requesting FDA affirmation of GRAS status (21 CFR 121.40) or determination of food additive status (21 CFR 121.41).

Substances affirmed as GRAS are being identified in §§ 121.104 and 121.105 (21 CFR 121.104, 121.105). Because of the wide scope of sections 201(s) and 409 of the act, which encompass all ingredients in any processed or fabricated food, including raw agricultural commodities and substances migrating from food-contact articles, an all-inclusive list of affirmed GRAS food ingredients will not be attained for some time.

In accordance with the procedures established in § 121.40, Miles Laboratories, Inc., Marschall Division, 1127 Myrtle St., Elkhart, IN 46514, submitted a petition (GRASP 4G0035) requesting affirmation that citric acid produced by a conventional fermentation process, which is modified by using a new solvent extraction system, is GRAS for use in food.

A notice of the filing of this petition was published in the FEDERAL REGISTER of December 19, 1973 (38 FR 34829), and interested persons were notified therein of their opportunity to review the petition and to submit comments to the Hearing Clerk, Food and Drug Administration. No comments were received in response to this notice.

Citric acid has been a commercial article of considerable volume since the turn of the century. Commercial production is reported to have begun in 1860. It was originally produced by concentration of citrus fruit juice, principally lime and lemon. Increasing production demands led to the discovery and introduction, about 1923, of a production process using enzyme fermentation of carbohydrates. By the end of World War II, production in the United States was about 26 million pounds. In 1970 the reported use in foods alone reached nearly 36 million pounds.

The scientific literature indicates that most of the citric acid for commerce is presently produced by fermentation processes using the enzyme systems of selected strains of *Aspergillus niger* (a fungus) in the conversion into citric acid of carbohydrates such as dextrose, sucrose, and by-products of sugar production.

These fungal fermentations generally produce other organic compounds in appreciable quantities under certain conditions. However, the physical parameters of the fermentation processes can be adjusted to minimize production of undesirable metabolites. Consideration of these enzyme systems (petition GRASP 3G0016 submitted by the Ad Hoc Enzyme Committee) is included in the review now being undertaken by FDA.

The petitioner has present adequate data to demonstrate the feasibility of recovering food-grade citric acid by extraction from the fermentation liquor with a solvent system consisting of *n*-octyl alcohol, synthetic isoparaffinic petroleum hydrocarbons, and tridodecyl amine. The petition was filed as provided for in § 121.40 and carefully evaluated in accordance with the criteria established for GRAS substances.

The citric acid that is the subject of this GRAS petition is produced by a fermentation process. The petitioner describes this process as being the basic commercial fermentation process initiated with an inoculum of *Aspergillus niger* spores, but with a modified recovery process for citric acid. The extraction method described in this petition represents a new development in recovery of citric acid from the fermentation liquor. The proposed solvent extraction process will substitute for that portion of the conventional process wherein lime is added to the filtered liquor to form calcium citrate, which is then removed from the liquor by filtration and subsequently converted to citric acid by the use of sulfuric acid. The petitioner proposes the new solvent extraction process as a substitute recovery step using a three-component solvent system, which extracts citric acid from an aqueous mixture and subsequently, following temperature changes, releases the citric acid to water. The three solvents used are *n*-octyl alcohol, regulated by § 121.1238 (21 CFR 121.1238); synthetic isoparaffinic petroleum hydrocarbons, regulated by § 121.1154 (21 CFR 121.1154); and tridodecyl amine.

The Commissioner affirms his responses to the comments on a previous petition, GRASP 3G0014 filed by Pfizer, to affirm the GRAS status of citric acid produced with a different substrate. Notice of the filing of that petition was published in the FEDERAL REGISTER of July 24, 1973 (38 FR 19852), and the process is regulated by § 121.1259 (21 CFR 121.1259), which was published in the FEDERAL REGISTER of September 23, 1974 (39 FR 34188). The Commissioner concluded that if a product manufactured by a new process is identical with an existing GRAS substance, as far as adequate specifications can assure, the end product may be considered GRAS. If the new process suggests the need for additional specifications to maintain a food grade, these should be applied to such GRAS substances produced by the process. If the new process suggests the need for regulation of the process to assure that significant alteration of the product does not occur when the process is used by other manufacturers, a regulation covering the process will be promulgated.

The Miles Laboratories Inc. petition (GRASP 4G0035) requests GRAS affirmation of citric acid derived from the conventional commercial fermentation process using a modified recovery system. The three-solvent extraction system is a change sufficient to warrant regulation of the new process for the production of citric acid to avoid excessive solvent residues. There is no reason to consider the new citric acid different from food-grade citric acid prepared by other processes, if the existing Food Chemicals Codex specifications are supplemented to include a specification assuring the absence of polynuclear aromatic hydrocarbons (PNA's).

The GRAS status of food-grade citric acid is the subject of review and evaluation by the FDA in the current GRAS review program as published in the FEDERAL REGISTER of October 23, 1971 (36 FR 20546). Therefore, in accordance with the provisions of § 121.40(c)(1), citric acid is not eligible for GRAS affirmation by public petition, and that request in this petition is denied. Pending the evaluation of the GRAS status of food-grade citric acid, FDA will consider citric acid extracted from the conventional fermentation process by the new solvent extraction process, which meets the specifications of the Food Chemicals Codex and is free from PNA's when tested by the prescribed method, published in the FEDERAL REGISTER of September 23, 1974 (39 FR 34190), to be in the same category as other food-grade citric acid.

The petition requires consideration of the status and conditions of safe use of the new solvent extraction process. The Commissioner finds that:

1. No evidence was presented that there are published studies on the safety of this solvent extraction system for producing citric acid that are available to scientists generally, or that there is common knowledge about the safety of the production method by persons in the scientific community who are knowledgeable about the safety of food ingredients. The petitioner presents unpublished data to establish the safety of the proposed use of the solvent system of this process for the production of citric acid.

2. The solvent system was not commonly used in food production in the United States prior to January 1, 1958.

3. The use requested is effective.

4. The use requested is safe.

5. Information is not presented to permit an adequate evaluation of the safety of the fermentation residue as a by-product for animal feed use.

Accordingly, the Commissioner concludes in accordance with § 121.40(c)(5) that there is a lack of convincing evidence that the solvent extraction process is GRAS. The solvent extraction process and the solvent components are therefore food additives subject to section 409 of the act.

The Commissioner further advises that the petition submitted for GRAS affirmation has been evaluated as a food additive petition in accordance with §§ 121.4(c) and 121.51 (21 CFR 121.41(c), 121.51). The Commissioner finds that the data provided are sufficient to establish the conditions of safe use for this solvent

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recovery system for the production of food-grade citric acid.

The petition also requires consideration of the conditions of safe use of tridodecyl amine in the solvent recovery system for citric acid. The Commissioner finds that the evidence presented has shown that residues of 100 parts per billion (ppb) of tridodecyl amine may be present in the citric acid extracted by this process. The Commissioner concludes that he has sufficient data to provide for the conditions of safe use of tridodecyl amine as a food additive for such use with a limit of 100 ppb in the citric acid.

The Commissioner has considered the potential for environmental and inflationary impact and concludes that this is not a major action that significantly affects either the quality of the human environment or inflation. Consequently, neither, an environmental nor an inflationary impact statement is necessary.

Therefore, under the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788, as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner concludes that the request for GRAS affirmation of citric acid (solvent extracted) be denied and that Part 121 be amended by adding a new section to Subpart D to read as follows:

§ 121.1267 Solvent extraction process for citric acid.

A solvent extraction process for recovery of citric acid from conventional *Aspergillus niger* fermentation liquor may be safely used to produce food-grade citric acid in accordance with the following conditions:

(a) The solvent used in the process consists of a mixture of *n*-octyl alcohol meeting the requirements of § 121.1238, synthetic isoparaffinic petroleum hydrocarbons meeting the requirements of § 121.1154, and tridodecyl amine.

(b) The component substances are used solely as a solvent mixture and in a manner that does not result in formation of products not present in conventionally produced citric acid.

(c) The citric acid so produced meets the specifications of the Food Chemicals Codex, 2d Ed. (1972)[1] and supplements thereto, and the polynuclear aromatic hydrocarbon specifications of § 121.1259.

(d) Residues of *n*-octyl alcohol and synthetic isoparaffinic petroleum hydrocarbons are removed in accordance with good manufacturing practice. Current good manufacturing practice results in residues not exceeding 16 parts per million (ppm) *n*-octyl alcohol and 0.47 ppm synthetic isoparaffinic petroleum hydrocarbons in citric acid.

(e) Tridodecyl amine may be present as a residue in citric acid at a level not to exceed 100 parts per billion.

Any person who will be adversely affected by § 121.1267 in the foregoing order may at any time on or before November 20, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective October 21, 1975.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788, as amended (21 U.S.C. 321(s), 348, 371(a)).)

Dated: October 15, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

NOTE: Incorporation by reference materials approved by the Director, Office of the Federal Register July 10, 1973.

[FR Doc.75–28224 Filed 10–20–75;8:45 am]

[Docket No. 75F–0214]

PART 121—FOOD ADDITIVES

Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food; Antioxidants and/or Stabilizers for Polymers

The Commissioner of Food and Drugs is amending § 121.2566 Antioxidants and/or stabilizers for polymers (21 CFR 121.2566) to provide for safe use of octadecyl 3,5,-di-tert-butyl-4-hydroxyhydrocinnamate in olefin basic copolymers complying with § 121.2501(c) (21 CFR 121.2501(c)), item 3.4 of the food additive regulations, when used in contact with nonfatty foods.

Notice was given by publication in the FEDERAL REGISTER of March 12, 1975 (40 FR 11627) that a food additive petition (FAP 4B2983) had been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing that § 121.2566 be amended to provide for safe use of the subject additive as described above.

The Commissioner, having evaluated the data in the food additive petition and other relevant material, concludes that § 121.2566 should be amended as set forth below to provide for safe use of the petitioned additive in basic olefin copolymers complying with § 121.2501(c), item 3.4.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by adding to the item "Octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate" a new limitation, to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

(b) List of substances:

	Limitations.
Octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate.	For use only: … 5. At levels not exceeding 0.25 percent by weight of olefin copolymers complying with § 121.2501(c), items 3.4; *Provided*, That the finished polymer contacts nonfatty foods only of the types identified in § 121.2526(c), Table 1 under categories, I, II, IV–B, VI, VII–B and VIII.

Any person who will be adversely affected by the foregoing order may at any time on or before November 20, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective October 21, 1975.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: October 14, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75–28223 Filed 10–20–75;8:45 am]

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, D.C. 20037.

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 75N–0366]

PART 440—PENICILLIN ANTIBIOTIC DRUGS

Ampicillin Trihydrate-Probenecid for Oral Suspension

A regulation providing for certification of ampicillin trihydrate-probenecid for oral suspension, § 440.107d (21 CFR 440.107d), was published in the FEDERAL REGISTER of September 14, 1973 (38 FR 25674). Inadvertently, the word "crystallinity" was omitted from § 440.107d(a)(3)(i)(*a*). This amendment corrects that omission.

Since the regulation for the bulk drug ampicillin trihydrate, § 440.7 (21 CFR 440.7), contains a requirement for crystallinity, and since the ampicillin used in ampicillin trihydrate-probenecid for oral suspension must conform to all the standards prescribed for the bulk drug, this correction is merely editorial and imposes no new standards or requirements.

In addition, the Commissioner of Food and Drugs finds that reference to a specific revision of the United States Pharmacopeia (U.S.P.) is not necessary, since reference to an official compendium implies the latest edition of that compendium currently available, unless otherwise stated. Accordingly, this amendment deletes from § 440.107d any reference to a specific U.S.P. revision.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 440 is amended in § 440.170d: (1) In paragraph (a)(1) and (a)(3)(i)(*b*), by deleting the numeral "XVIII" after "U.S.P.," and (2) by adding the word "crystallinity" to paragraph (a)(3)(i)(*a*). As revised, § 440.107d(a)(3)(i)(*a*) reads as follows:

§ 440.107d Ampicillin trihydrate-probenecid for oral suspension.

(a) • • •
(3) • • •
(i) • • •

(*a*) The ampicillin trihydrate used in making the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

• • • • • • •

Since this amendment merely corrects an omission, notice and public procedure are not prerequisites to this promulgation.

Effective date. This amendment shall be effective October 21, 1975.

(Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357).)

Dated: October 13, 1975.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.75–28222 Filed 10–20–75;8:45 am]

PART 442—CEPHA ANTIBIOTIC DRUGS

Cephalexin Monohydrate Tablets

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, as amended, with respect to providing for the certification of a 1,000-milligram cephalexin monohydrate tablet.

The Commissioner has concluded that the data supplied by the manufacturer concerning the subject antibiotic drug product is adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for the certification of this drug product, effective October 21, 1975.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 2.120), § 442.127a is amended by revising paragraph (a)(1) to read as follows:

§ 442.127a Cephalexin monohydrate tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Cephalexin monohydrate tablets are composed of cephalexin monohydrate and one or more suitable and harmless diluents, binders, lubricants, colorings, and coating substances. Each tablet contains cephalexin monohydrate equivalent to either 500 milligrams or 1,000 milligrams of cephalexin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of cephalexin that it is represented to contain. Its moisture content is not more than 9 percent. The tablets disintegrate within 30 minutes. The cephalexin monohydrate used conforms to the standards prescribed by § 442.27(a)(1).

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As the conditions prerequisite to providing for certification of this drug have been complied with and as the matter is noncontroversial in nature, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This regulation shall be effective October 21, 1975.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).)

Dated: October 15, 1975.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.75–28225 Filed 10–20–75;8:45 am]

PART 452—MACROLIDE ANTIBIOTIC DRUGS

Erythromycin Stearate for Oral Suspension

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, regarding approval of the antibiotic drug erythromycin stearate for oral suspension.

The Commissioner concludes that data supplied by the manufacturer about this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling, and that the regulations should be amended to provide for its certification, effective October 21, 1975.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 452 is amended in Subpart B by adding § 452.135c to read as follows:

§ 452.135c Erythromycin stearate for oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Erythromycin stearate for oral suspension is a dry mixture of erythromycin stearate with suitable and harmless buffer substances, dispersing agents, diluents, colorings, and flavorings. It contains the equivalent of 25 milligrams of erythromycin per milliliter of the reconstituted suspension. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. Its moisture content is not more than 2 percent. When reconstituted as directed in the labeling, its pH is not less than 6.0 and not more than 9.0. The erythromycin stearate used conforms to the standards prescribed by § 452.35(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin stearate used in making the batch for potency, safety, moisture, pH, residue on ignition, identity, and crystallinity.

(*b*) The batch for potency, moisture, and pH.

(ii) Samples required:

(*a*) The erythromycin stearate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch: A minimum of 6 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Place an accurately measured representative portion of the suspension into a high-speed glass blender jar with sufficient methyl alcohol to give a concentration of 1.0 milligram of erythromycin base per milliliter (estimated). Blend for 3 to 5 minutes. Further dilute with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 micro-

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gram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the suspension obtained when the drug is reconstituted as directed in the labeling.

Since the conditions prerequisite for providing the certification of the subject antibiotic have been complied with, and since the matter is noncontroversial in nature, notice and public procedures and delayed effective date are not prerequisites to this promulgation.

Effective date. This regulation shall be effective October 21, 1975.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357))

Dated: October 15, 1975.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.75-28221 Filed 10-20-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 633—REQUIRED CONTRACT PROVISIONS

Federal-Aid Contracts (Appalachian Contracts)

• Purpose. The purpose of this document is to amend the Federal-aid to highway rules for Appalachian contracts to reflect new requirements of the U.S. Environmental Protection Agency pursuant to the Clean Air Act and the Federal Water Pollution Control Act and of the U.S. Department of Labor regarding employment of apprentices and trainees, also to change the title "Division Engineer" to "Division Administrator". •

The regulations, originally published in the FEDERAL REGISTER on Monday, September 30, 1974 (39 FR 35146–35152), are hereby amended as follows:

1. TABLE OF SECTIONS

The title of § 633.211 is changed to read as follows:

633.211 Implementation of the Clean Air Act and the Federal Water Pollution Control Act.

§ 633.202 [Amended]

2. The term "division engineer" in the first line of § 633–202(b) is changed to "division administrator".

§ 633.204 [Amended]

3. The term "division engineer's" in the first line of § 633.204(b) is changed to "division administrator's".

§ 633.207 [Amended]

4. Section 633.207(b) is changed by insertion of the words "23 U.S.C. 324 and of" between the words "the provisions of" and the words "Title VI" now appearing in the first line thereof.

5. The last sentence of § 633.207(e) is revised to read as follows:

(e) • • • The provisions of § 635.116 of this chapter shall not apply to projects under the Act to the extent such provisions are inconsistent with section 201(d) and (e) of the Act.

6. Section 633.211 is revised to read as follows:

§ 633.211 Implementation of the Clean Air Act and the Federal Water Pollution Control Act.

Pursuant to regulations of the Environmental Protection Agency (40 CFR Part 15) implementing requirements with respect to the Clean Air Act and the Federal Water Pollution Control Act are included in Appendix B to this part.

7. Appendix A is revised to read as follows:

APPENDIX A

TYPES OF CONTRACTS TO WHICH THE CIVIL RIGHTS ACT OF 1964 IS APPLICABLE

Section 324 of Title 23, U.S.C., the Civil Rights Act of 1964, and the implementing regulations of the Department of Transportation (49 CFR Part 21), including the provisions of subparagraphs (2)(iii) and (2)(v) of Appendix C thereof relative to employment practices, are applicable to the following types of contracts awarded by State highway departments, contractors, and first tier subcontractors, including those who supply materials and lease equipment:

1. Construction.
2. Planning.
3. Research.
4. Highway Safety.
5. Engineering.
6. Property Management.
7. Fee contracts and other commitments with persons for services incidental to the acquisition of right-of-way including, but not limited to:
   a. Advertising contracts.
   b. Agreements for economic studies.
   c. Contracts for surveys and plats.
   d. Contracts for abstracts of title certificates and title insurance.
   e. Contracts for appraisal services and expert witness fees.
   f. Contracts to negotiate for the acquisition of right-of-way.
   g. Contracts for disposal of improvements and property management services.
   h. Contracts for employment of fee attorneys for right-of-way procurement, or preparation and trial of condemnation cases.
   i. Contracts for escrow and closing services.

8. Appendix B is revised to read as follows:

APPENDIX B

REQUIRED CONTRACT PROVISIONS APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM AND LOCAL ACCESS ROADS CONSTRUCTION CONTRACTS

I. Application.
II. Employment Preference.
III. Equal Opportunity: Employment Practices.
IV. Equal Opportunity: Selection of Subcontractors, Procurement of Materials, and Leasing of Equipment.
V. Nonsegregated Facilities.
VI. Payment of Predetermined Minimum Wages.
VII. Statements and Payrolls.
VIII. Record of Materials, Supplies and Labor.
IX. Subletting or Assigning the Contract.
X. Safety: Accident Prevention.
XI. False Statements Concerning Highway Projects.
XII. Implementation of Clean Air Act and Federal Water Polution Control Act.

I. *Application.* 1. These contract provisions shall apply to all work performed on the contract by the contractor with his own organization and with the assistance of workmen under his immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

2. Except as otherwise providde in sections II, III, and IV hereof, the contractor shall insert in each of his subcontracts all of the stipulations contained in these Required Contract Provisions and also a clause requiring his subcontractors to include these Required Contract Provisions in any lower tier subcontracts which they may enter into, together with a clause requiring the inclusion of these provisions in any further subcontracts that may in turn be made. The Required Contract Provisions shall in no instance be incorporated by reference.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be grounds for termination of the contract.

4. A breach of the following clauses may also be grounds for debarment as provided in 29 CFR 5. 6(b):

Section 1, paragraph 2.
Section VI, paragraphs 1, 2, 3, 5 and 8a.
Section VII, paragraphs 1, 5a, 5b and 5d.

II. *Employment preference.* 1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the United States Department of Labor wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph 1c shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph 4 below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of laborers, mechanics and other employees he anticipates will be required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which he estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, he shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill the positions covered by the certificate, notwithstanding the provisions of subparagraph 1c above.

5. The contractor shall include the provisions of Section II–1 through II–4 in every subcontract for work which is, or reasonably may be, done as on-site work.

III. *Equal opportunity: employment practices.* During the performance of this contract, the contractor agrees as follows:

a. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; and selection of training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the State highway department setting forth the provisions of this nondiscrimination clause.

b. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

c. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the State highway department advising the said labor union or workers' representative of the contractor's commitments under this section III and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

d. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.

e. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations and orders of the Secretary of Labor or pursuant thereto, and will permit access to his books, records and accounts by the Federal Highway Administration and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

f. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or Federally-assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.

g. The contractor will include the provisions of this Section III in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event a contractor becomes involved in, or is threatened with litigation with a subcontractor or vendor as a result of such direction by the Federal Highway Administration, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

IV. *Equal opportunity selection of subcontractors, procurement of materials, and leasing of equipment.*—During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

1. *Compliance with regulations.*—The contractor shall comply with the provisions of 23 U.S.C. 324 and with the regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. *Nondiscrimination.* The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipments. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices.

3. *Solicitations for subcontracts including procurement of materials and equipment.* In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier, shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex, or national origin.

4. *Information and reports.* The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State highway department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State highway department, or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.

5. *Sanctions for noncompliance.* In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the State highway department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

a. Withholding of payments to the contractor under the contract until the contractor complies, and/or

b. Cancellation, termination or suspension of the contract, in whole or in part.

6. *Incorporation of provisions.* The contractor will include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement, as the State highway department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier, as a result of such direction, the contractor may request the State to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

V. *Nonsegregated facilities.* (Applicable to Federal-aid construction contracts and related subcontracts exceeding $10,000 which are not exempt from the Equal Opportunity clause.)

By submission of this bid, the execution of this contract or subcontract, or the consummation of this material supply agreement, as appropriate, the bidder, Federal-aid construction contractor, subcontractor, or material supplier, as appropriate, certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, timeclocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. He agrees that (except where he has obtained identical certifications from proposed subcontractors and material suppliers for specific time periods), he will obtain identical certifications from proposed subcontractors or material suppliers prior to the award of subcontracts or the consummation of material supply agreements, exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause, and that he will retain such certification in his files.

VI. *Payment of predetermined minimum wages.*—1. *General.* All mechanics and laborers employed or working upon the site of the work will be paid unconditionally and not less than once a week, and without subsequent deduction or rebate on any account, except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3), the full amounts due at time

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of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part thereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics; and the wage determination decision shall be posted by the contractor at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of Section VI, paragraph 3b, hereof. Also for the purpose of this clause, regular contributions made or costs incurred for more than a weekly period under plans, funds, or programs, but covering the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

2. *Classifications.* a. The State highway department contracting officer shall require that any class of laborers or mechanics which is not listed in the wage determination and which is to be employed under the contract, shall be classified or reclassified conformably to the wage determination, and a report of the action taken shall be sent by the State highway department contracting officer to the Secretary of Labor.

b. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question accompanied by the recommendation of the State highway department contracting officer shall be referred to the Secretary for final determination.

3. *Payment of fringe benefits.* a. The State highway department contracting officer shall require, whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the contractor is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof to be established. In the event the interested parties cannot agree upon a cash equivalent of the fringe benefit, the question, accompanied by the recommendation of the contracting officer, shall be referred to the Secretary of Labor for determination.

b. If the contractor does not make payments to a trustee or other third person, he may consider as part of the wage of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program of a type expressly listed in the wage determination decision of the Secretary of Labor which is part of this contract: *Provided, however,* The Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

4. *Payment of excess wages.* While the wage rates shown are the minimum rates required by the contract to be paid during its life, this is not a representation that labor can be obtained at these rates. No increase in the contract price shall be allowed or authorized on account of the payment of wage rates in excess of those listed herein.

5. *Apprentices and trainees (Programs of Department of Labor).* a. Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, or with a State Apprenticeship Agency recognized by the Bureau, or if a person is employed in his first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in 29 CFR 5.2(c)(2) or is not registered or otherwise employed as stated above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish to the State highway department or to a representative of the Wage-Hour Division of the U.S. Department of Labor written evidence of the registration of his program and apprentices as well as the appropriate ratios and wage rates (expressed in percentages of the journeyman hourly rates), for the area of construction prior to using any apprentices on the contract work. The wage rate paid apprentices shall be not less than the appropriate percentage of the journeyman's rate contained in the applicable wage determination.

b. Trainees, except as provided in 29 CFR 5.15, will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification, by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training. The ratio of trainees to journeymen shall not be greater than permitted under the plan approved by the Bureau of Apprenticeship and Training. Every trainee must be paid at not less than the rate specified in the approved program for his level of progress. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Bureau of Apprenticeship and Training shall be paid not less than the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish the State highway department or a representative of the Wage-Hour Division of the U.S. Department of Labor written evidence of the certification of his program, the registration of the trainees, and the ratios and wage rates prescribed in that program. In the event the Bureau of Apprenticeship and Training withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. The utilization of apprentices, trainees and journeymen shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR Part 30.

6. *Apprentices and trainees (Programs of Department of Transportation).* Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting equal opportunity in connection with Federal-aid highway construction programs are not subject to the requirements of section VI, paragraph 5 above. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs.

7. *Withholding for unpaid wages.* The State highway department contracting officer may withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to pay laborers, mechanics, (including apprentices and trainees) watchmen, or guards employed by the contractor or any subcontractor on the work the full amount of wages required by the contract. In the event of failure to pay any laborer, mechanic, (including apprentices and trainees) watchman or guard employed or working on the site of the work, all or part of the wages required by the contract, the State highway department contracting officer may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

8. *Overtime requirements.* a. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers, mechanics, watchmen or guards (including apprentices and trainees described in paragraphs 5 and 6 above) shall require or permit any laborer, mechanic, watchman or guard in any workweek in which he is employed on such work, to work in excess of eight hours in any calendar day or in excess of forty hours in such workweek unless such laborer, mechanic, watchman or guard receives compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in such workweek, as the case may be.

b. In the event of any violation of paragraph 8a, the contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer, mechanic, watchman or guard employed in violation of paragraph 8a, in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by paragraph 8a.

c. The State highway department contracting officer may withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for liquidated damages as provided in paragraph 8b.

VII. *Statements and payrolls*—1. *Compliance with Copeland Regulations (29 CFR Part 3).* The contractor shall comply with the Copeland Regulations (29 CFR Part 3) of the Secretary of Labor which are herein incorporated by reference.

2. *Weekly Statement.* Each contractor or subcontractor shall furnish each week a statement to the State highway department resident engineer with respect to the wages paid each of its employees, including apprentices and trainees described in section VI, paragraphs 5 and 6, and watchmen and guards on work covered by the Copeland Regulations during the preceding weekly payroll period. The statement shall be executed by the contractor or subcontractor or by an authorized officer or employee of the contractor or subcontractor who supervises the payment of wages. Contractors and subcontractors must use the certification set forth on U.S. Department of Labor Form WH-348, or the same certification appearing on the reverse of Optional U.S. Department of Labor Form WH-347, or on any form with identical wording.

3. *Final labor summary.* The contractor and each subcontractor shall furnish, upon the completion of the contract, a summary of all employment, indicating for the completed project the total hours worked and the total amount earned. This data shall be submitted to the State highway department resident engineer on Form PR-47 together with the data required in section VIII, hereof, relative to materials and supplies.

4. *Final certificate.* Upon completion of the contract, the contractor shall submit to the State highway department contracting officer, for transmission to the Federal Highway Administration with the voucher for final payment for any work performed under the contract, a certificate concerning wages and classifications for laborers, mechanics, watchmen and guards employed on the project, in the following form:

• • • • •

The undersigned, contractor on

(Project No.)

hereby certifies that all laborers, mechanics, apprentices, trainees, watchmen and guards employed by him or by any subcontractor performing work under the contract on the project have been paid wages at rates not less than those required by the contract provisions, and that the work performed by each such laborer, mechanic, apprentice or trainee conformed to the classifications set forth in the contract or training program provisions applicable to the wage rate paid.

Signature and title

• • • • •

5. *Payrolls and payroll records.* a. Payrolls and basic records relating thereto will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers, mechanics, apprentices, trainees, watchmen and guards working at the site of the work.

b. The payroll records shall contain the name, social security number and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor, pursuant to Section VI, paragraph 3b, has found that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

c. The payrolls shall contain the following information:

1. The employee's full name, address and social security number and a notation indicating whether the employee does, or does not, normally reside in the labor area as defined in Section II, paragraph 1a. (The employee's full name and social security number need only appear on the first payroll on which his name appears. The employee's address need only be shown on the first submitted payroll on which the employee's name appears, unless a change of address necessitates a submittal to reflect the new address.)

2. The employee's classification.

3. Entries indicating the employee's basic hourly wage rate and, where applicable, the overtime hourly wage rate. The payroll should indicate separately the amounts of employee and employer contributions to fringe benefit funds and/or programs. Any fringe benefits paid to the employee in cash must be indicated. There is no prescribed or mandatory form for showing the above information on payrolls.

4. The employee's daily and weekly hours worked in each classification, including actual overtime hours worked (not adjusted).

5. The itemized deductions made and

6. The net wages paid.

d. The contractor will submit weekly a copy of all payrolls to the State highway department resident engineer. The copy shall be accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor and the classifications set forth for each laborer or mechanic conform with the work he performed. Submission of a weekly statement which is required under this contract by Section VII, paragraph 2, and the Copeland Regulations of the Secretary of Labor (29 CFR Part 3) and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor pursuant to Section VI, paragraph 3b, shall satisfy this requirement. The prime contractor shall be responsible for the submission of copies of payrolls of all subcontractors. The contractor will make the records required under the labor standards clauses of the contract available for inspection by authorized representatives of the State highway department, the Federal Highway Administration and the Department of Labor, and will permit such representatives to interview employees during working hours on the job.

e. The wages of labor shall be paid in legal tender of the United States, except that this condition will be considered satisfied if payment is made by negotiable check, on a solvent bank, which may be cashed readily by the employee in the local community for the full amount, without discount or collection charges of any kind. Where checks are used for payment, the contractor shall make all necessary arrangements for them to be cashed and shall give information regarding such arrangements.

f. No fee of any kind shall be asked or accepted by the contractor or any of his agents from any person as a condition of employment on the project.

g. No laborers shall be charged for any tools used in performing their respective duties except for reasonably avoidable loss or damage thereto.

h. Every employee on the work covered by this contract shall be permitted to lodge, board and trade where and with whom he elects and neither the contractor nor his agents, nor his employees shall, directly or indirectly, require as a condition of employment that an employee shall lodge, board or trade at a particular place or with a particular person.

i. No charge shall be made for any transportation furnished by the contractor, or his agents, to any person employed on the work.

j. No individual shall be employed as a laborer or mechanic on this contract except on a wage basis, but this shall not be construed to prohibit the rental of teams, trucks, or other equipment from individuals.

VIII. *Record of materials, supplies and labor.* 1. The contractor shall maintain a record of the total cost of all materials and supplies purchased for and incorporated in the work, and also of the quantities of those specific materials and supplies listed on Form PR-47 and in the units shown. Upon completion of the contract, this record, together with the final labor summary required in Section VII, paragraph 3, hereof, shall be transmitted to the State highway department resident engineer for the project on Form PR-47 in accordance with instructions attached thereto, which will be furnished for this purpose upon request. The quantities for the listed items shall be reported separately for roadway and for structures over 20 feet long as measured along the centerline of the roadway.

2. The contractor shall become familiar with the list of specific materials and supplies contained in Form PR-47 prior to the commencement of work under this contract. Any additional materials information required will be solicited through revisions of Form PR-47 with attendant explanations.

3. Where subcontracts are involved the contractor shall submit either a single report covering work both by himself and all his subcontractors, or he may submit separate reports for himself and for each of his subcontractors.

IX. *Subletting or assigning the contract.* 1. The contractor shall perform with his own organization contract work amounting to not less than 50 percent of the original total contract price, except that any items designated by the State as "Specialty Items" may be performed by subcontract and the amount of any such "Specialty Items" so performed may be deducted from the original total contract price before computing the amount of work required to be performed by the contractor with his own organization.

a. "His own organization" shall be construed to include only workmen employed and paid directly by the prime contractor and equipment owned or rented by him, with or without operators.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, craftsmanship or equipment not ordinarily available in contracting organizations qualified to bid on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. In addition to the 50 percent requirements set forth in paragraph 1 above, the contractor shall furnish (a) a competent superintendent or foreman who is employed by him, who has full authority to direct performance of the work in accordance with the contract requirements, and who is in charge of all construction operations (regardless of who performs the work), and (b) such other of his own organizational capability and responsibility (supervision, management, and engineering services) as the State highway department contracting officer determines is necessary to assure the performance of the contract.

3. The contract amount upon which the 50 percent requirement set forth in paragraph 1 is computed includes the cost of materials and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

4. Any items that have been selected as "Specialty Items" for the contract are listed as such in the Special Provisions, bid schedule, or elsewhere in the contract documents.

5. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the State highway department contracting officer, or his authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Request for permission to sublet, assign or otherwise dispose of any portion of the contract shall be in writing and accompanied by (a) a showing that the organization which will perform the work is particularly experienced and equipped for such work, and (b) an assurance by the contractor that the labor

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standards provisions set forth in this contract shall apply to labor performed on all work encompassed by the request.

X. Safety: Accident prevention. In the performance of this contract, the contractor shall comply with all applicable Federal, State and local laws governing safety, health and sanitation. The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions, on his own responsibility, or as the State highway department contracting officer may determine, reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

It is a condition of this contract, and shall be made a condition of each subcontract entered into pursuant to this contract, that the contractor and any subcontractor shall not require any laborer or mechanic employed in performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards (Title 29, Code of Federal Regulations, Part 1926, formerly Part 1518, as revised from time to time), promulgated by the United States Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96).

XI. *False statements concerning highway projects.* In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, the following notice shall be posted on each Federal-aid highway project in one or more places where it is readily available to all personnel concerned with the project:

* * * * *

NOTICE TO ALL PERSONNEL ENGAGED ON FEDERAL-AID HIGHWAY PROJECTS

Title 18, United States Code, section 1020, reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any highway or related project submitted for approval to the Secretary of Transportation; or

"Whoever knowingly makes any false statement, false representation, false report, or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

"Whoever knowingly makes any false statement or false representation as to a material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-Aid Road Act approved July 1, 1916 (39 Stat. 355), as amended and supplemented;

"Shall be fined not more than $10,000 or imprisoned not more than five years, or both."

XII. *Implementation of Clean Air Act and Federal Water Pollution Control Act (applicable to contracts and subcontracts which exceed $100,000).* 1. The contractor stipulates that any facility to be utilized in the performance of this contract, unless such contract is exempt under the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Pub. L. 91-604), and under the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq., as amended by Pub. L. 92-500), Executive Order 11738, and regulations in implementation thereof (40 CFR Part 15), is listed not on the date of contract award, on the U.S. Environmental Protection Agency (EPA) List of Violating Facilities Pursuant to 40 CFR 15.20.

2. The contractor agrees to comply with all the requirements of section 114 of the Clean Air Act and section 308 of the Federal Water Pollution Control Act and all regulations and guidelines listed thereunder.

3. The contractor shall promptly notify the State highway department of the receipt of any communication from the Director, Office of Federal Activities, EPA, indicating that a facility to be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities.

4. The contractor agrees to include or cause to be included the requirements of subparagraphs 1 through 4 of this paragraph XII in every subcontract which exceeds $100,000, and further agrees to take such action as Government may direct as a means of enforcing such requirements.

9. Appendix C is revised to read as follows:

APPENDIX C

ADDITIONAL REQUIRED CONTRACT PROVISIONS APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM AND LOCAL ACCESS ROADS CONTRACTS OTHER THAN CONSTRUCTION CONTRACTS

Equal opportunity: employment practices and selection of subcontractors, suppliers of materials, and lessors of equipment

During the performance of this contract, the contractor agrees as follows:

1. *Compliance with regulations.* The contractor will comply with the provisions of 23 U.S.C. 324 and with the Regulations of the Department of Transportation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (Title 49, Code of Federal Regulations, Part 21, herein-after referred to as the regulations), which are herein incorporated by reference and made a part of this contract.

2. *Employment practices.* a. The contractor will not discriminate against any employee or applicant for employment because of race, color, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, sex, or national origin. Such action shall include, but not be limited to the following: recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities and treatment of employees. The contractor argees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this employment practices clause.

b. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, sex, or national origin.

c. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers representative of the contractor's commitments under this employment practices provision, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

3. *Selection of subcontractors, procurement of materials and leasing of equipment.* a. The contractor, with regard to the work performed by him after award and prior to completion of the contract work, will not discriminate on the ground of race, color, sex, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations.

b. In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor, supplier, or lessor shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, sex, or national origin.

4. *Information and reports.* The contractor will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State highway department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State highway department, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. *Incorporation of provisions.* The contractor will include these additional required contract provisions in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or orders, or instructions issued pursuant thereto. The contractor will take such action with respect to any subcontract, procurement, or lease as the State highway department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance: *Provided, however,* That, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor, supplier, or lessor as a result of such directed action, the contractor may request the State to enter into such litigation to protect the interest of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

6. *Sanctions for noncompliance.* In the event of the contractor's noncompliance with sections 1 through 5 above, the State highway department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to.

a. Withholding of payments to the contractor under the contract until the contractor complies, and/or

b. Cancellation, termination or suspension of the contract in whole or in part.

Effective date. The amendments will take effect on November 1, 1975, for contracts for projects authorized for advertising by the Division Administrator on or after that date.

Issued on October 10, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-28306 Filed 10-20-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-288]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Los Gatos, California

On February 1, 1974, in 39 FR 4092, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Town of Los Gatos, California, as an eligible community and included Map No. H 060343 02 which indicates that the property adjacent to Route 17 Freeway, Los Gatos, California, as recorded in Book 7154 at Page 737, Book 3836 at Page 749, and Book 6143 at Page 556 in the office of the Recorder of Santa Clara County, California, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective January 1, 1974, Map No. H 060343 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: October 8, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-28288 Filed 10-20-75;8:45 am]

[Docket No. FI-288]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Lake Forest, Illinois

On February 1, 1974, in 39 FR 4092, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Lake Forest, Illinois as an eligible community and included Map No. H 170374 06 which indicates that Lot 27, Block 5, Lake Forest Addition, Lake Forest, Illinois, as recorded in Book N of Plats, Pages 60 and 61 in the office of the Clerk of Lake County, Illinois, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above propertly is not within the Special Flood Hazard Area. Accordingly, effective February 1, 1974, Map H 170374 06 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: October 8, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-28289 Filed 10-20-75;8:45 am]

[Docket No. FI-734]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Irving, Texas

On June 17, 1970, in 35 FR 9914, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Irving, Texas, as an eligible community and included Map No. H 480180 22 which indicates that Spanish Trail Subdivision, Irving, Texas, as recorded in Volume 74185, Page 2097, and portions of the Seventh Installment of Harbor Lakes West, Irving, Texas, as recorded in Volume 74191, Page 1249 in the office of the Clerk of Dallas County, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Spanish Trail Subdivision, and the Seventh Installment of Harbor Lakes West are not within the Special Flood Hazard Area. Accordingly, effective June 16, 1970, Map No. H 480180 22 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: October 8, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-28291 Filed 10-20-75;8:45 am]

[Docket No. FI-250]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Ferndale, Washington

On April 25, 1974, in 39 FR 14609, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Town of Ferndale, Washington, as an eligible community and included Map No. H 530201 03 which indicates that the Nelson property on Red Top Road, Ferndale, Washington, as recorded in Volume 245, Pages 315 through 317 in the office of the Auditor of Whatcom County, Washington, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective May 3, 1974, Map No. H 530201 03 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: October 8, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-28290 Filed 10-20-75;8:45 am]

Title 31—Money and Finance: Treasury

SUBTITLE A—OFFICE OF THE SECRETARY

PART I—ACCESS TO RECORDS

Subpart A—Under 5 U.S.C. 552, as Amended

AMENDMENT OF APPENDIX D

The Director, United States Secret Service finds it necessary to amend the regulations at 31 CFR, Part I Appendix (40 FR 7439 and 29290) governing the disclosure of records under the Freedom of Information Act, as amended (5 U.S.C. section 552).

In accordance with 5 U.S.C. 553(a) notice and public procedure are not necessary since the amendment constitutes a rule of agency management or personnel.

Accordingly, Part I, Subpart A, Appendix D, paragraph number 4, of Title 31

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of the Code of Federal Regulations is hereby amended to read as follows:

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(h) with respect to records of the U.S. Secret Service will be made by the Deputy Director, U.S. Secret Service. Appeals made by mail should be addressed to:

Freedom of Information Appeal, Deputy Director, U.S. Secret Service, 1800 G Street, NW., Room 800, Washington, D.C. 20223.

Requests may be delivered personally to the Deputy Director, U.S. Secret Service, in Room 800, 1800 G Street, NW., Washington, D.C.

Done at Washington, District of Columbia, this 15th day of October, 1975.

H. S. KNIGHT,
Director.

[FR Doc.75-28294 Filed 10-20-75;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 52e—NATIONAL HEART AND LUNG INSTITUTE

On May 1, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 19014) proposing addition of a new Part 52e to Title 42 of the Code of Regulations governing the award of grants under section 414 of the Public Health Service Act (42 U.S.C. 287c) for projects: (1) to demonstrate and evaluate the effectiveness of new techniques and procedures for the prevention, diagnosis, or treatment of heart, blood vessel, lung, and blood diseases; (2) to develop and evaluate methods of educating health practitioners concerning the prevention and control of these diseases; and (3) to develop and evaluate methods of educating the public concerning the prevention and control of these diseases.

Interested persons were invited to submit, on or before June 2, 1975, written comments regarding the proposed regulations.

No comments were received. The regulations are therefore being adopted in essentially the same form as proposed. However, 52e.5 has been changed somewhat to require: (1) that an approvable application actually demonstrate compliance with program requirements rather than just provide assurances of such compliance, and (2) that the project be acrried out in substantial conform with the proposal set forth in the aproved application.

Effective Date: This part shall become effective October 21, 1975.

Dated: September 15, 1975.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: October 14, 1975.

DAVID MATHEWS,
Secretary.

Accordingly, Title 42 of the Code of Federal Regulations is amended by adding a new Part 52e, as follows.

Sec.
52e.1 Applicability.
52e.2 Definitions.
52e.3 Eligibility.
52e.4 Application.
52e.5 Project requirements.
52e.6 Grant awards.
52e.7 Payment.
52e.8 Expenditure of grant funds.
52e.9 Nondiscrimination.
52e.10 Human subjects; animal welfare.
52e.11 Applicability of 45 CFR Part 74.
52e.12 Progress and fiscal records and reports.
52e.13 Grantee accountability.
52e.14 Publications and copyright.
52e.15 Additional conditions.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 414, 86 Stat. 682 (42 U.S.C. 287c).

§ 52e.1 Applicability.

(a) The regulations in this part apply to grants under section 414 of the Public Health Service Act (42 U.S.C. 287c) for projects: (1) to demonstrate and evaluate the effectiveness of new techniques or procedures for the prevention, diagnosis, or treatment of heart, blood vessel, lung, and blood diseases, (2) to develop and evaluate methods of educating health practitioners concerning the prevention and control of these diseases, and (3) to develop and evaluate methods of educating the public concerning the prevention and control of these diseases.

(b) For purposes of this part, treatment may include emergency medical services.

§ 52e.2 Definitions.

As used in this part:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Director, NHLI," means the Director of the National Heart and Lung Institute and any other officer or employee of said Institute to whom the authority involved has been delegated.

(c) "Nonprofit" as applied to any agency or institution means an agency or institution which is a corporation or an association no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

(d) "Council" means the National Heart and Lung Advisory Council, established by section 417(a) of the Act (42 U.S.C. 287f(a)).

(e) "National Program" means the National Heart, Blood Vessel, Lung, and Blood Disease Program referred to in section 413 of the Act (42 U.S.C. 287b).[1]

(f) "Emergency medical services" means the services utilized in responding to the perceived individual need for immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

§ 52e.3 Eligibility.

To be eligible for a grant under this part, an applicant must be a public or nonprofit private agency or institution.

[1] Single copies of the National Program are available upon request from the Division of Extramural Affairs, National Heart and Lung Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

§ 52e.4 Application.

(a) Each agency or institution desiring a grant under this part shall submit an application in such form and manner and on or before such dates as the Director, NHLI, may from time to time require.[2] Such application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of the award, including the regulations of this part.

(b) In accordance with section 1-00-30 of the Department of Health, Education, and Welfare Grants Administration Manual,[3] each private institution which does not already have on file with the National Institutes of Health evidence of nonprofit status, must submit with its application acceptable proof of such status.

(c) In addition to any other pertinent information that the Director, NHLI, may require, each application shall set forth in detail:

(1) The nature and purpose of the proposed project and the methods to be employed in carrying it out;

(2) The relevance of the proposed project to the National Program;

(3) The defined population to participate in the proposed project and the rationale for its selection;

(4) With respect to applications relating to projects covered by § 52e.1(a)(1), prior research findings on which the proposed project is based;

(5) The personnel, facilities, and other resources, including community resources, available to carry out the proposed project;

(6) Current activities of the applicant involving prevention or control of heart, blood vessel, lung, and blood diseases, the sources of funding for such activities, and the anticipated relationship of these activities to the proposed project;

(7) The names and qualifications of the project director and key staff members who would be responsible for conducting the proposed project;

(8) Proposed methods for monitoring and evaluating the project; and

(9) The proposed project period; a detailed budget, including a list of other anticipated sources of support; and a justification for the amount of grant funds requested.

§ 52e.5 Project requirements.

(a) An approvable application must demonstrate to the satisfaction of the Director, NHLI, that:

[2] Applications and instructions are available from the Division of Extramural Affairs, National Heart and Lung Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

[3] The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department's and Regional Offices' information centers listed in 45 CFR 5.31 and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(1) With respect to applications relating to projects covered by § 52e.1(a)(1), the techniques or procedures to be demonstrated and evaluated have been found safe and effective in the research setting and, based upon research findings, appear to have the potential for general applicability to the prevention, diagnosis, or treatment of heart, blood vessel, lung, or blood diseases;

(2) With respect to applications relating to projects covered by § 52e.1(a)(2) and § 52e.1(a)(3), the project will include development and evaluation of one or more methods for educating health practitioners or the public concerning advances in the prevention, diagnosis, or treatment of such diseases; and

(3) The nature of the project is such that its completion may be anticipated within the project period, or such other period as may be specified in the application.

(b) The project must, in the judgment of the Director, NHLI, be necessary for cooperation by the National Heart and Lung Institute with one or more other Federal Health agencies, State, local, or regional public health agencies, or nonprofit private health agencies in the diagnosis, prevention, or treatment of heart, blood vessel, lung or blood diseases.

(c) In order for an agency or institution to receive support under this part, the project must be carried out in substantial conformity with the proposal set forth in the approved application.

§ 52e.6 Grant awards.

(a) Within the limits of funds available, after consultation with the Council, the Director, NHLI, may award grants to applicants with proposed projects which in his judgment best promote the purposes of section 414 of the Act, taking into consideration among other pertinent factors:

(1) The scientific and technical merit of the proposed project;

(2) The significance of the project in relation to the goals of the National Program;

(3) Whether the project appropriately emphasizes the prevention, diagnosis, or treatment of heart, blood vessel, lung, or blood diseases of children;

(4) The qualifications and experience of the project director and other key personnel;

(5) The administrative and managerial capability and fiscal responsibility of the applicant;

(6) The reasonableness of the proposed budget in relation to the proposed project;

(7) The adequacy of the methods proposed for monitoring and evaluating the proposed project; and

(8) The degree to which the application adequately provides for the requirements set forth in §§ 52e.5(a) and 52e.5(b).

(b) All grant awards shall be in writing and shall specify the project period, the total recommended amount of funds for the entire project period; the approved budget for the initial budget period; and the amount awarded for the initial budget period.

(c) Neither the approval of any application nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved application or portion thereof.

(d) The amount of any grant award shall be determined by the Director, NHLI, on the basis of his estimate of the sum necessary to pay all or part of the allowable costs for the budget period covered by the award.

§ 52e.7 Payment.

The Director, NHLI, shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement, for expenses incurred or to be incurred in accordance with its approved application.

§ 52e.8 Expenditure of grant funds.

(a) Any funds granted pursuant to this part shall be expended solely for the purposes for which the funds were granted in accordance with the approved application and budget, the regulations of this part, the terms and conditions of the award, and the applicable cost principles prescribed by subpart Q of 45 CFR Part 74.

(b) Any unobligated grant funds remaining in the grant account at the close of a budget period may, with prior approval by the Director, NHLI, be carried forward and remain available for obligation during the remainder of the project period, subject to such limitations as the Director, NHLI, may prescribe. The amount of any subsequent award will take into consideration unobligated grant funds remaining in the grant account. At the end of the last budget period of the project period, any unobligated grant funds remaining in the grant account must be refunded to the Federal Government.

§ 52e.9 Nondiscrimination.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d *et seq.*) which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

(b) Attention is also called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act (20 U.S.C. 1681) which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

(c) Grant funds used for alterations and renovations shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (Sept. 24, 1965), as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

(d) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

§ 52e.10 Human subjects; animal welfare.

No award may be made under this part unless the applicant has complied with:

(a) 45 CFR Part 46 and any other applicable requirements pertaining to the protection of human subjects.

(b) Chapter 1-43 of the Department of Health, Education, and Welfare Grants Administration Manual and any other applicable requirements concerning animal welfare.

§ 52e.11 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this part to State and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this part:

Subpart:	*45 CFR Part 74*
A	General.
B	Cash depositories.
C	Bonding and insurance.
D	Retention and custodial requirements for records.
F	Grant-related income.
G	Matching and cost sharing.
K	Grant payment requirements.
L	Budget revision procedures.
M	Grant closeout, suspension, and termination.
O	Property.
Q	Cost principles.

§ 52e.12 Progress and fiscal records and reports.

Each grant award shall require that the grantee maintain such progress and fiscal records and file with the Director, NHLI, such progress and fiscal reports relating to the conduct and results of the approved grant and the use of grant funds as the Director, NHLI, may find necessary to carry out the purposes of section 414 of the Act and the regulations.

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§ 52.13 Grantee accountability.

(a) All payments made by the Director, NHLI, shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available to the Director, NHLI, satisfactory evidence of expenditures for direct and indirect costs meeting the requirements of this part.

(b) *Accounting for royalties.* Royalties received by grantees from copyrights on publications or other works developed under the grant, or from patents or inventions conceived or first actually reduced to practice in the course of or under such grant, shall be accounted for as follows:

(1) *State and local governments.* Where the grantee is a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, royalties shall be accounted for as provided in 45 CFR 74.44.

(2) *Grantees other than State and local governments.* Where the grantee is not a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, royalties shall be accounted for as follows:

(A) Patent royalties, whether received during or after the project period, shall be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the grantee, pursuant to the Department's patent regulations (45 CFR Parts 6 and 8).

(B) Copyright royalties, whether received during or after the project period, shall first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials, and any royalties in excess of the costs of publishing or producing the materials shall be distributed in accordance with Chapter 1-420 of the Department of Health, Education, and Welfare Grants Administration Manual.

§ 52e.14 Publications and copyright.

(a) *State and local governments.* Where the grantee is a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, the Department of Health, Education, and Welfare copyright requirement set forth in 45 CFR 74.140 shall apply with respect to any book or other copyrightable materials developed or resulting from a project supported by a grant under this part.

(b) *Grantees other than State and local governments.* Where the grantee is not a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this part, subject to a royalty-free, non-exclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate and dispose of such materials, and to authorize others to do so.

§ 52e.15 Additional conditions.

The Director, NHLI, may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of the public health, or the conservation of grant funds.

[FR Doc.75-28283 Filed 10-20-75;8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER C—HAZARDOUS MATERIALS

[Docket No. HM-110; Amdt. No. 177-34]

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS, BY PUBLIC HIGHWAY

Use of Catalytic Heaters; Correction

FR Doc. 75-26735, published at page 46106 in the issue of Monday, October 6, 1975, is corrected by changing the last reference in the Authority for Issuance from 1.64(g) to "1.53(g)."

Issued in Washington, D.C., on October 15, 1975.

JAMES T. CURTIS, JR.,
Director,
Materials Transportation Bureau.

[FR Doc.75-28298 Filed 10-20-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Moosehorn National Wildlife Refuge, Wis.

The following special regulation is issued and is effective during the period November 10 through November 29, 1975. Administrative and biological needs require the Moosehorn Refuge deer hunting season to be held concurrent with the Maine State hunting season. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Moosehorn National Wildlife Refuge, Maine, is permitted, except on areas designated by signs as closed, during the State firearms season, November 10-29, 1975. This open area, comprising approximately 21,000 acres, is delineated on maps available at Refuge Headquarters, P.O. Box X, Calais, Maine 04619 or from the Regional Director, U.S. Fish and Wildlife Service, U.S. Post Office and Courthouse Building, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through November 29, 1975.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

OCTOBER 14, 1975.

[FR Doc.75-28192 Filed 10-20-75;8:45 am]

PART 32—HUNTING

Horicon National Wildlife Refuge; Wis.

The following special regulation is issued and is effective on October 21, 1975.

§ 32.32 Special Regulations; big game, for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Horicon National Wildlife Refuge, Wisconsin, is permitted only on the area designated by signs as open to hunting, during the period November 22 through November 30, 1975, with designated firearms, and during the period Dovember 6 through December 31, 1975 with bow and arrow. The open area, comprising 20,700 acres, is delineated on maps available at refuge headquarters, Mayville, Wisconsin, and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1975.

GERALD H. UPDIKE,
Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wisconsin.

OCTOBER 12, 1975.

[FR Doc.75-28305 Filed 10-20-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION

[Docket No. 75-GL-21; Amdt. 39-2403]

PART 39—AIRWORTHINESS DIRECTIVES

Enstrom F-28A and 280 Helicopters

There were several instances reported of vertical clearance between the main rotor hub nut washer, P/N 28-14005, and the main rotor shaft spline adapter, P/N 28-142241-1. This condition could result

in vertical movement of the main rotor hub on the splined main rotor shaft, thereby causing the safety wire to break, allowing the rotor retaining nut to back off. Since this condition exists in other helicopters of the same type design, an Airworthiness Directive is being issued to require replacement of the main rotor hub nut washer, if necessary, on Enstrom F-28A and 280 helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89) 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive.

ENSTROM. Applies to Enstrom Models F-28A and 280 helicopters certified in all categories, with the following serial numbers: F-28A—S/N's 4 through 275, 277, 278, 280 through 283; 280—S/N's 1001 through 1006.

NOTE.—Helicopters equipped with a "tang" hub lock washer, Enstrom P/N 28-14263, are exempt from compliance with this Airworthiness Directive.

Compliance required as indicated unless already accomplished.

Within the next 25 hours time in service after the effective date of this Airworthiness Directive:

(a) Remove the main rotor retention nut, Enstrom P/N 28-14004, and hub nut washer, Enstrom P/N 28-14005;

(b) Replace hub nut washer, Enstrom P/N 28-14005, with a new retention washer, Enstrom P/N 28-14008, or an equivalent approved by the Chief, FAA Engineering and Manufacturing Branch, Great Lakes Region. The chamfer on the new washer must be installed parallel with the main rotor spline chamfer; and,

(c) Install main rotor hub retention nut, Enstrom P/N 28-14004, and torque nut to a value of 400 ft. lbs. Re-safety with .040" diameter stainless steel safety wire in three (3) places to the hub adapter plate bolt heads.

Enstrom Service Notes 0025 and 0025A pertain to this same subject.

This amendment becomes effective October 28, 1975.

(Sec. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on October 14, 1975.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

[FR Doc.75-28208 Filed 10-20-75;8:45 am]

[Docket 75-GL-20; Amdt. 39-2398]

PART 39—AIRWORTHINESS DIRECTIVES

General Electric CF6-6D and CF6-6D1

Cracks have been found in the high pressure turbine thermal shield of certain CF6-6D and CF6-6D1 engines that could be the cause of uncontained failures that could result in injury to personnel or damage to the aircraft. Since this condition is likely to exist or develop in other engines of the same type, an Airworthiness Directive is being issued to require periodic inspection of the shields for cracks in the seal teeth.

Since a situation exists that requires immediate adoption of this regulation it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

GENERAL ELECTRIC. Applies to Models CF6-6D and CF6-6D1 Turbofan Engines. Compliance required as indicated.

To prevent possible disintegration of the high pressure turbine thermal shield accomplish the following:

(a) Within the next 400 operating cycles after the effective date of this Airworthiness Directive, unless already accomplished, and every 400 cycles thereafter, borescope inspect the high pressure turbine thermal shield on all CF6-6D and CF6-6D1 engines except those noted in paragraph (b) below in accordance with the instructions of General Electric Service Bulletin (CF6-6) 72-603 dated October 1, 1975 or subsequent FAA Approved revision.

(b) Inspection is not required:

(1) On engines containing thermal shields replaced or modified in accordance with General Electric Service Bulletin (CF6-6) 72-442, dated October 8, 1973, Revision 1 or subsequent FAA Approved revision, or General Electric Service Bulletin (CF6-6) 72-502 dated October 23, 1974 or subsequent FAA Approved revision.

(2) On engines incorporating thermal shields, General Electric part number 9687 M67P08, assembly number 9687M67G12; part number 9687M67P09, assembly number 9687 M67G13; part number 9687M67P12, assembly number 9687M67G16; or part number 9687 M67P17, assembly number 9687M67G21.

(c) For the purposes of this Airworthiness Directive, the definition of a "cycle" is the definition appearing in the General Electric CF6-6 Shop Manual GEK 9266, Section 72-00-00, Page 301 dated August 1, 1975 or subsequent FAA Approved revision.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to General Electric Company, Cincinnati, Ohio 45215. These documents may also be examined at the FAA Great Lakes Region, 2300 E. Devon Avenue, Des Plaines, Illinois 60018 and at FAA headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Great Lakes Region.

This amendment becomes effective October 28, 1975.

(Secs. 313(a) and 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).)

NOTE.—The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

Issued in Des Plaines, Illinois on October 14, 1975.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

[FR Doc.75-28204 Filed 10-20-75;8:45 am]

[Docket No. 75-GL-19; Amdt. 39-2397]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman American AA-5B

There have been failures of the carburetor mixture control wire on Grumman American AA-5B airplanes that could result in engine failure. Since this condition is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive is being issued to require modification of the carburetor mixture control system on Grumman American AA-5B airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

GRUMMAN AMERICAN. Applies to Grumman American Model AA-5B airplanes, serial numbers AA5B-0001 through AA5B-0118. AA5B-0120, AA5B-0121, AA5B-0123 and AA5B-0124, certificated in all categories.

Compliance required within the next 20 hours' time in service after the effective date of this Airworthiness Directive, unless already accomplished.

To prevent failure of the carburetor mixture control wire, replace the carburetor mixture control wire and modify the carburetor mixture control installation in accordance with Grumman American Aviation Corporation Service Bulletin No. 150 dated September 22, 1975 or later FAA approved revision there to.

Equivalent modifications may be approved by the Chief, Engineering and Manufacturing Branch, FAA Great Lakes Region.

Special flight permits may be issued under the provisions of Federal Aviation Regulation 21.197(a)(1).

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Grumman American Aviation Corporation, 318 Bishop Road, Cleveland, Ohio 44143. These documents may also be examined at the FAA Great Lakes Region, 2300 East Devon Avenue, Des Plaines

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Illinois 60018 and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this Airworthiness Directive which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Great Lakes Region.

This amendment becomes effective October 24, 1975.

(Sec. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) 1421 and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE: The incorporation by reference provision in this document was approved by the Director of the Federal Register on June 19, 1967.

Issued in Des Plaines, Illinois on October 10, 1975.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

[FR Doc.75-28205 Filed 10-20-75;8:45 am]

[Docket No. 15055; Amdt. 39-2406]

PART 39—AIRWORTHINESS DIRECTIVES

Glasflugel Standard Libelle and 201B; Club Libelle 205; H301 Libelle, H301B Libelle Gliders

There have been reports of cracks in the welded seam of the elevator assembly guide on the elevator actuator bracket and distortion of the elevator assembly guide that could result in improper assembly of tailplane and loss of elevator control on a Glasflugel Series glider. Since this condition is likely to exist or develop in other gliders of the same type design, an airworthiness directive is being issued to require inspection of the elevator actuator bracket and its replacement with a reinforced elevator actuator bracket on certain Glasflugel series gliders.

Since this situation requires immediate adoption of this regulation, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Secs. 313(a), 601, and 603, of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GLASFLUGEL. Applies to the following gliders, certificated in all categories:

1. Standard Libelle and Standard Libelle 201B;

2. Club Libelle 205, serial numbers 107 and below; and

3. H301 Libelle and H301B Libelle serial numbers 2 and subsequent equipped with an elevator actuator bracket having welded assembly guides.

Compliance is required as indicated.

To detect cracks in the welded seam of the elevator assembly guide on the elevator actuator bracket and distortion of the elevator assembly guide and to prevent possible loss of elevator control, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD unless already accomplished, visually inspect—

(1) The elevator assembly guide for distortion; and

(ii) The welded seam of the elevator assembly guide, using a 5 power magnifier, for cracks.

(b) If, during the inspection required by paragraph (a) of this AD, a crack or distortion of the elevator assembly guide is found, before further flight, comply with paragraph (d).

(c) If, during the inspection required by paragraph (a) of this AD, a crack or distortion of the elevator assembly guide is not found, within the next 100 hours' time in service after the effective date of this AD, unless already accomplished, comply with paragraph (d).

(d) When compliance is required by paragraph (b) or (c), replace the elevator actuator bracket with a serviceable elevator actuator bracket reinforced with two sheet metal strips in accordance with paragraph 4 of the "Method" section of Glasflugel Technical Note No. 201-20, 205-6, 206-1, 301-30 dated July 11, 1975, or an FAA-approved equivalent.

This amendment becomes effective November 4, 1975.

Issued in Washington, D.C. on October 14, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-28206 Filed 10-20-75;8:45 am]

[Docket No. 15054; Amdt. 39-2405]

PART 39—AIRWORTHINESS DIRECTIVES

Morane Saulnier (Socata) MS880B, MS885, MS892A150, MS893A, MS894A Airplanes

There has been a report of control stick interference with the floor hat section on a Morane Saulnier (Socata) MS series airplane that could result in inadequate stick control. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require a modification to increase the clearance between the control stick and floor hat section on certain Morane Saulnier (Socata) MS series airplanes.

Since this situation requires immediate adoption of this regulation, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Secs. 313(a), 601, and 603, of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MORANE SAULNIER (SOCATA) RALLYE. Applies to MC880B and MS885 airplanes, certificated in all categories, except serial numbers 1962 and subsequent; and MS 892A150, MS893A, and MS894A airplanes, certificated in all categories, except serial numbers 11993 and subsequent.

Compliance is required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent possible interference between the control stick and floor hat section, accomplish the following:

Modify the floor adjacent to the control stick by increasing the clearance between the floor and control stick in accordance with the "Description" paragraph in Socata Service Bulletin No. 104 GR-27-09, dated September, 1972, or an FAA-approved equivalent.

This amendment becomes effective November 4, 1975.

Issued in Washington, D.C. on October 14, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-28207 Filed 10-20-75;8:45 am]

[Airspace Docket No. 75-SO-127]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Greer, S.C., control zone.

The Greer control zone is described in § 71.171 (40 FR 354). In the description, an extension is predicated on the ILS localizer northeast course. This extension is no longer required, and it is necessary to delete it from the description. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 29, 1976, as hereinafter set forth.

In § 71.171 (40 FR 354), the Greer, S.C., control zone is amended as follows:

". . . within 1 mile each side of Greenville-Spartanburg ILS localizer northeast course, extending from the 5-mile radius zone to 6.5 miles northeast of the airport; . . ." is deleted.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on October 9, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-28212 Filed 10-20-75;8:45 am]

[Airspace Docket No. 75-SO-131]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Pine Mountain, Ga., transition area.

The Pine Mountain transition area is described in § 71.181 (40 FR 441). In the description, reference is made to the Gardens-Harris County Airport. The official name of the airport has been changed, and it is necessary to amend the description to reflect the new name. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 29, 1976, as hereinafter set forth.

In § 71.181 (40 FR 441), the Pine Mountain, Ga., transition area is amended as follows:

". . . Gardens-Harris County Airport . . ." is deleted and ". . . Callaway Gardens-Harris County Airport . . ." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on October 8, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-28211 Filed 10-20-75;8:45 am]

[Airspace Docket No. 75-SO-130]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Alexander City, Ala., transition area.

The Alexander City transition area is described in § 71.181 (40 FR 441). In the description, an extension is predicated on the 181° bearing from the Alexander City RBN. Because of an alteration to the NDB A instrument approach procedure, it is necessary to amend the description. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 29, 1976, as hereinafter set forth.

In § 71.181 (40 FR 441), the Alexander City, Ala., transition area is amended as follows:

". . . 181° bearing . . ." is deleted and ". . . 171° bearing . . ." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on October 8, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-28209 Filed 10-20-75;8:45 am]

[Airspace Docket No. 75-SO-132]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Athens, Ga., control zone.

The Athens control zone is described in § 71.171 (40 FR 354). In the description, an extension is predicated on the Athens VORTAC 195° radial. Because of an alteration to the VOR RWY 2 instrument approach procedure, it is necessary to amend the description. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 29, 1976, as hereinafter set forth.

In § 71.171 (40 FR 354), the Athens, Ga., control zone area is amended as follows:

". . . 192° . . ." is deleted and ". . . 195° . . . " is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on October 9, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-28210 Filed 10-20-75;8:45 am]

[Docket No. 13569; Amdt. No. 121-124]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Stowage of Containers for Transport of Animals Aboard Aircraft

● The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to rescind § 121.288, "Carriage of live animals in containers in cargo compartments." ●

On August 9, 1974, the FAA issued Amendment 121-111, effective October 18, 1974, to Part 121 of the Federal Aviation Regulations (published in the FEDERAL REGISTER on August 19, 1974; 39 FR 29917) to require that cargo containers housing live animals for carriage by air in the cargo compartments of aircraft be secured in the cargo compartment in such a fashion as to prevent shifting and be protected from the hazards of shifting of other cargo, and to assure that ventilation areas of the container are not obstructed. That amendment was based on a notice of proposed rule making (Notice 74-10) published in the FEDERAL REGISTER on March 11, 1974 (39 FR 9456).

In response to petitions received from the Air Transport Association of America and Southern Airways, Inc., and members of the medical profession engaged in research using live animals, the FAA issued Amendment No. 121-112 (39 FR 36576; October 11, 1974), and extended the date for compliance with § 121.288 to February 18, 1975, to allow certificate holders additional time for obtaining and installing necessary equipment.

Shortly before the new compliance date, the FAA received hundreds of letters and mailgrams from pet and animal dealers, medical schools, research laboratories, and others, stating that they feared Part 121 certificate holders would embargo the shipment of live animals if the rule was not rescinded or the compliance date extended. They asserted that the threatened embargo would cause them serious financial injury, if not put them out of business. In addition, there were numerous expressions of concern that the rule would limit available capacity for shipping live animals by air, thus creating a severe hardship on the pet industries. Based on these petitions, the FAA issued Amendment No. 121-116 (40 FR 7436; February 20, 1975), extending the effective date to October 18, 1975.

On February 3, 1975, Pet Industries Joint Advisory Council and others petitioned the FAA to either rescind § 121.288 or initiate new rulemaking proceedings on the transportation of animals by air (FAA Regulatory Docket No. 14304). On May 1, 1975, the Air Transport Association of America petitioned the FAA to make certain revisions in § 121.288 (FAA Regulatory Docket No. 14622).

A large volume of correspondence received by the FAA has contained numerous expressions of concern that, following the October 18, 1975, effective date of § 121.288, available space for the shipment of live animals will be severely curtailed. Some Part 121 certificate holders have made it known to the pet industry, medical schools, laboratories, and others that they expect to have less space available for the shipment of live animals following modification of their aircraft cargo compartments. Others have indicated they will be required to initiate proceedings to embargo the shipment of animals on their aircraft because they are unable to provide the appropriate tie-down equipment in some aircraft types. Many who wrote the FAA expressed their concern for the humane treatment of animals, but stressed that any curtailment in the shipment of live animals would either force them into a drastic cutback in personnel or force them out of business completely.

Certificate holders have indicated that to achieve compliance with the rule they would have to designate specific areas in each cargo compartment for the carriage of live animals and that each container would have to be individually secured to the cargo compartment. This would prevent the certificate holders from transporting the volume of live animals presently being carried. It would also reduce the total available cargo space. In addition, because of the small cargo areas of certain airplanes, some certificate holders would not be able to transport any live animals in those airplanes.

Certificate holders and the pet industry, in voicing their disapproval of § 121.288, have taken a position that the present rule will not improve what they

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consider to be an already excellent record of safety in the transportation of live animals and because of the adverse effect on the air carrier's capacity to carry live animals will result in a disservice to the traveling public, shippers of live animals, and medical research professions. They contend that the language of the rule is vague and ambiguous and is subject to various interpretations. They assert that compliance with the existing rule will result in higher costs to private pet owners, commercial shippers, medical schools and laboratories, and others, and that this is due in part to the reduction in available space for shipping live animals which will result in more trips to the airport to pick up parts of a shipment of animals that formerly could be shipped as one unit. They also indicate that it is probable that each certificate holder will have to inaugurate a live animal reservation system to assure adequate space available on originating and connecting flights. These higher shipping costs would be transferred to the owner or shipper.

On September 9, 1975, the FAA on behalf of the Department of Transportation presented prepared testimony before the Subcommittee on Livestock and Grains of the House Committee on Agriculture. The FAA stated that it was reviewing §121.288, guided by the Administration's intention to seek to accomplish regulatory reform, particularly with respect to extra burdens imposed by regulations. It was also stated that the FAA carefully considered the information submitted to the agency before the effective date of the rule was extended, and that the effect of the aircraft modifications needed has generated more complex issues than those the FAA anticipated, particularly with respect to stowage and cargo compartment environment.

Moreover, the FAA stated:

The FAA lacks the expertise to develop standards for the temperature levels and air supply needed for different kinds of animals which may be carried aboard an aircraft. We also are not experts concerning the containers in which they are transported. We are concerned with the economic impact of these rules on the pet industry, the pet owner and the airlines. We are not in a position to make zoological or veterinary judgments. We are in the business of safety of flight and should continue to concentrate our resources in that direction. * * * In many event, we believe that regardless of any present division of authority it would not be appropriate for the FAA to undertake any comprehensive program for implementing or enforcing standards for the humane treatment of animals in air transportation.

The FAA is concerned that industries whose livelihood depends on the fast, reliable air shipment of live animals would be adversely affected. Apparently, the rule also would hamper medical research efforts and increase the animal owners' and shippers' costs substantially. In addition, it should be noted that certificate holders would face increased costs due to the installation and maintenance of special tie-down equipment and the need for an animal reservation system. Loss of revenue could also result because of reduced capacity (both in animal and general cargo shipments). Finally, there would be a higher risk of inhumane treatment of animals in transit due to a reduction in available space that would cause delays in shipment at the originating station and at enroute stops.

Since compliance with § 121.288, as adopted, will create practical problems resulting in a serious curtailment in the shipment of animals and the imposition of an undue economic burden on Part 121 certificate holders and shippers of animals, the FAA has determined that allowing § 121.288 to become effective would not be appropriate or in the public interest. The FAA must consider further whether amendments to the Federal Aviation Regulations, if any, should be adopted with respect to the carriage of live animals. Rather than extend the effective date of § 121.288 again while this matter is under consideration, it appears that the most appropriate course of action is to rescind § 121.288. Previous extensions have only served to confuse the issues and create additional concern. Immediate rescission of the rule will also eliminate any further uncertainty as to whether the projected needs of the pet industry, medical research and others can be met by § 121.288.

Under these circumstances, I find that notice and public procedure on this rescission would be impracticable and contrary to the public interest and that good cause exists for making this amendment effective in less than 30 days. However, the FAA is soliciting further public comment. Interested persons are invited to submit comments in duplicate by November 18, 1975, addressed to Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591.

§ 121.288 [Revoked]

In consideration of the foregoing, effective October 17, 1975, § 121.288 of the Federal Aviation Regulations adopted by Amendment 121–111 published in the FEDERAL REGISTER on August 19, 1974 (39 FR 29917) is hereby rescinded.

(Sec. 313(a), 601(a), and 604 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421 (a), and 1424. Sec. 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on October 17, 1975.

JAMES E. DOW,
Acting Administrator.

[FR Doc.75-28499 Filed 10-17-75;6:12 pm]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposed Preliminary Free and Reserve Percentages for 1975–76 Crop Year

Notice is given of a proposal to designate for natural Thompson Seedless and Dipped Seedless raisins for the 1975–76 crop year, beginning September 1, 1975, preliminary free tonnage percentages of 52 percent and 53 percent, respectively, and preliminary reserve tonnage percentages of 48 percent and 47 percent, respectively. These designations would be under § 989.55 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The proposal would also revise § 989.224 (40 FR 46299) to delete the designation of a desirable free tonnage for the 1975–76 crop year of 2,850 tons of Zante Currant raisins contained in that section. The amended marketing agreement and order, hereinafter referred to collectively as the "order", are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This proposal with respect to designation of free and reserve tonnage percentages was unanimously recommended under § 989.54(b) by the Raisin Administrative Committee established under the order.

Production of natural Thompson Seedless and Dipped Seedless raisins for the 1975–76 crop year has been estimated to be 240,000 tons and 9,000 tons, respectively, by the Committee. The Committee determined that a field price for natural Thompson Seedless and Dipped Seedless raisins is firmly established. Under § 989.54(b) of the order, the Committee is required to recommend to the Secretary a preliminary free tonnage percentage which when applied to the estimated production of a varietal type would release 85 percent of the desirable free tonnage for that varietal type. A desirable free tonnage for natural Thompson Seedless and Dipped Seedless raisins of 148,000 tons and 5,620 tons, respectively, was designated by the Secretary on October 7, 1975 (40 FR 46299).

Eighty-five percent of the desirable free tonnage for natural Thompson Seedless raisins would be 125,800 tons. Dividing 125,800 tons by the estimated production (240,000 tons) and rounding to the nearest full percent results in a preliminary free percentage of 52 percent. Eighty-five percent of the desirable free tonnage for Dipped Seedless raisins would be 4,777 tons. Dividing 4,777 tons by the estimated production (9,000 tons) and rounding to the nearest full percent results in a preliminary free percentage of 53 percent.

Section 989.54(b) also provides that any difference between the preliminary or final free tonnage percentage and 100 percent shall be the reserve percentage. Thus, the preliminary reserve percentages for natural Thompson Seedless and Dipped Seedless raisins would be 48 percent and 47 percent, respectively.

A desirable free tonnage, for the 1975–76 crop year, of 2,850 tons for Zante Currant raisins was designated on October 7, 1975 (40 FR 46299), and is contained in § 989.224. The Committee's October 3, 1975, estimate of production of these raisins for the 1975–76 crop year was 2,850 tons. Thus, no volume regulation is needed for this varietal type of raisin and all of the 1975–76 production of Zante Currant raisins should be free tonnage. Therefore, the Committee recommended that § 989.224 be revised to delete the desirable free tonnage designated for these raisins in that section.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 31, 1975. All written submissions made regarding this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular hours of business (7 CFR 1.27 (b)).

The proposal is as follows:

1. Section 989.224 is revised to read:

§ 989.224 Desirable free tonnage.

The desirable free tonnage designated for natural Thompson Seedless and Dipped Seedless raisins for the 1975–76 crop year are 148,000 tons and 5,620 tons, respectively.

2. A new § 989.231 is added reading as follows:

§ 989.231 Free and reserve percentages for the 1975–76 crop year.

The preliminary percentages of standard natural Thompson Seedless and Dipped Seedless raisins acquired by handlers during the crop year beginning September 1, 1975, which shall be free tonnage and reserve tonnage, respectively, are designated as follows:

	Free percentage	Reserve percentage
Natural Thompson Seedless	52	48
Dipped Seedless	53	47

NOTE.—It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.

Dated: October 14, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-28277 Filed 10-20-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 330]

[Docket No. 75N-0039]

OVER-THE-COUNTER DRUGS

Testing of Category III Active Ingredients

The Commissioner of Food and Drugs is proposing to amend § 330.10 (21 CFR 330.10), the procedural regulations governing the over-the-counter (OTC) drug review project, to establish the conditions under which an OTC drug classified in category III (insufficient data to permit final classification at this time) may continue to be marketed pending development of data to support approval of the ingredient, labeling, or other condition as safe, effective, and not misbranded, through amendment of the applicable OTC drug monograph or approval of a new drug application (NDA). Comments on this proposal will be accepted until December 22, 1975.

The Commissioner proposed in the FEDERAL REGISTER of January 5, 1972 (37 FR 85) and promulgated in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464), procedures governing the review and classification of OTC drug products. These procedures provide for initial classification of the ingredients, labeling claims, and other conditions reviewed as generally recognized as safe and effective and not misbranded (category I), not generally recognized as safe and effective or misbranded (category II), and insufficient data to permit final classification at this time (category III).

The Commissioner has provided in § 330.10(a)(6) that a reasonable period of time will be specified within which category III conditions may be continued in marketed products while the

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data necessary to support their use are being obtained for submission to and evaluation by the Food and Drug Administration. Section 330.10(a)(12) then provides that the Commissioner may propose to amend or repeal a monograph on his own initiative or on the petition of any interested person, and that an NDA may be submitted in lieu of, or in addition to, a petition to amend a monograph.

The Food and Drug Administration has received numerous requests for clarification of the conditions under which drug products with category III conditions may continue to be promoted and marketed pending further testing, and the circumstances under which the Food and Drug Administration will require that the monograph be amended rather than permitting approval of a category III condition through submission of an NDA. These issues were thoroughly considered by the Commissioner in promulgating the final monograph on OTC antacid drug products in the FEDERAL REGISTER of June 4, 1974 (39 FR 19862). The Commissioner concludes that the decisions made at that time have broad applicability to all OTC drug products subject to this review. Accordingly, the Commissioner has concluded that these matters should be resolved by this proposed amendment of § 330.10(a)(12).

Regarding the question of continued marketing of a drug product with a category III condition pending further testing, the Commissioner advises that the provisions of § 330.10(a)(6) currently state that such marketing is lawful only if testing to obtain the data necessary to support the questioned condition is in fact conducted for the specific product involved. The Commissioner proposes to specify in the regulations that because one manufacturer is conducting such testing does not mean that other manufacturers may continue to market their product without such testing. However, a trade association or other group could conduct appropriate testing on behalf of a number of manufacturers and thereby satisfy the requirement that testing has been conducted on their behalf. Similarly, a chemical manufacturer may conduct testing of a category III ingredient on behalf of all his customers. Therefore, a manufacturer or distributor may market an OTC drug with a category III condition only if he is conducting the testing himself or is supporting such testing, or such testing is otherwise conducted on his behalf.

The Commissioner further proposes that such testing must be initiated prior to the date on which drug products with category II conditions can no longer be shipped in interstate commerce. The failure to initiate testing by that time would subject a category III condition to the same regulatory sanctions as a category II condition.

The submission of test protocols or periodic reports or other information with respect to such testing is optional, not mandatory. However, the Commissioner may require some proof that such testing has been undertaken in compliance with the requirements of the regulations. Any manufacturer who wishes to submit information on such testing may do so by sending it to the Assistant Director for Implementation, Division of OTC Drug Evaluation, HFD-510, Food and Drug Administration, Rm. 16-85, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20852.

Section 330.10(a)(12) of the regulations provides that approval of a category III condition may be obtained either by amendment of the applicable monograph or by an NDA. There have been many questions about whether an NDA may be submitted if a category III condition is continued in use during the testing period permitted by the final regulation. The Commissioner recognizes that the intended application of this provision is unclear, and proposes to clarify it herein.

As proposed, a petition to amend the monograph would have to be submitted prior to 60 days before the end of the time period for testing of category III conditions, which is specified in the promulgation of the final monograph. If a petition is received within this time period, marketing on an interim basis may continue thereafter, unless and until the Food and Drug Administration denies the petition.

The Commissioner proposes that a manufacturer may submit an NDA, rather than a petition to amend the monograph, only if the drug product with the condition involved has not been marketed on an interim basis while the supporting data have been gathered. If the product with that condition, e.g., an ingredient or claim placed in category III, has been marketed during the interim period, it could only have been so marketed lawfully on the basis of a conclusion by the manufacturer that the product is not a new drug by reason of that condition, and accordingly, the proper procedure for permanent approval of the condition would be through an old drug monograph rather than through an NDA. Only if the product with that condition is not marketed during that interim period, and thus if any clinical testing has been conducted pursuant to an IND plan, may the manufacturer properly obtain approval for the condition involved through an NDA.

The Commissioner notes that there is no provision in section 505 of the act for marketing a new drug prior to approval of an NDA. Marketing of a new drug prior to such approval constitutes a violation of the act. Thus, any manufacturer who desires to request approval of a category III condition through an NDA must conduct all clinical testing pursuant to an IND plan and may not market a product with that condition on an interim basis prior to approval of the NDA.

If an NDA is submitted to request approval of a category III condition and the Commissioner concludes that an NDA is inappropriate because the applicant has marketed a product with that condition during the interim testing period, the Commissioner proposes that the NDA be handled as a petition to amend the monograph. However, the Commissioner may not otherwise utilize safety and effectiveness data and information contained in an NDA, which have not previously been disclosed to the public, to determine that the condition involved is generally recognized as safe and effective and thus that the monograph should be amended. Of course, if one manufacturer chooses to obtain amendment of the monograph and another chooses to obtain approval of an NDA for the same category III condition, once the monograph is amended to include the condition involved, the NDA will no longer be operative and, in accordance with the agency's public information regulations, the safety and effectiveness data contained in that NDA will be available for public disclosure.

The Commissioner is of the opinion that these provisions are reasonable and fully reflect the requirements of the law. By requiring that a petition to amend a monograph be submitted prior to 60 days before the end of the testing period specified for a category III condition, the Food and Drug Administration will have a reasonable opportunity to determine whether the petition contains adequate supporting data and information before that time period expires. Manufacturers need not be concerned about possible difficulties in the time taken to process a petition for amendment of a monograph since it is only necessary that such petition, containing all data and information obtained for the testing, be filed prior to 60 days before the cut-off date set for category III testing, not that it be approved by the Food and Drug Administration by that final cut-off date. If further time is necessary for processing the petition, which will be the case where a proposal to amend the monograph is published for comment, marketing may continue until the matter is resolved. If the petition is denied, marketing must cease.

It is possible that the Food and Drug Administration will conclude that a petition to amend a monograph establishes safety and effectiveness but not general recognition of safety and effectiveness, and thus that an NDA for the product is approvable even though the monograph cannot properly be amended. The Commissioner proposes that, under these circumstances, the petition for amendment of the monograph be treated by the Food and Drug Administration as an NDA, and thus that approval of an NDA can be granted without first requiring disapproval of the petition and cessation of marketing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701(a), 52 Stat. 1040-1042 as amended, 1050-1053 as amended, 1055 (U.S.C. 321, 352, 355, 371(a))) and under the authority delegated to him (21 CFR 2.120), the Commissioner proposes to revise § 330.10(a)(12) to read as follows:

§ 330.10 Procedures for classifying OTC drugs as generally recognized as safe and effective and as not misbranded, and for establishing monographs.

* * * * * * *

(a) * * *

(12) *Amendment of monographs.* (i) The Commissioner may amend or revoke any monograph established pursuant to this section on his own initiative or on the petition of any interested person, pursuant to the provisions of Part 2 of this chapter.

(ii) Any person who wishes to continue marketing a product with a condition subject to paragraph (a)(6)(iii) (category III) of this section shall undertake, or have undertaken on his behalf, testing adequate and appropriate to obtain the data necessary to resolve the issues which resulted in such classification. Such testing shall be initiated prior to the date after which a product with a condition subject to paragraph (a)(6)(ii) (category II) of this section may no longer be shipped in interstate commerce. The failure to initiate such testing within such time period shall result in imposition of the sanctions applicable under paragraph (b) of this section. Upon request, the manufacturer shall furnish to the Food and Drug Administration adequate proof that such testing has been initiated within the time period specified.

(iii) A new drug application may be submitted in lieu of a petition to amend the monograph only if the drug product with the condition which is the subject of the NDA has not been marketed on an interim basis pursuant to the provisions of paragraph (a)(6)(iii) (category III) of this section, all clinical testing has been conducted pursuant to an IND plan, and no marketing is undertaken prior to approval of the NDA. The Food and Drug Administration shall handle an NDA as a petition for amendment of a monograph, and shall review it on that basis, if the provisions of this paragraph preclude approval of an NDA but permit the granting of such a petition.

(iv) A petition to amend the applicable monograph shall be submitted prior to 60 days before the expiration date for a condition subject to the provisions of paragraph (a)(6)(iii) (category III) of this section in order to justify continued marketing of a product with a condition subject to that paragraph. Marketing may thereafter be continued unless and until the petition is disapproved. The Food and Drug Administration shall handle a petition for amendment of a monograph as a new drug application, and shall review it on that basis, if the provisions of this paragraph preclude granting such a petition but permit approval of a new drug application. However, until the Agency determines whether or not an approved NDA can issue, the data submitted will be considered as a petition for amendment of a monograph and marketing may be continued.

* * * * * * *

Interested persons may, on or before December 22, 1975 submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 10, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-28226 Filed 10-20-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-733]

CITY OF KINGFISHER, OKLAHOMA

Proposed Flood Elevation Determinations

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Kingfisher.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 119 W. Miles Street, Kingfisher, Oklahoma 73750.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Vernie Snow, City Superintendent. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (in feet)	
			Right	Left
Kingfisher Creek	County road (13th St.)	1,048	[1] 2,250	(3)
	U.S. Highway 81	1,045	[2] 2,350	(3)
	Chicago, Rock Island and Pacific R.R.	1,043	[1] 1,100	(3)
Uncle John's Creek	Oklahoma Ave.	1,048	(3)	[2] 550
	East Bowman Ave.	1,048	(3)	[2] 800
	Oklahoma Highway 33	1,044	(3)	[2] 950
	East Roberts Ave.	1,043	(3)	[2] 900

[1] Approximate distance in feet from corporate limits to boundary of 100-yr flood.
[2] Approximate distance in feet from bank of stream to boundary of 100-yr flood.
[3] Extends beyond corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 30, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-28286 Filed 10-20-75;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-732]

TOWN OF CRYSTAL BEACH, GALVESTON COUNTY, TEXAS

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Crystal Beach.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Town Hall, Crystal Beach Fire Department, Highway 87, Crystal Beach.

Any person having knowledge, information, or wishing to make a comment

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on these determinations should immediately notify Mayor Edward Robinson, P.O. Box 1346, Crystal Beach, Texas 77650. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-yr flood boundary
Gulf of Mexico and Galveston Bay	Oneal Rd	13	14,000
	Monkhouse Dr	13	13,400
	Crystal Beach Rd	13	12,800
	Gulf Shore Dr	13	9,250
	Lamada Rd	13	7,250
	Stingaree Rd	13	7,150

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2878, January 24, 1974).

Issued: October 2, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-28287 Filed 10-20-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-NW-25]

ADDITIONAL CONTROL AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area over northeast Wash. Coincident with the amendment associated nonrule-making action would be taken to establish a Military Operations Area (MOA) within that airspace.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash., 98108. All communications received on or before November 20, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would designate Additional Control Area under § 71.163 as follows:

COLVILLE, WASH.

That airspace extending upward from 7000' MSL bounded on the north by the United States-Canada border, on the east by the west edge of V-112, on the south by Latitude 48°00' N, and on the west by Longitude 119°11' W, excluding the Spokane, Wash., Transition Area. That airspace below 1200 feet AGL is excluded.

The Additional Control Area is required to provide controlled airspace for military IFR training operations.

The nonrule-making action associated with the proposed amendment would establish a MOA of defined vertical and lateral dimensions within which required IFR military training activities would be conducted. The description of the proposed MOA is as follows:

Name: Roosevelt.
Controlling Agency: Seattle ARTCC.
Scheduling Agency: Commander, Medium Attack Tactical Electronic Warfare Wing, U.S. Pacific Fleet, NAS Whidbey Island, Wash.
Altitude: From 8000' MSL to but not including FL-180, excluding that airspace below 1200' AGL.
Boundaries: Beginning at: Latitude 49°00' N, Longitude 119°00' W to Latitude 49°00' N, Longitude 116°48' W to Latitude 48°22' N, Longitude 117°28' W to Latitude 48°22' N, Longitude 118°06' W to Latitude 48°03'30'' N, Longitude 119°00' W to point of beginning.
Time of Operation: Seven days per week 0600–0000 local; other times by NOTAM.

The proposed training activities that would be conducted within the MOA are not considered sufficient in volume or nature to justify restricted area airspace. The purpose of the MOA is to contain military training activities. IFR flights will be provided IFR separation from military operations within the area. The MOA would not impose flight restrictions or additional communications requirements on VFR flights. However, the agency has determined that flight safety would be improved if the area is made known to the public. Accordingly, the MOA would be identified and shown on appropriate aeronautical charts.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on October 14, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-28214 Filed 10-20-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-NW-23]

ADDITIONAL CONTROL AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area over southeastern Oreg. Coincident with the amendment, associated nonrule-making action would be taken to establish a Military Operations Area (MOA) within that airspace.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before November 20, 1975 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would designate Additional Control Area under § 71.163 as follows:

LAKEVIEW, OREGON

That airspace extending upward from 10,500 feet MSL bounded on the north by Latitude 44°00' N, on the east by a line extending from Latitude 44°00' N, Longitude 120°00' W, to the north edge of V-122 at Longitude 119°00' W, on the south by the north edge of V-122, and on the west by the east edge of V-165.

The Additional Control Area is required to provide controlled airspace for military IFR training operations.

The nonrule-making action associated with the proposed amendment would establish a MOA of defined vertical and lateral dimensions within which required IFR military training activities would be conducted. The description of the proposed MOA is as follows:

Name: Juniper.
Controlling Agency: Seattle ARTCC.
Scheduling Agency: Commander, 25th Air Division/NORAD Region, McChord AFB, Washington.
Time of Operation: seven days per week 0600–0000 local, other times by NOTAM.
Altitude: From 11,000 feet MSL to but not including FI-180.
Boundaries: Beginning at Latitude 43°56' N., Longitude 120°44' W., to Latitude 43°58' N., Longitude 120°00' W., to Latitude 42°40' N., Longitude 119°10' W., to Latitude 42°40' N., Longitude 120°18' W., to point of beginning.

The proposed training activities that would be conducted within the MOA are not considered sufficient in volume or nature to justify restricted area airspace. The purpose of the MOA is to the contain military training activities. IFR flights will be provided IFR separation from military operations within the area. The MOA would not impose flight restrictions or additional communications requirements on VFR flights. However, the agency has determined that flight safety would be improved if the area is made known to the public. Accordingly, the MOA would be identified and shown on appropriate aeronautical charts.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on October 14, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-28215 Filed 10-20-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SO-133]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Lexington, N.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before November 20, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Lexington transition area would be designated as:

That airspace extending upwards from 700 feet above the surface within a 5.5-mile radius of Lexington Municipal Airport (latitude 35°46'47'' N., longitude 80°18'20'' W.)

The proposed designation is required to provide controlled airspace protection for IFR operations at Lexington Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Greensboro VORTAC, is proposed in conjunction with the designation of this transition area. If the proposed designation is acceptable, the airport operating authorization will be changed from VFR to IFR.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on October 6, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-28213 Filed 10-20-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1953]

[Docket No. SP-4]

PROCEDURES FOR PUBLICATION OF STATE STANDARDS

Notice of Proposed Rulemaking

In accordance with § 1953.2(c) of Title 29, Code of Federal Regulations, and the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), it is hereby proposed to amend Subpart A of Part 1953 to prescribe expedited procedures for approval and publication of State standards including emergency temporary standards. Section 18(c)(2) of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) (29 U.S.C. 667) and 29 CFR 1902.3(c)(1) provide for the development of State standards which are or will be at least as effective as comparable Federal standards. In order to measure compliance with this requirement, 29 CFR 1902.4 contains a series of indices of effectiveness. These provide for adoption of State standards which are the same as the Federal standards or for the adoption of alternative standards which are "at least as effective". The State standards must be promulgated in accordance with procedures providing for public notice, written comments and/or hearings on the adoption of the standards with provision for judicial review of the standards comparable to section 6(f) of the Act. (29 U.S.C. 655(f)). One exception to these requirements permits the State to adopt Federal standards by reference, thereby substituting the Federal procedures for public participation for duplicative State procedures (29 CFR 1902.4(b)(2)(iii)). (See North Carolina decision 29 CFR 1952.150(c), 38 FR 3042, February 1, 1973).

Under 29 CFR 1953.4 review and approval of promulgated State standards has been delegated to the Assistant Regional Directors for Occupational Safety and Health (hereinafter called Assistant Regional Director). This process includes review of the promulgated State standards to determine if they are identical to Federal standards, with the exception of the substitution of State for Federal references. If the standards are not identical, then the Assistant Regional Director must determine if they are at least as effective as the comparable Federal standards.

The proposed regulations provide for publication in the FEDERAL REGISTER without public comment of notices of approval if State standards are identical to the comparable Federal standards. In such cases, additional public comment would be unnecessary since the identical standards adopted by the States are per se at least as effective as the Federal standards.

The proposed regulations also provide for publication of notices of approval of State standards without public comment on the Federal level where, after opportunity for public input in the State promulgation proceedings and U.S. Department of Labor technical review, there are no remaining technical, scientific or legal questions as to whether such standards are at least as effective as the comparable Federal standards. The regulations state that where the State standards are proposed for adoption on the basis that they are "at least as effective as" the comparable Federal standards, the State notice shall contain langauge to that effect inviting public participation on the issue of the effectiveness of the State standards vis-a-vis the Federal standards. In addition, decisions of the Assistant Regional Directors in approving standards may be appealed to the Assistant Secretary of Labor for Occupational Safety and Health.

Public comment will be provided at the Federal as well as the State level where technical, scientific or legal questions remain, and for standards which could be considered product standards within the meaning of section 18(c)(2) of the Act (29 U.S.C. 667(c)(2)) unless the State product standard is identical to the comparable Federal product standard.

To assure consideration on both the State and Federal level of public comment in State proceedings on proposed State standards different from Federal standards, it is also proposed to amend 29 CFR Part 1953 by adding a requirement that the State make available to the Assistant Regional Director all public comments received by the State and the hearing transcript, if any, in addition to submitting the 6 copies of a standard supplement required by 29 CFR 1953.11(b)(1), 1953.23(b)(1), 1953.31(b)(1) and 1953.41(b)(1).

By giving due weight to public comment brought forth in the State proceedings, the proposal would avoid unwarranted duplication of procedures and expenditure of public and private resources. It would also ensure a direct impact for such public comment on the Federal level.

The proposed regulations also describe a procedure for a Federal comment period on proposed State standards at the request of a State or as initiated by the Occupational Safety and Health Administration. This procedure would be particularly useful where a State is seeking an advisory opinion under Subpart F of Part 1953 prior to promulgation of its standards. For example, a State could request an advisory opinion on the separability of an issue as defined in 29 CFR 1902.2(c); whether a stand-

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ard was a product standard as defined in section 18(c)(2) and 29 CFR 1902.3 (c)(2); or whether the proposed standards raised any scientific, technical or legal questions that would affect a determination on effectiveness. In these circumstances, it would be beneficial to the State, as well as to the Federal reviewing offices, to have public input at the Federal level on the proposed standards. The Federal comment period may run concurrently with the State comment period or may take place at any other time prior to the adoption of a final standard.

Interested persons are given until November 20, 1975 to submit to the Associate Assistant Secretary for Regional Programs, [Docket No. SP-4], Room N-3112, 200 Constitution Avenue, NW., Washington, D.C. 20210, written comments, suggestions, or objections regarding the proposed regulations as set out below. Comments received will be available for public inspection and copying during normal business hours at the Technical Data Center, Room N3620, 200 Constitution Avenue, NW., Washington, D.C. 20210. The proposed rules may be reviewed prior to final publication to reflect suggestions made by the comments.

In consideration of the foregoing it is proposed to amend Part 1953 of Chapter XVII of Title 29, Code of Federal Regulations, as follows:

1. Section 1953.3 would be renumbered to read § 1953.3(a) and a new § 1953.3 (b), (c), (d), (e) and (f) would be added to read as follows:

§ 1953.3 Publication.

• • • • •

(b)(1) In accordance with § 1953.2(c) of this part, the Assistant Secretary finds that good cause exists to establish an alternative procedure for approval of State standards by not publishing certain approved State standards for public comment. The standards included in this provision are: (i) State standards, identical to the Federal standards, which have been adopted by reference or otherwise, in accordance with State promulgation procedures; and (ii) State standards, determined to be at least as effective as the comparable Federal standards, which were adopted in accordance with the promulgation procedures of State law including an opportunity for public comment and/or hearings.

(2) This alternative procedure is established for the following reasons: (i) where the standards are identical to the Federal standards an opportunity for public comment and participation has already been provided at the Federal level; and (ii) where the standards which are determined to be "at least as effective" were adopted in accordance with the State promulgation procedures established under the approved State plan including public notice inviting public comment, further public comments would be unnecessary.

(3) The procedures set forth in paragraphs (b), (c) and (d) of this section take precedence over the review and approval provisions in Subparts B, C, D and E of this part insofar as they relate to approval and publication of change supplements consisting of identical or "at least as effective as" standards. Accordingly the procedures in 29 CFR 1902.11 and 1902.12 are inapplicable to these particular standards supplements.

(c)(1) Where the Assistant Regional Director, in accordance with the delegation of authority in § 1953.4 of this part, determines that State standards, which have been promulgated in accordance with State law, are identical to or "at least as effective as" comparable Federal standards, he shall publish the appropriate approval notice in the FEDERAL REGISTER.

(2) Where the Assistant Regional Director, in accordance with the delegation of authority in § 1953.4 of this part, determines that a State standard (or standards) promulgated in accordance with State law, raises technical, scientific, legal or other significant questions or, is a product standard within the mean of section 18(c)(2) of the Act and is not identical to the comparable Federal product standard, he shall upon receipt of the standard, publish the appropriate FEDERAL REGISTER notice inviting public comment on the State standard (or standards).

(3) Where the Assistant Regional Director, in accordance with the delegation of authority in § 1954.4 of this part, determines that a State standard (or standards) is not identical to or at least as effective as the corresponding Federal standard he shall follow the procedures in the appropriate subpart of this part for providing public participation in rejection of any standards.

(d)(1) A State may request an advisory opinion under Subpart F of Part 1953 on proposed State standards. In conjunction with such an opinion or even in the absence of such an opinion, the State may request, or the Occupational Safety and Health Administration on its own initiative may authorize, publication of a Federal notice seeking public comment on whether the provisions of the proposed State standards meet the indices of effectiveness in 29 CFR Part 1902. The Federal notice may be published concurrently with the State notice requesting public comment or at any time prior to adoption of the final State standard.

(2) The comments received in response to the Federal notice published under paragraph (d)(1) shall be transmitted with any advisory opinions to the State for consideration in the promulgation of the State standards.

(3) The procedures in paragraph (c) of this section for approval without public comment are applicable to the promulgated State standards which had been published for comment as proposals under the concurrent notice provision of this paragraph unless the Assistant Regional Director, under the delegation of authority in § 1953.4 of this part, determines to reject the standards as promulgated.

(e) Whenever a State publishes a notice proposing to adopt State standards which are at least as effective as the comparable Federal standards, the notice shall contain a statement inviting public comment not only on the substance of the standards but also on whether they meet the "at least as effective" criteria in 29 CFR 1902.3(c) and 29 CFR 1902.4(b).

(f) Interested persons may request review of decisions made by the Assistant Regional Director by means of a petition addressed to the Assistant Secretary. Such petition shall contain a statement of reasons for the objection to the approval or rejection of the standard or standards. Such petition shall be accompanied by a copy of the standard or standards in issue and a copy of the decision of the Assistant Regional Director. The Assistant Secretary shall review the Assistant Regional Director's decision and may request public comment. The petitioner shall be informed within a reasonable time of the Assistant Secretary's determination.

2. Paragraph (b)(1) of § 1953.11 would be amended to read as follows:

§ 1953.11 Submission and consideration.

• • • • •

(b)(1) An authorized representative of the State agency or agencies designated under section 18(c)(1) of the Act to administer the plan shall submit the supplement with 6 copies to the appropriate Assistant Regional Director. Whenever the supplement consists of the submission of State standards different from Federal standards, the agency or agencies shall make available to the Assistant Regional Director comments received by the State and the transcript of the public hearing(s) where a hearing was held.

• • • • •

3. Paragraph (b)(1) of § 1953.23 would be amended to read as follows:

§ 1953.23 Submission and consideration of Federal program changes.

• • • • •

(b)(1) An authorized representative of the State agency or agencies designated under section 18(c)(1) of the Act to administer the plan shall submit the supplement with 6 copies to the appropriate Assistant Regional Director. The supplement shall contain the completed change or a schedule for completion of the change where necessary. Whenever the State change differs from the Federal program change, the supplement shall contain documentation on how the change maintains the "at least as effective as" status of the plan. Whenever the supplement consists of the submission of State standards different from Federal Standards, the agency or agencies shall also make available to the Assistant Regional Director all public comments received by the State and the transcript of the public hearing(s) where a hearing was held.

• • • • •

4. Paragraph (b)(1) of § 1953.3 would be amended to read as follows:

§ 1953.31 Submission and consideration.

• • • • •

(b)(1) An authorized representative of the State agency or agencies designated under section 18(c)(1) of the Act to administer the plan shall submit the supplement with 6 copies to the appropriate Assistant Regional Director. The supplement shall contain the change as well as a timetable for completion of any change when necessary with related documentation on the impact of the change on the State plan and its responsiveness to the Federal evaluation report. Whenever the supplement consists of the submission of State standards different from Federal standards, the agency or agencies shall also make available to the Assistant Regional Director all public comments received by the State and the transcript of the public hearing(s) where a hearing was held.

• • • • •

5. Paragraph (b)(1) of § 1953.41 would be amended to read as follows:

§ 1953.41 Submission and consideration.

• • • • •

(b)(1) An authorized representative of the State agency or agencies designated under section 18(c)(1) of the Act to administer the plan shall submit the supplement with 6 copies to the appropriate Assistant Regional Director. The supplement shall contain the change with related documentation on the impact of the change on the State plan. Whenever the supplement consists of the submission of State standards different from Federal standards, the agency or agencies shall also make available to the Assistant Regional Director public comments received by the State and the transcript of the public hearing(s) where a hearing was held.

• • • • •

(Secs. 8(g)(2), 18, 84 Stat. 1598, 1608 (29 U.S.C. 657(g)(2), 667) (5 U.S.C. 553(b)(3)(B)))

Signed at Washington, D.C. this 8th day of October 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-28318 Filed 10-20-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 431-3]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

New Jersey: Approval of Compliance Schedules

On June 22, 1973 (38 FR 16567), the Administrator of the United States Environmental Protection Agency disapproved the New Jersey implementation plan to the extent that the plan failed to include transportation control strategies necessary to attain the national ambient air quality standards established for photochemical oxidants. EPA developed a transportation control plan (TCP) for New Jersey when the State failed to meet the April 15, 1973 date for TCP submission set by the U.S. Court of Appeals for the District of Columbia Circuit.

The rules and regulations comprising New Jersey's current transportation control plan were originally promulgated in the FEDERAL REGISTER of November 13, 1973 (38 FR 31388), revised on June 18, 1974 (39 FR 21049), November 15, 1974 (39 FR 40286), November 26, 1974 (39 FR 41252), and January 6, 1975 (40 FR 1126), and are codified at 40 CFR Part 52, Subpart FF. Among the provisions of that TCP is a control strategy for stationary sources of non-methane hydrocarbons. That strategy is, in turn, made up of a series of regulations dealing with the storage of volatile organic liquids (§ 52.1594), organic liquid loading (§ 52.1595), gasoline transfer vapor control (§ 52.1598) and the control of evaporative losses from the filling of vehicular tanks (§ 52.1599). Another regulation, dealing with volatile organic substances (§ 52.1596), was revoked in the FEDERAL REGISTER of November 15, 1974 (39 FR 40286).

CATEGORICAL AND ALTERNATIVE COMPLIANCE SCHEDULES

A categorical federal compliance schedules applicable to all sources subject to the terms of §§ 52.1594 and 52.1595 is set out at § 52.1597. A categorical federal compliance schedule applicable to sources subject to the terms of § 52.1598 is set out at § 52.1598(e). In addition, both §§ 52.1597 and 52.1598 include provisions which allow the Administrator to approve "alternative" schedules subject only to the requirement, in the case of § 52.1597, that such schedules provide for compliance no later than May 31, 1975, and, in the case of § 52.1598, that such schedule provide for compliance no later than March 1, 1976. Paragraphs governing the submission of such "alternative" schedules are set out at §§ 52.1597(c)(3) and 52.1598(f)(3).

"Alternative" schedules pursuant to the terms of the referenced paragraphs were submitted by a number of sources subject to the substantive control requirements of §§ 52.1594, 52.1595, and 52.1598. The Regional Administrator here proposes to approve a total of fifty-two such schedules.

Each of the sources listed in the first of the following tables has submitted an "alternative" schedule pursuant to § 52.1597(c)(3) which commits the source to comply with the substantive control responsibilities associated with § 52.1594 by or before May 31, 1975.

Each of the sources listed in the second table below has submitted an "alternative" schedule pursuant to § 52.1597(c)(3) which commits the source to comply with the substantive control responsibilities associated with § 52.1595 by or before May 31, 1975.

Each of the sources listed in the fifth table below has submitted an "alternative" schedule pursuant to § 52.1598(f)(3) which commits the source to comply with the substantive control responsibilities associated with § 52.1598 by or before March 1, 1976.

SCHEDULES SUBMITTED AS SIP REVISIONS

In addition to the "alternative" schedules discussed above, a number of sources subject to the substantive control requirements of §§ 52.1594 and 52.1595 have communicated to the Region II EPA Office the circumstances of equipment delivery delays which precluded, or will preclude, compliance by May 31, 1975. The engineering staff of the Regional EPA Office has found that a number of these schedules provide for compliance as expeditiously as practicable, in light of documented difficulties beyond the control of the sources involved. Thirty-three (33) such schedules are therefore proposed for approval here as revisions to New Jersey's approved State Implementation Plan (SIP), pursuant to the authority of section 110(a)(3) of the Clean Air Act, as amended, and 40 CFR 51.6 and 51.15, notwithstanding the failure of these schedules to provide for compliance in accordance with the terms of § 52.1597. The sources for which compliance schedules are proposed as revisions to New Jersey's SIP are listed in the third and fourth tables, below, along with the final compliance date associated with each such proposed schedule.

In conformity with the dictates of 40 CFR 51.15(b)(1), each of the schedules submitted by the sources listed in these tables provides for compliance by or before May 31, 1977, the date established for attainment of primary standards for photochemical oxidants in the State of New Jersey.

RULEMAKING FORMAT

Dates representing phased pollution abatement commitments have been extracted from each schedule proposed for approval herein, and have been transcribed to form a separate document. While only the dates provided for "final compliance" by the sources involved have been set out in the five tables which follow, it is the full succession of dates identifiable to each source that is proposed to be adopted as the official compliance schedule for such source. Once approved, these schedules will constitute revisions to the New Jersey Implementation Plan pursuant to section 110 of the Clean Air Act and 40 CFR 51.8.

The date indicated for "final compliance" in several of these schedules has passed, or will have passed by the time of their ultimate approval. This fact is attributable to delays occasioned by the necessity of ministering to infirmities existing at the time of their initial submission by the sources involved. Approval of these schedules is nonetheless necessary to make the final compliance dates associated with such schedules federally enforceable. Where the date for final compliance has passed, the dates pro-

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vided for achievement of prior increments of progress will not be included in the source's official compliance schedule. The public interest will be protected by the inclusion of the final compliance date for such source, which will become enforceable immediately upon approval of the proposed schedule for that source.

Copies of the compliance schedules proposed to be approved, along with copies of the New Jersey State Implementation Plan, are available for public inspection at the following locations:

United States Environmental Protection Agency, Region II, 26 Federal Plaza, New York, N.Y. 10007.
United States Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street, SW., Washington, D.C. 20460.

In addition, professional personnel familiar with the schedules proposed for approval herein are available at the Regional Office to discuss these schedules with the public.

Public hearings will be held concerning these proposed compliance schedules in order to afford the general public an opportunity to participate in this rulemaking. These hearings will be held no sooner than thirty (30) days from the date of this Notice, on dates and at locations to be announced in a subsequent issue of the FEDERAL REGISTER. Written comments or questions concerning these schedules may be addressed in the interim to Stephen A. Dvorkin, Esq., General Enforcement Branch, Enforcement Division, U.S. EPA, Region II, 26 Federal Plaza, New York, New York 10007.

(42 U.S.C. 1857c-5(c))

Dated: October 10, 1975.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart FF—New Jersey

1. A new § 52.1597 (e), (f), (g), (h) and (i) are added as follows:

§ 52.1597 **Federal compliance schedules.**

* * * * *

(e) *Alternative schedules for compliance with § 52.1594.* The compliance schedules for the sources identified below are approved as meeting the requirements of §§ 51.15 and 52.1597(c) (3) of this Chapter.

Source	Location	Regulations involved	Effective date	Final compliance date
BP Oil, Inc.	Paulsboro, Gloucester County.	40 CFR secs. 52.1594 and 52.1597(c)(3).	Immediately	May 31, 1975
Cities Service Oil Co.	Oakhurst, Monmouth County.	do	do	Do.
Exxon Chemical Co.	Linden, Union County	do	do	Do.
Exxon Co., U.S.A.	Bayonne, Hudson County	do	do	Do.
Universal Oil Products Co. (Chemical Division).	East Rutherford, Bergen County.	do	do	Do.

(f) *Alternative schedules for compliance with § 52.1595.* The compliance schedules for the sources identified below are approved as meeting the requirements of §§ 51.15 and 52.1597(c) (3) of this Chapter.

Source	Location	Regulations involved	Effective date	Final compliance date
BP Oil, Inc.	Paulsboro, Gloucester County.	40 CFR secs. 52.1595 and 52.1597(c)(3).	Immediately	May 31, 1975
Cities Service Oil Co.	Oakhurst, Monmouth County.	do	do	Do.
Exxon Co., U.S.A.	Bayonne, Hudson County	do	do	Do.
Universal Oil Products Co. (Chemical Div.).	East Rutherford, Bergen County.	do	do	Do.

(g) *Additional schedules for compliance with §52.1594.* The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this Chapter.

Source	Location	Regulations involved	Effective date	Final compliance date
Crown Central Petroleum Corp.	Elizabeth, Union County	40 CFR sec. 52.1594	Immediately	Jan. 15, 1976.
General American Transportation Corp.	Carteret, Middlesex County	do	do	Sept. 30, 1975.
Interstate Storage and Pipeline Corp.	Jacksonville, Burlington County.	do	do	June 30, 1975.
Mobil Oil Corp.	Paulsboro, Gloucester County.	do	do	Dec. 1, 1975.
Tenneco Oil.	Newark, Essex County	do	do	Dec. 31, 1975

(h) *Additional schedules for compliance with § 52.1595.* The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this Chapter.

Source	Location	Regulations involved	Effective date	Final compliance date
American Oil Co.	Carteret, Middlesex County	40 CFR sec. 52.1595	Immediately	Jan. 31, 1976
Atlantic Richfield Co.	Newark, Essex County	do	do	Dec. 15, 1975
Do.	Trenton, Mercer County	do	do	Do.
Do.	Woodbury, Gloucester County.	do	do	Nov. 15, 1975
BP Oil, Inc.	Linden, Union County	do	do	Dec. 1, 1975
Chevron Oil Co.	Perth Amboy, Middlesex County.	do	do	Nov. 1, 1975
Cities Service Oil Co.	Linden, Union County	do	do	Dec. 31, 1975
Do.	Pennsauken, Camden County.	do	do	Do.
Crown Central Petroleum Corp.	Elizabeth, Union County	40 CFR sec. 52.1595	Immediately	Jan. 15, 1975
Exxon Chemical Co.	Linden, Union County	do	do	Sept. 30, 1975
Exxon Co., U.S.A.	Flemington, Hunterdon County.	do	do	May 1, 1976
Do.	Hackensack, Bergen County	do	do	Do.
Do.	Linden, Union County	do	do	Do.
Do.	Paulsboro, Gloucester County.	do	do	Do.
General American Transportation Corp.	Carteret, Middlesex County	do	do	Sept. 30, 1975
Getty Oil Co.	Newark, Essex County	do	do	Dec. 1, 1975
Interstate Storage & Pipeline Corp.	Jacksonville, Burlington County.	do	do	June 30, 1975
Mobil Oil Corp.	Paulsboro, Gloucester County.	do	do	Dec. 1, 1975
Phillips Petroleum Co.	Carteret, Middlesex County	do	do	Aug. 31, 1975
Do.	Gloucester, Camden County	do	do	Do.
Sun Oil Co.	Newark, Essex County	40 CFR sec. 52.1595	Immediately	Sept. 1, 1975.
Do.	Pleasantway, Middlesex County.	do	do	Jan. 1, 1976.
Tenneco Oil.	Newark, Essex County	do	do	May 15, 1976
Texaco, Inc. (benzene loading).	Westville, Camden County	do	do	Oct. 1, 1975
Texaco, Inc. (incidental truck loading).	Westville, Camden County	do	do	Jan. 1, 1976
Texaco, Inc.	Linden, Union County	do	do	Feb. 15, 1976
Do.	Newark, Essex County	do	do	Do.
Do.	Westville, Camden County	do	do	Do.

(i) *Alternative schedules for compliance with § 52.1598(c).* The compliance schedules for the sources identified below are approved as meeting the requirements of §§ 51.15 and 52.1598(f) (3) of this Chapter.

Source	Location	Regulations involved	Effective date	Final compliance date
Agway Petroleum Corp.		40 CRF sec. 52.1598	Immediately	Mar. 1, 1976
American Oil Co.		do	do	Jan. 1, 1976
Ashland Petroleum Co.		do	do	Mar. 1, 1976
E. I. DuPont & Co.	Deepwater, Salem County	do	do	Do.
Exxon Co., U.S.A.		do	do	Do.
Ford Motor Co.	Edison, Middlesex County	do	do	Feb. 1, 1976
Getty Oil Co.		do	do	Mar. 1, 1976
Service Station Management Corp.		do	do	Do.
Texaco.		do	do	Do.
Western Electric Co., Inc.	Princeton, Mercer County	do	do	Do.

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FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

MANDATORY PETROLEUM PRICE REGULATIONS

Gas Plant Operations

The Federal Energy Administration (FEA) hereby gives notice of a proposal to amend Title 10, Part 212 of the Code of Federal Regulations to revise the Mandatory Petroleum Price Regulations. The FEA will receive written comments and hold a public hearing with respect to this proposal.

INTRODUCTION

On December 9, 1974, the FEA issued a new Subpart K of the Mandatory Petroleum Price Regulations (39 FR 44407, December 24, 1974), containing regulations designed specifically to cover the prices of natural gas liquids and products produced from natural gas liquids, including propane, effective January 1, 1975. On August 27, 1975, the FEA issued several corrective amendments to the Subpart K price rules (40 FR 39851, August 29, 1975), effective January 1, 1975, and adopted a new price rule, effective August 27, 1975, for natural gas liquids and natural gas liquid products processed in gas plants which have been modernized or expanded after January 1, 1975.

Since the promulgation of Subpart K, FEA has received numerous requests and inquiries as to the appropriate interpretation and method of application of the various price rules contained in the subpart. These inquiries have made apparent the need for certain changes in the natural gas liquids price rules, to include provisions which were inadvertently omitted and to adapt the existing provisions more specifically to gas plant operations.

Therefore, several specific amendments to the Subpart K price rules are being proposed to implement more effectively the FEA's price policy with respect to gas plant operations. In light of the fact that these proposals are intended to effect the same price policy reflected in the original provisions of Subpart K, the proposed amendments, if adopted in their present form, will be effective as of January 1, 1975.

The FEA is also proposing an amendment to § 212.83(c), the "special propane rule" of Subpart E, to provide for the continued implementation of this provision which expired by its terms on July 31, 1975.

In addition, in light of the fact that the Subpart K price rules have been in place for nearly a year and since a continuing process of review is essential to the proper functioning of vital regulatory programs, the FEA is soliciting general comments and suggestions respecting each of the Subpart K price rules. In particular, the FEA is interested in receiving detailed comments as to the need for modification of the price rule which permits the May 15, 1973 prices for natural gas liquids and natural gas liquid products to be upwardly adjusted for the purpose of computing current lawful product prices. Although no specific regulation is being proposed in this regard, an outline of the type of rule under consideration and a description of the important issues to be addressed are set forth in some detail below. In the event that the information derived from these proceedings is sufficient to resolve these issues, a final rule within the context of the outline presented may be adopted.

I. *First sale prices for natural gas liquids.* Subpart K provides that where the May 15, 1973, first sale price for a natural gas liquid (NGL) stream was determined by reference to the first sale prices for NGL products less some specified discount, the first sale price for the stream on that date may now be adjusted to reflect the adjusted May 15, 1973 first sale prices permitted for NGL products under § 212.164(a), provided that the adjusted price for the raw NGL stream continues to reflect the same discount as was in effect on that date. Several processors and refiners have asserted that the language of § 212.164(b) indicates that the price rule contained in that paragraph applies only where the May 15, 1973 selling price for the NGL stream was determined under contract price provisions which made specific reference to prices charged on that date for NGL products and that where no such specific reference was made, prices for such mixed streams may be adjusted to reflect a May 15, 1973 imputed price for the stream of 8.5 cents for the propane content, 9 cents for the butane content, and 10 cents for the natural gasoline content.

The difficulty with this suggested application of § 212.164(b), is that, as a practical matter, the May 15, 1973 prices which processors were willing to pay for unfractionated NGL streams generally represented a discount from the prices the processor received for its fractionated products to take into account the costs of further processing regardless of whether or not the price paid for the raw stream was determined pursuant to a contract term which made specific reference to the purchaser's prices charged for processed products. To permit one processor to fully adjust its prices for natural gas liquids to the price levels indicated in § 212.164

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(a) while requiring another processor to discount its prices for natural gas liquids from the same price levels due merely to the existence on May 15, 1973, of a certain type of contractual price term respecting such liquids, despite the fact that both processors charged identical prices for natural gas liquids on May 15, 1973, would constitute unequal treatment which is not justified.

Moreover, the suggested application would permit the adjusted prices provided for in § 212.164(a) to be charged at a level of sale prior to the processing of the NGL stream into its component products. Since the reference figure originally used by the FEA in determining the appropriate adjusted May 15, 1973 price levels for these products was the arithmetic average of the prices for which some fifty firms were selling processed propane on that date, to permit producers and processors of NGL's to adjust their May 15, 1973 prices for unfractionated NGL streams by reference to this same arithmetic average is unjustified within the context of FEA's conclusions reached pursuant to the September 10 rulemaking.

In order to alleviate the apparently widespread misunderstanding of § 212.-164(b), the FEA proposes to amend the section to make clear that the language which calls for the establishment of May 15, 1973, first sale prices of NGL's by reference to the first sale prices for NGL products, requires only that the May 15, 1973 prices paid by a processor for unfractionated NGL streams represent an ascertainable discount from the weighted average of prices charged by that processor on that date for NGL products sold from the gas plant; *not* that the contractual price terms by which prices for raw NGL streams were determined on that date must have made specific reference to prices charged for products sold from the plant.

In addition, the FEA proposes to amend the section to require that the discount represented in the prices charged on May 15, 1973 for unfractionated NGL streams is to be computed on a percentage basis and that the adjusted May 15, 1973 price for the mixed stream is to be calculated so as to maintain the same percentage discount which existed on that date. By maintaining, on a percentage basis, the May 15, 1973 differential in prices charged by a producer and the processing purchaser of its liquids, the price rule will permit each entity to share, in that same proportion, the benefits of the adjustments permitted under Subpart K. Moreover, maintenance of this percentage differential will place producers which sold to processors at a fixed price on May 15, 1973, on the same footing, relative to the May 15, 1973 price adjustments permitted under Subpart K, as those which sold under net-back arrangements on that date.

II. *Imputed May 15, 1973 prices for natural gas liquids.* Subpart K provides in § 212.164(c) for imputed May 15, 1973, first sale prices for natural gas liquid products processed in "new" gas plants of $.12 per gallon for propane, $.125 per gallon for butane, and $.135 per gallon for natural gasoline. There is no comparable provision imputing May 15, 1973 first sale prices for mixed natural gas liquid streams processed in "new" plants. Since there is no apparent reason to provide a price incentive for the construction of new plants to process NGL products without providing a similar incentive for the construction of facilities to extract a mixed NGL stream, an additional price rule is being proposed to correct the oversight.

In providing for adjusted first sale prices of mixed NGL streams processed in "old" plants, the FEA implemented a price rule, § 212.164(b), which made reference to the prices charged for NGL products on that date. The option of implementing an independent adjusted first sale price for mixed streams stating fixed, adjusted May 15, 1973 first sale prices for such streams was rejected due, in part, to the conclusion that there is no practical way to develop an industry composite cost of processing mixed NGL streams into liquid products in existing plants since the costs of such processing are nearly as varied as the number of such plants currently in operation. Thus, in most instances, a fixed differential between the maximum lawful prices for mixed NGL streams and maximum lawful prices for NGL products processed in existing facilities would not have accurately represented a given gas plant operator's actual costs of further processing.

In the case of "new" gas plants, however, the FEA has tentatively concluded that there is a consensus in the industry that the most efficient processing technology currently available is the "cryogenic" method. Since the costs associated with this method do not vary greatly from plant to plant, it is possible to synthesize an average figure which fairly represents an industry composite of costs properly attributable to the further processing of a mixed NGL stream in a recently constructed plant. The FEA has tentatively concluded that the average cost of fractionating a mixed NGL stream in such a plant is ½ cent per gallon of product derived. Accordingly, FEA is proposing that a new provision be added to § 212.164 to impute May 15, 1973, first sale prices for natural gas liquids processed in "new" gas plants of $.115 per gallon for the propane content, $.12 per gallon for the butane content, and $.13 per gallon for the natural gasoline content.

III. *Non-product cost allowances.* Subpart K currently provides that a processor which sells NGL products may increase its first sale price for those products by a maximum of ½ cent per gallon to reflect actual non-product cost increases incurred since May 15, 1973. No comparable incremental non-product cost increase was provided for producers or processors who sell mixed NGL streams in first sale transactions. The reason for this was FEA's understanding that producers which sell mixed NGL streams seldom, if ever, incur substantially increased non-product costs attributable to gas plant operations.

The comments FEA has received, however, indicate that a significant number of producer's have field separation and extraction facilities with respect to which substantial nonproduct cost increases have been incurred. Accordingly, the FEA proposes that § 212.165 providing for the passthrough of non-product costs be amended so that producer-processors which sell, in first sale transactions, mixed NGL streams that have been extracted from natural gas, may increase their prices for these liquids to reflect non-product cost increases incurred. The proposed amendment would permit first sale prices for natural gas liquids to include an increment which is not in excess of ⅜ cent per gallon, to afford passthrough of non-product costs associated with the extraction of these liquids. The proposed amendment would also provide that first sale prices for the natural gas liquid products derived from such liquids could include an increment which, when added to the non-product cost increment included in the price of the mixed stream, would not be in excess of ½ cent per gallon. The proposal would accordingly require that the seller of the natural gas liquids certify to its purchasers, the amount of the non-product cost increment included in its first sale price for the mixed streams. An additional amendment to this effect is therefore being proposed.

The comments also indicate that, regardless of the method by which FEA permits producers and processors to share in the recoupment of non-product cost increases, the ½ cent limitation may be insufficient to permit the recoupment by certain processors of all such increases actually incurred. The FEA recognized that, under such circumstances, the ½ cent limitation may work an inequity which is sufficient to justify the granting of relief from the burden imposed by this limitation. The FEA has determined, however, that at present the exceptions process is the most appropriate mechanism for the granting of such relief. Accordingly, firms which can demonstrate that the Subpart K limitation on the passthrough of non-product cost increases significantly impairs their ability to recover all non-product cost increases incurred should seek relief from FEA's Office of Exceptions and Appeals in accordance with the procedures set forth in Part 205 of FEA's regulations. For a discussion of the basis upon which such relief may be granted, see *Superior Oil Co.*, 2 FEA Par. 83,271 (August 29, 1975).

IV. *Unrecouped increased product costs.* Since crude oil refiners have been permitted to implement the "twelve month rule" of § 212.83(c)(iii) in apportioning increased crude oil and product costs to propane, FEA has tentatively concluded that a similar provision should be implemented for NGL processors subject to Subpart K. This is especially so in light of the fact that most major crude oil refiners are currently permitted to compute a portion of their increased product costs attributable to propane derived from natural gas by reference to Subpart K and are concurrently permitted to apportion such costs pursuant to the "twelve month rule" of Subpart E. Provision of an analogous means of apportioning such costs for NGL processors which are not also subject to Subpart E therefore appears justified.

Therefore, the FEA proposes to amend § 212.167 to provide that, notwithstanding the provisions of § 212.167 (c) and (e), an NGL processor may, in computing first sale prices for propane for each twelve month period of August 1 through July 31, allocate increased product costs attributable to natural gas liquid products disproportionately to its sales of propane or other products, provided that the ratio of increased costs allocated to propane compared to the total of increased costs allocated to all NGL products during that twelve month period, is the same as the ratio of the total sales of propane compared to the total sales of all NGL products for that period.

An additional aspect of the proposal described above is that it would permit processors to apportion costs attributable to propane to prices charged for butane and natural gasoline. The comments indicate that, since NGL processors generally have lesser total increased product costs than crude oil refiners, seasonal application of these costs on propane may not permit processors to justify propane prices at levels equal to those which can be justified by crude oil refiners under Subpart E. Moreover, if prices charged for propane during the winter months are not sufficient to recoup all of the increased product costs incurred by processors during the year, such costs may remain unrecouped for the entire period. If these unrecovered costs are permitted to be allocated disproportionately during the summer to prices charged for butane and natural gasoline, products for which demand is not seasonal, processors will be in a better position to recover all increased costs of product actually incurred during the year.

V. *Certification of adjusted May 15, 1973 prices between purchasers and their suppliers.* The corrective amendments to Subpart K, issued on August 27, 1975, and one of the amendments proposed today require that, in calculating the per gallon amount of nonproduct and product cost increases which may be included in lawful prices for liquid products, firms which sell those products in first sale transactions must make reference to the per gallon amount of non-product cost increases and the adjustments to May 15, 1973, prices included in the lawful prices charged by their suppliers of mixed natural gas liquids. In addition, the proposed amendments contain provisions which require that, in calculating the adjustments to May 15, 1973, prices which may be used in computing maximum lawful prices for natural gas liquids, firms which sell natural gas liquids at fixed prices in first sale transactions must make reference to the May 15, 1973, prices for natural gas liquid products of the firm which purchases the mixed stream. In order to facilitate the flow of information necessary for compliance with these provisions, the FEA is proposing to attend the Subpart K regulations to require that sellers and purchasers of natural gas liquids certify to one another the incremental amounts included in their prices for natural gas liquids and natural gas liquid products, respectively, which are relevant for the purposes of computing lawful prices in accordance with the Subpart K price rules.

VI. *Calculation of increased product costs attributable to "new" natural gas liquids and natural gas liquid products.* Section 212.168 now provides that an imputed May 15, 1973 price of either 23 cents per thousand cubic feet (MCF) or 23 cents per million BTU for residue natural gas is to be used where the residue gas stream from which the natural gas liquids have been extracted was not, in fact, sold on May 15, 1973, and that, under such circumstances, the imputed price is to be used regardless of whether or not the gas plant began operations after May 15, 1973. This imputed price is to be used in calculating increased natural gas shrinkage costs attributable to both natural gas liquids and natural gas liquid products under such circumstances.

The FEA has been informed that, in certain instances, gas streams which were not sold on May 15, 1973, were subsequently produced and processed, and the residue gas sold at a price less than 23 cents per thousand cubic feet (MCF) or 23 cents per million BTU. Since the use under such circumstances of the 23 cent imputed price in calculating increased shrinkage would result in the computation of a lesser amount of increased shrinkage costs than those actually incurred, the FEA is proposing to amend § 212.168 to provide that, where a natural gas stream was not sold on May 15, 1973, the lowest of the actual initial sales price of the residue gas or 23 cents per thousand cubic feet (MCF) or per million BTU for residue natural gas may be used as an imputed May 15, 1973 price for the gas stream.

VII. *Special propane rule for refiners of crude oil.* Currently, Subpart E of the FEA price regulations provides a twelve month period August 1, 1974, through July 31, 1975, over which refiners are required to comply with four specific price rules relative to the apportionment of various increased product costs to propane. At the time this "twelve month rule" was implemented, the FEA limited its application to the single twelve month period described above because it appeared that the Emergency Petroleum Allocation Act of 1973 (EPAA), from which the FEA derives its authority to implement the Mandatory Petroleum Price Regulations, would expire at the end of this period. In light of the fact that FEA's price control authority under the EPAA has been temporarily extended and since the considerations which led to the implementation of the original twelve month provision remain valid, the FEA proposes an amendment to the special propane rule to delete the references therein to the specific years 1974 and 1975. If this amendment is adopted, the twelve month period covered by the special propane rule will begin anew on August 1 of each year during which the regulation remains in effect.

VIII. *First sale prices for natural gas liquid products according to location of sale.* Subpart K currently provides for adjustment of a firm's actual May 15, 1973 selling prices for natural gas liquid ("NGL") products to price levels of 8.5 cents per gallon for propane, 9 cents per gallon for butane, and 10 cents per gallon for natural gasoline, for purposes of determining current lawful prices for those products. These adjusted price levels were chosen essentially by reference to the arithmetic average of the posted price for which some fifty firms were selling propane. For the most part, those posted prices represented prices charged for the product at or near the gas plant or refinery gate. As a result, a significant aspect of the Subpart K price rules providing for adjusted May 15, 1973 prices, § 212.164, is that the rule does not provide for the application of upwardly adjusted May 15, 1973 product prices in determining current lawful selling prices at locations other than the gas plant or refinery gate where actual May 15, 1973 product prices were at or above the arithmetic average referenced in § 212.-164.

In those circumstances where a firm made May 15, 1973 sales to a class of purchaser at some point other than a gas plant or refinery gate, the prices charged in such sales typically represented a lower product price—charged at the plant or refinery, plus the cost of transportation to the point of sale. In some cases, therefore, actual May 15, 1973 prices at distant points of sale were at levels in excess of the adjusted prices permitted under § 212.164(a), even though those prices may have been determined, directly or indirectly, by reference to product prices at a posting point which were less than the adjusted prices permitted under § 212.164(a), with the balance of the May 15, 1973 prices at distant points representing the cost of transportation to those points.

In some circumstances, the Subpart K price rules result in lawful sales prices at distant points of sale which reflect the upward adjustments to May 15, 1973 product prices. Thus, where prices charged by firms selling at the gas plant level are adjusted under the price rule of § 212.164(a), prices charged for the same products by firms that purchase those products at the gas plant and resell them at distant points of sale include those adjustments in the form of increased product costs which can be passed through by the reseller firm, without regard to whether or not the actual May 15, 1973 prices of the reseller firm were above or below the adjusted price levels referenced in § 212.164. However, under other circumstances, it appears that another firm's lawful sales prices permitted under Subpart K at the same distant points of sale do not reflect the

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adjusted May 15, 1973 prices. Thus, where a gas processor made sales at those points on May 15, 1973, at prices in excess of the adjusted May 15, 1973 prices, no provision has been made for a similar adjustment to these higher distant sales prices. Application of the adjustments permitted under § 212.164 has therefore resulted for some firms in a reduction or elimination of historical transportation cost price differentials in their prices across the country, since prices in areas close to gas plants or refineries, which have historically been relatively low, are adjusted upward while prices at distant sales points which have historically been relatively higher to reflect added costs of transportation, have not been uniformly adjusted.

The FEA is therefore considering the amendment of § 212.164 to provide for a method of implementing the adjustments to May 15, 1973 first sale prices in a manner that would permit historical geographical price differentials based on transportation costs to be maintained. Before such an amendment can be adopted, however, the FEA has identified a need for comprehensive data on two essential aspects of this proposal.

The first consideration is the historic role of geographic price differentials in the marketing of natural gas liquids and liquid products. The FEA has received several requests and inquiries providing insight as to the part these differentials have traditionally played in the context of an unregulated market, but there remains a need for more thorough examination of this historic role from the perspective of marketer and consumer, alike. Furthermore, the FEA would like to examine the need, or lack thereof, for the maintenance of this historic mechanism of price differentials within the context of the Mandatory Petroleum Price and Allocation Regulations. Information and views on this latter consideration would be particularly helpful.

Secondly, in the event that the need for the implementation of the adjusted May 15, 1973 price rule in a manner designed to maintain some system of geographic price differentials is established, information and views as to the most appropriate method of implementing such a price rule is solicited. To date, the FEA has considered the proposal of a price rule providing that May 15, 1973 sales prices for natural gas liquid products at distant sales points could be adjusted to price levels which reflect a May 15, 1973 product price of 8.5 cents per gallon for propane, 9 cents per gallon for butane, and 10 cents per gallon for natural gasoline, plus the actual cost on that date of transporting the product from that firm's nearest gas plant, refinery or posting point, to the point of sale. However, potential difficulties with this approach have been raised (e.g., the administrative burden, the fact that it departs from the historic method of determining these prices and differentials, and the possible resultant aggravation of existing price disparities at distant sales points where product from varied sources is marketed). The FEA has alternatively considered the proposal of a rule which would provide for the pass through in product prices of the increased costs of transportation as a means of achieving geographic differentials, but objections to this approach have likewise been raised. Also considered has been a method whereby a single increment representing the difference between only those May 15, 1973 selling prices which did not include any element of transportation and the adjusted May 15, 1973 price levels would be calculated by each firm and which could then be added to the actual May 15, 1973 selling prices, including those at distant points. Although such a rule would tend to reinstate transportation cost price differentials for individual firms, it could aggravate price disparity problems between firms. Thus, for example, two firms that had comparable prices on May 15, 1973 which were in excess of the adjusted May 15, 1973 price might have different prices currently under such an alternative formulation of the rule, simply because one firm had sales at less than the adjusted May 15, 1973 price at some other location, and the other firm did not.

Because of the drawbacks associated with the price rules outlined above and in light of the liklihood that similar disadvantages would attach to the implementation of any cost-based system of administered geographic price differentials, interested persons commenting on this aspect of these proposals should note that the adoption by FEA of such a rule, absent a convincing demonstration that such a rule is both necessary and feasible, is unlikely. Persons favoring the adoption of such a rule should therefore present, in detail, the justification for the rule and the proposed method of implementation, taking all of the above considerations into account.

PROCEDURES FOR WRITTEN COMMENTS AND PUBLIC HEARING

Interested persons are invited to participate in this proceeding by submitting data, views or arguments with respect to both the proposals set forth herein and the corrective amendments issued August 27, 1975, to Executive Communications, Room 3309, Federal Energy Administration, Box EO, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Proposed Amendments to the Price Regulations for Natural Gas Liquids and Natural Gas Liquid Porducts." Fifteen copies should be submitted. All comments received by Monday, November 3, 1975, before 4:30 p.m., d.s.t., and all other relevant information, will be considered by the Federal Energy Administration before final action is taken on the proposals.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

The public hearing regarding the corrective amendments and proposals will be held beginning at 9:30 a.m., d.s.t., on Thursday, November 6, 1975, and will be continued if necessary on Friday, November 7, 1975, in Room 2105, 2000 M Street, NW., Washington, D.C. 20461, in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in this matter, or who is a representative of a group or class of persons that has an interest in this matter, may make written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, Room 3309, FEA, and must be received before 4:30 p.m., d.s.t., on Thursday, October 30, 1975. Such a request may be hand delivered to Executive Communications, Room 3309, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons that has such a interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through Friday, October 31, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., d.s.t., Friday, October 31, 1975, and must submit 100 copies of his statement to Executive Communications, FEA, Room 2214, 2000 M Street, NW., Washington, D.C., 20461, before 4:30 p.m., d.s.t., on Monday, November 3, 1975.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of person presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., d.s.t., Monday, November 3, 1975. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area, Room 3400, Federal Building, 12th & Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comment concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

All the proposed amendments contained herein have been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and have been determined not to be of a nature that requires an evaluation of their inflationary impact pursuant to Executive Order 11821.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 93-511 and by Pub. L. 94-99; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, it is proposed to amend Part 212 of Chapter II, Title 10 of the Code of Federal Regulations, as set forth below, effective January 1, 1975.

Issued in Washington, D.C., October 15, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

1. Section 212.164 is amended in paragraph (b), by the redesignation of paragraph (d) as paragraph (e), and by the addition of a new paragraph (d) to read as follows:

§ 212.164 Adjusted May 15, 1973 first sale price.

* * * * *

(b) *Natural gas liquids.* For purposes of determining lawful prices of natural gas liquids in a first sale, if the first sale price of natural gas liquids on May 15, 1973, represented a discount from the lawful first sale prices of natural gas liquid products at the nearest sales point for such products on that date, a firm may use, in lieu of the actual May 15, 1973 first sale prices of natural gas liquids, first sale prices of not more than $.085 per gallon for the propane content, not more than $.09 per gallon for the butane content, and not more than $.10 per gallon for the natural gasoline content; provided that the natural gas liquids first sale prices used shall be reduced by the same percentage discount from these adjusted first sale prices for the component natural gas liquid products as the actual May 15, 1973 first sale prices of natural gas liquids were reduced from the actual May 15, 1973 selling prices of natural gas liquid products at the nearest sales point for such products.

* * * * *

(d) *Imputed May 15, 1973 first sale prices for natural gas liquids from new gas plants where groundbreaking did not occur until January 1, 1975, or thereafter.* For purposes of determining lawful prices of natural gas liquids produced in a gas plant where groundbreaking did not occur until January 1, 1975, or thereafter, a firm may use as the weighted average price at which natural gas liquids were lawfully priced in first transactions on May 15, 1973, prices of not more than $.115 per gallon for propane content, not more than $.12 per gallon for butane content, and not more than $.13 per gallon for natural gasoline content.

* * * * *

2. Section 212.165 is amended to read as follows:

§ 212.165 Increased non-product costs.

(a) The first sale price of natural gas liquids may be increased by an amount which is not more than $.00375 per gallon in excess of the amount otherwise permitted to be charged pursuant to the provisions of this subpart, to reflect non-product cost increases which have been incurred since May 15, 1973. The first sale price of natural gas liquid products may be increased by an amount which, when added to the amount of non-product costs certified as included in prices charged for purchased natural gas liquids is not more than $.005 per gallon in excess of the amount otherwise permitted to be charged pursuant to the provisions of this subpart, to reflect non-product cost increases which have been incurred since May 15, 1973. Records shall be maintained to show that the increased non-product costs attributable to gas plant operations, under customary accounting procedures generally accepted and historically and consistently applied by the firm concerned, and sufficient to justify the amount of the price increase permitted under this section on a dollar-for-dollar passthrough basis.

3. Section 212.167 is amended in paragraphs (c) and (e), to read as follows:

§ 212.167 Allocation of increased product costs.

* * * * *

(c) *Increased product costs allocable to propane.*

The total amount of increased product costs allocable to the price of propane derived from a particular volume of natural gas for each twelve month period of August 1 through July 31, shall not exceed the amount of increased product costs determined pursuant to paragraphs (a) and (b) of this section to be attributable to that volume of natural gas and allocable to the sales volume of natural gas liquid products derived therefrom multiplied by $\frac{V_p}{V_n}$ where:

V_n = The total volume of all natural gas liquid products derived from that volume of natural gas and sold during the period August 1 through July 31, and

V_p = The total volume of propane derived from that volume of natural gas and sold during the period August 1 through July 31.

* * * * *

(e) *Carry-forward of unrecovered increased product costs.* Increased product costs calculated pursuant to this section and not recovered in sales revenues in the current month may be carried forward for recovery in a subsequent month, provided that such recovered increased product costs shall be allocated to prices as provided in this section.

4. Part 212 is being amended by the addition of a new § 212.171, to read as follows:

§ 212.171 Certification requirements.

(a) *Certification to purchasers of natural gas liquids and natural gas liquid products.* Each seller of natural gas liquids and natural gas liquid products shall certify to each class of purchaser: (1) The per gallon increment included in the price charged to that class which results from the use by the seller of an adjusted May 15, 1973 selling price under § 212.164, in determining the lawful price to that class; and (2) the per gallon increment included in the price charged to that class which reflects non-product cost increases incurred by the seller and passed through pursuant to § 212.165.

(b) *Certification to sellers of natural gas liquids.* Each purchaser of natural gas liquids which further processes such liquids and sells the natural gas liquid products shall certify to each seller from which it purchases natural gas liquids, the per gallon increment included in its prices charged for natural gas liquid products which results from the use of an adjusted May 15, 1973 selling price under § 212.164 in determining the lawful price charged for the natural gas liquid products.

5. Section 212.168 is amended to read as follows:

§ 212.168 Increased product costs for natural gas liquids and natural gas liquid products derived from a new gas stream.

For purposes of determining increased product costs attributable to natural gas liquids and natural gas liquid products produced from a new gas stream where no sale of the residue gas was made on May 15, 1973, a firm shall use as its May 15, 1973 price for the residue gas, the lower of: 23 cents per thousand cubic feet (MCF) or 23 cents per million BTU of residue natural gas; or the actual price at which the residue gas was sold on the first day following May 15, 1973 on which a sale was made.

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6. Section 212.83 is amended in paragraph (c)(1)(iii)(A) to read as follows:

§ 212.83 Allocation of refiners' increased costs.

* * * * *

(c) Allocation of increased product costs—(1) General rule—

* * * * *

(iii) Propane—(A) *Special Propane rule.* Notwithstanding the provisions of § 212.83(c)(1)(ii) and § 212.83(e), a refiner in computing base prices for propane for each twelve-month period of August 1, through July 31:

(*1*) May not apportion to propane a greater percentage of increased cost of crude oil purchased or landed in the twelve-month period July 1, through June 30, than the percentage that the volume of propane sold during the twelve-month period August 1, through July 31, that was produced by that refiner from crude oil is to the total volume of all products (including other than covered products) sold by it during the same twelve-month period that were produced by that refiner from crude oil; and

(*2*) May apportion to propane the increased cost of propane purchased or landed in the twelve-month period of July 1, through June 30; and

(*3*) May apportion to propane the increased product costs attributable to propane produced from natural gas as determined pursuant to the provisions of paragraphs (a), (b) and (c) of § 212.166 of Subpart K; and

(*4*) May not apportion to propane any increased product costs incurred prior to July 1, and not recovered through July 31.

[FR Doc.75-28220 Filed 10-16-75;10:55 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

Meeting

Pursuant to Executive Order 11686 and the provisions of Section 10(a)(2), Public Law 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Advisory Committee on Voluntary Foreign Aid which will be held on November 6 and 7, 1975, from 9:30 a.m. to 5:00 p.m., in Room 5941 and Room 5951, New State Building, 21st and Virginia Avenue, NW., Washington, D.C.

The purpose of the meeting is to consider the following topics and, where deemed necessary and appropriate, to develop advisory recommendations: Grant Procedures, Food for Peace, Food Production, Women in Development, Normal Ocean Freight including the List of Eligible Countries, and to consider such other matters related to the foreign assistance advisory concerns of the Committee as may be appropriate.

This session will be open to the public. Any interested person may attend, appear before, or file statements with the Committee in accordance with procedures established by the Committee and to the extent time available for the meeting permits. Written statements may be filed before or after the meeting.

Mrs. Harriett S. Crowley will be the A.I.D. representative at the meeting. Information concerning the meeting may be obtained from Mr. Robert S. McClusky, Telephone: AC 202-632-1892. Persons desiring to attend the meeting should enter the New State Building through the 21st Street entrance.

Dated: October 15, 1975.

HARRIETT S. CROWLEY,
Acting Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.75-28189 Filed 10-20-75;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 75-263]

FOREIGN CURRENCIES

Certification of Rates

SEPTEMBER 29, 1975.

The appended table shows the rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), which are applicable to the currencies of the countries listed in section 159.34a, Customs Regulations (19 CFR 159.34a), for the period September 15 through September 19, 1975. This table is published for the information and use of Customs officers and others concerned.

[SEAL] JAMES D. COLEMAN,
Acting Director, Duty Assessment Division.

Country	Currency	Sept. 15	Sept. 16	Sept. 17	Sept. 18	Sept. 19
Australia	Dollar	(1)	(1)	(1)	(1)	(1)
Austria	Schilling	$0.0544	$0.0543	$0.0540	$0.0538	$0.0537
Belgium	Franc	.025765	.025450	.025375	.025295	.025210
Canada	Dollar	(1)	(1)	(1)	(1)	(1)
Denmark	Krone	.1650	.1648	.1642	.1636	.1634
Finland	Markka	.2613	.2612	.2600	.2592	.2585
France	Franc	.2255	.2244	.2227	.2218	.2213
Germany	Deutsche mark	.3850	.3825	.3801	.3797	.3794
India	Rupee	(1)	(1)	(1)	(1)	.1120
Ireland	Pound	(1)	2.0905	2.0810	2.0785	2.0800
Italy	Lira	.001484	.001477	.001475	.001467	.001465
Japan	Yen	(1)	(1)	(1)	(1)	(1)
Malaysia	Dollar	.3942	.3937	.3915	.3900	.3890
Mexico	Peso	(1)	(1)	(1)	(1)	(1)
Netherlands	Guilder	.3753	.3725	.3707	.3698	.3698
New Zealand	Dollar	1.0605	1.0608	1.0608	1.0540	1.0525
Norway	Krone	.1794	.1783	.1777	.1772	.1773
Portugal	Escudo	.0373	.0373	.0368	.0369	.0369
South Africa	Rand	(1)	(1)	(1)	(1)	(1)
Spain	Peseta	(1)	(1)	.016870	.016830	.016835
Sri Lanka	Rupee	.1345	.1345	.1345	.1345	.1350
Sweden	Krona	.2266	.2245	.2230	.2225	.2225
Switzerland	Franc	.3706	.3685	.3672	.3672	.3675
United Kingdom	Pound	(1)	2.0905	2.0810	2.0785	2.0800

[1] Rate did not vary—use quarterly rate published in T.D. 75-176.

[FR Doc.75-28310 Filed 10-20-75;8:45 am]

Fiscal Service

WISCONSIN SURETY CORP.

Surety Companies Acceptable on Federal Bonds: Notice of Liquidation

Correction

In FR Doc. 75-27333, appearing on page 47807 of the issue of Friday, October 10, 1975, the phrase "Secfi 645.52", in the third paragraph, the tenth line, should be changed to read "Sec. 645.62".

Office of the Secretary

CERTAIN NON-POWERED HAND TOOLS FROM JAPAN

Amendment of Determination of Sales at Less Than Fair Value

A "Determination of Sales at Less Than Fair Value and Discontinuance of Antidumping Investigation" with respect to certain non-powered hand tools from Japan was published in the FEDERAL REGISTER of September 5, 1975 (40 FR 41155, FR Doc. 75-23487).

Subsequent to that determination it has been concluded that it is inappropriate to include within the Determination of Sales at Less Than Fair Value, battery post and terminal cleaning brushes, battery terminal spreaders, angle-nose pliers, booster cables and battery service kits (terminal puller, cleaning brush and two terminals).

Accordingly, the "Determination of Sales at Less Than Fair Value and Discontinuance of Antidumping Investigation" referred to above is amended by deleting paragraph four and inserting a new paragraph four to read:

"*Determination of Sales at Less Than Fair Value.* I hereby determine that, for the reasons stated below, punches, chisels, hammers and sledges (with or without handles), vises, c-clamps and battery terminal lifters from Japan, are being, or are likely to be sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a))."

Likewise, the section of the determination headed Statement of Reasons on Which This Determination is Based, is amended by deleting paragraph seven and inserting a new paragraph seven to read:

"Hammers from Imoto Hamono Co., Ltd., and Kyoto Tool Co., Ltd., and sledges from Hiroto Tekko K.K., are excluded from this determination since 100 percent or virtually 100 percent of their export sales of these articles during the period under consideration were examined as appropriate, and the foreign market value or constructed value, as applicable, was found to be lower than the purchase price of identical merchandise in every instance."

Insofar as the Determination of Sales at Less Than Fair Value on certain non-

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powered hand tools from Japan now includes merchandise other than that described in the "Withholding of Appraisement and Notice of Tentative Discontinuance of Antidumping Investigation" (published in the Federal Register of June 5, 1975 (40 FR 24218)) the withholding of appraisement is hereby revoked.

The United States International Trade Commission is being advised of this amendment.

JAMES J. FEATHERSTONE,
Acting Assistant Secretary of the Treasury.

OCTOBER 15, 1975.

[FR Doc.75-28190 Filed 10-20-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

S. B. PENICK AND CO.

Manufacture of Controlled Substances; Registration

By notice dated July 24, 1975, and published in the FEDERAL REGISTER on August 19, 1975; (40 FR 36153), S. B. Penick and Company, a unit of CPC International, Inc., 530 New York Avenue, Lyndhurst, New Jersey 07071, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of concentrate of poppy straw, a basic class controlled substance listed in schedule II.

No comments or objections having been received, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Acting Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of concentrate of poppy straw is granted.

Dated: October 14, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75-28333 Filed 10-20-75;8:45 am]

WINTHROP LABORATORIES AND ABBOTT LABORATORIES

Manufacture of Controlled Substances; Registration

By notice dated July 24, 1975, and published in the FEDERAL REGISTER on August 21, 1975; (40 FR 36580-81) the following manufacturers made application to the Drug Enforcement Administration to be registered as bulk manufacturers of the basic class of controlled substances listed below:

Winthrop Laboratory, Division of Sterling Drug Inc., 33 Riverside Avenue, Rensselaer, N.Y. 12144 (undated):

Drug:	Schedule
Pethidine	II

Abbott Laboratories, Abbott Park, Attn: D-297, North Chicago, Illinois 60064 (June 12, 1975):

Drug:	Schedule
Pentobarbital	II

Abbott Laboratories, 14th & Sheridan Road, Attn: Customer Service D-345, North Chicago, Illinois 60064 (June 12, 1975):

Drug:	Schedule
Pentobarbital	II

No comments or objections having been received, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Acting Administrator hereby orders that the applications submitted by each of the above firms for registration as bulk manufacturers of the basic classes of controlled substances listed therein are granted.

Dated: October 14, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc. 75-28334 Filed 10-20-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALBUQUERQUE DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the Multiple Use Advisory Board for the Albuquerque District, Bureau of Land Management, will meet on November 21, 1975. The meeting will begin at 9 a.m. at the Albuquerque District Office, 3550 Pan American Freeway NE., Albuquerque, New Mexico.

The agenda for the meeting will include a discussion of the Board's charter and responsibilities, organization of the Board and election of officers, a summary presentation of on-going Bureau programs and responsibilities, a discussion of the District Rio Grande Planning effort, and a discussion of District needs for grazing allotment management plans and Environmental Impact Statements resulting from a recent court decision.

The meeting is open to the public with seating provided for approximately 40 people. Time will be made available for a number of brief statements by members of the public. Those wishing to make an oral statement should so inform the District Manager prior to the meeting. Written statements may be filed for the Board's consideration by submitting them at the meeting or mailing in advance to the Bureau of Land Management at the address listed below.

Further information concerning the meeting may be obtained from Mr. R. Keith Miller, District Manager, Albuquerque District, 3550 Pan American Freeway NE., Albuquerque, N.M. 87107 (telephone: 505-766-2455).

Minutes of the meeting will be available at the Albuquerque District Office for public inspection and copying, thirty days after the meeting.

R. KEITH MILLER,
District Manager.

OCTOBER 14, 1975.

[FR Doc.75-28301 Filed 10-20-75;8:45 am]

OUTER CONTINENTAL SHELF OFFICIAL PROTRACTION DIAGRAMS

Approval

1. Notice is hereby given that, effective October 21, 1975, the following OCS Official Protraction Diagrams approved on the dates indicated, are available, for information only, in the Outer Continental Shelf Office, Bureau of Land Management, Anchorage, Alaska. In accordance with Title 43, Code of Federal Regulations, these protraction diagrams are the basic record for the description of mineral and oil and gas lease offers in the geographic areas they represent.

OUTER CONTINENTAL SHELF OFFICIAL PROTRACTION DIAGRAMS

Description:	Approval date
NO 4-8, Stuwick Island	Aug. 1, 1975.
NO 5-6, Kodiak	Oct. 7, 1975.
NO 5-7, Trinity Islands	July 21, 1975.
NO 6-1, Blying Sound	Do.
NO 6-3	Aug. 1, 1975.
NO 7-3	Do.
NN 4-2	Do.
NN 5-1, Chirikof Island	July 21, 1975.
NN 5-2	Aug. 1, 1975.

2. Copies of these diagrams are for sale at two dollars ($2.00) per sheet by the Manager, Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510. The street address is 800 "A" Street, Anchorage, Alaska. Checks or Money Orders should be made payable to the Bureau of Land Management.

EDWARD J. HOFFMANN,
Manager, Alaska,
Outer Continental Shelf Office.

[FR Doc.75-28303 Filed 10-20-75;8:45 am]

SOCORRO DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the Socorro District Multiple-Use Advisory Board of the Bureau of Land Management will meet in the Socorro District Office, 200 Neel Avenue NW., Socorro, New Mexico on November 20, 1975, at 9:30 a.m.

This is the first meeting of the newly organized board and will be devoted principally to a discussion of ongoing management programs within the Socorro District.

The meeting will be open to the public. Time will be made available beginning at 3 p.m. for brief statements by members of the public. Such statements should be limited to matters set forth in the agenda. Those wishing to make oral statements should notify the District Manager, Bureau of Land Management, P.O. Box 1456, Socorro, New Mexico 87801, by close of business November 19, 1975. Any interested person or organization may file a written statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the District Manager, Bureau of Land Management, P.O. Box 1456, Socorro, New Mexico 87801, Telephone Number 835-0412.

JERRY P. TOWNSEND,
Acting District Manager.

OCTOBER 14, 1975.

[FR Doc.75-28302 Filed 10-20-75;8:45 am]

[Wyoming 52847]

WYOMING

Application

OCTOBER 14, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Colorado Interstate Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING
T. 20 N., R. 99 W.,
Sec. 14,
Sec. 22.

The pipeline will convey natural gas from the Champlin No. 4-27 well in Sec. 27 and the Champlin No. 2-23 well in Sec. 23 to an existing pipeline in Sec. 14, all in T. 20 N., R. 99 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, WY 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-28304 Filed 10-20-75;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES AND MARINE MAMMAL

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205), and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

Applicant. National Fish and Wildlife Laboratory, National Museum of Natural History, Washington, D.C. 20560.

OMB NO. 42-R1570

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Permit to salvage specimens, to receive unsolicited materials and to loan specimens to other scientific institutions.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
National Fish and Wildlife Laboratory
National Museum of Natural History
Washington, D.C. 20560
(Tel: 381-5161)

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
The National Fish and Wildlife Laboratory conducts original research for the Fish and Wildlife Service that relates to Bureau programs in particular

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Fish and Wildlife Service

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Clyde Jones, Director (381-5161)
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
National Fish and Wildlife Laboratory
National Museum of Natural History
Washington, D.C. 20560

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number)
MB-151 ✓

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
August 1975

11. DURATION NEEDED
Indefinite

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17 - Endangered Wildlife
50 CFR 18 - Marine Mammals

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (in ink) — DATE
John E. Wilson, Acting Director — 6 August 1975

3-200
05/74

Application for permit to import 64 skulls of Polar Bears taken in years past by research personnel of the Canadian Wildlife Service.

Title 50 CFR 18.31(a)

(1) A permit is requested to receive from Dr. Ian Sterling of the Canadian Wildlife Service a total of 64 skulls of Polar Bears with complete data, for deposition in the National Museum of Natural History to be maintained and used for scientific research purposes. Material will be imported by parcel post as soon as necessary permit is obtained. Complete data for each specimen is attached.

(2) Species: *Ursus maritimus*, population stock: Canada; 64 cleaned skulls of assorted age, size, and sex.

(3) No live specimens are involved.

(4) The specimens are to be deposited in the National Museum of Natural History so that they will be available for scientific re-

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search in the future. The Canadian Wildlife Service has completed their studies on these specimens, and they will otherwise be discarded and lost to science.

(5) The species is not listed as endangered or threatened.

(6) The specimens will not be used for public display.

Attachment to National Fish and Wildlife Laboratory permit application to salvage specimens, to receive unsolicited specimens, and to loan scientific specimens of endangered wildlife.

The National Fish and Wildlife Laboratory is responsible for receiving, identifyng, storing, and in some cases, maintaining indefinitely, specimens of endangered species sent to the laboratory by the Office of Endangered Species and by the Division of Law Enforcement. In order to conform with Title 50 Part 17 of the Code of Federal Regulations, it is necessary for us to have a permit to perform such services. In accordance with your memo of July 30, 1975, I am resubmitting our request for such a permit, along with the attachments required in § 17.22 inasmuch as we are able to provide them.

17.22(a)

(1) The common and scientific names of the species sought to be covered by the permit are those species listed in §§ 17.11 and 17.12. The number, sex, and age of such species is impossible to state. The activity sought to be authorized is salvaging dead specimens, transporting such specimens, and receiving such specimens from law enforcement personnel.

(2) The wildlife sought to be covered by the permit will have been removed from the wild by the time we receive it, and in some cases may be born in captivity.

(3) Not Applicable.

(4) The countries and places from which wildlife will be received is not known in advance.

(5) The National Museum of Natural History, 10th and Constitution Avenue NW., Washington, D.C. 20560.

(6) We do not seek to have live wildlife covered by the permit.

(7) There are no such contracts and agreements. The person engaging in the activities will be the Director of the Laboratory, or his delegate.

(8) Justification: We are trying to fulfill our obligations to other arms of Fish and Wildlife Service for identification and maintenance of specimens of endangered species in a manner compatible with the law.

(9) As part of our curatorial responsibilities to the National Museum of Natural History, we routinely loan cataloged specimens to other museums for taxonomic studies. Such inter-state shipment of materials on loan for scientific purposes should be covered by the permit if necessary.

Numbers of subadult bears that have been sent for storage

L No.	Weight in pounds	Sex	Date killed	Location	Killed by—
1455		♀	Jan. 8, 1974	Northwest Territory, 63°41′ N., 82°01′ W.	Inuit.
1643	456	♂	Feb. 8, 1974	Northwest Territory, Pond Inlet	Do.
1639	394		Dec. 31, 1974	Northwest Territory, Button Point	Do.
1640		♀	Oct. 12, 1974	Northwest Territory, Cape Dorset	Do.
1594			May 11, 1974	Northwest Territory, Bird Island	Do.
1322			Nov. 12, 1973	Northwest Territory, Fort Churchill	Do.
1603		♀	May 25, 1974	Northwest Territory, Jones Sound	Do.
1274	354	♀	Oct. 1973	Northwest Territory, Pond Inlet	Do.
1095		♂	Apr. 29, 1973	Northwest Territory, Eskimo Point	Do.
1438		♀	Mar. 8, 1974	Northwest Territory, Banks Island	Do.
1474	764	♀	Nov. 16, 1973	Northwest Territory, Arctic Bay	Do.
1456			1974	Northwest Territory, Frobisher Bay	Do.
1282	1107	♂	Nov. 3, 1973	Northwest Territory, Harbour Flord	Do.
1279	300	♂	Oct. 23, 1973	Northwest Territory, Cornwellis Island	Do.
1260			Oct. 21, 1973	Northwest Territory, Coral Harbour	Do.
1609		♂	Nov. 12, 1974	Northwest Territory, Igloolik	Do.
1591	900	♂	Oct. 11, 1974	Northwest Territory, Southampton Island	Do.
1608	900	♀	Nov. 12, 1974	Northwest Territory, Igloolik	Do.
1348		♂	Jan. 14, 1973	Northwest Territory, Sachs Harbour	Do.
1324				Province of Quebec, Great Whale	Do.
1582	850	♂	Oct. 16, 1974	Northwest Territory, Southampton Island	Do.
1566		♂	Sept. 19, 1974	Northwest Territory, Anagiaryuk Point	Do.
1580	800	♂	Oct. 15, 1974	Northwest Territory, Southampton Island	Do.
1584	500	♀	Oct. 16, 1974	Northwest Territory, 64° N. 83° W.	Do.
1581	700	♂	Oct. 18, 1974	Northwest Territory, Southampton Island	Do.
1457				Northwest Territory, Frobisher Bay	Do.
1579	700	♀	Oct. 2, 1974	Northwest Territory, 64° N. 83° W.	Do.
1650			1975	Province of Quebec, Payne Bay	Do.
1590	800	♂	Oct. 6, 1974	Northwest Territory, Southampton Island	Do.
1587	900	♂	Oct. 10, 1974	Northwest Territory, Cape Low	Do.
1573	500	♂	Oct. 11, 1974	Northwest Territory, Eskimo Point	Do.
1576	766	♂	Nov. 5, 1974	Northwest Territory, Alfred Point	Do.
1568	500	♂	Oct. 14, 1974	Northwest Territory, Eskimo Point	Do.
1651			1975	Province of Quebec, Payne Bay	Do.
1647		♀	Feb. 19, 1975	Province of Quebec, Fort Georges	Do.
1655	700	♀	Jan. 8, 1975	Northwest Territory, Lake Harbour	Do.
1656			Feb. 12, 1975	....do....	Do.
1657		♂	Feb. 17, 1975	....do....	Do.
1596		♂	Spring 1974	Northwest Territory, Grise Fiord	Do.
1571	600	♀	Oct. 11, 1974	Northwest Territory, McConnell River	Do.
1606	478	♂	Dec. 19, 1974	Northwest Territory, Pond Inlet	Do.
1592				Northwest Territory, Coral Harbour	Do.
2000		♀	Apr. 3, 1974	Northwest Territory, 70°34′ N., 123°54′ W.	Do.
1586	800	♀	Oct. 6, 1974	Northwest Territory, Hut Point	Do.
1577	431	♀	Nov. 6, 1974	Northwest Territory, Navy Board Inlet	Do.
2009		♀	Apr. 19, 1974	Northwest Territory, Herschel Island	Do.
1520	782	♂	May 5, 1974	Northwest Territory, Lochlsland	Do.
1649		♂	Feb. 10, 1975	Northwest Territory, Pond Inlet	Do.
1569	400	♂	Oct. 11, 1974	Northwest Territory, Eskimo Point	Do.
1658		♂	Mar. 17, 1975	Northwest Territory, Pond Inlet	Do.
2001		♀	Mar. 9, 1974	Northwest Territory, Banks Island	Do.
1202	314		Nov. 5, 1972	Northwest Territory, Grise Fiord	Do.
1013	835		Mar. 16, 1973	Northwest Territory, 64° N., 86° W.	Do.
1201		♂	Mar. 31, 1973	Northwest Territory, Grise Fiord	Do.
2505		♀	May 8, 1974	Northwest Territory, Holman Island	Do.
1051		♂	Late Oct. 1972	Northwest Territory, Cape Kellett	Do.
1010	434	♂	Apr. 4, 1973	Providence of Quebec, Ivugivik	Do.
1589	700	♀	Oct. 7, 1974	Northwest Territory, Bear Cove	Do.
1204	800	♂	Nov. 2, 1972	Northwest Territory, Grise Fiord	Do.
1165	420	♂	Oct. 14, 1972	Northwest Territory, Broughton Island	Do.
1207		♀	Apr. 12, 1973	Northwest Territory, Grise Fiord	Do.
1181		♂	Jan. 24, 1973	Northwest Territory, Baillie Island	Do.
1533	265	♂	Apr. 1974	Northwest Territory, Arctic Bay	Do.
953	478	♂	Oct. 27, 1972	Northwest Territory, Grise Fiord	Do.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before November 20, 1975.

Dated: October 16, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-28307 Filed 10-20-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CATTLE INDUSTRY ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of section 10 (a) (2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Cattle Industry Advisory Committee established July 3, 1974, by Secretary's Memorandum No. 1843. The Committee will meet at the U.S. Department of Agriculture, Washington, D.C., on November 6–7, 1975; the meeting will begin at 9 a.m. on November 6 in Room 2096, South Agriculture Building, 14th Street and Independence Avenue SW., and is scheduled to end by 3 p.m. on November 7.

The purpose of this meeting is to provide advice and counsel for the Secretary of Agriculture on several matters of current interest and concern to the entire industry and which may affect Department programs and actions. Topics to be discussed are: situation and outlook for cattle and beef; international trade in beef and beef products; impact of grain export trade on beef production; and review of the status of several pending actions, including legislation authorizing producer-financed research and information programs for beef, revision of beef grade standards, and packer bonding or other means to assure payment for cattle.

The meeting is open to the public but space and facilities are limited. The Chairman may invite public participation following Committee consideration of each topic, to the extent time permits. Also, anyone may submit written statements to the Committee on the subjects considered, either before or after the meeting. Anyone wishing further information about the agenda and the meeting arrangements should contact John C. Pierce, Livestock Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250; telephone (202) 447–5705.

Dated: October 16, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-28317 Filed 10-20-75;8:45 am]

Forest Service

CIBOLA NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Cibola National Forest Grazing Advisory Board will meet Wednesday, October 29, 1975, at 8:00 a.m., at Frank H. Metzler's headquarters, in Comanche Canyon on the Mountainair Ranger District.

The purpose of the meeting will be for the purpose of reviewing the Comanche Allotment and its Management. The allotment will be ridden on horseback on October 29 and 30, 1975.

The meeting will be open to the public. Interested persons planning to ride the allotment should bring their own horses. Persons who wish to attend should notify Wallace L. Lloyd via telephone, 766–2185, or in writing at 10308 Candelaria, NE., Albuquerque, New Mexico 87112. Written statements may be filed with the Committee before or after the meeting.

Dated: October 14, 1975.

W. L. LLOYD,
Forest Supervisor.

[FR Doc.75-28191 Filed 10-20-75;8:45 am]

Rural Electrification Administration

ALABAMA ELECTRIC COOPERATIVE, INC., ANDALUSIA, ALABAMA

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Alabama Electric Cooperative, Inc., P.O. Box 550, Andalusia, Alabama 36420. This project includes financing for addition of two 233 MW coal-fired steam generator units and approximately 157 miles of 230 kV transmission lines and acquire related coal leases.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4310, or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 14th day of October 1975.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.75-28279 Filed 10-20-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

MENTAL HEALTH SMALL GRANT COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to assemble during the month of November 1975:

Mental Health Small Grant Committee, November 20; 1 p.m., November 21–22; 8:30 a.m., Parlors 509 and 511, Statler Hilton Hotel, 16th and K Streets NW., Washington, D.C. Open—November 20, 4–5 p.m. Closed—Otherwise. Contact Mary E. Enyart, Parklawn Building, Room 10C–14, 5600 Fishers Lane, Rockville, Maryland 20852, 301–443–3936.

Purpose. The Committee is charged with the initial review of small grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to mental health research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 4 to 5 p.m., November 20, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(4), 552(b)(5), and 552(b)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact person listed above.

The NIMH Information Officer who will furnish summaries of the meeting and rosters of the committee members is Mr. Edwin Long, Deputy Director, Division of Scientific and Technical Information, NIMH, Room 15–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 301–443–3600.

Dated: October 15, 1975.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75-28229 Filed 10-20-75;8:45 am]

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

This notice announces forthcoming meetings of the public advisory committees of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meetings and the methods by which interested persons may participate in the open public hearings conducted by the committees. The notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)). The following advisory committee meetings are announced:

Committee name	Date, time, place	Type of meeting and contact person
1. Ophthalmic Drugs Advisory Committee.	Nov. 3, 9 a.m., room number to be announced, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to adjournment; Mary K. Bruch (HFD–140), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4310.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in diseases and disorders of the eye.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of report of subcommittee on protocol for systemic drugs which must be tested for ophthalmic reactions; report of subcommittee on a postmarketing surveillance system for new contact lenses; labeling for anti-infective/steroid combinations for ophthalmic use.

Committee name	Date, time, place	Type of meeting and contact person
2. Respiratory and Anesthetic Drugs Advisory Committee.	Nov. 3, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to 12:30 p.m.; closed presentation of data 1:15 to 2:30 p.m.; closed committee deliberations 2:30 to 4 p.m.; Gerald Rachanow (HFD–160), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3500.

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General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the field of anesthesiology.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of Penthrane (methoxyflurane) package insert revision, suggested clinical guidelines for general anesthetics, and suggested clinical guidelines for local anesthetics.

Closed presentation of data. Discussion of NDA 17–751 and pre-IND product of Travenol Laboratories, Inc. This portion is closed to permit discussion of trade secret data (5 U.S.C. 552(b)(4)).

Closed committee deliberations. Discussion of NDA 17–751 and pre-IND product of Travenol Laboratories, Inc. This portion of the meeting is closed to protect the free exchange of internal views and for formulation of recommendations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
3. Panel on Review of Ophthalmic Devices.	Nov. 3 and 4, 9:30 a.m., room 6821, FB8–, 200 C St. SW., Washington, D.C.	Open public hearing Nov. 3, 9:30 to 10:30 a.m.; closed committee deliberations Nov. 3, 10:30 a.m. to 4:30 p.m., Nov. 4, 8 a.m. to 3 p.m.; Richard A. Haskins Ph. D. (HFK–400), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3550.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of ophthalmic devices.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the tentative classification findings.

Closed committee deliberations. The panel will review earlier classification findings and establish the priorities for the development of standards for those devices in the standards category. This portion of the meeting will be closed to protect the free exchange of internal views and to avoid undue interference with panel operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
4. Science Advisory Board to the National Center for Toxicological Research.	Nov. 3 and 4, 8:30 a.m., Building 12, National Center for Toxicological Research, Jefferson, Ark.	Open public hearing Nov. 3, 8:30 to 9:30 a.m.; open committee discussion Nov. 3, 9:30 a.m. to adjournment, Nov. 4, 8:30 to 10:30 a.m.; closed committee deliberations Nov. 4, 10:30 to 11 a.m.; A.K. Davis Ph. D. National Center for Toxicological Research, Jefferson, Ark. 72079, 501–536–6200.

General function of the committee. Advises on establishment and implementation of a research program that will assist the Commissioner of Foods and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of mutagenesis—program review; new methods, dosimetry, integration of test systems, current research on in vivo microlesions, current research on somatic cell mutagenesis, and current research on microlesions. Status report on carcinogenesis program; inhalation regarding program development; teratology; extrapolation to man; program development in hypersensitivity. Discussion of subcommittee meetings on carcinogenesis, mutagenesis, teratology, extrapolation to man.

Closed committee deliberations. Discussion of subjects discussed during the open session. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
5. Ad Hoc Committee on Reserpine and Breast Cancer.	Nov. 4, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing and open committee discussion 9 to 10 a.m.; closed committee deliberations 10 a.m. to 4 p.m.; John Jennings M.D. (HFN–1), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4124.

General function of the committee. Reviews and evaluates available information on reserpine and advises the Secretary, Assistant Secretary for Health, and the Commissioner of Food and Drugs regarding possible carcinogenic properties, the risk of cancer of the breast and other cancer associated with the use of reserpine, considering such factors as dose, duration of treatment, age, predisposition, other drug treatment, and other diseases; further studies required to determine the possible association between reserpine and cancer.

Agenda—Open public hearing/open committee discussion. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Possible presentation of additional study reports.

Closed committee deliberations. Preparation of committee report. This portion of the meeting will be closed to protect the free exchange of internal views and for formulation of recommendations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
6. Pulmonary Functions Subcommittee of the Panel on Review of Anesthesiology Devices.	Nov. 5, 9 a.m.; Room 4173, HEW North, 330 Independence Ave. SW., Washington, D.C.	Open public hearing 9 to 10 a.m.; closed committee deliberations 10 a.m. to adjournment; Franklyn K. Coombs (HFK–400), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3550.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of anesthesiology devices.

Agenda—Open public hearing. A review of the classification process and the general responsibilities of the members of the subcommittee will be presented by Robert S. Kennedy, Ph. D., classification coordinator for the Division of Classification and Scientific Evaluation.

Closed committee deliberations. The subcommittee will begin developing a comprehensive device list for the pulmonary functions field. The subcommittee members will establish the categories of devices and the proper generic terms for these devices. They will then begin to classify those devices not previously identified and classified. The subcommittee does not plan to release its device list or classification data until it has met at least three times and will continue to work in closed sessions during these preliminary meetings to protect the free exchange of internal views and to avoid undue interference with subcommittee operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
7. Toxicology Subcommittee of the In Vitro Diagnostic Products Advisory Committee.	Nov. 5 and 6, 9 a.m., Room 1400, FB–8, 200 C St. SW., Washington, D.C.	Open public hearing Nov. 5, 9 to 10 a.m.; open committee discussion Nov. 5, 10 to 11 a.m.; closed committee deliberations Nov. 5, 11 a.m. to 4:30 p.m. Nov. 6, 9 a.m. to 4:30 p.m.; Nabeeh Mourad, Ph. D. (HFK–200), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4943.

General function of the committee. Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products and recommends priorities on presently marketed products for standard-setting by the Food and Drug Administration.

Agenda—Open public hearing/open committee discussion. Interested parties are encouraged to present information pertinent to the classification of diagnostic products listed in the announcement to S. K. Vadlamudi, D.V.M., Ph. D., Head of Classification (HFK–400), 5600 Fishers Lane, Rockville, MD 20852. Submission of data relative to tentative classification findings is also invited.

Closed committee deliberations. The subcommittee will classify the following diagnostic products: products used for the determination of anticonvulsant drugs and lead, products used for drug screening, products used for quantitative and/or qualitative testing in toxicology, and the general purpose reagents. This session will be closed to protect the free exchange of views and to avoid undue interference with subcommittee operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
8. Panel on Review of Anesthesiology Devices.	Nov. 6, 9 a.m., Room 4173, HEW North, 330 Independence Ave. SW., Washington, D.C.	Open public hearing 9 a.m. to 12 m.; open committee discussion 1 to 2:30 p.m.; closed committee deliberations 2:30 p.m. to adjournment; Franklyn K. Coombs (HFK–400), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3550.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of anesthesiology devices.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of blood warmers and blood microfilters and the general area of blood transfusions to Franklyn K. Coombs, Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Jeffery McCullough, M.D., University of Minnesota, will speak on blood cell damage during microwave heating of whole blood. Hyman Katz, Ph. D., of Pall Biomedical Products Corporation will present scientific data on microfilters used for blood transfusions, with the emphasis on filter pore size.

Open committee discussion. The special consultants to each subcommittee will be introduced to the parent panel. There will be a presenation of why these two subcommittees were formed and what their specific directives from the parent panel are. The Panel on Review of Anesthesiology Devices will continue listing specific problem areas for standards development using the standards requirements data sheets to indicate these areas.

Closed committee deliberations. Data on blood warmers and blood microfilters, and listing of areas of concern for either premarket approval or standards for these devices will be discussed. This portion of the meeting is closed to protect the free exchange of internal views and to avoid undue interference with panel operations (5 U.S.C. 552(b)(5)).

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Committee name	Date, time, place	Type of meeting and contact person
9. Dental Drug Products Advisory Committee.	Nov. 12 and 13, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Nov. 12, 9 a.m. to 12 m.; open committee discussion Nov. 12, 1 to 4 p.m.; closed committee deliberations Nov. 13, 9 a.m. to 4 p.m.; Clarence C. Gilkes D.D.S. (HFD-160), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3560.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of dentistry.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of N-2 type formulations.

Closed committee deliberations. Discussion of NDA 17-728 and IND 8951. This portion will be closed to permit discussion of trade secret data and to protect the free exchange of internal views and for formulation of recommendations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, place	Type of meeting and contact person
10. Panel on Review of Topical Analgesics.	Nov. 12 and 13, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Nov. 12, 9 to 10 a.m.; closed committee deliberations Nov. 12, 10 a.m. to 4:30 p.m., Nov. 13, 9 a.m. to 4:30 p.m.; Lee Geismar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on the issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) topical analgesic drug products. This meeting is closed to protect the free exchange of internal views (5 U.S.C. 552 (b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
11. Panel on Review of Hemorrholdal Drug Products.	Nov. 16 and 17, 9 a.m. on Nov. 17, Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed committee deliberations Nov. 16, 9 a.m. to 4:30 p.m.; open public hearing Nov. 17, 9 to 10 a.m.; closed committee deliberations Nov. 17, 10 a.m. to 4:30 p.m.; Thomas D. DeCillis (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) hemorrhoidal drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on the issues pending before the committee.

Committee name	Date, time, place	Type of meeting and contact person
12. Panel on Review of Radiological Devices.	Nov. 17 and 18, 8:30 a.m., Room 6821, FB-8, 200 C St. SW., Washington D.C.	Open public hearing Nov. 17, 8:30 to 10:30 a.m.; closed committee deliberations Nov. 17, 10:30 a.m. to 4:30 p.m., Nov. 18, 8:30 a.m. to 4 p.m.; Leroy L. Hamilton Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of radiological devices.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of the electron avalanche imaging system to Leroy L. Hamilton, Ph.D., Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Closed committee deliberations. The panel will review devices tentatively classified at the panel meetings of May 7 and 8, 1975, and July 21 and 22, 1975, review existing standards relating to these devices, and identify special device problems. This portion of the meeting is closed to protect the free exchange of internal views and to avoid undue interference with panel operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
13. Panel on Review of Internal Analgesics Including Antirheumatic Drugs.	Nov. 18 and 19, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Nov. 18, 9 to 10 a.m.; closed committee deliberations Nov. 18, 10 a.m. to 4:30 p.m., Nov. 19, 9 a.m. to 4:30 p.m.; Lee Geismar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on the issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) internal analgesic including antirheumatic drug products. This meeting is closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
14. Panel on Review of Cold, Cough, Allergy, Bronchodilators and Antiasthmatic Drugs.	Nov. 19, 20, and 21, 3:30 p.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Closed committee deliberations Nov. 19, 9 a.m. to 3:30 p.m.; open public hearing Nov. 19, 3:30 to 4:30 p.m.; closed committee deliberations Nov. 20, 9 a.m. to 4:30 p.m., Nov. 21, 9 a.m. to 4:30 p.m.; Thomas D. DeCillis (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) cold, cough, allergy, bronchodilators and antiasthmatic drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552 (b)(5)).

Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Committee name	Date, time, place	Type of meeting and contact person
15. Panel on Review of Antiperspirant Drug Products.	Nov. 20 and 21, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Nov. 20, 9 to 10 a.m.; closed committee deliberations Nov. 20, 10 a.m. to 4:30 p.m., Nov. 21, 9 a.m. to 4:30 p.m.; Lee Geismar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on the issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) antiperspirant drug products. This meeting is closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
16. Clinical Chemistry Subcommittee of the Diagnostic Products Advisory Committee.	Nov. 20 and 21, 9 a.m., 330 Independence Ave. SW., Washington, D.C., Room 4173, HEW-North on Nov. 20, Room 5160, HEW-North on Nov. 21.	Open committee discussion Nov. 20, 9 a.m. to 12 m.; closed committee deliberations Nov. 20, 1 to 5 p.m.; open public hearing Nov. 21, 9 to 10 a.m.; open committee discussion Nov. 21, 10 a.m. to 12 m.; closed committee deliberations Nov. 21, 1 to 5 p.m.; Charles S. Furfine Ph. D. (HFK-400), 5600 Fishers Lane Rockville, Md. 20852, 301-443-4943.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open committee discussion. Discussion of revisions to the proposed glucose product class standard, including a report from the statistics subcommittee about the evaluation protocol. Discussion of a proposal for a draft of a calibrator product class standard including a report from the statistics subcommittee. Presentation of data and discussions of the accuracy, precision, and properties of the hexokinase method for quantitative glucose measurements.

Closed committee deliberations. The committee will review specific performance requirements pertaining to revising the proposed glucose product class standard and evaluate the revised proposal for a draft of the calibrator product class standard. This portion of the meeting will be closed to permit the free exchange of internal views and to avoid undue interference with committee operations (5 U.S.C. 552(b)(5)).

Open public hearing. Interested parties are encouraged to present data pertinent to the development of product class standards. Those desiring to make formal presentations should notify Charles S. Furfine, Ph.D., Executive Secretary (address noted above), in writing by November 14, 1975.

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Committee name	Date, time, place	Type of meeting and contact person
17. Toxicology Advisory Committee.	Nov. 20 and 21, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open committee discussion Nov. 20, 9 a.m. to 12 m., open public hearing Nov. 20, 1 to 2 p.m.; open committee discussion Nov. 20, 2 to 4:30 p.m.; Nov. 21; 9 to 10 a.m.; closed committee deliberations Nov. 21, 10 a.m. to 12 m.; open committee discussion Nov. 21, 1 to 3 p.m.; Jeffrey A. Staffa, Ph. D. (HFS-50), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3360.

General function of the committee. Reviews and evaluates available data relating to the evaluation of the safety of chemicals present in foods, drugs, cosmetics, and medical devices. Advises on the safety of specific human drugs, animal drugs, color and food additives, cosmetic components, and components of devices. Recommends the development of standardized methodologies for the toxicity of such material.

Agenda—Open committee discussion. Presentation and discussion of toxicological data derived from studies of FD&C Red No. 2.

Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Presentation and discussion of toxicological data derived from studies of FD&C Red No. 2. This portion of the meeting will be closed to permit the free exchange of internal views and to avoid undue interference with committee operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
18. Implants Subcommittee of the Panel on Review of Cardiovascular Devices.	Nov. 21, 9:30 a.m., Room 4173, HEW North, 330 Independence Ave. SW., Washington, D.C.	Open public hearing 9:30 to 10:30 a.m.; open committee discussion 10:30 a.m. to 3 p.m.; closed committee deliberations 3 to 4 p.m.; Glenn A. Rahmoeller (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of cardiovascular devices.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the safety and efficacy of cardiac pacemakers to Glenn A. Rahmoeller, Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Open committee discussion. Discussion of the safety and efficacy of cardiac pacemakers and formulation of product development protocol guidelines for these devices. During this portion the subcommittee members will review and discuss the pacemaker standard that was developed by the Association for the Advancement of Medical Instrumentation under contract with the Food and Drug Administration.

Closed committee deliberations. The subcommittee members will review the material presented during the open sessions and make specific recommendations. The reason for closing this part of the meeting is to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
19. Panel on Review of Orthopaedic Devices.	Nov. 21 and 22, 4 p.m., Braniff Pl., 1500 Canal St., New Orleans, LA.	Open public hearing Nov. 21, 4 to 5 p.m.; open committee discussion Nov. 21, 5 to 8 p.m.; closed committee deliberations Nov. 22, 9 a.m.; Robert S. Kennedy Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of orthopaedic devices.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the tentative classification findings of this panel. Mr. Charles McNeill of the Division of Medical Device Standards and Research will discuss the current status of standards for surgical implant metallic materials.

Open committee discussion. The panel will review and determine if the hunter tendon implant should be classified separately from the loco motor ligament and tendon implants. Representatives from the Richards Manufacturing Company will present additional information requested by the panel members concerning the "polyflex system" for ligament replacement.

Closed committee deliberations. The panel will review the tentative classification results and will establish a list of priority items for consideration in standards development. This portion of the meeting will be closed to protect free exchange of internal views and to avoid undue interference with panel operations (5 U.S.C. 552(b)(5))

Committee name	Date, time, place	Type of meeting and contact person
20. Surgical Drugs Advisory Committee.	Nov. 24, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 to 10 a.m., open committee discussion 10 to 10:30 a.m.; closed presentation of data 10:30 a.m. to 3:30 p.m.; closed committee deliberations 3:30 p.m.; Gerald Rachanow (HFD-160), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3500.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the field of surgery.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of peritoneal dialysate and hemodialysate solutions and powders.

Closed presentation of data. Discussion of IND 1004, NDA 17-767, and NDA 17-766. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552(b)(4)).

Closed committee deliberations. Discussion of IND 1004, NDA 17-767, and NDA 17-776. This portion of the meeting will be closed to permit the free exchange of internal views and for formulation of recommendations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
21. Panel on Review of Obstetrical and Gynecology Devices.	Nov. 24 and 25, 9 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing Nov. 24, 9 a.m. to 12 m.; open committee discussion Nov. 24, 1 to 2 p.m.; closed committee deliberations Nov. 24, 2 to 4 p.m.; open public hearing Nov. 25, 9 to 10 a.m.; closed committee deliberations Nov. 25, 10 a.m. to 12 m.; open committee discussion Nov. 25, 1 to 3 p.m.; Lillian Yin Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852 301-443-3550.

General function of the committee. Reviews and evaluates available data concerning the safety, effectiveness, and reliability of obstetrical and gynecology devices.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to a product development protocol guideline for obstetrical-gynecological ultrasonic diagnostic devices. Those desiring to make formal presentations should notify Lillian Yin, Ph. D., Executive Secretary, in writing by November 15, 1975. Submission of written data is also invited.

Open committee discussion. November 24: The FDA representative will report to the panel on the current Bureau activities involving obstetrical-gynecological devices and the current status of the medical device legislation.

The panel will evaluate and determine if there is sufficient information for the panel to draft a product development protocol guideline for the obstetrical-gynecological diagnostic devices.

November 25: The panel will consider specific performance standards of those devices that have been assigned to the top priority standards development.

Closed committee deliberations. November 24: The panel will discuss and draft a product development protocol guideline for obstetrical-gynecological ultrasonic diagnostic devices. This portion of the meeting will be closed to protect the free exchange of internal views and to avoid undue interference with panel operations (5 U.S.C. 552(b)(5)).

November 25: The panel will continue to discuss and draft a product development protocol guideline for intrauterine contraceptive devices. This portion of the meeting will be closed to protect the free exchange of internal views and to avoid undue interference with panel operations (5 U.S.C. 552(b)(5)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552(b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter is exempt from public disclosure under 5 U.S.C. 552(b) (4), (5), (6), or (7), although on occasion the other exemptions listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential; personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves inter-agency or intra-agency memoranda or discussion and deliberations of matters that, if in writing would constitue such memoranda, and which would, therefore, be exempt from public disclosure; and (2) that it is essential to close such portion of a meeting to protect the free exchange of internal views and to avoid undue interference with agency or committee operations.

Examples of matters to be considered at closed portions are those related to the review, discussion, evaluation or ranking of grant applications; the review, discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussion, however, will generally be done during the open committee discussion portion of the meeting); review of trade secrets or confidential data; consideration of matters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices that have previously been made public, and presentation of any other data or information that is not exempt from public disclosure.

Dated: October 15, 1975.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.75-28227 Filed 10-20-75;8:45 am]

PANEL ON REVIEW OF ANTIPERSPIRANT DRUG PRODUCTS

Meeting Cancellation

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of September 22, 1975 (40 FR 43533) public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

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Since various industry representatives who were scheduled to take part in the meeting are now unable to do so, notice is hereby given that the meeting of the Panel on Review of Antiperspirant Drug Products scheduled for October 23 and 24, 1975, is canceled.

Dated: October 15, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-28228 Filed 10-20-75;8:45 am]

Food and Drug Administration

[Docket No. 75G-0296; GRASP 3G0027]

OLIN CHEMICALS

Notice of Filing of Petition for Affirmation of GRAS Status

Correction

In FR Doc. 75-27280 appearing on page 47817 in the issue of Friday, October 10, 1975, the third line beginning "201(s), 499 . . . " should be corrected to read, "201(s), 409 . . . ".

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

NEW YORK

[FDAA-487-DR; NFD-308]

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of New York, dated October 2, 1975, is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 2, 1975:

The County of:

Putnam.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: October 14, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-28285 Filed 10-20-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

CONVERSION—GENERAL AVIATION DISTRICT OFFICE AT LAS VEGAS, NEVADA, TO FLIGHT STANDARDS DISTRICT OFFICE

Jurisdictional Change

Notice is hereby given that on October 10, 1975, the General Aviation District Office at Las Vegas, Nevada, will be converted to a Flight Standards District Office. Concurrent with this action, jurisdiction over air carrier activities in the State of Nevada, which was formerly exercised by the Los Angeles and San Francisco Air Carrier District Offices, will be assumed by the Las Vegas Flight Standards District Office. (Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Los Angeles, California on October 6, 1975.

LYNN L. HINK,
Acting Director, Western Region.

[FR Doc.75-28216 Filed 10-20-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27790]

BALAIR AG

Hearing Regarding Foreign Charter Permit Renewal (Switzerland)

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on November 12, 1975, (40 FR 40875, September 4, 1975) at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served October 10, 1975, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 14, 1975.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.75-28308 Filed 10-20-75;8:45 am]

[Docket No. 26196]

CALIFORNIA-ALBERTA ROUTE PROCEEDING

Change in Prehearing Conference

Notice is hereby given that because of conflict with the oral argument in Docket 27153, Honolulu-Vancouver Route Proceeding, the date of the prehearing conference herein, heretofore scheduled for October 29, 1975 (40 FR 41832, September 9, 1975), is hereby changed to October 30, 1975, at 10 a.m. (local time) in Hearing Room C, 1003 Universal Building North, 1875 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., October 15, 1975.

[SEAL] HENRY WHITEHOUSE,
Administrative Law Judge.

[FR Doc.75-28309 Filed 10-20-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

MICHIGAN ADVISORY COMMITTEE

Meeting; Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting originally scheduled for October 21-23, 1975 has been cancelled. The meeting will be a planning meeting and will convene on October 22, 1975 at 18263 Ohio Street, Detroit, Michigan 48221 at 3:00 p.m. and ending at 9:00 p.m.

Persons wishing to attend this meeting should contact the Committee Chairperson or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to continue planning for upcoming factfinding meeting November 12-13 in Sault Ste. Marie, Michigan. Continue revision of draft of Model Cities Report. This meeting is a revision of the earlier authorization for the meeting of October 21-23, 1975.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 14, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-28362 Filed 10-20-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal from Warehouse for Consumption

OCTOBER 17, 1975.

On September 30, 1975, there was published in the FEDERAL REGISTER (40 FR 44862) a letter dated September 25, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs establishing specific limits on certain cotton, wool and man-made fiber textile products produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on October 1, 1975. The level of restraint established in the foregoing letter for men's and boys' suits in Category 224 (T.S.U.S.A. Numbers 380.0420 and 380.8143) should have been 41,333 dozen (496,000 units), instead of 496,000 dozen.

Accordingly, there is published below a letter of October 17, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs correcting the level of restraint for men's and boys' suits in Category 224 for the twelve-month period which began on October 1, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20229.

OCTOBER 17, 1975.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on September 25, 1975 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products produced or manufactured in the Republic of Korea.

The first paragraph of the directive of September 25, 1975 is hereby amended to show a level of restraint of 41,333 dozen for part of Category 224 (only T.S.U.S.A. Numbers 380.0420 and 380.8143), produced or manufactured in the Republic of Korea, and exported to the United States during the twelve-month period beginning on October 1, 1975 and extending through September 30, 1976. This amended level of restraint has not been adjusted to reflect any entries made after September 30, 1975.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool, and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

[FR Doc.75-28468 Filed 10-20-75;8:45 am]

CERTAIN COTTON AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry or Withdrawal From Warehouse for Consumption

OCTOBER 17, 1975.

On June 19, 1975, there was published in the FEDERAL REGISTER (40 FR 25848) a letter dated June 13, 1975 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, implementing those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, between the Governments of the United States and the Republic of China which establish specific export limitations on certain cotton and man-made fiber textile products produced or manufactured in the Republic of China and exported to the United States (1) during the twelve-month period beginning on January 1, 1975 for cotton textiles and cotton textile products; and (2) during the fifteenth-month period beginning on October 1, 1974 and extending through December 31, 1975 for man-made fiber textile products. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 8(a) (1) of the Bilateral Cotton, Wool and Mand-Made Fiber Textile Agreement of May 21, 1975, which provides for the carryover of shortfalls in certain categories from the previous agreement year.

Accordingly at the request of the Government of the Republic of China and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of October 17, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the levels of restraint applicable to cotton and man-made fiber textile products in Categories 22/23, 43 and part of 62, 45, 48, 49, 50/51, 213, 222, 224, and 234/235 for the twelve-month period beginning on January 1, 1975 for cotton textile products and for the fifteen-month period beginning on October 1, 1974 for man-made fiber textile products.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20229.

OCTOBER 17, 1975.

DEAR MR. COMMISSIONER: On June 13, 1975, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of China and exported to the United States during the agreement periods, beginning, respectively, on January 1, 1975 and October 1, 1974, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 8(a) (1) of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, between the Governments of the United States and the Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to amend, effective on October 20, 1975, the levels of restraint established in the aforesaid directive of June 13, 1975, for cotton textile products in Categories 22/23, 43/pt. 62, 45, 48, 49 and 50/51; and for man-made fiber textile products in Categories 213, 222, 224, and 234/235 to the following amounts:

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, between the Governments of the United States and the Republic of China which provide, in part, that: 1) within the aggregate and applicable group limits, specific levels of restraint within Categories 1-38, 64, 200-213, and 241-243 may be exceeded by 10 percent, and within Categories 39-63 and 214-240, by 7 percent; 2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and 3) administrative arrangements or adjustments may be made to resolve minor problems.

Category	Amended level of restraint [1]
22/23	4,342,889 yd.[2]
43 and part of 62 (only T.S.U.S.A. Nos. 382.0002, 382.0605, and 382.0610.	919,003 yd.[2] equivalent.
45	35,338 doz.
48	24,640 doz.
49	39,200 doz.
50/51	706,697 doz. (of which not more than 338,848 doz. may be in Category 50 and not more than 510,438 doz. may be in category 51).
213	10,998,258 lb.
222	4,635,065 doz.
224	11,875,321 lb. (of which not more than 282,500 lb. shall be in T.S.U.S.A. Nos. 380.0420 and 380.8143 and not more than 829,500 pounds shall be in T.S.U.S.A. Nos. 380.0402 and 380.8103).
234/235	85,804,322 yd.[2] equivalent.

[1] The levels of restraint have not been adjusted to reflect any entries made after Sept. 30, 1974.

The actions taken with respect to the Government of the Republic of China and with respect to imports of man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.75-28469 Filed 10-20-75;8:45]

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FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20609; FCC 75-1116]

ABOLITION OF SPECIAL RATES FOR LETTER TELEGRAMS

Notice of Inquiry

1. The International Telegraph and Telephone Consultative Committee (CCITT) of the International Telecommunication Union (ITU) will hold its Sixth Plenary Assembly in the early Fall of 1976 in Geneva, Switzerland. At such assembly it will consider recommendations that it should make for the guidance of members of the ITU, including, among other things, policies to be followed in the international public message service. The matters that will be considered by the CCITT relevant to this service were entrusted for study to its Study Group I by the CCITT at its Fifth Plenary Assembly (Geneva, 1972). Study Group I is presently considering these questions and will, prior to the Sixth Plenary Assembly, report to the CCITT on the conclusions it has reached as to the recommendations that should be made by the CCITT on the questions.

2. Study Group I met in Geneva, March 17–21, 1975, to consider the matters entrusted to it, with a United States delegation in attendance. Further meetings of this Study Group and its Working Parties will be held in the near future to formulate final positions. During the March, 1975, meeting and an immediate preceding meeting of Working Party I/TGM, several delegations supported the principle of abolishing the letter telegrams (LTs)—special rate telegrams for international "overnight" telegram messages—emphasizing that LTs are optional under the Telegraph Regulations.

3. According to the CCITT Fifth Plenary Assembly "Green book" on Telegraph Operation and Tariffs, a letter telegram is a "telegram for which special provisions concerning rates and priority of transmission and delivery are applied." Specifically, terminal and transit rates for LTs are 50 percent of those of ordinary telegrams and letter telegrams may not be delivered until after a period of 5 hours (in many cases, overnight handling is the rule) after having been received by the carrier handling the message. Provision of letter telegrams is optional among ITU members; that is, members are not treaty-bound to continue the service and a number of countries have already unilaterally discontinued such offering. We are informed that many Administrations (at least 23 countries) eliminated LT service with one another in the Fall of 1974.

4. As determined in public meetings of the U.S. CCITT National Committee on Regulatory Affairs, held at the FCC in May and June of 1975, in developing answers to a CCITT Questionnaire requesting certain data related to LTs, 59 percent of all U.S. outbound telegram traffic are letter telegrams. The Commission is concerned with the likely effect of the abolition of the letter telegram and is therefore herein seeking the comments of all interested parties on the question of the abolition of the special rate and handling for letter telegrams and on the question of a user's likely choice of alternative communications modes. Further, with this information, the Commission will be better able to advise the Department of State with respect to the U.S. position at further meetings of Study Group I and/or its Working Party meetings and at the Sixth Plenary Assembly of the CCITT.

5. Accordingly, there is hereby instituted pursuant to the provisions of section 403 of the Communications Act of 1934, an inquiry into this matter. Those common carriers presently offering the special letter telegram rate are directed to submit comments by December 1, 1975. All other persons wishing to comment may do so, in writing, by the same date. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 11 copies of all comments shall be furnished by the Commission. All relevant and timely comments will be considered by the Commission.

Adopted: October 1, 1975.

Released October 15, 1975.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.75-28295 Filed 10-20-75;8:45 am]

[Docket Nos. 20607, 20608; FCC 75-1103]

ESTABLISHING NEW PAGING STATIONS IN THE DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

Designating Application for Hearing on Stated Issues; Memorandum Opinion and Order

In re Applications of ROBERT F. RYDER d/b/a RADIO PAGING SERVICE, Jerome, Idaho; Docket No. 20607, File No. 5745-C2-P-73 and TEL-CAR, INC., Jerome, Idaho; Docket No. 20608, File No. 7580-C2-P-73. For Construction Permits to Establish New Paging Stations in the Domestic Public Land Mobile Radio Service.

1. The Commission has before it for consideration the above-captioned applications to establish new one-way paging stations to operate on 152.24 MHz in the Domestic Public Land Mobile Radio Service (DPLMRS) at Jerome, Idaho.

2. Each applicant appears to be legally, financially, technically, and otherwise qualified to construct and operate the proposed facilities. However, since each applicant requests authorization to provide essentially similar communications services on the same frequencies, and in the same geographical area their applications are mutually exclusive because a grant of both would result in harmful electrical interference. Accordingly, the applications must be designated for comparative hearing to determine which applicant is better qualified to operate the proposed facilities in the public interest. *Ashbacker Radio Corp.* v. *FCC*, 326 U.S. 327. (1945).

3. In view of the foregoing, it is ordered, that pursuant to section 309(e) of the Communications Act of 1934, as amended, (47 U.S.C. 309(e)) that the captioned applications of Radio Paging Service and Tel-Car, Inc. are designated for hearing in a consolidated proceeding upon the following issues:

1. To determine on a comparative basis the nature and extent of services proposed by each applicant.[1]

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which, if either, of the above-captioned applicants would better serve the public interest, convenience and necessity.

4. It is further ordered, that the hearing shall be held at a place to be specified and before a judge to be designated in a subsequent order.

5. It is further ordered, that applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Commission's rules within twenty (20) days of the release date thereof, a written notice stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

6. It is further ordered, that the Chief, Common Carrier Bureau is made a party to the proceeding.

Adopted: October 1, 1975.

Released: October 15, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-28296 Filed 10-20-75;8:45 am]

FEDERAL MARITIME COMMISSION

CONFERENCES IN THE TRADES TO, FROM AND BETWEEN UNITED STATES ATLANTIC AND GULF PORTS AND PORTS IN SOUTH AMERICA

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico, and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 31, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Wade S. Hooker, Esquire, Casey, Lane & Mittendorf, 26 Broadway, New York, New York 10004.

Agreements to modify the respective organic agreements of the following three members of the Associated Latin American Freight Conference have been assigned the agreement numbers shown:

Atlantic & Gulf/West Coast of South America Conference, 2744-38.
East Coast Colombia Conference, 7590-24.
West Coast South America Northbound Conference 7890-13.

These agreements (1) reinstate the intermodal provisions of each respective conference, (2) further amend said provisions by allowing any member line, subject to certain limitations and notice requirements, to establish intermodal through rates and services, (3) amend the geographic scope of each respective conference to include foreign inland points, and (4) provide for permanent approval of the intermodal provisions.

Agreement No. 2744-38 also amends that Conference's Rules and Regulations by deleting language which would prohibit the member lines from quoting through rates.

Dated: October 16, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-28332 Filed 10-20-75;8:45 am]

MEDITERRANEAN FORCE MAJEURE AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 10, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 10051-1 among the members of the above-named agreement is an application to extend approval of the agreement for a period of two (2) years from December 13, 1975 to December 13, 1977.

By order of the Federal Maritime Commission.

Dated: October 15, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-28331 Filed 10-20-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP75-349]

ALGONQUIN GAS TRANSMISSION CO.

Order Providing for Formal Hearing and Granting Interventions

OCTOBER 14, 1975.

On May 29, 1975, Algonquin Gas Transmission Company (Algonquin) filed in Docket No. CP75-349 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a rearrangement in the transportation of natural gas for Consolidated Edison Company of New York, Inc. (Consolidated Edison).

Algonquin seeks authority to divert during the nonwinter heating season unspecified volumes of gas which it now transports for the account of Consolidated Edison under its Rate Schedule T-1. The T-1 service is presently limited to deliveries being made at Peekskill, New York, but Algonquin seeks authority to divert volumes to Cortlandt and Yorktown, New York. Algonquin is now authorized to transport up to 9,000 Mcf per day for delivery at Peekskill under Rate Schedule T-1. Consolidated Edison purchases the T-1 gas from Tennessee Gas Pipeline Company (Tennessee) and Algonquin receives said gas at Mahwah, New Jersey, for the account of Consolidated Edison.

Algonquin currently sells gas to Consolidated Edison under its Rate Schedules F-1 (general service, firm) and WS-1 (winter service for F-1 customers) at the delivery points of Peekskill, Cortlandt and Yorktown. The maximum daily delivery obligation (MDDO) under Rate Schedule F-1 is 2,500 Mcf at Peekskill, 1,500 Mcf at Cortlandt and 1,500 Mcf at Yorktown. The maximum annual quantity is 675,000 Mcf at Peekskill, 405,000 Mcf at Cortland and 405,000 Mcf at Yorktown. Under the WS-1 Rate Schedule, Consolidated Edison is entitled to receive daily from Algonquin 4,060 Mcf at Peekskill and 2,000 Mcf each at Cortlandt and Yorktown. Algonquin alleges that the service areas served from Peekskill, Cortlandt and Yorktown are isolated on Consolidated Edison's system and cannot be served with any gas other than that delivered by Algonquin.

Algonquin states that Consolidated Edison lacks the flexibility to serve its human needs markets during the nonwinter heating season (April 16 through November 15). Algonquin alleges that Consolidated Edison's inflexibility in the Cortlandt and Yorktown service areas can best be alleviated by Algonquin delivering to the Cortlandt and Yorktown delivery stations an unspecified portion of the T-1 gas which Consolidated purchases from Tennessee and which Algonquin presently delivers to Consolidated at the Peekskill delivery station. Algonquin alleges that a transfer of delivery points will have the effect of upgrading the end use of the T-1 gas. Algonquin alleges that such delivery will not change Algonquin's contract obligation to deliver the full T-1 MDDO at Peekskill or impose any new delivery obligation.

Interventions in support of Algonquin's application were filed by Tennessee and Consolidated Edison. In addition, Consolidated Edison has filed a motion for expedited consideration.

In reply to a deficiency letter of July 8, 1975, Algonquin submitted on July 24, 1975, the annual and peak day total requirements for the period ending August 31, 1974 (actual) and August 31, 1975 (estimated for July and August with no growth assumed). No breakdown as to classification of service was submitted; no gas balance by rate schedule was included; no data on the total past and expected curtailments of service by classification of service were submitted. We believe that issues exist which warrant a formal hearing.

In the hearing, Algonquin and the supporting interveners shall develop, inter alia:

1. Annual and peak day gas requirements by classification of service (residential, commercial, firm industrial, interruptible industrial, residential space heating, commercial space heating and other types) at each of the three delivery points.

2. Estimated deliverability by rate schedule (F-1, T-1, WS-1) and by classification of service,

[1] The Commission recently defined the scope of the general comparative issue, i.e., Issue 1 herein to include consideration of the significant differences between the applicants as to charges, maintenance, personnel, practices, classifications, regulations and facilities. Vegas Instant Page, 50 F.C.C. 2d 1163. The general comparative issue also includes significant differences with respect to local management. RAM Broadcasting of Florida, 50 F.C.C. 2d 1136.

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3. Estimated volumes of T–1 gas needed to meet the human needs market at Cortlandt and Yorktown,

4. Total past and expected curtailments of service by classification of service at each of the three delivery points,

5. Explanation and derivation of basic factors used in estimating future requirements, including for example: Peak-day and annual degree-day deficiencies, annual load factors, individual consumer peak-day and annual consumption factors for each class of consumers, with supporting historical data, and forecasted saturation of space-heating as related to past experience,

6. Provide underlying data that will demonstrate the causes of the curtailments at Cortlandt and Yorktown,

7. Alternative fuel sources available to Consolidated Edison in the Cortlandt, Yorktown and Peekskill area,

8. Algonquin and/or Consolidated Edison shall be required to show why the gas entitlement for Cortlandt and Yorktown by the only supplier for such communities where the load is all Priority 1 became exhausted on July 26, 1975, and 100 percent curtailment was instituted, and no curtailment was required for Peekskill at the same time insofar as F–1 gas was concerned, and

9. Demonstrate that there will be a nonoccurrence of their emergency situation in the summer of 1975 and that Consolidated Edison will be able to pay back volumes of emergency gas that were necessary to avert substantial harm to Cortlandt and Yorktown last summer.

The Commission finds. (1) It is necessary and appropriate that the proceeding in Docket No. CP75–349 be set for formal hearing.

(2) The petitions to intervene may be in the public interest.

The Commission orders. (A) Pursuant to the provisions of the Natural Gas Act, a formal hearing shall be convened in Docket No. CP75–349 in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on November 12, 1975, at 10 a.m., e.d.t. The Presiding Administrative Law Judge for the purpose—See Delegation of Authority 18 CFR 3.5(d)—shall preside at the hearing in the proceeding and shall prescribe relevant procedural matters not herein provided.

(B) The direct case of Algonquin and all supporting interveners as to all issues raised in its filing in Docket No. CP75–349 as well as issues referred to in this order shall be filed and served on all parties of record including Commission Staff on or before October 28, 1975.

(C) The above-mentioned interveners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene: *And, provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

(D) Consolidated Edison's motion for an expedited consideration is granted as herein provided.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–28243 Filed 10–20–75;8:45 am]

[Docket No. G–10115, etc.]

AMOCO PRODUCTION CO. ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

OCTOBER 10, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G–10115 ..... C 9–25–75	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	Texas Eastern Transmission Corp., Greenwood Waskom Field, Caddo Parish, La.	[1] 20.8886	15.025
CI76–13 ..... C 9–12–75	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Fairview Mills Field, Lea County, N. Mex.	[2] 55.23	14.73
CI76–146 ..... A 9–11–75	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla. 73125.	Cities Service Gas Co., Hamon Locke Field, Hemphill County, Tex.	[3] [4] 96.6054	14.65
CI76–147 ..... A 9–11–75	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Sand Dunes Field, Eddy County, N. Mex.	[4] [5] 80.0	14.65
CI76–149 ..... (G–14820) B 9–28–75	Betty D. Mortimer et al., P.O. Box 1185, Jackson, Miss. 39205.	United Gas Pipe Line Co., Marie Pistol Ridge Field, Pearl River County, Miss.	No gas deliveries since Aug. 26, 1962.	
CI76–150 ..... A 9–11–75	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Wilshire (Penn) Field, Upton County, Tex.	[3] 72.0064	14.73
CI76–151 ..... A 9–12–75	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Northern Natural Gas Co., Acreage in Andrews County, Tex.	[3] 51.0	14.73
CI76–152 ..... A 9–12–75	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Transwestern Pipeline Co., South Empire Deep Field, Eddy County, N. Mex.	[4] [5] $1.10	14.73
CI76–153 ..... A 9–15–75	Dorchester Exploration, Inc., 1204 Vaughn Bldg., Midland, Tex. 79701.	Natural Gas Pipeline Co. of America, Square Lake Field, Eddy County, N. Mex.	[4] [5] 80.0	14.65
CI76–154 ..... A 9–15–75	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	[7] 59.1765 [3] 63.3254	14.65 14.65
CI76–157 ..... (G–12134) B 9–10–75	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Northern Natural Gas Co., Harper Ranch Field, Clark County, Kans.	Well plugged and abandoned, leases terminated.	
CI76–158 ..... (G–14986) B 9–11–75	Getty Oil Co. (operator), et al., P.O. Box 1404, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Romero Trap Field, Jim Wells County, Tex.	Uneconomical.	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI76–159 ..... A 9–15–75	Napeco Inc., 122 South Michigan Ave., Chicago, Ill. 60603.	Natural Gas Pipeline Co. of America, Southland Paper Mills M Unit No. 1, Seven Oaks Field, Polk County, Tex.	[1] $0.40975	14.73
CI76–160 ..... (CI72–753) B 9–12–75	Sohio Petroleum Co., 1100 Penn Tower, Oklahoma City, Okla. 73118.	El Paso Natural Gas Co., Eumont Field, Lea County, N. Mex.	Depleted.	
CI76–162 ..... (CI69–607) B 9–17–75	General American Oil Co. of Texas (operator), Meadows Bldg., Dallas, Tex. 75206.	Trunkline Gas Co., Lawson Field, Acadia Parish, La.	Depleted.	
CI76–164 ..... (CI62–34) B 9–8–75	Atlantic Richfield Co.	Perry, Adams, & Lewis, North Vernon Pool, Summer and Cowley Counties, Kans.	[16]	
CI76–165 ..... A 9–18–75	Dorchester Exploration, Inc., 1204 Vaughn Bldg., Midland, Tex. 79701.	El Paso Natural Gas Co., Wilson Penn Field, Lea County, N. Mex.	[4] [5] 80.0	14.73
CI76–166 ..... A 9–19–75 [11]	MRT Exploration Co., 9900 Clayton Rd., St. Louis, Mo. 63124.	Mississippi River Transmission Corp., Mills Ranch Field, Wheeler County, Tex.	[1] 54.8357	14.65
CI76–167 ..... (G–18864) B 9–16–75	Ridgway Management, Inc., P.O. Box 187, Jackson, Miss. 39205.	United Gas Pipe Line Co., Maxie-Pistol Ridge Field, Forrest, Lamar, and Pearl River Counties, Miss.	Nonproductive.	
CI76–168 ..... (CS71–1056) B 9–19–75	David Fasken and Richard S. Brooks, 608 First National Bank Bldg., Midland, Tex. 79701.	Panhandle Eastern Pipe Line Co., Stateline Field, Woods County, Okla.	Depleted.	
CI76–169 ..... B 9–8–75	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Skelly Oil Co., Blinebry-Tubb-Drinkard Gas Field, Lea County, N. Mex.	[12]	.....
CI76–170 ..... A 9–22–75	Mono Power Co., P.O. Box 800, Rosemead, Calif. 91770.	Michigan Wisconsin Pipe Line Co., Ship Shoal Area, offshore Louisiana.	[1] 76.5	15.025
CI76–171 ..... (CI65–127) B 9–15–75	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Vermilion Block 46 Field, offshore Louisiana.	Production has ceased.	
CI76–172 ..... A 9–18–75	Ladd Petroleum Corp., 830 Denver Club Bldg., Denver, Colo. 80202.	Michigan Wisconsin Pipe Line Co., East Niles Field, Canadian County, Okla.	[13] 57.3204	14.65
CI76–173 ..... A 9–22–75	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	Transwestern Pipeline Co., Rock Tank Field, Eddy County, N. Mex.	[4] [5] $1.10	14.65
CI76–175 ..... B 9–22–75	Hytech Energy Corp., 710 Western United Life Bldg., Midland, Tex. 79701.	Northern Natural Gas Co., Toro Field, Reeves County, Tex.	Depleted.	
CI76–176 ..... A 9–23–75	Texas Gas Exploration Corp., P.O. Box 52310, Houston, Tex. 77052.	Texas Gas Transmission Corp., Block 271, Ship Shoal Area, offshore Louisiana.	[4] [5] $1.45	15.025
CI76–177 ..... A 9–24–75	The California Co., a Division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Natural Gas Pipeline Co. of America, Block 172 Field, West Cameron Area, offshore Cameron Parish, La.	[4] [5] $1.31	15.025
CI76–178 ..... A 9–19–75	Ladd Petroleum Corp., 830 Denver Club Bldg., Denver, Colo. 80202.	Michigan Wisconsin Pipe Line Co., East Niles Field, Caddo, and Canadian Counties, Okla.	[13] 57.3204	14.65
CI76–179 ..... (CI60–368) B 9–22–75	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Cities Service Gas Co., Southeast Woodward Field, Woodward County, Okla.	Depleted.	
CI76–180 ..... A 9–23–75	Texas Gas Exploration Corp.	Texas Gas Transmission Corp., Block 247, Ship Shoal Area, offshore Louisiana.	[4] [5] $1.45	15.025

[1] Subject to downward British thermal unit adjustment.
[2] Subject to upward and downward British thermal unit adjustment; estimated upward adjustment is 10.16 ¢/M ft³.
[3] Includes 10.1189 ¢/M ft³ upward British thermal unit adjustment.
[4] Applicant is willing to accept a certificate in accordance with sec. 2.56a of the Commission's General Policy and Interpretations.
[5] Subject to upward and downward British thermal unit adjustment.
[6] Includes 4.1351 ¢/M ft³ tax reimbursement and 16.8713 ¢/M ft³ upward British thermal unit adjustment.
[7] Rate for sales from the Barby lease; includes 3.8679 ¢/M ft³ tax reimbursement and 4.5856 ¢/M ft³ upward British thermal unit adjustment.
[8] Rate for sales from the Dyer lease; includes 3.8679 ¢/M ft³ tax reimbursement and 8.7345 ¢/M ft³ upward British thermal unit adjustment.
[9] Includes 3.825 ¢/M ft³ tax reimbursement and 1.66475 ¢/M ft³ upward British thermal unit adjustment.
[10] Applicant no longer has any interest in leases originally covered by the contract.
[11] Applicant proposes so continue the limited-term sale authorized in docket No. CI74–115, which expires Feb. 16, 1976.
[12] Gas well (Grizzell No. 1) was inadvertently connected to Skelly although gas has been committed to El Paso Natural Gas Co.
[13] Includes 2.7295 ¢/M ft³ upward British thermal unit adjustment and 3.8679 ¢/M ft³ tax reimbursement.

[4] Supra.
[5] Supra.
[16] Supra.

[FR Doc.75–28268 Filed 10–20–75;8:45 am]

[Docket No. RP76–11]

BACA GAS GATHERING SYSTEM, INC.

Order Accepting for Filing and Suspending Proposed Rate Increase, Establishing Hearing Procedures, Instituting Investigation and Consolidating Proceedings

OCTOBER 10, 1975.

On September 12, 1975, Baca Gas Gathering System, Inc. (Baca) tendered for filing a revised tariff sheet [1] wherein Baca proposes to increase annual rates by $262,000 for sales to Panhandle Eastern Pipe Line Company (Panhandle). In support of the proposed rates, Baca states that the rate increase is being filed to compensate only for an increase in the cost of gas purchased by Baca from a small independent producer and to restore Baca's gathering fee to its authorized level. Baca requests that the proposed rates become effective on October 14, 1975.

Public notice of Baca's filing was issued September 23, 1975, with protests and petitions to intervene due on or before October 7, 1975. No responses have been received.

Our review of the rates proposed by Baca in its September 12, 1975 filing, indicates that they reflect small producer purchases in excess of the rate levels prescribed in Opinion No. 742. Therefore, the proposed rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend the use thereof for one day until October 15, 1975, when it will be permitted to become effective, subject to refund.

With regard to the issue of small producers, we shall establish hearing procedures to determine the just and reasonable rate levels of those small producer purchases to be included in Baca's filing in excess of the rate levels resulting from use of the "130% formula" prescribed in Opinion No. 742.[2] In this connection, we believe it appropriate to make the small producer involved, WECO Development Corporation (WECO), a respondent so that WECO may present evidence to show that the rates charged by it to Baca are just and reasonable. Although, small producers are not required to make refunds, we believe it appropriate to institute a Section 5 investigation against WECO so that the just and reasonable small producer rate determined in this proceeding can be applied prospectively to WECO.

Cost evidence relating to the small producer sales which are the subject of the hearing ordered herein can clearly provide the basis for "just and reasonable" rate findings. "F.P.C. v. Texaco Inc.," 417 U.S. 380 (1974). Accordingly, we shall require the small producer respondent to submit cost evidence in order that we may determine the justness and reasonableness of Baca's rates and make appropriate adjustments, if found necessary, to the small producer rates pursuant to our authority under Section 5 of the Natural Gas Act.

Baca must show that the rate paid by Baca to the small producer is just and reasonable by presenting evidence considering all relevant factors including, inter alia, (1) the pipeline's need for gas, (2) the availability of other gas suppliers, (3) the amount of gas dedicated under the contract, (4) the rates of other recent small producer sales previously approved for flow through, and (5) comparison with appropriate market prices.[3]

[1] First Revised Sheet No. 3–A, Original Volume No. 3.

[2] —— FPC —— issued August 28, 1975, in Docket No. R–393.
[3] Opinion No. 742 (mimeo, p. 13, paragraph (1)).

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Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to sales under Opinion No. 742 are just and reasonable.

The Commission finds. It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that hearing procedures be established, as hereinafter ordered and conditioned, and that the rates herein proposed by Baca be accepted for filing and suspended for one day until October 15, 1975, when they shall become effective, subject to refund.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, a public hearing shall be held on January 27, 1976, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, to determine the lawfulness of the proposed rates filed by Baca on September 12, 1975, insofar as those proposed rates reflect small producer purchases in excess of the "130% formula" prescribed in Opinion No. 742.

(B) Pending such hearing and a decision thereon, Baca's proposed changes in the First Revised Sheet No. 3A, Volume 3 of its FPC Gas Tariff are accepted for filing and suspended until October 15, 1975, at which time they may become effective, subject to refund.

(C) Pursuant to Section 5 of the Natural Gas Act, we hereby institute an investigation into the just and reasonable rates to be charged by WECO in making sales to Baca in excess of the rates resulting from the "130% formula" prescribed in Opinion No. 742 and consolidate this investigation with the hearing ordered in Ordering Paragraph (A) above for purposes of hearing and decision.

(D) Baca and WECO shall file direct testimony and evidence on or before November 18, 1975. Any evidence by the Commission Staff or any intervenor shall be filed on or before December 16, 1975. Any rebuttal evidence shall be filed on or before December 30, 1975.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

[SEAL] KENNETH F. PLUMB,[4] *Secretary.*

[FR Doc.75-28245 Filed 10-20-75;8:45 am]

[4] Chairman Nassikas, dissenting, filed a separate statement which is filed as part of the original document.

[Docket No. E-7476]

BALTIMORE GAS AND ELECTRIC CO.

Application

OCTOBER 9, 1975.

Take notice that on September 30, 1975 Baltimore Gas and Electric Company (Applicant) filed a Supplemental Application with the Federal Power Commission seeking authority to increase to $160 million the amount of short-term unsecured promissory notes, including commercial paper notes, which it may have outstanding at any one time and to extend to December 31, 1977 the latest maturity date of notes to be issued pursuant thereto.

The Commission authorized the issuance of short-term unsecured promissory notes by the Applicant in its order dated June 13, 1969 and supplemental orders dated September 24, 1970, December 22, 1972, December 21, 1973 and November 1, 1974. In the supplemental order dated November 1, 1974, the Commission authorized the Applicant to issue short-term unsecured promissory notes in face amounts of up to a maximum of $150 million with maturities not later than December 31, 1976.

Applicant is incorporated under the laws of the State of Maryland with its principal business office at Baltimore, Maryland, and is engaged in the electric, gas and steam utility businesses within the State of Maryland. The Applicant has qualified to do business also in the Commonwealth of Pennsylvania where it is participating in the ownership and operation of two mine-mouth electric generating plants.

Short-term unsecured promissory notes are to be issued from time to time to banking institutions and/or sold to or through dealers in commercial paper of which the aggregate amount to be outstanding at any one time as commercial paper is not to exceed 25 percent of the Applicant's gross revenues during the preceding twelve months. Short-term unsecured promissory notes in the form of commercial paper will mature in no more than 270 days and all other such notes will have maturities of up to one year from the date of issuance.

The proceeds from the issuance of short-term unsecured promissory notes will be used to provide funds for current corporate transactions, including interim financing of the Applicant's construction expenditures expected to total approximately $140 million in 1975 and are estimated at $160 million and $180 million for 1976 and 1977, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-28232 Filed 10-20-75;8:45 am]

[Docket No. RI76-36]

BELCO PETROLEUM CORP., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

OCTOBER 10, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed [2] increased rate	Rate in effect subject to refund in Docket Nos.
RI76-36...	Belco Petroleum Corp., et al.	17	10	Natural Gas Pipeline Co. of America (New Mexico) (Permian).		9-11-75	9-11-75	(1)	54.919	54.922	
	do			do		9-11-75		3-12-76	39.02	40.02	RI75-98.

* Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Accepted for filing as of the date set forth in the "Effective Date Unless Suspended" column.
[2] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.

The proposed increased rate filed by Belco Petroleum Corporation, et al. reflecting reimbursement for the 0.04 percent increase in the New Mexico Conservation tax and a periodic increase is suspended for five months since it exceeds the applicable area ceiling rate in Opinion No. 662.

Belco's proposed increased rate reflecting reimbursement of the 0.04 percent increase in the New Mexico tax for sales covered by Opinion No. 699, as amended, is accepted.

Belco requests that it be permitted to collect 200 percent of the proposed tax reimbursement contained in each proposed rate until it has been reimbursed for taxes on sales from July 1, 1975, the effective date of the 0.04 percent increase in the New Mexico Conservation tax. No reasons were given in support of such request. Good cause has not been shown for granting such request, and the request is denied.

[FR Doc.75-28269 Filed 10-20-75;8:45 am]

[Docket No. CS76-154, etc.]

BMG MIDYEAR '73 EXPLORATION, LTD., KANSAS LIMITED PARTNERSHIP, ETC.

Applications for "Small Producer" Certificates [1]

OCTOBER 14, 1975.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

Docket No.	Date filed	Applicant
CS76-154...	9-19-75	BMG Midyear '73 Exploration, Ltd., a Kansas limited partnership, 476 17th St., Denver, Colo. 80202.
CS76-155...	9-22-75	C. N. Adkisson, Box 800, McCamey, Tex. 79752.
CS76-156...	9-22-75	J. S. Ward, 101 South 4th St., Artesia, N. Mex. 88210.
CS76-157...	9-22-75	Moore Engineering Resources, a division of Lester Moore Tank & Supply Co., Inc., 233 Hereford Rd., Corpus Christi, Tex. 78408.
CS76-158...	9-22-75	Kan-Go, Inc., 233 Hereford Rd., Corpus Christi, Tex. 78408.
CS76-159...	9-22-75	Western 74, P.O. Box 993, Midland, Tex. 79701.
CS76-160...	9-23-75	Guardian Exploration, Ltd.—1975, 615 Jones Bldg., Corpus Christi, Tex. 78401.
CS76-161...	9-23-75	Guardian Exploration, Ltd.
CS76-162...	9-23-75	Florida Oil Ventures, Ltd., 615 Jones Bldg., Corpus Christi, Tex. 78401.
CS76-163...	9-25-75	W. F. Glover, Rural Delivery 5, Box 175, Titusville, Pa. 16354.
CS76-164...	9-25-75	Betty Blair, Lazy B Ranch, Atlanta, Kans. 67008.
CS76-165...	9-24-75	Valhi, Inc., 949 Tenneco Bldg., Houston, Tex. 77002.
CS76-166...	9-26-75	Doyle Hartman, Suite 312, Midland National Bank Bldg., Midland, Tex. 79701.
CS76-167...	9-26-75	Edna Lou Allspaugh, 815 4th Ave., Holiday Gardens Estates, New Fort Richey, Fla. 33552.
CS76-168...	9-26-75	H. & I Investments, Ltd., 1300 40th St., Denver, Colo. 80205.
CS76-169...	9-26-75	William R. Braley, P.O. Box 768, Woodward, Okla. 73801.
CS76-170...	9-26-75	Crone Oil Co., 1500 Broadway, Suite 950, Lubbock, Tex. 79401.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[FR Doc.75-28270 Filed 10-20-75;8:45 am]

[Docket No. E-8810]

BOSTON EDISON CO.

Order Approving Settlement

OCTOBER 15, 1975.

On May 21, 1974, Boston Edison Company (Edison) tendered for filing an initial rate schedule providing for the sale of sixty (60) megawatts of system capacity and related energy to New England Power Company (NEPCO) for the period November 1, 1973, to October 31, 1974. Since the delivery of the power was to be contingent upon the availability of Edison's Pilgrim Unit No. 1, the rate schedule also provided for scheduled outage service. Such service was to be extended to NEPCO during periods when scheduled maintenance took the Pilgrim Unit No. 1 out of operation.

Edison's filing was noticed on June 3, 1974 with June 13, 1974 being established as the last date for the submission of protests, comments, and petitions to intervene.

By our order of June 21, 1974, we initiated a section 206 investigation. As a condition to waiving the prior notice requirements so as to permit the rates to become retroactively effective on November 1, 1973, we required that Edison agree to refund any revenues found to be excessive.

After brief hearing sessions and a series of settlement conferences, an accord was reached. On July 16, 1975, Edison filed the proposed settlement agreement and a corresponding motion for approval of the agreement; on July 18, 1975, the Presiding Administrative Law Judge certified the record to us. The Staff filed comments in support of the proposed settlement on August 1, 1975.

The rate schedule for service to NEPCO provides for three types of charges: capacity charges, energy charges, and scheduled outage service charges. As originally filed by Edison, the schedule would have produced the following revenues over the 12 month term of service:

Capacity Charges	$3,570,300
Energy Charges	1,811,584
Scheduled Outage Service Charges	1,945,872
Total	$7,327,606

The proposed settlement agreement provides for a decrease of $255,800 in the originally filed capacity charges and an

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increase of $77,623 in the scheduled outage service charges. The settlement revenues are, therefore, as follows:

Capacity Charges	$3,314,400
Energy Charges	1,811,534
Scheduled Outage Service Charges	2,023,495
Total	$7,149,429

Capacity charges recover for Edison its capacity costs, which are the costs of generation and transmission except fuel costs. The reduction in capacity charges, therefore, reflects agreement upon a lower cost of service [1] which includes an adjusted rate of return of 9.6 percent.[2]

Energy charges are based exclusively on the costs of fuel. The energy charges in the settlement rate schedule remained unchanged from the original filing.

The scheduled outage service charges were, in the original filing, based on Edison's NEPOOL scheduled outage rate for Pilgrim Unit No. 1 plus 2.3 mills per kilowatt hour. In the proposed settlement agreement, which increased the charges, they are based, instead, on Edison's average system fuel costs and average interchange energy purchases.

Before actual data became available, NEPCO was temporarily billed on an estimated basis and on such basis has paid Edison only $7,082,066.67. Thus, using the settlement rate schedule, a balance of $67,422,33 is owed to Edison by NEPCO.

Our review of the proposed settlement, Staff's comments and the related record indicates that the settlement is a reasonable and appropriate resolution of the issues raised in this proceeding and that the public interest would be served by our acceptance and approval of the settlement.

The Commission finds. The proposed settlement of this proceeding as filed with the Commission by Boston Edison Company on July 16, 1975 is reasonable and proper and in the public interest in carrying out the provisions of the Federal Power Act. It accordingly should be approved as hereinafter ordered.

The Commission orders. (A) The proposed settlement filed by Boston Edison Company on July 16, 1975, as a settlement of the issues involved in this proceeding is hereby approved and adopted.

(B) Boston Edison Company shall file within thirty (30) days of the issuance of this order a rate schedule supplement which conforms with the settlement agreement approved herein.

(C) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order in any proceeding now pending or hereafter instituted by or against Boston Edison Company or any person or party.

(D) Proceedings in Docket No. E-8810 shall be terminated upon compliance with the terms and conditions of this order.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] The settlement cost of service, as well as the derivation of capacity charges, appears in Appendix A below.

[2] The settlement capitalization and rate of return appears in Appendix B below.

APPENDIX A.—*Settlement cost of service (capacity costs[1]) derivation of NEPCO capacity charges*

Line No.		Production	Transmission
1.	Operation and maintenance	$32,869,507	$3,625,469
2.	Depreciation	16,154,203	3,136,015
3.	Taxes other than income taxes	21,643,598	5,637,170
4.	Return	40,475,018	8,134,510
5.	Income taxes	9,506,875	1,914,177
6.	Cost of service	120,649,201	22,447,341
7.	Per kilowatt production—$120,649,201÷2,598,450 kW [2]=	$46.43 per kilowatt.	
8.	Per kilowatt transmission—$22,447,341÷2,548,500 kW [3]=	$8.81 per kilowatt.	
9.		$46.43×60,000 kW=	$2,785,800
10.		$8.81×60,000 kW=	528,600
11.	Total NEPCO capacity charges=		3,314,400

[1] Capacity costs include all costs incurred in rendering service exclusive of fuel and scheduled outage service. Purchased power costs are also excluded from the capacity cost computation since the NEPCO entitlement is in Edison units only.

[2] Edison's average maximum generating capability.

[3] Edison's average system capability.

APPENDIX B.—*November 1974 capitalization and rate of return per settlement agreement*

[Percent]

Line No.	Class of capital	Capital ratios	Cost factors	Weighted return
1	Longterm debt	59.90	8.13	4.87
2	Preferred stock	8.54	6.66	.57
3	Common stock	31.25	13.27	4.15
4	Deferred taxes (account 281)	.31	0	0
5	Recommended return on total capital			9.59
6	Rounded to			9.6

[FR Doc.75-28250 Filed 10-20-75;8:45 am]

[Docket Nos. CP73-329, CP73-336, CP76-99, CP76-109]

CHATTANOOGA GAS CO., ET AL.

Order Consolidating Proceedings, Setting Hearing, Establishing Procedures, and Permitting Interventions

OCTOBER 14, 1975.

On August 15, 1975, Chattanooga Gas Company, a division of Jupiter Industries, Inc. (Chattanooga), filed in Docket No. CP73-329 a third amendment to its application requesting authority to further operate its LNG facility in interstate commerce to provide a limited term liquefaction service with pregranted abandonment for East Tennessee Natural Gas Company (East Tennessee). Under the proposal, Chattanooga will liquefy gas supplied by East Tennessee at its Chattanooga facility and the liquid will then be transported by East Tennessee via truck trailer for storage at East Tennessee's recently completed LNG tank near Kingsport, Tennessee. The storage volumes will be utilized by East Tennessee to provide Supplemental Winter Storage (SWS) service as requested in East Tennessee's application filed in Docket No. CP73-336.[1]

By orders issued March 13, 1974, and April 11, 1974, Chattanooga was required to cease operations of its LNG facility that had been temporarily authorized in Docket No. CP73-329 by letter order issued November 1, 1973. By order issued June 24, 1974, a settlement agreement was approved and Chattanooga was permitted to resume operations pursuant to the terms of that agreement. By letter orders issued October 31, 1974, and September 5, 1975, Chattanooga received additional temporary authorization in

[1] Temporary authorization was granted East Tennessee by letter order issued September 5, 1975.

Docket No. CP73-329 to operate its LNG facility in interstate commerce.

Chattanooga's LNG facility is designed to provide intrastate service for its distribution system as well as providing interstate service through sales of liquids f.o.b. the plant from surplus capacity. Under the aforementioned temporary authorizations, Chattanooga liquefied, stored, and redelivered the gas in vapor form into East Tennessee's interconnecting pipeline facilities during the past two winter seasons. East Tennessee had anticipated operation of its own LNG plant at Kingsport to provide its customers with SWS service commencing this winter season. Due to unanticipated delays, the Kingsport plant had not gone into service at the time of Chattanooga's filing of August 15, 1975, although the LNG storage tank is essentially complete. East Tennessee therefore requested Chattanooga to continue to provide it with LNG for this winter season with the modification that East Tennessee will take delivery in the liquid phase for transportation to its Kingsport tank.

Under the present proposal in Docket No. CP73-329, Chattanooga will receive at its LNG facility from East Tennessee up to 559,747 Mcf of gas which volumes include all required fuel as to enable Chattanooga to liquefy 439,500 Mcf for East Tennessee. Redelivery of the liquid will be at Chattanooga's load out delivery point into truck transport provided by East Tennessee. The rate to be charged East Tennessee is 95 cents per MMbtu and was arrived at through negotiations between East Tennessee and Chattanooga. No cost of service studies were prepared in connection with the negotiations. The propriety of the rate level under the Natural Gas Act's criteria is not shown. Therefore, the hearing hereinafter ordered will require Chattanooga to present evidence to justify the proposed rate level.

To permit UGI Corporation—Gas Utilities Division (UGI) to preserve a portion of its summer entitlement deliveries from Columbia Gas Transmission Corporation (Columbia) for later winter uses to offset anticipated high priority curtailment, applications were filed in Docket Nos. CP76-99 and CP76-109 requesting authorization to permit the immediate diversion of deliveries by Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) and Columbia from UGI service area to Chattanoogas' and East Tennessee's LNG facilities for liquefaction and for storage by East Tennessee. Redelivery to UGI will take place during the forthcoming winter season to offset anticipated priority 2 curtailment and minimize industrial layoffs. UGI, under Columbia's curtailment plan, has a summer entitlement available through October 31 of which it estimates that up to 2 million Mcf is surplus to its present requirements and can be diverted for winter use. The instant proposals are to permit UGI to divert part of that surplus for later use.[2] The daily and seasonal quantities involved range up to 23,000 Mcf and 450,000 Mcf respectively before allowances for fuel and shrinkage.

On September 23, 1975, East Tennessee filed in Docket No. CP76-99 an application under section 7(c) of the Natural Gas Act requesting limited term authorization with pregranted abandonment to receive daily volumes of natural gas from Tennessee for the account of UGI to transport a part of those volumes to the Chattanooga LNG facility for liquefaction; to transport the LNG from Chattanooga to East Tennessee's LNG storage tank; to store LNG for UGI; and to redeliver the volumes to UGI. The proposed service will be rendered after East Tennessee has satisfied its own LNG inventory to provide for its SWS obligations for the coming winter season and will be on a best efforts basis.

Since it has only been recently completed, East Tennessee's Kingsport LNG facility does not have the capability to provide for the 1975–76 required SWS inventory of 939,500 Mcf and, as stated above, supplemental arrangements were made with Chattanooga to supply 439,500 Mcf and additionally with Tennessee for up to 500,000 Mcf through underground storage service, which is the subject of Docket No. CP76-2.[3] East Tennessee, in the instant application, states that by the current efforts of Chattanooga and the use of its own plan it will have completed the liquefaction of the required 439,500 Mcf by early October. Of this amount approximately 204,000 Mcf will have been liquefied by Chattanooga with the balance supplied by the East Tennessee plant. East Tennessee, therefore, proposes to continue the arrangement with Chattanooga for liquefaction of up to the contract quantity of 439,500 Mcf which will result in a quantity of LNG equivalent to about 235,000 Mcf which can be used to supply UGI. The balance of the UGI liquid will be produced at the East Tennessee plant after its own SWS inventory has been satisfied.

On September 29, 1975, Tennessee and Columbia filed a joint application in Docket No. CP76-109 requesting authority to deliver the volumes of gas to East Tennessee for the account of UGI to permit East Tennessee to render the service requested in Docket No. CP76-99. During the period ending October 31, 1975, UGI will reduce its deliveries from Columbia at Columbia's Millway delivery point located in Lancaster County, Pennsylvania. Concurrently, Columbia will deliver equivalent daily volumes to Tennessee for the account of UGI, up to 23,000 Mcf per day, not to exceed 450,000 Mcf during the period, by reducing the volumes it would otherwise receive out of its contracted entitlement from Tennessee at Tennessee's Unionville delivery point located in Beaver County, Pennsylvania. Tennessee thence will transport and deliver equivalent daily volumes to East Tennessee for the account of UGI at Tennessee's Lobelville and Greenbriar delivery points.

Tennessee proposes a charge of 17.93 cents per Mcf for diversion and transportation of the gas, through an exchange arrangement with Columbia, from the UGI market area to delivery to East Tennessee calculated on Tennessee's system averaged haul cost per 100 miles (as set forth in Tennessee's rate filing in Docket No. RP75-113) and as applied to a haul distance of 594.95 miles from Unionville, Pennsylvania to Lobelville, Tennessee. Columbia does not propose any charge for the service it requests to be authorized in the instant proceeding. East Tennessee proposes a charge of $3.26 per Mcf for further pipeline transportation, liquefaction, and LNG storage. Winter redeliveries to UGI have not yet been arranged and, consequently, the instant proposals do not request any charge or authority for such redeliveries.

The rates and charges proposed in Docket Nos. CP76-99 and CP76-109 have not been shown to meet the criteria of the Natural Gas Act. Therefore, a hearing to determine the propriety of the proposed rates is required. Since the hearing required in Docket Nos. CP73-329 and CP73-336 contain common questions of law and fact with those in Docket Nos. CP76-99 and CP76-109. those proceedings should be consolidated for purposes of hearing and decision.

Timely petitions to intervene were filed in Docket No. CP73-329 by Southern Nautral Gas Company, East Tennessee, South Jersey Gas Company, and Knoxville Utilities Board, et al.; in Docket No. CP73-336 by Knoxville Utilities Board, et al.; and in Docket No. CP76-99 by Chattanooga.

The Commission finds. (1) Good cause exists to consolidate the proceedings in Docket Nos. CP73-329, CP73-336, CP76-99 and CP76-109, to set the consolidated proceeding for hearing, and to establish the procedures for such hearing, all as hereinafter ordered.

(2) Participation by the aforementioned petitioners for intervention in the subject proceeding may be in the public interest.

The Commission orders. (A) The proceedings involved in Docket No. CP73-329, CP73-336, CP76-99 and CP76-109 are hereby consolidated for purpose of hearing and decision.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, particularly section 7 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held commencing on November 18, 1975, at 10 a.m., (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the issues involved in the consolidated hearing as set forth in the body of this order.

(C) On or before October 31, 1975, Chattanooga, East Tennessee, Tennessee,

[2] UGI is seeking storage arrangements with other companies to husband the balance of that surplus.

[3] Temporary authority was issued to Tennessee by letter order of July 24, 1975.

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Columbia and all other parties in support of the requested certificates of public convenience and necessity shall file their testimony and exhibits comprising their cases-in-chief upon the Presiding Administrative Law Judge, Commission Staff, and all other parties in the consolidated proceeding.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See, Delegation of Authority, 18 CFR § 3.5(d)) shall preside at the hearing and shall prescribe relevant procedural matters not herein provided.

(E) The aforementioned Petitioners are hereby permitted to intervene in the subject proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in these proceedings; *And provided, further,* That such intervenor shall accept the evidentiary record as it has been established in the proceeding to date.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28265 Filed 10-20-75;8:45 am]

[Docket No. RP73-86, RP73-85]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF GAS TRANSMISSION CO.

Certification of Proposed Settlement

OCTOBER 9, 1975.

Take notice that on September 25, 1975, Administrative Law Judge Michel Levant certified to the Commission a proposed settlement in the above-captioned dockets together with the record therein.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants to the proceeding. Any person wishing to intervene must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28233 Filed 10-20-75;8:45 am]

[Docket Nos. ER76-122, E-9002]

COMMONWEALTH EDISON CO.

Order Accepting for Filing and Suspending Proposed Fuel Adjustment Clause, Terminating Section 206 Investigation, Consolidating Proceeding, Granting Intervention and Denying Motion To Reject

OCTOBER 10, 1975.

On September 12, 1975 Commonwealth Edison (Com Ed) filed a proposed revised fuel adjustment clause, Rider 20, 2nd Revised Sheet No. 12 and Original Sheet No. 12.10, applicable to Rate 78 of its FPC Electric Tariff. Com Ed proposed an effective date of October 16, 1975 for this clause. Rate 78, Com Ed's proposed general rate increase, is presently being collected subject to refund pending hearing and decision in Docket No. E-9002. The Commission, by Order issued October 29, 1974 in Docket No. E-9002, instituted a Section 206 investigation of Com Ed's applicable fuel adjustment clause because the applicable fuel clause reflected system losses rather than wholesale losses and the cost of fuel was determined according to the Illinois Commerce Commission's Uniform System of Accounts instead of being determined according to the Commission's regulations. Thus our Order of October 29, 1974 limited the 206 investigation "to an inquiry into whether the calculation of the base cost in Com Ed's fuel adjustment provision conforms to § 35.14(a)(2) of our regulations and whether Com Ed's fuel adjustment provision should be modified to reflect wholesale rather than total system losses."

The fuel adjustment clause formula filed by Com Ed in the instant case conforms to § 35.14 of the Commission's regulations, as modified by Order No. 517. Thus we believe it is necessary and proper in the public interest to terminate the Section 206 investigation of Com Ed's fuel adjustment clause formula.

Our review of Com Ed's filing indicates that the proposed base fuel costs and related energy charges in the proposed fuel adjustment clause and in Rate 78 have not been shown to be just and reasonable. We shall, therefore, accept Com Ed's proposed fuel adjustment clause for filing and suspend the use thereof for one day, when it shall be permitted to become effective subject to refund.

We further note that fuel cost of service data to support Com Ed's general rate increase, Rate 78, is now before the Commission pending hearing in Docket No. E-9002. Accordingly, we believe that it is appropriate to consolidate the instant case with that in Docket No. E-9002 for purposes of hearing and decision.

Public notice of Com Ed's filing of the fuel adjustment clause was issued on September 26, 1975, with comments, protests or petitions to intervene due on or before October 6, 1975. A Motion to Reject and Petition to Intervene was filed on October 6, 1975, by the Cities of Batavia, Geneva, Naperville, St. Charles, Rochelle, and Rock Falls, Illinois (Cities). The Cities' Petition urges the Commission to reject Com Ed's filing for failure to conform with the Commission's Regulations regarding filing of cost of service data to support the increase in rates, which the Cities claim is brought by this filing. As indicated earlier herein, since we have consolidated this proceeding with that in Docket No. E-9002 and have therefore incorporated by reference the cost of service data submitted in that docket, we find that Com Ed has complied with our filing requirement. Therefore, we see no reason to reject Com Ed's filing on the basis of Cities' Motion.

The Commission finds. (1) Com Ed's filing should be accepted for filing and suspended for one day, as hereinafter ordered.

(2) It is necessary and proper in the public interest to terminate the section 206 investigation of Com Ed's fuel adjustment clause.

(3) Good cause exists to consolidate the proceeding, in Docket No. ER76-122 with that in Docket No. E-9002.

(4) The participation of the Cities in these proceedings is in the public interest.

(5) Good cause exists to deny the Cities' motion to dismiss.

The Commission orders. (A) Com Ed's proposed fuel adjustment clause is hereby accepted for filing and suspended for one day until October 17, 1975, when the proposed rate will go into effect subject to refund.

(B) The Section 206 investigation is hereby terminated.

(C) Docket Nos. ER76-122 and E-9002 be consolidated for purposes of hearing and decision.

(D) The Cities are hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene: *And provided, further,* That the admission of such intervenor shall not be considered as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in these proceedings.

(E) The Cities' motion to reject is hereby denied.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28237 Filed 10-20-75;8:45 am]

[Docket No. ER76-45]

CONSUMERS POWER CO.

Tender of Revised Tariff Sheet

OCTOBER 10, 1975.

Take notice that on September 26, 1975, Consumers Power Company (Consumers) tendered for filing an Original Sheet No. 21—Revised in its Wholesale For Resale Electric Service Contract Rate "WR". Consumers proposes to substitute this sheet for the corresponding Original Sheet No. 21 contained in Consumers filing of July 30, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28238 Filed 10-20-75;8:45 am]

[Docket No. RP72-6]

EL PASO NATURAL GAS CO.

Order Denying Request and Motion for Reclassification of Volumes Under Curtailment Plan

OCTOBER 14, 1975.

On June 24, 1975, Stauffer Chemical Company, (Stauffer), filed a request for relief from misclassification of gas requirements under the curtailment plan prescribed for El Paso Natural Gas Company, (El Paso) by this Commission in Opinion Nos. 697 and 697-A, issued June 14, 1974, and December 19, 1974, respectively. Stauffer is an industrial customer of Southwest Gas Company, (Southwest), with a chemical plant in southern Nevada which utilizes natural gas for various purposes. Specifically, Stauffer asserts that El Paso's tariff and end use profile filings in response to the above opinion, which are not yet effective, place certain volumes Stauffer utilizes in a total energy system gas turbine in the wrong priorities. Stauffer asserts that El Paso's interpretation of Opinion Nos. 697 and 697-A is erroneous in placing 4800 Mcf/d of gas used in a gas turbine in its total energy system into Priority 5 rather than Priority 3. In addition, Stauffer complains that El Paso has erroneously classified 1560 Mcf/d which it uses for auxiliary firing requirements of the total energy plant waste heat recovery boiler into Priority 3 rather than Priority 2. Stauffer asserts that conversion of such use to alternate fuel is not technically feasible at this time.

On July 9, 1975, General Motors Corporation, (GM) filed a response to Stauffer's request in which it opposes numerous aspects of the request. Finally, on July 18, 1975, Stauffer responded to GM's opposition by filing an answer thereto.

On September 12, 1975, Empire Machinery Co., (Empire), in conjunction with The City of Mesa, Arizona, (Mesa), filed a motion in the instant docket requesting the Commission to order El Paso to classify its commercial total energy system in Priority 2 rather than Priority 3. Empire is a customer of Mesa who in turn purchases from El Paso. Essentially, Empire asserts that it is a large "commercial" customer entitled to priority classification under the definition of commercial service which was promulgated in order No. 493-A. Empire believes that the Commission's deletion of total energy requirements at commercial installations from the definition of "commercial" service should not be read by El Paso as placing Empire's gas requirements into an industrial priority, (Priority 3).

The Commission is addressing both Stauffer's and Empire's filings in this order because we believe they involve basically the same questions and should be disposed of in the same manner. In both filings the parties are requesting the Commission to reclassify volumes which they assert are misclassified by virtue of El Paso's interpretation, embodied in its tariff filings, of certain language in Opinion Nos. 697 and 697-A.

While these pleadings are styled as requests for reclassification, we believe they should be treated as protests to the implementation of El Paso's proposed tariff sheets and end-use profiles. Stauffer and Empire both raised issues in their filings which would be best decided as part of a further Commission pronouncement concerning the appropriateness of El Paso's proposed implementation of the permanent plan prescribed for it by the Commission in Opinion Nos. 697 and 697-A. The issues raised by the above parties are among those which may require clarification by us before El Paso commences operation under its proposed permanent curtailment plan. It should be noted that El Paso's tariff filing in response to the above two opinions was the subject of numerous protests and comments which the Commission will act upon in due course by the issuance of a further opinion or order(s) in this docket. Therefore, we will treat the two filings herein as protests and consider them in our evaluation of El Paso's tariff filing. This action does not change the current classification of Stauffer's and Empire's requirements since El Paso is still curtailing in accordance with its interim plan as prescribed in Opinion Nos. 634 and 634-A. It is quite possible that our resolution of the issues raised by parties to this proceeding, including Stauffer and Empire, in response to the tariff filing of El Paso will dispose of the problems Stauffer and Empire claim they face, but in any case, if they are dissatisfied with such further disposition of any pertinent issues, Stauffer and Empire are free to return to the Commission at that time with requests similar to those they have made here.

Finally, we will treat GM's response to Stauffer's request as a further comment on El Paso's tariff filing since it had previously filed initial comments thereto on May 9, 1975.

The Commission finds. (1) The request by Stauffer and Empire for relief from misclassification of gas requirements under El Paso's proposed permanent curtailment plan should be denied.

(2) The requests should be treated as protests to the tariff filing of El Paso in purported compliance with Opinion Nos. 697 and 697-A and should be considered by the Commission as such.

(3) The above findings should be without prejudice to any new filing that Stauffer and Empire desires to make following disposition by the Commission of El Paso's curtailment tariff filing.

The Commission orders. (A) The requests by Stauffer and Empire for relief from misclassification of gas requirements under El Paso's proposed permanent curtailment plan is hereby denied.

(B) The requests shall be treated as protests to the tariff filing of El Paso in purported compliance with Opinion Nos. 697 and 697-A and will be considered by the Commission along with other protests and comments which have been filed by other parties to this docket regarding such tariff filing.

(C) These orders shall be effected without prejudice to any new filing that Stauffer and Empire desire to make following disposition by this Commission of El Paso's curtailment tariff filing.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28266 Filed 10-20-75;8:45 am]

[Docket No. RI76-38]

EXXON CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

OCTOBER 10, 1975.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders. (A) Under the National Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date

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shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.-102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in Docket Nos.
R176-33...	Exxon Corp.....	212	23	El Paso Natural Gas Co. (Utah) (Rocky Mountain).	$3,528	9-10-75	.....	4-20-76	28.785	[1] 29.936	RI75-35.

* Unless otherwise stated, the pressure base is 14.73 lb/in²a.

[1] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.

The proposed rate increase of Exxon Corporation exceeds the applicable area ceiling set forth in Opinion No. 658, and it is suspended for five months.

[FR Doc.75-28271 Filed 10-20-75;8:45 am]

[Docket Nos. E-9521, E-9522]

GEORGIA POWER CO.

Extension of Deadline for Filing Substitute Tariff Sheets

OCTOBER 9, 1975.

On September 29, 1975, Georgia Power Company (Georgia Power) filed an Application for Rehearing and Clarification of the Commission's Order issued September 11, 1975, in the above-referenced docket. Georgia Power requests, inter alia, an extension of the 30-day deadline for Georgia Power to file substitute tariff sheets reflecting the exclusion of CWIP from rate base for certain facilities, as required by the Commission in Ordering Paragraph (B) of its September 11, 1975, order. In order to permit the Commission to consider the Application for Rehearing and Clarification of September 29, 1975, wherein Georgia Power requests reconsideration of the Commission's requirement that they file substitute tariff sheets, the deadline for filing the substitute tariff sheets as ordered in paragraph (B) of the September 11, 1975, order shall be extended until November 12, 1975.

Notice is hereby given that the 30-day deadline for Georgia Power's filing the substitute tariff sheets as required in Ordering Paragraph (B) of the Commission's Order, issued September 11, 1975, in this docket is hereby extended until November 12, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-28234 Filed 10-20-75;8:45 am]

[Docket No. RP75-97]

HAMPSHIRE GAS CO.

Conference

OCTOBER 8, 1975.

Take notice that on October 21, 1975, Staff is convening an informal conference of all interested persons for the purpose of discussing the issues in the above referenced docket in Room No. 840?, at the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., at 1:30 p.m.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Letters concerning this conference are being mailed to all parties to the proceeding, and all of the jurisdictional customers.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-28230 Filed 10-20-75;8:45 am]

[Docket No. RP75-97]

HAMPSHIRE GAS CO.

Order Granting Late Petition To Intervene

OCTOBER 14, 1975.

On May 30, 1975, we conditionally accepted for filing and suspended the proposed rate increase filing of Hampshire Gas Company (Hampshire) in the instant docket. Notice of Hampshire's filing was issued on May 8, 1975, with protests and petitions to intervene due on or before May 22, 1975. On September 11, 1975, the Maryland Public Service Commission filed an untimely petition to intervene. We believe that Commission's interests are sufficient to warrant granting intervention.

The Commission finds. It is desirable and in the public interest to allow the above-named petitioner to intervene.

The Commission orders. (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-28246 Filed 10-20-75;8:45 am]

[Docket No. RP76-8]

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

Order Accepting for Filing, Suspending, Granting Interventions, and Establishing Procedures

OCTOBER 10, 1975.

On August 29, 1975, Kansas-Nebraska Natural Gas Company, Inc. (K–N) tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by $9,890,611 based on the twelve month period ending April 30, 1975, as adjusted. K–N proposes an effective date of October 14, 1975.

K–N alleges that the jurisdictional rates filed herewith are designed to enable Kansas-Nebraska to recover increases in its jurisdictional cost of service resulting from: (1) Additional facilities required to connect new sources of supply and to maintain deliverability from existing sources of supply; (2) gas exploration and development including advance payments; (3) increased operating costs due to higher costs of labor, materials and supplies; (4) new underground storage facilities; (5) increased revenues needed to provide a return of

10.35 percent on its utility investment; (6) increased depreciation rate on transmission facilities from 3.19 percent to 4.0 percent; and (7) increased income, payroll and property taxes.

In addition to the changes to reflect the increased rates Kansas-Nebraska proposes various changes in its existing tariff; and, therefore, has filed a Third Revised Volume No. 1 to replace the Second Revised Volume No. 1. The changes in the revised tariff consist of: (1) Change in the jurisdictional zone boundaries; (2) consolidation on one tariff sheet the rates charged for service to each rate zone; (3) change in determination of contract demand and winter period demand; (4) revisions in the General Terms and Conditions concerning definitions, measurement, restrictions on new or additional service and extension policy.

Notice of K–N's filing was issued on September 8, 1975, with protests or petitions to intervene due on or before September 18, 1975. To date, several petitions to intervene have been received (see Appendix A below), both in and out of time. Most of the petitioners requested a full five month suspension of the filing as well as a hearing thereon. The Central Kansas Power Company, Inc. (Central Kansas), in addition to requesting a five month suspension and a hearing, urges that the Commission reject the provision of the proposed sections 1 and 13b of the General Terms and Conditions of the Tariffs which purport to be applicable to direct sales, as not subject to the jurisdiction of the Federal Power Commission. A protest was filed by Hanna & Lamb Milling Co., alfalfa dehydrator who purchases from K–N, which made a general objection to any increase in rates.

K–N proposes, inter alia, to give cost of service treatment to production from property it acquired on or after October 7, 1969. We note that in Opinion No. 731 [1] we expressed our concern with respect to the standards that must be met to satisfy the "special circumstances" criterion for such cost of service treatment as set forth in Opinion No. 568 [2] and Opinion No. 568–A.[3] In finding that the circumstances must be truly extraordinary, we concluded that the pipeline seeking the higher cost of service treatment must carry the same burdens of proof and persuasion that an independent producer must meet in order to gain an exception from the area rate applicable to its sale. Thus, more than a showing of unit cost higher than the area rate, or intimations that the company will have to discontinue its exploration program without the requested relief, is required. In light of Opinion 731, supra, all parties submitting evidence on this issue should specifically address the extraordinary nature of the circumstances surrounding K–N's production from property acquired after October 7, 1969.

We further note that for purposes of its present filing K–N has utilized the unmodified Atlantic Seaboard method of cost classification with the exception that all fixed costs for production other than for gathering were classified as commodity costs but 50% of fixed costs for the gathering systems were retained in demand costs. In Opinion 671 [4] we expressed our concern over the worsening gas supply situation and particularly as it existed on United's system. Based upon the record in that case we concluded that more weight should be given to the annual use of United's pipeline system than would result under the Atlantic Seaboard method. Therefore, we assigned 75 percent of fixed transmission and storage costs to the community component of United's rates. Part of our rationale was that in view of the gas supply shortage, low priority usage should be discouraged and the price gap between natural gas and alternative fuels in the interruptible industrial market should, at the minimum, be narrowed.

In light of our policy of considering competitive fuel prices in setting commodity rate levels and of the present supply and market conditions on the K–N system all parties to this proceeding should direct their attention, and any evidence they wish to submit, to the propriety of the continued use of K–N's modified Atlantic Seaboard method of cost classification and allocation, as well as to the propriety of K–N's rate design proposed herein. Further, we urge all parties to suggest alternative methods of cost classification, allocation and rate design which they believe may move closely reflect or implement the Commission's policy objectives in this area.[5] In this connection we refer the parties to our recent notice of proposed rulemaking issued February 20, 1975, in Docket No. RM 75–19.

Based on the foregoing, the use of the Atlantic Seaboard method of cost classification, cost allocation and rate design may be inadequate and contrary to the public interest under the present conditions of gas supply shortages and ever-increasing curtailments. Moreover, we note that because of successive pipeline rate filings which create "locked-in" periods, our efforts to adopt a just and reasonable cost classification, allocation and rate design differing from Seaboard may be frustrated. To the extent that the rate structure found just and reasonable for K–N after hearing and decision departs from the modified Seaboard methodology used by K–N in its instant filing by assigning additional fixed costs to the commodity component of the rates, undercollections will occur. We believe it would be improper for us to insure K–N protection from undercollections by our failing to adopt the just and reasonable rate structure because rates have become "locked-in". Accordingly, we hereby place K–N on notice that they may be subject to undercollections if after hearing and decision we find their rate design improper.[6]

As previously noted, the request of K–N for increased rates is based in part upon the fact that its deliverability of gas from connected sources is declining. The present gas shortage in this country, to which this Commission has often called attention, is a problem which is shared by most if not all major interstate transmission pipelines in varying degrees of magnitude. The effect upon the risk of capital invested in gas pipeline operations resulting from inadequate and declining gas supplies as well as the uncertainties and contingencies inherent in possible supplemental sources of supply are of direct and primary concern to us. It also seems clear that the gas shortage may result in situations where the useful or economic life of gas pipeline facilities may be substantially less than their physical life. Accordingly, we request that the evidence in this proceeding, including that to be filed by our Staff give full and careful consideration to these factors in the development of recommendations on the issues of rate of return and depreciation so as to enable this Commission to formulate sound regulatory policies in these areas.

Central Kansas argues that certain words and phrases contained in sections 1 and 13b of the General Terms and Conditions applicable to the various jurisdictional tariffs must be deleted inasmuch as they relate to the terms of service for direct industrial sales made by K–N, such service not being subject to the jurisdiction of the Federal Power Commission. Central Kansas seems to be suggesting that our acceptance and suspension of the General Terms and Conditions as filed would somehow give K–N the power or authority to effect modifications in terms of its service to direct industrial customers which it could not otherwise do without the consent of the Kansas Corporation Commission (KCC). Central Kansas' assertions notwithstanding, we find nothing in the above-mentioned Section that would allow K–N to charge, by virtue of our acceptance of the General Terms and Conditions, rates to direct industrial users different from those on file with the KCC, or perform under terms different from those on file with the KCC. As pointed out by Central Kansas, we have no jurisdiction over the rates and terms

[1] Kansas-Nebraska Natural Gas Company, Docket No. RP72-32, issued May 15, 1975.

[2] 42 FPC 738 (1969).

[3] 42 FPC 1089 (1969).

[4] United Gas Pipeline Company, 50 FPC 1348 (1973).

[5] See: Footnote 3 in our order of May 31, 1974, in Columbia Gas Transmission, et al., Docket Nos. RP74-82 and RP74-81.

[6] See: Florida Gas Transmission Company, Opinion 611, 47 FPC 341, (1972) modif. on reh. Opinion 611-A 49 FPC 261 (1973), affirmed, Per Curiam, —— F. 2d. ——, Case Nos. 73-1208 & 73-1613 issued September 11, 1974 (CADC); Florida Gas Transmission Company, —— FPC ——, Opinion 732, issued May 20, 1975, in Docket No. RP74-19, et al., F.P.C. v. Tennessee Gas Transmission Company, 371 U.S. 145 (1962). See also: Natural Gas Pipeline Company, Docket No. RP75-106, Order issued June 30, 1975, Panhandle Eastern Pipeline Company, Docket No. RP75-102, Order issued June 30, 1975, Texas Eastern Transmission Corporation, Docket No. RP74-41, Order issued September 17, 1975.

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of such sales, our authority and responsibility in this area being limited under section 7 of the Natural Gas Act to certification of all transportation facilities used to make such sales. The relevancy of the aforementioned sections to wholesale rates and service may, in any event, be fully examined at the hearing to be established herein.

In light of the foregoing it is evident that certain issues have been raised by K–N's filing which require development in an evidentiary proceeding. The proposed changes in rates, charges and conditions of service have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept K–N's proposed tariff sheets for filing, as conditioned, suspend its effectiveness for a period of five months, and establish procedures.

Evidence relevant to the issues raised by the instant filing should be submitted by all parties, including the Commission Staff. Without limiting the rights of the parties, including Staff, in presenting such further evidence as they deem relevant and material, we hereby direct the parties and our Staff to present evidence which addresses itself not only to those issues raised by K–N's allegations noted above, and by our prior discussion, but also to the reliability and relevancy of K–N's statements that: (1) In determining the proper rate of return to be allowed in this proceeding, the prospective returns on alternative investments must be considered, not the historical realized returns of the past, (2) public utilities have been granted insufficient rate increases over the past ten years, (3) regulated firms have become relatively less attractive to investors, this being especially true in comparison to the unregulated sector in times of rapid inflation, (4) there is a very real danger that double-digit inflation will continue throughout the present fiscal year, (5) K–N's percentage of common equity in 1973 was 49 percent as compared to an average of 36 percent for both the Major Classes A & B Pipelines and the Classes A & B Electric Utilities, (6) K–N's embedded cost of long-term debt is below the rate which is being paid for new long-term debt issues, (7) K–N developed a group of twenty-nine companies with common equity ratios from 21.6 percent to 100 percent, (8) K–N has utilized ten-year historical periods of 1964–1973 and 1965–1974, and (9) K–N's estimated reserve supply has decreased from 24 years in 1963 to 15.7 years in 1974. Witnesses should further direct their attention to the following items: (1) The reasonableness of K–N's adjustments to operating and maintenance expenses, (2) the validity of claimed increases in ad valorem, payroll and income taxes, (3) the reasonableness of allocation of Administrative and General Expenses to functions, and (4) the appropriateness of K–N's proposed zones.

The Commission finds. It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges and services contained in K–N's Third Revised Volume No. 1 be suspended as hereinafter provided.

The Commission orders. (A) Pending a hearing and a decision thereon, K–N's proposed changes in its rates, charges and services tendered on August 29, 1975, are accepted for filing and suspended for five months, the full statutory term, the use thereof deferred until March 14, 1976, subject to refund.

(B) Pursuant to authority of the Natural Gas Act, particularly section 4 and 5 thereof, and the Commission's rules and regulations (18 CFR Ch. I), a hearing for purposes of cross-examination concerning the lawfulness and reasonableness of the rates and charges in K–N's FPC Gas Tariff, as proposed to be amended herein shall be held commencing on March 10, 1976, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) On or before January 21, 1976, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before February 4, 1976. Any rebuttal evidence by K–N shall be served on or before February 25, 1976.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) The petitioners mentioned in Appendix A below are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene: *And Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.
RP76-8

Petitioners	*Filing date*
City of Central City, Nebr.	Sept. 15, 1975.
Central Kansas Power Co., Inc.	Sept. 18, 1975.
Nebraska Public Power District and City of Grand Island, Nebr.	Sept. 19, 1975.
Producers Gas Equities, Inc.	Do.
Central Telephone & Utilities Corp.	Sept. 22, 1975.
City of Hastings, Nebr.	Sept. 22, 1975.
Iowa Electric Light and Power Co.	Sept. 22, 1975.
Natural Gas Distributing Company.	Sept. 22, 1975.
City of Alma, Nebr.	Sept. 22, 1975.
Nebraska Natural Gas Company.	Sept. 22, 1975.
Northwestern Public Service Co.	Sept. 22, 1975.

[FR Doc.75–28239 Filed 10–20–75;8:45 am]

[Docket No. RP75–110]

LAWRENCEBURG GAS TRANSMISSION CORP.

Order Granting Intervention

OCTOBER 15, 1975.

The Commission order of June 11, 1975, directed the convening of a conference in the above-mentioned docket to enable the Lawrenceburg Gas Transmission Corporation (Transmission) and its customers to participate in proceedings to determine the expected impact of upcoming winter curtailment and alternatives to help alleviate the most serious effects.

A petition to intervene in the above-mentioned docket was filed by Thatcher Glass Manufacturing Company (Thatcher) on July 30, 1975. Thatcher's petition states that it is one of the largest industrial customers of Lawrenceburg Gas Company, a customer and affiliate of Transmission. Having reviewed the above petition to intervene, we believe that the petitioner has sufficient interest in the proceedings to warrant intervention.

The Commission finds. Participation by the aforesaid petitioner may be in the public interest.

The Commission orders. (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene: *And provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding: *And provided, further,* That participation by such intervener shall not serve as justification for modifying the procedural schedule already established in this proceeding.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–28251 Filed 10–20–75;8:45 am]

[Docket No. E–9206]

McDOWELL COUNTY CONSUMER COUNCIL, INC. AND AMERICAN ELECTRIC POWER CO., ET AL.

Order Granting Late Petitions To Intervene

OCTOBER 14, 1975.

By order issued July 29, 1975, we instituted an investigation and established procedures in the above captioned proceeding. Comments and petitions to intervene were due January 28, 1975, pursuant to notice issued January 16, 1975. Untimely petitions to intervene have been filed by the following: Kaiser Aluminum and Chemical Corporation; Public Utilities Commission of Ohio; the Attorney General of the Commonwealth of Kentucky; Howleg Fuel Corporation; and the Public Service Commission of West Virginia. We have reviewed the petitions of these parties and believe their interests are sufficient to warrant intervention.

The Commission finds. It is desirable and in the public interest to allow the above-named petitioners to intervene.

The Commission orders. (A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene: *And Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–28247 Filed 10–20–75;8:45 am]

NATIONAL GAS SURVEY CONSERVATION-TECHNICAL ADVISORY TASK FORCE—NET ENERGY COST OF COMPETITIVE ENERGY SYSTEMS

Order Designating Members

OCTOBER 15, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Conservation-Technical Advisory Task Force—Net Energy Cost of Competitive Systems of the National Gas Survey.

1. *Membership.* A new member to the Conservation-Technical Advisory Task Force—Net Energy Cost of Competitive Energy Systems as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Joseph Lieberman, General Electric Company, Washington, D.C.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–28264 Filed 10–20–75;8:45 am]

NATIONAL GAS SURVEY RESEARCH AND DEVELOPMENT-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

OCTOBER 15, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Research and Development-Technical Advisory Committee of the National Gas Survey.

1. *Membership.* A new member to the Research and Development Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Chart Bonham, Georgia State Energy Office, Atlanta, Georgia.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–28263 Filed 10–20–75;8:45 am]

NATIONAL GAS SURVEY CURTAILMENT STRATEGIES-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

OCTOBER 15, 1975.

The Federal Power Commission by order issued September 15, 1975, announced a new program for the National Gas Survey Curtailment Strategies–Technical Advisory Committee and initial membership for this Committee.

1. *Membership.* New members to the Curtailment Strategies–Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Gerald L. Brubaker, Council on Environmental Quality, Washington, D.C.
Thomas Schrader, Environmental Protection Agency, Washington, D.C.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–28261 Filed 10–20–75;8:45 am]

NATIONAL GAS SURVEY CONSERVATION-TECHNICAL ADVISORY TASK FORCE-EFFICIENCY IN USE OF GAS

Order Designating Members

OCTOBER 15, 1975.

The Federal Power Commission by order issued September 15, 1975, established the Conservation-Technical Advisory Task Force-Efficiency in Use of Gas of the National Gas Survey.

1. *Membership.* A new member to the Conservation-Technical Advisory Task Force-Efficiency in Use of Gas as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

John Collins, Nevada State Energy Resources Advisory Board, Las Vegas, Nevada.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–28262 Filed 10–20–75;8:45 am]

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Members

OCTOBER 15, 1975.

The Federal Power Commission by order issued September 15, 1975 announced a new program for the National Gas Survey and initial membership for the Executive Advisory Committee.

1. *Membership.* New members to the Executive Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Jack W. Allen, Alpar Resources, Inc., Perryton, Texas.
William O. Doub, LeBoeuf, Lamb, Leiby & MacRae, Washington, D.C.
Nicholas Johnson, Chairman, National Citizens Committee for Broadcasting, Washington, D.C.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–28260 Filed 10–20–75;8:45 am]

NATIONAL GAS SURVEY FINANCE-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

OCTOBER 15, 1975.

The Federal Power Commission by order issued September 15, 1975, established the Finance-Technical Advisory Committee of the National Gas Survey.

1. *Membership.* New members to the Finance-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Joseph Talago, American Gas Association, Arlington, Virginia.
William Thomas, Pacific Lighting Corporation, Los Angeles, California.
William Stratton, Public Service Commission of the District of Columbia, Washington, D.C.
LeRoy Culbertson, Phillips Petroleum Company, Bartlesville, Oklahoma.
Don W. Hummel, The Northern Trust Company, Chicago, Illinois.
John G. L. Cabot, Cabot Corporation, Boston, Massachusetts.
Thomas O'Brien, Long Island Lighting Company, Mineola, New York.

Mr. O'Brien will fill the position vacated by the resignation of Mr. F. C.

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Eggerstedt, Jr., Long Island Lighting Company, from this Committee.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-28256 Filed 10-20-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

OCTOBER 15, 1975.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey Supply-Technical Advisory Committee and initital membership for this Committee.

1. *Membership.* New members to the Supply-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

John C. Wright, Wiser Oil Company, Sisterville, West Virginia.

Joel Jacobson, New Jersey Public Utilities Commission, Newark, New Jersey.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-28258; Filed 10-20-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-DOMESTIC NATURAL GAS POTENTIAL RESOURCE BASE

Order Designating Members

OCTOBER 15, 1975.

The Federal Power Commission by order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Domestic Natural Gas Potential Resource Base of the National Gas Survey.

1. *Membership.* A new member to the Supply-Technical Advisory Task Force-Domestic Natural Gas Potential Resource Base as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

J. Spivak, Mobil Oil Corporation, New York, New York.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-28259 Filed 10-20-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-FOREIGN GAS SUPPLY

Order Designating Members

OCTOBER 15, 1975.

The Federal Power Commission by order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Foreign Gas Supply of the National Gas Survey.

1. *Membership.* A new member to the Supply-Technical Advisory Task Force-Foreign Gas Supply as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

James A. Fay, Massachusetts Institute of Technology, Cambridge, Massachusetts.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-28253 Filed 10-20-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-REGULATORY ASPECTS OF SUBSTITUTE GAS

Order Designating Members

OCTOBER 15, 1975.

The Federal Power Commission by order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Regulatory Aspects of Substitute Gas of the National Gas Survey.

1. *Membership.* New members to the Supply-Technical Advisory Task Force-Regulatory Aspects of, Substitute Gas as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Gordon Gooch, Baker & Botts, Washington, D.C.

William M. Pfeiffer, Pacific Lighting Corporation, Los Angeles, California.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-28255 Filed 10-20-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-SYNTHESIZED GASEOUS HYDROCARBON FUELS

Order Designating Members

OCTOBER 15, 1975.

The Federal Power Commission by order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels of the National Gas Survey.

1. *Membership.* A new member to the Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Maurice F. Oxenreiter, American Oil Company, Whiting, Indiana.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-28257 Filed 10-20-75;8:45 am]

NATIONAL GAS SURVEY TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY TASK FORCE-IMPACT OF GAS SHORTAGE ON CONSUMERS

Order Designating Members

OCTOBER 15, 1975.

The Federal Power Commission by order issued September 15, 1975, established the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Consumers of the National Gas Survey.

1. *Membership.* New members to the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Consumers as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

G. G. Jurenka, Mobile Oil Corporation, Houston, Texas.

William C. White, The Fertilizer Institute, Washington, D.C.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-28254 Filed 10-20-75;8:45 am]

[Docket No. RM74-16]

NATURAL GAS COMPANIES ANNUAL REPORT OF PROVED DOMESTIC GAS RESERVES

Order Denying Rehearing of Procedural Dates, Denying Motions for Stay, Denying Waiver of Filing Requirements and Other Special Relief, and Granting Extension of Time

OCTOBER 10, 1975.

On August 18, 1975 the Commission issued Order No. 526–A, which made § 260.13 of our regulations effective as of that date. Pursuant to that order all natural gas companies, their affiliates, and subsidiaries were required to file FPC Form No. 40 on September 17, 1975 as to the Offshore Federal Domain, and October 2, 1975 for the onshore areas and the State controlled offshore.

Motions to stay the effectiveness of this order were filed by Amoco Production Company (Amoco) on September 15, 1975, Burmah Oil and Gas Company (Burmah) on September 17, 1975, Gulf Oil Corporation (Gulf) on September 17, 1975, Superior Oil Company (Superior) on September 17, 1975, Exxon Corporation (Exxon), along with a request for special relief, on September 17, 1975, Cities Service Oil Company (Cities Service) on September 22, 1975, Phillips Petroleum Company (Phillips) on September 24, 1975, Getty Oil Company (Getty) on September 24, 1975, and Skelly Oil Company (Skelly) on September 30, 1975. In addition, Tenneco Oil Company (Tenneco) filed for rehearing of the procedural dates set in Order No. 526–A and Sabine Royalty Corporation together with Dalco Oil Company (Sabine) requested a partial waiver of the reporting requirements under § 260.13. By letter the Secretary has granted each movant an extension until October 17, 1975 to file all of Form No. 40.

In both Order No. 526 that promulgated Form No. 40 and Order No. 526–A making the form effective, we set forth the valid regulatory purposes that would be served by the filing of the information requred in Form No. 40. We also emphasized the need to obtain this information as quickly as possible and in a manner that would be as useful to the Commission. It was for these reasons

that we created a special reporting procedure requiring Form No. 40 to be filed within the time frames set forth in Order No. 526–A.

Movants herein would have us postpone the filing of Form No. 40 either to some date several months in the future or indefinitely pending judicial review. Such an action would neither be consistent without prior statements in Order Nos. 526 and 526–A nor commensurate with the public interest. Accordingly, all motions for stay are hereby denied. However, we will grant all movants an extension until November 17, 1975 to file in order to ensure that these companies will be in full and complete compliance with our reporting requirements.

Several movants, notably Exxon, Amoco, and Burmah, indicated that the data filed pursuant to Section 260.13 would either not be complete as of the date set or would not be in the form promulgated by the Commission in its orders. We remind these companies, and all other respondents in Docket No. RM74–16, that Order Nos. 526 and 526–A required the respondents to submit the information requested on the form created for that purpose. The purpose of a uniform filing is to enable those reviewing the forms to compare and contrast one submittal with another without the necessity of complicated interpretations or recomputations. Producers who do not use the form provided or who make incomplete filings defeat this purpose and all such submittals will be considered not to be in compliance with § 260.13.

The Commission orders. The motions for stay filed by Amoco, Burmah, Gulf, Superior, Exxon, Cities Service, Phillips, Getty, and Skelly are denied. The Tenneco application for rehearing, the Sabine request for partial waiver of regulations, and the Exxon request for special relief are denied. All movants are directed to file a complete and proper FPC Form No. 40 for all reporting areas no later than November 17, 1975.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-28273 Filed 10-20-75;8:45 am]

[Docket No. RM75–14]

NATIONAL RATES FOR NATURAL GAS

Order Issuing Clarification of Staff Rate Recommendations and Providing for Comment Thereon

OCTOBER 3, 1975.

National rates for jurisdicational sales of natural gas dedicated to interstate commerce on or after January 1, 1973, for the period January 1, 1975, to December 31, 1976.

By order of August 4, 1975, we issued Staff rate recommendations in this proceeding comprised of comments from the Commission's Bureau of Natural Gas and Office of Economics (OEC) and provided for public comment thereon. By letter of August 21, 1975, Associated Gas Distributors requested clarification of OEC's comments with particular regard to the matter of return on exploration expenses. In response, OEC has prepared a "Clarification of Comments, Revision, and Revised Rate Recommendation".

OEC's response is issued herewith; we believe it is extensive enough to warrant further comment by the parties.

The Commission orders:

(A) Comments in reply to OEC's response may be filed with the Secretary of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before November 3, 1975.

(B) The procedure for filing such comments shall be as set forth in Paragraph B of the August 4, 1975 order issuing Staff rate recommendations, referred to in the body of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

CLARIFICATION OF COMMENTS, REVISION, AND REVISED RATE RECOMMENDATION OF THE OFFICE OF ECONOMICS OF THE FEDERAL POWER COMMISSION

PREFACE

SEPTEMBER 29, 1975.

On August 21, 1975, legal counsel for Associated Gas Distributors filed a Request for Clarification of one of the differences between the comments of the Bureau of Natural Gas (BNG) and the Office of Economics (OEC) issued with the Commission's Order of August 4, 1975. Associated Gas Distributors request a fuller explanation and work papers relating to the following matter:

One difference that was not discussed and warrants clarification is the treatment of return on exploration expenses (exploratory expenses, overhead and dry hole costs). Such expenses have been treated as "investment" by BNG but apparently have not been treated as investment by OEC. In short, it appears that the OEC analysis includes no return on this category of expense in contrast to full return allowed by BNG.

We do not know exactly how our explanation of this central issue is defective. In fact, in reviewing the exposition in our original submission we find an embarrassing number of ways in which we may have failed to communicate. Therefore, we have undertaken to clarify all the points we have found where our explanations were excessively obscure. We also found a few places where it may be difficult, if indeed not impossible, for others to replicate our results and have included herein the necessary annotations to our submission. Because our intermediate calculations were carried out on a programmable desk calculator there are no working papers beyond those represented by the tables in our submission. Therefore, we have computed, in lieu of working papers, samples of some intermediate calculations that should be helpful.

In the course of preparing this response to the Request for Clarification we discovered that we had erred in our treatment of Lease Acquisition, Other Exploratory and Exploratory Overhead costs. Therefore, a revised set of costs and an explanation of the revisions are included in this submission, along with a revised rate recommendation.

REVISED COSTS AND REVISED RATE RECOMMENDATION

As in our original submission, we have estimated 1976 costs using drilling costs per foot trended to 1976, two values of Lease Acquisition costs, one that imputes the unit onshore costs to all findings and one that employs the usual weighted average of onshore and offshore unit costs, and both a constant and variable rate of take. The results at 14.73 psia including 1¢ annual escalation and excluding production and income taxes range from 56.45¢ to 68.77¢/Mcf as follows:

Cost of finding and producing gas—Lease acquisition costs included

Onshore level for both offshore and onshore (rate of take in cents)		Combined onshore and offshore level for both offshore and onshore (rate of take in cents)	
Constant	Variable	Constant	Variable
56.45	61.56	63.07	68.77

Our position regarding Lease Acquisition costs is stated in our original submission. Our costs are stated with 1¢ annual escalation so that they are comparable in that regard with the current national rate. Naturally, they are higher if no escalation is included; e.g., in the constant rate of take case they are 5.08¢ higher. We have not included income taxes because there is insufficient evidence to establish an effective tax rate for that purpose. We continue to recommend the collection of a suitable body of evidence for this purpose.

Price Recommendation

We recommend, based upon our cost of 56.45¢, a new national rate of 56.45¢ subject to a suitable adjustment for income taxes.

Income Tax Recommendation

We recommend, as before, that the Commission collect a body of evidence suitable for determining an adjustment for income taxes.

REVISION

In our original treatment of Lease Acquisition, Other Exploratory and Exploratory Overhead costs we attempted to regard these as overhead costs; that is, as costs that do not vary proportionately with findings. A correct application of this view requires that the level of these costs and the level of findings be predicted separately in order to determine a cost per Mcf. Our error was that we did not apply it in this way.

In our costing we assumed that the future Lease Acquisition Cost, e.g., per exploratory Mcf sold would equal the past Lease Acquisition Cost per total of exploratory and developmental Mcf sold. That assumption introduces a lack of

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proportionality but, except under special circumstances, does so incorrectly. On re-examination of these questions we conclude that the traditional treatment of these costs, modified in the fashion described below, retains much of the flavor of overhead costs without imposing the very difficult requirements for correct application inherent in our original version.

We allocate the appropriately lagged Lease Acquisition and Other Exploratory costs between oil and gas in proportion to total revenue as before. The results are given in columns (3) and (4) of table 14. We follow the traditional method and find the ratio of these costs to Successful Gas Well costs. Finally, this ratio is applied to the Successful Well costs per unit to find the Lease Acquisition and Other Exploratory costs per unit. In our calculations, it will be recalled from the original submission, the units of production are 3.36 Mcf composed of 1 Mcf exploratory find and 2.36 Mcf of developmental find. Therefore, the appropriate Successful Well cost per unit sold is the Exploratory Successful Well cost per exploratory Mcf found plus the Development Successful Well cost per Mcf found times 2.36. The resulting unit costs are given for 1970–1973 in columns 6 and 7 of table 14. Unit Exploratory Overhead costs are estimated in exactly the same fashion except that we consider them, as in Opinion 699–H, as a ratio of Dry Hole costs plus Other Exploratory costs—see table 16. Examination of these results shows that Unit Lease Aquisition costs decrease over 1970–73, Unit Exploratory Overhead costs increase and Other Exploratory costs are stable. Because these are basically overhead costs we don't expect to be able to predict their future unit values accurately. A neutral procedure which we adopt is to use the 1970–1973 average unit costs as our cost estimate. We obtain for use in our DCF calculation—see tables 14 and 16:

Unit lease acquisition costs—offshore and onshore	Unit other exploratory cost	Unit exploratory overhead cost
Cents 11.38	*Cents* 8.45	*Cents* 3.56

In our original submission we argued that Unit Onshore Lease Acquisition costs are a good approximation to the amount of Unit Lease Acquisition cost that will not rise solely because the price rises. That is, the difference between Total Lease Acquisition costs per unit and Onshore Lease Acquisition costs per unit is price-determined rather than price determining. Onshore Lease Acquisition costs can be determined as in table 15. We cannot proceed, for reasons given in our original submission, year-by-year. Therefore, we obtain a (1970–1973) average by using the aggregate Onshore Lease Acquisition cost for 1968–1971—a 2 year lag is used, the Total Successful Gas Well cost allocated to onshore drilling for 1970–1973 and the average of the unit Successful Gas Well costs over 1970–1973. The details are in table 15. We obtain:

Unit Onshore Lease Acquisition Cost
5.84¢

Our Other Production Facility costing has also been revised because our earlier procedure had the odd result that these costs per Mcf for developmental finds were 2½ times those for exploratory finds. This occurred because the .232 factor—see the original submission—was applied separately to Exploratory Successful Well costs and to Developmental Successful Well costs which are 2½ times the Exploratory. We now take the factor .232 times the weighted average of Exploratory and Developmental Successful Well costs $(4.07+2.36\times 11.03)/3.36$ to obtain:

Unit Other Production Facility Cost
2.12¢/Mcf

Lastly, upon reconsideration we have decided that the preproduction investment period of three years used in Opinion 699–H is appropriate.

Summary of Clarification

In our original submission we presented a discounted cash flow (DCF) analysis of the national cost of finding and producing gas for 1976. In that type of analysis all cash outlays associated with the process of finding and producing gas are allocated to the year in which they were actually incurred and the present value of these outlays is computed using the specified rate of return as the discount rate. Then, an initial price and annual escalation, less royalty, are chosen so that the present value of each year's revenues—the initial price and escalation revenues after royalties for gas and the liquid credit revenues from the year's production—equals the present value of the cash outlays.

The attached Cost Component Summary, which replaces that in our original submission, shows exploratory expenditures distributed over a three-year preproduction period and development costs allocated to each production year in proportion to the following years increment in the ultimate reserve recovery estimate; i.e., a one year lag between development costs and developmental reserve additions. Conceptually, then, there is no difference in the treatment of the exploratory and development components of cost. The only difference between them is in the timing of their incurrence. (See pages 6–7 of original submission.) The Cost Component Summary also shows that other cash outlays (as well as the liquid credit) are distributed on a unit of production basis and that the cash revenues (initial price and escalation less royalty) are distributed on the same basis.

This method of allocating costs over time requires distinguishing between exploratory and developmental activity in calculating productivity, successful well costs and dry hole costs. Using average productivity over 1970–1974 we obtain an exploratory productivity of 801.7 Mcf/foot and a developmental productivity of 295.5 Mcf/foot. These correspond to a productivity of 333 Mcf/foot calculated in the traditional fashion that ignores the distinction between the two types of activity. Exploratory dry hole costs and developmental successful well costs that are very high, compared to those obtained by the usual method, result. On the other hand, exploratory successful well costs and developmental dry hole costs are moderately lower.

We also distinguish between the proved reserves that result from exploratory (preproduction) drilling and those from developmental drilling. This means that costs and revenues cannot be presented on the same basis as in the traditional method where finds are considered only in the aggregate. We have chosen to present our costs and revenues on the basis of finds of one Mcf from exploratory activity and 2.36 Mcf from developmental drilling. Therefore, we obtain, because of the choice of basis, a larger total investment and larger total return on investment than is displayed in the usual method in which finds and production equal one Mcf. What is important, and does not depend on the basis, is that *we obtain a larger investment return per dollar of investment than BNG does.*

Our clarification also includes an explicit quantification of the effect on the price that results from each of the major differences—the correct allocation of cost outlays over time and the change in some major elements of unit costs that result from the exploratory-developmental distinction—between our method and the traditional one. In adopting a DCF cost analysis in Opinion 699–H the Commission accorded partial recognition to these differences in the form of a correct calculation of present values so that the time value of money would not be underestimated. We now urge the completion of these reforms by the correct allocation of *all* investment over time.

We also clarify our adoption of conventional, and we believe correct, accounting and economic principles in treating overhead costs and time lags between the incurrence of costs and production. First, that joint overhead costs be allocated to oil and gas in proportion to their relative value. Second, that, e.g., a cost incurred in 1973 that contributes to 1975 findings should be estimated from 1973, not 1975, cost data.

Lastly, we present some intermediate calculations and some explanations and annotations that cover all the omissions we know about that may have inhibited the replication of our results.

Introduction

In our original presentation we undertook the painful task of removing a number of the more obvious simplifications we discovered to be inherent in the traditional methodology for new gas costing. We presented—albeit in a form too cryptic—the results of our endeavors and estimates of the consequences of the traditional simplifying distortions. In the present effort we assume the cost of

the requested clarification of our analysis with the hope, and expectation, that commensurate benefits will flow to our readers.

Our pursuit of greater clarity opens with a discussion of our major departure from the traditional simplifications; namely, our separation of exploratory and developmental investment, and our estimation of their separate costs and the proved reserves that accrue for each type of activity. This is the appropriate context for presenting our results in a format that clarifies our treatment of investment and total return on investment. Next, in order to give the fullest possible response to the AGD request, we essay a further explanation of our treatment of exploratory and developmental productivity. Following that, an attempt at clarifying our calculation of some of the individual cost components is made. Then our position on income taxes is clarified. Finally, annotations that may be further aids to understanding of the tables in our original submission are provided.

The Inclusion of Developmental Investment

One manifestation of our investigation of the traditional gas costing is our analysis of the consequences of abandoning the simplifying assumption that the process, and the associated investment, of new gas discovery ends when exploration ends. We all know that developmental investment proceeds beyond this point and typically results in a substantial increase in proved reserves beyond those known when exploration ends. Our first task is to clarify our analysis of this fact of life and the cost of ignoring it.

We believe this clarification is best carried out by relying in part on the reader's knowledge of the traditional DCF costing method. In that method, as well as in the BNG comments, all investment is assigned to the pre-production period. Productivity is a sort of average of exploratory and developmental productivities; consequently, successful well and dry hole costs are kinds of averages of the corresponding exploratory and developmental costs. The effects of ignoring investment after the initial discovery and of the use of these averages are complex, do not all work in the same direction and interact with each other. In what follows we avoid circumlocutions by saying, e.g., "the traditional method ignores development investment" to allude to this complex of characteristics of the traditional method.[1]

[1] We are aware that early in the evolution of the traditional method, when the time value of money was first underestimated by calculating present values incorrectly, the 3 year span of pre-production investment was argued somehow to include an allowance for developmental investment. In recent times, however, that argument has been abandoned and the investment has been interpreted to be of the preproduction variety. In any event, we have never seen an application of the traditional method that included any investment occurring after the initial discovery in a correct calculation of investment return. Hence the above short-hand for the traditional DCF method's characteristics.

Schedule A (attached) contains a thoroughly annotated resumé of the computation of annual total investments for the revised case with Lease Acquisition costs of 11.38¢. So that as much comparability as possible with the traditional costing can be maintained, the units of total findings and production are determined by supposing the discovery from the exploratory investment is 1 Mcf. An additional 2.36 Mcf of proved reserves result from the development of a typical exploratory find—Table 6 of the original submission—for a total of 3.36 Mcf that can be produced. This is the smallest estimate of the reserves resulting from development—and hence the one leading to the highest price—that we have been able to find.[2]

Schedule B (attached) contains, for the same case, a computation of the annual net operating revenue; that is, initial price, +escalation, −royalty, +liquid credit, −production operating expense, −interest on working capital, −regulatory expense, in cents/Mcf multiplied by the annual production figures. Return of the investment, plus a true 15% rate of return, simply means that the present value at 15% of the annual investments equals the present value at 15% of the annual net operating revenues. Schedules A and B also contain the results of the present value computations. The wary reader should verify our calculations and thus find that the equality holds in this case. A persistent analyst, who does not rest until all results are replicated, will find it holds for all the other cases as well.

This rearrangement of the materials in our original submission, when carried out for the other cases as well, provides the ingredients for the recapitulation in Table 1 of revenues and costs. Schedule C (attached) contains a recapitulation in full detail and is, in consequence, voluminous beyond redemption.

Return on Investment

Our Table 1, in conjunction with Schedule No. A of the Bureau of Natural Gas (BNG) submission, provides the following comparison of the return on investment in the two submissions.

Ratio of return of investment to investment 1976 cases

OEC[1]	1.09	1.90	1.64	1.84
BNG[1]	1.60	1.60	1.60	[2]

[1] These figures are, from left to right, the ratio of return on investment to investment in each column, from left to right, in Table 1.

[2] These figures are the ratio of return on investment; line 17, to total investment, line 9, in Columns (d) and (f), of Schedule No. A of BNG's submission.

Table 1.—*Total revenue and total cost components—1970–74 average productivity*

	Lease acquisition costs (in cents)			
	Onshore and offshore (rate of take)		Onshore only (rate of take)	
	Constant	Variable	Constant	Variable
OEC Initial price cents per 1,000 ft³	63.07	68.77	56.45	61.56
Total revenues:[1]				
From initial price times (3.35)	211.915	231.067	189.672	206.843
From escalation	28.56	29.532	28.56	29.532
From liquid credit (8.45) (×3.36)	28.392	28.392	28.392	28.392
Total	268.867	288.991	246.624	264.766
Total costs:[2] Investment				
Exploratory	42.85	42.85	37.31	37.31
Developmental	37.429	37.429	37.429	37.429
Subtotal	80.279	80.279	74.739	74.739
Return on investment	135.631	152.535	122.487	137.726
Royalty	38.476	41.696	34.917	37.820
Other expenses	14.481	14.481	14.481	14.481
Total	268.867	288.991	246.624	264.766

[1] "Total revenues" refers to the gross revenues from the production and sale of the entire 3.36 M ft³.

[2] "Total costs" refers to the entire exploratory investment cost for 1 M ft³, the entire developmental cost for 2.36 M ft³ and the entire production-dependent costs for the 3.36 M ft³ produced.

OEC and BNG use the same annual *rate* of return, 15%, but *$1 of investment earns more total return in our recommended costing than it does in BNG's.*

We urged that the so-called DCF method be used so that the time value of money not be underestimated. In Opinion No. 699–H the Commission adopted, at least in part, these recommendations which increase the price. In our original submission we implicitly urged, with our new methodology, that this improvement be completed by adopting a correct timing for *all* investment.

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THE MAIN SOURCES OF DIFFERENCE AND THEIR CONSEQUENCES

We can future illustrate the differences between our method and the traditional method. We introduce into our method, in successive stages, the two main simplifications that differentiate it from the latter method. In this way we can observe the effects, in distortion of the resulting price, as these simplifictaions transform our method to the traditional method.

First, we simplify by assuming that there is no developmental (i.e., post-initial discovery) investment, and no reserves that accrue from it. No other change is made. The resulting price, compared with our price for the case where we obtain 56.45¢, is as follows:

OEC price 56.45¢, price with no development,[5] 81.54¢. The assumption that there is no development after the initial discovery has a very significant effect. Indeed, it increases the price by 44% in this case.

	Productivity [7]	Successful well costs [8]	Dry hole costs [9]	Other production facilities [10]
OEC	333 Mcf/foot	9.79 cents per Mcf	4.16 cents per Mcf	2.27 cents per Mcf.
BNG [11]	Low of 375	High of 8.70 cents	High of 4.79 cents	High of 2.02 cents.

[7] First calculate the sum over 1970–74 of Column 1, Table 2, Sheet 1 plus the sum over 1970–1975 of Col. (5) of Table 3. Call this A. Next calculate the sum over 1970–1974 of the High (Low) column of Column 5 of Table 2, Sheet 2 plus the sum over 1970–1974 of the High (Low) column of Column (1), Table 3. Call this B. Then divide A by B and multiply by 1000 to get productivity in Mcf/foot. All references are to the original submission.

[8] Successful Well cost trended to 1976, of $32.61/foot, Col. (1) Table 4, Sheet 1 divided by productivity of 333 Mcf/foot. All references are to the original submission.

[9] Dry Hole Factor = .7 = (1973 entry Column 1, Table 5, Sheet 1 plus 1973 entry Column 1, Table 5, Sheet 2) divided by (the sum of the 1973 entries from Columns 2 and 3, Table 5, Sheet 1 and those from Columns 2 and 3, Table 5, Sheet 2). Dry Hole Cost = Dry Hole Factor (.7) times Dry Hole Cost/foot trended to 1976 ($19.78), Table 5, divided by productivity of 333 Mcf/foot.

[10] Other Production Facilities cost = .232, page 18 original submission, times successful well cost 9.79 cents per Mcf.

[11] All figures from Schedule No. A of BNG's submission.

The effect of our generous resolution of doubtful issues can be seen in our lower productivity and higher unit costs, except for dry hole costs which are slightly lower because we used the 1973 dry hole factor.

The price calculated with *both* these simplifying assumptions, compared with our price is: OEC price 56.45¢, price using traditional method[6] 70.21¢.

We see that the effect of averaging exploratory and developmental productivities, as well as averaging exploratory and developmental costs, is a *partial* offset of the bias in the price introduced by ignoring developmental investment and reserve additions. Because the price calculated above using our method and that using the traditional method are both based on our data and estimates they can properly be compared. Dividing the higher price by the lower we find that, quite apart from any differences we have introduced in estimating individual cost components, in this case *the simplifying distortions that characterize the traditional method increase the price by 24%.*

MORE DETAILED CLARIFICATION

The entries in Table 1 provide further insight into our method. Continuing the discussion of the case presented in Schedules A and B, represented in the second column of Table 1, the initial price of 68.77¢ times 3.36 Mcf (one Mcf of proved reserves at the end of the exploratory period and 2.36 additional Mcf proved during development) gives 231.067¢ as one revenue component. The 1¢ annual escalation from this initial price multiplied by the production (Schedule B) in the appropriate years and summed over all years gives the escalation contribution to revenues. Finally, the net liquid credit of 8.45¢/Mcf multiplied by the 3.36 Mcf of production gives the liquid credit revenue contribution. Among the costs, the total exploratory investment of 42.85¢—for the one Mcf of initial discovery—is from the Cost Component Summary, Sheet 1. Developmental investment cost is the 15.86¢/Mcf (Cost Component Summary, Sheet 1) multiplied by the 2.36 Mcf of proved reserves developed as a result of this investment. Royalty is 16% of the revenue from the initial price and escalation. Other expenses represent (production operating expense + return on working capital + regulatory expense) in cents per Mcf (4.31¢/Mcf) multiplied by the 3.36 Mcf of production. Finally, return on investment is the amount that makes total costs equal total revenue.[6] In comparison with the traditional method that ignores development we have larger revenues, larger investment and a larger return on investment. Return on total investment, as a proportion of total investment, is larger than in the traditional method even though the development investment is made later, and like exploratory investment is fully recouped by the end of the production period. Development investment earns 15%, therefore, over a shorter period of time than does exploratory investment and thus a smaller total return per dollar.

[5] These prices are computed as described in Footnote 5 except that the successful well costs, dry hole costs and other production facility costs are altered to the figures above.

Next we introduce, in addition, productivity, Successful Well costs, Dry Hole costs and Other Production Facilities Costs calculated in the traditional way;[4] i.e., without regard to the distinction between exploratory and developmental activity. They are:

[6] This price is calculated by assuming that development investment is zero, the 3.36 Mcf of reserves from development are not available and the relative production pattern is unchanged; i.e., each annual production for the 3.36 Mcf case is divided by 3.36. Further, the change from 3.36 Mcf sold to 1 Mcf sold requires that the Lease Acquisition, Other Exploratory and Exploratory Overhead costs be divided by 3.36. The two prices are calculated on identical assumptions in every other respect which means, among other things, that the price without development is predicated on our estimates of exploratory productivity which range from 733.4 Mcf/foot to 801.7 Mcf/foot.

[4] These are the only costs that depend upon productivity in our method.

PRODUCTIVITY MEASUREMENT

We have distinguished between exploratory and development drilling which may have different productivities. Therefore, we need a quantitative understanding of productivity differences. We have a clear-cut distinction in the data between exploratory drilling and developmental drilling. The essential opening that is required then is one that allows us to associate exploratory findings with exploratory drilling and developmental findings with developmental drilling. Unfortunately, there are two openings. The ambiguity arises because the findings from exploratory, other than new field wildcat, drilling are allocated in a fashion not revealed in the data between exploratory findings and developmental findings. The findings data used are the Ultimate Recovery Estimates of reserves whose meaning and interpretation as expounded in the source documents we adopt.[7] We use both openings. Assuming the smallest portion of exploratory, other than new field wildcat, drilling consistent with the data is devoted to the exploratory finds we obtain a high estimate for exploratory productivity—and a low estimate for developmental productivity. Assuming the largest portion of exploratory, other than new field wildcat, drilling consistent with the data is devoted to the exploratory finds we obtain a low estimate for exploratory productivity—and a high estimate for developmental productivity. This explanation clarifies, we trust, the nature of the compromise required by the data and how we faced it.

There remains the problem of how to choose a productivity figure to use, given the annual exploratory productivity figures in Table 2, Sheet 1 of the original submission. We sought a period to average over that suitably balanced the conflicting objectives of: (1) being long enough for averaging to be advantageous, (2) being short enough not to be unduly influenced by the decline from the levels of the 1960's, and (3) being representative of the recent composition of offshore and onshore productivity in the total. Our reasoning was as follows. When we examine total, onshore and offshore exploratory productivity (Sheets 1, 2 and 3 of Table 2) we find that over the period 1972–1974 total and onshore annual productivities decline while offshore productivity increases and, in fact, increases faster than the other two decline. This suggests that, in addition to being short, this period contains some anomalies that make it an unsuitable candidate for averaging. In 1971 the annual productivity offshore was markedly higher than that for the surrounding years while the opposite was true for onshore productivity. We judged, therefore, that 1971 was a sufficiently atypical year that averaging over the years 1971–1974 was unsatisfactory. Because using years prior to 1969 introduces annual productivities significantly higher than the more recent ones in all three sets of annual productivity figures, the choice was narrowed to an average productivity over 1969–1974 or 1970–1974. We chose the 1970–1974 period because it yields the lower productivity. Developmental productivity was calculated from the yearly increment in ultimate recovery, excluding revisions, minus the ultimate recovery imputed to exploratory drilling and all the successful drilling not devoted to the exploratory findings.

[7] This problem, as explained in our original submission, is that exploratory, other than new field wildcat, drilling is regarded as resulting in the entirety of new reservoir discovery reserve additions and part of extension reserve additions while new reservoir discovery reserve additions are regarded as partly attributable to the year of discovery and partly to prior years. The figure on page 6 of the original submission may be helpful here.

COST COMPONENTS

Successful well costs and dry hole costs are calculated in the traditional manner; that is to say, after exploratory and developmental productivities have been calculated separately these costs for each drilling category are found in the usual way, based upon the productivity for the category. An aesthetic and practical benefit of our disjoining of exploratory and developmental drilling can now be observed. The pattern of relative costs implied by:

	Exploratory	Developmental
Successful well cost	4.07	11.03
Dry hole cost	13.27	2.71

accords with our knowledge of reality. On the other hand, when the two types of drilling are combined, successful well costs and dry hole costs are aggregates of changing composition that defy interpretation.

Lease Acquisition costs, Other Exploratory costs and Exploratory Overhead costs are estimated with the respective lags of 2, 3, and 3 years imputed to them when the corresponding investments are allocated to the pre-discovery period. Tables 13 through 16 (attached) and the set of notes to the tables in the original submission make it possible, we believe, for our calculations to be easily replicated.

INCOME TAXES

Like others, we have probed the surface of the income tax issue, such as the expensing of intangibles and other considerations bearing on the effective tax rate, with a number of hypothetical calculations. Indeed, it is rather easy to devise hypothetical situations that result in effective tax rates ranging from about −15% to +48%. In each hypothetical case we asked, therefore: "How could a producer be in this tax situation?" and "What proportion of producers are in this tax situation?" The answers were: "We don't know". We decided not to present such impoverished hypotheses as though they were contributions to knowledge.

WADE P. SEWELL,
Chief, Division of Econometric Analysis.

Cost component summary

Costs	Year incurred	Reference table	Drilling costs trended to 1976—1970–74 average productivity
Exploratory:			
Other (¢/3.36 Mft [3])	−3	14	8.45
Overhead (¢/3.36 Mft [3])	−3	16	3.56
Lease acquisition (¢/3.36 M [12])	−2	14 and 15	5.84 (11.38)
Dry holes (cents per 1,000 ft [3])	−1	5	13.27
Successful Well (cents per 1,000 ft [3])	−1	4	4.07
Other production facilities (cents per 1,000 ft [3])	−1	2 and text	2.12
Total			37.31 (42.85)
Developmental:			
Successful well (cents per 1,000 ft. [3])	As reserves are added	4	11.03
Dry hole (cents per 1,000 ft. [3])	do	5	2.71
Other production facilities (cents per 1,000 ft. [3])	do	3 and text	2.12
Total			15.86
Production operating expense		Text	3.10
Regulatory expense			.2
Liquid credit		12	(8.45)
Return on working capital		9	1.01

COST COMPONENT SUMMARY

NET CASH FLOW FROM PRODUCTION
(CENTS PER 1,000 FT [3])

	High
Price less royalty	0.84
Production operating expense	−3.10
Interest on working capital	−1.01
Net liquid credit	+8.45
Regulatory expense	−.2

TABLE 15.—*Gas lease acquisition costs (onshore)*

Lease acquisition cost—onshore (1968–71) (millions)	Ultimate recovery—1970–74 Oil (1,000 bbl)	Ultimate recovery—1970–74 Gas (Bcf)	Gas allocation factor	Gas lease acquisition cost—onshore (1970–73) (millions of dollars)	Successful gas well cost—onshore (1970–73) (millions of dollars)	Gas lease acquisition cost—onshore (cents per 3.36 Mcf)
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1574	368,664	4084	0.3745	589	2,274	5.84

(1) = Sum of col. (1), table 7, sheet 1, for 1968–71 minus the sum of col. (1), table 7, sheet 2, for 1968–71.
(2) = Sum of col. (2) table 7, sheet 1, for 1970–74 minus the sum of col. (2), table 7, sheet 2, for 1970–74.
(3) = Sum of col. (3) table 7, sheet 1, for 1970–74 minus the sum of col. (3), table 7, sheet 2, for 1970–74.
(4) = Calculated from Cols. (2) and (3) as in col. (4), table 7, sheet 1.
(5) = (1)×(4).
(6) = Sum of (2), table 13, for 1970–73 times the sum of onshore exploratory footage (1970–73), col. 5, table 2, sheet 2, divided by the sum of exploratory footage (1970–73), col. 5, table 2, sheet 1.
(7) = (5) + (6) × average of col. (5), table 14.

INVESTMENT SCHEDULE NOTES

Lines 5 through 21 of Col. (b) are from the last column of Table 6.

Line 1—Col. (c) Exploratory Other (8.45) + Exploratory Overhead (3.56) from Cost Summary-Sheet 1.

Line 1—Col. (d) Line 1, Col. (c) times Line (4), Col. (b).

Line 2—Col. (c) Lease Acquisition Costs (11.38) from Cost Summary-Sheet 1.

Line 2—Col. (d) Line 2, Col. (c) times Line (4), Col. (b).

Line 3—Col. (c) Exploratory Dry Hole Cost (13.27)—Cost Summary-Sheet 1.+ Successful well costs (4.07) + Other Production Facilities (2.12) from Cost Summary-Sheet 1.

Line 3—Col. (d) Line 3, Col. (c) times Line 4, Col. (b).

Line —Col. (e) Developmental Successful Well Costs (11.03) + Developmental Dry Hole Costs (2.71) + Developmental Other Production Facilities (2.12).

Line 4—Col. (f) Line (4), Col. (e) times Line 5, Col. (b). That is, developmental investment results in proved reserve increases lagging the investment by one year.

Line 5 through 21—Col. (f) Computed by the same principle as line 5, Col. (f); that is, Line 1 of Col. (f) equals Line 1 of Col. (e) multiplied by line (1+1) of Col. (b).

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SCHEDULE B.—*Net Operating Revenue Schedule; 1970–1974 average productivity onshore and offshore lease acquisition costs variable rate of take 1 cent annual escalation*

Line No.	Year	Price including escalation (cents per 1,000 ft³)	Royalty (cents per 1,000 ft³)	Other revenues and expenses (cents per 1,000 ft³)	Net operating revenue (cents per 1,000 ft³)	Production (1,000 ft³)	Annual net operating revenue (cents)
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	−3	0	0	0	0	0	0
2	−2	0	0	0	0	0	0
3	−1	0	0	0	0	0	0
4	0	68.77	11.00	4.14	61.91	.073	4.51
5	1	69.77	11.16	4.14	62.75	.121	7.59
6	2	70.77	11.32	4.14	63.59	.146	9.28
7	3	71.77	11.48	4.14	64.43	.164	10.57
8	4	72.77	11.64	4.14	65.27	.224	14.62
9	5	73.77	11.80	4.14	66.11	.224	14.81
10	6	74.77	11.96	4.14	66.95	.224	15.00
11	7	75.77	12.12	4.14	67.79	.224	15.18
12	8	76.77	12.28	4.14	68.63	.224	15.37
13	9	77.77	12.44	4.14	69.47	.224	15.56
14	10	78.77	12.60	4.14	70.31	.224	15.75
15	11	79.77	12.76	4.14	71.15	.224	15.94
16	12	80.77	12.92	4.14	71.99	.212	15.26
17	13	81.77	13.08	4.14	72.83	.198	14.42
18	14	82.77	13.24	4.14	73.67	.184	13.56
19	15	83.77	13.40	4.14	74.51	.170	12.67
20	16	84.77	13.56	4.14	75.35	.157	11.83
21	17	85.77	13.72	4.14	76.19	.143	10.90
	Total					3.36	232.82
	Present values at year, −3 at 15 pct						46.143

NET OPERATING REVENUE SCHEDULE NOTES

Lines 4 through 21, Col. (b) list of the initial price of 68.77¢ plus the annual escalation of 1¢.

Lines 4 through 21, Col. (c) =.16 times Col. (b). See Cost Summary, Sheet 2.

Lines 4 through 21, Col. (d) =Liquid Credit (8.45) —Production Operating Expense (3.10) —Interest on Working Capital (1.01) —Regulatory Expense (.2).

Lines 4 through 21, Col. (e) =Col. (b) — Col. (c) + Col. (d).

Lines 4 through 21, Col. (f) the variable rate of take described on page 19 of the original submission. Lines 5 through 8 (years 0 through 3) =.073 times the Ultimate Recovery Factor (Table 6) for the corresponding year.

Lines 8 through 15 (years 4 through 11) =.1 times the Ultimate Recovery Factor (Table 6) for year 3.

Lines 16 through 21 (years 12 through 17) —production declines in constant annual increments selected so that total production equals the 3.36 total of Ultimate Recovery.

Lines 4 through 21, Col. (g) =Col. (e) times Col. (f).

SCHEDULE C.—*Total revenue and total cost components 1970–1974 average, productivity*

	Lease acquisition costs (in cents)			
	Onshore and offshore (rate of take)		Onshore only (rate of take)	
	Constant	Variable	Constant	Variable
OEC initial price (cents per 1,000 ft³)	63.07	68.77	56.45	61.56
Total revenues[1]				
From initial price×(3.36)	211.915	231.067	189.672	206.842
From escalation	28.56	29.532	28.56	29.532
From liquid credit	28.392	28.392	28.392	28.392
Total	268.867	288.991	246.624	264.766
Total Costs[2] Investment:				
Exploratory, other	8.45	8.45	8.45	8.45
Overhead	3.56	3.56	3.56	3.56
Lease acquisition	11.38	11.38	5.84	5.84
Dry holes	13.27	13.27	13.27	13.27
Successful well	4.07	4.07	4.07	4.07
Other production facilities	2.12	2.12	2.12	2.12
Subtotal	42.85	42.85	37.31	37.31
Developmental:				
Successful well	26.031	26.031	26.031	26.031
Dry hole	6.396	6.396	6.396	6.396
Other production facilities	5.002	5.002	5.002	5.002
Subtotal	37.429	37.429	37.429	37.429
Return on investment	135.631	152.535	122.487	137.726
Royalty	38.476	41.666	34.917	37.826
Production operating expense	10.416	10.416	10.416	10.416
Regulatory expense	.672	.672	.672	.672
Return on working capital	3.393	3.393	3.393	3.393
Total	268.867	288.991	246.624	264.766

[1] "Total revenues" refers to the gross revenues from the production and sale of the entire 3.36 M ft³.
[2] "Total costs" refers to the entire exploratory investment cost for 1 M ft³, the entire developmental cost for 2.36 M ft³ and the entire production dependent-costs for the 3.36 M ft³ produced.

TABLE 13.—*Joint association survey costs*

[Millions of dollars]

Year	Successful gas well cost	Lease acquisition cost	Exploratory other	Exploratory overhead	Dry hole cost
(1)	(2)	(3)	(4)	(5)	(6)
1967		502	829	740	206	802
1968		494	1,578	770	204	826
1969		606	1,137	782	210	888
1970		618	714	728	189	873
1971		613	642	746	206	864
1972		802	1,722	766	239	1,006
1973		908	3,646	867	293	1,070

Source: Joint association survey.

	Gas allocation factor	Gas lease acquisition costs (millions of dollars)	Gas other exploratory costs (millions of dollars)	Successful well cost cents per 3.36 Mcf)	Lease acquisition cost (cents per 3.36 Mcf)	Other exploratory cost (cents per 3.36 Mcf)
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1970	0.3764	594	279	18.30	17.59	8.25
1971	.3800	432	293	18.15	12.79	8.66
1972	.3825	273	299	23.05	7.85	8.60
1973	.3704	238	270	30.64	7.30	8.29
Average (1970–73)					11.38	8.45

(2) From col. (4) of table 7.
(3) = Col. (3), table 13 (lagged 2 yr)×col. (2).
(4) = Col. (4), table 13 (lagged 3 yr)×col. (2).
(5) = Exploratory successful well cost, table 4+2.36×developmental successful well cost, table 4.
(6) = ((3)+(2), table 13)×(5).
(7) = ((4)+(2), table 13)×(5).

SCHEDULE A.—*Investment schedule; 1970–1974 average productivity onshore and offshore lease acquisition costs*

Line No.	Year	Ultimate recovery increment (1,000 ft³)	Exploratory investment		Developmental investment		Annual investment, col. (d) and col. (f)
			cents per 1,000 ft³	Total	cents per 1,000 ft³	Total	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	−3	0	12.01	12.01	0	0	12.01
2	−2	0	11.38	11.38	0	0	11.38
3	−1	0	19.46	19.46	0	0	19.46
4	0	1	0	0	15.86	10.468	10.468
5	1	.66	0	0	15.86	5.392	5.392
6	2	.34	0	0	15.86	3.806	3.806
7	3	.24	0	0	15.86	2.696	2.696
8	4	.17	0	0	15.86	2.696	2.696
9	5	.17	0	0	15.86	1.903	1.903
10	6	.12	0	0	15.86	1.903	1.903
11	7	.12	0	0	15.86	1.269	1.269
12	8	.08	0	0	15.86	1.269	1.269
13	9	.08	0	0	15.86	1.269	1.269
14	10	.06	0	0	15.86	.952	.952
15	11	.06	0	0	15.86	.793	.793
16	12	.05	0	0	15.86	.634	.634
17	13	.04	0	0	15.86	.476	.476
18	14	.03	0	0	15.86	.634	.634
19	15	.04	0	0	15.86	.476	.476
20	16	.03	0	0	15.86	.793	.793
21	17	.05	0	0	0	0	0
	Total			42.85		37.429	80.279
	Present value at year −3 at 15 pct						46.2547

[1] Production begins.

TABLE 16.—*Exploratory overhead costs*

Year	Factor	Dry hole costs (cents per 3.36 Mcf)	Exploratory overhead cost (cents per 3.36 Mcf)
(1)	(2)	(3)	(4)
1970	0.118	12.03	2.39
1971	.128	16.29	3.19
1972	.135	20.94	3.99
1973	.151	22.55	4.66
Average (1970–73)			3.56

(2) = (5), table 13+((4), table 13+(6), table 13).
(3) = Exploratory dry hole cost, table 5, sheet 1+2.36× developmental dry hole cost, table 5, sheet 2.
(4) = ((3)+(7), table 14)×(2).

NOTES ON THE TABLES IN THE ORIGINAL SUBMISSION

Table 2, Sheets 1, 2 and 3.
Productivity figures are in Mcf/foot.

Table 2, Sheet 1.
Footnote (a) and (b). Ultimate Recovery figures from Col. 1.

New Field, New Reservoir and Extension figures from Table 2, Sheet 4.

Pages 12 and 13 of the original submission provide details of the calculation and its rationale.

Table 2, Sheet 2.
Col. (1)—Source same as Table 1. The figures are the sum for those areas with no offshore activity.

Table 2, Sheet 3.
Col. (1)—Same source as Table 1. The figures are the sum for those areas with offshore activity.

Table 2, Sheet 4.
The figures are the sums for those areas with no offshore activity.

Table 2, Sheet 5.
The figures are the sums for those areas with offshore activity.

Table 3.
Col. (1) Total Successful footage, Review of Drilling Statistics, American Petroleum Institute, minus Col. (5), Table 2, Sheet 1.

Col. (2) From source for Table 1.

Col. (3) From Col. 1, Table 2, Sheet 4.

Col. (4) Rounded in Bcf from Col. (a) of Table 10.

The columns at the bottom should be labelled, from left to right, (5), (6), and (7).

Table 4.
Col. (1)—From Joint Association Survey data.

Table 5, Sheet 1.
Col. (1), (2) and (3)—From Review of Drilling Statistics.

Col. (5)—From Joint Association Survey data.

Table 5, Sheet 2.
First three columns—From Review of Drilling Statistics.

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Fifth column—From Joint Association Survey data.

The notation "1967 cost/foot" should read "1976 cost/foot".

Table 7, Sheet 3.

First column—The sum over 1968–72 of the first column Table 7, Sheet 1 minus the sum over 1968–72 of the first column Table 7, Sheet 2.

Second column—The sum over 1970–74 of the second column of Table 7, Sheet 1 minus the sum over 1970–74 of the second column of Table 1, Sheet 2.

Third column—The sum over 1970–74 of the third column of Table 7, Sheet 1 minus the sum over 1970–74 of the third column of Table 7, Sheet 2.

[FR Doc.75-27942 Filed 10-20-75;8:45 am]

[Docket No. ER76-40]

NEVADA POWER CO.

Order Rejecting in Part, Accepting in Part and Suspending Rate Increase, Allowing Interventions, and Setting Procedures

OCTOBER 15, 1975.

On July 28, 1975 Nevada Power Company (Company) tendered for filing a rate increase to California-Pacific Utilities (Cal-Pac) at Henderson,[1] Nevada and Needles,[2] California. The rate increase would produce a revenue increase estimated at $948,441 for the year ending June 30, 1976. The Company asked for a proposed effective date "upon receipt of application".

By letter dated August 25, 1975 the Secretary informed the Company of certain deficiencies in its filing. These deficiencies were cured on September 17, 1975. Accordingly, we shall assign a proposed effective date of October 17, 1975 to the current filing (30 days after completion of the filing, section 205(d) of the Federal Power Act).

Notice of the Company's filing was issued on August 1, 1975, with protests and petitions to intervene due on or before August 15, 1975. A timely petition to intervene has been filed by Cal-Pac and an untimely notice of intervention has been filed by the Public Service Commission of Nevada. Good cause exists to allow intervention by both parties.

Cal-Pac included in its petition to intervene a request that the filing be rejected for failure to state the reasons for the proposed change. In connection with this request, Cal-Pac recited the recent history of the relationship between Cal-Pac and the Company. On November 1, 1975, the Company began charging rates filed in Docket No. E-8721. That case is pending before the Presiding Administrative Law Judge. In that docket, our Staff and Cal-Pac filed cases which justified approximately 50% of that $450,000 per year increase. Since May 21, 1975 the Company has been collecting rates filed in Docket No. E-9104 which are estimated to increase the Company's revenue by $1 million per year. Our Staff's filed case in that docket urges that no part of the increase in Docket No. E-9104 be allowed. Now the Company has filed for an additional nearly $1 million increase. In light of this history Cal-Pac believes that the Company's alleged need to attract capital is not a sufficient reason to serve as the purpose of a rate increase. Cal-Pac suspects that the rate increase is being made for purposes other than those stated and possibly for purposes contrary to the Federal Power Act.

The Commission recognizes the need of the electric industry as a whole to attract the capital necessary to continue to provide adequate service to the consuming public. With respect to this problem, we note that the Company has given notice of termination of service to Cal-Pac at Henderson in Docket No. E-9306 due to an alleged inability to attract capital for such service. Without prejudging the outcome of the previously mentioned cases, we think that the following disposition best serves the public interest. The need to attract additional capital is sufficient reason for a utility to increase its rates. However, in light of the serious questions raised by previous cases concerning the alleged financial requirements of Company, the comments received from Cal-Pac, and our own evaluation of the instant filing, we shall suspend the Company's rate increase for service at Needles for the full statutory period of five months.

However, with respect to Henderson, we shall reject the entire filing for failure to comply with Section 35.17(c) of our regulations. Section 35.17(c) makes it unlawful for any utility to file to change the rate schedule which has been continued in effect by the suspension of a previous change. In Docket No. E-9306 we suspended a notice of cancellation until November 1, 1975.[3] Cancellation is defined as a change in rate schedule by Section 2.4 of the Commission's Regulations. Thus, until November 1, 1975 the Company may not file to change the rate schedule in effect for Cal-Pac at Henderson.

With respect to Needles, examination of the filing reveals that a portion of it is based upon the inclusion of construction work in progress (CWIP) in the rate base which will not be in service at the end of the test period (in fact, the Company has used an end of period rate base). Recent Commission decisions have made it clear that the Commission will not currently allow utilities to base rates upon the inclusion of CWIP in rate base.[4] As we stated in the Order Denying Application For Rehearing,[5] Georgia Power Company, Docket No. E-9091, issued September 19, 1975:

> The majority rule of public utility regulation holds that the value of plant under construction cannot be included in the rate base until the plant is "used and useful" in providing service to jurisdictional customers.[5] We have consistently applied the "used and useful" rule throughout our formally reported final decisions.[6] Our Uniform System of Accounts for public utilities and licensees clearly reflects that principle,[7] although it has not been formally codified in a separate regulation, as is the case for gas pipeline companies, § 154.63(f), 18 CFR. (footnotes omitted)

Accordingly, we shall reject that portion of the Company's filing which is based upon the inclusion of CWIP in the rate base.

Further examination of the filing reveals that the Company has used an end of period rate base and allocation factors based on single week peaks. These methods raise issues which should be addressed by the parties to this case. Further the Company has alleged that it is in dire financial straits which have required it to delay much of its construction program. The Company has alleged a need for a rate of return of 11.84 percent including a 21.40 percent return on common equity. The Company states that it has one of the lowest market to book ratios in the electric industry and the high returns mentioned above are needed if the Company is to again attract the necessary capital for its construction program. The parties in this case should address the issues raised by such allegations.

Our review indicates that the proposed change for service at Needles has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend those changes for five months and establish hearing procedures to determine the justness and reasonableness of the Company's filing.

The Commission finds. (1) Good cause exists to allow the above named parties to intervene in this docket.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act, particularly sections 205, 206, 307, 308, and 309 thereof, that the Commission enter upon a hearing concerning the lawfulness of the proposed rates, charges and conditions of service contained in the Company's rate increase filed July 28, 1975.

(3) Good cause exists to reject that portion of the Company's filing which relates to Needles which is based upon the inclusion of CWIP in the rate base.

(4) Good cause exists to accept for filing that portion of the Company's filing which relates to Needles not mentioned in paragraph 3, assign it a proposed effective date of October 17, 1975, and suspend it for five months.

[1] Designated: Nevada Power Company Supplement No. 10 to Rate Schedule FPC No. 2 (Supersedes Supplement No. 8).

[2] Designated: Supplement No. 10 to Rate Schedule FPC No. 1 (Supersedes Supplement No. 9).

[3] Order issued May 30, 1975.

[4] See e.g., Central Vermont Public Service Corporation, Docket No. E-9040, issued August 5, 1975; Green Mountain Power Corporation, Docket No. E-9446, issued June 13, 1975; New England Power Company, Docket Nos. E-9316 and E-9140, issued August 5, 1975; and Georgia Power Company, Docket No. E-9091, issued August 5, 1975.

[5] Pending review in Georgia Power Company v. FPC, No. 75-1940, D.C. Circuit, Denial of Application for Stay, issued October 3, 1975.

(5) Good cause exists to reject the Company's filing with respect to Henderson.

The Commission orders. (A) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Ch. I), a public hearing shall be held on March 16, 1976, at 10:00 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rate charges and conditions of service contained in the Company's rate increase filed July 28, 1975.

(B) Pending a hearing and final decision thereon, with respect to Needles, that portion of the Company's filing which is not based upon the inclusion of CWIP in the rate base is hereby accepted for filing, suspended for five months and the use thereof deferred until March 17, 1976.

(D) The Company's filing of a rate increase to Henderson is hereby rejected.

(E) On or before February 3, 1976, the Commission Staff shall serve its prepared testimony and exhibits. On or before February 17, 1976, the Intervenors shall serve their testimony and exhibits. On or before March 2, 1976, Nevada shall serve its rebuttal testimony and exhibits.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(H) The above mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission. *Provided however*, That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene: *And provided, further*, That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-28252 Filed 10-20-75;8:45 am]

[Docket Nos. E-8641, E-8476, E-8251, E-8169]

NEW ENGLAND POWER CO.

Order Deferring Consideration of Initial Decision

OCTOBER 9, 1975.

On June 25, 1975, Presiding Law Judge Levant issued his initial decision in the above-entitled proceedings addressed to the limited issue of rate of return. The rate of return issue was heard on an expedited basis pursuant to the Commission's order issued herein on February 27, 1975. All other cost and related rate issues are the subject of separate hearings which have now been concluded and are presently before Judge Levant for initial decision. Briefs on exceptions to the June 25, 1975, initial decision on rate of return were served on July 25, 1975, and briefs opposing exceptions were served on August 14, 1975.

In its brief on exceptions, New England Power Company (NEPCO) requests that the Commission defer its consideration of the rate of return issue until the remaining cost of service issues are properly before the Commission for decision. NEPCO argues this procedure will enable the Commission to deal with the interest coverage issue "knowledgeably and comprehensively." NEPCO renewed its request in its brief opposing exceptions. The Commission staff in its brief opposing exceptions stated it has no objection to the requested procedure. NEPCO's Municipal customers in their brief opposing exceptions stated that while in their judgment no useful purpose would be served by deferral of the rate of return issue, nevertheless they did not oppose NEPCO's request.

We find that NEPCO's request for deferral is reasonable under the circumstances that hearings on all other issues have been completed, and they are now before the Administrative Law Judge for decision, and that no party will be prejudiced thereby, the requested deferral should be granted.

The Commission orders. (A) Consideration of the issue of rate of return in the above-entitled proceedings is hereby deferred until such time as the remaining issues are properly before the Commission for decision following the issuance of an initial decision thereon by the Presiding Judge.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-28235 Filed 10-20-75;8:45 am]

[Docket No. CP74-290]

NORTHERN BORDER PIPELINE CO.

Amendment to Application

OCTOBER 8, 1975.

Take notice that on September 26, 1975, Northern Border Pipeline Company, a partnership, to be succeeded by Northern Border Pipeline Corporation (Applicant), 20 Montchanin Road, Wilmington, Delaware 19807, filed in Docket No. CP74-290 a further amendment to its application filed in the subject docket pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to transport as a contract carrier natural gas in interstate commerce from the international border near Monchy, Saskatchewan, Canada, across approximately 1,619 miles to a point near Delmont, Pennsylvania, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.[1]

By its application, as amended, in this docket Applicant has proposed facilities designed to achieve average deliverabilities approximating 3.5 million Mcf of gas per day. Applicant states that because it now appears unlikely that 3.5 million Mcf of gas initially will be available for transportation, Applicant proposes to build and operate a single 42-inch pipeline with an operating pressure of 1,435 psig and an average deliverability of approximately 1.5 million Mcf of gas per day. This reduced deliverability is said to be consistent with the aggregate volume that prospective shippers expect to receive under their rights to negotiate the purchase of gas from producers operating in the Prudhoe Bay area of the North Slope of Alaska. Applicant claims that in the event that additional gas becomes available for shipment by Applicant the employment of additional compression can increase the proposed pipeline's average deliverability to approximately 2.0 million Mcf of gas per day.

Accordingly, Applicant states that by the amended application it:

(1) Amends the description of facilities for which authorization is sought. The route of the facilities is the same as shown in Exhibit F of Applicant's original application although the size of the facilities has been changed. The facilities for which authorization is sought are,

(a) Approximately 1,619 miles of pipeline consisting of 1,138 miles of 43-inch diameter pipe, 305 miles of 36-inch pipe, and 176 miles of 24-inch pipe extending from the U.S.-Canadian boundary at a point near Monchy, Saskatchewan, southeasterly through the states of Montana, North Dakota, Minnesota, Iowa, Illinois, Indiana, Ohio, and West Virginia to a terminus near Delmont, Pennsylvania; and

(b) Twelve compressor stations with a total of 310,500 horsepower installed.

(2) Amends the projected date for commencement of operation of proposed

[1] The application was noticed in the FEDERAL REGISTER on June 14, 1974 (39 FR 20819), the first amendment thereto was noticed in the FEDERAL REGISTER on December 20, 1974 (39 FR 44092), and the second amendment thereto was noticed in the FEDERAL REGISTER on March 20, 1975 (40 FR 12711).

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facilities from July 1, 1979, for the first year facilities and July 1, 1980, for second year facilities to July 1, 1980, for all facilities. Construction is scheduled to begin in the second quarter of 1978.

(3) Files Exhibit Z–1 showing flow diagrams, location of facilities, cost of facilities, and tariff and cost-of-service exhibits for a fully powered version of the system for which authorization is sought, which version, Applicant states, it does not presently propose to construct but puts forth for illustrative purposes only.

(4) Files amended Exhibits F (location of facilities), G, G–I and G–II (flow diagrams and flow diagram data), H (gas supply), K (cost of facilities), L (financing), N (revenue-expense-income), O (depreciation and depletion), and P(ii) (tariff).

With regard to estimated recoverable reserves and deliverability from the Prudhoe Bay area, Applicant states that it relies on and incorporates by reference, in addition to the data set forth in the application as supplemented, the following:

(a) The Master Gas Agreement and Joint Venture Agreement (both dated January 1, 1972) between Northern Natural Gas Company and B.B. Alaska filed November 29, 1972, with the Commission in Docket No. R–411;

(b) The Agreement between Columbia Gas Transmission Company and B.P. Oil Corporation dated as of August 23, 1971, filed as Exhibit R–5 in Docket No. RP72–36.

(c) The Advance Payment Agreement between Texas Eastern Transmission Corporation and Atlantic Richfield Company dated June 30, 1975, and filed in Docket No. CP76–48 and partial assignment thereof to Transwestern Pipeline Company dated July 31, 1975, and filed in Docket No. CP75–257 (consolidated for hearing with the application in the instant docket).

(d) The Gas Advance Payment Agreement between Panhandle Eastern Pipe Line Company and Atlantic Richfield Company dated as of May 30, 1974, filed with the Commission in Docket No. RP73–108, RP73–36, AP75–2, and PGA 75–4.

(e) The agreement between Natural Gas Pipeline Company of America and Exxon Corporation dated March 7, 1975, filed with the Commission in Docket No. CP75–257.

(f) The agreement between Michigan Wisconsin Pipe Line Company and Exxon Corporation dated February 5, 1975, filed with the Commission in Docket No. CP 73–43.

(g) The agreement between Northern Natural Gas Company and Exxon Corporation dated January 30, 1975, filed with the Commission on March 20, 1975.

Deliverability of each of the Prudhoe Bay producers is estimated to be as follows:

Producers	Estimated reserves	Deliverability
	Trillions of cubic feet per day	*Thousands of cubic feet per day*
Sohio-BP	7.1	666,000
Exxon	8.0	750,000
Arco	8.0	750,000
All others	.9	84,000
Total	24	2,250,000

The daily deliverability to each of the Northern Border member company shippers is stated as follows:

Company	Major producer/ percent of reserve committed	Commitment in thousands of cubic feet per day	Other producers—estimated percent of reserve committed	Commitment in thousands of cubic feet per day	Total commitment in thousands of cubic feet per day
Northern Natural Gas Co.	Exxon/25	187,500	12.5	10,500	198,000
Michigan Wisconsin Pipe Line Co.	do	187,500	12.5	10,500	198,000
Natural Gas Pipeline Co. of America.	Exxon/20	150,000	12.5	10,500	160,500
Panhandle Eastern Pipeline Co.	Arco/20	150,000	12.5	10,500	160,500
Columbia Gas Transmission Corp.	Sohio-BP/100	666,000	12.5	10,500	676,500
Transwestern Pipeline Co. and Texas Eastern Transmission Corp.	Arco/20	150,000	12.5	10,500	160,500
Total					1,554,000

According to Applicant the total input at Monchy will be 1,530,200 Mcf of gas per day. The difference between the input volumes at Prudhoe Bay and Monchy is claimed to be primarily due to fuel use during transportation.

Applicant's estimated total capital cost of the system including filing fees is approximately $1,347,000,000. Applicant states that capital requirements under its proposed financing plan would be met through the investment of equity by the Partners and through the concurrent issuance of various debt securities by Applicant. The revenues generated by the project are said to be sufficient to service the securities issued to finance it.

In the third full year of operation Applicant shows a rate of return of 12.5 percent and a return of $134.5 million.

The amendment indicates that, generally, transmission facilities will be depreciated on a straight-line basis at 4 percent.

Applicant states that for the purposes of this amendment it has been assumed that no Canadian gas will be available for import. However, Applicant indicates that some prospective shippers have existing contracts for the purchase of Canadian gas; and if export of such gas is authorized by the National Energy Board of Canada the facilities of Applicant would be available, and Applicant is willing to transport such gas from Monchy to eastern delivery points.

Any person desiring to be heard or to make any protest with reference to said amendment to application should on or before October 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed petitions to intervene or notices of intervention in the instant docket or in the proceeding in Docket No. CP75–96, et al., need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–28231 Filed 10–20–75;8:45 am]

[Docket No. RP75–89]

NORTHERN NATURAL GAS CO.
Motion To Have Suspended Tariff Sheets Go Into Effect

OCTOBER 14, 1975.

Take notice that on October 3, 1975, Northern Natural Gas Company (Northern) tendered for filing a Motion to Have Suspended Tariff Sheets Go Into Effect, together with attached Tariff Sheets and Appendices. Northern states that it had filed on April 11, 1975, revised tariff sheets proposing changes in its FPC Gas Tariff which would provide for an increase in annual jurisdictional revenues of approximately $69,172,745, based upon sales volumes for the 12 month period ended December 31, 1974, as adjusted. Northern states that these tariff sheets were suspended by Commission Order issued May 16, 1975, in this docket, and the use thereof deferred until October 27, 1975.

In the October 3, 1975 filing, Northern states that it moves to make effective the interim rates and charges in this proceeding on October 27, 1975, when the suspension period ends. Northern states that it also filed an Agreement and Undertaking to comply with the terms and conditions of § 154.67 of the Commission's rules and regulations under the Natural Gas Act. Northern requests waiver of the notice requirements of 18 CFR 154.22 and such other regulations as are required to permit the requested effective date of October 27, 1975.

Northern states that copies of its filing were served by mail on all of its jurisdictional customers, all parties to this proceeding and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–28248 Filed 10–20–75;8:45 am]

[Docket No. RP75–89]

NORTHERN NATURAL GAS CO.
Tender of Tariff Sheets

OCTOBER 10, 1975.

Take notice that by letter dated September 24, 1975, Northern Natural Gas Company (Northern) tendered for filing the following tariff sheets for Northern's FPC Gas Tariff, Third Revised Volume No. 1, Initial Emergency Service Rate Schedule E–1.

Eighth Revised Sheet No. 1	Table of Contents
Original Sheet No. 4b	Original PGA–1
Original Sheet Nos. 45–48	Rate Schedule E–1

Northern states that its Initial Rate Schedule E–1 is not subject to suspension and is being effectuated by Northern as of July 11, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–28240 Filed 10–20–75;8:45 am]

[Docket No. ER76–161]

PUBLIC SERVICE COMPANY OF NEW MEXICO
Extension of Agreement for Service

OCTOBER 10, 1975.

Take notice that on October 2, 1975, Public Service Company of New Mexico (PNM) tendered for filing an agreement extending Rate Schedule FPC No. 24, to provide power transmission service for the State of Nevada, Division of Colorado River Resources (DCRR) for a period of one year to year thereafter until terminated.

PNM states that the amendment was negotiated to permit DCRR to continue obtaining capacity from the Department of Interior, Bureau of Reclamation, by enabling DCRR to return energy associated therewith to the Bureau from PNM. Additionally, PNM states that the amendment provides for PNM to supply surplus energy to DCRR apart from any capacity made available by the Bureau. PNM states that DCRR is requiring capacity from the Bureau and return energy by October 1, 1975. PNM therefore requests the Commission to waive its notice requirements and permit the extension of the original agreement between PNM and DCRR to become effective October 1, 1975.

PNM states that the proposed amendment for service has been agreed upon by the parties and that copies of the filing have been mailed to DCRR and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–28241 Filed 10–20–75;8:45 am]

[Project No. 663]

PUERTO RICO WATER RESOURCES AUTHORITY
Order Waiving Penalties in Delinquency

OCTOBER 10, 1975.

Provision is made in the Commission's regulations, 18 CFR 11.31(e) (1975), for a penalty for delinquency in payment of annual charges pursuant to the Federal Power Act, unless such penalty is waived by the Commission for good cause shown.

Although the Commission on April 1, 1975 rendered timely bills to the Puerto Rico Water Resources Authority (Authority) covering the annual charges owing under its license for Project No. 663 for the calendar year 1974, a check in payment of these charges was not mailed to the Commission until June 25, 1975, and was not received until July 7, 1975. Accordingly, a $22.62 penalty was assessed for this delay in payment.

In its letter of July 2, 1975 to the Commission, the Authority presented a reasonable and logical explanation for the delay. It pointed out that it had responded to receipt of the Commission's bill for annual charges with a letter specifying its need for further information from the Commission. This letter was received by the Commission prior to the expiration of the 45-day period provided in 18 CFR 11.31(a) (1975), for payment of annual charges. The Commission's reply was mailed one day before the expiration of this time limit, and so could not have been received by the Authority soon enough to enable timely payment to be made. Under the circumstances, including the Authority's past record of payment of these charges for years prior to 1974, a waiver of the penalty for delinquency is appropriate.

The Commission finds. (1) Good cause has been shown in the explanation of the delay in paying annual charges for 1974 for Project No. 663.

(2) Waiver of the penalty for the late payment of these charges would not be inconsistent with the public interest.

The Commission orders. Payment of the penalty arising out of the Authority's delay in remitting payment of the annual charges owing under the license for Project No. 663 is hereby waived.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–28242 Filed 10–20–75;8:45 am]

SOUTHWEST GAS CORP.

[Docket No. CP76–101]

Application

OCTOBER 9, 1975.

Take notice that on September 24, 1975, Southwest Gas Corporation (Ap-

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plicant), PO Box 1450, Las Vegas, Nevada 89101, filed in Docket No. CP76–101 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas, received from Northwest Pipeline Corporation (Northwest), to Applicant to Applicant's priority 1 and 2 requirements customers pursuant to proposed Rate Schedule NES–1, as an emergency service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Pursuant to a letter agreement between Applicant and Northwest dated August 7, 1975, Applicant would purchase from Northwest emergency gas service under Northwest's proposed Rate Schedule ES–1 to the extent that it is available from Pacific Gas Transmission. Applicant requests authorization in the instant application to sell and deliver on a best-efforts basis the volumes of natural gas so received under its proposed Rate Schedule NES–1 for the protection of firm priority 1 and 2 requirement customers. The service from Northwest would be in lieu of requesting protection of Applicant's priority 1 and 2 requirements customers from Northwest's general pipeline supply.

Applicant proposes to charge customers purchasing gas pursuant to Rate Schedule NES–1 31.29 cents per therm, which price is said to be designed to provide revenues to Applicant equal to the incremental cost of providing the proposed service.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157 10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–28236 Filed 10–20–75;8:45 am]

[Docket No. G–4616, etc.]

TEXACO INC., ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

OCTOBER 15, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G–4616..... D 9–26–75	Texaco, Inc., P.O. Box 3109, Midland, Tex. 79701.	Northern Natural Gas Co., North Hutchinson Field, Hutchinson County, Tex.	Nonproductive.	
C174–528..... C 9–25–75	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Sand Hills Field, Crane County, Tex.	[2] 61.25	14.65
C175–38..... C 9–26–75	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Acreage in Lea County, N. Mex.	[3] 58.1810	14.73
C176–155..... A 9–15–75	Champlin Petroleum Co., P.O. Box 9365, Fort Worth, Tex. 76107.	Panhandle Eastern Pipe Line Co., Wattenberg Area, Denver-Julesburg Basin, Adams, Arapahoe, and Weld Counties, Colo.	[4] 57.37	14.65
C176–156..... A 9–15–75	Champlin Petroleum Co	Colorado Interstate Gas Co., a Division of Colorado Interstate Corp., DeLaney Rim Area, Sweetwater County, Wyo.	[3] 58.04	14.65
C176–174..... A 9–22–75	Helmerich & Payne, Inc., 1579 East 21st St., Tulsa, Okla. 74114.	Michigan Wisconsin Pipe Line Co., NE Binger Field, Caddo County, Okla.	[3] [5] 75.41	14.73
C176–181..... (C871–179) B 9–26–75	Herman Geo. Kaiser, Oil Producer, 4120 East 51st St., Tulsa, Okla. 74135.	Northern Natural Gas Co., Hansford Field, Hansford County, Tex.	Uneconomical.	
C176–182..... A 9–26–75	Texaco Inc., P.O. Box 60252, New Orleans, La. 70160.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc. Vermilion Block 282, offshore Louisiana.	[3] [6] 60.0	15.025
C176–184..... A 9–26–75	Ocean Production Co., et al., P.O. Box 61780, New Orleans, La. 70161.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Blocks 249 and 250, South Marsh Island Area, North Addition, offshore Louisiana.	[3] [6] 61.68	15.025
C176–185..... A 9–18–75	American Natural Gas Production Co., One Woodward Ave., Detroit, Mich. 48226.	Michigan Wisconsin Pipe Line Co.; Acreage in Caddo County, Okla.	[3] [5] 75.0	14.65
C176–186..... A 9–26–75	Pacific Lighting Gas Development Co., 720 West 8th St., Los Angeles, Calif. 90017.	Pacific Interstate Transmission Co.; Apollo Field, Winkler County, Tex.; Taurus Field, Ward County, Tex.; Parsell and St. Clair Fields, Roberts County, Tex.; Potash Field, Eddy County, N. Mex.	[3] [6] 80.0	14.65
C176–187..... A 9–29–75	Ocean Production Co., et al	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., North Half Block 246, Ship Shoal Area, offshore Louisiana.	[3] [6] 55.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C176–189..... A 9–19–75	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	El Paso Natural Gas Co., Laberta and Golden Lane Fields, Eddy County, N. Mex.	[3] [4] 76.5	15.025
C176–190..... A 9–30–75	Bethlehem Steel Corp., Bethlehem, Pa. 18016.	Transcontinental Gas Pipe Line Co., Block 185 Area, South Timballer Area, offshore Louisiana.	[3] 52.02	15.025
C176–191..... (G–18980) F 9–30–75	Bethlehem Steel Corp. (successor to Chevron Oil Co.).	Transcontinental Gas Pipe Line Co., Block 40, West Cameron Area, offshore Louisiana.	[7] 52.02	15.025
C176–192..... A 9–30–75	Florida Gas Exploration Co., 1100 Milam Bldg., Houston, Tex. 77002.	Transcontinental Gas Pipe Line Co., Block 185 Area, South Timballer Area, offshore Louisiana.	[3] 52.02	15.025
C176–193..... A 9–30–75	Dorchester Exploration, Inc., 807 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	Transcontinental Gas Pipe Line Co., Block 185 Area, South Timballer Area, offshore Louisiana.	[3] 52.02	15.025
C176–194..... A 10–1–75	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Grand Isle Block 45, offshore Louisiana.	[3] [6] 80.0	15.025
C176–195..... A 10–1–75	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	El Paso Natural Gas Co., Cinta Roja (Morrow) Field, Lea County, N. Mex.	[3] 56.6213	14.73

[1] Includes 4.93¢/M ft³ upward British thermal unit adjustment and 1.49¢/M ft³ gathering allowance.
[2] Applicant is willing to accept a certificate in accordance with sec. 2.56a of the Commission's General Policy and Interpretations.
[3] Includes 4.2985¢/M ft³ tax reimbursement, 1.3825¢/M ft³ upward British thermal unit adjustment and 1.5¢/M ft³ gathering allowance.
[4] Includes 0.05¢/M ft³ tax reimbursement and 6.6¢/M ft³ upward British thermal unit adjustment.
[5] Includes 2.14¢/M ft³ tax reimbursement and 5.18¢/M ft³ upward British thermal unit adjustment.
[6] Subject to upward and downward British thermal unit adjustment.
[7] Subject to downward British thermal unit adjustment.

[FR Doc.75–28272 Filed 10–20–75;8:45 am]

[Docket No. RP72–64]

TEXAS GAS TRANSMISSION CORP.

Proposed Changes in Gas Tariff

OCTOBER 14, 1975.

Take notice that on September 30, 1975, Texas Gas Transmission Corporation (Texas Gas) tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Fifth Revised Sheet No. 91 and Seventh Revised Sheet No. 92.

Texas Gas states that its tariff filing relating to curtailment procedures reflects the priorities of service prescribed by Commission Order No. 467–B that are now in effect on the Texas Gas system. It further states that the filing is made at this time pursuant to the provisions of Article VIII of the Fourth Stipulation and Interim Agreement approved by the Commission's order issued September 3, 1975.

Since the tariff provisions relating to priorities of service expire on March 31, 1976, under the terms of the above-mentioned agreement, an effective date of April 1, 1976, for this filing is requested. In this connection, Texas Gas requests a waiver of § 154.22 of the Commission's regulations under the Natural Gas Act. In the event that the Commission decides to suspend any or all of the proposed tariff sheets, Texas Gas requests such earlier effective date as necessary so that they may be made effective, after suspension, on April 1, 1976.

Copies of the filing have been served upon Texas Gas' customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said filing should on or before October 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Any person who has heretofore filed a notice or petition to intervene in this proceeding need not file again. The tariff filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–28249 Filed 10–20–75;8:45 am]

[Docket No. CP76–3]

TRANSCO GAS SUPPLY CO.

Order Denying Application for Certificate of Public Convenience and Necessity

OCTOBER 14, 1975.

On July 2, 1975, Transco Gas Supply Corporation (Gasco or Applicant)[1] filed an application for a certificate of public convenience and necessity which, if approved, would authorize the sale of natural gas to Transcontinental Gas Pipe Line Corporation (Transco).

Gasco states that it was formed for the primary purpose of contracting for supplies of natural gas from various suppliers pursuant to advance payment agreements and otherwise and then selling to Transco all gas purchased by Gasco under gas purchase contracts entered into by Gasco pursuant to advance payments agreements which Transco proposes to assign to Gasco or otherwise.

Under a cost of service tariff to be filed with the Commission, Gasco proposes to charge Transco a cost of service rate including: (a) The actual cost of gas purchased by Gasco; (b) return and income taxes on Gasco's rate base (including, among other things, outstanding advance payments) determined by multiplying such rate base by 13.99 percent (the same percentage as the return and income tax component currently provided in Transco's pending rate settlement in Docket Nos. RP74–48 and RP75–3) or such later percentage as may be reflected in any Transco rate filing; and (c) all other costs of Gasco on a cost of service basis. Transco would include the gas cost component of Gasco's charge in its PGA clause, and would file to amend its advance payment tracking provision in Docket Nos. RP74–48 and RP75–3 to permit tracking of advance payments assigned to or made by Gasco in the same manner as if made by Transco. All other components of Gasco's charge would be included in future Transco rate proceedings.

Gasco proposes to commence sales to Transco on October 1, 1975. Initially, Gasco would acquire gas for such sales from Shell Oil Company from Block 130, Ship Shoal Area, Offshore Louisiana.

The application explains that under the proposed arrangement Gasco would have greater ability to obtain funds for financing advance payment agreements than Transco because Gasco would not be subject to the restrictions in Transco's debt instruments. The application represents that at May 31, 1975, Transco had advance payments outstanding of some $103,300,000 and commitments to make additional advances amounting to several hundred million dollars but that the restrictions in Transco's long term debt instruments are expected to prevent it from borrowing the additional funds to make further advances in 1976 and beyond. The application states that implementation of the proposal would assure the continued availability to Transco's customers of vitally needed gas supplies.

The filing was noticed on July 22, 1975 with responses due on or before August 8, 1975. Several petitions to intervene were filed.[2]

Our review of Gasco's application indicates that it is not in the public interest and should not be approved. We find that the end result of the proposal would be to give Transco the right to permanently track advance payments from Gasco under the guise of purchased gas costs, and would thus circumvent the present advance payments program requirements and our implementation of

[1] Applicant states that Gasco is a newly formed corporation which has no existing operations, but that Gasco will be a "natural gas company" within the meaning of the Natural Gas Act upon commencement of the sales proposed herein. Both Gasco and Transco are 100 percent owned subsidiaries of Transco Companies, Inc.

[2] Petitions were filed by Elizabethtown Gas Company, Piedmont Natural Gas Company, Brooklyn Union Gas Company, Public Service Electric and Gas Company, Philadelphia Electric Company, Natural Gas Pipeline Company of America, Washington Gas Light Company, Columbia Gas Transmission Corporation and Pennsylvania Gas and Water Company.

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tracking authority thereunder. We have only permitted permanent tracking authority for purchased gas and research and development costs,[3] as well as, in certain instances, demand charge rate adjustments. Tracking authority for other costs, such as advance payments, has only been granted as part of an approved rate settlement agreement wherein the Commission has reviewed all of the pipeline's costs including the cost item to be tracked, as well as revenues, and has determined that a tracking provision for such costs is proper for the period the settlement remains in effect; i.e., until the next major rate change, pursuant to Section 4 or 5 of the Natural Gas Act, becomes effective. At the time such a major rate change occurs, the Commission has required that the temporary tracking authority allowed by the settlement be terminated.[4]

In light of the above, we shall deny Gasco's application.

The Commission finds. (1) Good cause exists to deny Gasco's July 2, 1975, application.

(2) Participation in this proceeding by the aforementioned petitioners may be in the public interest.

The Commission orders. (A) Gasco's July 2, 1975, application for a certificate of public convenience in this docket is hereby denied.

(B) The aforementioned petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that these intervenors might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-28267 Filed 10-20-75;8:45 am]

[3] Sections 154.38(d) (4) and (5) of the Commission's Regulations.

[4] Order No. 499, 50 FPC 2111, issued December 29, 1973, in Docket No. RM74-4; Southern Natural Gas Company, —— FPC —— issued April 13, 1973, in Docket No. RP73-91, et al.; rehearing denied —— FPC ——, issued June 8, 1973; Northern Natural Gas Company, —— FPC, issued May 20, 1974, in Docket No. RP74-80; rehearing denied in pertinent part —— FPC —— issued July 15, 1974, Florida Gas Transmission Company, —— FPC —— issued May 29, 1974, in Docket No. RP74-80. Columbia Gas Transmission Corporation, —— FPC —— issued March 24, 1975, in Docket No. RP74-82; Columbia Gas Transmission Corporation, et al. —— FPC —— issued July 14, 1975, in Docket Nos. RP75-106 et al.

FEDERAL RESERVE SYSTEM

ABILENE CO.

Formation of Bank Holding Company

Abilene Company, Abilene, Kansas, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of The Abilene National Bank, Abilene, Kansas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than November 17, 1975.

Board of Governors of the Federal Reserve System, October 14, 1975.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75-28311 Filed 10-20-75;8:45 am]

CENTURY FINANCIAL CORPORATION OF MICHIGAN

Acquisition of Bank

Century Financial Corporation of Michigan, Saginaw, Michigan, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of Second National Bank of Bay City, Bay City, Michigan. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 13, 1975.

Board of Governors of the Federal Reserve System, October 10, 1975.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75-28312 Filed 10-20-75;8:45 am]

CHEMICAL BANK

Order Approving Application for Merger of Banks

Chemical Bank, New York, New York ("Chemical Bank"), a member State bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with Chemical Bank of Suffolk, National Association, Smithtown, New York ("Suffolk Bank"), under the charter and title of Chemical Bank. Incident to the proposed merger, the present offices of Suffolk Bank would become branch offices of the resulting bank.

As required by the Act, notice of the proposed merger, in a form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application and all comments and reports received in the light of the factors set forth in the Act.

Chemical Bank operates 248 domestic offices with aggregate deposits of approximately $13.6 billion.[1] These deposits represent 10 per cent of total domestic deposits in commercial banks in New York State and 11 per cent of such deposits in the New York Metropolitan market.[2] Suffolk Bank operates 13 offices and holds deposits of approximately $68 million, representing 0.01 per cent of total deposits in commercial banks in the State, and 0.1 per cent of such deposits in the relevant market. Both Chemical Bank and Suffolk Bank are subsidiaries of Chemical New York Corporation, New York, New York, a bank holding company with eight subsidiary banks with aggregate domestic deposits of approximately $13.8 billion. Since both banks involved in the subject proposal are subsidiaries of the same holding company consummation of the proposal would not eliminate any existing or potential competition, increase the concentration of banking resources, nor have an adverse effect on other banks within the relevant market. Therefore, the Board concludes that competitive considerations are consistent with approval of the merger.

It is expected that the merger will result in some improvement in the financial position of Chemical Bank as a result of increased operating efficiencies through the elimination of certain offices of the two banks that are presently in close proximity. Thus, the banking factors lend some weight toward approval of the application. Although Chemical Bank proposes no major changes in its services or operations as a result of the proposed merger, considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. Accordingly, it is the Board's judgment that the proposed merger would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[3] effective October 8, 1975.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.75-28313 Filed 10-20-75;8:45 am]

[1] All banking data are as of June 30, 1975.

[2] The New York Metropolitan market, the relevant banking market for purposes of analyzing the competitive effects of the proposed merger, is approximated by New York City and Nassau, Putnam, Rockland, Westchester Counties, and western Suffolk County, all in New York; and nearby portions of New Jersey and Connecticut.

[3] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Coldwell and Jackson. Absent and not voting: Chairman Burns and Governor Wallich.

FIRST NATIONAL HOLDING CORP.

Proposed Acquisition of First Atlanta Life Insurance Company

First National Holding Corporation, Atlanta, Georgia, has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of First Atlanta Life Insurance Company, Phoenix, Arizona. Notice of the application was published on August 23, 1975 in The Arizona Republic, a newspaper circulated in Phoenix, Arizona, and in The Atlanta Constitution, a newspaper circulated in Atlanta, Georgia.

Applicant states that the proposed subsidiary would engage *de novo* in underwriting, as reinsurer, credit life and credit disability insurance directly related to extensions of credit by offices of Applicant's subsidiary, Gulf Finance Corporation of Mississippi. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 13, 1975.

Board of Governors of the Federal Reserve System, October 10, 1975.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75-28314 Filed 10-20-75;8:45 am]

THE SUMIMOTO BANK LTD.

Acquisition of Bank

The Sumimoto Bank Limited, Osaka, Japan, has applied for the Board's approval under §,3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to exercise its preemptive rights to acquire additional shares of Central Pacific Bank, Honolulu, Hawaii ("Bank"). As a result of the exercise of those rights, the Applicant would continue to hold 13.7 per cent of the voting shares of Bank. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 13, 1975.

Board of Governors of the Federal Reserve System, October 10, 1975.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75-28315 Filed 10-20-75;8:45 am]

WESTBANCO, INC.

Formation of Bank Holding Company

Westbanco, Inc., Westville, Illinois, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of The First National Bank of Westville, Westville, Illinois. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 13, 1975.

Board of Governors of the Federal Reserve System, October 10, 1975.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75-28316 Filed 10-20-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-147]

ELECTRIC GOLF CARS FROM POLAND

Determination of Injury

SEPTEMBER 16, 1975.

On June 16, 1975, the United States International Trade Commission received advice from the Department of the Treasury that electric golf cars from Poland are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). Accordingly, on June 20, 1975, the Commission instituted investigation No. AA1921-147 under section 201 (a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such electric golf cars into the United States.

Notice of the institution of the investigation and of a public hearing to be held in connection therewith was published in the FEDERAL REGISTER of June 26, 1975 (40 FR 27079). The hearing was held on July 29 and 30, 1975.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission has determined by a vote of 5 to 1 (Commissioner Moore dissenting) that an industry in the United States is being injured by reason of the importation of electric golf cars from Poland that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION OF COMMISSIONERS LEONARD, MINCHEW, BEDELL, AND PARKER[1]

In our opinion, an industry in the United States is being injured by reason of the importation into the United States of electric golf cars from Poland which are being, or are likely to be, sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended. The reasons in support of this determination are set forth below.

Injured industry

The imported articles found to be sold at LTFV by the Department of the Treasury and the imported articles covered by the Commission's notice of investigation in this proceeding are electric golf cars (units powered by electric

[1] Commissioner Ablondi concurs in the result.

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storage batteries). However, in making the determination in this case, the industry we have concluded is being injured consists of the producing facilities in the United States devoted to the manufacture of gasoline golf cars (units powered by internal combustion engines) as well as electric golf cars.[2] There are 13 producers of golf cars in the United States. Some of these producers make both gasoline and electric golf cars; the remaining producers make only electric golf cars. The domestic facilities used and many of the production processes involved are the same for both electric and gasoline golf cars. To say there is an electric golf car industry separate and apart from the gasoline golf car industry would be to artificially and arbitrarily segment directly competitive articles made in integrated facilities in an integrated industry.

The LTFV imports

Treasury's LTFV determination is based upon an examination of all entries of electric golf cars imported from Poland during the 10-month period December 1973 through September 1974. Treasury found that 100 percent of the sales were made at LTFV and that the margins of dumping[1] were substantial, exceeding 20 percent. Moreover, the Commission's investigation disclosed that these margins of dumping were in most instances large enough to account for the entire amount by which the LTFV imports undersold domestically produced golf cars.

Market penetration and lost sales

The first indication of injury to the golf car industry in the United States is that industry's lost sales reflected in the penetration of the U.S. market by the LTFV imports. Polish golf cars, which first entered the U.S. market in 1971, rapidly increased as a share of the U.S. market for all golf cars from zero percent in 1970 to 12 percent in 1974 and to 18 percent in January–June 1975. The number of units imported increased annually from 959 cars in 1971 to 6,897 cars in 1974; imports increased again during January–June 1975, when they were about 60 percent greater than during January–June 1974. The rapid increase in imports was accompanied by a leveling off of U.S. production of golf cars in 1974 and a precipitous decline in U.S. output during January–June 1975.

The import penetration cited above occurred in the presence of a ready demand for golf carts. Golf courses, the purchasers of very nearly all golf cars, have a need and a desire for golf cars and are going to buy cars, regardless of their origin. The fact that they bought the substantial number of imported golf cars sold at LTFV indicated above meant that they did not buy domestic golf cars. There were virtually no other imports available to the U.S. market. Clearly, the market penetration by the LTFV imported merchandise meant lost sales to the domestic industry and, therefore, injury to the domestic industry.

Loss of profits

While lost sales of the magnitude indicated by the import penetration discussed above is sufficient to result in a determination of injury under the Antidumping Act, injury to the domestic golf car industry is also present in the form of reduced profits following not only as a result of the lost sales but more directly as a result of an inability to raise prices enough to cover sharply rising costs.

Golf cars imported from Poland have consistently undersold domestically produced cars by varying and usually significant margins. As indicated previously, the margins of dumping found in this case by Treasury were in most instances large enough to account for the entire amount by which LTFV imports undersold domestically produced golf cars. Such sales, in the face of a constant demand, necessarily had an adverse competitive impact on U.S. producers and affected their ability to relate their selling prices more closely to the rapidly increasing costs of manufacturing during a period of great inflation in such costs. Domestic producers could not increase their prices in 1974 (after price controls had been lifted) and January–June 1975 to fully offset their increased costs without risking an additional loss of market share to LTFV imports.

Data obtained by the Commission from five large U.S. producers of golf cars, which firms account for the great bulk of total U.S. production, show that the aggregated net operating profits of these producers declined from about $4.8 million per year during 1971–73 to a net operating loss of $0.1 million in 1974 and a loss of $0.9 million for January–June 1975. Further, 1974 and January–June 1975 were marked by announcements that two large U.S. producers of golf cars would discontinue production of these articles. This drastic change in the profitability of the domestic producers is attributable in part to a loss of market share to LTFV imports and to an inability of the domestic producers to raise their prices sufficiently to cover higher costs and return a reasonable profit in the face of lower priced LTFV imports in the U.S. market.

Causation

Notwithstanding the effective distribution and service organization employed by the domestic industry, as well as the comparable quality of the imported and domestic golf cars, the imported Polish golf cars have made substantial inroads into the U.S. market. While a segment of the U.S. industry, i.e., gasoline golf car production, may well have been affected by the energy shortage in 1973 and 1974, and while there is other evidence that labor and management difficulties may have existed for some producers, nevertheless, the successful marketing of the imported golf cars is largely attributable to their significantly lower prices made possible by substantial dumping margins. Thus, the injury suffered by the domestic golf car industry in the form of a reduced share of the market and a declining profit position is "by reason of," as such phrase is used in the Antidumping Act, the importation of the golf cars from Poland sold at LTFV.

Conclusion

On the basis of the foregoing, an affirmative determination is required; an industry in the United States is being injured by reason of the importation into the United States of electric golf cars from Poland which are being, or are likely to be, sold at LTFV.

In view of the foregoing, I have concluded that an industry in the United States is not being, nor is likely to be injured by reason of the importation of golf cars from Poland sold in the United States at less than fair value. Therefore, I have made a negative determination in this case.

As a postscript, on behalf of the millions of patrons of "the ancient and honorable game" of golf, I am saddened by the decision of the majority. Not only do I believe it is in error, but I am chagrined by the thought that its probable result will be an increase in golf car fees at hundreds of golf courses throughout the land.

By order of the Commission.

Issued: September 16, 1965.

KENNETH R. MASON,
Secretary.

[FR Doc.75-26284 Filed 10-20-75;8:45 am]

[2] See the discussion of industry in *Lock-in Amplifiers and Parts Thereof from the United Kingdom*, USITC Publication 736, p. 4, July 1975.

[1] The margins in this case were figured by determining the difference between the purchase price of the Polish golf cars and a constructed value based upon golf cars produced in Canada by the Marathon Golf Car Co.

NATIONAL ENDOWMENT FOR THE HUMANITIES

NATIONAL COUNCIL ON THE HUMANITIES ADVISORY COMMITTEE

Meeting

OCTOBER 15, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the National Council on the Humanities will be conducted at Washington, D.C. on November 6 and 7, 1975.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Shoreham Building, 806 15th Street, N.W., Washington, D.C. The session of the proposed meeting on November 6, 1975 and the afternoon session on November 7, 1975, will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy. Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (3), (4), and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the committee.

The morning session on November 7, 1975 will convene at 9 a.m. and will be open to the public. The agenda for the morning session will be as follows:

II. MINUTES OF THE PREVIOUS MEETING

III. REPORTS

A. Summary of Recent Business and Introduction of New Staff Members.
B. Appropriations for FY 1976.
C. Chairman's Grants.
D. Report on American Issues Forum.
E. Application Report.
F. Gifts and Matching Report.
G. Council Luncheon Fund.
H. Resolution of Condolence to the Family of Henry Allen Moe, First Chairman of NEH and to the Family of Stephen J. Wexler, Counsel, Special Subcommittee on the Arts and the Humanities.

The remainder of the proposed meeting will be closed to the public.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.75-26299 Filed 10-20-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR RESEARCH

Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Research.

Date: November 6 and 7, 1975.

Time: 9 a.m. on 11/6, 9:30 a.m. on 11/7.

Place: RM. 540, National Science Foundation, 1800 G Street NW., Washington, D.C.

Type of meeting: Open.

Contact person: Mr. Leonard F. Gardner, Executive Secretary, Advisory Committee for Research, Rm. 302, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4278. Anyone who plans to attend should notify Mr. Gardner prior to the meeting.

Summary Minutes: May be obtained from the Committee Management Coordination Staff, Management Analysis Office, Rm. 248, National Science Foundation, Washington, D.C. 20550.

Purpose of Advisory Committee: To provide advice and counsel concerning research activities and potential in the United States and consult on problems in the administration of research support.

Tentative Agenda: November 6

9 a.m.—Introductory Remarks and Response to Recommendations by Task Groups, Chairman.

9:20 a.m.—Tentative Plans for NSF Advisory Committee Structure in 1976, Deputy Director, NSF.

10:30 a.m.—Report by Task Group No. 10—The Social Sciences as a Research Area in the National Interest, Chairman, TG 10.

Noon—Recess.

1:15 p.m.—Report by Task Group No. 13—Larger But Fewer Research Grants Research Equipment, Chairman, TG 13.

Progress Report by Task Group No. 12—Evaluation of a Post Grant Experiment (IBP), Chairman, TG 12.

Report by Task Group No. 11—Review and Evaluation of Committee Operation, Chairman, TG 11.

5 p.m.—Adjourn.

November 7

9:30 a.m.—NSF Reorganization. Further Discussion of NSF Advisory Committee Structure, Director, NSF.

11 a.m.—As needed, Continued Discussion of Task Group Reports and Plans for 1976.

Noon—Recess.

1 p.m.—Continuation of morning discussions.

3 p.m.—Adjourn.

GAIL A. MCHENRY,
Acting Committee Management Officer.

OCTOBER 16, 1975.

[FR Doc.75-26336 Filed 10-20-75;8:45 am]

ADVISORY COMMITTEE FOR SCIENCE EDUCATION

Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Science Education. Date: November 6 and 7, 1975. Time: 9 a.m. each day. Place: Rm. 543, 1800 G Street, NW., Washington, D.C. Type of meeting: Open.

Contact person: Ms. Frances Watts, Staff Assistant, Directorate for Science Education, Rm. 600-W, National Science Foundation, Washington, D.C. 20550, telephone (202) 282-7930. Anyone who plans to attend should contact Ms. Watts by October 31.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Management Analysis Office, Rm. 248, National Science Foundation, Washington, D.C. 20550.

Purpose of advisory committee: To provide advice and recommendations concerning the impact of all Foundation activities (including research; scientific information; international programs; as well as, specifically, "education" programs) relating to education in the sciences in U.S. schools, colleges and universities.

Tentative agenda: Thursday, November 6 (9 a.m. to 5 p.m.)

1. Welcoming Remarks by Acting Assistant Director for Science Education.
2. Reorganization of Science Education Directorate.
3. Discussion on New Science Education Programs: A. Comprehensive Assistance to Undergraduate Science Education (CAUSE), B. Research Initiation and Support (RIAS).
4. Discussion of: A. Proposed Program—Science for Citizens, B. Development of the Women in Science Program.

FRIDAY, NOVEMBER 7 (9 a.m. to 3:30 p.m.)

1. Administrative Matters.
2. Needs Assessment for Education in the Sciences.
3. Remarks by the Director, NSF.
4. Review of Science Education Programs and Options for the Future.

GAIL A. MCHENRY,
Acting Committee Management Officer.

OCTOBER 16, 1975.

[FR Doc.75-26335 Filed 10-20-75;8:45 am]

ADVISORY PANEL FOR SOCIAL PSYCHOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Social Psychology. Date: November 6 and 7, 1975. Time: 9 a.m. each day. Place: Rm. 517, National Science Foundation, 1800 G Street, NW., Washington, D.C. Type of meeting: Closed.

Contact person: Dr. Roland W. Radloff, Program Director for Social Psychology, Rm. 205, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-5714.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for research in social psychology.

Agenda: Review and evaluate research proposals that have been assigned to the Social Psychology Program.

Reason for closing: The proposals being reviewed contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552 (b), (4), (5), and (6).

Authority to close meeting: The determination made on February 21, 1975, by the Director of the National Science Foundation pursuant to provisions of section 10(d) of Pub. L. 92-463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

OCTOBER 16, 1975.

[FR Doc.75-26337 Filed 10-20-75;8:45 am]

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CONFERENCES ON RESEARCH INITIATION AND SUPPORT

Meetings; Correction

In FR Doc. 75–27559 appearing on page 48188–48189 of the issue for Tuesday, October 14, 1975, (Vol. 40—No. 199) the telephone number listed for members of the public to call if they wish to attend any of the conferences is incorrect. The correct number is (202) 282–7932.

FRED K. MURAKAMI,
Management Analysis Officer.

OCTOBER 16, 1975.

[FR Doc.75–28338 Filed 10–20–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE PALO VERDE NUCLEAR PLANT, UNITS 1, 2, AND 3

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on the Palo Verde Nuclear Plant, Units 1, 2, and 3 will hold a meeting on November 5, 1975 in Room 1046, 1717 H St. NW., Washington, D.C. The purpose of this meeting is to continue its review of the application of Arizona Public Service Company for a permit to construct this plant.

The agenda for the subject meeting shall be as follows:

Wednesday, November 5, 1975, 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to: 1) explore preliminary opinions regarding the proposed plant construction and site, 2) discuss suggestions and recommendations advanced by members of the Subcommittee in regard to ways and means to develop most effectively those remaining items of information which are required to form the basis for a Subcommittee recommendation to the full Committee, and 3) develop a detailed plan for coverage of all agenda items during the follow-on meeting with representatives of the NRC Staff and Applicant.

9:00 a.m. until the conclusion of business. The Subcommittee will meet in open session to hear presentations by representattives of the Nuclear Regulatory Commission (NRC) Staff and Arizona Public Service Company and their consultants concerning the apwplication for a construction permit for the Palo Verde Plant.

At the conclusion of the open session, the Subcommittee will caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During the session Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee will meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and Applicant matters involving proprietary information, particularly with regard to specific features of the plant design and plans related to plant security.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary or plant security information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than October 29, 1975 to Mr. G. Quittschreiber, ACRE, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, AZ 85004.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on November 4, 1975 to the Office of the Executive Director of the Committee (telephone 202/634–1374, Attn: Mr. G. Quittschreiber) between 8:15 a.m. and 5:00 p.m., EST.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information, other than plant security information, may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. G. Quittschreiber of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after November 12, 1975 at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555, and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, AZ 85004. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 after February 5, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: October 16, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75–28414 Filed 10–20–75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REGULATORY GUIDES

Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards Subcommittee on Regulatory Guides will hold a meeting on November 5, 1975 in Room 1062, 1717 H Street NW., Washington, D.C. This meeting will have both open and closed sessions.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Wednesday, November 5, 1975, 9:00 a.m. until about 11:30 a.m. The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to the following items:

1. Regulatory Guide 1.89, Rev. 1, "Qualification of Class IE Equipment for Nuclear Power Plants," Draft 2, dated July 1, 1971.

2. Regulatory Guide 1.94, Rev. 1, "Quality Assurance Requirements for Installation, Inspection and Testing of Structural Concrete and Structural Steel During the Construction Phase of Nuclear Power Plants."

3. Regulatory Guide 1.96, Rev. 1, "Design of Main Steam Isolation Valve Leakage Control Systems for Boiling Water Nuclear Power Plants."

In connection with the above agenda items, the Subcommittee may hold one or more Executive Sessions, not open to the public, at approximately 8:30 a.m. and 11:30 a.m. on November 5 to consider matters related to the above reviews. These sessions will involve an exchange of opinions and discussions of preliminary views and recommendations of Subcommittee members and internal deliberations for the purpose of formulating recommendations to the ACRS.

After the above portion of the meeting is concluded, the Subcommittee will meet in closed sessions with the NRC Staff and any consultants at about 11:30 a.m. until the close of business to discuss the following working papers:

1. "Criteria for Safety-Related Electric Power Systems for Nuclear Power Plants," Revision 1 to Regulatory Guide 1.

2. "Preoperational Startup Test Programs for Water Cooled Reactor Power Plants," Revision 1 to Regulatory Guide 1.68.

3. "Design Limits, Loading Combinations, and Supplementary Criteria for Class I Linear Type Component Supports," Regulatory Guide 1.XX.

4. "Criteria for Plugging Degraded Pressurized Water Reactor Steam Generator Tubes," Regulatory Guide 1.XX.

5. "Protection of Nuclear Power Plants Against Industrial Sabotage," Revision 1 to Regulatory Guide 1.17.

6. "Quality Group Classifications and Standards for Water-, Steam-, and Radioactive-Waste-Containing Components of Nuclear Power Plants," Revision 1 to Regulatory Guide 1.26.

7. "Seismic Design Classification," Revision 2 to Regulatory Guide 1.29.

This portion of the meeting may include Executive Sessions both before and after the closed sessions with the NRC Staff.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process and that other closed sessions will be held to discuss and exchange views on working papers (5 U.S.C. 552(b)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding Regulatory Guides 1.89, 1.94, and 1.96 may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Such comments shall be based upon documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H St., NW., Washington, D.C. 20555.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than October 29, 1975 to Mr. G. Quittschreiber, ACRS, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on November 4, 1975 to the Office of the Executive Director of the Committee (telephone 202/634–1374, Attn: Mr. G. Quittschreiber) between 8:15 a.m. and 5:00 p.m., EST.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) A copy of the transcript of the open portion of the meeting will be available for inspection on or after November 12, 1975 at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 after February 5, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: October 16, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75–28413 Filed 10–20–75;8:45 am]

[Docket Nos. STN 50–528, 50–529, 50–530]

ARIZONA PUBLIC SERVICE CO., ET AL. (PALO VERDE NUCLEAR GENERATING STATION, UNITS 1, 2 AND 3)

Order for the Third Prehearing Conference

Notice is hereby given confirming the telephone conference call on October 2, 1975, that a Third Prehearing Conference will be held in the above-captioned proceeding on Thursday, October 23, 1975, at 10:30 a.m., Courtroom No. 4, 7th Floor Federal Building, 230 North First Avenue, Phoenix, Arizona.

At the time the above-mentioned telephone conference was initiated, the purpose of the then proposed prehearing conference was to make final preparation for a hearing on site suitability and environmental matters.

During the telephone conference, it was disclosed by counsel for Applicant that the 15.4 percent interest in the PVNGS of Tucson Gas and Electric Company (T.G. & E.) has been sold to Southern California Edison Company (SCE), and that, while the existing transmission facilities are adequate to carry SCE's share of power from Unit 1 of PVNGS, a new transmission line will be required to supply SCE with its share of power from Units 2 and 3 of PVNGS. Currently, the new transmission line (identified as Project 4 by Applicant) is planned to connect with existing facilities of APS approximately 100 miles from the PVNGS. More details are supplied in a filing of Applicant dated October 10, 1975.

Counsel for Applicant stated that Applicant is quite desirous of obtaining a Construction Permit by May 1, 1976, and hope that hearings can be scheduled so as to enable the Board to render its opinions with this date in mind.

In view of the above, at the Third Prehearing Conference there will be considered the effect of change of ownership and the addition of Project 4 on the times for hearings. If possible, plans will be made for a complete hearing on site suitability and environmental matters. If this is not possible, the holding of a bifurcated hearing on these matters will be considered and decided.

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The gist of the telephone conference on the subject of discovery was that discovery will be substantially complete by the time of the Third Prehearing Conference. Intervenor Cardamone promised to have his answers in the mail during the weekend of October 4 and 5.

Such other matters as will expedite the proceeding will be dealt with at the Third Prehearing Conference.

Issued at Bethesda, Maryland, this 15th day of October 1975.

By order of the Atomic Safety and Licensing Board.

HUGH K. CLARK,
Chairman.

[FR Doc.75-28195 Filed 10-20-75;8:45 am]

[Docket Nos. 50-269, 50-270 and 50-287]

DUKE POWER CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering the issuance of amendments to Facility Operating Licenses No. DPR-38, DPR-47 and DPR-55 issued to Duke Power Company (the licensee) for operation of the Oconee Nuclear Station, Units 1, 2 and 3 (the facility), located in Oconee County, South Carolina.

The amendments would revise the provisions in the Technical Specifications relating to the capacity for storage of new or spent fuel in Oconee Unit No. 3 spent fuel pool. The proposed modifications would increase the storage capacity from 216 to 474 fuel assemblies by replacing the existing storage racks with those of a design capable of accommodating an increased number of assemblies, in accordance with the licensee's application for amendment dated September 12, 1975.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By November 20, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Mr. Troy B. Conner, Conner, Hadlock & Knotts, 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendments dated September 12, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina. The license amendments and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 15th day of October 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #No. 1, Division of Reactor Licensing.

[FR Doc.75-28196 Filed 10-20-75;8:49 am]

[Docket Nos. 50-514, 50-515]

PORTLAND GENERAL ELECTRIC CO. (PEBBLE SPRINGS NUCLEAR PLANT, UNITS 1 AND 2)

Schedule for Evidentiary Hearing

The evidentiary hearing for the above proceeding will resume at 10:00 a.m., local time, on Monday, December 1, 1975, at the following location:

U.S. Court of Appeals Courtroom, The Pioneer Courthouse, 555 S.W. Yamhill, Portland, Oregon 97204.

Members of the public are invited to attend this hearing.

IT IS SO ORDERED.

Dated at Bethesda, Maryland this 14th day of October 1975.

For the Atomic Safety and Licensing Board.

JAMES R. YORE,
Chairman.

[FR Doc.75-28197 Filed 10-20-75;8:45 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR-36 issued to Maine Yankee Atomic Power Company which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

The amendment discontinues the Bally Cove Intensive Study on resident benthic fauna, includes the mixing zone criteria in accordance with the Atomic Safety and Licensing Appeal Board's decision, and deletes several of the sampling stations.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commissions' rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the applications for amendment dated September 18, 1974, and June 2, 1975, and (2) Amendment No. 15 to License No. DPR-36 with Change No. 23. Both of these items are available for public inspection at the Commissions' Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 14th day of October 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch 4, Division of Reactor Licensing.

[FR Doc.75-28198 Filed 10-20-75;8:45 am]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Facility Operating License No. DPR-3 issued to Yankee Atomic Electric Company which revised Technical Specifications for operation of the Yankee Nuclear Power Station located in Rowe, Massachusetts. The amendment is effective as of its date of issuance.

This amendment revises the provisions in the Technical Specifications to allow plugging of two flux detector thimbles.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice or this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated September 22, 1975, (2) Amendment No. 17 to License No. DPR-3 with Change No. 122, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Greenfield Public Library, 402 Main Street, Greenfield, Massachusetts 01581.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 14th day of October, 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-28199 Filed 10-20-75;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations, and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.70, Revision 2, "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants—LWR Edition," identifies the principal information that should be provided by applicants in safety analysis reports for light-water-cooled reactors and provides a uniform format for presenting the information. This edition, which will replace the October 1972 issue (Revision 1), reflects changes in the NRC staff's information needs and review procedures. Revision 2 of the Standard Format was developed in parallel with and is keyed to the Standard Review Plans prepared by the NRC's Office of Nuclear Reactor Regulation. Use of Revision 2 of the Standard Format and the Standard Review Plans will contribute to a more uniform, effective, and efficient licensing process. Revision 2 incorporates, among other things, changes previously announced in Regulatory Guides 1.70.1 through 1.70.38. Accordingly, these guides will be withdrawn.

Comments and suggestions in connection with improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.70 will, however, be particularly useful in updating Revision 2 of the Standard Format if received by December 19, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Because of the size of Regulatory Guide 1.70 (Revision 2), copies will not be available from the U.S. Nuclear Regulatory Commission. Copies may be purchased at current rates from the National Technical Information Service, Springfield, Virginia 22161. (Document No. NUREG-75/094, paper copy: $10.00; microfiche: $2.25) Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 14th day of October 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.75-28200 Filed 10-20-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30—Revision 15; Amendment 4]

ASSISTANT BRANCH MANAGER

Delegation of Authority

Delegation of Authority No. 30, Revision 15 (40 FR 11165, as corrected 14134), as amended (40 FR 20691, 26317, and 40217 as corrected 41862), is hereby further amended to delegate certain authorities to the Biloxi, Mississippi Branch Office. This amendment also includes an inadvertent omission of "Branch Counsel" from Part VIII, Section B, paragraph 3 of Amendment 3.

As amended, Delegation of Authority No. 30, Revision 15, reads as follows:

* * * * *

PART I.—*Financing program*

SECTION A—LOAN APPROVAL AUTHORITY

	Approve	Decline
1. *Business and handicapped assistance loans (Small Business Act (SBAct)).* * * *		
h. Assistant branch manager for F. & I., Biloxi branch office only	$200,000	$300,000
2. *Economic opportunity loans (EOL) (SBAct).* * * *		
h. Assistant branch manager for F. & I., Biloxi branch office only	50,000	50,000
3. *Product disaster and economic injury disaster loans (SBAct).* * * * up to the following amounts (SBA share):		
a. *Direct and immediate participation loans:* * * *		
(8) Assistant branch manager for F. & I., Biloxi branch office only	300,000	
b. *(Guaranty loans:* * * *		
(8) Assistant branch manager for F. & I., Biloxi branch office only	500,000	
4. *Sections 7(b)(3), 7(b)(5), 7(b)(6), 7(b)(7), 7(b)(8), and 7(g) Loans (SBAct).* * * *		
a. *Direct and immediate participation loans:* * * *		
(8) Assistant branch manager for F. & I., Biloxi branch office only	300,000	
b. *Guaranty loans:* * * *		
(8) Assistant branch manager for F. & I., Biloxi branch office only	500,000	

SECTION B—OTHER FINANCING AUTHORITY FOR ALL TYPES OF LOANS CONTAINED IN SECTION A ABOVE

1. *Loan participation agreements.* * * *
g. Assistant branch manager for F. & I., Biloxi branch office only

2. *Loan authorizations*
a. * * *
(8) Assistant branch manager for F. & I., Biloxi branch office only
b. * * *
(8) Assistant branch manager for F. & I., Biloxi branch office only

3. *Disbursement period extension.* * * *
a. Without limitation: * * *
(6a) Assistant branch manager for F. & I., Biloxi branch office only

* * * * *

4. *Service Charges.* * * *
(8) Assistant branch manager for F. & I., Biloxi branch office only

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PART II.—*Disaster program*

SECTION A—DISASTER LOAN AUTHORITY

	Home loans	Business loans
1. Direct and immediate participation 7(b)(1) physical disaster loans (SBAct).		
a. • • •		
(1) Home loans: • • •		
(i) Assistant branch manager for F. & I., Biloxi branch office only		
(2) Business loans: • • •		
(i) Assistant branch manager for F. & I., Biloxi branch office only	$500,000	
2. Guaranteed Physical Disaster Loans 7(b)(1) (SBAct). • • •		
(i) Assistant branch manager for F. & I., Biloxi branch office only	100,000	$500,000
3. Direct and immediate participation economic injury disaster loans (SBAct). • • •		
(i) Assistant branch manager for F. & I., Biloxi branch office only		300,000
4. Guaranteed economic injury disaster loans (SBAct). • • •		
(i) Assistant branch manager for F. & I., Biloxi branch office only		500,000
5. Processing representative. • • •		
(f) Assistant branch manager for F. & I., Biloxi branch office only		
7. Disaster loan authorizations.		
a. • • •		
(7) Assistant branch manager for F. & I., Biloxi branch office only		
(8) Disaster branch manager		
b. • • •		
(8) Assistant branch manager for F. & I., Biloxi branch office only		
(9) Disaster branch manager		
8. Disbursement period extension on disaster loans. • • •		
a. • • •		
(7a) Assistant branch manager for F. & I., Biloxi branch office only		

PART IV.—*Portfolio management (PM) program*

SECTION A—PORTFOLIO MANAGEMENT, SERVICING, COLLECTION, AND LIQUIDATION AUTHORITY

1. • • •
EXCEPT:
a. • • •
b. • • •
c. • • •
d. • • •
(6) Assistant branch manager for F. & I., Biloxi branch office only.
(7) Chief, PM division, Biloxi branch office only.

PART VIII.—*Legal services*

SECTION B—LOAN CLOSING AUTHORITY

1. •••
2. •••
3. •••
h. Branch counsel.
i. Attorney, branch office.

Effective date: October 21, 1975.

DANIEL T. KINGSLEY,
Associate Administrator for Operations.

[FR Doc.75-28193 Filed 10-20-75;8:45 am]

HELENA DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Helena District Advisory Council will hold a public meeting at 1 p.m., Wednesday, November 5, 1975, at the Montana Club, Fuller Street and Sixth Avenue, Helena, Montana, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call Ottley R. Tschache, P.O. Box 1690, Helena, Montana 59601, (406) 585-5429.

Dated: October 10, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75-28187 Filed 10-20-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-225]

INTERNATIONAL RESISTANCE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 10, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers on behalf of the workers and former workers of International Resistance Company, Burlington, Iowa, a division of TRW, Incorporated, Cleveland, Ohio (TA-W-225). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with metal film and carbon film resistors produced by International Resistance Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 10th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28319 Filed 10-20-75;8:45 am]

[TA-W-115]

MIDWEST HANDBAG CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-115; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 14, 1975 in response to a worker petition received on that date which was filed by management and the Textile Workers Union of America on behalf of workers formerly producing ladies' handbags.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 37276) on August 26, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Midwest Handbag Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. A significant number or proportion of the workers at the Midwest Handbag Company became totally or partially separated in the first half of 1975. Employment declined 73 percent in the first half of 1975 compared to the like period in 1974. The plant closed in June, 1975. Average weekly hours worked declined 16 percent in the first half of 1975 compared to the like period in 1974.

Sales or production, or both, have decreased absolutely. Sales, in units, at the Midwest Handbag Company declined 83 percent in the first half of 1975 compared to the like period in 1974.

Increased imports contributed importantly. Imports of articles like or directly competitive with plastic handbags produced at the Midwest Handbag Company increased, in value, from $29.6 million in 1971 to $43.0 million in 1974. Imports, in quantity, of plastic handbags increased 37.1 million units in 1971 to 40.0 million units in 1973. In 1973 Midwest's only customer began switching to imported ladies' plastic handbags.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in the production of ladies' handbags at Midwest was caused by the loss of sales to competitive imports. In 1973, Midwest's sole customer began switching completely to imports. In subsequent years, Midwest was unable to manufacture the style of handbag desired by its customer at the import price. The company was unsuccessful in its attempts to find new customers; consequently, it ceased all production and closed the plant in June 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ladies' handbags contributed importantly to the total or partial separation of the workers of that plant. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with this provision of the Act I make the following certification:

All hourly, piecework, and salaried workers employed at the Midwest Handbag Company who became totally or partially separated from employment on or after October 3, 1974, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of October 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-28322 Filed 10-20-75;8:45 am]

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[TA-W-223]

OREGON STEEL MILLS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 10, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Oregon Steel Mills, Portland, Oregon, a division of Gilmor Steel Corporation, Portland, Oregon TA-W-223). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with flat rolled steel products produced by Oregon Steel Mills or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 10th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28320 Filed 10-20-75;8:45 am]

[TA-W-224]

TOWN AND COUNTRY SHOES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 10, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Teamsters Union on behalf of the workers and former workers of Sedalia, Missouri plant of Town and Country Shoes, Incorporated, St. Louis, Missouri (TA-W-224). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Town and Country Shoes, Incorporated, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 31, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 10th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28321 Filed 10-20-75;8:45 am]

[TA-W-109]

WARWICK ELECTRONICS, INC.

Determination Concerning Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-109; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 11, 1975 in response to a worker petition received on August 11, 1975 which was filed by the International Union of Electrical, Radio and Machine Workers on behalf of workers formerly producing color televisions and stereos at the Forrest City plant of Warwick Electronics, Inc.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 36635) on August 21, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Warwick Electronics, its customers, the Electronic Industry Association, the U.S. International Trade Commission, the Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers at the Electronics plant of Warwick Electronics declined 43 percent in the first half of 1975 compared to the first half of 1974. The average number of production workers at the Components plant of Warwick Electronics declined 20 percent in the first half of 1975 compared to the first half of 1974.

Sales or production, or both, have decreased absolutely. Unit production of portable color television receivers at the Forrest City plant declined 3 percent in 1974 compared to 1973. Sales value and unit production of portable color television receivers at the Forrest City plant declined 49 percent and 50 percent respectively in the first half of 1975 compared to the first half of 1974. Sales value and unit production of console color televisions at the Forrest City plant declined 8 percent and .2 percent respectively in 1974 compared to 1973. Sales value and unit production of console color televisions at the Forrest City plant declined 66 percent and 67 percent respectively in the first six months of 1975 compared to the first six months of 1974. Both sales value and unit production of console stereo phonographs at the Forrest City plant declined 42 percent in 1974 compared to 1973. Sales value and unit production of console stereo phonographs at the Forrest City plant declined 82 percent and 81 percent respectively in the first six months of 1975 compared to the first six months of 1974.

Increased imports contributed importantly. Imports of color television receivers like or directly competitive with those produced at the Forrest City Electronics plant increased from 917 million units in 1970 to 1,459 million units in 1973, then declined to 1,303 million units in 1974. The ratio of imports to domestic consumption and production increased from 16.3 percent and 18.9 percent, respectively in 1973 to 18.4 percent and 21.7 percent, respectively in 1974. Imports of console color televisions are believed to be negligible. Imports of console phonographs like or directly competitive with those produced at the Forrest City Electronics plant decreased from 119,000 units in 1973 to 93,000 units in 1974. The ratio of imports to domestic production decreased from 10.5 percent in 1973 to 9.8 percent in 1974.

The Forrest City, Arkansas facilities of Warwick Electronics, Inc. consists of the Electronics plant and the Components plant. The evidence developed in the Department's investigation indicates that the separation of workers engaged in the production of portable color television receivers at the Forrest City Electronics plant was caused by the increased purchases of competitive imports by the major customer of Warwick's products. However, production lines at the Electronics plant were interchangeable for the production of portable television receivers, console television receivers and console stereos. The evidence further indicates that the separation of workers at the Components plant engaged in production of cabinets for console color televisions and console stereo phonographs resulted from a decline in sales caused by a shift in consumer demand for these products.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with portable color television receivers produced at the Forrest City Electronics plant contributed importantly to the total or partial separation of all of the workers of that plant. I further conclude that increases of imports like or directly competitive with the cabinets produced at the Forrest City Components plant did not contribute importantly to the total or partial separation of workers at that plant.

Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months prior to April 3, 1975, the effective date of the new vision of the Act, I make the following certification:

All hourly and salaried workers employed at the Forrest City, Arkansas Electronics plant of Warwick Electronics, Inc., who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of October 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-28323 Filed 10-20-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 890]

ASSIGNMENT OF HEARINGS

OCTOBER 16, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 115841 Sub 489, Colonial Refrigerated Transportation, Inc., now being assigned December 9, 1975 (1 day), at Louisville, Kentucky, in a hearing room to be designated later.

MC 136669 Sub 4, Processed Beef Express, Inc., now being asignsed December 10, 1975 (1 day), at Louisville, Kentucky, in a hearing room to be designated later.

MC 130262, Crimson Travel Service, Inc. d/b/a Crimson Travel Service, now assigned October 20, 1975, at Boston, Massachusetts, is postponed indefinitely.

MC 33448 Sub 3, The Redifer Bus Company, now assigned November 12, 1975, at Cleveland, Ohio; will be held in Room 455 Federal Building, 1240 East 9th Street.

MC 52861 Sub 39, Wills Trucking, Inc., now assigned November 19, 1975, at Columbus, Ohio; will be held in Room 235 Federal Office Building, 85 Marconi Boulevard.

MC 106644 Sub 198, Superior Trucking Company, Inc. and MC 135813 Sub 5, Parr Trucking Service, Inc., now being assigned December 11, 1975 (2 days), at Louisville, Kentucky, in a hearing room to be designated later.

MC 126805 Sub 69, Boyd Brothers Transportation Co., Inc., now being assigned December 16, 1975 (1 day), at Louisville, Kentucky, in a hearing room to be designated later.

MC 116014 Sub 73, Oliver Trucking Company, Inc., now being assigned December 17, 1975 (3 days), at Louisville, Kentucky, in a hearing room to be designated later.

MC 128273 Sub 186, Midwestern Distribution, Inc., now being assigned December 15, 1975 (1 day), at Louisville, Kentucky, in a hearing room to be designated later.

MC 111422 Sub 7, O. D. Anderson, Inc., now being assigned December 10, 1975 (3 days), at Youngstown, Ohio; in a hearing room to be designated later.

MC 8958 Sub 29, The Youngstown Cartage Co., now being assigned December 15, 1975 (1 day), at Columbus, Ohio; in a hearing room to be designated later.

MC 116763 Sub. 306, Carl Subler Trucking, Inc., now being assigned December 16, 1975 (2 days), at Columbus, Ohio; in a hearing room to be designated later.

MC 114273 Sub 229, CRST, Inc., now assigned November 4, 1975, at Denver, Colorado, is cancelled and application dismissed.

MC 119632 Sub 61, Reed Lines, Inc., now being assigned December 18, 1975 (2 days) at Columbus, Ohio; in a hearing room to be designated later.

AB-43 Sub 4, Illinois Central Gulf Railroad Company Abandonment Between Silver Creek, Lawrence County, and Mendenhall, Simpson County, Mississippi, now assigned October 16, 1975 at Mendenhall, Mississippi, is canceled.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-28326 Filed 10-20-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 16, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before November 5, 1975.

FSA No. 43063—*Joint Rail-Water Container Rates—American Export Lines, Inc.* Filed by American Export Lines, Inc., (No. 2), for itself and interested rail carriers. Rates on general commodities, from ports and terminals in the Mediterranean Sea of Mamara, Atlantic coast of Spain, Portugal and Morocco and the Bay of Biscay, to railroad terminals at U.S. Pacific coast ports.

Grounds for relief—Water competition.

Tariff—American Export Lines, Inc., Westbound Mediterranean Pacific Coast joint container tariff I.C.C. No. 2, F.M.C. No. 169. Rates are published to become effective on November 14, 1975.

By the Commission

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-28325 Filed 10-20-75;8:45 am]

[AB 46 (Sub-No. 7); AB 7 (Sub-No. 12)]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO. AND CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Abandonment Between Certain Lines in Iowa

AB 46 (Sub-No. 7); Chicago, Rock Island and Pacific Railroad Company abandonment between West Union and Linn Junction, Iowa in Fayette, Buchanon, and Linn Counties, Iowa; AB 7 (Sub-No. 12); Chicago, Milwaukee, St. Paul and Pacific Railroad Company

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abandonment between Hopkinton and Jackson Junction in Delaware, Clayton, Fayette and Winneshiek Counties, Iowa.

Upon consideration of the record in the above-entitled proceedings, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in these proceedings because these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicants be, and they are hereby, directed to publish the appended notice in a newspaper of general circulation in Fayette, Buchanan, Linn, Delaware, Clayton and Winneshiek Counties, Iowa, on or before October 31, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 6th day of October 1975.

By the Commission, Commissioner Brown.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–343–7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before November 17, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[AB 46 (Sub-No. 7)]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN WEST UNION AND LINN JUNCTION, IOWA IN FAYETTE, BUCHANAN, AND LINN COUNTIES, IOWA

[AB 7 (Sub-No. 12)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN HOPKINTON AND JACKSON JUNCTION IN DELAWARE, CLAYTON, FAYETTE AND WINNESHIEK COUNTIES, IOWA

The Interstate Commerce Commission hereby gives notice that by order dated October 6, 1975, it has been determined that the proposed abandonments by the Chicago, Rock Island and Pacific Railroad Company of its Branch line extending 70.58 miles between West Union and Linn Junction in Fayette, Buchanan, and Linn Counties, Iowa and the Chicago Milwaukee, St. Paul and Pacific Railroad Company of a portion of its branch extending 79.07 miles between Hopkinton and Jackson Junction in Delaware, Clayton, Fayette, and Winneshiek Counties, Iowa, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332 (2)(C) of the NEPA.

It was concluded, among other things, that traffic volume on both lines is low, consequently the environmental effects attendant to the diversion of traffic from rail to motor carrier upon abandonment should be minimal. No economic or industrial projects exist which are dependent on continued operation of the subject lines. A variety of transportation alternatives are available in the region including barge, motor carrier, and rail.

[FR Doc.75-28329 Filed 10-20-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

OCTOBER 16, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 31, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 13250 (Sub-No. E1), (Correction), filed May 14, 1974, published in the FEDERAL REGISTER August 25, 1975. Applicant: J. H. ROSE TRUCKING LINES, INC., P.O. Box 16190. Houston, Tex. 77022. Applicant's representative: James M. Doherty, 500 West Sixteenth St., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials*, and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, and (B) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with (a) the transportation, installation removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, over irregular routes; (18) between points in Nevada, on the one hand, and, on the other, points in Oklahoma, Pennsylvania, Tennessee, and Texas (Utah and Texas; Utah, Texas, and Oklahoma; Arizona, Utah, and Texas; or Arizona and Utah)*; (31) between points in Georgia, on the one hand, and, on the other, points in Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming (Texas; Texas and Utah; or Texas and Arizona)*; (E) *Commodities*, the transportation of which, because of their size or weight, requires the use of special equipment, and related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, and (F) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith; (19) between points in Washington, on the one hand, and, on the other, points in Wyoming (Idaho)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to include (31) in parts A & B above; and to clarify the destination territory and gateway in (19) in parts E & F above; and to correct the destination in (18) in parts A & B.

No. MC 15558 (Sub-No. E5), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231–41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products;* (1) from points in Maryland and Delaware to points in Illinois, Indiana, and Michigan; (2) from those points in Pennsylvania on, north, and east of a line beginning at the Pennsylvania-Ohio State line and extending along Pennsylvania Highway 68 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-New York State line, to those points in the Lower Peninsula of Michigan, those in Illinois on and north of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 119 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line, and those in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 32, thence along Indiana Highway 32 to the Indiana-Illinois State line; (3) from points in Pennsylvania to those points in the Upper Peninsula of Michigan, those in Illinois on and south of a line beginning at the Illinois-Iowa State line and extending along Illinois Highway 119 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line, and those in Indiana on and south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 32 to the Indiana-Illinois State line.

(4) From those points in Virginia on, north, and east of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 311 to junction Virginia Highway 419, thence along Virginia Highway 419 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line, to points in Michigan and those in Illinois on and north of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 119 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line; and those points in Virginia on, north, and east of a line beginning at West Virginia State line and extending along U.S. Highway 250 to Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 32, thence along Virginia Highway 32 to the North Carolina-Virginia State line to points in Indiana and those in Illinois on and north of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 119 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of Wellsburg, W. Va.

No. MC 15558 (Sub-No. E7), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231–41 Warwood Ave. Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products;* (1) from those points in Ohio on and south of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 22 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction Ohio Highway 37, thence along Ohio Highway 37 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Ohio-Indiana State line, to points in New York; (2) from those points in Ohio on, south, and west of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 30 to junction U.S. Highway 20, thence along U.S. Highwy 20 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 7, thence along New York Highway 7 to the New York-Vermont State line; and (3) from those points in Ohio on, north, and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 30 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Ohio Highway 13 to Lake Erie, to New York, N.Y. The purpose of this filing is to eliminate the gateway of Wellsburg, W. Va.

No. MC 15558 (Sub-No. E14), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231–41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 E. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Delaware, Maryland, and the District of Columbia, on the one hand, and, on the other, those points in the Lower Peninsula of Michigan and those in Ohio on, north, and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 30 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Ohio Highway 13, thence along Ohio Highway 13 to Lake Erie, and between points in New Jersey, Delaware, Maryland, Massachusetts, and the District of Columbia, on the one hand, and, on the other, those points in Ohio on, south, and west of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 30 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Ohio Highway 13, thence along Ohio Highway 13 to Lake Erie, and those in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Brideport, Ohio.

No. MC 15558 (Sub-No. E20), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231–41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods;* (1) between points in Pennsylvania, on the one hand, and, on the other, those points in the Upper Peninsula of Michigan, those in Illinois on, north, and east of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Illinois-Iowa State line, those in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Illinois State line, those in Kentucky on, north, and west of a line beginning at the Kentucky-Virginia State line and extending along U.S. Highway 421 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Kentucky Highway 92, thence along Kentucky Highway 92 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line, and those in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 27 to junction Tennessee Highway 60, thence along Tennessee Highway 60 to the Tennessee-Georgia State line.

(2) Between those points in Pennsylvania, on, south, and east of a line beginning at the Pennsylvania-Ohio State line and extending along Pennsylvania Highway 68 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Wisconsin, those in the Lower Peninsula of Michigan, those in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Illinois State line, those in Illinois on, north, and east of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Illinois-Iowa State line, those in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Illinois State line, those in Kentucky on, north, and west of a line beginning at the Kentucky-Virginia State line and extending along U.S. Highway 421 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Kentucky Highway 92, thence along Kentucky Highway 92 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line, and those in Tennessee on and west of a line beginning at the

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Tennessee-Kentucky State line and extending along U.S. Highway 27 to junction Tennessee Highway 60, thence along Tennessee Highway 60 to the Tennessee-Georgia State line.

(2) Between those points in Pennsylvania on, south, and east of a line beginning at the Pennsylvania-Ohio State line and extending along Pennsylvania Highway 68 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Wisconsin, those in the Lower Peninsula of Michigan, those in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Illinois State line and those in Illinois on, north, and east of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Illinois-Iowa State line; and (3) between those points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Kentucky on, south, and east of a line beginning at the Kentucky-Virginia State line, and extending along U.S. Highway 421 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Kentucky Highway 92, thence along Kentucky Highway 92 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line, and those in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 27 to junction Tennessee Highway 60, thence along Tennessee Highway 60 to the Tennessee-Georgia State line. The purpose of this filing is to eliminate the gateway of Bridgeport, Ohio.

No. MC 15558 (Sub-No. E22), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231-41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between those points in Ohio on, south, and west of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 30 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Ohio Highway 13, thence along Ohio Highway 13 to Lake Erie, on the one hand, and, on the other, those points in Pennsylvania on, south, and east of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Bridgeport, Ohio.

No. MC 15558 (Sub-No. E24), filed May 16, 1974. Applicant: WARWOOD TRANSFER CO., 2231-41 Warwood Ave., Wheeling, W. Va. 26003. Applicant's representative: A. Charles Tell, 100 E. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Columbus, Ohio, on the one hand, and, on the other, those points in West Virginia, on, north, and east of a line beginning at the West Virginia-Ohio State line and extending along West Virginia Highway 7 to junction U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Bridgeport, Ohio.

No. MC 27817 (Sub E9), filed May 12, 1974. Applicant: H. C. GABLER, INC., P.O. Box 220, Chambersburg, Pa. 17201. Applicant's representative: Harold C. Gabler (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned goods, (1) from points in Delaware, and that part of Maryland on and east of U.S. Highway 15, to points to Kentucky (Baltimore, Md., Winchester, Va., the plantsite of Musselman Fruit Products, Division of Pet, Ind., at Inwood, W. Va., and Morgan County, W. Va.) *; and to points in Ohio and West Virginia (Baltimore, Md., Winchester, Va., and the plantsite of Musselman Fruit Products, Division of Pet, Ind., at Inwood, W. Va.) *; (2) from points in that part of Virginia on and north of U.S. Highway 60 to points in Ohio (Baltimore, Md., Winchester, Va., and the plantsite of Musselman Fruit Products, Division of Pet, Inc., at Inwood, W. Va.) *; (3) from points in Virginia (except points in the Del Marina Peninsula) to points in West Virginia (Baltimore, Md., Winchester, Va., and the plantsite of Musselman Fruit Products, Division of Pet, Inc., at Inwood, W. Va.) *; (4) from points in that part of Pennsylvania on, east, and south of a line beginning at the Maryland-Pennsylvania State line, thence along the Susquehanna River to Harrisburg, thence along U.S. Highway 322 to the Pennsylvania-New Jersey State line, to points in Ohio (except Ashtabula, Lake, Warren, and Geauga Counties, Ohio), (Baltimore, Md., Winchester, Va., and the plantsite of Musselman Fruit Products, Division of Pet, Ind. at Inwood, W. Va.) *; (5) from points in that part of Pennsylvania on, east, and south of a line beginning at the Maryland-Pennsylvania State line, thence along the Susquehanna River to Harrisburg, thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line, to points in West Virginia (Baltimore, Md., Winchester, Va., and the plantsite of Musselman Fruit Products, Division of Pet, Inc., at Inwood, W. Va.) *; and to points in Kentucky (Baltimore, Md., Winchester, Va., and the plantsite of Musselman Fruit Products, Division of Pet, Inc., at Inwood, W. Va., and Morgan County, Va.) *. The purpose of this filing is to eliminate the gateways marked with asterisks.

No. MC 29079 (Sub-No. E40), (Correction), filed January 23, 1975, published in the FEDERAL REGISTER September 11, 1975. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 S. Union, P.O. Box 935, Kokomo, Ind. 46901. Applicant's representative: Edward K. Wheeler, Southern Bldg., 15th & H, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities;* (13) between points in Lenawee, Monroe, and Washentaw Counties, Mich., on the one hand, and, on the other, points in Illinois in and south of Hancock, McDonough, Fulton, Peoria, Woodford, McLean, DeWitt, Piatt, Champaign, and Vermilion Counties, and St. Louis, Mo. The purpose of this filing is to eliminate the gateway of Tipton County, Ind. The purpose of this partial correction is to correct the territorial descriptions. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E43), (Correction), filed May 31, 1974, published in the FEDERAL REGISTER August 25, 1975. Applicant: DALLAS & MAVIS FORWARDING, CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks*, and *self-propelled building, construction, and moving machinery*, which because of weight and size require special equipment and handling, and *self-propelled steam shovels, cranes, crawler-type shovels and cranes, straddle trucks, fork trucks*, and *self-propelled building, construction, and moving machinery*, each weighing 15,000 pounds or more; (1) from points in New York, . . . The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the commodity description. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E47), (correction), filed May 31, 1974, published in the FEDERAL REGISTER August 25, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction* and *earth moving machines and equipment* (except trailers designed to be drawn by a truck tractor), the transportation of which because of size or weight require the use of special equipment, and *self-propelled road construction*, and *earth moving machines and equipment*, each weighing 15,000 pounds or more; (1) from points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, and New York to points in Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Oregon, Washington, and California. The purpose of this filing is to eliminate the gateways of those points in that portion of New York on and west of a line beginning at Rochester, N.Y., and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, and South Bend, Ind. The purpose of this partial correction is to correct the destination territory. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E62), (correction), filed May 16, 1974, published September 16, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractor's equipment*, the transportation of which because of size or weight require the use of special equipment; (6) between points in Wisconsin, on the one hand, and, on the other, those points in Michigan on and south of a line beginning at Lake Michigan and extending along Interstate Highway 96 to junction Michigan Highway 21, thence along Michigan Highway 21 to Lake Huron; and *contractors' equipment*, between points in Wisconsin, on the one hand, and, on the other, points in Ohio (those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line) *, and between points in New Jersey, on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine (New York) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the territorial description above. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E93) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER June 24, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' equipment*, restricted to dump-truck bodies, from those points in Ohio on, north, and west of a line beginning at the Ohio-Indiana State line, . . . those in Nebraska on and west of U.S. Highway 281, those in South Dakota on and west of U.S. Highway 281, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Marion, Ohio, and points within five miles thereof. The purpose of this partial correction is to clarify the destination areas and the gateway. The remainder of this letter-notice remains as previously published.

No. MC 37218 (Sub E6), filed May 31, 1974. Applicant: VIRGINIA CAROLINA FREIGHT LINES, INC., P.O. Box 4988, Martinsville, Va. 24112. Applicant's representative: T. C. Clark (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, except Classes A and B Explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in West Virginia within 150 miles of Wythe County, Virginia, on the one hand, and, on the other, points in the District of Columbia, North Carolina, Virginia, points in Maryland within 55 miles of Gaithersburg, Maryland, and points in that part of Pennsylvania bounded by a line beginning at Philadelphia, Pennsylvania, and extending along U.S. Highway 611 to Easton, Pennsylvania, thence along a line extending from Easton through Albany, Pennsylvania, to Pine Grove, Pennsylvania, thence along a line extending from Pine Grove through Linglestown, Pennsylvania, to Harrisburg, Pennsylvania, thence along U.S. Highway 230 to junction Pennsylvania Highway 72, thence along Pennsylvania Highway 72 to Lancaster, Pennsylvania and thence along U.S. Highway 30 to point of beginning, also points in that part of Pennsylvania south of U.S. Highway 1 between Philadelphia, Pennsylvania, and Morrisville, Pennsylvania, including points on the indicated portions of the highways specified. The purpose of this filing is to eliminate the gateways of points in Virginia within 150 miles of Wythe County, Virginia. Points in Virginia within 55 miles of Gaithersburg, Maryland and Baltimore, Maryland.

No MC 41406 (Sub-No. E1) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER September 2, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209; (a) between points in Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 30 to Sugar Grove, thence along Illinois Highway 56 to Chicago, thence along Interstate Highway 90 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Indiana, . . . ; (c) between points in Illinois on and north of Interstate Highway 80, on the one hand, and, on the other, points in Indiana on, north, and east of a line . . . ; (d) between points in Illinois on and south of a line beginning at the Iowa-Illinois State line extending along Illinois Highway 9 to Bloomington, thence along U.S. Highway 66 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line on the one hand, and, on the other, points in Indiana on and north of U.S. Highway 30; and (e) between points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway to Galesburg, thence to junction U.S. Highway 6, thence along U.S. Highway 6 to Joliet, thence along U.S. Highway 30 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Indiana . . . The purpose of this filing is to eliminate the gateway of Gary, Ind. The purpose of this partial correction is to clarify the territorial descriptions. The remainder of this letter-notice remains as previously published.

No. MC 41406 (Sub-No. E7), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER September 2, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209; (a) between points in Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 30 to Sugar Grove, thence along Illinois Highway 56 to Chicago, thence along Interstate Highway 90 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Indiana, . . . ; (c) between points in Illinois on and north of Interstate Highway 80, on the one hand, and, on the other, points in Indiana on, north, and east of a line . . . ; (d) between points in Illinois on and south of a line beginning at the Iowa-Illinois State line extending along Illinois Highway 9 to Bloomington, thence along U.S. Highway 66 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line on the one hand, and, on the other, points in Indiana on and north of U.S. Highway 30; and (e) between points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway to Galesburg, thence to junction U.S. Highway 6, thence along U.S. Highway 6 to Joliet, thence along U.S. Highway 30 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Indiana . . . The purpose of this filing is to eliminate the gateway of Gary, Ind. The purpose of this partial correction is to clarify the territorial descriptions. The remainder of this letter-notice remains as previously published.

No. MC 41406 (Sub-No. E7), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER September 2, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities in bulk), from Middletown, Ohio, to points in Wisconsin west and north of Vernon, Juneau, Adams, Marquette, Waushara, Waupaca, Shawano, Oconto, and Marinette Counties, including points within these counties. The purpose of this filing is to eliminate the gateway of the plant site of Jones & Laughlin Steel Corporation located in Putnam County, Ill. The purpose of this correction is to correct typographical errors above.

No. MC 41406 (Sub-No. E15), (correction), filed May 15, 1974, published in the FEDERAL REGISTER September 22, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* as are building and construction materials, from those points in . . . thence along U.S. Highway 218 to Cedar Rapids, Iowa, thence along U.S.

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Highway 151 to junction Iowa Highway 13, thence along Iowa Highway 13 to Marquette, Iowa, to the Iowa-Wisconsin State line. The purpose of this filing is to eliminate the gateway of the plant-site of Jones & Laughlin Steel Corporation located in Putnam County, Ill. The purpose of this partial correction is to correct a typographical error above. The remainder of this letter-notice remains as previously published.

No. MC 41406 (Sub-No. E16), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER September 22, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209; (c) from points in Illinois (except points in Jo Daviess, Stephenson, Winnebago, Lake, Kane, Boone, DeKalb, Ogle, Carroll, Whiteside, McHenry, Lee, Rock Island, Mercer, Henry, and Bureau Counties), to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Gary, Ind. The purpose of this partial correction is to delete the exception and to correct a typographical error. The remainder of this letter-notice remains as previously published.

No. MC 41406 (Sub-No. E17), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER September 2, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209; (a) from Kokomo, Ind., . . . The purpose of this filing is to eliminate the gateway of Gary, Ind. (Chicago, commercial zone, and Portage, Ind.). The purpose of this partial correction is to delete the exception. The remainder of this letter-notice remains as previously published.

No. MC 41406 (Sub-No. E23), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER September 2, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209; (b) from points in Morgan, Macon, Sangamon, Christian, Mason, Montgomery, Macoupin, and Madison Counties, Ill., and that part of St. Clair County, Ill., on and north of Illinois Highway 161 (including East St. Louis, Ill.), to points in Defiance, Fulton, Hancock, Henry, Lucas, Paulding, Putnam, Williams, and Wood Counties, Ohio. The purpose of this filing is to eliminate the gateway of Chicago, Ill., or a point in its commercial zone. The purpose of this partial correction is to correct the highway description above. The remainder of this letter-notice remains as previously published.

No. MC 60014 (Sub-No. E81), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER September 3, 1975. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities, the transportation of which, by reason of their size or weight, requires the use of special equipment, . . . thence along U.S. Highway 60 to the West Virginia-Virginia State line, on the one hand, and, on the other, those points in Michigan, and between points in West Virginia, on the one hand, and, on the other, those points in the Upper Peninsula of Michigan on and north of a line beginning at the United States-Canada International Boundary line and extending along Interstate Highway 75 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Michigan-Wisconsin State line. The purpose of this filing is to eliminate the gateways of Brooke, Hancock, Marshall, and Ohio Counties, W. Va., Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio, and points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and, on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 61825 (Sub-No. E201), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies*, used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Wisconsin on, north, and west of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 10 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Wisconsin Highway 72, thence along Wisconsin Highway 72 to junction Wisconsin Highway 25, thence along Wisconsin Highway 25 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 70, thence along Wisconsin Highway 70 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Michigan State line to points in Maryland on and south of a line beginning at the Virginia-Maryland State line near Washington, D.C., thence along the Washington, D.C., boundary line to U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Maryland Highway 300, thence along Maryland Highway 300 to the Maryland-Delaware State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E202), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment*, and *supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Wisconsin on, north, and west of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 10 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Wisconsin Highway 72, thence along Wisconsin Highway 72 to junction Wisconsin Highway 25, thence along Wisconsin Highway 25 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 70, thence along Wisconsin Highway 70 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Michigan State line to points in Virginia on, east, and south of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 221 to junction Virginia Highway 94 thence along Virginia Highway 94 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to the Rockingham-Shenandoah County line, thence along the Rockingham-Shenandoah County line to junction Virginia Highway 260, thence along Virginia Highway 260 to junction U.S. Highway 211, thence along U.S. Highway 211 to the Virginia-Maryland State line, and points located north and west of a line beginning at the North Carolina-Virginia State line, thence along the Carroll-Patrick County line to the Blue Ridge Parkway, thence along the Blue Ridge Parkway to junction Virginia Highway 8, thence along Virginia Highway 8 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Virginia Highway 20, thence along Virginia Highway 20 to junction Virginia Highway 3, thence along Virginia Highway 3 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-Maryland State line, thence along the Virginia-Maryland State line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E204), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment*, and *supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Wisconsin on, north, and west of a line beginning at the Minnesota-Wisconsin State line and extending along U. S. Highway 10 to junction U. S. Highway 63, thence along U. S. Highway 63 to junction Wisconsin Highway 72, thence along Wisconsin Highway 72 to junction Wisconsin Highway 25, thence along Wisconsin Highway 25 to junction Wisconsin Highway 64 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 70, thence along Wisconsin Highway 70 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Michigan State line to points in Virginia on, east, and south of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 221 to junction Virginia Highway 94 thence along Virginia Highway 94 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to the Rockingham-Shenandoah County line, thence along the Rockingham-Shenandoah County line to junction Virginia Highway 260, thence along Virginia Highway 260 to junction U.S. Highway 211, thence along U.S. Highway 211 to the Virginia-Maryland State line, and points located north and west of a line beginning at the North Carolina-Virginia State line, thence along the Carroll-Patrick County line to the Blue Ridge Parkway, thence along the Blue Ridge Parkway to junction Virginia Highway 8, thence along Virginia Highway 8 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Virginia Highway 20, thence along Virginia Highway 20 to junction Virginia Highway 3, thence along Virginia Highway 3 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-Maryland State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E205), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Michigan on, north, and west of a line beginning at Lake Michigan and extending along the Black River to U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 20, thence along Michigan Highway 20 to junction U.S. Highway 27, thence along U.S. Highway to junction Michigan Highway 61, thence along Michigan Highway 61 to junction U.S. Highway 23, thence along U.S. Highway 23 to Tawas City, Mich., thence across the Tawas Bay to Lake Huron to points in Virginia bounded by a line beginning at the North Carolina-Virginia State line and extending along the Patrick-Henry County line to Virginia Highway 57, thence along Virginia Highway 57 to junction Virginia Highway 623, thence along Virginia Highway 623 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Blue Ridge Parkway, thence along the Blue Ridge Parkway to junction Virginia Highway 664, thence along Virginia Highway 664 to junction Virginia Highway 151, thence along Virginia Highway 151 to junction Virginia Highway 6, thence along Virginia Highway 6 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Virginia Highway 238, thence along Virginia Highway 238 to junction U.S. Highway 17, thence along U.S. Highway 17 to the York River, thence along the York River and Chesapeake Bay to the Atlantic Ocean.

Thence along the Atlantic Shore to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to U.S. Highway 13, thence along U.S. Highway 13 to junction Virginia Highway 616, thence along Virginia Highway 616 to junction Virginia Highway 653, thence along Virginia Highway 653 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 35, thence along Virginia Highway 35 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Virginia Highway 703, thence along Virginia Highway 703 to junction Virginia Highway 627, thence along Virginia Highway 627 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 153, thence along Virginia Highway 153 to junction Virginia Highway 38, thence along Virginia Highway 38 to junction Virginia Highway 681, thence along Virginia Highway 681 to junction Virginia Highway 13, thence along Virginia Highway 13 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Virginia Highway 56, thence

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along Virginia Highway 56 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 43, thence along Virginia Highway 43 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 40, thence along Virginia Highway 40 to the Franklin-Pittsylvania County line, thence along the Franklin-Pittsylvania County line to the Henry-Pittsylvania County line, thence along the Henry-Pittsylvania County line to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to the point of beginning. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E207), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Michigan on, north and west of a line beginning at Lake Huron extending along U.S. Highway 23 to junction Michigan Highway 61, thence along Michigan Highway 61 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 20, thence along Michigan Highway 20 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Michigan Highway 46, thence along Michigan Highway 46 to Lake Michigan, to points in North Carolina on and east of a line beginning at the South Carolina-North Carolina State line extending along North Carolina Highway 109 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 311, thence along U.S. Highway 311 to junction North Carolina Highway 68, thence along North Carolina Highway 68 to junction U.S. Highway 220, thence along U.S. Highway 220 to the North Carolina-Virginia State line, and west of a line beginning at the South Carolina-North Carolina State line extending along North Carolina Highway 38 to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction North Carolina Highway 22, thence along North Carolina Highway 22 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to junction U.S. Highway 29, thence along U.S. Highway 29 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E208), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., PO Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Michigan to points in North Carolina on and east of a line beginning at the South Carolina-North Carolina State line extending along North Carolina Highway 38 to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction North Carolina Highway 22, thence along North Carolina Highway 22 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to junction U.S. Highway 29, thence along U.S. Highway 29 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub. No. E209), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., PO Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Michigan on and north of a line beginning at Lake Huron extending along Michigan Highway 90 to junction Michigan Highway 24, thence along Michigan Highway 24 to junction Michigan Highway 46, thence along Michigan Highway 46 to junction Michigan Highway 47, thence along Michigan Highway 47 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Michigan Highway 115, thence along Michigan Highway 115 to Lake Michigan, thence across Lake Michigan to Green Bay, thence to the Wisconsin-Michigan State line, thence along the Wisconsin-Michigan State line to Lake Superior, to points in South Carolina on and east of a line beginning at the Georgia-South Carolina State line extending along U.S. Highway 17 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction South Carolina Highway 34, thence along South Carolina Highway 34 to junction U.S. Highway 21, thence along U.S. Highway 21 to the North Carolina-South Carolina State line, and west of a line beginning at the Atlantic Ocean extending along U.S. Highway 21 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction South Carolina Highway 303, thence along South Carolina Highway 303 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction South Carolina Highway 102, thence along South Carolina Highway 102 to junction South Carolina Highway 742, thence along South Carolina Highway 742 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateway of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E210), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Michigan on and north of a line beginning at Lake Michigan extending along Michigan Highway 43 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Michigan Highway 14, thence along Michigan Highway 14 to junction Michigan Highway 39, thence along Michigan Highway 39 to the United States-Canada International Boundary line, to points in South Carolina on and east of a line beginning at the Atlantic Ocean extending along U.S. Highway 21 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction South Carolina Highway 303, thence along South Carolina Highway 303 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction South Carolina Highway 102, thence along South Carolina Highway 102 to junction South Carolina Highway 742, thence along South Carolina Highway 742 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateway of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E211), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Iowa on and west of a line beginning at the Iowa-Missouri State line extending along Iowa Highway 2 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 146, thence along Iowa Highway 146 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction Iowa Highway 118, thence along Iowa Highway 118 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line, to points in Maryland on and south of a line beginning at the Virginia-Maryland State line extending along the Washington, D.C., boundary line to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Maryland Highway 300, thence along Maryland Highway 300 to the Maryland-Delaware State line. The purpose of this filing is to eliminate the gateway of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E212), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., PO Box 318, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Iowa on and west of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 34 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction Iowa Highway 144, thence along Iowa Highway 144 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction Iowa Highway 4, thence along Iowa Highway 4 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 4, thence along Iowa Highway 4 to the Iowa-Minnesota State line, to Washington, D.C. The purpose of this filing is to eliminate the gateway of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E213), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., PO Box 318, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Iowa to points in Virginia on, east and south of a line beginning at the North Carolina-Virginia State line extending along Virginia Highway 8 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 8, thence along Virginia Highway 8 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Virginia Highway 20, thence along Virginia Highway 20 to junction Virginia Highway 3, thence along Virginia Highway 3 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-Maryland State line, thence along the Virginia-Maryland State line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of points in Smyth County and Lynchburg, Va.

No. MC–61825 (Sub-No. E214), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 318, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Iowa on, north and west of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 20 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 96, thence along Iowa Highway 96 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Missouri State line to points in North Carolina on and west of a line beginning at the South Carolina-North Carolina State line extending along U.S. Highway 52 to junction North Carolina Highway 8, thence along North Carolina Highway 8 to the North Carolina-Virginia State line, and points on and east of a line beginning at the North Carolina-South Carolina State line extending along U.S. Highway 521 to junction U.S. Highway 21, thence along U.S. Highway 21 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E215), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 318, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Iowa to points in North Carolina on and east of a line beginning at the South Carolina-North Carolina State line extending along U.S. Highway 52 to junction North Carolina Highway 8, thence along North Carolina Highway 8 to junction U.S. Highway 29/70, thence along U.S. Highway 29/70 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction North Carolina Highway 89, thence along North Carolina Highway 89 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E216), filed May 13, 1974, Applicant: ROY STONE TRANSFER CORP., PO Box 318, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Iowa to points in South Carolina on and east of a line beginning at the Atlantic Ocean extending along the South Santee River to junction U.S. Highway 17, thence along U.S. Highway 17 to junction South Carolina Highway 45, thence along South Carolina Highway 45 to junction Alternate U.S. Highway 17, thence along Alternate U.S. Highway 17 to junction South Carolina Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 521, thence along U.S. Highway 521 to junction South Carolina Highway 377, thence along South Carolina Highway 377 to junction South Carolina Highway 261, thence along South Carolina Highway 261 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction South Carolina Highway 341, thence along South Carolina Highway 341 to junction South Carolina Highway 403, thence along South Carolina Highway 403 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction South Carolina Highway 102, thence along South Carolina Highway 102 to junction Carolina Highway 742, thence along South Carolina Highway 742 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateway of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub E592), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Jefferson County, Ohio, on the one hand, and, on the other, points in Amelia, Amherst, Appomattox, Bedford, Brunswick, Campbell, Carroll, Charlotte, Cumberland, Dinwiddie, Floyd, Franklin, Greensville, Halifax, Henry, Isle of Wight, Lunenburg, Mecklenburg, Nottoway, Patrick, Pittsylvania, Prince Edward, Prince George, Southampton, Surry, and Suxxex Counties, Va., including independent Cities bounded by the above named Counties, and Chesapeake, Nansemond, Norfolk, Princess Anne, and Virginia Beach, Va. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub E593), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and*

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steel products, between points in Belmont County, Ohio on the one hand, and, on the other, points in Almance, Anson, Bladen, Brunswick, Carteret, Caswell, Chatham, Columbia, Craven, Cumberland, Duplin, Durham, Edgecomb, Franklin, Granville, Greene, Harnett, Hoke, Johnston, Jones, Lee, Lenoir, Montgomery, Moore, Nash, New Hanover, Onslow, Orange, Pamlico, Pender, Person, Pitt, Randolph, Richmond, Robeson, Sampson, Scotland, Stanly, Union, Vance, Wake, Warren, Wayne and Wilson Counties, N.C. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub E594), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Guernsey County, Ohio, on the one hand, and, on the other, points in North Carolina except points in Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Cherokee, Clay, Cleveland, Davidson, Davie, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Iredell, Lincoln, McDowell, Macon, Madison Mitchell, Polk, Randolph, Rockingham, Rowan, Rutherford, Stokes, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin and Yancey Counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E613), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 6th St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Monroe County, Ohio within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Berkeley, Jefferson, and Morgan Counties, W. Va. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E614), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Jefferson County, Ohio, on the one hand, and, on the other, points in Pennsylvania except points in Allegheny, Crawford, Mercer, Armstrong, Erie, Venango, Beaver, Forest, Warren, Butler, Greene, Washington, Clarion, and Lawrence Counties. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E615), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Westmoreland County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Boone, Lincoln, Pleasants, Wayne, Cabell, Logan, Putnam, Wirt, Jackson, Mason, Ritchie, Wood, Kanawha, Mingo, and Roane Counties, W. Va. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub E616), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Columbiana County, Ohio, on the one hand, and, on the other, points in Pennsylvania except points in Allegheny, Armstrong, Beaver, Butler, Cameron, Clarion, Clearfield, Crawford, Clinton, Elk, Erie, Forest, Indiana, Jefferson, Lawrence, McKean, Mercer, Potter, Venango, Warren, Washington, and Westmoreland Counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va.

No. MC 61825 (Sub E617), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Stark County, Ohio within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Pennsylvania except points in Allegheny, Armstrong, Beaver, Butler, Cameron, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Forest, Indiana, Jefferson, Lawrence, Mercer, McKean, Potter, Tioga, Venango, Warren, Washington and Westmoreland Counties. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub E618), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Harrison County, Ohio, on the one hand, and, on the other, points in Pennsylvania except points in Allegheny, Fayette, Greene, Washington and Westmoreland Counties. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub E619), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. BOX 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Carroll County, Ohio, on the one hand, and, on the other, Pittsburgh, Pa., and points in Pennsylvania except points in Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Forest, Lawrence, Mercer, Venango, and Warren Counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va.

No. MC 61825 (Sub E620), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. BOX 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Jefferson County, Ohio, on the one hand, and, on the other, points in North Carolina except points in Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, McDowell, Macon, Madison, Mitchell, Polk, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin and Yancey Counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 64932 (Sub E139), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 S. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from the plant sites of Baird Chemical Industries, Inc., located at or near Mapleton, Ill., to those points in Kentucky on and west of a line beginning at the Illinois-Kentucky State line and extending along Kentucky Highway 91 to junction U.S. Alt. Highway 41, to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 73828 (Sub E2), filed July 8, 1974. Applicant: D & R MOVING & TRUCKING, INC., 249 Evans Ave., Oceanside, N.Y. 11572. Applicant's representative: Bruce J. Robbins, Suite 1515, One Lefrack City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, I.(a) between points in Connecticut, Massachusetts and Rhode Island, on the one hand, and, on the other, points in that part of New Jersey and Pennsylvania within 100 miles of Columbus Circle, New York, N.Y., and on and south of U.S. Highway 78. I(b) between points in New Jersey (except points in Sussex, Warren, Passaic, Hunterdon Counties and points in that part of Morris County west of Interstate Highway 87), and points in that part of Pennsylvania on and south of U.S. Highway 1 and within 100 miles of Columbus Circle, New York, N.Y., on the one hand, and, on the other, points in that part of New York on and west of a line beginning at the United States-Canada International Boundary line, thence along New York Highway 30 to junction New York Highway 17, to the New York-Pennsylvania State line and on and east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 62, to junction U.S. Highway 52, to the Niagara River, to Lake Ontario. II. between points in that part of Maryland, Virginia and the District of Columbia on and east of U.S. Highway 1, on the one hand, and, on the other, points in that part of Nassau and Suffolk Counties, N.Y., within 100 miles of Columbus Circle, New York, N.Y., and points in that part of Connecticut, New Jersey, and New York on and east of U.S. Highway 9W and within 100 miles of Columbus Circle, New York, N.Y. III. between points in that part of Fairfield County, Conn., on and south of a line beginning at the New York-Connecticut State line, thence along Connecticut Highway 123, to junction unnumbered highway, thence along unnumbered highway to N. Wilton, thence along Connecticut Highway 33 to junction Connecticut Highway 106, thence along Connecticut Highway 106 to junction Connecticut Highway 53, thence along Connecticut Highway 53 to junction Connecticut Highway 107, thence along Connecticut Highway 107 to junction unnumbered highway, thence along unnumbered highway to Redding Ridge, thence along Connecticut Highway 58 to Long Island Sound, on the one hand, and, on the other, points in that part of New York on and west of U.S. Highway 11. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 94842 (Sub-No. E1) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER September 16, 1975. Applicant: ROBERT CROCKET, INC., 102 Crescent Ave., Chelsea, Mass. 02510. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: * * * The purpose of this filing is to eliminate the gateway of points in Massachusetts. The purpose of this partial correction is to correct the gateway. The remainder of this letter-notice remains as previously published.

No. MC 106497 (Sub-No. E2) (Correction), filed May 14, 1974, published in the FEDERAL REGISTER September 3, 1975. Applicant: PARKHILL TRUCK CO., P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: T. M. Tallon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment or handling, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, restricted to commodities which are transported on trailers, between points in Ohio, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Oregon, Texas, Wyoming, and Washington. The purpose of this filing is to eliminate the gateways of Indiana and Wyoming. The purpose of this correction is to correct the destination states.

No. MC 106603 (Sub E38), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008. Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials, restricted to roofing and roofing materials*, from those points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along Ohio Highway 18 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line, to those points in Missouri within 10 miles of the west bank of Mississippi River. The purpose of this filing is to eliminate the gateway of Whiting, Ind.

No. MC 106603 (Sub-No. E39), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, restricted to roofing and roofing materials, from those points in Ohio bounded by a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Ohio Highway 18, thence along Ohio Highway 18 to the Ohio-Indiana State line, thence along the Ohio-Indiana State line to the point of beginning and those bounded by a line beginning at Mansfield and extending along Ohio Highway 39 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio Highway 39, thence along Ohio Highway 39 to the point of beginning, to those points in Missouri within ten miles of the west bank of the Mississippi River beginning at St. Louis, Mo., and extending along the Mississippi River to the Missouri-Iowa State line. The purpose of this filing is to eliminate the gateway of Whiting, Ind.

No. MC 106603 (Sub-No. E40), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, restricted to roofing and roofing materials, from those points in Ohio on, north, and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 35 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 29, thence along Ohio Highway 29 to the Ohio-Indiana State line, and south of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line to those points in Missouri within ten miles of the west bank of the Mississippi River beginning at U.S. Highway 54 and extending along the Mississippi River to the Missouri-Iowa State line. The purpose of this filing is to eliminate the gateway of Whiting, Ind.

No. MC 106603 (Sub-No. E41), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, restricted to roofing materials, from those points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line to points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission. The purpose of this filing is to eliminate the gateway of Joliet, Ill.

No. MC 106603 (Sub-No. E42), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, from Lockland, Ohio, to those points in Missouri within the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission (Vandalia, Ill.) *, and from the plantsite of Certain-Teed Products Corporation at Avery, Ohio, to those points in Missouri within the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined

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by the Commission (Indiana and Vandalia, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 106603 (Sub-No. E43), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials, restricted to roofing and roofing materials*, from points in Indiana on and north of U.S. Highway 6 (except the plantsite of the Bethlehem Steel Corporation, located at Burns Harbor, Porter County, Ind.), to those points in Missouri within 10 miles of the west bank of the Mississippi River. The purpose of this filing is to eliminate the gateway of Gary, Ind.

No. MC 107993 (Sub E4), filed June 4, 1974. Applicant: J. J. WILLIS TRUCKING COMPANY, P.O. Box 20096, Dallas, Tex. 75220. Applicant's representative: Joseph Willis (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: I. *Plastic pipe* or *plastic tubing* which is *machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, *machinery, materials, equipment*, and *supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, or *Earth drilling machinery* and *equipment*, and *machinery, equipment, materials, supplies*, and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells. (A) between points in Arizona, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Georgia, Florida, that part of Kentucky in and east of Mason, Robertson, Nicholas, Bourbon, Clark, Madison, Rockcastle, Pulaski, Wayne, and Clinton Counties, points in Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, Virginia, and Vermont.

(B) Between New Mexico, on the one hand, and, on the other, points in Georgia, Florida, North Carolina, South Carolina, and that part of Virginia in and east of King George, Caroline, Hanover, Henrico, Chesterfield, Dinwiddie, and Brunswick Counties; (C) between Louisiana, on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, Montana, that part of North Dakota in and west of Adams, Stark, Dunn, Mountrail, Burke, and Heilinger Counties, points in Oregon, Utah, Washington, and that part of Wyoming in and west of Sweetwater, Fremont, Natrona, Johnson, and Sheridan. II. *Plastic pipe and plastic tubing*, other than those commodities specified in (I) above, the transportation of which, because of size or weight, require the use of special equipment, (A) between points in Arizona, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Georgia, Florida, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, Virginia, and Vermont; (B) between points in New Mexico, on the one hand, and, on the other, points in Georgia, Florida, North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of Houston, Tex.

No. MC 108207 (Sub-No. E40) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER December 3, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, from points in California, New Mexico, Texas, and Arizona to Louisville, Ky., and Pittsburg, Pa. The purpose of this filing is to eliminate the gateway of Mt. Pleasant, Tex. The purpose of this correction is to correct the gateway.

No. MC 113855 (Sub-No. E118), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign parts*, and *sign accessories*, which, because of size or weight, require the use of special equipment; (1) from points in Washington and Oregon (except Douglas, Klamath, Lake, Coos, Curry, Josephine, and Jackson Counties), to points in New Mexico, Colorado, and Arizona (except Yuma County) (Clearfield, Utah)*; (2) (A) from points in California north of Monterey, San Benito, Fresno, and Inyo Counties, to points in Colorado; (B) from points in California in and south of Monterey, San Benito, Fresno, and Inyo Counties, to points in Colorado on and north of U.S. Highway 24; and (C) from points in California north of Alameda, San Joaquin, Calaveras, and Alpine Counties, to points in New Mexico north and east of a line beginning at the New Mexico-Arizona State line and extending along U.S. Highway 60 to junction U.S. Highway 85, thence along U.S. Highway 85 to the United States-Mexico International Boundary line (Clearfield, Utah)*; (3) from points in Idaho to points in Arizona, Colorado, and New Mexico (Clearfield, Utah)*; (4) (A) from points in Nevada on and north of U.S. Highway 6 to points in Colorado; (B) from points in Nevada south of U.S. Highway 6 to points in Colorado on, north, and east of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 40 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Kansas State line; and (C) from points in Nevada to points in Wyoming and Montana (Clearfield, Utah)*;

(5) from points in Wisconsin, Iowa, Michigan, Ohio, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, District of Columbia, points in Illinois on and north of Illinois Highway 9, points in Indiana on and north of Indiana Highway 26, points in West Virginia on, north, and east of U.S. Highway 60, and points in Virginia on and north of U.S. Highway 60 and on and east of U.S. Highway 29, to points in Arizona on, west, and north of a line beginning at the Utah-Arizona State line and extending along U.S. Highway 89 to junction Interstate Highway 17, thence along Interstate Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Arizona-California State line (Clearfield, Utah)*; (6) from points in North Dakota to points in Arizona (except Cochise County) (South Dakota and Clearfield, Utah)*; (7) from points in South Dakota to points in Arizona on, north, and east of a line beginning at the Arizona-New Mexico State line and extending along U.S. Highway 66 to junction Arizona Highway 77, thence along Arizona Highway 77 to junction U.S. Highway 89, thence along U.S. Highway 89 to the United States-Mexico International Boundary line (Clearfield, Utah)*; and (8) from points in Minnesota to points in Arizona on, west, and north of a line beginning at the Utah-Arizona State line and extending along Wisconsin Highway 89 to junction Interstate Highway 17, thence along Interstate Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Arizona-California State line (points in Minnesota within 50 miles of Sioux Falls, S. Dak.; South Dakota; and Clearfield, Utah)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 108207 (Sub-No. E51) (correction), filed May 31, 1974, published in the FEDERAL REGISTER December 3, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and dairy products*, from Columbus Junction, Iowa, to points in New Mexico, Arizona, California, Texas, Louisiana, Mississippi, and Memphis, Tenn. The purpose of this filing is to eliminate the gateways of points in Texas, Oklahoma, and Arkansas. The purpose of this correction is to expand the gateways.

No. MC 113855 (Sub-No. E13), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 520 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Track-propelled passenger and cargo vehicles, and attachments* for such vehicles, which because of size or weight, require the use of special equipment, restricted that, or provided that, the loading and/or unloading which necessitates the special equipment is performed by the consignor or consignee or both, and (2) *Self-propelled, track-propelled passenger, and cargo vehicles*, each weighing 15,000 pounds or more, and related attachments when moving in connection therewith; (a) from points in Idaho, Washington, and Oregon to points in Texas, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Florida, Georgia, and South Carolina; (b) from points in Nevada on and north of U.S. Highway 6 to points in Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, and Texas (except west of U.S. Highway 385); (c) from points in Nevada to points in South Carolina, points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line, points in Florida on and east of a line beginning at the Florida-Alabama State line and extending along U.S. Highway 221 to junction Florida Highway 361A, thence along Florida Highway 361A to the Gulf of Mexico, and points in Georgia on, north, and east of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 280 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Georgia-Florida State line;

(d) from points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Calaveras, and Alpine Counties to points in Texas on, east, and north of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 87 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Gulf of Mexico and points in Oklahoma, Kansas, Arkansas, Louisiana, Alabama, Florida, Georgia, and South Carolina; (e) from points in Tuolumne, Mariposa, Merced, Madera, San Benito, Monterez, Fresno, Kings, Tulare, Mono, Santa Barbara, and San Luis Obispo Counties, Calif., to points in Kansas on and north of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 50 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line, points in Alabama on and north of U.S. Highway 84, and points in Florida, Georgia and South Carolina; (f) from points in Kern, Ventura, Los Angeles, and Orange Counties, Calif., and those points in San Bernadino and Riverside Counties, Calif., on and west of U.S. Highway 395, to points in South Carolina; Miami, Fla.; points in Kansas on and north Interstate Highway 70, points in Alabama on and north of U.S. Highway 278, and points in Georgia on, north, and east of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 278 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Florida-Georgia State line; and (g) from points in San Diego County, Calif., to points in Kansas on and north of U.S. Highway 24, and points in South Carolina on, north, and east of Interstate Highway 26. The purpose of this filing is to eliminate the gateway of Logan, Utah.

No. MC 114855 (Sub-No. E54), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of their size or weight, require the use of special equipment, and *related machinery, parts*, and *related contractors' materials, and supplies*, when their transportation is incidental to the transportation by the specified commodities (2) *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers); (a) between points in Minnesota on and west of U.S. Highway 71, on the one hand, and, on the other, points in Missouri; and (b) between points in Minnesota on, north, and west of Minnesota Highway 60, on the one hand, and, on the other, points in Missouri on and west of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 69 to junction Missouri Highway 10, thence along Missouri Highway 10 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateways of points in Minnesota within 50 miles of Sioux Falls, S. Dak.

No. MC 113855 (Sub-No. E72), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which, because of size or weight require the use of special equipment (except boats and iron and steel articles), and *related machinery, parts*, and *related contractors' materials and, supplies* when their transportation is incidental to the transportation of the specified commodities, and (2) Self-propelled articles, each weighing 15,000 pounds or more and *related* machinery, tools, parts; and supplies moving in connection therewith (restricted to commodities transported on trailers); (a) between points in Kansas on and north Interstate Highway 70, points in Alabama on and north of U.S. Highway 278, and points in Georgia on, north, and east of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 278 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Florida-Georgia State line; and (g) from points in San Diego County, Calif., to points in Kansas on and north of U.S. Highway 24, and points in South Carolina on, north, and east of Interstate Highway 26. The purpose of this filing is to eliminate the gateway of Logan, Utah.

No. MC 114855 (Sub-No. E54), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of their size or weight, require the use of special equipment, and *related machinery, parts*, and *related contractors' materials, and supplies*, when their transportation is incidental to the transportation by the specified commodities (2) *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers); (a) between points in Minnesota on and west of U.S. Highway 71, on the one hand, and, on the other, points in Missouri; and (b) between points in Minnesota on, north, and west of Minnesota Highway 60, on the one hand, and, on the other, points in Missouri on and west of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 69 to junction Missouri Highway 10, thence along Missouri Highway 10 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateways of points in Minnesota within 50 miles of Sioux Falls, S. Dak.

No. MC 113855 (Sub-No. E72), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 520 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, (except boats), which because of size or weight require the use of special equipment, *and related machinery, parts, and related contractors' materials, and supplies* when their transportation is incidental to the transportation of the specified commodities, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers); (a) between points in California, on the one hand, and, on the other, points in North Dakota (Utah or Nebraska, and South Dakota)*; (b) between points in Oregon, on the one hand, and, on the other, points in South Dakota (Utah or Montana)*; (c) between points in Oregon, on the one hand, and, on the other, points in Nebraska, Iowa, Missouri, Illinois, Ohio, Kentucky, West Virginia, Pennsylvania, New Jersey, Massachusetts, Connecticut, New York, Rhode Island, Delaware, Maryland, Virginia, North Carolina, and the District of Columbia (Utah)*; (d) between points in Oregon, on the one hand, and, on the other, points in Kansas (Utah and South Dakota)*; (e) between points in Oregon, on the one hand, and, on the other, points in Minnesota (Utah and South Dakota and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), through Clear Spring, to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above-described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.]*; and (b) between points in North Dakota, and the one hand, and, on the other, points in West Virginia and Kentucky (South Dakota and Elgin, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E79), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 520 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, (except boats), which because of size or weight require the use of special equipment, *and related machinery, parts, and related contractors' materials, and supplies* when their transportation is incidental to the transportation of the specified commodities, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers); (a) between points in California, on the one hand, and, on the other, points in North Dakota (Utah or Nebraska, and South Dakota)*; (b) between points in Oregon, on the one hand, and, on the other, points in South Dakota (Utah or Montana)*; (c) between points in Oregon, on the one hand, and, on the other, points in Nebraska, Iowa, Missouri, Illinois, Ohio, Kentucky, West Virginia, Pennsylvania, New Jersey, Massachusetts, Connecticut, New York, Rhode Island, Delaware, Maryland, Virginia, North Carolina, and the District of Columbia (Utah)*; (d) between points in Oregon, on the one hand, and, on the other, points in Kansas (Utah and South Dakota)*; (e) between points in Oregon, on the one hand, and, on the other, points in Minnesota (Utah and South

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Dakota, or Montana, points in South Dakota east of the Missouri River and North Dakota)*; (f) between points in Oregon, on the one hand, and, on the other, points in Michigan and Wisconsin (Utah; or Montana and points in South (g) between points in Washington, on the one hand, and, on the other, points in Nebraska, Iowa, Illinois, Missouri, Kentucky, Indiana, Ohio, West Virginia, Virginia, North Carolina, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia (Utah; or Montana and points in South Dakota east of the Missouri River)*;

(h) between points in Washington, on the one hand, and, on the other, points in Minnesota (Montana, points in South Dakota east of the Missouri River and North Dakota)*; (i) between points in Washington, on the one hand, and, on the other, points in Michigan and Wisconsin (Utah; or Montana and points in South Dakota east of South Dakota Highway 73)*; (j) between points in Nevada, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, the District of Columbia, and South Dakota (Utah)*; (k) between points in Nevada, on the one hand, and, on the other, points in North Dakota and Minnesota (Utah and South Dakota)*; (l) between points in Idaho, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia (Utah)*; (m) between points in Idaho, on the one hand, and, on the other, points in Wisconsin (Utah or Montana or Montana and South Dakota)*; (n) between points in Idaho, on the one hand, and, on the other, points in Minnesota (Utah and South Dakota; Montana and points in South Dakota east of the Missouri River or North Dakota)*; and (o) between points in Idaho, on the one hand, and, on the other, points in Iowa (Utah or points in South Dakota east of the Missouri River)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E80), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 520 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which, because of size or weight, require the use of special equipment, and *related machinery, parts, and related contractors' materials, and supplies*, when their transportation is incidental to the transportation of the specified commodities, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers); (a) (1) between points in Idaho, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia (Utah)*; (2) between points in Idaho, on the one hand, and, on the other, points in Nebraska, Iowa, Illinois, Missouri, Kentucky, Indiana, Ohio, West Virginia, Virginia, North Carolina, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia (Utah; or Montana and points in South Dakota east of the Missouri River)*; (b) between points in Washington, on the one hand, and, on the other, points in Minnesota (Montana, points in South Dakota east of the Missouri River and North Dakota)*; (c) between points in Washington, on the one hand, and, on the other, points in Michigan and Wisconsin (Utah; or Montana and points in South Dakota east of South Dakota Highway 73)*; (d) between points in Nevada, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, the District of Columbia, and South Dakota (Utah)*; (e) between points in Nevada, on the one hand, and, on the other, points in North Dakota and Minnesota (Utah and South Dakota)*; (f) between points in Idaho, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia (Utah; or Montana and points in South Dakota east of the Missouri River)*; (g) between points in Washington, on the one hand, and, on the other, points in Nebraska, Iowa, Illinois, Missouri, Kentucky, Indiana, Ohio, West Virginia, Virginia, North Carolina, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia (Utah; or Montana and points in South Dakota east of the Missouri River)*; (h) between points in Washington, on the one hand, and, on the other, points in Minnesota (Montana, points in South Dakota east of the Missouri River and North Dakota)*; (i) between points in Washington, on the one hand, and, on the other, points in Michigan and Wisconsin (Utah; or Montana and points in South Dakota east of South Dakota Highway 73)*; (j) between points in Nevada, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, the District of Columbia, and South Dakota (Utah)*; (k) between points in Nevada, on the one hand, and, on the other, points in North Dakota and Minnesota (Utah and South Dakota)*; (l) between points in Idaho, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia (Utah)*; (m) between points in Idaho, on the one hand, and, on the other, points in Wisconsin (Utah or Montana or Montana and South Dakota)*; (n) between points in Idaho, on the one hand, and, on the other, points in Minnesota (Utah and South Dakota; Montana and points in South Dakota east of the Missouri River or North Dakota)*; and (o) between points in Idaho, on the one hand, and, on the other, points in Iowa (Utah or points in South Dakota east of the Missouri River)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E85), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 520 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which, because of size or weight, require the use of a special equipment, and *related machinery, parts, and related contractors' materials, and supplies* when their transportation is incidental to the transportation of the specified commodities, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers); (a) (i) between points in North Dakota, on the one hand, and, on the other, points in New York in and east of Monroe, Livingston, and Steuben Counties, points in Maryland (except in and west of Frederick County), points in Virginia on and east of U.S. Highway 301, and points in North Carolina in and east of Hartford, Bertie, Martin, Beaufort, and Pamlico Counties; (ii) between points in North Dakota on and west of U.S. Highway 83 to points in North Carolina west of Hartford, Bertie, Martin, Beaufort, and Pamlico Counties, and east of U.S. Highway 15, and points in South Carolina on and east of U.S. Highway 52 (South Dakota and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), through Clear Spring, to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania, on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.) (Massachusetts)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E97), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Commodities* (except boats), which because of size or weight require the use of special equipment, and *related machinery, parts, and related contractors' materials and supplies* when their transportation is incidental to the transportation of the specified commodities, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith (restricted to commodities transported on trailers), between points in Idaho, on the one hand, and, on the other, points in Kansas on and east of U.S. Highway 81 (Utah, Montana, or Wyoming, and points in South Dakota east of the Missouri River)*; (B) (1) *Heavy machinery and other contractors' materials, supplies, and equipment* which because of size or weight require the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers), between points in Idaho, on the one hand, and, on the other, points in Kansas on and east of U.S. Highway 283 (Montana or Wyoming, and points in South Dakota east of South Dakota Highway 73)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E100), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* (except boats), which because of size or weight require the use of special equipment, and *related machinery parts* and *related contractors' materials and supplies* when their transportation is incidental to the transportation of the specified commodities, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith (restricted to commodities transported on trailers); (a) between points in Oregon and points in Washington (except Pend Oreille, Stevens, Ferry, Spokane, and Lincoln Counties), on the one hand, and, on the other, points in Colorado on, east, and north of a line beginning at the Colorado-Nebraska State line and extending along Colorado Highway 71 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Kansas State line. The purpose of this filing is to eliminate the gateways of Utah and South Dakota.

No. MC 113855 (Sub-No. E110), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 520 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bulldozers, tractors* (except truck tractors), *mining machinery, air-power locomotives, scrapers, filler machines*, and *power loading and unloading machinery*, restricted to commodities which because of size or weight require special equipment, and *related attachments and parts*, moving in connection therewith, and (2) *Self-propelled articles* as described in (1) above, each weighing 15,000 pounds or more, and related machinery and parts moving in connection therewith (restricted to commodities transported on trailers); (a) from points in Oregon to points in Mississippi, Alabama, Florida, Georgia, South Carolina, and Tennessee; (b) from points in Nevada to points in Florida, Georgia, South Carolina, Tennessee, and Alabama; (c) from points in Nevada (except Clark County), to points in Mississippi; (d) from points in California in and north of Ventura, Kern, and Inyo Counties, to points in Alabama and Florida; and (e) from points in California on and north of a line beginning at the Nevada-California State line and extending along Interstate Highway 15 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 74, thence along California Highway 74 to the Pacific Ocean, to points in Georgia, South Carolina, Alabama (except Choctaw, Washington, Mobile, Baldwin, and Clarke Counties), and points in Florida east of U.S. Highway 319. The purpose of this filing is to eliminate the gateway of Salt Lake City, Utah.

No. MC 113855 (Sub-E111), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 520 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) airplant loading, maintenance and baggage handling equipment, which by reason of size or weight requires the use of special equipment, and (2) self-propelled airplane loading, maintenance and baggage handling equipment, each weighing 15,000 pounds or more (restricted to commodities transported on trailers), (A) from points in Oregon on and west of U.S. Highway 97 to points in Arizona, Texas, Arkansas, Louisiana, Alabama, Georgia, Florida, South Carolina, and points in Oklahoma on and south of Interstate Highway 40. (B) from points in Washington to points in Arizona on and south of a line beginning at the California-Arizona State line and extending along U.S. Highway 60 to junction U.S. Highway 70 to the Arizona-New Mexico State line. (C) from points in Washington on and west of Interstate Highway 5 to points in Arizona, Louisiana, Florida, South Carolina, points in Arkansas on and south of U.S. Highway 82, points in Texas on and south of a line beginning at the Arkansas-Texas State line and extending along Interstate Highway 30 to junction Interstate Highway 20, to junction Interstate Highway 10 to the Texas-New Mexico State line, points in Alabama on and south of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 80 to junction Interstate Highway 85 to the Georgia-Alabama State line, and points in Georgia on and south of U.S. Highway 80. (D) from points in Nevada on, south, and west of a line beginning at the Nevada-California State line and extending along U.S. Highway 40 to junction U.S. Highway 95, to junction U.S. Highway 50, to the Nevada-California State line, to points in Texas, Arkansas, Louisiana, Alabama, Georgia, South Carolina, and points in Oklahoma on and east of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 283 to junction Oklahoma Highway 51 to the Oklahoma-Texas State line. (E) from points in Nevada on, west, and north of a line beginning at the Oregon-Nevada State line and extending along U.S. Highway 95 to junction U.S. Highway 40 to the Nevada-California State line, to points in California. The purpose of this filing is to eliminate the gateway of San Leandro, Calif.

No. MC 113855 (Sub-E113), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 520 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *power brooms, gravel spreaders, and road rollers*, which because of size or weight require the use of special equipment, and (2) *self-propelled power brooms, gravel spreaders, and road rollers*, each weighing 15,000 pounds or more (restricted to commodities transported on trailers), (A) from points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Tuolumne, and Alpine Counties, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, and South Carolina. (B) from points in Mariposa, Merced, Madera, Fresno, San Benito, Monterey, Kings, and Tulare Counties, Cal., to points in Alabama on and north of U.S. Highway 82, points in Florida east of the Ochlocknee River, points in Georgia on and north of U.S. Highway 82 and on and east of U.S. Highway 19, and points in South Carolina. (C) from points in Mono and Inyo Counties, Cal., to points in Alabama, Florida, Georgia, and South Carolina. The purpose of this filing is to eliminate the gateway of Pocatello, Idaho.

No. MC 113855 (Sub-E114), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 520 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) materials handling equipment which because of size or weight requires the use of special equipment, (2) self-propelled materials handling equipment, each weighing 15,000 pounds or more (restricted to commodities transported on trailers), and (3) agricultural implements, agricultural machinery, soil and beach cleaners, farm tractors, and tractor attachments, restricted to materials handling equipment, (A) from points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Calaveras, and Alpine counties, to points in Arizona (except Yuma County) and points in New Mexico, Colorado, Kansas, Oklahoma, Texas, Arkansas, Louisiana, Alabama, Georgia, South Carolina, and Florida. (B) from points in Tuolumbe, Mariposa, Merced, San Benito, Fresno, Madera, Tulare, Kings, San Luis Obispo, and Santa Barbara Counties, Calif., to points in Colorado, Kansas, Arkansas, Alabama, Louisiana, Georgia, South Carolina, Florida, points in Oklahoma on and north of Oklahoma Highway 51 and on and east of U.S. Highway 75, and points in Texas on and east of Interstate Highway 35. (C) from points in Mono and Inyo Counties, Calif., to points in Kansas, Arkansas, Louisiana, Alabama, Georgia, South Carolina, Florida, points in Oklahoma on and north of Interstate Highway 40 and on and east of U.S. Highway 281, and

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points in Texas on and east of Interstate Highway 35. The purpose of this filing is to eliminate the gateway of Sparks, Nevada.

No. MC 113855 (Sub-E115), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 520 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Material handling equipment*, which because of size or weight requires the use of special equipment, and (2) *self-propelled material handling equipment*, each weighing 15,000 pounds or more (restricted to commodities transported on trailers), (1) (A) from points in Oregon on and west of U.S. Highway 97 to points in Kansas, Arkansas, Oklahoma, New Mexico, points in Colorado on and south of Interstate Highway 70, points in Texas north of Interstate Highway 20, and points in Alabama north of U.S. Highway 80. (B) from points in Oregon on and west of U.S. Highway 395 to points in Arizona, points in Texas on and south of Interstate Highway 20, points in Georgia north of U.S. Highway 80, and points in South Carolina west of U.S. Highway 1. (C) from points in Oregon to points in Louisiana, Florida, those points in Georgia and Alabama on and south of U.S. Highway 80 and points in South Carolina east of U.S. Highway 1. (2) (A) from points in Washington to points in Arizona. (B) from points in Washington on and west of Interstate Highway 5 and north of U.S. Highway 12, to points in New Mexico on and south of U.S. Highway 66 and on and east of U.S. Highway 85, points in Colorado on and east of Interstate Highway 25 and on and south of Colorado Highway 96, points in Kansas on and east of U.S. Highway 83 and on and south of U.S. Highway 40 and points in Oklahoma, Texas, Louisiana, Alabama, Arkansas, Georgia, South Carolina, and Florida.

(C) From points in Washington east of Interstate Highway 5 and on and west of U.S. Highway 97, points in New Mexico on and south of U.S. Highway 60, Texas, Louisiana, Alabama, points in Arkansas, on and south of Interstate Highway 40, points in Georgia, South Carolina, and Florida. (D) from points in Washington on and east of U.S. Highway 97 to points in Grant, Hildalgo, Luna, Sierra, Dona Ana, and Otero Counties, N. Mex.; (E) from points in Washington on and west of Interstate Highway 5 and on and south of U.S. Highway 12 to points in Colorado on and south of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 6 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Colorado-Kansas State line and points in Kansas, New Mexico, Oklahoma, Texas, Arkansas, Louisiana, Alabama, Georgia, South Carolina, and Florida; (3) (A) from points in Idaho, in, north, and west of Owyhee, Elmore, Boise, Valley, and Idaho Counties, to points in Arizona on and south of Interstate Highway 10; and (B) from points in Canyon, Ada, Boise, Gem, Payette, Washington, Adams, and Valley Counties, Idaho, to New Orleans, La., points in Florida, and those points in Mississippi and Alabama on and south of U.S. Highway 90. The purpose of this filing is to eliminate the gateway of Sparks, Nev.

No. MC 113855 (Sub-No. E117), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, implements, tractors, attachments, and parts* which because of their size or weight require the use of special equipment, and related machinery and parts the transportation of which is incidental thereto, and (2) Self-propelled agricultural machinery, implements, tractors, and attachments, each weighing 15,000 pounds or more and related machinery, tool, parts, and supplies moving in connection therewith (restricted to commodities transported on trailers); (a) from points in Oregon to points in Florida, South Carolina, Georgia, Alabama, Mississippi, and Tennessee; (b) from points in Oregon on and west of Interstate Highway 5 to points in Louisiana and Arkansas; (c) from points in Washington to points in South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Louisiana, Arkansas, and points in Texas on and east of a line beginning at the Oklahoma-Texas State line and extending along Interstate Highway 35 to junction Interstate Highway 45, thence along Interstate Highway 45 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Gulf of Mexico; (d) from points in Washington on and north of a line beginning at the Pacific Ocean and extending along U.S. Highway 12 to junction Washington Highway 8, thence along Washington Highway 8 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Washington Highway 18, thence along Washington Highway 18 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Washington-Idaho State line, to points in Oklahoma on and east of U.S. Highway 283, and points in Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 283 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 83, thence along U.S. Highway 83 to the United States-Mexico International Boundary line, and on and west of the line described in (c) above.

(e) From points in Washington south of the line described in (d) above, to points in Oklahoma on and east of U.S. Highway 81; (f) from points in Idaho to points in South Carolina, Georgia, Florida, and Alabama; (g) from points in Idaho in and north of Adams, Valley, and Lehmi Counties to points in Mississippi, Tennessee, Louisiana, and Arkansas; (h) from points in Idaho in, west, and south of Elmore, Boise, Gem, and Washington Counties to points in Mississippi on, north, and east of Mississippi Highway 27 and points in Tennessee; (i) from points in Idaho in, east, and south of Clark, Butte, Custer, Blaine, Camas, Gooding, and Twin Falls Counties to points in Mississippi on, east, and north of U.S. Highway 78 and points in Tennessee east of the Tennessee River; and (j) from points in Idaho on and north of Interstate Highway 90 to those points in Texas and Oklahoma on and east of U.S. Highway 83. The purpose of this filing is to eliminate the gateways of Montana or Wyoming, points in South Dakota east of the Missouri River or east of South Dakota Highway 73, and Gwinner, N. Dak.

No. MC 113855 (Sub-No. E129), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems* and *parts for irrigation systems* (except iron and steel articles), restricted to commodities requiring the use of special equipment, provided that the loading and/or unloading which necessitates the special equipment is performed by the consignor or consignee or both; (a) from points in New York on and east of U.S. Highway 15 to points in Arizona; (b) from points in Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, and New Jersey, to points in Kansas on and west of U.S. Highway 81; (c) from points in Vermont, New Hampshire, Massachusetts, Rhode Island, and Connecticut, to points in Oklahoma on and west of U.S. Highway 283 and points in Texas on and west of U.S. Highway 83; (d) from points in Vermont and New Hampshire to points in New Mexico and Texas; (e) from points in Maine to points in Kansas, Oklahoma, New Mexico, Arizona, and points in Texas on and west of U.S. Highway 83; (f) from points in Massachusetts, Rhode Island, and Connecticut, to points in New Mexico and Arizona; and (g) from points in New Jersey to those points in Oklahoma and Texas and west of U.S. Highway 83, and points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateways of points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), through Clear Spring, to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania

on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.), South Dakota, and Douglas County, Nebr. (except Omaha and points in the commercial zone thereof.

No. MC 113855 (Sub-No. E155), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment, and (II) *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith, restricted to commodities transported on trailers (except boats, aircraft, aircraft parts, aircraft engines, missiles, missile parts, missile propelling parts, missile engines, self-propelled street sweepers, tension wire stringing equipment, truck concrete mixers, trenching machines, lift trucks, front end shovel loaders, trucks, automobiles, buses, trailers, and machinery and equipment used in the maintenance, servicing, repair, and operation of airplanes); (A)(1) from points in Washington on and west of U.S. Highway 97 to points in Mississippi, (2) from points in Washington on and west of U.S. Highway 97 to points in Mississippi on and south of U.S. Highway 80, and (3) from points in Washington on and west of Interstate Highway 5 to points in Tennessee on and south of U.S. Highway 64; (B)(1) from points in Mississippi, and (2) from points in Oregon on and west of U.S. Highway 97 to points in Tennessee; (C)(1) from points in Idaho on and south of Interstate Highway 80N to points in Mississippi on and south of Interstate Highway 20, and (2) from points in Boundary County, Idaho, to points in Mississippi on and south of U.S. Highway 84; and (D)(1) between points in Nevada on, west, and south of a line beginning at the Nevada-Oregon State line and extending along Nevada Highway 51 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Nevada State line, on the one hand, and, on the other, points in Tennessee, and (2) between points in Nevada east and north of the line described in (1) above, on the one hand, and, on the other, points in Tennessee on and south of U.S. Highway 164. The purpose of this filing is to eliminate the gateway of California.

No. MC 114552 (Sub E100), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina, on and east of a line commencing at the North Carolina-Virginia State line, and extending along North Carolina Highway 49 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 501, thence along U.S. Highway 501 to the North Carolina-South Carolina State line, to points in Arkansas, on and west of a line commencing at the Arkansas-Louisiana State line, and extending along Arkansas Highway 7 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Arkansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub E101), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina, on and east of a line commencing at the Atlantic Ocean, and extending along U.S. Highway 64 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 701, thence along U.S. Highway 701 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Atlantic Ocean, to points in Kentucky. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E102), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina on and east of a line beginning at the Atlantic Ocean and extending along U.S. Highway 64 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 701, thence along U.S. Highway 701 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Atlantic Ocean, to points in Kentucky. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E103) filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along Interstate Highway 85 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-South Carolina State line, to points in Kentucky on and west of U.S. Highway 31E. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E104), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line, and extending along Interstate Highway 85 to junction U.S. Highway 501, thence along U.S. Highway 501 to the North Carolina-South Carolina State line, to points in Illinois. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E105), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing ma-*

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terials (except in bulk), from points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along Interstate Highway 85 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-South Carolina State line, to points in Indiana. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E106), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 501 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-South Carolina State line, to points in Indiana, on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 30 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E107), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina on and south of a line beginning at the Atlantic Ocean, and extending along U.S. Highway 64 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-Georgia State line, to points in Ohio. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E108), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina on and east of a line beginning at the Pamlico River, and extending along U.S. Highway 264 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-South Carolina State line, to points in West Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along West Virginia Highway 39 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Ohio State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E109), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina on and south of a line beginning at the Atlantic Ocean, and extending along U.S. Highway 70 to junction U.S. Highway 117, thence along U.S. Highway 117 to the Corncake Inlet, and Wayne County, N.C., to points in Virginia. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E111), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina on and south of a line beginning at the Atlantic Ocean, and extending along U.S. Highway 64 to junction U.S. Highway 25, thence along U.S. Highway 25 to the North Carolina-Tennessee State line, to points in New Jersey. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E112), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina on and east of a line beginning at the Atlantic Ocean, and extending along North Carolina Highway 50 to junction North Carolina Highway 27, thence along North Carolina Highway 27 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction U.S. Highway 42, thence along U.S. Highway 42 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to the North Carolina-Virginia State line, to points in Florida. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E113), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina on and south of a line beginning at the Atlantic Ocean, and extending along U.S. Highway 64 to junction U.S. Highway 25, thence along U.S. Highway 25 to the North Carolina-Tennessee State line, to points in Indiana. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E114), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in North Carolina on and east of a line beginning at the Pamlico River, and extending along U.S. Highway 264 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-South Carolina State line, to points in West Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along West Virginia Highway 39 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Ohio State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E115), filed August 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies*

as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from points in North Carolina on and east of a line beginning at the Atlantic Ocean, and extending along U.S. Highway 421 to junction North Carolina Highway 210, thence along North Carolina Highway 210 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 501, thence along U.S. Highway 501 to the North Carolina-Virginia State line, to points in Alabama on and west of a line beginning at the Alabama-Tennessee State line, and extending along Interstate Highway 65 to junction U.S. Highway 280, thence along U.S. Highway 280 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E116), filed August 22, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane* and *urethane products*, and *such insulation materials* and *roofing and roofing materials and supplies* as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from points in North Carolina, on and east of a line beginning at the Atlantic Ocean and extending along U.S. Highway 70 to junction North Carolina Highway 39, thence along North Carolina Highway 39 to the North Carolina-Virginia State line to points in South Carolina on and east of a line beginning at the North Carolina-South Carolina State line, and extending along U.S. Highway 321 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction U.S. Highway 25, thence along U.S. Highway 25 to the South Carolina-Georgia State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E117), filed August 22, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* and *gypsum products, composition board, urethane* and *urethane products*, and *such insulation materials* and *roofing* and *roofing materials and supplies* as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from points in North Carolina, on and east of a line beginning at the Atlantic Ocean, and extending along North Carolina Highway 58 to junction North Carolina Highway 55, thence along North Carolina Highway 55 to junction U.S. Highway 501, thence along U.S. Highway 501 to the North Carolina-Virginia State line, to points in South Carolina, on and east of a line beginning at the North Carolina-South Carolina State line, and extending along U.S. Highway 701 to junction South Carolina Highway 261, thence along South Carolina Highway 261 to junction South Carolina Highway 513, thence along South Carolina Highway 513 to junction South Carolina Highway 41, thence along South Carolina Highway 41 to junction U.S. Alternate Highway 17, thence along U.S. Alternate Highway 17 to junction Interstate Highway 95, thence along Interstate Highway 95 to the South Carolina-Georgia State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E118), filed August 22, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* and *gypsum products, composition board, urethane* and *urethane products*, and *such insulation materials* and *roofing and roofing materials and supplies* as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from points in North Carolina, on and east of a line beginning at the Atlantic Ocean and extending along U.S. Highway 70 to junction North Carolina Highway 39, thence along North Carolina Highway 39 to the North Carolina-Virginia State line to points in South Carolina on and east of a line beginning at the North Carolina-South Carolina State line, and extending along U.S. Highway 321 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction U.S. Highway 25, thence along U.S. Highway 25 to the South Carolina-Georgia State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E119), filed August 22, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board, urethane* and *urethane products*, and *such insulation materials* and *roofing* and *roofing materials and supplies* as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from points in North Carolina, on and east of a line beginning at the Atlantic Ocean, and extending along North Carolina Highway 50 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction North Carolina Highway 242, thence along North Carolina Highway 242 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction North Carolina Highway 39, thence along North Carolina Highway 39 to the North Carolina-Virginia State line, to points in Georgia. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E121), filed August 22, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* and *gypsum products, composition board, urethane* and *urethane products*, and *such insulation materials* and *roofing and roofing materials and supplies* as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from points in North Carolina, on and east of a line beginning at the Atlantic Ocean, and extending along North Carolina Highway 50 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 501, thence along U.S. Highway 501 to the North Carolina-Virginia State line, to points in Georgia, on and west of a line beginning at the Georgia-Florida State line, and extending along Interstate Highway 75 to junction Georgia Highway 18, thence along Georgia Highway 18 to junction Georgia Highway 100, thence along Georgia Highway 100 to the Georgia-Alabama State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E122), filed August 22, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* and *gypsum products, composition*

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board, urethane and *urethane produets,* and *such insulation materials* and *roofing* and *roofing materials and supplies* as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from points in North Carolina, on and east of a line beginning at the Atlantic Ocean, and extending along U.S. Highway 421 to junction U.S. Highway 701, thence along U.S. Highway 701 to junction North Carolina Highway 39, thence along North Carolina Highway 39 to the North Carolina-Virginia State line to points in Georgia, on and west of Interstate Highway 75. The purpose of this filing is to eliminate the gateways of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E123), filed August 22, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* and *gypsum products, composition board, urethane* and *urethane products,* and *such insulation materials,* and *roofing and roofing materials and supplies* as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from points in North Carolina, on and east of a line beginning at the Atlantic Ocean, and extending along U.S. Highway 421 to junction North Carolina Highway 210, thence along North Carolina Highway 210 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Interstate Highway 85, thence along Interstate Highway 85 to the North Carolina-Virginia State line, to points in Tennessee on and west of Tennessee State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E126), filed August 25, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* and *gypsum products, composition board, urethane* and *urethane products,* and *such insulation materials* and *roofing* and *roofing materials and supplies* as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from points in North Carolina, on and south of a line beginning at the Atlantic Ocean, and extending along U.S. Highway 64 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction Interstate Highway 77, thence along Interstate Highway 77 to the North Carolina-South Carolina State line, to points in Pennsylvania, on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 15 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 948, thence along Pennsylvania Highway 948 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 114552 (Sub-No. E127), filed August 25, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* and *gypsum products, composition board, urethane* and *urethane products,* and *such insulation materials,* and *roofing* and *roofing material and supplies* as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from points in North Carolina, on and east of a line beginning at the Atlantic Ocean, and extending along U.S. Highway 64 to junction U.S. Highway 401, thence along U.S. Highway 401 to the North Carolina-South Carolina State line to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28324 Filed 10-20-75;8:45 am]

[Notice 117]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 14, 1975.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication on or before November 5, 1975. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52657 (Sub-No. 731TA), filed October 3, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th St., Chicago, Ill. 60620. Applicant's representative: James Bouril (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* (other than those designed to be drawn by passenger automobiles), in initial movements in truckaway service, and *materials, supplies and parts* (except commodities in bulk), used in the manufacture, assembly or servicing of commodities described above, when moving in mixed loads and on the same shipments with such commodities, from Morgantown, Pa., to points in New York, New Jersey, Delaware, Maryland, Virginia, and Washington, D.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Morgan Trailer Mfg., Co., Harold K. Dark, Traffic Manager, Joanna Road, P.O. Box 258, Morgantown Pa. 19543. Send protests to: Patricia A. Roscoe, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 63417 (Sub-No. 80TA), filed October 6, 1975. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, Va. 24034. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile facing or flooring, clay or earthenware,* glazed or not glazed, with or without backing; *quarriers flooring, paving or promenade; china bathroom fixtures; cement, grout, and sundry items* necessary for tile installation and maintenance, from Jackson, Tenn., to points in Mississippi and Louisiana, for 180 days. Supporting shipper: American Olean Tile Co., 1000 Cannon Ave., Lansdale, Pa. 19446. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Ave., SW., Roanoke, Va. 24011.

No. MC 83217 (Sub-No. 66TA), filed October 6, 1975. Applicant: DAKOTA EXPRESS, INC., 550 E. 5th St., South, S. St. Paul, Minn. 55075. Applicant's representative: Bill White (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes products,* from Clark, S. Dak., to points in Delaware, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Washington, D.C., and Wisconsin, for 180 days. Applicant also has filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Midwest Food Corporation, Clark, S. Dak. 57225. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 104523 (Sub-No. 59TA), filed October 6, 1975. Applicant: HUSTON TRUCK LINE, INC., 225 Maple Street, P.O. Box 17, Friend, Nebr. 68359. Applicant's representative: David R. Parker, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barite*, from Missoula, Mont., to Canadian, Tex., and points in Kansas, Oklahoma and Wyoming. Restriction: Restricted to traffic originating at the plantsite or facilities of Montana Barite Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Duane L. Reber, General Manager, Montana Barite Company, P.O. Box 3296, Missoula, Mont. 59801. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building & Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 107743 (Sub-No. 36TA), filed October 6, 1975. Applicant: SYSTEM TRANSPORT, INC., 11707 E. Montgomery Drive, P.O. Box 3456TA, Spokane, Wash. 99220. Applicant's representative: S. J. Cully, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood* products and millwork, from Albany and White City, Oreg., and Spokane, Wash., to Missoula, Mont., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sirco Manufacturing, Inc., 1919 North Ave., West, Missoula, Mont. 59801. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 110191 (Sub-No. 27TA), filed October 3, 1975. Applicant: TURNER'S EXPRESS, INCORPORATED, 1300 Shelton Ave., Norfolk, Va. 23502. Applicant's representative: D. L. Turner, P.O. Box 1006, Norfolk, Va. 23501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cork and materials* requiring further processing (except commodities in bulk, from Norfolk, Va., and points within 50 miles of Norfolk to Maryland, New Jersey, New York, Pennsylvania, and Robinson, Ill., Ohio and Michigan, for 180 days. Supporting shippers: Southland Cork Company, 2601 E. Indian River Road, Chesapeake, Va. 23501. Sheller-Globe Corporation, Mitchell & Smith Division, 8900 Hampton Blvd., Norfolk, Va. 23505. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 10-502 Federal Bldg., 400 North 8th St., Richmond, Va. 23240.

No. MC 112617 (Sub-No. 334TA), filed October 2, 1975. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from the plantsite of Cargill, Inc., (Exxon Asphalt Terminal), near Louisville, Ky., to points in Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Labriola, General Transportation Manager, Cargill, Inc., Salt Det., Cargill Bldg., Minneapolis, Minn. 55402. Send protests to: Elbert Brown, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 P.O. Bldg., Louisville, Ky. 40202.

No. MC 115331 (Sub-No. 398TA), filed October 2, 1975. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Ave., East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foundry sand and foundry molding sand treating compounds*, in bulk, in tank vehicles, from Granite City, Ill., to Albertsville and Birmingham, Ala.; Chattanooga and Pulaski, Tenn., and Blytheville, Ark.; (2) *Foundry moulding sand treating compounds and bentonite clay*, in bulk, in tank vehicles, from Sandy's Ridge, Ala., and Aberdeen, Miss., to Granite City, Ill., for 180 days. Supporting shipper: American Colloid Co., P.O. Box 228, Skokie, Ill. 60076. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 12th St., St. Louis, Mo. 63101.

No. MC 115921 (Sub-No. 7TA), filed October 6, 1975. Applicant: CHEMICAL SALT SERVICE, INC., 54 Waltham Ave., Springfield, Mass. 01109. Applicant's representative: C. F. Forgue, 110 N. Wacker Drive, Chicago, Ill. 60606. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt*, in bulk, in dump trucks, from South Shaftsbury, Vt., and Cuttingsville, Vt., to points in Washington and Resselaer Counties, N.Y., under a continuing contract with Morton Salt Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Morton Salt Company, 110 North Wacker Drive, Chicago, Ill. 60606. Send protest to: J. D. Perry, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 338 Federal Bldg. & U.S. Courthouse, Springfield, Mass. 01130.

No. MC 118142 (Sub-No. 103TA), filed October 6, 1975. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) From Boardman, Oreg., and Othello, Wash., to Alexandria and Shreveport, La., and Houston, Tex.; (2) from Castrobille, Calif., to Tulsa, Okla., and Shreveport, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: VIP Sales Company, Inc., 4673 South 83rd East Ave., Tulsa, Okla. 74145. Gourmet Food Products, Inc., P.O. Box 37, Boardman, Oreg. 97818. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 118178 (Sub-No. 24TA), filed October 7, 1975. Applicant: BILL MEEKER, P.O. Box 11184, Wichita, Kans. 67202. Applicant's representative: Bill Meeker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cornmeal products* edible, from Wichita, Kans., to Tampa and Miami, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Casa Fiesta Products, Inc., 1801 South Mead, Wichita, Kans. 67211. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 127283 (Sub-No. 8TA), filed October 2, 1975. Applicant: SILICA SAND TRANSPORT, INC., Box 212, Routes 47 and 71, Yorkville, Ill. 60560. Applicant's representative: Albert A. Andrin, 180 North LaSalle St., Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Filter sand*, from Muscatine, Iowa, to Chicago, Ill., and New Lenox, Ill., under a continuing contract with Harold G. Bos, d.b.a. Bos Sand Co., for 180 days. Supporting shipper: Harold G. Bos, d.b.a. Bos Sand Co., 9500 S. Avers, Evergreen Park, Ill. 60642. Send protests to: Patricia A. Roscoe, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 133350 (Sub-No. 3TA), filed October 7, 1975. Applicant: AQUA GULF CORPORATION, 84 Bloomfield Ave., Staten Island, N.Y. 10310. Applicant's representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers or in trailers (except motor vehicles and commodities in bulk), between the facilities of the Puerto Rico Maritime Shipping Authority, at Port Elizabeth, N.J., on the one hand, and, on the other, New York, N.Y., and points in

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Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.Y. Restriction: Said operations are restricted to transportation having a prior or subsequent movement by water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are 15 supporting statements to the instant application, which are attached hereto. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 139302 (Sub-No. 3 TA), filed October 6, 1975. Applicant: KREUGER TRUCKING CO., INC., 1580 William St., Buffalo, N.Y. 14206. Applicant's representative: S. Michael Richards, 44 North Ave., Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete floor/roof slabs and allied products*, from Ports of Entry on the International Boundary line, between the United States and Canada at Niagara Falls and Buffalo, N.Y., to points in New York State on and west of Interstate Route 81, for 180 days. Supporting shipper: General Concrete of Canada, Ltd., 500 Centennial Parkway, Hamilton, Ontario L8H 7L2. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 910 Federal Bldg., 111 West Huron St., Buffalo, N.Y. 14202.

No. MC 139340 (Sub-No. 2 TA), filed October 3, 1975. Applicant: CONRAD YELVINGTON DISTRIBUTORS, INC., 800 Big Tree Road, P.O. Box 1686, Daytona Beach, Fla. 32015. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay pipe;* (2) *Joint materials;* (1) from Ocala, Fla., to Gulfport, Miss., and (2) from Gulfport, Miss., to Ocala, Fla., under a continuing contract with United States Concrete Pipe Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: United States Concrete Pipe Company, 2121 East Ohio Bldg., Cleveland, Ohio 44114. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 139697 (Sub-No. 2 TA), filed October 6, 1975. Applicant: EDWARD BRUCE WAGONER, doing business as DELIGHT TRANSPORTATION COMPANY, 1160 Dover Road, West Memphis, Ark. 72301. Applicant's representative: Morton E. Kiel, Suite 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as are dealt in by a manufacturer of garden tractors, and materials, supplies and equipment used in the conduct of such business (except commodities in bulk), between South Bend, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, Virginia, North Carolina, South Carolina, Georgia, West Virginia, Ohio, Kentucky, Tennessee, Illinois, Wisconsin, Missouri, Iowa, Michigan, Minnesota, Texas, New Mexico, Arizona, California, Alabama, Arkansas, Colorado, Florida, Kansas, Louisiana, Mississippi, and Oklahoma, under a continuing contract with Wheel Horse Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wheel Horse Products, Inc., 515 West Ireland Road, South Bend, Ind. 46614. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 140010 (Sub-No. 4 TA) (Correction), filed August 12, 1975, published in the FEDERAL REGISTER issue of August 28, 1975, and republished as corrected this issue. Applicant: JOSEPH MOVING & STORAGE CO., INC., doing business as ST. JOSEPH MOTOR LINES, 573 Dutch Valley Road, NE., Atlanta, Ga. 30326. Applicant's representative: Richard M. Tettelbaum, 3379 Peachtree Rd., NE., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture and components of furniture* (except commodities in bulk), from the plantsite and storage facilities of Universal Furniture Industries, Inc., in Fulton County, Ga., to points Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; (2) *Damaged, refused, returned or rejected furniture and components of furniture* (except commodities in bulk), from points in the destination states named in (1) above, to the origin named in (1) above, under a continuing contract with Universal Furniture Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Universal Furniture, 115 Villanova Dr., SW., Atlanta, Ga. 30336. Send protests to: William L. Scroggs, District Supervisor, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309. The purpose of this republication is to add the territorial description, which was omitted in the previous publication.

No. MC 141252 (Sub-No. 1 TA), filed October 2, 1975. Applicant: PAN WESTERN CORPORATION, 4105 Las Lomas, Las Vegas, Nev. 89102. Applicant's representative: E. Ronald Kropacek, 1500 West Covina Parkway, Suite 208, West Covina, Calif. 91790. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products and supplies* used in the installation thereof, from the plantsite of Hohns-Manville Products Corporation, at or near Apex, Nev., to points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Johns-Manville Products Corporation, P.O. Box 14186, Las Vegas, Nev. 89114. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, 203 Federal Bldg., 705 N. Plaza St., Carson City, Nev. 89701.

No. MC 141306 (Sub-No. 1 TA), filed September 30, 1975. Applicant: DAVWAY TRUCKING, INC., 3085 S. W. Rosemont Road, West Linn, Oreg. 97068. Applicant's representative: Lawrence W. Thomas (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Horsemeat*, from Stanwood, Wash., to the Port of Entry of the United States-Canada International Boundary, at or near Detroit, Mich., under a continuing contract with Florence Packing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Florence Packing Co., 24711 Florence Road, Stanwood, Wash. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97203.

No. MC 141355 (Sub-No. 1 TA), filed October 2, 1975. Applicant: GEORGE J. LAUBNER, doing business as GEE EL TRUCKING Co., 800 Wilhemina Court, Palm Bay, Fla. 32905. Applicant's representative: George J. Laubner (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unorated aircraft engines, parts and propellers-indedicated semi-trailers* equipped with air-ride suspension-logistic track-decking-cargo shoring beams and cargo load holders, between Williamsport, Pa., Lancaster, Pa., Baltimore, Md., and their commercial zones and Vero Beach, Fla. The above authority is restricted to traffic moving under a continuing contract or contracts with Piper Aircraft Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Piper Aircraft Corporation, P.O. Box 1328, Vero Beach, Fla. 32960. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 141356 (Sub-No. 1TA), filed September 26, 1975. Applicant: LONE PINE TRUCKING COMPANY, 11831 Vose St., North Hollywood, Calif. 91605. Applicant's representative: Carl H. Fritze, 1545 Wilshire Blvd., Los Angeles, Calif. 90701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ores, and chemicals*, dry, in bulk, between points in Inyo County, Calif.; Mono County, Calif., and those in San Bernardino County, Calif., east of U.S. Highway 395, restricted to shipments having a subsequent movement in interstate commerce by rail, for 180 days. Supporting Shippers: American Perlite Company, 11831 Vose St., North Hollywood, Calif. 91605. Morrison & Weatherly, P.O. Box 296, Lone Pine, Calif. 93545. Victor Charbrand & Labar Whittle, dba, Vogue Engineering, P.O. Box 845, Beverly Hills, Calif. 90213. Send protests to: Mildred I. Price, Transportation Assistant, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 141357 TA (Correction), filed September 25, 1975, published in the FEDERAL REGISTER issue of October 10, 1975, and republished as corrected this issue. Applicant: SHANUS, INC., 232 N. 1st St., Minneapolis, Minn. 55401. Applicant's representative: Gene P. Shanus (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fleshings, a by-product or residue of hides*, from South St. Paul, Minn. to Sioux City, Iowa and Green Bay, Wis., for 180 days. Supporting shipper: Twin City Hide, Inc., 491 Malden, S. St. Paul, Minn. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401. The purpose of this republication is to correct the docket number which was previously published in error.

No. MC 141362 (Sub-No. 1TA), filed October 1, 1975. Applicant: GEORGE A. SPARKS, doing business as ESCONDIDO TRUCK & EQUIPMENT, 630 Daisy, Escondido, Calif. 92027. Applicant's representative: William J. Monheim, P.O. Box 1756, 15942 Whittier Blvd., Whittier, Calif. 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal feed supplement*, in bulk, from Protein Resources, Inc., shipping facilities at or near San Marcos, Calif., to Cattle Feed Lots located in Maricopa and Yuma Counties, Ariz.; (2) *Cottonseed meal*, in bulk, from Casa Grande and Phoenix, Ariz., to Prohoroff Poultry Farms, Inc., at or near San Marcos, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Protein Resources, Inc., 380 S. Twin Oaks Valley Rd., San Marcos, Calif. 92069. Prohoroff Poultry Farms, Inc., 380 S. Twin Oaks Valley Rd., San Marcos, Calif. 92069. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 141375 TA, filed October 1, 1975. Applicant: CLARENCE E. LEKO, 668 Surrey Ave., St. Paul, Minn. 55106, Applicant's representative: Robert E. Swanson, 1211 S. 6th St., Stillwarer, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Abrasive sanding machinery, and equipment material supplies and parts* used in the manufacture and assembly thereof, between the plantsite of Timesavers, Inc., at Minneapolis, Minn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with Timesavers, Inc., for 180 days. Supporting shipper: Timesavers, Inc., 5270 Hanson Court, Minneapolis, Minn. 55422. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 141376 TA, filed October 3, 1975. Applicant: CERTARO TRUCKING COMPANY, 492 12th Ave., Paterson, N.J. 07514. Applicant's representative: Eugene M. Malkin, 277 Park Ave., New York, N.Y. 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, commercial, and institutional fixtures, cabinets, shelving and seating; hospital beds and hospital equipment; and material, equipment and supplies used in the manufacture thereof*, between Plainfield, Conn.; Jamestown, N.Y.; Warren, Pa.; Michigan City, Inc., and ports of entry on the United States-Canadian International boundary lines at Buffalo, Rouses Point, and Niagara Falls, N.Y.; and Detroit and Port Huron, Mich., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract or contracts with Inter Royal Corporation, for 180 days. Supporting shipper: Inter Royal Corporation, One Park Ave., New York, N.Y. 10016. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commision, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102.

APPLICATION OF PASSENGERS

No. MC 124935 (Sub-No. 6TA), filed September 29, 1975. Applicant: ALMEIDA BUS LINES, INC., 1091 Kempton St., New Bedford, Mass. 02741. Applicant's representative: Mary E. Kelley, 11 Riverside Ave., Medford, Mass. 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations beginning and ending at Tiverton, R.I., Fall River and New Bedford, Mass., and extending to tracks of Greyhound Racing Association at Seabrook, N.H., and Plainfield, Conn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 39 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Gerald H. Curry, District Supervisor, 187 Westminster St., Providence, R.I. 02903.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28327 Filed 10-20-75;8:45 am]

[AB 75 (Sub-No. 1)]

RICHMOND TERMINAL RAILWAY CO.

Abandonment of Its Entire Line of Railroad Including Broad Street Station, in Richmond, Virginia

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant, be and it is hereby, directed to publish the appended notice in a newspaper of general circulation in the city of Richmond, Va., on or before October 29, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 26th day of September 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[AB 75 (Sub-No. 1]

RICHMOND TERMINAL RAILWAY CO.

ABANDONMENT OF ITS ENTIRE LINE OF RAILROAD INCLUDING BROAD STREET STATION, IN RICHMOND, VIRGINIA

The Interstate Commerce Commission hereby gives notice that by order dated September 26, 1975, has been determined that the proposed abandonment by the Richmond Terminal Railway Company of its entire line of railroad extending from the connection with the tracks of the Richmond, Fredericksburg, and Potomac Railroad to the Broad Street Station, and including abandonment of the station itself, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332 (2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignifi-

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cant because rail passenger service to the Broad Street Station is scheduled to terminate in late 1975 upon completion by Amtrack of a new passenger facility in the Glendale section of Henrico County. Abandonment and contemplated sale of rail properties to the State of Virginia will be fully consistent with redevelopment plans in downtown Richmond. Steps will be taken to protect the architectural and historical integrity of the Broad Street Station. In this regard the procedural requirements mandated by the National Historic Preservation Act of 1966, 16 U.S.C. 470, et seq., will be fully complied with.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–343–7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before November 13, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–28328 Filed 10–20–75;8:45 am]

federal register

TUESDAY, OCTOBER 21, 1975

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

PART II:

ENVIRONMENTAL PROTECTION AGENCY

CANNED AND PRESERVED FRUIT AND VEGETABLES PROCESSING INDUSTRY POINT SOURCE CATEGORY

Interim Effluent Limitations and Guidelines, and Proposed Performance and Pretreatment Standards

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Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 444–5]

PART 407—CANNED AND PRESERVED FRUITS AND VEGETABLES PROCESSING INDUSTRY POINT SOURCE CATEGORY

Interim Final Rule Making

Notice is hereby given that effluent limitations and guidelines for existing sources to be achieved by the application of best practicable control technology currently available as set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). On March 21, 1974, EPA promulgated a regulation adding Part 407 to Title 40 of the Code of Federal Regulations (39 FR 10862). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the canned and preserved fruits and vegetables point source category. The regulation set forth below will amend 40 CFR Part 407, canned and preserved fruits and vegetables processing industry point source category, and will be applicable to "large" (as defined in the regulation below) existing sources for the canned and preserved fruits subcategory (Subpart F), the canned and preserved vegetables subcategory (Subpart G), and the canned and miscellaneous specialties subcategory (Subpart H) of the canned and preserved fruits and vegetables processing industry point source category pursuant to sections 301, 304 (b) and (c), of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 86 Stat. 816 et seq.; P.L. 92–500) (the Act). Simultaneously, the Agency is publishing in proposed form effluent limitations and guidelines for "medium" size existing sources in the subcategories described in these interim final regulations based on the best practicable control technology currently available and for "medium" and "large" existing sources to be achieved by the application of best available technology economically achievable, standards of performance for new point sources, and pretreatment standards for existing sources and for new sources.

(a) Legal authority.

(1) Existing point sources.

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the canned and preserved fruits subcategory (Subpart F), the canned and preserved vegetables subcategory (Subpart G), and the canned and miscellaneous specialties subcategory (Subpart H) of the canned and preserved fruits and vegetables processing industry point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(2) New sources.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306 also requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306 of the Act. The regulations proposed herein set forth the standards of performance applicable to new sources for the canned and preserved fruits subcategory (Subpart F), the canned and preserved vegetables subcategory (Subpart G), and the canned and miscellaneous specialties subcategory (Subpart H) of the canned and preserved fruits and vegetables processing industry point source category.

Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. In another section of the FEDERAL REGISTER regulations are proposed in fulfillment of these requirements.

(b) Summary and basis of interim final effluent limitations and guidelines for existing sources, proposed effluent limitations and guidelines for existing sources to be achieved by the application of the best available technology economically achievable, proposed standards of performance for new sources, and proposed pretreatment standards for both new and existing sources.

(1) General methodology.

The effluent limitations and guidelines set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste watre. The constituents of the waste waters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the non-water quality environmental impacts, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering

aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the canned and preserved fruits subcategory (Subpart F), canned and preserved vegetables subcategory (Subpart G), and the canned and miscellaneous specialties subcategory (Subpart H) of the canned and preserved fruits and vegetables processing industry point source category.

(i) Categorization. The canned and preserved fruits and vegetables processing industry was divided into three discrete subcategories for the purpose of developing effluent limitations. These subcategories coincide with a breakdown of the category according to raw material, organic and volumetric waste load, processing operations, and processing capacity as outlined in the Development Document for the canned and preserved fruits and vegetables processing industry category. When a plant is subject to effluent limitations covering more than one commodity or subcategory, the plant discharge limitation shall be set by proration of limitations for each commodity or subcategory based on the total production covered by each commodity or subcategory.

(1) Subpart F—Canned and Preserved Fruits Subcategory.

The chemical composition and physical character of fruits are different from either vegetables or food specialties. The processing of fruits involves a unique sequence of unit operations which results in an organic and volumetric waste load unlike that from vegetable production processes or from food specialty processes. The water usage and organic waste load resulting from fruit processing varies with the type of fruit processed. Accordingly, separate limitations have been established for twenty-two different fruit commodities and styles within the canned and preserved fruits subcategory. These commodities and styles include the following fruits: apricots; caneberries; sweet, sour and brined cherries; cranberries; dried fruit; grape juice canning and pressing; olives; canned and frozen peaches; pears; fresh and processed pickles and pickle salting stations; pineapples; plums; raisins; strawberries; and peeled tomatoes and tomato products.

While the technical analysis determined that separate limitations were needed for twenty-two different types of fruits within the canned and preserved fruits subcategory, an economic analysis determined that separate limitations were needed for three plant sizes within each commodity or style. The economic study was based on price effects, sales, investment, international trade, and other factors. As a result of the analysis on representative model plant groups, potential plant impacts were found to differ among small, medium and large size plants. Accordingly, no limitations have been established at this time for small plants which process less than 2,000 tons per year, and separate limitations have been established for large plants and proposed for each of the twenty-two different fruit commodities and styles.

The canned and preserved fruits subcategory consisting of these three size groups within each of the twenty-two commodities and styles is substantiated through analyses with respect to cost of raw materials, production processes, finished products, the treatability of wastes, and the size, age and location of plants.

(2) Subpart G—Canned and Preserved Vegetables Subcategory.

The chemical composition and physical character of vegetables are different from either fruits or food specialties. The processing of vegetables involves a unique sequence of unit operations which results in an organic and volumetric waste load unlike that from fruit production processes or from food specialty processing. The water usage and organic waste load resulting from the processing of vegetables varies with the type of vegetable. Thus, separate limitations have been established for twenty-six different vegetable commodities and styles within the canned and preserved vegetables subcategory. These commodities and styles include the following vegetables: asparagus; beets; broccoli; brussels sprouts; carrots; cauliflower; canned and frozen corn; dehydrated onions and garlic; dehydrated vegetables; dry beans; lima beans; mushrooms; canned onions; canned and frozen peas; pimentos; sauerkraut canning and cutting; canned and frozen snap beans; canned and frozen spinach; squash; sweet potatoes; and canned white potatoes.

While the technical analysis determined that separate limitations were needed for twenty-six different types of vegetables within the canned and preserved vegetable subcategory, an economic analysis determined that separate limitations were needed for three plant sizes within each commodity or style. The economic study was based on price effects, sales, investment, international trade, and other factors. As a result of the analysis on representative model plant groups, potential plant impacts were found to differ among small, medium and large size plants. Accordingly, no limitations have been established at this time for small plants which process less than 2,000 tons per year, and separate limitations have been established for large plants and proposed for each of the twenty-six different vegetable commodities and styles.

The canned and preserved vegetables subcategory consisting of these three size groups within each of the twenty-six commodities and styles is substantiated through analyses with respect to cost of raw materials, production processes, finished products, the treatability of wastes, and the size, age and location of plants.

(3) Subpart H—Canned and Miscellaneous Specialties Subcategory.

The chemical composition and physical character of food specialties are different from either fruits or vegetables. The production of food specialties involves a unique sequence of unit operations which results in an organic and volumetric waste load unlike that resulting from fruit or vegetable processing. The water usage and organic waste loads resulting from the production of food specialties varies with the type of specialty produced. Therefore, separate limitations have been established for ten specialty products within the canned and miscellaneous specialties subcategory. These commodities include the following specialties: added ingredients; baby food; potato, corn and tortilla chips; ethnic foods; jams and jellies; mayonnaise and dressings; soups; and tomato-starch-cheese canned specialties.

While the technical analysis determined that separate limitations were needed for ten different types of specialty products within the canned and miscellaneous specialties subcategory, an economic analysis determined that separate limitations were needed for three plant sizes within each commodity or style. The economic study was based on price effects, sales, investment, international trade, and other factors. As a result of the analysis on representative model plant groups, potential plant impacts were found to differ among small, medium and large size plants. Accordingly, no limitations have been established at this time for small plants which process less than 2,000 tons per year, and separate limitations have been established for large plants and proposed for medium size plants for each of the ten different specialty products.

The canned and miscellaneous specialties subcategory consisting of these three size groups within each of the ten specialty products is substantiated through analyses with respect to finished products, production processes, raw materials, the treatability of wastes, and the size, age and location of plants.

(ii) Waste characteristics.

The significant pollutant parameters in waste waters resulting from the fruits, vegetables, and specialties processing subcategories of the canned and preserved fruits and vegetables industry category include biochemical oxygen demand (BOD5), total suspended nonfilterable solids (TSS), pH and fecal coliforms. Oil and grease is also a significant pollutant in the specialties subcategory.

Several other waste water pollutants are found in these processing waste waters but these pollutants are considered to be of lesser importance because available data has indicated these pollutants are normally removed when BOD5 or TSS are removed or they occur in insignificant quantities.

Waste water from process steps such as peeling, trimming, slicing, transporting, blanching, and cooking, and water from periodic clean-up procedures are the principle waste water streams in fruit and vegetable processing. Some

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process waste water occurs in the food specialty subcategory such as potato and other chip processing, but most of the waste results from clean-up operations. Raw waste load data have been collected on waste waters for each commodity in each subcategory of this industry, and information assembled on the treatment procedures required for the waste waters.

Raw waste loads vary from day to day and from season to season. A plant's waste management program should be designed with sufficient flexibility to handle the problems inherent in the industry due to expected raw material quality variations. Management should discuss unpredictable events such as drought and insect damage with regulatory personnel, and formulate an emergency plan to handle a situation where uncontrollable significant deterioration in raw material quality overwhelms the treatment facility.

(iii) Origin of waste water pollutants in the canned and preserved fruits and vegetables processing industry category.

Many of the process steps used in the canning, dehydrating or freezing of fruits, vegetables or specialties are common to the industry as a whole. Typically, the raw materials are received, washed and sorted to prepare them for subsequent processing. Some commodities are then peeled when the end product style is to be a solid form (slices, cubes or powder). If the final product is to be a juice or liquid, the peel may not be removed. Subsequent process steps following the peel removal in which water may be used are trimming, slicing, blanching, cooling, cooking, and can washing or cooling. Water transport may be used in one or more parts of the process and clean-up is common to each processing operation. Non-contact cooling water is used in most of these commodities in each subcategory and it is generally segregated from process water and handled separately with minimal or no treatment necessary. The character of the process waste clean-up waters are similar in that they contain biodegradable organic matter. Thus, the in-plant control measures and end-of-process treatment techniques are similarly effective in controlling and treating all fruit, vegetable or specialty processing wastes.

(iv) Treatment and control technology.

Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is: (a) the best practicable control technology currently available; (b) the best available technology economically achievable; and (c) the best demonstrated control technology, processes, operating methods or other alternatives. The best practicable control technology currently available includes standard in-plant control practices and "end-of-process" treatment for process waste water. In-plant procedures to control pollution include strict management control over housekeeping and water use practices, minimization of the intake of water by reuse and recirculation of waste waters, and dry clean-up procedures before washdown. The "end-of-process" technology includes materials recovery through screening and, for some commodities, sedimentation or flotation, and organic reduction through biological treatment, either aerated or aerobic lagoons, or activated sludge. An alternative to biological treatment for processors with sufficient quantities of suitable and available land is land treatment such as spray irrigation. However, this alternative is not available to plants processing brined products because of the high dissolved solids content in the process waste water.

Specific technology currently being utilized by plants in each subcategory include good in-plant housekeeping practices, materials recovery (usually screening and sometimes primary sedimentation or flotation to recover usable by-product solids or grease) and biological treatment. The treatment systems range from simple lagoon operations through an array of mechanically aerated modifications to activated sludge with final clarification. This range of technology was evaluated and the performance of all concepts was found to result in high quality effluents. Best practicable control technology currently available (BPCTCA) has been clearly documented as biological treatment. The various subcategories of fruit, vegetable, and specialty processing plants include treatment systems using at least aerobic or aerated lagoons. More capital intensive biological systems such as activated sludge treatment would achieve the same or better performance and would thus be an additional alternative within BPCTCA. Those plants not meeting the limitations are estimated to require modifications to existing facilities in the form of additional lagoons or the equivalent (i.e. modifications such as mechanical aeration or additional aerobic treatment). For example, some plants have treatment using an aerated lagoon but overall performance of the treatment at these plants is below accepted norms in BOD5 removal for this treatment system. In this case, the addition of an aerated chamber, increased aeration capacity, or other modifications may be reasonably expected to upgrade overall treatment system performance to required levels.

Best available technology economically achievable (BATEA) is substantially the same for all subcategories. Principal modifications for BPCTCA to achieve BATEA are in treatment and control to optimize in-plant water and waste management controls. The end-of-process technology includes BPCTCA biological treatment—either aerated or aerobic lagoons, or activated sludge—plus multimedia filtration. Filtration is a technology that has been demonstrated in both the fruits and vegetables subcategories and can be readily transferred to the similar biological effluents from the specialties subcategory. Reductions in the raw organic load (expressed as BOD5) and the final organic and suspended solids load are commensurate with levels at or near reductions already achieved by several plants in the fruits, vegetables, and specialties subcategories.

There is an additional fifty percent of the fruit and vegetable industry that is presently using land treatment. Therefore many plants are presently achieving an effluent reduction greater than required by the application of the best available control technology economically achievable and most have no discharge of pollutants to navigable waters. This technology is used with and without holding ponds in all regions of the country.

The application of technology for greatly reduced water use is not required for this industry but would facilitate land disposal. Experience has shown that good management practices assure that land disposal and irrigation systems can be maintained commensurate with crop need and soil tolerance.

Treatment required to achieve the best available demonstrated control technology, processes, operating methods or other alternatives for new sources is the same as from best available control technology economically achievable.

Solid residue and sludge are potential problems because of the need for periodic disposal. Solid waste is being handled by processors in most subcategories as animal feed. In some cases, however, solid waste cannot be handled as feed and wastes must be handled properly to assure no landfill or associated problems develop.

Best practicable control technology as known today, requires disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In most cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to insure long-term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate legal and mechanical precautions (e.g. impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdiction.

(v) Cost estimates for control of waste water pollutants. The costs associated with the control and treatment technologies have been considered in an economic impact analysis discussed in (vii) below. Costs per individual plant for meeting the 1977 limitations with aerated lagoons varied from $40,000 for small plants to as much as $565,000 for a large plant. The corresponding annual costs ranged from $9,000 to $156,000. Activated sludge costs were higher, ranging from $162,000 to $1,809,000 with the corresponding annual costs from $36,000 to $364,000. The investment costs for spray irrigation ranged from $46,000 to $880,000.

Based on 275 plants discharging to navigable waters through aerated lagoons, the total industry investment to meet the 1977 limitations would be $33.5 million and the total annual cost would be $9.7 million. However, plants less than 1,816 kkg (2,000 tons) per year are excluded from achievement of effluent limitations, and also most plants have some type of treatment currently in-place. When these factors are considered, the total industry investment cost is estimated to be $24.5 million and the annual cost is estimated to be $7.6 million.

The estimated cost to meet BATEA limitations is estimated to be about $40 million with annual costs about $10 million. These costs do not make any allowance for treatment currently in-place and do not include filtration for plants less than 9,080 kkg (10,000 tons) per year.

Thus the total industry cost to meet BPCTCA and BATEA limitations with aerated lagoons is almost $65 million and the annual cost is about $17.6 million.

(vi) Energy requirements and non-water quality environmental impacts.

The energy requirements associated with the control and treatment technologies have been considered. The estimated energy consumption of the recommended technologies is discussed and listed in Section VIII of the Development Document. The added energy requirements asosciated with the operation of the treatment facilities are expected to constitute only a small fraction of total plant energy consumption.

The maintenance of air quality, in terms of particulates, will be unaffected by the recommended waste water treatment technologies. Odor from landfills can be a problem, and from lagoons and oxidation ponds when not operated or maintained properly. However, covers or enclosures can be used in some cases if a localized problem exists.

Principal noise sources at treatment facilities are mechanical aerators, air compressors, and pumps. By running air compressors for diffused air systems below their rated critical speed and by providing inlet and exhaust silencers, noise effects can be effectively reduced. In no proposed installation would noise levels exceed the guidelines established in the Occupational Safety and Health Standards of 1972.

(vii) Economic impact analysis. Plants processing less than 2,000 tons of raw materials per year are not covered by the interim final or proposed limitations. These plants were excluded because neither aerated lagoons nor activated sludge waste treatment systems were economically feasible. Because direct dischargers affected by the proposed and interim final limitations represent a small fraction of total industry production, they may be unable to pass pollution control costs on to the consumer in the form of higher prices.

Only plants producing more than 10,000 tons per year of raw materials will be affected by the interim final limitations. Profitability of these plants may fall to an average return on investment of 4.8 percent from a current average return of 6.3 percent. Impacts on production, industry growth, employment, balance of trade and local economies are not expected to be significant.

The proposed BPCTCA limitations for plants processing between 2,000 and 10,000 tons per year (medium size plants) may cause 10 plants to close. The incremental costs necessary to meet BATEA limitations are minimal, and as a result, no additional closures are expected. 800 jobs could be lost due to plant closures in this segment. Production losses will be less than 0.5 percent of total current production. Proposed BATEA limitations for plants processing more than 10,000 tons per year may result in 3 plant closures. Approximately 450 jobs could be lost, but total production losses will be insignificant. However, community and regional impacts could be serious. Many fruit and vegetable processing plants are located in small towns and rural areas. Single plants generally employ 80 to 150 persons and serve as a market for local farmers. Closure of one plant in a small town could result in severe local economic dislocations. Although exports of fruit and vegetable products will not be affected by these limitations, the existing trend of increasing imports of such products such as mushrooms, strawberries, blueberries and tomato paste could be accentuated.

The projection for possible closures expected to result from proposed and interim final limitations are based on the assumption that most plants will be able to install aerated lagoons. Aerated lagoons are the lower cost alternative, but applicable only in situations where land is available. However, if all plants find it necessary to use the activated sludge option due to unavailability of land, closures from BPCTCA might rise to as many as 33 and an additional 23 shutdowns could result from BATEA. The EPA especially invites comment on this issue.

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by Agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated.

OMB Circular A–107 (January 28, 1975) prescribes guidelines for the identification and evaluation of major proposals requiring preparation of inflationary impact certification. The circular provides that during the interim period prior to final approval by OMB of criteria developed by each Agency, the Administrator is responsible for identifying these regulations which require evaluation and certification. The Administrator has directed that all regulatory actions which are likely to result in capital investment exceeding $100 million or annualized costs in excess of $50 million will require certification. As previously mentioned, the capital investment and annualized costs associated with compliance to this regulation are estimated to be less than these amounts.

The supplementary report entitled "Economic Analysis of Interim Final Effluent Guidelines—Fruit and Vegetable Processing Industry" contains estimates of the cost of pollution control requirements and an analysis of the possible effect of the interim final and proposed regulation on prices, production levels, employment, communities in which processors are located, and international trade. In addition, the Development Document describes, in Section VIII, the cost and energy consumption implications of the interim final and proposed regulations.

The report entitled "Development Document for Interim Final and Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Fruits, Vegetables and Specialties Processing Segments of the Canned and Preserved Fruits and Vegetables Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Public Information Reference Unit, Room 2404, 401 M Street, SW., Washington, D.C. 20460, at all EPA regional offices, and at State water pollution control offices. The supplementary analysis prepared for EPA of the possible economic effects of the interim final and proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 F.R. 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division (WH–552), 401 M Street, SW., Washington, D.C. 20460, Attn: Distribution Officer.

When this regulation is promulgated in final rather than interim form, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, VA 22151.

(c) Summary of public participation.

Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards proposed for the canned and preserved fruits and vegetables processing industry point source category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all

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State and U.S. Territory Pollution Control Agencies; (3) other public agencies, interest groups, and associations; Ohio River Valley Sanitation Commission; Delaware River Basin Commission; U.S. Department of the Interior; U.S. Department of Commerce; U.S. Department of Health, Education, and Welfare; The Conservation Foundation; Environmental Defense Fund, Inc.; Natural Resources Defense Council; American Society of Civil Engineers; Water Pollution Control Federation; National Wildlife Federation; American Institute of Chemical Engineers; American Frozen Food Institute; National Canners Association; American Dehydrated Onion and Garlic Association; National Kraut Packers Association; Pickle Packers International, Inc.; Mushroom Processors Association; Associated Pimento Canners; Canners League of California; Potato Chip Institute International; and numerous processors.

The following responded with comments: Effluent Standards and Water Quality Information Advisory Committee; National Canners Association; National Kraut Packers Association; Pickle Packers International; Mushroom Processors Association; Agripac, Inc.; Artichoke Industries, Inc.; Beaver Valley Canning Co.; Carnation Company; Comstock Foods, Borden, Inc.; Dean Foods Co.; Duffy-Mott Co., Inc.; Flavorland Foods, Inc.; Frito-Lay, Inc.; General Foods Corp.; Gentry International, Inc.; Gerber Products Co.; Green Giant Co.; Grocery Store Products Co.; Humpty-Dumpty Potato Chip Co.; Kennett Canning Co.; Kraft Foods; Lakeside Packing Co.; Larsen Co.; Meridian Foods, Inc.; North Carolina Dept. of Natural and Economic Resources; Ocean Spray Cranberries, Inc.; Snyders Potato Chips; Stayton Canning Co. Coop; Stokely-Van Camp, Inc.; Jones-Normel Foods, Inc.; Welch Foods, Inc.; State of Florida; State of Vermont; State of Colorado Department of Health; Vlasic Foods, Inc.; West Foods, Inc.-Castle & Cooke; Basic Vegetable Products, Inc.; Redi Foods; Sterling Cooperative, Inc.; Hunt Wesson Foods, Inc.; U.S. Dept. of Transportation; Campbell Soup Co.; California Vegetable Concentrates Inc.; American Dehydrated Onion & Garlic Assn.; U.S. Dept. of the Interior; American Frozen Food Institute; Michigan Water Resources Commission; Heinz Co.; Del Monte Corp.; Tillie Lewis Foods, Inc.; and University of Georgia, College of Agriculture.

The primary issues raised in the development of the proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows:

1. A number of commenters expressed concern about the use of the log normal distribution and suggested that its use was simply a device utilized to make up for the inadequacies in the analysis of the collected data.

The EPA prepared a data distribution analysis to determine the natural distribution of the major waste water parameters. A standard normal distribution model was studied and found to be inadequate for most cases because the range of data was large and the data tended to be skewed with a few relatively large values. Also, the normal distribution allowed for negative values which do not occur in actuality for the pollutant parameters being examined. The log normal distribution was investigated and found to describe the raw waste data collected from this industry segment better than the normal distribution. It was determined that more than 75 percent of the flow ratios and 85 percent of the BOD5 ratios were described better by the log normal distribution than by the normal distribution. The log normal distribution is the distribution commonly used for only positive values which are skewed right to allow for a few large values. The set of the logarithms of values in the distribution conforms to the normal distribution and standard, readily available, statistical techniques can be employed. Because the log normal distribution model described the data distribution better than the normal distribution, the log normal distribution was used to establish the raw waste loads within each subcategory.

2. The comment was made that the use of the mean of the log normal distribution to establish raw waste loads would require some processors to install in-plant controls or install technology in addition to BPCTCA to meet the 1977 limitations.

The raw waste loads for each commodity were based on the mean of the log normal distribution of all the available data for each commodity and each sample was weighted equally. The utilization of the mean value represents a waste load that is typical of processing plants with a concern for water and waste conservation practices. Most plants below the mean waste load have achieved this load through becoming aware of and implementing common, normally practiced in-plant water and waste management techniques, such as turning off hoses and faucets when not in use. These good housekeeping practices are commonly employed at most of these plants and have become an integral part of effective plant management. Plants with waste loads above the mean value are capable of readily achieving the mean waste load with effective plant management and the associated concern for water usage and waste management. No installation of specialized internal or external technology in addition to good in-plant practices is necessary. The variation experienced in the collected water and waste loading data for similar process configurations among different plants indicate that waste loads can be significantly reduced without adversely affecting the quality of the product. Throughout the various subcategories, about 130 plants or about 50 percent of all surveyed plants report they presently achieve the established mean raw waste loads. Thus, the log mean value is the most representative value and the best value for the typical waste load generated from the processing of the fruit and vegetable commodities found in these subcategories.

3. One commenter suggested that if the logarithmic distribution was used to characterize raw waste loads, then local enforcement groups should require compliance on the basis of logarithmic averages of treated effluent data.

On the basis of this comment, the Agency reexamined the effluent treatment data used in the development of the limitations. Over twenty biological treatment systems were evaluated using both arithmetic and logarithmic averages. These averages were then used to develop limitations. It was determined that the treatment plant performance will be the same whether compliance is on the basis of logarithmic averages or arithmetic averages. The limitations based on arithmetic averages are greater than limitations based on logarithmic averages because the arithmetic averages of the treated effluent data are greater than the logarithmic averages. The treatment plant performance, however, remains the same. Thus, effluent limitations can be established which require compliance on the basis of arithmetic or logarithmic averages. In order to simplify enforcement activities, limitations have been developed from arithmetic averages of existing treatment system effluent data and compliance is based on the simpler arithmetic average.

4. The comment was made that in most biological systems it cost as much to remove from 85 percent to 95 percent BOD5 removal as it does to remove the entire first 85 percent of BOD5.

The cost data in the development document shows that this statement is not accurate for most industry wastewater. For low-strength wastes, about 200 mg/l BOD5, the commenter's statement has some justification and EPA limitations and costs are based on only 85 percent BOD5 removal. For higher strength wastes, such as 2,000 mg/l BOD5, EPA limitations and costs are based on approximately 95 percent BOD5 removal. Various degrees of BOD5 removal efficiency are obtained with biological treatment systems by controlling the aeration contact period and/or the concentration of active microorganisms. While better removal efficiencies cannot be achieved in the same system when the BOD5 loading is increased, it is possible to achieve higher percent reductions of stronger BOD5 wastes by providing longer detention time, more air and more microorganisms. In an activated sludge system, there is a decreasing percentage increase in costs to go from 85 percent to 95 percent as the waste strength increases. Thus, the increased cost to treat from 85 to 95 percent for low strength wastes could be almost the same as the cost to remove the first 85 percent BOD5, but for high strength wastes, the additional cost is only a small fraction of the cost to remove the first 85 percent BOD5.

5. The objection was raised that factors such as size and age of plant, processes employed, engineering aspects, process changes, raw material quality, costs and non-water quality impacts have been inadequately considered because these factors are not reflected in the recommended limitations.

Each of these factors has been considered in the establishment of the effluent limitations as summarized in the Development Document. Factors such as age, size and location of processing plants were studied in the subcategorization section and no significant relationship could be found between waste loads and any of the factors. Factors such as the processes employed and engineering aspects were also investigated in the subcategorization section and resulted in the segmentation of over fifty commodities and commodity products within the three industry subcategories. This segmentation resulted in different limitations for each of these commodities in the subcategories. The quality of raw material was studied but no correlation could be established between different raw material qualities and raw waste loads. The quality of the raw material does influence the selection of certain end products and this is reflected by different limitations for different product styles. The study of these factors has also resulted in the inclusion of data from as many years as possible in the establishment of raw waste loads and the effluent limitations. Other factors such as cost, economic impact and non-water quality impacts had substantial influence on the selection of BPCTCA and BATEA. As a result of these impacts, aerated lagoons, not activated sludge, were utilized for BPCTCA, and filtration was not utilized for all plants for BATEA. These impacts also prevented establishment of limitations for pollutants such as color and total dissolved solids. Thus, these factors have been considered; they have impacted the development of the recommended limitations, and they are, therefore, reflected in the limitations.

6. The criticism was made that limitations for BOD5 and TSS were established in a simplistic manner without adequately evaluating the demonstrated removals achieved with current technology.

The contractor's recommended limitations for BOD5 and TSS were established based on performance data from several aerated lagoons and activated sludge treatment systems. Nevertheless, this comment was reviewed by the Agency with the result that more treatment data was collected and the data was intensely analyzed with available statistical methods. As explained earlier, the effluent data was summarized using the normal distribution model. Regression and correlation analyses were completed along with "enveloping techniques" to determine the most reasonable methodology to establish BOD5 and TSS limitations. The resulting methodology utilizes the performance data and variability from over twenty biological treatment systems to determine the treatment performance data necessary for the establishment of the effluent limitations. Thus, the limitations have been established in a sophisticated manner utilizing results from numerous industry treatment systems.

7. A number of commenters termed the differences between daily and thirty day maximum limitations unrealistic due to day-to-day variability in raw waste loads, treatment plant variability and weather variability factors.

The analysis of the available treatment performance data showed that daily maximums were higher than those predicted in the contractor's report. While it is reasonable to expect some of the variability to be reduced before 1977 as a result of improved management control and familiarity with in-plant and treatment operations, the performance data currently available suggests higher daily maximums and thus the proposed limitations are less stringent than the recommendations in the contractor's report. However, this increased variability is not necessarily associated with weather effects, but may be due to inadequate control of sludge wasting, lack of necessary supplemental nutrients, or inadequate aeration and mixing. Treatment plants in all climates were included and many of the best are located in extremely cold locations. Thus, this impact has been considered and included in this industry segment.

The monthly and daily variability were studied in detail for treatment plants at single and multi-commodity plants. It was determined that the seasonal influence of the industry, the length of the processing season, its multi-commodity make-up, the variability in waste loads between commodities and within the same commodity, its treatment tendencies, and water quality restrictions emphasized the need for an annual BOD5 and TSS limitation in addition to the maximum thirty day and daily limits. Thus, an annual limitation has been included which is based on the annual performance of over twenty biological treatment systems.

8. The comment was made that the wet sampling for many commodities was inadequate or unrepresentative of typical performance. The criticism was also made that some historical data was unscientifically evaluated for inclusion or exclusion from the data base.

As a result of this criticism, the Agency has contacted each processor that submitted data, has reviewed the data for reliability and accuracy, and has detailed whether the data was included or excluded, and why. Wet sampling data was included in this review and most were found to be accurate and representative. Only a few percent of the collected data, both wet sample and historical data, was determined to be unreliable and thus excluded. With regard to the criticism that more wet sampling should have been conducted for some commodities, it was determined that about thirty of the fifty commodities needed to be sampled because of available data and the secondary processing nature of some commodities. Some of the commodities could not be sampled because of the short processing time available. The wet sampling program, however, was effective and further substantiated industry supplied data for thirty commodities in the subcategories.

9. The criticism was made that the development of BATEA limits assuming a 45 percent reduction in water usage and BOD5 generation was unfair and undemonstrated. Also, no economic assessment was made and no recognition was made of food safety and sanitation requirements.

The Agency has reviewed the contractor's recommendation of a 45 percent reduction for water usage and BOD5 for BATEA and has determined that such a reduction is appropriate for some commodities within each subcategory, but not appropriate for other commodities. Accordingly, the BATEA water usage and BOD5 raw waste values are different and are based on the mean minus one standard deviation value of the log normal distribution model for plant means. These raw waste characteristics are presently achieved by about 70 plants or over 25 percent of the surveyed plants in the industry. In the development of the BATEA values each plant mean was given equal weight to insure that at least one plant in each subcategory would achieve the water usage and BOD5 loads. For a few commodities, no plants achieved the predicted loads and in these cases the best plant was selected to establish the BATEA water usage and BOD5 values.

While a detailed economic assessment has not been made, available information indicates that this cost does not represent a significant capital expenditure and would not present a severe impact. In many cases, energy savings and materials recovery might pay for the program. Additional cost data on in-plant water and waste reduction program is requested to aid in future impact assessments.

With regard to food safety and sanitation requirements, the broad distribution of demonstrated water usage and waste loads within each commodity indicate that the expected BATEA reduction would not be affected. Review of present and future food safety and sanitation standards indicates that the BATEA raw waste values are not expected to change.

10. The comment was made that some plant data contains a mixture of process waste water and cooling water which results in inaccurate water usage data.

The problem of mixed process and cooling water data has been reviewed by the Agency and an attempt has been made to obtain from plant sources estimates of the cooling water contribution to the total water usage data reported. Any inclusion of mixed data would result in conservative estimates of raw waste loads and thus less stringent limitations. Furthermore, the effluent limitations guidelines apply to process waste water only. It is expected that cooling water can be handled separately and in many cases discharged directly. Many plants are presently handling cooling water in this manner. Thus, the utilization of data containing a mixture of process waste water and cooling water is not a significant concern.

11. One commenter specifically requested that frozen commodity styles be further investigated for additional subcategorization.

The Agency reviewed all the data for each subcategory commodity and per-

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formed statistical analyses to determine whether differences could be determined and correlated with any of a number of factors including product style. For example, wastes from collard, turnip, mustard, spinach and kale greens could not be statistically differentiated while wastes from caneberries were shown to be statistically different from wastes from strawberries and cranberries. Eleven commodities in all subcategories were further segmented due to differences in product style and production processes, including five fruit and vegetable commodities which were separated into canned and frozen product styles.

12. The comment was made that effluent limitations were established for some commodities even though no BPCTCA biological treatment was demonstrated for these commodities.

The Agency recognized that BPCTCA would not be demonstrated for every commodity in every subcategory. Biological treatment was, however, demonstrated for commodities in every subcategory. In addition to these biological treatment systems, the Agency examined a wide range of biological treatment information from other segments of the food industry, from joint industrial and municipal biological treatment systems, and from pilot plant, laboratory, demonstration projects and other experimental data from various biological treatment processes. It was determined that all industry commodities in all three subcategories produced a biodegradable waste water that was essentially a mixture of organic and suspended materials. Even operations such as brining or products such as dressings or mayonnaise had been demonstrated to be successfully treated in a biological treatment system. Because of the similarity in waste character of commodities within the fruit and vegetable industry and because of the similar treatability demonstrated in biological treatment systems within the industry, it is appropriate to establish limitations for all commodities based on the performance data of biological treatment systems in the fruits and vegetables industry.

13. The comment was made that a proposed spray irrigation system to be built by a municipality would cost more than the contractor's report predicted.

As explained in the Development Document, costs do vary in relation to many variables and thus cost estimates are made for model plants which should be typical for the industry. It is possible that an example system could cost more than would be estimated by EPA. Spray irrigation costs assume a fixed application rate, fixed distance to spray field, a fixed spray field distribution system, and fixed construction costs. A specific example, especially a municipal system, could deviate from EPA assumptions and report a different cost. Therefore, the EPA estimates are reasonable and accurate for typical industry plants.

14. A number of commenters expressed concern that the best practicable control technology would result in a treated effluent with a pH over 9.0.

Several industry members have submitted aerated lagoon effluent data that indicates that the natural biological activities in the lagoons result in occasional discharges with the pH in excess of 9.0. The Agency has reviewed this information and other lagoon effluent data and has observed that some lagoons exceed a pH of 9.0 and others do not. Nevertheless, it is apparent from the data that the natural biological activity of a lagoon may result in wastewater discharges with pH in excess of 9.0. Accordingly, the Agency has recommended a maximum pH limit of 9.5.

15. Some correspondents endorsed the proposal made to the Administrator by the Effluent Standards and Water Quality Information Advisory Committee that a significantly different approach be taken in the development of effluent limitations generally.

The committee's proposal is under evaluation as a contribution toward future refinements of limitations for some industries. The committee has indicated that their proposed methodology could not be developed in sufficient time to be available for the current phase of promulgation, which is proceeding according to a court-ordered schedule. Its present state of development does not provide sufficient evidence to warrant the Agency's delaying issuance of any standard in hopes that an alternative approach might be preferable.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in *Natural Resources Defense Council* v. *Train* et al. (Cv. No. 1609–73) which requires the promulgation of regulations for this industry category no later than October 5, 1975. This order also requires that such regulations become effective immediately upon publication. In addition, it is necessary to promulgate regulations establishing limitations on the discharge of pollutants from point sources in this category so that the process of issuing permits to individual dischargers under section 402 of the Act is not delayed.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a 30 day comment period, and to make any necessary revisions in light of the comments received within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 USC § 553(b) that notice and comment on the interim final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective immediately upon publication.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the Environmental Protection Agency, Effluent Guidelines Division (WH–552), 401 M Street, SW., Washington, D.C. 20460. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404, 401 M Street, SW., Washington, D.C. 20460. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received within thirty days of publication of this interim final regulation in the FEDERAL REGISTER will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1975 (38 FR 21202). In the event that the final regulation differs substantially from the interim final regulation set forth herein the Agency will consider petitions for reconsideration of any permits issued in accordance with these interim final regulations.

In consideration of the foregoing, 40 CFR Part 407 is hereby revised as set forth below.

Dated: October 3, 1975.

JOHN QUARLES,
Acting Administrator.

Subpart F—Canned and Preserved Fruits Subcategory

Sec.
407.60 Applicability; description of the canned and preserved fruits subcategory.
407.61 Specialized definitions.
407.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart G—Canned and Preserved Vegetables Subcategory

407.70 Applicability; description of the canned and preserved vegetables subcategory.
407.71 Specialized definitions.
407.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Subpart H—Canned and Miscellaneous Specialties Subcategory

407.80 Applicability; description of the canned and miscellaneous specialties subcategory.
407.81 Specialized definitions.

Sec.
407.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c), 307(c), Federal Water Pollution Control Act, as amended; 33 U.S.C. 1251, 1311, 1314 (b) and (c); 86 Stat. 816 et seq.; Pub. L. 92–500.

Subpart F—Canned and Preserved Fruits Subcategory

§ 407.60 Applicability; description of the canned and preserved fruits subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of the following fruit products; apricots; caneberries; sweet, sour and brined cherries; cranberries; dried fruit; grape juice canning and pressing; olives; canned and frozen peaches; pears; fresh and processed pickles, and pickle salting stations; pineapples; plums; raisins; strawberries; and peeled tomatoes and tomato products. When a plant is subject to effluent limitations covering more than one commodity or subcategory, the plant discharge limitation shall be set by proration of limitations for each subcategory or commodity based on the total production covered by each commodity or subcategory.

§ 407.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "apricots" shall include the processing of apricots into the following product styles: canned and frozen, pitted and unpitted, peeled and unpeeled, whole, halves, slices, nectar, and concentrate.

(c) The term "caneberries" shall include the processing of the following berries: canned and frozen blackberries, blueberries, boysenberries, currants, gooseberries, loganberries, ollalieberries, raspberries, and any other similar cane or bushberry but not strawberries or cranberries.

(d) The term "cherries, sweet" shall include the processing of sweet cherries into the following products: sweet frozen and canned, pitted and unpitted, whole, halves, juice and concentrate.

(e) The term "cherries, brined" shall include the processing of brined cherries into the following products: canned, bottled and bulk, sweet and sour, pitted and unpitted, bleached, sweetened, colored and flavored, whole, halved and chopped.

(f) The term "cranberries" shall mean the processing of cranberries into the following products: canned, bottled, and frozen, whole, sauce, jelly, juice and concentrate.

(g) The term "dried fruits" shall mean the processing of dried fruits into the following products: air, vacuum, and freeze dried, pitted and unpitted, blanched and unblanched, whole, halves, slices and other similar styles of apples, apricots, figs, peaches, pears, prunes, canned extracted prune juice and pulp from rehydrated and cooked dehydrated prunes; but not including dates or raisins.

(h) The term "grape juice canning" shall mean the processing of grape juice into the following products: canned and frozen, fresh and stored, natural grape juice for the manufacture of juices, drinks, concentrates, jams, jellies, and other related finished products but not wine or other spirits. In terms of raw material processed 1000 kg (1000 lb) of grapes are equivalent to 834 liters (100 gallons) of grape juice.

(i) The term "grape pressing" shall mean the washing and subsequent handling including pressing, heating, and filtration of natural juice from all varieties of grapes for the purpose of manufacturing juice, drink, concentrate, and jelly but not wine or other spirits. In terms of raw material processed 1000 kg (1000 lb) of grapes are equivalent to 834 liters (100 gallons) of grape juice.

(j) The term "olives" shall mean the processing of olives into the following products: canned, all varieties, fresh and stored, green ripe, black ripe, spanish, sicilian, and any other styles to which spices, acids, and flavorings may have been added.

(k) The term "peaches, canned" shall mean the processing of peaches into the following products: canned, all varieties, peeled, pitted and unpitted, whole, halves, sliced, diced, and any other cuts, nectar, and concentrate but not dehydrated.

(l) The term "peaches, frozen" shall mean the processing of peaches into the following products: frozen, all varieties, peeled, pitted and unpitted, whole, halves, sliced, diced, and any other cuts but not dehydrated.

(m) The term "pears" shall mean the processing of pears into the following products: canned, peeled, halved, sliced, diced, and any other cuts, nectar and concentrate but not dehydrated.

(n) The term "pickles, fresh" shall mean the processing of fresh cucumbers and other vegetables, all varieties, all sizes from whole to relish, all styles, cured after packing.

(o) The term "processed" shall mean the processing of pickles, cucumbers and other vegetables, all varieties, sizes and types, made after fermentation and storage.

(p) The term "pickles, salt stations" shall mean the handling and subsequent preserving of cucumbers and other vegetables by salt and other chemical additions necessary to achieve proper fermentation for the packing of processed pickle products, and subsequent tank soaking.

(q) The term "pineapples" shall mean the processing of pineapple into the following products: canned, peeled, sliced, chunk, tidbit, diced, crushed, and any other related piece size, juice and concentrate. It also specifically includes the on-site production of by-products such as alcohol, sugar or animal feed.

(r) The term "plums" shall mean the processing of plums into the following products: canned and frozen, pitted and unpitted, peeled and unpeeled, blanched and unblanched, whole, halved, and other piece size.

(s) The term "raisins" shall mean the processing of raisins into the following products: dried grapes, all varieties, bleached and unbleached, which have been cleaned and washed prior to packaging.

(t) The term "strawberries" shall mean the processing of strawberries into the following products: canned and frozen, whole, sliced, and pureed.

(u) The term "tomatoes peeled" shall mean the processing of tomatoes into canned, peeled, whole, stewed, and related piece sizes.

(v) The term "tomatoes, products" shall mean the processing of tomatoes into the following products: canned, peeled and unpeeled paste, concentrate, puree, sauce, juice, catsup and other similar formulated items requiring various other pre-processed food ingredients.

(w) The term "medium" shall mean a point source that processes a total annual raw material production of fruits, vegetables, specialties and other products that is between 1,816 kkg (2,000 tons) per year and 9,080 kkg (10,000 tons) per year.

(x) The term "large" shall mean a point source that processes a total annual raw material production of fruits, vegetables, specialties and other products that exceeds 9,080 kkg (10,000 tons) per year.

§ 407.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either

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more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity of BOD5 controlled by this section, which may be discharged by a "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any fruit processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Fruit processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval shall meet only the annual average BOD5 limitations.

BOD5 EFFLUENT LIMITATIONS

Commodity (fruits)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Apricots	2.98	1.94	1.26
Caneberries	0.78	0.51	0.33
Cherries:			
Sweet	1.09	0.71	0.47
Sour	1.70	1.09	0.74
Brined	2.77	1.81	1.19
Cranberries	1.68	1.09	0.71
Dried fruit	1.83	1.19	0.78
Grape juice:			
Canning	1.02	0.67	0.45
Pressing	0.22	0.14	0.09
Olives	5.31	3.47	2.29
Peaches:			
Canned	1.81	1.18	0.78
Frozen	0.80	0.52	0.36
Pears	1.71	1.12	0.75
Pickles:			
Fresh pack	1.19	0.78	0.51
Process pack	1.39	0.91	0.62
Salt stations	0.20	0.14	0.10
Pineapples	1.78	1.16	0.75
Plums	0.68	0.44	0.29
Raisins	0.41	0.27	0.18
Strawberries	1.75	1.13	0.73
Tomatoes:			
Peeled	1.20	0.78	0.51
Products	0.48	0.31	.19
English units (lb/1,000 lb of raw material)			
Apricots	2.98	1.94	1.26
Caneberries	0.78	0.51	0.33
Cherries:			
Sweet	1.09	0.71	0.47
Sour	1.70	1.09	0.74
Brined	2.77	1.81	1.19
Cranberries	1.68	1.09	0.71
Dried fruit	1.83	1.19	0.78
Grape juice:			
Canning	1.02	0.67	0.45
Pressing	0.22	0.14	0.09
Olives	5.31	3.47	2.29
Peaches:			
Canned	1.81	1.18	0.78
Frozen	0.80	0.52	0.36
Pears	1.71	1.12	0.75
Pickles:			
Fresh pack	1.19	0.78	0.51
Process pack	1.39	0.91	0.62
Salt stations	0.20	0.14	0.10
Pineapples	1.78	1.16	0.75
Plums	0.68	0.44	0.29
Raisins	0.41	0.27	0.18
Strawberries	1.75	1.13	0.73
Tomatoes:			
Peeled	1.20	0.78	0.50
Products	0.48	0.31	0.19

(b) The following limitations establish the quantity of TSS controlled by this section, which may be discharged by a "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any fruit processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Fruit processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations.

Commodity (fruits)	TSS effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Apricots	4.05	3.35	2.60
Caneberries	1.21	0.85	0.66
Cherries:			
Sweet	1.78	1.32	0.96
Sour	2.82	2.11	1.50
Brined	4.48	3.29	2.43
Cranberries	2.67	1.92	1.47
Dried fruit	2.92	2.12	1.60
Grape juice:			
Canning	1.70	1.26	0.91
Pressing	0.36	0.26	0.19
Olives	8.64	6.36	4.67
Peaches:			
Canned	2.98	2.15	1.59
Frozen	1.35	1.07	0.71
Pears	2.99	2.21	1.52
Pickles:			
Fresh pack	1.93	1.41	1.04
Process pack	2.38	1.82	1.24
Salt stations	0.43	0.38	0.19
Pineapples	2.82	2.03	1.56
Plums	1.07	0.78	0.59
Raisins	0.72	0.55	0.37
Strawberries	2.60	1.88	1.52
Tomatoes:			
Peeled	1.85	1.30	1.04
Products	0.71	0.48	0.41
English units (lb/1000 lb of raw material)			
Apricots	4.05	3.35	2.60
Caneberries	1.21	0.85	0.66
Cherries:			
Sweet	1.78	1.32	0.96
Sour	2.82	2.11	1.50
Brined	4.48	3.29	2.43
Cranberries	2.67	1.92	1.47
Dried fruit	2.92	2.12	1.60
Grape juice:			
Canning	1.70	1.26	0.91
Pressing	0.36	0.26	0.19
Olives	8.64	6.36	4.67
Peaches:			
Canned	2.93	2.15	1.59
Frozen	1.35	1.07	0.71
Pears	2.99	2.21	1.52
Pickles:			
Fresh pack	1.93	1.41	1.04
Process pack	2.38	1.82	1.24
Salt stations	0.43	0.38	0.19
Pineapples	2.82	2.03	1.56
Plums	1.07	0.78	0.59
Raisins	0.72	0.55	0.37
Strawberries	2.60	1.88	1.52
Tomatoes:			
Peeled	1.85	1.30	1.04
Products	0.71	0.48	0.41

(c) The following limitations establish the quality of pH controlled by this section, which may be discharged by a "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available.

Effluent characteristic	*Effluent limitations*
pH	At all times within the range 6.0 to 9.5

Subpart G—Canned and Preserved Vegetables Subcategory

§ 407.70 Applicability; description of the canned and preserved vegetables subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of the following vegetable products: asparagus; beets; broccoli; brussels sprouts; carrots; cauliflower; canned and frozen corn; dehydrated onions and garlic; dehydrated vegetables; dry beans; lima beans; mushrooms; canned onions; canned and frozen peas; pimentos; sauerkraut canning and cutting; canned and frozen snap beans; canned and frozen spinach; squash; sweet potatoes; and canned white potatoes. When a plant is subject to effluent limitations covering more than one commodity or subcategory, the plant discharge limitations shall be set by proration of limitations for each subcategory or commodity based on the total production covered by each commodity or subcategory.

§ 407.71 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "asparagus" shall include the processing of asparagus into the following product styles: canned and frozen, green and white, spears, tips, "center", and other related cuts but not dehydrated asparagus.

(c) The term "beets" shall include the processing of beets into the following product styles: canned and peeled, whole sliced, diced, French style, sections, irregular, and other cuts but not dehydrated beets.

(d) The term "broccoli" shall include the processing of broccoli into the following product styles: frozen, chopped, spears, and miscellaneous cuts.

(e) The term "brussels sprouts" shall include the processing of brussels sprouts into the following product styles: frozen whole.

(f) The term "carrots" shall include the processing of carrots into the following products: canned and frozen, peeled, whole, sliced, diced, nuggets, crinkle cut, julienne, shoestrings, chunks, chips and other irregular cuts, and juices but not dehydrated carrots.

(g) The term "cauliflower" shall include the processing of cauliflower into the following styles: frozen whole branches and pieces.

(h) The term "corn, canned" shall mean the processing of corn into the following product styles: canned, yellow and white, whole kernel, cream style, and on-the-cob.

(i) The term "corn, frozen" shall mean the processing of corn into the following product styles; frozen, yellow and white, whole kernel and whole cob.

(j) The term "dehydrated onions and garlic" shall mean the processing of dehydrated onions and garlic into the following product styles: air, vacuum, and freeze dried, all varieties, diced, strips, and other piece sizes ranging from large sliced to powder but not including green onions, chives, or leeks.

(k) The term "dehydrated vegetables" shall mean the processing of dehydrated vegetables in the following product styles: air, vacuum and freeze dried, blanched and unblanched, peeled and unpeeled, beets, bell peppers, cabbage, carrots, celery, chili pepper, horseradish, turnips, parsnips, parsley, asparagus, tomatoes, green beans, corn, spinich, green onion tops, chives, leeks, whole, diced, and any other piece size ranging from sliced to powder.

(l) The term "dry beans" shall mean the production of canned pinto, kidney, navy, great northern, red, pink or related type, with and without formulated sauces, meats and gravies.

(m) The term "lima beans" shall mean the processing of lima beans into the following product styles: canned and frozen, green and white, all varieties and sizes.

(n) The term "mushrooms" shall mean the processing of mushrooms into the following product styles: canned, frozen, dehydrated, all varieties, shapes and sizes.

(o) The term "canned onions" shall mean the processing of onions into the following product styles: canned, frozen, and fried (canned), peeled, whole, sliced, and any other piece size but not including frozen, battered onion rings or dehydrated onions.

(p) The term "peas, canned" shall mean the processing of peas into the

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following product styles: canned, all varieties and sizes, whole.

(q) The term "peas, frozen" shall mean the processing of peas into the following product styles: frozen, all varieties and sizes, whole.

(r) The term "pimentos" shall mean the processing of pimentos into the following product styles: canned, peeled, whole, halves, sliced, diced, chopped and any other piece size.

(s) The term "squash" shall include the processing of pumpkin and squash into canned and frozen styles.

(t) The term "sauerkraut cutting" shall mean the trimming, cutting, and subsequent preparatory handling of cabbage necessary for and including brining and fermentation, and subsequent tank soaking.

(u) The term "sauerkraut canning" shall mean the draining and subsequent filling and canning of fermented cabbage and juice.

(v) The term "snap beans, canned" shall mean the processing of snap beans into the following product styles: canned green, Italian, wax, string, bush, and other related varieties, whole, French, fancy, Extra Standard, Standard, and other cuts.

(w) The term "snap beans, frozen" shall mean the processing of snap beans into the following product styles: frozen green, Italian, wax, string, bush, and other related varieties, whole, French, fancy, Extra Standard, Standard, and other cuts.

(x) The term "spinach, canned" shall mean the processing of spinach and leafy greens into the following product styles: canned, whole leaf, chopped, and other related cuts.

(y) The term "spinach, frozen" shall mean the processing of spinach and leafy greens into the following product styles: frozen, whole leaf, chopped, and other related cuts.

(z) The term "sweet potatoes, canned" shall mean the processing of sweet potatoes into the following product styles: canned, peeled, solid, syrup, and vacuum packed.

(aa) The term "white potatoes, canned" shall mean the processing of white potatoes into the following product styles: canned, peeled, white, all varieties, whole and sliced.

(ab) The term "medium" shall mean a point source that processes a total annual raw material production of fruits, vegetables, specialties and other products that is between 1,816 kkg (2,000 tons) per year and 9,080 kkg (10,000 tons) per year.

(ac) The term "large" shall mean a point source that processes a total annual raw material production of fruits, vegetables, specialties and other products that exceed 9,080 kkg (10,000 tons) per year.

§ 407.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity of BOD5, controlled by this section, which may be discharged by a "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any vegetable processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Vegetable processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average BOD5 limitations. Effluent limitations for the cauliflower subcategory are based upon pounds (lb) or kilograms (kg) of pollutant per 1000 pounds (lb) or kilograms (kkg) of final product.

Commodity (vegetables)	BOD5 effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Asparagus	0.85	0.55	0.34
Beets	0.81	0.54	0.39
Broccoli	3.61	2.34	1.47
Brussels sprouts	1.25	0.81	0.51
Carrots	1.73	1.14	0.76
Cauliflower	1.98	1.28	0.81
Corn:			
Canned	0.70	0.46	0.32
Frozen	1.89	1.24	0.83
Dehydrated onion/garlic	2.40	1.55	0.98
Dehydrated vegetables	2.91	1.88	1.19
Dry beans	2.46	1.60	1.05
Lima beans	3.64	2.36	1.52
Mushrooms	2.99	1.94	1.24
Onions (canned)	3.17	2.07	1.35
Peas:			
Canned	2.74	1.79	1.18
Frozen	2.03	1.33	0.88
Pimentos	3.97	2.58	1.69
Sauerkraut:			
Canning	0.49	0.32	0.21
Cutting	0.07	0.04	0.03
Snap beans:			
Canned	1.16	0.75	0.47
Frozen	2.12	1.37	0.88
Spinach:			
Canned	3.02	1.95	1.23
Frozen	1.77	1.14	0.72
Squash	0.86	0.57	0.40
Sweet potato	0.78	0.53	0.40
White potato (canned)	1.30	0.86	0.60

Commodity (vegetables)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
English units (lb/1,000 lb of raw material)			
Asparagus	0.85	0.55	0.34
Beets	0.81	0.54	0.39
Broccoli	3.61	2.34	1.47
Brussels sprouts	1.25	0.81	0.51
Carrots	1.73	1.14	0.76
Cauliflower	1.98	1.28	0.81
Corn:			
Canned	0.70	0.46	0.32
Frozen	1.89	1.24	0.83
Dehydrated onion/garlic	2.40	1.55	0.98
Dehydrated vegetables	2.91	1.88	1.19
Dry beans	2.46	1.60	1.05
Lima beans	3.64	2.36	1.52
Mushrooms	2.99	1.94	1.24
Onions (canned)	3.17	2.07	1.35
Peas:			
Canned	2.74	1.79	1.18
Frozen	2.03	1.33	0.88
Pimentos	3.97	2.58	1.69
Sauerkraut:			
Canning	0.49	0.32	0.21
Cutting	0.07	0.04	0.03
Snap beans:			
Canned	1.16	0.75	0.47
Frozen	2.12	1.37	0.88
Spinach:			
Canned	3.02	1.95	1.23
Frozen	1.77	1.14	0.72
Squash	0.86	0.57	0.40
Sweet potato	0.78	0.53	0.40
White potato (canned)	1.30	0.86	0.60

(b) The following limitations establish the quantity of TSS controlled by the section, which may be discharged by a "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any vegetable processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Vegetable processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations. Effluent limitations for the cauliflower subcategory are based upon pounds (lb) of pollutant per 1000 pounds (lb) or kilograms (kg) of pollutant per 1000 pounds (lb) or kilograms (kkg) of final product.

Commodity (vegetables)	TSS effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Asparagus	1.26	0.85	0.73
Beets	1.55	1.27	0.74
Broccoli	5.37	3.65	3.12
Brussels sprouts	1.85	1.26	1.08
Carrots	2.91	2.19	1.53
Cauliflower	2.98	1.99	1.70
Corn:			
Canned	1.28	1.08	0.63
Frozen	3.16	2.27	1.67
Dehydrated onion/garlic	3.56	2.42	2.07
Dehydrated vegetables	4.32	2.93	2.51
Dry beans	3.92	2.83	2.15
Lima beans	5.64	3.99	3.17
Mushrooms	4.59	3.21	2.59
Onions (canned)	5.09	3.71	2.78
Peas:			
Canned	4.44	3.26	2.40
Frozen	3.33	2.47	1.79
Pimentos	6.35	4.62	3.47
Sauerkraut:			
Canning	0.78	0.57	0.43
Cutting	0.12	0.10	0.08
Snap beans:			
Canned	1.73	1.17	1.00
Frozen	3.25	2.27	1.84
Spinach:			
Canned	4.49	3.05	2.60
Frozen	2.62	1.78	1.52
Squash	1.57	1.25	0.78
Sweet potato	1.67	1.48	0.74
White Potato (canned)	2.20	1.98	1.13

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Commodity (vegetables)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
English units (lb/1,000 lb of raw material)			
Asparagus	1.26	0.85	0.73
Beets	1.55	1.27	0.74
Broccoli	5.37	3.65	3.12
Brussels sprouts	1.85	1.26	1.06
Carrots	2.91	2.19	1.53
Cauliflower	2.93	1.99	1.70
Corn:			
Canned	1.28	1.03	0.63
Frozen	3.16	2.37	1.67
Dehydrated onion/garlic	3.56	2.42	2.07
Dehydrated vegetables	4.32	2.93	2.51
Dry beans	3.92	2.83	2.15
Lima beans	5.64	3.99	3.17
Mushrooms	4.59	3.21	2.59
Onions (canned)	5.09	3.71	2.78
Peas:			
Canned	4.44	3.26	2.40
Frozen	3.33	2.47	1.79
Pimentos	6.35	4.62	3.47
Sauerkraut:			
Canning	0.78	0.57	0.43
Cutting	0.12	0.10	0.06
Snap beans:			
Canned	1.73	1.17	1.00
Frozen	3.25	2.27	1.84
Spinach:			
Canned	4.49	3.05	2.60
Frozen	2.62	1.78	1.52
Squash	1.57	1.25	0.78
Sweet potato	1.67	1.48	0.74
White potato (canned)	2.39	1.93	1.38

(c) The following limitations establish the quality of pH controlled by this section, which may be discharged by a "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available.

Effluent characteristic	*Effluent limitations*
pH	At all times within the range 6.0 to 9.5.

Subpart H—Canned and Miscellaneous Specialties Subcategory

§ 407.80 Applicability; description of the canned and miscellaneous specialties subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of the following specialty products: added ingredients; baby food; corn, potato, and tortilla chips; ethnic foods; jams and jellies; mayonnaise and dressings; soups; and tomato-starch-cheese canned specialties. When a plant is subject to effluent limitations covering more than one commodity or subcategory, the plant discharge limitations shall be set by proration of limitations for each subcategory or commodity based on the total production covered by each commodity or subcategory.

§ 407.81 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "added ingredients" small mean the prepared sauces (prepared from items such as dairy products, starches, sugar, tomato sauce and concentrate, spices, and other related preprocessed ingredients) which are added during the canning and freezing of fruits and vegetables.

(c) The term "baby foods" shall mean the processing of canned fresh fruits and vegetables, meats, eggs, fruit juices, cereal, formulated entrees, desserts and snacks using fresh, pre-processed, or any combination of these and other food ingredients necessary for the production of infant foods.

(d) The term "chips, potato" shall mean the processing of fried chips, made from fresh or stored white potatoes, all varieties. In terms of finished potato chips, 1 kg (lb) of finished product is equivalent to 4 kg (lb) of raw material.

(e) The term "chips, corn" shall mean the processing of fried corn, made by soaking, rinsing, milling and extruding into a fryer without toasting. In terms of finished corn chips, 1 kg (lb) of finished product is equivalent to 0.9 kg (lb) of raw material.

(f) The term "chips, tortilla" shall mean the processing of fried corn, made by soaking, rinsing, milling, rolling into sheets, toasting and frying. In terms of finished tortilla chips, 1 kg (lb) of finished product is equivalent to 0.9 kg (lb) of raw material.

(g) The term "ethnic foods" shall mean the production of canned and frozen Chinese and Mexican specialties utilizing fresh and pre-processed bean sprouts, bamboo shoots, water chestnuts, celery, cactus, chilis, tomatoes, and other similar vegetables necessary for the production of the various characteristic product styles.

(h) The term "jams and jellies" shall include the production of jams, jellies and preserves defined as follows: the combination of fruit and fruit concentrate, sugar, pectin, and other additives in an acidic medium resulting in a gelatinized and thickened finished product.

(i) The term "mayonnaise and salad dressings" shall be defined as the emulsified and non-emulsified semi-solid food prepared from the combining of edible vegetable oil with acidifying, and egg yolk containing ingredients, or gum and starch combinations to which certain colorings, spices, and flavorings have been added.

(j) The term "soups" shall mean the combination of various fresh and preprocessed meats, fish, dairy products, eggs, flours, starches, vegetables, spices, and other similar raw ingredients into a variety of finished mixes and styles but not including dehydrated soups.

(k) The term "tomato-starch-cheese canned specialties" shall mean canned specialties resulting from a combination of fresh and pre-processed tomatoes, starches, cheeses, spices, and other flavorings necessary to produce a variety of products similar to but not exclusively raviolis, spaghetti, tamales, and enchiladas.

(l) The term "medium" shall mean a point source that processes a total annual raw material production of fruits, vegetables, specialties and other products that is between 1,816 kkg (2,000 tons) per year and 9,080 kkg (10,000 tons) per year.

(m) The term "large" shall mean a point source that processes a total annual raw material production of fruits, vegetables, specialties and other products that exceeds 9,080 kkg (10,000 tons) per year.

§ 407.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity of BOD5 controlled by this section, which may be discharged by a "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any food specialty plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Food specialty plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and release at a controlled rate with state approval, shall meet only the annual average BOD5 limitations. Effluent limitations for the soups subcategory are based upon pounds (lb) or kilograms (kg) of pollutant per 1000 pounds (lb) or kilograms (kkg) of raw ingredients.

Commodity (specialties)	BOD5 effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of final product)			
Added ingredients	1.30	0.80	0.33
Baby food	1.00	0.65	0.42
Chips:			
Potato	3.35	2.19	1.47
Corn	1.84	1.22	0.85
Tortilla	2.88	1.89	1.26
Ethnic foods	1.74	1.13	0.73
Jams/jellies	0.39	0.26	0.17
Mayonnaise and dressings	0.34	0.23	0.15
Soups	4.10	2.66	1.71
Tomato-starch-cheese canned specialties	1.77	1.14	0.72
English units (lb/1,000 of final product)			
Added ingredients	1.30	0.80	0.33
Baby food	1.00	0.65	0.42
Chips:			
Potato	3.35	2.19	1.47
Corn	1.84	1.22	0.85
Tortilla	2.88	1.89	1.26
Ethnic foods	1.74	1.13	0.73
Jams/jellies	0.39	0.26	0.17
Mayonnaise and dressings	0.34	0.23	0.15
Soups	4.10	2.66	1.71
Tomato-starch-cheese canned specialties	1.77	1.14	0.72

(b) The following limitations establish the quantity of TSS controlled by this section, which may be discharged by a "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any food specialty plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Food specialty plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval shall meet only the annual average TSS limitations. Effluent limitations for the soups subcategory are based upon pounds (lb) or kilograms (kg) of pollutant per 1000 pounds (lb) or kilograms (kkg) of raw ingredients.

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Commodity (specialties)	TSS effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of final product)			
Added ingredients	0.00	0.00	0.00
Baby food	1.56	1.11	0.87
Chips:			
Potato	5.60	4.22	2.96
Corn	3.34	2.67	1.66
Tortilla	4.79	3.59	2.54
Ethnic foods	2.70	1.91	1.51
Jams/jellies	0.68	0.53	0.35
Mayonnaise and dressings	0.60	0.47	0.31
Soups	6.34	4.47	3.56
Tomato-starch-cheese canned specialities	2.62	1.78	1.52
English units (lb/1,000 lb of final product)			
Added ingredients	0.00	0.00	0.00
Baby food	1.56	1.11	0.87
Chips:			
Potato	5.60	4.22	2.96
Corn	3.34	2.67	1.66
Tortilla	4.79	3.59	2.54
Ethnic foods	2.70	1.91	1.51
Jams/jellies	0.68	0.53	0.35
Mayonnaise and dressings	0.60	0.47	0.31
Soups	6.34	4.47	3.56
Tomato-starch-cheese canned specialities	2.62	1.78	1.52

(c) The following limitations establish the quantity of oil and grease and quality of pH controlled by this section, which may be discharged by a "large" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available.

Effluent characteristic	*Effluent limitations*
Oil and grease	Shall not exceed 20 mg/l
pH	At all times within the range 6.0 to 9.5

[FR Doc.75-27899 Filed 10-20-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 407]

[FRL 444-6]

CANNED AND PRESERVED FRUITS AND VEGETABLES PROCESSING INDUSTRY POINT SOURCE CATEGORY

Proposed Effluent Guidelines and Standards

Notice is hereby given that effluent limitations for existing sources, standards of performance and pretreatment standards for new sources, and pretreatment standards for existing sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). On March 21, 1974, EPA promulgated a regulation adding Part 407 to Chapter 40 of the Code of Federal Regulations (39 FR 10862). That regulation, with subsequent amendments, established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the canned and preserved fruits and vegetables processing industry point source category. The regulation proposed below will amend 40 CFR 407—canned and preserved fruits and vegetables processing industry point source category by revising section 407.62 to include limitations for "medium" size plants and by adding for "medium" and "large" plants sections 407.63, 407.64, 407.65, and 407.66 to the canned and preserved fruits subcategory (Subpart F), by revising section 407.72 to include limitations for "medium" size plants and by adding for "medium" and "large" plants sections 407.73, 407.74, 407.75, and 407.76 to the canned and preserved vegetables subcategory (Subpart G), and by revising section 407.82 to include limitations for "medium" size plants and by adding for "medium" and "large" plants sections 407.83, 407.84, 407.85, and 407.86 to the canned and miscellaneous specialties subcategory (Subpart H) pursuant to sections 306(b) and 307 (b) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1316(b) and 1317 (b) and (c), 86 Stat. 816 et seq.; P.L. 92-500) (the Act). Simultaneously with this proposed rulemaking, EPA is promulgating interim final regulations which establish effluent limitations guidelines for "large" plants requiring the application of the best practicable control technology currently available for the above listed subparts.

(a) Legal authority.

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the canned and preserved fruits subcategory (Subpart F), the canned and preserved vegetables subcategory (Subpart G), and the canned and miscellaneous specialties subcategory (Subpart H) of the canned and preserved fruits and vegetables processing industry point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973, (38 F.R. 1624) a list of 27 point source categories, including the canned and preserved fruits and vegetables processing industry point source category. The regulations proposed herein set forth the standards of performance applicable to new sources for the canned and preserved fruits subcategory (Subpart F), the canned and preserved vegetables subcategory (Subpart G), and the canned and miscellaneous specialties subcategory (Subpart H) of the canned and preserved fruits and vegetables processing industry point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 407.66, 407.76, and 407.86, proposed below, provide pretreatment standards for new sources within the canned and preserved fruits subcategory (Subpart F), canned and preserved vegetables subcategory (Subpart G), and the canned and miscellaneous specialties subcategory (Subpart H) of the canned and preserved fruits and vegetables processing industry point source category. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. Sections 407.64, 407.74, and 407.84 proposed below provide pretreatment standards for existing sources within the canned and preserved fruits subcategory (Subpart F), the canned and preserved vegetables subcategory (Subpart G), and the canned and miscellaneous specialties cubcategory (Subpart H) of the canned and preserved fruits and vegetables processing industry point source category.

(b) Summary and basis of proposed standards of performance and pretreatment standards for new sources and pretreatment standards for existing sources.

The general methodology and summary of conclusions are discussed in considerable detail in the preamble of the interim final regulations for the canned and preserved fruits subcategory (Subpart F), the canned and preserved vegetables subcategory (Subpart G), and the canned and miscellaneous specialties subcategory (Subpart H) of the canned and preserved fruits and vegetables processing industry point source category which are being promulgated by EPA simultaneously with publication of this proposed regulation. The information contained in the preamble to the interim final regulation is incorporated herein by reference. The proposed regulation set forth below proposes pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to existing sources and to new sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in the final form on November 8, 1973 (38 FR 30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than

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to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories; "compatible" and "incompatible." Compatible pollutants are generally not subject to specific numerical pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

Sections 407.64, 407.74 and 407.84 of the regulation proposed below are intended to implement the intent of section 128.133, by setting forth specific numeric limitations for particular pollutants subject to pretreatment requirements.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations and guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

The report entitled "Development Document for Interim Final and Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Fruits, Vegetables, and Specialties Segment of the Canned and Preserved Fruits and Vegetables Processing Industry Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Public Information Reference Unit, Room 2404, 401 M Street, S.W., Washington, D.C. 20460, at all EPA regional offices. A supplementary analysis prepared for EPA of the possible economic effects of the interim final and proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 F.R. 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division (WH–552), 401 M Street, S.W., Washington, D.C. 20460, Attention: Distribution Officer.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) Summary of public participation.

A full listing of participants and discussion of comments and responses is included in the preamble of the interim final regulation for the canned and preserved fruits subcategory, the canned and preserved vegetables subcategory, and the canned and miscellaneous specialties subcategory of the canned and preserved fruits and vegetables processing industry point source category being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Environmental Protection Agency, Effluent Guidelines Division (WH–552), 401 M Street, S.W., Washington, D.C. 20460, Attention: Distribution Officer. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing a standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 306 and 307 (b) and (c) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404, 401 M Street, S.W., Washington, D.C. 20460. A copy of preliminary draft contractor report, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received within thirty days of publication of this notice in the FEDERAL REGISTER will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 F.R. 21202).

Dated: October 3, 1975.

JOHN QUARLES,
Acting Administrator.

PART 407—CANNED AND PRESERVED FRUITS AND VEGETABLES PROCESSING INDUSTRY POINT SOURCE CATEGORY

Subpart F—Canned and Preserved Fruits Subcategory

Sec.
- 407.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 407.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 407.64 Pretreatment standards for existing sources.
- 407.65 Standards of performance for new sources.
- 407.66 Pretreatment standards for new sources.

Subpart G—Canned and Preserved Vegetables Subcategory

- 407.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 407.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 407.74 Pretreatment standards for existing sources.
- 407.75 Standards of performance for new sources.
- 407.76 Pretreatment standards for new sources.

Subpart H—Canned and Miscellaneous Specialties Subcategory

- 407.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 407.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 407.84 Pretreatment standards for existing sources.
- 407.85 Standards of performance for new sources.
- 407.86 Pretreatment standards for new sources.

Subpart F—Canned and Preserved Fruits Subcategory

§ 407.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology current available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity of BOD5 controlled by this section, which may be discharged by a "medium" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any fruit processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Fruit processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average BOD5 limitations.

Commodity (fruits)	BOD5 effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Apricots	2.98	1.94	1.26
Caneberries	0.78	0.51	0.33
Cherries:			
Sweet	1.09	0.71	0.47
Sour	1.70	1.09	0.74
Brined	2.77	1.81	1.19
Cranberries	1.68	1.09	0.71
Dried fruit	1.83	1.19	0.78
Grape juice:			
Canning	1.02	0.67	0.45
Pressing	0.22	0.14	0.09
Olives	5.31	3.47	2.29
Peaches:			
Canned	1.81	1.18	0.78
Frozen	0.80	0.52	0.36
Pears	1.71	1.12	0.75
Pickles:			
Fresh pack	1.19	0.78	0.51
Process pack	1.39	0.91	0.62
Salt stations	0.20	0.14	0.10
Pineapples	1.78	1.16	0.75
Plums	0.68	0.44	0.29
Raisins	0.41	0.27	0.18
Strawberries	1.75	1.13	0.73
Tomatoes:			
Peeled	1.20	0.78	0.50
Products	0.48	0.31	0.19
English units (lb/1,000 lb of raw material)			
Apricots	2.98	1.94	1.26
Caneberries	0.78	0.51	0.33
Cherries:			
Sweet	1.09	0.71	0.47
Sour	1.70	1.09	0.74
Brined	2.77	1.81	1.19
Cranberries	1.68	1.09	0.71
Dried fruit	1.83	1.19	0.78
Grape juice:			
Canning	1.02	0.67	0.45
Pressing	0.22	0.14	0.09
Olives	5.31	3.47	2.29
Peaches:			
Canned	1.81	1.18	0.78
Frozen	0.80	0.52	0.36
Pears	1.71	1.12	0.75
Pickles:			
Fresh pack	1.19	0.78	0.51
Process pack	1.39	0.91	0.62
Salt stations	0.20	0.14	0.10
Pineapples	1.78	1.16	0.75
Plums	0.68	0.44	0.29
Raisins	0.41	0.27	0.18
Strawberries	1.75	1.13	0.73
Tomatoes:			
Peeled	1.20	0.78	0.50
Products	0.48	0.31	0.19

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(b) The following limitations establish the quantity of TSS controlled by this section, which may be discharged by a "medium" existing point source subject to the provision of this subpart after application of the best practicable control technology currently available. Any fruit processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Fruit processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations.

Commodity (fruits)	TSS effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Apricots	4.68	3.35	2.60
Caneberries	1.21	0.85	0.68
Cherries:			
Sweet	1.78	1.32	0.96
Sour	2.82	2.11	1.50
Brined	4.48	3.29	2.43
Cranberries	2.67	1.92	1.47
Dried fruit	2.92	2.12	1.60
Grape juice:			
Canning	1.70	1.28	0.91
Pressing	0.36	0.26	0.19
Olives	8.64	6.36	4.67
Peaches:			
Canned	2.93	2.15	1.59
Frozen	1.38	1.07	0.71
Pears	2.99	2.21	1.52
Pickles:			
Fresh pack	1.93	1.41	1.04
Process pack	2.38	1.82	1.24
Salt stations	0.43	0.38	0.19
Pineapples	2.82	2.08	1.56
Plums	1.07	0.78	0.59
Raisins	0.72	0.55	0.37
Strawberries	2.69	1.88	1.52
Tomatoes:			
Peeled	1.85	1.30	1.04
Products	0.71	0.48	0.41
English units (lb/1,000 lb of raw material)			
Apricots	4.68	3.35	2.60
Caneberries	1.21	0.85	0.68
Cherries:			
Sweet	1.78	1.32	0.96
Sour	2.82	2.11	1.50
Brined	4.48	3.29	2.43
Cranberries	2.67	1.92	1.47
Dried fruit	2.92	2.12	1.60
Grape juice:			
Canning	1.70	1.28	0.91
Pressing	0.36	0.26	0.19
Olives	8.64	6.36	4.67
Peaches:			
Canned	2.93	2.15	1.59
Frozen	1.38	1.07	0.71
Pears	2.90	2.21	1.52
Pickles:			
Fresh pack	1.93	1.41	1.04
Process pack	2.38	1.82	1.24
Salt stations	0.43	0.38	0.19
Pineapples	2.82	2.08	1.56
Plums	1.07	0.78	0.59
Raisins	0.72	0.55	0.37
Strawberries	2.69	1.88	1.52
Tomatoes:			
Peeled	1.85	1.30	1.04
Products	0.71	0.48	0.41

(c) The following limitations establish the quality of pH controlled by this section, which may be discharged by a "medium" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available.

Effluent characteristic	*Effluent limitations*
pH	At all times within the range 6.0 to 9.5.

§ 407.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity of BOD5 controlled by this section, which may be discharged by an existing point source subject to the provisions of this subpart after application of the best available technology economically achievable. Any fruit processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Fruit processing plants employing long term waste stabilization, where all or a portion of the process water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average BOD5 limitations.

Commodity (fruits)	BOD5 effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Apricots:			
Medium	0.977	0.619	0.300
Large	0.977	0.619	0.300
Caneberries:			
Medium	0.217	0.137	0.063
Large	0.217	0.137	0.063
Cherries:			
Sweet:			
Medium	0.370	0.237	0.121
Large	0.370	0.237	0.121
Sour:			
Medium	0.857	0.542	0.261
Large	0.857	0.542	0.261
Brined:			
Medium	0.571	0.376	0.229
Large	0.571	0.376	0.229
Cranberries:			
Medium	0.517	0.330	0.165
Large	0.517	0.330	0.165
Dried fruit:			
Medium	0.539	0.346	0.203
Large	0.539	0.346	0.203
Grape juice:			
Canning:			
Medium	0.469	0.301	0.140
Large	0.469	0.301	0.140
Pressing:			
Medium	0.089	0.056	0.027
Large	0.089	0.056	0.027
Olives:			
Medium	1.826	1.154	0.549
Large	1.826	1.154	0.549
Peaches:			
Canned:			
Medium	0.806	0.510	0.244
Large	0.806	0.510	0.244
Frozen:			
Medium	0.277	0.257	0.141
Large	0.277	0.257	0.141
Pears:			
Medium	0.581	0.373	0.195
Large	0.581	0.373	0.195
Pickles:			
Fresh pack:			
Medium	0.580	0.362	0.159
Large	0.580	0.362	0.159
Process pack:			
Medium	0.508	0.323	0.163
Large	0.508	0.323	0.163
Salt station:			
Medium	(1)	(1)	(1)
Large	(1)	(1)	(1)
Pineapples:			
Medium	0.880	0.554	0.257
Large	0.880	0.554	0.257
Plums:			
Medium	0.233	0.146	0.066
Large	0.233	0.146	0.066
Raisins:			
Medium	0.165	0.109	0.066
Large	0.165	0.109	0.066
Strawberries:			
Medium	0.526	0.330	0.150
Large	0.526	0.330	0.150
Tomatoes:			
Peeled:			
Medium	0.375	0.236	0.108
Large	0.375	0.236	0.108
Products:			
Medium	0.281	0.175	0.075
Large	0.281	0.175	0.075
English units (lb/1,000 lb of raw material)			
Apricots:			
Medium	0.977	0.619	0.300
Large	0.977	0.619	0.300
Caneberries:			
Medium	0.217	0.137	0.063
Large	0.217	0.137	0.063

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Commodity (fruits)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Cherries:			
Sweet:			
Medium	0.370	0.237	0.121
Large	0.370	0.237	0.121
Sour:			
Medium	0.857	0.542	0.261
Large	0.857	0.542	0.261
Brined:			
Medium	0.571	0.376	0.229
Large	0.571	0.376	0.229
Cranberries:			
Medium	0.517	0.330	0.165
Large	0.517	0.330	0.165
Dried fruit:			
Medium	0.539	0.346	0.203
Large	0.539	0.346	0.203
Grape juice:			
Canning:			
Medium	0.469	0.301	0.140
Large	0.469	0.301	0.140
Pressing:			
Medium	0.089	0.056	0.027
Large	0.089	0.056	0.027
Olives:			
Medium	1.826	1.154	0.549
Large	1.826	1.154	0.549
Peaches:			
Canned:			
Medium	0.806	0.510	0.244
Large	0.806	0.510	0.244
Frozen:			
Medium	0.277	0.257	0.141
Large	0.277	0.257	0.141
Pears:			
Medium	0.581	0.373	0.195
Large	0.581	0.373	0.195
Pickles:			
Fresh pack:			
Medium	0.580	0.362	0.159
Large	0.580	0.362	0.159
Process pack:			
Medium	0.508	0.323	0.163
Large	0.508	0.323	0.163
Salt station:			
Medium	(1)	(1)	(1)
Large	(1)	(1)	(1)
Pineapples:			
Medium	0.880	0.554	0.257
Large	0.880	0.554	0.257
Plums:			
Medium	0.233	0.146	0.066
Large	0.233	0.146	0.066
Raisins:			
Medium	0.165	0.109	0.066
Large	0.165	0.109	0.066
Strawberries:			
Medium	0.526	0.330	0.150
Large	0.526	0.330	0.150
Tomatoes:			
Peeled:			
Medium	0.375	0.236	0.108
Large	0.375	0.236	0.108
Products:			
Medium	0.281	0.175	0.075
Large	0.281	0.175	0.075

[1] No discharge.

(b) The following limitations establish the quantity of TSS controlled by this section, which may be discharged by an existing point source subject to the provisions of this subpart after application of the best available technology economically achievable. Any fruit processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Fruit processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations.

Commodity (fruits)	TSS effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Apricots:			
Medium	1.928	1.094	0.622
Large	0.977	0.619	0.300
Caneberries:			
Medium	0.415	0.221	0.134
Large	0.217	0.137	0.068
Cherries:			
Sweet:			
Medium	0.758	0.460	0.244
Large	0.370	0.237	0.121
Sour:			
Medium	1.686	0.952	0.544
Large	0.857	0.542	0.261
Brined:			
Medium	1.328	0.974	0.423
Large	0.571	0.376	0.229
Cranberries:			
Medium	1.044	0.618	0.336
Large	0.517	0.330	0.165
Dried fruit:			
Medium	1.122	0.701	0.366
Large	0.539	0.346	0.208
Grape juice:			
Canning:			
Medium	0.918	0.496	0.297
Large	0.469	0.301	0.140
Pressing:			
Medium	0.175	0.099	0.056
Large	0.089	0.056	0.027
Olives:			
Medium	3.564	1.980	1.140
Large	1.826	1.154	0.549
Peaches:			
Canned:			
Medium	1.577	0.880	0.500
Large	0.806	0.510	0.244
Frozen:			
Medium	0.563	0.313	0.274
Large	0.277	0.257	0.141
Pears:			
Medium	1.209	0.755	0.388
Large	0.581	0.373	0.195
Pickles:			
Fresh pack:			
Medium	1.072	0.530	0.348
Large	0.580	0.362	0.159
Process pack:			
Medium	1.028	0.613	0.331
Large	0.508	0.323	0.163
Salt station:			
Medium	(1)	(1)	(1)
Large	(1)	(1)	(1)
Pineapples:			
Medium	1.690	0.907	0.546
Large	0.880	0.554	0.257
Plums:			
Medium	0.487	0.294	0.142
Large	0.233	0.146	0.066
Raisins:			
Medium	0.368	0.261	0.122
Large	0.165	0.109	0.066
Strawberries:			
Medium	0.906	0.519	0.322
Large	0.526	0.330	0.150
Tomatoes:			
Peeled:			
Medium	0.712	0.373	0.230
Large	0.375	0.236	0.108
Products:			
Medium	0.514	0.247	0.167
Large	0.281	0.175	0.075
English units (lb/1,000 lb of raw material)			
Apricots:			
Medium	1.928	1.094	0.622
Large	.977	0.619	0.300
Caneberries:			
Medium	0.415	0.221	0.134
Large	0.217	0.137	0.068
Cherries:			
Sweet:			
Medium	0.758	0.460	0.244
Large	0.370	0.237	0.121
Sour:			
Medium	1.686	0.952	0.544
Large	0.857	0.542	0.261
Brined:			
Medium	1.328	0.974	0.423
Large	0.571	0.376	0.229
Cranberries:			
Medium	1.044	0.618	0.336
Large	0.517	0.330	0.165

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Commodity (fruits)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Dried fruit:			
Medium	1.122	0.701	0.360
Large	0.539	0.346	0.203
Grape juice:			
Canning:			
Medium	0.918	0.406	0.207
Large	0.469	0.301	0.140
Pressing:			
Medium	0.175	0.099	0.056
Large	0.089	0.056	0.027
Olives:			
Medium	3.564	1.980	1.149
Large	1.826	1.154	0.549
Peaches:			
Canned:			
Medium	1.577	0.880	0.509
Large	0.806	0.510	0.244
Frozen:			
Medium	0.563	0.313	0.274
Large	0.277	0.257	0.141
Pears:			
Medium	1.209	0.755	0.388
Large	0.581	0.373	0.195
Pickles:			
Fresh pack:			
Medium	1.072	0.530	0.348
Large	0.580	0.362	0.159
Process Pack:			
Medium	1.028	0.613	0.331
Large	0.508	0.323	0.163
Salt station:			
Medium	(1)	(1)	(1)
Large	(1)	(1)	(1)
Pineapples:			
Medium	1.690	0.907	0.546
Large	0.880	0.554	0.297
Plums:			
Medium	0.437	0.224	0.142
Large	0.233	0.146	0.066
Raisins:			
Medium	0.383	0.281	0.122
Large	0.165	0.109	0.066
Strawberries:			
Medium	0.996	0.510	0.322
Large	0.526	0.330	0.150
Tomatoes:			
Peeled:			
Medium	0.712	0.373	0.230
Large	0.375	0.236	0.108
Products:			
Medium	0.514	0.247	0.167
Large	0.281	0.175	0.075

[1] No discharge.

(c) The following limitations establish the quality of pH and quantity of fecal coliforms controlled by this section, which may be discharged by a "medium" or "large" existing point source subject to the provisions of this subpart after application of the best available technology economically achievable.

Effluent characteristic	*Effluent limitations*
pH	At all times within the range 6.0 to 9.5.
Fecal coliform	MPN shall not exceed 400 counts per 100 ml.

§ 407.64 Pretreatment standards for existing sources.

The pretreatment standards under section 307(c) of the Act for an existing source within the canned and preserved fruits subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity and quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by any existing point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitations.
TSS	Do.
pH	Do.
Fecal coliform	

§ 407.65 Standards of performance for new sources.

The following standards of performance establish the quantity of BOD5 controlled by this section, which may be discharged by a new point source subject to the provisions of this subpart. Any fruit processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Fruit processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average BOD5 limitations.

Commodity (fruits)	BOD5 effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Apricots:			
Medium	0.977	0.619	0.300
Large	0.977	0.619	0.300
Cranberries:			
Medium	0.217	0.137	0.063
Large	0.217	0.137	0.063
Cherries:			
Sweet:			
Medium	0.370	0.237	0.121
Large	0.370	0.237	0.121
Sour:			
Medium	0.857	0.542	0.261
Large	0.857	0.542	0.261
Brined:			
Medium	0.571	0.376	0.229
Large	0.571	0.376	0.229
Cranberries:			
Medium	0.517	0.330	0.165
Large	0.517	0.330	0.165
Dried fruit:			
Medium	0.539	0.346	0.203
Large	0.539	0.346	0.203
Grape juice:			
Canning:			
Medium	0.469	0.301	0.140
Large	0.469	0.301	0.140
Pressing:			
Medium	0.089	0.056	0.027
Large	0.089	0.056	0.027
Olives:			
Medium	1.826	1.154	0.549
Large	1.826	1.154	0.549
Peaches:			
Canned:			
Medium	0.806	0.510	0.244
Large	0.806	0.510	0.244
Frozen:			
Medium	0.277	0.257	0.141
Large	0.277	0.257	0.141
Pears:			
Medium	0.581	0.373	0.195
Large	0.581	0.373	0.195
Pickles:			
Fresh pack:			
Medium	0.580	0.362	0.159
Large	0.580	0.362	0.159
Process pack:			
Medium	0.508	0.323	0.163
Large	0.508	0.323	0.163
Salt station:			
Medium	(1)	(1)	(1)
Large	(1)	(1)	(1)
Pineapples:			
Medium	0.880	0.554	0.257
Large	0.880	0.554	0.257
Plums:			
Medium	0.238	0.146	0.066
Large	0.238	0.146	0.066
Raisins:			
Medium	0.165	0.109	0.066
Large	0.165	0.109	0.066
Strawberries:			
Medium	0.526	0.330	0.150
Large	0.526	0.330	0.150
Tomatoes:			
Peeled:			
Medium	0.375	0.236	0.108
Large	0.375	0.236	0.108
Products:			
Medium	0.281	0.175	0.075
Large	0.281	0.175	0.075
English units (lb/1,000 lb of raw material)			
Apricots:			
Medium	0.977	0.619	0.300
Large	0.977	0.619	0.300
Cranberries:			
Medium	0.217	0.137	0.063
Large	0.217	0.137	0.063
Cherries:			
Sweet:			
Medium	0.370	0.237	0.121
Large	0.370	0.237	0.121
Sour:			
Medium	0.857	0.542	0.261
Large	0.857	0.542	0.261
Brined:			
Medium	0.571	0.376	0.229
Large	0.571	0.376	0.229
Cranberries:			
Medium	0.517	0.330	0.165
Large	0.517	0.330	0.165

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Commodity (fruits)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Dried fruit:			
Medium	0.539	0.346	0.208
Large	0.539	0.346	0.208
Grape juice:			
Canning:			
Medium	0.469	0.301	0.140
Large	0.469	0.301	0.140
Pressing:			
Medium	0.089	0.056	0.027
Large	0.089	0.056	0.027
Olives:			
Medium	1.826	1.154	0.549
Large	1.826	1.154	0.549
Peaches:			
Canned:			
Medium	0.806	0.510	0.244
Large	0.806	0.510	0.244
Frozen:			
Medium	0.277	0.257	0.141
Large	0.277	0.257	0.141
Pears:			
Medium	0.581	0.373	0.195
Large	0.581	0.373	0.195
Pickles:			
Fresh pack:			
Medium	0.580	0.362	0.159
Large	0.580	0.362	0.159
Process pack:			
Medium	0.508	0.323	0.163
Large	0.508	0.323	0.163
Salt station:			
Medium		(1)	(1)
Large		(1)	(1)
Pineapples:			
Medium	0.880	0.554	0.257
Large	0.880	0.554	0.257
Plums:			
Medium	0.233	0.146	0.066
Large	0.233	0.146	0.066
Raisins:			
Medium	0.165	0.109	0.066
Large	0.165	0.109	0.066
Strawberries:			
Medium	0.526	0.330	0.150
Large	0.526	0.330	0.150
Tomatoes:			
Peeled:			
Medium	0.375	0.236	0.108
Large	0.375	0.236	0.108
Products:			
Medium	0.281	0.175	0.075
Large	0.281	0.175	0.075

[1] No discharge.

(b) The following standards of performance establish the quantity of TSS controlled by this section, which may be discharged by a new point source subject to the provision of this subpart. Any fruit processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Fruit processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and discharged at a controlled rate with state approval, shall meet only the annual average TSS limitations.

Commodity (fruits)	TSS effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units	(kg/kkg of raw material)		
Apricots:			
Medium	1.928	1.004	0.622
Large	0.977	0.619	0.309
Canneberries:			
Medium	0.415	0.221	0.134
Large	0.217	0.137	0.063
Cherries:			
Sweet:			
Medium	0.753	0.466	0.244
Large	0.370	0.287	0.121
Sour:			
Medium	1.686	0.952	0.544
Large	0.857	0.542	0.261
Brined:			
Medium	1.328	0.974	0.423
Large	0.571	0.376	0.229

Commodity (fruits)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Cranberries:			
Medium	1.044	0.618	0.336
Large	0.517	0.330	0.165
Dried fruit:			
Medium	1.122	0.701	0.360
Large	0.539	0.346	0.208
Grape juice:			
Canning:			
Medium	0.918	0.496	0.297
Large	0.469	0.301	0.140
Pressing:			
Medium	0.175	0.099	0.056
Large	0.089	0.056	0.027
Olives:			
Medium	3.564	1.980	1.149
Large	1.826	1.154	0.549
Peaches:			
Canned:			
Medium	1.577	0.880	0.509
Large	0.806	0.510	0.244
Frozen:			
Medium	0.563	0.313	0.274
Large	0.277	0.257	0.141
Pears:			
Medium	1.209	0.755	0.388
Large	0.581	0.373	0.195
Pickles:			
Fresh Pack:			
Medium	1.072	0.530	0.348
Large	0.580	0.362	0.159
Process pack:			
Medium	1.028	0.613	0.331
Large	0.508	0.323	0.163
Salt station:			
Medium	(1)	(1)	(1)
Large	(1)	(1)	(1)
Pineapples:			
Medium	1.690	0.907	0.546
Large	0.880	0.554	0.257
Plums:			
Medium	0.437	0.224	0.142
Large	0.233	0.146	0.066
Raisins:			
Medium	0.383	0.261	0.122
Large	0.165	0.109	0.066
Strawberries:			
Medium	0.996	0.519	0.322
Large	0.526	0.350	0.150
Tomatoes:			
Peeled:			
Medium	0.712	0.378	0.230
Large	0.375	0.236	0.108
Products:			
Medium	0.514	0.287	0.167
Large	0.281	0.175	0.075
English units (lb/1,000 lb of raw material)			
Apricots:			
Medium	1.928	1.004	0.622
Large	0.977	0.619	0.309
Canneberries:			
Medium	0.415	0.221	0.134
Large	0.217	0.137	0.063
Cherries:			
Sweet:			
Medium	0.753	0.460	0.244
Large	0.370	0.287	0.121
Sour:			
Medium	1.686	0.952	0.544
Large	0.857	0.542	0.261
Brined:			
Medium	1.328	0.974	0.423
Large	0.571	0.376	0.229
Cranberries:			
Medium	1.044	0.618	0.336
Large	0.517	0.330	0.165
Dried fruit:			
Medium	1.122	0.701	0.360
Large	0.539	0.346	0.208
Grape juice:			
Canning:			
Medium	0.918	0.496	0.297
Large	0.469	0.301	0.140
Pressing:			
Medium	0.175	0.099	0.056
Large	0.089	0.056	0.027
Olives:			
Medium	3.564	1.980	1.149
Large	1.826	1.154	0.549
Peaches:			
Canned:			
Medium	1.577	0.880	0.509
Large	0.806	0.510	0.244
Frozen:			
Medium	0.563	0.313	0.274
Large	0.277	0.257	0.141

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Commodity (fruits)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Pears:			
Medium	1.209	0.755	0.388
Large	0.581	0.373	0.195
Pickles:			
Fresh pack:			
Medium	1.072	0.580	0.246
Large	0.560	0.368	0.159
Process pack:			
Medium	1.028	0.613	0.331
Large	0.508	0.323	0.163
Salt station:			
Medium	(1)	(1)	(1)
Large	(1)	(1)	(1)
Pineapples:			
Medium	1.690	0.907	0.546
Large	0.860	0.554	0.257
Plums:			
Medium	0.437	0.224	0.142
Large	0.233	0.146	0.066
Raisins:			
Medium	0.383	0.281	0.123
Large	0.165	0.109	0.066
Strawberries:			
Medium	0.996	0.519	0.322
Large	0.526	0.330	0.150
Tomatoes:			
Peeled:			
Medium	0.712	0.378	0.230
Large	0.375	0.236	0.108
Products:			
Medium	0.514	0.247	0.167
Large	0.261	0.175	0.075

[1] No discharge.

(c) The following standards of performance establish the quality of pH and quantity of fecal coliforms controlled by this section, which may be discharged by a "medium" or "large" new point source subject to the provisions of this subpart.

Effluent characteristic	*Effluent limitations*
pH	At all times within the range 6.0 to 9.5.
Fecal coliform	MPN shall not exceed 400 counts per 100 ml.

§ 407.66 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the canned and preserved fruits subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity and quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitations.
TSS	Do.
pH	Do.
Fecal coliform	Do.

Subpart G—Canned and Preserved Vegetables Subcategory

§ 407.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity of BOD5 controlled by this section, which may be discharged by a "medium" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any vegetable processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Vegetable processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average BOD5 limitations. Effluent limitations for the cauliflower subcategory are based upon pounds (lb) or kilograms (kg) of pollutant per 1000 pounds (lb) or kilograms (kkg) of final product.

Commodity (vegetables)	BOD5 effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Asparagus	0.85	0.55	0.34
Beets	0.81	0.54	0.39
Broccoli	3.61	2.34	1.47
Brussels sprouts	1.25	0.81	0.51
Carrots	1.73	1.14	0.76
Cauliflower	1.98	1.28	0.81
Corn:			
Canned	0.70	0.46	0.32
Frozen	1.89	1.24	0.83
Dehydrated onion/garlic	2.40	1.55	0.98
Dehydrated vegetables	2.91	1.88	1.19
Dry beans	2.46	1.60	1.05
Lima beans	3.64	2.36	1.52
Mushrooms	2.99	1.94	1.24
Onions (canned)	3.17	2.07	1.35
Peas:			
Canned	2.74	1.79	1.18
Frozen	2.03	1.33	0.88
Pimentos	3.97	2.58	1.69
Sauerkraut:			
Canning	0.49	0.32	0.21
Cutting	0.07	0.04	0.03
Snap beans:			
Canned	1.16	0.75	0.47
Frozen	2.12	1.37	0.88
Spinach:			
Canned	3.02	1.95	1.23
Frozen	1.77	1.14	0.72
Squash	0.86	0.57	0.40
Sweet potato	0.73	0.53	0.40
White potato (canned)	1.30	0.86	0.60
English units (lb/1,000 lb of raw material)			
Asparagus	0.85	0.55	0.34
Beets	0.81	0.54	0.39
Broccoli	3.61	2.34	1.47
Brussels sprouts	1.25	0.81	0.51
Carrots	1.73	1.14	0.76
Cauliflower	1.98	1.28	0.81
Corn:			
Canned	0.70	0.46	0.32
Frozen	1.89	1.24	0.83
Dehydrated onion/garlic	2.40	1.55	0.98
Dehydrated vegetables	2.91	1.88	1.19
Dry beans	2.46	1.60	1.05
Lima beans	3.64	2.36	1.52
Mushrooms	2.99	1.94	1.24
Onions (canned)	3.17	2.07	1.35
Peas:			
Canned	2.74	1.79	1.18
Frozen	2.03	1.33	0.88
Pimentos	3.97	2.58	1.69
Sauerkraut:			
Canning	0.49	0.32	0.21
Cutting	0.07	0.04	0.03
Snap beans:			
Canned	1.16	0.75	0.47
Frozen	2.12	1.37	0.88
Spinach:			
Canned	3.02	1.95	1.23
Frozen	1.77	1.14	0.72
Squash	0.86	0.57	0.40
Sweet potato	0.73	0.53	0.40
White potato (canned)	1.30	0.86	0.60

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(b) The following limitations establish the quantity of TSS controlled by the section, which may be discharged by a "medium" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any vegetable processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Vegetable processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations. Effluent limitations for the cauliflower subcategory are based upon pounds (lb) of kilograms (kg) of pollutant per 1000 pounds (lb) or kilograms (kkg) of final product.

Commodity (vegetables)	TSS effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Asparagus	1.26	0.85	0.73
Beets	1.55	1.27	0.74
Broccoli	5.37	3.65	3.12
Brussels sprouts	1.85	1.26	1.08
Carrots	2.91	2.19	1.53
Cauliflower	2.93	1.99	1.70
Corn:			
Canned	1.28	1.03	0.63
Frozen	3.16	2.37	1.67
Dehydrated onion/garlic	3.56	2.42	2.07
Dehydrated vegetables	4.32	2.93	2.51
Dry beans	3.92	2.83	2.15
Lima beans	5.64	3.99	3.17
Mushrooms	4.59	3.21	2.59
Onions (canned)	5.09	3.71	2.78
Peas:			
Canned	4.44	3.26	2.40
Frozen	3.33	2.47	1.79
Pimentos	6.35	4.62	3.47
Sauerkraut:			
Canning	0.78	0.57	0.43
Cutting	0.12	0.10	0.06
Snap beans:			
Canned	1.73	1.17	1.00
Frozen	3.25	2.27	1.84
Spinach:			
Canned	4.40	3.05	2.60
Frozen	2.62	1.78	1.52
Squash	1.57	1.25	0.78
Sweet potato	1.67	1.48	0.74
White potato (canned)	2.39	1.93	1.18
English units (lb/1,000 lb of raw material)			
Asparagus	1.26	0.85	0.73
Beets	1.55	1.27	0.74
Broccoli	5.37	3.65	3.12
Brussels sprouts	1.85	1.26	1.08
Carrots	2.91	2.19	1.53
Cauliflower	2.93	1.99	1.70
Corn:			
Canned	1.28	1.03	0.63
Frozen	3.16	2.37	1.67
Dehydrated onion/garlic	3.56	2.42	2.07
Dehydrated vegetables	4.32	2.93	2.51
Dry beans	3.92	2.83	2.15
Lima beans	5.64	3.99	3.17
Mushrooms:	4.59	3.21	2.59
Onions (canned)	5.09	3.71	2.78
Peas:			
Canned	4.44	3.26	2.40
Frozen	3.33	2.47	1.79
Pimentos	6.35	4.62	3.47
Sauerkraut:			
Canning	0.78	0.57	0.43
Cutting	0.12	0.10	0.06
Snap beans:			
Canned	1.73	1.17	1.00
Frozen	3.25	2.27	1.84
Spinach:			
Canned	4.40	3.05	2.60
Frozen	2.62	1.78	1.52
Squash	1.57	1.25	0.78
Sweet potato	1.67	1.48	0.74
White potato (canned)	2.39	1.93	1.18

(c) The following limitations establish the quality of pH controlled by this section, which may be discharged by a "medium" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available.

Effluent characteristic	*Effluent limitations*
pH	At all times within the range 6.0 to 9.5.

§ 407.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following effluent limitations establish the quantity of BOD5 controlled by this section, which may be discharged by an existing point source subject to the provisions of this subpart after application of the best available technology economically achievable. Any vegetable processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Vegetable processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average BOD5 limitations. Effluent limitations for the cauliflowcr subcategory are based upon pounds (lb) or kilograms (kg) of pollutant per 1000 pounds (lb) or kilograms (kkg) of final product.

Commodity (vegetables)	BOD5 effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Asparagus:			
Medium	0.280	0.163	0.070
Large	0.280	0.163	0.070
Beets:			
Medium	0.375	0.250	0.103
Large	0.375	0.250	0.103
Broccoli:			
Medium	1.639	1.020	0.431
Large	1.639	1.020	0.431
Brussels sprouts:			
Medium	1.657	1.027	0.420
Large	1.657	1.027	0.420
Carrots:			
Medium	0.810	0.518	0.266
Large	0.810	0.518	0.266
Cauliflower:			
Medium	2.356	1.460	0.597
Large	2.356	1.460	0.597
Corn:			
Canned:			
Medium	0.179	0.118	0.072
Large	0.179	0.118	0.072
Frozen:			
Medium	0.893	0.563	0.262
Large	0.893	0.563	0.262
Dehydrated onion/garlic:			
Medium	0.947	0.592	0.261
Large	0.947	0.592	0.261
Dehydrated vegetables:			
Medium	1.465	0.915	0.400
Large	1.465	0.915	0.400
Dry beans:			
Medium	1.193	0.747	0.332
Large	1.193	0.747	0.332
Lima beans:			
Medium	1.457	0.909	0.395
Large	1.457	0.909	0.395
Mushrooms:			
Medium	1.000	0.627	0.280
Large	1.000	0.627	0.280
Onions (canned):			
Medium	1.397	0.891	0.449
Large	1.397	0.891	0.449
Peas:			
Canned:			
Medium	1.022	0.654	0.330
Large	1.022	0.654	0.330
Frozen:			
Medium	0.857	0.542	0.257
Large	0.857	0.542	0.257
Pimentos:			
Medium	2.004	1.251	0.886
Large	2.004	1.251	0.886
Sauerkraut:			
Canning:			
Medium	0.225	0.143	0.071
Large	0.225	0.143	0.071
Cutting:			
Medium	0.027	0.017	0.009
Large	0.027	0.017	0.009
Snap beans:			
Canned:			
Medium	0.791	0.492	0.206
Large	0.791	0.492	0.206
Frozen:			
Medium	1.066	0.667	0.294
Large	1.066	0.667	0.294

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Commodity (vegetables)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Spinach:			
Canned:			
Medium	0.852	0.532	0.231
Large	0.852	0.532	0.231
Frozen:			
Medium	1.037	0.645	0.272
Large	1.037	0.645	0.272
Squash:			
Medium	0.251	0.160	0.079
Large	0.251	0.160	0.079
Sweet potato:			
Medium	0.384	0.261	0.186
Large	0.384	0.261	0.186
White potato (canned):			
Medium	0.385	0.260	0.177
Large	0.385	0.260	0.177
English units (lb/1,000 lb of raw material)			
Asparagus:			
Medium	0.280	0.163	0.070
Large	0.280	0.163	0.070
Beets:			
Medium	0.375	0.250	0.103
Large	0.375	0.250	0.103
Broccoli:			
Medium	1.639	1.020	0.431
Large	1.639	1.020	0.431
Brussels sprouts:			
Medium	1.657	1.027	0.420
Large	1.657	1.027	0.420
Carrots:			
Medium	0.810	0.518	0.266
Large	0.810	0.518	0.266
Cauliflower:			
Medium	2.356	1.460	0.597
Large	2.356	1.460	0.597
Corn:			
Canned:			
Medium	0.179	0.118	0.072
Large	0.179	0.118	0.072
Frozen:			
Medium	0.893	0.508	0.262
Large	0.893	0.563	0.262
Dehydrated onion/garlic:			
Medium	0.947	0.592	0.261
Large	0.947	0.592	0.261
Dehydrated vegetables:			
Medium	1.465	0.915	0.400
Large	1.465	0.915	0.400
Dry beans:			
Medium	1.193	0.747	0.332
Large	1.193	0.747	0.332
Lima beans:			
Medium	1.457	0.909	0.395
Large	1.457	0.909	0.395
Mushrooms:			
Medium	1.000	0.627	0.280
Large	1.000	0.627	0.280
Onions (canned):			
Medium	1.397	0.891	0.449
Large	1.397	0.891	0.449
Peas:			
Canned:			
Medium	1.022	0.654	0.339
Large	1.022	0.654	0.339
Frozen:			
Medium	0.857	0.542	0.257
Large	0.857	0.542	0.257
Pimentos:			
Medium	2.004	1.251	0.586
Large	2.004	1.351	0.586
Sauerkraut:			
Canning:			
Medium	0.225	0.143	0.071
Large	0.225	0.143	0.071
Cutting:			
Medium	0.027	0.017	0.009
Large	0.027	0.017	0.009
Snap beans:			
Canned:			
Medium	0.791	0.492	0.206
Large	0.791	0.492	0.206
Frozen:			
Medium	1.066	0.667	0.294
Large	1.066	0.667	0.294
Spinach:			
Canned:			
Medium	0.852	0.532	0.231
Large	0.852	0.532	0.231
Frozen:			
Medium	1.037	0.645	0.272
Large	1.037	0.645	0.272
Squash:			
Medium	0.251	0.160	0.079
Large	0.251	0.160	0.079
Sweet potato:			
Medium	0.384	0.261	0.186
Large	0.384	0.261	0.186
White potato (canned):			
Medium	0.385	0.260	0.177
Large	0.385	0.260	0.177

(b) The following limitations establish the quantity of TSS controlled by this section, which may be discharged by any existing point source subject to the provisions of this subpart after application of the best available technology economically achievable. Any vegetable processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Vegetable processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations. Effluent limitations for the cauliflower subcategory are based upon pounds (lb) or kilograms (kg) of pollutant per 1000 pounds (lb) or kilograms (kkg) of final product.

Commodity (vegetables)	TSS effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Asparagus:			
Medium	0.562	0.210	0.168
Large	0.280	0.168	0.070
Beets:			
Medium	0.919	0.719	0.291
Large	0.375	0.250	0.103
Broccoli:			
Medium	2.065	1.387	0.963
Large	1.639	1.020	0.431
Brussels sprouts:			
Medium	2.948	1.309	0.986
Large	1.657	1.027	0.420
Carrots:			
Medium	1.065	1.018	0.535
Large	0.810	0.518	0.266
Cauliflower:			
Medium	4.174	1.852	1.257
Large	2.356	1.460	0.597
Corn:			
Canned:			
Medium	0.415	0.205	0.132
Large	0.179	0.118	0.072
Frozen:			
Medium	1.719	0.928	0.555
Large	0.893	0.563	0.262
Dehydrated onion/garlic:			
Medium	1.756	0.874	0.570
Large	0.947	0.592	0.261
Dehydrated vegetables:			
Medium	2.705	1.331	0.877
Large	1.465	0.915	0.400
Dry beans:			
Medium	2.228	1.126	0.722
Large	1.193	0.747	0.332
Lima beans:			
Medium	2.681	1.308	0.869
Large	1.457	0.909	0.395
Mushrooms:			
Medium	1.872	0.950	0.606
Large	1.000	0.627	0.280
Onions (canned):			
Medium	2.833	1.692	0.911
Large	1.397	0.891	0.449
Peas:			
Canned:			
Medium	2.111	1.308	0.678
Large	1.022	0.654	0.339
Frozen:			
Medium	1.670	0.925	0.539
Large	0.857	0.542	0.257
Pimentos:			
Medium	3.836	2.004	1.239
Large	2.004	1.251	0.586
Sauerkraut:			
Canning:			
Medium	0.450	0.253	0.145
Large	0.225	0.143	0.071
Cutting:			
Medium	0.057	0.037	0.018
Large	0.027	0.017	0.009
Snap beans:			
Canned:			
Medium	1.425	0.660	0.463
Large	0.791	0.492	0.206
Frozen:			
Medium	1.980	0.980	0.643
Large	1.066	0.667	0.294
Spinach:			
Canned:			
Medium	1.567	0.760	0.508
Large	0.852	0.532	0.231
Frozen:			
Medium	1.876	0.877	0.609
Large	1.037	0.645	0.272
Squash:			
Medium	0.505	0.297	0.162
Large	0.251	0.160	0.079

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Commodity (vegetables)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Sweet potato:			
Medium	1.013	0.856	0.320
Large	0.384	0.261	0.186
White potato (canned):			
Medium	0.981	0.799	0.310
Large	0.385	0.260	0.177
English units (lb/1,000 lb of raw material)			
Asparagus:			
Medium	0.502	0.210	0.163
Large	0.280	0.163	0.070
Beets:			
Medium	0.919	0.719	0.291
Large	0.375	0.250	0.103
Broccoli:			
Medium	2.965	1.387	0.963
Large	1.689	1.020	0.431
Brussels sprouts:			
Medium	2.943	1.309	0.968
Large	1.657	1.027	0.420
Carrots:			
Medium	1.665	1.018	0.535
Large	0.810	0.518	0.266
Cauliflower:			
Medium	4.174	1.852	1.367
Large	2.356	1.460	0.597
Corn:			
Canned:			
Medium	0.415	0.205	0.132
Large	0.179	0.118	0.072
Frozen:			
Medium	1.719	0.928	0.556
Large	0.893	0.563	0.262
Dehydrated onion/garlic:			
Medium	1.756	0.874	0.570
Large	0.947	0.592	0.261
Dehydrated vegetables:			
Medium	2.705	1.331	0.877
Large	1.465	0.915	0.400
Dry beans:			
Medium	2.228	1.126	0.722
Large	1.193	0.747	0.332
Lima beans:			
Medium	2.681	1.308	0.869
Large	1.457	0.909	0.395
Mushrooms:			
Medium	1.872	0.950	0.606
Large	1.000	0.627	0.280
Onions (canned):			
Medium	2.833	1.692	0.911
Large	1.397	0.891	0.449
Peas:			
Canned:			
Medium	2.111	1.303	0.678
Large	1.022	0.654	0.339
Frozen:			
Medium	1.670	0.925	0.539
Large	0.857	0.542	0.297
Pimentos:			
Medium	3.836	2.094	1.239
Large	2.004	1.251	0.586
Sauerkraut:			
Canning:			
Medium	0.450	0.263	0.145
Large	0.226	0.143	0.071
Cutting:			
Medium	0.057	0.037	0.018
Large	0.027	0.017	0.009
Snap beans:			
Canned:			
Medium	1.425	0.660	0.402
Large	0.791	0.493	0.206
Frozen:			
Medium	1.980	0.989	0.642
Large	1.066	0.667	0.294
Spinach:			
Canned:			
Medium	1.567	0.760	0.506
Large	0.852	0.532	0.231
Frozen:			
Medium	1.876	0.877	0.609
Large	1.037	0.645	0.272
Squash:			
Medium	0.506	0.297	0.163
Large	0.251	0.169	0.079
Sweet potato:			
Medium	1.013	0.856	0.320
Large	0.384	0.261	0.186
White potato (canned):			
Medium	0.981	0.799	0.310
Large	0.385	0.260	0.177

(c) The following limitations establish the quality of pH controlled by this section, which may be discharged by a "medium" or "large" existing point source subject to the provisions of this subpart after application of the best available control technology economically achievable.

Effluent characteristic	*Effluent limitations*
pH	At all times within the range 6.0 to 9.5.
Fecal coliform	MPN shall not exceed 400 counts per 100 ml.

§ 407.74 Pretreatment standards for existing sources.

The pretreatment standards under section 307(c) of the Act for an existing source within the canned and preserved vegetables subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity and quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by any existing point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitations
TSS	Do.
pH	Do.
Fecal coliform	Do.

§ 407.75 Standards of performance for new sources.

The following standards of performance establish the quantity of BOD5 controlled by this section, which may be discharged by a new point source subject to the provisions of this subpart. Any vegetable processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Vegetable processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average BOD5 limitations. Effluent limitations for the cauliflower subcategory are based upon pounds (lb) or kilograms (kg) of pollutants per 1000 pounds (lb) or kilograms (kkg) of final product.

Commodity (vegetables)	BOD5 effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Asparagus:			
Medium	0.280	0.163	0.070
Large	0.280	0.163	0.070
Beets:			
Medium	0.375	0.250	0.103
Large	0.375	0.250	0.103
Broccoli:			
Medium	1.689	1.020	0.431
Large	1.689	1.020	0.431
Brussels sprouts:			
Medium	1.657	1.027	0.420
Large	1.657	1.027	0.420
Carrots:			
Medium	0.810	0.518	0.266
Large	0.810	0.518	0.266
Cauliflower:			
Medium	2.356	1.460	0.597
Large	2.356	1.460	0.597
Corn:			
Canned:			
Medium	0.179	0.118	0.072
Large	0.179	0.118	0.072
Frozen:			
Medium	0.893	0.563	0.262
Large	0.893	0.563	0.262
Dehydrated onion/garlic:			
Medium	0.947	0.592	0.261
Large	0.947	0.592	0.261
Dehydrated vegetables:			
Medium	1.465	0.915	0.400
Large	1.465	0.915	0.400
Dry beans:			
Medium	1.193	0.747	0.332
Large	1.193	0.747	0.332
Lima Beans:			
Medium	1.457	0.909	0.395
Large	1.457	0.909	0.395
Mushrooms:			
Medium	1.000	0.627	0.280
Large	1.000	0.627	0.280
Onions (canned):			
Medium	1.397	0.891	0.449
Large	1.397	0.891	0.449

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Commodity (vegetables)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Peas:			
Canned:			
Medium	1.022	0.654	0.339
Large	1.022	0.654	0.339
Frozen:			
Medium	0.857	0.542	0.257
Large	0.857	0.542	0.257
Pimentos:			
Medium	2.004	1.251	0.586
Large	2.004	1.251	0.586
Sauerkraut:			
Canned:			
Medium	0.225	0.143	0.071
Large	0.225	0.143	0.071
Cutting:			
Medium	0.027	0.017	0.009
Large	0.027	0.017	0.009
Snap beans:			
Canned:			
Medium	0.791	0.492	0.206
Large	0.791	0.492	0.306
Frozen:			
Medium	1.066	0.667	0.294
Large	1.066	0.667	0.294
Spinach:			
Canned:			
Medium	0.852	0.532	0.231
Large	0.852	0.532	0.231
Frozen:			
Medium	1.037	0.645	0.272
Large	1.037	0.645	0.272
Squash:			
Medium	0.251	0.160	0.079
Large	0.251	0.160	0.079
Sweet potato:			
Medium	0.384	0.261	0.186
Large	0.384	0.261	0.186
White potato (canned):			
Medium	0.385	0.260	0.177
Large	0.385	0.260	0.177
English units (lb/1,000 lb of raw material)			
Asparagus:			
Medium	0.280	0.163	0.070
Large	0.280	0.163	0.070
Beets:			
Medium	0.375	0.250	0.103
Large	0.375	0.250	0.103
Broccoli:			
Medium	1.539	1.020	0.431
Large	1.539	1.020	0.431
Brussels sprouts:			
Medium	1.657	1.027	0.420
Large	1.657	1.027	0.420
Carrots:			
Medium	0.810	0.518	0.266
Large	0.810	0.518	0.266
Cauliflower:			
Medium	2.356	1.460	0.597
Large	2.356	1.460	0.597
Corn:			
Canned:			
Medium	0.179	0.113	0.072
Large	0.179	0.113	0.072
Frozen:			
Medium	0.893	0.563	0.262
Large	0.893	0.563	0.262
Dehydrated onion/garlic:			
Medium	0.947	0.592	0.261
Large	0.947	0.592	0.361
Dehydrated vegetables:			
Medium	1.465	0.915	0.400
Large	1.465	0.915	0.400
Dry beans:			
Medium	1.193	0.747	0.332
Large	1.193	0.747	0.332
Lima beans:			
Medium	1.457	0.909	0.395
Large	1.457	0.909	0.395
Mushrooms:			
Medium	1.000	0.627	0.280
Large	1.000	0.627	0.280
Onions (canned):			
Medium	1.397	0.891	0.449
Large	1.397	0.891	0.449
Peas:			
Canned:			
Medium	1.022	0.654	0.339
Large	1.022	0.654	0.339
Frozen:			
Medium	0.857	0.542	0.257
Large	0.857	0.542	0.257
Pimentos:			
Medium	2.004	1.251	0.586
Large	2.004	1.251	0.586

Commodity (vegetables)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Sauerkraut:			
Canning:			
Medium	0.225	0.143	0.071
Large	0.225	0.143	0.071
Cutting:			
Medium	0.027	0.017	0.009
Large	0.027	0.017	0.009
Snap beans:			
Canned:			
Medium	0.791	0.492	0.206
Large	0.791	0.492	0.206
Frozen:			
Medium	1.066	0.667	0.294
Large	1.066	0.667	0.294
Spinach:			
Canned:			
Medium	0.852	0.532	0.231
Large	0.852	0.532	0.231
Frozen:			
Medium	1.037	0.645	0.272
Large	1.037	0.645	0.272
Squash:			
Medium	0.251	0.160	0.079
Large	0.251	0.160	0.079
Sweet potato:			
Medium	0.384	0.261	0.186
Large	0.384	0.261	0.186
White potato (canned):			
Medium	0.385	0.260	0.177
Large	0.385	0.260	0.177

(b) The following limitations establish the quantity of TSS controlled by the section, which may be discharged by a new point source subject to the provisions of this subpart. Any vegetable processing plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Vegetable processing plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations. Effluent limitations for the cauliflower subcategory are based upon pounds (lb) or kilograms (kg) of pollutants per 1000 pounds (lb) or kilograms (kkg) of final product.

Commodity (vegetables)	TSS effluent limitations		
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of raw material)			
Asparagus:			
Medium	0.502	0.210	0.163
Large	0.280	0.168	0.070
Beets:			
Medium	0.919	0.719	0.291
Large	0.375	0.250	0.103
Broccoli:			
Medium	2.905	1.887	0.963
Large	1.539	1.020	0.431
Brussels sprouts:			
Medium	2.948	1.309	0.958
Large	1.657	1.027	0.420
Carrots:			
Medium	1.955	1.018	0.535
Large	0.810	0.518	0.266
Cauliflower:			
Medium	4.174	1.883	1.357
Large	2.356	1.460	0.597
Corn:			
Canned:			
Medium	0.415	0.206	0.122
Large	0.179	0.118	0.072
Frozen:			
Medium	1.719	0.928	0.365
Large	0.893	0.563	0.262
Dehydrated onion/garlic:			
Medium	1.736	0.874	0.570
Large	0.947	0.592	0.361
Dehydrated vegetables:			
Medium	2.705	1.331	0.877
Large	1.465	0.915	0.400
Dry beans:			
Medium	2.298	1.136	0.722
Large	1.193	0.747	0.332
Lima beans:			
Medium	2.661	1.308	0.869
Large	1.457	0.909	0.395
Mushrooms:			
Medium	1.873	0.950	0.605
Large	1.000	0.627	0.280

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Commodity (vegetables)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Onions (canned):			
Medium	2.833	1.602	0.911
Large	1.397	0.891	0.449
Peas:			
Canned:			
Medium	2.111	1.303	0.678
Large	1.022	0.654	0.339
Frozen:			
Medium	1.670	0.925	0.539
Large	0.857	0.542	0.257
Pimentos:			
Medium	3.836	2.094	1.239
Large	2.004	1.251	0.586
Sauerkraut:			
Canning:			
Medium	0.450	0.263	0.145
Large	0.225	0.143	0.071
Cutting:			
Medium	0.057	0.037	0.018
Large	0.027	0.017	0.009
Snap beans:			
Canned:			
Medium	1.425	0.660	0.463
Large	0.791	0.492	0.206
Frozen:			
Medium	1.980	0.989	0.642
Large	1.066	0.667	0.294
Spinach:			
Canned:			
Medium	1.567	0.760	0.508
Large	0.852	0.532	0.231
Frozen:			
Medium	1.876	0.877	0.609
Large	1.037	0.645	0.272
Squash:			
Medium	0.505	0.297	0.162
Large	0.251	0.160	0.079
Sweet potato:			
Medium	1.013	0.856	0.320
Large	0.384	0.261	0.186
White potato (canned):			
Medium	0.981	0.799	0.310
Large	0.385	0.260	0.177

English units (lb/1,000 lb of raw material)

Asparagus:			
Medium	0.592	0.240	0.163
Large	0.280	0.186	0.070
Beets:			
Medium	0.919	0.719	0.291
Large	0.373	0.256	0.103
Broccoli:			
Medium	2.965	1.387	0.986
Large	1.689	1.020	0.431
Brussels sprouts:			
Medium	2.946	1.309	0.988
Large	1.657	1.097	0.420
Carrots:			
Medium	1.665	1.018	0.835
Large	0.810	0.518	0.266
Cauliflower:			
Medium	4.174	1.852	1.357
Large	2.356	1.460	0.597
Corn:			
Canned:			
Medium	0.415	0.205	0.132
Large	0.179	0.118	0.072
Frozen:			
Medium	1.719	0.928	0.555
Large	0.898	0.563	0.262
Dehydrated onion/garlic:			
Medium	1.756	0.874	0.570
Large	0.947	0.592	0.261
Dehydrated vegetables:			
Medium	2.765	1.331	0.877
Large	1.465	0.916	0.400
Dry beans:			
Medium	2.228	1.126	0.722
Large	1.198	0.747	0.322
Lima beans:			
Medium	2.681	1.308	0.869
Large	1.457	0.909	0.395
Mushrooms:			
Medium	1.872	0.950	0.606
Large	1.000	0.627	0.280
Onions (canned):			
Medium	2.833	1.602	0.911
Large	1.397	0.891	0.449
Peas:			
Canned:			
Medium	2.111	1.303	0.678
Large	1.022	0.654	0.339
Frozen:			
Medium	1.670	0.925	0.539
Large	0.857	0.542	0.257
Pimentos:			
Medium	3.836	2.094	1.239
Large	2.004	1.251	0.586

Commodity (vegetables)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Sauerkraut:			
Canning:			
Medium	0.450	0.263	0.145
Large	0.225	0.143	0.071
Cutting:			
Medium	0.057	0.037	0.018
Large	0.027	0.017	0.009
Snap beans:			
Canned:			
Medium	1.425	0.660	0.463
Large	0.791	0.492	0.206
Frozen:			
Medium	1.980	0.989	0.642
Large	1.066	0.667	0.294
Spinach:			
Canned:			
Medium	1.567	0.760	0.508
Large	0.852	0.532	0.231
Frozen:			
Medium	1.876	0.877	0.609
Large	1.037	0.645	0.272
Squash:			
Medium	0.505	0.297	0.162
Large	0.251	0.160	0.079
Sweet potato:			
Medium	1.013	0.856	0.320
Large	0.384	0.261	0.186
White potato (canned):			
Medium	0.981	0.799	0.310
Large	0.385	0.260	0.177

(c) The following limitations establish the quality of pH controlled by this section, which may be discharged by a "medium" or "large" new point source subject to the provisions of this subpart.

Effluent characteristic	*Effluent limitations*
pH	At all times within the range 6.0 to 9.5.
Fecal coliform	MPN shall not exceed 400 counts per 100 ml.

§ 407.76 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the canned and preserved vegetables subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity and quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitations.
TSS	Do.
pH	Do.
Fecal coliform	Do.

Subpart H—Canned and Miscellaneous Specialties Subcategory

§ 407.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity of BOD5 controlled by this section, which may be discharged by a "medium" existing point source subject to the provisions of this subpart

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after application of the best practicable control technology currently available. Any food specialty plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Food specialty plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average BOD5 limitations. Effluent limitations for the soups subcategory are based upon pounds (lb) or kilograms (kg) of pollutant per 1000 pounds (lb) or kilograms (kkg) of raw ingredients.

Commodity (specialties)	BOD5 effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of final product)			
Added ingredients	1.30	0.80	0.33
Baby food	1.00	0.65	0.42
Chips:			
Potato	3.35	2.19	1.47
Corn	1.81	1.22	0.85
Tortilla	2.88	1.89	1.26
Ethnic foods	1.74	1.13	0.73
Jams/jellies	0.39	0.26	0.17
Mayonnaise and dressings	0.34	0.23	0.15
Soups	4.10	2.66	1.71
Tomato-starch-cheese canned specialties	1.77	1.14	0.72
English units (lb/1,000 lb of final product)			
Added ingredients	1.30	0.80	0.33
Baby food	1.00	0.65	0.42
Chips:			
Potato	3.35	2.19	1.47
Corn	1.81	1.22	0.85
Tortilla	2.88	1.89	1.26
Ethnic foods	1.74	1.13	0.73
Jams/jellies	0.39	0.26	0.17
Mayonnaise and dressings	0.34	0.23	0.15
Soups	4.10	2.66	1.71
Tomato-starch-cheese canned specialties	1.77	1.14	0.72

(b) The following limitations establish the quantity of TSS controlled by this section, which may be discharged by a "medium" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available. Any food specialty plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Food specialty plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations. Effluent limitations for the soups subcategory are based upon pounds (lb) or kilograms (kg) of pollutant per 1000 pounds (lb) or kilograms (kkg) of raw ingredients.

Commodity (specialties)	TSS effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of final product)			
Added ingredients	0.00	0.00	0.00
Baby food	1.56	1.11	0.87
Chips:			
Potato	5.00	4.22	2.96
Corn	3.34	2.67	1.66
Tortilla	4.79	3.59	2.54
Ethnic foods	2.70	1.91	1.51
Jams/jellies	0.68	0.53	0.35
Mayonnaise and dressings	0.60	0.47	0.31
Soups	6.34	4.47	3.56
Tomato-starch-cheese canned specialties	2.62	1.78	1.52

Commodity (specialties)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
English units (lb/1,000 lb of final product)			
Added ingredients	0.00	0.00	0.00
Baby food	1.56	1.11	0.87
Chips:			
Potato	5.00	4.22	2.96
Corn	3.34	2.67	1.66
Tortilla	4.79	3.59	2.54
Ethnic foods	2.70	1.91	1.51
Jams/jellies	0.68	0.53	0.35
Mayonnaise and dressings	0.60	0.47	0.31
Soups	6.34	4.47	3.56
Tomato-starch-cheese canned specialties	2.62	1.78	1.52

(c) The following limitations establish the quantity of oil and grease and quality of pH controlled by this section, which may be discharged by a "medium" existing point source subject to the provisions of this subpart after application of the best practicable control technology currently available.

Effluent characteristic	*Effluent limitations*
Oil and grease	Shall not exceed 20 mg/l.
pH	At all times within the range 6.0 to 9.5.

§ 407.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity of BOD5 controlled by this section, which may be discharged by an existing point source subject to the provisions of this subpart after application of the best available technology economically achievable. Any food specialty plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Food specialty plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average BOD5 limitations. Effluent limitations for the soups subcategory are based upon pounds (lb) or kilograms (kg) of pollutants per 1000 pounds (lb) of kilograms (kkg) of raw ingredients.

Commodity (specialties)	BOD5 effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of final product)			
Added ingredients:			
Medium	0.652	0.400	0.164
Large	0.652	0.400	0.164
Baby food:			
Medium	0.424	0.267	0.125
Large	0.424	0.267	0.125
Chips:			
Potato:			
Medium	1.404	0.892	0.436
Large	1.404	0.892	0.436
Corn:			
Medium	1.081	0.662	0.360
Large	1.081	0.662	0.360
Tortilla:			
Medium	1.598	1.010	0.481
Large	1.598	1.010	0.481
Ethnic foods:			
Medium	0.697	0.438	0.209
Large	0.697	0.438	0.209
Jams/jellies:			
Medium	0.198	0.120	0.067
Large	0.198	0.120	0.067
Mayonnaise and dressings:			
Medium	0.201	0.130	0.071
Large	0.201	0.130	0.071
Soups:			
Medium	2.292	1.436	0.640
Large	2.292	1.436	0.640
Tomato-starch-cheese canned specialties:			
Medium	0.728	0.454	0.197
Large	0.728	0.454	0.197

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Commodity (specialties)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
English units (lb/1,000 lb of final product)			
Added ingredients:			
Medium	0.652	0.400	0.164
Large	0.652	0.400	0.164
Baby food:			
Medium	0.424	0.267	0.125
Large	0.424	0.267	0.125
Chips:			
Potato:			
Medium	1.404	0.892	0.436
Large	1.404	0.892	0.436
Corn:			
Medium	1.031	0.662	0.350
Large	1.031	0.662	0.350
Tortilla:			
Medium	1.598	1.010	0.481
Large	1.598	1.010	0.481
Ethnic foods:			
Medium	0.697	0.438	0.200
Large	0.697	0.438	0.200
Jams/jellies:			
Medium	0.186	0.120	0.067
Large	0.186	0.120	0.067
Mayonnaise and dressings:			
Medium	0.201	0.130	0.071
Large	0.201	0.130	0.071
Soups:			
Medium	2.292	1.436	0.640
Large	2.292	1.436	0.640
Tomato-starch-cheese canned specialties			
Medium	0.728	0.454	0.197
Large	0.728	0.454	0.197

(b) **The following limitations establish the quantity of TSS controlled by this section, which may be discharged by an existing point source subject to the provisions of this subpart after application of the best available technology economically achievable. Any food specialty plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Food specialty plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations. Effluent limitations for the soups subcategory are based upon pounds (lb) or kilograms (kg) of pollutants per 1000 pounds (lb) or kilograms (kkg) of raw ingredients.**

Commodity (specialties)	TSS effluent limitations: Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of final product)			
Added ingredients:			
Medium	0.00	0.00	0.00
Large	0.00	0.00	0.00
Baby food:			
Medium	0.818	0.444	0.264
Large	0.424	0.267	0.125
Chips potato:			
Medium	2.784	1.596	0.896
Large	1.404	0.892	0.436
Corn:			
Medium	2.519	1.362	0.693
Large	1.031	0.662	0.350
Tortilla:			
Medium	3.119	1.733	1.007
Large	1.598	1.010	0.481
Ethnic foods:			
Medium	1.326	0.698	0.428
Large	0.697	0.438	0.200
Jams/jellies:			
Medium	0.404	0.270	0.129
Large	0.186	0.120	0.067
Mayonnaise and dressings:			
Medium	0.432	0.284	0.138
Large	0.201	0.130	0.071
Soups:			
Medium	4.288	2.175	1.389
Large	2.292	1.436	0.640
Tomato-starch-cheese canned specialties:			
Medium	1.339	0.654	0.434
Large	0.728	0.454	0.197

Commodity (specialties)	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—	Annual average of daily values for entire discharge period shall not exceed—
English units (lb/1,000 lb of final product)			
Added ingredients:			
Medium	0.00	0.00	0.00
Large	0.00	0.00	0.00
Baby food:			
Medium	0.818	0.444	0.264
Large	0.424	0.267	0.125
Chips:			
Potato:			
Medium	2.784	1.596	0.896
Large	1.404	0.892	0.436
Corn:			
Medium	2.519	1.362	0.693
Large	1.031	0.662	0.350
Tortilla:			
Medium	3.119	1.733	1.007
Large	1.598	1.010	0.481
Ethnic foods:			
Medium	1.326	0.698	0.428
Large	0.697	0.438	0.200
Jams/jellies:			
Medium	0.404	0.270	0.129
Large	0.186	0.120	0.067
Mayonnaise and dressings:			
Medium	0.432	0.284	0.138
Large	0.201	0.130	0.071
Soups:			
Medium	4.368	2.175	1.389
Large	2.292	1.436	0.640
Tomato-starch-cheese canned specialties:			
Medium	1.339	0.654	0.434
Large	0.728	0.454	0.197

(c) **The following limitations establish the quantity of oil and grease and fecal coliform, and quality of pH controlled by this section, which may be discharged by a "medium" or "large" existing point source subject to the provisions of this subpart.**

Effluent characteristic	*Effluent limitations*
Oil and grease	Shall not exceed 20 mg/l.
ph	At all times within the range 6.0 to 9.5.
Fecal coliform	MPN shall not exceed 400 counts per 100 ml.

§ 407.84 Pretreatment standards for existing sources.

The pretreatment standards under section 307(c) of the Act for an existing source within the canned and miscellaneous specialties subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity and quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by any existing point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitations.
TSS	Do.
Oil and grease	Do.
pH	Do.
Fecal coliform	Do.

§ 407.85 Standards of performance for new sources.

The following standards of performance establish the quantity of BOD5 controlled by this section, which may be discharged by a new point source subject to the provisions of this subpart. Any food specialty plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day BOD5 limitations. Food specialty plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season, shall meet only the annual average BOD5 limitations. Effluent limitations for the soups subcategory are based upon pounds (lb) or kilograms (kg) of pollutants per 1000 pounds (lb) or kilograms (kkg) of raw ingredients.

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Commodity (specialties)	BOD5 effluent limitations: Maximum for any 1 day	BOD5 effluent limitations: Average of daily values for 30 consecutive days shall not exceed—	BOD5 effluent limitations: Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of final product)			
Added ingredients:			
Medium	0.652	0.400	0.164
Large	0.652	0.400	0.164
Baby food:			
Medium	0.424	0.267	0.125
Large	0.424	0.267	0.125
Chips:			
Potato:			
Medium	1.404	0.892	0.436
Large	1.404	0.892	0.436
Corn:			
Medium	1.031	0.662	0.350
Large	1.031	0.662	0.350
Tortilla:			
Medium	1.598	1.010	0.481
Large	1.598	1.010	0.481
Ethnic foods:			
Medium	0.697	0.438	0.200
Large	0.697	0.438	0.200
Jams/jellies:			
Medium	0.186	0.120	0.067
Large	0.186	0.120	0.067
Mayonnaise and dressings:			
Medium	0.201	0.130	0.071
Large	0.201	0.130	0.071
Soups:			
Medium	2.292	1.436	0.640
Large	2.292	1.436	0.640
Tomato-starch-cheese canned specialties:			
Medium	0.728	0.454	0.197
Large	0.728	0.454	0.197
English units (lb/1,000 lb of final product)			
Added ingredients:			
Medium	0.652	0.400	0.164
Large	0.652	0.400	0.164
Baby food:			
Medium	0.424	0.267	0.125
Large	0.424	0.267	0.125
Chips:			
Potato:			
Medium	1.401	0.892	0.436
Large	1.404	0.892	0.436
Corn:			
Medium	1.031	0.662	0.350
Large	1.031	0.662	0.350
Tortilla:			
Medium	1.598	1.010	0.481
Large	1.598	1.010	0.481
Ethnic foods:			
Medium	0.697	0.438	0.200
Large	0.697	0.438	0.200
Jams/jellies:			
Medium	0.186	0.120	0.067
Large	0.186	0.120	0.067
Mayonnaise and dressings:			
Medium	0.201	0.130	0.071
Large	0.201	0.130	0.071
Soups:			
Medium	2.292	1.436	0.640
Large	2.292	1.436	0.640
Tomato-starch-cheese canned specialties:			
Medium	0.728	0.454	0.197
Large	0.728	0.454	0.197

(b) The following limitations establish the quantity of TSS controlled by this section, which may be discharged by a new point source subject to the provisions of this subpart after application of the best available technology economically achievable. Any food specialty plant which continuously or intermittently discharges process waste water during the processing season shall meet the annual average, maximum thirty day average, and maximum day TSS limitations. Food specialty plants employing long term waste stabilization, where all or a portion of the process waste water discharge is stored for the entire processing season and released at a controlled rate with state approval, shall meet only the annual average TSS limitations. Effluent limitations for the soups subcategory are based upon pounds (lb) or kilograms (kg) of pollutants per 1000 pounds (lb) of kilograms (kkg) of raw ingredients.

Commodity (specialties)	TSS effluent limitations: Maximum for any 1 day	TSS effluent limitations: Average of daily values for 30 consecutive days shall not exceed—	TSS effluent limitations: Annual average of daily values for entire discharge period shall not exceed—
Metric units (kg/kkg of final product)			
Added ingredients:			
Medium	0.00	0.00	0.00
Large	0.00	0.00	0.00
Baby food:			
Medium	0.818	0.444	0.264
Large	0.424	0.267	0.125
Chips:			
Potato:			
Medium	2.784	1.596	0.896
Large	1.404	0.892	0.436
Corn:			
Medium	2.519	1.362	0.698
Large	1.031	0.662	0.350
Tortilla:			
Medium	3.119	1.733	1.007
Large	1.598	1.010	0.481
Ethnic foods:			
Medium	1.326	0.698	0.428
Large	0.697	0.438	0.200
Jams/jellies:			
Medium	0.404	0.270	0.129
Large	0.186	0.120	0.067
Mayonnaise and dressings:			
Medium	0.432	0.284	0.138
Large	0.201	0.130	0.071
Soups:			
Medium	4.288	2.175	1.389
Large	2.292	1.436	0.640
Tomato-starch-cheese canned specialties:			
Medium	1.339	0.654	0.434
Large	0.728	0.454	0.197
English units (lb/1,000 lb of final product)			
Added ingredients:			
Medium	0.00	0.00	0.00
Large	0.00	0.00	0.00
Baby food:			
Medium	0.818	0.444	0.264
Large	0.424	0.267	0.125
Chips:			
Potato:			
Medium	2.784	1.596	0.896
Large	1.404	0.892	0.436
Corn:			
Medium	2.519	1.362	0.698
Large	1.031	0.662	0.350
Tortilla:			
Medium	3.119	1.733	1.007
Large	1.598	1.010	0.481
Ethnic foods:			
Medium	1.326	0.698	0.428
Large	0.697	0.438	0.200
Jams/jellies:			
Medium	0.404	0.270	0.129
Large	0.186	0.120	0.067
Mayonnaise and dressings:			
Medium	0.432	0.284	0.138
Large	0.201	0.130	0.071
Soups:			
Medium	4.288	2.175	1.389
Large	2.292	1.436	0.640
Tomato-starch-cheese canned specialties:			
Medium	1.339	0.654	0.434
Large	0.728	0.454	0.197

(c) The following limitations establish the quantity of oil and grease and fecal coliform, and quality of pH controlled by this section, which may be discharged by a "medium" or "large" new point source subject to the provisions of this subpart.

Effluent characteristic	*Effluent limitations*
Oil and grease	Shall not exceed 20 mg/l.
pH	At all times within the range 6.0 to 9.5.
Fecal coliform	MPN shall not exceed 400 counts per 100 ml.

§ 407.86 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the canned and miscellaneous specialties subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity and quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new point source subject to the provisions of this subpart.

Pollutant or pollutant property	*Pretreatment standard*
BOD5	No limitations.
TSS	Do.
Oil and grease	Do.
pH	Do.
Fecal coliform	Do.

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federal register

TUESDAY, OCTOBER 21, 1975



PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

NATIONAL DIRECT STUDENT LOAN, COLLEGE WORK-STUDY, AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS PROGRAMS

Annual Review of Needs Analysis Systems

VOL 204 OCT 21 75 XUM

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL DIRECT STUDENT LOAN, COLLEGE WORK-STUDY, AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS PROGRAMS

Annual Review of Needs Analysis Systems

Notice of proposed rule making was published in the FEDERAL REGISTER on August 1, 1975 (40 FR 32540–32544) setting forth proposed amendments to the regulations governing the National Direct Student Loan (NDSL) Program, the College Work-Study (CWS) Program, and the Supplemental Educational Opportunity Grants (SEOG) Program. (These regulations are set forth in Parts 144, 175, and 176, respectively, of Title 45 of the Code of Federal Regulations.) The purpose of the proposed amendments was to revise the procedures and standards adopted in the regulations published in the FEDERAL REGISTER on May 21, 1975 at pages 22133–22139, by which the Commissioner would review and approve, on an annual basis, the various private systems used by institutions of higher education for calculating the expected parental contributions for dependent students applying for assistance under these three programs.

Interested parties were invited to submit comments, suggestions, or objections regarding the proposed regulations. These comments are summarized and the responses of the Office of Education are provided in Paragraph A, below.

A. SUMMARY OF COMMENTS AND RESPONSES

General. *Comment.* One commenter objected to the fact that the Office of Education failed to mail to each institution a copy of the August 1 Notice of Proposed Rule Making and stated that this action would have been taken by the National Association of Student Financial Aid Administrators had that Association not been informed that the Office of Education intended to perform that service.

Response. It was the intention of the Office of Education to mail a copy of the August 1 Notice of Proposed Rule Making to each institution, and a sufficient number of reprints were ordered and delivered to make this possible. However, the actual mailing was not completed because of a failure of the Office of Education to communicate the proper orders to its mailing service contractor. The Office of Education regrets this omission.

Preamble. *Comment.* Several commenters noted the statement in the preamble of the Notice of Proposed Rule Making that the Commissioner does not endorse certain aspects of the "Consensus Model" of the National Task Force on Student Financial Aid Problems. Some of those commenters appeared to believe that this constitutes disapproval of those portions of the system which the Commissioner does not endorse.

Response. The Commissioner will approve or disapprove a system in its entirety, based on its outputs, and will neither disapprove specific features of a system nor disapprove a system because it contains features of the Consensus Model which he does not endorse. If a system is submitted for approval and if that system meets the tests specified in paragraph (b)(2) of sections 144.14, 175.17, and 176.13, that system is approved for use with respect to dependent student cases of all types, including those cases which involve features not endorsed by the Commissioner, as for example the treatment of Social Security benefits for dependent students under the Consensus Model.

Comment. Three comments were received on that portion of the opening statement which discussed the fact that, under the proposed rule, the benchmark figures would be held constant over time, in constant dollars, for families whose real financial strength remains unchanged. Previously the benchmark figures were to be updated in accordance with changes in the Consumer Price Index published by the Department of Labor.

One commenter objected to this provision on the grounds that it does not make provision for adjusting expected family contributions to take account of a "fundamental shift" in the ability of parents to contribute toward postsecondary educational costs.

A second commenter questioned that portion of the explanation which stated that changes would be made as necessary to assure that contributions would remain constant over time, inquiring who would determine such necessity and on what basis.

The third commenter appeared to interpret this statement as saying that the benchmark figures would be updated from a data base of 1972.

Response. The final regulation does not attempt to accommodate future "fundamental shifts" in parental ability to contribute toward postsecondary educational costs, because all of the specific circumstances which might cause such a fundamental shift cannot be specified at the present time. If such a fundamental shift were to occur, it would therefore be necessary to issue a new regulation to recognize it, and the present intention would be to take such action.

In response to the second commenter, the Commissioner will determine what adjustments are necessary and the basis used will be as described in the preamble of the proposed regulation: to maintain, overtime, the same contribution level, in constant dollars, for a family whose financial circumstances remain unchanged, in constant dollars.

In response to the third commenter, the Commissioner is adopting a system this year based on current data and will up-date it hereafter based on data which is current at the time of the update. The benchmark figures are not derived from Fiscal Year 1972 data.

The remaining comments were on the body of the proposed rule, which affected sections 144.14, 175.17, and 176.13. Internally these sections are virtually identical to each other and use the same paragraph letters and numbers. The following discussion is therefore arranged in the order of those internal paragraph letters and numbers, without further reference to the three section numbers.

(b)(1) *Comment.* Several commenters objected to the Commissioner's continued approval of the Income Tax System and the Basic Grants method of determining an expected parental contribution on the grounds that the results produced by these methods do not conform to the standards established by the Commissioner for the approval of other systems.

Response. It is acknowledged that neither the Basic Grants method nor the Income Tax System produces expected family contributions which are within $50 of the benchmark results on at least 75 percent of the set of sample cases. In the great majority of cases both methods produce expected contributions considerably higher than the benchmark figures. However, the Commissioner does not consider it desirable to force institutions to use the services of a need analysis contractor and therefore feels it desirable to continue to offer any institution which chooses not to use such a contractor a simple method of computing an expected family contribution. Both the Basic Grants method and the Income Tax System offer the institution such an optional system and both remain approved in the final regulation.

(b)(1)(ii) *Comment.* With respect to the $10,000 asset exclusion used for the Income Tax System, one commenter mentioned the fact that the asset exclusion now being proposed for use in calculating the expected family contribution under the Basic Grants program (announced on page 34331 of the FEDERAL REGISTER of August 14, 1975 (40 FR 34331)) is $12,500 ($25,000 for business and farm assets). The recommendation was made that the proposed regulation be amended to make the Income Tax System conform to the Basic Grants asset exclusion.

Response. The Commissioner concurs with this comment and the change has been made.

Comment. One of the comments made against the Income Tax System ran to the effect that the itemization of deductions, by lowering the amount of Federal income tax paid, accentuates the difference between the amount of contribution expected from a given family under the Income Tax System and the amount expected under the Consensus Model. That commenter gave as an example of such differences a two parent, three child family with a $12,000 income and assets of $20,000 and stated the expected family contribution for that family would be $1240 under the Basic Grant method, $1410 under the Income Tax System, and $500 under the Consensus Model, using standard deductions.

Response. If the itemization of deductions would in fact decrease the amount of Federal income taxes paid in the example given, it would decrease the expected family contribution in the Income Tax System in an amount exactly equal to the decreased tax. In the other two systems named by the commenter a decrease in the amount of Federal income taxes paid would result in an increase in the expected family contribution equal to the amount of decrease multiplied by the "taxation" rate used by the system at the affected income level. In the example cited by the commenter, this would have the tendency to bring the extremes closer together, not the opposite effect posited by the commenter, although other examples could doubtless be constructed to show such an effect, because the curve of expected family contributions produced by the Income Tax System crosses that of the other major systems at some point.

(b)(2)(ii) *Comment.* One commenter pointed out a potential technical problem in that the sample cases previously published (i.e., in the FEDERAL REGISTER of May 21 (40 FR 22140)) are stated in terms of after-tax income, while the proposed regulation contemplates deductions from income for State and local (and Federal income and Social Security) taxes.

Response. The sample cases published herewith are based on income before taxes, which solves the problem on which the comment was made.

(b)(2)(ii)(a) *Comment.* A question was raised as to why the family's maintenance less the student's maintenance (i.e., during the academic year) is deducted from "the adjusted gross figure as determined by the new BLS Low Budget." This commenter also questioned how it was determined that 8 percent of the total income is enough to cover what the family pays in Federal taxes and Social Security and why no allowance is made for emergency expenses and medical expenses.

Response. These questions are based on a misinterpretation of the published Notice of Proposed Rule Making. The family's adjusted gross income is not determined from BLS figures, which are to be used solely in establishing the amount required to maintain a family of a given size for a given time period. This amount is deducted from the sum of the family's income (defined as its adjusted gross income plus its non-taxable income) as one step in determining the family's expected contribution. The deduction for Federal income taxes and Social Security taxes is not limited to 8 percent. The entire amount of such taxes may be deducted. The 8 percent figure which is used is with reference to State and local taxes and was obtained from a study as to the amounts of such taxes.

The commenter is correct in noting that paragraph (b)(2)(ii)(a) does not make provision for emergency or medical expenses. Paragraph (b)(2)(iii) addresses itself to this omission by stipulating that the Commissioner will not select sample cases which involve such expenses. However, it is expected that the student financial aid officer at the institution will make allowance for such expenses in view of the requirements of section 176.12(a) (1) and (5) which require that consideration be given to any serious illness in the family and to such other circumstances as may affect the family's ability to contribute toward the student's cost of education. No change was made in the regulation.

(b)(2)(ii)(b) *Comment.* One commenter questioned how it was determined that the 12 percent "rate of taxation" on assets is correct and commented that the present systems "do not have sound reasoning for that rate."

Response. The manner in which an asset exclusion is to be calculated and labelled (i.e., as a "retirement allowance") is one of the features of the Consensus Model with which the Commissioner does not agree. The 12 percent rate which he has prescribed is not a "taxation" rate, but rather a conversion rate, because the amount derived using this conversion rate is added to income. To this sum is then applied the taxation rate schedule shown in (b)(2)(ii)(c) to give an effective rate of taxation on assets ranging from 2.64 percent to 5.64 percent on that portion of net assets which exceeds $10,000.

Comment. One commenter stated that the $10,000 asset reserve proposed by the Commissioner was kept constant from 1974 to 1975 and should be raised to $11,000 to compensate for inflation from 1974 to 1975.

Response. The August 1, 1975 notice of proposed rule making was the Commissioner's first usage of a standard asset reserve as proposed in paragraph (b)(2)(ii)(b). In future years it will be adjusted for inflation. However no change is being made at the present time in the amount of this asset reserve to compensate for inflation which occurred before the date of the August 1 notice of proposed rule making.

(c) *Comment.* Donley, Richardson & Associates of Twinsburg, Ohio, commented that their system of need analysis called the Financial Analysis Service (FAS) had previously been approved by the Commissioner both for dependent and independent students and further commented that its omission from the listing contained in sections 144.14, 175.17, and 176.13 is an apparent oversight. They requested correction of this oversight both with respect to dependent and to independent students.

Response. The omission of FAS from the listing in paragraph (b)(1) of those sections was not an oversight, since annual review is required of all private need analysis systems for use with respect to dependent students. However, paragraph (c)(1) has been amended to include FAS in the list of need analysis systems approved for use with respect to self-supporting or independent students.

(d) *Comment.* Several commenters remarked on the lateness of September 1 as the date on which the Commissioner will publish his list of approved need analysis systems. One commenter suggested that the list be published by March 1 of the year before it will be "used," because most financial aid awards to students are made before the beginning of the academic year.

Response. The date of September 1 precedes by 6 months the date of March 1 suggested by the one commenter, because it is September 1 of the year preceding the academic year in which awards will be made available to students on the basis of need as calculated pursuant to such an approved system. This date is consistent with the present practices and time schedules for institutions to apply for awards under the campus-based programs and to process student applications for financial aid. No change has been made in the regulation.

Comment. One comment was received to the effect that "private" systems of need analysis should not be eliminated.

Response. Paragraph (d) of the three sections establishes procedures for system approval. Any private system may be submitted for approval under that paragraph. Additionally it was stated in the preamble of the notice of proposed rule making that the proposed rule would permit the approval of the Consensus Model as well as closely similar systems. Both of the two largest private systems, which are the College Scholarship Service and the American College Testing Program, have adopted the Consensus Model and are therefore expected to be approved when they are submitted pursuant to the final regulation.

(e) *Comment.* One commenter requested that the duration of approval be specified as beginning 9 months, rather than 10 months, after the September 1 listing, because the academic year at the commenter's institution begins in June.

Response. The requested change has been made.

Other. One commenter made certain suggestions concerning the overaward regulations contained in sections 144.15, 175.18, and 176.14. Those regulations were published as final on May 21, 1975, and were not proposed for amendment in the August 1 notice of proposed rule making. No changes are being made in those sections at this time.

B. EFFECT OF REVISIONS

(1) Date of implementation. In the preamble of the notice of proposed rule making, the Commissioner stated his intention to expedite his review of comments and publication of the regulation in final so that need analysis systems seeking approval may file their submissions at the earliest possible date. It is obvious that, during this first year of the new regulation, the dates of June 30 for submission of systems and September 1 for publication of the list of approved systems cannot be met. However, the Commissioner does expect to publish a list of approved systems for making awards to students for academic year 1976–77. Systems seeking approval are therefore invited to submit at their earliest convenience their requests for approval pursuant to paragraph (d) of sections 144.14, 175.17, and 176.13. (In the notice of closing date for receipt of in-

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stitutional applications for funds to operate these three programs during academic year 1976–77, which was set at October 17, 1975, institutions were advised to prepare such applications using a system or systems of need analysis approved by the Commissioner for use in determining student awards under these programs for the 1975–76 academic year.)

(2) Derivation of benchmark figures. As explained in the preamble of the notice of proposed rule making, the regulation published on May 21 has been amended to establish a new procedure for deriving benchmark figures for the set of sample cases according to which need analysis systems for dependent students will be approved. The new procedure utilizes the basic conceptual structure of the "Consensus Model" recommended by the National Task Force on Student Financial Aid Problems (popularly called the "Keppel Task Force"), rather than the system of updating the figures from the 1974–75 "Expected Parent's Contributions from Adjusted Effective Income" published by the College Scholarship Service. The benchmark figures derived according to this new procedure for the set of sample cases now being used are published herewith as Appendix A.

As further discussed in the preamble of the notice of proposed rule making, these benchmark figures will be adjusted annually in the future in such a fashion as to maintain a constant contribution, in constant dollars, for a family whose real financial strength, in income and assets, remains unchanged in constant dollars. C. Pursuant to the authority contained in sections 464, 444, 413B, and 413C of the Higher Education Act of 1965, as amended (20 U.S.C. 1087dd, 42 U.S.C. 2754, and 20 U.S.C. 1070b–1 and 1070b–2), Parts 144, 175 and 176 of Title 45 of the Code of Federal Regulations are amended as set forth below.

Effective date. The Notice of Proposed Rule Making was transmitted to the Congress pursuant to Section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)). The time period set forth therein for Congressional action has expired without such action having been taken. These regulations shall become effective October 21, 1975.

(Catalog of Federal Domestic Assistance No. 13.418, Supplemental Educational Opportunity Grants Program; No. 13.463, Higher Education Work-Study; No. 13.471, National Direct Student Loans)

Dated: September 19, 1975.

DUANE J. MATTHEIS,
Acting U.S. Commissioner of Education.

Approved: October 14, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

PART 144—NATIONAL DIRECT STUDENT LOAN PROGRAM

1. Section 144.14 of Part 144 of Title 45 of the Code of Federal Regulations is amended to read as follows:

§ 144.14 Approved need analysis systems.

(a) In order to comply with the requirements of § 144.7(b), an institution shall utilize a need analysis system or method of calculation approved by the Commissioner for that purpose pursuant to this section.

(b) Dependent students. (1) The Commissioner has approved the following systems for the purpose of § 144.7(b), with respect to dependent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190); and

(ii) The Income Tax System, if adjusted to reflect the number of the parents' dependent children who are attending institutions of higher education. For purposes of this section, the expected family contribution calculated according to the Income Tax System shall be an amount equal to the amount of Federal income tax paid by the parents of a student, plus 5 percent of such parents' net assets in excess of $12,500 ($25,000 in the case of farm and business assets) and any amount the student is reasonably able to contribute.

(2) The Commissioner will approve any other need analysis system for the purpose of § 144.7(b), for use with respect to dependent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected parents' contribution figures for dependent students which: (*a*) increase in reasonably smooth increments as the parents' financial strength, measured in real terms, increases; and (*b*) are equal for families of equal measured financial strength; and

(ii) The system must produce expected parents' contribution figures which, for at least 75 percent of a set of sample cases developed and made available by the Commissioner, deviate by less than $50 from the figures produced for such sample cases by the following calculations:

(*a*) From the sum of the adjusted gross income and non-taxable income of the parents, there will be deducted the amount of Federal income taxes and Social Security taxes, an allowance of 8 percent of total income for state and local taxes, and an amount required to maintain the family (exclusive of the student's maintenance during the academic year) at the Bureau of Labor Statistics consumption cost estimates at a low standard of living;

(*b*) To the remainder obtained in subparagraph (*a*) will be added 12 percent of the net market or cash value of the parents' assets remaining after deduction of related debt and a standard asset reserve of $10,000; and

(*c*) The following rate schedule of expected contributions will then be applied to the sum obtained in subparagraph (*b*):

If the sum is—		
At least—	But less than—	The expected contribution is—
$0	$4,000	22 percent of the amount over $0.
$4,000	5,000	$880+25 percent of the amount over $4,000.
$5,000	6,000	$1130+29 percent of the amount over $5,000.
$6,000	7,000	$1420+34 percent of the amount over $6,000.
$7,000	8,000	$1760+40 percent of the amount over $7,000.
$8,000		$2160+47 percent of the amount over $8,000.

(iii) In developing the sample cases for the purposes of this paragraph, the Commissioner shall select only cases in which the age of the main wage earner is 45 years and in which the elements set forth in subparagraph (2)(ii) of this paragraph are generally present. Accordingly, cases will not be selected which involve medical and dental expenses, casualty and theft losses, housekeeping allowances, farm or business assets, more than one family member attending postsecondary institutions, Social Security or Veteran's benefits or any unusual family circumstance.

(iv) In comparing the output of a system submitted for approval under these regulations with the figures for the standard sample cases, an expected parental contribution of less than zero shall be treated as zero.

(v) The figures for the set of sample cases used for purposes of this paragraph shall be revised annually for inflation by adjusting the deductions for family maintenance, the $10,000 standard deduction from assets and the rates of contribution from income and assets as necessary in such a manner that the revised standard expected contributions, expressed in constant dollars, remain constant for families with equal income and asset positions measured in constant dollars.

(c) Independent students. (1) The Commissioner has approved the following systems for the purpose of § 144.7(b), with respect to independent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190);

(ii) The system of need analysis published by the American College Testing Program;

(iii) The system of need analysis published by the College Scholarship Service;

(iv) The system of need analysis published by the Graduate and Professional Student Financial Aid Service; and

(v) The system of need analysis published by Financial Analysis Service, Inc., a division of Donley, Richardson & Associates.

(2) The Commissioner will approve any other need analysis system for the purpose of § 144.7(b), for use with respect to independent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected family contribution figures for independent students which: (*a*) Increase in reasonably smooth increments as the family financial strength, measured in real terms, increases; and (*b*) are equal for families of equal measured financial strength; and

(ii) The system must produce expected family contribution figures which are comparable to those produced by one of the systems specified in paragraph (c)(1) of this section.

(d) Application procedures for system approval. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (b)(2) of this section shall submit such system to the Commissioner prior to June 30 of each year. Such submission shall consist of sufficient information to enable the Commissioner to determine that the system meets the criteria set forth in that subparagraph, including the expected family contribution figures produced by the system for the sample cases developed and made available by the Commissioner. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (c)(2) of this section shall, prior to June 30 of any year, submit to the Commissioner sufficient information to enable him to determine that the system meets the criteria set forth in that subparagraph. On or before September 1 of each year, the Commissioner will publish in the FEDERAL REGISTER a list of all need analysis systems or methods of calculation which have been approved for use in the succeeding academic year.

(e) Duration of approval. Need analysis systems approved pursuant to paragraphs (b)(1) and (c)(1) of this section are approved without a specific expiration date. A need analysis system approved pursuant to paragraph (b)(2) of this section, and included on the list published by the Commissioner on or before September 1, of one year, may be used by an institution (1) in preparing its application for funds under this part which is to be submitted on or before the published closing date next following that September 1; and (2) in determining the eligibility of students for loans under this part, and in calculating the amount of such loans, to be used by the students during any academic year commencing not earlier than 9 months and not later than 22 months following that September 1. A need analysis system approved pursuant to paragraph (c)(2) of this section shall be approved for an indefinite period of time, but the Commissioner may request periodic confirmation that the system remains in compliance with the criteria set forth in that paragraph.

(f) Adjustments. The institution may, in an individual case, further adjust the expected family contribution calculated according to one of the need analysis systems approved pursuant to this section if the student financial aid officer of the institution has reason to believe that such expected family contribution does not realistically reflect the ability of the student and his parents to contribute towards the student's cost of education. Such adjustments shall be documented in writing, with an accompanying explanation, and made a part of the institution's records with respect to this part.

(20 U.S.C. 1087dd)

PART 175—COLLEGE WORK-STUDY PROGRAM

2. Section 175.17 of Part 175 of Title 45 of the Code of Federal Regulations is amended to read as follows:

§ 175.17 Approved need analysis systems.

(a) In order to comply with the requirements of § 175.5(c), an institution shall utilize a need analysis system or method of calculation approved by the Commissioner for that purpose pursuant to this section.

(b) Dependent students. (1) The Commissioner has approved the following systems for the purpose of § 175.5(c), with respect to dependent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190); and

(ii) The Income Tax System, if adjusted to reflect the number of the parents' dependent children who are attending institutions of higher education. For purposes of this section, the expected family contribution calculated according to the Income Tax System shall be an amount equal to the amount of Federal income tax paid by the parents of a student, plus 5 percent of such parents' net assets in excess of $12,500 ($25,000 in the case of farm and business assets) and any amount the student is reasonably able to contribute.

(2) The Commissioner will approve any other need analysis system for the purpose of § 175.5(c), for use with respect to dependent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected parents' contribution figures for dependent students which: (*a*) Increase in reasonable smooth increments as the parents' financial strength, measured in real terms, increases; and (*b*) are equal for families of equal measured financial strength; and

(ii) The system must produce expected parents' contribution figures which, for at least 75 percent of a set of sample cases developed and made available by the Commissioner, deviate by less than $50 from the figures produced for such sample cases by the following calculations;

(*a*) From the sum of the adjusted gross income and non-taxable income of the parents, there will be deducted the amount of Federal income taxes and Social Security taxes, an allowance of 8 percent of total income for state and local taxes, and an amount required to maintain the family (exclusive of the student's maintenance during the academic year) at the Bureau of Labor Statistics consumption cost estimates at a low standard of living;

(*b*) To the remainder obtained in subparagraph (*a*) will be added 12 percent of the net market or cash value of the parents' assets remaining after deduction of related debt and a standard asset reserve of $10,000; and

(*c*) The following rate schedule of expected contributions will then be applied to the sum obtained in subparagraph (*b*):

If the sum is—		
At least—	But less than—	The expected contribution is—
$0	$4,000	22 percent of the amount over $0.
$4,000	5,000	$880+25 percent of the amount over $4,000.
$5,000	6,000	$1130+29 percent of the amount over $5,000.
$6,000	7,000	$1420+34 percent of the amount over $6,000.
$7,000	8,000	$1760+40 percent of the amount over $7,000.
$8,000		$2160+47 percent of the amount over $8,000.

(iii) In developing the sample cases for the purposes of this paragraph, the Commissioner shall select only cases in which the age of the main wage earner is 45 years and in which the elements set forth in subparagraph (2)(ii) of this paragraph are generally present. Accordingly, cases will not be selected which involve medical and dental expenses, casualty and theft losses, housekeeping allowances, farm or business assets, more than one family member attending postsecondary institutions, Social Security or Veteran's benefits or any unusual family circumstance.

(iv) In comparing the output of a system submitted for approval under these regulations with the figures for the standard sample cases, an expected parental contribution of less than zero shall be treated as zero.

(v) The figures for the set of sample cases used for purposes of this paragraph shall be revised annually for inflation by adjusting the deductions for family maintenance, the $10,000 standard deduction from assets and the rates of contribution from income and assets as necessary in such a manner that the revised standard expected contributions, expressed in constant dollars, remain constant for families with equal income and asset positions measured in constant dollars.

(c) Independent students. (1) The Commissioner has approved the following systems for the purpose of § 175.5(c), with respect to independent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190);

(ii) The system of need analysis published by the American College Testing Program;

(iii) The system of need analysis published by the College Scholarship Service;

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(iv) The system of need analysis published by the Graduate and Professional Student Financial Aid Service; and

(v) The system of need analysis published by Financal Analysis Service, Inc., a division of Donley, Richardson & Associates.

(2) The Commissioner will approve any other need analysis system for the purpose of § 175.5(c), for use with respect to independent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected family contribution figures for independent students which: (*a*) Increase in reasonably smooth increments as the family financial strength, measured in real terms, increases; and (*b*) are equal for families of equal measured financial strength; and

(ii) the system must produce expected family contribution figures which are comparable to those produced by one of the systems specified in paragraph (c) (1) of this section.

(d) Application procedures for system approval. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (b) (2) of this section shall submit such system to the Commissioner prior to June 30 of each year. Such submissions shall consist of sufficient information to enable the Commissioner to determine that the system meets the criteria set forth in that subparagraph, including the expected family contribution figures produced by the system for the sample cases developed and made available by the Commissioner. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (c) (2) of this section shall, prior to June 30 of any year, submit to the Commissioner sufficient information to enable him to determine that the system meets the criteria set forth in that subparagraph on or before September 1 of each year, the Commissioner will publish in the FEDERAL REGISTER a list of all need analysis systems or methods of calculation which have been approved for use in the succeeding academic year.

(e) Duration of approval. Need analysis systems approved pursuant to paragraphs (b) (1) and (c) (1) of this section are approved without a specified expiration date. A need analysis system approved pursuant to paragraph (b) (2) of this section, and included on the list published by the Commissioner on or before September 1 of one year, may be used by an institution (1) preparing its application for funds under this part which is to be submitted on or before the published closing date next following that September 1; and (2) in determining the eligibility of students for employment under this part and in calculating the amount of such employment to be made available to a student during any academic year commencing not earlier than 9 months and not later than 22 months following that September 1. A need analysis system approved pursuant to paragraph (c) (2) of this section shall be approved for an indefinite period of time, but the Commissioner may request periodic confirmation that the system remains in compliance with the criteria set forth in that paragraph.

(f) *Adjustments.* The institution may, in an individual case, further adjust the expected family contribution calculated according to one of the need analysis systems approved pursuant to this section if the student financial aid officer of the institution has reason to believe that such expected family contribution does not realistically reflect the ability of the student and his parents to contribute towards the student's cost of education. Such adjustments shall be documented in writing, with an accompanying explanation, and made a part of the institution's records with respect to this part.

(42 U.S.C. 2754)

PART 176—SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS PROGRAM

3. Section 176.13 of Part 176 of Title 45 of the Code of Federal Regulations is revised to read as follows:

§ 176.13 Approved need analysis systems.

(a) In order to comply with the requirements of § 176.12, an institution shall utilize a need analysis system or method of calculation approved by the Commissioner for that purpose pursuant to this section.

(b) Dependent students. (1) The Commissioner has approved the following systems for the purpose of § 176.12(a):

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190); and

(ii) The Income Tax System, if adjusted to reflect the number of the parents' dependent children who are attending institutions of higher education. For purposes of this section, the expected family contribution calculated according to the Income Tax System shall be an amount equal to the amount of Federal income tax paid by the parents of a student, plus 5 percent of such parents' net assets in excess of $12,500 ($25,000 in the case of farm and business assets) and any amount the student is reasonably able to contribute.

(2) The Commissioner will approve any other need analysis system for the purpose § 176.12(a) which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected parents' contribution figures for dependent students which: (*a*) increase in reasonably smooth increments as the parents' financial strength, measured in real terms, increases; and (*b*) are equal for families of equal measured financial strength; and

(ii) The system must produce expected parents' contribution figures which, for at least 75 percent of a set of sample cases developed and made available by the Commissioner, deviate by less than $50 from the figures produced for such sample cases by the following calculations:

(*a*) From the sum of the adjusted gross income and non-taxable income of the parents, there will be deducted the amount of Federal income taxes and Social Security taxes, an allowance of 8 percent of total income for state and local taxes, and an amount required to maintain the family (exclusive of the student's maintenance during the academic year) at the Bureau of Labor Statistics consumption cost estimates at a low standard of living;

(*b*) To the remainder obtained in subparagraph (*a*) will be added 12 percent of the net market or cash value of the parents' assets remaining after deduction of related debt and a standard asset reserve of $10,000; and

(*c*) The following rate schedule of expected contributions will then be applied to the sum obtained in subparagraph (*b*):

If the sum is—		The expected contribution is—
At least—	But less than—	
$0	$4,000	22 percent of the amount over $0.
$4,000	5,000	$880+25 percent of the amount over $4,000.
$5,000	6,000	$1130+29 percent of the amount over $5,000.
$6,000	7,000	$1420+34 percent of the amount over $6,000.
$7,000	8,000	$1760+40 percent of the amount over $7,000.
$8,000		$2160+47 percent of the amount over $8,000.

(iii) In developing the sample cases for the purposes of this paragraph, the Commissioner shall select only cases in which the age of the main wage earner is 45 years and in which the elements set forth in subparagraph (2) (ii) of this paragraph are generally present. Accordingly, cases will not be selected which involve medical and dental expenses, casualty and theft losses, housekeeping allowances, farm or business assets, more than one family member attending postsecondary institutions, Social Security or Veteran's benefits or any unusual family circumstance.

(iv) In comparing the output of a system submitted for approval under these regulations with the figures for the standard sample cases, an expected parental contribution of less than zero shall be treated as zero.

(v) The figures for the set of sample cases used for purposes of this paragraph shall be revised annually for inflation by adjusting the deductions for family maintenance, the $10,000 standard deduction from assets and the rates of contribution from income and assets as necessary in such a manner that the revised standard expected contributions, expressed in constant dollars, remain constant for families with equal income and asset positions measured in constant dollars.

(c) Independent students. (1) The Commissioner has approved the following systems for the purpose of § 176.12 (b) with respect to independent students:

(i) The method of calculating an expected family contribution used in the Basic Educational Opportunity Grants Program (45 CFR Part 190);

(ii) The system of need analysis published by the American College Testing Program;

(iii) The system of need analysis published by the College Scholarship Service; and

(iv) The system of need analysis published by Financial Analysis Service, Inc., a division of Donley, Richardson & Associates.

(2) The Commissioner will approve any other need analysis system for the purpose of § 176.12(b) for use with respect to independent students, which is submitted in accordance with the procedures set forth in paragraph (d) of this section and which meets the following criteria:

(i) The system must produce, as its standard output, expected family contribution figures for independent students which: (*a*) increase in reasonably smooth increments as the family financial strength, measured in real terms, increases; and (*b*) are equal for families of equal measured financial strength; and

(ii) The system must produce expected family contribution figures which are comparable to those produced by one of the systems specified in paragraph (c) (1) of this section.

(d) Application procedures for system approval. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (b) (2) of this section shall submit such system to the Commissioner prior to June 30 of each year. Such submission shall consist of sufficient information to enable the Commissioner to determine that the system meets the criteria set forth in that subparagraph, including the expected family contribution figures produced by the system for the sample cases developed and made available by the Commissioner. Any person or institution seeking to have a need analysis system approved by the Commissioner pursuant to paragraph (c) (2) of this section shall, prior to June 30 of any year, submit to the Commissioner sufficient information to enable him to determine that the system meets the criteria set forth in that subparagraph. On or before Sepember 1 of each year, the Commissioner will publish in the FEDERAL REGISTER a list of all need analysis systems or methods of calculation which have been approved for use in the succeeding academic year.

(e) Duration of approval. Need analysis systems approved pursuant to paragraphs (b) (1) and (c) (1) of this section are approved without a specified expiration date. A need analysis system approved pursuant to paragraph (b) (2) of this section, and included on the list published by the Commissioner on or before September 1 of one year, may be used by an institution (1) in preparing its application for funds under this part which is to be submitted on or before the published closing date next following that September 1; and (2) in determining the eligibility of students for awards under this part, and in calculating the amount of such awards, to be used by the students during any academic year commencing not earlier than 9 months and not later than 22 months following that September 1. A need analysis system approved pursuant to paragraph (c) (2) of this section shall be approved for an indefinite period of time, but the Commissioner may request periodic confirmation that the system remains in compliance with the criteria set forth in that paragraph.

(f) Adjustments. The institution may, in an individual case, further adjust the expected family contribution calculated according to one of the need analysis systems approved pursuant to this section if the student financial aid officer of the institution has reason to believe that such expected family contribution does not realistically reflect the ability of the student and his parents to contribute towards the student's cost of education. Such adjustments shall be documented in writing, with an accompanying explanation, and made a part of the institution's records with respect to this part.

(20 U.S.C. 1070b–1 and 1070b–2)

APPENDIX A.—*U.S. Office of Education sample cases and benchmark figures for 1976–77 academic year*

Net assets	$10,000				$20,000				$30,000				$40,000			
Family size	3	4	5	6	3	4	5	6	3	4	5	6	3	4	5	6
Income before taxes:																
8,000	120	0	0	0	380	100	0	0	650	370	110	0	910	630	380	170
12,000	730	450	200	0	1,010	720	460	260	1,340	990	730	530	1,730	1,320	1,010	800
16,000	1,440	1,060	810	610	1,860	1,420	1,100	880	2,370	1,840	1,450	1,190	2,940	2,340	1,870	1,550
20,000	2,510	1,960	1,560	1,290	3,070	2,490	2,000	1,680	3,640	3,050	2,540	2,140	4,200	3,620	3,100	2,700
24,000	3,710	3,140	2,640	2,250	4,280	3,710	3,200	2,810	4,840	4,270	3,770	3,370	5,400	4,840	4,330	3,940

NOTE.—The figures above are parental contribution figures which assume:
1. 2 parents, 1 with income;
2. 1 dependent in postsecondary education;
3. No business and/or farm assets;
4. Age of main wage earner is equal to 45 yr;
5. 1974 U.S. Income tax schedules; joint return, standard deduction;
6. No social security benefits for education;
7. No unusual medical, dental, casualty, theft expenses;
8. No other unusual circumstances.

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PART IV:

PRIVACY ACT OF 1974

VARIOUS AGENCIES

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Title 50—Wildlife and Fisheries

CHAPTER V—MARINE MAMMAL COMMISSION

PART 501—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

Procedures for Inquiries

The Marine Mammal Commission, pursuant to Section 3 of the Privacy Act of 1974, 5 U.S.C. 552a(f), hereby adopts the rules set forth below to establish procedures for inquiries concerning, access to, and correction or amendment of records maintained by the Commission. These rules were offered for public comment by publication in the FEDERAL REGISTER on September 4, 1975. No comments were submitted, and the rules are therefore republished without substantive changes.

JOHN R. TWISS, Jr.,
Executive Director.

OCTOBER 4, 1975.

Title 50 of the Code of Federal Regulations is hereby amended by adding a new chapter V, Marine Mammal Commission, consisting of the following Part 501:

Sec.

501.1 Purpose and scope.
501.2 Definitions.
501.3 Procedure for responding to requests regarding the existence of records pertaining to an individual.
501.4 Requests for access—times, places and requirements for identification of individuals.
501.5 Disclosure of requested information.
501.6 Requests for correction or amendment of a record.
501.7 Agency review of requests for amendment or correction of a record.
501.8 Appeal of initial denial of a request for amendment or correction.

AUTHORITY: Sec. 3, Privacy Act of 1974 (5 U.S.C. 552a(f).)

§ 501.1 Purpose and Scope.

(a) *Purpose.* The purpose of these rules is to fulfill the responsibilities of the Marine Mammal Commission (the "Commission") under Section 3 of the Privacy Act of 1974, 5 U.S.C. 552a(f) (the "Act") by establishing procedures whereby an individual will be notified if any system of records maintained by the Commission contains a record pertaining to him or her; by defining the times and places at which records will be made available and the identification requirements which must be met by any individual requesting access to them; by establishing procedures for disclosure to an individual, on request, of any record pertaining to him or her; and by establishing procedures for processing, reviewing, and making a final determination on requests of individuals to correct or amend a record pertaining to him or her, including a provision for administrative appeal of initial adverse determinations on such requests. These rules are promulgated with particular attention to the purposes and goals of the Act, and in accordance therewith provide for relative ease of access to records pertaining to an individual, and for maintenance by the Commission of only those records which are current, accurate, necessary, relevant and complete with respect to the purposes for which they were collected.

(b) *Scope.* These rules apply only to "record" contained in "systems of records," defined by the Act as follows:

The term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

The term "system of records" means of group of any record under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

Notices with respect to the systems maintained by the Commission have been published in the FEDERAL REGISTER, as required by the Act. These rules pertain only to the systems of records disclosed in such notices, and to any systems that may become the subject of a notice at any time in the future.

(c) Nothing in these rules shall be construed as pertaining to requests made under the Freedom of Information Act, 5 U.S.C. 552.

§ 501.2 Definitions.

(a) As used in this Part:

(1) The term "Act" means the Privacy Act of 1974, 5 U.S.C. 552a.

(2) The term "Commission" means the Marine Mammal Commission.

(3) The term "Director" means the Executive Director of the Marine Mammal Commission.

(4) The term "Privacy Officer" means an individual designated by the Director to receive all requests regarding the existence of records, requests for access and requests for correction or amendment; to review and make initial determinations regarding all such requests; and to provide assistance to any individual wishing to exercise his or her rights under the Act.

(b) Other terms shall be used in this part in accordance with the definitions contained in section 3 of the Privacy Act of 1974, 5 U.S.C. 552a(a).

§ 501.3 Procedure for responding to requests regarding the existence of records pertaining to an individual.

Any individual may submit a request to be notified whether a system of records, with respect to which the Commission has published a notice in the FEDERAL REGISTER, contains a record pertaining to him or her. Requests may be made in writing to the Privacy Officer or by appearing in person at the Commission offices located at 1625 I Street, NW., Room 307, Washington, D.C. 20006 between the hours of 9:00 a.m. and 5:00 p.m. on any working day. Systems of records that are the subject of a request should be identified by reference to the system name designated in the Notice of Systems of Records published in the FEDERAL REGISTER. In the event a system name is not known to the individual, a general request will suffice if it indicates reasons for the belief that a record pertaining to the named individual is maintained by the Commission. Receipt of inquiries submitted by mail will be acknowledged within 10 days of receipt (excluding Saturdays, Sundays, and legal public holidays) unless a response can also be prepared and forwarded to the individual within that time.

§ 501.4 Requests for access—times, places and requirements for identification of individuals.

Requests for access to a system of records pertaining to any individual may be made by that individual by mail addressed to the Privacy Officer, or by submitting a written request in person at the Commission offices located at 1625 I Street, NW., Room 307, Washington, D.C. 20006, between the hours or 9 a.m. and 5 p.m. on any working day. An individual appearing in person at the Commission offices will be granted immediate access to any records to which that individual is entitled under the Act upon satisfactory proof of identity by means of a document bearing the individual's photograph or signature. For requests made by mail, identification of the individual shall be adequate if established by means of submitting a certificate of a notary public, or equivalent officer empowered to administer oaths, substantially in accord with the following:

City of---------- County of----------
----------: ss ----------,
(name of individual)
who affixed (his) (her)) signature below in my presence, came before me, a----------
(title)
in the aforesaid County and State, this ------ day of ----------, 19----, and established (his) (her) identity to my satisfaction.

My Commission expires ----------.

The Privacy Officer shall determine the adequacy of any proof of identity offered by an individual.

§ 501.5 Disclosure of requested information.

(a) Upon request and satisfactory proof of identity, an individual appearing at the Commission offices shall be given immediate access to and permission to review any record, contained in a system of records, pertaining to him or her, shall be allowed to have a person of his/her choosing accompany him/her, and shall be given a copy of all or any portion of the record. The individual to which access is granted shall be required to sign a written statement authorizing the presence of the person who accompanies him or her, and authorizing discussion of his or her record in the presence of the accompanying person.

(b) Requests made by mail to the Privacy Officer at the Commission offices will be acknowledged within 10 days from date of receipt (excluding Saturdays, Sundays, and legal public holidays). This acknowledgement shall advise the individual whether access to the record will be granted and, if access is granted, copies of such records shall be enclosed.

(c) If the Privacy Officer initially determines to deny access to all or any portion of a record, notice of denial shall be given to the individual in writing, within a reasonable time after acknowledgment is given, and shall include the following:

(1) The precise record to which access is being denied;

(2) The reasons for denial, including a citation to the appropriate provisions of the Act and of these Rules;

(3) A statement that the denial may be appealed to the Director;

(4) A statement of what steps must be taken to perfect an appeal to the Director; and,

(5) A statement that the individual has a right to judicial review under 5 U.S.C. 552a(g)(1) of any final denial issued by the Director.

(d) Administrative appeal of a final denial, in whole or in part, of any request for access to a record, shall be available. An individual may appeal by submitting to the Director a written request for reconsideration stating therein specific reasons for reversal which address directly the reasons for denial stated in the initial notice of denial. If access is denied on appeal, a final notice of denial shall be sent to the individual within a reasonable time, and shall state with particularity the grounds for rejecting all reasons for reversal submitted by the individual. The denial shall then be deemed final for purposes of obtaining judicial review.

§ 501.6 Requests for correction or amendment of a record.

(a) Any individual may request the correction or amendment of a record pertaining to him or her in writing addressed to the Privacy Officer at the Commission offices. Verification of identity required for such requests shall be the same as that specified in Section 501.4 above with respect to requests for access. Records sought to be amended must be identified with as much specificity as is practicable under the circumstances of the request, and at a minimum, should refer to the system name designated in the Notice of System Records published in the FEDERAL REGISTER, the type of record in which the information thought to be improperly maintained or incorrect is contained, and the precise information that is the subject of the request (for example, system name, description of record, paragraph, sentence, line, words). Assistance in identifying a record, and in otherwise preparing a request, may be obtained by contacting the Privacy Officer at the Commission offices.

(b) A request should, in addition to identifying the individual and the record sought to be amended or corrected, include:

(1) The specific wording or other information to be deleted, if any;

(2) The specific wording or other information to be inserted, if any, and the exact place in the record at which it is to be inserted, and,

(3) A statement of the basis for the requested amendment or correction (e.g., that the record is inaccurate, unnecessary, irrelevant, untimely, or incomplete), together with supporting documents, if any, which substantiate the statement.

§ 501.7 Agency review of requests for amendment or correction of a record.

(a) Where possible, each request for amendment or correction shall be reviewed, and a determination on the request made, by the Privacy Officer within 10 days of receipt (excluding Saturdays, Sundays and holidays). Requests shall be acknowledged within that period where insufficient information has been provided to enable action to be taken. An acknowledgement shall inform the individual making the request of the estimated time within which a disposition of the request is expected to be made, and shall prescribe such further information as may be necessary to process the request. The request shall be granted, or an initial decision to deny shall be made, within ten days of receipt of all information specified in the acknowledgement (excluding Saturdays, Sundays and holidays).

(b) Within a reasonable time after arriving at a decision on a request, the Privacy Officer shall either:

(1) Make the requested amendment or correction, in whole or in part, and advise the individual in writing of such action; or,

(2) Advise the individual in writing that the request has been initially denied, in whole or in part, stating, with respect to those portions denied;

(i) The date of the denial;

(ii) The reasons for the denial, including a citation to an appropriate section of the Act and these Rules; and,

(iii) The right of the individual to prosecute an appeal and to obtain judicial review should a final denial result from the appeal.

(c) In reviewing a request for amendment or correction of a record, the Privacy Officer shall consider the following criteria:

(1) The sufficiency of the evidence submitted by the individual;

(2) The factual accuracy of the information sought to be amended or corrected;

(3) The relevance and necessity of the information sought to be amended or corrected in terms of the purposes for which it was collected;

(4) The timeliness and currency of the information sought to be amended or corrected in terms of the purposes for which it was collected;

(5) The completeness of the information sought to be amended or corrected in terms of the purposes for which it was collected;

(6) The degree of possibility that denial of the request could unfairly result in determinations adverse to the individual;

(7) The character of the record sought to be corrected or amended; and,

(8) The propriety and feasibility of complying with the specific means of correction or amendment requested by the individual.

If an amendment or correction is otherwise permissible under the Act and other relevant statutes, a request shall be denied only if the individual has failed to establish, by a preponderance of the evidence, the propriety of the amendment or correction in light of these criteria.

§ 501.8 Appeal of initial denial of a request for amendment or correction.

(a) The initial denial of a request for amendment or correction may be appealed by submitting to the Director, within thirty days after the date of such denial, the following appeal papers:

(1) A copy of the original request for amendment or correction;

(2) A copy of the initial denial; and,

(3) A precise statement of the reasons for the individual's belief that the denial is in error, referring specifically to the criteria contained in § 501.7(C) (1–8).

The appeal must be signed by the individual. While these papers normally will constitute the entire Record on Appeal, the Director may add additional information, from sources other than the individual, where necessary to facilitate a final determination. Any such additional information added to the record shall promptly be disclosed to the individual to the greatest extent possible, and an opportunity for comment thereon shall be afforded prior to the final determination.

(b) The Director shall issue a final determination on appeal within thirty days (excluding Saturdays, Sundays, and legal public holidays) from the date on which a completed Record on Appeal (including any additional information deemed necessary) is received. Review, and final determination by the Director, shall be based upon the criteria specified in § 501.7(C) (1–8).

(c) If the appeal is resolved favorably to the individual, the final determination shall specify the amendments or corrections to be made. Copies of the final determination shall be transmitted promptly to the individual and to the Privacy Officer. The Privacy Officer shall make the requested amendment or correction and advise the individual in writing of such action.

(d) If the appeal is denied, the final determination shall state, with particularity, the reasons for denial, including a citation to an appropriate section of the Act and of these Rules. The final determination shall be forwarded promptly to the individual, together with a notice which shall inform the individual of his or her right to submit to the Privacy Officer, for inclusion in the record, a concise statement of grounds for disagreement with the final determination. Receipt of any such statement shall be acknowledged by the Privacy Officer, and subsequent users of the record shall be provided copies of the statement. The notice shall also inform the individual of his or her right, under 5 U.S.C. 552a(g)(1), to obtain judicial review of the final determination.

[FR Doc.75-27496 Filed 10-8-75;11:44 am]

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Title 22—Foreign Relations

CHAPTER V—UNITED STATES INFORMATION AGENCY

PART 505—PRIVACY ACT POLICIES AND PROCEDURES

Implementation of the Privacy Act of 1974

Reference is made to the Notice of Proposed Rulemaking, which was published in the FEDERAL REGISTER of August 27, 1975 (40 FR 39430) pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) and in which there were set forth the proposed rules, to be added to 22 CFR Chapter V to implement the Privacy Act of 1974 (Pub. L. 93–579).

After providing due time for public comment, and in accordance with 5 U.S.C. 553, and after receiving no public participation in the proposed rulemaking, either in person or through the mail, written data, views or arguments, the U.S. Information Agency does hereby adopt and implement Title 22 of the Code of Federal Regulations, Chapter V, Part 505, effective September 27, 1975.

Dated: October 10, 1975.

EUGENE P. KOPP,
Deputy Director,
U.S. Information Agency.

Sec.

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AUTHORITY: Public Law 93–579, 88 Stat. 1897; 5 U.S.C. 552a.

§ 505.1 Purpose and scope.

The U.S. Information Agency will protect individual privacy from misuse of its records, and grant individuals access to records concerning them which are maintained by the Agency's domestic and overseas offices, consistent with the provisions of Pub. L. 93–579, the Privacy Act of 1974. The Agency has also established procedures to permit individuals to amend incorrect records, to limit the disclosure of personal information to third parties, and to limit the number of sources of personal information. The Agency has also established internal rules restricting requirements of individuals to disclose social security account numbers.

§ 505.2 Definitions.

As used in this section, the following definitions shall apply:

(a) Agency means the U.S. Information Agency, its offices, divisions, branches and its Foreign Service establishments.

(b) Individual means a citizen of the United States or an alien lawfully admitted for permanent residence.

(c) Maintain means collection, use, dissemination or any combination of these record keeping functions; control over and hence responsibility and accountability for systems of records.

(d) Record means any item, collection, or grouping of information about an individual that is maintained by the Agency, including, but not limited to, education, financial transactions, medical history, and criminal or employment history that contains the individual's name, or the identifying particular assigned to the individual, such as a finger or voice print or photograph.

(e) System of records means a group of any records under the control of the Agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to an individual.

(f) Statistical record means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided in 13 U.S.C. 8.

(g) Routine use means the common and ordinary purposes for which records are used, and all of the proper and necessary uses even if any such use occurs infrequently.

(h) Amend means to make any correction to any portion of the record which the individual believes is not accurate, relevant, timely or complete.

(i) Personnel record means any personal information maintained in a system of records that is needed for personnel management programs or processes such as staffing, employee development, retirement, and grievances and appeals.

(j) Committee on Public Information Policy means the body established by and responsible to the Director of USIA for reviewing appeals from individuals to amend records held by the Agency.

§ 505.3 Procedures for requests pertaining to individual records in a system of records.

(a) The Agency will consider all requests received from an individual for records pertaining to himself or herself as a request made under the Privacy Act of 1974 (5 U.S.C. 552a), whether or not the individual specifically cites the Privacy Act of 1974 when making the request.

(b) All requests under the Privacy Act should be directed to the Assistant Director (USIA), Public Information, Room 719, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547, who will coordinate the search of all systems of records specified in the request. Guidelines for preparation of a request are published in the Agency's Annual Public Notice.

(c) Requests directed to the Agency's overseas posts which involve routine, unclassified, administrative and personnel records available only at those posts may be released to the individual if the post determines that such release is authorized by the Privacy Act. All other requests shall be submitted by the post to the Assistant Director (USIA), Public Information, as noted in paragraph (b) of this section, and the individual so notified of this action in writing.

(d) Information, documents and forms which have previously been provided to the public as part of the normal services of the Agency will continue to be made available on the same basis.

(e) In those instances where an individual requests records pertaining to himself or herself, as well as records pertaining to another individual, group, or some other category of the Agency's records, only that portion of the request which pertains to records concerning the individual will be treated as a Privacy Act request. The remaining portions of such a request will be processed by the Agency's Office of Public Information as a Freedom of Information request.

§ 505.4 Times, places, and requirements for identification of individuals making requests.

(a) *In person*—(1) *Times and places.* Individuals seeking access to Agency records may present themselves in person at USIA's Office of Public Information, Room 719, 1750 Pennsylvania Avenue, NW, Washington, D.C. 20547, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except on legal holidays.

(2) *Identification procedures.* Some form of identification will be required of individuals requesting access to records in person. Acceptable forms of identification are: driver's license, employee identification card, passport or Medicare card, or supplying of data which presumably would be known only to the person making the request. An individual will also be required to sign a statement asserting his or her identity, which stipulates that knowingly and willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to $5,000.

(b) *By mail.* The Agency will require a signed statement from an individual requesting access to records by mail, confirming identity and stipulating that the individual understands that knowingly and willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to $5,000.

§ 505.5 Disclosure of requested information to individuals.

(a) *Information necessary to identify a record.* Whenever possible, an individual should furnish all the identifying information requested for the particular record system(s) as published in the Public Notice appearing in the FEDERAL REGISTER. This information will facilitate

the search of the record system(s) and assist the Agency in locating those records which actually pertain to the individual. As a minimum, any request should include the individual's full name, present mailing address and zip code, and the date and place of birth, and any other information or statements required under the access procedures in paragraph (b) of this section. In certain instances, it may be necessary for the Agency to request additional information from the individual to ensure that the retrieved record does, in fact, pertain to him or her.

(b) *Access to records*—(1) *Acknowledgment of requests.* All requests for information on whether or not the Agency's system or systems of records contain information about the individual will be acknowledged within ten working days after receipt of the request by the Assistant Director (USIA), Public Information.

(2) *Time limits.* Whenever possible the Agency will furnish the requested records within ten working days of receipt of the request. The Agency's ability to respond to requests within ten working days will be affected by the volume of pending requests on hand, and the need, whenever necessary, to:

(i) Search for and collect the requested records from overseas posts or other establishments that are separate from the office processing the request;

(ii) Search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request;

(iii) Consult, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the Agency having a subject matter interest therein;

(iv) Request additional identifying information to assist the Agency in locating the requested records.

(c) *Access instructions*—(1) *In person.* Access to a record will be granted in person if desired by the individual, at a time and place which is mutually agreeable. In person access to records will require the same identification procedure outlined in § 505.4(a)(2) of this Part.

(2) *By mail.* If it is determined that access to records can be granted only by mail because the Agency cannot provide reasonable means for individuals to have access to records in person, copies of requested records may be sent to the home address provided by the requester, contingent upon verification of identification as described in §§ 505.4(a)(2) and/or 505.4(b).

(d) *Verification of personal identity.* In certain cases where the Agency determines that the substance of the requested record is of sufficient sensitivity, it may require the individual to furnish a signed, notarized statement that he or she is in fact the person he or she represents himself or herself to be before granting access to records. The Agency will so inform the individual at the time the record is retrieved whether or not such a statement is necessary.

(e) *Original records.* Originals, or record copies thereof, will not be released from the custody of the records system manager. Copies will be furnished in accordance with established fees contained in § 505.11 of this Part.

(f) *Denial of access to records.* (1) The requirements of this section do not entitle an individual the right to access to any information compiled in reasonable anticipation of a civil action or proceeding.

(2) The Agency is not required to permit access to records by an individual if the information is not retrievable by the individual's name or other identifying particular.

(3) Access shall not be granted to an individual who requests information about himself or herself which might be contained in the file of another individual.

(4) The Agency reserves the right to deny an individual access to a record or portion thereof, which, following a review, is determined to fall within the categories of exemptions authorized in 5 U.S.C. 552a(j) and 522a(k). See §§ 505.13 and 505.14 for a listing of general and specific exemptions.

(5) The decision to deny access shall be made by an Agency official of the rank equivalent to Deputy Assistant Director or higher who is responsive for the system of records. When an authorized official denies access to a record or portion thereof under this Part, he will so advise the Chairman of the Committee on Public Information Policy, who will inform the individual in writing of the denial and the specific reasons therefore. The denial letter will also advise the individual of his or her right to seek judicial review of the Agency's decision.

§ 505.6 Special procedures: medical records.

If, in the judgment of the Agency, the release of medical information directly to the requester could have an adverse effect on the requester, the Agency will attempt to arrange an acceptable alternative in granting access of such records to the requester. This will normally involve the release of such information to a doctor named by the requester.

§ 505.7 Request for correction or amendment of records.

(a) *Requests for amending records.* (1) An individual has the right to request that the Agency amend a record pertaining to him or her which the individual believes is not accurate, relevant, timely, or complete. At the time the Agency grants access to a record, it will furnish guidelines for requesting amendments to the record. These guidelines will also be available in the USIA Office of Public Information, Room 719, 1750 Pennsylvania Avenue, NW, Washington, D.C., 20547, or may be obtained by writing the Assistant Director (USIA), Public Information, at the above address.

(2) Requests for amendments to records must be in writing and mailed or delivered to the Assistant Director (USIA), Public Information, Room 719, 1750 Pennsylvania Avenue, NW, Washington, D.C., 20547, who will coordinate the review of the request to amend a record with the appropriate office(s). Such requests should contain, as a minimum, identifying information needed to locate the record, a brief description of the item or items of information to be amended, and the reason for the requested change. The requester should submit as much documentation, arguments or other data as seems warranted to support the request for amendment.

(b) *Acknowledging receipt of requests to amend records.* Whenever possible the Agency will review all requests for amendments to records within ten working days of receipt of the request by the Assistant Director, Public Information, and advise the requester of the results of the review. In those cases where the review cannot be completed within ten working days, the Agency will so advise the requester and inform him or her when the review will be completed. Except in very unusual circumstances, this review will be completed no later than thirty working days after receipt of the request to amend a record.

§ 505.8 Agency review of requests for correction or amendment of records.

(a) In reviewing a record in response to a request to amend, the Agency shall incorporate the criteria of accuracy, relevance, timeliness, or completeness of the record in the review.

(b) If the Agency agrees with an individual's request to amend a record, it shall:

(1) So advise the individual in writing;

(2) Correct the record accordingly; and

(3) If an accounting of disclosure has been made, advise all previous recipients of the record which was corrected of the correction and its substance.

(c) If the Agency, after an initial review of a request to amend a record, disagrees with all or any portion of it, the Agency shall:

(1) Advise the individual of its refusal and the reasons for the determination; and

(2) Inform the individual that he or she may request a further review in accordance with § 505.9.

§ 505.9 Appeal of initial adverse Agency determination on correction or amendment.

(a) If an individual disagrees with the Agency's initial refusal to amend a record, he or she may appeal that determination. The appeal must be in writing and should be sent by certified mail to the Chairman, Committee on Public Information Policy, U.S. Information Agency, Room 719, 1750 Pennsylvania Avenue, NW, Washington, D.C., 20547. The appeal should include any documentation, information or statements advanced to substantiate the request for amendment.

(b) A review of the appeal will be conducted by the Director of USIA or an Agency official whom he designates in writing who is senior to the official who made the initial determination.

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(c) Appeals or that portion of an appeal involving the personnel records of active Foreign Service employees of the Agency will be referred to the Foreign Service Grievance Board for review and final determination at such times as the Board's procedures are in full compliance with the Privacy Act.

(d) The time for decision on the appeal begins on the date the appeal is actually received by the Chairman of the Committee on Public Information Policy. The final Agency determination will be made within thirty working days, unless the Agency official has determined that a fair and equitable review cannot be completed in that time. If additional time is required, the individual will be informed in writing of the reasons for the delay and the approximate date on which the review is expected to be completed.

(e) The Agency official will make the final determination on the appeal, except as provided in paragraph (c) of this section, whether or not, and to what extent, to amend the records as requested by the individual. A written record of the reasons for the decision will be maintained by the Agency official, who will communicate his final determination to the Chairman of the Committee on Public Information Policy. The Chairman will advise the individual in writing of the Agency's decision on his or her appeal.

(f) If the Agency official determines to deny the individual's appeal to amend records, the Chairman shall advise the individual:

(1) Of the Agency's refusal and the reasons for it;

(2) Of his or her right to file a concise statement of the reasons for disagreeing with the decision of the Agency;

(3) Of the procedures for filing the statement of disagreement;

(4) That the statement which is filed will be made available to anyone to whom the record is subsequently disclosed together with, at the discretion of the Agency, a brief statement by the Agency summarizing its reasons for refusing to amend the record;

(5) That prior recipients of the disputed record will be provided a copy of any statement of dispute to the extent that an accounting of disclosures was maintained; and

(6) His or her right to seek judicial review of the Agency's refusal to amend.

(g) When an individual files a statement disagreeing with the Agency's refusal to amend a record, the Agency will clearly annotate the record so that the fact that the record is disputed is apparent to anyone who may subsequently have acess to, use, or disclose it. When information that it is the subject of a statement of dispute filed by an individual is subsequently disclosed, the Agency will note that the information is disputed and provide a copy of the individual's statement. The Agency may also include a brief summary of the reasons for not making a correction when disclosing disputed information. Such statements will be limited to the reasons given to the individual for not amending the record. Copies of the Agency's statement shall be treated as part of the individual's record for granting access; however, it will not be subject to amendment by the individual under these regulations.

§ 505.10 Disclosure of record to persons other than the individual to whom it pertains.

The Agency will not disclose any information about an individual to any person or another agency without the prior consent of the individual about whom the information is maintained, except as provided for in the following paragraphs.

(a) Medical records means such records will be disclosed to a doctor or other medical practitioner, with the consent of the individual, as prescribed in paragraph 505.6 of this Part.

(b) Accompanying individual means if, when exercising a right of access to records, the requester is accompanied by any other person, the Agency will require that the requester sign a statement granting consent to the disclosure of the contents of the record to the person accompanying him or her.

(c) Designees means individuals, other than the original requester, who request access to records pertaining to the original requester, must present, in writing, a signed statement from the original requester authorizing and consenting to the release of his or her records to the designated individual.

(d) Guardians means the parent(s) of any dependent minor, or the legal guardian of an individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act for and on behalf of the individual on whom the Agency maintains records.

(e) Other disclosures permitted by the Privacy Act means a record may be disclosed without either the request or written consent of the individual to whom a record pertains if such disclosure is authorized under the conditions of disclosure in 5 U.S.C. 552a(b). These conditions are:

(1) *Disclosure within the Agency.* This provision is based on a "need-to-know" concept. The Privacy Act recognizes that Agency personnel require access to records to discharge their duties.

(2) *Disclosure to the public.* The Agency is not required to obtain the consent of an individual before disclosing a record about him or her to a member of the public to whom the Agency is required to disclose such information under the Freedom of Information Act. The Agency may, however, withhold records from a member of the public if such records are exempted from disclosure under the Freedom of Information Act, such as for an unwarranted invasion of personal privacy.

(3) *Disclosure for a routine use.* Records may be disclosed without the prior consent of an individual for a "routine use", as defined in § 505.2(g) of this part, and as described in the required annual public notice about the system published in the FEDERAL REGISTER.

(4) *Disclosure to the Bureau of the Census.* The Agency may disclose records to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity. Title 13 U.S.C. section 8 limits the uses which may be made of these records and also makes them immune from compulsory disclosure.

(5) *Disclosure for statistical research and reporting.* Records may be disclosed for statistical research or reporting purposes only after the Agency has received and evaluated a written statement which explains the purpose for requesting the records, and certifies that the records will be used only as statistical records.

(6) *Disclosure to the National Archives.* The Agency may disclose records to the National Archives of the United States pursuant to 44 U.S.C. 2103, which provides for the preservation of records of historical or other value.

(7) *Disclosure for law enforcement purposes.* The Agency may disclose a record to another agency or unit of state or local government upon receipt of a written request describing the law enforcement purpose for which the record is required, and specifying the particular record required. Blanket requests for all records pertaining to an individual are not permitted by the Privacy Act.

(8) *Disclosure under emergency circumstances.* The Agency may disclose records when the time required to obtain the consent of the individual to whom the record pertains might result in a delay which could impair the health or safety of an individual, e.g., release of medical records on a patient undergoing emergency treatment.

(9) *Disclosure to the Congress.* Records on individuals may be furnished to either House of Congress, or with regard to matters within their jurisdiction, any committee or subcommittee thereof, any joint committee of Congress of subcommittee of any such joint committee.

(10) *Disclosure to the General Accounting Office.* Records on individuals may be disclosed to the Comptroller General or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office.

(11) *Disclosure pursuant to court order.* Agency records may be disclosed as required pursuant to the order of a court of competent jurisdiction.

§ 505.11 Fees.

(a) The Agency will charge a fee of $0.20 per page for copies of documents which are identified by an individual and reproduced at the individual's request for retention. There will be no charge for requests involving costs of $1.00 or less.

(b) The first copy of an individual's personnel record will be furnished free of charge.

(c) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, a postal money order, or cash. Remittances shall be made payable to the order of the Treasurer of the United States and mailed to the Assistant Director (USIA), Public Information, Room 719, 1750 Pennsylvania Avenue, NW, Washington, D.C. 20547. The Agency will assume no responsibility for cash sent by mail.

(d) A receipt for fees paid will be given only upon request.

§ 505.12 Civil remedies and criminal penalties.

(a) *Grounds for court action.* An individual will have a remedy in the Federal District Courts under the following circumstances:

(1) *Denial of access.* Individuals may challenge an Agency decision to deny them access to records to which they consider themselves entitled.

(2) *Refusal to amend a record.* Under conditions prescribed in 5 U.S.C. 552a(g), an individual may seek judicial review of the Agency's refusal to amend a record.

(3) *Failure to maintain a record accurately.* An individual may bring suit against the Agency for any alleged intentional and willful failure to maintain a record accurately, if it can be shown that the individual was subjected to an adverse action resulting in the denial of a right, benefit, entitlement or employment the individual could reasonably have expected to be granted if the record had not been deficient.

(4) *Other failures to comply with the Act.* An individual may bring an action for any alleged failure by the Agency to comply with the requirements of the Act or failure to comply with any rule published by the Agency to implement the Act provided it can be shown that:

(i) The action was "intentional or willful";

(ii) The Agency's action had an adverse effect upon the individual;

(iii) The adverse action was caused by the Agency's actions.

(b) *Jurisdiction and time limits.* (1) Action may be brought in the district court for the jurisdiction in which the individual resides or has a place of residence or has a place of business, or in which the Agency records are situated, or in the District of Columbia.

(2) The statute of limitations is two years from the date upon which the cause of action arises, except for cases in which the Agency has materially or willfully misrepresented any information required to be disclosed and when such misrepresentation is material to the liability of the Agency. In such cases the statute of limitations is two years from the date of discovery by the individual of the misrepresentation.

(3) A suit may not be brought on the basis of injury which may have occurred as a result of the Agency's disclosure of a record prior to September 27, 1975.

(c) *Criminal penalties.* (1) *Unauthorized disclosure.* It is a criminal violation of the provisions of the Act for any officer or employee of the Agency knowingly and willfully to disclose a record in any manner to any person or agency not entitled to receive it, for failure to meet the conditions of disclosure enumerated in 5 U.S.C. 552a(b), or without the written consent or at the request of the individual to whom the record pertains. Any officer or employee of the Agency found guilty of such misconduct shall be fined not more than $5,000.

(2) *Failure to publish a public notice.* It is a criminal violation of the Act willfully to maintain a system of records and not to publish the prescribed public notice. Any officer or employee of the Agency found guilty of such misconduct shall be fined not more than $5,000.

(3) *Obtaining records under false pretenses.* The Act makes it a criminal offense knowingly and willfully to request or gain access to a record about an individual under false pretenses. Any person found guilty of such an offense may be fined not more than $5,000.

505.13 General exemptions.

(a) General exemption for the Central Intelligence Agency files of the Central Intelligence Agency are exempted from certain provisions of the Act.

(b) General exemption for criminal law enforcement records. Records of any agency or component thereof engaged in criminal law enforcement activities are exempted from disclosure under the Act. Specifically exempted under this provision of the Act are records which are:

(1) Compiled for the purposes of identifying information on an individual regarding arrests, nature and disposition of criminal charges, sentencing, confinement, release and parole or probation status;

(2) Compiled for the purpose of criminal investigation, including reports of informants and investigators, and associated with an identifiable individual;

(3) Reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision.

§ 505.14 Specific exemptions.

The following categories of records maintained by the Agency may be exempted from disclosure:

(a) *Exemption for classified material.* The Act exempts from disclosure those records which are specifically authorized under criteria established under an Executive Order to be kept secret in the interest of national defense or foreign policy, and which are in fact properly classified pursuant to such Executive Order.

(b) *Exemption for investigatory material compiled for law enforcement purposes.* To the extent that an investigatory record is used as a basis for denying an individual any right, privilege or benefit, including employment, to which the individual would be entitled in the absence of that record, the individual must be granted access to that record except to the extent that access would reveal the identity of a confidential source.

(c) *Exemption for records maintained to provide protective services.* This exemption covers records which are not within the scope of law enforcement records covered under paragraph (b) of this section, but which are necessary to assure the safety of the President of the United States and other individuals protected pursuant to 18 U.S.C. 3056.

(d) *Exemption for statistical records.* The Agency may exempt a system of records which is used solely for the purpose of generating aggregate data or for other similarly evaluative or analytical purposes, and which are not used to make decisions on the rights, benefits or entitlements of individuals except for the disclosure of a census record to an individual permitted by 13 U.S.C. 8.

(e) *Exemption for investigatory material compiled for determining suitability for federal employment or military service.* A system of records may be exempted from certain provisions of the Act if disclosure of records would cause the identity of a confidential source to be revealed. This exemption may be invoked only if the following conditions are met;

(1) The record is maintained only for purposes of determining an individual's qualifications, eligibility or suitability for military service, employment in the civilian service or on a federal contract, or need for access to classified material.

(2) The information considered relevant and necessary to making a judicious determination as to qualifications, eligibility or suitability could only be obtained by providing assurance to the source that his or her identity would not be revealed to the subject of the record, e.g., for "critical sensitive positions."

(3) Disclosure of the record with the identity of the source removed would likely reveal the identity of the source, e.g., the record contains information which could only have been furnished by one of several individuals known to the subject.

(f) *Exemption for testing or examination material.* The Agency may exempt testing or examination material used to assess the qualifications of an individual for appointment or promotion in the military service only if disclosure of the record to the individual would reveal information about the testing process which would give an individual an unfair competitive advantage.

(g) *Exemption for material used to evaluate potential for promotion in the armed services.* Application of an exemption for material used in evaluating the potential for promotion of members of the armed services must meet the same tests and conditions that are applied under paragraphs (b) and (e) of this section, i.e. revealing a confidential source.

(h) *Records of other agencies.* Any Agency record system which contains information originated by another agency whose record system are exempt from certain provisions of the Act will not be disclosed by USIA. (See § 505.13, *General exemptions*).

APPENDIX I

U.S. INFORMATION AGENCY OFFICE LOCATIONS IN WASHINGTON, D.C. AREA

(1) Agency Elements located at 1750 Pennsylvania Ave., NW, Washington, D.C. 20547.

Office of the Director
Office of Public Information

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U.S. Advisory Commission on Information
Office of the General Counsel
Office of Equal Employment Opportunity
Office of Administration and Management
Office of Policy and Plans
Office of Research
Office of Security
Office of the Assistant Director, Europe
Office of the Assistant Director, North Africa, Near East and South Asia
Office of the Assistant Director, Latin America
Office of the Assistant Director, East Asia and Pacific
Office of the Assistant Director, Africa

(2) Other Agency elements and addresses:

U.S. Information Agency, Press and Publications Service, 1776 Pennsylvania Ave., NW, Washington, D.C. 20547.
U.S. Information Agency, Broadcasting Service (VOA), Health, Education, and Welfare Bldg., 330 Independence Ave., SW, Washington, D.C. 20547.
U.S. Information Agency, Motion Picture and Television Service, Patrick Henry Bldg., 601 "D" Street, NW, Washington, D.C. 20547.
U.S. Information Agency, Office of Personnel and Training, 1776 Pennsylvania Ave., NW, Washington, D.C. 20547.
U.S. Information Agency, Information Center Service, 1717 "H" Street, NW, Washington, D.C. 20547.
U.S. Information Agency, Foreign Press Center, National Press Building, 529 14th Street, NW, Washington, D.C. 20547.

APPENDIX II

U.S. INFORMATION AGENCY OFFICE LOCATIONS OUTSIDE THE WASHINGTON, D.C. AREA

U.S. Information Agency, Motion Picture and Television Service, New York Office, 1657 Broadway, New York, New York 10019.
U.S. Information Agency, Foreign Press Center, 666 Second Avenue, New York, New York 10017.
U.S. Information Agency, Information Center Service, New York Services Staff, 252 Seventh Avenue, New York, New York 10001.
U.S. Information Agency, Delano Relay Station, Rte. 1 Box 1350, Delano, California 93215.
U.S. Information Agency, Edward R. Murrow Transmitting Station, P.O. Box 1826, Greenville, North Carolina 27834.
U.S. Information Agency, Southeast Correspondent Staff, Room 518, Federal Bldg., 51 SW. First Avenue, Miami, Florida 33130.
U.S. Information Agency, Midwest Correspondent Staff, Room 1459, Federal Bldg., 219 South Dearborn Street, Chicago, Illinois 60604.
U.S. Information Agency, Administrative Services Division, New York Services Branch, 1657 Broadway, New York, New York 10019.
U.S. Information Agency, Senior Adviser for Public Affairs, U.S. Mission to the United Nations, 799 United Nations Plaza, New York, New York 10017.
U.S. Information Agency, Broadcasting Service, New York Program Center, 250 West 57th Street, New York, New York 10019.
U.S. Information Agency, Bethany Relay Station, P.O. Box 227, Mason, Ohio 45040.
U.S. Information Agency, Dixon Relay Station, Rte. 2, Box 739, Dixon, California 95620.
U.S. Information Agency, Marathon Relay Station, P.O. Box 726, Marathon, Florida 33050.
U.S. Information Agency, West Coast Correspondent Staff, Room 12220, Federal Bldg., 11000 Wilshire Blvd., Los Angeles, California 90059.

[FR Doc.75-28282 Filed 10-20-75;8:45 am]

MARINE MAMMAL COMMISSION

PRIVACY ACT OF 1974

Notice is hereby given that the Marine Mammal Commission (the "Commission"), pursuant to Section 3 of the Privacy Act of 1974 (the "Act"), 5 U.S.C. 552a(e)(4) and (e)(11), adopts the Notice of Systems of Records set forth below.

Certain records kept by the Commission have been omitted from this Notice for the reason that they are the subject of a general Government-wide notice published by the United States Civil Service Commission at 40 Fed. Reg. 39239 (1975). These are employee personnel records required to be kept on forms prescribed by the Civil Service Commission. All supplemental personnel records, generated either by an employee or by the Commission, are covered by this Notice.

The only substantive changes in this notice from the text published for comment (as a "Proposed Notice" on September 4, 1975, (40 Fed. Reg. 41068)) is the addition of an appendix setting forth additional routine uses which may be made of records contained in systems maintained for the Commission by the General Services Administration. The locations at which certain records are kept have been changed to reflect changes in membership of the Commission and the Committee of Scientific Advisors on Marine Mammals.

Dated: October 4, 1975.

John R. Twiss, Jr.
Executive Director.

MMC—1

System name: Applications for Permits to Take or Import Marine Mammals or to Import Marine Mammal Products for Purposes of Scientific Research or Public Display—MMC.

System location: Commission Offices, 1625 I Street, NW., Room 307, Washington, D.C. 20006; Commission Members' Offices, presently:

Dr. Victor B. Scheffer, Chairman
14806 SE 54th Street
Bellevue, Washington 98006
Dr. Donald B. Siniff Department of Ecology & Behavioral Biology
University of Minnesota
223 Snyder Hall
St. Paul, Minnesota 55101
Dr. Richard A. Cooley
Chairperson, Board of Environmental Studies
University of California
Sanata Cruz, California 95064; and

Committee of Scientific Advisors Members' Offices, presently:

Dr. Robert L. Brownell, Jr.
Division of Mammals—NHB, 398
Smithsonian Institution
Washington, D.C. 20560
Mr. John J. Burns
P.O. Box 80746
College, Alaska 99701
Dr. Douglas G. Chapman
College of Fisheries
University of Washington
Seattle, Washington 98195
Dr. Francis H. Fay
University of Alaska
Fairbanks Alaska 99701
Mr. Jack W. Lentfer
4454 Business Park Blvd.
Anchorage, Alaska 99503
Dr. Kenneth S. Norris
Coastal Marine Laboratory
University of California
Santa Cruz, California 95064
Dr. G. Carleton Ray
Johns Hopkins University
615 North Wolfe Street
Baltimore, Maryland 21205
Dr. Sam H. Ridgway
Biomedical Division
Naval Undersea Center
San Diego, California 92132

Categories of individuals covered by the system: Individuals who have submitted applications, as required by the Marine Mammal Protection Act of 1972 and regulations of the Departments of Interior and Commerce, for permits to take or import marine mammals or to import marine mammal products.

Categories of records in the system: Name, mailing address, telephone number, date of birth, height, weight, color of hair, color of eyes, sex, business or institutional affiliation, education and/or experience of the applicant which qualifies him/her to conduct the proposed activities.

Authority for maintenance of the system: Title II, Section 206(5) of the Marine Mammal Protection Act of 1972, 16 U.S.C. 1406(5).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in permit applications is used by the Commission, its Committee of Scientific Advisors, the Executive Director and his staff for the purpose of reviewing such applications and making recommendations thereon, regarding proper disposition of the application, to the Secretaries of Commerce and Interior in order to carry out the duties assigned to the Commission by the Marine Mammal Protection Act of 1972. Subsequent to final disposition of the application, records are maintained for use in connection with the review of future applications submitted by the same individuals. The records contained in the system also are available for inspection by members of the public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Maintained in 8 1/2 by 11 inch folders in vertical file.

Retrievability: Manual—indexed by name of applicant.

Safeguards: Records are maintained in an office which is accessible only to authorized persons.

Retention and disposal: Records will be retained in the Commission offices during the life of the Commission. Copies forwarded to the offices of individual Commissioners and Committee members are disposed of after disposition of the permit application, or at such other times as are deemed appropriate by the Commissioners and Committee members.

Method of disposal: No particular method of disposal is followed.

System manager(s) and address: Executive Director, Marine Mammal Commission, 1625 I Street, NW., Room 307, Washington, D.C. 20006.

Notification procedure: An individual may obtain notification of whether the system of records contains a record pertaining to him/her by forwarding an inquiry to the System Manager, or by appearing in person, at the above address. See Commission regulations in 50 CFR Part 501.3.

Record access procedures: See Commission access regulations in 50 CFR Parts 501.4, 501.5.

Contesting record procedures: The Commission's rules for contesting contents of records, and for appealing adverse determinations with respect thereto, are contained in 50 CFR Part 502.6 through 501.8. Assistance in obtaining access to or contesting the contents of records can be obtained from the System Manager at the above address.

Record source categories: Subject applicants.

MMC—2

System name: Personnel files on current, past and prospective employees and members of the Marine Mammal Commission and its Committee of Scientific Advisors—MMC.

System location: Commission offices, 1625 I Street, NW., Room 307, Washington, D.C. 20006.

Categories of individuals covered by the system: Present and past employees, individuals who have submitted solicited or unsolicited applications for employment, members of the Commission and Committee of Scientific Advisors, and individuals who have been invited to submit personal information for consideration as a potential member of the Committee.

Categories of records in the system: Name, address, telephone number, educational background, employment history, special employment qualifications, honors and awards, research and other activities relating to position, publications, letters of recommendation, and memoranda regarding conversations between Commission staff members and previous employers concerning quality of job performance.

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Authority for maintenance of the system: Title II, Section 206(5) of the Marine Mammal Protection Act of 1972, 16 U.S.C. 1406(5).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in the system is used, in conjunction with data supplied on Standard Civil Service Commission forms, for the purpose of assessing the qualification of subject individuals for appointment to the various positions described above. The Chairman of the Commission, the Executive Director, and the Administrative Officer are authorized users of the System.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in 8 1/2 by 11 inch folders in a locked vertical file.

Retrievability: Manual—indexed by name.

Safeguards: The system is maintained in a locked, metal filing cabinet, the access combination to which is known only bu the Executive Director, his Administrative Officer, and one member of his support staff. Other members of the staff have been instructed that they are under no circumstances to make any use of the system except in accordance with procedures promulgated by the agency pursuant to Subsection 552a(f)(3) of the Privacy Act.

Retention and disposal: Records in the system will be retained during the life of the Commission.

Method of disposal: No particular method of disposal is followed.

System manager(s) and address: Executive Director, Marine Mammal Commission, 1625 I Street, NW., Room 307, Washington, D.C. 20006.

Notification procedure: An individual may obtain notification of whether the system of records contains a record pertaining to him/her by forwarding an inquiry to the System Manager, or by appearing in person, at the above address. See Commission regulations in 50 CFR Part 501.3.

Record access procedures: See Commission access regulations in 50 CFR Parts 501.4, 501.5.

Contesting record procedures: The Commission's rules for contesting contents of records, and for appealing adverse determinations with respect thereto, are contained in 50 CFR Parts 501.6 through 501.8. Assistance in obtaining access to or contesting the contents of records can be obtained from the System Manager at the above address.

Record source categories: Subject individuals; former and/or present employers of subject individuals; and others familiar with the individual and whom the individual has suggested as a reference.

MMC—3

System name: Research proposals and contracts—MMC.

System location: Commission offices, 1625 I Street, NW., Room 307, Washington, D.C. 20006; Commission Members' Offices, presently:

Dr. Victor B. Scheffer, Chairman
14806 SE 54th Street
Bellevue, Washington 98006
Dr. Donald B. Siniff
Department of Ecology & Behavioral Biology
University of Minnesota
223 Snyder Hall
St. Paul, Minnesota 55101
Dr. Richard A. Cooley
Chairperson, Board of Environmental Studies
University of California
Santa Cruz, California 95064; and
Committee of Scientific Advisors Members' Offices, presently:
Dr. Robert L. Brownell, Jr.
Division of Mammals—NHB, 398
Smithsonian Institution
Washington, D.C. 20560
Mr. John J. Burns
P.O. Box 80746
College, Alaska 99701
Dr. Douglas G. Chapman
College of Fisheries
University of Washington
Seattle, Washington 98195
Dr. Francis H. Fay
University of Alaska
Fairbanks, Alaska 99701
Mr. Jack W. Lentfer
4454 Business Park Blvd.
Anchorage, Alaska 99503
Dr. Kenneth S. Norris
Coastal Marine Laboratory
University of California
Santa Cruz, California 95064
Dr. G. Carleton Ray
Johns Hopkins University
615 North Wolfe Street
Baltimore, Maryland 21205
Dr. Sam H. Ridgway
Biomedical Division
Naval Undersea Center
San Diego, California 92132

Categories of individuals covered by the system: Individuals who have submitted proposals to conduct scientific research, including those to whom research contracts have been awarded.

Categories of records in the system: Name, address, telephone number, educational background, employment history, honors and awards, part research activities, publications, records of payments made to individuals pursuant to research contracts that have been awarded.

Authority for maintenance of the system: Title II, Section 206(5) of the Marine Mammal Protection Act of 1972, 16 USC 1406(5)/

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Research proposals, containing personal qualifications information, are utilized by the Research Program Director and other members of the Commission staff, outside consultants, and Members of the Commission and the Committee for the purpose of determining the merit of such proposals. Records of contract payments are utilized by the Research Program Direcor, the Executive Director and his staff, and members of the Commission and Committee for purposes of budgeting, contract review, and evaluation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in 8 1/2 by 11 inch folders in a vertical file.

Retrievability: Manual—indexed by name.

Safeguards: Records are maintained in an office which is accessible only to authorized persons.

Retention and disposal: Records in the system will be retained during the life of the Commission

Method of disposal: None

System manager(s) and address: Executive Director, Marine Mammal Commission, 1625 I Street, NW., Room 307, Washington, D.C. 20006.

Notification procedure: An individual may obtain notification of whether the system of records contains a record pertaining to him/her by forwarding an inquiry to the System Manager, or by appearing in person, at the above address» See Commission regulations in 50 CFR Part 501.3.

Record access procedures: See Commission access regulations in 50 CFR Parts 501.4, 501.5.Now

Contesting record procedures: The Commission's rules for contesting contents of records, and for appealing adverse determinations with respect thereto, are contained in 50 CFR Parts 501.6 through 501.8. Assistance in obtaining access to or contesting the contents of records can be obtained from the System Manager at the above address.

Record source categories: Subject individuals, Research Program Director, and othe Commission personnel administering contract payments.

MMC—4

System name: General Financial Records—MMC

System location: General Services Administration, Central Office; copies held by the Commission. (GSA holds records for Commission under contract.)

Categories of individuals covered by the system: Commission employees.

Categories of records in the system: SF 1038, Application and account for advance of funds; Vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees

of GSA and the Commission who have a ned for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally; Section 206(5) of the Marine Mammal Protection Act of 1972, 16 U.S.C. 1406(5).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix. Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to a power of attorney.

Policies and practices for storing, retrievlng, accessing, retaining, and disposing of records in the system:

Storage: Paper and tape.

Retrievability: Manual and automated by name.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintnance and Disposition System (OAD P 1820.2)/

System manager(s) and address: Executive Director, Marine Mammal Commisson, 1625 I Street, NW., Washington, D.C. 20006, Room 307.

Notification procedure: See Commission access regulations in 50 CFR Part 401.3.

Record access procedures: See Commission access regulations in 50 CFR Parts 401.4, 401.5.

Contesting record procedures: See Commission regulations in 50 CFR Part 401.6 through 401.8.

Record source categories: The subject individual; the Commission.

MMC—5

System name: Payroll records—MMC

System location: General Services Administration, Region 3 Office; copies held by the Commission (GSA holds for Commission under contract.)

Categories of individuals covered by the system: Past and present Commission employees.96

Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records; requests for deductions, tax forms; W2 forms; overtime requests; leave data; retirement records. Records are used by Commission and GSA employees to maintain adequate payroll information for Commission employees and otherwise by Commission and GSA employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix. Records also are released to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: Social Security Number.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with HB GSA Records Maintenance and Disposition System (OAD P 1820.2)/

System manager(s) and address: Executive Director, Marine Mammal Commission, 1625 I Street, NW., Washington, D.C. 20006.

Notification procedure: See Commission access regulations in 50 CFR Part 401.3.

Record access procedures: See Commission access regulations in 50 CFR Parts 401.4, 401.5.

Contesting record procedures: See Commission regulations in 50 CFR Parts 401.6 through 401.8.

Record source categories: The subject individual; the Commission.

APPENDIX MMC

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license grant or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee.

A record from this system of records may be disclosed to the United States CivilService Commission in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

A record from this system of records may be disclosed to officers and employees of a Federal agency for purposes of audit.

[FR Doc.75-27497 Filed 10-8-75;11:44 am]

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Title 45—Public Welfare

CHAPTER XI—NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SUBCHAPTER A—GENERAL

PART 1115—PRIVACY ACT REGULATIONS

Implementation

This addition to Chapter XI, Subchapter A—General, of Title 45 of the Code of Federal Regulations implements 5 U.S.C. 552(a)(f) by setting forth rules and procedures for notification of the existence of records, obtaining copies of records, and correction of records under the Privacy Act of 1974. A proposed regulation was published for comment in the FEDERAL REGISTER on August 29, 1975, 40 FR 40052, but no comments were received from members of the public. Accordingly, pursuant to the authority granted by 5 U.S.C. 301 and 552a, the Foundation's Privacy Act Regulations published in the FEDERAL REGISTER on August 29, 1975, are adopted as final.

NANCY HANKS,
Chairman, National Endowment for the Arts.

RONALD BERMAN,
Chairman, National Endowment for the Humanities.

Section 1115.7 exercises the Foundation's right to exempt certain investigatory materials from disclosure. The Foundation is claiming an exemption under 5 U.S.C. 552a(k)(5) with respect to the identity of person's supplying references for applicants for various types of Foundation fellowships or grants. Fellowships and grants are considered to fall within the class of activities described in 5 U.S.C. 552a(k)(5), and it is considered imperative that reference reports compiled solely for determining suitability, eligibility or qualifications of applicants be provided on a confidential basis. In practice, the exercise of this exemption will often require the withholding of the actual reference and evaluation reports since the comments will in many cases reflect the identity of the reference. Confidentiality is needed to ensure that references are given, and evaluations are made, with complete candor.

The Foundation is also claiming an exemption with respect to the identity of references of persons seeking employment with the Foundation. The reasons for this are substantially the same as maintaining fellowship and grant references in confidence—the need for candor in response.

These regulations shall become effective on October 15, 1975.

Chapter XI of Title 45 of the Code of Federal Regulations is amended as follows:

1. The table of parts is revised to add the following entry: "Part 1115 Privacy Act Regulations".

2. Part 1115 is added to read as follows:

Sec.
1115.1 Purpose and scope.
1115.2 Definitions.
1115.3 Procedures for notification of existence of records pertaining to individuals.
1115.4 Procedures for requests for access to or disclosure of records pertaining to individuals.
1115.5 Correction of records.
Sec.
1115.6 Disclosure of records to agencies or persons other than the individual to whom the record pertains.
1115.7 Exemptions.
1115.6 Disclosure of records to agencies or persons other than the individual to whom the record pertains.
1115.7 Exemptions.

AUTHORITY: 5 U.S.C. 552a(f).

§ 1115.1 Purpose and scope.

This part sets forth the National Foundation on the Arts and the Humanities' procedures under the Privacy Act of 1974 as required by 5 U.S.C. 552a(f). Internal guidance for Foundation staff and other regulations implementing the Privacy Act are contained or will be contained in Foundation circulars.

§ 1115.2 Definitions.

For purposes of this Part:

(a) "Foundation" means the National Foundation on the Arts and the Humanities.

(b) "Act" means the Privacy Act of 1974 (Pub. L. 93-579).

(c) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(d) "Maintain", used with reference to a record means to collect, to use, to disseminate, to have control over and responsibility for such record.

(e) "Record" means any item, collection or grouping of information about an individual that is maintained by the Foundation and that is retrievable by his or her name or an identifying particular, such as a number, symbol, fingerprint, or photograph of the individual. Information maintained by the Foundation includes, but is not limited to, education, financial transactions, medical history, employment history and criminal history.

(f) "Routine use" means, with respect to the disclosure of a record, the use of such a record for a purpose which is compatible with the purpose for which it was collected. The routine uses of record systems maintained by the Foundation were established pursuant to notice in the FEDERAL REGISTER.

(g) "System of records" means a group of any records under the control of the Foundation from which information about an individual is retrievable by his or her name or by some identifying particular.

§ 1115.3 Procedures for notification of records pertaining to individuals.

(a) The systems of records, as defined in the Privacy Act of 1974, maintained by the National Foundation on the Arts and the Humanities are listed annually in the FEDERAL REGISTER as required by that Act. Any person who wishes to know whether a system of records contains a record pertaining to him may appear in person at the National Endowment for the Arts, Room 1338, 2401 E Street NW., Washington, D.C. 20506 or the National Endowment for the Humanities, Room 1000, 806 15th Street NW., Washington, D.C. 20506, on work days between the hours of 9:00 a.m. and 5:30 p.m. or by writing to the Office of the General Counsel, National Endowment for the Arts or National Endowment for the Humanities, Washington, D.C. 20506. It is recommended that requests be made in writing, since in many cases it will take several days to ascertain whether a record exists.

(b) Requests for notification of the existence of a record should specifically identify the system of records involved and should state, if the requestor is other than the individual to whom the record pertains, the relationship of the requestor to that individual. (Note that requests will not be honored by the Foundation pursuant to the Privacy Act unless made (1) by the individual to whom the record pertains, (2) by such individual's parent if the individual is a minor, or (3) by such individual's legal guardian if the individual has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction).

(c) The Foundation will attempt to respond to a request as to whether a record exists within 10 working days from the time it receives the request or from the time any required identification is established, whichever is later.

§ 1115.4 Procedures for requests for access to or disclosure of records pertaining to an individual.

(a) Any person may request review of records pertaining to him by appearing at the National Endowment for the Arts, Room 1338, 2401 E Street, NW., Washington, D.C. 20506, or the National Endowment for the Humanities, Room 1000, 806 15th Street, NW., Washington, D.C. 20506 on work days between the hours of 9:00 a.m. and 5:30 p.m. or by writing to the Office of the General Counsel, National Endowment for the Arts, or National Endowment for the Humanities, Washington, D.C. 20506. (See paragraphs (b) and (c) of this section for identification requirements.) The request should specifically identify the systems or records involved. The Foundation will strive either to make the record available within 15 working days of the request or to inform the requestor of the need for additional identification or the tendering of fees (as specified in paragraph (d) of this section) within 15 working days.

(b) In the case of persons making requests by appearing at the Foundation, the amount of personal identification required will of necessity vary with the sensitivity of the record involved. Except as indicated below, reasonable identification such as employment identification cards, drivers licenses, and credit cards will normally be accepted as sufficient evidence of identity in the absence of any indications to the contrary. Records in the following systems of records, however, are considered to contain relatively sensitive and/or detailed personal information—

GRANT APPLICATIONS—NEA.
GRANT APPLICATIONS—NEH.
GRANTS TO INDIVIDUALS—NEA.
GRANTS TO INDIVIDUALS AND INSTITUTIONS—NEH.
EQUAL EMPLOYMENT OPPORTUNITY CASE FILE—NFAH NEA/NEH.
EMPLOYEE PAYROLL—NFAH.
PERSONNEL RECORDS—NFAH.

Accordingly, with respect to requests for records in these systems the Foundation reserves the rights to require sufficient identification to identify positively the individual making the request. This might involve independent verification by the Foundation as by phone calls to determine whether an individual has made a request, personal identification by Foundation employees who know the individual, or such other means as are considered appropriate under the circumstances.

(c) A written request will be honored only if it contains the following certification before a duly commissioned notary public of any state or territory (or similar official if the request is made outside the United States):

I, ---------- do hereby
(Printed name)
certify that I am the individual about whom the record requested in this letter pertains or that I am within the class of persons authorized to act on his behalf in accordance with 5 U.S.C. 552a(h).

Signature

Date

In the County of ----------
State of ---------- On this
------ day of ----------
(Name of individual)
who is personally known to me, did appear before me and sign the above certificate.

Signature

Date

(s) My Commission expires ----------

However, where the record requested is contained in any of the systems of records listed in paragraph (b) of this section, the Foundation reserves the right to require additional identification and/or to independently verify to its satisfaction, the identity of the requestor.

(d) Charges for copies of records will be at the rate of $0.10 per photography of each page. Where records are not susceptible to photo-copying, e.g., punch cards, magnetic tapes or oversize materials, the amount charged will be actual cost as determined on a case-by-case basis. Only one copy of each record requested will be supplied. No charge will be made unless the charge as computed above would exceed $3.00 for each request or related series of requests. If a fee in excess of $25.00 would be required, the requestor shall be notified and the fee must be tendered before the records will be copied.

§ 1115.5 Correction of records.

(a) Any individual is entitled to request amendments of records pertaining to him pursuant to 5 U.S.C. 552 a(d)(2). Such a request shall be made in writing and addressed to the Office of the General Counsel, National Endowment for the Arts or National Endowment for the Humanities, Washington, D.C. 20506.

(b) The request should specify the record and systems of records involved, and should specify the exact correction desired and state that the request is made pursuant to the Privacy Act. An edited copy of the record showing the desired correction is desirable. Within 10 working days of the receipt of a properly addressed request (or within 10 working days of the time the General Counsel, National Endowment for the Arts or the General Counsel, National Endowment for the Humanities becomes aware that a particular communication not addressed as prescribed above is a request for correction of a record under the Privacy Act), the General Counsel's office shall acknowledge receipt of the request.

(c) The General Counsel's office upon receipt of such a request shall promptly confer with the office within the Foundation responsible for the record. In the event it is felt that correction is not warranted in whole or in part, the matter shall be brought to the attention of the Deputy Chairman of the Endowment involved. If, after review by the Deputy Chairman of the involved Endowment and discussion with the request or, if deemed helpful, it is determined that correction as requested is not warranted, a letter shall be sent by the Deputy Chairman's office to the requestor denying his request and/or explaining what correction might be made if agreeable to the requestor. This letter shall set forth the reasons for the refusal to honor the request for correction. It shall also inform him of his right to appeal this decision and include a description of the appeals procedure set forth in paragraph (d) of this section.

(d) An appeal may be taken from an adverse determination under paragraph (c) of this section to the Assistant Chairman/Management, National Endowment for the Arts or the Chairman, National Endowment for the Humanities. Such appeal must be made in writing and should clearly indicate that it is an appeal. The basis for the appeal should be included, and it should be mailed to the same address as listed in paragraph (a) of this section. A hearing at the Foundation may be requested. Such hearing will be informal, and shall be before the Assistant Chairman/Management, National Endowment for the Arts, the Chairman, National Endowment for the Humanities, or an appointed designee. If no hearing is requested, the request for appeal should include the basis for the appeal. Where no hearing is requested the Assistant Chairman or Chairman before whom the appeal is taken shall render his decision within thirty working days after receipt of the written appeal at the Foundation, unless the Assistant Chairman or Chairman before whom the appeal is taken, for good cause shown, extends the 30-day period and the appellant is advised in writing of such extension. If a hearing is requested, the Foundation will attempt to contact the appellant within five working days and arrange a suitable time for the hearing. In such cases the decision of the Assistant Chairman or Chairman shall be made within 30 working days after the hearing unless the time is extended and the appellant is advised in writing of such extension.

(e) The final decision of the Assistant Chairman or Chairman in an appeal shall be in writing, and, if adverse to the appellant, set forth the reasons for the refusal to amend the record and advise him of this right to appeal the decision under 5 U.S.C. 552a(g)(1)(A). The individual shall also be notified that he has the right to file with the Foundation a concise statement setting forth the reasons for his disagreement with the refusal of the Foundation to amend his record.

§ 1115.6 Disclosure of records to agencies or persons other than the individual to whom the record pertains.

Records subject to the Privacy Act that are requested by any person other than the individual to whom they pertain will not be made available except under the following circumstances:

(a) Records required to be made available by the Freedom of Information Act will be released in response to a request formulated in accordance with Foundation regulations found at 45 CFR Part 1100.

(b) Records not required by the Freedom of Information Act to be released may be released, at the discretion of the Foundation, if the written consent of the individual to whom they pertain has been obtained or if such release would be authorized under 5 U.S.C. 552a(b)(1) or (3)–(11).

§ 1115.7 Exemptions.

(a) *Fellowships and grants.* Pursuant to 5 U.S.C. 552a(k)(5), the Foundation hereby exempts from the application of section 552 a(d) any materials which would disclose the identity of references for fellowship or grant applicants contained in any of the Foundation's systems of records.

(b) *Applicants for employment.* Pursuant to 5 U.S.C. 552a(k)(5), the Foundation hereby exempts from the application of 5 U.S.C. 552a(d) any materials which would disclose the identity of references of applicants for employment at the Foundation contained in the system of records entitled "Official Personnel Folders".

[FR Doc.75-28340 Filed 10-20-75;8:45 am]

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NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

PRIVACY ACT OF 1974

Adoption of Systems of Records

By notice published in the FEDERAL REGISTER on August 29, 1975 (40 FR 40054–40056), the National Foundation on the Arts and the Humanities proposed adoption of 9 notices describing systems of records maintained by the Foundation and subject to section 3 of the Privacy Act of 1974, 5 U.S.C. 552a.

Interested persons were given the opportunity to comment on the notices. The deadline for submission of comments was September 15, 1975. No comments concerning the notices have been received.

A review of the notices by the Foundation indicated, however, a need to correct the categories of records included in Personnel Records—NFAH–9. Accordingly, the Notice of Personnel Records—NFAH–9 is modified by deleting from Categories of Records Contained in the System, "payroll information, time and attendance records".

Pursuant to the authority granted by 5 U.S.C. 301 and 552a, the system notices published in the FEDERAL REGISTER on August 29, 1975 are adopted with the modification set forth above.

NANCY HANKS,
Chairman, National Endowment for the Arts.

RONALD BERMAN,
Chairman, National Endowment for the Humanities.

[FR Doc.75–28341 Filed 10–20–75;8:45 am]

PENSION BENEFIT GUARANTY CORPORATION

PRIVACY ACT OF 1974

Systems of Records

On September 2, 1975, the Pension Benefit Guaranty Corporation (hereinafter the "PBGC") published in the FEDERAL REGISTER (40 FR 40498) Notices of Systems of Records pursuant to 5 U.S.C. 552a(e)(4) and the routine uses thereof pursuant to 5 U.S.C. 552a(e)(11). Interested parties were given the opportunity to submit, not later than October 2, 1975, comments regarding the proposed notices. No such comments were received.

Accordingly, the proposed Notices are hereby adopted as published on September 2, with the following change: "Notification" should read as follows in each system: Procedures are detailed in PBGC regulations: 29 CFR Part 2607, 40 FR 46054, October 3, 1975.

Effective date: These Notices of Systems of Records become effective on September 27, 1975, in accordance with the requirements of the Privacy Act of 1974, 5 U.S.C. 552a.

Issued in Washington, D.C. this 11th day of October, 1975.

JOHN T. DUNLOP,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

[FR Doc.75–28339 Filed 10–20–75;8:45 am]

federal register

TUESDAY, OCTOBER 21, 1975



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OFFICE OF THE FEDERAL REGISTER

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Airport noise policy; to be held in Minneapolis, Minn. on 10–29 and 10–30–75 ..... 45864; 10–3–75

Citizens Advisory Committee on Aviation, to be held in Washington, D.C. (open), 10–27 through 10–30. 43755; 9–23–75

Federal Railroad Administration—

Birmingham Southern Railroad Co.; waiver of freight car standards; comments by 10–31–75.... 42895; 9–17–75

Union Railroad Co.; waiver of freight car standards; comments by 10–31–75 ..... 42895; 9–17–75

National Highway Traffic Safety Administration—

To be held at the Departmental Auditorium, Constitution Avenue (between 12th and 14th Streets, N.W.), Washington, D.C. (open), 10–29 through 10–31–75..... 43049; 9–18–75

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

Advisory Committee on Distilled Spirits Plant Supervision; to be held at Washington, D.C. (open), 10–29 and 10–30–75..... 47153; 10–8–75

VETERANS ADMINISTRATION

Health Manpower Training Assistance Review Committee; to be held in Washington, D.C. (open with restrictions), 10–28 through 10–31–75. 46164; 10–6–75

Voluntary Service National Advisory Committee; to be held in Washington, D.C. (open), 10–30–75..... 48558; 10–16–75

Daily List of Public Laws

H.R. 5708.....Pub. L. 94–117
An act to provide for the striking of medals in commemoration of the bicentennials of the United States Army, the United States Navy, and the United States Marine Corps
(Oct. 17, 1975; 89 Stat. 602)

H.R. 8070.....Pub. L. 94–116
Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1976
(Oct. 17, 1975; 89 Stat. 581)

S. 557.....Pub. L. 94–115
An act to declare that certain land of the United States is held by the United States in trust for the pueblo of Laguna
(Oct. 17, 1975; 89 Stat. 580)

S. 1327.....Pub. L. 94–114
An act to declare that certain submarginal land of the United States shall be held in trust for certain Indian tribes and be made a part of the reservations of said Indians, and for other purposes
(Oct. 17, 1975; 89 Stat. 577)

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

Section 213.3182 is amended to show that until June 30, 1976, one position of Planning Officer in the Office of Planning and Analysis, National Endowment for the Humanities, is excepted under Schedule A.

Effective on October 22, 1975, § 213.3182 (b) (25 is added as set out below:

§ 213.3182 National Foundation on the Arts and the Humanities.

• • • • • •

(b) *National Endowment for the Humanities.* • • •

(25) Until June 30, 1976, one Planning Officer, Office of Planning and Analysis.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–28444 Filed 10–21–75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 112—PACKAGING AND LABELING

Miscellaneous Amendments

● Purpose: To require that a warning statement be added to labeling used with Marek's Disease Vaccine. ●

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), Part 112, Subchapter E, Chapter 1 of Title 9 of the Code of Federal Regulations is amended to require a recommendation that Marek's Disease Vaccine be administered subcutaneously or intramuscularly only. Neither the safety, potency, nor efficacy of this vaccine has been established when administered by any other method.

These amendments also prescribe a requirement that a statement be included on each carton and in each insert as a warning to the user that the vaccine is to be given either subcutaneously or intramuscularly.

The label changes required by these amendments are to be made as soon as possible either by the use of printed stickers applied to the present carton and inserts until supplies are exhausted, or included on replacement cartons and inserts.

Section 112.7 is amended by adding a new paragraph (k) to read:

§ 112.7 Special additional requirements.

• • • • • •

(k) In the case of Marek's Disease Vaccine, the recommended method of administration shall be limited to either "subcutaneously" or "intramuscularly." The following statement shall appear in bold print on the carton and insert:

"WARNING: GIVE (*insert one*) ONLY."

(37 Stat. 832–833; 21 U.S.C. 151–158).

Effective date. The foregoing amendments shall become effective October 22, 1975.

These amendments impose certain restrictions necessary to prevent the misuse of Marek's Disease Vaccine prepared in licensed establishments. They should be made effective promptly in order to be of maximum benefit and to accomplish their purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, DC, this 16th day of October, 1975.

E. A. SCHILF,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75–28474 Filed 10–21–75;8:45 am]

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

● Purpose: To provide procedures for testing for parvovirus contamination and retesting viral vaccines for virus titer and immunogenicity. ●

On June 17, 1975, a notice of proposed amendments to Part 113 was published in the FEDERAL REGISTER at 40 FR 25598.

On August 21, 1975, a notice of proposed amendments to Part 113 was published in the FEDERAL REGISTER at 40 FR 36572.

The fluorescent antibody test presently being used for detection of bovine virus diarrhea virus in primary cells of bovine origin has been editorially corrected for clarity of interpretation by these amendments and the technique has been adapted to the detection of porcine parvovirus in primary cells of porcine origin.

Porcine parvovirus is a common contaminant of primary cells of porcine origin and ingredients of porcine origin such as trypsin. As such, this virus could be carried through into the final product and be a potential danger to the recipient of the vaccine.

A fluorescent antibody test has also been developed for the detection of porcine parvovirus in trypsin. This test has been included in these amendments.

A Master Seed Virus immunogenicity concept for evaluating the potency of live virus vaccines by virus titer alone has been adapted to a number of biological products. Animal potency tests formerly conducted to evaluate serials of vaccine have been eliminated. These amendments provide an animal test procedure to be used by Veterinary Services to evaluate the potency of products eligible for release on virus titer. The Deputy Administrator would be authorized to take corrective action when indicated from the results of tests conducted by this procedure.

Test system errors could be responsible for destruction of serials of viral vaccines found to have less than the minimum required virus titer by a single test. These amendments provide criteria for retesting such products.

Comments on the June 17, 1975, proposal were received from seven licensees. Four changes were made for clarification of the test procedure in response to the suggestions received.

Comments on the August 21, 1975, proposal were received from five licensees. Two changes were made for clarification of the test procedure in response to the suggestions received. Two licensees recommended the inclusion of standard controls in the titration test system. Since these controls are not available at this time, the recommendation is impractical and has to be deferred until a later date.

After due consideration of all relevant matters, including the proposal set forth in the aforesaid notice of rulemaking, and the constructive and helpful suggestions received from the comments, revisions of the material proposed were made for clarification of the procedures to be followed.

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (U.S.C. 151–158), the amendments of Part 113, Subchapter E, Chapter 1, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notices

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are hereby adopted and are set forth herein subject to the following noted modifications:

An editorial change has been made in § 13.8(b)(2) for scientific accuracy.

Paragraph § 113.8(c)(1) has been reworded for clarification.

The words "from intact tissue" have been deleted from the third sentence of § 113.51(g) for scientific accuracy and clarity.

Paragraph § 113.53(c) has been reworded to permit use of methods other than sterilization to eliminate parvovirus from trypsin.

Details of the tests prescribed in § 113.53(c) (1) and (2) have been reworded for scientific accuracy and clarity.

1. Section 113.8 is amended by revising the heading; by revising the introductory portion of paragraph (a), and by revising paragraphs (a) (1), (2), and (3) graphs (b) (1), (2), (3), (3)(i), and (3)(ii); and by adding paragraphs (c), (c) (1), (2), (3), (4), (4)(i), and (4)(ii) to read:

§ 113.8 Virus titrations in lieu of animal test for immunogenicity.

(a) Master Seed Virus which has been established as pure, safe, and immunogenic shall be used for preparing the production seed virus for vaccine production when this requirement is included in the Standard Requirements for a virus vaccine. The Deputy Administrator may exempt a live virus vaccine from a required animal test for release when an evaluation of the vaccine can with reasonable certainty be made by:

(1) Subjecting the Master Seed Virus to the applicable requirements prescribed in § 113.135; and

(2) Testing the Master Seed Virus for immunogenicity in a manner acceptable to Veterinary Services; and

(3) Establishing a satisfactory virus titer based on a predetermined protective dose plus an adequate overage allowance for adverse conditions; and

(4) Conducting virus titrations on each serial and subserial in an accepted titration test system.

(b) Each serial and subserial of live virus vaccines derived from an approved Master Seed Virus shall be evaluated by a laboratory virus titration test and the vaccine either released to the firm for marketing or withheld from the market on the basis of the results of the test when compared with the required minimum virus titer. Except as provided in paragraphs (b)(4) and (c) of this section, the evaluation of such products shall be made in accordance with paragraphs (b)(1), (2), and (3) of this section.

(1) If the initial test shows the virus titer to equal or exceed the required minimum, the serial or subserial is satisfactory for virus titer without additional testing.

(2) If the initial test shows the virus titer to be lower than the required minimum, the serial or subserial may be retested, using two new samples. The average (geometric mean) of titers obtained in the retests shall be determined. If the average titer is less than the required minimum, the serial or subserial is unsatisfactory without further consideration.

(3) If the average titer is more than the required minimum, the following shall apply:

(i) If the difference between the average titer obtained in the retests and the titer obtained in the initial test is $10^{0.7}$ or greater, the initial titer may be considered a result of test system error and the serial or subserial considered satisfactory for virus titer.

(ii) If the difference between the average titer obtained in the retests and the titer obtained in the initial test is less than $10^{0.7}$, a new average shall be determined using the titers obtained in all tests. If the new average is below the required minimum, the serial or subserial is unsatisfactory.

(4) *Exceptions.* When a product such as, but not limited to, Marek's Disease Vaccine is evaluated in terms other than logs, a range shall be established to substitute for use in paragraphs (b)(3)(i) and (ii) of this section. Marek's Disease Vaccine shall have a range of 300 PFU's.

(c) Final container samples of completed product derived from Master Seed Virus found immunogenic in accordance with paragraph (a) of this section and found satisfactory for virus titer in accordance with paragraph (b) of this section may also be subjected to an animal potency test by Veterinary Services as provided in this paragraph. Liquid vaccine and rehydrated desiccated vaccines shall be used according to label directions including dose(s) and route of administration.

(1) A one stage test using 20 vaccinates and 5 controls or a two stage test using 10 vaccinates and 5 controls for each stage shall be used. Except as provided in paragraphs (c), (c)(1), (c)(2), and (c)(3), the tests shall be conducted in accordance with the test protocol used in the Master Seed Virus immunogenicity test including the criteria used for judging the specific response in the controls and vaccinates.

(2) If at least 80 percent of the controls do not show specific responses to challenge, the test is inconclusive and may be repeated. If a vaccinate shows the specific responses to challenge expected in the controls, the vaccinate shall be listed as a failure.

(3) The results of the testing shall be evaluated according to the following table:

CUMULATIVE TOTALS

Stage	Number of animals	Failures for satisfactory serials	Failures for unsatisfactory serials
1	10	1 or less	3 or more.
2 (or 1)	20	4 or less	5 or more.

(4) When a serial has been found unsatisfactory for potency by the test provided in paragraphs (c) (1), (2), and (3) of this section, the serial shall be withheld from the market and the following actions taken:

(i) The Deputy Administrator shall require that at least two additional serials prepared with the same Master Seed Virus be subjected to similar animal potency tests by Veterinary Services or the licensee or both.

(ii) If another serial is found unsatisfactory for potency, the product shall be removed from the market while a reevaluation of the product is made and the problem is resolved.

2. Section 113.51 is amended by revising paragraph (d) and adding a new paragraph (g) to read:

§ 113.51 Requirements for primary cells used in biological product production.

* * * * *

(d) Each batch of primary cells of bovine origin or each subculture of such cells used to prepare a biological product shall be shown free of bovine virus diarrhea (BVD) virus. The samples for testing shall consist of at least 10 monolayer cultures of cells, each with an area at least as large as a 10.5 x 22 mm coverslip. The samples for testing shall be obtained from at least the second subpassage from intact tissue. The cultures shall be grown to at least 80 percent confluency using the medium (with additives) intended for growth and maintenance and under conditions similar to those used to prepare the product. At least five of the cultures shall be inoculated with BVD virus as positive controls. All cultures shall be further incubated at 35 to 37° C for an additional 4 to 6 days. All cultures shall then be removed from their medium, processed, and stained with Bovine Virus Diarrhea Conjugate-Bovine Origin available from Veterinary Services upon request.

(1) If the uninoculated cultures show specific BVD virus fluorescence, the batch of primary cells is unsatisfactory without additional testing.

(2) If specific fluorescence attributable to BVD virus is absent in more than one of the cultures inoculated as positive controls or if the uninoculated cultures show a non-specific fluorescence suspicious of BVD virus contamination, or both, the test results are inconclusive and the test may be repeated. If the test is not repeated, the batch of primary cells is unsatisfactory.

(3) If a test is repeated, use:

(i) At least 10 additional monolayer cultures prepared from at least one subpassage from that used as a test sample; or

(ii) Fluids from the uninoculated cultures which shall be added to 10 monolayer cultures of cells known to be free of BVD virus and essentially equivalent in BVD virus susceptibility to primary bovine kidney cells.

* * * * *

(g) Each batch of primary cells of porcine origin or each subculture of such cells used to prepare a biological product shall be shown free of porcine parvovirus (PPV). The samples for testing shall consist of at least 10 monolayer cultures of cells, each with an area at least as large as a 10.5 x 22 mm coverslip. The samples for testing shall be obtained from at least the second subpassage. The cultures shall be grown to at least 50 percent confluency using the medium (with additives) intended for growth and maintenance and under conditions similar to those used to prepare the product. At least five of the cultures shall be inoculated with PPV as positive controls. All cultures shall be further incubated at 35–37° C for an additional 4 to 6 days. All cultures shall then be removed from their medium, processed, and stained with Porcine Parvovirus Conjugate-Porcine Origin, available from Veterinary Services upon request.

(1) If the uninoculated cultures show specific PPV fluorescence, the batch of primary cells is unsatisfactory without additional testing.

(2) If specific fluorescence attributable to PPV is absent in more than one of the cultures inoculated as positive controls or if the uninoculated cultures show a nonspecific fluorescence suspicious of PPV contamination, or both, the test results are inconclusive and the test may be repeated. If the test is not repeated, the batch of primary cells is unsatisfactory.

(3) If a test is repeated, use:

(i) At least 10 additional monolayer cultures prepared from at least one subpassage from that used as a test sample; or

(ii) Fluids from the uninoculated cultures which shall be added to 10 monolayer cultures of cells known to be free of PPV and essentially equivalent in PPV virus susceptibility to primary porcine kidney cells.

3. § 113.53 is amended by adding a new paragraph (c) to read:

§ 113.53 Requirements for ingredients of animal origin.

* * * * *

(c) Each lot of trypsin which has not been treated to inactivate porcine parvovirus (PPV) in a manner acceptable to Veterinary Services shall be tested for PPV as provided in this paragraph.

(1) The trypsin shall be prepared as follows:

(i) Not less than 5.0 grams shall be dissolved in phosphate buffered saline sufficient to fill a centrifuge angle head. A centrifuge capable of producing 80,000 Relative Centrifugal Force shall be used.

(ii) After centrifuging for 1 hour, the pellet material shall be reconstituted in distilled water and inoculated into two flasks containing 30 to 50 percent confluent monolayer cultures of primary porcine cells or a porcine cell line of proven equal PPV susceptibility of at least 75 cm^2 area. An additional flask of cells shall be held as a negative control.

(2) When the inoculated flasks of cells are confluent, they shall be subcultured into additional flasks and held until they are also confluent. Each of the inoculated cultures and the negative control culture shall be dispersed into five Leighton tubes containing coverslips. When the cell cultures are at least 30 percent confluent, five of the cultures containing material being tested shall be inoculated with PPV as positive controls and returned to the incubator for an additional 4 to 6 days.

(3) All coverslips shall be removed from the tubes processed and stained with Porcine Parvovirus Conjugate-Porcine Origin, available from Veterinary Services upon request. Each coverslip shall be examined for specific PPV fluorescence and the test judged as follows:

(i) If any of the negative controls show specific PPV fluorescence or if more than one of the positive controls fails to show specific PPV fluorescence the test results are inconclusive and the test shall be repeated or the lot of trypsin discarded.

(ii) If the test results are conclusive and specific PPV fluorescence occurs in any of the 5 coverslips representing the material being tested, the lot of trypsin is unsatisfactory and shall be discarded.

(37 Stat. 9 CFR 151–158, U.S.C.)

Effective date: These amendments take effect November 24, 1975.

Done at Washington, D.C., this 16th day of October, 1975.

E. A. SCHILF,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-28475 Filed 10-21-75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Crude Oil Supplier/Purchaser Rule

On April 22, 1975 the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (40 FR 18182; April 25, 1975) providing basically for three amendments to the crude oil supplier/purchaser rule (the "rule") set forth in 10 CFR 211.63. Written comments on the proposals were invited through May 21, 1975 and a public hearing was held on May 27, 1975.

Approximately forty written comments were received by FEA in response to this notice of proposed rulemaking and five oral presentations were made at the public hearing on May 27, 1975. Those filing comments and making oral presentations included independent marketers of crude oil, refiners and trade associations. FEA has considered all of the comments filed and statements presented in this proceeding and has determined to adopt as proposed the amendments with respect to the exemption of awards of Federal royalty oil from the coverage of the rule and inclusion within such coverage of crude oil supplier/purchaser relationships arising after December 1, 1973.

An additional amendment proposed in the April 22, 1975 notice would have effectively allowed the substitution of a new reseller of crude oil for the present reseller under certain conditions without the latter's consent. FEA has not yet made a final determination as to whether or in what form this proposed amendment should be issued, and accordingly is delaying final action on this proposed amendment until its analysis of the issue has been completed.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended by Pub. L. 94–99; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, Part 211, Chapter II of Title 10, Code of Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C., October 16, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

Section 211.63 is revised to read as follows:

§ 211.63 Supplier/purchaser relationships.

(a) All supplier/purchaser relationships in effect under contracts for sales, purchases and exchanges of domestic crude oil on December 1, 1973, shall remain in effect for the duration of this program, except purchases and sales made to comply with this program; *provided, however,* That (1) any such supplier/purchaser relationship may be terminated by the mutual consent of both parties; (2) the provisions of this paragraph do not apply to the first sale of crude oil pursuant to § 210.32 of this chapter; (3) the provisions of this paragraph shall not apply to the seller of any new crude petroleum or released crude petroleum, if the present purchaser of such crude petroleum refuses, after notice by the seller, to meet any bona fide offer made by another purchaser to buy such crude oil at a lawful price above the price paid by the present purchaser; and (4) the provisions of this paragraph shall not apply to the sale of any crude oil pursuant to Parts 225 and 226a, Chapter II of Title 30 of the Code of Federal Regulations.

(b) New crude petroleum and released crude petroleum produced and sold from a property from which new crude petroleum and released crude petroleum were not produced and sold in December 1973 may be sold in a first sale to any person.

(c) Once a first sale of new crude petroleum and released crude petroleum referred to in paragraph (b) of this section has been made or the sale of any crude oil that has at any time been the subject of a supplier/purchaser relationship under paragraph (a) of this section is made to a person that was not the purchaser thereof on December 1, 1973, the seller shall continue to sell that crude oil to the purchaser thereof as though a December 1, 1973 supplier/purchaser relationship were established under the provisions of paragraph (a) of this section.

[FR Doc.75-28344 Filed 10-17-75;9:42 am]

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Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

[Regulation B]

PART 202—EQUAL CREDIT OPPORTUNITY

Final Rulemaking

On April 25, 1975, the Board of Governors of the Federal Reserve System published for comment (40 FR 18183) a proposed regulation (hereinafter referred to as the April proposal) to implement the Equal Credit Opportunity Act (Title V of Pub. L. 93-495, adding a new Title VII to the Consumer Credit Protection Act, Pub. L. 90-321). Section 703 of the Act directs the Board to prescribe regulations to carry out the purposes of the Act which prohibits discrimination on the basis of sex or marital status with respect to any aspect of a credit transaction. Numerous comments were received and public hearings were held on May 28, and 29, 1975. In response to the comments received and the views expressed at the public hearing, the Board published a revised proposal on September 10, 1975 (40 FR 42030). After consideration of the additional comments received, the Board has made the following revisions in the proposal published on September 10 (hereinafter referred to as the September proposal).

SECTION 202.1—AUTHORITY AND SCOPE

The September proposal included a section (§ 202.1(a)(2)) which stated the purpose of the Equal Credit Opportunity Act. The Board has determined that this section need not be repeated in the regulation and, therefore, it has been deleted. An explanation of the Act's purpose may be found in Section 502 of the Act. It provides in part:

> Economic stabilization would be enhanced and competition among the various financial institutions and other firms engaged in the extension of credit would be strengthened by an absence of discrimination on the basis of sex or marital status, as well as by the informed use of credit which Congress has heretofore sought to promote. It is the purpose of this Act to require that financial institutions and other firms engaged in the extension of credit make that credit equally available to all creditworthy customers without regard to sex or marital status.

SECTION 202.3—DEFINITIONS AND RULES OF CONSTRUCTION

The title of this Section has been rewritten to reflect the fact that some of the definitions constitute rules of construction. Footnote 1 is intended to alert the reader to the fact that a number of the definitions are different from those used in Part 226 of this Title (Regulation Z). The differences, while generally small, may be significant in interpreting this Part.

SECTION 202.3(b)—DEFINITION OF "ACCOUNT"

A second clause has been added to the definition of the term "account." The phrase " 'use of an account' throughout this Part refers only to open end credit" was part of section 202.4(c)(1) of the September proposal and has been moved to its present location because it more properly belongs in the definitional section. Inclusion of this phrase in no way implies that credit other than open end credit is exempted from the provisions of the Act or this Part (Regulation B); rather, the phrase serves to acknowledge that only an open end credit account is commonly referred to as being "used."

SECTION 202.3(c)—DEFINITION OF "APPLICANT"

This definition embraces two terms used by Congress in the Act, "applicant" and "debtor." Both the legislative history and the language of Section 701(a) of the Act demonstrate that Congress intended to reach discrimination on the basis of sex or marital status "in any aspect of a credit transaction." To simplify terminology, the single phrase "applicant" has been used throughout the Regulation.

The words "renewal, or continuation" have been added after the word "extension," the words "use of" have been inserted in place of the word "using", and the word "for" has been added in order to conform more closely to the precise statutory definition of the term.

SECTION 202.3(d)—DEFINITION OF "APPLICATION"

Minor clarifying changes have been made in the second sentence of this definition. The words "credit card" have been changed to "an existing credit plan," to indicate that for purposes of this Part, an "application" does not occur when a person uses an existing credit plan to obtain an amount of credit not exceeding a previously established credit limit, whether or not such credit plan is represented by a "credit card" as that term is defined herein.

FORMER SECTION 202.3(e)—DEFINITION OF "APPLICATION FORM"

The definition of "application form" has been deleted and remaining definitions relettered accordingly. Revisions in the treatment of oral and written applications (sections 202.4 (c) and (d) of the September proposal) obviated the need for such a definition.

SECTION 202.3(f)—DEFINITION OF "CONSUMER CREDIT"

The word "individual" has been changed to "natural person" and the word "money" added to conform to the terminology of Part 226 of this Title (Regulation Z).

SECTION 202.3(g)—DEFINITION OF "CONTRACTUALLY LIABLE"

The words "a debt" have been changed to "all debts arising on an account" to make it clear that only those individuals who are legally responsible for all of the debts incurred in connection with an extension of credit are encompassed in this concept. For example, an authorized user who by presentation or use of a credit card incurs liability to repay a specific debt but is not liable on the contract creating the account is excluded from the definition.

SECTION 202.3(i)—DEFINITION OF "CREDIT CARD"

The word "money" has been inserted to conform to terminology of Part 226 of this Title (Regulation Z).

SECTION 202.3(j)—DEFINITION OF "CREDITOR"

The words "renews or continues" and "renewal and continuation" have been added to conform to the statutory definition. The words "only if they" have been added to the second sentence of this definition and the word "and" substituted for the word "but" in that sentence. The changes are intended to emphasize that assignees, transferees and subrogees are not included in the definition of persons subject to the Act and this Part (Regulation B) unless they participate in the decision to extend credit, and that persons whose only participation in a credit transaction is to honor a credit card are not included because they do not so participate.

SECTION 202.3(l)—DEFINITION OF "DISCRIMINATE AGAINST ANY APPLICANT ON THE BASIS OF SEX OR MARITAL STATUS"

This provision is identical in content to the September proposal; it prohibits any unfavorable distinctions based on sex or marital status, even when supported by empirical or statistical data. Therefore, credit actions based on sex or marital status, although not on their fact arbitrary and capricious, are prohibited by the Act and this Part.

In response to public comment, the term defined here has been changed from "discriminate against" to "discriminate against any applicant on the basis of sex or marital status" in order to clarify that it is only those distinctions which the Act and this Part prohibit, not distinctions based on grounds other than sex or marital status. The following paragraphs of this section are relettered accordingly.

SECTION 202.4—APPLICATIONS

The September proposal contained a provision entitled "General" (former § 202.4(a)) which has been omitted because the public comments indicated that inclusion of this section created confusion. Specifically, several persons inquired whether this section was intended to preempt State laws relating to discrimination on the basis of sex or marital status which in some cases may be more restrictive than corresponding provisions of this Part. As explained below in connection with section 202.11(b), this Part preempts State law only where such law is inconsistent with this Part and where both State law and this Part cannot be satisfied. For example, because a creditor in Massachusetts can comply with the State law prohibiting any inquiry into marital status without violating this Part, the State law is not pre-empted.

SECTION 202.4(a)—DISCOURAGING APPLICATIONS

This section is substantially identical to the version in the September proposal (former section 202.4(b)). It requires a creditor to refrain from making any statements to an applicant or a prospective applicant that would discourage a reasonable person from applying for credit by suggesting that, because of the applicant's sex or marital status, the applicant is unlikely to receive credit privileges which would otherwise be available. The Board believes that this section is necessary to protect applicants against discriminatory acts occurring before an application is initiated.

SECTION 202.4(b)—SEPARATE ACCOUNTS

This section, which was not included in the September proposal, incorporates a requirement introduced in the April proposal (former section 202.3(b)(10)). It implements the prohibition contained in section 701(a) of the Act by requiring creditors that offer separate accounts to open a separate account for a person who satisfies the creditor's standards of creditworthiness regardless of sex or marital status. Thus, if a creditor offers separate accounts to unmarried applicants, it cannot require a creditworthy married applicant to apply for an account together with the applicant's spouse. The Act and the regulation do not require that creditors extend credit to an unqualified applicant, whether the applicant's lack of creditworthiness arises from some deficiency in the applicant's financial resources or from the effects of State property laws.

SECTION 202.4(c)—INQUIRIES AS TO MARITAL STATUS

This section allows inquiries as to marital status if:

(1) the application for credit is made in a community property state; or

(2) the credit requested is secured credit; or

(3) the type of credit requested is regulated by State laws regarding permissible finance charges or loan ceilings, and therefore falls fithin sections 705 (c) and (d) of the Act and section 202.8 of the final regulation; or

(4) the type of account requested is one which a spouse will be permitted to use or upon which a spouse will be contractually liable.

This section differs somewhat from the September proposal, which allowed marital status inquiries in all cases, but allowed the creditor to obtain only the name and address of the spouse. The Board determined, on further consideration, that the name and address of a spouse would not contribute substantially to a creditor's evaluation of the applicant's creditworthiness. Supplying the name and address of his/her spouse could be useful, however, to an applicant in the situation where the credit history of shared accounts is held in the name of the applicant's spouse. To accommodate that purpose, a new subsection (2) has been added to section 202.5(b).

This section necessarily allows marital status inquiries where the type of credit extended is regulated by State laws which, in effect, require a creditor to inquire as to marital status in order to fully comply with them. Finally, where an account is requested which a spouse will be permitted to use or upon which the spouse will be contractually liable, it is the applicant who has volunteered the fact of marital status, not the creditor who has inquired.

One of the major premises upon which Congress acted in passing the Act was its finding that credit discrimination was particularly prevalent in situations where creditworthy married women applied for separate accounts. While recognizing in Section 705 of the Act that marital status is relevant where a security interest in property is given, Congress dealt specifically with the question of inquiries of marital status and limited the scope of those inquiries to cases in which they were made "for the purpose of ascertaining the creditor's rights and remedies applicable to the particular extension of credit and not to discriminate in a determination of creditworthiness." The final regulation adheres to Congressional intent as expressed in the language of Section 701(b).

SECTION 202.4(c)(2)

Where inquiries of marital status are permissible, this subsection governs the form of such inquiries. The provision has remained unchanged since the April proposal, and is intended to prevent access to information concerning divorce or death of a spouse, since such information, in and of itself, does not affect an applicant's creditworthiness.

Inquiries are allowed as to whether an applicant is separated because the law in many States relieves a separated spouse from liability under a "family expense statute" or a "necessaries" doctrine. In addition, the law in many community property States makes each spouse's earnings separate, not community, property upon physical or legal separation without divorce. Thus, the fact of separation may be relevant to creditors in some States because it affects their legal remedies.

SECTION 202.4(c)(3)

The substance of this provision also appears in section 202.5 (c) and (d) of this Part but it is repeated here to clarify that although a creditor cannot ask whether an applicant is divorced, a creditor may inquire as to the payment or receipt of alimony, child support or maintenance.

In response to public comment, a proviso has been added to this subsection which requires the creditor to disclose that if the applicant does not choose to rely on alimony, child support or maintenance payments to obtain the requested credit, the applicant need not reveal the fact of their existence. This disclosure requirement has been added to protect those applicants who may wish to rely on other sources of income in applying for credit rather than revealing the fact of a former marriage.

SECTION 202.4(c)(4)

The first sentence of this subsection is identical to the September proposal except that the word "prominently" has been replaced by "conspicuously" to conform to the terminology of Part 226 of this Title (Regulation Z).

The second sentence of this subsection is substantially identical to former section 202.3(a)(3) of the April proposal and has been added in response to public comment. Its purpose is to allow an applicant who so chooses to avoid revealing his or her sex. In some instances, however, enforcement agencies may wish to know the sex of applicants in order to review compliance with the Act by a creditor or group of creditors; that possibility is specifically provided for here.

SECTION 202.4(d)—EQUAL CREDIT OPPORTUNITY ACT NOTICE

Paragraph (1) of this section explains the situations in which a creditor must deliver to the applicant a notice regarding the Act. Paragraph (2) of this section explains the manner in which the notice is to be delivered. The final version of this section incorporates material contained in sections 202.4(c)(5) and 202.4(d) of the September proposal.

The Board is of the opinion that effective enforcement of the Act requires that the public be alerted to the existence of the general rule prohibiting discrimination on the basis of sex or marital status. Therefore, the Board has adopted this provision which requires creditors to print a notice on their application forms and provide applicants with a copy of it or deliver it to their customers on a separate sheet of paper.

Paragraph (1) provides that the notice need not be delivered in two situations. The Board believes that delivery of the notice is not practicable where an application is made by telephone; and where a customer applies orally for an amount of credit to exceed an existing limit on an open end account, the customer will have received such notice when the account was first opened.

The wording of the notice differs slightly from the version in the September proposal. The changes were made in the interest of brevity and to more closely conform to the language of the Act itself. Each creditor subject to this provision should insert the appropriate descriptive word in the first parenthesis and the name and address of the appropriate enforcement agency in the second parenthesis. A state-chartered member bank, for example, should insert the word "bank" in the first parenthesis and the name, city, state and zip code of the Federal Reserve Bank of which it is a member in the second parenthesis. Creditors other than State-chartered member banks should contact the appropriate enforcement agency to ascertain the address such agency wishes to use.

The September version of section 202.4 (c) would have required all creditors to

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print the notice on their application forms. Public comments suggested that, in view of the myriad of styles and format of application procedures, the Board should provide creditors with an optional method of providing the notice. The Board is of the opinion that affording such an option will help achieve the desired result, namely, placing the notice in the hands of the applicant at a meaningful time and in a form the applicant can retain.

A creditor satisfies the requirements of this Part if it either: (1) Prints the notice on its application form and gives the applicant a copy of such form to retain, or (2) prints the notice on a separate sheet of paper and delivers such paper to the applicant at the time the application is made or delivers or mails it to the applicant as soon as practicable thereafter.

SECTION 2024(e)—DESIGNATION OF NAME

The phrase "using a particular name on the basis of sex or marital status" has been deleted and replaced by "opening or maintaining an account in a birth-given first name and surname or a birth-given first name and a combined surname." Public comment indicated that the language of the September proposal seemed to permit the selection by an applicant of virtually any name. Consumer representatives pointed out that the language of the September proposal would permit a creditor to adopt a policy forbidding both male and female applicants from using a hyphenated surname.

Under section 202.4(e) as revised, a creditor could not require an applicant to use a spouse's first or last name, although an applicant could use such a name if desired. Applicants could use their own first names, maiden names and if desired, married names. Applicants who hyphenate their last name would be permitted to open and maintain credit accounts in those names.

SECTION 202.5(a)—EVALUATION OF APPLICATIONS: GENERAL

Formerly, this provision allowed a creditor to consider any information not prohibited by the Act or this Part and to deny an application where an applicant was unwilling to provide information necessary to an evaluation of creditworthiness. As with a similar provision in former section 202.4(a), many comments pointed out that some State laws might prohibit the requesting or consideration of information not specifically dealt with in this Part and that this provision, therefore, might be construed as pre-empting such laws. In order to clarify that State law is not pre-empted where a creditor is able to comply with this Part and State law, this provision has been deleted and a specific provision to that effect added in Section 202.11(b).

SECTION 202.5(a)—CONTINUED ABILITY TO PAY

The thrust of this provision was contained as a second sentence in section 202.5(h) of the September proposal, which allowed creditors "to request and consider information concerning the probable continuity of an applicant's ability to repay." In response to a large volume of comments suggesting that the placement of this sentence in the same section which prohibited inquiries as to childbearing capability was confusing, the sentence has been placed in a separate section to emphasize that it applies broadly.

In addition, two qualifying phrases have been added to emphasize that inquiries as to probable continuity of an applicant's ability to repay must be made without regard to sex or marital status. First, the phrase "except as otherwise provided in this section" has been added to refer readers to the prohibitions contained in section 202.5(h) against inquiries as to childbearing capability or intentions, and the use of statistics or assumptions that a group of persons is likely to discontinue employment. Next, the phrase "without regard to sex or marital status" has been added at the end of the new section to indicate that questions concerning the probable continuity of ability to repay can be asked and considered only if this is done without discrimination based on sex or marital status. The word "any" has been added to clarify that the creditor may ask for any information which is relevant to the determination of the probable continuity of the applicant's ability to repay, so long as such information is requested and considered without regard to sex or marital status.

SECTION 202.5(b)—INFORMATION ABOUT A SPOUSE OR FORMER SPOUSE

This provision remains largely as it appeared in the September proposal but has been re-written for clarity. It allows a creditor to request and consider any information concerning a spouse which could be considered about an applicant in the four situations set forth in the section. The need to allow creditors full access to information in these four situations is explained briefly below.

Where a spouse will use the account, a creditor is permitted to seek all relevant information concerning the spouse. Under the law in some States and under the terms of many specific extensions of credit, a spouse who is not contractually liable on the account is legally liable for each particular extension of credit made to him or her; thus, where a spouse who is not a co-applicant will be permitted to use the account and receive credit under it, a creditor may ultimately seek repayment from that spouse rather than the applicant. A creditor is therefore allowed to evaluate the user's creditworthiness along with the applicant's.

Where a spouse will be contractually liable on an account, the spouse is, in fact a co-applicant under the definitions of "applicant" and "contractually liable" contained in Sections 202.3 (c) and (g) of this Part. Creditors may always, of course, seek information about any applicant not prohibited by the Act, this Part, or other applicable State or Federal laws.

In response to comments, the substance of subsection 202.5(b)(1)(iii) has been added. Where an applicant relies on community property as a basis for creditworthiness, the creditor needs access to all information about both spouses, since either can create debts which are collectible from the other's earnings in many community property States. Where an applicant seeks credit in separate property States relying on the income of the other spouse—a situation particularly common in retail credit—the creditor needs the information relevant to an assessment of the creditworthiness of the non-applicant spouse.

Finally, of course, where an applicant relies on alimony, child support or maintenance payments, it is appropriate for the creditor to consider the creditworthiness of the payor; this section has remained essentially unchanged since first published in the April proposal.

Formerly, this section permitted a creditor to ask the spouse's name and address in all circumstances. Here, in accordance with the approach taken in section 202.4(c), this Part allows a creditor to seek information about a spouse only in the situations set forth in section 202.5(b)(1). Although that group of situations will cover a large number of credit applications, there will be some cases in which a creditworthy married person will want to apply for credit without revealing marital status or any information about a spouse. In such circumstances, a creditor must evaluate the applicant on his/her own merits. A creditor may, however, under section 202.5(b)(3), ask the name in which an account is carried if the applicant chooses to disclose the account in applying for credit. This provision is directed at a situation in which an applicant wishes the creditor to refer to the credit history of an account shared with another person which can be accessed only in a name other than the applicant's.

SECTION 202.5(c)—ALIMONY, CHILD SUPPORT AND MAINTENANCE OBLIGATIONS

This provision, which is unchanged from the September proposal, provides that a creditor may inquire as to obligations of an applicant involving payment of alimony, child support or maintenance, regardless of the fact that an affirmative response may indicate the applicant's marital status. The specific mention of certain types of obligations does not imply that a creditor may not inquire about other obligations of an applicant.

SECTION 202.5(d)—ALIMONY, CHILD SUPPORT AND MAINTENANCE INCOME

A new clause has been added at the end of paragraph (1) and some conforming changes made in language. Paragraph (2) prohibits a creditor from automatically discounting income derived from alimony, child support or maintenance payments based on a general belief that income from these sources is inherently unreliable. However, recognizing the justification for

treating income from these sources differently from earned income in some cases, the September proposal would have permitted the creditor to ask an applicant whether the income upon which the applicant is relying for the particular extension of credit is derived from any of these sources.

The comments received made it clear that some members of the public read this provision as permitting creditors to ask every applicant whether the applicant receives any alimony, etc., when, in fact, the proposal was intended to permit a creditor to ascertain only whether the income upon which the applicant is relying is derived from these sources. For example, a person whose earned income is supplemented by a small amount of alimony may not need to rely on the alimony to qualify for the requested credit. Paragraph (1) has been clarified to provide that a creditor must first disclose to the applicant that such information need not be revealed if the applicant does not choose to rely on such income to obtain the requested credit.

The first sentence of paragraph (2) has been modified in order to emphasize the approach explained above and editorial changes have been made to clarify the meaning of the final clause of the second sentence.

SECTION 202.5(e)—DISCOUNTING INCOME

This provision prohibits a creditor from discounting income on the basis of sex or marital status. It also prohibits the discounting of income solely because it is derived from part-time employment; however, it allows a creditor to consider the probable continuity of such income in evaluating creditworthiness. The Board believes that because the majority of the parti-time workforce are women, a practice of automatically discounting all part-time income has a disproportionately heavy impact on one sex.

In response to public comment, the provision concerning part-time income has been moved to a separate sentence, and the authorization to consider the probable continuity of such income was added. The clause allowing creditors to consider the probable continuity of such income in evaluating creditworthiness encourages creditors to focus on the factors relevant to an evaluation of part-time income—duration, permanence and stability—not its part-time nature as such.

SECTION 202.5(f)—CREDIT SCORING

The wording of section 202.5(f) relating to "credit scoring" has been slightly modified from the September proposal to clarify it and make it conform more closely to the language of the statute. The substance remains the same—that sex or marital status may not be taken into account in a credit scoring system or other method of evaluating credit applications.

Comments received from some creditors urged the Board to have this Part permit the use of marital status in certain forms of credit scoring; but after careful consideration the Board is of the opinion that their arguments do not accord with the Act and the legislative history. In light of the wording of the statute, especially section 701(a) and the proviso in section 705(a), and the fact that the Senate Committee report on S.2101 specifically cited "credit scoring systems that apply different values depending on sex or marital status" as an example of improper discrimination (S. Rep. No. 93-278, 93rd Cong., 1st Sess., June 28, 1973, p. 17), the Board has concluded that the Act does not permit sex or marital status to be taken into account in credit scoring systems.

SECTION 202.5(g)—TELEPHONE LISTING IN APPLICANT'S NAME

The wording of this section has been modified to conform to the change made in section 5(f), for the reasons stated therein.

A creditor may ask the applicant to supply a home telephone number and may assign a value in a credit scoring plan to the existence of such telephone. However, a creditor may not give weight to whether such telephone is listed in the applicant's name.

SECTION 202.5(h)—CHILDBEARING

The title of this section has been altered to reflect the removal of a sentence relating to continued ability to repay.

Three major changes have been made in language of this section in response to public comment. (1) The phrase "intentions or" has been inserted before the word "capability" in the first sentence. (2) The former second sentence, "However a creditor may request and consider information concerning the probable continuity of an applicant's ability to repay," has been removed and has become the new section 202.5(a) entitled "Continued Ability to Repay." (3) A new second sentence has been added.

The addition of the words "intentions or" is intended to clarify and strengthen the prohibition against a creditor asking about an applicant's plans or expectations to have children or the applicant's physical or mental capacity for childbearing. The sentence relating to probable continuity of ability to repay has been relocated to correct the erroneous assumption reflected in several comments that childbearing is associated with discontinuity in ability to repay or with diminished creditworthiness.

The second sentence was added to make it clear that a creditor may not consider statistics or assumptions concerning the probability that a male or female applicant or spouse of an applicant will be likely to have a certain number of children or cease employment to bear or raise children.

SECTION 202.5(i)—CHANGE OF NAME OR MARITAL STATUS

This provision prohibits a creditor from terminating an open end account, requiring a reapplication or changing the terms of an open end account, where the applicant is contractually liable on the account, on the basis of a change of name or marital status in the absence of evidence of inability or unwillingness to repay. For example, two consecutive missed payments may constitute such evidence. Since women often change their names upon a change in marital status, and the change thus becomes readily apparent, they have been subjected to adverse creditor action after a change in marital status more often than have men.

The phrase "with respect to a person who is contractually liable" has been added to the provision to exclude from its protection spouses who are only "users" of accounts. Comments on the September proposal pointed out that only those who are contractually liable may be readily reached for payment of debts.

Paragraph (2) has been added in response to comments noting that where credit was extended based solely on the earnings of a former spouse, a creditor has a legitimate need to require a reapplication in order to re-evaluate creditworthiness.

SECTION 202.5(j)—CREDIT HISTORY

This section requires a creditor to consider the credit history of accounts that the applicant shares with a spouse. It does not require the creditor to consider credit history in all cases but only if the creditor would consider the credit history of a similarly situated applicant. The phrase "include, in evaluating creditworthiness" replaces the word "consider" in the September proposal to make it clear that the information described in this section is not the only information the creditor may consider in evaluating creditworthiness.

Subparagraph (1) describes the credit history which the creditor must consider by referring to the accounts designated as required by section 202.6 as accounts which the applicant and a spouse are permitted to use or for which both are contractually liable See the explanation under Section 202.6 below which sets forth the reasons for this requirement. The language "and accounts reported in the applicant(s) name or names as listed in the application" has been deleted from this paragraph. The Board believes that creditors do not customarily refuse to consider such information.

A new clause has been added at the end of subparagraph (1). It requires the creditor, upon the applicant's request, to consider any information offered by the applicant which tends to indicate that the credit history of the shared account is not an accurate reflection of the applicant's creditworthiness. The Board added this provision in response to public comment. The persons commenting felt that an applicant should be permitted to show why a particular credit history, although reported in both spouses' names, does not truly reflect one spouse's use or responsibility for the account.

Subparagraph (2) is substantially identical to the provision that appeared in the September draft. It is intended to permit an applicant to demonstrate that the credit history of a particular account which is reported only in the applicant's spouse's name, should be con-

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sidered by the creditor in evaluating the applicant's creditworthiness. This provision is deemed necessary because the reporting requirements mandated by this Part will not affect all existing accounts which are shared by both spouses. Many such accounts will continue to be reported in the husband's name even though both spouses share the responsibility for and use of the account.

FORMER SECTION 202.5(k)—DELAY IN EVALUATING APPLICATIONS

Former section 202.5(k) prohibited a creditor from unreasonably delaying a decision on an application for credit on the basis of sex or marital status. Since the substance of this provision is now contained in section 202.5(m) relating to notification of action taken, former section 202.5(k) is not needed. Section 202.5(m) requires a creditor to notify an applicant of action taken within a reasonable time.

SECTION 202.5(k)—USE AND RETENTION OF PROHIBITED INFORMATION

This provision, which is substantially identical to the September proposal, forbids the use of any information prohibited by the Act or this Part in evaluating applications. However, to avoid the expense to creditors and credit reporting agencies of requiring them to purge their files of prohibited information obtained prior to the effective date of the Act, this provision allows creditors to receive and retain prohibited information where it is obtained from any source prior to June 30, 1976. In addition, recognizing that a creditor may be given prohibited information by a credit reporting agency or an applicant may volunteer prohibited information, this section provides that a creditor may retain information from these sources regardless of the date it is received.

The date prior to which prohibited information may be obtained by a creditor from any source and thereafter retained in its files without violating this Part has been changed from November 1, 1976, to June 30, 1976. This change was made to comport with the effective dates of sections 202.4 and 202.5 relating to application forms and procedures, which become effective no later than June 30, 1976. Since a creditor may not ask for any information prohibited by this Part after June 30, 1976, the retention in its files of solicited prohibited information is not protected after that date.

SECTION 202.5(l)—STATE PROPERTY LAWS

The language of this provision is identical to section 705(b) of the Act and was included in the September proposal in order to provide a full exposition of the Act in this Part. This section allows a creditor to consider state property laws that affect an applicant's creditworthiness in accordance with the Act and the regulation. Among the state laws that may be considered by a creditor under this section are laws relating to the doctrines of agency between the spouses; "necessaries"; and "family expense statutes." Also included are principles of community property management, as those principles affect an applicant's creditworthiness.

SECTION 202.5(m)—NOTIFICATION OF ACTION TAKEN AND REASONS FOR DENIALS

The April proposal would have required that a creditor supply any applicant who was denied credit, upon request, with a "clear and meaningful" statement in writing of the reasons for such denial. Public comment from consumers applauded the requirement but urged that the statement be supplied automatically in all cases. Public comment from creditors objected to the administrative burden and expense of supplying such statements, questioned their usefulness, urged that oral explanations are customarily given upon request, and alleged that the term "clear and meaningful" was vague and uncertain. Some comments of both creditors and consumer suggested that a check-off form describing standard reasons for denial would be preferable. The Board omitted any such requirement from the September proposal.

Numerous public comments as well as comments from other Federal agencies charged with responsibility for administering compliance with the Act objected to the omission of a requirement that rejected applicants for credit be given a written statement of reasons for such denial. The principal grounds urged for such objections were that the omission could significantly impede both private and agency efforts to enforce the Act and this Part.

After carefully considering the various comments described above, the Board has determined that reasons should be given to the applicant upon request if credit is denied or if after having been granted the credit is terminated. The applicant may request the reasons for such denial either orally or in writing, and the reasons may be given orally or in writing. A suggested form for supplying reasons in writing is included in the regulation. Use of this form will satisfy the requirements of the section but a creditor may develop its own form and is not required to use the suggested form.

Section 202.5(n) of the September proposal has been relettered section 202.5(m)(1) and contains the substance of the former section with minor editorial clarification. A new section 202.5(m)(2) contains the provisions relating to a statement of reasons for denial or termination of credit just described. A new section 202.5(m)(3) provides that a creditor may design its own form or methods to supply such a statement, but sets forth a sample form which would, when completed and supported by the facts, satisfy the requirements of section 202.5(m)(2).

SECTION 202.6—FURNISHING OF CREDIT INFORMATION

This section sets forth certain requirements for the furnishing of credit information about the accounts of married persons to consumer reporting agencies and others. It is designed to ensure that, when the payment history of accounts is furnished to other creditors or consumer reporting agencies, such information be furnished in such a manner that it is accessible in the name of each spouse who will either use the account or be contractually liable for it.

A frequent complaint voiced by women during hearings leading to the passage of the Act and in the public comments on the proposed Regulation was their inability to obtain credit because the credit history of accounts shared with their husbands was maintained and reported only in the husbands' names. The April and September proposals sought to remedy this problem by requiring that credit history be reported in the names of each spouse if each was contractually liable for or authorized to use the account.

In commenting on the proposals, many creditors objected to the concept of applying the credit history of an account to one who is merely authorized to use but not liable for an account and urged the Board to limit the applicability of the credit history to persons who had the actual responsibility for repaying the debt.

Because of the varied and complex State laws which hold one spouse liable for the debts contracted by the other and the fact that, under these laws, the user of an account will often be liable for repayment, this Part adopts the view that a spouse who signs an obligation and, in the case of open end credit, a spouse who is permitted to use an account shall have the benefit, or burden, of the credit history of that obligation. A further reason for adopting this approach is that a spouse who uses an open end account, even when not liable for it, will often play a significant role in the maintenance of that account such as paying the monthly balance, budgeting the income and expenditures and contributing to the income. Thus, the payment history will often be as much the product of the user's contribution as that of the obligor.

Because of the extensive procedural, mechanical, and programming changes that are necessary to implement the requirements of this section even as to new accounts, section 202.14 of this Part provides for a one year transition period. This section treats new accounts differently from existing accounts (those opened prior to November 1, 1976) by permitting creditors to inquire of existing account holders whether they wish to have information about their accounts reported in the name of each spouse, and by making the change only for those who so request. This was done to avoid the enormous cost of requiring every creditor to search the files of each existing account, determine which accounts are subject to the change and then make the necessary change.

SECTION 202.6(a)—ACCOUNTS ESTABLISHED ON OR AFTER NOVEMBER 1, 1976.

Minor editorial changes have been made in order to clarify this provision. Section 202.6(a)(1)(i) requires the creditor to determine which accounts, of those established on or after November 1, 1976 will be used by both spouses or for which both spouses will be contractually liable. This Part does not require the creditor to offer any particular type of account. This provision replaces the requirement in section 202.4(c)(1) and (2) of the September proposal which would have specifically required that the application form include a question designed to elicit the necessary information.

Section 202.6(a)(1)(ii) requires the creditor to designate accounts described in regard to paragraph (i) above to reflect the participation of both spouses. Section 202.6(a)(2) requires the creditor, when furnishing information to consumer reporting agencies or others regarding designated accounts, to furnish the information in the following way: When the information is requested by another creditor or other direct user, it must be furnished in the name of each spouse for which such information is requested. When the information is furnished in a manner which will enable such agencies to provide access to such information in the name of each spouse. This section does not impose any requirements on creditors that do not furnish information about their accounts to consumer reporting agencies or others.

Because there are many different types of information storage systems used by consumer reporting agencies, this paragraph does not attempt to prescribe for the creditor the method of conveying the information to the consumer reporting agency. Since creditors and consumer reporting agencies customarily operate under cooperative arrangements to provide credit information, the Board expects that together they will devise the most efficient means of insuring that credit information is accessible in the name of each spouse consistent with the requirements of this Part.

SECTION 202.6(b)—ACCOUNTS ESTABLISHED PRIOR TO NOVEMBER 1, 1976

Editorial changes have been made to clarify the meaning of this provision. With regard to all accounts established prior to November 1, 1976, the creditor may choose one of two methods of determining which accounts will be reported in the name of each spouse. Section 202.6(b)(1)(i) provides that if a creditor already has information for all of its accounts which indicates the accounts for which both spouses are contractually liable, or in the case of open end credit, the accounts that both are permitted to use, the creditor may, if it chooses, appropriately designate those accounts and furnish the information about them in the name of each spouse as set forth in section 202.6(a)(2). The creditor must designate its account and begin reporting information in the prescribed manner not later than November 1, 1976. If a creditor follows this procedure, it need not mail the notice required by section 202.6(b)(1)(ii).

Section 202.6(b)(1)(ii) requires the creditor who chooses not to follow section 202.6(b)(1)(i) to mail a notice described below to married account holders or to all accountholders. The notice describes the importance of having a credit history in one's own name and offers married persons the opportunity to have the credit history of their account furnished in both spouses' names. Several changes have been made in the September proposal in response to numerous comments asking for clarification. The phrase, "in whose name the account was carried" was added to show that only one notice need be sent for each account and that the notice may be sent to the account holder. To make it clear that the notice need not be sent in the case of inactive open end accounts, an open end creditor satisfies the requirement by mailing the notice only to those accounts for which any statement is sent between November 1, 1976 and February 1, 1977. The last sentence was included to permit creditors to supplement the prescribed notice with a request for information which would enable them to identify the account. The phrase "accompanied by a return envelope addressed to the creditor" has been deleted.

The language of section 202.6(b)(2) has been changed to make it clear that this Part does not require a creditor to change the manner in which it reports information to consumer reporting agencies and others until after November 1, 1976. After that date, the change in reporting procedure must commence within 90 days after receipt of a request from the applicant to do so. The second sentence has been changed to make it consistent with the change in section 202.6(a)(2) regarding the manner of furnishing credit information to consumer reporting agencies and others.

Section 202.6(b)(3) has been added to implement the change in the prescribed "Notice to Married Persons" described below.

In response to public comment, one change has been made in the prescribed "Notice to Married Persons." Several comments expressed concern that by signing the request to have the account reported in the name of each spouse, each spouse would become contractually liable to repay the account where only one was liable on the original agreement. The added language makes it clear that the placing of a signature on the request will not result in any different or greater liability than existed under the original agreement.

SECTION 202.7(a)—REQUEST FOR SIGNATURE OF A SPOUSE OR OTHER PERSON: GENERAL

This provision is corollary to section 202.4(b), which requires a creditor to offer separate accounts to *creditworthy* applicants. This section expressly prohibits a frequent discriminatory practice mentioned in the legislative background of the Act, namely requiring a female applicant to obtain a co-signer or a co-applicant regardless of the applicant's creditworthiness. Both this provision and section 202.4(b) prohibit a creditor from requiring a second signature, whether of a spouse or another person, on the basis of sex or marital status.

The provision has been re-worded in the negative in response to comments which indicated confusion over the meaning of the September proposal. Also, in order to clarify that sections 202.7(b) and (c) set forth situations in which a creditor may request a spouse's signature in reliance on provisions of state law, a specific reference to those sections has been included.

SECTION 202.7(b)—UNSECURED CREDIT IN COMMUNITY PROPERTY STATES

The substance of this provision has not been changed since the April proposal. It is intended to provide guidance for creditors in community property States as to how section 202.4(b) and section 202.5(l) affect the routine practice of requiring a spouse's signature to open an unsecured separate account in community property States.

Section 202.4(b) provides that "a creditor shall not refuse to grant a separate account to a creditworthy applicant on the basis of sex or marital status." As noted above, the word "creditworthy" in that section allows creditors to apply their own standards of creditworthiness, provided that they are imposed without regard to sex or marital status. Inclusion of "creditworthy" also allows creditors to consider state property laws which affect a married person's creditworthiness, as expressly allowed by section 705(b) of the Act and section 202.5(l) of Regulation B.

Thus, for example, a creditor in Louisiana may require that an employed married woman obtain the signature of her spouse when applying for a separate unsecured account because Louisiana law presently denied a married woman the power to manage and control her own earnings.

It should be noted that under the express provisions of sections 202.4(c) and 202.5(b) of Regulation B, a creditor in a community property State may always: (1) inquire as to marital status in order to ascertain whether earnings of an applicant *are* community property and therefore the provision under discussion is applicable; and (2) obtain all necessary information about the spouse of an applicant where community property is relied upon in order to correctly assess the creditworthiness of the community. In addition, section 202.5(l)(2) expressly permits a creditor who has extended open end credit based on income other than the applicant's to require reapplication after a change in marital status.

SECTION 202.7(c)—SIGNATURES ON CERTAIN INSTRUMENTS

This provision, like section 202.7(b), is an exception to the general rule stated in section 202.7(a). As specifically recognized by Section 705(a) of the Act, a spouse's signature may be legally necessary where an applicant applies for a separate account if the account is to be secured by property in which the applicant's spouse has an interest or a potential interest under state law. In such situations, both the Act and this section allow a creditor to continue to protect its legitimate need to obtain a valid security interest by requiring the joinder of the applicant's spouse on the instrument. The clause "under the applicable statutory or decisional law of a State" has

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been moved for clarification. In addition, the word "so" has been added before the word "necessary" to indicate that the creditor must reasonably believe that requiring the signature of both is legally necessary to obtain the security interest in question.

It should be noted that where a secured separate account is sought, section 202.4(c) always allows creditors to inquire as to marital status in order to make the determination under this section of whether a spouse's signature is legally necessary on any security which is the basis for the transaction.

SECTION 202.8—SEPARATE ACCOUNTS IN RELATION TO STATE LAW

The title of this section has been changed to more accurately reflect its contents.

SECTION 202.8(G)—SEPARATE ACCOUNTS IN RELATION TO STATE LAW

This provision incorporates Section 705(c) of the Act which pre-empts any State law that would prohibit a creditor from offering separate accounts to each party to a marriage. This section permits a creditor to offer separate accounts to married applicants and should be read in conjunction with Section 202.4(b) which forbids a creditor from refusing to grant a separate account to a creditworthy married applicant because of sex or marital status.

The second sentence of this subsection, also taken from the Act, provides that, where a State law prohibiting separate extension of credit is pre-empted by this section, the applicant spouse shall be the sole person responsible for the debt. This means that in States that have laws prohibiting separate extensions of credit for married persons, this section of the regulation will not only pre-empt such laws but also any other provision of State laws which would hold one spouse responsible for the debts contracted by the other, for example, a family expense statute.

The third sentence of this subsection in the September proposal has been deleted. It explained that in a community property State, a creditor may enforce one spouse's obligation as separate, post-nuptial debts are enforced under State law. This sentence was intended to provide guidance for creditors; however, public comment indicated it caused more confusion than it resolved.

SECTION 202.8(b)—FINANCE CHARGES AND LOAN CEILINGS

This provision incorporates Section 705(d) of the Act, which provides that when separate extension of credit are made to each party to a marriage, such accounts shall not be aggregated or otherwise combined for purposes of determining permissible finance charges or permissible loan ceilings under State or federal law. This provision overrides those State laws which prohibit a creditor from establishing separate accounts for married persons in order to prevent creditors from collecting higher finance charges or lending greater amounts than would be permitted if the loan were made jointly to the married couple. In accordance with Sections 705 (c) and (d) of the Act, this provision permits the creditor to collect higher finance charges and exceed the loan ceiling that would be applied to a married couple's joint account, if each party to the marriage separately and voluntarily applies for and obtains a separate account from the same creditor.

The second sentence of this subsection explains how a creditor should determine permissible loan ceilings for each spouse when either one requests a separate account and they already have a joint account outstanding with the same creditor. Each spouse may obtain a separate account from a creditor up to an amount equal to the difference between any joint account they may have with that creditor and the permissible loan ceiling in the state. The amount outstanding in their joint account, not the face amount of the original loan, determines how much more they may borrow, either jointly or individually, under the permissible loan ceiling.

SECTION 202.9—PRESERVATION OF RECORDS

The April proposal would have required creditors to keep records of applications for two years after the date of taking final action on requests for credit. In view of the fact that the statute of limitations under the Act is one year from the occurrence of the violation, the Board in the September proposal reduced the period to one year. Public comment received from creditors took the position that even a one-year retention period would impose a serious cost burden and suggested that a shorter period would be adequate or that records of accepted applications need not be retained while consumers and enforcement agencies urged the Board to lengthen the retention period.

After considering the comments received, and weighing the cost and administrative burden of recordkeeping against the possible enforcement difficulties, the Board concluded that records of all applications should be maintained for a 15 month period.

In subsection 202.9(a)(1), The Board also substituted the words "gives the applicant notice of action" for "takes final action" in order to provide a more definite point from which to measure the time during which records of applications must be preserved.

Some comments suggested that the Board add a reference to microfilm and microfiche after the word "copy." The Board is of the opinion that such information storage systems are included in the meaning of the term "copy" and a specific reference to microfilm and microfiche in this Part is not necessary.

In subsection 202.9(a)(1) the words "or recorded" were added to cover information recorded in other than written form, for example on computer storage discs. The words "an application" were substituted for "creditworthiness" as a clarifying change. In subsection 202.9(a)(2) the word "written" was added to clarify that oral statements need not be reduced to writing and preserved.

A new subsection 202.9(b) has been added to impose requirements parallel to those set forth in 202.9(a) upon actions that adversely change the terms or conditions of credit for an account.

Editorial changes have been made in section 202.9(c) to clarify that the agency referred to is the agency charged with responsibility for monitoring compliance as to the particular creditor, and that the information to be retained is the information required in subsections 202.9(a) and 202.9(b).

SECTION 202.10—CERTAIN SPECIALIZED CREDIT

The title of this section has been changed to reflect its expanded scope.

SECTION 202.10(a)—GENERAL

This section outlines the manner in which certain types of credit and certain groups of creditors are affected by Regulation B. It provides that any creditor that extends incidental credit, business credit, securities credit or public utilities credit is subject to the general rule stated in section 202.2 prohibiting discrimination on the basis of sex or marital status with respect to any aspect of a credit transaction. In addition, any such creditor also must comply with the provisions of sections 202.1 and 202.3, section 202.4(a) which relates to the discouraging of applications, section 202.4(b) which relates to separate accounts of qualified persons, section 202.4(e) relating to the applicant's designation of name and sections 202.11, 202.12 and 202.13. Incidental, business, securities and public utilities credit also are subject to other provisions of Regulation B as explained below. If an extension of credit falls within more than one subsection, it is subject to each, unless the credit is securities credit, in which case only the provisions of sections 202.10(a) and 202.10(d) apply.

SECTION 202.10(b)—INCIDENTAL CREDIT

Former section 202.10(b) has been revised for clarification and has become section 202.11(a).

Numerous public comments urged the Board to consider providing a limited exemption from certain procedural requirements of Regulation B for persons that, while covered by the Act's broad definition of "creditor," permit their customers to defer payment of debt as a convenience and are not in the business of extending credit. For example, doctors and dentists typically permit their patients to defer payment of fees. Such persons are, therefore, extending credit but such activity is incidental to the principal activity of health care. Small neighborhood businesses such as drugstores and grocery stores frequently permit their customers to postpone payment on an informal basis not associated with a formal credit plan.

To qualify for this exemption, the following conditions must be met. (1) The credit is not represented by and does not arise from use of a credit card. (2) No finance charge, late payment or other fee is or may be imposed. (3) There is no agreement by which the credit may be payable in more than four instalments. These conditions are drawn from Part 226 of this title (Regulation Z, Truth in Lending; see 12 C.F.R. 226.2(k)); The presence of one or more of these factors connotes a more formalized credit plan than typically utilized by small neighborhood creditors and professionals.

SECTION 202.10(c)—BUSINESS CREDIT

The April proposal did not provide any exemption for business credit. Numerous commentators noted that the Act was primarily designed to protect consumers and they suggested that the Board exempt credit other than consumer credit from certain procedural requirements. The Board weighed the cost to the affected creditors against the potential loss of protection for consumers and determined that a limited exemption was appropriate.

The September proposal (former section 202.10(a)) exempted business credit from the sections of the regulation relating to application forms, evaluation of applicants, reporting of credit information, signatures and retention of records. The comments received in response to the September proposal indicated considerable public support for the Board's general approach. However, consumers suggested that the Board re-examine the sections from which business lenders were exempted to ensure that the public was afforded the full protection of the Act.

Accordingly, the Board has determined that, in addition to the provisions mentioned in 202.10(a), lenders of business credit should also be subject to section 202.4(e), relating to designation of names, sections 202.5(a) through (l) and section 202.7, relating to signatures. The September proposal subjected lenders of business credit to former section 202.5(k) which prohibited a lender from failing to act or unreasonably delaying a decision of an application on the basis of sex or marital status. Because of revisions made in section 202.5 of the final regulation, the prohibition of delay in business credit has been relocated to this section. Business credit also is subject to a limited recordkeeping requirement. If the credit requested is $100,000 or less and the applicant so requests in writing, the creditor is required to retain its records in accordance with section 202.9.

For purposes of this section, business credit is defined as credit granted for business, commercial or agricultural purposes.

SECTION 202.10(d)—SECURITIES CREDIT

Former section 202.10(a) provided that securities credit would be subject to the general rule, the definitions, the prohibitions against discouraging applications and delaying application, as well as the provisions relating to enforcement and transitions. However, an exception would be provided from procedural requirements regarding the form of applications and the reporting of credit histories. The reason for the exception was that comments on the April proposal had pointed out that brokers and dealers are required to make certain inquiries into the financial affairs of spouses of their customers in order to comply with rules promulgated under the Securities Exchange Act of 1934 and by the self-regulatory bodies. These rules require a broker or dealer, for example, to "know your customer" in order to advise appropriately on selection of an investment; to be aware of "insider" holdings of securities by family units, and to determine potential conflicts of interest that might result from the employment of a spouse by another brokerage firm. Comments on the September proposal pointed out that the exceptions provided were broader than needed for the purpose of permitting a lender of securities credit to comply with other laws and regulations. Accordingly, the rule has been narrowed to permit a broker or dealer to make mandatory inquiries to determine the existence of controlling interests, beneficial ownership or purchase limitations and restrictions regarding accounts of applicants and their spouses or whether conflict of interest exist with respect of an applicant's account but leave other sections of this part applicable. In the event of any overlap between the sections, credit subject to 202.10(d) is not subject to sections 202.10(b), 202.10(c), or 202.10(e).

SECTION 202.10(e)—UTILITIES CREDIT

Several public comments urged the Board to adopt an exemption from certain provisions of the regulation for credit extended by utilities companies. The provisions of the September proposal, especially those relating to application forms and the reporting of credit information would have required substantial changes in the forms and procedures of public utilities companies. Costs associated with such changes would, in all likelihood, be passed along to consumers.

The Board has determined that an exemption from procedural requirements is appropriate. Also the record-keeping and reporting provisions of the regulation are designed to ensure that both spouses will obtain a credit history with respect to credit accounts used by both. The Board is of the opinion that creditors give little weight to affirmative records of payment on utility bills since most customers pay their utility bills if at all posible in order to avoid termination of service. Thus the Board does not believe that customers would gain significantly from having utilities maintain and report credit histories.

The general rule and the other provisions specified in section 202.10(a) are applicable to utilities credit, and in addition, such credit is subject to the provisions relating to evaluation of applications and requests for signatures or spouses or other persons.

SECTION 202.11(a)—MECHANICAL ERRORS

Section 202.10(b) of the September proposals would have excused a creditor for a violation of section 202.4 regarding application forms if the creditor could show "by a preponderance of the evidence that at the time of the alleged violation the creditor maintained reasonable procedures to assure compliance with that section." Numerous public comments reflected an impression that former section 202.10(b) created a loophole through which creditors could escape liability for violations. Some creditors commented that inadvertent violations of other sections of the regulation resulting from either mechanical or bookkeeping errors also should be excused.

The revision of section 202.4 reducing the specific requirements for the format of application forms has obviated the need for former section 202.10(b). A new section 202.11(a) clarifies the Board's determination that a limited exception should be provided for failure to comply with section 202.5(j), having to do with obtaining and considering credit histories of an applicant or applicant's spouse, sections 202.4(d) or 202.5(m) having to do with a required notice, or section 202.6 relating to the reporting of credit history if two conditions are met. The conditions are: (1) the failure to comply results from a mechanical, electronic or clerical error and (2) the creditor can show that it had established and was maintaining suitable procedures to assure compliance.

SECTION 202.11(b)—INCONSISTENT STATE LAWS

Numerous commentators, including several associated with State governmental bodies, expressed concern that various provisions of the September proposal might be interpreted as pre-empting State laws that are more protective of consumers. In order to clarify that this is not the case (except where the Act specifically requires such pre-emption) a new section 202.11(b) has been added. It states that, except as provided in Section 202.8, no laws of any State are pre-empted unless they are inconsistent with this Part, and then only to the extent of the inconsistency. The new section also provides that a State law is not inconsistent if the creditor can comply with that law without violating this Part. This provision is adapted from a similar provision in Part 226 of this Title (Regulation Z, 12 C.F.R. 226.6(b)(2)).

SECTION 202.12—ADMINISTRATIVE ENFORCEMENT

Former section 202.11 has been renumbered section 202.12.

SECTION 202.13—PENALTIES AND LIABILITIES

Former section 202.12 has been renumbered 202.13. The last sentence of former Section 202.12(c) has been deleted in view of public comments indicating that it caused confusion about the date on which the statute of limitations would begin to run.

SECTION 202.14—TRANSITION PERIODS

The September proposal provided that the provisions of the regulation would take effect in four stages: on October 28, 1975, the effective date of the Act; on January 31, 1976 and on November 1, 1976. The Board proposed adopting transition periods after consideration of numerous public comments indicating that compliance with certain sections of

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the regulation would require training of personnel, reprogramming of computers and extensive changes in application forms and procedures. Comments received from creditors in response to the September proposal urged the Board to lengthen the transition periods while comments from consumers urged the Board to shorten or eliminate the transition provisions.

After further consideration, the Board has concluded that certain transition provisions are necessary and appropriate and has made certain changes in their duration, shortening some and lengthening others. The following transition periods have not been changed from the September proposal: sections 202.1, 202.2, 202.3, 202.5(l), 202.7(c), 202.8, 202.10, 202.11, 202.12, 202.13 and 202.14, will go into effect on October 28, 1975; section 202.5(l) will become effective on January 31, 1976; sections 202.4(c) and (d) will become effective on June 30, 1976.

The Board has concluded that some provisions of the Part do not require substantial changes in creditors procedures and should go into effect sooner than they would have under the September proposal in order to provide consumers with the protection afforded by the regulation as soon as possible. The provisions relating to alimony obligations (section 202.5(c)), childbearing (section 202.5(h)), use and retention of prohibited information (section 202.5(k)) and preservation of records after notice of investigation or suit (section 202.9(c)) will go into effect on October 28, 1975 instead of January 31, 1976. The sections relating to the consideration of credit history (section 202.5(j)) and the furnishing of credit information (section 202.6) will go into effect on October 28, 1975, instead of November 1, 1976. By its terms section 202.6 does not require creditors to implement changes in credit reporting procedures until November 1, 1976. Section 202.5(j)(1) relates to consideration of accounts designated in accordance with section 202.6 and similarly does not require changes in creditors' procedures until after November 1, 1976. However section 202.5(j)(2) will require a creditor to consider, as of October 28, 1975, the credit history of any account reported in the name of the applicant's spouse or former spouse, which the applicant can demonstrate reflects accurately his/her willingness or ability to repay. The sections relating to alimony income (section 202.5(d)), discounting income (section 202.5(e)), credit scoring (section 2025(f)), telephone listing in the applicant's name (section 202.5(g)) and preservation of records (section 202.9(a)) will go into effect on November 30, 1975 instead of January 31, 1976. The sections relating to discouraging applications (202.4(a)) and designation of name (sections 202.4(e)) will go into effect on November 30, 1975 instead of June 30, 1976.

The transition periods have been extended in two cases. Under the September proposal, section 202.5(b) relating to information about a spouse would have become effective on January 31, 1976. Because this section is closely related to sections 202.4 (c) and (d) having to do with the format of application forms, which do not become effective until June 30, 1976, the Board has determined that the effective date of section 202.5(b) should also be June 30, 1976.

The September proposal provided that section 202.7 relating to signatures would become effective on October 28, 1975. Public comments stated that creditors would need a few months to adapt their application procedures and re-train their employees as to the situations in which a creditor may request or require the signature of a spouse or other person. Therefore, the Board has decided to make section 202.7 (a) and (b) effective on January 31, 1976. Pursuant to the authority of section 703 of the Equal Credit Opportunity Act (Pub. L. 93-495), 15 U.S.C. 1691, *et seq.*, 12 C.F.R. Part 202 (Regulation B) is hereby adopted, reading as follows:

Sec.

202.1 Authority and scope.
202.2 General rule.
202.3 Definitions.
202.4 Applications.
202.5 Evaluation of applications.
202.6 Furnishing of credit information.
202.7 Request for signature of spouse or other person.
202.8 Separate accounts in relation to state law.
202.9 Preservation of records.
202.10 Certain specialized credit.
202.11 Miscellaneous provisions.
202.12 Administrative enforcement.
202.13 Penalties and liabilities.
202.14 Transition periods.

AUTHORITY: Sec. 703 of the Equal Opportunity Act (Pub. L. 93-495, 15 U.S.C. 1691 et seq.)

§ 202.1 Authority and scope.

This Part comprises the regulations issued by the Board of Governors of the Federal Reserve System pursuant to the Equal Credit Opportunity Act (Pub. L. 93-495; 88 Stat. 1521 *et seq.*). This Part applies to all persons who regularly extend, offer to extend, arrange for or offer to arrange for the extension of credit for any purpose whatsoever and in any amount.

§ 202.2 General rule.

A creditor shall not discriminate against any applicant on the basis of sex or marital status with respect to any aspect of a credit transaction.

§ 202.3 Definitions and rules of construction.[1]

For purposes of this Part, unless the context indicates otherwise, the following definitions apply:

(a) "Act" means the Equal Credit Opportunity Act (Pub. L. 93-495; 88 Stat. 1521 *et seq.*).

(b) "Account" means an extension of credit; "use of an account", throughout this Part refers only to open end credit.

(c) "Applicant" means any person who applies to a creditor directly for an extension, renewal or continuation of credit, or who applies to a creditor indirectly by use of an existing credit plan for an amount exceeding a previously established credit limit. With respect to any creditor the term also includes any person to whom credit is or has been extended by that creditor.

(d) "Application" means an oral or written request by an applicant for an extension of credit which is made in accordance with procedures established by a creditor for the type of credit requested. The term does not include the use of an existing credit plan to obtain an amount of credit which does not exceed a previously established credit limit.

(e) "Arrange for the extension of credit" means to provide or offer to provide credit which is or will be extended by another person under a business or other relationship pursuant to which the person arranging such credit participates in the decision to extend credit to an applicant. The term does not include participation in a credit transaction which is limited to honoring a credit card.

(f) "Consumer credit" means credit offered or extended to a natural person in which the money, property or service which is the subject of the transaction is primarily for personal, family or household purposes.

(g) "Contractually liable" means expressly obligated to repay all debts arising on an account by reason of having signed an agreement to that effect.

(h) "Credit" means the right granted by a creditor to an applicant to defer payment of a debt, or to incur debt and defer its payment or to purchase property or services and defer payment therefor.

(i) "Credit card" means any card, plate, coupon book or other single credit device existing for the purpose of being used from time to time upon presentation to obtain money, property or services on credit.

(j) "Creditor" means any person who regularly extends, renews or continues credit or arranges for the extension, renewal or continuation of credit. The term includes assignees, transferees or subrogees of an original creditor if they participate in the decision to extend credit, but does not include a person whose only participation in a credit transaction is to honor a credit card.

(k) "Credit transaction" means every aspect of an applicant's dealings with a creditor including, but not limited to, solicitation of prospective applicants by advertising or other means; information requirements; investigatory procedures; standards of creditworthiness; terms of credit; furnishing of credit information and collection procedures.

(l) "Discriminate against an applicant on the basis of sex or marital status" means to treat an applicant less favorably than other applicants on the basis of sex or marital status.

(m) "Extension of credit" means the granting of credit in any form and includes, but is not limited to, credit granted in addition to any existing credit or credit limit; credit granted in the form of a credit card, whether or not the card has been used; the refinancing of any credit; the consolidation of two or more obligations; the issuance of a new credit card in place of an expiring credit card or in substitution for an existing credit card; the continuing in force of a previously issued credit card; or the continuance of existing credit without any special effort to collect at or after maturity.

(n) "Marital status" means the state of being unmarried, married or separated, as defined by applicable State law. For purposes of this Part, the term "unmarried" includes a person who is divorced or widowed.

(o) "Open end credit" means credit extended pursuant to a plan under which the creditor may permit the applicant to make purchases or obtain loans, from time to time, directly from the creditor or indirectly by use of a credit card, check or other device, as the plan may provide. The term does not include negotiated advances under an open end real estate mortgage or a letter of credit.

(p) "Person" means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative or association.

(q) "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico or any territory or possession of the United States.

§ 202.4 Applications.

(a) *Discouraging applications.* A creditor shall not make any statements to applicants or prospective applicants which would, on the basis of sex or marital status, discourage a reasonable person from applying for credit or pursuing an application for credit.

(b) *Separate accounts.* A creditor shall not refuse, on the basis of sex or marital status, to grant a separate account to a creditworthy applicant.

(c) *Inquiries as to marital status.* (1) A creditor shall not ask the applicant's marital status if the applicant applies for an unsecured separate account, except in a community property State or as required to comply with State law governing permissible finance charges or loan ceilings.

(2) If the creditor asks the applicant's marital status, only the terms "married," "unmarried" or "separated" shall be used.

(3) Notwithstanding any other provision of this subsection, a creditor may inquire as to the liability to pay alimony, child support or maintenance. Further, if a creditor first discloses to an applicant that income from alimony, child support or maintenance payments need not be revealed if the applicant does not choose to disclose such income in applying for credit, a creditor may inquire whether any income stated in an application is derived from such a source.

(4) Where an applicant is requested to designate a title (such as Mr., Mrs., Ms. or Miss), the creditor shall state conspicuously that the designation of such title is optional. An application form shall otherwise use only terms that are neutral as to sex unless other terms are required by an enforcement agency to monitor compliance with this Part.

(d) *Equal Credit Opportunity Act notice.* (1) Except where application is made by telephone, or orally for an amount of credit to exceed an existing limit on an applicant's open end account, the creditor shall provide each applicant with the following notice in writing:

> The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of sex or marital status. The Federal agency which administers compliance with this law concerning this (insert appropriate description—bank, store, etc.) is (name and address of the appropriate agency).

(2) Such notice shall be provided in a form that the applicant may retain, either:

(i) On a copy of the application form; or

(ii) On a separate sheet of paper delivered to the applicant at the time application is made, or delivered or mailed to the applicant as soon as practicable thereafter.

(e) *Designation of name.* A creditor shall not prohibit an applicant from opening or maintaining an account in a birth-given first name and surname or a birth-given first name and a combined surname.

§ 202.5 Evaluation of applications.

(a) *Continued ability to repay.* Except as otherwise provided in this section, a creditor may request and consider any information concerning the probable continuity of an applicant's ability to repay if such information is requested and considered without regard to sex or marital status.

(b) *Information about a spouse or former spouse.*

(1) A creditor may request and consider any information concerning an applicant's spouse (or former spouse under (iv) below) which may be considered about the applicant if:

(i) The spouse will be permitted to use the account; or

(ii) The spouse will be contractually liable upon the account; or

(iii) The applicant is relying on community property or the spouse's income as a basis for repayment of the credit requested; or

(iv) The applicant is relying on alimony, child support or maintenance payments from a spouse or former spouse as a basis for repayment of the credit requested.

(2) A creditor may request the name in which an account is carried if the applicant discloses the account in applying for credit.

(3) Except as permitted in this subsection, a creditor may not request any information concerning the spouse or former spouse of an applicant.

(c) *Alimony, child support and maintenance obligations.* A creditor may ask and consider whether and to what extent an applicant is obligated to make alimony, child support or maintenance payments.

(d) *Alimony, child support and maintenance income.*

(1) If a creditor first discloses to an applicant that income from alimony, child support or maintenance payments need not be revealed if the applicant does not choose to disclose such income in applying for credit, a creditor may inquire whether any income stated in an application is derived from such a source.

(2) Where an applicant chooses to disclose alimony, child support or maintenance payments under § 202.4(c)(3), a creditor shall consider such payments as income to the extent that such payments are likely to be consistently made. Factors which a creditor may consider in determining the likelihood of consistent payments include, but are not limited to, whether the payments are received pursuant to a written agreement or court decree; the length of time the payments have been received; the regularity of receipt; the availability of procedures to compel payment; and the creditworthiness of the payor, including the credit history of the payor where available to the creditor under the Fair Credit Reporting Act or other applicable laws.

(e) *Discounting income.* A creditor shall not discount the income of an applicant or an applicant's spouse on the basis of sex or marital status. A creditor shall not discount income solely because it is derived from part-time employment, but may consider the probable continuity of such income in evaluating the creditworthiness of an applicant.

(f) *Credit scoring.* A creditor shall not take sex or marital status into account in a credit scoring system or other method of evaluating applications.

(g) *Telephone listing in applicant's name.* A creditor shall not take into account the existence of a telephone listing in the name of an applicant in a credit scoring system or other method of evaluating applications. A creditor may take into account the existence of a telephone in the applicant's home.

(h) *Childbearing.* A creditor shall not request information about birth control practices or childbearing intentions or capability. Nor shall a creditor consider in evaluating the creditworthiness of an applicant aggregate statistics or assumptions relating to the likelihood of any group of persons bearing or rearing children, or for that reason receiving diminished or interrupted income in the future.

(i) *Change of name or marital status.* (1) Except as set forth in subsection (2) below, in the absence of evidence of inability or unwillingness to repay, a creditor shall not take any of the following actions with respect to a person who is contractually liable on an existing open end account on the basis of a change of name or marital status:

(i) Require a reapplication; or

(ii) Require a change in the terms of the account; or

(iii) Terminate the account.

[1] Note that for some purposes some of the definitions are not identical with those found in 12 CFR 226 (Regulation Z).

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(2) Where open end credit has been granted to an applicant based on income which is earned solely by the applicant's spouse, a creditor may require a reapplication on the basis of a change in marital status.

(j) *Credit history.* To the extent that a creditor considers credit history in evaluating applicants of similar qualifications for a similar type and amount of credit, a creditor shall include, in evaluating creditworthiness:

(1) The credit history of accounts designated under the requirements of § 202.6 as accounts which the applicant and a spouse are permitted to use or for which both are contractually liable, and, on the applicant's request, any information the applicant may present tending to indicate that such history does not accurately reflect the applicant's willingness or ability to repay; and

(2) On the applicant's request, the credit history, when available, of any account reported in the name of the applicant's spouse or former spouse which an applicant can demonstrate reflects accurately the applicant's willingness or ability to repay.

(k) *Use and retention of prohibited information.* A creditor may not use any information prohibited by the Act or this Part in evaluating applications. Retention of such information in the creditor's files does not violate the Act or this Part where such information was obtained:

(i) From any source prior to June 30, 1976; or

(ii) At any time from credit reporting agencies; or

(iii) At any time from the applicant or others, without the specific request of the creditor.

(l) *State property laws.* Consideration or application of State property laws directly or indirectly affecting creditworthiness shall not constitute discrimination for purposes of this Part.

(m) *Notification of action taken and reasons for denial.*

(1) A creditor shall, within a reasonable time after receiving an application, notify the applicant of action taken upon the application.

(2) A creditor shall provide each applicant who is denied credit or whose account is terminated the reasons for such action, if the applicant so requests.

(3) A creditor may design its own form or methods to satisfy this requirement. An example of a possible form is set forth below.

STATEMENT OF REASONS FOR DENIAL OR TERMINATION OF CREDIT

1. _____Credit application:
   _____not completed.
   _____lack of credit references.
   _____credit reference too new to check.
2. _____Information furnished by:
   XYZ Credit Bureau.
   10 Main Street.
   Anytown, Anystate 00000.
   Phone no. 000–000–0000.
3. _____Employment:
   _____unemployed.
   _____temporary or irregular.
   _____unable to verify.
   _____length of employment.
4. _____Income:
   _____insufficient.
   _____unable to confirm.
   _____information refused.
5. _____Residence:
   _____too short a period.
   _____temporary.
6. _____Other (specify)
   _____
   _____

§ 202.6 Furnishing of credit information.

(a) *Accounts established on or after November 1, 1976.* (1) For every account established on or after November 1, 1976, a creditor shall:

(i) Determine whether the account is one which an applicant's spouse, if any, will be permitted to use or upon which both spouses will be contractually liable, if such accounts are offered by the creditor; and

(ii) Designate any such account to reflect the fact of participation of both spouses.

(2) When furnishing information to consumer reporting agencies or others concerning an account designated under this section, a creditor shall report the designation and furnish any information concerning the account:

(i) To consumer reporting agencies, in a manner which will enable the agencies to provide access to information about the account in the name of each spouse; and

(ii) To recipients other than such agencies, in the name of each spouse.

(b) *Accounts established prior to November 1, 1976.* (1) With respect to any account established prior to and in existence on November 1, 1976, a creditor shall either:

(i) Not later than November 1, 1976, determine whether the account is one which an applicant's spouse, if any, is permitted to use or upon which both spouses are contractually liable; designate any such account to reflect the fact of participation of both spouses; and comply with the requirements of paragraph (a)(2) above; or

(ii) mail or deliver to all applicants, or all married applicants, in whose name the account is carried on the creditor's records the notice set forth below. Such notice may be mailed with a statement or other mailing. All such notices shall be mailed by February 1, 1977. With respect to open end accounts, this requirement may be satisfied by mailing a notice to all accounts for which any statement is sent between November 1, 1976 and February 1, 1977. A creditor may supplement the notice as necessary to permit identification of the account.

NOTICE

CREDIT HISTORY FOR MARRIED PERSONS

The Federal Equal Credit Opportunity Act forbids all creditors from discriminating against any applicant on the basis of sex or marital status in any aspect of a credit transaction. Regulations adopted under the Act give married persons the right to have credit information concerning those credit accounts that they hold or use jointly with a spouse reported to consumer reporting agencies and creditors in the names of both the wife and husband. Accounts of married persons opened before November 1976—even those opened in the names of both spouses—are often reported in only the husband's name. This is generally true regardless of who has been paying the bills or whose income was used to obtain the account. As a result, many married women do not have a credit history in their own names, although their husbands do. If a woman ever needs to obtain credit on her own, for example, when divorced or widowed, a credit history is usually necessary.

If your account(s) with us is a joint account which you share with your spouse or an account(s) in the name of one spouse which the other spouse is authorized to use, you have the right to have credit information concerning it reported in both your name and your spouse's name. If you choose to have credit information concerning your account(s) with us reported in both your name and the name of your spouse, please fill in the statement below and return it to us.

Please note that the Federal regulation provides that your signature below will not make either you or your spouse legally liable for any different or greater debts. It will only request that credit information be reported in both your names.

When you furnish credit information on this account, please report all information concerning it in both our names as follows:

_____ (print or type)
_____ (print or type)
Account Number (if any)
_____ Signature of either spouse

(2) After November 1, 1976, a creditor shall, within 90 days of receipt of a request to change the manner in which information is reported to consumer reporting agencies and others, when furnishing information concerning any such account, designate the account to reflect the fact of participation of both spouses. The creditor shall report the designation and furnish any information concerning the account to any recipient other than a consumer reporting agency in the name of each spouse and, when reporting to consumer reporting agencies, in a manner which will enable such agencies to provide access to information about the account in the name of each spouse.

(3) A spouse's signature on a request to change the manner in which information concerning an account is furnished shall not change the legal liability of either spouse upon the account.

§ 202.7 Request for signature of spouse or other person.

(a) *General.* Except as provided in subsections (b) and (c) below, a creditor may not require the signature of a spouse or other person on a credit instrument unless such a requirement is imposed without regard to sex or marital status on all similarly qualified applicants who apply for a similar type and amount of credit.

(b) *Unsecured credit in community property States.* Where a married applicant applies for unsecured credit in a community property State, a creditor may request or require the signature of a non-applicant spouse if:

(i) The applicable State law denies the applicant power to manage or control sufficient community property to qualify for the amount of credit requested under the creditor's standards of creditworthiness; and

(ii) The applicant does not have sufficient separate property to qualify for the amount of credit requested without regard to any community property.

(c) *Signatures on certain instruments.* Where a married or separated applicant applies for secured credit, the creditor may require the signature of the applicant's spouse on such instruments as are necessary, under the applicable statutory or decisional law of the State, or are reasonably believed by the creditor to be so necessary, to create a valid lien, pass clear title, waive inchoate rights to property or assign earnings.

§ 202.8 Separate accounts in relation to state law.

(a) *Separate extension of consumer credit.* Any provision of State law which prohibits the separate extension of consumer credit to each spouse shall not apply in any case where each spouse voluntarily applies for separate credit from the same creditor. In any case where such a State law is pre-empted, each spouse shall be solely responsible for the debt so contracted.

(b) *Finance charges and loan ceilings.* When each spouse separately and voluntarily applies for and obtains a separate account with the same creditor, the accounts shall not be aggregated or otherwise combined for purposes of determining permissible finance charges or permissible loan ceilings under the laws of any State or of the United States. Permissible loan ceilings under the laws of any State or of the United States shall be construed to permit each spouse to be separately and individually liable up to the amount of the loan ceiling less the amount for which both spouses are jointly liable. For example, in a State which a permissible loan ceiling of $1000, if a married couple were jointly liable for $250, each spouse could subsequently become individually liable for $750.

§ 202.9 Preservation of records.

(a) For a period ending 15 months after the date a creditor gives the applicant notice of action on an application, the creditor shall retain as to each applicant, in original form or a copy thereof:

(1) Any application form and all other written or recorded information used in evaluating an application; and

(2) Any written statement submitted by the applicant alleging discrimination prohibited by the Act or this Part.

(b) For a period ending 15 months after the date a creditor adversely changes the terms or conditions of credit for an account, the creditor shall retain as to each account, in original form or a copy thereof:

(1) Any written or recorded information concerning such change in the terms and conditions; and

(2) Any written statement submitted by the applicant alleging discrimination prohibited by the Act or this Part.

(c) Any creditor which has actual notice that it is under investigation for violation of this Part by an enforcement agency charged with monitoring that creditor's compliance with the Act and this Part, or which has been served with notice of an action filed pursuant to § 202.13 of this Part, shall retain the information required in subsections (a) and (b) above until final disposition of the matter or such earlier time as may be ordered by the agency or court.

§ 202.10 Certain specialized credit.

(a) *General.* Each type of credit referred to in paragraphs (b), (c), (d), and (e) below shall be subject only to § 202.1, the General Rule stated in § 202.2, to §§ 202.3, 202.4(a), 202.4(b), 202.4(e), 202.11, 202.12, 202.13 and 202.14, and to the other provisions, if any, specified in the applicable subsections of this section. If a credit falls within more than one subsection of this section, all sections of this Part referred to in any such subsections shall apply unless the credit falls within paragraph (d), in which case only the provisions specified in that subsection and this subsection (a) shall apply.

(b) *Incidental credit.* Incidental credit shall be subject to the provisions specified in §§ 202.10(a) and 202.5(h). As used in this Part, incidental credit is credit which meets all of the following requirements:

(1) The credit is not represented by and does not arise from the use of a credit card; and

(2) No finance charge as defined in § 226.4 of this Title (12 CFR 226.4 of Regulation Z), late payment or other fee is or may be imposed other than statutory interest or other costs recoverable in legal proceedings for the collection of the credit; and

(3) There is no agreement by which the credit may be payable in more than four installments.

(c) *Business credit.* Business credit shall be subject to the provisions specified in §§ 202.10(a), 202.5 and 202.7. Section 202.9 shall only apply in those transactions involving an application for credit in the amount of $100,000 or less where the applicant requests in writing that the creditor retain such records. A creditor shall not, on the basis of sex or marital status, fail to act on, or unreasonably delay a decision on, an application for business credit. As used in this Part, business credit is credit granted for business, commercial or agricultural purposes.

(d) *Securities credit.* Securities credit shall be subject to the provisions specified in §§ 202.10(a), 202.5(a), 202.5(c) through 202.5(h), 202.5(j), 202.5(l), 202.5(m), 202.6(a) and 202.9. Section 202.4(e) shall not apply to a securities dealer insofar as the action described is taken to prevent violation of rules regarding an account in which a broker or dealer has an interest, or rules necessitating the aggregating of accounts of spouses for the purpose of determining controlling interests, beneficial ownership or purchase limitations and restrictions. As used in this Part, securities credit is credit subject to regulation under section 7 of the Securities Exchange Act of 1934 or credit extended by a broker or dealer who is subject to regulation as a broker or dealer under the Securities Exchange Act of 1934.

(e) *Public utilities credit.* Public utilities credit shall be subject to the provisions specified in § 202.10(a) and §§ 202.5 and 202.7. As used in this Part, public utilities credit is credit extended pursuant to transactions under public utility tariffs involving services provided through pipe, wire or other connected facilities, if the charges for such public utility services, the charges for delayed payment and any discount allowed for early payment are filed with, reviewed by or regulated by an agency of the Federal Government, a State or a political subdivision thereof.

§ 202.11 Miscellaneous provisions.

(a) *Mechanical errors.* If a failure to comply with §§ 202.4(d), 202.5(j), 202.5(m) or 202.6 results from a mechanical, electronic or clerical error made in good faith, it shall not be a violation of the section if the creditor shows by a preponderence of the evidence that at the time of the noncompliance the creditor had established and was maintaining suitable procedures to assure compliance with the section.

(b) *Inconsistent State laws.* Except as provided in § 202.8, this Part alters, affects or preempts only those State laws which are inconsistent with this Part, and then only to the extent of the inconsistency. Such a State law is not inconsistent with this Part if the creditor can comply with the State law without violating this Part.

§ 202.12 Administrative enforcement.

(a) As set forth more fully in Section 704 of the Act, administrative enforcement of the Act and this Part with respect to the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Board of Directors of the Federal Deposit Insurance Corporation, Federal Home Loan Bank Board acting directly or through the Federal Savings and Loan Insurance Corporation, Administrator of the National Credit Union Administration, Interstate Commerce Commission, Civil Aeronautics Board, Secretary of Agriculture, Farm Credit Administration, Securities and Exchange Commission and the Small Business Administration.

(b) Except to the extent that administrative enforcement is specifically committed to other authorities, Section 704 of the Act assigns enforcement of the Act and this Part to the Federal Trade Commission.

§ 202.13 Penalties and liabilities.

(a) Sections 706 (a) through (e) of the Act provide for civil liability for actual and punitive damages against any creditor who fails to comply with the Act and this Part. Section 706(b) places a $10,000 limitation on the amount of punitive damages an aggrieved applicant may seek in an individual capacity and section 706(c) limits a creditor's class action liability for punitive damages to the lesser of $100,000 or 1 percent of the creditor's net worth at the time the action is

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brought. Section 706(d) provides that an aggrieved applicant may seek equitable relief in the nature of a permanent or temporary injunction, restraining order or other action. Section 706(e) further provides for the awarding of costs and reasonable attorney's fees to an aggrieved applicant who brings a successful action under section 706 (a) through (d).

(b) Section 706(f) relieves a creditor from civil liability resulting from any act done or omitted in good faith in conformity with any rule, regulation or interpretation by the Board of Governors of the Federal Reserve System notwithstanding that after such act or omission has occurred, such rule, regulation or interpretation is amended, rescinded or otherwise determined to be invalid for any reason.

(c) Without regard to the amount in controversy, any action under this Title may be brought in any United States district court or in any other court of competent jurisdiction, within one year from the date of the occurrence of the violation.

§ 202.14 Transition periods.

Except as provided in § 202.6 with respect to that section, the provisions of this Part shall take effect as follows:

(a) Sections 202.1, 202.2, 202.3, 202.4 (a), 202.5 (a), (c), (h), (j), (k), (l), 202.7(c), 202.8, 202.9(c), 202.10, 202.11, 202.12, 202.13 and 202.14 shall take effect on October 28, 1975.

(b) Sections 202.4 (b) and (e), 202.5 (d), (e), (f) and (g) and 202.9 (a) and (b) shall take effect on November 30, 1975.

(c) Sections 202.5 (i) and (m) and 202.7 (a) and (b) shall take effect on January 31, 1976.

(d) Sections 202.4 (c) and (d) and 202.5(b) shall take effect on June 30, 1976.

Effective date: This Part becomes effective (except as provided therein) on October 28, 1975.

The requirements of section 553(d) of Title 5, United States Code, with respect to deferred effective date, have not been followed in connection with the adoption of this regulation because the Board finds: (1) that section 703 of the Equal Credit Opportunity Act (Pub. L. 93-495) 15 U.S.C. 1691(b) requires that this regulation be prescribed not later than the effective date of the Act, which is October 28, 1975; (2) that the provisions of the regulation that become effective on October 28, 1975, are those which are included in the Act itself. Those subject to the Act have had notice of its general requirements since it was enacted on October 28, 1974; (3) that those affected by the regulation have had adequate opportunity for comment, both in writing and orally at public hearings, and have sufficient notice of the probable content of the regulation by virtue of the extensive nature of the rulemaking proceedings; (4) that those provisions of the regulation requiring substantial change in the practices of those affected have been made effective after reasonable transition periods; and (5) that in consideration of the foregoing, it is in the public interest and consistent with the intent of Congress for the regulation to be effective on October 28, 1975.

By order of the Board of Governors, October 15, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-28395 Filed 10-21-75;8:45 am]

[Reg. D.]

PART 204—RESERVES OF MEMBER BANKS

Reserve Requirements

The Board of Governors has amended Regulation D (12 CFR 204) to modify the reserve balances that member banks are required to maintain against certain time deposits. The amendments approved by the Board reduce by two percentage points reserves required on all time deposits having an initial maturity of four years or more that are outstanding on or issued after October 16, 1975. Prior to these amendments such deposits were subject to a three percent reserve requirement. The Board's action is designed primarily to encourage member banks to lengthen the maturity structure of their liabilities. The action is also intended to help meet the seasonal need for bank reserves over the coming weeks and to facilitate moderate growth in the monetary aggregates. The effect of these amendments will be to lower the required reserves of member banks by approximately $350 million.

This action was taken pursuant to the Board's authority under 19 of the Federal Reserve Act (12 U.S.C. 461) to set reserve ratios for member banks. These amendments to Regulation D are effective on deposits outstanding in the week beginning October 16, 1975, and affect reserves held by member banks in the week beginning October 30, 1975.

Based on information regarding current economic and financial conditions the Board determined that it was in the public interest immediately to provide an incentive to member banks to lengthen further the maturity structure of their liabilities and to facilitate without delay continued growth in the monetary aggregates. In light of these factors, therefore, the Board determined that good cause exists for dispensing with notice and public participation with respect to these amendments and for promulgating these amendments without deferring the effective date thereof for the 30 day period referred to in 553(d) of Title 5 of the United States Code, and that it would be impracticable, unnecessary and contrary to the public interest to provide notice and public participation or to defer the effective date. See also § 262.2(e) of the Board's Rules of Procedure.

Effective October 16, 1975, § 204.5(a)(1)(ii) and § 204.5(a)(2)(ii) of Regulation D are amended to read as follows:

§ 204.5 Reserve requirements.

(a) • • •
(1) • • •

(ii) 1 percent of its time deposits outstanding on or issued after October 16, 1975, that have an initial maturity of 4 years or more; 3 percent of its time deposits outstanding on or issued after October 16, 1975, that have an initial maturity of 180 days or more but less than 4 years; 3 percent of its time deposits up to $5 million, outstanding on or issued after October 16, 1975, that have an initial maturity of less than 180 days, plus 6 percent of such deposits in excess of $5 million.

Provided, however, that in no event shall the reserves required on its aggregate amount of time and savings deposits be less than 3 percent.

• • • • • •

(2) • • •

(ii) 1 percent of its time deposits outstanding on or issued after October 16, 1975, that have an initial maturity of 4 years or more; 3 percent of its time deposits outstanding on or issued after October 16, 1975, that have an initial maturity of 180 days or more but less than 4 years; 3 percent of its time deposits up to $5 million, outstanding on or issued after October 16, 1975, that have an initial maturity of less than 180 days, plus 6 percent of such deposits in excess of $5 million.

Provided, however, that in no event shall the reserves required on its aggregate amount of time and savings deposits be less than 3 percent.

• • • • • •

By order of the Board of Governors, October 15, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-28396 Filed 10-21-75;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

PART 541—DEFINITIONS

PART 545—OPERATIONS

Amendments Relating to District of Columbia Associations

OCTOBER 15, 1975.

The following summary regarding the amendments adopted herein is included for the reader's convenience and is subject to the full description in the preamble as well as the specific provisions of the regulation.

I. *Present Situation*—District of Columbia associations are included within the term "Federal association" for limited purposes.

II. *Final Amendment*—(a) Includes District of Columbia associations within the term "Federal association", except as the Board may otherwise provide.

(b) Allows for continued Board supervision in the areas of branch offices, satellite offices, and change of office locations for any future District of Columbia associations and any non-District of Columbia chartered associations operating or seeking to operate in the District of Columbia.

II. *Reason for Amendments*—To provide a basis for Board supervision of District of Columbia associations upon deletion of the Regulations for District of Columbia Savings and Loan Associations and Branch Offices.

The Federal Home Loan Bank Board, by Resolution No. 75-651, dated July 30, 1975, proposed to amend Parts 541 and 545 of the Rules and Regulations for the Federal Savings and Loan System by revising § 541.2 and inserting new §§ 545.14(1), 545.14-5(j) and 545.16(l). Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on August 6, 1975 (40 FR 33054-55), with an invitation for interested persons to submit written comments by September 8, 1975.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to adopt the proposed amendments as proposed, except that proposed § 545.14(l) is designated § 545.14(m). Accordingly, the Board hereby amends Parts 541, 545 by revising § 541.2, and by inserting new §§ 545.14(m) and 545.14-5(j), and 545.16 (l), to read as set forth below, effective November 24, 1975.

Present § 541.2 defines the term "Federal association" to mean a "savings and loan association chartered by the Board as provided in section 5 of the Home Owners' Loan Act of 1933, as amended." As used in §§ 546.1, 546.2, 546.3, and 546.-4 of Part 546, and in Parts 547, 548, 549 and 550, the term "Federal association" also includes any incorporated or unincorporated building, building and loan, savings and loan, or homestead association, which has been organized or incorporated under or pursuant to the laws of the District of Columbia.

Under the amendment, § 541.2 is revised to include within the term "Federal association", except as the Board may otherwise provide, any incorporated or unincorporated building, building and loan, savings and loan, or homestead association, which has been organized or incorporated under or pursuant to the laws of the District of Columbia. This restatement of the definition deletes references to the specific sections of the Federal Regulations listed above and enables § 541.2 to be of sufficient general applicability that all provisions of the Federal Regulations apply to associations in the District of Columbia.

New §§ 545.14(m), 545.14-5(j) and 545.16(l) allow for continued Board supervision in the areas of branch offices, satellite offices, and change of office locations for any future District of Columbia associations and any non-District of Columbia chartered associations operating or seeking to operate in the District of Columbia. These amendments to the Federal Regulations allow complete deletion of the Regulations for District of Columbia Savings and Loan Associations and Branch Offices.

This amendment is being adopted in conjunction with an amendment (Resolution No. 75-946; October 15, 1975) that deletes the Regulations for District of Columbia Savings and Loan Associations and Branch Offices. Those regulations are being deleted because there are no longer any associations incorporated or organized under the laws of the District of Columbia; all such associations have become Federal associations. This amendment provides a basis for Board supervision of any future District of Columbia association, either newly formed or a Federal association which converts back.

1. Part 541 is amended by revising § 541.2 to read as follows:

§ 541.2 Federal association.

The term "Federal association" means a Federal savings and loan association chartered by the Board as provided in section 5 of the Home Owners' Loan Act of 1933, as amended, and, except as the Board may otherwise provide, any incorporated or unincorporated building, building and loan, savings and loan, or homestead association, which has been organized or incorporated under or pursuant to the laws of the District of Columbia.

2. Part 545 is amended by adding a new § 545.14(m) to read as follows.

§ 545.14 Branch office.

• • • • • •

(m) For purposes of this section, the term "Federal association" includes any incorporated or unincorporated building, building and loan, savings and loan, or homestead association or cooperative bank operating or seeking to operate in the District of Columbia with respect to any office operated or sought to be operated therein by such association.

3. Part 545 is amended by adding a new § 545.14(m) to read as follows:

§ 545.14-5 Satellite office.

• • • • • •

(j) For purposes of this section, the term "Federal association" includes any incorporated or unincorporated building, building and loan, savings and loan, or homestead association or cooperative bank operating or seeking to operate in the District of Columbia with respect to any satellite office operated or sought to be operated therein by such association.

4. Part 545 is amended by adding a new § 545.16(l) to read as follows:

§ 545.16 Change of office location.

• • • • • •

(l) For purposes of this section, the term "Federal association" includes any incorporated or unincorporated building, building and loan, savings and loan, or homestead association or cooperative bank operating or seeking to operate in the District of Columbia with respect to any office operated or sought to be operated therein by such association.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN,
Secretary.

[FR Doc.75-28436 Filed 10-21-75;8:45 am]

[No. 75-945]

PART 544—CHARTER AND BYLAWS

Amendment Relating to Voting by Members of Federal Savings and Loan Associations

OCTOBER 15, 1975.

The following summary of the amendment adopted by this Resolution is included for the reader's convenience and is subject to the full explanation in the preamble and to the specific provisions in the regulations.

I. *Situation Prior to this Amendment*—The charters of all Federal mutual savings and loan associations provided that no member shall cast more than 50 votes.

II. *Proposed Amendment*—Would have authorized Federal mutual associations to adopt an optional charter amendment stating that the maximum number of votes per member is one vote for each Federal Savings and Loan Insurance Corporation insured amount of $100 in the member's savings account (a maximum of 400 votes per member based on the present maximum FSLIC-insurance of $40,000 per member; 1,000 votes maximum per public unit account based on maximum FSLIC-insurance of $100,000 for public unit accounts) and, if applicable, one additional vote as a borrowing member.

III. *Final Amendment*—Federal mutual associations may adopt an optional charter amendment increasing from 50 votes to 400 votes the maximum number of votes that may be cast by the same member.

IV. *Reason For This Amendment*—This amendment liberalizes the regulations by adding an optional charter provision permitting each Federal mutual association to determine whether the maximum number of votes per member is to be changed for the particular association so as to reflect the amounts of the saving members' accounts within reasonable limits.

The Federal Home Loan Bank Board, by Resolution No. 75-468, dated May 28, 1975, proposed to amend § 544.8 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 544.8) by adding an optional charter provision relating to the maximum number of votes that may be cast by a member of a Federal mutual savings and loan association. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on June 3, 1975 (40 FR 23895-23896) with an invitation for interested persons to submit written comments by July 3, 1975.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby amends § 544.8 by revising the heading of paragraph (d) thereof and by adding a new paragraph (g) thereto to read as set forth below, effective November 21, 1975.

At the present time, all charters of Federal mutual associations provide in substance that, in the consideration of each question requiring action by the members of such a Federal association, a savings member is entitled to cast one vote for each $100, or fraction thereof, of

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the withdrawal value of the member's account, and a borrowing member is entitled to cast, as a borrower, one vote, subject to the overall limit that no member (whether saver, borrower, or both) may cast more than 50 votes.

The proposed amendment would have liberalized the regulations by providing that Federal mutual associations may adopt an optional charter amendment stating in substance that the maximum number of votes per member is one vote for each Federal Savings and Loan Insurance Corporation insured amount of $100 in the member's savings account (a maximum of 400 votes per member based on the present maximum FSLIC-insurance of $40,000 per member; 1,000 votes maximum per public unit account based on maximum FSLIC-insurance of $100,000 for public unit accounts) and, if applicable, one additional vote as a borrowing member.

This final amendment liberalizes the existing regulations by providing that Federal mutual associations may adopt an optional charter amendment increasing from 50 to 400 votes the maximum number of votes a member may cast. Both the 50-vote provision (present charter) and the 400-vote provision (optional charter provision) limit the total number of votes that the same member (saver, borrower or both) is entitled to cast.

This amendment does not change the voting rights of members of a particular Federal association unless and until that association adopts the optional charter provision added by the new § 544.8(g).

In § 544.8 the heading to paragraph (d) is revised and a new paragraph (g) is added as follows:

§ 544.8 Amendment of charter.

* * * * *

(d) *Amendment of charter relating to the record date as to a member's eligibility to vote.*

* * * * *

(g) *Amendment of charter relating to a member's maximum number of votes.*

(1) The provisions of this paragraph (g)(1) shall constitute the approval by the Board of the proposal by the board of directors of any Federal association that has a Charter N or Charter K (rev.) of the amendment of section 4 of such association's charter by revising the fourth sentence thereof to read as follows: "No member, however, shall cast more than 400 votes."

(2) The association shall follow the requirements of section 11 of its charter in adopting such amendment.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN, *Secretary.*

[FR Doc.75-28434 Filed 10-21-75;8:45 am]

[No. 75-946]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

Deletion of Obsolete Regulations

OCTOBER 15, 1975.

The Federal Home Loan Bank Board, by Resolution No. 75-650, dated July 31, 1975, proposed to delete the Regulations for District of Columbia Savings and Loan Associations and Branch Offices. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on August 6, 1975 (40 FR 33055), with an invitation for interested persons to submit written comments by September 8, 1975.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to adopt the proposed amendments. Accordingly, the Board hereby deletes Parts 581, 582, 582a and 582b of said regulations, effective November 24, 1975.

There are no longer any associations incorporated or organized under the laws of the District of Columbia; all such associations have become Federal associations. As a result, the Regulations for District of Columbia Savings and Loan Associations and Branch Offices have become obsolete.

By a companion resolution (Resolution No. 75-947; dated October 15, 1975), the Board is revising § 541.2 and inserting new §§ 545.14(m), 545.14-5(j) and 545.16(l). Revised § 541.2 expands the definition of the term "Federal association" to include District of Columbia associations. This change is necessary to provide for Board supervision of any future District of Columbia association, either newly formed or a Federal association which converts back. New §§ 545.14(m), 545.14-5(j) and 545.16(l) allow for continued Board supervision in the areas of branch offices, satellite offices, and change of office locations for any future District of Columbia associations and any non-District of Columbia chartered associations operating or seeking to operate in the District of Columbia. These amendments to the Federal Regulations allow complete deletion of the Regulations for District of Columbia Savings and Loan Associations and Branch Offices.

Chapter V as amended by removing Parts 581, 582, 582a, 582b as follows:

PART 581—DEFINITIONS [REMOVED]

PART 582—OFFICES [REMOVED]

PART 582a—OPERATIONS OF DISTRICT OF COLUMBIA ASSOCIATIONS [REMOVED]

PART 582b—STATEMENTS OF POLICY [REMOVED]

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464; sec. 8, 48 Stat. 134, as added by sec. 913, 84 Stat. 1815; 12 U.S.C. 1466a. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN, *Secretary.*

[FR Doc.75-28435 Filed 10-21-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11734]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Adoption of Special Instructions to Form U-4

Introduction. The Securities and Exchange Commission today announced the adoption of special instructions to Form U-4 (17 CFR 249.502) for registered broker-dealers who are not members of the National Association of Securities Dealers, Inc. ("nonmember" or "SECO" broker-dealers). Form U-4 was adopted by the Commission on May 16, 1975 (40 F.R. 30634) and became effective October 1, 1975.[1] As provided in Rule 15b8-1 (17 CFR 240.15b8-1) under the Securities Exchange Act of 1934, Form U-4 is to be filed by every SECO broker-dealer on behalf of each of its associated persons before such person may engage in any securities activities.

Comments. The purpose of adopting Form U-4 was to provide a uniform form which would be acceptable for filing by brokers and dealers with the national securities exchanges, the National Association of Securities Dealers, Inc. and state agencies for qualifying individual securities personnel of such firms with those jurisdictions. Once adopted by these agencies and jurisdictions, Form U-4 would reduce the reporting burden caused by the necessity of filing many non-uniform forms. The general instructions to the Form were drafted so that they conformed with the requirements of each jurisdiction. Therefore, it is necessary to provide special instructions for non-member broker-dealers so as to enable the Commission to carry out its unique responsibilities.

Since the special instructions impose no new substantive requirements and function primarily as guides to the persons subject thereto, the Commission for good cause finds that further notice and public procedure, as provided in Administrative Procedure Act (5 USC 553) are unnecessary.

Commission action. The Commission has adopted, effective October 1, 1975, a set of special instructions for non-member broker-dealers filing Form U-4 on behalf of such firms' associated persons pursuant to Sections 15(b), 17(a), and 23(a) of the Securities Exchange Act of 1934 as follows:

§ 249.502 [Amended]

SPECIAL INSTRUCTIONS FOR COMPLETING FORM U-4 UNIFORM APPLICATION FOR SECURITIES AND COMMODITIES INDUSTRY REPRESENTATIVE AND/OR AGENT

[Non-Member ("SECO") Broker-Dealers]

1. Rule 15b8-1 under the Securities Exchange Act of 1934 ("Act") provides that this form must be filed by every broker or dealer registered under section 15 of the Act, who is not a member of a registered National securities association (e.g., The National Association of Securities Dealers, Inc.). For every associated person engaged directly or indirectly in securities activities for or on behalf of such non-member broker or dealer, before such person engages in any activities on behalf of such broker or dealer.

2. A filing fee of $50 must accompany this form. A check should be made payable to the Securities and Exchange Commission and mailed along with one (1) copy of this form to the Office of the Comptroller.

3. Under sections 15(b), 17(a) and 23(a) of the act and the rules and regulations thereunder, the commission is authorized to solicit the information required to be supplied by this form from associated persons of non-member (SECO) broker-dealers. Although it is not required that Social Security numbers be disclosed, such voluntary disclosure will assist the commission in identifying applicants and in promptly processing the forms. Information supplied on this form shall be non-public but will be available to any person to whom the commission authorizes disclosure in the public interest. Routine uses of form U-4 are described on the reverse side of these special instructions.

4. A form which is not prepared and executed in compliance with applicable requirements may be returned as not acceptable for filing. Acceptance of this form, however, shall not constitute any finding that the information submitted is true, current, or complete. Intentional misstatements or omissions of fact constitute Federal criminal violations. (See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a)).

5. Applicants should note the provisions of sections 15(b) (7), (8) and (9) of the Securities Exchange Act of 1934 and the rules thereunder.

ROUTINE USES OF FORM U-4 SYSTEM

Form U-4 and the information contained in such Form may be used routinely for the following:

1. This system of records is routinely used in connection with the regulation by the Commission of non-member broker-dealers and persons associated with non-member broker-dealers pursuant to Section 15(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78o(b).

2. By SEC personnel for purposes of investigating possible violations of the Federal securities laws.

3. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

5. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governamental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

6. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

7. To aid in responding to inquiries from Members of Congress, the press or the public regarding matters under the Commission's jurisdiction.

8. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

Form U-4 is maintained under the authority of Title 15, United States Code, Section 78o(b) (17 CFR 240.15b8-1) and for the routine uses above-described as published in the FEDERAL REGISTER, Volume 40, No. 167, August 27, 1975, at p. 39288 thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

OCTOBER 15, 1975.

[FR Doc.75-28439 Filed 10-21-75;8:45 am]

[1] See Securities Exchange Act Release No. 11424 dated May 16, 1975 and No. 11530, dated July 10, 1975.

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FI-736]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

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§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Indiana	Kosciusko	Winona Lake, town of	Oct. 14, 1975. Emergency	May 3, 1974		
Kansas	Ness	Bazine, city of	do	Nov. 22, 1974		
Massachusetts	Worcester	North Brookfield, town of	do	June 21, 1974		
New Hampshire	Merrimack	Northfield, town of	do	Mar. 22, 1974		
New Jersey	Mercer	Princeton, borough of	do			
New Mexico	Sandoval	Corrales, village of	do	Dec. 20, 1974		
North Dakota	Traill	Portland, city of	do	May 10, 1974		
Ohio	Fayette	Jeffersonville, village of	do	May 17, 1974		
Oklahoma	Muskogee	Oktaha, town of	do	Nov. 29, 1974		
Pennsylvania	Somerset	Benson, borough of	do	Oct. 18, 1974		
Do	Perry	Blain, borough of	do	do		
Do	Lehigh	Coplay, borough of	do	Nov. 22, 1974		
Do	Clinton	Greene, township of	do	Nov. 15, 1974		
Do	do	Logan, township of	do	Sept. 13, 1974		
California	Imperial	Unincorporated areas	Oct. 14, 1975. Emergency	Nov. 1, 1974		
Iowa	Chickasaw	Fredericksburg, city of	do	May 3, 1974		
Do	Fayette	Oelwein, city of	do	July 26, 1974		
Michigan	Tuscola	Akron, township of	do	Oct. 18, 1974		
Missouri	Barton	Lamar, city of	do	Dec. 28, 1973		
Pennsylvania	Erie	Elgin, borough of	do	Jan. 24, 1975		
Do	Susquehanna	Hop Bottom, borough of	do	Nov. 1, 1974		
Do	Lycoming	Mill Creek, township of	do	Apr. 11, 1975		
Do	Susquehanna	Oakland, borough of	do	Jan. 31, 1975		
Do	Huntingdon	Springfield, township of	do	Dec. 13, 1974		
Do	Luzerne	Sugar Notch, borough of	do	Nov. 22, 1974		
Do	Fulton	Taylor, township of	do	Dec. 20, 1974		
Wisconsin	Marinette	Wausaukee, village of	do	May 24, 1974		
Massachusetts	Worcester	Princeton, town of	Oct. 15, 1975 Emergency	Aug. 30, 1974		
New Hampshire	Rockingham	Raymond, town of	do	Aug. 9, 1974		
New York	Otsego	Middlefield, town of	do	Nov. 8, 1974		
Do	Genesee	Oakfield, town of	do	Oct. 25, 1974		
Do	Ulster	Rosendale, village of	do	Nov. 15, 1974		
Pennsylvania	Centre	Boggs, township of	do	Sept. 13, 1974		
Do	Columbia	Centralia, borough of	do			
Do	Lackawanna	Clarks Green, borough of	do	July 18, 1975		
Do	Northumberland	East Chillisquaque, township of	do			
Do	Washington	Fallowfield, township of	do	Nov. 8, 1974		
Do	Wyoming	Forkston, township of	do	Nov. 29, 1974		
Do	Adams	Hamiltonban, township of	do	Feb. 21, 1975		
Do	Schuylkill	Hubley, township of	do	Nov. 22, 1974		
Do	Erie	LeBoeuf, township of	do	Jan. 10, 1975		
Do	Jefferson	McCalmont, township of	do	Jan. 24, 1975		
Do	Luzerne	Nuangola, borough of	do	Dec. 20, 1974		
Do	Huntingdon	Orbisonia, borough of	Oct. 15, 1975. Emergency	Nov. 8, 1974		
Do	Chester	Penn, township of	do	do		
Do	Bradford	South Creek, township of	do	Sept. 13, 1974		
Do	Erie	Summit, township of	do	Apr. 11, 1975		
Do	Huntingdon	Tell, township of	do	Jan. 24, 1975		
Do	Susquehanna	Thompson, township of	do	Apr. 11, 1975		
Do	Northumberland	West Cameron, township of	do	Sept. 20, 1974		
Utah	Washington	Unincorporated areas	do			
Georgia	Oconee	Unincorporated areas	Oct. 16, 1975. Emergency			
Indiana	Clark	Charlestown, city of	do	Apr. 2, 1974		
Louisiana	Jefferson Davis Parish.	Unincorporated areas	do	Jan. 31, 1975		
New Jersey	Warren	Hope, township of	do	Aug. 9, 1974		
New Mexico	Grant	Hurley, town of	do	June 28, 1974		
New York	Tioga	Spencer, town of	do	Aug. 9, 1974		
Rhode Island	Washington	New Shoreham, town of	do	Jan. 3, 1975		
West Virginia	Tucker	Thomas, city of	do	Dec. 20, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arkansas	Lafayette	Buckner, city of	Oct. 17, 1975. Emergency	Oct. 25, 1974		
Connecticut	Tolland	Hebron, town of	do	Nov. 29, 1974		
Illinois	Douglas	Tuscola, city of	do	Nov. 30, 1973		
Maine	Hancock	Bucksport, town of	do	Oct. 18, 1974		
New York	Schoharie	Esperance, town of	do	do		
Do	Lewis	West Turin, town of	do	Sept. 13, 1974		
Pennsylvania	Mercer	Greene, township of	do	Jan. 31, 1975		
Do	Washington	North Bethlehem township of.	do	Jan. 10, 1975		
Vermont	Addison	Hancock, town of	do	Sept. 20, 1974		
Do	Windsor	Pomfret, town of	do	Nov. 1, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75–28292 Filed 10–21–75;8:45 am]

[Docket No. FI–735]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be November 21, 1975, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin November 21, 1975 or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under Section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin November 21, 1975 or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Arkansas	Benton	Siloam Springs, city of.	H 050014A 01 through H 050014A 02	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City of Siloam Springs, City Hall, Siloam Springs, Ark. 72761.	May 10, 1974. Oct. 17, 1975.
Do	Columbia	Waldo, city of	H 050043A 01	do	Recorder/Treasurer, City Hall, Waldo, Ark. 71770.	Apr. 5, 1974. Oct. 17, 1975.
Do	Desha	Watson, city of	H 050072A 01	do	Mayor, City of Watson, City Hall, Watson, Ark. 71674.	Aug. 30, 1974. Oct. 17, 1975.
Do	Fulton	Mammoth Spring, city of.	H 050082A 01	do	Mayor, City of Mammoth Spring, City Hall, Mammoth Spring, Ark. 72554.	Mar. 15, 1974. Oct. 17, 1975.
Do	Independence	Newark, city of	H 050092A 01	do	Mayor, City Hall, Newark, Ark. 72562.	Mar. 15, 1974. Oct. 17, 1975.
Do	Jefferson	Wabbaseka, city of.	H 050111A 01	do	Mayor, City of Wabbaseka, City Hall, Wabbaseka, Ark. 72178.	May 10, 1974. Oct. 17, 1975.
Do	Lincoln	Gould, city of	H 050127A 01	do	Mayor, City of Gould, Gould, Ark. 71643.	May 3, 1974. Oct. 17, 1975.
Do	Mississippi	Luxora, city of	H 050148A 01	do	Mayor, City Hall, Luxora, Ark. 72358.	Oct. 12, 1973.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Montgomery	Norman, city of	H 050158A 01	do	Mayor, City of Norman, City Hall, Norman, Ark. 71960.	Aug. 23, 1974. Oct. 17, 1975.
Do	Scott and Sebastian.	Mansfield, city of	H 050202A 01	do	Mayor, City Hall, Mansfield, Ark. 72944.	Mar. 15, 1974. Oct. 17, 1975.
Do	Sevier	DeQueen, city of	H 050204A 01 through H 050204A 02	do	Mayor, City Hall, DeQueen, Ark. 71832.	Mar. 15, 1974. Oct. 17, 1975.
Do	Union	Huttig, city of	H 050208A 01	do	Mayor, City Hall, Huttig, Ark. 71747.	May 24, 1974. Oct. 17, 1975.
Do	do	Smackover, city of.	H 050209A 01	do	Mayor, City Hall, Smackover, Ark. 71762.	Oct. 26, 1973. Oct. 17, 1975.
California	Contra Costa	San Pablo, city of.	H 060036A 01 through H 060036A 05	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 600 South Commonwealth Ave., Los Angeles, Calif. 90005.	Mayor, City Hall, 2021 Market Ave., San Pablo, Calif. 94806.	Mar. 15, 1974. Oct. 17, 1975.
Do	Fresno	Coalinga, city of	H 060045A 01 through H 060045A 04	do	Mayor, City of Coalinga, 6th and Elm Sts., City Hall, Coalinga, Calif. 93210.	Mar. 1, 1974. Oct. 17, 1975.
Do	Kern	Delano, city of	H 060078A 01 through H 060078A 02	do	Mayor, City Hall, 1118 Jefferson St., Delano, Calif. 93215.	May 24, 1974.
Do	Los Angeles	South Gate, city of.	H 060163A 01 through H 060163A 03	do	Director of Public Works, City Hall, South Gate, Calif. 90280.	June 28, 1974. Oct. 17, 1975.
Do	San Diego	Del Mar, city of	H 060288A 01 through H 060288A 04	do	Mayor, City Hall, 201 15th St., Del Mar, Calif. 92014.	Feb. 22, 1974. Oct. 17, 1975.
Do	Stanislaus	Waterford, city of	H 060303A 01 through H 060303A 02	do	Mayor, City Hall, 320 St., Waterford, Calif. 95386.	May 24, 1974. Oct. 17, 1975.
Connecticut	New Haven	Southbury, town of.	H 090089A 01 through H 090089A 11	Department of Environmental Protection, Division of Water and Related Resources, Room 207, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Town Engineer, P.O. Box 348, Southbury, Conn. 06488.	Feb. 8, 1974. Oct. 17, 1975.
Georgia	White	Helen, city of	H 130092A 01	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Mayor, Box 146, Helen, Ga. 30546	Sept. 6, 1974. Oct. 17, 1975.
Illinois	Clay	Clay City, village of.	H 170042A 01	Governor's Task Force on Flood Control, 300 North State St, Room 1010, P.O. Box 475, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Village President, Box 546, Clay City, Ill. 62824.	Mar. 22, 1974. Oct. 17, 1975.
Do	Grundy	Carbon Hill, village of.	H 170257A 01	do	Village President, Village of Carbon Hill, Route 1, Coal City, Ill. 60416.	Mar. 8, 1974.
Do	Lake	North Barrington, village of.	H 170383A 01	do	Village President, 260 Brookside, Village of North Barrington, Barrington, Ill. 60010.	Mar. 22, 1974. Oct. 17, 1975.
Do	Moultrie	Sullivan, City of	H 170524A 01	do	Mayor, city Building, Sullivan, Ill. 61951.	Sept. 20, 1974.
Indiana	Henry	Middletown, town of.	H 180331A 01 through H 180331A 02	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Town Board President, City Building, Middletown, Ind. 47356.	Feb. 1, 1974. Oct. 17, 1975.
Kansas	Clark	Minneola, city of	H 200051A 01	Division of Water Resources, Kansas Department of Agriculture, 1720 South Topeka Ave., Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, 126 Main Street, Minneola, Kans. 67865.	Feb. 8, 1974. Oct. 17, 1975.
Do	Coffey	Waverly, city of	H 200068A 01	do	Mayor, City Hall, Pearson Avenue, Waverly, Kans. 66871.	Feb. 15, 1974. Oct. 17, 1975.
Do	Harper	Harper, city of	H 200129A 01	do	Mayor, City Hall, 201 West Main, Harper, Kans. 67058.	Aug 16, 1974. Oct. 17, 1975.
Do	Johnson	Westwood, city of.	H 200179A 01	do	Mayor, City Hall, Westwood, Kans. 66205.	Aug. 16, 1974.
Do	Phillips	Logan, city of	H 200265A 01	do	Mayor, City Hall, Main Street, Logan, Kans. 67646	July 19, 1974. Oct. 17, 1975.
Do	Rawlins	Atwood, city of	H 200280A 01	do	Mayor, City Hall, City of Atwood, 416 Main St., Atwood, Kans. 67730.	Feb. 15, 1974. Oct. 17, 1975.
Kentucky	Hancock	Lewisport, city of	H 210093A 01	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, Box 22, Lewisport, Ky. 42351	Jan. 25, 1974. Feb. 1, 1974. Oct. 17, 1975.
Louisiana	Franklin Parish	Wisner, town of	H 220075A 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, Town of Wisner, Town Hall, Wisner, La. 71378.	Mar. 29, 1974. Oct. 17, 1975.
Do	St. Landry Parish	Opelousas, city of	H 220173A 01 through H 220173A 03	do	Mayor, City of Opelousas, City Hall, Opelousas, La. 70570.	June 14, 1974. Oct. 17, 1975.
Do	Webster Parish	Cullen, town of	H 220235A 01	do	Mayor, Town Hall, Cullen, La. 71021	Apr. 12, 1974. Oct. 17, 1975.
Do	do	Doyline, village of.	H 220236A 01	do	Mayor, Village of Doyline, Village Hall, Doyline, La. 71023.	Apr. 5, 1974. Oct. 17, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Massachusetts	Worcester	Leominster, city of.	H 250314A 01 through H 250314A 12	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	City Solicitor, City of Leominster, 65 Pleasant St., Leominster, Mass. 01453.	Mar. 22, 1974. Oct. 17, 1975.
Michigan	Wayne	Dearborn Heights, city of.	H 260221A 01 through H 260221A 06	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	Mayor, City Hall, Dearborn Heights, Mich.	July 19, 1974 Oct. 17, 1975.
Minnesota	Hennepin	Richfield, city of	H 270180A 01 through H 270180A 04	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Building, St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	City Manager, 6700 Portland Ave., Richfield, Minn. 55423.	May 17, 1974. Oct 17, 1975.
Do	Itasca	La Prairie, city of.	H 270206A 01	do	Mayor, City of La Prairie, City Hall, Grand Rapids, Minn. 55744.	Aug. 23, 1974. Oct. 17, 1975.
Do	Ramsey	Lauderdale, city of.	H 270376A 01	do	Mayor, City of Lauderdale, 1765 Carl St., St. Paul, Minn. 55113.	May 10, 1974. Oct. 17, 1975.
Mississippi	Hinds and Rankin.	Jackson, city of	H 280072A 01 through H 280072A 25	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, City Hall, Jackson, Miss., no ZIP code.	Oct. 6, 1974. Oct. 17, 1975.
Missouri	Pike	Bowling Green, city of.	H 290288A 01 through H 290288A 02	Department of Natural Resources, Division of Program and Policy—Development, State of Missouri, 308 East High St., Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City of Bowling Green, City Hall, Bowling Green, Mo. 63334.	Mar. 22, 1974 Oct. 17, 1975.
Do	Ripley	Doniphan, city of	H 290313A 01	do	Mayor, City Hall, 188 State St., Doniphan, Mo. 63935.	Mar. 1, 1974 Oct. 17, 1975
Do	Wright	Mountain Grove, city of.	H 290456A 01 through H 290456A 02	do	Mayor, City Hall, Mountain Grove, Mo. 65711.	Apr. 5, 1974 Oct. 17, 1975
Montana	Cascade	Great Falls, city of.	H 300010A 01 through H 300010A 06	Montana Department of Natural Resources and Conservation, Water Resources Division, 32 South Ewing St, Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Planner, Great Falls City-County Planning Board, Room 108, Civic Center Bldg., Great Falls, Mont. 59401.	June 28, 1974. Oct. 17, 1975.
Do	Mineral	Alberton, town of.	H 300089A 01	do	Mayor, Town Hall, Alberton, Mont. 59820.	June 27, 1975.
New Jersey	Monmouth	Holmdel, township of.	H 340300A 01 through H 340300A 06	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, Box 385, Holmdel, N.J. 07733	Feb. 1, 1974. Oct. 17, 1975.
Do	Union	Winfield, township of.	H 340479A 01	do	Mayor, 12 Gulfstream Ave., Winfield, N.J. 07036.	Mar. 8, 1974
Do	Warren	Mansfield, township of.	H 340491A 01 through H 340491A 10	do	Mayor, Township of Mansfield, Municipal Bldg., Box 105, Port Murray, N.J. 07865.	Aug. 16, 1974. Oct. 17, 1975.
New York	Allegany	Wellsville, village of.	H 360036A 01	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 2 World Trade Center, N.Y. 12201.	Mayor, Municipal Bldg., Wellsville, N.Y. 14895.	Nov. 9, 1973. Oct. 17, 1975.
Do	Broome	Binghamton, city of.	H 360031A 01 through H 360031A 15	do	Mayor's Office, Binghamton, N.Y. 13901.	Apr. 12, 1974 Oct. 17, 1975.
Do	Cayuga	Union Springs, village of.	H 360129A 01	do	Mayor, Box 99, Union Springs, N.Y. 13160.	Apr. 11, 1975. Oct. 17, 1975.
Do	Erie	Orchard Park, village of.	H 360254A 01	do	Mayor, S 4295 South Buffalo St., Orchard Park, N.Y. 14127.	June 7, 1974.
Do	Jefferson	Lorraine, town of.	H 360342A 01 through H 360342A 03	do	Town Supervisor, Lorraine, N.Y. 13659.	May 10, 1974. Oct. 17, 1975.
Do	St. Lawrence	Fowler, town of	H 360698A 01 through H 360698A 07	do	Town Supervisor, Town of Fowler, Hailesboro, N.Y. 13645.	Nov. 1, 1974. Oct. 17, 1975.
Do	Saratoga	Malta, town of	H 360720A 01 through H 360720A 13	do	Supervisor, Town of Malta, Box 254, Town Hall, Round Lake, N.Y. 12151.	Oct. 18, 1974.
Do	Westchester	Mt. Pleasant, town of.	H 360919A 01 through H 360919A 05	do	Town Supervisor, town of Mt. Pleasant, 49 Beerman Ave., North Tarrytown, N.Y. No ZIP code.	May 3, 1974. Oct. 17, 1975.
Do	Seneca	Tyre, town of	H 361206A 01 through H 361206A 10	do	Town Supervisors, town of Tyre, R.D. #1, Seneca Falls, N.Y. 13148.	Oct. 18, 1974. Oct. 17, 1975.
North Carolina	Buncombe	Woodfin, town of	H 370380A 01 through H 370380A 03	Division of Community Assistance, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, Box 8385, Woodfin, N.C. 28804.	July 25, 1975. Oct. 17, 1975.
Oregon	Coos	Powers, city of	H 410049A 01	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. NE., Salem, Oreg. 97310.	Mayor, City Hall, P.O. Box 250, Powers, Oreg. 97466.	Nov. 26, 1973.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Pennsylvania	Bucks	Middletown, township of	H 420193A 01 through H 420193A 10	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Township Manager, township of Middletown, 700 New Rodgers Rd., Levittown, Pa. 19056.	May 31, 1974. Oct. 17, 1975.
Do	Westmoreland	New Alexandria, borough of.	H 420689A 01 through H 420689A 02	do	Mayor, Pleasant Vue Dr., New Alexandria, Pa. 15670.	June 28, 1974. Oct. 17, 1975.
Do	York	Seven Valleys, borough of.	H 420936A 01	do	Mayor, 73 Church St., Seven Valleys, Pa. 17360.	May 3, 1974. Oct. 1, 1975.
Do	Delaware	Darby, township of.	H 421603A 01 through H 421603A 03	do	Township Commissioners, President, 1436 Forrester Ave., township of Darby, Sharon Hill, Pa. 19079.	Aug. 30, 1974. Oct. 17, 1975.
Do	Lancaster	Mt. Joy, township of.	H 421776A 01 through H 421776A 11	do	Township Supervisors, Chairman, R.D. #1, township of Mt. Joy, Elizabethtown, Pa. 17022.	Dec. 27, 1974. Oct. 17, 1975.
Do	Lehigh	Heidelberg, township of.	H 421809A 01 through H 421809A 02	do	Township Board of Supervisors, R.D. #2, township of Heidelberg, Slatington, Pa. 18080.	Dec. 27, 1974. Oct. 17, 1975.
Do	York	West Manchester, township of.	H 422333A 01 through H 422333A 12	do	Township Board of Supervisors, Chairman, 2399 Monroe St., York, Pa. 17404.	Nov. 15, 1974. Oct. 17, 1975.
South Carolina	Hampton	Yemassee, town of.	H 450103A 01 through H 450103A 02	South Carolina Water Resources Commission, P.O. Box 4515, Columbia, S.C. 29240. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Mayor, Box 111, Yemassee, S.C. 29945.	June 21, 1974. Oct. 17, 1975.
Texas	Atascosa	Pleasanton, city of.	H 480015A 01 through H 480015A 05	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	City Secretary, City Hall, Pleasanton, Tex. 78064.	June 21, 1974. Oct. 17, 1975.
Do	Liberty	Cleveland, city of.	H 480439A 01 through H 480439A 04	do	City Manager, City Hall, Cleveland, Tex. 77327.	Mar. 8, 1974.
Virginia	Henry	Ridgeway, town of.	H 510079A 01	Bureau of Water Control Management, State Water Control Board, P.O. Box 1143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Mayor, Ridgeway, Va. 24148	June 28, 1974. Oct. 17, 1975.
West Virginia	Kanawha	Nitro, city of	H 540081A 01 through H 540081A 02	Office of Federal-State Relations, Division of Planning and Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305. West Virginia Insurance Commission, 1800 Washington St., Building #3, Room 643, Charleston, W. Va. 25305.	Mayor, Box 515, Nitro, W. Va. 25143	Mar. 15, 1974. Oct. 17, 1975.
Do	McDowell	War, town of	H 540122A 01 through H 540122A 03	do	Mayor, Box 365, War, W. Va. 24892	May 31, 1974.
Do	Putnam	Buffalo, town of	H 540166A 01 through H 540166A 02	do	Mayor, Town Hall, Box 217, Buffalo, W. Va. 25033.	Feb. 1, 1974. Oct. 17, 1975.
Do	Upshur	Buckhannon, city of.	H 540199A 01 through H 540199A 05	do	Mayor, City Hall, Buckhannon, W. Va. 26201.	June 28, 1974.
Do	Wood	Williamstown, city of.	H 540216A 01 through H 540216A 04	do	Mayor, City Bldg., Williamstown, W. Va. 26187.	May 17, 1974. Oct. 17, 1975.
Wisconsin	Iowa	Dodgeville, city of.	H 550177A 01 through H 550177A 02	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53703.	Mayor, City Hall, Dodgeville, Wis. 53533.	Sept. 20, 1974. Oct. 17, 1975.
Do	Outagamie	Kimberly, village of.	H 550306A 01	do	Village President, 515 West Kimberly Ave., Kimberly, Wis. 54136.	June 14, 1974. Oct. 17, 1975.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-28293 Filed 10-21-75;8:45 am]

CHAPTER IV—OFFICE OF ASSISTANT SECRETARY FOR HOUSING MANAGEMENT

[Docket No. R-75-314]

PART 403—LOCAL RENT CONTROL

The Department of Housing and Urban Development published an interim rule on February 26, 1975, (40 FR 8189) adding a new Part 403, designated "Local Rent Control", to Chapter IV of Title 24, which was amended by interim rule on May 8, 1975 (40 FR 20081). The interim rule prescribes the conditions under which the Department will assert exclusive jurisdiction or will preempt rent regulation by local rent control boards acting pursuant to state or local law.

Interested persons were given the opportunity to participate in the final rule making process through the submission of data, views and comments on the interim rules. The Department received 577 responses, of which 544 were form letters from tenants in one state protesting the implementation of the rule. Each of the remaining 33 responses contained several comments, some of which pertained to substantive matters while others pertained to technical changes.

Since we have added a new Subpart A designated "General Provisions" in the final rule, which subpart is further described below, Subparts A, B and C of the interim rule are hereinafter referred to as Subparts B, C and D, respectively. In addition, the section numbers in the final rule have been changed because of the new subpart and all section numbers used in this preamble refer to the final rule.

Several suggestions were made that projects within the scope of Subparts C and D be handled on a case-by-case basis which would be consistent with Subpart B. There were contrary suggestions that rent regulation of projects covered by Subpart B be preempted in the same manner as projects falling within Subparts C and D. The Department has determined that the situation is more urgent and that there is a greater need to preserve the continued viability of subsidized insured projects as a housing resource for low-income families and to protect the Department's economic interests in the subsidized insured and HUD-owned projects than in the non-subsidized insured projects. Consequently, a case-by-case approach would not be feasible for projects falling under Subparts C and D, nor is preemption of the entire field of local rent control essential for Subpart B projects.

Some comments contained statements that preemption was not necessary to protect the mortgagor from increases in expenses because local rent control ordinances permit an annual increase and also provide for hardship increases. However, we also received several comments that the annual increase percentages were arbitrary and bore no relationship to the actual costs incurred by a mortgagor in operating and maintaining a residential rental property. In addition, it was stated that the procedures necessary for a mortgagor to obtain a hardship increase from a local rent control board were so cumbersome and took so long that, when the increase was approved, if it were approved, it was often too late to prevent the project from going into default.

There were a few comments to the effect that public hearings should be held. The Department provided interested persons 60 days in lieu of the usual 30 days in which to comment on the interim rule. In addition, 30 days were provided for interested persons to submit their comments on the clarification to the interim rule published on May 8, 1975, at 40 FR 20081. The Department is satisfied that ample opportunity was given for persons to comment on the interim rules. All comments received by the Department were reviewed and seriously considered before the adoption of this final rule. Therefore, we consider that no useful purpose would be served by providing a public hearing on this matter.

Several persons commented that the Department did not have the authority nor was there Congressional intent for HUD to issue regulations preempting local rent control boards. The Department of Housing and Urban Development Act authorizes the Secretary to issue regulations to carry out the purposes of the National Housing Act, U.S. Housing Act of 1937 and Housing Act of 1959 which provide for the regulation of rents. Such authorization is an expression of Congressional intent for the Department to take the necessary action to carry out the Congressional mandate to provide assistance for housing.

There were several comments to the effect that mortgage defaults were not precipitated by local rent control ordinances, but by many other factors, such as desire on the part of landlords for excessive returns, tax structures, high utility costs, poor maintenance and poor management. The Department is aware that there are many factors which contribute to mortgage defaults and does not consider local rent control ordinances as the sole factor, but rather as a significant factor in causing owners of FHA projects, especially subsidized projects, to default on their mortgage payments and to lose interest in project ownership. The Department continuously reviews methods of improving management procedures in an effort to aid mortgagors to achieve economies in operation. The Department has no control over some of the other factors contributing to mortgage defaults, such as tax structures and high utility costs.

Many persons stated that preemption by the Department of a local rent control board's right to determine rents would result in higher rents without any participation by tenants of subsidized projects in determination of rent increases. The Department is aware of this concern by tenants and on September 11, 1974, published an interim rule designated as "Part 401—Notice to Tenants and Consideration of their Comments in Effecting Rent Increases" which permits tenants of subsidized projects to participate in the Department's rent increase procedure. On July 10, 1975, the Department published its final rule for this procedure at 40 FR 29073.

We have made several changes in the interim rules as a result of comments received or because of reconsideration of some of our policy decisions. All of the modifications were intended to make the final rule clearer and to more effectively accomplish the Department's purpose of providing housing at reasonable rents and at levels sufficient to cover mortgage payments and reasonable expenses of operation of the project. The basic concepts of the interim rules have been retained in the final rule. The following changes have been made to the interim rules to elaborate on the procedures of the interim rules and not to implement new concepts.

A new Subpart A has been added to set forth the scope and effect of these regulations. Section 403.1(b) provides that any state or local law, ordinance, or regulation is without force and effect insofar as it purports to regulate rents of projects for which HUD has made a determination of preemption in accordance with Subpart B, or projects coming within the scope of Subpart C or D. Compliance with any such law, ordinance, or regulation shall not be required as a condition for bringing an eviction action against a tenant. Section 403.1(c) states that the purpose of these regulations is to preempt all actions of a local rent control board that would impede the implementation of the HUD approved rents or interfere with the collection of the rental charges approved by HUD. Section 403.1(d) confers a right on owners, mortgagors or managing agents to offer these regulations as a defense in a proceeding brought by someone who seeks to interfere with the collection of rental charges approved by HUD.

The reference to "Part 401 of this Chapter" in Subpart B was erroneously placed there and has been removed in the final rule. Section 403.6(a) pertains to unsubsidized housing and Part 401 of this Chapter pertains to rent increases in subsidized projects. Reference to Part 401 is now included in the appropriate section of Subpart C.

The phrase "increases in rental charges" has been substituted for the phrase "maximum permissible rents" in § 403.6(a) to make it clear that HUD processes a request for increases in rental charges to determine the minimum rents necessary to assure payment of debt service, return on investment (if other than a nonprofit mortgagor) and operating expenses.

A requirement has been added to § 403.6(a) for the mortgagor to notify the local rent control board that it has also submitted an application to HUD for approval of rent increases which may be affected by these regulations. The local rent control board will then be on notice that if it approves a lesser increase than HUD or fails to make a decision within 30 days of receiving the application, HUD will preempt local rent controls as to that project if the Office of Loan Management in Central Office determines that the Department's economic interest will be jeopardized and makes a certification to that effect, pursuant to § 403.6(e). A new paragraph (f) has been added to § 403.6 which states when the mortgagor may implement the HUD approved rents.

The necessary procedures for a mortgagor and HUD to follow in the application and processing of a rent increase for a subsidized project have been expanded as set forth in § 403.10 of Subpart C. The mortgagor does not submit an application to the local rent control board, but under paragraph (b), HUD shall notify the local rent control board that it is processing an application submitted by the mortgagor for an increase in rental charges and that HUD has preempted the field of local rent regulations as it affects the mortgagor's project. Section 403.10(c) provides that the mortgagor may effect collection of the HUD approved rents in accordance with Part 401 of this Chapter, and is required to furnish the local rent control board a copy of the HUD approved rent schedule after the new rents have become effective. This section also contains a statement that the notice to the local rent control board of the approved increases does not confer upon the board a right to approve or disapprove the Department's action or to exercise jurisdiction

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over the implementation of approved rent increases by the mortgagor.

We have added a provision to § 403.13 (a) of Subpart D for the local HUD office to notify the local rent control board that it is considering approval of rent increases for a project and that the Department has exclusive jurisdiction over the rents for the project. Section 403.13 (b) provides for the local HUD office to furnish the local rent control board with a schedule of the increased rents after they have become effective. This section also contains the same statement, negating any conferral upon the board of a right to approve or disapprove of the Department's action, as is found in § 403.10 (c) of Subpart C.

The new Subpart A was added, and the changes in Subparts B, C and D were made, in order that the Department's procedures in the area of rent regulation would be clear and the Department's position unequivocal. The changes also provide for notice to the rent control board of mortgagors' applications for rent increases and of HUD's action with respect to the applications. The purpose of the notices is to keep the local rent control board apprised of the lawful rents for projects covered by these subparts.

The provisions of this part apply to any project which falls within the scope of Subpart B, C, or D for which a rent increase was approved by HUD on or after February 26, 1975.

The Department has determined that this final rule will not have a substantial impact upon the quality of the environment as defined in HUD Handbook 1390.1. The Finding of Inapplicability prepared in connection with the interim rule is applicable to this final rule and a copy of such Finding is on file with the Rules Docket Clerk, Office of General Counsel, Room 10245, 451 Seventh Street, SW., Washington, D.C. 20410.

Accordingly, the interim rule, adding Part 403 to Chapter IV of Title 24, published in the FEDERAL REGISTER on February 26, 1975 (40 FR 8189) as amended on May 8, 1975 (40 FR 20081) is hereby amended and adopted as a final rule as follows:

Subpart A—General Provisions

Sec.
403.1 Scope and effect of regulations.

Subpart B—Unsubsidized Insured Projects

403.4 Applicability.
403.5 Rental charges.
403.6 Procedures.

Subpart C—Subsidized Insured Projects

403.8 Applicability.
403.9 Rental charges.
403.10 Procedures.

Subpart D—HUD-Owned Projects

403.12 Rental charges.
403.13 Procedures.

Subpart A—General Provisions

§ 403.1 Scope and effect of regulations.

(a) The regulation of rents for a project coming within the scope of "Subpart B—Unsubsidized Insured Projects" is preempted under these regulations only when the Department determines that the delay or decision of the local rent control board, or other authority regulating rents pursuant to state or local law (hereinafter referred to as board) jeopardizes the Department's economic interest in a project covered by that subpart. The regulation of rents for projects coming within the scope of "Subpart C—Subsidized Insured Projects" is preempted in its entirety by the promulgation of these regulations. The regulation of rents for projects coming within the scope of "Subpart D—HUD-Owned Projects" rests within the exclusive jurisdiction of the Department.

(b) Any state or local law, ordinance, or regulation is without force and effect insofar as it purports to regulate rents of (1) projects for which a determination of preemption has been made pursuant to Subpart B, or (ii) projects coming within the scope of Subpart C or D. Compliance with such law, ordinance, or regulation shall not be required as a condition of, or prerequisite to, the remedy of eviction, and any law, ordinance, or regulation which purports to require such compliance is similarly without force and effect.

(c) It is the purpose of the Department that these regulations shall bar all actions of a board that would in any way frustrate the purpose or effect of these regulations or that would in any way delay, prevent or interfere with the implementation of any increase in rental charges approved by HUD.

(d) These regulations may be offered as a defense to a proceeding by whomever initiated, which may be brought or threatened to be brought against any owner, mortgagor or managing agent of a project subject to these regulations who demands, receives or retains, or seeks to demand, receive or retain, rental charges approved by HUD, or as a basis for declaratory, injunctive or other relief against any person or agency, public or private, who attempts to enforce, or threatens to enforce, any state or local law, ordinance, or regulation which is without force and effect by reason of this regulation.

Subpart B—Unsubsidized Insured Projects

§ 403.4 Applicability.

This subpart applies to all projects with mortgages insured or held by HUD, except those to which Subpart C applies.

§ 403.5 Rental charges.

The Department will generally not interfere in the regulation by a local rent control board (hereinafter referred to as board) of rents for unsubsidized projects with mortgages insured or held by HUD. However, HUD will preempt the regulation of rents for such a project when the Department determines that the delay or decision of a board, or other authority regulating rents pursuant to state or local law, jeopardizes the Department's economic interest in the project.

§ 403.6 Procedures.

(a) The mortgagor shall file its application for approval of increases in rental charges with the appropriate local office of HUD, and simultaneously therewith file an application for approval of those increases with any board in the area in which the project is located. The mortgagor shall also notify the board in writing that it has submitted an application to HUD for approval of the increases which may be affected by the provisions of the regulations in this subpart.

(b) The local HUD office will process the application for increases in rental charges in accordance with HUD's instructions and procedures promulgated in accordance with the authority contained in the National Housing Act.

(c) The mortgagor shall inform the local HUD office if the rents approved for the project by the board are lower than those approved by HUD, or if the board fails to render a decision on the mortgagor's application for increases in rental charges within a period of thirty (30) days following the filing of the application. The mortgagor shall furnish the local HUD office with any data supplied to the board not previously furnished to the local HUD office, and, if the mortgagor considers that the economic interest in the project is jeopardized by the decision or delay of the board, a statement to that effect together with the reasons therefor.

(d) The local HUD office will review the information submitted by the mortgagor, together with the decision of the board, if any, and shall make a report if it deems the delay or decision of the board jeopardizes the Department's economic interest in the project and the board will not modify its position to the satisfaction of the local HUD office. The report shall be sent to the Office of Loan Management in the Central Office (hereinafter referred to as Office of Loan Management) and shall include appropriate recommendations concerning the action that should be taken by HUD. A copy of the report and recommendations shall be furnished the Regional Office.

(e) The Office of Loan Management will review the report and will consider whether to approve rents higher than those approved by the board, or to approve a rent increase notwithstanding the failure of the board to reach a decision on the application. If the decision of the Office of Loan Management is to approve (1) rents higher than those approved by the board, or (2) a rent increase notwithstanding the delay of the board in reaching a decision, it shall issue a formal certification that it has preempted local rent controls as to such rents in order to protect the Department's economic interest in the project. Copies of the certification shall be transmitted to the mortgagor, the local HUD office, the Regional Office, and the board.

(f) The mortgagor may effect collection of the HUD approved rents after the expiration of 30 days notice to the tenants, subject to whatever rights a tenant may have under his lease.

Subpart C—Subsidized Insured Projects

§ 403.8 Applicability.

This subpart applies to all projects with mortgages insured or held by HUD, which receive a subsidy in the form of: (a) interest reduction payments pursuant to Section 236 of the National Housing Act; (b) below-market interest rates pursuant to Section 221(d) (3) and (5) of the National Housing Act; (c) direct loans at below-market interest rates pursuant to Section 202 of the Housing Act of 1959; or (d) rent supplement payments pursuant to Section 101 of the Housing and Urban Development Act of 1965 and/or housing assistance payments pursuant to (1) Section 8 of the United States Housing Act of 1937, or (2) Section 23 of the United States Housing Act of 1937 in effect prior to January 1, 1975, if 10 percent or more of the units in a project receive either rent supplement payments or housing assistance payments.

§ 403.9 Rental charges.

The Department finds that it is necessary and desirable to minimize defaults by the mortgagor in its financial obligations with regard to projects covered by this subpart, and to assist mortgagors to preserve the continued viability of those projects as a housing resource for low-income families. The Department also finds that it is necessary and desirable to protect the substantial economic interest of the Federal Government in those projects. Therefore, the Department concludes that it is in the national interest to preempt, and it does hereby preempt, the entire field of rent regulation by local rent control boards, (hereinafter referred to as board), or other authority, acting pursuant to state or local law as it affects projects covered by this subpart.

§ 403.10 Procedures.

(a) The mortgagor shall file its application for approval of increases in rental charges with the appropriate local office of HUD.

(b) The local HUD office will process the application for increases in rental charges in accordance with HUD's regulations, including Part 401 of this chapter, and instructions and procedures, all adopted pursuant to the statutory authority described in Section 403.8, and shall notify in writing any board in the area in which the project is located that it is processing the application and, that, pursuant to this subpart, HUD has preempted the entire field of rent regulation by a board acting pursuant to state or local law as it affects the project.

(c) The mortgagor may effect collection of the new rents in accordance with the procedures described in Part 401 of this chapter. The mortgagor shall furnish the board a schedule of any new rents approved by HUD within ten (10) days after the approved rents have become effective. Notice to the board of the approved increases in rents does not confer upon the board a right to approve or disapprove the Department's action or to exercise jurisdiction over the implementation of the rent increases by the mortgagor. The sole purpose of the notice is to inform the board of the lawful rents that may be charged for projects covered by this subpart.

Subpart D—HUD-Owned Projects

§ 403.12 Rental charges.

The Department has exclusive jurisdiction over the rents of all projects which it owns, irrespective of the existence, or the provisions, of any State or local rent control law or ordinance.

§ 403.13 Procedures.

(a) The local HUD office will notify in writing any local rent control board (hereinafter referred to as board) in the area in which the project is located that it is considering increasing the rents for a project within the scope of this subpart, and that the increases are expected to become effective after the expiration of thirty (30) days notice to the tenants, subject to whatever rights a tenant may have under a lease. The local HUD office will also notify the board that, pursuant to this subpart, the Department has exclusive jurisdiction over the rents for the project.

(b) After the increases have become effective, the local HUD office will furnish the board a schedule of the new rents that are being charged by HUD. Notice to the board of the increased rents does not confer upon the board a right to approve or disapprove of the Department's action, or to exercise jurisdiction over the implementation of the rent increases by the Department. The sole purpose of the notice is to inform the board of the lawful rents that may be charged for projects covered by this subpart.

(Section 7(d), Department of Housing and Urban Development Act; 42 U.S.C. 3535(d).)

Effective date. This amendment will be effective October 22, 1975.

It is hereby certified that the economic and inflationary impacts of this final rule have been carefully evaluated in accordance with OMB Circular A-107.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.75-28494 Filed 10-21-75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

(T.D. 7384)

Determination of Interest Rates

By a notice of proposed rule making appearing in the FEDERAL REGISTER on August 20, 1975 (40 FR 36366) amendments to the Income Tax Regulations (26 CFR Part 1), the Estate Tax Regulations (26 CFR Part 20), the Gift Tax Regulations (26 CFR Part 25), and the Regulations on Procedure and Administration (26 CFR Part 301) were proposed in order to conform such regulations to the changes made by section 7 of the Act of January 3, 1975 (Pub. L. 93-625, 88 Stat. 2115). The proposed amendments to the regulations are adopted by this document without change.

The Act increased the rate of interest payable on underpayments and overpayments of tax and increased the additions to tax for failure to pay the estimated tax. The rate shall be 9 percent per annum on amounts outstanding on July 1, 1975, or arising thereafter. The Act also provides for future adjustments of the rate. The first such adjustment may be made effective February 1, 1976.

Pursuant to paragraph 4(a) of Treasury Order 221 published in the Federal Register for June 10, 1972 (37 FR 11696), certain regulations of the Internal Revenue Service continue in effect as regulations of the Bureau of Alcohol, Tobacco and Firearms until superseded or revised. The regulations amended by this Treasury decision are among those that continue to apply for purposes of the laws administered by the Bureau in addition to applying for purposes of the laws administered by the Internal Revenue Service. The Director, Bureau of Alcohol, Tobacco and Firearms has, for this reason, joined as a signatory to this Treasury decision.

Adoption of amendments to the regulations. Based on the foregoing, the Income Tax Regulations (26 CFR Part 1), the Estate Tax Regulations (26 CFR Part 20), the Gift Tax Regulations (26 CFR Part 25), and the Regulations on Procedure and Administration (26 CFR Part 301) are hereby amended by adopting the proposed rules.

(Section 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.
DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: October 14, 1975.

CHARLES M. WALTER,
Assistant Secretary of the Treasury.

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PARAGRAPH 1. Section 1.115-1 is amended by revising paragraph (a)(4) to read as follows:

§ 1.115-1 Bridges to be acquired by State or political subdivisions.

(a) • • •

(4) A statement, verified by a written declaration that it is made under the penalties of perjury, made by or on behalf of the taxpayer that the taxpayer thereby joins with and concurs in the request of the State or political subdivision thereof that a refund of an amount equal to all or a portion of the tax previously paid by such taxpayer be made to such State or political subdivision, that

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the taxpayer agrees to receive the amounts refunded from the State or political subdivision to which it is paid and immediately to apply the entire amount of such refund in part payment for the acquisition of such bridge, and that if for any reason the contract which is the basis of the claim for refund is not fully executed and performed, the taxpayer will repay to the United States upon its demand the entire amount of the refund with interest at the annual rate referred to in the regulations under section 6621 from the date the refund is made without seeking or claiming the benefit of any statute of limitations which prior thereto may have run against the United States.

• • • • •

PAR. 2. Section 1.514(b) is amended by revising section 514(b)(3)(D) and the historical note to read as follows:

§ 1.514(b) Statutory provisions; unrelated debt-financed income; definition of debt-financed property.

Sec. 514. *Unrelated debt-financed income.* • • •

(b) *Definition of debt-financed property.* • • •

(3) *Special rules when land is acquired for exempt use within 10 years.* • • •

(D) *Refund of taxes when subparagraph (B) applies.* If an organization for any taxable year has not used land in the manner to satisfy the actual use condition of subparagraph (B) before the time prescribed by law (including extensions thereof) for filing the return for such taxable year, the tax for such year shall be computed without regard to the application of subparagraph (B), but if and when such use condition is satisfied, the provisions of subparagraph (B) shall then be applied to such taxable year. If the actual use condition of subparagraph (B) is satisfied for any taxable year after such time for filing the return, and if credit or refund of any overpayment for the taxable year resulting from the satisfaction of such use condition is prevented at the close of the taxable year in which the use condition is satisfied, by the operation of any law or rule of law (other than chapter 74, relating to closing agreements and compromises), credit or refund of such overpayment may nevertheless be allowed or made if claim therefor is filed before the expiration of 1 year after the close of the taxable year in which the use condition is satisfied.

• • • • •

(Sec. 514(b) as amended by sec. 121(d), Tax Reform Act 1969 (83 Stat. 543; sec. 7(b)(2), Act of Jan. 3, 1975 (Pub. L. 93–625, 88 Stat. 2115))

PAR. 3. Section 1.514(b)–1 is amended by revising paragraph (d)(4)(i) to read as follows:

§ 1.514(b)–1 Definition of debt-financed property.

• • • • •

(d) *Property acquired for prospective exempt use.* • • •

(4) *Refund of taxes.* (i) If an organization has not satisfied the actual use condition of subparagraph (2) of this paragraph or paragraph (e)(3) of this section before the date prescribed by law (including extensions) for filing the return for the taxable year, the tax for such year shall be computed without regard to the application of such actual use condition. However, if—

(*a*) A credit or refund of any overpayment of taxes is allowable for a prior taxable year as a result of the satisfaction of such actual use condition, and

(*b*) Such credit or refund is prevented by the operation of any law or rule of law (other than chapter 74, relating to closing agreements and compromises), such credit or refund may nevertheless be allowed or made, if a claim is filed within 1 year after the close of the taxable year in which such actual use condition is satisfied. For a special rule with respect to the payment of interest at the rate of 4 percent per annum, see section 514(b)(3)(D), prior to its amendment by section 7(b) of the Act of January 3, 1975 (Pub. L. 93–625, 88 Stat. 2115).

• • • • •

PAR. 4. Section 1.6654 is amended by revising section 6654 (a) and the historical note to read as follows:

§ 1.6654 Statutory provisions; failure by individual to pay estimated income tax.

Sec. 6654. *Failure by individual to pay estimated income tax*—(a) *Addition to the tax.* In the case of any underpayment of estimated tax by an individual, except as provided in subsection (d), there shall be added to the tax under chapter 1 and the tax under chapter 2 for the taxable year an amount determined at an annual rate established under section 6621 upon the amount of the underpayment (determined under subsection (b) for the period of the underpayment (determined under subsection (c)).

• • • • •

(Sec. 6654 as amended by sec. 1(a)(4), Act of Sept. 25, 1962 (Pub. L. 87–682, 76 Stat. 575); secs. 102(b)(1), (2), (3), and 103(a), Tax Adjustment Act 1966 (80 Stat. 62, 64); sec. 301(b)(13), Tax Reform Act 1969 (83 Stat. 586); sec. 203(b)(7), Act of Mar. 17, 1971 (Pub. L. 92–5, 85 Stat. 7); sec. 203(b)(7), Act of July 1, 1972 (Pub. L. 92–836, 86 Stat. 420); sec. 203(b)(7) and (d), Act of July 9, 1973 (Pub. L. 93–66, 87 Stat. 153); sec. 5(b)(7), Act of Dec. 31, 1973 (Pub. L. 93–233, 87 Stat. 954); sec. 7(c), Act of Jan. 3, 1975 (Pub. L. 93–626, 88 Stat. 2115))

PAR. 5. Section 1.6654–1 is amended by revising the first sentence of paragraph (a)(2) to read as follows:

§ 1.6654–1 Addition to the tax in the case of an individual.

(a) *In general.* • • •

(2) The amount of the addition is determined at the annual rate referred to in the regulations under section 6621 upon the underpayment of any installment of estimated tax for the period from the date such installment is required to be paid until the 15th day of the fourth month following the close of the taxable year, or the date such underpayment is paid, whichever is earlier. • • •

PAR. 6. Section 1.6655 is amended by revising sections 6655 (a) and (g)(1) and the historical note to read as follows:

§ 1.6655 Statutory provisions; failure by corporation to pay estimated income tax.

Sec. 6655. *Failure by corporation to pay estimated income tax*—(a) *Addition to the tax.* In case of any underpayment of estimated tax by a corporation, except as provided in subsection (d), there shall be added to the tax under chapter 1 for the taxable year an amount determined at an annual rate established under section 6621 upon the amount of the underpayment (determined under subsection (b)) for the period of the underpayment (determined under subsection (c)).

• • • • •

(g) *Excessive adjustment under section 6425*—(1) *Addition to tax.* If the amount of an adjustment under section 6425 made before the 15th day of the third month following the close of the taxable year is excessive, there shall be added to the tax under chapter 1 for the taxable year an amount determined at an annual rate established under section 6621 upon the excessive amount from the date on which the credit is allowed or the refund is paid to such 15th day.

• • • • •

(Sec. 6655 as amended by sec. 122(c), Rev. Act 1964 (78 Stat. 28); sec. 103 (c), (d), (e), Revenue and Expenditure Control Act 1968 (82 Stat. 264); sec. 7(c), Act of January 3, 1975 (Pub. L. 93–625, 88 Stat 2115))

PAR. 7. Section 1.6655–1 is amended by revising the first sentence of paragraph (a)(2) to read as follows:

§ 1.6655–1 Addition to the tax in the case of a corporation.

(a) *In general.* • • •

(2) The amount of the addition is determined at the annual rate referred to in the regulations under section 6621 upon the underpayment of any installment of estimated tax for the period from the date such installment is required to be paid until the 15th day of the third month folowing the close of the taxable year, or the date such underpayment is paid, whichever is earlier. • • •

• • • • •

PAR. 8. Section 1.6655–5 is amended by revising paragraph (a)(2) to read as follows:

§ 1.6655–5 Addition to tax on account of excessive adjustment under section 6425.

(a) *In general.* • • •

(2) If the amount of an adjustment under section 6425 is excessive, there shall be added to the tax under chapter 1 for the taxable year an amount determined at the annual rate referred to in the regulations under section 6621 upon the excessive amount from the date on which the credit is allowed or the refund paid to the 15th day of the third month following the close of the taxable year. A refund is paid on the date it is allowed under section 6407.

• • • • •

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

§ 20.6161–1 [Amended]

PAR. 9. Section 20.6161–1 is amended by deleting example (5) of paragraph (a)(1).

PAR. 10. Section 20.6163 is amended by revising section 6163(c) and the historical note to read as follows:

§ 20.6163 Statutory provisions; extension of time for payment of estate tax on value of reversionary or remainder interest in property.

Sec. 6163. *Extension of time for payment of estate tax on value of reversionary or remainder interest in property.* • • •

(c) *Cross reference.* For authority of the Secretary or his delegate to require security in the case of such extension, see section 6165.

(Sec. 6163 as amended by sec. 66(b)(1), Technical Amendments Act 1958 (72 Stat. 1658); sec. 240(a), Revenue Act 1964 (78 Stat. 129); sec. 7(d)(1), Act of Jan. 3, 1975 (Pub. L. 93–625, 88 Stat. 2115))

PAR. 11. Section 20.6163–1 is amended by revising the first sentence of paragraph (d) to read as follows:

§ 20.6163–1 Extension of time for payment of estate tax on value of reversionary or remainder interest in property.

• • • • •

(d) For provisions requiring the payment of interest during the period of the extension occurring before July 1, 1975, see section 6601(b) prior to its amendment by section 7(d)(1) of the Act of Jan. 3, 1975 (Pub. L. 93–625, 88 Stat. 2115). • • •

• • • • •

PAR. 12. Section 20.6166 is amended by revising sections 6166 (g) and (k) and the historical note to read as follows:

§ 20.6166 Statutory provisions; extension of time for payment of estate tax where estate consists largely of interest in closely held business.

Sec. 6166. *Extension of time for payment of estate tax where estate consists largely of interest in closely held business.* • • •

(g) *Time for payment of interest.* If the time for payment of any amount of tax has been extended under this section, interest payable under section 6601 on any unpaid portion of such amount shall be paid annually at the same time as, and as a part of, each installment payment of the tax. Interest, on that part of a deficiency prorated under this section to any installment the date for payment of which has not arrived, for the period before the date fixed for the last installment preceding the assessment of the deficiency, shall be paid upon notice and demand from the Secretary or his delegate.

• • • • •

(k) *Cross references*—(1) *Security.* For authority of the Secretary or his delegate to require security in the case of an extension under this section, see section 6165.

(2) *Period of limitation.* For extension of the period of limitation in the case of an extension under this section, see section 6503 (d).

(Sec. 6166 as added by sec. 206(a) Small Business Tax Revision Act 1958 (72 Stat. 1681); as amended by sec. 7(d)(2), Act of Jan. 3, 1975 (Pub. L. 93–625, 88 Stat. 2115))

PAR. 13. Section 20.6166–1 is amended by revising the first sentence of paragraph (f) to read as follows:

§ 20.6166–1 Extension of time for payment of estate tax where estate consists largely of interest in closely held business.

• • • • •

(f) *Time for paying interest.* Under the provisions of section 6601, interest at the annual rate referred to in the regulations under section 6621 shall be paid on the unpaid balance of the estate tax which the executor has elected to pay in installments, and on the unpaid balance of any deficiency prorated to the installments. • • •

• • • • •

PAR. 14. Section 20.6601 is amended to read as follows:

§ 20.6601 Statutory provisions; interest on underpayment, nonpayment, or extensions of time for payment, of tax.

Sec. 6601. *Interest on underpayment, nonpayment, or extensions of time for payment, of tax*—(a) *General rule.* If any amount of tax imposed by this title (whether required to be shown on a return, or to be paid by stamp or by some other method) is not paid on or before the last date prescribed for payment, interest on such amount at an annual rate established under section 6621 shall be paid for the period from such last date to the date paid.

• • • • •

(Sec. 6601(a) as amended by sec. 7(a)(2), Act of Jan. 3, 1975 (Pub. L. 93–625, 88 Stat. 2115))

PART 25—GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

PAR. 15. Section 25.6601 is amended to read as follows:

§ 25.6601 Statutory provisions; interest on underpayment, nonpayment, or extension of time for payment, of tax.

Sec. 6601. *Interest on underpayment, nonpayment, or extensions of time for payment, of tax*—(a) *General rule.* If any amount of tax imposed by this title (whether required to be shown on a return, or to be paid by stamp or by some other method) is not paid on or before the last date prescribed for payment, interest on such amount at an annual rate established under section 6621 shall be paid for the period from such last date to the date paid.

• • • • •

(Sec. 6601(a) as amended by sec. 7(a)(2), Act of Jan. 3, 1975 (Pub. L. 93–625, 88 Stat. 2115))

PART 301—PROCEDURE AND ADMINISTRATION

PAR. 16. Section 301.6163 is amended by revising section 6163(c) and the historical note to read as follows:

§ 301.6163 Statutory provisions; extension of time for payment of estate tax on value of reversionary or remainder interest in property.

Sec. 6163. *Extension of time for payment of estate tax on value of reversionary or remainder interest in property.* • • •

(c) *Cross reference.* For authority of the Secretary or his delegate to require security in the case of such extension, see section 6165.

(Sec. 6163 as amended by sec. 66(b)(1), Technical Amendments Act 1958 (72 Stat. 1658; sec. 240(a)), Revenue Act 1964 (78 Stat. 129); sec. 7(d)(1), Act of Jan.-3, 1975 (Pub. L. 93–625, 88 Stat. 2115))

PAR. 17. Section 301.6166 is amended by revising sections 6166 (g) and (k) and the historical note to read as follows:

§ 301.6166 Statutory provisions; extension of time for payment of estate tax where estate consists largely of interest in closely held business.

Sec. 6166. *Extension of time for payment of estate tax where estate consists largely of interest in closely held business.* • • •

(g) *Time for payment of interest.* If the time for payment of an amount of tax has been extended under this section, interest payable under section 6601 on any unpaid portion of such amount shall be paid annually at the same time as, and as a part of, each installment payment of the tax. Interest, on that part of a deficiency prorated under this section to any installment the date for payment of which has not arrived, for the period before the date fixed for the last installment preceding the assessment of the deficiency, shall be paid upon notice and demand from the Secretary or his delegate.

• • • • •

(k) *Cross references*—(1) *Security.* For authority of the Secretary or his delegate to require security in the case of an extension under this section, see section 6165.

(2) *Period of limitation.* For extension of the period of limitation in the case of an extension under this section, see section 6503 (d).

(Sec. 6166 as added by sec. 206(a), Small Business Tax Revision Act 1958 (72 Stat. 1681); as amended by sec. 7(d)(2), Act of Jan. 3, 1975 (Pub. L. 93–625, 88 Stat. 2115))

PAR. 18. Section 301.6332 is amended by revising section 6332(c)(1) and the historical note to read as follows:

§ 301.6332 Statutory provisions; surrender of property subject to levy.

Sec. 6332. *Surrender of property subject to levy.* • • •

(c) *Enforcement of levy*—(1) *Extent of personal liability.* Any person who fails or refuses to surrender any property or rights to property, subject to levy, upon demand by the Secretary or his delegate, shall be liable in his own person and estate to the United States in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of taxes for the collection of which such levy has been made, together with costs and interest on such sum at an annual rate established under section 6621 from the date of such levy. Any amount (other than costs) recovered under this paragraph shall be credited against the tax liability for the collection of which such levy was made.

• • • • •

(Sec. 6332 as amended by sec. 104(b), Federal Tax Lien Act of 1966 (80 Stat. 1135); sec. 7(a)(2), Act of Jan. 3, 1975 (Pub. L. 93–625, 88 Stat. 2115))

PAR. 19. Section 301.6332–1 is amended by revising paragraph (b)(1) to read as follows:

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§ 301.6332–1 Surrender of property subject to levy.

* * * * *

(b) *Enforcement of levy*—(1) *Extent of personal liability.* Any person who, upon demand of the district director, fails or refuses to surrender any property or right to property subject to levy is liable under the provisions of section 6332(c)(1) in his own person and estate to the United States in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of the taxes for the collection of which the levy has been made, together with costs and interest on such sum from the date of the levy at the annual rate referred to in the regulations under section 6621. Any amount, other than costs, recovered under section 6332(c)(1) shall be credited against the tax liability for the collection of which the levy was made.

* * * * *

PAR. 20. Section 301.6504 is amended by revising section 6504(15) and the historical note to read as follows:

§ 301.6504 Statutory provisions; cross references.

Sec. 6504. *Cross references.*

* * * * *

(15) Assessment and collection of interest, see section 6601(g).

(Sec. 6504 as amended by sec. 4(d), Act of Apr. 2, 1956 (Pub. L. 466, 84th Cong., 70 Stat. 91); sec. 208(e)(5), Highway Rev. Act 1956 (70 Stat. 397); sec. 84(b), Technical Amendments Act 1958 (72 Stat. 1664); sec. 112(d), Rev. Act 1964 (78 Stat. 24); sec. 213(c), Tax Reform Act 1969 (83 Stat. 572); sec. 101(d)(2), Excise, Estate, and Gift Tax Adjustment Act 1970 (84 Stat. 1837); sec. 7(d)(4), Act of Jan. 3, 1975 (Pub. L. 93–625, 88 Stat. 2115))

PAR. 21. Section 301.6601 is amended by deleting sections 6601 (b) and (j), by redesignating sections 6601 (c), (d), (e), (f), (g), (h), (i), (k), and (l) as sections 6601 (b), (c), (d), (e), (f), (g), (h), (i), and (j) respectively, and by revising section 6601(a) and the historical note to read as follows:

§ 301.6601 Statutory provisions; interest on underpayment, nonpayment, or extensions of time for payment, of tax.

Sec. 6601. *Interest on underpayment, nonpayment, or extensions of time for payment, of tax*—(a) *General rule.* If any amount of tax imposed by this title (whether required to be shown on a return, or to be paid by stamp or by some other method) is not paid on or before the last date prescribed for payment, interest on such amount at an annual rate established under section 6621 shall be paid for the period from such last date to the date paid.

* * * * *

(Sec. 6601 as amended by secs. 66(c), 83(a)(1), 84(a), Technical Amendments Act 1958 (72 Stat. 1658, 1663, 1664); sec. 206(e), Small Business Tax Revision Act 1958 (72 Stat. 1685); sec. 203(c)(2), Federal-Aid Highway Act 1961 (75 Stat. 126); sec. 2(e)(3), Rev. Act 1962 (76 Stat. 972); sec. 3(d), Act of Sept. 2, 1964 (Pub. L. 88–571, 78 Stat. 857); sec. 1(f), Act of Apr. 8, 1966 (Pub. L. 89–384, 80 Stat. 104); sec. 2(e), Act of Dec. 27, 1967 (Pub. L. 90–225, 81 Stat. 731); sec. 2(e), Act of Aug. 7, 1969 (Pub. L. 91–53, 83 Stat. 92); sec. 512(e)(3), Tax Reform Act 1969 (83 Stat. 641); sec. 601(d)(3), Rev. Act 1971 (85 Stat. 558); sec. 7(a)(2), Act of Jan. 3, 1975 (Pub. L. 93–625, 88 Stat. 2115))

PAR. 22. Section 301.6601–1 is amended by revising paragraph (a), so much of paragraph (b) as precedes Example (1) of paragraph (b)(1), paragraph (c)(1), the last sentence of paragraph (c)(2)(i), paragraphs (e)(1) and (2), and by deleting paragraph (b)(2). The amended provisions read as follows:

§ 301.6601–1 Interest on underpayments.

(a) *General rule.* (1) Interest at the annual rate referred to in the regulations under section 6621 shall be paid on any unpaid amount of tax from the last date prescribed for payment of the tax (determined without regard to any extension of time for payment) to the date on which payment is received.

(2) For provisions requiring the payment of interest during the period occurring before July 1, 1975, see section 6601(a) prior to its amendment by section 7 of the Act of Jan. 3, 1975 (Pub. L. 93–625, 88 Stat. 2115).

(b) *Satisfaction by credits made after December 31, 1957*—(1) *In general.* If any portion of a tax is satisfied by the credit of an overpayment after December 31, 1957, interest shall not be imposed under section 6601 on such portion of the tax for any period during which interest on the overpayment would have been allowable if the overpayment had been refunded.

(2) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

* * * * *

(c) *Last date prescribed for payment.* (1) In determining the last date prescribed for payment, any extension of time granted for payment of tax (including any postponement elected under section 6163(a)) shall be disregarded. The granting of an extension of time for the payment of tax does not relieve the taxpayer from liability for the payment of interest thereon during the period of the extension. Thus, except as provided in paragraph (b) of this section, interest at the annual rate referred to in the regulations under section 6621 is payable on any unpaid portion of the tax for the period during which such portion remains unpaid by reason of an extension of time for the payment thereof.

(2) * * *

(i) * * * But see section 6601(e)(4).

* * * * *

(e) *Income tax reduced by carryback.* (1) The carryback of a net operating loss, net capital loss, investment credit, or a work incentive program (WIN) credit shall not affect the computation of interest on any income tax for the period commencing with the last day prescribed for the payment of such tax and ending with the last day of the taxable year in which the loss or credit arises. For example, if the carryback of a net operating loss, a net capital loss, an investment credit, or a WIN credit to a prior taxable period eliminates or reduces a deficiency in income tax for that period, the full amount of the deficiency will nevertheless bear interest at the annual rate referred to in the regulations under section 6621 from the last date prescribed for payment of such tax until the last day of the taxable year in which the loss or credit arose. Interest will continue to run beyond such last day on any portion of the deficiency which is not eliminated by the carryback. With respect to any portion of an investment credit carryback or a WIN credit carryback from a taxable year attributable to a net operating loss carryback or a capital loss carryback from a subsequent taxable year, such investment credit carryback or WIN credit carryback shall not affect the computation of interest on any income tax for the period commencing with the last day prescribed for the payment of such tax and ending with the last day of such subsequent taxable year.

(2) Where an extension of time for payment of income tax has been granted under section 6164 to a corporation expecting a net operating loss carryback or a net capital loss carryback, interest is payable at the annual rate established under section 6621 on the amount of such unpaid tax from the last date prescribed for payment thereof without regard to such extension.

* * * * *

PAR. 23. Section 301.6602 is amended to read as follows:

§ 301.6602 Statutory provisions; interest on erroneous refund recoverable by suit.

Sec. 6602. *Interest on erroneous refund recoverable by suit.* Any portion of an internal revenue tax (or any interest, assessable penalty, additional amount, or addition to tax) which has been erroneously refunded, and which is recoverable by suit pursuant to section 7405, shall bear interest at an annual rate established under section 6621 from the date of the payment of the refund.

(Sec. 6602 as amended by sec. 7(a)(2), Act of Jan. 3, 1975 (Pub. L. 93–625, 88 Stat. 2115))

PAR. 24. Section 301.6602–1 is amended to read as follows:

§ 301.6602–1 Interest on erroneous refund recoverable by suit.

Any portion of an internal revenue tax (or any interest, assessable penalty, additional amount, or addition to tax) which has been erroneously refunded, and which is recoverable by a civil action pursuant to section 7405, shall bear interest at the annual rate referred to in the regulations under section 6621 from the date of the payment of the refund.

PAR. 25. Section 301.6611 is amended by revising section 6611(a) and the historical note to read as follows:

§ 301.6611 Statutory provisions; interest on overpayments.

Sec. 6611. *Interest on overpayments*—(a) *Rate.* Interest shall be allowed and paid upon any overpayment in respect of any internal revenue tax at an annual rate established under section 6621.

* * * * *

(Sec. 6611 as amended by secs. 42(b) and 83(b) and (c), Technical Amendments Act 1958 (72 Stat. 1640, 1644); sec. 2(e)(4), Rev. Act. 1962 (76 Stat. 972); sec. 3(e), Act of Sept. 2, 1964 (Pub. L. 88–571, 78 Stat. 858); sec. 1(a), Act of Nov. 2, 1966 (Pub. L. 89–721, 80 Stat. 1150); sec. 2(f), Act of Dec. 27, 1967 (Pub. L. 90–225, 81 Stat. 732); sec. 512(e)(4), Tax Reform Act 1969 (83 Stat. 641); sec. 601(d)(4), Rev. Act 1971 (85 Stat. 559); sec. 7(a)(2), Act of Jan. 3, 1975 (Pub. L. 93–625, 88 Stat. 2115))

PAR. 26. Section 301.6611–1 is amended by revising paragraph (a) to read as follows:

§ 301.6611–1 Interest on overpayments.

(a) *General rule.* Except as otherwise provided, interest shall be allowed on any overpayment of any tax at the annual rate referred to in the regulations under section 6621 from the date of overpayment of the tax.

* * * * *

PAR. 27. The following is inserted immediately after § 301.6612.

DETERMINATION OF INTEREST RATE

§ 301.6621 Statutory provisions; determination of interest rate.

Sec. 6621. *Determination of rate of interest*—(a) *In general.* The rate of interest under sections 6601(a), 6602, 6611(a), 6332(c)(1), and 7426(g) of this title, and under section 2411(a) of title 28 is 9 percent per annum, or such adjusted rate as is established by the Secretary or his delegate under subsection (b).

(b) *Adjustment of interest rate.* The Secretary or his delegate shall establish an adjusted rate of interest for the purpose of subsection (a) not later than October 15 of any year if the adjusted prime rate charged by banks during September of that year, rounded to the nearest full percent, is at least a full percentage point more or less than the interest rate which is then in effect. Any such adjusted rate of interest shall be equal to the adjusted prime rate charged by banks, rounded to the nearest full percent, and shall become effective on February 1 of the immediately succeeding year. An adjustment provided for under this subsection may not be made prior to the expiration of 23 months following the date of any preceding adjustment under this subsection which changes the rate of interest.

(c) *Definition of prime rate.* For purposes of subsection (b), the term "adjusted prime rate charged by banks" means 90 percent of the average predominant prime rate quoted by commercial banks to large businesses, as determined by the Board of Governors of the Federal Reserve System.

(Sec. 6621 as added by sec. 7(a)(1), Act of Jan. 3, 1975 (Pub. L. 93–625, 88 Stat. 2115))

§ 301.6621–1 Interest rate.

(a) *In general.* For purposes of sections 6601(a), 6602, 6611(a), 6332(c)(1), and 7426(g) and the regulations thereunder, and section 2411(a) of Title 28 of the United States Code, the interest rate under section 6621 shall be—

(1) On amounts outstanding before July 1, 1975, 6 percent per annum (or 4 percent in the case of certain extensions of time for payment of taxes as provided in sections 6601 (b) and (j) prior to amendment by section 7(b) of the Act of Jan. 3, 1975 (Pub. L. 93–625, 88 Stat. 2115), and certain overpayments of the unrelated business income tax as provided in section 514(b)(3)(D), prior to its amendment by such Act).

(2) On amounts outstanding on or after July 1, 1975, 9 percent per annum, or, if an adjusted rate is established by the Commissioner under paragraph (b) of this section, such adjusted rate.

(b) *Adjustment of interest rate*—(1) *In general.* The Commissioner shall establish, not later than October 15 of any year, an adjusted rate of interest which shall become effective on February 1 of the immediately succeeding year. Such adjusted interest rate will equal the adjusted prime rate charged by banks (as defined in paragraph (b)(2) of this section) during September of such year rounded to the nearest full percent. However, no adjustment may be made to the interest rate unless—

(i) The adjusted prime rate charged by banks rounded to the nearest full percent during September of such year is at least a full percent more or less than the interest rate then in effect, and

(ii) Not less than 23 months will have expired between the date of the last previous adjustment in the interest rate pursuant to this paragraph and February 1 of the next succeeding year.

(2) *Definition of adjusted prime rate charged by banks.* For purposes of this section, the adjusted prime rate charged by banks is 90 percent of the average predominant prime rate quoted by banks to large businesses as determined by the Board of Governors of the Federal Reserve System.

(c) *Applicability of interest rate*—(1) *Computation.* Interest and additions to tax on any amount outstanding on a specific day shall be computed at the rate applicable on such day.

(2) *Addition to tax.* The addition to tax under sections 6654 and 6655 shall be computed at the same rate per annum as the interest rate set forth under paragraph (a) of this section.

(d) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). A, an individual, files an income tax return for the calendar year 1974, on April 15, 1975, showing a tax due of $1,000. A pays the $1,000 on September 1, 1975. Pursuant to section 6601(a), interest on the underpayment of $1,000 is computed at the rate of 6 percent per annum from April 15, 1975, to June 30, 1975, a total of 76 days. Interest for 68 days, from June 30, 1975, to September 1, 1975, shall be computed at the rate of 9 percent per annum.

Example (2). An executor of an estate is granted, in accordance with section 6161(a)(2)(A), a two-year extension of time for payment of the estate tax shown on the estate tax return, which tax was otherwise due on January 15, 1974. The tax is paid on January 15, 1976. Interest on the underpayment shall be computed at the rate of 4 percent per annum from January 15, 1974, to June 30, 1975, and at the rate of 9 percent per annum from June 30, 1975, to January 15, 1976.

Example (3). X, a corporation, files its 1973 corporate income tax return, on March 15, 1974, and pays the balance of tax due shown thereon. On August 1, 1975, an assessment of a deficiency is made against X with respect to such tax. The deficiency is paid on October 1, 1975. Interest at the rate of 6 percent per annum is due on the deficiency from March 15, 1974, the due date of the return, to June 30, 1975, and at the rate of 9 percent per annum from June 30, 1975, to October 1, 1975.

Example (4). Y, an individual, files an amended individual income tax return, on October 1, 1975, for the refund of an overpayment of income tax Y made on April 15, 1975. Interest is allowed on the overpayment to December 1, 1975. Pursuant to section 6611(a), interest is computed at the rate of 6 percent per annum from April 15, 1975, the date of overpayment, to June 30, 1975. Interest from June 30, 1975 to December 1, 1975 shall be computed at the rate of 9 percent per annum.

Example (5). A, an individual, is liable for an addition to tax under section 6654 for the underpayment of estimated tax from April 15, 1975 until January 15, 1976. The addition to tax shall be computed at the annual rate of 6 percent per annum from April 15, 1975 to June 30, 1975 and at the annual rate of 9 percent per annum from June 30, 1975 to January 15, 1976.

PAR. 28. Section 301.6863–1 is amended by revising the last sentence of paragraph (b) to read as follows:

§ 301.6863–1 Stay of collection of jeopardy assessments; bond to stay collection.

* * * * *

(b) *Additional conditions applicable to income, estate, and gift tax assessments.* * * * If the bond is given before the taxpayer has filed his petition with the Tax Court, it must contain a further condition that if a petition is not filed before the expiration of the period provided in section 6213(a) for the filing of such petition the amount stayed by the bond will be paid upon notice and demand at any time after the expiration of such period, together with interest thereon at the annual rate referred to in the regulations under section 6621 from the date of the jeopardy notice and demand to the date of the notice and demand made after the expiration of the period for filing petition with the Tax Court.

PAR. 29. Section 301.7426 is amended by revising so much of section 7426(g) as proceeds section 7426(g)(1), and the historical note to read as follows:

§ 301.7426 Statutory provisions; civil actions by persons other than taxpayers.

Sec. 7426. *Civil actions by persons other than taxpayers.* * * *

(g) *Interest.* Interest shall be allowed at an annual rate established under section 6621—

* * * * *

(Sec. 7426 as added by sec. 110(a), Federal Tax Lien Act 1966 (80 Stat. 1142); as amended by sec. 7(a)(2), Act of Jan. 3, 1975 (Pub. L. 93–625, 88 Stat. 2115))

[FR Doc.75–28490 Filed 10–21–75;8:45 am]

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PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Temporary Regulations Relating to Qualified Joint and Survivor Annuities, Treasury Decision 7379; Correction

On Friday, October 3, 1975, Treasury decision 7379 was published in the FEDERAL REGISTER (40 FR 45810). The following corrections are made to the temporary regulations:

(1) In line 6 of subparagraph (2) of § 11.401(a)–11(e) (page 45812), the reference to (d)(2) should be redesignated "(d)(3)".

(2) In line 3 of paragraph (f) of § 11.401(a)–11 (page 45812), the reference to (d)(2) should be redesignated "(d)(3)".

(3) In line 8 of paragraph (f) § 11.401(a)–11 (page 45812), the reference to (d)(2) should be redesignated "(d)(3)".

ROBERT A. BLEY,
Acting Director,
Legislation and Regulations Division.

[FR Doc.75-28491 Filed 10-21-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER 1—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75-098]

PART 2—GENERAL DUTIES AND JURISDICTION

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

Jurisdiction and Navigable Waters

These amendments delete superfluous and misleading material and update definitions of jurisdictional terms used by the Coast Guard under Part 2 and Part 100 of Title 33, Code of Federal Regulations.

Sections 2.01–1 and 2.01–5 have been deleted to eliminate any reference to Coast Guard statutory functions and responsibilities, since the new subpart 2 will only concern Coast Guard jurisdiction.

Section 2.01–10 has been deleted. All regulations relating to civil penalty procedures are now found in 33 CFR Subpart 1.07.

Subpart 2.05 has been deleted in its entirety, since it merely repeated statutory provisions. The Coast Guard's functions and powers greatly exceed those listed in subpart 2.05, making that subpart misleading.

Subpart 2.10 is replaced by new subpart 2.05. Subpart 2.05 now includes updated definitions of jurisdictional terms, as currently utilized by the Coast Guard. The definition of "State waters" has been deleted, since the statute utilizing that term has been repealed.

Subpart 2.15 has been deleted and replaced by new subpart 2.10. The procedures for making jurisdictional decisions respecting navigable waters of the United States and waters subject to the jurisdiction of the United States will be set forth in a detailed internal agency instruction, which will be available to the public in accordance with paragraph (b) of § 1.10–5 of this chapter. A list of jurisdictional decisions will be available in the district office whose area includes the waters in question, in accordance with new subpart 2.10.

Subpart 2.20 has been deleted. Section 2.20–1 referred to lists which are being deleted by this amendment; these lists will now be maintained in the district offices in accordance with subpart 2.10. The material in § 2.20–5 is either included in new § 2.05–30 or deleted as being merely repetitive of statutes.

Subparts 2.21 through 2.99 have been deleted. These subparts listed specific determinations, by the Commandant, that certain waters were or were not navigable waters of the United States, for the purpose of Coast Guard jurisdiction. These lists served no public or agency purpose and were misleading, in that Coast Guard jurisdictional decisions, other than Commandant's determinations, did not appear in the regulations. The Coast Guard processes over 200 jurisdictional decisions annually, only a small number of which are made by the Commandant. Publication of all these decisions in the Code of Federal Regulations and the FEDERAL REGISTER would be an unwarranted and costly administrative exercise.

Public access to this material will be maintained through district offices, in accordance with new subpart 2.10. By making information available through the district offices, the Coast Guard will be better able to provide the public with accurate, up to date information than that which was possible under the former Code of Federal Regulations publication system, since the Code of Federal Regulations lists were only reprinted annually.

Section 100.05(b) of Part 100 has been deleted in conformance with the changes made in Part 2. The definition of "navigable waters of the United States" is now found in § 2.05–25.

Since these amendments concern only general statements of policy, interpretations, and rules of agency procedure, they are exempt from the notice requirements in 5 U.S.C. 553(b).

In consideration of the foregoing, 33 CFR Part 2 and Part 100 are amended as follows:

The heading and the text of Part 2 are revised as follows:

PART 2—JURISDICTION

Subpart 2.01—Purpose

Sec.
2.01–1 Purpose.

Subpart 2.05—Definitions of Jurisdictional Terms

2.05–1 High seas.
2.05–5 Territorial seas.
2.05–10 Territorial sea baseline.
2.05–15 Contiguous zone.
2.05–20 Internal waters and inland waters.
2.05–25 Navigable waters of the United States; Navigable Waters; Territorial Waters.
2.05–30 Waters subject to the jurisdiction of the United States; waters over which the United States has jurisdiction.

Subpart 2.10—Availability of Jurisdictional Decisions

2.10–1 Maintenance of decisions.
2.10–5 Availability of lists and charts.
2.10–10 Decisions subject to change or modification.

Subpart 2.01—Purpose

§ 2.01–1 Purpose.

The purpose of this part is to inform the public of the definitions which the Coast Guard uses to examine waters to determine whether the Coast Guard has jurisdiction on those waters under particular U.S. laws.

Subpart 2.05—Definitions of Jurisdictional Terms

§ 2.05–1 High seas.

(a) Except as provided in paragraphs (b) and (c) of this section, "high seas" means all waters which are neither territorial seas nor internal waters of the United States or of any foreign country.[1]

(b) "High seas", as used in 18 U.S.C. 7(1), means the Great Lakes and waters seaward of the low water line along the coast, except waters within harbors or narrow coastal indentations enclosed by promontories.[1]

(c) "High seas", as used in section 2 of the Act of February 19, 1895, as amended, 33 U.S.C. 151, and all laws referring thereto, means the waters seaward of the lines described in Part 82 of this chapter.

§ 2.05–5 Territorial seas.

(a) With respect to the United States, "territorial seas" means the waters within the belt, 3 nautical miles wide, that is adjacent to its coast and seaward of the territorial sea baseline.

(b) With respect to any foreign country, "territorial seas" means the waters within the belt that is adjacent to its coast and whose breadth and baseline are recognized by the United States.

[1] It should be noted that under 14 U.S.C. 89 the Coast Guard is authorized to enforce the laws of the United States upon the "high seas" and waters over which the United States has jurisdiction. Certain of the criminal laws of the United States are based on its special maritime and territorial jurisdiction, one of whose components is the "high seas", as defined in paragraph (b). However, this definition of "high seas" does not apply to the use of "high seas" found in 14 U.S.C. 89, to which the definition in paragraph (a) applies. A clear distinction should be maintained between the Coast Guard's authority under 14 U.S.C. 89 and the jurisdictional base of the criminal laws which apply to the special maritime and territorial jurisdiction. For example, while assault (18 U.S.C. 113) committed seaward of the territorial sea could be committed on the "high seas" for both purposes, an assault committed within the territorial sea could be committed on the "high seas" to bring it within the special maritime and territorial jurisdiction and at the same time be committed on waters over which the United States has jurisdiction (not the "high seas") for purposes of the Coast Guard's authority to undertake enforcement action.

§ 2.05–10 Territorial sea baseline.

"Territorial Sea Baseline" means the delimitation of the shoreward extent of the territorial seas of the United States drawn in accordance with principles, as recognized by the United States, of the Convention on the Territorial Sea and the Contiguous Zone, 15 U.S.T. 1606. Charts depicting the territorial sea baseline are available for examination in accordance with § 1.10–5(b) of this chapter.

§ 2.05–15 Contiguous zone.

"Contiguous Zone" means the belt of high seas, 9 nautical miles wide, that is adjacent to and seaward of the territorial seas of the United States and that was declared to exist in Department of State Public Notice 358 of June 1, 1972, 37 FR 11906.

§ 2.05–20 Internal waters and inland waters.

(a) "Internal waters" and, except as provided in paragraph (b) of this section, "inland waters" mean:

(1) With respect to the United States, the waters shoreward of the territorial sea baseline.

(2) With respect to any foreign country, the waters shoreward of the baseline of its territorial sea, as recognized by the United States.

(b) "Inland waters", as used in 33 U.S.C. Chapter 3, means the waters shoreward of the lines described in Part 82 of this chapter, except the Great Lakes and their connecting and tributary waters as far east as Montreal, the waters of the Mississippi River between its source and the Huey P. Long Bridge and all of its tributaries emptying thereinto and their tributaries, that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, and the Red River of the North.

§ 2.05–25 Navigable waters of the United States; Navigable Waters; Territorial Waters.[2]

(a) Except as provided in paragraph (b) of this section, "navigable waters of the United States," "navigable waters," and "territorial waters" mean, except where Congress has designated them not to be navigable waters of the United States:

(1) Territorial seas of the United States;

(2) Internal waters of the United States that are subject to tidal influence; and

(3) Internal waters of the United States not subject to tidal influence that:

(i) Are or have been used, or are or have been susceptible for use, by themselves or in connection with other waters, as highways for substantial interstate or foreign commerce, notwithstanding natural or man-made obstructions that require portage, or

(ii) A governmental or non-governmental body, having expertise in waterway improvement, determines to be capable of improvement at a reasonable cost (a favorable balance between cost and need) to provide, by themselves or in connection with other waters, highways for substantial interstate or foreign commerce.

(b) "Navigable waters of the United States" and "navigable waters," as used in sections 311 and 312 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1321 and 1322, mean:

(1) Navigable waters of the United States as defined in paragraph (a) of this section and all waters within the United States tributary thereto; and

(2) Other waters over which the Federal Government may exercise Constitutional authority.

§ 2.05–30 Waters subject to the jurisdiction of the United States; waters over which the United States has jurisdiction.[3]

"Waters subject to the jurisdiction of the United States" and "waters over which the United States has jurisdiction" mean:

(a) Navigable waters of the United States;

(b) Other waters that are located on lands, owned by the United States, with respect to which jurisdiction has been accepted in accordance with 33 U.S.C. 733 by the authorized federal officer having custody, control, or other authority over them;

(c) Other waters that are located on lands, owned by the United States, with respect to which the United States retains concurrent or exclusive jurisdiction from the date that the State in which the lands are located entered the union; and

(d) waters within the territories and possessions of the United States and the Trust Territories of the Pacific Islands.[3]

Subpart 2.10—Availability of Jurisdictional Decisions

§ 2.10–1 Maintenance of decisions.

Each Coast Guard district maintains:

(a) A list of waters within the district which the Coast Guard has decided to be navigable waters of the United States for the purposes of its jurisdiction, and

(b) Charts reflecting Coast Guard decisions as to the location of the territorial sea baseline for the purposes of Coast Guard jurisdiction, if the district includes portions of the territorial seas.

§ 2.10–5 Availability of lists and charts.

The lists and charts referred to in § 2.10–1 of this chapter are available to the public and may be inspected or obtained in accordance with § 1.10–5(b) of this chapter.

[2] In various laws administered and enforced by the Coast Guard, the terms "State" and "United States" are defined to include some or all of the territories and possessions of the United States. The definitions in sections 2.05–25 and 2.05–30 should be considered as supplementary to these statutory definitions and not as interpretive of them.

§ 2.10–10 Decisions subject to change or modification.

The decisions referred to in § 2.10–1 of this subpart are subject to change or modification. Inquiries concerning the status of specific waters, for the purposes of Coast Guard jurisdiction, should be directed to the District Commander of the district in which the waters are located.

2. In Part 100, § 100.05(b) is deleted and reserved.

§ 100.05 Definitions of terms used in this part.

. . . . . .

(b) [Reserved]

. . . . . .

(14 U.S.C. 633; 80 Stat. 931 (49 U.S.C. 1655 (b)); 49 CFR 1.4(b), 1.46(b).)

Effective date: These amendments will become effective on November 24, 1975.

Dated: October 14, 1975.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc.75-28428 Filed 10-21-75;8:45 am]

[CGD 73-162]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Cheesequake Creek, N.J.

This amendment changes the regulations for the New York and Long Branch railroad bridge across Cheesequake Creek to allow closed periods during the late fall, winter, and early spring months when vessel traffic is light. This amendment was circulated as a public notice dated August 15, 1973, by the Commander, Third Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 73-162p) on August 10, 1973, (38 FR 21650). Seventy comments were received which generally objected to the proposed change. The Coast Guard then held meetings with the railroad and marine interests. As a result of these meetings, the marine interests and the railroad agreed to closed periods that would be less restrictive to navigation. The Coast Guard will continue to monitor this matter and if additional changes in these regulations are indicated, they may be made at that time.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new subparagraph (6) to paragraph (j) of § 117.215 to read as follows:

§ 117.215 Navigable streams flowing into Raritan Bay (except Raritan River and Arthur Kill), the Shrewsbury River and its tributaries, and all inlets on the Atlantic Ocean including their tributaries and canals between Sandy Hook and Bay Head, N.J.; bridges.

. . . . . .

(j) . . .

(6) New York and Long Branch railroad bridge across Cheesequake Creek.

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The draw shall open on signal except at the following times the draw shall open on signal only if at least four hours notice is given:

(i) 6 p.m. to 6 a.m. from January 1 through March 31.

(ii) 10 p.m. to 6 a.m. Monday through Thursday and midnight Sunday to 6 a.m. Monday from April 1 through April 30 and November 1 through November 30.

(iii) 10 p.m. to 6 a.m. from December 1 through December 31.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on November 24, 1975.

Dated: October 15, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-28429 Filed 10-21-75;8:45 am]

[CGD 74-32]

PART 157—RULES AND REGULATIONS FOR PROTECTION OF THE MARINE ENVIRONMENT RELATING TO TANK VESSELS CARRYING OIL IN DOMESTIC TRADE

Tank Vessels Carrying Oil in Domestic Trade

Correction

In FR Doc. 75-27230 appearing at page 48280 of the issue for Tuesday, October 14, 1975, make the following changes:

1. In the second line of § 157.09(b), page 48284, "voltage" should read "voyage".

2. In paragraph 3, *Hypothetical Outflow of Oil*, to Appendix A, page 48286, in the third line the symbol for bottom damage, now reading "O_7", should read "O_3".

3. In the formulas for K_1, Z_1, and S_1, appearing in Appendix A, page 48286, the term from which the fraction is subtracted, which now in each case reads "*I*", should read "*1*."

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 438-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Florida: Approval of Plan Revisions

On March 27, 1975 (40 FR 13521), the Agency announced the receipt of two revisions in the Florida plan. These consisted of changes in the plan's limits on sulfur dioxide emissions from existing sulfur recovery plants and sulfuric acid plants. They were adopted by the State after notice and public hearing in conformity with 40 CFR 51.4 and were submitted for the Agency's approval on February 12, 1975, along with other plan revisions. Copies of the two revisions were made available for public inspection at the Agency's Region IV headquarters in Atlanta, Georgia and at the offices of the Florida Department of Environmental Regulation (formerly Department of Pollution Control) throughout the State. Written comments were solicited from the public, but none were received.

Under the Florida implementation plan's original regulations for sulfur recovery plants, existing facilities were allowed to emit no more than 0.004 pounds of SO_2 for each pound of sulfur recovered from an oil well; this limit, to be achieved by July 1, 1975, corresponded to a sulfur recovery efficiency of 99.8 percent. Under the newly adopted regulation, existing plants are subject to an immediately effective limit of 0.08 pounds of sulfur dioxide per pound of sulfur recovered; this corresponds to a recovery efficiency of 96 percent. All of the sources affected by the revised regulation are now operating in the Jay oil field (Santa Rosa County).

The second of these revisions resulted from a petition of the Occidental Chemical Company, which operates two sulfuric acid plants in White Springs (Hamilton County). Under the regulations of the approved Florida plan, existing H_2SO_4 plants are required to achieve, by July 1, 1975, an emission limit of 10 pounds of SO_2 per ton of 100 percent sulfuric acid produced. This limit was based on the degree of SO_2 emission reduction needed to attain standards in the model County used in developing the plan's original control strategy for sulfur dioxide, that is, in Hillsborough County, site of the highest measured concentrations of the pollutant. The State now takes the position that this degree of control is not needed in Hamilton County, where there is only one other significant source of SO_2 emissions, and where the original emission limit might produce only a negligible improvement in air quality if achieved. Accordingly, the emission limit for sulfuric acid plants in the Florida portion of the Jacksonville, Florida-Brunswick, Georgia Interstate Air Quality Control Region is being relaxed to 29 #SO_2/ton 100 percent H_2SO_4. (The plants of Occidental Chemical Company presently emit about 35#/ton, as opposed to 42#/ton emitted in January, 1972.

The Agency has thoroughly reviewed these plan revisions in the light of the revised sulfur dioxide control strategy and supporting air quality data and mathematical modeling results submitted with them. A written summary of the findings of this review may be examined at the following locations:

Air & Hazardous Materials Division, Region IV, Environmental Protection Agency, 1421 Peachtree Street NE., Atlanta, Georgia 30309.

Freedom of Information Center, Environmental Protection Agency, 232 Waterside Mall West Tower, 401 M Street SW., Washington, D.C. 20460.

The Administrator has determined that the two Florida plan revisions described above meet the requirements of section 110 of the Clean Air Act and the implementing regulations of 40 CFR Part 51. Accordingly, they are hereby approved.

"This action is effective (upon date of publication)." The Administrator finds that good cause exists for making his approval immediately effective since these revisions are already in effect under Florida law, and the Agency's action places no additional burden on affected facilities.

(Section 110(a) of the Clean Air Act (42 U.S.C. 1957c-5(a)))

Dated: October 14, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

In § 52.520, paragraph (c) is amended to read as follows:

§ 52.520 Identification of plan.

* * * * *

(c) Supplemental information was submitted by the Department of Pollution Control on April 10 and May 5, 1972, on June 1, August 6, and September 25, 1973, on February 26, May 30, September 25, and November 21, 1974, and on January 9, February 12 (revised limits on SO_2 emissions from sulfur recovery and sulfuric acid plants), March 31, April 9 and 15, 1975.

[FR Doc.75-28366 Filed 10-21-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

[FPMR Amendment A-22]

PART 101-6—MISCELLANEOUS REGULATIONS

Acquisition of Real Property

The Office of Management and Budget (OMB) has revised OMB Circular No. A-11. Federal agencies are no longer required to obtain a statement from the General Services Administration concerning the availability of other Federal property when their budget estimates include funds of more than $100,000 for the acquisition of real and related personal property. Therefore, Subpart 101-6.3 is deleted.

The table of contents for Part 101-6 is amended to delete Subpart 101-6.3 and to reserve the subpart as follows:

Subparts 101-6.3—101-6.48 [Reserved]

Part 101-6 is amended to delete the provisions of Subpart 101-6.3 and to reserve the subpart as follows:

Subparts 101-6.3—101-6.48 [Reserved]

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective on October 22, 1975.

Dated: October 10, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-28373 Filed 10-21-75;8:45 am]

[FPMR Amendment E-171]

PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Use of Excess ADPE on Cost-Reimbursement Type Contracts and Project Grants

This amendment clarifies, redefines, redesignates, updates, and provides new policies on the use of excess automatic data processing equipment (ADPE) by cost-reimbursement type contractors and project grantees. These policies conform in principle with policies prescribed in 41 CFR 101-43.320.

The table of contents for Part 101-32 is amended by adding the following entries:

101-32.301-9a	Mailing list.
101-32.301-17	Condition codes.
101-32.310	Use of excess ADPE on cost-reimbursement type contracts and project grants.

Subpart 101-32.3—Reutilization of Automatic Data Processing Equipment and Supplies

1. Section 101-32.301-9 is revised to read as follows:

§ 101-32.301-9 Availability list.

ADPE "Availability List" is a listing of excess and exchange/sale ADPE available for reutilization by Federal agencies.

2. Section 101-32.301-9a and 101-32.-301-17 are added as follows:

§ 101-32.301-9a Mailing list.

The "mailing list" is an automated address list maintained by GSA for dissemination of the ADPE Availability List. Federal agencies (as defined in § 101-32.301-2) that are eligible for transfer of excess ADPE may request placement on the mailing list.

* * * * *

§ 101-32.301-17 Condition codes.

The following list of meanings of condition codes shall be used to define the condition of all ADPE reported to GSA in accordance with § 101-32.4702:

N-1: New or unused property in excellent condition. Ready for use and identical or interchangeable with new items delivered by a manufacturer or normal source of supply.

N-2: New or unused property in good condition. Does not quite qualify for N-1 (because it is slightly shopworn, soiled, or similar), but its condition does not impair utility.

N-3: New or unused property in fair condition. Soiled, shopworn, rusted, deteriorated, or damaged to the extent that utility is slightly impaired.

N-4: New or unused property so badly broken, soiled, rusted, mildewed, deteriorated, damaged, or broken that its condition is poor and its utility is seriously impaired.

E-1: Used property but repaired or renovated and in excellent condition.

E-2: Used property which has been repaired or renovated and, while still in good usable condition, has become worn from further use and cannot qualify for excellent condition.

E-3: Used property which has been repaired or renovated but has deteriorated since reconditioning and is in only fair condition. Further repairs or renovation is required or expected to be needed in the near future.

E-4: Used property which has been repaired or renovated and is in poor condition from serious deterioration such as from major wear and tear, corrosion, exposure to weather, or mildew.

O-1: Property which has been slightly or moderately used, no repairs are required, and property is still in excellent condition.

O-2: Used property, more worn than O-1 but is still in good condition, with considerable use left before any important repairs would be required.

O-3: Used property which is still in fair condition and usable without repairs; however, is somewhat deteriorated with some parts (or portion) worn enough to require replacement.

O-4: Used property which is still usable without repairs but is in poor condition and is undependable or uneconomical in use. Parts are badly worn and deteriorated.

R-1: Used property, still in excellent condition, but minor repairs are required. Estimated repairs would cost no more than 10 percent of original acquisition cost.

R-2: Used property in good condition but considerable repairs are required. Estimated cost of repairs would be from 11 percent to 25 percent of original acquisition cost.

R-3: Used property, in fair condition, but extensive repairs are required. Estimated repair costs would be from 26 percent to 40 percent of original acquisition cost.

R-4: Used property in poor condition and requiring major repairs. Badly worn, and would still be in doubtful condition or dependability and uneconomical in use if repaired. Estimated repair cost is between 41 percent and 65 percent of original acquisition cost.

X: Salvage. Property having some value in excess of basic material content. Repairs or rehabilitation is estimated to cost more than 65 percent of original acquisition cost.

S: Scrap. Material that has no value except for its basic material content.

3. Sections 101-32.303-1 and 101-32.304 (b) are revised to change the GSA correspondence symbol from CDE to CDP as follows:

§ 101-32.303-1 Designation of agency ADPE point of contact.

Each agency head shall designate an agency ADPE point of contact to promote the maximum reutilization of excess ADPE, to provide proper coordination on an interagency basis, and to ensure that excess ADPE is acquired in accordance with agency plans and program efforts. The name, address, and phone number of this individual shall be submitted promptly after designation to the General Services Administration (CDP), Washington, DC 20405.

§ 101-32.304 Availability list.

* * * * *

(b) Requests for additions, changes, and deletions to the mailing list for the Availability List shall be made to the General Services Administration (CDP), Washington, DC 20405. Agencies sponsoring contractors or grantees, when forwarding requests for distribution of the Availability List to such contractors or grantees, shall include the appropriate grant or contract number.

* * * * *

4. Section 101-32.306 is amended by revising paragraphs (a), (d), and (j) and by adding new paragraph (h-1) as follows:

§ 101-32.306 Requests for transfer of excess ADPE or exchange/sale ADPE.

* * * * *

(a) The SF 122 (illustrated at § 101-32.4901-122) shall provide the name of an agency point of contact and telephone number and shall be signed by an authorized official of the requesting agency when the ADPE is to be used by the agency or by a contractor or grantee of the agency.

* * * * *

(d) The original and four copies of the SF 122 shall be submitted for approval to the General Services Administration (CDP), Washington, DC 20405.

* * * * *

(h-1) When the SF 122 requests shipment of equipment outside of the 48 conterminous States, the requesting agency may be required either to arrange shipment from the holding site or to arrange shipment from a specified point of debarkation within the 48 conterminous States.

(j) When the approved SF 122 indicates the ADPE is to be picked up by the requesting agency, the shipment shall be accomplished within 20 workdays from the time the requesting agency is notified by the holding agency that the shipment is ready. The holding agency shall inform GSA when the ADPE is not picked up within the allotted time.

(j) The holding agency shall ship or deliver the excess ADPE within 20 days after receipt of the SF 122 or receipt of complete shipping instructions as provided in § 101-32.306(g), whichever is later. If for any reason the holding agency is unable to ship or deliver within this established time frame, the holding agency shall promptly inform the requesting agency of the reason for delay and provide a revised shipping or delivery date.

* * * * *

5. Section 101-32.307(a) is revised to read as follows:

§ 101-32.307 Care and handling of excess or exchange/sale ADPE.

(a) The reporting or holding agency shall be responsible for and bear the costs of care and handling of excess or exchange/sale ADPE pending disposition. Only direct costs incurred incident to a transfer (such as packing, loading, and transporting) shall be borne by the requesting agency when billed by the holding agency. Overhead or administrative costs, equipment disconnect charges, and other costs not directly related to and solely resulting from requests for transfer shall not be included. The requesting agency shall be responsible for any movement or temporary storage required subsequent to the date transfer is approved; transportation of ADPE to the requesting agency; and rental costs, if any, for excess leased ADPE over the allowable free rental period in the applicable contract. Any question or controversy regarding responsibility for cost shall be referred for resolution to the General Services

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Administration (CDP), Washington, DC 20405. The holding agency is not required to maintain excess leased ADPE in a leased status when the reporting requirements of § 101–32.4702 have been satisfied.

• • • • •

6. Section 101–32.309–2 is revised to change the GSA correspondence symbol from CDE to CXM as follows:

§ 101–32.309–2 Reporting ADP Fund equipment excess.

Ninety calendar days before the anticipated release date of ADP Fund equipment, the leasing agency shall notify the General Services Administration (CXM), Washington, DC 20405, by letter, of its intention to discontinue the lease. An SF 120, Report of Excess Personal Property, clearly marked with the words "ADP Fund" shall be enclosed.

7. Sections 101–32.309–3 and 101–32.309–4(a) are revised to change the GSA correspondence symbol from CDE to CDP as follows:

§ 101–32.309–3 Transfer of ADP Fund equipment.

In followup to a telephone reservation of ADP Fund equipment, the requesting agency shall submit a commitment letter to the General Services Administration (CDP), Washington, DC 20405. This letter shall include the term and the dollar symbol. GSA then will prepare the SF cussed), the agency point of contact (with address and telephone number), the shipping address and instructions, and the applicable agency appropriation symbol, GSA will then prepare the SF 122, Transfer Order, Excess Personal Property, to initiate equipment shipment and will submit the lease agreement and the approved SF 122 to the requesting agency's designated official.

§ 101–32.309–4 Guarantee of ADP Fund equipment.

(a) Agencies participating in the leasing program pay charges for transportation of the equipment to the designated site(s); arrange for and pay the cost of any refurbishment needed to bring the equipment up to maintenance standards; and forward to the General Services Administration (CDP), Washington, DC 20405, a statement of the costs incurred for inspection and the estimate of the cost of refurbishment.

8. Section 101–32.310 is added as follows:

§ 101–32.310 Use of excess ADPE on cost-reimbursement type contracts and project grants.

(a) The use of excess ADPE shall be considered by Federal agencies in their cost-reimbursement type contracts and project grants which are made pursuant to programs established by law and for which funds are appropriated by the Congress. For the purposes of this section, the term "project grants" refers to grants made to specific institutions and organizations for a specific purpose with established costs and termination dates.

(b) The contract or grant shall include adequate safeguards and assurances relative to authorized use, maintenance, and return to Government custody of Government-furnished property.

(c) Excess ADPE may be furnished to a contractor or project grantee in accordance with § 101–32.306, provided a determination is made by the contracting or sponsoring Federal agency that the acquisition will result in a reduction of cost to the Government or in enhancement of the product or the benefit from the contract or grant.

(d) When competing Federal requests are made on an item of excess ADPE, GSA will give the lowest priority to a Federal agency request which vests title to the equipment in the contractor or grantee.

(e) Federal grantor agencies shall make excess ADPE available only to project grantees, with authorization for such grantees to use the property made a part of the grant document. To ensure that all such equipment transferred is for the specific purpose authorized by the grantor agency, all SF 122's submitted to GSA shall be signed by the agency accountable officer; shall affirm that the transfer is requested for use by a project grantee in accordance with this subpart; and shall state the name of the project grantee, the grant number, the scheduled date of grant termination, and the purpose of the transfer.

In addition, Federal grantor agencies shall develop and maintain an effective system for the prevention or detection of situations involving the nonuse, improper use, or the unauthorized disposal or destruction of excess personal property furnished to grantees. This responsibility shall include compliance reviews, field inspections, and other enforcement procedures to monitor such property.

(f) Federal grantor agencies normally shall limit the amount of excess property (in terms of Government acquisition cost) loaned to a grantee to the dollar value of the grant. Any higher percentage of excess property loaned to a grantee must be approved by a level in the Federal agency higher than the project officer administering the grant. Agencies shall consider all factors in determining whether to approve or disapprove transfers to grantees of excess property above the dollar value of the grant. Further limits on the value of excess property, including property available through material grants, may be included in the basic grant documents, provided such limits are justified.

(g) Federal grantor agencies shall include the following information in their grant recordkeeping systems: the number of grantees using excess property; total dollar value of property loaned to all grantees; dollar value of property on loan to each grantee; acquisition cost of loaned excess items for each grant; dollar value of each grant; percentage of acquisition cost of loaned excess property to the dollar value of each grant; and date(s) of grant termination. Where an agency has statutory authority to vest title in the grantee, comparable records shall be maintained, including records which will indicate the dollar value of property vested in any grantee.

(h) The system of accountability for property acquired from excess will be in accordance with contractual and agency procedures. Records will be subject to audit by an internal audit group of the Federal contracting or granting agency. Records of such agencies shall be made available upon request to the General Accounting Office.

(i) Except when specifically authorized by statute to vest title, a Federal agency, upon termination of a contract or grant in whole or in part, shall reassign Government-furnished ADPE, as far as practicable, to other activities, contractors, and/or grantees within that Federal agency. If no reassignment is made, and if the property is not disposed of pursuant to applicable regulations or contract provisions relating to contractor inventory, it shall be reported as excess to GSA in accordance with § 101–32.4702 and held by the contractor or grantee in accordance with § 101–32.308. Agencies shall publish procedures which clearly delineate the obligations of their contractors and grantees with respect to the use and return to Government custody of property acquired from excess sources.

Subpart 101–32.47—Reports

Section 101–32.4702 is amended to read as follows:

§ 101–32.4702 Reporting excess or exchange/sale ADPE.

Excess ADPE or exchange/sale ADPE shall be reported on an original and four copies of SF 120, Report of Excess Personal Property (illustrated at § 101–32.4901–120), and, when necessary, SF 120A, Continuation Sheet (Report of Excess Personal Property). The SF 120 shall be submitted to the General Services Administration (CDP), Washington, DC 20405, by the holding agency at least 90 calendar days before the anticipated release date as determined by the holding agency. This report is exempt from reports control in accordance with § 101–11.1102–1(b). ADPE in the hands of Government contractors may be reported on an appropriate contractor inventory appended to an SF 120 provided the reporting format includes an adequate commercial description and other appropriate data required by § 101–32.4702(a), below.

(a) The SF 120 shall include the appropriate condition code designation as defined in § 101–32.301–17 and shall contain the manufacturer's name, equipment type and model number, and full description of the ADPE to determine whether the ADPE may satisfy another agency's requirement. Since ADPE suppliers have adopted no uniform method of identifying certain ADPE systems, components, features, cables, or other devices such as terminators and junction boxes used with the equipment, the complete nomenclature for such equipment as used by the supplier shall be identified and reported on the SF 120. Parts or devices shall not be removed subsequent to reporting the ADPE to GSA as excess. If any part or device has been removed from the ADPE, a statement identifying those parts or devices shall be made on the SF 120. In addition, the status of each individual component and feature shall be shown to indicate whether it is leased, purchased, or leased with option to purchase. If the equipment is leased or leased with option to purchase, the fair value shall be shown on the SF 120. The fair value is the difference between original acquisition cost and accrued purchase option credits. Government-owned and -leased ADPE shall not be reported on the same SF 120.

• • • • •

(c) The words "Exchange/Sale Property" shall be displayed prominently on the original and four copies of the SF 120 when reporting ADPE that is to be replaced pursuant to exchange/sale provisions of Part 101–46. The acquisition cost and the reimbursement required, which shall not be greater than the cash (sale) or exchange (trade-in) bid that the reporting agency has received for the specific ADPE, shall be shown on the SF 120. If there is any change to a cash or exchange bid subsequent to the submission of an SF 120, a revised SF 120 indicating the new cash or exchange bid shall be promptly submitted to GSA. Agencies will be advised promptly, in writing, of the date the original or revised SF 120 is received by GSA. Such equipment shall not be sold or exchanged prior to written authorization from GSA. The following statement shall be inserted on the SF 120 for exchange/sale property:

A written administrative determination has been or will be made to apply the exchange allowance or proceeds of sale to the acquisition of similar items by other than lease.

• • • • •

Subpart 101–32.49—Illustration of Forms

Sections 101–32.4901–120 (a) and (b) and 101–32.4901–122 are amended to change the GSA correspondence symbol from CDE to CDP.

NOTE.—The forms illustrated in §§ 101–32.4901–120 (a) and (b) and 101–32.4901–122 are filed as part of the original document.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486 (c)).

Effective date. This regulation is effective on October 22, 1975.

Dated: October 10, 1075.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-28374 Filed 10-21-75;8:45 am]

[FPMR Amendment G–34]

PART 101–39—INTERAGENCY MOTOR VEHICLE POOLS

PART 101–40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Organizational Titles and Codes and References to Regulations

The regulations in Part 101–39, Interagency Motor Vehicle Pools, and Part 101–40, Transportation and Traffic Management, are changed to update organizational titles and codes and references to other GSA regulations.

Section 101–39.503–6 is revised and the introductory text of § 101–39.503–7 is revised as follows:

§ 101–39.503–6 Supplies of GSA Form 1313.

Agencies may obtain supplies of GSA Form 1313 from the Motor Equipment Services Division of the appropriate GSA regional office.

§ 101–39.503–7 Lost or stolen GSA Form 1313.

In the event a GSA Form 1313 is lost or stolen, the agency issuing the form shall immediately notify the Motor Equipment Services Division of the GSA regional office from which the form was obtained. The notification shall contain:

• • • • •

Sections 101–39.702(b) and 101–39.706 are revised as follows:

§ 101–39.702 Storage.

• • • • •

(b) Whenever interagency motor pool vehicles are stored at other than a designated storage point of an interagency motor pool, the storage cost is the responsibility of the using agency. Prior to the procurement of other than temporary parking accommodations in urban centers (see § 101–18.102), agencies shall determine the availability of Government-owned or -controlled parking space in accordance with the provisions of § 101–17.101–6.

§ 101–39.706 Modification or installation of accessory equipment.

The modification of an interagency motor pool vehicle or the installation of accessory equipment on such a vehicle can be accomplished only when approved by GSA. The request for such modification and installation shall be forwarded to the Motor Equipment Services Division of the appropriate GSA regional office for consideration.

Sections 101–40.101, 101–40.109–2(b), and 101–40.111a) are revised and the introductory text of § 101–40.102 is revised as follows:

§ 101–40.101 Transportation assistance.

Executive agencies without transportation offices or those in need of assistance on transportation matters shall obtain assistance from the GSA Transportation Services Division at the appropriate GSA regional office, except that agencies located in the Washington, D.C. metropolitan area shall obtain such assistance from the General Services Administration (FZ), Washington, DC 20406.

§ 101–40.102 Representation before regulatory bodies.

GSA, in behalf of executive agencies, will, as it deems appropriate, institute formal or informal action, with respect to tariff, rate, or service matters, before Federal and State regulatory bodies. Executive agencies shall submit their requests and recommendations for action before Federal and State regulatory bodies to the General Services Administration (FZ), Washington, DC 20406, or the Transportation Services Division at the appropriate GSA regional office. Agency requests for GSA representation shall be accompanied by detailed supporting data including, where appropriate, such items as the following:

• • • • •

§ 101–40.109–2 Office relocation contracts.

• • • • •

(b) For office relocations in cities where term moving contracts are not available, agencies may obtain their own moving contracts either by formal advertising or by negotiation (41 CFR 1–7.7 and 1–19.7), as appropriate. Agencies may also obtain their own moving contracts for office relocations costing more than $2,500 in cities where term moving contracts are available. Alternatively, upon request of an agency, GSA will enter into a separate moving contract to meet that agency's requirements. However, relocation of offices occupying space which has been assigned by GSA requires prior approval by the Public Buildings Service, GSA, in accordance with the provisions of Subpart 101–17.1, Assignment of Space, and Subpart 101–17.2, Utilization of Space.

• • • • •

§ 101–40.111 Maintenance of tariff files.

(a) The General Services Administration Region 3, Federal Supply Service, Washington, D.C., will maintain the master file of carrier tariffs for all modes of transportation. The other GSA regional offices will maintain tariff files sufficient to meet the normal requirements of the agencies located in their regional areas.

• • • • •

Sections 101–40.301, 101–40.305–2, 101–40.305–3(a), 101–40.305–5, 101–40.306–3 and 101–40.307 are revised as follows:

§ 101–40.301 Rate and routing services.

Upon request, GSA will provide rate and route information and related traffic data to any executive agency. (See § 101–40.101.) Requests for information may be submitted to GSA by means of GSA Form 420, Request for Traffic Data. (See § 101–40.4906–1.) Urgent requests may be made by whatever method is necessary to expedite the request. The data will be furnished by similar means and confirmed by transmittal of a GSA Form 420.

§ 101–40.305–2 Rate analysis required on substantial movements.

When the volume of tonnage to be moved exceeds the limitations imposed by § 101–40.305–3, agencies shall submit to the General Services Administration (FZ), Washington, D.C. 20406, or the Transportation Services Division at the appropriate GSA regional office, complete details of prospective movements for rate analysis to determine whether negotiations shall be initiated. Such data shall be submitted as far in advance of the prospective shipping date as circumstances will permit and shall include all pertinent shipping information, such as the complete description of the com-

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modity, packaging, volume, origin, destination, and prospective shipping schedule. (See § 1–19.201.)

§ 101–40.305–3 Negotiation by other executive agencies.

(a) Executive agencies other than GSA are authorized to initiate and conduct negotiations for freight rates and services only when the quantity of property involved is 100 short tons or less. Agencies may be granted authority to conduct negotiations on larger volumes of traffic when it is considered in the best interests of the Government. Requests for such additional authority should be directed to the General Services Administration (FZ), Washington, D.C. 20406, or the Transportation Services Division at the appropriate GSA regional office.

* * * * *

§ 101–40.305–5 Reports of agency negotiations.

Executive agencies shall submit promptly to the General Services Administration (FZ), Washington, DC 20406, or the Transportation Services Division at the appropriate GSA regional office, a complete report of each negotiation after the negotiation is completed. The report shall refer to this § 101–40.305–5 and shall cite the name of the carrier or bureau with which the negotiation was conducted and any tariff change, or shall include a copy of any contract or rate tender resulting from the negotiation. The report shall set forth the quantity and description of the tonnage involved, origin, destination, old and new rates, and other pertinent information. The reports required by this section are exempt from reports control in accordance with § 101–11.1102–1 (b).

§ 101–40.306–3 Distribution.

Six copies (including at least one signed copy) of each rate tender shall be submitted promptly by the agency receiving it to the General Services Administration (FZ), Washington, DC 20406, or the Transportation Services Division at the appropriate GSA regional office; and six copies (including at least one signed copy) shall be submitted promptly to the General Accounting Office, Transportation and Claims Division, Washington, DC 20548.

§ 101–40.307 Tonnage reports.

Each executive agency shall furnish to

Each executive agency shall furnish to the General Services Administration (FZ), Washington, DC 20406, monthly reports of outbound shipments on which freight charges are to be paid or allowed by a Government agency, in accordance with the provisions of this § 101–40.307. The monthly reports required by this section are exempt from reports control in accordance with § 101–11.1102–1(b).

Section 101–40.702–3(b) is revised as follows:

§ 101–40.702–3 Preparation of a discrepancy report.

* * * * *

(b) When theft or loss occurs in a shipment of narcotics or related substances, a copy of the discrepancy report shall be forwarded to the nearest regional office of the Drug Enforcement Administration, Department of Justice (21 CFR 301.74(c)).

* * * * *

§ 101–40.4906–1 [Amended]

Section 101–40.4906–1 is amended to illustrate the August 1972 edition of GSA Form 420, Request for Traffic Data.

NOTE.—The form illustrated in § 101–40.4906–1 is filed as part of the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective October 22, 1975.

Dated: October 9, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75–28375 Filed 10–21–75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20480]

PART 73—RADIO BROADCAST SERVICES

FM Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (*St. Helena/Santa Rosa, California; Kalkaska, Michigan; Newberry, Michigan; Tarkio–Rock Port, Missouri; Surfside Beach, South Carolina; Trenton, Tennessee.*), Docket No. 20480, *RM–2515, RM–2516,* RM–2519, *RM–2525,* RM–2513, *RM–2526.*

1. The Commission has before it the *Notice of Proposed Rule Making* adopted May 9, 1975 (40 FR 22002), inviting comments on a number of changes in the FM Table of Assignments (Section 73.202(b) of the Rules). All comments and data filed in response to the *Notice* were considered in making the following determinations. There were no opposing comments. Population figures were taken from the 1970 U.S. Census. The following decision disposes of all subject petitions except RM–2513 (Newberry, Michigan) and RM–2519 (Kalkaska, Michigan) which will be taken up at a later date.

2. The pertinent proposals and petitioners were:

RM–2515 Substitute Channel 269A for 257A in Santa Rosa, California, and 257A for 269A at St. Helena, California. (Young Radio, Inc.)

RM–2516 Channel 228A to Tarkio, Missouri. (Ashdown Broadcasters, Inc.)

RM–2525 Channel 276A to Surfside Beach, South Carolina. (Theodore J. Gray)

RM–2526 Channel 249A to Trenton, Tennessee [1] (Trentone, Incorporated).

In all except one of the above cases (St. Helena/Santa Rosa, California (RM–2515), which will be discussed below, interested parties seek the assignment of a first FM channel (Class A) to a community without requiring any other changes in the FM Table of Assignments, and each assignment can be made in conformance with the Commission's minimum mileage separation rule. Each petitioner stated its intention to apply for the channel, if assigned, and to build a station, if authorized. In the *Notice of Proposed Rule Making* in this proceeding we set out economic and other information pertaining to the need for a first FM assignment in each of the communities. We shall, therefore, not repeat it here. The communities range in size from 1,329 persons for Surfside Beach, South Carolina, to 4,226 persons for Trenton, Tennessee. Neither Tarkio, Missouri, Surfside Beach, South Carolina nor Trenton, Tennessee, have local broadcast facilities. None of the communities is a part of an urbanized area (1970 U.S. Census) and each appears to warrant the proposed assignment. We are of the view that adoption of each proposal would serve the public interest.

3. *St. Helena/Santa Rosa, California (RM–2515):* Young Radio, Inc., permittee of Station KVYN(FM) (Channel 269A, St. Helena, California), requests an exchange of its channel assignment at St. Helena with that of Santa Rosa. Petitioner alleges that the change will provide a means by which to significantly improve the coverage for its service area in Napa Valley. Its engineering data show that the channel exchange will not adversely affect the Santa Rosa facility, KVRE–FM (Channel 257A). A letter from the President of KVRE, Inc., states that the corporation has no objections to the exchange and that petitioner has agreed to reimburse KVRE–FM for the reasonable costs incurred in the change-over of channels.

4. Authority for the adoption of the amendments contained herein appears in Sections 4(i), 5(d)(1), 303 and 307 (b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules.

5. In view of the foregoing, *it is ordered,* That effective November 28, 1975, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended to read as follows:

City	Channel No.
California	
Santa Rosa	269A
St. Helena	257A
Missouri	
Tarkio	228A
South Carolina	
Surfside Beach	276A
Tennessee	
Trenton	249A

6. *It is further ordered,* That the outstanding construction permit held by Young Radio, Inc. for Station KVYN (FM), St. Helena, California, is modified to specify operation on Channel 257A instead of Channel 269A. The permittee shall inform the Commission in writing no later than November 28, 1975, of its acceptance of this modification. Station KVYN(FM) may continue to operate on Channel 269A until December 1, 1977, or until it is sooner ready to operate on Channel 257A, or until the Commission sooner directs, subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 257A, the permittee of Station KVYN(FM) shall submit to the Commission the technical information normally requested of an applicant for Channel 257A.

b) At least 10 days prior to commencing operation on Channel 257A, the permittee of Station KVYN(FM) shall submit the measurement data required of an applicant for a broadcast station license; and

(c) The permittee of Station KVYN (FM) shall not commence operation on Channel 257A without prior Commission authorization.

7. *It is further ordered,* That the outstanding license held by KVRE, Inc., for Station KVRE–FM, Santa Rosa, California, is modified to specify operation on Channel 269A instead of Channel 257A. The licensee shall inform the Commission in writing no later than November 28, 1975, of its acceptance of this modification. Station KVRE–FM may continue to operate on Channel 257A until December 1, 1977, or until it is sooner ready to operate on Channel 269A, or until the Commission sooner directs, subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 269A, the licensee of Station KVRE–FM shall submit to the Commission the technical information normally requested of an applicant for Channel 269A.

(b) At least 10 days prior to commencing operation on Channel 269A, the licensee of Station KVRE–FM shall submit the measurement data required of an applicant for a broadcast station license; and

(c) The licensee of Station KVRE–FM shall not commence operation on Channel 269A without prior Commission authorization.

8. The change of operation by each station to its new channel of operation shall be effected simultaneously and the parties are expected to work out the details of such a simultaneous change. Young Radio, Inc., has indicated its willingness to reimburse KVRE, Inc. for the channel change concerning Station KVYN(FM). It is expected that the parties will work out the details of such reimbursement.

9. The Secretary of the Commission is directed to send a copy of this *Report and Order* to Young Radio, Inc., permittee of Station KVYN(FM), St. Helena, California, and KVRE, Inc., licensee of Station KVRE–FM, Santa Rosa, California.

Adopted: October 14, 1975.

Released: October 16, 1975.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75–28448 Filed 10–21–75;8:45 am]

[1] In order to meet the minimum spacing requirements of our rules, a site 1 mile northeast of Trenton would be required.

PART 73—RADIO BROADCAST SERVICES

FM Table of Assignments

In the matter of amendment of § 73.202 (b), Table of Assignments, FM Broadcast stations. (Hoquiam, Washington), Docket No. 20437, RM–2434.

1. The Commission has before it the *notice of proposed rule making,* adopted April 15, 1975, 40 Fed. Reg. 18463, inviting comments on a proposal to substitute Channel 237A for Channel 280A at Hoquiam, Washington. The only commenting party is petitioner, Grays Harbor Broadcasting Co.

2. Hoquiam, Washington (pop. 10,466),[1] is located in Grays Harbor County (pop. 59,553), approximately 50 miles west of Olympia, Washington. It is presently served by AM Station KGHO and Station KGHO–FM (Channel 280A) Hoquiam, Washington, both licensed to petitioner. The assignment of Channel 237A to Hoquiam will not affect any existing FM assignments.

3. The substitution of Channel 237A for Channel 280A at Hoquiam is requested by petitioner to alleviate mutual interference as resulting from a four-channel separation between its assignment and that of Station KDUX–FM (Channel 284) licensed at Ocean Shores, Washington, approximately 12 miles west of Hoquiam.[2] As indicated in the *Notice,* we have determined that an alternate channel, Channel 237A, is available for substitution at Hoquiam. Channel 237A is available for use only in a very limited area around Hoquiam. By adopting the proposed substitution of channels, Channel 280A will be made available for future assignment to other communities. Thus, efficient utilization of available frequencies will be maintained. In supporting comments petitioner requests that its license be modified to specify operation on Channel 237A if substituted herein. The Canadian Government has given its concurrence to the change in channel assignment. We therefore believe the public interest will be served by the proposed substitution and by modification of petitioner's license, accordingly.

4. Preclusion occurs only on the co-channel affecting a small area east of Hoquiam. The affected communities have alternate channels available for assignment.

5. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303, and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules.

6. Accordingly, *it is ordered,* That effective December 1, 1975, the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations is amended, insofar as the city listed below is concerned, to read as follows:

City:	Channel No.
Hoquiam, Washington	237A

7. *It is further ordered,* That effective December 1, 1975, and pursuant to Section 316 of the Communications Act of 1934, as amended, the outstanding license of Grays Harbor Broadcasting Company, for Station KGHO–FM, Hoquiam, Washington, is modified to specify operations on Channel 237A in lieu of Channel 280A subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than December 1, 1975, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by December 30, 1976, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station KGHO–FM on Channel 237A at Hoquiam, Washington.

(c) The licensee may continue to operate on Channel 280A under its outstanding authorization for one year from the effective date of this order, or effect the change sooner should it so desire. Ten days prior to commencing operation on Channel 237A, the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(d) The licensee shall not commence operation on Channel 237A until the Commission specifically authorizes it to do so.

8. *It is further ordered,* That the Secretary of the Commission is directed to send a copy of this *Report and Order* by certified mail, return receipt requested to Grays Harbor Broadcasting Co., Hoquiam, Washington.

9. *It is further ordered,* That this proceeding is terminated.

Adopted: October 14, 1975.

Released: October 17, 1975.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75–28449 Filed 10–21–75;8:45 am]

[Docket No. 20362]

PART 73—RADIO BROADCAST SERVICES

FM Table of Assignments

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Berryville, Va. and Harpers Ferry, W. Va.), Docket No. 20362, RM–2304, RM–2489.

1. The Commission here considers its *notice of proposed rule making* in Docket No. 20362, adopted on February 18, 1975 (40 FR 8965), which proposed the assignment of Channel 288A to either Berryville, Virginia, or Harpers Ferry, West Virginia.[1] The commenting parties in this proceeding are Benjamin Thomas, tr/as Greencastle Broadcasting Company ("Greencastle"), licensee of FM Station WKSL, Greencastle, Pennsylvania, and proponent of the Berryville assignment; Elektra Broadcasting Corporation ("Elektra"), licensee of AM Sta-

[1] All population data are taken from the 1970 U.S. Census.

[2] Channel 284 is assigned to Aberdeen, Washington, 4 miles east of Hoquiam. Station KDUX–FM is operated at Ocean Shores pursuant to Section 73.209(b) which permits use of a channel in an unlisted community within 15 miles (for Class B/C channels) of the listed community.

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tion WTRI, Brunswick, Maryland, and proponent of the Harpers Ferry assignment; WXVA Broadcasting Corporation, licensee of AM Station WXVA and FM Station WZFM, both at Charles Town, West Virginia; and Madeline-Marie Gibbs of Arlington, Virginia.

2. Berryville, Virginia (population 1,509), is located in Clarke County (population 8,102). It is the county seat and commercial center for Clarke County. Neither Berryville nor Clarke County has local AM or FM service.

3. Harpers Ferry, West Virginia (population 423), is located in Jefferson County (population 21,280). It has no local aural service. However, it receives service from AM Station WXVA and FM Station WZFM, Charles Town, the seat of Jefferson County, and from proponent's AM Station WTRI, Brunswick, Maryland. Other more distant stations, also provide service.

4. In the *Notice* we proposed making the assignment to either of the two communities and sought more information from the proponents regarding the comparative needs of the respective communities. We have received a considerable amount of information and shall briefly summarize the relevant portions. Much of the data provided by Elektra regarding the future plans for tourism in Harpers Ferry is not recounted below. In addition, we need not repeat much of the information regarding the general characteristics of the two communities that was set forth in the *Notice*. Late-filed comments were received from WXVA Broadcasting Co., and from Greencastle. In view of our decision, based on the timely filings, to assign the channel consistent with the positions of WXVA Broadcasting Co. and Greencastle, we believe there is no need to discuss their late filings or whether there was good cause for the lateness of the filing.[2]

5. In its comments on behalf of Berryville, Greencastle argues that in considering which of two communities has a greater need for local aural service, the following should be considered: (a) the disparity of service between the two communities and the surrounding area; (b) the substantial difference in the comparative populations of the two communities; and (c) the compelling need in Berryville and Clarke County area for a first local broadcast service. We are told that Berryville's only newspaper is published weekly and that no broadcast stations are licensed to any communities in Clarke County, whereas Harpers Ferry presently receives primary service from both WXVA(AM) and WZFM(FM), Charles Town, West Virginia, only 7 miles away. Greencastle asserts that the disparity of services in the respective communities during the daytime is as follows:

Community	Frequency modulation	Amplitude modulation	Total
Berryville, Va.	4	4	8
Harpers Ferry, W. Va.	6	6	12

and during the nighttime:

Community	Frequency modulation	Amplitude modulation	Total
Berryville, Va.	4	0	4
Harpers Ferry, W. Va.	6	0	6

Greencastle asserts that in comparing the 1 mV/m contours of each assignment from their respective proposed transmitter locations, a common area of overlap is found, consisting of 225 square miles and 12,356 persons. This area is said to receive from a minimum of four to a maximum of seven FM services (but no AM nighttime services). In the area that only a Berryville station would serve, a minimum of two to a maximum of thirteen FM stations operate.[3] A Berryville assignment would provide a third FM service to 469 persons in an area of 31 square miles. An assignment to Harpers Ferry, on the other hand, would furnish service to an area already receiving a minimum of five to a maximum of fourteen FM services.

6. Elektra responds in its comments that we should consider Bolivar along with Harpers Ferry as the primary recipient of proposed local service. The two are characterised as "twin communities", which it says are "closely intertwined and have economic, historical and social ties". (Bolivar has a population of 944 according to the 1970 U.S. Census.) Jefferson County is described as a growing county with a 1970 population of 21,180, increased to an estimated 27,500 as of January 1975 and retail sales have increased from $41,315,000 in 1973 to $49,578,000 in 1974 according to the Manager of the Jefferson County Chamber of Commerce. It is alleged that tourist attractions in Harpers Ferry are so popular that presently some 1.5 million visitors come to the region each year according to a letter by a local business leader attached to Elektra's comments. Elektra cites our decision in *Monte Rio, Cal.*, 50 F.C.C. 2d 759 (1975), for the proposition that the total number of persons visiting Harpers Ferry should be considered in addition to the permanent residents in assigning channels to communities. Furthermore, Elektra states that a local radio station could help inform residents and tourists of the frequent floods that represent a danger to the area and especially to the "Lower Town" section of Harpers Ferry National Historical Park. Elektra also calls our attention to several letters submitted by various community leaders favoring the assignment of Channel 288A to Harpers Ferry.

7. WXVA Broadcasting Co., licensee of Stations WXVA(AM) and WZFM (FM), Charles Town, West Virginia, believes that Greencastle has demonstrated a greater need for a first FM station in Berryville. It notes that Berryville is the county seat, contains 19% of the county's population and that there is presently no broadcast facility licensed to any community in Clarke County. By contrast, it represents that Harpers Ferry has one-fourth the population of Berryville, has suffered a 26% decline in population since the 1960 U.S. Census and is the smallest community in Jefferson County with less than 2% of the county's total population.[4] Further it believes that Jefferson County is adequately served by the two stations operating in nearby Charles Town (licensed to WXVA Broadcasting Co.). WXVA does not share the opinion that Jefferson County has a bright economic future. It points to an unemployment rate of 9%, a significant percentage of subpoverty income level families and the consistent failure of the county to attract major industry. WXVA also maintains that its AM station serves Harpers Ferry with a 2 mV/m daytime signal and its FM station furnishes primary service to the community. Finally WXVA questions whether Elektra intends to serve Harpers Ferry primarily in light of some statements allegedly made by Elektra's President that he plans to use the FM station chiefly as a means of improving his existing broadcast service to Brunswick, Maryland, 5 miles distant, where he now operates WTRI(AM), (daytime-only).

8. In reply comments, Elektra disputes at length the gloomy economic picture described by WXVA Broadcasting Co. and avers that there is a "Master Plan for Growth" in Harpers Ferry already under evaluation. A large shopping center is scheduled for construction and zoning approval for further commercial and residential development has been obtained. In addition, a center for crafts is planned along with an outdoor amphitheatre for plays and dramas. A research center is also programmed for future development. Elektra argues that the Commission must evaluate the potential of a community for future development rather than limit consideration to its immediate outlook.

9. In its reply comments, WXVA Broadcasting Co. argues that Elektra has failed to consider the comparative needs of both communities. WXVA Broadcasting Co. urges that the town of Bolivar cannot be considered as Bolivar is a separate and distinct community with its own incorporated government. The case of Monte Rio, supra, is distinguished for two reasons. First, no other community had petitioned for the same channel so there was no need to undertake a comparative evaluation. Second, the decision clearly stated that the adequacy of service in the community was an important factor. Monte Rio was not adequately served and signals that reached the community emanated from distant stations. In addition the tourists in the Monte Rio area, a summer resort, were represented as visitors that stay one or more days and would have more likelihood of tuning to a local station as well as greater need to listen to local announcements. Harpers Ferry tourists normally stay for a few hours only, not overnight. WXVA Broadcasting Co. asserts that Elektra has provided unauthenticated statistics regarding the number of tourists that annually visit Harpers Ferry and it believes that the quoted figure of 1.5 million is highly doubtful. It alleges that since Elektra, by its own admission, provides coverage of many local events in Harpers Ferry, the needs of the residents are adequately met.

10. Elektra also has raised a technical issue requiring separate treatment before the comparative needs of the two communities are weighted. Elektra's engineering statement asserts that the Commission's method of prediction of service areas is an oversimplification. It does not question the accuracy of Greencastle's study of available services referred to in para. 5.

However, it states that predicted contours do not accurately reflect the actual service area of a given station especially in rough terrain. Only where terrain is relatively smooth, we are told, will a station's predicted contour properly describe the area in which the signal may be adequately received. It is argued that Harpers Ferry is mountainous and the predicted contours of nearby stations are rendered meaningless in such an area. Although Elektra's engineer accepts the premise that many daytime AM services are available to both Harpers Ferry and Berryville, it alleges that adequate service is not received at night. The engineering statement includes profiles which depict the 6 FM stations that allegedly reach Harpers Ferry and the significant terrain obstructions that each signal would encounter. It asserts that to measure whether these signals actually reach the community, the line-of-sight method must be utilized. Using this method it concludes that none of the six serve Harpers Ferry. Elektra concedes that this approach is unusual but insists that authority is provided by section 73.311 (a) which states that our predicted contours indicate only the approximate extent of service, by section 73.315 which mentions the use of line-of-sight propagation and by the Commission's previous acceptance of shadow-loss studies, terrain limited contours, etc. where propagation conditions are unusual.

11. While the Commission has recognized that certain technical deficiencies exist in the prediction method of field strength contours, it has found this method to be generally superior to others which have their own inadequacies. The conclusion which arises from our prediction method that a signal will reach a particular community may be rebutted by a convincing showing. But, the mere fact that terrain penetrates the line-of-sight of a signal does not establish the degree of shadow loss that will occur. In Plymouth, N.H., 46 F.C.C. 2d 221 (1974), the Commission stated at p. 226:

> Although the Notice herein stated that we tended to agree with Lakes Region that the more appropriate method for determination of service, because of the mountainous geography in the area, was on a terrain limited rather than the prediction basis, we had reservations as to the efficacy of such a method in a rule making proceeding. As illustrated above, there are conflicting claims of the location of 60 dBu contours which raise the question as to the validity of the claim of proposed limited service. We believe that the coverage determined by the standard prediction method, which fairly represents the expected coverage in most instances, should be used in our deliberation.

We also feel that in this case the prediction method most effectively measures the services available to Harpers Ferry residents.

12. In weighing the comparative needs of communities we have in the past set forth certain priorities to aid our determinations. We have reiterated in *Anamosa and Iowa City, Iowa*, 46 F.C.C. 2d 51 (1974), our long held view that provision should be made for a first FM service to as much of the population of the United States as possible, particularly that portion of the population which receives no primary AM service nighttime. If, as here, this is not determinative we consider lesser priorities and in so doing take into account the size of the communities, location with respect to other communities, and the number of outside services available. Neither community can be preferred in terms of first assignment or in providing a first or second aural or FM service. In terms of AM and FM service received, Berryville is to be favored. Moreover, it is the county seat and commercial center for Clarke County, Virginia, which is presently devoid of any local services, and Berryville is a much larger community than Harpers Ferry. We note that the population of Harpers Ferry has declined significantly between 1960 and 1970, and no information has been provided on which we can rely in establishing that a reversal of that trend has occurred since 1970. We are aware that Harpers Ferry is an historical landmark that will continue to attract many visitors, but most stay only briefly. Thus, we must regard Elektra's attempt to buttress its population total in this manner as insufficient. In addition, in other cases where we have considered the tourist inflow as a factor, we did not need to weigh that element against the comparative needs of another city seeking the same assignment. In such cases, where there is no need to establish a comparative advantage, just the presence of tourists can weigh heavily in persuading us to make the assignment. Here, it would be at the cost of an assignment to Berryville. Under these circumstances we believe that it would be contrary to the mandate of section 307(b) to assign a channel on the basis of an influx of tourists who are not likely to utilize the service if established. Finally, we note that the preclusive effects of the assignment are insignificant as was stated in the Notice.

13. In view of the foregoing and pursuant to the authority contained in sections 4(i), 5(d)(1), 303, and 307(b) of the Communications Act of 1934, as amended, and section 0.281(b)(6) of the Commission's Rules, it is ordered, that effective November 28, 1975, the FM Table of Assignments, section 73.202(b) of the rules, is amended to read as follows for the city listed below:

City	Channel No.
Berryville, Virginia	288A

14. It is further ordered that the Elektra Broadcasting Corporation's Motion to Strike the late-filed pleadings of Greencastle Broadcasting Company and WXVA Broadcasting Corporation is granted.

15. It is further ordered that this proceeding is terminated.

Adopted: October 14, 1975.
Released: October 16, 1975.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-28450 Filed 10-21-75;8:45 am]

[Docket No. 20413, etc.]

PART 73—RADIO BROADCAST SERVICES

FM Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Ankeny, Iowa; Copperas Cove, Texas; Davis, California; Emmetsburg, Iowa; Frankfort, Michigan; Hiawatha, Kansas; Howell, Michigan; Jewett, Ohio; New Lexington, Ohio; Ottawa, Ohio; Selmer, Tennessee; Yoakum, Texas), Docket No. 24013, FM-2416, RM-2470; RM-2505, RM-2510; RM-2492, RM-2511, RM-2496, RM-2508, RM-2486, RM-2504, RM-5209, RM-2483.

1. The Commission has before it the notice of proposed rule making adopted March 31, 1975 (40 FR 16680), inviting comments on a number of changes in the FM Table of Assignments (section 73.202(b) of the Rules). The communities,

[1] Separate petitions were filed for Channel 288A. The *Notice* consolidated these two petitions for comparative consideration. The channel cannot be assigned to both cities because they are only 18 miles apart, whereas the minimum co-channel mileage separation requirement for Class A channels is 65 miles.

[2] We received a filing from Elektra which included a "Motion to Strike" the late-filed pleadings of Greencastle and WXVA Broadcasting Co. or "In The Alternative to Accept Further Statement of Elektra . . ." and an "Opposition to Motion to Strike . . ." from WXVA Broadcasting Corporation. We are granting Elektra's motion to strike. Therefore, we did not consider Elektra's further statement, nor, for the reasons mentioned above, consider the late-filed material.

[3] Greencastle's study used the authorized facilities of existing stations as the basis for its figures. It is noted that three stations operate at less than the reasonable facility values required by a *Roanoke Rapids* study. If reasonable facilities were utilized than the areas near Berryville receiving two to four stations and the areas near Harpers Ferry receiving only five stations would be reduced.

[4] According to the 1970 U.S. Census which includes all incorporated places and all unincorporated places of 1,000 or more, Harpers Ferry is the smallest listed community in the county.

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channel assignments proposed, and petitioning parties are as follows:

RM-2416—Channel 292A to Ankeny, Iowa[1] (Christian Communications, Inc.).
RM-2470—Channel 228A to Howell, Michigan[1] (B & H Broadcasting Company).
RM-2483—Channel 272A to Yoakum, Texas (Lloyd E. Kolbe).
RM-2486—Channel 257A to Frankfort, Michigan (Ivar T. Wedin).
RM-2492—Channel 288A to Davis, California[1] (Richard C. Dorf and Bruce Horrigan).
RM-2496—Channel 252A to Emmetsburg, Iowa, (John Fallon Schad, Jr.).
RM-2505—Channel 276A to Copperas Cove, Texas (B. Tex Samford).
RM-2508—Channel 292A to Ottawa, Ohio (Triplett Broadcasting Co., Inc.).
RM-2509—Channel 280A to Hiawatha, Kansas (Michael Carter).
RM-2510—Channel 292A to Jewett, Ohio (William A. Brackney).
RM-2511—Channel 292A to New Lexington, Ohio (William A. Brackney).

2. In the notice of proposed rule making there was also a proposal by WDTM, Incorporated, for the assignment of Channel 288A to Selmer, Tennessee (RM-2504). On June 17, 1975, WDTM, Inc. advised the Commission by letter that because of current economic conditions and the present uncertainty it does not believe it could unconditionally restate its earlier desire and intention to apply for a construction permit and construct seasonably. It therefore requested that its petition proposing to assign Channel 288A to Selmer, Tennessee, be withdrawn.

3. In each of the above cases the petitioner seeks the assignment of a first Class A FM channel without requiring any changes in the FM Table of Assignments. All proposals were unopposed except that concerning Frankfort, Michigan (RM-2486), which was opposed by Manistee Radio Corporation, licensee of Stations WMTE-AM and FM at Manistee, Michigan. The Manistee opposition, filed in reply comments, is discussed below.

4. Frankfort (pop. 1,669)[2] located in Benzie County (pop. 8,693), is situated on the northwest coast of the Lower Peninsula, approximately 25 miles north of Manistee and 30 miles west of Traverse City. It has no local aural broadcast facility. Manistee has two—WMTE(AM) and WMTE-FM, licensed to Manistee Radio Corporation (Manistee), Manistee, Michigan. Manistee in its opposition states that Ivar T. Wedin (Wedin), petitioner for Channel 257A at Frankfort, Michigan, failed to restate his present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly, as requested in the Appendix to the notice of proposed rule making, and therefore should be denied the proposed assignment on the basis of failure to prosecute the request. Manistee states that Wedin has totally failed to demonstrate that the assignment of Channel 257A to Frankfort would serve the public interest, convenience and necessity. Manistee argues that Frankfort and Benzie County are already well served by existing stations at Manistee and Traverse City (one full-time AM and one FM station at Manistee; one full-time AM station, a daytime-only AM station, and three FM stations at Traverse City). It adds that while it may be argued that Benzie County may be of sufficient size to warrant an FM station, Wedin submitted no facts in his petition to demonstrate that Frankfort can support a station and that there is not even an allegation that Frankfort can support its own FM station. Manistee points out that, while Station WMTE obviously devotes the major portion of its energy to serving the needs and interests of Manistee as its city of license, the needs and interests of the outlying areas are far from neglected, for the area of Frankfort, Beulah, Benzie and Honor, together with the Scotville area are considered to be second only to Manistee in importance.

5. In reply to Manistee's opposition, Wedin filed comments on June 27, 1975, contending that the notice did not state that a failure to file timely comments would automatically lead to denial of the request and that any delay that may have been caused by such omission did not affect any third party's rights and should not cause a delay in Commission action to enable a new station to be constructed and commence local service to a community.

6. On July 1, 1975, Manistee filed a Motion to Strike Wedin's comments pointing out that Wedin failed to file comments or reply comments by the dates specified in the Notice of Proposed Rule Making and that on that basis the untimely filed comments should be stricken from the proceeding.

7. As previously mentioned, Manistee points out that Wedin did not file timely comments in this proceeding expressing his continuing interest in assignment and use of a channel at Frankfort and urges that the proposal for assignment of a channel to that community should therefore be denied. Wedin, however, did file untimely comments expressing his continuing interest, and while we view with disfavor the failure to observe our procedural requirements in rule making proceedings because of the disruptive effects on the orderly dispatch of Commission business, we nonetheless in the instant case find that the disruption was not so great as to outweigh the substantive benefit to the public interest in assignment of a first FM channel to Frankfort now that Wedin has reaffirmed his interest in use of a channel there. To prevent a repetition of dilatory behavior on the part of Wedin, we here announce that if Wedin or another applicant does not tender an acceptable application for use of the channel within 6 months from the effective date of its assignment to Frankfort, the channel will be deleted without rule making.

8. In arriving at our decision herein, we have given consideration to all comments, supporting statements, and other pleadings. In the Notice of Proposed Rule Making we set out economic and other information pertaining to the need for a first FM assignment in each of the communities. That information is substantially correct and will not be repeated here, except to say that the communities range in size from 901 for Jewett, Ohio, to 23,488 for Davis, California (1970 Census), that a daytime-only station operates at Howell, Michigan, and that there are no local broadcast facilities at Ankeny, Iowa; Copperas Cove, Texas; Davis, California; Emmetsburg, Iowa; Frankfort, Michigan; Hiawatha, Kansas; Jewett, Ohio; New Lexington, Ohio; Ottawa, Ohio; or Yoakum, Texas. We are of the view that adoption of each proposal would serve the public interest.

9. Under the terms of the United States-Mexico FM Broadcasting Agreement and the 1947 United States-Canadian Working Agreement for FM Broadcasting Stations, representatives of the respective governments have indicated that there are no technical objection to these changes.

10. Authority for the adoption of the amendments contained herein appears in sections 4(i), 5(d)(1), 303, and 307(b) of the Communications Act, as amended, and section 0.281(b)(6) of the Commission's rules.

11. In view of the foregoing, it is ordered, that effective December 1, 1975, section 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended to read as follows:

City:	Channel No.
California	
Davis	288A
Iowa	
Ankeny	292A
Emmetsburg	252A
Kansas	
Hiawatha	280A
Michigan	
Frankfort	257A
Howell	228A
Ohio	
Jewett	292A
New Lexington	292A
Ottawa	292A
Texas	
Copperas Cove	276A
Yoakum	272A

12. It is further ordered, that this proceeding is terminated.

Adopted: October 14, 1975.

Released: October 17, 1975.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-28461 Filed 10-21-75;8:45 am]

[Docket No. 20404]

PART 73—RADIO BROADCAST SERVICES

FM Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Columbia, South Carolina), Docket No. 20404, RM-2411.

1. The Commission has before it the notice of proposed rule making, adopted March 26, 1975 (40 FR 15908), inviting comments on a proposal to assign Channel 276A to Columbia, South Carolina, as its fifth FM channel assignment. The only commenting party is petitioner, Nuance Corporation, licensee of Station WOIC(AM), Columbia.

2. Columbia (population 113,542),[1] the state capital, is located in Richland County (population 233,868), approximately 100 miles northwest of Charleston, South Carolina, and 190 miles east of Atlanta, Georgia. Columbia is presently served by 6 AM stations (5 of which are unlimited time) and 4 FM stations (2 of which are Class A). The transmitting antenna for a station operating on Channel 276A must be located north or northeast of the center of Columbia in order to meet the Commission's minimum mileage separation requirements (section 73.207 of the Commission's rules) with respect to Station WZZW(FM) (Channel 276A), Augusta, Georgia.

3. In supporting comments, petitioner states that it is the only Columbia station which provides programming on its AM station, WOIC, primarily oriented to the Black community of Columbia and the surrounding area. As a result of restrictions placed on its directional pattern and of nighttime limitations,[2] petitioner asserts that it is unable to provide interference-free coverage at night on its AM station to an area which includes 35,000 members of the Columbia Black community and 4,000 Blacks stationed nearby at Fort Jackson. Thus petitioner seeks an FM station for Columbia to provide local programming designed to serve its Black community for the first time.[3]

4. As stated in the Notice, the assignment of Channel 276A to Columbia would cause preclusion on the co-channel only involving the area surrounding Columbia. The new preclusion area, excluding Columbia suburban communities, contains no cities with a population of more than 1,000 persons.

5. Petitioner has reaffirmed its intention to apply for the channel if assigned to Columbia and to construct a station if its application is granted. In addition, our population criteria which permit the assignment of 4 to 6 channels to a community with a population between 100,000 and 250,000 persons[4] would not be a bar to the assignment of Channel 276A as a fifth FM channel to Columbia. Thus, we believe the assignment herein would serve the public interest.

6. Authority for the action taken herein is contained in sections 4(i), 5(d)(1), 303, and 307(b) of the Communications Act of 1934, as amended, and section 0.281(b)(6) of the Commission's rules.

7. Accordingly, it is ordered, that effective December 1, 1975, the FM Table of Assignments, section 73.202(b) of the Commission's rules, is amended, for the city listed below, as follows:

City	Channel No.
Columbia, South Carolina	228A, 250, 261A, 276A, 284

8. It is further ordered, that this proceeding is terminated.

Adopted: October 14, 1975.

Released: October 16, 1975.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307).

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-28452 Filed 10-21-75;8:45 am]

[Docket No. 20399]

PART 73—RADIO BROADCAST SERVICES

FM Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Woodstock and Delhi, New York). Docket No. 20399, RM-2358.

1. This proceeding concerns our Notice of Proposed Rule Making, 40 FR 14944 (March 18, 1975), proposing the assignment of FM Channel 261A to either Woodstock, New York, or Delhi, New York. Woodstock Communications, Inc. ("Communications"), the petitioner in this action, filed comments to support its proposal to establish the channel at Woodstock. Hudson-Westchester Radio, Inc. ("Hudson-Westchester"), licensee of Station WGHQ and WBPM(FM) in Kingston, New York, filed comments supporting the assignment of that channel at Delhi, New York, incorporating by reference its opposition to the petition for rule making and an engineering statement filed earlier. The Woodstock and Delhi proposals are mutually exclusive.

2. Woodstock (pop. 1,073), located in Ulster County (pop. 141,241), is nine miles from Kingston, New York.[1] Woodstock's significant business activities are manufacturing, crafts, arts, music, and tourism. A number of Woodstock's citizens work at nearby manufacturing concerns. Woodstock does not have a local broadcast station nor an FM channel assignment. Delhi (pop. 3,107) is the seat of Delaware County (pop. 44,718). It is also without local aural service and likewise does not have an FM channel assignment. Hudson-Westchester seeks to establish that Delhi is more deserving of the assignment than Woodstock since it has a larger population and receives fewer services from distant sources. Hudson-Westchester also alleges that the assignment to Woodstock would actually be utilized to serve metropolitan Kingston which already has several stations that provide service to Woodstock.

3. Communications answers that it intends to apply for the channel if assigned to Woodstock and to build a station promptly. It states that its desire is to provide FM broadcast service tailored specifically to the local needs and interests of the Woodstock community and not Kingston. Communications has filed letters from townspeople a resolution from the town board, and editorials from the local newspaper in Woodstock, all expressing a need for a local radio station to serve that community. Regarding the preclusion on Dehli, Communications indicates that Channels 265A and 272A could be assigned to Delhi with appropriate transmitter sites and Canadian concurrence.

4. Neither Hudson-Westchester nor any other party has shown an interest in applying for or building a station on Channel 261A in Delhi if it were assigned. No purpose would be served by making the assignment there when no interest in its use has been shown. Communications, on the other hand, has clearly affirmed that it will file an application for Channel 261A if assigned to Woodstock and will construct and operate a station there if authorized. Also, assignment of Channel 261A to Woodstock would not prevent a future FM assignment to Delhi, since Channel 265A or 272A is available if needed to provide a first FM channel.

5. Concerning the other issues raised by Hudson-Westchester, we cannot agree that distant services to Woodstock are a substitute for a local broadcast station licensed to that community. Communications has demonstrated that it is not attempting to serve metropolitan Kingston, but intends to provide local FM service for the Woodstock area.[2] Likewise, the allegation of economic injury to existing Kingston stations is not a matter to be resolved in a rule making proceeding. Instead, it should be raised in con-

[1] In order to meet the minimum mileage spacing requirements of our rules, a site 2.5 miles southwest of Ankeny, Iowa, would be required; a site 4 miles north of Howell, Michigan, would be required; and a site 4 miles west of Davis, California, would be required.
[2] All population figures are taken from the 1970 U.S. Census.

[1] All population data are taken from the 1970 U.S. Census.
[2] WOIC(AM) operates on 1320 kHz with 5 kW power daytime and 1 kW power with directional antenna at night.
[3] We note that petitioner's statement regarding Black programming is relevant in that a need for an additional FM assignment to serve a significant proportion of the local residents has been demonstrated. However, by assigning Channel 276A to Columbia, no assurance is given that petitioner will be granted a permit to construct a station and a license to operate when evaluated against other applicants.
[4] See paragraph 5 of the Further Notice of Proposed Rule Making in Docket No. 14185 (FCC 62-867), incorporated in the Third Report, Memorandum Opinion and Order, 40 F.C.C. 747, 758 (1963).

[1] Kingston (pop. 25,544), county seat of Ulster, has two FM and three AM stations.
[2] The fact that Communications would use a transmitter site midway between the two cities does not alter this conclusion, as use of such a site is required if it is not to violate the spacing requirements.

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nection with any application which may be filed.

6. Authority for the actions taken herein are contained in sections 4(i), 5(d)(1), 303, and 307(b) of the Communications Act, as amended, and section 0.281(b)(6) of the Commission's rules.

7. Accordingly, it is ordered, that effective November 28, 1975, the FM Table of Assignments, § 73.202(b) of the Commission's rules is amended [3] by adding the following thereto:

City	Channel No.
Woodstock, New York	261A

9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

Adopted: October 14, 1975.

Released: October 15, 1975.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-28454 Filed 10-21-75;8:45 am]

[Docket No. 20434]

PART 73—RADIO BROADCAST SERVICES

FM Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Sapulpa, Oklahoma; Bristow, Oklahoma; Okmulgee, Oklahoma), Docket No. 20434, RM-2424.

1. The Commission has before it the *notice of proposed rule making*, adopted April 15, 1975, 40 Fed. Reg. 18461, inviting comments on a proposal to assign Channel 265A to Sapulpa, Oklahoma, as its first FM channel assignment. The only commenting party is the petitioner, KXOJ, Inc.

2. In order to implement this proposal, Channel 285A must be substituted for the presently unoccupied and unapplied for Channel 265A at Bristow, Oklahoma. This in turn requires that Channel 232A be substituted for Channel 285A at Okmulgee, Oklahoma. (These changes are necessary to conform with the minimum mileage separation rules. Section 73.207(b) of the Commission's Rules.) A construction permit has been granted to Brewer Communications, Inc., for a station (KBEV) on Channel 285A at Okmulgee, but the permit was conditioned on the outcome of this rule making proceeding.[1]

3. Sapulpa, with a population of 15,159,[2] is the seat of Creek County (pop. 45,532) and is located about 12 miles southwest of Tulsa, Oklahoma. Petitioner alleges that Sapulpa is a developing community and a manufacturing center. Two large glass manufacturing plants constitute its major industry. The community also attracts 100,000 tourists a year to visit a famous pottery factory and its recreational facilities.

4. Petitioner, KXOJ, Inc., is presently the licensee of daytime-only AM Station KXOJ, the only local aural service in Sapulpa, Oklahoma. Petitioner alleges that adoption of this proposed assignment would give Sapulpa its first full-time radio service which petitioner claims is needed to alert citizens of impending storms, natural or manmade disasters, and news of the local and world scene on an around-the-clock basis. In addition, in supporting comments, letters submitted by the City Manager of Sapulpa, the President of Sapulpa's Chamber of Commerce, and the Superintendent of Schools all indicate that nighttime radio service would enhance the living conditions in Sapulpa because there are many local cultural, sports, and other activities which could profitably be broadcast to Sapulpa's citizens if there were nighttime FM service.

5. In view of the need for a local nighttime broadcast station and the expressed public desire for a first FM station, we believe that the public interest would be served by the assignment of Channel 265A to Sapulpa, Oklahoma. This is consistent with priorities used in establishing the *FM Table of Assignments* in 1963—that insofar as possible, an FM broadcast station should be assigned where the community has only a daytime-only AM station. *Further Notice of proposed rule making* in Docket 14185, adopted July 25, 1962 (FCC 62-867).

6. Because of the proximity of Sapulpa to Tulsa, which has several FM channel assignments, a preclusion study was requested to determine whether alternative channel assignments are available to the communities within the precluded areas. Both the petitioner's preclusion report and the Commission's staff study show that no community would be foreclosed of an assignment by adopting the channel assignments proposed herein.

7. Petitioner has amended its pleadings by stating that it would apply for a license to operate on Channel 265A should it be assigned to Sapulpa. This complies with Commission policy that petitioner or any other person come forward and state an intention to apply for use of a channel prior to its assignment. *Princeton, Illinois*, 48 F.C.C. 2d 1036, 1037 (1974).

8. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303, and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules.

9. Accordingly, It Is Ordered, That effective December 1, 1975, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, Is Amended insofar as the cities listed below are concerned, to read as follows:

City	Channel No.
Sapulpa, Oklahoma	265A
Bristow, Oklahoma	285A
Okmulgee, Oklahoma	232A

10. It is further ordered, That the outstanding construction permit held by Brewer Communications, Inc., for Station KBEV(FM), Okmulgee, Oklahoma, IS MODIFIED to specify operation on Channel 232A instead of Channel 285A. The permittee shall inform the Commission in writing no later than December 1, 1975, of its acceptance of this modification. Also, not later than December 22, 1975, the permittee shall submit the necessary engineering information to the Commission to enable it to issue a modified construction permit.

11. It is further ordered, That the Secretary of the Commission shall send a copy of this *Report and Order* by Certified Mail, Return Receipt Requested, to Brewer Communications, Inc., permittee of KBEV(FM), Okmulgee, Oklahoma.

12. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

Adopted: October 14, 1975.

Released: October 17, 1975.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-28455 Filed 10-21-75;8:45 am]

[Docket No. 20374]

PART 73—RADIO BROADCAST SERVICES

FM Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Cape May Court House, New Jersey and Rehoboth Beach, Delaware), Docket No. 20374, RM-2347.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, adopted February 25, 1975 (40 Fed. Reg. 11610), proposing that Channel 225 be assigned to Cape May Court House, New Jersey, and that Channel 288A be substituted for Channel 224A at Rehoboth Beach, Delaware, or alternatively, that Channel 288A be assigned to Cape May Court House, New Jersey. Comments have been received from petitioner, Triplett Broadcasting Co., Inc., licensee of several stations in Ohio; from Melvin Gollub, permittee of Station WLRB(FM) (Channel 224A), Rehoboth Beach, Delaware; and from January Enterprises, Inc., licensee of AM Station WMID, Atlantic City, New Jersey, and Station WGRF(FM), Pleasantville, New Jersey.

[1] Brewer Communication's construction permit states:

This authorization is subject to the applicant's acceptance of any modification requiring use of a channel other than Channel 285A as a result of whatever action the Commission may take on a petition for rule making in RM-2424.

[2] Canadian concurrence to this amendment has been obtained.

[3] All population data are from the 1970 U.S. Census, unless otherwise indicated.

2. Cape May Court House, pop. 2,062,[1] is the seat of Cape May County, pop. 59,554. It has no local broadcast services. Cape May County is served by 4 FM and 2 AM stations.[2] The county is a popular tourist resort area with many beaches along the Atlantic Ocean.

3. In its comments, petitioner has sought to justify the assignment of a Class B channel to Cape May Court House, a community which would normally qualify only for a Class A assignment. The *Notice* requested that *Roanoke Rapids* [9 F.C.C. 2d 672 (1967] and *Anamosa* [46 F.C.C. 2d 520 (1974)] showings be submitted to demonstrate whether a Class B channel would provide a first or second FM or aural service, respectively. Such showings are generally required to support the assignment of a wide-coverage channel to a community which would ordinarily be assigned a Class A channel.[4] Our policy, as expressed in *Revision of FM Broadcast Rules*, 40 F.C.C. 747, 758 (1963), is to assign Class A channels to smaller communities and Class B channels to larger urban centers. Thus, the *Notice* alternatively proposed the assignment of either a Class A or a Class B channel to Cape May Court House depending upon petitioner's *Roanoke Rapids* and *Anamosa* showings.

4. January Enterprises, Inc., has commented on our *Notice* by stating that petitioner has not demonstrated that the Commission's normal assignment criteria should be abandoned in favor of a Class B assignment to a community with a population of 2,062. It argues that petitioner has not answered the question of why a Class A frequency would not provide adequate service to the area. In January's opinion, petitioner's proposal for a Class B channel is really an attempt to compete with Atlantic City stations and to enter other outlying markets, as opposed to serving Cape May County which already has three Class A channels and one Class B channel.

5. Petitioner admits, in response to our *Notice*, that *Roanoke Rapids* and *Anamosa* studies would reveal that no land area would receive a first or second service. Nevertheless, petitioner insists that its prior showings indicate that substantial benefit would derive from a Class B assignment to Cape May Court House. Previously, petitioner asserted that a Class B station would serve 314,000 persons during the "off-season" and 547,000 persons during the summer while substantially fewer persons would be served by a Class A channel. However, we note that since no presently unserved or underserved areas would be reached by the proposed Class B assignment, it would be inefficient to employ a Class B channel to serve such a small community. Rather, if related changes were made in area assignments, Channels 225 could be more efficiently utilized in larger urban areas of New Jersey. We conclude that Channel 225 should not be assigned to Cape May Court House.[4] Thus, it is not necessary to consider the proposed substitution of channels at Rehoboth Beach, Delaware.

6. While there are arguments which could favor the assignment of a Class A channel to Cape May Court House, we note that petitioner has stated that it would not be interested in constructing and operating on a Class A channel if it were assigned. In view of our policy to require that an interested party must indicate its willingness to proceed to utilize a channel as a prerequisite for making the assignment, it is clear that the Class A assignment must also be rejected as no such party has stepped forward.

7. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303, and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules.

8. Accordingly, IT IS ORDERED, That the Petition for Rule Making submitted on behalf of the Triplett Broadcasting Co. IS DENIED.

9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: October 14, 1975.

Released: October 17, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-28456 Filed 10-21-75;8:45 am]

[Docket No. 20208]

PART 73—RADIO BROADCAST SERVICES

Television Table of Assignments

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Manassas, Virginia), Docket No. 20208, RM-2344.

1. The Commission has under consideration its *notice of proposed rule making* adopted October 9, 1974, 39 Fed. Reg. 37510, inviting comments on a proposal to assign Channel 66 to Manassas, Virginia. This proceeding was instituted in response to a petition filed by National Capital Christian Broadcasting, Inc. ("NCCBI"). The petitioner and the Association of Maximum Service Telecasters, Inc. ("AMST"), were the only parties to file comments in response to the *Notice*. No reply comments were filed.

2. The comments of NCCBI support the proposed assignment and summarize many of the arguments contained in the original petition for rule making. AMST, while not opposing the requested assignment, does note that the Manassas reference point is short spaced to the co-channel, Fairmont, West Virginia, reference point. Because of this, AMST specifically requests the Commission to insure that any use of the channel would be at a site which would meet the mileage separation requirements. Since this is required by Section 73.610(a) of our rules, and it is our expectation that a site meeting the spacing would be utilized, there is no need to include in our action here any additional requirement.

3. Channel 66 is the last remaining assignment which can be made in this area of northern Virginia. Because the area is adjacent to the Washington, D.C., Urbanized Area it was necessary to determine whether the requested assignment was warranted in terms of the service it would provide to Manassas and vicinity rather than to the already well served Washington area. We were persuaded by NCCBI's showing. The industrial and residential sectors of the Manassas area have been growing and are expected to continue to do so and to produce a concomitant increase in the number of residents within the proposed service area. In fact, the county's population more than doubled between 1960 and 1970. Thus, the requested assignment offers the potential not only of becoming an outlet for local expression of this growing area but also represents the last opportunity of providing service suited to the particular needs of the people residing there. For these reasons, the Commission has concluded that the proposed assignment would benefit the public interest.

4. In view of the foregoing and pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, It is ordered, That effective November 28, 1975, the Television Table of Assignments contained in § 73.606(b) of the Commission's Rules and Regulations IS AMENDED with respect to the city listed below:

City	Channel No.
Manassas, Virginia	66+

5. It is further ordered, That this proceeding is TERMINATED.

Adopted: October 14, 1975.

Released: October 15, 1975.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-28453 Filed 10-21-75;8:45 am]

[1] All population figures are taken from the 1970 U.S. Census.

[2] Cape May County is presently served by FM Stations WCMC-FM (Channel 264), Wildwood, N.J.; WSLT-FM (Channel 292A), Ocean City, N.J.; WRIO-FM (Channel 272A), Cape May, N.J.; and WWOC(FM) (Channel 232A), Avalon, N.J. (construction permit issued). In addition, two AM stations presently serve the county: Stations WSLT(AM), Ocean City, and WCMC(AM), Wildwood. Relative to Cape May Court House, Avalon is 6.5 miles east-northeast; Ocean City, 20 miles northeast; Cape May, 12 miles southwest, and Wildwood, 6.5 miles south.

[3] *See, e.g., Gregory, S.D.*, 45 F.C.C. 2d 471, 453 (1973); *Jacksonville, N.C.*, 35 F.C.C. 2d 50 (1972); and *Bolivar, Mo.*, 3 F.C.C. 2d 671, 674 (1966).

[4] In view of the action taken herein, we need not consider the other arguments which have been made regarding the availability of a suitable site for a Class B station nor the possibility that the FAA may object to the construction of a 500 foot tower at the proposed transmitter site.

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Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. MC–68; Notice No. 75–16]

PART [illegible]—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Coiled Nylon Brake Tubing

● **Purpose. This document amends the Federal Motor Carrier Safety Regulations to allow the use of coiled nylon brake tubing as hose on commercial semitrailers and full trailers.** ●

Section 393.45(c) of the Federal Motor Carrier Safety Regulations (49 CFR 393.45(c)) is being amended to permit the use of coiled nylon brake tubing between the frame of a towed vehicle and an adjustable unsprung subframe of an adjustable axle of that towed vehicle. Motor carriers, operating motor vehicles in interstate or foreign commerce, will be permitted to use coiled nylon tubing that meets the requirements of Type 3B nylon tubing in SAE Standard J844C.

This rule change follows a notice of proposed rule making published in the Federal Register (40 FR 37045) on August 25. There were seven responses to the docket, four from trailer manufacturers, two from nylon tubing manufacturers, and one from a manufacturer of component parts for heavy duty vehicles. All but one commenter supported the proposed rule. Commenters supporting the proposal generally agreed that using coiled nylon brake tubing as prescribed in this document enhances highway safety by reducing the potential of air-brake hose failure.

The one objection to the proposal was based upon the fact that coiled nylon airbrake tubing results in a slightly slower air delivery in the airbrake system than when rubber airbrake hosing is used. However, the slower reaction times from brake application or brake release, when using the coiled nylon tubing, is measured in milliseconds, and are well within the National Highway Traffic Safety Administration requirements. See 49 CFR 571.121, 40 FR 38160 (August 27, 1975). Therefore, the difference is insignificant and there is no measurable compromise of safety in operation.

In consideration of the foregoing—and pursuant to section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), section 6 of the Department of Transportation Act (49 U.S.C. 1655), and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4, respectively—§ 393.45 (c) of the Federal Motor Carrier Safety Regulations is amended as stated below, effective April 1, 1976. However, compliance is authorized immediately.

Issued on October 15, 1975.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

Section 393.45(c) introductory text is revised to read as follows:

§ 393.45 Brake tubing and hose adequacy.

* * * * *

(c) *Nylon brake tubing.* Coiled nylon brake tubing may be used for connections between towed and towing vehicles or between the frame of a towed vehicle and the unsprung subframe of an adjustable axle of that vehicle if—

* * * * *

[FR Doc.75-28390 Filed 10-21-75;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75–9; Notice 02]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Used Components In Manufacture of a Motor Vehicle

This notice amends 49 CFR 571.7, Applicability, by the addition of a new paragraph to specify the conditions under which a truck assembled by combining major new components with some used components will be considered used for the purpose of the motor vehicle safety standards, associated regulations, and the National Traffic and Motor Vehicle Safety Act.

The NHTSA proposed a modification of its existing interpretation of what constitutes the manufacture of a new motor vehicle when used components from an existing vehicle are involved (40 FR 19485, May 5, 1975). Up to this time, the NHTSA has considered that the addition of new components such as a truck body) to the chassis of a used vehicle does not constitute the manufacture of a new vehicle, but that the addition of used components to a new chassis which has never been certified in a vehicle constitutes the manufacture of a new vehicle, subject to the safety standards in effect for that vehicle class on the date of manufacture. This criterion has been relied on in the area of chassis-cab multistage manufacture.

Two truck manufacturers, the American Trucking Associations and the National Automobile Dealers Association, requested reconsideration of this criterion, because the high value of some components of a chassis make their reuse feasible although the entire chassis may not be reusable. They stressed the savings to an owner in combining a "glider kit" (typically a cab, frame rails, and front suspension) and the used power train of a wrecked or badly worn vehicle instead of purchasing a complete new vehicle from a truck manufacturer. Standard No. 121, *Air Brake Systems*, has heightened the importance of the question of what constitutes a new vehicle, since bringing vehicles with pre-121 axles into conformity with the standard appears to be economically impracticable.

The NHTSA proposed a statement of what constitutes manufacture of a vehicle in these cases which agreed with the suggestions of the two petitioning manufacturers, International Harvester and White Motor Corporation. The agency considered it important that the retention of a minimum number of valuable used components be required as a justification in each case, and that retention of the identity of the used vehicle, with respect to model year and identification number, be required as evidence that the reassembly is a bona fide salvage operation, to avoid creating any undue economic incentives for evasion of Standard No. 121.

Manufacturers and users supported the clarification that permits the continued use of glider kits in combination with pre-121 rear axles, but International Harvester, Mack, PACCAR, Transpac, and the State of California objected to the second criterion that vehicles be identified as the old vehicle. The comments indicate that requiring the identity of the old vehicle to continue in the rebuilt vehicle would have real and unintended disadvantages in the area of vehicle registration by the States. As proposed by the NHTSA, the registration would reflect a vehicle identification number that would not appear on the new vehicle frame or in the new vehicle cab, with resulting difficulty in verifying the true identity of the vehicle. The external identification on the cab would, in many cases, also disagree with the vehicle identification documents. The NHTSA agrees that State registration practices to avoid this confusion should be supported as long as the practice does not encourage the salvage of old vehicle components in order to avoid safety standards. Therefore, the NHTSA issues the provision in a form which includes only the requirement for at least two used drive train components.

Rockwell International cautioned the NHTSA against a decision that would encourage the reuse of unsafe components on the highway. The NHTSA always considers the possibility its regulations might encourage continued use of vehicles on the highway after they would normally be replaced. As in other cases the NHTSA will monitor the effect of its decision on glider kits to ensure that their use without requiring compliance with all applicable standards does not result in a pattern of conscious avoidance of Standard No. 121 or other standards. In the event the agency should discover evidence of such abuse, it will move decisively to appropriately revise the new statement of applicability.

Oshkosh Truck Corporation and Mack Trucks, Inc., both suggested that the scope of the proposal be modified to broaden its coverage. Oshkosh concluded that because a new cab was mentioned, the provision would prohibit the use of used cabs in vehicle assembly operations. Mack believed that the term "glider kits" would better describe the rebuilding operation being described.

The NHTSA would like to make clear to Oshkosh and others that the proposed paragraph (e) is not intended to regulate all truck rebuilding operations, but only those in which so many major new components are utilized (such as a glider kit) that the vehicle is in many respects a newly-manufactured vehicle. This provision is intended to distinguish the legitimate rebuilding operation in which many new vehicle components are used from the typical assembly-line production of new vehicles. Oshkosh and other manufacturers may rebuild trucks with used components without falling under § 571.7(e).

In consideration of the foregoing, a new paragraph (e) is added to 49 CFR 571.7 to read as follows:

§ 571.7 Applicability.

* * * * *

(e) *Combining new and used components.* When a new cab is used in the assembly of a truck, the truck will be considered newly manufactured for purposes of paragraph (a) of this section, the application of the requirements of this chapter, and the Act, unless the engine, transmission, and drive axle(s) (as a minimum) of the assembled vehicle are not new, and at least two of these components were taken from the same vehicle.

Effective date: Because this amendment has the effect of relaxing a requirement for the compliance of vehicles to applicable motor vehicle safety standards, it is found for good cause shown that an immediate effective date is in the public interest.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51).

Issued on October 16, 1975.

GENE G. MANNELLA,
Acting Administrator.

[FR Doc.75-28417 Filed 10-17-75;10:22 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 35220]

PART 1037—RULES FOR THE HANDLING OF BULK GRAIN AND GRAIN PRODUCTS IN INTERSTATE COMMERCE, AND THE FILING, INVESTIGATION, AND DISPOSITION OF CLAIMS FOR LOSS AND DAMAGE INCIDENT THERETO, WHICH SUPERSEDE THE RULES PRESCRIBED IN EX PARTE NO. 263, LOSS AND DAMAGE CLAIMS, 340 I.C.C. 515 (37 FR 20943)

PRACTICES AND POLICIES IN THE SETTLEMENT OF LOSS AND DAMAGE CLAIMS ON GRAIN AND GRAIN PRODUCTS

Order

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 16th day of October 1975.

Upon consideration of the record in the above-entitled proceeding, and,

It appearing, That the Commission convened a conference in this proceeding on July 15, 1975 (40 FR 28886) at which time interested parties were invited to and did express their views as to the workability of the grain and grain product loss and damage rules prescribed in our prior report and order (346 I.C.C. 33);

It further appearing, That inasmuch as repair or replacement of defective equipment is either not possible or not practical, the interested parties agree that the written complaint requirement can and should be eliminated by deleting the last two sentences of Paragraph 3 of § 1037.3, 49 CFR 1037.3(c);

It further appearing, That the designation of open-top lined box cars as defective equipment may aggravate car supply problems during peak demand periods and has not resulted in the closing of interior linings, and that the interested parties agree that cars with open-top interior linings should no longer be considered defective equipment, nor should the use of open-top lined equipment be the basis for denying loss and damage claims;

It further appearing, That, in the absence of a contrary agreement between carrier and shipper or consignee, the forwarding of weight certificates and related data to carriers, as required by paragraphs 3 and 4 of § 1037.1, 49 CFR 1037.1 (c) and (d), is necessary only where a loss and damage claim is filed, and that the interested parties agree that the present rules should be changed to qualify a shipper's or consignee's data-forwarding obligation to those instances in which a claim is filed;

It further appearing, That the railroads have stipulated that estimated weights, along with any other evidence of the amount of grain shipped, constitute an acceptable indication of the amount of grain shipped where a shipment is lost or destroyed in transit before it is weighed, and that our proscription of the use of estimated weights in the settlement of loss and damage claims does not preclude the use of estimated weights in instances where a shipment is lost or destroyed in transit prior to weighing;

And it further appearing, That the parties participating in this proceeding have reached a consensus as to the necessity of modifying the present rules and as to the desirability of the modifications set out herein and agreed to by the parties at the August 14, 1975, conference (40 FR 33503), and that no substantial opposition has arisen in response to the Commission's Notice of Proposed Rulemaking and Modification of Regulations (40 FR 42221);

Wherefore, and good cause appearing therefor:

We find, That to a limited extent the rules prescribed in our prior report and order of March 12, 1974, do not fully reflect the realities of rail operations and grain loading practices throughout the Nation, that therefore the modifications discussed herein are necessary, and that the revised rules appended hereto should be prescribed for the handling of bulk grain and grain products in interstate commerce, and for the filing, investigation, and disposition of claims for loss and damage incident thereto; and,

It is ordered, That Part 1037, Subchapter A, Chapter X, Subtitle B, Title 49 of the Code of Federal Regulations be, and it is hereby, revised as follows:

1. Delete Paragraph 3 of Section 1037.1 (49 CFR 1037.1(c)), and in lieu thereof add,

3. Shipping weights—Where the shipper weighs the grain or grain products for shipment and a claim for loss and damage is subsequently filed on that shipment, the shipper shall furnish the carrier with whom the claim is filed certificates of weight showing car initials and number; the kind of grain or grain products; the total scale weight; the type and house number of the scale used; the number of drafts and weight of each draft; the date and time of weighing; whether the weight is official, board-of-trade, grain-exchange, State, or other supervised weight; and the number of grain doors used. This information should be furnished at the time the claim is filed.

2. Delete Paragraph 4 of Section 1037.1 (49 CFR 1037.1(d)), and in lieu thereof add,

4. Destination weights—Where the consignee weighs a shipment of grain or grain products and a claim for loss and damage is subsequently filed on that shipment, the consignee shall furnish the carrier with whom the claim is filed certificates of weight showing the car initials and number; the kind of grain or grain products; the total scale weight; the type and house number of the scale used; the number of drafts and weight of each draft, and the date and time of weighing; and whether the weight is official, board-of-trade, grain-exchange, State, or other supervised weight. This information should be furnished at the time the claim is filed.

3. In Paragraph 1 of Section 1037.2 (49 CFR 1037.2(a)), delete the words "open-top interior linings or" appearing in line 3 of that paragraph.

4. Establish a new provision, Paragraph 3 of Section 1037.2 reading,

3. Cars with open-top linings tendered by the railroads may be used by the shipper without jeopardizing any subsequent claim which may be filed.

5. In Paragraph 3 of Section 1037.3 (49 CFR 1037.3(c)), delete the last two sentences of that paragraph so that the provision will read,

3. In case of a disputed claim, the records of both the carrier and the claimant affecting the shipment involved shall be available to both parties. These records shall include a written complaint, if any, filed by the shipper with the railroads at the time the car was placed for loading that the car was defective, and the written report of an investigation of the complaint, filed by the railroad with the shipper, if made.

It is further ordered, That the revisions prescribed herein be, and they are hereby prescribed to become effective on the date of service of this order, and that the revised rules will apply for the handling of bulk grain and grain products and for the filing, investigation, and disposition of loss and damage claims for grain or grain products shipped on or after the said effective date;[1]

[1] Petitions for clarification relating to the effective date of the increased weight tolerance are pending and will be disposed of by separate order.

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It is further ordered, That public notice of the disposition of the above-enumerated matters shall be given by depositing a copy of this order in the office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

§ 1037.1 Weights and weighing.

(a) How determined—Accuracy of the weights used in determining the quantity of grain and grain products received for transportation by carriers and delivered by them to consignees being of primary and fundamental importance, the use of estimated weights based upon the cubical contents of the load and the test weight per bushel of the grain and grain products, or otherwise, will not be accepted. All shipments shall be carefully weighed by competent weighers upon scales that are known to be accurate within the limits of tolerance stated in scale specifications.

(b) Inspection of scales—Before weighing grain and grain products to and from cars, the scale and all other facilities to be used must be thoroughly inspected to ascertain whether they are in proper working condition, necessary adjustments or repairs, if any required, must be made, and an accurate and complete record thereof shall be entered at the time of inspection.

(c) Shipping weights—Where the shipper weighs the grain or grain products for shipment and a claim for loss and damage is subsequently filed on that shipment, the shipper shall furnish the carrier with whom the claim is filed certificates of weight showing car initials and number; the kind of grain or grain products; the total scale weight; the type and house number of the scale used; the number of drafts and weight of each draft; the date and time of weighing; whether the weight is official, board-of-trade, grain-exchange, State, or other supervised weight; and the number of grain doors used. This information should be furnished at the time the claim is filed.

(d) Destination weights—Where the consignee weighs a shipment of grain or grain products and a claim for loss and damage is subsequently filed on the shipment, the consignee shall furnish the carrier with whom the claim is filed certificates of weight showing the car initials and number; the kind of grain or grain products; the total scale weight; the type and house number of the scale used; the number of drafts and weight of each draft, and the date and time of weighing; and whether the weight is official, board-of-trade, grain-exchange, State, or other supervised weight. This information should be furnished at the time the claim is filed.

(e) A difference in weights at origin and destination, both of which are based on supervised scales, establishes *prima facie* that the loss occurred in transit and that the railroad is liable. When a difference in weights is based in part on an unsupervised weight, which nevertheless, was accepted by the railroad as the basis for assessing freight charges, such unsupervised weight in combination with a supervised weight establishes *prima facie* that the loss occurred in transit and the railroad is liable. When a difference in weights is based in part on an unsupervised weight, with the above exception, a *prima facie* case of railroad liability for loss in transit has *not* been established. Such difference in weights is a factor, however, to be considered in connection with other evidence that a clear-record car arrived at destination with seals intact and unbroken or that the shipper made a written complaint that any car placed for loading was defective, in response to which the railroad filed a written report after investigation of the complaint. See paragraph 3 of Section 1037.3.

§ 1037.2 Cars.

(a) A car is not in suitable condition for the transportation of bulk grain and grain products when it is defective and a car is defective, among other reasons, when it has deteriorated doorposts to which grain doors cannot be securely attached by the use of retention straps.

(b) The rules prescribed in this part 1037, apply on shipments of bulk grain and grain products transported solely in railroad-owned and railroad-leased cars.

(c) Cars with open-top linings tendered by the railroads may be used by the shipper without jeopardizing any subsequent claim which may be filed.

§ 1037.3 Claims.

(a) In computing the amount of the loss for which the carrier will pay there will be deducted from the gross amount of the ascertained actual loss one-fourth of 1 percent of the established loading weight to cover invisible loss and waste; provided, however, that where grain and grain products heat in transit and investigation shows that the invisible loss resulting therefrom exceeded one-fourth of 1 percent of such other amount as may hereafter be fixed in the manner above stated, and that the carrier is not otherwise liable for said loss, then the ascertained actual amount of the invisible loss due to heating of the grain and grain products will be deducted.

(b) Where investigation discloses a defect in equipment, seal or seal record, or a transfer in transit by the carrier of a carload of bulk grain or grain products upon which the unloading weight is less than the loading weight and the shipper furnishes duly attested certificates showing the correctness of the claimed weight, and investigation fails to show that the diserepancy is due to defective scales or other shipper facilities, or to inaccurate weighing or other error at point of origin or destination, or to fraud, then the resulting claim will be adjusted subject to the deductions authorized in the immediately preceding paragraph 1 of this Section 1037.3: provided, however, that the clear record of either the carriers' or shippers' facilities shall not be interpreted as affecting or changing the burden of proof now lawfully resting upon either party. Therefore, movement in a clear-record car is not conclusive evidence of the fact that the car is not defective. It must be considered along with other evidence to determine liability. See paragraph 5 of section 1037.1.

(c) In case of a disputed claim, the records of both the carrier and the claimant affecting the shipment involved shall be available to both parties. These records shall include a written complaint, if any, filed by the shipper with the railroad at the time the car was placed for loading that the car was defective, and the written report of an investigation of the complaint, filed by the railroad with the shipper, if made.

[FR Doc.75-28489 Filed 10-21-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

QUALIFIED JOINT AND SURVIVOR ANNUITIES

Notice of Proposed Rule Making; Correction

On Friday, October 3, 1975, notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 45828). The following corrections are made to the proposed regulations:

(1) In line 10 of subdivision (i) of § 1.401(a)–11(c)(3) (page 45831), the reference to subdivision (i) should be redesignated "subdivision (ii)".

(2) In line 6 of subparagraph (2) of § 1.401(a)–11(e) (page 45832), the reference to (d)(2) should be redesignated "(d)(3)".

(3) In line 3 of paragraph (f) of § 1.401(a)–11 (page 45832), the reference to (d)(2) should be redesignated "(d)(3)".

(4) In line 8 of paragraph (f) of § 1.401(a)–11 (page 45832), the reference to (d)(2) should be redesignated "(d)(3)".

(5) In line 3 of subparagraph (2) of § 1.401(a)–11(f) (page 45832), the word "participation's" should be "participant's".

ROBERT A. BLEY,
Acting Director, Legislation and Regulations Division.

[FR Doc.75-28492 Filed 10-21-75;8:45 am]

[31 CFR Part 12]

HEARING RULES FOR SANCTION PROCEEDINGS PURSUANT TO EXECUTIVE ORDER 11246

Notice of Proposed Rulemaking

The Department of the Treasury proposes to adopt hearing rules for sanction proceedings pursuant to Executive Order 11246. The hearing rules would apply to determine whether a Department of the Treasury contractor is in compliance with 41 CFR Part 60 and 41 CFR Part 10–12. If after the issuance of a show cause notice the contractor does not within 30 days show cause why enforcement proceedings pursuant to Executive Order 11246 should not be instituted, the agency will issue a notice of proposed cancellation, termination, or ineligibility. The proposed regulations would govern the procedures which thereby ensue. The proposed hearing rules are modeled on the Department of Labor hearing rules contained at 41 CFR 60–1.26.

The Department of the Treasury plans to recodify and revise at a later date 41 CFR Part 10–12, as 31 CFR Part 12, Subpart A.

Consideration will be given to any comments or suggestions regarding the proposed rules. Such comments or suggestions should be submitted in writing (preferably in duplicate) to the Office of Equal Opportunity Program, Department of the Treasury, Washington, D.C. 20220 on or before November 28, 1975.

Any such comments will be available for public inspection upon request therefor.

Therefore it is proposed that a new Part 12, Subpart B be added to Subtitle A of Title 31 of the Code of Federal Regulations to read as follows:

[SEAL] EDWARD C. SCHMULTS,
Under Secretary.

PART 12—SANCTION PROCEEDINGS

Subpart B—Hearing Rules

Sec.
12.101 Applicability of rules, waiver, modification.
12.102 Definitions.
12.103 Computation of time.
12.104 Form.
12.105 Filing; service.
12.106 Notice of proposed cancellation, termination, or ineligibility.
12.107 Answer.
12.108 Amendments.
12.109 Notice of hearing.
12.110 Motions, dispositions of motions.
12.111 Participation by interested persons.
12.112 Admissions as to facts and documents.
12.113 Production of documents and things and entry upon land for inspection and other purposes.
12.114 Depositions upon oral examination.
12.115 Designation.
12.116 Authority and responsibilities.
12.117 Appearances.
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12.119 Evidence; testimony.
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12.121 Offer of proof.
12.122 Public documents.
12.123 Ex parte communications.
12.124 Oral argument.
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12.126 Summary judgment.
12.127 Proposed findings of fact and conclusions.
12.128 Record for recommended decision.
12.129 Recommended decision.
12.130 Exceptions to recommended decision.
12.131 Record for Final Treasury Department Decision.
12.132 Final Treasury Department Decision.
12.133 Submission of Final Treasury Department Decision to OFCC.

AUTHORITY: Executive Order 11246, as amended.

§ 12.101 Applicability of rules, waiver, modification.

(a) *Applicability of rules.* These rules of procedure supplement the provisions of 41 CFR 60–1.26(b). The rules govern the practice and procedure for hearings conducted with respect to the imposition of sanctions under sections 208(b), 209 (a) (5) and (6) of Executive Order No. 11246, as amended.

(b) *Waiver, modification.* Upon notice to all parties, the hearing examiner or the Under Secretary may, with respect to matters pending before him modify or waive any rule herein upon a determination that no party will be prejudiced and that the ends of justice will be served thereby.

§ 12.102 Definitions.

As used in these rules:

(a) "Department" means the Department of Treasury.

(b) "Director" means the Director of the Equal Opportunity Program, Department of the Treasury.

(c) "Notice" means, unless the context clearly indicates otherwise, the Notice of Proposed Cancellation, Termination or Ineligibility.

(d) "The order" means Executive Order 11246 of September 24, 1965 (30 FR 12319), as amended (32 FR 14303).

(e) "Party" means a respondent; the Director of the Equal Opportunity Program, Department of the Treasury; and any person or organization participating in a proceeding pursuant to § 15.12(a).

(f) "Respondent" means a person or organization against whom sanctions are proposed because of alleged violations of Executive Order 11246, and the rules, regulations, and orders thereunder.

(g) "Under Secretary" means Under Secretary of the Department of the Treasury.

§ 12.103 Computation of time.

In computing any period of time under these rules or in an order issued hereunder, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed in the District of Columbia, in which event it includes the next following business day.

§ 12.104 Form.

Documents and pleadings filed pursuant to a proceeding herein shall be dated, the original signed in ink, shall show the docket description and title of the proceeding, and shall show the title, if any, and address of the signatory. Copies need not be signed, but the name of the person signing the original shall be reproduced.

§ 12.105 Filing; service.

(a) *Manner of service.* Service upon any party shall be made by the party fil-

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ing the document or pleading by delivering a copy or mailing a copy to the last known address: *Provided, however,* That the notice of hearing shall be sent by registered mail, return receipt requested, pursuant to 41 CFR 60–1.26(b)(1).

(b) *Upon whom served.* All papers shall be served upon counsel of record and upon parties not represented by counsel.

(c) *Proof of service.* A certificate of the person serving the pleading or other document by personal delivery or by mailing, setting forth the manner of said service shall be prima facie proof of service.

(d) *Number of copies.* An original and two copies of documents shall be filed with the hearing examiner designated to hear the case. If no hearing examiner has been assigned, the original and two copies of the documents shall be filed with the Under Secretary.

§ 12.106 Notice of proposed cancellation, termination, or ineligibility.

(a) Actions shall be commenced under this part and 41 CFR 60–1.26(b)(2) by service of a written notice on the contractor or subcontractor against whom the Director seeks the imposition of sanctions. The notice shall indicate whether the Director proposes to request the Under Secretary to cancel or terminate, or cause to be canceled or terminated, in whole or in part, any one or more contracts or subcontracts or to declare the prime contractor or subcontractor ineligible for further contracts or subcontracts under section 209 of the order. The notice shall contain a concise jurisdictional statement, a short and plain statement of the matter furnishing a basis for the imposition of sanctions, an enumeration of the sanctions being proposed, and a citation of the provisions of the order or regulations pursuant to which the requested action may be taken.

(b) *Posting the notice.* Immediately upon receipt of the Notice, the Respondent shall post it at the affected worksite in a place conspicuous to Respondent's employees.

§ 12.107 Answer.

(a) *Filing and service.* Within 14 days after receipt of the notice of proposed cancellation, termination, or ineligibility, Respondent shall file an answer and a hearing request with the hearing examiner or, if no hearing examiner has been designated, with the Under Secretary.

(b) *Contents; failure to file.* The answer shall admit or deny specifically, and in detail, matters set forth in each allegation of the notice, unless Respondent is without knowledge, in which case the answer shall so state, and the statement shall be deemed a denial. Matters not specifically denied shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered. Failure to file an answer shall constitute an admission of all facts recited in the notice.

(c) *Hearing request.* The request for a hearing shall be included as a separate paragraph of the answer.

§ 12.108 Amendments.

The Director may amend the notice once as a matter of course before an answer is filed, and Respondent may amend its answer once as a matter of course not later than 10 days after the filing of the original answer. Other amendments of the notice or of the answer to the notice shall be made only by leave of the hearing examiner. An amended notice shall be answered within 7 days of its service, or within the time for filing an answer to the original notice, whichever period is longer.

§ 12.109 Notice of hearing.

In response to Respondent's request for a hearing, a notice of hearing shall be served on the Respondent pursuant to 41 CFR 60–1.26(b)(1). Such notice shall contain the time, place, and nature of the hearing and the legal authority under which the proceedings are to be held.

§ 12.110 Motions; disposition of motions.

(a) *Motions.* Motions shall state the relief sought, the authority relied upon and the facts alleged, and shall be filed with the hearing examiner, or with the Under Secretary if no hearing examiner has been designated. If made before or after the hearing itself, these matters shall be in writing. If made at the hearing, they may be stated orally. Within 7 days after a written motion is received, or such other time period as may be fixed, any party may file a response to a motion.

(b) *Disposition of motions.* The hearing examiner, or Under Secretary, may not grant a written motion prior to expiration of the time for filing responses thereto, except upon consent of the parties or following a hearing thereon, but may overrule or deny such motion without awaiting response: *Provided, however,* That prehearing conferences, hearings, and decisions need not be delayed pending disposition of motions. Rulings by the hearing examiner shall not be appealed prior to the transfer of the case to the Under Secretary, but shall be considered by the Under Secretary when the case is transferred to him for decision.

§ 12.111 Participation by interested persons.

(a)(1) To the extent that proceedings hereunder involve employment of persons covered by a collective bargaining agreement, and compliance may necessitate a revision of such agreement, any labor organization which is a signatory to the agreement shall have the right to participate as a party.

(2) Other persons or organizations shall have the right to participate as parties if the final decision of the Under Secretary could adversely affect them or the class they represent and such participation may contribute materially to the proper disposition of the proceedings.

(3) Any person or organization wishing to participate as a party under this paragraph shall file and serve upon the hearing examiner, or upon the Under Secretary, if no hearing examiner has been designated, and all parties a petition within 14 days after the commencement of the action. Such petition shall concisely state (i) petitioner's interest in the proceedings, (ii) who will appear for petitioner, (iii) the issues on which petitioner wishes to participate, and (iv) whether petitioner intends to present witnesses.

(4) The hearing examiner shall determine whether each petitioner has the requisite interest in the proceedings and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interest, the hearing examiner may request all such petitioners to designate a single representative to represent all such petitioners: *Provided,* That the representative of a labor organization qualifying to participate under subparagraph (1) of this paragraph must be permitted to participate in the proceeding. The hearing examiner shall give each petitioner written notice of the decision on his petition; and if the petition is denied, he shall briefly state the grounds for denial and shall then treat the petition as a request for participation as amicus curiae. The hearing examiner shall give written notice to each party of each petition granted.

(b)(1) Any other interested person or organization wishing to participate as amicus curiae shall file a petition before the commencement of the final hearing with the hearing examiner. Such petition shall concisely state (i) the petitioner's interest in the hearing, (ii) who will represent the petitioner, and (iii) the issues on which petitioner intends to present argument. The hearing examiner may grant the petition if he finds that the petitioner has a legitimate interest in the proceedings, and that such participation may contribute materially to the proper disposition of the issues. An amicus curiae is not a party but may participate as provided in this paragraph.

(2) An amicus curiae may present a brief oral statement at the hearing, at the point in the proceedings specified by the hearing examiner. He may submit a written statement of position to the hearing examiner prior to the beginning of a hearing, and shall serve a copy on each party. He may also submit a brief or written statement at such time as the parties submit briefs and exceptions, and shall serve a copy on each party.

§ 12.112 Admissions as to facts and documents.

Not later than 14 days prior to the date of the hearing, except for good cause shown, or not later than 14 days prior to such earlier date as the hearing examiner may order, any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in, and exhibited with, the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters as to which an admission is requested shall be

deemed admitted, unless within a period designated in the request (not less than 7 days, and not more than 10 days, after receipt of service thereof) the party to whom the request is directed serves upon the requesting party a sworn statement either (a) denying specifically the matters as to which an admission is requested, or (b) setting forth in detail the reasons why he cannot truthfully either admit or deny such matters.

§ 12.113 Production of documents and things and entry upon land for inspection and other purposes.

(a) After commencement of the action, any party may serve on any other party a request to produce and/or permit the party, or someone acting on his behalf, to inspect and copy any unprivileged documents, phonorecords, and other compilations which contain or may lead to relevant information and which are in the possession, custody, or control of the party upon whom the request is served. If necessary, translation of data compilations shall be done by the party furnishing the information.

(b) After commencement of the action, any party may serve on any other party a request to permit entry upon designated property which may be relevant to the issues in the proceeding and which is in the possession or control of the party upon whom the request is served for the purpose of inspection, measuring, surveying or photographing, testing, or sampling the property or any designated object or area.

(c) Each request shall set forth with reasonable particularity the items to be inspected and shall specify a reasonable time and place for making the inspection and performing the related acts.

(d) The party upon whom the request is served shall respond within 10 days after receipt of service of the request. The response shall state, with respect to each item, that inspection and related activities will be permitted as requested, unless there are objections, in which case the reasons for each objection shall be stated. The party submitting the request may move for an order with respect to any objection or to other failure to respond.

§ 12.114 Depositions upon oral examination.

(a) *Depositions; notice of examination.* After commencement of the action, any party may take the testimony of any person, including a party, having personal or expert knowledge of the matters in issue, by deposition upon oral examination for the purposes of discovery and/or the perpetuation of testimony. A party desiring to take a deposition shall give reasonable notice in writing to every other party to the proceeding. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. The notice shall also set forth the categories of documents the witness is to bring with him to the deposition, if any. A copy of the notice shall be furnished to the person to be examined unless his name is unknown.

(b) *Production of witness; obligation of parties; objections.* It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time and place, and on the date, set forth in the notice, if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Depositions shall be held within the county in which the witness resides or works. The party or prospective witness may file with the hearing examiner, or with the Under Secretary, if no hearing examiner has been assigned, an objection within 7 days after the identity of such witness first becomes known, stating with particularity the reasons why the party cannot or ought not to produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness. All errors or irregularities in compliance with the provisions of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is noted or, with due diligence, might have been ascertained.

(c) *Before whom taken; scope of examination; failure to answer.* Depositions may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the deposition is held. At the time and place specified in the notice, the officer designated to take the deposition shall permit each party to examine and cross-examine the witness under oath upon any unprivileged matter which is relevant to the subject matter of the proceeding, or which is reasonably calculated to lead to the production of relevant and otherwise admissible evidence. All objections to questions, except as to the form thereof, and all objections to evidence are reserved until the hearing. A refusal or failure on the part of any person under the control of a party to answer a question shall operate to create a presumption that the answer, if given, would be unfavorable to the controlling party, unless the question is subsequently ruled improper by the hearing examiner or the hearing examiner rules that there was valid justification for the witness' failure or refusal to answer the question: *Provided,* That the examining party shall note on the record during the deposition the question which the dependent has failed, or refused to answer, and state his intention to invoke the presumption if no answer is forthcoming.

(d) *Subscription; certification; filing.* The testimony shall be reduced to typewriting by the officer taking the deposition or under his direction, and shall be subscribed by the witness in the presence of the officer who shall attach his certificate stating that the witness was duly sworn by him and that the deposition is a true record of the testimony and exhibits given by the witness, and that said officer is not of counsel or attorney to any of the parties nor interested in the proceeding. If the deposition is not signed by the witness because he is ill, dead, cannot be found, or refuses to sign it, such fact shall be noted in the certificate of the officer and the deposition may then be used as fully as though signed. The officer shall immediately deliver any original copy of the transcript, together with his certificate, in person or by mail to the hearing examiner, or to the Under Secretary, if no hearing examiner has been assigned. Copies of the transcript and certificate shall be furnished to all persons desiring them, upon payment of reasonable charges thereof, unless distribution is restricted by order of the hearing examiner for good cause shown.

(e) *Rulings on admissibility; use of deposition.* Subject to the provisions of this section, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying. Any part or all of a deposition, so far as admissible in the discretion of the hearing examiner, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice thereof, in accordance with the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as a witness.

(2) The deposition of a party or of anyone who at the time of taking the deposition was an officer, director, or managing agent, or was designated to testify on behalf of a public or private corporation, partnership, association, or governmental agency which is a party may be used by the adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the hearing examiner finds: (i) That the witness is dead; or (ii) that the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; or (iii) that the party offering the deposition has been unable to procure the attendance of the witness by notice; or (iv) upon application and notice, that such exceptional circumstances exist as to make it desirable to allow the deposition to be used.

(4) If only part of a deposition is introduced in evidence by a party, any party may introduce any other parts by way of rebuttal and otherwise.

(f) *Stipulations.* If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used like other depositions.

§ 12.115 Designation.

Hearings shall be held before a hearing examiner designated by the Under Sec-

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retary. After service of an order designating a hearing examiner to preside, and until such examiner makes his decision, motions and petitions shall be submitted to him. In the case of the death, illness, disqualification, or unavailability of the designated hearing examiner, another hearing examiner may be designated to take his place.

§ 12.116 Authority and responsibilities.

The hearing examiner shall propose findings and conclusions to the Under Secretary on the basis of the record before him. In order to do so, he shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to those ends, including, but not limited to, the power to:

(a) Hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding by consent of the parties or upon his own motion;

(b) Require parties to state their position with respect to the various issues in the proceeding;

(c) Require parties to produce for examination those relevant witnesses and documents under their control;

(d) Administer oaths;

(e) Rule on motions, and other procedural items on matters pending before him;

(f) Regulate the course of the hearing and conduct of participants therein;

(g) Examine and cross-examine witnesses, and introduce into the record documentary or other evidence;

(h) Receive rule on exclude, or limit evidence, and limit lines of questioning or testimony which are irrelevant, immaterial or unduly repititous;

(i) Fix time limits for submission of written documents in matters before him and extend any time limits established by this part upon a determination that no party will be prejudiced and that the ends of justice will be served thereby;

(j) Impose appropriate sanctions against any party or person failing to obey an order under these rules which may include:

(1) Excluding all testimony of an unresponsive or evasive witness, or determining that the answer of such witness, if given, would be unfavorable to the party having control over him; and

(2) Expelling any party or person from further participation in the hearing;

(k) Take official notice of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice;

(l) Recommend whether the Respondent is in current violation of Executive Order 11246, as amended, and applicable rules, regulations, and orders as well as the nature of whatever corrective action may be necessary to bring the Respondent into compliance with the equal employment opportunity clause;

(m) Recommend to the Under Secretary the adoption of a consent order agreed to by the parties in settlement of the issues in a proceeding; and

(n) Take any action authorized by these rules.

§ 12.117 Appearances.

(a) *Representation.* The parties or other persons or organizations participating pursuant to § 12.111 have the right to be represented by counsel.

(b) *Failure to appear.* In the event that a party appears at the hearing and no party appears of the opposing side, the party who is present shall have an election to present his evidence in whole or such portion thereof sufficient to make a prima facie case before the hearing examiner. Failure to appear at the hearing shall not be deemed to be a waiver of the right to be served with a copy of the hearing examiner's recommended decision and to file exceptions to it.

§ 12.118 Appearance of witnesses.

(a) A party wishing to procure the appearance at the hearing of any person having personal or expert knowledge of the matters in issue shall serve on the prospective witness a notice setting forth the time, date, and place at which he is to appear for the purpose of giving testimony. The notice shall also set forth the categories of documents the witness is to bring with him to the hearing if any. A copy of the notice shall be filed with the hearing examiner and additional copies shall be served upon the opposing parties.

(b) It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time and place, and on the date, set forth in the notice, if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Due regard shall be given to the convenience of witnesses in scheduling their testimony so that they will be detained no longer than reasonably necessary.

(c) The party or prospective witness may file an objection within 7 days after the identity of such witness first becomes known, stating with particularity the reasons why the party cannot produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness.

§ 12.119 Evidence; testimony.

Formal rules of evidence shall not apply, but rules or principles designed to assure production of the most probative evidence available shall be applied, as the hearing examiner directs. A witness shall be available for cross-examination, and, at the discretion of the hearing examiner, may be cross-examined without regard to the scope of direct examination as to any matter which is relevant and material to the proceeding. The hearing examiner may exclude evidence which is immaterial, irrelevant, or unduly repetitous.

§ 12.120 Objections; exceptions.

(a) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination or the failure to limit such scope, he shall state briefly the grounds for such objection. Rulings on all objections shall appear in the record. Only objections made before the hearing examiner may be relied upon subsequently in the proceedings.

(b) *Exceptions.* Formal exception to an adverse ruling is not required. Rulings by the hearing examiner shall not be appealed prior to the transfer of the case to the Under Secretary, but shall be considered by the Under Secretary upon filing exceptions to the hearing examiner's recommendations and conclusions.

§ 12.121 Offer of proof.

An offer of proof made in connection with an objection taken to any ruling of the hearing examiner excluding proffered oral testimony shall consist of a statement of the substance of the evidence which the offeror contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in written form or consists of reference to documents, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

§ 12.122 Public documents.

Whenever a party offers a public document, or part thereof, in evidence, and such document, or part thereof, has been shown by the offeror to be reasonably available to the public, such documents need not be produced or marked for identification, but may be offered for official notice as a public document item by specifying the document or relevant part thereof.

§ 12.123 Ex parte communications.

The hearing examiner shall not consult any person, or party, on any fact in issue unless upon notice and opportunity for all parties to participate. No employee or agent of the Federal Government engaged in the investigation and prosecution of this case shall participate or advise in the rendering of the recommended or final decision.

§ 12.124 Oral argument.

Any party shall be entitled upon request to a reasonable period between the close of evidence and termination of the hearing for oral argument. Oral argument shall be included in the official transcript of the hearing.

§ 12.125 Official transcript.

The Department will designate the official reporter for all hearings. The official transcripts of testimony taken, together with any exhibits, briefs, or memoranda of law filed therewith, shall be filed with the hearing examiner. Transcripts of testimony may be obtained from the official reporter by the parties and the public at rates not to exceed the applicable rates fixed by the contract between the Department and the reporter unless distribution is limited by order of the hearing examiner

for good cause shown. Upon notice to all parties, the hearing examiner may authorize such corrections to the transcript as are necessary to reflect accurately the testimony.

§ 12.126 Summary judgment.

(a) *For Director.* At any time after the expiration of 14 days from the commencement of the action or after service of a motion for summary judgment by the Respondent, the Director may move the hearing examiner with or without supporting affidavits for a summary judgment in his favor upon all claims or any part thereof.

(b) *For Respondent.* The Respondent may, at any time after commencement of the action, move the hearing examiner with or without supporting affidavits for a summary judgment in his favor as to all claims or any part thereof.

(c) *Other parties.* Any other party to a formal proceeding under this part may support or oppose motions for summary judgment made by the Director or Respondent, in accordance with this section, but may not move for a summary judgment in his own behalf.

(d) *Motion and proceedings thereon.* The motion for summary judgment shall be served upon all parties and filed with the hearing examiner or, if no hearing examiner has been designated, with the Under Secretary, at least 15 days before the time fixed for any hearing on the motion. The adverse party or parties may serve opposing affidavits prior to the day of any hearing on the motion. The judgment sought shall be rendered forthwith if the notice and answer, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment rendered for or against the Director or the Respondent shall constitute the hearing examiner's findings and recommendations to the Under Secretary on the issues involved. Hearings on motion made under this section shall be scheduled by the hearing examiner, or the Under Secretary.

(e) *Case not fully adjudicated on motion.* If on motion under this section judgment is not rendered upon the whole case for all the relief asked and a final hearing is necessary, the hearing examiner shall if practicable ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. He shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which relief is not in controversy, and directing such further proceedings as are just. At the hearing on the merits, the facts so specified shall be deemed established, and the final hearing shall be conducted accordingly.

(f) *Form of affidavits; further testimony; defense required.* Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The hearing examiner may permit affidavits to be supplemented or opposed by depositions or further affidavits. When a motion for summary judgment is made and supported as provided in this section, an adverse party may not rest upon the mere allegations or denials in his notice or answer, but his response, by affidavit or as otherwise provided in this section, must set forth specific facts showing there is a genuine issue for final hearing. If he does not so respond, summary judgment, if appropriate, shall be rendered against him.

(g) *When affidavits are unavailable.* Should it appear from the affidavits of a party opposing the motion that he cannot for the reasons stated present by affidavit facts essential to justify his opposition, the hearing examiner may refuse the application for summary judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or make such other orders as are just.

(h) *Affidavits made in bad faith.* Should it appear to the satisfaction of the hearing examiner at any time that any of the affidavits presented pursuant to this section are presented in bad faith or solely for the purpose of delay, the hearing examiner may make such orders and impose such sanctions as may be appropriate against the offending party.

§ 12.127 Proposed findings of fact and conclusions.

Within 20 days after receipt of the transcript of the testimony, each party and amicus may file a brief with the hearing examiner. Such briefs shall be served simultaneously on all parties and amici, and a certificate of service shall be furnished to the hearing examiner. Requests for additional time in which to file a brief shall be made to the hearing examiner, in writing, and copies shall be served simultaneously on the other parties. Requests for extensions shall be received not later than 3 days before the date such briefs are due. No reply brief may be filed except by special permission of the hearing examiner.

§ 12.128 Record for recommended decision.

The transcript of testimony, exhibits, and all papers, documents, and requests filed in the proceedings, including briefs, but except the correspondence section of the docket, shall constitute the record for decision.

§ 12.129 Recommended decision.

Within 20 days after the filing of briefs, or, if the parties elect not to file such documents, not more than 20 days after the close of the hearing, the hearing examiner shall recommend findings, conclusions, and a decision. These recommendations shall be certified, together with the record for recommended decision, to the Under Secretary for his decision. The recommended findings, conclusions, and decisions shall be served on all parties and amici to the proceeding.

§ 12.130 Exceptions to recommended decisions.

Within 14 days after receipt of the hearing examiner's recommended findings, conclusions, and decision, any party may submit exceptions to said recommendation. These exceptions may be responded to by other parties within 10 days of their receipt by said parties. All exceptions and responses shall be filed with the Under Secretary. Service of such briefs or exceptions and responses thereto shall be made simultaneously on all parties to the proceeding, and a certificate of service shall be furnished to the Under Secretary. Requests to the Under Secretary for additional time in which to file exceptions and responses thereto shall be served simultaneously on other parties. Requests for extensions must be received no later than 3 days before the exceptions are due.

§ 12.131 Record for final Treasury Department decision.

The record for the Treasury Department final decision shall consist of the record for recommended decision, the rulings and recommended decision of the hearing examiner, and the exceptions and briefs filed subsequent to the hearing examiner's decision.

§ 12.132 Final Treasury Department decision.

After expiration of the time for filing briefs and exceptions, the Under Secretary or higher Treasury Department official shall make a decision for the Department on the basis of the record. This decision shall be final upon the approval of the Director, Office of Federal Contract Compliance, Department of Labor. A copy of the final Treasury Department decision shall be served on all parties and amici to the proceeding.

§ 12.133 Submission of final Treasury Department decision to FOCC.

The Under Secretary shall submit the proposed final Treasury Department decision to the Director, Office of Federal Contract Compliance, Department of Labor, for approval.

[FR Doc.75-28431 Filed 10-21-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE

Proposed Endangered Status for 216 Species Appearing on Convention on International Trade; Correction

In FR Doc. 75-25479 appearing at page 44329, in the issue of September 26, 1975, in the paragraph headed "Submittal of Written Comments," the date reading

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October 28, 1975, should read November 24, 1975.

Dated: October 16, 1975.

LYNN A. GREENWALT,
Director
Fish and Wildlife Service.

[FR Doc.75-28372 Filed 10-21-75;8:45 am]

MISSISSIPPI SANDHILL CRANE

Determining Critical Habitat; Extension of Comment Period

This notice extends the period for comments to the proposal, published September 3, 1975 (40 FR 40521), determining critical habitat for the Mississippi sandhill crane, an endangered species.

The Fish and Wildlife Service has decided that this extension will allow persons affected by the proposed regulations additional comment time, as requested, and enable the Service to receive as broad a range of responses as possible. The comment period is hereby extended to October 31, 1975.

Dated: October 17, 1975.

KEITH M. SCHREINER,
Acting Director,
Fish and Wildlife Service.

[FR Doc.75-28467 Filed 10-21-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 971]

LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Notice of Proposed Handling Regulation

This proposal, designed to promote the orderly marketing of lettuce grown in the Lower Rio Grande Valley in South Texas, would impose pack, container and inspection requirements to standardize the pack of lettuce to be shipped to consumers.

Consideration is being given to the issuance of a handling regulation, hereinafter set forth, which was unanimously recommended by the South Texas Lettuce Committee. The committee has been established pursuant to Marketing Agreement No. 144 and Marketing Order No. 971 (7 CFR Part 971) which regulate the handling of lettuce grown in the Lower Rio Grande Valley in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

This proposal is in accord with the committee's recommendations and marketing policy and reflects its appraisal of the 1975–76 crop of lettuce in the Lower Valley and marketing prospects for the season.

The South Texas lettuce industry as well as other lettuce shipping areas are accustomed to operating on a six day shipping week. The experience has been that a six day shipping week is adequate for five days distribution in terminal markets. Therefore, proposed "packaging holidays" on Sundays and Christmas Day would promote more orderly marketing.

The proposed pack and container requirements are in accord with the generally accepted commercial practices of the South Texas lettuce industry of packing specified numbers of heads of lettuce in specific sized containers limited to those found acceptable to the trade for safe transportation of the lettuce, and will prevent deceptive practices.

No purpose would be served by regulating the pack or requiring the inspection and assessment of insignificant quantities of lettuce. Therefore quantities up to two cartons of lettuce per day would be exempt from such requirements.

Proposed provisions with respect to special purpose shipments, including export, are designed to meet the different requirements for other than commercial channels of domestic trade. Because of the production area's proximity to the Mexican border, Mexican buyers have been accustomed to acquiring small lots of production area lettuce for their home market. These buyers can utilize lettuce which fails to meet the pack and container regulations. Inasmuch as such shipments have a negligible effect on the domestic market, they should be permitted provided certain safeguard requirements are met.

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same in duplicate with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than November 6, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposal is as follows:

§ 971.316 Handling regulation.

During the period November 24, 1975, through March 31, 1976, no person shall handle any lot of lettuce grown in the production area unless such lettuce meets the requirements of paragraphs (a), (b), (c), and (d) of this section, or unless such lettuce is handled in accordance with paragraphs (e) or (f) of this section. Further, no person may package lettuce during the above period on any Sunday or on Christmas Day.

(a) [Reserved]

(b) *Pack.* (1) Lettuce heads, packed in container Nos. 7303, 7306, or 7313, if wrapped may be packed only 18, 20, 22, 24, or 30 heads per container; if not wrapped, only 18, 24, or 30 heads per container.

(2) Lettuce heads in container No. 85–40 may be packed only 24 or 30 heads per container.

(c) *Containers.* Containers may be only the following depth, width and length respectively;

(1) Cartons with inside dimensions of 10 inches x 14¼ inches x 21$^{5}/_{16}$ inches (designated as carrier container No. 7303), or

(2) Cartons with inside dimensions of 9¾ inches x 14 inches x 21 inches (designated as carrier container No. 7306), or

(3) Cartons with inside dimensions of 14 inches x 9¾ inches x 21 inches (designated as carrier container No. 7313), or

(4) Cartons with inside dimensions of 10¾ inches x 16⅓ inches x 21½ inches (designated as carrier container No. 85–40—flat pack).

(d) *Inspection.* (1) No handler shall handle lettuce unless such lettuce is inspected by the Texas-Federal Inspection Service and an appropriate inspection certificate has been issued with respect thereto, except when relieved of such requirement pursuant to paragraphs (e) or (f) of this section.

(2) No handler may transport, or cause the transportation of, any shipment of lettuce by motor vehicle for which inspection is required unless each such shipment is accompanied by a copy of an appropriate inspection certificate or shipment release form (SPI–23) furnished by the inspection service verifying that such shipment meets the current grade, pack and container requirements of this section. A copy of such inspection certificate or shipment release form shall be available and surrendered upon request to authorities designated by the committee.

(3) For administration of this part, such inspection certificate or shipment release form required by the committee as evidence of inspection is valid for only 72 hours following completion of inspection, as shown on such certificate or form.

(e) *Minimum quantity.* Any person may handle up to, but not to exceed two cartons of lettuce a day without regard to inspection, assessment, grade, and pack requirements. This exception may not be applied to any shipment of over two cartons of lettuce.

(f) *Special purpose shipments.* The pack, container, and inspection requirements of this section shall not be applicable to shipments as follows:

(1) For relief, charity, experimental purpose, or export to Mexico, if, prior to handing, the handler pursuant to §§ 971.120–971.125 obtains a Certificate of Privilege applicable thereto and reports thereon; and

(2) For export to Mexico, if the handler of such lettuce loads and transports it only in a vehicle bearing Mexican registration (license).

(g) *Definitions.* (1) "Wrapped" heads of lettuce refers to those which are enclosed individually in parchment, plastic, or other commercial film and then packed in cartons or other containers.

(2) Other terms used in this section have the same meaning as when used in Marketing Agreement No. 144 and this part.

Dated: October 16, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-28392 Filed 10-21-75;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 73]

SCABIES IN CATTLE

Proposed Waiver of Claims

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to section 2 of the Act of February 2, 1903, as amended; and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f), the Animal and Plant Health Inspection Service is considering amending Part 73, Title 9, Code of Federal Regulations to provide for waiver of claims of future liability against the United States when cattle are dipped or otherwise treated with a permitted dip for scabies under Veterinary Services supervision or control.

Statement of considerations. Cattle which are affected with or have been exposed to cattle scabies are routinely treated with a permitted dip as an eradication procedure, and are required to be so treated under Veterinary Services supervision or control as a requirement for interstate movement. Occasionally losses attributed to such treatment are claimed by owners of cattle so treated. When cattle are treated for ticks under applicable provisions of Part 72, a waiver of such claims by the owner or his agent is required at the time service is applied for.

In order that uniform procedure may be used each time a permitted dip is used under the supervision or control of Veterinary Services, a similar waiver provision would be added to the regulations in Part 73.

Accordingly, Part 73, Title 9, Code of Federal Regulations, would be amended in the following respects:

A new § 73.9 would be added to read:

§ 73.9 Owners assume responsibility; must execute agreement prior to dipping or treatment waiving all claims against United States.

When the cattle are to be dipped under Veterinary Services supervision or control, the owner of the cattle offered for shipment, or his agent duly authorized thereto, shall first execute and deliver to a Veterinary Services inspector an application for inspection and supervised dipping wherein he shall agree to waive all claims against the United States for any loss or damage to said cattle occasioned by or resulting from dipping or other treatment under this part, or resulting from any subsequent treatment prior to their interstate shipment, or resulting from the fact that they are later found to be still scabies infested, and also for all subsequent loss or damage to any other cattle in the possession or control of such owner which may come into contact with the cattle so dipped or treated.

Any person who wishes to submit written data, views or arguments concerning this proposed amendment may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782, before November 24, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, Maryland, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of October, 1975.

E. A. SCHILF,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-28893 Filed 10-21-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 116c]

EDUCATIONALLY DEPRIVED CHILDREN

Grants to State Agencies for Programs To Meet the Special Educational Needs of Children in Institutions for Neglected or Delinquent Children

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92–318) and pursuant to the authority contained in section 123 of Title I of the Elementary and Secondary Education Act (20 U.S.C. 241c–3) as enacted by Pub. L. 93–380, the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45 of the Code of Federal Regulations by adding a new Part 116c to read as set forth below.

At present there are no guidelines related to Part 116c. Should such guidelines be issued in the future, they will be published in the FEDERAL REGISTER and will be limited to material in the nature of suggestions or recommended courses of action for meeting certain mandatory requirements set forth in the regulations.

1. *Program purposes; Amendments made by Pub. L. 93–380:*

Part 116c as set forth in this notice of proposed rulemaking contains those provisions which are applicable to grants to State agencies under section 123 of Title I of the Act for programs for neglected or delinquent children. Provisions of regulations previously published as permanent regulations in Part 116 governing grants to State agencies for neglected or delinquent children have been separated from the provisions for grants to other agencies and are now contained in proposed Part 116c. This new part also reflects new statutory provisions enacted by Pub. L. 93–380 pertaining to programs for neglected or delinquent children, as well as provisions previously stated in guidelines and instructions for application. The only significant change enacted by Pub. L. 93–380 is the change in payment rate (from 50 percent to 40 percent) in the applicable funding formula, and the 100 percent "floor" provision in section 125 of Title I as enacted by Pub. L. 93–380. The "floor" provision applies to each State agency eligible for a grant under this part.

2. *Effect of Office of Education General Provisions Regulations.*

Assistance provided under this part is also subject to applicable provisions contained in the overall Office of Education General Provisions Regulations, published in the FEDERAL REGISTER in 38 FR 30654 (November 6, 1973), and now set forth in 45 CFR Parts 100–100c, in connection with the same study under section 503 of the Education Amendments of 1972 of which this publication is a part. 45 CFR Parts 100–100c relate to fiscal, administrative, and property management, monitoring and reporting of program performance, accountability for Federal funds, and other matters.

3. *Effect of Part 116.*

A new Part 116, published in the FEDERAL REGISTER as a notice of proposed rulemaking on March 11, 1975 (40 FR 11472) sets forth general requirements applicable to all programs funded under Title I of the Act, including grants to State agencies for programs for neglected or delinquent children. The provisions contained in Part 116 which apply to the latter programs are: Subpart B, pertaining to the duties and functions of State educational agencies (including the requirements of section 434(b)(1) of the General Education Provisions Act for a general application and an annual program plan); Subpart C, requirements governing payments to State educational agencies and sub-grantees (including maintenance of effort and withholding of payments by the Commissioner for failure to comply with assurances); planning grants (§ 116.29); prohibition against supplanting of State and local funds and providing services which the applicant agency is required by law to provide (§ 116.30); the relation of Title I projects to other programs (§ 116.31); the use of education aides (§ 116.32); measurement of educational achievement and evaluation of programs (§ 116.33); dissemination and utilization of results of educational research and demonstrations (§ 116.34); public information (§ 116.35); administrative control of Title I property (§ 116.36); construction and equipment (§ 116.38); reports by applicant agencies (§ 116.39); staffing for program and projects (§ 116.41); and training (§ 116.42).

It should be noted that, pursuant to section 403(6)(B) of Pub. L. 81–874 (64 Stat. 1108) a State agency directly responsible for providing free public education for children in institutions for neglected or delinquent children is, except as specifically provided therein, included in the definition of "local educational agency" for purposes of Title I. Therefore, many of the Title I provisions

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referred to in the preceding paragraph which by the terms of the enabling statute are applicable to "local educational agencies" apply not only to grants to local educational agencies for projects in areas having high concentrations of children from low-income families, but also to grants to State agencies for programs for neglected or delinquent children under Part 116c.

4. *New and clarified provisions.*

The significant new and clarified provisions in this part are as follows:

(a) Section 116c.2 defines key terms particularly applicable to programs under this Part.

(b) Section 116c.3 defines the grant which a State agency is eligible to receive in terms of the applicable statutory formula as revised by Pub. L. 93–380.

(c) Section 116c.12 contains an expanded statement of the program description to be included in each State agency's application, including the required needs assessment.

(d) Section 116c.13 expands and clarifies the criteria for approval of State educational agency applications.

5. *Citations of legal authority.*

As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)), and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations and guidelines has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case, the citation applies to all that appears in that section between that citation and the immediately preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

6. *Opportunity for public hearing.*

Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations, as follows:

A hearing will take place at the U.S. Office of Education on December 4, 1975 in the auditorium of Regional Office Building Three (ROB–3) located at 7th and D Streets, SW., Washington, D.C., beginning at 10 a.m. The purpose of the hearing is to receive comments and suggestions on the published materials.

Parties interested in attending the hearing should notify the Office of Education, 400 Maryland Avenue, S.W., Attention: Chairman, Office of Education Task Force on section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

Written comments and recommendations may also be sent to the above address. All relevant material received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–107.

(Catalog of Federal Domestic Assistance 13.431, Educationally Deprived Children in State Institutions Serving Neglected or Delinquent Children)

Dated: August 14, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: October 14, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Subpart A—General

Sec.
116c.1 Applicability.
116c.2 Definitions.

Subpart B—Amounts Available for Grants and Payments

116c.3 Grant which a State agency is eligible to receive.
116c.4 Amounts available for grants.

Subpart C—Program Requirements

116c.11 Applications.
116c.12 Program descriptions.
116c.13 Criteria for the approval of applications.

AUTHORITY: Sec. 101(a)(2)(E), Pub. L. 93–380, 88 Stat. 494 (20 U.S.C. 241c–3), unless otherwise noted.

Subpart A—General

§ 116c.1 Applicability.

(a) *Scope.* The regulations in this part govern programs and projects for which funds are provided to State agencies under Title I of the Elementary and Secondary Education Act of 1965 as amended, to meet the special educational needs of children in institutions for neglected or delinquent children or children in adult correctional institutions for whom a State agency is directly responsible for providing free public education.

(b) *Other applicable provisions.* Assistance provided under this part is subject to applicable provisions contained in Part 116 (general requirements relating to Title I of the Act) and Part 100b of this chapter relating to fiscal, administrative, property management, and other matters.

(20 U.S.C. 241c–3)

§ 116c.2 Definitions.

"Adult correctional institution" means a residential institution in which persons above and below the age of 21 are confined as a result of having been adjudicated to be delinquent or having been convicted of a criminal offense.

(20 U.S.C. 241c–3)

"Average daily attendance", in the case of children in institutions for neglected or delinquent children or in adult correctional institutions, means the average number of such children under 21 years of age (for whom the applicant State agency is directly responsible under State law for providing free public education) who participated on a daily basis in schools operated or supported by that agency, (including schools providing education for these children under contract or other arrangement with the agency), during the latest completed school year in an organized program of instruction:

(i) Supported by State funds, and

(ii) Recognized under State law as furnishing elementary and secondary education, but not beyond grade 12.

(20 U.S.C. 241c–3, 244(4), 244(10))

"An institution for delinquent children" means a public or private nonprofit residential facility operated primarily for the care of children who have been adjudicated to be delinquent and for whom the average length of stay is at least 30 days.

(20 U.S.C. 241c–3)

"An institution for neglected children" means a public or private non-profit residential facility (other than a foster home) which is operated primarily for the care of, for at least 30 days, children who have been committed to the institution, or voluntarily placed in the institution, and for whom the institution has assumed or been granted custodial responsibility pursuant to applicable State law, because of the abandonment by, neglect by, or death of, parents or persons acting in the place of parents.

(20 U.S.C. 241c–3)

"State agency" means an agency of State government which under State law has been given direct responsibility for the free public education for children in institutions for neglected or delinquent children or in adult correctional institutions. This education may be provided in schools operated or supported by the agency or in schools under contract or other arrangement with that agency. The term does not include an agency whose responsibility for these children is limited to the distribution of State financial assistance to other agencies which, under State law, have been given direct responsibility for free public education for these children.

(20 U.S.C. 241c–3)

Subpart B—Amounts Available for Grants and Payments

§ 116c.3 Grant which a State agency is eligible to receive.

(a) The amount which a State agency other than the State agency for Puerto Rico shall be eligible to receive under this part for any fiscal year shall be determined in accordance with the provisions of sections 123, 124, and 125 of Title I of the Act.

(b) The amount available for a State agency in Puerto Rico shall be determined in accordance with sections 123 and 125 of Title I of the Act, and section 843 of Pub. L. 93–380.

(c) Any child who is counted in average daily attendance for the purpose of computing an allocation under the provisions of Part 116b of this chapter may not be counted for the purpose of computing an allocation under the provisions of this part.

(20 U.S.C. 241c–3)

§ 116c.4 Amounts available for grants.

The State educational agency shall notify each State agency of the amount available to it under § 116c.3 and from that amount shall make funds available to the State agency equal to the cost of programs and projects approved by the State educational agency in accordance with the procedure prescribed by Subpart C of this part. The amount made available to a State agency under this section shall not exceed the amount the agency is entitled to receive under § 116c.3.

(20 U.S.C. 241c–3, 241g(a))

Subpart C—Program Requirements

§ 116c.11 Applications.

A State agency of any State may apply to the State educational agency for a grant or grants of Federal funds under this Part in the amount authorized by §§ 116c.3 and 116c.4.

(20 U.S.C. 241c–3, 241e(a), 244(6)(B))

§ 116c.12 Program descriptions.

Each application by a State agency under this part shall set forth a program for instruction designed to meet the special educational needs of children in institutions for neglected or delinquent children or in adult correctional institutions. The application shall contain:

(a) An identification of each institution in which children to be provided with services under this part reside, the number of such children, and the approximate ages of the youngest and oldest such children in each such institution;

(b) A statement of functions of each institution so identified, a description of the educational program being carried out for children in such institutions with State funds and other Federal funds, and the average length of stay of the children in each such institution;

(c) The results of a needs assessment of the children receiving free public education in each such institution. This needs assessment shall be based on the best available data concerning the needs of the children particularly as indicated by objective measures of educational deficiency in reading, written communication, and mathematics. The application shall contain a statement of the priority of those needs as determined by the State agency;

(d) A statement of the objectives of the proposed program, the related performance criteria, and the procedures and instruments by which the effectiveness of the program will be evaluated in accordance with § 116.33 of Part 116;

(e) A description of each service to be provided as a means of accomplishing the stated objectives of the program, the estimated number of children to be served by age and anticipated grade placement, a description of any inservice training (including the type of training, frequency, and number and type of staff members who will participate in that training), and, for each institution, the type and number of staff to be employed;

(f) A budget based on categories of expenditure prescribed by the State educational agency with appropriate detail by service and by institution;

(g) A description of the use that will be made of any school facilities constructed or to be constructed with funds under this part including the use that will be made of these facilities in providing the services set forth in the application;

(h) A list by type and location of equipment purchased or to be purchased with funds under this part and a designation by type of the equipment to be used in providing the proposed services as described in the application.

(20 U.S.C. 241c–3, 241e(a)(6))

§ 116c.13 Criteria for the approval of applications.

The State educational agency shall approve an application from a State agency under this part only upon a determination that it contains the information required by § 116c.12, and demonstrates compliance with all other requirements in this part and the applicable requirements of Parts 100b and 116, and demonstrates that:

(a) The State agency has made a needs assessment as required by § 116c.12(c);

(b) The services to be provided are tailored towards meeting one or more of the special educational needs as identified pursuant to § 116c.12(c), and show reasonable promise of meeting the special educational needs of the children to be served, particularly with respect to improvements in educational performance in the basic skills of reading, oral and written communication, and mathematics;

(c) The program proposed by the application is of sufficient size, scope and quality to give substantial promise of meeting these needs;

(d) The services to be provided are not available from funds other than those authorized under Title I of the Act.

(20 U.S.C. 241c–3, 241e(a), 244(6)(B))

[FR Doc.75–28402 Filed 10–21–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 157]

TANK VESSELS CARRYING OIL IN DOMESTIC TRADE

Proposed Amendment to Regulations for Protection of the Marine Environment

Correction

In FR Doc. 75–27229 appearing at page 48289 of the issue for Tuesday, October 14, 1975, in the list of terms to the formula given in Appendix C, page 48290, the third term, now reading "*Ir*", should read "*Ir*".

DEPARTMENT OF LABOR

Office of the Secretary

[41 CFR Part 50–250]

DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA

Affirmative Action Obligations of Contractors and Subcontractors

On December 3, 1974, Congress enacted the Vietnam Era Veteran's Readjustment Assistance Act of 1974, which amends the Vietnam Era Veteran's Readjustment Assistance Act of 1972. The amendments augment the mandatory job listing requirement for government contractors in the 1972 Act by requiring government contractors to take affirmative action to employ and advance in employment disabled veterans and veterans of the Vietnam era. Contractors continue to be required to list all their job openings with appropriate state employment services and to file quarterly reports regarding their employment of disabled veterans and veterans of the Vietnam era. The amended Act also raises the jurisdictional amount of covered contracts to $10,000. Responsibility for administration and enforcement of § 402 of the Act is delegated to the Department of Labor.

To implement the amendments contained in the 1974 Act, the Department of Labor is proposing the following amendments to 41 CFR Part 50–250. Proposed amendments were published earlier, on February 18, 1975, (40 FR 6982) regarding the mandatory listing requirement and jurisdictional amount. The Department has determined that contractors and veterans should have an opportunity to review the entire mandatory listing and affirmative action provisions together before final regulations are published. These proposed regulations implementing the Vietnam Era Veterans Readjustment Assistance Act of 1974 are substantially similar to proposed regulations to amend 20 CFR 741, implementing section 503 of the Rehabitation Act of 1973. Since 20 CFR 741 is applicable to all individuals, both veterans and nonveterans, those regulations are applicable to a number of the persons also covered under this proposed 41 CFR Part 50–250, but will not be applicable to veterans generally. Some of those provisions, therefore, were not repeated in this proposal because they do not relate to or have particular significance for veterans. For example, this proposal does not repeat the suggestion contained in the proposed 20 CFR 741 that contractors use photographs of handicapped persons in their brochures and advertising, since veterans would not be identifiable as such in photographs, but handicapped persons are clearly identifiable. For similar reasons, this proposal does not repeat the suggestion that contractors participate in high school career days, since high school students who are handicapped are not likely to be disabled veterans. Thus where there are distinctions between the two regulations, it is in recognition of a somewhat different universe served by

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each statute. Accordingly, this proposed regulation:

1. Adds definitions of disabled veterans and veterans of the Vietnam era. Although it is not expected to occur often, it is possible that the different statutory definitions of disabled veteran and handicapped individual could result in disabled veterans being covered under one act but not the other, depending upon the nature of the disability and the percentage of disability;

2. Expands the affirmative action clause to incorporate the mandatory listing requirements originally published in the Manpower Administration's proposed regulations on February 18, 1975 (40 FR 6982);

3. Incorporates particular affirmative action steps applicable to recruiting disabled veterans and veterans of the Vietnam era;

4. Limits the uses for which an employer may consider a covered veteran's military papers to those which are job related;

5. Specifies in accordance with the Vietnam Era Veterans' Readjustment Assistant Act of 1974 that veterans' complaints shall be filed with the Veterans' Employment Service;

6. Requires State employment services to give veterans priority in referral in accordance with 38 USC 2012; and

7. Requires contractors to retain at each establishment records of jobs listed with State employment services and to file quarterly reports regarding their employment practices.

In addition, this proposal differs from the existing mandatory listing regulations at 41 CFR Part 50–250 and the proposal of February 18, 1975 by covering subcontractors below the first tier, and by omitting the section in the original proposal to require Federal departments and agencies to list their job openings. That section will be republished separately. The change in first-tier-coverage is based upon the legislative history, which specifically states that all subcontractors are intended to be covered. See Cong. Rec., Oct. 11, 1974, S19037.

Interested persons are invited to comment upon this proposed rulemaking by submitting written data, views, or arguments to Mr. Bernard E. DeLury, Assistant Secretary for Employment Standards, U.S. Department of Labor, Washington, D.C. on or before December 8, 1975. All comments in response to this proposal will be available for public inspection during normal business hours at the foregoing address.

Subpart A—Preliminary Matters, Affirmative Action Clause, Compliance

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50–250.55 Effective date.

AUTHORITY: Sec. 503(a), Pub. L. 92–540, 86 Stat. 1097 (30 U.S.C. 2012), as amended by sec. 402, Pub. Law 93–508, 88 Stat. 1593 (38 U.S.C. 2012).

Subpart A—Preliminary Matters, Affirmative Action Clause, Compliance

§ 50–250.1 Purpose and application.

The purpose of the regulations in this part is to assure compliance with section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, which requires government contractors and subcontractors to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era. The regulations in this part apply to all government contracts for personal property or nonpersonal services (including construction) in excess of $10,000.

§ 50–250.2 Definitions.

"Act" means the Vietnam Era Veterans Readjustment Assistance Act of 1974, Pub. L. 93–508, as it amends 38 U.S.C. 2012, the Vietnam Era Veterans Readjustment Assistance Act of 1972.

"Affirmative action clause" means the contract provisions set forth in § 50–250.3.

"Agency" means any contracting and/or compliance agency of the government.

"Assistant Secretary" means the Assistant Secretary of Labor for Employment Standards or his designee.

"Compliance agency" means the agency selected by the Assistant Secretary on a geographical, industry or other basis to conduct investigations at the request of the Assistant Secretary and to undertake such other responsibilities in connection with the administration of the Act as the Assistant Secretary may request, as appropriate, including the responsibility to insure that contractors are fully cognizant of their obligations under the Act and this part and to provide the Assistant Secretary with any information which comes to its attention that the contractor is not in compliance with the Act or this part.

"Construction work" means the construction, rehabilitation, alternation, conversion, extension, demolition, or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services. The term also includes the supervision, inspection, and other onsite functions incidental to the actual construction.

"Contract" means any government contract for the procurement of personal property or non-personal services, including construction.

"Contracting agency" means any department, agency, establishment or instrumentality of the United States, including any wholly owned government corporation, which enters into contracts.

"Contractor" means, unless otherwise indicated, a prime contractor or subcontractor.

"Disabled veteran" means a person entitled to disability compensation under laws administered by the Veterans' Administration for a disability rated at 30 per centum of more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

"Employment Standards Administration" means the Employment Standards Administration of the United States Department of Labor, its regional and area offices and any division, branch or bureau thereof engaged in activities under this regulation.

"Government" means the Government of the United States of America.

"Government contract" means any agreement or modification thereof between any contracting agency and any person for the furnishing of personal property or non-personal services, including lease arrangements. The term "services", as used in this section includes, but is not limited to the following services: utility, construction, transportation, research, insurance, and fund depository, irrespective of whether the government is the purchaser or seller. The term "government contract" does not include (1) agreements in which the parties stand in the relationship of employer and employee, and (2) Federally-assisted contracts.

"Modification" means any alteration in the terms and conditions of a contract, including supplemental agreements, amendments, and extensions.

"Person" means any natural person, corporation, partnership or joint venture, unincorporated association, State or local government, and any agency, instrumentality, or subdivision of such a government.

"Prime contractor" means any person holding a contract, and for the purposes of Subpart B of this part, any person who has held a contract subject to the Act.

"Procurement activity" means the organizational element of a federal agency which has responsibility to contract for the procurement of personal property or non-personal services, including construction.

"Qualified disabled veteran" means a disabled veteran as defined in 50–250.2 who is capable of performing a particular job, with reasonable accommodation to his disability, at the minimum acceptable level of productivity applicable to a non-disabled incumbent employee.

"Recruiting and training agency" means any person who refers workers to any contractor or subcontractor, or who provides or supervises apprenticeship or training for employment by any contractor or subcontractor.

"Rules, regulations, and relevant orders of the Secretary of Labor" used in paragraph (d) of the affirmative action clause means rules, regulations, and relevant orders of the Secretary of Labor or his designee issued pursuant to the Act.

"Secretary" means the Secretary of Labor, U.S. Department of Labor, or his designee.

"Subcontract" means any agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee):

(1) For the furnishing of supplies or services or for the use of real or personal property, including lease arrangements, which, in whole or in part, is necessary to the performance of any one or more contracts; or

(2) Under which any portion of the contractor's obligation under any one or more contracts is performed, undertaken, or assumed.

"Subcontractor" means any person holding a subcontract and, for the purpose of Subpart B of this part, any person who has held a subcontract subject to the Act.

"United States" as used herein shall include the several States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, the Panama Canal Zone, American Samoa and the Trust Territory of the Pacific Islands.

"Veteran of the Vietnam era" means a person (1) who (i) served on active duty for a period of more than 180 days, any part of which occurred during the Vietnam era, and was discharged or released therefrom with other than a dishonorable discharge, or (ii) was discharged or released from active duty for a service-connected disability if any part of such active duty was performed during the Vietnam era, and (2) who was so discharged or released within 48 months preceding his application for employment covered under the Act.

§ 50–250.3 Affirmative action clause.

Each agency shall include the following affirmative action clause in each of its nonexempt Government contracts (and modifications, renewals, or extensions thereof if not included in the original contract):

AFFIRMATIVE ACTION FOR DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA

(a) The contractor will not discriminate against any employee or applicant for employment because he is a disabled veteran or veteran of the Vietnam era in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era.

(b) The contractor agrees that all suitable employment openings of the contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment of the contractor other than the one wherein the contract is being performed but excluding those of independently operated corporate affiliates, shall be offered for listing at an appropriate local office of the State employment service system wherein the opening occurs. The contractor further agrees to provide such reports to such local office regarding employment openings and hires as may be required. State and local government agencies holding Federal contracts of $10,000 or more shall also list all their suitable openings with the appropriate office of the State employment service, but are not required to provide those reports set forth in paragraphs (d) and (e).

(c) Listing of employment openings with the employment service system pursuant to this clause shall be made at least concurrently with the use of any other recruitment source or effort and shall involve the normal obligations which attach to the placing of a bona fide job order, including the acceptance of referrals of veterans and nonveterans. The listing of employment openings does not require the hiring of any particular job applicant or from any particular group of job applicants, and nothing herein is intended to relieve the contractor from any requirements in Executive Orders or regulations regarding nondiscrimination in employment.

(d) The reports required by paragraph (b) of this clause shall include, but not be limited to, periodic reports which shall be filed at least quarterly with the appropriate local office or, where the contractor has more than one hiring location in a State, with the central office of that State employment service. Such reports shall indicate for each hiring location (1) the number of individuals hired during the reporting period, (2) the number of non-disabled veterans of the Vietnam era hired, (3) the number of disabled veterans of the Vietnam era hired, and (4) the total number of disabled veterans hired. The contractor shall submit a report within 30 days after the end of each reporting period wherein any performance is made on this contract identifying data for each hiring location. The contractor shall maintain at each establishment copies of the reports submitted until the expiration of one year after final payment under the contract, during which time these reports and related documentation shall be made available, upon request, for examination by any authorized representatives of the contracting officer or of the Secretary of Labor.

(e) Whenever the contractor becomes contractually bound to the listing provisions of this clause, it shall advise the employment service system in each State where it has establishments of the name and location of each hiring location in the State. As long as the contractor is contractually bound to these provisions and has so advised the State system, there is no need to advise the State system of subsequent contracts. The contractor may advise the State system when it is no longer bound by this contract clause.

(f) This clause does not apply to the listing of employment openings which occur and are filled outside of the 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(g) This clause does not apply to openings which the contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside of his own organization or employer-union arrangement for that opening.

(h) As used in this clause:

(1) "All suitable employment openings" includes, but is not limited to, openings which occur in the following job categories: production and nonproduction; plant and office; laborers and mechanics; supervisory and nonsupervisory; technical; and executive, administrative, and professional openings as are compensated on a salary basis of less than $25,000 per year. This term includes full-time employment, temporary employment of more than 3 days' duration, and part-time employment. It does not include openings which the contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. Under the most compelling circumstances an employment opening may not be suitable for listing, including such situations where the needs of the Government cannot reasonably be otherwise supplied, where listing would be contrary to national security, or where the requirement of listing would otherwise not be for the best interest of the Government.

(2) "Appropriate office of the State employment service system" means the local office of the Federal-State national system of public employment offices with assigned responsibility for serving the area where the employment opening is to be filled, including the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(3) "Openings which the contractor proposes to fill from within his own organization" means employment openings for which no consideration will be given to persons outside the contractor's organization (including any affiliates, subsidiaries, and the parent companies) and includes any openings which the contractor proposes to fill from regularly established "recall" lists.

(4) "Openings which the contractor proposes to fill pursuant to a customary and traditional employer-union hiring arrangement" means employment openings which the contractor proposes to fill from union halls, which is part of the customary and traditional hiring relationship which exists between the contractor and representatives of his employees.

(i) The contractor agrees that, if it has established an internal review procedure and a disabled veteran or veteran of the Vietnam era files a complaint with the contractor under that procedure that it is not complying with the requirements of the Act, it will (1) investigate the complaint and take appropriate action consistent with the requirements of 41 CFR 50–250.27 and (2) maintain on file for 3 years the record regarding the complaint and the actions taken.

(j) The contractor agrees that, if a disabled veteran or veteran of the Vietnam era files a complaint with the Department of Labor that the contractor has not complied with the requirements of the Act, (1) the contractor will cooperate with the Department in its investigation of the complaint, and (2) will provide all pertinent information regarding its employment practices with respect to disabled veterans and veterans of the Vietnam era.

(k) The contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor in this part.

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(l) In the event of the contractor's noncompliance with the requirements of this clause, the contractor may be declared in default and sanctions may be imposed in accordance with 41 CFR, Part 50–250.

(m) The contractor agrees to include this clause in all subcontracts of $10,000 or more, and at the request of the State employment service or the Assistant Secretary to identify all subcontractors.

(n) The contractor agrees to permit the examination by appropriate agency officials and the Assistant Secretary for Employment Standards or his designee, of pertinent books, documents, papers and records concerning his employment and advancement of disabled veterans and veterans of the Vietnam era.

(o) The contractor agrees to post in conspicuous places, available to employees and applicants for employment, in a form to be prescribed by the Assistant Secretary for Employment Standards and provided by the contracting officer, notices stating the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era, and the rights and remedies available.

(p) The contractor will notify each labor union or representative of workers with which he has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of Vietnam Era Veterans Readjustment Assistance Act, and is committed to take affirmative action to employ and advance in employment disabled veterans and veterans of the Vietnam era.

§ 50–250.4 Affirmative action program.

(a) Within 120 days of the commencement of a contract every government contractor or subcontractor holding a contract of $50,000 or more and having 50 or more employees shall prepare and maintain an affirmative action program at each establishment, which shall be kept separate and distinct from any affirmative action program required under any other law, and which shall set forth the policies, practices and procedures by which the contractor intends to implement the obligations created by this part. The contractor shall inform incumbent and newly hired employees of the existence of the program, and shall disseminate to them a summary of the program, which shall contain but shall not be limited to: (1) the name of the local official designated responsibility for compliance, (2) the rights and duties created under the Act, (3) a reaffirmation of the contractor's basic policy with regard to disabled veterans and veterans of the Vietnam era, (4) and a description of the steps the contractor expects to take to comply with the Act, including recruitment and promotion. The summary should also provide some examples of accommodations which may be necessary to employ disabled veterans, and in which the employees' cooperation is sought. The affirmative action plan shall be reviewed and updated annually.

(b) If there are any significant changes in procedures, rights or benefits as a result of the annual updating, those changes shall be communicated to employees and applicants for employment.

(c) The full affirmative action plan shall be available for inspection by any employee or applicant for employment upon request. The location and hours during which the program may be obtained shall be posted at each facility.

§ 50–250.5 Affirmative action policy, practices and procedures.

(a) *General requirements.* Under the affirmative action to employ and advance the Act, contractors are required to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era. Such action shall apply to employment practices, including, but not limited to the following: Job listing, employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) Outreach and positive recruitment. Contractors shall review their employment practices to determine whether their personnel programs provide the required affirmative action for employment and advancement of qualified disabled veterans and veterans of the Vietnam era. Based upon the findings of such reviews, contractors shall undertake appropriate outreach and positive recruitment activities, such as those listed below. It is not contemplated that contractors will necessarily undertake all the listed activities or that their activities will be limited to those listed. The scope of a contractor's efforts shall depend upon all the circumstances, including the extent to which existing employment practices are adequate and the contractor's size and resources.

(1) Internal communication of the contractor's obligation to engage in affirmative action efforts to employ qualified disabled veterans and veterans of the Vietnam era in such a manner as to foster understanding, acceptance and support among the contractor's executive, management, supervisory and all other employees and to encourage such persons to take the necessary action to aid the contractor in meeting this obligation.

(2) Development of reasonable internal procedures to insure that the contractor's obligation to engage in affirmative action to employ and promote qualified disabled veterans and veterans of the Vietnam era is being fully implemented.

(3) Periodically informing all employees of the contractor's commitment to engage in affirmative action to increase employment opportunities for qualified disabled veterans and veterans of the Vietnam era.

(4) Enlisting the assistance and support of all recruiting sources including as follows:

(i) Consult with the local Veterans Employment Representative in the State Employment Service Office nearest each establishment where hiring takes place to develop on-the-job training opportunities for covered veterans wherever feasible;

(ii) Contact the office of the National Alliance of Businessmen nearest each establishment where hiring takes place in order to cooperate in the Jobs For Veterans' Program;

(iii) Contact the veterans' counselors ("Vet-Reps") on major college campuses for the recruitment of covered veterans;

(iv) Consult with the service officers of the national veterans groups active in the area of each establishment where hiring takes place for the recruitment of covered veterans; and

(v) Contact local veterans' groups and veterans' service centers in the area of each establishment where hiring is performed near major cities, for the recruitment of covered veterans.

(5) Establishment of meaningful contacts with appropriate veterans' service organizations, which service disabled veterans or veterans of the Vietnam era, for such purposes as advice, technical assistance and referral of potential employees. Technical assistance from the resources listed in this paragraph may consist of advice on proper placement, recruitment, training and accommodations contractors may undertake, but no such resource providing technical assistance shall have the authority to approve or disapprove the acceptability of affirmative action programs.

(6) Reviewing employment records to determine the availability of promotable and transferrable qualified disabled veterans and veterans of the Vietnam era presently employed, and to determine whether their present and potential skills are being fully utilized or developed.

(c) Accommodation to physical and mental limitations of disabled veterans. A contractor must, in carrying out his affirmative action program, make a reasonable accommodation to the physical and mental limitations of employees or applicants who are disabled veterans unless the contractor can demonstrate that such an accommodation would impose an undue hardship on the conduct of the contractor's business. Accommodations may take the form, for example, of providing access to the job, job restructuring, acquisition or modification of equipment or devices, or a combination of any of these. Job restructuring may consist, among other things, of realignment of duties, revision of job descriptions or modified and part-time work schedules. The affirmative action program shall express a commitment to consider the general kinds of actions which will constitute accommodations where the circumstances so require. The affirmative action program shall describe the appropriate accommodations the contractor will undertake, where necessary, to provide full access to the employment office or an alternative application process for disabled veterans. The contractor's duty to implement specific accommodations will ordinarily attach to the individual needs of particular applicants or employees as the circumstances arise. In determining the extent of a contractor's accommodation obligations the following factors, among others, may be considered by the Department of Labor or the Agency: (1) business necessity, (2) financial cost and expenses, and (3) resulting personnel problems.

(d) *Proper consideration of qualifications.* Contractors shall review their personnel processes to determine whether their present procedures assure careful, thorough and systematic consideration of the job qualifications of known disabled veterans and veterans of the Vietnam era for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available. In determining the qualifications of a covered veteran, the contractor shall consider only that portion of the military record relevant to the job for which the applicant was considered. To the extent that it is necessary to modify their personnel procedures, contractors shall include the development of new procedures for this purpose in their affirmative action program required under this Part. These procedures must include the following:

(1) The application or personnel form of each known disabled veteran or veteran of the Vietnam era must be annotated to identify each vacancy for which the veteran was considered, and the form must be quickly retrievable for review by the agency, the Department of Labor and the contractor's personnel officials for use in compliance reviews, complaint investigations and internal compliance activities.

(2) The personnel or application records of each disabled veteran or veteran of the Vietnam era shall include (i) the identification of each promotion for which the veteran was considered, and (ii) the identification of each training program for which the veteran was considered.

(3) In each case where a disabled veteran or veteran of the Vietnam era is rejected for employment, promotion or training a statement of the reasons must be appended to the personnel file or application form. This statement must include a comparison of the qualifications of the disabled veteran or veteran of the Vietnam era and the person(s) selected, as well as a description of the accommodations considered.

(4) Where applicants or employees are selected for hire, promotion or training and the contractor undertakes any accommodation on their behalf, or has previously instituted some accommodation which makes it possible for him to place a disabled veteran on the job, the application form or personnel record shall contain a description of that accommodation.

(e) Physical standards. Whenever the contractor establishes job qualifications which necessitate an inquiry into a disabled veteran's physical condition prior to employment or promotion, there shall be written physical standards for the safe performance of the job. Such inquiries or qualifications must be related to the specific job or jobs for which the individual is being considered, and must be supported by business necessity.

(f) *Compensation.* In offering employment or promotions to disabled veterans, the contractor may not reduce the amount of compensation offered because of any disability income, pension or other benefit the disabled veteran receives from another source.

(g) *Internal dissemination of policy.* A strong outreach program will be ineffective without adequate internal support from supervisory and management personnel and other employees. In order to assure greater employee cooperation and participation in the contractor's efforts, the contractor shall to the extent possible, adopt, implement and disseminate this policy internally as follows:

(1) Include it in the contractor's policy manual.

(2) Publicize it in the company newspaper, magazine, annual report and other media.

(3) Conduct special meetings with executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation, making clear the chief executive officer's attitude.

(4) Schedule special meetings with all other employees to discuss policy and explain individual employee responsibilities. In connection therewith, arrange sensitivity sessions with disabled veterans or other handicapped workers and other employees to help non-disabled workers become familiar with disabled workers and open communication among them.

(5) Discuss the policy thoroughly in both employee orientation and management training programs.

(6) Meet with union officials to inform them of the contractor's policy, and request their cooperation.

(7) Include nondiscrimination clauses in all union agreements, and review all contractual provisions to ensure they are nondiscriminatory.

(8) Include articles on accomplishments of disabled veterans and veterans of the Vietnam era in company publications.

(9) Post the policy on company bulletin boards.

(h) *External dissemination of policy.* The contractor shall, to the extent possible, disseminate his policy externally as follows in order to encourage public response to his affirmative action program:

(1) Inform all recruiting sources, including trade schools and colleges, verbally and in writing of company policy, stipulating that these sources actively recruit and refer qualified disabled veterans and veterans of the Vietnam era for positions listed.

(2) Communicate to prospective employees the existence of the contractor's affirmative action program.

(3) Send written notification of company policy to all subcontractors, vendors and suppliers, requesting appropriate action on their part.

(4) Consider all qualified disabled veterans and veterans of the Vietnam era not currently in the workforce having requisite skills who can be recruited through affirmative action measures.

(i) *Executive responsibility for implementation.* An executive of the contractor shall be appointed as director or manager of company affirmative action activities under these regulations. He or she should be given the necessary top management support and staffing to execute the assignment. His or her identity should appear on all internal and external communications on the company's affirmative action programs. His or her responsibilities should include, but not necessarily be limited to:

(1) Developing policy statements, affirmative action programs, internal and external communication techniques.

(2) Assisting in the identification of problem areas.

(3) Assisting line management in arriving at solutions to problems.

(4) Designing and implementing audit and reporting systems that will:

(i) Measure effectiveness of the contractor's programs.

(ii) Indicate need for remedial action.

(iii) Determine the degree to which the contractor's objectives have been attained.

(5) Serving as liaison between the contractor and enforcement agencies.

(6) Serving as liaison between the contractor and organizations serving disabled veterans and veterans of the Vietnam era.

(7) Keeping management informed of latest developments in the entire affirmative action area.

(8) Determining the need for and developing the means of accommodation for qualified disabled veterans.

(j) *Line responsibility for implementation.* Line responsibilities shall include, but not be limited to, the following:

(1) Assistance in the identification of problem areas and establishment of local and unit objectives.

(2) Active involvement with local organizations such as Paralyzed Veterans of America, Blinded Veterans Association, Disabled American Veterans, etc.

(3) Periodic audit of training programs, hiring and promotion patterns to remove impediments to the attainment of objectives.

(4) Regular discussions with local managers, supervisors and employees to be certain the contractor's policies are being followed.

(5) Review of the qualifications of disabled veterans to insure that disabled veterans are utilized to the full extent of their abilities and are given full opportunities for transfers and promotions where such movement will enable them to function at their maximum skill level.

(6) Career counseling for all employees.

(7) Periodic audit to insure that each location is in compliance in areas such as:

(i) Proper display of posters.

(ii) Proper adoption, implementation or suggestion of accommodations.

(iii) Provision of full opportunity to disabled veterans with encouragement to participate to the full extent of their abilities in all company sponsored educational, training, recreational and social activities.

(8) Supervisors should be made to understand that their work performance is being evaluated on the basis of their affirmative action efforts and results, as well as other criteria.

(9) It shall be a responsibility of supervisors to take actions to prevent harass-

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ment of employees placed through affirmative action efforts.

(k) *Development and execution of affirmative action programs.* (1) The contractor shall conduct a detailed analysis of position descriptions to insure that they accurately reflect position functions, as performed and as they must be performed, and are consistent for the same position from one location to another.

(2) The contractor shall review worker specifications by division, department, location or other organizational unit and by job title using job performance criteria. Special attention should be given to physical or mental ability requirements to assure that they do not discriminate against qualified disabled veterans and are consistent with business necessity. Where such standards exist, they should be documented in terms of legitimate job requirements.

(3) Approved position descriptions and worker specifications, when used by the contractor, shall be made available to all members of management involved in the recruitment, screening, selection, and promotion process. Copies should also be distributed to all recruiting sources.

(4) The contractor shall evaluate the total selection process to insure freedom from stereotyping disabled veterans and veterans of the Vietnam era in a manner which limits their access to all jobs for which they are qualified.

(5) All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes shall be carefully selected and trained to insure elimination of bias in all personnel actions.

(6) Formal briefing sessions should be held, preferably on company premises, with representatives from recruiting sources. Plant tours, clear and concise explanations of current and future job openings, position descriptions, worker specifications, explanations of the company's selection process, and recruiting literature should be an integral part of the briefings. Formal arrangements should be made for referral of applicants, follow up with sources, and feedback on disposition of applicants.

(7) A special effort should be made to include qualified disabled veterans or veterans of the Vietnam era on the Personnel Relations staff.

(8) Active participation in veterans "job fairs" is desirable. Company representatives so participating should be given authority to make on-the-spot commitments.

(9) Recruiting efforts at all educational institutions should incorporate special efforts to reach disabled veterans and veterans of the Vietnam era.

(10) An effort should be made to participate in workstudy programs with veterans administration rehabilitation facilities which specialize in training or educating disabled veterans.

(11) The contractor should use all available resources to continue or establish on the job training programs.

§ 50–250.6 Determination of disability.

(a) Any disabled veteran filing an administrative complaint with the Employment Standards Administration under this part shall submit with his complaint a copy of his form VAL–5 or its equivalent which indicates his disability and which must be updated within one year prior to filing the complaint. An updated copy may be obtained upon request from the Veterans' Administration.

(b) To assure proper job placement a contractor may require a disabled veteran to provide medical documentation of his disability or, in the alternative, may require the applicant or employee to undergo a physical examination at the contractor's expense.

(c) Any determination of disability required pursuant to paragraph (b) must be for the purpose of affirmative action and proper job placement. Information obtained therefrom shall not be used to exclude an otherwise qualified disabled veteran from employment.

(d) (1) Contractors shall not require disabled veterans or veterans of the Vietnam era to provide data regarding their physical or mental disabilities or history of such disabilities unless such information is job related.

(2) Information obtained concerning disabled veterans shall be kept confidential, except that supervisors and managers may be informed regarding restrictions on the work or duties of disabled veterans, and regarding necessary accommodations.

Subpart B—General Enforcement and Complaint Procedure

§ 50–250.20 Subcontracts.

Each nonexempt prime contractor and subcontractor under a Government contract shall include the affirmative action clause prescribed in § 50–250.3 in each of their nonexempt subcontracts.

§ 50–250.21 Adaptation of language.

Such necessary changes in language may be made to the affirmative action clause (see § 50–250.3) as shall be appropriate to identify properly the parties and their undertakings.

§ 50–250.22 Incorporation by reference.

The affirmative action clause may be incorporated by reference in all Government contracts and subcontracts.

§ 50–25.23 Incorporation by operation of the Act and agency regulations.

By operation of the Act, the affirmative action clause shall be considered to be a part of every contract and subcontract required by the Act and the regulations in this part to include such a clause whether or not it is physically incorporated in such contracts and subcontracts and whether or not there is a written contract between the agency and the contractor.

§ 50–250.24 Coverage and exemptions.

(a) *General*—(1) *Transactions less than $10,000.* Contracts and subcontracts less than $10,000 are not covered by the Act. No agency, contractor or subcontractor shall procure supplies or services in less than usual quantities to avoid applicability of the affirmative action clause.

(2) *Contracts and subcontracts for indefinite quantities.* With respect to indefinite delivery-type contracts and subcontracts (including, but not limited to, open end contracts, requirement-type contracts, Federal Supply Schedule contracts, "call-type" contracts, and purchase notice agreements), the affirmative action clause shall be included unless the procuring activity has reason to believe that the amount to be ordered in any year under such contract will be less than $10,000. The applicability of the affirmative action clause shall be determined by the purchaser at the time of award for the first year, and annually thereafter for succeeding years, if any. Notwithstanding the above, the affirmative action clause shall be applied to such contract whenever the amount of a single order exceeds $10,000. Once the affirmative active clause is determined to be applicable, the contract shall continue to be subject to such clause for its duration, regardless of the amounts ordered, or reasonably expected to be ordered in any year.

(3) *Work outside the United States.* Contracts and subcontracts are exempt from the requirements of the affirmative action clause with regard to work performed outside the United States by employees who were not recruited within the United States.

(4) *Contracts with State or local governments.* The requirements of the affirmative action clause in any contract or subcontract with a State or local government (or any agency, instrumentality or subdivision thereof) shall not be applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract or subcontract.

(5) *Facilities not connected with contracts.* The Assistant Secretary may exempt from the requirements of the affirmative action clause any of a prime contractor's or subcontractor's facilities which he finds to be in all respects separate and distinct from activities of the prime contractor or subcontractor related to the performance of the contract or subcontract, provided that he also finds that such an exemption will not interfere with or impede the effectuation of the Act.

(b) *Waivers*—(1) *Specific contracts and classes of contracts.* The head of an agency, with the concurrence of the Assistant Secretary, may waive the application to any contract or subcontract or any part of the affirmative action clause when he deems that special circumstances in the national interest so require. The agency head, with the concurrence of the Assistant Secretary, may also grant such waivers to groups or categories of contacts or subcontracts of the same type where it is (i) in the national interest, (ii) found impracticable to act upon each request individually, and (iii) where such waiver will substantially contribute to convenience in administration of the Act.

(2) *National security.* Any requirement set forth in these regulations in this part shall not apply to any contract or subcontract whenever the head of the contracting agency determines that such contract or subcontract is essential to the national security and that its award without complying with such requirements is necessary to the national security. Upon making such a determination, the head of the agency will notify the Assistant Secretary in writing within 30 days.

(c) *Withdrawal of waiver.* When a waiver has been granted for any contract or subcontract under this section other than contracts granted waivers under paragraph (b)(2) of this section, the Assistant Secretary may withdraw the waiver for a specific contract or subcontract or group of contracts or subcontracts when in his judgment such action is necessary or appropriate to achieve the purposes of the Act. Such withdrawal shall not apply to contracts or subcontracts awarded prior to the withdrawal, except that in procurements entered into by formal advertising, or the various forms of restricted formal advertising, such withdrawal shall not apply unless the withdrawal is made more than 10 calendar days before the date set for the opening of the bids.

§ 50–250.25 Duties of agencies.

(a) *General responsibility.* Each agency shall cooperate with the Assistant Secretary in the performance of his responsibilities under the Act. Such cooperation shall include the responsibility to insure that contractors are fully cognizant of their obligations under the Act and this part and to provide the Assistant Secretary with any information which comes to their attention that contractors are not in compliance with the Act or this part, and take such actions for nonperformance as set forth in section 50–250.31 on contractors as may be ordered by the Assistant Secretary.

(b) *Designation of agency official.* The head of each agency, or his designee, shall identify and submit to the Assistant Secretary the name, address and telephone number of the official within the agency who is primarily responsible for implementation of this program within the Agency.

(c) *Investigations.* Agencies shall conduct investigations of complaints in accordance with the requests of the Assistant Secretary. Where an investigation indicates that the contractor has not complied with the requirements of the Act on this part, responsible efforts shall be made to secure compliance through conciliation and persuasion. Before the contractor or subcontractor can be found to be in compliance, it must make a specific commitment, in writing, to meet the requirements of the Act and this part. The commitment must indicate the precise action to be taken and dates for completion. The time period allowed should be no longer than the minimum period necessary to effect such changes. Upon approval of such commitment by the agency, the contractor may be considered in compliance, on condition that the commitments are faithfully kept. Each contractor shall be advised that the resolution is subject to review by the Assistant Secretary and may be disapproved if he determines that such resolution is not sufficient to achieve compliance. The contractor shall be notified that making such commitments does not preclude future determinations of noncompliance based on a finding that the commitments are not sufficient to achieve compliance.

§ 50–250.26 Evaluations by the Assistant Secretary.

The Assistant Secretary shall be primarily responsible for undertaking such investigations of complaints and other matters as well as evaluations of agency performance as may be necessary to assure that the purposes of the Act are being effectively carried out.

§ 50–250.27 Complaints.

(a) If any disabled veteran or veteran of the Vietnam era believes any contractor or subcontractor has violated the provisions of the affirmative action clause in his contract with the United States, such veteran may by himself or by an authorized representative, file a complaint. If the veteran is an applicant for employment the complaint should be filed with the Veterans' Employment Service of the Department of Labor through the local State employment service office. If the veteran is an employee of such contractor, the complaint should be filed as prescribed in paragraph (b).

(b)(1) Any disabled veteran or veteran of the Vietnam era presently employed by a contractor may, by himself or by an authorized representative, file with the contractor or subcontractor a written complaint of alleged violation of the affirmative action clause. Where established, contractors and subcontractors shall utilize their internal review procedure, which may be governed by the terms of an applicable collective bargaining agreement generally meeting the requirements of this paragraph, to receive complaints from disabled veterans and veterans of the Vietnam era alleging the employer's failure to promote or advance them in employment or otherwise failing to comply with the Act. Procedures utilized under this paragraph shall provide for fair, expeditious and effective processing of complaints. Actions under these procedures shall be processed to completion within 60 days after the complaint is filed. At the completion of the review and appropriate action thereunder, the employer shall inform the complainant of his right to file a complaint with the Department of Labor if the decision is adverse to the employee. A statement describing the procedures under this subsection shall be disseminated to all employees in an effective manner.

(2) No employee may file an administrative complaint with the Veterans Employment Service of the Department of Labor until the internal review procedure, where available, has been accorded 60 days to resolve the matter.

(3) If a contractor does not have an internal review procedure employees may file administrative complaints directly with the Veterans Employment Service of the Department of Labor through the Local Veterans Employment Representatives. Local Veterans Employment Representatives (LVER's) will assist veterans in preparing complaints and will promptly refer such complaints to the Assistant Secretary for Employment Standards, who shall promptly investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of such contract and the laws and regulations applicable thereto. The LVER's will keep a record of all complaints received and forwarded. The State employment services shall cooperate with the Assistant Secretary in the investigation of any complaint. Such complaint is to be filed not later than 180 days from the date of the alleged violation unless the time for filing is extended by the Assistant Secretary upon good cause shown.

(c) Complaints must be signed by the complainants or their authorized representatives and must contain the following information:

(1) Name and address (including telephone number) of the complainant,

(2) Name and address of the contractor or subcontractor who committed the alleged violation,

(3) A description of the act or acts considered to be a violation,

(4) A brief statement describing the complainant's job skills or training, if any, job experience or other qualifications for the position.

(5) A copy of the veteran's form DD–214, and, where applicable, VAL–5 (or their equivalents) updated within one year prior to the date the complaint is filed.

(6) Other pertinent information available which will assist in the investigation and resolution of the complaint, including the name of any known Federal agency with which the employer has contracted.

(d) Where a complaint contains incomplete information, the compliance agency or the Assistant Secretary shall promptly seek the needed information from the complainant. In the event such information is not furnished to the agency or the Assistant Secretary within 60 days of the date of such request, the case may be closed, except for good cause shown.

(f) Upon final resolution of a complaint by an agency, the complainant shall be furnished with a copy of the decision. The complainant may file an appeal with the Assistant Secretary requesting assumption of jurisdiction under the provisions of § 50–250.29. The Assistant Secretary shall review the complaint and all relevant material related thereto, including the decision issued by the agency head. If he determines that assumption

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of jurisdiction under § 50–250.29 is necessary or appropriate to achieve the purposes of the Act, he shall notify the complainant and agency, and take whatever action he deems appropriate in accordance with the provisions set forth therein.

(g) The Employment Standards Administration or the Agency shall notify the complainant if they find no violation, or if it does not intend to initiate administrative or legal proceedings against the contractor, or if it signs a memorandum of agreement, consent decree of other settlement with the contractor, and shall include therewith a copy of any such agreement. The complainant must be notified within 90 days after the complaint has been filed. Failure to take action and conditions of settlement directly affecting the complainant may be appealed to the Assistant Secretary.

§ 50–250.28 Processing of complaints by agencies.

(a) *Investigations.* The agency shall institute a prompt investigation of each complaint referred to it, and shall be responsible for developing a complete case record. A complete case record consists of the following:

(1) Name and address of each person interviewed,

(2) A summary of his statement,

(3) Copies or summaries of pertinent documents,

(4) A narrative summary of the evidence disclosed in the investigation as it related to each charge, and

(5) Recommended resolution and/or actions.

(b) *Resolution of matters.*

(1) If the investigation of a complaint by an agency pursuant to paragraph (a) of this section shows no violation of the affirmative action clause, the agency shall so inform the Assistant Secretary. The Assistant Secretary shall periodically review such findings of the agency, and he may request further investigation by the agency or may undertake such investigation as he may deem appropriate.

(2) If any complaint investigation indicates a violation of the affirmative action clause, the matter should be resolved by informal means whenever possible. Each contractor shall be advised that the resolution is subject to review by the Assistant Secretary and may be disapproved if he determines that such resolution is not sufficient to achieve compliance.

(3) Hearings shall be conducted in accordance with § 50–250.32. For reasonable cause shown, the Assistant Secretary or his designee or an agency head may reconsider or cause to be reconsidered any matter on his own motion or pursuant to a request from the complainant or contractor.

(c) *Reports to the Assistant Secretary.* Within 60 days from receipt of a complaint by the agency, or within such additional time as may be allowed by the Assistant Secretary for good cause shown, the agency shall process the complaint and submit to the Assistant Secretary the case record and a summary report containing the following information:

(1) Name and address of the complainant;

(2) brief summary of findings including a statement as to the agency's conclusions regarding the contractor's compliance or noncompliance with the requirements of the affirmative action clause;

(3) a statement of the disposition of the case, including any corrective action taken and relief provided or, whenever appropriate, the recommended corrective action and sanctions or penalties

§ 50–250.29 Assumption of jurisdiction by the Assistant Secretary.

(a) The Assistant Secretary may inquire into the status of any matter pending before an agency, including complaints and matters arising out of reports, reviews, and other investigations. Where he considers it necessary or appropriate in order to achieve the purposes of the Act, he shall assume jurisdiction over the matter and proceed as provided herein. Whenever the Assistant Secretary assumes jurisdiction over any matter, he may conduct, or have conducted, such investigation, hold such hearings, make such findings, issue such recommendations and directives, and order such sanctions and penalties, and take such other action as may be necessary or appropriate to achieve the purposes of the Act. The Assistant Secretary shall promptly notify the agency of any corrective action taken or any sanction to be imposed by the agency. The agency shall take such action and report the results thereof to the Assistant Secretary within the time specified.

(b) Hearings convened by the Assistant Secretary shall be conducted in accordance with § 50–250.32.

§ 50–250.30 Noncompliance with the affirmative action clause.

Noncompliance with the prime contractor's or subcontractor's obligations under the Affirmative Action Clause is a ground for taking appropriate action for nonperformance as set forth in § 50–250.31 by the agency or the Assistant Secretary. Any such noncompliance shall be reported in writing to the Assistant Secretary by the agency as soon as practicable after it occurs.

§ 50–250.31 Actions for nonperformance.

(a) *General.* In each case where any complaint investigation or compliance review indicates the existence of a violation of the affirmative action clause or these regulations, the matter should be resolved by informal means, including conciliation and persuasion whenever possible. This will also include, where appropriate, establishing a program for future compliance. Where the apparent violation is not resolved by informal means the agency shall proceed in accordance with the enforcement and sanction procedures contained in this part.

(b) *Specific performance and/or breach.* The Assistant Secretary may, as an alternative or supplement to the administrative remedies set forth herein, seek appropriate judicial relief for breach of contract or specific performance of the affirmative action clause of the contract or both.

(c) *Withholding progress payments.* With the prior approval of the Assistant Secretary, so much of the accrued payment due on the contract or any other contract between the government prime contractor and the Federal Government may be withheld to correct any violations of the provisions of the affirmative action clause.

(d) *Termination.* A contract or subcontract may be cancelled, or terminated, in whole or in part, for failure to comply with the provisions of the affirmative action clause.

(e) *Debarment.* A prime contractor or subcontractor or a prospective contractor or subcontractor may be debarred from receiving future contracts for failure to comply with the provisions of the affirmative action clause.

§ 50–250.32 Formal hearings.

(a) *Hearing opportunity.* Upon request a formal hearing shall be afforded to a prime contractor or a subcontractor or a prospective prime contractor or subcontractor by the agency or Assistant Secretary in any of the following circumstances:

(1) An apparent violation of the affirmative action clause by a contractor or subcontractor, as shown by any complaint investigation or compliance review is not resolved by informal means; or

(2) The Assistant Secretary or an agency, upon prior notification to the Assistant Secretary, proposes to request the Secretary or other agency head to cancel or terminate the contract or withhold progress payments, or cause the contract to be canceled or terminated or progress payments to be withheld, in whole or in part, on a contract or contracts, or to require cancellation or termination of a subcontract or subcontracts or withholding of progress payments; or

(3) The Assistant Secretary or an agency, upon prior notification to the Assistant Secretary, proposes to request the Secretary or other agency head to declare a prime contractor or subcontractor ineligible for further contracts or subcontracts under the Act.

(b) Notices of proposed action for nonperformance. Written notices of proposed action for nonperformance, signed by the Assistant Secretary or appropriate agency official, shall be sent to the last known address of the prime contractor or subcontractor by registered mail, deliver to addressee only, return receipt requested. If the contractor does not receive such notice, a copy of such notice shall be published in the FEDERAL REGISTER. The notice shall contain a precise jurisdictional statement, a short and plain statement of the matters furnishing a basis for action for nonperformance, an enumeration of the actions being requested, and a citation of the provisions pursuant to which the requested action may be taken. The prime contractor or subcontractor shall be afforded at least 14 days from receipt of the notice of proposed action for nonperformance in which to file an answer to the notice and a request for a hearing with the Assistant Secretary or the agency and the contractor shall be so informed in the notice. The answer shall admit or deny specifically, and in detail, matters set forth in each allegation of the notice unless the prime contractor or subcontractor is without knowledge, in which case the answer shall so state, and the statement shall be deemed a denial. Matters not specifically denied shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered. The hearing request shall be included as a separate paragraph of the answer.

(c) *Hearings.* Reasonable notice of the hearing shall be sent by registered mail, return receipt requested, to the last known address of the prime contractor or subcontractor complained against. Such notice shall contain the time, place, and nature of the hearing and a statement of the legal authority pursuant to which the hearing is to be held. Hearings shall be before a hearing officer designated by or under the direction of the Secretary or agency head. Each party shall have the right to counsel; a fair opportunity to present evidence and argument and to cross-examine. Whenever a formal hearing is based in whole or in part on matters subject to the collective bargaining agreement and compliance may necessitate a revision of such agreement, any labor organization which is a signatory to the agreement shall have the right to participate as a party. Whenever a hearing is held on a complaint under § 50–250.27 any person or organization shall be permitted to participate upon a showing that such person or organization has an interest in the proceedings and may contribute materially to the proper disposition thereof. The hearing officer shall make his proposed findings and conclusions upon the basis of the record before him.

(d) *Action for nonperformance without a hearing.* If at the end of the 14-day period referred to in this section no answer including a hearing request has been filed, or the answer does not raise issues of fact or law, the Assistant Secretary or agency head may cancel, terminate or cause to be canceled or terminated any one or more contracts or subcontracts, or parts thereof, held by the prime contractor or subcontractor complained against, or enter an order declaring such contractor or subcontractor ineligible for further contracts, subcontracts, or extensions or other modifications of existing contracts, until the contractor or subcontractor has satisfied the Assistant Secretary that it has established and will carry out personnel and employment policies and practices in compliance with the provisions of the Act, affirmative action clause, and the regulations.

(e) *Decision following hearing.* When the hearing is conducted by an agency, the hearing officer shall make recommendations to the head of the agency who shall make a decision whether sanctions will be invoked against the contractor or subcontractor. No decision by the head of the agency, or his representative, shall be final without the prior approval of the Assistant Secretary. When the hearing is conducted by a hearing officer appointed by or under the direction of the Assistant Secretary, the hearing officer shall make recommendations to the Assistant Secretary, who shall make the final decision whether actions for nonperformance will be taken against the contractor or subcontractor. Parties shall be furnished with copies of the hearing officer's recommendations, and shall be given an opportunity to submit their views.

§ 50–25.33 Notification of agencies.

The Assistant Secretary of Labor shall notify the heads of all agencies of any action for nonperformance taken against any contractor after such actions have been taken. No agency may issue a waiver under § 50–250.24(b)(1) to any contractor subject to such action without prior approval of the Assistant Secretary.

§ 50–250.34 Contractor ineligibility list.

The Assistant Secretary shall distribuate periodically a list to all executive departments and agencies giving the names of prime contractors and subcontractors who have been declared ineligible under the regulations in this part and the Act.

§ 50–250.35 Disputed matters related to the affirmative action program.

The procedures set forth in the regulations in this part govern all disputes relative to a contractor's compliance with the affirmative action clause and the requirements of this part. Any disputes relating to issues other than compliance, including contract costs arising out of the contractor's efforts to comply, shall be determined by the disputes clause of the contract.

§ 50–250.36 Responsibilities of State employment services.

(a) Any job openings listed pursuant to § 50–250.3 which requires contractors to list their job openings with State employment services offices, shall be utilized by State employment security agencies to refer qualified disabled veterans and veterans of the Vietnam era.

(b) The local offices of the Federal-State employment service shall give priority in referral to disabled veterans and veterans of the Vietnam era to such employment openings listed by contractors and subcontractors pursuant to this part.

(c) The local employment office staff will contact employers to solicit job orders. The State employment service will make available information pertinent to a determination of whether the contractor is in compliance with the mandatory listing and reporting requirements of the affirmative action clause.

Subpart C—Ancillary Matters

§ 50–250.50 Reinstatement of ineligible contractors and subcontractors.

Any prime contractor or subcontractor debarred from further contracts or subcontracts under the Act may request reinstatement in a letter directed to the Assistant Secretary. In connection with the reinstatement proceedings, the prime contractor or subcontractor shall be required to show that he has established and will carry out employment policies and practices in compliance with the affirmative action clause.

§ 50–250.51 Intimidation and interference.

The sanctions and penalties contained in this regulation may be exercised by the agency or the Assistant Secretary against any prime contractor or subcontractor, who fails to take all necessary steps to ensure that no person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with the filing of a complaint, furnishing information, or assisting or participating in any manner in an investigation, compliance review, hearing, or any other activity related to the administration of the Act.

§ 50–250.52 Recordkeeping.

(a) Each contractor and subcontractor shall maintain for a period not less than three years such employment or other records as required by the Assistant Secretary or agency or by this part and shall furnish such information in the form required by the Assistant Secretary or agency as the Assistant Secretary deems necessary for the administration of the Act and regulations issued under this part.

(b) Failure to maintain complete, accurate and annually updated records as required under this section constitutes noncompliance with the contractor's or subcontractor's obligations under the affirmative action clause and is a ground for the imposition of appropriate sanctions.

§ 50–250.53 Access to records of employment.

Each prime contractor and subcontractor shall permit access during normal business hours to his places of business, books, records and accounts pertinent to compliance with the Act, and all rules and regulations promulgated pursuant thereto for the purposes of complant investigations, compliance reviews and investigations of performance under the affirmative action clause of the contract or subcontract. Information obtained in this manner shall be used only in connection with the administration of the Act.

§ 50–250.54 Rulings and interpretations.

Rulings under or interpretations of the Act and the regulations contained in this Part 50–250 shall be made by the Secretary or his designee.

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§ 50–250.55 Effective date.

Signed at Washington, D.C. this 16th day of October, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

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COMMODITY FUTURES TRADING COMMISSION

[17 CFR Chapter I]

COMMODITY OPTIONS

Temporary Regulations

The Commodity Futures Trading Commission is considering the adoption of rules to regulate—or perhaps forbid—transactions in commodity options, and has assigned to its Advisory Committee on Definition and Regulation of Market Instruments the responsibility of making an appropriate recommendations to the Commission on this matter. The Commission is soliciting the views of knowledgeable persons concerning whether one or another of several possible approaches presently being considered—or some other approach—should be adopted. The Commission is also considering what, if any, temporary rule might be promulgated pending the adoption of more definite rules after receipt by the Commission of the Advisory Committee recommendations.

Section 4c(a)(B) of the Commodity Exchange Act, as amended, 7 U.S.C. 6c (a)(B), expressly forbids option transactions[1] relating to those commodities which were regulated under that Act prior to the enactment of the Commodity Futures Trading Commission Act of 1974.[2] The 1974 Act expanded the definition of commodity to include "all other goods and services, rights and interests in which contracts for future delivery are presently or in the future dealt in . . . ." With respect to commodities that are newly within this expanded definition, Section 4c(b) of the Commodity Exchange Act, as amended, 7 U.S.C. 6c(b), now provides:

No person shall offer to enter into, enter into, or confirm the execution of, any [commodity option] transaction . . . contrary to any rule, regulation, or order of the Commission prohibiting any such transaction or allowing any such transaction under such terms and conditions as the Commission shall proscribe . . .[3]

Consequently, state-law provisions regulating the offer and sale of commodity options—at least those that involve commodity futures—have been preempted by the federal statute. *See, e.g.,* Conference Committee Report, S. Rep. No. 93–1194, 93d Cong., 2d Sess. at 35–36 (Sept. 30, 1974):

"Under the exclusive grant of jurisdiction to the Commission, the authority of the Commodity Exchange Act (and the regulations issued by the Commission) would preempt the field insofar as futures regulation is concerned. Therefore, if any substantive State law regulating futures trading was contrary to or inconsistent with Federal law, the Federal law would govern. In view of the broad grant of authority to the Commission to regulate the futures trading industry, the Conferees do not contemplate that there will be a need for any supplementary regulation by the States."

Pursuant to this authority, the Commission has promulgated a rule broadly prohibiting deceptive acts or practices in connection with commodity option transactions.[4] Nevertheless, commodity-option offerings appear to have proliferated, and many of these offerings appear questionable since in most cases investors are not given adequate assurance that the issuers of the options will be able to perform their obligation under the option contracts when and if required to do so.

Thus, it is clear that the Commission must act further for the protection of investors. On the other hand, it would be inappropriate for the Commission to make any kind of definitive judgment concerning commodity options without thorough study. For this reason, the Commission's Advisory Committee on Definition and Regulation of Market Instruments has been assigned responsibility to carefully consider and report to the Commission its recommendations for appropriate regulation of commodity options.

Pending receipt of that Advisory Committee's recommendations, however, the Commission has been discussing the possibility of adopting some form of interim measure. Accordingly, the Commission is holding a hearing on written submissions pursuant to which all interested members of the public may express their views, in written form, concerning the relative merits of the following described alternatives or may suggest additional alternatives that the Advisory Committee and the Commission might wish to consider. It is important that all persons transmit their views to the Commission as promptly as possible, since the Commission may find that interim action is an urgent matter and that it is necessary to implement a temporary rule without further public notice.[5] If the Commission should adopt a temporary rule, all comments that the Commission receives after its adoption will be considered with a view to possible modification of the temporary rule. Of course, all comments will be made available to and utilized by the Advisory Committee on Definition and Regulation of Market Instruments in formulating its recommendations to the Commission, and will be considered by the Commission when it promulgates a definitive rule.

1. *Prohibition of all Commodity Options Transactions.* One alternative would be to prohibit all commodity options transactions. Of course, in considering whether to prohibit commodity-option transactions altogether, either as an interim or permanent measure, the Commission must weigh the fact that, while illegitimate operations would be outlawed, transactions that may be entirely legitimate and which some feel serve desirable economic functions may also be barred. A prohibition might be considered desirable if option transactions are shown to have little or no economic utility, especially if the Commission continues to find that a substantial number of those who offer commodity options to the public engage in fraudulent practices. The Commission would appreciate public comment on the effects of a temporary or permanent prohibition, particularly whether there are legitimate enterprises offering commodity options which would suffer substantial adverse effects from the ban or whether they could, without serious detriment, easily divert resources presently devoted to option transactions to other profitable opportunities.

2. *Restricting Commodity Options Transactions to Contract Markets.* A second alternative would be to permit commodity options transactions only through the facilities of a board of trade that has been designated as a contract market pursuant to Section 5 of the Commodity Exchange Act, 7 U.S.C. 7. Since the Commission has broad regulatory authority over contract markets, it could assure adequate regulation of commodity options by use of the self-regulatory framework of the contract markets. Moreover, since options and futures trading have similarities, it would be consistent with the statutory scheme of the Act, which effectively limits commodity futures transactions to contract markets, to treat option transactions in the same way: If transactions in options were limited to contract markets, the Commission would be able to review and approve the forms of option contracts as it does with futures contracts, and the Commission could impose necessary or appropriate safeguards.[6] However, this form of regulation would have the effect of prohibiting persons who have established presumably legitimate option trading enterprises from continuing their activities unless, without serious detriment, their method of operation can be converted to effect transactions through the facilities of a contract market.

3. *Business Plans.* A third alternative would be the adoption of a rule that would forbid option transactions except in accordance with a business plan that has been approved by the Commission. Thus, persons offering or selling commodity options might be requested to file a business plan with the Commission setting forth the nature of the issuer's business and material information which would be disclosed to investors. Option transactions would not be permitted unless the Commission had approved the business plan of the person offering or selling the option. The Commission would retain authority under such a rule to permit or to require changes in any plan.[7]

The "business plans" approach would provide the Commission with the most direct and responsive regulatory measure; however, it would be the most costly for the Commission to implement because the Commission would have to commit substantial time, personnel and resources to the administration of these plans. In addition, any person submitting a business plan would incur great expense which, of course, would ultimately be borne by the customers.

4. *Prohibition against "Naked" Options.* In considering enactment of the Commodity Futures Trading Commission Act of 1974, one congressional committee stated that the Commission's authority to regulate or "ban" options on commodities futures should not be exercised to approve any commodity option transaction:

> . . . if the option or transaction . . . does not guarantee the purchase of the futures contract in fulfillment of the option, should the purchaser seek to exercise the option. The Committee intends the Commission to act as expeditiously as possible to prohibit such transactions.[8]

The unsecured transactions referred to by the committee are the so-called "naked" commodity options.[9]

The Commission might conclude that prohibition or restriction of "naked" options is appropriate regardless of its treatment of other option transactions. It appears clear that the offer of "naked" options has involved serious abuses. Further, concern has been expressed that trading in naked options serves "virtually no economically useful purpose."[10] If this approach should be taken, however, it would be necessary to define "naked options" and propose effective prohibitions or restrictions for such transactions.

Of course, this approach would not prevent all abuses related to option transactions, and some form of reporting or registration requirement as well as investigative activity might be necessary to assure compliance.

5. *Registration with the Commission.* Another alternative form of regulation of commodity options would be to forbid commodity option transactions by any person not registered as a futures commission merchant. This approach would prevent option trading by persons who fail to meet the basic fiduciary and other standards that the Commodity Exchange Act imposes, and would enable the Commission to determine the identity of persons who are offering options to the public. On the other hand, commodity option enterprises present somewhat different regulatory considerations than the normal business of futures commission merchants. Accordingly, somewhat different regulatory standards should presumably apply. Thus, even if registration as a futures commission merchant were adopted as an interim requirement, extensive study would be required to determine whether to adopt or amend Commission rules concerning segregation of customer funds, hedging of options and other customer protection standards.[11]

The Commission would appreciate comments concerning the issues raised in the foregoing discussion and, in addition, requests comments on the following specific matters.[12]

1. What useful economic functions are performed by commodity option trading? In what ways do existing offerings of commodity options perform these economic functions?

2. Could option trading have an adverse economic effect upon futures trading in terms of liquidity or otherwise? If so, do those economic effects differ with respect to agricultural as contrasted with non-agricultural commodities?

3. If option trading should be permitted, what form of regulation would be most appropriate and what specific rules should be adopted further to protect against fraudulent acts and practices and

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[1] The statute refers to any "transaction [which] is of the character of, or is commonly known to the trade as, an 'option', 'privilege', 'indemnity', 'bid', 'offer', 'put', 'call', 'advance guarantee', or 'decline guarantee'. . . ." Section 4(c)(a)(B), 7 U.S.C. 6c (a)(B). For convenience in this release, the Commission is utilizing the term "option" to include all transactions described by this provision.

[2] Prior to the effective date of the Commodity Futures Trading Commission Act of 1974, the Commodity Exchange Act provided for the regulation of

". . . wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain, sorghums, millfeeds, butter, eggs, onions, solanum tuberosum (Irish potatoes), wool, wool tops, fats and oils (including lard, tallow, cornseed oil, peanut oil, soybean oil and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, soybean meal, livestock, livestock products, and frozen concentrated orange juice."

[3] Section 2(a)(1), 7 U.S.C. 2, of the Commodity Exchange Act provides (emphasis added):

"That the Commission shall have *exclusive jurisdiction* with respect to accounts, agreements (including any transaction which is of the character of, or is commonly known to the trade as, an option . . .), and transactions involving contracts of sale of a commodity for future delivery . . ."

[4] 17 C.F.R. 30.01, 40 Fed. Reg. 26504, 26505 (June 24, 1975), reads as follows:

"30.01 *Fraud in connection with commodity options.* It shall be unlawful for any person, by use of the mails or any means or instrumentality of interstate commerce, directly or indirectly,

"A. to cheat or defraud or attempt to cheat or defraud any other person;

"B. to make or cause to be made to any other person any false report or statement thereof or cause to be entered for any person any false record thereof;

"C. to deceive or attempt to deceive any other person by any means whatsoever;

"in or in connection with an offer to enter into, the entry into or the confirmation of the execution of, any transaction involving any commodity regulated under the Commodity Exchange Act, as amended, but not specifically set forth in Section 2(a) of the Commodity Exchange Act prior to the enactment of the Commodity Futures Trading Commission Act of 1974, which is or is held out to be of the character of, or is commonly known to the trade as, an 'option', 'privilege', 'indemnity', 'bid', 'offer', 'put', 'call', 'advance guaranty', or 'decline guaranty.'"

[5] If the Commission should decide to adopt a temporary rule, it will consider whether it should first hold a hearing at which oral presentations may be made if any commentator should request an opportunity for oral presentation. In any event, it is contemplated that hearings for the reception of oral testimony will be held by the Advisory Committee at which time further comments on the advisability of various proposals will be received.

[6] If this alternative were selected, the Commission might, for example, adopt an interim regulatory rule patterned after Rule 17 C.F.R. 240.9b–1, adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, for securities options transactions effected through the facilities of a national securities exchange. That rule provides in part (emphasis supplied) that:

"It shall be unlawful for a national securities exchange, or for any member thereof, to effect any transaction in an option, or to permit any transaction in an option to be effected, by the use of the facilities of the exchange, *except in accordance with a plan regulating transactions in options on the exchange that is declared effective by the Commission pursuant to this rule.*"

[7] If adopted, this approach would be implemented through a rule similar to that proposed by the Commission for leverage contracts that are subject to Section 217 of the Commodity Futures Trading Commission Act. *See* 40 Fed. Reg. 36382 (August 20, 1975).

[8] H.R. Rep. No. 93–975, 93d Cong., 2d Sess. at 31 (1974).

[9] *See* Note, 73 Mich. L. Rev. 710, 720–721 (1975):

"Naked options are based on changes in futures prices but are not backed either by futures contracts or by actual ownership of the commodities involved. Limited capital requirements and lack of regulation make entering into naked options trading easy; the potential for abuse is correspondingly high. Moreover, naive investors are attracted to this area by its 'get-rich-quick' potential."

It was noted in the Senate hearings on the legislation that became the Commodity Futures Trading Commission Act of 1974 that ". . . naked options, as the name implies, are not covered by inventories of physical commodities or futures contracts for such commodities. Indeed, dealers admit that to cover their outstanding option contracts would tie up an enormous amount of their capital and make it unprofitable to operate. Rather, naked options 'represent nothing more than the seller's unsupported promise to perform.'"

Hearings Before the Senate Committee on Agriculture and Forestry on S. 2485, S. 2578, S. 2837 and H.R. 13113, 93d Cong., 2d Sess. pt. 3 at 828 (1974).

[10] *Hearings Before the Senate Committee on Agriculture & Forestry, supra* n. 9 at p. 828.

[11] Generally, persons who are offering commodity options to the public are required to register with the Commission as commodity trading advisors. Section 2(a)(1) provides that a commodity trading advisor is one who, for compensation or profit, advises others as to the value of commodities or the advisability of trading in any commodity for future delivery subject to the rules of any contract market. A person who offers and sells cash commodity options presumably gives some advice as to the "value of" the commodity underlying the option. One who purports to offer and sell options on commodity futures contracts will advise on the "advisability of trading" in futures contracts, whether his advice is to purchase a futures contract or instead to purchase an option.

However, because commodity trading advisors are not required to comply with any minimum financial requirements, the Commission would be unable to determine whether the trading advisor is solvent or is otherwise able and willing to perform under the terms of the option contracts.

[12] In giving comments it would be helpful if persons giving comments would also supply supporting factual data to the Commission.

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to provide financial safeguards to the customers of persons who are offering and selling options?

4. Should option trading in commodity futures contracts as well as in cash commodities be permitted? If so, what differences in regulation, if any, would be appropriate?

5. Should trading in "naked options" be banned or, if permitted, what, if any, particularized regulation should be imposed? For this purpose, how should "naked options" be defined?

6. What considerations should be weighed in determining whether option trading should be restricted to contract markets? If it is believed that option trading should be permitted otherwise than through the facilities of contract markets, what form of regulation would be appropriate?

7. What additional considerations, if any, would be relevant to whether or in what manner trading should be permitted in foreign commodity options, including the so-called "London" option?

The foregoing questions are not intended in any way to restrict or limit comment on the issues presented and constitute only a preliminary and very general survey by the Commission. The Commission seeks comment in any area that interested persons believe would be appropriate in as much detail as the commentator is willing to provide.

The Commission's consideration of interim as well as more permanent regulatory measures does not relieve any person of any requirement or obligation imposed by any provision of the Act or the rules, regulations and orders thereunder. Particular attention is directed to the antifraud regulations applicable to commodity options transactions. (17 C.F.R. 30.01.)

As noted above, the Commission is holding a hearing through written submissions on what permanent or interim proposal should be adopted by the Commission for the regulation of commodity options and interested persons are invited to express their views and comments concerning these proposals and the questions raised herein. To be considered, written statements of views and comments should be submitted to Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036, Attention: CCU, on or before November 11, 1975. In addition, any person may request the opportunity to express their views at an oral hearing. If the Commission should conclude that an oral presentation will be of value, it will, by subsequent notice, set the time and place of that oral hearing. All comments received will be available for public inspection.

Issued in Washington, D.C. on this 16th day of October 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75-28432 Filed 10-21-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 446-4]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS; ARIZONA

Proposed Sulfur Oxide Control Strategy and Regulations for Existing Non-Ferrous Smelters

The purpose of this notice is to propose substitute regulations for control of sulfur oxide emissions at existing copper smelters in the Phoenix-Tucson Intrastate Region and the Arizona portion of the Arizona-New Mexico Southern Border Interstate Region. The preamble which follows contains the background for this action, a discussion of the air quality in the Regions, a description of the proposed regulations, announcement of public hearings and a request for written comments. The Administrator encourages public comment at the public hearings or in writing. The findings from all information available to the Administrator will form the basis of the final promulgation of Arizona sulfur oxide control strategy regulations for copper smelters.

BACKGROUND

On May 31, 1972 (37 FR 10849) pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator disapproved the State of Arizona implementation plan for attainment and maintenance of the National Ambient Air Quality Standards for sulfur oxides in the Phoenix-Tucson Intrastate Region and the Arizona portion of the Arizona-New Mexico Southern Border Region. The Administrator's disapproval was based on the fact that the plan did not contain a control strategy nor regulations for sulfur oxides in these Regions. One day before, on May 30, the Governor of Arizona submitted a revision to the state plan. This revision was too late to be considered in the May 31 decision. However, on July 27, 1972 (37 FR 15081) the Administrator published in the FEDERAL REGISTER his decision on the May 30 revision to the Arizona plan. Specifically with respect to sulfur oxide emissions in the Phoenix-Tucson and Arizona-New Mexico Southern Borders Regions, the Administrator disapproved Regulation 7-1-4.1 of the Arizona Rules and Regulations, and emission limitation for existing copper smelters.

The Administrator's decision to disapprove Regulation 7-1-4.1 was based on several factors. First, the regulation did not define specific emission limitations for copper smelters. Using the proportional model equation, a mathematical technique for determining the amount of emission reduction needed to meet air quality standards, the regulation defined the degree of control needed to meet the primary annual standard for sulfur oxides in the vicinity of each smelter. However, the regulation did not specify the air quality values to be used in the equation. In addition, the regulation provided for adjusting the degree of control indicated by the proportional model based on diffusion model results. The regulation also failed to specify the magnitude of this adjustment as it applied to each smelter. The fact that the regulation was not specific made it impossible to evaluate and judge whether or not it would have attained and maintained the national standards. Finally, this regulation did not require permanent control of emissions for copper smelters to achieve all national standards for sulfur oxides, including the 24-hour standard. Instead of permanent control of emissions, the Arizona regulations require the use of "intermittent production curtailment such as closed loop operational control" (defined in the Arizona regulations as "the rapid curtailment or cessation of smelter emissions in order to prevent the occurrence of ambient air concentrations in excess of the standards . . .") to achieve the difference between positive control to meet the annual primary standard and that necessary to meet all other sulfur oxide standards.

On July 27, 1972 (37 FR 15096) the Administrator proposed replacement regulations for control of sulfur oxides emitted by all existing smelters in Arizona. These regulations contained specific emission limits for each Arizona smelter. In these regulations, the amount of control required for attainment and maintenance of all national standards was based on available air quality data and diffusion model estimates where air quality data was not available. The air quality data was in the form of summarized data submitted to EPA by the then Arizona Division of Air Pollution Control. Public hearings on the proposed replacement regulations were held in Phoenix and Tucson on September 6 and 8, 1972 respectively. In these hearings, the air quality data was severely critized by the smelting industry as being inaccurate. EPA subsequently obtained and examined the raw data and compared it to the summarized data originally submitted by the Division. This analysis revealed in many specific instances that the data was inaccurate due to equipment malfunction and, in general, equipment maintenance and data reduction by the Division were sufficiently questionable so as to make the validity of all data doubtful. Therefore, because of questionable data and the lack of any new data, the emission limits proposed on July 27, 1972 were not finalized. Instead EPA established a monitoring network and collected air quality data at 23 sites in the vicinity of the seven copper smelters located in Arizona. Data was collected from these sites during the period between June 1973 and October 1974.

The operator of each of the Arizona Copper smelters and the location of each smelter is as follows: in the Phoenix-Tucson Intrastate Region—American Smelting and Refining Company, Hayden, Gila County; Inspiration Consolidated Copper Company, Gila County; Kennecott Copper Corporation, Ray Mines Division, Hayden, Gila County; Magma Copper Company, San Manuel Division, Pinal County; and Phelps Dodge Corporation, New Cornelia Branch, Ajo, Pima County, and in the Arizona-New Mexico Southern Borders Region, Phelps Dodge Corporation, Douglas Reduction Works, Cochise County and Phelps Dodge Corporation, Morenci Branch, Greenlee County.

The regulations proposed herein will require the control of emissions from each smelter such that both the primary and secondary standards will be met. Paragraph 52.125(d) of the proposed regulation pertains to control of fugitive emissions. Paragraph 52.125(e) establishes an emission limitation for each smelter as a whole that is sufficient to attain and maintain the national standards. Paragraph 52.125(f) provides an alternative for certain smelters to the emission limit established in (e), if it is determined by the smelter and approved by EPA, that it is economically unreasonable to meet such an emission limit. Specific provisions for an application to use supplementary control systems, or other measures such as a tall stack, are included in this paragraph. If the smelter elects to abide by the provisions of paragraph (f), the emission limitation specified in (e) should be considered a goal to be achieved through research into new constant emission control techniques. Paragraph 52.125(g) sets forth reporting requirements when any of the applicable emission limitations in paragraph (e) and (f) are not met.

In proposing these regulations, the Administrator has determined that the selective use of Supplementary Control Systems (SCS) to attain and maintain the ambient standards is consistent with the Clean Air Act when the only alternatives are permanent production curtailment, shutdown, or delays in the attainment of the national standards. However, constant emission limitation is the preferred strategy for attaining and maintaining the standards. SCS is acceptable only as a temporary measure where the use is necessary to augment constant emission limitation techniques as determined on a case-by-case basis, and only in circumstances wherein the SCS can be expected to exhibit a high degree of reliability and can be made legally enforceable. This philosophy has been expressed in the FEDERAL REGISTER on September 14, 1973 (38 FR 25697).

In proposing to allow the use of SCS it is the Administrator's judgment that its use it consistent with the purposes and provisions of the Clean Air Act and is in the best interest of the public. The position is supported by a decision by the U.S. Court of Appeals, Fifth Circuit, in *Natural Resources Defense Council, Inc. v. EPA*, 489 F2 390. After considering the provisions of the Clean Air Act, reviewing its legislative history, and considering the holding on the "nondegradation" issue, on February 6, 1974, the Court held that, under the Clean Air Act, dispersion techniques may be allowed if emission limitations sufficient to meet standards are unachievable or infeasible, and if regulations are adopted which will attain the maximum degree of emission limitations achievable. The position of the Fifth Circuit was recently adopted by the Sixth Circuit in *Big Rivers Electrical Corp v. EPA, No. 74-2015 (September 4, 1975)*. Three additional points support the Administrator's decision to only allow SCS on a temporary basis. First, in passage of the Energy Supply and Environmental Coordination Act (Pub. L. 93-319, June 22, 1974), which amended the Clean Air Act, Congress specifically rejected the use of SCS other than on a temporary basis for power plants. Secondly, continued loading of the atmosphere with sulfur oxides raises a potential threat to human health and welfare since recent studies have shown that, even at levels below ambient standards, sulfur oxide emissions form the basis for a derivative threat to health because they are converted, through chemical reactions occurring in the atmosphere, into other hazardous pollutants—namely, sulfates and sulfuric acid. Use of SCS technology does not significantiy reduce total emissions of sulfur oxides, therefore, there would be an insignificant decrease in ambient sulfate concentrations. Lastly, *Air Quality and Stationary Source Emission Control—March 1975*, a report prepared by the National Academy of Sciences for the Senate Public Works Committee, independently reached the same conclusion as the Administrator on the role that SCS technology would play in the overall scheme of air pollution control. That is, "(t)he technology should be rejected as a permanent control technique, on the basis of the probability of substantial potential risks associated with increased atmospheric loadings of sulfur dioxide." The NAS further stated that, ". . . the technology could be accepted for carefully defined situations as an interim control technique. . . ."

POLLUTION FROM EXISTING NON-FERROUS SMELTERS IN ARIZONA

EPA established monitoring stations in the vicinity of each of the copper smelters in Arizona in the late summer or fall of 1973. The purpose of these stations was to collect short term ambient air quality data to be used in the determination of required emission limitations. Both continuous monitoring systems and 24-hour bubbler sampling systems were installed. The location of the stations was selected to either approximate the location of potentially high concentration areas or to supplement the existing smelter and/or State networks. In many instances the availability of power or property access precluded locating in the desired area.

Several of the smelters also operate monitoring networks. Some of the networks have been in operation for several years (Phelps Dodge/Douglas) while others are more recent (Kennecott and ASARCO/Hayden). All of the smelter companies have provided past data from their monitoring sites to EPA and several continue to submit data on a routine basis.

The State of Arizona also operates at least one monitoring site near each smelter.

Several of the highest 3-hour and 24-hour averages obtained from the monitoring networks are shown in Table 1. The percentage emission reduction requirements, based on proportional rollback, needed to meet the primary and secondary air quality standards are also given in Table 1.

TABLE 1.

Date	Concentration (parts per million 3-h average) (micrometers per cubic meter 24-h average)	Averaging time (hours)	Reduction required to meet standards [1] (percent)
Phelps Dodge/Ajo:			
Nov. 11, 1973	1.65	3	80.7
Nov. 2, 1973	1.35	3	63.0
Nov. 1, 1973	784	24	53.4
Jan. 8, 1974	662	24	44.9
Phelps Dodge/Douglas:			
Jan. 17, 1974	3.81	3	88.9
Dec. 8, 1973	3.37	3	85.2
May 20, 1974	1,306	24	73.8
Dec. 8, 1973	1,031	24	64.6
Phelps Dodge/Morenci:			
Nov. 10, 1973	4.10	3	87.8
Feb. 11, 1974	3.51	3	85.8
Dec. 21, 1973	2,335	24	84.4
Jan. 14, 1974	1,502	24	75.7
Kennecott and ASARCO/Hayden:			
Oct. 20, 1973	3.17	3	84.0
Oct. 13, 1973	2.67	3	82.0
June 4, 1974	2.33	3	79.0
Nov. 8, 1973	2,319	24	84.0
Magma/San Manuel:			
Oct. 12, 1973	2.32	3	78.4
Oct. 20, 1974	1.98	3	74.9
Nov. 14, 1974	.39	24	64.1
Oct. 12, 1973	.36	24	61.1
Inspiration:			
Sept. 10, 1974	4.43	3	88.7
Mar. 12, 1974	3.67	3	86.4
Nov. 5, 1974	2,193	24	83.4
Nov. 2, 1974	1,617	24	77.4

[1] Calculated from proportional rollback.

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PROPOSED REGULATIONS

The proposed regulations are composed of four paragraphs and two appendices. The first paragraph (§ 52.125(d)) requires the control of low-level fugitive emissions, identifies specific points of control, and sets a compliance schedule for achieving control of fugitive emissions. The second paragraph (§ 52.125 (e)) sets an emission limit to be achieved by constant emission control sufficient to meet all national standards by July 31, 1977 or in the case of three smelters: The Inspiration Consolidated Copper smelter; the Phelps Dodge New Cornelia Branch smelter; and the Kennecott-Copper Corporation Ray Mines Division smelter by September 1, 1976. The third paragraph (§ 52.125(f)) is offered as an alternative to § 52.125(e) for certain smelters and sets emission limits based on reasonably available constant emission control technology, outlines the conditions to be satisfied to allow use of SCS, and establishes a compliance schedule for implementing the constant control and SCS. The fourth paragraph (§ 52.125(g)) sets forth reporting requirements to be met when any of the applicable emission limitations in §§ 52.125(e) and 52.125(f) are not met. Continuous monitoring of the emission limits set in either §§ 52.125(e) and 52.125(f) is required. Appendix D specifies procedures for determination of the SO_2 concentration while Appendix E contains procedures for determination of volumetric rates. These appendices were promulgated in the February 6, 1975 FEDERAL REGISTER (40 FR 5517).

Implementation procedures for these regulations will require ASARCO/Hayden, Magma/San Manuel, Phelps Dodge/Douglas and Phelps Dodge/Morenci to comply either with the emission limits set to meet all standards (§ 52.125(e)) or with the temporary alternative to comply with the emission limit requirements based on reasonably available constant control and additional approved controls (§ 52.125(a)). This alternative is proposed because it is the Administrator's judgment that the reasonably available constant control technology for these smelters is insufficient to achieve all national standards at this time. Therefore the aforementioned smelters may apply for permission to comply with the temporary alternative to achieve all standards with supplementary control. It is the Administrator's judgment that the Inspiration, Kennecott, and Phelps Dodge/Ajo smelters can achieve all national standards with constant controls currently installed.

The temporary alternative available to the four smelters requires compliance with the emission limit specific to each smelter based on reasonably available constant control and requires employment of such additional control measures as may be necessary to assure the attainment and maintenance of national standards. These additional controls include process changes, SCS, tall stacks, production reduction or any other technique approved by the Administrator. By allowing the use of SCS, the Administrator is acknowledging that SCS can incorporate design and enforcement features that will provide a reliable means to attain and maintain national SO_2 standards. The administrator has stipulated these specific requirements that will ensure reliability. These requirements include the assumption of liability for violation of air quality standards within a designated area, and the operation of the SCS in accordance with an approved manual based on demonstration studies. Certain recordkeeping procedures are also specified.

In paragraph 52.125(f) of the regulations, two emission limits are established as achievable with reasonably available constant control. These emission limits are an SO_2 concentration limit on acid plant emissions and a mass emission limit for the entire smelter. The emission limit for the acid plant (2600 ppm for a single contact and 650 ppm for a double contact acid plant) and the requirement that all converter gas must be processed by the acid plant are specified to assure full application of reasonably available constant control technology and to minimize emissions from the converters. A total plant emission limitation is specified based on the existing smelter configuration.

Paragraph 52.125(g) requires the source to notify the Director, Enforcement Division, Region IX whenever emissions are in excess of the limits specified in §§ 52.125(e) and 52.125(f). A reporting procedure is specified. Such reports include the reasons for and the extent of the emissions and the action taken by the smelter to limit such emissions. This information will be considered in determining both the need for and the nature of any required enforcement action.

Calculations of the emission limits are detailed in "Technical Data Support of Regulations for Control of Sulfur Dioxide Emissions at Arizona Copper Smelters." Information on available and potentially available constant controls for the ASARCO/Hayden, Magma/San Manuel, Phelps Dodge/Douglas and Phelps Dodge/Morenci smelters is contained in "The Evaluation of the Controllability of SO_2 Emissions from Copper Smelters in the State of Arizona." These documents are available at:

U.S. Environmental Protection Agency, Region IX, 100 California Street, San Francisco, CA 94111.

EPA Freedom of Information Center, 401 "M" Street SW, Washington, DC 20460.

Arizona Bureau of Air Quality Control, 1740 West Adams Street, Phoenix, AZ 85007.

Pima County Bureau of Air Pollution Control, 151 West Congress, Tucson, AZ 85710.

PUBLIC HEARINGS

Public hearings on this proposal will be held in the affected areas in the near future at times and places to be announced in local newspapers. These hearings will be held to receive comment on the proposed regulations. Persons wishing to participate in a hearing are requested (but not required) to submit three copies of their statements at least five days prior to the date of the hearing to: Regional Administrator, Attn: HE123, U.S. Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California 94111.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Attn: HE123, U.S. Environmental Protection Agency, 100 California Street, San Francisco, California 94111. All relevant comments received on or before December 22, 1975, will be considered. All comments received will be available for public inspection at the Regional Office. Copies of the proposal will also be available for inspection at the following locations: Arizona Bureau of Air Quality Control, 1740 West Adams Street, Phoenix, Arizona 85007 and Pima County Bureau of Air Pollution Control, 151 West Congress, Tucson, Arizona 85710. This notice of proposed rulemaking is issued under the authority of section 110(c) and 301(a) of the Clean Air Act (42 U.S.C. 1875c–5(c), 1875g).

Dated: October 10, 1975.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40, of the Code of Federal Regulations as follows:

Subpart D—Arizona

1. In § 52.125, paragraphs (d), (e), (f), and (g) are added to read as follows:

§ 52.125 Control strategy and regulations: sulfur oxides.

* * * * *

(d) *Regulation for control of fugitive sulfur oxides emissions (Phoenix-Tucson Intrastate and Arizona-New Mexico Southern Border Interstate Regions).* (1) The owner or operator of the smelters located in the Phoenix-Tucson Intrastate and Arizona-New Mexico Southern Borders Regions shall utilize best engineering techniques for reducing of pollutants to the atmosphere and to capture sulfur oxides emissions and vent them through a stack or stacks. Such techniques shall include, but not be limited to:

(i) Installing and operating hoods on all hot calcine transfer points on each roaster;

(ii) Installing and operating hoods on all active matte tapholes, matte launders, slag skim bays, slag handling operations, and holding ladles on each reverberatory furnace;

(iii) Installing tight fitting hoods on each active converter and operating such hoods except during pouring and charging operations;

(iv) Maintaining all ducts, flues, and stacks in a leak-free condition;

(v) Maintaining all roasters, reverberatory furnaces, and converters under normal operating conditions in such a fashion that out-leakage of gases will be prevented to the maximum extent possible;

(vi) Wherever feasible, ducting emissions through the tallest stack or stacks serving the facility; and

(vii) Wherever feasible, passing the effluents from all hooding through the tallest stack or stacks serving the facility.

(2) (i) If the owner or operator of the smelter subject to this paragraph is not in compliance with the provisions of paragraph (d) (1) of this section the following compliance schedule shall apply:

(a) Thirty days after the effective date of this regulation—Let contracts or issue purchase orders for hoods and flues for control of fugitive sulfur oxides emissions or provide evidence that such contracts have been let.

(b) May 1, 1976—submit a report or progress in meeting the requirements of paragraph (d) (1) of this section.

(c) September 1, 1976—Achieve final compliance with requirements of paragraph (d) (1) of this section.

(ii) The owner or operator of the smelter subject to the requirements of subparagraph shall certify to the Administrator within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(iii) If the source subject to this paragraph is presently in compliance with the requirements of paragraph (d) (1) of this section, the owner or operator of such source may certify such compliance to the Administrator within thirty (30) days of the effective date of this paragraph. If such certification is acceptable to the Administrator, the applicable requirements of this subparagraph shall not apply to the certifying source. The Administrator may request whatever supporting information he considers necessary to determine the validity of the certification.

(3) The owner or operator of the smelter subject to this paragraph may submit to the Administrator, no later than thirty (30) days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after September 1, 1976. If approved by the Administrator, such schedule shall satisfy the compliance schedule requirements of this subparagraph for the affected source.

(e) *Regulation for control of sulfur dioxide emissions (Phoenix-Tucson Intrastate and Arizona-New Mexico Southern Border Interstate Regions).* (1) (i) The owner or operator of the copper smelters located in the Phoenix-Tucson Intrastate Region and identified in this subparagraph shall comply with all the requirements of this paragraph, except as provided in paragraph (f) of this section.

(ii) After July 31, 1977, the owner or operator of the smelters subject to this subparagraph shall not discharge or cause the discharge of sulfur dioxide into the atmosphere in excess of the following:

(a) In Pinal County: Magma Copper Company, San Manuel Division—12,880 pounds per hour (5,842 kg/hr.) maximum 6-hour average.

(b) In Gila County: American Smelting and Refining Company, Hayden—4,840 pounds per hour (2,196 kg/hr.) maximum 6-hour average.

(2) (i) The owner or operator of the copper smelters located in the Arizona-New Mexico Southern Borders Region and identified in this subparagraph shall comply with all the requirements of this paragraph, except as provided in paragraph (f) of this section.

(ii) After July 31, 1977, the owner or operator of the smelters subject to this subparagraph shall not discharge or cause the discharge of sulfur dioxide into the atmosphere in excess of the following:

(a) In Cochise County: Phelps Dodge Corporation, Douglas Reduction Works—13,040 pounds per hour (5,904 kg/hr.) maximum 6-hour average.

(b) In—Greenlee County: Phelps Dodge Corporation, Morenci Branch—14,740 pounds per hour (6,686 kg/hr.) Maximum 6-hour average.

(3) (i) The owner or operator of the Inspiration Consolidated Copper smelter located in Gila County, Arizona in the Phoenix-Tucson Intrastate Region shall comply with all the requirements of this paragraph.

(ii) After January 1, 1976, the owner or operator of the smelter subject to this subparagraph shall not discharge or cause the discharge of sulfur dioxide into the atmosphere in excess of 1,190 pounds per hour (540 kg/hr.) maximum 6-hour average.

(4) (i) The owner or operator of the Phelps Dodge New Cornelia Branch smelter in Pima County, Arizona in the Phoenix-Tucson Intrastate Region shall comply with all the requirements of this paragraph.

(ii) After January 1, 1976, the owner or operator of the smelter subject to this subparagraph shall not discharge or cause the discharge of sulfur dioxide into the atmosphere in excess of 5,120 pounds per hour (2,322 kg/hr.) maximum 6-hour average.

(5) (i) The owner or operator of the Kennecott Copper Corporation Ray Mines Division smelter in Gila County, Arizona in the Phoenix-Tucson Intrastate Region shall comply with all the requirements of this paragraph.

(ii) After January 1, 1976, the owner or operator of the smelter subject to this subparagraph shall not discharge or cause the discharge of sulfur dioxide into the atmosphere in excess of 3,660 pounds per hour (1,660 kg/hr.) maximum 6-hour average.

(6) The limitations specified in paragraphs (e) (1) (ii), (e) (2) (ii), (e) (3) (ii), (e) (4) (ii) and (e) (5) (ii) of this section shall be determined by the method specified in paragraph (e) (8) of this section. The specified limitations shall apply to the sum total of sulfur dioxide emissions from the smelter processing units and sulfur oxides control and removal equipment, but not including uncaptured fugitive emissions and those emissions due solely to the use of fuel for space heating or steam generation.

(7) (i) The owner or operator of the smelters to which this paragraph is applicable shall, no later than 30 days following the effective date of this paragraph, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with paragraph (e) (2) of this section as expeditiously as practicable but not later than the date specified in (e) (1) (ii), (e) (2) (ii), (e) (3) (ii), (e) (4) (ii) and 5(ii) of this section.

(ii) The compliance schedule submitted to the Administrator pursuant to paragraph (e) (3) (i) of this section shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to, the following:

(a) Submittal of final control plan to the Administrator for meeting the requirements of paragraph (e) (2) of this section;

(b) Letting of necessary contracts or process changes, or issuance of orders for the purchase of component parts, to accomplish emission control or process modification;

(c) Initiation of on-site construction or installation of emission control equipment or process modification;

(d) Completion of on-site construction or installation of emission control equipment or process modification;

(e) Full compliance with the requirements of paragraph (e) (2) of this section.

(iii) The owner or operator of the smelters subject to the requirements of this subparagraph shall certify to the Administrator within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(iv) Notice must be given to the Administrator at least 10 days prior to conducting a performance test to afford him the opportunity to have an observer present.

(v) If any source subject to this paragraph is currently in compliance with the requirement of paragraph (e) (2) of this section, the owner or operator of such source may certify such compliance to the Administrator within thirty (30) days of the effective date of this paragraph. If such certification is acceptable to the Administrator, the applicable requirements of this paragraph (e) (3) of this section shall not apply to the certifying source. The Administrator may request whatever supporting information he considers necessary to determine the validity of the certification.

(8) (i) The owner or operator of the smelters to which this paragraph is applicable shall install, calibrate, maintain, and operate a measurement system(s) for continuously monitoring sulfur dioxide emissions and stack gas volumetric flow rates in each stack which emits 5 percent or more of the total potential (without emission controls) hourly sulfur oxides emissions from the source. For the purpose of this paragraph, "continuous monitoring" means

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the taking and recording of at least one measurement of sulfur dioxide concentration and stack gas flow rate reading from the effluent of each affected stack in each 15-minute period.

(ii) Within nine months after the effective date of this paragraph, and at other such times in the future as the Administrator may specify, the sulfur dioxide concentration measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendix D to this Part.

(iii) Within nine months after the effective date of this paragraph, and at other such times in the future as the Administrator may specify, the stack gas volumetric flow rate measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendix E to this Part.

(iv) The Administrator shall be notified at least ten (10) days in advance of the start of the field test period required in Appendices D and E to this Part to afford the Administrator the opportunity to have an observer present.

(v)(*a*) The sampling point shall be at least eight stack diameters (diameter measured at sampling point) downstream and two diameters upstream from any flow disturbance such as a bend, expansion, construction or visible flame.

(*b*) The sampling point for monitoring emissions shall be in the duct at the centroid of the cross section if the cross sectional area is less than 4.647 m^2 (50 ft^2) or at a point no closer to the wall than 0.914 m (3 ft) if the cross sectional area is 4.647 m^2 (50 ft^2) or more. The monitor sample point shall be in an area of small spatial concentration gradient and shall be representative of the concentration in the duct.

(vi) The measurement system(s) installed and used pursuant to this section shall be subjected to the manufacturer's recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed. Records of these procedures shall be made which clearly show instrument readings before and after zero adjustment and calibration.

(vii) Six-hour average sulfur dioxide emission rates shall be calculated in accordance with paragraph (e)(5) of this section, and recorded daily.

(viii) The owner or operator of the smelters subject to this paragraph shall maintain a record of all measurements required by this paragraph. Measurement results shall be expressed as pounds of sulfur dioxide emitted per six hour period. A 6-hour average value calculated pursuant to paragraph (e)(9)(i) of this section shall be reported as of each hour for the preceding 6-hour period. Results shall be summarized monthly and shall be submitted to the Administrator within fifteen (15) days after the end of each month. A record of such measurements shall be retained for at least two years following the date of such measurements.

(ix) The continuous monitoring and recordkeeping requirements of this subparagraph shall become applicable nine months after the effective date of this regulation.

(9)(i) Compliance with the requirements of paragraphs (e)(2), (3), (4) and (5) of this section shall be determined using the continuous measurement system(s) installed, calibrated, maintained and operated in accordance with the requirements of paragraph (e)(8) of this section. For all stacks equipped with the measurement system(s) required by paragraph (e)(8) of this section, a 6-hour average sulfur dioxide emission rate shall be calculated as of the end of each clock hour, for the preceding six hours, in the following manner:

(*a*) Divide each 6-hour period into 24 15-minute segments.

(*b*) Determine on a compatible basis a sulfur dioxide concentration and stack gas flow rate measurement for each 15-minute period for each affected stack. These measurements may be obtained either by continuous integration of sulfur dioxide concentration and stack gas flow rate measurements (from the respective affected facilities) recorded during the 15-minute period or from the arithmetic average of any number of sulfur dioxide concentration and stack gas flow readings equally spaced over the 15-minute period. In the latter case, the same number of concentration readings shall be taken in each 15-minute period and the readings shall be similarly spaced within each 15-minute period.

(*c*) Calculate the arithmetic average from all 24 emission rate measurements in each 6-hour period for each stack. Measurements will be reported in lbs SO_2/hr.

(*d*) Total the average sulfur dioxide emission rates for all affected stacks.

(ii) Notwithstanding the requirements of paragraph (e)(9)(i) of this section, compliance with the requirements of paragraphs (e)(2), (3), (4) and (5) of this section shall also be determined by using the methods described below at such times as may be specified by the Administrator. For all stacks equipped with the measurement system(s) required by paragraph (e)(8) of this section, a 6-hour average sulfur dioxide emission rate (lbs SO_2/hr) shall be determined as follows:

(*a*) The test of each stack emission rate shall be conducted while the processing units vented through such stack are operating at or above the maximum rate at which they will be operated and under such other conditions as the Administrator may specify.

(*b*) Concentrations of sulfur dioxide in emissions shall be determined by using Method 8 as described in Part 60 of this chapter. The analytical and computational portions of Method 8 as they relate to determination of sulfuric acid mist and sulfur trioxide as well as isokinetic sampling may be omitted from the over-all test procedure.

(*c*) Three independent sets of measurements of sulfur dioxide concentrations and stack gas volumetric flow rates shall be conducted during three 6-hour periods for each stack. Each 6-hour period will consist of three consecutive 2-hour periods. Measurements of emissions from all stacks on the smelter premises need not be conducted simultaneously. All tests must be completed within a 72-hour period.

(*d*) In using Method 8, traversing shall be conducted according to Method 1 as described in Part 60 of this chapter. The minimum sampling volume for each two hour test shall be 40 ft^3 corrected to standard conditions, dry basis.

(*e*) The volumetric flow rate of the total effluent from each stack evaluated shall be determined by using Method 2 as described in Part 60 of this chapter and by traversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3 as described in Part 60 of this chapter. Moisture content shall be determined by use of Method 4 as described in Part 60 of this chapter except that stack gases arising only from a sulfuric acid production unit may be considered to have zero moisture content.

(*f*) The gas sample shall be extracted at a rate proportional to the gas velocity at the sampling point.

(*g*) For each two hour test period, the sulfur dioxide emission rate for each stack shall be determined by multiplying the stack gas volumetric flow rate (ft^3/hr at standard conditions, dry basis) by the sulfur dioxide concentration (lb/ft^3 at standard conditions, dry basis). The emission rate in lbs/hr-maximum 6-hour average for each stack is determined by calculating the arithmetic average of the results of the three 2-hour tests conducted within a six-hour period.

(*h*) The average emission rate from the three independent sets of measurements in lbs/hr-maximum six hour average for each stack is determined by calculating the arithmetic average of the six-hour values calculated pursuant to subparagraph (9)(ii)(*g*) of this paragraph.

(*i*) The sum total of sulfur dioxide emissions from the smelter premises in lbs/hr is determined by adding together the emission rates (lbs/hr) from all stacks equipped with the measurement system(s) required by paragraph (e)(8) of this section.

(*f*) *Alternate regulation for control of sulfur dioxide emissions (Phoenix-Tucson Interstate and Arizona-New Mexico Southern Borders Regions)* (1)(i) The owner or operator of the smelters identified in paragraph (f) 1(ii) and 1(iii) of this section may apply to the Administrator for approval to meet the requirements of this paragraph. Upon such approval, granted pursuant to paragraph

(f)(3) of this section, the requirements of paragraph (e) of this section shall not be applicable during the period of such approval, and all requirements of this paragraph shall apply.

(ii) The smelters located in the Phoenix-Tucson Intrastate Region for which this paragraph may apply are as follows:

(*a*) In Pinal County: Magma Copper Company, San Manuel Division.

(*b*) In Gila County: American Smelting and Refining Company, Hayden Smelter.

(iii) The smelters located in the Arizona-New Mexico Southern Borders Interstate Region for which this paragraph may apply are as follows:

(*a*) In Cochise County: Phelps Dodge Corporation, Douglas Reduction Works.

(*b*) In Greenlee County: Phelps Dodge Corporation, Morenci Branch.

(2) All terms used in this paragraph but not specifically defined below shall have the meaning given them in the Act, Part 51 or § 52.01 of this chapter.

(i) The term "supplementary control system" means any system which limits the amount of pollutant emissions during periods when meteorological conditions conducive to ground-level concentrations in excess of national standards exist or are anticipated.

(ii) The term "ambient air quality violation" means any single ambient concentration of sulfur dioxide that exceeds any National Ambient Air Quality Standard for sulfur dioxide at any point in a designated liability area, as specified in paragraph (f)(8) of this section.

(iii) The term "isolated source" means a source that will assume legal responsibility for all violations of the applicable national standards in its designated liability area, as specified in paragraph (f)(8) of this section.

(iv) The term "designated liability area" means the geographic area within which emissions from a source may significantly affect the ambient air quality. For the smelters subject to this paragraph, the designated liability area is specified under subparagraph (f)(8)(i) of this section.

(3)(i) The application for permission to comply with this paragraph shall be submitted to the Administrator no later than sixty (60) days following the effective date of this paragraph and shall include the following:

(*a*) A short description of the type and location of the smelter; the process, equipment, raw materials and fuels used; the stacks employed; and emissions to the atmosphere from various points on the smelter premises.

(*b*) A general description and the location of other sources of air pollution and of the uses of land, and the topography in the vicinity of the smelter.

(*c*) A summary of all ambient air quality data in the vicinity of the smelter collected by or under contract to the smelter.

(*d*) A description of the methods of constant emission reduction that is or will be applied and the degree of emission reduction achieved or expected due to their application.

(*e*) A description of the investigations that the owner or operator has made, and the results thereof, as to the availability of constant emission reduction methods that would meet the requirements of paragraphs (e)(2), (e)(3), (e)(4) and (e)(5) of this section and a discussion of the reasons why any potentionally available methods cannot reasonably be used.

(*f*) A specific description of the research, investigations, or demonstrations that the owner or operator will conduct or support for the purpose of developing constant emission reduction technology applicable to the smelter. Such description shall include the resources to be committed, qualifications of the participants, a description of the facilities to be utilized and milestone dates.

(*g*)(*1*) A detailed description of all other measures the owner or operator will apply, in addition to those described in paragraph (f)(3)(i)(*d*) of this section to provide for attainment and maintenance of the air quality standards. These measures include but need not be limited to supplementary control systems, tall stacks and other dispersion techniques. The owner or operator of the source subject to this paragraph shall demonstrate to the Administrator that control measures in addition to the selected constant emission controls are required and that the specific measures submitted pursuant to this subparagraph will provide for the attainment and maintenance of the National Ambient Air Quality Standards.

(*2*) Each measure to be applied shall be described in sufficient detail to allow the Administrator to determine its effectiveness in reducing ambient concentrations.

(*3*) If application is made for the use of supplementary control systems, the application will include all items specified in paragraphs (f)(9), (f)(10) and (f)(11).

(*h*) A written commitment by the owner or operator of the source subject to this paragraph agreeing to assume liability for all violations of National Ambient Air Quality Standards within the designated liability area.

(*i*) Such other pertinent information as the Administrator may require.

(ii) Upon receipt of the information specified in paragraph (f)(3)(i) of this section, and after making a determination of its adequacy, the Administrator promptly shall, after thirty (30) days notice, conduct a public hearing on the application submitted by the owner or operator. The Administrator shall make available to the public the information contained in the application. Within thirty (30) days after the hearing, the Administrator shall notify the owner or operator of the smelter and other interested parties of his decision as to whether to grant or deny the application. If he denies the application, he will set forth his reasons. If he approves the application the owner or operator shall comply with all provisions of paragraph (f) of this section and need not comply with provisions of paragraph (e) of this section except as provided in paragraph (f)(16) of this section.

(4)(i) The owner or operator of the Magma Copper Company San Manuel smelter shall not discharge or cause the discharge of sulfur dioxide into the atmosphere in excess of:

(*a*) 2,600 parts per million-maximum 6-hour average, from any single absorption sulfuric acid producing facility designed for the removal of sulfur dioxide, as determined by the method specified in paragraph (f)(6)(i) or (iii) of this section and

(*b*) 61,670 pounds per hour (28,032 kg/hr) maximum 6-hour average, as determined by the method specified in paragraph (f)(6)(ii) or (iv) of this section. Such limitation shall apply to the sum total of sulfur dioxide emissions from the smelter processing units and sulfur oxides control and removal equipment but not including uncaptured fugitive emissions and those emissions due solely to use of fuel for space heating or steam generation.

(ii) The owner or operator of the American Smelting and Refining Company Hayden smelter shall not discharge or cause the discharge of sulfur dioxide into the atmosphere in excess of:

(*a*) 2,600 parts per million-maximum 6-hour average, from any single absorption sulfuric acid producing facility designed for the removal of sulfur dioxide, as determined by the method specified in paragraph (f)(6)(i) or (iii) of this section and

(*b*) 45,500 pounds per hour (20,684 kg/hr) maximum 6-hour average, as determined by the method specified in paragraph (f)(6)(ii) or (iv) of this section. Such limitation shall apply to the sum total of sulfur dioxide emissions from the smelter processing units and sulfur oxides control and removal equipment but not including uncaptured fugitive emissions and those emissions due solely to use of fuel for space heating or steam generation.

(iii) The owner or operator of the Phelps Dodge Corporation Douglas Reduction Works smelter shall not discharge or cause the discharge of sulfur dioxide into the atmosphere in excess of:

(*a*) 650 parts per million-maximum 6-hour average from any facility designed for the removal of sulfur dioxide, as determined by the method specified in paragraph (f)(6)(i) or (iii) of this section and

(*b*) 88,220 pounds per hour (40,098 kg/hr) maximum 6-hour average, as determined by the method specified in paragraph (f)(6)(ii) or (iv) of this section. Such limitation shall apply to the sum total of sulfur dioxide emissions from the smelter processing units and sulfur oxides control and removal equipment but not including uncaptured fugitive emissions and those emissions due solely to use of fuel for space heating or steam generation.

(iv) The owner or operator of the Phelps Dodge Corporation Morenci Branch smelter shall not discharge or

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cause the discharge of sulfur dioxide into the atmosphere in excess of:

(a) 2,600 parts per million-maximum 6-hour average, from any single absorption sulfuric acid producing facility designed for the removal of sulfur dioxide, as determined by the method specified in paragraph (f)(6)(i) or (iii) of this section and

(b) 63,270 pounds per hour (28,758 kg/hr) maximum 6-hour average, as determined by the method specified in paragraph (f)(6)(ii) or (iv) of this section. Such limitation shall apply to the sum total of sulfur dioxide emission from the smelter processing units and sulfur oxides control and removal equipment but not including uncaptured fugitive emissions and those emissions due solely to use of fuel for space heating or steam generation.

(v) All emissions from the converters and fluid-bed roasters with the exception of the uncaptured fugitive emissions, shall be processed through a facility for the removal of sulfur dioxide which meets the requirements of paragraphs (f)(4)(i)(a), (4)(ii)(a), (4)(iii)(a) and (4)(iv)(a) of this section.

(5)(i) The owner or operator of the smelters to which this paragraph is applicable shall install, calibrate, maintain and operate a measurement system(s) for continuously monitoring sulfur dioxide emissions and stack gas volumetric flow rates in each stack which emits 5% or more of the total potential (without emission controls) hourly sulfur oxides emissions from the source. For the purpose of this paragraph, "continuous monitoring" means the taking and recording of at least one measurement of sulfur dioxide concentration and stack gas flow rate reading from the effluent of each affected stack in each 15-minute period.

(ii) No later than the applicable date specified in paragraph (f)(14)(i)(c)(5) or (14)(i)(c)(6) of this section and at such other times in the future as the Administrator may reasonably specify, the sulfur dioxide concentration measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendix D to this Part.

(iii) No later than the applicable date specfied in paragraph (f)(1)(14)(c)(5) or (14)(i)(c)(6) of this section and at such other times in the future as the Administrator may reasonably specify, the stack gas volumetric flow rate measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendix E to this Part.

(iv) The Administrator shall be notified at least 10 days in advance of the start of the field test period required in Appendices D and E to this Part to afford the Administrator the opportunity to have an observer present.

(v)(a) The sampling point shall be at least eight stack diameters (diameter measured at sampling point) downstream and two diameters upstream from any flow disturbance such as a bend, expansion, constriction or visible flame.

(b) The sampling point for monitoring emissions shall be in the duct at the centroid of the cross section if the cross sectional area is less than 4.647 m^2 (50 ft^2) or at a point no closer to the wall than 0.914 m (3 ft) if the cross sectional area is 4.647 m^2 (50 ft^2) or more. The monitor sample point shall be an area of small spatial concentration gradient and shall be representative of the concentration in the duct.

(vi) The measurement system(s) installed and used pursuant to this section shall be subjected to the manufacturer's recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed. Records of these procedures shall be made which clearly show instrument readings before and after zero adjustment and calibration.

(vii) Six-hour average sulfur dioxide concentration and emission rates shall be calculated in accordance with paragraph (f)(6) of this section, and recorded daily.

(viii) The owner or operator of the smelters subject to this paragraph shall maintain a record of all measurements required by this subparagraph. Measurement results shall be expressed in the units prescribed by the emission limitations in paragraph (f)(4) of this section. Six-hour average values calculated pursuant to paragraph (f)(6)(i) and (ii) of this section shall be reported as of each hour for the preceding six hours. The results shall be summarized monthly and shall be submitted to the Administrator within fifteen (15) days of the end of each month. A record of such measurements shall be retained for at least two years following the date of such measurements.

(6)(i) Compliance with the requirements of paragraphs (f)(4)(i)(a), (4)(ii)(a), (4)(iii)(a) and (4)(iv)(a) of this section shall be determined using the measurements system(s) installed, calibrated, maintained and operated in accordance with the requirements of paragraph (f)(5) of this section. For the stack(s) equipped with the measurement system(s) required by paragraph (f)(5) of this section and serving the sulfur dioxide removal device a 6-hour average sulfur dioxide concentration shall be calculated as of the end of each clock hour for the preceding six hours, in the following manner:

(a) Divide each 6-hour period into twenty-four 15-minute segments.

(b) Determine on a compatible basis a sulfur dioxide concentration measurement for each 15-minute period. These measurements may be obtained either by continuous integration of all measurements (from the respective affected facility) recorded during the 15-minute period or from the arithmetic average of any number of sulfur dioxide concentration readings equally spaced over the 15-minute period. In the latter case, the same number of concentration readings shall be taken in each 15-minute period and the readings shall be similarly spaced within each 15-minute period.

(c) Calculate the arithmetic average of all 24 concentration measurements in each 6-hour period for each stack. All measurements will be reported in lbs SO_2/hr.

(d) Total the average sulfur dioxide emission rates for all affected stacks.

(iii) Notwithstanding the requirements of paragraph (f)(6)(i) of this section, compliance with the requirements of paragraphs (f)(4)(i)(a), (4)(ii)(a), (4)(iii)(a) and (4)(iv)(a) of this section shall also be determined by using the methods described below at such times as may be specified by the Administrator. For each stack serving any facility designed for the removal of sulfur dioxide a 6-hour average sulfur dioxide concentraiton shall be determined as follows:

(a) The test of each stack emission concentration shall be conducted while the processing units vented through such stack are operating at or above the maximum rate at which such will be operated and under such other conditions as the Administrator may specify.

(b) Concentrations of sulfur dioxide in emissions shall be determined by using Method 8 as described in Part 60 of this chapter. The analytical and computational portions of Method 8 as they relate to determination of sulfuric acid mist and sulfur trioxide as well as isokinetic sampling may be omitted from the over-all test procedure.

(c) Measurements of sulfur dioxide concentration shall be made in each stack during three independent 6-hour periods. Each 6-hour period will consist of three consecutive 2-hour measurement periods. Measurements of emissions from all stacks on the smelter premises need not be conducted simultaneously. All tests must be completed within a 72-hour period.

(d) In using Method 8, traversing shall be conducted according to Method 1 as desribed in Part 60 of this chapter. The minimum sampling volume for each two hour test shall be 40 ft^3 corrected to standard conditions, dry basis.

(e) The velocity of the total effluent from each stack evaluated shall be determined by using Method 2 as described in Part 60 of this chapter and traversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3 as described in Part 60 of this chapter. Moisture content can be considered to be zero.

(f) The gas sample shall be extracted at a rate proportional to gas velocity at the sampling point.

(g) The sulfur dioxide concentration in parts per million-maximum 6-hour average for each stack is determined by calculating the arithmetic average of the six-hour values calculated pursuant to paragraph (f)(6)(iii)(c) of this section.

(iv) Notwithstanding the requirements of paragraph (f)(6)(ii) of this section, compliance with the requirements of paragraphs (f)(4)(i)(b), (4)(ii)(b), (4)(iii)(b) and (4)(iv)(b) of this section shall also be determined by using the methods described below at such times as may be specified by the Administrator. For all stacks equipped with the measurement system(s) required by paragraph (f)(5) of this section, a 6-hour average sulfur dioxide emission rate (lbs SO_2/hr) shall be determined as follows:

(a) The test of each stack emission rate shall be conducted while the processing units vented through such stack are operating at or above the maximum rate at which they will be operated and under such other conditions as the Administrator shall specify.

(b) Concentrations of sulfur dioxide in emissions shall be determined by using Method 8 as described in Part 60 of this chapter. The analytical, and computational portions of Method 8 as they relate to determination of sulfuric acid mist and sulfur trioxide as well as isokinetic sampling may be omitted from the overall test procedure.

(c) Measurements of sulfur dioxide concentrations and stack gas volumetric flow rates shall be made in each stack during three independent 6-hour periods. Each six-hour period will consist of three consecutive two-hour measurement periods. Measurements of emissions from all stacks on the smelter premises need not necessarily be conducted simultaneously. All tests must be completed within a 72-hour period.

(d) In using Method 8, traversing shall be conducted according to Method 1 as described in Part 60 of this chapter.

The minimum sampling volume for each 2-hour test shall be 40 ft^3 corrected to standard conditions, dry basis.

(e) The volumetric flow rate of the total effluent from each stack evaluated shall be determined by using Method 2 as described in Part 60 of this chapter and by traversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3 as described in Part 60 of this chapter. Moisture content shall be determined by use of Method 4 as described in Part 60 of this chapter except that stack gases arising only from a sulfuric acid production unit may be considered to have zero moisture content.

(f) The gas sample shall be extracted at a rate proportional to the gas velocity at the sampling point.

(g) For each 2-hour test period, the sulfur dioxide emission rate for each stack shall be determined by multiplying the stack gas volumetric flow rate (ft^3/hr at standard conditions, dry basis) by the sulfur dioxide concentration (lb/ft^3 at standard conditions, dry basis). The emission rate in lbs/hr-maximum 6-hour average for each stack is determined by calculating the arithmetic average of the results of the three two-hour tests conducted within a six-hour period.

(h) The average emission rate from the three independent sets of measurements in lbs/hr-maximum six-hour average for each stack is determined by calculating the arithmetic average of the six-hour values calculated pursuant to subparagraph (6)(iv)(g) of this paragraph.

(i) The sum total of sulfur dioxide emissions from the smelter premises in lbs/hr is determined by adding together the emission rates (lbs/hr) from all stack equipped with the measurement system(s) required by paragraph (f)(5) of this section.

(7) The owner or operator of the smelter subject to this paragraph, in addition to meeting the emission limitation requirements of paragraph (f)(4) of this section, shall employ supplementary control systems and/or such additional control measures as may be necessary to assure the attainment and maintenance of the National Ambient Air Quality Standards for sulfur dioxide.

(i) Such measures will be limited to those specified in the application submitted pursuant to paragraph (f)(3)(i)(g) of this section.

(ii) Sulfur oxides emissions shall be curtailed whenever the potential for violating any National Ambient Air Quality Standard for sulfur dioxide is indicated at any point in a designated liability area by either of the following:

(a) Air quality measurement.

(b) Air quality prediction.

(8)(i) The designated liability area for Magma Copper Company, San Manuel, shall be identified as the area enclosed by a circle with a radius of (15) statute miles (24 km) with the center point of such circle coinciding with the tallest stack serving the affected facility.

(ii) The designated liability area for the American Smelting and Refining Company, Hayden, shall be identified as the area enclosed by a circle with a radius of (10) statute miles (16 km) with the center point of such circle coinciding with the tallest stack serving the affected facility.

(iii) The designated liability area for the Phelps Dodge Corporation, Douglas Reduction Works, shall be identified as the area enclosed by a circle with a radius of (25) statute miles (40 km) with the center point of such circle coinciding with the tallest stack serving the affected facility.

(iv) The designated liability area for the Phelps Dodge Corporation Morenci Branch, shall be identified as the area enclosed by a circle with a radius of (15) statute miles (24 km) with the center point of such circle coinciding with the tallest stack serving the affected facility.

(v) The owner or operator of the smelter subject to this paragraph may submit a detailed report which justifies redefining the designated liability area specified by the Administrator. Such a justification shall be submitted with the application submitted pursuant to paragraph (f)(3)(i) of this section and shall describe and delineate the requested designated liability area and discuss in detail the method used and the factors taken into account in the development of such area. Upon receipt and evaluation of such report, and after the public hearing described in paragraph (f)(3)(ii) of this section, the Administrator shall issue his final determination.

(ii) If new information becomes available which demonstrates that the designated liability area should be redefined, the Administrator shall consider such and if appropriate, after notice and comment, redefine the designated liability area.

(9)(i) The owner or operator of the smelter subject to the paragraph shall submit with the application submitted pursuant to paragraph (f)(3)(i) of this section, a detailed plan for the operation of a supplementary control system and such other measures as may be proposed. Such plan shall describe all air quality and emission monitoring and meteorological equipment used, including instruments installed pursuant to paragraph (f)(5) of this section for continuously monitoring and recording sulfur dioxide emissions and stack gas flow rate, the methods that will be used to determine emission rates to be achieved in association with various meteorological and air quality situations, and the general plan of investigations to be followed in developing the system and the operational manual.

(ii) Such plan shall include detailed specifications of any modifications to existing equipment including new stacks, stack extensions, stack heating systems or any process changes to be applied.

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(iii) The monitoring described in the detailed plan submitted in accordance with this subparagraph and the appropriate recordkeeping requirements of paragraph (f) (12) of this section shall commence and become applicable as of the date specified in paragraph (f) (14) (i) (*b*) (*4*) of this section.

(10) The owner or operator of the smelter subject to this paragraph shall submit to the Administrator with the application submitted pursuant to paragraph (f) (3) (i), of this section, a comprehensive report of a study which demonstrates the capability of the supplementary control system, in conjunction with any other control measures, to prevent violations of National Ambient Air Quality Standards. The report shall describe a study conducted during a period of at least 120 days during which the supplementary control system was being developed and operated. The report shall:

(i) Describe the emission monitoring system and the air quality monitoring network.

(ii) Describe the meteorological sensing network and the meteorological prediction program.

(iii) Identify the frequency, characteristics, times of occurrence and durations of meteorological conditions associated with high ground-level concentrations.

(iv) Describe the methodology (e.g., dispersion modeling and measured air quality data) by which the source determines the degree of control needed under each meterological situation.

(v) Describe the method chosen to vary the emission rate, the basis for the choice, and the time required to effect a sufficient reduction in the emission rate to avoid violations of National Ambient Air Quality Standards.

(vi) Contain an estimate of the frequency that emission rate reduction is required to prevent National Ambient Air Quality Standards from being exceeded and the basis for the estimate.

(vii) Include data and results of objective reliability tests. "Reliability", as the term is applied here, refers to the ability of the supplementary control system to protect against violations of the National Ambient Air Quality Standards.

(viii) Demonstrate that the supplementary control system and other measures expected to be employed after the applicable date specified in paragraph (f) (14) (i) (*c*) (*5*) or (f) (14) (i) (*c*) (*6*) of this section will result in attainment and maintenance of National Ambient Air Quality Standards.

(11) The owner or operator of the smelter subject to this paragraph shall submit to the Administrator with the application submitted pursuant to paragraph (f) (3) (i) of this section, an operational manual for the supplementary control system. Such manual shall:

(i) Specify the number, type, and location of ambient air quality monitors, in-stack monitors and meteorological instruments to be used.

(ii) Describe techniques, methods, and criteria to be used to anticipate the onset of meteorological situations associated with ground-level concentrations in excess of National Ambient Air Quality Standards and to systematically evaluate and, as needed, improve the reliability of the supplementary control system.

(iii) Describe the criteria and procedures that will be used to determine the degree of emission control needed for each class of meteorological and air quality situations.

(iv) Specify maximum emission rates which may prevail during all probable meteorological and air quality situations, which rates shall be such that National Ambient Air Quality Standards will not be exceeded in the designated liability area. Such emission rates shall be determined by in-stack monitors. Data from such monitors shall be the basis for determining whether the emission rate provisions of the approved operational manual are adhered to.

(v) Describe specific actions that will be taken to curtail emissions when various meteorological conditions described in subsection (ii) of this subparagraph exist or are predicted and/or when specified air quality levels occur.

(vi) Identify the company personnel responsible for initiating and supervising the actions that will be taken to curtail emissions. Such personnel must be responsible, knowledgeable and able to apprise the Administrator of the status of the supplementary control system at any time the source is operating.

(vii) Be modified only if approval by the Administrator is first obtained.

(12) The owner or operator of the smelter subject to this paragraph shall:

(i) Maintain, in a usable manner, records of all measurements and reports prepared as part of the supplementary control system described in the approved operational manual. Such records shall be retained for at least two years.

(ii) Submit, on a monthly basis, the hour by hour measurements made of air quality, emissions and meteorological parameters, and all other measurements made on a periodic basis, as part of the approved supplementary control system.

(iii) Submit a monthly summary indicating all places, dates, and times when National Ambient Air Quality Standards for sulfur oxides were exceeded and the concentrations of sulfur dioxide at such times.

(iv) Notify the Administrator of any violation of National Ambient Air Quality Standards within 24 hours of the occurrence of such violation.

(v) Submit a monthly summary report describing and analyzing how the supplementary control system was operated as related to the approved operations manual and how the system will be improved, if necessary, to prevent violations of the National Ambient Air Quality Standards for sulfur oxides or to prevent any other conditions which are not in accordance with the approved operational manual.

(13) (i) The owner or operator of the smelter subject to this paragraph shall participate in a research program to develop and apply constant emission reduction technology adequate to attain and maintain the national standards. Such program shall be carried out in accordance with the plan submitted pursuant to paragraph (f) (3) (i) (*f*) of this section.

(ii) The owner or operator of the smelter subject to this paragraph shall submit annual reports on the progress of the research and development program required by subparagraph (f) (13) (i) of this section. Each report shall also include, but not be limited to, a description of the projects underway, information on the qualifications of the personnel involved, information on the funds and personnel that have been committed, and an estimated date for the installation of the constant emission reduction technology necessary to attain and maintain the National Ambient Air Quality Standards.

(14) (i) The owner or operator of the smelter subject to this paragraph shall comply with the compliance schedules specified below.

(*a*) Compliance schedule for meeting the emission reduction requirements of paragraphs (f) (4) (i), (f) (4) (ii) and (f) (4) (iv) of this section:

(*1*) No later than thirty (30) days after the date of approval to meet the requirements of this paragraph—Submit a final plan and schedule to the Administrator for meeting the requirements of paragraphs (f) (4) (i), (f) (4) (ii) and (f) (4) (iv) of this section.

(*2*) May 1, 1976—Submit a report on progress in meeting the requirements of paragraph (f) (4) of this section.

(*3*) September 1, 1976—Achieve final compliance with the requirements of paragraph (f) (4) of this section.

(*b*) Compliance schedule for meeting the emission reduction requirements of paragraph (f) (4) (iii) of this section:

(*1*) No later than thirty (30) days after the date of approval to meet the requirements of this paragraph—Submit a final plan and schedule to the Administrator for meeting the requirements of paragraph (f) (4) of this section.

(*2*) No later than thirty (30) days after the date of approval to meet the requirements of this paragraph—Let contracts or issue purchase order for emission control systems or process modifications or provide evidence that such contracts have been let.

(*3*) July 1, 1976—Initiate on-site construction or installation of emission control equipment or process change.

(*4*) July 31, 1977—Complete on-site construction or installation of constant emission control equipment or process change.

(*5*) July 31, 1977—Achieve final compliance with the requirements of paragraph (f) (4) of this section.

(*c*) Compliance schedule for implementing a supplementary control system or other measures which meet the requirements of paragraphs (f) (7), (9), (10), and (11) of this section:

(*1*) No later than sixty (60) days after approval to meet the requirements of this paragraph—Submit to the Administrator a detailed schedule for implementation of the supplementary control system and other measures in accordance with paragraph (f) (9) of this section.

(*2*) July 1, 1976—Complete installation of air quality and emission monitors and meteorological equipment.

(*3*) July 1, 1976—Complete installation of any stack extensions or modifications of equipment approved pursuant to paragraph (f) (3) of this section.

(*4*) September 1, 1976—Commence record keeping and reporting requirements of paragraph (f) (12) of this section.

(*5*) September 1, 1976—The National Ambient Air Quality Standards for sulfur dioxide shall not be violated in the designated liability areas identified in paragraphs (f) (8) (i), (f) (8) (ii) and (f) (8) (iv) of this section.

(*6*) July 31, 1977—The National Ambient Air Quality Standards for sulfur dioxide shall not be violated in the designated liability area identified in paragraph (f) (8) (iii) of this section.

(ii) Any owner or operator subject to the requirements of this subparagraph shall certify to the Administrator within five (5) days after the deadline for each increment of progress whether or not the required increment of progress has been met.

(iii) Notice must be given to the Administrator at least ten (10) days prior to conducting a performance test to afford him the opportunity to have an observer present.

(iv) If the source subject to this paragraph is presently in compliance with any of the increments of progress set forth in this subparagraph, the owner or operator of such source shall certify such compliance to the Administrator within thirty (30) days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary to determine the validity of the certification.

(v) The owner or operator of the smelter subject to this paragraph may submit to the Administrator proposed alternative compliance schedules. Each such proposed compliance schedule shall be submitted with the application submitted pursuant to paragraph (f) (3) (i) of this section. No such compliance schedule may provide for final compliance after July 31, 1977. If approved by the Administrator, such schedule shall replace the compliance schedule set forth in this subparagraph.

(vi) Any such compliance schedule submitted to the Administrator shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to, the increments specified in the appropriate compliance schedule set forth in paragraphs (f) (14) (i) (*a*), (14) (i) (*b*) and (14) (i) (*c*) of this section.

(15) (i) The Administrator shall annually review the supplementary control system and shall deny continued use of the supplementary control system if he determines that:

(*a*) The review indicates that additional constant emission control technology has become reasonably available or that other factors which may bear on the conditions for use of a supplementary control system have changed to the extent that continued use of the supplementary control system would no longer be deemed approvable within the intent of paragraph (f) (3) of this section; or

(*b*) The source owner or operator has not demonstrated good faith efforts to follow the stated program for developing new constant emission reduction procedures; or

(*c*) The source owner or operator has not developed and employed a control program that is effective in preventing violations of National Ambient Air Quality Standards.

(ii) Prior to denying the continued use of a supplementary control system pursuant to paragraph (f) (15) (i) of this section, the Administrator shall notify the owner or operator of the smelter subject to this paragraph of his intent to deny such continued use, together with:

(*a*) The information and findings on which such intended denial is based.

(*b*) Notice of opportunity for such owner or operator to present, within arguments to the Administrator prior to his final determination.

(iii) The Administrator shall notify the owner or operator of the smelter subject to this paragraph of his final determination within thirty (30) days after the presentation of additional information or arguments, or thirty (30) days after the final date specified for such presentation if no presentation is made. If the continued use of the supplementary control system is denied, the final determination shall set forth the specific grounds for such denial.

(16) Upon denial of the continued use of a supplementary control system pursuant to paragraph (f) (15) of this section all the requirements of paragraph (e) of this section shall be immediately applicable and compliance therewith shall be achieved in accordance with such schedule as the Administrator shall order.

(17) The owner or operator of the smelter subject to this paragraph shall be in violation of a requirement of an applicable implementation plan and subject to the penalties specified in Section 113 of the Clean Air Act if:

(i) an increment of the compliance schedules set forth in paragraph (f) (14) of this section is not met by the date specified; or

(ii) the total sulfur dioxide concentration determined according to paragraph (f) (6) (i) or (ii) of this section exceeds the emission limitation set forth in paragraph (f) (4) (i) (*a*), (4) (ii) (*a*), (4) (iii) (*a*) and (4) (iv) (*a*) of this section; or

(iii) the total sulfur dioxide emission rate determined according to paragraph (f) (6) (ii) or (iv) of this section exceeds the emission limitation set forth in paragraph (f) (4) (i) (*b*), (4) (ii) (*b*), (4) (iii) (*b*) and (4) (iv) (*b*) of this section; or

(iv) any National Ambient Air Quality Standards for sulfur oxides are violated in the designated liability area; or

(v) operations of the supplementary control system are not conducted in accordance with the approved operational manual; or

(vi) such owner or operator fails to submit any of the information required by this paragraph.

(g) *Reporting procedures for Excess Sulfur Oxides Emissions: Copper Smelters*

(1) The provisions of this paragraph are applicable to the copper smelters identified in paragraph (e) of this section.

(2) All terms used in this paragraph but not specifically defined below shall have the meaning given them in the Clean Air Act or Parts 51, 52, or 60 of this chapter.

(i) The term "excess emisions" means an emission rate which exceeds any applicable emission limitation prescribed by paragraph (e) or paragraph (f) of this section. The definition of excess emissions includes any converter or fluid bed roaster emissions that by-pass a sulfur dioxide removal facility required under the provisions of paragraph (f) of this section.

(ii) The term "malfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment to operate in a normal manner. Failure that is caused entirely or in part by poor maintenance, careless operation, or any other preventable condition shall not be considered a malfunction.

(iii) The term "start-up" means the setting into operation of any air pollution equipment or process equipment for any purpose.

(iv) The term "shutdown" means the cessation of operation of any air pollution control equipment or process equipment for any purpose.

(v) The term "scheduled maintenance" means the planned servicing or repair of any air pollution control equipment or process equipment.

(3) The owner or operator of the smelter subject to this paragraph shall notify the Region IX Office of the Environmental Protection Agency to the attention of the Director, Enforcement Division, as indicated below, when any of the applicable emission limitations in paragraph (d) or (e) of this section are not met.

(i) The owner or operator of the smelter subject to this paragraph shall evaluate the impact on air quality of any period of excess emissions and notify the Director, Enforcement Division, if any Company owned or operated ambient air quality monitors located in the vicinity of the source indicate that any 24-hour and/or 3-hour national ambient air quality standard for SO_2 has been exceeded. Such notification shall be made by telephone (415–556–0102 or 415–556–6254) within 24 hours of the occurrence

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of measurements in excess of these short-term standards, and shall be confirmed by submitting written notification within five days of such occurrence.

(ii) For any period of excess emissions the owner or operator of the smelter subject to this paragraph shall submit written notification of all excess emissions for each month in which such excess emissions occur. Each monthly report shall be submitted within fifteen days following the end of each month together with the applicable monthly progress reports required by paragraph (e) (8) (viii) or (f) (5) (viii) of this section.

(iii) Each notification required pursuant to paragraph (g) (3) (ii) of this section shall include:

(*a*) The identity of the stack and/or other emission points where the excess emissions occurred;

(*b*) The magnitude of the excess emissions expressed in the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;

(*c*) The time and duration of the excess emissions;

(*d*) The identity of the equipment causing the excess emissions;

(*e*) The nature and cause of such excess emissions; (i.e. malfunction, start-up, shutdown, scheduled maintenance, other)

(*f*) The measured or estimated ambient SO_2 concentrations which occurred or were expected to occur during the period;

(*g*) The steps taken to limit the excess emissions and the resultant impact on ambient air quality during the period of the malfunction, start-up, scheduled maintenance or shutdown.

(4) (i) The owner or operator of the smelter subject to this paragraph shall, as a part of the monthly report required by paragraph (g) (3) (ii) of this section report the following:

(*a*) The air pollution control equipment, process equipment or processes were at all times maintained and operated, to the maximum extent practicable, in a manner consistent with good practice for minimizing emissions;

(*b*) Repairs were made as expeditiously as practicable, including the use of off-shift labor and overtime.

(*c*) The amount and duration of the excess emissions were minimized to the maximum extent practicable during periods of such emissions;

(*d*) All possible steps were taken to minimize the impact of the excess emissions on ambient air quality;

(*e*) If the excess emissions were the result of a malfunction, the steps taken to remedy the malfunction and the steps taken or that will be taken to prevent the reoccurrence of such malfunction;

(5) In the event that the owner or operator of the smelter subject to this paragraph has been granted permission by the Administrator to use a supplementary control system pursuant to the provisions of paragraph (f) of this section, nothing in this section shall be construed to relieve the owner or operator of the smelter subject to this paragraph from his assumed liability for all violations of any applicable ambient air quality standard which occur in the designated liability area, including those violations that occur as the result of a malfunction, start-up, scheduled maintenance, or shutdown.

(6) Nothing in this section shall be construed to limit the authority of the Administrator to institute actions under Section 113 or Section 303 of the Clean Air Act.

(7) In determining the nature of and/or need for enforcement actions under the provisions of the Clean Air Act, the Administrator will give serious consideration to the information reported under paragraph (g) (3) and (4) of this section.

[FR Doc.75-28367 Filed 10-21-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

PROPOSALS FOR INCREASED PRICING FLEXIBILITY

Notice of Proposed Rulemaking and Public Hearing

I. *Introduction.* The Federal Energy Administration hereby gives notice of several proposals to amend Title 10, Part 212, Subparts E and F of the Code of Federal Regulations, in order to provide greater pricing flexibility in the current situation of continuing general adequacy of supply of petroleum products, and for other purposes. The proposals are (1) to permit limited regional pricing by refiners, resellers, and retailers, (2) to delete the once-a-month price increase limitation applicable to sales of gasoline and No. 2 oils by refiners, resellers and retailers, (3) to permit certain reallocation of product cost increases among products by resellers and retailers, and (4) to consider the impact of a recent ruling concerning prices charged that are less than the maximum price permitted under § 212.93(b) to reflect non-product cost increases of resellers and retailers (Ruling 1975–16) with a view toward possible clarification and/or modification of the regulations on either a prospective or retroactive basis. The FEA will receive written comments and hold a public hearing with respect to these proposals.

II. *Proposals.* A. *Regional pricing by refiners, resellers and retailers.* On September 6, 1974, the FEA issued a Notice proposing a number of amendments to the Mandatory Petroleum Price Regulations (30 FR 32718, September 10, 1974). One of the amendments that was proposed but on which action was deferred was a modification of the regulations to afford refiners a certain amount of "regional pricing flexibility." The proposal was made in furtherance of the overall FEA objective of permitting market forces to play a greater role in the allocation of petroleum supplies. Thus, FEA stated in its September 6, 1974 notice of proposed rulemaking:

> The FEA is aware that the equal application of increased product cost requirement is responsible for an inflexibility in the price regulations which becomes more troublesome and causes more dislocations in the market as supplies of petroleum products increase and there is greater need for the price mechanism to begin to play its customary role in the market.
>
> A principal problem with the current regulations results from the fact that some refiners market their products nationally, while others market on a regional basis. A refiner marketing on a national basis is required, for example, to add an equal increment to its May 15, 1973 prices for gasoline throughout the country. It may, however, be competing with regional marketers in one area that have prices on the average that are above its prices, while in another region, the regional marketers may have lower prices. The equal application requirement, in such circumstances, runs counter to the interests of independent regional marketers whose prices are higher than the national refiner's prices, since the national refiner would tend to expand its market at the expense of the higher-priced independent regional refiner in those circumstances.
>
> In effect, a nationwide refiner is unable to adjust its prices on a regional basis and must, as a practical matter, choose an increment of increased product cost to add to its May 15, 1973 prices which results in selling prices that are too high to be competitive in some markets and are too low in other markets.
>
> The FEA is aware that any relaxation of its equal application requirements on an area or regional basis could result in disproportionate passthrough of increased product costs in different regions of the country. On the other hand, there has traditionally been regional price flexibility which serves, among other things to even out supply among various regions.

This proposal was not adopted by the FEA, principally because of opposition to the proposal that was expressed by spokesmen from regions of the country where it was anticipated that higher prices—particularly for home heating oil—would result; and because certain administrative problems in implementing the proposal were foreseen.

The FEA nevertheless continues to be of the view that at least a limited amount of regional pricing flexibility should be permitted, as an essential step toward reducing the rigidity of the pricing regulations, and that it should be available both with respect to refiners and with respect to resellers.

In light of the comments submitted in the September proceeding, it appears that the best method for implementing a regional price rule for refiners would be to permit an absolute differential—rather than a percentage differential as was proposed in the September proceeding—in the amount of increased costs which may be applied to May 15, 1973 selling prices in determining the current lawful selling price of a particular product. Accordingly, a differential among regions of up to two cents per gallon in the amount of increased costs that could be applied to determine the selling price of each particular covered product is proposed.

Comments are requested on whether this is an appropriate amount of regional price flexibility at current price levels. Also, in light of the comments received in the September proceeding, FEA proposes to consider the need and justification for regional price flexibility on a product-by-product basis. Thus, for example, FEA may conclude on the basis of information submitted in this proceeding that regional pricing flexibility is appropriate for gasoline, but not for No. 2 oils. In this regard, comments are specifically requested on the extent to which regional price variations occurred with respect to particular products prior to the implementation of the present system of price controls.

A principal issue with respect to regional price flexibility has been the definition of the "region" within which equal application of increased costs will continue to be required. The principal alternatives that have been suggested are the pricing regions or zones historically used by the seller concerned; individual states; PAD districts as defined in § 211.51; FEA Regions; or Standard Metropolitan Statistical Areas. The FEA has tentatively concluded that a state represents an appropriate region for this purpose.

Generally, the smaller the region, the more difficult it would be for FEA to audit and otherwise to administer its price regulation program, whereas larger regions would make auditing and administration easier. On the other hand, larger regions would afford lesser pricing flexibility than smaller regions.

A further consideration in regard to regional pricing rules for refiners is the extent to which such flexibility might afford an opportunity for refiners to grant price benefits to regions in which they have a high percentage of sales through refiner owned and operated outlets, in preference to regions where a greater percentage of sales is made through independent outlets. Comments are therefore specifically requested on the extent to which the definition of region which is selected, or other aspects of any regional pricing rule, would tend to afford such opportunity, and whether there are any factual circumstances or regulatory provisions that could or would militate against or prevent refiners from adopting regional price differentials in the manner described.

With respect to many resellers and retailers, there is less need for regional price flexibility, since many such firms operate only a single outlet, or a number of outlets within a relatively small geographical area. There are, however, some resellers and retailers that have multiple outlets located over large geographical areas.

As to such firms, the FEA has interpreted the reseller and retailer price rules to require a single firm-wide calculation of "increased costs" for each product under § 212.92, based on the weighted average unit cost of product in that firm's total inventory.

One means of implementing a regional price rule for resellers and retailers would be to permit such firms to calculate their "cost of product in inventory" pursuant to § 212.92 based on separate inventories, to the extent that such inventories were maintained pursuant to the customary accounting procedures generally accepted and historically and consistently applied by the firm concerned. Firms that used such separate inventory calculations would be required to maintain records to show that the accounting methods used were in compliance with this requirement. Comments are therefore specifically requested as to whether this approach would be an appropriate means of affording regional pricing flexibility to resellers and retailers, or whether the proposed means of affording regional pricing flexibility for refiners would be appropriate for resellers and retailers. Also, with respect to the proposal that resellers and retailers be permitted to use more than a single firm-wide inventory for purposes of computing increased costs, comments are requested as to whether this would result generally in separate cost of inventory calculations according to the physical location of the product, according to the location of sales outlets or distribution points, or according to some other criteria.

B. *Elimination of the once-a-month price increase restriction in sales of gasoline and No. 2 oils by refiners, resellers and retailers.* The rules limiting price increases in sales of No. 2 oils and gasoline by refiners (through their marketing outlets), resellers and retailers to once each month have been in place since the Phase IV Petroleum price regulations were initially adopted by the Cost of Living Council in August, 1973. Initially, this limitation served two principal objectives. First, in a period of short supply and rising costs, it cushioned the inflationary impact that would otherwise have resulted from more rapid price increases. Second, with respect to refiners, which are on a calendar month basis for purposes of measuring increased costs and cost recovery under FEA regulations, the rule simplified FEA audit procedures.

More recently, however, in the current conditions of ample product supply, the rules have become less operationally effective and may even be having the counter-productive effect of influencing sellers to maintain prices at higher levels than they otherwise would, in the absence of such a rule.

Thus, for example, a seller may need to increase its prices early in a month. Although market conditions at the time might be such as would ordinarily lead to a minimal or less than the maximum allowable price increase, the seller has an incentive to increase its prices as much as possible because of the current prohibition against any further price increases in the same month. However, if the once-a-month rule were eliminated, the seller would not be encouraged to charge higher prices sooner (within lawful maximum allowable price levels) but would tend to hold back price increases or to institute more gradual price increases, in line with competitive market conditions.

Also, although the limitation to once-a-month price increases simplified the audit of refiner compliance with FEA price rules, the price rules with respect to resellers and retailers do not necessarily operate on a calendar month basis, and the limitation to one price increase each month has led to undue complexity and certain confusion in the application of those rules, particularly for resellers and retailers with multiple suppliers. Thus, compliance and audit of resellers and retailers would be simplified by the proposed change.

C. *Reallocation of increased costs among products by resellers and retailers.* Under the price rules applicable to refiners, a dollar-for-dollar passthrough of increased product costs is afforded by permitting the increased costs of crude oil to be allocated among the products refined from crude oil. With respect to resellers and retailers, (firms which purchase covered products and resell them without substantially changing their form) a dollar-for-dollar passthrough of increased product costs is afforded under the Reseller-Retailer price rules on a product-by-product basis without reallocation of those costs among products.

This treatment of increased cost passthrough by resellers and retailers is consistent with the fact that resellers and retailers do not change the form of the product which is purchased and resold, so that whatever increased costs are incurred in the purchase of a product are passed on in sales of the same product. On the other hand, this treatment does not afford resellers and retailers the same pricing flexibility which is afforded to refiners, and resellers and retailers are therefore more restricted in their ability to respond to market conditions than are refiners. In light of the current adequate supply levels and in an effort to help facilitate competitive pricing practices by resellers and retailers, the FEA is proposing to permit the reallocation of increased product costs among products by resellers and retailers to the same extent that increased costs may be reallocated by refiners.

Thus, under the proposal, resellers would not be permitted to reallocate any increased costs to propane or No. 2 oils; nor would they be permitted to reallocate increased costs of products other than general refinery products to general refinery products (as defined in § 212.83(c)). Resellers could, however, reallocate the increased cost of any product to prices charged for gasoline, and could also reallocate costs among general refinery products.

D. *Comments on ruling 1975–16.* FEA Ruling 1975–16 (40 FR 48034, September 4, 1975) made explicit an aspect of the reseller and retailer price regulations. The ruling states that there is no provision in the regulations whereby sellers that have not charged the higher prices permitted by § 212.93(b) to reflect non-product cost increases may carry forward the amounts by which their prices

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have been less than those permitted by § 212.93(b), in order to charge higher prices in a subsequent time period. The ruling provides guidelines for determining the amounts which may be carried forward for future recovery, where prices charged are less than the maximum permissible amount.

Since the issuance of this ruling, comments have been received which indicate that there may have been some misunderstanding of the import of the regulations that were dealt with in the ruling and that the regulations should be modified to adopt, at least in part, the flexibility that many members of the industry apparently thought existed previously. Accordingly, FEA will receive comments in this proceeding on such proposed amendments. Comments are specifically requested on what the alternative interpretations of these regulations may have been, on the specific results of the application of the current regulations as interpreted by Ruling 1975–16, to particular firms, and on whether amendments to the regulations, if adopted, should be applied on a retroactive basis.

In this connection the FEA has included for comment a proposed new provision at § 212.93(e)(1) which would clarify the existing regulations by incorporating by express provision the basic rule enunciated in Ruling 1975–16—*i.e.*, that prices charged which are less than those permitted by § 212.93(b) do not result in amounts which can be carried forward by sellers for later use. Further revisions to § 212.93(e) are also proposed, in order to clarify this aspect of the rules providing for the dollar-for-dollar passthrough of increased product costs by resellers and retailers, and in order to conform the language of the rule to the proposed deletion of the once each month price increase restriction.

III. *Procedures for comment.* Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to one or more of the four proposals set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box ER, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Proposals for Increased Pricing Flexibility." Comments should also clearly indicate which of the four proposals the submission is in response to, and if in response to more than one of the four proposals covered by these proceedings, comments should be segregated on separate pages with the party's name on each page or section to facilitate separate FEA review of each proposal. Fifteen copies should be submitted. All comments received by November 6, 1975 before 4:30 p.m., e.d.t., and all relevant information, will be considered by the Federal Energy Administration before final action is taken on the proposed amendment.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

The public hearing in this proceeding will be held at 9:30 a.m., e.d.t., on Tuesday, November 11, 1975, and will be continued, if necessary on Wednesday, November 12, 1975, in Room 2105, 2000 M St., N.W., Washington, D.C., in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in the proposed amendment issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendment, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.d.t., on Monday, November 3, 1975. Such a request may be hand-delivered to Room 3309, Federal Building, 12th & Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through Friday, November 7, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.t., Wednesday, November 5, 1975 and must submit 100 copies of his statement to Executive Communications, FEA, Room 2214, 2000 M St., N.W., Washington, D.C. 20461, before 4:30 p.m., e.d.t., on Monday, November 10, 1975.

The FEA reserves the right to select the persons to be heard at the hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area, Room 3400, Federal Building, 12th & Pennsylvania Avenue, N.W., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by § 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on the proposal.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

(Emergency Petroleum Allocation Act of 1973, as amended, Pub. L. 93–159, as amended, Pub. L. 93–511, and Pub. L. 94–99; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Part 212, Chapter II of Title 10 Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., October 17, 1975.

DAVID G. WILSON,
Acting General Counsel
Federal Energy Administration.

1. Section 212.83 is amended in paragraph (c)(1)(i) to read as follows:

§ 212.83 Allocation of refiner's increased costs.

* * * * *

(c) *Allocation of increased product costs*—(1) *General rule*—(i) *No. 2 oils and gasoline.* In computing base prices for sales of No. 2 oils and gasoline, a refiner may increase its May 15, 1973 selling price to each class of purchaser each calendar month beginning with November 1973 by an amount to reflect the increased product costs attributable to sales of that covered product using the differential between the month of measurement and the month of May 1973, provided that the amount of increased costs used in computing a base price is calculated by use of the formula set forth in paragraph (c)(2)(i) of this section, and that the formula of paragraph (c)(2)(i) of this section is computed separately for No. 2 oils and for gasoline, and that the amount of increased product costs included in computing base prices of No. 2 oils and of gasoline is equally applied to each class of purchaser.

* * * * *

2. Section 212.83 is further amended to add a new paragraph (c)(1)(v) as follows:

§ 212.83 Allocation of refiner's increased costs.

(c) * * *
(1) * * *
(v) *Regional pricing exception to the equal application rule*

A refiner may comply with the provisions of § 212.83(c)(1) and (e)(3) as to No. 2 oils, gasoline, and each particular general refinery product by applying increased costs equally among classes of purchaser of each product within each region, and need not apply increased product costs equally among classes of purchaser of each product in different regions provided that the largest amount of increased product cost applied to the

May 15, 1973 selling price of any product in any region shall not exceed by more than two cents per gallon the amount of the increased product cost applied to the May 15, 1973 selling price of that product in any other region. For purposes of this section a region shall be a state, the District of Columbia, Puerto Rico, or a territory or possession of the United States.

* * * * *

3. Section 212.92 is revised to read as follows:

§ 212.92 Definitions.

"Increased costs" means the difference between the weighted average unit cost of a product in inventory and the weighted average unit cost of that product in inventory on May 15, 1973. If a particular product was not in inventory on May 15, 1973, the date for computing the cost is the most recent day preceding May 15, 1973, when the seller had the product in inventory. For purposes of this section, sellers may use separate inventories for a particular product provided that such separate inventories are based on the customary accounting procedures generally accepted and historically and consistently applied by the firm concerned, and that records are maintained to show that such accounting methods meet the requirements of this section.

4. Section 212.93 is amended to delete paragraph (b)(1)(iv) and to amend paragraphs (c) and (e) to read as follows:

§ 212.93 Price rule.

* * * * *

(c) A seller that charges a price for a covered product that exceeds the weighted average price at which the product was lawfully priced by the seller in transactions on May 15, 1973 must decrease the price of that product whenever the costs of that product decrease; except to the extent that unrecovered increased costs have been carried forward pursuant to paragraph (e) of this section and are available to justify continuation of the price in effect for a covered product when the costs of that product decrease.

* * * * *

(e)(1) This paragraph and paragraph (g) of this section apply only to increased costs as defined in § 212.92 and deferred recoupment thereof. To the extent that the higher prices permitted to be charged to reflect non-product cost increases pursuant to paragraph (b) of this section are not included in a price at the time a price adjustment is made, the portion of the permissible price increase pursuant to § 212.93(b) which is not included may not be carried forward to justify a price increase in any subsequent month. Whenever a price adjustment is made, the price implemented shall be deemed to include: first, the weighted average price at which the item was lawfully priced by the seller in transactions with the class of purchaser concerned on May 15, 1973; second, increased costs of the item to the extent they are available pursuant to paragraphs (a), (e) and (g) of this section, and; third, any price increase permitted pursuant to paragraph (b) of this section to reflect non-product cost increases.

(2) Notwithstanding paragraph (a) of this section, if a seller charges prices for a particular product that result in the recoupment of less total revenues than the total amount of increased costs attributable to that product, the amount of increased cost not recouped may also be added to the May 15, 1973 selling prices of that product at the time of the next price adjustment, subject to the provisions of paragraph (g) of this section. A seller shall calculate its total amount of increased cost of a particular product not recouped since the most recent price adjustment to include the following: (i) any "increased costs" not added to the May 15, 1973 selling at the time of the most recent price adjustment, multiplied by the volume sold since that price adjustment, plus (ii) increases in the weighted average unit cost above the weighted average unit cost which was used to calculate the most recent price adjustment, multiplied by the volume of product purchased at each such increased cost, less (iii) any decrease in the weighted average unit cost from the weighted average unit cost which was used to calculate the most recent price increase implemented after November 1, 1973 multiplied by the volume of product purchased at each such lesser cost.

(3) With respect to each covered product, when a seller calculates its amount of increased cost not recouped under this paragraph, it shall calculate its revenues as though the greatest amount of increased cost actually added to the May 15, 1973 selling price of that covered product and included in the price charged to any class of purchaser, had been added, in the same amount, to the May 15, 1973 selling price of such covered product and included in the price charged to each class of purchaser, except that, where an equal amount of increased cost is not included in the price charged to a purchaser because of a price term of a written contract covering the sale of such product which was entered into or on before September 1, 1974, such portion of the increased costs not included in the price charged to such a purchaser need not be included in the calculation of revenues.

* * * * *

5. Section 212.93 is further amended to redesignate paragraph (h) as paragraph (i) and to add a new paragraph (h) to read as follows:

§ 212.93 Price rule.

* * *

(h) *Reallocation of increased costs among products.* Notwithstanding any other provision of this Subpart, increased costs determined pursuant to paragraphs (a) and (e) of this section may be reallocated as follows: (i) *General refinery products.* To the extent that a seller does not allocate its increased costs for a general refinery product to the prices for that product, it may reallocate the unallocated part of its increased costs for that product to the prices for any other general refinery product or products and/or to gasoline, in whatever amounts the seller deems appropriate. No increased costs for general refinery products may be reallocated to the price for No. 2 oils or propane.

(ii) *No. 2 oils.* To the extent that a seller does not allocate its increased costs for No. 2 oil to the price for that product, it may reallocate the unallocated part of its increased costs for that product to the prices for gasoline, in whatever amounts the seller deems appropriate. No increased costs for No. 2 oils may be reallocated to the prices for general refinery products or propane.

(iii) *Propane.* To the extent that a seller does not allocate its increased cost for propane to the price for that product, it may reallocate the unallocated part of its increased costs for that product to the prices for general refinery products and/or gasoline, in whatever amounts the seller deems appropriate. No increased costs for propane may be reallocated to the prices for No. 2 oils.

(iv) *Gasoline.* No increased costs for gasoline may be reallocated to the prices for any other product.

* * * * *

[FR Doc.75-28497 Filed 10-17-75;4:57 pm]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

ADVISORY COMMITTEE ON DISTILLED SPIRITS PLANT SUPERVISION

Meeting

The meeting of the Advisory Committee on Distilled Spirits Plant Supervision originally scheduled for October 29 and 30, 1975, and announced in the FEDERAL REGISTER of October 8, 1975 (40 FR 47153), has been rescheduled for November 12 and 13, 1975.

The meeting will be held in Room 5041, 1200 Pennsylvania Avenue, NW., Washington, D.C., beginning at 10:00 a.m. on November 12, and at 9:30 a.m. on November 13.

The meeting will be open to the public.

Dated: October 20, 1975.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.75-28625 Filed 10-21-75;9:22 am]

Office of the Secretary

[Dept. Circular, Public Debt Series—No. 31-75]

TREASURY NOTES OF SERIES N-1977

The Secretary of the Treasury announced on October 16, 1975, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 31-75, dated October 10, 1975, will be 7½ percent per annum. Accordingly, the notes are hereby redesignated 7½ percent Treasury Notes of Series N-1977. Interest on the notes will be payable at the rate of 7½ percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.75-28411 Filed 10-21-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

ENVIRONMENTAL ADVISORY BOARD

Notice of Open Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Name of committee: Environmental Advisory Board, Chief of Engineers.

Dates of meeting: 12 and 13 November 1975.

Place: Room 5A-092, Forrestal Building, 10th and Independence Avenue, SW, Washington, DC 20314. Time: 0900—12 November 1975, 0900—13 November 1975.

PROPOSED AGENDA

12 NOVEMBER 1975

0900—Opening Remarks.
0945—Civil Works Update.
1000—Corps Regulatory Programs.
1330—Dredged Material Research Program.
1500—Endangered Species Act.

13 NOVEMBER 1975

0900—Urban Studies Update.
1000—Civil Works Environmental Organization.
1030—Environmental Guidelines.
1330—Environmental Objectives.

Proposed attendees should notify LTC Hill, (202) 693-7093, so that adequate seating arrangements can be made.

By authority of the Secretary of the Army:

Dated: October 16, 1975.

ROBERT G. FLOWERS, Jr.,
Lt. Colonel, U.S. Army, Chief, Plans Office, TAGO.

[FR Doc.75-28388 Filed 10-21-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the Susanville, California, Multiple Use Advisory Board will hold a two day meeting beginning at 10:00 a.m. on November 18 and 19, 1975, at the Cal-Pines Lodge, Alturas, California.

Agenda items will include:

Organization of the Board.
Discussion, Multiple Use Resources.
Briefing on the Geothermal Steam Potential of the Upper Pit River Area.
Panel Discussion on Upper Pit River Geothermal Area.
On the Ground Tour of Upper Pit River Geothermal Area.
Advisory Board Recommendations on Upper Pit River Geothermal Leasing.
Determination of Priority Subjects for Future Involvement of Board.

The meeting is open to the public. Interested persons may make oral/written presentations to the Board. Such requests should be made to the official listed below at least five days prior to the meeting. Requests for additional information should be submitted to the District Manager, P.O. Box 1090, Susanville, California 96130. Telephone Number (916) 257-5385.

HERMAN KAST,
Acting District Manager.

[FR Doc.75-28425 Filed 10-21-75;8:45 am]

[NM 26709]

NEW MEXICO

Notice of Application

OCTOBER 15, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for a 4 inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 11 W.
Sec. 16, W½SE¼.

This pipeline will convey natural gas across .174 mile of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-28420 Filed 10-21-75;8:45 am]

[NM 26627 and 26628]

NEW MEXICO

Notice of Applications

OCTOBER 15, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½ inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 9 W.
Sec. 20, SW¼SE¼;
Sec. 34, N½SE¼ and SW¼SE¼;
Sec. 35, lots 5 and 12.

These pipelines will convey natural gas across .786 mile of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico, 87107.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-28421 Filed 10-21-75;8:45 am]

[NM 26762]

NEW MEXICO

Notice of Application

OCTOBER 15, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½ inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 29 E.

Sec. 9, S½NW¼, NE¼SW¼ and NW¼SE¼.

These pipelines will convey natural gas across .673 mile of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico, 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-28422 Filed 10-21-75;8:45 am]

[NM 26707]

NEW MEXICO

Notice of Application

OCTOBER 15, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Company has applied for a 4-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 32 N., R. 10 W.
Sec. 31, lot 1.
T. 32 N., R. 11 W.
Sec. 25, lot 15.

This pipeline will convey natural gas across .247 mile of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-28423 Filed 10-21-75;8:45 am]

[NM 26757 and 26758]

NEW MEXICO

Notice of Applications

OCTOBER 15, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc. has applied for two 4 inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 27 E.
Sec. 12, W½NW¼.
T. 21 S., R. 32 E.
Sec. 10, S½NE¼;
Sec. 11, SW¼NE¼ and S½NW¼.

These pipelines will convey natural gas across 1.426 miles of national resource lands in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico, 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-28424 Filed 10-21-75;8:45 am]

National Park Service

CORONADO NATIONAL MEMORIAL, ARIZONA MASTER PLAN ENVIRONMENTAL ASSESSMENT

Notice of Intent

Notice is hereby given that the National Park Service will hold two public workshops in November in southern Arizona to provide for public involvement and citizen participation in the initial phase of developing a master plan for Coronado National Monument.

The workshops will be held on November 20, 1975 from 7 to 10 p.m. in the Cherokee Hall, Sierra Vista High School, Sierra Vista, AZ and on November 21, 1975, in the Bisbee High School Cafeteria, Bisbee, AZ.

Concurrent with the workshops the National Park Service will hold consultations with various Federal, State and local government agencies, individuals and organizations on the environmental assessment's alternatives.

The purpose of these workshops and consultations is to provide for wide public involvement, including ideas, suggestions, and comments from individuals and organizations in the formulation of a master plan for the Memorial.

Anyone wanting copies of the Master Plan Environmental Assessment, additional information on the public workshops, or the National Park Service planning process, or those wishing to submit comments on the environmental assessment may write to the Superintendent, Coronado National Memorial, Star route, Hereford, Arizona 85615.

JOHN H. DAVIS,
Acting Regional Director, Western Region, National Park Service.

OCTOBER 1, 1975.

[FR Doc.75-28567 Filed 10-21-75; 8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

DIRECTOR, PRAIRIE VILLAGE COMMODITY OFFICE OR CHIEF, FISCAL SETTLEMENTS DIVISION, AND CHIEF, DATA SYSTEMS FIELD OFFICE

Delegation of Authority With Respect to Letter of Credit

The Agricultural Stabilization and Conservation Service officials listed below are authorized to consent to reduction or cancellation of letters of credit issued, confirmed or advised to or in favor of the Commodity Credit Corporation and to draw drafts under such letters of credit against issuing, confirming or advising banks:

Director, Prairie Village Commodity Office or Chief, Fiscal Settlements Division, Prairie Village Commodity Office, 2400 West 75th Street, Shawnee Mission, Kansas 66208.

Chief, Data Systems Field Office, 8930 Ward Parkway, Kansas City, Missouri 64141.

Specimen signatures of officials presently occupying the above entitled positions and of those persons authorized to act in that capacity in their absence may be obtained by addressing a written request to the Director or Chief of the office indicated.

AUTHORITY: Sec. 4(d), 62 Stat. 1071 (15 U.S.C. 714b).

Terminated: CA-256, (35 FR 7614), published May 15, 1970.

Effective Date: October 22, 1975.

Signed at Washington, D.C. on October 14, 1975.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-28476 Filed 10-21-75;8:45 am]

Office of the Secretary

AGRICULTURAL RESEARCH POLICY ADVISORY COMMITTEE

Intent To Reestablish Advisory Committees

Notice is hereby given that the Department of Agriculture proposes to reestab-

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lish the Agricultural Research Policy Advisory Committee and its subcommittee the National Agricultural Research Planning Committee for a 2-year period.

These are national advisory committees established by the Department of Agriculture in cooperation with the National Association of State Universities and Land Grant Colleges. Objectives of the committees include (1) developing recommendations for policy with respect to planning, evaluating, coordinating and supporting unified long-range agricultural research programs and (2) developing further the bases for State and Federal cooperation in planning research programs.

The Secretary of Agriculture determined that reestablishment of these committees is necessary and in the public interest in connection with responsibilities of the Department of Agriculture.

Comments of interested persons concerning reestablishment of these committees may be submitted to Dr. David J. Ward, Office of the Secretary, Room 359A, USDA, Washington, D.C. 20250, on or before November 6, 1975.

All written submissions made pursuant to this notice will be available for public inspection in Dr. Ward's office during regular business hours.

Dated: October 17, 1975.

JOSEPH R. WRIGHT, JR.,
Assistant Secretary for Administration.

[FR Doc.75-28477 Filed 10-21-75;8:45 am]

Forest Service

NORTH KAIBAB GRAZING ADVISORY BOARD

Notice of Meeting

The North Kaibab Grazing Advisory Board will meet at 9 a.m. November 7, 1975 at the North Kaibab Ranger District Office, Fredonia, Arizona.

The purpose of the meeting is:

1. To announce results of election for board members.
2. To elect officers.
3. To approve by-laws of the board.
4. To discuss grazing problems on the Kanab Creek Allotment.

The meeting will be open to the public. Persons who wish to attend should notify Dale Avant, District Ranger, P.O. Box 248, Fredonia, Arizona, 86022 or telephone 643-2407, 643-2405. Written statements may be filed with the board before or after the meeting.

HERMAN D. AVANT,
District Ranger, North Kaibab District, Kaibab National Forest.

OCTOBER 14, 1975.

[FR Doc.75-28382 Filed 10-21-75;8:45 am]

Packers and Stockyards Administration

LOGAN COUNTY LIVESTOCK AUCTION MAGAZINE, ARKANSAS, ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in Section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

AR-153—Logan County Livestock Auction Magazine, Arkansas.
CA-168—Overland Stock Yards Hanford, California.
ME-104—Crossman Livestock Sales Corinna, Maine.
MO-241—Olean Livestock Market, Inc. Eldon, Missouri.
NY-155—Tyrell's Livestock Market Utica, New York.
PA-150—Sarah E. Fisher's Sales McVeytown, Pennsylvania.
UT-115—Richfield Auction Co. Monroe, Utah.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in Section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by November 6, 1975.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 16th day of October, 1975.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.75-28394 Filed 10-21-75;8:45 am]

Soil Conservation Service

GREAT CREEK WATERSHED PROJECT, VIRGINIA

Notice of Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Great Creek Watershed Project, Brunswick and Lunenburg Counties, Virginia, USDA-SCS-EIS-WS-(ADM)-76-2-(D)-VA.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and municipal and industrial water storage. The planned works of improvement include conservation land treatment, supplemented by one multiple-purpose structure for floodwater, sediment and municipal water supply storage.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Room 9026, Federal Building, 400 North 8th Street, Richmond, Virginia 23240

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Great Creek Watershed Project, Virginia
Notice of Availability of Draft Environmental Impact Statement

Comments concerning the proposed action or requests for additional information should be addressed to D. N. Grimwood, State Conservationist, Soil Conservation Service, P.O. Box 10026, Richmond, Virginia 23240.

Comments must be received on or before December 12, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

KARL R. KLINGELHOFER,
Acting Deputy Administrator for Water Resources Soil Conservation Service.

OCTOBER 15, 1975.

[FR Doc.75-28385 Filed 10-21-75;8:45 am]

LITTLE BLACK WATERSHED PROJECTS, MISSOURI-ARKANSAS

Notice of Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Little Black Watershed Projects; Butler, Carter, and Ripley Counties, Missouri; and Clay County, Arkansas; USDA-SCS-EIS-WS-(ADM)-75-8-(F)-MO.

The EIS concerns two interrelated plans for watershed protection, flood prevention, agricultural water management (drainage), and nonagricultural water management (recreation). The planned works of improvement provide for conservation land treatment, 24 floodwater retarding structures, one multiple-purpose reservoir with capacity for floodwater retarding and nonagricultural water management (recreation), and approximately 85.5 miles of channel work. The channel work will involve clearing and debris removal on 1.3 miles of Little Black River, 1.4 miles of enlargement on Little Black River, 79.8 miles of enlargement of existing manmade channels and 3.0 miles of new channel. The 85.5 miles of channel work will decrease flooding and provide improved water.

Little Black Watershed Projects, Missouri, Arkansas, Notice of Availability of, Final Environmental Impact Statement

management on a delta area that is 89 percent agricultural cropland and pastureland. Of the 82.5 miles of work proposed on existing streams or channels, 4.7 miles will involve perennial flow, 37 miles of intermittent flow and 40.8 miles of ephemeral flow. The 3.0 miles of new channel will consist of 1.3 miles of floodway and 1.7 miles for connecting existing ditches. The recreation developments will provide 94,480 visitor days of recreation annually.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, P.O. Box 459 Parkade Plaza Shopping Center, Terrace Level Columbia, Missouri 65201

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

KARL R. KLINGELHOFER,
Acting Deputy Administrator for Water Resources Soil Conservation Service.

OCTOBER 15, 1975.

[FR Doc.75-28384 Filed 10-21-75;8:45 am]

UPPER SALT CREEK WATERSHED PROJECT, KANSAS

Notice of Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8 (b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Upper Salt Creek Watershed Project, Lincoln and Mitchell Counties, Kansas.

The environmental assessment of this Federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Robert K. Griffin, State Conservationist, Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas 67401, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by 33 floodwater retarding structures.

Upper Salt Creek Watershed Project, Kansas, Notice of Availability of Negative Declaration

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas 67401

The negative declaration is available for single copy requests. Requests should be sent to the above address.

No administrative action on implementation of the proposal will be taken until November 6, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

KARL R. KLINGELHOFER,
Acting Deputy Administrator for Water Resources Soil Conservation Service.

OCTOBER 15, 1975.

[FR Doc.75-28386 Filed 10-21-75;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of Census

VOTING RIGHTS ACT AMENDMENTS OF 1975

Partial List of Determinations

CROSS REFERENCE: For a document issued jointly by the Department of Commerce, Census Bureau, and the Department of Justice, on the subject of the Voting Rights Act Amendments of 1975, see FR Doc. 75-28650 appearing in the notices section of this issue under the Department of Justice.

Domestic and International Business Administration

HILLCREST BAPTIST HOSPITAL ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act (40 FR 12253 et seq, 15 CFR 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00152-33-90000. Applicant: Hillcrest Baptist Hospital, 3000 Herring, Waco, Texas 76708. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for examination of the intracranial contents of human patients. Intracranial hemorrhage in emergency patients with cerebral-vascular accidents will be studied. The article will also be used for teaching computerized axial tomography to staff physicians and resident physicians. Application received by Commissioner of Customs: October 3, 1975.

Docket number: 76-00153-33-90000. Applicant: St. Jude Hospital, 101 E. Valencia Mesa Drive, Fullerton, CA 92635. Article: EMI Scanner System with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for diagnosis of various conditions affecting the human brain by noninvasive techniques for comparison with invasive techniques. Application received by Commissioner of Customs: October 3, 1975.

Docket number: 76-00154-99-46040. Applicant: Wellesley College, Wellesley, Massachusetts 02181. Article: Electron Microscope, Model EM9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for educating undergraduate students in electron microscopy using a variety of animal and plant tissues in the following biological science courses:

Biology 319—Biological Ultrastructure—emphasizing a refinement of thin-sectioning particularly of mammalian tissues.

Biology 370 and 350—Honors Thesis and Independent Research Biology 211 Developmental Plant Anatomy—concerned with the cells and tissues that make up the plant body.

Biology 313—Cytology and Physiology of Microorganisms—Identification of fractional cell components such as plastids, mitochondria, and other organelles.

Application received by Commissioner of Customs: October 3, 1975.

Docket number: 76-00155-33-07700. Applicant: University of Pennsylvania, Department of Pharmacology, School of Medicine, 36th & Hamilton Walk, Philadelphia, Pennsylvania 19174. Article: Instrumentation Camera, Model PC-2A with standard accessories. Manufacturer: Nihon Kohden, Japan. Intended use of article: The article is intended to be used for an ongoing study of the interaction of divalent ions with drugs at the cell surface and within. The effects of pharmacological agents on skeletal muscle will be determined. Students who are candidates for the Ph.D. degree in pharmacology will be taught to use electrophysiological techniques in the investigation of the interaction of drugs with cell membranes. Application received by Commissioner of Customs: October 3, 1975.

Docket number: 76-00156-33-46040. Applicant: Medical University of South

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Carolina, 80 Barre Street, Charleston, S.C. 29401. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the study of surface and internal membranes of the protozoan *Entamoeba histolytica* with special interest in the formation of phagocytic vacuoles by surface membranes and the transport of pagocytosed substances to the interior of the cell for digestion. Another research project concerns the study of the effects of the antibiotics lincomycin and clindamycin on large intestinal mucosal epithelium, in which histological changes, as seen in 1 μ thick sections of plastic-embedded intestinal mucosal tissue viewed with the light microscope, will be compared with ultrastructural alterations in the same areas. The article will also be used in teaching a course entitled, "Techniques and Theory in Biological Electron Microscopy" which will cover the theoretical aspects of electron microscopy, applied techniques in specimen preparation and instruction in the operation and use of the electron microscope. In another course entitled "Ultrastructure of Organisms Parasitic to Man" the article will be used by graduate students in their research projects. Application received by Commissioner of Customs: October 3, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-28408 Filed 10-21-75;8:45 am]

PURDUE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00016-98-40500. Applicant: Purdue University, Lafayette, In. 47907. Article: Model MK2 cube interferometer. Manufacturer: Sir Howard Grubb Parsons and Co. Ltd., United Kingdom. Intended use of article: The article is intended to be used to carry out studies of the following:

(1) Excitation spectra using amplitude fourier spectroscopy in order to detect predicted collective modes in dipolar liquids ($f<250$ cm.$^{-1}$).

(2) The normal modes of RNA and DNA in the far infrared ($f<200$ cm^{-1}) in order to compare them with what is predicted by theory.

(3) Excitation spectra of localized states in silver halides and semiconductors.

(4) High frequency dielectric constant of super ionic conductors.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The National Bureau of Standards advises in its memorandum dated October 3, 1975 that the specification of a cube interferometer (the article) with a phase modulation attachment is pertinent to the applicant's intended purposes. NBS also advises that (1) it knows of no comparable domestic instrument which matches the pertinent specification of the article and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended uses.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-28407 Filed 10-21-75;8:45 am]

STATE UNIVERSITY OF NEW YORK, BROOKLYN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00271-33-84600. Applicant: State University of New York, Downstate Medical Center, 450 Clarkson Avenue, Brooklyn, N.Y. 11203. Article: Parnavac Vacuum Forming Machine, Model 2420. Manufacturer: Parnavac Parnall & Sons, Ltd., United Kingdom. Intended use of article: The article is intended to be used to fabricate plastic shells for the assurance of proper beam direction in the treatment of cancer by radiation teletherapy. The article will also be used for the instruction of residents in the Department of Radiation Therapy. The development of techniques for the making of plastic molds for each patient will enable the residents to learn and practice increased accuracy in the treatment of cancer patients.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to obe used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 74-00458-33-84600 which was denied without prejudice to resubmission on August 7, 1974 for informational deficiencies. The applicant in response to Question 8 alleges that the foreign article provides the following pertinent feature: a 12-inch drape vacuum forming machine which is accurate as well as more reliable and less expensive than one which might be available on a custom basis from a domestic manufacturer. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 3, 1975 that domestic draw [Vacuum Forming] machines manufactured by AAA Plastic Equipment Inc., P.O. Box 11512, Forth Worth, Texas 76110 (AAA) are the most closely comparable domestic instruments or apparatus. HEW further advises that the applicant provides no pertinent specification within the meaning of Subsection 301.2(n) of the regulations upon which duty-free entry could be based.

Moreover, the Department notes that the applicant's allegations concerning the cost of a custom-made domestic machine and its "uncertain" reliability are cost related considerations and not pertinent specifications within the meaning of our regulations (15 CFR § 301.2(n)). As to the specific allegations of the applicant in reply to Question 8, HEW advises that AAA has two 12-inch depth of draw machines, the Model MBE-2121 and the Model MBE-2436. HEW further advises either of the domestic machines, or others that could be cited, are scientifically equivalent to the article for the work planned.

For these reasons, we find that either the Model MBE-2121 or the Model MBE-2436 is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-28409 Filed 10-21-75;8:45 am]

U. OF TEX. HEALTH SCIENCE CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00588-00-46040. Applicant: University of Texas Health Science Center at Dallas, Dept. of Pathology, 5323 Harry Hines Boulevard, Dallas, Texas, 75235. Article: ASID-4S High Resolution Scanning Device. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory to an existing electron microscope manufactured by the same manufacturer which will provide a most versatile research microscope with capabilities for scanning transmission and secondary scanning as well as transmission microscopy. The microscope with this accessory will be used in a variety of projects involving normal and diseased tissue specimens. A number of projects involve scanning microscopic study of cell surface alteration of cancer cells and heart muscle cells. The article will also be used for instruction of pathology residents in the latest techniques of electron microscopy.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-28410 Filed 10-21-75;8:45 am]

(Commerce Department documents continued on page 49397.)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Meeting

Notice of public meeting of the Information Resources Committee, the Federal Policy and Practices Committee, the Program Committee and the Legislation Committee of the Advisory Council on Women's Educational Programs.

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meetings of Committees of the Advisory Council on Women's Educational Programs will be held at the Howard Johnson Motor Lodge, 2601 Virginia Avenue, NW., Washington, D.C., on November 10 and 11, 1975.

The Information Resources Committee will meet from 8:30 a.m. to 12 noon on November 10, 1975.

The Federal Policy and Practices Committee will meet from 1:30 p.m. to 5 p.m. on November 10, 1975.

The Program Committee will meet from 8:30 a.m. to 12 noon on November 11, 1975.

The Legislation Committee will meet from 1:30 p.m. to 5 p.m. on November 11, 1975.

The Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 93-380 Section 408(f)(1). The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to Section 408 of Public Law 93-380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; and (d) develop criteria for the establishment of program priorities.

The meetings of the Committees will be open to the public. The agenda for the Information Resources Committee will include (1) selection of a permanent Chairperson for the Committee, and (2) development of tentative operational plans.

The agendas for the Federal Policy and Practices Committee, the Program Committee and the Legislation Committee will all include (1) selection of permanent Chairpersons for the Committees, and (2) development of tentative statements of purpose and operational plans.

Records will be kept of all Council proceedings and will be available to the public at the Council offices at Suite 710, 1325 G Street, NW., Washington, D.C.

Signed at Washington, D.C. on October 17, 1975.

KATHLEEN MAURER,
Administrative Officer.

[FR Doc.75-28433 Filed 10-21-75;8:45 am]

National Institutes of Health

ARTERIOSCLEROSIS SPECIALIZED CENTERS OF RESEARCH (SCOR) AD HOC REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Arteriosclerosis Specialized Centers of Research (SCOR) *ad hoc* Review Committee, National Heart and Lung Institute, November 10-11, 1975, National Institutes of Health, Building 31, Conference Room 10. This meeting will be open to the public on November 10, 1975, from 8 a.m. to approximately 8:30 a.m. to discuss administrative details and the criteria to be used in the review of the Arteriosclerosis SCOR applications. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting of the Arteriosclerosis Specialized Centers of Research (SCOR) *ad hoc* Review Committee will be closed to the public on November 10, 1975, from 8:30 a.m. until the adjournment on November 11, 1975, for the review, discussion, and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLI, NIH, Building 31, Room 5A03, Bethesda, Maryland 20014, telephone 301/496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Henry G. Roscoe, Executive Secretary, NHLI, NIH, Westwood Building, Room 550A, telephone 301/496-7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 18.837, National Institutes of Health.)

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

OCTOBER 14, 1975.

[FR Doc.75-28381 Filed 10-21-75;8:45 am]

ARTIFICIAL KIDNEY-CHRONIC UREMIA ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Artificial Kidney-Chronic Uremia Advisory Committee, National Institute of Arthritis, Metabolism, and Digestive Diseases, November 24, 1975, Building 31, Conference Room 7, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on November 24 from 9 a.m. to 10 a.m. to discuss administrative reports. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 24, 1975, from 10 a.m. to 5 p.m. for the review, discussion and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

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The Chief of the Office Scientific and Technical Reports, NIAMDD, NIH, Mr. Victor Wartofsky, Building 31, Room 9A04, Bethesda, Maryland 20014 (301) 496–3583 will provide summaries of the meeting and a roster of committee members.

(Catalog of Federal Domestic Assitance Program No. 13.828, National Institutes of Health)

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

OCTOBER 14, 1975.

[FR Doc.75–28379 Filed 10–21–75;8:45 am]

CONFERENCE ON THE GENETICS OF HUMAN CANCER

Notice of Meeting

Notice is hereby given of the Conference on the Genetics of Human Cancer sponsored by the National Cancer Institute and the National Foundation-March of Dimes, December 2–4, 1975, Carlton House Hotel, Orlando, Florida.

This meeting, open to the public at eight-thirty each morning to adjournment, consists of presentations and discussions by leading geneticists, epidemiologists, and laboratory scientists dealing with recent and evolving advance on the cancer in man. Attendance by the public will be limited to space available.

John J. Mulvihill, M.D., Head, Clinical Genetics Section, Epidemiology Branch, Division of Cancer, Cause, and Prevention, Landow Building, Room A521, National Cancer Institute, Bethesda, Maryland 20014, (301) 496–5067, will provide additional information.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

OCTOBER 15, 1975.

[FR Doc.75–28377 Filed 10–21–75;8:45 am]

NATIONAL ADVISORY EYE COUNCIL

Amended Notice of Meeting

Notice is hereby given of a change in the meeting on November 17 at 9 a.m., Building 31, Conference Room No. 7, of the National Advisory Eye Council, National Eye Institute, which was published in the FEDERAL REGISTER on Tuesday, October 7, 1975 (40 FR 45340).

This Council was to have convened at 9 a.m. on Monday, November 17, but has been changed to convene on Monday, November 17 at 3 p.m. As stated in the previous notice, the meeting will be held in Building 31, Conference Room No. 7. The meeting will be open to the public from 3 p.m. to 5 p.m. on Monday, and from 9 to 11:30 on Tuesday. The meeting will be closed to the public from 11:30 until adjournment on Tuesday. Also, the agenda has been revised to include a meeting of the Vision Research Program Planning Subcommittee of the National Advisory Eye Council on Monday, November 17, from 9 a.m. until 2 p.m., in Conference Room No. 7, Building 31. This meeting will be open to the public from opening until adjournment. Attendance by the public will be limited to space available.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH..

OCTOBER 16, 1975.

[FR Doc.75–28376 Filed 10–21–75;8:45 am]

NATIONAL CANCER ADVISORY BOARD SUBCOMMITTEE ON CENTERS

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board Subcommittee on Centers, National Cancer Institute, on November 16, 1975, National Institutes of Health, from 7:30 p.m. to adjournment, in Building 31, Conference Room 8, Bethesda, Maryland. This meeting will be open to the public from 7:30 p.m. to 9 p.m. on November 16, 1975, to review and evaluate the cancer centers program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting of the Subcommittee will be closed to the public on November 16 from 9 p.m. to adjournment, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal center grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the meeting and roster of committee members.

Dr. Simeon Cantril, Executive Secretary, Westwood Building, Room 832, National Institutes of Health, Bethesda, Maryland 20014 (301/496–7427) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.312)

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

OCTOBER 16, 1975.

[FR Doc.75–28380 Filed 10–21–75;8:45 am]

TEMPORARY COMMITTEE FOR THE REVIEW OF DATA ON CARCINOGENICITY OF CYCLAMATE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Temporary Committee for the Review of Data on Carcinogenicity of Cyclamate, National Cancer Institute, December 10, 1975, National Institutes of Health, Building 31, Conference Room 4.

The entire meeting will be open to the public from 9 a.m. to adjournment, to review the preparation and progress of the Committee's report. Attendance by the public will be limited to space available.

Dr. James M. Sontag, Executive Secretary, Landow Building, Room A–306, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5471) will provide summaries of the meeting, substantive program information, and rosters of Committee members.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

OCTOBER 15, 1975.

[FR Doc.75–28378 Filed 10–21–75;8:45 am]

Social Security Administration

DISCLOSURE OF CERTAIN REPORTS CONCERNING THE MEDICARE PROGRAM

Modification in Delegations of Authority

Correction

In FR Doc.75–27505 appearing on page 48162 in the issue for Tuesday, October 14, 1975, the twelfth line of the first paragraph, now reading "tions of the performance carriers, inter-", should read "tions of the performance of carriers, inter-".

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Management

[Docket No. D–75–375]

REGIONAL ADMINISTRATORS, ET AL.

Redelegation of Authority With Respect to Housing Management

The Department of Housing and Urban Development published an interim rule on February 26, 1975, (40 FR 8189) adding a new Part 403, designated "Local Rent Control", to Chapter IV of Title 24, which was amended by interim rule on May 8, 1975 (40 FR 20081). Part 403 is being published as a final rule concurrently with publication of this redelegation (see Rules and Regulations Section of this issue). The final rule prescribes the conditions under which the Department will assert exclusive jurisdiction or will preempt rent regulation by local rent control boards or other authorities acting pursuant to state or local law. In the event the rentals approved by a local rent control board for an unsubsidized project with a mortgage insured or held by HUD are lower than those approved by the local HUD office, or if the local rent control board delays approving an application for a rent increase for a project on which HUD has approved a rent increase, the final rule requires the Office of Loan Management to determine whether the decision or delay of the local rent control board will jeopardize the Department's economic interest in the project. If the determination is that the Department's economic interest will be jeopardized, then a formal certification is to be issued that the Department has preempted local rent controls for the project. Since this responsibility is to be reserved exclusively for the Director and Deputy Director of the Office of Loan Management, the authority for it should be excepted from the redelegation to Regional Administrators and subordinate field officials.

Accordingly, the Redelegation of Authority With Respect to Housing Management, published at 35 FR 16105 on October 14, 1970, is amended by adding a new subparagraph c to paragraph 1 of Section A to read as follows:

c. Determine that the decision or delay of a local rent control board, or other authority regulating rents pursuant to state or local law, in approving a rental increase in an unsubsidized project with a mortgage insured or held by the Department will jeopardize the Department's economic interest in the project, and issue a formal certification that the Department has preempted local rent controls as to the rentals of such project in order to protect the Department's economic interest in the project.

(Section 7(d), Department of Housing and Urban Development Act; 42 U.S.C. 3535(d))

Effective date. This delegation is effective October 22, 1975.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.75–28495 Filed 10–21–75;8:45 am]

[Docket No. D–75–376]

OFFICE OF LOAN MANAGEMENT

Redelegation of Authority and Assignment of Functions

The Department of Housing and Urban Development published an interim rule on February 26, 1975, (40 FR 8189) adding a new Part 403, designated "Local Rent Control", to Chapter IV of Title 24, which was amended by interim rule on May 8, 1975 (40 FR 20081). Part 403 is being published as a final rule concurrently with publication of this redelegation (see Rules and Regulations Section of this issue). The final rule prescribes the conditions under which the Department will assert exclusive jurisdiction or will preempt rent regulation by local rent control boards or other authorities acting pursuant to state or local law. In the event the rentals approved by a local rent control board for an unsubsidized project with a mortgage insured or held by HUD are lower than those approved by the local HUD office, or if the local rent control board delays approving an application for a rent increase for a project on which HUD has approved a rent increase, the final rule requires the Office of Loan Management to determine whether the decision or delay of the local rent control board will jeopardize the Department's economic interest in the project. If the determination is that the Department's economic interest will be jeopardized, then a formal certification is to be issued that the Department has preempted local rent controls for the project. Since this responsibility is to be reserved exclusively for the Director and Deputy Director of the Office of Loan Management, the Redelegations of Authority from the Assistant Secretary for Housing Management to the Director and Deputy Director of the Office of Loan Management have to be amended to include this responsibility and the authority to review and approve or modify rent increases approved by a HUD field office.

Accordingly, the Redelegation of Authority and Assignment of Functions, published at 35 FR 4019 on March 3, 1970, is amended by adding new paragraphs 16 and 17 to Section A to read as follows:

16. To review and approve or modify increases of rents or carrying charges approved by a HUD Regional, Area or Insuring Office.

17. To determine that the decision or delay of a local rent control board, or other authority regulating rents pursuant to state or local law, in approving a rental increase in an unsubsidized project with a mortgage insured or held by the Department will jeopardize the Department's economic interest in the project, and to issue a formal certification that the Department has preempted local rent controls as to the rentals of such project in order to protect the Department's economic interest in the project.

(Section 7(d), Department of Housing and Urban Development Act; 42 U.S.C. 3535(d))

Effective date. This delegation is effective October 22, 1975.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.75–28496 Filed 10–21–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 75–142]

ENVIRONMENTAL IMPACTS

Procedures for Consideration

On December 11, 1973, there was published in the FEDERAL REGISTER (38 FR 34135) a notice of proposed procedures for consideration of environmental impacts by the Coast Guard. Interested parties were given until January 24, 1974, to comment. Two organizations forwarded comments. After full and careful consideration of these comments, the proposal was revised as set forth below.

The Sierra Club raised two objections; the first concerned paragraph 8.i.(1) of the proposal, under which applicants would provide a report that might be based on self-serving information and assumptions. Accordingly, original paragraph 8.i.(1) has been deleted. Paragraphs 8.i.(1) and 8.j.(1) now direct Program Directors at the headquarters level and District Commanders at the field level to prepare the necessary environmental assessments and impact statements or negative declarations.

The Sierra Club's second comment concerned the exemption, in paragraph 16 of enclosure 3, from the normal minimum 90 day public comment period on the draft environmental statement, if use of this period would result in "significantly increased costs of procurement to the Government." This exemption is retained; however, the Coast Guard has not yet used this exemption and will not use it without specific prior approval by the Council on Environmental Quality.

Several comments were also received from the Environmental Protection Agency (EPA). EPA recommended that paragraph 8.a.(3)(b) of the proposed instruction be revised to include the consideration of secondary effects during preparation of the impact statement. Paragraph B.1.c.(2) of enclosure (2) to the procedures incorporates this suggestion. EPA also recommended that consideration of non-point source pollution be added to the list of areas to be considered in evaluating construction impacts, in paragraph B.10. of enclosure 2. These sources are adequately covered under paragraph B.7.a. of enclosure 3.

Another EPA comment requested that the Coast Guard include a minimum 15 day public response period for negative declarations, before taking administrative action. The Coast Guard feels that imposition of this additional administrative burden is neither required nor desirable.

The Coast Guard further solicits, on a continuing basis, suggestions and recommendations for improving these environmental review procedures. All comments should be directed to: Commandant (G–WEP–2/73), U.S. Coast Guard, Washington, DC 20590.

In accordance with the Council on Environmental Quality guidelines for the preparation of environmental impact statements contained in 40 CFR 1500.3, COMMANDANT INSTRUCTION 5922.10B on Procedures for Considering Environmental Impacts is set forth below.

Dated: October 14, 1975.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant

COMMANDANT INSTRUCTION 5922.10B

PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

JULY 1, 1975.

1. *Purpose.* This instruction provides guidelines for the preparation and processing of environmental impact statements and related documents to insure consideration of the environmental effects resulting from major Coast Guard actions and to implement DOT Order 5610.1B, dated 30 September 1974.

2. *Cancellation.* Commandant Instruction 5922.10A of 13 October 1971 is cancelled.

3. *Applicability.*

a. Except as provided in subparagraph b. of this paragraph, the requirements in this Instruction, calling for the preparation as appropriate of a negative declaration or a statement pursuant to Section 102(2)(C) of NEPA, apply to all major Federal actions affecting the quality of the human environment. The actions may include, but are not limited to, the following: Grants, loans, contracts, purchases, leases, construction, research activities that have reached a stage of investment or commitment to implementation likely to determine subsequent development or restrict later alternatives, rule mak-

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ing and regulatory actions, certifications, licensing, permits, plans, formal approvals, legislative proposals where the Coast Guard has primary responsibility for the subject matter involved, program proposals and any renewals or reapprovals of the foregoing.

b. Exceptions to subparagraph a. include:

(1) administrative procurements (e.g., general supplies) and contracts for personal services;

(2) normal personnel actions (e.g., promotions, hirings);

(3) project amendments (e.g., increases in costs) which do not alter the environmental impact of the action;

(4) legislative proposals *not* originating in DOT *and* relating to matters *not* the primary responsibility of the Coast Guard;

(5) reports to Congress setting forth policy recommendations which will be followed by legislative proposals;

(6) actions that are minor and have no environmental impact require neither an environmental impact statement nor a negative declaration.

c. A general class of actions may be covered by a single statement when the environmental impacts (and alternatives thereto) of all such actions are substantially similar.

4. *Background and Authority.*

a. *The National Environmental Policy Act* (NEPA) establishes a broad national policy to promote efforts to improve the relationship between man and his environment, and provides for the creation of the Council on Environmental Quality (CEQ). NEPA sets out certain policies and goals concerning the environment, and requires that, to the fullest extent possible, the policies, regulations, and public laws of the U.S. shall be interpreted and administered in accordance with those policies and goals.

b. *Section 102 of NEPA* is designed to ensure that environmental considerations are given careful attention and appropriate weight in all decisions of the Federal Government. Section 102(2)(C) requires that all agencies of the Federal Government shall: "include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action, should it be implemented.

"Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by Section 552 of Title 5, United States Code, and shall accompany the proposal through the existing agency review processes . . ."

c. *Station 102(2)(A) of NEPA* requires all agencies of the Federal Government to "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment."

d. *Executive Order 11514*, Protection and Enhancement of Environmental Quality, dated 5 March 1970, orders all Federal agencies to initiate procedures needed to direct their policies, plans, and programs so as to meet national environmental goals.

e. *Guidelines from the President's Council on Environmental Quality*, published in 38 F.R. 20549, 40 C.F.R. 1500 et. seq., 1 August 1973, provide guidance to agencies for preparation of environmental impact statements.

f. *Section 4(f) of the DOT Act and Section 138 of Title 23, U.S.C.*, state, "It is hereby declared to be the national policy that special effort should be made to preserve the natural beauty of the countryside and public park and recreational lands, wildlife and waterfowl refuges, and historic sites. The Secretary . . . shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use."

g. *Section 309 of the Clean Air Act* requires the Administrator of EPA to "review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this Act or other provisions of the authority of the Administrator, contained in and (1) legislation proposed by any Federal department or agency, (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which Section 102(2)(C) of P.L. 91-190 applies, and (3) proposed regulations published by any department or agency of the Federal Government."

h. *Section 106 of the National Historic Preservation Act* requires the head of any Federal agency having jurisdiction over a Federal or federally-assisted undertaking to take into account, prior to approving the undertaking, its effect on any district, site, building, structure, or object that is included in the National Register of Historic Places, and to give the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to the undertaking.

i. *Executive Order 11593, Protection and Enhancement of the Cultural Environment*, requires that Federal plans and programs contribute to the preservation and enhancement of sites, structures, and objects of historical, architectural, or archaeological significance.

j. *36 CFR Part 800 (39 FR 3365, January 25, 1974) Procedures for the Protection of Historic and Cultural Properties*, establishes procedures to ensure that historic and cultural resources are given proper consideration in the preparation of environmental impact statements.

k. *Executive Order 11296, Unified National Program for Managing Flood Losses*, requires Federal agencies to evaluate flood hazards in planning facilities, constructing buildings and facilities, disposing of lands and properties, and land use planning.

l. *The Coastal Zone Management Act of 1972* states that ". . . it is the national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone . . ." (section 303); and requires all Federal activities affecting the zone to be carried out in a manner consistent with State coastal zone management programs (section 307).

m. *Section 2 of the Water Bank Act (P.L. 91-559)* declares that ". . . it is in the public interest to preserve, restore, and improve the wetlands of the Nation . . ."

n. *Section 2 of the Fish and Wildlife Coordination Act* requires, with certain limited exceptions, that "whenever the waters of any stream or other body of water are proposed or authorized to be . . . controlled or modified for any purpose whatever . . . by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency first shall consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular States wherein . . . control facility is to be constructed . . ." (subsection (a)). Reports and recommendations of the Secretary of the Interior and any other applicable officials must be included in the report prepared or submitted by the agency responsible for constructing the project to the Congress or other agency wih authority to approve the project (subsection (b)).

5. *Point of Contact.*

a. The point of contact for coordination of Coast Guard environmental matters covered in this Instruction is the Marine Environmental Protection Division (G-WEP/73).

b. The Marine Environmental Protection Branch (mep) of each district office is the point of contact for regional and local matters.

6. *Definitions and Guidelines.* Enclosures (1) through (5) set forth more specific definitions and guidelines for use with this Instruction.

7. *Procedures for Considering Environmental Effects.* An analysis of the environmental impacts of proposed activities should be undertaken concurrently with the initial technical and economic studies to ensure appropriate consideration of these impacts and of alternative courses of action in the final decision. Proposed action which *may* affect the quality of the environment require an environmental assessment to determine if the action may *significantly* affect the quality of the human environment. Significant environmental effects can be beneficial as well as detrimental. The assessment should identify the type, degree of effect, and probability of occurrence respecting primary, secondary and cumulative potential environmental impacts (positive and negative) of that action, including alternative courses thereto; however, the depth of coverage should be consistent with the magnitude of the project and its expected environmental effects. If the environmental assessment indicates that the environment may be significantly affected, an environmental impact statement will be prepared in accordance with enclosure (4). If the environmental assessment indicates no significant environmental effects and if the action is considered major, a negative declaration as described in enclosure (2) will be prepared. A section 4(f) determination may still be required even though a negative declaration is appropriate, in which case the material called for by B.2. and B.3. of enclosure (3) shall be set forth in a separate document accompanying the negative declaration. Environmental impact statements shall be submitted as early as possible. The following are examples of preparation times:

a. Construction projects. An environmental assessment shall be submitted to Commandant (G-CPE) with each planning proposal. If the environmental assessment indicates that a negative declaration is appropriate, the negative declaration with the environmental assessment attached thereto shall be submitted along with the planning proposal to G-CPE, and concurrently two (2) copies of the negative declaration with the environmental assessment attached thereto shall be submitted to G-WEP. When the environmental assessment indicates that an invironmental impact statement will be required for the proposed project, the draft environmental impact statement will be prepared only after the planning proposal has been approved, and will be submitted as soon after approval of the planning proposal as possible to Commandant (G-WEP). The final environmental impact statement shall be prepared on the basis of valid comments and objections received on the draft statement. The final environmental impact statement shall be submitted to G-WEP when the AC&I project proposal report is submitted for review and approval. Since no AC&I project proposal report is required for most family housing projects, the final environmental impact statements for family housing projects shall be submitted to G-WEP as soon as possible after the planning proposal has been approved, but in all cases, the environmental impact statement must be submitted before the Coast Guard budget is submitted to OMB. Appropriations may not be obligated (e.g., awarding of a construction contract) until at least 30 days after the final environmental impact statement has been made available to CEQ, to all those who commented on the draft statement, and to the general public, pursuant to the provisions of the Freedom of Information Act (5 U.S.C. Section 552). It should be available at the Headquarters and appropriate district offices and at appropriate State, regional, and metropolitan clearinghouses. (See also paragraph 8.c. regarding citizen involvement.)

b. Regulations. When an environmental impact statement is required, the draft statement should be prepared so that the public can review the statement during the review period for the proposed rules. The final statement should be made available to CEQ, all Federal, state and local agencies and public organizations who commented on the draft and the public at least 30 days prior to the effective date of the final rules. The final rules may be published in the Federal Register at the same time the final environmental impact statement is filed with CEQ; provided, however, that the final rules do not become effective for at least 30 days after the filing of the final impact statement with CEQ.

c. Permits. When an environmental impact statement is required, the final statement shall be made available to CEQ, commenting agencies, and the public at least 30 days prior to the issuance of the permit.

d. Other actions. When an environmental impact statement is required for actions other than those listed in a, b, and c, an environmental impact statement should be prepared as early as practical in the decision making process. Questions regarding this timing should be referred to Commandant (G-WEP).

8. *Action.* Although specific action assignments are listed in this paragraph, the entire expertise and experience of the Coast Guard should be utilized to assure a systematic and interdisciplinary approach in implementing NEPA. Program directors and district commanders may issue guidelines for implementing this instruction in their area of responsibility.

a. *General:* Environmental assessments, negative declarations and environmental impact statements shall be prepared as described in this instruction for all applicable actions as set forth in paragraph 3. The decision to prepare a negative declaration or environmental impact statement is the responsibility of the district commander for district initiated actions and the program director for Headquarters initiated actions. The decision to prepare a negative declaration or an environmental impact statement should be based on the evaluation of the environmental assessment. When a question arises as to the necessity of preparing a negative declaration or environmental impact statement, Commandant (G-WEP) should be contacted.

b. *Environmental impact statement.* The preparation of the environmental impact statement consists of two phases, the draft and the final. Draft environmental impact statements shall be made available to Federal, State and local agencies and to the public (5 USC 552) for a comment period of 45 days. This statement shall be made available at least 30 days prior to any hearing on the matter and at least 90 days prior to any major administrative action on the project. Final environmental impact statements shall be made available to those who commented on the draft and to the public at least 30 days prior to any administrative action on the project. If the final environmental impact statement is filed with CEQ within 90 days after the draft statement has been circulated for comment and made public, the 30-day period and 90-day period may run concurrently. CEQ usually publishes on Fridays, in the Federal Register, lists of environmental statements received during the preceding week that are available for public comment. The minimum period for public review and comment on the draft environmental impact statement is forty-five days from the date of the Federal Register notice of availability. The thirty (30) day period for each final statement begins on the day the statement is made available (date mailed) to the CEQ and to commenting parties.

c. *Citizen Involvement.* Citizen involvement in environmental matters at each pertinent stage of the development of the proposed action is encouraged. Formal and informal citizen input should be sought as early as possible. Attempts to solicit the views of the public through hearings, personal contact, press releases, maintaining mailing lists of interested parties, and other methods should be utilized. All substantive comments should be addressed in the environmental impact statement. See enclosure (4).

d. The Chief, Marine Environmental Protection Division (G-WEP) shall:

(1) Coordinate within the Coast Guard environmental matters related to this Instruction in order that an effective point of contact will exist.

(2) Coordinate and establish liaison with Federal, State and local agencies and citizens groups for the purpose of receiving comments on Coast Guard draft environment impact statements.

(3) Coordinate the review of Coast Guard environmental impact statements which are prepared within Headquarters.

(4) Upon initial receipt of a draft or final environmental impact statement or negative declaration, and prior to transmittal outside G-WEP, review to ensure compliance with this Instruction and its enclosures. Prior to transmittal of draft and final environmental impact statements to CEQ, G-WEP shall ensure that the statements appropriately reflect consideration of the reviewers' comments.

(5) Maintain and transmit quarterly to CEQ and TES a current list of all administrative actions for which environmental statements are being prepared and of all negative declarations prepared during the quarter. This list shall be made available for public inspection on request.

(6) Coordinate the review of non-Coast Guard environmental impact statements received from other Federal agencies.

(7) Transmit all draft environmental impact statements to CEQ (five copies), and the Office of the Assistant Secretary for Environment, Safety and Consumer Affairs (TES) (two copies).

(8) Upon review by Chief Counsel of all final environmental impact statements and subsequent concurrence by TES and TGC where required by DOT Order 5610.1 series, transmit statements to CEQ (five copies).

(9) Provide procedural support in the preparation and review of environmental impact statements.

(10) Maintain file copies of environmental impact statements and negative declarations prepared by the Coast Guard.

(11) Maintain mailing lists of parties interested in Coast Guard environmental impact statements to include agencies appearing in enclosure (5).

e. The Chief, Office of Marine Environment and Systems (G-W), shall:

(1) As Department of Transportation (DOT) Coordinator for Water Resources, coordinate within DOT those comments and/or reviews of environmental impact statements pertaining to water resource projects made by the various agencies within DOT (including the Coast Guard).

(2) Provide technical support in the preparation and review of environmental impact statements.

f. The Chief, Programs Division (G-CPA), shall:

(1) Ensure that the Planning and Programming Manual (CG-411) is revised as necessary to reflect the provisions outlined in this Instruction.

(2) Provide further review of budgeting actions of the type described herein to assure compliance by Program Managers.

g. The Chief Counsel (G-L) shall:

(1) Review all legislative proposals originated by program managers, together with environmental impact statements or negative declarations thereto, to ensure that they comply with the provisions of NEPA, CEQ guidelines, and this Instruction.

(2) Review recommendations or reports relating to legislation involving matters having to do with the quality of the human environment, referred by other agencies.

(3) Review all Coast Guard final environmental impact statements for legal sufficiency in accordance with DOT Order 5610.1 series.

(4) Provide advice and assistance in interpreting and applying NEPA, CEQ guidelines, and this Instruction.

h. Support Managers shall, as appropriate, provide technical support in the preparation and review of environmental impact statements so that a systematic and interdisciplinary approach may be achieved.

i. Program Directors shall:

(1) Prepare the necessary environmental assessments, impact statements or negative declarations for legislative recommendations and other actions arising at the Headquarters level in accordance with this Instruction. Forward copies of environmental impact statements (number to be determined on an individual basis) to Commandant (G-WEP) for coordination outside of the Coast Guard.

(2) Review draft and final impact statements dealing with projects in the program area prepared by the district commander and forward 15 copies to Commandant (G-WEP) for transmittal to CEQ and TES.

(3) Review negative declarations dealing with projects in the program area that have been prepared by the district commander, as well as those prepared at Headquarters, and forward a copy including the environmental assessment to Commandant (G-WEP).

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j. District commanders shall:

(1) Prepare the necessary environmental assessments, impact statements or negative declarations for project and other actions originated within the district in accordance with this Instruction.

(2) When necessary, solicit comments from Federal (at the local or regional office level), State, and local agencies and citizens groups to assist in the preparation of the environmental impact statement. Unless otherwise specified, draft environmental impact statements and copies of negative declarations are to be forwarded to the responsible program manager in Headquarters.

(3) Forward two (2) copies of all negative declarations and twenty (20) copies of all draft and final environmental impact statements to the responsible program office in Headquarters.

(4) When a draft environmental impact statement has expirted, prepare the final (except CEQ), State, and local agencies and the public after receipt of notification from Commandant (G–WEP) that the statement has been filed with CEQ.

(5) After the comment period on the draft statement has expired, prepare the final statement in accordance with enclosure (4). After receipt of notification from Commandant (G–WEP) that the final statement has been filed with CEQ, supply copies of the final statement to all agencies and individuals that commented on the draft statement or requested a copy.

(6) Maintain mailing lists of parties interested in Coast Guard environmental impact statements dealing with projects within the district in accordance with enclosure (4).

(7) Maintain and transmit to Commandant (G–WEP) quarterly, a current list of all administrative actions for which environmental statements are being prepared, and for which negative declarations have been prepared. This list shall be made available to the public upon request.

(8) When environmental impact statements are received from other Federal agencies;

(a) Review and, when appropriate, comment on all environmental impact statements received from other federal agencies. Comments should be as specific, substantive and factual as possible without undue attention to matters of form of the statement. Emphasis should be placed primarily on the assessment of the environmental impacts on the quality of the environment, particularly as contrasted with the impacts of reasonable alternatives to the action. Recommendations to modify the proposed action and/or new alternatives that will avoid or minimize environmental impacts may be made. Comments should be limited to Coast Guard areas of special expertise or jurisdiction by law as listed in enclosure (5). However, comments may be submitted on subjects outside Coast Guard areas, if an obvious question is raised.

(b) Those statements received by the district directly from the requesting agency, which contain technical details that are beyond the evaluation capabilities of the district staff, or are of a highly controversial nature, or which have significant effect or public interest beyond the district boundary shall be forwarded to the Commandant (G–WEP) for additional comment. In other cases, the district commander's comments shall be forwarded directly to the requesting agency, with a copy to Commandant (G–WEP), Office of Environmental Affairs, Office of the Secretary of Transportation and the Regional Secretarial Representative. Pursuant to the CEQ guidelines, five copies of the comments shall be transmitted to CEQ.

(c) In cases where more than one DOT Administration is requested to comment at regional level, the Departmental comments will be collated by the Regional DOT Secretarial Representative. When alerted by the DOT SECREP that Departmental comments are to be developed, the district commander shall provide Coast Guard comments to the DOT SECREP rather than to the requesting agency (copy to G–WEP). If there is disagreement between DOT Administrations, the Secretarial Representative will call a meeting to attempt resolution. If disagreement persists, the district commander should advise the Commandant (G–WEP) of the points at issue and provide a copy of the Coast Guard developed position.

(d) Environmental Statements received from State or local agencies. Many states have environmental policy statutes with provisions for environmental statements similar to those of NEPA. The review and comment process on the statements shall be the same as that for environmental impact statements prepared in accordance with Section 102(2)(C) of NEPA.

k. *Application of Section 102(2)(C) Procedures to Existing Projects and Programs* initiated prior to the enactment of NEPA. While the status of the work and degree of completion may be considered in determining whether to proceed with the project, it is essential that the environmental impacts of the proceeding are reassessed pursuant to NEPA policies and procedures. To this end, the evaluation of alternatives should include consideration of all alternatives reasonably available, given the status of work and degree of completion. In addition, if the project or program is continued, further incremental major actions shall be shaped so as to enhance and restore environmental quality as well as to avoid or minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or action.

l. The format and processing in enclosure (4) shall be afforded to statements or proposals subject to Section 309 of the Clean Air Act.

m. For actions which affect any district, site, building, structure or object that is included in the National Register of Historic Places, the proposal shall be referred to the Advisory Council on Historic Preservation for comment through the regional office of the National Park Service and the State Liaison Officer for Historic Preservation. See enclosure (3) for details on content.

O. W. SILER.

Encls: (1) Definitions. (2) Negative declaration. (3) Form and content of section 102(2)(C) statement. (4) Preparation, processing and review of section 102(2)(C) statements. (5) Areas of environmental impact and federal agencies with jurisdiction by law or special expertise to comment thereon.

DIST: (SDL No. 100) A: None. B: c(100); f(15); g(11); e(10); i(8); r(7); h(6); n(5); bklm(2); j(2); dpq(1). C: None. D: None. E: None. F: None.

ENCL (1) TO COMDTINST 5922

Definitions

1. *Actions Affected.* The environmental impact of any action must be considered. Where the environmental consequences of a proposed action are unclear but potentially significant, a statement should be prepared. It should be noted that the effects of many Federal decisions, including related Federal actions and projects in the area, can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several government agencies individually make decisions about partial aspects of a major action. In all such cases, an environmental statement should be prepared if it is reasonable to anticipate a cumulatively significant impact on the environment from the Federal action. Moreover, NEPA is not limited to adverse environmental effects; any significant effect, positive or negative, requires a statement. The Council on Environmental Quality, on the basis of a written assessment of the impacts involved, is available to assist in determining whether specific actions require impact statements ((G–WEP) will coordinate such requests).

2. *Environmental Assessment.* A report which describes the probable impact of the proposed action on the quality of the human environment. This report is used to determine the significance of the environmental impact of the proposed action.

3. *Negative Declaration.* A written statement that a proposed action has been reviewed and determined to have no significant effect upon the environment (see enclosure (2) of this Instruction).

4. *Environmental Impact Statement.* A comprehensive written report evaluating the impact of the proposed action upon the quality of the human environment.

5. *"Major Federal Action Significantly Affecting" the Quality of the Human Environment.*

a. *Any* of the following actions should ordinarily be considered major Federal actions significantly affecting the quality of the human environment:

(1) any effect that is not minimal on properties protected under section 4(f) of the DOT Act, or Section 106 of the Historic Preservation Act;

(2) any action that is likely to be highly controversial on environmental grounds;

(3) any action that is likely to have a significantly adverse impact on natural, ecological, cultural, or scenic resources of national, State or local significance;

(4) any action that is likely to be highly controversial regarding relocation of housing resources;

(5) any action that (a) divides or disrupts an established community or disrupts orderly, planned development or is inconsistent with plans or goals that have been adopted by the community in which the project is located; or (b) causes increased congestion;

(6) any action which:

(a) involves inconsistency with any Federal, State, or local standard relating to the environment; or

(b) has a significantly detrimental impact on air or water quality or on ambient noise levels for adjoining areas; or involves a possibility of contamination of public water supply systems; or effects ground water, flooding, erosion, or sedimentation;

(7) other action that causes significant environmental impact by directly or indirectly affecting human beings through adverse impacts on the environment.

6. *Significant.* The environment is to be thought of in broad terms when inquiring into whether there are likely to be significant effects. The environment is not to be considered just in terms of air or water pollution or of physical changes in the land. The environment also includes the social environment. When assessing the impact, the overall effect on the human environment must be assessed. This generally includes examining potential social as well as physical effects. Two tests should be used to determine the size of the effect. First, the extent to which

the proposed action will cause adverse effects in excess of those created by existing uses of the affected area shall be considered. The adverse effects must be considered not only in terms of their absolute magnitude, but also in terms of the existing degree of degradation in the affected area. Second, it is necessary to look at the cumulative harm that may result from the addition of the adverse effects of the proposed action to the existing environmental conditions in the affected area.

ENCL (2) TO COMDTINST 5922

Negative Declaration

1. *General.* Any proposal for an action to which this Instruction is applicable (see paragraph 5.a. of this Instruction,) and which will not have a significant impact on the environment will require a negative declaration. Negative declarations need not be coordinated outside the Coast Guard, but must be made available to the public upon request. Negative declarations must be supported by an environmental assessment which contains sufficient documentation so that the basis for the determination that the proposed action does not have a significant impact on the environment is clear. However, if the Coast Guard decides that an environmental statement is not necessary for the proposed action (a) which has been identified as normally requiring preparation of a statement, (b) which is similar to actions for which a statement has been prepared, (c) which has been previously announced to be the subject of a statement, or (d) for which a negative declaration has been made in response to a request from CEQ, that determination shall be documented. Lists of such negative determinations, and any determinations made that preparation of a statement is not yet timely, shall be prepared and made available in the same manner as provided for lists of environmental statements under preparation.

2. All negative declarations shall be prepared in accordance with the format below. The "Identify Clearly" section should include a description of the project, action or proposal, and a summary of the environmental findings that led to the conclusion that the project, action or proposal will have no foreseeable significant impact upon the quality of the human environment. The environmental assessment supporting the negative declaration shall be attached to the negative declaration and specifically incorporated by reference to support the conclusions reached in the negative declaration.

NEGATIVE DECLARATION FOR COAST GUARD PROJECTS, ACTIONS AND PROPOSALS

The following project, action or proposal has been thoroughly reviewed and it has been determined that said project, action or proposal will have no foreseeable significant impact upon the quality of the human environment:

(IDENTIFY CLEARLY)

Date

Signature of Originator of Negative Declaration

Date

Signature of Chief, Office of Marine Environment and Systems or District Commander or designated representative (if prepared at district level)

ENCL (3) TO COMDTINST 5922

Form and Content of Section 102(2)(C) Statement

A. Form

1. Each Statement will be headed as follows: Department of Transportation, U.S. Coast Guard (Draft/Final as appropriate) Environmental Impact Statement Pursuant to Section 102(2)(C), P.L. 91–190.

2. The heading specified in paragraph 1 shall be modified to indicate that the statement also covers section 4(f) and Section 106 as appropriate.

3. All environmental impact statements, including charts, pictures, graphs, etc., contained therein, should be printed on 8 × 10½ inch paper. Care should be taken to ensure that all pages within the statement are legible when reproduced in black and white.

4. Each statement will, as a minimum, contain sections corresponding to paragraph B.1. below, supplemented as necessary to cover other matters provided in this enclosure.

5. The format for the summary to accompany draft and final environmental statements is as follows:

SUMMARY

(Check one) ( ) Draft, ( ) Final Environmental Statement, Department of Transportation, U.S. Coast Guard (name, address and telephone number of contact individual).

1. Name of Action (check one) ( ) Administrative Action. ( ) Legislative action.

2. Brief description of action indicating what State (and counties) are particularly affected.

3. Summary of environmental impacts and adverse environmental effects of the action and its alternatives.

4. List of alternatives considered.

5. a. (for draft statement). List all Federal, State, and local agencies and other parties from which comments have been requested.

b. (for final statements). List all Federal, State, and local agencies and other sources from which written comments have been received.

6. Date draft statement and final statement, if issued, were made available to the Council on Environmental Quality and the public.

B. CONTENT. The following provisions are intended to provide guidance on the content of environmental statements. This guidance is expected to be supplemented by research reports, guidance on methodology, and other material from the literature as may be pertinent to evaluation of relevant environmental factors.

1. General. The following points are to be covered, where relevant:

a. A description of the proposed action and of the environment affected, including information, summary technical data, maps and diagrams where relevant, adequate to permit an assessment of potential environmental impact by commenting offices and the public.

(1) Highly technical and specialized analyses and data should be avoided in the body of the draft impact statement. Such materials should be appropriately summarized in the body of the draft impact statement and attached as appendices or footnoted with adequate bibliographic references.

(2) The statement shall also succinctly describe the environment of the area affected as it exists prior to a proposed action, including the related Federal activities in the area, their interrelationships, and cumulative environmental impact. The amount of detail provided in such descriptions shall be commensurate with the extent and expected impact of the action, and with the amount of information required at the particular level of decision making (planning, feasibility, design, etc.). In order to insure accurate descriptions and environmental assessments, site visits shall be made where appropriate.

(3) The statement shall identify, as appropriate, population and growth characteristics of the affected area and any population and growth assumptions used to justify the project or program or to determine secondary population and growth impacts resulting from the proposed action and its alternatives (see paragraph B.1.c.(2)). In discussing these population aspects, the statement shall give consideration to using the rates of growth in the region of the project contained in the projection compiled for the Water Resources Council by the Bureau of Economic Analysis of the Department of Commerce and the Economic Research Service of the Department of Agriculture (the "OBERS" projection).

(4) The sources of data used to identify, quantify, or evaluate any or all environmental consequences should be expressly noted.

b. The relationship of the proposed action and how it may conform to or conflict with adopted or proposed land use plans, policies, controls, and goals and objectives as have been promulgated by affected communities. Where a conflict or inconsistency exists, the statement should describe the extent of reconciliation and the reasons for proceeding notwithstanding the absence of full reconciliation.

c. The probable impact of the proposed action on the environment.

(1) This requires assessment of the positive and negative effects of the proposed action as it affects both the national and international environment. The attention given to the different environmental factors will vary according to the nature, scale, and location of proposed actions. Among factors to consider are the potential effect of the action on such aspects of the environment as those listed in enclosure (5) to this instruction. Primary attention shall be given in the statement to discussing those factors most evidently impacted by the proposed action.

(2) Secondary and other foreseeable effects, as well as primary consequences for the environment, shall be included in the analysis. Secondary effects, such as impacts on existing community facilities and activities, including new facilities and activities, may often be even more substantial than the primary effects of the original action itself. For example, the effects of the proposed action on population and growth may be among the more significant secondary effects. Such population and growth impacts should be estimated and an assessment made of their effects on changes in population patterns or growth upon the resource base, including land use, water, and public services of the area in question.

d. Alternatives to the proposed action, including where relevant, those not within the existing authority of the Coast Guard. Section 102(2)(D) of the Act requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources."

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A rigorous exploration and evaluation of the environmental impacts of all reasonable alternative actions, particularly those that might enhance environmental quality or avoid some or all of the adverse environmental effects, is essential. Sufficient analysis of such alternatives and their environmental benefits, costs, and risks shall accompany the proposed action through the review process in order not to foreclose prematurely options which might have less detrimental effects. Examples of such alternatives include: The alternative of taking no action or of postponing action pending further study; alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts; low capital intensive improvements; and alternatives related to different locations or designs or details of the proposed action which would present different environmental impacts. In each case, the analysis shall be sufficiently detailed to reveal the agency's comparative evaluation of the environmental benefits, costs and risks of the proposed action and each reasonable alternative. Where an existing impact statement already contains such an analysis, its treatment of alternatives may be incorporated, provided such treatment is current and relevant to the precise purpose of the proposed action.

e. Any probable adverse environmental effects which cannot be avoided, such as water or air pollution, undesirable land use patterns, or impacts on public parks and recreation areas, wildlife and waterfowl refuges, or historic sites, damage to life systems, traffic congestion, threats to health, or other consequences adverse to the environmental goals set out in section 101(b) of NEPA. This shall be a brief section summarizing in one place those effects discussed in subparagraph c. that are adverse and unavoidable under the proposed action. Included for purposes of contrast should be a clear statement of how other adverse effects will be mitigated.

f. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This section shall contain a brief discussion of the extent to which the proposed action involves trade-offs between short-term environmental gains at the expense of long-term losses, or vice versa and a discussion of the extent to which the proposed action forelosts future options. In this context, short-term and long-term do not refer to any fixed time periods, but should be view in terms of the environmentally significant consequences of the proposed action.

g. Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented. This requires identification of unavoidable impacts and the extent to which the action irreversibly curtails the range or potential uses of the environment. "Resources" means not only the labor and materials devoted to an action but also the natural and cultural resources lost or destroyed.

h. An indication of what other interests and considerations of Federal policy are thought to offset the adverse environmental effects of the proposed action identified pursuant to subparagraphs c. and e. of this paragraph. The statement should also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed actions (as identified in subparagraph d. of this paragraph) that would avoid some or all of the adverse environmental effects. In this connection agencies that prepare cost-benefit analyses of proposed actions shall attach such analyses or summaries thereof, to the environmental impact statement, and shall clearly indicate the extent to which environmental costs have not been reflected in such analyses.

i. A discussion of problems and objections raised by other Federal agencies, State and local entities, and citizens in the review process, and the disposition of the issues involved and the reasons therefore. (This section may be added at the end of the review process in the final text of the environmental statement.)

(1) The draft and final statements shall document issues raised through consultations with Federal, State, and local agencies with jurisdiction or special expertise and with citizens, of actions taken in response to comments, public hearings, and other citizen involvement proceedings.

(2) Any unresolved environmental issues and efforts to resolve them through further consultations should be identified in the final statement. For instance, where the Environmental Protection Agency (EPA) rates an action or statement "3" (Inadequate Analysis), "ER" (Environmental Reservations), or "EU" (Environmentally Unacceptable), the final statement shall reflect that EPA was consulted in an effort to resolve the basis for the rating and shall state the action taken.

(3) The statement shall reflect that efforts were made to discover and discuss all major points of view on the environmental effects of the proposed action and alternatives in the draft statement. However, where opposing professional views and responsible opinions have been overlooked in the draft statement and are raised through the commenting process, the environmental effects of the action should be reviewed in light of those views. A meaningful reference should be made in the final statement to the existence of responsible opposing views not adequately discussed in the draft statement, indicating responses to the issues raised.

(4) All substantive comments received on the draft (or summaries thereof where response has been exceptionally voluminous) should be attached to the final statement, whether or not each such comment is thought to merit individual discussion in the text of the statement.

j. Draft statement shall indicate, at appropriate points in the text, underlying studies, reports, and other information obtained and considered in preparing the statement, including any cost-benefit analyses prepared. In the case of documents not likely to be easily accessible (such as internal studies or reports), the statement shall indicate how such information may be obtained. If such information is attached to the statement, care should be taken to insure that the statement remains an essentially self-contained instrument, capable of being understood by the reader without the need for undue cross reference.

2. Publicly-Owned Parklands, Recreational Areas, Wildlife and Waterfowl Areas and Historic Sites. In the event the proposed action affects or takes any land described under section 4(f) of the DOT act, furnish the following additional information in the environmental statement:

a. Description of any "publicly owned land from a public park, recreational area or wildlife and waterfowl refuge" or "any land from an historic site" affected or taken by the project, including its size, available activities, use, patronage, unique or irreplaceable qualities, relationship to other similarly used lands in the vicinity of the project, maps, plans, slides, photographs, and drawings showing in sufficient scale and detail the project. This also includes its impact on park, recreation, wildlife, or historic areas, and changes in vehicular or pedestrian access.

b. Statement of the "national, State, or local significance" of the entire park, recreational area, refuge, or historic site "as determined by the Federal, State or local officials having jurisdiction thereof." In the absence of such a statement, lands will be presumed to be significant. Any statement of insignificance by the official having jurisdiction is reviewed by the Department as to whether such statement is capricious. Where Federal lands are administered for multiple uses, the Federal official having jurisdiction over the lands or, if appropriate, any other Federal agency with special expertiae in making the determination of such use, shall determine whether the subject lands are in fact being used for park, recreation, wildlife, waterfowl, or historic purposes.

c. Similar data, as appropriate, for alternative designs and locations, including detailed cost estimates (with figures showing percentage differences in total project costs), technical feasibility, and appropriate analysis of the alternatives, including any unique problems present and evidence that the cost or community disruption resulting from alternative routes would reach extraordinary magnitudes. This portion of the statement shall demonstrate compliance with the Supreme Court's statement in the Overton Park case, as follows:

"The very existence of the statute indicates that protection of parklands was to be given paramount importance. The few green havens that are public parks were not to be lost unless there were truly unusual factors present in a particular case or the cost or community disruption resulting from alternative routes reached extraordinary magnitudes. If the statutes are to have any meaning, the Secretary cannot approve the destruction of parkland unless he finds that the alternative routes present unique problems."

d. If there is no feasible and prudent alternative, description of all planning undertaken to minimize harm to the protected area and statement of actions taken or to be taken to implement this planning, including measures to maintain or enhance the natural beauty of the lands traversed.

(1) Measures to minimize harm may include replacement of land and facilities, providing land or facilities, or provision for functional replacement of the facility (see 49 C.F.R. 25.267).

(2) Design measures to minimize harm; e.g., tunneling, cut and cover, cut and fill, treatment of embankments, planting, screening, maintenance of pedestrian or bicycle paths, noise mitigation measures—all reflecting utilization of appropriate interdisciplinary design personnel.

e. Evidence of concurrence or description of efforts to obtain concurrence of Federal, State, or local officials having jurisdiction over the section 4(f) property regarding the action proposed and the measures planned to minimize harm.

f. If Federally-owned properties are involved in highway-bridge projects, the final statement shall include the result of filing a map of the proposed use of the land with the Secretary of the Department supervising the land (23 U.S.C. 317).

g. If land acquired with Federal grant money (Department of Housing and Urban Development open space or Bureau of Outdoor Recreation land and water conservation funds) is involved, the final statement shall include specific concurrence of the grantor agency.

h. The General Counsel (TGC) will determine application of section 4(f) to public interests in land, such as easements, reversions, etc.

i. A specific statement that there is no feasible and prudent alternative and that the proposal includes all possible planning to minimize harm to the "4(f) area" involved.

3. Properties and Sites of Historic and Cultural Significance. The statement should document actions taken to preserve and enhance districts, sites, buildings, structures, and objects of historical, architectural, archeological, or cultural significance affected by the action.

a. Draft environmental statements shall include identification, through consulting the National Register and applying the National Register Criteria (36 C.F.R. Part 800), of properties that are included in or eligible for inclusion in the National Register of Historic Places that may be affected by the project. The National Register is published in its entirety each February in the FEDERAL REGISTER. Monthly additions and listings of eligible properties are published in the FEDERAL REGISTER the first Tuesday of each month. The Secretary of the Interior will advise, upon request, whether properties are eligible for the National Register.

b. If application of the Advisory Council on Historic Preservation's (ACHP) Criteria of Effect (36 C.F.R. Part 800) indicates that the project will have an effect upon a property included in or eligible for inclusion in the National Register of Historic Places, the draft environmental statement should document the effect. Evaluation of the effect should be made in consultation with the State Historic Preservation Officer (SHPO) and in accordance with the ACHP's Criteria of Adverse Effect (36 C.F.R. Part 800).

c. Determinations of no adverse effect should be documented in the draft statement with evidence of the application of the ACHP's Criteria of Adverse Effect, the views of the appropriate State Historic Preservation Officer (SHPO) and submission of the determination to the ACHP for review.

d. If the project will have an adverse effect upon a property included in or eligible for inclusion in the National Register of Historic Places, the final environmental statement should include either an executed Memorandum of Agreement or comments from the Council after consideration of the project at a meeting of the ACHP and an account of actions to be taken in response to the comments of the ACHP. Procedures for obtaining a Memorandum of Agreement and the comments of the Council are found in 36 C.F.R. Part 800.

e. To determine whether the project will have an effect on properties of State or local historical, architectural, archaeological, or cultural significance not included in or eligible for inclusion in the National Register, the responsible official shall consult with the State Historic Preservation Officer, with the local official having jurisdiction of the property, and where appropriate, with historical societies, museums, or academic institutions having expertise with regard to the property. Use of land from historic properties of Federal, State and local significance as determined by the official having jurisdiction thereof involves section 4(f) of the DOT Act and documentation should include information necessary to consider a 4(f) determination.

4. Impacts of the Proposed Action on the Human Environment Involving Community Disruption and Relocation. In the event that the project, proposal or action involves community disruption and relocation, the following additional information must be included in the environmental statement.

a. The statement shall include a description of probable impact sufficient to enable an understanding of the extent of the environmental and social impact of the project alternatives and consideration of whether relocation problems can be properly handled. This would include the following information obtainable by visual inspection of the proposed affected area and from secondary sources and community sources when available:

1. An estimate of the households to be displaced including the family characteristics (e.g., minorities, income levels, tenure, the elderly, large families).

2. Impact on the human environment of an action which divides or disrupts an established community, including, where pertinent, the effect of displacement on types of families and individuals affected, effect of streets cut off, separation of residences from community facilities, and separation of residential area.

3. Impact on the neighborhood and housing to which relocation is likely to take place (e.g., lack of sufficient housing for large families, doubling up).

4. An estimate of the businesses to be displaced, and the general effect of business dislocation on the economy of the community.

5. A definition of relocation housing in the area and the ability to provide adequate relocation housing for the types of families to be displaced. If the resources are insufficient to meet the estimated displacement needs, a description of the actions proposed to remedy this situation including, if necessary, use of housing of last resort.

6. Results of consulation with local officials and community groups regarding the impacts to the community affected. Relocation agencies and staff and other social agencies can help to describe probable social impacts of this proposed action.

7. When necessary, special relocation advisory services are to be provided for the elderly, handicapped and illiterate regarding interpretations of benefits, assistance in selecting replacement housing, and consultation with respect to acquiring, leasing, and occupying replacement housing.

b. This data shall provide the preliminary basis for assurance of the availability of relocation housing as required by DOT Order 5620.1 and 49 C.F.R. 25.53.

5. Considerations Relating to Pedestrians and Bicyclists. Where appropriate, the statement should discuss impacts on and consideration to be given in the development of the project to pedestrian and bicycle access and movement within the affected area, particularly in medium and high density commercial and residential areas.

6. Other Social Impacts. The general social groups specially benefitted or harmed by the proposed action should be identified in the statement, including the following:

a. Particular effects of a proposal on the elderly, handicapped, non-drivers, transit-dependent, or minorities shall be described to the extent reasonably predictable.

b. How the proposal will facilitate or inhibit their access to jobs, educational facilities, religious institutions, health and welfare services, recreational facilities, social and cultural facilities, pedestrian movement facilities, and public transit services.

7. Standards as to Noise, Air and Water Pollution. The statement shall reflect sufficient analysis to predict the effects of the proposed action on attainment and maintenance of any applicable environmental standards established by law or administrative determination including the following documentation:

a. With respect to water quality, there shall be consultation with the agency responsible for the State water pollution control program with respect to conformity with standards and regulations regarding storm sewer damage, sedimentation control, and other non-point source discharges.

b. The comments or determinations of the offices charged with administration of the State's implementation plan for air quality as to the consistency of the project with State plans for the implementation of ambient air quality standards.

c. Conformity to adopted noise standards, compatible, if appropriate, with different land uses.

8. Energy Supply and Natural Resources Development. Where applicable, the statement shall reflect consideration of whether the project or program will have any effect on either the production or consumption of energy and other natural resources, and discuss such effects if they are significant.

9. Flood Hazard Evaluation. When an alternative under consideration encroaches on a flood plain, the statement shall include evidence that studies have been made and evidence that consultations with the Corps of Engineers or the Tennessee Valley Authority, as appropriate, have been carried out. Necessary measures to handle flood hazard problems shall be described, in compliance with Executive Order 11296, dated 15 August 1974, and Flood Hazard Guidelines for Federal Executive Agencies, promulgated by the Water Resources Council.

10. Considerations Relating to Wetlands or Coastal Zones. Where wetlands or coastal zones are involved, the statement shall include:

a. Information on location, types, and extent of wetlands areas which might be affected by the proposed action.

b. An assessment of the impact resulting from construction and from operation of the project on the wetlands and associated wildlife and measures to minimize adverse impacts.

c. A statement by the local representative of the Department of the Interior, and any other responsible officials with special expertise, setting forth his views on the impacts of the project on the wetlands, the worth of the particular wetlands areas involved to the community and to the nation, and recommendations as to whether the proposed action should proceed and, if applicable, along what alternative route.

d. Where applicable, a discussion of how the proposed project relates to the State coastal zone management program for the particular State in which the project is to take place.

11. Construction Impacts. In general, adverse impacts during construction will be of less importance than long-term impacts of a proposal. Nonetheless, statements should appropriately address such matters as the following, identifying any special problem areas.

a. Noise impacts from construction and any specifications providing maximum noise levels.

b. Disposal of spoil and effect on borrow areas and disposal sites (include any specifications).

c. Measures to minimize effects on traffic and pedestrians.

d. Consideration of non-point source pollution such as might be carried in water runoff.

12. Land Use and Urban Growth. The statement shall include, to the extent relevant and predictable:

a. The effect of the project on land use, development patterns, and urban growth.

b. Where significant land use and development impacts are anticipated, identify public facilities needed to serve the new development and any problems or issues which would arise in connection with these facilities, and the comments of agencies that would provide these facilities.

ENCL (4) TO COMDTINST 5922

Preparation, Processing and Review of Section 102(2)(C) Statements

1. Citizen Involvement Procedures. Citizen involvement in environmental aspects of Coast Guard actions is encouraged at each

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pertinent stage of the development of the proposed action. Formal and informal citizen input shall be encouraged as early as possible. Attempts to solicit the views of the public through hearings, personal contact, advertisements, newspaper notices, maintaining mailing lists of interested parties, and other methods shall be utilized. (DOT Order 5610.1B satisfies 44 U.S.C. 3702, which requires written authority from the head of the department to pay for publishing advertisements, notices, or proposals.) Interested parties include community, environmental, or conservation organizations or individuals affected by or known to have an interest in, or who can speak knowingly of the environmental impact of the proposed action. Lists of interested parties shall be developed. Interested parties should have adequate opportunities to express their views early enough in the study process to influence the course of study, as well as action taken. A summary of the process and any environmental issues raised shall be addressed in the environmental statement.

a. Early notification of the preparation of environmental impact statements shall be sent to interested parties and may be sent to Federal, State or local agencies to solicit comments that may be helpful in preparing the draft statement.

(1) For actions other than those where agencies send early notifications under a. above, procedures shall include an early notice system for informing the public of the decision to prepare a statement.

b. Copies of the draft environmental impact statement shall be sent to interested parties along with circulation to Federal, State and local agencies. The availability of the statement should be made known to appropriate interested parties, advertised in local papers, etc.

c. Hearings.

(1) For any action involving a public hearing, the draft statement, negative declaration or environmental analysis shall be made available to the public at least 30 days prior to the hearing. The notice of the hearing shall indicate availability of the statement or analysis.

(2) Even where not required, a hearing may help resolve environmental conflicts. In deciding whether a public hearing is appropriate, an agency shall consider:

(a) The magnitude of the proposal in terms of economic costs, environmental impact, the geographic area involved, and the uniqueness or size of commitment of the resources involved;

(b) The degree of interest in the proposal, as evidenced by requests from the public and from State, Federal and local authorities that a hearing be held;

(c) The complexity of the issue and the likelihood that information will be presented at the hearing which will be of assistance to the agency in fulfilling its responsibilities under NEPA; and,

(d) The extent to which public involvement already has been achieved through other means, such as earlier public hearings, meetings with citizen representatives, and/or written comments on the proposed action.

(3) Notification of the hearing shall announce availability of detailed information on environmental impacts through newspaper articles, direct notification to interested parties and clearinghouses, etc.

d. Informal meetings and direct contacts with interested parties shall be held early in the development process to provide the opportunity for mutual exchange of information. The objective of these actions shall be to include as many of the residents and others as possible in discussions, to identify community leaders, and to seek their recommendations.

2. Planning Stage. Initial assessment of environmental impacts of proposed activities shall be undertaken concurrently with initial technical and economic studies.

3. Scope of Statement. The scope of the action covered by the statement shall avoid "piecemealing" and be sufficiently broad so that alternatives to the proposed action can be meaningfully evaluated. Actions covered shall have independent significance and stand on their own. In certain circumstances, broad program statements will be required in order to assess the environmental effects of a number of actions in a geographical area, or environmental impacts that are generic or common to a series of actions, or the overall impact of a chain of contemplated projects.

4. Applications. Each applicant for a grant, loan, permit or other Coast Guard approval, if appropriate, may be requested to submit, together with the original application, either a draft 102(2)(C) statement or a negative declaration, or an environmental analysis of the proposed project which would be utilized in the preparation of a draft statement or negative declaration by the Coast Guard. In such event, the Coast Guard shall assist the applicant by specifying the types of information required. In all cases, the Coast Guard shall make its own evaluation of the environmbental issues and take responsibility for the scope and content of draft and final environmental statements.

5. Use of Consultants. Consultants may be utilized to prepare background or preliminary material for use in a draft or final environmental issues and take reesponsibility Guard takes responsibility. Selection of consultants and work by consultants who may expect further contracts based on the outcome of the environmental decision shall be carefully reviewed to insure complete and objective consideration of all relevant project impacts and alternatives.

6. Lead Agency. Where more than one agency directly sponsors an action, or is directly involved through funding, licenses, or permits, or is involved in a group of actions directly related to each other because of functional interdependence and geographic proximity, to the maximum extent possible one statement shall serve as the means of compliance with section 102(2)(C) for all Federal actions involved. The Coast Guard, in such cases, shall consider the possibility of joint preparation of a statement by all agencies concerned, or designation of a single "lead agency" to assume supervisory responsibility for preparation of the statement. Where a lead agency prepares the statement, the other agencies involved shall provide assistance with respect to their areas of jurisdiction and expertise. In either case, the statement shall contain an environmental assessment of the full range of Federal actions involved, shall reflect the views of all participating agencies, shall indicate what actions are to be taken by the individual agencies, and shall be prepared before major or irreversible actions have been taken by any of the participating agencies. Factors relevant to determining an appropriate lead agency include existing memoranda of understanding, the time sequence in which the agencies become involved, the magnitude of their respective involvement, and their relative expertise with respect to the project's environmental effects. As necessary, the Council on Environmental Quality will assist in resolving questions of responsibility for statement preparation in the case of multiagency actions. For projects primarily involving land owned by or under the jurisdiction of another Federal agency, the owner agency may be appropriate to be the designated lead agency. Joint preparation of environmental statements is encouraged, when appropriate. Regardless of which agency prepares the statement, the Coast Guard must be satisfied that the statement satisfies our requirements under NEPA. Involvement by the various agencies shall be documented in the statement.

7. Interdisciplinary Approach. The 102(2)(C) statement shall reflect the utilization of a "systematic, interdisciplinary approach" as required by section 102(2)(A) of NEPA. The interdisciplinary approach shall include appropriate disciplines to assure that environmental impacts are described in detail in the statement. This is to be carried out by relevant disciplines represented on the staff, or when this is not feasible, by appropriate use of relevant Federal, State, and local agencies or the professional services of universities and outside consultants. The interdisciplinary approach shall not be limited to the preparation of the environmental impact statement, but shall also be used in the early planning stages of the proposed action. Early application of such an approach shall help assure a systematic evaluation of reasonable alternative courses of actions and their potential social, economic, and environmental consequences.

8. Legislative Proposals. Before the Coast Guard makes a favorable report to the Congress on proposed draft legislation for which the Coast Guard has primary responsibility, the office which develops the Coast Guard position on the report or originates legislation shall prepare an environmental statement or negative declaration. The final text of the environmental statement and comments thereon shall be available to the Congress and to the public for consideration in connection with the proposed legislation or report. In cases where the scheduling for congressional hearings on recommendations or reports on proposals for legislation which the Federal agency has forwarded to the Congress does not allow adequate time for the completion of a final text of an environmental statement (together with comments), a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text.

9. Draft of Statement. Draft statements shall be prepared at the earliest practical time prior to the first significant point of decision in the review process. They shall be prepared early enough in the process so that the analysis of the environmental effects and the exploration of alternatives with respect thereto are significant inputs to the decision-making process.

10. Processing of Environmental Statements. On actions requiring a 102(2)(c) statement, the Coast Guard shall circulate for comment the draft environmental statement to all Federal, State and local agencies and interested citizens which have jurisdiction by law or special expertise with respect to the environmental impact involved, and to the CEQ (five copies) and TES (two copies), as well as other elements of DOT where appropriate. For action within the jurisdiction of the Environmental Protection Agency (air or water quality, solid wastes, pesticides, radiation standards, noise), the proposals shall be referred to EPA for review and comment. For actions which affect any district, site, building, structure or object that is included in the National Register, the proposal shall be referred to the Advisory Council on Historic Preservation for comment through the regional office of the National Park Service and the State Liaison Office for Historic Preservation. A time period for comment on the draft statement may be specified, but not less than 45 days from the date of publication in the Federal Register of the CEQ listing notifying the public of issuance of the impact statement. An extension of time, if possible, when requested, shall be allowed. Where comments of agencies have been obtained, comments need not be solicited again from the same agencies, unless there are pertinent changes in the project proposal.

a. Federal Review. Enclosure (5) to this instruction is a list of Federal agencies with special expertise or jurisdiction by law with respect to environmental impacts, to whom the draft statement shall be referred, as appropriate, for comment.

b. State and Local Review.

(1) Where review of the proposed action by State and local agencies is relevant, such State and local review shall be provided for as follows:

(a) Where review of direct Federal development projects takes place prior to preparation of an environmental statement, comments on the environmental effects of the proposed project are inputs to the environmental statement. These comments shall be attached to the draft statement when it is circulated for review and copies of the draft sent to those who commented. A–95 clearinghouses or other agencies designated by the Governor may also secure reviews on environmental statements. Clearinghouses shall in all cases be sent a copy of the draft and final environmental statements.

(b) Project applicant or the Coast Guard shall obtain comments directly from appropriate State and local agencies, except where review is secured by agreement through A–95 clearinghouses. Comments shall be solicited from municipalities and counties for all projects located therein.

(2) Environmental statements on legislative proposals are not generally subject to State and local review. Similarly, budget proposals or other internal agency proposals may be excluded from such review.

11. Utilization of Comments. Comments received on the draft statement and inputs from the process of citizen participation shall accompany the environmental statement through the normal internal project or program review process.

12. Final Statements. Draft statements shall be revised, as appropriate, to reflect comments received, issues raised through the community involvement and public hearing process, or other considerations, before being put into final form for approval of the responsible official.

13. Supplemental or Amended Statements. The Coast Guard may supplement or amend a draft or final environmental statement when substantial changes are made in a proposed action, or where significant new information regarding its environmental impacts comes to light. In any case the responsible official should consult with (G–WEP) with respect to the policy concerning possible need for or desirability of recirculation of the statement for the appropriate period.

14. Availability of Statements to the President, the CEQ, and the Public. After approval by the Program Manager, GL and DOT, G–WEP is responsible for transmitting five copies of each final statement to the CEQ, which shall be deemed transmittal to the President. The responsible officer for the environmental statement is responsible for making the final version of such statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552) at the Headquarters and appropriate district offices and at appropriate State, regional and metropolitan clearinghouses unless the Governor of the State involved designates some other point for receipt of this information. Notice of such designation shall be included in OMB listing of Clearinghouses. Draft and final statements shall be made available in public places such as local public libraries, and offices of preparing agencies. Copies of final statements, with comments attached, shall be sent to all Federal, State, and local agencies, private organizations and individuals who commented on the draft statement or requested copies of the final statement. If the length of the statement or the number of comments make this distribution requirement highly impractical, G–WEP shall consider an alternative arrangement, in consultation with CEQ. Materials to be made available to the public shall be provided without charge to the extent practical, or at a fee which is not more than actual cost of reproducing copies to be sent to other Federal agencies.

15. Timing of Agency Decision. To the maximum extent practicable, no administrative action (i.e., any proposed action to be taken by the agency other than agency proposals for legislation to Congress, budget proposals, or agency reports on legislation) subject to section 102(2)(C) is to be taken sooner than 90 days after a draft environmental statement has been circulated for comment, furnished to the Council and, except where advance public disclosure will result in significantly increased costs of procurement to the Government, made available to the public pursuant to these guidelines. Neither should such administrative action be taken sooner than 30 days after the final approved text of an environmental statement (together with comments) has been made available to the CEQ, commenting agencies and the public. If the final text of an environmental statement is filed within 90 days after a draft statement has been circulated for comment, furnished to the CEQ and made public pursuant to this section of these guidelines, the 30-day period and 90-day period may run concurrently to the extent that they overlap.

16. Review of Environmental Statements Prepared by Other Agencies. Other agencies may consult with the Coast Guard in preparation of environmental statements. The purpose of Coast Guard review of and comment on environmental statements drafted by other agencies is to provide constructive assistance on proposals relating to functional areas of responsibility and expertise of the Coast Guard. The responsibility of the commenting official will generally be limited to the provision of a competent and cooperative advisory and consultant service. Review of Statements prepared by other agencies will consider the environmental impact of the proposal on areas within the Coast Guard's functional area of responsibility or special expertise as listed in enclosure (5) to this instruction.

a. Comments shall be organized in a manner consistent with the structure of the draft statement and may include alternatives or modifications that will enhance environmental quality or avoid or minimize adverse environmental impacts.

b. Coast Guard projects that are environmentally related to the proposed action shall be indicated so interrelationships may be included in the final statement.

c. Environmental monitoring for which the Coast Guard has special expertise may be suggested and encouraged during construction, start-up, and operation phases.

d. The following matters should be referred to Commandant (G–WEP) for comment:

(1) Actions with national policy implications.

(2) Projects that involve natural, ecological, cultural, scenic, historic, or park or recreation resources of national significance.

(3) Legislation, regulations having national impacts, or national program proposals.

(4) Projects regarding the transportation of hazardous materials and natural gas and liquid-products pipelines.

17. Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provision of these guidelines concerning minimum periods for agency review and advance availability of environmental statements, G–WEP shall consult with TES and CEQ about alternative arrangements.

18. Implementation of Representations in Environmental Impact Statements. District commanders and program directors shall assure, through funding agreements and project review procedures, that any actions set forth in an approved impact statement to minimize adverse environmental affects are carried out. Any proposed deviation from the prescribed action that may reduce protection of the environment must be submitted to G–WEP for concurrence, and to TES, via G–WEP, for concurrence if the statement was concurred in by TES.

ENCL (5) TO COMDTINST 5922

AREAS OF ENVIRONMENTAL IMPACT AND FEDERAL AGENCIES AND FEDERAL-STATE AGENCIES[1] WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT THEREON[2]

AIR

Air Quality

Department of Agriculture—
Forest Service (effects on vegetation)
Atomic Energy Commission (radioactive substances)
Department of Health, Education, and Welfare
Environmental Protection Agency
Department of the Interior—
Bureau of Mines (fossil and gaseous fuel combustion)
Bureau of Sport Fisheries and Wildlife (effect on wildlife)
Bureau of Outdoor Recreation (effects on recreation)
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
National Aeronautics and Space Administration (remote sensing, aircraft emissions)
Department of Transportation—
Assistant Secretary for Systems Development and Technology (auto emissions)
Coast Guard (vessel emissions)
Federal Aviation Administration (aircraft emissions)

Weather Modification

Department of Agriculture—
Forest Service
Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Defense—
Department of the Air Force
Department of the Interior
Bureau of Reclamation

WATER RESOURCES COUNCIL

WATER

Water Quality

Department of Agriculture—
Soil Conservation Service
Forest Service

[1] River Basin Commissions (Delaware, Great Lakes, Missouri, New England, Ohio, Pacific Northwest, Souris-Red-Rainy, Susquahanna, Upper Mississippi) and similar Federal-State agencies should be consulted on actions affecting the environment of their specific geographic jurisdictions.

[2] In all cases where a proposed action will have significant international environmental effects, the Department of State should be consulted, and should be sent a copy of any draft and final impact statement which covers such action.

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Atomic Energy Commission (radioactive substances)
Department of the Interior—
Bureau of Reclamation
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Sports Fisheries and Wildlife
Bureau of Outdoor Recreation
Geological Survey
Office of Saline Water
Environmental Protection Agency
Department of Health, Education, and Welfare
Department of Defense—
Army Corps of Engineers
Department of the Navy (ship pollution control)
National Aeronautics and Space Administration (remote sensing)
Department of Transportation—
Coast Guard (oil spills, ship sanitation)
Department of Commerce—
National Oceanic and Atmospheric Administration
Water Resources Council
River Basin Commissions (as geographically appropriate)

Marine Pollution, Commercial Fishery Conservation, and Shellfish Sanitation

Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Defense—
Army Corps of Engineers
Office of the Oceanographer of the Navy
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
Bureau of Land Management (outer continental shelf)
Geological Survey (outer continental shelf)
Department of Transportation—
Coast Guard
Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
Water Resources Council
River Basin Commissions (as geographically appropriate)

Waterway Regulation and Stream Modification

Department of Agriculture—
Soil Conservation Service
Department of Defense—
Army Corps of Engineers
Department of the Interior—
Bureau of Reclamation
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
Geological Survey
Department of Transportation—
Coast Guard
Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
Water Resources Council
River Basin Commissions (as geographically appropriate)

FISH AND WILDLIFE

Department of Agriculture—
Forest Service
Soil Conservation Service
Department of Commerce—
National Oceanic and Atmospheric Administration (marine species)
Department of the Interior—
Bureau of Sport Fisheries and Wildlife
Bureau of Land Management
Bureau of Outdoor Recreation
Environmental Protection Agency

SOLID WASTE

Atomic Energy Commission (radioactive waste)
Department of Defense—
Army Corps of Engineers
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Mines (mineral waste, mine acid waste, municipal solid waste, recycling)
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Geological Survey (geologic and hydrologic effects)
Office of Saline Water (demineralization)
Department of Transportation—
Coast Guard (ship sanitation)
Environmental Protection Agency
River Basin Commissions (as geographically appropriate)
Water Resources Council

NOISE

Department of Commerce—
National Bureau of Standards
Department of Health, Education, and Welfare
Department of Housing and Urban Development (land use and building materials aspects)
Department of Labor—
Occupational Safety and Health Administration
Department of Transportation—
Assistant Secretary for Systems Development and Technology
Federal Aviation Administration, Office of Noise Abatement
Environmental Protection Agency
National Aeronautics and Space Administration

RADIATION

Atomic Energy Commision
Department of Commerce—
National Bureau of Standards
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Mines (uranium mines)
Mining Enforcement and Safety Administration (uranium mines)
Environmental Protection Agency

HAZARDOUS SUBSTANCES

Toxic Materials

Atomic Energy Commission (radioactive substances)
Department of Agriculture—
Agricultural Research Service
Consumer and Marketing Service
Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Defense
Department of Health, Education, and Welfare
Environmental Protection Agency

Food Additives and Contamination of Foodstuffs

Department of Agriculture—
Consumer and Marketing Service (meat and poultry products)
Department of Health, Education, and Welfare
Environmental Protection Agency

Pesticides

Department of Agriculture—
Agricultural Research Service (biological controls, food and fiber production)
Consumer and Marketing Service
Forest Service
Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Sport Fisheries and Wildlife (fish and wildlife effects)
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Reclamation (irrigated lands)
Environmental Protection Agency

Transportation and Handling of Hazardous Materials

Atomic Energy Commission (radioactive substances)
Department of Commerce
Maritime Administration
National Oceanic and Atmospheric Administration (effects on marine life and the coastal zone)
Department of Defense—
Armed Services Explosive Safety Board
Army Corps of Engineers (navigable waterways)
Department of Transportation—
Federal Highway Administration, Bureau of Motor Carrier Safety
Coast Guard
Federal Railroad Administration
Federal Aviation Administration
Assistant Secretary for Systems Development and Technology
Office of Hazardous Materials
Office of Pipeline Safety
Environmental Protection Agency

ENERGY SUPPLY AND NATIONAL RESOURCES DEVELOPMENT

Electric Energy Development, Generation, and Transmission, and Use

Atomic Energy Commission (nuclear)
Department of Agriculture—
Rural Electrification Administration (rural areas)
Department of Defense—
Army Corps of Engineers (hydro)
Department of Health, Education, and Welfare (radiation effects)
Department of Housing and Urban Development (urban areas)
Department of the Interior—
Bureau of Indian Affairs (Indian lands)
Bureau of Land Management (public lands)
Bureau of Reclamation
Power Marketing Administrations
Geological Survey
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
National Park Service
Environmental Protection Agency
Federal Power Commission (hydro, transmission, and supply)
River Basin Commissions (as geographically appropriate)
Tennessee Valley Authority
Water Resources Council

Petroleum Development, Extraction, Refining, Transport, and Use

Department of the Interior—
Office of Oil and Gas
Bureau of Mines
Geological Survey
Bureau of Land Management (public lands and outer continental shelf)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife)
Bureau of Outdoor Recreation
National Park Service
Department of Transportation (Transport and Pipeline Safety)

Environmental Protection Agency
Interstate Commerce Commission

Natural Gas Development, Production, Transmission, and Use

Department of Housing and Urban Development (urban areas)
Department of the Interior—
Office of Oil and Gas
Geological Survey
Bureau of Mines
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
National Park Service
Department of Transportation (transport and safety)
Environmental Protection Agency
Federal Power Commission (production, transmission, and supply)
Interstate Commerce Commission

Coal and Minerals Development, Mining, Conversion, Processing, Transport, and Use

Appalachian Regional Commission
Department of Agriculture—
Forest Service
Department of Commerce
Department of the Interior—
Office of Coal Research
Mining Enforcement and Safety Administration
Bureau of Mines
Geological Survey
Bureau of Indian Affairs (Indian lands)
Bureau of Land Management (public lands)
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
National Park Service
Department of Labor—
Occupational Safety and Health Administration
Department of Transportation
Environmental Protection Agency
Interstate Commerce Commission
Tennessee Valley Authority

Renewable Resource Development, Production, Management, Harvest, Transport, and Use

Department of Agriculture—
Forest Service
Soil Conservation Service
Department of Commerce
Department of Housing and Urban Development (building materials)
Department of the Interior—
Geological Survey
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
National Park Service
Department of Transportation
Environmental Protection Agency
Interstate Commerce Commission (freight rates)

Energy and Natural Resources Conservation

Department of Agriculture—
Forest Service
Soil Conservation Service
Department of Commerce—
National Bureau of Standards (energy efficiency)
Department of Housing and Urban Development—
Federal Housing Administration (housing standards)
Department of the Interior—
Office of Energy Conservation
Bureau of Mines
Bureau of Reclamation
Geological Survey
Power Marketing Administration
Department of Transportation
Environmental Protection Agency
Federal Power Commission
General Services Administration (design and operation of buildings)
Tennessee Valley Authority

LAND USE AND MANAGEMENT

Land Use Changes, Planning and Regulation of Land Development

Department of Agriculture—
Forest Service (forest lands)
Agricultural Research Service (agricultural lands)
Department of Housing and Urban Development
Department of the Interior—
Office of Land Use and Water Planning
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife (wildlife refuges)
Bureau of Outdoor Recreation (recreation lands)
National Park Service (NPS units)
Department of Transportation
Environmental Protection Agency (pollution effects)
National Aeronautics and Space Administration (remote sensing)
River Basins Commissions (as geographically appropriate).

Public Land Management

Department of Agriculture—
Forest Service (forests)
Department of Defense
Department of the Interior—
Bureau of Land Management
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife (wildlife refuges)
Bureau of Outdoor Recreation (recreation lands)
National Park Service (NPS units)
Federal Power Commission (project lands)
General Services Administration
National Aeronautics and Space Administration (remote sensing)
Tennessee Valley Authority (project lands)

PROTECTION OF ENVIRONMENTALLY CRITICAL AREAS—FLOODPLAINS, WETLANDS, BEACHES AND DUNES, UNSTABLE SOILS, STEEP SLOPES, AQUIFER RECHARGE AREAS, ETC.

Department of Agriculture—
Agricultural Stabilization and Conservation Service
Soil Conservation Service
Forest Service
Department of Commerce—
National Oceanic and Atmospheric Administration (coastal areas)
Department of Defense—
Army Corps of Engineers
Department of Housing and Urban Development (urban and floodplain areas)
Department of the Interior—
Office of Land Use and Water Planning
Bureau of Outdoor Recreation
Bureau of Reclamation
Bureau of Sport Fisheries and Wildlife
Bureau of Land Management
Geological Survey
Environmental Protection Agency (pollution effects)
National Aeronautics and Space Administration (remote sensing)
River Basins Commissions (as geographically appropriate)
Water Resources Council

LAND USE IN COASTAL AREAS

Department of Agriculture—
Forest Service
Soil Conservation Service (soil stability, hydrology)
Department of Commerce—
National Oceanic and Atmospheric Administration (impact on marine life and coastal zone management)
Department of Defense—
Army Corps of Engineers (beaches, dredge and fill permits, Refuse Act permits)
Department of Housing and Urban Development (urban areas)
Department of the Interior—
Office of Land Use and Water Planning
Bureau of Sport Fisheries and Wildlife
National Park Service
Geological Survey
Bureau of Outdoor Recreation
Bureau of Land Management (public lands)
Department of Transportation—
Coast Guard (bridges, navigation)
Environmental Protection Agency (pollution effects)
National Aeronautics and Space Administration (remote sensing)

REDEVELOPMENT AND CONSTRUCTION IN BUILT-UP AREAS

Department of Commerce—
Economic Development Administration (designated areas)
Department of Housing and Urban Development
Department of the Interior—
Office of Land Use and Water Planning
Department of Transportation
Environmental Protection Agency
General Services Administration
Office of Economic Opportunity

DENSITY AND CONGESTION MITIGATION

Department of Health, Education, and Welfare
Department of Housing and Urban Development
Department of the Interior—
Office of Land Use and Water Planning
Bureau of Outdoor Recreation
Department of Transportation
Environmental Protection Agency

NEIGHBORHOOD CHARACTER AND CONTINUITY

Department of Health, Education, and Welfare
Department of Housing and Urban Development
National Endowment for the Arts
Office of Economic Opportunity

IMPACTS ON LOW-INCOME POPULATIONS

Department of Commerce—
Economic Development Administration (designated areas)
Department of Health, Education, and Welfare
Department of Housing and Urban Development
Office of Economic Opportunity

HISTORIC, ARCHITECTURAL, AND ARCHEOLOGICAL PRESERVATION

Advisory Council on Historic Preservation
Department of Housing and Urban Development
Department of the Interior—
National Park Service
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)

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General Services Administration
National Endowment for the Arts

SOIL AND PLANT CONSERVATION AND HYDROLOGY

Department of Agriculture—
Soil Conservation Service
Agricultural Service
Forest Service
Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Defense—
Army Corps of Engineers (dredging, aquatic plants)
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Land Management
Bureau of Sport Fisheries and Wildlife
Geological Survey
Bureau of Reclamation
Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
River Basin Commissions (as geographically appropriate)
Water Resources Council

OUTDOOR RECREATION

Department of Agriculture—
Forest Service
Soil Conservation Service
Department of Defense—
Army Corps of Engineers
Department of Housing and Urban Development (urban areas)
Department of the Interior—
Bureau of Land Management
National Park Service
Bureau of Outdoor Recreation
Bureau of Sport Fisheries and Wildlife
Bureau of Indian Affairs
Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
River Basin Commissions (as geographically appropriate)
Water Resources Council

FEDERAL ENERGY ADMINISTRATION

The areas of impact over which this agency has jurisdiction, by law or special expertise, to comment thereon are:

AIR

Air quality (Energy and Mobile Sources Emissions)

SOLID WASTE

Energy Supply and Natural Resource Development

Electric Energy Development, Generation, Transmission and Use
Petroleum Development, Extraction, Refining, Transport and Use
Natural Gas Development, Production, Transmission and Use
Coal and Minerals Development, Mining, Conversion, Processing, Transport and Use
Renewable Resource Development, Production, Management, Harvest, Transport and Use
Energy and Natural Resources Conservation

Land Use and Management

Land Use Changes, Planning and Regulation of Land Development
Public Land Management

Land Use in Coastal Areas

Redevelopment and Construction in Built Up Areas

The appropriate office within FEA to which five copies of the impact statement should be sent is:
Ernest E. Sligh, Director
Environmental Impact Division
Office of Environmental Programs
Federal Energy Administration
New Post Office Building
12th and Pennsylvania Ave., NW.
Washington, D.C. 20461
(202) 961–6214

Offices Within Federal Agencies and Federal-State Agencies for Information Regarding the Agencies' NEPA Activities and for Receiving Other Agencies' Impact Statements for Which Comments Are Requested

Advisory Council on Historic Preservation

Office of Architectural and Environmental Preservation, Advisory Council on Historic Preservation, Suite 430, 1522 K Street, N.W., Washington, D.C. 20005 254–3974

Regional Administrator, I,
U.S. Environmental Protection Agency
Room 2303, John F. Kennedy
Federal Bldg., Boston, Mass. 02203,
(617) 223–7210

Regional Administrator, II,
U.S. Environmental Protection Agency
Room 908, 26 Federal Plaza
New York, New York 10007
(212) 264–2525

Regional Administrator, III,
U.S. Environmental Protection Agency
Curtis Bldg., 6th & Walnut Sts.
Philadelphia, Pa. 19106
(215) 597–9801

Regional Administrator, IV,
U.S. Environmental Protection Agency
1421 Peachtree Street
N.E., Atlanta, Ga. 30309
(404) 526–5727

Regional Administrator V,
U.S. Environmental Protection Agency
1 N. Wacker Drive
Chicago, Illinois 60606
(312) 353–5250

Regional Administrator VI,
U.S. Environmental Protection Agency
1600 Patterson Street
Suite 1100
Dallas, Texas 75201
(214) 749–1962

Regional Administrator VII,
U.S. Environmental Protection Agency
1735 Baltimore Avenue
Kansas City, Missouri 64108
(816) 374–5493

Regional Administrator VIII,
U.S. Environmental Protection Agency
Suite 900, Lincoln Tower
1860 Lincoln Street
Denver, Colorado 80203
(303) 837–3895

Regional Administrator IX,
U.S. Environmental Protection Agency
100 California Street
San Francisco, California 94111
(415) 556–2320

Regional Administrator X,
U.S. Environmental Protection Agency
1200 Sixth Avenue
Seattle, Washington 98101
(206) 442–1220

Environmental Protection Agency [2]

Director, Office of Federal Activities, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 755–0777

[2] Contact the Office of Federal Activities for environmental statements concerning legislation, regulations, national program proposals or other major policy issues.

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
New Jersey, New York, Puerto Rico, Virgin Islands
Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee
Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
Arkansas, Louisiana, New Mexico, Texas, Oklahoma
Iowa, Kansas, Missouri, Nebraska
Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming
Arizona, California, Hawaii, Nevada, American Samoa, Guam, Trust Territories of Pacific Islands, Wake Island
Alaska, Idaho, Oregon, Washington

For all other EPA consultation, contact the Regional Administrator in whose area the proposed action (e.g., highway or water resource construction projects) will take place. The Regional Administrators will coordinate the EPA review. Addresses of the Regional Administrators, and the areas covered by their regions are as follows:

DEPARTMENT OF AGRICULTURE [1]

Office of the Secretary, Attn: Coordinator Environmental Quality Activities, U.S. Department of Agriculture, Washington, D.C. 20250 447–3965

APPALACHIAN REGIONAL COMMISSION

Office of the Alternate Federal Co-Chairman, Appalachian Regional Commission, 1866 Connecticut Avenue, N.W., Washington, D.C. 20235 967–4103

DEPARTMENT OF THE ARMY (CORPS OF ENGINEERS)

Executive Director of Civil Works, Office of the Chief of Engineers, U.S. Army Corps of Engineers, Washington, D.C. 20314 693–7168 --

ATOMIC ENERGY COMMISSION

For nonregulatory matters: Office of Assistant General Manager for Biomedical and Environmental Research and Safety Programs, Atomic Energy Commission, Washington, D.C. 20545 973–3208

For regulatory matters: Office of the Assistant Director for Environmental Projects, Atomic Energy Commission, Washington, D.C. 20545 973–7531

DEPARTMENT OF COMMERCE

Office of the Deputy Assistant Secretary for Environmental Affairs, U.S. Department of Commerce, Washington, D.C. 20230 967–4335

DEPARTMENT OF DEFENSE

Office of the Assistant Secretary for Defense (Health and Environment), U.S. Department of Defense, Room 3E172, The Pentagon, Washington, D.C. 20301 697–2111

DELAWARE RIVER BASIN COMMISSION

Office of the Secretary, Delaware River Basin Commission, Post Office Box 360, Trenton, N.J. 08603 (609) 883–9500

[1] Requests for comments or information from individual units of the Department of Agriculture, e.g., Soil Conservation Service, Forest Service, etc. should be sent to the Office of the Secretary, Department of Agriculture, at the address given above.

FEDERAL POWER COMMISSION

Commission's Advisor on Environmental Quality, Federal Power Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426 386–6084

GENERAL SERVICES ADMINISTRATION

Office of Environmental Affairs, Office of the Deputy Administrator for Special Projects, General Services Administration, Washington, D.C. 20405 343–4161

GREAT LAKES BASIN COMMISSION

Office of the Chairman, Great Lakes Basin Commission, 3475 Plymouth Road, P.O. Box 999, Ann Arbor, Michigan 48105 (313) 769–7431

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE [3]

For information with respect to HEW actions occurring within the jurisdiction of the Departments' Regional Directors, contact the appropriate Regional Environmental Officer:

Office of Environmental Affairs, Office of the Assistant Secretary for Administration and Management, Department of Health, Education and Welfare, Washington, D.C. 20202 963–4456

Region I:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
Room 2007B
John F. Kennedy Center
Boston, Massachusetts 02203 (617) 223–6837

Region II:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
Federal Building
26 Federal Plaza
New York, New York 10007 (212) 264–1308

Region III:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
P.O. Box 13716
Philadelphia, Pennsylvania 19101 (215) 597–6498

Region IV:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
Room 404
50 Seventh Street, N.E.
Atlanta, Georgia 30323 (404) 526–5817

Region V:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
Room 712, New Post Office Building
433 West Van Buren Street
Chicago, Illinois 60607 (312) 353–1644

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT [4]

Director, Office of Community and Environmental Standards, Department of Housing and Urban Development, Room 7206, Washington, D.C. 20410
755–5980

[3] Contact the Office of Environmental Affairs for information on HEW's environmental statements concerning legislation, regulations, national program proposals or other major policy issues, and for all requests for HEW comment on impact statements of other agencies.

[4] Contact the Director with regard to environmental impacts of legislation, policy statements, program regulations and procedures, and precedent-making project decisions. For all other HUD consultation, contact the HUD Regional Administrator in whose jurisdiction the project lies, as follows:

Region VI:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
1114 Commerce Street
Dallas, Texas 75202 (214) 749–2236

Region VII:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
601 East 12th Street
Kansas City, Missouri 64106 (316) 374–3584

Region VIII:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
9017 Federal Building
19th and Stout Streets
Denver, Colorado 80202 (303) 837–4178

Region IX:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
50 Fulton Street
San Francisco, California 94102 (415) 556–1970

Region X:
Regional Environmental Officer
U.S. Department of Health, Education and Welfare
Arcade Plaza Building
1321 Second Street
Seattle, Washington 98101 (206) 442–0490

Regional Administrator III,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
Curtis Building, Sixth and Walnut Street
Philadelphia, Pennsylvania 19106 (215) 597–2560

Regional Administrator IV,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
Peachtree-Seventh Building
Atlanta, Georgia 30323 (404) 526–5585

Regional Administrator V,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
360 North Michigan Avenue
Chicago, Illinois 60601 (312) 353–5680

DEPARTMENT OF THE INTERIOR [5]

Director, Office of Environmental Project, Review, Department of the Interior, Interior Building, Washington, D.C. 20240 343–3891

[5] Requests for comments or information from individual units of the Department of the Interior should be sent to the Office of Environmental Project Review at the address given above.

INTERSTATE COMMERCE COMMISSION

Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423
343–6167

DEPARTMENT OF LABOR

Assistance Secretary for Occupational Safety and Health, Department of Labor, Washington, D.C. 20210
961–3405

MISSOURI RIVER BASINS COMMISSION

Office of the Chairman, Missouri River Basins Commission, 10050 Regency Circle, Omaha, Nebraska 68114
(402) 397–5714

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Office of the Comptroller, National Aeronautics and Space Administration, Washington, D.C. 20546
755–8440

NATIONAL CAPITAL PLANNING COMMISSION

Office of Environmental Affairs, Office of the Executive Director, National Capital Planning Commission, Washington, D.C. 20576
382–7200

NATIONAL ENDOWMENT FOR THE ARTS

Office of Architecture and Environmental Arts Program, National Endowment for the Arts, Washington, D.C. 20506
382–5765

NEW ENGLAND RIVER BASINS COMMISSION

Office of the Chairman, New England River Basins Commission, 55 Court Street, Boston, Mass. 02108
(617) 223–6244

Regional Administrator VI,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
Federal Office Building, 819 Taylor Street
Fort Worth, Texas 76102 (817) 334–2867

Regional Administrator VII,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
911 Walnut Street
Kansas City, Missouri 64106 (816) 374–2661

Regional Administrator VIII,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
Samsonite Building, 1051 South Broadway
Denver, Colorado 80209 (303) 837–4061

Regional Administrator IX,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
450 Golden Gate Avenue, Post Office Box 36003
San Francisco, California 94102 (415) 556–4752

Regional Administrator X,
Environmental Clearance Officer
U.S. Department of Housing and Urban Development
Room 226, Arcade Plaza Building
Seattle, Washington 98101 (206) 583–5415

OFFICE OF ECONOMIC OPPORTUNITY

Office of the Director, Office of Economic Opportunity, 1200 19th Street, NW., Washington, D.C. 20506
254–6000

OHIO RIVER BASIN COMMISSION

Office of the Chairman, Ohio River Basin Commission, 36 East 4th Street, Suite 208–20, Cincinnati, Ohio 45202
(513) 684–3831

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PACIFIC NORTHWEST RIVER BASINS COMMISSION

Office of the Chairman, Pacific Northwest River Basins Commission, 1 Columbia River, Vancouver, Washington 98660 (206) 695–3606

SOURIS-RED-RAINY RIVER BASINS COMMISSION

Office of the Chairman, Souris-Red-Rainy River Basins Commission, Suite 6, Professional Building, Holiday Mall, Moorhead, Minnesota 56560 (701) 237–5227

DEPARTMENT OF STATE

Office of the Special Assistant to the Secretary for Environmental Affairs, Department of State, Washington, D.C. 20520 632–7964

SUSQUEHANNA RIVER BASIN COMMISSION

Office of the Executive Director, Susquehanna River Basin Commission, 5012 Lenker Street, Mechanicsburg, Pa. 17055 (717) 737–0501

TENNESSEE VALLEY AUTHORITY

Office of the Director of Environmental Research and Development, Tennessee Valley Authority, 720 Edney Building, Chattanooga, Tennessee 37401 (615) 755–2002

DEPARTMENT OF TRANSPORTATION *

Director, Office of Environmental Quality, Office of the Assistant Secretary for Environment, Safety, and Consumer Affairs, Department of Transportation, Washington, D.C. 20590 426–4357

For information regarding the Department of Transportation's other environmental statements, contact the national office for the appropriate administration:

U.S. Coast Guard

Office of Marine Environment and Systems, U.S. Coast Guard, 400 7th Street, S.W., Washington, D.C. 20590, 426–2007

Federal Aviation Administration

Office of Environmental Policy, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, 426–8406

Federal Highway Administration

Office of Environmental Policy, Federal Highway Administration, 400 7th Street, S.W., Washington, D.C. 20590, 426–0351

Federal Railroad Administration

Office of Policy and Plans, Federal Railroad Administration, 400 7th Street, S.W., Washington, D.C. 20590, 426–1567

Urban Mass Transportation Administration

Office of Program Operations, Urban Mass Transportation Administration, 400 7th Street, S.W., Washington, D.C. 20590, 426–4020

For other administrations not listed above, contact the Office of Environmental Quality, Department of Transportation, at the address given above.

For comments on other agencies' environmental statements, contact the appropriate administration's regional office. If more than one administration within the Department of Transportation is to be requested to comment, contact the Secretarial Representative in the appropriate Regional Office for coordination of the Department's comments:

SECRETARIAL REPRESENTATIVE

Region I Secretarial Representative, U.S. Department of Transportation, Transportation Systems Center, 55 Broadway, Cambridge, Massachusetts 02142 (617) 494–2709

Region II Secretarial Representative, U.S. Department of Transportation, 26 Federal Plaza, Room 1811, New York, New York 10007 (212) 264–2672

Region III Secretarial Representative, U.S. Department of Transportation, Mall Building, Suite 1214, 325 Chestnut Street, Philadelphia, Pennsylvania 19106 (215) 597–0407

Region IV Secretarial Representative, U.S. Department of Transportation, Suite 515, 1720 Peachtree Rd., N.W., Atlanta, Georgia 30309 (404) 526–3738

Region V Secretarial Representative, U.S. Department of Transportation, 17th Floor, 300 S. Wacker Drive, Chicago, Illinois 60606 (312) 353–4000

Region VI Secretarial Representative, U.S. Department of Transportation, 9–C–18 Federal Center, 1100 Commerce Street, Dallas, Texas 75202 (214) 749–1851

Region VII Secretarial Representative, U.S. Department of Transportation, 601 E. 12th Street, Room 634, Kansas City, Missouri 64106 (816) 374–2761

Region VIII Secretarial Representative, U.S. Department of Transportation, Prudential Plaza, Suite 1822, 1050 17th Street, Denver, Colorado 80225 (303) 837–3242

Region IX Secretarial Representative, U.S. Department of Transportation, 450 Golden Gate Avenue, Box 36133, San Francisco, California 94102 (415) 556–5961

Region X Secretarial Representative, U.S. Department of Transportation, 1321 Second Avenue, Room 507, Seattle, Washington 98101 (206) 442–0590

FEDERAL AVIATION ADMINISTRATION

New England Region, Office of the Regional Director, Federal Aviation Administration, 154 Middlesex Street, Burlington, Massachusetts 01803 (617) 272–2350

Eastern Region, Office of the Regional Director, Federal Aviation Administration, Federal Building, JFK International Airport, Jamaica, New York 11430 (212) 995–3333

Southern Region, Office of the Regional Director, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320 (404) 526–7222

Great Lakes Region, Office of the Regional Director, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018 (312) 694–4500

Southwest Region, Office of the Regional Director, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101 (817) 624–4911

Central Region, Office of the Regional Director, Federal Aviation Administration, 601 E. 12th Street, Kansas City, Missouri 64106 (816) 374–5626

Rocky Mountain Region, Office of the Regional Director, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colorado 80207 (303) 837–3646

Western Region, Office of the Regional Director, Federal Aviation Administration, P.O. Box 92007, WorldWay Postal Center, Los Angeles, California 90009 (213) 536–6427

Northwest Region, Office of the Regional Director, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108 (206) 767–2780

FEDERAL HIGHWAY ADMINISTRATION

Region 1, Regional Administrator, Federal Highway Administration, 4 Normanskill Boulevard, Delmar, New York 12054 (518) 472–6476

Region 3, Regional Administrator, Federal Highway Administration, Room 1621, George H. Fallon Federal Office Building, 31 Hopkins Plaza, Baltimore, Maryland 21201 (301) 962–2361

Region 4, Regional Administrator, Federal Highway Administration, Suite 200, 1720 Peachtree Road, N.W., Atlanta, Georgia 30309 (404) 526–5078

Region 5, Regional Administrator, Federal Highway Administration, Dixie Highway, Homewood, Illinois 60430 (312) 799–6300

Region 6, Regional Administrator, Federal Highway Administration, 819 Taylor Street, Fort Worth, Texas 76102 (817) 334–3232

Region 7, Regional Administrator, Federal Highway Administration, P.O. Box 7186, Country Club Station, Kansas City, Missouri 64113 (816) 361–7563

Region 8, Regional Administrator, Federal Highway Administration, Room 242, Building 40, Denver Federal Center, Denver, Colorado 80225

Region 9, Regional Administrator, Federal Highway Administration, 450 Golden Gate Avenue, Box 36096, San Francisco, California 94102 (415) 556–3895

Region 10, Regional Administrator, Federal Highway Administration, Room 412, Mohawk Building, 222 S.W. Morrison Street, Portland, Oregon 97204 (503) 221–2065

URBAN MASS TRANSPORTATION ADMINISTRATION

Region I, Office of the UMTA Representative, Urban Mass Transportation Administration, Transportation Systems Center, Technology Building, Room 277, 55 Broadway, Boston, Massachusetts 02142 (617) 494–2055

Region II, Office of the UMTA Representative, Urban Mass Transportation Administration, 26 Federal Plaza, Suite 1809, New York, New York 10007 (212) 264–8162

Region III, Office of the UMTA Representative, Urban Mass Transportation Administration, Mall Building, Suite 1214, 325 Chestnut Street, Philadelphia, Pennsylvania 19106 (215) 597–0407

Region IV, Office of UMTA Representative, Urban Mass Transportation Administration, 1720 Peachtree Road, Northwest, Suite 501, Atlanta, Georgia 30309 (404) 526–3948

Region V, Office of the UMTA Representative, Urban Mass Transportation Administration, 300 South Wacker Drive, Suite 700, Chicago, Illinois 60606 (312) 353–6005

Region VI, Office of the UMTA Representative, Urban Mass Transportation Administration, Federal Center, Suite 9E24, 1100 Commerce Street, Dallas, Texas 75202 (214) 749–7322

Region VII, Office of the UMTA Representative, Urban Mass Transportation Administration, c/o FAA Management Systems Division, Room 1564D, 601 East 12th Street, Kansas City, Missouri 64106 (816) 374–5567

Region VIII, Office of the UMTA Representative, Urban Mass Transportation Administration, Prudential Plaza, Suite 1822, 1050 17th Street, Denver, Colorado 80202 (303) 837–3242

Region IX, Office of the UMTA Representative, Urban Mass Transportation Administration, 450 Golden Gate Avenue, Box 36125, San Francisco, California 94102 (415) 556–2884

Region X, Office of the UMTA Representative, Urban Mass Transportation Administration, 1321 Second Avenue, Suite 5079, Seattle, Washington (206) 442–0590

* Contact the Office of Environmental Quality, Department of Transportation, for information on DOT's environmental statements concerning legislation, regulations, national program proposals, or other major policy issues.

DEPARTMENT OF THE TREASURY

Office of Assistant Secretary for Administration, Department of the Treasury, Washington, D.C. 20220 964–5391

UPPER MISSISSIPPI RIVER BASIN COMMISSION

Office of the Chairman, Upper Mississippi River Basin Commission, Federal Office Building, Fort Snelling, Twin Cities, Minnesota 55111 (612) 725–4690

WATER RESOURCES COUNCIL

Office of the Associate Director, Water Resources Council, 2120 L Street, N.W., Suite 800, Washington, D.C. 20037 254–6442

[FR Doc.75–28430 Filed 10–21–75;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

HOWARD E. WINN

Receipt of Application for Endangered Species Permit—E8

Notice is hereby given that the following applicant has applied in due form for a permit to take and/or import endangered species for scientific purposes as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) and the National Marine Fisheries Service Regulations Governing Endangered Fish or Wildlife Permits (50 CFR 222) as published in the November 27, 1974 FEDERAL REGISTER at page 41375.

Dr. Howard E. Winn, Graduate School of Oceanography, University of Rhode Island, Kingston, Rhode Island 02881, to conduct research on endangered species of cetaceans in the Atlantic and Pacific Oceans.

These cetaceans are as follows:
Gray Whale, *Eschrichtius robustus*
Blue Whale, *Balaenoptera musculus*
Humpback Whale, *Megaptera novaeangliae*
Bowhead Whale, *Balaena mysticetus*
Right Whale, *Eubalaena australis*
Fin Whale, *Balaenoptera physalus*
Sei Whale, *Balaenoptera borealis*
Sperm Whale, *Physeter catodon*

The proposed research will consist of the following activities:

1. Record the sound, behavior, and numbers of any endangered species of cetaceans encountered during a series of cruises in the Atlantic and Pacific Oceans, including aerial observations;

2. Obtain 30 skin and blubber samples from humpback whales (*Megaptera novaeangliae*), over a period of four years, for analysis of chromatin material and pesticides;

3. Conduct underwater observations, and make underwater movies, of humpback whales (*Megaptera novaeangliae*);

4. Import 20 skin and blubber samples from humpback whales (*Megaptera novaeangliae*) taken in the humpback whale fishery in Bequia, British West Indies; and

5. Collect any dead stranded humpback whales (*Megaptera novaeangliae*) found within the jurisdiction of the United States, and import parts of dead humpback whales (*Megaptera novaeangliae*) from Bequia, British West Indies, for anatomical studies.

The observational data obtained during the proposed research will provide a better understanding of the population levels, migratory behavior, and social organization of the endangered species of cetaceans encountered during the cruises.

The skin samples from humpback whales will be used to establish the sex of the animals from which the samples are taken, by means of analysis of chromatin material. The skin samples from humpback whales taken in Bequia will serve as controls for comparison with the samples from living whales at sea. Establishing the sex of these whales at sea, in correlation with recordings of their sounds, provides an opportunity for assessment of the social organization of humpback whales, and allows refinement in an acoustic censuring technique previously developed.

The blubber samples will be used in determining the levels of organochlorine pesticides within the tissues of humpback whales.

The skin and blubber samples will be obtained by means of a small biopsy dart, mounted either on a hand-thrown pole or a modified harpoon gun. The harpoon gun technique was used successfully with large cetaceans during a research cruise in 1972. In either sampling technique, an antibiotic will be placed on the biopsy dart.

In connection with this proposed project, the Applicant has been issued a permit under the Marine Mammal Protection Act of 1972, to take and/or import these species as well as non-endangered cetaceans subject to that statute.

Documents submitted in connection with this application are available for review in the Division of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before November 21, 1975. The holding of such hearing is at the discretion of the Director.

Any statements and opinions that may be contained in this notice in support of this application are summaries based upon information supplied by the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

OCTOBER 16, 1975.

[FR Doc.75–28387 Filed 10–21–75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 28028]

ANDREWS INTERNATIONAL, INC., ET AL., ENFORCEMENT PROCEEDING

Notice of Change of Hearing Room

Notice is hereby given that the hearing in the above-captioned case (40 FR 39922, August 29, 1975) scheduled to be held in Room 1031N, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., commencing at 10 a.m. (local time), Thursday, October 23, 1975, has been transferred to Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., at the same time.

Dated at Washington, D.C., October 16, 1975.

[SEAL] FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.75–28446 Filed 10–21–75;8:45 am]

[Docket No. 27851]

HICKS AND LAWRENCE LTD., CANADIAN CHARTER PERMIT (SMALL AIRCRAFT)

Notice of Change of Hearing Room

Notice is hereby given that the hearing in the above-captioned case (40 FR 43541, September 22, 1975) scheduled to be held in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., commencing at 10:00 a.m. (local time), Tuesday, October 28, 1975, has been transferred to Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., at the same time.

Dated at Washington, D.C., October 16, 1975.

[SEAL] WILLIAM A. KANE, Jr.,
Administrative Law Judge.

[FR Doc.75–28447 Filed 10–21–75;8:45 am]

COMMISSION ON CIVIL RIGHTS

ADVISORY COMMITTEES

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a conference of the D.C., Delaware, Maryland, Virginia, West Virginia and Pennsylvania Committees to this Commission will convene at 5 p.m. on November 16, and end on November 18, 1975 at the Hotel Dupont Plaza, Dupont Circle, Washington, D.C. 20036.

Persons wishing to attend this conference should contact the Commission Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purpose of this conference is a two-day discussion on ways to improve the effectiveness of state advisory committees to the U.S. Commission on Civil Rights in the 1970's.

V 40 205 OCT 22 75 XUM

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 16, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-28365 Filed 10-21-75;8:45 am]

ARIZONA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that an informal open hearing of the Arizona Advisory Committee will convene at 1 p.m. and end at 5 p.m. on November 20, 1975, and again on November 21, 1975, at 9 a.m. and end at 5 p.m. at the Federal Building 4th floor-conference room, 301 W. Congress, Tucson, Arizona 85701.

Persons wishing to attend this hearing should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Room 216, Champa Street, Denver, Colorado 80282.

The purpose of this hearing is a continuation of hearings on the administration of justice as it affects American Indians in off reservation areas in Arizona.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 16, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-28345 Filed 10-21-75;8:45 am]

ARIZONA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Arizona Advisory Committee will convene at 7 p.m. and end at 10 p.m. on November 19, 1975, Braniff Place, 180 West Broadway, Tucson, Arizona 85701.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Room 216, Champa Street, Denver, Colorado 80282.

The purpose of this meeting is a briefing of SAC for the continuation of hearings on the Administration of Justice as it affects American Indians in off reservation areas.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 16, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-28346 Filed 10-21-75;8:45 am]

ARIZONA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Arizona Advisory Committee will convene at 1 p.m. to 5 p.m. on November 17, 1975 and at 9 a.m. to 5 p.m. on November 18, 1975, South Liberal Arts Building, Room 104, Ground Floor, Northern Arizona University, Flagstaff, Arizona 86001.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Room 216, Champa Street, Denver, Colorado 80282.

The purpose of this meeting is to discuss the administration of justice as it affects American Indians in off reservation areas in Arizona.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 16, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-28347 Filed 10-21-75;8:45 am]

ARIZONA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Arizona Advisory Committee (SAC) to this Commission will convene at 7 p.m. and end at 10 p.m. on November 16, 1975, South Liberal Arts Building, Room 104, ground floor-Northern Arizona University, Flagstaff, Arizona 86001.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80282.

The purpose of this meeting is a briefing of SAC for hearings on the Administration of Justice as it affects in border towns areas.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 16, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-28348 Filed 10-21-75;8:45 am]

DELAWARE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Delaware Advisory Committee (SAC) to this Commission will convene at 10 a.m. and end at 2 p.m. on November 17, 1975, Blue Cross/Blue Shield Building, Wilmington, Delaware 19801.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purpose of this meeting is to plan for an informal hearing on December 5, 1975 regarding equal protection under State and Federal laws for staygrant workers in Delaware.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 15, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-28351 Filed 10-21-75;8:45 am]

DELAWARE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Delaware Advisory Committee (SAC) to this Commission will convene at 10 a.m. and end at 2 p.m. on November 24, 1975, Blue Cross/Blue Shield Building, Wilmington, Delaware 19801.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purpose of this meeting is to plan for informal hearing on December 5, 1975, regarding equal protection under State and Federal laws for staygrant workers in Delaware.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 15, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-28349 Filed 10-21-75;8:45 am]

FLORIDA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Florida Advisory Committee (SAC) to this Commission will convene at 1 p.m. and end at 5 p.m. on November 13, 1975, President's Board Room, Ashe Administrative Building, University of Miami, Coral Gables, Florida 33124.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303.

The purpose of this meeting is to discuss the Miami Police Department and Dade County Public Safety Department since Open Meeting in June; status of report on Open Meeting; Report on followup of Jacksonville study; report on EOS visit to Pensacola and Escambia County; Discussion of issues raised at national SAC Chairpersons conference.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 14, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-28352 Filed 10-21-75;8:45 am]

GEORGIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Georgia Advisory Committee (SAC) to this Commission will convene at 1 p.m. and end at 5 p.m. on November 10, 1975, Hyatt Regency, 265 Peachtree NE., Atlanta, Georgia.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue NE., Atlanta, Georgia 30303.

The purpose of this meeting is to discuss Georgia Prison Report and programmatic plans for remainder of fiscal 1976.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 14, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-28353 Filed 10-21-75;8:45 am]

INDIANA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Indiana Advisory Committee (SAC) to this Commission will convene at 10 a.m. and end at 12 p.m. on November 21, 1975, Indiana University Northwest Campus, 3400 Broadway Building, Gary Main 206, Gary, Indiana.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to identify witness and interview assignment, review progress on data collection-Subcommittee planning.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 16, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-28354 Filed 10-21-75;8:45 am]

INDIANA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Indiana Advisory Committee (SAC) to this Commission will convene at 10 a.m. and end at 12 p.m. on November 7, 1975, at Indiana University, Northwest Campus, Gary, Indiana.

Persons wishing to attend this meeting should contact the Committee Chairperson or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to review proposal plan data gathering, subdivide topics and review project proposal for Lake County Bilingual-Bicultural Educational Subcommittee Study.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 16, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-28355 Filed 10-21-75;8:45 am]

MAINE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maine Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 11 p.m. on November 12, 1975, 35 Community Drive, Maine Teachers Association, Augusta, Maine 04330.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss Franco-American project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 15, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-28356 Filed 10-21-75;8:45 am]

MASSACHUSETTS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts Advisory Committee (SAC) to this Commission will convene at 12:30 p.m. and end at 3:30 p.m. on November 6, 1975, 27 School Street, Lower Level Conference Room; Boston, Massachusetts.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to report on planning for conference for religious leaders and discuss civil rights issues in Springfield.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 15, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-28357 Filed 10-21-75;8:45 am]

NEW HAMPSHIRE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire Advisory Committee to this Commission will convene at 7:30 p.m. and end at 10:30 p.m. on November 10, 1975, at the Sheraton Wayfarer Motor Inn, Manchester, New Hampshire.

V 40 205 OCT 22 75 XUM

Persons wishing to attend this meeting should contact the Committee Chairperson or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss criminal justice plan for the State.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 16, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-28358 Filed 10-21-75;8:45 am]

NEW YORK ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York Advisory Committee (SAC) to this Commission will convene at 2:30 p.m. and end at 4 p.m. on November 12, 1975, Phelps Stokes Fund, 10 East 87th Street, New York, New York.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss public employment project with Subcommittee, discuss alternative projects and follow-up.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 15, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-28359 Filed 10-21-75;8:45 am]

MICHIGAN ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan Advisory Committee (SAC) to this Commission will convene at 7 p.m. and end at 10 p.m. on November 11, 1975, Ramada Inn, I-75 Business Spur, Sault Ste. Marie, Michigan 49783. (room to be posted).

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to review hearing issues and procedures for the committee's informal fact finding meeting on housing and community development issues to be held the following two days in Sault Ste. Marie.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 15, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-28360 Filed 10-21-75;8:45 am]

MICHIGAN ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Michigan Advisory Committee (SAC) to this Commission will convene at 9:30 a.m. to 5:30 p.m. on November 12, 1975, Conference Room, Malcolm Building, 408 W. Spruce Street, Sault Ste. Marie, Michigan 49783, and will convene on November 13, 1975, 9:30 a.m. to 5:30 p.m., Parish Mall, St. Isaac Jogues Church, 1529 Marquette Avenue, Sault Ste. Marie, Michigan 49783.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to collect information from residents, city officials, and responsible State and Federal agencies on the civil rights implications of the use of Federal Housing and Community Development Funds in the City of Sault Ste. Marie.

All scheduled witnesses will be issued written invitations to appear. Limited time will be available for previously unscheduled witnesses. Persons wishing to be added as unscheduled witnesses must make prior arrangements with Commission staff, and will be allowed to appear if they have information relevant to the subject under study and providing sufficient time is available during the meeting. All witnesses are encouraged to submit written statements detailing their testimony prior to the day of the meeting. All relevant statements and documents submitted before, during, and after the meeting will be made a part of the meeting record in Commission files and will be considered in the development of the Advisory Committee's report of findings and recommendations. A detailed list of witnesses will be available at the meeting site on November 12, 1975.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 15, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-28361 Filed 10-21-75;8:45 am]

OHIO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio Advisory Committee (SAC) to this Commission will convene at 10 a.m. and end at 4 p.m. on November 15, 1975, Holiday Inn-Downtown, 802 W. 8th St., Cincinnati, Ohio 45203.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to receive reports of the Education Subcommittee and the Revenue Sharing Subcommittee. Discuss the release of the Ohio Prison Report and follow-up conferences.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 15, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-28363 Filed 10-21-75;8:45 am]

TENNESSEE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Tennessee Advisory Committee (SAC) to this Commission will convene at 2 p.m. and end at 5 p.m. on November 14, 1975, Holiday Inn-Rivermont, 200 W. Georgia-Riverside Drive, Board Room, Memphis, Tennessee.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303.

The purpose of this meeting is to reorganize programmatic plans for this fiscal year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 15, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-28364 Filed 10-21-75;8:45 am]

CIVIL SERVICE COMMISSION

EXPORT-IMPORT BANK OF THE UNITED STATES

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Export-Import Bank of the United States to fill by noncareer executive assignment in the excepted service the position of Vice President and Assistant to the Chairman, Board of Directors.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to tee Commissioners.

[FR Doc.75-28443 Filed 10-21-75;8:45 am]

DEPARTMENT OF LABOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-28445 Filed 10-21-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[(FRL 446-7); OPP-180055]

DEPARTMENT OF AGRICULTURE

Crisis Exemption To Control Oriental Fruit Fly in California

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the Environmental Protection Agency (EPA) hereby gives notice that the U.S. Department of Agriculture (USDA) has availed itself of a crisis exemption for use of the pesticides naled, diazinon, and malathon to control the Oriental fruit fly (*Dacus dorsalis* Hendel) in San Diego County, California. This exemption is in accordance with, and is subject to, the provisions of sections 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303). As required, the USDA has submitted in writing the following certified information.

At present, there are no pesticides registered specifically to control the Oriental fruit fly, because it is not endemic to the continental United States. However, this particular pest has been eradicated on several occasions from California. The Oriental fruit fly attacks more than 150 fruits and vegetables; its presence poses a serious economic loss potential to the California fruit and vegetable industries.

Fruit fly surveys in California have detected an Oriental fruit fly infestation in southern California, specifically in the area of National City, San Diego County. On September 5, 1975, the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, USDA, began treatment and eradication efforts. A lure bait, consisting of 7 percent Thixcin-E, 88 percent methyl eugenol, and 5 percent naled, was applied at the rate of 3 to 5 milliliters per station (host tree trunks, telephone poles, etc.) in and around National City; there were approximately 600 stations per square mile (6 to 8 stations per city block). Approximately 90 square miles required treatment.

The USDA further stated that the pesticide treatment procedure may be amended to include a diazinon soil drench (50 percent wettable powder at the rate of 0.25 pound actual diazinon per 100 gallons of water) under all host plants where Oriental fruit fly larvae are detected in fruits. Spot applications of a malathion bait spray may also be needed when such larvae are discovered.

In accordance with § 166.8(c) of the controlling regulations, if treatment pursuant to the crisis exemption is expected to continue for more than a total of fifteen (15) days, an application for a specific exemption shall accompany the required certified information. The USDA has submitted such an application; however, this notice does not constitute a decision on the application. The official file concerning this exemption is available for inspection in the Registration Division (WH-567), Office of Pesticide Programs, EPA, Room E-315, 401 M Street, S.W., Washington, D.C. 20460.

Dated: October 15, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.75-28368 Filed 10-21-75;8:45 am]

[(FRL 446-6); OPP-50043]

MICHIGAN DEPARTMENT OF AGRICULTURE

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the State of Michigan, Department of Agriculture, Lansing, Michigan 48913. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the Federal Register on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 37665-EUP-1) allows the use of 1.6 pounds of the fungicide oxytetracycline hydrochloride on peaches. A total of 300 trees in Berrien, Van Buren, and Kent Counties are involved; the program is authorized only in Michigan. The experimental use permit is effective from September 30, 1975, to September 30, 1976. A temporary tolerance for residues of the active ingredient in or on peaches has been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315; Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: October 15, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-28369 Filed 10-21-75;8:45 am]

[(FRL 446-8); OPP-33000/329]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered In Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington DC 20460.

On or before December 22, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period,

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the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after December 22, 1975.

Dated: October 15, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED [OPP–33000/329]

EPA Reg. No. 3125–119. Chemagro, Div. of Baychem Corp., PO Box 4913, Kansas City MO 64120. DI-SYSTON LIQUID CONCENTRATE. Active Ingredients: O,O-Diethyl *S*-[2-(ethylthio)ethyl] phosphorodithioate 65%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM15

EPA File Symbol 5429–RR. Cello Chemical Co., 8200 Fischer Rd., Baltimore MD 21222. CELLO MINTOPHENE MINT DISINFECTANT, GERMICIDE, BACTERICIDE. Active Ingredients: Isopropanol 19.97%; Coconut potassium soap 4.52%; Potassium salt of ortho - benzyl - para - chlorophenol 4.27% Sodium salt of ethylene diamine tetracetic acid 1.005%; Essential oils 0.75%. Method of Support: Application proceeds under 2 (a) of interim policy. PM32

EPA Reg. No. 464–416. The Dow Chemical Co., Ag-Organics Dept., PO Box 1706, Midland MI 48640. KORLAN 2 INSECTICIDE. Active Ingredients: Ronnel [O,O-dimethyl O-(2,4,5-trichlorophenyl) phosphorothioate] 24.5%. Method of Support: Application proceeds under 2(a) of interim policy. PM15

EPA File Symbol 1677–TI. Economics Laboratory, Inc., Klenzade Div., Tykor Department, Osborn Bldg., St. Paul MN 55102. QUIK-KLOR SANITIZER. Active Ingredients: Sodium Dichloro-s-triazinetrione Dihydrate (Providing 25% available chlorine) 47.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Formulation change. PM34

EPA File Symbol 37605–R. Fried Industries, PO Box 91, Milltown NJ 08850. SANA PAN WASH. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.0%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.0%; Phosphoric Acid 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA Reg. No. 6962–32. Madison Bionics, Div. of C.I.C., 11250 W. Addison St., Franklin Park IL 60131. QUATROL DISINFECTANT & SANITIZER. Active Ingredients: n-Alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chlorides 5.00%; Ethanol 1.25%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA File Symbol 8325–RE. Misco Producta Corp., Box 623, RD 2, Reading PA 19605. MISCO FORTIFIED PINE-ODOR DISINFECTANT. Active Ingredients: Pine oil 12.0%; o-Benzyl-p-chlorophenol 3.5%; Isopropyl alcohol 10.0% Soap 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 5891–EG. Mt. Hood Chemical Corp., 4444 NW Yeon, Portland OR 97210. DUZ IT ALL GERMICIDAL CLEANER. Active Ingredients: O-Benzyl-p-chlorophenate 7.2%, O-Phenylphenate 4.3%; p-tert-Amylphenate 2.8%; 4 and 6-Chloro-2-phenylphenate 0.5%; Isopropanol 15.0%; Tetrasodium ethylene-diamine tetraacetate 4.6%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 36333–G. Pollution Control Products, Inc., 1040 Bayview Dr., Fort Lauderdale FL 33304. MARK II NATURALIZER WATER UNIT. Active Ingredients: Silver (as silver chloride) 0.936%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

CORRECTION ITEM

The following is a correction to the list of Applications Received previously published in the FEDERAL REGISTER.

EPA Reg. No. 3125–213. Chemagro Corp., PO Box 4913, Kansas City MO 64120. DASANIT 15% GRANULAR INSECTICIDE-NEMATICIDE. Method of Support: Application proceeds under 2(b) of interim policy rather than 2(a). PM15 (40 FR 32160)

[FR Doc.75–28370 Filed 10–21–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CITIZEN BAND STATIONS

Requested To Reduce Use of Channels Adjacent to Channel 9

OCTOBER 16, 1975.

Highway travelers using the Citizens Radio Service are reminded of the Commission's recommendation in the First Report and Order in Docket 20120 to avoid the use of channels immediately adjacent to emergency Channel 9. In the interest of protecting emergency communications from interference, it is recommended Citizens Radio Service channels which are several channels removed from Channel 9 be used by the traveling public.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J .MULLINS,
Secretary.

[FR Doc.75–28462 Filed 10–21–75;8:45 am]

[Report No. 776]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

OCTOBER 14, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's Rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleading pursuant to Section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20457–CD–ML–76, Kenneth F. Fischer d.b.a. Sierra Communications (KFL891), Modification of License to interchange existing repeater frequency at Loc. #1 with existing control frequency at Loc. #2. New repeater frequency will be 454.10 MHz at Loc. #1: Black Peak, 10.5 miles NE. of Silver City, New Mexico; and control frequency 459.10 MHz at Loc. #2: 408 N. Bullard Street, Silver City, New Mexico.

20519–CD–ML–76, Auto Phone Company (KLF482), Modication of License to change base frequency from 454.05 MHz to 454.150 MHz at Loc. #1: Approx. 15 miles NNE. of Chico, Mount Cohassett, California.

20575–CD–P–76, Airsignal International, Inc. (KSV991), C. P. to install standby transmitter to operate on 152.24 MHz located at 965 Eutis Street, St. Paul, Minnesota.

20577–CD–P–76, Intrastate Radio Telephone, Inc. of San Francisco (KMA833), C. P. for additional facilities to operate on 152.12 MHz at Loc. #2: San Bruno Peak, near South San Francisco, California.

20578–CD–P–76, Carolina Telephone & Telegraph Company (KFL939), C.P. to change base frequency from 152.54 MHz to 152.75 MHz located at 401 West Fifth Street, Greenville, North Carolina.

20579–CD–P–(2)–75, Carolina Telephone and Telegraph Company (KIJ363), C. P. for additional facilities to operate on 152.57 & 152.54 MHz located 1.8 miles SE. of Rocky Mount, North Carolina.

20580–CD–P–(8)–76, The Pacific Telephone and Telegraph Company (New), C. P. for a new 1-way station to operate on 152.64 MHz at eight (8) sites described as: Loc. #1: Murray Lake Hill, 8 miles NE. of San Diego Civic Center, San Diego, California; Loc. #2: 3848 7th Avenue, San Diego, California; Loc. #3: 530 "B" Street, San Diego, California; Loc. #4: 2751 Palm Avenue, Palm City, California; Loc. #5: .8 mile West of Suncrest, California; Loc. #6: Black Mountain, 5.4 miles WNW. of Poway, California; Loc. #7: 1100 Wall Street, La Jolla, California; and Loc. #8: 5252 Balboa Avenue, San Diego, California.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

20581–CD–P–76, Rock County Telephone Company (KSV986), C. P. to chg. antenna system and for additional facilities operating on 152.51 MHz located 2.5 miles East of Bassett, Nebraska.

20582–CD–P–(2)–76, Patterson Anserphone Communications Enterprises, Inc. d.b.a. Anserphone (KRH657), C. P. to change antenna system and relocate facilities operating on 152.24 MHz, base & standby, at Loc. #1 to be located at 111 Corcoran Street, Durham, North Carolina.

20583–CD–P–76, Central Telephone Company of Illinois (KUS220), C.P. to change base frequency from 152.81 MHz to 152.78 MHz located at Keller Street, at Keller & Walnut Streets, Savanna, Illinois.

20584–CD–AL–76, Mobile Communications, Inc. Consent to Assignment of License from Mobile Communications, Inc., Assignor to Hilltex Communications Company, Assignee. Station: KSV943, Palestine, Texas.

20585–CD–P–76, Caprock Communications, Inc. d.b.a. Caprock Radio Dispatch (KUS 227), C.P. to change antenna system and relocate facilities operating on 152.24 MHz to be located at Tract 2, Block 5, Artesia Industries Addition, Artesia, New Mexico.

20586–CD–P–(4)–76, Caprock Communications, Inc. d.b.a. Caprock Radio Dispatch (KLB513), C.P. to replace transmitter operating on base frequency 152.09 MHz, & repeater frequency 459.05 MHz at Loc. #1: 0.7 mile NE. of Queen, New Mexico; replace transmitter operating on control frequency 454.050 MHz at Loc. #2: 412 North Main Street, Carlsbad, New Mexico; and additional control facilities to operate on 454.050 MHz at a new site described as Loc. #3: Tract 2, Block 5, Artesia Industries Addition, Artesia, New Mexico.

20587–CD–P–76, L & L Services, Inc. d.b.a. Metro Communications (KIY619), C.P. for additional facilities to operate on 152.12 MHz located at 301 N. Montgomery Avenue, Sheffield, Alabama.

20588–CD–P–76, Paging, Inc. (KUO570), C.P. to replace transmitter, change antenna system and relocate facilities operating on 152.24 MHz to be located at 17th Street on Beaver Creek Knob, Bristol, Tennessee.

20589–CD–P–76, Empire Paging Corporation (KQZ777), C.P. for additional facilities to operate on 454.050 MHz at a new site described as Loc. #3: 318 Eagle Rock Avenue, West Orange, New Jersey.

20590–CD–P–(4)–76, Empire Paging Corporation (KRS674), C.P. for additional facilities to operate on 454.150 MHz at four (4) new sites described as Loc. #3: 5 Horizon Road, Fort Lee, New Jersey; Loc. #4: Adjacent to RR. tracks on Mizzen Avenue, Beachwood, New Jersey; Loc. #5: Top of Hill overlooking Pompton Lakes, New Jersey; and Loc. #6: 318 Eagle Rock Avenue, West Orange, New Jersey.

20591–CD–TC–(2)–76, Imperial Communications Corporation, Consent to Transfer of Control from Bell & Howell Company, Transferor to General Communications Service, Inc., Transferee. Stations: KLF644 & KMA262, San Diego, California.

20592–CD–P–76, Anser-Phones, Inc. d.b.a. Autophone of San Antonio (KRS651), C.P. to change antenna system and relocate facilities operating on 152.24 MHz to be located at NE. corner of N. Main & E. Myrtle Streets, San Antonio, Texas.

20594–CD–P–76, Marvin Barenblat d.b.a. Autophone of San Antonio (KUC915), C. P. to change antenna system and relocate facilities operating on 35.22 MHz to be located at NE. corner of N. Main & E. Myrtle Streets, San Antonio, Texas.

20595–CD–P–76, Sierra Communications, Inc. (KOP244), C. P. for additional facilities operate on 152.03 MHz at a new site described as Loc. #2: 253 East Arroyo Street, Reno, Nevada.

20596–CD–P–76, Phone Depots of Connecticut, Inc. d.b.a. Liberty Communications (KCI310), C. P. to relocate facilities operating on 35.58 MHz at Loc. #1: Sentinel Hill Road, Derby, Connecticut.

20597–CD–P–76, Answerphone of Lake Worth, Inc. (New), C. P. for a new 1-way station to operate on 43.22 MHz to be located at 1200' South of German Town Road & 700' W. of Seaboard Air RR., Delray Beach, Florida.

CORRECTIONS:

20341–CD–P–(4)–76, The Ohio Bell Telephone Company (KQK614), Youngstown, Ohio. Correct frequency to read 152.84 MHz at new Loc. #4. All other particulars to remain as reported on PN #769 dated September 2, 1975.

20561–CD–P–(3)–76, Capitol Radiotelephone Co., Inc. (New), Correct PN #774 dated October 6, 1975 to read: C. P. for a new 2-way station to operate on 152.09 MHz, base, and 459.025 MHz, repeater at Loc. #1: 13.2 miles SSE. of Beckley, West Virginia; and 454.025 MHz, control at Loc. #2: Main & N. Kanawha Streets, Beckley, West Virginia.

RURAL RADIO

60181–CR–P/L–76, The Mountain States Telephone & Telegraph Company (New), C. P. for a new rural subscriber station to operate on 157.80 MHz to be located at Edward Nigro, 11¼ miles North of Gila Bend, Arizona.

POINT-TO-POINT MICROWAVE RADIO SERVICE:

528–CF–ML–76, The Mountain States Telephone and Telegraph Company (KCO75), 8.9 miles NE. of Cedarwood, Colorado. Lat. 38°02'02" N., Long. 104°29'20" W. Mod. of License to correct coordinates, azimuths, and distances to points of communication.

855–CF–MP–76, The Offshore Telephone Company (WAH425), Block 222, East Cameron Area, Gulf of Mexico. Lat. 28°38'52" N., Long. 92°47'27" W. Mod. of C.P. to change transmitter and emission designator.

1108–CF–P–76, Pacific Northwest Bell Telephone Company (KOE81), Seattle 3, 1708 E. Pike Street, Seattle, Washington. Lat. 47°36'53" N., Long. 122°18'31" W. C.P. to replace transmitters and increase power output for frequency 6071.2H MHz toward Auburn, Washington.

1109–CF–P–76, Same (KPZ54), 3 miles South of Auburn, Washington. Lat. 47°15'23" N. Long. 122°13'07" W. C.P. to replace antenna, replace transmitters and increase power output for frequency 6323.3H MHz toward Seattle 3, Washington.

1110–CF–P–76, The Mountain States Telephone and Telegraph Company (KPZ73), Mud Flat, 7.5 miles SW. of Meadowville, Utah. Lat. 41°47'43" N., Long. 111°30'45" W. CP. to add frequency 10795V MHz toward a new point of communication at Rex Peak 2, Utah on azimuth 111.74°.

1111–CF–P–76, Southwestern Bell Telephone Company (KYJ66), 1407 Jefferson Street, Houston, Texas. Lat. 29°44'55" N., Long. 95°21'56" W. C.P. to add frequencies 3790H 3710H MHz toward Apollo RS, Texas on azimuth 133.1°.

1112–CF–P–76, Same (WPG66), Apollo RS, 623 Eldorado Street, League City, Texas. Lat. 29°33'46" N., Long. 95°08'20" W. C.P. to add frequencies 4150H 4070H MHz toward Houston, Texas on azimuth 313.2°, and 3830H 3750H MHz toward Liverpool, Texas on azimuth 187.4°.

1113–CF–P–76, Same (WCZ52), 6.2 miles ESE. of Liverpool, Texas. Lat. 29°15'36" N., Long. 95°11'02" W. C.P. to add frequencies 4110H 4030H MHz toward Apollo RS, Texas on azimuth 7.4°, and 3710H MHz toward Galveston, Texas on azimuth 83.1°.

1114–CF–P–76, Same (KKZ85), 25th Street & Avenue I, Galveston, Texas. Lat. 29°18'03" N., Long. 94°47'38" W. C.P. to add frequency 4070H MHz toward Liverpool RS, Texas on azimuth 263.3°.

1116–CF–P–76, The Pacific Telephone and Telegraph Company (KMN33), Turtle Dome, 5.5 miles NE. of El Portal, California. Lat. 37°42'45" N., Long. 119°42'13" W. C.P. to change co-ordinates, replace antenna and transmitters, and change frequency 6415V to 2162H MHz toward Sentinel Dome, California on azimuth 81.4°.

1117–CF–P–76, Same (KMN92), Sentinel Dome, near Glacier Point, Yosemite National Park, California. Lat. 37°43'38" N., Long. 119°34'51" W. C.P. to change coordinatea replace antenna and transmitters, and change frequency 6295V to 2112H MHz toward Turtle Dome, California on azimuth 261.5°.

1118–CF–P–76, Puerto Rico Telephone Company (WUT64), El Yunque, 5.55 miles SSE. of Rio Grande, Puerto Rico. Lat. 18°18'36" N., Long. 65°47'41" W. C.P. to change location of transmit station, replace antenna, add point of communication at Hato Tejas, Puerto Rico on frequencies 4110.0H 4030.0H and 3870.0H MHz on azimuth 285.1°; add 10715.0H MHz toward Fajardo, Puerto Rico; change receive station information for Rio Grande and Fajardo; delete frequencies 6189.8H 6249.1H 6412.2H 10715.0H MHz toward San Juan and 6308.4H 6367.7H MHz toward Humacao, Puerto Rico.

1132–CF–P–76, RCA Global Communications, Inc. (New), One Shell Plaza, Houston, Texas. Lat. 29°45'32" N., Long. 95°22'02" W. C.P. for a new station on frequencies 5989.7V 5960.0H MHz toward McAlhany Pond, Texas on azimuth 31.1°.

1133–CF–P–76, Same (New), McAlhany Pond, approx. 5 miles NW. of Hoffman, Texas. Lat. 30°06'01" N., Long. 95°07'48" W. C.P. for a new station on frequencies 6212.0V 6182.4H MHz toward Houston, Texas on azimuth, 211.2°, and 6375.2H 6404.8V MHz toward Davis Hill, Texas on azimuth 46.9°.

1134–CF–P–76, Same (New), Davis Hill, approx. 12 miles NE. of Plum Grove, Texas. Lat. 30°19'12" N., Long. 94°51'31" W. C.P. for a new station on frequencies 5974.8V 6063.8H MHz toward McAlhany Pond, Texas on azimuth 227.1°, and 11545.0V 11385.0V MHz toward Rayburn, Texas on azimuth 327.6°.

1135–CF–P–76, Same (New), 2 miles SE. of Rayburn, Texas. Lat. 30°23'11" N., Long. 94°54'26" W. C.P. for a new station on frequencies 11055.0V 10895.0V MHz toward Davis Hill, Texas on azimuth 147.6°.

1137–CF–MP–76, United States Transmission Systems, Inc. (WAH508), 3.2 miles East of Winston Salem, North Carolina. Lat. 36°07'56" N., Long. 80°07'42" W. Mod. C.P. to replace transmitter, change coordinates to those shown above, and to change frequencies 6226.9V to 6197.2V towards Reidsville, North Carolina on 49.7° and 6245.5H to 6197.2H towards Lexington, North Carolina on 213.1°.

1138–CF–MP–76, Same (WAH509), 4.6 miles SW. of Welcome, North Carolina. Lat. 35°52'50" N., Long. 80°19'46". Mod. C.P. to replace transmitter, change coordinates to those shown above, replace antenna and to add frequency 5974.8V towards Cool Springs, North Carolina on 255.1°.

1139–CF–MP–76, Same (WAH510), 4.0 miles South of Cool Springs, North Carolina. Lat. 35°47'35" N., Long. 80°43'52" W. Mod. C.P. to replace transmitter, change coordinates to those shown above, replace antenna and to change frequency 6345.5H to 6226.9V towards Davidson, North Carolina on 201.1° and to change polarization on 6197.2H to 6197.2V towards Lexington, North Carolina on 74.9°.

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1140–CF–MP–76, United States Transmission Systems, Inc. (WAH511), 2.0 miles North of Davidson, North Carolina. Lat. 35°31'31" N., Long. 88°51'27" W. Mod. C.P. to replace transmitter, replace antenna, change coordinates to those shown above and to change frequencies 6004.5V to 5945.2V towards Cool Springs, North Carolina on 21.0° and 6093.5H to 5945.2V towards Charlotte, North Carolina on 176.1°.

1141–CF–MP–76, Same (New), On East 8th Street, Charlotte, North Carolina. Lat. 35°13'43" N., Long. 80°50'15" W. C.P. for a new station on 6226.9V towards Davidson, North Carolina on 356.1°.

1124–CF–P–76, Eastern Microwave, Inc. (KTG28), Frewsburg, New York. Lat. 42°02'48" N., Long. 79°05'26" W. C.P. to add 6212.0H MHz and 6271.4H MHz toward Stockton, New York and reduce power output to 0.25 watt toward Jamestown, New York.

1127–CF–P–76, South Central Bell Telephone Company. (KJA85), Mobile, Alabama. Lat. 30°41'31" N., Long. 88°02'50" W. C.P. to add 4030V MHz toward Mt. Vernon, Alabama, on azimuth 002.0°.

[FR Doc.75-28463 Filed 10-21-75;8:45 am]

[FCC 75R-382]

MARANATHA, INC. ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Maranatha, Inc., Princess Anne, Maryland, Docket No. 20388, File No. BPH–8802; Liesure Time Communications, Inc., Pocomoke City, Maryland, Docket No. 20389, File No. BPH–8900; Peter and John Radio Fellowship, Inc., Pocomoke City, Maryland, Docket No. 20390, File No. BPH–8907; For Construction Permits.

1. By Order, 40 FR 14803, published April 2, 1975, the Chief of the Broadcast Bureau, acting pursuant to delegated authority, designated the above-captioned mutually exclusive applications for consolidated hearing. Now before the Review Board is a motion to enlarge issues, filed April 17, 1975, by Maranatha, Inc. (Maranatha), requesting the addition of *Suburban* and financial issues against Leisure Time Communications, Inc. (LTC).[1]

SUBURBAN ISSUE

2. Maranatha first alleges that LTC's failure to be specific regarding the conduct of its original community leader survey renders the entire leader survey a "nullity." In support, movant notes that LTC's application merely states that 95 leader interviews were conducted by principals of LTC and ". . . three present employees who occupy management-level positions." Movant asserts, however, that since LTC has not provided the names or titles of the three alleged management-level employees who conducted part of that survey and has not delineated which of the 95 community leader interviews were conducted by principals, it cannot be determined whether the survey complies with the requirements of the *Primer on Ascertainment of Community Problems by Broadcast Applicants (Primer)*, 27 FCC 2d 650, 21 RR 2d 1507 (1971). As a related matter, Maranatha argues that LTC's initial community leader survey does not reflect whether the 95 leaders contacted were interviewed within the required six-month period immediately prior to the filing of its application.[2] Next, Maranatha maintains that a subsequent LTC *Suburban* survey, submitted in a November 11, 1974 amendment, is defective for the same reasons described above. Furthermore, continues movant, the November survey is also deficient because only twelve persons from the proposed community of license were interviewed, two of whom are not leaders, and because significant groups within the community have not been contacted.[3] Finally, movant alleges that LTC has not provided a meaningful correlation between all of its ascertained community problems and its proposed programming.[4]

3. The Review Board will add the requested issue. Initially, with respect to all of LTC's community leader interviews, we agree with Maranatha that LTC has not identified, by either name or position, the individuals it has described as management-level personnel. Absent this information, it is impossible to determine whether LTC has complied with Q. & A. 11(a) of the *Primer*, which requires that interviews of community leaders be conducted by an applicant's principals or management-level employees. See *RKO General, Inc. (WOR–TV)*, 51 FCC 2d 367, 32 RR 2d 1102 (1975); *KOWL, Inc.*, 49 FCC 2d 962, 31 RR 2d 1589 (1974). In this connection, we agree with the Broadcast Bureau that another deficiency exists since LTC has not indicated that the specific employees of its existing facility in Pocomoke City who conducted its survey of the general public are prospective employees of the proposed station. See *Primer*, Q. & A. 11 (b). Second, the demographic information supplied by LTC appears to be inadequate. Other than several general descriptive paragraphs, which provide only the most rudimentary information, the application is almost devoid of specific data as to population, racial breakdown, and government organization. In addition, the applicant's demographic showing does not appear to be sufficiently specific with respect to organizations, activities, or other characteristics which would distinguish Pocomoke City from any other community. Accordingly, it is impossible to determine whether the applicant is aware of the significant groups that make up its community and whether the leaders it contacted are representative of those groups. See *Primer*, Q. & A. 4, 9, and 10; *Philadelphia Broadcasting Co.*, 51 FCC 2d 361, 32 RR 2d 1300 (1975); *Cavallaro Broadcasting Corp.*, 48 FCC 2d 469, 31 RR 2d 158 (1974). Furthermore, even assuming that LTC's demographic study were a sufficiently precise reflection of its community, it appears that the applicant has failed to survey leaders of significant population groupings set forth in its demographic study. Thus, while LTC's application states that over 25 percent of the population of Pocomoke City is black and its proposed service area "is heavily agricultural" and contains 824 farms, an examination of LTC's application indicates that only one identifiable black leader and three farmers have been interviewed. Finally, although LTC lists seven local employers "in and around Pocomoke City", population 3,573, who employ over 1500 people, LTC has not interviewed any industrial or labor leaders. See *Voice of Dixie Inc.*, 45 FCC 2d 1027, 29 RR 2d 1127 (1974), *recon. den.* 47 FCC 2d 526, 30 RR 2d 851 (1974). For these reasons, a *Suburban* issue will be added.[5]

FINANCIAL ISSUE

4. In support of its requested financial issue, Maranatha first argues that repayment of principal and interest on two proposed bank loans during LTC's second year of operation, which will total between $80,075.00 and $94,100.00, threatens the stability of LTC's financial proposal.[6] According to petitioner, the

[1] The Board also has before it for consideration the following related pleadings: (a) opposition, filed May 16, 1975, by LTC; and (b) comments, filed May 16, 1975, by the Broadcast Bureau. Although the time for filing reply pleadings had been extended to September 14, 1975, no reply pleading has been filed.

[2] In support, movant notes that while the LTC application was filed on March 22, 1974, the application states only that interviews were conducted "during September and October of 1973." Maranatha also submits that to the extent LTC's initial general public survey interviews were conducted prior to September 22, 1973, they would likewise be invalid.

[3] Specifically, Maranatha contends that LTC has not contacted area employers, leaders of educational, labor, professional, racial, and ethnic groups, the aged, eleemosynary organizations, or cultural, recreational and service groups.

[4] LTC's opposition does not address the requested *Suburban* issue.

[5] However, the Board notes that, contrary to Maranatha's claim, Q. & A. 25 of the *Primer* makes clear than an applicant is not required to propose broadcast matter designed to meet each of the needs it has ascertained. In addition, examination of LTC's application reveals that while LTC has not shown that its initial survey was conducted within the designated six-month period prior to the filing of its application, the applicant has satisfactorily resolved all such questions raised regarding its November survey.

[6] LTC's proposed construction and first-year operating costs for its proposed FM station total $143,244.00. To meet these costs, LTC relies on a $100,000.00 line of credit from the Calvin B. Taylor Banking Company of Berlin, Maryland, and a $60,000.00 line of credit from the Exchange and Savings Bank of Berlin, Maryland. The $100,000.00 line of credit is at 11% interest with a moratorium on principal repayment for the first year; $11,000.00 interest will be paid during the first year and the entire principal is required to be repaid within three years of the date of the loan. Assuming that $50,000.00 in principal, plus 11% interest on whatever portion of the balance is outstanding is to be paid during the second year, movant calculates that the total second year payment of this loan will be about $58,250.00. The $60,000.00 line of credit also has a mortorium on principal repayment for the first year, although interest at a rate of 1% over the prime rate must be paid. LTC assumes this will be 13%, or a first-year interest payment of $7,800.00. While the term in which the loan must be repaid has not been provided, Maranatha further assumes that beween $15,000.00 in principal and approximately $6,825.00 in interest or $21,825.00 (assuming five-year installment repayments) and $30,000.00 in principal and $5,650.00 in interest or $35,850.00 (assuming three-year installment repayments) must be repaid during the second year.

problems in repaying such deferred sums are compounded by the fact that "during the period ending January 31, 1974," LTC's Station WDMV, Pocomoke City, "operated with a loss of $15,625.00, giving LTC a net loss of $24,285.00 for the same period."[7] Moreover, continues Maranatha, LTC's multiple concurrent financial obligations with respect to three other recently acquired broadcast interests, Station WIVI–FM, St. Croix, Virgin Islands, Station KGLR, Reno, Nevada, and Station WWFL, Clermont, Florida, as well as the heavy personal financial commitments of LTC's principals to another broadcast venture, a proposed FM facility in Sun Valley, Idaho, further render LTC's financial qualifications suspect. In this regard, movant notes that while exact figures are not available, based on certain "reasonable" assumptions, it has concluded that LTC's loan repayment commitments made in connection with these other broadcast properties are substantial and most likely will become due contemporaneously with those for the proposed Pocomoke City station.[8] As a related matter, movant observes that two of the three newly acquired stations have recently operated at losses and will not be able to help support the proposed Pocomoke City station. In light of the above, Maranatha concludes, citing *5 KW, Inc.*, 33 FCC 2d 895, 23 RR 2d 1015 (1972), *Swanee Broadcasting Co.*, 3 FCC 2d 560, 7 RR 2d 405 (1966), and *Ultravision Broadcasting Co.*, 1 FCC 2d 544, 5 RR 2d 343 (1965), that a financial issue must be designated which encompasses inquiry into LTC's financial qualifications to operate its proposed Pocomoke City FM station for a second and third year, as well as LTC's overall financial situation as revealed in all of its applications.

5. In opposition, LTC argues that movant's request for an inquiry into LTC's overall financial situation is unwarranted since the cases relied on by movant are inapplicable to the circumstances herein. In particular, LTC asserts that, contrary to the situation in those cases, nowhere in Maranatha's analysis has it been shown that the two sources of credit relied upon by LTC in the instant application are in any way committed to meet the financial needs of any other broadcast interest. In fact, continues LTC, the instant application specifically earmarks the lines of credit from the two Berlin, Maryland, banks "for use only in connection with the construction and operation of the proposed FM station."[9] Rather, according to LTC, the precedent upon which the Review Board should rely is *Jay Sadow*, 39 FCC 2d 808, 26 RR 2d 1032 (1973), wherein the Board held, under similar circumstances, that a prior loan to an applicant made in connection with the purchase of another station need not be considered part of the applicant's first year costs for construction of a proposed new facility. With regard to movant's request to extend the inquiry into LTC's financial qualifications to operate for a second and third year, LTC argues that Maranatha has not rebutted the presumption that, having demonstrated its first year financial capability, the applicant is likely to provide service on a continuing basis, citing *Ultravision Broadcasting Co., supra*. In fact, observes LTC, except in conjunction with its inappropriate attempt to examine LTC's overall financial qualifications, movant has not even alleged that LTC lacks the requisite financial capacity to construct and operate its proposed station for the first year. Next, LTC points out that it is only the repayment of its loans that has been deferred, and urges that the Commission found a similar proposal acceptable in *Thunder Bay Broadcasting Corp.*, 47 FCC 2d 1227, 30 RR 2d 1576 (1974). Furthermore, continues LTC, in *Thunder Bay, supra*, the Commission refused to assume that lending banks would insist on terms of repayment which would jeopardize the safety of their investments, and accepted bank loans which failed to specify repayment terms but provided for negotiations of such terms at the end of the first year. According to LTC, it follows that LTC's creditor banks will exercise the same discretion in this case. Finally, LTC avers that since approximately one-half of its first year costs will be non-recurring start up costs, it is not unreasonable to assume that in its second and third years the proposed station will be able to meet expenses and begin, through station revenues, to amortize its debt at a rate acceptable to the creditor banks.

6. While the Review Board has no reason to question LTC's ability to meet its costs of construction and first year's operation, the Board believes that addition of a limited issue to inquire into LTC's proposed second year financing is warranted. In this regard, we find it significant that, not only has LTC failed to contest the allegation that between $80,075.00 and $94,100.00 in principal and interest payments will be due on its proposed bank loans during its second year of operation, but by the terms of the credit agreement with its equipment supplier, LTC will be responsible for deferred payments to its supplier in excess of $20,000.00 in the second year. In addition, LTC must also meet those costs incident to the operation of its station.[10] Furthermore, regardless of the fact that LTC will not be burdened by nonrecurring start up costs, there is absolutely no indication that LTC's second year obligations could be met by revenues from the first or second year or by the remaining available $16,756.00 from its line of credit. Moreover, LTC's financial proposal is thinly structured; LTC is relying solely on loans and deferred credit arrangements to finance its operation. In our view, these circumstances raise a serious question as to whether LTC will be able to sustain itself during the second year of operation. See *Robert Cowan Wagner*, 38 FCC 2d 1187, 26 RR 2d 429 (1973); *5 KW, Inc. supra; Greenfield Broadcasting Corp.*, 32 FCC 2d 135, —— RR 2d —— (1971).[11] However, the Board does not believe, absent a showing that LTC's other broadcast operations will be utilized to financially support its proposed Pocomoke City operation, that a collateral inquiry into the financial structure of the other operations is appropriate.[12] In any event, we note that many of Maranatha's calculations with regard to the financial status of these stations are based on unsupported assumptions.

7. *Accordingly, It is ordered*, That the motion to enlarge issues, filed April 17, 1975, by Maranatha, Inc. is granted to the extent indicated herein, and is denied in all other respects; and

[7] Movant refers to an LTC amendment filed June 25, 1974.

[8] Specifically, movant calculates that Station WIVI–FM, St. Croix, Virgin Islands, has a second-year debt service of between $37,250.00 and $60,500.00, depending on whether repayment is required within three or five years; that Station KGLR, Reno, Nevada, has a second-year debt service of about $56,664.00; that Station WWFL, Clermont, Florida, has a second-year debt service of between $51,863.00 and $79,140.00, depending on whether repayment is required within three or five years; and that similar amounts would be due from all three stations in the third year. Combining the above amounts with either LTC's total estimated first-year financial obligations for its proposed Pocomoke City FM or the second-year debt service at the FM, movant calculates that between $289,021.00–339,548.00 and $225,852.00–290,404.00, would be needed to meet all of LTC's financial commitments. With regard to the proposed Sun Valley FM, movant asserts that the showings made in the Sun Valley application for the three LTC principals who are committed to provide a total of $105,000.00 indicate that they cannot meet their obligations to the Sun Valley station, much less "come to the rescue of LTC" in Pocomoke City.

[9] In addition, LTC asserts that it has assigned separate assets to each of its interests.

[10] Assuming that LTC's previously estimated operating costs remain constant during its second year of operation, these costs will total $17,782.00. Thus, including its deferred loan and equipment payments, LTC's total estimated expenditures during its second year of operation would be approximately between $117,805.00 and $131,920.00.

[11] *Thunder Bay Broadcasting Corp.* is distinguishable in that petitioner's showing in that case depended upon the unreasonable assumption that the lending bank would require repayment entirely in the second year of operation.

[12] In this regard, we also agree with LTC that *Swanee Broadcasting Co., supra*, is inapposite.

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8. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issues:

(a) To determine the efforts made by Leisure Time Communications, Inc. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(b) To determine whether Leisure Time Communications, Inc. will have available sufficient funds to sustain its proposed station during the second year of operation and, in light of the evidence adduced pursuant thereto, whether the applicant is financially qualified.

9. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof under issues (a) and (b) added herein shall be on Leisure Time Communications, Inc.

Adopted: October 10, 1975.

Released: October 20, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-28460 Filed 10-21-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 125—MLS Implementation. It is to be held on November 12-13, 1975, in Conference Room 3201, FAA Transpoint Building, 2100 Second Street SW., Washington, D.C., commencing at 9:30 A.M.

The Agenda is as follows:

1. Welcome by Chairman.
2. Summary and Approval of Minutes of July 9-10, 1975, meeting.
3. Introduction of new members and guests.
4. Report on Informal Coordination Group Meeting.
5. Reports of Informal Groups:
   a. Benefits.
   b. Military Planning and Costs.
   c. Civil Costs.
   d. Airborne System Operational Capabilities.
   e. Implementation Strategies.
   f. Pert Chart.
6. Status Report on SC-125 Activities.
7. FAA Implementation Status Report.
8. FAA Phase III Program.
9. Update Discussion of Strawman.
10. Special Assignments.
11. Other Business.
12. Date and Place of Next Meeting.

Meetings of Special Committee 125 are open to the public, subject to limitations of space available, and any members of the public may present oral statements at the meeting, subject to time available, or may submit written statements to the RTCA Secretariat. Persons planning to attend or who desire additional information concerning this meeting are requested to contact the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C. 20006, or telephone Area Code (202) 296-0484.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-28457 Filed 10-21-75;8:45 am]

MEETING

As a matter of public notice, the Annual Meeting of the Assembly of the Radio Technical Commission for Aeronautics (RTCA) will be held at the Marriott (Twin Bridges) Motel, Washington, D.C., November 18-19, 1975. Sessions will begin at 9 a.m. each day.

The purpose of this meeting will be to hear viewpoints on technical problems confronting the aviation community during the next four decades, nationally and internationally, and ways to solve them.

PROGRAM

FIRST SESSION—THE ENVIRONMENT

Environmental constraints, and their impact upon aircraft design and operations, and on the air traffic control system (Noise, pollution, wing-tip vortex, wind shear, CAT, weather modification). Meterological service requirements, now and forecast, and their application to global airspace management.

SECOND SESSION—THE AIR VEHICLE AND ITS SYSTEMS

During the next forty years, what new developments can be expected in air vehicles and airborne systems? How will these impact upon ATC system requirements? Will environmental and noise restrictions be overcome? How will energy considerations affect the development of aviation and future aircraft designs?

THIRD SESSION—THE TERMINAL AREA AND ITS ENVIRONS

What does it encompass? Where does it fit? Its limitations? Forecast Demand? Consequences when not in agreement. Past, Present and Future (10-20-30-40 years?). A short history covering development, present status, and outlook for the future on selected topics, especially as related to RTCA contributions where applicable; including international aspects (ICAO, EUROCAE, ITU WARC, etc.)

FOURTH SESSION—GLOBAL AIRSPACE MANAGEMENT

Political impact on airspace utilization. Technical viewpoints on current and future airspace management; NAV and COMM Systems; ATC System Characteristics (with emphasis on high and low density enroute traffic management); hazard detection and warning.

This meeting is open to the public. Persons planning to attend or who desire additional information concerning this meeting are requested to contact the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C. 20006, or telephone Area Code (202) 296-0484.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-28458 Filed 10-21-75;8:45 am]

MEETING

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 127—Emergency Locator Transmitters. It is to be held on November 20, 1975, in Conference Room 6200, Nassif Building, U.S. Coast Guard Headquarters, 400 Seventh Street SW., Washington, D.C., commencing at 9:30 A.M.

The Agenda for the meeting is as follows:

1. Opening comments by the Chairman.
2. Administrative announcements.
3. Review and approval of the Minutes of the meeting held September 24-25, 1975.
4. Consideration of NASA Satellite Surveillance Proposal.
5. Reports on Acceleration ("G") Switch Testing.
6. Review of Draft of Minimum Performance Standards.
7. New Business.
8. Date and place of next meeting.

Meetings of Special Committee 127 are open to the public, subject to the limitations of space available, and any member of the public may present oral statements at the meeting, subject to time available, or may submit written statements to the RTCA Secretariat. Persons planning to attend or who desire additional information concerning this meeting are requested to contact the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C. 20006, or telephone Area Code (202) 296-0484.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.75-28459 Filed 10-21-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

EMERGENCY AMENDMENT ADOPTING SPECIAL RULE FOR REFINERS BUY/SELL PROGRAM

Cancellation of Public Hearing

The Federal Energy Administration hereby gives notice that the public hearing schedule for October 23, 1975 in the above captioned proceeding has been cancelled. No requests to make oral presentations were received by FEA as of 4:30 p.m., e.s.t., October 16, 1975. Written comments and other data with respect to the emergency amendment may still be submitted to Executive Communications, Room 3309, Federal Energy Administration, Box EJ, Washington, D.C., 20461. All such materials received by 4:30 p.m., October 23, 1975 will be considered by FEA.

DAVID G. WILSON,
Acting General Counsel.

OCTOBER 17, 1975.

[FR Doc.75-28418 Filed 10-17-75;2:22 am]

FEDERAL MARITIME COMMISSION

[Docket No. 75-30; Agreement Nos. 9718-3 And 9731-5]

MARINE COOKS AND STEWARDS UNION

Modification of Order of Investigation

On August 18, 1975, the Commission served an Order of Investigation in this docket. By that Order the Commission continued its approval of Agreements 9718 and 9731 pending the completion of the investigation instituted by that Order. That Order directed that the investigation was to proceed with all expedition and was to be finally disposed of on or before February 21, 1976. That Order, except as hereinafter modified is ratified and confirmed.

Subsequent to that Order a prehearing conference was conducted by the Administrative Law Judge, whereas the Commission's discovery rules were waived insofar as those rules set time limits within which discovery can be conducted, and a shortened discovery schedule was prescribed. In that prehearing conference and in later rulings on discovery the Administrative Law Judge interpreted our Order of Investigation in such a manner as to exclude the discovery of or introduction of evidence bearing upon the interrelationship between Agreements 9718 and 9731 and other agreements in the trade to which Respondent Carriers are party. The Administrative Law Judge founded that interpretation upon language in the Order of Investigation describing the purposes of the investigation; our requirement that the hearings in this investigation commence on or before October 21, 1975; and our requirement that the Administrative Law Judge issue his Initial Decision on or before December 21, 1975. That restrictive interpretation of our Order of Investigation was vigorously urged by the Respondent Carriers, and, to a lesser extent by Hearing Counsel.

Within the time permitted by the Administrative Law Judge for discovery, and thereafter, the petitioner, Marine Cooks and Stewards Union (Union), has filed numerous papers in this proceeding, ranging from notices of intention to take the deposition of persons residing in countries other than the United States, through motions for leave to appeal rulings of the Administrative Law Judge, to a petition to prohibit participation of the Chairman of the Commission in the decision of this case and to vacate the order of investigation, the petition to vacate being now pending before the Commission. Throughout, the Respondent Carriers have steadfastly resisted the discovery of information relating to the interrelationship between Agreements 9718 and 9731 and agreements in the trade.

The effect of those maneuvers and rulings may be twofold: One, petitioner's maneuvers may have the effect of delaying the conclusion of this proceeding beyond February 21, 1976, and, two, the rulings may provide the Commission with a record lacking information necessary to the proper resolution of the question whether or not these Agreements should continue to enjoy the approval of this Commission. Neither result is fully acceptable.

The Union has now petitioned the Commission to modify the Order of Investigation by deleting therefrom the proviso, ". . . that the hearing shall commence no later than October 21, 1975, and an Initial Decision shall be issued no later than December 21, 1975."

We have considered the arguments of Petitioner, Respondents, and Hearing Counsel, and have determined to modify our Order of Investigation herein.

Petitioner sought leave from the Administrative Law Judge to appeal to the Commission his rulings on discovery herein. Leave was denied by the Administrative Law Judge. We do not now review those rulings, and we do not now decide whether or not those rulings were correct. However, these rulings, viewed together with the transcript of the prehearing conference and Petitioner's petition to modify the order of investigation, indicate that our Order of Investigation, insofar as it delineates the scope of this investigation, has been too narrowly interpreted. The Administrative Law Judge was correct when he concluded that this investigation did not extend to the approvability of any agreement other than Agreements 9718 and 9731. However, proper consideration of Agreements 9718 and 9731 may not be accomplished if those two Agreements are viewed in a vacuum. If there is evidence which shows that Agreements 9718 and 9731 are but part of a larger scheme of agreements in the U.S. West Coast/Japan trades, whether or not approved by this Commission, or which shows the interrelationship between Agreements 9718 and 9731 and other agreements in those trades, or which shows the effect of any such interrelationship, that evidence is relevant to the issues presented in this investigation. This is so because the anti-competitive effect, if any, of Agreements 9718 and 9731 might well be substantially different if those two Agreements were the only agreements in the U.S. West Coast/Japan trades to which the Respondent Carriers were party than if the Respondent Carriers are party to other agreements in those trades which interlock with the Agreements under investigation. Further, if Agreements 9718 and 9731 do contravene the antitrust policies of the United States, then the need for these agreements in order to secure a serious transportation need or to confer an important benefit upon the public might well be greater or less depending upon whether or not there are other agreements in those U.S. West Coast/Japan trades to which the Respondent Carriers are party.

As a result of what has transpired in this proceeding to date, it is necessary to modify our order of investigation in certain respects. By this modification it is our intent to insure that this proceeding shall go ahead expeditiously; that the record for decision will include all information necessary to a reasoned decision in this matter; and, that any tendency of the parties to delay these proceedings be circumscribed.

Therefore, it is ordered, That the Order of the Federal Maritime Commission dated August 18, 1975, entitled Docket No. 75-30 Agreement Nos. 9718-3 and 9731-5, Order of Investigation is modified by:

1. Deleting, in the first ordering paragraph thereof, the phrase ". . . through February 21, 1976, . . ." and substituting therefor the phrase ". . . through August 20, 1976, . . .".

2. Deleting, in the fifth ordering paragraph thereof, the dates ". . . October 21, 1975, . . ." and ". . . December 21, 1975, . . ." and substituting therefor ". . . January 21, 1976, . . ." and ". . . June 21, 1976, . . .".

It is further ordered, That the Petition of the Marine Cooks and Stewards Union for Leave to File Supplement to Petition for Modification of the Order of Investigation, filed October 8, 1975, is denied.

It is further ordered, That there shall be admitted in this proceeding all relevant evidence which shows the interrelationship between Agreement Nos. 9718 and 9731 on one hand and any other agreements in the U.S. West Coast/Japan trades to which Respondents are a party, on the other and which shows the competitive effect, if any of such an interrelationship.

By the Commission.[1]

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-28472 Filed 10-21-75;8:45 am]

LYKES BROTHERS STEAMSHIP COMPANY, INC. AND O.N.E. SHIPPING LTD.

Agreement Filed Regarding Cooperative Working Agreement

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 11, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the

[1] Absent Chairman Helen Delich Bentley who has recused herself from participation in this proceeding.

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commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Lloyd Strickland, Vice President, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 10183, between Lykes Bros. Steamship Co., Inc. (Lykes) and O.N.E. Shipping Ltd. (O.N.E.), establishes a cooperative working arrangement in the trade from U.S. Gulf ports to Colombia, whereby (1) Lykes agrees to issue its Bills of Lading to cover cargo selected by O.N.E. on vessels owned or controlled by O.N.E. and in consideration therefor, O.N.E. agrees to compensate Lykes according to a fixed schedule of payment as set forth in the agreement; (2) O.N.E. agrees to hold Lykes harmless and otherwise indemnify Lykes from and against any and all cargo claims, suits, etc.; (3) Lykes makes no representation that will result in O.N.E. being considered "a line associated to a Colombian enterprise"; and (4) this arrangement will terminate on December 31, 1977.

Dated: October 17, 1975.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-28470 Filed 10-21-75;8:45 am]

[Docket No. 75-16; Agreement Nos. 10107 and 10108]

ORIENT OVERSEAS LINES, ET AL.

Stay of Proceedings and Grant of Intervention

The Commission instituted this proceeding by Order Served May 9, 1975, directing Orient Overseas Lines (OOL), Orient Overseas Container Line (OOCL) and Zim Container Line (Zim) to show cause why Agreement No. 10107 and 10108 should not be found to: (1) have been terminated by the withdrawal therefrom of the Trans-Pacific Freight Conferences (Hong Kong) and the New York Freight Bureau (Hong Kong), respectively; and (2) be contrary to the public interest by their failure to provide a system for adequately policing the obligations under them and because withdrawal of the conferences from these agreements leaves no apparent justification for their continued approval.

Agreement No. 10107, initially approved by the Commission on February 19, 1974, established a ratemaking arrangement entered into by the member lines of the Trans-Pacific Freight Conference (Hong Kong) as a single party only, and OOL, OOCL, Pacific Far East Line (PFEL), and Zim, four independents in the trade from Hong Kong and Taiwan to West Coast ports of the United States. Similarly, Agreement No. 10108 also initially approved by the Commission on February 19, 1974, established a ratemaking arrangement entered into by member lines of the New York Freight Bureau (Hong Kong) as a single party only and American Export Lines Inc. (AEL) OOL, OOCL and Zim, four independents in the trade from Hong Kong and Taiwan to ports on the Gulf of Mexico and East Coast of the United States.

In their responses to the Show Cause Order, the independents through briefs submitted by Zim and OOL and OOCL requested *inter alia* an evidentiary hearing and opposed disapproval of the Agreements. While both Conferences, NYFB and TPFC filed Petitions for leave to Intervene and indicated their intention to oppose continued approval of the subject Agreements, they subsequently withdrew their opposition to continued approval of the Agreement on July 14, 1975. At approximately this time the various members of the respective Conferences began submitting their resignations from the Conferences and filing applications to join Agreement Nos. 10107 and 10108 as independents.

Although it appeared at one point that the Conferences would cease to exist due to lack of membership, several carriers have now withdrawn their resignations and remained in the Conference. Other carriers have effected their resignations and joined the rate agreements as independents. The Conferences, in addition to withdrawing their opposition to the continued approval of the Agreements, have applied and been accepted back into the membership of the instant rate agreements.

On July 18, 1975, Hearing Counsel filed its response to the Order to Show Cause wherein they asked that the proceedings be stayed until the positions of the parties are settled and accordingly requested that they be granted additional time to respond on the merits. It would appear from the facts that Hearing Counsel is correct in its representation that there is uncertainty in the trade in regards to the status of the carriers serving the trade. Therefore, these proceedings will be stayed at least until such time as the status of the lines serving the relevant trades stabilize.

There is one other matter outstanding before the Commission in this proceeding. On August 4, 1975, Pacific Far East Line (PFEL) filed a Petition for Leave to Intervene and a Request for Oral Argument, which was opposed by OOL and OOL. On August 18, 1975, PFEL, referencing *inter alia* the pending readmission to Agreement No. 10107 of TPFC and several of their former members, filed a Supplemental Petition for Leave to Intervene. As an active carrier in the trade and former member of Agreement No. 10107, PFEL has an interest in the outcome of these proceedings. Accordingly, their petition to intervene is granted.

Therefore, it is ordered, That these proceedings be stayed indefinitely.

It is further ordered, That PFEL is granted leave to intervene in these proceedings.

Finally, *it is further ordered,* That a copy of this Order be published in the FEDERAL REGISTER and that a copy thereof be mailed to all parties.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-28471 Filed 10-21-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-164]

ARIZONA PUBLIC SERVICE CO.

Supplement to Agreement

OCTOBER 16, 1975.

Take notice that on October 6, 1975, Arizona Public Service Company filed a Letter Supplement dated April 14, 1975 to Agreement dated July 15, 1962 between Arizona Public Service Company (Company) and Navopache Electric Cooperative (NEC), FPC Rate Schedule No. 17, for a new delivery point near the Company's Show Low Substation with an effective date of November 1, 1975.

The Company states that there is no change in rate. The Company further states that NEC will pay for the construction of the added delivery point which is estimated to cost $59,101.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petition or protests should be filed on or before October 23, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28630 Filed 10-21-75;10:34 am]

[Docket No. E-6943]

DEPARTMENT OF THE INTERIOR

Application for Extension of Confirmation and Approval of Rate

OCTOBER 16, 1975.

Take notice that on September 30, 1975, U.S. Department of the Interior requested on behalf of the Southwestern Power Administration (SWPA) that the Federal Power Commission extend for a period not to exceed 30 days, the confirmation and approval of the present rate for Narrows Dam Power and energy to Tex-La Electric Cooperative, Inc., under Articles I, section 3, of the SWPA/Tex-La contract dated May 11, 1960.

On August 4, 1975, in Docket E-6943, the Federal Power Commission Extended Confirmation and Approval of Rates for the sale of the entire power production of the Narorws Dam to Tex-La for a period ending not later than September 30, 1975. SWPA scheduled a public hearing within the requested extension period to determine the necessity of increasing the rates and charges in order to demonstrate repayment of the power investment at a 50 year rate. Interested parties were afforded the opportunity to participate in the rate setting process. The hearing originally scheduled for July 9, was postponed. It was subsequently held on July 24 and 25 in SWPA offices in Tulsa, Oklahoma.

The Department of the Interior stated that because of the delay in holding the hearing and the voluminous testimony, it was impossible to submit the Secretary's proposal for a new rate by September 30, 1975.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 22, 1975 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commissions Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. This application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28629 Filed 10-21-75;10:34 am]

FEDERAL RESERVE SYSTEM

ALABAMA BANCORPORATION

Order Approving Acquisition of Bank

Alabama Bancorporation, Birmingham, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Gadsden Mall Bank, Gadsden, Alabama ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Alabama, controls 12 banks with aggregate deposits of $1.38 billion, representing 16.5 percent of the total deposits in commercial banks in the State.[1] Acquisition of Bank ($4 million in deposits) would not significantly increase deposit concentration nor Applicant's share of total commercial bank deposits in Alabama.

Bank is the second smallest of eleven banks in the relevant banking market,[2] and holds approximately two percent of total deposits in commercial banks in the market. The two largest banks in the market together control approximately 39 percent of total market deposits. Since Applicant is not presently represented in this market, and its closest banking subsidiary is located 32 miles southeast of Bank in a separate banking market, no meaningful competition between Bank and Applicant's present subsidiaries would be eliminated as a result of the proposed acquisition. In addition, no significant competition exists between Bank and Applicant's indirectly owned mortgage banking subsidiary, Engel Mortgage Company. Thus, consummation of the proposed acquisition would not adversely affect existing competition in the relevant market. Furthermore, in view of Bank's relative size and its market position, the Board views the proposed acquisition as a foothold entry by Applicant into the relevant banking market. Accordingly, on the basis of the facts of record, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its banking subsidiaries, and Bank are regarded as generally satisfactory and consistent with approval of the application. Consummation of the proposal is likely to result in an expansion of the range of services presently offered by Bank, since affiliation with Applicant will provide Bank with a ready source for loan participations, access to trust services, and assistance in specialized loan services and investment portfolio analysis. These considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective October 15, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-28405 Filed 10-21-75;8:45 am]

[1] All banking data are as of December 31, 1974, and reflect bank holding company formations and acquisitions approved by the Board through September 30, 1975.

[2] The relevant banking market is approximated by Etowah County.

CITIZENS BANCSHARES OF MADELIA, INC.

Formation of Bank Holding Company

Citizens Bancshares of Madelia, Inc., Madelia, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80.24 per cent or more of the voting shares of Citizens National Bank of Madelia, Madelia, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than November 11, 1975.

Board of Governors of the Federal Reserve System, October 15, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-28406 Filed 10-21-75;8:45 am]

FEDERAL TRADE COMMISSION

SOHMER & CO., INC.

Invitation to Comment on Application

Section 102(c) of the Magnuson-Moss Warranty Act, 15 U.S.C. 2302(c), prohibits a warrantor from conditioning performance under a written warranty on the purchase by the consumer of any article or service identified by brand, trade or corporate name. (The prohibition does not apply to articles or services provided to the consumer at no cost under the warranty.) The section further provides that the Commission may waive its applicability upon application by a warrantor. The Commission is required under this provision to notify the public of any application for waiver and to invite public comment on it.

The application of Sohmer & Company, Inc. (Sohmer), a manufacturer and warrantor of upright and grand pianos, seeks a waiver of section 102(c). The written warranty of Sohmer contains the following clause: "It is understood that this

[3] Voting for this action: Chairman Burns and Governors Mitchell, Bucher and Holland. Present and abstaining: Governor Jackson. Absent and not voting: Governors Wallich and Coldwell.

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guarantee is valid only upon condition that Sohmer & Co., Inc., or their accredited representatives are employed for all tuning and servicing of said piano." The application notes that "accredited representatives" are Sohmer dealers, or where no dealer is available, members of the Piano Technicians' Guild designated by Sohmer dealers.

The statute provides that the Commission may waive the prohibition of § 102 (c) if

(1) the warrantor satisfies the Commission that the warranted product will function properly only if the article or service so identified is used in connection with the warranted product, and

(2) the Commission finds that such a waiver is in the public interest.

The Commission invites interested persons to direct their comment to the question of whether Sohmer has met the statutory standard.

Sohmer's application and the documents submitted in support of the application are available for public inspection and copying at the Office of Legal & Public Records, Room 130, Federal Trade Commission Washington, D.C. Comments filed by interested persons will be considered by the Commission in making a decision on the application.

All interested persons are given notice of the opportunity to present written views and arguments with respect to the application. The public record will remain open for comment until December 22, 1975. All comments should be identified as "Comment on Sohmer Application", and should be delivered no later than that date to: Secretary, Federal Trade Commission Room 172, 6th & Pennsylvania Avenue NW., Washington, D.C. 20580.

Issued: October 22, 1975.

By the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-28412 Filed 10-21-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-331]

IOWA ELECTRIC LIGHT AND POWER CO. ET AL.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and the Corn Belt Power Cooperative which revised Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to delete the trip level settings for the bus power monitor relays for the following: residual heat removal (RHR) system-low pressure coolant injection mode; core spray system; automatic depressurization system; high pressure coolant injection system; and the reactor core isolation cooling trip system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated September 4, 1975, and supplements dated September 9 and 15, 1975, (2) Amendment No. 14 to License No. DPR-49, with Change No. 15, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 8th day of October, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75-28371 Filed 10-21-75;8:45 am]

REGULATORY GUIDE

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.102, "Flood Protection for Nuclear Power Plants," describes types of flood protection acceptable to the NRC staff for the safety-related structures, systems, and components of light-water-cooled nuclear power plants. This guide also describes acceptable methods of protecting nuclear power plants from the effects of Probable Maximum Precipitation (PMP) falling directly on the site.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.102 will, however, be particularly useful in evaluating the need for an early revision if received by December 19, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Prevention of Fracture of Structural Discontinuities in Reactor Pressure Vessel
Protection Against Postulated Events and Accidents Outside of Containment
Fracture Toughness Requirements for Materials for Class 2 and 3 Components
Maintenance of Water Purity in PWR Secondary Systems
Criteria for Heatup and Cooldown Procedures
Effects of Residual Elements on Predicted Radiation Damage
Surveillance Testing and Inservice Inspection of Thermal Barrier and Steam Generator Materials in High-Temperature Gas-Cooled Reactors
Surveillance and Postirradiation Examination of Fuel Rods in Lead Assemblies
Design Load Combinations for Component Supports
Interim Guide on Tornado Missiles
Criteria for Plugging Steam Generator Tubes
Structural Design Criteria for Fuel Assemblies in Light-Water-Cooled Reactors
Overhead Crane Handling Systems for Nuclear Power Plants
Recommended Procedure for Resintering Test to Monitor Densification Stability of Production Fuel
Qualifications for Cement Grouting for Prestressing Tendons in Containment Structure
Posttensioned Prestressing Systems for Concrete Reactor Vessels and Containment
Inservice Monitoring of Core and Core Support Structure Motion Via Neutron-Flux Measurement
Loose Parts Monitoring Program for the Primary System
Tornado Design Classification
Overpressure Protection of Low-Pressure Systems Connected to Reactor Coolant Pressure Boundary
Protective Coatings for Light-Water Reactor Containment Facilities
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems
Assumptions Used for Evaluating the Potential Radiological Consequences of a BWR Radioactive Offgas System Failure
Fire Protection Criteria for Nuclear Power Plants
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants
Quality Assurance Requirements for Control of Procurement of Equipment, Materials, and Services for Nuclear Power Plants
Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant Conditions During and Following an Accident
Quality Assurance Requirements for Lifting Equipment
Maintenance and Testing of Batteries
Qualification Test of Class 1E Cables, Connections, and Field Splices for Nuclear Power Plants
Seismic Qualification of Class I Electric Equipment
Fuel Oil Systems for Standby Diesel Generators
Quality Assurance Requirements for the Manufacture of Class 1E Instrumentation and Electric Equipment for Nuclear Power Plants
Quality Assurance Requirements for the Manufacture of Class 1E Instrumentation and Electric Equipment for Nuclear Power Plants
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident
Containment Isolation Provisions
Instrument Spans and Setpoints
Initial Startup Testing Program for Facility Shutdown from Outside the Control Room
Periodic Testing of Diesel Generators
Qualification of Inspection, Examination, and Testing Personnel for Nuclear Facilities
Quality Assurance Program Requirements for Nuclear Power Plant Fuels
Testing of Nuclear Air Cleaning Systems
Preoperational and Initial Startup Testing of Feedwater Systems for BWRs
Design Criteria for Overload Protection of Motor-Operated Valves
Identification of Materials, Parts, and Components for Nuclear Power Plants
Probable Maximum Storm Surge Flooding on Lakes and Sea Shores
Protection of Nuclear Power Plants Against Industrial Sabotage
Emergency Planning for Nuclear Power Plants
Control Room Manning
Hydrologic Design Criteria for Water Control Structures Constructed for Nuclear Power Plants
Spill Analysis—Dispersion and Dilution in Surface and Ground Water
Design Objectives for LWR Spent Fuel Facilities
Design Objectives for LWR Fuel Handling Systems

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 15th day of October 1975.

For the Nuclear Regulatory Commission,

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.75-28416 Filed 10-21-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on November 6–8, 1975 in Room 1046, 1717 H Street NW, Washington, D.C.

The agenda for the subject meeting will be as follows:

THURSDAY, NOVEMBER 6, 1975

8:30–9:30 a.m.: Executive Session (Closed)—The Committee will meet in closed Executive Session to discuss opinions and exchange recommendations of individual members related to the nomination of candidates for appointment to the Committee and the selection of ACRS officers.

The Committee will also meet in closed Executive Session to discuss the evaluation of the Subcommittee and the comments and recommendations of individual members and consultants who may be present regarding matters which should be considered during the following open meeting in order to formulate a Committee report and recommendations to the Nuclear Regulatory Commission regarding the Pilgrim Station Unit 2.

9:30 a.m.–1 p.m. Pilgrim Station Unit 2 (Open)—The Committee will hear presentations by and hold discussions with representatives of the applicant and the NRC Staff regarding the request for a construction permit for the Pilgrim Station Unit 2. Closed portions of this session will be held if required to discuss proprietary information related to the design, construction and/or operation of this unit. Closed portions will also be held if required to discuss security arrangements for this plant and for Committee deliberative sessions. During these deliberative sessions, ACRS consultants will present their final recommendations and Committee members will exchange and discuss their final opinions and recommendations on this project.

2–2:30 p.m.: Meeting with NRC Staff (Open)—The Committee will meet with the NRC Staff to hear presentations on and to discuss current reactor operating experience and recent licensing actions. The anticipated agenda items for future ACRS meetings will also be discussed.

2:30–3 p.m.: Executive Session (Closed)—The Committee will meet in closed session to discuss the evaluation of the Subcommittee and the comments and recommendations of individual members and consultants who may be present regarding matters which should be considered during the following open meeting in order to formulate a Committee report and recommendations to the Nuclear Regulatory Commission regarding the Palo Verde Power Project Units 1, 2, and 3.

3–6 p.m.: Palo Verde Power Project Units 1, 2, and 3 (Open)—The Committee will hear presentations by and hold discussions with representatives of the applicant and the NRC Staff regarding the request for a construction permit for this Station. Closed portions will be held if required to discuss proprietary information related to the design, construction and/or operation of this project. Closed portions will also be held if required to discuss security arrangements for this project and for Committee deliberative sessions. During these deliberative sessions ACRS consultants will provide their final recommendations and members will exchange and discuss their final opinions and recommendations on this project.

FRIDAY, NOVEMBER 7, 1975

8:30–9 a.m.: Executive Session (Closed)—The Committee will meet in closed Executive Session to discuss the evaluation of the Subcommittee and the recommendations and opinions of individual members and consultants who may be present regarding matters which should be considered during the following open session to formulate a Committee report and recommendations to the Nuclear Regulatory Commission regarding the Jamesport Nuclear Power Station Units 1 and 2.

9 a.m.–1 p.m.: Jamesport Nuclear Power Station Units 1 and 2 (Open)—The Committee will hear presentations by and hold discussions with representatives of the applicant and the NRC Staff regarding the request for a construction permit for this facility. Closed portions will be held if necessary to discuss proprietary information related to the design, construction and/or operation of this Station. Closed portions will also be held if required to discuss security arrangements for this plant and for Committee deliberative sessions. During these deliberative sessions ACRS consultants will present their final recommendations and ACRS members will exchange and discuss their final opinions and recommendations regarding this project.

2–2:30 p.m.: Executive Session (Closed)—The Committee will meet in closed Executive Session to discuss the evaluation of the Subcommittee and the comments and recommendations of individual ACRS members and consultants who may be present regarding matters which should be considered during the following open meeting in order to formulate a Committee report and recommendations to the Nuclear Regulatory Commission regarding the Floating Nuclear Plant Units 1–8.

2:30–6:30 p.m.: Floating Nuclear Plant Units 1–8 (Open)—The Committee will hear presentations by and hold discussions with representatives of the applicant and the NRC Staff regarding the request for manufacturing approval for the Floating Nuclear Plant Units 1–8. Closed portions will be held if required to discuss proprietary information related to the design, construction and/or operation of these units. Closed portions will also be held if necessary to discuss security arrangements for these plants and for Committee deliberative sessions. During these deliberative sessions ACRS consultants will provide their final recommendations and ACRS members will exchange and discuss their final opinions and recommendations on this project.

SATURDAY, NOVEMBER 8, 1975

8:30 a.m.–4:30 p.m.: Executive Session (Closed)—The Committee will meet in closed Executive Session to: exchange personal opinions and recommendations regarding preparation of final advice to the Nuclear Regulatory Commission on the cases considered at this meeting and a proposed ACRS report on the status of generic items related to light water power reactors; to discuss potential candidates for appointment to the Committee. This discussion will include personal and financial information, if required, the disclosure of which would clearly represent an undue invasion of privacy; to exchange opinions and recommendations of individual members regarding the activities of the ACRS Working Group on the Hypothetical Core Disruptive Accident for Fast Reactors; to consider ACRS procedures regarding preparation of ACRS reports and the assignment and use of consultants. Individual opinions and recommendations will be exchanged leading to the formulation of Committee policy and procedures; to discuss opinions and recommendations of individual members regarding the adequacy of proposed Regulatory Guides in the formulation of advice to the NRC Executive Director for Operations regarding these proposed Guides.

I have determined in accordance with Subsection 10(d) of Public Law 92-463 that it is necessary to close portions of the meeting as noted above to protect

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proprietary data (5 U.S.C. 552(b)(4)), to protect the free exchange of opinion during the Committee's deliberative process (5 U.S.C. 552(b)(5)), and to preclude unwarranted invasion of privacy (5 U.S.C. 552(b)(6)). These closed sessions will consist primarily of deliberative discussion among the Committee members leading to the formulation of advice and recommendations to the Nuclear Regulatory Commission. Separation of factual information from the individual advice, opinion or recommendations of ACRS members and consultants during this discussion is not considered practical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Committee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview. Persons desiring to mail written comments may do so by mailing a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than October 29, 1975, to the Executive Director, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, DC 20555 will normally be received in time to be considered at this meeting. Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 and at the following public document rooms:

Floating Nuclear Plant

1. Jacksonville Public Library, 122 North Ocean Street, Jacksonville, FL 32204.
2. New Orleans Public Library, Business and Science Division, 219 Loyola Avenue, New Orleans, LA 70140.
3. Stockton State College Library, Pomona, NJ 08240.

Jamesport 1 and 2

Riverhead Free Library, 330 Court Street, Riverhead, NY 11901.

Palo Verde 1, 2, and 3

Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, AZ 85044.

Pilgrim 1 and 2

Plymouth Public Library, North Street, Plymouth, MA 02360.

(b) Those persons wishing to make oral statements regarding agenda items at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements in safety related areas within the Committee's purview at an appropriate time chosen by the Chairman of the Committee.

(c) Further information regarding topics to be discussed, whether the meeting or portions of the meeting have been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor, can be obtained by a prepaid telephone call on November 5, 1975, to the Office of the Executive Director of the Committee (Telephone: 202–634–1371) between 8:15 a.m. and 5 p.m., Eastern Time. It should be noted that the schedule noted above is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items to accommodate required changes. The ACRS Executive Director will be prepared to describe these changes on November 5, 1975.

(d) Questions may be propounded only by members of the Committee and its consultants.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information other than plant security information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed. The Executive Director of the ACRS should be informed of such an agreement at least 3 days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of this agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Executive Director at the beginning of the meeting.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. on or after February 6, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: October 20, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-28539 Filed 10-21-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Subcommittee and Full Committee Meetings; Preliminary Schedule

In order to provide advance information regarding proposed ACRS Subcommittee and full Committee meetings, the following preliminary schedule is being published. This preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed Subcommittee and full Committee meetings published at 40 FR 43959, September 24, 1975. Those meetings that are definitely scheduled have had, or will have, an individual notice published in the FEDERAL REGISTER approximately 15 days (or more) prior to the meeting. Those Subcommittee meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the November 6–8, 1975 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–1406, Attention: Mary E. Vanderholt) between 8:15 a.m. and 5 p.m. e.d.t. through October 24 and e.s.t. after October 27, 1975.

SUBCOMMITTEE MEETINGS

Palo Verde Nuclear Plant, Units 1, 2, and 3, October 20, 1975 (Rescheduled from November 25, 1975), Phoenix, AZ to review the application of Arizona Public Service Company to construct this plant. Notice published in FR Vol. 40, No. 193, Pg. 45875, October 3, 1975.

Plutonium Shipping Packages Working Group, October 23, 1975, Washington, D.C. (Rescheduled from October 20, 1975, Chicago, IL) to evaluate the ability of the packages used for shipping plutonium and other comparably hazardous materials to survive airplane crashes. Notice published in FR Vol. 40, No. 196, Pg. 47220, October 8, 1975.

Washington Public Power Supply Systems, Projects 3 and 5, October 23, 1975, Richland, WA—Postponed.

Architect-Engineer Balance of Plant, October 24, 1975, Washington, D.C.—Postponed.

Waste Management, October 23–24, 1975, Washington, D.C.—Rescheduled to November 13–14, 1975, Washington, D.C.

Floating Nuclear Plant, October 29–30, 1975, Jacksonville, FL to review the application of Offshore Power Systems for a manufacturing license (preliminary design) for eight reactor units. Notice published in FR Vol. 40, No. 199, Pg. 48190, October 14, 1975.

Jamesport Nuclear Power Station, Units 1 and 2, Oct. 30, 1975 (rescheduled from November 13, 1975), Ronkonkoma, L.I., NY, to review the construction permit application. Notice published in FR Vol. 40, No. 200, Pg. 48404, October 15, 1975.

Pilgrim Station, Unit 2, November 4, 1975, Plymouth, MA, to review the application of Boston Edison Company for a permit to construct Unit 2. Notice has been sent to the FEDERAL REGISTER.

Regulatory Guides, November 5, 1975, Washington, D.C., to review working papers regarding future Regulatory Guides and proposed changes to existing Guides. Notice has been sent to the FEDERAL REGISTER.

Palo Verde Nuclear Plant, Units 1, 2, and 3, November 5, 1975, Washington, D.C., to continue review of the application of Arizona Public Service Company for a permit to construct this plant. Notice has been sent to the FEDERAL REGISTER.

Procedures, November 5, 1975, Washington, D.C., to discuss proposed changes to Committee policy and practices regarding the preparation of ACRS reports to the Nuclear Regulatory Commission. Notice published in FR Vol. 40, No. 200, Pg. 48404, October 15, 1975.

Waste Management, November 13–14, 1975, Washington, D.C., to gather further information concerning waste management procedures.

Diablo Canyon Nuclear Power Station, Units 1 and 2, November 14, 1975, San Luis Obispo, CA to continue the review of the application of the Pacific Gas and Electric Company for an operating license.

Tyrone Energy Park, Units 1 and 2, November 20–21, 1975, Eau Claire, WI, to review the application of the Northern States Power Company for a permit to construct Units 1 and 2.

Inspection and Enforcement Activities, November 21, 1975, Washington, D.C., to discuss third-party inspection and the roles of inspection and examination organizations in relation to nuclear safety.

Regulatory Guides, December 3, 1975, Washington, D.C., to review working papers regarding future Regulatory Guides and proposed changes to existing Guides.

Hartsville Nuclear Power Plant, Units 1, 2, 3, and 4, December 17–18, 1975, Hartsville, TN, to review the application of the Tennessee Valley Authority for a permit to construct Units 1, 2, 3, and 4.

Perkins Nuclear Station, Units 1, 2, and 3, December 17, 1975, Charlotte, NC, to review the application of the Duke Power Company for a permit to construct Units 1, 2, and 3.

Cherokee Nuclear Station, Units 1, 2, and 3, December 18, 1975, Charlotte, NC, to review the application of the Duke Power Company for a permit to construct Units 1, 2, and 3.

Seismic Activities Subcommittee, a two-day meeting is planned during the period December 8–20, 1975. Subjects will include seismicity/seismic design in the eastern United States.

FULL COMMITTEE MEETINGS

November 6–8, 1975, Washington, D.C.

A. *Floating Nuclear Plant—manufacturing license.

B. *Pilgrim Station, Unit 2—construction permit.

C. *Palo Verde Nuclear Plant—construction permit.

D. *Jamesport Nuclear Power Station—construction permit.

December 4–6, 1975, Washington, D.C.

Agenda to be published later.

Dated: October 17, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-28415 Filed 10-21-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

INTERNATIONAL PHASE OF OCEAN DRILLING

Summary Notice of Federal Action Affecting the Environment

A summary statement concerning the International Phase of Ocean Drilling of the Deep Sea Drilling Project was published in the *Federal Register* on June 5, 1975 (40 F.R. 24251). Comments received on the draft environmental impact statement have been reviewed and taken into consideration in preparing the final impact statement.

The final environmental statement has been filed with the Council on Environmental Quality and is available to the public. Copies may be obtained from the Deputy Assistant Director for Astronomical, Atmospheric, Earth, and Ocean Sciences, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Dated: October 16, 1975.

DANIEL HUNT,
Special Assistant for National Centers and Programs.

[FR Doc.75-28389 Filed 10-21-75;8:45 am]

ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS SUBPANEL ON STUDENT SCIENCE TRAINING

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel on Science Education Projects—Subpanel on Student Science Training.

Date: November 6 through 8, 1975.

Time: 9:00 a.m. on November 6, 8:00 a.m. on November 7 and 8.

Place: Sheraton-Park Hotel and Motor Inn, Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. Max Ward, Program Manager, Student Science Training Program, National Science Foundation Rm. 634–W, Washington, D.C. 20550, telephone 202/282–7900.

Purpose of subpanel: To provide advice and recommendations concerning the merit of specific education proposals submitted to the Student Science Training Program for consideration.

Agenda: Review and evaluate specific education proposals.

Reason for closing: The proposals being reviewed contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the education proposals. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6).

Authority to close meeting: The determination made by the Director of the National Science Foundation dated February 21, 1975, pursuant to provisions of Section 10(d) of Public Law 92–463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

OCTOBER 20, 1975.

[FR Doc.75-28572 Filed 10-21-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

CANADIAN JAVELIN, LTD.

Notice of Suspension of Trading

OCTOBER 15, 1975.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

THEREFORE, pursuant to Section 12 (k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from October 16, 1975 through October 25, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-28397 Filed 10-21-75;8:45 am]

[Rel. No. 8989 (812–3818)]

COWLES COMMUNICATIONS, INC., AND ARTHUR H. DIEDRICK, JR.

Notice of Filing of Application

OCTOBER 15, 1975.

NOTICE IS HEREBY GIVEN that Cowles Communications, Inc. ("Cowles"), 488 Madison Avenue, New York, New York 10022, a closed-end, non-diversified, management investment company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to Section 17(b) of the Act for an order exempting from Section 17(a)(2) of the Act the sale by Cowles of Travel Communications, Inc. ("TCI"), a Delaware corporation, to Arthur H. Diedrick, Jr. ("Diedrick"), 635 Park Avenue, New York, New York 10021. All interested persons are referred to the Application on file with the Commission for a statement of representations made therein, which are summarized below.

Cowles was incorporated under the laws of Iowa in 1936 and registered under the Act in 1971. TCI, a Delaware corporation, is a wholly owned subsidiary of Cowles. TCI publishes several publications relevant to the travel industry including among others, ASTA Travel News, the official publication of the American Society of Travel Agents. Diedrick is a Vice President and employee of Cowles. He is also a President and a Director of TCI.

Pursuant to an Agreement dated as of May 9, 1975 (the "Agreement"), Diedrick

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proposes to acquire all of the issued and outstanding capital stock of TCI ("TCI Stock") in exchange for:

(a) A cash payment by Diedrick to Cowles of $62,500 on the date of the proposed transaction is closed (the "Closing Date");

(b) the execution and delivery on the Closing Date by Diedrick of his promissory note in the aggregate principal amount of $62,500;

(c) the payment by Diedrick to Cowles, within five days of his receipt from Cowles of the balance sheet of TCI as of the Closing Date, of an amount equal to the excess of current assets (determined as provided in the Agreement) over current liabilities (determined as provided in the Agreement) shown thereon. (If current liabilities (as so determined) exceed current assets (as so determined), Cowles will pay such excess to Diedrick within such five day period); and

(d) the payment by Diedrick to Cowles within such five days period of an amount equal to the book value (after allowance for depreciation) of the fixed assets of TCI as shown on the balance sheet of TCI as of the Closing Date.

The Agreement provides that in the event that after the Closing Date TCI incurs a net operating loss or capital loss or has an investment tax credit or foreign tax credit which may be carried back to any year in which Cowles filed a consolidated federal income tax return which included TCI, TCI will execute and file a refund claim therefor, and Cowles will be entitled to receive and retain the amount of any such refund.

The Agreement further provides that on the Closing Date TCI will assign to Cowles all of TCI's trade accounts receivable (and the accounts so assigned will be excluded from TCI's current assets as of the Closing Date), and Cowles will appoint TCI as its agent for the collection of such accounts for an initial term of 18 months. TCI will receive no remuneration from Cowles for so acting. Diedrick will cause TCI to pay to Cowles all amounts collected by TCI on such accounts, and Diedrick has agreed that, with certain limited exceptions, all amounts received by TCI from debtors whose trade account receivables are assigned to Cowles and who became indebted to TCI after the Closing Date shall first be applied to the oldest outstanding receivable of Cowles or TCI from such debtor.

On or before closing the transaction, Diedrick will submit to Cowles his resignation as a Vice President and employee of Cowles.

It is the intention of Cowles and Diedrick to close the transaction as promptly as possible after receipt of the order pursuant to their application, effective as of October 1, 1975, and as though that date were the Closing Date.

Section 17(a)(2) of the Act provides, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company knowingly to purchase from such registered company any security or other property (except securities of which the seller is the issuer). Section 17(b) of the Act provides that, notwithstanding Section 17(a), any person may file with the Commission an application for an order exempting a proposed transaction from one or more provisions of that Section, and that the Commission shall grant such application and issue such order of exemption if evidence establishes that:

(1) the terms of the proposed transaction, including the consideration to be paid or received, as reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) the proposed transaction is consistent with the policy of each registered investment company concerned as recited in its registration statement and reports filed under the Act; and

(3) the proposed transaction is consistent with the general purposes of the Act.

Since Diedrick is a Vice President and employee of Cowles he is an "affiliated person" of Cowles as defined by Section 2(a)(3) of the Act.

In support of their application for an order pursuant to Section 17(b) of the Act, Cowles and Diedrick state that Cowles retained an independent financial consultant to newspapers and television stations to appraise the value as of December 31, 1974 of TCI. Such consultant concluded that TCI had a value as of December 31, 1974 of $386,606.

Because there was no ascertainable market value for TCI, the Board of Directors of Cowles in good faith determined the estimated fair value of TCI as of December 31, 1974 to be the aggregate of Cowles' investment in, and advances to, TCI as of that date which aggregated $196,000.

If the closing of the transaction contemplated by the Agreement had taken place on December 31, 1974, pursuant to the terms of the Agreement Cowles would have received from Diedrick an aggregate net payment of $393,048, which amount would have exceeded by $6,442 the total value placed on TCI by the consultant and by $197,048 Cowles' aggregate investment in, and advances to, TCI.

Cowles and Diedrick assert that the proposed transaction is fair, reasonable, and consistent with the general provisions of the Act.

NOTICE IS FURTHER GIVEN that any interested person may, not later than November 10, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-28398 Filed 10-21-75;8:45 am]

[Rel. No. 8990; (811-1601); (811-2296)]

FORE FUND, INC., AND PARTNERS FUND, INC.

Notice of Filing of Application

OCTOBER 15, 1975.

NOTICE IS HEREBY GIVEN that The Fore Fund, Inc. ("Fore") and The Partners Fund, Inc. ("Partners") 120 Broadway, New York, New York 10005, diversified, open-end management investment companies registered under the Investment Company Act of 1940 ("Act"), filed application on March 10, 1975 and an amendment on June 13, 1975 for an order of the Commission pursuant to Section 6(c) of the Act declaring that Frederick P. Rose ("Rose") shall not be deemed an "interested person" of Fore or Partners within the meaning of Section 2(a)(19) of the Act solely by reason of his status as a director of Home Life Insurance Company ("Home Life"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Rose, a member of the Boards of Directors of Fore and Partners, is also a director of Home Life. Home Life is a mutual life insurance company organized under the laws of the State of New York on May 1, 1860 and has continuously engaged in the insurance business since that time. It is licensed to conduct a life insurance, annuity and health insurance business in all fifty states, the District of Columbia, and the Commonwealth of Puerto Rico. Solely because it sells variable annuity contracts, Home Life has registered as a broker-dealer under the Securities Exchange Act of 1934 (the "Exchange Act") and is a member of the National Association of Securities Dealers, Inc. Fore and Partners represent that Home Life is not in the business of effecting securities bookerage transactions and has never effected any securities brokerage transactions on behalf of Fore or Partners. Fore and Partners further represent that so long as Rose remains a director of Home Life and Fore or Partners respectively, they will not effect any securities brokerage transactions with Home Life.

Fore and Partners represent that Rose does not participate in the day-to-day operations of Home Life.

Section 2(a)(19) of the Act, in pertinent part, defines an "interested person" of an investment company to include any broker or dealer registered under the Exchange Act, or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act defines an affiliated person of another person to include any director of such other person.

Rose, as director of Home Life, is an affiliated person of a broker or dealer, and is thus an "interested person" of Fore and Partners.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person from any provision of the Act or from any rule or regulation under the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Fore and Partners contend that Rose should not be deemed an "interested person" of Fore or Partners because his affiliation with Home Life does not affect, and will not impair, his independence in acting on behalf of Fore or Partners and their respective shareholders, and the requested exemption is therefore consistent with the provisions of Section 6(c) of the Act.

NOTICE IS FURTHER GIVEN that any interested person may, not later than November 10, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-28399 Filed 10-21-75;8:45 am]

[(70-5644); Release No. 19210]

SOUTHERN CO. AND SOUTHERN SERVICES, INC.

Notice of Proposal by Service Company To Issue and Sell Secured Notes and of Proposed Guaranty by Holding Company of Obligation Thereunder

OCTOBER 14, 1975.

NOTICE IS HEREBY GIVEN that The Southern Company ("Southern"), a registered holding company, and Southern Services, Inc. ("SSI"), Perimeter Center East, Atlanta, Georgia 30346, a wholly-owned nonutility subsidiary, have filed an application-declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, and 12(b) of the Act and Rules 45 and 50(a)(5) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to said application-declaration, which is summarized below, for a complete statement of the proposed transactions. A notice was previously issued in this proceeding (HCAR No. 18867 (March 14, 1975)); however, a new notice is being issued due to the time which has elapsed and substantial changes in certain terms and conditions of the proposed transactions.

In order to prepay certain outstanding unsecured term notes, SSI proposes to issue and sell a note ("Note") secured by a first lien on certain computer equipment. The Note is proposed to be in the aggregate principal amount of $9,300,000, maturing not later than December 31, 1981, payable in ten consecutive semi-annual installment payments, amortization to be on a constant payment basis. The Note will bear interest on the unpaid principal balance at a rate of 3¾% per annum in excess of the Governing Rate (as defined in the Loan and Security Agreement) from time to time in effect. The Governing Rate shall be the highest of (i) the base rate of First National City Bank, New York, New York, on 90-day loans to responsible and substantial commercial borrowers then in effect, (ii) the lowest per annum corporate lending rate publicly quoted by The Chase Manhattan Bank, N.A., New York, New York, for 90-day loans to responsible and substantial commercial borrowers then in effect, and (iii) the annual simple interest rate equivalent of the higher of the directly-placed commercial paper offering rates for any maturities of between 30 and 89 days. Not later than three years from the date of issue, SSI may prepay all or a portion of the Note at its option without penalty or premium. It is also proposed that Southern, as further inducement for the proposed loan to SSI, will unconditionally guarantee the payment of principal and interest on the Note when due.

The indebtedness which SSI proposes to prepay with the proceeds of the Note was incurred to finance acquisition of the computer equipment pursuant to the Commission's prior authorization in File No. 70-5061. The principal amount of such indebtedness estimated to be outstanding at November 1, 1975, is $9,114,288, and the interest rate is 125% of the prime rate. (With a prime rate of 8%, the interest rate would be 10%.) Upon prepayment of such outstanding indebtedness, the lender, Chemical Bank, New York, New York, has agreed to make $11,600,000 principal amount of short-term credit available to Southern and its operating subsidiaries under arrangements described in File No. 70-5471 and File No. 70-5463. While the interest cost of the Note may be greater than the interest cost of the indebtedness to be repaid, it is the opinion of Southern's management that this factor is outweighed by the current need of its operating subsidiaries for additional short-term credit and that it is in the interest of Southern's investors and of the investors and consumers of its operating subsidiaries for SSI to issue and sell the Note as proposed and prepay such outstanding indebtedness.

SSI has employed Morgan Stanley & Co. to place the Note for a commission, payable upon the closing, of not in excess of 1% of the principal amount of the Note. SSI has requested that the issuance and sale of the Note be exempted from the competitive bidding requirements of Rule 50 pursuant to paragraph (a)(5) thereof for the reasons that the requirements of Rule 50 are impracticable with respect to the proposed transactions and are unnecessary for the protection of investors or consumers to assure the maintenance of competitive conditions.

It is stated that, other than the commission of Morgan Stanley & Co., there are no fees, commissions, or expenses to be incurred in connection with the proposed transactions. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NOTICE IS FURTHER GIVEN that any interested person may, not later than November 7, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C.

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20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-28400 Filed 10-21-75;8:45 am]

(SEC documents continued on page 49417.)

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 16, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

UNITED STATES INTERNATIONAL TRADE COMMISSION

Consumers' Questionnaire—Slide Fasteners, single-time, industrial consumers and retail stores, Evinger, S. K., 395-3710.

Distributors' Questionnaire—Slide Fasteners, single-time, domestic distributors, Evinger, S. K., 395-3710.

Importers' Questionnaire—Slide Fasteners, single-time, importers, Evinger, S. K., 395-3710.

Producers' Questionnaire—Slide Fasteners, single-time, domestic manufacturers, Evinger, S. K., 395-3710.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration: Estimated Schedule of Advances on FFB Notes Guaranteed by REA, REA 152, on occasion, REA Electric and Telephone Borrowers, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Bureau of Census: Stocks of Wool and Related Fibers in the United States, MA-22M, annually, companies and warehouses holding wool stocks, Peterson, M. O., 395-5631.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Center for Education Statistics: National Survey of the Preservice Preparation of Teachers, 2386, 2386-1, 2386-2, 2386-2-1, single-time, Administrators, Faculty and Students—Teacher/Train. Inst., Joan Turek.

National Institutes of Health:
Supplemental NIH 398 Instructions and Two Additional Forms: (1) Participants in Minority Biomedical Support Program; (2) Science Graduates, NIH-RR-1, on occasion, Colleges, Universities, Indian Reservations, Lowry, R. L., 395-3772.
Supplemental PHS 2590-1 Instructions and Two Additional Forms: (1) Participants in MBS Program; (2) Science Graduates, NIH-RR-8, on occasion, Colleges, Universities, Indian Reservations, Lowry, R. L., 395-3772.

DEPARTMENT OF LABOR

Labor-Management and Service Administration: Annual Status Report—Employee Retirement Plans, DOL 5500, annually, administrators of pension and welfare plans, Strasser, A., 395-5867.

REVISIONS

VETERANS ADMINISTRATION

Request for Approval of School Attendance, 21-674, on occasion, dependents of veterans, Caywood, D. P., 395-3443.

ENVIRONMENTAL PROTECTION AGENCY

Ground Water Pollution Problems in the Southeastern United States, on occasion, water resources professionals, Natural Resources Division, 395-6827.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
Poultry and Egg Prices, monthly, poultry and egg buyers, Marsha Traynham, 395-4529.
Livestock Slaughter Report (Non-Federally Inspected), monthly, livestock slaughter plants, Marsha Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse and Mental Health Administration: Inventory of Mental Health Facilities, ADM 25-1, annually, General Hospitals, Dick Eisinger, 395-6140.

Center for Disease Control: X-ray Exam Program-Federal Coal Mine Health and Safety Act, NIOSH-19, on occasion, miners, mine operators and physicians, Ellett, C. A., 395-5867.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-28542 Filed 10-21-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 15, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

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Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

COMMUNITY SERVICES ADMINISTRATION

CAA Programmatic and Budgetary Survey, single-time, CAA Grantees, Human Resources Division, Harry B. Sheftel, 395-3532.

ACTION

Youth Challenge Program Evaluation, Study—Followup Forms for Phase II, single-time, YCP Participating Agency Dir. and Educational Institutions, Community and Veterans Affairs Division, Lowry, R.L., 395-3532.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Producers' and Importers' Questionnaires, stainless steel flatware, single-time, U.S. Stainless Steel Flatware Producers and Importers, Evinger, S.K., 395-3710.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration: Analysis of Provider-Based Physician Compensation, SSA-3180, on occasion, providers serviced by DDR Human Resources Division, Caywood, D. P., 395-3532.

Health Services Administration: Navajo Health Authority Study of Health Care Services—Consumer Survey, HSAIHS 1003, single-time, households in 3 IHS Service Units, Dick Eisinger, 395-6140.

REVISIONS

VETERANS ADMINISTRATION

Application for Burial, 4C-4962, on occasion, funeral homes, Caywood, D. P., 395-3443.

Report of Income from Property or Business, 21-4185, on occasion, veteran's dependents, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: January acreage survey, annually, farmers, Lowry, R. L., 395-3772.

Cattle on Feed Inquiries, quarterly, cattle feeders, Lowry, R.L. 395-3772.
feeders, Lowry, R.L., 395-3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management Disaster Assistance Registration Form, HUD 223, on occasion, disaster victims, Community and Veterans Affairs Division, Sunderhauf, M.B., 395-3532.

EXTENSIONS

SMALL BUSINESS ADMINISTRATION

Evaluation of Small Business Institute Program Part III Small Bus. Owner or Manager, on occasion, variety of small firms, Economics and General Government Division, Lowry, R.L., 395-3451.

DEPARTMENT OF COMMERCE

Bureau of East-West Trade:
Exception to Reporting Requirement of Order Party Signature, ECR 372.6, on occasion, Marsha Traynham, 395-4529.
Reporting Requirements for General License Requirements, ECR 371.17, on occasion, commercial exporters, Marsha Traynham, 395-4529.
Triangular and Other Transactions Involving Commodities Covered by U.S. Import Certificate, ECR 368.2, on occasion, commercial exporters, Marsha Traynham, 395-4529.
Statement by Foreign Importer of Aircraft or Vessel Repair Parts (Form), DIB 686P, annually, commercial exporters, Marsha Traynham, 395-4529.
Swedish Consignee's Letter of Assurance, on occasion, commercial exporters, Marsha Traynham, 395-4529.
Reporting Requirement for Commodities Covered by a U.S. Import Certificate Proposed for Export to Canada, ECR 368.2, on occasion, commercial exporters, Marsha Traynham, 395-4529.
Reexportation to Certain Specified Destinations and Reexportation from Switzerland (Reporting Requirement), ECR 3743(D), on occasion, commercial exporters, Marsha Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control: Trade Name Request Form for National Occupational Hazard Survey, NIOSH15, on occasion, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-28543 Filed 10-21-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 17, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

FEDERAL RESERVE SYSTEM

Weekly Survey of Savings Deposits by Ownership Categories, FR 416E, weekly commercial banks, Hulett, D. T., 395-4730.

U.S. INTERNATIONAL TRADE COMMISSION

Producers' Questionnaire—Footwear, single-time, producers, Evinger, S. K., 395-3710.
Importer's Questionnaire—Footwear, single-time, importer, Evinger, S. K., 395-3710.

NATIONAL SCIENCE FOUNDATION

Minority Institutions Science Improvement Program, Reviewers Information Sheet, on occasion, college and university faculty and administrators, Lowry, R. L., 395-3772.

U.S. CIVIL SERVICE COMMISSION

Information Regarding Close Relatives, CSC 328, on occasion, applicants, Caywood, D. P., 395-3443.
Authority for Release of Information, CSC 329, on occasion, Caywood, D. P., 395-3443.
Inquiry for U.S. Government Use Only (Law enforcement data for NACI), OF-51, on occasion, law enforcement agencies, Caywood, D. P., 395-3443.
Inquiry for U.S. Government Use Only (Employment data for NACI), of 49, on occasion, all classes of employers and references, Caywood, D. P., 395-3443.
Inquiry for U.S. Government Use Only (Educational data for NACI), of 50, on occasion, educational institutions, Caywood, D. P., 395-3443.
Identification and Personnel Data for Employment of U.S. Citizen, ILB-2, on occasion, applicants, Marsha Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Survey of Military-Developed Curriculum Materials Utilization in Vocational Education, OE 441, single-time, school teachers and counselors, Joan Turek.
Office of Education: Questionnaire on School Construction Financing, OE-442, single-time, local educational agency, Sunderhauf, M. B., 395-6140.
Office of Human Development: Questionnaire for Vocational Rehabilitation Agencies on Usage of Similar Benefits, single-time, State vocational rehabilitation agency directors and staff, Sunderhauf, M. B., 395-6140.

REVISIONS

DEPARTMENT OF AGRICULTURE

Farmers Home Administration Study to Assess Attitudes of Moderate-Income, Small Town Families Toward Basic Housing Alternatives, (in Iowa), single-time, households in 48 small Iowa towns, Sunderhauf, M. B., 395-6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Resurvey of Primary Care Physicians and Analysis of Factors Affecting Physician Care Production Decisions, BMM 0922, single-time, receptionists of primary care physicians, Dick Eisinger, 395-6140.

EXTENSIONS

U.S. CIVIL SERVICE COMMISSION

Security Investigation Data for Sensitive Position, SF-86, on occasion, applicants, Marsha Traynham, 395-4529.

Data for Nonsensitive of Noncritical-Sensitive Position, SF-85, on occasion, applicants, Marsha Traynham, 395-4529.

Supplemental Identification and Personnel Data for Employment of U.S. Citizen, ILB-3, on occasion, applicants, Caywood, D. P., 395-3443.

DEPARTMENT OF DEFENSE

Departmental and Other Application for Frequency Assignment (Military Electronic Equipment), DD-1494, on occasion, DOD agencies and installations, Marsha Traynham, 395-4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Application for Training Grant and Continuation Report, PHS-2499-2, on occasion, researchers/training, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-28570 Filed 10-21-75;8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

OCTOBER 16, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 17, 1975 through October 26, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-28440 Filed 10-21-75;8:45 am]

[Rel. No. 8991 (812-3853)]

DISCOUNT INCOME TRUST FUND, FIRST MONTHLY PAYMENT SERIES (AND SUBSEQUENT SERIES)

Notice of Filing of Application

OCTOBER 16, 1975.

NOTICE IS HEREBY GIVEN that the Discount Income Trust Fund, First Monthly Payment Series and Subsequent Series ("Applicant"), c/o Bache & Co. Incorporated, 100 Gold Street, New York, New York 10038, a unit investment trust registered under the Investment Company Act of 1940 ("Act") filed an application on August 29, 1975, and an amendment thereto on September 30, 1975, pursuant to Section 6(c) of the Act for exemption from the provisions of Section 14(a) of the Act and Rules 19b-1 and 22c-1 under the Act. All interested persons are referred to the application on file with the Commission for a statement

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of the representations therein, which are summarized below.

Applicant is a registered unit investment trust organized under the laws of the State of Massachusetts. It is intended that the United States Trust Company of New York will ac as Trustee of Applicant ("Trustee") and New England Merchants National Bank will act as Co-Trustee of Applicant ("Co-Trustee") pursuant to a trust agreement ("Trust Agreement") between the Trustee, Co-Trustee and Bache & Co. Incorporated as sponsor ("Sponsor"). Interactive Data Services, Inc. will serve as evaluator ("Evaluator") with respect to each series of Applicant.

The Sponsor proposes at the date of deposit of the portfolio securities for Applicant's first series to deliver to the Trustee, securities representing debt obligations of corporations and other entities which will be in excess of $5,000,000. For each additional series, it is represented that the portfolio will be greatly in excess of $100,000, although the size of future series has not yet been established.

SECTION 14(a)

Section 14(a) of the Act, in substance, provides that no registered investment company and no principal underwriter for such a company shall make a public offering of securities of which such company is the issuer unless (1) the company has a net worth of at least $100,000; (2) at the time of a previous public offering it had a net worth of $100,000; or (3) provision is made that a net worth of $100,000 will be obtained from not more than twenty-five responsible persons within ninety days, or the entire proceeds received, including sales charge, will be refunded.

Applicant asserts that the purpose of Section 14(a) is to discourage the irresponsible formation of investment companies by persons of little substance and that any requirement of the type provided by Section 14(a)(3) of the Act that the Sponsor or others invest $100,000 or more in units prior to the public offering will only increase the costs to the Sponsor of marketing the units without significantly increasing the protection to unit holders. Applicant states that each such series of the Trust will have a net worth greatly in excess of $100,000 prior to the time at which effectiveness is requested for the series under the Securities Act.

The Sponsor has agreed to the requested exemption being subject to the condition that it refunds, on demand and without deduction, all sales charges to purchasers of units of a series if within ninety days from the time when that series becomes effective under the Securities Act, the net worth of the series shall be reduced to less than $100,000 or if the series shall have been terminated. The Sponsor further agrees to instruct the Trustee on the date of deposit of each series that in the event that redemption by the Sponsor of units constituting a part of the unsold units shall result in that series having a net worth of less than $3,000,000 the Trustee shall terminate the series in the manner provided in the Trust Agreement and Indenture and distribute all securities and other assets deposited with the Trustee pursuant to the Trust Agreement as provided therein and to refund any sales charge to any purchaser of units purchased from the Sponsor or any underwriter or dealer participating in the underwriting on demand and without any deduction.

RULE 19b-1

Rule 19b-1 provides, in part, that no registered investment company which is not a "regulated investment company" as defined in Section 851 of the Internal Revenue Code shall make more than one distribution of long-term capital gains in any one taxable year of such investment company.

Applicant seeks to follow the course of distributing principal, including any capital gains, and interest on each series to unitholders each month. Applicant states that distributions of principal constituting capital gain to unitholders may arise: if obligations are liquidated in order to provide funds necessary to meet redemptions; if an issuer calls or redeems an issue held in the portfolio; and if Applicant disposes of obligations in order to maintain its qualification as a regulated investment company under the Internal Revenue Code.

Applicant states that the dangers against which Rule 19b-1 is intended to guard will not exist in connection with the its series since the Sponsor has no control over the events which could trigger capital gains. Applicant states that it would be to the detriment of unitholders if it were forced to withhold monies constituting capital gains from such unitholders until the end of the year.

Paragraph (b) of Rule 19b-1 provides that a unit investment trust may distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt. Applicant states that the purpose behind such provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and distribute them only at year end. Applicant further alleges that its situation places it squarely within the purpose of such provision. However, in order to comply with the literal requirements of the Rule, Applicant would be forced to hold any monies which would constitute capital gains upon distribution until the end of its taxable year. Applicant contends that such a practice would clearly be to the detriment of unitholders.

RULE 22c-1

Rule 22c-1 provides, in part that redeemable securities of registered investment companies may be sold, redeemed or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant states that Investment Company Act Releases Nos. 5413 and 5519 put forward two purposes for Rule 22c-1: (1) to eliminate or reduce any dilution of the value of outstanding redeemable securities of registered investment companies which would occur through the redemption or repurchase of such securities at a price above their net asset value or the sale of such securities at a price based on a previously established net asset value which would permit a potential investor to take advantage of an upswing in the market and the accompanying increase in the net asset value of the securities; and (2) to minimize speculative trading practices in the securities of registered investment companies.

Applicant represents that: the Sponsor, while not obligated to do so, presently intends to maintain a market for the units of Applicant and continously to offer to purchase units at prices in excess of the redemption price established as of the previous Friday; transactions in units of Applicant in the secondary market will be made by the Sponsor and not Applicant and cannot dilute the value of outstanding units; and since Applicant is designed for investors who desire fixed income, the secondary market trading will not be attractive to speculators.

Applicant states that the application of Rule 22c-1 to the units, causing additional evaluations by the evaluator, which is paid for each evaluation, would be so costly as to be significantly detrimental to the interests of the unitholders.

Applicant further asserts that "backward pricing" is necessary to enable the Sponsor to quote a price at which it will purchase units. Trades accomplished at a price to be determined several days in the future, the Applicant contends, would be unsatisfactory to the unitholders as well as to the Sponsor.

In addition, the application states that the Evaluator can informally determine whether or not the repurchase price is at least equal to the current bid price; if not, a full evaluation will be ordered. In the case of resale, if the Evaluator cannot state that the previous Friday's price is no more than one-half point ($5.00 per $1,000 principal amount of underlying obligations) greater than the current price, a full evaluation will be ordered.

Rule 22c-1, in addition, requires that net asset value be determined as of the time of the close of trading on the New York Stock Exchange. The sponsor states that it is anticipated that many of the obligations in the portfolios of the various series will be traded either exclusively or principally in the over-the-counter market, and, therefore. the time of the close of trading is not sufficiently related to evaluation procedures used in determining net asset values of the series. The sponsor states also that the Evaluator has indicated that a set 4:00 p.m. evaluation time would be the most reliable time for evaluations, without regard to the time of the close of trading on the New York Exchange.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions from any provision of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

NOTICE IS FURTHER GIVEN that any interested person, may, not later than November 10, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-28442 Filed 10-21-75;8:45 am]

[Rel. No. 8993; (812-3784)]

FIRST INVESTORS CORP.; FIRST INVESTORS SINGLE PAYMENT AND PERIODIC PAYMENT PLANS FOR INVESTMENT IN FIRST INVESTORS TREND FUND, INC.

Notice of Application

OCTOBER 16, 1975.

NOTICE IS HEREBY GIVEN that First Investors Single Payment and Periodic Payment Plans for Investment in First Investors Trend Fund, Inc., 120 Wall Street, New York, New York 10005 ("Trend Fund Plans") registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, and its sponsor-depositor and principal underwriter, First Investors Corporation ("First Investors") (together, the "Applicants"), filed an application on March 24, 1975, and an amendment thereto on September 29, 1975, pursuant to section 6(c) of the Act for an order exempting Applicants from the provisions of Section 14(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The underlying investment for Trend Fund Plans is Trend Fund, Inc. ("Trend Fund"), a diversified mutual fund organized under New York law which registered under the Act in June of 1952. As of June 30, 1975, Trend Fund had 201,704 shares of stock outstanding, with an aggregate net asset value of $1,335,985, or $6.63 per share. Trend Fund Plans has been organized by First Investors to sell periodic payment plans to the public and invest the public offering proceeds exclusively in the shares of Trend Fund.

First Investors is an integrated securities firm conducting business as an over-the-counter broker-dealer, a dealer in, and underwriter of, investment company securities, as the sponsor-depositor of six active unit investment trusts of the contractual plan type in addition to Trend Fund Plans,[1] and as sponsor-depositor of another newly-organized unit investment trust, First Investors Single Payment and Periodic Payment Plans for Investment in First Investors Fund for Income, Inc. ("Income Fund Plans"). Applicants represent that First Investors and its predecessors have been in operation since 1939 and have established a recognized expertise in the mutual fund contractual plan field. First Investors, which had a net worth of $3,893,341 as at December 31, 1974, is a wholly owned subsidiary of First Investors Consolidated Corporation, which also owns all the voting common stock of First Investors Management Company, Inc. ("Management Company"), the investment adviser to, and co-principal underwriter with First Investors of, Trend Fund.

Section 14(a) of the Act requires that a registered investment company (1) have a net worth of at least $100,000 prior to making a public offering of its securities, (2) have previously made a public offering and at that time have had a net worth of $100,000, or (3) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Applicants submit that the purpose of section 14(a) is (1) to limit the persons who manage funds in which members of the public are asked to invest their money either to those who invest enough of their own funds in the enterprise to provide it with a net worth of $100,000 or to those who have the confidence of a small number of persons willing to invest that amount, and (2) to prevent the formation of inadequately funded investment companies. Applicants contend that the first purpose of section 14(a) is not relevant in this case because the sponsor of Trend Funds Plans is not offering public investors any management service. Rather, the capital of Trend Fund Plans will be invested directly in the pre-designated mutual fund, Trend Fund, and the shares of such fund will comprise the portfolio of Trend Fund Plans throughout the life of the trust except in the rare case of nonavailability of Trend Fund shares or other failure of Trend Fund to meet the needs of Trend Fund Plans. In any event, any change in the portfolio would require Commission approval pursuant to section 26(b) of the Act, which makes it unlawful for any depositor or trustee of a registered unit investment trust holding the security of a single issuer to substitute another security for such security without Commission approval. Thus, it is asserted that there is virtually no management discretion lodged in the sponsor-depositor of Trend Fund Plans; the management function, and thus the burden of meeting the Act's standard of management competency, assertedly rests entirely with the management of the underlying mutual fund, which of course has satisfied the provisions of section 14(a).

Applicants believe that the second objective of the initial net worth requirement is to prevent the formation of inadequately funded investment companies and establish some probability of success for them by assuring that sufficient capital is placed in these companies to prevent the capital of public investors from being used up by administrative costs. Applicants assert that in this case there is little danger of under-funding because the Trend Fund Plans itself will have no significant expenses. Sales charges and custodian and regulate administrative fees are paid to the sponsor-depositor from deductions from plan payments, and only fees of special administrative services and for special transactions are paid to the sponsor-depositor from income generated by the trust or from the proceeds of redemption of trusts' assests.

The charges that would be imposed in connection with the sale of interests in Trend Fund Plans are identical to the charges made in connection with all but

[1] The other unit investment trusts sponsored by First Investors are the following:
1. First Investors Single Payment and Periodic Payment Plans for Accumulation of Shares of Wellington Fund, Inc.
2. First Investors Single Payment and Periodic Payment Plans for Accumulation of Shares of First Investors Fund, Inc.
3. First Investors Single Payment and Periodic Payment Plans for Accumulation of Shares of Fundamental Investors, Inc.
4. First Investors Single Payment and Periodic Payment Plans for Accumulation of Shares of Anchor Growth Fund, Inc.
5. First Investors Single Payment and Periodic Payment Plans for Investment in First Investors Fund for Growth, Inc.
6. First Investors Single Payment and Periodic Payment Plans for Investment in First Investors Discovery Fund, Inc.

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one of the six active unit investment trusts currently sponsored by First Investors.

First Investors has filed as part of the application, an undertaking to perform its duties as sponsor-depositor, as described in the registration statements of Trend Fund Plans under the Act and the Securities Act of 1933, respectively, from the effective date of the 1933 Act registration statement at least until Trend Fund Plans, has, as a result of receipt of public offering proceeds, attained a net worth of $100,000. First Investors states that its financial strength stands behind this undertaking.

Section 6(c) of the Act provides that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than November 11, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following November 11, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-28441 Filed 10-21-75;8:41 am]

[Release No. 34-11741; File No. SR-MSRB-75-1]

MUNICIPAL SECURITIES RULEMAKING BOARD

Proposed Rule Changes

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on October 10, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission the following proposed rule changes:

Rule 1. *Definitions*

(a) For purposes of the rules of the Municipal Securities Rulemaking Board, the terms used in such rules shall have the respective meanings set forth in the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) and the rules and regulations of the Securities and Exchange Commission thereunder.

(b) The term "Act" shall mean the Securities Exchange Act of 1934, as from time to time amended.

(c) The term "Board" shall mean the Municipal Securities Rulemaking Board.

(d) The term "Commission" shall mean the Securities and Exchange Commission.

Rule 2. *Meetings of the Board*

(a) Meetings of the Board shall be held at such times and places as the Board shall from time to time determine or as provided by rule of the Board.

(b) Notice of the time and place of a meeting of the Board shall be mailed to each member at such member's address appearing in the records of the Board, not later than the seventh day preceding the date on which the meeting is to be held, or shall be given by telephone or telegraph or by personal delivery not later than the third day preceding the date on which the meeting is to be held. Notice of a meeting of the Board need not be given to any member who submits a signed waiver of notice before or after the meeting, or who attends the meeting without protesting, prior thereto or at its commencement, the lack of notice to such member.

(c) A quorum of the Board shall consist of two-thirds of the members of the Board (at least one of whom shall be a public representative, one a broker-dealer representative and one a bank representative), and any action taken by the affirmative vote of not less than eight members of the Board at any meeting at which a quorum is present shall constitute the action of the Board. Unless otherwise provided by rule of the Board, the Board may act by resolution.

(d) Action by the Board may be taken without a meeting by written consent signed by each of the members of the Board and setting forth the action so taken.

Rule 3. *Rulemaking Procedures.*

The Board shall propose and adopt such rules as the Board, subject to the approval of the Commission, shall deem necessary or appropriate to effect the purposes of the Act with respect to transactions in municipal securities effected by brokers, dealers and municipal securities dealers, including, as a minimum, rules relating to those matters prescribed in section 15B(b) (2) (A) through (K) of the Act.

Upon adoption by the Board, the Board shall submit rule proposals to the Commission in accordance with the procedures set forth in section 19(b) of the Act and shall file such rule proposals with the appropriate regulatory agencies in accordance with the provisions of section 17(c)(1) of the Act. A rule proposal of the Board shall become a rule of the Board upon its approval by the Commission, pursuant to section 19(b)(2) of the Act, or upon filing with the Commission in accordance with the provisions of section 19(b)(3)(A) of the Act, or upon the determination of the Commission in accordance with the provisions of section 19(b)(3)(B) of the Act. Documents required to be submitted to the Commission in connection with rule proposals of the Board may be signed on behalf of the Board by any member of the Board designated by the Board for that purpose by resolution.

Rule 4. *Separately Identifiable Department or Division of a Bank.*

(a) A separately identifiable department or division of a bank, as such term is used in section 3(a)(30) of the Act, is that unit of the bank which conducts all of the activities of the bank relating to the conduct of business as a municipal securities dealer ("municipal securities dealer activities"), as such activities are hereinafter defined, *provided that:*

(1) Such unit is under the direct supervision of an officer or officers designated by the board of directors of the bank as responsible for the day-to-day conduct of the bank's municipal securities dealer activities, including the supervision of all bank employees engaged in the performance of such activities; and

(2) There are separately maintained in or separately extractable from such unit's own facilities or the facilities of the bank, all of the records relating to the bank's municipal securities dealer activities, and *further provided that* such records are so maintained or otherwise accessible as to permit independent examination thereof and enforcement of applicable provisions of the Act, the rules and regulations thereunder and the rules of the Board.

(b) For purposes of this rule, the activities of the bank which shall constitute municipal securities dealer activities are as follows:

(1) underwriting, trading and sales of municipal securities;

(2) processing and clearance activities with respect to municipal securities;

(3) research, analysis and preparation of literature for use in connection with the activities described in paragraph (1) above; and

(4) maintenance of records pertaining to the activities described in paragraphs (1) through (3) above.

(c) The fact that directors and senior officers of the bank may from time to time set broad policy guidelines affecting the bank as a whole and which are not directly related to the day-to-day conduct of the bank's municipal securities dealer activities, shall not disqualify the unit hereinbefore described as a separately identifiable department or division of the bank or require that such directors or officers be considered as part of such unit.

(d) The fact that the bank's municipal securities dealer activities are conducted in more than one geographic organizational or operational unit of the bank shall not preclude a finding that the bank has a separately identifiable department or division for purposes of this rule, *provided, however,* that all such units are identifiable and that the requirements of subparagraphs (1) and (2) of paragraph (a) of this rule are met with respect to each such unit. All such geographic, organizational or operational units of the bank shall be considered in the aggregate as the separately identifiable department or division of the bank for purposes of this rule.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes as set forth in the submission of the Municipal Securities Rulemaking Board (the "Board") are as follows:

PURPOSES OF PROPOSED RULE CHANGES

The respective purposes of the proposed rule changes are as follows:

Rule 1. The purpose of this rule is to define certain terms to be used in the rules of the Board. Rule 1 incorporates the definitions of terms set forth in the Securities Exchange Act of 1934, as amended (the "Act") and in the rules and regulations of the Securities and Exchange Commission (the "Commission") thereunder for purposes of the Board's rules, and specifically defines the terms "Act," "Board" and "Commission".

Rule 2. The purpose of this rule is to establish certain procedural requirements for meetings of the Board, including matters relating to notice, quorum and voting requirements.

Rule 3. The purpose of this rule is to establish certain procedural requirements with respect to rulemaking by the Board.

Rule 4. The purpose of this rule is to define the term "separately identifiable department or division" of a bank, as that term is used in section 3(a)(30) of the Act, in accordance with the Board's authority under section 15B(b)(2)(H) of the Act, in accordance with the Board's nition would permit departments or divisions of banks which meet the standards set forth in rule 4 to register as municipal securities dealers under section 15B(a) of the Act, rather than requiring the bank of which such a department or division is a part to register.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGES

Rule 1 of the Board merely defines terms which the Board contemplates will be used in other rules adopted by the Board, including the Board's rules 2 through 4 and does not affect matters of substance. With respect to rules 2 and 3, the Board is specifically authorized and directed under section 15B(b)(2)(I) of the Act to "provide for the operation and administration of the Board . . ." Rules 2 and 3, therefore, are necessary and appropriate, in accordance with the Board's authority under the Act, to provide procedures for meetings of the Board and Board rulemaking.

With respect to rule 4, the Board is specifically authorized and directed under section 15B(b)(2)(H) of the Act to "define the term 'separately identifiable department or division'," as that term is used in section 3(a)(30) of the Act with respect to banks. Section 15B(b)(2)(H) further specifies that a bank will not be deemed to be engaged in a municipal securities business through a separately identifiable department or division unless the department or division is organized and administered so as to permit independent examination and enforcement of applicable provisions of the Act, the rules and regulations of the Commission thereunder and the rules of the Board. Rule 4 sets forth standards designed to assure that the requirements of section 15B(b)(2)(H) are met. Among other matters, rule 4 requires that all of the bank's municipal securities dealer activities (which are defined in paragraph (b) of the rule) be conducted under the supervision and responsibility of officers designated by the Board for that purpose and that all of the bank's records pertaining to such activities be separately maintained in or extractable from the bank's facilities or the facilities of the department or division and be so maintained or otherwise accessible as to permit independent examination of such records and enforcement of the Act, the rules and regulations of the Commission and the rules of the Board.

Under rule 4 the fact that directors and senior officers may set broad policy guidelines affecting the bank as a whole and which are not directly related to the daily conduct of the bank's municipal securities dealer activities will not disqualify the department or division from being separately identifiable or require that such directors or officers be considered part of such department or division. The *Senate Report to Accompany S. 249* (the "Senate Report") indicates that senior officers and directors of the bank were to be considered directly engaged in the bank's municipal securities dealer activities only if they "personally intervened in the municipal securities activities" or "assumed any significant role" in such activities. (S. Rep. No. 94–75, 94th Cong., 1st Sess. 93 (April 14, 1975)) A bank which conducts municipal securities dealer activities in more than one geographic, organizational or operational unit will not be precluded from registering such units as a separately identifiable department or division, provided such units are, in fact, identifiable and can otherwise meet the requirements of rule 4 so as to assure that such department or division is organized and administered so as to permit independent examination and enforcement of applicable provisions of the Act, the Commission's rules and regulations and rules of the Board.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGES

The Board has not formally solicited comments on rules 1 through 4. However, in Securities Exchange Act Release No. 11585 (August 11, 1975) ("Release No. 11585"), the Commission solicited comments on matters relating to the registration of municipal securities dealers generally and on appropriate standards for determining when a department or division of a bank is so organized and administered as to be deemed to be a separately identifiable department or division, within the intent of section 15B(b)(2)(H) of the Act.

The Board understands that the Commission, in response to Release No. 11585, received 10 letters of comment relating to the subject matter of the Board's rule 4, which have been made available to the Board. In addition, the Board received directly three letters of comment on the subject matter of rule 4.

The comments received by the Commission relating to the subject matter of rule 4 generally urged that the Commission exempt banks from the registration requirements of section 15B(a) of the Act, pending adoption by the Board and effectiveness under section 19(b) of the Act, of a Board rule defining the term "separately identifiable department or division" of a bank. These commentators argued that to require banks as a whole to register prior to effectiveness of a Board rule pursuant to section 15B(b)(2)(H) of the Act would be inconsistent with the purposes of the Act. They also stressed that such requirement would be unduly burdensome to banks, since banks which had a department or division meeting the criteria set forth in the Board's rule would only be able to complete the registration process in a minimum of three steps, *i.e.*, registration and deregistration of the bank and registration of the department or division.

The comments received by the Commission and the Board also contained suggestions on the wording of the Board's definition. The Board believes that rule 4 is generally more comprehensive and specific than the suggestions received by the Commission and the Board.

BURDEN ON COMPETITION

The Board has determined that rules 1 through 4 do not impose any burden on competition. Further, none of the comments received by the Commission or the Board relating to the subject matter of rule 4 suggested that any such burden would be imposed by the definition of a "separately identifiable department or division" of a bank.

In accordance with section 19(b)(3)(A) of the Act, rules 2 and 3 of the Board became effective upon filing with the Commission. On October 15, 1975 the Commission ordered rules 1 and 4 of the Board effective summarily in accordance with the provisions of section 19(b)(3)(B) of the Act. Under section 19(b)(3)(C) of the Act, the Commission may summarily abrogate the proposed rule changes within 60 days of the date of filing of the proposed rule changes (*i.e.*, December 9, 1975), if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. Pending any such action by the Commission, the proposed rule changes remain in effect and are valid and enforceable rules of the Board to the extent indicated in section 19(b)(3)(C) of the Act.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule changes.

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Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection at the office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above. and should be submitted on or before November 21, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 15, 1975.

[FR Doc.75-28438 Filed 10-21-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #1192]

MASSACHUSETTS

Declaration of Disaster Area

The City of Lowell in Middlesex County, Massachusetts, constitutes a disaster area because of damage resulting from an explosion caused by a natural gas main leak on September 27, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on December 12, 1975, and for economic injury until the close of business on July 12, 1976, at:

Small Business Administration, District Office, 150 Causeway Street—10th Floor, Boston, Massachusetts 02114.

or other locally announced locations.

Dated: October 10, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-28426 Filed 10-21-75;8:45 am]

[Declaration of Disaster Loan Area #1191]

RHODE ISLAND

Declaration of Disaster Area

As a result of the President's declaration I find that the City of Woonsocket in Providence County, Rhode Island, constitutes a disaster area because of damage resulting from fire on September 22, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on December 12, 1975, and for economic injury until the close of business on July 9, 1976, at:

Small Business Administration, District Office, 57 Eddy Street, Providence, Rhode Island.

or other locally announced locations.

Dated: October 9, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-28427 Filed 10-21-75;8:45 am]

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

GENERAL ADVISORY COMMITTEE ON ARMS CONTROL AND DISARMAMENT

Notice of Meeting

Notice is hereby given in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770, 5 U.S.C. App. I) and paragraph 8b of Office of Management and Budget Circular No. A-63 (Revised) dated March 27, 1974, that a meeting of the General Advisory Committee on Arms Control and Disarmament is scheduled to be held on Thursday, November 13, 1975 from 8:30 a.m. to 6 p.m. and on Friday, November 14, 1975 from 8:30 a.m. to 5 p.m., at 2201 C Street, NW., Washington, D.C., in room 7516. The purpose of the meeting is for the Committee to receive classified briefings and hold classified discussions concerning continuing international negotiation and other arms control issues.

The meeting will be closed to the public. A determination has been made by the Director of the Arms Control and Disarmament Agency in accordance with section 10(d) of the Federal Advisory Committee Act and paragraph 8d(2) of Office of Management and Budget Circular No. A-63 (Revised) that the meeting will be concerned with matters of the type described in 5 U.S.C. 552(b)(1). This determination was made pursuant to a delegation of authority from the Office of Management and Budget dated June 25, 1973, issued under the authority of Executive Order 11769 dated February 21, 1974.

SIDNEY D. ANDERSON,
Advisory Committee Management Officer.

OCTOBER 15, 1975.

[FR Doc.75-28391 Filed 10-21-75;8:45 am]

DEPARTMENT OF JUSTICE

Office of the Attorney General

VOTING RIGHTS ACT AMENDMENTS OF 1975

Partial List of Determinations

Section 4(b) of the Voting Rights Act of 1965, 42 U.S.C. 1973 et seq., as amended by the Voting Rights Act Amendments of 1975 (Public Law 94-73) requires that the Director of the Census determine whether, in any State or any political subdivision of a State "less than 50 percentum of the citizens of voting age were registered on November 1, 1972, or that less than 50 percentum of such persons voted in the Presidential Election of November 1972." 42 U.S.C. 1973b(b). Section 4(b) requires the Attorney General to determine whether any State or political subdivision of a State "maintained on November 1, 1972, any test or device," 42 U.S.C. 1973b(b). For purposes of this determination test or device is defined as "any practice or requirement by which any State or political subdivision provided any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language, where the Director of the Census determines that more than 5 percentum of the citizens of voting age residing in such State or political subdivision are members of a single language minority." 42 U.S.C. 1973b(f)(3).

The Director of the Bureau of the Census and the Attorney General have made their respective determinations pursuant to Sections 4(b) and 4(f)(3) with regard to some States and political subdivisions. Those jurisdictions which to date have been determined to meet the requirements of Section 4(b) are listed in the following table. Determinations of coverage of additional jurisdictions under Section 4(b) will appear in later issues of the FEDERAL REGISTER.

Dated: October 20, 1975.

EDWARD H. LEVI,
Attorney General.

OCTOBER 21, 1975.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

STATES OR POLITICAL SUBDIVISIONS COVERED UNDER SECTION 4(b) OF THE VOTING RIGHTS ACT OF 1965, AS AMENDED BY THE VOTING RIGHTS ACT AMENDMENTS OF 1975

Specified language minority	*State or political subdivision*
Native Alaskans	Alaska, statewide.
American Indian	Arizona: Apache County, Coconino County, Navajo County, and Pinal County. North Carolina: Jackson County.

[FR Doc.75-28650 Filed 10-21-75;10:36 am]

DEPARTMENT OF LABOR

Office of Employee Benefits Security

ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS

Notice of Meeting

Pursuant to Section 512 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1142) a meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 10:00 a.m. on Wednesday, November 5 and at 9:00 a.m. on Thursday, November 6, 1975, in the Federal Ballroom North, Quality Inn—Capitol Hill, 415 New Jersey Avenue, N.W., Washington, D.C.

The meeting will be open to the public. The purpose of the meeting is to discuss the items listed in the following agenda:

1. Announcement of Vice Chairman Position and Council Nomination and Selection
2. Recordkeeping Work Group Report
3. Investment Work Group Report
4. Prohibited Transactions Work Group Report
5. Fiduciary Responsibility—ERISA Interpretive Bulletin 75-8
6. Reporting and Disclosure
   a. Plan Description Form EBS-1
   b. Annual Report/Return
7. Non-covered Service; Company-wide and Building Trades Pension Plans
8. Recommendations for Establishment of Additional Work Groups
9. Agenda Suggestions for Future Meetings
10. Meeting Schedule—1976

Any member of the public may file a written statement concerning the topics under this agenda by submitting 30 copies on or before the close of business Monday, November 3, 1975 to James D. Hutchinson, Administrator of Pension and Welfare Benefit Frograms, New Department of Labor Building, 200 Constitution Avenue, N.W., Room N4629, Washington, D.C. 20210.

Persons desiring to attend should notify Mr. Edward F. Lyszcek, Executive Secretary of the Advisory Council, New Department of Labor Building, 200 Constitution Avenue, N.W., Room N4700, Washington, D.C. 20210, or may call Area Code 203/523/8753.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs.

Signed at Washington, D.C. this 20th day of October, 1975.

[FR Doc.75-28617 Filed 10-21-75;8:45 am]

Occupational Safety and Health Administration

HAZARDS IN DIVING

Request for Information and Notice of Fact-Finding Hearing

On or about August 8, 1975, the United Brotherhood of Carpenters and Joiners of America, AFL-CIO, filed a petition, requesting the Occupational Safety and Health Administration (OSHA) to issue an Emergency Temporary Standard (ETS) for diving operations under section 6(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(c)). The petition alleges that an ETS is necessary because employees in the diving industry are exposed to grave danger, and to new hazards due to increased diving operations at substantially lower depths.

OSHA requests information concerning diving operations in the United States, the hazards to which divers are exposed, and the methods of protection against such hazards, with particular attention to the following areas:

(1) the nature and number of companies which employ divers;

(2) the number of divers engaged in diving;

(3) the nature of hazards to which divers are exposed, at varying depths;

(4) statistics on the incidence, severity, and causes of injuries and illnesses to divers;

(5) work practices and procedures currently used, with an evaluation of the extent and consistency of their use and their effectiveness to protect against hazards;

(6) current programs or plans which may result during the next two years in significant increases in the number of diving operations or in the depths of such operations;

(7) whether any such increase would present new hazards to divers or would aggravate present hazards;

(8) whether divers are, or may be expected in the near future to be, exposed to grave danger from exposure to substances or agents which may be toxic or harmful, or from new hazards, and whether an emergency temporary standard is necessary to protect employees from any such danger;

(9) what provisions would be necessary in an emergency temporary standard, or a permannt standard, and the relative cost of compliance, with respect to:

a. Personnel qualifications;

b. Medical certification of diving personnel;

c. Diving procedures, including diving tables;

d. Diving equipment;

e. Air quality for human respiration;

(10) Existence and appropriateness of standards, specifications, or guidelines previously developed by governmental agencies and private organizations having expertise with regard to diving hazards, such as American National Standards Institute and the United States Navy and the history of their development and of their adoption by employers engaged in diving.

Such information may be submitted either in writing or at an informal fact-finding hearing to be held in the Commerce Department Auditorium, 14th and Constitution Avenue NW., Washington, D.C., on November 11, 1975. Beginning at 9:30 a.m. the presiding hearing officer will hold a pre-hearing conference in order to establish the order and time for presentations, and in order to settle any other matters relating to the proceedings. All persons intending to make presentations should attend the pre-hearing conference which will be open to the public. The public hearing will immediately follow the pre-hearing conference.

Persons desiring to appear at the hearing must file a written notice of intention to appear along with four duplicate copies with Ms. J. Goodell, OSHA Committee Management Office, U.S. Department of Labor, 200 Constitution Avenue NW., Room N3633, Washington, D.C. 20210 (phone (202) 523-8024). If possible, notices should be filed before Thursday, November 6, 1975, in order to facilitate scheduling the appearances.

A notice should state the name and address of the person wishing to appear, the capacity in which he will appear, and the approximate amount of time required for the presentation. The notice should also include, or be accompanied by, a statement of the position to be taken and the evidence in support thereof.

The oral proceedings shall be reported verbatim. The use of prepared statements by witnesses is encouraged. An original and four copies of all documents to be used should be submitted at the hearing.

Persons who wish to submit data but who do not wish to attend the hearing may file such written data, along with four duplicate copies, with J. Goodell, at the above address by November 11, 1975. Such data will be submitted for inclusion in the hearing record.

The presiding hearing officer shall have all the powers necessary or appropriate to conduct a fair and full informal hearing, including the powers:

(a) To regulate the course of the hearing;

(b) To dispose of procedural requests, objections, and comparable matters;

(c) To confine the presentations to matters pertinent to the requested information;

(d) To regulate the conduct of those present at the hearing by appropriate means;

(e) In his discretion, to question and permit questioning of any witness; and

(f) In his discretion, to keep the record open for a reasonable stated time to receive written data from any person who has participated in the oral proceeding.

Following the close of the hearing, the presiding hearing officer shall certify the record thereof to the Assistant Secretary of Labor for Occupational Safety and Health. Thereafter, based upon the record, and any other relevant information, the Secretary will take appropriate action.

Signed at Washington, D.C., this 21st day of October 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-28651 Filed 10-21-75;10:42 am]

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INTERSTATE COMMERCE COMMISSION

[Notice No. 891]

ASSIGNMENT OF HEARINGS

OCTOBER 17, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 106920 Sub 58, Riggs Food Express, Inc., now being assigned December 15, 1975 (2 days), at New York, N.Y. in a hearing room to be designated later.

MC 139721, All World Travel, Inc., now being assigned December 17, 1975 (3 days), at Philadelphia, Pa., in a hearing room to be designated later.

MC 2253 Sub 71, Carolina Freight Carriers Corporation; MC 72442 Sub 47, Akers Motor Lines, Incorporated; MC 105881 Sub 50, M.R. & R. Trucking Company; MC 109533 Sub 67, Overnite Transportation Company and MC 113528 Sub 26, Mercury Freight Lines, Inc., continued to November 4, 1975 (3 weeks) in the Ramada Inn, 2121 W. Tennessee Street, Tallahassee, Florida.

MC-F-12343, National Machinery Haulers, Inc.—Purchase—Larry L. Fenner Transport, Inc. and MC 140504, National Machinery Haulers, Inc., now assigned November 4, 1975 at Chicago, Illinois; will be held in Room 1086A Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 61592 Sub 336, Jenkins Truck Line, Inc., now assigned November 6, 1975 at Chicago, Illinois; will be held in Room 1086A Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 111545 Sub 94, Home Transportation Company, Inc., now assigned November 10, 1975 at Chicago, Illinois; will be held in Room 1086A Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 114818 Sub 17, Motor Cargo, now assigned November 4, 1975 at Salt Lake City, Utah, will be held in *Tri-Arc Travelodge Motor Hotel, 161 West 6th South*, instead of *Room 202 Administration Building, 1745 West 1700 South*.

MC 41432 Sub 117, East Texas Mtr. Frt. Lines, Inc., now assigned November 3, 1975 at Atlanta, Georgia, will be held in the *Holiday Inn—Downtown, 175 Piedmont Avenue, N.E.*, instead of *Room 305 1252 W. Peachtree St. N.W.*

MC 33446 Sub 3, The Redifer Bus Company, A Corporation, now assigned November 12, 1975 at Cleveland, Ohio, is postponed indefinitely.

MC 29886 Sub 323, Dallas & Mavis Forwarding Co., Inc., MC 105045 Sub 58, R. L. Jefferies Trucking Co., Inc., MC 106644 Sub 208, Superior Trucking Co., Inc., MC 112304 Sub 93, Ace Doran Hauling & Rigging Company, MC 113495 Sub 69, Gregory Heavy Haulers, Inc., MC 113855 Sub 317, International Transport, Inc., MC 117557 Sub 20, Matson, Inc., MC 119777 Sub 319, Ligon Specialized Hauler, Inc., and MC 123048 Sub 319, Diamond Transportation System, Inc., now being assigned December 15, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 123407 Sub 234, Sawyer Transport, Inc., now assigned November 11, 1975 at Dallas, Texas, will be held in U.S. Tax Court Room, 330 U.S. Post Office & Courthouse Building, Bryan and Ervay Streets, instead of Room 5A15–17 New Federal Building, 1100 Commerce Street.

MC 103498 Sub 43, W. D. Smith Truck Line, Inc., now assigned November 12, 1975 at Dallas, Texas, will be held in U.S. Tax Court Room, 330 U.S. Post Office & Courthouse Building, Bryan and Ervay Streets, instead of Room 5A15–17 New Federal Building, 1100 Commerce Street.

MC-C-8749, C & H Transportation Co., Inc.—Investigation and Revocation of Certificates, now assigned November 13, 1975 at Dallas, Texas, will be held in U.S. Tax Court Room, 330 U.S. Post Office & Courthouse Building, Bryan and Ervay Streets, instead of Room 5A15–17 New Federal Building, 1100 Commerce St.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-28480 Filed 10-21-75;8:45 am]

[Notice No. 38]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 17, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4 (c) (11).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 26739 (Deviation No. 40); CROUCH FREIGHT SYSTEMS, INC., P.O. Box 1059, St. Joseph, Mo. 64502, filed October 9, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Omaha, Nebr., over U.S. Highway 75 to Topeka, Kans., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Omaha, Nebr., over U.S. Highway 275 to Glenwood, Iowa, thence over U.S. Highway 34 to Emerson, Iowa, thence over U.S. Highway 59 to Shenandoah, Iowa, thence over Iowa Highway 2 to Clarinda, Iowa, thence over U.S. Highway 71 to St. Joseph, Mo., thence over U.S. Highway 59 to junction Kansas Highway 4, thence over Kansas Highway 4 to junction U.S. Highway 75, thence over U.S. Highway 75 to Topeka, Kans., and return over the same route.

No. MC 111231 (Deviation No. 43), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed October 7, 1975. Carrier's representative: Kim D. Mann, 702 World Center Bldg., 918 Sixteenth St. NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Wichita, Kans., over Interstate Highway 35 to Oklahoma City, Okla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Wichita, Kans., over U.S. Highway 54 to Augusta, Kans., thence over U.S. Highway 77 to Ponce City, Okla., thence over U.S. Highway 60 to Pawhuska, Okla., thence over Oklahoma Highway 11 to Tulsa, Okla., thence over U.S. Highway 66 to Oklahoma City, Okla., and return over the same route.

No. MC 111231 (Deviation No. 44), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed October 9, 1975. Carrier's representative: Kim D. Mann, 702 World Center Bldg., 918 Sixteenth St. NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Oklahoma City, Okla., over Interstate Highway 35 to junction Interstate Highway 35E, thence over Interstate Highway 35E to Dallas, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Oklahoma City, Okla., over U.S. Highway 62 to junction U.S. Highway 266, thence over U.S. Highway 266 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction U.S. Highway 75, thence over U.S. Highway 75 to Dallas, Tex., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-28481 Filed 10-21-75;8:45 am]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

[Notice No. 118]

OCTOBER 16, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 59367 (Sub-No. 100TA), filed October 6, 1975. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Belgium and Random Lake, Wis., to Joplin and Kansas City, Mo.; Topeka and Wichita, Kans.; and Lincoln, Nebr., and points in their commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Leininger & Co., Inc., 6944 North Port Washington Road, Milwaukee, Wis. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 60012 (Sub-No. 95TA), filed October 3, 1975. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52nd Ave., Denver, Colo. 80221. Applicant's representative: John S. Walker, Jr., P.O. Box 5462, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods, as defined by the Commission, Classes A and B explosives, commodities in bulk and those requiring special equipment), serving the sites of Belina Coal Mine, Clear Creek Utah Coal Mine #2, and O'Connor Coal Mine, all located in Carbon County, Utah, near the town of Scofield; serving the Mine sites of the Valley Camp of Utah, Inc., located within a 10 mile radius of Scofield, Utah, as off-route points in connection with carrier's regular route operating authority, from the junction of U.S. Highway 6 and 50 and Utah Highway 96 approximately 6 miles south of Soldier Summit, Utah thence west on Utah Highway 96 to Scofield, Utah, applicant intends to interline with MC 60012, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Valley Camp of Utah, Inc., Box 507, Clear Creek, Utah, 84517. Emko Construction, Inc., Box 507, Clear Creek, Utah. 84517. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 1961 Stout St., 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 82063 (Sub-No. 63TA), filed October 3, 1975. Applicant: KLIPSCH HAULING CO., 119 E. Loughborough, St. Louis, Mo. 63111. Applicant's representative: Wallace R. Reed (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Phosphoric acid*, in bulk, in tank vehicles, from Nashville, Tenn., to points in Mississippi County, Ark.; Pontotoc County, Miss., and Chilton County, Ala.; (2) *Spent phosphoric acid*, in bulk, in tank vehicles, (1) from Obion County, Tenn., to points in Arkansas, Missouri, Alabama, Kentucky and Illinois; (2) from Mississippi County, Ark., to points in Missouri, Tennessee, Alabama, Kentucky, Illinois, and Arkansas, and (3) from Pontotoc County, Miss., to points in Arkansas, Missouri, Tennessee, Alabama and Kentucky, for 180 days. Supporting shipper: Trimet Chemical, Inc., 3255 Whitebrook Place, Memphis, Tenn. 38118. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, 210 N. 12th St., Room 1465, St. Louis, Mo. 63101.

No. MC 107496 (Sub-No. 1006TA), filed October 6, 1975. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: Earl Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from St. Paul, Minn., to Colstrip, Mont., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Vel-Tex Chemical, Inc., 1125 Childs Road, St. Paul, Minn. 55106. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 113908 (Sub-No. 351TA) (Correction), filed September 16, 1975, published in the FEDERAL REGISTER issue of September 30, 1975, and republished as corrected this issue. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale St., P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foundry sand and foundry sand additive*, in bulk, from Granite City, Ill., to Albertville, Ala., and Chattanooga, Tenn.; (2) *Clay*, in bulk, from Belle Fourche, S. Dak., to Maumee, Cleveland, Columbus and Cincinnati, Ohio; Chattanooga, Tenn.; Louisville, Ky.; and Buffalo, N.Y., for 180 days. Supporting shipper: American Colloid Company, P.O. Box 228, Skokie, Ill. 60076. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106. The purpose of this republication is to correct the commodity description in part (2), which was omitted in the previous publication.

No. MC 134472 (Sub-No. 6TA), filed October 2, 1975. Applicant: RICHARD KUSTERMANN, doing business as KUSTERMANN TRUCK SERVICE, R.R. #2, Highland, Ill. 62249. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cocoa, chocolate milk powder, containers, fruit and fruit drink concentrates, bottled fruit drinks, flavored syrups, frozen fruits, nuts, frozen juice concentrates, canned fruits, corn sugar, frozen eggs, starch*, in containers, in vehicles equipped with mechanical refrigeration, between Bridgeton, Mo., on the one hand, and, on the other, points in Illinois for the account of Consolidated Fruit & Flavor Corp., Bridgeton, Mo.; (2) *Cheese*, in containers, in vehicles equipped with mechanical refrigeration, from Carthage, Mo., to Granite City, Ill., for the account of P.F.D. Supply Corporation, Granite City, Ill., under a continuing contract with Consolidated Fruit & Flavor Corp., and P.F.D. Supply Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Raymond Watson, Assistant Manager, P.F.D. Supply Corporation, 1800 Adams St., Granite City, Ill. 62040. Phillip Dressel, President, Consolidated Fruit & Flavor Corp., 264 Boulder Industrial Drive, Bridgeton, Mo. 63044. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 134599 (Sub-No. 135TA), filed September 30, 1975. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81859, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and equipment* used in the manufacture of candy and confectioneries (except commodities requiring special equipment), from Sulphur Springs, Tex., to Ashley and Centralia, Ill., under a continuing contract

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with Hollywood Brands, Division of Consolidated Foods Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hollywood Brands, Division of Consolidated Foods Corporation, 836 South Chestnut St., Centralia, Ill. 62801. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 139005 (Sub-No. 2TA) (Correction), filed September 24, 1975, published in the FEDERAL REGISTER issue of October 14, 1975, and republished as corrected this issue. Applicant: JAMES D. HOELZEMAN, doing business as SCRAP HAULERS, 13840 S. Halsted St., Riverdale, Ill. 60627. Applicant's representative: Samuel Ruff, 2109 Broadway, E. Chicago, Ind. 46312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities derived from waste, commodities having prior transportation as waste, waste products*, in tank vehicles, or vans, between points in Illinois, Indiana, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, for 180 days. Supporting shippers: Midwest Recycling Corp., Joseph A. Strosnik, President, 241 Brunswick, Hammond, Ind. Petro Tec Co., Werner J. Schrienger, President, 2810 4th St., St. Cloud, Minn. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604. The purpose of this republication is to correct the sub number.

No. MC 139196 (Sub-No. 9TA), filed October 2, 1975. Applicant: RAY WAGNER & SON TRUCKING CO., INC., Box 117, Owen, Wis. 54460. Applicant's representative: Ray Wagner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mink feed* (except in liquid in tank vehicles), from Abbotsford, Wis., to points in New York and Pennsylvania, for 180 days. Supporting shipper: Wisco Frozen Foods, Inc., Box 10, First St., Abbotsford, Wis. 55405. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 141119 (Sub-No. 2TA), filed October 1, 1975. Applicant: MERCHANTS 5 STAR, INC., P.O. Box 541, Marietta, Ohio 45750. Applicant's representative: John L. Alden, 1396 West Fifth Ave., Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl core filters* to be used in water and sewage treatment facilities and commodities used in the installation and assembly of vinyl core filters (except commodities in bulk), between the facilities of the B. F. Goodrich Company, located at Marietta, Ohio, on the one hand, and, on the other, Ozark, Ark.; New Britton, Conn.; Jacksonville, Fla.; Litchfield, Ky.; Faribault, Minn.; Perryville and St. Joseph, Mo.; Williamson, N.C.; Union, N.J.; New Windsor, N.Y.; Lawton, Okla.; Ellwood City and Conway, Pa.; Greenville, S.C.; Cibolo Creek, Tex.; Colonial Beach, Va.; Dunbar and St. Albans, W. Va.; and Manitowoc, Wis., under a continuing contract with The B. F. Goodrich Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The B. F. Goodrich Company, 500 S. Main St., Akron, Ohio 44318. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28482 Filed 10-21-75;8:45 am]

[Notice No. 119]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 17, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 106603 (Sub-No. 143TA), filed October 10, 1975. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain St. SW., P.O. Box 8088, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* (except in bulk), from the plantsite of the Diamond Crystal Salt Company at St. Clair, Mich., to points located in that part of Tennessee on and west of Tennessee State Highway 13, for 180 days. Supporting shipper: Diamond Crystal Salt Company, 916 South Riverside Ave., St. Clair, Mich. 48079. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 107162 (Sub-No. 39TA), filed August 22, 1975. Applicant: NOBLE GRAHAM TRANSPORT ,INC., R.R. #1, Brimley, Mich. 49715. Applicant's representative: John Duncan Varda, 121 S. Pinckney St., Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Palletized bin boxes and pallets*, from Hermansville and Menominee, Mich., to points in Wisconsin (except Green Bay, Manitowoc, Milwaukee, Racine, Kenosha and Sheboygan), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Menominee Box & Lumber Co. (a division of Whitewater, Inc.), 901 39th Ave., Menominee, Mich. 49858. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 108339 (Sub-No. 5TA), filed October 8, 1975. Applicant: MAUREEN Y. WELCH AND HENRY E. WELCH, doing business as YOUNG TRANSFER, Box 8228, Charlotte, N.C. 28208. Applicant's representative: Calvin F. Major, 200 West Grace St., Richmond, Va. 23220. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boxes, paper, cardboard*, knocked down or set up, from Charlotte, N.C., to points in Anderson, Blount, Campbell, Carter, Clairborne, Cocke, Grainger, Green, Hamblen, Hancock, Hawkins, Johnson, Jefferson, Knox, London, McMinn, Morgan, Monroe, Overton, Polk, Roane, Scott, Sevier, Sullivan, Unicoi, Union, and Washington Counties, Tenn., under a continuing contract with Weyerhaeuser Company, for 180 days. Supporting shipper: Weyerhaeuser Company, 1 Plymouth Meeting Mall, Plymouth Meeting, Pa. 19462. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 139495 (Sub-No. 99TA), filed October 6, 1975. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal, machinery, machine tools, dies, jigs, fixtures, and parts thereof, and equipment, materials, and supplies* (except commodities in bulk, in tank vehicles) as are dealt in by manufacturers and distributors of home products, from the plantsite and storage facilities of Stanley Home Products, Inc., located at or near Easthampton, Mass., to Denver, Colo., Irving and San Antonio, Tex., Torrance, Calif., and Renton, Wash., restricted to traffic moving to facilities of Stanley Home Products, for 180 days. Supporting shipper: Stanley Home Products, Inc., Easthampton, Mass. 01027. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 139495 (Sub-No. 100TA), filed October 6, 1975. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bags, from Kosse, Tex., to points in Kansas, Colorado, Oklahoma and Missouri, for 180 days. Supporting shipper: Dresser Industries, Inc., P.O. Box 6540, Houston, Tex. 77005. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 140655 (Sub-No. 3TA), filed October 6, 1975. Applicant: EARL J. RUCKDASCHEL, doing business as EARL J. RUCKDASCHEL TRUCKING, 265 East Green St., Postville, Iowa 52162. Applicant's representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulation and equipment used in the installation thereof;* (2) *Scrap paper;* (1) From Postville, Iowa, to points in South Dakota; (2) from points in South Dakota, to Postville, Iowa, under a continuing contract with Iowa Excel Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Iowa Excel Corporation, P.O. Box 642, Postville, Iowa 52162. Send protests to: Hervert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 141263 (Sub-No. 1TA), filed October 2, 1975. Applicant: ARTEX ENTERPRISES, INCORPORATED, Suite 805, Charter Tower, Pensacola, Fla. 32502. Applicant's representative: H. Hamby Hutcheson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, rock, coal, limestone, silica, concrete, concrete ingredients, concrete products, asphalt, asphalt ingredients, asphalt products, and any and all equipment* purchased or sold at auction or privately, used in the day to day operations, or in support of the operations of Artex Enterprises, Inc., and/or the companies contracted with under this authority to wit; *dredges loaders, generators, trucks, earthmovers, cranes, scales, plants, automobiles, conveyers, graders, bulldozers, related spare parts and tools*, between points in Alabama, Georgia and points in Florida on and north of State Highway 60, under a continuing contract or contracts with United Materials Corporation, South Alabama Sand and Gravel, Inc., and American Aggregate Associates, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: United Materials Corporation, Star Route 1, Atmore, Ala. South Alabama Sand and Gravel, Inc., Star Route 1, Atmore, Ala. American Aggregate Associates, Inc., Brewton, Ala. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 141326 (Sub-No. 1TA), filed October 7, 1975. Applicant: C. C. SALTER and C. W. SALTER, doing business as S & S TRUCKING COMPANY, P.O. Box 67, State Docks Road, Eufaula, Ala. 36027. Applicant's representative: John P. Carlton, 903 Frank Nelson Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tree bark, wood shavings, wood chips and wood sawdust*, from points in Barbour County, Ala., to Blountstown, Fla., and Vienna, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: M. C. Dixon Lumber Company, Eufaula, Ala. 36027. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 141326 (Sub-No. 2TA), filed October 7, 1975. Applicant: C. C. SALTER AND C. W. SALTER, doing business as S & S TRUCKING COMPANY, P.O. Box 67, State Docks Road, Eufaula, Ala. 36027. Applicant's representative: John P. Carlton, 903 Frank Nelson Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut plywood* from the plantsites, warehouses and storage facilities of Associated Forest Products, Inc., at or near Eufaula, Ala., on the one hand, to Fergus Falls, Minn.; Auburn, Nebr.; Atlanta, Ga.; Union City, Ind.; and Ft. Smith, Ark., on the other, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Associated Forest Products, Inc., P.O. Box 613, 1251 State Docks Road, Eufaula, Ala. 36027. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 141380 (Sub-No. 1TA), filed October 2, 1975. Applicant: ANDRES VIERA AND ORPHA VIERA, doing business as LA GRAN VIA EXPRESS, 6474 NE. 2nd Ave., Miami, Fla. 33138. Applicant's representative: Richard B. Austin, 214 Palm Coast II Bldg., 5255 NW. 87th Ave., Miami, Fla. 33178. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission, between points in Florida south of the northern boundaries of Brevard, Seminole, Lake, Polk, Hillsborough and Pinellas Counties, Fla., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized. Said operations are restricted to the performance of pick-up and delivery service in connection with packing, crating or containerization or unpacking, uncrating, or decontainerization of such traffic, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shippers: (1) Las Rosas Del Monte Express, Inc., 1135 Tiffany St., Bronx, N.Y. 10459. (2) El Sol De America Express, Inc., 1301 Oak Point Ave., Bronx, N.Y. 10474. (3) La Grande Moving Shipping, Inc., P.O. Box 553, Bayamon, Puerto Rico 00619. Send protests to: Joseph B. Tiechert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 NW. 53rd Terrace, Miami, Fla. 33166.

No. MC 141383 TA filed October 3, 1975. Applicant: TRANSPHONIC, INC., 3724 N. Peck Road, El Monte, Calif. 91732. Applicant's representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, Calif. 90010. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Entertainers stage equipment* for performances on tour, *new and used, packaged or unpackaged, including sound equipment, musical instruments, lighting equipment, special effects, overhead projection equipment backdrops, stage props, stages, costumes, and advertising material*, between points in United States (except Alaska and Hawaii). Restriction: Carrier truck equipment, with driver, required to stay with the entertainers at all times to be used as storage facilities for the stage equipment, including advertising material, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: WAR, 18601 Hatteras, Apt. 11–G, Tarzana, Calif. 91356. BNB Associates, Ltd, 9454 Wilshire Blvd., Beverly Hills, Calif. 90212. Sugarloaf, 7417 Sunset Blvd., Hollywood, Calif. 90046. Jericho Custom Sound, Inc., 800 Debelius Ave., Baltimore, Md. 21205. James Gang, 3101 Euclid Ave., Apt. 203, Cleveland, Ohio 44115. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 141384 TA filed October 6, 1975. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 Seventh Ave., South, Seattle, Wash. 98108. Seattle, Wash. 98108. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor

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vehicle, over irregular routes, transporting: *Mobile kitchens food and foodstuffs, cooking utensils and food preparation and serving equipment,* between Seattle, Wash., and Forest Fire Sites in Oregon, California, Idaho, Montana, Wyoming, Colorado, Utah, Nevada, Arizona, and New Mexico, under a continuing contract with OK'S Company, a subsidiary of Kenners, Incorporated, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: OK'S Company, a subsidiary of Keeners, Incorporated, 2900 4th Ave., South, Seattle, Wash. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 195 Second Ave., Seattle, Wash. 98174.

No. MC 141385 TA filed October 6, 1975. Applicant: LARRY A. PENNER, doing business as, PENNER'S FEED & SUPPLY, Inman, Kans. 67546. Applicant's representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Paints and coatings* (except in bulk), from the plantsites and warehouses of Steven Industries, Inc., at Bayonne, Jersey City, Ridgefield, and South River, N.J., and New York, N.Y., to points in California, Colorado, Missouri, Texas and Washington, restricted to Governmental Installations, under a continuing contract with Steven Industries, Inc., for 150 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Steven Industries, Inc., 39 Avenue C. Bayonne, N.J. 07002. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 141386 TA filed October 6, 1975. Applicant: IGNASZEWSKI TRUCKING, Easton, Minn. 56025. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Animal feed ingredients* (except commodities in bulk), from Des Moines and Alden, Iowa, to Easton, Minn., for 180 days. Supporting shipper: Easton Farmers Elevator Co., Easton, Minn., 56025. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 141389 TA filed, October 7, 1975. Applicant: ARKANSAS WHITE EQUIPMENT COMPANY, 2109 W. Sunset, P.O. Box 89, Springdale, Ark. 72764. Applicant's representative: Michael H. Mashburn, 111 Holcomb St., P.O. Box 869, Springdale, Ark. 72764. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed, or replacement vehicles,* between Springdale, Ark., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Willis Shaw Frozen Express, Inc., Box 188, Elm Springs, Ark. 72728. (2) D. H. McJunkin Produce, Inc., P.O. Box 865, Springdale, Ark. 72764. (3) E. L. Reddish Transportation, Inc., P.O. Box 207, Springdale, Ark. 72764. (4) C. R. Kidd Produce, Inc., P.O. Box 364, Springdale, Ark. 72764. (5) L. E. Cawood Produce, P.O. Box 83, Springdale, Ark. 72764. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

APPLICATION OF PASSENGERS

No. MC 116248 (Sub-No. 7 TA), filed October 6, 1975. Applicant: TRI-STATE BUS LINES, INC., 301 North Fourth St., P.O. Box 947, Paducah, Ky. 42001. Applicant's representative: Billy J. Carroll (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Passengers and their baggage,* express and newspapers when transported on the same vehicle with passengers, special and charter operation beginning and ending at points served to points in the United States and return, between Paducah, Ky., and Elizabethtown, Ky., over U.S. 62 and return over the same route; between Elizabethtown, Ky., and Louisville, Ky., over Kentucky 61 and return over the same route; between St. Charles, Ky., over Kentucky 112 to Earlington, Ky., from Earlington, Ky., over Alternate U.S. 41 to Madisonville, Ky., and from Madisonville, Ky., over Alternate U.S. 41 to Nortonville, Ky., and return over the same route; from Paducah, Ky., to Louisville, Ky., over U.S. 62, Interstate 24, Western Kentucky Parkway and Interstate 65 and return over the same route; to serve all intermediate points in the aforementioned routes description, with restriction on handling any passenger from Louisville, Ky., to Elizabethtown, Ky., or return; charter and special operations beginning and ending over the aforementioned routes, to points in the United States and return (except Alaska and Hawaii), with the restriction of such operation being operated from the city of Louisville, Ky., and its suburban area and Ft. Knox, Ky. This authority is being tacked to the present authority of Tri-State Bus Lines held under MC–116248, and interline with other carriers at Paducah, Madisonville, Central City, Beaver Dam, Elizabethtown and Louisville, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 7 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Kenneth R. Inman, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Bldg., 167 North Main St., Memphis, Tenn. 38103.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–28483 Filed 10–21–75;8:45 am]

[Notice No. 96]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

OCTOBER 21, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 10, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–76033. By order entered October 15, 1975 the Motor Carrier Board approved the transfer to Koby's Witch City Express, Inc., Danvers, Mass., of the operating rights set forth in Certificate No. MC–77267, issued March 11, 1953, to Stella C. Kobierski, doing business as Kobey's Express—Witch City Express, Danvers, Mass., authorizing the transportation of general commodities, with the usual exceptions, between Boston, Salem, Peabody, Marblehead, Swampscott, Lynn, Saugus, Revere, Chelsea, Everett, Somerville, Cambridge, and Beverly, Mass. Isaac Brager, 148 State St., Boston, Mass. 02109, attorney for applicants.

No. MC–FC–76055. By order entered October 16, 1975 the Motor Carrier Board approved the transfer to Venice Bus Lines, Inc., New Orleans, La., of the operating rights set forth in Certificate No. MC–29957 (Sub-No. 75), issued August 19, 1960, to Continental Southern Lines, Inc., Jackson, Miss., authorizing the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between New Orleans, La., and Triumph, La.; and between Triumph, La., and Venice, La., over a specified route, serving all intermediate points. Michael G. Crow, Forty Five Hundred, One Shell Square, New Orleans, La. 70139, attorney for applicants.

No. MC–FC–76094. By order entered October 15, 1975 the Motor Carrier Board approved the transfer to Empire Stevedoring Co. Ltd., Montreal, Canada, of the operating rights set forth in Permit No. MC–138318, issued December 18, 1973, to Furness (Montreal) Limited, Montreal, Quebec, Canada, authorizing the transportation of wood pulp, from Woodland, Maine, to the port of entry on the United States-Canada Boundary line located at or near Calais, Maine, limited to a transportation service to be performed under a continuing contract, or contracts, with Georgia Pacific Corporation. Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, Mass. 02043, attorney for applicants.

No. MC–FC–76116. By order entered October 15, 1975 the Motor Carrier Board approved the transfer to The Tauro Brothers Trucking Co., a corporation, Girard, Ohio, of that portion of the operating rights set forth in Certificate No. MC–15589, issued December 23, 1974, to Mooney Bros. Trucking Co., a corporation, New Castle, Pa., authorizing the transportation of such bulk commodities, as are transported in dump trucks and transit mix equipment, between points in Lawrence, Mercer, Beaver, and Butler Counties, Pa.; and between points in Lawrence, Mercer, Beaver, and Butler Counties, Pa., on the one hand, and, on the other, points in Mahoning, Trumbull, and Columbiana Counties, Ohio. John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219, and Jerome Solomon, 3131 U.S. Steel Building, 600 Grant St., Pittsburgh, Pa. 15219, attorneys for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–28484 Filed 10–21–75;8:45 am]

[Notice No. 99]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

OCTOBER 22, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 11, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75996. By order of October 16, 1975, the Motor Carrier Board approved the transfer to Johnnie O. Roberson, doing business as Johnnie O. Roberson Truck Line, 300 Louise, Valley Falls, Kans. 66088, of Certificate No. MC 34327 issued by the Commission March 12, 1958, to Kenneth Reaser, Denison, Kans., authorizing the transportation of livestock, agricultural commodities, logs, and feed between Holton, Kans., on the one hand, and, on the other, Kansas City, Kans., and Kansas City, Mo.; livestock between St. Joseph, Mo., on the one hand, and, on the other, points in the Kansas territory specified above; agricultural implements and parts thereof between Holton, Kans., on the one hand, and, on the other, Kansas City, Kans., Kansas City, Mo., and Albert City, Iowa; feeds, agricultural commodities, farm implements, farm implement parts, logs, building material, and similar commodities between St. Joseph, Mo., and Holton, Mayetta, and Valley Falls, Kans., on the one hand, and, on the other, Denison, Kans.

No. MC–FC–76112. By order of October 17, 1975, the Motor Carrier Board approved the transfer to Hartwig Realty, Inc., Wausau, Wis., of that portion of the operating rights in Permit No. MC 126346 (Sub-No. 5) issued September 16, 1968, to Haupt Contract Carriers, Inc., Wausau, Wis., authorizing the transportation of fabricated metal products and related parts and accessories thereto, from the plant site of the Hartwig Manufacturing Corporation at or near Wausau, Wis., to points in Illinois, Indiana, and Michigan; and iron, steel, or aluminum articles used in the manufacture of fabricated metal products, from points in Illinois, Indiana, and Michigan to the plant site of the Hartwig Manufacturing Corporation at or near Wausau, Wis., under a continuing contract, or contracts, with Hartwig Manufacturing Corporation, Wausau, Wis. Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705, Attorney for applicants.

No. MC–FC–76129. By order of October 17, 1975, the Motor Carrier Board approved the transfer to Tab Trucking, Inc., Spokane, Wash., of the operating rights in Permit No. MC 138136 (Sub-No. 1) issued March 1, 1974, to Merlin L. Black, doing business as Tab Trucking, Spokane, Wash., authorizing the transportation of wire fencing, from Georgetown, Conn., and Blue Island, Ill., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Wyoming, New Mexico, and Washington, and steel fence posts, from Blue Island, Ill., to points in these same states, under a continuing contract, or contracts, with Gilbert & Bennett Manufacturing Company, of Georgetown, Conn. Charles C. Flower, Suite 2, 303 East "D" Street, Yakima, Wash. 98901 Attorney for applicants.

No. MC–FC–76130. By order of October 17, 1975, the Motor Carrier Board approved the transfer to Active Transport, Inc., doing business as Active Trucking Service, South Gate, Calif., of the Certificate of Registration in No. MC 121764 issued September 22, 1975, to Edgar R. Cude, doing business as Active Trucking Service, Maywood, Calif., evidencing a right to engage in transportation in interstate or foreign commerce corresponding to the intrastate authority in certificate of public convenience and necessity granted by Decision No. 84114 dated February 19, 1975, issued by the Public Utilities Commission of California. LeRoy R. Davis, 9454 Wilshire Boulevard, Beverly Hills, Calif. 90212 Attorney for applicants.

No. MC–FC–76132. By order of October 17, 1975, the Motor Carrier Board approved the transfer to Triangle Transportation, Inc., Houston, Tex., of the Certificate of Registration in No. MC 133019 issued May 18, 1973, to Constructors Transport Company, a corporation, Dallas, Tex., evidencing the right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in certificate No. 20584 dated August 13, 1962, issued by the Railroad Commission of Texas. James W. Hightower, 136 Wynnewood Prof. Building, Dallas, Tex. 75224 Attorney for applicants.

No. MC–FC–76133. By order of October 17, 1975, the Motor Carrier Board approved the transfer to Scolly Trucking, Inc., Revere, Mass., of the Certificate of Registration in No. MC 98844 (Sub-No. 1) issued January 16, 1964, to Framingham-Boston Transit, Inc., Bellingham, Mass., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in Irregular Route Common Carrier Certificate No. 1759 dated October 5, 1953, issued by the Massachusetts Department of Public Utilities. Frank J. Weiner, 15 Court Square, Boston, Mass. 02108 and Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155 Attorneys for applicants.

No. MC–FC–76134. By order of October 17, 1975, the Motor Carrier Board approved the transfer to Ford Truck Line, Inc., Tipton, Iowa, of the operating rights in Certificates Nos. MC 129222 and MC 129222 (Sub-No. 1) issued January 4, 1968, and August 10, 1972, respectively, to Marvin W. Ford, doing business as Ford Truck Line, Tipton, Iowa, authorizing the transportation of liquid fertilizer, in bulk, in tank vehicles, from Walcott, Iowa, to points in Illinois; and liquid fertilizer and liquid fertilizer ingredients, in bulk, from Walcott, Iowa, to points in Minnesota, Missouri (except points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone), and Wisconsin, and from Walcott, Iowa, to points in Illinois (except points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone). James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309, Attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–28485 Filed 10–21–75;8:45 am]

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FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 17, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 55942 (partial correction) filed September 17, 1975, published in the FEDERAL REGISTER issue of October 8, 1975, and republished as corrected this issue. Applicant: JOSEPH N. LEBOW, doing business as DESERT EMPIRE EXPRESS, 1931 East Vernon Ave., Los Angeles, Calif. 90058. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Ste. 400, Beverly Hills, Calif. 90212. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *Commodities* requiring the use of special refrigerated or temperature control in specially designed and constructed equipment, 1. Between all points and places in the Los Angeles Basin Territory as described in Note A attached hereto. 2. Between the Los Angeles Basin Territory and all points and places on and within ten (10) miles laterally of the following highways: (a) State Highway 14 between San Fernando and Mojave, inclusive. (b) State Highway 58 between Keene and Barstow, inclusive. (3) Between the Los Angeles Basin Territory and the following points and places in the Counties of Los Angeles, Kern, or San Bernardino: Castaic, Pearblossom, Inyokern, China Lake, Ridgecrest, Westend, Argus, Trona, Johannesburg, Randsburg and Red Mountain. 4. Between the Los Angeles Basin Territory and Coachella serving all intermediate points on or within ten (10) miles laterally of the following highways: (a) Interstate Highway 10 from the eastern boundary of the Los Angeles Basin Territory to Coachella. (b) State Highway 111 from its intersection with Interstate Highway 10 near Whitewater to Coachella.

(5) Between the Los Angeles Basin Territory and the San Diego Territory, as described in Note B attached hereto, via U.S. Highway 101 (Interstate 5), California Highway 395, and California Highway 78, serving all intermediate points on, and all off-route points within ten (10) miles laterally of said highways: (6) Between the Los Angeles Basin Territory and Paso Robles and Cambria, serving all points and places on and within ten (10) miles laterally of U.S. Highway 101 and California Highway 1. (7) Between the Los Angeles Basin Territory and Bakersfield, serving all points and places on and within ten (10) miles laterally of Interstate Highway 5 and California Highway 99 serving the off-route points of Maricopa, Taft and Ford City. (8) Between the Los Angeles Basin Territory and Lucerne Valley, serving all points and places on and within ten (10) miles laterally of Interstate Highway 15 and California Highway 18. (9) Between the Los Angeles Basin Territory and Newberry, serving all points and places on and within ten (10) miles laterally of Interstate Highways 15 and 40. (10) Between the Los Angeles Basin Territory and Boron, serving all points and places on and within ten (10) miles laterally of Interstate Highway 15, U.S. Highway 395, and California Highway 58.

Joseph N. LeBow, an individual, doing business as Desert Empire Express, is authorized to use all available public highways between points to be served as hereinabove mentioned, and within the cities hereinabove to be served, and to use such streets and highways as may be necessary to serve consignors and consignees located within said cities.

NOTE A.—Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118; approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Los Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa, southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary to the City of San Jacinto; easterly, southerly, and westerly along said corporate boundary of San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly, and northerly along said cooporate boundary to the right of way of the Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the County road intersecting U.S. Highway 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary lines; westerly along said boundary line to the Orange County-San Diego County Boundary lines; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning.

NOTE B.—San Diego Territory includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101–E and 101–W (four miles north of La Jolla); thence easterly to Miramar on State Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonia on U.S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line; west to the Pacific Ocean and north along the coast to point of beginning.

NOTE.—The purpose of this correction is to indicate the correct area as described in Note A, Los Angeles Basin Territory; the rest remains the same. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28487 Filed 10-21-75;8:45 am]

[No. MC-C-8734]

ROGERS TRANSFER, INC.

Petition for Declaratory Order Regarding Interpretation of Authority

Notice of filing of petition for a commission determination whether authority restricted to the transportation of shipments having an immediately prior movement by water or restricted to the transportation of shipments having a prior movement by water authorizes the transportation of shipments which have been removed from a water vessel and placed in storage. Petitioner: ROGERS TRANSFER, INC., Route 64, Great Meadows, N.J. 07838. Petitioner's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. By petition filed August 6, 1975, petitioner requests that the Commission determine if certificated authority held by petitioner, and restricted either, (1) to the transportation of shipments having an immediately prior movement by water, or (2) to the transportation of shipments having a prior movement by water authorizes the transportation of shipments which have been removed from a water borne vessel and prior to tender to petitioner are placed in storage.

Petitioner holds certificates of public convenience and necessity in No. MC 108884 (Sub-Nos. 17 and 25) which authorize respectively, as pertinent, the transportation of frozen meat, in vehicles equipped with mechanncal refrigeration, from Newark, N.J., and New York, N.Y., to points in Connecticut, Rhode Island, and Massachusetts, two named points in Maine, and a described portion of New Hampshire, restricted to the transportation of shipments having an immediately prior movement by water, and frozen imported meats, in vehicles equipped with mechanical refrigeration, from points within the Harbor area of New York, N.Y., as defined at 49 CFR 1070.1 (a), Philadelphia, Pa., and Wilmington, Del., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, restricted to the transportation of shipments having a prior movement by water. Pursuant to the above authority, petitioner asserts that it has transported the involved commodities from the involved piers and also from freezer warehouses. It states that if motor carrier equipment is unavailable to immediately handle a complete shipload, an unspecified portion of the cargo is first moved to freezer warehouses and then transported by petitioner to destination. Petitioner alludes to other situations where a full load may be assembled by split pickups at dockside and the freezer warehouse to fill a consignee's order.

Petitioner has received an informal opinion, based upon the principles enunciated by this Commission in *New England Transp. Co. Extension-Cement*, 88 M.C.C. 703 (1962), that the transportation of traffic from the freezer warehouses are not authorized by the above indicated authority. It believes the underlying record in its (Sub-No. 25) proceeding should be relied upon for an affirmative finding that its presently held authority does authorize the transportation services conducted from both the piers and freezer warehouses.

No oral hearing is contemplated at this time. Any interested party (including petitioner) desiring to participate in this proceeding may file with this Commission an original and fifteen (15) copies of its written representations, views, or arguments in support, or against, the relief sought in the petition (including any potential environmental effects thereof) on or before December 15, 1975. A copy of each such representation should be served upon petitioner's representative. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of the notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28488 Filed 10-21-75;8:45 am]

[Notice No. 83]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 17, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder, and rail proceedings indexed as follows: (1) grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under Sections 5(2) and 212(b); (4) notices of filing of Sections 5(2) and 210a(b) finance applications; and (5) notices of filing of Section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 C.F.R. § 1100.250.

Protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c), as appropriate, of the Commission's General Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

No. MC 111625 (Sub-No. 19) (Republication), filed February 11, 1974, and published in the FEDERAL REGISTER issue of March 28, 1974, and republished this issue. Applicant: BERMAN'S MOTOR EXPRESS, INC. (IRS-Successor-In-Interest), P.O. Box 1566, Binghamton, N.Y. 13902. Applicant's representative: Norman Weiss, 2 West 45th Street, New York, N.Y. 10036. An Order of the Commission, Review Board Number 3, dated October 1, 1975, and served October 8, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *toilet preparations* between Binghamton, N.Y., on the one hand, and, on the other, points in Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Centre, Clinton, Fayette, Greene, Indiana, Lawrence, Lycoming, Somerset, Washington, and Westmoreland Counties, Pa.; (2) (a) wine, from Hammondsport, N.Y., to points in Allegheny (except Pittsburgh), Armstrong, Beaver, Blair, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Somerset, Washington, and Westmoreland Counties, Pa., (b) of *advertising materials*, from Hammondsport, N.Y., to points in Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, Pa., and (c) of *materials and supplies* used in the manufacture of wines (except in bulk), from points in the Counties specified in (2)(b) above to Hammondsport, N.Y.

(3) (a) Of *ladders*, from Bath, N.Y., to points in Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Somerset, Washington, and Westmoreland Counties, Pa., (b) of *materials and supplies* used in the manufacture of ladders (except in bulk), from points in the Counties specified in (3)(a) above to Bath, N.Y. (c) of *ladders, scaffolds, footwalks, and planking*, from Newark Valley, N.Y., to points in Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Lycoming, Somerset, Washington, and Westmoreland Counties, Pa., and (d) of *materials and supplies* used in the manufacture of ladders, scaffolds, footwalks, and planking (except in bulk), from points in the Counties specified in (3)(c) above to Newark Valley, N.Y.; (4)(a) of *lift trucks* used for material handling purposes from Greene, N.Y., to points in Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Lycoming, Somerset, Washington, and Westmoreland Counties, Pa., and (b) of *materials and supplies* used in the manufacture of such lift trucks (except in bulk), from points in the Counties specified in (4)(a) above to Greene, N.Y.; (5)(a) of *pharmaceuticals and toilet preparations* from Norwich, N.Y., to points in Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Lycoming, Somerset, Washington, and Westmoreland Counties, Pa., and (b) of *materials and supplies* used in the manufacture of pharmaceuticals and toilet preparations (except in bulk), from points in the Counties specified in (5)(a) above to Norwich, N.Y.; (6) (a) of *furniture* from Berkshire, Cambria, Fayette, Greene, Indiana, Lawrence, Lycoming, Somerset, Washington, and Westmoreland Coun-

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ties, Pa., and (b) of *materials and supplies* used in the manufacture of furniture (except in bulk), from points in the Counties specified in (6)(a) above to Berkshire, N.Y.

(7) (a) of *pillow blocks and railway journals*, from Hornell, N.Y., to points in Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Somerset, Washington, and Westmoreland Counties, Pa., and (b) of *materials and supplies* used in the manufacture of pillow blocks and railway journals (except in bulk), from points in the Counties specified in (7)(a) above to Hornell, N.Y.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application, as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 136211 (Sub-No. 29) (Republication), filed January 20, 1975, and published in the FEDERAL REGISTER issues of February 20, 1975, and August 13, 1975, and republished this issue. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., 210 St. Mary's Drive, Suite G, P.O. Box 5067, Oxnard, Calif. 93030. Applicant's representative: Joseph E. Rebman, 1230 Boatmen's Bank Bldg., 314 North Broadway, St. Louis, Mo. 63102. An Order of the Commission, Operating Rights Board, dated September 24, 1975, and served October 8, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of (1) *new furniture, new home furnishings, appliances and recreational equipment*, from the facilities of the Levitz Furniture Corporation located at or near Calumet City, Rolling Meadows, and Hillside, Ill., to points in Wisconsin on, south, and east of a line beginning at Lake Michigan at Racine, Wis., and extending westerly along Wisconsin Highway 11 to junction Wisconsin Highway 67, thence south along Wisconsin Highway 67 to U.S. Highway 14, thence south along U.S. Highway 14 to the Wisconsin-Illinois State line; to points in Indiana on, and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to Peru, Ind., thence along Indiana State Highway 124 to the Ohio State line; and to points in Michigan on and south of Interstate Highway 96; and (2) *returned shipments* of the commodities described in (1) above, from points in the destination territories indicated in (1) above, to the facilities of Levitz Furniture Corporation, specified in (1) above, under a continuing contract or contracts with Levitz Furniture Corporation; will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder.

The purpose of this republication is to indicate the enlargement of specified portions of Indiana and Michigan. Because it is possible that other parties who have relied upon the notice of the application, as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 136445 (Sub-No. 3) (Republication), filed November 16, 1972, and published in the FEDERAL REGISTER issue of December 28, 1972, and republished this issue. Applicant: ZENITH TRANSPORT LTD., 2040 Alpha Avenue, Burnaby, 2, BC, Canada. Applicant's representative: George R. LaBissoniere, 1424 Washington Bldg., Seattle, Wash. 98101. An Order of the Commission, Division 1, Acting as an Appellate Division, dated October 2, 1975, and served October 10, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *frozen foods and canned goods*, and (2) of *fresh fruits and vegetables* when moving with frozen foods or canned goods, from points in Oregon, Washington, and California to the Port of entry on the International Boundary line between the United States and Canada at or near Blaine, Wash., restricted to the transportation of traffic (1) having a subsequent movement in foreign commerce, and (2) destined to the storage and warehouse facilities of H. S. Blackwell, Ltd., York Farms, Ltd., and Woodward Stores (Vancouver, Ltd.), at Vancouver, British Columbia, Canada; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to eliminate the objectionable dual operations by granting applicant common carrier authority. Because it is possible that other parties who have relied upon the notice of the application, as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 135033 (Notice of filing of petition to add destination points), filed October 1, 1975. Petitioner: SILVEY REFRIGERATED CARRIERS, INC., Gifford Rd. & S. Omaha Bridge Rd., Council Bluffs, Iowa 51501. Petitioner's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Petitioner holds a motor *contract carrier* permit in No. MC 135033, issued April 7, 1975, authorizing transportation, over irregular routes, of *Such commodities* as are dealt in by retail department stores (except foodstuffs), from points in Alabama, Connecticut, Kentucky (except Louisville and points in its commercial zone as defined by the Commission), Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Ohio (except Cincinnati, Cleveland, Columbus, and Toledo and points in their respective commercial zones as defined by the Commission), to Omaha, Nebr., restricted to the transportation of shipments destined to the facilities of J. L. Brandeis & Sons, Inc., Pamida, Inc., G. McNew, Division of McCrory Corporation, Brinn & Jensen Company, Westside Supply Company, and Richman Gordman Stores, Inc., all of Omaha, Nebr., under a continuing contract, or contracts with J. L. Brandeis & Sons, Inc., Pamida, Inc., G. McNew, Division of McCrory Corporation, Brinn & Jensen Company, Westside Supply Company, and Richman Gordman Stores, Inc., all of Omaha, Nebr. By the instant petition, petitioner seeks to add Columbus, Ohio, Urbana, Ill., and Stone Mountain, Ga., as destination points in the above described authority under a continuing contract or contracts with G. McNew, Division of McCrory Corporation. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240.)

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 29 (Sub-No. 6), filed August 18, 1975. Applicant: CONTINENTAL VAN LINES, INC., 891 Broadway, Seaside, Calif. 93940. Applicant's representative: Martin J. Rosen, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. The purpose of this filing is to eliminate gateways at Denver, Greeley, and Trinidad, Colo.; Wichita, Kans.; Joplin, Mo.; Texarkana, Ark.; Texarkana, Tex.; Gary, Ind.; Chicago, Ill., and its Commercial Zone; Bartlesville, Okla.; Pittsburg, Kans.; Ponca City, Tulsa, and Altus, Okla.; Corwin, Kans.; Byron, Okla.; Hobart, Okla., and points within 20 miles thereof; Kiowa County, Okla.; Kiowa, Kans.; Muskogee, Okla.; Popular, Carthage, and Seneca, Mo.; Stillwater, Okla.; Mobile, Ala.; and Lawrence County and Glen Ellyn, Ill.

NOTE.—This is a gateway elimination request and is directly related to a Section 5 (2) proceeding in MC-E-12560 published in the FEDERAL REGISTER issue of July 2, 1975. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 1117 (Sub-No. 12), filed September 29, 1975. Applicant: M.G.M. TRANSPORT, CORP., 70 Maltese Drive, Totowa, N.J. 07512. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *New furniture*, From High Point, Thomasville, Lenoir, Mebane, Drexel, Morganton, and Marion, N.C., to points in that part of New Jersey on and north of New Jersey Highway 33 (except Trenton, N.J.), those in New York, and those in Fairfield County, Conn.; (2) *new furniture* uncrated, from High Point, Thomasville, Lenior, Mebane, Drexel, Morganton, and Marion, N.C., to those points in Massachusetts, Connecticut, Rhode Island, Vermont, and New Hampshire which are within 350 miles of Paterson, N.J., and (3) *new furniture*, crated as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except articles listed as store fixtures, and kitchen equipment in Appendices III and IV to the same report), from High Point, Thomasville, Lenoir, Mebane, Drexel, Morganton and Marion, N.C., to points in Connecticut, Rhode Island, and those in Berkshire, Hampshire, Hampden, and Franklin Counties, Mass. The purpose of this filing is to eliminate a gateway at Philadelphia, Pa.

NOTE.—This is a gateway elimination request and is directly related to a Section 5(2) proceeding in MC-F-12647 which appears below. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 95876 (Sub-No. 179), filed August 25, 1975. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, when moving as contractors' and construction equipment and materials, from points in Bonner and Kootenai Counties, Idaho and Pend Oreille, Spokane and Stevens Counties, Wash., to points in Iowa and on and east of U.S. Highway 218 from the Iowa-Minnesota State Boundary line, south to junction with Iowa Highway 58 near Waterloo, thence easterly along Iowa Highway 58 to junction with U.S. Highway 63, thence southerly along Iowa Highway 63 to the Iowa-Missouri State Boundary line; and (b) from points in Bonner and Kootenai Counties, Idaho and Pend Oreille, Spokane and Stevens Counties, Wash., to points in Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Wyoming and points in Iowa west of the above described area. The purpose of this filing is to eliminate the gateways of points in Minnesota and Phillips, Wis.

(6) *Lumber*, when moving as wood fencing, wood posts, wood rails and accessories, (a) from points in Bonner and Kootenai Counties, Idaho and Pend Oreille, Spokane and Stevens Counties, Wash., to points in Iowa on and east of U.S. Highway 71, points in Missouri on and east and south of U.S. Highway 71 from the Iowa-Missouri State Boundary line to the Iowa-Nebraska State Boundary line at St. Joseph, Mo., points in Arkansas, Louisiana and points east of the Mississippi River; and (b) from points in Bonner and Kootenai Counties, Idaho and Pend Oreille, Spokane and Stevens Counties, Wash., to points in Iowa west of the above described area, points in Missouri west of the above described area, points in North Dakota, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming and Montana. The purpose of this filing is to eliminate the gateway of Bemidji, Minn.

(7) *Lumber*, when moving as contractors' and construction equipment and materials and as built-up wood, doors, sash and woodwork, from points in Bonner and Kootenai Counties, Idaho and Pend Oreille, Spokane and Stevens Counties, Wash., to points in Illinois, Upper Peninsula of Michigan, and points in Indiana on and west of U.S. Highway 31 and on and north of U.S. Highway 24. The purpose of this filing is to eliminate the gateways of points in Minnesota and New London, Wis.

(8) *Lumber*, when moving as contractors' and construction equipment and materials and as building materials, from points in Bonner and Kootenai Counties, Idaho and Pend Oreille, Spokane and Stevens Counties, Wash., to points in the Chicago, Ill. Commercial Zone as defined by the Commission. The purpose of this filing is to eliminate the gateways of points in Minnesota and New London, Wis.

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(9) *Lumber*, when moving as contractors or construction equipment and materials, from points in Bonner and Kootenai Counties, Idaho and Pend Oreille, Spokane and Stevens Counties, Wash., to points in Illinois on and north of U.S. Highway 36. The purpose of this filing is to eliminate the gateways of points in Minnesota and New London, Wis.

(10) *Lumber*, when moving as contractors' and construction equipment and materials and as poles and piling, (a) from points in Bonner and Kootenai Counties, Idaho and Pend Oreille, Spokane and Stevens Counties, Wash., to points in Illinois, Indiana, Iowa on and east of Interstate Highway 35, Kentucky, Michigan, Missouri on and east of U.S. Highway 69 beginning at the Iowa-Missouri State Boundary line, thence southerly along U.S. Highway 69 to its junction with Missouri Highway 13, thence southerly along U.S. Highway 13 to junction with U.S. Highway 65, thence southerly along U.S. Highway 65 to the Arkansas-Missouri State Boundary line and New York, Ohio and Pennsylvania; and (b) from points in Bonner and Kootenai Counties, Idaho and Pend Oreille, Spokane and Stevens Counties, Wash., to points in Kansas, Nebraska, North Dakota and points in Iowa and Missouri west of the above described area. The purpose of this filing is to eliminate the gateways of points in Minnesota and Superior, Wis.

(11) *Lumber*, when moving as contractors' and construction equipment and materials and as building materials (except clay and refractory products, stone, flyash and commodities in bulk), from points in Bonner and Kootenai Counties, Idaho and points in Pend Oreille, Spokane and Stevens Counties, Wash., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut and points in New York on and north of New York Highway 23 beginning at the New York-Massachusetts State Boundary line, thence west along New York Highway 23 through Catskill, Stamford and Oneonta to Norwich, New York, thence north along New York Highway 12 through Sherburne, Utica and Watertown, N.Y. to the junction of New York State Boundary line at Clayton, N.Y. The purpose of this filing is to eliminate the gateways of points in Minnesota, Superior, Wis. and Alliance, Ohio.

(12) *Lumber*, when moving as wall board, pulpboard and insulation, (a) from points in Bonner and Kootenai Counties, Idaho and Pend Oreille, Spokane and Stevens Counties, Wash., to points in Arkansas, Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and the District of Columbia; and (b) from points in Bonner and Kootenai Counties, Idaho and Pend Oreille, Spokane and Stevens Counties, Wash., to points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Cloquet, Minn.

(13) *Lumber*, when moving as contractors' and construction equipment and materials and as building and roofing slabs, tile and panels, from points in Bonner and Kootenai Counties, Idaho and Pend Oreille, Spokane and Stevens Counties, Wash., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont and the District of Columbia. The purpose of this filing is to eliminate the gateways of points in Minnesota and Cornell, Wis.

(14) *Lumber*, when moving as equipment, materials and supplies used in the quarrying, fabricating and installation of granite, marble, slate and stone, (a) from points in Bonner and Kootenai Counties, Idaho and Pend Oreille, Spokane and Stevens Counties, Wash., to points in Nebraska on and east of U.S. Highway 281, points in Kansas on and east of U.S. Highway 281, points in Oklahoma on and east of U.S. Highway 281 from the Kansas-Oklahoma State Boundary line, southerly along Oklahoma Highway 281 to its intersection with U.S. Highway 64, thence westerly along Oklahoma Highway 6 to its intersection with Oklahoma Highway 34, thence south on Oklahoma Highway 34 to its intersection with U.S. Highway 283 near Willow, thence southerly along Oklahoma Highway 283 to the Oklahoma-Texas State Boundary line, points in Texas, on, east and south of U.S. Highway 283 from the Oklahoma-Texas State Boundary line, southerly to intersection with U.S. Highway 87, thence southerly along Texas Highway 87 to intersection with U.S. Highway 377, thence southerly along Texas Highway 377 to the International Boundary line between Texas and the Republic of Mexico, and points in States east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas; and (b) from points in Bonner and Kootenai Counties, Idaho and Pend Oreille, Spokane and Stevens Counties, Wash., to points in Nebraska, Kansas, Oklahoma and Texas west of the above described area, points in North Dakota and all points in the states west of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of points in Minnesota.

(15) *Lumber*, when moving as contractors' and construction equipment and materials, from points in Sanders, Mineral, Missoula, and Ravalli Counties, Mont., to points in Minnesota. The purpose of this filing is to eliminate the gateway of points in South Dakota.

(16) *Lumber*, when moving as contractors' and construction equipment and materials, (a) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, Mont., to points in Minnesota on, south and east of U.S. Highway 2 from East Grand Forks to the junction with U.S. Highway 59, thence along U.S. Highway 59 north to the junction with Minnesota Highway 32, thence along Minnesota Highway 32 to its junction with Minnesota Highway 11, thence along Minnesota Highway 11 to its junction with Minnesota Highway 89, thence along Minnesota Highway 89 to the Canadian border; and (b) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, Mont., to points in Minnesota north and west of the above described area. The purpose of this filing is to eliminate the gateways of points in South Dakota.

(17) *Lumber*, when moving as contractors' and construction equipment and materials, from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, Mont., to points in Iowa and Wisconsin. The purpose of this filing is to eliminate the gateways of points in South Dakota and Minnesota.

(18) *Lumber*, when moving as contractors' and construction equipment and materials, and as building and roofing, slabs, tile and panels and related materials, parts, supplies and accessories, (a) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, Mont., to points in Iowa on and east of U.S. Highway 63 and points in Missouri on and east of U.S. Highway 63; and (b) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, Mont., to points in Iowa and Missouri that are west of the above described areas and points in Colorado, Kansas, Montana, Nebraska, North Dakota and Wyoming. The purpose of this filing is to eliminate the gateways of points in South Dakota, Minnesota and Cornell, Wis.

(19) *Lumber*, when moving as wood shavings in bales and bags and by-products thereof in bundles, bales and bags, (a) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, Mont., to points in Illinois, Iowa, Indiana, Missouri, Michigan, Wisconsin, points in Kansas on and east of U.S. Highway 77, points in Nebraska on and east of U.S. Highway 77 and Fargo, N. Dak., and (b) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, Mont., to points in Kansas and Nebraska west of the above described area and all points in North Dakota (except Fargo, N. Dak.). The purpose of this filing is to eliminate the gateways of South Dakota and Otter Tail County, Minn.

(20) *Lumber and millwork* when moving as contractors' and construction equipment and materials; (a) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, Mont., to points in Illinois, Wisconsin, points in Minnesota on, south and east of State Highway 48 from the Wisconsin border to the junction with Interstate Highway 35 near Hinckley, thence Interstate Highway 35 to the Iowa border, points in Iowa on and east of Interstate Highway 35 from the Minnesota border to Des Moines, thence U.S. Highway 65 to the Missouri border, points in Missouri on and east of State Highway 5. and (b) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, Mont., to

points in Minnesota, Iowa and Missouri that are west of the above described areas and points in Kansas and Nebraska. The purpose of this filing is to eliminate the gateways of points in South Dakota, Minnesota and Birchwood, Wis.

(21) *Lumber*, when moving as contractors' and construction equipment and materials and as plywood, veneer, wood paneling, hardboard, wallboard and particleboard, and *materials, supplies and accessories* used in connection therewith, (a) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, Mont., to points in Minnesota on and east of U.S. Highway 63 beginning at Lake City to the Iowa State Boundary line near Chester, Iowa, and points in Iowa on and east of U.S. Highway 63 from the Minnesota State Boundary line to Waterloo, thence along U.S. Highway 218 to the Missouri State Boundary line near Keokuk, Iowa; and (b) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, Mont., to points in that part of Iowa and Minnesota that are west of the above described areas and points in Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota and Wyoming. The purpose of this filing is to eliminate the gateways of points in South Dakota, Minnesota and Phillips, Wis.

(22) *Lumber*, when moving as contractors' and construction equipment and materials and as wood fencing, wood posts, wood rails and *accessories used* in the installation of the above-mentioned commodities; (a) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, Mont., to points in Iowa on and east of Interstate Highway 35 from the Minnesota State Boundary line to Des Moines, Iowa, thence along U.S. Highway 65 to the Missouri State Boundary line, points in Missouri on and east of Missouri Highway 5, points in Arkansas on, south and east of Arkansas Highway 5 from the Missouri State Boundary line to intersection with U.S. Highway 62, thence west along Arkansas Highway 62 to intersection with U.S. Highway 65 near Bellefonte, thence along Arkansas Highway 65 to Little Rock, thence U.S. Highway 167 to the Louisiana State Boundary Line points in Louisiana on and east of U.S. Highway 167 from the Arkansas State Boundary line to intersection with Louisiana Highway 333, thence along Louisiana Highway 333 to the Gulf of Mexico, points in Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, New York, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Delaware, District of Columbia, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi and Florida; and (b) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, Mont., to points in Iowa, Missouri, Arkansas, and Louisiana that are west of the above described areas and points in North Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming and Montana. The purpose of this filing is to eliminate the gateways of points in South Dakota and Beltrami County, Minn.

(23) *Lumber*, when moving as contractors' and construction equipment and materials and as built-up wood, doors, sash and woodwork; (a) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, Mont., to points in Illinois, Indiana on and west of U.S. Highway 31 and on north of U.S. Highway 24, and points in the Upper Peninsula of Michigan on and east of U.S. Highway 45 from the Wisconsin State Boundary line to its intersection with State Highway 26 near Greenland, thence along Michigan Highway 26 to its intersection with U.S. Highway 41 near Hancock, thence along Michigan Highway 41 to its intersection with Michigan Highway 26, thence along Michigan Highway 26 to Cooper Harbor; and (b) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, Mont., to points in Michigan, west of the above described area and points in Minnesota. The purpose of this filing is to eliminate the gateways of points in South Dakota, Minnesota and New London, Wis.

(24) *Lumber*, when moving as contractors' and construction equipment and materials and as building materials; from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, Mont., to points in the Chicago, Ill. Commercial Zone as defined by the Commission. The purpose of this filing is to eliminate the gateways of points in South Dakota, Minnesota and New London, Wis.

(25) *Lumber and shingles*, when moving as contractors' and construction equipment and materials, from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, Mont., to points in Illinois on and north of U.S. Highway 36. The purpose of this filing is to eliminate the gateways of points in South Dakota, Minnesota and New London, Wis.

(26) *Lumber, poles and pilings* when moving as contractors' and construction equipment and materials, (a) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, Mont., to points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, Michigan, New York, points in Iowa on and east of U.S. Highway 218 from the Minnesota State Boundary line to Waterloo, thence along Iowa Highway 21 to intersection with Iowa Highway 92, thence along Iowa Highway 92 to its intersection with Iowa Highway 149, thence along Iowa Highway 149 southerly to its intersection with U.S. Highway 63, thence along Iowa Highway 63 to its intersection with Iowa Highway 2, thence along Iowa Highway 2 to its intersection with Iowa Highway 15, thence along Iowa Highway 15 to the Missouri State Boundary line, points in Minnesota on and east of Minnesota Highway 15 from the Iowa State Boundary line southerly to its intersection with U.S. Highway 54, thence along Minnesota Highway 54 to its intersection with U.S. Highway 63, thence along U.S. Highway 63 to the Arkansas State Boundary line, and points in Minnesota on and east of U.S. Highway 53 from International Falls southerly to its intersection with Minnesota Highway 73, thence along Minnesota Highway 73 to its intersection with U.S. Highway 61, thence along Minnesota Highway 61 to its intersection with Minnesota Highway 23, thence along Minnesota Highway 23 to its intersection with Minnesota Highway 65, thence along Minnesota Highway 65 to intersection with Interstate Highway 35, thence along Interstate Highway 35 to its intersection with U.S. Highway 218, thence along Minnesota Highway 218 to the Iowa State Boundary line; and (b) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, Mont., to points in Minnesota, Missouri and Iowa west of the above described area and points in Kansas, Nebraska and North Dakota. The purpose of this filing is to eliminate the gateways of points in South Dakota, Minnesota and Superior, Wis.

(27) *Lumber*, when moving as contractors' and construction equipment and materials and as building materials (except clay and refractory products, stone, flyash and commodities in bulk), from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, Mont., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut and points in that part of New York on and north of a line beginning at the Massachusetts State Boundary line near Hillside, N.Y. and extending westerly along New York Highway 23 through Catskill, Stamford and Oneonta to Norwich, N.Y., thence northerly along New York Highway 12 through Sherburne, Utica, and Watertown, N.Y., to intersection of New York State Boundary line at Clayton, N.Y. The purpose of this filing is to eliminate the gateways of points in South Dakota, Minnesota, Superior, Wis., and Alliance, Ohio.

(28) *Lumber*, when moving as contractors' and construction equipment and materials and as wallboard, pulpboard and hardboard, (a) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, Mont., to points in Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and the District of Columbia and points in Arkansas on and east of U.S. Highway 63 from the Missouri State Boundary line to its intersection with U.S. Highway 167 near Hardy, thence along Arkansas Highway 167 to the Louisiana State Boundary line; and (b) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties, Mont., to points in Arkansas west of the above described area and points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateways of points in South Dakota and Cloquet, Minn.

(29) *Lumber*, when moving as contractors' and construction equipment and

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materials and as building roofing slabs, tile and panels and related materials, parts, supplies and accessories, from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, Mont., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont and the District of Columbia. The purpose of this filing is to eliminate the gateways of points in South Dakota, Minnesota and Cornell, Wis.

(30) *Lumber*, when moving as equipment, materials and supplies used in the quarrying, fabricating, manufacturing and installation of granite, marble, slate and stone (except commodities which because of size or weight require the special equipment and commodities in bulk), (a) from points in Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, Mont., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, West Virginia, Ohio, Indiana, Michigan, Illinois, Louisiana, Arkansas, Missouri, Iowa, Nebraska points on and east of U.S. Highway 281, Kansas points on and east of U.S. Highway 281, points in Oklahoma on and east of U.S. Highway 281 from the Kansas State Boundary line to its intersection with U.S. Highway 183, thence along Oklahoma Highway 183, to its intersection with Interstate Highway 40, thence westerly along Interstate Highway 40 to intersection with Oklahoma Highway 44, thence southerly along Oklahoma Highway 44 to intersection with U.S. Highway 283, thence along Oklahoma Highway 283 to the Texas State Boundary line, points in Texas on and east of U.S. Highway 283 from the Oklahoma State Boundary line intersection with U.S. Highway 87, thence along Texas Highway 87 to intersection with U.S. Highway 377, thence along Highway 377 to the intersection with Texas Highway 27, and Interstate Highway 10, thence along Texas Highway 27, and Interstate Highway 10, to intersection with Texas Highway 16, thence along Texas Highway 16 to the International Boundary line between Texas and the Republic of Mexico and; (b) from points in Flathead, Lake Lincoln, Mineral, Missoula, Ravalli and Sanders Counties, Mont., to points in Texas, Oklahoma, Kansas, Nebraska west of the above described areas and points in North Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Nevada, California, Oregon and Washington. The purpose of this filing is to eliminate the gateway of points in Codington County, S. Dak.

NOTE.—Common control may be involved. This is a gateway elimination request and is a matter directly related to a Section 5(2) proceeding in MC–F–2623, published in the FEDERAL REGISTER issue of September 10, 1975. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 112713 (Sub-No. 186), filed September 3, 1975. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: David B. Schneider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in Lancaster County, Pa. on the one hand, and, on the other, points in Suffolk County, N.Y. The purpose of this filing is to eliminate a gateway at points in Essex County, N.J.

NOTE.—This is a gateway elimination request and is directly related to a Section 5(2) proceeding in MC–F–12626 published in the FEDERAL REGISTER issue of September 17, 1975. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 139809 (Sub-No. 8), filed September 8, 1975. Applicant: FORBES REFRIGERATED TRANSPORT, INC., 2001 Charleston Road, Wilson, N.C. 27893. Applicant's representative: David H. Permar, 327 Hillsborough Street, P.O. Box 527, Raleigh, N.C. 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Solid refrigerated products*, including commodities of a perishable nature such as fresh fish, meats, meat products, fruits, vegetables, dairy products, and other commodities which require refrigeration while in transit and the use of vehicles with temperature controls; and (2) *commodities* requiring refrigerated temperature control (except liquid commodities, in bulk, in tank vehicles, or in containers exceeding 100 gallon capacity), between points in North Carolina. Note: Applicant states that it intends to tack the requested authority with its existing authority in (1) the lead certificate at Wilson, N.C. to provide a through service (a) from points in North Carolina, to points in Maryland, Delaware, Pennsylvania, New Jersey and New York; (b) from points in North Carolina, to points in West Virginia; and at Kinston, N.C. to provide a through service from (a) points in North Caroline, to points in Connecticut, Maryland, New Jersey, New York, Pennsylvania; and (b) from points in Connecticut, Maryland, New Jersey, New York, and Pennsylvania, to points in North Carolina; and at Raleigh, Fayetteville and Goldsboro, N.C., to provide a through service from points in the New York, N.Y. Commercial Zones as defined in the Fifth Supplemental Report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 541, within which local operations may be conducted, to points in North Carolina; and (2) in Sub-No. 7, at Wilson, N.C., to provide a through service from points in North Carolina, to points in Massachusetts and Virginia. The purpose of this application is to convert a Certificate of Registration applicant seeks to acquire, to a Certificate of Public Convenience and Necessity.

NOTE.—This is a matter directly related to a Section 5(2) proceeding in MC–F–12634 published in the FEDERAL REGISTER issue of September 24, 1975. If a hearing is deemed necessary, the applicant requests it be held at either Raleigh, N.C., Richmond, Va., or Washington, D.C.

No. MC–F–12557. (Amendment) (TRANSCON LINES — PURCHASE (PORTION) — CENTRAL MOTOR LINES, INC., NORTHERN FREIGHT LINES, INC., and AKERS MOTOR LINES, INCORPORATED), published in the July 2, 1975, issue of the FEDERAL REGISTER. A supplement to the agreement between CENTRAL MOTOR LINES (CENTRAL), NORTHERN FREIGHT LINES, INC. (NORTHERN), TRANSCON LINES (TRANSCON), AKERS MOTOR LINES, INC. (AKERS-N.C.) and AKERS MOTOR LINES, INC. (AKER-DEL). The parties agreed to substitute additional operating authorities of CENTRAL in lieu of the operating authorities of AKERS–N.C. as more specifically described below: Between Monroe, N.C., and Chester, S.C., serving all intermediate points, and the off-route points of Waxhaw and Mineral Springs, N.C., and Great Falls, S.C., between Lancaster, S.C., and Charleston, S.C., serving no intermediate points, between Rock Hill, S.C., and Columbia, S.C., serving no intermediate points, between Pageland, S.C., and Darlington, S.C., serving no intermediate points, and serving Darlington for purposes of joinder only, between Chester, S.C., and North Augusta, S.C., serving no intermediate points, between Wallace, S.C., and Florence, S.C., serving no intermediate points, with restriction, between points in South Carolina, with restriction, between Asheboro, N.C. and Wallace, S.C., in connection with otherwise authorized regular route operations between Greensboro, N.C., and Florence, S.C., serving no intermediate points, between Monroe, N.C., and Pageland, S.C., in connection with otherwise authorized regular route operations between Charlotte, N.C., and Florence, S.C., serving no intermediate points. The supplement to the agreement provided further that in the event the substituted additional operating authorities of Central are not authorized to be transferred by the Interstate Commerce Commission, then the originally designated operating authorities of AKERS-N.C. are to be transferred upon appropriate approval by the Commission. (See F.R. publication of 7/2/75). Hearing: Set for December 2, 1975, (9 days), at 9:30 a.m. local time at Charlotte, N.C., in a hearing room to be later designated.

No. MC–F–12647. Authority sought for purchase by M. G. M. TRANSPORT CORPORATION, 70 Maltese Drive, Totowa, N.J. 07512, of a portion of the operating rights of DEHART MOTOR LINES, INC., N.C. CORPORATION (a Bankrupt), U.S. Highway 64—70 East, P.O. Box 368, Conover, N.C. 28613, and for acquistion by MICHAEL MASSOOD, and GEORGE MASSOOD, also of Totowa, N.J. 07512, of control of such rights through the purchase. Applicant's attorneys: Kenneth Thomas, 343 2nd St., N.W., Hickory, N.C. 28601, and Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Operating rights sought to be transferred: *New furniture*, as a *common carrier* over irregular routes, from High Point, Thomasville, and Lenoir, N.C., to Richmond, Va., Wilmington, Del., Baltimore, Md., Philadelphia, Pa., and Washington, D.C.; from Mebane, Drexel, Morganton, and Marion, N.C., to Richmond, Va., Baltimore, Md., Wilmington, Del., Philadelphia, Pa., and points in the Washington, D.C. Commercial Zone as defined by the Commission in 3 M.C.C. 243. Vendee is authorized to operate as a *common carrier* in North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12649. Authority sought for purchase by BUDIG TRUCKING CO., 1100 Gest Street, Cincinnati, OH., 45203, of the operating rights and property of WESTERN TRUCKING COMPANY, 4560 N. Second Avenue, St. Louis, MO., 63147, and for acquisition by OTTO M. BUDIG, Sr., OTTO M. BUDIG, Jr., and GEORGE J. BUDIG, all of Cincinnati, OH., 45203, of control of such rights through the purchase. Applicants' attorneys: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, OH 45202, and David Axelrod, 39 South LaSalle St., Chicago, IL., 60603. Operating rights sought to be transferred: *General commodities*, with exception as a *common carrier* over regular routes between St. Louis, Mo., and Cincinnati, Ohio, and Louisville, Ky., between Louisville, Ky., and Cincinnati, Ohio, and Seymour, Ind., services is authorized to and from East Alton, Ill., as an off-route point in connection with said carrier's regular route operations between St. Louis, Mo., on the one hand and Louisville, Ky., and Cincinnati, Ohio on the other, serving Buckner, Ky., as an off-route point in connection with carrier's authorized regular route operations to and from Louisville, KY., *Roofing* as a *common carrier* over irregular routes from points and places in the above-specified St. Louis, Mo.—East St. Louis, Ill., Commercial Zone, Robertson, Mo., the site of the Ford Motor Company plant, near Robertson, the site of Lambert Airfield, and Ferguson, Mo., to Franklin, Ohio, *Petroleum products*, from Wood River and Roxana, Ill., to Cincinnati, Ohio, and points in that part of Ohio within 125 miles of Cincinnati, *radiators*, from Edwardsville, Ill., to Cincinnati, Ohio, *paints and paint materials*, from Collinsville, Ill., to Cincinnati and Chillicothe, Ohio, and Richmond, Ind., from East St. Louis, Ill., to Richmond, Ind., *leather and leather board*, between Caseyville, Ill., and Cincinnati, Ohio, *general commodities*, with exceptions, between points and places in the St. Louis, Mo.—East St. Louis, Ill., Commercial Zone, supra, on the one hand, and, on the other, points in St. Louis County, Mo., and those in St. Clair and Madison Counties, Ill., between points and places in the St. Louis, Mo.—East St. Louis, Ill., Commercial Zone, supra. Vendee is authorized to operate as a *common carrier* in Ohio, Indiana, and Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12651. Authority sought for continuance in control by TRANSPORTATION CONSULTANTS, INC., 6538 Collamer Road, East Syracuse, NY 13057, of (B) FOOD HAUL, INC., and its subsidiaries, (BB) J. C. D. TRANSPORTATION CORP., and (BBB) FLEETWOOD TRANSPORTATION CORP., and for acquisition by FREDERIC J. DURKIN, and JOHN C. DURKIN, JR., all of the above address, of control of FOOD HAUL, INC.; J. C. D. TRANSPORTATION CORP.; and FLEETWOOD TRANSPORTATION CORP.; through the acquisition by TRANSPORTATION CONSULTANTS, INC. Applicants' attorney: John Andrew Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Operating rights sought for continuance in control: (B) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, as a *contract carrier* over irregular routes, between points in Ohio and those parts of Pennsylvania, Maryland, West Virginia, and Kentucky within the territory bounded by a line beginning at Marlinton, W. Va., and extending in a southwesterly direction through Ronceverte, Hinton, and Mullens, W. Va., to certain specified points in Kentucky, Ohio, Pennsylvania and West Virginia, between Jacksonville, Fla., and Summerville, S.C., between points in Duval County, Fla., on the one hand, and, on the other, points in Decatur, Colquitt, Thomas, Lowndes, Coffee, Ben Hill, Wayne, Bulloch, Tift and Ware Counties, Ga., and points in Florida, between Jacksonville, Fla., on the one hand, and, on the other, Savannah, Ga., and Beaufort, Charleston, and Walterboro, S.C., between Charleston, S.C., on the one hand, and, on the other, Beaufort and Walterboro, S.C., and Savannah, Ga., between Jacksonville, Baldwin, Lake City, Live Oak, Madison, Monticello, Tallahassee, Havana, Quincy, Starke, Waldo, Hawthorne, Ocala, Wildwood, Bushnell, Dade City, Leesburg, Tavares, Mount Dora, Apopka, Ocoee, Winter Garden, Orlando, Kissimmee, Saint Cloud, Groveland, Clermont, Polk City, Auburndale, Winter Haven, Lake Wales, Haines City, Dundee, Dunnellon, Iverness, Brooksville, Gainsville, Archer, Williston, Belleview, Summerfield, Weirsdale, Umatilla, and Eustis, Fla., between Jacksonville and Fernandina Beach, Fla., and Brunswick, Ga., with restrictions; between Jacksonville, Tampa, St. Petersburg, Clearwater, Tarpon Springs, Palmetto, Bradenton, Manatee, Sarasota, Venice, Arcadia, Punta Gorda, Fort Myers, Avon Park, Sebring, Frostproof, Plant City, Mulberry, Bushnell, Brooksville, Dade City, Iverness, Haines City, Dundee, Lake Wales, Winter Haven, Auburndale, Zephyrhills, Lakeland, Bartow, Fort Meade, and Wauchula, Fla.

(BB) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, as a *contract carrier* over irregular routes, between points in Chemung County, N.Y., on the one hand, and, on the other, points in a defined area of Pennsylvania, with restriction; between points within the territory bounded by a line beginning at Port Jervis, N.Y., and extending in a northeasterly direction through Wurtsboro, N.Y., to points in a defined area of New York, and Pennsylvania, between points in the above-specified territory, on the one hand, and, on the other, New York, N.Y., Newark, Jersey City, and Trenton, N.J., and Philadelphia, Pa.; *fruits, vegetables, farm products, poultry*, and *sea food* in the respective seasons of their productions, from points in New York, New Jersey, and Pennsylvania to points in the above-specified territory, with restriction; (BBB) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses (except commodities in bulk), as a *contract carrier* over irregular routes, from Fleetwood, Pa., to points in Pennsylvania, New York, New Jersey, Maryland, Delaware, and the District of Columbia, from Fleetwood, Pa., to points in Virginia and West Virginia, from points in Pennsylvania, New York, New Jersey, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia, to Fleetwood, Pa., with restrictions. TRANSPORTATION CONSULTANTS, INC., holds the stock of various non-regulated transportation corporations such as leasing company and a driver manpower company. None of these operations are subject to the jurisdiction of the Commission.

NOTE.—Motion to dismiss filed simultaneously herewith for lack of jurisdiction.

No. MC–F–12652. Authority sought for control and merger by RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL 32203, of the operating rights and properties of MERCURY MOTORS, INCORPORATED, 1022 South "Y" St., Fort Smith, AR 72901, and for acquisition by IU TRANSPORTATION SERVICES, INC., which, in turn is controlled by IU INTERNATIONAL CORPORATION, both of The Wilmington Tower, 1105 N. Market St., Wilmington, DE 19801, of control of such rights and properties through the transaction. Applicants' attorneys: Roland Rice, 618 Perpetual Bldg., 1111 E St., N.W., Washington, D.C. 20004, H. Beatty Chadwick, 1500 Walnut St., Philadelphia, PA 19102, and John G. Christy, 1500 Walnut St., Philadelphia, PA 19102. Operating rights sought to be controlled and merged: (A) *General commodities*, with exceptions, as a *common carrier* over regular routes, between Fort Smith, Ark., and Memphis, Tenn., from Memphis, Tenn., to Marianna, Ark.; between Walnut Corner, Ark., and Little Rock and Holly Grove,

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Ark.; between junction U.S. Highway 70 and Arkansas Highway 17 (near Brinkley, Ark.) and Helena, Ark., between Forrest City, Ark., and Marianna, Ark., between Lehi, Ark., and Barton, Ark.; between Levy, Ark., and Camp Joseph T. Robinson, Ark.; between Helena, Ark., and Old Town, Ark.; between Memphis, Tenn., and Forrest City, Ark., between Wynne, Ark., and Memphis, Tenn., and Marianna, Ark.; (B) between Memphis, Tenn., and Snow Lake, Ark.; serving United States missile launching sites in Conway County, Ark., as off-route points in connection with carrier's regular route operations between Morrilton and Plummerville, Ark.; *newspapers*, from Memphis, Tenn., to Marianna, Ark.; *general commodities*, with exceptions, over irregular routes, between Memphis, Tenn., on the one hand, and, on the other, points and places in Crittenden, St. Francis, and Lee Counties, Ark., other than West Memphis, Ark., south of U.S. Highway 70 and on and east of Arkansas Highway 1, and points and place in Phillips and Desha Counties, Ark., east of the White River and north of the Arkansas River; between points and places on the regular routes authorized in (B) above on the one hand, and, on the other, points and places in Arkansas within 15 miles west of Arkansas Highways 44 and 85 between Lakeview and Snow Lake, Ark., in off-route service. RYDER TRUCK LINES, INC., is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-12655. Authority sought for purchase by PLYMOUTH ROCK TRANSPORTATION CORPORATION, 1230 Massachusetts Ave., Boston, MA 02125, of the operating rights of MADONIA AND CARAVELLA TRANSPORTATION, INC., 1050 Millbury St., Worcester, MA 01607, and for acquisition by ARTHUR H. CORT, also of Boston, MA 02125, of control of such rights through the purchase. Applicants' attorneys: Frank J. Weiner, 15 Court Square, Boston, MA 02108, and Arthur Wentzell, P.O. Box 764, Worcester, MA 01613. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC 97617 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Rhode Island, Massachusetts, Connecticut, New York and New Jersey. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-105808 (Sub-No. 10), is a matter directly related.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28486 Filed 10-21-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

OCTOBER 17, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before November 3, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proopsed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 39140 (Sub-No. E1), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between points in Nassau, Putnam, and Suffolk Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey Highway 77. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and Downingtown, Pa.

No. MC 39140 (Sub-No. E2), filed May 14, 1974. Applicant: A DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between points in Columbiana, Dutchess, Orange, Sullivan, and Ulster Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Salem County. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E3), filed May 14, 1974. Applicant: A DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between points in Montgomery, Saratoga, and Schenectady Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Gloucester, Salem, Cumberland, and Cape May Counties. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E4), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between points in Delaware and Otsego Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Salem, Cumberland, and Cape May Counties, and that part of Atlantic County, N.J., on and south of a line beginning at the Cumberland-Atlantic County line, and extending along New Jersey Highway 552 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E5), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between points in Albany, Rensselaer, and Schoharie Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Cape May, Cumberland, and Salem Counties. The purpose of it is filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E6), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between points in Greene County, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Salem and Cumberland Counties. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E7), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between points in Hamilton, and Warren Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 73 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E8), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products* requiring specialized handling or rigging, because of size or weight, between points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction Atlantic County line, thence along the Atlantic County line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E9), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products* requiring specialized handling or rigging, because of size or weight, between points in Washington County, N.Y., on the one hand, and, on the other, points in the part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 73 to junction New Jersey Highway 561, thence along New Jersey Highway 561 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction New Jersey Highway 559, thence along New Jersey Highway 559 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 52, thence along New Jersey Highway 52 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Dowingtown, Pa.

No. MC 39140 (Sub-No. E10), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products* requiring specialized handling or rigging, because of size or weight, between points in Chenango County, N.Y., on the one hand, and, on the other, points in that part of New Jersey in and south of Camden and Atlantic Counties. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E11), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products* requiring specialized handling or rigging, because of size or weight, between points in Madison County, N.Y., on the one hand, and, on the other, points in that part of New Jersey in and south of Camden and Burlington Counties. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E12), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Herkimer County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 38, thence along New Jersey Highway 38 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E13), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Broome, Lewis, and Oneida Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction Ocean County line, thence along Ocean County line to junction New Jersey Highway 72, thence along New Jersey Highway 72, to junction New Jersey Highway 534, thence along New Jersey Highway 534 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa. and Downingtown, Pa.

No. MC 39140 (Sub-No. E14), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between points in Clinton County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction Atlantic County line, thence along Atlantic County line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E 15), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Essex County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 73 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction New Jersey Highway 563, thence along New Jersey Highway 563 to junction New Jersey Highway Atlantic City Expressway, thence along New Jersey Highway Atlantic City Expressway to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E 16), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Franklin County, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E 17), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, be-

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tween St. Lawrence County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 518 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction Middlesex County line, thence along Middlesex County line to junction Ocean County line, thence along the northern border of the Ocean County line via Lakewood, N.J., to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E18), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between points in Cortland County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 37, thence along New Jersey Highway 37 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E19), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between points in Tioga and Onondaga Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey and south of Burlington and Ocean Counties. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E20), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Oswego County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 1 to junction Middlesex County line, thence along Middlesex County line to junction New Jersey Highway 33, thence along New Jersey Highway 33 to junction New Jersey Highway 527, thence along New Jersey Highway 527 to junction New Jersey Highway 526, thence along New Jersey Highway 526 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 88, thence along New Jersey Highway 88 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E21), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Jefferson County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 206 to junction Burlington County line, thence along Burlington County line to junction New Jersey Highway 528, thence along New Jersey Highway 528 to junction New Jersey Highway 539, thence along New Jersey Highway 539 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E22), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Tompkins County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 33 to junction New Jersey Highway 526, thence along New Jersey Highway 526 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 88, thence along New Jersey Highway 88 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E23), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Cayuga County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 1 to junction New Jersey Highway 571, thence along New Jersey Highway 571 to junction New Jersey Highway 526, thence along New Jersey Highway 526 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 88, thence along New Jersey Highway 88 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E24), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel and iron and steel products* requiring specialized handling or rigging because of size or weight, between Seneca County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 518 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction Middlesex County line, thence along Middlesex County line to junction New Jersey Highway 571, thence along New Jersey Highway 571 to junction New Jersey Highway 528, thence along New Jersey Highway 528 to junction New Jersey Highway 88, thence along New Jersey Highway 88 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E25), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel and iron and steel products* requiring specialized handling or rigging because of size or weight, between Chermung County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 546 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 522, thence along New Jersey Highway 522 to junction New Jersey Highway 537, thence along New Jersey Highway 537 to junction New Jersey Garden State Parkway, thence along New Jersey Garden State Parkway to junction New Jersey Highway 520, thence along New Jersey Highway 520 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E26), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Yates County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 518 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction New Jersey Highway 522, thence along New Jersey Highway 522 to junction New Jersey Highway 33, thence along New Jersey Highway 33 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E27), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Ontario and Schuyler Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 518 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction New Jersey Highway 522, thence along New Jersey Highway 522 to junction Middlesex County line, thence along Middlesex County line to junction New Jersey Highway 520, thence along New Jersey Highway 520 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E28), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Wayne County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 518 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction New Jersey Highway 522, thence along New Jersey Highway 522 to junction New Jersey Highway 535, thence along New Jersey Highway 535 to junction New Jersey Highway 18, thence along New Jersey Highway 18 to junction New Jersey Highway 520, thence along New Jersey Highway 520 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville or Downingtown, Pa.

No. MC 39140 (Sub-No. E29), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Steuben County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 202 to junction New Jersey Highway Spur 514, thence along New Jersey Highway Spur 514 to junction Somerset County line, thence along Somerset County line to junction New Jersey Highway 522, thence along New Jersey Highway 522 to junction New Jersey Highway 535, thence along New Jersey Highway 535 to junction New Jersey Highway 527, thence along New Jersey Highway 527 to junction New Jersey Highway 520, thence along New Jersey Highway 520 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E30), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Livingston County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 12 to junction New Jersey Highway Spur 514, thence along New Jersey Highway Spur 514 to junction New Jersey Highway 514, thence along New Jersey Highway 514 to junction Raritan River, thence along Raritan River to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E31), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Monroe County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 518 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction New Jersey Highway 516, thence along New Jersey Highway 516 to junction Middlesex County line, thence along Middlesex County line via Dunellen and Rahway, N.J., to the New Jersey-New York State line. The purpose of this filing is to eliminate the gateways of points in Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E32), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Allegany and Cattaraugus Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 12 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction New Jersey Garden State Parkway, thence along New Jersey Garden State Parkway to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway Business 1, thence along U.S. Highway Business 1 to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E33), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Wyoming County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 12 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction New Jersey Garden State Parkway, thence along New Jersey Garden State Parkway to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway Business 1, thence along U.S. Highway Business 1 to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E34), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Genesee County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 12 to junction New Jersey Highway 514, thence along New Jersey Highway 514 to junction New Jersey Highway 440, thence along New Jersey Highway 440 to the New York-New Jersey State line. The purpose of this filing is to eliminate the

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gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E35), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Orleans County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 202 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Middlesex County line, thence along Middlesex County line via Dunellen, N.J., and Rahway, N.J., to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E36), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Chatautauqua County, N.Y., on the one hand, and, on the other, points in New Jersey excluding those in Sussex County and those in Passaic County north of Interstate Highway 287. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E37), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Erie County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along Interstate Highway 78 to junction New Jersey Garden State Parkway, thence along New Jersey Garden State Parkway to junction Interstate Highway 280, thence along Interstate Highway 280 to via Harrison, N.J., to junction U.S. Business Route 1, thence along U.S. Business Route 1 to the New Jersey-New York State line excluding points in Warren County, N.J. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E38), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Niagara County, N.Y., on the one hand, and, on the other, points in that part of New Jersey in and south of Hunterdon, Somerset, Union, Essex, and Hudson Counties, excluding those points in Hunterdon and Somerset Counties north of Interstate Highway 78 and those in Essex County north of New Jersey Highway 46. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E39), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between points in Connecticut, on the one hand, and, on the other, points in Maryland, Delaware, and District of Columbia. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E40), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Windham and New London Counties, Conn., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 40 to junction New Jersey Highway 55, thence along New Jersey Highway 55 to junction New Jersey Highway 555, and thence along New Jersey Highway 555 to junction with dividing creek and thence along the boundary of dividing creek to the Delaware Bay. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E41), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Boston, Mass., and points in Massachusetts within ten miles of Boston, on the one hand, and, on the other, points in Delaware, Maryland, District of Columbia, and those in New Jersey located in Camden, Gloucester, Salem, Cumberland, Cape May, and that portion of Atlantic County on and south of a line beginning at the Gloucester-Atlantic County line and extending along New Jersey Highway Atlantic City Expressway to junction New Jersey Highway 50, thence along New Jersey Highway 50 to the Cape May County line. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E42), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between points in Kent County, Del., on the one hand, and, on the other, points in Garrett and Allegany Counties, Md. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E43), filed May 14, 1974. Applicant: A DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between points in Calvert and Anne Arundel, Cecil, Kent, Queen Anne's, Caroline, Talbot, Dorchester, Wicomico, Somerset, and Worcester, Md., on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E44), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between points in Garrett County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to junction New York Highway 17 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 26, thence along New York Highway 26 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 185, thence along New York Highway 185 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 56, thence along New York Highway 56 to the St. Lawrence River. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E45), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between points in Allegany County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 26, thence along New York Highway 26 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 185, thence along New York Highway 185 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 56, thence along New York Highway 56 to the St. Lawrence River. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E46), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between points in Washington County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 26 to junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction New York Highway 57, thence along New York Highway 57 to Lake Ontario. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E47), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between points in Carroll and Frederick, Md., on the one hand, and, on the other, points in New York in and east of Oswego, Onondago, Cortland, and Broome. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E48), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between points in Howard, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to junction New York Highway 96, thence along New York Highway 96, via Ithaca, N.Y., to junction U.S. Highway 20, thence along U.S. Highway 20, via Geneva, N.Y., to junction New York Highway 14, thence along New York Highway 14 to Lake Ontario. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E49), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging, because of size or weight, between points in Montgomery, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 282 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 34, thence along New York Highway 34 to junction New York Highway 224, thence along New York Highway 224 to junction New York Highway 14A, thence along New York Highway 14A to junction New York Highway 247, thence along New York Highway 247 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 332, thence along New York Highway 332 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 490, thence along U.S. Highway 490 to junction New York Highway 33, thence along New York Highway 33 to junction New York Highway 261, thence along New York Highway 261 to Lake Ontario. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E50), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron* and *steel products* requiring specialized handling or rigging because of size or weight, between Baltimore County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 34, thence along New York Highway 34 to junction New York Highway 224, thence along New York Highway 224 to the Chemung-Schuyler County line, thence along the Chemung-Schuyler County line to junction Schuyler-Steuben County line, thence along Schuyler-Steuben County line to junction New York Highway 226 to junction U.S. Highway 15 and thence along U.S. Highway 15 to junction New York Highway 401, thence along New York Highway 401 to junction New York Highway 36, thence along New York Highway 36 to junction U.S. Highway 20A, thence along U.S. Highway 20A to Lake Erie. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E51), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Baltimore, Md., on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E52), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products* requiring specialized handling or rigging because of size or weight, between points in Prince Georges County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 98, thence along New York Highway 98 to junction New York Highway 39, thence along New York Highway 39 to junction New York Highway 438, thence along New York Highway 438 to Lake Erie. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E53), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Charles County, Md., on the one hand, and, on the other, points in that part of New York State line and extending along New York Highway 19 to junction New York Highway 243, thence along New York Highway 243 to junction New York Highway 98, thence along New York Highway 98 to junction New York Highway 39, thence along New York Highway 39 to junction New York Highway 438,

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thence along New York Highway 438 to Lake Erie. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E54), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *Iron and steel products* requiring specialized handling or rigging because of size or weight, between Harford and St. Mary's Counties, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line and extending along the Cataraugus-Chautauqua County line to junction New York Highway 39, thence along New York Highway 39 to Lake Erie. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E55), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Howard County, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 76 to junction New Jersey Highway 42, thence along New Jersey Highway 42 to junction Atlantic City Expressway, thence along New Jersey Atlantic Expressway to junction New Jersey Highway 536, thence along New Jersey Highway 536 to junction New Jersey Highway 561, thence along New Jersey Highway 561 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E56), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between points between Montgomery, Prince Georges, Charles, Anne Arundel, and Calvert Counties, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 76 to junction New Jersey Highway 42, thence along New Jersey Highway 42 to junction New Jersey Highway Atlantic City, thence along New Jersey Highway Atlantic City to junction New Jersey Highway 536, thence along New Jersey Highway 536 to junction New Jersey Highway 561, thence along New Jersey Highway 561 to junction New Jersey Highway 54, thence along New Jersey Highway 54 to junction New Jersey Highway 557, thence along New Jersey Highway 557 to junction Tuckahoe River, thence along Tuckahoe River to junction Cumberland-Atlantic County line, thence along Cumberland-Atlantic County line to junction West Creek and thence along West Creek to the Delaware Bay. The purpose of this filing is to eliminate the gateways of Coatesville and Dowingtown, Pa.

No. MC 39140 (Sub-No. E57), filed May 14, 1974. Applicant: A DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Garrett, Allegany, Washington, Frederick, and Carroll Counties, Md., on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E58), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between St. Mary's County, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 322 to junction New Jersey Highway 47, and thence along New Jersey Highway 47 to the Maurice River, thence along the Maurice River to the Delaware Bay. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E59), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Iron and steel and iron and steel products requiring specialized handling or rigging because of size or weight, between Baltimore, Hartford, and Queen Ann Counties, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E60), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Baltimore, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 206 to junction New Jersey Highway 545, thence along New Jersey Highway 545 to junction New Jersey Highway 545 Spur, thence along New Jersey Highway 545 Spur to junction New Jersey Highway 528 Spur, thence along New Jersey Highway 528 Spur to junction Ocean-Burlington County line, thence along Ocean-Burlington County line to junction New Jersey Highway 72, thence along New Jersey Highway 72 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E61), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Kent County, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 206 to junction New Jersey Highway 545, thence along New Jersey Highway 545 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction Ocean-Burlington County line, thence along Ocean-Burlington County line to junction New Jersey Highway 72, thence along New Jersey Highway 72 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E62), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave,, W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Caroline County, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction Ocean-Burlington County line, thence along Ocean-Burlington County line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E63), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Talbot County, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 38 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction Ocean-Burlington County line, and thence along Ocean-Burlington County line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville or Downingtown, Pa.

No. MC 39140 (Sub-No. E64), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Dorchester County, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 76 to junction New Jersey Highway 42, thence along New Jersey Highway Atlantic City Expressway, thence along New Jersey Highway Atlantic City Expressway to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E65), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between Wicomico, Worcester, and Somerset Counties, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to junction Ocean-Burlington County line, thence along Ocean-Burlington County line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E66), filed May 14, 1974. Applicant: A. DUIE PYLE INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between points in New Castle County, Del., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along Interstate Highway 80, via Netcong, N.J., to junction U.S. Highway 46, thence along U.S. Highway 46 to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E67), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between points in Sussex County, Del., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 206 to junction New Jersey Highway 68, thence along New Jersey Highway 68 to junction New Jersey Highway 545, thence along New Jersey Highway 545 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 37, thence along New Jersey Highway 37 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E68), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between points in Kent County, Del., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 33 to junction U.S. Highway 130, thence along U.S. Highway 130 to junction New Jersey Highway 33, thence along New Jersey Highway 33 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville and Downingtown, Pa.

No. MC 39140 (Sub-No. E69), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel products* requiring specialized handling or rigging because of size or weight, between points in Delaware, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateways of Coatesville and Downington, Pa.

No. MC 39140 (Sub-No. E70), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Nassau, Putnam, and Suffolk Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Salem County east of New Jersey Highway 77. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E71), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Columbia, Dutchess, Orange, Sullivan, and Ulster Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Salem County. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E72), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Montgomery, Saratoga, and Schenectady County, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Gloucester, Salem, Cumberland, and Cape May Counties. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E73), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Delaware and Otsego Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Salem, Cumberland, and Cape May Counties, N.J., and that part of Atlantic County, N.J., on and south of a line beginning at the Cumberland-Atlantic County line and extending along New

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Jersey Highway 552 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E74), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Albany, Rensselaer, and Schoharie Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Cape May, Cumberland, and Salem Counties. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E75), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Greene County, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Salem and Cumberland Counties. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E76), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and parts*, between points in Warren and Hamilton Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 73 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E77), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith Smith (same as above). Authority sought operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Fulton County, N.Y., on the hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction Atlantic County line, thence along Atlantic County line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E78), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Washington County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 73 to junction New Jersey Highway 561, thence along New Jersey Highway 561 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction New Jersey Highway 559, thence along New Jersey Highway 559 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 52, thence along New Jersey Highway 52 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E79), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Chenango County, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Camden and Atlantic Counties. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E80), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Madison County, N.Y., on the one hand, and, on the other, points in that part of New Jersey in and south of Camden and Burlington Counties. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E81), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Herkimer County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 38, thence along New Jersey Highway 38 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E82), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Broome, Lewis, and Oneida Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction Ocean County line, thence along Ocean County line to junction New Jersey Highway 72, thence along New Jersey Highway 72 to junction New Jersey Highway 534, thence along New Jersey Highway 534 to the Atlantic Ocean. The purpose of the filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E83), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Clinton County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413, to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction Atlantic County line, thence along Atlantic County line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E84), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Essex County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 73 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction New Jersey Highway 563, thence along New Jersey Highway 563 to junction New Jersey Highway Atlantic City Expressway, thence along New Jersey Highway Atlantic City Expressway to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E85), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and parts*, between Franklin County, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem Counties. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E86), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and parts*, between St. Lawrence County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 518 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction Middlesex County line, thence along Middlesex County line to junction Ocean County line via Lakewood, N.J., to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E87), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Cortland County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 37, thence along New Jersey Highway 37 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E88) filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Tioga and Onondaga Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey in and south of Burlington and Ocean Counties. The purpose of this filing is to eliminate the gateway of Chester, Pa.

No. MC 39140 (Sub-No. E89), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and parts*, between Oswego County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 1 to junction Middlesex County line, thence along Middlesex County line to junction New Jersey Highway 33, thence along New Jersey Highway 33 to junction New Jersey Highway 527, thence along New Jersey Highway 527 to junction New Jersey Highway 526, thence along New Jersey Highway 526 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 88, thence along New Jersey Highway 88 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E90), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and parts*, between Jefferson County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 206 to junction Burlington County line, thence along Burlington County line to junction New Jersey Highway 528, thence along New Jersey Highway 528 to junction New Jersey Highway 539, thence along New Jersey Highway 539 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E91), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and parts*, between Tompkins County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 33 to junction New Jersey Highway 526, thence along New Jersey Highway 526 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 88, thence along New Jersey Highway 88 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E92), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Cayuga County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 1 to junction New Jersey Highway 571, thence along New Jersey Highway 571 to junction New Jersey Highway 526, thence along New Jersey Highway 526 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 88, thence along New Jersey Highway 88 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E93), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and parts*, between Seneca County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 518 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction Middlesex County line, thence along Middlesex County line to junction New Jersey Highway 571, thence along New Jersey Highway 571 to junction New Jersey Highway 528, thence along New Jersey Highway 528 to junction New Jersey Highway 88, thence along New Jersey Highway 88 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E94), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and parts*, between Chemung County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 546 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 522, thence along New Jersey Highway 522 to junction New Jersey Highway 537, thence along New Jersey Highway 537 to junction New Jersey Garden State Parkway, thence along New Jersey Garden State Parkway to junction New Jersey Highway 520, thence along New Jersey Highway 520 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E95), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and parts*, between Yates County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning

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at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 518 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction New Jersey Highway 522, thence along New Jersey Highway 522 to junction New Jersey Highway 33, thence along New Jersey Highway 33 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E96), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Ontario and Schuyler Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 518 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction New Jersey Highway 522, thence along New Jersey Highway 522 to junction Middlesex County line, thence along Middlesex County line to junction New Jersey Highway 520, thence along New Jersey Highway 520 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E97), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Wayne County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 518 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction New Jersey Highway 522, thence along New Jersey Highway 522 to junction New Jersey Highway 535, thence along New Jersey Highway 535 to junction New Jersey Highway 18, thence along New Jersey Highway 18 to junction New Jersey Highway 520, thence along New Jersey Highway 520 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E98), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Steuben County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on the south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 202 to junction New Jersey Highway Spur 514, thence along New Jersey Highway Spur 514 to junction Somerset County line, thence along Somerset County line to junction New Jersey Highway 522, thence along New Jersey Highway 522 to junction New Jersey Highway 535, thence along New Jersey Highway 535 to junction New Jersey Highway 527, thence along New Jersey Highway 527 to junction New Jersey Highway 520, thence along New Jersey Highway 520 to Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E99), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Livingston County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 12 to junction New Jersey Highway Spur 514, thence along New Jersey Highway Spur 514 to junction New Jersey Highway 514, thence along New Jersey Highway 514 to junction Raritan River, thence along Raritan River to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E100), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Monroe County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 518 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction New Jersey Highway 516, thence along New Jersey Highway 516 to junction Middlesex County line, thence along Middlesex County line via Dunellen and Rahway, N.J., to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E101), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Allegany and Cattaraugus Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 12 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction New Jersey Garden State Parkway, thence along New Jersey Garden State Parkway to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway Business 1, thence long U.S. Highway Business 1 to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E102), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Wyoming County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 12 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction New Jersey Garden State Parkway, thence along New Jersey Garden State Parkway to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway 1, thence along U.S. Highway 1 to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateways of West Chester, Pa.

No. MC 39140 (Sub-No. E103), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380: Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Genesee County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 12 to junction New Jersey Highway 514, thence along New Jersey Highway 514 to junction New Jersey Highway 440, thence along New Jersey Highway 440 to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E104), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Orleans County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 202 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Middlesex County line, thence along Middlesex County line via Dunellen, N.J., and Rahway, N.J., to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E105), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Niagara County, N.Y., on the one hand, and, on the other, points in that part of New Jersey in and south of Hunterdon, Somerset, Union, Essex, and Hudson excluding those points in Hunterdon and Somerset Counties north of Interstate Highway 78 and those in Essex County north of New Jersey Highway 46. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E106), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Kent County, Del., on the one hand, and, on the other, points in Garrett and Allegany Counties, Md. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E107), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Delaware, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E108), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Calvert, Anne Arundel, Cecil, Kent, Queen Anne's, Caroline, Talbot, Dorchester, Wicomico, Somerset, and Worcester, Md., on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E109), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts* between points in Garrett County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 26, thence along New York Highway 26 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 185, thence along New York Highway 185 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 56, thence along New York Highway 56 to junction New York Highway 37, thence along New York Highway 37 to the St. Lawrence River. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E110), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Allegany County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 26, thence along New York Highway 26 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 185, thence along New York Highway 185 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 56, thence along New York Highway 56 to the St. Lawrence River. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E111), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Washington County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 26 to junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction New York Highway 57, thence along New York Highway 57 to Lake Ontario. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E112), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Carroll and Frederick Counties, Md., on the one hand, and, on the other, points in that part of New York in and east of Oswego, Onondaga, Cortland, and Broome Counties. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E113), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Howard County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to junction New York Highway 96, thence along New York Highway 96 via Ithica, N.Y., to junction U.S. Highway 20, thence along U.S. Highway 20, via Geneva, N.Y., to junction New York Highway 14, thence along New York Highway 14 to Lake Ontario. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E114), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Montgomery County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 282 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 34, thence along New York Highway 34 to junction New York Highway 224, thence along New York Highway 224 to junction New York Highway 14A, thence along New York Highway 14A to junction New York Highway 364, thence along New York Highway 364 to junction New York Highway 247, thence along New York Highway 247 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 332, thence along New York Highway 332 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 490, thence along U.S. Highway 490 to junction New York Highway 33, thence along New York Highway 33 to junction New York Highway 261, thence along New York Highway 261 to Lake Ontario. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E115), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Baltimore County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to junction New York Highway 96, thence along New York Highway

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96 to junction New York Highway 34, thence along New York Highway 34 to junction New York Highway 224, thence along New York Highway 224 to the Chemung-Schuyler County line, thence along the Chemung-Schuyler County line to the Schuyler-Steuben County line, thence along the Schuyler-Steuben County line to junction New York Highway 226, thence along New York Highway 226 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction New York Highway 401, thence along New York Highway 401 to junction New York Highway 36, thence along New York Highway 36 to junction U.S. Highway 20A, thence along U.S. Highway 20A to Lake Erie. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E116), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Baltimore, Md., on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E117), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Prince Georges County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 243, thence along New York Highway 243 to junction New York Highway 98, thence along New York Highway 98 to junction New York Highway 39, thence along New York Highway 39 to junction New York Highway 438, thence along New York Highway 438 to Lake Erie. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E118), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Charles County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 19 to junction New York Highway 243, thence along New York Highway 243 to junction New York Highway 98, thence along New York Highway 98 to junction New York Highway 39, thence along New York Highway 39 to junction New York Highway 438, thence along New York Highway 438 to Lake Erie. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E119), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Harford and St. Mary's Counties, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line and extending along the Cataraugus-Chautauqua County line to junction New York Highway 39, thence along New York Highway 39 to Lake Erie. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E120), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and parts*, between points in the District of Columbia, on the one hand, and, on the other, points in New Jersey, Connecticut, Boston, Mass., and points in Massachusetts within ten miles of Boston and in New York, excluding points on and west of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 305 to junction New York Highway 243, thence along New York Highway 243 to junction New York Highway 98, thence along New York Highway 98 to junction New York Highway 78, thence along New York Highway 78 to junction U.S. Highway 20A, thence along U.S. Highway 20A to junction New York Highway 75, thence along New York Highway 75 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E121), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and parts*, between Niagara County, N.Y., on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the District of Columbia-Virginia border line and extending along U.S. Highway 95 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 29, thence along U.S. Highway 29 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E122), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and parts*, between Erie County, N.Y., on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the Maryland-Virginia State line and extending along U.S. Highway 301 to junction Virginia Highway 207, thence along Virginia Highway 207 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction Virginia Highway 304, thence along Virginia Highway 304 to junction U.S. Highway 501, thence along U.S. Highway 501 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E123), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and parts*, between Chautauqua County, N.Y., on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the Chesapeake Bay at Newport News, Va., and extending along U.S. Highway 60 to junction U.S. Highway 258, thence along U.S. Highway 258 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 35, thence along Virginia Highway 35 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E124), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Cattaraugus County, N.Y., on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the James River, at Jamestown, Va., and extending along Virginia Highway 31 to junction Virginia Highway 5, thence along Virginia Highway 5 to junction Virginia Highway 156, thence along Virginia Highway 156 to junction Virginia Highway 106, thence along Virginia Highway 106 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 49, thence along Virginia Highway 49 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 15, thence along U.S. Highway 15 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E125), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Wyoming and Allegany Counties, N.Y., on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the Maryland-Virginia State line and extending along the Loudon-Potomac County line to junction Virginia Highway 28, thence along Virginia Highway 28 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Orange-Louisa County line, thence along Orange-Louisa County line to junction Albemarle-Louisa County line, thence along Albemarle-Louisa County line to junction Albemarle-Buckingham County line, thence along Albemarle-Buckingham County line to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Bedford-Campbell County line, thence along Bedford-Campbell County line to junction Franklin-Pittsylvania County line, thence along Franklin-Pittsylvania County line to junction Franklin-Henry County line, thence along Franklin-Henry County line to junction Patrick-Henry County line, thence along Patrick-Henry County line to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E126), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Monroe, Schuyler, Chemung, Tioga, and Seneca Counties, N.Y., on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the Maryland-Virginia State line and extending along the Loudoun-Fairfax County line to junction Virginia Highway 28, thence along Virginia Highway 28 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Interstate Highway 81, thence along Interstate Highway 81 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E127), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Wayne, Ontario, and Yates Counties, N.Y., on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the Maryland-Virginia State line and extending along Loudoun-Potomac County line to junction Virginia Highway 28, thence along Virginia Highway 28 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 340, thence along U.S. Highway 340 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Craig-Montgomery County line, thence along Craig-Montgomery County line to junction Giles-Montgomery County line, thence along Giles-Montgomery County line to junction Giles-Pulaski County line, thence along Giles-Pulaski County line to junction Giles-Bland County line, thence along Giles-Bland County line to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E128), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Cayuga and Tompkins Counties, N.Y., on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the Maryland-Virginia State line and extending along the Loudoun-Potomac County line to junction Virginia Highway 28, thence along Virginia Highway 28 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E129), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *machinery* and *parts*, between Broome, Cortland, Onondaga (excluding points north of U.S. Highway 20 and east of U.S. Highway 81), and that part of Oswego County, N.Y., west of U.S. Highway 81 and south of New York Highway 13, on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the Maryland-Virginia State line and extending along U.S. Highway 340 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E130), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Connecticut, on the one hand, and, on the other, points in Delaware, Maryland, Virginia, West Virginia, and District of Columbia. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E131), filed May 14, 1974. Applicant: A DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Windham and New London Counties, Conn., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 40 to junction New Jersey Highway 55, thence along New Jersey Highway 55 to junction New Jersey Highway 555, thence along New Jersey Highway 555 to junction with dividing creek, thence along the boundary of the dividing creek to the Delaware Bay. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E132), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between New Castle County, Del., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along Interstate Highway 80, via Netcong, N.J., to junction U.S. Highway 46, thence along U.S. Highway 46 to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E133), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Sussex County, Del., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 206 to junction New Jersey Highway 68, thence along New Jersey Highway 68 to junction New Jersey Highway 545, thence along New Jersey Highway 545 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 37, thence along New Jersey Highway 37 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E134), filed May 14, 1974. Applicant: A. DUIE PYLE,

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INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Kent County, Del., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 33 to junction U.S. Highway 130, thence along U.S. Highway 130 to junction New Jersey Highway 33, thence along New Jersey Highway 33 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E135), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in New Jersey, on the one hand, and, on the other, points in Virginia and West Virginia. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E136), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Howard County, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 76 to junction New Jersey Highway 42, thence along New Jersey Highway 42 to junction Atlantic City Expressway, thence along Atlantic City Expressway to junction New Jersey Highway 536, thence along New Jersey Highway 536 to junction New Jersey Highway 561, thence along New Jersey Highway 561 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E137), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Montgomery, Prince Georges, Charles, Anne Arundel, and Calvert Counties, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 76 to junction New Jersey Highway 42, thence along New Jersey Highway 42 to junction New Jersey Highway Atlantic Expressway, thence along New Jersey Highway Atlantic Expressway to junction New Jersey Highway 536, thence along New Jersey Highway 536 to junction New Jersey Highway 561, thence along New Jersey Highway 561 to junction New Jersey Highway 54, thence along New Jersey Highway 54 to junction New Jersey 557, thence along New Jersey Highway 557 to junction Tuckahoe River, thence along Tuckahoe River to junction Cumberland-Atlantic County line, thence along Cumberland-Atlantic County line to junction West Creek, thence along West Creek to the Delaware Bay. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E138), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between St. Mary's County, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 322 to junction New Jersey Highway 47, thence along New Jersey Highway 47, to junction Maurice River to the Delaware Bay. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E139), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Baltimore, Harford, and Queen Annes Counties, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28479 Filed 10-21-75;8:45 am]

federal register

WEDNESDAY, OCTOBER 22, 1975



PART II:

FEDERAL TRADE COMMISSION

MAIL ORDER MERCHANDISE

■

Promulgation of Trade Regulation Rule

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Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

PART 435—MAIL ORDER MERCHANDISE

Promulgation of Trade Regulation Rule

The Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Subpart B, Part I of the Commission's Procedures and Rules of Practice, 16 CFR 1.11, et seq., has conducted a proceeding for the promulgation of a Trade Regulation Rule concerning Undelivered Mail Order Merchandise and Services. Notice of this proceeding, including a proposed Rule, was published in the FEDERAL REGISTER on September 28, 1971 (36 FR 19092 (1971)). Interested parties were thereafter afforded opportunity to participate in the proceeding through the submission of written data, views and arguments, and to appear and express their views orally and to suggest amendments, revisions, and additions to the proposed Rule.

After it had considered the suggestions, criticisms, objections, and other pertinent information in the Record, the Commission on March 8, 1974, published a revised proposed rule in a notice in the FEDERAL REGISTER (39 FR 9201 (1974)) extending an opportunity to interested parties to submit data, views or arguments regarding the revised proposed Rule. A period of over 90 days was allowed for the submission of written comments on the revised proposal. Written comments of the Direct Mail/Marketing Association (DM/MA) were admitted into the Record at a subsequent date and the public was given 30 days to submit written views and comments related to the DM/MA submission (39 FR 40515 (1974)).

The Commission has now considered all matters of fact, law, policy and discretion, including the data, views and arguments presented on the Record by interested parties in response to the Notices, as prescribed by law, and has determined that the adoption of the Trade Regulation Rule set forth herein and its Statement of Basis and Purpose[1] is in the public interest.

Accordingly, the Commission hereby amends Subchapter D, Trade Regulation Rules, Chapter I of 16 CFR by adding a new Part 435 as follows:

Sec.
435.1 The Rule.
435.2 Definitions.

AUTHORITY: The provisions of this Part 435 issued under 38 Stat. 717, as amended, 15 U.S.C. 41, et seq.

§ 435.1 The Rule.

In connection with mail order sales in commerce, as "commerce" is defined in the Federal Trade Commission Act, it constitutes an unfair method of competition, and an unfair or deceptive act and practice for a seller:

(a)(1) To solicit any order for the sale of merchandise to be ordered by the buyer through the mails unless, at the time of the solicitation, the seller has a reasonable basis to expect that he will be able to ship any ordered merchandise to the buyer: (i) within that time clearly and conspicuously stated in any such solicitation, or (ii) if no time is clearly and conspicuously stated, within thirty (30) days after receipt of a properly completed order from the buyer.

(2) To provide any buyer with any revised shipping date, as provided in paragraph (b), unless, at the time any such revised shipping date is provided, the seller has a reasonable basis for making such representation regarding a definite revised shipping date.

(3) To inform any buyer that he is unable to make any representation regarding the length of any delay unless (i) the seller has a reasonable basis for so informing the buyer and (ii) the seller informs the buyer of the reason or reasons for the delay.

(4) In any action brought by the Federal Trade Commission, alleging a violation of this part, the failure of a respondent-seller to have records or other documentary proof establishing his use of systems and procedures which assure the shipment of merchandise in the ordinary course of business within any applicable time set forth in this part will create a rebuttable presumption that the seller lacked a reasonable basis for any expectation of shipment within said applicable time.

(b)(1) Where a seller is unable to ship merchandise within the applicable time set forth in paragraph (a)(1), above, to fail to offer to the buyer, clearly and conspicuously and without prior demand, an option either to consent to a delay in shipping or to cancel his order and receive a prompt refund. Said offer shall be made within a reasonable time after the seller first becomes aware of his inability to ship within the applicable time set forth in paragraph (a)(1), but in no event later than said applicable time.

(i) Any offer to the buyer of such an option shall fully inform the buyer regarding his right to cancel the order and to obtain a prompt refund and shall provide a definite revised shipping date, but where the seller lacks a reasonable basis for providing a definite revised shipping date the notice shall inform the buyer that the seller is unable to make any representation regarding the length of the delay.

(ii) Where the seller has provided a definite revised shipping date which is thirty (30) days or less later than the applicable time set forth in paragraph (a)(1), the offer of said option shall expressly inform the buyer that, unless the seller receives, prior to shipment and prior to the expiration of the definite revised shipping date, a response from the buyer rejecting the delay and cancelling the order, the buyer will be deemed to have consented to a delayed shipment on or before the definite revised shipping date.

(iii) Where the seller has provided a definite revised shipping date which is more than thirty (30) days later than the applicable time set forth in paragraph (a)(1) or where the seller is unable to provide a definite revised shipping date and therefore informs the buyer that he is unable to make any representation regarding the length of the delay, the offer of said option shall also expressly inform the buyer that his order will automatically be deemed to have been cancelled unless (A) the seller has shipped the merchandise within thirty (30) days of the applicable time set forth in paragraph (a)(1), and has received no cancellation prior to shipment, or (B) the seller has received from the buyer within thirty (30) days of said applicable time, a response specifically consenting to said shipping delay. Where the seller informs the buyer that he is unable to make any representation regarding the length of the delay, the buyer shall be expressly informed that, should he consent to an indefinite delay, he will have a continuing right to cancel his order at any time after the applicable time set forth in paragraph (a)(1) by so notifying the seller prior to actual shipment.

(iv) Nothing in this paragraph shall prohibit a seller who furnishes a definite revised shipping date pursuant to paragraph (b)(1)(i), from requesting, simultaneously with or at any time subsequent to the offer of an option pursuant to paragraph (b)(1), the buyer's express consent to a further unanticipated delay beyond the definite revised shipping date in the form of a response from the buyer specifically consenting to said further delay. *Provided, however,* That where the seller solicits consent to an unanticipated indefinite delay the solicitation shall expressly inform the buyer that, should he so consent to an indefinite delay, he shall have a continuing right to cancel his order at any time after the definite revised shipping date by so notifying the seller prior to actual shipment.

(2) Where a seller is unable to ship merchandise on or before the definite revised shipping date provided under paragraph (b)(1)(i) and consented to by the buyer pursuant to paragraph (b)(1)(ii) or (iii), to fail to offer to the buyer, clearly and conspicuously and without prior demand, a renewed option either to consent to a further delay or to cancel the order and to receive a prompt refund. Said offer shall be made within a reasonable time after the seller first becomes aware of his inability to ship before the said definite revised date, but in no event later than the expiration of the definite revised shipping date. Provided, however, That where the seller previously has obtained the buyer's express consent to an unanticipated delay until a specific date beyond the definite revised shipping date, pursuant to paragraph (b)(1)(iv) or to a further delay until a specific date beyond the definite revised shipping date pursuant to this paragraph (b)(2), that date to which the buyer has expressly consented shall supersede the definite revised shipping date for purposes of this paragraph (b)(2).

[1] Statement of Basis and Purpose filed as part of the original document.

(i) Any offer to the buyer of said renewed option shall provide the buyer with a new definite revised shipping date, but where the seller lacks a reasonable basis for providing a new definite revised shipping date, the notice shall inform the buyer that the seller is unable to make any representation regarding the length of the further delay.

(ii) The offer of a renewed option shall expressly inform the buyer that, unless the seller receives, prior to the expiration of the old definite revised shipping date or any date superseding the old definite revised shipping date, notification from the buyer specifically consenting to the further delay, the buyer will be deemed to have rejected any further delay, and to have cancelled the order if the seller is in fact unable to ship prior to the expiration of the old definite revised shipping date or any date superseding the old definite revised shipping date.

Provided, however, That where the seller offers the buyer the option to consent to an indefinite delay the offer shall expressly inform the buyer that, should he so consent to an indefinite delay, he shall have a continuing right to cancel his order at any time after the old definite revised shipping date or any date superseding the old definite revised shipping date.

(iii) This paragraph (b)(2) shall not apply to any situation where a seller, pursuant to the provisions of paragraph (b)(1)(iv), has previously obtained consent from the buyer to an indefinite extension beyond the first revised shipping date.

(3) Wherever a buyer has the right to exercise any option under this part or to cancel an order by so notifying the seller prior to shipment, to fail to furnish the buyer with adequate means, at the seller's expense, to exercise such option or to notify the seller regarding cancellation. In any action brought by the Federal Trade Commission alleging a violation of this part, the failure of a respondent-seller:

(i) To provide any offer, notice or option required by this part in writing and by first class mail will create a rebuttable presumption that the respondent-seller failed to offer a clear and conspicuous offer, notice or option;

(ii) To provide the buyer with the means in writing (by business reply mail or with postage prepaid by the seller) to exercise any option or to notify the seller regarding a decision to cancel, will create a rebuttable presumption that the respondent-seller did not provide the buyer with adequate means pursuant to this subparagraph (3).

Nothing in paragraph (b) of this part shall prevent a seller, where he is unable to make shipment within the time set forth in paragraph (a)(1) or within a delay period consented to by the buyer, from deciding to consider the order cancelled and providing the buyer with notice of said decision within a reasonable time after he becomes aware of said inability to ship, together with a prompt refund.

(c) To fail to deem an order cancelled and to make a prompt refund to the buyer whenever:

(1) The seller receives, prior to the time of shipment, notification from the buyer cancelling the order pursuant to any option, renewed option or continuing option under this part;

(2) The seller has, pursuant to paragraph (b)(1)(iii), provided the buyer with a definite revised shipping date which is more than thirty (30) days later than the applicable time set forth in paragraph (a)(1) or has notified the buyer that he is unable to make any representation regarding the length of the delay and the seller (i) has not shipped the merchandise within thirty (30) days of the applicable time set forth in paragraph (a)(1), and (ii) has not received the buyer's express consent to said shipping delay within said thirty (30) days;

(3) The seller is unable to ship within the applicable time set forth in paragraph (b)(2), and has not received, within the said applicable time, the buyer's consent to any further delay;

(4) The seller has notified the buyer of his inability to make shipment and has indicated his decision not to ship the merchandise;

(5) The seller fails to offer the option prescribed in paragraph (b)(1) and has not shipped the merchandise within the applicable time set forth in paragraph (a)(1).

(d) In any action brought by the Federal Trade Commission, alleging a violation of this part, the failure of a respondent-seller to have records or other documentary proof establishing his use of systems and procedures which assure compliance, in the ordinary course of business, with any requirement of paragraphs (b) or (c) of this part will create a rebuttable presumption that the seller failed to comply with said requirements.

NOTE 1: This part shall not apply to subscriptions, such as magazine sales, ordered for serial delivery, after the initial shipment is made in compliance with this part.

NOTE 2: This part shall not apply to orders of seeds and growing plants.

NOTE 3: This part shall not apply to orders made on a collect-on-delivery (C.O.D.) basis.

NOTE 4: This part shall not apply to transactions governed by the Federal Trade Commission's Trade Regulation Rule entitled "Use of Negative Option Plans by Sellers in Commerce", 16 CFR 425.

NOTE 5: By taking action in this area, the Federal Trade Commission does not intend to preempt action in the same area, which is not inconsistent with this part, by any State, municipal, or other local government. This part does not annul or diminish any rights or remedies provided to consumers by any State law, municipal ordinance, or other local regulation, insofar as those rights or remedies are equal to or greater than those provided by this part. In addition, this part does not supersede those provisions of any State law, municipal ordinance, or other local regulation which impose obligations or liabilities upon sellers, when sellers subject to this part are not in compliance therewith. This part does supersede those provisions of any State law, municipal ordinance, or other local regulation which are inconsistent with this part to the extent that those provisions do not provide a buyer with rights which are equal to or greater than those rights granted a buyer by this part. This part also supersedes those provisions of any State law, municipal ordinance, or other local regulation requiring that a buyer be notified of a right which is the same as a right provided by this part but requiring that a buyer be given notice of this right in a language, form, or manner which is different in any way from that required by this part.

In those instances where any State law, municipal ordinance, or other local regulation contains provisions, some but not all of which are partially or completely superseded by this part, the provisions or portions of those provisions which have not been superseded retain their full force and effect.

NOTE 6: If any provision of this part or its application to any person, partnership, corporation, act or practice is held invalid, the remainder of this part or the application of the provision to any other person, partnership, corporation, act or practice shall not be affected thereby.

NOTE 7: Section 435.1(a)(1) of this part governs all solicitations where the time of solicitation is more than 100 days after promulgation of this part. The remainder of this part governs all transactions where receipt of a properly completed order occurs more than 100 days after promulgation of this part.

§ 435.2 Definitions.

For purposes of this part:

(a) "Shipment" shall mean the act by which the merchandise is physically placed in the possession of the carrier.

(b) "Receipt of a properly completed order" shall mean:

(1) Where there is a credit sale and the buyer has not previously tendered partial payment, the time at which the seller charges the buyer's account;

(2) Where the buyer tenders full or partial payment in the proper amount in the form of cash, check or money order, the time at which the seller has received both said payment and an order from the buyer containing all the information needed by the seller to process and ship the order.

Provided, however, That where the seller receives notice that the check or money order tendered by the buyer has been dishonored or that the buyer does not qualify for a credit sale, "receipt of a properly completed order" shall mean the time at which (i) the seller receives notice that a check or money order for the proper amount tendered by the buyer has been honored, (ii) the buyer tenders cash in the proper amount or (iii) the seller receives notice that the buyer qualifies for a credit sale.

(c) "Refund" shall mean:

(1) Where the buyer tendered full payment for the unshipped merchandise in the form of cash, check or money order, a return of the amount tendered in the form of cash, check or money order;

(2) Where there is a credit sale:

(i) And the seller is a creditor, a copy of a credit memorandum or the like or an account statement reflecting the removal or absence of any remaining charge in-

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curred as a result of the sale from the buyer's account;

(ii) And a third party is the creditor, a copy of an appropriate credit memorandum or the like to the third party creditor which will remove the charge from the buyer's account or a statement from the seller acknowledging the cancellation of the order and representing that he has not taken any action regarding the order which will result in a charge to the buyer's account with the third party;

(iii) And the buyer tendered partial payment for the unshipped merchandise in the form of cash, check or money order, a return of the amount tendered in the form of cash, check or money order.

(d) "Prompt refund" shall mean:

(1) Where a refund is made pursuant to Definition (c) (1) or (2) (iii) a refund sent to the buyer by first class mail within seven (7) working days of the date on which the buyer's right to refund vests under the provisions of this part;

(2) Where a refund is made pursuant to Definition (c) (2) (i) or (ii), a refund sent to the buyer by first class mail within one (1) billing cycle from the date on which the buyer's right to refund vests under the provisions of this part.

(e) The "time of solicitation" of an order shall mean that time when the seller has:

(1) Mailed or otherwise disseminated the solicitation to a prospective purchaser,

(2) Made arrangements for an advertisement containing the solicitation to appear in a newspaper, magazine or the like or on radio or television which cannot be changed or cancelled without incurring substantial expense, or

(3) Made arrangements for the printing of a catalog, brochure or the like which cannot be changed without incurring substantial expense, in which the solicitation in question forms an insubstantial part.

Effective: February 2, 1976.

Promulgated October 22, 1975, by the Federal Trade Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-28203 Filed 70-21-75;8:45 am]

federal register

WEDNESDAY, OCTOBER 22, 1975



PART III:

ENVIRONMENTAL PROTECTION AGENCY

NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Control of Air Pollution

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 85]

[FRL 437-7]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Emission Regulations for New Motorcycles

Notice is hereby given that the Environmental Protection Agency is considering the addition of a new Subpart E to Part 85 of Title 40 of the Code of Federal Regulations.

On Thursday, January 17, 1974 the EPA published in the FEDERAL REGISTER an advance notice of proposed rule making (ANPRM) which outlined the Agency's intention to establish emission regulations for new motorcycles. The ANPRM was the result of the EPA's recognition of the significant impact of motorcycles on urban air quality, the projected increase of this impact in the future, and the comparison of motorcycles with other vehicles serving a similar transportation function which meet emission control requirements.

Exhaust and crankcase emission standards were proposed in the ANPRM at the following levels for the 1976 through 1978 model years: 5.0 grams per kilometer (g/km) for hydrocarbons, 17 g/km for carbon monoxide, and 1.2 g/km for oxides of nitrogen. The ANPRM also proposed a crankcase emission standard beginning with the 1976 model year. Motorcycle standards for 1979 and beyond were proposed at the same levels as the statutory emission standards for light duty vehicles. The ANPRM further indicated that the procedures for motorcycle emission testing would evolve from current light duty vehicle regulations.

Comments were solicited in the ANPRM on specific technical areas to aid the EPA in the preparation of the emission regulations. Motorcycle manufacturers, industry organizations and suppliers, emission testing organizations, and citizen groups responded extensively with data and other material to the EPA. The analysis of these comments and EPA experimental work have formed the basis of these proposed regulations.

With this notice of proposed rule making (NPRM), the EPA proposes the motorcycle emission regulations more definitively while seeking additional comments.

Emission Standards—Comments to the ANPRM were in very close agreement on the carbon monoxide and nitrogen oxides emission standards during the initial regulatory period. It was the general consensus of the commenters that standards of 17 grams per kilometer of carbon monoxide and 1.2 grams per kilometer of nitrogen oxides could be met in the near term by both two and four-stroke motorcycles regardless of engine size. However, no such agreement existed on the hydrocarbon interim standard. The EPA analyzed many different approaches before deciding upon the one which would obtain the maximum hydrocarbon reduction possible in the short term and allow an orderly development of emission control technology for the long term.

The EPA is proposing a displacement dependent hydrocarbon phase-in standard with emission levels proportional to engine displacement. The standard begins at 5.0 grams per kilometer for motorcycles of 170 cc engine displacement and less, and rises linearly with displacement to 14 grams per kilometer for 750 cc motorcycles. The standard then remains constant at 14 grams per kilometer for motorcycles over 750 cc displacement. This displacement dependent standard is applicable to two and four-stroke cycle reciprocating engines as well as all rotary engines.

The 1980 and subsequent model year standards proposed in this notice are 0.25 grams per kilometer (g/km) for hydrocarbons, 2.1 g/km for carbon monoxide and 0.25 g/km for oxides of nitrogen. (The grams per mile equivalents are 0.41, 3.4 and 0.4 respectively.) This is not intended to imply an agency determination that these levels of control are cost effective, technologically feasible or fully in the public interest. Rather, these levels are being proposed because they are equivalent to the light duty vehicle standards for 1980 and subsequent model years as currently set forth in the Clean Air Act, and on the premise that all vehicles used for public transportation should, to the extent feasible, be controlled to the same levels of allowable emissions of air pollutants. However, the levels of motorcycle standards ultimately to be promulgated for 1980 will be dependent upon the technical feasibility of attaining control to automobile emission levels, the cost-effectiveness of control to such levels, and the outcome of current Congressional reconsideration affecting future year emission standards for automobiles. Thus, it is intended that the ultimate levels of motorcycle control be equivalent to light duty control, unless data developed during and as a result of this proceeding indicate that such control is not feasible due to technological or cost restraints.

It is important to note that the displacement dependent hydrocarbon phase-in standard is considered a temporary compromise necessary for short term emission reductions while allowing long term control technology development and that the long term standards will not be based upon engine displacement.

The EPA is proposing a crankcase emission standard with certification based on engineering analysis rather than system testing. All motorcycle manufacturers of four-stroke cycle engines who responded to the ANPRM were in agreement with this standard; their major concern was with its implementation date. Those manufacturers who commented on the ANPRM agreed that the standard could be met by 1978. As discussed below, the EPA is proposing to implement this standard concurrently with the phase-in emission standards in 1978.

Implementation Dates—The implementation dates for these two sets of standards have been changed from those in the ANPRM. The new dates are January 1, 1978 for the phase-in and crankcase emission standards and January 1, 1980 for the long term standards. The change is due to lead time considerations for the implementation of control technology by the manufacturers and the regulatory process by the EPA. In addition, the terminology for implementation has been changed from "model year" to "year of production". Many manufacturers requested such a change to more accurately represent the typical motorcycle manufacturing process. Thus, these standards apply only to those new motorcycles produced on or after January 1, 1978 or 1980, as appropriate; independent of the manufacturer's model year designation.

Applicability—The proposed emission regulations are applicable to those new motorcycles manufactured for street or highway use except those with engine displacements less than 50 cc. Under the Clean Air Act, the EPA does not have the authority to prescribe standards for vehicles not designed for use on streets or highways.

As requested by some manufacturers, consideration has been given to raising the displacement exception for the phase-in standards to 100 cc or 170 cc. However, since uncontrolled two-stroke motorcycles with engine displacements between 50 cc and 170 cc emit hydrocarbon emissions above 5.0 grams per kilometer, significant emission reductions will result if these motorcycles meet a standard of 5.0 grams per kilometer. Therefore, the displacement exception to these standards remains at less than 50 cc.

Dynamometer Driving Schedules—Practically all motorcycle manufacturers who responded to the ANPRM consider the EPA urban dynamometer driving schedule satisfactory for large displacement motorcycles (engine displacements equal to or greater than 170 cc). However, the dynamometer driving schedule for small displacement motorcycles continues to be an area of concern to both the EPA and the manufacturers. Since the comments to the ANPRM did not provide substantial data which would allow development of a new driving schedule for small displacement motorcycles, the EPA is proposing a modified urban dynamometer driving schedule for motorcycles with engine displacements less than 170 cc. This modified schedule scales down the velocities of the high speed portion of the EPA urban dynamometer driving schedule (from second 164 to second 332) by the factor 0.64.

Dynamometer Driving Distance—The proposed procedure for calculating motorcycle weighted emissions is a modified form of the light duty method. The proposed procedure uses the actual test driving distance, as measured by a dynamometer roll revolution counter, for calculating the grams per kilometer emissions. During EPA testing of motorcycles capable of following the driving schedule, variations in the measured driving distance of up to 3 percent of the standard distance have been observed. The new procedure, which accounts for distance variations, will reduce variability in the calculated emissions. For motorcycles not capable of following the driving schedule, the proposed procedure will also result in more representative calculated emissions.

Chassis Dynamometers for Distance Accumulation—The EPA recognizes the need of some motorcycle manufacturers to use chassis dynamometers for distance accumulation. The EPA will communicate any special test procedures or requirements in Advisory Circular format similar to the Advisory Circular issued for light duty vehicles. Such requirements will be intended to duplicate the conditons a motorcycle experiences when accumulating distance on a road or track. Specific detailed comments are solicited on the manner in which these requirements for motorcycles should differ from those in practice for light duty vehicles (reference: MSAPC Advisory Circular number 35), including the use of indoor dynamometers for distance accumulation.

Road Load Power Absorption—The equation for road load power absorption specified in this NPRM is based on EPA in-house experimental track testing using the coast down timing method. Additional work is planned by the EPA in this area to confirm or modify these numbers as appropriate.

Heated Flame Ionization Detector (HFID)—The ANPRM revealed that the EPA was considering the use of a heated flame ionization detector for measurement of hydrocarbon emissions. Based on the comments received to the ANPRM and further analysis of the HFID test method, the EPA is now proposing to use a "non-heated" flame ionization detector for hydrocarbon emission measurement. Further studies will be performed to determine if HFID measurements are required, and if necessary, appropriate procedures for motorcycles will be developed.

Oil Accumulation—EPA in-house testing has revealed the accumulation of oil on the walls of the tubing used to transport exhaust gases to the constant volume sampling system and in parts of the dilution air filter assembly. This potential problem also has been reported by other testing facilities. It is hypothesized that two-stroke engine oil is collecting in the sampling system during testing. Since the buildup of this oil could result in erroneous hydrocarbon emission measurements, comments are solicited on the causes and potential magnitude of this problem and methods, such as system cleaning or heating, of alleviating it.

Constant Volume Sampler—The EPA is planning to investigate the use of a critical flow venturi constant volume sampler (CFV–CVS) for motorcycle emission measurements instead of a positive displacement pump constant volume sampler (PDP–CVS) as is proposed in this notice. A diagram of the CFV–CVS is presented in Figure 1. It is intended that even if the CFV–CVS is adopted for use in EPA testing, its use by manufacturers will be an optional alternative to the PDP–CVS.

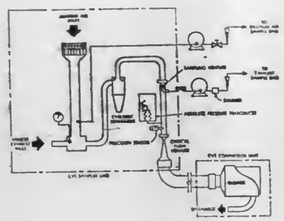


Figure 1

Critical Flow Venturi Constant Volume Sampler

Transmission Shift Points—Most manufacturers who responded to the ANPBM did not agree with basing manual transmission shift points on a percentage of engine RPM. Upon careful reconsideration, the EPA is proposing to base shift points on vehicle speed as is done currently for light duty vehicles. The values specified in this NPBM are based on EPA in-house testing. However, the EPA also is proposing to allow manufacturers the option of using their own recommended vehicle shift speeds for testing purposes.

Standard Rider Mass—Most manufacturers indicated that approximately 80 kilograms (176 pounds) should be used as a standard rider mass for testing purposes. The EPA is again proposing an 80 kilogram rider mass based on the results of the Gallup Motorcycle Survey as well as earlier demographic studies. The Gallup survey indicated that the average weight of a motorcycle owner is 164 pounds. When considering the addition of normal motorcycle riding apparel, the EPA considers an 80 kilogram rider mass appropriate for testing purposes.

Soak Time—The EPA has obtained overnight cool down temperature versus time data on a variety of motorcycles. As expected, the data indicate that a Harley-Davidson FL–1200 required the longest cool down time of any motorcycle tested by the EPA. This motorcycle required a minimum soak time of 10 to 11 hours for the engine temperature to be within 1° C of the ambient soaking temperature. In order that the soak time be sufficient to permit all types and sizes of motorcycles to cool to the ambient soaking temperature, the EPA is proposing that the light duty vehicle 12 hour soak requirement be extended to the motorcycle test procedure.

Certification Program—The proposed certification program involves emission testing of preproduction motorcycles in order to determine whether the designs of the engine-emission control systems are capable of meeting the standards. An approach similar to that used for evaluation of the design of light duty vehicles is being adopted for motorcycles. In this approach, test vehicles are selected to represent vehicles which are expected to have similar emission characteristics. A number of motorcycles (emission data vehicles) is tested after break-in at low mileage and a smaller number of motorcycles (durability data vehicles) is tested at a sequence of test points throughout a distance accumulation period equal to their useful life. The deterioration factors (degree of emission deterioration) determined for each of the latter vehicles are used to project the deterioration of emission control that can be expected over the useful life of emission data vehicles with similar design characteristics. Test results from emission data vehicles, adjusted by the applicable deterioration factors, are compared to the level of the standard to determine compliance.

The EPA has considered the possibility of reducing in certain instances the number of test vehicles otherwise required in the proposed regulations. The following was considered: (1) The cost of certifying an engine family (group of engines with similar emission characteristics) tends to be independent of the number of unit sales; thus the certification cost per vehicle produced obviously is higher if the volume of sales is small; because of that, the cost of certification impacts more heavily on manufacturers with low volume annual sales than it does on manufacturers with high volume annual sales. (2) The aggregate annual sales of all motorcycle manufacturers of less than 10,000 annual motorcycle sales represent only five percent of the total number of new motorcycles sold annually. Out of thirty-five motorcycle manufacturers known to EPA, there are only six with greater than 10,000 annual motorcycle sales. (3) The cost of testing and accumulating distance on durability vehicles represents the greater portion of the cost to manufacturers of certification.

Due to these considerations, EPA is proposing that, subject to prior approval by the Administrator, manufacturers with annual sales of less than 10,000 motorcycles may utilize deterioration factors specified by EPA rather than develop deterioration factors through the operation of durability vehicles and may also be granted a reduction in the number of emission data vehicles otherwise required by the regulations. Any adverse impact on the precision of the evaluation of the capability of the design to meet standards will be greatly mitigated by the relatively low impact on air quality of so small a fraction of all motorcycles.

EPA is also considering providing manufacturers of greater than 10,000 annual sales with the option of using deterioration factors specified by EPA for engine families projected to have low volume sales. To aid EPA in reaching a decision on this matter, interested manufacturers are requested to provide EPA with 1974 and 1975 sales data tabulated for motorcycles with the same number of cylinders, engine displacement, and engine type (i.e., two-stroke, four-stroke). Interested parties are requested to provide any data or comments bearing

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on whether or not EPA should pursue such a course.

The EPA is also interested in any data and/or considerations the manufacturers may have regarding whether EPA should specify a single average deterioration factor applicable to all motorcycle engine families eligible for and using this option, specify separate deterioration factors for each engine family, or use some other approach. In addition, the EPA is interested in learning whatever information manufacturers would be able to provide concerning the durability aspects of their motorcycles, their components, and emission control hardware, in support of a request for use of deterioration factors specified by EPA in lieu of operating durability vehicles.

Useful Life—The useful life distance for motorcycle durability testing is defined as the average distance a motorcycle may be expected to travel in its lifetime. Based on the Gallup Motorcycle Survey results and registration data, the useful life distance has been calculated to be 30,000 kilometers for vehicles with engine displacements equal to or greater than 170 cc (10.4 cu. in.) and 12,000 kilometers for displacements less than 170 cc (10.4 cu. in.).

Maintenance—The intent of the maintenance schedule for certification vehicles is to duplicate average consumer practice. The only substantial data received by the EPA on consumer maintenance practices for motorcycles are from the survey performed by the Gallup Organization. The values for the frequency of scheduled maintenance on certification vehicles specified in this NPRM are based upon these data. Although the allowable maintenance specified in this NPRM does not permit maintenance or repairs which involve access to the combustion chamber (cylinder head decarbonization, valve repairs, etc.), the EPA is interested in exploring the in use frequency of such maintenance and repairs in greater detail. It is therefore requested that interested parties submit detailed information on the frequency of cylinder head decarbonization and on the probability that major engine repair will be required within the durability distance. Information on the effects of cylinder head decarbonization and major engine repairs on emissions is also solicited.

Engine Families—The comments to the ANPRM indicated that many of the test vehicle parameters used for determining light duty vehicle engine families were inappropriate for classifying motorcycles. The EPA agrees with this and is specifying test vehicle parameters which are intended to group motorcycles with similar emission characteristics into separate engine families. In addition, the selection of motorcycle durability and emission data vehicles has been changed slightly from the criteria used for light duty vehicles to more accurately represent motorcycle engine families.

The ANPRM indicated that the motorcycle emission regulations would be drafted as an evolution of the current light duty gasoline and diesel regulations. Upon careful examination, certain variations of the regulatory language between the proposed motorcycle regulations and the light duty vehicle regulations may be noted. These differences resulted from an effort to modify certain statements which have proven, through experience, to be in need of clarification or simplification. As such, most of these changes do not alter the intent of the regulations or current practice for light duty gasoline and diesel vehicles, but some changes have been made to accommodate the unique requirements of motorcycles.

An essential ingredient in the establishment of the motorcycle regulations is cost information. Data in the past have been minimal in this area; thus, the EPA is seeking detailed submittals from interested parties on the costs and savings associated with the motorcycle emission regulations. In order to expedite the analysis and review of this information, the EPA suggests that comments address the following points for each motorcycle model: (a) production year, (b) engine type and displacement, (c) proposed emission control system, and (d) exhaust emission level. Information addressing the following items is requested for each separate combination of (a) through (d) above. In addition, base line information for each model is requested for comparison purposes.

(1) *First Cost Estimates:*

(a) A separate description of each component of the control system such as modified carburetors, improved engine cooling details, new ignition system, PCV system, etc.

(b) The cost of each component or modification itemizing materials, labor, overhead, and general and administrative costs.

(c) Tooling amortization costs including the time period over which amortization is assumed.

(d) Total dealer margin costs and total profit.

(e) The pre-tax list price.

(f) The expected range of state and/or local taxes.

(g) The selling price.

(h) Base line—1975 total price averaged for the model.

(2) *Maintenance Cost Estimates:*

(a) A description of each separate maintenance item (PCV system, air pump, etc.) including all pre-emission control maintenance (spark plugs, ignition system, etc.).

(b) Customer cost of replacement parts impacted by emission controls specifying markup as well as dealer cost and markup.

(c) The required number of hours for maintenance of emission control systems, i.e.: number of man-hours in a "flat rate" manual.

(d) Customer labor cost including markup.

(e) The number of times maintenance is performed during the vehicle's lifetime.

(f) Base line—the above cost information for all 1975 recommended maintenance for the model, as indicated in the owner's manual.

(3) *Fuel Cost Estimates:*

(a) Urban and highway fuel economy data with an indication of the test procedures used.

(b) Base line—the same data for the 1975 model.

Interested persons may participate in the rule making proceeding by submitting written comments to the Deputy Assistant Administrator, Office of Mobile Source Air Pollution Control (AW–455), 401 M Street, S.W., Washington, D.C. 20460. It is requested but not required that 10 copies be submitted.

Single copies of the draft Environmental Impact Statement (EIS) for this regulation are available upon request from the Public Information Center (PM–215), U.S. Environmental Protection Agency, Washington, D.C. 20460.

Reflected in the draft EIS is an evaluation of the inflationary impact of the regulation which has been prepared in accordance with Executive Order 11821 (39 FR 41501, November 29, 1974).

All comments received on or before January 20, 1975 before the close of business on (90 days from date of publication) will be considered. To the extent possible, comments filed after the closing date will also be considered. Comments received pursuant to this proposal will be available for inspection and copying at the U.S. Environmental Protection Agency Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460.

Final regulations, modified as the Administrator deems appropriate after consideration of comments to the NPRM, will be promulgated as soon as practicable after such consideration.

This notice of proposed rule making is issued under the authority of sections 202, 206, 207, 208 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f–1, 1857f–5, 1857f–5a, 1857f–6, 1857g(a)).

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–107.

Dated: October 14, 1975.

JOHN QUARLES,
Administrator.

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Subpart E—Emission Regulations for New Motorcycles

Sec.

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85.478–39 Submission of maintenance instructions.
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85.480–1 Emission standards for 1980 year of production vehicles.

Subpart E—Emission Regulations for New Motorcycles

§ 85.401 General applicability.

The provisions of this subpart are applicable to new motorcycles except motorcycles with engine displacements less than 50 cc (3.1 cu. in.).

§ 85.402 Definitions.

(a) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act:

(1) "Act" means Part A of title II of the Clean Air Act, 42 U.S.C. 1857 f–1 through f–7, as amended by Pub. L. 91–604.

(2) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(3) "Year of production" means the manufacturer's production period (as determined by the Administrator) which includes January 1 of such year and ends no later than December 31 of such year.

(4) "Motorcycle" means any motor vehicle designed to operate on not more than three wheels (including any tricycle arrangement) in contact with the ground which is not a passenger car or passenger car derivative.

(5) "Vehicle curb mass" means the actual or the manufacturer's estimated mass of the vehicle in operational status with all standard equipment and mass of fuel at nominal tank capacity and the mass of any optional equipment on the vehicle.

(6) "Loaded vehicle mass" means the vehicle curb mass of a motorcycle plus 80 kg (176 lb).

(7) "System" includes any motor vehicle modification which controls or causes the reduction of substances emitted from motor vehicles.

(8) "Engine family" means the basic classification unit of a manufacturer's product line used for the purpose of test fleet selection and determined in accordance with § 85.4XX–5(a).[1]

(9) "Engine-system combination" means an engine family-emission control system combination.

(10) "Fuel system" means the combination of fuel tank, fuel pump, fuel lines, oil injection metering system, and carburetor or fuel injection components, and includes all fuel system vents.

(11) "Crankcase emissions" means airborne substances emitted to the atmosphere from any portion of the engine crankcase ventilation or lubrication systems.

(12) "Exhaust emissions" means substances emitted to the atmosphere from any opening downstream from the exhaust port of a motor vehicle engine.

(13) "Engine - system - displacement combination" means an engine family-emission control system-engine displacement combination.

(14) "Zero (0) kilometers (miles)" means that point after initial engine starting (not to exceed 10 km (6.2 mi) of vehicle operation, or one hour of engine operation) at which normal assembly line operations and adjustments are completed.

(15) "Calibrating gas" means a gas of known concentration which is used to establish the response curve of an analyzer.

(16) "Span gas" means a gas of known concentration which is used routinely to set the output level of an analyzer.

(17) "Oxides of nitrogen" means the sum of the nitric oxide and nitrogen dioxide contained in a gas sample as if the nitric oxide were in the form of nitrogen dioxide.

(18) "Useful life" means, for vehicles with engine displacements equal to or greater than 170 cc (10.4 cu. in.), a period of use of 30,000 km (18,641 mi). For vehicles with engine displacements less than 170 cc (10.4 cu. in.), "useful life" means a period of use of 12,000 km (7456 mi).

(19) "Scheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of vehicle components or systems which is performed on a periodic basis to prevent part failure or vehicle malfunction.

(20) "Unscheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of vehicle components or systems which is performed to correct or diagnose a part failure or vehicle malfunction.

(21) "EPA Enforcement Officer" means any officer or employee of the Environmental Protection Agency so designated in writing by the Administrator (or by his designee).

(22) "Auxiliary emission control device" means any element of design which senses temperature, vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission control system.

(23) "Defeat device" means an AECD that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal urban vehicle operation and use, unless (1) such conditions are substantially included in the Federal emission test procedure, or (2) the need for the AECD is justified in terms of protecting the vehicle against damage or accident, or(3) the AECD does not go beyond the requirements of engine starting or warm-up.

(24) As applied to any individual production vehicle, "Conforms, in all material respects, to the design specifications that applied to those vehicles described in the application for certification" means that the description in the appropriate application for certification of the parameters and specifications enumerated in Appendix VIIa is accurate in all respects as applied to that vehicle.

§ 85.403 Abbreviations.

The abbreviations used in this subpart have the following meanings in both capital and lowercase:

Accel.—Acceleration.
AECD—Auxiliary emission control device.
ASTM—American Society for Testing and Materials.
CC—Cubic centimeter(s).
Cfh—Cubic feet per hour.
Cfm—Cubic feet per minute.
Cm—Centimeter(s).
CO—Carbon monoxide.
CO_2—Carbon dioxide.
Conc—Concentration.
Cu.—Cubic.
CVS—Constant volume sampler.
C—Celsius.
Decel.—Deceleration.
EGR—Exhaust gas recirculation.
EP—End point.
EPA—Environmental Protection Agency.
F—Fahrenheit.
Ft—Feet.
Gal—U.S. gallon(s).
G—Gram(s).
GVM—Gross vehicle mass.
HC—Hydrocarbon(s).
Hg—Mercury.
Hi.—High.
H_2O—Water.
HP—Horsepower.
Hr—Hour(s).
ID—Internal diameter.
In.—Inch(es).
K—Kelvin.
Kg—Kilogram(s).
Km—Kilometer(s).
KPa—Kilopascals.
K.p.h.—Kilometers per hour.
L—Liter(s).
Lb—Pound(s).
Lb-ft—Pound-feet.

[1] Normally, the two characters after the period and subpart number are the last two digits of the year of production to which the regulations apply. Since this paragraph number applies to all years of production, the character XX have been substituted for the last two digits of the year of production.

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M—Meter(s).
Mi—Mile(s).
Min—Minute(s).
Ml—Milliliter(s).
M.p.h.—Miles per hour.
Mm—Millimeter(s).
Mol—Molecular.
Mv—Millivolt(s).
N—Newton(s).
Nm—Newton-meter(s).
N2—Nitrogen.
NO—Nitric oxide.
NO2—Nitrogen dioxide.
NOx—Oxides of nitrogen.
No.—Number.
N/V—Engine RPM divided by vehicle speed in k.p.h. (m.p.h.) in highest gear.
O2—Oxygen.
Pa—Pascal(s).
Pb—lead.
PCV—Positive crankcase ventilation.
Ppm—Parts per million by volume.
Psi—Pounds per square inch.
Psig—Pounds per square inch gauge.
R—Rankine.
Rev—Revolution(s).
RPM—Revolutions per minute.
S.A.E.—Society of Automotive Engineers.
S—Second(s).
Sp.—Speed.
Sq.—Square.
SS—Stainless steel.
TEL—Tetraethyl lead.
TML—Tetramethyl lead.
V—Volt(s).
Vs.—Versus.
WOT—Wide open throttle.
Wt—Weight.
°—Degree(s).
%—Percent.

§ 85.404 General standards; increase in emissions; unsafe conditions.

(a)(1) Every new motorcycle manufactured for sale, sold, offered for sale, introduced or delivered for introduction into commerce, or imported into the United States for sale or resale which is subject to any of the standards prescribed in this subpart shall be covered by a certificate of conformity issued pursuant to §§ 85.4XX–2 through 85.4XX–4 and §§ 85.4XX–29 through 85.4XX–34 of this subpart.

(b)(1) Any system installed on or incorporated in a new motorcycle to enable such vehicle to conform to standards imposed by this subpart;

(i) Shall not in its operation or function cause the emission into the ambient air of any noxious or toxic substance that would not be emitted in the operation of such vehicle without such system, except as specifically permitted by regulation; and

(ii) Shall not in its operation, function, or malfunction result in any unsafe condition endangering the motorcycle, its riders, or persons or property in close proximity to the vehicle.

(2) Every manufacturer of new motorcycles subject to any of the standards imposed by this subpart shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motorcycles in accordance with good engineering practice to ascertain that such test vehicles will meet the requirements of this section for the useful life of the vehicle.

§ 85.405 Hearings on certification.

(a)(1) After granting a request for a hearing under §§ 85.4XX–3 or 85.4XX–30, the Administrator will designate a Presiding Officer for the hearing.

(2) The General Counsel will represent the Environmental Protection Agency in any hearing under this section.

(3) If a time and place for the hearing have not been fixed by the Administrator under §§ 85.4XX–3 or 85.4XX–30, the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(4) In the case of any hearing requested pursuant to § 85.4XX–30(b)(4)(i), the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may, but need not be the Administrator himself) shall be the final EPA decision.

(b)(1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hearing file. The file shall consist of the notice issued by the Administrator under §§ 85.4XX–3 or 85.4XX–30, together with any accompanying material, the request for a hearing and the supporting data submitted therewith and all documents relating to the request for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

(2) The appeal file will be available for inspection by the applicant at the office of the Presiding Officer.

(c) An applicant may appear in person, or may be represented by counsel or by any other duly authorized representative.

(d)(1) The Presiding Officer upon the request of any party, or in his discretion, may arrange for a prehearing conference at a time and place specified by him to consider the following:

(i) Simplification of the issues;

(ii) Stipulations, admissions of fact, and the introduction of documents;

(iii) Limitation of the number of expert witnesses;

(iv) Possibility of agreement disposing of all or any of the issues in dispute;

(v) Such other matters as may aid in the disposition of the hearing, including such additional tests as may be agreed upon by the parties.

(2) The results of the conference shall be reduced to writing by the Presiding Officer and made part of the record.

(e)(1) Hearings shall be conducted by the Presiding Officer in an informal but orderly and expeditious manner. The parties may offer oral or written evidence, subject to the exclusion by the Presiding Officer of irrelevant, immaterial and repetitious evidence.

(2) Witnesses will not be required to testify under oath. However, the Presiding Officer shall call to the attention of witnesses that their statements may be subject to the provisions of title 18 U.S.C. 1001 which imposes penalties for knowingly making false statements or representations, or using false documents in any matter within the jurisdiction of any department or agency of the United States.

(3) Any witness may be examined or cross-examined by the Presiding Officer, the parties, or their representatives.

(4) Hearings shall be reported vebatim. Copies of transcripts of proceedings may be purchased by the applicant from the reporter.

(5) All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a showing satisfactory to the Presiding Officer of their authenticity, relevancy, and materiality, be received in evidence and shall constitute a part of the record.

(6) Oral argument may be permitted in the discretion of the Presiding Officer and shall be reported as part of the record unless otherwise ordered by him.

(f)(1) The Presiding Officer shall make an initial decision which shall include written findings and conclusions and the reasons or basis therefore on all the material issues of fact, law, or discretion presented on the record. The findings, conclusions, and written decision shall be provided to the parties and made a part of the record. The initial decision shall become the decision of the Administrator without further proceedings unless there is an appeal to the Administrator or motion for review by the Administrator within 20 days of the date the initial decision was filed.

(2) On appeal from or review of the initial decision the Administrator shall have all the powers which he would have in making the initial decision including the discretion to require or allow briefs, oral argument, the taking of additional evidence or the remanding to the Presiding Officer for additional proceedings. The decision by the Administrator shall include written findings and conclusions and the reasons or basis therefore on all the material issues of fact, law, or discretion presented on the appeal or considered in the review.

§ 85.406 Maintenance of records; submittal of information; right of entry.

(a) The manufacturer of any new motorcycle subject to any of the standards or procedures prescribed in this subpart shall establish, maintain and retain the following adequately organized and indexed records:

(1) *General records.* (i)(A) Identification and description of all certification vehicles for which testing is required under this subpart.

(B) A description of all emission control systems which are installed on or incorporated in each certification vehicle.

(C) A description of all procedures used to test each such certification vehicle.

(ii) A properly filed application for certification, following the format prescribed by the U.S. EPA for the appropriate year of production, fulfills each of the requirements of this paragraph (a)(1).

(2) *Individual records.* (i) A brief history of each motorcycle used for certification under this subpart in the form of a separate booklet or other document for each separate vehicle in which shall be recorded:

(A) In the case where a current production engine is modified for use in a certification vehicle, a description of the process by which the engine was selected and of the modifications made, giving specifically the place of modification and installation of the engine into the certification vehicle and the person(s) in charge of modification and installation. In the case where the engine for a certification vehicle is not derived from a current production engine, a general description of the buildup of the engine (e.g., experimental heads were cast and machined according to supplied drawings, etc.) giving specifically the place of engine assembly and installation into a certification vehicle and the person(s) in charge of engine assembly and installation. In both cases above, a description of the origin and selection process for the carburetor, fuel system, emission control system components, and exhaust after treatment device shall be included. The required descriptions shall specify the steps taken to assure that the certification vehicle with respect to its engine, drive train, fuel system, emission control system components, exhaust after treatment device, mass or any other device or component that can reasonably be expected to influence exhaust emissions will be representative of production vehicles and that either all components and/or vehicle construction processes, component inspection and selection techniques, and assembly techniques employed in constructing such vehicles are reasonably likely to be implemented for production vehicles or that they are as closely analogous as practicable to planned construction and assembly processes.

(B) A complete record of all emission tests performed under §§ 85.4XX–9 through 85.4XX–27 (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each such test, or exact copies thereof; the date, time, purpose, and location of each test; the distance accumulated on the vehicle when the test began and ended; and the names of supervisory personnel responsible for the conduct of the test.

(C) The date and times of each distance accumulation run, listing both the distance accumulated and the name of each rider or each operator of the automatic distance accumulation device.

(D) If used, the record of any devices employed to record the speed and/or distance in relationship to time of the test vehicle.

(E) A record and description of all maintenance and other servicing performed, giving the date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service. The description shall indicate whether or not EPA specifically consented to the work and, if EPA did not, shall list the provision of this subpart which authorizes its performance.

(F) A record and description of each test performed to diagnose engine or emissions control system performance, giving the date and time of the test, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the test.

(G) The dates and times that the vehicle was idle in storage, and in transit or transport.

(H) A brief description of any significant events affecting the vehicle during any time in the period covered by the history not described by an entry under one of the previous headings including such extraordinary events as vehicle accidents or rider speeding citations or warnings.

(ii) Each such history shall be started on the date that the first of any of the selection or build up activities in paragraph (a)(2)(i)(a) of this section occurred with respect to the certification vehicle, shall be updated each time the operational status of the vehicle changes or additional work is done on it, and shall be kept in a designated location.

(3) All records required to be maintained under this subpart shall be retained by the manufacturer for a period of six (6) years after issuance of all certificates of conformity to which they relate. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer: *Provided*, That in every case all the information contained in the hard copy shall be retained.

(b) The manufacturer of any new motorcycle subject to any of the standards prescribed in this subpart shall submit to the Administrator at the time of issuance by the manufacturer copies of all instructions or explanations regarding the use, repair, adjustment, maintenance, or testing of such vehicle relevant to the control of crankcase or exhaust emissions, issued by the manufacturer for use by other manufacturers, assembly plants, distributors, dealers, and ultimate purchasers: Provided, That any material not translated into the English language need not be submitted unless specifically requested by the Administrator.

(c)(1) Any manufacturer who has applied for certification of a new motorcycle subject to certification tests under this subpart shall admit or cause to be admitted any EPA Enforcement Officer during operating hours on presentation of credentials to any of the following:

(i) Any facility where any such tests or any procedures or activities connected with such tests are or were performed.

(ii) Any facility where any new motorcycle which is being, was, or is to be tested is present.

(iii) Any facility where any construction process or assembly process used in the modification or build up of such a vehicle into a certification vehicle is taking place or has taken place.

(iv) Any facility where any record or other document relating to any of the above is located.

(2) Upon admission to any facility referred to in paragraph (c)(1) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to, monitoring vehicle preconditioning, emissions tests and distance accumulation, maintenance, and vehicle soak and storage procedures; and to verify correlation or calibration of test equipment;

(ii) To inspect and make copies of any such records, designs, or other documents; and

(iii) To inspect and/or photograph any part or aspect of any such certification vehicle and any components to be used in the construction thereof.

(3) In order to allow the Administrator to determine whether or not production motorcycles conform in all material respects to the design specifications which applied to those vehicles described in the application for certification for which a certificate of conformity has been issued and to standards prescribed under section 202 of the Act, any manufacturer shall admit any EPA Enforcement Officer on presentation of credentials to both:

(i) Any facility where any document, design, or procedure relating to the translation of the design and construction of engines and emission related components described in the application for certification or used for certification testing into production vehicles is located or carried on; and

(ii) Any facility where any motorcycles to be introduced into commerce are manufactured or assembled.

(4) On admission to any such facility referred to in paragraph (c)(3) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any aspects of such manufacture or assembly and other procedures;

(ii) To inspect and make copies of any such records, documents or designs; and

(iii) To inspect and photograph any part or aspect of any such new motorcycles and any component used in the assembly thereof that are reasonably related to the purpose of his entry.

(5) Any EPA Enforcement Officer shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the applicant controls the facility.

(6) The duty to admit or cause to be admitted any EPA Enforcement Officer applies whether or not the applicant owns or controls the facility in question and applies both to domestic and to foreign manufacturers and facilities. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure the accuracy of data generated

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at a facility, no informed judgment that a vehicle or engine is certifiable or is covered by a certificate can properly be based on that data. It is the responsibility of the manufacturer to locate its testing and manufacturing facilities in jurisdictions where this situation will not arise.

(7) For purposes of this paragraph:

(i) 'Presentation of credentials" shall mean display of the document designating a person as an EPA Enforcement Officer.

(ii) Where vehicle, component, or engine storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c)(7)(ii) of this section are concerned, "operating hours" shall mean all times during which an assembly line is in operation or all times during which testing, maintenance, distance accumulation, production or compilation of records, or any other procedure or activity related to certification testing, to translation of designs from the test stage to the production stage, or to vehicle manufacture or assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Enforcement Officer of how the facility operates and to answer his questions, and the performance on request of emissions tests on any vehicle which is being, has been, or will be used for certification testing. Such tests shall be nondestructive, but may require appropriate distance accumulation. A manufacturer may be compelled to cause the personal appearance of any employee at such a facility before an EPA Enforcement Officer by written request for his appearance, signed by the Assistant Administrator for Enforcement, served on the manufacturer. Any such employee who has been instructed by the manufacturer to appear will be entitled to be accompanied, represented, and advised by counsel. No counsel who accompanies, represents, or advises an employee compelled to appear may accompany, represent, or advise any other person in the investigation.

(v) Any entry without 24 hour prior written or oral notification to the affected manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement.

§ 85.478–1 Emission standards for 1978 year of production vehicles.

(a)(1) Exhaust emissions from 1978 year of production motorcycles shall not exceed:

(i) Hydrocarbons.

(A) For vehicles with engine displacements equal to or greater than 50 cc (3.1 cu. in.) but less than 170 cc (10.4 cu. in.), 5.0 grams per vehicle kilometer.

(B) For vehicles with engine displacements equal to or greater than 170 cc (10.4 cu. in.) but less than 750 cc (45.8 cu. in.), the standard computed by use of the following formula:

Hydrocarbon standard in grams per vehicle kilometer = 5 + 0.0155 × (D − 170).

where:

D = engine displacement of the motorcycle in cubic centimeters, rounded to the nearest whole cubic centimeter in accordance with ASTM E 29–67. The hydrocarbon standard shall be rounded, in accordance with ASTM E 29–67, to two significant figures.

(C) For vehicles with engine displacements equal to or greater than 750 cc (45.8 cu. in.), 14 grams per vehicle kilometer.

(ii) Carbon monoxide. 17 grams per vehicle kilometer.

(iii) Oxides of nitrogen. 1.2 grams per vehicle kilometer.

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over driving schedules as set forth in §§ 85.478–9 through 85.478–26 and measured and calculated in accordance with those procedures.

(b) No crankcase emissions shall be discharged into the ambient atmosphere from any new motorcycle subject to this subpart.

§ 85.478–2 Application for certification.

(a) An application for a certificate of conformity shall be made for each set of standards applicable to new motorcycles. Such application shall be made to the Administrator by the manufacturer and shall be updated and corrected by amendment.

(b) The application shall be in writing, signed by an authorized representative of the manufacturer, and shall include the following:

(1) Identification and description of the vehicles covered by the application and a description of their engine, emission control system and fuel system components including the applicable parameters and specifications of Appendix VIIa. This shall include a detailed description of each auxiliary emission control device to be installed in or on any certification test vehicle.

(2) Projected U.S. sales data sufficient to enable the Administrator to select a test fleet representative of the vehicles for which certification is requested.

(3) A description of the test equipment, fuel, and engine lubricant proposed to be used.

(4) A description of the proposed distance accumulation procedure for durability testing, and a description of the proposed scheduled maintenance to be performed on durability data vehicles.

(5) A statement of recommended maintenance and procedures necessary to assure that the vehicles covered by a certificate of conformity in operation conform to the regulations, and a description of the program for training of personnel for such maintenance, and the equipment required.

(c) Complete copies of the application and of any amendments thereto, and all notifications under §§ 85.478–32, 33, and 34 shall be submitted in such multiple copies as the Administrator may require.

§ 85.478–3 Approval of application for certification; test fleet selections.

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 85.478–5.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed distance accumulation procedures, test equipment, or fuel, and incorporation of defeat devices in vehicles described by the application.

(c) Where any part of an application is rejected, the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If, after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.405 with respect to such issue.

§ 85.478–4 Required data.

The manufacturer shall perform the tests required by the applicable test procedures, and submit to the Administrator the following information:

(a) Durability data on such vehicles tested in accordance with the applicable test procedures of this subpart, and in such numbers as therein specified, which will show the performance of the systems installed on or incorporated in the vehicle for extended distance as well as a record of all pertinent maintenance performed on the test vehicles.

(b) Emission data on such vehicles tested in accordance with the applicable emission test procedures of this subpart and in such numbers as therein specified, which will show their emissions at zero kilometers and at the official emission data test point for that size vehicle (equal to or greater than 170 cc (10.4 cu. in.)—3500 km (2175 mi); less than 170 cc (10.4 cu. in.)—2500 km (1553 mi)).

(c) A statement that the description of tests performed to ascertain compliance with the general standards in § 85.404 and the data derived from such tests are available to the Administrator upon request.

(d) A statement that the test vehicles with respect to which data are available and are submitted to demonstrate compliance with §§ 85.404 and 85.478–1 have been tested in accordance with the applicable test procedures, that they meet the requirements of such tests, and that, on the basis of such tests, they conform to the requirements of the regulations in this subpart. If such statements cannot be made with respect to any vehicle tested, the vehicle shall be identified, and all pertinent test data relating thereto shall be supplied.

§ 85.478–5 Test vehicles.

(a)(1) The vehicles covered by the application for certification will be divided into groupings of vehicles whose engines are expected to have similar emission characteristics throughout their useful life. Each group of engines with similar emission characteristics shall be defined as a separate engine family.

(2)(i) To be classed in the same engine family, reciprocating engines must be identical in all of the following applicable respects:

(A) The combustion cycle.

(B) The cooling mechanism.

(C) The cylinder configuration (inline, vee, opposed, etc.).

(D) The number of cylinders.

(E) The engine displacement category (equal to or greater than 170 cc (10.4 cu. in.), or less than 170 cc (10.4 cu. in.).

(F) The method of air aspiration.

(G) The catalytic converter characteristics.

(H) The thermal reactor characteristics.

(ii) To be classed in the same engine family, rotary combustion cycle engines must be identical in all of the following applicable respects:

(A) The major axis of the epitrochoidal curve.

(B) The minor axis of the epitrochoidal curve.

(C) The generating radius of the epitrochoidal curve.

(D) The cooling mechanism.

(E) The number of rotors.

(F) The engine displacement category (equal to or greater than 170 cc (10.4 cu. in.), or less than 170 cc (10.4 cu. in.)).

(G) The method of air aspiration.

(H) The catalytic converter characteristics.

(I) The thermal reactor characteristics.

(3)(i) Reciprocating engines identical in all the respects listed in paragraph (2)(i) of this section may be further divided into different engine families if the Administrator determines that they may be expected to have different emission characteristics. This determination will be based upon a consideration of features such as:

(A) The bore and stroke.

(B) The combustion chamber configuration.

(C) The intake and exhaust timing method of actuation (poppet valve, reed valve, rotary valve, etc.).

(D) The intake and exhaust valve and port sizes.

(E) The fuel system.

(F) The exhaust system.

(ii) Rotary combustion cycle engines identical in all the respects listed in paragraph (2)(ii) of this section may be further divided into different engine families if the Administrator determines that they may be expected to have different emission characteristics. This determination will be based upon a consideration of features such as:

(A) The width of the rotor housing.

(B) The type and location of intake port (side, peripheral, combination, etc.).

(C) The type and location of exhaust port (side, peripheral, combination, etc.).

(D) The number of spark plugs per rotor.

(E) The fuel system.

(F) The exhaust system.

(4) Where engines are of a type which cannot be divided into engine families based upon the criteria listed in subparagraphs (2) and (3) of this paragraph, the Administrator will establish families for those engines based upon the features most related to their emission characteristics.

(b) *Emission data vehicles:* (1) Vehicles will be chosen to be operated and tested for emission data based upon the engine-system combination groupings. Within each engine-system combination, the requirements of this paragraph must be met. The configuration of the vehicles selected will be specified by the Administrator.

(2) Vehicles of each engine-system combination will be divided into engine-system-displacement combinations. One vehicle of each engine-system-displacement combination will be selected. If there is only one engine-system-displacement combination in the engine-system combination, then two vehicles of that engine-system-displacement combination may be selected.

(3) The Administrator may select a maximum of four additional vehicles within each engine-system combination based upon features indicating that they may have the highest emission levels of the vehicles in that engine-system combination. In selecting these vehicles, the Administrator will consider the design specifications listed in the application for certification.

(c) *Durability data vehicles:* (1) A durability data vehicle will be selected by the Administrator to represent each engine-system combination. The vehicle selected usually will be of the engine displacement with the largest projected sales volume of vehicles with that control system combination in that engine family, and the configuration of the vehicle will be designated by the Administrator.

(2) A manufacturer may elect to operate and test additional vehicles to represent any engine-system combination. The additional vehicles must be of the same configuration as the vehicle selected for that engine-system combination in accordance with the provisions of paragraph (c)(1). of this section. Written notice of a commitment to operate and test additional vehicles shall be given to the Administrator not later than 30 days following notification of the test fleet selection.

(d) For purposes of testing under § 85.478–7(h), the Administrator may require additional emission data vehicles and durability data vehicles identical in all material respects to vehicles selected in accordance with paragraphs (b) and (c) of this section: Provided. That the number of vehicles selected shall not increase the size of either the emission data fleet or the durability data fleet by more than 20 percent or one vehicle, whichever is greater.

(e) Any manufacturer whose projected sales of new motorcycles subject to this subpart for the year of production for which certification is sought is less than 10,000 vehicles may request the Administrator to specify deterioration factors to be applied to his emission data vehicles, rather than develop deterioration factors through the operation of durability data vehicles as otherwise required by § 85.478–7(b), and also may request a reduction in the number of emission data vehicles determined in accordance with the foregoing provisions of this section. The Administrator may agree to specify a deterioration factor, and to reduce the number of emission data vehicles, as he determines would meet the objectives of the certification requirement.

(f) In lieu of testing an emission data or durability data vehicle selected under paragraph (b) or (c) of this section and submitting data therefore, a manufacturer may, with the prior written approval of the Administrator, submit data on a similar vehicle for which certification has previously been sought.

§ 85.478–6 Maintenance.

(a)(1) Scheduled maintenance on the engine, emission control system, and fuel system of durability or emission data vehicles shall be scheduled for performance at the same distance intervals that will be specified in the manufacturer's maintenance instructions furnished to the ultimate purchaser of the motorcycle. Such maintenance shall be performed, except as provided in paragraph (a)(4)(iii) of this section, only under the following provisions:

(i) Scheduled major engine tuneups to manufacturer's specifications may be performed no more frequently than every 4000 km (2485 mi) of scheduled driving for vehicles with engine displacements equal to or greater than 170 cc (10.4 cu. in.), or no more frequently than every 3000 km (1864 mi) of scheduled driving for vehicles with engine displacements less than 170 cc (10.4 cu. in.): Provided, That no tuneup may be performed after 28,000 km (17,398 mi) of scheduled driving for vehicles with engine displacements equal to or greater than 170 cc (10.4 cu. in.), or no tuneup may be performed after 10,500 km (6524 mi) of scheduled driving for vehicles with engine displacements less than 170 cc (10.4 cu. in.). A scheduled major engine tuneup shall be restricted to paragraph (a)(1)(i) (a) through (j) of this section and shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by customer service personnel. The following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required:

(A) Ignition system.

(B) Cold starting enrichment system.

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(C) Curb idle speed and idle air/fuel mixture.
(D) Valve lash.
(E) Inlet air and exhaust gas control valves.
(F) Engine bolt torque.
(G) Spark plugs.
(H) Crankcase emission control system.
(I) Oil injection metering system.
(J) Exhaust silencing system.

(ii) Change of engine and transmission oil, and change or service of oil, air, and fuel filters will be allowed at the same distance intervals that will be specified in the manufacturer's maintenance instructions.

(2) Manufacturers may service the EGR system as unscheduled maintenance a maximum of two times during the durability distance accumulation if failure of the EGR system activates an audible and/or visual signal approved by the Administrator which alerts the vehicle operator to the need for EGR system maintenance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(3) The catalytic converter may be serviced as unscheduled maintenance only once during the durability distance accumulation if failure of the catalytic converter activates an audible and/or visual signal approved by the Administrator which alerts the vehicle operator to the need for catalytic converter maintenance.

(4) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on durability or emission data vehicles shall be performed only with the advance approval of the Administrator.

(i) In the case of unscheduled maintenance, such approval will be given if the Administrator:

(A) Has made a preliminary determination that part failure or system malfunction, or the repair of such failure or malfunction, does not render the vehicle unrepresentative of vehicles in use, and does not require direct access to the combustion chamber, except for spark plug, fuel injection component, or removable prechamber removal or replacement; and

(B) Has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfire, vehicle stall, overheating, fluid leakage, loss of oil pressure, or charge indicator warning.

(ii) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (a)(4)(i)(a).

(iii) Requests for authorization of scheduled maintenance of emission control related components not specifically authorized to be maintained by these regulations must be made prior to the beginning of distance accumulation. The Administrator will approve the performance of such maintenance if the manufacturer makes a satisfactory showing that the maintenance will be performed on vehicles in use or that the maintenance is reasonable and necessary.

(5) If the Administrator determines that part failure or system malfunction occurrence and/or repair rendered the vehicle unrepresentative of vehicles in use, the vehicle shall not be used as a durability or emission data vehicle.

(6) Where the Administrator agrees under § 85.478–7 to a distance accumulation of less than 30,000 km (18,641 mi) for durability testing for vehicles with engine displacements equal to or greater than 170 cc (10.4 cu. in.), or to a distance accumulation of less than 12,000 km (7456 mi) for durability testing for vehicles with engine displacements less than 170 cc (10.4 cu. in.), he may modify the requirements of this paragraph.

(b) Repairs to vehicle components of durability or emission data vehicles, other than the engine, emission control system, or fuel system, shall be performed only as a result of part failure, vehicle system malfunction, or with the advance approval of the Administrator.

(c) Complete emission tests (see §§ 85.478–9 through 85.478–27) are required, unless waived by the Administrator, before and after any vehicle maintenance which may reasonably be expected to affect emissions. These test data shall be air posted to the Administrator within 24 hours (or delivered within 3 working days), after the tests, along with a complete record of all pertinent maintenance, including a preliminary engineering report of any malfunction diagnosis and the corrective action taken. A complete engineering report shall be delivered or air posted to the Administrator within 10 working days after the tests. In addition, all test data and maintenance reports shall be compiled and provided to the Administrator in accordance with § 85.478–4.

(d) The Administrator shall be given the opportunity to verify the existence of an overt indication of part failure and/or vehicle malfunction (e.g., misfire, stall), or an activation of an audible and/or visual signal, prior to the performance of any maintenance to which such overt indication or signal is relevant under the provisions of this section.

(e) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available to dealerships and other service outlets and

(1) Are used in conjunction with scheduled maintenance on such components,

(2) Are used subsequent to the identification of a vehicle or engine malfunction, as provided in paragraph (a)(4)(i) of this section for durability or emission data vehicles, or

(3) Unless specifically authorized by the Administrator.

§ 85.478–7 Distance accumulation and emission measurements.

The procedure for distance accumulation will be the Durability Driving Schedule as specified in Appendix IV to this part. A modified procedure may also be used if approved in advance by the Administrator. Except with the advance approval of the Administrator, all vehicles will accumulate distance at a measured curb mass which is within 4 kg (8.8 lb) of the estimated curb mass. If the loaded vehicle mass is within 4 kg (8.8 lb) of being included in the next higher inertial mass category as specified in § 85.478–15(d), the manufacturer may elect to conduct the respective emission data vehicle test at the inertial mass corresponding to the higher loaded vehicle mass.

(a) Emission data vehicles: Each emission data vehicle shall be driven 3500 km (2175 mi) if the engine displacement is equal to or greater than 170 cc (10.4 cu. in.), or 2500 km (1553 mi) if the engine displacement is less than 170 cc (10.4 cu. in.) with all emission control systems installed and operating. Emission tests shall be conducted at zero kilometers and 3500 kilometers (2175 mi) for vehicles with engine displacements equal to or greater than 170 cc (10.4 cu. in.), or at zero kilometers and 2500 kilometers (1553 mi) for vehicles with engine displacements less than 170 cc (10.4 cu. in.).

(b) Durability data vehicles: Each durability data vehicle shall be driven with all emission control systems installed and operating, for 30,000 km (18,641 mi) for vehicles with engine displacements equal to or greater than 170 cc (10.4 cu. in.), or for 12,000 km (7456 mi) for vehicles with engine displacements less than 170 cc (10.4 cu. in.), or for such lesser distance as the Administrator may agree to as meeting the objectives of this procedure. Complete emission tests (see §§ 85.478–10 through 85.478–26) shall be made at the following distance points: 0, 5000, 10,000, 15,000, 20,000, 25,000, and 30,000 kilometers (0, 3107, 6214, 9321, 12,427, 15,534, and 18,641 mi) for vehicles with engine displacements equal to or greater than 170 cc (10.4 cu. in.), or 0, 1500, 3000, 4500, 6000, 7500, 9000, 10,500, and 12,000 kilometers (0, 932, 1864, 2796, 3728, 4660, 5592, 6524, and 7456 mi) for vehicles with engine displacements less than 170 cc (10.4 cu. in.).

(c) Distance accumulation for emission data and durability data vehicles shall be conducted in increments of time, the sum of which shall not exceed a total of 12 hours of operation. A non-operating soak period of not less than 12 hours is required following each 12 hour total operating sequence. Engine shut downs are allowed while accumulating the 12 hour total operating sequence. Shut downs occurring before the accumulation of a 12 hour total operating sequence which exceed 12 hours may be considered as non-operating soak periods, and the next operating sequence may continue for 12 hours. During the non-operating soak period, the vehicle shall be exposed to normal outside ambient temperature and humidity conditions unless vehicle maintenance or servicing is being performed.

(d) All tests required by this subpart must be conducted at any accumulated distance within 250 kilometers (155 mi) of each of those test points.

(e)(1) Data from all tests (including voided tests) shall be air posted to the Administrator within 24 hours (or delivered within three working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 85.478–4. Failure to comply with these requirements may invalidate all test data submitted for this test vehicle.

(2) The manufacturer shall furnish to the Administrator explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. If the Administrator determines that voiding the test was not appropriate, the Administrator may require that the data from that test be used in the calculation of the deterioration factor.

(3) If a manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of the deterioration factor, the number of tests must be the same at each such point and may not exceed three valid tests. Tests between test points may be conducted as required by the Administrator. Where the Administrator conducts a valid test on a durability vehicle at a prescribed test point, the results shall be used in the calculation of the deterioration factor.

(4) The results of all emission tests shall be rounded, using the "Rounding-Off Method" specified in ASTM E 29–67, to the number of places to the right of the decimal point indicated by expressing the applicable standard in § 85.478–1 to three significant figures.

(f) Whenever the manufacturer proposes to operate and test a vehicle which may be used for emission or durability data, he shall provide the zero distance test data and the zero distance documents as required by the Administrator, and make the vehicle available for such testing under § 85.478–29 or inspection as the Administrator may require before beginning to accumulate test distance on the vehicle. Distance accumulation shall not begin until authorized by the Administrator. Failure to comply with these requirements will invalidate all test data submitted for this vehicle.

(g) Once a manufacturer begins to operate an emission data or durability data vehicle, as indicated by compliance with paragraph (f) of this section, the data from the vehicle will be used, unless specified otherwise by the Administrator, in the calculations under § 85.478–28. Discontinuation of a vehicle shall be allowed only with the written consent of the Administrator.

(h)(1) The Administrator may elect to operate and test any test vehicle during all or any part of the distance accumulation and testing procedure. In such cases, the manufacturer shall provide the vehicle(s) to the Administrator with all information necessary to conduct this testing.

(2) The test procedures in §§ 85.478–9 through 85.578–27 will be followed by the Administrator. The Administrator will test the vehicles at each test point which occurs while the vehicle is in the Administrator's possession. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(3) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other vehicles of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacurer, the Administrator's data shall be used in the determination of deterioration factors.

(i) Emission testing of any type with respect to any certification vehicle other than that specified in this subpart is not allowed except as such testing may be specifically authorized by the Administrator.

§ 85.478–8 Special test procedures.

The Administrator may, on the basis of a written application therefor by a manufacturer, prescribe test procedures, other than those set forth in this subpart, for any motorcycle which he determines is not susceptible to satisfactory testing by the procedures set forth herein.

§ 85.478–9 Test procedures.

The procedures described in this and subsequent sections will be the test program to determine the conformity of motorcycles with the standards set forth in § 85.478–1.

(a) The test consists of prescribed sequences of fueling, parking, and operating conditions. The exhaust gases generated during vehicle operation are diluted with air and sampled continuously for subsequent analysis of specific components by prescribed analytical techniques. The test applies to vehicles equipped with catalytic or direct flame afterburners, induction system modifications, or other systems or to uncontrolled vehicles and engines. All test phases are conducted with an ambient temperature range between 20° and 30°C (68° and 86°F).

(b) The exhaust emission test is designed to determine hydrocarbon, carbon monoxide, and oxides of nitrogen mass emissions while simulating an average trip in an urban area. The test consists of engine startups and vehicle operation on a chassis dynamometer through a specified driving schedule, as described in Appendix I to this part. A proportional part of the diluted exhaust emissions is collected continuously, for subsequent analysis, using a constant volume (variable dilution) sampler.

(c) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motorcycle shall be functioning during all procedures in this subpart. Maintenance to correct component malfunction or failure shall be authorized in accordance with § 85.478–6.

§ 85.478–10 Gasoline and engine lubricant specifications.

(a) Fuel having the following specifications will be used by the Administrator in exhaust emission test g. Fuels having the following specifications or substantially equivalent specifications approved by the Administrator, all be used by the manufacturer in exhaust emission testing, except that the lead and octane specifications do not apply.

Item	ASTM designation	Leaded	Unleaded
Octane, research minimum	D2699	100	96.
Pb (organic), gram/liter (grams/U.S. gallon)		0.370 (1.4) minimum	0.000–0.013 (0.00–0.05).
Distillation range	D86		
IBP, °C (°F)		23.9–35 (75–95)	23.9–35 (75–95).
10 pct point, °C (°F)		48.9–57.2 (120–135)	48.9–57.2 (120–135).
50 pct point, °C (°F)		93.3–110 (200–230)	93.3–110 (200–230).
90 pct point, °C (°F)		148.9–162.8 (300–325)	148.9–162.8 (300–325).
EP, °C (°F), maximum		212.8 (415)	212.8 (415).
Sulfur, mass percent, maximum	D1266	0.10	0.10.
Phosphorus, gram/liter (gram/U.S. gallon), maximum.		0.0026 (0.01)	0.0013 (0.005).
RVP, kPa (psi)	D323	55.2–63.4 (8.0–9.2)	55.2–63.4 (8.0–9.2).
Hydrocarbon composition	D1319		
Olefins, percent, maximum		10	10.
Aromatics, percent maximum		35	35.
Saturates		Remainder	Remainder.

(b) Fuels and engine lubricants representative of commercial fuels and engine lubricants which will be generally available through retail outlets shall be used in distance accumulation. For unleaded fuel, the minimum lead content shall be 0.005 gram per liter (0.02 gram per U.S. gallon) and the minimum phosphorus content shall be 0.0005 gram per liter (0.002 gram per U.S. gallon). For leaded fuel, the minimum lead content shall be 0.370 gram per liter (1.4 grams per U.S. gallon), except that where the Administrator determines that vehicles represented by a test vehicle will be operated using fuels of different lead content than that prescribed in this paragraph, he may consent in writing to use of a fuel with a different lead content. The octane rating of the fuel used shall be no higher than 4.0 Research octane numbers above the minimum recommended by the manufacturer. The Reid Vapor Pressure of the fuel used shall be characteristic of the motor fuel during the season which the distance accumulation takes place.

(c) The specification range of the fuels and engine lubricants to be used under paragraph (b) of this section shall be reported in accordance with § 85.478–2(b)(3).

§ 85.478–11 [Reserved]

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§ 85.478–12 Vehicle preconditioning.

Vehicles to be tested for compliance with the exhaust emission standards of this subpart shall be preconditioned as follows:

(a) The fuel tank of the test vehicle shall be drained and charged with the specified test fuel, § 85.478–10(a).

(b) The test vehicle shall be placed on the dynamometer and may be used to set dynamometer power, if necessary. The test vehicle shall be operated over a simulated trip, according to the applicable requirements and procedures of §§ 85.478–14 to 85.478–19 except that the engine need not be cold when starting the run on the dynamometer and only a single simulated trip shall be run.

(c) The engine and cooling fan shall be stopped upon completion of the dynamometer operation and the vehicle permitted to soak either on or off the dynamometer stand for a period of not less than 12 hours prior to the dynamometer test. If the vehicle is to be soaked off the dynamometer stand, no engine operation will be permitted during removal for the soak or during replacement for the dynamometer run as specified in § 85.478–15(a).

§ 85.478–13 [Reserved]

§ 85.478–14 Dynamometer driving schedule.

(a) The dynamometer driving schedule to be followed consists of a nonrepetitive series of idle, acceleration, cruise, and deceleration modes of various time sequences and rates. The driving schedule for vehicles with engine displacements equal to or greater than 170 cc (10.4 cu. in.) is defined by a smooth transition through the speed vs. time relationships listed in Appendix I (a) to this subpart. The driving schedule for vehicles with engine displacements less than 170 cc (10.4 cu. in.) is defined by a smooth transition through the speed vs. time relationships listed in Appendix I(b) to this subpart. The time sequence begins upon starting the vehicle according to the startup procedure described in § 85.478–19.

(b) The speed tolerance at any given time on the dynamometer driving schedule prescribed in Appendix I or as printed on a driver's aid chart approved by the Administrator, when conducted to meet the requirements of § 85.478–15, is defined by upper and lower limits. The upper limit is 3.2 k.p.h. (2.0 m.p.h.) higher than the highest point on the trace within 1 second of the given time. The lower limit is 3.2 k.p.h. (2.0 m.p.h.) lower than the lowest point on the trace within 1 second of the given time. Speed variations greater than the tolerances (such as occur when shifting manual transmission vehicles) are acceptable provided they occur for less than 2 seconds on any one occasion. Speeds lower than those prescribed are acceptable provided the vehicle is operated at maximum available power during such occurrences. Further, speed deviations from those prescribed which are due to stalling are acceptable provided the provisions of § 85.478–19(g) are met. When conducted to meet the requirements of § 85.478–12, the speed tolerance shall be as specified above, except that the upper and lower limits shall be 6.5 k.p.h. (4.0 m.p.h.).

§ 85.478–15 Dynamometer procedure.

(a) The dynamometer run consists of two tests, a "cold" start test after a minimum 12 hour soak according to the provisions of § 85.478–12 and a "hot" start test with a 10 minute soak between the two tests. Engine startup (with all accessories turned off), operation over the driving schedule, and engine shutdown make a complete cold start test. Engine startup and operation over the first 505 seconds of the driving schedule complete the hot start test. The exhaust emissions are diluted with air to a constant volume and a portion is sampled continuously during each test. The composite samples collected in bags are analyzed for hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen. A parallel sample of the dilution air is similarly analyzed for hydrocarbon monoxide, and oxides of nitrogen.

(b) During dynamometer operation, a variable speed cooling blower shall be positioned in front of the vehicle so as to direct cooling air to the vehicle in a manner which simulates actual operating conditions. The blower shall have a mechanism (such as variable area air inlet(s)) which is controlled by dynamometer roll speed such that within the operating range of 10 k.p.h. (6.2 m.p.h.) to 70 k.p.h. (43.5 m.p.h.) the linear velocity of the air at the blower outlet is within 10 percent of the corresponding roll speed. At roll speeds of less than 10 k.p.h. (6.2 m.p.h.), air velocity shall be between zero and 10 k.p.h. (6.2 m.p.h.). The maximum linear air velocity from the cooling blower shall be at least 70 k.p.h. (43.5 m.p.h.). The blower outlet shall have a cross sectional area of at least 0.40 m^2 (4.31 ft^2), and the bottom of the blower outlet shall be between 0.15 m (0.49 ft) and 0.2 m, 0.66 ft) above floor level. The blower outlet shall be squarely positioned between 0.3 m (0.98 ft) and 0.45 m (1.48 ft) in front of the vehicle's front wheel.

(c) The vehicle shall be nearly level when tested in order to prevent abnormal fuel distribution.

(d) (1) Flywheels, electrical or other means of simulating inertia with inertial increments no greater than those shown in the following table shall be used.

Loaded vehicle mass, kilograms	*Equivalent inertial mass kilograms*
136 to 145	140
146 to 155	150
156 to 165	160
166 to 175	170
176 to 185	180
186 to 195	190
196 to 205	200
206 to 215	210
216 to 226	220
226 to 235	230
236 to 245	240
246 to 255	250
256 to 265	260
266 to 275	270
276 to 285	280
286 to 295	290
296 to 305	300
306 to 315	310
316 to 325	320
326 to 335	330
336 to 345	340
346 to 355	350
356 to 365	360
366 to 375	370
376 to 385	380
386 to 395	390
396 to 405	400
406 to 415	410
416 to 425	420
426 to 435	430
436 to 445	440
446 to 455	450
456 to 465	460
466 to 475	470
476 to 485	480

(2) The road load power shall be calculated to 3 significant figures from the following formula:

$$P=0.005934I+1.58458$$

where:

P=Road load power at 65 k.p.h., in kilowatts.

I=Actual loaded vehicle mass, in kilograms.

(3) Motorcycles with loaded vehicle mass outside the limits specified in § 85.478–15(d)(1) shall be tested at an equivalent inertial mass and road load power specified by the Administrator.

(e) *Power absorption unit adjustment.* (1) The power absorption unit shall be adjusted to reproduce road load power at 65 k.p.h. (40.4 m.p.h.) true speed. The indicated road load power setting shall take into account the dynamometer friction. The relationship between road load (absorbed) power and indicated road load power for a particular dynamometer shall be determined by the procedure outlined in Appendix II or by other suitable means.

(2) The road load power calculated from the formula above shall be used or the vehicle manufacturer may determine the road load power by one of the following procedures or other procedure approved in advance by the Administrator and request that it be used.

(i) (A) Measure the force at some point in the vehicle drive line of a representative vehicle and rider of the same equivalent inertial mass category being determined when operated on a level road under balanced wind conditions at a true speed of 65 + or — 2 k.p.h. (40.4 + or — 1.2 m.p.h.); and

(B) Note the dynamometer indicated road load power setting required to reproduce that force when the same vehicle is operated on the dynamometer at a true speed of 65 + or — 1 k.p.h. (40.4 + or — 0.6 m.p.h.); or

(ii) (A) Measure the time required for a representative vehicle and rider of the same equivalent inertial mass category being determined to freely coast from 70 k.p.h. (43.5 m.p.h.) down to 60 k.p.h. (37.3 m.p.h.) when operated on a level road under balanced wind conditions. This measurement should be repeated 10 times in immediate succession, 5 in each of the opposing road directions. The average time is then calculated from these measurements; and

(B) Note the dynamometer indicated road load power setting required to reproduce that average 70 k.p.h. (43.5 m.p.h.) to 60 k.p.h. (37.3 m.p.h.) coast down time when the same vehicle is allowed to freely coast on the dynamometer. The same equivalent inertial mass used in § 85.478–15(e)(2)(ii)(a) shall be set on the dynamometer.

(iii) For either § 85.478–15(e)(2)(i) or (ii) or any other procedure approved in advance by the Administrator, the tests on the road and on the dynamometer shall be performed with the same vehicle ambient absolute pressure (usually barometric), i.e. within + or — 1.33 kPa (+ or — 10 mm Hg); and the same vehicle ambient temperature, i.e. within + or — 5°C (+ or — 9°F).

(iv) The road load power shall be determined according to the procedure outlined in Appendix II.

(f) The vehicle speed (k.p.h.) as measured from the dynamometer roll(s) shall be used for all conditions. A speed vs. time recording, as evidence of dynamometer test validity, shall be supplied on request of the Administrator.

(g) Practice runs over the prescribed driving schedule may be performed at test points, provided an emission sample is not taken, for the purpose of finding the minimum throttle action to maintain the proper speed-time relationship, or to permit sampling system adjustments to comply with § 85.478–20(b)(2).

(h) The drive wheel tire(s) may be inflated up to 300 kPa (43.5 psig) in order to prevent tire damage. The drive wheel tire pressure shall be reported with the test results.

(i) If the dynamometer has not been operated during the 2 hour period immediately preceding the test it shall be warmed up for 15 minutes by operating it at 50 k.p.h. (31.1 m.p.h.) using a non-test vehicle.

(j) If the dynamometer power setting must be adjusted manually, it shall be set within 1 hour prior to the exhaust emissions test phase. The test vehicle shall not be used to make this adjustment. Dynamometers using automatic control of preselectable power settings may be set any time prior to the beginning of the emissions test.

(k) The driving distance, as measured by counting the number of dynamometer roll revolutions, shall be determined for the transient cold start, stabilized cold start, and transient hot start phases of the test.

§ 85.478–16 Manual transmissions.

(a) Vehicles equipped with transfer cases, multiple sprockets, etc., shall be tested in the manufacturer's recommended configuration for street or highway use. If more than one configuration is recommended or if the recommendation is deemed unreasonable by the Administrator, the Administrator will specify the test configuration.

(b) Idle modes shall be run with transmission in gear and with clutch disengaged (except first idle; see § 85.478–19).

(c) The vehicle shall be driven with minimum throttle movement to maintain the desired speed. No simultaneous use of brake and throttle shall be permitted.

(d) Acceleration modes shall be driven smoothly with the shift speeds as recommended in the manufacturer's operating instructions or owner's manual unless the recommendation is deemed unreasonable by the Administrator.

(1) If the manufacturer does not recommend shift speeds, the vehicle shall be shifted as specified in the following table for vehicles with engine displacements equal to or greater than 170 cc (10.4 cu. in.).

Shift	Speed
First to second gear	30 k.p.h. (18.6 m.p.h.)
Second to third gear	34 k.p.h. (28.0 m.p.h.)
Third to fourth gear	60 k.p.h. (37.3 m.p.h.)
Fourth to fifth gear	75 k.p.h. (46.6 m.p.h.)

(2) If the manufacturer does not recommend shift speeds, the vehicle shall be shifted as specified in the following table for vehicles with engine displacements less than 170 cc (10.4 cu. in.).

Shift	Speed
First to second gear	19 k.p.h. (11.8 m.p.h.)
Second to third gear	33 k.p.h. (20.5 m.p.h.)
Third to fourth gear	44 k.p.h. (27.8 m.p.h.)
Fourth to fifth gear	53 k.p.h. (32.9 m.p.h.)

(3) Sixth gear may be used at the manufacturer's option.

(e) The operator shall release the throttle during the shift, disengage the clutch, and accomplish the shift with minimum time. If the vehicle cannot accelerate at the specified rates, the vehicle shall be accelerated at maximum available power until the vehicle speed reaches the speed at which it should be at that time during the test.

(f) The deceleration modes shall be run with clutch engaged and without shifting gears from the previous mode, using brakes or throttle as necessary to maintain the desired speed. For those modes which decelerate to zero, the clutch shall be disengaged when the speed drops below 30 k.p.h. (18.6 m.p.h.) for vehicles with engine displacements equal to or greater than 170 cc (10.4 cu. in.), when the speed drops below 19 k.p.h. (11.8 m.p.h.) for vehicles with engine displacements less than 170 cc (10.4 cu. in.), when engine roughness is evident, or when engine stalling is imminent.

(g) Downshifting is allowed at the beginning of or during a power mode if recommended by the manufacturer or if the engine obviously is lugging.

§ 85.478–17 [Reserved]

§ 85.478–18 Automatic transmissions.

(a) All tests shall be conducted with the transmission in "Drive" (highest gear). Automatic clutch-torque converter transmissions may be shifted as manual transmissions at the option of the manufacturer.

(b) Idle modes shall be run with the transmission in "Drive" and the wheel(s) braked (except first idle; see § 85.478–19).

(c) The vehicle shall be driven with minimum throttle movement to maintain the desired speed. No simultaneous use of brake and throttle shall be permitted.

(d) Acceleration modes shall be driven smoothly allowing the transmission to shift automatically through the normal sequence of gears. If the vehicle cannot accelerate at the specified rates, the vehicle shall be accelerated at maximum available power until the vehicle speed reaches the speed at which it should be at that time during the driving schedule.

(e) The deceleration modes shall be run in gear using brakes or throttle as necessary to maintain the desired speed.

§ 85.478–19 Engine starting and restarting.

(a) The engine shall be started according to the manufacturer's recommended starting procedures. The initial 20 second idle period shall begin when the engine starts.

(b) *Choke operation:* (1) Vehicles equiped with automatic chokes shall be operated according to the instructions which will be included in the manufacturer's operating instructions or owner's manual including choke setting and "kick-down" from cold fast idle. The transmission shall be placed in gear 15 seconds after the engine is started. If necessary, braking may be employed to keep the drive wheel(s) from turning.

(2) Vehicles equipped with manual chokes shall be operated according to the instructions which will be included in the manufacturer's operating instructions or owner's manual.

(c) The operator may use the choke, throttle, etc., where necessary to keep the engine running.

(d) If the manufacturer's operating instructions or owner's manual does not specify a warm engine starting procedure, the engine (automatic and manual choke engines) shall be started by opening the throttle about half way and cranking the engine until it starts.

(e) (1) If the vehicle does not start after 10 seconds of cranking, or ten cycles of the manual starting mechanism, during the cold start, cranking shall cease and the reason for failure to start determined in accordance with § 85.478–6. The revolution counter on the constant volume sampler (see § 85.478–24 Dynamometer test runs) shall be turned off and the sample solenoid valves placed in the "dump" position during this diagnostic period. In addition, either the positive displacement pump should be turned off or the exhaust tube(s) disconnected from the tailpipe(s) during the diagnostic period. If failure to start is an operational error, the vehicle shall be rescheduled for testing from a cold start. If failure to start is caused by vehicle malfunction, corrective action of less than 30 minutes duration may be taken and the test continued. The sampling system shall be reactivated at the same time cranking is started. When the engine starts, the driving schedule timing sequence shall begin. If failure to start is caused by vehicle malfunction and the vehicle cannot be started, the test shall be voided, the vehicle removed from the dynamometer, corrective

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action taken in accordance with § 85.478–6, and the vehicle rescheduled for test. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

(2) If the vehicle does not start after 10 seconds of cranking, or ten cycles of the manual starting mechanism, during the hot start, cranking shall cease, the test shall be voided, the vehicle removed from the dynamometer, corrective action taken in accordance with § 85.478–6, and the vehicle rescheduled for test. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

(f) If the engine "false starts", the operator shall repeat the recommended starting procedure (such as resetting the choke, etc.).

(g) *Stalling:* (1) If the engine stalls during an idle period, the engine shall be restarted immediately and the test continued. If the engine cannot be started soon enough to allow the vehicle to follow the next acceleration as prescribed, the driving schedule indicator shall be stopped. When the vehicle restarts the driving schedule indicator shall be reactivated.

(2) If the engine stalls during some operating mode other than idle, the driving schedule indicator shall be stopped, the vehicle restarted, accelerated to the speed required at that point in the driving schedule and the test continued.

(3) If the vehicle will not restart within 1 minute, the test shall be voided, the vehicle removed from the dynamometer, corrective action taken in accordance with § 85.478–6, and the vehicle rescheduled for test. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

§ 85.478–20 Sampling and analytical system (exhaust emissions).

(a) *Schematic drawings.* The following figures (Figures E 478–1 and E 478–2) are schematic drawings of the exhaust gas sampling and analytical systems which will be used for testing under the regulations in this part. Since various configurations of the required components can produce accurate results, these schematic drawings are not to be interpreted literally and exact conformance is not mandatory. Additional components such as instruments, valves, solenoids, pumps, and switches may be used to provide additional information and coordinate the functions of the component systems.

(b) *Component description (exhaust gas sampling system).* The following components will be used in the exhaust gas sampling system for testing under the regulations in this subpart. See Figure E 478–1. Other types of constant volume samplers may be used if shown to yield equivalent results and if approved in advance by the Administrater.

(1) A dilution air filter assembly consisting of a particulate (paper) filter to remove solid matter from the dilution air and thus increase the life of the charcoal filter; a charcoal filter to reduce and stabilize the background hydrocarbon level; and a second particulate filter to remove charcoal particles from the air stream.

(2) A leak-tight connector(s) and tube(s) to the vehicle tailpipe(s). The tubing shall be sized and connected in such a maner that the static pressure variations in the vehicle tailpipe(s) remain within + or − 1.25 kPa (+ or − 5.02 in. H20) of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). Sampling systems capable of tolerances to + or − 0.25 kPa (+ or − 1.00 in. H20) will be used by the Administrator if a written request by the manufacturer substantiates the need for this closer tolerance.

(3) A heating system to preheat the heat exchanger to within + or − 5°C (+ or − 9°F) of its operating temperature before the test begins.

(4) A heat exchanger capable of limiting the gas mixture temperature variation during the entire test to + or − 5°C (+ or − 9°F) as measured at a point immediately ahead of the positive displacement pump.

(5) A positive displacement pump to pump the dilute exhaust mixture. The pump capacity (0.14 m^3/s (300 cfm) to 0.17 m^3/s (350 cfm) is sufficient for testing most vehicles) shall be large enough to virtually eliminate water condensation in the system. See Appendix III for one flow calibration technique. Other suitable calibration techniques may be used if approved in advance by the Administrator.

(6) Temperature sensor (T1) with an accuracy of + or − 1°C (+ or − 1.8° F) to allow continuous recording of the temperature of the dilute exhaust mixture entering the positive displacement pump. (See § 85.478–22(1).)

(7) Gauge (G1) with an accuracy of + or − 400 Pa (+ or − 3mm Hg) to measure the pressure depression of the dilute exhaust mixture entering the positive displacement pump, relative to atmospheric pressure.

(8) Gauge (G2) with an accuracy of + or − 400 Pa (+ or − 3 mm Hg) to measure the pressure increase across the positive displacement pump.

(9) Sample probes (S1 and S2) pointed upstream to collect samples from the dilution air stream and the dilute exhaust mixture.

(10) Filters (F1 and F2) to remove particulate matter from dilution air and dilute exhaust samples.

(11) Pumps (P1 and P2) to pump the dilution air and dilute exhaust into their respective sample collection bags.

(12) Flow control valves (N1 and N2) to regulate flows to sample collection bags, at constant flow rates. The minimum sample flow rate shall be 80 cm^3/s (10.2 ft^3/hr).

(13) Flowmeters (FL1 and FL2) to insure, by visual observation, that constant flow rates are maintained throughout the test.

(14) Three-way solenoid valves (V1, V2, V3, and V4) to direct sample streams to either their respective bags or overboard.

(15) Quick-connect, leak-tight fittings (C1, C2, C3, and C4) with automatic shutoff on bag side to attach sample bags to sample system.

(16) Sample collection bags for dilution air and exhaust samples of sufficient capacity so as not to impede sample flow.

(17) Revolution counters to count the revolutions of the positive displacement pump while each test phase is in progress and samples are being collected.

(c) *Component description (exhaust gas analytical system).* The following components will be used in the exhaust gas analytical system for testing under the regulations in this part. The analytical system provides for the determination of hydrocarbon concentrations by flame ionization detector (FID) analysis, the determination of carbon monoxide and carbon dioxide concentrations by nondispersive infrared (NDIR) analysis and the determination of oxides of nitrogen concentrations by chemiluminescence (CL) analysis in dilute exhaust samples. The chemiluminescence method of analysis requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. See Figure E 478–2.

(1) Quick-connect, leak-tight fitting (C5) to attach sample bags to analytical system.

(2) Filter (F3) to remove any residual particulate matter from the collected sample.

(3) Pump (P3) to transfer samples from the sample bags to the analyzers.

(4) Selector valves (V5, V6, V7, V8, V9, V10, V11, and V12) for directing samples, span gases, or zeroing gases to the analyzers.

(5) Flow control valves (N3, N4, N5, N6, N7, N8, N9, N10, N11, N12, N13, N14, and N15) to regulate the gas flow rates.

(6) Flowmeters (FL3, FL4, FL5, FL6, and FL7) to indicate gas flow rates.

(7) Pressure gauges (G3 and G4) to facilitate greater precision in setting and reading flowrates.

(8) Manifold (M1) to collect the expelled gases from the analyzers.

(9) Pump (P4) to transfer expelled gases from the collection manifold to a vent external to the test room (optional).

(10) Analyzers to determine hydrocarbon, carbon monoxide, carbon dioxide, and oxides of nitrogen concentrations. See § 85.478–23(a).

(11) Sample conditioning column containing CaSO4 or indicating silica gel to remove water vapor and containing ascarite to remove carbon dioxide from the CO analysis stream.

NOTE.—If CO instruments which are essentially free of CO2 and water vapor interference are used, the use of the conditioning column may be deleted. See §§ 85.478–22(n) and 85.478–26(c). A CO instrument will be considered to be essentially free of CO2 and water vapor interference if its response to a mixture of 3 percent CO2 in N2, which has been bubbled through water at room temperature (20°–30°C (68°–86°F)), produces an equivalent CO response, as measured on the most sensitive CO range, which is less than 1 percent of full scale CO concentration on instrument ranges above 300 ppm CO or less than 3 ppm on instrument ranges below 300 ppm CO.

(12) Recorders (R1, R2, R3, and R4) or digital printers to provide permanent records of calibration, spanning, and sample measurements; or in those facilities where computerized data acquisition systems are incorporated, the computer facility printout may be used.

§ 85.478–21 [Reserved]

§ 85.478–22 Information to be recorded.

The following information shall be recorded with respect to each test:

(a) Test number.

(b) System or device tested (brief description).

(c) Date and time of day for each part of the test schedule.

(d) Instrument operator.

(e) Rider or operator.

(f) Vehicle: Make, Vehicle identification number, Year of production, Transmission type, Odometer reading, Engine displacement, Engine family, Idle RPM, Nominal fuel tank capacity, Inertial loading, Actual curb mass recorded at 0 kilometers, Actual road load power at 65 k.p.h. (40.4 m.p.h.) and drive wheel tire pressure.

(g) Indicated road load power absorption at 65 k.p.h. (40.4 m.p.h.) and dynamometer serial number. As an alternative to recording the dynamometer serial number, a reference to a vehicle test cell number may be used, with the advance approval of the Administrator: Provided, That the test cell records show the pertinent information.

(h) All pertinent instrument information such as tuning—gain—serial number—detector number—range. As an alternative, a reference to a vehicle test cell number may be used, with the advance approval of the Administrator: *Provided*, That the test cell calibration records show the pertinent instrument information.

(i) *Recorder charts:* Identify zero, span, exhaust gas, and dilution air sample traces.

(j) Test cell barometric pressure, ambient temperature, and humidity.

NOTE.—A central laboratory barometer may be used: Provided, That individual test cell barometric pressures are shown to be within + or − 0.1 percent of the barometric pressure at the central barometer location.

(k) *Fuel temperature, as prescribed.*

(l) Pressure of the mixture of exhaust and dilution air entering the positive displacement pump, the pressure increase across the pump, and the temperature set point of the temperature control system. The sample temperature at the inlet to the pump may be measured, if desired, to verify that the temperature variations are within + or − 2°C (+ or − 3.6°F) of the set point.

(m) The number of revolutions of the positive displacement pump accumulated while the test is in progress and exhaust flow samples are being collected.

(n) The humidity of the dilution air. Note: If conditioning columns are not used (see § 85.478–20(c)(11), this measurement can be deleted. If the conditioning columns are used and the dilution air is taken from the test cell, the ambient humidity can be used for this measurement.

(o) The driving distance for each of the three phases of the test, calculated from the measured roll revolutions.

§ 85.478–23 Analytical system calibration and sample handling.

(a) Calibrate the analytical assembly at least once every 30 days. Use the same flow rate as when analyzing samples.

(1) Adjust analyzers to optimize performance.

(2) Zero the hydrocarbon analyzer with zero grade air and the carbon monoxide, carbon dioxide, and oxides of nitrogen analyzers with zero grade air or zero grade nitrogen. The allowable zero gas impurity concentrations should not exceed 1 ppm equivalent carbon response, 1 ppm carbon monoxide, 400 ppm (0.04 mole percent) carbon dioxide, and 0.1 ppm nitric oxide.

(3) Set the CO and CO2 analyzer gains to give the desired range. Select the desired attenuation scale of the HC analyzer, set the capillary flow rate by adjusting the back pressure regulator, and adjust the electronic gain control, if provided, to give the desired range. Select the desired scale of the NOx analyzer and adjust the phototube high voltage supply or amplifier gain to give the desired range.

(4) Calibrate the HC analyzer with propane (air diluent) gases having nominal concentrations equal to 50 and 100 percent of full scale. Calibrate the CO analyzer with carbon monoxide (nitrogen diluent) gases and the CO2 analyzer with carbon dioxide (nitrogen diluent) gases having nominal concentrations equal to 10, 25, 40, 50, 60, 70, 85, and 100 percent of full scale. Calibrate the NOx analyzer with nitric oxide (nitrogen diluent) gases having nominal concentrations equal to 50 and 100 percent of full scale. The actual concentrations should be known to within + or − 2 percent of the true values.

(5) Compare values obtained on the CO and CO2 analyzers with previous calibration curves. Any significant change reflects some problem in the system. Locate and correct the problem, and recalibrate. Use best judgment in selecting curves for data reduction.

(6) NOx converter efficiency determination: The apparatus described and illustrated in Figure E 478–7 or Figure E 478–8 is to be used to determine the conversion efficiency of devices that convert NOx to NO.

The following procedure is to be used for determining the values to be used in Equation (A).

(i) Attach the NO/N2 supply (150–250 ppm) at C2, the O2 supply at C1 and the analyzer inlet connection to the efficiency detector at C3. If lower concentrations of NO are used, air may be used in place of O2 to facilitate better control of the NO2 generated during step (iv).

(ii) With the efficiency detector variac off, place the NOx converter in bypass mode and close valve V3. Open valve MV2 until sufficient flow and stable readings are obtained at the analyzer. Zero and span the analyzer output to indicate the value of the NO concentration being used. Record this concentration.

(iii) Open valve V3 (on/off flow control solenoid valve for O2) and adjust valve MV1 (O2 supply metering valve) to blend enough O2 to lower the NO concentration (ii) about 10 percent. Record this concentration.

(iv) Turn on the ozonator and increase its supply voltage until the NO concentration of (iii) is reduced to about 20 percent of (ii). NO2 is now being formed from the NO+O2 reaction. There must always be at least 10 percent unreacted NO at this point. Record this concentration.

(v) When a stable reading has been obtained from (iv), place the NOx converter in the convert mode. The analyzer will now indicate the total NOx concentration. Record this concentration.

(vi) Turn off the ozonator and allow the analyzer reading to stabilize. The mixture NO+O2 is still passing through the converter. This reading is the total NOx concentration of the dilute NO span gas used at step (iii). Record this concentration.

(vii) Close valve V3. The NO concentration should be equal to or greater than the reading of (ii) indicating whether the NO contains any NO2.

Calculate the efficiency of the NOx converter by substituting the concentrations obtained during the test into equation (A).

$$\text{Percent efficiency} = [(v-(iv))/[(vi)-(iv)]\times 100 \text{ percent}$$

The efficiency of the converter should be greater than 90 percent. Adjusting the converter temperature may be needed to maximize the efficiency. Efficiency checks should be made on each analyzer range using an NO span gas concentration appropriate to the instrument range. See alternate procedure in paragraph (a)(6)(viii).

(viii) Alternative to paragraph (a)(6)(vii): Close valve V3. The NO concentration should be equal to or greater than the reading of (ii) indicating whether the NO contains any NO2.

Calculate the efficiency of the NO converter by substituting the concentrations obtained during the test into Equation (A).

$$\text{Percent efficiency} = [1+(v-vi)/(iii-iv)]\times 100 \text{ percent (A)}$$

The efficiency of the converter should be greater than 90 percent. Adjusting the converter temperature may be needed to maximize the efficiency. Although steps (ii) and (vii) are not used in the calculations, their values should be recorded to complete the data set for the test sequence. This procedure does not depend on the amount of NO2 in the span gas nor the equivalence of flows in the bypass and converter modes; how-

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ever, to be consistent with good operating practice, flows should be nominally the same, and the NO2 concentration should be less than 5 percent of the NOx span concentration. Efficiency checks should be made at a frequency (daily to weekly) consistent with good quality assurance provisions.

(7) Check the efficiency of the sample conditioning system, if used, by the following procedure:

(i) Zero and span the CO instrument on its most sensitive scale.

(ii) Recheck zero.

(iii) Bubble a mixture of 3 percent CO2 in N2 through water at room temperature (20°–30°C (68°–86°F)), through the conditioning column into the CO instrument. If the response meets the criteria of § 85.478–20(c)(11), then the conditioning column is functioning acceptably. If the response is higher than the specified limit, a new conditioning column should be installed and the test repeated.

(iv) Sample conditioning systems should be checked at a frequency consistent with observed column life or when the indicator of the column packing begins to show deterioration.

(b) HC, CO, CO2, and NOx measurements: Allow a minimum of 20 minutes warm-up for the HC analyzer and 2 hours for the CO, CO2, and NOx analyzers. Power is normally left on for infrared and chemiluminescence analyzers; but when not in use, the chopper motors of the infrared analyzers are turned off and the phototube high voltage supply of the chemiluminescence analyzer is placed in the standby position.) The following sequence of operations should be performed in conjunction with each series of measurements:

(1) Zero the analyzers. Obtain a stable zero on each amplifier meter and recorder. Recheck after tests.

(2) Introduce span gases and set the CO and CO2 analyzer gains, the HC analyzer sample capillary flow rate and the NOx analyzer high voltage supply or amplifier gain to match the calibration curves. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test samples. Span gases should have concentrations equal to approximately 80 percent of full scale. If gain has shifted significantly on the CO or CO2 analyzers, check tuning. If necessary, check calibration. Recheck after test. Show actual concentrations on chart or computer printout.

(3) Check zeros; repeat the procedure in paragraphs (b) (1) and (2) of this paragraph if required.

(4) Check flow rates and pressures.

(5) Measure HC, CO, CO2, and NOx concentrations of samples. Care should be exercised to prevent moisture from condensing in the sample collection bag.

(6) Check zero and span points.

(c) For the purposes of this section, the term "zero grade air" includes artificial "air" consisting of a blend of nitrogen and oxygen with oxygen concentrations between 18 and 21 mole percent.

§ 85.478–24 Dynamometer test runs.

(a) The vehicle shall be allowed to stand with the engine turned off for a period of not less than 12 hours before the cold start exhaust emission test at an ambient temperature range between 20° and 30° C (68° and 86° F). The vehicle shall be stored prior to the emission tests in such a manner that precipitation (e.g. rain or dew) does not occur on the vehicle. For vehicles with engine displacements equal to or greater than 170 cc (10.4 cu. in.), the complete dynamometer test consists of a cold start drive of 12.0 km (7.5 mi) and simulates a hot start drive of 12.0 km (7.5 mi). For vehicles with engine displacements less than 170 cc (10.4 cu. in.), the complete dynamometer test consists of a cold start drive of 10.9 km (6.8 mi) and simulates a hot start drive of 10.9 km (6.8 mi). The vehicle is allowed to stand on the dynamometer during the 10 minute time period between the cold and hot start tests. The cold start test is divided into two periods. The first period, representing the cold start "transient" phase, terminates at the end of the deceleration which is scheduled to occur at 505 seconds of the driving schedule. The second period, representing the "stabilized" phase, consists of the remainder of the driving schedule including engine shutdown. The hot start test similarly consists of two periods. The first period, representing the hot start "transient" phase, terminates at the same point in the driving schedule as the first phase of the cold start test. The second period of the hot start test, the "stabilized" phase, is assumed to be identical to the second period of the cold start test. Therefore, the hot start test terminates after the first period (505 seconds) is run. During the tests the ambient temperature shall be between 20° and 30° C (68° and 68° F).

(b) The following steps shall be taken for each test:

(1) Place the drive wheel(s) of the vehicle on the dynamometer without starting the engine.

(2) Start the vehicle cooling fan.

(3) With the sample solenoid valves in the "dump" position connect the evacuated sample collection bags to the two dilute exhaust sample connectors and to the two dilution air sample line connectors.

(4) Start the positive displacement pump (if not already on), the sample pumps, and the temperature recorder. (The heat exchanger of the constant volume sampler should be preheated to its operating temperature before the test begins.)

(5) Adjust the sample flow rates to the desired flow rate (minimum of 80 cm³/s (10.2 ft³/hr)) and set the revolution counters to zero.

(6) Attach the flexible exhaust tube(s) to the vehicle tailpipe(s).

(7) Simultaneously start the revolution counter for the positive displacement pump, position the sample solenoid valves to direct the sample flow into the "transient" exhaust sample bag and the "transient" dilution air sample bag, and start cranking the engine.

(8) Fifteen seconds after the engine starts, place the transmission in gear.

(9) Twenty seconds after the engine starts, begin the initial vehicle acceleration of the driving schedule.

(10) Operate the vehicle according to the dynamometer driving schedule (§ 85.478–14).

(11) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously switch the sample flows from the "transient" bags to the "stabilized" bags, switch off revolution counter No. 1 and start No. 2. Before the acceleration which begins at 510 seconds, record the measured roll revolutions and reset the counter, or switch to a second counter. As soon as possible and in no case longer than 20 minutes after the end of this portion of the test disconnect the "transient" exhaust and dilution air sample bags, transfer them to the analytical system and process the samples according to § 85.478–23.

(12) Turn the engine off 2 seconds after the end of the last deceleration (at 1,369 seconds).

(13) Five seconds after the engine stops running, simultaneously turn off revolution counter No. 2 and position the sample solenoid valves to the "dump" position. Record the measured roll revolutions and reset the counter. As soon as possible and in no case longer than 20 minutes after the end of this portion of the test disconnect the "stabilized" exhaust and dilution air sample bags, transfer them to the analytical system and process the samples according to § 85.478–23.

(14) Immediately after the end of the sample period turn off the cooling fan.

(15) Turn off the positive displacement pump or disconnect the exhaust tube(s) from the tailpipe(s) of the vehicle.

(16) Repeat the steps in paragraph (b) (2) through (10) of this section for the hot start test except only one evacuated sample bag is required for sampling exhaust gas and one for dilution air. The step in paragraph (b) (7) of this section shall begin between 9 and 11 minutes after the end of the sample period for the cold start test.

(17) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously turn off the No. 1 revolution counter and position the sample solenoid valve to the "dump" position. (Engine shutdown is not part of the hot start test sample period.) Record the measured roll revolutions.

(18) As soon as possible and in no case longer than 20 minutes after the end of this portion of the test disconnect the hot start "transient" exhaust and dilution air sample bags, transfer them to the analytical system and process the samples according to § 85.478–23.

(19) Disconnect the exhaust tube(s) from the vehicle tailpipe(s) and remove the vehicle from the dynamometer.

(20) The positive displacement pump may be turned off, if desired.

§ 85.478–25 Chart reading.

(a) Determine the HC, CO, CO2, and NOx concentrations of the dilution air and dilute exhaust sample bags from the instrument deflections or recordings making use of appropriate calibration charts or computer storage files.

(b) Determine the average dilute exhaust mixture temperatures from the temperature recorded trace if a recorder is used.

§ 85.478–26 Calculations (exhaust emissions).

The final reported test results shall be computed by use of the following formulae:

(a)

$$Ywm = 0.43[(Yct+Ys)/(Dct+Ds)] + 0.57[(Yht+YS)/(Dht+Ds)]$$

where:

Ywm=Weighted massemissions of each pollutant, i.e., HC, CO, or NOx, in grams per vehicle kilometer.

Yct=Mass emissions as calculated from the "transient" phase of the cold start test, in grams per test phase.

Yht=Mass emissions as calculated from the "transient" phase of the hot start test, in grams per test phase.

Ys=Mass emissions as calculated from the "stabilized" phase of the cold start test, in grams per test phase.

Dct=The measured driving distance from the "transient" phase of the cold start test, in kilometers.

Dht=The measured driving distance from the "transient" phase of the hot start test, in kilometers.

Ds=The measured driving distance from the "stabilized" phase of the cold start test, in kilometers.

(b) The mass of each pollutant for each phase of both the cold start test and the hot start test is determined from the following:

(1) Hydrocarbon mass:

$$HCmass = Vmix \times DensityHC \times (HCconc/1{,}000{,}000)$$

(2) Oxides of nitrogen mass:

$$NOxmass = Vmix \times DensityNO2 \times (NOxconc \times Kh/1{,}000{,}000)$$

(3) Carbon monoxide mass:

$$COmass = Vmix \times DensityCO \times (COconc/equivalent\ propane \times 3.$$

1,000,000)

(4) Carbon dioxide mass:

$$CO2mass = Vmix \times DensityCO2 \times (CO2\ conc/100)$$

(c) Meaning of symbols:

HCmass=Hydrocarbon emissions, in grams per test phase.

DensityHC=Density of hydrocarbon in the exhaust gas, assuming an average carbon to hydrogen ratio of 1:1.85, in kilograms per cubic meter at 20° C (68° F) and 101.325 kPa (760 mm Hg) pressure (0.5767 kg/m³ (16.33 g/ft³)).

HCconc=Hydrocarbon concentration of the dilute exhaust sample corrected for background, in ppm carbon equivalent, i.e., equivalent propane ×3.

$$HCconc = HCe - HCd(1-1/DF)$$

where:

HCe=Hydrocarbon concentrations of the dilute exhaust sample as measured, in ppm carbon equivalent.

HCd=Hydrocarbon concentration of the dilution air as measured, in ppm carbon equivalent.

NOxmass=oxides of nitrogen emissions, in grams per test phase.

Density NO2=Density of oxides of nitrogen in the exhaust gas, assuming they are in the form of nitrogen dioxide, in kilograms per cubic meter at 20° C (68° F) and 101.325 kPa (760 mm Hg) pressure (1.913 kg/m³ (54.16 g/ft³)).

NOxconc=Oxides of nitrogen concentration of the dilute exhaust sample corrected for background, in ppm.

$$NOxconc = NOxe - NOxd\ (1-1/DF)$$

where:

NOxe=Oxides of nitrogen concentration of the dilute exhaust sample as measured, in ppm.

NOxd=Oxides of nitrogen concentration of the dilution air as measured, in ppm.

COmass=Carbon monoxide emissions, in grams per test phase.

Density CO=Density of carbon monoxide in kilograms per cubic meter at 20° C (68° F) and 101.325 kPa (760 mm Hg) pressure (1.164 kg/m³ (32.97 g/ft³)).

COconc=Carbon monoxide concentration of the dilute exhaust sample corrected for background, water vapor, and CO2 extraction, in ppm.

$$COconc = COe - COd\ (1-1/DF)$$ where:

COe=Carbon monoxide concentration of the dilute exhaust sample volume corrected for water vapor and carbon dioxide extraction, in ppm. The calculation assumes the carbon to hydrogen ratio of the fuel is 1:1.85.

$$COe = (1-0.01925CO2e - 0.000323R)\ COem$$

where:

COem=Carbon monoxide concentration of the dilute exhaust sample as measured, in ppm.

CO2e=Carbon dioxide concentration of the dilute exhaust sample, in mole precent.

R=Relative humidity of the dilution air, in percent (see #85.478–22(n)).

COd=Carbon monoxide concentration of the dilution air corrected for water vapor extraction, in ppm.

$$COd = (1-0.000323R)\ COdm$$

where:

COdm=Carbon monoxide concentration of the dilution air sample as measured, in ppm.

NOTE: If a CO instrument which meets the criteria specified in § 85.478–20(c)(11) is used and the conditioning column has been deleted, COem can be substituted directly for COe and COdm can be substituted directly for COd.

CO2mass=Carbon dioxide emissions, in grams per test phase.

DensityCO2=Density of carbon dioxide in kilograms per cubic meter at 20° C (68° F) and 101.325 kPa (760 mm Hg) pressure (1.843 kg/m³ (52.20 g/ft³)).

CO2conc=Carbon dioxide concentration of the dilute exhaust sample corrected for background, in percent.

$$CO2conc = CO2e - CO2d\ (1-1/DF)\ 10^{-4}$$

where:

CO2d=Carbon dioxide concentration of the dilution air as measured, in ppm.

$$DF = 13.4/[CO2e + (HCe + COe)\ 10^{-4}]$$

Vmix=Total dilute exhaust volume in cubic meters per test phase corrected to standard conditions (293.15° K (528° R) and 101.325 kPa (760 mm Hg)).

$$Vmix = Vo \times N[(Pb - Pi)\ (293.15°\ K)]/[(101.325\ kPa)\ (Tp)]$$

where:

Vo=Volume of gas pumped by the positive displacement pump, in cubic meters per revolution. This volume is dependent on the pressure differential across the positive displacement pump. (See calibration techniques in Appendix III.)

N=Number of revolutions of the positive displacement pump during the test phase while samples are being collected.

Pb=Barometric pressure in kPa.

Pi=Pressure depression below atmospheric measured at the inlet to the positive displacement pump.

Tp=Average temperature of dilute exhaust entering positive displacement pump during test while samples are being collected, in degrees Kelvin.

Kh=Humidity correction factor.

$$Kh = 1/[1-0.033(H-10.7)]$$

where:

H=Absolute humidity in grams of water per kilogram of dry air.

$$H = [(6.2066)\ Ra \times Pd]/[Pb - (Pd \times Ra/100)]$$

Ra=Relative humidity of the ambient air, in percent.

Pd=Saturated vapor pressure, in kPa at the ambient dry bulb temperature.

(d) Example calculation of mass emission values for vehicles with engine displacements equal to or greater than 170 cc (10.4 cu. in.):

(1) For the "transient" phase of the cold start test assume Vo=0.0083093 m³ per revolution; N=10,485; R=48.0 percent; Ra=48.2 percent; Pb=101.6 kPa; Pd=2.963 kPa; Pi=9.332 kPa; Tp=316.7° K; HCe=105.8 ppm carbon equivalent; NOxe=11.2 ppm; COem=306.6 ppm; CO2e=0.73 percent; HCd=12.1 ppm; NOxd=0.8 ppm; COdm=15.3 ppm; CO2d=315 ppm; Dct=5.781 km. Then:

$$Vmix = [(0.0083093)\ (10{,}485)\ (101.6-9.332)]/[(293.15)]/[(101.325)\ (316.7)]$$

Vmix=73.436 m³ per test phase.

$$H = [(6.2066)\ (48.2)\ (2.963)]/[(101.6) - (2.963)\ (48.2/100)]$$

H=6.85 grams H2O per kg dry air.

$$Kh = 1/[1-0.033(6.85-10.7)]$$

$$Kh = 0.9425$$

$$COe = [1-0.01925(0.73) - 0.000323(48)]306.6$$

COe=297.5 ppm.

$$COd = [1-0.000323(48)]15.3$$

COd=15.1 ppm.

$$DF = 13.4/[0.73 + (105.8 + 297.5)\ 10^{-4}$$

DF=17.40

$$HCconc = 105.8 - 12.1(1-1/17.40)$$

HCconc=94.40 ppm.

$$HCmass = (73.436)\ (576.7)\ (94.40)\ 10^{-6}$$

HCmass=3.998 grams per test phase

$$NOxconc = 11.2 - 0.8(1-1/17.40)$$

NOxconc=10.45 ppm.

$$NOxmass = (73.436)\ (1913)\ (10.45)\ (0.9425)\ 10^{-6}$$

NOxmass=1.384 grams per test phase.

$$COconc = 297.5 - 15.1(1-1/17.40)$$

COconc=283.3 ppm.

$$COmass = (73.436)\ (1164)\ (283.3)\ 10^{-6}$$

COmass=24.22 grams per test phase.

$$CO2conc = 0.73 - 315(1-1/17.40)\ 10^{-4}$$

CO2conc=0.7003 ppm.

$$CO2mass = (73.436)\ (1843)\ (0.7003)\ 10^{-2}$$

CO2mass=947.8 grams per test phase.

(2) For the "stabilized" portion of the cold start test assume that similar calculations resulted in HCmass=0.62 gram per test phase; NOxmass=1.27 grams per test phase; COmass=5.98 grams per test phase; and CO2mass=1178 grams per test phase. Ds=6.207 kilometers.

(3) For the "transient" portion of the hot start test assume that similar calculations resulted in HCmass=0.51 gram per test phase; NOxmass=1.38 grams per test phase; COmass=5.01 grams per test phase; and CO2mass=883.4 grams per test phase. Dht=5.773 kilometers.

(4) For a 1978 motorcycle with an engine displacement equal to or greater than 170cc (10.4 cu. in.):

$$HCwm = 0.43[(3.998+0.62)\ /\ (5.781+6.207)] + 0.57[(0.51+0.62)/(5.773+6.207)]$$

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HCwm=0.219 gram per vehicle kilometer.
NOxwm=0.43[(1.384+1.27)/(5.781+6.207)]+0.57[(1.38+1.27)/(5.773+6.207)]
NOxwm=0.221 gram per vehicle kilometer.
COwm=0.43[(24.22+5.98)/(5.781+6.207)]+0.57[(5.01+6.98)/(5.773+6.207)]
COwm=1.61 grams per vehicle kilometer.
CO2wm=0.43[(947.8+1178)/(5.781+6.207)]+0.57[(883.4+1178)/(5.773+6.207)]
CO2wm=174 grams per vehicle kilometer.

§ 85.478–27 [Reserved]

§ 85.478–28 Compliance with emission standards.

(a) The applicable exhaust emission standards in #85.478–1 apply to the emissions from vehicles for their useful life.

(b) Since it is expected that emission control efficiency will change with distance accumulation on the vehicle, the emission level of a vehicle which has accumulated 30,000 km (18,641 mi) for vehicles with engine displacements equal to or greater than 170 cc (10.4 cu. in.), or which has accumulated 12,000 km (7,456 mi) for vehicles with engine displacements less than 170 cc (10.4 cu. in.) will be used as the basis for determining compliance with the standards.

(c) The procedure for determining compliance of a new motorcycle with exhaust emission standards is as follows:

(1) Separate emission deterioration factors shall be determined from the emissions results of the durability data vehicles for each engine-system combination. Separate factors shall be established for exhaust BC, exhaust CO, and exhaust NOX.

(i) The applicable results to be used in determining the deterioration factors for each combination shall be:

(A) All valid emission data from the tests required under § 85.478–7(b) except the zero kilometer tests for vehicles with engine displacements equal to or greater than 170 cc (10.4 cu. in.), or except the zero and 1500 kilometer (0 and 932 mi) tests for vehicles with engine displacements less than 170 cc (10.4 cu. in.). This shall include the official test results as determined in § 85.478–29 for all tests conducted or all durability vehicles of the combination selected under § 85.478–5(c) (including all vehicles elected to be operated by the manufacturer under § 85.478–5(c)(2)).

(B) All durability emission data from the tests conducted before and after the scheduled maintenance provided in § 85.478–6(a)(1)(i) and (4)(iii).

(C) All durability emission data from tests required by maintenance approved under § 85.478–6(a)(4)(i), in those cases where the Administrator conditioned his approval for the performance of such maintenance on the inclusion of such data in the deterioration factor calculation.

(ii) All applicable results shall be plotted as a function of the distance on the system, rounded to the nearest kilometer and the best fit straight lines, fitted by the method of least squares, shall be drawn through these data points. For vehicles with engine displacements equal to or greater than 170 cc (10.4 cu. in.) the extrapolated 3500 km (2175 mi) and interpolated 30,000 km (18,641 mi) points on this line must be within the standards provided in § 85.478–1 or the data will not be acceptable for use in calculation of a deterioration factor unless no applicable data point exceeded the standards. For vehicles with engine displacements less than 170 cc (10.4 cu. in.) the extrapolated 2500 km (1553 mi) and interpolated 12,000 km (7456 mi) points on this line must be within the standards provided in § 85.478–1 or the data will not be acceptable for use in calculation of a deterioration factor unless no applicable data point exceeded the standards.

(iii) An exhaust emission deterioration factor shall be calculated for each combination as follows:

For vehicles with engine displacements equal to or greater than 170 cc (10.4 cu. in.):

factor=(exhaust emissions interpolated to 30,000 km) (exhaust emissions extrapolated to 3500 km)

For vehicles with engine displacements less than 170 cc (10.4 cu. in.):

factor=(exhaust emissions interpolated to 12,000 km) (exhaust emissions extrapolated to 2500 km)

These interpolated and extrapolated values shall be carried out to four places to the right of the decimal point before dividing one by the other to determine the deterioration factor. The results shall be rounded to three places to the right of the decimal point in accordance with ASTM E 29–67.

(2) The exhaust emission test results for each emission data vehicle shall be multiplied by the appropriate deterioration factor: Provided, That if a deterioration factor as computed in subparagraph (1)(iii) of this paragraph is less than one, that deterioration factor shall be one for the purposes of this subparagraph.

(3) The emissions to compare with the standard shall be the adjusted emissions of paragraph (c)(2) for each emission data vehicle. Before any emission value is compared with the standard, it shall be rounded, in accordance with ASTM E 29–67, to two significant figures. The rounded emission values shall not exceed the standard.

(4) Every test vehicle of an engine family must comply with all applicable standards, as determined in paragraph (c)(3), before any vehicle of that family may be certified.

§ 85.478–29 Testing by the Administrator.

(a) The Administrator may require that any one or more of the test vehicles be submitted to him, at such place or places as he may designate, for the purpose of conducting emissions tests. The Administrator may specify that he will conduct such testing at the manufacturer's facility, in which case instrumentation and equipment specified by the Administrator shall be made available by the manufacturer for test operations. Any testing conducted at a manufacturer's facility pursuant to this paragraph shall be scheduled by the manufacturer as promptly as possible.

(b)(1) Whenever the Administrator conducts a test on a test vehicle the results of that test, unless subsequently invalidated by the Administrator, shall comprise the official data for the vehicle at that perscribed test point and the manufacturer's data for that prescribed test point shall not be used in determining compliance with emission standards.

(2) Whenever the Administrator does not conduct a test on a test vehicle at a test point, the manufacturer's test data will be accepted as the official data for that test point: Provided, That if the Administrator makes a determination based on testing under paragraph (a) of this section, that there is a lack of correlation between the manufacturer's test equipment and the test equipment used by the Administrator, no manufacturer's test data will be accepted for purposes of certification until the reasons for the lack of correlation are determined and the validity of the data is established by the manufacturer: And further provided, That if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

(3)(i) The emission data vehicle presented to the Administrator for testing shall have been calibrated at zero kilometers within the production tolerances applicable to the manufacturer's specifications. If the Administrator determines that a vehicle is not within such tolerances to be shown on the vehicle label (see § 85.478–35(a)(4)(iv)) as specified in the application for certification, the vehicle shall be adjusted at the facility designated by the Administrator prior to the test and an engineering report shall be submitted to the Administrator describing the corrective action taken. Based on the engineering report, the Administrator will determine if the vehicle shall be used as an emission data vehicle.

(ii) If the Administrator determines that the test data developed under paragraph (b)(3)(i) would cause the emission data vehicle to fail due to excessive emissions at the official data vehicle test point (equal to or greater than 170 cc (10.4 cu. in.)—3500 km (2175 mi); less than 170 cc (10.4 cu. in.)—2500 km (1553 mi)) or by application of the appropriate deterioration factor, then the following procedure shall be observed:

(A) The manufacturer may request a retest. Before the retest, the vehicle may be readjusted to manufacturer's specifications, if these adjustments were made incorrectly prior to the first test, and other maintenance or repairs may be performed in accordance with § 85.478–6. All work on the vehicle shall be done at such location and under such conditions as the Administrator may prescribe.

(B) The vehicle will be retested by the Administrator and the results of this test shall comprise the official data for the emission data vehicle.

(4) If sufficient durability data are not available at the time of any emission test conducted under paragraph (a) of this section to enable the Administrator to determine whether an emission data vehicle would fail, the manufacturer may request a retest in accordance with the provisions of paragraphs (b)(3)(ii)(a) and (b) of this section. A request for retest must be made before the manufacturer removes the vehicle from the test premises.

§ 85.478–30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 85.406(c), and any other pertinent data or information, the Administrator determines that a test vehicle(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not to exceed one year of production as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motorcycle covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor cycles which conform, in all material respects, to the design specifications that applied to those vehicles described in the application for certification and which are produced during the — year of production period of the said manufacturer, as defined in 40 CFR 85.402(a)(3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.406(c) which concern either the vehicle certified, or any production vehicle covered by this certificate, or any production vehicle which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 85.406(c) with respect to any such vehicle may lead to revocation or suspension of this certificate as specified in 40 CFR 85.478–30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in § 85.478–30(c).

(3) One such certificate will be issued for each engine-system combination and will certify compliance with no more than one set of applicable standards.

(b)(1) The Administrator will determine whether a vehicle covered by the application complies with applicable standards by observing the following relationships:

(i) A test vehicle selected under § 85.478–5(b) shall represent all vehicles of the same configuration as specified by the Administrator.

(ii) A test vehicle selected under § 85.478–5(c)(1) shall represent all vehicles of the same engine-system combination.

(2) The Administrator will proceed as in paragraph (a) of this section with respect to the vehicles belonging to an engine-system combination all of which comply with one set of applicable standards.

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.478–29, data or information derived from any inspection carried out under § 85.406(c), or any other pertinent data or information, the Administrator determines that one or more test vehicles of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination. Within 30 days following receipt of the notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determination, and data in support of such objections. If, after a review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 85.405 with respect to such issue.

(4) The manufacturer may, at his option, proceed with any of the following alternatives with respect to any engine-system combination represented by a test vehicle(s) determined not in compliance with applicable standards:

(i) Request a hearing under § 85.405 or,

(ii) Delete from the application for certification the vehicles represented by the failing test vehicle. (Vehicles so deleted may be included in a later request for certification under § 85.478–32.) The Administrator will then select in place of each failing vehicle an alternate vehicle chosen in accordance with selection criteria employed in selecting the vehicle that failed, or

(iii) Repair the test vehicle and demonstrate by testing that it meets applicable standards. Another vehicle which is in all material respects the same as the first vehicle, as repaired, shall then be operated and tested in accordance with applicable test procedures.

(5) If the manufacturer does not request a hearing or present the required data under subparagraph (4) of this paragraph, the Administrator will deny certification.

(c)(1) Notwithstanding the fact that any certification vehicle(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such vehicle(s) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof; or

(ii) The manufacturer renders inaccurate or invalid any test data which he submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such vehicle; or

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 85.406(c) to any facility or portion thereof which contains any of the following:

(A) The vehicle, or

(B) Any components used or considered for use in its modification or build up into a certification vehicle, or

(C) Any production vehicle which is or will be claimed by the manufacturer to be covered by the certificate, or

(D) Any step in the construction of a vehicle described in (c) of this subdivision, or

(E) Any records, documents, reports or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 85.406(c)) in examining any of the items listed in paragraph (c)(1)(iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraphs (c)(1)(i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of a vehicle is proposed to be withheld, denied, revoked, or suspended under paragraph (c)(1)(iii) or (c)(1)(iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.406(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle in question was not involved in the violation to a degree that would warrant withholding, denial, revocation, or suspension of certification under either paragraph (c)(1)(iii) or (c)(1)(iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.405 hereof.

(ii) Extend no further than to forbid the introduction into commerce of vehicles previously covered by the certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes the certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.405. If the Administrator finds, after a review of the request

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and supporting data, that the request raises a substantial factual issue, he will grant the request with respect to such issue.

§ 85.478–31 Separate certification.

Where possible, a manufacturer should include in a single application for certification a description of all vehicles for which certification is required. A manufacturer may, however, choose to apply separately for certification of part of his product line. The selection of test vehicles and the computation of test results will be determined separately for each application.

§ 85.478–32 Addition of a vehicle after certification.

(a) If a manufacturer proposes to add to his product line a vehicle of the same engine-system combination as vehicles previously certified but which was not described in the application for certification when the test vehicle(s) representing other vehicles of that combination was certified, he shall notify the Administrator. Such notification shall be in advance of the addition unless the manufacturer elects to follow the procedure described in § 35.478–34. This notification shall include a full description of the vehicle to be added.

(b) The Administrator may require the manufacturer to perform such tests on the test vehicle(s) representing the vehicle to be added which would have been required if the vehicle had been included in the original application for certification.

(c) If, after a review of the test reports and data submitted by the manufacturer, and data derived from any testing conducted under § 85.478–29, the Administrator determines that the test vehicle(s) meets all applicable standards, the appropriate certificate will be amended accordingly. If the Administrator determines that the test vehicle(s) does not meet applicable standards, he will proceed under § 85.478–30(b).

§ 85.478–33 Changes to a vehicle covered by certification.

(a) The manufacturer shall notify the Administrator of any intended change in production vehicles that would cause such vehicles not to conform to any of the specifications and parameters of Appendix VIIa as described in the appropriate application for certification, giving a full description of the change. Such notification shall constitute a proposed amendment to the application on which certification of the original vehicle was based and shall be in advance of the change unless the manufacturer elects to follow the procedures described in § 85.–478–34.

(b) Based upon the description of the change, and data derived from such testing as the Administrator may require or conduct, the Administrator will determine whether the application for certification may be amended as proposed so that the changed vehicles will be covered by the certificate of conformity then in effect.

(c) If the Administrator determines that such an amendment to the outstanding certificate is justified, he shall notify the manufacturer in writing granting the amendment. Except as provided in § 85.478–34, the change may not be put into effect prior to the manufacturer's receiving this notification. If the Administrator determines that the modified vehicles will not be covered by the certificate of conformity, he will notify the manufacturer in writing. The manufacturer may then, at his option, proceed with either of the following with respect to the disapproved change:

(1) Request a hearing as provided under § 85.478–30(b)(3); or

(2) In the event the failure can be shown to the satisfaction of the Administrator to be attributable to a vehicle malfunction, repair the test vehicle, and demonstrate by testing that the repaired vehicle meets applicable standards. Another vehicle which conforms in all material respects to the same design specifications that applied to the repaired vehicle, shall then be operated and tested in accordance with applicable test procedures.

§ 85.478–34 Alternative procedure for amending certificates of conformity.

(a) A manufacturer, in lieu of notifying the Administrator in advance of an addition of a vehicle under § 85.478–32 or a change in a vehicle under § 85.478–33, may notify him by appropriate amendment to the application for certification concurrently with the making of the change or addition if the manufacturer determines on the basis of emission data that the addition or change will not adversely affect (cause to increase above the applicable standards) emissions from the affected vehicles. Upon such notification, the manufacturer may proceed to put the addition or change into effect. The applicable certificate of conformity then in effect will be deemed amended as set forth in the amended application unless and until the amendment is rejected by the Administrator under paragraph (c) of this section.

(b) The manufacturer may continue to produce vehicles as described in the amendment to the application for certification for a maximum of 30 days, unless the Administrator grants an extension in writing. This period may be shortened by a notification in accordance with paragraph (c) of this section.

(c) If the Administrator determines, based upon the description of the amendment to the application, that no additional test data will be required, he will notify the manufacturer in writing of the acceptability of the amended application. If the Administrator determines that additional test data will be required, he will so notify the manufacturer and proceed as in § 85–478–32 (b) and (c), or § 85.478–33 (b) and (c) as appropriate.

(d) Election to produce vehicles under this section will be deemed to be a consent to recall all vehicles which the Administrator determines under §§ 85.478–32 or 85.478–33 do not meet applicable standards, and to cause such nonconformity to be remedied at no expense to the owner.

(e) Any changed or added vehicles produced after the manufacturer is notified of the rejected application amendment will not be covered by a certificate of conformity.

§ 85.478–35 Labeling.

(a)(1) The manufacturer of any motorcycle subject to the standards prescribed in § 85.478–1 shall at the time of manufacture, affix a permanent, legible label, of the type and in the manner described below, containing the information hereinafter provided, to all production models of such vehicles available for sale to the public and covered by a certificate of conformity under § 85.478–30(a).

(2) A plastic or metal label shall be welded, riveted, or otherwise permanently attached in a readily visible position on the motorcycle frame.

(3) The label shall be affixed by the vehicle manufacturer, who has been issued the certificate of conformity for such vehicle, in such a manner that it cannot be removed without destroying or defacing the label.

(4) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(i) The label heading: Vehicle Emission Control Information;

(ii) Full corporate name and trademark of the manufacturer;

(iii) Engine displacement (in cubic centimeters) and engine family identification;

(iv) Engine tuneup specifications and adjustments, as recommended by the manufacturer, including idle speed, ignition timing, and the idle air-fuel mixture setting procedure and value (e.g. idle CO, idle air-fuel ratio, idle speed drop). These specifications should indicate the proper transmission position during tuneup;

(v) Any specific fuel or engine lubricant requirements (e.g. lead content, Research octane number, engine lubricant type);

(vi) The statement: "This Vehicle Conforms to U.S.E.P.A. Regulations Applicable to 1978 Year of Production New Motorcycles."

(b) The provisions of this section shall not prevent a manufacturer from also reciting on the label that such vehicle conforms to any applicable State emission standards for new motorcycles or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of the vehicle.

§ 85.478–36 Submission of vehicle identification numbers.

(a) The manufacturer of any motorcycle covered by a certificate of conformity under § 85.478–30(a) shall, not later than 60 days after its manufacture, submit to the Administrator the vehicle identification number of such vehicle: Provided, That this requirement

shall not apply with respect to any vehicle manufactured within any State, as defined in section 302(d) of the Act.

(b) The requirements of this section may be waived with respect to any manufacturer who provides information satisfactory to the Administrator which will enable the Administrator to identify those vehicles which are covered by a certificate of conformity.

§ 85.478–37 Production vehicles.

(a) Any manufacturer obtaining certification under this subpart shall supply to the Administrator, upon his request, a reasonable number of production vehicles selected by the Administrator which are representative of the engines, emission control systems, fuel systems, and transmissions offered and typical of production models available for sale under the certificate. These vehicles shall be supplied for testing at such time and place and such reasonable periods as the Administrator may require.

(b) Any manufacturer obtaining certification under this subpart shall notify the Administrator, on a quarterly basis, of the number of vehicles of each engine family-engine displacement-emission control system-fuel system-transmission type-inertial mass category combination produced for sale in the United States during the preceding quarter. A manufacturer may elect to provide this information every 60 days instead of quarterly, to combine it with the notification required under § 85.478–36.

(c) All motorcycles covered by a certificate of conformity under § 85.478–30(a) shall be adjusted by the manufacturer to the ignition timing specification detailed in § 85.478–35(a)(4)(iv).

§ 85.478–38 Maintenance instructions.

(a) The manufacturer shall furnish or cause to be furnished to the ultimate purchaser of each new motorcycle subject to the standards prescribed in § 85.478–1, written instructions for the maintenance and use of the vehicle by the ultimate purchaser as may be reasonable and necessary to assure the proper functioning of emission control systems.

(1) Such instructions shall be provided for those vehicle and engine components listed in Appendix VI to this part (and for any other components) to the extent that maintenance of these components is necessary to assure the proper functioning of emission control systems.

(2) Such instructions shall be in the English language and in clear, and to the extent practical, nontechnical language.

(b) The maintenance instructions required by this section shall contain a general description of the documentation which the manufacturer will require from the ultimate purchaser or any subsequent purchaser as evidence of compliance with the instructions. (Such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under § 85.478–6(a).)

§ 85.478–39 Submission of maintenance instructions.

(a) The manufacturer shall provide to the Administrator, no later than the time of the submission required by § 85.478–4, a copy of the maintenance instructions which the manufacturer proposes to supply to the ultimate purchaser in accordance with § 85.478–38(a). The Administrator will review such instructions to determine whether they are reasonable and necessary to assure the proper functioning of the vehicle's emission control systems. The Administrator will notify the manufacturer of his determination whether such instructions are reasonable and necessary to assure the proper functioning of the emission control systems.

(b) Any revision to the maintenance instructions which will affect emissions shall be supplied to the Administrator at least 30 days before being supplied to the ultimate purchaser unless the Administrator consents to a lesser period of time.

§ 85.479–1 Emission standards for 1979 year of production vehicles.

The standards and test procedures set forth in § 85.478 remain applicable for the 1979 year of production.

§ 85.480–1 Emission standards for 1980 years of production vehicles.

With the exception of the hydrocarbons, carbon monoxide, and oxides of nitrogen exhaust emission standards, the standards and test procedures set forth in § 85.478 remain applicable for the 1980 year of production. Exhaust emissions from 1980 year of production vehicles shall not exceed:

(a) Hydrocarbons. 0.25 gram per vehicle kilometer.

(b) Carbon monoxide. 2.1 grams per vehicle kilometer.

(c) Oxides of nitrogen. 0.25 gram per vehicle kilometer.

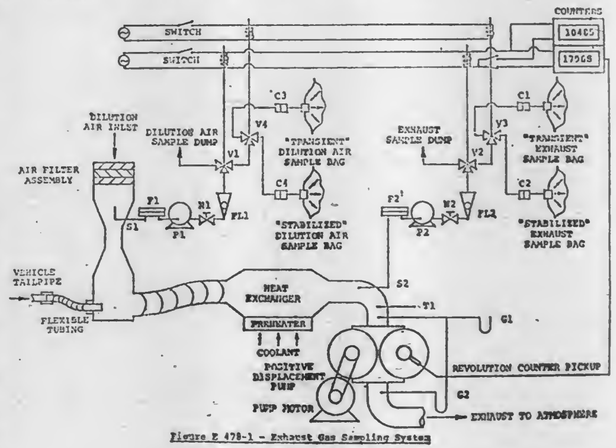
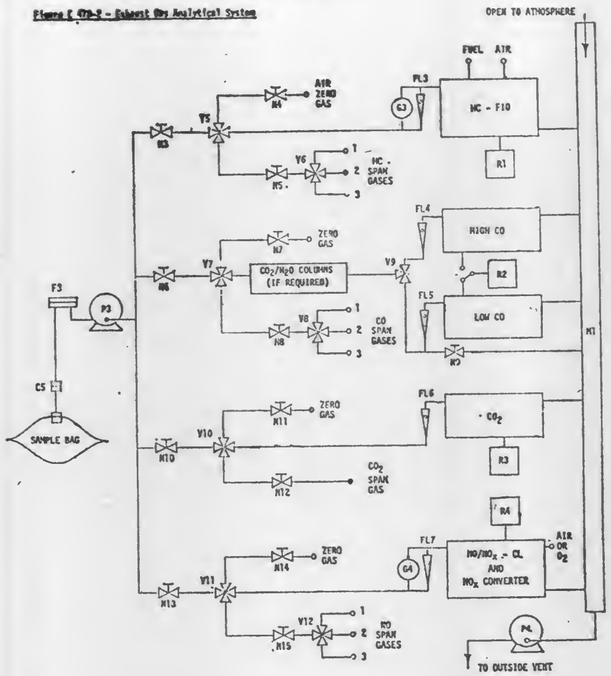


Figure E 478-1 – Exhaust Gas Sampling System

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Figure E 478-5 - Exhaust Gas Analytical System



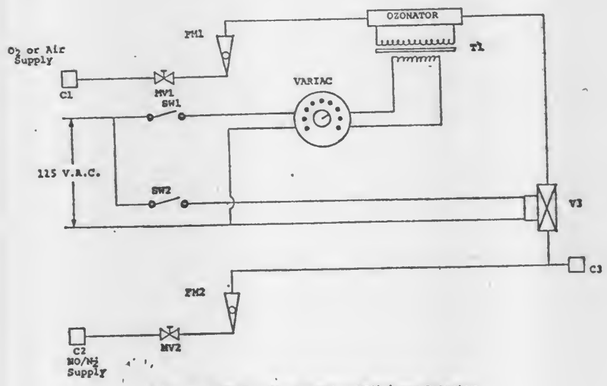


Figure E 478-7 - NOx Converter Efficiency Detector

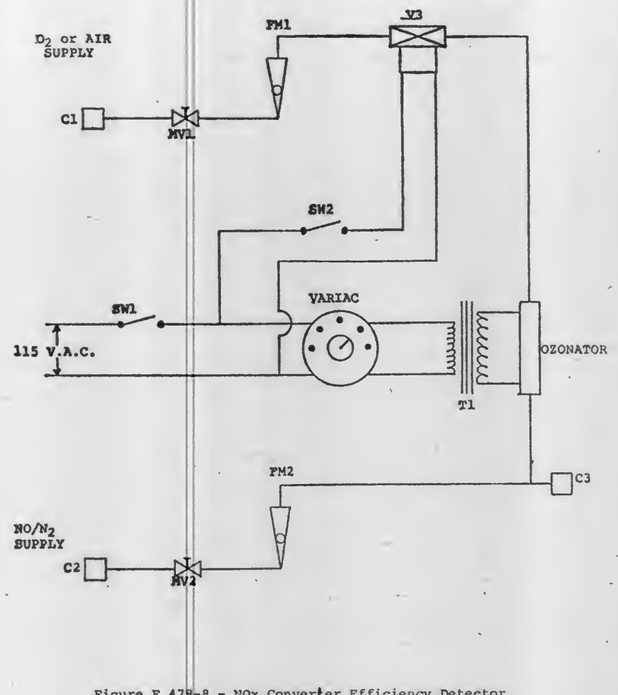


Figure E 478-8 - NOx Converter Efficiency Detector

[FR Doc.75-28178 Filed 10-21-75;8:45 am]

[FRL 437-8]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Appendices to Motor Vehicle Emission Regulations

Notice is hereby given that the Environmental Protection Agency is considering the revision of the Appendices to Part 85 of Title 40 of the Code of Federal Regulations.

This proposed revision is largely the result of the proposed addition to 40 CFR Part 85 of motorcycle emission regulations. In addition, these appendices are being proposed in the International System of Units (SI) in order to continue the process of conversion for 40 CFR Part 85.

Listed below are the major features of this proposed rule making.

(1) Appendix I(a) is the EPA urban dynamometer driving schedule expressed in a speed (in kilometers per hour (kph)) versus time (in seconds) sequence. If these rounded kph numbers are reconverted to mph numbers and subsequently rounded, the new mph numbers will be slightly different (one tenth of a mph), in a few scattered cases, from the original mph numbers due to the rounding process. However, it is not the EPA's intention to change the current urban driving schedule. Instead, the Agency intends to continue using the original driving schedule trace while changing to the appropriate kph references on the trace.

Appendix I(b) is the modified EPA urban dynamometer driving schedule applicable to motorcycles with engine displacements less than 170 cc (10.4 cu. in.).

(2) Appendix II(a) converts the speeds at which the dynamometer is calibrated to SI units. In addition, the calculation of absorbed road load power is expressed in watts.

Appendix II(b) is the appropriate dynamometer calibration expressed in SI units for motorcycles.

(3) Appendix III, the CVS flow calibration, is likewise converted to SI units. Many of the specifications have been changed very slightly so that convenient SI numbers are used during the calibration.

(4) The durability driving schedule has been divided into three sections. Appendix IV(a) is the same durability schedule currently used by passenger automobile and light truck manufacturers. Appendix IV(b) is this schedule converted to SI units with speeds rounded to convenient SI numbers. Appendix IV(b) will be applicable to motorcycles with engine displacements equal to or greater than 170 cc (10.4 cu. in.). In addition, this schedule may also be used by manufacturers of light duty vehicles, diesel light duty vehicles, light duty trucks, and diesel light duty trucks at their option. It is presently the Agency's intention to delete Appendix IV(a) within the next few years and substitute Appendix IV(b) for those manufacturers using IV(a).

Appendix IV(c) is the durability driving schedule for motorcycles with engine displacements less than 170 cc (10.4 cu. in.). It is similar to Appendix IV(b) with a revised speed for lap eleven more appropriate to the top speed of these vehicles.

Due to the possibility of a motorcycle's front wheel leaving the ground under wide open throttle, a provision has been added to Appendices IV (b) and (c) to allow modification of the durability schedule with the advance approval of the Administrator.

(5) Appendix VI is a slightly revised list of those components which may affect emissions from motor vehicles and used in the preparation of maintenance instructions by manufacturers.

(6) Appendix VII was proposed originally on December 23, 1974 (FR, Vol. 39, No. 247). It is included in this NPRM to solicit comments on incorporating it in the motorcycle regulations. It has been changed slightly in order to include the parameter, oil injection metering system, commonly found on motorcycles and to incorporate SI terminology.

Comments are solicited from light duty vehicle, diesel light duty vehicle, light duty truck, diesel light duty truck, gasoline fueled heavy duty engine, and diesel heavy duty engine manufacturers and other interested parties on the SI conversion and subsequent rounding of the Appendices to 40 CFR Part 85. In addition, comments are solicited from motorcycle manufacturers on including these proposed Appendices in the motorcycle emission regulations.

Interested persons may participate in the rule making proceeding by submitting written comments to: Deputy Assistant Administrator, Office of Mobile Source Air Pollution Control, 401 M Street, SW., Washington, D.C. 20460. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on January 20, 1976 will be considered. To the extent possible, comments filed after the closing date will also be considered. Comments received pursuant to this proposal will be available for public inspection and copying at the U.S. Environmental Protection Agency Public Information Reference

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Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. 20460.

Final regulations, modified as the Administrator deems appropriate after consideration of comments to the NPRM, will be promulgated as soon as practicable after such consideration.

This Notice of Proposed Rule Making is issued under the authority of Sections 202, 206, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f–1, 1857f–5, and 1857g(a)).

Dated: October 14, 1975.

JOHN QUARLES,
Acting Administrator.

APPENDIX I

URBAN DYNAMOMETER DRIVING SCHEDULES

(a) EPA Urban Dynamometer Driving Schedule for Light Duty Vehicles, Diesel Light Duty Vehicles, Light Duty Trucks, Diesel Light Duty Trucks, and Motorcycles with engine displacements equal to or greater than 170 cc (10.4 cu. in.).

SPEED VERSUS TIME SEQUENCE

Time (seconds):	Speed (kilometers per hour)
0	0
1	0
2	0
3	0
4	0
5	0
6	0
7	0
8	0
9	0
10	0
11	0
12	0
13	0
14	0
15	0
16	0
17	0
18	0
19	0
20	0
21	4.8
22	9.5
23	13.8
24	18.5
25	23.0
26	27.2
27	27.8
28	29.1
29	33.3
30	34.9
31	36.0
32	36.2
33	35.6
34	34.6
35	33.6
36	32.8
37	31.9
38	27.4
39	24.0
40	24.0
41	24.5
42	24.9
43	25.7
44	27.5
45	30.7
46	34.0
47	36.5
48	36.9
49	36.5
50	36.4
51	34.3
52	30.6
53	27.5
54	25.4
55	25.4
56	28.5
57	31.9
58	34.8
59	37.3
60	38.9
61	39.6
62	40.1
63	40.2
64	39.6
65	39.4
66	39.8
67	39.9
68	39.8
69	39.6
70	39.6
71	40.4
72	41.2
73	41.4
74	40.9
75	40.1
76	40.2
77	40.9
78	41.8
79	41.8
80	41.4
81	42.0
82	43.0
83	44.3
84	46.0
85	47.2
86	48.0
87	48.4
88	48.9
89	49.4
90	49.4
91	49.1
92	48.9
93	48.8
94	48.9
95	49.6
96	48.9
97	48.1
98	47.5
99	48.0
100	48.8
101	49.4
102	49.7
103	49.9
104	49.7
105	48.9
106	48.0
107	48.1
108	48.6
109	49.4
110	50.2
111	51.2
112	51.8
113	52.1
114	51.8
115	51.0
116	46.0
117	40.7
118	35.4
119	30.1
120	24.8
121	19.5
122	14.2
123	8.9
124	3.5
125	0
126	0
127	0
128	0
129	0
130	0
131	0
132	0
133	0
134	0
135	0
136	0
137	0
138	0
139	0
140	0
141	0
142	0
143	0
144	0
145	0
146	0
147	0
148	0
149	0
150	0
151	0
152	0
153	0
154	0
155	0
156	0
157	0
158	0
159	0
160	0
161	0
162	0
163	0
164	5.3
165	10.6
166	15.9
167	21.2
168	26.6
169	31.9
170	35.7
171	39.1
172	41.5
173	42.5
174	41.4
175	40.4
176	39.8
177	40.2
178	40.6
179	40.9
180	41.5
181	43.8
182	42.6
183	38.6
184	36.5
185	31.2
186	26.5
187	27.7
188	29.1
189	29.9
190	32.2
191	35.7
192	39.4
193	43.9
194	49.1
195	53.9
196	58.3
197	60.0
198	63.2
199	65.2
200	67.8
201	70.0
202	72.6
203	74.0
204	75.3
205	76.4
206	76.4
207	76.1
208	76.0
209	75.6
210	75.6
211	75.6
212	75.6
213	75.6
214	76.0
215	76.5
216	77.1
217	78.1
218	79.0
219	79.7
220	80.5
221	81.4
222	82.1
223	82.9
224	84.0
225	85.6
226	87.1
227	87.9
228	88.4
229	88.5
230	88.4
231	87.9
232	87.9
233	88.2
234	88.7
235	89.3
236	89.6
237	90.3
238	90.6
239	91.1
240	91.2
241	91.2
242	90.9
243	90.9
244	90.9
245	90.9
246	90.9
247	90.9
248	90.8
249	90.3
250	89.8
251	88.7
252	87.9
253	87.2
254	86.9
255	86.4
256	86.3
257	86.7
258	86.9
259	87.1
260	87.1
261	86.6
262	85.9
263	85.3
264	84.7
265	83.8
266	84.3
267	83.7
268	83.5
269	83.2
270	83.9
271	83.9
272	83.4
273	83.8
274	84.5
275	85.3
276	86.1
277	86.9
278	88.4
279	89.2
280	89.5
281	90.1
282	90.1
283	89.8
284	88.8
285	87.7
286	86.3
287	84.5
288	82.9
289	82.9
290	82.9
291	82.2
292	80.6
293	80.5
294	80.6
295	80.5
296	79.8
297	79.7
298	79.7
299	79.7
300	79.0
301	78.2
302	77.4
303	76.0
304	74.2
305	72.4
306	70.5
307	68.6
308	66.8
309	64.9
310	62.0
311	59.5
312	56.6
313	54.4
314	52.3
315	50.7
316	49.2
317	49.1
318	48.3
319	46.7
320	44.3
321	39.9
322	34.6
323	32.3
324	30.7
325	29.8
326	27.4
327	24.9
328	20.1
329	17.4
330	12.9
331	7.6
332	2.3
333	0
334	0
335	0
336	0
337	0
338	0
339	0
340	0
341	0
342	0
343	0
344	0
345	0
346	0
347	1.6
348	6.9
349	12.2
350	17.5
351	22.9
352	27.8
353	32.2
354	36.2
355	38.1
356	40.6
357	42.8
358	45.2
359	48.3
360	49.6
361	50.9
362	51.7
363	52.8
364	54.1
365	55.5
366	55.7
367	56.2
368	56.0
369	55.5
370	55.8
371	57.1
372	57.9
373	57.9
374	57.9
375	57.9
376	57.9
377	57.9
378	58.1
379	58.8
380	58.7
381	58.6
382	57.9
383	56.5
384	54.9
385	53.9
386	50.5
387	46.7
388	41.4
389	37.0
390	32.7
391	28.2
392	23.3
393	19.3
394	14.0
395	8.7
396	3.4
397	0
398	0
399	0
400	0
401	0
402	0
403	4.2
404	9.5
405	14.8
406	20.1
407	25.4
408	30.7
409	36.0
410	40.2
411	41.2
412	44.3
413	46.7
414	48.3
415	48.4
416	48.3
417	47.8
418	47.2
419	46.3
420	45.1
421	40.2
422	34.9
423	29.6
424	24.3
425	19.0
426	13.7
427	8.4
428	3.1
429	0
430	0
431	0
432	0
433	0
434	0
435	0
436	0
437	0
438	0
439	0
440	0

Time (seconds):	Speed (kilometers per hour)
441	0
442	0
443	0
444	0
445	0
446	0
447	0
448	5.3
449	10.6
450	15.9
451	21.2
452	26.6
453	31.9
454	37.2
455	42.5
456	44.7
457	46.8
458	50.7
459	53.1
460	54.1
461	56.0
462	56.5
463	57.3
464	58.1
465	57.9
466	58.1
467	58.3
468	57.9
469	57.5
469	57.5
470	57.9
471	57.9
472	57.3
473	57.1
474	57.0
475	56.6
476	56.6
477	56.6
478	56.6
479	56.6
480	56.6
481	56.3
482	56.5
483	56.6
484	57.1
485	56.6
486	56.3
487	56.3
488	56.3
489	56.0
490	55.7
491	55.5
492	53.9
493	51.5
494	48.4
495	45.1
496	41.0
497	36.2
498	31.9
499	26.6
500	21.2
501	16.6
502	11.6
503	6.4
504	1.6
505	0
506	0
507	0
508	0
509	0
510	0
511	1.9
512	5.6
513	8.9
514	10.5
515	13.7
516	15.4
517	16.9
518	19.2
519	22.5
520	25.7
521	28.5
522	30.6
523	32.3
524	33.8
525	35.4
526	37.0
527	38.3
528	39.4
529	40.1
530	40.2
531	40.2
532	40.2
533	40.2
534	40.2
535	40.2
536	41.2
537	41.5
538	41.8
539	41.2
540	40.6
541	40.2
542	40.2
543	40.2
544	39.3
545	37.2
546	31.9
547	26.6
548	21.2
549	15.9
550	10.6
551	5.3
552	0
553	0
554	0
555	0
556	0
557	0
558	0
559	0
560	0
561	0
562	0
563	0
564	0
565	0
566	0
567	0
568	0
569	5.3
570	10.6
571	15.9
572	20.9
573	23.5
574	25.7
575	27.4
576	27.4
577	27.4
578	28.2
579	28.5
580	28.5
581	28.2
582	27.4
583	27.2
584	26.7
585	27.4
586	27.5
587	27.4
588	26.7
589	26.6
590	26.6
591	26.7
592	27.4
593	28.3
594	29.8
595	30.9
596	32.5
597	33.6
598	34.0
599	34.1
600	34.8
601	35.4
602	36.0
603	36.2
604	36.2
605	36.2
606	36.5
607	38.1
608	40.4
609	41.8
610	42.6
611	43.5
612	42.0
613	36.7
614	31.4
615	26.1
616	20.6
617	15.4
618	10.1
619	4.8
620	0
621	0
622	0
623	0
624	0
625	0
626	0
627	0
628	0
629	0
630	0
631	0
632	0
633	0
634	0
635	0
636	0
637	0
638	0
639	0
640	0
641	0
642	0
643	0
644	0
645	0
646	3.2
647	7.2
648	12.6
649	16.4
650	20.1
651	22.5
652	24.6
653	26.2
654	31.5
655	33.8
656	35.7
657	37.5
658	39.4
659	40.7
660	41.2
661	41.8
662	42.0
663	42.2
664	42.2
665	42.5
666	42.6
667	42.6
668	41.8
669	41.0
670	38.0
671	34.4
672	29.8
673	26.4
674	23.3
675	18.7
676	14.0
677	9.3
678	5.6
679	3.2
680	0
681	0
682	0
683	0
684	0
685	0
686	0
687	0
688	0
689	0
690	0
691	0
692	0
693	0
694	2.3
695	5.3
696	7.1
697	10.5
698	14.8
699	18.2
700	21.7
701	23.5
702	26.4
703	26.9
704	26.8
705	26.6
706	29.3
707	30.9
708	32.3
709	34.6
710	36.2
711	36.2
712	35.6
713	36.5
714	37.5
715	37.8
716	36.2
717	34.8
718	33.0
719	29.0
720	24.1
721	19.3
722	14.5
723	10.0
724	7.2
725	4.8
726	3.4
727	0.8
728	0.8
729	5.1
730	10.5
731	15.4
732	20.1
733	22.5
734	25.7
735	29.0
736	31.5
737	34.6
738	37.2
739	39.4
740	41.0
741	42.6
742	43.6
743	44.4
744	44.9
745	45.5
746	46.0
747	46.0
748	45.5
749	45.4
750	45.1
751	44.3
752	43.1
753	41.0
754	37.8
755	34.6
756	30.6
757	26.6
758	24.0
759	20.1
760	15.1
761	10.0
762	4.8
763	2.4
764	2.4
765	0.8
766	0
767	4.8
768	10.1
769	15.4
770	20.8
771	25.4
772	28.2
773	29.8
774	31.4
775	33.3
776	35.4
777	37.3
778	40.2
779	42.6
780	44.3
781	45.1
782	45.5
783	46.5
784	46.5
785	46.5
786	46.3
787	45.9
788	45.5
789	45.5
790	45.5
791	45.4
792	44.4
793	44.3
794	44.3
795	44.3
796	44.3
797	44.3
798	44.3
799	44.4
800	45.1
801	45.9
802	48.3
803	49.9
804	51.5
805	53.1
806	53.1
807	54.1
808	54.7
809	55.2
810	55.0
811	54.7
812	54.7
813	54.6
814	54.1
815	53.3
816	53.1
817	52.3
818	51.5
819	51.3
820	50.9
821	50.7
822	49.2
823	48.3
824	48.1
825	48.1
826	48.1
827	48.1
828	47.6
829	47.5
830	47.5
831	47.2
832	46.5
833	45.4
834	44.6
835	43.5
836	41.0
837	38.1
838	35.4
839	33.0
840	30.9
841	30.9
842	32.3
843	33.6
844	34.4
845	35.4
846	36.4
847	37.3
848	38.6
849	40.2
850	41.8
851	42.8
852	42.8
853	43.1
854	43.5
855	43.8
856	44.7
857	45.2
858	46.3
859	46.5
860	46.7
861	46.8
862	46.7
863	45.2
864	44.3
865	43.5
866	41.5
867	40.2
868	39.4
869	39.9
870	40.4
871	41.0
872	41.4
873	42.2
874	43.3
875	44.3
876	44.7
877	45.7
878	46.7
879	47.0
880	46.8
881	46.7
882	46.5
883	45.9
884	45.2
885	45.1
886	45.1
887	44.4
888	43.8
889	42.8
890	43.5
891	44.3
892	44.7
893	45.1
894	44.7
895	45.1
896	45.1
897	45.1
898	44.6
899	44.1
900	43.3
901	42.8
902	42.6
903	42.6
904	42.6
905	42.3
906	42.2
907	42.2
908	41.7
909	41.2
910	41.2
911	41.7
912	41.5
913	41.0
914	39.6
915	37.8
916	35.7
917	34.8
918	34.8
919	34.9
920	35.4
921	37.7
922	38.6
923	38.9
924	39.3
925	40.1
926	40.4
927	40.6
928	40.7
929	41.0
930	40.6
931	40.2
932	40.2
933	40.2
934	39.8
935	39.4
936	39.1
937	39.1
938	39.4
939	40.2
940	40.5

V 40 205 OCT 22 75 XUM

Time (seconds):	Speed (kilometers per hour)	Time (seconds):	Speed (kilometers per hour)	Time (seconds):	Speed (kilometers per hour)	Time (seconds):	Speed (kilometers per hour)	Time (seconds):	Speed (kilometers per hour)
941	39.6	1,025	0	1,109	23.8	1,193	0	1277	38.0	1,325	0
942	39.6	1,026	0	1,110	25.7	1,194	0	1278	38.8	1,326	0
943	38.8	1,027	0	1,111	29.1	1,195	0	1279	39.4	1,327	0
944	39.4	1,028	0	1,112	32.2	1,196	0	1280	39.4	1,328	0
945	40.4	1,029	0	1,113	33.8	1,197	0.3	1281	38.6	1,329	0
946	41.2	1,030	0	1,114	34.1	1,198	2.4	1282	37.8	1,330	0
947	40.4	1,031	0	1,115	34.3	1,199	5.6	1283	37.8	1,331	0
948	38.6	1,032	0	1,116	34.4	1,200	10.5	1284	37.8	1,332	0
949	35.4	1,033	0	1,117	34.9	1,201	15.8	1,285	37.8	1,333	0
950	32.3	1,034	0	1,118	36.2	1,202	19.3	1,286	37.8	1,334	0
951	27.2	1,035	0	1,119	37.0	1,203	20.8	1,287	37.8	1,335	0
952	21.9	1,036	0	1,120	38.3	1,204	20.9	1,288	38.6	1,336	0
953	16.6	1,037	0	1,121	39.4	1,205	20.3	1,289	38.8	1,337	0
954	11.3	1,038	0	1,122	40.2	1,206	20.6	1,290	39.4	1,338	2.4
955	6.0	1,039	0	1,123	40.1	1,207	21.1	1,291	39.8	1,339	7.7
956	0.6	1,040	0	1,124	39.9	1,208	21.1	1,292	40.2	1,340	13.0
957	0	1,041	0	1,125	40.2	1,209	22.5	1,293	40.9	1,341	18.3
958	0	1,042	0	1,126	40.9	1,210	24.9	1,294	41.2	1,342	21.2
959	0	1,043	0	1,127	41.5	1,211	27.4	1,295	41.4	1,343	24.3
960	3.2	1,044	0	1,128	41.8	1,212	29.9	1,296	41.8	1,344	27.0
961	8.5	1,045	0	1,129	42.5	1,213	31.7	1,297	42.2	1,345	29.5
962	13.8	1,046	0	1,130	42.8	1,214	33.8	1,298	43.5	1,346	31.4
963	19.2	1,047	0	1,131	43.3	1,215	34.6	1,299	44.7	1,347	32.7
964	24.5	1,048	0	1,132	43.5	1,216	35.1	1,300	45.5	1,348	34.3
965	28.2	1,049	0	1,133	43.5	1,217	35.1	1,301	46.7	1,349	35.2
966	29.9	1,050	0	1,134	43.5	1,218	34.6	1,302	46.8	1,350	35.6
967	32.2	1,051	0	1,135	43.3	1,219	34.1	1,303	46.7	1,351	36.0
968	34.0	1,052	0	1,136	43.1	1,220	34.6	1,304	45.1	1,352	35.4
969	35.4	1,053	1.9	1,137	43.1	1,221	35.1	1,305	39.8	1,353	34.8
970	37.0	1,054	6.4	1,138	42.6	1,222	35.4	1,306	34.4	1,354	34.0
971	39.4	1,055	11.7	1,139	42.5	1,223	35.2	1,307	29.1	1,355	33.0
972	42.3	1,056	17.1	1,140	41.8	1,224	34.9	1,308	23.8	1,356	32.2
973	44.3	1,057	22.4	1,141	41.0	1,225	34.6	1,309	18.5	1,357	31.5
974	45.2	1,058	27.4	1,142	39.6	1,226	34.6	1,310	13.2	1,358	29.8
975	45.7	1,059	29.8	1,143	37.8	1,227	34.4	1,311	7.9	1,359	28.2
976	45.9	1,060	32.2	1,144	34.6	1,228	32.3	1,312	2.6	1,360	26.6
977	45.9	1,061	35.1	1,145	32.2	1,229	31.4	1,313	0	1,361	24.9
978	45.9	1,062	37.0	1,146	28.2	1,230	30.9	1,314	0	1,362	22.5
979	44.6	1,063	38.6	1,147	25.7	1,231	31.5	1,315	0	1,363	17.7
980	44.3	1,064	39.9	1,148	22.5	1,232	31.9	1,316	0	1,364	12.9
981	43.8	1,065	41.2	1,149	17.2	1,233	32.2	1,317	0	1,365	8.4
982	43.1	1,066	42.6	1,150	11.9	1,234	31.4	1,318	0	1,366	4.0
983	42.6	1,067	43.1	1,151	6.6	1,235	28.2	1,319	0	1,367	0
984	41.8	1,068	44.1	1,152	1.3	1,236	24.9	1,320	0	1,368	0
985	41.4	1,069	44.9	1,153	0	1237	20.9	1,321	0	1,369	0
986	40.6	1,070	45.5	1,154	0	1238	16.1	1,322	0	1,370	0
987	38.6	1,071	45.1	1,155	0	1239	12.9	1,323	0	1,371	0
988	35.4	1,072	44.3	1,156	0	1240	9.7	1,324	0		
989	34.6	1,073	43.5	1,157	0	1241	6.4				
990	34.6	1,074	43.5	1,158	0	1242	4.0				
991	35.1	1,075	42.3	1,159	0	1243	1.1				
992	36.2	1,076	39.4	1,160	0	1244	0				
993	37.0	1,077	36.2	1,161	0	1245	0				
994	36.7	1,078	34.6	1,162	0	1246	0				
995	36.7	1,079	33.2	1,163	0	1247	0				
996	37.0	1,080	29.0	1,164	0	1248	0				
997	36.5	1,081	24.1	1,165	0	1249	0				
998	36.5	1,082	19.8	1,166	0	1250	0				
999	36.5	1,083	17.9	1,167	0	1251	0				
1,000	37.8	1,084	17.1	1,168	0	1252	1.6				
1,001	38.6	1,085	16.1	1,169	3.4	1253	1.6				
1,002	39.6	1,086	15.3	1,170	8.7	1254	1.6				
1,003	39.9	1,087	14.6	1,171	14.0	1255	1.6				
1,004	40.4	1,088	14.0	1,172	19.3	1256	1.6				
1,005	41.0	1,089	13.8	1,173	24.6	1257	2.6				
1,006	41.2	1,090	14.2	1,174	29.9	1258	4.8				
1,007	41.0	1,091	14.5	1,175	34.0	1259	6.4				
1,008	40.2	1,092	14.0	1,176	37.0	1260	8.0				
1,009	38.8	1,093	13.8	1,177	37.8	1261	10.1				
1,010	38.1	1,094	12.9	1,178	37.0	1262	12.9				
1,011	37.3	1,095	11.3	1,179	36.2	1263	16.1				
1,012	36.9	1,096	8.0	1,180	32.2	1264	16.9				
1,013	36.2	1,097	6.8	1,181	26.9	1265	15.3				
1,014	35.4	1,098	4.2	1,182	21.6	1266	13.7				
1,015	34.8	1,099	1.6	1,183	16.3	1267	12.2				
1,016	33.0	1,100	0	1,184	10.9	1268	14.2				
1,017	28.2	1,101	0.2	1,185	5.6	1269	17.7				
1,018	22.9	1,102	1.0	1,186	0.3	1270	22.5				
1,019	17.5	1,103	2.6	1,187	0	1271	27.4				
1,020	12.2	1,104	5.8	1,188	0	1272	31.4				
1,021	6.9	1,105	11.1	1,189	0	1273	33.8				
1,022	1.6	1,106	16.1	1,190	0	1274	35.1				
1,023	0	1,107	20.6	1,191	0	1275	35.7				
1,024	0	1,108	22.5	1,192	0	1276	37.0				

(b) EPA Urban Dynamometer Driving Schedule for Motorcycles with engine displacements less than 170 cc (10.4 cu. in.).

SPEED VERSUS TIME SEQUENCE

Time (seconds):	Speed (kilometers per hour)	Time (seconds):	Speed (kilometers per hour)
1	0	27	27.8
2	0	28	29.1
3	0	29	33.3
4	0	30	34.9
5	0	31	36.0
6	0	32	36.2
7	0	33	35.6
8	0	34	34.6
9	0	35	33.6
10	0	36	32.8
11	0	37	31.9
12	0	38	27.4
13	0	39	24.0
14	0	40	24.0
15	0	41	24.5
16	0	42	24.9
17	0	43	25.7
18	0	44	27.5
19	0	45	30.7
20	0	46	34.0
21	4.8	47	36.5
22	9.5	48	36.9
23	13.8	49	36.5
24	18.5	50	36.4
25	23.0	51	34.3
26	27.2	52	30.6

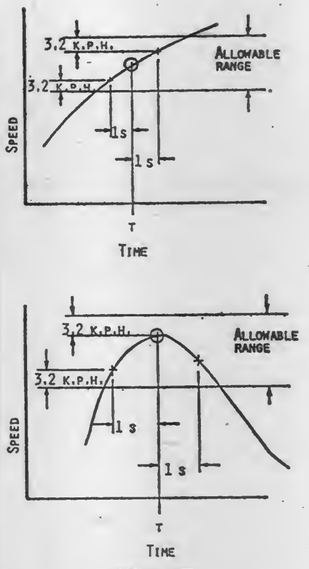
Time (seconds):	Speed (kilometers per hour)	Time (seconds):	Speed (kilometers per hour)	Time (seconds):	Speed (kilometers per hour)	Time (seconds):	Speed (kilometers per hour)	Time (seconds):	Speed (kilometers per hour)
53	27.5	137	0	221	52.4	305	46.6	389	37.0	473	57.1
54	25.4	138	0	222	52.8	306	45.4	390	32.7	474	57.0
55	25.4	139	0	223	53.4	307	44.1	391	28.9	475	56.6
56	28.5	140	0	224	54.1	308	43.0	392	23.3	476	56.6
57	31.9	141	0	225	55.1	309	41.8	393	19.3	477	56.6
58	34.8	142	0	226	56.0	310	39.9	394	14.0	478	56.6
59	37.3	143	0	227	56.6	311	38.3	395	8.7	479	56.6
60	38.9	144	0	228	56.9	312	36.5	396	3.4	480	56.6
61	39.6	145	0	229	57.0	313	35.0	397	0	481	56.3
62	40.1	146	0	230	56.9	314	33.7	398	0	482	56.5
63	40.2	147	0	231	56.6	315	32.6	399	0	483	56.6
64	39.8	148	0	232	56.6	316	31.7	400	0	484	57.1
65	39.4	149	0	233	56.8	317	31.6	401	0	485	56.6
66	39.6	150	0	234	57.1	318	31.1	402	0	486	56.3
67	39.9	151	0	235	57.5	319	30.0	403	4.2	487	56.3
68	39.8	152	0	236	57.7	320	28.5	404	9.5	488	56.3
69	39.6	153	0	237	58.1	321	25.7	405	14.8	489	56.0
70	39.6	154	0	238	58.3	322	22.3	406	20.1	490	55.7
71	40.4	155	0	239	58.6	323	20.8	407	25.4	491	55.5
72	41.2	156	0	240	58.7	324	19.8	408	30.7	492	53.9
73	41.4	157	0	241	58.7	325	19.2	409	36.0	493	51.5
74	40.9	158	0	242	58.5	326	17.6	410	40.2	494	48.4
75	40.1	159	0	243	58.5	327	16.1	411	41.2	495	45.1
76	40.2	160	0	244	58.5	328	12.9	412	44.3	496	41.0
77	40.9	161	0	245	58.5	329	11.2	413	46.7	497	36.2
78	41.8	162	0	246	58.5	330	8.3	414	48.3	498	31.9
79	41.8	163	0	247	58.5	331	4.9	415	48.4	499	26.6
80	41.4	164	3.4	248	58.4	332	1.5	416	48.3	500	21.2
81	42.0	165	6.8	249	58.1	333	0	417	47.8	501	16.6
82	43.0	166	10.3	250	57.8	334	0	418	47.2	502	11.6
83	44.3	167	13.7	251	57.1	335	0	419	46.3	503	6.4
84	46.0	168	17.1	252	56.6	336	0	420	45.1	504	1.6
85	47.2	169	20.5	253	56.2	337	0	421	40.2	505	0
86	48.0	170	23.0	254	55.9	338	0	422	34.9	506	0
87	48.4	171	25.2	255	55.6	339	0	423	29.6	507	0
88	48.9	172	26.7	256	55.5	340	0	424	24.3	508	0
89	49.4	173	27.4	257	55.8	341	0	425	19.0	509	0
90	49.4	174	26.6	258	55.9	342	0	426	13.7	510	0
91	49.1	175	26.0	259	56.0	343	0	427	8.4	511	1.9
92	48.9	176	25.6	260	56.0	344	0	428	3.1	512	5.6
93	48.8	177	25.9	261	55.7	345	0	429	0	513	8.9
94	48.9	178	26.1	262	55.3	346	0	430	0	514	10.5
95	49.6	179	26.3	263	54.9	347	1.6	431	0	515	13.7
96	48.9	180	26.7	264	54.5	348	6.9	432	0	516	15.4
97	48.1	181	28.2	265	54.0	349	12.2	433	0	517	16.9
98	47.5	182	27.5	266	54.3	350	17.5	434	0	518	19.2
99	48.0	183	24.9	267	53.9	351	22.9	435	0	519	22.5
100	48.8	184	23.5	268	53.8	352	27.8	436	0	520	25.7
101	49.4	185	20.1	269	53.6	353	32.2	437	0	521	28.5
102	49.7	186	18.3	270	53.4	354	36.2	438	0	522	30.6
103	49.9	187	17.8	271	53.5	355	38.1	439	0	523	32.3
104	49.7	188	18.8	272	53.7	356	40.6	440	0	524	33.8
105	48.9	189	19.3	273	54.0	357	42.8	441	0	525	35.4
106	48.0	190	20.7	274	54.4	358	45.2	442	0	526	37.0
107	48.1	191	23.0	275	54.9	359	48.3	443	0	527	38.3
108	48.8	192	25.4	276	55.4	360	49.6	444	0	528	39.4
109	49.4	193	28.3	277	55.9	361	50.9	445	0	529	40.1
110	50.2	194	31.6	278	56.9	362	51.7	446	0	530	40.2
111	51.2	195	34.7	279	57.4	363	52.8	447	0	531	40.2
112	51.8	196	37.5	280	57.6	364	54.1	448	5.3	532	40.2
113	52.1	197	38.6	281	58.0	365	55.5	449	10.6	533	40.2
114	51.8	198	40.7	282	58.0	366	55.7	450	15.9	534	40.2
115	51.0	199	42.0	283	57.8	367	56.2	451	21.2	535	40.2
116	46.0	200	43.6	284	57.2	368	56.0	452	26.6	536	41.2
117	40.7	201	45.1	285	56.5	369	55.5	453	31.9	537	41.5
118	35.4	202	46.7	286	55.5	370	55.8	454	37.2	538	41.8
119	30.1	203	47.7	287	54.4	371	57.1	455	42.5	539	41.2
120	24.8	204	48.5	288	53.4	372	57.9	456	44.7	540	40.6
121	19.5	205	49.2	289	53.4	373	57.9	457	46.8	541	40.2
122	14.2	206	49.2	290	53.4	374	57.9	458	50.7	542	40.2
123	8.9	207	49.0	291	52.9	375	57.9	459	53.1	543	40.2
124	3.5	208	48.9	292	51.9	376	57.9	460	54.1	544	39.3
125	0	209	48.7	293	51.8	377	57.9	461	56.0	545	37.2
126	0	210	48.7	294	51.9	378	58.1	462	56.5	546	31.9
127	0	211	48.7	295	51.8	379	58.6	463	57.3	547	26.6
128	0	212	48.7	296	51.4	380	58.7	464	58.1	548	21.2
129	0	213	48.7	297	51.3	381	58.6	465	57.9	549	15.9
130	0	214	48.9	298	51.3	382	57.9	466	58.1	550	10.6
131	0	215	49.1	299	51.3	383	56.5	467	58.3	551	5.3
132	0	216	49.6	300	50.9	384	54.9	468	57.9	552	0
133	0	217	50.2	301	50.3	385	53.9	469	57.5	553	0
134	0	218	50.9	302	49.8	386	50.5	470	57.9	554	0
135	0	219	51.3	303	48.9	387	46.7	471	57.9	555	0
136	0	220	51.8	304	47.8	388	41.4	472	57.3	556	0

V 40 205 OCT 22 75 XUM

Time (seconds):	Speed (kilometers per hour)	Time (seconds):	Speed (kilometers per hour)	Time (seconds):	Speed (kilometers per hour)	Time (seconds):	Speed (kilometers per hour)	Time (seconds):	Speed (kilometers per hour)
557	0	641	0	725	4.8	809	55.2	893	45.1	976	45.9
558	0	642	0	726	3.4	810	55.0	894	44.7	977	45.9
559	0	643	0	727	0.8	811	54.7	895	45.1	978	45.9
560	0	644	0	728	0.8	812	54.7	896	45.1	979	44.6
561	0	645	0	729	5.1	813	54.6	897	45.1	980	44.3
562	0	646	3.2	730	10.5	814	54.1	898	44.6	981	43.8
563	0	647	7.2	731	15.4	815	53.3	899	44.1	982	43.1
564	0	648	12.6	732	20.1	816	53.1	900	43.3	983	42.6
565	0	649	16.4	733	22.5	817	52.3	901	42.8	984	41.8
566	0	650	20.1	734	25.7	818	51.5	902	42.6	985	41.4
567	0	651	22.5	735	29.0	819	51.3	903	42.6	986	40.6
568	0	652	24.6	736	31.5	820	50.9	904	42.6	987	38.6
569	5.3	653	28.2	737	34.6	821	50.7	905	42.3	988	35.4
570	10.6	654	31.5	738	37.2	822	49.2	906	42.2	989	34.6
571	15.9	655	33.8	739	39.4	823	48.3	907	42.2	990	34.6
572	20.9	656	35.7	740	41.0	824	48.1	908	41.7	991	35.1
573	23.5	657	37.5	741	42.6	825	48.1	909	41.2	992	36.2
574	25.7	658	39.4	742	43.6	826	48.1	910	41.2	993	37.0
575	27.4	659	40.7	743	44.4	827	48.1	911	41.7	994	36.7
576	27.4	660	41.2	744	44.9	828	47.6	912	41.5	995	36.7
577	27.4	661	41.8	745	45.5	829	47.5	913	41.0	996	37.0
578	28.2	662	42.0	746	46.0	830	47.5	914	39.6	997	36.5
579	28.5	663	42.2	747	46.0	831	47.2	915	37.8	998	36.5
580	28.5	664	42.2	748	45.5	832	46.5	916	35.7	999	36.5
581	28.2	665	42.5	749	45.4	833	45.4	917	34.8	1,000	37.8
582	27.4	666	42.6	750	45.1	834	44.6	918	34.8	1,001	38.6
583	27.2	667	42.6	751	44.3	835	43.5	919	34.9	1,002	39.6
584	26.7	668	41.8	752	43.1	836	41.0	920	36.4	1,003	39.9
585	27.4	669	41.0	753	41.0	837	38.1	921	37.7	1,004	40.4
586	27.5	670	38.0	754	37.8	838	35.4	922	38.6	1,005	41.0
587	27.4	671	34.4	755	34.6	839	33.0	923	38.9	1,006	41.2
588	26.7	672	29.8	756	30.6	840	30.9	924	39.3	1,007	41.0
589	26.6	673	26.4	757	26.6	841	30.9	925	40.1	1,008	40.2
590	26.6	674	23.3	758	24.0	842	32.3	926	40.4	1,009	38.8
591	26.7	675	18.7	759	20.1	843	33.6	927	40.6	1,010	38.1
592	27.4	676	14.0	760	15.1	844	34.4	928	40.7	1,011	37.3
593	28.3	677	9.3	761	10.0	845	35.4	929	41.0	1,012	36.9
594	29.8	678	5.6	762	4.8	846	36.4	930	40.6	1,013	36.2
595	30.9	679	3.2	763	2.4	847	37.3	931	40.2	1,014	35.4
596	32.5	680	0	764	2.4	848	38.6	932	40.2	1,015	34.8
597	33.8	681	0	765	0.8	849	40.2	933	40.2	1,016	33.0
598	34.0	682	0	766	0	850	41.8	934	39.8	1,017	28.2
599	34.1	683	0	767	4.8	851	42.8	935	39.4	1,018	22.9
600	34.8	684	0	768	10.1	852	42.8	936	39.1	1,019	17.5
601	35.4	685	0	769	15.4	853	43.1	937	39.1	1,020	12.2
602	36.0	686	0	770	20.8	854	43.5	938	39.4	1,021	6.9
603	36.2	687	0	771	25.4	855	43.8	939	40.2	1,022	1.6
604	36.2	688	0	772	28.2	856	44.7	940	40.2	1,023	0
605	36.2	689	0	773	29.6	857	45.2	941	39.6	1,024	0
606	36.5	690	0	774	31.4	858	46.3	942	39.6	1,025	0
607	38.1	691	0	775	33.3	859	46.5	943	38.8	1,026	0
608	40.4	692	0	776	35.4	860	46.7	944	39.4	1,027	0
609	41.8	693	0	777	37.3	861	46.8	945	40.4	1,028	0
610	42.6	694	2.3	778	40.2	862	46.7	946	41.2	1,029	0
611	43.5	695	5.3	779	42.6	863	45.2	947	40.4	1,030	0
612	42.0	696	7.1	780	44.3	864	44.3	948	38.6	1,031	0
613	36.7	697	10.5	781	45.1	865	43.5	949	35.4	1,032	0
614	31.4	698	14.8	782	45.5	866	41.5	950	32.3	1,033	0
615	26.1	699	18.2	783	46.5	867	40.2	951	27.2	1,034	0
616	20.8	700	21.7	784	46.5	868	39.4	952	21.9	1,035	0
617	15.4	701	23.5	785	46.5	869	39.9	953	16.6	1,036	0
618	10.1	702	26.4	786	46.3	870	40.4	954	11.3	1,037	0
619	4.8	703	26.9	787	45.9	871	41.0	955	6.0	1,038	0
620	0	704	26.6	788	45.5	872	41.4	956	0.6	1,039	0
621	0	705	26.6	789	45.6	873	42.2	957	0	1,040	0
622	0	706	29.3	790	46.5	874	43.3	958	0	1,041	0
623	0	707	30.9	791	45.4	875	44.3	959	0	1,042	0
624	0	708	32.3	792	44.4	876	44.7	960	3.2	1,043	0
625	0	709	34.6	793	44.3	877	45.7	961	8.5	1,044	0
626	0	710	36.2	794	44.3	878	46.7	962	13.8	1,045	0
627	0	711	36.2	795	44.3	879	47.0	963	19.2	1,046	0
628	0	712	35.6	796	44.3	880	46.8	964	24.5	1,047	0
629	0	713	36.5	797	44.3	881	46.7	965	28.2	1,048	0
630	0	714	37.5	798	44.3	882	46.5	966	29.9	1,049	0
631	0	715	37.8	799	44.4	883	46.9	967	32.2	1,050	0
632	0	716	36.2	800	45.1	884	45.2	968	34.0	1,051	0
633	0	717	34.8	801	45.9	885	45.1	969	35.4	1,052	0
634	0	718	33.0	802	46.3	886	45.1	970	37.0	1,053	1.9
635	0	719	29.0	803	49.9	887	44.4	971	39.4	1,054	6.4
636	0	720	24.1	804	51.5	888	43.8	972	42.3	1,055	11.7
637	0	721	19.3	805	53.1	889	42.8	973	44.3	1,056	17.1
638	0	722	14.5	806	53.1	890	43.5	974	45.2	1,057	22.4
639	0	723	10.0	807	54.1	891	44.3	975	45.7	1,058	27.4
640	0	724	7.2	808	54.7	892	44.7				

Time (seconds):	Speed (kilometers per hour)	Time (seconds):	Speed (kilometers per hour)	Time (seconds):	Speed (kilometers per hour)	Time (seconds):	Speed (kilometers per hour)
1,059	29.8	1,141	41.0	1,224	34.9	1,296	43.5
1,060	32.2	1,142	39.6	1,225	34.6	1,299	44.7
1,061	35.1	1,143	37.8	1,226	34.6	1,300	45.5
1,062	37.0	1,144	34.6	1,227	34.4	1,301	46.7
1,063	38.6	1,145	32.2	1,228	32.3	1,302	46.8
1,064	39.9	1,146	28.2	1,229	31.4	1,303	46.7
1,065	41.2	1,147	25.7	1,230	30.9	1,304	45.1
1,066	42.6	1,148	22.5	1,231	31.5	1,305	39.8
1,067	43.1	1,149	17.2	1,232	31.9	1,306	34.4
1,068	44.1	1,150	11.9	1,233	32.2	1,307	29.1
1,069	44.9	1,151	6.6	1,234	31.4	1,308	23.8
1,070	45.6	1,152	1.3	1,235	28.2	1,309	18.5
1,071	45.1	1,153	0	1,236	24.9	1,310	13.2
1,072	44.3	1,154	0	1,237	20.9	1,311	7.9
1,073	43.5	1,155	0	1,238	16.1	1,312	2.6
1,074	43.5	1,156	0	1,239	12.9	1,313	0
1,075	42.3	1,157	0	1,240	9.7	1,314	0
1,076	39.4	1,158	0	1,241	6.4	1,315	0
1,077	36.2	1,159	0	1,242	4.0	1,316	0
1,078	34.6	1,160	0	1,243	1.1	1,317	0
1,079	33.2	1,161	0	1,244	0	1,318	0
1,080	29.0	1,162	0	1,245	0	1,319	0
1,081	24.1	1,163	0	1,246	0	1,320	0
1,082	19.8	1,164	0	1,247	0	1,321	0
1,083	17.9	1,165	0	1,248	0	1,322	0
1,084	17.1	1,166	0	1,249	0	1,323	0
1,085	16.1	1,167	0	1,250	0	1,324	0
1,086	15.3	1,168	0	1,251	0	1,325	0
1,087	14.6	1,169	3.4	1,252	1.6	1,326	0
1,088	14.9	1,170	8.7	1,253	1.6	1,327	0
1,089	13.8	1,171	14.0	1,254	1.6	1,328	0
1,090	14.2	1,172	19.3	1,255	1.6	1,329	0
1,091	14.5	1,173	24.6	1,256	1.6	1,330	0
1,092	14.0	1,174	29.9	1,257	2.6	1,331	0
1,093	13.8	1,175	34.0	1,258	4.8	1,332	0
1,094	12.9	1,176	37.0	1,259	6.4	1,330	0
1,095	11.3	1,177	37.8	1,260	8.0	1,334	0
1,096	8.9	1,178	37.0	1,261	10.1	1,335	0
1,097	6.8	1,179	36.2	1,262	12.9	1,336	0
1,098	4.2	1,180	32.2	1,263	16.1	1,337	0
1,099	1.6	1,181	28.9	1,264	16.9	1,338	2.4
1,100	0.9	1,182	21.6	1,265	15.3	1,339	7.7
1,101	0.2	1,183	16.3	1,266	13.7	1,340	13.0
1,102	1.0	1,184	10.9	1,267	12.2	1,341	16.3
1,103	2.6	1,185	5.6	1,268	14.2	1,342	21.2
1,104	5.8	1,186	0.3	1,269	17.7	1,343	24.3
1,105	11.1	1,187	0	1,270	22.5	1,344	27.0
1,106	16.1	1,188	0	1,271	27.4	1,345	29.5
1,107	20.6	1,189	0	1,272	31.4	1,346	31.4
1,108	22.5	1,190	0	1,273	33.8	1,347	32.7
1,109	23.8	1,191	0	1,274	35.1	1,348	34.3
1,110	25.7	1,192	0	1,275	35.7	1,349	35.2
1,111	29.1	1,193	0.0	1,276	37.0	1,350	35.6
1,112	32.2	1,194	0.0	1,277	38.0	1,351	36.0
1,113	33.8	1,195	0.0	1,278	38.8	1,352	35.4
1,114	34.1	1,196	0.0	1,279	39.4	1,353	34.8
1,115	34.3	1,197	0.3	1,280	39.4	1,354	34.0
1,116	34.4	1,198	2.4	1,281	38.6	1,355	33.0
1,117	34.9	1,199	5.6	1,282	37.8	1,356	32.0
1,118	36.2	1,200	10.5	1,283	37.8	1,357	31.5
1,119	37.0	1,201	15.8	1,284	37.8	1,358	29.8
1,120	38.3	1,202	19.3	1,285	37.8	1,359	28.2
1,121	39.4	1,203	20.8	1,286	37.8	1,360	26.6
1,122	40.2	1,204	20.9	1,287	37.8	1,361	24.9
1,123	40.1	1,205	20.3	1,288	38.6	1,362	22.5
1,124	39.9	1,206	20.6	1,289	38.8	1,363	17.7
1,125	40.2	1,207	21.1	1,290	39.4	1,364	12.9
1,126	40.9	1,208	21.1	1,291	39.8	1,365	8.4
1,127	41.6	1,209	22.5	1,292	40.2	1,366	4.0
1,128	41.8	1,210	24.9	1,293	40.9	1,367	0
1,129	42.6	1,211	27.4	1,294	41.2	1,368	0
1,130	42.8	1,212	29.9	1,295	41.4	1,369	0
1,131	43.2	1,213	31.7	1,296	41.8	1,370	0
1,132	43.6	1,214	33.8	1,297	42.2	1,371	0
1,133	43.5	1,215	34.6				
1,134	43.5	1,216	35.1				
1,135	43.3	1,217	35.1				
1,136	43.1	1,218	34.6				
1,137	43.1	1,219	34.1				
1,138	42.6	1,220	34.6				
1,139	42.5	1,221	35.1				
1,140	41.6	1,222	35.4				
		1,223	35.2				

The diagrams below show the range of acceptable speed tolerances for typical points. The first curve is typical of portions of the speed curve which are increasing or decreasing throughout the two second time interval. The second curve is typical of portions of the speed curve which include a maximum or minimum value.



APPENDIX II

PROCEDURES FOR DYNAMOMETER ROAD POWER CALIBRATION

(a) Dynamometer Road Power Calibration for Light Duty Vehicles, Diesel Light Duty Vehicles, Light Duty Trucks, and Diesel Light Duty Trucks.

This appendix describes the method for determining the road power absorbed by a chassis dynamometer. The measured absorbed road power includes the dynamometer friction as well as the power absorbed by the power absorption unit. The dynamometer is driven above the test speed range. The device used to drive the dynamometer is then disengaged from the dynamometer and the roll(s) is allowed to coast down. The kinetic energy of the system is dissipated by the dynamometer power absorption unit and by dynamometer friction. This method neglects the variations in roll bearing friction due to the drive axle mass of the vehicle. The difference in coast down time of the free (rear) roll relative to the drive (front) roll may be neglected in the case of dynamometers with paired rolls.

These procedures shall be followed:

1. Devise a method to determine the speed of the drive roll if not already measured. A fifth wheel, revolution pickup, or other suitable means may be used.

2. Place a vehicle on the dynamometer or devise another method of driving the dynamometer.

3. Engage the inertial flywheel or another inertial simulation system for the most common vehicle mass category for which the dynamometer is used.

4. Drive the dynamometer up to 80.5 k.p.h. (50.0 m.p.h.).

5. Record indicated road power.

6. Drive the dynamometer up to 96.6 k.p.h. (60.0 m.p.h.).

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7. Disengage the device used to drive the dynamometer.

8. Record the time for the dynamometer drive roll to coast down from 88.5 k.p.h. (55.0 m.p.h.) to 72.4 k.p.h. (45.0 m.p.h.).

9. Adjust the power absorption unit to a different level.

10. Repeat steps 4 to 9 above sufficient times to cover the range of road power used.

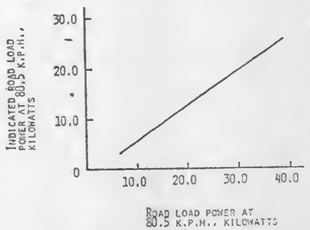
11. Calculate absorbed road power from:

$$Pd = \tfrac{1}{2}\ M1\ (V1^2 - V2^2)/t = 99.88\ M1/t$$

where:

Pd=Power in watts.
M1=Equivalent inertia in kg.
V1=Initial velocity in m/s (88.5 k.p.h.= 24.58 m/s).
V2=Final velocity in m/s (72.4 k.p.h.= 20.11 m/s).
t=Elapsed time for rolls to coast from 88.5 k.p.h .to 72.4 k.p.h.

12. Plot indicated road load power at 80.5 k.p.h. (50.0 m.p.h.) versus road load power at 80.5 k.p.h. (50.0 m.p.h.).



13. The road load power reported in #85.0XX–15, 85.1XX–13, 85.2XX–15, or 85.3XX–13 is obtained by entering the plot at the indicated road load power determined in #85.0XX–15(e)(2)(ii), 85.1XX–13(e)(2)(ii), 85.02XX–15(e)(2)(ii), or 85.3XX–13(e)(2)(ii).[1]

14. Once the road load power at 80.5 k.p.h. (50.0 m.p.h.) is known for a vehicle, it may be tested on other dynamometers using a similar calibration.

(b) Dynamometer Road Power Calibration for Motorcycles.

This appendix describes the method for determining the road power absorbed by a chassis dynamometer. The measured absorbed road power includes the dynamometer friction as well as the power absorbed by the power absorption unit. The dynamometer is driven above the test speed range. The device used to drive the dynamometer is then disengaged from the dynamometer and the roll(s) is allowed to coast down. The kinetic energy of the system is dissipated by the dynamometer power absorption unit and by dynamometer friction. This method neglects the variations in roll bearing friction due to the drive axle mass of the vehicle. The difference in coast down time of the free (rear) roll relative to the drive (front) roll may be neglected in the case of dynamometers with paired rolls.

These procedures shall be followed:

1. Devise a method to determine the speed of the drive roll if not already measured. A fifth wheel, revolution pickup, or other suitable means may be used.

2. Place a vehicle on the dynamometer or devise another method of driving the dynamometer.

3. Engage the inertial flywheel or another inertial simulation system for the most common vehicle mass category for which the dynamometer is used.

4. Drive the dynamometer up to 65 k.p.h. (40.4 m.p.h.).

5. Record indicated road power.

6. Drive the dynamometer up to 75 k.p.h. (46.6 m.p.h.).

7. Disengage the device used to drive the dynamometer.

8. Record the time for the dynamometer drive roll to coast down from 70 k.p.h. (43.5 m.p.h.) to 60 k.p.h. (37.3 m.p.h.).

9. Adjust the power absorption unit to a different level.

10. Repeat steps 4 to 9 above sufficient times to cover the range of road power used.

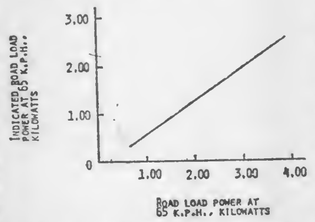
11. Calculate absorbed road power from:

$$Pd = 1/2\ M1\ (V1^2 - V2^2)/t = 50.01\ M1/t$$

where:

Pd=Power in watts.
M1=Equivalent inertia in kg.
V1=Initial velocity in m/s (70 k.p.k.= 19.44 m/s).
V2=Final velocity in m/s (60 k.p.k.=16.67 m/s).
t=Elapsed time for rolls to coast from 70 k.p.h. to 60 k.p.h.

12. Plot indicated road power at 65 k.p.h. (40.4 m.p.h.) versus road load power at 65 k.p.h. (40.4 m.p.h.).



13. The road load power reported in #85.4XX–15 is obtained by entering the plot at the indicated road load power determined in #85.4XX–15(e)(2)(ii).

14. Once the road load power at 65 k.p.h. (40.4 m.p.h.) is known for a vehicle, it may be tested on other dynamometers using a similar calibration.

APPENDIX III

CONSTANT VOLUME SAMPLER FLOW CALIBRATION

The following calibration procedure outlines the equipment, the test setup configuration, and the various parameters which must be measured to establish the flow rate of the constant volume sampler pump. All the parameters related to the pump are simultaneously measured with the parameter related to a flowmeter which is connected in series with the pump. The calculated flow rate (m^3/rev (ft^3/rev) at pump inlet absolute pressure and temperature) can then be plotted versus a correlation function which is the value of a specific combination of pump parameters. The linear equation which relates the pump flow and the correlation function is then determined. In the event that a CVS has a multiple speed drive, a calibration for each range should be performed.

This calibration procedure is based on the measurement of the absolute values of the pump and flowmeter parameters that relate the flow rate at each point. Three conditions must be maintained to assure the accuracy and integrity of the calibration curve. First, the pump pressures should be measured at taps on the pump rather than at the external piping on the pump inlet and outlet. Pressure taps that are mounted at the top and bottom center of the pump drive headplate are exposed to the actual pump cavity pressures, and therefore reflect the absolute pressure differentials. Secondly, temperature stability must be maintained during the calibration. The laminar flowmeter is sensitive to inlet temperature oscillations which cause the data points to be scattered. Gradual changes (±1 °C (±1.8°F)) in temperature are acceptable as long as they occur over a period of several minutes. Finally, all connections between the flowmeter and the CVS pump must be absolutely void of any leakage.

During a CVS emissions test the measurement of these same pump parameters enables the user to calculate the flow rate from the calibration equation.

After the calibration curve has been obtained, a verification test of the entire system can be performed by injecting a known mass of gas into the system and comparing the mass indicated by the system to the true mass injected. An indicated error does not necessarily mean that the calibration is wrong, since other factors can influence the accuracy of the system.

Equipment: The following list of equipment will be needed to perform this calibration procedure. Figure 1 illustrates a typical equipment arrangement used for calibration. All of the equipment involved should conform to the range and accuracy as specified in Figure 1.

Equipment List: 1. LFE-Laminar Flowmeter.

2. Micromanometer.
3. Thermometer.
4. Timer.
5. U-Tube Manometers.
6. Temperature Indicator with type J Thermocouples.
7. A variable flow restrictor with appropriate piping to connect the CVS pump and LFE.

After the system has been connected as shown in Figure 1, set the variable restrictor in the wide open position and run the CVS pump for twenty minutes. Record the calibration data.

[1] Normally, the two characters after the period and subpart number are the last two digits of the model year or year of production to which the regulations apply. Since the Appendices to Part 85 apply to all model years and years of production, the characters XX have been substituted for these last two digits.

Calibration data measurements

Parameter	Symbol	Units	Tolerance
Barometric pressure (corrected)	Pb	kPa (in Hg)	±0.09 kPa (±0.0089 in Hg).
Ambient temperature	Ta	°C (°F)	±0.3° C (±0.54° F).
Air temperature into LFE	ETI	°C (°F)	±0.06° C (±0.108° F).
Pressure depression upstream of LFE	EPI	kPa (in H20)	±0.025 kPa (±0.10 in H2O).
Pressure drop across the LFE matrix	EDP	kPa (in H20)	±0.01 kPa (±0.004 in H2O).
Air temperature at CVS pump inlet	PTI	°C (°F)	±0.3 C (±0.54° F).
Pressure depression at CVS pump inlet	PPI	kPa (in fluid)	±0.02 kPa (±0.046 in fluid).
Specific gravity of manometer fluid (1.75 oil)	Sp. Gr		
Pressure head at CVS pump outlet	PPO	kPa (in fluid)	±0.02 kPa (±0.046 in fluid).
Air temperature at CVS pump outlet (optional)	PTO	°C (°F)	±0.3° C (±0.54 ° F).
Pump revolutions during test period	N	Revs	None.
Elapsed time for test period	t	Seconds	±0.05 s.

NOTE.—The fluid level in the manometer tube should stabilize before the reading is made, and the elapsed time for revolution counting should be greater than 120 s.

Reset the restrictor valve to a more restricted condition in an increment of pump inlet depression (about 1 kPa (4 in. H2O)) that will yield a minimum of six data points for the total calibration.

Allow the system to stabilize for 3 minutes and repeat the data acquisition.

Data Analysis: The data recorded during the calibration are to be used in the following calculations.

1. The air flow rate at each test point is calculated in standard cubic meters per minute (Qs) from the flowmeter data using the manufacturer's prescribed method.

2. The air flow rate is then converted to pump flow, Vo, in cubic meters per revolution at absolute pump inlet temperature and pressure.

$$Vo = (Qs/n)\ (Tp/294)\ (101.3/Pp)$$

where:

Qs=Meter air flow rate in standard cubic meters per minute (flowmeter standard conditions are 20° C (68° F), 100 kPa (29.53 in. Hg)).

n=Pump speed in revolutions per minute.

Pp=Absolute pump inlet pressure in kPa (in. Hg).

Pp=Pb−PPI.

Tp=PTI+273.

3. The correlation function at each test point is then calculated from the calibration data, as follows:

$$Xo = (1/n)\ \sqrt{[(Pe - Pp)/Pe]}$$

where:

Pe−Pp=Pressure differential from pump inlet to pump outlet in kPa (in. Hg).

Pe=Absolute pump outlet pressure in kPa (in. Hg).

Pe=Pb+PPO.

See # 85.0XX–26, 85.1XX–23, 85.2XX–26, 85.3XX–23, or 85.4XX–26 for other definitions.

4. A linear least squares fit is performed to generate the calibration equations which have the forms

$$Vo = Do - M(Xo)$$
$$n = A - B(Pe - Pp)$$

Do, M, A, and B are the slope-intercept constants describing the lines.

A CVS system that has multiple speeds should be calibrated on each speed used. The calibration curves generated for the ranges will be approximately parallel and the intercept values, Do, will increase as the pump flow range decreases.

If the calibration has been performed carefully, the calculated Vo values from the equation will be within ±0.50% of the measured value of Vo. Values of M will vary from one pump to another, but values of Do for pumps of the same make, model, and range should agree within ±3% of each other. Particulate influx from use will cause the pump slip % decrease as reflected by lower values for M. Calibrations should be performed at 0, 50, 100, 200, 400, etc. hours of pump operation to assure the stability of the pump slip rate. Analysis of mass injection data will also reflect pump slip stability.

CVS System Verification: The following technique can be used to verify that the CVS and analytical instruments can accurately measure a mass of gas that has been injected into the system.

1. Obtain a small cylinder that has been charged with pure propane or carbon monoxide gas (caution-carbon monoxide is poisonous!). Critical flow orifice devices can also be used for constant flow metering.

2. Determine a reference cylinder mass to the nearest 0.01 gram.

3. Operate the CVS in the normal manner and release a quantity of pure propane or carbon monoxide into the system during the sampling period.

4. The calculations of # 85.0XX–26, 85.1XX–23, 85.2XX–26, 85.3XX–23, or 85.XX–26 are performed in the normal way except, in the case of propane, the density of propane (0.6030 kg/m^3/carbon atom (17.08 g/ft^3/carbon atom)) is used in place of the density of exhaust hydrocarbons. In the case of carbon monoxide, the density of 1.149 kg/m^3 (32.54 g/ft^3) is used.

5. The gravimetric mass is subtracted from the CVS measured mass and then divided by the gravimetric mass to determine the percent accuracy of the system.

6. The cause for any discrepancy greater than ±2% should be found and corrected. The following list of parametric errors may assist the operator in locating the cause of large errors.

Positive Error (Indication is higher than true value):

1. Calculated Vo is greater than actual Vo.
a. Original calibration in error.
2. Pump inlet temperature recorder is reading low. A 3.33°C (6°F) discrepancy will give a 1% error.
3. Pump inlet pressure indicator is reading high. A 0.87 kPa (3.5 in. H20) high reading will give 1% error.
4. Background concentration reading is too low. Check analyzer zero. Check leakage at floor inlet.
5. Analyzer is reading high. Check span.
6. Barometer reading is in error (too high). Barometric pressure reading should be gravity and temperature corrected.
7. Revolution counter is reading high. (Check pump speed and counters.)
8. Mixture is stratified causing the sample to be higher than the average concentration in the mixture.
9. Injected gas is contaminated.

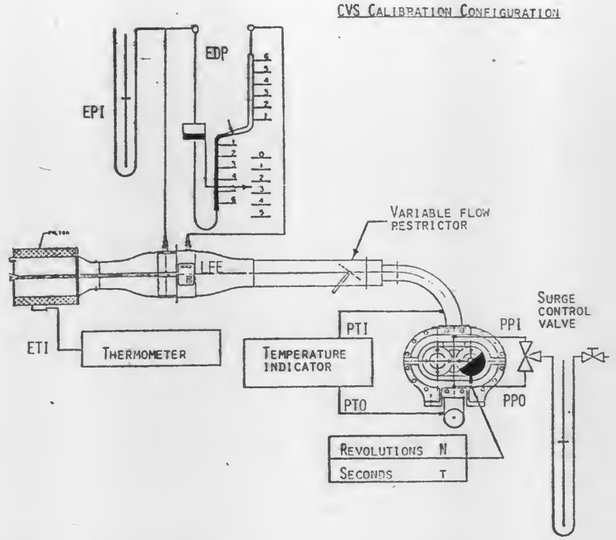
Negative Error (Indication is lower than true value):

1. Calculated Vo is less than actual Vo.
a. Original calibration in error.
b. Pump clearances decreased due to influx of some surface adherent material. Recalibration may be needed.
2. Pump inlet temperature recorder is reading high.
3. Pump inlet pressure indicator is reading low.
4. Background concentration reading is too high.
5. Analyzer is reading low.
6. Barometer reading is in error (too low).
7. Revolution counter is reading low.
8. There is a leak into the sampling system. Pressure check the lines and fittings on the intake side of sample transfer pumps on both the CVS and analyzer console.
9. Injected gas is contaminated.

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FIGURE 1

CVS CALIBRATION CONFIGURATION



Unit	Range	Accuracy
LFE:		
ETI	0–40° C (32–103.4° F)	±0.00° C (±0.108° F).
EPI	0–2.5 kPa (0–10.0 in H2O)	±25 Pa (±0.10 in H2O).
EDP	0–2.5 kPa (0–10.0 in H2O)	±1 Pa (±0.004 in H2O).
Pump:		
PTI	0–120° C (32–247.4° F)	±0.3° C (±0.54° F).
PPI	0–16 kPa (0–36.7 in fluid)	±20 Pa (±0.046 in fluid).
PPO	0–16 kPa (0–36.7 in fluid)	±20 Pa (±0.046 in fluid).
PTO	0–120° C (32–247.4° F)	±0.3° C (±0.54° F).
N	0–100,000	±6.
t	0–10,000 s.	±0.05 s.

NOTE.—Fluid used in 16 kPa (36.7 in. fluid) manometer should extend range to at least 0–15 kPa (0–60.2 in H2O). Separate manometers for PPI and PPO may be used during calibration.

APPENDIX IV

DURABILITY DRIVING SCHEDULES

(a) Durability Driving Schedule for Light Duty Vehicles, Diesel Light Duty Vehicles, Light Duty Trucks, and Diesel Light Duty Trucks.

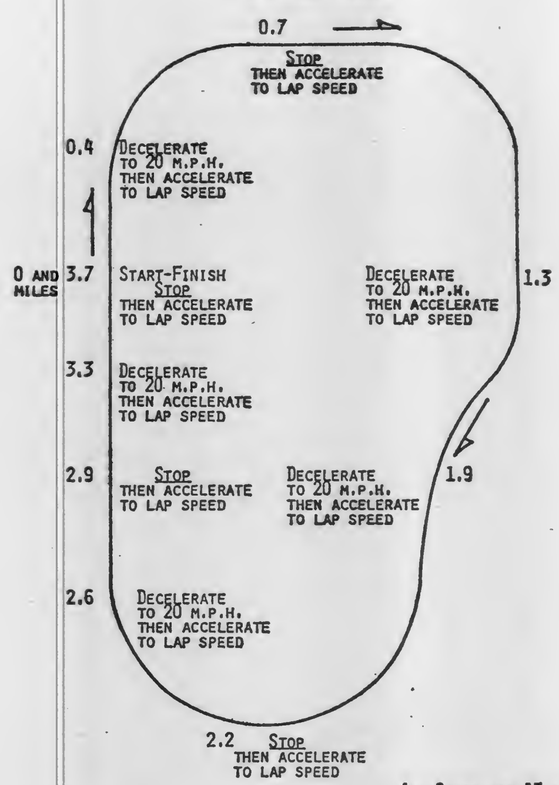
The schedule consists basically of 11 laps of a 3.7 mile course. The basic vehicle speed for each lap is listed below:

Lap	Speed (m.p.h.)
1	40
2	30
3	40
4	40
5	35
6	30
7	35
8	45
9	35
10	55
11	70

During each of the first nine laps there are 4 stops with 15 second idle. Normal accelerations and decelerations are used. In addition, there are 5 light decelerations each lap from the base speed to 20 m.p.h. followed by light accelerations to the base speed.

The 10th lap is run at a constant speed of 55 m.p.h.

The 11th lap is begun with a wide open throttle acceleration from stop to 70 m.p.h. A normal deceleration to idle followed by a second wide open throttle acceleration occurs at the midpoint of the lap.



ALL STOPS ARE 15 SECONDS

(b) Durability Driving Schedule for Motorcycles with engine displacements equal to or greater than 170 cc (10.4 cu. in.). This Durability Driving Schedule may also be used for Light Duty Vehicles, Diesel Light Duty Vehicles, Light Duty Trucks, and Diesel Light Duty Trucks.

The schedule consists basically of 11 laps of a 6.0 km (3.7 mi) course. The basic vehicle speed for each lap is listed below:

Lap	Speed (k.p.h.)
1	70
2	50
3	70
4	70
5	60
6	50
7	60
8	80
9	60
10	90
11	110

During each of the first nine laps there are 4 stops with 15 second idle. Normal accelerations and decelerations are used. In addition, there are 5 light decelerations each lap from the base speed to 30 k.p.h. followed by light accelerations to the base speed.

The 10th lap is run at a constant speed of 90 k.p.h.

The 11th lap is begun with a wide open throttle acceleration from stop to 110 k.p.h. A normal deceleration to idle followed by a second wide open throttle acceleration occurs at the midpoint of the lap.

This schedule may be modified with the advance approval of the Administrator if it results in unsafe operation of the vehicle.

(c) Durability Driving Schedule for Motorcycles with engine displacements less than 170 cc (10.4 cu. in.).

The schedule consists basically of 11 laps of a 6.0 km (3.7 mi) course. The basic vehicle speed for each lap is listed below:

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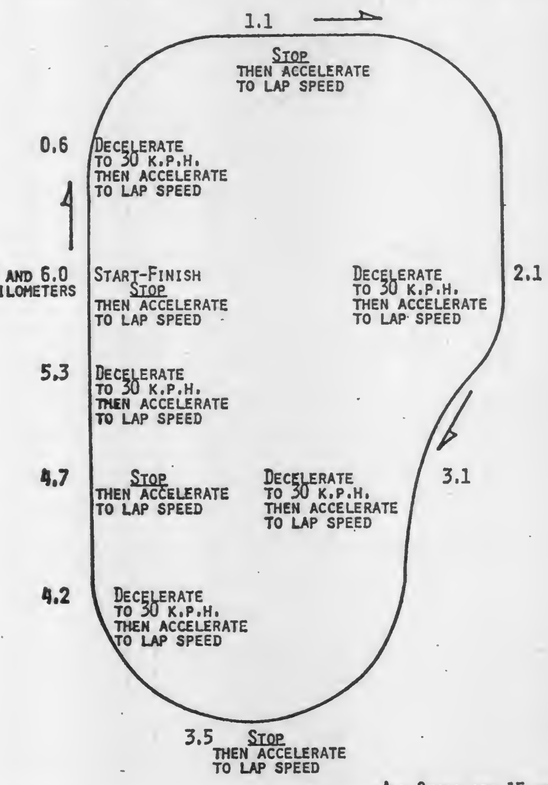
Lap:	Speed (k.p.h.)
1	70
2	50
3	70
4	70
5	60
6	50
7	60
8	80
9	60
10	90
11	90

During each of the first nine laps there are 4 stops with 15 second idle. Normal accelerations and decelerations are used. In addition, there are 5 light decelerations each lap from the base speed to 30 k.p.h. followed by light accelerations to the base speed.

The 10th lap is run at a constant speed of 90 k.p.h.

The 11th lap is begun with a wide open throttle acceleration from stop to 90 k.p.h. A normal deceleration to idle followed by a second wide open throttle acceleration occurs at the midpoint of the lap.

This schedule may be modified with the advance approval of the Administrator if it results in unsafe operation of the vehicle.



ALL STOPS ARE 15 SECONDS

APPENDIX V

(Reserved)

APPENDIX VI

VEHICLE AND ENGINE COMPONENTS

(a) Light Duty Vehicles, Light Duty Trucks, Motorcycles, and Gasoline Fueled Heavy Duty Engines.

I. Basic Mechanical Components-Engine.
1. Intake and exhaust valves.
2. Drive belts.
3. Manifold and cylinder head bolts.
4. Engine oil and filter.
5. Engine coolant.
6. Cooling system hoses and connections.
7. Vacuum fittings, hoses, and connections.
8. Oil injection metering system.

II. Fuel System.
1. Fuel specification-octane rating, lead content.
2. Carburetor-idle RPM, mixture ratio.
3. Choke mechanism.
4. Fuel system filter and fuel system lines and connections.
5. Choke plate and linkage.

III. Ignition Components.
1. Ignition timing and advance systems.
2. Distributor breaker points and condenser.
3. Spark plugs.
4. Ignition wiring.
5. Operating parts of distributor.

IV. Crankcase Ventilation System.
1. PCV valve.
2. Ventilation hoses.
3. Oil filler breather cap.
4. Manifold inlet (carburetor spacer, etc.).

V. External Exhaust Emission Control System.
1. Secondary air injection system hoses.
2. Air system manifolds.
3. Control valves and air pump.
4. Manifold reactors.
5. Catalytic converters.
6. Exhaust recirculation.
7. Water injection.

VI. Evaporative Emission Control System.
1. Engine compartment hose connections.
2. Carbon storage media.
3. Fuel tank pressure-relief valve operation.
4. Fuel vapor control valves.

VII. Air Inlet Components.
1. Carburetor air cleaner filter.
2. Hot air control valve.

(b) Diesel Light Duty Vehicles, Diesel Light Duty Trucks, and Diesel Heavy Duty Engines.

I. Engine Mechanical Components.
1. Valve train.
2. Cooling system.
a. Coolant.
b. Thermostat.
c. Filter.
3. Lubrication.
a. Oil filter.
b. Lubricant.

II. Fuel System.
1. Fuel type.
2. Fuel pump.
3. Fuel filters.
4. Injectors.
5. Governor.

III. Air Inlet Components.
1. Air cleaner.
2. Inlet ducting.

IV. External Exhaust Emission Control System.
1. Rack limiting devices (aneroid, throttle delay, etc.).
2. Manifold reactors.
3. Catalytic converters.
4. Exhaust recirculation.
5. Water injection.

APPENDIX VII

(a) Light Duty Vehicle, Diesel Light Duty Vehicle, Light Duty Truck, Diesel Light Duty Truck, and Motorcycle Parameters and Specifications.

I. Basic Engine Parameters—Four-Stroke Cycle Reciprocating Engines.
1. Cylinder bore center-to-center dimension.
2. Centerline of crankshaft to centerline of camshaft dimension.
3. Centerline of crankshaft to the top of the cyclinder block head face dimension.
4. Cylinder block configuration and material (including liners if applicable).
5. Combustion cycle.
6. Method of aspiration.
7. Displacement.
8. Bore and stroke.
9. Number of cylinders.
10. Compression ratio.
11. Surface to volume ratio.
12. Type of cylinder head and material.
13. Combustion chamber configuration.

14. Intake port area and configuration at cylinder head and manifold mating surface.
15. Exhaust port area and configuration at cylinder head and manifold mating surface.
16. Valves.
a. Head diameter.
b. Type and material.
c. Seat angle and preparation.
d. Valve spring material and load.
e. Valve spring retainer and/or rotator configuration.
f. Valve stem seal type and material.
g. Location of valves.
h. Valve activation mechanism.
1. Number of valves per cylinder.
17. Intake manifold configuration and material.
18. Exhaust manifold configuration and material.
19. Piston and piston ring(s) configuration and material.
20. Exhaust system configuration and backpressure.
21. Camshaft timing.
a. Cam profile.
b. Valve overlap.
22. Advertised power at RPM.
23. Advertised torque at RPM.
24. Governor descriptions.
25. Supercharger description.
26. Precombustion chamber configuration and material.

II. Basic Engine Parameters—Two-Stroke Cycle Reciprocating Engines.
1–25. Same as section I.
26. Intake port(s).
a. Configuration.
b. Location.
c. Preparation.
d. Timing in combustion cycle.
27. Exhaust port(s).
a. Configuration.
b. Location.
c. Preparation.
d. Timing in combustion cycle.
28. Transfer port(s).
a. Configuration.
b. Location.
c. Preparation.
d. Timing in combustion cycle.
29. Crankcase volume.
30. Precombustion chamber configuration and material.

III. Basic Engine Parameters—Rotary Engines.
1. Major axis dimension.
2. Minor axis dimension.
3. Eccentricity dimension.
4. Width of rotor housing dimension.
5. Generating radius dimension.
6. Intake port(s).
a. Configuration.
b. Location.
c. Preparation.
d. Timing and overlap if exposed to combustion chamber.
7. Exhaust port(s).
a. Configuration.
b. Location.
c. Preparation.
d. Timing and overlap if exposed to combustion chamber.
8. Housing configuration and material.
9. Combustion cycle.
10. Method of aspiration.
11. Number of spark plugs per rotor.
12. Displacement.
13. Rotor and seals.
a. Number of rotors and seals per rotor.
b. Configuration and seal retention.
c. Materials.
14. Compression ratio.
15. Surface to volume ratio.
16. Combustion chamber configuration.
17. Intake manifold configuration and material.
18. Exhaust manifold configuration and material.
19. Advertised power at RPM.
20. Advertised torque at RPM.
21. Exhaust system configuration and backpressure.
22. Governor description.
23. Supercharger description.
24. Precombustion chamber configuration and material.

IV. Air Inlet System.
1. Air cleaner type and configuration.
2. Air inlet temperature control system.
3. Inlet fresh air pick up method.
4. Maximum allowable restriction.

V. Fuel and Oil Systems.
1. Carburetion.
a. Number of carburetors.
b. Type.
c. Number of venturis per carburetor.
d. Venturi diameter.
e. Maximum air flow.
f. Fuel metering system type and calibration.
g. Enrichment system type and calibration.
h. Idle stop mechanism.
i. Starting system (e.g. choke).
j. Altitude compensation type and calibration.
k. Air-fuel flow specification (flow curve).
1. General compensation system type and calibration.
m. Component material.
n. Part number(s).
2. Fuel injection.
a. Control parameters.
b. Basic type (mechanical, electronic, timed, continuous).
c. Point of injection.
d. Maximum air flow.
e. Throttle mechanism type and calibration if applicable.
f. Fuel shutoff system type and calibration.
g. Cold start enrichment system type and calibration.
h. Enrichment system type and calibration
i. Air-fuel flow specification (flow curve).
j. Altitude compensation type and calibration.
k. General compensation systems type and calibration.
l. Injector configuration and material.
m. Operating pressures.
n. Basic injector timing and advance characteristics.
o. Part number(s).
3. General.
a. Fuel pump configuration and specifications.
b. Fuel control mechanisms and vents.
c. Altitude compensation type and calibration.
d. Idle speed specification and setting procedure.
e. Idle mixture specification and setting procedure.
f. Fuel rate at maximum power (Diesel only).
g. Fuel rate at maximum torque (Diesel only).
4. Oil injection metering system.
a. Control parameters.
b. Point of injection.
c. Fuel-oil flow specification.
d. Oil pump configuration and specifications.
e. Part number(s).

VI. Ignition System.
1. General type and description of operation.
2. Basic initial timing.
3. Spark advance specifications.
4. Spark plug.
a. Heat range.
b. Gap.
c. Tip configuration.
5. Ignition wire material.
6. Dwell (if applicable).
7. Starting circuit description.
8. General compensating systems type and calibration.
9. Altitude compensating system.
10. Insulation and heat sink (if applicable) material.
11. Part number(s).

VII. Cooling System.
1. Thermostat calibration.
2. Capacity of coolant.
3. Water pump capacity.

VIII. Engine Accessories.
1. Air conditioning system description and usage.
2. Power steering system description and usage.
3. Power brakes system description and usage.
4. Power take-off component(s) description and usage.
5. Vacuum takeoffs.

IX. Exhaust Emission Control System.
1. System type (air injection, smoke control, EGR, etc.) and method of operation.
2. Component design and materials.
3. Location of component on vehicle.
4. Calibration of components.
5. Part number(s).

X. Evaporative Emission Control System.
1. System type and method of operation.
2. Component design and materials.
3. Location of components on vehicle.
4. Calibration of components.
5. Part number(s).

XI. Crankcase Emission Control System.
1. System type and method of operation.
2. Component design and materials.
3. Location of components on vehicle.
4. Calibration of components.
5. Part number(s).

XII. Auxiliary Emission Control Devices.
1. System type and method of operation.
2. Component design and materials.
3. Location of components on vehicle.
4. Calibration of components.
5. Part number(s).

XIII. Emission Control Related Warning Systems.
1. System type and method of operation.
2. Component design and materials.
3. Location of components on vehicle.
4. Calibration of components.
5. Part number(s).

XIV. Driveline Parameters.
1. Torque convertor or clutch configuration and torque transfer performance.
2. Transmission.
a. Automatic gear ratios and shift speeds.
b. Semiautomatic and manual gear ratios.
3. Differential and transfer case.
a. Number of wheels driving vehicle.
b. Axle ratio.
c. Special features that cause any changes to the torque transfer characteristics and quantifications of the additional power requirements (eg. overdrive).
4. Tires.
a. Size.
b. Type.
5. Engine speed to vehicle speed relationship (N/V).

XV. Vehicle Parameters.
1. Model.
2. Inertial mass category.
3. Curb mass average for model.
4. Road load power requirements.
5. Engine location in vehicle.
6. Fuel tank(s) configuration and material.
7. Fuel line(s) and hose size (including restrictors) and routing.

(b) Gasoline Fueled and Diesel Heavy Duty Engine Parameters and Specifications.

I. Basic Engine Parameters—Four-Stroke Cycle Reciprocating Engines.
1. Cylinder bore center-to-center dimension.
2. Centerline of crankshaft to centerline of camshaft dimension.

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3. Centerline of crankshaft to the top of the cylinder block head face dimension.
4. Cylinder block configuration and material (including liners if applicable).
5. Combustion cycle.
6. Method of aspiration.
7. Displacement.
8. Bore and stroke.
9. Number of cylinders.
10. Compression ratio.
11. Surface to volume ratio.
12. Type of cylinder head and material.
13. Combustion chamber configuration.
14. Intake port area and configuration at cylinder head and manifold mating surface.
15. Exhaust port area and configuration at cylinder head and manifold mating surface.
16. Valves.
a. Head diameter.
b. Type and material.
c. Seat angle and preparation.
d. Valve spring material and load.
e. Valve spring retainer and/or rotator configuration.
f. Valve stem seal type and material.
g. Location of valves.
h. Valve activation mechanism.
i. Number of valves per cylinder.
17. Intake manifold configuration and material.
18. Exhaust manifold configuration and material.
19. Piston and piston ring(s) configuration and material.
20. Exhaust system configuration and backpressure.
21. Camshaft timing.
a. Cam profile.
b. Valve overlap.
22. Advertised power at RPM.
23. Advertised torque at RPM.
24. Governor descriptions.
25. Supercharger description.
26. Precombustion chamber configuration and material.

II. Basic Engine Parameters—Two-Stroke Cycle Reciprocating Engines.
1–25. Same as section I.
26. Intake port(s).
a. Configuration.
b. Location.
c. Preparation.
d. Timing in combustion cycle.
27. Exhaust port(s).
a. Configuration.
b. Location.
c. Preparation.
d. Timing in combustion cycle.
28. Transfer port(s).
a. Configuration.
b. Location.
c. Preparation.
d. Timing in combustion cycle.
29. Crankcase volume.
30. Precombustion chamber configuration and material.

III. Basic Engine Parameters—Rotary Engines.
1. Major axis dimension.
2. Minor axis dimension.
3. Eccentricity dimension.
4. Width of rotor housing dimension.
5. Generating radius dimension.
6. Intake port(s).
a. Configuration.
b. Location.
c. Preparation.
d. Timing and overlap if exposed to combustion chamber.
7. Exhaust port(s).
a. Configuration.
b. Location.
c. Preparation.
d. Timing and overlap if exposed to combustion chamber.
8. Housing configuration and material.
9. Combustion cycle.
10. Method of aspiration.
11. Number of spark plugs per rotor.
12. Displacement.
13. Rotor and seals.
a. Number of rotors and seals per rotor.
b. Configuration and seal retention.
c. Materials.
14. Compression ratio.
15. Surface to volume ratio.
16. Combustion chamber configuration.
17. Intake manifold configuration and material.
18. Exhaust manifold configuration and material.
19. Advertised power at RPM.
20. Advertised torque at RPM.
21. Exhaust system configuration and backpressure.
22. Governor description.
23. Supercharger description.
24. Precombustion chamber configuration and material.

IV. Air Inlet System.
1. Air cleaner type configuration.
2. Air inlet temperature control system.
3. Inlet fresh air pick up method.
4. Maximum allowable restriction.

V. Fuel System.
1. Carburetion.
a. Number of carburetors.
b. Type.
c. Number of venturis per carburetor.
d. Venturi diameter.
e. Maximum air flow.
f. Fuel metering system type and calibration.
g. Enrichment system type and calibration.
h. Idle stop mechanism.
i. Starting system (e.g. choke).
j. Altitude compensation type and calibration.
k. Air-fuel flow specification (flow curve).
l. General compensation system type and calibration.
m. Component material.
n. Part number(s).
2. Fuel injection.
a. Control parameters.
b. Basic type (mechanical, electronic, timed, continuous).
c. Point of injection.
d. Maximum air flow.
e. Throttle mechanism type and calibration if applicable.
f. Fuel shutoff system type and calibration.
g. Cold start enrichment system type and calibration.
h. Enrichment system type and calibration.
i. Air-fuel flow specification (flow curve).
j. Altitude compensation type and calibration.
k. General compensation systems type and calibration.
l. Injector configuration and material.
m. Operating pressures.
n. Basic injector timing and advance characteristics.
o. Part number(s).
3. General.
a. Fuel pump configuration and specifications.
b. Fuel control mechanisms and vents.
c. Altitude compensation type and calibration.
d. Idle speed specification and setting procedure.
e. Idle mixture specification and setting procedure.
f. Fuel rate at maximum power (Diesel only).
g. Fuel rate at maximum torque (Diesel only).

VI. Ignition System.
1. General type and description of operation.
2. Basic initial timing.
3. Spark advance specifications.
4. Spark plug.
a. Heat range.
b. Gap.
c. Tip configuration or glow plug.
5. Ignition wire material.
6. Dwell (if applicable).
7. Starting circuit description.
8. General compensating systems type and calibration.
9. Altitude compensating system.
10. Insulation and heat sink (if applicable) material.
11. Part number(s).

VII. Cooling System.
1. Thermostat calibration.
2. Capacity of coolant.
3. Water pump capacity.

VIII. Engine Accessories.
1. Air conditioning system description and usage.
2. Power steering system description and usage.
3. Power brakes system description and usage.
4. Power take-off component(s) description and usage.
5. Vacuum take offs.

IX. Exhaust Emission Control System.
1. System type (air injection, smoke control, EGR, etc.) and method of operation.
2. Component design and materials.
3. Location of component on vehicle.
4. Calibration of components.
5. Part Number(s).

X. Evaporative Emission Control System.
1. System type and method of operation.
2. Component design and materials.
3. Location of components on vehicle.
4. Calibration of components.
5. Part number(s).

XI. Crankcase Emission Control System.
1. System type and method of operation.
2. Component design and materials.
3. Location of components on vehicle.
4. Calibration of components.
5. Part number(s).

XII. Auxiliary Emission Control Devices.
1. System type and method of operation.
2. Component design and materials.
3. Location of components on vehicle.
4. Calibration of components.
5. Part number(s).

XIII. Emission Control Related Warning Systems.
1. System type and method of operation.
2. Component design and materials.
3. Location of components on vehicle.
4. Calibrations of components.
5. Part number(s).

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federal register

WEDNESDAY, OCTOBER 22, 1975

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

PART IV:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

ADULT INDOCHINESE REFUGEE EDUCATION PROGRAM

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Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 166—STATE ADULT EDUCATION PROGRAMS

Adult Indochinese Refugee Education Program

Pursuant to the authority contained in the Adult Education Act, as amended, 20 U.S.C. 1201, *et seq.*, the U.S. Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, purposes to amend Part 166 of Title 45 of the Code of Federal Regulations to add a new subpart G. This new subpart will set forth policies and procedures which govern the administration of supplemental funds which have been made available pursuant to the authority of the Indochina Migration and Refugee Assistance Act of 1975, Pub. L. 94–23.

1. *Program purpose.* The Adult Education Act provides for State-administered adult education programs which will enable all adults to continue their education at least to the level of completion of secondary school and make available the means to secure training that will enable them to become more employable, productive, and responsible citizens.

The regulations in this subpart pertain only to those State-administered adult education programs and services which are made available from funds appropriated under the Indochina Migration and Refugee Assistance Act of 1975. From this appropriation, $5 million will be distributed to the States in FY 1976, in accordance with the provisions of the Adult Education Act and the regulations in this subpart, for adult education services in order to promote the integration of the Indochinese refugees into American society.

Since estimates of the number of adults to be served by the program will not be available for some time, funds will be distributed to the States on the basis of the number of adult refugees (persons 18 years of age or older) initially resettling in that State. Participating States will be required to amend their FY 1976 annual program plans to set forth the policies and procedures to be followed by the State in the administration of these supplemental funds. The States are encouraged to make arrangements with public and private agencies, institutions, and organizations, in addition to local education agencies, where such institutions can make a significant contribution to meeting the objectives of the Adult Indochinese Refugee Education Program.

In accordance with section 309 of the Adult Education Act, expenditures for special experimental demonstration projects and teacher training programs are permissible provided the activity has a direct bearing on the educational needs of the Indochinese refugees. Funds may also be used to pay additional costs incurred by the State in the administration of the Adult Indochinese Refugee Education Program.

2. *Publication of final regulations.* In accordance with section 431(b)(2)(A) of the General Education Provisions Act, it is the practice of the Office of Education to provide an opportunity for interested parties to take part in its rulemaking process. However, this notice is given without such an opportunity based upon the Commissioner's finding, in accordance with 5 U.S.C. 553(b)(3)(B), that public comment upon a proposed rule would be contrary to the public interest in view of the emergency nature of the enabling legislation. This finding is premised on the rationale set forth in the following paragraphs.

A notice of proposed rulemaking is followed by a thirty-day comment period. If no substantive changes are made in the regulations, the statutory time period governing the effectiveness of the regulations (including the thirty-day period in section 431(b)(1) of the General Education Provisions Act and the forty-five day period for Congressional review in section 431(d) of the General Education Provisions Act) would run from the date of the proposed rule. However, if a proposed rule were issued and substantive changes were then made in the final rule, the statutory time period would run from the date of the final rule.

Prolonging the effective date of these regulations to allow for public comment would cause undue delay in the implementation of this program. Many States already impacted by the Indochina refugee resettlement program have adult education programs presently in operation for which reimbursement is needed. Accordingly, the emergency nature of the legislation dictates publication of final regulations at this time.

Although these regulations are being published in final form, public comment on the regulations is nevertheless invited for purposes of future policy-making and regulations with respect to the State Adult Education Program. Any comments should be addressed to the U.S. Office of Education, 400 Maryland Avenue, S.W., Room 2085, Washington, D.C. 20202, Attention: Director, Rules and Regulations Office.

3. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each of the regulations has been placed in parentheses on the line following the text of the section.

4. *Effective date.* Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of this transmission, subject to the provisions therein concerning congressional action and adjournment.

(Catalog of Federal Domestic Assistance Program No. 13.400, Adult Education—Grants to States)

Dated: October 3, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: October 14, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 166 is revised to read as follows:

PART 166—STATE ADULT EDUCATION PROGRAMS

Subpart G—Adult Indochinese Refugee Education Program

Sec.
166.61 Scope.
166.62 Definitions.
166.63 Eligibility of State educational agency.
166.64 Amendment to annual program plan.
166.65 Use of funds.
166.66 Noncommingling of funds.
166.67 Reporting.

AUTHORITY: Pub. L. 94–23, 22 U.S.C. 2601; 20 U.S.C. 1201 *et seq.*, unless otherwise noted.

§ 166.61 Scope.

The regulations in this subpart govern the Adult Indochinese Refugee Education Program for which Federal funds are provided under the Indochina Migration and Refugee Assistance Act of 1975 (Pub. L. 94–23). The purpose of this program is to provide financial assistance to the States for adult education services to promote the integration of Indochinese refugees into American society. These adult education programs and services are to be provided in accordance with the provisions of the Adult Education Act, as amended (20 U.S.C. 1201), the regulations in this subpart, and applicable regulations governing State Adult Education Programs (45 CFR 166.1 thru 166.52).

(22 U.S.C. 2601; 20 U.S.C. 1201 *et seq.*, H.R. No. 94–204, p. 3, (1975))

§ 166.62 Definitions.

(a) All terms used (but not defined) in this subpart which are defined in the Adult Education Act and subpart A of these regulations shall have the meaning given to them therein.

(b) The term "Indochinese Refugee," as defined in the Migration and Refugee Assistance Act of 1962, as amended, and used in this subpart, means "aliens who (A) because of persecution or fear of persecution on account of race, religion, or political opinion, fled from Cambodia or Vietnam; and (B) cannot return thereto because of fear of persecution on account of race, religion, or political opinion."

(22 U.S.C. 2601)

§ 166.63 Eligibility of State educational agency.

(a) Each State educational agency that conducts adult education programs with Federal funds authorized under the Adult Education Act is responsible for providing adult basic education and adult secondary education programs, including bilingual adult education programs, for adult Indochinese refugees (as defined in subsection 166.62 of this subpart).

(b) To assist in defraying the cost of providing adult education services to Indochinese refugees, the U.S. Commissioner of Education will distribute funds authorized under Pub. L. 94–23 among the States on the basis of the number of adult Indochinese refugees (persons 18 years of age or older) initially resettling within each State from the relocation centers. Determinations of the number of adult Indochinese refugees within the States will be based on figures submitted to the U.S. Commissioner of Education by the Interagency Task Force on Indochina. These funds are to be used to supplement ongoing adult education programs conducted under the provisions of the Adult Education Act to provide services for adult Indochinese refugees.

§ 166.64 Amendment to annual program plan.

(a) Each State educational agency desiring to receive its entitlement of Federal funds to carry out the purposes of this subpart must amend its annual program plan no later than March 31, 1976, to set forth the policies, procedures, and methods it will use in implementing the Adult Indochinese Refugee Education Program. The amendment to the annual program plan shall provide a description of program plans for establishing or expanding adult education programs, particularly programs to ameliorate language problems to accommodate the adult Indochinese refugees.

(b) The amendments to the annual program plan must be developed in accordance with the policies, procedures, and criteria established by the State pursuant to §§ 166.12(b) and 166.13 of subpart C of these regulations. Notification of the amendments must be certified in the same manner as the annual program plan and submitted to the U.S. Commissioner of Education for approval. The payment of entitlements under this subpart is contingent upon the approval of the amendments by the U.S. Commissioner of Education.

(c) The effective date of the amendment to the annual program plan is the date on which it is submitted to the Assistant Regional Commissioner, Occupational and Adult Education Programs, in substantially approvable form. Federal funds will not be made available until the amendment is approved by the U.S. Commissioner of Education. Federal financial participation is available with respect to obligations incurred for Adult Indochinese Refugee Education Programs from the effective date of the FY 1976 annual program plan, notwithstanding the limitation on obligations set forth in § 100b.32(a) of regulations for the General Education Provisions Act.

(22 U.S.C. 2601, H.R. 94–204, p. 3, (1975), 20 U.S.C. 1205)

§ 166.65 Use of funds.

(a) All Federal funds awarded to the States under this subpart must be expended for adult education programs and services for adult Indochinese refugees. Refugees who have attained 16 years of age, and who are not currently required to be enrolled in school, are eligible to participate in the program.

(b) Funds may be expended under this subpart for special experimental demonstration projects and teacher training programs, in accordance with the provisions of section 309 of the Adult Education Act and subpart D of these regulations. These discretionary programs must bear a direct relationship to the needs of adult Indochinese refugees. Expenditures under this subpart for adult Indochinese refugees shall not be taken into account to determine whether the State educational agency used not less than 15 percent of its allotment under section 305 of the Adult Education Act for section 309 activities.

(c) Funds available under this subpart may be used to pay additional cost incurred by the State in the administration of Adult Indochinese Refugee Education Programs. The amount expended by a State for administration shall not exceed 7.5 percent of its total allotment. The expenditure of funds for the administration of Adult Indochinese Refugee Education Programs shall be set forth by categories of expenditures in report forms to be provided pursuant to § 166.67 of this subpart and the requirements of subpart P of GEPR.

(d) Of the funds allotted to a State under this subpart, not less than 75 percent shall be used for programs of instruction for adult Indochinese refugees. Emphasis shall be placed on speaking, reading, computational skills, and adult education services necessary to promote literacy among refugee adults for the purpose of enabling them to become responsible and productive members of American society. These funds may also be expended for guidance and counseling services with regard to educational, career, and employment opportunities for Indochinese refugees.

(e) The Commissioner reserves the right to waive or modify the application of the percentage requirement set forth in this section where he determines such waiver or modification is in the public interest.

(f) No State and local matching fund are required for eligibility for grants under this subpart.

(22 U.S.C. 2601; 20 U.S.C. 1208; 20 U.S.C. 1211)

§ 166.66 Noncommingling of funds.

The annual program plan shall set forth procedures to assure that Federal funds granted for the purposes of this subpart will not be commingled with other Federal, State, or local funds so as to lose their identity. In developing these procedures, it shall not be necessary to require separate bank accounts for these funds, so long as accounting methods will be established which assure that expenditures of the funds can be identified from other expenditures.

(22 U.S.C. 2601)

§ 166.67 Reporting.

(a) Each State shall report to the U.S. Commissioner of Education on all programs and services provided Indochinese refugees from funds administered under this subpart.

(b) Such reports shall be submitted as part of the financial and narrative reporting requirements under the Adult Education Act, as set forth in § 166.52 of these regulations and subparts P and Q of GEPR (45 CFR 100b). The information to be provided shall include:

(1) Total number of adult Indochinese refugees initially resettled within the State from the relocation centers, on or since the effective date of the FY 1976 annual program plan;

(2) Total allotment to the State from Federal funds administered under this subpart;

(3) Total number of local educational agencies (as defined in section 303(f) of the Adult Education Act), and other public and private agencies, institutions or organizations, that received grants from Federal funds administered under this subpart;

(4) Total number of adult Indochinese refugees that participated in adult education programs which were funded solely from Federal funds administered under this subpart;

(5) Total number of classes that were organized specifically for adult Indochinese refugees and were funded solely from Federal funds administered under this subpart;

(6) Total number of full-time and part-time adult education personnel whose salary was paid from Federal funds administered under this subpart (include administrators and supervisors of State and local programs, instructors, counselors, and other support personnel);

(7) Total number of classes of the regular State Adult Education Program (under the Adult Education Act) in which adult Indochinese refugees were enrolled.

(8) Total number of adult Indochinese refugees that were enrolled in public adult education programs, by type and level of instructional services provided (i.e., bilingual, adult basic education, adult secondary education);

(9) Detailed breakdown of expenditures for administration;

(10) Total expenditure from Federal funds administered under this subpart for special experimental demonstration projects and teacher training programs, as described in section 309 of the Adult Education Act;

(11) Description of any special experimental demonstration projects and teacher training programs funded under this subpart;

(12) Description of special services provided (i.e., recruitment efforts).

(20 U.S.C. 1232(b)(3)(c))

[FR Doc.75-28401 Filed 10-21-75;8:45 am]

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federal register

WEDNESDAY, OCTOBER 22, 1975



PART V:

CONSUMER PRODUCT SAFETY COMMISSION

■

CHILDREN'S SLEEPWEAR

V 40 205 OCT 22 75 XUM

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 302]

CHILDREN'S SLEEPWEAR IN SIZES 7 THROUGH 14

Proposed Requirement for Advertising of Noncomplying Items of Children's Sleepwear in Sizes 7 Through 14

In this document the Consumer Product Safety Commission proposes an amendment to 16 CFR 302.21, the regulation which prescribes labeling, recordkeeping, and other requirements for children's sleepwear items subject to the Standard for the Flammability of Children's Sleepwear; sizes 7 through 14 (FF 5–74) to add a provision applicable to advertisements for items which do not comply with the Standard and which are offered for sale on or after May 1, 1975, through May 1, 1978.

Background. The Standard was issued by the Consumer Product Safety Commission under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) on May 1, 1974 (39 FR 15214), to become effective May 1, 1975, and was amended to add a requirement for labeling of items which are manufactured in accordance with the Standard on March 21, 1975 (40 FR 12811) (as corrected by a notice published in the FEDERAL REGISTER on March 27, 1975 (40 FR 13547)). Although the manufacturing of items of children's sleepwear in sizes 7 through 14 which do not comply with the Standard on and after May 1, 1975, is prohibited, sale of children's sleepwear items in sizes 7 through 14 which were manufactured before the effective date of the Standard and which are in the inventory of manufacturers, wholesalers, and retailers on the effective date of the Standard is allowed after May 1, 1975.

In the FEDERAL REGISTER of April 1, 1975, (40 FR 14584), the Commission issued an enforcement regulation, 16 CFR 302.21, to prescribe labeling, recordkeeping, and other requirements for items of children's sleepwear which are subject to the Standard.

Among the provisions of this regulation is the requirement of § 302.21(d) that every person who sells noncomplying items of children's sleepwear in sizes 7 through 14 at retail establishments after May 1, 1975, must segregate all items which comply with the Standard so that no other items of children's sleepwear in sizes 7 through 14 are located within 91 centimeters (36 inches) of complying items, and identify displays or complying items with at least one sign which states: "Flame Resistant. Complies with the Standard for the Flammability of Children's Sleepwear (FF 5–74)"; displays of noncomplying items must be identified by at least one sign which states: "Flammable. Does Not Meet Standard for the Flammability of Children's Sleepwear (FF 5–74)."

Additionally, the provisions of § 302.21 (b)(8) and paragraph .6(b) of the Standard, as amended, require that all items of children's sleepwear in sizes 7 through 14 which are manufactured on or after May 1, 1975, through May 1, 1978, and which comply with the Standard must bear a label which is conspicuous, legible, and readily visible at the point of sale to state: "Flame Resistant. U.S. Standard FF 5–74."

The purpose of these provisions in the regulation is to facilitate identification of complying children's sleepwear items in sizes 7 through 14 by consumers.

Purpose of this proposal. In its present form, the regulation will facilitate identification of complying and noncomplying items of children's sleepwear in sizes 7 through 14 if the items are offered for sale to consumers at a store or other retail establishment where consumers may examine the goods before purchasing them. However, if children's sleepwear items in sizes 7 through 14 are offered for sale to consumers by direct mail, telephone solicitation, or other method of sale by which the consumer does not have the opportunity to examine the goods before purchase, no provision of the existing regulation requires the seller to state whether or not the items comply with the Standard.

For this reason, the Commission proposes to amend the regulation to require that when noncomplying items of children's sleepwear in sizes 7 through 14 are offered for sale to consumers by mail order or under other circumstances where the consumer does not have the opportunity to examine the goods before purchase, on or after May 1, 1975, through May 1, 1978, all advertisements for such goods must contain a clear and conspicuous disclosure of the statement "Flammable. Does Not Meet Standard for the Flammability of Children's Sleepwear (FF 5–74). Should not be worn near sources of fire." Additionally, if items which comply with the Standard are advertised in catalogs or other promotional materials containing advertisements for noncomplying items on or after May 1, 1975, through May 1, 1978, all items which comply with the Standard must be identified with a clear and conspicuous disclosure of the statement "Flame resistant. U.S. Standard FF 5–74."

The provisions of the proposed amendment are applicable only to those catalogs or other promotional items which contain advertisements for noncomplying items and which are distributed on or after May 1, 1975, through May 1, 1978.

Proposal. Pursuant to provisions of the Flammable Fabrics Act (sec. 5, 67 Stat. 112–113, as amended 81 Stat. 571; 15 U.S.C. 1194), and under authority vested in the Consumer Product Safety Commission by the Consumer Product Safety Act (Public Law 92–573, sec. 30 (b), 86 Stat. 1231; 15 U.S.C. 2079(b)), the Commission proposes to amend 16 CFR 302.21 by redesignating paragraphs (c), (d), (e), (f), and (g) as paragraphs (d), (e), (f), (g), and (h), respectively, and by adding paragraph (c) as follows:

§ 302.21 Children's sleepwear, sizes 7 through 14—labeling recordkeeping, retail display, and guaranties under FF 5–74.

* * * * *

(c) *Advertisements.* If noncomplying items of children's sleepwear in sizes 7 through 14 are offered for sale to consumers on or after May 1, 1975, through May 1, 1978, by direct mail advertisements, catalogs, telephone solicitation, or in any other circumstances where the consumer, in the ordinary course of dealing, is not afforded an opportunity to inspect the item before receiving it, all such noncomplying items shall be identified by a clear and conspicuous disclosure of the statement "Flammable. Does Not Meet Standard for the Flammability of Children's Sleepwear (FF 5–74). Should not be worn near sources of fire." If items which comply with the Standard are advertised in catalogs or other promotional materials containing advertisements for noncomplying items of children's sleepwear in sizes 7 through 14 on or after May 1, 1975, through May 1, 1978, all items which comply with the Standard shall be identified with a clear and conspicuous disclosure of the statement "Flame resistant. U.S. Standard FF 5–74."

* * * * *

(Sec. 5, 67 Stat. 112–113, as amended 81 Stat. 571; 15 U.S.C. 1194.)

Interested persons are invited to submit, on or before November 21, 1975, written comments regarding this proposal. Comments received after November 21, 1975, will be considered whenever practicable. Comments and any accompanying material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the Office of the Secretary, 10th Floor, 1750 K Street, Washington, D.C., during working hours Monday through Friday.

Dated: October 17, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75–28437 Filed 10–21–75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

CHILDREN'S SLEEPWEAR

Retail Display Requirements; Policy Statement

In this notice the Consumer Product Safety Commission issues a policy statement to clarify application of the retail display requirements of 16 CFR 302.21(c) to certain items of children's sleepwear in sizes 7 through 14 manufactured before May 1, 1975.

Background. The Standard for the Flammability of Children's Sleepwear; sizes 7 through 14 (FF 5–74) was issued by the Commission under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) on May 1, 1974 (39 FR 15210) with an effective date of May 1, 1975, and sets forth requirements for sampling and testing of fabric and garments intended for use as children's sleepwear in sizes 7 through 14. The Standard was amended on March 21, 1975 (40 FR 12811) (as corrected by a notice published in the FEDERAL REGISTER on March 27, 1975 (40 FR 13547)) to require all items of children's sleepwear in sizes 7 through 14 manufactured between May 1, 1975 and May 1, 1978, to be label with the statement "Flame Resistant. U.S. Standard FF 5–74."

In the FEDERAL REGISTER of April 1, 1975 (40 FR 14854), the Commission issued enforcement regulations (16 CFR 302.21) applicable to children's sleepwear items in sizes 7 through 14, to become effective May 1, 1975. Provisions of § 302.21(b)(8) of those regulations state that the affirmative label required by the amended Standard to indicate that the item complies with the Standard must be "prominent, conspicuous, legible and readily visible at the point of sale to ultimate consumers," but do not require the label to be permanent. Provisions of § 302.21(b)(7) require all garments which are subject to the Standard to bear a permanent stamp or label to indicate the production unit identification. As issued by the Commission on April 1, 1975, provisions of §§ 302.21(b) (4) and (7) required that if the garment production unit identification is not readily visible at the point of sale, the package containing the item must be labeled to display the garment production unit identification. On July 2, 1975, the Commission published a notice in the FEDERAL REGISTER (40 FR 27932) to announce that those sections of the regulations were amended to require that garments subject to the Standard must have either a garment production unit identification or a style identification which is readily visible at the point of sale.

Section 302.21(c) of the regulations requires that any retailer who handles items of children's sleepwear in sizes 7 through 14 which do not comply with the Standard must display those noncomplying items in a location at least 91 centimeters (36 inches) from any complying items, and identify all noncomplying items with a sign which states: "Flammable. Does Not Meet Standard for the Flammability of Children's Sleepwear (FF 5–74)."

Although the Standard and the enforcement regulations did not become effective until May 1, 1975, some manufacturers of children's sleepwear in sizes 7 through 14 manufactured items in those sizes which met all of the sampling and testing requirements of the Standard before that date. However, some of these items do not meet the requirement of paragraph .6(b) of the Standard, as amended, and § 302.21(b)(8) of the regulations for an affirmative label to indicate that they are manufactured in accordance with the Standard, and in some cases do not meet all requirements of §§ 302.21(b) (4) and (7) for a readily visible garment production unit identification or style identification.

A retailer has asked whether garments manufactured before May 1, 1975, which meet the sampling and testing requirements of the regulation, but which do not bear the required affirmative labels, or garment production unit identifications or style identifications which meet all requirements of the regulations, must be displayed as "noncomplying" items in accordance with § 302.21(c) of the regulations.

The purpose of the requirement in the Standard for a label to identify items which are manufactured to comply with the Standard, and of the requirement in the enforcement regulations for physical segregation and identification of displays of complying and noncomplying items is to facilitate identification of complying and noncomplying sleepwear items in sizes 7 through 14 by consumers.

The Commission observes that garments which were manufactured before May 1, 1975, in accordance with the sampling and testing requirements of the Standard but which do not bear the required affirmative labels or garment production unit identifications or style identifications give the same protection to the consumer against burn injuries from accidental ignition of clothing as items which comply with all of these labeling requirements as well as the sampling and testing requirements of the Standard. The Commission also observes that if retailers were required to identify items which were manufactured in accordance with the sampling and testing requirements of the Standard but which do not bear affirmative labels or garment production unit identifications or style identifications meeting all requirements of §§ 302.21(b)(4), (7) and (8), as "Flammable," and were required to display them together with items which do not meet the sampling and testing requirements of the Standard, consumers would receive no additional benefit, and the sale of merchandise which gives consumers the protection which the Standard was intended to provide would be discouraged.

Policy. For these reasons, the Commission issues the following statement of policy regarding application of 16 CFR 302.21(c) to certain items of children's sleepwear in sizes 7 through 14 which were manufactured before May 1, 1975:

For purposes of the retail display and identification requirements of 16 CFR 302.21(c), and for those purposes only, any item which was manufactured before May 1, 1975, and for which a retailer has documentary evidence of compliance with all sampling and testing requirements of the Standard (FF 5–74), will be deemed to be a complying item notwithstanding the absence of an affirmative label to indicate compliance with the Standard as required by paragraph .6(b) of the Standard and 16 CFR 302.21 (b)(8), or the absence of a garment production unit identification or style identification which meets all requirements of 16 CFR 302.21(b) (4) and (7), provided that such an item complies with all other labeling requirements of 16 CFR 302.21(b).

Dated: October 17, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75–28464 Filed 10–21–75;8:45 am]

CHILDREN'S SLEEPWEAR

Garment Production Unit Identification; Policy Statement

In this notice, the Consumer Product Safety Commission issues a policy statement regarding the provisions of 16 CFR 302.19(b)(8) and 16 CFR 302.21(b)(7), which set forth requirements for garment production unit identifications on children's sleepwear garments subject to the Standard for the Flammability of Children's Sleepwear (DOC FF 3–71; as amended), applicable to items in sizes 0 through 6X, or to the Standard for the Flammability of Children's Sleepwear; sizes 7 through 14 (FF 5–74), both of which were issued under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.).

Background. The Standard for the Flammability of Children's Sleepwear (DOC FF 3–71; as amended) was published in the FEDERAL REGISTER on July 21, 1972 (37 FR 146224), and became effective July 29, 1972. The Standard for the Flammability of Children's Sleepwear; sizes 7 through 14 (FF 5–74) was issued by the Commission on May 1, 1974 (39 FR 15210) with an effective date of May 1, 1975. Both Standards contain a requirement that children's sleepwear must be manufactured in production units which are limited in size by the Standards, and both Standards set forth procedures for sampling and testing garments.

In the FEDERAL REGISTER of February 7, 1974 (39 FR 4852), the Commission issued enforcement regulations, 16 CFR 302.19, to prescribe labeling and advertising requirements applicable to children's sleepwear items in sizes 0 through 6X. In the FEDERAL REGISTER of April 14, 1975 (40 FR 16654), the Commission issued an amendment to these regulations, 16 CFR 302.19(b)(8), to require that every children's sleepwear garment in sizes 0 through 6X manufactured on or after May 14, 1975, must bear a permanent label or stamp to designate the garment production unit in which the garment was manufactured.

In the FEDERAL REGISTER of April 1, 1975 (40 FR 14584), the Commission issued enforcement regulations, 16 CFR 302.21, applicable to children's sleepwear items in sizes 7 through 14. Section

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302.21(b)(7) of those regulations requires that each sleepwear garment in sizes 7 through 14 manufactured after May 1, 1975, must bear a permanent label or stamp to designate the production unit in which the garment was manufactured.

On April 18, 1975, the American Apparel Manufacturer's Association (AAMA) petitioned the Commission, requesting among other things that the Commission issue a statement of clarification to the effect that neither the provisions of 16 CFR 302.19(b)(8) nor of 16 CFR 302.21(b)(7) prohibit the garment production unit identification from appearing on a label containing other information. The petition from AAMA states that both sections set forth specific requirements which must be met if a separate label is used for the garment production unit identification, but neither section contains language to make the use of a septrate label for the garment production unit identification mandatory.

AAMA also states that some language in the preamble to the amendments to 16 CFR 302.19, published on April 14, 1975 (40 FR 16654) indicates that provisions of that regulation do not allow the garment production unit identification to appear on a label containing other information, although no language in the text of the regulation specifically requires the use of a separate label for the garment production unit identification.

The Commission concludes that no provision of either of the regulations in question prohibits the placement of the garment production unit identification on a label containing other information, and that a statement of clarification should be issued.

Policy. For these reasons, the Commission issues this statement of policy regarding the requirements of 16 CFR 302.19(b)(8) and 16 CFR 302.21(b)(7):

No provision of 16 CFR 302.19(b)(8) or of 16 CFR 302.21(b)(7) prohibits placement of a garment production unit identification on a label containing other information. Provided, however, that when the garment production unit identification appears on a label containing other information, provisions of 16 CFR 302.19(b)(7) and 16 CFR 302.21(b)(6) require that the garment production unit identification must be set forth separately from any other information appearing on the same label, and that information not required by the applicable enforcement regulation (16 CFR 302.19 or 16 CFR 302.21), but placed on the same label with the garment production unit identification, shall not interfere with the garment production unit identification.

Dated: October 17, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-28465 Filed 10-21-75;8:45 am]

CHILDREN'S SLEEPWEAR

Recordkeeping Requirements for Garments Manufactured on or After May 1, 1975, From Fabric Manufactured Before May 1, 1975; Policy Statement

In this notice, the Consumer Product Safety Commission issues a policy statement to clarify application of certain recordkeeping requirements which appear in the enforcement regulations applicable to children's sleepwear garments in sizes 7 through 14 (16 CFR 302.21) if those garments are manufactured on or after May 1, 1975, from fabric manufactured before May 1, 1975.

Background. The Standard for the Flammability of Children's Sleepwear; sizes 7 through 14 (FF 5-74) was issued by the Commission under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) on May 1, 1974 (39 FR 15210), with an effective date of May 1, 1975, and sets forth requirements for sampling and testing of fabric and garments intended for use as children's sleepwear in sizes 7 through 14. The Standard was amended on March 21, 1975 (40 FR 12811) (as corrected by a notice published in the FEDERAL REGISTER on March 27, 1975 (40 FR 13547)) to require all items of children's sleepwear in sizes 7 through 14 manufactured between May 1, 1975, and May 1, 1978, to be labeled with the statement: "Flame Resistant. U.S. Standard FF 5-74."

In the FEDERAL REGISTER of April 1, 1975 (40 FR 14584), the Commission issued enforcement regulations (16 CFR 302.21) to establish recordkeeping and other requirements applicable to children's sleepwear in sizes 7 through 14, to become effective May 1, 1975.

Among the recordkeeping requirements of the regulations is § 302.21(d)(4)(i), which provides that persons who manufacture, import, or otherwise initially introduce garments which are subject to the Standard into interstate commerce, must maintain records to show the fabric production unit identification of the fabrics used in each production unit of garments.

On April 18, 1975, the American Association of Apparel Manufacturers (AAMA) petitioned the Commission for clarification of provisions of § 302.21(d)(4)(i) with regard to garments in sizes 7 through 14 manufactured on or after May 1, 1975, from fabrics which were manufactured before that date. In this petition, AAMA indicates that fabrics intended for use in children's sleepwear in sizes 7 through 14 which were manufactured before May 1, 1975, the effective date of the Standard, are not subject to the requirement to have assigned production unit identifications. AAMA states that a policy statement to clarify the application of the provisions of § 302.21(d)(4)(i) is needed to allow garment manufacturers to utilize fabrics manufactured before May 1, 1975, in the production of garments manufactured after the effective date of the Standard. When it issued the Standard (FF 5-74) and the enforcement regulations (16 CFR 302.21), the Commission did not intend to prohibit the use of fabric which passes the test criteria and was manufactured before May 1, 1975, in the production of any sleepwear garments manufactured on or after May 1, 1975, which are subject to the Standard.

The Commission observes that fabrics manufactured before May 1, 1975, are not subject to the Standard, and for that reason are not required to be manufactured in production units. The Commission further observes that if fabrics which were not manufactured in production units are used on or after May 1, 1975, to make garments which are subject to the Standard, the garment manufacturer will not be able to record the fabric production unit identification where none exists. However, the Commission observes that any sleepwear garment in sizes 7 through 14 manufactured on or after May 1, 1975, must meet the test criteria and all other requirements of the Standard (FF 5-74).

On April 25, 1975, the Commission took action to grant that part of the AAMA petition which requested issuance of a policy statement to clarify the application of the regulations to garments manufactured on or after May 1, 1975, from fabric manufactured before May 1, 1975. The Commission notified AAMA of its decision by telephone on April 25, 1975; issued a press release to announce its decision to the public on April 28, 1975; and confirmed its notification to AAMA by letter dated May 14, 1975.

Policy. For the reasons set forth above, the Commission makes the following statement of policy regarding the application of 16 CFR 302.21(d)(4)(i) to certain fabrics manufactured before May 1, 1975.

No provision of the Standard for the Flammability of Children's Sleepwear; sizes 7 through 14 (FF 5-74) or of the enforcement regulations at 16 CFR 302.21 prohibits the utilization of fabric which was manufactured before May 1, 1975, and which was not manufactured in production units, in the manufacture of children's sleepwear garments which are subject to the Standard. When such fabric is utilized in the manufacture of such garments, the inability of the garment manufacturer to record the fabric production unit identification of such fabric does not constitute a violation of 16 CFR 302.21(d)(4)(i).

Dated: October 17, 1975.

SADYE E DUNN,
Secretary, nsumer
Power Safety nmission.

[FR Doc.75-28466 Filed 10- :8:45 am]

federal register

WEDNESDAY, OCTOBER 22, 1975



PART VI:

DEPARTMENT OF LABOR

Manpower Administration

EMERGENCY COMPENSATION AND SPECIAL UNEMPLOYMENT ASSISTANCE EXTENSION

Implementation

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DEPARTMENT OF LABOR

Manpower Administration

[General Administration Letter No. 9–75; Field Memorandum No. 354–75]

EMERGENCY COMPENSATION AND SPECIAL UNEMPLOYMENT ASSISTANCE EXTENSION

Implementation

On June 30, 1975, President Ford signed into law P.L. 94–45, the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975. In addition to extending unemployment compensation benefits for those individuals covered in the law (referred to as FSB claimants), this law required that these individuals be reviewed to determine their needs for training; that those who need training apply for it; and if accepted, that the claimant must participate in training in order to receive or to continue receiving the Federal supplemental benefits (FSB). To implement section 103 of P.L. 94–45, the Manpower Administration has issued General Administration Letter No. 9–75 to all State Employment Security Agencies and Field Memorandum No. 354–75 to all Department of Labor regional offices.

The intent of the law is to review the status and needs of those individuals receiving FSB and to make every effort to provide them with the necessary training which would enable them to obtain full-time unsubsidized employment. Nominally, FSB claimants are long-term jobless workers, with significant labor force experience who have exhausted 39 weeks of unemployment insurance. Therefore, it is essential that the national, State, and local manpower systems cooperate in a full scale effort to interview all FSB claimants, assess their needs for training, and where training is indicated, ensure that to the maximum extent possible, appropriate training opportunities are made available to these long-term claimants.

To meet these goals, I am instructing all State Employment Security Agencies (GAL No. 9–75) to interview all FSB claimants, determine their needs for training, and in cooperation with local CETA prime sponsors ensure that these individuals, to the maximum extent feasible, are provided with appropriate training opportunities.

During the past 12 months, the Unemployment Insurance system experienced the highest volume of claims activity in its 40-year history. In responding to this challenge many States were forced to modify their normal operating procedures. As a part of the implementation of P.L. 94–45, the States are being asked to reinstitute the periodic reinterview program to provide a complete assessment of FSB claimant needs.

As a part of this process the States will interview all FSB claimants to determine their needs for training, and in cooperation with local CETA prime sponsors, ensure that these individuals, to the maximum extent feasible, are provided with appropriate training opportunities. Specific instructions are contained in General Administration Letter 9–75.

Furthermore, I am requesting that every CETA prime sponsor (FM No. 354–75), in cooperation with the State and local employment security agencies, determine the number of FSB claimants in their jurisdiction who may be in need of training and review their entire CETA program (especially institutional training and on-the-job training) to determine the maximum number and type of training positions which can be made available to FSB claimants.

While both the CETA prime sponsors and the State Employment Security Agencies are already engaged in services to FSB claimants, I am requesting that these two primary manpower agencies join in a formal cooperative effort to ensure that maximum resources and services are made available to these long-term unemployed individuals. It is absolutely essential that as our economy continues to improve, prime sponsors and State Employment Security Agencies make every effort to provide those long-term unemployed persons with the necessary training or retraining to return them to full-time productive employment.

The entire text of both GAL No. 9–75 and Field Memorandum No. 354–75 is published here to inform all interested parties of the Department's implementing procedures. While these procedures are effective immediately, comments are invited and should be submitted to Mr. Lawrence E. Weatherford, Jr., Associate Manpower Administrator for Unemployment Insurance, Department of Labor, Room 7000, Patrick Henry Building, 601 D Street NW., Washington, D.C. 20213.

WILLIAM H. KOLBERG,
Assistant Secretary for Manpower.

OCTOBER 15, 1975.

U.S. DEPARTMENT OF LABOR
Manpower Administration
Washington, D.C. 20213

CLASSIFICATION	
CORRESPONDENCE SYMBOL	MUM
DATE	October 15, 1975

DIRECTIVE: GENERAL ADMINISTRATION LETTER NO. 9-75

TO : ALL STATE EMPLOYMENT SECURITY AGENCIES

FROM : FLOYD E. EDWARDS FEE
Associate Manpower Administrator
for Field Direction and Management

SUBJECT : Implementation of Section 103 of P.L. 94-45 Regarding Offers of Training Opportunities to Federal Supplemental Benefits (FSB) Claimants

1. Purpose: The Manpower Administration is concerned that the new provision of P.L. 94-45 be implemented as effectively as possible and that a total manpower effort at the State and local level be involved in this process. The FSB claimant has, in most cases, been unemployed for a long period of time and every effort must be made to assist him or her in obtaining permanent unsubsidized employment. This means that State Employment Security Agencies must take immediate steps to insure that FSB claimants are interviewed to determine their eligibility and availability for work and training, that they are exposed to every potential work and training opportunity, and that refusals of work or training are acted upon. In order to accomplish these objectives, it is necessary to prescribe rather specific and detailed procedures for both the State Employment Security Agencies and the CETA prime sponsors to ensure total coordination in providing the maximum services available to FSB claimants.

2. References. P.L. 94-45, The Emergency Compensation and Special Unemployment Assistance Extension Act of 1975; FL 11-75; and RAL 3-75.

3. Background. Section 103 of P.L. 94-45 provides: "Sec. 103 (a) Section 102 of the Emergency Unemployment Compensation Act of 1974 is amended by adding at the end thereof the following new subsection:

"(g) Notwithstanding the preceding provisions of this section, emergency compensation shall not be payable for any week to an individual who is not a participant in a training program which is approved by the Secretary if --

"(1) the State determines that there is a need for upgrading or broadening such individual's occupational skills and a program which is approved by the Secretary for such upgrading or broadening is available within a reasonable distance and without charge to the individual for tuition or fees, and

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	June 30, 1977

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"(2) such individual is not an applicant to participate in such a program."

The Manpower Administration has interpreted this provision to require the State agencies to interview each FSB claimant and examine the claimant's prospects for obtaining employment in the labor market area. In addition, the State must determine the need for upgrading or broadening the individual's occupational skills, and when such a need is identified, direct the claimant to apply for such training as a condition of further eligibility for FSB benefits.

4. Coordination and responsibilities. Effective implementation of this provision will require close cooperation between the UI and ES components of SESA's as well as with CETA prime sponsors, and other providers of training. State agencies are encouraged to delegate responsibility for negotiating with prime sponsors to the agency representative who has jurisdiction in the local area.

a. SESA Responsibilities

(1) Joint ES-UI Activities. Joint actions to be taken include the following:

(a) Analyze current and anticipated FSB workloads in order to establish the impact for individual local offices and the personnel requirements for carrying out the activities contained in this document.

(b) Initiate contact with prime sponsors to:

- Lay the basis for development of a cooperative agreement.
- Discuss coordination of activities.
- Share appropriate FSB data.
- Brief prime sponsors on the application of UI law to CETA responsibilities under this program, where requested.
- Insure that information about available training opportunities is obtained from prime sponsors.
- Make necessary arrangements with prime sponsors for referral of FSB claimants for training, and for reporting by prime sponsors of the results of the referral including potentially disqualifying information. Insure mutual understanding of reporting requirements.

(c) Prepare and conduct the necessary training of designated staff (ES and UI). For UI, this will include needed training relevant to the reinstitution of the periodic interview)Reemployment Assistance and Review). For both UI and ES, this will include training in the methods and procedures for carrying out their responsibilities with respect to FSB claimants.

(d) Plan for the orderly call-in, interview, and referral of FSB claimants to avoid overloading either UI or ES offices.

(e) Plan for provision of information regarding FSB claimants, training opportunities, and information needed for reporting purposes.

(2) UI Related Activities

(a) Determine intake procedure and schedule FSB claimants for interview, taking first new FSB claimants. This procedure should include calling in new FSB claimants on a current basis and, at the same time, processing of continued claimants as rapidly as possible.

(b) Use the periodic interview process to:

- Make a preliminary assessment of the claimant's need for training.
- Explore continuing eligibility for benefits in accordance with Section 5460-5467, Part V of the ES Manual, "Subsequent periodic interviews."

(c) Inform the claimant of the new disqualification provision in P.L. 94-45 and the potential effect on his claim of his failure to apply for, accept, or continue in approved training. This information should include an explanation that Congress has directed that participants in the FSB Program must be applicants for or enrolled in training (under conditions specified in this document) when training is available and that failure to apply for, accept, or continue in such training can result in termination of FSB benefits.

(d) Assess the claimant's needs for upgrading or broadening his occupational skills by obtaining information on the following:

- Length of unemployment.
- Length of employment in regular occupation.
- Skill level (e.g., skilled, semi-skilled, unskilled).

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. Attachment to employer or industry.

. Anticipated duration of unemployment (job prospects).

. Education and training (including vocational and military).

. Special skills (vocational and avocational).

(e) Based upon this information, determine whether the claimant should be referred to the Employment Service. Generally, referral to the Employment Service for training consideration is not indicated for persons:

. whose skill level entailed an apprenticeship period or other long-term or high level training.

. who have an attachment to an employer or industry and a reasonable expectation of return to employment in their respective occupations.

. who have a proven skill in an occupation in which openings may be expected to occur.

. who have prospects for early reemployment.

. who are unemployed due to seasonal factors.

(f) Generally, referral to the Employment Service is indicated for persons:

. who lack a marketable skill.

. whose skills are obsolete, that is, no longer needed in the labor market.

. whose ability to compete for openings will be improved by broadening or upgrading existing skills.

(g) Insure that claimants determined by the interview to need training complete a form applying for appropriate training (sample format attached). If the claimant refuses to sign an application for training form, procedures in (j) will apply.

(h) Schedule and refer claimants in need of training to the Employment Service.

(i) Process information received from the Employment Service on refusal to accept referral to, report to or participate in training, or continue in training.

(j) Make determinations of eligibility for continued receipt of benefits. If the agency finds that a claimant who has been determined to need training has failed to apply or refused to participate in appropriate training, a written determination must be issued to the claimant in accordance with the Claims Determination Standard Section 6010-6019, Part V of the ES Manual. The same appeals rights and procedures will apply in these cases as to regular UI claims.

The disqualification under the law will be applicable if a claimant:

. Refused to sign an application for training (g) above.

. Refused to accept a suitable training opportunity.

. Refused to apply for training to which he is referred by the Employment Service.

. Failed to report for or participate satisfactorily in training after having been accepted by the training facility.

. Discontinued training before completion.

Other eligibility issues such as availability for and ability to work arising with respect to this claimant group will be resolved in accordance with normal procedure under the applicable State law (see (i) under ES Related Activities).

(k) Annotate claim forms to record the periodic interview and the completion of the training application form.

(3) ES Related Activities

(a) Insure that all FSB claimants routed to ES as in need of training are actively registered for employment and that the application cards are annotated to identify them as FSB claimants.

(b) Insure that information regarding the number and kind of training opportunities (available through CETA prime sponsors and other institutions) is available on a current basis in the local ES offices.

(c) Interview claimants to make final determination of claimant's need for training, providing counseling and testing services as needed. Consider application for:

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. OJT and classroom training available from the CETA prime sponsor within a reasonable distance.

. Other training available within a reasonable distance and without charge to the individual for tuition or fees, such as available VA training for eligible veterans, and adult vocational training courses.

. Referral to available job openings.

(d) Refer claimant to currently available appropriate training (see definition of appropriate training) opportunity or job opening, using Form ES-508 or its equivalent. It is recommended that:

(1) the ES develop a procedure for making referrals to prime sponsors, including a method to insure that an opportunity is available prior to referral (in areas having a heavy FSB workload, a referral schedule may be appropriate) and,

(2) care should be taken not to refer a claimant to training that exceeds the duration of his remaining FSB eligibility, unless the prime sponsor has agreed to provide training allowances at the expiration of the claimant's FSB eligibility.

(e) Obtain information on result of referral

- If referred to an available CETA training opportunity, the possible outcomes include:

  . acceptance of training and enrollment in CETA.

  . refusal of training.

  . non-offer of training by the prime sponsor due to prime sponsor's determination that training for which referred is inappropriate.

  . offer of a different type of training by the prime sponsor and acceptance of the offer by the claimant.

  . offer of a different type of training by the prime sponsor, and refusal of the offer by the claimant.

  . offer of work experience, PSE slot, or unsubsidized employment by the prime sponsor and acceptance by the claimant.

  . offer of work experience, PSE slot or unsubsidized employment by the prime sponsor and refusal by the claimant.

- If referred to other training available within a reasonable distance and without charge to the individual for tuition or fees, ascertain whether the claimant accepted or refused the training offered.

- If referred to an available appropriate job opening, ascertain whether the claimant was offered the job and whether he accepted or refused it.

(f) Record results of referral, including reasons for refusal for FSB claimants.

(g) In those cases where, 1) the claimant refused an alternate offer of training by the prime sponsor, or, 2) where the prime sponsor determined that the training for which the claimant was referred was inappropriate, the ES will then redetermine the appropriateness of the training offered.

(h) Notify UI of any refusal to accept referral to, to report to or participate in training, or any failure to continue or complete training. The report should include at least the following information:

. Claimant's name and social security number.

. Local ES office and interviewer making the report.

. Identification of training opportunity refused or training program in which enrolled but failed to participate satisfactorily or complete.

. Date of refusal or termination of training.

. Reason for refusal or failure to participate in training, if known.

(i) Notify UI of any refusal to accept a job offer, or a work-experience or PSE job slot offer in accordance with standard operating procedures.

b. CETA Prime Sponsor Responsibilities

Separate instructions are being issued to MA Regional Offices defining further the actions required of prime sponsors that include the following:

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(1) CETA programs are expected to be the major sources to which ES interviewers will refer FSB claimants in need of training. In order that the ES can be aware of the level of service which the prime sponsor can be expected to provide, the prime sponsor is being asked to take the following steps:

(a) Assess the incidence of FSB claimants in its area to determine the extent to which FSB claimants constitute a significant segment of the prime sponsor's unemployed work force, utilizing information which will be provided by the ES on the number of FSB claimants in the prime sponsor's area as compared to the number of total unemployed in the area or through whatever method is used by the prime sponsor in determining significant segments.

(b) Determine the number of on-the-job training and classroom training opportunities it can make available to FSB claimants in accordance with the following:

- the number of FSB claimants the prime sponsor can reasonably serve in accordance with the information determined in Step (a);
- the number of FSB claimants whom the ES estimates could potentially be referred for training consideration during the balance of the fiscal year.
- the number of on-the-job training and classroom training opportunities which the prime sponsor expects will be available for the balance of FY '76 based on projected turnover of training slots which are already filled and based on those training slots which will become available according to the Comprehensive Manpower Plan for FY '76. In addition, the prime sponsor is being instructed to look at plan versus actual in other activity areas to determine whether any funds currently planned for work experience, public service employment, and manpower services should be reprogrammed for on-the-job training and classroom training programs to serve FSB claimant referrals.

(c) Identify the kinds of on-the-job training and classroom training opportunities which are and will be available, and other information available such as the expected dates when the training will open up and the location of the training.

(2) After the above identifications and assessments are made, the prime sponsor and the ES will begin developing a written cooperative agreement, which will include the following information:

(a) The number of FSB claimants in the prime sponsor's area in relation to the total number of unemployed in the area.

(b) The number of FSB claimants whom the ES estimates could potentially be referred for training consideration.

(c) The number of FSB claimants for whom the prime sponsor expects to be able to provide training opportunities, and an explanation of how this number was derived, including information on projected turnover, funds planned for on-the-job training and classroom training, and if appropriate, reprogramming of funds planned for non-training activities.

(d) Information regarding the specific kinds of training which can be provided for FSB claimants, dates when the training will become available, location of the training, etc.

(e) The system by which the prime sponsor can provide the ES information on a continuing and timely basis regarding available training slots so that the ES can refer FSB claimants for application. The procedures for transmittal of this information and the timeliness and degree of information deemed essential are to be mutually agreed upon between the prime sponsor and the ES. The frequency and method for communicating the information should be specified in the agreement. It is recommended that the agreement indicate that the ES will contact the prime sponsor prior to each actual referral.

(f) The procedure by which the ES will make the referrals to prime sponsors, including a method to insure that an opportunity is available prior to referral. In areas having a heavy FSB workload, a referral schedule may be appropriate.

(g) Determination of whether the prime sponsor will agree to pick up the full basic allowance payments to any individuals whose FSB payments are exhausted prior to the termination of the training opportunity.

(h) The number and types of other opportunities (i.e., public service employment and work experience positions) which the prime sponsor expects it can provide the FSB claimants, and as much other information regarding these opportuhities as possible.

(i) The system by which the ES can obtain from the prime sponsor information regarding the outcomes of FSB claimant referrals.

NOTE: In any instance where the FSB claimant rejects an offer of any opportunity offered, the ES will need to obtain the reasons for such rejection.

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(3) Once this cooperative agreement is developed, the following steps will be implemented by the prime sponsors:

(a) If the prime sponsor determined that the FSB claimants constituted a significant segment of its unemployed work-force, the prime sponsor is to take the following steps:

- submit a copy of the cooperative agreement to the ARDM.
- inform the ARDM, in writing, that a modification to the Comprehensive Manpower Plan will be made and to indicate the types of modification that will be made (i.e., narrative, minor, major).

(b) If the FSB claimant does not constitute a significant segment of a prime sponsor's unemployed work force, a modification to the Comprehensive Manpower Plan will not be necessary. However, the prime sponsor will still be required to develop the cooperative agreement with the ES. The prime sponsor must inform the ARDM, in writing, that it will not be modifying its plan, and at the same time, submit a copy of the cooperative agreement.

5. Duration of Disqualification. Refusal to participate in or apply for appropriate training bars the claimant from FSB unless and until appropriate training is again available and the claimant applies for and participates in such training.

6. Interstate Claimants. Agent States are responsible for interviewing interstate claimants and reporting any issues to the liable State.

7. Effective Dates of These Requirements. Section 103 was effective July 1, 1975, and applies to any refusals of training arising after that date.

8. Reporting Requirements. RAL 3-75 will be revised to include the following items:

a. The number of periodic interviews given FSB claimants.

b. Number of claimants determined to need training (referred by UI to ES).

c. Number of claimants referred to training opportunities.

d. Number of claimants entering in training programs.

e. Number of claimants refusing referral to training or failing to participate in training.

f. Number of refusals of, or failures to participate in training resulting in denial.

9. Definitions

(a) Approved Training

The determination as to what is to be considered approved training has been delegated to the State Employment Security Agencies. The determination will be made in accordance with regulations to be published by the Department of Labor. For the purposes of this Act, any on-the-job training or classroom training as defined in sections 95.33(d) (1) and (2) of the CETA regulations are to be considered as approved by the Secretary of Labor. Accordingly, FSB claimants enrolled in CETA sponsored training may not be denied FSB benefits under provisions of State law.

(b) Appropriate Training

The term "training" for purposes of this Act includes regular classroom or on-the-job training. It does not include participation in funded public service employment or work experience projects. The guidelines with respect to determining what training is appropriate for trainees are:

(1) The training program is available without cost of fees or tuition to the claimant.

(2) The training is provided at a facility located in an area within reasonable commuting distance of the claimant's residence.

(3) The training course will provide the FSB claimant with additional occupational skills and knowledge, or upgrade or broaden existing skills, relevant to employment opportunities which may reasonably be expected to be or to become available in the area in which the claimant resides.

10. Action Required. Actions necessary to implement the requirements and target dates:

a. November 1, 1975: Completion by the SESA of the analysis of current and anticipated FSB workloads.

b. November 1, 1975: Initiation of contact by ES (with UI participation as necessary) with prime sponsors to discuss coordination of activities, e.g., exchange of required information, development of a cooperative agreement, etc.

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c. November 1, 1975: Plan for orderly call-in and interview of FSB claimants to avoid overloading either UI or ES offices and initiate claimant processing.

d. November 1, 1975: Preparation and conduct of the necessary training of the designated staff (ES and UI).

e. November 15, 1975: Completion of the cooperative agreement with CETA prime sponsor.

f. February 15, 1976: Complete the processing of claimants currently filing for FSB.

Any modification of the above target dates should be arranged with the appropriate regional offices.

11. Inquiries. Questions with respect to this GAL should be directed to the Regional Office.

12. Attachment. Sample Application Format.

Attachment to GAL 9-75

SAMPLE APPLICATION FORMAT

_____ Employment Security Agency

I hereby apply for and agree to participate in an appropriate training program to broaden or upgrade my occupational skill if the above agency determines:

1. There is need for my taking such training.

2. The training is available within a reasonable distance from my residence, and,

3. The training does not require payment of tuition or fees.

I understand that the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 (P.L. 94-45) requires, as a condition for receiving these emergency benefits, that I apply for and participate in appropriate training whenever the agency determines my job skills need broadening or upgrading.

Name _____

Address _____

SS No. _____

Date _____

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U.S. DEPARTMENT OF LABOR
Manpower Administration
Washington, D.C. 20213

CLASSIFICATION

CORRESPONDENCE SYMBOL
MDCP

DATE
October 15, 1975

DIRECTIVE: FIELD MEMORANDUM NO. 354-75

TO : ALL ASSISTANT REGIONAL DIRECTORS FOR MANPOWER

FROM : FLOYD E. EDWARDS
Associate Manpower Administrator
Office of Field Direction and Management

SUBJECT : Referrals to CETA of Federal Supplemental Benefits (FSB) Claimants

1. Purpose. To prescribe specific and detailed procedures for both SESAs and CETA prime sponsors to insure total coordination in providing the maximum services available to FSB claimants.

2. References. a. P. L. 94-45, The Emergency Compensation and Special Unemployment Assistance Extension Act of 1975.

b. GAL 9-75.

c. RAL 3-75 (to be revised).

d. FL 11-75.

3. Objectives. The Manpower Administration is strongly concerned that the new provision of P. L. 94-45 be implemented effectively and that a total manpower effort at the State and local level be involved in this process. The FSB claimant has, in most cases, been unemployed for a long period of time and every effort must be made to assist him/her in obtaining permanent unsubsidized employment. This means that SESAs must take immediate steps to insure that FSB claimants are interviewed to determine their eligibility and availability for work and training, insuring that they are exposed to every potential training opportunity and that refusals to accept training are acted upon as required by P. L. 94-45.

4. Background.

a. Public Law 94-45, enacted on June 30, 1975, entitled the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 amends the Emergency Unemployment Compensation Act of 1974. Section 103 of the new act provides:

"Section 102 of the Emergency Unemployment Compensation Act of 1974 is amended by adding at the end thereof the following new subsection:

RESCISSIONS	EXPIRATION DATE
	June 30, 1977

DISTRIBUTION

MA 4-148
Sep. 1974

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"(g) Notwithstanding the preceding provisions of this section, emergency compensation shall not be payable for any week to an individual who is not a participant in a training program which is approved by the Secretary if ---

"(1) The State determines that there is a need for upgrading or broadening such individual's occupational skills and a program which is approved by the Secretary for such upgrading or broadening is available within a reasonable distance and without charge to the individual for tuition or fees, and

"(2) such individual is not an applicant to participate in such a program."

b. The FSB claimant is an individual who has generally exhausted regular unemployment insurance benefits (26 weeks), and extended benefits (13 weeks), for a total of 39 weeks of benefits, and has entered the FSB program which provides an additional 13 or 26 weeks of benefits.

As of September 27, 1975, there were 958,700 FSB claimants and it is expected that there will be an additional 400,000 new FSB claimants by the end of FY 1976. Although FSB claimants are located in all States, 70 percent are located in the following ten States:

Michigan	10.7%	California	9.5%	Georgia	3.0%
Massachusetts	10.7%	Pennsylvania	5.1%	Washington	2.7%
New Jersey	10.2%	Florida	3.9%	Ohio	2.5%
New York	11.2%				

c. CETA Title I assurances and section 95.32(g) of the regulations require CETA sponsors to serve those most in need of manpower services. Section 96.28 requires that special consideration in enrolling individuals under Title II be given to unemployed persons who are the most severely disadvantaged in terms of length of time they have been unemployed and their prospects for finding employment without assistance under Title II. Under Title VI, section 99.36(b) requires eligible applicants to give preferred consideration to unemployed persons who have been unemployed for 15 or more weeks. Having received unemployment insurance payments for over 39 weeks, FSB claimants fall within the above categories, and already warrant consideration beyond that which is provided to other unemployed applicants. As a member of a group of long term unemployed, FSB claimants in a prime sponsor's area may constitute a significant segment of the unemployed workforce. (See section 94.4(yy)). While it is recognized that prime sponsors, as part of their responsibilities under the above mandates, are already serving individuals who are collecting unemployment insurance, including FSB claimants, an even larger effort on the part of the prime sponsors is now necessary.

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5. Policy. The Manpower Administration has interpreted the above provision to require the State agencies to interview each FSB claimant and examine the claimant's prospects for obtaining employment in the labor market area and to refer those individuals who are determined to be in need of training to CETA prime sponsors and to other available training approved by the Secretary of Labor. Those refusing to apply for or participate in the recommended training which is available and approved by the Secretary will have their benefits discontinued.

6. Responsibilities of SESAs. Actions to be undertaken by the unemployment insurance and employment service include the following:

a. Unemployment Insurance Related Activities:

(1) Interview all FSB claimants.

(2) Conduct initial assessment of claimant's need for training.

(3) Take application for training (form establishing claimant's availability for training).

(4) Refer claimants to the employment service for counseling and referral activity.

(5) Make final determinations of claimant's rights to receive FSB payments based upon acceptance or refusal of appropriate training.

b. Employment Service Related Activities:

(1) Develop cooperative agreement with local CETA prime sponsor detailing number and type of training opportunities to be made available to FSB claimants, in addition to other manpower-related opportunities.

(2) Interview FSB claimants and make final determination, regarding need for training and specific type of training, providing counseling and testing as needed.

(3) Refer claimants to available CETA or other training opportunities.

(4) Obtain information from prime sponsor or other providers of training regarding claimants' acceptance or refusal of training. Also obtain information concerning other CETA opportunities which may be offered or provided.

(5) Report results of referral activity of FSB claimants to the unemployment insurance service.

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7. Responsibilities of CETA Prime Sponsors.

a. In order that FSB claimants can be assured of continued benefits, the claimants will have to make application for and enroll in appropriate training opportunities. As CETA programs are expected to be the major source to which FSB claimants will be referred, a system for referral to CETA training opportunities must be established. The employment service will be responsible for making the referrals, and, therefore, will need to be aware of the level of service which the prime sponsor can be expected to provide. In order to determine this level of service, the prime sponsor is to take the following steps:

(1) Assess the incidence of FSB claimants in its area to determine the extent to which FSB claimants constitute a significant segment of the prime sponsor's unemployed population, utilizing information which will be provided by the employment service on the number of FSB claimants in the prime sponsor's area as compared to the number of total unemployed in the area, or through whatever method used by the prime sponsor in determining significant segments.

(2) Determine the number of on-the-job training and classroom training opportunities it can make available to FSB claimants in accordance with the following:

(a) the number of FSB claimants the prime sponsor should serve in accordance with the information determined in step (1);

(b) the number of FSB claimants whom the employment service estimates potentially could be referred for training consideration during the balance of the fiscal year.

(c) the number of on-the-job training and classroom training opportunities which the prime sponsor expects will be available for the balance of FY '76 based on the following considerations:

i. projected turnover of training slots which are already filled and those training slots which will become available according to the Comprehensive Manpower Plan for FY '76.

ii. the fact that payment of allowances generally will be minimal or nothing since the basic allowance is reduced on a weekly basis by the amount of FSB payments received by participants. The employment service generally will not refer FSB claimants for a CETA training opportunity if the FSB payments will run out prior to the end of the training opportunity, unless the prime sponsor agrees to pick up the basic allowance payment beyond the expiration of FSB payments.

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iii. the prime sponsor should look at plan versus actual in other activity areas to determine whether any funds currently planned for work experience, public service employment, and manpower services should be reprogrammed for on-the-job training and classroom training programs to serve FSB claimant.

iv. Identify, to the extent possible, the specific kinds of on-the-job training and classroom training opportunities which are and will be available; and identify other information such as the expected dates when the training will become available and the location of the training.

b. After the above identifications and assessments are made, the prime sponsor and the employment service are to begin developing a written cooperative agreement, which will include the following information:

(1) The number of FSB claimants in the prime sponsor's area in relation to the total number of unemployed in the area.

(2) The number of FSB claimants which the employment service estimates potentially could be referred for training consideration.

(3) The number of FSB claimants to whom the prime sponsor expects it can provide training opportunities, and an explanation of how this number was derived, including information on projected turnover, funds planned for on-the-job training and classroom training, and, if appropriate, reprogramming of funds planned for non-training activities.

(4) Information regarding the specific kinds of training which can be provided for FSB claimants, dates when the training will become available, location of the training, etc.

(5) The system by which the prime sponsor can provide the employment service information, on a continuing and timely basis, regarding available training slots so that the employment service can refer FSB claimants for application. The procedures for transmittal of this information and the timeliness and degree of information deemed essential are to be mutually agreed upon between the prime sponsor and the employment service. The frequency and method for communicating the information should be specified in the agreement.

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(6) The procedure by which the employment service will make the referrals to prime sponsors, including a method to insure that an opportunity is available prior to referral. In areas having a heavy FSB workload, a referral schedule may be appropiate.

(7) Determination of whether the prime sponsor will agree to pick up the full basic allowance payments to any individuals whose FSB payments are exhausted prior to the termination of the training opportunity.

(8) The number and types of other opportunities (i.e., public service employment and work experience positions) which the prime sponsor expects it can provide to FSB claimants, and as much other information regarding these opportunities as possible.

(9) The system by which the employment service can obtain from the prime sponsor information regarding the outcomes of FSB claimant referrals. These outcomes are listed below:

(a) The prime sponsor offers the FSB claimant the training opportunity to which the claimant was referred. The claimant accepts the offer and is enrolled into CETA.

(b) The prime sponsor offers the FSB claimant the training opportunity to which the claimant was referred. The claimant rejects the offer.

(c) The training opportunity to which the FSB claimant was referred has been filled by another applicant or the prime sponsor assesses the FSB claimant and determines that the training opportunity to which the claimant was referred is inappropriate. The prime sponsor offers the FSB claimant a different training opportunity and the FSB claimant accepts the offer and is enrolled into CETA.

(d) For either of the same two reasons mentioned above, the prime sponsor offers the FSB claimant a different training opportunity and the FSB claimant rejects the offer.

(e) The FSB claimant is enrolled into training and subsequently drops out.

(f) The FSB claimant is enrolled into training and in accordance with current CETA procedures, the prime sponsor determines that the FSB claimant is not maintaining a satisfactory record of attendance and participation.

(g) The training opportunity to which the FSB claimant was referred has been filled by another applicant or the prime sponsor assesses the FSB claimant and determines that the training opportunity to which the claimant was referred is inappropriate. The prime sponsor thereafter offers the FSB claimant a non-training opportunity (i.e.,

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work experience or public service employment) and the FSB claimant accepts the offer and is enrolled into CETA.

(h) For either of the same two reasons mentioned above, the prime sponsor offers the FSB claimant a non-training opportunity (work experience or public service employment) and the FSB claimant rejects the offer.

(i) For either of the same two reasons mentioned above, the prime sponsor does not offer a different training opportunity or a non-training opportunity.

NOTE: In any instance where the FSB claimant refuses an offer of any opportunity (training or non-training), the employment service will need to obtain the reasons for such refusal.

c. Once this cooperative agreement is developed, the following steps should be implemented.

(1) If the prime sponsor determined under section 4 a.(1) of this Field Memorandum that the FSB claimants constitute a significant segment of its population, the prime sponsor is to take the following steps:

(a) submit a copy of the cooperative agreement to the ARDM.

(b) inform the ARDM in writing that a modification to the Comprehensive Manpower Plan will be made and indicate the types of modification that will be made (i.e., narrative, minor, major)

NOTE: In all of these cases a major or minor modification must be made to include the conditions of the cooperative agreement into the narrative description of the grant and to reflect the identification of the FSB significant segment. In some cases the modification also will have to include a shift in program activities, if, for example, work experience funds are going to be reprogrammed for classroom training or on-the-job training.

(2) If FSB claimants do not constitute a significant segment of a prime sponsor's unemployed workforce, a modification to the Comprehensive Manpower Plan will not be necessary. However, the prime sponsor still will be required to develop the cooperative agreement with the employment service. The prime sponsor must inform the ARDM in writing that it will not be modifying its plan, and at the same time, submit a copy of the cooperative agreement.

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8. Definitions

a. Approved Training. The determination as to what is to be considered approved training has been delegated to the SESA to be made in accordance with regulations to be published shortly by the Secretary of Labor. For the purpose of the cooperative agreement, any on-the-job training or classroom training as defined in sections 95.33(d)(1) and (2) of the CETA regulations is to be considered as approved by the Secretary of Labor. Accordingly, FSB claimants enrolled in CETA-sponsored training may not be denied FSB benefits under provisions of State law.

b. Appropriate Training. The term "training" for purposes of this Act includes regular classroom or on-the-job training. It does not include participation in funded public service employment or work experience projects. The guidelines with respect to determining what training is appropriate for trainees are:

(1) The training program is available without cost of fees or tuition to the claimant.

(2) The training is provided at a facility located in an area within reasonable commuting distance of the claimant's residence.

(3) The training course will provide the FSB claimant with additional occupational skills and knowledge, or upgrade or broaden existing skills, relevant to employment opportunities which may reasonably be expected to be or to become available in the area in which the claimant resides.

9. Timetable. The following implementation timetable must be communicated to prime sponsors for required action:

a. October 22, 1975: Federal Representative commence working with prime sponsors in preparation of the cooperative agreement negotiations.

b. November 1, 1975: Initiation of contact by employment service with prime sponsors to discuss coordination of activities, e.g., exchange of required information, development of a cooperative agreement, etc.

c. November 1, 1975: Start of orderly call-in and interview by SESAs of FSB claimants.

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d. November 15, 1975: Submission by prime sponsor of cooperative agreement and letter informing the ARDM whether the Comprehensive Manpower Plan will be modified and the type of modification.

e. December 15, 1975: Submission by the prime sponsor of the modification to the narrative description to incorporate the cooperative agreement, to the Program Planning Summary to reflect the FSB claimant as a significant segment, and any other appropriate major or minor modification.

f. February 15, 1976: Completion by the SESA of the processing of claimants currently filing for FSB.

10. Action Required. ARDMs should take an active part in the implementation of the FSB claimant referral program in their area, and facilitate negotiations of the cooperative agreement among all parties, as follows:

a. Immediately inform prime sponsors of their responsibilities as outlined in this Field Memorandum.

b. Inform prime sponsors of their responsibility to meet the timetable outlined in item 9 of this Field Memorandum.

c. Insure that prime sponsors, appropriate local employment security offices and SESAs are in contact and developing the cooperative agreement within the completion dates indicated on the timetable.

d. Insure that Federal Representatives maintain constant contact with prime sponsors, appropriate local employment service offices, and appropriate SESAs prior to and during negotiation of the cooperative agreement, in order to insure that the prime sponsor is providing the maximum support possible within its current resources in terms of serving FSB claimants.

e. Review the cooperative agreement to insure that each prime sponsor is taking appropriate action in accordance with the FSB workload and economic situation in its area.

11. Inquiries. CETA questions concerning this Field Memorandum should be directed to Paul Mayrand on (202) 376-7247; inquiries regarding SESA responsibilities should be directed to Gene Biglin for unemployment insurance on (202) 376-7367 or Tony Fantasi for employment services on (202) 376-6525.

[FR Doc.75-28280 Filed 10-21-75;8:45 am]

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WEDNESDAY, OCTOBER 22, 1975



PART VII:

PRIVACY ACT OF 1974

VARIOUS AGENCIES

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UNITED STATES INTERNATIONAL TRADE COMMISSION

NOTICE OF PROPOSED SYSTEM OF RECORDS PURSUANT TO THE PRIVACY ACT OF 1974, 5 U.S.C. 552a.

Notice is hereby given that the United States International Trade Commission in accordance with 5 U.S.C. 551a(e)(4) and (11), Section 3 of the Privacy Act of 1974 (Public Law 93-579), proposes to establish a new system of records on identifiable individuals. The U.S.I.T.C. published on September 9, 1975, in the Federal Register (40 F.R. 41981-41983) notice of three systems of records which it maintains on individuals:

I. Employment and Financial Disclosure Records;
II. Budgetary and Payroll-related Records; and
III. Time and Attendance Records. Notice of adoption of the proposed systems notices was published in the Federal Register (40 F.R. 47978) on October 10, 1975.

All other systems of records on identifiable individuals maintained by the U.S.I.T.C. are covered by the notices for government-wide systems of records published by the Civil Service Commission on August 27, 1975.

The requisite notice for the proposed U.S.I.T.C. systems is set forth below:

U.S.I.T.C.—IV

System name: Position and Personnel Roster—U.S.I.T.C.

System location: 1. For all employees of the United States International Trade Commission, position and personnel roster records are located at: the offices of the Commissioners, the office of the Executive Director, the office of the Personnel Security Officer, the office of Financial Management.

2. For administrative officers of the United States International Trade Commission with supervisory responsibility for personnel actions, the roster will cover only the employees subordinate to the respective officer and will be located only in the office of such officer.

Categories of individuals covered by the system: All current employees of the U.S.I.T.C.

Categories of records in the system: This system of records contains an employee's (1) name; (2) organization title and position classification title; (3) grade and step; (4) classification series; (5) type of appointment; (6) schedule or pay plan; (7) temporary, part-time or intermittent status; (8) years in grade; (9) years in agency; (10) years in Government; (11) service computation date; (12) birth date; (13) permanent or probationary status.

Authority for maintenance of the system: 5 U.S.C. 301 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Except for disclosures to the Commissioners and employees of the Commission in connection with the performance of their official duties for the Agency, there are no routine uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on sheets of paper in file cabinets.

Retrievability: These records are indexed by the organization title and position classification title of the employee.

Safeguards: These records are maintained in lockable metal file cabinets.

Retention and disposal: These records are maintained for one year.

System manager(s) and address: Director, Office of Personnel and Management Systems, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436.

Notification procedure: Director, Office of Personnel and Management Systems (same address as above).

Record access procedures: Director, Office of Personnel and Management Systems (same address as above).

Contesting record procedures: Director, Office of Personnel and Management Systems (same address as above).

Record source categories: Information is obtained from employee's applications (SF-171) and subsequent Notification of Personnel Actions (SF-50).

PUBLIC COMMENT ON "ROUTINE USE": Written comments concerning the "routine use" section of the above U.S.I.T.C. system of records notice are invited from interested persons pursuant to 5 U.S.C. 552a(e)(11). Comments may be presented in writing to the Office of the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436. All comments received not later than November 21, 1975, will be considered.

By order of the Commission.
October 17, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-26403 Filed 10-21-75;8:45 am]

TENNESSEE VALLEY AUTHORITY

PRIVACY ACT OF 1974

Notice of Systems of Records

On August 27, 1975, the Tennessee Valley Authority published in the FEDERAL REGISTER (40 FR 38685) a Notice of Systems of Records in accordance with 5 U.S.C. 552a(e)(4) and (11), section 3 of the Privacy Act of 1974 (P.L. 93-579). Inadvertently omitted from that Notice was publication of a notice for TVA's electric load metering survey, which notice is set forth below. In addition, a correction to the routine use section of TVA payroll records is proposed to be made to comport with the requirements of 5 U.S.C. 5517 dealing with the reporting of tax information to state and local governments. Such information is now and has been for a number of years reported to state and local authorities, but that use was inadvertently overlooked in preparing the original notice.

Public comment on the routine uses set forth below is invited. Comments should be addressed to Privacy Act Coordinator, Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902. All comments received on or before November 5, 1975, will be considered prior to the final adoption of this notice.

Dated: October 8, 1975.

Lynn Seeber
General Manager.

In FR Doc. 75-22258 appearing at pages 38685-38698 in the FEDERAL REGISTER of Wednesday 27, 1975, the following additions and revisions are proposed to be made:

On page 38698 TVA proposes to adopt the following notice of a system of records which follows systems TVA—28:

TVA—29

System location: Division of Power Marketing, Tennessee Valley Authority, Chattanooga, Tennessee 37401.

Categories of individuals covered by the system: Individuals residing in households which are participating in an electric load metering survey program.

Categories of records in the system: Information relating to individual's income, work, home, and family size, which may be relevant to the household's use of electricity.

Authority for maintenance of the system: Tennessee Valley Authority Act of 1933, 16 U.S.C. 831-831dd.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the distributor assisting TVA in the survey to enable employees of the distributor to help TVA with the survey program.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, and discs.

Retrievability: Records are indexed by an ID number assigned to each household.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. All filing systems are locked when unattended.

Retention and disposal: Survey information will be retained until completion of the program and then be destroyed.

System manager(s) and address: Director, Division of Power Marketing, Tennessee Valley Authority, Chattanooga, Tennessee 37401.

Notification procedure: Individuals about whom information is maintained in this system of records are aware of that fact through participation in the program. However, inquiries may be addressed to the system manager named above. Requests should include the individual's full name and address.

Record access procedures: Requests for access may be directed to the system manager named above.

Contesting record procedures: Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

Record source categories: The information in this system is solicited from the individual to whom the record pertains by employees of the distributor assisting TVA in the survey.

2. On page 38691, the first routine use in the routine use paragraph of system TVA—11 (Payroll records—TVA) which presently reads "To report earnings to the Social Security Administration and the Internal Revenue Service" is proposed to be revised to read as follows: to report earnings and other required information to federal, state, and local taxing authorities as required by law.

[FR Doc.75-27830 Filed 10-10-75-8:39 pm]

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FEDERAL COMMUNICATIONS COMMISSION

(Docket No. 20605; FCC 75-1092)

Notice of Systems of Records

7Correction ich the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

C. For litigation in a Federal court where required.

D. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

E. To request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or other benefit.

F. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in manual files in folders, cards, magnetic tapes, and loose leaf binders.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in filing cabinets in an office that is locked when not occupied by staff, records are available only to authorized personnel whose duties require access.

Retention and disposal: Records are maintained for varying periods of time from one year to permanently. Disposal is by shredding.

System manager(s) and address: Office of Executive Director, 1919 M Street, NW., Washington, D.C. 20554.

Notification procedure: Same as above. It is necessary to furnish the following information in order to identify the individual whose records are requested:

A. Full name
B. Date of birth
C. Social Security Number
D. Mailing address to which the reply should be mailed.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is provided by management officials and by the individual on whom the record is maintained.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Extension of Open Season

By virtue of the authority vested in the U.S. Civil Service Commission by 5 U.S.C. section 8913, the health benefits regulations are hereby amended to extend the open season from November 30, 1975, through December 31, 1975. The effective date of a new enrollment or of any open-season change in enrollment made by an enrolled employee or annuitant through December 31, 1975, is the first day of his or her first pay period which begins in 1976.

These amendments to the health benefits regulations are necessary to provide time for distribution of final rate information to enrollees. Since these amendments must be effective no later than November 30, 1975, the Civil Service Commission has for good cause found that the urgency of publication makes notice and public procedure impracticable and contrary to the public interest.

Accordingly, effective immediately, the health benefits regulations are amended as set out below.

1. Section 890.301(d) is amended to read as follows:

§ 890.301 Opportunities to register to enroll and change enrollment.

* * * * *

(d) *Open season.* During the period November 15, 1975, through December 31, 1975, and the period November 15 through November 30 of each year thereafter beginning with 1976, an employee who is not registered to be enrolled may register to be enrolled, and an enrolled employee or annuitant may change his or her enrollment from one plan or option to another, or from self only to self and family, or both.

* * * * *

(5 U.S.C. Sec. 8913)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-28558 Filed 10-22-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION

[Airworthiness Docket No. 75-SW-66; Amdt. 39-2296]

PART 39—AIRWORTHINESS DIRECTIVE

Rockwell Model 112

There have been cracks found on the aileron outboard hinge doubler, P/N 42327-1, that could result in failure of the aileron hinge with subsequent loss of the aileron. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require an inspection and replacement of the cracked part.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ROCKWELL: Applies to Model 112, S/N 3 through 380, certificated in all categories.

Compliance required as indicated:

(a) Before further flight and prior to each flight thereafter until complete inspection and modifications are accomplished, visually inspect the airplane structure at all aileron hinge positions. If visual inspection reveals distortion of the aileron skin or readily visible cracks in hinge doublers, comply with subparagraph (b)(3) below:

(b) Within 10 hours' time in service, after the effective date of this AD, accomplish the following:

(1) Replace all outboard aileron doublers in accordance with Rockwell International Service Bulletin No. SB-112-35 dated October 1, 1975, or later approved revision or by an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, Fort Worth, Texas.

(2) Inspect all inboard aileron doublers for cracks, proper doubler thickness (.040 inches), and preloading of hinge doublers in accordance with Rockwell International Service Bulletin No. SB-112-35 dated October 1, 1975, or later approved revision, or by an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, Fort Worth, Texas.

(3) If cracks, improper thickness, or preloading are found, replace doublers in accordance with Rockwell International Service Bulletin No. SB-112-35 dated October 1, 1975, or by an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, Fort Worth, Texas, before further flight.

This amendment becomes effective November 4, 1975.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Texas, on October 10, 1975.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.75-28505 Filed 10-22-75;8:45 am]

[Airspace Docket No. 75-SO-135]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Jackson, Mississippi, transition area.

The Jackson transition area is described in § 71.181 (40 FR 441). In the description, an extension is predicated on the 017° bearing from the Bruce RBN. Because of an alteration to the NDB RWY 17 instrument approach procedure, it is necessary to amend the description. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, January 29, 1976, as hereinafter set forth.

In § 71.181 (40 FR 441), the Jackson, Mississippi, transition area is amended as follows:

"... 017° bearing ..." is deleted and "... 007° bearing ..." is substituted therefor.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on October 9, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-28506 Filed 10-22-75;8:45 am]

[Airspace Docket No. 75-SO-134]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations

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is to alter the Orlando, Florida, transition area.

The Orlando transition area is described in § 71.181 (40 FR 441). In the description, an extension is predicated on the Kissimmee RBN 165° bearing. The instrument approach procedure for which this extension was designated has been canceled. It is necessary to alter the description by revoking the extension. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 Gmt, January 29, 1976, as hereinafter set forth.

In § 71.181 (40 FR 441), the Orlando, Florida, transition area is amended as follows:

". . . 165° and 322° bearings . . ." is deleted and ". . . 322° bearing . . ." is substituted therefor, and ". . . south and . . ." is deleted.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on October 9, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-28507 Filed 10-22-75;8:45 am]

[Docket No. 15056; Amdt. No. 991]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center. AIS-230, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective December 4, 1975.*

Albany, GA—Albany-Dougherty Co. Arpt., VOR Rwy 16, Amdt. 19
Alpena, MI—Phelps-Collins Arpt., VOR Rwy 12, Amdt. 4
Alpena, MI—Phelps-Collins Arpt., VOR Rwy 18, Amdt. 5
Alpena, MI—Phelps-Collins Arpt., VOR Rwy 36, Amdt. 5
Athens, GA—Athens Muni. Arpt., VOR Rwy 2, Amdt. 7
Athens, GA—Athens Muni. Arpt., VOR Rwy 27, Amdt. 7
Bryan, TX—Coulter Field Arpt., VOR/DME-A, Orig.
Cedartown, GA—Cornelius-Moore Field Arpt., VOR-A, Amdt. 6
Columbus, GA—Columbus Metro. Arpt., VOR-A, Amdt. 16
Crescent City, CA—Jack McNamara Field, VOR Rwy 11, Amdt. 5
Crescent City, CA—Jack McNamara Field, VOR/DME Rwy 11, Amdt. 7
Crescent City, CA—Jack McNamara Field, VOR/DME Rwy 35, Amdt. 7
El Campo, TX—El Campo Metro. Arpt., Inc., VOR/DME Rwy 35, Orig.
Griffin, GA—Griffin Spalding Co. Arpt., VOR/DME Rwy 13, Amdt. 1.
Kenai, AK—Kenai Muni. Arpt., VOR Rwy 19, Amdt. 9.
Kenai, AK—Kenai Muni. Arpt., VOR/DME Rwy 1, Amdt. 2.
Kotzebue, AK—Ralph Wien Memorial Arpt., VOR Rwy 8 (TAC), Amdt. 6.
Kotzebue, AK—Ralph Wien Memorial Arpt., VOR Rwy 26 (TAC), Amdt. 4.
Kotzebue, AK—Ralph Wien Memorial Arpt., VORTAC Rwy 8, Amdt. 2.
Madison, GA—Madison Muni. Arpt., VOR/DME-A, Amdt. 2.
Rome, GA—Richard B. Russell Arpt., VOR Rwy 36, Amdt. 8, canceled.
Rome, GA—Richard B. Russell Arpt., VOR/DME Rwy 18, Amdt. 1.
Rome, GA—Richard B. Russell Arpt., VOR/DME Rwy 36, Amdt. 1.
Wetumpka, AL—Wetumpka Muni. Arpt., VOR Rwy 27, Amdt. 1.

. . . . *effective October 30, 1975*

St. Paul, MN—St. Paul Downtown Holman Field, VOR Rwy 30, Amdt. 8.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective December 4, 1975.*

Columbus, GA—Columbus Metro. Arpt., LOC (BC) Rwy 23, Amdt. 7.
Winder, GA—Winder Arpt., LOC Rwy 31, Amdt. 1.

. . . . *effective October 30, 1975*

Chicago, IL—Chicago O'Hare International Arpt., LOC Rwy 4R, Amdt. 3, canceled.
St. Paul, MN—St. Paul Downtown Holman Field, LOC Rwy 30, Amdt. 5.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective December 4, 1975.*

Alexander City, AL—Thomas C. Russell Field, NDB-A, Amdt. 4.
Alpena, MI—Phelps-Collins Arpt., NDB Rwy 18, Amdt. 9.
Americus, GA—Souther Field, NDB Rwy 22, Amdt. 3.
Atlanta, GA—Charlie Brown Co. Arpt., NDB Rwy 8R, Amdt. 8.
Cambridge, OH—Cambridge Muni. Arpt., NDB Rwy 4, Amdt. 1.
Carrollton, GA—West Georgia Regional Arpt., NDB Rwy 34, Amdt. 1.
Columbus, GA—Columbus Metro. Arpt., NDB Rwy 5, Amdt. 22.
Davenport, IA—Davenport Muni. Arpt., NDB Rwy 2, Amdt. 7.
Gainesville, GA—Lee Gilmer Memorial Arpt., NDB Rwy 4, Amdt. 3.
Kenai, AK—Kenai Muni. Arpt., NDB-A, Amdt. 1.
Kotzebue, AK—Ralph Wien Memorial Arpt., NDB-A, Amdt. 11.
Milledgeville, GA—Baldwin Co. Arpt., NDB Rwy 27, Amdt. 3.
Moline, IL—Quad-City Arpt., NDB Rwy 9, Amdt. 21.
Pine Mountain, GA—Callaway Gardens-Harris Co. Arpt., NDB Rwy 9, Amdt. 6.
Rome, GA—Richard B. Russell Arpt., NDB-A, Orig.
Rome, GA—Richard B. Russell Arpt., NDB Rwy 36, Orig., canceled.
West Branch, MI—West Branch Community Arpt., NDB Rwy 27, Amdt. 2.
Winder, GA—Winder Arpt., NDB Rwy 31, Amdt. 1.

. . . . *effective October 30, 1975*

St. Paul, MN—St. Paul Downtown Holman Field, NDB Rwy 30, Orig.
Sumter, SC—Sumter Muni. Arpt., NDB Rwy 22, Orig.

. . . . *effective October 8, 1975*

Columbia, SC—Columbia Metro. Arpt., NDB Rwy 11, Amdt. 17.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective December 4, 1975.*

Columbus, GA—Columbus Metro. Arpt., ILS Rwy 5, Amdt. 17.
Crescent City, CA—Jack McNamara Field, ILS/DME Rwy 11, Amdt. 1.
Dillingham, AK—Dillingham Arpt., ILS/DME Rwy 19, Orig.
Kotzebue, AK—Ralph Wien Memorial Arpt., ILS/DME Rwy 8, Orig.
Moline, IL—Quad-City Arpt., ILS Rwy 9, Amdt. 21.

. . . . *effective October 30, 1975*

Bellaire, MI—Bellaire-Antrim Co. Arpt., MLS Rwy 2 (Interim), Orig.
Chicago, IL—Chicago O'Hare Inter. Arpt., ILS Rwy 4R, Orig.
St. Paul, MN—St. Paul Downtown Holman Field, MLS Rwy 30 (Interim), Orig.

. . . . *effective October 10, 1975*

Columbus, OH—Port Columbus Int'l Arpt., ILS Rwy 28L, Amdt. 21.

5. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective December 4, 1975.*

Atlanta, GA—DeKalb-Peachtree Arpt., RNAV Rwy 20L, Amdt. 4.
Wetumpka, AL—Wetumpka Muni. Arpt., RNAV Rwy 27, Orig.

. . . . *effective October 10, 1975.*

Port Huron, MI—St. Clair Co. Int'l Arpt., RNAV Rwy 22, Amdt. 1.

These amendments are made effective under the authority of Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Washington, D.C., on October 16, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

(NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 FR 5610))

[FR Doc.75-28508 Filed 10-22-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8942]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Lifetime Filter Equipment Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.70 Fictitious or misleading guarantees; § 13.135 Nature of product or service; § 13.170 Qualities or properties of product or service; § 13.170-30 Durability or permanence; § 13.205 Scientific or other relevant facts. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 Guarantees; § 13.1685 Nature; 13.1685-15 By misleading trade or corporate name; § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts. Subpart—Using misleading name—Goods: § 13.2325 Qualities or properties.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Lifetime Filter Equipment Corp., a Corporation, and Peter A. Cattano, Sr., Individually and as an Officer of Said Corporation

Consent order requiring a Freeport, N.Y., seller and distributor of filters and other swimming pool products, among other things to cease using a misleading corporate name; Misrepresenting the durability or permanence of its products; furnishing means and instrumentalities of misrepresentation or deception; and misrepresenting guarantees.

The order to cease and desist, including further order requiring report of compliance therewith, is as follow: [1]

[1] Copies of the Complaint, Decision and Order, filed with the original document.

ORDER

It is ordered, That respondents Lifetime Filter Equipment Corp., a corporation, its successors and assigns, and its officers, and Peter A. Cattano, Sr., individually and as an officer of said corporation, and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale and distribution of swimming pool products such as filters, diving boards, handrails, steps, pumps, chemicals, piping, heaters and instruments, or any other products, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Lifetime" or any word or term denoting a definite period of time, in the corporate or trade name, to designate or describe any of the corporate respondent's products which is in excess of that for which said product is usually and customarily effective.

2. Representing, directly or by an implication, that any product sold by respondents will last or endure for a "lifetime" or for any other period beyond what can reasonably be expected for said product.

3. Using, in any manner, in conjunction with the model designations or specifications of any product sold by the respondents the word lifetime or any such word or phrase which exaggerates the life expectancy of the product.

4. Furnishing to dealers or any other persons, any written, printed, or photographic material in which the word lifetime is used in any manner in describing any product sold by the respondents.

5. Representing, directly or by implication, that any of respondents' products are warranted or guaranteed, unless:

(1) The nature and extent of the warranty or guarantee, the identity of the warrantor or guarantor and the manner in which the warrantor or guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction therewith, and,

(2) The guarantor does in fact perform all of the actual and represented obligations and requirements, directly or impliedly represented, under the terms of each such warranty or guarantee.

It is further ordered, That the prohibitions contained in provision 1. of this order shall become effective as of October 1, 1975.

It is further ordered, That respondents shall forthwith deliver a copy of this order to cease and desist to all present and future personnel and distributors of respondents engaged in the advertising, offering for sale or sale of respondents' products, installations or services, and that respondents secure a signed statement acknowledging the receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

The Decision and Order was issued by the Commission September 10, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-28502 Filed 10-22-75;8:45 am]

[Docket No. 9002]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

TV Stereo City Freight Liquidators, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.73 Formal regulatory and statutory requirements; 13.73-92 Truth in Lending Act; § 13.135 Nature of product or service; § 13.155 Prices; 13.155-15 Comparative; 13.155-35 Discount savings; 13.155-40 Exaggerated as regular and customary; 13.155-95 Terms and conditions; 13.55-5(a) Truth in Lending Act; § 13.160 Promotional sales plans; § 13.205 Scientific or other relevant facts; § 13.260 Terms and conditions. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533-40 Furnishing information to media; 13.533-45 Maintain records; 13.533-45(k) Records, in general. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051-20 Adequate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 Nature; § 13.1740 Scientific or other relevant facts; § 13.1760 Terms and conditions. Prices: § 13.1785 Comparative; § 13.1823 Terms and conditions; 13.1823-20 Truth in Lending Act. Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852-75 Truth in Lending Act; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, *et seq.*)

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In the Matter of TV Stereo City Freight Liquidators, Inc., a Corporation, and Dennis R. Lavine, Individually and as an Officer of Said Corporation

Order requiring a former renter and seller of stereos, television sets, and other electronic equipment formerly located in Pennsauken, N.J., among other things to cease using price misrepresentations and other unfair and deceptive means to sell its merchandise; and violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order to file report of compliance therewith, the final order is as follows:[1]

FINAL ORDER

The Administrative Law Judge filed his Initial Decision in this matter on July 17, 1975, finding respondents to have engaged in the acts and practices as alleged in the complaint and entering a Cease-and-Desist Order against respondents. A copy of the Initial Decision and Order was served on the respondents on August 7, 1975. No appeal was taken from the Initial Decision.

The Commission having now determined that the matter should not be placed on its own docket for review, and that the Initial Decision should become effective as provided in § 3.51(a) of the Commission's Rules of Practice,

It is ordered, That the Initial Decision and Order contained therein shall become effective on September 8, 1975; and

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this Order, file with the Commission a written report, signed by the respondents, setting forth in detail the manner and form in which they have complied with this Order.

The order to cease and desist contained in the initial decision is as follows:

ORDER

It is ordered, That respondents TV Stereo City Freight Liquidators, Inc., a corporation, its successors and assigns, and its officers, and Dennis R. LaVine, individually and as an officer of said corporation, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale or rental, sale or rental or distribution of television sets, radios, stereos, radio/television/stereo combinations, electric appliances or any other articles of merchandise or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. (a) Representing, directly or indirectly, orally or in writing, that by purchasing any of respondents' merchandise or services, customers are afforded savings amounting to the difference between respondents' stated price and a compared price for said merchandise or services in respondents' trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said merchandise or services at the compared price or some higher price.

(b) Representing, directly or indirectly, orally or in writing, that by purchasing any of respondents' merchandise or services, customers are afforded savings amounting to the difference between respondents' stated price and a compared value price for comparable merchandise, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the compared price or a higher price and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in their trade area which established the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with merchandise or services of like grade and quality.

(c) Representing, directly or indirectly, orally or in writing:

(1) That any amount is respondents' usual and customary retail price for merchandise unless such amount is the price at which the merchandise has been usually and customarily sold at retail by respondents in the recent regular course of business.

(2) That any saving is afforded in the purchase of merchandise from the respondents' retail price unless the price at which the merchandise is offered constitutes a reduction from the price at which said merchandise is usually and customarily sold at retail by the respondents in the recent regular course of business.

2. Failing to maintain and produce for inspection or copying for a period of three (3) years, adequate records (a) which disclose the facts upon which any savings claims, sale claims and other similar representations as set forth in Paragraph 1., of this order are based, and (b) from which the validity of any savings claims, sale claims and similar representations can be determined.

3. Representing, directly or indirectly, orally or in writing, that an individual can rent any of respondents' merchandise for any specified amount and any period of time without clearly and conspicuously disclosing in immediate conjunction with such offer, the terms, conditions or limitations of respondents' rental plans; or amounts, sales, time period, terms, conditions or limitations of respondents' rental plans.

4. Using any figure or measurement to designate or describe, directly or by implication, the size of the picture tube with which their television receiving sets are equipped which is greater than the horizontal measurement of the viewable area of the tube on a single plane basis, unless it is conspicuously disclosed in immediate connection therewith that said figure or measurement is the diagonal measurement, when such is the fact; or an accurate specification of the viewable area of the tube, in square inches, is conspicuously disclosed in immediate connection with such figure or measurement.

It is further ordered, That respondents TV Stereo City Freight Liquidators, Inc., a corporation, its successors and assigns, and its officers, and Dennis R. LaVine, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90–321, 15 U.S.C. 1601, *et seq.*), do forthwith cease and desist from:

1. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as "deferred payment price" as required by § 226.8(c)(8)(ii) of Regulation Z.

2. Failing in such advertising to make disclosures clearly, conspicuously, and in a meaningful sequence, and in the form and manner prescribed under § 226.6(a) of Regulation Z, as required by § 226.10(d) of Regulation Z.

3. Representing the amount of weekly payments computed to monthly payments, unless the customer is told whether he will have to make payments weekly or monthly; or stating, utilizing, or placing any additional information or explanations with any disclosure required by Regulation Z so as to mislead or confuse the customer or contradict, obscure, or detract attention from the required information, as required by § 226.6(c) of Regulation Z.

4. Representing in any such advertisement, directly or by implication, that no downpayment is required, the amount of the downpayment or the amount of any installment payment, either in dollars or as a percentage, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are clearly and conspicuously stated, in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z.

(i) The cash price;

(ii) The amount of the downpayment required or that no downpayment is required, as applicable;

(iii) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(iv) The amount of the finance charge expressed as an annual percentage rate; and

(v) The deferred payment price.

5. Failing in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with Section 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by sections 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered, That respondents shall maintain for at least a one (1) year period, following the effective date of this order, copies of all advertisements, including newspaper, radio and television advertisements, direct mail and in-store solicitation literature, and any other such promotional material utilized for the purpose of obtaining leads for the sale or rental of television sets, radios, stereos, radio/television/stereo combinations, electric appliances or any other articles of merchandise or services, utilized in the advertising, promotion or sale or rental of television sets, radios, stereos, radio/television/stereo combinations, electric appliances or any other merchandise or services.

It is further ordered, That respondents, for a period of one (1) year from the effective date of this order, shall provide each advertising agency utilized by respondents and each newspaper publishing company, television or radio station or other advertising media which is utilized by the respondents to obtain leads for the sale or rental of television sets, radios, stereos, radio/television/stereo combinations, electric appliances or any other merchandise or services, with a copy of the Commission's News Release setting forth the terms of this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the offering for sale, sale of any product, consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

The order in the Initial Decision was issued July 17, 1975.

The Final Order was issued by the Commission, September 3, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-28503 Filed 10-22-75;8:45 am]

[1] Copies of the Complaint, Initial Decision, and Final Order, filed with the original document.

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM76-8; Order No. 539]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Enforcement of Deliverability and Rendition of Natural Gas Services Under Certificated Arrangements

OCTOBER 14, 1975.

The Commission has concluded that it should formally reiterate its policies with respect to the enforcement of requirements of the Natural Gas Act, 15 U.S.C. 717(a) *et seq.*, as they relate to deliverability and the rendition of natural gas service under certified arrangements pursuant to that Act.

Events relative to natural gas supplies and demands for natural gas service currently, and over recent past periods, warrant our doing so at this time. Questions concerning deliverability and supply obligations of natural gas producers and natural gas pipelines have arisen in connection with numerous Congressional hearings involving the Natural Gas Act,[1] as well as in the day-to-day administration of the provisions of the Natural Gas Act by this agency.

It is the policy of this Commission to enforce all delivery and supply obligations of jurisdictional natural gas producers and jurisdictional natural gas pipelines, as they may be occasioned by applicable regulations of the Commission and the statutory standards of the Natural Gas Act, which govern—and, therefore, which are incorporated within—the certificates for all certificated arrangements authorized pursuant to the Act. In addition to these standards, there are numerous delivery and supply obligations arising from contractual obligations extant among natural gas producers, pipelines or distributors. It is the policy of the Commission that each affected producer, pipeline or distributor shall take all appropriate actions to enforce those obligations, in the appropriate administrative or judicial forum at Federal, state or local levels. The constraints of private contracts operate in conjunction with and subject to public regulatory power.

We believe our action will be helpful to provide certainty of legal obligations and regulatory enforcement policy, and to provide reliable gas service to the natural gas industry, natural gas consumers, Federal, state and local governmental authorities and members of the general public which may be concerned with the adequacy and reliability of natural gas supplies and services throughout the Nation.

The Natural Gas Act—Legal authority for the rendition of a jurisdictional sale or service of natural gas in interstate commerce under the Natural Gas Act, 15 U.S.C. 717, is evidenced by appropriately issued certificates of this Commission pursuant to Section 7 of that Act, 15 U.S.C. 717f, and appropriately effective rate schedules pursuant to Sections 4 and 5 of that Act, 15 U.S.C. 717c and d. Without Commission authorization "no natural-gas company or person which will be a natural-gas company upon completion of any proposed construction or extension shall engage in the transportation or sale of natural gas, subject to the jurisdiction of the Commission • • • unless there is in force with respect to such natural gas company a certificate of public convenience and necessity issued by the Commission authorizing such acts or operations • • •.", 15 U.S.C. 717f(c). Abandonment of jurisdictional facilities or services is prohibited unless the Commission has found "• • • that the available supply of natural gas is depleted to the extent that the continuance of service is unwarranted, or that the present or future public convenience or necessity permit such abandonment." 15 U.S.C. 717f(b).

Among the conditions of every Section 7 certification are the requirements of subsection 7(e) that the applicant is able and willing properly *inter alia:*

To do the acts and to perform the service proposed;

To conform to the provisions of the Act and the requirements, rules, and regulations of the Commission; and

That the proposed service, sale, operation, construction, extension or acquisition, to the extent authorized by the certificate, is or will be required by the present or future public convenience and necessity.

Sections 4 and 5 of the Natural Gas Act obligate each natural gas company to render jurisdictional sales or services which are just and reasonable and without undue discrimination or preference: all in accordance with rates, charges, classifications, rules, regulations, practices or contracts which are just, reasonable and not unduly discriminatory or preferential. See *FPC* v. *Louisiana Power & Light Co.*, 406 U.S. 621 (1972), and cases therein cited; and *Pennsylvania Power Co.* v. *FPC*, 343 U.S. 414 (1952), interpreting the comparable rate and service provisions of the Federal Power Act, 16 U.S.C. 824d and e.

[1] See, for example: Preliminary Staff Report of the Subcommittee on Oversight and Investigations, House Committee on Interstate and Foreign Commerce, 94th Congress, 1st Session, July 18, 1975; Hearings on Natural Gas Supplies Before the Subcommittee on Oversight and Investigations, House Committee on Interstate and Foreign Commerce, 94th Congress, 1st Session, June 9, 13, 26 and 27, July 14 and 21, 1975, Serial Nos. 94–23 and 94–24; Federal Preparedness to Deal With the Natural Gas Shortage Emergency This Coming Winter: Third Report by the House Committee on Government Operations, 94th Congress, 1st Session, July 25, 1975, pp. 24 and 35; Federal Preparedness to Deal With the United States Natural Gas Shortage; Hearings Before the Subcommittee on Conservation, Energy and Natural Resources, House Committee on Government Operations, 94th Congress, 1st Session, June 12 and 26, 1975; Federal Power Commission Oversight Hearings, Committee on Commerce, United States Senate, 93d Congress, 2nd Session, August 20 and 22, 1974, Part 2, pp. 331–336; and Hearings on Natural Gas and Oil Regulatory Bills Before the Committee on Commerce, United States Senate, October 10, 11 and 24, 1973, Part I, pp. 209–211.

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Contractual Arrangements—Contractual relations between jurisdictional suppliers of natural gas, jurisdictional pipeline or non-jurisdictional distributors of natural gas are circumscribed by, and are themselves subject to, the statutory standards of the Natural Gas Act. As the Supreme Court stated in *Sunray Mid-Continent Oil* Co. v. *FPC*, 364 U.S. 137, 153, 155–6 (1960):

• • • The Power Commission has from an early date taken the view that there is a continuing obligation to perform "service" imposed by the Act which outlasts the terms of a seller's original contract of sale (at p. 153).

• • • • •

• • • *Mobile* recognized that there were two sources of price and supply stability inherent in the regulatory system established by the Natural Gas Act—the provisions of private contracts and the public regulatory power • • • An initial application of an independent producer, to make movements of natural gas in interstate commerce, leads to a certificate of public convenience and necessity under which the Commission controls the basis on which "gas may be initially dedicated to interstate use. Moreover, once so dedicated there can be no withdrawal of that supply from continued interstate movement without Commission approval. The gas operator, although to this extent a captive subject to the jurisdiction of the Commission, is not without remedy to protect himself." 360 U.S., at 389. That remedy he has, as the Court there said, in the "change" power under § 4 (d) when his contract has expired or where his contract permits its use during its term. Under a similar Act, this Court has held to the same effect as we hold today. *Pennsylvania Water & Power Co.* v. *Federal Power Comm'n*, 343 U.S. 414, 423–424 (at pp. 155–6).

Within the referenced cited holding of the Supreme Court in the *Pennsylvania* case, the Supreme Court held, 343 U.S. 422:

• • • To the extent that Penn Water is being controlled, it is by the Commission acting under statutory authority, not by Consolidated acting under the authority of private contract terms "legalized by the Commission. The duty of Penn Water to continue its coordinated operations with Consolidated springs from the Commission's authority, not from the law of private contracts.

Enforceability of Certificated Arrangements—Upon commencement of jurisdictional sales or services,[3] this Commission has full authority to enforce the rendition of, *inter alia*, natural gas services, sales or operations, as certificated by the Commission, including as a part thereof, necessary deliverability or production of natural gas to meet, inter alia, certificated operations, services, developments, quantities, volumes or sales.

As certificated, such factors may or may not accord with the terms of sales or other contractual arrangements among natural gas producers, pipelines or distributors in seeking Commission authority to engage in jurisdictional sales or services. To the extent that contractual obligations coincide with the certification authority, these factors are thus also enforceable as a matter of private contract law. However, it is the statutory standards of the Natural Gas Act which ultimately control the terms under which natural gas companies may operate jurisdictional facilities and engage in jurisdictional transactions. Certificated obligations are enforceable by pipelines as a matter of the private law of contracts as well as by this Commission as a matter of public regulatory law.

Subsection 7(e) of that Act, 15 U.S.C. 717f(e), provides "• • • The Commission shall have the power to attach to the issuance of the certificate and to the exercise of the rights granted thereunder such reasonable terms and conditions as the public convenience and necessity may require. • • •" This conditioning authority is a broad authorization, as pointed out by the Supreme Court in *Atlantic Ref. Co.* v. *Pub. Serv. Comm'n*, 360 U.S. 378, 389 (1959):

• • • Section 7(e) vests in the Commission control over the conditions under which gas may be initially dedicated to interstate use. Moreover, once so dedicated there can be no withdrawal of that supply from continued interstate movement without Commission approval. • • •

In addition to Commission initiated proceedings, certificate, rate schedule or contractual obligations of any natural gas company producer or natural gas company pipeline may be made the subject of appropriate complaint proceedings before the Commission. Section 1.6 of the Commission's Rules of Practice and Procedure provides in part, 18 CFR 1.6(a):

Any person, including any State or local commission, complaining of anything done or omitted to be done by any • • • natural gas company in contravention of an act, rule, regulation or order administered or issued by the Commission, may file a complaint with the Commission.

Section 16 of the Natural Gas Act, 15 U.S.C. 717o, confers upon the Commission "• • • power to perform any and all acts, and to prescribe, issue, make, amend, and rescind such orders, rules and regulations as it may find necessary or appropriate to carry out the provisions of this act. • • •" This is a most broad authority. *FPC* v. *Louisiana Power & Light Co.*, *supra*, at p. 642. Judicial enforcement authority obtains for Commission use pursuant to Section 20 of the Natural Gas Act, 15 U.S.C. 717s; criminal penalty provisions are set forth in Section 21 of the Act, 15 U.S.C. 717t.

In addition to the foregoing provisions, affected parties may well have numerous judicial remedies available to enforce certificate rate schedule or contractual obligations of any natural gas company producer, natural gas company pipeline or natural gas distributor.

The Commission further finds:

(1) Prior notice and opportunity for public participation in this proceeding promulgating this Statement of Policy is not required either pursuant to the provisions of the Natural Gas Act, 15 U.S.C. 717(a) *et seq.*, or the provisions of the Administrative Procedure Act, 5 U.S.C. Subchapter II, 553. Moreover, compliance with the effective date requirements of 5 U.S.C. 553(d), is not required since this Statement of Policy does not prescribe an added duty or restriction.

(2) It is necessary and appropriate for purposes of administration of the provisions of the Natural Gas Act, 15 U.S.C. 717(a) *et seq.*, to amend Part 2, General Policy and Interpretations, Subchapter A, General Rules, Chapter I, Title 18, Code of Federal Regulations, by the inclusion therein of § 2.83, Policy With Respect To Enforcement Of Deliverability And Rendition Of Natural Gas Services Under Certificated Arrangements, all in the manner hereinafter directed.

The Commission, acting pursuant to the provisions of the Natural Gas Act, particularly Sections 4, 5, 7, 16, 20 and 21 thereof (52 Stat. 822, 823, 824, 825, 830, 832, 833; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; and 15 U.S.C. 717c, d, f, o, s and t, *orders:*

(A) Part 2, General Policy and Interpretations, Subchapter A, General Rules, Chapter I, Title 18, Code of Federal Regulations, is hereby amended by adding a new § 2.83 to read as follows:

§ 2.83 Policy with respect to enforcement of deliverability and rendition of natural gas services under certificated arrangements.

(a) Natural gas companies within the meaning of Section 2(6) of the Natural Gas Act (whether producers or pipelines) shall comply with all deliverability or production of natural gas requirements to meet, *inter alia*, certificated operations, services, developments, quantities, volumes or sales. The standards of compliance shall be the controlling statutory standards of the Natural Gas Act, chiefly those of Sections 4, 5 and 7 thereof. The certificate of the Commission authorizing jurisdictional transactions under the Natural Gas Act shall be deemed evidence of those requirements, whether or not specifically reproduced within the certificate document or order. Natural gas pipeline companies and natural gas producers have obligations arising from the Natural Gas Act with respect to, *inter alia*, deliverability and receipt of certificated volumes of natural gas supplies, violation of which obligations will subject either to the sanction and/or

[3] The exclusion of the production and gathering functions from the jurisdictional coverage of the Natural Gas Act, 15 U.S.C. 717(b), does not defeat the Commission's plenary regulatory authority over "• • • (1) the transportation of natural gas in interstate commerce; (2) its sale in interstate commerce for resale; and (3) natural gas companies engaged in such transportation or sale • • •". *FPC* v. *Louisiana Power & Light supra* @ p. 636; or preclude the Commission from considering production and gathering when relevant to the exercise of the Commission's authority to regulate such transportation, sales or companies. *FPC* v. *Transcontinental Gas Corp.*, 365 U.S. 1, 26 (1961).

[3] See also, *Mitchell Energy Corporation*, Opinion No. 733, issued June 11, 1975, —— FPC ——, (appeal pending, *Mitchell Energy Corporation* v. *FPC*, CA5, No. 75–3110, and *El Paso Natural Gas Company, et al.*, Opinion No. 737, issued July 11, 1975, —— FPC ——, (appeal pending *sub nom., Southland Royalty Co., et al.* v. *FPC*, CA5, No. 75–2851.

penalty provisions of that Act. While this Commission is charged with responsibility for the administration of the Natural Gas Act, regulated pipelines and producers have affirmative obligations to enforce delivery of certificated volumes of natural gas supplies by reason of the requirements of that Act.

(b) The Commission, acting upon its own motion, will undertake appropriate enforcement proceedings either before the Commission or the Courts to ensure compliance with all delivery or production of natural gas requirements to meet certificated operations, services, developments, quantities, volumes or sales as referred to in paragraph (a) *supra*.

(c) The Commission invites, and will entertain, complaints pursuant to Section 1.6 of the Commission's Rules of Practice and Procedure seeking enforcement of certificate, rate schedule or contractual obligations of any natural gas company producer or natural gas company pipeline with reference to matters set forth in paragraph (a) *supra*.

(d) The Commission shall include, subsequent to the date of Order No. 539, the following general language within the Commission's Order Issuing Such Certificate Temporary Or Permanent:

Applicant natural gas company's attention is directed to Commission Order No. 539, issued October 14, 1975, and to the provisions of § 2.83 General Policy and Interpretations, 18 CFR 2.83. Moreover, issuance of this certificate authorization is conditioned to require Applicant, within 30 days of the initial reserve determination or any subsequent redetermination thereof, to report the results of each such initial or redetermination study to the Commission. The certificated minimum daily delivery obligation of the seller (1) shall be determined in accordance with applicable provisions specifically set forth in seller's contract unless otherwise changed by the certificate authorization, (2) shall be without regard to any contractual reservations contrary to the certificate authorization, (3) and shall remain in full force and effect unless and until changed by appropriate certificate authorization amendment based upon Applicant's full documentation of, *inter alia*, the reasons for any such proposed amendment, the sales production history, the amount of remaining connected reserves of Applicant dedicated under the contract and the status of Applicant's nondeveloped reserves dedicated under the contract. The certificate authorization is further conditioned to require that Applicant, if it has not secured an appropriate certificate amendment and there are circumstances resulting in the delivery of a lesser quantity of natural gas than any certificated delivery obligation, Applicant shall file for each contract year quarter, a verified report setting out the circumstances of such lesser deliveries and the corrective actions which Applicant proposes to undertake in order to meet any experienced delivery deficiency, such verified reports to be filed within 10 calendar days after expiration of each contract year quarter.

(e) Nothing herein contained shall be deemed to preclude the exercise of any other administrative or judicial remedies which might otherwise obtain to any person.

(f) Nothing herein amends, modifies or changes any existing authorization for jurisdictional transactions as now certified or authorized by the Commission pursuant to the provisions of the Natural Gas Act, Sections 4, 5 or 7 thereof.

(B) The amendment provided for herein shall be effective as of the date of issuance of this order.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-28534 Filed 10-22-75; 8:45 am]

SUBCHAPTER D—APPROVED FORMS, FEDERAL POWER ACT

SUBCHAPTER G—APPROVED FORMS, NATURAL GAS ACT

[Docket No. RM76-7; Order No. 538]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Order Revising FPC Annual Reports

OCTOBER 15, 1975.

Section 301 of Pub. L. 94–12, 89 Stat. 26, signed March 29, 1975, known as the "Tax Reduction Act of 1975" revised Section 46 of the Internal Revenue Code, principally by increasing the amount of investment tax credit allowable for most taxpayers from 7 to 10 percent and, for electric utilities, from 4 to 10 percent. An additional one percent is also permitted if the credit is used for an employee stock option plan.

The minor revisions ordered herein to the Commission's reporting forms incorporate the new rates for the 1975 and 1976 reporting years.

The Commission finds:

(1) In view of the minor nature of these revisions, compliance with the notice, public procedure and effective date provisions of 5 U.S.C. 553 is impractical and unnecessary.

(2) Good cause exists that the revisions adopted herein become effective immediately and coincide with the relevant effective dates provided for in Sec. 301 of the Tax Reduction Act of 1975.

(3) The revisions prescribed herein are necessary and appropriate for the administration of the Federal Power Act and Natural Gas Act.

The Commission, acting pursuant to the provisions of the Federal Power Act, particularly Sections 3, 4, 301, 302, 304, 309 and 311 (41 Stat. 1063, 1065; 49 Stat. 838, 839, 854, 855, 858, 859; 16 U.S.C. 796, 797, 825, 825c, 825h, 825j), and the Natural Gas Act, particularly Sections 8, 9, 10 and 16 (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h, 717i, 717o), *orders:*

(A) Effective for the reporting year 1975, schedule page 228, Investment Tax Credits Generated and Utilized, and page 229, Accumulated Deferred Investment Tax Credits (Account 255), of FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B), prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations, are amended as set forth in Attachment A.[1]

(B) Effective for the reporting year 1975, schedule page 13, Investment Tax Credits Generated and Utilized, and page 14, Accumulated Deferred Investment Tax Credits (Account 255), of FPC Form No. 1–F, Annual Report for Public Utilities and Licensees (Class C and Class D), prescribed by § 141.2, Chapter I, Title 18 of the Code of Federal Regulations, are amended, all as set forth in Attachment B.[1]

(C) Effective for the reporting year 1975, schedule page 228, Investment Tax Credits Generated and Utilized, and page 229, Accumulated Deferred Investment Tax Credits (Account 255), of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B), prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, are amended as set fort hin Attachment A.[1]

(D) Effective for the reporting year 1975, schedule page 15, Investment Tax Credits Generated and Utilized, and page 16, Accumulated Deferred Investment Tax Credits (Account 255) of FPC Form No. 2–A, Annual Report for Natural Gas Companies (Class C and Class D), prescribed by § 260.2, Chapter I, Title 18 of the Code of Federal Regulations, are amended as set forth in Attachment B.

(E) This order is effective immediately and to coincide with the relevant effective dates provided for in Section 301 of the Tax Reduction Act of 1975.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28535 Filed 10-22-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75F-0059]

PART 121—FOOD ADDITIVES

Food Additives Permitted In Food for Human Consumption; Chemical for Controlling Microorganisms in Cane-Sugar and Beet-Sugar Mills

The Food and Drug Administration is amending § 121.1155 (21 CFR 121.1155) to permit use of a combination of disodium cyanodithiomidocarbonate and potassium *N*-methyldithiocarbamate for controlling microorganisms in cane-sugar and beet-sugar mills, effective Oc-

[1] Attachments A and B filed as part of the original document.

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tober 23, 1975; objections by November 24, 1975.

Notice was given by publication in the FEDERAL REGISTER of July 2, 1975 (40 FR 27960) that a petition (FAP 4H3019) had been filed by Buckman Laboratories, Inc., 1256 North McLean Blvd., Memphis, TN 38108, proposing that § 121.1155 be amended to provide for the safe use of a combination of disodium cyanodithioimidocarbonate and potassium *N*-methyldithiocarbamate for controlling microorganisms in cane-sugar and beet-sugar mills.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that § 121.1155 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1155(b)(3) is revised in order to add a new combination to read as follows:

§ 121.1155 Chemical for controlling microorganisms in cane-sugar and beet-sugar mills.

* * * * * *

(b) * * *

(3) Combinations for cane-sugar mills and beet-sugar mills:

	Parts per million
(i) Disodium ethylenebisdithio-carbamate	3.0
Ethylenediamine	2.0
Sodium dimethyldithiocaramate	3.0
(ii) Disodium cyanodithioimidocarbonate	2.9
Potassium *N*-methyldithiocarbamate	4.1

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before November 24, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective October 23, 1975.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1).)

Dated: October 16, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-28547 Filed 10-22-75;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 75N-0267]

PART 310—NEW DRUGS

Oral Contraceptive Patient Labeling

Correction

In FR Doc. 75-28099, appearing at page 48918 in the issue for Monday, October 20, 1975, the effective date of the provisions should read, "January 19, 1976".

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Supplements to Tennessee Plan; Correction

In paragraph 2(a)(3) of the above captioned document published on page 36566 of the August 21, 1975, FEDERAL REGISTER, 40 FR 36566, there was inadvertently omitted following (3) *Definition of imminent danger* (50-528), a paragraph 3a—Addition of authority to grant permanent variances (50-550).

Accordingly, section 2(a) is amended by adding, following (3), a new paragraph (3a) which reads as follows:

(3a)—Addition of authority to grant permanent variances (50-550).

Signed at Washington, D.C. this 20th day of October 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-28583 Filed 10-22-75;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS.

Colorado Plan—Approval of State Poster

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State Plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On September 12, 1973, a notice was published in the FEDERAL REGISTER (38 FR 25172) of the approval of the Colorado plan and of the adoption of Subpart M of Part 1952 containing the decision of approval. On September 2, 1975, the State of Colorado submitted a supplement to the plan involving a developmental change (see Subpart B of 29 CFR Part 1953).

The supplement includes the Colorado poster which is to be posted at all covered workplaces in the State. The poster, among other things, contains provisions notifying employees of their obligations and protections under the Colorado Act, their right to request inspections and their right to remain anonymous as a result, their right to participate in inspections, their rights under the Federal and State laws and their right to file complaints about the administration of the State program with the Occupational Safety and Health Administration. In cases where a State has a poster informing employees of their protections and obligations as defined in § 1952.10, such poster may be substituted in accordance with § 1952.10(a)(2) for the Federal poster.

2. *Location of the plan and its supplements for inspection and copying.* A copy of the supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations; Office of the Associate Assistant Secretary for Regional Programs, Room N3112, New Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20020; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 15010, Federal Building, 1961 Stout Street, Denver, Colorado 80202; and the Office of the Director, Department of Labor and Employment, 200 East Ninth Avenue, Denver, Colorado 80203.

3. *Public participation.* Under § 1953.2 of this chapter, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any good cause which may be consistent with applicable law. The Assistant Secretary finds that the Colorado poster incorporates all of the provisions required under 29 CFR 1952.10 (a)(5) and 29 CFR 1903.2 (a)(3) (39 FR 39036, November 5, 1974). Accordingly, it is felt that further opportunity for public comment is unnecessary.

4. *Decision.* After careful consideration, the Colorado plan supplement is hereby approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In accordance with the above, § 1952.194 (b) of Subpart M of Part 1952 is amended to read as follows:

§ 1952.194 Completed developmental steps.

* * * * * *

(b) In accordance with the requirements of 29 CFR 1952.193, the Colorado State poster was approved by the Assistant Secretary on October 20, 1975.

Signed at Washington, D.C., this 20th day of October 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-28584 Filed 10-22-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[PP5F1642/R62; FRL 447-5]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Dimethoate

On July 25, 1975, notice was given (40 FR 31259) that American Cyanamid Co., Agricultural Div., P.O. Box 400, Princeton NJ 08540, had filed a petition (PP 5F1642) with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR 180.204 be amended to establish tolerances for combined residues of the insecticide Dimethoate and its oxygen analog in or on the raw agricultural commodities soybean forage and soybean hay at 2.0 parts per million (ppm) and in or on soybean seeds (i.e., soybeans) at 0.05 ppm (negligible residue). No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated, and it is concluded that the tolerances should be established as proposed. The pesticide is considered useful for the purpose for which the tolerances are sought. The established tolerances for residues in meat, milk, poultry and eggs are adequate to cover secondary residues resulting from the proposed use. The tolerances established by amending 40 CFR 180.204 will protect the public health.

Any person adversely affected by this regulation may, on or before November 24, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on October 23, 1975, Part 180, Subpart C, § 180.204, is amended as set forth below.

(Section 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)))

Dated: October 20, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Section 180.204 is amended to include a tolerance of 2.0 ppm in or on soybean forage and soybean hay and by adding the paragraph "0.05 part per million (negligible residue) . . ." after the paragraph "0.1 part per million . . ." to include a tolerance for soybeans.

§ 180.204 Dimethoate including its oxygen analog; tolerances for residues.

* * * * * *

2 parts per million in or on alfalfa, apples, beans (dry, lima, snap), broccoli, cabbage, cauliflower, celery, collards, endive (escarole), grapefruit, kale, lemons, lettuce, mustard greens, oranges, pears, peas, peppers, soybean forage, soybean hay, spinach, Swiss chard, tangerines, tomatoes, turnips (roots and tops), and wheat (green fodder and straw).

* * * * * *

0.05 part per million (negligible residue) in or on soybeans.

* * * * * *

[FR Doc.75-28620 Filed 10-22-75;8:45 am]

Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE DEPARTMENT OF AGRICULTURE

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Border Ports, Seaports, and Airports

● To amend 7 CFR 354.1 relating to charges for overtime work at border ports, seaports, and airports in accordance with Executive Order 11883. ●

Agricultural quarantine inspectors of the U.S. Department of Agriculture are charged with performing inspection duties relating to imports and exports at border ports, seaports, and airports. Such services may be performed outside the regular tour of duty of the inspector when requested by a person, firm, or corporation and the charge for such overtime is recoverable from those requesting the services. The following document amends § 354.1, Overtime Work at Border Ports, Seaports, and Airports, by increasing the hourly rates for such services performed on a Sunday or holiday, or at any other time outside the regular tour of duty. These increases are commensurate with salary increases provided Federal employees in accordance with the Federal Pay Comparability Act of 1970 (Pub. L. 91-656), and Executive Order 11883 dated October 6, 1975.

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 581; 7 U.S.C. 2260), § 354.1 of Part 354, Title 7, Code of Federal Regulations, the first sentence of § 354.1(a) is revised as set forth below:

§ 354.1 Overtime work at border ports, seaports, and airports.

(a) Any person, firm, or corporation having ownership, custody, or control of plants, plant products, animals, animal products, or other commodities or articles subject to inspection, laboratory testing, certification, or quarantine under this chapter and Subchapter D of Chapter I, Title 9 CFR, who requires the services of an employee of the Plant Protection and Quarantine Programs, on a Sunday or holiday, or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of Sunday or holiday or overtime service request the Plant Protection and Quarantine Programs inspector in charge to furnish inspection, laboratory testing, certification, or quarantine service during such overtime, or Sunday or holiday period, and shall pay the Government therefor at the rate of $18.92 per man-hour per employee on a Sunday and at the rate of $12.80 per man-hour per employee for holiday or any other period; except that for any services performed on a Sunday or holiday, or at any time after 5 p.m. or before 8 a.m. on a weekday, in connection with the arrival in or departure from the United States of a private aircraft or vessel, the total amount payable shall not exceed $25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture. * * *

* * * * * *

(64 Stat. 561; 7 U.S.C. 2260)

Effective date. The foregoing amendment shall become effective October 12, 1975.

Determination of the hourly rate for overtime services and of the commuted traveltime allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the administrative provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 21 day of October, 1975.

THOMAS G. DARLING,
Acting Deputy Administrator, Plant Protection and Quarantine.

[FR Doc.75-28731 Filed 10-22-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 521]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Oct. 24-30, 1975. It is issued pursuant to the

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Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.821 Valencia Orange Regulation 521.

(a) *Findings.*(1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges is generally unchanged from last week. Prices f.o.b. averaged $3.58 per carton on a reported sales volume of 400,000 cartons last week, compared with an average f.o.b. price of $3.47 per carton and sales of 609,000 cartons a week earlier. Track and rolling supplies at 325 cars were down 40 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act as insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this amendment, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective during the period herein specified; and compliance with this amendment will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 21, 1975.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period October 24, 1975, through October 30, 1975, are hereby fixed as follows:

(i) District 1: 147,000 cartons;

(ii) District 2: 328,000 cartons;

(iii) District 3: Unlimited movement."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: October 22, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-28787 Filed 10-22-75;11:49 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 113]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Withdrawal of Notice of Proposed Rulemaking

● **Purpose: To withdraw the notice of proposed rulemaking published in the Federal Register (40 FR 24203).** ●

This notice is to withdraw the proposed rulemaking, published for comment in the FEDERAL REGISTER (40 FR 24203) on June 5, 1975, and amended in the FEDERAL REGISTER (40 FR 32754) on August 4, 1975, which contained proposed amendments of the regulations relating to viruses, serums, toxins, and analogous products in Part 113 of Title 9, Code of Federal Regulations issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (37 Stat. 832–833; 21 U.S.C. 151–158).

The proposed amendments which contained potency tests intended for use in evaluating biological products containing Salmonella Typhimurium Bacterin and Pasteurella Multocida Bacterin would have been added to §§ 113.105 and 113.106.

It has become apparent from numerous attempts to conduct the proposed tests by industry and Department personnel that results are not consistent because of mouse variability and as a result the tests are not suitable for the purpose intended. The only other solution at this time would be to limit the mouse source to one or two suppliers. This course would be an undesirable solution due to probable future availability problems.

Additional developmental work is planned by industry and Department personnel. When positive results have been obtained by either perfecting the proposed tests or replacing them with suitable substitutes, a new proposal will be published.

The proposal as published June 5, 1975, and amended August 4, 1975, is hereby withdrawn.

Done at Washington, DC, this 20th day of October 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-28614 Filed 10-22-75;8:45 am]

Farmers Home Administration

[7 CFR Part 1803]

TREASURY LOAN DISBURSEMENT SYSTEM

Agency Implementation

Notice is hereby given that the Farmers Home Administration (FmHA) is considering revising 7 CFR 1803, "Supervised Bank Accounts," to implement a new method of disbursing loan and grant funds called the Treasury Loan Disbursement System (TLDS). FmHA intends to convert to TLDS when the revised regulations are available. Initially TLDS will be used nationwide for all programs. TLDS for Sections 502 and 504 Rural Housing (RH) loans for construction and repair work, using a multiple advance feature, will be field tested in three states (Kentucky, New York, and Oregon) before its nationwide implementation.

TLDS will enable FmHA to disburse loan and grant funds as they are needed rather than allowing them to remain idle in a supervised bank account and accruing interest to the borrower and will to a great extent reduce the need for supervised bank accounts now required by 7 CFR 1803. However, supervised bank accounts may still be used when necessary. In addition to changes in the use of supervised bank accounts, TLDS will also result in changes in disbursing loan and grant funds allowing the Government to disburse funds when they are needed thereby reducing interest cost to the Government and administrative time associated with supervised bank accounts.

In a report dated September 10, 1975, the Comptroller General of the United States indicated that TLDS will result in substantial interest savings to FmHA and the majority of its borowers by changing the method of disbursement of loan and grant funds and in a saving of administrative time.

Interested persons may submit written comments, suggestions, data, or arguments to the Office of the Director, Program Evaluation Staff, Farmers Home Administration, United States Department of Agriculture, Room 5319, South Building, Washington, D.C. 20250, on or before November 24, 1975.

Dated: October 17, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-28544 Filed 10-22-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 75]

[Airspace Docket No. 75-WE-22]

JET ROUTE

Proposed Alteration

Correction

In FR Doc. 75-26234, appearing on page 45192 in the issue for Wednesday, October 1, 1975, the parenthetical figure in the last line of the first paragraph in column two should be "284°".

[14 CFR Part 159]

[Docket No. 15075; Notice No. 75-36]

MOTOR VEHICLES CARRYING PASSENGERS FOR HIRE ON WASHINGTON NATIONAL AND DULLES INTERNATIONAL AIRPORTS

Notice of Proposed Rulemaking

The Federal Aviation Administration is considering amending Part 159 of the Federal Aviation Regulations to establish additional requirements applicable to persons who operate motor vehicles for hire on Washington National Airport (National) and Dulles International Airport (Dulles).

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before December 8, 1975, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 159.3 of the Federal Aviation Regulations contains provisions applicable to persons who operate motor vehicles for the purpose of carrying passengers for hire on National and Dulles Airports. Under § 159.3(b), taxicab operators may solicit passengers at National, subject to certain conditions. That sec-

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tion neither authorizes nor prohibits such solicitation at Dulles. Morover, the regulations currently do not require the licensing of taxicabs or taxicab operators who operate on National and Dulles Airports. Nor do they establish vehicle safety and appearance standards for taxicabs or prescribe the maximum fares that operators may charge passengers.

In the Washington Metropolitan Area, taxicab safety and appearance standards are established by certain local jurisdictions which license taxicabs and taxicab operators. The cities of Alexandria and Falls Church, the District of Columbia, and Arlington, Fairfax, Prince William, Montgomery, Prince George's, and Anne Arundel counties license taxicabs and taxicab operators, and the FAA believes that the safety and appearance standards prescribed by those jurisdictions are adequate for taxicabs used to pick up passengers for hire on National Airport.

Furthemore, those jurisdictions and the Washington Metropolitan Area Transit Commission (WMATC) prescribe fares for taxicab operators. The county and city governments and the District of Columbia set the fares that must be charged within their respective jurisdictions, and the WMATC establishes interstate fares that all taxicab operators must charge when engaging in interstate taxicab operations within the Metropolitan District. That district consists primarily of the cities of Alexandria and Falls Church, the District of Columbia, and Arlington, Fairfax, Montgomery, and Prince George's counties. The FAA believes that the fares prescribed by the nine local jurisdictions and the WMATC are appropriate for use by taxicab operators who pick up passengers for hire on National Airport.

Most of the taxicab service at Dulles is provided through contractual arrangements. Under these arrangements, vehicles are required to be maintained in a safe, clean and satisfactory working condition and operators, when engaging in intrastate or interstate taxicab operations, are required to charge the fares prescribed by the WMATC.

On the other hand, taxicab service is not provided through contractual arrangements at National since such arrangements have proven to be unsatisfactory at that airport, and many taxicab operators currently picking up passengers for hire at National are not licensed by a county or city government or the District of Columbia. As a result, those operators do not have to comply with the taxicab safety and appearance standards and fare limitations established by those jurisdictions.

Passengers who have been picked up by taxicab operators at National have made a variety of complaints. These include allegations that some operators overcharge, fail to display driver identification in the taxicab, operate unclean or unsafe vehicles, and force passengers to share a cab with the operator's nonpaying friends or relatives. It should be noted that the majority of these complaints are against operators who are not licensed by a city or county government or the District of Columbia. Since these operators are not licensed by those jurisdictions, the complaining passenger has little practical recourse when confronted with these shortcomings.

Furthermore, it has come to the attention of the FAA that some taxicab operators serving National and Dulles interfere with traffic and airport users. Such interference is caused in part by taxicabs which often are left unattended in taxicab pickup zones at National. When this occurs, the vehicles block those zones thereby impeding the flow of traffic and causing delays. Moreover, persons using Dulles have complained of being harassed by taxicab operators who leave their vehicles to solicit passengers.

In light of the complaints received, this notice proposes additional requirements applicable to taxicab operators and their vehicles. In this connection, all taxicab operators who pick up passengers for hire at National would be required to have and display a taxicab operator's license issued by an appropriate county or city government or the District of Columbia, and their taxicabs also would have to be licensed by one of those jurisdictions. This requirement would subject each taxicab used to pick up passengers for hire to the taxicab safety and appearance standards established by one of those jurisdictions. Taxicab operators also would be required to charge the fares prescribed by one of those jurisdictions or those prescribed by the WMATC when picking up passengers for hire. Taxicab operators serving Dulles would not be subject to these requirements since adequate service is provided by contract, and the service provided by the few noncontract operators serving that airport has been satisfactory.

To avoid traffic congestion and interference with airport users at National and Dulles, it is proposed to prohibit "for hire" operators serving those airports from soliciting passengers and to require each taxicab operator using a taxicab pickup zone at National to accept as passengers only those persons assigned by a dispatcher, when a dispatcher is on duty at that pickup zone. In addition, each taxicab operator who has entered or who is waiting to enter a taxicab pickup zone at National or a taxi pickup area at Dulles would be required to remain in his vehicle, except when assisting a passenger or loading a passenger's baggage. He also would have to comply with the lawful directions and signals given by dispatchers and airport police, and would be prohibited from carrying nonpaying passengers other than a trainee driver.

On review of § 159.3, the FAA believes that the provisions applicable to National and those applicable to Dulles should be more clearly distinguished. Accordingly, § 159.2, as proposed herein, would apply to National only, and proposed § 159.4 would apply to Dulles. Moreover, the FAA believes that the word "dispatcher," used in current § 159.3, should be defined. Therefore, the definition of that word is set forth in proposed §§ 159.2(f) and 159.4(d).

These amendments are proposed under the authority of Section 2 of the Act of June 29, 1940, as amended (Administration of Washington National Airport, 54 Stat. 688); Section 4 of the Act of September 7, 1950, as amended (Second Washington Airport Act, 64 Stat. 771); Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and Section 1.47(a) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.47(a)).

In consideration of the foregoing, it is proposed to amend Part 159 of the Federal Aviation Regulations as follows:

1. By adding a new § 159.2 to read as follows:

§ 159.2 Motor vehicles carrying passengers for hire on Washington National Airport.

(a) No person may operate a motor vehicle on Washington National Airport for the purpose of picking up or discharging passengers for hire unless—

(1) He is authorized to do so by contract with the United States; or

(2) He operates a vehicle to carry passengers to that airport for delivery there; or

(3) He operates a taxicab, in other than a taxicab pickup zone, to carry immediately from that airport passengers picked up in response to a prior request, and his manifest shows the time the request was made, the name of the person to be picked up, and the time and the point of the pickup; or

(4) He operates a taxicab, in other than a taxicab pickup zone, to carry immediately from that airport passengers picked up, without a prior request, at the point of and immediately upon discharge of other passengers delivered there; or

(5) He operates a taxicab to pick up a person or persons within an area designated as a taxicab pickup zone and pays a $.50 fee for each such pickup (individual or group).

However, notwithstanding the provisions of paragraph (a)(5) of this section, the airport manager may designate hours of operation during which a fee need not be paid.

(b) A person operating a motor vehicle on Washington National Airport for the purpose of picking up or discharging passengers for hire shall—

(1) Not solicit passengers;

(2) Not carry in his vehicle a nonpaying passenger other than a trainee driver; and

(3) Obey all posted official airport signs and all lawful directions and signals of airport police and dispatchers.

(c) A person operating a taxicab on Washington National Airport for the purpose of picking up passengers for hire shall—

(1) Remain in his vehicle while waiting to enter a taxicab pickup zone or while in a taxicab pickup zone, except when assisting a passenger to enter the vehicle or when loading a passenger's baggage; and

(2) Accept as passengers only those persons assigned by the dispatcher, if the dispatcher is on duty at that pickup zone at the time the pickup is made.

(d) No person may operate a taxicab on Washington National Airport for the purpose of picking up passengers for hire unless—

(1) He is licensed to operate a taxicab, and the taxicab is currently licensed, by one of the following jurisdictions:

(i) The City of Alexandria,
(ii) The City of Falls Church,
(iii) Arlington County,
(iv) Fairfax County,
(v) Montgomery County,
(vi) Prince George's County,
(vii) The District of Columbia,
(viii) Prince William County, or
(ix) Anne Arundel County;

(2) He has in his possession and, upon the request of an airport police officer, surrenders for inspection to that officer the licenses required by paragraph (d)(1) of this section;

(3) He displays in his taxicab, in a place conspicuous to passengers, his taxicab operator's license and a schedule of the rates issued by the Washington Metropolitan Area Transit Commission and the jurisdiction that has licensed his taxicab; and

(4) He permits airport police to inspect his taxicab to determine if he is displaying the license and rate schedules required by paragraph (d)(3) of this section.

(e) No person may operate a taxicab on Washington National Airport for the purpose of picking up passengers for hire unless he charges no more than the passenger fares—

(1) Prescribed by the Washington Metropolitan Area Transit Commission—

(i) When transporting a passenger from a point on Washington National Airport to a point outside the State of Virginia; or

(ii) When transporting a passenger from a point on Washington National Airport to another point on that airport, in a taxicab that does not have a meter; or

(iii) When transporting a passenger from a point on Washington National Airport to a point within the State of Virginia, in a taxicab that does not have a meter; or

(2) Prescribed by the jurisdiction that has licensed his taxicab—

(i) When transporting a passenger from a point on Washington National Airport to another point on that airport, in a taxicab that has a meter; or

(ii) When transporting a passenger from a point on Washington National Airport to a point within the State of Virginia, in a taxicab that has a meter.

(f) As used in this section—

(1) The word "taxicab" means any motor vehicle that has a seating capacity of not more than six passengers in addition to the operator, is being operated for the purpose of transporting passengers for hire between points along the public streets as the passengers may direct, and is not being operated on a regular route or schedule or between fixed terminals; and

(2) The word "dispatcher" means any person employed by or designated by the airport manager to direct the movement of taxicabs.

§ 159.3 [Reserved]

2. By revoking and reserving § 159.3 as follows:

3. By adding a new § 159.4 to read as follows:

§ 159.4 Motor vehicles carrying passengers for hire on Dulles International Airport.

(a) No person may operate a motor vehicle on Dulles International Airport for the purpose of picking up or discharging passengers for hire unless—

(1) He is authorized to do so by contract with the United States; or

(2) He operates a vehicle to carry passengers to that airport for delivery there; or

(3) He operates a taxicab to carry immediately from that airport passengers picked up in response to a prior request, and his manifest shows the time the request was made, the name of the person to be picked up, and the time and the point of the pickup; or

(4) He operates a taxicab to carry immediately from that airport passengers picked up, without a prior request, at the point of and immediately upon discharge of other passengers delivered there.

(b) A person operating a motor vehicle on Dulles International Airport for the purpose of picking up or discharging passengers for hire shall—

(1) Not solicit passengers;

(2) Not carry in his vehicle a nonpaying passenger other than a trainee driver;

(3) Obey all posted official airport signs and all lawful directions and signals of airport police and dispatchers; and

(4) Permit airport police to inspect his vehicle to determine if he is displaying, in a place conspicuous to passengers, his name tag and rate schedule.

(c) A person operating a taxicab on Dulles International Airport for the purpose of picking up passengers for hire shall remain in his vehicle while waiting to enter a taxi pickup area or while in a taxi pickup area, except when assisting a passenger to enter the vehicle or when loading a passenger's baggage.

(d) As used in this section—

(1) The word "taxicab" means any motor vehicle that has a seating capacity of not more than six passengers in addition to the operator, is being operated for the purpose of transporting passengers for hire between points along the public streets as the passengers may direct, and is not being operated on a regular route or schedule or between fixed terminals; and

(2) The word "dispatcher" means any person employed by or designated by the airport manager to direct the movement of taxicabs.

Issued in Washington, D.C., on October 14, 1975.

JAMES T. MURPHY,
Director, Metropolitan Washington Airport Service.

[FR Doc.75-28509 Filed 10-22-75;8:45 am]

CIVIL AERONAUTICS BOARD

[EDR-287A; Docket 26321]

[14 CFR Parts 217, 241]

REPORTING OF CIVILIAN CHARTER INFORMATION

Extension of Comment Period

OCTOBER 17, 1975.

The Board, by circulation of Notice of Proposed Rule Making EDR-287, dated September 18, 1975, published at 40 FR 43920, gave notice that it has under consideration an amendment of Parts 217 and 241 of its Economic Regulations. The amendments would modify the Board's requirements pertaining to the reporting of civilian charter information by all the certificated route and supplemental air carriers and foreign direct air carriers. Interested persons were invited to participate by submission of twelve (12) copies of written data, views or arguments to the Docket Section of the Board on or before October 24, 1975.

Subsequent to the issuance of the proposed rule the National Air Carrier Association ("NACA") and British Caledonian Airways ("BCAL"), through counsel, requested that the Board extend the filing date for comments to November 24, 1975. In support of the request, NACA alleges that in view of the fact that the proposed amendment would significantly expand reporting requirements, a number of different departments within each of its member carriers must review the proposal and coordinate their views before comments can be filed with the Board. BCAL argues that questions of accounting and administrative detail are involved which, in the case of BCAL, can be assessed only by foreign based personnel, and that that, in turn, precludes comment within the 30-day period provided by EDR-287.

The undersigned finds that good cause has been shown to extend the time for comment. However, an extension of 30 days would unduly delay these proceedings, and a 14-day extension of time should be sufficient to permit the preparation of comments herein.

Accordingly, pursuant to the authority delegated in Section 385.20(d) of the Board's Organization Regulations, the undersigned hereby extends the time for submitting comments to November 7, 1975.

(Sec. 204(a) of the Federal Aviation Act, as amended, 72 Stat. 743, 49 U.S.C. 1324.)

[SEAL] STEPHEN J. GROSS,
Associate General Council.

[FR Doc.75-28592 Filed 10-22-75;8:45 am]

[46 CFR Part 502]

[General Order 16; Docket No. 75-36]

RULES OF PRACTICE AND PROCEDURE

Miscellaneous Amendments; Enlargement of Time To File Comments

OCTOBER 20, 1975.

Notice of proposed rulemaking in this proceeding was published September 24, 1975 (40 FR 43925). Upon request of the

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Maritime Administrative Bar Association and good cause appearing, time within which comments may be filed in response to this notice is enlarged to and including November 20, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-28600 Filed 10-22-75;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Awards to Remarried Widows and Widowers

The Administrator of Veterans' Affairs proposes regulatory changes relating to awards to remarried widows and widowers whose subsequent marriages have terminated.

Under section 103 of title 38, United States Code, where death benefits to the surviving spouse of a veteran have been terminated because of remarriage, such death benefits may be restored if the subsequent marriage has been terminated by death or divorce. In many cases the spouse by the subsequent marriage is also a veteran. If the latter marriage is terminated by death, there may be eligibility for benefits based on the deaths of both veterans. Section 3.700(b)(1) requires that, when there is entitlement to benefits based on the death of more than one veteran spouse, the widow or widower must elect which benefit she or he will receive. The proposed amendment to § 3.700(b)(1) provides that where benefits are elected in the case of one spouse the award will be made subject to any prior payments in the case of the other spouse. The purpose of this amendment is to permit payment of the greater benefit from the earliest applicable effective date when a widow or widower has been awarded benefits based on the death of one spouse and is subsequently determined eligible for benefits at a higher rate based on the death of another spouse. This constitutes an exception to the provision in § 3.400(j) that the effective date of an award based on an election will be the date of receipt of the election. Additional editorial changes are made in § 3.700 to delete obsolete material related to periods for which compensation may or may not be paid to veterans who received readjustment pay and to update a citation to the United States Code. Editorial changes are made in both sections to reflect the provisions apply equally to male and female beneficiaries.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before November 24, 1975, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the amendments will be effective the date of final approval.

1. In § 3.700, the introductory portion preceding paragraph (a) and paragraphs (a)(1)(i) (a)(2) and (b) are revised to read as follows:

§ 3.700 General.

Not more than one award of pension, compensation, or emergency officers', regular or reserve retirement pay will be made concurrently to any person based on his or her own service except as provided in § 3.803 relating to naval pension and § 3.750(c) relating tot waiver of retirement pay. Not more than one award of pension, compensation, or dependency and indemnity compensation may be made concurrently to a dependent on account of more than one period of service of a veteran. (38 U.S.C. 3104(a))

(a) *Veterans*—(1) *Active service pay.* (i) Pension, compensation, or retirement pay on account of his or her own service will not be paid to any person for any period for which he or she receives active service pay. (38 U.S.C. 3104(c)) This includes "sick pay" or "incapacitation pay" received by a member of a reserve component who suffers injury on a training pay and not in an active duty such "pay" after expiration of scheduled training pay and not in an active duty status. The "sick pay" or "incapacitation pay" is "active service pay."

* * * * *

(2) *Lump-sum readjustment pay.* (i) A veteran who has received a lump-sum readjustment payment may receive disability compensation for disability incurred in or aggravated by service prior to the date of receipt of lump-sum readjustment payment subject to deduction of an amount equal to 75 percent of the amount received as readjustment payment.

(ii) The receipt of readjustment pay does not affect the payment of disability compensation based on a subsequent period of service. Compensation payable for service-connected disability incurred or aggravated in a subsequent period of service will not be reduced for the purpose of offsetting readjustment pay based on a prior period of service. (10 U.S.C. 687(b))

* * * * *

(b) *Dependents*—(1) *Widows and widowers.* The receipt of pension, compensation or dependency and indemnity compensation by a widow or widower on account of the death of any veteran, or receipt of pension or compensation on account of his or her own service, shall not bar the payment to him or her of pension, compensation, or dependency and indemnity compensation on account of the death or disability of any other veteran; however, other than insurance, concurrent benefits under laws administered by the Veterans Administration may not be authorized to a widow or widower by reason of the death of more than one veteran to whom he or she has been married. Effective January 1, 1971, the widow or widower may elect to receive benefits based on the death of one such spouse and the election places the right to benefits based on the deaths of other spouses in suspense. The suspension may be lifted at any time by another election based on the death of another spouse. Benefits payable in the elected case will be subject to prior payments for the same period based on the death of the other spouse where, under the provisions of § 3.400(c), there is entitlement in the elected case prior to date of receipt of the election.

(2) *Children.* Except as provided in § 3.703, the receipt of pension, compensation, or dependency and indemnity compensation by a child on account of the death of a veteran or the receipt by the child of pension or compensation on account of his or her own service will not bar the payment of pension, compensation, or dependency and indemnity compensation on account of the death or disability of any other veteran.

(3) *Parents.* The receipt of compensation or dependency and indemnity compensation by a parent on account of the death of a veteran or receipt by him or her of pension or compensation on account of his or her own service, will not bar the payment of pension, compensation, or dependency and indemnity compensation on account of the death or disability of any other person. (38 U.S.C. 3104(b))

2. In § 3.701, paragraph (a) is revised to read as follows:

§ 3.701 Elections of pension or compensation.

(a) *General.* Except as otherwise provided, a person entitled to receive pension or compensation under more than one law or sections of a law administered by the Veterans Administration may elect which benefit to receive regardless of whether it is the greater or lesser benefit and even though the election results in reducing the benefits of his or her dependents. This person may at any time elect or reelect the other benefit. An election by a veteran controls the rights of all dependents in the case and an election by a widow or widower controls the claims of the children as well, including children over age 18 and children not in the widow's or widower's custody. Termination of a marriage or marital relationship which had been the reason for terminating an award of pension based on a veteran's service in World War I or later war periods does not restore to the widow or widower the right to receive protected pension. The claimant's entitlement, if otherwise established, is under the current provisions of 38 U.S.C. 541.

* * * * *

Approved: October 17, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-28621 Filed 10-22-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

MINNESOTA

Proposed Supplements to Approved Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) under which the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) will review changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of Title 29 of the Code of Federal Regulations. On June 8, 1973, a notice was published in the FEDERAL REGISTER (38 FR 15076) of the approval of the Minnesota plan and of the adoption of Subpart N of Part 1952 describing the plan and containing the approval decision. Section 1952.203 sets forth the developmental schedule under which the plan will meet the criteria of section 18(c) of the Act and 29 CFR Part 1902 within three years following commencement of operations under the plan. On April 28, 1975, May 30, 1975, and September 19, 1975, the State of Minnesota submitted supplements to its plan involving State-initiated changes. (See Subpart E of 29 CFR Part 1953). In addition, on June 30, 1975, the State submitted a supplement to the plan involving the completion of several developmental steps. (See Subpart B of 29 CFR Part 1953).

2. *Description of the supplements.* The State-initiated changes concern a minor revision of the State's personnel structure and the revision of the State's compliance manual. The State proposes to change the number of personnel in the consultation program from three (3) to no more than one-fifth of the number of personnel in the enforcement section. The State has also revised its compliance manual to incorporate all policy directives issued since the previous manual was published, correct inaccuracies in the previous manual and reflect changes which have been made in the Federal compliance manual.

The State also submitted amendments to the Minnesota Occupational Safety and Health Act, Chapter 182, Minnesota Statutes Annotated, which concern employee discrimination complaints and violations. The first amendment, HF 161, amends section 182.669 of the Minnesota Statutes to provide that upon completion of an employee discrimination investigation, the commissioner may bring an action in the district court for appropriate relief. This amendment became effective on July 1, 1975. A second amendment, HF 661, amends sections 182.652, Subdivision 12; 182.66, Subdivision 2; and 182.661 Subdivisions 1 and 3 of the Minnesota Statutes to provide for the following:

(1) expansion of the definition of a serious violation to include violations of standards not of a de minimis nature where a fatality resulted;

(2) posting of penalty notices as well as citation;

(3) posting of citation and penalty notices for at least 15 days;

(4) requirement that a copy of the notices of citation and penalty be furnished to an employee representative and, in the case of a fatality, to the next of kin, or designated representative, if requested; and

(5) right of employees to contest the citation, type of violation and penalty, in addition to proposed abatement periods.

In addition, the State in its June 30, 1975, submission, detailed the accomplishment of a number of developmental steps. Some of the developmental steps, including the enabling legislation, were reviewed and approved upon plan approval and will be published as completed developmental steps in the near future. However, the State's regulations concerning variance procedures, chapter 23 of the Minnesota Occupational Safety and Health Code, have not been approved previously and are now in issue before the Assistant Secretary.

3. *Location of the plan and its supplements for inspection and copying.* A copy of the proposed supplements along with the approved plan may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3608, 200 Constitution Ave., NW., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room N3259, 230 South Dearborn Street, Chicago, Illinois 60604; Legislative Reference Library, St. Paul, Minnesota 55155.

4. *Public participation.* Interested persons are given until November 24, 1975, to submit written data, views and arguments concerning whether the supplements should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplements by filing particularized written objections with respect thereto within the time allotted for comments specified above. If in the opinion of the Assistant Secretary substantial objections are filed which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart N of Part 1952 and initiate appropriate further proceedings if necessary.

Signed at Washington, D.C., this 20th day of October 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-28585 Filed 10-22-75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

[No. 113]

ASSISTANT ADMINISTRATOR, BUREAU FOR NEAR EAST

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, dated November 3, 1961 (26 FR 10608), from the Secretary of State, and in furtherance of my decisions relating to country composition of A.I.D. Geographic Bureaus as announced in the A.I.D. General Notice dated September 18, 1975, it is hereby ordered as follows:

Section 1. Each of the following delegations of authority is amended, (1) by deleting the title "Assistant Administrator for Near East and South Asia," and (2) by inserting among the titles of the officers named in those delegations, the title of "Assistant Administrator for Near East."

A. Delegation of Authority No. 5, dated December 29, 1961 (27 FR 449), as amended, with respect to Loan Agreements;

B. Delegation of Authority No. 23, dated December 28, 1962 (28 FR 563), as amended, relating to the Agricultural Trade Development and Assistance Act of 1954, as amended;

C. Delegation of Authority No. 27, dated April 15, 1963, as amended, relating to Personnel;

D. Delegation of Authority No. 38, dated April 10, 1964 (29 FR 5280), as amended, relating to Project Agreements, Trust Fund Agreements, and Grants to International Organizations;

E. Delegation of Authority No. 40, dated April 17, 1964 (29 FR 5695), as amended, relating to Waivers of Procurement Source Requirements;

F. Delegation of Authority No. 41, dated May 8, 1964, (29 FR 6892), as amended, relating to the Furnishing of Services and Commodities pursuant to Section 607 of the Foreign Assistance Act of 1961, as amended;

G. Delegation of Authority No. 43, dated June 12, 1964, (29 FR 8122), as amended, relating to the Acceptance of Donated Non-military Property and Services pursuant to Section 635(d) of the Foreign Assistance Act of 1961, as amended;

H. Delegation of Authority No. 75, dated January 11, 1968 (33 FR 919), as amended, relating to Certifications under Section 611(e) of the Foreign Assistance Act of 1961, as amended;

I. Delegation of Authority No. 98, dated September 28, 1973 (38 FR 27628), as amended, with respect to the Order of Succession for the Deputy Administrator and Assistant Administrators;

J. Delegation of Authority No. 99, dated April 27, 1973 (98 FR 12823–12836), as amended, with respect to Contracting and Related Functions; and

K. Delegation of Authority No. 100, dated May 8, 1974 (39 FR 17983), with respect to the Determination of Adequacy of Assurances of Host Country Participation.

Section 2. There is hereby delegated to the Assistant Administrator for Near East with respect to the countries or areas which are within his responsibilities, all those authorities or functions which are conferred on A.I.D. Assistant Administrators in any regulations (published or unpublished), manual orders, policy directives or determinations, manual circulars, or circular airgrams or instructions or communications of any nature.

Section 3. The authorities made available to the Assistant Administrator for Near East may be delegated successively according to the terms of the Delegations of Authority set forth in Sections 1 and 2 of this Delegation of Authority.

Section. 4. Currently effective redelegations of authority issued by the Assistant Administrator for Near East and South Asia with respect to A.I.D. projects, programs and other activities relating to the countries or areas which are within the responsibility of the Assistant Administrator for Near East pursuant to the A.I.D. General Notice dated September 18, 1975, are hereby continued in effect according to their terms until modified or revoked by appropriate authority.

Section 5. Delegation of Authority No. 101, dated October 15, 1974, (39 FR 37655), is hereby revoked.

Section 6. This Delegation of Authority shall be effective as of October 12, 1975.

Dated: October 15, 1975.

DANIEL PARKER,
Administrator.

[FR Doc.75–28554 Filed 10–22–75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

BALLISTIC MISSILE DEFENSE TECHNOLOGY ADVISORY PANEL

Closed Meeting

1. In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–643), an announcement is made of the following committee meeting:

Name of Committee: Ballistic Missile Defense Technology Advisory Panel.

Dates of Meeting: 11 through 13 November 1975.

Place: BMD Advanced Technology Center, 106 Wynn Drive, Huntsville, Alabama 35807.

Time: 0830–1630 hours on dates indicated above.

Proposed Agenda: I. Terminal Defense (TD).

A. Review of Monostatic Radar Discrimination in TD.

B. Review of Optics in TD.

C. Review of Central Issues of STP Program.

II. Review of Directed Energy Weapons and Vulnerabilities.

III. Review of Lasers in Boost Phase Discrimination.

2. The meeting is closed to the public since the agenda consists of BMDATC's on-going and future programs which are classified as SECRET or higher defense information pursuant to Executive Order 11652 (dated 8 March 1972); and therefore, do fall within the policies analogous to those recognized in Section 552(b)(1) of Title 5, U.S. Code and national security does require that the details of these programs be withheld.

WILLIAM A. DAVIS, Jr.,
Director.

[FR Doc.75–28559 Filed 10–22–75;8:45 am]

Department of the Navy

CHIEF OF NAVAL OPERATIONS INDUSTRY ADVISORY COMMITTEE FOR TELECOMMUNICATIONS

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given of a closed meeting of the Chief of Naval Operations Industry Advisory Committee for Telecommunications (CIACT) scheduled for Tuesday and Wednesday, November 11 and 12, 1975. The meeting will commence at 9 a.m. on both days, at the offices of the Navy Command and Control and Communications (C³) Architecture Division of the Office of the Chief of Naval Operations (OP–943), located at the Naval Security Station, 3801 Nebraska Ave. NW., Washington, D.C. 20390.

The purpose of the meeting is to solicit the advice of the Committee concerning command and control and communications developments being undertaken by the Navy. All matters which will be under consideration at this meeting are of a sensitive classified nature and are required to be kept secret in the interest of national defense. Therefore, a determination has been made in writing by the Secretary of the Navy that the meeting be held in closed session in its entirety in accordance with the provisions of section 552(b)(1) of Title 5, United States Code.

Dated: October 17, 1975.

LARRY G. PARKS,
Captain, JAGC, U.S. Navy Assistant Judge Advocate General (Civil Law).

[FR Doc.75–28504 Filed 10–22–75;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON "ELECTRONIC TEST EQUIPMENT"

Notice of Advisory Committee Meeting

Pursuant to the provisions of Public Law 92–463, notice is hereby given that the Defense Science Board Task Force on "Electronic Test Equipment" will meet in open session on 12 and 13 November 1975 in Room 9W67, National Center Building #1, 2511 Jefferson Davis Highway, Arlington, Virginia.

The sessions will commence at 9:00 a.m. each day.

The mission of the Defense Science Board is to advise the Secretary of Defense and Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

The primary responsibility of the Task Force is to examine the greater use of the Department of Defense of privately-developed, commercially-available, off-the-shelf electronic test equipment, including modifications thereof, with the goal of achieving economy and reliability benefits for the several Armed Services and to recommend policies and procedures which will maximize these benefits.

This will be the eighth meeting of the Task Force. The planned agenda will cover three general areas:

1. Procurement.
2. Logistics.
3. Applications, Requirements and Equipment.

The detailed discussions and investigations into these general areas will be conducted by working groups made up of designated Task Force members or their designated representatives and selected Task Force Observers. Each working group will formulate proposals related to its general area of responsibility corresponding to one of the three specified above. The working group proposals as approved by the Task Force will form the basis for the ultimate Task Force recommendations.

Persons wishing to attend are advised that a reasonable quantity of seating for observers will be available on a first-come, first-seated basis. No specific arrangements or notification of desire to attend is necessary.

The Executive Secretary for the Task Force is Mr. Rudolph J. Sgro, OASD (I&L) WS, Room 2A318, Pentagon, Washington, D.C. 20301.

MAURICE W. ROCHE,
Director, Correspondence and Directive OASD (Comptroller).

OCTOBER 20, 1975.

[FR Doc.75–28557 Filed 10–22–75;8:45 am]

SCIENCE BOARD TASK FORCE ON THEATER NUCLEAR FORCES R&D REQUIREMENTS

Advisory Committee Meeting

The Defense Science Board Task Force on Theater Nuclear Forces R&D Requirements will meet in closed session on 25 and 26 November 1975 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will provide an analysis of technology and systems applicable to theater nuclear forces and indicate promising solutions to the problem area for possible implementation within the Department of Defense.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

OCTOBER 20, 1975.

[FR Doc.75–28589 Filed 10–22–75;8:45 am]

DEFENSE INDUSTRY ADVISORY GROUP IN EUROPE

Closed Meeting

The Defense Industry Advisory Group in Europe (DIAGE) will hold a closed meeting on November 6, 1975, in the United States Mission to the North Atlantic Treaty Organization, Brussels, Belgium, on matters involving classified defense information and proprietary company data which come under the purview of subparagraph (4), section 552 (b) Title 5 USC.

The agenda topics will be Managing Multi-National Programs, status of NATO projects, and discussion of activities of U.S. defense industry firms in Europe.

Any pesron desiring information about the advisory group may telephone Brussels 241.44.00 ext 5728, or write to the Executive Secretary, Defense Industry Advisory Group—Europe, USNATO HQS-NATO, 1110 Brussels, Belgium.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

OCTOBER 22, 1975.

[FR Doc.75–28769 Filed 10–22–75;11:15 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 26765]

NEW MEXICO

Notice of Application

OCTOBER 16, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 S., R. 26 E.,
Sec. 4, S½NW¼, NE¼SW¼ and N½SE¼.

This pipeline will convey natural gas across .872 mile of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75–28560 Filed 10–22–75;8:45 am]

[UTAH 31031]

UTAH

Proposed Protective Withdrawal and Reservation of Lands

The Bureau of Land Management, U.S. Department of the Interior, has filed an application, Serial No. Utah 31031, for the withdrawal of the national resource lands described below from all forms of appropriation under the public land laws, including the general mining, material sales, and mineral leasing laws; excepting quantity and special grants to the State, and State indemnity selections, in support of the proposed Kaiparowits Electric Power Generating Project. This withdrawal is under the authority of Executive Order 10355.

The applicant desires this withdrawal for the protection of the proposed plant-site and townsite from conflicting appropriations, applications, entries or se-

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lections, and to provide ample time for completion of the necessary investigation and assessment of the environmental impacts. When the sites are finally selected the withdrawal will be revoked as to those lands not needed for plant-site or townsite development.

On or before November 26, 1975 all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the Utah State Director, Bureau of Land Management, P.O. Box 11505, Salt Lake City, Utah 84111.

If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

KANE COUNTY

Fourmile Bench

T. 40 S., R. 2 E.,
Sec. 9, SE¼;
Sec. 10, NE¼, S½;
Sec. 11, W½;
Sec. 14, W½;
Sec. 15, 21, All;
Sec. 22, W½E½, W½;
Sec. 27, NW¼;
Sec. 28, N½.
The area described contains 3,520.00 acres.

Nipple Bench

T. 42 S., R. 3 E.,
Secs. 7, 8, 9, 17, 18, All;
Sec. 19, Lots 1, 2, NE¼, E½NW¼;
Sec. 20, All.
The area described contains 4,148.20 acres.

East Clark Bench

T. 42 S., R. 2 E.,
Sec. 31, S½NE¼, SE¼;
Sec. 32, SW¼NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 33, SW¼SW¼.
T. 43 S., R. 1 E.,
Sec. 1, SE¼;
Sec. 12, NE¼, N½SE¼.
T. 43 S., R. 2 E.,
Sec. 3, SW¼NW¼, NW¼SW¼;
Sec. 4, Lots 6, 7, 8, S½N½, S½;
Sec. 5, All;
Sec. 6, Lots 8, 9, 10, 12, 13, 14, S½NE¼; SE¼NW¼, E½SW¼, SE¼;
Sec. 7, Lots 1, 2, 3, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 8, N½, N½S½;
Sec. 9, NW¼NE¼, NW¼.
The area described contains 4,110.11 acres.
The areas described aggregate 11,778.31 acres.

WILLIAM G. LEAVELL,
Associate State Director, Utah.

OCTOBER 16, 1975.

[FR Doc.75-28561 Filed 10-22-75;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Bryce Canyon National Park, National Park Service, Bryce Canyon, Utah 84717. Charles A. Budge, Superintendent.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Utah Prairie Dogs were once a part of the park Ecosystem. We are attempting to re-establish a population. Capture, identify and release individuals; study movement and growth pattern within established populations.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Superintendent
Bryce Canyon National Park
Bryce Canyon, Utah 84717

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
National Park Service - protection and preservation of natural resources. Provide sources for public recreation.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Charles A. Budge, Superintendent
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Scientific collecting and study within Bryce Canyon National Park

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document)
N/A

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/A

10. DESIRED EFFECTIVE DATE
9/1/75

11. DURATION NEEDED
5 Years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Abstract of study attached

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Charles A. Budge — DATE 9/2/75

3-200
6/74

(1) *Utah Prairie Dog—Cynomys parvidens.* The permit is to cover scientific research; to include capturing weighing sexing and other miscellaneous measurement taking and releasing.

There may be reason or reasons for manipulation of populations e.g. moving individuals due to density and/or vegetation changes. We would then capture individuals for relocation within the park.

(2) The individuals are wild animals within the boundaries of Bryce Canyon National Park.

(3) We will livetrap the individuals with Havahart traps, model #23A078.

(4) N/A.

(5) Bryce Canyon National Park, Bryce Canyon, Utah 84717.

(6) N/A.

(7) See attached study outline.

(8) The individuals were once a part of the Bryce Canyon National Park ecosystem and we are attempting to re-establish them in the park again. Our activities will be directly related to that goal. Only a minimum of manipulation activities will be accomplished, data collection concerning behavior, growth and various other aspects will require some trapping activities.

The Havahart traps will be set and baited and captured individuals examined and released in early mornings only. No trapping will be attempted during the mid-day or evening hours to prevent any unnecessary prolonged trap time for individuals.

If successful the species will be re-established within the boundaries of the park. Their presence will be insured as well as possible by the park service personnel.

PROJECT PROPOSAL

Title. A Baseline Study of the Past and Present Status of the Utah Prairie Dog (*Cynomys parvidens*) in Bryce Canyon National Park.

Personnel. ----------, a Utah State University student biologist yet to be chosen. Mr. George E. Neusaenger, Chief, Interpretation and Resource Management, Bryce Canyon National Park as Project Advisor. Mr. Charles Budge, Superintendent, Bryce Canyon National Park as Project Advisor. Dr. Gar W. Workman, Department of Wildlife Science, Utah State University as Project Advisor.

Cooperators. National Park Service—Bryce Canyon National Park. U.S. Fish and Wildlife Service—Utah Cooperative Wildlife Research Unit. Uath Division of Wildlife Resources. Utah State University—Department of Wildlife Science.

Grant Requested. First year: $1,900.

Introduction. In years past, the Utah Prairie Dog (*Cynomys parvidens*) was found in the area now designated as Bryce Canyon National Park. In fact, at one time it was found in at least 8 counties in southern Utah (Collier and Spillett, 1972).

In 1974, an attempt was made to reintroduce the Utah Prairie Dog into Bryce Canyon National Park. The Utah Division of Wildlife Resources provided 38 animals for this initial plant. At this time their status is not known.

It is of special interest to the National Park Service to attempt to establish this mammal to its previous habitat. This is especially significant in light of its rare and threatened status. Some of the probable reasons for the decline of the Utah Prairie Dog includes a change in habitat in this area (Cottam and Stewart, 1942), climatic changes (Flint, 1957), disease (Fisher, et al 1969) and poisoning.

The proposed project would be divided into three steps, and these are listed below:

Phase I (1975)

1. Inventory meadow environs.
2. Local historical dogtown sites.
3. Study present relocated population.

Phase II (1976)

1. Selection and preparation of relocation sites.
2. Actual transplantation of population.

Phase III (1977)

1. Completion of transplantation.
2. Setting up of interpretive exhibit.
3. Continued monitoring of populations.
4. Accomplishing any additional relocation and/or site modifications found necessary.

It is anticipated that Phase I could be conducted during a three month basis with the aid of a student biologist in 1975. Phase II and III would be submitted in 1976 as a graduate research project to hopefully be carried out in 1976 and 1977.

Objectives: (Phase I) 1. To evaluate the success of the Utah Prairie Dog reintroduction into Bryce Canyon National Park.

2. To study similarities of potential Utah Prairie Dog habitat in Bryce Canyon National Park in relation to present Utah Prairie Dog habitat outside the Park.

Methods: A student biologist from Utah State University would be assigned to this project in 1975 for a period of three months. Housing would be provided by the National Park Service. A vehicle would be furnished by the Utah State University Cooperative Wildlife Research Unit.

Observations of the Utah Prairie Dogs would be made at the reintroduction site to evaluate survival success. In addition, potential Prairie Dog habitat evaluation would be made in the Park to suggest areas for future reintroductions.

Historical data would come from a search of published literature, journals and notes that are available in various library collections. Some of this data has already been collected by Bryce Canyon National Park Service personnel.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before November 24, 1975, will be considered.

Dated: October 17, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement U.S. Fish and Wildlife Service.

[FR Doc.75-28545 Filed 10-22-75;8:45 am]

Geological Survey

THE ADVISORY COMMITTEE ON WATER DATA FOR PUBLIC USE

Notice of Meeting

Pursuant to public law 92-463 effective June 5, 1973 notice is hereby given that a meeting of the Advisory Committee on Water Data for Public Use will be held November 18-20, 1975, in the main auditorium of the Geological Survey's National Center located in Reston, Virginia. The meeting is open to the public. The full Committee will be in session from 3:00 till 5:00 on the afternoon of Tuesday, November 18 and from 8:30 till 12:00 on the morning of Thursday, November 20, with Wednesday, November 19 being set aside for working group meetings.

This technical Committee is made up of representatives of water-resources oriented groups, including national, State, and regional organizations, professional and technical societies, and the academic community. Its principal responsibility is to represent the interests of the non-Federal community in the formulation of plans, policies, and procedures related to Federal water-data programs. The Director of the U.S. Geological Survey is Chairman of the Committee.

Featured items on the meeting agenda include a review of the progress made in the implementation of Office of Management and Budget Circular A-67 which provides guidelines for coordinating water-data acquisition activities of Federal agencies, a review of the current status of the Geological Survey's River Quality Assessment Program, and a review of the progress made in the preparation of the "National Handbook of Recommended Methods for Water Data Acquisition." The agenda will also include other water-resources oriented items.

Persons wishing to attend the meeting or desiring more detailed information about the meeting should contact R. H. Langford, Chief, Office of Water Data Coordination, U.S. Geological Survey, 417 National Center, Reston, Virginia 22092.

V. E. MCKELVEY,
Director, U.S. Geological Survey.

[FR Doc.75-28553 Filed 10-22-75;8:45 am]

National Park Service

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held on Saturday, November 15, 1975, at 9 a.m. at the Stephen Mather Training Center, Harpers Ferry, West Virginia.

The Commission was established by Pub. L. 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Nancy Long (Chairman), Glen Echo, Maryland.
Mrs. Caroline Freeland, Bethesda, Maryland.
Mr. Donald Frush, Hagerstown, Maryland.
Honorable Vladimir A. Wahbe, Baltimore, Maryland.
Mr. Anthony Abar, Annapolis, Maryland.
Mr. John C. Lewis, Hamilton, Virginia.
Mrs. Dorothy Grotos, Arlington, Virginia.
Mr. Burton C. English, Berkeley Springs, West Virginia.
Mr. Henry W. Miller, Jr., Paw Paw, West Virginia.
Mr. Lorenzo W. Jacobs, Jr., Washington, D.C.
Mr. Joseph H. Cole, Washington, D.C.
Mr. Ronald A. Clites, LaVale, Maryland.
Mrs. Mary Miltenberger, Cumberland, Maryland.
Dr. James H. Gilford, Frederick, Maryland.
Dr. Kenneth Bromfield, Frederick, Maryland.
Mr. Grant Conway, Brookmont, Maryland.
Mr. Edwin F. Wesely, Chevy Chase, Maryland.
Mr. John C. Frye, Gapland, Maryland.
Mr. Rome F. Schwagel, Keedysville, Maryland.
Mr. Justice Douglas (Special Consultant).

The matters to be discussed at this meeting include:

1. Status of Environmental Assessment/General Plan.
2. Status of Interpretive Prospectus.
3. Guidelines for Use of Buildings in the C&O Canal National Historical Park.
4. Abner Cloud House Proposal.
5. Land Acquisition Review.
6. Potomac River Legislation.
7. Status of Western Maryland Railroad Abandonment.
8. Superintendent's Report.
9. Status of Canal Construction Projects.
10. Canal Budget.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 30 persons will be able to attend the sessions. Any member of the public may file with the Committee a written statement

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concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Associate Director, Cooperative Activities, National Capital Parks, at Area Code 202–426–6715. Minutes of the meeting will be available for public inspection 2 weeks after the meeting, at the Office of National Capital Parks, Room 208, 1100 Ohio Drive SW., Washington, D.C.

Dated: October 10, 1975.

RICHARD L. STANTON,
Acting Director,
National Capital Parks.

MEETING: SATURDAY, NOVEMBER 15, 1975, 9:00 A.M.

I. Opening of Meeting: A. Roll Call, B. Comments and Announcements, Nancy Long.
II. Status of Environmental Assessment/General Plan, John Parsons.
III. Status of Interpretive Prospectus, Bart Young.
IV. Guidelines for Use of Buildings in the C&O Canal National Historical Park, Nancy Long.
V. Abner Cloud House Proposal, Bill Failor.
VI. Land Acquisition Review, Dick Stanton, John Parsons.
VII. Potomac River Legislation: A. Potomac National River (House), B. Potomac River Historical Area (Senate), Dick Stanton.
VIII. Status of Western Maryland Railroad Abandonment, Dick Stanton.
IX. Superintendent's Report, Bill Failor.
X. Status of Canal Construction Projects, Rich Huber.
XI. Canal Budget, Bill Failor.

[FR Doc.75-28563 Filed 10-22-75;8:45 am]

COLONIAL NATIONAL HISTORICAL PARK

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Colonial National Historical Park, proposes to issue a concession permit to Shirley Pewter Shop—Yorktown Pewter, Ltd., authorizing it to provide concession facilities and services for the public at Colonial National Historical Park for a period of five years from January 1, 1976 through December 31, 1980.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the human environment, and that it is not a major Federal action under the National Environmental Policy Act and the guidelines of the Council on Environmental Quality. The environmental assessment may be reviewed in the (Office of the Superintendent), Colonial National Historical Park, Yorktown, Virginia.

The foregoing concessioner has performed its obligations under the expired permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before November 24, 1975.

Interested parties should contact the Superintendent, Colonial National Historical Park, Yorktown, Virginia, for information as to the requirements of the proposed permit.

Dated: September 3, 1975.

JAMES R. SULLIVAN,
Superintendent.

[FR Doc.75-28564 Filed 10-22-75;8:45 am]

COLONIAL NATIONAL HISTORICAL PARK

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Colonial National Historical Park, proposes to issue a concession permit to Yorktown Shoppe, Ltd., authorizing it to provide concession facilities and services for the public at Colonial National Historical Park for a period of five years from January 1, 1976 through December 31, 1980.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the human environment, and that it is not a major Federal action under the National Environmental Policy Act and the guidelines of the Council on Environmental Quality. The environmental assessment may be reviewed in the (Office of the Superintendent), Colonial National Historical Park, Yorktown, Virginia.

The foregoing concessioner has performed its obligations under the expired permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before November 24, 1975.

Interested parties should contact the Superintendent, Colonial National Historical Park, Yorktown, Virginia, for information as to the requirements of the proposed permit.

Dated: September 3, 1975.

JAMES R. SULLIVAN,
Superintendent.

[FR Doc.75-28565 Filed 10-22-75;8:45 am]

CONCESSION CONTRACT

Notice of Intention To Negotiate

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before November 24, 1975, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Prince William Travel Trailer Village, authorizing it to provide concession facilities and services for the public at Prince William Forest Park for a period of five (5) years from January 1, 1975, through December 31, 1979.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the human environment, and that it is not a major Federal action under the Environmental Quality Act and the guidelines of the Council on Environmental Quality. The environmental assessment may be reviewed in the Regional Office, National Capital Parks, National Park Service, 1100 Ohio Drive, SW., Washington, D.C. 20242.

The foregoing concessioner has performed its obligations under the expired contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before November 24, 1975.

Interested parties should contact the Assistant Director, Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: October 10, 1975.

RAYMOND L. FREEMAN,
Acting Associate Director,
National Park Service.

[FR Doc.75-28566 Filed 10-22-75;8:45 am]

SOUTHWEST REGIONAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Southwest Regional Advisory Committee will be held at 8:30 a.m., c.s.t., November 20 and 21, 1975, at the Travertine Nature Center at Platt National Park, Sulphur, Oklahoma.

The Southwest Regional Advisory Committee was established pursuant to Pub. L. 91–383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Southwest Region of the National Park Service.

The members of the Southwest Regional Advisory Committee are:

Mr. David R. Strickland, Muskogee, Oklahoma (Chairman).
Mr. Bob Burleson, Temple, Texas.
Dr. Neil Compton, Bentonville, Arkansas.
Dr. Bertha P. Dutton, Santa Fe, New Mexico.
Mr. Sam R. Powell, Tulsa, Oklahoma.
Mr. J. R. Singleton, Austin, Texas.
Mrs. Roulhac Toledano, New Orleans, Louisiana.
Mr. Elo J. Urbanovsky, Lubbock, Texas.

Designated Federal Officer to attend the meeting is Joseph C. Rumburg, Jr., Regional Director, Southwest Region, National Park Service, or his designee.

The matters to be discussed at this meeting include:

1. Planning and management of Platt National Park.
2. Planning and management of Arbuckle Recreation Area.
3. The Proposed Cchicksaw National Recreation Area.
4. National Park Service input in the McGee Creek-Bugaboo Canyon Study.
5. National Park Service programs to reduce operation and management costs.
6. Southwest Region Public Affairs Programs.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may appear before the Committee or file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Frank Mentzer, Assistant to the Regional Director, P.O. Box 728, National Park Service, Southwest Regional Office, Santa Fe, New Mexico 87501, telephone Area Code 505 988–6375. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Southwest Region.

Dated: September 8, 1975.

JOSEPH C. RUMBURG, JR.,
Regional Director, Southwest Region, National Park Service.

[FR Doc.75-28562 Filed 10-22-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

CENTRAL ELECTRIC POWER COOPERATIVE, INC.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Central Electric Power Cooperative, Inc., P.O. Box 23, Cayce, South Carolina 29033. This project includes financing for approximately 95 miles of 230 kV transmission line and related terminal facilities.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Impact Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 4310, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Richter at the address given above. Comments must be received on or before December 22, 1975, to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 17th day of October, 1975.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.75-28615 Filed 10-22-75;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON SALMONELLA

Notice of Determination

Notice is hereby given that the Secretary of Agriculture intends to establish an Advisory Committee on Salmonella for the purpose of advising the Secretary on means of reducing the incidence of Salmonella organisms in the nation's meat and poultry supply. This is in the public interest.

The Chairman of the Committee to whom the Committee will report, will be the Assistant Secretary for Marketing and Consumer Services, United States Department of Agriculture, Washington, D.C. 20250. Plans are for the Committee to meet at least twice in its first year of existence.

This notice is given in compliance with the Federal Advisory Committee Act (P.L. 92–463). Views and comments of interested persons shall be made in writing and must be received by the Administrator, Animal and Plant Health Inspection Service, Room 316–E, United States Department of Agriculture, Washington, D.C. 20250, by November 7, 1975. Such comments will be available for public inspection during regular business hours (7 CFR 1.27(b)).

Dated: October 20, 1975.

JOSEPH R. WRIGHT,
Assistant Secretary for Administration.

[FR Doc.75-28616 Filed 10-22-75;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

TITLE III OF THE VOTING RIGHTS ACT AMENDMENT

Final Determinations

In accordance with the requirements under Section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973, et seq., as amended by the Voting Rights Act Amendment of 1975, Pub. L. 94–73) the Director of the Bureau of the Census has determined that the political subdivisions in the following table meet the requirements for coverage under Title III of the Act amendment for that minority. This concludes the Bureau's determinations under Title III of the Act amendment. Earlier listings of political subdivisions that meet the coverage requirement for Section 203 (Title III) were published in the FEDERAL REGISTER on September 9 (40 FR 41827), September 18 (40 FR 43044), and September 30, 1975 (40 FR 44857).

Interim guidelines for implementation of the bilingual requirements of the Voting Rights Act were published in the FEDERAL REGISTER on October 3, 1975 (40 FR 46080).

A partial listing of jurisdictions jointly determined by the Department of Justice and the Bureau of the Census as covered under Title II of the Act amendment appeared in the FEDERAL REGISTER on September 23, 1975 (40 FR 43746). Determinations for additional political subdivisions in these and other States under Section 4(b) (Title II) will appear in later issues of the FEDERAL REGISTER.

Dated: October 21, 1975.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

STATES OR POLITICAL SUBDIVISIONS COVERED UNDER TITLE III OF THE VOTING RIGHTS ACT AMENDMENT OF 1975

State or Political Subdivision	*Specified language minority*
Alaska:	
Election District 1	Native Alaskan.
Election District 2	Do.
Election District 3	Do.
Election District 4	Do.
Election District 5	Do.
Election District 14	Do.
Election District 15	Do.
Election District 16	Do.
Election District 17	Do.
Election District 18	Do.
Election District 19	Do.
Election District 21	Do.
Election District 22	Do.

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State or political subdivision	Specified language minority
Arizona:	
Apache County	Spanish.
Graham County	American Indian.
Mohave County	Spanish.
Yavapai County	Do.
California:	
Amador County	Spanish.
Contra Costa County	Do.
Lassen County	Do.
Napa County	Do.
Placer County	Do.
Santa Cruz County	Do.
Sierra County	Do.
Solano County	Do.
Sonoma County	Do.
Sutter County	Do.
Yuba County	Do.
Colorado:	
Boulder County	Spanish.
Chaffee County	Do.
Clear Creek County	Do.
Delta County	Do.
Moffat County	Do.
Montezuma County	American Indian.
San Miguel County	Spanish.
Sedgwick County	Do.
Florida:	
Collier County	Spanish.
Glades County	American Indian.
Hendry County	Spanish.
Idaho:	
Bingham County	American Indian.
Cassia County	Spanish.
Michigan:	
Orangeville Township (Barry County).	Spanish.
Sugar Island Township (Chippewa County).	American Indian.
Imlay Township (Lapeer County).	Spanish.
Adrian City (Lenawee County).	Do.
Madison Township (Lenawee County).	Do.
Grant Township (Newaygo County).	Do.
Buena Vista Township (Saginaw County).	Do.
Saginaw City (Saginaw County).	Do.
Nevada:	
Mineral County	American Indian.
Nye County	Spanish.
North Dakota:	
McKenzie County	American Indian.
Oklahoma:	
Craig County	American Indian.
Harmon County	Spanish.
Johnston County	American Indian.
Okmulgee County	Do.
Ottawa County	Do.
Pawnee County	Do.
Rogers County	Do.
South Dakota:	
Corson County	American Indian.
Texas:	
Bandera County	Spanish.
Burnet County	Do.
Coryell County	Do.
Crane County	Do.
Dickens County	Do.
Gillespie County	Do.
Hall County	Do.
Knox County	Do.
McLennan County	Do.
Madison County	Do.
Moore County	Do.
Potter County	Do.
Reagan County	Do.
Throckmorton County	Do.
Utah:	
Tooele County	Spanish.
Virginia:	
Charles City County	American Indian.
Wisconsin:	
Nashville town (Forest County).	American Indian.
Bovina town (Outagamie County).	Spanish.
Oneida town (Outagamie County).	American Indian.
Hayward City (Sawyer County).	Do.
Wyoming:	
Washakie County	Spanish.

[1] Generally jurisdictions in which more than 5 percent of the citizen population of voting age are members of a language minority group and the illiteracy rate for this minority is greater than the national rate.

[FR Doc.75-28708 Filed 10-22-75;8:45 am]

Domestic and International Business Administration

BRYN MAWR COLLEGE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00021-85-80200. Applicant: Bryn Mawr College, Bryn Mawr, Pennsylvania 19010. Article: Microthermometric Apparatus and Crushing Stage. Manufacturer: The Chaixmeca Company, France. Intended use of article: The article is intended to be used for the study of small inclusions of fluids trapped in minerals in rocks. These will include metamorphic rocks and rocks associated with ore deposits. The fluids in the inclusions are in the liquid and/or gaseous state. The purpose of the article is to liquefy and solidify the inclusions. The objective is to determine the compositions of the fluids and the temperatures and pressures at which they were trapped in the rocks. In addition the article will be used in the following courses: Mineralogy—which involves the study of the physical and chemical properties of minerals and conditions under which they form; Petrology—which involves the study of the origin of rocks; Economic geology—which involves the study of the origin, nature and occurrence of metallic and non-metallic mineral resources; and Thermodynamics—which involves the study of the basic parameters which determine the properties of a system.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability of cooling to —180°C. The National Bureau of Standards advises in its memorandum dated October 7, 1975 that (1) the capability of the article described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75-28576 Filed 10-22-75;8:45 am]

ROCKEFELLER UNIVERSITY, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron miscroscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR 701, 1975). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00577-33-46040. Applicant: The Rockefeller University, York Avenue and 66th Street, New York, N.Y. 10021. Article: Electron Microscope, Elmiskop 102 and accessories. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for studies in which chemical, biochemical, and ultrastructural approaches will be combined to provide information concerning problems of colon carcinogenesis and other problems of basic biological concern. The primary concern is the elucidation of the mechanism of the regulation of gene expression by non-histone acidic nuclear proteins found associated in a very specific way with certain cell activities. Other applications include the interactions of DNA with cyclic AMP-binding non-histone proteins during hormone stimulation and electron microscopic studies of the antibiotic-synthesizing enzymes for tyrocidine. The article will also be used to provide instruction to graduate students in the use of the electron microscope for high resolution work. Application received by Commissioner of Customs: June 19, 1975. Advice submitted by the Department of Health, Education, and Welfare on: September 30, 1975. Article ordered: June 13, 1975.

Docket number: 75-00581-33-46040. Applicant: University of Michigan, Department of Anatomy, Medical School, Medical Science Bldg. II, Ann Arbor, Michigan 48104. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used mainly in the investigation of microcirculatory beds of mammals. Specifically, the article will be used to study:

(a) the transendothelial movement of exogenous ultrastructural tracers,

(b) the interendothelial cell junctions, and

(c) the intraendothelial vesicle-vesicle, vesicle-plasmalemma, and vesicle-microtubule-microfilament interactions.

The research projects combine light microscopy, microphotography and electron microscopy to first identify the ramifying vascular branches (the sizes of which range from 5 micra to 100 micra) by in vivo light microscopic observation, and subsequently, to fix, embed, and section the branches for electron microscopy. The article will also be used in the education and training of graduate and post-graduate students, as well as faculty in the Department of Anatomy and in other departments of the medical school. Application received by Commissioner of Customs: June 24, 1975. Advice submitted by the Department of Health, Education, and Welfare on: September 30, 1975. Article ordered: September 19, 1974.

Docket Number: 75-00589-33-46040. Applicant: Estelle Doheny Eye Foundation, 1355 San Pablo Avenue, Los Angeles, CA 90033. Article: Electron Microscope, EM-10 & Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the following two separate studies:

(1) An ongoing investigation of the structure and function of retinal neurons—Research directed at elucidation of the process involved in visual photoreception and neural interconnections (which comprises a comprehensive investigation of the retina of the owl monkey), and

(2) Ongoing studies of the pathogenesis of latent and recurrent herpes simplex virus infections of the eye—follow up the progress of the herpes simplex virus ultrastructurally from the onset of stimulation in an attempt to determine how trigeminal stimulation results in active ocular disease.

For educational purposes, the article will be used by residents in ophthalmology and pathology and technical support personnel who have had a previous acquaintance with electron microscopic techniques in visual research. Application received by Commissioner of Customs: June 26, 1975. Advice submitted by the Department of Health, Education, and Welfare on: September 30, 1975. Article ordered: February 15, 1975.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article has a specified resolving capability equal to or better than 3.5 Angstroms point to point. The most closely comparable domestic instrument available at the time the articles were ordered was the Model EMU-4C electron microscope supplied by Adam David Company. The Model EMU-4C had a specified resolving capability of five Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign article is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Model EMU-4C was not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75-28577 Filed 10-22-75;8:45 am]

SAINT JOHN'S HOSPITAL AND HEALTH CENTER, ET AL.

Consolidated Decision on Applications for Duty Free Entry of EMI Scanner Systems

The following is a consolidated decision on applications for duty-free entry of EMI Scanner Systems pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR 701, 1975). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00582-33-90000. Applicant: Saint John's Hospital and Health Center, 1328 22nd Street, Santa Monica, California 90404. Article: EMI Scanner System with Diagnostic Display Console. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to study its use and determine its range of accuracy in the identification of intracranial tumor masses as opposed to the reliability of the same processes being identified on Cerebral Angiography and Pneumoencephalography. In particular, the article will be used to study metastatic brain tumors with each person in this category having both Cerebral Angiography and EMI Scanning conducted. The article will also be used to update a course in Neuroradiology for resident training. In addition, the article will be used in studying space occupying lesions of the orbits in conjunction with research studies by the Saint John's Southern California Lion's Eye Institute. Application received by Commissioner of Customs: June 24, 1975. Advice submitted by the Department of Health, Education, and Welfare on: September 30, 1975. Article ordered: April 3, 1975.

Docket number: 75-00584-33-90000. Applicant: Harper Hospital, 3990 John R, Detroit, Michigan 48201. Article: EMI Scanner System with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for investigative work in the fields of Ophthalmology, Neurology, and Neurosurgery. Patients studied with the article and the scannings so obtained will be compared with the radionucleoid scanning. Correlation of EMI scans will also be done with vascular angiography. Particular investigation will be carried out in seizure disorders. The value of the EMI scanning in acute intracerebral hemorrhage and trauma will be undertaken. Definitive investigation on of orbits will be done in conjunction with people from Kresge Eye Institute. Correlation of ultrasonic investigation and EMI scanning will also be done. Application received by Commissioner of Customs: June 24, 1975. Advice submitted by the Department of Health, Education, and Welfare on: September 30, 1975. Article ordered: October 25, 1974.

Docket number: 75-00586-33-90000. Applicant: Methodist Hospitals, 1265 Union Avenue, Memphis, Tennessee 38104. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in a research program concerning intracranial calcification and comparison with available skull x-rays. One phase of the study will be to evaluate calcification of the pineal body and choroid plexuses of the lateral ventricles in the younger age groups, particularly below twenty years, so as to see the pattern of the calcification and possible development of such during the youthful years. Another phase of this particular part of the program would be to study the absorption numbers where calcification is not definitely seen in the pineal or choroid, but to see if said absorption numbers exceed the expected values for soft tissue of the brain. Other physiologic calcifications will be studied, such as those within the falx cerebrae, the meninges, the tentorium cerebellae. Abnormal calcifications will be studied as well, for example, in intracranial tumors, inflammatory lesions of the brain, the patterns and distribution of calcification

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within the basal ganglia of the brain. In addition, the article will be used for teaching purposes in Residency programs in Radiology, Neurosurgery, Ophthalmology, and Pathology. Application received by Commissioner of Customs: June 26, 1975. Advice submitted by the Department of Health, Education, and Welfare on: September 30, 1975. Article ordered: December 20, 1973.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article is a newly developed system which is designed to provide precise transverse axial X-ray tomography. The Department of Health, Education, and Welfare (HEW) advised in its respectively cited memoranda that the sensitivity and the noninvasive methodology of each article are pertinent to the purposes for which each foreign article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to any of the articles to which the foregoing applications relate for such purposes as these articles are intended to be used which was being manufactured in the United States at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75-28578 Filed 10-22-75;8:45 am]

UNIVERSITY OF CALIFORNIA—DAVIS

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00580-01-74600. Applicant: University of California, Davis, Department of Applied Science, Davis, California 95616. Article: High Speed Digital Correlator and Probability Analyser System. Manufacturer: Precision Devices and Systems (UK) Ltd., United Kingdom. Intended use of article: The article is intended to be used to study the orientational dynamics of dye molecules, cleaved and intact S-1 moieties of myosin molecules, isolated and embedded lipid proteins, and vesicular systems in an environment as nearly that of the living system as possible. In the experiments, the time dependent nature of these molecules and systems will be monitored by detecting the orientational fluctuation of the fluorescent intensity from these molecules to gain further insight into the basic mechanisms involved in the contraction of muscles.

COMMENTS: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides efficient photon detection with a time resolution of 0.05 microseconds. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated September 30, 1975 that the capability of the article described above is pertinent to the applicant's intended purposes. HEW also advises that the most closely comparable domestic instrument, SAI-43A Digital Auto-Correlator, manufactured by Honeywell-Signal Analysis Operation has a time resolution of 0.2 microseconds which does not match the capability found pertinent. Finally, HEW advises that it knows of no domestic instrument of equivalent scientific value to the foreign article, for the applicant's intended uses.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75-28575 Filed 10-22-75;8:45 am]

UNIVERSITY OF SOUTHERN CALIFORNIA, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975). (See § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00592-33-46500. Applicant: University of Southern California, School of Medicine, 2025 Zonal Avenue, Los Angeles, California 90033. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used primarily for studies of mammalian tissues searching for pathologic abnormalities in biopsy specimens from humans and from experiments involving animals. Specific projects include (1) the influence of air pollutants on the lung, kidney and other organs of animals, (2) lung and breast cancers in humans, with emphasis on factors which reflect intrinsic aggressiveness of cancer and properties of host resistance. Application received by Commissioner of Customs: June 26, 1975. Advice submitted by the Department of Health, Education, and Welfare on: September 30, 1975.

Docket number: 75-00594-33-46500. Applicant: Bedford V.A. Hospital, 200 Springs Road, Bedford, MA 01730. Article: LKB 8800A Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the ultrastructural investigation of the synaptic organization of cerebral cortex primarily of monkey, but also of human material procured at autopsy. The properties of the tissue to be investigated include brittle Golgi-treated samples, re-embeded 40 frozen sections; soft poorly perfused human material, which, in the case of pathology, will contain hard plaques. Application received by Commissioner of Customs: June 27, 1975. Advice submitted by the Department of Health, Education, and Welfare on: September 30, 1975.

Docket number: 75-00595-33-46500. Applicant: Harvard Medical School, 25 Shattuck Street, Boston, Mass. 02115. Article: LKB 8800A Ultratome III Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in ultrastructural investigations involving a variety of biological materials which exhibit normal, pathologic and experimentally altered morphologies and include: pellets of isolated cells, monolayers of cultured cells, individual kidney glomeruli, and specific areas of rat carotid arteries. Glomerular permeability in normal, pathologic, and experimentally manipulated kidneys will be studied by using a wide variety of electron-dense tracers. Monolayers of cultured cells, i.e., cells adhering to a glass or plastic surface, are being examined to elucidate certain properties of some plasma membrane molecules. The endothelium of rat carotid arteries and its regenerative capacity following injury will also be under examination. A study of the sites of synthesis of immunoglobulin (Ig) in the B lymphocyte and the pathway of transport of this Ig to the cell surface is also underway. Application received by Commissioner of Customs: June 27, 1975. Advice submitted by the Department of Health, Education, and Welfare on: September 30, 1975.

Docket number: 75-00596-33-46500. Applicant: University of Southern California, Department of Anatomy, 2025 Zonal Avenue, Los Angeles, CA 90033. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the investigation of biological specimens from rats and mice to (1) determine the anatomical distribution of adrenergic nerves in white adipose tissue, (2) describe the relationship between adrenergic nerves and the microvessels in adipose tissue, (3) establish the morphological basis for adrenergic stimulation of lipolysis, and (4) ascertain whether cellular contacts occur between adipocytes. Application received by Commissioner of Customs: June 27, 1975. Advice submitted by the Department of Health, Education, and Welfare on: September 30, 1975.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such persons as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket Number 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare ("HEW") advised that "Smooth cuts are obtained when the speed of cutting, [other] factors as knife edge condition (among such and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket Number 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc.", requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments. For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75-28579 Filed 10-22-75;8:45 am]

[Docket No. S-470]

OVERSEAS BULTANK CORP.

Notice of Application

Notice is hereby given that Overseas Bulktank Corporation (Operator), 52 Wall Street, New York, N.Y. 10005, has filed an application dated October 1, 1975, to amend its Operating-Differential Subsidy Agreement, Contract No. MA/MSB-218 (the Agreement) by adding the tanker ST OVERSEAS JUNEAU. The Operator engages in the carriage of export bulk raw and processed agricultural commodities from the United States (U.S.) to the Union of Soviet Socialist Republics (U.S.S.R.). Liquid and dry bulk cargoes may be carried from the U.S.S.R. and other foreign ports, inbound, to U.S. ports during voyages subsidized for the carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in Title 46 of the Code of Federal Regulations, Part 294.

The Agreement was approved by the Maritime Subsidy Board (Board) on December 5, 1972 and presently includes the tanker SS OVERSEAS ARCTIC. The Agreement will expire on December 31, 1975, unless further extended. Each voyage under the Agreement must be approved for subsidy before commencement of the voyage. The Board will act on each request for a subsidized voyage as an administrative matter under the terms of the Agreement, for which there is no requirement for further notices under section 605(c) of the Act.

Any person having an interest in the granting of the application and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must on or before November 3, 1975, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject application, the purpose of such hearing will be to receive evidence relevant to (1) whether the application herein above described is one, with respect to the vessel to be operated in an essential service, served by citizens of the U.S., which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for a hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

So Ordered by the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.75-28601 Filed 10-22-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

Notice of Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory body scheduled to assemble during the month of November 1975:

NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

November 17-18; 9:30 a.m., Conference Rooms "G" and "H", Parklawn Bldg., Rockville, Maryland. Open—November 17, Closed—Otherwise. Contact David G. Orchard, Parklawn Building, Room 16-86, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4703.

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Purpose: The National Advisory Council on Alcohol Abuse and Alcoholism advises the Secretary, Department of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute on Alcohol Abuse and Alcoholism regarding policy direction and program issues of national significance in the area of alcohol abuse and alcoholism. Reviews all grant applications submitted, evaluates these applications in terms of scientific merit and coherence with Department policies, and makes recommendations to the Secretary with respect to approval and amount of award.

Agenda: November 17 will be devoted to a discussion of (1) Institute Resources, (2) Scientific Advisory Options, (3) State Participation in Grants Review, (4) Progress Report on Certification of Alcoholism Counselors, (5) Alcoholism Treatment Outcomes, and (6) Status Report on the Council of State and Territorial Alcoholism Authority.

From 9:30 a.m. to adjournment, November 18, the Council will conduct a final review of selected grant applications for Federal assistance and this session will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

Additional agenda items may be added as priorities dictate.

Substantive program information may be obtained from the contact person listed above.

The NIAAA Information Officer who will furnish summaries of the meeting and a roster of Council members is Mr. Harry C. Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 6C-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 301-443-3306.

Dated: October 17, 1975.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75-28552 Filed 10-22-75;8:45 am]

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

This notice announces forthcoming meetings of the public advisory committees of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meetings and the methods by which interested persons may participate in the open public hearings conducted by the committees. The notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)). The following advisory committee meetings are announced:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on Review of Allergenic Extracts.	Nov. 7 and 8, 2:30 p.m., Room 121, Building 29, National Institute of Health, 8800 Rockville Pike, Bethesda, Md.	Closed committee deliberations Nov. 7, 9 a.m. to 2:30 p.m.; open public hearing Nov. 7, 2:30 to 3:30 p.m. open committee discussion Nov. 7, 3:30 to 5 p.m.; closed committee deliberations Nov. 8, 8:30 a.m. to adjournment; Clay Sisk (HFB-5), 8800 Rockville Pike, Bethesda, Md. 20014, 301-496-4545.

General function of the committee. Reviews and evaluates data concerning the safety and effectiveness of biological products.

Agenda—Closed committee deliberations. Review of data submissions from allergenic extract producers for: (1) Poison ivy extracts, (2) poison oak extracts, (3) pollen extracts, (4) dust extracts, and (5) other miscellaneous extracts. This portion of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views and formulation of recommendations (5 U.S.C. 552(b) (4) and (5)).

Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of carcinogenic potential of aluminum and oil adjuvants for allergenic extracts.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Miscellaneous External Drug Products.	Nov. 9 and 10, 9 a.m. on Nov. 10, Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed committee deliberations Nov. 9, 9 a.m. to 4:30 p.m.; open public hearing Nov. 10, 9 to 10 a.m.; closed committee deliberations Nov. 10, 10 a.m. to 4:30 p.m.; Thomas D. DeCillis (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription miscellaneous external drug products.

Agenda—Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) miscellaneous external drug products. This portion of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b)(5)).

Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Committee name	Date, time, place	Type of meeting and contact person
3. Neurologic Drugs Advisory Committee.	Nov. 10 and 11, 9:30 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Nov. 10, open public hearing 9:30 to 10:30 a.m.; open committee discussion 10:30 a.m. to 3:30 p.m.; closed presentation of data 3:30 to 4:30 p.m.; closed committee deliberations 4:30 to 5:30 p.m.; Nov. 11, open public hearing 9:30 to 10:30 a.m.; open committee discussion 10:30 a.m. to 3:30 p.m.; closed committee deliberations 4:30 to 5:30 p.m.; Stephen Groft (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3500.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in neurologic disease.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of the relationship of labeling to advertising to the cerebrovasodilators; pediatric anticonvulsant drug guidelines; revised prescribing information for Phenytoin (NDA 10-151); review of protocols for antivertigo drugs; report of the NIH Subcommittee on Anticonvulsant drugs.

Closed presentation of data. Review of NDA 16-575 (Marion Laboratories). This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552(b)(4)).

Closed committee deliberations. Review of NDA 17-534 and NDA 16-575. This portion of the meeting will be closed to protect the free exchange of internal views and formulation of recommendations for regulatory action (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
4. Endocrinology and Metabolism Advisory Committee.	Nov. 14, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 to 9:30 a.m.; open committee discussion 9:30 a.m. to 12 m.; closed presentation of data 1 to 2:30 p.m.; closed committee deliberations 2:30 to 4:30 p.m.; A. T. Gregoire, Ph. D. (HFD-130), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3510.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in endocrine and metabolic disorders.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of proposed antilipidemic agent labeling; review of antilipidemic guidelines protocols, phases I-III; Biometric Advisory Committee report on phase IV clinical trials for antilipidemic agents.

Closed presentation of data. Presentation by sponsor on NDA 17-726 (Calbiochem). The committee will consider the drug's safety and efficacy, which involves the discussion of individual patient's response to therapy. This portion of the meeting will be closed to protect the confidentiality of medical files (5 U.S.C. 552(b)(6)).

Closed committee deliberations. Discussion of NDA 17-726 (Calbiochem). This portion of the meeting will be closed to protect the free exchange of internal views and for formulation of recommendations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, place	Type of meeting and contact person
5. FDA/NIDA Drug Abuse Research Advisory Committee.	Nov. 17, 8:30 a.m., Room 8-73, Rockwall Bldg., 11400 Rockville Pike, Rockville, Md.	Open public hearing 8:30 to 9:30 a.m.; open committee discussion 9:30 a.m. to 12:30 p.m.; closed committee deliberations 1:30 to 5:30 p.m.; John A. Scigliano, Ph. D. (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3504.

General function of the committee. Advises the Food and Drug Administration (FDA) on action to be taken with respect to investigational use of substances with abuse potential. Advises the National Institute on Drug Abuse (NIDA) on supplies of substances for clinical studies and on quantities of substances for animal and in vitro studies. Advises FDA and NIDA on development of broad outlines for studies of substances with abuse potential and on new methods and tests in animals and man by which the dependence liability of investigational drugs may be estimated.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of problems regarding supplies of Schedule I compounds; definition of the limits of "Scientific Merit" for Schedule I applications; state of the art on the chemistry of cannabis sativa; conference reports; state of research for use of THC as an antiemetic.

Closed committee deliberations. Review of new IND protocols and amendments. This portion of the meeting will be closed to protect the free exchange of internal views and formulation of recommendations (5 U.S.C. 552(b)(5)).

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Committee name	Date, time, place	Type of meeting and contact person
6. Subcommittee on Mammography of the Medical Radiation Advisory Committee.	November 20, 9 a.m., Conference Room T-400, Building 4, Twinbrook Parkway, Rockville, Md.	Open public hearing 9 a.m. to 3 p.m.; open committee discussion 9 a.m. to 3 p.m.; William S. Cole, M.D. (HFX-4), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-6220.

General function of the committee. Advises on the formulation of policy and development of a coordinated program related to the application of ionizing radiation in the healing arts.

Agenda—Open public hearing/open committee discussion. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Discussion of mammography quality assurance activities, risk-benefit analysis in mammography, mammography techniques—relative advantage of each, and discussion of mammography equipment.

Committee name	Date, time, place	Type of meeting and contact person
7. Panel on Review of Bacterial Vaccines and Toxoids.	Nov. 20 and 21, 9 a.m., Room 121, Building 29, National Institutes of Health, 8800 Rockville Pike, Bethesda, Md.	Open public hearing Nov. 20, 9 to 10 a.m.; open committee discussion Nov. 20, 10 a.m. to 5 p.m.; closed committee deliberations Nov. 21, 9 a.m. to 4 p.m.; Jack Gertzog (HFB-5), 8800 Rockville Pike, Bethesda, Md. 20014, 301-496-4545.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of biological products.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally, or in writing, on issues pending before the committee.

Open committee discussion. Discussion of minutes of the previous meeting; presentation and discussion of communications received; discussion of panel's draft generic product statements for plague, typhoid, anthrax, BCG, tetanus, diphtheria, and pertussis.

Closed committee deliberations. Review of specific vaccine products for typhoid, tuberculosis, plague, and anthrax. This portion of the meeting will be closed to protect the free exchange of internal views and to avoid undue interference with agency or committee operations (5 U.S.C. 552(b)(5)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552(b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter is exempt from public disclosure under 5 U.S.C. 552(b) (4), (5), (6), or (7), although on occasion the other exemptions listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential; personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves inter-agency or intra-agency memoranda or discussion and deliberations of matters that, if in writing would constitute such memoranda, and which would, therefore, be exempt from public disclosure; and (2) that it is essential to close such portion of a meeting to protect the free exchange of internal views and to avoid undue interference with agency or committee operations.

Examples of matters to be considered at closed portions are those related to the review, discussion, evaluation or ranking of grant applications; the review, discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussion, however, will generally be done during the open committee discussion portion of the meeting); review of trade secrets or confidential data; consideration of matters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices that have previously been made public, and presentation of any other data or information that is not exempt from public disclosure.

Dated: October 16, 1975.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.75-28551 Filed 10-22-75;8:45 am]

[NADA No. 65-019V]

LINDEN LABORATORIES

Streptosul-V Tablets; Withdrawal of Approval of New Animal Drug Application

The Commissioner of Food and Drugs is withdrawing approval of a new animal drug application for Streptosul-V Tablets, effective October 23, 1975.

Under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner (21 CFR 2.120), the following notice is issued:

Linden Laboratories, Division of Chromalloy Pharmaceutical, Inc., 5353 Grosvenor Blvd., Los Angeles, CA 90066, is the holder of approved new animal drug application (NADA) No. 65-019V for a combination tablet containing dihydrostreptomycin sulfate, phthalylsulfacetamide, sulfathiazole, sulfamerazine, sulfacetamide and carob flour. The NADA, which was originally approved November 22, 1967, provides for the use of the drug for the treatment of bacterial enteritis in dogs and cats.

Based on reevaluation of the application by the Food and Drug Administration, the firm was requested to submit information concerning the efficacy of this combination drug as labeled. In lieu of submitting this information, the firm has requested by letter dated July 8, 1975, that approval of the NADA be withdrawn and has waived its opportunity for a hearing.

Therefore, in accordance with § 514.115 (21 CFR 514.115), notice is given that approval of NADA No. 65-019V and all supplements and amendments thereto for Streptosul-V Tablets is hereby withdrawn, effective October 23, 1975.

Dated: October 16, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-28548 Filed 10-22-75;8:45 am]

[NADA 37-869V]

NORTHERN STATES LABORATORIES

Fas Premix No. 1A; Withdrawal of Approval of New Animal Drug Application

The Commissioner of Food and Drugs is withdrawing approval of a new animal drug application for diethylstilbestrol and oxytetracycline, effective October 23, 1975.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner (21 CFR 2.120), the following notice is issued:

Northern States Laboratories, P.O. Box 0, Fremont, NE 68025, holder of approved new animal drug application (NADA) No. 37-869V for a diethylstilbestrol and oxytetracycline liquid cattle supplement has requested by letter dated June 2, 1975, that approval of the NADA be withdrawn and has waived the opportunity for a hearing. The NADA, which was originally approved November 28, 1967, provides for the use of the drug as a liquid feed supplement for cattle.

Based on reevaluation of the NADA by the Food and Drug Administration, the firm was requested to submit information concerning experience with the use of the drug. In lieu of submitting the requested information and because the drug is no longer being manufactured, the firm has requested withdrawal of approval of the NADA, and has waived its opportunity for a hearing.

Therefore, pursuant to provisions of § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 37-869V and all supplements and amendments thereto to FAS Premix No. 1A is hereby withdrawn, effective October 23, 1975.

Dated: October 16, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-28549 Filed 10-22-75;8:45 am]

PANEL ON REVIEW OF VITAMIN, MINERAL, AND HEMATINIC DRUG PRODUCTS

Rescheduling of Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of September 22, 1975 (40 FR 43533), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act.

Because the originally scheduled date of October 21-22 was later found to conflict with previously scheduled obligations of several panel members, notice is hereby given that the Panel on Review of Vitamin, Mineral, and Hematinic Drug Products will meet on November 14-15 in Conference Rm. A, 5600 Fishers Lane, Rockville, MD, with the open public hearing to be held from 9 a.m. to 10 a.m. on November 14.

Dated: October 16, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-28550 Filed 10-22-75;8:45 am]

PANEL ON REVIEW OF CONTRACEPTIVES AND OTHER VAGINAL DRUG PRODUCTS

Rescheduling

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of September 22, 1975 (40 FR 43533), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act.

Because the originally scheduled dates of October 31 and November 1 were later found to conflict with previously scheduled obligations of several panel members, notice is hereby given that the Panel on Review of Contraceptives and Other Vaginal Drug Products will meet on November 7 and 8 in Conference Rm. M, 5600 Fishers Lane, Rockville, MD, with the open public hearing to be held from 9 a.m. to 10 a.m. on November 7.

Dated: October 20, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-28569 Filed 10-22-75;8:45 am]

National Institutes of Health

BOARD OF SCIENTIFIC COUNSELORS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Arthritis, Metabolism, and Digestive Diseases, October 24-25, 1975, National Institutes of Health, Building 4, Room 336. This meeting will be open to the public from 9:30 a.m. to 4:30 p.m. on October 24 and from 9:00 a.m. to 11:00 a.m. on October 25. The open portion will be devoted to scientific presentations by various laboratories of NIAMDD intramural research. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 4:30 p.m. to adjournment on October 24 and from 11:00 a.m. to adjournment on October 25 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Due to unanticipated commitments of some of the Board members this meeting had to be rescheduled for the above date, rather than a date in November originally planned.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9AO4, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

OCTOBER 21, 1975.

[FR Doc.75-28688 Filed 10-22-75;8:45 am]

Office of the Secretary

PRESIDENT'S COMMISSION ON OLYMPIC SPORTS

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the President's Commission on Olympic Sports, established by the President in Executive Order No. 11868 dated June 19, 1975, amended by Executive Order No. 11873 dated July 21, 1975, will meet on Monday, November 10 and Tuesday, November 11 at 8:45 a.m. at the Plaza Hotel, 768 Fifth Avenue, New York City, New York. The Commission will consider matters pertaining to its study of Olympic sports problems and will hear testimony from several individuals who are familiar with these problems.

The meeting is open to the public.

Further information on the Commission may be obtained from Mr. Michael T. Harrigan, Executive Director, President's Commission on Olympic Sports, Room 3002, 2025 M Street, N.W., Washington, D.C. 20506, telephone (202) 254-8410.

Dated: October 3, 1975.

MICHAEL T. HARRIGAN,
Executive Director.

[FR Doc.75-28556 Filed 10-22-75;8:45 am]

REVIEW PANEL ON NEW DRUG REGULATION

Notice of Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the Review Panel on New Drug Regulation, established pursuant to 42 USC 217 a. by the Secretary, Department of Health, Education,

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and Welfare, on February 21, 1975, will meet on Monday, November 10, 1975, at 9:15 a.m. and Tuesday, November 11, 1975, at 8:30 a.m. in Room 5051 of the Department of Health, Education, and Welfare's North Building, 330 Independence Avenue, S.W., Washington, D.C. The Review Panel will consider matters pertaining to its study of existing policies and procedures for the regulation of new drugs by the Food and Drug Administration.

The meeting is open to the public.

Further information on the Review Panel may be obtained from Dr. Lionel M. Bernstein, Executive Secretary, Review Panel on New Drug Regulation, Room 4617, HEW North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245–7510.

LIONEL M. BERNSTEIN,
Executive Secretary,
Review Panel on New Drug Regulation.

OCTOBER 15, 1975.

[FR Doc.75–28555 Filed 10–22–75;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 75–10–73; Dockets 28415 and 28381]

PAN AMERICAN WORLD AIRWAYS, INC., ET AL.

Investigation and Suspension Order Vacating Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of October, 1975.

By tariff revisions [1] marked to become effective October 19, 1975 Pan American World Airways, Inc. (Pan American) and Western Air Lines, Inc. (Western) propose a four percent general fare increase in the mainland-Hawaii market. The proposals are marked to expire with January 14, 1976. A similar proposal of Continental Air Lines, Inc. (Continental) was suspended by Order 75–10–29, October 9, 1975, to permit evaluation on the basis of the most current data which was then not completely assembled. Continental's proposal did not bear an expiration data.

All three carriers justify the increase on the basis of year ended March 31, 1975 data. Both Continental and Western have allegedly applied the same methodology used by the Board in evaluating 48-State fare increases. However, Continental has used industry data, whereas Western has excluded Northwest and Pan American. Continental and Western calculate return on investment (ROI), including the four percent increase, at 8.2 percent and 10.11 percent, respectively. Pan American has not attempted a separate evaluation of mainland-Hawaii operating results and relies upon Western's analysis by reference, alleging that in order to match the effective date of Western's proposal it was not able to utilize the 48-State methodology used by the Board. Since the record in the *Hawaii Fares Investigation* shows that Pan American's operations to Hawaii are not as profitable as the average, Pan American asserts that adding its results to Western's data would strengthen the justification for the proposed four percent increase.

Upon consideration of the tariff proposal and all other relevant matters, the Board has concluded that the increases in regular fares proposed by Pan American and Western may be unjust, or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful and should be investigated. The Board further concludes that the proposed fares should be suspended pending investigation. However, we have decided to permit the proposed increases in discount fares.[2]

The various ratemaking standards adopted by the Board in the *Domestic Passenger-Fare Investigation* (*DPFI*) technically apply only to operations within the 48 States. However, these standards are the only benchmarks presently available to the Board for assessing the carriers' revenue need in the mainland-Hawaii market and, in the absence of persuasive reasons to the contrary, we believe it appropriate that they should be applied pending the Board's decision in the *Hawaii Fares Investigation*. Accordingly, as did the carriers on the basis of year ended March 31, 1975 data, we have adjusted the industry's actual mainland-Hawaii results for the year ended June 1975 to reflect the Board's *DPFI* standards.[3] Although our results differ significantly from those of Continental, the variance does not appear to stem from deviations in applying the *DPFI* methodology.[4]

The *DPFI* adjustments raise the actual ROI of 3.78 percent to 14.87 percent, which drops to 11.52 percent after annualization of cost increases. There were no general revenue increases in this market during the base period. Adjustment to reflect the proposed four percent raises this ROI to 14.58 percent (See Appendix A). In all the circumstances, we are unable to conclude that an increase in regular fares is warranted at this time. On the other hand, under the Board's general ratemaking approach, there appears no reason to foreclose the proposed increases in discount fares. In fact, considering the very high volume of traffic moving on the fares (in excess of 50 percent of the total) such increases are desirable in our opinion, and we would suggest that the carriers review their discount-fare programs in this market with the view of further reducing the discounts. The discount-fare adjustment for June raised the ratemaking ROI by more than 10 points. As we indicated in Order 75–9–115, excesses in discount-fare traffic are unmistakably obstacles to the industry's ability to improve its earnings position, and it appears that such an excess exists in the mainland-Hawaii market.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered, That: 1. An investigation be instituted to determine whether the fares and provisions described in Appendix B attached hereto, and rules, regulations and practices affecting such fares and provisions, are or will be unjust, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix B hereto are suspended and their use deferred to and including January 17, 1976 unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The suspension of fares in Order 75–10–29, October 9, 1975 is vacated insofar as it applies to the fares described in Appendix C hereto;

4. A copy of this order will be filed in the aforesaid tariffs and served upon Continental Air Lines, Inc., Pan American World Airways, Inc., and Western Air Lines, Inc.

[1] Revisions to Airline Tariff Publishers Company, Agent, Tariff C.A.B. No. 247.

[2] We will herein vacate the suspension in Order 75–10–29, October 9, 1975 insofar as it applies to Continental's proposed increases in discount fares.

[3] The adjustments are described in detail in Orders 75–6–72 and 75–8–99. The details of the Board's analysis will be available for public inspection in the public reference room on Tuesday, October 21, 1975.

[4] Our use of a different base period accounts for part of the difference. The industry's operating profit was up sharply for the year ended June 1975, compared with Continental's presentation of year ended March 1975 results. Other than that, two of the major differences stem from the cost-factor adjustment and a difference in investment. As for the cost factor, its application assumes a constant rate of increase to the date of the fare increase based on the cost increase experienced during the base period. This, in fact, did not happen and as a result Continental's cost adjustment is considerably overstated. With respect to investment, we doubt that the change in base period would account for the approximate 10 percent higher investment Continental estimated. However, absent detailed support of Continental's estimate we cannot pinpoint the difference. Since the Board has available more detailed data for allocative purposes, we have no reason to accept Continental's estimate as opposed to that we have developed. Finally, we have not made a utilization adjustment in the instant analysis, in view of time limitations and the difficulty of isolating appropriate mainland-Hawaii data. Such an adjustment would, if anything, raise the ratemaking ROI and, hence, would not have altered our decision in this instance.

[5] Appendices A, B, and C filed as part of the original document.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[6]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–28590 Filed 10–22–75;8:45 am]

[Dockets 26057 and 26075; Agreements CAB 25087 through 25090; Order 75–10–77]

PAN AMERICAN WORLD AIRWAYS, INC., ET AL.

Capacity-Reduction Agreements; Order Approving Agreements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of October, 1975.

By application dated April 28, 1975, Pan American World Airways, Inc. (Pan American), Trans World Airlines, Inc. (TWA), British Caledonian Airways (BCAL), and British Airways Board (British Airways) request prior Board approval, pursuant to section 412 of the Federal Aviation Act of 1958, as amended (the Act), and Subpart P of the Board's Rules of Practice, 14 CFR 302.1601, of capacity-limitation agreements among them involving four United States-London markets. These agreements resulted from several discussions held pursuant to authority initially granted by the Board in order 73–11–34, dated November 8, 1973, and subsequently extended and expanded by order 75–3–55, dated March 18, 1975, and the orders cited therein.[1]

The agreements establish maximum weekly nonstop scheduled frequencies to be operated by the applicants in the subject markets.[2] They will be implemented upon Board approval and will continue in effect until April 14, 1976. Provision is made for the temporary suspension of the frequency limitations during a period of cessation or curtailment of service by any of the parties resulting from a labor dispute or other cause beyond the control of the affected party. Additionally, allowance is made for the use of unpublished extra sections for operational reasons or to meet periods of unusual demand. Any of the parties may terminate an agreement to which it is a party upon 30 days' written notice.

In support of the application the applicants assert that the agreements permit a reduction in flights below the frequencies that otherwise would be operated and will enable them to avoid excessive use of expensive fuel and thereby help to insure their continued economic viability which they allege has been seriously threatened by last year's precipitous rise in international aviation fuel prices.[3] In this connection the applicants allege that the agreements may, in the aggregate, save as much as 36,639,855 gallons of fuel.

The applicants further state that achieving the above fuel and fuel-cost savings will not unwarrantedly reduce the level of service offered to the public in the subject markets. Under the general assumption of modest traffic growth, the carriers estimate that load factors in the subject markets will range from a low of 36.2 percent in the Chicago-London market to a high of 55.1 percent in the New York-London market. Service quality will be further assured, according to the applicants, by the relatively high number of remaining flights.

The applicants also request that the 21-day period for the filing of answers to this application, pursuant to 14 CFR 302.1608, be waived to permit Board action by May 1, 1975, or as soon after that date as possible.[4] Additionally, Pan American and TWA request an exemption from section 405(b) of the Act and all regulations enacted in pursuance thereof to the extent necessary to permit implementation of the proposed schedule changes without 10 days' prior notice to the Postmaster General.

Delta Air Lines, Inc. (Delta), has filed certain comments relating to the application, but neither supports nor opposes the application on its merits.[5]

No other comments relative to the application have been received.

Upon consideration of the record, the Board concludes that, based on the special circumstances which exist in these international markets, the subject agreements, to the extent that they relate to operations subsequent to the date of this order, are not adverse to the public interest and should be approved.[6] The primary factor which distinguishes the use of capacity-limitation agreements in international markets is the competitive environment in which U.S.-flag carriers are required to effectively compete with foreign air carriers.[7] In international markets, the desire of several nations to maximize the favorable impact of tourism spending on their balance of payments has fostered a willingness and ability among foreign nations to allow their subsidized flag carriers to sustain the huge operating losses occasioned by the operation of excess capacity. The Board recognizes that, under these circumstances, U.S.-flag carriers may be influenced to meet these capacity levels in order to protect their competitive market shares. Moreover, the public-interest considerations in accordance with the national program of fuel conservation[8] and the difficult financial posture of transatlantic carriers, which have been aggravated by the skyrocketing increases in the cost of fuel, justify the imposition of capacity restraints as a means of maintaining capacity offered within some reasonable relationship to traffic demand. Further, no party has opposed the agreements. Additionally, it is clear that the proposed service levels will be adequate to meet the needs of the traveling public.[9] Finally, the inability of the Board to effectively gear capacity to traffic demand in international markets through the use of ratemaking standards (such as the load-factor standard adopted in the *Domestic Passenger-Fare Investigation*) further mitigates against the use of unilateral restraint by competing international carriers. Based on these special circumstances, the Board concludes that a serious transportation need and important public benefits will be achieved by approval of the agreements before us. The Board further finds that these needs and benefits sufficiently outweigh the anticompetitive effects of the agreements to justify approval under the standards of the *Local Cartage Agreement Case*, 15 C.A.B. 850 (1952).

As the Board has repeatedly stated in the past, the transfer of released capacity to nonagreement markets will not be tolerated, and we will impose reporting requirements similar to those imposed on other such agreements to guard the predatory use of freed capacity.[10] We shall also retain jurisdiction for the purpose of amending or revoking the approval granted herein at any

[6] Concurring statement of Robert D. Timm, Member, filed as part of the original document.

[1] A report of these discussions has been filed with the Board.

[2] The markets and time periods involved and the maximum service levels established by the agreements are set forth in App. A, filed as part of the original document. Those time periods established by the agreements which have now lapsed are not included in our action herein.

[3] The applicants state that between July of 1973 and February of 1975, the average price per gallon of international aviation fuel rose by 140 percent.

[4] Three of the agreements were to be effective May 1, 1975, or as soon after that date as Board approval was forthcoming. The Chicago-London Agreement, also subject to prior Board approval, is not scheduled to be effective until Oct. 26, 1975. See n. 2 above.

[5] Delta did not request any specific Board action. Delta's comments merely pointed out a contradiction between the maximum frequencies per week which Pan American will be allowed to operate pursuant to the Washington-London capacity agreement herein (five) and the number of frequencies which will be required by the Delta-Pan American Interchange Agreement, Agreement CAB 17082, docket 14468, (seven) during the period of Sept. 16 through Oct. 26, 1975. This conflict has been handled by means of an amendent to the Delta-Pan American Interchange Agreement. (See order 75–9–33, Sept. 12, 1975.) Delta's comments were accompanied by a motion to file a late document, which motion shall be granted.

[6] See n. 2 above.

[7] See order 75–7–98, p. 15.

[8] See order 75–1–140.

[9] We note that the projected load factor for the Chicago-London market is an extremely low 36.2 percent. However, the maximum capacity levels under the agreement do represent a cutback from the multiple daily schedules arising from the present daily service offered by both carriers in this market. Moreover the agreement allows the agreement carriers to maintain coordinated daily schedules competitive with other nonagreement international carriers providing a daily service from Chicago to other points in Europe.

[10] See, for example, orders 73–10–110, dated Oct. 31, 1973, 73–12–109, dated Dec. 28, 1973, and 74–12–1, dated Dec. 2, 1974.

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future date should a showing be made that the public interest so requires.[11]

In view of the fact that more than 21 days have elapsed since the filing of the application herein, the applicants' request for a waiver of the Board's Procedural Regulation PR-138,[12] allowing 21 days for answers to the application, will be dismissed as moot. We also find that the enforcement of section 405(b) of the Act, requiring 10 days' notice of schedule changes to the Postmaster General would not be an undue burden upon the air carrier applicants, and accordingly we find no necessity to grant an exemption in this respect.

Finally, we have considered the impact of the agreement on the employees of Pan American and TWA. Based on the limited amount of information currently before us, we are unable to conclude that the public interest requires the imposition of any labor protective conditions. As noted above, however, we will retain jurisdiction over these proceedings and will impose such a condition should it be found to be in the public interest.

Accordingly, *it is ordered* That:

1. Agreements CAB 25087, 25088, 25089, and 25090, to the extent that they relate to operations subsequent to the date of this order, be and they hereby are approved pursuant to section 412 of the Act, subject to the following terms and conditions:

(a) Jurisdiction shall be retained to modify or revoke the approval granted herein at any time or to take whatever action may be appropriate in the public interest;

(b) Schedule deletions resulting from the agreements considered herein, which occur at any of the controlled, high-density airports[13] and which result in the vacating of slots allocated by the Airline Scheduling Committees of the respective airports pursuant to authority granted in order 74-9-80, shall not be refilled by the air carrier applicants nor be reallocated to other carriers by the respective Airline Scheduling Committee; *Provided, however,* That slots originally vacated may be reinstated by the vacating carrier to the extent such carrier vacates another flight at the same airport which operates plus or minus 3 hours of the flight to be reinstated;[14]

(c) All schedule changes resulting from these agreements shall be reported to the Board within 15 days of the end of each month, in accordance with the format of Appendix B filed as part of the original document, and copies of such reports shall be provided to all carriers requesting them;

(d) Within 28 days of the date of service of this order, the air carrier applicants shall file with the Board's Docket Section a report containing the following additional data for the subject markets:

(1) Seats operated in 1974/1975 (October through April 14);

(2) Passengers carried in 1974/1975 (October through April 14);

(3) Projected seats in 1975/1976 (October through April 14);

(4) Forecast passengers in 1975/1976 (October through April 14);

(5) Fuel use by month in the subject agreement markets in 1974/1975 (October through April 14);

(6) Fuel use by month for the system of each carrier in 1974/1975 (October through April 14);

(7) Projected fuel use by month in the subject agreement markets in 1975/1976 (October through April 14);

(8) Projected fuel use by month for the system of each carrier in 1975/1976 (October through April 14);

2. The applicants' request for waiver of the 21-day waiting period for the filing of answers herein pursuant to 14 CFR 302.-1608 be and it hereby is dismissed as moot;

3. The requests of Pan American and TWA that they be exempted from the requirements of section 405(b) that implementation of the schedule modifications be made only on 10 days' prior notice to the Postmaster General, be and they hereby are denied;

4. Delta's motion for leave to file a late document be and it hereby is granted; and

5. Copies of this order shall be served upon the United States Departments of Defense, Justice, and Transportation; the United States Postal Service; the Port Authority of New York and New Jersey; the Massachusetts Port Authority; the City of Chicago, Department of Aviation; the City of Washington, D.C.; and all certificated route and supplemental air carriers.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-28591 Filed 10-22-75;8:45 am]

[11] Sec. 412(b) of the Act (49 U.S.C. 1382) requires the Board to disapprove any agreement (whether or not previously approved by it, which it finds to be adverse to the public interest or in violation of the Act.

[12] Rule 1608, Part 302.

[13] Airport scheduling agreements affect John F. Kennedy International Airport, O'Hare International Airport, Washington National Airport, and La Guardia Airport. See order 74-9-80, dated Sept. 23, 1974, and orders cited therein.

[14] Compare order 73-12-32, dated Dec. 7, 1973, at p. 7.

COMMISSION ON CIVIL RIGHTS

ILLINOIS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee to this Commission will convene at 1:00 p.m. and end at 4:00 p.m. on November 19, 1975, at 230 South Dearborn Street, 32nd Floor, Conference Room, Chicago, Illinois.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 32nd floor, 230 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to plan for continued factfinding of Housing Community Development programs in downstate Illinois. To Discuss Advisory Committee's involvement in the State study and to plan and refine the Asian-American project proposal.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 20, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-28624 Filed 10-22-75;8:45 am]

WYOMING ADVISORY COMMITTEE

Change of Meeting

Notice is hereby given, pursuant to the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Wyoming Advisory Committee to this Commission, originally scheduled for October 31, 1975 (FR Doc. 75-26658) in the FEDERAL REGISTER has been changed to October 24, 1975, at the same place and time.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-28622 Filed 10-22-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

(FRL 411-1)

ALTERNATIVE WASTE MANAGEMENT TECHNIQUES FOR BEST PRACTICABLE WASTE TREATMENT

Notice of Availability

Notice is hereby given that the Environmental Protection Agency (EPA) has published, in final form, the report entitled "Alternative Waste Treatment Management Techniques for Best Practicable Waste Treatment", pursuant to section 304(d)(2) of the Federal Water Pollution Control Act, as amended. (33 U.S.C. 1251, 1314(d)(2); 86 Stat. 816 et seq.; Pub. L. 92-500) ("The Act").

Section 304(d)(2) of the Act provides, in pertinent part, that the Administrator of EPA is to publish, after consultation with appropriate Federal and State agencies and other interested persons, information on alternative waste treatment management techniques and systems available to implement section 201 of the Act.

Section 201(b) of the Act provides, in pertinent part, that waste treatment management plans and practices shall provide for the application of the best practicable waste treatment technology before any discharge into receiving waters. Section 201(g)(2) provides, in pertinent part, that the Administrator shall not make grants from any funds authorized for any fiscal year beginning after June 30, 1974 for treatment works unless the grant applicant has demonstrated that alternative waste management techniques have been studied and evaluated and the works proposed for grant assistance will provide for the application of the best practicable waste treatment technology over the life of the works.

The report contains information on the three major alternative management techniques: land application; reuse; and treatment and discharge with an extensive bibliography on each technique.

The Environmental Protection Agency gave notice on March 25, 1975 (39 FR 11135) that "Alternate Waste Management Techniques for Best Practicable Treatment" was available in proposed form. Written comments on the proposed report were invited and received from interested parties. The Environmental Protection Agency has carefully considered all comments received. All written comments are on file with the Agency.

A chapter entitled Criteria for Best Practicable Waste Treatment has been added to clarify the requirements which provide for the application of best practicable waste treatment technology. Also included in the final report as part of the chapter on treatment and discharge techniques is information on alternatives for sludge utilization and disposal. Major changes that were made as a result of comments received are summarized below:

(a) Comments were made that the term "best practicable waste treatment technology" had not been defined and the requirements for providing best practicable waste treatment technology had not been clearly stated. A new chapter (Chapter II), entitled Criteria for Best Practicable Waste Treatment, has been added to the final report. Chapter II of the final report, in stating the requirements for the three major alternative waste management techniques, clearly defines "best practicable". Therefore, techniques and technologies not discussed in this document can be employed to achieve the criteria in the most cost-effective manner."

(b) Comments were received that the report was too limited in scope and did not adequately cover the possible trade-offs between air, land and water disposal of pollutants, and area-wide approaches or regional waste management systems. Considerable coverage in the report is given to possible trade-offs by presentation of three broad categories of alternatives. Energy considerations and intermedia effects are discussed throughout the document. Area-wide waste treatment management and continuous planning for achievement of water quality goals pursuant to section 208 and 303(c) of the Act are provisions of Pub. L. 92-500 which directly address these issues.

(c) The comment was made that the report does not discuss heavy metals, persistent organic and pathogen criteria for land application of sludges. The issues related to sludge disposal are quite complex and more detailed coverage than is appropriate for this report is necessary. Guidance on such criteria is presently being considered by EPA.

The report is available from the General Services Administration (8FY), Centralized Mailing Lists Services, Building 41, Denver Federal Center, Denver, Colorado 80225. The title and number of the report are: *Alternative Waste Management Techniques for Best Practicable Waste Treatment;* Code No. ——; No. EPA-430/9-75-013.

Dated: October 17, 1975.

JOHN QUARLES,
Acting Administrator.

[FR Doc.75-28501 Filed 10-22-75;8:45 am]

[OPP—33000/330; FRL 447-1]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by each applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington, D.C. 20460.

On or before November 24, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under Section 3(c)(1)(D) for such use of his data, and (d) wishes to pre-

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serve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington, D.C. 20460 Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after No-

Dated: October 16, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED [Opp-33000/330]

EPA Reg. No. 264-250. Amchem Products, Inc., Brookside Ave., Ambler PA 19002. NU-LAWN WEEDER. Active Ingredients: Bromoxynil (3,5-dibromo-4-hydroxybenzonitrile) ester of octanoic acid 8.4%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA File Symbol 14943-T. Corporate Brands Inc., 9640 S. Dorchester Ave., Chicago IL 60628. CON PAK CLEANER-DISINFECTANT - DEODORIZER-FUNGICIDE-VIRUCIDE. Active Ingredients: Didecyl dimethyl ammonium chloride 0.135%; Tetrasodium ethylenediamine tetraacetate 0.060%; Sodium carbonate 0.030%; Sodium metasilicate 0.015%. Method of Support: Application proceeds under 2(b) of interim policy. PM38

EPA Reg. No. 464-490. The Dow Chemical Co., PO Box 1706, Midland MI 48640. PREMERGE 3. Active Ingredients: Dinoseb (2-sec-butyl-4,6-dinitrophenol), as the alkanolamine salts (of the ethanol series) 50.7%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Additional uses. PM23

EPA File Symbol 407-GOU. Imperial Inc., PO Box 423, Shenandoah IA 51601. IMPERIAL MALTHOX ALFALFA SPRAY. Active Ingredients: Methoxychlor, Technical 23.0%; Malathion (0,0-Dimethyl dithiophosphate of diethyl mercaptosuccinate) 24.0%; Xylene 45.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

EPA Reg. No. 4581-292. AgChem Div., Pennwalt Corp., 2901 Taylor Way, Tacoma WA 98401. PENNCAP MICROENCAPSULATED METHYL PARATHION INSECTICIDE. Active Ingredients: 0,0-Dimethyl 0-p-nitrophenyl phosphorothioate 22.0%; Xylene based aromatic solvent 5.61%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Combined label & added uses. PM12

[FR Doc.75-28500 Filed 10-22-75;8:45 am]

[FRL 447-2]

AIR POLLUTION CHEMISTRY AND PHYSICS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Air Pollution Chemistry and Physics Advisory Committee will be held at 9:00 a.m., November 13 and 14, 1975, in The Community Room of the West Port Plaza, Page Boulevard and Interstate 244, St. Louis, Missouri.

This is the regular fall meeting of this committee. The agenda will include (a) review of Regional Air Pollution Studies (RAPS-St. Louis), (b) discussion of recommendations of special panel on sulfates, (c) oxidant measurement calibration, and (d) energy-related air pollution research.

The meeting will be open to the public. Any member of the public wishing to participate or present a paper should contact Mr. J. Cyril Romanovsky, Senior Science Advisor, Environmental Sciences Research Laboratory, Environmental Protection Agency, Environmental Research Center, Research Triangle Park, North Carolina (919-549-8411, extension 2281).

THOMAS D. BATH,
Staff Director,
Science Advisory Board.

OCTOBER 17, 1975.

[FR Doc.75-28618 Filed 10-22-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

GENERAL ADVISORY COMMITTEE

Meeting

OCTOBER 20, 1975.

The General Advisory Committee will hold a meeting on November 13 and 14, 1975, in Washington, D.C. in the Energy Research and Development Administration offices at 20 Massachusetts Avenue, NW., 8th Floor, Administrator's Conference Room. The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public.

November 13

1:30-3:00 p.m.--Briefing by Assistant Administrator for Conservation, Austin N. Heller

3:00-4:30 p.m.--Briefing by Assistant Administrator for Fossil Energy, Philip C. White

November 14

9:00-10:30 a.m.--Briefing by Assistant Administrator for Nuclear Energy, Richard W. Roberts

10:30-12:00 m.--Briefing by Assistant Administrator for Solar, Geothermal, and Advanced Energy Systems, John M. Teem

In addition to the above items, the Committee will meet with members of ERDA Headquarters and hold executive sessions not open to the public under the authority of Section 10(d) of Pub. L. 92-463 (Federal Advisory Committee Act) to exchange opinions and formulate recommendations on the above topics and other agenda matters. I have determined that it is necessary to close these portions of the meeting to exchange opinions and formulate recommendations, the discussion of which, if written would fall within exemption (5) of U.S.C. 552(b). Any nonexempt material that may be discussed at these sessions will be inextricably intertwined with the discussion of exempt material and no further separation is practical. It is essential to close such portions of the meeting to protect such privileged information and to protect the free interchange of internal views and avoid undue interference with Administration and Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items, scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof, postmarked no later than November 28, 1975, to the Secretary, General Advisory Committee, U.S. Energy Research and Development Administration, Washington, D.C. 20545. Comments shall be based on the above agenda items.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on November 12, 1975, to the Office of the Secretary of the Committee on (202) 634-1969 between 8:30 a.m. and 5 p.m., eastern time.

(c) Questions at the meeting may be propounded only by members of the General Advisory Committee.

(d) Seating to the public will be made available on a first-come, first-served basis.

(e) Copies of minutes will be made available for copying, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory Committee
Management Officer.

[FR Doc.75-28582 Filed 10-22-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

TV TRANSLATOR APPLICATIONS

Available for Processing

Notice is hereby given, pursuant to § 1.572(c) of the Commission's rules, that on November 26, 1975, the TV translator applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on November 26, 1975, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on November 25, 1975.

The attention of any party in interest desiring to file pleadings concerning any pending TV translator applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.580(i) of the Commission's rules for provisions concerning the time for filing and other requirements relating to such pleadings.

Adopted: October 7, 1975.

Released: October 15, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

VHF TV TRANSLATOR APPLICATIONS

BPTTV-5375	K_{ch}8FK, Hatch, Utah. Hatch Town Television. Req: Change to channel 11.
BPTTV-5376	K10FL, Hatch, Utah. Hatch Town Television. Req: Change to channel 9.
BPTTV-5377	K12FP, Hatch, Utah. Hatch Town Television. Req: Change to channel 13.
BPTTV-5377A	New, Naco and Hereford, Arizona. Oliver W. Swan t/a Swan Antenna Company. Req: Channel 7, 1 watt. Primary: KPHO-TV, Phoenix, Arizona.
BPTTV-5378	New, Curlew and Malo, Washington. Franson Peak Television Assn., Inc. Req: Channel 5, 5.0 watts. Primary: KSPS-TV, Spokane, Washington.
BPTTV-5379	New, Curlew and Malo, Washington. Franson Peak Television Assn., Inc. Req: Channel 9, 5.0 watts. Primary: KXLY-TV, Spokane, Washington.
BPTTV-5380	New, Curlew and Malo, Washington. Franson Peak Television Assn., Inc. Req: Channel 11, 5.0 watts. Primary: KREM(TV), Spokane, Washington.
BPTTV-5381	New, Curlew and Malo, Washington. Franson Peak Television Assn., Inc. Req: Channel 13, 5.0 watts. Primary: KHQ-TV, Spokane, Washington.
BPTTV-5382	New, Indian Springs and Indian Springs AFB, Nevada. Indian Springs Civic Association. Req: Channel 9, 1 watt. Primary: KVVU-TV, Las Vegas, Nevada.
BPTTV-5383	New, Hanna, Wyoming. Hanna-Elmo Television Association. Req: Channel 11, 1 watt. Primary: KMGH(TV), Denver, Colorado.
BPTTV-5384	New, Hanna, Wyoming. Hanna-Elmo Television Association. Req: Channel 13, 1 watt. Primary: KBTV(TV), Denver, Colorado.
BPTTV-5385	New, Helper, Utah. Carbon County. Req: Channel 7, 1 watt. Primary: KUED-TV, Salt Lake City, Utah.
BPTTV-5386	K_{ch}81A, Newberry, California. County of San Bernardino, County Service Area #40. Req: Change primary TV station to KBAK-TV, channel 29, Bakersfield, California.
BPTTV-5387	New, Sutton, Alaska. Alaska Public TV, Inc. Req: Channel 5, 10 watts. Primary: KAKM(TV), Anchorage, Alaska.
BPTTV-5388	K_{ch}2FT, Cold Hill and Tolo Seven Oaks, Oregon. Oregon Broadcasting Company. Req: Delete Tolo-Seven Oaks, Oregon. Primary: KOBI(TV), Medford, Oregon.
BPTTV-5390	New, Champion, Michigan. Neighborhood Township, Translator TV Authority. Req: Channel 11, 1 watt. Primary: WLUK(TV), Green Bay, Wisconsin.
BPTTV-5391	New, McDermitt, Nevada. Quinn River TV Maintenance District. Req: Channel 12, 1 watt. Primary: KOLO(TV), Reno, Nevada.
BPTTV-5392	K_{ch}9FF, Rural Upper Squilchuck Area, Washington. Apple Valley TV Assn., Inc. Req: Change primary to KREM-TV, Ch., 2, Spokane, Washington.
BPTTV-5393	K11FJ, Rural Upper Squilchuck Area, Washington. Apple Valley TV Assn., Inc. Req: Change primary to KXLY-TV, Ch-4, Spokane, Washington.
BPTTV-5394	K13EZ, Rural Upper Squilchuck Area, Washington. Apple Valley TV Assn., Inc. Req: Change primary to KHQ-TV, Ch-6, Spokane, Washington.
BPTT-2909	New, Rural Elgin and Grande Ronde Valley, Oregon. Blue Mt. Television Assn. Req: Channel 56, 100 watts. Primary: KHQ(TV), Spokane, Washington.
BPTT-2910	New, Rural Community of Baker and Baker, Oregon. Blue Mt. TV Assn. Req: Channel 58, 100 watts. Primary: KREM(TV), Spokane, Washington.
BPTT-2911	New, Rural Community of Baker and Baker, Oregon. Blue Mt. TV Assn. Req: Channel 62, 100 watts. Primary: KXLY(TV), Spokane, Washington.
BPTT-2912	New, Rural Community of Baker and Baker, Oregon. Blue Mt. TV Assn. Req: Channel 66, 100 watts. Primary: KHQ(TV), Spokane, Washington.

ERRATUM

On the Commission's Public Notice (Mimeo #54506, 40 FR 41182), released September 3, 1975, the following erroneous entry appeared:

UHF TV TRANSLATOR APPLICATIONS

BPTT-2878	K80BE, Twentynine Palms and Twentynine Palms. Marine Base, California. Morongo Basin TV Club, Inc. Req: Channel 80, 10 watts.

The entry should have appeared as follows:

BPTT-2878	K80BE, Twentynine Palms and Twentynine Palms. Marine Base, California. Morongo Basin TV Club, Inc. Req: Channel 65, 20 watts.

This application is "cut-off" as of the close of business on October 22, 1975.

Application deleted from Public Notice released September 3, 1975 (Mimeo #54506, 40 FR 41182).

BPTTV-5327	New, Hereford, Arizona. Oliver W. Swan, t/a Swan Antenna Company. Req: Channel 7, one watt. Primary: KPHO-TV, Phoenix, Arizona.

(Assigned new file number BPTTV-5377A.)

[FR Doc.75-28461 Filed 10-22-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

POWER PLANT PRODUCTIVITY CONFERENCE

Meeting

Notice is hereby given that a "Conference to discuss Power Plant Productivity," will be held from 8:30 a.m. to 5 p.m., November 19, 1975, in Room 140 of the Federal Building, 601 East 12th Street, Kansas City, Missouri.

The purpose of the conference is to provide for an exchange of information and ideas among owner/operators of nuclear and large fossil fired electric power generating units aimed at improving the productivity of these units.

Invitees to the Conference will be from electric utilities located in FEA Region VII and VIII, i.e., Nebraska, Kansas, Iowa, Missouri, Montana, North Dakota, South Dakota, Utah, Wyoming and Colorado that own/operate or have under construction or in planning nuclear and 390 megawatts and larger oil or coal-fired generating units.

The agenda for the meeting is as follows:

8:30-8:45 a.m.—FEA Introductory Remarks.
8:45-9:15 a.m.—FEA Status Report on Actions to Implement Recommendations Contained in Report on Improving the Productivity of Electric Power Plants.
9:15-12:00 p.m.—Utility Statements.
12:00-1:30 p.m.—Lunch Break.
1:30-4:30 p.m.—Utility Statements.
4:30-5:00 p.m.—Summary by FEA and Questions and Answers.
5:00 p.m.—Adjourn.

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The meeting is open to the public. The meeting Chairman is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the conference Chairman will be permitted to do so either before or after the meeting. Members of the public who wish to make oral statements should inform Evan Kovacic, telephone (202) 961-6193, at least five days before the meeting and reasonable provision will be made for their appearance on the agenda. Further information concerning this meeting also may be obtained from Mr. Kovacic.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C. and in Denver, Colorado and Kansas City, Missouri.

FEA intends to hold similar meetings in the near future in other FEA Regions. These will be announced in the Federal Register.

Issued at Washington, D.C., on October 20, 1975.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.75-28571 Filed 10-20-75;2:53 pm]

FEDERAL MARITIME COMMISSION

BALTIC SHIPPING CO. (BALTATLANTIC LINE) AND BLACK SEA SHIPPING CO. (BLASCO)

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 12, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

R. Licata, Norton, Lilly & Co., Inc., As Agents for BaltAtlantic Line, 90 West Street, New York, New York 10006.

Agreement No. 10187, between the above-named carriers which operate regular services in the trades between ports in United States and ports in Europe and between ports in United States and ports in the Mediterranean and/Black Seas, respectively, provides for the interchange of cargo containers and/or related equipment in accordance with terms and conditions set forth therein.

By Order of the Federal Maritime Commission.

Dated: October 20, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-28595 Filed 10-22-75;8:45 am]

[Docket No. 74-28; 74-39]

INTERNATIONAL PAPER CO. V. LYKES BROTHERS STEAMSHIP CO., INC.

Environmental Negative Declaration

The Federal Maritime Commission hereby gives notice that it has been determined that the environmental issues in Docket No. 74-28; 74-39 do not constitute a major Federal Action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered to be insignificant because the transportation conditions in this proceeding involve no major change in the mode of transport; the use of fuel or other natural resources, the use of terminal facilities, routing patterns and congestion in navigable waters. The proceeding basically involves an investigation of an alleged tariff noncompliance matter related to a past event.

This determination was based upon the staff's preparation and consideration of an environmental negative declaration which is available on request to the Public Information Office, Room 11413, Federal Maritime Commission, Washington, D.C. 20573, telephone 202-523-5764.

Interested persons may comment on this matter by filing their statements in writing within 30 days of the date of this Notice with the Federal Maritime Commission, Washington, D.C. 20573.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above specified date.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-28597 Filed 10-22-75;8:45 am]

LAKE CHARLES HARBOR AND TERMINAL DISTRICT AND CONTINENTAL GRAIN CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Officest located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 3, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

James E. Sudduth, Port Director, Lake Charles Harbor & Terminal District, P.O. Box AAA, Lake Charles, Louisiana 70601.

Agreement No. T-3176, between the Lake Charles Harbor & Terminal District (Port) and Continental Grain Company (Continental), provides for Continental's five-year lease (with an option for extending the agreement an additional five years) of a Bulk Grain Facility, with certain construction improvements by the Port. The facility is to be used for warehousing, receiving, storing, handling and shipping bulk rice, soybeans, grain and grain products; dealing in and merchandising such products and commodities; and activities incidental to the foregoing. As compensation, the Port is to receive: (a) $100,000 annually; plus (b) $0.15 per short ton on tonnage handled in excess of 200,000 tons annually; plus (c) $0.10 per short ton on tonnage handled in excess of 300,000 tons annually. This compensation is in lieu of Continental's paying the Port's published wharfage charges on cargo moving through the facility. The agreement further provides that the Port will not handle bulk grain through the facility.

By Order of the Federal Maritime Commission.

Dated: October 20, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-28596 Filed 10-22-75;8:45 am]

[Docket No. 75-43]

MARITIME ASSOCIATION OF THE PORT OF CHARLESTON VS. THE SOUTH CAROLINA STATE PORTS AUTHORITY

Filing of Complaint

OCTOBER 17, 1975.

Notice is hereby given that a complaint filed by the Maritime Association of the Port of Charleston against the South Carolina State Ports Authority was served October 17, 1975. The complaint alleges that respondent's amendment to its terminal tariff which would assess wharfage charges against the vessel results in violations of sections 16 and 17 of the Shipping Act, 1916.

Hearing in this matter shall commence on or before April 17, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-28599 Filed 10-22-75;8:45 am]

[Docket No. 75-42]

SAVANNAH MARITIME ASSOCIATION VS. THE GEORGIA PORTS AUTHORITY

Filing of Complaint

OCTOBER 17, 1975.

Notice is hereby given that a complaint filed by Savannah Maritime Association against the Georgia Ports Authority was served October 17, 1975. The complaint alleges that certain tariff changes of respondent assessing wharfage charges against the vessel and increasing stevedore fees result in violations of sections 16 and 17 of the Shipping Act, 1916.

Hearing in this proceeding shall commence on or before April 17, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-28598 Filed 10-22-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-9473]

MISSOURI UTILITIES CO.

Order Granting Rehearing

OCTOBER 15, 1975.

On September 15, 1975, the Cities (Cities) of Jackson and Malden, Missouri filed a Petition For Rehearing of the Commission order issued August 15, 1975 in this docket. The August 15 order accepted for filing and suspended until November 17, 1975 changes in Missouri Utilities Company's (Company) FPC Electric Tariff Original Volume No. 1. The proposed changes would not affect the Cities at this time because each City has a fixed rate, fixed term contract with the Company.

The Cities' petition requests outright rejection of the filing as it pertains to them. The Commission's order of August 15, 1975 required that the rates to the Cities which would be charged under the new tariff (absent the presently effective contracts) be examined to determine whether they would be just and reasonable. The order contemplated that at the appropriate time the Cities would be placed on the tariff under approved rates in a manner similar to the procedure approved in *Municipal Electric Utility Association of Alabama, et al.* v. *F.P.C.*, 485 F.2d 963 (D.C. Cir. 1973).

The contracts between the Cities and the Company will remain in effect until 1979 (Malden) and 1980 (Jackson). The Commission's August 15 order stated that the Company intended to terminate the Cities' contracts in 1976 and 1977. However, those dates represent times during which the rates may be renegotiated. The Company has stated that during those renegotiation periods, the Company will seek to establish service to the Cities at the tariff rate (Company July 18, 1975 filing at page 2).

The fact is that, after renegotiation, the parties may not decide upon the tariff rate which the Commission finds just and reasonable in this proceeding. The parties may change their current positions by the time the rate is renegotiated, thereby making our determination of the just and reasonable tariff rate for the Cities at this time an empty exercise. Accordingly, we shall grant rehearing of our August 15 order and reject the Company's filing as it relates to the Cities.

The Commission finds:

Good cause exists to grant rehearing of our August 15, 1975 order in this docket and reject the Company's filing as it relates to the Cities.

The Commission orders:

(A) Rehearing of our August 15, 1975 order is hereby granted and the Company's filing is hereby rejected as it relates to the Cities.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28525 Filed 10-22-75;8:45 am]

[Docket No. CP76-111]

MOUNTAIN FUEL RESOURCES, INC.

Notice of Application

OCTOBER 15, 1975.

Take notice that on October 2, 1975, Mountain Fuel Resources, Inc. (Applicant), P.O. Box 11368, Salt Lake City, Utah 84139, filed in Docket No. CP76-111 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and operation of the facilities of the Colorado-Utah Division of Cascade Natural Gas Corporation (Cascade), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it is a wholly-owned subsidiary of Mountain Fuel Supply Company (Mountain Fuel) and that on May 9, 1974, Cascade and Mountain Fuel entered into an option agreement for the purchase by Mountain Fuel of Cascade's Colorado-Utah Division properties for $9,000,000, which is said to reflect the depreciated book cost of the facilities on December 31, 1974. Mountain Fuel is said to have exercised its option to purchase on December 17, 1974, and the purchase agreement between Applicant and Cascade is said to have been entered into on September 8, 1975.

The facilities proposed to be acquired and operated by Applicant are said to consist of a pipeline extending from the Divide Creek Field in Garfield and Mesa Counties, Colorado, to a terminus at Bonanza, Utah, four compressor stations, approximately 54.2 miles of gathering pipelines, and related purification, metering, communication, transportation and other equipment, tools, materials, buildings, and supplies necessary for the operation of the pipeline. Applicant requests authorization to acquire and operate the Colorado-Utah system, including 92.2 miles of 14-inch O.D. pipeline, 29.1 miles of 10¾-inch pipelines, the 600 horsepower Rabbit Mountain compressor station, the 5,182 horsepower Dragon Trail compressor station, the 168 horsepower Exchange compressor station, and the 1,320 horsepower Piceance Creek compressor station. Applicant would continue to operate these facilities in a way so that there would be no discontinuity of service, it is indicated.

The application indicates that the system proposed to be acquired by Applicant transverses the Piceance Basin, of Colorado and connects with the Unita Basin system or Mountain Fuel's intrastate system at Bonanza, Utah. Further, neither pipeline is said to be fully utilized. The Uinta Basin system is said to have excess peak day capacity of approximately 80,000 Mcf, and Cascade's Colorado-Utah system is said to have excess cant states that this excess capacity may be used to transport additional gas purchased by Applicant or Mountain Fuel in the Piceance Basin. The application also indicates that the acquisition would make increased volumes of gas available to customers of Mountain Fuel in Utah and Wyoming at a reasonable cost because Applicant proposes to transport and deliver gas to Mountain Fuel on a cost of service basis if authorized and would continue to meet the obligations of Cascade's Colorado-Utah system.

Applicant and Mountain Fuel are alleged to have in excess of 100,000 acres of holding in leases in the Piceance Basin and are continuing lease acquisitions in the area. Further, exploration by Mountain Fuel in the area is said to be continuing as Mountain Fuel seeks additional supplies of natural gas. The Piceance Basin is indicated in the application to be little more than 10 percent explored on the basis of area, and deep formations are less explored. The average well depth of the Piceance Basin is

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stated to be approximately 4,800 feet. Mountain Fuel is said to expect that its gas exploration and acquisition effort in the Piceance Basin to be successful; and if an adequate supply of natural gas were obtained for the facilities proposed to be acquired, the result would be a more favorable relationship between the investment in the pipeline facilities and the unit cost of gas delivered through the facilities to Mountain Fuel's customers.

Applicant states that the acquisition cost of Cascade's Colorado-Utah system would be approximately $9,000,000, and the acquisition costs other than the price to Cascade, including permits, fees and legal services are estimated by Applicant to be approximately $45,000. Applicant's initial capital structure as proposed would not consist of less than 50 percent equity, and all of Applicant's common stock would be purchased and held by Mountain Fuel. The financing of the proposed acquisition by Applicant has been arranged through the reservation of sufficient funds from the proceeds of the sale by Mountain Fuel of $25,000,000 of 10¼ percent debentures due 2000. Further, the application indicates that Mountain Fuel has guaranteed the performance of all obligations of Applicant under the agreement of purchase and sale between Applicant and Cascade.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28526 Filed 10-22-75;8:45 am]

[Docket No. CP74-145]

NORTHERN NATURAL GAS CO.

Notice of Petition To Amend

OCTOBER 15, 1975.

Take notice that on October 3, 1975, Northern Natural Gas Company (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP74-145 a petition to amend the order of the Commission of May 29, 1975 (53 FPC ——), issuing a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act by authorizing the exchange of natural gas with Natural Gas Pipeline Company of America (Natural) at additional exchange point in Hansford County, Texas, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner requests authorization to receive from the Lackey No. 1 Well, Lackey No. 2 Well, and Lackey No. 3 Well, in Hansford County, Texas, gas purchased by Natural from Hoover and Bracken Oil Properties, Inc. Petitioner alleges that it is presently purchasing 75 percent of the gas produced from the aforementioned wells and would accept delivery of the remaining reserves that Natural has purchased at the wellhead as exchange volumes pursuant to the gas exchange agreement between Petitioner and Natural of June 29, 1973, as amended December 16, 1974. The petition states that no increase in the total volumes to be exchanged daily would result from the operation of the proposed exchange point. The proposed arrangement would allow Natural to receive the purchased gas without duplication of facilities, it is stated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28527 Filed 10-22-75;8:45 am]

[Docket No. CP76-116]

NORTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 15, 1975.

Take notice that on October 3, 1975, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76-116 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant, at the request of Iowa Public Service Company (IPS), to continue the sale of natural gas to IPS for certain communities billing group C rather then billing group D for the 1975-76 heating season and thereafter, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transfer the communities of Denver, Gilbertville, Independence and Jesup, Iowa, served by IPS from billing group D to billing group C for the 1975-76 heating season and thereafter. It is stated in the application that by assigning these communities which are suburbs of or in close proximity to Waterloo, Iowa, to billing group C, IPS would be able to utilize its peak shaving facilities in Waterloo to meet the peak day requirements for the residential and small volume commercial customers in these four communities. Further, the application indicates that the reassignment would reduce IPS's dispatching time and cost by one-third.

Applicant states that the instant application does not propose any new sales, and would involve the normal operation of Applicant's existing facilities. Applicant has determined that the proposed arrangement would have no adverse impact on its system operations, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28528 Filed 10-22-75;8:45 am]

[Docket No. CP76-106]

NORTHWEST PIPELINE CORP.

Notice of Application

OCTOBER 15, 1975.

Take notice that on September 29, 1975, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP76-106 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to increase the peak day and seasonal delivery capacity of its liquefied natural gas (LNG) facility near Plymouth in Benton County, Washington, and to render additional storage service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests in the instant application authorization to construct and operate additonal liquefication facilities that would have a capacity of liquefying 10,000 Mcf of gas per day, an additional LNG storage tank having a storage capacity of 522,000 barrels of LNG (equivalent to approximately 1,800,000 Mcf of vaporous gas) and the installation of a fourth vaporizer having the capacity to vaporize 75,000 Mcf of gas per day. Applicant alleges that the proposed facilities would provide Applicant's Plymouth LNG facility with a total liquefaction capacity of 16,000 Mcf of gas per day, a total storage capacity equivalent to 3,000,000 Mcf of vaporous gas, and a total vaporization capacity of 300,000 Mcf per day. The proposed facilities are said to give Applicant a 10-day sustained peak day deliverability, providing additional protection to meet high priority requirements of Applicant's customers.

The additional capacity of the Plymouth LNG facility is said to be necessitated by the inability of Applicant's Canadian supplier of natural gas, Westcoast Transmission Company Limited, to deliver the full contract obligation of gas to Applicant at the Sumas, Washington, import point. Applicant alleges that a seasonal average day shortfall of 240,000 Mcf of gas and a peak day shortfall of 350,000 Mcf of gas are anticipated by Applicant. Applicant's presently connected gas supply is said to be unable to provide volumes of gas necessary to offset the estimated peak day delivery deficiencies at the Sumas import point. The proposed facilities would provide Applicant's participating customers with additional peak shaving capacity at a central point able to service all of Applicant's system, it is stated.

Under the proposed service, Applicant would deliver a maximum daily quantity of 300,000 Mcf and the total seasonal quantity would be 3,000,000 Mcf. Participating customers would furnish the volumes of natural gas to be liquefied to Applicant, in volumes arrived at by multiplying 16,000 Mcf per day (the daily liquefaction rate) by the ratio of each participating customer's seasonal quantity to the total seasonal quantity. The gas so delivered would be stored for the account of each customer and would be vaporized and delivered on the demand of each customer. It is stated that the title of the LNG would remain with Applicant until such LNG is vaporized and delivered to the participating customer. The liquefaction period would be April through October of each year, and the period for delivery would be November 1 through the next succeeding March. The proposed allocation storage is stated by Applicant to be as follows for 1978-79:

Customers	Storage demand volumes		Storage capacity volumes	
	1,000 cubic feet	Therms	1,000 cubic feet	Therms
California Pacific Utilities Co.	18,373	192,000	176,000	1,839,200
Cascade Natural Gas Co.	76,076	795,000	808,000	8,448,600
City of Ellensburg	1,435	15,000	8,579	89,650
Intermountain Gas Co.	47,560	497,000	797,000	8,328,650
Northwest Natural Gas Co.	57,512	601,000	489,000	5,110,050
Peoples Natural Gas	1,435	15,000	11,483	120,000
Southwest Gas Corp.	22,967	240,000	196,000	2,048,200
Washington Natural Gas Co.	53,589	560,000	357,000	3,730,650
Washington Water Power Co.	21,053	220,000	154,938	1,640,000
Total	300,000	3,135,000	3,000,000	31,350,000

The facilities are estimated to cost approximately $30,988,000 and would take approximately 2 years to complete. Applicant proposes to finance the facilities by short-term borrowings, all or a portion of which would be repaid under a permanent plan of financing not yet determined. Participating customers would pay Applicant for the liquefaction storage service according to Applicant's Rate Schedule LS-1 which is indicated to call for (1) a demand charge determined per month per therm of storage demand volume, (2) a capacity charge determined per month per therm of storage capacity volume, (3) a liquefaction charge determined per therm of gas liquefied and stored for the customer's account during the month and (4) a vaporization charge determined per therm of gas vaporized and delivered to the customer during the month. Applicant states that it would file with the Commission prior to the proposed service rates which would be designed to recover the incremental cost of service rendered under Applicant's Rate Schedule LS-1. Applicant estimates that the total cost of service for the first, second and third years would be $3.18, $3.05, and $2.93, respectively, per Mcf of natural gas liquefied, stored and vaporized.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28529 Filed 10-22-75;8:45 am]

[Docket No. CP76-119]

NORTHWEST PIPELINE CORP.

Notice of Application

OCTOBER 15, 1975.

Take notice that on October 6, 1975, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP76-119 an application pursuant to Sections 7(b) and (c) of the Natural Gas Act, as implemented by Section 157.7(g) of the Regulations thereunder (18 CFR 157.7

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(g)), for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon, during the calendar year 1976, and the operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment would not exceed $3,000,000, nor would the cost of any single project exceed $500,000, which costs would be financed by working funds, supplemented as necessary by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 6, 1975 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Secion 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28530 Filed 10-22-75;8:45 am]

[Docket No. CP63-32]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Petition To Amend

OCTOBER 15, 1975.

Take notice that on October 2, 1975, Panhandle Eastern Pipe Line Company (Petitioner), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP63-32 a petition to amend the order of the Commission of November 8, 1962 (28 FPC 797), issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act to include authorization in the certificate of public convenience and necessity to continue testing in the Montezuma-South Alta Field for two additional years to determine its feasibility as gas storage reservoir and to expend additional funds for this prospect, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that it was originally authorized to expend up to a total of $6,000,000, with no single prospect to exceed $2,000,000, in a testing and development program for prospective gas storage reservoirs located in Indiana. Applicant states further that in testing for further development in the Calcutta-Carbon Field located in Clay County it expended $2,398,000 as of June 30, 1975, but has determined that the field is infeasible for storage purposes. Applicant also states that it has expended $967,000 on miscellaneous prospects.

It is stated that the Montezuma-South Alta Field in Parke and Vermillion Counties is potentially an operational storage field. As of June 30, 1975, Petitioner states that it has expended $2,233,000, and that the cost of further testing and development is estimated to be approximately $713,000. The additional money would be spent for the drilling of an observation well and the connection of additional wells by means of the construction of 1.4 miles of 8-inch pipeline and 0.4 mile of 4-inch pipeline.

Applicant requests that the Commission authorize an extension of time of two years to conduct the testing and development of the Montezuma-South Alta Field and that the Commission authorize a total expenditure of $6,500,000 on the prospects and increase the maximum authorized expenditure on a single project to $3,000,000.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28532 Filed 10-22-75;8:45 am]

[Docket No. CP74-213]

MICHIGAN WISCONSIN PIPELINE CO.

Notice of Petition To Amend

OCTOBER 16, 1975.

Take notice that on September 26, 1975, Michigan Wisconsin Pipeline Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP74-213 a petition to amend the order of the Commission of September 6, 1975, issued in said docket pursuant to Section 7(c) of the Natural Gas Act to include in the certificate of public convenience and necessity granted by said order authorization to uprate the compressor horsepower capability of the facilities of the Mountain Compressor Station, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that it was authorized by the order of September 6, 1975, to install a 7,500 horsepower compressor unit at a new compressor station (Mountain Compressor Station) to be located on its 30-inch upper Wisconsin pipeline near Mountain, Wisconsin. The alleged purpose of the facilities is to accommodate increased volumes of natural gas transported into and within the State of Wisconsin.

Petitioner states that the 7,500 horsepower compressor unit installed pursuant to order of September 6, 1975, has a capability of being uprated to 12,050 horsepower and that by uprating the Mountain Compressor Station from 7,500 to 12,050 horsepower the station would attain an increased capability to transport natural gas. It is stated that the increased capability would provide increased operational flexibility and protection against interruption of supply and would afford a means of offsetting a reduction of supply from other sources during peak delivery send-out periods during an emergency.

Petitioner estimates that the total cost of the proposed uprating of the Mountain Compressor Station would be approximately $204,520.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28533 Filed 10-22-75;8:45 am]

[Docket No. RP75-73]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Motion To Place Rates in Effect

OCTOBER 15, 1975.

Take notice that on September 30, 1975 Texas Eastern Transmission Corporation (TETCO) tendered for filing revised tariff sheets, a motion to place such sheets in effect, and the agreement and undertaking of TETCO to comply with the terms and conditions of Section 154.67 of the Commission's Rules and Regulations. TETCO states that the revised tariff sheets reflect the rates as proposed in Docket No. RP75-73 adjusted for approved changes in purchased gas costs. The filing contemplates an October 1, 1975 effective date for the sheets.

Any person desiring to be heard or to protest said filing should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before October 30, 1975. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28532 Filed 10-22-75;8:45 am]

[Docket No. RP75-80]

ALABAMA-TENNESSEE NATURAL GAS CO.

Motion To Place Tariff Sheets Into Effect

OCTOBER 15, 1975.

Take notice that on September 19, 1975, Alabama-Tennessee Natural Gas Company (A-T) tendered for filing the following revised tariff sheets to its FPC Gas Tariff, Third Revised Volume No. 1:

Twelfth Revised Sheet No. 3-A.
Second Substitute First Revised Sheet No. 5.
Second Substitute First Revised Sheet No. 11.
Second Substitute First Revised Sheet No. 14.
Second Revised Sheet No. 36-F.

together with a motion to place such sheets in effect as of September 25, 1975. A-T states that a minor change has been made in the language contained in the first paragraph of Twelfth Revised Sheet No. 3-A and in the last paragraph of each of the other sheets to reflect more clearly the manner in which changes are made in the base tariff rate.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28511 Filed 10-22-75;8:45 am]

[Docket No. RP72-110]

ALGONQUIN GAS TRANSMISSION CO.

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

OCTOBER 15, 1975.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas), on October 3, 1975, tendered for filing Alternate Fifth Substitute Sixth Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1.

This sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. The rate change is being filed to reflect a change in purchased gas costs to be paid by Algonquin Gas to its supplier, Texas Eastern Transmission Corporation (Texas Eastern), scheduled to be effective October 1, 1975, as a result of a general rate increase filed by Texas Eastern on March 14, 1975, as later revised by its filing of September 26, 1975, in Docket No. RP75-73.

The proposed effective date of the revised tariff sheet is October 1, 1975, the scheduled effective date of Texas Eastern's rate increase.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28512 Filed 10-22-75;8:45 am]

[Docket Nos. RP74-61; PGA76-1]

ARKANSAS LOUISIANA GAS CO.

Proposed Change in Rates

OCTOBER 15, 1975.

Take notice that on September 26, 1975 Arkansas Louisiana Gas Company (Arkla) tendered for filing Sixth Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1 to become effective November 1, 1975.

The instant filing was made pursuant to the purchase gas cost adjustment provisions of Arkla's tariff in order to reflect a change in Arkla's deferred cost adjustment pursuant to Section 13 of the General Terms and Conditions of Arkla's FPC Gas Tariff, First Revised Volume No. 1.

Arkla submitted schedules containing computations supporting the rate changes to be effective November 1, 1975. Arkla states that copies of its filing were served on Arkla's jurisdictional customers and the State Commissions of Oklahoma and Kansas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 28, 1975. Protests will be considered by the Commission to determine appropriate action to be taken but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28513 Filed 10-22-75;8:45 am]

ALABAMA POWER CO.

FPC Staff Meeting on Walter Bouldin Dam Project No. 2146

OCTOBER 15, 1975.

Public notice is hereby given that a meeting with FPC Staff has been requested by Alabama Power Company (Company) to discuss various aspects of the formal investigation and hearing required by the Commission's Order Instituting Investigation and Providing For Hearing (Issued February 20, 1975).

The Company will also present a status report on its "redesign and application amendment plans."

The meeting will be held in Room 5200 of the Federal Power Commission at 825 North Capitol Street NE., Washington, D.C., 9:00 a.m., November 18, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28510 Filed 10-22-75;8:45 am]

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[Docket No. RP75-32]

ARKANSAS LOUISIANA GAS CO.

Further Extension of Procedural Dates

OCTOBER 15, 1975.

On October 6, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued February 13, 1975, as most recently modified by notice issued July 30, 1975, in the above-designated matter.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, October 28, 1975.
Service of Intervenor Testimony, November 11, 1975.
Service of Company Rebuttal, November 25, 1975.
Hearing, December 9, 1975 (10:00 a.m., est).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28514 Filed 10-22-75;8:45 am]

[Docket No. CP76-113]

CITIES SERVICE GAS CO.

Application

OCTOBER 15, 1975.

Take notice that on October 2, 1975, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP76-113 an application pursuant to Sections 7(b) and (c) of the Natural Gas Act and Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon, during the calendar year 1976, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment would not exceed $2,000,000, nor would the cost of any single project exceed $500,000, which costs would be financed from treasury funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28515 Filed 10-22-75;8:45 am]

[Docket No. CP76-114]

CITIES SERVICE GAS CO.

Application

OCTOBER 15, 1975.

Take notice that on October 2, 1975, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP76-114 an application pursuant to section 7(b) of the Natural Gas Act and § 157.7(e) of the regulations thereunder (18 CFR 157.7(e)) for permission and approval to abandon service and facilities therefor no longer required by Applicant's direct-sales customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

The purpose of this budget-type application is to enable Applicant to act with reasonable dispatch during calendar year 1976 to cease service and remove direct sales measuring, regulating and related minor facilities no longer required by Applicant's direct sales customers. The deliveries to any one direct sales customer to be abandoned would not exceed 100,000 Mcf in the last year of service. No facilities or service would be abandoned by Applicant unless it has a written request or obtained written permission for such abandonment.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28516 Filed 10-22-75;8:46 am]

[Docket No. E-9294]

DETROIT EDISON CO.

Order Amending Prior Order

On February 2, 1975, Detroit Edison Company (Detroit) tendered for filing proposed rate increases to seven wholesale customers. By order issued March 27, 1975 we accepted and suspended the proposed rate increase until May 30, 1975, and ordered hearings on the lawfulness of the new rates.

On August 8, 1975 Consumers Power Company (Consumers) filed a petition to reject the filing as it relates to Consumers. Consumers bases its petition on Mobile-Sierra [1] grounds. Consumers' contract with Detroit contains the following language with respect to rate changes:

> It is agreed that the rates provided for herein are subject to such review or approval by the Michigan Public Service Commission or its successor as is provided by the statutes of the State of Michigan, notwithstanding the provisions of this agreement; and that any rate which shall be fixed for this service or for any part thereof, by said Michigan Public Service Commission, or its successor, shall be held to be substituted by consent of the parties hereto for the rate provided herein, without otherwise changing or invalidating this agreement, but that such determination shall be subject to such review or action as is provided by law.

The Michigan Public Service Commission can allow a rate increase only after a determination of the lawfulness of the proposed rate. Mich. Stat. Ann. § 22.152. We think this fact places the present

[1] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956), and *FPC* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

contract within the holding of the Court in Richmond Power & Light of the City of Richmond, Indiana v. F.P.C. 481 F. 2d 490 (D.C. Cir. 1973), *cert. den.* 414 U.S. 1068 (1973). In that case the Court held that the proposed rate increase to Anderson Power and Light could become effective only after this Commission had approved the new rates. Accordingly, we shall amend our March 27, 1975 order in this docket to reflect the fact that Detroit may not charge the rates proposed in Docket No. E-9294 to Consumers until we have approved such rates and shall order refunds of increased rates collected since May 30, 1975.

The Commission finds: Good cause exists to amend our March 27, 1975 order in the manner set out above.

The Commission orders: (A) Our March 27, 1975 order is amended to the extent that Detroit shall not charge Consumers the rates proposed in Docket No. E-9294 until such rates have been approved by the Commission.

(B) The hearings on the just and reasonable rate to be charged Consumers shall continue in this docket pursuant to Section 206 using the materials contained in the filing which initiated this docket.

(C) Detroit shall refund all amounts collected in excess of the rates in effect prior to May 30, 1975.

(D) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

Issued: October 15, 1975.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28517 Filed 10-22-75;8:45 am]

[Docket No. RP72-134]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

OCTOBER 15, 1975.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on October 6, 1975, tendered for filing Fourteenth Revised Sheet No. 3A and Fourteenth Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1, to become effective November 1, 1975. The proposed changes would increase revenues from jurisdictional sales and service by approximately $178,084 annually based on sales for the twelve-month period ending August 31, 1975.

The above revised tariff sheets will increase the commodity or delivery charges of Eastern Shore's Rate Schedules CD, CD-E, E-1, I-1, and PS-1 according to the enclosed tabulation to reflect the equivalent purchased gas cost increases by its sole supplier, Transcontinental Gas Pipe Line Corporation, in a filing dated September 16, 1975, in Docket Nos. RP73-3, RP74-48, and RP75-3, proposed to be effective November 1, 1975. Eastern Shore's filing is intended to coincide with Transco's "tracking" rate increase of 7.2 cents per Mcf in its commodity or delivery charges and a "tracking" increase of .1 cent per Mcf in the commodity or delivery charges of Transco's sales and firm transportation rate schedules.

Additionally, Eastern Shore's filing will effectuate a reduction in its GSS-1 demand, capacity and excess delivery charges by 2 cents, .1 cent and 1.5 cents, respectively, coinciding with a "tracking" rate reduction under Transco's Rate Schedule GSS to reflect changes in rates by Consolidated Gas Supply Corporation under its Rate Schedule GSS.

Pursuant to § 154.51 of the regulations under the Natural Gas Act, Eastern Shore requests waiver of the notice requirements of § 154.22 of those regulations and of § 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the tariff sheets submitted herewith to become effective as of November 1, 1975, to coincide with the proposed effective date of Transco's rate changes. In support thereof, Eastern Shore states that Transco's September 16 filing prevented it from meeting the appropriate notice requirements.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28518 Filed 10-22-75;8:45 am]

[Docket No. E-9091]

GEORGIA POWER CO.

Revised Rates and Charges Pursuant to Commission Order

OCTOBER 15, 1975.

Take notice that Georgia Power Company (Georgia Power) on October 6, 1975, tendered for filing Fourth Revised Sheet No. 23 to its FPC Electric Tariff, Original Volume No. 1, pursuant to Commission order of August 5, 1975 in Docket No. E-9091. Georgia Power avers that the rates and charges contained in the tendered tariff sheet reflect the exclusion of construction work in progress from rate base as ordered by the Commission. The revised rates and charges would be made effective as of April 1, 1975.

Georgia Power states that it served copies of the filing on its jurisdictional customers and on all parties appearing on the official service list compiled in the captioned Docket. Georgia Power claims that the revised tariff sheet is filed under protest and without prejudice to any rights it may have, upon judicial review of the August 5, 1975, order, to continue collecting revenues pursuant to Third Revised Sheet No. 23.

Any person desiring to be heard or to protest said filing should file a petition to intervene (if not previously filed herein) or to protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 31, 1975.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28519 Filed 10-22-75;8:45 am]

[Docket No. E-9521]

GEORGIA POWER CO.

Order

On September 15, 1975, Oglethorpe Electric Membership Corporation (Oglethorpe) filed a motion requesting that the Commission sever and set for hearing pursuant to section 206 of the Federal Power Act under an expedited hearing procedure the contention of Oglethorpe that several of its delivery points are not subject to the PR-1 filing for partial requirements service to Oglethorpe made by Georgia Power Company (Georgia Power) in this docket on June 30, 1975.[1] Oglethorpe asserts that the subject delivery points [2] are governed by "Sierra-

[1] The filings were completed upon receipt of certain additional data from Georgia Power on August 12, 1975.

[2] The delivery points which Oglethorpe contends are still subject to the WR-5 rate and the date from which WR-5 will no longer apply to them are as follows:

Delivery point	*Date WR-5 contract terminates*
(1) Sumter No. 10	Aug. 2, 1975.
(2) Tri County No. 4.	Aug. 19, 1975.
(3) Jackson No. 19	Oct. 8, 1975.
(4) Habersham No. 8.	Nov. 15, 1975.
(5) Central Georgia No. 12.	Nov. 18, 1975.
(6) Middle Georgia No. 7.	Feb. 10, 1976.
(7) Canoochee No. 6.	Mar. 16, 1976.
(8) Canoochee No. 7.	Apr. 15, 1976.
(9) Hart County No. 12.	Aug. 24, 1976.
(10) Little Ocmulgee 7.	Sept. 8, 1976.
(11) Troup County No. 10.	June 20, 1977.
(12) Cowata - Fayette No. 8.	Nov. 20, 1977.

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type" contracts for service under Georgia Power's WR–5 rates which remain in effect, thereby precluding, under the *Mobile-Sierra*[2] doctrine, Georgia Power from filing the proposed tariff. By order issued September 11, 1975, the Commission accepted for filing Georgia Power's proposed PR–1 tariff to become effective July 1, 1975, subject to refund and instituted an investigation under section 206 of the Federal Power Act setting the matter for hearing on February 24, 1976.

In its motion, Oglethorpe requests that its contention that fixed term contract rates are in effect for certain named delivery points be severed and set for hearing, under an expedited procedure, separate from any other hearing which may be held in this docket. According to Oglethorpe, an expedited hearing on this particular question is being requested because although there is a considerable amount of money in controversy, ". . . the issue for determination upon such hearing is simple and capable of speedy determination."

On September 22, 1975, Georgia Power[4] and Oglethorpe jointly moved that the Commission set for hearing, in an expedited procedure, the contention by Oglethorpe that several of its delivery points are not subject to the PR–1 filing of June 30, 1975, by Georgia Power in this docket, as first raised in Oglethorpe's motion filed September 15, 1975.

We believe the question raised by Oglethorpe in its September 15, 1975, motion regarding the proper rates in effect for certain delivery points revolves on interpretation of the contract terms and is one susceptible to determination on written pleadings. To expedite a decision, we are asking the parties to submit briefs on the subject. Briefs filed by the interested parties are to be directed to the interpretation of the relevant contract terms and the intent of the contracting parties on the operation of these terms. Accordingly, we shall grant that portion of Georgia Power and Oglethorpe's motions requesting the Commission to sever and expedite decision on the contention of Oglethorpe that several of its delivery points are not subject to the June 30, 1975, PR–1 filing by Georgia Power in this docket. However, we shall deny the parties' request for a hearing pursuant to section 206 of the Federal Power Act and, instead, require that they submit briefs on the issue raised.

The Commission finds: (1) Oglethorpe's motion filed September 15, 1975 and Oglethorpe and Georgia Power's joint motion filed September 22, 1975 in this docket are granted with respect to their request for an expedited decision by the Commission of the question raised by Oglethorpe as to whether Georgia Power's PR–1 filing of June 30, 1975, is effective for certain delivery points.

(2) Good cause exists to deny the parties' request for a hearing under section 206 of the Federal Power Act.

The Commission orders: (A) The motions filed September 15, 1975 by Oglethorpe and September 22, 1975 by Oglethorpe and Georgia Power in this docket to sever and expedite decision by the Commission of the contention of Oglethorpe that several of its delivery points are not subject to the June 30, 1975, PR–1 filing made by Georgia Power in this docket because they are governed by a fixed term contract providing rates still in effect are hereby granted, as limited by Ordering Paragraph (B).

(B) That portion of those motions filed September 15 and September 22, 1975, in this docket requesting a hearing under section 206 of the Federal Power Act is hereby denied.

(C) Georgia Power and Oglethorpe shall file Initial Briefs on the limited issue of interpretation of the contract controlling service to the delivery points identified in footnote (2), consistent with the above discussion, within thirty (30) days of the issuance of this order. Georgia Power and Oglethorpe shall file Reply Briefs on the limited issue of contract interpretation within fifteen (15) days from the issuance of this order.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

Issued: October 15, 1975.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28520 Filed 10-22-75;8:45 am]

[Docket No. CI76-188]

GULF OIL CORP.

Application

OCTOBER 15, 1975.

Take notice that on September 29, 1975, Gulf Oil Corporation (Applicant), P.O. Box 1589, Tulsa, Oklahoma 74102, filed in Docket No. CI76-188 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon partially a percentage-type sale of gas to Phillips Petroleum Company (Phillips) from certain acreage known as the Goldsmith Lease in Ector County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it entered into a percentage-type contract dated November 9, 1971, pursuant to which Applicant sold to Phillips casinghead gas produced from Applicant's Goldsmith Lease. Applicant further states that the term of its Goldsmith Lease expired August 7, 1975, and that one-fourth of its mineral rights, including gas, reverted as a matter of law to Texaco Inc. (Texaco).[1] Applicant claims that the owners of most but not all of the balance of the mineral interests under the lands covered by the Goldsmith Lease have extended the lease by agreement and that the gas attributable to these interests will continue to be delivered by Applicant to Phillips. However, Applicant states, the portion of the gas produced from the lands formerly covered by the Goldsmith Lease attributable to Texaco's 25 percent interest, and the interests of other mineral owners who have not extended such lease has, since August 7, 1975, been owned in fee by said reversionary mineral interest owners; and to that extent Applicant's gas supply has been depleted.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28521 Filed 10-22-75;8:45 am]

[Docket No. E-8997]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

Filing of Revised Rate Schedule

OCTOBER 15, 1975.

Take notice that on October 1, 1975, Iowa-Illinois Gas and Electric Company (Iowa-Illinois), tendered for filing revised tariff sheets to its FPC Electric Rate Schedule No. 20 for service to Sherrard Power Company. The filing was made in compliance with Ordering Paragraph (B) of the Commission's Order Approving Settlement Agreement issued September 2, 1975.

Copies of the revised tariff sheets are on file with the Commission and are available for public inspection. Any person desiring to file comments should file such comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before October 28, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28522 Filed 10-22-75;8:45 am]

[Docket Nos. RP72-149; PGA76-2]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

OCTOBER 15, 1975.

Take notice that Mississippi River Transmission Corporation ("Mississippi") on October 6, 1975, submitted for filing Thirty-Fourth Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1, to become effective November 14, 1975.

The instant filing is being made pursuant to the provisions of Mississippi's purchased gas cost adjustment clause to track a rate change filing of Natural Gas Pipeline Company of America ("Natural") made pursuant to the terms of the PGA provisions of its tariff.

Mississippi submitted schedules containing computations supporting the rate changes to be effective November 14, 1975. Mississippi states that copies of its filing were served on Mississippi's jurisdictional customers and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene unless such petition has previously been filed. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28523 Filed 10-22-75;8:45 am]

[2] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *F.P.C.* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

[4] On October 6, 1975, Georgia Power filed its response to Oglethorpe's September 15, motion wherein Georgia Power denied Oglethorpe's contention that several of its delivery points are still subject to WR–5 contracts.

[1] See *Gulf Oil Corporation, et al.*, v. *Southland Royalty* 496 SW2d 547 (1973).

[Rate Schedule Nos. 1, et al.]

AZTEC OIL & GAS COMPANY, ET AL.

Rate Change Filings

OCTOBER 15, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699–H, issued December 4, 1974. Pursuant to Opinion No. 699–H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before November 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Sept. 25, 1975	Aztec Oil & Gas Co., 2000 1st National Bank Bldg., Dallas, Tex. 75202.	1	El Paso Natural Gas Co.	Rocky Mountain.
Do	do	2	do	Do.
Do	do	3	do	Do.
Do	do	4	do	Do.
Do	do	5	do	Do.
Do	do	12	do	Do.
Do	do	28	do	Do.
Do	do	29	do	Do.
Do	do	35	do	Do.
Oct. 2, 1975	CRA, Inc., P.O. Box 7305, Kansas City, Mo., 64113.	48	Northern Natural Gas Co.	Permian Basin.

[FR Doc.75-28536 Filed 10-22-75;8:45 am]

[Docket No. ER76-162]

LOUISIANA POWER & LIGHT CO.

Filing of Interconnection Agreement

OCTOBER 16, 1975.

Take notice that on October 3, 1975, Louisiana Power & Light Company (LP&L) tendered for filing an Electric System Interconnection Agreement dated September 15, 1975, between LP&L and the City of Ruston (City), Louisiana. This Agreement supersedes LP&L Rate Schedule FPC No. 30 which was filed September 19, 1968 and became effective October 24, 1968. LP&L requests that the Agreement become effective at the earliest date in accordance with the Commission's Rules and Regulations.

LP&L states that the Agreement makes available seven service schedules as follows:

Service schedule	
A	Emergency assistance.
B	Reserve capacity.
C	Supplemental power.
D	Surplus power.
E	Economy power.
F	Transmission service.
F–I	Transmission service.

LP&L further states that the City is presently taking only Emergency Assistance Electric Service under FPC Rate Schedule No. 30 with a maximum capacity of 14,500 kilowatts at 34,500 volts three phase. This superseding agreement will provide a capacity of 45,000 kva at 115,000 volts, three phase and, in addition to Emergency Assistance Electric Service, will provide Reserve Capacity, Supplemental Power, Surplus Power, Economy Power, and Firm and/or Interruptible Transmission Service.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28632 Filed 10-22-75;8:45 am]

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[Docket No. RP72-99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Proposed Settlement

OCTOBER 17, 1975.

Take notice that on October 16, 1975, the Administrative Law Judge in the above-captioned proceeding involving the formulation of an ameliorating plan of curtailment for Transcontinental Gas Pipe Line Corporation (Transco) certified a proposed settlement to the Commission for review. The subject proceedings were reopened by a Commission order of June 11, 1975 for the purpose of developing a plan which would alleviate the most serious effects of the projected shortfall in system supplies for the 1975–76 period. The proposed plan was developed by Transco and its customers during a series of conferences and hearings held pursuant to the June 11 Order, and it constitutes a scheme of allocation of Transco's supplies during the period of November 16, 1975 through October 31, 1976. The terms of the proposed plan, briefly described herein, are fully set out in copies of the proposed plan which are on file and available for public inspection in the Office of Public Information of the Commission.

HIGHLIGHTS OF THE SETTLEMENT PLAN

The heart of the proposed plan is an allocation of the supplies which are projected to be available to Transco during the next year. Each customer of Transco, with the exception of small customers whose allotments are fixed, is designated a specific allotment of gas, and procedures are established for modifications of the individual allotments to accord with changes in availability of supplies for the Transco system occurring during the term of the plan. The proposed plan, then, addresses not only the matter of allocation of Transco's existing supplies, but also the allocation of whatever "emergency natural gas volumes" Transco is able to purchase in the form of "natural gas volumes which are lawfully sold to Seller without specific authorization from the Federal Power Commission under Section 7 of the Natural Gas Act". See Original Sheet No. 165, attached to the proposed Agreement as Appendix A. This reference relates to "purchases under Section 2.68 of the general policy interpretations, or purchases under Section 157.29, of the regulations—or purchases that might be made under any emergency legislation that Congress might pass exempting for an emergency period sales to interstate pipelines". See Tr. 6755–6756. As regards emergency purchases by the pipeline entity the plan would allow Transco to recoup the cost of such emergency volumes from its customers on a 50% rolled-in and 50% incremental basis.

The effective term of the proposed plan was so designated as to encompass both a winter season, which is characterized by high demand, and a summer season, in which storage injections are made that are essential to the servicing of high priority customers during the subsequent winter season. For the sake of administrative convenience, the term was set at eleven and one half months to allow a termination date that would coincide with the Form 16 reporting period. Under the terms of the plan certain reporting duties are imposed on Transco. Schedules of the proposed allotments to each customer are appended to the plan, as are implementing tariff sheets.

FILING OF COMMENTS

Any person, including the parties to this proceeding, may file comments either in support of or in opposition to the proposed settlement. In view of the proximity of the November 15, 1975 termination date for the current interim curtailment plan on the Transco system, the Commission finds that good cause exists for the setting of a shortened period for the filing of comments on the proposed plan, and accordingly requires that all intial comments be filed on or before October 24, 1975. Copies of such comments will be available in the Office of Public Information of the Federal Power Commission. Replies to the initial comments may be filed and will be accepted on or before October 31, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28631 Filed 10-22-75;8:45 am]

[ER76-160]

GREEN MOUNTAIN POWER CORP.

Notice of Filing of Agreement

OCTOBER 21, 1975.

Take notice that on October 8, 1975, Green Mountain Power Corporation (Green Mountain) tendered for filing an agreement between itself and the Holyoke Gas and Electric Department of the City of Holyoke, Massachusetts, (Holyoke) by which Holyoke has agreed to buy 5.0 MW of the capacity of the Vermont Yankee Nuclear Power Plant at Vernon, Vermont and associated energy.

Green Mountain requests that the agreement become effective November 1, 1975. The termination date is to be April 30, 1978.

Green Mountain states that transmission arrangements are the sole responsibility of the buyer and that the charges related to the sale are to be determined by the actual cost of capacity and energy to the seller.

Green Mountain states that notice of this proposed agreement has been served on the Holyoke Gas and Electric Department of the City of Holyoke, Massachusetts, and on the Vermont Public Service Board.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28657 Filed 10-22-75;8:45 am]

[Docket No. ER76-167]

MISSISSIPPI POWER CO.

Notice of Filing of Agreement

OCTOBER 21, 1975.

Take notice that Mississippi Power Company (MPC) on October 8, 1975, tendered for filing Supplemental Agreement with Coast Electric Power Association (CEPA) under its FPC Electric Tariff Original Volume No. 1. This agreement establishes a new delivery point with CEPA at Diamondhead, effective November 1, 1975. To effect this new point, MPC and CEPA has entered into a supplemental agreement under the Company's FPC Electric Tariff Original Volume No. 1 (First Revised Sheet No. 14).

MPC agrees to deliver up to a maximum of 4,000 kilowatts at 115 KV at CEPA's 115 KV dead-end structure installed adjacent to MPC's transmission line right-of-way in the NE¼ of the SW¼ of Section 26, Township 7 South, Range 14 West, Hancock County, Mississippi.

MPC states that this supplement may not be terminated until November 1, 1980, or until five years after the date the power systems of parties are actually connected, whichever is later.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28866 Filed 10-22-75;8:45 am]

FEDERAL RESERVE SYSTEM

ALABAMA BANCORPORATION

Acquisition of Bank

Alabama Bancorporation, Birmingham, Alabama, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of Peoples Bank of Tuscaloosa, Tuscaloosa, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 19, 1975.

Board of Governors of the Federal Reserve System, October 17, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-28573 Filed 10-22-75;8:45 am]

UNICORP, INC.

Formation of Bank Holding Company

Unicorp, Inc., Anchorage, Alaska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of United Bank Alaska, Anchorage, Alaska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than November 3, 1975.

Board of Governors of the Federal Reserve System, October 14, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-28574 Filed 10-22-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of Receipt and Approval of Proposed Reports

The following requests for clearance of proposed reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on September 25, 1975. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt and the action taken by GAO.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Request for an extension, no change, of Report EEO–2, Apprenticeship Information Report. This report is required to be filed under Section 709(c) of the Civil Rights Act of 1964 by Joint Labor-Management Apprenticeship Committees only. It must be filed by or on behalf of each Joint Labor-Management Apprenticeship Committee subject to Title VII which has (a) five or more apprentices in its entire program; (b) at least one employer sponsoring the program who has 25 or more employees; and (c) at least one union sponsoring the program which operates a hiring hall or has 25 or more members. The filing deadline for the 1975 EEO–2 report will be October 31, 1975. Estimated number of respondents is 5,000 with each filing one report. Burden is estimated to be 2 hours per report.

Request for an extension, no change, of report EEO–2E, Apprenticeship Information Report. Report EEO–2E is required to be filed for every establishment with 25 or more employees by each employer who (a) has a total company-wide employment of 100 or more employees; (b) conducts and controls an employer-operated apprenticeship program; and (c) has five or more apprentices in the establishment. The filing deadline for the 1975–EEO–2E report will be October 31, 1975. Estimated number of respondents is 4,000 with each filing one report. Burden is estimated to be 2 hours per report.

Request for an extension, no change, of Report EEO–3, Local Union Report. This report is required to be filed under Section 709(c) of the Civil Rights Act of 1964 by or on behalf of all local unions subject to Title VII of the Act, which have 100 or more members. Each local union with 100 or more members must complete the basic form. The filing deadline for the 1975 EEO–3 report will be December 31, 1975. Estimated number of respondents is 25,000 with each filing one report. Burden is estimated to be 1.5 hours per report.

The above reports were submitted to GAO for an extension no change clearance. GAO previously restricted its clearance to one year because EEOC had planned to revise the forms during 1975. However, since the planned revision did not occur, GAO again granted a one-year clearance because EEOC now plans to revise the forms next year. The EEO–2 report was approved under number B-180541 (R0063); the EEO–2E report was approved under number B-180541 (R0064); and the EEO–3 report was approved under number B-180541 (R0065).

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-28612 Filed 10-22-75;8:45 am]

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on October 17, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before November 10, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–376–5425.

FEDERAL ENERGY ADMINISTRATION

Request for clearance of the FEA-P110–M–1, Monthly Cost Allocation Report. This is a revision to the FEO 96. This report will be required to be filed by refiners on a monthly basis during the period that regulations 10 CFR 212 Subparts E and K are in effect. Respondents will number approximately 240. The average response time is expected to be 40 hours per monthly report. Additionally, schedules F and G will be required to be filed retroactively by refiners who own interests in gas processing operations or who operate gas processing plants. These reports will be required for the full period of controls from August 1973. It is estimated that a maximum of 150 refiners will be required to file retroactive reports for each of about 28 months and that each monthly response will require 15 hours.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-28611 Filed 8-22-75;8:45 am]

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 15, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

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Written comments on the proposed FPC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before November 10, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL POWER COMMISSION

The Federal Power Commission (FPC) requests an extension no change clearance to continue to use FPC Form No. 1-F, Annual Report for Public Utilities and Licensees (Class C and Class D). This reporting requirement will apply to each public utility or licensee, as defined in the Federal Power Act which is included in Class C or Class D as defined in the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees. The FPC Form No. 1-F is filed annually on or before the last day of the third month following the calendar year. There will be approximately 12 respondents and it is estimated that an average of 40 hours will be required annually per response.

The Federal Power Commission (FPC) requests an extension no change clearance to continue to use FPC Form No. 1-M, Annual Report for Municipal Electric Utilities Having Annual Electric Operating Revenues of $250,000 or More. This reporting requirement will apply to each "municipality" as defined in Section 3 of the Federal Power Act (city, county, irrigation district, drainage district, or other political subdivision or agency or a State competent under laws thereof to carry on the business of developing, transmitting, utilizing or distributing power) which is engaged in generation, transmission, distribution or sale of electric energy, however produced, throughout the United States and its possessions, having annual electric operating revenues of $250,000 or more, whether or not the jurisdiction of the Commission is otherwise involved. The FPC Form No. 1-M is filed on or before the last day of the third month following the close of the calendar year or other established fiscal year. There will be approximately 728 respondents and it is estimated that an average of 40 hours will be required annually per response.

The Federal Power Commission (FPC) requests an extension no change clearance to continue to use FPC Form No. 2-A, Annual Report for Natural Gas Companies (Class C and Class D). This reporting requirement will apply to each natural gas company, as defined in the Natural Gas Act which is included in Class C and Class D as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies. The FPC Form No. 2-A is filed annually on or before the last day of the third month following the close of the calendar year. There will be approximately 24 respondents and it is estimated that an average of 40 hours will be required annually per response.

The Federal Power Commission (FPC) requests an extension no change clearance to continue to use FPC Form No. 5, Monthly Statement of Electric Operating Revenue and Income. This reporting requirement will apply to all Class A and Class B electric utilities both privately and publicly owned, who regularly file other FPC report forms and are subject to the Commission's reporting requirements. The FPC Form No. 5 is completed and filed by mail monthly within 45 days following the end of each month. There will be approximately 240 respondents and it is estimated that an average of 4 hours will be required for each response.

The Federal Power Commission (FPC) requests an extension no change clearance to continue to use FPC Form No. 6, Initial Cost Statement for Licensed Projects. This reporting requirement, which is filed on occasion, will apply to each licensee, not exempt by license provisions, in accordance with Sections 4.1, 4.10 and 4.20 of the Commission's Regulations Under the Federal Power Act. The FPC Form No. 6 is filed on occasion, when applicable, within one year after the original project is ready for service, showing the amount claimed by the licensee as the actual legitimate cost of construction of the original project and other cost data. There will be approximately 12 respondents annually and it is estimated that an average of 40 hours will be required per response.

The Federal Power Commission (FPC) requests an extension no change clearance to continue to use FPC Form No. 7, Statement of Actual Legitimate Original Cost of Construction. This reporting requirement will apply to each licensee who has filed an FPC Form No. 6, Initial Cost Statement for Licensed Projects and the Commission has issued its finding and order in such proceedings. The FPC Form No. 7 will show the actual legitimate cost revised in conformity with such order. The FPC Form No. 7 is filed on occasion in accordance with Sections 4.7, 4.14 and 4.25 of the Commission's Regulations Under the Federal Power Act. There will be approximately 12 respondents annually and it is estimated that an average of 32 hours will be required per response.

The Federal Power Commission (FPC) requests an extension no change clearance to continue the use of FPC Form No. 9, Annual Report Form for Licensees of Privately Owned Major Projects (Utility and Industrial). This reporting requirement will apply to all licensees of privately owned projects under Commission license (major) whether utility or industrial. The FPC Form No. 9 is filed annually on or before the last day of the fourth month following the close of the calendar year. There will be approximately 104 utilities filing FPC Form No. 9 for 600 licensed projects and it is estimated that an average of 23 hours will be required annually per response.

The Federal Power Commission (FPC) requests an extension no change clearance to continue to use FPC Form No. 11, Natural Gas Pipeline Company Monthly Statement. This reporting requirement will apply to each natural gas company (major) whose combined gas sales for resale and gas transported or stored for a fee exceeded 50 million Mcf in the previous calendar year.

The FPC Form No. 11 is filed monthly on or before 40 days after the end of the reported month. There will be approximately 34 respondents and it is estimated that an average of 24 hours will be required per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-28610 Filed 10-22-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[332-77]

CONDITIONS OF COMPETITION BETWEEN DOMESTIC AND IMPORTED SHRIMP

Place and Time of Public Hearing

Notice is hereby given that a public hearing to be held in connection with United States International Trade Commission Investigation No. 332-77, Conditions of Competition Between Domestic and Imported Shrimp, will be held in Kodiak, Alaska, at 10 a.m., A.s.t., on October 29, 1975, at the Kodiak Electric Association, 515 Marine Way. Requests for appearances at the hearing should be received by the Secretary of the Commission at his office in Washington, D.C., no later than noon of the fifth calendar day preceding the hearing.

Notice of Investigation and Hearings was published in the FEDERAL REGISTER on Tuesday, September 9, 1975 (40 FR 41856).

By order of the Commission.

Issued: October 20, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-28586 Filed 10-22-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75-84)]

LUNAR ADVISORY COMMITTEE

Notice of Date and Place of Meeting

The NASA Lunar Advisory Committee will meet at NASA Headquarters on November 10, 11 and 12, 1975. The meeting will be held on November 10 in Room 5026 and on November 11 and 12 in Room 6104 of Building FOB-6 located at 400 Maryland Avenue, S.W., Washington, D.C.

The meeting will begin at 9:00 a.m. and end at 6:00 p.m. on all days. The meeting is open to members of the public to within the 30-seat capacity of Room 5026 and 200-seat capacity of Room 6104.

The 15-member Lunar Advisory Committee serves in a consultative capacity to the National Aeronautics and Space Administration to review the NASA lunar programs and objectives. At the meeting the Committee will review the status of previous recommendations and action items and discuss the effect on the lunar program of the recent OSS reorganization. Discussions will also be held on the status of the anticipated Lunar Polar Orbiter mission. The greater part of the three-day meeting will consist of working sessions of two subcommittees of the Lunar Advisory Committee who are responsible for updating the Lunar Science Institute's booklet "Post-Apollo Lunar Science" and the Lunar advanced planning documents.

For further information regarding the meeting, please contact Dr. Edward A. Flinn, area code 202-755-1790.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

OCTOBER 16, 1975.

[FR Doc.75-28538 Filed 10-22-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

VISUAL ARTS ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Visual Arts Advisory Panel to the National Council on the Arts will be held on November 6, 1975 from 9:30 a.m.-5:30 p.m. in the 11th floor conference room of the Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-28568 Filed 10-22-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

AD HOC ADVISORY GROUP ON SCIENCE PROGRAMS (AGOSP)

Deferment of Meeting

Notice is hereby given of a deferment of the AGOSP meeting scheduled to be held in Tucson, Arizona, on October 31-November 1, 1975. This meeting was announced in the FEDERAL REGISTER on October 14, 1975, Vol. 40, No. 199, page 48188.

The purpose of the meeting was to (1) review the revised draft report of the NASA study, "Outlook for Space" and develop detailed critique and (2) address the question of the health of basic science in the U.S. Deferment is due to revisions in NASA's schedule for the report. The meeting will be rescheduled sometime later in the year and a notice will be published in the FEDERAL REGISTER announcing the new meeting date.

GAIL A. MCHENRY,
Acting Committee Management Officer.

OCTOBER 20, 1975.

[FR Doc.75-28581 Filed 10-22-75;8:45 am]

ADVISORY PANEL FOR HISTORY AND PHILOSOPHY OF SCIENCE

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting.

Name: Advisory Panel for History and Philosophy of Science. Date: November 8, 1975. Time: 9:30 a.m. Place: Rm. 338, National Science Foundation, 1800 G St., NW., Washington, D.C. Type of meeting: Closed.

Contact person: Dr. Ronald J. Overmann, Assistant Program Director for History and Philosophy of Science, Rm. 205, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4182.

Purpose of advisory panel: To provide advice and recommendations concerning support for research in History and Philosophy of Science.

Agenda: Review and evaluate research proposals that have been assigned to the History and Philosophy of Science Program.

Reason for closing: The proposals being reviewed contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6).

Authority to close meeting: The determination made on February 21, 1975, by the Director of the National Science Foundation pursuant to provisions of Section 10(d) of Pub. L. 92-463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

OCTOBER 20, 1975.

[FR Doc.75-28580 Filed 10-22-75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 75-29]

ACCIDENT REPORT; RESPONSES TO SAFETY RECOMMENDATIONS

Availability and Receipt

Highway Accident Report. The National Transportation Safety Board has released its report of an accident involving a tractor-semitrailer near Bishop, California, June 29, 1974. The report, No. NTSB-HAR-75-5, was released October 16, 1975. The Safety Board found the probable cause of the accident to be the loss of braking which permitted the tractor-semitrailer to run away. Loss of braking effectiveness was caused by improper adjustment of the brakes by the driver, the selection of too high a gear for descent, and a weight overload of the truck. The Board recommended that the Federal Highway Administration of the U.S. Department of Transportation (1) alert commercial vehicle drivers through an "On Guard" bulletin that they need to know company policy for on-the-road brake adjustment, its importance, how to do it properly, and how to detect maladjustment; (2) begin a cooperative government-industry study of "critical roadway characteristics information" which drivers should have to help them descend long/steep highway grades safely; (3) review State highway signs and develop "more adequate signing standards for various highway grades"; (4) require roadside signs at long/steep grades which give "critical roadway characteristic information"; and (5) establish a design policy providing escape routes when long/steep grades have "a potential for contributing to the generation of runaway vehicles." These recommendations, Nos. H-75-17 through 21, are contained in the accident report.

Responses to Safety Recommendations. During the past week, the Safety Board received letters in response to the following recommendations:

From the Federal Aviation Administration—

A-75-50 and 51 (40 FR 25861), letter dated September 26. Re A-75-50, FAA has undertaken a study of the "quick disconnect" seat installations on Piper Aircraft to determine whether a maintenance or a design problem is involved. A plan of action will be completed by November 15. Re A-75-51, FAA states, "We are unable to amend 14 CFR 23.785 (f) to require dynamic testing of seats at this time. Before undertaking regulatory action, criteria which includes input

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pulse shapes and response characteristics of seat/occupant systems, when subject to crash environments, must be available." FAA further states, "Necessary data are now being obtained by full-scale controlled crash tests being conducted at Langley Research Center. In addition, we are conducting seat/occupant tests at the National Aviation Facilities Experimental Center in Atlantic City and are establishing computer capability through mathematical modeling at our Civil Aeromedical Institute at Oklahoma City." When the projects are completed and realistic criteria established, regulatory action will be undertaken.

A–75–60 (40 FR 33287), letter of September 25. FAA concurs with the recommendation, and "will issue an Air Carrier Operations Bulletin which will require Principal Operations Inspectors to recommend to their assigned carriers that when extra flight attendants who are qualified and current on the aircraft are carried on board in excess of the required number of flight attendants, they should be assigned emergency duties and, where feasible, seat locations." FAA expected to issue the bulletin October 10.

A–75–70 and 71 (40 FR 40879), letter of September 26. Re A–75–70, FAA states that a change to Handbook 8260.19 is in preparation which will revise the procedural notes on approach plates when two conditions exist at night: (1) a straight-in approach to an unlighted runway where other lighted runways are available, and (2) the airport is without lights. All procedures involved will be revised by February 15, 1976. Re A–75–71, FAA does not agree that controllers should "Instead of an approach clearance, issue a clearance to cruise at the appropriate minimum en route/minimum obstruction altitude (MEA/MOCA) at night." FAA states, "This clearance would not prohibit a pilot from executing the approach and, therefore, would do nothing to prevent a recurrence."

From the United States Coast Guard—

M–75–9 through 11 (40 FR 33287), letter of October 6. The recommendations resulted from investigation of the explosion and fire on board the unmanned Tank Barge OCEAN 80 at Carteret, New Jersey, 25 October 1972. Re M–75–9, the Coast Guard states that new regulations for pollution prevention by vessels and oil transfer facilities became effective on 1 July 1974 (37 FR 28250). These regulations require a designated person in charge to personally supervise all phases of any oil transfer operation to which the regulations apply. Re M–75–10, the Coast Guard states, "The Coast Guard Captain of the Port inspects terminal facilities for fire extinguishing equipment and insures that the requirements of federal regulations as well as local ordinances are maintained. Changes are made to facilities when deemed appropriate. However, current regulations limit the ability of the Captain of the Port to enforce changes to fire fighting equipment. New regulations being drafted under the authority of the Ports and Waterways Safety Act (Pub. L. 92–340) will address the subject of fire-fighting equipment on terminals in more detail." Re M–75–11, the Coast Guard notes that the regulations at 33 CFR 154–156 are now being revised and updated and that a notice of proposed rulemaking will be published prior to March 1, 1976.

From Federal Highway Administration—

H–75–16 (40 FR 36628), letter of October 9. As recommended by the Board, FHA has reviewed the seven construction hazards along Interstate 495 in Fairfax County, Virginia, site of a fatal automobile accident January 11, 1975. Also, a joint State-FHA field inspection of all traffic-related aspects of the construction project has been made. FHA's letter details the efforts underway to minimize hazards to motorists in the area, and provides a copy of 11 recommendations for project improvement furnished September 4 to the FHA Regional Administrator in Baltimore for discussion with Virginia State officials. A copy of the State's initial response of September 16 to the FHA recommendations is also provided.

From the National Highway Traffic Safety Administration—

H–75–22 (40 FR 44198), letter of October 10. NHTSA intends in the near future to issue new final rules for schoolbus rollover protection, body joint strength, and passenger seating and crash protection, as well as amendments to Standards Nos. 217 and 301, respectively, for improved emergency exits and fuel system integrity. NHTSA states, "It is our assessment that the aggregate effect of these requirements will be to assure reasonable minimum safety levels for our Nation's school children who use buses."

From Materials Transportation Bureau—

HM–75–1 and 2 (40 FR 45480), letter of October 14, enclosing a copy of MTB's hazardous materials exemption regulations, published the following day at 40 FR 48465. MTB's response to the Board's recommendations is included in the preamble of the final rule. MTB comments, ". . . the Bureau is satisfied that the proposed regulations, modified as described in this preamble, reflect and accommodate the NTSB's Recommendations HM–75–1 and HM–75–2."

The highway accident report is available to the general public; single copies may be obtained without charge. A $4.00 user-service charge will be made for each recommendation response, in addition to a charge of 10¢ per page for reproduction. All requests must be in writing, identified by report and/or recommendation number and date of FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the report may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906))

MARGARET L. FISHER,
Liaison Officer.

OCTOBER 20, 1975.

[FR Doc.75–28594 Filed 10–22–75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 20, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

ENVIRONMENTAL PROTECTION AGENCY

Cost or Price Summary Format for Subagreements Under U.S. EPA Grants, 5700–XX, on occasion, contractors under EPA grants, General Services Administration, Lowry, R. L.

U.S. CIVIL SERVICE COMMISSION

Monthly Release of Federal Survey Readership, Civilian Manpower Statistics, S–173, single-time, agency personnel officers, Caywood, D. F. 395–8443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control, Causal Factors in Selected Worker Accidents, NIOSH 0729, single-time, individuals, Ellett, C. A. 395–5867.

Health Resources Administration, Evaluation of the Impact of HRA Programs on Regionalization of Health Care Services, OPEL 0829, single-time, individuals involved in health activities, human resources division, Reese & B. F. 395–3532.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of Census, Sheets, Pillowcases, and Towels—Production and Shipments, MQ–23X, annually, sheets and towels manufactures, Peterson M. O. 395–5631.

Bureau of Census, Survey of Expenditure and Employment for Civil and Criminal Justice Activities of Local Governments, CJ–6, annually, county and municipal governments, George Hall 395–6140.

Bureau of Census, Phosphatic Fertilizer Materials—Monthly Report on Production Shipments and Stocks, M28D, monthly, fertilizer manufacturers, Peterson, M. O. 395–5631.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration, Bulk Tank Milk Sampling, FD 2399A, on occasion, FDA and State certified sampling and laboratory survey, officers, Lowry, R. L. 395–3772.

Health Resources Administration, Survey of Allied Health Training Programs in Junior and Senior Colleges 1975, BHM 0925, single-time, colleges and universities, Dick Elsinger, 395–6140.

DEPARTMENT OF LABOR

Labor-Management and Service Administration, Plan Description Report, EBS–1, other (see SF–83), administrators of pension and welfare plans, Caywood, D. F., 395–3443.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of East-West Trade, Shipper's Exp. Dec. Summary Monthly Rept.-Certification of Compliance With Exp. Control Regulations, 7525–M, monthly, commercial exporters, Marsha Traynham, 395–4529.

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Division (ESA), Confidential Information Form (Employment), WH–3, on occasion, individuals, Harry B. Shefte[illegible]

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–28604 Filed 10–22–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[STN 50–491, 50–492, 50–493]

DUKE POWER CO. (CHEROKEE NUCLEAR STATIONS, UNITS 1, 2 AND 3)

Order Scheduling Evidentiary Hearing

A hearing will commence at 10 a.m. November 5, 1975, in the Courtroom, Cherokee County Court House, Gaffney, South Carolina, to receive evidence relating to the application of Duke Power Company for a permit to construct three nuclear power reactors in Cherokee County, South Carolina. To be considered at this hearing are whether or not the site proposed for the reactors is suitable from the standpoint of radiological health and safety and issues relating to environmental matters.

The public is invited to attend. Any person who has asked to make a limited appearance may state his views or file a written statement at the time and place above set out or at such later time as the Board may designate.

It is so ordered.

Dated at Bethesda, Maryland, this 17th day of October, 1975.

ATOMIC SAFETY AND LICENSING BOARD,
FREDERIC J. COUFAL,
Chairman.

[FR Doc.75–28541 Filed 10–22–75;8:45 am]

[Docket Nos. 50–461 & 50–462]

ILLINOIS POWER COMPANY (CLINTON POWER STATION, UNITS 1 AND 2)

Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this proceeding:

Alan S. Rosenthal, Chairman, Dr. John H. Buck, Member, Michael C. Farrar, Member.

Dated: October 17, 1975.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75–28540 Filed 10–22–75;8:45 am]

DEPARTMENT OF LABOR

[TA–W–192]

Office of the Secretary

L. GRIEF AND BROTHERS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 26, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of L. Grief and Brothers, Division of Genesco, Incorporated, Baltimore, Maryland (TA–W–192). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits, sport coats and pants and vests produced by L. Grief and Brothers or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 10 days after this notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 26th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75–28584 Filed 10–22–75;8:45 am]

[TA–W–117]

ONEIDA LIMITED

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–117; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 14, 1975 in response to a worker petition received on August 14, 1975 which was filed by workers formerly producing stainless steel flatware at the Sherrill, New York plants of Oneida Limited, Oneida, New York.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 37277) on August 26, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Oneida Limited, its customers, U.S. Department of Commerce, U.S. International Trade Commission, Stainless Steel Flatware Manufacturers Association, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have

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become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers declined 18 percent in the first half of 1975 compared to the like period in 1974. Average weekly hours declined 5 percent in the first half of 1975 compared to the like period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production of stainless steel flatware at the Sherrill, New York plants declined 23.4 percent in the first half of 1975 compared to the first half of 1974. Unit sales declined 29 percent in the first half of 1975 compared to the first half of 1974.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with stainless steel flatware produced at Oneida Limited increased from 2.82 million pieces in 1972 to 3.59 million pieces in 1974. The ratios of imports to domestic consumption and production increased from 63.1 percent and 166.5 percent, respectively in the first half of 1974 to 72.8 percent and 261.2 percent in the first half of 1975.

The evidence developed by the Department's investigation indicates that the separation of workers engaged in employment related to the production of stainless steel flatware at the Sherrill, New York plants of Oneida, Limited was caused importantly by the increase of competitive imports.

Production of stainless steel flatware is a highly labor intensive process. Competitors in low-wage countries have comparative advantage. Increases in raw materials prices have offset any advantage Oneida had under the tariff rate quota scheme. Customers reduced or discontinued purchases in favor of like quality, lower priced imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless steel flatware produced at the Sherrill plants contributed importantly to the total or partial separation of the workers of those plants. In accordance with the provisions of the Act, I make the following certification:

"All hourly, piecework, and salaried workers engaged in employment related to the production of stainless steel flatware at the Sherrill, New York plants of Oneida Limited, Oneida, New York who became totally or partially separated from employment on or after December 29, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 15th day of October 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.75-28586 Filed 10-22-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 84]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 17, 1975.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and on or before December 22, 1975, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2202 (Sub-No. 498) filed September 30, 1975. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Ave. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Serving the plantsite of W. R. Grace Co.-Washington Research Center located at or near Columbia, Md., as an off-route point in connection with applicant's present regular route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Atlanta, Ga.

No. MC 2228 (Sub-No. 65), filed October 1, 1975. Applicant: MERCHANTS FAST MOTOR LINES, INC., East Highway 80 (P.O. Drawer 591), Abilene, Tex. 79604. Applicant's representative: Jerry Prestridge, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Jacksboro, Tex. and Decatur, Tex., serving Jacksboro and Decatur for the purpose of joinder only and serving no intermediate points as an alternate route for operating convenience only in connection with carrier's authorized regular route operation: From Jacksboro over U.S. Highway 380 to Decatur and return over the same route; and (2) Between Bridgeport, Tex. and Rhome, Tex., serving Bridgeport for the purpose of joinder only, and serving no intermediate points as an alternate route for operating convenience only in connection with carrier's authorized regular route operations: From Bridgeport over Texas Highway 114 to Rhome and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 4405 (Sub-No. 523), filed October 2, 1975. Applicant: DEALERS TRANSIT, INC., 2200 E. 170th Street, P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Leonard L. Bennett, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers* and *trailer chassis*, (other than those designed to be drawn by passenger automobiles), in initial movements, in truckaway and driveaway service, and (2) *converter* dollies, from Pargould, Ark., to points in the United States (except Alaska and Hawaii); and (3) *tractors* in secondary movements in driveaway service only when drawing commodities named in (1) above moving in initial driveaway service, from Pargould, Ark., to points in Arizona, Nevada, Oregon and Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn., or Little Rock, Ark.

No. MC 5623 (Sub-No. 26), filed October 2, 1975. Applicant: ARROW TRUCKING CO., P.O. Box 7280, Tulsa, Okla. 74105. Applicant's representative: J. G. Dail, Jr., 1111 E Street, N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal tubing and pipe*, plain or fabricated, other than oilfield; and (2) *materials, and supplies* used in, or in connection with, the manufacture, fabricating, or distribution of the commodities named in (1) above, between Mannford and Sand Springs, Okla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to the facilities of Southwest Tube Mfg. Co. at Mannford and Sand Springs, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tulsa, Okla.

No. MC 8535 (Sub-No. 56) filed September 29, 1975. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, Interstate 83 at Route 439, P.O. Box 500, Parkton, Md. 21120. Applicant's representative: John Guandolo, 1000 Sixteenth Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranes, crane parts, attachments and accessories*, and *materials, equipment and supplies* used in the manufacture of such commodities, between the plantsite and facilities of FMC Corporation at or near Bowling Green, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Delaware, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Louisville, Ky., or Nashville, Tenn.

No. MC 17051 (Sub-No. 17) (Amendment) filed September 9, 1975, published in the FEDERAL REGISTER issue of October 2, 1975, republished as amended this issue. Applicant: BARNET'S EXPRESS, INC., 758 Lidgerwood Avenue, Elizabeth, N.J. 07202. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, (on hangers), *equipment, materials and supplies* used or useful in the manufacture and sale of wearing apparel (except in bulk and except as presently authorized), between Newark, Perth Amboy, and Trenton, N.J., Johnstown, N.Y., on the one hand, and, on the other, Bridgeport, Conn. and points in Tennessee and Georgia.

NOTE.—The purpose of this republication is to amend the territorial description of this proceeding. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 22195 (Sub-No. 163), filed September 29, 1975. Applicant: DAN DUGAN TRANSPORT COMPANY, 41st & Grange Avenue, Sioux Falls, S. Dak. 57105. Applicant's representative: (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of C. F. Industries, Inc., located near Glenwood, Minn., to points in North Dakota, South Dakota, Iowa, Wisconsin and Minnesota; (2) *anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of C. F. Industries, Inc., located near Grand Forks, N. Dak., to points in Minnesota, South Dakota, North Dakota and Montana; and (3) *nitrogen fertilizer solutions*, in bulk, in tank vehicles, from the storage facilities of C. F. Industries, Inc., located near Grand Forks, N. Dak., to points in South Dakota, Minnesota, North Dakota and Montana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Sioux Falls, S. Dak.

No. MC 29120 (Sub-No. 194) filed September 29, 1975. Applicant: ALL-AMERICAN, INC., P.O. Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and other facilities of Minnesota Mining and Manufacturing Company at or near Knoxville, Iowa as off-route points in connection with applicant's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn., or Des Moines, Iowa.

No. MC 30844 (Sub-No. 582), filed September 15, 1975. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Larry Strickler & John P. Rhodes, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Medical and surgical supplies* requiring protective service, in vehicles equipped with mechanical refrigeration, (1) from Sumter, S.C., to New York, N.Y. and points in its Commercial Zone; Atlanta, Ga., Chicago, Ill., Dallas, Tex.; Los Angeles, Calif. and Parsippany, N.J.; and (2) from Broken Bow, Holdrege, Columbus and Santre Indiana Reservation at or near Niabrara, Nebr., to Atlanta, Ga., Dallas, Tex. and Parsippany, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 42487 (Sub-No. 842) filed September 25, 1975. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, P.O. Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite distribution center of Lake Center Industries located in High Forest Township, (Olmstead County), Minn., near Rochester, Minn., as an off-route point in connection with carrier's otherwise authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the ap-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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plicant requests it be held at Minneapolis, Minn.

No. MC 47038 (Sub-No. 22), filed October 1, 1975. Applicant: GRAHAM SHIP BY TRUCK COMPANY, a Corporation, 1428 West 9th Street, Kansas City, Mo. 64101. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the construction site and plant of the Iatan Power Plant located at or near Iatan, Mo., as an off-route point in connection with applicant's regular route operations to and from Kansas City, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 51146 (Sub-No. 446), filed September 26, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stuffed toys*, from Kansas City, Mo., to points in Minnesota, Iowa, Missouri, Illinois, Wisconsin, Michigan, Indiana, Ohio, Kentucky, Tennessee, Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 52781 (Sub-No. 3) filed September 29, 1975. Applicant: OVERCASH TRANSFER, INC., P.O. Box 3117 C.R.S., Rock Hill, S.C. 29730. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, veneer, fiberboard and hardboard*, coated or uncoated, (1) between points in North Carolina, on the one hand, and, on the other, points in South Carolina; (2) from points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia and West Virginia to points in North Carolina and South Carolina; and (3) from points in Orangeburg and Colleton Counties, S.C., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Delaware, Maryland, Pennsylvania, Ohio and the District of Columbia, under a continuing contract or contracts with Forest Lumber Company; Holly Hill Lumber Company and Southern Forest Products Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, N.C. or Atlanta, Ga.

No. MC 56244 (Sub-No. 41), filed September 29, 1975. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. #2, Gardners, Pa. 17324. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 N. Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen commodities and commodities in bulk), from the plantsite and storage facilities of California Canners and Growers, in Conewago Township (Adams County), Pa., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and West Virginia, restricted to the transportation of shipments originating at the above origin and destined to the above-named states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 59293 (Sub-No. 2), filed September 29, 1975. Applicant: FISCHKELTA TRUCKING, INC., 1145 Edgewater Avenue, Ridgefield, N.J. 07657. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products and materials, equipment and supplies* used in the manufacture and sale of paper and paper products (except commodities in bulk), between the facilities of Lowe Paper Co. and Lowe Fibre Corporation, located at Ridgefield, N.J., on the one hand, and, on the other, points in New York, Connecticut, Rhode Island, Massachusetts, Pennsylvania, Maryland, Delaware and the District of Columbia, under a continuing contract or contracts with Lowe Paper Co. and Lowe Fibre Corporation located at Ridgefield, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Newark, N.J.

No. MC 59640 (Sub-No. 46), filed September 24, 1975. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive, Cranford, N.J. 07060. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Health care products*, including disposable and non-disposable surgical and hospital supplies, equipment, and materials; oxygen administering apparatus, atomizers or nebulizers; bandages; plastic specimen bottles; canes; crutches, invalid chairs; walkers; laboratory glassware, disposable surgeons drapes; gowns, sheets, pillowcases, towels, leggings, bedding pads, caps (except millinery) made from non-woven fabric, in kits or packs with or without accessories; medical or surgical instruments; needles; paper or steel bottle tags; inpatient treatment kits and parts thereof, (1) Between Billerica, Mass., Murray Hill, N.J., Fitzwilliam, N.H. Covington, Ga., and Upland, Calif.; (2) From Lawrence, Kans., to Billerica, Mass., Murray Hill, N.J., Covington, Ga., Dallas, Tex., Los Angeles, Calif., and Itasca, Ill.; (3) From Billerica, Mass., Murray Hill, N.J., Covington, Ga, and Upland, Calif., to Dallas, Tex., Itasca and Chicago, Ill., Los Angeles, Calif., and Detroit, Mich.; and (4) Between Providence, R.I., and Murray Hill, N.J., restricted to traffic moving between the plants, warehouses, and other facilities of C.R. Bard, Inc., at the above-named points, under a continuing contract or contracts with C.R. Bard, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Newark, N.J., or New York, N.Y.

No. MC 60251 (Sub-No. 10), filed October 2, 1975. Applicant: P & D TRANSPORTATION, INC., Connell Highway, Newport, R.I. 02840. Applicant's representative: Frederick T. O'Sullivan, P.O. Box 2184, 622 Lowell Street, Peabody, Mass. 01960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats and boat accessories*, when transported in the same vehicle with boats of which they are a part, or to which they are to be attached, between points in Rhode Island, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, New York, New Jersey, Maryland, Delaware, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 61592 (Sub-No. 369) filed September 29, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. #3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies* used in the manufacturing of mobile homes, from points in Canyon and Ada Counties, Idaho, to Red Deer, Alberta, Canada through ports of entry on the International Boundary line between the United States and Canada located at Sweetgrass and Roosville, Mont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 61592 (Sub-No. 370) filed September 29, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. #3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements, and parts, and accessories*, from Yazoo City, Miss. and Louisville, Ky., to Peoria, Ill., St. Louis, Mo. and Madison, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 62254 (Sub-No. 3), filed September 26, 1975. Applicant: C M R TRANSPORTATION, INC., P.O. Box 267, Bound Brook, N.J. 08805. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint paper, ground wood paper, and printing paper*, in rolls, from the facilities of Brook's Warehouse in Bridgewater Township, N.J., to Bridgeton, Dover, Freehold, Parsippany, Phillipsburg, Red Bank, Toms River, and Willingboro, N.J., restricted to the transportation of traffic having a prior movement by rail.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J. or New York, N.Y.

No. MC 63417 (Sub-No. 78) filed September 19, 1975. Applicant: BLUE RIDGE TRANSFER COMPANY, a Corporation, P.O. Box 13447, Roanoke, Va. 24034. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, in cartons, from Jacksonville, Fla., and its Commercial Zone, in Palatka, Fla., to points in Arkansas, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Roanoke, Va.; Jacksonville, Fla.; or Washington, D.C.

No. MC 69116 (Sub-No. 177) filed October 6, 1975. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe, and fittings, and accessories*, for cast iron pipe, from Lynchburg, Va., to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, West Virginia, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 73165 (Sub-No. 369) filed September 17, 1975. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: William P. Parker, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel sidewalk and footwalk grating*, from Pittsburgh, Pa., to points in Arizona, Arkansas, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Tennessee, Utah, Washington and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa. and New York, N.Y.

No. MC 73165 (Sub-No. 370), filed September 24, 1975. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc and zinc products, and material and supplies* used in the manufacture and distribution of zinc and zinc products (except in bulk, in tank vehicles), between the facilities of American Smelting and Refining Co., Inc., located at Corpus Christi, Tex., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii and Texas).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas or Houston, Tex.

No. MC 75320 (Sub-No. 182) filed September 23, 1975. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Applicant's representative: P. E. Adams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the junction of U.S. Highways 69 and 70, at or near Durant, Okla. for purposes of joinder only.

NOTE.—Applicant presently holds the requested service in connection with the existing authority in MC 75320 Sub-Nos. 144, 153, 173. The purpose of this application is to extend the service to applicant's existing authority in Sub-Nos. 165 and 169. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 87909 (Sub-No. 20), filed September 29, 1975. Applicant: ARROW MOTOR FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: John P. Rhodes, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial fertilizer*, in bags, from Estherville, Iowa, to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant does not request a location.

No. MC 95540 (Sub-No. 933), filed September 26, 1975. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, P.O. Box 1636, Lakeland, Fla. 33891. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road, N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 290 and 766, from Tupelo, Miss., to points in California and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga.; Orlando, Fla.; or Washington, D.C.

No. MC 102295 (Sub-No. 28), filed September 22, 1975. Applicant: GUY HEAVENER, INC., 480 School Lane, Harleysville, Pa. 19438. Applicant's representative: Maxwell A. Howell, 1511 K Street, N.W., Suite 1100, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, from points in New York, New Jersey, West Virginia, Virginia, Pennsylvania, Maryland, Delaware, Connecticut, Ohio, and the District of Columbia, to Philadelphia, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 104896 (Sub-No. 46), filed September 25, 1975. Applicant: WOMELDORF, INC., P.O. Box G, Knox, Pa. 16232. Applicant's representative: James W. Patterson, 2100 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glazing units, glass and glass products, and machinery, materials, equipment and supplies*, used or useful in connection with the manufacture, sale, transportation or distribution of glazing units, glass and glass products (except commodities in bulk), between the plantsites of Fourco Glass Company, at Jerry's Run (Flemington District, Taylor County), W. Va., on the one hand, and, on the other, points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of shipments originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 106644 (Sub-No. 215), filed October 7, 1975. Applicant: SUPERIOR TRUCKING COMPANY, INC., Post Office Box 916, Atlanta, Ga. 30301. Applicant's representative: W. Randall Tye, 1500 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air pollution control equipment and parts* thereof,

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from points in California, Arizona, and Ohio, to points in the United States including Alaska, but excluding Hawaii, restricted to traffic originating at plantsites, warehouses, and shipping facilities of Industrial Clean Air, Inc. and subcontractors thereof, located in the above named origin points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Washington, D.C.

No. MC 106644 (Sub-No. 216), filed October 7, 1975. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: W. Randall Tye, 1500 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers for air, gas, or liquids; machinery and equipment*, for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids; and (2) *parts, materials, equipment, and supplies*, used in the manufacture, distribution, installation, or operation of those items named in (1) above (except in bulk), between points in Monroe, Randolph, and Perry Counties, Ill., and St. Clair County, Ill. on and south of State Highways 177 and 158, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to the plantsite and warehouse facilities of the Singer Company at Monroe, Randolph, Perry, and St. Clair Counties, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107010 (Sub-No. 59), filed September 29, 1975. Applicant: BULK CARRIERS, INC., P.O. Box 423, Auburn, Nebr. 68305. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the terminal site of Agrico Chemical Company at or near Falls City, Nebr., to points in Iowa, Missouri, and Kansas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107064 (Sub-No. 109), filed October 6, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, 2808 Fairmount Street, Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the plantsites and storage facilities of Southern Union Oil Products Company and Famariss Oil Corporation in Lea County, N. Mex., to points in the United States (except Alaska, Arizona, Colorado, and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 107295 (Sub-No. 777), filed September 29, 1975. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, frames, and door and door frame parts and hardware*, from Richmond, Ind., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 779), filed October 1, 1975. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, flakeboard, and particleboard*, from Grand Rapids and Kentwood, Mich., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107403 (Sub-No. 950), filed September 23, 1975. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Campari concentrate*, in bulk, in tank vehicles, from Baltimore, Md., to Lawrenceburg, Ky.; (2) *coloring syrup*, in bulk, in tank vehicles, from Louisville, Ky., to Dallas, Tex.; and (3) (a) *liquid sugar*, in bulk, in tank vehicles, and (b) *corn syrup and blends of liquid sugar and corn syrup, or high fructose corn syrup*, in bulk, in tank vehicles, from Houma, La., to points in Alabama, Arkansas, Florida, Mississippi, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 951), filed September 29, 1975. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oils and vegetable oil products* (except vegetable oil products which are chemicals), in bulk, in tank vehicles, from the plantsite of Cargill, Inc., at or near Fayetteville, N.C., to points in Alabama, the District of Columbia, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Michigan, Ohio, Pennsylvania, Texas, and Virginia and (2) *vegetable oils*, in bulk, in tank vehicles, from the plantsites of Cargill, Inc., at or near Chesapeake, Va., and Gainesville, Ga., to the plantsite of Cargill, Inc., at or near Fayetteville, N.C.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108703 (Sub-No. 30), filed September 29, 1975. Applicant: LEE & EASTES TANK LINES, INC., 2418 Airport Way South, Seattle, Wash. 98134. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon dioxide*, in bulk, in tank vehicles, from Seattle, Wash. and points in Benton and Clark Counties, Wash., to points in Oregon, Idaho, and Montana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 109365 (Sub-No. 39), filed October 3, 1975. Applicant: RONALD A. PATTERSON, doing business as ANTHONY & PATTERSON TRUCK LINE, P.O. Box 16, Ashdown, Ark. 71822. Applicant's representative: John Duncan Varda, P.O. Box 2509, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, and *products* produced or distributed by manufacturers and converters of paper and paper products: (1) from points in Little River County, Ark., to points in Colorado, Michigan, Minnesota, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, West Virginia, and Wisconsin; and (2) from points in Portage and Wood Counties, Wis., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New Orleans, La.

No. MC 109397 (Sub-No. 322), filed September 25, 1975. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Bus. Rte I-44 east, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cremators and accessories*, from points in Orange County, Fla., to points in the United States including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Miami, Fla., or Atlanta, Ga.

No. MC 110686 (Sub-No. 49), filed October 2, 1975. Applicant: McCORMICK BRAY LINE, INC., Avis, Pa. 17721. Applicant's representative: David A. Sutherland, 1140 Connecticut Ave. NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building panels, building parts, and materials, accessories, and supplies* used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk), from the plantsite and storage facilities of Butler Manufacturing Company, at or near Annville, Lebanon County, Pa., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111812 (Sub-No. 518), filed September 26, 1975. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks, 900 West Delaware, Sioux Falls, S. Dak. 57104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery*, when moving in mechanically refrigerated vehicles, from Reno, Nev., to points in Oregon, Washington, California, and Idaho, restricted to the transportation of traffic having a prior movement for purposes of storage in transit.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 111812 (Sub-No. 519), filed September 29, 1975. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, Sioux Falls, S. Dak. 57104. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between the plantsites and warehouse facilities of Minnesota Mining and Manufacturing Company located at or near Aberdeen and Brookings, S. Dak., on the one hand, and, on the other, points in California; and (2) from the plantsites and warehouse facilities of Minnesota Mining and Manufacturing Company located at or near Aberdeen and Brookings, S. Dak., to West Caldwell, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 112016 (Sub-No. 11), filed September 17, 1975. Applicant: BENMAR TRANSPORT & LEASING CORP., 405 Third Avenue, Brooklyn, N.Y. 11215. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by ready-to-wear retail apparel stores and *supplies* used in the conduct of such business, between New York, N.Y., and Secaucus, N.J., on the one hand, and, on the other, points in Texas, under a continuing contract or contracts with, Jubilee Shops, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 112801 (Sub-No. 179), filed October 1, 1975. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Litharge*, dry, in bulk, in tank vehicles, from Chicago, Ill., to points in Arkansas, Minnesota, Iowa, Ohio, Michigan, Kentucky, Indiana, Missouri, Wisconsin, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113624 (Sub-No. 70), filed October 2, 1975. Applicant: WARD TRANSPORT, INC., P.O. Box 735, Pueblo, Colo. 81001. Applicant's representative: Marion F. Jones, Suite 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the terminal site of Agrico Chemical Co. located at or near Falls City, Nebr., to points in Iowa, Missouri, and Kansas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 113855 (Sub-No. 324), filed August 1, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut log and wood building*, knocked down, and *materials and supplies* (including but not limited to doors and windows) used in the construction, installation, and erection thereof, from points in Missoula County, Mont., to points in Washington, Oregon, California, Nevada, Utah, Colorado, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Indiana, Kentucky, Ohio, the Lower Peninsula of Michigan, points in Nebraska and Kansas on and east of U.S. Highway 81 and points on the International Boundary line between the United States and Canada located at or near Blaine, Sumas, Laurier, and Oroville, Wash.; Pigeon River, Noyes, and International Falls, Minn.; Pembina and Portal, N. Dak.; Sweetgrass, Mont. and East Port and Porthill, Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at a consolidated with A & M Hauling, Inc., Sammons Trucking, Morgan Drive-Away, Inc., and System Transport, Inc., at either Billings or Missoula, Mont.

No. MC 113861 (Sub-No. 64), filed October 2, 1975. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, Tenn. 38106. Applicant's representative: James N. Clay, III, 2700 Sterick Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Nashville, Tenn., to points in Arkansas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Little Rock, Ark.

No. MC 113908 (Sub-No. 354), filed October 2, 1975. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wine, wine products, alcohol, neutral spirits, distilled spirits*, in bulk, from Atlanta, Ga., to Tampa, Fla.; (2) *vinegar, vinegar stock, vinegar stock concentrate*, in bulk, from Alton, Ill., Evansville, Ind., and Manitowoc, Wis., to Wichita, Kans.; (3) *wine and wine products*, in bulk, from Atlanta, Ga., to Boston, Mass.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., Chicago, Ill., or Washington, D.C.

No. MC 115654 (Sub-No. 43), filed October 1, 1975. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 1193, No. 1, Candy Lane, Nashville, Tenn. 37202. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen doughnuts*, from the plantsites and warehouse facilities of Tennessee Doughnut Co., at or near Nashville, Tenn., to points in Alabama South of U.S. Highway 278, and points in Georgia, Indiana, Ohio, Arkansas, Mississippi, Missouri, and Illinois (except the St. Louis, Mo.-E. St. Louis, Ill. Commercial Zones).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 116514 (Sub-No. 34), filed October 1, 1975. Applicant: EDWARDS TRUCKING, INC., P.O. Box 428, Hemingway, S.C. 29554. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, sales kits, and such commodities* as are useful as premium merchandise (except in bulk), between Hemingway, S.C., and points within five miles of Hamingway, S.C., on the one hand, and, on the other, points in the United States in and east of Minnesota, Iowa, Missouri, Oklahoma, and Texas.

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NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 116947 (Sub-No. 47), filed September 23, 1975. Applicant: SCOTT TRANSFER CO., INC., 920 Ahsby St., SW., Atlanta, Ga. 30310. Applicant's representative: William Addams, 5299 Roswell Road NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *55 gallon* plastic drums (density not less than 3 pounds per cubic foot), from the plantsite of Container Corporation of America at or near Lithonia, Ga., to points in Alabama, Florida, North Carolina, South Carolina, Mississippi, Tennessee, Virginia, Louisiana, New Jersey, Pennsylvania, Illinois, Arkansas, Texas, and Delaware; and (2) *materials and supplies* used in the manufacture of fibreboard or pulpboard drums, plastic drums, and corrugated fibreboard boxes, from Addiston, Ill., and Wilmington, Del., to the plantsite of Container Corporation of America at or near Lithonia, Ga., under a continued contract or contracts with Container Corporation of America.

NOTE.—Applicant holds common carrier authority in MC 117956 (Subs 2 and 8), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 117956 (Sub-No. 10), filed October 1, 1975. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street SW., Atlanta, Ga. 30310. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal containers, metal container ends, pallets, paper shrouds, chipboard, lacquer* in drums, *decorated tin plates*, in sheets, *sheet plastic and bottle caps*, (a) between the plantsite of Crown Cork & Seal Company, Inc., located at Atlanta, Ga., on the one hand, and, on the other, points in Indiana; and (b) between the plantsites of Crown Cork & Seal Company, Inc., located at Chicago and Bradley, Ill., on the one hand, and, on the other, points in Georgia, Kentucky, and Tennessee; (2) *metal containers and container ends*, (a) between the plantsites of Crown Cork & Seal Company, Inc., located at Atlanta, Ga., Birmingham, Ala., Spartanburg, S.C., Baltimore, Md., Philadelphia, Pa., and Bartow and Orlando, Fla.; and (b) between the above-named plantsites on the one hand, and, on the other, Louisville, Ky., and points in Alabama, Florida, Georgia, North Carolina, and South Carolina; (3) *lacquer*, in containers, and *decorated tin plates*, in sheets, from the plantsite of Crown Cork & Seal Company located at Atlanta, Ga., to Birmingham, Ala., Spartanburg, S.C., Philadelphia, Pa., and Bartow and Orlando, Fla.; (4) *metal containers, container closures, lacquer* in containers, *decorated tin plate* in sheets and *sheet plastic*, (a) between the plantsite of Crown Cork & Seal Company, Inc., located at Winchester, Va., and the plantsites of Crown Cork & Seal Company, Inc., located at Atlanta, Ga., Birmingham, Ala., Spartanburg, S.C., Baltimore, Md., Philadelphia, Pa., and Bartow and Orlando, Fla.; and (b) between the plantsite of Crown Cork & Seal Company, Inc., located at Winchester, Va., and the plantsites of Crown Cork & Seal Company, Inc., located at Atlanta, Ga., Birmingham, Ala., Spartanburg, S.C., Baltimore, Md., Philadelphia, Pa., and Bartow and Orlando, Fla., on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

(5) (a) *Metal containers*, (b) *metal container parts*, (c) *materials and equipment* used in connection with the distribution of metal containers, and (d) *metal container ends*, from Fruitland, Md., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee; (6) *metal containers*, from the plantsites of National Can Corporation, located at Baltimore, Md., Long Island City, N.Y., Edison, N.J., Collierville, Tenn., and Hamburg, Pa., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas; (7) *metal containers, and equipment, materials, and supplies* used in the manufacture, sale and distribution of metal containers and metal container ends, between the facilities of National Can Corporation, located at Madisonville, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Kansas, Missouri, Oklahoma, and Texas; (8) *metal cans and can ends*, from the facilities of the Ball Corporation, located at or near Williamsburg, Va., to the facilities used by Anheuser-Busch, located at or near Jacksonville, Fla.; and (9) *metal containers, metal container ends, shrouds, pallets, chipboard, and dunnage materials*, (a) between Memphis, Tenn., and Winston-Salem, N.C.; and (b) between Tampa, Fla., and Winston-Salem, N.C.

NOTE.—Applicant has the authority to provide the service listed in 6, 7, and 8 above as a contract carrier under MC 116947 subs 7, 22, and 31 respectively. Applicant holds contract carrier authority in MC 116947 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 118142 (Sub-No. 102), filed September 29, 1975. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from the manufacturing plant or warehouse of Gourmet Food Products, Inc., located at Boardman, Oreg., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wichita or Kansas City, Kans.

No. MC 118831 (Sub-No. 126) filed September 29, 1975. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oils, animal and vegetable oil products, animal and vegetable oil by-products, and blends thereof*, in bulk, between Fayetteville, N.C., on the one hand, and, on the other, points in Alabama, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania South Carolina, Tennessee, Texas, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Raleigh, N.C.

No. MC 119547 (Sub-No. 43), filed September 29, 1975. Applicant: EDGAR W. LONG, INC., Route 4, 3815 Old Wheeling Road, Zanesville, Ohio 43701. Applicant's representative: Richard H. Brandon, 220 West Bridge Street, P.O. Box 97, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flat glass, glassware*, and *clay products* (except in bulk), from Jeannette, Pa., and Sebring, Ohio, to points in the United States (except Alaska, Hawaii, and Pennsylvania), restricted against the transportation of glassware from Jeannette, Pa., to points in Florida, Arkansas, and Louisiana; (2) *materials, equipment, and supplies* (except in bulk) used in the manufacture, packaging, and distribution of flat glass, glassware, and clay products, from points in the United States (except Alaska, Hawaii, and Pennsylvania), to Jeannette, Pa., and Sebring, Ohio; (3) *plastic articles*, from Lake City and Girard, Pa., to points in the United States (except Alaska, Hawaii, and Pennsylvania); and (4) *materials, equipment, and supplies* (except in bulk), used in the manufacture, packaging, and distribution of plastic articles, from points in the United States (except Alaska, Hawaii, and Pennsylvania), to Lake City and Girard, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 119726 (Sub-No. 63), filed October 2, 1975. Applicant: N.A.B. TRUCKING CO., INC., 3220 Bluff Road, Indianapolis, Ind. 46217. Applicant's representative: James Beattey, Suite 1000, 130 East Washington Street, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber tire tubes*, from the facilities of Cooper Tire & Rubber Company, at or near Clarksdale, Miss., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 119934 (Sub-No. 205), filed September 26, 1975. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, corn syrup, and blends*, in tank or hopper-type vehicles, from points in Terrebonne and Lafourche Parishes, La., to points in Alabama, Arkansas, Florida, Mississippi, Tennessee, and Texas.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or New Orleans, La.

No. MC 120737 (Sub-No. 31), filed October 1, 1975. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, Ill. 61520. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors); (2) *agricultural machinery and implements;* (3) *attachments* for (1) and (2) above; (4) *such merchandise* as is dealt in by lawn and garden stores (except chemicals in bulk); and (5) *twine*, from Milan, Ill., to points in Illinois and Iowa, (a) items 3, 4, and 5 are restricted to traffic moving in mixed loads with items 1 or 2; and (b) restricted to the transportation of traffic originating at the facilities used by International Harvester Company, located at Milan, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 121607 (Sub-No. 5), filed August 18, 1975. Applicant: COLUMBIA PACIFIC TRANSPORT CO., a Corporation, 208 N. Gum Street, Kennewick, Wash. 99336. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heavy machinery, contractor's and construction equipment, materials, and supplies;* and (2) *iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, between points in Benton, Franklin, Walla Walla, Asotin, Columbia, Adams, Grant, Garfield, Whitman, Douglas, Lincoln, and Chelan Counties, Wash., on the one hand, and, on the other, points in Oregon, Idaho, Montana, and California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 123048 (Sub-No. 321), filed Sept. 25, 1975. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements;* (2) *attachments*, for (1) above; (3) *accessories*, for (1) and (2) above; and (4) *parts*, for (1), (2), and (3) above, from points in Vanderburgh County, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 123294 (Sub-No. 34), filed October 3, 1975. Applicant: WARSAW TRUCKING CO., INC., 1102 West Winona Street, Warsaw, Ind. 46580. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulating materials, mineral wool products, and high temperature bonding cement*, from Aurora, Ill.; Alliance, Ohio; Huntington, Ind.; and Kalamazoo, Mich., to points in the United States east of Montana, Wyoming, Colorado, and New Mexico; and (2) *material, equipment, and supplies* used in the manufacture and distribution of insulating materials, mineral wool products, and high temperature bonding cement, from points in the United States east of Montana, Wyoming, Colorado, and New Mexico, to Aurora, Ill.; Alliance, Ohio; Huntington, Ind.; and Kalamazoo, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123407 (Sub-No. 268), filed September 29, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy. 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Amasa, Mich., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 124078 (Sub-No. 663), filed September 29, 1975. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oils and vegetable oil products* (except vegetable oil products which are chemicals), in bulk, in tank vehicles, from the plantsite of Cargill, Inc., at or near Fayetteville, N.C., to points in Arkansas, Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, South Carolina, and Tennessee; and (2) *vegetable oils*, in bulk, in tank vehicles, from the plantsite of Cargill, Inc. at or near Gainesville, Ga., to the plantsite of Cargill, Inc. at or near Fayetteville, N.C.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124117 (Sub-No. 15), filed September 29, 1975. Applicant: EARL FREEMAN, an individual d.b.a. MID-TENN EXPRESS, P.O. Box 101, Eagleville, Tenn. 37060. Applicant's representative: Robert L. Baker, 618 Hamilton Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, (1) from Jacksonville, Fla., to points in Tennessee, Alabama, and Georgia; and (2) from Evansville, Ind., to points in Georgia and Alabama.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn., or Washington, D.C.

No. MC 124887 (Sub-No. 15), filed September 8, 1975. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel joists*, from points in Florence County, S.C., to points in that part of the United States in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota.

NOTE.—The purpose of this application is to eliminate a gateway at points in Wayne County, N.C. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 124947 (Sub-No. 43), filed October 1, 1975. Applicant: MACHINERY TRANSPORTS, INC., Box 417, Stoud, Okla. 74079. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical transformers and parts, and materials, equipment, and supplies*, used in the manufacture thereof (except commodities in bulk, in tank vehicles), between Pine Bluff, Ark., on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky., Nashville, Tenn., Chicago, Ill., or Washington, D. C.

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No. MC 126276 (Sub-No. 139), filed Sept. 25, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container components and ends, container closures, and materials, equipment, and supplies*, used in the manufacture and distribution of containers, ends, and closures, from Worthington, Ohio; Milwaukee, Wis.; St. Paul, Minn.; St. Louis, Mo.; and Wayne and Pennsauken, N.J., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Continental Can Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 126346 (Sub-No. 17), filed October 6, 1975. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, Wis. 54401. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gear motors*, (2) *speed reducing machinery*, (3) *castings*, (4) *base plates*, (5) *gears*, (6) *weldments*, (7) *clutch and shaft couplings*, (8) *parts and attachments* for the commodities described in (1) through (7), (9) *equipment, materials, and supplies* used in the manufacture or distribution of the commodities described in (1) through (8) (except commodities in bulk), between Auburn, Ala., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts with Falk Corporation of Milwaukee, Wis., a subsidiary of Sundstrand Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 128862 (Sub-No. 22), filed October 6, 1975. Applicant: B. J. CECIL TRUCKING, INC., P.O. Box C, Claypool, Ariz. 85532. Applicant's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shredded tin, tin scrap, and cut metal*, in bulk, in dump vehicles from points in California south of the northern boundaries of San Bernardino, Kern, and San Luis Obispo Counties, to points in Arizona.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Los Angeles, Calif.

No. MC 129635 (Sub-No. 7), filed October 1, 1975. Applicant: ROYAL'S MOTOR SERVICE, INC., P.O. Box 1124, Grand Prairie, Tex. 75050. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), each weighing 15,000 pounds or less, and *implements, attachments, parts, and accessories*, therefor when moving at the same time and in the same equipment, from Dallas, Tex., and Baton Rouge, La., to points in Alabama, Arkansas, Illinois, Kansas, Kentucky, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Colorado, Oklahoma, South Dakota, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 133591 (Sub-No. 21), filed September 26, 1975. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. Vernon, Mo. 65712. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and pet food* (except commodities in bulk), from Rolla, Mo., to points in Oklahoma, Minnesota, Iowa, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, Tennessee, Louisiana, Nebraska, Arkansas, and Mississippi; (2) paper bags, from Houston, Tex., Louisville, Ky., and Nashville, Tenn., to Rolla, Mo.; and (3) *such commodities* as are used in ingredients in the manufacture of animal and pet food (except liquid commodities in bulk), from Dakota City, Omaha, Schuyler, West Point, and Scotts Bluff County, Nebr.; Des Moines, Sioux City, Cedar Rapids, and Ames, Iowa; Emporia and Wichita, Kans.; Battle Creek, Mich.; Owen and Adell, Wis.; Decatur, Ill.; Dallas and Amarillo, Tex.; Pembina, Walsh, and Grand Forks Counties, N. Dak., and Clay County, Minn., to Rolla, Mo.

NOTE.—Applicant holds contract carrier authority in MC 134494 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 133655 (Sub-No. 85), filed October 2, 1975. Applicant: TRANSNATIONAL TRUCK, INC., P.O. Box 4168, Amarillo, Tex. 79105. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery blends*, from Pickerington, Ohio, to points in Arkansas, Missouri, Iowa, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Arizona, California, Colorado, Nevada, Utah, Oregon, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133689 (Sub-No. 63) (Amendment), filed June 16, 1975, published in the FEDERAL REGISTER issue of July 10, 1975, republished as amended this issue. Applicant: OVERLAND EXPRESS, INC., P.O. Box 2667, New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet food*, from Minnetonka, Minn., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Tennessee, Missouri, Kansas, Nebraska, South Dakota, North Dakota, Iowa, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, and the District of Columbia, restricted to traffic originating at the plantsite and storage facilities of Morton Pet Food Company located at the above named origin and destined to the indicated destinations.

NOTE.—The purpose of this republication is to indicate the proper shipping point and plantsite and to add a commodity restriction. The above-entitled proceeding is assigned for hearing on the 14th day of November 1975 (1 day), at 9:30 a.m. Local Time, in Room 584, Federal Building & U.S. Courthouse, 316 North Robert Street, St. Paul, Minn. A tentative time allowance is shown for this hearing.

No. MC 134105 (Sub-No. 14), filed October 2, 1975. Applicant: CELERY-VALE TRANSPORT, INC., Route 1, Box 96, Fort Lupton, Colo. 80621. Applicant's representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* otherwise exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads bananas, from Galveston, Tex., to points in Colorado, Kansas, New Mexico, Nebraska, Oklahoma, and Wyoming, restricted to the transportation of traffic having an immediately prior movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Miami, Fla.

No. MC 134349 (Sub-No. 15), filed September 22, 1975. Applicant: B. L. T. CORPORATION, 405 Third Ave., Brooklyn, N.Y. 11215. Applicant's representative: Bert Collins, Suite 6193—5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books, educational products, supplies and equipment, audio and visual parts and equipment, playground apparatus*, used in the operations of schools, etc., between the New York, N.Y. Commercial Zone, on the one hand, and, on the other, Somerville, N.J.; Reno, Nev.; Cedar Falls, Iowa; Momence, Ill.; Allentown, Pa.; Central Islip, N.Y.; Nashville, Knoxville, Tenn.; Commerce, Ga.; Little Rock, Ark.; Clarksville, Tex.; and Kankakee, Ill., under a continuing contract or contracts with The Baker and Taylor Companies, Division of W. R. Grace, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 134404 (Sub-No. 22) (Correction), filed August 13, 1975, published in the FEDERAL REGISTER issue of October 9, 1975 as MC 140768 (Sub-No. 2), and republished as corrected this issue. Applicant: AMERICAN-TRANS FREIGHT, INC., P.O. Box 499, South Bound Brook, N.J. 08880. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brass, bronze, copper, pipe and tubing, brass and copper alloys, brass, bronze, copper and nickel products, and copper billets*, from Reading, Pa., to points in California, Louisiana, Michigan, Arizona, Indiana, Colorado, Texas, Illinois, the New York, N.Y. Commercial Zone, New Jersey, Nassau, Suffolk, Rockland, and Orange Counties, N.Y.; and (2) *metal scrap, fire brick, and materials and supplies* (except in bulk), used in the manufacture, sale, and distribution of the aforementioned commodities, from the named destination points, to Reading, Pa., under a continuing contract or contracts with Reading Industries, Inc.

NOTE.—The purpose of this republication is to indicate the correct docket number assigned to this proceeding. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 134933 (Sub-No. 5) filed August 28, 1975. Applicant: IDLEWOOD TRUCKING COMPANY LIMITED, P.O. Box 100, 350 Fruitland Road, Fruitland, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap materials*, between ports of entry on the International Boundary line between the United States and Canada on the Niagara, Detroit and St. Claire Rivers, on the one hand, and, on the other, points in New York, Michigan and Pennsylvania, restricted to traffic having a prior or subsequent movement in foreign commerce, under a continuing contract or contracts with London Salvage and Trading Company, and International Iron and Metal Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 135270 (Sub-No. 4) filed October 2, 1975. Applicant: WALTER LEMMONS, doing business as W.L. LEASING, R.R. 1, Fort Branch, Ind. 47648. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank vehicles, from Sebree, Ky., to points in Indiana and Illinois, under a continuing contract or contracts with Amax Resource Recovery Systems, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., Louisville, Ky., or Washington, D.C.

No. MC 135486 (Sub-No. 11) (Amendment) filed, May 19, 1975, published in the FEDERAL REGISTER issue of June 19, 1975, republished as amended this issue. Applicant: JACK HODGE TRANSPORT, INC., 2410 West 9th Street, Marion, Ind. 46952. Applicant's representative: Terrace D. Jones, 1126 16th Street, N.W. Room 300, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packaged dried beans, packaged rice, packaged black pepper, packaged aluminum foil, packaged polyethylene bags, popcorn, charcoal lighter fluid, and charcoal briquettes*, from the facilities of Arrow Industries, Inc., located at or near Dallas, Tex., to Cincinnati, Cleveland, Columbus and Dayton, Ohio; Detroit, Mich.; St. Louis, Mo.; Ft. Wayne and Indianapolis, Ind.; Louisville, Ky.; Memphis and Nashville, Tenn.; and Little Rock, Ark., under a continuing contract or contracts with Arrow Industries, Inc.

NOTE.—The purpose of this republication is to amend the commodity description of this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135950 (Sub-No. 2) filed October 1, 1975. Applicant: KERN TRUCKING INC., R. R. 1, P.O. Box 162, Redford, Ind. 47421. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pelletized lime and gypsum* in bulk and bags, from the plant site of American Pelletizing Corporation, located at or near Knoxville, Iowa to points in the United States (except Alaska and Hawaii); and (2) *pelletized lime* in bulk and bags from the plant site of American Pelletizing Corporation, located at or near Irvington, Ky., to points in the United States (except Alaska and Hawaii), under a continuing contract with American Pelletizing Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Indianapolis, Ind.

No. MC 136275 (Sub-No. 18), filed Sept. 25, 1975. Applicant: WHITEFIELD ASSOCIATED TRANSPORT, INC., 28 San Marcos Drive, El Paso, Tex. 79922. Applicant's representative: H. B. Dudley, 28 San Marcos Drive, El Paso, Tex. 79922. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bulk and packages, from the port of entry on the International Boundary line between the United States and the Republic of Mexico, at El Paso, Tex., to points in Texas and Arizona, restricted to traffic originating at the Republic of Mexico; and (2) *pallets*, from points in Texas and Arizona, to the port of entry on the International Boundary line between the United States and the Republic of Mexico, at El Paso, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 136343 (Sub-No. 56) filed September 29, 1975. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products, building paper, paper and pulpboard* combined with aluminum and copper foil, from the facilities of the St. Regis Paper Co., at or near Attleboro, Mass., to points in New Jersey, New York, Pennsylvania, Maryland and Ohio, restricted to the transportation of traffic originating at the above named origin and destined to the above named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 136668 (Sub-No. 2) filed October 1, 1975. Applicant: ROGERS VINEGAR COMPANY, INC., West Olive at Frisco Tracks, Rogers, Ark. 72756. Applicant's representative: James B. Blair, 111 Holcomb Street, Springdale, Ark. 72764. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ethyl alcohol* in bulk, from the plantsite and warehouses of Union Carbide Corporation at Texas City, Tex., to the plant site and warehouses of Standard Brands, Inc., at Nixa, Mo., under contract with Standard Brands, Incorporated.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., Springfield, Mo., or Kansas City, Mo.

No. MC 136956 (Sub-No. 8), filed September 29, 1975. Applicant: ROYAL TRANSPORTS, INC., P.O. Box 1451, Kansas City, Kans. 66101. Applicant's representative: Patrick E. Quinn, P.O. Box 32028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail variety, discount and drug stores and wholesale houses serving such stores, between the facilities of Shawnee Evans Company located at or near Lenexa, Kans., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Ohio, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Michigan, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Wisconsin, under a continuing contract, or contracts, with Shawnee Evans Company of Lenexa, Kans.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 138299 (Sub-No. 8), filed September 24, 1975. Applicant: TRAILS TRUCKING, INC., 719 Union Street, Montebello, Calif. 90640. Applicant's representative: William J. Monheim, P.O. Box 1756, 15942 Whittier Blvd., Whittier,

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Calif. 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over contract routes, transporting: *Fiberglas materials and fiberglas products, fibrous glass; mineral wool products, fibrous glass textile materials, fibrous glass textile products and roofing materials*, from Santa Clara, Calif., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and El Paso, Tex., under a continuing contract or contracts with Owens-Corning Fiberglas Corporation.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138817 (Sub-No. 2), filed Sept. 26, 1975. Applicant: STEPHEN W. KETCHUM, doing business as, KETCHUM TRUCKING COMPANY, P.O. Box 464, Pontiac, Mich. 48056. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers and lids*, from Rochester, Mich., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas, under contract with Letica Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lansing or Detroit, Mich.

No. MC 139323 (Sub-No. 3), filed October 3, 1975. Applicant: KARS TRANSPORT CORP., 666 N.W. 20th Street, Miami, Fla., 33127. Applicant's representative: Walter T. Evans, 7401 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment and commodities in bulk), between the facilities of Aabott Warehousing and Distributing, Inc. located at Miami, Fla., on the one hand, and, on the other, points in Broward, Dade and Palm Beach Counties, Fla., restricted to shipments having a prior or subsequent movement by water, rail or motor carrier.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 139391 (Sub-No. 4) filed September 30, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 157, Widener, Ark. 72364. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books, periodicals, catalogs, and magazines*, from the plantsite of Arcata Graphics, Inc., located in Depew, N.Y., to points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington, under a continuing contract or contracts with Arcata Graphics, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Buffalo, N.Y. or Washington, D.C.

No. MC 139495 (Sub-No. 96) filed September 29, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Medical care products*, between Billerica, Mass., Murray Hill, N.J., Fitzwilliam, N.H., Covington, Ga., Upland, Calif., Los Angeles, Calif., Lawrence, Kans., Dallas, Tex., Itasca, Ill., Chicago, Ill., Detroit, Mich. and Providence, R.I.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139926 (Sub-No. 3) filed September 25, 1975. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer D, Stroud, Okla. 74709. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpets*, from Bristow, Okla., to points in Arizona, Arkansas, California, Colorado, Florida, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, New Mexico, Ohio, Oregon, Pennsylvania, Texas, Washington, West Virginia, and those points in Tennessee on and west of U.S. Highway 127 and to Albany, N.Y., Baltimore, Md., Boise, Idaho, Boston, Mass., Butte, Mont., Detroit, Mich., Greenville, S.C., Moline, Ill., Omaha, Nebr., Salt Lake City, Utah, and Wichita, Kans., and points in the commercial zones of the respectively named cities; and (2) *Equipment, materials and supplies* used or useful in the production or selling of carpets from Columbiana, Ala.; Chattanooga, Decatur, Kingsport and Old Hickory, Tenn.; Aragon, Commeree, Chattsworth, Dalton, Decatur, Hazelhurst, Moultrie, Rome, Savanah, Ft. Oglethorpe and Sylvania, Ga.; Seaford and Wilmington, Del.; Charlotte and McAdenville, N.C.; Greenville and Johnsonville, S.C.; Dallas, Galena Park, Houston, Longview and San Antonio, Tex.; Baton Rouge, Homer and New Orleans, La.; Bermuda Hundred, Martinsville, Rocky, Mt. and Roanoke, Va.; Carthage and St. Louis, Mo.; and Los Angeles, Calif., and points in the commercial zones of the respectively named cities, to Bristow, Okla., under a continuing contract with Bristow Carpets, Inc.

NOTE.—Applicant holds common carrier authority in MC 139923 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City or Tulsa, Okla., or Washington, D.C.

No. MC 140412 (Amendment) filed November 13, 1974, published in the FEDERAL REGISTER issue of March 13, 1975, and republished as amended this issue. Applicant: HOWARD DISTRIBUTORS, a Partnership, 1502 Sassafras Street, Erie, Pa. 16501. Applicant's representative: William H. Higgins, 512 Masonic Building, Erie, Pa. 16501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, in tank or hopper-type vehicles, commodities which because of size or weight require the use of special equipment, tractor trailers, office machines and office furniture), between the facilities of the General Electric Co., Lawrence Park Township, Erie County, Pa., on the one hand, and, on the other, points in Ohio, New York, New Jersey and Connecticut, under a continuing contract, or contracts, with General Electric Company.

NOTE.—The purpose of this republication is to clarify the request for authority by amending it in a broadening manner. If a hearing is deemed necessary, applicant requests it be held at either Erie or Pittsburgh, Pa.

No. MC 140484 (Sub-No. 11) filed September 29, 1975. Applicant: LESTER COGGING TRUCKING, INC., 2671 E. Edison Ave., P.O. Box 69, Fort Myers, Fla. 33902. Applicant's representative: Clayton Geer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine, and advertising material* relating to the sale and distribution of wine (except commodities in bulk), from Hammondsport, N.Y., to points in Alabama, Tennessee, Arkansas, Kansas, Missouri, Georgia, Iowa, Oklahoma, Louisiana, Texas, and Florida.

NOTE.—Applicant holds contract carrier authority in MC 134443 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Tampa, Fla. or Buffalo, N.Y.

No. MC 140549 (Sub-No. 3) filed September 26, 1975. Applicant: FRITZ TRUCKING, INC., East Highway 7, Clara City, Minn. 56222. Applicant's representative: Samual Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and feed ingredients*, on or in vehicles with auger equipment, from Gluek and Montevideo, Minn., to points in North Dakota and South Dakota.

NOTE.—Applicant holds contract carrier authority in MC 118739 Sub-No. 2 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 140560 (Correction) filed January 23, 1975, published in the FEDERAL REGISTER issue of February 20, 1975, republished in the FEDERAL REGISTER issue of September 18, 1975 and in the third publication, as corrected this issue. Applicant: EARL HAINES, INC., P.O. Box 841, Winchester, Va. 22601. Applicant's representative: Bill R. Davis, 2814 New Spring Rd., Suite 101, Emerson Center, Atlanta, Ga. 30339. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic and rubber commodities, shoe components, tags, and adhesives*, from Winchester, Va., to points in Alabama, Connecticut, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia; and (2) *materials and supplies* used in the manufacture, processing, sale, and distribution of the commodities named in (1) above, from points in Alabama, Connecticut, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, and West Virginia, to Winchester, Va., under a continuing contract or contracts with the O'Sullivan Corp.

NOTE.—The purpose of this republication is to show Winchester, Va. as being the destination point in lieu of Winchester, W. Va. which was previously published in error. Applicant holds common carrier authority in MC 128290 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140968 (Sub-No. 2), filed September 29, 1975. Applicant: VALLEY TRANSPORT, INC., Drayton, N. Dak. 58225. Applicant's representative: Charles E. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sugar beet pulp* and *sugar beet pulp pellets*, from the plantsite of American Crystal Sugar Company at or near Drayton, N. Dak., to Duluth, Minn.; and (2) *lime rock*, from Duluth, Minn., to the plantsites of American Crystal Sugar Company at or near Drayton, N. Dak., under a continuing contract or contracts with American Crystal Sugar Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak. or St. Paul, Minn.

No. MC 141039 (Sub-No. 2), filed September 29, 1975. Applicant: HARRY DAVIDSON, doing business as DAVIDSON TRUCKING, Route 3, P.O. Box 616, Siloam Springs, Ark. 72761. Applicant's representative: Charles W. Atkinson, 8 North College Avenue, Fayetteville, Ark. 72701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Washed sand and washed and screened gravel*, from Muskogee, Okla., to Fayetteville, Springdale, Siloam Springs and Gentry, Ark.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Siloam Springs or Fayetteville, Ark.

No. MC 141176 (Sub-No. 1), filed September 20, 1975. Applicant: DALE H. BAKER, doing business as BAKER'S TOWING SERVICE, Route #2, Box 279E, Joplin, Mo. 64801. Applicant's representative: Dale H. Baker, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Damaged, disabled, repossessed, stolen, and wrecked motor vehicles and trailers*, in wrecker service, and *operable replacement motor vehicles*, between points in Jasper, Newton, and Greene Counties, Mo.; Cherokee, Crawford, and Bourbon Counties, Kans.; Benton and Washington Counties, Ark.; and Canadian, Tulsa, Oklahoma, Osage and Ottawa Counties, Okla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla. or Springfield, Mo.

No. MC 141283 (Sub-No. 1), filed September 29, 1975. Applicant: ADAPTO, INC., 680 North Litchfield Road, Goodyear, Ariz. 85338. Applicant's representative: George S. Livermore, 2701 East Camelback, Suite 100, Phoenix, Artz. 85016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hydraulic actuation systems for maverick missiles*, from Kalamazoo, Mich., to Tucson, Ariz., under a continuing con' act or contracts with National Water Lift Co., division of Pneumo Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Phoenix, Ariz., Detroit, Mich., or South Bend, Ind.

No. MC 141291 (Sub-No. 1), filed September 17, 1975. Applicant: T & B LEASING, INC., P.O. Drawer 590, LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246–1252 West Peachtree St., NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, including wood chips, sawdust, wood shavings, bark, wood particles and sawmill waste, between points in Alabama, Florida, Georgia, Mississippi and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 141367, filed September 25, 1975. Applicant: PUBLIX WAREHOUSE & TRANSPORTATION, a division of World Wide Transportation Engineering Co., a Corporation, 7400 South Damen Avenue, Chicago, Ill. 60636. Applicant's representative: James R. Madler, 1255 North Sandburg Terrace, Suite 1606, Chicago, Ill. 60610. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which require truck or trailer mounted self-unloading equipment (except in bulk), between Chicago, Ill., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, Missouri, Wisconsin, Minnesota, and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 141370 filed September 19, 1975. Applicant: W. J. ALBRECHT TRUCKING, Moon Hill Road-General Delivery, Curtis, Wash. 98538. Applicant's representative: W. J. Albrecht (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Red cedar shakes, shingles, ridge and trim;* and (2) *corrugated paper and vacuum formed plastic trays*, (1) from Jefferson and Grays Harbor Counties, Wash., to points in California; and (2) from Visalia, Calif., to points in Washington and Oregon, under a continuing contract or contracts with Malanco of Calif., Inc. and Red Cedar Products, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash., or Portland, Oreg.

No. MC 141372 filed September 18, 1975. Applicant: HAROLD WOOD, Ewing, Mo. 63440. Applicant's representative: Robert L. Hawkins, Jr., 312 East Capitol Avenue, P.O. Box 456, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, fish and poultry feed and feed ingredients*, dry, in bags and in bulk (except in tank vehicles), from Muncie, Kans. and Cedar Rapids, Iowa, to points in Knox, Lewis, Marion, Monroe and Ralls Counties, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

PASSENGER APPLICATION

No. MC 72806 (Sub-No. 10), filed August 6, 1975. Applicant: RED YELLOW CAB CO., doing business as BUCKEYE STAGES, 501 Phillips Ave., Toledo, Ohio 43612. Applicant's representative: Paul F. Beery, 8 East Broad St., Ninth Floor, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special and charter bus operations, round trip movements, from beginning and ending at points in Defiance, Hardin, Henry, Huron, Fulton, Paulding, Van Wert, and Williams Counties, Ohio, and extending to points in the United States.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 125068 (Sub-No. 5), filed October 2, 1975. Applicant: CLAYTON C. DYKE, doing business as THE COLUMBIANA COACH LINE, 101 Thomas Street, East Palestine, Ohio 44413. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the *same vehicle* with passengers, in round-trip charter and special operations, beginning and ending at points in Columbiana and Mahoning Counties, Ohio and extending

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to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

No. MC 124935 (Sub-No. 5), filed September 24, 1975. Applicant: ALMEIDA BUS LINES, INC., 1091 Kempton Street, New Bedford, Mass. 02741. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, beginning and ending at Tiverton, R.I., and New Bedford and Fall River, Mass., and extending to tracks of Greyhound Racing Association, at Seabrook, N.H., and Plainfield, Conn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 138254 (Sub-No. 3), filed September 26, 1975. Applicant: MT. SNOW SHUTTLE SERVICE, INC., P.O. Box 656, Wilmington, Vt. 05363. Applicant's representative: Edward L. Nehez, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle, limited to not more than 11 passengers in any one vehicle, not including the driver or children who do not occupy seats, between Dover, East and West Dover, Wilmington, Jacksonville, Wardsboro, West Wardsboro, South Newfane, Marlboro, Williamsville, and Searsburg, Vt., on the one hand, and, on the other, Springfield, Amherst, and Worcester, Mass., New Haven, Greenwich, Hartford, and Windsor Locks, Conn., Albany and Albany County Airport, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wilmington or Mt. Snow, Vt., or New York, N.Y.

No. MC 138666 (Sub-No. 4), filed September 25, 1975. Applicant: TREK-AMERICA, INC., P.O. Box 9023, 410 N. Gov. Printz Blvd., Lester, Pa. 19113. Applicant's representative: Francis P. Desmond, 115 East 5th Street, Chester, Pa. 19013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, and outdoor equipment*, in special operations, in personally conducted all expense camping tours, in vehicles limited to 14 passengers (not including driver and escort), (1) one-way trips from New York, N.Y., and Philadelphia, Pa., to Los Angeles and San Francisco, Calif.; and (2) round-trip tours beginning and ending at San Francisco, Calif., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 138856 (Sub-No. 1), filed September 11, 1975. Applicant: CONTINENTAL FRONTIERS, INC., One Sherman Square, New York, N.Y. 10018. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in personally conducted all-expense round-trip tours, beginning and ending at Denver, Colo.; Seattle, Wash.; Phoenix, Ariz.; Salt Lake City, Utah; New Orleans, La.; Rapid City, S. Dak.; Albuquerque, N. Mex.; San Francisco and Los Angeles, Calif.; San Antonio, Tex.; Chicago, Ill.; Barre, Vt.; Bangor, Maine; Miami, Fla.; St. Louis, Mo.; and Duluth, Minn. and extending to points in the United States (except Alaska and Hawaii), restricted to the transportation of not more than 11 passengers in any one vehicle and further restricted to those passengers having a prior or subsequent movement by air or rail.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 141359, filed September 17, 1975. Applicant: ST. CATHARINES TRANSIT COMMISSION, 166 Bunting Road, St. Catharines, Ontario. Applicant's representative: Donald M. Rogers, 15 Church Street, Box 307, St. Catharines, Ontario L2R 6V2. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special and charter operations, in round trip sightseeing and pleasure tours, beginning and ending at St. Catharines, Ontario, Canada, and extending to points in the United States (except Alaska and Hawaii), through all ports of entry on the International Boundary line between the United States and Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Buffalo or Niagara Falls, N.Y., or St. Catharines, Ontario.

FREIGHT FORWARDER APPLICATIONS

No. FF 338 (Sub-No. 1), filed October 3, 1975. Applicant: ASTRON FORWARDING COMPANY, a Corporation, 75 Market Street, Oakland, Calif. 94604. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water, and express, in the transportation of (a) *Used household goods* and *unaccompanied baggage*, and (b) *used automobiles*, between points in the United States, including Hawaii and Alaska, restricted in (b) above to the transportation of export and import traffic.

NOTE.—The purpose of this application is to add Alaska. Upon grant of this application, applicant will surrender for cancellation its permit No. FF 338. If a hearing is deemed necessary, the applicant requests it be held at Oakland, Calif.

No. FF 370 (Sub-No. 1), filed September 25, 1975. Applicant: DE WITT FREIGHT FORWARDING, 6060 North Figueroa Street, Los Angeles, Calif. 90042. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water, and express, in the transportation of (a) *Used household goods and unaccompanied baggage;* and (b) *used automobiles*, between points in the United States, including Hawaii and Alaska, restricted in (b) above to the transportation of export and import traffic.

NOTE.—The purpose of this application is to add Alaska to present authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. FF 425 (Sub-No. 1), filed October 3, 1975. Applicant: AMERICAN ENSIGN VAN SERVICE, INC., 2360 Pacific Avenue, Long Beach, Calif. 90806. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water, and express, in the transportation of (a) *Used household goods and and unaccompanied baggage*, and (b) *used automobiles*, between points in the United States, including Alaska and Hawaii, restricted in (b) above to the transportation of export and import traffic.

NOTE.—Applicant states that the purpose of the instant application is to add Alaska to the authority it already holds in FF 425, and that it will surrender said authority for cancellation upon grant of this application. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28478 Filed 10-22-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

OCTOBER 20, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before November 3, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 39140 (Sub-No. E140), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Baltimore, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 206 to junction New Jersey Highway 545, thence along New Jersey Highway 545 to junction New Jersey Highway 545 Spur, thence along New Jersey Highway 545 Spur to junction New Jersey Highway 528 Spur to junction Ocean-Burlington County line, thence along Ocean-Burlington County line to junction New Jersey Highway 72, thence along New Jersey Highway 72 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E141), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Kent County, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 206 to junction New Jersey Highway 545, thence along New Jersey Highway 545 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction Ocean-Burlington County line, thence along Ocean-Burlington County line to junction New Jersey Highway 72, thence along New Jersey Highway 72 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E142), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Caroline County, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction Ocean-Burlington County line, thence along the Ocean-Burlington County line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E143), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and parts*, between Talbot County, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 38 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction Ocean-Burlington County line, and thence along the Ocean-Burlington County line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E144), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Dorchester County, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 76 to junction New Jersey Highway 42, thence along New Jersey Highway 42 to junction New Jersey Highway Atlantic City Expressway, thence along New Jersey Highway Atlantic City Expressway to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E145), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Wicomico, Worcester, and Somerset Counties, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to junction Ocean-Burlington County line, and thence along the Ocean-Burlington County line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E146), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Sussex County, Del., on the one hand, and, on the other, points in that part of West Virginia on and west of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 119, thence along U.S. Highway 119 via Charleston and Logan, W. Va., to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E147), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between Talbot, Caroline, Dorchester, Wicomico, Somerset, and Worcester Counties, Md., on the one hand, and, on the other, points in that part of West Virginia on and west of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 77 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction West Virginia Highway 85, thence along West Virginia Highway 85 to junction West Virginia Highway 10, thence along West Virginia Highway 10 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E148), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Suffolk, Nassau, West Chester, Putnam, Orange, Rockland, Dutchess, Columbia, Rensselar, Washington, Warren, Ulster, Green, Albany, Schenectady, and Saratoga Counties, N.Y., and New York, N.Y., on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E149), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Sullivan County, N.Y., on the one hand, and, on the other, points in that part of West Virginia on and south of Interstate Highway 70. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E150), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

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ing: *Machinery* and *parts*, between points in Delaware, Herkimer, Schoharie, Otsego, Montgomery, and Fulton Counties, N.Y., on the one hand, and, on the other, points in that part of West Virginia on and south of a line beginning at the Maryland-West Virginia State line and extending along the Preston-Tucker County line to junction Taylor-Barbour County line, thence along the Taylor-Barbour County line to junction Taylor-Harrison County line, thence along the Taylor-Harrison County line to junction U.S. Highway 50, thence along U.S. Highway 50 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E151), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Hamilton, Essex, and Clinton Counties, N.Y., on the one hand, and, on the other, points in that part of West Virginia on and south of a line beginning at the Maryland-West Virginia State line and extending along the Preston-Tucker County line to junction Taylor-Barbour County line, thence along the Taylor-Barbour County line to junction Taylor-Harrison County line, thence along the Taylor-Harrison County line to junction U.S. Highway 50, thence along U.S. Highway 50 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E152), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Franklin County, N.Y., on the hand, and, on the other, points in that part of West Virginia on and south of a line beginning at the Maryland-West Virginia State line and extending along U.S. Highway 219 to junction Barbour-Randolph County line, thence along the Barbour-Randolph County line to junction Upshur-Randolph County line, thence along the Upshur-Randolph County line to junction Upshur-Webster County line, thence along the Upshur-Webster County line to junction Braxton-Webster County line, thence along the Braxton-Webster County line to junction Braxton-Nicholas County line, thence along the Braxton-Nicholas County line to junction Clay-Nicholas County line, thence along the Clay-Nicholas County line to junction Kanawah-Nicholas County line, thence along Kanawah-Nicholas County line to junction Kanawha-Fayette County line, thence along Kanawha-Fayette County line to junction Kanawha-Raleigh County line, thence along Kanawha-Raleigh County line to junction Kanawha-Boone County line, thence along the Kanawha-Boone County line to junction Kanawha-Lincoln County line, thence along the Kanawha-Lincoln County line to junction Putnam-Lincoln County line, thence along the Putnam-Lincoln County line to junction Cabell-Lincoln County line, thence along the Cabell-Lincoln County line to junction Wayne-Lincoln County line, thence along the Wayne-Lincoln County line to junction West Virginia Highway 37, thence along West Virginia Highway 37 to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E153), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 20 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Lawrence, Jefferson, and Lewis Counties, N.Y., on the one hand, and, on the other, points in that part of West Virginia on and south of a line beginning at the Virginia-West Virginia State line and extending along West Virginia Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Fayette-Greenbrier County line, thence along the Fayette-Greenbrier County line to junction Fayette-Summers County line, thence along the Fayette-Summers County line to junction Fayette-Raleigh County line, thence along the Fayette-Raleigh County line to junction Kanawha-Raleigh County line, thence along the Kanawha-Raleigh County line to junction Boone-Raleigh County line, thence along Boone-Raleigh County line to junction Logan-Boone County line, thence along the Logan-Boone County line to junction Lincoln-Logan County line, thence along the Lincoln-Logan County line to junction Mingo-Wayne County line, thence along the Mingo-Wayne County line to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E154), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Oneida, Chanango, and Broome Counties, N.Y., on the one hand, and, on the other, points in that part of West Virginia on and south of a line beginning at the Virginia-West Virginia State line and extending along West Virginia Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E155), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Cortland, Madison, and Onondaga Counties, N.Y., on the one hand, and, on the other, points in West Virginia on and south of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 64 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Fayette-Greenbrier County line, thence along the Fayette-Greenbrier County line to junction Kanawha-Raleigh County line, thence along the Kanawha-Raleigh County line to junction Boone-Raleigh County line, thence along the Boone-Raleigh County line junction Logan-Boone County line, thence along the Logan-Boone County line to junction Lincoln-Logan County line, thence along the Lincoln-Logan County line to junction Mingo-Wayne County line, thence along the Mingo-Wayne County line to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E156), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between points in Kent County, Del., on the one hand, and, on the other, points in that part of Virginia on and west of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 52 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E157), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* and *parts*, between New Castle County, Del., on the one hand, and, on the other, points in that part of Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 522 to junction U.S. Highway 211, thence along U.S. Highway 211 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

Maryland Highway 231, thence along Maryland Highway 231 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E158), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Nassau, Putnam, and Suffolk Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Salem County east of New Jersey Highway 77. The purpose of this filing is to eliminate the gateway of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E159), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Columbia, Dutchess, Orange, Sullivan, and Ulster Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Salem County. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E160), filed May 14, 1974. Applicant: A. DUIE PLYE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Montgomery, Saratoga, and Schenectady Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Gloucester, Salem, Cumberland, and Cape May Counties. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E161), filed May 14, 1974. Applicant: A. DUIE PLYE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Delaware and Otsego Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Salem, Cumberland, and Cape May Counties, N.J., and that part of Atlantic County New Jersey on and south of a line beginning at the Cumberland-Atlantic County line, and extending along New Jersey Highway 522 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E162), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Albany, Rensselaer, and Schoharie Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Cape May, Cumberland, and Salem Counties. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E163), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Greene County, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Salem and Cumberland Counties. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E164), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hamilton and Warren Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 73 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E165), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Fulton County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction Atlantic County line, thence along the Atlantic County line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E166), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Washington County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 73 to junction New Jersey Highway 561, thence along New Jersey Highway 561 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction New Jersey Highway 559, thence along New Jersey Highway 599 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 52, thence along New Jersey Highway 52 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E167), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Chenango County, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Camden and Atlantic Counties. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points within ten miles thereof.

No. MC 39140 (Sub-No. E168), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Madison County, N.Y., on the one hand, and, on the other, points in that part of New Jersey in and south of Camden and Burlington Counties. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E169), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor

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vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Herkimer County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction Ocean County line, thence along the Ocean County line to junction New Jersey Highway 72, thence along New Jersey Highway 72 to junction New Jersey Highway 534, thence along New Jersey Highway 534 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E171), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Clinton County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction Atlantic County line, thence along the Atlantic County line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points within ten miles thereof.

No. MC 39140 (Sub-No. E172), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Essex County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 73 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction New Jersey Highway 563, thence along New Jersey Highway 563 to junction New Jersey Highway Atlantic City Expressway, thence along the New Jersey Highway Atlantic City Expressway to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E173), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Franklin County, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem Counties. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E174), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Essex County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 73 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction New Jersey Highway 563, thence along New Jersey Highway 563 to junction New Jersey Highway Atlantic City Expressway, thence along the New Jersey Highway Atlantic City Expressway to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E175), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Cortland County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction Ocean County line, thence along the Ocean County line to junction New Jersey Highway 72, thence along New Jersey Highway 72 to junction New Jersey Highway 534, thence along New Jersey Highway 534 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E176), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Tioga and Onondaga Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey and south of Burlington and Ocean Counties. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E177), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Oswego County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 1 to junction Middlesex County line, thence along Middlesex County line to junction New Jersey Highway 33, thence along New Jersey Highway 33 to junction New Jersey Highway 527, thence along New Jersey Highway 527 to junction New Jersey Highway 526, thence along New Jersey Highway 526 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 88, thence along New Jersey Highway 88 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E178), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between Jefferson County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 206 to junction Burlington County line, thence along Burlington County line to junction New Jersey Highway 528, thence along New Jersey Highway 528 to junction New Jersey Highway 539, thence along New Jersey Highway 539 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to the Atlantic Ocean. The purpose of the filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E179), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between Tompkins County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 33 to junction New Jersey Highway 526, thence along New Jersey Highway 526 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 88, thence along New Jersey Highway 88 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E180), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Cayuga County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway to junction New Jersey Highway 571, thence along New Jersey Highway 571 to junction New Jersey Highway 526, thence along New Jersey Highway 526 to junction New Jersey Highway 9, thence along New Jersey Highway 9 to junction New Jersey Highway 88, thence along New Jersey Highway 88 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E181), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Seneca County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 518 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction Middlesex County line, thence along the Middlesex County line to junction New Jersey Highway 571 thence along New Jersey Highway 571 to junction New Jersey Highway 528, thence along New Jersey Highway 528 to junction New Jersey Highway 88, thence along New Jersey Highway 88 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E182), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Chemung County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 546 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 522, thence along New Jersey Highway 522 to junction New Jersey Highway 537, thence along New Jersey Highway 537 to junction New Jersey Garden State Parkway, thence along New Jersey Garden State Parkway to junction New Jersey Highway 520, thence along New Jersey Highway 520 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E183), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Yates County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 518 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction New Jersey Highway 33, thence along New Jersey Highway 33 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E184), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Ontario and Schuyler Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 518 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction New Jersey Highway 522, thence along New Jersey Highway 522 to junction Middlesex County line, thence along Middlesex County line to junction New Jersey Highway 520, thence along New Jersey Highway 520 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E185), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Wayne County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 27 to junction New Jersey Highway 522, thence along New Jersey Highway 522 to junction New Jersey Highway 535, thence along New Jersey Highway 535 to junction New Jersey Highway 18, thence along New Jersey Highway 18 to junction New Jersey Highway 520, thence along New Jersey Highway 520 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E186), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Steuben County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 202 to junction New Jersey Highway Spur 514, thence along New Jersey Highway Spur 514 to junction New Jersey Highway 514, thence along New Jersey Highway 514 to junction Somerset County line, thence along the Somerset County line to junction New Jersey Highway 522, thence along New Jersey Highway 522 to junction New Jersey Highway 535, thence along New Jersey Highway 535 to junction New Jersey Highway 527, thence along New Jersey Highway 527 to junction New Jersey Highway 520, thence along New Jersey Highway 520 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E187), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Livingston County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line be-

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ginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 12 to junction New Jersey Highway Spur 514, thence along New Jersey Highway Spur 514 to junction New Jersey Highway 514, thence along New Jersey Highway 514 to junction Raritan River, thence along the Raritan River to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E188), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Monroe County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 518 to junction New Jersey Highway 27, thence along New Jersey Highway 27, to junction New Jersey Highway 516, thence along New Jersey Highway 516 to junction Middlesex County line, thence along the Middlesex County line, via Dunellen and Rahway, N.J., to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E189), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Allegany and Cattaraugus Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 12 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction New Jersey Garden State Parkway, thence along New Jersey Garden State Parkway to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway Business 1, thence along U.S. Highway Business 1 to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E190), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Wyoming County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 12 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction New Jersey Garden State Parkway, thence along New Jersey Garden State Parkway to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway Business 1, thence along U.S. Highway Business 1 to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E191), filed May 14, 1974. Applicant: DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Genesee County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 12 to junction New Jersey Highway 514, thence along New Jersey Highway 514 to junction New Jersey Highway 440, thence along New Jersey Highway 440 to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E192), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Orleans County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 202 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Middlesex County line, thence along the Middlesex County line via Dunellen, N.J., and Rahway, N.J., to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E193), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Chautauqua County, N.Y., on the one hand, and, on the other, points in New Jersey (excluding those in Sussex County and those in Passaic County north of U.S. Highway 287). The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E194), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between Erie County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along Interstate Highway 78 to junction New Jersey Garden State Parkway, via East Orange, N.J., thence along New Jersey Garden State Parkway to junction Interstate Highway 280, thence along Interstate Highway 280, via Harrison, N.Y., to junction U.S. Highway Business Route 1, thence along U.S. Highway Business Route 1 to the New Jersey-New York State line, excluding points in Warren County, N.J. The purpose of this filing is to eliminate the gateways of Coatesville, N.J., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E195), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between Niagara County, N.Y., on the one hand, and, on the other, points in that part of New Jersey in and south of Hunterdon, Somerset, Union, Essex, and Hudson Counties, excluding those points in Hunterdon and Somerset Counties north of Interstate Highway 78 and those in Essex County north of New Jersey Highway 46. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within 10 miles thereof.

No. MC 39140 (Sub-No. E196), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Sussex County, Del., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 206 to junction New Jersey Highway 68, thence along New Jersey Highway 68 to junction New Jersey Highway 545, thence along New Jersey Highway 545 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 37, thence along New Jersey Highway 37 to the Atlantic Ocean. The purpose of this filing is to

eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E197), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Kent County, Del., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 33 to junction U.S. Highway 130, thence along U.S. Highway 130 to junction New Jersey Highway 33, thence along New Jersey Highway 33 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E198), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between New Castle County, Del., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 80, via Netcong, N.J., to junction U.S. Highway 46, thence along U.S. Highway 46 to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E199), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in New Castle County, Del., on the one hand, and, on the other, points in that part of Maryland on and west of U.S. Highway 15. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E200), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Kent County, Del., on the one hand, and, on the other, points in Garrett and Allegany Counties, Md. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E201), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Delaware, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E202), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Calvert, Anne Arundel, Cecil, Kent, Queen Anne's, Caroline, Talbot, Dorchester, Wicomico, Somerset, and Worcester Counties, Md., on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E203), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Garrett County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 26, thence along New York Highway 26 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 185, thence along New York Highway 185 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 56, thence along New York Highway 56 to the St. Lawrence River. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E205), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Washington County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 26 to junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction New York Highway 57, thence along New York Highway 57 to Lake Ontario. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E206), filed May 14, 1974. Applicant: A DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Carroll and Frederick Counties, Md., on the one hand, and, on the other, points in that part of New York in and east of Oswego, Onondaga, Cortland, and Broome Counties. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E207), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Howard County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to junction New York Highway 96, thence along New York Highway 96, via Ithica, N.Y., to junction U.S. Highway 20, thence along U.S. Highway 20 via Geneva, N.Y., to junction New York

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Highway 14, thence along New York Highway 14 to Lake Ontario. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39104 (Sub-No. E208), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Montgomery County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 282 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 34, thence along New York Highway 34 to junction New York Highway 224, thence along New York Highway 224 to junction New York Highway 14A, thence along New York Highway 14A to junction New York Highway 364, thence along New York Highway 364 to junction New York Highway 247, thence along New York Highway 247 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 332, thence along New York Highway 332 to junction U.S. Highway 90, and thence along U.S. Highway 90 to junction U.S. Highway 490, and thence along U.S. Highway 490 to junction New York Highway 33, and thence along New York Highway 33 to junction New York Highway 261, and thence along New York Highway 261 to Lake Ontario. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E209), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Baltimore County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 34, thence along New York Highway 34 to junction New York Highway 224, thence along New York Highway 224 to junction Chemung-Schuyler County line, thence along the Chemung-Schuyler County line to junction Schuyler-Steuben County line, thence along the Schuyler-Steuben County line to junction New York Highway 226, thence along New York Highway 226 to junction U.S. Highway 15, and thence along U.S. Highway 15 to junction New York Highway 401, thence along New York Highway 401 to junction New York Highway 36, thence along New York Highway 36 to junction U.S. Highway 20A, and thence along U.S. Highway 20A to Lake Erie. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E210), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Baltimore, Md., on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E211), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Prince Georges County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 243, thence along New York Highway 243 to junction New York Highway 98, and thence along New York Highway 98 to junction New York Highway 39, thence along New York Highway 39 to junction New York Highway 438, thence along New York Highway 438 to Lake Erie. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E212), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Charles County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 19 to junction New York Highway 243, thence along New York Highway 243 to junction New York Highway 98, thence along New York Highway 98 to junction New York Highway 39, thence along New York Highway 39 to junction New York Highway 438, thence along New York Highway 438 to Lake Erie. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E213), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Harford and St. Mary's Counties, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line and extending along the Cataraugus-Chautauqua County line to junction New York Highway 39, and thence along New York Highway 39 to Lake Erie. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E214), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey, on the one hand, and, on the other, points in Virginia and West Virginia. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E215), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Massachusetts, Rhode Island, and Connecticut, on the one hand, and, on the other, points in Delaware, Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E216), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Howard County, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 76 to junction New Jersey Highway 42, thence along New Jersey Highway 42 to junction Atlantic City Expressway, thence along the Atlantic City Expressway to junction New Jersey Highway 536, thence along New Jersey Highway 536 to junction New Jersey Highway 561, thence along New Jersey Highway 561 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E217), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Montgomery, Prince Georges, Charles, Anne Arundel, and Calvert Counties, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 76 to junction New Jersey Highway 42, thence along New Jersey Highway 42 to junction New Jersey Highway Atlantic City Expressway, thence along New Jersey Highway Atlantic City Expressway to junction New Jersey Highway 536, thence along New Jersey Highway 536 to junction New Jersey Highway 561, thence along New Jersey Highway 561 to junction New Jersey Highway 54, thence along New Jersey Highway 54 to junction New Jersey Highway 557, thence along New Jersey Highway 557 to junction Tuckahoe River, and thence along Tuckahoe River to junction Cumberland-Atlantic County line, thence along the Cumberland-Atlantic County line to junction West Creek and thence along West Creek to the Delaware Bay. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E218), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Garrett, Allegany, Washington, Frederick, and Carroll Counties, Md., on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E219), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between St. Mary's County, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 322 to junction New Jersey Highway 47, thence along New Jersey Highway 47 to junction Maurice River, thence along Maurice River to the Delaware Bay. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E220), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Baltimore, Harford, and Queen Anne Counties, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E221), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Baltimore, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 206 to junction New Jersey Highway 545, thence along New Jersey Highway 545 to junction New Jersey Highway 545 Spur, thence along New Jersey Highway 545 Spur to junction New Jersey Highway 528 Spur, thence along New Jersey Highway 528 Spur to junction Ocean-Burlington County line, thence along the Ocean-Burlington County line to junction New Jersey Highway 72, and thence along New Jersey Highway 72 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E222), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Dorchester County, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 76 to junction New Jersey Highway 42, thence along New Jersey Highway 42 to junction New Jersey Highway Atlantic City Expressway to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E223), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Caroline County, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction Ocean-Burlington County line, thence along the Ocean-Burlington County line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E224), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Talbot County, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 38 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction Ocean-Burlington County line, thence along the Ocean-Burlington County line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E225), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Dorchester County, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 76 to junction New Jersey Highway 42, thence along New Jersey Highway 42 to junction New Jersey Highway Atlantic City Expressway, thence along New Jersey Highway Atlantic City Expressway to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

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No. MC 39140 (Sub-No. E226), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Wicomico, Worcester, and Somerset Counties, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to junction Ocean-Burlington County line, and thence along the Ocean-Burlington County line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E227), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Windham and New London Counties, Conn., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 40 at junction New Jersey Highway 55, thence along New Jersey Highway 55 to junction New Jersey Highway 555, thence along New Jersey Highway 555 to junction dividing creek, and thence along the boundary of dividing creek to the Delaware Bay. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E228), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Erie County, N.Y., on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the Maryland-Virginia State line and extending along U.S. Highway 301 to junction Virginia Highway 207, thence along Virginia Highway 207 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction Virginia Highway 304, thence along Virginia Highway 304 to junction U.S. Highway 501, thence along U.S. Highway 501 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E229), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Chautauqua County, N.Y., on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the Chesapeake Bay at Newport News, Va., and extending along U.S. Highway 60 to junction U.S. Highway 258, thence along U.S. Highway 258 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 35, thence along Virginia Highway 35 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E230), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Cattaraugus County, N.Y., on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the James River, at Jamestown, Va., and extending along Virginia Highway 31 to junction Virginia Highway 5, thence along Virginia Highway 5 to junction Virginia Highway 156, thence along Virginia Highway 156 to junction Virginia Highway 106, thence along Virginia Highway 106 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 49, thence along Virginia Highway 49 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 15, thence along U.S. Highway 15 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E231), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Orleans, Genesee, Livingston, and Steuben Counties, N.Y., on the one hand, and, on the other, that part of Virginia on and east of a line beginning at the Maryland-Virginia State line and extending along the Fairfax-Loudoun County line to junction Virginia Highway 28, thence along Virginia Highway 28 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Bedford-Campbell County line, thence along the Bedford-Campbell County line to junction Franklin-Pittsylvania County line, thence along the Franklin-Pittsylvania County line to junction Franklin-Henry County line, thence along the Franklin-Henry County line to junction Patrick-Henry County line, thence along the Patrick-Henry County line to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E232), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Wyoming and Allegany Counties, N.Y., on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the Maryland-Virginia State line and extending along the Loudoun-Potomac County line to junction Virginia Highway 28, thence along Virginia Highway 28 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Orange-Louisa County line, thence along the Orange-Louisa County line to junction Albemarle-Louisa County line, thence along the Albemarle-Louisa County line to junction Albemarle-Buckingham County line, thence along the Albemarle-Buckingham County line to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Bedford-Campbell County line, thence along the Bedford-Campbell County line to junction Franklin-Pittsylvania County line, thence along the Franklin-Pittsylvania County line to junction Franklin-Henry County line, thence along the Franklin-Henry County line to junction Patrick-Henry County line, thence along the Patrick-Henry County line to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E233), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Monroe, Schuyler, Chemung, Tioga, and Seneca Counties, N.Y., on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the Maryland-Virginia State line and extending along the Loudoun-Potomac County line to junction Virginia Highway 28, thence along Virginia Highway 28 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 81, thence along U.S. Highway 81 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of

Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E234), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Wayne, Ontario, and Yates Counties, N.Y., on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the Maryland-Virginia State line and extending along Loudoun-Potomac County to junction Virginia Highway 28, thence along Virginia Highway 28 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 340, thence along U.S. Highway 340 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Craig-Montgomery County line, thence along the Craig-Montgomery County line to junction Giles-Montgomery County line, thence along the Giles-Montgomery County line to junction Giles-Pulaski County line, thence along the Giles-Pulaski County line to junction Giles-Bland County line, thence along the Giles-Bland County line to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E235), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Cayuga and Tompkins Counties, N.Y., on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the Maryland-Virginia State line and extending along the Loudoun-Potomac County line to junction Virginia Highway 28, thence along Virginia Highway 28 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E236), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Broome, Cortland, Onondaga (excluding points north of U.S. Highway 20 and east of U.S. Highway 81), and that part of Oswego County, N.Y., west of U.S. Highway 81 and south of New York Highway 13, on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the Maryland-Virginia State line and extending along U.S. Highway 340 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E237), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Niagara County, N.Y., on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the District of Columbia-Virginia border line, and extending along U.S. Highway 95 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 29, thence along U.S. Highway 29 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E238), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kent County, Del., on the one hand, and, on the other, points in that part of Virginia on and west of U.S. Highway 52. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. 39), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between New Castle County, Del., on the one hand, and, on the other, points in that part of Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 522 to junction U.S. Highway 211, thence along U.S. Highway 211 to junction Maryland Highway 231, thence along Maryland Highway 231 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E240), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Sussex County, Del., on the one hand, and, on the other, points in that part of West Virginia on and west of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 119, thence along U.S. Highway 119 via Charleston and Logan, W. Va., to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E241), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Kent and New Castle Counties, Del., on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E242), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Talbot, Caroline, Dorchester, Wicomico, Somerset, and Worcester Counties, Md., on the one hand, and, on the other, points in that part of West Virginia on and west of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 77 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction West Virginia Highway 85, thence along West Virginia Highway 85 to junction West Virginia Highway 10, thence along West Virginia Highway 10 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E243), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa.

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19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Suffolk, Nassau, West Chester, Putnam, Orange, Rockland, Duchess, Columbia, Rensselaer, Washington, Warren, Ulster, Green, Albany, Schenectady, and Saratoga Counties, N.Y., and New York, N.Y., on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E244), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Sullivan County, N.Y., on the one hand, and, on the other, points in that part of West Virginia on and south of Interstate Highway 70. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E245), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Delaware, Herkimer, Schoharie, Otsego, Montgomery, and Fulton Counties, N.Y., on the one hand, and, on the other, points in that part of West Virginia on and south of a line beginning at the Maryland-West Virginia State line and extending along Preston-Tucker County line, to junction Taylor-Barbour County line, thence along the Taylor-Barbour County line to junction Taylor-Harrison County line, thence along the Taylor-Harrison County line to junction U.S. Highway 50, thence along U.S. Highway 50 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E246), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hamilton, Essex, and Clinton Counties, N.Y., on the one hand, and, on the other, points in that part of West Virginia on and south of a line beginning at the Maryland-West Virginia State line and extending along Preston-Tucker County line to junction Taylor-Barbour County line, thence along the Taylor-Barbour County line to junction Taylor-Harrison County line, thence along the Taylor-Harrison County line to junction Taylor-Harrison County line, thence along the Taylor-Harrison County line to junction U.S. Highway 50, thence along U.S. Highway 50 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E247), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Franklin County, N.Y., on the one hand, and, on the other, points in that part of West Virginia on and south of a line beginning at the Maryland-West Virginia State line and extending along U.S. Highway 219 to junction Barbour-Randolph County line, thence along the Barbour-Randolph County line to junction Upshur-Randolph County line, thence along the Upshur-Randolph County line to junction Upshur-Webster County line, thence along the Upshur-Webster County line to junction Braxton-Webster County line, thence along the Braxton-Webster County line to junction Braxton-Nicholas County line, thence along the Braxton-Nicholas County line to junction Clay-Nicholas County line, thence along the Clay-Nicholas County line to junction Kanawha-Nicholas County line, thence along the Kanawha-Nicholas County line to junction Kanawha-Fayette County line, thence along the Kanawha-Fayette County line to junction Kanawha-Raleigh County line, thence along the Kanawha-Raleigh County line to junction Kanawha-Lincoln County line, thence along the Kanawha-Lincoln County line to junction Putnam-Lincoln County, thence along the Putnam-Lincoln County line to junction Cabell-Lincoln County line, thence along the Cabell-Lincoln County line to junction Wayne-Lincoln County line, thence along the Wayne-Lincoln County line to junction West Virginia 37, thence along West Virginia Highway 37 to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E248), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Lawrence, Jefferson, and Lewis Counties, N.Y., on the one hand, and, on the other, points in that part of West Virginia on and south of a line beginning at the Virginia-West Virginia State line and extending along West Virginia Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Fayette-Greenbrier County line, thence along the Fayette-Greenbrier County line to junction Fayette-Summers County line, thence along the Fayette-Summers County line to junction Fayette-Raleigh County line, thence along the Fayette-Raleigh County line to junction Kanawha-Raleigh County line, thence along the Kanawha-Raleigh County line to junction Boone-Raleigh County line, thence along Boone-Raleigh County line to junction Logan-Boone County line, thence along the Logan-Boone County line to junction Lincoln-Logan County line, thence along the Lincoln-Logan County line to junction Mingo-Wayne County line, thence along the Mingo-Wayne County line to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E249), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Oneida, Chanango, and Broome Counties, N.Y., on the one hand, and, on the other, points in that part of West Virginia on and south of a line beginning at the Virginia-West Virginia State line and extending along West Virginia Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E250), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Madison, Cortland, and Onondaga Counties, N.Y., on the one hand, and, on the other, points in West Virginia on the south of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 64 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Fayette-Greenbrier County line, thence along the Fayette-Greenbrier County line to junction Fayette-Summers County line, thence along the Fayette-Summers County line to junction Fayette-Raleigh County line, thence along the Fayette-Raleigh County line to junction Kanawha-Raleigh County line, thence along the Kanawha-Raleigh County line to

junction Boone-Raleigh County line, thence along the Boone-Raleigh County line to junction Logan-Boone County line, thence along the Logan-Boone County line to junction Lincoln-Logan County line, thence along the Lincoln-Logan County line to the Mingo-Wayne County line, thence along the Mingo-Wayne County line to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E251), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Rhode Island, on the one hand, and, on the other, points in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 47 to junction New Jersey Highway 55, thence along New Jersey Highway 55 to junction New Jersey Highway 49, thence along New Jersey Highway 49 to junction New Jersey Highway 50, thence along New Jersey Highway 50 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E252), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Berkshire County, Mass., on the one hand, and, on the other, points in New Jersey on and south of a line beginning at the Delaware-New Jersey State line and extending along U.S. Highway 295 to junction New Jersey Highway 49, thence along New Jersey Highway 49 to junction New Jersey Highway 553, thence along New Jersey Highway 553 to junction Dividing Creek, thence along Dividing Creek to the Delaware Bay. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E253), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Franklin County, Mass., on the one hand, and, on the other, points in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 322 to junction New Jersey Highway 47, thence along New Jersey Highway 47 to junction New Jersey Highway 55, thence along New Jersey Highway 55 to junction Manantico Creek, thence along Manantico Creek at junction Maurice River, thence along the Maurice River to the Delaware River. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E254), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hampshire, Hamden, and Worcester Counties, Mass., on the one hand, and, on the other, points in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 322 to junction New Jersey Highway 77, thence along New Jersey Highway 77 to junction New Jersey Highway 49, thence along New Jersey Highway 49 to junction New Jersey Highway 553, thence along New Jersey Highway 553 to Dividing Creek, thence along Dividing Creek to the Delaware Bay. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E255), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Middlesex and Essex Counties, Mass., on the one hand, and, on the other, points in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 322 to junction New Jersey Highway 47, thence along New Jersey Highway 47 to junction New Jersey Highway 49, thence along New Jersey Highway 49 to junction New Jersey Highway 50, thence along New Jersey Highway 50 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E256), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Suffolk, Norfolk, Bristol, Plymouth, and Barnstable Counties, Mass., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvinia-New Jersey State line and extending along New Jersey Highway 42 to junction New Jersey Highway 41, thence along New Jersey Highway 41 to junction New Jersey Highway 47, thence along New Jersey Highway 47 to junction New Jersey Highway 49, thence along New Jersey Highway 49 to junction New Jersey Highway 50, thence along New Jersey Highway 50 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E257), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in New Jersey, Delaware, those in that part of Maryland east of a line beginning at the Virginia-Maryland State line and extending along U.S. Highway 301 to junction Maryland Highway 3, thence along Maryland Highway 3 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Pennsylvania-Maryland State line and those in that part of New York east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 209 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 4, thence along U.S. Highway 4 to the Vermont-New York State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E258), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the District of Columbia, on the one hand, and, on the other, points in that part of Michigan on and west of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 23 to junction Michigan Highway 247, thence along Michigan Highway 247 to Saginaw Bay, thence along the shore line of Lake Huron to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E259), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in North Carolina, on the one hand, and, on the other, points in New Jersey and points in that part of New York on and east of New York Highway 19. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

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No. MC 39140 (Sub-No. E260), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of North Carolina on and west of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 311, thence along U.S. Highway 311 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to junction U.S. Highway 301, thence along U.S. Highway 301 to the South Carolina-North Carolina State line, on the one hand, and, on the other, points in that part of Delaware north of a line beginning at the Maryland-Delaware State line and extending along Delaware Highway 8 to the New Jersey-Delaware State line (Delaware Bay). The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E261), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Kentucky on and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 65 to the Indiana-Kentucky State, on the one hand, and, on the other, points in that part of Maryland on and east of a line beginning at the District of Columbia-Maryland border line and extending along Maryland Highway 650 to junction Maryland Highway 108, thence along Maryland Highway 108 to junction Maryland Highway 32, thence along Maryland Highway 32 to junction Maryland Highway 91, thence along Maryland Highway 91 to junction Maryland Highway 30, thence along Maryland Highway 30 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E262), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between the District of Columbia, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 431 to junction Kentucky Highway 79, thence along Kentucky Highway 79 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E263), filed May 14, 1974. Applicant: A. DUIE PYLE, Inc., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kentucky, on the one hand, and, on the other, points in New Jersey, Delaware, and those in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 11 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 3, thence along New York Highway 3 to the Vermont-New York State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E264), filed May 14, 1974. Applicant: A. DUIE PYLE, Inc., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Ohio on and south of Interstate Highway 70 to the Indiana-Ohio State line, on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 7 to junction New York Highway 50, thence along New York Highway 50 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction U.S. Highway 4, thence along U.S. Highway 4 to the Vermont-New York State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E265), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio, on the one hand, and, on the other, points in Delaware, New Jersey, and those in that part of Maryland on and east of a line beginning at the Virginia-Maryland State line and extending along the Chesapeake Bay to junction Maryland Highway 272, at North East, Md., thence along Maryland Highway 272 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E266), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the District of Columbia and that part of Maryland on and east of a line beginning at the Virginia-Maryland State line and extending along Maryland Highway 650 to junction Maryland Highway 108, thence along Maryland Highway 108 to junction Maryland Highway 32, thence along Maryland Highway 32 to junction Maryland Highway 91, thence along Maryland Highway 91 to junction Maryland Highway 30, thence along Maryland Highway 30 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in that part of Indiana on and west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 231 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction Indiana Highway 31, thence along Indiana Highway 31 to the Michigan-Indiana State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E267), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, points in New Jersey, Delaware, District of Columbia, points in that part of Maryland east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 15 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Virginia-Maryland State line and points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 11 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 29, thence along New York Highway 29 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 32, thence along New York Highway 32 to junction U.S. Highway 4, thence along U.S. Highway 4 to the Vermont-New York State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E268), filed May 14, 1974. Applicant A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois, on the one hand, and, on the other, points in New Jersey, Delaware, District of Columbia, and points in that part of Maryland east of a line beginning at the Virginia-Maryland State line and extending along the Maryland-District of Columbia border line to junction Maryland Highway 390, thence along Maryland Highway 390 to junction Maryland Highway 97, thence along Maryland Highway 97 to junction U.S. Highway 140, thence along U.S. Highway 140 to the Pennsylvania-Maryland State line and points in that part of New York east of a line beginning at the Pennsylvania-New York State line extending along New York Highway 17 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 206, thence along New York Highway 206 to junction New York Highway 7, thence along New York Highway 7 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 149, thence along New York Highway 149 to junction U.S. Highway 4, thence along U.S. Highway 4, via Whitehall, N.Y., to the Vermont-New York State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E269), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed* and *grain*, from New York, N.Y., to points in Delaware, Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Coatesville, Pa.

No. MC 39140 (Sub-No. E270), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poles*, from Newport, Del., to New York. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E271), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Baltimore, Md., to points in New York, and those points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 30 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E272), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Nassau, Putnam, and Suffolk Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Salem County east of New Jersey Highway 77. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E273), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Columbia, Dutchess, Orange, Sullivan, and Ulster Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Salem County. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E274), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Montgomery, Saratoga, and Schenectady Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Gloucester, Salem, Cumberland, and Cape May Counties. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E275), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Delaware and Otsego Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Salem, Cumberland, and Cape May Counties and that part of Atlantic County on and south of a line beginning at the Cumberland-Atlantic County line and extending along New Jersey Highway 552 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E276), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Albany, Rensselaer, and Schoharie Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Cape May, Cumberland, and Salem Counties. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

By the Commision.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-28602 Filed 10-22-75;8:45 am]

[Ex Parte No. 241; Rule 19; Exemption No. 93, Amdt. 3]

MANDATORY CAR SERVICE RULES

Exemption

Upon further consideration of Exemption No. 93 issued January 15, 1975.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 93 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to *expire December 31, 1975.*

This amendment shall become effective October 15, 1975.

Issued at Washington, D.C., October 10, 1975.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.75-28606 Filed 10-22-75;8:45 am]

[EX PARTE NO. 241; RULE 19; EXEMPTION NO. 89]

MANDATORY CAR SERVICE RULES

Exemption

To all U.S. railroads. *It appearing*, That the U.S. railroads own numerous 40-ft plain boxcars; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars of railroad ownership described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44 ft. 6 in. or less, which bear the reporting marks assigned to United States railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exceptions 1, 2 and 3.)

Exception No. 1, This exemption does not supersede United States customs

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regulations applicable to cars owned by Canadian or Mexican rail roads.

Exception No. 2, This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to Directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

Exception No. 3, This exemption shall not apply to 40-ft. boxcars owned by the railroads named below:

Burlington Northern Inc., Reporting Marks: BN, CBQ, GN, NP, SPS
Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Reporting Marks: MILW
Chicago and North Western Transportation Company, Reporting Marks: CGW–CMO–CNO–MSTL
Columbus and Greenville Railway Company, Reporting Marks: CAGY
Illinois Central Gulf Railroad Company, Reporting Marks: CLG–GM&O–IC–ICG
The Kansas City Southern Railway Company, Reporting Marks: KCS
Louisiana & Arkansas Railway Company, Reporting Marks: LA
Maine Central Railroad Company, Reporting Marks: MEC

Effective: October 14, 1975.

Expires: October 31, 1975.

Issued at Washington, D.C., October 14, 1975.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.75–28607 Filed 10–22–75;8:45 am]

[Ex Parte No. 241; Rule 19; Exemption No. 94, Amdt. 3]

MANDATORY CAR SERVICE RULES

Exemption

Upon further consideration of Exemption No. 94 issued February 5, 1975.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 94 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to *expire December 31, 1975.*

This amendment shall become effective October 15, 1975.

Issued at Washington, D.C., October 10, 1975.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.75–28608 Filed 10–22–75;8:45 am]

[Ex Parte No. 241; Rule 19; Twelfth Revised Exemption No. 99]

MANDATORY CAR SERVICE RULES

Exemption

To all U.S. railroads. *It appearing,* That the U.S. railroads own numerous plain gondolas less than 61 ft.; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain gondolas, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GA", "GB", "GD", "GH", "GS", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks assigned to United States Railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exceptions 1, 2 and 3)

Exception 1: This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

Exception 2: This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

Exception 3: This exemption shall not apply to plain gondola cars owned by the railroads named below:

Burlington Northern Inc., Reporting Marks: BN–CBQ–GN–NP–SPS.
The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, Reporting Marks: CNJ.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Reporting Marks: MILW.
The Denver and Rio Grande Western Railroad Company, Reporting Marks: DRGW.
Florida East Coast Railway Company, Reporting Marks: FEC.
Grand Trunk Western Railroad Company, Reporting Marks: GTW.
The Kansas City Southern Railway Company, Reporting Marks: KCS.
Illinois Terminal Railroad Company, Reporting Marks: ITC.
Louisiana & Arkansas Railway Company, Reporting Marks: LA.
Maine Central Railroad Company, Reporting Marks: MEC.
Missouri-Kansas-Texas Railroad Company, Reporting Marks: BKTY–MKT.
Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees, Reporting Marks: PC–PRR–NYC.
Richmond, Fredericksburg and Potomac Railroad Company, Reporting Marks: RFP.
Union Pacific Railroad Company, Reporting Marks: UP.

Effective October 22, 1975.

Expires November 30, 1975.

Issued at Washington, D.C., October 15, 1975.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.75–28609 Filed 10–22–75;8:45 am]

[Notice No. 892]

ASSIGNMENT OF HEARINGS

OCTOBER 20, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be held on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. 36090, General Environment Corporation—Petition for Declaratory Order—Applicability of Tariff Provisions, now assigned November 17, 1975, at Dallas, Texas, will be held in *U.S. District Court Room 15B, 35 Earl Cabell Federal Building,* 1100 Commerce Street, instead of *Room 5A15–17 New Federal Building.*

MC 19311, Sub 30, Central Transport, Inc., now being assigned January 13, 1976 (9 days), at Traverse City, Mich., in a hearing room to be later designated.

MC 35628 Sub 373, Interstate Motor Freight System, now assigned November 3, 1975 at Wichita, Kansas, is cancelled; reassigned October 29, 1975 (3 days), at Wichita, Kansas, in Room 406, Bankruptcy Courtroom, Federal Building, 3rd & Market Street.

MC 140747, Rancocas Valley Bus Service, Inc., now assigned November 11, 1975, at Philadelphia, Pa., is canceled and application dismissed.

MC–F–12461, Boss Linco Lines, Inc.—Purchase (Portion)—Harrison-Shields Transporation Lines, Inc.; F.D. 27883, Boss-Linco Lines, Inc.; MC 109847 Sub 21, Boss-Linco Lines, Inc.; MC 24136 Subs 8, 9, 11, 12, 13 & 15, Harrison-Shield Transportation Lines, Inc., continued to December 8, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135725 Sub 15, Fry Trucking, Inc., now assigned November 11, 1975 at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

No. 35914, H & R Scrap Iron and Metal Company vs Chicago and North Western Transportation Company, now assigned November 17, 1975 at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 125777 Sub 151, Jack Gray Transport, Inc., now assigned November 13, 1975 at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 113362 Sub 289, Ellisworth Freight Lines, Inc., application dismissed.

MC 140599, HI-Cube Transport, Inc., now assigned December 9, 1975 at Washington, D.C. is cancelled and applicant dismissed.

MC 140824, Metro Cab, Inc., now assigned November 20, 1975 at Trenton, New Jersey, will be held in Council Chamber, City Hall, Room 228, 319 East State Street.

MC 130296, Century International Travel, Inc. d.b.a. Centours, now being assigned December 9, 1975 (3 days), at Baton Rouge, Louisiana, in a hearing room to be later designated.

MC 140716 Sub 1, Great Northern Transportation Company, now being assigned December 3, 1975 (1 day), at Chicago, Illinois; in a hearing room to be designated later.

MC 51146 Sub 413, Schneider Transport, Inc.; MC 115331 Sub 387, Truck Transport, Incorporated; MC 116763 Sub 305, Carl Subler Trucking, Inc.; MC 120788 Sub 2, Fulsang's Motor Service, Inc.; MC 121060 Sub 33, Arrow Truck Lines, Inc.; MC 128273 Sub 165, Midwestern Distribution, Inc. and MC 128273 Sub 170, Midwestern Distribution, Inc., now being assigned December 4, 1975 (2 days), at Chicago, Illinois; in a hearing room to be designated later.

MC 35358 Sub 37, Berger Transfer and Storage, Inc., now being assigned December 8, 1975 (1 week), at Chicago, Illinois; in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–28603 Filed 10–22–75;8:45 am]

[Notice No. 893]

ASSIGNMENT OF HEARINGS

OCTOBER 20, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION

MC 60157 Sub 23, C. A. White Trucking Company; MC 72243 Sub 50, The Aetna Freight Lines, Inc.; MC 83835 Sub 121, Wales Transportation, Inc.; MC 88380 Sub 19, Reb Transportation, Inc.; MC 119908 Sub 28, Western Lines, Inc. and *MC 133916 Sub 3, O'Nan Transportation Company,* now being assigned September 18, 1975 (2 days), at Birmingham, Alabama; in a hearing room to be designated later. The docket No. and Title underscored above were erroneously entered on Notice No. 819, dated July 28, 1975. The correct docket No. and Title are *MC 113528 Sub 25, Mercury Freight Lines, Inc.*

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–28604 Filed 10–22–75;8:45 am]

[Notice No. 120]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 21, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52793 (Sub-No. 20TA), filed October 7, 1975. Applicant: BEKINS VAN LINES, CO., 333 S. Center St., Hillside, Ill. 60162. Applicant's representative: Russell S. Bernhard, 1625 K St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Store fixtures,* refrigerated and non-refrigerated, and accessories thereof, from Conyers, Ga., to points in the United States, for 180 days. Supporting shipper: Warren/Sherer, John W. Thornton, Plant Manager, Conyers, Ga. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., Chicago, Ill. 60604.

No. MC 107162 (Sub-No. 40TA), filed October 7, 1975. Applicant: NOBLE GRAHAM TRANSPORT, INC., R.R. #1, Brimley, Mich. 49715. Applicant's representative: John Duncan Varda, P.O. Box 2509, Madison, Wis. 53701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* from points in Houston County, Ga., to points in the Upper Peninsula of Michigan and Aurora, Hurley and Marinette, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 9 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 108393 (Sub-No. 96TA), filed October 2, 1975. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Ave., Hinsdale, Ill. 60521. Applicant's representative: Eugene L. Cohn, One North LaSalle, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas appliances and equipment, materials, and supplies* used in the manufacture, distribution, and repair of electrical and gas appliances, between St. Paul, Minn., on one hand, and Tecumseh, Mich., and Marion, Ohio, on the other, under a continuing contract with Whirlpool Corporation, for 180 days. Supporting shipper: Carl R. Anderson, Whirlpool Corporation, Administrative Center, Benton Harbor, Mich. 49022. Send protests to: Patricia A. Roscoe, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 111729 (Sub-No. 579TA), filed October 7, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch, (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Blood, blood components, and related accessories,* between Little Rock, Ark., on the one hand, and, on the other, Memphis, Tenn.; Greenville, Hollandale, Indinola, Leland, and Ruleville, Miss.; (2) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature* (except motion picture film used primarily for commercial theatre and television exhibition), between Springfield, Mo., on the one hand, and, on the other, Ada, Altus, Ardmore, Bartlesville, Chickasha, Claremore, Duncan, Enid, Lawton, MacAlister, Miami, Muskogee, Okmulgee, Ponca City, Pryor, and Shawnee, Okla.; (3) (a) *Proofs, cuts, copy, artwork, and advertising material;* (b) *Daily telephone listings and addenda;* (c) *Business papers, records, and audit and accounting media of all kinds,* from St. Louis, Mo., to Topeka and Wichita, Kans., for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) American Red Cross, Arkansas Chapter, Little Rock, Ark. (2) Mellers Photo Labs, Springfield, Mo. (3) Typographic Sales, Inc., St. Louis, Mo. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Bldg., New York, N.Y. 10007.

No. MC 113690 (Sub-No. 6TA) (Correction) filed August 25, 1975, published in the FEDERAL REGISTER issue of September 11, 1975, and republished as corrected this issue. Applicant: SIDNEY T.

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SMITH, 29 Crawford St., Roxbury, Mass. 02121. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel office furniture*, between New York City, on the one hand, and, on the other, points in New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, West Virginia and Virginia, under a continuing contract with Art Steel Company, Inc., for 180 days. Supporting shipper: Art Steel Company, Inc., 170 West 233rd St., Bronx, N.Y. 10463. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., Boston, Mass. 02114. The purpose of this republication is to change common carriage to contract carriage.

No. MC 117664 (Sub-No. 10TA), filed October 7, 1975. Applicant: DENTON TRUCKING, INC., P.O. Box 33, Denton, Md. 21629. Applicant's representative: Chester A. Zyblut, 1030 15th St., N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated and untreated piling*, on special equipment, from Bridgeville, Del., and Baltimore, Md., to points in Delaware, Maryland, Pennsylvania, New York, New Jersey, Connecticut and the District of Columbia, for 180 days. Supporting shipper: Patrick J. Kelly, Secy. Treas., C. K. Forest Products, Inc., 2938 Hempstead Turnpike, Levittown, N.Y. 11756. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814–B Federal Bldg., Baltimore, Md. 21201.

No. MC 127651 (Sub-No. 30TA), filed October 7, 1975. Applicant: EVERETT G. ROEHL, INC., E. 29th St., P.O. Box 7, Marshfield, Wis. 54449. Applicant's representative: Nancy J. Johnson, 4506 Regent St., Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust and shavings*, from points in Sawyer County, Wis., to Ontanogon, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Doehr Lbr., Inc., R. 5, Box 452, Hayward, Wis. 54843. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 133458 (Sub-No. 1TA) filed October 2, 1975. Applicant: JAMES P. WEBB, Castleton Road, East Greenbush, N.Y. 12141. Applicant's representative: Neil D. Breslin, 99 Washington Ave., Suite 1111, Albany, N.Y. 12210. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Petroleum and petroleum products*, in containers, *tires, batteries and automotive accessories* used or sold by gasoline stations, from East Greenbush (Rensselaer County), N.Y., to points in Albany, Columbia, Fulton, Greene, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie and Washington Counties, N.Y., under a continuing contract with Sun Oil Company of Pennsylvania, for 180 days. Supporting shipper: Sun Oil Company of Pennsylvania, Manager, Motor Carrier Rates & Services, 1608 Walnut St., Philadelphia, Pa. 19103. Send protests to: Robert A. Radler, District Supervisor, 518 Federal Bldg., Albany, N.Y. 12207.

No. MC 133687 (Sub-No. 1TA) (Correction) filed September 9, 1975, published in the FEDERAL REGISTER issue of October 8, 1975, and republished as corrected this issue. Applicant: McCARTHY, INC., 650 East 12th Street, New York, N.Y. 10009. Applicant's representative: J. Aiden Connors, 145 East 49th Street, New York, N.Y. 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cameras and camera outfits, camera lenses, unexposed film, cassettes, advertising materials*, (1) between New York, N.Y., Commercial Zone, and Carlstadt, N.J., and Clark, N.J.; (2) between Carlstadt, N.J., and points in Nassau and Westchester Counties, N.Y., under a continuing contract with Nissho Iwai American Corp., for 180 days. Supporting shipper: Nissho Iwai American Corp., 1211 Avenue of Americas, New York, N.Y. 10036. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007. The purpose of this republication is to correct the Docket Number MC 133687 (Sub-No. 1TA) in lieu of MC 141347 TA.

No. MC 136386 (Sub-No. 18TA), filed October 3, 1975. Applicant: GO LINES, INC., 8023 E. Slauson Ave., Suite 6, Montebello, Calif. 90640. Applicant's representative: Timothy G. Abbott, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from the plantsite and/or storage facilities utilized by supporting shipper in Morrow County, Oreg., to points in (a) Texas and Louisiana, and (b) Nevada, California, Arizona and New Mexico; (2) from the plantsite and/or storage facilities utilized by the supporting shipper in Morrow County, Oreg., to *Longshot, Nev.; (3) from *Longshot, Nev., to points in (a) Texas and Louisiana, and (b) Nevada, California, Arizona and New Mexico. Note: Applicant intends to tack paragraphs (2) and (3) for purposes of providing a storage in-transit privilege; transloading old cargo in-transit, or stored in-transit; comingling and/or reloading odd shipments in-transit storage with through direct shipments; pool trailers shipped across state lines in peddle type, multiple delivery service as well as direct through trailer service. *Longshot, Nev., is located in Lyon County, Nev., on Nevada State Highway 1C. Nevada State Highway 1C is known as the Weeks Cut-Off, it is approximately four miles west or south of Silver Springs, it runs between U.S. Highway 50 and U.S. Highway 95 (Alternate). Nevada State Highway 1C is in a remote location and is approximately four miles long. Longshot is in the approximate center thereof, or halfway between highway 50 and 95 (Alternate). The name Longshot has been assigned this location by its developer in order to simply identify the afore described location as a point of reference, for 180 days. Supporting shippers: Gourmet Food Products, Inc., Boardman, Oreg. 97818. Freeport In-Transit Storage Company, Inc., Longshot, Nev. 89429. Send protests to: Mildred I. Price, Transportation Assistant Interstate Commerce Commission, Room 1321, Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 141358 (Sub-No. 1TA) filed October 2, 1975. Applicant: S & M CORP., 14 Middletown Ave., North Haven, Conn. 06473. Applicant's representative: Arthur Liberstein, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, between points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, and New Jersey, under a continuing contract with Giltex, Inc., for 180 days. Supporting shipper: Giltex, Inc., 14 Middletown Ave., North Haven, Conn. 06473. Send protests to: J. D. Perry, Jr., District Supervisor, Interstate Commerce Commission, 324 U.S. Post Office Bldg., 135 High St., Hartford, Conn. 06101.

No. MC 141399 TA filed October 7, 1975. Applicant: GEARY S. BONVILLE, East State St., Presque Isle, Maine 04769. Applicant's representative: Geary S. Bonville, (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and lime*, in bulk, in dump type vehicles, between points in Aroostook County, Maine, on the one hand, and, the ports of entry on the International Boundary, between the United States and Canada, at or near Houlton and Vanceboro, Maine on the other, for 180 days. Supporting shipper: Agway, Inc., Parsons St., Presque Isle, Maine 04769. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 76 Pearl St., Portland, Maine 04111.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28605 Filed 10-22-75;8:45 am]

federal register

THURSDAY, OCTOBER 23, 1975



PART II:

FEDERAL ELECTION COMMISSION

PUBLIC RECORDS

Index to Statements and Reports Filed for the Period January 1, 1975 to September 15, 1975

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FEDERAL ELECTION COMMISSION

[Notice 1976–65]

PUBLIC RECORDS

Index to Statements and Reports

The Federal Election Commission today publishes an index to certain 1975 statements and reports filed under the Federal Election Campaign Act of 1971 and the Federal Election Campaign Act Amendments of 1974. This index includes statements and reports filed for the period January 1, 1975 to September 15, 1975, from Presidential and Vice Presidential candidates and their supporting political committees, as well as those from multicandidate political committees. These documents may have been filed with the Commission or any of the former Supervisory Officers: the Clerk of the U.S. House of Representatives, the Secretary of the U.S. Senate, or the Comptroller General of the U.S. This index does not include reports and statements from candidates for the U.S. Senate and U.S. House of Representatives or their personal political committees, such reports having been filed with and indexed by the Secretary of the Senate and the Clerk of the House of Representatives respectively, during the period covered by this index.

The Federal Election Commission is required by 2 U.S.C. Sec. 438(a)(6) ". . . to compile and maintain a cumulative index of reports and statements filed with it, which shall be published in the FEDERAL REGISTER at regular intervals and which shall be available for purchase directly or by mail for a reasonable price." This index is published to meet that requirement. Additional copies are available from the Commission for $.25 per copy.

NEIL O. STAEBLER,
Vice Chairman, for the Federal Election Commission.

OCTOBER 17, 1975.

SUMMARY

The campaign finance laws passed in 1971 and 1974 require detailed campaign finance reports on contributions and expenditures from candidates for federal office (President, Vice President, U.S. Senator, U.S. Representative) and their supporting political committees. As a result, over 100,000 reports totaling more than ¾ million pages have been filed to date. These reports have been filed with one or more of the three former supervisory officers: the Clerk of the U.S. House of Representatives, the Secretary of the U.S. Senate, and the Comptroller General of the United States.

With the establishment of the Federal Election Commission in 1975, a single, central office, with easy access and copying facilities for all of these statements and reports, came into existence. The Commission has assumed control of all documents filed with the Comptroller General, as well as duplicate sets of those filed with the Secretary and Clerk. The Commission now encourages the greatest possible use of these documents. The Commission also hopes this index of the most current statements and reports (those covering 1975 activity) will serve as an easy reference guide for the public to use in understanding and obtaining those records.

REVIEWING REPORTS

All of the statements and reports listed in this index relate to campaign finance documents filed between January 1, 1975, and September 15, 1975. These records, as well as those filed since April 7, 1972, (the effective date of the Federal Election Campaign Act of 1971) are readily available for inspection and copying at the following location:

PUBLIC RECORDS DIVISION, FEDERAL ELECTION COMMISSION, 1325 K STREET, NW., WASHINGTON, D.C. 20463.

The Public Records Division is open from 9 am to 5:30 pm, Monday–Friday. Additional hours may be announced for reporting periods. The telephone number is:

(202) 382–7012

These records itemize the financial activity of Federal candidates and political committees. The records include numerous reports filed on a quarterly and pre/post election basis. For general reference, each report includes a summary page for that period, listing amounts of total receipts, total expenditures, cash on hand, debts owed, and other breakdowns.

The Commission has available reference tables, ample work space, and knowledgeable staff to help locate documents. Because the reports are required to include a listing of every contribution and expenditure in excess of $100, a simple review may involve numerous reports with many pages. In order to assist the public, the Public Records staff is available to help narrow the scope of the review down to a size that can be handled.

Statements and reports from candidates for the U.S. House of Representatives and their personal political committees may also be reviewed at the Clerk's Office of Records and Registration, Room 1036, Longworth House Office Building, Washington, D.C. The office is open from 9 am to 5 pm, Monday through Friday.

Statements and reports from candidates for the U.S. Senate and their personal political committees may also be reviewed at the Secretary's Office of Public Records, Room 623, 119 D Street NE., Washington, D.C. The office is open from 9 am to 5:00 pm, Monday through Friday.

Copies of reports from candidates for the U.S. Senate, the U.S. House of Representatives, and their personal political committees also should be on file with the candidate's own Secretary of State, whose office is usually located in the State capital.

ORDERING REPORTS

Copies of all of the statements and reports filed by Federal candidates and their supporting political committees since April 7, 1972, are available for purchase for $0.10 per page from the Federal Election Commission. They may be obtained by writing or visiting the Commission at the following address:

Public Records Division, Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463.

Those persons visiting the Commission may use the available photocopy machines for copying all or any part of a statement or report. This self-service arrangement permits the visitor to select only the appropriate pages.

Those persons requesting reports through the mail should clearly identify the specific report(s) they wish to order. A request for copies should include (1) the full name of the candidate or political committee reporting, (2) the specific report desired, and (3) the time period of financial activity which the report covers. The index also lists the number of pages in each report, which can be used to compute the copy charge at $0.10 per page. Full payment in advance is required. Checks should be made payable to the "U.S. Treasurer."

If an order requires more than one half hour of Commission staff time there will be a charge of $2.50 for each following half hour. Authentication with the Commission Seal may also be obtained for a fee of $2.00 per document.

The Public Records Division staff is always available to assist persons in understanding the quantity of pages and cost involved in any order.

RESTRICTIONS

This index and the reports listed are made available for public inspection and copying ". . . provided, that any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose". (2 U.S.C. Section 438(a)(4))

This index is only meant as a reference guide. The listing of reports was compiled from numerous indexes of the Commission and the three former Supervisory Officers. In many instances there are duplicate filings which are only listed once in this index. Although the Commission has tried to make this index as accurate as possible, there may be errors or omissions. As a result, this index should not be used to check on the compliance of candidates and political committees with their statutory filing requirements.

PARA PERSONA DE HABLAR ESPANOL

Si usted tiene dificultades en entender el indice, escriba a Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463.

FEDERAL ELECTION COMMISSION

GUIDE TO INDEX OF STATEMENTS AND REPORTS

This index of statements and reports filed for the period January 1, 1975 to September 15, 1975 is divided into the three general categories listed below:

Part I - Presidential and Vice Presidential Candidates and Committees which are party related

Part II - Multicandidate Committees which are not party-related

Part III - Multicandidate Committees which do not appear to be party-related

In each of these three categories, the index lists (1) the full name of the candidate or political committee, (2) the specific reports available, (3) the time periods of financial activity covered in each report, and (4) the number of pages in each report.

PART I

Listed alphabetically by last name in Part I are those Presidential and Vice Presidential candidates on whose behalf statements or reports have been filed. Personal Candidate Reports are listed immediately below the candidate's name. Following that is listed the candidate's principal campaign committee and/or any personal political committee appearing to operate on a nationwide basis. Finally, by State, is a list of any personal political committees operating on a statewide or local basis.

PRESIDENTIAL AND VICE PRESIDENTIAL (EXAMPLE)

DOE, JOHN		
	October 10 Report	7/1 - 9/30 2 pages
	Doe For President In 1976 Committee	
	Registration	7/1 4 pages
	October 10 Report	7/1 - 9/30 30 pages
	NY - New Yorkers For Doe For President	
	Registration	10/2 4 pages

PART II

Part II lists statements and reports from multicandidate political committees which appear to be related to and organized political party.

Those committees operating on a nationwide basis or directly connected to the national committee of a political party are listed first. Below that, by State, are listed committees operating on a statewide basis or directly connected to a state committee of a political party, followed by county and local party-related committees.

MULTICANDIDATE COMMITTEES WHICH ARE PARTY-RELATED (EXAMPLE)

FEDERALIST PARTY NATIONAL COMMITTEE		
	October 10 Report	7/1 - 9/30 147 pages
CALIFORNIA		
	State Level	
	California Federalist State Executive Committee	
	October 10 Report	7/1 - 9/30 33 pages
	Local Level	
	Los Angeles County Federalist Committee	
	Registration	10/5 7 pages

PART III

Part III lists statements and reports from multicandidate political committees which do not appear to be party-related. These committees are listed in alphabetical order with their reports listed below each committee name.

MULTICANDIDATE COMMITTEES WHICH ARE NOT PARTY-RELATED (EXAMPLE)

Better Government Committee		
	October 10 Report	7/1 - 9/30 13 pages
Good Guys Union #1 Committee On Political Education		
	Registration	10/4 4 pages
Good Guys Corporation Executives Political Action Committee		
	Registration	10/4 4 pages

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PART I - PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES AND COMMITTEES

Individual Committee	Type of Filing	Date Filed or Period Covered	# Pages	Aggregate # Pages
AHERN, FRANK				
	Letter	6/30/75	2	2
BAILEY, THOMAS				
	Letter	8/15/75	3	3
BAKER, PHILIP VERNON				
	Mar. 10 Rpt.	2/18/75 - 3/10/75	2	2
	July 10 Rpt.	3/10/75 - 6/30/75	3	5
	July 10 Amendment	3/10/75 - 6/30/75	4	9
BAYH, BIRCH				
	Letter	8/5/75	1	1
Committee For Birch Bayh in '76 (Principal Campaign Committee) (Authorized)				
	Registration	8/5/75	3	4
BENTSEN, LLOYD				
	(Filings prior to 1975, 6 pages)			
	Mar. 10 Rpt.	1/1/75 - 2/28/75	2	2
	July 10 Rpt.	3/1/75 - 6/30/75	3	5
Bentsen Committee Fund (name changed to Bentsen In '76)				
	(Filings prior to 1975, 266 pages)			
	Registration Amend.	2/10/75	5	10
Bentsen Dinner Committee Fund (name changed to Bentsen Committee Fund)				
	(Filings prior to 1975, 77 pages)			
Bentsen In '76 (Authorized)(Principal Campaign Committee)				
	Mar. 10 Rpt.	1/1/75 - 2/28/75	163	173
	Letter	2/14/75	3	176
	Registration Amend.	6/26/75	2	180
	Letter	3/31/75	2	182
	July 10 Rpt.	3/1/75 - 6/30/75	189	370
The Fall Evening With The Bentsens				
	(Filings prior to 1975, 140 pages)			
VA - Bentsen For President Citizens Committee				
	Registration	5/1/75	3	373
BRITT, MARY				
Mary Britt For President				
	Registration	4/28/75	3	3
	Mar. 10 Rpt.	0/0/75 - 0/0/75	2	5

BOND, HORACE JULIAN				
	Mar. 10 Rpt.	1/1/75 - 2/28/75	4	4
Julian Bond '76 Campaign Committee				
	Registration	5/8/75	4	8
	July 10 Rpt.	3/1/75 - 6/30/75	14	22
CAMEJO, PETER				
	(Filings prior to 1975, 3 pages)			
	Mar. 10 Rpt.	1/1/75 - 2/28/75	2	2
	July 10 Rpt.	3/1/75 - 6/30/75	6	8
	July 10 Amendment	3/1/75 - 6/30/75	4	12
Socialist Workers 1976 National Campaign Committee (Principal Campaign Committee)				
	(See Party-Related files for reports)			
CAREY, VINCENT J.				
	Letter	7/21/75	2	2
CARTER, JIMMY				
Committee For Jimmy Carter				
	(Filings prior to 1975, 21 pages)			
	Registration Amend.	1/31/75	4	4
	Mar. 10 Rpt.	1/1/75 - 2/28/75	25	29
	Mar. 10 Amend.	1/1/75 - 2/28/75	24	53
	Registration Amend.	3/6/75	1	54
	Apr. 10 Rpt.	3/1/75 - 3/31/75	37	91
	July 10 Rpt.	3/1/75 - 6/30/75	53	144
	Registration Amend.	9/10/75	2	146
COLLINS, RICHARD				
	Letter	8/4/75	4	4
	Letter	8/21/75	2	6
ELEY, DAVID C.				
National Citizens Committee For The Election of Daivid C. Eley				
	Registration	8/15/75	4	4
	Registration Amend.	9/2/75	2	6
EVANS, RONALD				
	July 10 Rpt.	3/1/75 - 6/30/75	5	11
FORD, GERALD				
	July 10 Rpt.	6/20/75 - 6/30/75	2	2
The President Ford Committee (Authorized)				
	Registration	6/20/75	8	10
	Registration Amend	7/9/75	3	13
	July 10 Rpt.	6/20/75 - 6/30/75	6	18
	Registration Amend	8/1/75	6	24
	Registration Amend	8/25/75	6	30

GEORGE, MALCOMBE				
	July 10 Rpt.	1/1 - 7/15	8	8
GORDON, J. JOHN				
	July 10 Rpt.	1/1/75 - 7/9/75	5	5
	Letter	7/30/75	1	6
United States Committee To Elect J. John Gordon President of the United States				
	Registration	7/30/75	3	9
	Other Report	9/10/74 - 1/9/75	8	17
GABOR, PATRICK WILLIAM				
	Letter	7/10/75	5	5
GRASSO, ELLA				
New Yorkers For Ella Grasso For Vice-President				
	Registration	9/15/75	4	4
GRAVEL, MIKE				
Friends of Mike Gravel - VP (1972)				
	(Filings prior to 1975, 151 pages)			
	Mar. 10 Rpt.	1/1/75 - 2/28/75	4	4
	July 10 Rpt.	3/1/75 - 6/30/75	5	9
HARRIS, FRED				
	Jan. 31 Rpt.	7/0/75 - 1/31/75	8	8
	Mar. 10 Rpt.	1/31/75 - 3/10/75	2	10
	Other Report	6/9/75	13	23
	July 10 Rpt.	3/1/75 - 6/30/75	15	38
Harris For President				
	Registration	1/28/75	4	42
	Jan. 31 Rpt.	0/0/00 - 1/31/75	9	51
	Mar. 10 Rpt.	1/0/75 - 3/10/75	13	64
	July 10 Rpt. (Includes all subcommittee reports)	3/1/75 - 6/30/75	89	153
CA - Harris For President Committee - Northern California				
	Registration	6/9/75	6	159
CA - Harris For President Committee - Southern California				
	Registration	6/17/75	6	165
CO - Harris For President Committee				
	Registration	7/1/75	4	169
MA - Massachusetts Harris For President Committee				
	Registration	6/26/75	4	173

NH - New Hampshire Harris For President Committee				
	Registration	3/25/75	4	177
NY - New York Harris For President Committee				
	Registration	6/9/75	5	183
OR - Oregon Harris For President				
	Registration	6/9/75	5	185
WI- - Wisconsin Harris For President Committee				
	Registration	6/13/75	5	193
	Mar. 10 Rpt.	0/0/75 - 3/5/75	7	200
HOENIG, PEGGY				
Citizens For Peggy Hoenig For President				
	July 10 Rpt.	0/0/75 - 0/0/75	2	2
HUMPHREY, HUBERT H.				
	Letter from AA	7/1/75	1	1
	Letter from AA	8/12/75	2	3
Committee For The Nomination Of Hubert H. Humphrey, Inc. (1972)				
	(Filings prior to 1975, 2,257 pages)			
	Mar. 10 Rpt.	1/175 - 2/28/75	6	9
	July 10 Rpt.	3/1/75 - 6/30/75	7	16
Friends of Humphrey Committee (1972)				
	(Filings prior to 1975, 121 pages)			
	Mar. 10 Rpt.	1/1/75 - 2/28/75	3	19
	July 10 Rpt.	3/1/75 - 6/30/75	5	24
Hubert H. Humphrey - President Of The United States				
Humphrey '76 Committee				
Humphrey Dinner Committee (1972)				
	(Filings prior to 1975, 95 pages)			
	Mar. 10 Rpt.	1/1/75 - 2/28/75	5	29
	Jun. 10 Rpt.	3/1/75 - 6/30/75	7	36
	Sept. 10 Rpt.	6/1/75 - 8/31/75	6	42
The Triple H Committee (1972)				
	(Filings prior to 1975, 54 pages)			
	Mar. 10 Rpt.	1/1/75 - 2/28/75	2	44
	Jun. 10 Rpt.	3/1/75 - 5/31/75	3	47
1972 Debt Retirement Committee (1972)				
	(Filings prior to 1975, 33 pages)			
	Jan. 31/Mar. 10 Rpt.	11/1/74 - 2/28/75	3	50
	July 10 Rpt.	3/1/75 - 6/30/75	4	54

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JACKSON, HENRY
(Filings prior to 1975, 64 pages)

Mar. 10 Rpt.	1/1/75 - 2/28/75	2	2
July 10 Rpt.	3/1/75 - 6/30/75	2	4

Jackson For President Committee (Authorized)
(Filings prior to 1975, 125 pages)

Mar. 10 Rpt.	1/1/75 - 2/28/75	97	101
Mar. 10 Amendment	1/1/75 - 2/28/75	2	103
Mar. 10 Amendment	1/1/75 - 2/28/75	1	104
Mar. 10 Amendment	1/1/75 - 2/28/75	17	121
Registration Amend.	3/13/75	3	124
Other Report	5/12/75	1	125
July 10 Rpt.	3/1/75 - 6/30/75	262	387

Jackson Planning Committee (name changed to Jackson For President Committee)
(Filings prior to 1975, 20 pages)

WI - First District Jackson For President Committee

Registration	8/14/75	3	390

KENNEDY, EDWARD

Letter	6/4/75	3	3

MA - The DrafTED Committee (Unauthorized)

Registration	4/20/75	4	7
Registration Amend.	4/24/75	4	11
July 10 Rpt.	3/1/75 - 6/30/75	6	17

LANYHOW, PAUL T.

Letter	8/20/75	5	5

LA ROUCHE, LYNDON H.

July 10 Rpt.	3/1/75 - 6/30/75	5	5

LINDSAY, JOHN

Regards To The Lindsay Years (1972)
(Filings prior to 1975, 103 pages)

Other Report	11/9/73 - 2/28/75	9	9

MCCABE, JOHN
(Filings prior to 1975, 3 pages)

Mar. 10 Rpt.	1/31/75 - 3/10/75	2	2
Jun. 10 Rpt.	3/10/75 - 6/10/75	5	7
July 10 Amend,	6/10/75 - 7/10/75	6	13

MCCARTHY, EUGENE
(Filings prior to 1975, 42 pages)

Jan. 31 Rpt.	1/12/75 - 1/31/75	3	3
July 10 Rpt.	3/1/75 - 6/30/75	2	5

Committee For A Constitutional Presidency/McCarthy '76 (Principal Campaign Committee)
(Filings prior to 1975, 29 pages)

Registration Amend.	1/20/75	1	6
Mar. 10 Rpt.	12/31/74 - 2/28/75	8	14
Letter	6/10/75	3	17
July 10 Rpt.	3/1/75 - 6/30/75	16	33

IA - Iowa 1st District McCarthy '76

Registration	8/19/75	4	37

MO - McCarthy '76 Missouri Second Congressional District

Registration	8/25/75	2	39

NY - McCarthy '76, New York, 6th E.D.

Registration	8/12/75	1	40
Registration Amend	8/25/75	5	45

OR - McCarthy '76 Committee

Registration	8/4/75	4	49

WI - Committee For A Constitutional Presidency-McCarthy '76/ Wisconsin 2nd Congressional District

Mar. 10 Rpt.	12/23/74 - 2/28/75	7	56
July 10 Rpt.	3/1/75 - 6/30/75	7	63

MCCORMACK, ELLEN

Letter	7/23/75	3	3

Pro Life Action Committee (Principal Campaign Committee)
(See Party-Related files for reports)

MCGOVERN, GEORGE

McGovern Committee (1972)
(Filings prior to 1975, 74 pages)

Mar. 10 Rpt.	1/1/75 - 2/28/75	10	10
Jun. 10 Rpt.	3/1/75 - 5/31/75	8	18
July 10 Rpt.	3/1/75 - 6/30/75	8	26

CA - Californians For McGovern (1972)
(Filings prior to 1975, 164 pages)

Mar. 10 Rpt.	1/1/75 - 2/28/75	4	30
July 10 Rpt.	3/1/75 - 6/30/75	3	33

CA - McGovern Central Control Fund (1972)
(Filings prior to 1975, 539 pages)

Mar. 10 Rpt.	1/1/75 - 2/28/75	4	37

July 10 Rpt.	3/1/75 - 6/30/75	4	41

CA - McGovern '72 Committee (1972)
(Filings prior to 1975, 246 pages)

Mar. 10 Rpt.	1/1/75 - 2/28/75	4	45
July 10 Rpt.	3/1/75 - 6/30/75	4	49

MA - National Lawyers Committee For McGovern - Shriver
(Filings prior to 1975, 37 pages)

Mar. 10 Rpt.	1/1/75 - 2/28/75	4	53
July 10 Rpt.	3/1/75 - 6/30/75	4	57
Sept. 10 Rpt.	9/10/75 - 1/30/76	4	61

MI - Michigan McGovern For President (1972)
(Filings prior to 1975, 263 pages)

Other Report	6/1/74 - 2/28/75	5	66
Letter	4/23/75	1	67

MN - McGovern For President/Minnesota (1972)
(Filings prior to 1975, 295 pages)

Mar. 10 Termination	1/1/75 - 2/28/75	3	70

NY - New York City Committee, Labor For McGovern - Shriver (1972)

Mar. 10 Rpt.	1/1/75 - 2/28/75	3	74
July 10 Rpt.	3/1/75 - 6/30/75	2	76
Letter	8/15/75	1	77
Letter	8/18/75	1	78

ND - McGovern For President/ North Dakota (1972)

Letter	8/20/75	1	79

OH - McGovern For President-Ohio
(Filings prior to 1975, 299 pages)

Mar. 10 Rpt.	1/1/75 - 2/28/75	2	81
July 10 Rpt.	3/1/75 - 6/30/75	5	86

WI - Wisconsin McGovern For President Committee
(Filings prior to 1975, 3 pages)

Letter	3/12/75	2	88

MILLER, ERNEST L.

Miller For President National Committee

Registration	7/10/75	4	4
July 10 Rpt.	4/1/75 - 7/10/75	5	9

MONDALE, WALTER F.
(Filings prior to 1975, 11 pages)

Mar. 10 Rpt.	1/1/75 2/28/75	2	2
July 10 Rpt.	3/1/75 - 6/30/75	3	5

The Mondale Committee
(Filings prior to 1975, 93 pages)

Mar. 10 Rpt.	1/1/75 - 2/28/75	7	12
Mar. 10 Amend.	1/1/75 - 2/28/75	3	15
July 10 Rpt.	3/1/75 - 6/30/75	9	24

MUSKIE, EDMUND

CA - Northern California Citizens For Muskie (1972)

Letter	8/15/75	2	2

OH - Ohioans For Muskie Committee
(Filings prior to 1975, 72 pages)

Other Report	3/3/75	2	4

PA - Pennsylvania Muskie For President (1972)
(Filings prior to 1975, 147)

Mar. 10 Rpt.	1/1/75 - 3/10/75	10	14

NIXON, RICHARD

Finance Committee To Re-Elect The President (1972)
(Filings prior to 1975, 3,984)

Mar. 10 Rpt.	1/1/75 - 2/28/75	2	2
July 10 Rpt.	3/1/75 - 6/30/75	3	5

1972 Campaign Liquidation Trust (1972)
(Filings prior to 1975, 108 pages)

Mar. 10 Rpt.	1/1/75 - 2/28/75	16	21
Mar. 10 Amendment	1/1/75 - 2/28/75	1	23
July 10 Rpt.	3/1/75 - 6/30/75	18	41

MD - Democrats For Nixon (1972)
(Filings prior to 1975, 105 pages)

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July 10 10/Term.	3/1/75 - 6/30/75	5	53

PATTON, PAT
(Filings prior to 1975, 2 pages)

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July 10 Rpt.	4/1/75 - 6/30/75	6	8

PEABODY, ENDICOTT

Peabody Fund Committee (1972)
(Filings prior to 1975, 24 pages)

Mar. 10 Rpt.	1/31/75 - 2/28/75		
July 10 Rpt.	1/31/75 - 6/30/75		

PERCY, CHARLES

The Percy Committee
(Filings prior to 1975, 136 pages)

Mar. 10 Rpt.	1/1/75 - 2/28/75	4	4
July 10 Rpt.	3/1/75 - 6/30/75	5	9
Letter	7/25/75	2	11

REAGAN, RONALD

Citizens For Reagan (Principal Campaign Committee)

Registration	7/24/75	4	4
*Letter	8/19/75	2	6
*Regis. Amendment	8/19/75	2	8

Committee To Administer The Governor Reagan Travel Fund

July 10 Rpt.	3/1/75 - 6/30/75	17	25

NY - Citizens For Reagan

Registration	5/1/75	3	28
July 10 Rpt.	3/21/75 - 6/30/75	8	36

REED, RALPH RANDOLPH
(Filings prior to 1975, 2 pages)

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REID, WILLIE MAE

Mar. 10 Rpt.	1/1/75 - 2/28/75	2	2
Letter	7/14/75	1	3
July 10 Rpt.	3/1/75 - 6/30/75	4	7

Socialist Workers 1976 National Campaign Committee (Principal Campaign Committee)
(See Party-Related files for reports)

RODEN, GEORGE

June 10 Rpt.	3/21/75 - 6/10/75	3	3
Sept. 10 Rpt.	6/10/75 - 9/10/75	3	6

Committee For The Election Of George Roden For President

Registration	5/5/75	3	9
Jun. 10 Rpt.	3/21/75 - 6/10/75	3	12
Sept. 10 Rpt.	6/10/76 - 9/10/75	3	15

RYAN, JOSEPH A.

Jun. 10 Rpt.	4/2/75 - 6/10/75	5	20

SANFORD, TERRY

Citizens Committee To Nominate Terry Sanford (name changed to Sanford For President Committee)
(Filings prior to 1975, 73 pages)

Letter	1/23/75	2	2
Mar. 10 Rpt.	1/1/75 - 2/28/75	19	21

Sanford For President Committee (Authorized)

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Registration Amend.	6/27/75	3	30
July 10 Rpt.	3/1/75 - 6/30/75	40	70
Registration Amend.	7/17/75	2	72
Debt Notification	8/29/75	7	78

NC - North Carolinians For Terry Sanford (1972)

Termination Amend.	7/3/75	2	80

Sanford For President (1972)
(Filings prior to 1975, 291 pages)

Mar. 10 Rpt.	1/1/75 - 2/28/75	5	85
July 10 /Term.	2/28/75 - 6/30/75	4	89

SHAPP, MILTON

July 10 Rpt.	3/1/75 - 6/30/75	3	3

Shapp For President Committee

Registration	6/25/75	4	7
July 10 Rpt.	6/13/75 - 6/30/75	5	12

SHRIVER, SARGENT

Letter	7/15/75	1	1

The Draft Shriver Committee (Unauthorized)

Registration	6/4/75	5	6
July 10 Rpt.	5/12/75 - 6/10/75	4	10

Shriver For President Committee

Registration	7/15/75	11	21

TEMPLETON, DEAN

Templeton's Write-In Roundup
(Filings prior to 1975, 3 pages)

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Mar. 10 Rpt./Term.	1/28/75 - 3/9/75	2	4

UDALL, MORRIS
(Filings prior to 1975, 4 pages)

Mar. 10 Rpt.	1/1/75 - 2/28/75	4	4
July 10 Rpt.	3/1/75 - 6/30/75	3	7

Udall '76 Committee
(Filings prior to 1975, 14 pages)

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July 10 Rpt.	3/1/75 - 6/30/75	121	183

IA - Udall '76 Committee

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KS - Udall '76 Committee

Registration	9/2/75	4	191

MA - Massachusetts Udall '76 Committee

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MA - Udall '76 Massachusetts Special Events Committee

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NH - New Hampshire Udall '76 Committee

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OR - Oregon Udall '76 Committee

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WI - Wisconsin Udall '76 Committee

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WALLACE, GEORGE
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The Wallace Campaign, Inc.
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July 10 Rpt.	3/1/75 - 6/30/75	136	176
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CA - Draft George C. Wallace For President

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WI - Bi-Partisan Friends of the Presidency/Wallace For President Committee

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WHARTON, GORDON

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YORTY, SAM

Yorty For President
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Jun. 10 Rpt.	3/1/75 - 5/31/75	4	9

ZARNOWSKI, JOSEPH PETER

Letter	7/21/75	2	2

PART II - MULTICANDIDATE COMMITTEES WHICH ARE PARTY RELATED

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Arrangements Committee 1974 Conference on Democratic Party Organization and Policy		
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Democratic Telethon Production Committee		
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Democratic County Central Committee - Araphoe		
March 10	1/1 - 2/28	5
July 10	3/1 - 6/30	5
Democratic County Central Committee - Jefferson County		
R/A	2/12	2
March 10	1/1 - 2/28	4
Amendment	3/24	3
R/A	4/14	3
July 10	3/1 - 6/30	8
Democratic County Central Committee - Pueblo County		
January 31	10/31 - 1/31	8
Amendment	10/31 - 1/31	8
R/A	3/11	2
Denver County Republican Central Committee		
R/A	3/6	2
R/A	3/6	1
March 10	1/1 - 2/28	6
July 10	3/1 - 6/30	11
Denver Labor Party		
Registration	6/18	4
Larimer County Democratic Central Committee		
R/A	1/9	1
R/A	3/11	1
March 10	1/1 - 2/28	6
Letter	3/11	1

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Socialist Workers 1976 Colorado Campaign Committee		
Registration	3/6	4
March 10	2/23 - 2/28	6
July 10	3/1 - 6/30	6
Weld County Democratic Central Committee		
January 31	1/1 - 1/26	6
March 10	1/27 - 3/5	3
July 10	3/6 - 6/30	6
CONNECTICUT -		
Connecticut Republican Finance Committee		
Amendment	1/1 - 2/28	2
July 10	3/1 - 6/3	13
1974 State Campaign		
March 10	1/1 - 2/28	7
Amendment	1/1 - 2/28	6
Amendment	1/1 - 2/28	5
July 10	3/1 - 6/3	13
Local Level -		
Darien Town Republican Committee		
R/A	1/31	2
Letter	2/13	1
Letter	3/7	1
Fifth Congressional District Republican Committee		
March 10	1/31 - 2/28	3
Republican Town Committee		
March 10	1/1 - 3/7	5
July 10	3/8 - 7/7	6
Salisbury Republican Committee		
March 10	1/31 - 3/10	4
June 10	3/10 - 6/30	4
July 10	6/10 - 7/10	5
Simbury Republican Town Committee		
R/A	6/26	1
R/A	7/7	2
DELAWARE -		
Delaware Labor Party		
Registration	7/10	5
R/A	8/27	1
Democratic State Committee of Delaware		
March 10	1/1 - 2/28	8
July 10	3/1 - 6/30	15

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NAME	DATE	# OF PAGES
DISTRICT OF COLUMBIA -		
D.C.Republican Committee		
March 10	1/1 - 2/28	10
R/A	7/2	3
July 10	3/1 - 6/30	14
D.C. Socialist Workers Campaign Committee		
Registration	2/7	4
R/A	3/6	2
March 10	1/1 - 2/28	7
Amendment	2/6 - 2/28	6
July 10	3/1 - 6/30	8
D.C.Telethon Committee		
Registration	7/28	5
Washington D.C. Labor Party		
Registration	6/18	3
North Carolina Democratic Club of Washington, D.C.		
R/A	3/10	1
March 10	1/1 - 2/28	4
July 10	3/1 - 6/30	7
FLORIDA-		
Democratic Executive Committee of Florida		
March 10	1/1 - 2/28	29
Amendment	1/1 - 2/28	3
R/A	5/22	2
R/A	6/11	1
July 10	3/1 - 6/30	82
The Executive Committee of the American Party of the State of Florida		
March 10	1/1 - 2/28	6
Florida Federation of Republican Women		
Letter	3/10	1
March 10	1/1 - 2/28	2
Termination Report	3/20	1
Republican Party of Florida		
Letter	3/25	2
Letter	4/14	1
Letter	5/16	1
R/A	5/30	1
July 10	12/16 - 7/10	3
Suspended	7/12	2

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Local Level -		
Escambia County Democratic Committee		
R/A	2/28	2
Okaloosa County Democratic Executive Committee		
R/A	8/4	1
GEORGIA -		
Georgia Socialist Workers Campaign Committee		
R/A	3/11	4
July 10	2/23 - 7/10	7
R/A	7/14	1
Georgia Telethon Committee		
Letter	2/20	5
March 10	1/1 - 2/28	3
Letter	3/25	2
R/A	6/11	1
July 10	2/28 - 6/30	3
HAWAII -		
Republican Party of Hawaii Federal Campaign Fund		
Termination	1/1 - 2/28	3
R/A	6/9	1
R/A	7/15	1
IDAHO-		
Idaho Republican Congressional Campaign Committee		
Letter	1/15	1
January 31	10/31 - 1/31	3
March 10	1/1 - 2/28	3
Amendment	1/1 - 2/28	3
July 10	2/2 - 6/30	6
Idaho State Democratic Central Committee		
March 10	1/1 - 2/28	11
Amendment	1/1 - 2/28	2
Amendment	1/1 - 2/28	4
R/A	6/9	2
R/A	6/25	1
July 10	3/1 - 6/30	14
ILLINOIS -		
Democratic State Central National Telethon Account		
Registration	9/4	4
Illinois Republican State Central Committee		
March 10	1/1 - 2/28	10
Amendment	1/1 - 2/28	11
July 10	3/1 - 6/30	30

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Illinois Socialist Workers Campaign '74 Committee		
Termination	10/25 - 1/24	6
Amendment	10/25 -1/24	
Amendment	4/21	1
Illinois State Campaign Committee		
Letter	3/3	2
March 10	1/1 -2/28	8
Illinois 1975 Socialist Workers Campaign Committee		
Registration	7/14	3
July 10	6/1 - 6/7	8
Telethon Three Committee of Illinois		
March 10	1/1 - 2/28	6
Amendment	1/1 - 2/28	6
July 10	3/1 - 6/30	5
United Republican Fund of Illinois		
March 10	1/1 - 2/28	32
Amendment	1/1 - 2/28	2
July 10	3/1 - 6/30	28
Local Level -		
Aurora Republican Finance Committee		
Suspension	1/21	1
Suspension	9/11	
Chicago Labor Party		
Registration	7/2	4
Peoria County United Republican Fund		
Letter	2/20	2
Peoria County United Republican Fund		
March 10	1/1 - 2/28	6
Amendment	1/1 - 2/28	1
July 10	3/1 - 6/30	11
Will Grund County Political Information Committee		
March 10	1/1 - 2/28	2
July 10	3/1 - 6/30	4
Women's Republican Club of Lake Forest - Lake Bluff		
March 10	1/1 - 2/28	2
Letter	7/14	1
1974 Independent Campaign Committee		
March 10	1/1 - 2/28	13
July 10	3/1 - 6/30	6

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INDIANA -		
Greater Indianapolis Republican Finance Committee		
March 10	1/1 - 2/28	16
Amendment	1/1 - 2/28	2
July 10	3/1 - 6/30	23
Indiana Democratic State Central Committee		
March 10	1/1 - 2/28	11
Amendment	1/1 - 2/28	2
Amendment	1/1 - 2/28	3
July 10	2/28 - 6/30	32
Indiana Republican State Central Committee		
March 10	1/1 - 2/28	70
Amendment	1/1 - 2/28	24
July 10	3/1 - 6/30	123
Indiana State Federation of Women's Republican Clubs		
March 10	1/1 - 2/28	5
July 10	3/1 - 6/30	6
Local Level -		
Allen County Central Committee of the American Party		
March 10	1/31 - 2/28	9
Allen County Republican Central Committee		
March 10	1/1 - 2/28	10
July 10	3/1 - 6/30	21
Benton County Republican Central Committee		
Letter	1/22	2
Waiver	3/3	1
Cass County Republican Central Committee		
March 10	1/1 - 2/28	8
July 10	3/1 - 6/30	7
Dearborn County Democratic Central Committee		
Registration	1/21	3
Letter	1/30	1
Amendment	1/30	1
Fayette County Republican Central Committee		
Letter	2/20	5
Waiver	6/19	2
Termination	6/27	2
Hancock County Republican Central Committee		
R/A	4	1
Hendricks County Republican Committee		
Letter	1/10	3
Letter	3/10	1
Indiana 2nd District Republican Central Committee		
Suspension	1/11	2
Indiana 3rd District Republican Committee		
March 10	1/1 - 2/28	3
July 10	3/1 - 6/30	4

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Jay County Republican Central Committee		
March 10	12/31 - 2/28	3
15 - Day	2/28 - 4/21	2
5 - Day	4/21 - 5/1	3
July 10	5/1 - 6/30	3
Jasper County Republican Central Committee		
Registration	5/13	5
Johnson County Republican Central Committee		
R/A	6/6	2
Klen Boosters, Inc.		
R/A	1/30	3
March 10	1/1 - 2/28	10
Termination	1/1 - 2/28	8
Amendment	1/1 - 2/28	1
Amendment	1/1 - 2/28	9
Amendment	1/1 - 2/28	3
Madison County Republican Central Committee		
March 10	1/1 - 2/28	8
Letter	3/25	2
May 20	1/1 - 5/15	4
June 10	3/1 - 5/31	9
Marion County Republican Central Committee		
March 10	1/1 - 2/28	16
July 10	3/1 - 6/30	33
Martin County Republican Central Committee		
Waiver	1/21	1
Porter County Republican Central Committee		
Letter	3/7	1
March 10	1/1 - 2/28	4
July 10	3/1 - 6/30	8
Putnam County Republican Central Committee		
Letter	2/26	3
Randolph County Republican Central Committee		
March 10	1/1 - 2/28	6
July 10	3/1 - 6/30	5
Republican Central Committee of Grant County Indiana		
Termination	2/7	2
Republican Central Committee of St. Joseph County		
Letter	3/11	4
Rush County Republican Central Committee		
July 10	1/1 - 6/30	6

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Sullivan County Republican Central committee		
R/A	6/16	4
S.W.P. Campaign '74		
Letter	3/27	1
The Circle Club		
March 10	1/1 - 2/28	4
July 10	3/1 - 6/30	5
Tippecande County Republican Central Committee		
R/A	9/8	1
Vanderburgh County Lincoln Republican Committee		
March 10	1/1 - 2/28	8
July 10	12/30 - 6/30	8
Wayne County Republican Central Committee		
March 10	1/1 - 2/28	4
July 10	2/28 - 6/30	8
Waiver	7/10	2
Letter	8/22	1
Wells County Republican Central Committee		
January 31	11/1 - 1/31	6
March 10	1/31 - 3/10	6
Fifth District Republican Central committee		
March 10	1/1 - 2/28	3
July 10	3/1 - 6/30	4
7th District Republicans		
Waiver	6/26	5
Eight District Democratic Central Committee		
March 10	1/31 - 3/10	4
15 - Day	3/10 - 4/16	2
5 - Day	4/16 - 4/26	2
R/A	6/20	2
Ninth District Democratic Central Committee		
March 10	1/1 - 2/28	2
July 10	3/1 - 6/30	2
R/A	8/1	2
Amendment	8/1	2
10th District Republican Committee		
March 10	1/1 - 3/5	3
June 10	3/6 - 5/31	3

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IOWA -		
Democratic State Central Committee (Federal Division)		
March 10	1/1 - 3/10	3
Amendment	1/1 - 2/28	6
July 10	1/1 - 6/30	7
Iowa Democratic Party		
Letter	1/29	1
R/A	3/28	1
Iowa Federation of Republican Women		
March 10	1/1 - 2/28	4
Letter	3/13	1
July 10	3/1 - 6/30	5
Iowa Labor Party		
Registration	7/2	4
Republican State Central of Iowa		
R/A	3/10	2
March 10	1/1 - 2/28	42
Amendment	1/1 - 2/28	5
July 10	3/1 - 6/30	43
Letter	7/14	2
Local Level -		
American Liberty Dinner Finance Committee		
Registration	3/24	5
July 10	7/15	66
Termination	9/3	7
Dickinson County Republican Central Committee		
March 10	1/1 - 2/28	6
March 10	1/1 - 2/28	6
July 10	3/1 - 6/30	6
Fifth District Congreasional Campaign Committee		
March 10	1/1 - 3/1	3
First District Democratic Central Committee		
March 10	1/1 - 2/28	2
Fourth District Campaign Committee		
March 10	1/1 - 2/28	2
Henry County Republican Women's Club		
R/A	2/5	2
R/A	2/20	2
R/A	3/17	1
Linn Chapter of the Democratic Women's Activities of Iowa		
March 10	1/1 - 2/28	3
July 10	2/28 - 6/30	5
September 10	7/10 - 9/10	4

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Madison County Republican Central Committee		
May 20	1/1 - 5/15	4
Midwest Republican Group		
March 10	1/1 - 2/28	2
July 10	3/1 - 6/30	3
Sixth District Democrats of Iowa		
March 10	11/14 - 3/10	2
Termination	3/14	2
Third District Congreasional Fund		
January 31	10/24 - 1/13	6
R/A	1/30	1
March 10	1/13 - 2/28	7
R/A	3/28	1
July 10	3/1 - 6/30	7
Voter Identification Program Committee		
March 10	1/1 - 2/28	6
Termination	1/1 - 2/28	1
Letter	3/25	2
KANSAS -		
Kansas Democratic State Committee		
March 10	1/1 - 2/28	35
Amendment	1/1 - 2/28	4
R/A	3/24	3
July 10	3/1 - 6/30	38
Kansas Republican State Committee		
Letter	2/4	1
March 10	1/1 - 2/28	2
July 10	3/1 - 6/30	3
KENTUCKY -		
American Party of Kentucky State Central Committee		
March 10	3/7	3
R/A	3/11	2
Amendment	4/24	4
Letter	3/25	2
July 10	3/1 - 6/30	4
Kentucky State Democratic Central & Executive Committee		
March 10	1/1 - 2/28	21
Amendment	1/1 - 2/28	2
Amendment	1/1 - 2/28	3
Amendment	1/1 - 2/28	3
Amendment	1/1 - 2/28	3
June 10	3/1 - 5/31	23
R/A	6/3	1
July 10	6/1 - 6/30	16
R/A	7/12	2

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Republican Party of Kentucky		
March 10	1/1 - 2/28	16
July 10	3/1 - 6/30	25
Local Level -		
Adair Republican Campaign Committee		
R/A	1/16	2
American Party 6th District Campaign Funds		
Termination	11/1 - 1/24	2
Assistant County Attorney's Voluntary Fund		
R/A	3/7	2
Campbell County Democratic Campaign Committee		
Letter	3/25	2
Greenup County Democratic Committee		
Registration	1/31	3
Henderson County Campaign Committee		
Termination	2/7	6
Lincoln Club of Kentucky		
March 10	1/1 - 2/28	3
R/A	7/9	2
July 10	3/1 - 6/30	4
Letter	8/13 -	1
Madison County Republican Campaign Committee		
Letter	3/25	2
Republican Executive Committee of Jefferson County		
R/A	1/21	1
R/A	1/27	1
March 10	1/1 - 2/28	7
R/A	5/5	1
R/A	6/13	1
July 10	3/1 - 6/30	11
Amendment	7/1 - 6/30	3
R/A	7/17	1
LOUISIANA -		
Democratic State Central Committee of Louisiana		
Registration	8/4	3
Democratic Telethon Committee of Louisiana		
Special Election	12/24 - 1/2	2
Amendment	12/24 - 1/2	2
January 31	1/3 - 3/31	3
Amendment	1/1 - 2/28	3
Amendment	1/2 - 1/31	2
July 10	2/28 - 6/30	6

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Local Level -		
Brothers Improvement Association		
January 31	9/1/74 - 1/31 75	2
Letter	3/25	2
Harambee Urban Research Campaign Committee		
15 - Day	8/1/74 - 1/31/75	6
Termination	8/1/74 - 1/31/75	1
Ouachita Parish Black Concerned Citizens		
March 10	1/1 - 2/28	2
Political Action Committee Natchitoches Area		
March 10	1/1 - 2/28	4
July 10	3/11 - 7/10	5
Southern Organization for Unified Louisiana (SOUL)		
Termination	3/14	4
MAINE -		
Maine Democratic State Committee		
March 10	1/1 - 2/28	25
July 10	3/1 - 6/30	29
Maine Republican State Committee		
March 10	1/1 - 3/30	16
Amendment	1/1 - 2/22	2
Local Level -		
Maine Township Republican Women's Club, Inc.		
Letter	2/20	2
March 10	1/1 - 3/10	16
Amendment	1/1 - 2/28	2
Amendment	1/1 - 2/28	4
Amendment	1/1 - 2/28	3
Amendment	1/1 - 2/28	2
Amendment	1/10- 2/28	5
July 10	3/1 - 6/30	28
Letter	8/18	1
Claire County Republican Committee		
Registration	7/7	4
MARYLAND -		
Democratic State Central Committee		
January 31	9/1 - 2/28	19
March 10	10/1 - 2/28	73
Termination	10/1 - 2/28	91
Democratic State Central Committee		
Registration	4/24	3
R/A	5/20	2
Local Level -		
Baltimore Labor Party		
July 10	3/1 - 7/10	2
Registration	7/24	3

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Cecil County Democratic Committee		
March 10	12/31 - 3/10	2
July 10	3/11 - 6/30	4
First Congressional District Republican Committee		
March 10	1/1 - 2/28	4
April 10	3/1 - 3/31	2
July 10	4/1 - 6/30	2
Montgomery County Democratic Campaign Committee		
March 10	1/1 - 2/28	13
July 10	3/1 - 6/30	11
Montgomery County Democratic Central Committee		
R/A	1/31	2
March 10	12/31 - 2/28	7
Amendment	12/31 - 2/28	1
July 10	2/28 - 6/30	44
Montgomery County Republican Central Committee		
March 10	12/31 - 2/28	10
R/A	6/20	2
July 10	3/1 - 6/30	18
Potomac Women's Republican Club		
Letter	3/19	2
R/A	5/2	2
MASSACHUSETTS -		
Massachusetts Democratic State 1974 Telethon Committee		
January 31 Amendment	11/1 - 1/31	4
March 10	2/1 - 3/10	6
Amendment	2/1 - 3/10	2
July 10	3/10 - 6/30	5
Letter	7/28	2
MICHIGAN -		
Michigan Republican Finance Committee		
March 10	1/1 - 2/28	26
July 10	3/1 - 6/30	49
Printout	3/1 - 6/30	250
Michigan Republican State Committee		
March 10	1/1 - 2/28	13
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Michigan Democratic Telethon 11 Committee		
March 10	1/1 - 2/28	5
R/A	7/10	3
July 10	3/1 - 6/30	3
Termination	7/15	5
Letter	7/21	2

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1976 Michigan Socialist Workers Campaign Committee		
Registration	3/13	3
July 10	1/24 - 6/30	11
R/A	7/14	1
Local Level -		
Branch County Republican Committee		
R/A	3/14	1
July 10	3/1 - 6/30	6
Detroit Labor Party		
Registration	6/6	3
Eaton County Republican Committee		
Registration	6/26	4
Genesee County Republican Finance Committee		
R/A	3/11	2
R/A	3/11	2
March 10	1/1 - 2/28	9
R/A	4/21	2
July 10	3/1 - 6/30	17
Homer Brundage "300" Club		
March 10	1/1 - 2/28	4
July 10	3/1 - 6/30	9
Houghton County Republican Committee		
Registration	7/3	4
Huron County Republican Party		
March 10	1/1 - 2/28	3
June 10	3/1 - 5/31	7
July 10	3/1 - 6/30	5
September 10	6/1 - 8/31	5
Ingham County Republican Committee		
Registration	2/24	3
Jackson County Republican Committee		
R/A	3/7	2
March 10	1/1 - 2/28	4
July 10	3/1 - 6/30	3
September 10	7/1 - 8/31	6
Kent County Republican Finance Committee		
R/A	2/28	2
March 10	1/1 - 2/28	12
Amendment	1/1 - 2/28	10
Amendment	1/1 - 2/28	2
July 10	3/1 - 6/30	21
Sept. 10	6/1 - 8/31	12
Lenawee County Republican Committee		
Registration	6/26	4

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Livingston County Republican Committee		
Registration	7/15	5
Manistee County Republican Committee		
March 10	1/1 - 3/1	2
July 10	3/1 - 6/1	2
R/A	7/17	4
Marquette County Republican Committee		
R/A	2/3	4
Montcalm Republican Committee		
Registration	6/26	4
Newago County Republican Committee		
March 10	1/1 - 2/28	2
July 10	7/14	3
Amendment	3/1 - 6/30	8
Amendment	7/18	11
Northeast Michigan GOP Finance Committee		
Registration	7/15	4
Ottawa County Republican Committee		
Registration	7/7	4
July 10	3/1 - 6/30	5
Presque Isle County Republican Committee		
Registration	7/21	4
Republican Committee of Oakland County		
March 10	1/1 - 2/28	21
Amendment	1/1 - 2/28	6
Amendment	1/1 - 2/28	2
July 10	3/1 - 6/30	17
Saginaw County Republican Committee		
Suspension	1/1 - 2/28	10
Letter	2/14	2
R/A	3/10	1
Sixth Congressional District Republican Committee		
Registration	8/21	4
Southern Michigan Republican Finance Committee		
March 10	1/1 - 2/28	11
Washtenaw County Republican Committee		
R/A	3/5	1
March 10	1/1 - 2/28	2
July 10	3/1 - 6/30	2

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Wayne 2nd District Republican Committee		
Registration	7/14	4
5th District Republican Committee		
R/A	2/24	2
March 10	1/1 - 2/28	4
Amendment	1/1 - 2/28	2
July 10	3/1 - 6/30	3
11th Congressional District Republican Association		
Registration	7/15	4
13th Congressional District Republican Association		
Registration	7/21	4
14th Congressional District Republican Association		
Registration	7/21	5
18th Democratic Congressional District Committee		
R/A	3/6	2
March 10	1/1 - 2/28	2
July 10	3/1 - 6/30	2
19th Congressional District Democratic Committee		
R/A	3/5	2
March 10	1/1 - 2/28	2
R/A	6/26	1
R/A	7/10	2
July 10	3/1 - 6/30	2
19th Congressional District Republican Committee		
March 10	1/1 - 3/1	6
July 10	3/1 - 7/1	2
'76 Democratic Campaign Committee		
Registration		3
MINNESOTA -		
Minnesota Democratic Telethon Committee		
March 10	1/1 - 2/28	3
July 10	6/1 - 6/30	5
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Registration	7/10	2
July 10	6/1 - 6/30	5
Minnesota Republican Finance Committee		
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March 10	1/1 - 2/28	26
July 10	3/1 - 6/30	71
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March 10	1/1 - 2/28	7
Registration Amendment	3/31	5
July 10	3/1 - 6/30	13
Local Level -		
Becker County Republican Committee		
March 10	1/1 - 2/28	3
R/A	6/9	1
July 10	3/1 - 6/30	4
R/A	7/17	2
Blue Earth County Republican Committee		
R/A	6/13	1
Fillmore County Republican Committee		
Letter	2/21	1
Letter	3/3	1
March 10	3/3	3
Letter	8/26	-
Go Fourth Club (4th Congressional District Candidate Fund)		
March 10	1/1 - 2/28	2
July 10	3/1 - 6/30	3
Nicollet County DFL		
January 31	10/22 - 1/31	6
March 10	2/1 - 3/10	1
July 10	3/10 - 6/30	2
Sixth District DFL Party		
Suspension	1/1 - 1/29	3
July 10	1/1 - 6/30	2
Stearns County Republican Committee		
R/A	1/20	1
March 10	3/31	2
July 10	3/10 - 7/10	5
Steele County Republican Committee		
R/A	1/10	1
March 10	12/31 - 3/10	3
R/A	5/9	1

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MISSISSIPPI -		
Conservative Victory Fund of Mississippi		
Termination	10/24 - 1/14	6
MISSOURI -		
Missouri Republican State Committee		
March 10	1/1 - 2/28	9
Amendment	1/1 - 2/28	7
July 10	3/1 - 6/30	11
Missouri 1976 Socialist Workers Campaign Committee		
R/A	1/15	2
Letter	3/25	2
Termination	4/4	4
R/A	4/15	5
July 10	2/5 - 6/30	4
Local Level -		
Laclide County Republican Committee		
R/A	3/4	2
March 10	9/1 - 2/28	5
St. Louis Labor Party		
Registration	6/27	4
4th Congressional District Republican Committee		
Registration	1/2	2
March 10	1/31 - 3/10	2
MONTANA -		
Montana Democratic State Central Committee		
March 10	12/31 - 2/28	12
Amendment	12/31 - 2/28	4
July 10	3/1 - 6/30	18
Montana Republican State Central Committee		
March 10	1/1 - 2/28	13
July 10	3/1 - 6/30	17
Local Level -		
Fergus County Republican Central Committee		
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Nebraska Republican Committee		
March 10	1/1 - 2/28	2
July 10	3/1 - 6/30	5
R/A	7/17	2
Nebraska Republican State Central Committee		
March 10	1/1 - 2/28	10
Amendment	1/1 - 2/28	1
July 10	3/1 - 6/30	14
Local Level -		
Young Peoples Democratic Club of the University of Nebraska		
R/A	2/3	3
R/A	3/31	2
NEVADA -		
Nevada Telethon Committee		
March 10	1/1 - 2/28	3
Local Level -		
Clark County Central Committee of the Independent American Party of Nevada		
NEW HAMPSHIRE -		
New Hampshire Republican State Committee		
March 10	1/1 - 2/28	13
Amendment	1/1 - 2/28	4
July 10	3/1 - 6/30	12
R/A	7/12	2
10 - day	7/1 - 9/1	17
Amendment	9/9	2
New Hampshire State Democratic Committee		
January 31	10/31 - 1/31	5
Termination	10/31 - 1/31	1
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March 10	1/1 - 2/28	4
July 10	3/1 - 6/30	7
Union County Republican Committee		
Termination	6/5/74 - 1/31/75	3
NEW MEXICO -		
Democratic Party of New Mexico		
Registration	3/10	2
March 10	1/1 - 2/28	12
R/A	5/27	1
July 10	3/1 - 6/30	16
September 10	7/1 - 8/31	10
Republican Party of New Mexico		
March 10	1/1 - 2/28	16
R/A	5/12	2
Republican State Central Committee of New Mexico		
R/A	2/10	1
March 10	1/1 - 2/28	17
March 10	1/1 - 2/28	15
March 10	1/1 - 2/28	10
Amendment	1/1 - 2/28	14
Amendment	1/1 - 2/28	4
R/A	5/15	2
R/A	5/28	1
R/A	6/2	1
July 10	3/1 - 6/30	20
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Albuquerque Federated Republican Women		
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Letter	3/20	1

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NEW YORK -		
New York Labor Party		
Registration	4/23	4
July 10	3/1 - 6/30	4
R/A	7/12	2
New York Republican Congressional Campaign Committee		
March 10	1/1 - 2/28	2
July 10	3/1 - 6/30	2
New York State Democratic Committee		
R/A	3/27	4
New York State '74 Socialist Workers Campaign Committee		
March 10	1/1 - 2/28	7
Termination	3/1 - 3/7	2
New York State 1974 Campaign Committee Socialist Labor Party		
Registration	1/22	2
Letter	3/25	2
Letter	3/31	1
1975 New York State Telethon Committee		
R/A	3/11	2
March 10	1/1 - 2/28	3
Registration	7/8	4
Local Level -		
Brooklyn 1976 Socialist Workers Campaign Committee		
Registration	3/6	4
March 10	1/1 - 2/28	4
R/A	4/2	4
July	3/1 - 6/30	10
Committee to Elect Communist Candidates		
January 31	11/2 - 1/31	7
Amendment	11/2 - 1/31	1
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March 10	1/31 - 3/31	6
Termination	1/31 - 3/31	1
Letter	3/25	2
Federal Campaign Fund/Monroe County Republican Committee		
March 10	1/1 - 2/28	2
July 10	3/1 - 6/30	3
Franklyn County Republican Committee		
R/A	1/15	1

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July 10	4/3 - 6/30	9
R/A	7/15	3
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Oneida County Republican Congressional Committee		
R/A	1/31	1
RepubliCando - 1974		
March 10	1/1 - 2/28	2
Termination	3/1 - 5/31	5
Socialist Workers Party - West Side		
R/A	5/2	4
July 10	4/16 - 6/30	8
Suffolk Committee for Republican Congress		
March 10	1/1 - 2/28	4
July 10	3/1 - 6/30	4
1974 Democratic Campaign Finance Committee of Erie Committee		
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March 10	1/1 - 2/28	18
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July 10	3/1 - 6/30	67
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R/A	3/10	1
March 10	1/1 - 2/28	27
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Letter	2/25	1
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Barnes County Republican Women's Club		
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March 10	1/1 - 3/10	3
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July 10	3/1 - 6/30	7

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Oregon Socialist Workers 1976 Campaign Committee		
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R/A	2/28	1
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March 10	3/11	1
Amendment	1/1 - 4/30	2
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July 10	3/1 - 6/30	13
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March 10	1/1 - 2/28	2
Termination	3/1 - 5/6	4
VIRGINIA -		
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March 10	1/15 - 2/28	2
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March 10	1/31 - 3/10	3
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March 10	1/1 - 2/28	2
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R/A	3/11	3
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June 10	3/1 - 5/31	3
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TEAMSTERS JOINT COUNCIL NO. 65 DRIVE, IL		
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TEAMSTERS LOCAL #115 POLITICAL ACTION FUND, PA		
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TEAMSTERS LOCAL 340 DRIVE COMMITTEE, ME		
January 31 Report	10/25/74 - 1/31	2
March 10 Report	2/1 - 3/10	3
TEAMSTERS LOCAL 559 DRIVE, CT		
March 10 Report	12/31/74 - 2/28	3
Registration Amendment	5/26	2
July 10 Report	2/28 - 6/30	3
TELEPHONE EDUCATION COMMITTEE ORGANIZATION		
March 10 Report	1/1 - 3/10	5
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TENNESSEE DENTAL POLITICAL ACTION COMMITTEE		
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TEXAS AIRLINE DISTRICT #146 MACHINISTS NON-PARTISAN POLITICAL LEAGUE		
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TITLE INDUSTRY POLITICAL ACTION COMMITTEE		
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July 10 Report	3/1 - 6/30	3
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TRANSPORT WORKERS UNION POLITICAL CONTRIBUTIONS COMMITTEE		
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Registration Amendment	4/23	1
July 10 Report	3/1 - 6/30	4
TRANSPORTATION POLITICAL EDUCATION LEAGUE		
March 10 Report	1/1 - 2/28	15
Registration Amendment	3/10	5
July 10 Report	3/1 - 6/30	20
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July 10 Report	3/1 - 6/30	6
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UTAH COUNCIL OF SMALL BUSINESS POLITICAL ACTION COMMITTEE		
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YOUNG AMERICA'S CAMPAIGN COMMITTEE		
March 10 Report	1/1 - 2/28	8
July 10 Report	3/1 - 6/30	10
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March 10 Report	1/1 - 2/28	3
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[FR Doc.75-28493 Filed 10-22-75;8:45 am]

federal register

THURSDAY, OCTOBER 23, 1975

PART III:

OFFICE OF MANAGEMENT AND BUDGET

DEFERRAL REPORTS

Health, Education, and Welfare Department and Treasury Department

XUM

DEFERRAL REPORTS

Programs of the Department of Health, Education, and Welfare, and the Department of the Treasury

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I herewith report eight new deferrals totalling $16.1 million in budget authority. In addition, I am transmitting two supplementary deferrals that increase amounts previously reported by $18.6 million.

The eight new deferrals are for programs of the Department of Health, Education, and Welfare. These deferrals establish, for the programs reported, funding levels that differ from the general levels allowed by the continuing resolution. The Congress is now in the process of substituting the several uniform funding levels set by the continuing resolution with funding levels for each program. The new deferrals I am reporting preserve the possibility of conducting the reported programs in 1976 at the levels I have recommended and, in one case, at the level the Senate has recommended.

The details of all ten defetrals are contained in the attached reports.

GERALD R. FORD.

THE WHITE HOUSE,
OCTOBER 20, 1975.

SUMMARY OF PROPOSED DEFERRALS

(In thousands of dollars)

Deferral #	Item	Budget Authority
	Health, Education, and Welfare:	
	Health Services Administration:	
D76-57	Health Services	1,082
	National Institutes of Health:	
D76-58	National Cancer Institute	7,000
D76-59	National Heart and Lung Institute	2,700
D76-60	National Institute of Dental Research	518
D76-61	National Institute of Neurological and Communicative Disorders and Stroke	682
D76-62	National Institute of General Medical Sciences	2,318
D76-63	National Institute of Child Health and Human Development	1,234
D76-64	Office of the Director	572
	Alcohol, Drug Abuse, and Mental Health Administration:	
D76-40B	Alcohol, Drug Abuse, and Mental Health	2,753
	Department of the Treasury:	
	Office of the Secretary:	
D76-25B	State and Local Government Fiscal Assistance Trust Fund	75,856*
	Total, deferrals	18,859 (Budget Authority)
		75,856 (Outlays)

* Deferral of outlays only.

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SUMMARY OF SPECIAL MESSAGES FOR FY 1976

(Amounts in thousands of dollars)

	Rescissions	Deferrals
Sixth special message:		
New items	--	16,106
Changes to amounts previously submitted	--	18,596
Effects of sixth special message	--	34,702
Previous special messages	213,888	3,524,515
Total amount proposed in special messages to date	213,888 (in 8 rescission proposals)	3,559,217 (in 65 deferrals)

Deferral No: D76-57

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health, Education, & Welfare	New budget authority (P.L. 94-41): $16,033,000
Bureau: Health Services Administration	Other budgetary resources: 2,600,000
Appropriation title & symbol: Health Services 7560350 (Medical Care Standards, Trust Funds; Program Management)	Total budgetary resources: 18,633,000
	Amount to be deferred: Part of year: $1,082,000
	Entire year:
OMB identification code: 09-15-0350-0-1-551	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The funding level authorized for these programs in the continuing resolution exceeds both the President's 1976 Budget request and the Senate allowance in the 1976 Labor-HEW Appropriations Bill. This deferral of funds is proposed to keep second quarter spending under the continuing resolution at the level of the 1976 Budget request.

Estimated Effects:

The deferral of $332,000 for Medical Care Standards and $750,000 for Program Management through the second quarter of 1976 will result in maintaining the program level and activities planned in the President's 1976 Budget request for these activities. In the event the 1976 appropriation is at the level permitted by the Continuing Resolution, the higher level of funding would be used to support certain lower priority contracts and training activities in Medical Care Standards and Program Management - including travel, temporary employment, and the printing of publications pertaining to Health Services Administration programs.

V 40 206 OCT 23 75 XUM

D76-57

Outlay Effect (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$30.0
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	30.0
4. With deferral	29.7
5. Current outlay savings (line 3 - line 4)	.3
Outlay Savings for the Transition Quarter	-.3
Outlay Savings for 1977	-0-

Deferral No: D76-58

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health, Education, & Welfare Bureau National Institutes of Health Appropriation title & symbol National Cancer Institute 7560849	New budget authority (P.L. 94-41) $264,912,000 Other budgetary resources -- Total budgetary resources 264,912,000 Amount to be deferred: Part of year $ 7,000,000 Entire year
OMB identification code: 09-25-0849-0-1-550 Grant program ☒ Yes ☐ No	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The funding level authorized for this appropriation under the continuing resolution exceeds the FY 1976 President's Budget. This deferral of funds is proposed to keep second quarter spending under the continuing resolution at the level of the 1976 Budget request.

Estimated Effects:

Pending resolution of the appropriation, this action postpones during the second quarter an estimated 107 new research grants that would be permitted under the continuing resolution. Under the deferral, the Institute will be able to fund all competing renewals and continuations at the approved funding levels. The amount postponed is less than 3% of the new budget authority under the continuing resolution.

Given the nature of biomedical research, it is difficult to assess any deleterious effects associated with the deferral upon either health status or the development of significant new knowledge.

V 40 206 OCT 23 75 XUM

D76-58

Outlay Effect: (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$581.8
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	659.2
4. With deferral	658.5
5. Current outlay savings (line 3 - line 4)	.7
Outlay Savings for the Transition Quarter	-0-
Outlay Savings for 1977	-.7

Deferral No: D76-59

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health, Education, & Welfare	New budget authority (P.L. 94-41) $137,000,000
Bureau National Institutes of Health	Other budgetary resources --
Appropriation title & symbol National Heart and Lung Institute 7560872	Total budgetary resources 137,000,000
	Amount to be deferred: Part of year $ 2,700,000 Entire year
OMB identification code: 09-25-0872-0-1-552	/Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The funding level authorized for this appropriation under the continuing resolution exceeds the FY 1976 President's Budget. This deferral of funds is proposed to minimize spending in excess of the 1976 Budget during second quarter operations under the continuing resolution.

Estimated Effects:

Pending resolution of the appropriation, this action postpones during the second quarter an estimated 42 new research grants that would be permitted under the continuing resolution. Under the deferral, the Institute will be able to fund all competing renewals and continuations at the approved funding levels. The amount postponed is less than 2% of the new budget authority under the continuing resolution.

Given the nature of biomedical research, it is difficult to assess any deleterious effects associated with the deferral upon either health status or the development of new knowledge.

V 40 206 OCT 23 75 XUM

D76-59

Outlay Effect: (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$293.0
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	336.0
4. With deferral	335.7
5. Current outlay savings (line 3 - line 4)	.3
Outlay Savings for the Transition Quarter	-0-
Outlay Savings for 1977	-.3

Deferral No: D76-60

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health, Education, & Welfare	New budget authority (P.L. 94-41) $ 19,780,000
Bureau National Institutes of Health	Other budgetary resources
Appropriation title & symbol National Institute of Dental Research 7560873	Total budgetary resources 19,780,000
	Amount to be deferred: Part of year $ 518,000 Entire year
OMB identification code: 09-25-0873-0-1-552	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The funding level authorized for this appropriation under the continuing resolution exceeds the FY 1976 President's Budget. This deferral of funds is proposed to minimize spending in excess of the 1976 Budget during second quarter operations under the continuing resolution.

Estimated Effects:

Pending resolution of the appropriation, this action postpones during the second quarter an estimated 11 new research grants that would be permitted under the continuing resolution. Under the deferral, the Institute will be able to fund all competing renewals and continuations at the approved funding levels. The amount postponed is less than 3% of the new budget authority under the continuing resolution.

Given the nature of biomedical research, it is difficult to assess any deleterious effects associated with the deferral upon either health status or the development of significant new knowledge.

V 40 206 OCT 23 75 XUM

D76-60

Outlay Effect: (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$40.0
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	50.5
4. With deferral	50.4
5. Current outlay savings (line 3 - line 4)	.1
Outlay Savings for the Transition Quarter	-0-
Outlay Savings for 1977	-.1

Deferral No: D76-61

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health, Education, & Welfare Bureau: National Institutes of Health Appropriation title & symbol: National Institute of Neurological and Communicative Disorders and Stroke 7560886	New budget authority (P.L. 94-41) $ 58,028,000 Other budgetary resources — Total budgetary resources 58,028,000 Amount to be deferred: Part of year $ 682,000 Entire year —
OMB identification code: 09-25-0886-0-1-552 Grant program ☒ Yes ☐ No	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The funding level authorized for this appropriation under the continuing resolution exceeds the FY 1976 President's Budget. This deferral of funds is proposed to minimize spending in excess of the 1976 Budget during second quarter operations under the continuing resolution.

Estimated Effects:

Pending resolution of the appropriation, this action postpones during the second quarter an estimated eight new research grants that would be permitted under the continuing resolution. Under the deferral, the Institute will be able to fund all competing renewals and continuations at the approved funding levels. The amount postponed is less than 2% of the new budget authority under the continuing resolution.

Given the nature of biomedical research, it is difficult to assess any deleterious effects associated with the deferral upon either health status or the development of significant new knowledge.

V 40 206 OCT 23 75 XUM

D76-61

Outlay Effect: (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$121.2
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	143.2
4. With deferral	143.1
5. Current outlay savings (line 3 - line 4)	.1
Outlay Savings for the Transition Quarter	-0-
Outlay Savings for 1977	-.1

Deferral No: D76-62

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health, Education, & Welfare	New budget authority (P.L. 94-41) $61,170,000
Bureau National Institutes of Health	Other budgetary resources --
Appropriation title & symbol National Institute of General Medical Sciences 7560851	Total budgetary resources 61,170,000
	Amount to be deferred: Part of year $ 2,318,000 Entire year
OMB identification code: 09-25-0851-0-1-552	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The funding level authorized for this appropriation under the continuing resolution exceeds the FY 1976 President's Budget. This deferral of funds is proposed to keep second quarter spending under the continuing resolution at the 1976 Budget level.

Estimated Effects:

Pending resolution of the appropriation, this action postpones during the second quarter an estimated 50 new research grants that would be permitted under the continuing resolution. Under the deferral, the Institute will be able to fund all competing renewals and continuations at the approved funding levels. The amount postponed is less than 4% of the new budget authority under the continuing resolution.

Given the nature of biomedical research, it is difficult to assess any deleterious effects associated with the deferral upon either health status or the development of significant new knowledge.

V 40 206 OCT 23 75 XUM

D76-62

Outlay Effect: (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget	
1. Budget outlay estimate for 1976	$178.2
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	167.0
4. With deferral	166.8
5. Current outlay savings (line 3 - line 4)	.2
Outlay Savings for the Transition Quarter	-0-
Outlay Savings for 1977	-.2

Deferral No: D76-63

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health, Education, & Welfare	New budget authority (P.L. 94-41) $ 50,607,000
Bureau National Institutes of Health	Other budgetary resources --
Appropriation title & symbol National Institute of Child Health and Human Development 7560844	Total budgetary resources 50,607,000
	Amount to be deferred: Part of year $ 1,234,000 Entire year
OMB identification code: 09-25-0844-0-1-552	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The funding level authorized for this appropriation under the continuing resolution exceeds the FY 1976 President's Budget. This deferral of funds is proposed to keep second quarter spending under the continuing resolution at the 1976 Budget level.

Estimated Effects:

Pending resolution of the appropriation, this action postpones during the second quarter an estimated 48 new research grants that would be permitted under the continuing resolution. Under the deferral, the Institute will be able to fund all competing renewals and continuations at the approved funding levels. The amount postponed is less than 3% of the new budget authority under the continuing resolution.

Given the nature of biomedical research, it is difficult to assess any deleterious effects associated with the deferral upon either health status or the development of significant new knowledge.

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D76-63

Outlay Effect: (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$116.4
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	157.5
4. With deferral	157.4
5. Current outlay savings (line 3 - line 4)	.1
Outlay Savings for the Transition Quarter	-0-
Outlay Savings for 1977	-.1

Deferral No: D76-64

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health, Education, & Welfare	New budget authority (P.L. 94-41) $9,806,000
Bureau National Institutes of Health	Other budgetary resources --
Appropriation title & symbol Office of the Director 7560846	Total budgetary resources 9,806,000
	Amount to be deferred: Part of year $ 572,000 Entire year
OMB identification code: 09-25--0846-0-1-552	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

The funding level authorized for this appropriation under the continuing resolution exceeds the Senate allowance on the 1976 Labor-HEW Appropriations Bill. This deferral of funds is proposed to keep second quarter spending under the continuing resolution at the Senate allowance level.

Estimated Effects:

An analysis of management functions such as procurement of equipment and supplies, printing, training, travel, and data processing is under way to determine reductions required by the Senate allowance. Pending resolution of the appropriation, the Office of the Director will adjust its priorities for central management services to reflect the level proposed by the Senate.

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D76-64

Outlay Effect: (estimated in tenths of millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976	$19.9
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	20.2
4. With deferral	20.1
5. Current outlay savings (line 3 - line 4)	.1
Outlay Savings for the Transition Quarter	-.1
Outlay Savings for 1977	-0-

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This report updates Deferral Number D76-40A, transmitted to Congress on October 3, 1975, and printed in House Document No. 94-272 and Senate Document No. 94-107.

This report covers research activities in the general mental health and alcohol programs and program direction activities of the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA). The amount of funds deferred for general mental health and alcohol programs is increased by $327,000 as result of a revised estimate of the number of new awards that could be made during the first two quarters. The estimate of outlay savings remains the same.

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Deferral No: D76-40B

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health, Education, & Welfare	New budget authority (P.L. 94-41): $55,131,000
Bureau: Alcohol, Drug Abuse, and Mental Health	Other budgetary resources:
Appropriation title & symbol: Alcohol, Drug Abuse, and Mental Health 7561361 (General Mental Health, Research; Alcohol, Research; Program Direction)	Total budgetary resources: 55,131,000
	Amount to be deferred: Part of year: $2,753,000*
	Entire year:
OMB identification code: 09-30-1361-0-1-550	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual	Type of budget authority: ☒ Appropriation
☐ Multiple-year (expiration date)	☐ Contract authority
☐ No-year	☐ Other

Justification:

*Research for general mental health and alcohol programs—The funding level authorized for these programs in the continuing resolution exceeds the 1976 budget request. Deferral of funds in the amount of $2,568,000 is proposed to keep first and second quarter funding at the President's 1976 budget request level until the Administration and the Congress reach agreement on a final level of funding for these programs for 1976.

In addition to maintaining the intramural research program, the President's Budget request would provide sufficient funds for all program commitments to about 900 ongoing general mental health and alcohol research projects. Within this effort, an adequate number of scientifically meritorious projects would be supported that address the wide range of mental health and social problems. Any research proposal that shows exceptional promise to obtain desired break-throughs in understanding the underlying causes of mental illness can be undertaken through the intramural program or by reprogramming of lower priority efforts.

Program Direction—The funding level authorized for this program in the continuing resolution exceeds the Senate allowance for the 1976 Labor-HEW Appropriations Bill. Deferral of funds in the amount of $185,000 is proposed to keep second quarter funding at the Senate allowance level until the Administration and the Congress reach agreement on a final level of funding for this program for 1976.

*Revised from previous submission.

D76-40B

Estimated Effects:

*General Mental Health Research—The deferral of $2,202,000 through the first half of the year will delay the funding of approximately 23 new research grants. This delay in funding until after the second quarter will have no significant adverse programmatic effect.

Alcohol Research—Deferral of $366,000 through the first half will delay the funding of approximately 5 new research grants. This delay in funding until after the second quarter will have no significant adverse programmatic effect.

*Given the nature of biomedical and behavioral research, it is difficult to assess any deleterious effects associated with the deferral upon either health status or the development of significant new knowledge.

Program Direction—The reduction in operating level that is associated with the Senate allowance for the first half of the year for ADAMHA Program Direction would result in delay in filling job vacancies in the areas of monitoring projects, technical assistance, and project management.

Outlay Effect: (Estimated in millions of dollars)

Comparison with 1976 President's Budget:	
1. Budget outlay estimate for 1976	$46.0
2. Outlay savings included in the budget outlay estimate	-0-
Current Outlay Estimates for 1976:	
3. Without deferral	47.9
4. With deferral	47.8
5. Current outlay savings (line 3 - Line 4)	.1
Outlay savings for the transition quarter	-0-
Outlay savings for 1977	-0-

*Revised from previous submission.

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SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This supplementary report modifies Deferral No. D76-25A transmitted in the special message of September 10, 1975, and printed in House Document No. 94-225 and Senate Document No. 94-103.

This report reflects an increase of $18.3 million in the amount reserved over the previously reported withholding ($57.6 million). This increase represents deferral of a regularly scheduled first quarter 1976 payment to the city of Chicago. This action is in compliance with a court order. Outlay savings estimates have also been revised accordingly.

Deferral No: D76-25B

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Treasury	New budget authority (P.L. 92-512) $6,354,780,000
Bureau: Office of the Secretary	Other budgetary resources 20,554,230,000
Appropriation title & symbol: State and Local Government Fiscal Assistance Trust Fund 20X8111	Total budgetary resources 26,909,010,000
	Amount to be deferred: Part of year * $1/ 75,856,186
	Entire year None
CMB identification code: 15-70-8111-0-7-851	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☒ Other Civil Action No. 74-248
Type of account or fund: ☐ Annual ☒ Multiple-year 12-31-76 (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification *

The State and Local Government Fiscal Assistance Trust Fund is a multi-year appropriation. In FY 1975 and FY 1976, four regularly scheduled payments to the city of Chicago were deferred by the U. S. District Court, D. C. in Civil Action No. 74-248 for noncompliance with nondiscrimination requirements.

Estimated Effect *

The city of Chicago will not receive payments totaling $75.9 million until further action by the court. When the appropriate court order is issued. these funds will be released.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976	$6,301.0
2. Outlay savings, if any, included in the budget outlay estimate	0

Current Outlay Estimates for 1976:

3. Without deferral	6,358.4
4. With deferral	6,282.5*

1/ Outlays only.

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D76-25B

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5.	Difference (line 3 - line 4).....	$75.9*
Outlay	Savings for the Transition Quarter.....	0
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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER XIV—FEDERAL LABOR RELATIONS COUNCIL; FEDERAL SERVICES IMPASSES PANEL

SUBCHAPTER C—FEDERAL SERVICES IMPASSES PANEL

PART 2470—GENERAL

PART 2471—PROCEDURES OF THE PANEL

On July 28, 1975, there was published in the FEDERAL REGISTER (40 FR 31636) a notice of proposed amendments of rules concerning the procedures of the Panel. Interested persons were invited to submit their written comments or suggestions within 20 days after publication of such notice. All relevant matter which was submitted has been carefully considered, and the Panel has decided to adopt the proposed amendments as set forth below.

Accordingly, the Panel amends Title 5 of the Code of Federal Regulations, Subchapter C of Chapter XIV, to read as follows:

Subpart A—Purpose

1. Section 2470.1 is revised as follows:

§ 2470.1 Purpose.

The regulations contained in this subchapter are intended to implement the provisions of sections 5 and 17 of Executive Order 11491 of October 29, 1969, as amended, entitled "Labor-Management Relations in the Federal Service." They prescribe procedures and methods which the Federal Service Impasses Panel utilizes in the resolution of negotiation impasses when the parties negotiating a labor agreement have failed to reach a full settlement by mediation or other voluntary arrangements.

Subpart B—Definitions

2. Section 2470.2 is revised as follows:

§ 2470.2 Definitions.

(a) The following definitions are used in this subchapter:

(1) "Executive Secretary" means the Executive Secretary of the Panel.

(2) "Factfinder(s)" means a designated representative of the Panel acting in its behalf in the capacity of a hearing official charged with the responsibility of assembling the facts and positions of the parties to an impasse. The factfinder may be a Panel Member, a staff member, or other individual designated by the Panel.

(3) "Impasse" means that point in the negotiation of a labor agreement at which the parties are unable to reach full agreement, notwithstanding their having made earnest efforts to reach agreement by direct negotiations and by the use of mediation or other voluntary arrangements for settlement.

(4) "Order" means Executive Order 11491 of October 29, 1969, as amended, entitled "Labor-Management Relations in the Federal Service."

(5) "Panel" means the Federal Service Impasses Panel or a quorum thereof.

(6) "Party" means the Federal agency, establishment or activity, or the labor organization, as defined in sections 2 (a) and (e) of the order, participating in the negotiation of a labor agreement.

(7) "Quorum" means three or more members of the Panel.

(8) "Voluntary arrangements" means those methods adopted by the parties for the purpose of assisting them in their negotiation of a labor agreement, which include utilization of (i) the services of the Federal Mediation and Conciliation Service; or (ii) other third-party mediation assistance; or (iii) joint factfinding committees without recommendations; or (iv) referral to a higher authority within the agency and/or the labor organization; or (v) any other method which the parties deem appropriate except third-party factfinding with recommendations, or arbitration, unless said factfinding or arbitration is expressly authorized or directed by the Panel.

(b) Terms defined in the order are used in this part with the meaning attached to them in the order.

Part 2471 is revised in its entirety as follows:

Sec.

2471.1 Who may initiate.
2471.2 What to file.
2471.3 Request form.
2471.4 Where to file.
2471.5 Copies and service.
2471.6 Initial procedures of the Panel.
2471.7 Negotiability questions.
2471.8 Use of third-party factfinding with recommendations, or arbitration.
2471.9 Factfinding determination by the Panel; notice of prehearing conference and formal hearing.
2471.10 Prehearing conference.
2471.11 Authority of factfinder(s).
2471.12 Availability of hearing transcript.
2471.13 Report of the factfinder(s) and action by the Panel.
2471.14 Duties of each party.
2471.15 Settlement action by the Panel.
2471.16 Inconsistent labor agreement provisions.

AUTHORITY: 5 U.S.C. 3301, 7301; E.O. 11491, 3 CFR 1969 Comp., p. 191, 34 FR 17605; as amended by E.O. 11616, 3 CFR 1971 Comp., p. 202, 36 FR 17319; E.O. 11636, 3 CFR 1971 Comp., p. 232, 36 FR 24901; and E.O. 11838, 40 FR 5743 and 7391.

§ 2471.1 Who may initiate.

(a) When an impasse occurs during the course of labor agreement negotiations, either party, or the parties jointly, may request the Panel to consider the matter by filing a request as hereinafter provided.

(b) The Panel may, upon the request of the Federal Mediation and Conciliation Service, undertake the consideration of an impasse when such mediation assistance has failed and neither party has requested the Panel's consideration.

(c) The Panel may, upon the request of the Executive Secretary, undertake the consideration of a matter which has reached impasse and where neither party has requested the Panel's consideration.

§ 2471.2 What to file.

A request from a party or parties to the Panel for consideration of an impasse must be in writing and include the following essential information:

(a) Identification of the parties and person(s) authorized to initiate the request;

(b) Statement that an impasse has been reached;

(c) Statement of issue(s) at impasse and the position(s) of the initiating party or parties with respect to those issues; and

(d) The nature and extent of all voluntary arrangements utilized.

§ 2471.3 Request form.

FSIP Form 1 has been prepared for use by the parties in filing a request to the Panel for consideration of an impasse. Copies are available upon request to the Office of the Executive Secretary.

§ 2471.4 Where to file.

Requests to the Panel provided for in this part, and inquiries or correspondence on the status of impasses or other related matters, should be directed to the Executive Secretary, Federal Service Impasses Panel, 1900 E Street NW., Washington, D.C. 20415.

§ 2471.5 Copies and service.

Any party submitting a request for Panel consideration and any party submitting a response to such request shall serve a copy simultaneously on the other party to the dispute and on any mediation facility which may have been utilized and shall file a statement of such service with the Executive Secretary. When the Panel acts on its own motion, it will notify the parties to the dispute and any mediation facility which may have been utilized.

§ 2471.6 Initial procedures of the Panel.

(a) Upon receipt of a request for consideration of an impasse, the Panel will initiate an informal inquiry covering the issue(s) and the positions of the parties thereon, and will consult when necessary

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with the parties and the mediation facility utilized, if any, and then determine whether to:

(1) Dismiss the request; or

(2) Direct that negotiations be resumed; or

(3) Direct that negotiations be resumed with mediation assistance; or

(4) Authorize other voluntary arrangements for settlement; or

(5) Direct the impasse to factfinding; or

(6) Take any other action it deems appropriate.

(b) The parties will be promptly advised in writing of the Panel's initial determination.

§ 2471.7 Negotiability questions.

(a) If, in connection with the consideration of an impasse, a contention has been made that a proposal is contrary to law, regulation, controlling agreement, or the order and therefore is not negotiable, the Panel may in its discretion take any of the following actions at any stage of its procedures with respect to said proposal, while the merits of the remaining proposals, if any, may be considered by the Panel:

(1) Request the parties to resolve a question involving interpretation of a controlling agreement at a higher agency level under the procedures of the controlling agreement or, if no such procedures exist, under appropriate agency regulations; or

(2) Request the parties to refer a question of negotiability which arose at a local level to the head of the agency for determination; or

(3) Refer a question of negotiability to the Federal Labor Relations Council for decision, or advise the labor organization that it may appeal a question of negotiability to the Council for decision, when a labor organization (i) disagrees with an agency head's determination that a proposal would violate applicable law, regulation of appropriate authority outside the agency, or the order, or (ii) contends that an agency's regulations, as interpreted by the agency head, in its determination, violate applicable law, regulation of appropriate authority outside the agency, or the order, or are not otherwise applicable to bar negotiations under section 11(a) of the order because they do not meet the criteria established in Part 2413 of the Council's rules or because they were not issued at the agency headquarters level or at the level of a primary national subdivision.

(b) In making a referral to the Council as described in paragraph (a)(3) of this section, the Panel will submit:

(1) The proposal in dispute;

(2) The agency head's determination thereon;

(3) The labor organization's request for an exception if required by § 2411.22 (b) of the Council's rules, and the agency head's denial of that request;

(4) A statement of position with supporting evidence and argument from each party on the negotiability question; and

(5) Any other appropriate documents of record.

(c) Upon receipt of a decision of the Council that a proposal is negotiable, based upon a question of negotiability referred to the Council by the Panel, the Panel's report to the parties will include the Council's negotiability decision. If warranted, the Panel may refer the proposal to the parties for negotiations.

(d) Upon receipt of a decision of the Council that a proposal is not negotiable, based upon a question of negotiability referred to the Council by the Panel, the Panel will cease to give any further consideration to the proposal and so inform the parties.

(e) The Panel will not make any referrals to the Council under this section when:

(1) The negotiability issue(s) are the only issue(s) at impasse and they arose prior to the filing of the request to the Panel; or

(2) The labor organization has not requested the Panel in writing to make such a referral; or

(3) An agency head determination is pending or issued prior to the filing of the request to the Panel; or

(4) A petition for the review of an agency head determination is pending before the Council; or

(5) An agency head determination was issued after the filing of the request to the Panel, and the labor organization's written request to the Panel to refer the negotiability issue(s) to the Council did not meet the requirements stated in § 2411.24 of the Council's rules.

§ 2471.8 Use of third-party factfinding with recommendations, or arbitration.

The parties may resort to third-party factfinding with recommendations, or arbitration, to resolve an impasse, only when authorized or directed by the Panel, and provided the parties have:

(a) Made a joint request to the Panel in writing for such authority;

(b) Agreed upon what issue(s) are at impasse;

(c) Agreed on the method of selecting the third party;

(d) Agreed upon an arrangement for paying the cost of the proceedings; and

(e) Used without success any other arrangement for settlement.

§ 2471.9 Factfinding determination by the Panel; notice of prehearing conference and formal hearing.

(a) When the Panel determines that resolution of an impasse requires factfinding it will:

(1) Appoint one or more factfinders to investigate the dispute; and

(2) Issue and serve, upon each of the parties, a notice of prehearing conference, when scheduled, and of formal hearing.

(b) The notice will state:

(1) Names of the parties to the dispute;

(2) Date, time, place, and purpose of the prehearing conference;

(3) Date, time, and place of the formal hearing;

(4) Name(s) of the factfinder(s) appointed by the Panel; and

(5) Issues to be resolved.

§ 2471.10 Prehearing conference.

A prehearing conference may be held by the factfinder prior to the factfinding hearing to:

(a) Inform the parties of the purpose of the hearing and the procedures under which it will take place;

(b) Explore the possibilities of obtaining stipulations of fact;

(c) Clarify the positions of the parties with respect to the issues to be heard, including claims concerning negotiability, if any; and

(d) Discuss any other relevant matters which will help achieve the objectives of the hearing.

§ 2471.11 Authority of factfinder(s).

Factfinder(s), when conducting hearings, shall have the authority to:

(a) Take testimony, including depositions;

(b) Conduct the hearing in open session. The hearing may be conducted in closed session at the discretion of the factfinder(s), however, for good cause shown by either of the parties;

(c) Rule on motions, and requests for appearance of witnesses and the production of records;

(d) Designate the date on which posthearing briefs, if any, shall be submitted. An original and two copies of each brief shall be submitted to the Executive Secretary with a copy to the other party and a statement of service; and

(e) Determine all procedural matters of the hearing as to length of sessions conduct of persons in attendance, recesses, continuances, and adjournment; and take any other appropriate action which, in the factfinder's judgment, will promote the purpose and objectives of the hearing.

§ 2471.12 Availability of hearing transcript.

The parties will make their own arrangements with the reporter for the purchase of their copies of the official transcript of a factfinding proceeding. A copy will be available for examination at the Office of the Executive Secretary.

§ 2471.13 Report of the factfinder(s) and action by the Panel.

(a) The factfinder(s) shall prepare a report which will not include recommendations for settlement but which will include, to the extent appropriate:

(1) The history of the current negotiations, including the initial positions of the parties, and a report of items agreed to in whole or part;

(2) The positions of the parties with respect to the unresolved issues and the efforts made to reach agreement thereon;

(3) The context within which the negotiations have taken place;

(4) The justification for each proposal as advanced by the parties;

(5) The prevailing practices, if any, pertaining to conditions of employment for other public employees in comparable work situations;

(6) The status of any claim concerning negotiability; and

(7) Any other matters relevant to the impasse.

(b) The report of the factfinder(s) will be submitted to the Panel and simultaneously to the parties within a period which normally will not exceed 20 calendar days after receipt of the transcript or after receipt of briefs, if any. The parties will have 10 calendar days after receipt of the report to file written comments thereon with the Executive Secretary.

(c) Any party filing written comments on the report of the factfinder(s) shall serve a copy simultaneously on the other party in the dispute and shall file a statement of service with the Executive Secretary.

(d) After receipt of the report of the factfinder(s) and the parties' written comments, if any, the Panel will evaluate the impasse and either:

(1) Submit its recommendations for settlement to the parties; or

(2) Take any other action which it deems appropriate.

§ 2471.14 Duties of each party.

(a) Within 20 calendar days after receipt of a Panel Report and Recommendation(s) for Settlement, each party shall, after conferring with the other, either:

(1) Accept the Panel's recommendations and so notify the Executive Secretary; or

(2) Reach a settlement of all unresolved issues and submit a written settlement statement to the Executive Secretary; or

(3) Submit a written statement to the Executive Secretary setting forth the reasons for not accepting the Panel's recommendations and reaching a settlement of all unresolved issues.

(b) A reasonable extension of the 20-day period may be authorized by the Executive Secretary for good cause shown when requested in writing by either party prior to the expiration of the 20-day period.

(c) Any party submitting a notification, statement, or request to the Executive Secretary under this section shall serve a copy simultaneously on the other party to the dispute and shall file a statement of such service with the Executive Secretary.

§ 2471.15 Settlement action by the Panel.

In the event there remain any unresolved issues at the end of the aforesaid 20-day period or any extension thereof, the Panel, after due consideration of the responses of the parties, will take whatever action it deems necessary to bring the dispute to settlement.

§ 2471.16 Inconsistent labor agreement provisions.

Any provisions of the parties' labor agreements relating to impasse resolution which are inconsistent with the provisions of either sections 5 and 17 of the order or the procedures of the Panel shall be deemed to be superseded by the order and the procedures herein, unless such provisions are permitted under section 24 of the order.

Effective date. Part 2470 and Part 2471 shall be effective October 24, 1975.

For the Panel.

JACOB SEIDENBERG,
Chairman.

[FR Doc.75-28647 Filed 10-23-75;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Parole Into United States of Aliens

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of July 8, 1975 (40 FR 28614) pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) and in which there were set forth the proposed amendments of 8 CFR 212.5 to provide that no alien shall be paroled into the United States under a refugee program or under a claim of asylum pursuant to 8 CFR Part 108 if he has ordered, assisted or participated in the persecution of any person because of race, religion or political opinion, or if he refuses to make a sworn statement with respect thereto.

The single representation which was received in response to the proposed rules of July 8, 1975, has been considered. No change has been made in the proposed rules. The proposed rules, as set forth below, are hereby adopted:

In Part 212, § 212.5 is revised in its entirety to read as follows:

§ 212.5 Parole of aliens into the United States.

(a) *General.* The district director in charge of a port of entry may, prior to examination by an immigration officer, or subsequent to such examination and pending a final determination of admissibility in accordance with sections 235 and 236 of the Act and this chapter, or after a finding of inadmissibility has been made, parole into the United States temporarily in accordance with section 212(d)(5) of the Act any alien applicant for admission at such port of entry under such terms and conditions, including the exaction of a bond on Form I-352, as such officer shall deem appropriate. No alien shall be paroled into the United States under a refugee program or under a claim of asylum pursuant to Part 108 of this chapter, if he has ordered, assisted or participated in the persecution of any person because of race, religion or political opinion, or if he refuses to make a sworn statement with respect thereto.

(b) *Termination of parole.* At the expiration of the period of time or upon accomplishment of the purpose for which parole was authorized or when in the opinion of the district director in charge of the area in which the alien is located that neither emergency nor public interest warrants the continued presence of the alien in the United States, parole shall be terminated upon written notice to the alien and he shall be restored to the status which he had at the time of parole, and further inspection or hearing shall be conducted under section 235 or 236 of the Act and this chapter, or any order of exclusion and deportation previously entered shall be executed. If the exclusion order cannot be executed by deportation within a reasonable time, the alien shall again be released on parole unless in the opinion of the district director the public interest requires that the alien be continued in custody.

(c) *Advance authorization.* When parole is authorized for an alien who will travel to the United States without a visa, the alien shall be issued Form I-512.

(Sec. 103, 66 Stat. 173; (8 U.S.C. 1103))

Effective date: In accordance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), this order shall become effective November 24, 1975.

Dated: October 20, 1975.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.75-28710 Filed 10-23-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Selection of Prerelease Samples of Biological Products

● **Purpose: To authorize the use of a contractor to select prerelease samples of biological products.** ●

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158), Part 113, Subchapter E, Chapter I of Title 9 of the Code of Federal Regulations is amended to include a contractor of the Department in the list of people eligible to select prerelease samples of biological products for testing by the Department. These amendments also authorize the contractor and Department personnel to forward or deliver such samples to the Veterinary Services Laboratories.

It has been administratively determined that to contract the selection of

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such samples shall be economically advantageous to the Department.

Section 113.3 (a) and (c) are amended to read:

§ 113.3 Sampling of biological products.

* * * * *

(a) Either an employee of the Department of Agriculture, of the licensee, or of the permittee, as designated by the Deputy Administrator, or a person under contract with the Department shall select prerelease samples of biological product in the number prescribed in paragraph (b) of this section. Each sample shall be marked for identification by the person making the selection after which they shall be packaged by the licensee or permittee, as the case may be, and forwarded to the Veterinary Services Laboratories; except that an employee or contractor of the Department may forward or deliver the samples to Veterinary Services Laboratories if such action is deemed advisable by the Deputy Administrator.

* * * * *

(c) Reserve samples shall be selected from each serial and subserial of every biological product. Such samples shall be selected at random from finished product by an employee of the Department, of the licensee, or of the permittee, as designated by the Deputy Administrator or a person under contract with the Department.

* * * * *

(37 Stat. 832–833; (21 U.S.C. 151–158))

These amendments make administrative changes to clarify questionable procedures and to authorize needed actions without making other substantive changes in the regulations. In order to be of maximum benefit, they must be made effective immediately.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning these amendments are impracticable and unnecessary, and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective upon issuance.

Done at Washington, D.C., this 16th day of October 1975.

E. A. SCHILF,
Acting Deputy Administrator, Veterinary Services Animal and Plant Health Inspection Service.

[FR Doc.75-28658 Filed 10-23-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15059; Amdt. 39-2407]

PART 39—AIRWORTHINESS DIRECTIVES

Britten Norman Ltd. Model BN-2A Mark III Airplanes

There has been a report of a failure of the rudder trim jack lower mounting bracket on Britten Norman Ltd. Model BN-2A Mark III airplanes that could result in loss of the rudder trim control of the airplane. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require an inspection, replacement, if necessary, and reinforcement of specified parts of the rudder structure of Britten Norman Ltd. Model BN-2A Mark III airplanes.

Since this situation requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITTEN NORMAN LTD. Applies to Model BN-2A Mark III airplanes, all series, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent possible loss of rudder trim control, accomplish the following:

(a) Prior to the first flight of each day after the effective date of this AD, inspect the rudder trim jack lower mounting brackets and rudder structure for cracks in accordance with paragraphs 1, 2, and 3 of Britten Norman Service Bulletin No. BN-2/SB.62, dated June 22, 1973, or an FAA-approved equivalent.

(b) If a crack is found during an inspection required by paragraph (a) of this AD, replace the cracked part with a part of the same part number or an FAA-approved equivalent before further flight, except that the airplane may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the repair can be accomplished.

(c) Within the next 300 hours' time in service after the effective date of this AD, modify the rudder trim jack lower mounting bracket and the rudder structure in accordance with Britten Norman Modification Leaflet No. BN-2/NB/M596, dated June 22, 1973, or an FAA-approved equivalent.

(d) Upon incorporation of the modification required by paragraph (c) of this AD, the inspections required by paragraph (a) of this AD, may be discontinued.

This amendment becomes effective November 5, 1975.

Issued in Washington, D.C. on October 14, 1975.

J. A. FERRARESE,
Acting Director, Flight Standards Service.

[FR Doc.75-28644 Filed 10-23-75;8:45 am]

[Docket No. 74-WE-46-AD; Amdt. 39-2399]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas DCX10 Series Airplanes

Amendment 39-1811, (39 FR 11991), AD 74-08-04, as amended by Amendments 39-2013 (39 FR 40252) and 39-2112, (41 FR 8544) requires certain modifications and functional checks to prevent possible in-flight depressurization of the airplane that might result from the opening of an improperly secured cargo door. In the preamble to Amendment 39-2112, the agency noted that one commentator had requested, in his response to the Notice of Proposed Rule Making, provision for dispatch of the aircraft with one of the dual cargo door warning systems inoperative. The comment was considered beyond the scope of the Notice, but the agency stated that the comment would be given further consideration. Additionally, after issuance of Amendment 39-2112, the manufacturer requested the agency to permit dispatch of aircraft with one of the dual cargo door indicating systems inoperative provided: (1) Visual inspection verifies the door is closed and locked; and (2) the unaffected indicating system test is satisfactory.

The incorporation of test circuit of Service Bulletin 52-109 results in a dual system: System A, mechanical switch system; and System B, proximity switch system. The manufacturer states that either system meets the regulatory standards of the Federal Aviation Regulations. The manufacturer estimates a better than ten times improvement in reliability of the mechanical switch indicating system (System A), resulting from the addition to that provided by the mandatory incorporation of Service Bulletin 52-43. Furthermore, incorporation of the closed loop door locking system in all aircraft has eliminated the possibility that operational errors can result in an unsafe status of the cargo doors in flight because, if the door is not properly secured, the aircraft cannot be pressurized. It is the manufacturer's opinion, therefore, that a prohibition against dispatch with one of the dual warning systems inoperative imposes an unnecessary restriction on the operators.

After giving further consideration to the comments received on the Notice which led to Amendment 39-2112, and in light of the additional information provided by the manufacturer to support their request, the agency has concluded that the aircraft can be operated safely with one of the dual cargo door indicating systems inoperative per door, subject to the operational procedures noted herein.

Since this amendment provides relief from an operational restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1811 (AD 74-08-04), as amended by Amendments 39-2013 and 39-2112, is further amended as follows:

a. Amend paragraph 2C, to read:

"C. Ensure all cargo door warning lights are extinguished prior to taxi, except as provided in paragraph 12, below."

b. Add a new paragraph 12, to read:

"12. Aircraft which have been modified in accordance with paragraph 11, above, may be operated with one warning light (System A or System B) per door inoperative provided:

(a) The unaffected system test is satisfactory and indicates that the door is closed and locked; and

(b) The procedure specified by paragraph 2 of this AD is accomplished for the affected cargo door(s); and

(c) The aircraft is not dispatched from a station where repairs or replacements on the inoperative warning system can be made."

This amendment becomes effective October 31, 1975.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on October 14, 1975.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.75-28643 Filed 10-23-75;8:45 am]

[Docket No. 75-WE-31-AD; Amdt. 39-2404]

PART 39—AIRWORTHINESS DIRECTIVES

Litton Systems, Inc. LTN-72 Inertial Navigation Systems

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modification of all unmodified LTN-72 inertial navigation systems which use the 72-0 computer program in accordance with Litton Systems Inc., Service Bulletin No. 34-72-80 dated February 20, 1975, was published in 40 FR 20289 dated May 9, 1975.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments questioning the possible occurrence of a condition which could result in the inability of the flight crew to immediately recognize a compass system failure due to loss of system power were received. One operator requested that the compliance period be extended to March 1, 1976. However, all affected LTN-72 inertial navigation systems used by this operator have been modified according to Service Bulletin No. 34-72-80 in the interim.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LITTON SYSTEMS, INC., *Aero Products Division*. Applies to all LTN-72 inertial navigation systems installed on various airplane models, certificated in all categories, including, but not limited to, McDonnell Douglas DC-8 and DC-10 airplanes and Boeing 707 and 747 airplanes.

Compliance required as indicated prior to January 1, 1976 unless already accomplished.

To provide the required failure warning indication of power loss, accomplish Litton Service Bulletin No. 34-72-80, dated February 20, 1975, or later FAA-approved revision, or an equivalent installation approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective December 1, 1975.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on October 15, 1975.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.75-28653 Filed 10-23-75;8:45 am]

[Docket No. 75-GL-22; Amdt. 39-2409]

PART 39—AIRWORTHINESS DIRECTIVES

Pressed Steel Tank Co. DOT-3HT-3000 Cylinders

There have been two failures of Pressed Steel Tank Company DOT-3HT-3000 cylinders during first filling, prior to service use, which revealed that some cylinders were manufactured with the wrong composition steel. Since this condition could exist in other Pressed Steel Tank Company DOT-3HT-3000 cylinders with original test dates indicated on the cylinder between January 1975 and April 1975, an airworthiness directive is being issued to require inspection of these cylinders used on slides, slide-rafts, or rafts in transport category airplanes.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

PRESSED STEEL TANK COMPANY. Applies to all transport category airplanes incorporating DOT-3HT-3000 compressed gas cylinders manufactured by Pressed Steel Tank Company with original test dates on the cylinder from January 1975 through April 1975 and the following serial numbers:

50796R through 51264R
51913R through 52205R
52413R through 52648R
52668R through 52750R
105168 through 104688
105168 through 107288
113168 through 114148

Compliance required within 30 days after the effective date of this Airworthiness Directive, unless already accomplished.

To identify and prevent service use of DOT-3HT-3000 cylinders which were manufactured with the wrong composition steel, accomplish the following:

(a) Remove affected cylinders from aircraft, or before installing affected cylinders in aircraft, retest hydrostatically in accordance with Title 49 Code of Federal Regulations, Part 178; or

(b) Use an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Great Lakes Region, to determine that the affected cylinder is manufactured with the intended composition steel.

This amendment becomes effective November 10, 1975.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued at Des Plaines, Illinois on October 16, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75-28652 Filed 10-23-75;8:45 am]

[Docket No. 15060; Amdt. 39-2408]

PART 39—AIRWORTHINESS DIRECTIVES

SIAI Marchetti Models S. 205-18F and -20F Airplanes

There have been reports of cracks in the nose landing gear drag brace, P/N 205-9-135, and the area around the nose landing gear drag brace attachments, P/Ns 205-1-059-01, on SIAI Marchetti Models S. 205-18F and -20F airplanes that could result in failure of the nose landing gear. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the nose landing gear drag brace and the area around the drag brace attachments for cracks and the replacement of the drag brace and drag brace attachments on SIAI Marchetti Models S. 205-18F and -20F airplanes.

Since this situation requires immediate adoption of this regulation, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SIAI MARCHETTI. Applies to Models S. 205-18F and -20F airplanes, S/Ns 001 through 008; 102 through 398 (except S/N 109); 4-101 through 4-282 (except S/N 4-245); 4-285, and 5-303, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent possible failure of the nose landing gear, accomplish the following:

(a) Comply with paragraph (b) of this AD—

(1) Within the next 10 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 50 hours' time in service from the last inspection; and

(2) Prior to the next takeoff after each hard-landing, except that the airplane may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where paragraph (b) can be complied with.

(b) Inspect by visual and dye-penetrant methods the nose landing gear drag brace, P/N 205-9-135, and the area around the drag brace attachments, P/Ns 205-1-059-01, in accordance with paragraph a. of the "Instructions" section of SIAI Marchetti Service Bulletin, S.B. No. 205B33, dated January 8, 1972, or an FAA-approved equivalent.

(c) Comply with paragraph (d) of this AD as follows:

(1) If a crack is found during the inspection required by paragraphs (a) and (b) of this AD, comply with paragraph (d) of this AD before further flight, except that the airplane may be flown in accordance with FAR

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§§ 21.197 and 21.199 to a base where paragraph (d) can be complied with.

(2) If a crack is not found during an inspection required by paragraphs (a) and (b) of this AD, comply with paragraph (d) of this AD within the next 50 hours' time in service after the effective date of this AD or prior to the accumulation of 600 hours' total airplane time in service, whichever occurs later.

(d) Replace the nose landing gear drag brace P/N 205–9–135, with a serviceable reinforced drag brace, P/N 205–9–135–23, and replace the two drag brace attachments, P/Ns 205–1–059–01, with serviceable drag brace attachments, P/Ns 205–1–180–01 and –02, in accordance with paragraph b. of the "Instructions" section of SIAI Marchetti Service Bulletin S.B. No. 205B33 dated January 8, 1972, or an FAA-approved equivalent.

(e) The inspections required by paragraphs (a) and (b) of this AD may be discontinued upon accomplishment of the replacements required by paragraphs (c) and (d) of this AD.

This amendment becomes effective November 5, 1975.

Issued in Washington, D.C., on October 14, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75–28642 Filed 10–23–75;8:45 am]

[Airworthiness Docket No. 75–WE–44–AD; Amdt. 39–2400]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S–55 Series Helicopters

Pursuant to the authority of the Federal Aviation Act of 1958, as amended, delegated to me by the Administrator (31 FR 13697), the following airworthiness directive applicable to Sikorsky S–55 series helicopters modified to incorporate AiResearch TSE331–3U–303N engines installed in accordance with STC No. SH125WE or SH127WE, certificated in all categories, was adopted on September 5, 1975 and made effective immediately by airmail letters dated September 8, 1975, as to all known United States operators.

The AD was required because the agency received reports of transient overloading of the AiResearch TSE331 turboshaft engine installed in the Sikorsky S–55 helicopter. This overloading of the engine could cause a reduction in engine speed below operating limits and could result in a rapid loss of available power which would be observed as an engine/rotor speed droop. Such engine overload is most likely to be encountered during abrupt or transient pilot control movements while operating near the engine temperature limit at higher density altitudes. Operation at engine speeds below 99% will also increase the possibility of encountering this droop condition.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Sikorsky S–55 series helicopters incorporating the AiResearch TSE331–3U–303N engine in all categories by individual air mail letters dated September 8, 1975. These conditions still exist and the airworthiness directive is hereby published with certain clarifying changes in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective to all persons.

SIKORSKY. Applies to Sikorsky model S–55 series helicopters incorporating AiResearch model TSE331–3U–303N engines per Supplemental Type Certificate (STC) SH125WE or SH127WE, certificated in all categories.

Compliance required as indicated.

To prevent possible inflight power loss accomplish the following:

A. Within the next 10 hours time in service after the effective date of this AD, unless already accomplished, and thereafter as required by subparagraph (8):

(1) Inspect and functionally test the fuel deceleration valve (AiResearch P/N 602545–400 or 868558–1) by disconnecting the fuel bypass line and capping off the line to prevent fuel leakage from the fuel pump. With the engine operating and the "AIR-GROUND" switch in the "GROUND" position, the deceleration bleed valve is to be cycled electrically open and closed using the decel button on the pilots' cyclic control stick to assure that no fuel leakage occurs when the valve is in the normally closed position. Replace the valve if it does not function properly or leaks any fuel when closed. Remove cap and reconnect bypass line.

(2) Remove the tee fitting (AiResearch P/N 3101322–1) from the engine and visually inspect the orifice for blockage. Replace tee fitting if the orifice is restricted. Reinstall tee fitting to engine if found free of obstructions.

(3) With the engine operating at 100 percent engine speed and the "AIR-GROUND" switch in the "AIR" position, functionally test the manual fuel flow control valve (AiResearch P/N 868558–2) for proper operation by cycling this valve using the cyclic control switch. If the engine does not react normally by losing RPM and then recovering to 100 percent engine speed as the manual fuel flow control valve is closed and opened, remove and replace this valve and repeat this functional check.

(4) Visually inspect the wiring and electrical connections associated with the deceleration control switch to assure that there has been no chafing or other damage which could cause improper operation of the deceleration bleed valve or manual fuel flow control valve.

(5) Calibrate engine tachometer and engine tachometer generator as a pair against an accurate standard to within ±0.5% true reading.

(6) Inspect and adjust, as necessary, the underspeed governor adjustment in accordance with the FAA approved rotorcraft maintenance manual.

(7) Inspect and adjust, as necessary, the throttle linkage to insure that the throttle high RPM stop is set correctly with respect to the engine fuel control stop in accordance with the FAA approved rotorcraft maintenance manual.

(8) Repeat the calibrations and inspections of paragraphs (5), (6) and (7), above, at intervals not to exceed 500 hours time in service, or twelve months, whichever occurs earlier. The calibrations required in (5) must be repeated whenever a tachometer indicator or tachometer generator is replaced.

B. Within the next 10 hours time in service after the effective date of this AD, unless already accomplished:

(1) Install the fuel enrichment valve system per AiResearch Service Bulletin TSE331–73–0045, dated August 25, 1975, or later FAA approved revisions, and Helitec Corporation Service Bulletin No. AS56–01–3, dated August 29, 1975; and

(2) Incorporate and comply with Aviation Specialties Company Sikorsky S–55, S–55B, and S–55C FAA approved Rotorcraft Flight Manual (RFM) revision No. 6, dated August 29, 1975, or later FAA approved revisions.

NOTE 1: B (1) and (2) shall be performed simultaneously.

NOTE 2: Refer to AiResearch Service Bulletin TSE331–73–5004 dated July 16, 1973, and Aviation Specialties Service Bulletin AS55–01–1 dated July 6, 1973, for identification and location of related hardware.

C. Until the actions required by paragraph B. above are performed, the following operating limitations and flight limitations (Section I, RFM) shall apply.

(1) Before each takeoff with the collective full down and the rotor engaged, determine that the engine idles above 100.5% RPM with the high RPM stop.

(2) At takeoff power the engine speed must not be below 99% RPM.

(3) Avoid rapid collective increases under high power conditions.

D. After the effective date of this AD refer to the rotorcraft flight manual for the nominal specific gravity of approved fuel types (see Section II, Specific Gravity). Operating personnel shall assure that the engine fuel control specific gravity adjustment is set properly at all times for the type of fuel being used.

E. Equivalent procedures may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submission of adequate substantiating data.

F. Aircraft may be flown in accordance with FAR 21.197 to a base for performance of the inspections, maintenance, and modifications required by this AD, provided the operating limitations set forth in paragraph (c) are applied.

This amendment becomes effective October 31, 1975 for all persons except those to whom it was made effective by individual airmail letters, dated September 8, 1975 which contained this amendment.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on October 14, 1975.

ROBERT STANTON,
Director,
FAA Western Region.

[FR Doc.75–28645 Filed 10–23–75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–936; Amdt. 5]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Quarterly Filing of Depository Account Reports With the Board; Deletion

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., October 21, 1975.

The Board's general charter rules, Parts 207, 208, 212 and 214, (14 CFR Parts 207, 208, 212 and 214) and its special charter rules, Parts 372, 372a, 373, 378, 378a (14 CFR Parts 372, 372a, 373, 378 and 378a) require that the various classes of direct carriers and indirect air carriers provide security for the protection of charter customers' advance payments. One of the prescribed methods for securing such funds involves the establishment of an escrow account with a qualified bank. When this arrangement is used, the depository bank and the carrier are required by §§ 207.18, 208.41, 212.16, 214.9d, 372a.50(c), 373.17 and 378.16a, to file periodic reports with the Board of funds received and disbursed.

These filed reports have not proved to serve any useful purpose, while, on the other hand, our experience with customers' deposits secured by escrowed funds indicates no need to devise more detailed and burdensome reports. We have therefore decided to dispense with reporting requirements hereunder at this time.

It should be noted, however, that our deletion of these reporting requirements leaves unimpaired the existing requirement that appropriate records be retained with respect to these escrowed funds, so that they will be readily accessible for inspection by our Bureau of Enforcement.

Accordingly, we are amending Part 207 by deleting the present quarterly reporting requirement in § 207.18.

Since this amendment is procedural in nature and relieves a burden, the Board finds that notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 207 of its Economic Regulations (14 CFR Part 207), effective October 21, 1975, as follows:

1. Amend the table of contents by deleting the reference to § 207.18, the amended table to read as follows:

Subpart A—General Provision

* * * * *

Sec.
207.17 Protection of customers' deposits.

Subpart B—Provisions Relating to Pro Rata Charters

* * * * *

§ 207.108 [Deleted]

2. Delete § 207.18.

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, (49 U.S.C. 1324))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–28703 Filed 10–23–75;8:45 am]

[Reg. ER–93, Amdt. 5]

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Quarterly Filings of Depository Account Reports With the Board; Deletion

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., October 21, 1975.

For the reasons stated in ER–936, issued contemporaneously herewith, the Civil Aeronautics Board hereby amends Part 208 of its Economic Regulations (14 CFR Part 208), effective October 21, 1975, as follows:

1. Amend the table of contents by revising the reference to § 208.41 to read as follows:

Sec.
208.41 [Reserved]

§ 208.41 [Reserved]

2. Delete and reserve § 208.41 as follows:

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 748 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–28705 Filed 10–23–75;8:45 am]

[Reg. ER–936, Amdt. 16]

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Quarterly Filings of Depository Account Reports With the Board; Deletion

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., October 21, 1975.

For the reasons stated in ER–936, issued contemporaneously herewith, the Civil Aeronautics Board hereby amends Part 212 of its Economic Regulations (14 CFR Part 212) effective October 21, 1975, as follows:

1. Amend the table of contents by deleting the reference to § 212.16, the amended table of contents to read as follows:

Subpart A—General Provisions

* * * * *

Sec.
212.15 Protection of customers' deposits.

Subpart B—Provisions Relating to Pro Rata Charters

* * * * *

§ 212.16 [Deleted]

2. Delete § 212.16.

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–28704 Filed 10–23–75;8:45 am]

[Reg. ER–939, Amdt. 14]

PART 214—TERMS, CONDITIONS AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Quarterly Filings of Depository Account Reports With the Board; Deletion

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., October 21, 1975.

For the reasons stated in ER–936, issued contemporaneously herewith, the Civil Aeronautics Board hereby amends Part 214 (14 CFR Part 214), effective October 21, 1975, as follows:

1. Amend the table of contents by deleting the reference to § 214.9d, the amended table of contents to read as follows:

Subpart A—Provisions Relating to Pro Rata Charters

* * * * *

Sec.
214.9c Protection of customers' deposits.
214.10 Applicability of this subpart.

* * * * *

§ 214.9d [Deleted]

2. Delete § 214.9d.

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–28702 Filed 10–23–75;8:45 am]

[Reg. ER–935, Amdt. 24]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS, AND MEMORANDA

Preservation of Records by One-Stop-Inclusive Tour Charter Operators

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 7, 1975.

By Notice of Proposed Rule Making EDR–281/SPDR–38/ODR–9,[1] the Board proposed adoption of a new Special Regulation (14 CFR Part 378a) establishing a new class of charter to be designated as a One-stop-inclusive Tour Charter. At the same time, the Board proposed various implementing amendments to other of its Economic Regulations, including Part 249 (14 CFR Part 249). By SPR–85 issued August 8, 1975, the Board adopted its proposal to authorize One-stop-inclusive Tour Charters. For the reasons set forth in SPR–85, the Board has now decided to adopt the proposed amendments to Part 249. Accordingly, in consideration of the foregoing, the Board hereby amends Part 249 of its Economic Regulations (14 CFR Part 249) effective October 16, 1975, as follows:

Amend § 249.2 by revising the definition of "tour operator" to read as follows:

§ 249.2 Definitions.

For the purposes of this part:

* * * * *

"Tour operator" means: (1) Any citizen of the United States, as defined in Section 101(13) of the Act (other than a direct air carrier) who is authorized under the provisions of Part 378 or of Part 378a, or both, to engage in the formation of groups for transportation on inclusive tours; or (2) any person not a citizen of the United States, as defined in Section 101(13) of the Act (other than a direct foreign air carrier) who is engaged in the formation of groups for transportation on inclusive tours which originate in the United States in accordance with the provisions of Part 378 or of Part 378a, or both, and who holds a permit issued pursuant to Section 402 of the Act authorizing such transportation.

Amend § 249.9 by revising paragraph (a) to read as follows:

* * * * *

(a) Every tour operator (as defined in § 249.2) conducting a tour or series of tours pursuant to Part 378 or Part 378a of this chapter shall retain for two years after completion of a tour or a series of tours true copies of the following docu-

[1] Dated October 30, 1974 (Docket 27135).

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ments at its principal or general office in the United States and shall make them available upon request by an authorized representative of the Board:

(1) All receipts and statements of travel agents and all other documents which evidence or reflect deposits made by each tour participant;

(2) All receipts and statements of travel agents and all other documents which evidence or reflect commissions received, paid to, or deducted by travel agents in connection with the tour or series of tours; and

(3) All statements, invoices, bills, and receipts from suppliers for furnishing of goods or services in connection with the tour or series of tours.

• • • • •

(Secs. 204(a), 402 and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, 766; (49 U.S.C. 1324, 1372, 1377))

NOTE: The records maintenance requirements contained in § 249.9(a) have been approved by the U.S. General Accounting Office under number B-180226 (RO295).

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-28699 Filed 10-23-75;8:45]

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-91, Amdt. 12]

PART 372a—TRAVEL GROUP CHARTERS

Monthly Filings of Depository Account Reports With the Board; Deletion

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., October 21, 1975.

For the reasons stated in ER-936, issued contemporaneously herewith the Civil Aeronautics Board hereby amends Part 372a of its Special Regulations, (14 CFR Part 372a) effective October 21, 1975, as follows:

§ 372a.50 [Amended]

Amend § 372a.50 by deleting paragraph (c).

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, (49 U.S.C. 1324))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-28701 Filed 10-23-75;8:45 am]

[Reg. SPR-92; Amdt. 7]

PART 373—STUDY GROUP CHARTERS BY DIRECT AIR CARRIERS AND STUDY GROUP CHARTERERS

Monthly Filings of Depository Account Reports With the Board; Deletion

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., October 21, 1975.

For the reasons stated in ER-936, issued contemporaneously herewith, the Civil Aeronautics Board hereby amends Part 373 of its Special Regulations (14 CFR Part 373) effective October 21, 1975, as follows:

1. Amend the table of contents of Part 373 by revising the reference to § 373.17 to read as follows:

Sec.

373.17 [Reserved]

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

§ 373.17 [Reserved]

2. Delete and reserve § 373.17, as follows:

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-28706 Filed 10-23-75;8:45 am]

[Reg. SPR-93; Amdt. 11]

PART 378—INCLUSIVE TOUR CHARTERS

Monthly Filings of Depository Account Reports With the Board; Deletion

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., October 21, 1975.

For the reasons stated in ER-936, issued contemporaneously herewith, the Civil Aeronautics Board hereby amends Part 378 of its Special Regulations (14 CFR Part 378) effective October 21, 1975, as follows:

1. Amend the table of contents by deleting the reference to § 378.16a, the amended table of contents to read as follows:

• • • • • •

Subpart B—Conditions and Limitations

• • • • • •

Sec.

378.16 Surety bond.

378.17 Contract between tour operators or foreign tour operators and tour participants.

• • • • • •

§ 378.16a [Deleted]

2. Delete § 378.16a

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-28700 Filed 10-23-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release 34-11742]

ORGANIZATION, INFORMATION AND REQUESTS, GENERAL RULES AND REGULATIONS, AND FORMS

Registration of Municipal Securities Brokers and Dealers

The Securities and Exchange Commission has adopted rule 15Ba2-1,[1] related Form MSD,[2] rule 15Ba2-2,[3] and temporary rules 15a-1(T) [4] and 15Ba2-3(T),[5] effective immediately, in accordance with the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), and pursuant to the Commission's authority under the Securities Exchange Act of 1934 (the "Act"),[6] particularly sections 2, 3, 15, 17, and 23 thereof [7] and section 13 (new section 15B of the Act) of the Securities Acts Amendments of 1975 (the "1975 Amendments").

Rule 15Ba2-1 provides that municipal securities dealers which are banks or separately identifiable departments or divisions of banks must apply for registration with the Commission under section 15B(a) of the Act on Form MSD. Rule 15Ba2-2 requires nonbank municipal securities dealers whose business is exclusively intrastate ("intrastate dealers") to apply for registration with the Commission under section 15B(a) of the Act on Form BD, and prescribes certain additional procedures relating to the registration of such dealers. Temporary rules 15a-1(T) and 15Ba2-3(T) temporarily exempt municipal securities brokers and dealers from the registration requirements of sections 15 and 15B(a) of the Act, respectively, provided that such persons file their applications for registration with the Commission not later than November 30, 1975, and otherwise comply with all applicable rules and regulations of the Commission and the Municipal Securities Rulemaking Board to the same extent as if they were registered on December 1, 1975.

In connection with the adoption of rules 15Ba2-1 and 15Ba2-2, the Commission has provided, effective immediately, in accordance with the Administrative Procedure Act, delegated authority, pursuant to Pub. L. 87-592, 76 Stat. 394,[8] to the Directors of the Office of Reports and Information Services and the Division of Market Regulation to grant applications for registration of municipal securities dealers under section 15B(a) of the Act.

Introduction. On June 4, 1975, the 1975 Amendments were signed into law, substantially amending the Act and establishing a comprehensive framework for the regulation of the activities of municipal securities brokers and dealers. Under new section 15B(a) of the Act, as added by the 1975 Amendments, municipal securities dealers which are banks, or separately identifiable departments or divisions of banks, and intrastate dealers are required to be registered with the Commission in accordance with such rules as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors. Section 15B(a)(1) provides:

It shall be unlawful for any municipal securities dealer (other than one registered as a broker or dealer under section 15 of this title) to make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any municipal security unless such municipal securities dealer is registered in accordance with this subsection.

Non-bank municipal securities dealers other than intrastate dealers and municipal securities brokers are required to be registered under section 15 of the Act and to apply for registration on Form BD, the standard registration form for brokers and dealers.[9] The provisions of

See footnotes at end of document.

sections 15 and 15B(a) become applicable to municipal securities brokers and dealers on December 1, 1975.[10]

On August 11, 1975, the Commission issued Securities Exchange Act Release No. 11585 ("Release No. 11585"),[11] announcing procedures for the registration of municipal securities brokers and dealers under section 15 of the Act, giving notice of proposed rule 15Ba2-1, related proposed Form MSD, and proposed rule 15Ba2-2, and soliciting comments on the proposed rules and Form and on other matters relating to the registration of municipal securities brokers and dealers.[12]

In Release No. 11585 the Commission indicated that municipal securities brokers and non-bank municipal securities dealers other than intrastate dealers would be required to apply for registration on Form BD. The Commission urged that such municipal securities brokers and dealers file their applications for registration with the Commission as promptly as possible to facilitate processing in an orderly and timely manner. Proposed rule 15Ba2-1 provided that banks would be required to apply for registration with the Commission on a new application form, Form MSD, and to file a statement of financial condition in connection with such application. Proposed rule 15Ba2-2 provided that intrastate dealers would be required to apply for registration with the Commission on Form BD and to file the statements required by rule 15b1-2.

The Commission stated in Release No. 11585 that banks which meet the definition of "municipal securities dealer" in section 3(a)(30) of the Act would be required to be registered with the Commission under section 15B(a) of the Act unless the Municipal Securities Rulemaking Board (the "Board"), in accordance with its authority under section 15B(b)(2)(H) of the Act, had defined by rule the term "separately identifiable department or division" with respect to banks, and the prospective bank applicant had a department or division meeting the requirements of the Board's rule.[13] On October 10, 1975 the Board filed rule proposals with the Commission relating to, among other matters, the definition of a "separately identifiable department or division" of a bank. These rules have become effective and are presently rules of the Board for purposes of the Act.[14] The text of the Board's rule defining a "separately identifiable department or division" of a bank and a general definitional rule of the Board are set forth elsewhere in this release.

Banks Subject to Registration as Municipal Securities Dealers. Section 3(a)(30) of the Act defines a "municipal securities dealer" as follows:

• • • any person (including a separately identifiable department or division of a bank) engaged in the business of buying and selling municipal securities for his own account, through a broker or otherwise, but does not include—

• • • • • •

a bank, unless the bank is engaged in the business of buying and selling municipal securities for its own account other than in a fiduciary capacity, through a broker or otherwise: *Provided, however,* That if the bank is engaged in such business through a separately identifiable department or division (as defined by the Municipal Securities Rulemaking Board in accordance with Section 15B(b)(2)(H) of this title), the department or division and not the bank itself shall be deemed to be the municipal securities dealer.

Whether a bank [15] is "engaged in the business" of buying and selling municipal securities for its own account as a dealer is a factual question to be resolved in light of all relevant circumstances. However, the Commission believes that it is appropriate to set forth certain guidelines to assist individual banks in determining whether to apply for registration with the Commission.

The definition of a "municipal securities dealer" in section 3(a)(30) of the Act, as it applies to banks, incorporates language found in the definition of a "dealer" in section 3(a)(5) of the Act and thus traditional concepts of what constitute dealer activities. A bank which buys and sells municipal securities solely for investment for its own account or for accounts for which it acts as a fiduciary will not generally be classified as a dealer, even though such purchases and sales are made with some frequency. Virtually every bank has municipal securities in its investment portfolio, and purchases and sales may occur to accommodate changes in the bank's financial position or to reflect investment decisions. The Commission believes that it was not the intent of Congress that every bank engaged in such investment-type activity register as a dealer.

In the view of the Commission, activities which may subject a bank to the registration requirements of the Act applicable to municipal securities dealers, if the jurisdictional means are used,[16] are as follows:

(1) underwriting, which includes participation in a syndicate or joint account for the purchase of municipal securities;

(2) maintaining a trading account in municipal securities or otherwise carrying a dealer inventory in municipal securities; [17]

(3) advertising or listing as a dealer in professional publications such as Standard & Poor's "Blue List of Current Municipal Offerings", the Bond Buyer's "Directory of Municipal Bond Dealers of the United States", or Polk's "World Bank Directory", or advertising in publications of general circulation as a dealer in municipal securities; or

(4) otherwise holding itself out to other dealers or to investors as a dealer in municipal securities.

While the determination of when a bank is a municipal securities dealer might be premised on, among other matters, the number of transactions engaged in by the bank in a non-fiduciary capacity or the rate of turnover of the bank's inventory of municipal securities, the Commission does not now have sufficient data or experience with bank municipal securities dealers to ascertain whether such tests are appropriate. In any event, it would appear that the nature of a bank's activities, rather than the volume of transactions or similar criteria, are of greater relevance in determining when a bank is a municipal securities dealer. The Commission invites written comments from interested persons on whether the standards set forth above are appropriate for determining whether a bank is a municipal securities dealer within the meaning of section 3(a)(30) of the Act, or whether other factors should be considered in making such determination. Such comments should be submitted in triplicate to George A. Fitzsimmons, Secretary of the Commission, and should refer to Commission File No. S7-577. All such comments will be available for public inspection.

The Commission also notes that a bank which engages in bona fide brokerage transactions on behalf of customers will not, solely for that reason, be considered a dealer for purposes of section 3(a)(30) of the Act. Banks are excluded from the definition of "broker" in section 3(a)(4) of the Act, and thus are not subject to the provisions of the Act requiring brokers to register.[18]

Separately Identifiable Department or Division of a Bank. Although a bank may meet the definition of a "municipal securities dealer" for purposes of section 3(a)(30) of the Act, that section provides that a bank will not be considered to be a municipal securities dealer if the bank engages in such business through a "separately identifiable department or division" as defined by the Board in accordance with the Board's authority under section 15B(b)(2)(H) of the Act.[19] If a bank has such a department or division, the department or division will be deemed to be the municipal securities dealer and only that department or division need register.

The following definitional rules of the Board have become effective pursuant to section 19(b) of the Act: [20]

RULE 1. *Definitions.*

(a) For purposes of the rules of the Municipal Securities Rulemaking Board, the terms used in such rules shall have the respective meanings set forth in the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) and the rules and regulations of the Securities and Exchange Commission thereunder.

(b) The term "Act" shall mean the Securities Exchange Act of 1934, as from time to time amended.

(c) The term "Board" shall mean the Municipal Securities Rulemaking Board.

(d) The term "Commission" shall mean the Securities and Exchange Commission.

RULE 4. *Separately Identifiable Department or Division of a Bank.*

(a) A separately identifiable department or division of a bank, as such term is used in section 3(a)(30) of the Act, is that unit of the bank which conducts all of the activities of the bank relating to the conduct of business as a municipal securities dealer ("municipal securities dealer activities"), as such activities are hereinafter defined: *Provided That:*

(1) Such unit is under the direct supervision of an officer or officers designated by the board of directors of the bank as responsible for the day-to-day conduct of the bank's municipal securities dealer activities, including the supervision of all bank employees engaged in the performance of such activities; and

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(2) There are separately maintained in or separately extractable from such unit's own facilities or the facilities of the bank, all of the records relating to the bank's municipal securities dealer activities, *And further provided* That such records are so maintained or, otherwise accessible as to permit independent examination thereof and enforcement of applicable provisions of the Act, the rules and regulations thereunder and the rules of the Board.

(b) For purposes of this rule, the activities of the bank which shall constitute municipal securities dealer activities are as follows:

(1) underwriting, trading and sales of municipal securities;

(2) processing and clearance activities with respect to municipal securities;

(3) research, analysis and the preparation of literature for use in connection with the activities described in paragraph (1) above; and

(4) maintenance of records pertaining to the activities described in paragraphs (1) through (3) above.

(c) The fact that directors and senior officers of the bank may from time to time set broad policy guidelines affecting the bank as a whole and which are not directly related to the day-to-day conduct of the bank's municipal securities dealer activities, shall not disqualify the unit hereinbefore described as a separately identifiable department or division of the bank or require that such directors or officers be considered as part of such unit.

(d) The fact that the bank's municipal securities dealer activities are conducted in more than one geographic, organizational or operational unit of the bank shall not preclude a finding that the bank has a separately identifiable department or division for purposes of this rule, *provided, however*, That all such units are identifiable and that the requirements of subparagraphs (1) and (2) of paragraph (a) of this rule are met with respect to each such unit. All such geographic, organizational or operational units of the bank shall be considered in the aggregate as the separately identifiable department or division of the bank for purposes of this rule.

Adoption of Rule 15Ba2–1 and Form MSD. The Commission has adopted rule 15Ba2–1 and related Form MSD with modifications from the form in which they were proposed in Release No. 11585. These include the following:

1. Rule 15Ba2–1, as adopted, makes Form MSD applicable to separately identifiable departments or divisions of banks as well as to banks.

2. The requirement in proposed rule 15Ba2–1, that an applicant file with the Commission a statement of financial condition in connection with its application for registration has been omitted in rule 15Ba2–1, as adopted.

3. New paragraphs (b) and (c) of the rule 15Ba2–1 set forth requirements for filing amendments to the application and clarify the status of such amendments for purposes of sections 17 and 32(a) of the Act.[21]

4. With respect to Form MSD, item 5, and the requirement for filing a separate Schedule relating to business and educational background, have been revised to make clear that only those persons directly engaged in the management, supervision or direction of the applicant's municipal securities dealer activities (defined in the instructions to Form MSD) need to be listed in response to the item and to have a detailed statement of their educational and business background submitted.

5. Item 6 in Form MSD has been revised to make clear that only those persons directly or indirectly controlling applicant's municipal securities dealer activities and not named in answer to item 5 must be identified in response to item 6. A detailed statement of educational and business background is not required to be submitted for such persons.

6. Item 7 of Form MSD has been revised to include reference to the findings of appropriate bank regulatory agencies in certain paragraphs. Paragraph (ix) in proposed Form MSD has been omitted. Item 7 applies to all employees of the applicant engaged in its municipal securities dealer activities, as well as to all persons in direct or indirect control of the applicant.

7. Various questions have been added to Form MSD relating to separately identifiable departments or divisions of banks, to enable the Commission to determine whether an applicant which is a department or division meets the applicable criteria for registration established by the Board in its rule 4 definition.

8. The form of execution has been changed to clarify the responsibility of the executing officer with respect to the information set forth in Form MSD.

9. The instructions to the Form have been expanded to clarify specific items in the Form and to define certain additional terms used in the Form.

The Commission finds that the adoption of rule 15Ba2–1 and related Form MSD is necessary to provide an orderly procedure for the prompt registration of municipal securities dealers which are banks or separately identifiable departments or divisions of banks and that such adoption is therefore necessary and appropriate in the public interest and for the protection of investors, and that it is consistent with the purposes of the Act. The Commission also finds that rule 15Ba2–1 and related Form MSD will not impose any burden on competition. The Commission further finds, in accordance with the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)), that notice and public procedure with respect to the changes in the rule and Form are impracticable and contrary to the public interest as a prerequisite to the adoption of the rule and Form, and that such rule and Form should be adopted, effective immediately, in accordance with the Administrative Procedure Act (5 U.S.C. 553(d)(3)), in order to provide an orderly and timely procedure for the registration of municipal securities dealers subject to the rule.

Subsidiaries of Banks and of Bank Holding Companies. The Commission notes that municipal securities dealers which are subsidiaries of banks or of bank holding companies meet the definition of a "dealer" set forth in section 3(a)(5) of the Act. As such these subsidiaries will be required to be registered under section 15 of the Act, rather than section 15B(a). Accordingly, without further action by the Commission, such subsidiaries are subject to registration on Form BD, rather than Form MSD.

The Commission also wishes to point out that municipal securities dealers which register under section 15 of the Act automatically become members of and subject to assessments by the Securities Investor Protection Corporation ("SIPC"). The Commission invites comments from interested persons on (1) whether such subsidiaries should be exempted from the registration requirements of section 15 of the Act and instead required to be registered under section 15B of the Act, (2) whether SIPC coverage is appropriate for the customers of such subsidiaries in view of the fact that as a matter of corporate organization such subsidiaries are not a part of their parent bank, and (3) the extent to which such subsidiaries are presently subject to the requirements of banking law applicable to banks and the extent to which the activities of such subsidiaries are scrutinized by the appropriate bank regulatory authorities to ensure compliance with such requirements. Comments on these matters should be submitted in accordance with the procedures set forth infra.

Adoption of Rule 15Ba2–2. The Commission has also adopted rule 15Ba2–2, relating to the registration of intrastate dealers, with certain modifications from the form in which it was proposed in Release No. 11585. The rule, as adopted, requires applicants to file a statement with the Commission to the effect that they are applying for registration as intrastate dealers in accordance with the rule. New paragraphs (c) and (d) of the rule set forth requirements for filing amendments and clarifying the status of amendments for purposes of sections 17 and 32(a) of the Act.

The Commission finds that the adoption of rule 15Ba2–2 is necessary to provide an orderly procedure for the prompt registration of intrastate dealers and that such adoption is therefore necessary and appropriate in the public interest and for the protection of investors, and that it is consistent with the purposes of the Act. The Commission also finds that rule 15Ba2–2 will not impose any burden on competition. The Commission further finds, in accordance with the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)), that notice and public procedure with respect to the changes in the rule and Form are impracticable, unnecessary and contrary to the public interest and that such rule should be adopted, effective immediately, in accordance with the Administrative Procedure Act (5 U.S.C. 553(d)(3)), in order to provide an orderly and timely procedure for the registration of municipal securities dealers subject to the rule.

Adoption of Temporary Rules 15a–1(T) and 15Ba2–3(T). Under the provisions of sections 15(b)(1) and 15B(a)(2) of the Act, the Commission must take action within 45 days of the date of filing of an application for registration, either to grant registration or to institute proceedings to determine whether registration should be denied. As indicated above, the provisions of the Act which have the effect of requiring municipal securities brokers and dealers to be registered with the Commission become effective on December 1, 1975.[12] In Release No. 11585, the Commission urged municipal securities brokers and dealers (other than banks and intrastate dealers) to file their applications for registration on Form BD with the Commission not later than October 17, 1975. The Commission indicated that filing by such date would assure that the Commission would be able to act upon such applications by December 1, 1975.

Under sections 15(a)(2) and 15B(a)(4) of the Act the Commission has broad authority to exempt brokers, dealers and municipal securities dealers from the registration requirements of the Act if the Commission finds that such exemption is consistent with the public interest and the protection of investors, and with respect to the registration of municipal securities dealers under section 15B(a) of the Act, consistent with the purposes of such section. The Commission finds that it would not be practicable for municipal securities dealers subject to section 15B(a) of the Act to be required to be registered with the Commission effective December 1, 1975 since such dealers will not have sufficient time to obtain the appropriate forms for registration, complete and file them with the Commission and still be assured of Commission action on their applications prior to December 1, 1975, nor would the Commission have sufficient time to give such applications a careful and complete review consistent with the public interest and the protection of investors.

The Commission finds that it is consistent with the public interest, the protection of investors and the purposes of section 15B(a) to grant, by rule, a temporary exemption from the registration requirements of section 15B(a) of the Act to municipal securities dealers who file their applications for registration with the Commission not later than November 30, 1975 and who are in compliance with all other applicable provisions of the Act, the rules and regulations of the Commission thereunder and the rules of the Board which by their terms would apply to such dealers if they were registered with the Commission on December 1, 1975.

The Commission has therefore adopted, effective immediately, temporary rule 15Ba2–3(T), granting a temporary exemption from the requirements of section 15B(a) of the Act to municipal securities dealers which meet the conditions of such rule. The temporary exemption would terminate as to an individual dealer on the earlier of the granting or denial of the dealer's registration under section 15B(a) or the dealer's failure to comply with the conditions of the rule. The temporary rule would expire on June 1, 1976.

With respect to municipal securities dealers subject to section 15(a)(1) of the Act, i.e., non-bank municipal securities dealers other than intrastate dealers, the Commission stated in Release No. 11585 that Form BD was the appropriate form for registration of such dealers, as well as municipal securities brokers. While such brokers and dealers therefore have been notified of the applicable requirements for registration considerably in advance of the date of this release, it has come to the attention of the Commission that there may still be uncertainty on the part of many such brokers and dealers as to the applicability of the registration requirements to them. The Commission wishes to stress that all such brokers and dealers are required to be registered with the Commission, pursuant to section 15(a)(1) of the Act, irrespective of membership in the National Association of Securities Dealers, Inc. The Commission also recognizes that since Form BD has only recently been revised,[22] municipal securities brokers and dealers may not have had sufficient time to obtain the revised form and file it with the Commission in order to be assured that action could be taken on their applications for registration by December 1, 1975.

The Commission has, therefore, determined that it is appropriate and consistent with the public interest and the protection of investors to grant, by rule, a temporary exemption from the registration requirements of section 15(a)(1) of the Act to municipal securities brokers and dealers otherwise subject to such requirements on terms and conditions similar to those set forth in temporary rule 15Ba2–3(T) for municipal securities dealers subject to the requirements of section 15B(a) of the Act. Accordingly, the Commission has adopted temporary rule 15a–1(T), effective immediately. The rule will expire on June 1, 1976.

The Commission finds, in accordance with the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)), that temporary rules 15a–1(T) and 15Ba2–3(T) relieve municipal securities brokers and dealers from requirements that would otherwise be applicable to them, that notice and public procedure are therefore unnecessary as a prerequisite to the adoption of such rules, and that the rules should be adopted, effective immediately, in accordance with the Administrative Procedure Act (5 U.S.C. 553(d)(3)), in order to permit municipal securities brokers and dealers to file their applications with the Commission in an orderly and timely manner and to afford the Commission adequate time to review such applications carefully and competely, consistent with the public interest and the protection of investors. The Commission further finds that temporary rules 15a–1(T) and 15Ba2–3(T) will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Commission emphasizes that municipal securities brokers and dealers should attempt to file their applications for registration at as early a date as possible in order to permit all applications to be processed in an orderly manner. Such applications must be filed in any event with the Commission prior to December 1, 1975.

Delegation of authority. The regulations of the Commission relating to general organization are concurrently being amended to delegate authority to the Directors of the Office of Reports and Information Services and the Division of Market Regulation to issue orders granting registration of municipal securities dealers under section 15B(a) of the Act. The Commission staff has similar authority with respect to the registration of brokers and dealers under section 15 of the Act (including municipal securities brokers and dealers).[24]

The Commission finds, in accordance with the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)), that the foregoing action relates solely to agency organization, procedure or practice and that notice and public procedure are therefore not necessary. The Commission further finds that such amendment should be adopted, effective immediately, in accordance with the Administrative Procedure Act (5 U.S.C. 553(d)(3)), in order to permit municipal securities dealers to be registered under section 15B(a) of the Act in a prompt and orderly manner.

(Secs. 2, 3, 15, 17, 23, 48 Stat. 881, 882, 895, 897, 901, as amended by secs. 2, 3, 11, 14, 18, 89 Stat. 97, 97–104, 121–127, 137–141, 155–156; sec. 13, 89 Stat. 131–137 (15 U.S.C. 78b, 78c, 78o, 78q, and 78w, as amended by Pub. L. No. 94–29; 15 U.S.C. 78o–4, as added by Pub. L. No. 24–29))

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 15, 1975.

FOOTNOTES

[1] 17 CFR 240.15Ba2–1.
[2] 17 CFR 249.950.
[3] 17 CFR 240.15Ba2–2.
[4] 17 CFR 240.15a–1(T).
[5] 17 CFR 240.15Ba2–3(T).
[6] 15 U.S.C. 78a *et seq.*, as amended by Pub. L. 94–29 (June 4, 1975).
[7] 15 U.S.C. 78b, 78c, 78o, 78q and 78w.
[8] 15 U.S.C. 78d–1, 78d–2.
[9] Such persons are "brokers" or "dealers" within the meaning of sections 3(a)(4) and 3(a)(5) of the Act. Intrastate dealers are not, however, subject to the registration requirements of section 15 of the Act since section 15(a)(1) contains an exception for brokers and dealers whose business is exclusively intrastate. In section 15B(a)(1), however, there is no such exclusion and the jurisdictional basis appears to be sufficiently broad to be applicable to all such dealers. Thus, any municipal securities dealer which makes use of the mails or any means or instrumentality of interstate commerce to effect transactions in municipal securities (other than dealers registered under section 15) must register under section 15B(a). In section 3(a)(17) of the Act, as amended by the 1975 Amendments, the definition of "interstate commerce" includes the "intrastate use of • • • a telephone or other intrastate means of communication • • •."
[10] Section 31(a) of the 1975 Amendments.
[11] 40 FR 37228 (1975).
[12] The comment period expired on September 12, 1975. Comments are contained in Commission File No. S7–577, which is available for public inspection.
[13] The Board was constituted on September 5, 1975. *See* Securities Exchange Act Release No. 11635 (Sept. 5, 1975).
[14] The Board's rule proposals also concerned matters relating to the operation and administration of the Board. Notice of all rule proposals filed by the Board is expected to be

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published in the FEDERAL REGISTER during the week of October 20, 1975. *See* Securities Exchange Act Release No. 11741 (October 15, 1975).

[16] A "bank" is defined in section 3(a)(6) of the Act as follows:

"* * * (A) a banking institution organized under the laws of the United States, (B) a member bank of the Federal Reserve System, (C) any other banking institution, whether incorporated or not, doing business under the laws of any State or of the United States, a substantial portion of the business of which consists of receiving deposits or exercising a fiduciary power similar to those permitted to national banks under section 11(k) of the Federal Reserve Act, as amended, and which is supervised and examined by State or Federal authority having supervision over banks, and which is not operated for the purpose of evading the provisions of this title, and (D) a receiver, conservator, or other liquidating agent of any institution or firm included in clauses (A), (B), or (C) of this paragraph.

[16] *See* note 9 *supra*.

[17] The bank regulatory agencies have generally defined "trading account securities" as a portfolio of securities separate from the bank's investment account which are held for resale to other banks and the public generally.

[18] Section 3(a)(4) provides:

The term "broker" means any person engaged in the business of effecting transactions in securities for the account of others, but does not include a bank.

[19] Section 15B(b)(2)(H) of the Act requires the Board to:

"* * * define the term 'separately identifiable department or division', as that term is used in section 3(a)(30) of this title, in accordance with specified and appropriate standards to assure that a bank is not deemed to be engaged in the business of buying and selling municipal securities through a separately identifiable department or division unless such department or division is organized and administered so as to permit independent examination and enforcement of applicable provisions of this title, the rules and regulations thereunder and the rules of the Board. A separately identifiable department or division of a bank may be engaged in activities other than those relating to municipal securities.

[20] 15 U.S.C. 78s. In addition to the Board rules set forth in this release, rules 2 and 3 of the Board, which establish certain procedures for the administration of the Board, such as those relating to notice of meetings, quorum and voting requirements and the submission of rule proposals to the Commission, have become effective. *See* Securities Exchange Act Release No. 11741 (October 15, 1975).

[21] 15 U.S.C. 78q and 78ff(a).

[22] *See* note 10, *supra*.

[23] Revised Form BD became effective on October 1, 1975. *See* Securities Exchange Act Release No. 11530 (June 10, 1975), 40 FR 30636 (1975).

[24] *See* Securities Exchange Act Release No. 11487 (June 20, 1975), 40 FR 27441 (1975).

PART 200—ORGANIZATION, CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Section 200.30–3(a) is amended by adding a new paragraph (14) thereto, and 17 CFR 200.30–11(a) is amended by adding a new paragraph (2) thereto, each to read as follows:

§ 200.30–3 Delegation of authority to Director of Division of Market Regulation.

* * * * * * *

(a) * * *

(14) Pursuant to section 15B(a) of the Act [15 U.S.C. 78o–4(a)], to authorize the issuance of orders granting registration of municipal securities dealers within forty-five days of the filing of an application for registration as a municipal securities dealer (or within such longer period as to which the applicant consents).

* * * * * * *

§ 200.30–11 Delegation of authority to Director, Office of Registration and Reports.

* * * * * * *

(a) * * *

(2) Pursuant to section 15B(a) of the Act [15 U.S.C. 78o–4(a)], to authorize the issuance of orders granting registration of municipal securities dealers within forty-five days of the filing of an application for registration as a municipal securities dealer (or within such longer period as to which the applicant consents).

* * * * * * *

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

The text of temporary rule 15a–1(T), rules 15Ba2–1 and 15Ba2–2 and temporary rule 15Ba –3(T), as hereby adopted is as follows:

§ 240.15a–1(T) Temporary exemption of municipal securities brokers and municipal securities dealers from the requirements of section 15(a)(1) of the act.

A municipal securities broker or municipal securities dealer otherwise subject to the requirements of section 15(a)(1) of the Act by reason of being a municipal securities broker or municipal securities dealer, shall be exempt from the requirements of such section, provided such broker or dealer shall be in compliance with each of the following terms and conditions:

(a) Such broker or dealer shall have filed with the Commission not later than November 30, 1975 an application for registration pursuant to rule 15b1–1 (§ 240.15b1–1) and all other statements and reports required to be filed with the Commission in connection with such application pursuant to rule 15b1–2 (§ 240.15b1–2) or otherwise;

(b) Such broker or dealer shall at all times be in compliance with all other applicable provisions of the Act, the rules and regulations of the Commission thereunder and the rules of the Municipal Securities Rulemaking Board, including all such provisions, rules and regulations which by their terms would apply to such dealer if such dealer were registered with the Commission on December 1, 1975; and

(c) Such exemption shall terminate on the earlier of (1) the date of an order of the Commission granting such broker's or dealer's registration under section 15(b)(1) of the Act, or (2) the date of an order of the Commission denying such broker's or dealer's registration under such section 15(b)(1) of the Act, or (3) of the date of such broker's or dealer's failure to comply with the conditions of this rule.

This temporary rule shall expire on June 1, 1976.

§ 240.15Ba2–1 Application for registration of municipal securities dealers which are banks or separately identifiable departments or divisions of banks.

(a) An application for registration, pursuant to Section 15B(a) of the Act, of a municipal securities dealer which is a bank (as defined in section 3(a)(6) of the Act) or a separately identifiable department or division of a bank (as defined by the Municipal Securities Rulemaking Board), shall be filed with the Commission on Form MSD (§ 249.950 of this chapter), in accordance with the instructions contained therein.

(b) If the information contained in any application for registration pursuant to paragraph (a) of this section, or in any amendment to such application, is or becomes inaccurate for any reason, applicant shall promptly file an amendment on Form MSD (§ 249.950 of this chapter) correcting such information.

(c) Every amendment filed pursuant to this rule shall constitute a "report" within the meaning of sections 17 and 32(a) of the Act (15 U.S.C. 78q and 78ff (a)).

§ 240.15Ba2–2 Application for registration of non-bank municipal securities dealers whose business is exclusively intrastate.

(a) An application for registration, pursuant to section 15B(a) of the Act, of a municipal securities dealer not subject to the requirements of rule 15Ba2–1 (§ 240.15Ba2–1), shall be filed with the Commission on Form BD (§ 249.501 of this chapter) in accordance with the instructions contained therein.

(b) Each applicant for registration who is subject to the requirements of paragraph (a) of this section shall file with the application for registration prescribed in such paragraph the statements described in paragraphs (a) through (d) of rule 15b1–2 (§ 240.15b1–2). The statement of financial condition described in such paragraph (a) shall be deemed a part of the application for registration. Each applicant shall also file with its application for registration a statement to the effect that such applicant is filing for registration as an intrastate dealer in accordance with the requirements of this rule. Such statement shall be deemed a part of the application for registration.

(c) If the information contained in any application for registration pursuant to paragraph (a) of this section, or in any amendment to such application, is or becomes inaccurate for any reason, applicant shall promptly file an amendment on Form BD (§ 249.501 of this chapter) correcting such information.

(d) Every amendment filed pursuant to this rule shall constitute a "report" within the meaning of sections 17 and 32(a) of the Act.

§ 240.15Ba2–3(T) Temporary exemption of municipal securities dealers from the requirements of section 15B(a) of the act.

A municipal securities dealer otherwise subject to the requirements of section 15B(a) of the Act shall be exempt from the requirements of such section, provided such dealer shall be in compliance with each of the following terms and conditions:

(a) such municipal securities dealer shall have filed with the Commission not later than November 30, 1975 an application for registration pursuant to rule 15Ba2–1 (§ 240.15Ba2–1) or rule 15Ba2–2 (§ 240.15Ba2–2), as appropriate, and all other statements and reports required to be filed with the Commission in connection with such application;

(b) such municipal securities dealer shall at all times be in compliance with all other applicable provisions of the Act, the rules and regulations of the Commission thereunder and the rules of the Municipal Securities Rulemaking Board, including all such provisions, rules and regulations which by their terms would apply to such municipal securities dealer if such dealer were registered with the Commission on December 1, 1975; and

(c) such exemption shall terminate on the earlier of (1) the date of an order of the Commission granting such municipal securities dealer's registration under section 15B(a) of the Act, of (2) the date of an order of the Commission denying such municipal securities dealer's registration under such section 15B (a) of the Act, or (3) the date of such municipal securities dealer's failure to comply with the conditions of this rule.

This temporary rule shall expire on June 1, 1976.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Part 249—Forms, Securities Exchange Act of 1934, is hereby amended by adding Subpart K and § 249.950 to that subpart as follows:

Subpart K—Forms for registration of municipal securities dealers

§ 249.950 Form MSD, Application for registration as a municipal securities dealer pursuant to rule 15Ba2–1 under the Securities Exchange Act of 1934 or amendment to such application.

(a) This Form is to be used by a bank or a separately identifiable department or division of a bank (as defined by the Municipal Securities Rulemaking Board) to apply for registration as a municipal securities dealer with the Securities and Exchange Commission pursuant to section 15B(a) of the Securities Exchange Act of 1934 (the "Act"), or to amend such application.

NOTE. Copies of Form MSD have been filed with the Office of the Federal Register as part of this document.

(b) Copies of Forms BD and MSD may be obtained from the Office of Reports and Information Services, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Only printed copies of Form MSD should be used to apply for registration with the Commission.

[FR Doc.75–28662 Filed 10–21–75;3:08 pm]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 750—HIGHWAY BEAUTIFICATION

Outdoor Advertising Control

Correction

In FR Doc. 75–24523 appearing at page 42842 as the Part III of the issue of Tuesday, September 16, 1975, in the third column on page 42845, in the second line of § 750.705(c), "§ 1750.704(a)(1)" should read "§ 750.704(a)(1)".

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT-FEDERAL HOUSING COMMISSIONER [FEDERAL HOUSING ADMINISTRATION], DEPARTMENT OF HOUSING AND URBAN AFFAIRS

[Docket No. R–75–357]

DEBENTURE INTEREST RATES

Insurance Rates

The following amendments have been made to this chapter to change the debenture interest rate. The Secretary has determined that advance publication and notice and public procedure are unnecessary since the debenture interest rate is set by the Secretary of the Treasury in accordance with a procedure established by statute and that good cause exists for making this amendment effective July 1, 1975.

Accordingly, Chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

1. Section 203.405 is revised to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semi-annually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
6¼	Jan. 1, 1971	July 1, 1971
5¾	July 1, 1971	Jan. 1, 1972
5¾	Jan. 1, 1972	July 1, 1972
5½	July 1, 1972	Jan. 1, 1973
5¾	Jan. 1, 1973	July 1, 1973
6	July 1, 1973	Jan. 1, 1974
6¼	Jan. 1, 1974	July 1, 1974
6½	July 1, 1974	July 1, 1975
7	July 1, 1975	

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interprets or applies sec. 203, 52 Stat. 10, as amended; (12 U.S.C. 1709))

2. Section 203.479 is revised to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
6¼	Jan. 1, 1971	July 1, 1971
5¾	July 1, 1971	Jan. 1, 1972
5¾	Jan. 1, 1972	July 1, 1972
5½	July 1, 1972	Jan. 1, 1973
5¾	Jan. 1, 1973	July 1, 1973
6	July 1, 1973	Jan. 1, 1974
6¼	Jan. 1, 1974	July 1, 1974
6½	July 1, 1974	July 1, 1975
7	July 1, 1975	

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interprets or applies sec. 203, 52 Stat. 10, as amended; (12 U.S.C. 1709))

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

In § 207.259 paragraph (e)(6) is amended to read as follows:

§ 207.259 Insurance benefits.

* * * * * * *

(e) Issuance of debentures. * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
6¼	Jan. 1, 1971	July 1, 1971
5¾	July 1, 1971	Jan. 1, 1972
5¾	Jan. 1, 1972	July 1, 1972
5½	July 1, 1972	Jan. 1, 1973
5¾	Jan. 1, 1973	July 1, 1973
6	July 1, 1973	Jan. 1, 1974
6¼	Jan. 1, 1974	July 1, 1974
6½	July 1, 1974	July 1, 1975
7	July 1, 1975	

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b) Interprets or applies sec. 207, 52 Stat. 16, as amended; (12 U.S.C. 1713))

* * * * * * *

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Section 220.830 is revised to read as follows:

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§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
6¼	Jan. 1, 1971	July 1, 1971
6⅞	July 1, 1971	Jan. 1, 1972
6¾	Jan. 1, 1972	July 1, 1972
6½	July 1, 1972	Jan. 1, 1973
6¼	Jan. 1, 1973	July 1, 1973
6	July 1, 1973	Jan. 1, 1974
6¼	Jan. 1, 1974	July 1, 1974
6½	July 1, 1974	July 1, 1975
7	July 1, 1975	

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b). Interprets or applies sec. 220, 68 Stat. 596, as amended; (12 U.S.C. 1715k))

Effective date. These amendments are effective as of July 1, 1975.

(It is hereby certified that the economic and inflationary impact of this regulation has been carefully evaluated in accordance with OMB A-107).

SANFORD A. WITKOWSKI,
Acting Assistant Secretary-Commissioner for Housing Production and Mortgage Credit.

[FR Doc.75-28723 Filed 10-23-75;8:45 am]

Title 41—Public Contract and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

[FPMR Temp. Reg. G-23]

PART 101-41—AUDIT OF TRANSPORTATION PAYMENTS

Correction

In FR Doc. 75-27591 appearing at page 47941 as the Part III of the issue of Friday, October 10, 1975, the following changes should be made:

1. In the Table of Contents appearing in the first column on page 47943:

a. The fourth entry now reading "101-41.210-1 Use of redemption of unused tickets, SF 1170" should read "101-41.-210-1 Use of Redemption of Unused Tickets, SF 1170".

b. The eighteenth entry reading "101-41.214 Billing and payment of pas-" should be deleted.

2. In the third column on page 47947, the entry now reading "§ 101-41.210-1 Use of redemption of unused tickets, SF 1170" should read "§ 101-41.210-1 Use of Redemption of Unused Tickets, SF 1170".

3. In the middle column on page 47951, the twelfth line of § 101-41.303-4 should be deleted and the following should be inserted in lieu thereof: "already been completed, the recovered".

4. On page 47953, delete "at destinatioin" appearing in the third line of § 101-41.309-2(b)(1) and insert "trailers) shipped" in place of.

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-1161]

PART 0—COMMISSION ORGANIZATION

PART 1—PRACTICE AND PROCEDURE

Chicago Regional Office

Order—Proceeding terminated. In the matter of amendment of Parts 0 and 1 of the Commission's rules to effect the transfer of the Chicago Regional Office operating element to the Safety and Special Radio Services Bureau.

1. On June 12, 1975, the Commission adopted the Report on Restructuring the Spectrum Management Task Force, dated June 6, 1975, and ordered that the operating element of the Chicago Regional Office, Spectrum Management Task Force, as defined in the Report, be transferred from the Office of the Chief Engineer to the Safety and Special Radio Services Bureau.

2. In view of the operational status of the licensing functions and automated processing programs, the Commission decided that the public interest would be served by the transfer of all operating elements, with the exception of the Spectrum Utilization (Monitoring) Section. This group will remain under the control of the Spectrum Management Task Force in the Office of the Chief Engineer for research and development activities related to the enhancement and improvement of the land mobile Spectrum Management Program; it will also continue to incorporate current, valid monitoring data into the existing data base to support the operational functions. After the monitoring procedures in Chicago have been tested and proven, the Commission will consider the transfer of this group to the Safety and Special Radio Services Bureau.

3. Certain additional authority has been delegated to the Chief, Safety and Special Radio Services Bureau, to permit the continued licensing of remote pickup broadcast stations in the Chicago Region and to authorize Chicago to make decisions regarding the construction, marking and lighting of antenna towers and supporting structures. This additional delegation does not expand the authority of the Bureau Chief outside of designated Regions.

4. Authority for adopting this order is contained in section 5(d) of the Communications Act of 1934, as amended. Since it relates to internal Commission management, practice, and procedure, and because the early implementation of these changes will result in more efficient operation, compliance with the notice and effective date provisions of 5 U.S.C. 553 is not required.

5. *Accordingly, it is ordered,* That, effective October 28, 1975, §§ 0.132 and 1.61 of the rules are amended, and that § 0.334 is added, in the manner set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303))

Adopted: October 15, 1975.

Released: October 21, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 0 and 1 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

A. In Part 0—Commission Organization:

1. Section 0.132 (d) and (e) are amended, and a new paragraph (f) is added to read as follows:

§ 0.132 Units in the Bureau.

The detailed operations of the Bureau are performed within six major units, as follows:

* * * * *

(d) Aviation and Marine Division;
(e) Amateur and Citizens Division; and
(f) Regional Management Staff.

2. Section 0.334 is added as follows:

§ 0.334 Additional Authority delegated to the Chief, Safety and Special Radio Services Bureau.

Insofar as the operation of the regional center is concerned, the Chief of the Safety and Special Radio Services Bureau is delegated authority to exercise the following functions:

(a) In accordance with applicable rules, authority to act on all applications filed in a region in the Remote Pickup Broadcast Service (shared frequencies only) for construction permits, station licenses, modification of station licenses, renewal of station licenses, and special temporary authorizations.

(b) Except as otherwise provided in § 1.61 of this chapter, with respect to the construction, marking and lighting of antenna towers and supporting structures, authority as set forth in Part 17 of this chapter to exercise the functions of the Commission in designated Regions.

1. In § 1.61, paragraph (a) is amended to read as follows:

§ 1.61 Procedures for handling applications requiring Special Aeronautical Study.

(a) Except for those services and in those areas being managed by the Regional Management Staff of the Safety and Special Radio Services Bureau, antenna surveys are conducted by the Antenna Survey Branch of the Regional Services Division, Field Operations Bureau.

* * * * *

[FR Doc.75-28675 Filed 10-23-75;8:45 am]

[1] Commissioner Reid absent.

[Docket No. 18262; FCC 75-832]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

PART 73—RADIO BROADCAST SERVICES

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

PART 89—PUBLIC SAFETY RADIO SERVICES

PART 91—INDUSTRIAL RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

Land Mobile Services

Memorandum opinion and order—Terminating proceeding. In the matter of an inquiry relative to the future use of the frequency band 806-960 MHz; and amendment of Parts 2, 18, 21, 73, 74, 89, 91, and 93 of the rules relative to operations in the land mobile services between 806 and 960 MHz, Docket No. 18262.

1. We have before us for consideration pleadings filed by a number of parties to this proceeding[1] seeking reconsideration of certain orders adopted by us in this rule making. "Land Mobile Radio Service, Second Report and Order," Docket No. 18262, 46 FCC 2d 752 (1974), 39 FR 16831 (May 10, 1974), "on reconsideration, Land Mobile Radio Service, Memorandum Opinion and Order," Docket No. 18262, 51 FCC 2d 938 (1975), 40 FR 14451 (March 31, 1975) and corrected at 40 FR 17130, April 16, 1975. The issues raised by these parties are all related; and we will review and dispose of them together in this opinion.

2. First, Airsignal, GTESC and NARS ask that we reconsider a number of findings and conclusions as to our regulatory plan for cellular, trunked and conventional systems of communication. They want these matters decided in a different way; and advance reasons and arguments in support of the positions they take. However, upon review, we find that the issues they raise and the arguments they advance in support of their positions are substantially the same, if not identical, to those previously raised and were disposed of in our previous opinions and orders in this proceedings. Nevertheless, since some changes were made in our original decision, we have considered these arguments, but we are not persuaded to modify our orders on the questioned points; and accordingly, we affirm the Second Report and Order as modified on prior reconsideration by the referenced Memorandum Opinion and Order of March, 1975.

3. In addition, General Electric and NARS ask that we clarify our orders with respect to possible licensing of "community repeaters" at 900 MHz.[2] Both General Electric and NARS feel that authorization of such "mobile relay" systems under existing "multiple licensing" practices would be contrary to our announced regulatory scheme for "conventional" and "trunked" facilities in this band, with NARS also contending that "multiple licensing" would be in conflict with the Court's stay order in this case.[3]

4. As to these matters, we want no confusion as to the licensing policies to be followed at 900 MHz; and we would not, of course, take any action which we believed would be inconsistent with the referenced mandate of the Court of Appeals. Thus, we will grant the relief General Electric and NARS ask to the extent of clarifying our orders in the areas to which these parties direct our attention.

5. Parenthetically, as to "multiple licensing," we would point out that the term simply denotes the administrative practice followed by us for many years in authorizing certain types of sharing arrangements in the Public Safety, Industrial, and Land Transportation Radio Services. Under these arrangements, an "eligible user" is issued an individual license to "time share" a particular radio transmitter with other "eligible users" (who are also individually licensed) in situations in which it is feasible for him to do so.

6. In such cases, each "user" (eligible) is the "licensee." He, thus, is the person upon whom we confer the "right to operate" on the "assigned frequency or frequencies." He is the one who is held responsible to us for employing the system only for authorized purposes. He may use it only to transmit "permissible communications;" and he may operate the "RF" device licensed to him only in ways that are consistent with the "service" in which his station is licensed.

7. The equipment company involved in the arrangement[4] has no parallel rights or privileges. It cannot operate the system. It is not entitled (as the "licensee" is) to "use" the "assigned" portion of the "radio spectrum" for any purpose, i.e., the rights of the "licensee" do not extend to the third-party equipment company. And, significantly we think, should the "licensee" abandon the "use" of the supplier's radio gear, the "assigned spectrum" follows the "licensee" and the equipment company has no residual rights insofar as its "use" is concerned. Thus, statutory rights pertaining to renewal of licenses do not apply to it. Those dealing with modification of licenses are not ones that it can resort to. Nor do the provisions of Section 312 of the Act (revocation) afford such a business entrepreneur procedural recourse of any kind. In summary, then, in the "private" land mobile radio services, particularly in the environment in which those services have been constituted, the role of the equipment supplier is just that, i.e., a person who supplies equipment.

8. While we have recognized some problems with our "multiple licensing" practices, those are being reviewed in our rule-making proceeding in Docket No. 18921. "Multiple Licensing—Safety and Special Radio Services," Docket No. 18921, 24 FCC 2d 510 (1970), 35 FR 12007 (July 25, 1970). There we are studying the matter in the full light of the comments filed by the parties to that proceeding with a view toward possible strengthening our regulatory procedures applicable to that practice. However, we made it clear in that Docket that we intended to continue the practice as one which is "not unlawful" and which is "often necessary and desirable" in the public interest. "Multiple Licensing—Safety and Special Radio Services," supra, at p. 518. In these circumstances, we do not believe we should foreclose the benefits of "multiple licensing" at 900 MHz, particularly in light of our determinations in that proceeding.

9. In short, while there are some "similarities" between the sharing arrangements authorized under our licensing practices for "community repeaters" and those that are to apply to Specialized Mobile Radio Systems, to be "licensed"

[1] Petition for Reconsideration and Suggestion for Suspension of Effective Date, filed April 30, 1975, by the National Association of Radiotelephone Systems (NARS); Petition for Partial Reconsideration, filed April 30, 1975, by GTE Service Corporation (GTESC), and Comments by Airsignal International, Inc. (Airsignal), filed April 30, 1975, Response to Petition for Reconsideration, filed May 23, 1975, by the General Electric Company (General Electric). And additionally, Petition for Clarification Or, Alternatively, for a Declaratory Ruling and Supplement to Petition for Clarification, filed by General Electric on May 23, 1975, and June 23, 1975, respectively. And lastly, Petition to Refrain from Granting Licenses Pursuant to Applications filed for Authorization in the 900 MHz Band Involving Entrepreneurial Community Repeater Operations, submitted June 13, 1975, by NARS, and the responsive pleadings directed the NARS petition and to General Electric's Supplemental Request of June 23, 1975.

[2] "Community repeater" operation is described in some detail in our notice in Docket No. 18921. We rely on that description and will not redefine the arrangement here. See Multiple Licensing—Safety and Special Radio Services, Docket No. 18921, infra, at para. 8.

[3] See Order, June 10, 1975, United States Court of Appeals for the District of Columbia Circuit, National Association of Regulatory Utility Commissioners, et al. v. Federal Communication Commission, et al., Case Nos. 74-1585, 74-1659, and 74-1696. In pertinent part, the Order recites: "* * * that the FCC order under review is stayed pending appeal to the extent that it authorizes the assignment or operation of radio spectrum space to Specialized Mobil Radio Systems:"

[4] In every case, whether it involves an arrangement in the "private" services or a common carrier operation, there must be some third party to manufacture and supply and, at times, to maintain the physical radio gear used in systems of radiotelecommunication, i.e., in systems in which messages are transmitted through space by means of radiated energy of electromagnetic waves. And this is so regardless of whether the generator (transmitter) of electromagnetic waves is shared or not.

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under § 89.604(c) of the new Subpart S,[5] we do not view them as substantive likenesses which require the conclusion NARS suggests. It should be emphasized that under § 89.604(c) an entrepreneur, who need not be otherwise eligible for licensing as a user, would be assigned ("licensed to use") a portion of the radio spectrum to provide radio service to eligible users. This is not the case with the "community repeater" arrangements we refer to.

10. Thus, we looked upon SMRS licensing as "an important additional option for eligibles in" the Public Safety, Industrial, and Land Transportation Radio Services (Land Mobile Service, Memorandum Opinion and Order, Docket No. 18262, supra, at p. 956), and "multiple licensing" was not specifically excluded. However, we acknowledge that the practice may have limited application at 900 MHz. There we plan to assign frequencies on a "first-in" "first-out" basis and there will also be "vertical" loading. These features will for practical reasons restrict "multiple licensing" of "community repeaters." But, to be clear, "multiple licensing" is not barred under our new Subpart S regulations; nor do we feel the Court intended its mandate to extend to this established administrative practice. We do not so construe the Court's order.

11. In view of the foregoing: *It is ordered*, That the referenced petitions for reconsideration filed by the National Association of Radiotelephone Systems, GTE Service Corporation, and Airsignal International, Inc., on April 30, 1975, are denied.

12. *It is further ordered*, That the "Suggestion for Suspension of Effective Date," filed April 30, 1975, by the National Association of Radiotelephone Systems, is denied.

13. *It is further ordered*, That the Petition for Clarification Or, Alternatively, for A Declaratory Ruling, filed May 23, 1975, by the General Electric Company, and the Petition to Refrain from Granting Licenses Pursuant to Applications filed for Authorization in the 900 MHz Band Involving Entrepreneurial Community Repeater Operations, filed June 19, 1975, by the National Association of Radiotelephone Systems, to the extent indicated in the opinion above, are granted.

14. *It is further ordered*, That the Supplement to Petition for Clarification, filed June 23, 1975, by the General Electric Company, is dismissed as moot.

15. *It is further ordered*, That this proceeding is terminated.

Adopted: July 16, 1975.

Released: July 18, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-28677 Filed 10-23-75;8:45 am]

[5] Section 89.604(c) pertains to "eligibility" for "licensing" and reads: "Any person or entity * * * proposing to provide, on a commercial basis, base station and ancillary facilities for the use of persons or entities eligible under Part 89, 91, or 93 of this chapter." It creates a "new" eligibility classification; permits "operation" of a "new" class of radio station; and extends our "licensing" processes to a "new" type of arrangement created under and structured through our "new" 900-MHz allocation and assignment and licensing processes and procedures and practices.

[Docket No. 20490; FCC 75-1073]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Various Procedural Requirements for the Domestic Public Radio Services

Correction

In FR Doc. 75-27158 appearing at page 47496 in the issue of Thursday, October 9, 1975, the fifth line of the second column on page 47500 reading "amended as appropriate and shall not" should read "answered as appropriate and shall not".

[Docket No. 19784]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Certain Cities in Md.

First report and order. In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations, (Grasonville, Leonardtown, and Lexington Park, Maryland), Docket No. 19784, RM-1995, RM-2036.

1. The Commission has before it for consideration the *notice of proposed rulemaking* released herein on July 9, 1973 (38 FR 18689) inviting comments on alternative proposals to amend the FM Table of Assignments, § 73.202(b) of the rules, in response to petitions of Edward Mason De Maso (De Maso), Grasonville, Maryland (RM-1995) and of Sound Media, Inc. (Sound Media), licensee of AM Station WKIK, Leonardtown, Maryland (RM-2036), for the assignment of first FM channels to Grasonville and Lexington Park, Maryland. These alternative proposals, which would provide either Grasonville (Proposal I) or Lexington Park (Proposal II) or both communities (Proposal III) with a first FM assignment, are as follows:

City	Channel No. Present	Channel No. Proposed
PROPOSAL I (DE MASO, RM-1995)		
Grasonville, Md.		276A
OR PROPOSAL II (SOUND MEDIA, RM-2036)		
Leonardtown, Md.	249A	276A
Lexington Park, Md.		249A

[6] Commissioners Wiley, Chairman; Reid and Washburn concurring in the result.

OR PROPOSAL III (DE MASO COUNTERPROPOSAL, RM-2036)

Grasonville, Md.	276A
Lexington Park, Md.	249A

2. Proposal I, advanced by De Maso to provide Grasonville with a first FM assignment for which it could apply, conflicts with Proposal II,[1] advanced by Sound Media to resolve the conflict between its application for the Leonardtown Channel 249A assignment and the mutually exclusive application of Key Broadcasting Corporation (Key), licensee of AM Station WPTX, Lexington Park, for use of Channel 249A for a first FM station at Lexington Park in accordance with the "10-mile" rule,[2] by providing both communities with an assignment.[3] Proposal III, advanced by De Maso as a counterproposal to Sound Media's proposal II to resolve the conflict between Proposal I and Proposal II and enable all three communities to have an FM assignment for local use, presents a technically feasible way of providing both Grasonville and Lexington Park with first FM assignments without disturbing the Leonardtown Channel 249A assignment or other existing assignments.

3. Both petitioners, De Maso and Sound Media, support Proposal III in their comments. Since the Proposal III plan for Lexington Park (240A) and Leonardtown (249A) would not conflict with his Grasonville Channel 276A proposal, De Maso urges that the Grasonville Channel 276A proposal be separated and removed from this proceeding and acted upon. Key, the only other commenting party, takes no position on any of the three proposals but states that it does not necessarily oppose Proposal III, which would assign Channel 240A to Lexington Park, provided that in thus making Lexington Park a "listed community" in the FM Table of Assignments, its competing application for the Leonardtown Channel 249A assignment in the proceeding discussed in footnote 4, supra, would remain valid and in "protected status". Since "character issues" against it are involved, it contends that justice requires this.

4. Since only Proposal III of the proposals before us has potential for providing FM assignments at Grasonville, Leonardtown and Lexington Park, and it also has the support of both petitioners and is unopposed by Key, we may dispense with further consideration of conflicting Proposals I and II and limit our consideration to Proposal III. In this First Report, however, besides denying Proposals I and II, we consider and dispose only of the proposal in Proposal III to assign Channel 276A to Grasonville. The assignment proposed for Lexington Park in Proposal III (Channel 240A) will be considered and acted upon in another document after the Leonardtown Channel 249A adjudicatory proceeding is finally concluded. (See footnote 2, supra.) This procedure is appropriate and desirable, we believe, since, in view of the technical compatibility of the FM assignments proposed for Grasonville and Lexington Park in Proposal III, these proposals need not be considered jointly, and, while we feel that consideration of the Lexington Park assignment proposal should be deferred until final resolution of the Leonardtown Channel 249A proceeding since Key is the only party to express interest in establishing an FM station at Lexington Park, there is no reason to also defer consideration and action on the unopposed Grasonville assignment proposal.

5. Grasonville (population 1,182)[4] is an unincorporated community located in Queen Annes County (population 18,422) on what is commonly known as the Maryland Eastern Shore (east of Chesapeake Bay, approximately 16 miles east of Annapolis, Maryland, the State capital.) The community is bisected by Maryland Route 50 and U.S. 301 which are used by tourists to reach eastern seaboard resort areas to the north and south, such as Rehoboth Beach, Delaware, and Ocean City, Maryland, from the parallel Chesapeake Bay bridges. It appears, as De Maso claims, that, because of their geographic location, both Queen Annes County (which stretches from Chesapeake Bay to the Delaware border) and Grasonville have increased growth potential as a result of the second Bay bridge opening in 1973. As the Notice discussed in greater detail, De Maso's prior showing also indicates that Grasonville (formerly called Winchester) has all the indicia of a community, with many thriving businesses and resort facilities, and has become one of the area's largest seafood packing house complexes with eight packing houses.

6. At present there are no aural broadcast stations in Queen Annes County, no FM assignment, and but two weekly newspapers. While Annapolis and Baltimore, Maryland, radio stations, and others located in Delaware, are received in the county, De Maso claims that none of them attempt to meet the needs and interests of Queen Annes County residents. De Maso affirms his intention to apply for use of the requested channel (276A) once it is assigned to Grasonville and, if authorized, to construct and operate a station to serve the area in the public interest.

7. In view of the foregoing, we find it in the public interest to provide Grasonville with a first FM assignment to meet the demand and need shown for a first local FM service in that area. Since Channel 276A is technically suitable for that purpose and may be assigned without disturbing any existing FM assignment or conflicting with the assignment proposed for Lexington Park (240A) in Proposal III, which will be acted upon at a later date, it will be assigned to Grasonville.

8. Accordingly, and pursuant to authority contained in sections 4(i), 5(d)(1), 303, and 307(b) of the Communications Act of 1934, as amended, and § 0.261(b)(6) of the Commission rules, *It is ordered*, That, effective December 1, 1975, the FM Table of Assignments, § 73.202(b) of the rules, is amended to read as follows for the city listed below:

City	*Channel No.*
Grasonville, Maryland	276A

9. *It is further ordered*, That the request of De Maso to sever and act upon the Grasonville portion of Proposal III is granted, and

10. *It is further ordered*, That Proposal I of De Maso and Proposal II of Sound Media are denied.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Adopted: October 16, 1975.

Released: October 21, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-28678 Filed 10-23-75;8:45 am]

[1] The conflict between Proposal I and Proposal II exists because mileage separation requirements prevent Channel 276A from being assigned to both Grasonville and Leonardtown.

[2] Section 73.203(b) of the rules. This rule permits application to be made for use of a Class A assignment in a community not listed in the FM Table of Assignments (such as Lexington Park) when the Class A assignment sought is assigned to a listed community within ten miles of the unlisted community (such as Lexington Park is with respect to Leonardtown since they are about 9 miles apart).

[3] The competing Sound Media and Key applications for the Leonardtown Channel 249A assignment were designated for consolidated hearing by Order, released February 1, 1972 (FCC 72-98). Following hearing, the Administrative Law Judge released an Initial Decision on March 11, 1974 (FCC 74D-18), proposing to grant the Key application (BPH-6540, Docket No. 19410) and to deny the Sound Media application (BPH-6966, Docket No. 19411). Following oral argument before the Review Board on exceptions to the Initial Decision filed by the parties, on January 2, 1975, the Review Board released a Decision which reversed the Initial Decision on these competing applications by granting the application of Sound Media for a Leonardtown Channel 249A facility and denying the competing Key application for a Lexington Park Channel 249A facility. (50 F.C.C. 2d 337) In its Decision the Board disagreed with the finding in the Initial Decision that Key did not warrant disqualification on two misrepresentation issues. The Board stated that the evidence under the misrepresentation issues against Key "demonstrates that Key has not met the standards of candor and accuracy which the Commission expects of its licensees, and that its application for an additional broadcast facility therefore must be denied." The Board also stated that since the competing applicant, Sound Media, was fully qualified, its application would be granted. By Memorandum Opinion and Order, released April 17, 1975 (FCC 75R-162), the Review Board also denied a petition for reconsideration of its Decision filed by Key. An application for Commission review, filed by Key on May 14, 1975, is awaiting action.

[4] Population figures are from the 1970 U.S. Census.

[Docket No. 20212; FCC 75-1162]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Eligibility Requirements of Applicants for Public Ship Station Licenses

Report and orders. In the matter of amendment of Part 83—regarding the eligibility requirements of applicants for public ship station licenses.

1. A notice of proposed rulemaking in the above-captioned matter was released on October 25, 1974, and was published in the FEDERAL REGISTER on November 5, 1974, (39 FR 39054). The dates for filing comments and replies have passed.

2. Comments were filed by: American Institute of Merchant Shipping (AIMS), Collins Radio Group (Collins), Great Lakes Dredge & Dock Company (GLDD), Great Lakes Towing Company (GLTC), ITT World Communications, Inc. (ITT), Lorain Electronics Corporation (Lorain), Ogden Marine, Inc. (Ogden), RCA Global Communications, Inc. (RCA), and Sea-Land Service, Inc. (Sea-Land). Reply comments were filed by RCA Global Communications, Inc. All of the commenters are involved in maritime communication and ITT, Lorain and RCA are existing licensees of numerous radio stations on vessels which they do not own, operate or directly control.

3. The commenters objected to the proposed changes, generally, on the grounds that they provide administrative technical or advisory services which the vessel operators or owners are not capable of performing and that the existing arrangement, therefore, is more efficient and effective. Sea-Land listed the functions rendered by communications organizations to include:

(a) Maintaining a valid and current ship station license;

(b) Arranging for required station safety inspections;

(c) Providing required stationery and publications;

(d) Maintaining familiarity with national and international ship station radio regulations;

(e) Making periodic station inspections;

(f) Providing abstracting and accounting services for radio call charges; and

(g) Retaining radio station logs for filing.

4. On the basis of the comments filed, it is clear that there has been a misinterpretation of the proposed amendment of § 83.301(b)(2). Most of the comments are directed to the impact these amendments will have upon organizations rendering service to public ship stations. More specifically, the commenters assume that ITT, Lorain and RCA would or could not, upon adoption of proposed § 83.301(b)(2), continue to provide service to ship radio stations.

5. In fact, the proposed amendment limits licensee eligibility of a public ship station to the owner or operator of the vessel, or to a subsidiary communications corporation of the owner or operator of the vessel. Under the proposed amend-

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ment, ITT, Lorain and RCA would cease to be the licensee of public ship stations. This we believe will place the chain of responsibility in proper perspective. Under section 360 of the Communications Act of 1934, as amended, the radio installation, the operators, the regulations of their watch, the transmission and receipt of messages, and the radio service of the ship shall in the case of a ship of the United States be under the supreme control of the Master. The Master in turn is controlled by the owner or operator of the vessel. This makes for a logical chain of command.

6. As we stated in our Notice of Proposed Rule Making in this proceeding, when we initially approved the existing licensing arrangement for some ship stations whereby communication companies became the licensees for stations on board ships they did not own or operate, the operators for the stations were provided and assigned by the communication companies as station licensees. Under those circumstances, we concluded the licensees, even though they did not own or operate the vessels on which the stations were located, could maintain the required degree of station control, through operators that were answerable and responsible to the communication company licensee. With the abandonment of the practice of providing operators for the stations, the owner or operator of the vessel is the person who should be responsible for the operation of the station.

7. It is not our intention in this proceeding, nor is it pertinent, to render a decision relative to the means employed by the vessel operator to carry out the functions tabulated in items (b) through (g) in paragraph 3, above. The means employed to accomplish those functions is at the option of the public ship station licensee. However, at such time as the ship station license reverts to the vessel operator, the responsibility for carrying out those functions required by the rules will rest with the vessel operator. Under that responsibility, the vessel operator could, of course, make arrangements to have someone else do the actual work. As concerns citations issued to a vessel, they will continue to be forwarded to the public ship station licensee, as at present. Under the rules, the licensee of that public ship station is required to provide an appropriate response.

8. Several commenters and all of the communications organizations stress the inconvenience, expense and/or waste of manpower which will be caused to the vessel operator if that vessel operator is required to become the licensee of the public ship station. The commenters addressing this matter of inconvenience, expense and/or waste of manpower uniformly project the view, in regard to public ship stations, that preparation of FCC applications and keeping track of license expiration dates requires a minimum of manpower. This being the case, and we believe it to be correct, vessel operators which are members of the American Institute of Merchant Shipping (AIMS) or Lake Carriers Association (LCA), could have AIMS or LCA perform these functions, where they choose not to do them personally. On the other hand, other similar arrangements could be made. The applications would, of course, have to be signed by an official of the concerned shipping company. In view thereof, we are not persuaded that the proposed amendment of § 83.301(b)(2) would impose inconvenience, expense and/or waste of manpower upon the vessel operator.

9. The rule changes herein adopted will be applied to the licensing of ship stations, after the effective date of this Report and Order, in the following manner:

(a) During the period from the effective date of this Report and Order to October 31, 1976:

An application for a new ship station license will be granted to the owner or operator of the vessel only.

An application for renewal or for modification of an existing ship station license submitted by one of the communication organizations, when granted: will retain the existing expiration date if that date is after October 31, 1976; or will be given a new expiration date (extension of one year) if that date is before November 1, 1976.

An application for renewal or for modification of an existing ship station license, submitted by the owner or operator of the vessel, will be granted for the usual five year period.

b. Effective November 1, 1976, an application for a new ship station license, for renewal, or for modification of a ship station license will be granted to the owner or operator of the vessel only.

10. In promulgating these rule changes, it is not our intent that a vessel owner or operator, as station licensee, be restricted in renting, chartering, or otherwise giving up possession of a vessel to other persons for short periods of time not to exceed 90 days. We do not disapprove of such arrangements provided the persons actually operating the ship stations have operator permits of the required class and we will look primarily to the vessel owner or operator as station licensee for the proper operation of the station in full compliance with our rules.

11. In view of the foregoing: *It is ordered*, That pursuant to the authority contained in sections 4(i), 303 (f), (g), (1) and (r) of the Communications Act of 1934, as amended, Part 83 of the Commission's rules, is amended, effective November 28, 1975, as set forth below.

12. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Adopted: October 15, 1975.

Released: October 21, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

[1] Commissioner Reid absent; Commissioner Hooks dissenting.

Part 83 of Chapter I, Title 47, Code of Federal Regulations, is amended as follows:

Section 83.301 is revised to read as follows:

§ 83.301 Supplemental eligibility requirements.

(a) Subject to the basic eligibility requirements set forth in § 83.23 and to the provisions of paragraph (b) of this section, authorizations for:

(1) Limited ship stations or marine utility stations may be granted to any person, or state or local government subdivision; or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act: *Provided*, That an applicant for an authorization to operate a limited ship station or a marine-utility station must request a frequency assignment on which the transmission of public correspondence is excluded.

(2) Public ship stations[1] may be granted only to the owner or operator of the vessel, or to a subsidiary communications corporation of the owner or operator of the vessel, for which station authorization is requested; or state or local government subdivision; or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act: *Provided*, That an applicant for an authorization to operate a public ship station must request a frequency assignment on which the transmission of public correspondence is not excluded by any of the provisions of this part (although additionally he may request any other frequency assignment).

(b) When the availability of the frequency assignment requested, or any part thereof, is specifically dependent upon the activity and/or the routes of voyage of the vessel, the application shall clearly show eligibility of the vessel for such station authorization under the provisions of this part which govern the assignment of frequencies.

[FR Doc.75-28676 Filed 10-23-75;8:45 am]

[1] The licensing procedure which will be followed by the Commission during the interim procedure between the effective date of the Report and Order in Docket No. 20212 and October 31, 1976, is set forth in paragraph 9 of that Report and Order.

Title 7—Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Regulations, Amendments—Fees and Expenses

Correction

In FR Doc. 75-27352 appearing at page 47751 in the issue of Friday, October 10, 1975, in § 51.38, on page 47752, first column, paragraph (a)(2)(ii), now reading:

"(ii) $20.00 for each half-carlot equivalent or less of an individual product"

should read as follows:

"(iii) $44.00 maximum for inspection of each carlot equipment when more than".

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

FEDERAL GRADING AND INSPECTION SERVICES

Certain Fees and Charges

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the U.S. Department of Agriculture hereby amends the regulations governing the grading and inspection of domestic rabbits and edible products thereof and U.S. specifications for classes, standards, and grades with respect thereto (7 CFR Part 54), the regulations governing the voluntary inspection and grading of egg products (7 CFR Part 55), the regulations governing the grading of shell eggs and U.S. standards, grades, and weight classes for shell eggs (7 CFR Part 56), and the regulations governing the grading and inspection of poultry and edible products thereof and U.S. classes, standards, and grades with respect thereto (7 CFR Part 70), as set forth below:

STATEMENT OF CONSIDERATIONS

The costs of furnishing the voluntary resident poultry, egg, and rabbit grading services and the voluntary egg products inspection service and performing the voluntary nonresident services for such products have steadily risen. Salaries of Federal and State employees have increased and other program costs, such as fringe costs, printing supplies, and travel, have also risen. Last year these programs operated on a deficit basis. The Agricultural Marketing Act, under which these programs are conducted, requires that fees charged substantially cover the costs of the programs. Therefore, fees and charges must be increased.

The costs of supervising and administering the voluntary resident programs are recovered through administrative charges based on the volume of product handled in the plant. For resident poultry and egg programs, the amendments increase these charges and change the present system of charging on increments based on a range in volume of poultry and eggs handled per billing period to an established rate per case of eggs or pound of poultry with minimum and maximum limitations. The new system is designed to provide additional revenue and make it easier to calculate charges. The administrative charges for the voluntary resident rabbit grading and voluntary egg products inspection programs will continue to be based on 25 percent of the grader's or inspector's salary but the amendments increase the minimum charge from $50 to $80 per billing period. This is consistent with the minimum charges for the poultry and egg programs. The increased administrative charges are only the second such adjustment since 1969.

The costs of performing voluntary grading and inspection services on a nonresident basis are recovered through hourly rates. The amendments increase the hourly rates for the nonresident services from $12 to $14 and increase the hourly rates for such services performed on Saturdays, Sundays, or legal holidays from $15 to $18.48. The fees for laboratory services for individual laboratory tests are increased in accordance with the new hourly rates based on the time required to perform such services plus 10 percent to cover the costs of reagents, breakage, and equipment depreciation. The hourly increases and laboratory test fee increases are only the second adjustments in these fees since 1970.

The hourly rate to be charged for any laboratory analysis not covered by an individual test or for other applicable services performed in the laboratory has been increased from $13.20 to $15.40. The cost of rendering laboratory service has increased proportionately with the cost of providing other services on a nonresident basis. This also makes only the second time hourly laboratory rates have been adjusted since 1970.

The amendments are as follows:

PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF; AND U.S. SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

1. In § 54.101, paragraphs (b) and (c) are amended to read:

§ 54.101 On a fee basis.

* * * * * * *

(b) Fees for grading service will be based on the time required to perform such service for class, quality, quantity (weight test), or condition of ready-to-cook product. The hourly charge shall be $14 and shall include the time actually required to perform the work, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $18.48 per hour. Information on legal holidays is available from the Supervisor.

* * * * * * *

2. In § 54.108, paragraph (a)(8) is amended to read:

§ 54.108 Continuous grading performed on a resident basis.

* * * * * * *

(a) * * *

(8) An administrative service charge equal to 25 percent of the grader's total salary costs. A minimum charge of $80 will be made each billing period.

* * * * * * *

PART 55—VOLUNTARY INSPECTION AND GRADING OF EGG PRODUCTS

3. In § 55.510, paragraphs (b) and (c) are amended to read:

§ 55.510 Fees and charges for services other than on a continuous resident basis.

* * * * * * *

(b) Fees for product inspection and sampling for laboratory analysis and appeals will be based on the time required to perform the services. The hourly charge shall be $14 and shall include the time actually required to perform the sampling and inspection, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $18.48 per hour. Information on legal holidays is available from the Supervisor.

* * * * * * *

4. Section 55.550 is revised to read:

§ 55.550 Laboratory analysis fees.

(a) The fees listed for the following individual laboratory analyses cover costs involved in the preparation and analysis of the product, certificate issuance, and personnel and overhead costs other than the expenses listed in § 55.530:

	Fee
Solids	$7.70
Fat	15.40
Bacteriological plate count	7.70
Bacteriological direct count	15.40
Coliforms	11.55
E. Coli (Presumptive)	11.55
Yeast and mold count	7.70
Sugar	19.25
Salt	19.25
Color:	
NEPA	11.55
B-Carotene	15.40
Whipping test	7.70
Whipping test plus bleeding	11.55
Fat film test	19.25
Oxygen	11.55
Glucose:	
Quantitative	15.40
Qualitative	11.55
Palatability and odor:	
First sample	7.70
Each additional sample	3.85
Staphylococcus	23.10
Salmonella:[1]	
Step 1	15.40
Step 2	7.70
Step 3	15.40

[1] Salmonella test may be in three steps as follows: Step 1—growth through differential agars; step 2—growth and testing through triple-sugar-iron and lysine iron agars; step 3—confirmatory test through biochemicals.

(b) The fee charge for any laboratory analysis not listed in paragraph (a) of this section, or for any other applicable services rendered in the laboratory shall be based on the time required to perform such analysis or render such service. The hourly rate shall be $15.40.

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5. In § 55.560, paragraph (a)(5) is amended to read:

§ 55.560 Charges for continuous inspection and grading service on a resident basis.

• • • • • •

(a) • • •

• • • • • •

(5) An administrative service charge equal to 25 percent of the grader's or inspector's total salary costs. A minimum charge of $80 will be made each billing period.

• • • • • •

PART 56—GRADING OF SHELL EGGS AND U.S. STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

6. In § 56.46, paragraphs (b) and (c) are amended to read:

§ 56.46 On a fee basis.

• • • • • •

(b) Fees for grading services will be based on the time required to perform the services. The hourly charge shall be $14 and shall include the time actually required to perform the grading, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $18.48 per hour. Information on legal holidays is available from the Supervisor.

7. In § 56.52, paragraph (a)(8) is amended to read:

§ 56.52 Continuous grading performed on a resident basis.

• • • • • •

(a) • • •

(8) An administrative service charge based upon the aggregate number of 30-dozen cases of all shell eggs handled in the plant per billing period multiplied by $.014, except that the minimum charge per billing period shall be $80[1] and the maximum charge shall be $625.

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE POULTRY PRODUCTS THEREOF; AND U.S. CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

8. In § 70.131, paragraphs (b) and (c) are amended to read:

§ 70.131 On a fee basis.

• • • • • •

(b) Fees for grading services will be based on the time required to perform such services for class, quality, quantity (weight test), or condition, whether live, dressed, or ready-to-cook poultry is involved. The hourly charge shall be $14 and shall include the time actually required to perform the work, waiting time, travel time, and any clerical costs involved in issuing a certificate.

[1] Also applies where an approved application is in effect and no product is handled.

(c) Grading services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $18.48 per hour. Information on legal holidays is available from the Supervisor.

9. In § 70.138, paragraph (a)(8) is amended to read:

§ 70.138 Continuous grading performed on a resident basis.

• • • • • •

(a) • • •

(8) An administrative service charge based upon the aggregate weight of the total volume of all live and ready-to-cook poultry handled in the plant per billing period computed in accordance with the following:

Total pounds per billing period multiplied by $.00014, except that the minimum charge per billing period shall be $80[1] and the maximum charge shall be $625.

• • • • • •

Legislation requires that the fees and charges for grading and inspection services under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.) shall be reasonable and shall, as nearly as possible, cover the cost of such service.

The facts upon which the determinations are based as to the level of fees and charges necessary to cover these costs are not available to the industry, but are peculiarly within the knowledge of the Department. Therefore, public rulemaking would not result in the Department receiving additional information on this matter.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER since increased revenues are urgently needed to provide services.

Issued at Washington, D.C. this 20th day of October to become effective November 9, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-28660 Filed 10-23-75;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 331—PLANT PEST REGULATIONS GOVERNING INTERSTATE MOVEMENT OF CERTAIN PRODUCTS AND ARTICLES

Subpart—Mediterranean Fruit Fly

● **Purpose. The purpose of this document is to establish emergency regulations to prevent the spread of the Mediterranean fruit fly.** ●

The purpose of this document is to give notice of existence of a hazardous situation because of the discovery of the Mediterranean fruit fly in Los Angeles County, California, and to establish emergency regulations under the Federal Plant Pest Act (7 U.S.C. 150aa–150jj) in order to control the movement of certain products and articles which present a risk of spreading the infestation to other fruit and vegetable growing areas of the United States.

Statement of considerations. The Mediterranean fruit fly, *Ceratitis capitata* Wied., is one of the world's most destructive pests of fruits and vegetables, especially citrus. It is a native of the Mediterranean area and is known to attack over 200 kinds of fruits and vegetables and can cause serious economic losses. Heavy infestation can cause complete loss of crops, and losses of 25 to 50 percent are not uncommon. Its short life cycle permits the rapid development of serious outbreaks.

The last infestation was discovered in Brownsville, Texas, in June 1966 and because of prompt emergency measures the fly was declared eradicated in November 25, 1966 (31 FR 14925). Constant vigilance against reintroduction of the fly and prompt eradication efforts are the most effective means of dealing with this pest.

The present infestation in Los Angeles, California, was discovered in September 1975.

The Plant Protection and Quarantine Programs of the Animal and Plant Health Inspection Service has begun an intensive Mediterranean fruit fly eradication program. In order to prevent the possibility of artificially spreading the fly with host and other material, it is necessary to impose restrictions on the movement of such materials from the regulated area into noninfested areas.

Therefore, pursuant to the provisions of the Federal Plant Pest Act (7 U.S.C. 150aa–150jj), Chapter III, Title 7 of the Code of Federal Regulations, is hereby amended by adding to Part 331 a new § 333.1 and a subpart heading preceding said section as follows:

Subpart—Mediterranean Fruit Fly

§ 331.1 Notice of existence of emergency and regulations related thereto.

(a) Infestations of the Mediterranean fruit fly *Ceratitis capitata* (Wied.), a dangerous plant pest not widely prevalent or distributed within and throughout the United States, have been found in a portion of Los Angeles County, California, and it has been determined that it is necessary to adopt, as an emergency measure, a rule imposing restrictions, as provided for in this section, upon the interstate movement of certain products and articles, from the regulated portion of said county as hereinafter described, in order to prevent the interstate dissemination of said plant pest. Accordingly, the products and articles listed in paragraph (b) of this section shall not be moved interstate from that portion of Los Angeles County, California, bounded by a line beginning at a point of intersection of the Pacific Ocean and an imaginary line extending due south from the point where Topanga Canyon Road intersects California State Route 1; thence extending northerly along said imaginary line to said point; thence northerly along Topanga Canyon Road to its intersection with Mulholland Drive; thence easterly along said drive to its intersection with Interstate 405; thence southerly along said interstate to its intersection with Interstate 10; thence easterly along Interstate 10 to its intersection with La Cienega Boulevard; thence southerly along said boulevard to its intersection with Manchester Boulevard (State Highway 42); thence westerly along Manchester Boulevard and Manchester Avenue to the intersection of Manchester Avenue and Vista Del Mar; thence westerly along an imaginary line extending due west from such intersection to a point where said imaginary line intersects the Pacific Ocean; thence northwesterly along the California coastline from said point to the point of beginning; unless:

(1) Such products and articles have been treated to destroy Mediterranean fruit fly infestations in accordance with procedures prescribed by the Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture,[1] under the direction of an inspector authorized by the Deputy Administrator, and the products and articles are accompanied by a certificate issued by such an inspector signifying that they are eligible for interstate movement; or

(2) Such products and articles originate in an area in the said regulated portion of Los Angeles County, which has been inspected by such an inspector, and he has found that the interstate movement of the products and articles from such area will not involve a risk of disseminating said infestations, and the products and articles are accompanied by a certificate issued by such an inspector signifying that they are eligible for interstate movement; or,

(3) Such products and articles are moved under permit issued by such an inspector to an approved destination for consumption, processing, or other handling in accordance with procedures prescribed by said inspector, when upon evaluation of the circumstances involved in each specific case he determines that such movement will not result in the spread of the Mediterranean fruit fly and requirements of other applicable Federal domestic plant quarantines have been met.

(b) The following products and articles are subject to the emergency measures imposed under this section:

(1) Apples, apricots, avocados, cantaloupes, cherries (sweet and sour), citrus, cucumbers, dates, eggplants, figs, grapes, olives, peaches, pears, peppers, plums, prunes, pumpkins, tejocotes, tomatoes (pink and red ripe), and watermelons, provided, however, that said products are not subject to this regulation if quick frozen or canned;

(2) Any other products, articles, or means of conveyance of any character whatsoever, not covered by subparagraph (1) of this paragraph, when it is determined by an inspector that they present a hazard of spread of the Mediterranean fruit fly and the person in possession thereof has been so notified.

(Sec. 105, 71 Stat. 32, sec. 106, 71 Stat. 33, sec. 107, 71 Stat. 34 (7 U.S.C. 150aa–150jj); 37 FR 28464, 28477, as amended; 38 FR 19141.)

Under this regulation, specific products and articles may be moved interstate from the described portion of Los Angeles County, California, only if they have been treated or originate in certain areas of said county, or are moved under permit issued by an authorized inspector to an approved destination for consumption, processing, or other approved handling. Such measures are necessary because an emergency exists as a result of recently discovered infestations of the Mediterranean fruit fly, a dangerous plant pest which is not widely prevalent in the United States.

Inasmuch as such infestation must be controlled immediately to prevent the spread of the Mediterranean fruit fly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure regarding this regulation are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making said regulation effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing regulation shall become effective on October 24, 1975.

(It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.)

Done at Washington, D.C., this 22d day of October 1975.

THOMAS G. DARLING,
Acting Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.75-28864 Filed 10-23-75;8:45 am]

[1] Instructions are available upon request from the Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, MD 20782, or from an inspector.

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Orange Reg. 74, Amdt. 1; Grapefruit Reg. 76, Amdt. 1; Tangerine Reg. 47, Amdt. 1; Tangelo Reg. 47, Amdt. 1]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Amendment of Grade and Size Regulations

These amendments extend through September 26, 1976, current grade and size requirements applicable to domestic and export shipments of Florida oranges, grapefruit, tangerines and tangelos as set forth in the following table:

TABLE

Variety	Domestic regulations		Export regulations	
	Minimum grade	Minimum diameter in inches (count size in ⅘ bu carton)	Minimum grade	Minimum diameter in inches (count size in ⅘ bu carton)
Early midseason oranges	U.S. No. 1	2⅝ (size 125)	U.S. No. 1	2⅛ (size 163).
Navel oranges	U.S. No. 1, Golden	do	U.S. No. 1, Golden	Do.
Temple oranges	U.S. No. 1	do	U.S. No. 1	Do.
Murcott honey oranges	Florida, No. 1	2 11/16 (size 120)	Florida, No. 1	2⅛ (size 150).
Valencia oranges	U.S. No. 1	2⅝ (size 125)	U.S. No. 1	2⅛ (size 163).
Seeded grapefruit	do	3 1/16 (size 40)	do	3⅛ (size 48).
Seedless grapefruit	Improved No. 2	3⅛ (size 48)	Improved No. 2	3⅛ (size 64).
Tangerines	U.S. No. 1	2⅝ (size 210)	U.S. No. 1	2⅛ (size 240).
Tangelos	do	2⅝ (size 125)	do	2⅛ (size 163).

Such shipments of Florida oranges, grapefruit, tangerines and tangelos are currently regulated through October 26, 1975, pursuant to Orange Regulation 74, Grapefruit Regulation 76, Tangerine Regulation 47 and Tangelo Regulation 47. The extension of the effective period of such regulations is necessary to promote orderly marketing and provide consumers with an ample supply of acceptable-quality fruit.

Notice was published in the FEDERAL REGISTER on September 26, 1975 (40 FR 44333), that consideration was being given to amendment of the regulations applicable to shipments of Florida oranges, grapefruit, tangerines, and tangelos handled between the production area and any point outside thereof. The notice provided that all written data, views, or arguments in connection with the proposed amendments be submitted by October 10, 1975. None were received. The regulations were recommended by the Growers Administrative Committee, established under the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendments reflect the Department's appraisal of the need for regulation of shipments of the specified varieties of oranges, grapefruit, tangerines, and tangelos during the period October

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27, 1975, through September 26, 1976, based on the available supply and current and prospective market conditions. The amendments are necessary to ensure the continued shipment of fruit of appropriate grades and sizes in the interest of both growers and consumers. The action is necessary to maintain orderly marketing conditions by preventing the adverse effect on the market caused by shipment of lower-quality and smaller-size fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The amendments are consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice and other available information, it is hereby found that the amended regulations, as hereinafter set forth, are in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of these amendments until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning these amendments, with an effective date of October 27, 1975, was published in the FEDERAL REGISTER on September 26, 1975 (40 FR 44333), and no objection to these amendments or such effective date was received; (2) the recommendation and supporting information for regulation of the aforesaid fruits during the period specified herein were submitted to the Department after an open meeting of the Growers Administrative Committee on September 4, 1975, which was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; and (3) compliance with the amendments will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. 1. In § 905.560 (Orange Regulation 74; 40 FR 42318) the introductory portions of paragraphs (a) and (b) are revised to read as follows:

§ 905.560 Orange Regulation 74.

(a) During the period October 27, 1975, through September 26, 1976, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

(b) During the period October 27, 1975, through September 26, 1976, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

* * * * *

2. In § 905.563 (Grapefruit Regulation 76; 40 FR 42317) the introductory portions of paragraphs (a) and (b) are revised to read as follows:

§ 905.563 Grapefruit Regulation 76.

(a) During the period October 27, 1975, through September 26, 1976, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

(b) During the period October 27, 1975, through September 26, 1976, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

* * * * *

3. In § 905.561 (Tangerine Regulation 47; 40 FR 42319) the introductory portions of paragraphs (a) and (b) are revised to read as follows:

§ 905.561 Tangerine Regulation 47.

(a) During the period October 27, 1975, through September 26, 1976, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

(b) During the period October 27, 1975, through September 26, 1976, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

* * * * *

4. In § 905.562 (Tangelo Regulation 47; 40 FR 42318) the introductory portions of paragraphs (a) and (b) are revised to read as follows:

§ 905.562 Tangelo Regulation 47.

(a) During the period October 27, 1975, through September 26, 1976, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

(b) During the period October 27, 1975, through September 26, 1976, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated, October 21, 1975, to become effective October 27, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-28724 Filed 10-23-75;8:45 am]

PART 911—LIMES GROWN IN FLORIDA

Rules and Regulations

This amendment adds a new section to the Rules and Regulations currently in effect pursuant to Marketing Order No. 911. The new section requires each handler, who has delinquent assessments, which become due after November 30, 1975, to pay the Lime Administrative Committee interest of one percent per month on any unpaid assessment balance beginning 30 days after date of billing.

Notice was published in the FEDERAL REGISTER issue on October 2, 1975, (40 FR 45442), that the Department was giving consideration to a proposal to amend the rules and regulations (Subpart—Rules and Regulations; 7 CFR 911.110–911.131) under provisions of the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). No comments regarding the proposal were received.

The slow payment of some handlers has caused the program additional bookkeeping, clerical, and mailing expense. Delinquent handlers have received undue advantage over those handlers who have paid their assessments in a timely manner in that unpaid funds have been used as interest free short term capital.

After consideration of all relevant matters presented, including that in the aforesaid notice which was submitted by the Florida Lime Administrative Committee (established pursuant to the said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the rules and regulations (Subpart—Rules and Regulations), pursuant to said amended marketing agreement and order is in accordance with the provisions of said amended marketing agreement and order and will tend to effectuate the declared policy of the act. Therefore, Subpart—Rules and Regulations of the said amended marketing agreement and order is hereby amended to add a new § 911.155 to read as follows:

§ 911.155 Delinquent assessments.

Each handler shall pay interest of one percent per month on any unpaid assessment balance beginning 30 days after date of billing. Such interest charge is to apply to any unpaid assessments which become due the Florida Lime Administrative Committee after the effective date of this section.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated, October 21, 1975, to become effective November 30, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-28725 Filed 10-23-75;8:45 am]

[Avocado Reg. 17, Amdt. 13]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Maturity Requirements

This amendment revises the maturity requirements for the Booth 7, Hickson, Lula, Booth 8, Chica, Collinson, Simpson, Vaca, Marcus, Booth 5, Booth 10 and Ajax varieties of Avocados. These varieties will mature one to three weeks sooner than they currently can be shipped at specified minimum weights or diameters. Unseasonal growing conditions in the production area have caused avocados to mature earlier than in prior seasons. Weights or diameters and picking dates are indices used at harvest to assure that avocados are mature and will ripen satisfactorily after picking.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the maturity requirements for the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for the amendment stems from the current avocado crop maturity situation. Maturity studies on the specified varieties completed recently indicate that avocados of such varieties will be mature at the hereinafter specified dates, minimum weights, or diameters.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of the amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of specified varieties of avocados.

Order. (1) The provisions of paragraph (a)(2) of § 915.317 (Avocado Regulation 17; 40 FR 24006; 26501; 28048; 29068; 29812; 30793; 328231; 33963; 38145; 41993; 44305; 47102) are amended by revising in Table I the dates applicable to the Booth 7, Hickson, Lula, Booth 8, Chica, Collinson, Simpson, Vaca, Marcus, Booth 5, Booth 10 and Ajax varieties so that after such revision the portion of Table I relating to such varieties of avocados reads as follows:

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Booth 8	9-15-75	16 oz 3⅝ in	10- 6-75	12 oz 3⅜ in	10-20-75	9 oz 3-⅜ in	10-27-75
Booth 7	9-22-75	16 oz 3⅝ in	10- 6-75	14 oz 3⅝ in	10-20-75		
Hickson	9-22-75	12 oz 3⅛ in	10- 6-75	10 oz 2⅞ in	10-20-75		
Lula	10- 6-75	18 oz 3⅛ in	10-20-75	14 oz 3⅝ in	11-17-75		
Chica	9-19-75	12 oz 3⅛ in	10-13-75	10 oz 3⅛ in	10-20-75		
Collinson	9-29-75	16 oz 3⅛ in	10-20-75				
Simpson	10- 6-75	16 oz 3⅝ in	10-20-75				
Vaca	10- 6-75	16 oz 3⅝ in	10-20-75				
Marcus	9-22-75	40 oz	10- 6-75	32 oz	10-20-75	24 oz	11-17-75
Booth 10	10-13-75	16 oz 3⅛ in	10-20-75	14 oz 3⅝ in	11-10-75		
Ajax	10-20-75	16 oz 3⅛ in	11-17-75				
Booth 5	10- 6-75	16 oz 3⅛ in	10-20-75				

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated October 20, 1975, to become effective October 20, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-28613 Filed 10-23-75;8:45 am]

[Grapefruit Reg. 16; Amdt. 1]

PART 944—FRUITS; IMPORT REGULATIONS

Minimum Grade and Size Requirements for Imports of Grapefruit

This amendment extends through September 26, 1976, current grade and size requirements applicable to imported grapefruit as follows: Imported seeded grapefruit—U.S. No. 1 and 3⁹⁄₁₆ inches in diameter; imported seedless grapefruit—Improved No. 2 and 3⅝ inches in diameter. The requirements are the same as those applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

Notice was published in the FEDERAL REGISTER on September 26, 1975 (40 FR 44334), that consideration was being given to a proposed amendment which would regulate the importation of grapefruit into the United States. The notice provided that all written data, views, or arguments in connection with the proposed amendment be submitted by October 10, 1975. None were received.

This amendment would be issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This section requires that whenever specified commodities, including grapefruit, are regulated under a Federal marketing order, the imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity. This regulation is the same as the domestic grade and size regulation for grapefruit, issued pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida, which becomes effective October 27, 1975.

It is hereby found that good cause exists for not postponing the effective time of the regulatory provisions of this amendment, as hereinafter set forth, beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such requirements mandatory; (b) the grade and size requirements of this amended import regulation are the same as those being made applicable to domestic shipments of grapefruit grown in Florida under amended Grapefruit Regulation 76 (§ 905.563); (c) notice that such action was being considered was published in the September 26, 1975, issue of the FEDERAL REGISTER (40 FR 44334), and no objection to this regulation was received; (d) the provisions of this import regulation are the same as those contained in said notice; (e) notice hereof in excess of three days, the minimum prescribed by said section 8e, is given with respect to this import regulation by prescribing an effective date of October 27, 1975, and (f) such notice is hereby determined, under the circumstances, to be reasonable.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, and other available information, it is hereby found that the grade and size requirements in effect pursuant to the said amended marketing agreement and order shall apply to grapefruit to be imported.

Order. In § 944.112 (Grapefruit Regulation 16; 40 FR 42529) the introductory text of paragraph (a) and subparagraphs (1) and (2) thereof are revised to read as follows:

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§ 944.112 Grapefruit Regulation 16.

(a) During the period October 27, 1975, through September 26, 1976, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than 3 1/16 inches in diameter, except that a tolerance for seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in § 51.761 of the United States Standards for Florida Grapefruit; and

(2) Seedless grapefruit shall grade at least Improved No. 2 and be of a size not smaller than 3 9/16 inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in § 51.761 of the United States Standards for Florida Grapefruit. ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color.)

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated, October 21, 1975, to become effective October 27, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–28726 Filed 10–23–75;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Cooperative Marketing Associations, Price Support Eligibility Reg. Amdt. 3]

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

Subpart—Eligibility Requirements for Price Support

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation and published at 36 FR 13024 and 39 FR 14187 and 27313, which set forth specific eligibility requirements for cooperative marketing associations desiring to participate in authorized price support programs are amended to change the office designated as having responsibility for administering the provisions thereof:

The regulations are changed as follows:

1. The first sentence of paragraph (a) of § 1425.2 is amended to change the designated office responsible for administering the provisions of this subpart. The amended paragraph reads as follows:

§ 1425.2 Administration.

(a) *Responsibility.* The Grains, Oilseeds and Cotton Division, ASCS, will administer the provisions of this subpart under the general direction and supervision of the Deputy Administrator, Programs, in accordance with program provisions and policy determined by Commodity Credit Corporation. In the field, the provisions of this subpart will be administered by the State and County Agricultural Stabilization and Conservation Committees, and where applicable, the Agricultural Stabilization and Conservation Service Commodity Office. As used in this part, the term "CCC" means the Commodity Credit Corporation and the term "ASCS" means the Agricultural Stabilization and Conservation Service.

* * * * * *

2. Paragraph (a) of § 1425.3 is amended to change: (1) The office where a copy of the application form, related questionnaire and regulations may be obtained; (2) The office where inquiries relating to such documents should be addressed; and (3) The office to which a cooperative should forward its application and required information. Paragraph (c) is amended to change the office that will request information annually and paragraph (d) is amended to change the office to receive current changes. The amended paragraphs (a), (c) and (d) read as follows:

§ 1425.3 Application.

(a) *Initial approval.* A cooperative which desires approval to obtain price support shall submit an application for a determination of eligibility with respect to each of the commodities listed herein for which approval is sought. An application form and related questionnaire and a copy of the regulations appearing in this subpart may be obtained from the Grains, Oilseeds and Cotton Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. Inquiries relating to such documents should also be addressed to the Grains, Oilseeds and Cotton Division. The cooperative shall forward its application and required information to the Director, Grains, Oilseeds and Cotton Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. Applications with respect to each of the commodities listed herein and supporting material shall be submitted on or before the applicable date listed below of the calendar year in which the cooperative requests approval to participate in the price support program for commodities marketed thereafter, or by such later dates as the Executive Vice President, CCC, may authorize to alleviate hardship.

Commodity	*Date*
Cotton	Aug. 1.
Honey	July 1.
Rice	Aug. 1.
Tung oil	Do.

If price support program regulatons for a commodity not listed above require a cooperative to obtain approval under this subpart to be eligible for price support, the latest date for filing an application for approval with respect to such commodity shall be specified in such program regulations. Information submitted in connection with an application relative to trade secrets or financial or commercial operations or dealing with the financial condition of an applicant cooperative shall be kept confidential by the officers and employees of CCC and the Department of Agriculture and shall not be released except to the extent CCC determines such action is necessary for the conduct of the price support program.

* * * * * *

(c) *Annual information.* Annually, an approved cooperative shall furnish, when requested by the Director, Grains, Oilseeds and Cotton Division:

(1) An audit report to include any accompanying notes, schedules or exhibits, certified by a certified public accountant as fairly representing the financial condition of the cooperative.

(2) A statement showing the total capital interest in the cooperative owned by active members, and the total capital interest owned by inactive and nonmembers by each separate category.

(3) The names of any active members who own in excess of 10 percent of the capital of the cooperative and the amount owned by each.

(4) The quantity of each commodity delivered to the cooperative for marketing and the portion thereof received from active members.

(5) The quantity of each commodity tendered to CCC for loan and the quantity redeemed.

(d) *Current information.* An approved cooperative shall furnish to the Director, Grains, Oilseeds and Cotton Division, immediately:

(1) Any changes in its articles of incorporation, bylaws, resolutions, or marketing agreement.

(2) Any changes in officers, directors, or principal employees and conflict of interest statements in accordance with § 1425.8(d).

(3) Any change in pooling operations with an explanation of the change and why such change was necessary.

(4) Additional information as may be requested at any time in connection with its continued approval under this subpart.

* * * * * *

Since these are administrative changes and will have no effect on program operations, compliance with the notice of proposed rulemaking procedure would be impracticable and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c))

Effective date: October 24, 1975.

Signed at Washington, D.C., on: October 17, 1975.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.75–28732 Filed 10–23–75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

[28 CFR Part 20]

CRIMINAL HISTORY RECORDS

Collection, Storage, and Dissemination of Information

This proposed regulation amends the regulations pertaining to the collection, storage and dissemination of criminal history record information.

These amendments are based upon a reevaluation of the dedication requirement by the Department of Justice and the persuasive comments of many State and local officials who have stated that dedication of the criminal justice information system would cause highly excessive increases in present criminal justice system expenditures and that other appropriate methods are available to assure the security of criminal justice information.

The amendments also extend the date on which the State plan must be submitted.

Hearings on the proposed changes will be held November 17, and if necessary November 18, 1975, beginning at 10 a.m. in the 3rd Floor Conference Room, 633 Indiana Avenue, NW., Washington, D.C. Two other hearings are planned to be held November 21, 1975, in Atlanta, Georgia and December 4, 1975, in San Francisco, California. Interested persons who wish to testify should notify Thomas J. Madden, General Counsel, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue, NW., Washington, D.C. 20531 no later than five days before each hearing.

The selected commentary dealing with the proposed amendments are deleted: § 20.21, the second sentence; § 20.21(f) (2) in its entirety.

Written views on the proposed regulations should be submitted to the LEAA Office of General Counsel no later than December 5, 1975.

Pursuant to the authority vested in the Law Enforcement Assistance Administration by sections 501 and 524 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Crime Control Act of 1973, Pub. L. 93–83, 87 Stat. 197 (42 U.S.C. 3701 et seq.) (Aug. 6, 1973), this amendment to Chapter I of Title 28 of the Code of Federal Regulations is proposed.

In § 20.21 the first sentence of the introductory text is deleted and the following two sentences are added and paragraph (f) is revised to read as follows:

§ 20.21 Preparation and submission of a Criminal History Record Information Plan.

A plan shall be submitted to LEAA by each State on or before March 16, 1976, to set forth all operational procedures, except those contained in paragraph (f) of this section. A supplemental plan covering paragraph (f) of this section shall be submitted no later than 60 days after the amendment to paragraph (f) of this section becomes effective. * * *

* * * * *

(f) *Security.* Insure confidentiality and security of criminal history record information by providing that wherever criminal history record information is collected, stored, or disseminated, each State shall ensure that:

(1) Where computerized data processing is employed, effective and technologically advanced software and hardware designs are instituted to prevent unauthorized access to such information.

(2) Access to criminal history record information system facilities, systems operating environments, data file contents whether while in use or when stored in a media library, and system documentation conforms with security standards established by State legislation or, in the absence of such legislation, by regulations approved or issued by the governor of the State.

(3) A criminal justice agency shall have authority to set and enforce policy concerning those computer operations which support criminal history record information processing, by specifically providing that:

(i) Criminal history record information be stored by the computer in such manner that it cannot be modified, destroyed, accessed, changed, purged, or overlaid in any fashion by non-criminal justice terminals.

(ii) A designated criminal justice agency employee will specify and certify for operational use programs that will prohibit inquiry, record updates, or destruction of records from any terminal other than criminal justice system terminals which are so designated.

(iii) The destruction of records is limited to specifically designated terminals under the direct control of the criminal justice agency responsible for creating or storing the criminal history record information.

(iv) Designated criminal justice agency employees will specify and certify for operational use such programs to detect and store for their output all unauthorized attempts to penetrate any criminal history record information system, program, or file.

(v) Such program(s) shall be known only to criminal justice agency employees responsible for criminal history record information system control or individuals and agencies pursuant to a specific agreement with the criminal justice agency to provide such programs and the program(s) kept continuously under maximum security conditions.

(4) A criminal justice agency will:

(i) Select and supervise all personnel authorized to have direct access to such information.

(ii) Assure that an individual or agency authorized direct access is responsible for (A) the physical security of criminal history record information under its control or in its custody and (B) the protection of such information from unauthorized access, disclosure, or dissemination.

(iii) Institute procedures to reasonably protect any central repository of criminal history record information from unauthorized access, theft, sabotage, fire, flood, wind, or other natural or man-made disasters.

(iv) Provide that each employee working with or having access to criminal history record information is familiar with the substance and intent of these regulations; and

(v) Provide that direct access to criminal history records information shall be available only to authorized officers or employees of a criminal justice agency and, as necessary, other authorized personnel essential to the proper operation of the criminal history record information system.

* * * * * *

2. Section 20.23 is revised to read as follows:

§ 20.23 Documentation: Approval by LEAA.

Within 90 days of that receipt of the plan, LEAA shall approve or disapprove the adequacy of the provisions of the plan and certification. Evaluation of the plan by LEAA will be based upon whether the procedures set forth will accomplish the required objectives. The evaluation of the certification(s) will be based upon whether a good faith effort has been shown to initiate and/or further compliance with the plan and regulations. All procedures in the approved plan must be fully operational and implemented by December 31, 1977. Certification shall be submitted in December of each year to LEAA until such complete compliance. The yearly certification shall update the information provided under § 20.21.

RICHARD W. VELDE,
Administrator.

OCTOBER 15, 1975.

[FR Doc.75–28752 Filed 10–23–75;8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 909]

GRAPEFRUIT GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Rulemaking

This notice provides interested persons an opportunity to comment upon a proposal submitted by the Grapefruit Administrative Committee. The proposal is that the Department issue a regulation which during the period December 1, 1975, through August 31, 1976, would set a minimum grade of U.S. No. 2 and a minimum diameter of 3$^{3}/_{16}$ inches for the handling of grapefruit grown in California and Arizona, except that initial handlers may handle grapefruit smaller than 3$^{3}/_{16}$ inches in diameter directly to destinations in states other than California, Arizona, Florida, and Texas, providing that grapefruit so handled to destinations in Washington, Oregon, Montana, Idaho, Wyoming, Nevada, and Utah shall measure not smaller than 3$^{4}/_{16}$ inches in diameter. There would be no minimum size requirement for grapefruit handled to destinations in all other states and to export markets.

Consideration is being given to the following proposal submitted by the Administrative Committee, established pursuant to the Marketing Order No. 909, as amended (7 CFR Part 909), regulating the handling of fresh grapefruit grown in Arizona and designated part of California. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in quadruplicate with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than November 7, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The Administrative Committee on October 2, 1975, held a meeting to consider the need for regulation during the current season. The recommendations of the committee reflect its appraisal of the crop and current and prospective market conditions. Grapefruit is reported to be of good quality this year, and sizes are reported to be larger than last year. The committee believes that the establishment of the regulation hereinafter specified is necessary to achieve the objectives of the act in the interests of producers and consumers.

The proposed § 909.341 reads as follows:

§ 909.341 Grapefruit Regulation 41.

(a) *Order.* (1) Except as otherwise provided in paragraph (a) (2) of this section, during the period December 1, 1975, through August 31, 1976, no handler shall handle from the State of Arizona or the State of Arizona to any point outside thereof except Mexico:

(i) Any grapefruit which do not meet the requirements for the U.S. No. 2 grade which for purpose of this section shall include the requirement that the grapefruit be fairly well colored, instead of slightly colored, and including as a part of the fairly well formed requirement, the requirement that the fruit be free from peel that is more than 1 inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided,* That in lieu of the tolerance provided for the U.S. No. 2 grade, the following tolerances, by count, shall be allowed for the defects listed:

(*a*) 10 percent for fruit which is not at least fairly well colored;

(*b*) 10 percent for defects other than color, but not more than one-twentieth of this amount, or one-half of 1 percent shall be allowed for decay and not more than one-half, or 5 percent, shall be allowed for any single defect caused by broken skins, sunburn, scars, or peel that is more than 1 inch in thickness at the stem end; or

(ii) Any grapefruit which measure less than 3$^{9}/_{16}$ inches in diameter: *Provided,* That such diameter requirement shall not apply to individual packages containing 10 pounds or less in a lot and individual packages containing more than 10 pounds in a lot may contain not to exceed 10 percent of grapefruit of a size smaller than 3$^{9}/_{16}$ inches in diameter, if the lot as a whole does not contain more than 5 percent of such size: *Provided, further,* That in determining the percentage of grapefruit in any lot which are smaller than 3$^{9}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3$^{11}/_{16}$ inches in diameter and smaller.

(2) Subject to the requirements of paragraph (a) (1) of this section, any handler may, but only as the initial handler thereof, handle grapefruit smaller than 3$^{9}/_{16}$ inches in diameter directly to a destination in Zones 4, 5, or 6 and if the grapefruit is so handled to Zone 4, the grapefruit does not measure less than 3$^{4}/_{16}$ inches in diameter: *Provided,* That such diameter requirement shall not apply to individual packages containing 10 pounds or less in a lot and individual packages containing more than 10 pounds in a lot may contain not to exceed 10 percent of grapefruit of a size smaller than 3$^{4}/_{16}$ inches in diameter, if the lot as a whole does not contain more than 5 percent of such size: *Provided, further,* That in determining the percentage of grapefruit in any lot which are smaller than 3$^{4}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3$^{11}/_{16}$ inches in diameter and smaller.

(b) As used herein, "handler", "grapefruit", "handle", "Zone 4", "Zone 5", and "Zone 6" shall have the same meaning as when used in said amended marketing order; the terms "U.S. No. 2", "fairly well colored", "slightly colored", and "fairly well formed" shall have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.925–51.955; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit.

Dated: October 21, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-28727 Filed 10-23-75;8:45 am]

[7 CFR Part 910]

HANDLING OF LEMONS GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Amendment of Rules and Regulations

This notice invites written comment, not later than November 17, 1975, relative to the proposed reapportionment of the grower member representation on the Lemon Administrative Committee under Marketing Order No. 910.

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 910.100–910.180; 36 FR 17486) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of Lemons grown in Arizona and designated part of California, hereinafter referred to collectively as the "order." This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendment to said rules and regulations was unanimously recommended by the Lemon Administrative Committee, established under the order as the agency to administer the terms and provisions thereof.

The proposal involves realignment of grower representation on said committee as a result of changes in the affiliation (with handlers) of certain groups of growers. Under the order, grower membership on the committee is divided among three grower groups: The "co-op which markets more than 60 percent of the lemons" (The principal cooperative marketing organization); "other co-ops;" and "independents" who are growers not affiliated with any cooperative marketing organization. Recently, a group of growers who operate a packinghouse changed their group affiliation from the "co-op which markets more than 60 percent of the lemons" to "other co-ops". As such change in affiliation does not reduce the volume of the principal cooperative marketing organization below the more than 60 percent level the grower representation assigned to that group would not be changed. However, the change increases the volume of the "other co-ops" from 4.15 percent to 6.27 percent based on volume of regulated shipments in the fiscal year ended July 31, 1975. The volume of such shipments by the "independents" group was 9.01 percent. On the basis of estimated production for the 1975–76 fiscal year, the volume controlled by the "other co-ops" and "independents" is approximately 10 and 11 percent, respectively. Hence, the volume controlled by these two groups is more nearly equal than when the current apportionment was made, and the proposed action would equalize grower representation between them by reducing the "independents" grower representation from three members to two and increasing the "other co-ops" grower representation from one to two. Total grower membership on the committee would remain unchanged at eight members.

The proposal is as follows:

Amend § 910.120 *Change in grower representation* to read as follows:

§ 910.120 Change in grower representation.

Pursuant to § 910.22(h) grower representation on the Lemon Administrative Committee for purposes of §§ 910.20 and 910.22 shall be as follows:

	Co-op more than 60 pct	Other co-ops	Independents
District 1.....	1	0	0
District 2.....	2	1	1
District 3.....	1	1	1

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed committee realignment, shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 17, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 21, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-28728 Filed 10-23-75;8:45 am]

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Proposed Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This notice invites written comments relative to the proposed Olive Administrative Committee expenses of $870,450 and an assessment rate of $15.00 per ton of regulated California olives to support committee activities during the 1975–76 fiscal year under marketing Order No. 932. The committee has also proposed that unexpended assessment income from 1974–75 and prior years be carried over as a reserve.

Consideration is being given to the following proposals submitted by the Olive Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), as the agency to administer the terms and provisions thereof. Said agreement and order regulate the handling of olives grown in California and are effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposals are as follows:

(a) That expenses which are reasonable and likely to be incurred by the Olive Administrative Committee during the period September 1, 1975, through August 31, 1976, will amount to $870,450.

(b) That the rate of assessment for said period, payable by each first handler in accordance with § 932.39, be fixed at $15.00 per ton of olives.

(c) That unexpended assessment funds in excess of expenses incurred during the fiscal year ended August 31, 1975, and prior years be carried over as a reserve in accordance with the applicable provisions of § 932.40.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112A, Washington, D.C. 20250, not later than November 15, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 20, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-28661 Filed 10-23-75;8:45 am]

[7 CFR Part 971]

LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Proposed Expenses and Rate of Assessment

Consideration is being given to authorizing the South Texas Lettuce Committee to spend not more than $20,200 for its operations during the fiscal period ending July 31, 1976, and to collect one cent ($0.01) per carton of lettuce handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 144 and Order No. 971 regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in duplicate, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than November 6, 1975. All written comments will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed § 971.215 reads as follows:

§ 971.215 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1976, by the South Texas Lettuce Committee, for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $20,200.

(b) The rate of assessment to be paid by each handler in accordance with this part, shall be one cent ($0.01) per carton of assessable lettuce handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 971.43(a)(2).

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

Dated: October 21, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-28729 Filed 10-23-75;8:45 am]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposed Expenses of the Raisin Administrative Committee and Rate of Assessment for the 1975–76 Crop Year

Notice is given of a proposal regarding expenses of the Raisin Administrative Committee for the 1975–76 crop year and rate of assessment for that crop year, under §§ 989.79 and 989.80 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Raisin Administrative Committee has unanimously recommended for the crop year beginning September 1, 1975 (1975–76 crop year), a budget of expenses in the total amount of $152,513 and an assessment rate of 83 cents per ton of assessable raisins. Expenses in that amount and the assessment rate are specified in the proposal hereinafter set forth.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are re-

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ceived by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 12, 1975. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed § 989.326 reads as follows:

§ 989.326 Expenses of the Raisin Administrative Committee and rate of assessment for the 1975–76 crop year.

(a) *Expenses.* Expenses (other than those specified in § 989.82) in the amount of $152,513 are reasonable and likely to be incurred by the Raisin Administrative Committee during the crop year beginning September 1, 1975, for the maintenance and functioning of the Committee and the Raisin Advisory Board and for such purposes as the Secretary may, in accordance with § 989.79, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, under § 989.80, to pay to the Raisin Administrative Committee as his pro rata share of the expenses is fixed at 83 cents per ton applicable to each of the following:

(1) Free tonnage raisins acquired by the handler during the crop year, exclusive of such quantity thereof as represents the assessable portions of other handlers' raisins under paragraph (b) (3) of this section;

(2) Reserve tonnage raisins released or sold to the handler for use as free tonnage, during that crop year; and

(3) Standard raisins (which he does not acquire) recovered by the handler by the reconditioning of off-grade raisins but only to the extent of the aggregate quantity of the free tonnage portions of these standard raisins that are acquired by other handlers during the crop year.

Dated: October 21, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-28730 Filed 10-23-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[41 CFR Part 3–14]

SPECIAL TYPES AND METHODS OF PROCUREMENT

Proposed Rule Making

Notice is hereby given in accordance with the administrative provisions in 5 U.S.C. 553 that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Office of the Secretary is considering an amendment to 41 CFR, Chapter 3, by adding a new Subpart 3–4.10, Architect/Engineer Services, to Part 3–4, Special Types and Methods of Procurement. This proposed rule will implement Amendment Number 122 to the Federal Procurement Regulations. Also this notice supersedes the notice published in the FEDERAL REGISTER on November 14, 1972 (FR Vol. 37, No. 220, pages 24118–24120).

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by filing them in duplicate with the Deputy Assistant Secretary for Grants and Procurement Management, OASAM, Room 2038, HEW Switzer Building, 330 C Street, SW., Washington, D.C. 20201, on or before November 24, 1975.

This amendment prescribes policies and procedures relative to the procurement of architect/engineer services.

(It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–107)

Dated: October 17, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

As proposed, Subpart 3–4.10, Architect/Engineer Services will read as follows:

Sec.

3–4.1001 General policy.
3–4.1002 Definitions.
3–4.1003 Public announcements.
3–4.1004 Selection.
3–4.1004–1 Establishment of architect/engineer evaluation boards.
3–4.1004–2 Functions of the evaluation boards.
3–4.1004–4 Action by agency head or his authorized representative.
3–4.1004–5 Procedures for procurements estimated not to exceed $10,000.
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3–4.1005–1 General.
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§ 3–4.1001 General policy.

Pursuant to Public Law 92–582 dated October 27, 1972, which amended the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471, et seq.), it is the policy of the Federal Government to publicly announce all requirements for Architect/Engineer (A/E) services, and to negotiate contracts for A/E services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices. The acquisition of such services in connection with a "public building" as that term is defined in section 13 of the Public Building Act of 1959 (40 U.S.C. 612), may be exercised only under the conditions prescribed in § 101–17.402(c) of this title and subject to standards prescribed by the Administrator of General Services pursuant to § 101–17.502 of this title. The procurement of such services in connection with special purpose space such as schools, hospitals, laboratories, and research centers is subject to the requirements and conditions prescribed by section 302 (c) (4) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(c)(4)) and § 1–3.204 of this title.

§ 3–4.1002 Definitions.

(a) "Fee" means the total amount payable to the A/E for the work and services to be performed.

§ 3–4.1003 Public announcements.

(a) One of the first steps in beginning the A/E selection process is to assure the availability of funds so that the succeeding A/E selection steps will be accomplished in a proper manner and that the Government and interested A/E firms will not be expending resources on projects that are tentative or stand little chance of being approved. In the event a certification of available funding has not been received but is reasonably anticipated in the near future, and it is imperative that the Government's requirement be publicized without further delay, the notice(s) publicizing the requirement should contain wording to the effect that the Department expects to receive the design funds in the near future and discussions will not be held with the proposed A/E firm until receipt of such funds.

(b) *Program of requirements.* The program of requirements or design criteria is normally prepared by the appropriate program element, and is the basis for the subsequent preparation of the statement of work. Whenever possible, the Office of Facilities Engineering and Property Management (OFEPM), including its Regional Offices (ROFEC), should provide assistance in the preparation of the program of requirements. The program requirements as well as the A/E statement of work (scope of services), see 3–4.50–3, and the Independent Government estimate, see 3–4.1005–3, should be prepared and completed prior to the public announcement of the proposed procurement to ensure that the announcement complies with the requirements of FPR 1–1.1003–3 and 1–1.1003–7.

(c) *Preparation of A/E Statement of Work (Scope of Services).* The statement of work shall be prepared by that office responsible for the evaluation and selection action. A statement of work should facilitate price negotiations, eliminate ambiguities, and assure that the design wil satisfy program needs. Each A/E statement of work should reflect the specific design requirements. Such items as scheduling, cost control, and value management including life cycle costs are important factors for consideration. Typical areas covered by an A/E statement of work are: Predesign; Concepts & Schematics; Design Development; Contract Document Development; Construction Supervision; and other pertinent requirements such as time and payment scheduling, and phased options.

(d) To insure the broadest publicity concerning the Government's interest in obtaining A/E services, the head of the procuring activity shall have developed notices in accordance with § 1–1.1003–7(b) (9) with respect to individual projects. The following should be included in notices which publicize procurement of A/E services.

Firms desiring to be considered for architect/engineer contracts in a given area must file the Standard Form 254 and Standard Form 255, when applicable, with either the Principal Operating Component or the ROFEC whichever may be appropriate, or with the Director, Office of the Architectural and Engineering Services, OFEPM, Office of the Secretary, DHEW, 330 Independence Avenue, SW., Washington, D.C. 20201, depending on the geographical area of interest.

§ 3–4.1004 Selection.

§ 3–4.1004–1 Establishment of A/E evaluation boards.

(a) The following shall apply to the establishment of A/E evaluation boards:

(1) When the independent Government estimate of the total A/E proposed contract exceeds $10,000 or regardless of the dollar amount involved whenever A/E services are to be procured under an open-end (requirements) contract, all evaluation and selection actions shall be performed by evaluation boards of the Office of Facilities Engineering and Property Management (OFEPM) which includes ROFEC's.

(2) When the independent Government estimate of the total A/E proposed contract is $10,000 or less and the project is not within the scope of an open-end contract, such action for the evaluation and selection may be performed by ROFEC boards with the concurrence of the Regional Engineer when such functions cannot be performed by the principal operating component under paragraph (a) (3) of this section.

(3) When the independent Government estimate of the total A/E proposed contract is $10,000 or less and not within the scope of an open-end contract, the evaluation and selection actions may be conducted by the principal operating component's personnel who meet the qualifications as set forth herein and consistent with the requirements of Subpart 1–4.10.

(4) In the event of special circumstances involving a proposed A/E contract estimated to exceed $10,000 which would not fall within the scope of an open-end contract, and which a principal operating component (POC) believes would warrant its exercising evaluation and selection functions in lieu of OFEPM, the POC must submit its request and justification to the Director, OFEPM for approval.

(5) Each evaluation board shall consist of five licensed professional architects or engineers (with the Regional Engineer or his representative serving as chairman on a ROFEC board), one program or administrative representative, one nonvoting contracting officer, and one nonviting recording secretary. A minimum number of three licensed architects or engineers shall be present at all evaluation board meetings.

(6) The makeup of evaluation boards in the Office of the Director, OFEPM, is determined by the Director, OFEPM, so as to meet varying requirements. The Regional Engineers shall determine the makeup of the evaluation boards in the ROFEC's. Each principal operating component shall determine the makeup of the evaluation boards, consistent with this Section.

(7) No member of an outside firm or organization shall participate as a member of an evaluation board without the prior written approval of the Director, OFEPM.

§ 3–4.1004–2 Functions of the evaluation boards.

Under the general authority of the Secretary's technical staff, the Departmental A/E evaluation boards shall perform the following functions:

(a) Prepare the report for submission to the Director, OFEPM, or his authorized representative, whichever may be appropriate under 3–4.1004–4, listing in the order of preference not less than three firms with addresses considered to be the most highly qualified to perform the required services. The report shall comply with paragraph (a) of this section, and include the following:

(1) Summary sheet and rating factors tabulating the individual member scores, ranking, and rating factors;

(2) SF–254's and 255's plus any essential brochures for each A/E firm to be interviewed: and

(3) Government estimate of total A/E fee.

§ 3–4.1004–3 Evaluation criteria.

(a) Whenever possible, small business firms will be selected for projects for which they are considered to be qualified and capable of handling.

§ 3–4.1004–4 Action by agency head or his authorized representative.

(a) The responsible official to whom the authority has been delegated shall review the report of the A/E evaluation board, and in concert with appropriate technical and staff representatives, shall either concur or otherwise advise the Board of his decision in writing.

(1) The approval of the Director, OFEPM, or his designee is required, whenever:

(i) The Government's estimate of the total proposed A/E contract exceeds $100,000;

(ii) If, after holding discussions with not less than three most highly qualified firms, the evaluation board determines there should be a change in the order of preference listing; or

(iii) Any modification to an existing contract would increase the total contract amount by more than 35 percent.

(2) The approval of the cognizant Regional Engineer is required whenever the Government's estimate is less than $100,000, except for paragraph (a) (3) of this section. (In the Baltimore-Washington metropolitan area, such approval should be requested of the Director, Office of Architectural and Engineering Services (OFEPM).)

(3) The approval of the head of a principal operating component or his designee shall be provided when:

(i) The Government's estimate of the total proposed A/E contract is $10,000 or less and selection is made pursuant to 1–4.1004–5; or

(ii) Under the circumstances referenced in 3–4.1004–1(a), (3), and (4), the principal operating component will perform the evaluation and selection functions in lieu of OFEPM.

(b) The approving official shall inform the board in writing of his decision which will serve as an authorization for the contracting officer to commence negotiations. If the approving official changes the order of preference listing, his decision and authorization shall be likewise addressed to the Board. A copy of the board's recommendation and evaluation data shall be submitted by it with the authorization to the contracting officer.

§ 3–4.1004–5 Procedure for procurements estimated not to exceed $10,000.

Either one of the procedures set forth in paragraphs (a) and (b) of § 1–4.004–5 of this chapter may be used instead of the procedures prescribed in §§ 1–4.1004–2 (b) and (c) of this chapter, 3–4.1004–2(a), and 3–4.1004–4 for procurements estimated not to exceed $10,000. Upon receipt of the approving official's decision the chairman of the board shall furnish the contracting officer a copy of the report which will comply with § 1–4.004–5(a) of this chapter.

§ 3–4.1005 Negotiation procedures.

§ 3–4.1005–1 General.

(a) The negotiation and award of A/E contracts shall be performed by ROFEC's who have been delegated contracting officer authority whenever the applicable evaluation and selection actions are accomplished by their offices under § 3–4.1004–1(a) (1) and (2). Negotiation and award of A/E contracts are performed for OFEPM in Washington, D.C., by the Supply Operations Branch, OA/OAM, unless the Director, OFEPM, provides written authorization for another POC to do so. When evaluation and selection actions are performed by a principal operating component consistent with the provisions of § 3–4.1004–1(a) (3) and (4) the responsible contracting officer of the POC may likewise negotiate and award the related A/E engineer contracts. Qualified contracting officers shall use the services of technical, legal, audit-pricing, and other specialists in the component to the extent deemed appropriate (see §§ 1–3.801–2 and 1–3.803–3).

(b) Negotiations should be directed toward:

(1) Reaching mutual agreement on the provisions of the contract; and

(2) Arriving at a fair and reasonable price. See § 1–3.807–2, Requirements for Cost and Price Analysis; and § 1–3.807–1, Overhead Rate Consideration. See § 3–3.50.301(j) regarding the documentation requirements for cost breakdown and analysis.

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(c) The principles set forth relative to preparation for negotiation (see 3-4.-1005) shall apply to the negotiation of modifications to contracts.

(d) Where the modification involves work not initially included in the contract the statutory limitation is applicable, consistent with the following provisions, to the revised total estimated construction costs. Where redesign is required and the contract is modified, the following methods shall be used in determining the amount of the basic fee to be paid the architect:

(1) The estimated construction cost of the redesigned features will be added to the original estimated construction cost;

(2) The contract cost for the original design will be added to the contract for redesign; and

(3) The total contract design cost obtained by paragraph (c)(2) of this section will be divided by the total construction cost obtained by paragraph (c)(1) of this section.

§ 3–4.1005–6 Record of negotiation.

Promptly at the conclusion of each negotiation, a memorandum setting forth the principal elements of the negotiations shall be prepared by the contracting officer in accordance with the requirements of § 1–3.811, for use by the reviewing authorities and for inclusion in the contract file. The memorandum shall contain sufficient detail to reflect the significant consideration controlling the establishment of the price and other terms of the contract. Negotiation memorandums must be prepared in accordance with § 3–50.3 and meet the requirements of that subpart.

[FR Doc.75-28697 Filed 10-23-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-WE-23]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish a new transition area for Page Airport, Page, Arizona.

A new instrument approach procedure has been developed for Page Airport, Page, Arizona. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new instrument approach procedure by designating a transition area at Page, Arizona.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before November 24, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (40 F.R. 441) the following transition area is added:

PAGE, ARIZONA

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Page Airport (latitude 36°55'35" N., longitude 111°26'53" W.); within 2 miles each side of the Page VOR 340° radial, extending from the 6 mile radius area to 11 miles NW of the VOR; that airspace extending upward from 1200 feet above the surface within 6 miles NE and 9 miles SW of the Page VOR 340° radial extending from the VOR to 18 miles NW of the VOR; and within 6 miles E and 9 miles west of the Page VOR 175° radial extending from the VOR to 11.5 miles S of the VOR.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on October 16, 1975.

LYNN L. HINK,
Acting Director, Western Region.

[FR Doc.75-28654 Filed 10-23-75;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 288]

[EDR-288; Docket No. 28422]

EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Logair and Quicktrans Minimum Rates

Notice is hereby given that the Civil Aeronautics Board has under consideration amendments to Part 288 of its Economic Regulations (14 CFR Part 288) concerned with the minimum rates for Logair and Quicktrans domestic cargo charters performed by air carriers for the Department of Defense (DOD) and contracted for by the Military Airlift Command (MAC). The purpose of the proposed amendments is explained in the attached Explanatory Statement, and the proposed amendments are set forth in the proposed rule. The amendments are proposed under authority of Sections 204, 403 and 416 of the Federal Aviation Act of 1958, as amended; (72 Stat. 743, 758 and 771, as amended; 49 U.S.C. 1324, 1373 and 1386).

Interested persons may participate in the proposed rulemaking through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before November 24, 1975, and reply comments received on or before December 9, 1975, will be considered by the Board before taking final action on the proposed rules. Copies of such communication will be available for examination by interested persons in the Docket Section of the Board, Room 714, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

A list of all persons filing comments will be prepared by the Docket Section and sent to the persons named thereon. Those persons filing reply comments should serve any person whose comment is dealt with in their responsive comment. Persons filing responsive comments are to include at the time of filing appropriate proof of service (Rule 8(e), 14 CFR 302.8(e)).

Dated: October 20, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

In November 1973, Overseas National Airways, Inc. (ONA) and Saturn Airways, Inc. (Saturn) separately filed petitions for rulemaking requesting increases in the minimum rates set forth in Part 288 of the Board's Economic Regulations (14 CFR Part 288) applicable to Logair and Quicktrans domestic cargo charters performed by air carriers for the Department of Defense (DOD).[1] In addition to requesting a full-scale review of the minimum rates, the carriers' petitions sought the establishment of interim rates, at a level higher than the then existing minimums, pending completion of the full-scale review and the establishment of revised final minimum rates. Answers in support of the petitions were filed by the DOD. Thereafter, by notice of proposed rulemaking, EDR–262, January 15, 1974, the Board initiated the requested rate review and proposed interim rates to be effective prospectively pending its completion. By ER–853, May 17, 1974, the Board adopted interim rates effective January 15, 1974.[2]

The Board has now completed its review of the minimum rates applicable to Logair and Quicktrans services, and is herein proposing revised minimum rates for these domestic cargo charters set

[1] The petitions were assigned docket numbers 26132 and 26136, respectively.

[2] The Board has from time-to-time revised these interim rates based upon an expedited review of the carriers' reported operating results for the Logair/Quicktrans services. See ER–919, adopted June 30, 1975; ER–906, adopted April 25, 1975; and ER–888, adopted November 14, 1974.

forth in Section 288.7(b) of Part 288, to be effective prospectively from the date adopted.

As a part of the review, Capitol International Airways, Inc. (Capitol), ONA and Saturn submitted cost forecasts for fiscal year 1975 operations, and the DOD submitted rate recommendations supported by its analysis of the carriers' costs.[4] Conferences were held on May 8, 1975, between the Board's staff and carrier and DOD representatives to discuss the various forecasts, and afterward, comments and additional data were submitted by the carriers and the DOD.

All materials submitted by the carriers and the DOD have been analyzed by the Board, and the carriers' forecasts have been adjusted in accordance with established Board policies. The forecasts and proposed adjustments, together with explanatory notes setting forth the basis for each adjustment, are set forth in the attached appendices.[3a] A discussion of major issues follows.

BASE PERIOD

The Board's established MAC ratemaking policy has been to base forecasts of a future period's operating results upon an analysis of reported results for the most recent 12-month period. In this way, the Board attempts to avoid use of data skewed as a result of seasonal changes in the level of a carrier's operations. Saturn has suggested that rather than use cost data for the most recent 12 months as the base period to forecast results in this proceeding, the Board should use only data for the most recent quarter in order to reflect fully in the prospective rates the impact of recent inflation. The carrier contends that use of one quarter's data, as opposed to 12-month results, would be appropriate here because there is little or no seasonality in MAC domestic operations which would require use of data for a longer period. We are not persuaded, however, to abandon our established approach in this area. While the extent of MAC domestic operations may not fluctuate significantly from quarter to quarter, the carrier overlooks the fact that the costs assigned to MAC services are derived from system results, which do reflect seasonality changes from one quarter to another, especially in the area of direct operating costs.[4] As such, the use of data for a 12-month period is necessary to avoid any statistical aberration that might appear in data for a shorter period. Accordingly, we have used results for the year ended March 31, 1975, as adjusted, as the base period for our forecast of fiscal year 1976 results, except for Saturn's DC–8–61 aircraft. For this aircraft type, our projections are based upon results for the year ended September 30, 1974, the latest representative 12-month period available, as Saturn temporarily suspended operations with this aircraft type in November 1974.

Consistent with established MAC ratemaking principles, we have adjusted the reported results for known contractual cost increases, current fuel prices, and recognized regulatory depreciation and amortization. In addition, as discussed below, we have utilized a cost-escalation factor to adjust base-period cash operating unit costs to reflect the level of costs experienced as of July 1, 1975.

COST-ESCALATION FACTOR

Although, as indicated, we have decided not to base our cost estimates on only the latest quarter's operating results, the Board does agree that use of reported data for a 12-month period understates the current level of the carriers' unit costs. In our judgment, however, the appropriate way to reflect the impact of inflation is to adjust reported results by applying a cost-escalation factor to the data. The cost-escalation factor is based on a comparison of unit available ton-mile operating expenses (excluding fuel, depreciation and amortization expenses) for the domestic scheduled operations of the certificated trunk carriers for the year ended March 31, 1975, with those for the year ended March 31, 1974, which reflect an increase of 8.55 percent.[5]

In determining the cost-escalation factor, the average unit costs for the year and the related variation from the prior year are assumed to be effective as of the midpoint of that period. Thus, in this case, such determination would be as of October 1, 1974, for the base year ended March 31, 1975. Since nine months have elapsed to July 1, 1975, the current level of unit costs may then reasonably be assumed to have increased further by about 75 percent of the experienced annual trend, or 6.3 percent.[6] Although specific costs may have risen more or less than this average, we propose to apply this average increase to all cash expenses except rentals and fuel. We consider this to be a reasonable and appropriate method of annualizing current cost levels.[7]

ANTICIPATORY COST INCREASES

In forecasting future period operating results, the Board's established ratemaking policy is to exclude anticipatory cost increases. Saturn claims that several of its labor agreements have expired; that the carrier is now in negotiations with various labor groups for new agreements, which undoubtedly will result in substantial increases in operating expenses; and that in order to reflect these prospective cost increases in the rates, it would be appropriate for the Board to recognize at least 75 percent of the cost increases the carrier expects to incur. Upon consideration, we have tentatively decided not to recognize any of Saturn's anticipated labor cost increases. Our policy in this area is of long-standing, and is intended to avoid burdening the ratepayer with the cost of expense increases that the carrier has not as yet incurred.

The carrier's labor negotiations are at a stage where it is still too early to determine reasonably what the ultimate costs of its new agreements will be, and we, therefore, consider its forecast of future labor cost increases too speculative for inclusion in the forecast of fiscal year 1976 results.

AIRCRAFT SPEED

In projecting the miles to be flown in FY 1976, the Board utilized the average airborne speed as derived from data reported by the carriers. The DOD excepted to the Board's determination of an average speed of 310 miles per hour for Saturn's L–100 aircraft in Logair operations. Saturn had projected a speed of 312 m.p.h. based on calendar year 1973 results over a 560-mile stage length. However, operational economy measures instituted by the carrier in response to the fuel crisis have now resulted in lower average airborne speeds. A review of the carrier's Form 243 reports for the six months ended March 31, 1975, does not justify the use of a higher speed for this aircraft type, and we have, therefore, rejected DOD's contention.

The DOD also took exception to the Board's forecast of a speed of 467 m.p.h., over a 700-mile stage length, for Capitol's DC–8 aircraft, while, at the same time, we proposed a speed of 435 m.p.h. for Saturn's DC–8 aircraft. We now agree that the use of different speeds for like services with similar aircraft types is not appropriate. Based on an analysis of the latest available data reported by carriers operating DC–8 aircraft over similar stage lengths, we propose that an airborne speed of 450 m.p.h. should be used for all DC–8 aircraft types for the projected 700-mile stage length in both Logair and Quicktrans operations.

FUEL CONSUMPTION AND COSTS

In order to estimate fuel costs for FY 1976 operations, the Board has relied upon information responses submitted by the carriers. These responses indicate the gallons of fuel consumed per mile flown for each aircraft type over their experienced average stage length. This fuel-burn rate was then adjusted to reflect the average stage lengths that would be operated pursuant to the current MAC contracts. The DOD excepted to the fuel-burn rates for the DC–8 aircraft proposed by the Board in its forecasts presented at the conference. Upon review, we agree that an adjustment to the proposed DC–8 aircraft fuel-burn rates is appropriate. Information supplied by the manufac-

[3] Saturn subsequently updated its cost estimates for fiscal 1976 operations.

[3a] Appendices A–1 thru Appendix E filed as part of the original document.

[4] See Appendix B.

[5] See Appendix C. The computation also excludes transport-related expenses.

[6] The 6.3 percent increase is derived from the sum of the square roots of 1.0655, producing an increase of 4.2 percent, and 1.042 which results in an increase of 2.1 percent. The square root is utilized in order to reflect the compounding of increases during the period. A 10.65 percent cost-escalation factor (8.55+2.10) is used for Saturn's DC–8–61 as 15 months have elapsed from the midpoint of the YE 9/30/74 base period.

[7] See e.g., Orders 73–11–93 (November 20, 1973) and 75–6–72 (June 13, 1975).

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turer indicates that the fuel-burn rates at a 700-mile stage length should be identical for DC–8–61/63 aircraft types and 6.19 percent less for DC–8–55 aircraft. Accordingly, we now propose fuel-burn rates of 5.46 and 5.14 gallons per mile, based on experienced results, for the DC–8–61/63 and DC–8–55 aircraft, respectively, in forecasting FY 1976 fuel costs.

Consistent with our action in establishing the current final international MAC rates,[8] we propose to eliminate the existing automatic military fuel price adjustment provision. The forecast reflects current fuel prices of 42.3 cents per gallon for JP–4 military fuel, 40.8 cents per gallon for JP–5 military fuel, and 31.64 cents per gallon for commercial fuel.[9] A review of first-quarter 1975 fuel-purchase reports indicates that about 86 percent of the fuel used in Quicktrans operations is purchased from the military and that this is divided almost equally between JP–4 and JP–5. On this basis, a weighted average price of 40.16 cents per gallon obtained for fuel used in Quicktrans operations. For Logair services we have used a fuel price of 42.3 cents per gallon because for this operation nearly all of the fuel burned is JP–4 military fuel.

In view of the continued uncertainty surrounding fuel prices, we propose to closely monitor this item. Should the prices for military fuel, as determined by the Defense Supply Agency, or commercial fuel as reported by the carriers, fluctuate significantly, we will consider adjusting the rates on a prospective basis in the same manner as in ER–896 for international MAC services.

LEASED AIRCRAFT

The Board's treatment of leased aircraft for ratemaking purposes is set forth in § 399.43 of the Board's Policy Statements (14 CFR Part 399). In general, that policy is to recognize actual rental expenses. However, where rental payments would exceed depreciation plus return on investment computed as if the aircraft had been purchased by the carrier, the excess rental payments are not recognized.

Saturn contends that in computing the maximum allowable rental expense for its leased L–100 aircraft, the Board should determine ownership cost based upon the average acquisition cost of its owned L–100 aircraft. The carrier argues that to use as the acquisition cost for determining maximum allowable rental expense the lessor's basis in the aircraft is inappropriate because it does not indicate the potential purchase price of the aircraft to Saturn, which would include the lessor's profit margin and capitalized financing costs. We are not persuaded to adopt the carrier's method of determining the acquisition cost of its leased L–100 aircraft. To begin with, we do not agree that it would be appropriate to determine the acquisition cost to Saturn in 1972 of a used L–100 aircraft based upon the carrier's acquisition costs for its owned L–100 aircraft which were purchased over several years and include aircraft both new and used.[10] In theory, the appropriate way to determine a reasonable acquisition cost would be to establish the fair market value of the aircraft in question at the time of the lease agreement. However, because there are not a large number of L–100 aircraft in commercial service, we do not have sufficient information available to establish a fair market value for the aircraft. Under these circumstances, we consider the lessor's basis in the aircraft a reasonable approximation of its fair market value at the time of the lease, and the carrier has offered no evidence to suggest that use of any other value would be more appropriate.

DEPRECIATION AND INVESTMENT

Saturn has suggested that, in determining its depreciation expense for services with L–100 aircraft, the board should use a service life of 10 years rather than the 12 years established in § 399.42 of the Board's Policy Statements for four-engine turboprop aircraft. The carrier argues that use of a 12-year service life for four-engine turboprop aircraft is inconsistent with the Board's treatment of four-engine turbojet equipment for which a 10-year service life is prescribed because the turboprop is based upon an older design and is, therefore, subject to more rapid obsolescense. Saturn also argues that the useful life for the L–100 aircraft should not exceed 10 years because of the possibility of structural fatigue of the outer wings in aircraft with more than 20,000 flight hours. With respect to the carrier's structural-fatigue argument, the manufacturer has issued two service bulletins dealing with this problem calling for more frequent inspections, but strongly recommending that modification kits be installed which would enhance the outer wing life. Saturn has chosen the increased inspection frequency rather than incorporating the kits in their aircraft. Economic considerations might suggest the installation of modifications for the outer wings. Moreover, the last two aircraft delivered to Saturn[10a] have a new wing design incorporating modification and additional improvements. In any event, no concrete evidence has been presented to persuade us to shorten the aircraft's useful life because of this problem.

As for the differing treatment of turboprop and turbojet aircraft, the 10-year service life for turbojet aircraft was adopted because the introduction of turbofan equipment effectively rendered the turbojet obsolete. However, contrary to the carrier's statement, there is no evidence to support the assertion that the L–100 is an obsolete aircraft type. Information informally obtained from the manufacturer indicates that the aircraft is still in production, and that of approximately 40 aircraft produced for commercial services, six were delivered in 1974. Accordingly, we are not persuaded by the carrier's arguments, and we have used a 12-year service life in establishing depreciation expense.

Saturn again advances a proposal for an eight-year service life for used aircraft. In the past, the Board has rejected this service-life distinction between new and used aircraft,[11] and the carrier has presented no new reasons for the Board to alter this position.

ONA argues that because current market values for its DC–9 aircraft are substantially in excess of net book values, the use of book values in determining the investment base results in an inadequate return to the carrier. The Board's established ratemaking practice is to determine the recognized investment base from the actual cost of flight equipment less accrued regulatory depreciation.[12] The carrier has neither offered any evidence to support its contention that use of net book values results in the provision of an inadequate return nor established any compelling reason to depart from this policy, and we have, therefore, adhered to the established policy in determining the carrier's investment base.

Saturn notes that the costs of compliance with new FAA regulations requiring installation of ground warning devices were omitted from the staff's proposals at the conference. They estimate that this item will cost $13,300 plus an installation cost of about $1,900 per aircraft. This total of $15,200 per aircraft has been recognized, and it will be depreciated over the remaining service life of the aircraft.

AIRCRAFT AND TRAFFIC SERVICING

The staff had included landing, parking, and handling fees at commercial airports in determining rates for Saturn's services as proposed at the conference. DOD pointed out, however, that the Logair and Quicktrans contracts provide for reimbursement of these costs. Accordingly, we have adjusted Saturn's forecast costs to exclude these items. However, we have included the costs for unscheduled, nondirected landings associated with performing the Logair and Quicktrans services.

At the conference, DOD also took issue with a proposed projection of Capitol's DC–8 aircraft and servicing costs. DOD's position on these costs reflected lower expense levels than indicated by the carrier's experience. The Board's proposed forecasts for this expense, as reflected within the rates proposed herein, are based on the carrier's forecast, increased by the cost-escalation factor. These results compare favorably with the projections for ONA and Saturn on these same cost items, and, we believe the proposed DC–8 aircraft and servicing costs are reasonable.

GENERAL BURDEN

Saturn believes that passenger service, promotion and sales, transport-related expenses, and the commercial operations fuel, landing and handling expenses should be excluded from the computation of the general burden ratio as they do not apply to domestic MAC cargo operations. The Board has adhered to its past procedure of determining the general burden ratio on a system basis. The carrier simply has not shown that there is a difference in the ratio of general burden that accrues to the cash costs for the MAC services than that for its system operations. The DOD objects, however, to the inclusion of fuel costs in assigning a ratio of general burden to other cash costs as distortive because the precipitous increase in the cost of fuel was not accompanied by a proportionate increase in general burden. Due to the three-fold increase since 1973 in fuel costs per gallon, we will modify, in this instance, our normal methodolgy so as to exclude fuel costs in computing the ratio of general and administrative expenses (less uncollectible accounts) to other cash operating expenses (excluding transport-related expenses).[13]

RATE OF RETURN ON SATURN'S L–188 AIRCRAFT

The established return on recognized investment of 10.5 percent plus a provision for taxes would produce return elements of 11.73 and 10.18 cents per plane-mile for Saturn's L–188 Logair and Quicktrans operations, respectively. This is about one-third of the profit margin similarly computed for ONA's DC–9 aircraft which are common-rated with the L–188 for these services.[14]

Viewed another way, ONA's profit margins for its Logair and Quicktrans services are equal to 13.5 and 14.4 percent, respectively, of its operating expenses, whereas Saturn's margins are only 4.3 and 3.9 percent, respectively. Because such a margin could easily be eliminated by a slight increase in operating costs, Saturn has requested that a return floor be established to provide the carrier an adequate return.

In previous MAC cases in which a carrier's investment in relation to the volume and cost of the services to be performed would result in a precariously low margin, the Board has established a return floor,[15] and we believe that Saturn's situation here warrants similar consideration.

In our judgment, considering the profit margin being provided for ONA's common-rated DC–9's and current cost trends, we believe a return and tax provision of 20 cents per plane-mile for Saturn's projected L–188 domestic MAC services to be fair and reasonable. As set out in Appendix D, this adjustment produces a profit-margin ratio to operating costs of approximately 10 percent for the projected common-rated DC–9/L–188 Logair and Quicktrans services.

USE OF GREAT-CIRCLE MILEAGES

We propose to continue the multi-element minimum rate structure consisting of a line-haul rate per mile flown plus a rate per directed landing. In the past, the line-haul rate was for a course-flown statute mile. The DOD has requested that the Board and carrier parties consider keying the line-haul rates to great-circle nonstop miles between the points served in domestic MAC operations. In support of its request, the DOD claims that course-flown mileages are subject to interim variations which create an administrative burden not commensurate with payment impact, and that this problem could be eliminated by establishing the line-haul rates on the basis of the great-circle mileages flown. At the conference, the carrier parties agreed that this revision would be desirable. Accordingly, the proposed rates will apply to the great-circle miles between pairs of points served.[16]

We have carefully reviewed the DOD contracts for FY 1976 and have compared the course-flown statute miles to the great-circle nonstop miles to arrive at conversion factors to be used in each class of service, by aircraft type, to provide the carriers with the same level of line-haul payments based on great-circle mileages.[17]

The following table sets forth the conversion factors to be used.

Logair		
Overseas National	DC–9–30	1.0823
Saturn	L–100	1.0412
Do	L–188	1.0777
Quicktrans		
Saturn	L–100	1.0351

RATES PER DIRECTED LANDING

As noted above, we propose to retain the multielement formula currently used in payments for domestic MAC services, including a fixed charge per directed landing, by aircraft type. The landing rate is intended to give account to cost fluctuations accompanying variations in the flight patterns during the contract year which MAC finds necessary to accommodate traffic flows. Thus, the payments are adjusted in line with changes in the number of intermediate military bases served by a flight. The landing and line-haul rates are complementary and computed to produce the projected cost. Therefore, if the compensation is to change, consistent with cost movement for alterations in flight patterns, the landing rate must reasonably represent the cost of landing the aircraft. The carriers contend that the current landing rates are inadequate and do not adequately compensate them when MAC requires additional points to be served.

The present landing rate of $150 for DC–9 and L–188 aircraft was adopted in 1967, and was later made applicable to L–100 services. The DC–8 landing rates were subsequently derived based upon a capacity relationship. Since the establishment of these rates, costs have risen considerably. In subsequent rate reviews, these cost increases flowed into line-haul rate amendments whereas the landing rates were held constant. ONA has submitted an analysis indicating current DC–9 landings now cost $256. MAC took issue with this analysis and argued at first that no definitive support had been given for any change in the landing rates. However, at the conference, MAC did concede that the current rates were probably too low.

The more than 60 percent increase in total operating expenses since the last full-scale rate review,[18] clearly indicates that the current landing rates no longer reflect landing costs, and supports ONA's contentions. We believe the carrier's position has substantial merit, and an upward adjustment to the landing rates is warranted. Moreover, it should be made clear that an increase in the landing rates is offset by a complementary reduction in the line-haul rates; thereby altering the total payments only in the event of changes in the number of points served.

Accordingly, on the basis of ONA's presentation and cost trends, we are proposing to fix a directed landing rate of $250 for DC–9/L–100/L–188 aircraft and $400 for all DC–8 type aircraft.

RATES FOR DC–8 AIRCRAFT

While the DOD does not contemplate use of DC–8 aircraft in domestic MAC services during fiscal year 1976, they do desire that a rate be established for this type of aircraft. As previously indicated,[19] the Board believes that the DOD is entitled to such rate information in evaluating the cost-effectiveness of utilizing DC–8 equipment in future domestic services. Accordingly, we have established new minimum rates for DC–8 aircraft based on the latest available reported data and an estimated operational stage length of 700 miles.

[8] ER–896, January 17, 1975.

[9] Based on effective prices as at July 1, 1975 for military fuel and June 1, 1975 for commercial fuel.

[10] If we were to use the carrier's acquisition cost of its owned aircraft, it would seem more reasonable to use only the acquisition cost of used aircraft acquired at approximately the same time as the carrier entered into the lease agreement.

[10a] November 1974 and April 1975.

[11] PS–45, p. 12.

[12] See General Passenger-Fare Investigation, 32 C.A.B. 291, 309–313 (1960).

[13] It should be noted that this is consistent with the manner in which fuel surcharges are handled. The rate is adjusted to reflect fuel cost increases but general burden is not increased.

[14] See Appendix D.

[15] See e.g., PS–28 adopted March 17, 1965.

[16] We also propose to amend § 243.8(c) to reflect that miles reported for Logair and Quicktrans charters shall be on the basis of the great-circle distance, in statute miles, between airports served, effective with the adoption of the final rule amendments.

[17] See Appendix E.

[18] ER–733, adopted May 11, 1972, effective July 1, 1971, and based on results for the year ended September 30, 1970.

[19] ER–853, adopted May 17, 1974, at page 6.

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It is proposed to amend Part 288 of the Economic Regulations (14 CFR Part 288) as follows:

1. Amend § 288.7(b) to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(b) For Logair and Quicktrans services, other than specified in paragraph (c) of this section:

Aircraft type	Line-haul rate per great-circle statute mile		Rate per directed landing
	Logair	Quicktrans	
DC-9-30/L-188C	$2.4769	$2.3513	$250
L-100-20/30	3.4667	3.5324	250
DC-8-55/61/63	4.9458	4.8351	400

2. Amend § 288.10(a) to read as follows:

§ 288.10 Computation of passenger-miles and cargo ton-miles.

(a) *General rule.* For the purposes of this part, the computation of passenger-miles and cargo ton-miles for charter service shall be based on no lesser mileage than the nonstop great-circle airport-to-airport distance, in terms of statute miles from the point of origin of the revenue flight to the point of destination of such flight, via such intermediate points as are required to be served by the terms of the DOD contract. If the direct nonstop airport-to-airport distance between the point of origin of the revenue flight to the point of destination of such flight, or between any pair of points comprising a route segment required to be served by the terms of the DOD contract, is 4,000 miles or more, and no intermediate points are required to be served by the terms of the contract, or are specified in paragraph (b) of this section, the mileage shall be computed via the routings which yield the shortest mileage.

* * * * *

APPENDIX A.—*Summary of line-haul rates for Logair and Quicktrans services by carrier and aircraft type*

	Logair				Quicktrans			
	Economic cost per course-flown mile	Line-haul rate per course-flown mile [1]	Conversion factor (app. B)	Line-haul rate per great-circle mile	Economic cost per course-flown mile	Line-haul rate per course-flown mile [1]	Conversion factor (app. B)	Line-haul rate per great-circle mile
ONA DC 9-30	$3.1079	$2.4322	1.0622	$2.6824	$2.7641	$2.1474	1.0991	$2.2228
Saturn L-188C	2.9179	2.2086	1.0777	2.3748	2.7701	2.3534	1.0851	2.4360
Saturn L-100-20/30	3.7459	3.3292	1.0413	3.4667	3.8298	3.4126	1.0351	3.5324
Capitol DC-8-55	4.3860	3.8146	1.0413	3.9721	4.2742	3.7028	1.0351	3.8328
Capitol DC-8-63	5.2316	4.6602	1.0413	4.8257	5.1127	4.5413	1.0351	4.7007
Saturn DC-8-61	6.0507	5.4883	1.0413	5.7150	6.0179	5.4465	1.0351	5.6377
DC-9-30/L-188C [2]				2.4769				2.3513
L-100-20/30				3.4667				3.5324
DC-8-55/61/63 [3]				4.9458				4.8394

[1] Total economic cost less $400 per directed landing for DC-8 aircraft and $250 per directed landing for all other aircraft types.

[2] Weighted on basis of great-circle miles per fiscal year 1976 contracts: 39.6 pct. ONA; 60.35 pct. SUN.

[3] Weighted on basis of aircraft assigned: Capitol 2 DC-8-55=25 pct., Capitol 3 DC-8-63=37.5 pct., and Saturn 3 DC-8-61=37.5 pct.

[FR Doc.75-28693 Filed 10-23-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20509]

[47 CFR Parts 2, 89]

STATIONS IN LOCAL GOVERNMENT RADIO SERVICE

Order To Further Extend Time for Filing Comments and Reply Comments

In the matter of Amendment of Parts 2 and 89 of the rules to provide for the use of frequencies 530, 1606, and 1612 kHz by stations in the Local Government Radio Service for the transmission of certain kinds of information to the traveling public.

1. On June 12, 1975, the Commission released a notice of proposed rulemaking in the above captioned matter.[1] Comments were invited on or before August 18, 1975, with reply comments due on or before September 5, 1975. Several petitions for extension of time for filing comments were subsequently filed by Halstead Communications, Inc. (Halstead), the National Association of Broadcasters (NAB) and the United States Department of Transportation (DOT). NAB requested additional time due to their vacation schedule and a large number of other filings which they were concurrently working on. Halstead and DOT requested additional time to complete experimental field testing of a radiating coaxial cable system which could be utilized under the proposed radio system. Resultantly, on August 18, 1975, the Commission released an order extending the comment and reply comment dates to October 17 and November 18, 1975, respectively.

2. A second motion for an extension of time for filing comments has now been filed by Halstead Communications, Inc. In this motion, Halstead indicates that several problems have caused delays to the field testing of the radiating coaxial cable system, which is temporarily installed near an interstate highway in North Carolina. Operational difficulties with the cable system's transmitter delayed field test commencement until September 5, 1975. Later, heavy rains from Hurricane Eloise halted all field testing operations during the period from September 15 through 22, 1975. Due to these unforeseen delays, Halstead claims it will not be able to complete tests and compile data before October 17, 1975. Accordingly, it requests that the time for filing comments and reply comments in this proceeding be further extended for fourteen days to October 31 and December 1, 1975, respectively.

3. In its order released August 18, 1975, initially extending the time period for filing comments, the Commission stated it could obtain useful information from this field test and considered it to be in the public interest to grant the extension of time. This opinion is still held by the Commission. Because of this and the fact that the time requested is not considered excessive, the motion is being granted to extend the comment and reply comment dates.

4. *Accordingly, it is ordered,* Pursuant to § 0.251(b) of the Commission's rules and regulations, that the date for filing comments is extended from October 17 to October 31, 1975, and the date for filing reply comments is extended from November 18 to December 1, 1975.

Adopted: October 15, 1975.

Released: October 17, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] ASHTON R. HARDY,
General Counsel.

[FR Doc.75-28679 Filed 10-23-75;8:45 am]

[1] 40 FR 36778, August 22, 1975.

[47 CFR Part 73]

[Docket No. 20650]

BROADCAST LICENSEES

Nondiscrimination in Employment Policies and Practices; Order Denying Request for Extension of Time To File Comments

In the matter of nondiscrimination in the employment policies and practices of broadcast licensees:

1. On July 25, 1975, the Commission released a notice of inquiry and notice of proposed rulemaking in the above captioned proceeding and publication was made in the FEDERAL REGISTER on July 28, 1975. 40 FR 16967. Comments and replies thereto were scheduled to be filed on September 11, 1975 and October 1, 1975, respectively.

2. The Corporation for Public Broadcasting filed a Motion for Extension of Time in which to file comments in this proceeding on August 29, 1975. This request was allowed by the General Counsel under delegated authority from the Commission in an Order for Extending Time for Filing Comments, adopted September 4, 1975 and released September 9, 1975, extending the time to file comments and replies thereto to October 13, 1975 and October 31, 1975, respectively. 40 FR 42578, September 15, 1975.

3. On October 6, 1975, UNDA-USA, a national Catholic association of broadcasters and allied communicators, filed a Request for Extension of Time with the Commission seeking time to file comments in the above captioned proceeding until November 19, 1975.

4. After thorough consideration of the pleading of UNDA-USA to extend the time for the filing of initial comments in this proceeding, it is determined that further delay by a grant of UNDA-USA's request would not be in the public interest to effect an expeditious termination to this proceeding, in view of the fact that sufficient time was given originally to file comments and reply comments and a 30 day extension of time was given to allow for the filing of comments. It is determined that adequate time, by virtue of both actions, has been allowed for filing of comments in this proceeding.

5. *Accordingly, it is ordered,* That the Request for Extension of Time to file comments in this proceeding by UNDA-USA is denied.

6. This action is taken pursuant to authority found in section 4(i), 5(d) and 303(r) of the Communications Act of 1934, as amended, and § 0.251 of the Commission's rules (47 CFR 0.251).

Adopted: October 10, 1975.

Released: October 20, 1975.

[SEAL] ASHTON R. HARDY,
General Counsel.

[FR Doc.75-28680 Filed 10-23-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 210]

STRIPPER WELL LEASE EXEMPTION BEGINNING NOVEMBER 30, 1975

Proposed Extension

On May 15, 1975, pursuant to section 4(g)(2) of the Emergency Petroleum Allocation Act of 1973, ("EPAA," Pub. L. 93-159, as amended, Pub. L. 93-511), the FEA submitted to the Senate and to the House of Representatives findings and a proposed amendment to the stripper well lease exemption of section 4(e)(2) of the EPAA, as implemented in 10 CFR 210.32. The amendment is designed to remove a disincentive to increased production from marginally-producing stripper well leases, which existed under the previous regulation, by providing that once a property qualifies as a stripper well lease on the basis of its per-well production for any calendar year beginning after December 31, 1972, the property will continue to enjoy exempt status, regardless of any increased production in a subsequent year.

The May 15 amendment was adopted pursuant to the procedures of section 4(g)(2) of the EPAA, which provides:

> If at any time after the date of enactment of this Act the President finds that application of the regulation under subsection (a) to crude oil, residual fuel oil, or a refined petroleum product is not necessary to carry out this Act, that there is no shortage of such oil or product, and that exempting such oil or product from such regulation will not have an adverse impact on the supply of any other oil or refined petroleum products subject to this Act, he may prescribe an amendment to the regulation under subsection (a) exempting such oil or product from such regulation for a period of not more than ninety days. The President shall submit any such amendment and any such findings to the Congress. An amendment under this paragraph may not exempt more than one oil or one product. Such an amendment shall take effect on a date specified in the amendment, but in no case sooner than the close of the earliest period which begins after the submission of such amendment to the Congress and which includes at least five days during which the House was in session and at least five days during which the Senate was in session; except that such amendment shall not take effect if before the expiration of such period either House of Congress approves a resolution of that House stating in substance that such House disapproves such amendment.

Included with the May 15 submission to Congress were the following findings, required under section 4(g)(2):

> It is clear from the legislative history, as well as from the language of the EPAA, that application of the allocation and price regulations to the first sale of crude oil produced from leases whose average daily production is 10 barrels or less per well was not deemed necessary to implement the overall congressional policy embodied in the Act.

The report of the House Interstate and Foreign Commerce Committee indicates that "pricing controls and forced allocation of [crude oil produced from stripper well leases] would unnecessarily inhibit production" since "pricing restrictions imposed under other federal authority have demonstrably had the effect of inhibiting production from such wells." The Committee clearly stated its intent "that a similar result should not be made possible by the Mandatory Petroleum Allocation Program called for [by the EPAA]."

Similarly, the legislative history of the Trans-Alaska Pipeline Authorization Act of 1973 (Pub. L. 93-153, enacted eleven days prior to the EPAA) contained a similar exemption for stripper wells, again indicating a clear congressional policy in favor of ensuring that price controls would not inhibit the continued production from these marginally-producing properties. The Senate Committee on Interior and Insular Affairs stated the purpose of the exemption as being "to insure that direct or indirect price ceilings do not have the effect of resulting in any loss of domestic crude oil production from the premature shutdown of stripper wells for economic reasons." (Emphasis added.) Continuation of the existing regulation, however, would have effects contrary to those that Congress expressly sought to achieve.

The FEA finds that there is currently no shortage of crude oil available to refiners in the United States, and that this amendment will not have an adverse impact on other products covered by FEA regulations. These findings, however, although called for by the EPAA, are not necessarily material considerations in the adoption of this amendment, which is designed to encourage the increased domestic production of crude oil from marginally-producing stripper well leases, and thereby more adequately to carry out the intent of the congressionally-mandated stripper well lease exemption. The impact, therefore, of the amendment on crude oil and other products should be simply to displace with increased domestic production the crude oil that would otherwise need to be imported in order to maintain adequate and reliable supplies of petroleum products. Continuation of the regulation in its present form, on the other hand, would effectively eliminate this potential source of additional domestic crude oil, and would tend to accelerate the decline in production from marginally-producing properties. Accordingly, the FEA finds that the continued regulation of this narrow category of crude oil is unnecessary to carry out the purposes and objectives of the EPAA, and that the effect of the amendment will be to promote the increased production of domestic crude oil, thereby decreasing the Nation's dependence on foreign supplies.

This amendment is not intended to effect any change in the method of measuring the number of barrels of production from a property or in the method of counting the number of production wells for purposes of the stripper well lease exemption. These aspects of the stripper well lease exemption were specifically treated in Ruling 1974-29 and Ruling 1974-30, neither of which is altered in any way by the amendment adopted herein. The amendment is also intended to have no effect on the continued viability of Ruling 1974-28 (Inapplicability of the "Stripper Well Lease" Exemption of 10 CFR 210.32 to Gas Wells), which the FEA is currently reconsidering in a separate proceeding (40 FR 18004, April 24, 1975).

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Insofar as the amendment might have the effect of releasing from the ceiling price some crude oil that is produced from properties that lost the stripper well lease exemption because of production levels in excess of ten barrels per well per day during calendar year 1974, the amendment will operate prospectively only. Therefore, for those properties in this narrow category, crude oil may be sold without regard to the ceiling price rule of 10 CFR 212.73, as of the effective date of the amendment. However, such producers may not retroactively increase the price of such crude oil for sales that occurred prior to the effective date of this amendment.

(40 FR 22123, 22124, May 21, 1975.)

The findings and amendment were adopted by FEA after a rulemaking and public hearing. Notice of the proposed amendment was given on February 26, 1975 (40 FR 10195, March 5, 1975), comments were received from 33 interested persons, and a public hearing was held on March 21, 1975, at which five interested persons presented oral testimony. Consideration of all the written and oral presentations led FEA to conclude that it had been correct in its preliminary analysis that the prior regulation provided a disincentive to increased production.

The amendment and findings were submitted to each House of Congress on May 15, 1975, and the five-day period for Congressional review began on May 16, 1975. The period beginning May 16, 1975 and ending June 2, 1975 included five days during which each House of Congress was in session, and during which neither House approved a resolution stating in substance that such House disapproved the amendment. Accordingly, as provided for by section 4(g)(2) of the EPAA, the amendment became effective June 3, 1975 (40 FR 24517, June 9, 1975) for a 90-day period, the last day of which was August 31, 1975.

On July 24, anticipating the expiration of the 90-day period on August 31, 1975, FEA gave notice (40 FR 31925, July 30, 1975) of the adoption of an extension—for a second 90-day period beginning September 1, 1975—of the May 15 amendment. In adopting the July 24 extension, FEA noted that the May 15 findings, although called for by the EPAA, had not been deemed necessarily material considerations in the adoption of the amendment, the purpose of which is to encourage the increased domestic production of crude oil from marginally-producing stripper well leases, and thereby more adequately to carry out the intent of the congressionally-mandated stripper well lease exemption. Therefore, the impact of the amendment on crude oil and other products was seen as simply one of displacing with increased domestic production the crude oil that would otherwise need to be imported in order to maintain adequate and reliable supplies of petroleum products. Continuation of the regulation in its pre-May 15 form, on the other hand, would effectively have eliminated this potential source of additional domestic crude oil, and would have tended to accelerate the decline in production from marginally-producing properties. Accordingly, the FEA found last July that the continued regulation of this narrow category of crude oil was unnecessary to carry out the EPAA, and that just as the effect of the May 15 amendment would be to promote the increased production of domestic crude oil, thereby decreasing the Nation's dependence on foreign supplies, the effect of the extension would be to ensure the continued increased production of domestic crude oil.

The FEA also concluded that as of last July there was no justification to depart from the conclusions reached as a result of the rulemaking proceeding and contained in the findings submitted to Congress on May 15. Moreover, just as continuation of the regulation in its prior form would effectively have discouraged a potential source of additional domestic crude oil, reversion at that time to the disincentives inherent in the prior regulation might have had the effect of forcing the premature abandonment of many projects continued or begun in reliance upon the amendment. Indeed, the amendment itself, as well as the comments and testimony received in the rulemaking proceeding, reflect the premise that, to be effective, the stripper well lease amendment must continue in its present form on an indefinite basis, so long as there is a price differential between exempt stripper well lease crude oil and other domestic crude oil.

Therefore, on July 24 FEA reaffirmed its May 15 findings and again found that (1) the application of the Mandatory Petroleum Price Regulations to crude oil produced from leases whose average daily production is 10 barrels or less per well in any year since 1972 is not necessary to implement the overall Congressional policy embodies in the EPAA; (2) there is no shortage of crude oil available to refiners in the United States; and (3) extension of the amendment will not have an adverse impact on other products covered by FEA regulations. An opportunity was afforded, however, for comment from interested persons on the action extending the amendment in order to ensure that there had been no changes in circumstances such as would affect the validity of the May 15 findings. However, due to the exigent circumstances—the term of the original amendment was to expire on August 31, 1975, and both Houses of Congress were scheduled to be in recess during the month of August—the action extending the stripper well lease amendment was sent to Congress on July 24, pursuant to section 4(g)(2). (Due to the unusual nature of the May 15 findings and amendment, which were predicated principally on the need to remove an obvious disincentive to increased production, FEA did not anticipate receiving any comments that would affect the validity of those findings and the amendment; in fact, no comments were received.)

Inasmuch as neither House of Congress took any action disapproving the July 24 extension it became effective as of September 1. (The expiration of the EPAA on August 31, and its subsequent extension on September 29, did not affect the length of the extension; see Ruling 1975–17, 40 FR 48341, October 15, 1975, for a discussion of the applicability of FEA regulations during that period. The 90-day period which began September 1 will expire on November 29.)

FEA hereby proposes to extend again, for a period of 90 days beginning November 30, the May 15 amendment to the stripper well lease exemption. There is presently no reason to question the continued validity of the May 15 findings. However, inasmuch as the exigent circumstances that prevailed last July are not present, FEA will afford interested persons an opportunity to comment on this extension prior to its submission by FEA to both Houses of Congress pursuant to section 4(g)(2) of the EPAA.

Interested persons are invited to submit data, views or arguments with respect to the extension set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box EP, Washington D.C. 20461. Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Extension of Stripper Well Lease Exemption Amendment." Fifteen copies should be submitted. All comments received by Tuesday, November 4, 1975, before 4:30 p.m., e.d.t. and all relevant information, will be considered by the Federal Energy Administration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974 ("FEAA," Pub. L. 93–275), a copy of the original February 28 notice was submitted to the Administrator of the Environmental Protection Agency ("EPA") for his comments concerning the impact of the proposed amendment on the quality of the environment. The Administrator had no comments on the proposal. During the ensuing rulemaking proceeding on the amendment, oral and written comments were received. The amendment, which was adopted on May 15, 1975 and became effective on June 3, 1975, is now proposed to be extended a second time. Inasmuch as this extension is merely a continuation of the current exemption found at 10 CFR 210.32 and in no way modifies its substantive content FEA has determined that the proposed extension is unlikely to have any adverse impact on the quality of the environment or any substantial impact on the Nation's economy or large numbers of individuals or businesses that has not already been previously commented upon and evaluated. Accordingly, the FEAA requirements of section 7(c)(2) requiring submission to EPA, and section 7(i)(1)(C) requiring a hearing have already been satisfied and neither a further submission to EPA, nor a further opportunity for oral presentation of views is necessary.

This extension has been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended, Pub. L. 93–511 and Pub. L. 94–99; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790 (39 FR 23185)).

In consideration of the foregoing, Part 210 of Chapter II, Title 10 of the Code of Federal Regulations, as amended May 15, 1975 (as set forth below), and as extended July 24, 1975, is proposed to be continued in effect for a period of 90 days or for such longer period as may be permitted under applicable law, effective November 30, 1975, unless this extension of the May 15 amendment or any portion thereof is disapproved by either House of Congress before that date.

Issued in Washington, D.C., October 22, 1975.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

Section 210.32 is continued in effect to read as follows:

§ 210.32 Stripper well leases.

• • • • • •

(b) *Definitions.* • • •

"Stripper well lease" means a "property" whose average daily production of crude oil, including condensates, per well did not exceed 10 barrels per day during any preceding calendar year beginning after December 31, 1972.

[FR Doc.75-28806 Filed 10-22-75;12:23 pm]

FEDERAL TRADE COMMISSION

[16 CFR Part 443]

HEALTH SPAS

Extension of Time To Propose Issues of Disputed Fact on Proposed Trade Regulation Rule

Notice of opportunity to propose issues of disputed fact regarding the proposed Trade Regulation Rule concerning Health Spas was published in the FEDERAL REGISTER on Monday, August 18, 1975 (40 FR 34615). The notice also set forth the text of the proposed rule and a statement of reason for the proposed rule.

In response to a petition on behalf of certain industry members, the Presiding Officer has determined, pursuant to the authority of § 1.13(c)(1) of the Commission's Procedures and rules of practice, to extend the time for proposing issues of disputed fact for a period of sixty days beyond the original closing date of October 20, 1975. Accordingly, the record in this matter will remain open for that purpose until December 19, 1975.

Proposed issues of disputed fact concerning the proposed rule should be filed with the Special Assistant Director for Rulemaking, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

Issued: October 20, 1975.

ROGER J. FITZPATRICK,
Presiding Officer.

[FR Doc.75-28659 Filed 10-23-75;8:45 am]

[16 CFR Part 454]

ADVERTISING AND LABELING OF PROTEIN SUPPLEMENTS

Extension of Time To Propose Issues of Disputed Fact on Proposed Trade Regulation Rule

Notice of opportunity to propose issues of disputed fact regarding the proposed Trade Regulation Rule concerning the Advertising and Labeling of Protein Supplements was published in the FEDERAL REGISTER on September 5, 1975 (40 FR 41144). The Notice also set forth the text of the proposed rule and a statement of reasons for the proposed rule.

The Presiding Officer has determined, pursuant to the authority of § 1.13(c)(1) of the Commission's Procedures and Rules of Practice, to extend the time for proposing issues of disputed fact for a period of twenty-four days beyond the original closing date of November 7, 1975. Accordingly, the record in this matter will remain open for that purpose until December 1, 1975. General comments on the rulemaking proposal (that is, submissions other than those proposing disputed issues of fact) will continue to be received until at least 15 days following publication of a "final notice" in this proceeding.

Proposed issues of disputed fact concerning the proposed rule should be filed with the Special Assistant Director for Rulemaking, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

Issued: October 21, 1975.

CHRISTOPHER W. KELLER,
Presiding Officer.

[FR Doc.75-28738 Filed 10-23-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 30]

PERSONS USING SPARK GAP IRRADIATORS CONTAINING COBALT-60

Proposed Exemption

By letter dated May 18, 1973, the Ray Burner Company of San Francisco, California, filed a petition for rulemaking (PRM 30–54) with the Atomic Energy Commission requesting amendment of § 30.15 of the Commission's regulation, 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," to exempt from the licensing requirements of Part 30 spark gap irradiators containing not more than 1 microcurie of cobalt-60 in plated or alloy form.

A spark gap irradiator is a passive device needing no external source of power. It is attached near a spark gap (used as an electric ignitor in a fuel oil burner) to enhance reliability of ignition and safety during the ignition sequence by utilizing particular radiation emitted by radioactive material to maintain an ionized atmosphere between the spark gap's electrodes and thus is efficient in preventing spark delay. Other methods of preventing spark delay (photoionization, thermionic emission, spark-ignited gas pilot flame) are available but they are less efficient and disruptive in the hot oil-burner environment.

It is estimated that ignition failure followed by ignition of fuel accumulation causes 60 percent of the explosions, including "furnace puffs", in automatic and semiautomatic-lighted boiler furnaces. Damage to property caused by individual explosions is generally proportional to the size of the boilers involved. In typical applications, the spark gap irradiators are used in boilers, power plants, and other heavy duty equipment, but not in private home furnaces or internal combustion engines.

Estimates furnished by the petitioner indicate that the potential market for spark gap irradiators containing cobalt-60 is approximately 6000 per year. The petitioner has also noted that in any given year perhaps 1 percent of the installed spark gap irradiators might prevent small explosions, furnace puffs, and near misses that might otherwise occur. The result of such occurrences would usually consist solely of damage to the boiler-furnace enclosure, with the amount of this damage to the enclosure estimated to range from negligible to a high of $2000 and an average of about $1000. This information would indicate that spark gap irradiators would bring an appreciable savings to their users.

Fuel explosions caused by ignition failure usually result only in damage to the boiler-furnace enclosure itself; however, it is possible that such a failure may lead, directly or indirectly, to a fire with consequent extensive damage to property or even loss of life. Although the NRC staff has no direct statistics on incidences of fires from delayed ignition, data are available as to the frequency with which fires are caused by general malfunction in heating systems. For example, tabulations of fire causes in the National Fire Protection Association's "Fire Protection Handbook," thirteenth edition, 1969, show that oil-fired heating and cooking equipment cause 4.7 percent of the fires in apartments, 1.2 percent of the fires in banks, 14.1 percent of the fires in boarding houses, and 3.0 percent of the fires in hotels.

Based on the above, it is the engineering judgment of the NRC staff that the use of spark gap irradiators may in at last a few cases prevent fires that could result in extensive property damage or even loss of life.

The spark gap irradiator described in the petition is a circular spring with the cobalt-60 electroplated on a flattened end. The spring is clipped onto the burner nozzle so beta particles emitted by the cobalt-60 will ionize the air in the ignitor's spark gap. Cobalt-60 provides adequate ionization in spark gaps over the 15-year useful lifetime of an oil burner, delivers small beta particle and gamma ray does to man (from an initial 1 microcurie of activity), and provides secure attachment to the irradiator in the hot environment of oil-fired furnaces because the cobalt-60 can be electroplated as a thin metallic layer having about the same coefficient of thermal expansion as the spring itself.

Based on 1 microcurie of cobalt-60 per spark gap irradiator, it is estimated that the radiation dose to the hands of an

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installer may approach 550 millirems per year beta particle dose and 140 millirems per year gamma ray dose. The gamma ray dose to the gonads may approach 5.4 millirems per year under the conditions set forth in the proposed amendment. Similarly, for the disposal personnel, the estimated beta particle dose to the hands may approach 120 millirems per year and the estimated gamma ray dose to the gonads may approach 0.1 millirem per year. Evaluation of the potential exposure of individuals, including distribution personnel, who might handle such spark gap irradiators indicates that they would not receive more than 16 millirems per year to the hands and 0.3 millirem per year to the gonads.

The doses estimated above are small and well within the dose limits for individuals specified by NRC regulations (10 CFR 20.105). They are a small fraction of the dose limits recommended by the radiation protection guidance of the Federal Radiation Council and the International Commission on Radiological Protection.

The small quantity of activity per spark gap irradiator and the relatively short half-life of the radioactive material involved would assure that only very small quantities of radioactive material would eventually be released to the environment. Based on the market estimate of 6000 per year for spark gap irradiators, about 0.006 curie of cobalt-60 would be distributed per year. The cobalt-60 activity originally present in the spark gap irradiators will decay to a much smaller quantity of activity during the useful lifetime of the irradiators, so that only a fraction of 0.006 curie per year could be released to the environment from the ultimate disposal of fuel oil burners containing spark gap irradiators.

In consideration of the foregoing, the proposed amendment which follows would add a new paragraph (a)(10) to § 30.15 exempting from licensing and regulatory requirements the receipt, possession, use, transfer, export, ownership and acquisition of spark gap irradiators containing not more than 1 microcurie of cobalt-60 per spark gap irradiator for use in electrically ignited fuel oil burners.

The proposed exemption would not apply to the manufacture or import for sale or distribution of the spark gap irradiators. Criteria for the issuance of a specific license to conduct such activities and quality control and reporting requirements are set forth in §§ 32.14, 32.15, 32.16, and 32.110 of 10 CFR Part 32, "Specific Licenses to Manufacture, Distribute, or Import Certain Items Containing Byproduct Material." Prototype tests for spark gap irradiators containing cobalt-60 would not be specified in the regulation. Applicants for specific licenses are required by § 32.14(b)(4) to submit procedures for and results of prototype tests. The Nuclear Regulatory Commission would either approve the tests or require submission of acceptable tests to demonstrate that the material will not become detached from the product and that the byproduct material will not be released to the environment under the most severe conditions likely to be encountered in normal use of the product. The testing requirements would be incorporated into the specific license.

The proposed amendment, in effect, would make the manufacturer or importer responsible for providing an approved product for use in electrically ignited fuel oil burners. The requirement for use in electrically ignited fuel oil burners would be met prior to the transfer of the product for use under § 30.15 by conditioning each specific license issued to the manufacturer or importer with the requirement of incorporating a spark gap irradiator containing not more than 1 microcurie of cobalt-60 in either an electrically ignited fuel oil burner or a container labeled with instructions for installation in such a burner. In addition, the manufacturer or importer would be authorized to transfer these spark gap irradiators to a person holding a specific license provided such specific license contains similar transfer conditions to meet the end use requirements of the exemption. The subsequent possession, use, and disposal by all other persons would be exempt from licensing and regulatory requirements of the Commission.

Historically, Ray Burner distributed for many years, under specific licenses from the AEC and later the State of California, cobalt-60 in spark gap irradiators to persons generally licensed under § 31.4 of the AEC's regulation, 10 CFR Part 31, "General Licenses for Byproduct Material," or equivalent Agreement State regulations. The AEC revoked § 31.4 effective September 25, 1971. The effect of revoking § 31.4 limited distribution of products previously distributed under that general license to specific licensees or to persons exempted or generally licensed by other provisions of 10 CFR Parts 30 or 31 or equivalent Agreement State regulations. Also, by the terms of a § 30.18(b), any person who possesses byproduct material received or acquired prior to September 25, 1971, under the general license then provided in § 31.4 is exempt from licensing and regulatory requirements to the extent that such person possesses, uses, transfers, or owns such byproduct material.

Under the provisions of § 150.15(a)(6) of 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274," the transfer of possession or control by persons in Agreement States who manufacture, process, or produce spark gap irradiators containing cobalt-60 for use by exempt persons would be subject to the Commission's licensing and regulatory requirements, even though the spark gap irradiators are manufactured under an Agreement State license. Such manufacturers, processors, or producers wishing to transfer possession or control of spark gap irradiators containing cobalt-60 for use by exempt persons would be required to obtain a specific license issued by the Commission under § 32.14 of 10 CFR Part 32.

Pursuant to the National Environmental Policy Act of 1969, and the Commission's regulations in 10 CFR Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," the Commission's Office of Standards Development has prepared a draft environmental impact statement in connection with this proposal to amend Part 30 of the Commission's regulations. The statement is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Single copies of the statement (NUREG–75/086) may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Office of Standards Development.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 30 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment and draft environmental impact statement should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by December 8, 1975. Copies of comments on the proposed amendment and draft environmental impact statement may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Section 30.15 of 10 CFR Part 30 is amended by adding a new paragraph (a)(10) to read as follows:

§ 30.15 Certain items containing byproduct material.

(a) Except for persons who apply byproduct material to, or persons who incorporate byproduct material into, the following products, or persons who import for sale or distribution the following products containing byproduct material, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30–36 of this chapter to the extent that such person receives, possesses, uses, transfers, exports, owns, or acquires the following products:

* * * * *

(10) Spark gap irradiators containing not more than 1 microcurie of cobalt-60 per spark gap irradiator for use in electrically ignited fuel oil burners.

(Secs. 81, 161, Pub. Law 83-703, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201); sec. 201, Pub. Law 93-438, 88 Stat. 1242 (42 U.S.C. 5841))

Dated at Washington, D.C., this 20th day of October 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-28774 Filed 10-23-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

ANTIDUMPING: RECHARGEABLE SEALED NICKEL-CADMIUM BATTERIES FROM JAPAN

Determination of Sales at Not Less Than Fair Value

Information was received on December 24, 1974, that rechargeable sealed nickel-cadmium batteries from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of January 24, 1975, (40 FR 3790).

On the basis of information before the Customs Service at that time, a "Withholding of Appraisement Notice" was published in the FEDERAL REGISTER of July 24, 1975 (40 FR 30993), wherein sales of the subject merchandise by Matsushita Electric Industrial Company were specifically excluded.

A statement of reasons was published in the above-mentioned notice and interested persons were afforded an opportunity to make written submissions and to present oral views. Counsel for the other exporter investigated, Sanyo Electric Trading Co., Ltd. provided additional information which indicated that further adjustments to the home market price were justified for direct labor and assembly costs.

After consideration of all written submissions and oral arguments, I hereby determine that for the reasons stated below, rechargeable sealed nickel-cadmium batteries from Japan are not being, nor are likely to be, sold at less than fair value within the meaning of section 201 (a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this determination is based. The information available indicates that the proper basis of comparison for fair value purposes is between purchase price or exporter's sales price, as appropriate, and the adjusted home market price of such or similar merchandise.

Purchase price was calculated on the basis of either the f.o.b. Japanese port price, with deductions for applicable delivery costs or the U.S. price, with deductions for selling expenses incurred in the United States, U.S. duty, ocean freight, import charges, shipping in Japan, export department expenses, and inland freight charges.

Exporter's sales price was calculated on the basis of the resale price to unrelated purchasers in the United States, with deductions for selling expenses incurred in the United States, U.S. duty, ocean freight, import charges, shipping in Japan, export department expenses, and inland freight.

The adjusted home market price was calculated on the basis of the weighted average delivered prices in Japan. Deductions from these prices were made for the applicable inland freight costs, interest costs, and, where applicable, for differences in the costs of materials, direct labor and assembly. Adjustments were also made for differences in packing costs, and, where appropriate, for selling expenses which were limited to the actual selling expenses incurred in the United States.

Using the above criteria, purchase price or exporter's sales price, as appropriate, was found to be not less than the adjusted home market price of such or similar merchandise sold in Japan during the period of investigation.

This determination and statement of reasons therefor are published pursuant to § 153.33(c) of the Customs Regulations (19 CFR 153.33(c)).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

OCTOBER 22, 1975.

[FR Doc.75-28840 Filed 10-23-75;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES V. MANUFACTURERS AIRCRAFT ASSOCIATION, ET AL.

Written Comments Upon Consent Judgment and Department of Justice Responses Thereto

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, the following written comments on the proposed judgment filed with the United States District Court in the Southern District of New York in Civil Action No. 72 Civ. 1307, United States of America v. Manufacturers Aircraft Association, et al., were received by the Department of Justice and are published herewith, together with Justice's responses to the comments.

Dated: October 20, 1975.

THOMAS E. KAUPER,
Assistant Attorney General, Antitrust Division.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

United States of America, plaintiff, v. Manufacturers Aircraft Association, Inc., et al. Defendants. Civil No. 72 Civ. 1307: Mel.

RESPONSE TO THE COMMENTS OF E. BURKE WILFORD

Pursuant to the *Antitrust Procedures and Penalties Act* (15 U.S.C. 16 (b)–(h)) the United States files this response to the comments and petition of E. Burke Wilford relating to the proposed Consent Judgment in this action.

1. Mr. Wilford urges that it is in the public interest that this case be tried. Mr. Wilford is an inventor who claims that he has been injured by the practices alleged in the complaint filed by the United States in this action.

If this case were to go to trial and if the United States were to prevail, Mr. Wilford could use such a judgment as *prima facie* evidence of a violation of law in a subsequent treble damage action which he might bring. It would remain, of course, for Mr. Wilford to prove in any such action that he was damaged by the violation and the extent of those damages.

2. The proposed Consent Judgment provides for the dissolution of the Manufacturers Aircraft Association, cancellation of licenses issued pursuant to the cross-license agreement, and much additional relief. There can be little doubt that it is in the private interest of Mr. Wilford for this case to proceed to trial. Plaintiff urges, however, that the public interest is not thereby served. First, the public will by the proposed Consent Judgment receive full and adequate relief from the offenses charged in the complaint. Were the case to be tried, long delay in obtaining the relief that the proposed Judgment affords immediately, would be inevitable.

Defendants vigorously argue that the MAA license agreement is not unlawful; while the United States is confident that its view of the law is correct, no useful purpose is served in submitting the issues to a long trial when full relief can be achieved immediately upon consent. A trial would be expensive to the public as well as to defendants and would add to the congestion in our courts.

3. Mr. Wilford is, of course, not without remedy. He may bring an action under the antitrust laws for treble his damages plus reasonable attorneys' fees. The chief element of proof of the conspiracy which he alleges is the Manufacturers Aircraft Association Amended Cross License Agreement. This agree-

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ment is a matter of public record in this action.

Dated: October 17, 1975.

LEWIS BERNSTEIN,
Attorney,
Department of Justice.

JOHN L. WILSON,
Attorney,
Department of Justice.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

United States of America, Plaintiff, v. Manufacturers Aircraft Association, Inc., et al. Defendants. Civil No. 72 Civ. 1307: Mel.

RESPONSE TO THE COMMENTS OF DR. LESLIE ERENYI

Pursuant to the *Antitrust Procedures and Penalties Act* (15 U.S.C. 16 (b)–(h)) the United States, Plaintiff in this action, makes the following response to the comments of Dr. Leslie Erenyi.

1. In a rambling and confused stream of consciousness presentation, Dr. Erenyi imprecisely alleges various conspiracies and criminal actions by the defendants including deprivation of Dr. Erenyi's civil rights. Putting the comments into some order and logical sequence, it appears that Dr. Erenyi alleges that he is the developer of certain concepts and systems useful in the defense of the United States; he alleges that he sought to develop and exploit these concepts and systems jointly with defense contractors and to receive equitable remuneration for this contributions. He alleges that he was prevented from doing so by reason of actions of some or all of the defendants in this case. Dr. Erenyi urges that this case be tried in order to fully disclose the alleged wrongful acts of the defendants. He does not object to specific portions of the Judgment nor does he propose specific additional relief.

2. Contrary to Dr. Erenyi's allegations, he submitted no facts nor arguments which affected the decision to bring this law suit. In response to Dr. Erenyi's other comments the United States believes that trial of this case would serve no useful purpose of public disclosure. This action alleges that a patent licensing agreement amongst the defendants was unlawful. That agreement and interpretative bulletins have been filed with the Court as Appendix I and II to the Judgment. Thus the principal item of evidence in the case is before the court and a matter of public record.

Were the case to be tried, the additional evidence to be proffered by plaintiff would seek to show the anticompetitive effects which resulted from the existence of this agreement. Plaintiff had no intention of introducing at trial any evidence regarding the specific transactions, if any, between Dr. Erenyi and any of the defendants. We are not aware of any evidence which would disclose criminal violations by defendants.

Plaintiff anticipated that it could produce evidence to show that the MAA license agreement did, in fact, reduce the incentives of the defendants to develop or purchase patentable inventions. We recognize, however, that defendants could have produced considerable evidence to show that they did in fact acquire many patents by purchase or by their own research and development. Much time and effort would be required for the United States and for the defendants to gather and introduce such evidence. Submitting such evidence in open court would require many days of trial. Plaintiff believes no useful public purpose would be served by presentation of such evidence in open court. This is particularly true, when as here, full and adequate relief is available upon consent. This relief includes dissolution of Manufacturers Aircraft Association and cancellation of the MAA Amended Cross License Agreement.

3. If Dr. Erenyi has been injured in his business or property by reason of a violation of the antitrust laws by the defendants, he may recover treble his damages plus reasonable attorneys' fees in an action under the antitrust laws.

Dated: October 17, 1975.

LEWIS BERNSTEIN,
Attorney,
Department of Justice.

JOHN L. WILSON,
Attorney,
Department of Justice.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

United States of America, Plaintiff, v. Manufacturers Aircraft Association, Inc., et al. Defendants. Civil No. 72 Civ. 1307: Mel.

COMMENT OF E. BURKE WILFORD ON PROPOSED CONSENT DECREE

1. E. Burke Wilford is an individual residing at Linden Lane, Merion Station, Pennsylvania 19066, who developed the patents listed in Exhibit "A" (cyclic control) and those listed in Exhibit "B" (Cantilever rotor or hingeless joint) at a cost of $146,000.

2. Piasecki Aircraft Corporation (hereafter "Piasecki") purchased the said patents from Wilford and, in consideration for the patents, transferred to Wilford 3,000 shares of Piasecki stock and agreed to pay him a royalty of one-half of one percent (½%) on the use of said patents under licenses to others.

3. Piasecki joined the Manufacturers Aircraft Association and subsequently became the Vertol Division of Boeing Aircraft Company, one of the Defendants herein.

4. Wilford is informed, believes and therefore avers that other individual inventors, holding other aircraft patents, have entered into similar arrangements with the Defendants in this action.

5. Piasecki or Boeing and the Manufacturers Aircraft Association have never paid Wilford any royalties pursuant to the aforesaid agreement. Wilford is informed, believes and therefore avers that the Defendants have similarly failed to pay such royalties to numerous other inventors in similar situations.

6. The proposed Judgment by Consent Decree is inadequate and inappropriate because it will effect the dissolution of the Defendant, Manufacturers Aircraft Association without providing any vehicle for forcing that Association to account for such unpaid royalties to Wilford and other similarly situated inventors to their great detriment and injury.

Wherefore, Wilford prays this Honorable Court to withhold its approval of the Consent Decree proposed herein.

OBERMAYER, REBMANN, MAXWELL,
& HIPPEL

JOHN P. MCKELLIGOTT, *Esquire,*
Attorneys for E. Burke Wilford.

PATENT NUMBERS—EXHIBIT A

1,777,678	2,068,618
reissued	2,080,522
18,358	2,068,617
1,975,124	2,106,783
2,025,561	2,106,830
1,957,813	2,136,165
1,736,300	2,143,688
2,068,616	2,155,881
2,045,623	2,161,801

PATENT NUMBERS—EXHIBIT B

1,736,299	1,848,555
1,772,686	1,950,424
1,777,282	2,089,989
1,833,338	

ADDITIONAL PATENTS STILL INFORCE

#2,961,051 Cantilever Rotors with restraint E. B. W. & H. E. Lamont Jr.

#3,285,538 Fan-jet Installation for Producing Airfoil Body Lift, owned by Mrs. V. J. Burnelli etc.

Also other airplane designs and patents of the member of the Aircraft Pioneers, Amer. Soc. of Inventors, etc.

Leslie Erenyi
P.O. Box 2658
Los Angeles, Cal. 90028
Petitioner

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

United States of America Plaintiff, v. Manufacturers Aircraft Association, Inc., et al. (Northrop Corp., etc.). Civil No. 72 Civ. 1307: Mel. Comments and Petitions by Leslie Erenyi, re. Proposed Consent Judgment.

Under the purview of the Antitrust Procedures and Penalties Act "Comments" on the Proposed Consent Judgment (dated July 15, 1975) and Petition (I) to the Justice Department Antitrust Division to withdraw its consent thereto; and Petition (II) for carrying on subject matter litigation of vital national defense and security-relevancy through its originally intended, crucial and indispensable trial phase and onto a definitive adjudication thereof; and Petition (III) to amend complaint, in collaboration with Petitioner, to incorporate, explicitly, 95–98% of actionability of pertinent antitrust conspiracies and industrywide practices only implicitly challenged by it; and Petition (IV) to the court to reject the proposed consent judgment; and Petition (V) to grant a hearing in open court to afford oral presentation and arguments with supporting documents in opposition to the Proposed Consent Judgment, by Leslie Erenyi. Please insert: 'solely capable of achieving its (presumed) "good-faith" objectives'.

It is with great reluctance and a deep sense of sorrow and apprehension that Petitioner finds himself unavoidably compelled, finally, to resort to a much dreaded series of long-anticipated actions heretofore advisedly deferred and abstained from, the present "Comments and Petitions" constituting the opening salvo thereof.

It was long hoped-for and diligently oft' attempted by Petitioner to prevail through his intensive and constructive, almost a decade of interactions with the responsible constitutional institutions and authorities of this Country engulfed in the complex controversies constituting the crux proper and derivatives and periferics of subject matter litigation, in avoiding the necessity of just such a, never timely, eventuality; i.e. an ultimate confrontation, as deplorable termination of an albeit woefully slow and arduous, by the nature of things, often strained and exasperating, nonetheless an amicable and constructive, collaborative rapport, in mutual respect, nurtured in a salutary evolutionary process aimed at the betterment, correction and general, controlled progress of our society and governing institutions and their all too essential and crucial amicable interactions.

In particular, Petitioner deplores the potentially inexorable ultimate confrontation, a dreaded reversal of a heretofore parallelly inclined, collaborative alliance having prevailed since the inception of subject action, into a quasi adversary rapport with the Justice Department's Antitrust Division, brought about by its ultimate capitulation, or at least a pro forma and hopefully reluctant yielding to a presumably critical concerted political and never too overestimated special interest pressure, in becoming an albeit reluctant critical party to subject Proposed Consent Judgment. Pending withdrawal on its own, or a judicious, responsible intervention of an alert and sophisticated Court, the Antitrust Division, in so doing, for the time being, exposed to grave jeopardy an estimated 95–98% of the subject Cause of vital national security and defense-interest relevancy, deferring it to be definitively adjudicated within a reasonable, never too early, time.

Furthermore, in so doing, the Antitrust Division has aggravated Petitioner's original and long-standing dilemma regarding the advisability of exposing prematurely and to all risks and perils a more nearly full and specific written (thus abusable etc. passive, "hapless", devoid of a "fighting chance" etc.) tensive personal experiences, a wealth of tenive personal experiences, a wealth of painpainstakingly accumulated and elicited, adduced and apprehended incontrovertible material and incriminating evidences, and contemplated simple, straightforward, definitive and efficace remedying measures and restructuring propositions via judicial, regulatory and legislative means, to a not quite guaranteed and/or all-reliable and steadfastly enduring or fully autonomous ally; (to wit, to irrevocably engage and deploy into an untimely battle, over an unfathomable, unreconnoitered battlefield, precious secret weapons in the trust of untested ally . . ., etc.); especially in a historic conjuncture of extreme volatility and complicated miscarriaged pregnancy . . .; adverse faring thereof, overwhelming, lest in case of irremediable prejudice, preemption, discovery, etc. should fatally burden their ultimate prevailance.

Such is the aggravated case now, when in the face of a pro forma or de facto, but maybe reversible settlement disposition Petitioner's conscience, responsibilities and duties, and vested interest would dictate an unreserved maximum deployment of our combative arsenal, in an acutely uphill and disadvantaged fight, to turn the tide, in extremis, and "in desperation of cause"; running the inadmissible risk of being swept away and under by the sheer momentum and vested interests (of psychological and pragmatic character) riding upon a "fait accompli" settlement-inclined wave-crest; irreparably prejudicing and impairing, preempting Petitioner's legal posture, which, under the circumstances will be all the more called upon to assert itself for the vindication of the vital National Security and Defense interests at issue.

After much soul-search it is Petitioner's determination that such a course of action is acutely contraindicated, at this instance, and that a mitigative, buffer measure must, against all odds, be attempted, with full reliance on the intrinsic integrity, good-faith disposition, sense of duty and responsibility of the Antitrust Division, its correct perception and assignment of order of priority of its allegiance and loyalty toward the competing interests . . .! and ultimately on the wisdom and honor of the Court.

It is in this spirit and determination, that Petitioner deems to be compelled to put forth the following mixed peremptory, and of necessity, perfunctory "Comments" on the Proposed Consent Judgment, in conjunction with the above-captioned hereby respectfully submitted Petitions (I), (II), (III) to the Justice Department Antitrust Division; Petitions (IV), (V) to the Court, by this reference thereto.

In doing so, and in support thereto, Petitioner hereby asserts, invokes, claims, etc., in addition to those stemming from the relevant provisions of the Antitrust Procedures and Penalties Act, legal standing, prerogatives, duty, etc. in his quality as concerned citizen of the U.S., as Amicus Curiae, as one vitally interested party in the outcome of subject Litigation, as one who preponderantly or even decisively contributed to the inception, initiation and evolution of subject Action and has been engaged in intensive efforts to subject the pertinent, associated, background, periferial and incidental etc. grave controversies to congressional, executive, regulatory, judicial and public-opinion scrutiny, in the course of which he assumed great risks and perils and withstood the most unspeakable, unthinkable series of concerted countermeasures criminally conspired for, instigated and orchestrated by the primarily implicated and incontrovertibly incriminated Defendant Northrop Corporation which, for years, resorted to the most reprehensible, odious actions of its own, and enlisted, marshalled, subverted and perverted our constitutional institutions and other entities, including and beginning with the Presidency of the United States, eliciting, provoking a series Administrative, Diplomatic, Judicial astrocities in the context to Obstruct Justice and silence and liquidate Petitioner; such criminal conspiracies are warranted and material to be pointed out here, as they reflect upon the utmost seriousness and desperate character of the defensive reactions of the Defense Industry, especially of the most critically engaged Northrop Corporation, to the crucial challenge, represented in part, by the subject Antitrust Action, all the more so, since its critical relevance to vital National Defense and Security Interests, after the repeated personal "crisis-meeting" rapports through the years, can not be claimed to have escaped their realization, and that they, consequently, engaged knowingly and willfully in criminal conspiracies to Obstruct Justice and other warranted legitimate scrutinies of an Industrywide Conspiracy and practices which have the effect of aiding, comforting, abetting the (potential) enemy, thus treasonable; so indulged in by those whose primary concern and devotion is reasonably expected and naturally presumed to be for the most effective and expeditious, unhampered constant improvement of the Nation's Defense Posture!

Before Petitioner puts forth a number of specific remarks and observations on the subject Antitrust Action brought by the United States against the major Defense Contractors of this Country, a brief review of his reasonably presumed role and interactions will be in order.

In 1959 Petitioner commenced a conscious effort to explore the possibilities of an effective and equitable contribution on his part to the national defense effort. To this end he engaged the interest of several Research and Development Laboratories, Directorates etc. of the Defense Department, with a number of original concepts, ideas, projects etc. deemed to have potential applicabilities in the domain of National Defense, along with the indication of the availability of a great number of yet undisclosed projects etc. of even much more importance and consequences. The manifested interest was far beyond the expected, and enthusiastic discussions, conferences ensued as to the methods by which a constructive, intimate collaboration could be effected, on an equitable basis, in the course of which very flattering and well-remunerated offers for positions, associations, consultantships etc. were tendered, with a certain expressed embarrassment, nonetheless, as to the apparent lack of satisfaction of the "equitable" requirement. Along those lines, within the Military's own powers, was contemplation of several R&D Contracts to be awarded to Petitioner, in the expectation that ultimately the process might progress to a full-fledged R&D & Manufacturing enterprise, a la analogy of other celebrated Defense Contractor Firms "built around" certain creative individuals, which, at that level already meets the criterion to be "equitable".

Petitioner, all the while cooperating in tentative efforts to that end, with nonetheless goodnaturedly expressed missgivings as to the realistic feasibility of this approach, with the contemporary complex and red-tape hampered industrial-giant-oriented Military Contract-awarding procedures in mind etc., began to advocate the only rational, feasible, practical, and most of all, the only expeditious and warranted approach, to with, that with the already established Military Contract-awarding intentions and associated great interest toward unreserved tapping of the indicated creative potentials for the National Defense Effort, the Major Defense Contractors should be the natural processors of those concepts and projects, and even on a best-qualified basis, etc. regarding the specificities of certain of the projects, logically and routinely following Contract-awarding procedures toward the main Defense Contractors, in "farming-out" the Projects to the best qualified, etc. bidder etc. for their "processing". To this straightforward approach the most peculiar and bizarre, disturbing and unbelievably rigid and "entranched" "System Characteristics" were opposed, revealed, demasked, smoked-out, etc., with nonetheless embarrassment as to the Military (Governmental) authorities' elicited bewildered realization thereof, the gist of which could be put as follows: the Defense Industry, with the singularity of purpose which is theirs, and the tremendous power they wield, through the decades, surreptitiously and albeit imperceptibly, through innocuous-looking, dissociated legislations, executive-orders, directives and "policy-ordained" routines etc. etc., gained such overwhelming ascendance over their Military Partner in the celebrated "Military-Industrial Complex", its infra and superstructure so intrinsically evolved and shaped to their own designs and "policies", as

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to render any such above described "reasonable" approach, in so utter contravention to their fundamental and ingrained policies and designs, squarely out of the realm of possibilities, indeed a prohibited, an outlaw approach. Tentative and gradually more vigorous Military pressure, while outside, and even more alarming while, tentatively, inside the Defense Industry (on instance, Petitioner, reluctantly, but with adequate-looking special provisions toward his end, having yielded to an employment-connected modus operandi with the Northrop Corporation) to break the de-facto and declared and documented boycott of Petitioner's (and of course everybody else's "Proprietary" ideas, projects etc., even in the face of expressed previously already established Contractual Military interests toward them, and pressure for their processing having increased to intolerable levels and repercussions.

These and associated most revelatory other experiences, innumerous prior and subsequent testing of the "System", powerfully ferreted out an incontrovertible, intransigent iron-clad rule of the "game", to wit: "either you release into The Pool, and unconditionally, without any say-so as to its fate, or even connection with, your, even the most valuable or important military- or defense-connected, project, idea, concept, etc., we don't play . . ."!

By the term Pool, since they dare to speak only for themselves, ostensibly they imply the "microcosmos" (of the most totalitarian, autocratic and almost literally life-or-death deciding kind imaginable) community of the Corporation in question, as a rule of caution; but upon occasion one finds open, blatent, cynical admission of full reliance on their part, indeed the crucial feature of the enforceability of such "rules of the game" that none of the other Pools either will break them.

Based on these experiences over the years, Petitioner fully realized that an inadmissibly, noxcious, mortal "System-deficiency" ravages the effectiveness, efficacy, economy; and fatally jeopardizes the ultimate objectives of the National Defense Effort.

Furthermore, and most significantly, the veritable, true motivations behind all this was discerned and firmly identified, which are indeed the only "rational" ones, all other popularly held attributions, upon analysis, for which the sophisticated Defense-Industry executives are deemed quite capable, reveal themselves as "bad business practices". Since the specificity and esoteric character of the subject matter are, indeed acute, we simply can not expose herein a treatise on the matter, the general complexity, intricacy extreme particularities of the Defense-Contracting activities need to be correlated with specific "business" attributes of the Defense-Industry, to render self-evident and incontrovertible our finding: that the true, veritable motivation behind all this is a patently dishonest, callous, irresponsible criminal and treasonable one, to wit: to defraud the United States, to misapply, deliberately sidetrack onto more profitable hardware-yielding or weapons-system-yielding Research & Development defense allocations, to withhold, defer potential or de-facto breakthroughs until the obsolete systems yield the optimum benefits to the Industry as a whole; to skim, at their leisure, from the Pool, (individual and collective, as connected with equalizing funnels, on the surface or equally effective, underground; one of the more visible and almost "decoy-character", ostentatious one, constituting the Grip or Hold by which the Antitrust Division undertook to shake the Conspiracy under scrutiny, as intensively advocated, urged by Petitioner in the summer of 1970 and ever since), the best, the cream of the concepts and ideas etc., (having summarily expropriated them from their creator without consideration or any equitable arrangement whatsoever), to subject them to "inhouse" processing, secreted away from the Military, for much later, opportune assertion of Proprietary Claims against the Military, if successful, whereas if not, to offer them up to the Military for R & D funding, along with the others in the Pool a priority deemed or found unfeasible unprofitable or worthless; and using abusing them as Interminable R & D "Milk-Cows"; etc. etc., in short:

To abuse, pervert and prostitute the concepts, ideas and projects; subjugating them to a scheme of defrauding the United States of the R&D Appropriations and dishonestly steer the ultimate weapon developments to more profitable and optimum business-yield systems, all of which is rendered possible only by a total control of Research & Development activities and policies industrywide, individually and collectively adhered-to, elementary prerequisite of which is the total deprivation of any and all legal standing of the originator of the idea.

Beyond the obvious, harmful and even dangerous effects of subject conspiracies, as stemming from the fraudulent motivations, there are nonetheless serious and dangerous secondary effects imposed upon our Defense Effort, namely the practically total removal of any incentive, stimulus, even inspiration for creative activities amongst the so deprived members of the scientific and technological community of this Country, which is shockingly alienated, even hostilized as consequence of the utterly inequitable treatment it receives from the, particularly, Defense Industry. (Indeed, a surprising, but most significant! gradation is easily discernable between the Defense Industry Conglomerate proper, and the corresponding relevant attitude of the Consumer-oriented Industry; where the latter is much more receptive to propositions incorporating demands for equitable arrangements, whereas the Defense Industry is absolutely unyielding in its intransigence . . . , which fact in itself being shockingly paradoxical and intolerable, unjustified, quasi criminal even on its face; reflects upon the undisputable existence of a conspiracy, combination etc.). If, in spite of the generally apathetic lack of creative incentive, stimulus, etc., sufficiently "practicable" inventions are made, a several years-long ordealsome enterprise is desperately undertaken to try to prevail with it "from the garage" in ludicrous pursuit of the pertinent technical variety of the "american dream" of yesteryears; sacrificing, in the process, saving, job, family-concord, self-respect, etc., etc., until finally he decays and resentfully submits to the imposed "rule of the game"; conservative estimate of the delay so introduced between the inception of a concept and its ultimate "success" or "processing" within the Pool, as described, is 3–5 years. Clearly atrocious handicap for the United States Defense Effort! Consequences of long-run character are also mentionable in the domain of unsalutary social evolution, further militating against subject conditions.

Petitioner, in full realization of the above considerations, encouraged, "coached" by dedicated Defense Department officials and many other governmental and private entities, convinced of acting in the best recognized and vital interest of the United States, undertook an intensive and sophisticated campaign of openly and officially challenging the prevailing Industrywide Practices and Pertinent Conditions, marshalling, engaging, invoking etc. the official responsibilities of the appropriate authorities and institutions, in the first instance, that of the Presidency. Jurisdiction, duty, precedent and tradition etc. all militated for such a course of action, with the attendant justified misgivings that in the (anticipated) event of an unfavorable disposition on the part of the President himself, the intended campaign would precipitously turn into a kind of "total war", pregnant with historic consequences. But it was deemed justified and worthy of the appalling risks and perils . . ., at the same time even gratifying to find oneself on the right side of the Law and of the Real Interests, (Defense Interests, yet) of U.S. vis-a-vis the President of the United States, and if confrontation could be expected to be parleyed onto public awareness, the subject Cause could have its day in a really impressive and worthy Court of History. It will remain the task of historians to reliably account for, correctly assess and attribute the de-facto degree of causative, priming, conditioning, predisposing, triggering and even controlling effects of this campaign on the historic event of most apparent visibility constituting an apparent denouement of the yet unsurfaced bulk of the so called Watergate débacle.

These misgivings, apprehensions and implied advanced warnings of the anticipable extreme implications of a probable Presidential displeasure or even more serious, open or covert supporting alliance, "protection" of their conspiracies, were communicated through intensive personal conferences (crisis meetings) particularly, amongst others, with executives of the Northrop Corp., individually and collectively, specifically delegated by its President and Chairman, Mr. Thomas V. Jones, partially in the winter of 1969–70, prior to the launching of the second, decisive, defiantly challenging phase of the Campaign, i.e. a contemplated and subsequently undertaken vigorous "lobbying" in Washington D.C. for appointment, convocation of a Presidential ("blue-ribbon") Commission to investigate the subject controversy etc., parallelly with other efforts to elicit Congressional, Regulatory, Defense-Department, Justice-Department, Judicial (either prosecuted by U.S. Antitrust and other Divisions of the Justice Department, or by Petitioner's own or class-action suits) and Public-Opinion scrutinies of the matter.

As expected, immediate, ever more desperate, hineous criminal countermeasures were initiated by Northrop Corporation & its most formidable ally, Mr. Nixon and entourage (by then already personally and fully engaged in the controversy, through personal communications in the course of the prior first phase of the subject Campaign, since Oct. 1968, prior to his election).

Against this background, and miraculously etc. having survived, and even consistently gaining on every etape, of an onslaught of a most unspeakable counteroffensive, that Petitioner prevailed in (presumably) preponderantly contributing to the causation of the subject Antitrust Action, at any rate to consider and so rely on it as a "bona fide" breakthrough event of capital importance and significance, and an adequate vehicle on which ride not only the vital Defense and Security Interests of the United States, but of the ultimate fate of the subject Campaign as well, in capable and dedicated hands in the Antitrust Division, when ultimately it was initiated, as expected and awaited, on March 29, 1972, after a reasonable 1½ years delay following a most obliging letter acknowledging some salient aspects of our rapport and several discussions on the matter. That letter was dated July 21, 1970, and signed in the name of the then Assistant Attorney General Mr. Richard W. McLaren, by Mr. Lewis Bernstein, Chief, Special Litigation Section of the Antitrust Division, and attached hereto as Appendix II.

SOME REMARKS ON THE SUBJECT ANTITRUST ACTION AND ON THE PROPOSED CONSENT JUDGMENT.

As stated above, making allowances for all the reasonably contemplatable, discernible (or potentially lurking in the background) certain negative, inadequate or limited aspects or scope of the Government's Complaint; reasonably raisable questions, in the light of Watergate-connected revelations especially, and in the light of the ultimate present settlement-disposition of the Antitrust Division, (in spite of the repeated, lengthy and intensive Telephone-communications with responsible high officers of the Division in an effort to ward off such eventuality) as to the true motivations of its initiation, its original chances of riding through the associated and surrounding upheavals, etc., Petitioner welcomed it as a major breakthrough, which, if jealously monitored, interacted with, protected and nurtured through its evolution toward a TRIAL, was deemed capable of constituting a necessary forum, instrument, vehicle and weapon carrying to victory a "majority" if not "maximum" objectives of Petitioner's Campaign in challenging the subject conspiracies.

Thought must be given to the possibility, that with all the best intentions and good faith by the Antitrust Division, the veritable mission of this ACTION was a "rain-making" effect to be created amongst the Defense Contractors; or even worse, that a preemptive, delaying, decoy etc., a kind of "lightning-rod" effect be obtained aimed at silencing etc. any potential Plaintiff or "lobbyist". The Court must jealously guard against even the suspicion of lending itself to a scheme of that kind, and assert its jurisdiction, once seized, over a controversy of such monumental importance and consequences, against a logical conclusion of a possible "bad-faith" Action.

The subject Action was deemed to constitute a breakthrough, additionally, in that it asserted Antitrust Jurisdictions over the dealings with an elusive, esoteric entity, the intellectual property, even though only to the extent as it was transacted by usurpators, amongst themselves, and the consequent detriment to the associated "trade and commerce."

Once this charge is officially formulated, even though treating only one superficial or limited activity of the Defense Industry in the R & D domain concerned with Airplanes, the logical and selfimposed extrapolation of the challenged offenses, and underscoring of their detrimental effect on the much more vital public and national interest than the "trade and commerce", to wit; the nation's defense posture etc., is within reach, and Petitioner submits, is within the scope and potential of present Action.

There is no legitimate reason, why should not be fully marshalled any available set of laws, such as the Antitrust Laws, to bring to order and correct a crucial segment of our society concerned with the national defense effort, particularly so, in the apparent(?) absence of more drastic jurisdictions, dealing with conscious, knowing, willful sabotage of national defense effort, even though, the primary motivation is a mere and "innocent" defrauding of the United States. Petitioner submits, that a Trial of this Action will adequately adduce the implicit evidences of horrendous crimes perpetrated on this country by the Defendants, and through its Adjudication, by virtue of simple, straightforward formulae, already within the Jurisdiction and Power of the Antitrust Laws, capable of liquidating them.

Dated: Sept. 12, 1975, Los Angeles, Cal.

DR. LESLIE ERENYI.

V 40 207 OCT 24 75 XUM

— CONFIDENTIAL —

Civil No.
72 Civ.1307:MEL

UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20530

Address Reply to the Division Indicated, and Refer to Initials and Number

RJMcL:LB
60-0

July 21, 1970

Dr. Leslie Erenyi
1044 Spazier Avenue
Glendale, California 91201

Dear Doctor Erenyi:

This letter is being sent in response to your request for an official reply to your oral request for action by the Department of Justice.

On the three occasions that we met, and in our several telephone conversations, you advised that you have evidence that the Defense Department is assisting certain aerospace manufacturers in activities that are harmful to the public interest. You also have informed us that these aerospace manufacturers are engaged in an antitrust conspiracy. In addition, you stated that officials of these companies have deprived you of your civil rights, and because of their desire to suppress the information which you possess, you believe that your life is in danger.

I pointed out to you the jurisdiction of the Antitrust, Criminal and Civil Rights Divisions of the Department of Justice, respectively, and advised you of the appropriate procedure for making complaints for violations of criminal and civil rights laws. I also

DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20530
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APPENDIX II. (pp. 1-2)

Dr Leslie Erenyi

stated that I would inquire into the antitrust aspects of the long standing agreement among aircraft manufacturers to pool patents and to channel all inventions into one combined group. You indicated that such agreement could be beneficial, but that it was being abused.

I trust that this confirms our conversations.

Sincerely yours,

RICHARD W. McLAREN
Assistant Attorney General
Antitrust Division

By Lewis Bernstein
Chief
Special Litigation Section

— Confidential —

J.A. Times March 30, '72
BUSINESS p. 2

The Justice Department announced it filed a civil antitrust suit in New York charging most of the nation's aircraft industry with eliminating competition for patentable inventions related to airplane production.

Buying interest continued to diminish as stock market prices gave way to light profit taking for the third session in a row. The Dow Jones industrial average ended

V 40207 OCT 24 75 XUM

Dr. Leslie Erenyi
2653 P.O. Box,
Los Angeles, Calif. 90028
Civil No. 72 Civ. 1307;MEL.

APPENDIX I.—Preliminary list of supporting documents (inter alia) intended to submit in the support of Petition V.

1. Reg. Letter May 16, '73 to Sen. Tunney;
2. Telegram/Reg. Lett. June 17, '73 to Sen. Tunney;
3. Telegram/Reg. Lett. Apr. 10, '74 to Sen. Tunney;
4. Answer by Sen. Tunney May 2, '74 plus 5 Reg. Lett. Receipts.
5. Letter July 21, 1970 by Antitrust Div. Justice Dept.
6. U.S. Govt.'s Antitrust Suit of March 29, 1972; v. Defendant Northrop Corp. et al.;
7. Telegr./Reg. Lett. Oct. 1, 1972 to Northrop/Thomas V. Jones, Pres.
8. Reg. Lett. to Supervsr Baxter Ward;
9. Telegr. to Pres. Nixon, Feb. 6, 1970;
10. L.A. Times article May 2, '74 on Northrop;
11. L.A. Times article Apr. 27, 1974 on Northrop;
12. Reg. Lett. to Rep. Jerome Waldie/"Rodino Committee", of May 5, 1974;
13. Reg. Lett. June 9, 1974 to Special Prosecutor Leon Jaworski;
14. Telegram Oct. 29, 1968 to nominee Richard Nixon, plus; response "Express" of Nov. 2, 1968;
15. Letter of Nov. 10, 1968 to Pres.-elect Richard M. Nixon;
16. Telegrams to Clark Clifford, Secr. of Defense, of Dec. 15, 1968 and to Pres.-elect Nixon of Dec. 15, 1968;
17. Telegrams re. General Dynamics of Oct. 10, 1968, Oct. 21, 1968, Oct. 25, 1968, Dec. 15, 1968;
18. Telegrs. Dec. 15, 1968 to Time-Life Magazine; and to General Dynamics;
19. Telegr. July 9, 1970 to Pres. R. M. Nixon + New York Times; pp. 1–3;
20. Telegr. July 17, 1970 to Pres. R. M. Nixon et al. (4);
21. Telegr/Reg. Lett. June 7, 1970 to Melvin Laird, Secr. of Defense;
22. Northrop Corp.'s Research Section Organization-Roster & Chart;
23. Excerpt from R. M. Nixon's book "Six Crises";
24. Criminal Complaint pp. 1–36, filed with: D.A., L.A. County Grand Jury, U.S. Grand Jury, Commission on Judicial Qualifications, Supervisor Baxter Ward, Sen. J. V. Tunney;
25. Re. Civil No. 74–1455:F, Jay Springer et al. vs. Thomas V. Jones, Northrop Corp. et al. Notice of Intention to APPEAR by Leslie Erenyi on Hearing set for Jan. 20, 1975, Los Angeles, U.S. Court.
26. Reporter's Transcript of Proceedings on Hearing, U.S. Distr. Court, L.A. Jan. 20, 1975; Civ. 74–1455:F, Statement by Leslie Erenyi pp. 13–21.
27. Telegr./Reg. Letter to Federal Bureau of Investigation, Jan. 27, '75, re. Hearing of Jan. 20, 1975 by Erenyi.

[FR Doc.75–28646 Filed 10–23–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

GENERAL ADJUSTMENTS IN POWER RATES

Notice of Change in Location for Public Comment Forum on Tentative Power Rate Adjustments

RIO GRANDE PROJECT (SOUTHWEST REGION)

On October 6, 1975, the Department of the Interior published in the FEDERAL REGISTER (40 FR 46140) a schedule of the public comment forums. *All* customers of the Rio Grande Project requested that the location of the public comment forum be changed from Amarillo, Texas, to Albuquerque, New Mexico. The purpose of this notice is to inform the public of the following change in *location only* of the public comment forum for the *Rio Grande Project (Southwest Region)*:

Federal Building, Room 4210, 517 Gold Southwest, Albuquerque, New Mexico.

Dated: October 17, 1975.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.75–28634 Filed 10–23–75;8:45 am]

Office of the Secretary

COMMITTEE ON FUTURE ENERGY PROSPECTS NATIONAL PETROLEUM COUNCIL

Meeting

Notice is hereby given for the following meeting: The Committee on Future Energy Prospects of the National Petroleum Council will meet on Thursday, November 13, 1975 in the Mount Vernon Room, The Madison Hotel, 15th & M Streets NW., Washington, D.C., starting at 10 a.m.

The agenda includes the following items:

1. Discuss an outline for a study in response to the Assistant Secretary of the Interior's request for the preparation of a critique and outline for an update of the 1972 U.S. Energy Outlook study.
2. Discuss an organizational structure for the Committee and its subgroups.
3. Discuss a timetable for completion of the study.
4. Discuss any other matters pertinent to the overall assignment of the Committee.

The purpose of the National Petroleum Council is to provide advice, information and recommendations to the Secretary of the Interior, upon request, upon any matter relating to petroleum or the petroleum industry.

The meeting will be open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Council either before or after the meeting. Interested persons who wish to speak at the meeting must apply to the Council and obtain approval in accordance with its established procedures.

Further information with respect to this meeting may be obtained from Ben Tafoya, Office of the Assistant Secretary-Energy and Minerals, Department of the Interior, Washington, D.C., telephone number 343–6226.

Dated: October 21, 1975.

HARRY C. MCKITTRICK,
Deputy Assistant Secretary of the Interior.

[FR Doc.75–28691 Filed 10–23–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 4]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1976)

The CCC Monthly Sales List for the fiscal year ending June 30, 1976, published at 40 FR 30510 is amended as follows:

1. The last sentence of Section 1(b) entitled "General" published at 40 FR 30511 is revised to read as follows: Interest at 9 percent will be charged for delinquent payments on consignment and track grain sales.

2. The provisions of Section 27 entitled "Nonfat Dry Milk—Unrestricted Use Sales" published at 40 FR 30512 are revised to read as follows:

U.S. Extra Grade: Market price, but not less than the following announced prices for spray process nonfat dry milk (NDM) in 50 pound bags: 70 cents per pound for NDM in bags of type specified in ASCS Announcement CMO–1. 69.75 cents per pound for NDM in commercial type bags.

U.S. Standard Grade: U.S. Extra Grade price minus 1 cent. Sales are in carlots only in-store at storage location of products. Sales are made under Announcement MP–14.

3. The provisions of Section 29 entitled "Butter—Unrestricted Use Sales" published at 40 FR 44172 are deleted.

4. Section 33 entitled "Peanuts Farmers Stock—Unrestricted Use Sales" published at 40 FR 30512 is revised to read as follows: 33. Peanuts Farmers Stock—Restricted Use Sales (FOB Point of Storage) The minimum price is the market price but not less than the following formula price:

1. *Segregation 1 lots (loan classification).* The formula price is 100 percent of the 1975 crop price support value (prior to the deduction for storage, handling and inspection) for the applicable location, type and quality, plus the markup below.

2. *Segregation 2 lots (loan classification).* The formula price is 24.50 cents per pound of total kernel content (TKC) plus the markup below. Adjustments for oil and ammonia content will be made after delivery per Announcement PV–P–FS–1.

3. *Markups.* October 1975—None, November 1975—None, December 1975 through June 1976—On December 1, 1975 a markup will begin to accumulate at the rate of 55 cents per net ton per week (farmers stock basis) for Segregation 1 peanuts and .03 cents per pound TKC per week for segregation 2 peanuts.

Alternative Uses of a Lot. 1. Export as farmer stock peanuts. 2. Domestic crushing. 3. Export for crushing and shipped in bulk, or fragmented if shipped in bags or containers. 4. Milled to US No. 1 or better grade shelled peanuts for export with remaining kernels to be crushed domestically or exported for crushing in bulk, or fragmented if in bags or containers.

Sales are made under announcement PV–P–FS–1. When stocks are available lot lists or invitations to bid will be issued by peanut associations for submission of competitive bids each Tuesday to the Prairie Village ASCS Commodity Office. Association addresses are: GFA Peanut Association Camilla, Ga. 31730, Peanut Growers Cooperative Marketing Association Franklin, Va. 23851, Southwestern Peanut Growers' Association Gorman, Texas 76454.

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); sec. 407, 63 Stat. 1055, as amended (7 U.S.C. 1427))

Effective Date: 2:30 p.m. (EDT) September 30, 1975.

Signed at Washington, D.C. on October 17, 1975.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.75–28733 Filed 10–23–75;8:45 am]

Farmers Home Administration

[Notice of Designation No. A263]

SOUTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following South Dakota Counties as a result of a blizzard March 22 to 29, 1975:

Dewey Ziebach

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Richard F. Kneip that such designation be made.

Applications for Emergency loans must be received by this Department no later than November 25, 1975, for physical losses and June 28, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 16th day of October, 1975.

DENTON E. SPRAGUE,
Acting Administrator, Farmers Home Administration.

[FR Doc.75–28734 Filed 10–23–75;8:45 am]

ADVISORY COMMITTEE ON STATE AND PRIVATE FORESTRY

Meeting

The Advisory Committee on State and Private Forestry will meet in Jekyll Island, Georgia, November 18–20, 1975. The meeting will convene at 8:15 a.m. on November 18 in the Buccaneer Hotel, Jekyll Island, Georgia.

This Committee, comprised of 15 members from a broad spectrum of geographic and interest areas, advises the Secretary of Agriculture and various agencies of the Department on the protection, management and development of the Nation's non-Federal forest land and resources. Robert Long, Assistant Secretary for Conservation, Research and Education is Chairman of the Committee. He and representatives of the Forest Service, Extension Service, Soil Conservation Service, and Agricultural Stabilization and Conservation Service will attend from the Department of Agriculture.

The meeting is structured to provide members of the Committee ample time for discussion. Key issues to be included are: (1) EPA's Suggested Forest Practices Act, (2) Rural Community Fire Program, (3) Resources Planning Act, (4) Southern Pine Beetle Control, (5) Youth and Manpower Programs in Forest Conservation, and (6) Research Implementation. The Committee will provide advice on these and other issues concerning the cooperative forestry programs.

The meeting will be open to the public. Persons who wish to attend should notify the Committee's Executive Secretary, Paul Johnson, USDA-Forest Service, Room 3107, South Building, Washington, D.C. 20250, telephone 202–447–7065. Written statements may be filed with Committee before or after the meeting.

WILLIAM E. MURRAY,
Acting Deputy Chief for State and Private Forestry.

October 20, 1975.

[FR Doc.75–28735 Filed 10–23–75;8:45 am]

Forest Service

CASCADE HEAD SCENIC-RESEARCH AREA ADVISORY COUNCIL

Meeting

The Cascade Head Scenic-Research Area Advisory Council will meet on Friday and Saturday, November 14th and 15th, 1975, at the Dunes Motel in Lincoln City, Oregon. The meeting on Friday will be from 3:00 to 5:00 p.m. and from 7:00 to 10:00 p.m. Saturday's meeting will start at 8:00 a.m.

The purpose of this meeting is for the Advisory Council to formulate their recommendations on the management direction for the Scenic-Research Area. The Council will consider the tentative management alternatives reviewed at their meeting held in October in making their recommendation.

The meeting will be open to the public. Persons who wish additional information concerning the meeting should contact Linda Penney, Hebo Ranger Station, Hebo, Oregon, phone 392–3161, ext. 33, or Edlu Allert, Siuslaw National Forest, at 545 SW Second Street, Corvallis, Oregon, phone 752–4211, ext. 510.

Dated: October 15, 1975.

P. DALE ROBERTSON,
Forest Supervisor.

[FR Doc.75–28668 Filed 10–23–75;8:45 am]

GRAND MESA NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Grand Mesa National Forest Grazing Advisory Board meeting scheduled October 22, 1975 at 7:30 p.m. at the Mesa-North End District Office in Grand Junction, Colorado was not held.

Dated: October 17, 1975.

GERALD W. NYBORG,
Acting Forest Supervisor.

[FR Doc.75–28669 Filed 10–23–75;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

SURVEY OF RETAIL SALES, PURCHASES, AND INVENTORIES

Consideration to Continue Survey

Notice is hereby given that the Bureau of the Census is considering a proposal to repeat in 1976 the Annual Retail Trade Survey, which has been conducted each year since 1951 (except 1954) under Title 13, United States Code, sections 181, 224, and 225. This survey is conducted to collect data covering year-end inventories, purchases, and annual sales of retail trade establishments. This survey, which would provide data for 1975, is the only continuing source available on a comparable classification and timely basis for use as a benchmark for developing monthly retail inventory estimates. It also assists in establishing a benchmark for the distribution of monthly sales by geographic area.

Information and recommendations received by the Bureau of the Census indicate that the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and that the data are not publicly available from nongovernment or other governmental sources.

Such a survey, if conducted, shall begin not earlier than November 24, 1975.

Reports will be required only from a selected sample of retail establishments in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from a sample of stores, with probability of selection based on their sales size. A group of the largest firms, in terms of number of retail stores, will be requested to report their sales and number of stores by county; however, firms participating in the Bureau's monthly geographic area survey will be asked to report at the national level only.

Copies of the proposed forms and a description of the collection methods are available upon request to the Director,

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Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject-matter of this proposed survey will receive consideration if submitted in writing to the Director of the Bureau of the Census within 30 days of this notice.

Dated: October 21, 1975.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

[FR Doc.75-28709 Filed 10-23-75;8:45 am]

Maritime Administration

DIESEL MERCHANT SHIP CONSTRUCTION PROGRAM

Availability of Maritime Administration Standard Specifications for Diesel Merchant Ship Construction

The Maritime Administration has prepared a publication entitled "Maritime Administration Standard Specifications for Diesel Merchant Ship Construction" for use as a guide in Diesel powered cargo ship design. It wil also show all measurement units in both the System International (SI) Metric and the English systems. A limited number of copies of the draft are available to interested parties for review and comment. Requests for the specifications should be directed to William G. Bullock, Chief, Division of Engineering, Room 4525, U.S. Department of Commerce, Maritime Administration, Washington, D.C. 20230.

Dated: October 21, 1975.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-28737 Filed 10-23-75;8:45 am]

[Docket No. S-471]

ATLANTIC RICHFIELD CO.

Application

Notice is hereby given that Atlantic Richfield Company (Operator), 515 South Flower Street, Los Angeles, California 90051, has filed an application dated October 9, 1975, as amended, to amend its Operating-Differential Subsidy Agreement, Contract No. MA/MSB-270 (the Agreement) by adding the tankers ARCO ENTERPRISE and ARCO HERITAGE. The Operator engages in the carriage of export bulk raw and processed agricultural commodities from the United States (U.S.) to the Union of Soviet Socialist Republics (U.S.S.R.). Liquid and dry bulk cargoes may be carried from the U.S.S.R. and other foreign ports, inbound, to U.S. ports during voyages subsidized for the carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in Title 46 of the Code of Federal Regulations, Part 294.

The Agreement was approved by the Maritime Subsidy Board (Board) on October 7, 1974 and presently includes the tankers SINCLAIR TEXAS, ARCO PRUDHOE BAY and ARCO ANCHORAGE. The Agreement will expire on December 31, 1975, unless further extended. Each voyage under the Agreement must be approved for subsidy before commencement of the voyage. The Board will act on each request for a subsidized voyage as an administrative matter under the terms of the Agreement, for which there is no requirement for further notices under section 605(c) of the Act.

Any person having an interest in the granting of the application and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must on or before October 30, 1975, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 210). Each statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject application, the purpose of such hearing will be to receive evidence relevant to (1) whether the application herein above described, with respect to the vessels to be operated in an essential service and served by citizens of the U.S., would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for a hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-28886 Filed 10-23-75;8:45 am]

National Oceanic and Atmospheric Administration

NORTHWEST FISHERIES CENTER

Receipt of Application for Endangered Species Permit—E9

Notice is hereby given that the following applicant has applied in due form for a permit to take and import endangered species for scientific purposes as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) and the National Marine Fisheries Service Regulations Governing Endangered Fish or Wildlife Permits (50 CFR 222) as published in the November 27, 1974 FEDERAL REGISTER at page 41375.

Northwest Fisheries Center, National Marine Fisheries Service, 2725 Montlake Boulevard, East, Seattle, Washington 98112, to take and import specimen materials from dead endangered species of cetaceans. These cetaceans are as follows:

Gray Whale, *Eschrichtius robustus*
Blue Whale, *Balaenoptera musculus*
Humpback Whale, *Megaptera novaengliae*
Bowhead Whale, *Balaena mysticetus*
Right Whale, *Eubalaena australis*
Fin Whale, *Balaenoptera physalus*
Sei Whale, *Balaenoptera borealis*
Sperm Whale, *Physeter catodon*

The specimen materials will be taken from cetaceans which become available to U.S. observers, in the course of their duties in observing the commercial whaling activities of other nations. Such observers, placed aboard commercial whaling factorvships or at land whaling stations, either by appointment by the International Whaling Commission (IWC) or by invitation of the nation conducting the whaling activitv, will be designated as agents of the Applicant for the purposes stated in the application. At present, two IWC appointed U.S. observers have been placed at Japanese land whaling stations, and one U.S. observer has been invited aboard an Antarctic factorvship by Japan.

The specimen materials will be taken from cetaceans which are: (1) Directly taken in fisheries for such animals, in countries and situations where such taking is legal; (2) killed incidental to fishing or other operations; or (3) dead of natural causes. In no case will agents of the Applicant kill, or cause to be killed, any endangered species in connection with collecting the requested specimen materials. Initially, the specimen materials will be collected by agents of the Applicant located at Japanese land whaling stations, and aboard a Japanese whaling factorvship. Additional agents may be designated as opportunities for observers expand to include other whaling activities.

The materials to be collected will include reproductive organs, ear plugs, teeth, bone, baleen and muscle tissue, and blood samples whenever possible. These materials will be analvzed to obtain data on reproductive capacitv, age, distribution, and population stock identification and movement.

In connection with this proposed research, the Applicant has applied for a permit under the Marine Mammal Protection Act of 1972, to take and import specimen materials from these species as well as specimen materials from non-endangered cetaceans subject to that legislation.

Documents submitted in connection with the above application are available for review in the Division of Marine

Mammals and Endangered Species, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Northwest Region, Lake Union Building, 1700 Westlake Avenue, North, Seattle, Washington 98109.

Interested parties may submit written data or views, or requests for a public hearing on this application to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. The holding of such hearing is at the discretion of the Director.

Any statements and opinions that may be contained in this notice in support of this application are summaries based on those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: October 17, 1975.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.75-28670 Filed 10-23-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N-0304]

UNIFORM PHYSICIAN LABELING FOR ORAL CONTRACEPTIVE DRUG PRODUCTS

Intent To Solicit Comments on Draft Labeling

Prior to issuing in the FEDERAL REGISTER proposed new regulations relating to uniform physician labeling for oral contraceptive drug products, the Commissioner of Food and Drugs is soliciting comments on a draft revision of the labeling. Interested persons have until on or before November 24, 1975 to submit comments.

The Food and Drug Administration is charged with assuring both physicians and patients that drugs are safe and effective for their intended uses. The full disclosure of information to physicians concerning such matters as effectiveness, contraindications, warnings, precautions, and adverse reactions is an important element in the discharge of this responsibility. Accordingly, the Commissioner is in the process of revising the uniform physician labeling for oral contraceptive drug products to update the current labeling for these drug products, which was last revised in November 1969, to include significant new information. The patient labeling for the oral contraceptives is also undergoing major revision. However, since its wording is partially dependent upon the physician's labeling, the Commissioner is awaiting comments on the latter before publishing the proposed revised patient labeling.

To ensure maximum public participation in the development of the regulation, the Commissioner is proposing to distribute a draft revision of such labeling to various professional, scientific, trade, and consumer organizations and to solicit comments on it. A copy of that draft revision has also been placed on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, and will be available for public inspection in the above office Monday through Friday, from 9 a.m. to 4 p.m., except Federal legal holidays. Copies of the draft revised labeling are available upon request from the Hearing Clerk.

Interested persons may, on or before November 24, 1975, submit written comments regarding the revised labeling to the Hearing Clerk. Comments should be filed in quintuplicate (except individuals may submit single copies) and should be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office at the times stated above.

Dated: October 21, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-28783 Filed 10-23-75;8:45 am]

Health Resources Administration

NATIONAL COUNCIL ON HEALTH PLANNING AND DEVELOPMENT

Chartering; Correction

In FR Doc. 75-27101 appearing at page 47531 in the issue for Thursday, October 9, 1975, the title should read "National Council on Health Planning and Development" rather than "National Advisory Council on Health Planning and Development" and the section designated as "Purpose" should be changed to read as follows:

Purpose: The Council will advise, consult with, and make recommendations to the Secretary with respect to (1) the development of national guidelines concerning health planning policy, (2) the implementation and administration of Title XV, National Health Planning and Development, and Title XVI, Health Resources Development, and (3) an evaluation of the implications of new medical technology for organizations, delivery, and equitable distribution of health care services.

Dated: October 16, 1975.

JAMES A. WALSH,
Associate Administrator for Operations and Management, Health Resources Administration.

[FR Doc.75-28667 Filed 10-23-75;8:45 am]

Health Services Administration

NATIONAL ADVISORY COUNCIL ON HEALTH MANPOWER SHORTAGE AREAS

Meeting

In accordance with sectoin 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to assemble during the month of November 1975:

Name: National Advisory Council on Health Manpower Shortage areas.
Date and Time: November 21, 1975, 9:00 a.m.
Place: Room 7-23, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.
Open for entire session.

Purpose: The Council is charged with establishing guidelines and regulations to improve the delivery of health care services; assigning Public Health Service personnel to areas where medical manpower and facilities are inadequate to meet the health needs of persons living in such areas; and on a nationwide basis recommending the criteria and personnel on which selection of areas are based.

Agenda: Orientation of new Council members to the operation of the National Health Service Corps. A discussion of emerging activities in rural health, the implications of pending legislation, and an explanation of provision of recent legislation.

The meeting is open to the public for observation and participation. Anyone wishing to obtain a roster or other relevant information should contact Howard Hilton, Room 6-05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, Telephone (301) 443-4437.

Agenda items are subject to change as priorities dictate.

Dated: October 16, 1975.

WILLIAM H. ASPDEN, Jr.,
Acting Associate Administrator for Management.

[FR Doc.75-28666 Filed 10-23-75;8:45 am]

National Institutes of Health

NATIONAL ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES ADVISORY COUNCIL

Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Arthritis, Metabolism, and Digestive Diseases Advisory Council, National Institute of Arthritis, Metabolism, and Digestive Diseases on November 19-21, 1975; from 9 a.m. to 5 p.m. on November 19 in Building 31, Conference Room 4; and from 9 a.m. to 5 p.m. on November 20-21 in Building 31, Conference Room 10, Bethesda, Maryland. This meeting will be open to the public from 9 a.m. to 1 p.m. on November 19, 1975, to discuss administrative reports. Attendance by the public will be limited to space available. In addition, a meeting of the Digestive Diseases Committee of the above Council will be held from 2 p.m. to 5 p.m. on November 19, 1975, in Building 31, Room 9A51, Bethesda, Maryland.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public on November 19 from 2 p.m. to 5 p.m. and on November 20-21, 1975, from 9 a.m. to 5 p.m., for the review, discussion

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and evaluation of individual initial pending, supplemental and renewal grant applications. The Digestive Diseases Committee of the above Council will be closed to the public from 2 p.m. to 5 p.m. on November 19, 1975, also for the review, discussion and evaluation of individual initial, pending, supplemental and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data; such as salaries; and personal information concerning individuals associated with the applications.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.309, National Institutes of Health)

Dated: October 20, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-28690 Filed 10-23-75;8:45 am]

PRESIDENT'S CANCER PANEL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, December 2, 1975, 9:30 a.m. to adjournment, National Institutes of Health, Building 31, Conference Room 9. This meeting will be open to the public from 9:30 a.m. to 12 noon for a report from the Director, National Cancer Institute, and a report from the Chairman, President's Cancer Panel. Attendance by the public will be limited to space available. The meeting will be closed to the public from 1:30 p.m. to adjournment for review and discussion of the proposed fiscal year 1977 budget in accordance with the provisions set forth in section 552(b)(5) of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide substantive program information, transcripts of the open meeting and roster of committee members.

Dated: October 17, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-28689 Filed 10-23-75;8:45 am]

Office of the Secretary

POLL OF PHYSICIANS IN PSRO AREA XII; FLORIDA

Announcement of Results

On May 14, 1975, the Secretary of the Department of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with the Dade-Monroe Professional Standards Review Organization, Inc., designating it as the Professional Standards Review Organization for PSRO Area XII located in the State of Florida, which area is designated a Professional Standards Review Organization Area in 42 CFR 101.12.

Such notice was also published in three consecutive issues of the "Miami Herald," "Homestead South Dade News-Leader," and the "Miami Beach Sun-Reporter" on May 14, 15, and 16, 1975. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and county medical and specialty societies, hospitals, and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in PSRO Area XII of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area XII who objects to the Secretary entering into an agreement with the Dade-Monroe Professional Standards Review Organization, Inc., on the grounds that such organization is not representative of doctors in PSRO Area XII, mail such objection in writing to the Director, Office of Professional Standards Review, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022, on or before June 13, 1975.

After reviewing the final tabulation of objections from doctors of medicine or osteopathy in PSRO Area XII, the Secretary has determined, pursuant to 42 CFR 101.105, that more than 10 percentum of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area XII have expressed timely objection to entering into an agreement with the Dade-Monroe Professional Standards Review Organization, Inc.

Therefore, on July 31, 1975, in accordance with 42 CFR 101.106, the Secretary of the Department of Health, Education, and Welfare published in the FEDERAL REGISTER a notice announcing a poll to be conducted of all doctors of medicine or osteopathy engaged in active practice in PSRO Area XII to determine whether the Dade-Monroe Professional Standards Review Organization, Inc., is representative of such doctors in the area.

Such notice was also published in the "Miami Herald," "Homestead South Dade News-Leader," and the "Miami Beach Sun-Reporter" on July 31, 1975. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and county medical specialty societies, hospitals, and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in PSRO Area XII of the contents of the notice.

The notice stated that a ballot was to be mailed to each such doctor on which he was to indicate whether in his opinion the Dade-Monroe Professional Standards Review Organization, Inc., was or was not representative of the doctors of medicine or osteopathy engaged in active practice in PSRO Area XII. The notice also requested that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area XII who had not received a ballot by August 4, 1975, might request in writing a ballot from the Secretary of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. According to the notice, only those ballots postmarked no later than August 30, 1975, and returned in the stamped self-addressed envelope provided to each individual doctor would be considered valid.

A ballot and envelope together with a letter of explanation was mailed to each individual doctor of medicine or osteopathy whom the Secretary determined, pursuant to 42 CFR 101.103, to be engaged in the active practice of medicine or osteopathy in the PSRO area.

The counting of the ballots took place in a proceeding open to the public at the Mayor's Conference Room, Dade County Courthouse, 73 West Flagler Street, Miami, Florida on September 8, 1975.

After tabulating the ballots received under 42 CFR 101.106, the Secretary has determined, pursuant to 42 CFR 101.107, that more than 50 percent of the doctors responding to the poll indicated by checking the appropriate box on the ballot, that the Dade-Monroe Professional Standards Review Organization, Inc., was representative of the doctors in the area. Therefore, the Secretary intends to enter into an agreement designating the Dade-Monroe Professional Standards Review Organization, Inc., as the conditional Professional Standards Review Organization for such area.

This count will be final except that the Secretary will conduct a recount if at least five doctors in the area so request in writing, postmarked on or before November 3, 1975. Such recount will be conducted in a public proceeding and the result of the recount will be final.

Dated: October 14, 1975.

ROBERT VAN HOEK,
Acting Administrator,
Health Services Administration.

[FR Doc.75-28671 Filed 10-23-75;8:45 am]

Office of the Assistant Secretary for Health

PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH NATIONAL COMMISSION

Meeting

Notice is hereby given that the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research will meet on November 15, 1975 in the West Ballroom at Weber's Inn, 3050 Jackson Road, Ann Arbor, Michigan 48103. The meeting will convene at 9 a.m. and will be open to the public, subject to the limitation of available space.

On November 14, 1975, the Commission will make a site visit to the State Prison of Southern Michigan in Jackson, Michigan. The Commission will not hold a meeting during the site visit, which will be conducted in a manner to avoid interference with prison security. Discussion of the site visit and other matters identified in the legislative mandate to the Commission under Pub. L. 93-348 will be included in the agenda for the public meeting on November 15.

Requests for information should be directed to Ms. Anne Ballard (301) 496-7776, Room 125, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland 20016.

Dated: October 16, 1975.

CHARLES U. LOWE,
Executive Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

[FR Doc.75-28662 Filed 10-23-75;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Closed Meeting

Notice is hereby given, pursuant to Sec. 10 of the Federal Advisory Committee Act Pub. L. 92-463 and Sec. 8.d. of Office of Management and Budget Circular A-63 that a closed meeting of the Executive Committee of the National Advisory Council on Extension and Continuing Education will be held on November 5-6, 1975; in the Council's office, 425 13th St., N.W., Suite 529, Washington, D.C.

The National Advisory Council on Extension and Continuing Education is authorized under Sec. 109(a) of the Higher Education Act, under Public Law 89-329, as amended (20 USC 1009). The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I of the Higher Education Act, and to report annually to the President and to the Secretary of Health, Education and Welfare on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

This meeting of the Executive Committee of the Council will not be open to the public. The purpose of the meeting will be to review applications for the position of Executive Director to the Council. At this meeting matters will be discussed and documents will be produced (for example recommendations and references) which if released to the public would amount to a clearly unwarranted invasion of personal privacy. Such documents need not be released to the public under exemption 6 of the exemptions from mandatory disclosure under the Freedom of Information Act, Sec. 552(b)(6) of Title 5 USC. This meeting may, therefore, be closed to the public under Sec. 10(d) of the Federal Advisory Committee Act. Records of Council proceedings are available for public inspection at the Council's office located at the address given above.

LLOYD H. DAVIS,
Executive Director.

OCTOBER 21, 1975.

[FR Doc.75-28755 Filed 10-23-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX74-2; Notice 3]

CARROZZERIA ZAGATO

Petition for Temporary Exemption From Motor Vehicle Safety Standards

Carrozzeria Zagato of Milan, Italy, through Elcar Corporation of Elkhart, Indiana, has applied for a 1-year extension of the temporary exemption granted its Elcar passenger car from certain safety standards on grounds that exemption would facilitate the development and field evaluation of a low-emission motor vehicle. The company has previously applied for (39 FR 25969) and received (39 FR 32774) a 1-year exemption from Motor Vehicle Safety Standards Nos. 103, 114, 206, and 208.

Elcar is a corporation engaged in the importation and marketing of an electrically-powered two-passenger vehicle manufactured by Zagato. The vehicle, currently sold abroad as the "Zele," is marketed under the name "Elcar" in the United States. Elcar requests an extension for one year only and does not intend to import more than 2,500 vehicles during this time.

The extension that it requests would allow it to continue to manufacture vehicles without defrosting/defogging systems (Standard No. 103), key-lock warning systems (Standard No. 114), and conforming door latches and hinges (Standard No. 206). The year provided by the exemption would allow further time for design and tooling of nonstandard components necessary for lightweight electric vehicles. The Elcar cannot comply currently with Standard No. 103 as presently available electric defrosting systems are unsuitable, and SAE test procedures incorporated in Standard No. 103 require idling, a physical impossibility for electric vehicles. Concerning Standard No. 114, the design of its "key insertion area is not compatible to facilitate additional electric circuits capable of accommodating an alarm system at this time." Its problems with Standard No. 206 stem from the fact that the hinge load requirements specified are in its opinion more appropriate for heavier weight vehicles.

The company's arguments that one-year exemptions will not unreasonably degrade the safety of the vehicle may be summarized as follows: Standard No. 103: The sliding windows in the doors will alleviate fogging conditions and Elcar anticipates major market areas for the cars in the Southern, Western, and Southwestern states "that do not require defrosting and heater systems." Standard No. 114: The steering wheel lock requirement of the standard is met, and "it is practically impossible to short circuit the entirely-closed encasements containing the circulatory system for starting." Standard No. 206: The vehicle has such a low top speed (25 mph for one model, 35 mph for another) that it is less likely that impacts will occur such as could throw occupants from the vehicle. Further, the hinges have steel reinforcements embedded in the fiberglass body structure.

This notice of receipt of a petition for temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Carrozzeria Zagato, described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. Notice of action on the petition will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: November 24, 1975.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410), delegations of authority at 49 CFR 1.51 and 49 CFR 501.8).

Issued on October 17, 1975.

ANDREW G. DETRICK,
Acting Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-28739 Filed 10-23-75;8:45 am]

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CIVIL AERONAUTICS BOARD

[Order 75-10-87; Docket 26494; Agreement C.A.B. 25435, R-1 through R-6; 25436; 25451, R-1 and R-2; 25452, R-1 through R-3]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements Relating to Passenger Fares; Order

Issued under delegated authority October 21, 1975.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreements were adopted at the 61st Meeting of Traffic Conference 2 held in Geneva during September 1975.

The agreements propose general increases in passenger fares between South Africa and South West Africa, on the one hand, and Israel, on the other hand, and between points in the Middle East and points in Africa; and would amend other fares, conditions of travel and currency-related surcharges for transportation within Traffic Conference 2 (Europe/Africa/Middle East). We will approve those portions of the agreements governing fares which are combinable with fares to/from United States points and thus have indirect application in air transportation as defined by the Act, but will disclaim jurisdiction with respect to fares which are not similarly combinable.

Pursuant to authority duly delegated by the Board in the Board's Regulations 14 CFR 385.14:

1. It is not found that the following resolutions, incorporated in agreements indicated, and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25435:			
R-1	022d	TC2 (Except Within Europe) Special Rules for Sales of Passenger Air Transportation (Amending) (Expedited).	2
R-2	022qq	TC2 (Within Europe) Special Rules for Sales of Passenger Air Transportation (Amending) (Expedited).	2
25436	003c [1]	General Increase in Passenger Fares (New)	2
25451:			
R-1	002 [2]	TC2 First Class Fares (Amending) (Expedited)	2
R-2	002 [2]	TC2 Economy Class Fares (Amending) (Expedited)	2
25452:			
R-1	003b [1]	General Increase in Passenger Fares (New)	2
R-2	022dd	TC2 (Except Within Europe) Special Rules for Sales of Passenger Air Transportation (Amending) (Expedited).	2

[1] Middle East-Africa.
[2] Within Europe.

2. It is not found that the following resolutions, incorporated in agreements indicated, affect air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
25435:			
R-3	072g	TC2 Creative Fares Board (Europe) (Amending) (Expedited)	2
R-4	075h	TC2 Group Fares—Benelux/Europe (Amending) (Expedited)	2
R-5	091d	TC2 Family Fares United Kingdom-Ireland (Revalidating and Amending) (Expedited).	2
R-6	091k	TC2 Spouse Fares—Europe (Amending) (Expedited)	2
25452:			
R-3	072g	TC2 Creative Fares Board—Europe (Amending) (Expedited)	2

Accordingly, *it is ordered*, That:

1. Those portions of Agreements C.A.B. 25435, C.A.B. 25436, C.A.B. 25451 and C.A.B. 25452 described in finding paragraph 1 above, which have indirect application in air transportation as defined by the Act, be and hereby are approved; and

2. Jurisdiction be and hereby is disclaimed with respect to that portion of Agreements C.A.B. 25435 and C.A.B. 25452 described in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-28698 Filed 10-23-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Additions to Procurement List

Notice of proposed additions to Procurement List 1975, November 12, 1974 (39 FR 39964) were published in the FEDERAL REGISTER on July 25, 1975 (40 FR 31255) and August 8, 1975 (40 FR 33484).

Pursuant to the above notices the following commodities are added to the Procurement List:

Class 6505 — *Price*

Thimerosal Tincture, NF (SH) 6505-00-664-6911 — $0.74 pg. of 10.
Iodine Ampoules, NF (SH) 6505-00-664-1408 — 0.73 pg. of 10.

Class 7220

Mat, Floor (SH)
7220-00-205-3192 — 2.67 each.
7220-00-205-3182 — 5.72 each.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-28672 Filed 10-23-75;8:45 am]

PROCUREMENT LIST 1975

Notice of Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1975, November 12, 1974 (39 FR 39964).

Class 3990

Skids, Pallets, and Caps, Wood
3990-00-366-6810
3990-00-366-6814
3990-00-366-6815
3990-00-366-6816
3990-00-366-6817
3990-00-366-6819
3990-00-366-6820
3990-00-366-6821
3990-00-366-6824

Class 6532

Cap, Operating, Surgical
6532-00-250-5041
6532-00-063-6545

Comments and views regarding these proposed additions may be filed with the Committee not later than 30 days after the date of this FEDERAL REGISTER. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 3009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-28673 Filed 10-23-75;8:45 am]

ENVIRONMENTAL QUALITY COUNCIL

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from October 13 through October 17, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (December 8, 1975) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fowden G. Maxwell, Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Council Unit, Payette National Forest, Adams and Washington Counties, Idaho, October 14: The statement concerns the land use plan for the 138,862 acre Council Planning Unit of the Payette National Forest. The plan sets forth management objectives and priorities, and allocates land to resource uses and activities. Adverse effects will be from temporary stream sitation due to resource utilization, short periods of air pollution caused by planned burning, and minor intrusions into an inventoried roadless area. (ELR Order No. 51518.)

Upper Lewis R. Unit, Gifford-Pinchot National Forest, Skamania County, Wash., October 14: The statement concerns the land use plan for the Upper Lewis River Planning Unit of the Gifford-Pinchot National Forest. The plan allots 2,840 acres within the unit for classification as a Scenic Area, 2,460 acres to wilderness study, 1,150 acres near the north boundary as unroaded area, 4,500 acres for wildlife habitat, 190 acres for recreation developments, and 72,676 acres on which the main activity will be timber harvests. Physical and biological impacts will be caused by additional people on the area, and logging will disturb the biological systems. (ELR Order No. 51517.)

Final

Cascade Planning Unit, Boise National Forest, Valley County, Idaho, October 17: The statement concerns the land use plan for the 136,466-acre Cascade Planning Unit of the Boise National Forest. The plan sets forth the allocation of land to various resource uses and activities, establishes objectives, doouments management direction, decisions, and necessary coordination between resource uses. Impacts relative to all possible uses or non-use within the unit include effects on vegetation soils, esthetic values, wildlife, water, and recreational values. Comments made by: DOI, EPA, DOT, USDA, AHP, and State and local organizations and individuals. (ELR Order No. 51537.)

RURAL ELECTRIFICATION ADMINISTRATION

Final

Tombigbee Units 2 and 3, in several counties in Ala., October 17: The statement refers to the request for insured and guaranteed loan funds from REA for $265,553,000 to construct Alabama Electric Cooperative's addition of two 233MW (gross output) coalfired steam generator units and approximately 157 miles of 230 kV transmission lines and acquire related coal leases. Adverse impacts include soil erosion and visual intrusion from the transmission facilities and effects associated with burning coal. Comments made by: EPA, USDA, COE, DOT, FEA, DOI, and State agencies. (ELR Order No. 51533.)

SOIL CONSERVATION SERVICE

Draft

Great Creek Watershed Project, Brunswick and Lunenburg Counties, Va., October 14: Proposed is a project for watershed protection, flood prevention, and municipal and industrial water storage in Brunswick and Lunenburg Counties, Virginia. A 57-foot high earth fill dam will be built to store water, trap sediment, and reduce flooding downstream. The project will inundate 212 acres and restrict land use on 430 acres of forest land, cropland, and pastureland. Approximately 4.8 miles of perennial stream and 2.1 miles of intermittent stream will be inundated. (ELR Order No. 51520.)

Final

Little Black Watersheds, several counties in Mo. and Ark., October 15: The statement concerns two interrelated projects for watershed protection, flood prevention, drainage on agricultural land, and recreation for 40,264 acres in Butler, Carter, and Ripley Counties, Missouri, and Clay County, Arkansas. Construction of the 24 floodwater retarding structures and the multiple-purpose reservoir will remove 1,192 acres of forest land, 334 acres of cropland, and 52 acres of pastureland. Proposed channel modification will result in the loss of 205 acres of cropland and 570 acres of forest land and the gain of 718 acres of pastureland. (125 pages). Comments made by: COE, HEW, DOI, DOT, EPA, AHP, and State and local agencies. (ELR Order No. 51524.)

Zuni Pueblo Watershed Project, McKinley County, N. Mex., October 14: The statement concerns a project for watershed protection and flood prevention for 11,700 acres of the Zuni Pueblo Watershed. About 652 acres of land would be needed for construction of 60' x 7,000' earth dam, spillway, an emergency spillway, and operation of the system. Eleven archeological sites would be committed to mitigation salvage and excavation. Comments made by: COE, DOI, DOT, EPA, AHP, and State agencies. (ELR Order No. 51521.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, 202-693-6795.

Draft

Arkansas R., North Little Rock, Pulaski County, Ark., October 14: The statement concerns a project for flood protection for the downtown area of North Little Rock, Arkansas. The selected plan consists of approximately 3.5 miles of excavated channel, 9,000 feet of renovated existing channels, and 9,600 feet of new channel. The project, with a fence erected on both sides of the channel, will require about 70 acres of right-of-way. Adverse impacts of the project include the loss of 1,316 acres of poor quality wildlife habitat, a decline in aesthetics, relocation of businesses, and the possible spread of Histoplasma spores as secondary development occurs. (Little Rock District.) (ELR Order No. 51514.)

Big South Fork National River, Ky., Tenn., October 14: Proposed is the establishment, administration, and maintenance of the Big South Fork National River and Recreation Area, Tennessee and Kentucky, as authorized by P.L. 93-251. The project will displace 295 persons and families from 13 active cemeteries, and will require the acquisition of 61 farms, loss of significant timber harvest, loss of coal, gas, and oil production, revenue losses, and disturbance of the area due to increased tourist use. (Nashville District.) (ELR Order No. 51522.)

Final

Sacramento River, Major and Minor Tributaries, Several Counties in Calif., October 14: The project involves the protection of extensive areas in the Sacramento River Basin flood plains from widespread damages and loss of life due to flooding. Loss of wildlife and associated natural riparian values along the streams cannot be avoided at some sites. (Sacramento River.) Comments made by: EPA, DOI, HEW, USDA, DOT, and State and local agencies. (ELR Order No. 51516.)

Maintenance Dredging, Mich., Several Counties in Mich., October 16: Proposed is the maintenance dredging of 14 unpolluted harbors: Charlevoix, Frankfurt, Grand Haven, Holland, Leland, Little Lake, Ludington, Manistee, Muskegon, Pentwater, St. Joseph, Saugatuck, South Haven, and White Lake. The impact will be limited to temporary construction disruption. Comments made by: HEW, DOT, FPC, USDA, HUD, DOI, DOC, EPA, AHP, and State agencies. (ELR Order No. 51528.)

Sheboygan Harbor Maintenance Dredging, Sheboygan County, Wis., October 16: Proposed is the maintenance dredging of the Sheboygan Harbor to maintain project depths. Also included in the project is the construction of a diked disposal confinement area in Lake Michigan for disposal of the dredged materials over the next ten year period. Adverse impacts include the disturbance of bottom dwelling organisms, the resuspension of toxic materials, the conversion of 14.8 acres of aquatic environment to a terrestrial environment, and creation of potential health and safety hazards. (Chicago District.) Comments made by. (ELR Order No. 51527.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets, NW., Washington, D.C. 20405, 202-343-4161.

Draft

Government Printing Office Relocation, District of Columbia, October 17: The action consists of the construction of a new printing plant, documents warehouse and distribution facility, and administrative center for the Government Printing Office (GPO). The new 33 acre site is located at Brentwood Road and T Street in Northeast Washington, D.C. The new plant would provide for the consolidation of GPO functions now operating separately around the Metropolitan area. Impacts of the project include the increase in traffic in the area which is already operating at over peak volume capacity, and the vacating of the existing GPO office buildings. (ELR Order No. 51538.)

Metallurgy Research Center, Salt Lake City, Salt Lake County, Utah, October 14: The proposed action is the construction of a new Metallurgy Research Center for the Bureau of Mines, Department of Interior. The Center will replace the current building in Salt Lake City and will provide for over 125 employees. The project will require the commitment of 34 acres of land and will have an impact upon the cultural and historic resources of the area. (ELR Order No. 51512.)

Final

Removal of Hill 733, Marine Corps Air Station, El Toro, Orange County, Calif., October 16: Proposed is the disposal of 2.5 million cu. yds. of fill earth from Hill 733 of U.S. Marine Corps Air Station, El Toro (Santa

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Ana), California. At present the upper portion of Hill 733 penetrates the approach and assent flight patterns from the east-west runways at the Air Station. The operation may take from 8.5 to 17 years depending upon the rate of removal. Slight temporary increases of air and noise pollution near the site will result. Comments made by: DOI, HEW, EPA, AHP, DOT, USDA, COE.

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street, SW., Washington, D.C. 20410, 202–755–6308.

Final

Wilton Development New Castle County, New Castle County, Del., October 14: Wilton involves the residential development of a 370 acre tract of land over an approximately ten year period. Development will include construction of 3,000 dwelling units and community centers. Land is being reserved for development of public open space and school areas. Plans also call for development of a commercial area fronting on Route 40. Adverse impacts of the plan include: conversion of agricultural land to urban use, some increase in air pollution and community noise levels, and some traffic congestion. Comments made by: EPA, DOI, DOT, HEW, and State and local agencies. (ELR Order No. 51519.)

Section 104(h).

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD).

Draft

Boston Demolition Plan, Mass., October 15: The action, under the Community Development Block Grant Program is to demolish 900 buildings over two years. The purpose of the program is to remove fire and health hazards from seven areas of Boston: Roxbury, Dorchester, Jamaica Plain, South Boston, Franklin Field, Upham's Corner, and Mattapan. Adverse impacts of the project include traffic congestion at demolition sites, an increase in large-particle dust at demolition sites and an increase in ambient noise levels. (ELR Order No. 51525.)

Water Line Extension, Marshall County Marshall County, Tenn., October 15: The project is the construction of a 9.3 mile long water line extension in Marshall County, Tennessee. The service area encompasses approximately 3,945 acres and 250 people. Construction of the line will require the disruption of Springplace Road (F.A.S. 4329) in four places and the crossing of existing fence rows and private driveways. (ELR Order No. 51526.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

Final

Wolf Creek National Fish Hatchery, Russell County, Ky., October 17: Proposed is the construction and operation of a national fish hatchery below Wolf Creek Dam, for the propagation of rainbow trout. Adverse impact will include the discharge of hatchery waste water to the Cumberland River, with resultant organic enrichment of river water. (37 pages.) Comments made by: COE, EPA, HEW, DOI, and State agency. (ELR Order No. 51536.)

NATIONAL PARK SERVICE

Final

White Sands National Monument, Otero County, N. Mex., October 17: The statement concerns the master plan for the White Sands National Monument for the next five years, which is based on general and specific mandates of Congress and NPS policies. A co-use permit with the Secretary of the Army has allowed missile impact and recovery in the western portion of the monument, thus precluding a wilderness designation. Construction of roads and visitor facilities in the outlying area will change the area from its present natural state. Comments made by: DOI, DOD, EPA. (ELR Order No. 51535.)

DEPARTMENT OF LABOR

Draft

Coke Oven Emissions, October 17: The Occupational Safety and Health Administration proposes to regulate employee exposure to respirable particulate above a limit of 0.3 mg/m^3. The proposal also provides for protective equipment and clothing, training, medical surveillance, and recordkeeping. The statement indicates no significant impacts on the environment external to the workplace, but lack of hard data prevents OSHA from quantifying the full extent of any type of environmental impact. (ELR Order No. 51539.)

NATIONAL SCIENCE FOUNDATION

Contact: Dr. Thomas O. Jones, Deputy Assistant to the Director, National and International Programs, Room 703, Washington, D.C. 20550, 202–632–4180.

Final

International Phase of Ocean Drilling, October 16: Proposed is the support of the International Phase of Ocean Drilling of the Deep Sea Drilling Project, scheduled to begin late fall of 1975 as part of the National Science Foundation's Ocean Sediment Coring Program. The exploratory drilling would be performed in relatively few sites but to substantially greater depths than before. Areas with known reservoirs of hydrocarbons will be avoided. The possible release of major fluxes of natural fluids is the only event which could have a profund negative environmental impact. Comments made by: EPA, USA, DOI. (ELR Order No. 51531.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, 202–426–4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Clark Co. Airport, Jeffersonville, Ind., Clark County, Ind., October 16: The statement concerns the acquisition of 519 acres of land and a new airport for Clark County. The project will include the construction of a runway, entrance road and vehicle parking, administration building, airplane hangars and aprons, navigation and landing aids, and site improvements. The statement includes a description of construction in four phases, the last of which will end in 1998. Adverse impacts of the project include the loss of 600 acres to other uses, increased noise pollution, relocation of 6 households and increased air pollution. (ELR Order No. 51530.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Appalachian Highway in North Ga., Several Counties in Ga., October 14: The statement provides five alternative routes for the construction of SR 400, the Appalachian Highway, from the Forsyth/Dawson County line to the North Carolina State line. Distances range from 58.7 miles to 72.2 miles long. All alternatives propose the construction of a 4-lane divided facility, and all will require blasting, relocation of families and businesses, and the crossing of streams and rivers within the corridor. (ELR Order No. 51523.)

Final

Northwest County Highway, Shelby County, Tenn., October 14: The proposed project involves the construction of Northwest County Highway between Millington and Arlington in north Shelby County, Tennessee. The project length is approximately 18 miles. Adverse impacts include the displacement of residences and businesses, loss of farmland and wildlife habitat, increased air and noise pollution, and temporary soil erosion and siltation during construction. Comments made by: DOI, DOC, EPA, HUD, USDA, TVA, COE, HEW, and State and local agencies. (ELR Order No. 51515.)

I–295, Richmond, Chesterfield, Hanover, and Henrico Va., October 17: Proposed is the construction of a 37.4 mile segment of the circumferential route around Richmond, Virginia. Route 295 has its southern terminus near Proctors Creek on Route 1/301, south of Richmond, and extends to the east and north of Richmond to terminate at an interchange with proposed Route 288 and I–64. The project will require the displacement of 14 businesses and 96 families and will cross the Hoke Brady Road, a part of the Richmond National Battlefield Tour Route and the site of Union communications trenches. A 4(f) statement is included. Comments made by: (ELR Order No. 51534.)

State Trunk Highway 21, Juneau County, Juneau County, Wis., October 16: The statement refers to the proposed reconstruction and resurfacing of State Trunk Highway 21 in Juneau County. The project begins at the Juneau-Monroe County line and extends easterly 15.11 miles through the village of Necedah to the Wisconsin River. The westerly 9.56 miles involve reconstruction of the existing roadway and the easterly 5.55 miles involve resurfacing. The project will require acquisition of approximately 90 acres from private individuals and from the U.S. Government. (26 pages.) Comments made by: DOT, EPA, DOI, and State agencies. (ELR Order No. 51532.)

U.S. COAST GUARD

Final

LORAN-C Chain, West Coast/Gulf of Alaska, October 14: The proposed action provides for the establishment of a new LORAN-C radio-navigation chain along the US West Coast and in the Gulf of Alaska. Stations will be located in Searchlight and Fallon, Nevada; Middletown, California; Moses Lake, Washington; Ketchikan (Shoal Cove), Tok, Sitkinak, Alaska, and at an as-yet undefined location in southwestern Canada. This eis concerns only the non-Alaska stations. There will be some visual impact at all stations due to the height of the towers; adverse impact may occur in especially scenic areas. Comments made by: DOD, DOC, DOI, AHP, EPA, USCG, USDA, COE, and State and local agencies and individuals. (ELR Order No. 51513.)

GARY L. WEDMAN,
General Counsel.

[FR Doc.75-28648 Filed 10-23-75;8:45 am]

FAA, CG, UMTA, AND HUD; ADMINISTRATIVE ACTIONS

List Actions Needing Environmental Impact Statements

The following list, filed with the Council by the Department of Transportation, Federal Aviation Administration, United States Coast Guard, and Urban Mass Transit Administration, and by the Department of Housing and Urban Development, indicates those administrative actions that FAA, USCG, UMTA, and HUD have determined will require the preparation of environmental impact statements under NEPA.

Listing of DOT/Federal Aviation Administration Actions for which Environmental Impact Statements are in preparation or anticipated.

Anchorage, AL, New Runway.
Cedar Rapids, IA, Airport Layout Plan and Land Acquisition.
Pocohontas, IA, Airport Layout Plan and Land Acquisition.
York, NE, Master Plan and Airport Layout Plan.
Onawa, IA, Airport Layout Plan.
Lamar, MO, Master Plan and Airport Layout Plan.
Omaha, NE, Airport Layout Plan.
North Platte, NE, Airport Layout Plan and Airport Development.
Lamoni, IA, Airport Layout Plan.
Washington, KS, Master Plan and Airport Layout Plan.
Lee's Summit, MO, Airport Development.
Blair, NE, Master Plan and Airport Layout Plan.
Hillsboro/Marion, KS, Master Plan and Airport Layout Plan.
Hoxie, KS, Master Plan and Airport Layout Plan.
Marshalltown, IA, Airport Layout Plan and Airport Development.
Springfield, MO, Master Plan.
LeMars, IA, Master Plan and Airport Layout Plan.
Atwood, KS, Master Plan and Airport Layout Plan.
Jefferson City, MO, Airport Development.
Storm Lake, IA, Airport Development.
Pittsburg, KS, Airport Development.
Albany, MO, Airport Development.
Sac City, IA, Airport Development.
Joplin, MO, Airport Development.
Eldon, MO, Airport Development.
Scott City, KS, Airport Development.
Pontiac, Oakland-Pontiac, MI, Land Acquisition Extend Runway.
Ironwood County, MI, Land Acquisition New Runway.
Hillsdale Municipal, MI, 20 Year Planning Grant Program (PGP).
Mt. Pleasant Municipal, MI, Land Acquisition Extend Runway.
Saginaw (Tri-City Apt.), MI, Land Acquisition Extend Two Runways.
Escanaba County, MI, Land Acquisition Extend Runway.
Menominee County, MI, New Runway.
Lansing-Capital City, MI, 20 Year Planning Grant Program (PGP).
Grand Ledge Municipal, MI, 20 year Planning Grant Program (PGP).
Ann Arbor Municipal, MI, 20 Year Planning Grant Program (PGP).
Kalamazoo Municipal, MI, Extend Runway.
Flint-Bisho,, MI, Land Acquisition New Runway.
Grand Rapids County, MI, Extend Runway.
Coldwater Municipal, MI, 20 Year Planning Grant Program (PGP).
Greenville Municipal, MI, 20 Year Planning Grant Program (PGP).
Saginaw Harry Browne, MI, 20 Year Planning Grant Program (PGP).
Aurora Municipal, IL, 20 Year Planning Grant Program (PGP).
Bloomington Normal, IL, 20 Year Planning Grant Program (PGP).
Carbondale Southern, IL, 20 Year Planning Grant Program (PGP).
Champaign Willard, IL, 20 Year Planning Grant Program (PGP).
Decatur Municipal, IL, 20 Year Planning Grant Program (PGP).
Effingham County, IL, Land Acquisition ILS Runway.
Havana Municipal, IL, New Airport-20 Year Planning Grant Program (PGP).
Rockford Greater, IL, 20 Year Planning Grant Program (PGP).
Effingham County, IL, Land Acquisition New Runway.
Akron-Canton Municipal, OH, Extend Runway.
Cleveland Cleveland-Hop., OH, New Runway Extend Runway.
Cleveland Cuyahoga, OH, New Runway.
Anderson Municipal, IN, Cross-Wind Runway Extension.
Angola Tri-State, IN, New Airport-20 Year Planning Grant Program (PGP).
Crawfordsville Municipal, IN, New Airport-20 Year Planning Grant Program (PGP).
Ft. Wayne Municipal, IN, 20 Year Planning Grant Program (PGP).
French Lick Municipal, IN, Runway Extension.
Gary Municipal, IN, 20 Year Planning Grant Program (PGP).
Greencastle County, IN, New Airport-20 Year Planning Grant Program (PGP).
Huntingburg Municipal, IN, 20 Year Planning Grant Program (PGP).
Mt. Vernon Municipal, IN, New Airport-20 Year Planning Grant Program (PGP).
North Vernon Municipal, IN, New Airport-20 Year Planning Grant Program (PGP).
Shelbyville Municipal, IN, 20 Year Planning Grant Program (PGP).
Wabash Municipal, IN, 20 Year Planning Grant Program (PGP).
Jeffersonville Clark County, IN, New Airport-20 Year Planning Grant Program (PGP).
Green Bay Austin Straubel, WI, Land Acquisition Improve Runway.
Madison County, WI, Land Acquisition Clear Runway Approach.
Antigo County, WI, Land Acquisition Extend Runway.
Waupaca Municipal, WI, Land Acquisition Install VASI.
Rhineland County, WI, Construct CFR Building.
Baudette International, MN, Land Acquisition Runway Extension.
Madison Dawsen-Madison, MN, New Runway.
Tower Municipal, MN, New Runway.
Pergus Falls Municipal, MN, Land Acquisition.
Walker Municipal, MN, Land Acquisition New Runway.
Jackson, Municipal, MN, Land Acquisition Runway Extension.
Elmira, NY, Runway Extension.
Newburgh, NY, Runway Extension.
St. Marys, PA, Runway Extension.
Erie, PA, Runway Extension.
Allentown, PA, Runway Extension.
Clarksburgh, WV, Runway Extension.
New Martinsville, WV, New Airport.
Buckhannan, WV, New Airport.
Lewisburg, WV, Runway Extension.
Ocean City, MD, New Runway.
Chestertown, MD, New Airport.
Calvert County, MD, New Airport.
Clinton, VA, Runway Extension.
Southhill, VA, New Airport.
Franklin, VA, Runway Extension.
Roanoke, VA, Runway Extension.
Williamsburg, VA, New Airport.
Gloucester, VA, Airport Expansion.
Stafford County, VA, New Airport.
New Haven, CT, Runway Extension.
Rumford, ME, New Airport.
Provincetown, MA, Runway Extension.
Lopez, WA, Land Acquisition New Runway.
Neah Bay, WA, New Airport Site.
Richland, WA, New Runway Land Acquisition.
Woodland, WA, New Airport Site.
Colville, WA, New Airport Site.
Ocean Shores, WA, New Airport Site.
Pasco, WA, Runway Extension Land Acquisition.
Elma, WA, New Airport Site.
Everett, WA, New GA Runway.
Vancouver, WA, New Airport Site.
Eugene (Table Top), OR, Establish ARSR.
North Bend, OR, Runway Extensions.
La Grande, OR, Runway Extension.
Hermiston, OR, Land Acquisition –Runway Extension.
Medford, OR, Land Acquisition.
Warm Springs, OR, New Airport Site.
Portland-Clackamas, OR, New Airport Site.
St. Maries, ID, Land Acquisition.
Kamiah, ID, Runway Extension.
Soda Springs, ID, New Runway Land Acquisition.
Yap Airport, Yap District, Trust Territory of the Pacific Islands, Develop Airport Master Plan.
Kusaie Island, Truk Territory of the Pacific Islands, Develop Airport Master Plan.
Babelthuap/Koror Island, Palau District, Trust Territory of the Pacific Islands, Develop Airport Master Plan.
Agana, Guam, Mariana Islands, Develop Airport Master Plan for General Airport.
Honolulu, Hawaii, Develop Airport Master Plan for General Aviation Airport.
Lihue, Kauai, Hawaii, Develop Airport Master Plan.
Agana, Guam, Mariana Islands, Transfer of Section 23 (U.S. Navy) land.
Alabaster, AL, Extend both ends of Runway 15/33.
Charleston, SC, Construct New General Aviation Runway.
Gibertsville, KY, Extend Runway.
Miami, FL (Int'l), Extend Runway 09R.
Miami, FL, Construct New Air Carrier Airport.
Morristown, TN, Construct New General Aviation Airport.
Nashville, TN, Construct New Airport.
Raleigh-Durham, NC, Construct New Air Carrier Runway.
St. Thomas, VI, Construct New Runway.
Ft. Myers, FL, Construct New Air Carrier Airport.
Tulsa, OK, Provide Additional Instrumentation.
Richardson, TX, New Airport.
Lake Jackson, TX, Airport Master Plan.
Baton Rouge, LA, Airport Master Plan.
Gonzales, LA, New Airport.
Hollywood-Burbank, CA, Acquire Existing Airport.
La Verne, CA, New Runway.
Los Angeles (Whiteman), CA, Land Acquisition and New Runway.
Los Angeles, (Int'l), CA, Airport Development.
Oakland, (Int'l), CA, New Runway.
Palmdale, (Int'l), CA, New Airport.
Reedly, CA, New Airport.
Santa Ana (Orange County), CA, Airport Extension.
San Francisco (Int'l), CA, Airport Expansion.
Ontario, CA, New Runway.

FAA OFFICE OF ENVIRONMENTAL QUALITY RULEMAKING PROJECTS

Civil Helicopter Noise Certification Standards.

V 40 N 207 OCT 24 75 XUM

Civil Airplane Fleet Noise Requirements.
Modification of FAA FAR 36 Appendix C.
Civil Supersonic Aircraft Noise Type Certification Standards.
Concorde Supersonic Transport Aircraft.

The following projects were previously announced as requiring an environmental impact statement but have been found to be adequately covered by a negative declaration.

Aspen, CO, Master Plan.
Colorado Springs, CO, Master Plan.
Durongo, CO, Master Plan.
Logan, UT, Master Plan.
Salt Lake City, UT, New Runway.
Casper, WI, Master Plan.
Riverton, WI, Master Plan.
Civil Propeller Driven Large STOL Aircraft Noise Certification Standards.
Noise Abatement Operating Procedure Requirements—Departure.

Listing of DOT/United States Coast Guard Actions for which Environmental Impact Statements are in preparation or anticipated.

F—Proposed changes to the Coast Guard Station New London, CT.
F—Proposed regulations for Vessels in Domestic trade.
F—Deepwater Port Regulations.
D—Proposed Coast Guard Search and Rescue Station, Cockspur Island, GA.
F—Proposed Loran (C) Chain—Gulf Coast (final to CEQ 15JUL75).
D—Proposed Multi-Purpose Facility at Berwick, LA.
D—Proposed Rules for Vessel Traffic System, Berwick Bay, LA.
F—Proposed Vessel Traffic System, Houston/Galveston, TX.
D—Proposed Loran (C) Station, Seneca Army Depot, NY.
F—Proposed Loran (C) Chain, U. S. West Coast/Gulf of Alaska.
D—Point Reyes Housing Sewage Disposal Plan, CA.
D—Proposed bridge across Shallotte Creek, Brunswick County, NC.
F—Proposed ramps for the downtown expressway to the I-95 highway bridge across the James River in Richmond, VA.
F—Proposed replacement of the Dumbarton Bridge across San Francisco Bay, San Mateo and Alameda Counties, CA.
D/4(F)—Proposed Route U. S. 22 Highway Bridge across the Ohio River between Wierton, WV and Steubenville, OH.
D—Proposed reconstruction Main Street Bridge and Sixth Street Bridge across Muskingum River at Zanesville, OH.
D—Proposed Highway Bridge across the Wisconsin River in Wassau, WI.
F—Proposed Highway Bridge across the Wolf River in Fremont, WI.
F—Proposed Highway Bridge across Station Creek for access to a planned residential development on St. Phillip Island in Beaufort County, SC.
D—Proposed 78th Ave. Bridge across Gulf Intercoastal Waterway in Seminole Beach, FL.
D—Proposed James Point Bridge across the St. John River in Jacksonville, FL.
D—Proposed Coast Guard Station at Provincetown, MA.
F—Proposed Route 18 Highway Bridge across the Raritan River in New Brunswick, NJ.
D—Proposed Calhoun St. Bridge across Delaware River between Morrisville, PA and Trenton, NJ.
D—Proposed Merrick Rd., Bridge across Seaford Creek in Mineola, NY.
D—Proposed Highway Bridge across Calcaleu Lake in Cameron Parish, LA.
D—Proposed Highway Bridge across Hog Bayou near Grand Chenier, Cameron Parish, LA.
D—Proposed vehicular/mass transit bridge across the Mississippi River at New Orleans, LA.
D—West Bank Expressway, U.S. Route Highway 90 Business Route, Upgrading of an existing segment to freeway standards including a high level bridge over the Harvy Canal. Proposed upgrading would extend from U.S. Highway 90 on the west to the Orleans Parish line on the east, a distance of 9.78 miles New Orleans, LA.

NEGATIVE DECLARATIONS PREPARED AND FILED IN COAST GUARD HEADQUARTERS DURING THE SECOND QUARTER OF CY 1975

Purchase ten (10) units of family housing in Ocean View Township, Sussex County, DE, for Indian River Inlet Coast Guard Station.
Installation of underwater power cables to Smith Point and Wolf Trap Lighthouses in the Chesapeake Bay, VA.
Renovation of Traverse City Air Station, Traverse City, MI.
New Coast Guard Seasonal Support Facility, Santa Cruz, CA.
Additions to Coast Guard Base, Mayport, FL.
Consolidation of Coast Guard Units at Pier 36/37 Seattle, WA.
Proposed disposal of 1.08 acres of land at Laupahoehoe Point, Island County, HI.
Industrial waste control at Elizabeth City Air Base, NC.

NEGATIVE DECLARATIONS FOR FINAL BRIDGE PERMIT ACTIONS

PROJECT, WATERWAY, LOCATION, PERMIT NO.
Budd Inlet, Puget Sound, Olympia, Washington, 96–74.
Piscataqua River, Portsmouth, New Hampshire, 139–74.
Chimenticook Stream, Aroostook County, Maine, 145–74.
Mississippi River (Upper), Prairie DuChien & Marquette, Iowa, 254–68.
Mystec River, Somerville & Medford, Massachusetts, 18–75.
Pine Island Bayou, Beaumont, Texas, 195–69.
Mohongahela River, Morgantown, West Virginia, 19–75.
Onancock Creek, Onancock, Virginia, 20–75.
Ohio River, Moundsville, West Virginia, 21–75.
Guyandotte River, Juntington, West Virginia, 22–75.
Mahoning River, Youngstown, Ohio, 23–75.
Mermentua River, Lake Arthur, Louisiana, 65–69.
Shakett Creek, Nokomis, Florida, 27–75.
Ohio River, Parkersburg, West Virginia, 28–75.
Polk Drive Canal, Sarasota County, Florida, 31–75.
Collins Canal, Miami Beach, Florida, 198–69.
Wateree River, Wateree, South Carolina, 32–75.
New York Barge Canal, Monroe County, New York, 33–75.
Houston Creek, Chatham County, Georgia, 34–75.
Randolph Slough, Bandon, Oregon, 37–75.
Earman River, North Palm Beach, Florida, 40–75.
Middle River, San Joaquin County, California, 42–75.
Ribault River, Duval County, Florida, 43–75.
Loxahatchee River (North Fork), Tequesta, Florida, 51–75.
New River (North Fork), Fort Lauderdale, Florida, 53–75.
Vardell Creek, Charleston, South Carolina, 54–75.
Cocheco River, Dover, New Hampshire, 44–75.
Bowlees Creek, Manatee, Florida, 36–75.
GIWW, Houma, Louisiana, 66–68.
Mascoma River, Lebanon, New Hampshire, 26–75.
Fox River, Kaukauna, Wisconsin, 144–74.
California Sluiceway, Imperial Dam, California, 80–75.
Colorado River, Yuma, Arizona, 135–72.
Arizona Sluiceway, Imperial Dam, Arizona, 82–75.
Point Remove Creek, Morrilton, Arkansas, 74–75.
Bonanza Channel, Nome, Alaska, 67–75.
Knob Creek, Arcot, Tennessee, 68–75.
Ocean Canal (Biscayne Bay), Miami Beach, Florida, 146–74.
Coosa River, Mims Ferry, Alabama, 62–75.
Yachats River, Yachats, Oregon, 63–75.
Wisconsin River, Tomahawk, Wisconsin, 64–75.
Pine River, St. Clair, Michigan, 55–74.
Wax Lake Outlet, Calumet, Louisiana, 65–75.
Unnamed Channels (tributaries of Gulf of Mexico), Bayport, Florida, 169–70.
Sampit River, Georgetown, South Carolina, 113–74.
Collins Canal, Dade County, Florida, 58–75.
Toms River, Ocean County, Dover, New Jersey, 156–74.
Buffalo Bayou, Houston, Texas, 46–75.
Eureka Slough, Eureka, California, 38–75.

Listing of DOT/Urban Mass Transportation Administration Actions for Which Environmental Impact Statements Are In Preparation Or Anticipated.

1. Supplemental EIS on changes to MARTA East-West line, Atlanta, Georgia.
2. Final EIS on Fifth and Sixth Avenues Transit Mall, Portland, Oregon.
3. Draft EIS on South Quincy Station Area, Massachusetts.
4. Draft and Final EIS on D.C. Bicentennial Transportation Program, Washington, D.C.
5. Draft EIS on Extension to Shady Grove, Washington Metropolitan Area Transit Authority, Wash., D.C.

Listing of HUD Actions for which Environmental Impact Statements are in preparation or anticipated.

Austin, Texas, Development of Colony Park, Section 1, Phase 4-A, and Colony Park Hills, Section 1-B.
Palm Beach County, Florida, Cannongate Planned Unit Development Project.

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-28649 Filed 10-23-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 776]

COMMON CARRIER SERVICES INFORMATION [1]

Re: Domestic Public Radio Services Applications Accepted for Filing [1]

OCTOBER 20, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix below if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20291–CD–MP/L–75, **Samuel W. Waldenberg (KUS355)**, Modification of CP and License **to change frequency from 152.18 MHz to 152.06 MHz** at Loc. #1: Blacktail Mtn., 12 miles S. of Kalispell (Flathead) Montana.

20598–CD–P–76, **Airsignal of Nevada, Inc. (New)**, C. P. for a new 1-way Signaling station to operate on 35.22 MHz to be located at **Black Mtn., 6.5 miles SW of Henderson (Clark) Nevada.**

20599–CD–TC–(5)–76, **Chalfont Communications. Consent to Transfer of Control from Frank & Marie Chalfont, Transferor to Frank Chalfont, Mrs. Jeanne N. Beamesderfer, Mrs. Julia A. Knupp, & Dan W. Chalfont, Transferees. Stations: KMD995 & KMM581, Palm Springs, California; KMA 251 & KLF520, El Centro, California; and KMM652, Beaumont, California.**

20600–CD–TC–76, **Pennsylvania Radio Telephone Corp. Consent to Transfer of Control from Leon R. Price, Transferor, to Robert L. Starer, Transferee. Station: KGA808, Top of Mt. Penn, Pennsylvania.**

20601–CD–P–(3)–76, **Empire Mobilcomm Systems, Inc. (KOK419), C.P. to replace transmitter operating on 454.300 MHz and for additional facilities to operate on 454.150 & 454.250 MHz located at 4.5 miles West of Salem, Oregon.**

20602–CD–P–76, United Telephone Company of Indiana, Inc. (New), C. P. for a new 1-way station to operate on 158.10 MHz to be located approximately ½ mile South Southeast of Plymouth, Indiana.

20603–CD–P–76, **United Telephone Company of Indiana, Inc. (New), C. P. for a new 1-way station to operate on 158.10 MHz to be located on State Road 25, ½ mile West of Warsaw, Indiana.**

20604–CD–P–(2)–76, Pass Word, Inc. (KMM 697), Resubmitted a C. P. for additional facilities to operate on 454.250 & 454.300 MHz located 9.3 miles E. of Spokane, Mica Peak, Idaho.

20605–CD–P–76, C. P. for a new 2-way station to operate on 152.21 MHz to be located 0.95 miles East of Larned, Kansas.

20606–CD–P–76, **South Shore Radio-Telephone, Inc. (KUD238)**, C. P. for additional facilities to operate on 454.075 MHz to be located at a new site described as Loc. #2: Hines Hospital, Maywood, Illinois.

20607–CD–P–76, Seaway Communications (KUS413), C. P. to relocate facilities operating on 35.58 MHz to be located at 21st Street & Central Avenue, Ship Bottom, New Jersey.

20608–CD–P–(2)–76, Public Communications, Inc. (KLB761); C. P. for additional facilities to operate on 152.09 & 152.15 MHz located off Highway #59, 2 miles South of Lufkin, Texas.

20609–CD–TC–(2)–76, Mobile Radio System of Ventura, Inc. Consent to Transfer of Control from Pacific Communications Corporation, Transferor, to Anna Markel, et al, Transferees. Stations: KSV976, Ventura, California & KMA835, Willis Canyon Peak, California.

20610–CD–TC–(2)–76, Mobile Radio System of San Jose, Inc. Consent to Transfer of Control from Tel-Rad, Inc. Transferor, to Anna Markel, et al, Transferees. Stations: KQZ715 & KMA741, San Jose, California.

20611–CD–P–76, Michigan Bell Telephone Company (KQA812), C. P. to increase antenna height & correct coordinates operating on 152.151 MHz located at 5980 Wildcast Road, 10 miles NW of Port Huron, Michigan.

20612–CD–P/L–76, **Clifton Telephone Company (KLB579), Reinstatement of expired license operating on 152.69 MHz located on State Highway 215, 0.5 mile SE of Clifton, Texas.**

Major amendment

20559–CD–P–75, Chicago Communications **Service, Inc. Arlington Heights, Illinois. Amend to change the antenna to a Decibel Products, DB–406E with the maximum lobe of radiation at N. 315 degrees mounted such that the tip does not exceed 269.75 feet above ground level. All other particulars of operation remain as reported in PN #724 dated October 21, 1974.**

RURAL RADIO SERVICE

60184–CR–TC–76, Mobile Radio System of San Jose, Inc. Consent to Transfer of Control from Tel-Rad, Inc., Transferor to **Anna Markel, et al, Transferees. Station: KNK83, Temporary Fixed.**

Correction

60183–CR–TC–76, Imperial Communications Corp. Consent to Transfer of Control from Bell & Howell Company, Transferor to General Communications Service, Inc., **Transferee. Station: KOA42, Temporary Fixed. This entry was inadvertently omitted from PN #775 dated October 14, 1975.**

POINT-TO-POINT MICROWAVE RADIO SERVICE:

1115–CF–P–76, Eastern Microwave, Inc. (KCK70), Mt. Greylock 1, Massachusetts. **Lat. 42°38'07" N., Long. 73°09'57" W. C.P. to correct station location to the foregoing coordinates; add 6049.0H MHz toward Beech Hill, New Hampshire and toward Florida Mtn., Massachusetts.**

1120–CF–MP–76, American Television and Communications Corp. (WAU277) High Point, North Carolina. Lat. 35°59'00" N., Long. 80°03'41" W. C.P. to add 6226.9H MHz and 6286.2H MHz toward Salisbury, North Carolina.

1121–CF–P–76, Same. (New), Salisbury, North Carolina. Lat. 35°43'07" N., Long. 80°27'19" W. C.P. for a new station on 5960.0H MHz and 6078.6H MHz toward Concord, North Carolina.

1122–CF–P–76 (New), Concord, North Carolina. Lat. 35°24'28" N., Long. 80°39'05" W. C.P. for a new station on 6212.0V MHz and 6330.7V MHz toward Charlotte, North Carolina.

1123–CF–MP–76, Yankee Microwave (KYZ 86), Moose Hill, 3.0 Miles East of Livermore Falls, Maine. Lat. 44°29'00" N., Long. 70°07'59" W. C.P. to add 6167.6V MHz and 6019.3V MHz toward Jay, Maine.

1146–CF–P–76, Same. (New), Nashua, New Hampshire. Lat. 42°44'28" N., Long. 71°27'15" W. C.P. for a new station on 11505.0H MHz toward Manchester, New Hampshire, on azimuth 3.8 degrees.

[FR Doc.75-28681 Filed 10-23-75;8:45 am]

[1] All applications listed in the appendix below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

FEDERAL HOME LOAN BANK BOARD

[H.C. #203]

FIRST FINANCIAL OF VIRGINIA CORP.

Notice of Receipt of Application for Permission To Acquire Control of

OCTOBER 20, 1975.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from First Financial of Virginia Corp., McLean, Virginia, for approval of acquisition of control of the Augusta County Savings and Loan Association, Stuarts Draft, Virginia, an uninsured institution, under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and Section 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by an exchange of the association's capital stock for the capital stock of the applicant. The acquisition is contingent upon Augusta County Savings and Loan Association having its savings accounts insured by the Federal Savings and Loan Insurance Corporation. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] J. J. FINN,
Secretary,
Federal Home Loan Bank Board.

[FR Doc.75-28693 Filed 10-23-75;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 75-40]

ACE MACHINERY CO. AND HAPAG-LLOYD AKTIENGESELLSCHAFT

Erratum

In the notice of filing of complaint in this proceeding served October 10, 1975

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and published in the FEDERAL REGISTER October 16, 1975 (46 FR 48549), the date on or before which hearing is ordered to commence should read April 10, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-28736 Filed 10-23-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP75-91 and RP72-157; PGA 76-2; R&D 76-1]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

OCTOBER 8, 1975.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on September 30, 1975, tendered for filing Seventh Revised Sheet Nos. 8 and 9. These tariff sheets are proposed to become effective November 1, 1975, subject to refund, in accordance with the provisions of Section 4 of the Natural Gas Act in lieu of the rates filed April 16, 1975 in Docket No. RP75-91 which were suspended until November 1, 1975.

Consolidated states that the purpose of Seventh Revised Sheet Nos. 8 and 9 is (1) to reflect all changes in Consolidated's pipeline purchased gas cost that will be in effect November 1, 1975; (2) to include in its rates a surcharge to reflect the unrecovered Purchased Gas Cost Account and flow through of supplier refunds; and, (3) to include a Research and Development cost adjustment.

The proposed revised tariff sheets reflect an annual decrease of $20.1 million in revenues from the revenues that would have been generated under the rates as originally filed April 16, 1975. The surcharge of 0.16¢/Mcf would be in effect November 1, 1975 through April 30, 1976. The R&D Cost Adjustment is 0.04¢/Mcf.

The rates contained in Seventh Revised Sheet Nos. 8 and 9 would generate $10.4 million over the rates contained in Sixth Revised Sheet Nos. 8 and 9 filed September 2, 1975 for effectiveness October 1, 1975.

Consolidated requests a waiver of any of the Commission's Rules and Regulations as may be required to permit the proposed rates to become effective.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested state commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28633 Filed 10-23-75;8:45 am]

[Docket Nos. RI76-39 and RI76-40]

JURISDICTIONAL SALES OF NATURAL GAS

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund[1] and Dismissing as Unnecessary Certain Filings

OCTOBER 15, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The purposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket Nos.
R176-39...	William C. Russell	2	[1] 23	El Paso Natural Gas Co., (New Mexico) (Rocky Mountain).	$34,087	9-15-75		(2)	56.8167	73.86	
	do		[1] 24	do	18,000	9-15-75		3-16-76	48.0	63.0	RI74-53.
	do		[1] 25	do	14,000	9-18-75		3-19-76	46.75	60.75	
R176-40...	R & G Drilling Co., Inc		[3]	do		9-15-75		(7)	[8] 55.0	[8] 71.50	
	do		[4] 5	do		9-15-75		(4)	56.8167	73.86	

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Applicable to wells spudded on or after Jan. 1, 1973.
[2] Applicable to the Graham No. 53 well.
[3] Applicable to the Marron No. 46 well.
[4] Filing being dismissed as unnecessary because applicant's small producer certificate provides all the authorization needed to collect the proposed rate without filing a notice of change.
[5] Sale being made pursuant to a contract dated July 29, 1975, which replaced the basic Dec. 11, 1951, contract which expired July 1, 1973.
[6] Sale being made pursuant to a contract dated Mar. 24, 1972, which replaced the basic Jan. 30, 1954, contract which expired in late 1974.
[7] Russell is filing to cover his wells only which are covered by R. & G.'s rate schedules.
[8] The pressure base is 14.73 lb/in²a.
[9] Accepted as of the date of filing since the proposed rate is in conformity with opinion No. 742.

R & G's proposed rate increases under its FPC Gas Rate Schedule Nos. 3 and 5 are dismissed as unnecessary since its small producer certificate provides all the authorization necessary for R & G to collect the contract rates without the necessity of making filings.

With the exception of Russell's proposed rate filing under Supp. No. 23 to his FPC Gas Rate Schedule No. 2, which is accepted for filing since it is in conformity with Opinion No. 742, Russell's proposed rate increases are suspended for five months since they exceed the applicable area ceiling rate established in Opinion No. 658.

[FR Doc.75-28537 Filed 10-23-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR COMPUTER SCIENCE AND ENGINEERING

Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name. Advisory Panel for Computer Science and Engineering.
Date. November 11 and 12, 1975.
Time. 9:00 a.m. to 5:00 p.m. each day.
Place. Rm. 321, National Science Foundation, 1800 G Street, NW. Washington, D.C.
Type of meeting. Open.
Contact Person. Dr. Kent K. Curtis, Head, Computer Science Section, Rm. 339, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-7346.
Summary minutes. May be obtained from the Committee Management Coordination Staff, Management Analysis Office Rm. 248, National Science Foundation, Washington, D.C. 20550.
Purpose of Advisory Panel. To provide advice and counsel concerning the status and new directions of computer science and engineering research.

NOVEMBER 11

Agenda
9:00 a.m. Introduction
9:30 a.m. Review: Software and Programming Systems Program. Software Quality Research Program.

NOVEMBER 12

9:00 a.m. Overview of NSF Programs in Computer Science.
10:30 a.m. Continuation of Review of Software and Programming. Systems Program and Software Quality Research Program.
1:30 p.m. NSF Reorganization.
2:30 p.m. Further discussion of agenda items.

GAIL A. MCHENRY,
Acting Committee Management Officer.

OCTOBER 21, 1975.

[FR Doc.75-28636 Filed 10-23-75;8:45 am]

INTERNATIONAL DECADE OF OCEAN EXPLORATION PROPOSAL REVIEW PANEL

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name. International Decade of Ocean Exploration Proposal Review Panel.
Date. November 11 through 13, 1975.
Time. 8:30 a.m. each day.
Place. Rm. 643, National Science Foundation, 1800 G Street, NW., Washington, D.C.
Type of Meeting. Closed.
Contact Person. Mr. Feenan D. Jennings, Head, Office for the International Decade of Ocean Exploration, Rm. 1214, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-7356.
Purpose of Panel. To provide advice and recommendations concerning support of research by programs of the Office for the International Decade of Ocean Exploration.
Agenda. Review and evaluate research proposals.
Reason for Closing. The proposals being reviewed contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6).
Authority to close meeting. The determination made on February 21, 1975, by the Director of the National Science Foundation pursuant to provisions of section 10(d) of Pub. L. 92-463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

OCTOBER 21, 1975.

[FR Doc.75-28635 Filed 10-23-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-443, 50-444]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, ET AL., (SEABROOK STATION, UNITS 1 AND 2)

Reconstitution of Board

Daniel M. Head, Esq., was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Mr. Head is resigning from the Atomic Safety and Licensing Board Panel and therefore is unable to continue his service on this Board.

Accordingly, John M. Frysiak, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with the Rules of Practice of the Commission.

Dated at Bethesda, Md., this 22d day of October 1975.

JAMES R. YORE,
Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.75-28772 Filed 10-23-75;8:45 am]

[Docket Nos. 50-460, 50-513]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM, (WPPSS NUCLEAR PROJECT NOS. 1 AND 4)

Reconstitution of Board

Daniel M. Head, Esq., was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Mr. Head is resigning from the Atomic Safety and Licensing Board Panel and therefore is unable to continue his service on this Board.

Accordingly, Margaret M. Laurence, Esq., whose address is Laurence, Stokes & Neilan, 2001 Jefferson Davis Highway, Arlington, Virginia 22202, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with the Rules of Practice of the Commission.

Dated at Bethesda, Md., this 22nd day of October 1975.

JAMES R. YORK,
Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.75-28773 Filed 10-23-75;8:45 am]

POSTAL RATE COMMISSION

[Docket No. MC73-1]

MAIL CLASSIFICATION SCHEDULE, 1973

Formal Conference and Tentative Scheduling of Hearing

OCTOBER 21, 1975.

Notice is hereby given that the Administrative Law Judge has scheduled a formal conference on Tuesday, October 28, 1975, at 10:00 a.m., in the hearing room of the Postal Rate Commission, 2000 L Street, NW., Washington, D.C., to consider:

(1) The status of the settlement negotiations in Phase I; and.

(2) A progress report on Phase III.

The parties are notified that the Commission has set a deadline of Wednesday, November 12, 1975, for the submission of a Phase I settlement agreement to the Commission. If no such document is submitted, the hearing will resume on Monday, November 17, 1975, at 10 a.m., in the Postal Rate Commission hearing room.

JAMES R. LINDSAY,
Secretary of the Commission.

[FR Doc.75-28782 Filed 10-23-75;8:45 am]

POSTAL SERVICE

POSTAGE RATES AND FEES

Proposed Changes

Corrections

In FR Doc. 75-27021 appearing at page 47589 in the issue of Thursday, October 9, 1975, the following corrections are made:

1. On page 47590, in Table A-II, footnote 2 should read: "Under temporary rates the proposed exception in footnote 1 is applicable."

2. On page 47593, in Table E-1, Proposed full rates:

(a) The pound rate category 67, zones 1 and 2, should read "$5.45" instead of "$5.54".

(b) The second sentence of footnote 1 should be deleted.

(39 U.S.C. 401)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.75-28637 Filed 10-23-75;8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

BBI, INC.

Suspension of Trading

OCTOBER 20, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of BBI, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 21, 1975 through October 30, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75–28684 Filed 10–23–75;8:45 am]

[File No. 500–1]

ROYAL PROPERTIES INC.

Suspension of Trading

OCTOBER 17, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 20, 1975 through October 29, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75–28685 Filed 10–23–75;8:45 am]

SEC REPORT COORDINATING GROUP (ADVISORY)

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92–463, 86 Stat. 770, the Securities and Exchange Commission announces a public advisory committee meeting.

The Commission's Report Coordinating Group (Advisory) will hold a meeting on November 17, 1975 at 55 Water Street, Twenty-third Floor, New York, New York. The meeting will commence at 10 a.m. local time and will be for the purpose of discussing the development of the FOCUS Report of financial and operational information, simplified trading forms and assessment forms, and related topics.

The Group's meetings are open to the public. Any interested person may attend and appear before or file statements with the advisory committee. Said statements, if in written form, may be filed before or after the meeting. Oral statements shall be made at the time and in the manner permitted by the Report Coordinating Group.

The Report Coordinating Group was formed to assist the Commission in developing a coherent, industry-wide, coordinated reporting system. In carrying out this objective, the Report Coordinating Group is to review all reports, forms and similar materials required of broker-dealers by the Commission, the self-regulatory community and others. The Group is advising the Commission on such matters as eliminating unnecessary duplication in reporting, reducing reporting requirements where feasible, and developing the FOCUS Report of financial and operational information. (Securities Exchange Act Release No. 10612; Securities Exchange Act Release No. 10959; Securities Exchange Act Release No. 11140; Securities Exchange Act Release No. 11149.)

Information concerning the meeting, including the procedures for submitting statements to the Group, may be obtained by contacting: Mr. Daniel J. Pilliero II, Secretary, SEC Report Coordinating Group Securities and Exchange Commisison, Washington, D.C. 20549.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

OCTOBER 17, 1975.

[FR Doc.75–28683 Filed 10–23–75;8:45 am]

[File No. 24C–3585]

SABER CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

OCTOBER 20, 1975.

I. Saber Corporation ("Saber"), a Minnesota corporation organized on November 10, 1971, with offices located at 7324 36th Avenue North, Minneapolis Minnesota, filed with the Commission on April 11, 1973, a Form 1–A Notification with attached exhibits, including an offering circular for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 pursuant to Section 3(b) thereof and Regulation A thereunder relating to a proposed offering of 500,000 shares of common stock, 10¢ par value, at 50¢ per share, for an aggregate amount of $250,000. The offering commenced on July 5, 1973, and was completed on October 31, 1973.

II. The Commission, on the basis of information reported by the staff, has reason to believe that:

A. The offering circular contains untrue statements of material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, particularly with respect to:

1. Failure to disclose that Saber was in default under its contract of purchase for the Breeze Campground;

2. Failure to disclose that no title other than a 10-year lease could be obtained from the State of Minnesota for 1200 feet of shoreline property.

3. Failure to disclose the existence of a $20,000 loan from the American National Bank of St. Paul, Minnesota, to Saber.

4. The filing of an application with the Minnesota Department of Health for a permit to operate one of its campgrounds.

B. The terms and conditions of Regulation A have not been met in the following respects:

The offering circular was not amended to disclose the default on the Breeze Campground contract of purchase; and to disclose the $20,000 loan to the issuer.

C. The offering was made in violation of Section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is Ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and hereby is, temporarily suspended;

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within thirty days of the entry thereof;

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for the said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75–28687 Filed 10–23–75;8:45 am]

[31–688]

ST. REGIS PAPER CO.

Filing of Application for Exemption

Notice is hereby given that St. Regis Paper Company, 150 East 42nd Street, New York, New York 10017, ("St. Regis"), a holding company, has filed an application and an amendment thereto with this Commission for an exemption for itself and its two electric utility subsidiaries, North Western Pulp & Power Ltd. ("North Western") and The Montana Light and Power Company ("Montana") under sections 3(a)(3) and 3(a)(5) of the Public Utility Holding Company Act of 1935 ("Act") and rule 7 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, as amended, which is summarized below, for a complete statement of the proposed transaction.

St. Regis, a New York corporation, is primarily engaged in the paper, pulp, and lumber industries and operations related to forest products through the ownership of 21 active subsidiary companies and other affiliated companies. Of these subsidiaries, only two, North Western and Montana, own and operate facilities used for the generation, transmission, or distribution of electric energy.

North Western, wholly-owned by St. Regis, was created under the laws of the Province of Alberta, Canada, and carries on an industrial business, the production and sale of bleached kraft pulp, the raw material from which kraft paper and board are made. All production is carried on at North Western's mill located in Hinton, Alberta, Canada. A steam-electric generating plant that supplies the needs of the mill for both electric energy and process steam is situated adjacent to the mill. Under current operations, all the steam and virtually all the electric energy produced by the plant, which has no transmission facilities, are consumed by the mill. In 1974, North Western collected revenues of $57,802,369 from its industrial business. In 1973, North Western sold 10,000 KWH as an emergency backup to the utility that provides local electric service in Hinton for a total sales price of $150. In 1974, North Western made no sales of electric energy.

Montana, a wholly-owned Montana subsidiary of St. Regis, operates in Troy and Libby, Montana, providing the electric and steam energy for the parent's facilities. Approximately two-thirds of Montana's generation is purchased by the parent directly. Of the remaining one-third, one-half is sold directly to one regular industrial customer near Libby. The balance is distributed by Montana in the community of Troy, whose only substantial local enterprise is St. Regis. Surplus power sales are sold to Pacific Power & Light Company ("Pacific"), the adjacent electric utility, under an interchange agreement. For the year 1974, the net energy available for sale by Montana was 49,032,020 KWH ($386,196.51) of which 37,710,420 KWH ($271,515.02) were purchased directly by St. Regis, 7,036,600 KWH ($107,172.62) were distributed in Troy and 4,285,000 KWH ($7,508.82) were sold as dump power to Pacific.

It is stated that St. Regis is entitled to exemption since it does not engage in the public utility business and derives no material part of its income from its public utility subsidiaries. It is further stated that North Western is not primarily a public utility company, and that its incidental occasional sales of surplus electric energy are covered by Rule 7.

The fees and expenses to be paid or incurred in connection with the proposed transaction are estimated at $750.00. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 11, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75–28686 Filed 10–23–75;8:45 am]

SMALL BUSINESS ADMINISTRATION

CONSTRUCTA INVESTMENT INC.

Issuance of License To Operate as a Small Business Investment Company

On July 10, 1975, a notice was published in the FEDERAL REGISTER (40 FR 30332) stating that Constructa Investment Inc., located at 6430 Sunset Boulevard, Hollywood, California 90028, had filed an application with the Small Business Administration pursuant to 13 C.F.R. 107.102 (1975) for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business July 25, 1975, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(d) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, on September 16, 1975, SBA issued License No. 09/09–5185 to Constructa Investment Inc., to operate as a small business investment company.

Dated: October 17, 1975.

JAMES THOMAS PHELAN, *Deputy Associate Administrator for Investment.*

[FR Doc.75–28638 Filed 10–23–75;8:45 am]

[Declaration of Disaster Loan Area No. 1187; Amendment No. 1]

NEW YORK

Declaration of Disaster Area

The above numbered Declaration (See 40 FR 48558) is amended by adding Putnam and adjacent counties within the State of New York, and the time for filing applications is extended to December 15, 1975, for physical damage and July 14, 1976, for economic injury.

Dated: October 16, 1975.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.75–28639 Filed 10–23–75;8:45 am]

[Declaration of Disaster Loan Area #1193]

NEW YORK

Declaration of Disaster Area

Richmond County, New York constitutes a disaster area because of damage resulting from severe storms, heavy rains, landslides, and flooding on September 22 through September 27, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on December 15, 1975, and for economic injury until the close of business on July 16, 1976, at:

Small Business Administration, District Office, 26 Federal Plaza, Room 3100, New York, N.Y. 10007.

or other locally announced locations.

Dated: October 16, 1975.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.75–28640 Filed 10–23–75;8:45 am]

[Declaration of Disaster Loan Area 1188; Amdt. 1]

VIRGINIA

Declaration of Disaster Area

In addition to previously declared counties (See 40 FR 48558) Prince William, and adjacent counties within the State of Virginia constitute a disaster area because of damage resulting from heavy rain and flooding on September 22 through 26, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the

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close of business on December 15, 1975 and for economic injury until the close of business on July 14, 1976 at:

Small Business Administration, District Office, Federal Building, Room 3015, 400 North Eighth Street, Richmond, Va. 23241.

or other locally announced locations.

Dated: October 14, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-28641 Filed 10-23-75;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924 (b), 1932, or 1942 (b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Manpower, 601 D Street, NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 20th day of October, 1975.

BEN BURDETSKY,
Deputy Assistant Secretary for Manpower.

Applications received during the week ending Oct. 17, 1975

Name of applicant	Location of enterprise	Principal product or activity
The Industrial Development Board of the City of Florala, and Zorn Brothers, Inc.	Florala, Ala.	Soybeans, peanuts, corn, and small grains handling and storage facility.
Harris Gin Co., Inc.	Cordele, Ga.	Sales of fertilizer, seed, pesticides, gin cotton, and clean, dry, sell peanuts.
Piggly Wiggly of Jasper, Inc.	Jasper, Ga.	Retail grocery.
The Rankin Co.	Columbia, Miss.	Chain of retail stores.
Bireh Bros. Southern, Inc.	Waxhaw, N.C.	Manufacture textile finishing machinery, cloth handling equipment, and mill sewing machines.
Automated Energy Systems, Inc.	Matthews, N.C.	Manufacture fabric straighteners, yield controls for textiles, heat and temperature controls for yarn producers.
Old Indiana, Inc.	Boone County, Ind.	Family recreational park.
John, Edward, James Sadusky	Staples, Minn.	Student housing for vocational school.
Bee Cee Manufacturing Co.	Burns Flat, Okla.	Aluminum and vinyl extrusions and thermal sliding glass doors and windows.
Sterloin Shops of Waxahachie, Inc.	Waxahachie, Tex.	Meat slaughter and processing plant.
John J. Kuntz	Napoleon, and Linton, N. Dak.	Sales and service of farm equipment.
Arpico Steel Industries	Coolidge, Ariz.	Rubbish containers and material handling containers.

[FR Doc.75-28674 Filed 10-23-75;8:45 am]

Office of the Secretary

[TA-W-227]

BAKER CLOTHES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Baker Clothes, Inc., Philadelphia, Pa. (TA-W-227).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits, sport coats and slacks produced by Baker Clothes, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 3, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28711 Filed 10-23-75;8:45 am]

[TA-W-228]

B & G SILVERMAN, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of B & G Silverman, Inc., Philadelphia, Pennsylvania (TA-W-228).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits and sport coats produced by B & G Silverman, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 3, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28712 Filed 10-23-75;8:45 am]

[TA-W-234]

JOSEPH H. COHEN, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Joseph H. Cohen, Inc., Philadelphia, Pennsylvania (TA-W-234).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's clothing produced by Joseph H. Cohen, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 3, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28713 Filed 10-23-75;8:45 am]

[TA-W-229]

CROSS COUNTRY CLOTHES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Cross Country Clothes, Inc., Philadelphia, Pennsylvania (TA-W-229). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits and outer wear produced by Cross Country Clothes, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 3, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28714 Filed 10-23-75;8:45 am]

[TA-W-233]

GENTRY CLOTHING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Gentry Clothing Company, Philadelphia, Pennsylvania (TA-W-223). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's clothing and sportswear produced by Gentry Clothing Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations

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began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 3, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 14th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28715 Filed 10-23-75;8:45 am]

[TA-W-235]

LOUIS GOLDSMITH, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Louis Goldsmith, Inc., Philadelphia, Pa. (TA-W-235). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's clothing produced by Louis Goldsmith, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. The group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 3, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28716 Filed 10-23-75;8:45 am]

[TA-W-239]

IMPERIAL CLOTHING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Imperial Clothing Company, Philadelphia, Pennsylvania (TA-W-239). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits and sport coats produced by Imperial Clothing Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 3, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28717 Filed 10-23-75;8:45 am]

[TA-W-231]

MAX GOLDEN AND SON, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Max Golden and Son, Inc., Philadelphia, Pennsylvania (TA-W-231). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's clothing—suits, sport coats produced by Max Golden and Son, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public

hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 3, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28718 Filed 10-23-75;8:45 am]

[TA-W-237]

MIDDISHADE CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of The Middishade Company, Incorporated, Philadelphia, Pennsylvania (TA-W-237). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits and sportcoats produced by The Middishade Company, Incorporated, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 3, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28719 Filed 10-23-75;8:45 am]

[TA-W-238]

MODERN COAT CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Modern Coat Company, Philadelphia, Pennsylvania (TA-W-238). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's leisure suits, sport coats and jackets produced by Modern Coat Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 3, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor,

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3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28720 Filed 10-23-75;8:45 am]

[TA-W-236]

TEPLICK CLOTHES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Teplick Clothes, Inc., Philadelphia, Pennsylvania (TA-W-236). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits and sports coats produced by Teplick Clothes, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 3, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28721 Filed 10-23-75;8:45 am]

[TA-W-232]

W. SEITCHIK AND SONS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of W. Seitchik and Sons, Inc., Philadelphia, Pennsylvania (TA-W-232). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits, sport coats, and trousers produced by W. Seitchik and Sons, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 3, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28722 Filed 10-23-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Amdt. No. 2; I.C.C. Order No. 145; under revised S.O. No. 994]

AMERICAN RAILROAD ASSOCIATION

Rerouting Traffic or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 145 (RI and FWD), and good cause appearing therefor:

It is further ordered, That this amend-145 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 15, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., October 15, 1975, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the FEDERAL REGISTER.

Issued at Washington, D.C. October 10, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[Eleventh Revised Exemption No. 99; Ex Parte No. 241]

BURLINGTON NORTHERN INC. ET AL.

Exemption of Rule 19 of the Mandatory Car Service Rules

It appearing, That the U.S. railroads own numerous plain gondolas less than 61 ft.; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain gondolas, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GA", "GB", "GD", "GH", "GS" and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks assigned to United States Railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exceptions, 1, 2, and 3)

Exception 1.—This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

Exception 2.—This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

Exception 3.—This exemption shall not apply to plain gondola cars owned by the railroads named below:

Burlington Northern Inc., Reporting Marks: BN-CBQ-GN-NP-SPS.[1]
The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, Reporting Marks: CNJ.
The Denver and Rio Grande Western Railroad Company, Reporting Marks: DRGW.
Florida East Coast Railway Company, Reporting Marks: FEC.
Grand Trunk Western Railroad Company, Reporting Marks: GTW.
The Kansas City Southern Railway Company, Reporting Marks: KCS.
Illinois Terminal Railroad Company, Reporting Marks: ITC.
Louisiana & Arkansas Railway Company, Reporting Marks: LA.
Maine Central Railroad Company, Reporting Marks: MEC.
Missouri-Kansas-Texas Railroad Company, Reporting Marks: BKTY-MKT-MKTT.
Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees, Reporting Marks: PC-PRR-NYC.
Richmond, Fredericksburg and Potomac Railroad Company, Reporting Marks: RFP.
Union Pacific Railroad Company, Reporting Marks: UP.

Effective October 16, 1975.

Expires November 30, 1975.

Issued at Washington, D.C., October 10, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-28751 Filed 10-23-75;8:45 am]

[Fifth Revised Exemption No. 90 Ex Parte No. 241]

AKRON, CANTON & YOUNGSTOWN RAILROAD CO. ET AL.

Exemption of the Mandatory Car Service Rules

It appearing, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1, 2(a), and 2(b).

The Akron, Canton & Youngstown Railroad Company, Reporting Marks: ACY.
Atlanta & Saint Andrews Bay Railway Company, Reporting Marks: ASAB.
The Baltimore and Ohio Railroad Company, Reporting Marks: BO.
The Chesapeake and Ohio Railway Company, Reporting Marks: CO-PM.
Chicago & Eastern Illinois Railroad Company, Reporting Marks: C&EI-CEI.
Elgin, Joliet and Eastern Railway Company, Reporting Marks: EJE.
Missouri-Illinois Railroad Company, Reporting Marks: MI.
Missouri-Kansas-Texas Railroad Company, Reporting Marks: BKTY-MKT.
Missouri Pacific Railroad Company, Reporting Marks: MP.
Norfolk and Western Railway Company, Reporting Marks: N&W-NKP-WAB.
The Pittsburgh and Lake Erie Railroad Company, Reporting Marks: P&LE.
Raritan River Rail Road Company, Reporting Marks: RR.
Sacramento Northern Railway, Reporting Marks: SN.
Sierra Railroad Company,[1] Reporting Marks: SERA.
Soo Line Railroad Company, Reporting Marks: SOO.
The Texas and Pacific Railway Company, Reporting Marks: T&P.
Tidewater Southern Railway Company, Reporting Marks: TS.
WCTU Railway Company, Reporting Marks: WCTR.
Western Maryland Railway Company, Reporting Marks: WM.

Effective October 14, 1975.

Expires November 15, 1975.

Issued at Washington, D.C., October 14, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-28746 Filed 10-23-75;8:45 am]

[AB 1 (Sub-No. 12)]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment of Line

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Worth and Winnebago Counties, Iowa, and Freeborn County, Minn., on or before November 6, 1975 and certify to the Commission that this has been accomplished.

[1] Addition.

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And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 6th day of October, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 1 (Sub-No. 12)]

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN ALBERT LEA, MINNESOTA, AND LAKE MILLS, IOWA, IN FREEBORN COUNTY, MINNESOTA AND WINNEBAGO AND WORTH COUNTIES, IOWA

The Interstate Commerce Commission hereby gives notice that by order dated October 6, 1975, it has been determined that the proposed abandonment by the Chicago and North Western Transportation Company between Albert Lea, Minn., and Lake Mills, Iowa, a distance of 17.7 miles in Freeborn County, Minn. and Worth and Winnebago Counties, Iowa, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because (1) the relatively small amount of traffic moved over this line can be handled by motor carrier without incurring any significant increase in air, water or noise pollution in the affected corridor, and (2) C&NW will continue to maintain rail service at Albert Lea and Emmons, Minn. and Lake Mills, Iowa. The Minnesota Department of Natural Resources and the Iowa State Conservation Commission, in conjunction with the Winnebago County Conservation Board, have expressed a desire to purchase the right-of-way from Albert Lea to Lake Mills for use as a multipurpose trail. The proposed land use plans are consistent with one another. Both states are interested in acquiring this right-of-way to establish statewide systems of recreational trials which will combine Iowa's recreational trail to that of Minnesota should the abandonment be authorized.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before November 21, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-28749 Filed 10-23-75;8:45 am]

[AB 17 (Sub-No. 1)]

VISALIA ELECTRIC RAILROAD CO.

Abandonment of Line

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Tulare County, California, on or before November 6, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 15th day of October, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 17 (Sub-No. 1)]

VISALIA ELECTRIC RAILROAD COMPANY ABANDONMENT BETWEEN SEQUOIA AND ELDERWOOD, IN TULARE COUNTY, CALIFORNIA

The Interstate Commerce Commission hereby gives notice that by order dated October 15, 1975, it has been determined that the proposed abandonment by the Visalia Electric Railroad Company of its line of railroad between Sequoia and Elderwood, in Tulare County, Calif., a distance of 3.37 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are not considered significant because no traffic has moved over the line since 1968 and there is no foreseeable future demand for service over the line, no diversion of traffic from rail to motor carrier will occur, and there are no development plans or land use policies in the tributary territory which are dependent on the availability of rail service.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before November 21, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-28748 Filed 10-23-75;8:45 am]

[Corrected Exemption No. 104; Ex Parte No. 241]

NORFOLK AND WESTERN RAILWAY CO. AND THE PITTSBURGH AND LAKE ERIE RAILROAD CO.

Exemption of the Mandatory Car Service Rules

It appearing, That the Norfolk and Western Railway Company (N&W) and The Pittsburgh and Lake Erie Railroad Company (P&LE), have each agreed to the unrestricted use by the other of its plain gondola cars 61 ft. in length, or greater, and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA," "GB," "GD," "GH," "GS," "GT," and "GW," which are 61 ft. in length, or greater, which bear the reporting marks listed herein, may be used by the N&W and P&LE without regard to the requirements of Car Service Rules 1 and 2.

REPORTING MARKS

N&W: N&W, NKP, P&WV, VGN, WAB.
P&L: P&LE.

Effective October 7, 1975.

Expires January 15, 1976.[1]

[1] Corrected date.

Issued at Washington, D.C., October 7, 1975.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.75-28747 Filed 10-23-75;8:45 am]

[Notice No. 394]

ASSIGNMENT OF HEARINGS

OCTOBER 21, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 53965 Sub 107, Graves Truck Line, Inc., and MC 123004 Sub 8, The Luper Transportation Company, now assigned November 3, 1975, at Wichita, Kans. is canceled and reassigned for October 29, 1975, at Wichita, Kans., Rooms 118 & 120, 1412 South Main Street, Internal Revenue Service Building.

MC 123407 Sub 234, Sawyer Transport, Inc., now assigned November 11, 1975 at Dallas, Texas; is canceled and the application is dismissed.

MC 110988 Sub 322, Schneider Tank Lines, Inc., application dismissed.

MC 140700 Sub 1, H. D. Walls, d.b.a. H. D. Walls Trucking, now being December 18, 1975, at Office of Interstate Commerce Commission, Washington, D.C.

MC-F 12210, Jones Truck Lines, Inc.—Purchase (Portion)—Shippers Express, and Shippers Express—Purchase (Portion)—Jones Truck Lines, Inc., now assigned November 4, 1975, at Memphis, Tennessee, will be held in the Quality Inns, 1400 Springbrook Road; instead of in Room 978, Federal Office Building, 167 North Main Street.

MC 117574 Sub 261, Daily Express, Inc., now being assigned December 18, 1975, at Office of Interstate Commerce Commission, Washington, D.C.

MC 105461 Sub 92, Herr's Motor Express, Inc., now being assigned December 4, 1975, at Office of Interstate Commerce Commission, Washington, D.C.

MC 124796 Sub 145, Continental Contract Carrier Corp., now being assigned December 4, 1975, at Office of Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-28741; Filed 10-23-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

OCTOBER 21, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before November 3, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 39140 (Sub-No. E277), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Greene County, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Salem and Cumberland Counties. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E278), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Warren and Hamilton Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 73 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E279), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 10380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Fulton County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction Atlantic County line, thence along the Atlantic County line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E280), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Washington County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 73 to junction New Jersey Highway 561, thence along New Jersey Highway 561 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction New Jersey Highway 559, thence along New Jersey Highway 559 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 52, thence along New Jersey Highway 52 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E281), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Chenango County, N.Y., on the one hand, and, on the oher, points in that part of New Jersey in Camden and Atlantic Counties. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E282), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Madison County, N.Y., on the one hand, and, on the other, points in that part of New Jersey in and south of Camden and Burlington Counties. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.,

No. MC 39140 (Sub-No. E283), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Herkimer County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 38, thence along New Jersey Highway 38 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 70, thence

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along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey 72 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E284), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Broome, Lewis, and Oneida Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction Ocean County line, thence along Ocean County line to junction New Jersey Highway 72, thence along New Jersey Highway 72 to junction New Jersey Highway 534, thence along New Jersey Highway 534 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E285), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Clinton County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction Atlantic County line, thence along the Atlantic County line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E286), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Essex County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 73 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction New Jersey Highway 563, thence along New Jersey Highway 563 to junction New Jersey Highway Atlantic City Expressway, thence along New Jersey Atlantic City Expressway to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E287), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Franklin County, N.Y., on the one hand, and, on the other, points in that part of New Jersey in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem Counties. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E288), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between St. Lawrence County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 518 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction Middlesex County line, thence along Middlesex County line to junction Ocean County line, thence along Ocean County line via Lakewood, N.J., to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E289), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Cortland County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 37, thence along New Jersey Highway 37 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E290), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Tioga and Onondaga Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey in and south of Burlington and Ocean Counties. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E291), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Oswego County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 1 to junction Middlesex County line, thence along the Middlesex County line to junction New Jersey Highway 33, thence along New Jersey Highway 33 to junction New Jersey Highway 527, thence along New Jersey Highway 527 to junction New Jersey Highway 526, thence along New Jersey Highway 526 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 88, thence along New Jersey Highway 88 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E292), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicants representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Jefferson County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 206 to junction Burlington County line, thence along the Burlington County line to junction New Jersey Highway 528, thence along New Jersey Highway 528 to junction New Jersey Highway 539, thence along New Jersey Highway 539 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E293), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Tompkins County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 33 to junction New Jersey Highway 526, thence along New Jersey Highway 526 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 88, thence along New Jersey Highway 88 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E294), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between

Cayuga County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 1 to junction New Jersey Highway 571, thence along New Jersey Highway 571 to junction New Jersey Highway 526, thence along New Jersey Highway 526 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 88, thence along New Jersey Highway 88 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E295), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Seneca County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey 518, thence along New Jersey Highway 518 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction Middlesex County line, thence along the Middlesex County line to junction New Jersey Highway 571, thence along New Jersey Highway 571 to junction New Jersey Highway 528, thence along New Jersey Highway 528 to junction New Jersey Highway 88, thence along New Jersey Highway 88 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E296), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Chemung County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 546 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 522, thence along New Jersey Highway 522 to junction New Jersey Highway 537, thence along New Jersey Highway 537 to junction New Jersey Garden State Parkway, thence along New Jersey Garden State Parkway to junction New Jersey Highway 520, thence along New Jersey Highway 520 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E297), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Yates County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 518 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction New Jersey Highway 522, thence along New Jersey Highway 522 to junction New Jersey Highway 33, thence along New Jersey Highway 33 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E2988), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Ontario and Schuyler Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 518 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction New Jersey Highway 522, thence along New Jersey Highway 522 to junction Middlesex County line, thence along the Middlesex County line to junction New Jersey Highway 520, thence along New Jersey Highway 520 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E299), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Wayne County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 518 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction New Jersey Highway 522, thence along New Jersey Highway 522 to junction New Jersey Highway 535, thence along New Jersey Highway 535 to junction New Jersey Highway 18, thence along New Jersey Highway 18 to junction New Jersey Highway 520, thence along New Jersey Highway 520 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E300), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Steuben County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 202 to junction New Jersey Highway Spur 514, thence along New Jersey Highway Spur 514 to junction New Jersey Highway 514, thence along New Jersey Highway 514 to junction Somerset County line, thence along Somerset County line to junction New Jersey Highway 522, thence along New Jersey Highway 522 to junction New Jersey Highway 535, thence along New Jersey Highway 535 to junction New Jersey Highway 527, thence along New Jersey Highway 527 to junction New Jersey Highway 520, thence along New Jersey Highway 520 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E301), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Livingston County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 12 to junction New Jersey Highway Spur 514, thence along New Jersey Highway Spur 514 to junction New Jersey Highway 514, thence along New Jersey Highway 514 to junction Raritan River, thence along the Raritan River to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E302), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Monroe County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 518 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction New Jersey Highway 516, thence along New Jersey Highway 516 to junction Middlesex County line, thence along the Middlesex County line via Dunellen and Rahway, N.J., to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E303), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Allegany and Cattaraugus County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and ex-

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tending along New Jersey Highway 12 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction New Jersey Garden State Parkway, thence along the New Jersey Garden State Parkway to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway Business 1, thence along U.S. Highway Business 1 to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E304), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Wyoming County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 12 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction New Jersey Garden State Parkway, thence along the New Jersey Garden State Parkway to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway Business 1, thence along U.S. Highway Business 1 to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E305), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Genessee County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 12 to junction New Jersey Highway 514, thence along New Jersey Highway 514 to junction New Jersey Highway 440, thence along New Jersey Highway 440 to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E306), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Orleans County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 202 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Middlesex County line, thence along the Middlesex County line via Dunellen, N.J., and Rahway, N.J., to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E307), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Chautautauqua County, N.Y., on the one hand, and, on the other, points in New Jersey excluding those in Sussex County and those in Passaic County north of Interstate Highway 287. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E308), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Erie County, N.Y., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along Interstate Highway 78 to junction Garden State Parkway via East Orange, N.J., to junction Interstate Highway 280, thence along Interstate Highway 280 via Harrison, N.J., to junction U.S. Business Route 1, thence along U.S. Business Route 1 to the New Jersey-New York State line (excluding points in Warren County, N.J.). The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E309), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Niagara County, N.Y., on the one hand, and, on the other, points in that part of New Jersey in and south of Hunterdon, Somerset, Union, Essex, and Hudson excluding those points in Hunterdon and Somerset County north of Interstate Highway 78 and those in Essex County north of New Jersey Highway 46. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E310), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in the District of Columbia, on the one hand, and, on the other, points in New Jersey; Connecticut; Boston, Mass., and points in Massachusetts within ten miles of Boston and in New York, excluding points on and west of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 305 to junction New York Highway 243, thence along New York Highway 243 to junction New York Highway 98, thence along New York Highway 98 to junction New York Highway 78, thence along New York Highway 78 to junction U.S. Highway 20A, thence along U.S. Highway 20A to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 75, thence along New York Highway 75 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E311), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Delaware, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E312), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Calvert, Anne Arundel, Cecil, Kent, Queen Anne's, Carolin, Talbot, Dorchester, Wicomico, Somerset, and Worcester Counties, Md., on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E313), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Garrett County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along Route 17 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 26, thence along New York Highway 26 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 185, thence along New York Highway 185 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 56, thence along New York Highway 56 to junction New York Highway 37, thence along New York Highway 37 to the St. Lawrence River. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E314), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Allegany County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 26, thence along New York Highway 26 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 185, thence along New York Highway 185 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 56, thence along New York Highway 56 to the St. Lawrence River. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E315), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Washington County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 26 to junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction New York Highway 57, thence along New York Highway 57 to Lake Ontario. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E316), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Carroll and Frederick Counties, Md., on the one hand, and, on the other, points in that part of New York in and east of Oswego, Onondaga, Cortland, and Broome Counties. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E317), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Howard County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to junction New York Highway 96, thence along New York Highway 96 via Ithica, N.Y., to junction U.S. Highway 20, thence along U.S. Highway 20 via Geneva, N.Y., to junction New York Highway 14, thence along New York Highway 14 to Lake Ontario. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E318), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Montgomery County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 282 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 34, thence along New York Highway 34 to junction New York Highway 224, thence along New York Highway 224 to junction New York Highway 14A, thence along New York Highway 14A to junction New York Highway 364, thence along New York Highway 364 to junction New York Highway 247, thence along New York Highway 247 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 332, thence along New York Highway 332 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 490, thence along U.S. Highway 490 to junction New York Highway 33, thence along New York Highway 33 to junction New York Highway 261, thence along New York Highway 261 to Lake Ontario. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E319), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Baltimore County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 34, thence along New York Highway 34 to junction New York Highway 224, thence along New York Highway 224 to junction Chemung-Schuyler County line, thence along the Chemung-Schuyler County line to junction Schuyler-Steuben County line, thence along the Schuyler-Steuben County line to junction New York Highway 226, thence along New York Highway 226 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction New York Highway 401, thence along New York Highway 401 to junction New York Highway 36, thence along New York Highway 36 to junction U.S. Highway 20A, thence along U.S. Highway 20A to Lake Erie. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E320), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Baltimore, Md., on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E321), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Prince George County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 243, thence along New York Highway 243 to junction New York Highway 98, thence along New York Highway 98 to junction New York Highway 39, thence along New York Highway 39 to junction New York Highway 438, thence along New York Highway 438 to Lake Erie. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E322), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Charles County, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 19 to junction New York Highway 243, thence along New York Highway 243 to junction New York Highway 98, thence along New York Highway 98 to junction New York Highway 39, thence along New York Highway 39 to junction New York Highway 438, thence along New York Highway 438 to Lake Erie. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

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No. MC 39140 (Sub-No. E323), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Harford and St. Marys Counties, Md., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line and extending along the Cataraugus-Chautauqua County line to junction New York Highway 39, thence along New York Highway 39 to Lake Erie. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E324), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Massachusetts and Rhode Island, on the one hand, and, on the other, points in Delaware, Maryland, and District of Columbia. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E325), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Rhode Island, on the one hand, and, on the other, points in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 47 to junction New Jersey Highway 55, thence along New Jersey Highway 55 to junction New Jersey Highway 49, thence along New Jersey Highway 49 to junction New Jersey Highway 50, thence along New Jersey Highway 50 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E326), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Berkshire County, Mass., on the one hand, and, on the other, points in New Jersey on and south of a line beginning at the Delaware-New Jersey State line and extending along U.S. Highway 295 to junction New Jersey Highway 49, thence along New Jersey Highway 49 to junction New Jersey Highway 553, thence along New Jersey Highway 553 to junction Dividing Creek, thence along Dividing Creek to the Delaware Bay. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E327), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Franklin County, Mass., on the one hand, and, on the other, points in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 322 to junction New Jersey Highway 47, thence along New Jersey Highway 47 to junction New Jersey Highway 55, thence along New Jersey Highway 55 to junction Manantico Creek, thence along Manantico Creek to junction Maurice River, thence along the Maurice River to the Delaware Bay. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E328), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Hampshire, Hampden, and Worcester Counties, Mass., on the one hand, and, on the other, points in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line extending along U.S. Highway 322 to junction New Jersey Highway 77, thence along New Jersey Highway 77 to junction New Jersey Highway 49, thence along New Jersey Highway 49 to junction New Jersey Highway 553, thence along New Jersey Highway 553 to Dividing Creek, thence along Dividing Creek to the Delaware Bay. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E329), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Middlesex and Essex Counties, Mass., on the one hand, and, on the other, points in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 322 to junction New Jersey Highway 47, thence along New Jersey Highway 47 to junction New Jersey Highway 50, thence along New Jersey Highway 50 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E330), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Suffolk, Norfolk, Bristol, Plymouth, and Barnstable Counties, Mass., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 42 to the junction New Jersey Highway 41, thence along New Jersey Highway 41 to junction New Jersey Highway 47, thence along New Jersey Highway 47 to junction New Jersey Highway 49, thence along New Jersey Highway 49 to junction New Jersey Highway 50 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E331), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Connecticut, on the one hand, and, on the other, points in Delaware, Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E332), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between New Castle County, Del., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along Interstate Highway 80 to junction U.S. Highway 46, thence along U.S. Highway 46 to the New York-New Jersey State line. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E333), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Sussex County, Del., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 206 to junction New Jersey Highway 68, thence along New Jersey Highway 68 to junction New Jersey Highway 545, thence along New Jersey Highway 545 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 37, thence along New Jersey Highway 37 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E334), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Kent County, Del., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 33 to junction U.S. Highway 130, thence along U.S. Highway 130 to junction New Jersey Highway 33, thence along New Jersey Highway 33 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E335), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Howard County, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 76 to junction New Jersey Highway 42, thence along New Jersey Highway 42 to junction Atlantic City Expressway, thence along the Atlantic City Expressway to junction New Jersey Highway 536, thence along New Jersey Highway 536 to junction New Jersey Highway 561, thence along New Jersey Highway 561 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E336), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Montgomery, Prince Georges, Charles, Anne Arundel, and Calvert Counties, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 76 to junction New Jersey Highway 42, thence along New Jersey Highway 42 to junction New Jersey Highway Atlantic City Expressway, thence along the New Jersey Highway Atlantic City Expressway to junction New Jersey Highway 536, thence along New Jersey Highway 536 to junction New Jersey Highway 561, thence along New Jersey Highway 561 to junction New Jersey Highway 54, thence along New Jersey Highway 54 to junction New Jersey Highway 557, thence along New Jersey Highway 557 to junction Tuckahoe River, thence along the Tuckahoe River to junction Cumberland-Atlantic County line, thence along the Cumberland-Atlantic County line to junction West Creek, thence along West Creek to the Delaware Bay. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E337), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Garrett, Allegany, Washington, Frederick, and Carroll Counties, Md., on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E338), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between St. Mary's County, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 322 to junction New Jersey Highway 47, thence along New Jersey Highway 47 to junction Maurice River, thence along the Maurice River to the Delaware Bay. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E339), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Baltimore, Harford, and Queen Anne Counties, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E340), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Baltimore, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E341), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Kent County, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 206 to junction New Jersey Highway 545, thence along New Jersey Highway 545 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction Ocean-Burlington County line, thence along the Ocean-Burlington County line to junction New Jersey Highway 72, thence along New Jersey Highway 72 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E342), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Caroline County, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 413 to junction New Jersey Highway 541, thence along New Jersey Highway 541 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction Ocean-Burlington County line, thence along the Ocean-Burlington County line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E343), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Talbot County, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 38 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction Ocean-Burlington County line, thence along the

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Ocean-Burlington County line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E344), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Dorchester County, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 76 to junction New Jersey Highway 42, thence along New Jersey Highway 42 to junction New Jersey Highway Atlantic City Expressway, thence along New Jersey Highway Atlantic City Expressway to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E345), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between Wicomico, Worcester, and Somerset Counties, Md., on the one hand, and, on the other, points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to junction Ocean-Burlington County line, thence along the Ocean-Burlington County line to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E346), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in New Castle County, Del., on the one hand, and, on the other, points in that part of Maryland on and west of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E347), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road equipment and parts*, between points in Kent County, Del., on the one hand, and, on the other, points in Garrett and Allegheny Counties, Md. The purpose of this filing is to eliminate the gateway of Kennett Square, Pa.

No. MC 39140 (Sub-No. E348), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Philadelphia, Pa., on the one hand, and, on the other, points in Maryland, District of Columbia, and points in that part of New York on, north, and west of a line beginning at the Massachusetts-New York State line and extending along New York Highway 2 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 7, thence along New York Highway 7 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 39140 (Sub-No. E349), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and parts*, between Orleans, Genesee, Livingston, and Steuben Counties, N.Y., on the one hand, and, on the other, that part of Virginia on and east of a line beginning at the Maryland-Virginia State line and extending along the Fairfax-Loudoun County line to junction Virginia Highway 28, thence along Virginia Highway 28 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Bedford-Campbell County line, thence along the Bedford-Campbell County line to junction Franklin-Pittsylvania County line, thence along the Franklin-Pittsylvania County line to junction Franklin-Henry County line, thence along the Franklin-Henry County line to junction Patrick-Henry County line, thence along the Patrick-Henry County line to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of West Chester, Pa.

No. MC 39140 (Sub-No. E350), filed May 14, 1974. Applicant: A. DUIE PYLE, INC., 200 Garfield Ave., W. Chester, Pa. 19380. Applicant's representative: Harry Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in the District of Columbia, on the one hand, and, on the other, points in New Jersey; Connecticut; Boston, Mass., and points in Massachusetts within ten miles of Boston and in New York, excluding points on and west of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 305 to junction New York Highway 243, thence along New York Highway 243 to junction New York Highway 98, thence along New York Highway 98 to junction New York Highway 78, thence along New York Highway 78 to junction U.S. Highway 20A, thence along U.S. Highway 20A to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 75, thence along New York Highway 75 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateways of Coatesville, Pa., and points in Pennsylvania within ten miles thereof.

No. MC 114552 (Sub-No. E129), filed August 25, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* and *gypsum products, composition board, urethane* and *urethane products*, and *such insulation materials* and *roofing* and *roofing materials and supplies* as are useful in the manufacture and distribution of roofing and roofing materials (except in bulk), from points in Wayne County, N.C., to points in New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, Virginia, West Virginia, Ohio, Indiana, Illinois, Kentucky, Tennessee, Arkansas, Louisiana, Mississippi, Alabama, Georgia, South Carolina, and Florida. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corp., in Wayne County, N.C.

No. MC 115603 (Sub E7) (Correction), filed May 30, 1974, published in the FEDERAL REGISTER December 23, 1974. Applicant: TURNER BROS. TRUCKING CO., INC., P.O. Box 92626, Oklahoma City, Okla. 73109. Applicant's representative: Henry Piwowarek (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies* and *equipment* incidental to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; and (2) *Earth drilling machinery* and *equipment*, and *machinery, equipment, materials, supplies* and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, (B) between points in Texas, on the one hand, and, on the other, points in Colorado on and east of a line beginning at the Colorado-Wyoming State line and extending along Colorado Highway 125, to its junction with Colorado Highway 14, thence along Colorado Highway 14 to its junction with Interstate Highway 40, thence along Interstate Highway 40 to its junction with Colorado Highway 9, thence along Colorado Highway 9 to its junction with Interstate Highway 50, thence west along Interstate Highway 50 to its junction with Colorado Highway 69, thence south along Colorado Highway 69 to its junction with Interstate Highway 25 at Walsenburg, thence west on U.S. Highway 160 at Walsenburg to its junction with Colorado Highway 12, thence south on Colorado Highway 12 to its junction with Interstate Highway 25 at Trinidad, thence south on Interstate Highway 25 to the Colorado-New Mexico State line. The purpose of this filing is to eliminate the gateway of points in Oklahoma. The purpose of this correction is to add the above territory to E7.

No. MC 115603 (Sub-No. E21) (Correction) filed May 30, 1974, published in the FEDERAL REGISTER December 28, 1974. Applicant: TURNER BROS. TRUCKING CO., INC., P.O. Box 94626, Oklahoma City, Okla. 73109. Applicant's representative: Jack E. Turner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (c) between points in Missouri on and west of a line beginning at Missouri-Illinois State line and extending along U.S. Highway 50 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in Louisiana on and west of a line beginning at the Louisiana-Arkansas State line and extending along Louisiana Highway 7 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to its junction with Louisiana Highway 10, thence along Louisiana Highway 10 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to its junction with U.S. Highway 90, thence along U.S. Highway 90 to its junction with Louisiana Highway 1, thence along Louisiana Highway 1 to the Gulf of Mexico, (points in Texas)*. The purpose of this filing is to eliminate the gateways indicated with asterisks above. The purpose of this correction is to extend the territorial destination above.

No. MC 115603 (Sub E38), (Correction), Filed May 30, 1974, published in the FEDERAL REGISTER. Applicant: TURNER BROS. TRUCKING CO. INC., P.O. Box 94626, Oklahoma City, Okla. 73109. Applicant's representative: Henry Piwowarek (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipelines, (b) between points in Arkansas, and the one hand, and, on the other, points in North Dakota on and west of a line beginning at the North Dakota-South Dakota State line and extending north along North Dakota Highway 31 to its junction with North Dakota Highway 21, thence west along North Dakota Highway 21 to its junction with unnumbered highway at Carson, thence north on unnumbered highway to U.S. Interstate 94, thence east on U.S. Interstate Highway 94 to its junction with North Dakota Highway 31, thence north on North Dakota Highway 31 to its junction with North Dakota Highway 200A, thence west on North Dakota Highway 200A to its junction with North Dakota Highway 200, thence north on North Dakota Highway 200 to its junction with North Dakota Highway 48, thence north along North Dakota Highway 48 to its junction with U.S. Highway 83, thence on U.S. Highway 83 to North Dakota Highway 23, thence along North Dakota Highway 23 to its junction at New Town with North Dakota Highway 1804, thence 9 miles along North Dakota Highway 1804 to its junction with unnumbered highway, thence west and north along unnumbered highway to its junction with U.S. Highway 2 at Ray, thence west on U.S. Highway 2 to its junction with U.S. Highway 85, thence on U.S. Highway 85 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateways of points in Texas and Oklahoma. The purpose of this correction is to add the above territory to E38.

No. MC 115603 (Sub E45) (Correction), filed May 30, 1974, published in the FEDERAL REGISTER June 2, 1975. Applicant: TURNER BROS. TRUCKING CO., INC., P.O. Box 94626, Oklahoma City, Okla. 73109. Applicant's representative: Henry Piwowarek (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies and equipment* incidental to, or used in the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (e) between points in Colorado on and north of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 50 to its junction with Colorado Highway 101 near Las Animas, thence south along Colorado Highway 101 to its junction with U.S. Highway 160, thence along U.S. Highway 160 to its junction with unnumbered highway near Pritchett, thence south along unnumbered highway to the Colorado-Oklahoma State line, on the one hand, and, on the other, points in New Mexico on and east of a line beginning at the New Mexico-Oklahoma State line and extending along New Mexico Highway 18 to junction New Mexico Highway 88, thence east along New Mexico Highway 88 to its junction with New Mexico Highway 330, thence south along New Mexico Highway 330 to its junction with unnumbered highway near Kenna, thence south along unnumbered highway to its junction with U.S. Highway 380, thence east along U.S. Highway 380 to its junction with New Mexico Highway 172, thence south along New Mexico Highway 172 to its junction with U.S. Highway 82, thence west along U.S. Highway 82 to its junction with New Mexico Highway 529, thence east along New Mexico Highway 529 to its junction with U.S. Highway 62, thence southwest along U.S. Highway 62 to its junction with New Mexico Highway 176, thence southeast along New Mexico Highway 176 to its junction with New Mexico Highway 18, thence south along New Mexico Highway 18 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of points in Oklahoma. The purpose of this correction is to add the above territory to E45.

No. MC 115603 (Sub E46), (correction), filed May 30, 1974, published in the FEDERAL REGISTER Monday, June 2, 1975. Applicant: TURNER BROS. TRUCKING CO., INC., P.O. Box 94626, Oklahoma City, Okla. 73109. Applicant's representative: Henry Piwowarek (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells. The purpose of this filling is to eliminate the gateway of points in Oklahoma. The purpose of this correction is to include commodity description in (2) above.

No. MC 115841 (Sub-No. E74) (Correction) filed June 4, 1974, published in the FEDERAL REGISTER May 8, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as defined by the Commission, unfrozen (except liquid commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plant site of Swift & Company at Rochelle, Ill., (A) to points in South Carolina, points in Mississippi on and south of a line beginning at the Mississippi-Alabama State line and extending along Interstate Highway 20 to junction Mississippi Highway 18, thence along Mississippi Highway 18 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Louisiana-Mississippi State line, and points in Louisiana on and south of Interstate Highways 10 and 12 (Birm-

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ingham, Ala., or Chattanooga, Tenn.)*; and (B) to points in North Carolina (Chattanooga, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct the commodity and territorial descriptions.

No. MC 119641 (Sub-No. E19), filed May 10, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and parts;* (1) from points in the Lower Peninsula of Michigan to points in Arkansas, Kansas, Mississippi, Missouri, points in Tennessee on and west of a line beginning at the Alabama-Tennessee State line and extending along Tennessee Highway 13 to junction U.S. Highway 41A, thence along U.S. Highway 41A to the Kentucky-Tennessee State line, points in Kentucky on and west of U.S. Highway 41, points in Illinois on and southwest of a line beginning at the Indiana-Illinois State line and extending along Illinois Highway 130 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line, and points in Nebraska on and south of a line beginning at the Missouri-Nebraska State line and extending along Nebraska Highway 2 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-South Dakota State line; and (2) from points in the Upper Peninsula of Michigan to points in Arkansas, Mississippi, points in Missouri on and south of Interstate Highway 44 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 53, thence along U.S. Highway 53 to the Missouri-Illinois State line, points in Illinois on and south of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 54 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 133, thence along Illinois Highway 133 to the Indiana-Illinois State line, points in Indiana on and west of a line beginning at the Indiana-Illinois State line and extending along Interstate Highway 70 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line, points in Kentucky on and west of U.S. Highway 231, and points in Tennessee on and west of U.S. Highway 127. The purpose of this filing is to eliminate the gateway of Shelbyville, Ill.

No. MC 119641 (Sub E21), filed May 10, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and parts*, from points in Iowa to points in Kentucky, Tennessee, points in Mississippi on and east of Interstate Highway 55, points in Illinois on and east of a line beginning at the Missouri-Illinois State line and extending along Illinois Highway 150 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Indiana-Illinois State line, points in Indiana on and south of U.S. Highway 36, and points in Ohio on and south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Ohio Highway 151, thence along Ohio Highway 151 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Shelbyville, Ill.

No. MC 119641 (Sub E32), filed May 13, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Lockport, N.Y., to points in Alabama on and south of a line beginning at the Mississippi-Alabama State line and extending along U.S. Highway 82, to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Georgia State line, points in Arkansas, Iowa, Kansas, points in Kentucky on and west of a line beginning at Hawesville, Kentucky and extending along Kentucky Highway 69 to junction Kentucky Highway 85, thence along Kentucky Highway 85 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway Alt. 45, thence along U.S. Highway Alt. 45 to the Kentucky-Tennessee State line; points in Louisiana; points in the Upper Peninsula of Michigan on and west of U.S. Highway 41 from the Canada-Michigan Border to the Michigan-Wisconsin State line; points in Minnesota, Mississippi, Missouri, Nebraska, North Dakota, South Dakota, points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway Alt. 45, to juction Tennessee Highway 13, thence along Tennessee Highway 13 to the Tennessee-Mississippi State line, and points in Wisconsin. The purpose of this filing is to eliminate the gateway of North Judson, Indiana.

No. MC 119641 (Sub E35), filed May 10, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm feed mills and farm feed mill parts and attachments* when moving with farm feed mills, except commodities which because of size or weight require the use of special equipment, from Crown Points, Ind., to points in Arkansas, points in Illinois on and southwest of a line beginning at the Indiana-Illinois State line and extending along Illinois Highway 1 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 104, thence along Illinois Highway 104 to the Illinois-Missouri State line, points in Kansas, Mississippi, points in Missouri on and south of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 24 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Missouri-Nebraska State line and extending along U.S. Highway 136 to junction Nebraska Highway 15, thence along Nebraska Highway 15 to U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 381, thence along U.S. Highway 281 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Nebraska-Wyoming State line. The purpose of this filing is to eliminate the gateway of Shelbyville, Ill.

No. MC 119641 (Sub E36), filed May 10, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and parts*, (1) from points in Indiana on and north of U.S. Highway 36 to points in Arkansas, Kansas, Mississippi, points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 45 to junction U.S. Highway 45W, thence along U.S. Highway 45W to junction U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line; points in Missouri on and south of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 36 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Missouri-Iowa State line; points in Nebraska on and south of a line beginning at the Iowa-Nebraska State line and extending along Nebraska Highway 2 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 385, thence along U.S. Highway 385 to the Nebraska-South Dakota State line; and (2) from points in Indiana on and south of U.S. Highway 36 to points in Iowa, Kansas, Nebraska; points in Minnesota on and south of U.S. Highway 2; points in Missouri on and north of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 54 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction U.S. Highway 66 and I44, thence along U.S. Highway 66 and I44 to the Missouri-Oklahoma State line; points in Wisconsin on and west of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Wisconsin-Michigan State line; and points in the Upper Peninsula of Michigan on and west of a line beginning at the Wisconsin-Michigan State line and extending along Wisconsin Highway 35 to junction U.S. Highway 41, thence along U.S. Highway 41 to Marquette, Michigan. The purpose of this filing is to eliminate the gateway of Shelbyville, Ill.

No. MC 119641 (Sub-No. E41), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., Route 1, Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements*, from Coldwater, Ohio, to points in Iowa and Missouri. The purpose of this filing is to eliminate the gateway of Iroquois County, Ill.

No. MC 119641 (Sub E44), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., Route 1, Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and parts* from points in Minnesota on and south of U.S. Highway 2 to points in Kentucky, Tennessee, Mississippi, points in Ohio on and south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 40 to junction U.S. Highway 22, thence along U.S. Highway 22 to Steubenville, Ohio; points in Indiana on and south of U.S. Highway 36; points in Illinois on and south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 26 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction Illinois Highway 150, thence along Illinois Highway 150 to Chester, Ill.; points in Missouri on and east of Missouri Highway 51; and points in Arkansas on and east of a line beginning at the Missouri-Arkansas State line and extending along Arkansas Highway 1 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line.

No. MC 119641 (Sub E45), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., Route 1, Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery parts*, from points in Ohio to points in Kansas, points in Missouri west of U.S. Highway 67, points in Nebraska south of U.S. Highway 20, points in Arkansas on and west of U.S. Highway 67, points in Iowa on and south of a line beginning at Burlington, Iowa and extending along U.S. Highway 34 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 163, thence along Iowa Highway 163 to junction Iowa Highway 141, thence along Iowa Highway 141 to Sioux City, Iowa, and points in Illinois south, west and north of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 34 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateway of Shelbyville, Ill.

No. MC 119897 (Sub-No. E1), filed June 4, 1974. Applicant: A-1 TRANSPORTATION CO., P.O. Box 21275, 3102 Maury St., Houston, Tex. 77026. Applicant's representative: J. G. Dail, Jr., 1111 E St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and (B) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline right of way; (1) Between points in that part of Texas on, north, and west of a line beginning at the Oklahoma-Texas State line extending along Texas Highway 136 to junction Texas Highway 207, thence along Texas Highway 207 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Texas Highway 70, thence along Texas Highway 70 to Matador, thence along U.S. Highway 70 to the Texas-New Mexico State line, on the one hand, and, on the other, points in that part of Oklahoma on, east, and south of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 62 to Lauton, thence along Oklahoma Highway 7 to junction Oklahoma Highway 1, thence along Oklahoma Highway 1 to junction Oklahoma Highway 99, thence along Oklahoma Highway 99 to junction Interstate Highway 44, thence along Interstate Highway 44 to the Oklahoma-Missouri State line (points in Texas within 100 miles of Iowa Park, Tex.)*.

(2) Between points in that part of Texas on, south, and west of a line beginning at the Texas-New Mexico State line extending along U.S. Highway 70 to Matador, thence along Texas Highway 70 to junction Texas Highway 208, thence along Texas Highway 208 to Snyder, thence along Texas Highway 350 to Big Spring, thence along U.S. Highway 87 to San Angelo, thence along U.S. Highway 277 to the United States-Mexico International Boundary line, thence along the United States-Mexico International Boundary line to the Gulf of Mexico, thence along the Gulf Coast to the Brazos River, thence along the Brazos River to Waco, thence along Interstate Highway 35 to Hillsboro, thence along Interstate Highway 35E to Denton, thence along Interstate Highway 35 to the Texas-Oklahoma State line, and thence along the Texas-Oklahoma State line to the point of beginning, on the one hand, and, on the other, points in that part of Oklahoma on, north, and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 377 to Madill, thence along Oklahoma Highway 99 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to Antlers, thence along U.S. Highway 271 to junction Oklahoma Highway 2, thence along Oklahoma Highway 2 to junction Oklahoma Highway 31, thence along Oklahoma Highway 31 to Quinton, thence along Oklahoma Highway 71 to Enterprise, thence along Oklahoma Highway 9 to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Arkansas State line (points in Texas within 100 miles of Iowa Park, Tex.)*.

(4) Between points on and in that part of Texas bounded by a line beginning at the Gulf of Mexico, thence along the Brazos River to Waco, thence along Interstate Highway 35 to Hillsboro, thence along Interstate Highway 35W to Denton, thence along Interstate Highway 35E to Dallas, thence along Interstate Highway 45 to Huntsville, thence along U.S. Highway 190 to Woodville, thence along U.S. Highway 69 to Beaumont, thence along Interstate Highway 10 to the Texas-Louisiana State line, thence along the Texas-Louisiana State line to the Gulf of Mexico, and thence along the Gulf Coast to the point of beginning, on the one hand, and, on the other, points in that part of Oklahoma on, north, and west of a line beginning at the

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Texas-Oklahoma State line extending along U.S. Highway 377 to Madill, thence along Oklahoma Highway 99 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to Atoka, thence along U.S. Highway 69 to Muskogee, thence along U.S. Highway 62 to the Oklahoma-Arkansas State line (points in Texas within 100 miles of Iowa Park, Tex.)*; (5) Between points in that part of Texas bounded by a line from Dallas, Tex., along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 69 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Louisiana-Texas State line, thence along the Louisiana-Texas State line to U.S. Highway 90, thence along U.S. Highway 90 to Beaumont, thence along U.S. Highway 69 to Woodville, thence along U.S. Highway 190 to junction U.S. Highway 75, thence along U.S. Highway 75 to the point of beginning, on the one hand, and, on the other, points in that part of Oklahoma on and west of U.S. Highway 75 (Iowa Park, Tex., and points in Texas within 100 miles of Iowa Park)*.

(6) Between points in that part of Texas bounded by a line from Dallas, Tex., along U.S. Highway 80 to the Arkansas-Texas State line, thence along the Arkansas-Texas State line to U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 175, thence along U.S. Highway 175 to the point of beginning, on the one hand, and, on the other, points in that part of Oklahoma on and west of Oklahoma Highway 99 (Iowa Park, Tex., and points in Texas within 100 miles of Iowa Park)*; (7) Between points in that part of Texas bounded by a line from Dallas, Tex., along U.S. Highway 80 to the Texas-Arkansas State line, thence along the Texas-Arkansas State line to U.S. Highway 67, thence along U.S. Highway 67 to point of beginning, on the one hand, and, on the other, points in that part of Oklahoma on and west of U.S. Highway 77 (Iowa Park, Tex., and points in Texas within 100 miles of Iowa Park)*; (8) Between points in that part of Texas bounded by a line from the Oklahoma-Texas State line along U.S. Highway 69 south to Dallas, Tex., thence along U.S. Highway 67 to the Arkansas-Texas State line, thence along the Arkansas-Texas and the Oklahoma-Texas State line to point of beginning, on the one hand, and, on the other, points in that part of Oklahoma on and west of U.S. Highway 183 (Iowa Park, Tex., and points in Texas within 100 miles of Iowa Park, Tex.)*; (9) Between points in Louisiana, on the one hand, and, on the other, points in that part of Oklahoma on and west of Oklahoma Highway 99 (Iowa Park, Tex., and points in Texas within 100 miles of Iowa Park)*.

(10) Between points in that part of Louisiana on and south of U.S. Highway 90, on the one hand, and, on the other, points in that part of Oklahoma on and west of U.S. Highway 69 (Iowa Park, Tex., and points in Texas within 100 miles of Iowa Park)*; (11) Between points in Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line and extending along Texas Highway 83 south to Texas Highway 6, thence along Texas Highway 6 to Waco, thence along U.S. Highway 77 to junction Texas Highway 36, thence along Texas Highway 36 to Freeport (except Iowa Park, Tex., and points in Texas within 100 miles of Iowa Park) (Iowa Park, Tex., and points in Texas within 100 miles of Iowa Park)*; (12) Between points in Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Louisiana (Iowa Park, Tex., and points in Texas within 100 miles of Iowa Park)*; (13) Between points in Louisiana, on the one hand, and, on the other, points in that part of Missouri on and west of U.S. Highway 65 (points in Texas)*; (14) Between points in Missouri, on the one hand, and, on the other, points in that part of Louisiana bounded by a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 79 to Minden, thence along Louisiana Highway 7 to Coushatta, thence along U.S. Highway 71 to Alexandria, thence along U.S. Highway 167 and U.S. Highway 90 to Morgan City, thence along the Lower Atchafalaya River to the Gulf of Mexico, thence along the Gulf of Mexico to the Louisiana-Texas State line, thence along the Louisiana-Texas State line to the Arkansas-Louisiana State line, thence along the Arkansas-Louisiana State line to the point of beginning (points in Texas)*; (15) Between points in that part of Louisiana bounded by a line beginning at Alexandria, and extending along Louisiana Highway 1 to Grand Isle, thence along the Gulf of Mexico to the Lower Atchafalaya River, thence along the Lower Atchafalaya River to Morgan City, thence along U.S. Highway 90 to Lafayette, thence along U.S. Highway 167 to the point of beginning, on the one hand, and, on the other, points in that part of Missouri on, west, and north of U.S. Highway 63 from the Missouri-Arkansas State line to Rolla, and thence along U.S. Highway 66 east to the Missouri-Illinois State line (points in Texas)*.

(16) Between points in that part of Louisiana bounded by a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 165 to Monroe, thence along Louisiana Highway 15 to the Mississippi River, thence along the Mississippi River to Port Allen, thence along Louisiana Highway 1 to Alexandria, thence along U.S. Highway 71 to Coushatta, thence along U.S. Highway 79 to Arkansas-Louisiana State line, thence along the Arkansas-Louisiana State line to the point of beginning, on the one hand, and, on the other, points in that part of Missouri on, west, and north of U.S. Highway 65 from the Arkansas-Missouri State line to Springfield, thence along U.S. Highway 66 to Lebanon, thence along Missouri Highway 5 to Camdenton, thence along U.S. Highway 54 to the Missouri-Illinois State line (points in Texas)*; (17) Between points in that part of Louisiana bounded by a line beginning at Port Allen, thence along U.S. Highway 190 east to the Louisiana-Mississippi State line, thence along the Louisiana-Mississippi State line to the Gulf of Mexico, thence along the Gulf of Mexico west and south of Grand Isle, thence along Louisiana Highway 1 north to the point of beginning, on the one hand, and, on the other, points in that part of Missouri on and west of Missouri Highway 5 from the Arkansas-Missouri State line to Lebanon, thence along U.S. Highway 66 to Rolla, thence along U.S. Highway 63 to Jefferson City, thence along U.S. Highway 54 to Mexico, thence along Missouri Highway 22 to junction Missouri Highway 19, thence along Missouri Highway 19 to the Missouri-Illinois State line (points in Texas)*; (18) Between points in that part of Louisiana on and west of U.S. Highway 167 from the Arkansas-Louisiana State line to Lafayette, thence along U.S. Highway 90 to Morgan City, thence along the Lower Atchafalaya River to the Gulf of Mexico, on the one hand, and, on the other, points in Illinois (points in Texas)*.

(19) Between points in that part of Louisiana bounded by a line beginning at the Arkansas-Louisiana State line and extending along the Mississippi River to Port Allen (including Baton Rouge and its commercial zone), thence along Louisiana Highway 1 to Grand Isle, thence along the Gulf of Mexico and the Lower Atchafalaya River to Morgan City, thence along U.S. Highway 90 to Lafayette, thence along U.S. Highway 167 to the Louisiana-Arkansas State line, thence along the Louisiana-Arkansas State line to the point of beginning, on the one hand, and, on the other, points in Illinois on, north, and west of U.S. Highway 36 from the Missouri-Illinois State line to Springfield, thence along U.S. Highway 66 to Chicago (points in Texas)*; (20) Between points in Kansas, on the one hand, and, on the other, points in that part of Arkansas on, north, and east of U.S. Highway 64 from the Arkansas-Oklahoma State line to Little Rock, thence along U.S. Highway 65 to the Arkansas-Louisiana State line (points in Missouri)*; (21) Between points in Arkansas, on the one hand, and, on the other, points in that part of Kansas on, north, and east of U.S. Highway 40 from the Colorado-Kansas State line to U.S. Highway 283, thence along U.S. Highway 283 to Ness City, thence along Kansas Highway 96 to junction Kansas Highway 99, thence along Kansas Highway 99 to the Kansas-Oklahoma State line (points in Missouri)*; (22) Between points in Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Kansas on and east of U.S. Highway 75 (points in Missouri)*; (23) Between points in Arkansas, on the one hand, and, on the other, points in Cimarron, Texas, Beaver, Harper, Ellis, Woods, and Woodward Counties, Okla. (points in Missouri)*.

(24) Between points in that part of Oklahoma bounded by a line beginning

at the Oklahoma-Kansas State line and extending along Oklahoma Highway 99 to junction U.S. Highway 66, thence along U.S. Highway 66 to Tulsa, thence along U.S. Highway 75 to junction U.S. Highway 270, thence along U.S. Highway 270 to Oklahoma City, thence along Interstate Highway 35 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to junction Oklahoma Highway 99, thence along Oklahoma Highway 99 to the Oklahoma-Kansas State line, thence along the Oklahoma-Kansas State line to the point of beginning, on the one hand, and, on the other, points in that part of Arkansas on and east of U.S. Highway 65 from the Arkansas-Missouri State line to U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Arkansas-Tennessee State line (points in Missouri)*; (25) Between points in that part of Oklahoma bounded by a line beginning at the Kansas-Oklahoma State line and extending along Oklahoma Highway 99 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Kansas-Oklahoma State line, thence along the Kansas-Oklahoma State line to the point of beginning, on the one hand, and, on the other, points in that part of Arkansas on, north, and east of Arkansas Highway 16 from the Arkansas-Oklahoma State line to junction Arkansas Highway 21, thence along Arkansas Highway 21 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line (points in Missouri)*.

(26) Between points in that part of Oklahoma on, south, and west of U.S. Highway 60 from the Oklahoma-Texas State line east to Selling, thence along U.S. Highway 270 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to junction Interstate Highway 35, thence along Interstate Highway 35 to Oklahoma City, thence along U.S. Highway 277 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Oklahoma-Texas State line, on the one hand, and, on the other, points in that part of Arkansas on and north of Arkansas Highway 16 from the Arkansas-Oklahoma State line to U.S. Highway 64, thence along U.S. Highway 64 to the Arkansas-Tennessee State line (points in Missouri)*; (27) Between points in Louisiana, on the one hand, and, on the other, points in that part of Kansas on and west of Kansas Highway 99 from the Kansas-Oklahoma State line to Emporia, thence along U.S. Highway 50 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Kansas-Nebraska State line (Iowa Park, Tex., and points in Texas within 100 miles of Iowa Park, and points in Oklahoma)*; (28) Between points in that part of Louisiana bounded by the Sabine River on the west, U.S. Highway 84 on the north, the Mississippi River on the east, and U.S. Highway 90 on the south, on the one hand, and, on the other, points in Kansas (except Cherokee, Crawford, and Bourbon Counties, Kans.) (Iowa Park, Tex., and points in Texas within 100 miles of Iowa Park, and points in Oklahoma)*; (29) Between points in that part of Louisiana on and south of U.S. Highway 90, on the one hand, and, on the other, points in Kansas (except Cherokee and Crawford Counties, Kans.) (Iowa Park, Tex., and points in Texas within 100 miles of Iowa Park, and points in Oklahoma)*.

(30) Between points in Kansas, on the one hand, and, on the other, points in that part of Texas bounded by a line from the Oklahoma-Texas State line extending along U.S. Highway 75 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 69 to Rusk, thence along U.S. Highway 84 to the Louisiana-Texas State line, thence along the Louisiana-Texas State line, the Gulf of Mexico, and the United States-Mexico International Boundary line to Presidio, thence along U.S. Highway 67 and Texas Highway 17 to Pecos, thence along U.S. Highway 285 to the New Mexico-Texas State line, thence along the New Mexico-Texas State line to junction U.S. Highway 60, thence along U.S. Highway to junction Texas Highway 86, thence along Texas Highway 86 to the Red River, thence along the Red River east to the point of beginning (Iowa Park, Tex., and points in Texas within 100 miles of Iowa Park, and points in Oklahoma)*; (31) Between points in that part of Texas west of U.S. Highway 285 from the New Mexico-Texas State line south to Pecos, thence along Texas Highway 17 and U.S. Highway 67 to Presidio, on the one hand, and, on the other, points in that part of Kansas on and west of U.S. Highway 77 (Iowa Park, Tex., and points in Texas within 100 miles of Iowa Park, and points in Oklahoma)*; (33) Between points in that part of Texas bounded by a line from the Oklahoma-Texas State line along U.S. Highway 77 south to Fort Worth, thence along U.S. Highway 377 to Stephensville, thence along U.S. Highway 281 to Lampasas, thence along U.S. Highway 183 to Austin, thence along U.S. Highway 81 to San Antonio, thence along U.S. Highway 181 to Corpus Christi, thence along the Gulf of Mexico to Brownsville, thence along the United States-Mexico International Boundary line north to Del Rio, thence along U.S. Highway 277 to the Oklahoma-Texas State line, and thence along the Oklahoma-Texas State line to the point of beginning, on the one hand, and, on the other, points in that part of Arkansas on and north of U.S. Highway 62 from the Oklahoma-Arkansas State line east to Jonesboro, thence along Arkansas Highway 18 east to the Arkansas-Tennessee State line (Iowa Park, Tex., and points in Texas within 100 miles of Iowa Park, points in Oklahoma, and points in Missouri)*.

(34) Between points in that part of Texas on and west of U.S. Highway 277, on the one hand, and, on the other, points in that part of Arkansas on and north of Arkansas Highway 16 from the Arkansas-Oklahoma State line east to U.S. Highway 64, and thence along U.S. Highway 64 to the Arkansas-Tennessee State line (Iowa Park, Tex., and points in Texas within 100 miles of Iowa Park, points in Oklahoma, and points in Missouri)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 124211 (Sub-No. E34), filed April 22, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D. T. S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* (except commodities in bulk, dairy products, frozen foods, and meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, as described by the Commission), from points in Oklahoma to points in Minnesota (except those in Winona, Fillmore, Houston, and Olmsted Counties), and from points in Oklahoma (except those in Craig, Ottawa, Mayes, and Delaware Counties), to points in Winona, Fillmore, and Houston Counties, Minn.), restricted to the transportation of shipments destined to points in the above-described destination territory. The purpose of this filing is to eliminate the gateway of Lincoln, Nebr.

No. MC 125433 (Sub-No. E9), filed March 5, 1975. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V Ex Parte No. MC–45, Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, and 61 M.C.C. 766, from points in Ventura, Los Angeles, Orange, Riverside, San Diego, and Imperial Counties, Calif., and points in that part of San Bernardino County, beginning at the California-Nevada State line, thence along Interstate Highway 15 to Barstow, thence along California Highway 18 to junction California Highway 247, to junction California Highway 62, to the San Bernardino-Riverside County line, to points in Oregon and Washington. The purpose of this filing is to eliminate the gateway of Kaiser, California.

No. MC 126899 (Sub-No. E1) filed February 3, 1975. Applicant: USHER TRANSPORT, INC., P.O. Box 3051, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, Suite 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, (1) from Memphis, Tenn., to points in that part of Illinois on and east of a line beginning at the

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Illinois-Kentucky State line, thence along Illinois Highway 3 to junction Illinois Highway 144, thence along Illinois Highway 144 to Murphysboro, Ill., thence along Illinois Highway 13 to Harrisburg, Ill., thence along U.S. Highway 45 to junction Illinois Highway 1, thence along Illinois Highway 1 to Crossville, Ill., and thence along U.S. Highway 460 to the Illinois-Indiana State line; points in that part of Indiana on and south of U.S. Highway 460; and points in that part of Missouri bounded by a line beginning at Crystal City, Mo., and extending along U.S. Highway 67 to Farmington, Mo., thence along Missouri Highway 32 to St. Genevieve, Mo., and thence along the Mississippi River to the point of beginning, serving all points on the indicated portion of U.S. Highway 67. The purpose of this filing is to eliminate the gateways of Paducah, Ky., and points within 10 miles thereof and River Terminal at Berd's Point, Mo.

No. MC 128256 (Sub-No. E1), filed September 8, 1975. Applicant: BLOSSER TRUCKING, 215 N. Main St., Middleburg, Ind. 46540. Applicant's representative: Sheldon Silverman, 1819 H St., N.W., Suite 550, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board* in mixed loads with plywood, from the plant site of the Abitibi Corporation at Chicago, Ill., to points in South Carolina, those in Virginia on, south, and east of a line at the North Carolina-Virginia State line, and extending along U.S. Highway 221 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Atlantic Ocean, those in Georgia on and east of a line beginning at the South Carolina-Georgia State line and extending along Georgia Highway 368 to junction Georgia Highway 77, thence along Georgia Highway 77 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction Georgia Highway 15, thence along Georgia Highway 15 to junction U.S. Highway 319, thence along U.S. Highway 319 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction Georgia Highway 125, thence along Georgia Highway 125 to junction Georgia Highway 31, thence along Georgia Highway 31 to the Georgia-Florida State line, and those in Florida (except those west of Jefferson County, Fla.). The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of the Abitibi Corporation near Roaring River, N.C.

No. MC 128383 (Sub-E87), filed August 1, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Penn. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except commodities in bulk, Classes A and B explosives and commodities requiring special equipment) restricted to the transportation of shipments having an immediately prior or subsequent movement by air, between Kansas City International Airport, Kansas City, Mo., and Minneapolis-St. Paul International Airport, Minneapolis-St. Paul, Minn., on the one hand, and, on the other, John F. Kennedy International Airport, New York City, N.Y. (2) *General Commodities* (except commodities in bulk, Classes A and B explosives and commodities requiring special equipment) restricted against the transportation of aircraft engines and parts from LaGuardia Airport and Newark Airport and restricted to the transportation of shipments having an immediately prior or subsequent movement by air, between Kansas City International Airport, Kansas City, Mo., and Minneapolis-St. Paul International Airport, Minneapolis-St. Paul, Minn., on the one hand, and, on the other, LaGuardia Airport and Newark Airport. (3) *General commodities* (except commodities in bulk, Classes A and B explosives, and commodities requiring special equipment) restricted to the transportation of shipments having an immediately prior or subsequent movement by air, between Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, Kansas City International Airport and Minneapolis-St. Paul International Airport, Minneapolis-St. Paul, Minn. (4) *General commodities* (except commodities in bulk, Classes A and B explosives, motor vehicles, and commodities requiring the use of special equipment) restricted to the transportation of traffic having an immediately prior or subsequent movement by air, between Kansas City International Airport, Kansas City, Mo., and Minneapolis-St. Paul International Airport, Minneapolis-St. Paul, Minn., on the one hand, and, on the other, points in Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem Counties, N.J., points in Burlington County, N.J., south of Rancocas Creek, points in Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Bucks County, Pa., north and west of Pennsylvania Highway 232.

(5) *General Commodities* (except commodities in bulk, Classes A and B Explosives, household goods, as defined by the Commission and commodities requiring special equipment) restricted to the transportation of traffic having an immediately prior or subsequent movement by air, between Minneapolis-St. Paul International Airport, Minneapolis-St. Paul, Minn., on the one hand, and, on the other, points in Delaware; and between Kansas City International Airport, Kansas City, Mo., on the one hand, and, on the other, Wilmington, Del. (6) *General commodities* (except commodities in bulk, Classes A and B Explosives, household goods as defined by the Commission, and commodities requiring special equipment) restricted to the transportation of traffic having a prior or subsequent movement by air, between Kansas City International Airport, Kansas City, Mo., on the one hand, and, on the other, Accomac and Northampton Counties, Va.; and between Minneapolis-St. Paul International Airport, Minneapolis-St. Paul, Minn., on the one hand, and, on the other, Chesterfield, Henrico, Hanover, York, Isle of Wight, Nansemond, Accomac, and Northampton Counties, Va., and Richmond, Norfolk, Portsmouth, Virginia Beach, Chesapeake, Newport News, and Hampton, Va. (7) *General Commodities* (except those of unusual value, Classes A and B Explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) restricted to the transportation of traffic having a prior or subsequent movement by air, between Minneapolis-St. Paul International Airport, Minneapolis-St. Paul, Minn., Kansas City International Airport, Kansas City, Mo., on the one hand, and, on the other, Pike County, Pa. (8) *General commodities* (except commodities in bulk, Classes A and B Explosives, household goods as defined by the Commission, and commodities requiring the use of special equipment) restricted to the transportation of traffic having a prior or subsequent movement by air, between Minneapolis-St. Paul, Minn., and Weir Cook Airport, at or near Indianapolis, Ind.

(9) *General commodities* (except commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring the use of special equipment) restricted to the transportation of traffic having a prior or subsequent movement by air, between Minneapolis-St. Paul International Airport, Minneapolis-St. Paul, Minn., and Kansas City International Airport, Kansas City, Mo., on the one hand, and, on the other, Logan International Airport, Boston, Mass. (10) *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring the use of special equipment), restricted to the transportation of traffic having an immediately prior or subsequent movement by air, between Detroit Metropolitan Airport, Detroit, Mich., on the one hand, and, on the other, Kansas City International Airport, Kansas City, Mo., and Minneapolis-St. Paul International Airport, Minneapolis-St. Paul, Minn. The purpose of this filing is to eliminate the gateways of Hopkins International Airport, Cleveland, Ohio in (1) above; John F. Kennedy International Airport, New York, N.Y., and the Hopkins International Airport, Cleveland, Ohio in (2) above; John F. Kennedy International Airport, New York, N.Y., and Hopkins International Airport, Cleveland, Ohio in (3) above; John F. Kennedy International Airport, New York, N.Y., and Hopkins International Airport, Cleveland, Ohio in (4) above; John F. Kennedy International Airport, New York, N.Y., and Hopkins International Airport, Cleveland, Ohio in (5) above; Friendship International Airport, Anne Arundel County, Md., John F. Kennedy International Airport, New York, N.Y., and

Hopkins International Airport, Cleveland, Ohio in (6) above; John F. Kennedy International Airport, New York, N.Y., and Hopkins International Airport, Cleveland, Ohio in (7) above; O'Hare International Airport, Chicago, Ill. in (8) above; John F. Kennedy International Airport, New York, N.Y., and Hopkins International Airport, Cleveland, Ohio in (9) above; and O'Hare International Airport, in Chicago, Ill., in (10) above;

No. MC 128383 (Sub-E88), filed June 26, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Penn. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General Commodities* (except Classes A and B Explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) restricted against the transportation of aircraft engines and parts from John F. Kennedy International Airport, LaGuardia Airport, N.Y.C., N.Y., and Newark Airport, Newark, N.J., and restricted to the transportation of shipments having a prior or subsequent movement by air, between Logan International Airport on the one hand, and, on the other, Friendship International Airport, Anne Arundel County, Md., Dulles International Airport, Fairfax and Loudoun Counties, Va., Washington National Airport, Gravelly Point, Va., LaGuardia Airport, N.Y.C., N.Y., and Newark Airport, Newark, N.J. (2) *General Commodities* (except commodities in bulk, Classes A and B Explosives, motor vehicle, household goods as defined by the Commission, and commodities requiring special equipment) and restricted to the transportation of shipments having a prior or subsequent movement by air, between Logan International Airport on the one hand, and on the other, points in Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem Counties, N.J., points in Burlington County, N.J., south of Rancocas Creek, points in Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Bucks County, Pa., north and west of Pennsylvania Highway 232. (3) *General commodities* (except commodities in bulk, Classes A and B Explosives, household goods as defined by the Commission, and commodities requiring the use of special equipment) and restricted to the transportation of shipments having a prior or subsequent movement by air, between Logan International Airport on the one hand, and, on the other, points in Delaware.

(4) *General commodities* (except Classes A and B Explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) restricted to the transportation of shipments having a prior or subsequent movement by air, between Logan International Airport, on the one hand, and, on the other, points in Hanover, Henrico, Chesterfield, Isle of Wight, Nansemond, York, Roanoke, Franklin, Montgomery, Craig, Bedford, Botetourt, Accomack, and Northampton Counties, Va., and Richmond, Norfolk, Portsmouth, Virginia Beach, Chesapeake, Newport News, Hampton, Salem, and Roanoke, Va. (5) *General commodities* (except those of unusual value, Classes A and B Explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) restricted to transportation of shipments having a prior or subsequent movement by air, between Logan International Airport, on the one hand, and, on the other, points in Allegheny, Erie, Pike, Washington, and Wyoming Counties, Pa. (6) *General commodities* (except Classes A and B Explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) restricted to the transportation of shipments having a prior or subsequent movement by air, between Logan International Airport, on the one hand, and, on the other, Weir Cook Airport, Indianapolis, Ind., Hopkins Airport, Cleveland, Ohio, and Vandalia Airport, Dayton, Ohio. (7) General commodities, (except Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment) restricted to the transportation of shipments having a prior or subsequent movement by air and restricted against the transportation of shipments moving to Miami International Airport at or near Miami, Fla., which have a subsequent movement beyond Miami, Fla., in foreign commerce, between Logan International Airport, on the one hand, and, on the other, Miami International Airport, Miami, Fla., Hartsfield International Airport, at or near Atlanta, Ga., and Douglas Municipal Airport at or near Charlotte, N.C.

(8) General commodities (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) restricted to the transportation of shipments having a prior or subsequent movement by air between Detroit Metropolitan Airport, Detroit, Mich., Chicago O'Hare International Airport, on the one hand, and, on the other, Logan International Airport. The purpose of this filing is to eliminate the gateways of John F. Kennedy International Airport, New York, N.Y. in (1) above; John F. Kennedy International Airport, New York, N.Y. in (2) above; John F. Kennedy International Airport, New York, N.Y. in (3) above; John F. Kennedy International Airport, New York, N.Y. and Friendship International Airport, Anne Arundel County, Md. in (4) above; John F. Kennedy International Airport, New York, N.Y. in (5) above; John F. Kennedy International Airport, New Airport, New York, N.Y. in (6) above; John F. Kennedy International Airport, New York, N.Y. in (7) above; John F. Kennedy International Airport, New York, N.Y. in (8) above.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28140 Filed 10-23-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 21, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43064—*Joint Rail-Water Container Rates—United States Lines, Inc.* Filed by United States Lines, Inc., (No. 10), for itself and interested rail carriers. Rates on general commodities, from rail carriers terminals at Portland, Oregon, Seattle, Washington, Sacramento, Stockton, Richmond, Los Angeles and Oakland, California, to ports in the United Kingdom, Ireland, Continental Europe, Mediterranean and Scandanavian Countries. Grounds for relief—Water competition. Tariff—United States Lines, Inc., tariff No. 20, I.C.C. No. 20, F.M.C. No. 82. Rates are published to become effective on November 19, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28742 Filed 10-23-75;8:45 am]

[Notice No. 100]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 24, 1975.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76076. By application filed October 16, 1975, MICHAEL GORDON, 434 South Arizona St., Dillon, MT 59725, seeks temporary authority to lease the operating rights of M. G. BOSTWICK AND GERALD H. BOSTWICK, doing business as BOSTWICK TRUCK LINES, P.O. Box 511, Dillon, MT 59725, under

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section 210a(b). The transfer to MICHAEL GORDON, of the operating rights of M. G. BOSTWICK AND GERALD H. BOSTWICK, doing business as BOSTWICK TRUCK LINES, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28743 Filed 10 23 75;8:45 am]

[Notice No. 101]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

OCTOBER 24, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 13, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76140. By order entered October 20, 1975 the Motor Carrier Board approved the transfer to Calico Transfer & Storage, Inc., Barstow, Calif., of the operating rights set forth in Certificate No. MC 135418 (Sub-No. 1), issued March 21, 1972, to Acil J. Jaggers and Carl E. Houghton, doing business as Calico Transfer & Storage, Barstow, Calif., authorizing the transportation of used household goods, between points in San Bernardino and Riverside Counties, Calif., subject to certain restrictions. Robert M. Cole, P.O. Box 250, Davis, Calif. 95616, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75 28744 Filed 10-23 75;8:45 am]

[Notice No. 102]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

No. MC-FC-76156. By application filed October 16, 1975, AMERICAN COACH LINES INC., 1725 W. River Dr., Stevens Point, WI, seeks temporary authority to lease the operating rights of RICHARD R. KOLLER, doing business as BLUE JAY COACHES, Stevens Point, WI, under section 210a(b). The transfer to AMERICAN COACH LINES INC., of the operating rights of RICHARD R. KOLLER, doing business as BLUE JAY COACHES, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28745 Filed 10-23-75;8:45 am]

federal register

FRIDAY, OCTOBER 24, 1975

PART II:

FEDERAL ELECTION COMMISSION

EXPENDITURE OF CERTAIN FUNDS

Advisory Opinion

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FEDERAL ELECTION COMMISSION

[Notice 1975–64]

EXPENDITURES OF CORPORATE FUNDS BY HOST COMMITTEES FOR THE BENEFIT OF NATIONAL POLITICAL PARTY

Advisory Opinion

The Federal Election Commission announces the publication today of Advisory Opinion 1975–47. The Commission's opinion is in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26 United States Code, or of sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

The Commission points out that this advisory opinion should be regarded as an interim ruling which is subject to modification by future Commission regulations of general applicability. In the event that a holding in the opinion is altered by the Commission's regulations, the persons to whom the opinion was issued will be notified.

ADVISORY OPINION 1975–47

This advisory opinion is rendered under 2 U.S.C. 437f, in response to a request for an advisory opinion submitted by the Democratic National Committee which was published as AOR 1975–47 in the September 3, 1975 FEDERAL REGISTER (40 FR 40671). Interested parties were given an opportunity to submit written comments relating to the request.

The request asks the Commission to render a supplement to Advisory Opinion 1975–1, published in the FEDERAL REGISTER on July 15, 1975 (40 FR 29791). Specifically, the supplemental advisory opinion request asks for what purpose and under what conditions a "Host Committee" could expend funds, including funds received by it from local retail corporations as described in Advisory Opinion 1975–1, without violating the prohibitions of 18 U.S.C. 610. The request also asks whether such transactions constitute "expenditures" under 26 U.S.C. 9008(d).

The Commission stated, in Advisory Opinion 1975–1, that, in general, "private corporations are precluded by 18 U.S.C. 610 from donating or providing at less than fair market value any of the services, benefits or uses of property described in paragraphs (1) through (7)," as set out in said advisory opinion. The Commission described, however, two situations which in the Commission's opinion did not involve violations of Section 610. One of these related to "local corporations which are engaged at the retail level in business of supplying consumer goods or services to the public." It was the Commission's opinion that such local retail corporations might contribute funds to a local civil association, business league, Chamber of Commerce, real estate board, or board of trade which was (1) not organized for profit and no part of the earnings of which would inure to the credit of any shareholder or individual, and (2) the principal objective of which organization "must be the encouragement of that commerce which is necessarily entailed in the arrival of any major convention in the city where such local corporations are located." The Commission's view was that such contributions were sufficiently akin to purchase transactions that they would not violate the prohibitions of 18 U.S.C. 610.

For purposes of this opinion the Commission assumes that a "Host Committee" is wihin the ambit of the non-profit organizations described above. Based on that assumption the Commission remains of the view that so long as the amount of the contribution by each local retail corporation to the Host Committee is not disproportionate to an expectation of a reasonable return by such retailer during the life of the convention no violation of 18 U.S.C. 610 will occur. Because the Commission's concern lies with the source and amount of the contribution rather than with the nature of the expenditure by the Host Committee, the Commission has no objection to disbursements by such committee to defray the costs of the types of activities listed as items (1) through (7) in AO 1975–1 so long as the money is expended for convention-related (as opposed to candidate-related) activities. Moreover, consonant with part B of AO 1975–1, such disbursements will not be attributable to the two million dollar limitation under which the national party committees operate. The above opinion is, of course, conditioned by the requirement that the Host Committee register with and report to the Commission, pursuant to the provisions of Title 2, United States Code, as if it were a political committee.

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulation or policy statements of general applicability.

Dated: October 17, 1975.

NEIL STAEBLER,
Vice-Chairman for the Federal Election Commission.

[FR Doc.75-28404 Filed 10-23-75;8:45 am]

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federal register

FRIDAY, OCTOBER 24, 1975



PART III:

PRIVACY ACT OF 1974

VARIOUS AGENCIES

VOLUME 40 NUMBER 207
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DEPARTMENT OF AGRICULTURE

Office of the Secretary

PRIVACY ACT OF 1974

Systems of Records

Notice is hereby given of an additional routine use for USDA/FmHA–1, Applicant/Borrowers or Grantee File. This routine use was inadvertently omitted when the system notice was originally published in the FEDERAL REGISTER, 40 FR 38923 (August 27, 1975).

Pursuant to 5 U.S.C. 552a(e)(11) interested persons are invited to submit written comments on this routine use. Comments may be submitted to: Director, Research and Operations Division, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250. All comments must be received on or before November 25, 1975.

In consideration of the foregoing, notice is hereby given of the addition of the following routine use to USDA/FmHA–1, Applicant/Borrowers or Grantee File: Referral to employees, businesses, landlords, creditors or others to determine repayment ability and eligibility for FmHA programs.

Dated: October 20, 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75–28664 Filed 10–23–75;8:45 am]

PRIVACY ACT OF 1974

Systems of Records

On August 27, 1975, a document was published in the FEDERAL REGISTER (40 FR 38897) proposing to adopt the notice of systems of records required by the Privacy Act of 1974 (5 U.S.C. 552a). Interested persons were given the opportunity to submit, not later than September 17, 1975, written comments on these proposed notices.

No comments were received within the comment period. Certain changes are required, however, to correct printing errors in the publication of these notices. Accordingly, with changes as noted below, the proposed notices are adopted as published at 40 FR 38897.

1. In system notices USDA/ASCS–1 through USDA/ASCS–12, and USDA/ASCS–31: A comma and the phrase "USDA/ASCS" is inserted at the end of each system name.

2. In system notice USDA/ASCS–15: "USDA/**CS–15" is changed to read "USDA/ASCS–15".

3. In system notice USDA/ASCS–22: The system name is changed to read "Power of Attorney and Designated Agents, USDA/ASCS".

4. In system notice USDA/CSRS–2: The seventh word under the paragraph entitled *System manager(s) and address* is changed from "Reports" to "Programs".

5. In system notice USDA/ERS–2: A comma and the phrase "USDA/ERS" is inserted at the end of the system name.

6. In system notice USDA/FAS–1: "SDA/FAS–1" is changed to read "USDA/FAS–1". In addition the first half of this system notice was omitted; therefore the paragraphs entitled *System name; System location; Categories of individuals covered by the system; Categories of records in the system; Authority for maintenance of the system; Routine uses of records maintained in the system, including categories of uses and the purposes of such uses; Policies and practices for storing, retrieving, accessing, retaining, and disposing of the records in the system;* and *Storage*, are set forth below:

System name. Applicant Files for Employment with International Organizations, USDA/FAS.

System location. International Organization Affairs, Foreign Agriculture Service, United States Department of Agriculture, 14th and Independence Avenue, Washington, D.C. 20250.

Categories of individuals covered by the system. U.S. Citizens who have applied for specific post or indicated an interest in employment with international organizations. Occasionally includes person who has been only suggested as a possible candidate by someone else.

Categories of records in the system. Resumes and/or employment application forms, solicited and unsolicited letters of recommendation, reference checks, interview notes, and correspondence with candidates; communications to and from U.S. Missions and International organizations concerning applicant's candidacy; letters of referral to and from Federal Agencies and other recruitment sources and users.

Authority for maintenance of the system. 5 U.S.C. 301; 7 CFR 2.68.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses. Resume or application referred to international organizations and other Federal Agencies involved in the recruitment of candidates for international organizations. Referral in rare instances made when private foundations or other Federal Agencies request assistance in locating specialized candidates.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system—Storage. Records are maintained in file folders at the address listed above.

7. In system notice USDA/OGC–5: The phrase "01234" is deleted from the 5th line of the paragraph *Notification procedure;* and the entire last sentence (beginning "HP Any individual * * *") is deleted. A new paragraph, *Record access procedures*, is added to read as follows: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the system manager.

8. In system notice USDA/OGC–19: A comma and the phrase "USDA/OGC" is inserted at the end of the system name.

9. In system notice USDA/OGC–58: The last sentence under the paragraph entitled *Categories of records in the system* (beginning "HG 16 U.S.C. * * *") is deleted, and a new paragraph entitled *Authority for maintenance of the system*, is inserted to read as follows: 16 U.S.C. 590a–590f and 1001–1011; 5 U.S.C. 301; 44 U.S.C. 3101; 7 CFR 2.31.

10. In system notice USDA/OMF–3: The phrase "/not routine uses within meaning of Privacy Act" is deleted from the paragraph entitled *Routine uses of records maintained in the system.*

Effective date: September 27, 1975.

Done at Washington, D.C., this 20th day of October 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75–28663 Filed 10–23–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Assistant Secretary for Administration and Management

PRIVACY ACT OF 1974

Proposed Amendment of Notice of Systems of Records

The Department of Health, Education, and Welfare proposes that the following routine use be added to all of its notices of systems of records:

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Accordingly, disclosures may be made as provided under subsection (b)(3) of the Act without the written consent of the individual to whom the record pertains where the individual requests assistance of a congressional office which would entail disclosure of information from a system of records pertaining to that individual.

Consideration will be given to comments which are submitted in writing on or before November 24, 1975.

Comments should be addressed to the Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 330 Independence Avenue S.W., Washington, D.C. 20201. Comments received will be available for inspection in Room 4513, at the above address.

Dated: October 20, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75–28627 Filed 10–23–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[49 CFR Part 10]

[Docket No. 39, Notice No. 75–10]

PRIVACY ACT OF 1974

Maintenance of and Access to Records Pertaining to Individuals-Exemptions

The Department of Transportation proposes to amend Part 10 of Title 49, Code of Federal Regulations, to exempt additional systems of records from certain provisions of the Privacy Act of 1974 (5 U.S.C. 552a). The systems of records proposed to be exempted consist of investigatory material compiled for law enforcement purposes; investigatory material compiled for the purpose of determining suitability, eligibility or qualifications for Federal civilian employment, military service, Federal contracts or access to classified material; material specifically authorized to be kept secret in the interest of national defense or foreign policy; and testing or examination material used to determine individual qualifications for appointment or promotion in the Federal service.

It is proposed to amend paragraph (a) of § 10.61, *General exemptions*, to read as follows:

§ 10.61 General exemptions.

(a) The Assistant Secretary for Administration, with regard to the Investigations Division, the Federal Aviation Administration, with regard to the police functions of the National Capital Airport Police, the U.S. Coast Guard, with regard to the Intelligence and Security Division, and the Federal Railroad Administration, with regard to the Alaska Railroad Special Agents, may exempt from any part of the Act and this part, except subsections (b), (c) (1) and (2), (e)(4)(A) through (f), (e) (6), (7), (9), (10) and (11), and (i) of the Act, and implementing §§ 10.33, 10.23 (a) and (b), 10.21(d) (1) through (6), 10.81, 10.83, and 10.85, any system of records, or portion thereof, which it maintains which consists wholly of:

(1) Information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status;

(2) Information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or

(3) Reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision.

* * * * *

In Appendix I, *Exemptions*, it is proposed to amend:

(1) Section I, *General Exemptions*, by adding a paragraph (c) and revising the last sentence, to read as follows:

I. *General exemptions.* * * *

c. Intelligence and Security Investigative Case Systems (DOT/CG 611), maintained by the Intelligence and Security Division, U.S. Coast Guard, at headquarters and district offices.

The purpose of these exemptions is to prevent the compromise or impairment of criminal investigations conducted by the Office of Investigations and Security, OST, the Airport Police Branches, and the Investigations and Security Division, USCG.

2. In section II, *Specific exemptions:*

a. Subsection A is amended to read as follows:

II. *Specific exemptions.* A. The following systems of records are exempt from subsection (c)(3) (Accounting of Certain Disclosures), (d) (Access to Records), (e)(4)(G), (H), and (I) (Agency Requirements), and (f) (Agency Rules) of 5 USC 552a, to the extent that they contain investigatory material compiled for law enforcement purposes, in accordance with 5 USC 552a(k)(2):

1. Investigative Record System maintained by the Federal Aviation Administration at FAA Regional and Center Air Transportation Security Divisions, the Investigations and Security Division, Aeronautical Center; and Office of Investigations and Security, FAA Headquarters, Washington, D.C.

2. FHWA Investigations Case File System, maintained by the Office of Program Review and Investigations, Federal Highway Administration.

3. FHWA Motor Carrier Safety Proposed Civil and Criminal Enforcement Cases, maintained by the Bureau of Motor Carrier Safety, Federal Highway Administration.

4. Recreational Boating and Law Enforcement Cases (DOT/CG 505), maintained by the Office of Boating Safety, U.S. Coast Guard.

5. Port Safety Reporting System—Individual Violation Histories (DOT/CG 561), maintained by the Office of Marine Environment and Systems, U.S. Coast Guard.

6. Marine Pollution Case Files (DOT/CG 583), maintained by the U.S. Coast Guard.

7. Merchant Vessel Casualty Reporting System (DOT/CG 590), maintained by the Office of Merchant Marine Safety, U.S. Coast Guard.

8. U.S. Merchant Seaman's Records (DOT/CG 589), maintained by the Office of Merchant Marine Safety, U.S. Coast Guard.

9. Intelligence and Security Investigative Case Systems (DOT/CG 611), maintained by the Office of Operations, U.S. Coast Guard.

10. Port Security Case System (DOT/CG 612), maintained by the Office of Operations, U.S. Coast Guard.

11. DOT/NHTSA Investigations of Alleged Misconduct or Conflict of Interest, maintained by the Associate Administrator for Administration, National Highway Traffic Safety Administration.

The purpose of these exemptions is to protect investigatory materials compiled for law enforcement purposes. Disclosure of such material would hamper law enforcement by prematurely disclosing the knowledge of illegal activity and the evidentiary basis for possible enforcement actions.

b. Subsection B is amended by adding new paragraphs 3 and 4 and revising the last sentence, to read as follows:

3. Administrative Action and Legal Enforcement System (DOT/FAA), maintained by the Chief Counsel, Federal Aviation Administration.

4. Investigations Record System, maintained by the Investigations Division, Office of Investigations and Security, Office of the Secretary.

The purpose of these exemptions is to prevent the compromise or impairment of law enforcement investigations by alerting individuals that they are the subject of investigation, and to prevent the disclosure of the identity of sources of information promised confidentiality, in accordance with 5 U.S.C. 552a(k)(2).

c. New subsections D, E, and F are added, to read as follows:

D. Those portions of the following systems of records consisting of investigatory material compiled for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, or access to classified information or used to determine potential for promotion in the armed services, are exempt from sections (c)(3) (Accounting of Certain Disclosures), (d) (Access to Records), (e)(4)(G), (H) and (I) (Agency Requirements), and (f) (Agency Rules) of 5 USC 552a to the extent that disclosure of such material would reveal the identity of a source who provided information to the Government under an express or, prior to September 27, 1975, an implied promise of confidentiality (5 USC 552a(k)(5) and (7)):

1. Investigations Record Systems, maintained by the Investigations Division, Office of Investigations and Security, Office of the Secretary.

2. Intelligence and Security Investigative Case System (DOT/CG 611), maintained by the Office of Operations, U.S. Coast Guard.

3. Officer Selection and Appointment System (DOT/CG 625), maintained by the Office of Personnel, U.S. Coast Guard.

4. Official Officer Service Records (DOT/CG 626), maintained by the Office of Personnel, U.S. Coast Guard.

5. Enlisted Recruiting Selection Record System maintained by the Office of Personnel, U.S. Coast Guard.

6. Officer, Enlisted, and Recruiting Selection Test Files (DOT/CG 628), maintained by the Office of Personnel, U.S. Coast Guard.

7. Enlisted Personel Record System, (DOT/CG 629), maintained by the Office of Personnel, U.S. Coast Guard.

8. Coast Guard Personnel Security Program (DOT/CG 633), maintained by the Office of Personnel, U.S. Coast Guard.

9. Official Coast Guard Reserve Service Record System (DOT/CG 676), maintained by the Office of Reserve, U.S. Coast Guard.

10. Investigative Record System, maintained by the Federal Aviation Administration at FAA Regional and Center Air Transportation Security Divisions; the Investigations and Security Division, Aeronautical Center; and Office of Investigations and Security, Headquarters, Washington, D.C.

The purpose of these exemptions is to prevent disclosure of the identities of sources who provide information to the government concerning the suitability, eligibility or qualifications of individuals for Federal civilian employment, contracts, access to classified information, or appointment or promotion in the armed services, and who are expressly or, prior to September 27, 1975, impliedly promised confidentiality (5 U.S.C. 552a(k)(5) and (7)).

E. Those portions of the following systems of records consisting of testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service are exempt from subsections (c)(3) (Accounting of Certain Disclosures), (d) (Access to Records), (e)(4)(G), (H) and (I) (Agency Requirements), and (f) (Agency Rules) of 5 U.S.C. 552a:

1. Officer, Enlisted and Recruiting Selection Test Files (DOT/CG 628), maintained by the Office of Personnel, U.S. Coast Guard.

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2. Official Coast Guard Reserve Service Record System (DOT/CG 676), maintained by the Office of Reserve, U.S. Coast Guard.

The purpose of these exemptions is to preserve the value of these records as impartial measurement standards for appointment and promotion within the Federal service.

F. Those portions of the following systems of records which consist of information properly classified in the interest of national defense or foreign policy in accordance with 5 U.S.C. 552(b)(1) are exempt from sections (c)(3) (Accounting of Certain Disclosures), (d) (Access to Records), (e)(4) (G), (H) and (I) (Agency Requirements), and (f) (Agency Rules) of 5 U.S.C. 552:

1. Investigations Records System maintained by the Investigations Division, Office of Investigations and Security, Office of the Secretary.

2. Personnel Security Records System, maintained by the Office of Investigations and Security, Office of the Secretary.

The purpose of these exemptions is to prevent the disclosure of material authorized to be kept secret in the interest of national defense or foreign policy, in accordance with 5 U.S.C. 552(b)(1) and 552a(k)(1).

Interested persons are invited to submit written data, views or comments. Communications should identify the docket number and be submitted to the Docket Clerk, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590. Comments received on or before October 31, 1975, will be considered in preparation of the final rules. Copies of all written comments received will be available for examination by interested persons during regular business hours in the Office of the General Counsel, Room 10424, 400 Seventh Street, SW., Washington, D.C. 20590.

This notice of proposed rulemaking is issued under the authority of the Privacy Act (5 U.S.C. 552a) and 5 U.S.C. 553.

Issued in Washington, D.C. on October 20, 1975.

WILLIAM T. COLEMAN, Jr.,
Secretary.

[FR Doc.75-28665 Filed 10-23-75;8:45 am]

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ERDA 1

System name:

Alien visits and participation—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Los Alamos Area Office
528 35th Street
Los Alamos, New Mexico 64141

U.S. Energy Research and Development Administration
Dayton Area Office
P.O. Box 66
Miamisburg, Ohio 45342

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

U.S. Energy Research and Development Administration
Pittsburgh Naval Reactor Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94612

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E

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Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

Categories of individuals covered by the system:

Resident aliens who visit and participate at Energy Research and Development Administration Offices and Energy Research and Development Administration contractor facilities.

Categories of records in the system:

Federal Agencies Indicies checks and Energy Research and Development Administration records regarding Alien visits and participation at Energy Research and Development Administration offices and/or contractor facilities.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Government Agencies with Military, Intelligence, or Law Enforcement Responsibilities—Investigative purposes and to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper file, retrieved manually

Retrievability: Indexed chronologically, name and visit number

Safeguards: Access limited to employees with need-to-know; stored in security areas under guard and/or alarm protection

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director, Division of Safeguards and Security,
U.S. Energy Research and Development Administration,
Washington, D.C. 20545 has been designated the Agency System Manager for this system. The managers and directors of field locations listed under notification below are designated system managers for their respective portions of this system.

Notification procedure: a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

b. Required Identifying Information: indicate full name, nationality; and, date and location of visit.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

Individual; reports from Federal Investigation Agencies conducting indices investigations; and, letters and/or plans from Energy Research and Development Administration Operating office, operating Divisions and Energy Research and Development Administration contractor facilities.

Systems exempted from certain provisions of the act: The Administrator has exempted this system from subsections (c)(3),(d),(e)(1), (e)(4)(G),(H),(I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k) (1), (2) and (5). See ERDA rules, 10 CFR Chapter 111, Part 708, to be published in FEDERAL REGISTER.

ERDA 2

System name:

Applications and reference checks for overseas employment with International Atomic Energy Agency (IAEA)—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

Categories of individuals covered by the system:

U.S. citizens interested in employment with International Atomic Energy Agency, Vienna, Austria

Categories of records in the system:

Education, employment history, salary and personal reference checks

Authority for maintenance of the system:

Executive Order 10422, Executive Order 11552, PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

U.S. Mission to IAEA, Vienna and other governmental agencies interested in foreign programs. Evaluation prior to offers of employment IAEA—Evaluation prior to offers of employment plus selection for employment. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files

Retrievability: Name, specialty, IAEA organizational designation

Safeguards: Maintained in safes, access is limited to personnel of IAEA Branch and Office of Assistant Director for Agreements and Liaison.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director Division of International Programs,
U.S. Energy Research and Development Administration,
Washington, D.C. 20545, has been designated the Agency System Manager for this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

b. Required Identifying Information: Full name, field of specialization, and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

Individuals seeking employment, references, and references and information provided by knowledgeable agency personnel.

ERDA 3

System name:

ERDA Personnel—Appraisal and Development Records—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Bartlesville Energy Research Center
Box 1398
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Grand Forks Energy Research Center
University Station
Grand Forks, North Dakota 58201

U.S. Energy Research and Development Administration
Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Laramie Energy Research Center
P.O. Box 3395
University Station
Laramie, Wyoming 82070

U.S. Energy Research and Development Administration
Morgantown Energy Research Center
Box 880
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Pittsburgh Energy Research Center
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
Schenectady Naval Reactors Office
P.O. Box 1061
Schenectady, New York 12301

Categories of individuals covered by the system:

All Energy Research and Development Administration employees

Categories of records in the system:

Supervisor-employee appraisal, by name of employee, of performance, preparation of development plans, and, for employees GS-13 and above a determination potential for executive positions

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.). Public Law 85-507, Executive Order 11348

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No outside use. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On Paper Form ERD 622. Some older records on ERDA Form 625.

Retrievability: Alphabetic by name

Safeguards: Usually in file cabinet

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director, Division of Personnel
U.S. Energy Research and Development Administration
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification

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below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Bartlesville Energy Research Center
Box 1398
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administartion
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Grand Forks Energy Research Center
University Station
Grand Forks, North Dakota 58201

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Laramie Energy Research Center
P.O. Box 3395
University Station
Laramie, Wyoming 82070

U.S. Energy Research and Development Administration
Morgantown Energy Research Center
Box 880
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Pittsburgh Energy Research Center
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

b. Required Identifying Information: Location(s), full name, social security number, date of birth, and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

From the supervisor and employee during the annual review, informatiion is documented on the ERDA Form 622 or 625.

ERDA 4

System name:

Census of High Energy Physicists—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

Categories of individuals covered by the system:

Scientists and graduate students in the field of high energy physics

Categories of records in the system:

Name, date of birth, education, employment history, research support agencies, technical specialities.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Physicists, research organizations and various government organizations engaged in physics research—to obtain information on individuals and organizations engaged in high energy physics research. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape

Retrievability: Alphabetical by name, employer or any other combination of data

Safeguards: Access limited to Division of Physical Research Personnel, maintained in locked file cabinet in secured building.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director,
Division of Physical Research,
U.S. Energy Research and Development Administration,
Washington, D.C. 20545, has been designated the Agency System Manager for this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

b. Required Identifying Information: Requestor should provide his full name, and education (Degree, date and University).

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

High energy physics research group leaders and laboratory directors. Other personnel in field of high energy physics.

ERDA 5

System name:

Clearance Board Cases Administrative Review and Personnel—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters), Washington, D.C. 20545.

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Monsanto Research Corporation, Mound Laboratory
Miamisburg, Ohio 45342

U.S. Energy Research and Development Administration
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

Categories of individuals covered by the system:

Employees, access permittees, consultants and prospective employees of the Energy Research and Development Administration and Energy Research and Development Administration contractors and access permit holders.

Categories of records in the system:

Results of investigation concerning individuals processed for access authorizations (clearances).

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Personnel involved in Administrative Review—Information used for reference during review board hearings. Federal Law Enforcement and Investigative Agencies—To refer, where there is an indication of a violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper file manually retrieved; also maintained on magnetic tape at Oak Ridge office.

Retrievability: Indexed by name.

Safeguards: Access limited to employees having need-to-know; stored in security areas under guard and/or guard protection.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director, Division of Safeguards and Security
U.S. Energy Research and Development Administration
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The managers and directors of field locations listed under Notification below are designated system managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

b. Required Identifying Information: Full name, date of birth, social security number, clearance processing location, and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

Personnel Security Questionnaire and Fingerprint Card executed by individual; background investigation reports by Federal Bureau of Investigation, Civil Service Commission and other Government agencies conducting background investigations; summaries and transcripts of interviews with the individual; transcripts of Administrative Review Board hearings with individual; correspondence to individual concerning administrative processing of clearance action and local and State police agency reports.

Systems exempted from certain provisions of the act: The Administrator has exempted this system from subsections (c)(3),(d),(e)(1), (e)(4)(G),(H),(I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k) (1), (2) and (5). See ERDA rules, 10 CFR Chapter 111, Part 708, to be published in FEDERAL REGISTER.

ERDA 6

System name:

Compensation for Contractor Employees (25,000 Dollars or More)—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 51501

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box 0
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
Schenectady Naval Reactors Office
P.O. Box 1069

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Schenectady, New York 12301

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

Categories of individuals covered by the system:

Administrative, Professional, Scientific personnel.

Categories of records in the system:

Name, contractor, salary history, and current salary.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et. seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

No outside uses. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets in mail and file room.

Retrievability: Alphabetically by name, usually on paper.

Safeguards: Records kept in file cabinets in guarded buildings.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill as appropriate.

System manager(s) and address:

The Director, Division of Labor Relations
U.S. Energy Research and Development Administration
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

b. Required Identifying Information: Full name, location of last employment, and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

From contractor salary administrative personnel.

ERDA 7

System name:

Consultants to ERDA Contractors—(Directory of)—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

Categories of individuals covered by the system:

Consultants to ERDA Contractors

Categories of records in the system:

Biographical notes, personal data/correspondence, employment history, education, salary/total compensation, area of specialization, contractual arrangements and duration, service provided and research support.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No external users. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper

Retrievability: Indexed chronologically, alphabetically by contractor, alphabetically by consultant name.

Safeguards: Secure and guarded building—access on need-to-know basis, combination locked files, locked file cabinets

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director, Division of Labor Relations
U.S. Energy Research and Development Administration
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Prvacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

b. Required Identifying Information: Full name of consultant, name of contractor, area of contract work performed, and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

Reports from individuals, contractors, and Dun and Bradstreet.

ERDA 8

System name:

Security Correspondence File—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Los Alamos Area Office
528 35th Street
Los Alamos, New Mexico 87544

Categories of individuals covered by the system:

Individual of interest to Energy Research and Development Administration officials.

Categories of records in the system:

Correspondence received from individuals; news media; and, informational reports.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Federal Law Enforcement and Investigative Agencies—To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper file manually retrieved.

Retrievability: Indexed by name.

Safeguards: Access limited to individuals having need-to-know; stored in security area under guard protection.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director, Division of Safeguards and Security
U.S. Energy Research and Development Administration
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

V 40 207 OCT 24 75 XUM

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

b. Required Identifying Information: Full name, date of birth, social security number, and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

Individual and official records; news media; and, organizations.

Systems exempted from certain provisions of the act:

Administrator has exempted this system from subsections (c)(3),(d),(e)(1), (e)(4)(G),(H),(I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k) (1), (2) and (5). See ERDA rules, 10 CFR Chapter 111, Part 708, to be published in FEDERAL REGISTER.

ERDA 9

System name:

Discrimination Complaint Files—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Bartlesville Energy Research Center
Box 1398
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Grand Forks Energy Research Center
University Station
Grand Forks, North Dakota 58201

U.S. Energy Research and Development Administration
Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Laramie Energy Research Center
P.O. Box 3395
University Station
Laramie, Wyoming 82070

U.S. Energy Research and Development Administration
Morgantown Energy Research Center
Box 880
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Pittsburgh Energy Research Center
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

Categories of individuals covered by the system:

Each ERDA employee, ERDA contractor employee, or Assigned Facilities contractor employee who has filed a written complaint of discrimination based on race, religion, national origin or sex with ERDA or with another Federal agency which has referred the complaint to ERDA.

Categories of records in the system:

The complaint, investigative reports and related correspondence.

Authority for maintenance of the system:

Executive order 11246 PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.),Executive Order 11478 PUB. L. 92-261.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Other federal state and local agencies—for purposes of considerations of charges, claims or appeals.CSC (Respecting complaints ~~by ERDA~~ Employees)—Equal Employment Opportunity enforcement purposes. U.S. Equal Employment Opportunity Commission, U.S. Department of Labor and State Fair Employment Commissions (Respecting complaints by contractor employees)—Equal employment opportunity enforcement purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files

Retrievability: By name of complainant

Safeguards: Stored in locked files in guarded buildings, with access only to those personnel involved in processing the complaint.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director, Office of Equal Opportunity
U.S. Energy Research and Development Administration
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Bartlesville Energy Research Center
Box 1398
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Grand Forks Energy Research Center
University Station
Grand Forks, North Dakota 58201

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Laramie Energy Research Center
P.O. Box 3395
University Station
Laramie, Wyoming 82070

U.S. Energy Research and Development Administration
Morgantown Energy Research Center
Box 880
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Pittsburgh Energy Research Center
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

b. Required Identifying Information: Full name, and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

Information is derived from personnel and payroll records and from interviews with ERDA and contractor employees.

ERDA 10

System name:

Employment and Financial Interests—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Office of the General Counsel
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
Office of the Chief Counsel
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Chicago Operations Office
Office of the Chief Counsel
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Grand Junction Office
Office of the Chief Counsel
P.O. Box 2567
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration
Idaho Operations Office
Office of the Chief Counsel
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Richland Operations Office
Office of the Chief Counsel
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
Office of the Chief Counsel
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Nevada Operations Office
Office of the Chief Counsel
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Albuquerque Operations Office
Office of the Chief Counsel
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Savannah River Operations Office
Office of the Chief Counsel
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
Schenectady Naval Reactors Office
Office of the Chief Counsel
P.O. Box 1069
Schenectady, New York 12301

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U.S. Energy Research and Development Administration
Pittsburgh Naval Reactors Office
Office of the Chief Counsel
P.O. Box 109
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration
Los Alamos Area Office
Office of the Area Counsel
180 6th Street
Los Alamos, New Mexico 87544

U.S. Energy Research and Development Administration
Kansas City Area Office
P.O. Box 202
Kansas City, Missouri 64141

Categories of individuals covered by the system:

ERDA staff personnel (employees, consultants, advisors) whose positions involve activities action or decisions having an economic impact on any non-Federal enterprise.

Categories of records in the system:

Contains the name, position title, date of appointment; employment and financial interests; creditors; interests in real property; names and addresses of other persons requested to supply information; individual's certificate of truth and veracity.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.), EO 11222

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Cognizant appointing officials—To assist the Agency, CSC and the President in determining whether individuals have conflicts or apparent conflicts of interest in the performance of official duties; for counselling personnel in avoiding violations; for assignment of duties; law enforcement

Counsel within the Agency and Department of Justice—Prosecution or determination as to law enforcement. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files.

Retrievability: Indexed by name

Safeguards: Maintained in 3 way combination locked filing cabinets

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill as appropriate.

System manager(s) and address:

The General Counsel, ERDA—Headquarters
U.S. Energy Research and Development Administration
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

b. Required Identifying Information: Individual's name, ERDA location of last employment or cognizant office, and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

Individual on whom the record is maintained.

ERDA 11

System name:

ERDA Personnel—Supervisor Records—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Bartlesville Energy Research Center
Box 1398
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Grand Forks Energy Research Center
University Station
Grand Forks, North Dakota 58201

U.S. Energy Research and Development Administration
Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Laramie Energy Research Center
P.O. Box 3395
University Station
Laramie, Wyoming 82070

U.S. Engergy Research and Development Administration
Morgantown Energy Research Center
Box 880
Morgantown, West Virginia 26505

U.S. Energy Research Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Pittsburgh Energy Research Center
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
Schenectady Naval Reactors Office
P.O. Box 1061
Schenectady, New York 12301

Categories of individuals covered by the system:

Current employees; in a few cases, records include former employees, assigned military personnel, or applicants

Categories of records in the system:

The contents vary from office to office, but include all or some of the following: copies and summaries of employment history, job descriptions, education, address, next of kin, phone number, date of birth, awards and commendations received, participation in professional or community activities, training, earnings and leave data, travel actions, certification or qualification examinations, injury reports, appraisals, copy of ADP-produced Form ERDA-702, copy of Form ERDA-50, assignment records, security infraction notices, records of supervisory—employee discussions, reprimands, admonitions, adverse actions, contingency planning data, security clearance status, and government property in employee's possession.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: ERDA internal use only. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper

Retrievability: By name

Safeguards: In files under control of supervisory official

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director of Personnel, U.S. Energy Research and Development Administration, Washington, D.C. 20545, has been designated the Agency System Manager for this system. The cognizant supervisor personnel in the appropriate office and location listed under Notification if said personnel retain such records, are designated System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Bartlesville Energy Research Center
Box 1398
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Grand Forks Energy Research Center
University Station
Grand Forks, North Dakota 58201

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Laramie Energy Research Center
P.O. Box 3395
University Station
Laramie, Wyoming 82070

U.S. Energy Research and Development Administration
Morgantown Energy Research Center
Box 880
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Pittsburgh Energy Research Center
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

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U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

b. Required Identifying Information: Complete name, and, if appropriate, the geographic location(s), organization(s), the name of the supervisor where requester believes such records may be located, and the time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters

Record source categories:

The greatest majority of the data comes directly from the individuals or cognizant supervisory official; other data comes from copies of personnel action document.

Systems exempted from certain provisions of the act:

The Administrator has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k)(5) and (6). See ERDA rules, 10 CFR Chapter 111, Part 708, to be published in FEDERAL REGISTER.

ERDA 12

System name:

ERDA Personnel Applicant Records—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Bartlesville Energy Research Center
Box 1398
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Grand Forks Energy Research Center
University Station
Grand Forks, North Dakota 58201

U.S. Energy Research and Development Administration
Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Laramie Energy Research Center
P.O. Box 3395
University Station
Laramie, Wyoming 82070

U.S. Energy Research and Development Administration
Morgantown Energy Research Center
Box 880
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Pittsburgh Energy Research Center
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
Schenectady Naval Reactors Office
P.O. Box 1061
Schenectady, New York 12301

Categories of individuals covered by the system:

Individuals applying for, or inquiring about, employment with ERDA

Categories of records in the system:

Standard Form 171, "Personal Qualifications Statement"; letters of inquiry and general applications; resumes of personal data, education, and work experience; personnel evaluation forms; completed reference check letters or forms; interview summary sheets; education, military and employment history statements; correspondence related to recruitment, application and employment; test records and academic transcripts (as appropriate); other documents related to application and employment.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 221), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Key operating officials and supervisors (including military personnel assigned to ERDA or directly associated with the naval or military application functions of ERDA—Referrals of applicants, evaluation of qualifications and selection of candidates under consideration for employment, or in other activities directly concerned with their official responsibilities.

Colleges and Universities participating in the ERDA recruiting program—Performance of regular practices in placement of students and in receiving information concerning evaluation or selection of their graduates.

Other Government Investigative Agencies—In the event these records indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether

arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and punched cards

Retrievability: Occupational category, name, date, register number; in college recruitment files, retrievable by education institution's name

Safeguards: Physical security varies: usually administratively-controlled access to authorized personnel in a locked and guarded building or in locked file cabinets.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director of Personnel
U.S. Energy Research and Development Administration
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Bartlesville Energy Research Center
Box 1398
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Grand Forks Energy Research Center
University Stationn
Grand Forks, North Dakota 58201

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Laramie Energy Research Center
P.O. Box 3395
University Station
Laramie, Wyoming 82070

U.S. Energy Research and Development Administration
Morgantown Energy Research Center
Box 880
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 83401

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Pittsburgh Energy Research Center
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

b. Required Identifying Information: Full name, social security number, date of birth, occupational category and location at which application or other material was submitted; in case of college recruitment material, applicable college or university name; and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

Individuals seeking, or referred for, employment; personal references provided by individuals; personnel administrators, officials, assistants, and other staff; interviewers; current and former employers, teachers, supervisors, and other government agencies; Congressmen, testing officials, State Employment Service; and educational institutions

Systems exempted from certain provisions of the act:

The Administrator has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k)(5) and (6). See ERDA rules, 10 CFR Chapter 111, Part 708, to be published in FEDERAL REGISTER.

ERDA 13

System name:

ERDA Contractor Employee Insurance Claims—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

Categories of individuals covered by the system:

Claimants under Workmen's Compensation Insurance, Third party claimants against ERDA contractors.

Categories of records in the system:

Accident reports, physician statements, pictures, maps, sketches, claimant and witnesses statements, doctors and hospital bills, reports from engineering firms, claims activity reports.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Insurance companies—In administering problem claims against ERDA contractors and ERDA. State and local agencies—for

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consideration of insurance claims. Physicians—claim evaluation. Lawyers claim evaluation. State industrial commissions—claim evaluation. Claims—adjustment services firms—claim evaluation. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, computer, printouts

Retrievability: By name, claim number.

Safeguards: Locked building.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill as appropriate.

System manager(s) and address:

The Director, Division of Labor Relations
U.S. Energy Research and Development Administration
Washington, D.C. 20545, has been designated the Agency System Manager for this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

b. Required Identifying Information: Full name and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

From insurance company's claim files and from claimants and witnesses.

ERDA 14

System name:

ERDA Technology Training Program—Skill Training at Technician Level—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

Oak Ridge Associated Universities
Oak Ridge Operations Office
P.O. Box 117
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Richland Operations Office
P. O. Box 550
Richland, Washington 99352

Categories of individuals covered by the system:

Technician skill level training for industrial employers within the energy industry, e.g., Construction, Electro/Mechanical Drafting, Inhalation Toxicologists, Radiation Monitoring, Welding Inspection, Vacuum Technology, and/ASer and Optics Technology.

Categories of records in the system:

Application for training assignment, work history, education, training evaluation.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No outside use. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and punched cards.

Retrievability: Participants name.

Safeguards: Guarded building.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director
Division of Labor Relations
U.S. Energy Research and Development Administration
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

b. Required Identifying Information: Full name, training program, and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

From individuals and contractors by whom the individual is employed.

ERDA 15

System name:

ERDA Personnel/General Employment Records—(Addendum to the U.S. Civil Service Commission Federal Register Notice of Records reporting CSC-General Personnel Records (Official Personnel Folder and Related Records))—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Bartlesville Energy Research Center
Box 1398
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Grand Forks Energy Research Center
University Station
Grand Forks, North Dakota 58201

U.S. Energy Research and Development Administration
Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Laramie Energy Research Center
P.O. Box 3395
University Station
Laramie, Wyoming 82070

U.S. Energy Research and Development Administration
Morgantown Energy Research Center
Box 880
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Pittsburgh Energy Research Center
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
Schenectady Naval Reactors Office
P.O. Box 1061
Schenectady, New York 12301

Categories of individuals covered by the system: Current and former employees, consultants, board members and applicants only to the extent they are considered for competitive selection.

Categories of records in the system:

Official Personnel Folders (SF-66), Service Record Cards (SF-7), records on suggestions and awards, training request and authorization data, training course evaluation statements, appraisals resulting from annual supervisor-employee review, pay requests and dispositions, reduction-in-force registers (including ssociated records of competitive levels and competitive areas), reemployment and repromotion priority lists, retirement associated eligibility and calculations, records on competitive selections (Form ERDA-178 and supporting documents), central copy of approved position descriptions, correspondence related to and copies of employee appeals, grievances, and complaints, including records of hearings or examiner's reports, lists of separated employees, correspondence from employees requesting transfer or reassignment, average grade data, data related to and derived from the "Personnel Automated Records and Information System" (PARIS).

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Operating officials, supervisors, and administrative staff (Including military personnel assigned to ERDA or directly associated with the naval or military application functions of ERDA.) The employment and management of the personnel resources assigned to or considered for their organization, or in other activities directly concerned with their official responsibilities.

Federal Bureau of Investigation or other Federal investigative organizations—To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, orregulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. Nuclear Regulatory Commission—Statistical and historical employment analysis. Congress; Office of Management and Budget—Agency employment and organization analysis. U.S. Civil Service Commission—Federal government employment, record keeping and reporting. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, computer printouts, punched cards, mag-tape and disk, microfilm.

Retrievability: Name, Social Security Number.

Safeguards: Locked file cabinets, controlled access rooms; computer center access-control to automated personnel data base; locked records and guarded buildings.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director, Division of Personnel
U.S. Energy Research and Development Administration
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Bartlesville Energy Research Center
Box 1398
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Grand Forks Energy Research Center
University Station
Grand Forks, North Dakota 58201

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

V 40 207 OCT 24 75 XUM

U.S. Energy Research and Development Administration
Laramie Energy Research Center
P.O. Box 3395
University Station
Laramie, Wyoming 82070

U.S. Energy Research and Development Administration
Morgantown Energy Research Center
Box 880
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Pittsburgh Energy Research Center
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

b. Required Identifying Information: Complete name, and, if appropriate, the geographic location(s) and organization(s) where requester believes such record may be located, social security number, date of birth, and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

Data comes directly from individual to whom it applies or is derived from information he/she supplied, except information that is provided by agency officials and/or obtained from official personnel actions.

Systems exempted from certain provisions of the act:

The Administrator has exempted this system from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k)(5) and (6). See ERDA rules, 10 CFR Chapter 111, Part 708, to be published in FEDERAL REGISTER.

ERDA 16

System name:

FHA Insured Loans (Certificates of Eligibility)—ERDA

System location:

U.S. Energy Research and Development Administration
Los Alamos Area Office
180 6th Street
Los Alamos, New Mexico 87544

Categories of individuals covered by the system:

Persons having Certificates of Eligibility

Categories of records in the system:

Employment and Loan Information

Authority for maintenance of the system:

National Housing Act, PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Federal Housing Administration—For approval by area manager. (FHA) Personnel Processing of loan by FHA. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Subject file, name.

Safeguards: Kept in locked building.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

Manager
U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115, has been designated the Agency System Manager for this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

b. Required Identifying Information: Full name of individual and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

Individuals involved, employer, real estate broker

ERDA 17

System name:

Firearms Qualifications Record—ERDA

System location:

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Amarillo Area Office
Pantex Plant
Amarillo, Texas 79105

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
Dayton Area Office
Mound Laboratory
Miamisburg, Ohio 45342

U.S. Energy Research and Development Administration
Kansas City Area Office
2000 E. Bannister Road
Kansas City, Missouri 64141

U.S. Energy Research and Development Administraton
Los Alamos Area Office
528 35th Street
Los Alamos, New Mexico 87544

U.S. Energy Research and Development Administration
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration
Pinellas Area Office
GE Pinellas Peninsula
St. Petersburg, Florida 33733

U.S. Energy Research and Development Administration
Rocky Flats Area Office
P.O. Box 928
Golden, Colorado 80401

U.S. Energy Research and Development Administration
Sandia Area Office
Technical Area I, Kirtland Air Force Base-East
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administraton
San Francisco Livermore Site Office
Trailer 125, Room 106
Livermore, California 94550

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

Categories of individuals covered by the system:

Energy Research and Development Administration employees and Energy Research and Development Administration contractor employees who familiarize or qualify with firearms in performance of regular duties.

Categories of records in the system:

Records of individual's annual qualification scores; approval of gun permits; accountability of firearms.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Wackenhut Services Incorporated (Nevada) Training and Administrative Personnel—Performance of regular duties

Los Alamos County Sheriff—Deputation of individuals

Los Alamos County Clerk—Recording of Deputy Commission

Los Alamos District Court Clerk—Recording of Deputy Commission. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper file manually retrieved.

Retrievability: Indexed chronologically and by name.

Safeguards: Access limited to employees having need-to-know; stored in security areas under guard and/or alarm protection.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address: The Director, Division of Safeguards and Security
U.S. Energy Rsearch and Development Administration
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

b. Required Identifying Information: Full name, date of birth, social security number, and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

Gun permit notifications and firearm qualifications results from individual and training personnel.

ERDA 18

System name:

Investigations Pertaining to Violations of Law and Losses of Security Interest—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
Los Alamos Area Office
528 35th Street

V 40 207 OCT 24 75 XUM

Los Alamos, New Mexico 64141

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Batavia Area Office
P.O. Box 2000
Batavia, Illinois 60510

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

Categories of individuals covered by the system:

Energy Research and Development Administration and ERDA contractor employees; private citizens.

Categories of records in the system:

Reports to determine cause and circumstance of accidents and/or incidents; and, traffic violators.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Federal, State and Local Law Enforcement Agencies—Tssso refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

Civil Service Commission—Investigative purposes

Property Owners and Insurance Companies—Insurance claims

ERDA Contractor Fire and Safety and Administrative Personnel—Evaluation of fire and safety incidents. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper file manually retrieved; also on photographs and tape recordings at Batavia Office.

Retrievability: Indexed by name and chronologically.

Safeguards: Access limited to individuals having need-to-know; maintained in locked and guarded buildings.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address: The Director, Division of Safeguards and Security

U.S. Energy Research and Development Administration
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuqueque, New Mexico 87115

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

b. Required Identifying Information: Indicate full name, date of birth, employer, dates of employment and social security number.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

Reports of investigations performed by Security, Fire, Safety personnel; reports filed by local and State police departments; and, results of accident investigations and incidents.

ERDA 19

System name:

Foreign Travel—ERDA

System location:

U.S. Energy Research and Development Administration
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
Los Alamos Area Office
528 35th Street
Los Alamos, New Mexico 64141

U.S. Energy Research and Development Administration
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94612

Categories of individuals covered by the system:

Energy Research and Development Administration and ERDA contractor employees traveling to foreign countries.

Categories of records in the system:

Security evaluation of individual's access to classified information and background data relating to proposed foreign travel; travel itinerary and summary report following completion of travel.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Law Enforcement and Intelligence Agencies—Post travel discussions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files, retrieved manually.

Retrievability: Indexed by name and chronologically.

Safeguards: Access limited to employees with need-to-know; stored in guarded buildings.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address: The Director, Division of Safeguards and Security

U.S. Energy Research and Development Administration
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

b. Required Identifying Information: Indicate full name, date of birth, employment location and dates of travel.

Record access procedures: Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

Individual and employer of individual.

Systems exempted from certain provisions of the act:

The Administrator has exempted this system from subsections (c)(3),(d),(e)(1), (e)(4)(G),(H),(I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k) (1), (2) and (5). See ERDA rules, 10 CFR Chapter 111, Part 708, to be published in FEDERAL REGISTER.

ERDA 20

System name:

Government Drivers License File—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Bartlesville Energy Research Center
P.O. Box 1398
Bartlesville, Oklahoma 74003.

U.S. Energy Research and Development Administration
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Los Alamos Area Office
528 35th Street
Los Alamos, New Mexico 87544

U.S. Energy Research and Development Administration
Morgantown Energy Research Center
Box 880
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration New Brunswick Laboratory
P.O. Box 150 New Brunswick, New Jersey 08903

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Rocky Flats Area Office
P.O. Box 928
Golden, Colorado 80401

V 40 207 OCT 24 75 XUM

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
Laramie Energy Research Center
P.O. Box 3395, University Station
Laramie, Wyoming 82070

U.S. Energy Research and Development Administration
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

Categories of individuals covered by the system:

ERDA Personnel, U.S. Geological Survey Personnel, Contractor Personnel, U.S. Forest Service Personnel, and Nuclear Regulatory Commission Personnel

Categories of records in the system:

Government Motor Vehicle License Applications, Government Motor Vehicle Operator's Driving Record, Record of Tests, Investigations pertaining to possible misuses of Government Equipment, and Vehicle Restrictions

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.) CSC Regulations, 40 U.S.C. 471.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

National Safety Council and Military Personnel—Statistical, awards, determine qualifications for drivers license, Employee's license hiy, managerial control

Contractors—Same as above and investigation of possible misuse of Government Equipment. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and punched cards

Retrievability: Alphabetic by name, chronological by expiration date, date of incident, and numeric by badge number

Safeguards: Maintained in buildings with controlled access, combination file safe, and key lock file

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address: The Director of Administrative Services

U.S. Energy Research and Development Administration
Washington, D.c. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Bartlesville Energy Research Center
Box 1398
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Morgantown Energy Research Center
Box 880
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
Laramie Energy Research Center
P.O. Box 3395, University Station
Laramie, Wyoming 82070

b. Required Identifying Information: Full name, location(s) of ERDA installation, where Government driver's license was issued, and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

From individual, examining physician, or nurse, National Driver Register, Department of Transportation, shipment security records and trip summaries, Safety Engineer, citizens observing misuse of government equipment, and police

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System name:

Investigative Files—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Bartlesville Energy Research Center
Box 1398
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue

Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Grand Forks Energy Research Center
University Station
Grand Forks, North Dakota 58201

U.S. Energy Research and Development Administration
Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Laramie Energy Research Center
P.O. Box 3395
University Station
Laramie, Wyoming 82070

U.S. Energy Research and Development Administration
Morgantown Energy Research Center
Box 880
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Pittsburgh Energy Research Center
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 9801

U.S. Energy Research and Development Administration
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

Resident Investigators, Office of Audit and Inspection, assigned at the following Operations Offices:

Albuquerque Operations Office
Chicago Operations Office
Nevada Operations Office
Oak Ridge Operations Office
Richland Operations Office
San Francisco Operations Office

Categories of individuals covered by the system:

Current and former ERDA and contractor employees who are subjects of investigations, and individuals involved in miscellaneous investigative matters.

Categories of records in the system:

Investigative reports, memoranda, letters, and when applicable, performance evaluation of the assigned investigator.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Federal, State and Local Law Enforcement Agencies—To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

General Accounting Office—Administrative evaluation of agency procedures, upon request.

Congress—Evaluation of agency procedures.

Individuals Who File Discrimination Complaints Against ERDA—Review results of discrimination investigation.

ERDA Contractor Management Personnel on a Need to Know Basis—Administrative evaluation and action.

United States Department of Justice—Possible civil suits.

Other Government Agencies—Evaluation with regard to personnel clearance and suitability investigations, upon request.

Federal, State or Local Agencies Authorized Under the Civil Rights Act to Redress Equal Opportunity Complaints—Evaluation of investigations of discrimination complaints. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files and card indices

Retrievability: By name and case number

Safeguards: Files are kept in at least key-locked cabinets, with access on a need-to-know basis. Files may be disclosed outside the agency only with the approval of the Director, Office of Audit and Inspection.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address: The Director, Office of Audit and Inspection

U.S. Energy Research and Development Administration
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Address:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

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U.S. Energy Research and Development Administration
Bartlesville Energy Research Center
Box 1398
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Grand Forks Energy Research Center
University Station
Grand Forks, North Dakota 58201

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Laramie Energy Research Center
P.O. Box 3395
University Station
Laramie, Wyoming 82070

U.S. Energy Research and Development Administration
Morgantown Energy Research Center
Box 880
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Pittsburgh Energy Research Center
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
133 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

b. Required Identifying Information: Full name, identity and address of employer, and dates of employment.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

Information comes from ERDA and contractor records, employees of both, and other sources possessing information pertinent to an investigation.

Systems exempted from certain provisions of the act: The Administrator has exempted this system from subsections (c)(3),(d),(e)(1), (3)(4)(G)(H),(I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552s(k) (1), (2) and (5). See ERDA rules, 10 CFR Chapter 111, Part 708, to be published in FEDERAL REGISTER.

ERDA 22

System name:

Labor Standards Complaints and Grievance Files—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

Categories of individuals covered by the system:

Current and former contractor employees.

Categories of records in the system:

Complaints against contractors, labor unions.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

U.S. Dept. of Labor—Contract labor standards enforcement. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper

Retrievability: By individual name, by case number.

Safeguards: Locked files.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director,
Division of Labor Relations,
U.S. Energy Research and Development Administration,
Washington, D.c. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street.
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

b. Required Identifying Information: Contractor, union, individual name, and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

From contractors, public, individuals.

ERDA 23

System name:

Legal Office—Claims, Litigations, Criminal Violations, Patents, and other Legal Files—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Bartlesville Energy Research Center
Box 1398
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Grand Forks Energy Research Center
University Station
Grand Forks, North Dakota 58201

U.S. Energy Research and Development Administration
Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Laramie Energy Research Center
P.O. Box 3395
University Station
Laramie, Wyoming 82070

U.S. Energy Research and Development Administration
Morgantown Energy Research Center
Box 880
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Pittsburgh Energy Research Center
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
Schenectady Naval Reactors Office
Post Office Box 1069
Schenectady, New York 12301

Categories of individuals covered by the system:

ERDA related debtors and bankrupts; claimants-radiation, tort, patent;claimants with respect to employees compensation and workmen's compensation claims; radiation injury and other personal injury claims; property damage and other tort claims; patent claims and contract claims; injured parties, litigants and complaints generally; inventors; those against whom claims have been filed; persons suspected of violating criminal law.

Categories of records in the system:

Claims of government against others; Administrative claims; personal injury, radiation injury, property damage and other tort claims; contrac claims, litigation records, accident reports civil litigation; addendums to inspection reports, employment records consultants agreements, cases alledging discrimination, award, conflict of interest files, criminal

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litigation records, Personal Security Review Board cases, medical recordsy photographs, telephone records, investigations, goverpment orders, inventions and correspondence and other data relating to the foregoing.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Department of Justice, GAO, state and local law enforcement agencies; civil and criminal courts, administrative arbitrators, litigants, investigators, congress, attorneys, physicians, consultants, insurance carriers—For appraisal, evaluation, settlement and denial of claims and other matters and as a basis for advice by counsel and physiciians and as a basis for administrative and legal action and all matters pertaining thereto including civil and criminal remedies, law enforcement, disclosure when requesting information, and disclosure of requested information, maintenance of records. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper

Retrievability: Name and Control card locator

Safeguards: Records maintained in vault and locked safes under surveillance during business hours, otherwise locked.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The General Counsel, U.S. Energy Research and Development Administration (Headquarters), Washington, D.C. 25045 has been designated the Agency system manager for this system. The Managers and Directors of the field locations listed under Notification below are designated System Managers for their respective portions of the system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Bartlesville Energy Research Center
Box 1398
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Grand Forks Energy Research Center
University Station
Grand Forks, North Dakota 58201

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Laramie Energy Research Center
P.O. Box 3395
University Station
Laramiee, Wyoming 82070

U.S. Energy Research and Development Administration
Morgantown Energy Research Center
Box 880
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Pittsburgh Energy Research Center
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

b. Required Identifying Information: Full name of individual; approximate date of event, place of origin; category of record, cognizant office

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

From individuals, inspection reports, other agencies, Office of General Councel attorneys and other agency officers and staff, contractors, investigators and auditors.

Systems exempted from certain provisions of the act:

The Administrator has exempted this system from subsections (c)(3),(d),(e)(1), (e)(4)(G),(H),(I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k) (1), (2) and (5). See ERDA rules, 10 CFR Chapter 111, Part 708, to be published in FEDERAL REGISTER.

ERDA 24

System name:

Medical History System-ERDA and Contractor Employees—ERDA

System location:

U.S. Energy Research and Development Administration
Kadlec Medical-Dental Building
Richland, Washington 99352

U.S. Energy Research and Development Administration
Idaho Operations Office
550 Second Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E

Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Schenectady Naval Reactors
P.O. Box 1069 Office
Schenectady, New York 12301

U.S. Energy Research and Development Administration
Los Alamos Area Office
528 35th Street
Los Alamos, New Mexico 87544

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P. O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration
Naval Reactors Facility
P. O. Box 2068
Idaho Falls, Idaho 83411

U.S. Energy Research and Development Administration
Bettis Atomic Power Laboratory
P.O. Box 79
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration
Pittsburgh Energy Research Center
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration
Kansas City Area Office
2006 E. Bannister
Kansas City, Missouri

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration
Industrial Medicine Division
Brookhaven National Laboratory
Upton, New York

U.S. Energy Research and Development Administration
Dayton Area Office
Mound Laboratory
Miamisburg, Ohio

U.S. Energy Research and Development Administration
Kansas City Area Office
Bendix Corporation
Kansas City, Missouri 64141

U.S. Energy Research and Development Administration
Knolls Atomic Power Laboratory
P.O. Box 1073
Schenectedy, New York 12301

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Morgantown Energy Research Center
P.O. Box 880
Morgantown, West Virginia 26505

Categories of individuals covered by the system:

Employees of ERDA and ERDA contractor personnel.

Categories of records in the system:

Medical history on employee resulting from medical examinations and radiation exposure. In case of injury, description of injury occurrence and treatment. In addition, medical records of periodic physical examinations; and pyschological testing, routine first aid, and other visits.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as am(42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Physicians, U.S. Department of Labor, various State's Departments of Labor and Industries, and Contractors—to describe and record information as a result of periodic and physical examinations to ascertain suitability of an employee to a better job assignment with regard to health, and to maintain a record of occupational injuries or illnesses. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer printouts, magnetic tape, paper, microfilm.

Retrievability: By name, Social Security number, plant area.

Safeguards: Active records are maintained in locked file cabinet in a locked building. Inactive records are maintained in locked storage vault.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director,
Division of Biomedical & Environmental Research,
U.S. Energy Research and Development Administration,
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

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U.S. Energy Research and Development Administration
Pittsburgh Energy Research Center
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Morgantown Energy Research Center
P.O. Box 880
Morgantown, West Virginia 26505

b. Required Identifying Information: Applicable location or location or locations where individual is or was employed, full name of requester, social security number, employer(s), and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters

Record source categories:

From individuals and employer payroll systems: Investigations of accidents or illnesses: From individual and his personnel and Medical records: Physician performing the examination.

ERDA 25

System name:

Nuclear Qualification Examination Records (for personnel to be assigned to ships, shipyards and prototypes)—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

Categories of individuals covered by the system:

Candidates for positions: U.S. Naval Nuclear ship commanding officers, Engineering Officers, Naval nuclear prototype plant managers, Naval Reactors representatives, shipyard and prototype shift test engineers and operations supervisors and station operator.

Categories of records in the system:

Completed examinations and associated records necessary to locate the exams.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

DOD—Performance of regular duties. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper

Retrievability: Name and examination serial number

Safeguards: Access controlled by cognizant engineer.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director, Division of Naval Reactors,
U.S. Energy Research and Development Administration,
Washington, D.C. 20545 has been designated the Agency System Manager for this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Main Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

b. Required Identifying Information: Name, position for which examination taken and the approximate date of the exam.

Record access procedures:

Refer to Notification Procedure.

Record source categories:

From the individual to whom the records pertain.

ERDA26

System name:

Occupational and Industrial Health, and Safety Records—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters).
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Amarillo Area Office
Pantex Plant
P.O. Box 1086
Amarillo, Texas 79105

U.S. Energy Research and Development Administration
Burlington Area Office
P.O. Box 561
Burlington, Iowa 52601

U.S. Energy Research and Development Administration
Dayton Area Office
P.O. Box 66
Miamisburg, Ohio 45342

U.S. Energy Research and Development Administration
Kansas City Area Office
P.O. Box 202
Kansas City, Missouri 64141

U.S. Energy Research and Development Administration
Los Alamos Area Office
180 6th Street
Los Alamos, New Mexico 87544

U.S. Energy Research and Development Administration
Pinellas Area Office
P.O. Box 11500
St. Petersburg, Florida 33733

U.S. Energy Research and Development Administration
Rocky Flats Area Office
P.O. Box 928
Golden, Colorado 80401

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Brookhaven Office
Upton, New York 11973

U.S. Energy Research and Development Administration
Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration
Idaho Operations Office
550 Second Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Nevada Test Site
Mercury, Nevada 89023

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Cincinnati Area Office
P.O. Box 39188
Cincinnati, Ohio 45239

U.S. Energy Research and Development Administration
New Brunswick Laboratory
P.O. Box 150
New Brunswick, New Jersey

U.S. Energy Research and Development Administration
Paducah Area Office
P.O. Box 1213
Paducah, Kentucky 42001

U.S. Energy Research and Development Administration
Portsmouth Area Office
Piketon, Ohio 45661

U.S. Energy Research and Development Administration
Puerto Rico Area Office
P.O. Box BB
Hato Rey, Puerto Rico 00919

U.S. Energy Research and Development Administration
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration
Idaho Branch Office
P.O. Box 2469
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Shippingport Branch Office
P.O. Box 11
Shippingport, Pennsylvania 15077

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway
Oakland, California 94612

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

U.S. Energy Research and Development Administration
West Milton Field Office
P.O. Box 1069
Schenectady, New York 12301

U.S. Energy Research and Development Administration
Windsor Field Office
P.O. Box 393
Windsor, Connecticut 06095

U.S. Energy Research and Development Administration
Health and Safety Laboratory
376 Hudson Street
New York, New York 10014

U.S. Energy Research and Development Administration
Morgantown Energy Research Center
Collins Ferry Road
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration
Laramie Energy Research Center
P.O. Box 3395, University Station
Laramie, Wyoming 82070

U.S. Energy Research and Development Administration
Grand Forks Energy Research Center
Box 8213, University Station
Grand Forks, North Dakota 58201

U.S. Energy Research and Development Administration
Bartlesville Energy Research Center
P.O. Box 1398
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration
Pittsburgh Energy Research Center
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

Categories of individuals covered by the system:

ERDA employees, contractor employees, and any other persons having access to ERDA facilitis.

Categories of records in the system:

Accident/incident information; occupational injury and illness experience; property damage experience; motor vehicle accidents

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Physicians—For purpose of treating patients.
Property owners and insurance companies—For purpose of processing insurance claims.
ERDA contractor safety and administrative personnel—Evaluation of safety incidents.
ERDA contractors and consultants, States' Departments of Labor and Industries and other State Agencies, U.S. Department of Labor, National Drivers' Registry, and Department of Transportation—for purposes of processing insurance claims and accident reporting. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic Tape, punch cards, paper, microfilm

Retrievability: alphabetic, numeric, or alphanumeric code Medical records and motor vehicle accident records—retrievable by name in the field organizations.

Safeguards: Locked file cabinets, locked safes, guarded areas, secured buildings.

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Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director,
Division of Operational Safety,
U.S. Energy Research and Development Administration,
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act
Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Bartlesville Energy Research Center
Box 1398
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Grand Forks Energy Research Center
University Station
Grand Forks, North Dakota 58201

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Laramie Energy Research Center
P.O. Box 3395
University Station
Laramie, Wyoming 82070

U.S. Energy Research and Development Administration
Morgantown Energy Research Center
Box 880
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Pittsburgh Energy Research Center
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

b. Required Identifying Information: Full name, social security number, and/or birth date, geographic location of the accident and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

Individual concerned,
Individual's supervisor,
Medical Officer—personal physician,
Accident investigator,
Investigation Board,
Investigating law enforcement officer,
National Drivers Register,
Previous employer records.

ERDA 27

System name:

Payroll and Leave—ERDA

System location:

U.S. Energy Research and Development Administration
Headquarters
Office of the Controller
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operation Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
Grand Junction Office
P.O. Box A
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

Categories of individuals covered by the system:

ERDA Personnel and Consultants

Categories of records in the system:

Time and attendance records, consultant earning records, ERDA personnel earning records, payroll actions and deduction information, requests and authorizations for overtime/night defferential, and CSC retirement records

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)ERDA PR 9-7.5005-9 & 9-15.5010-14 (d), Title 5, 31 USC 66A, and Federal Personnel Manual 29631/ Federal Personnel Manual 293-31

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Treasury Department—Collection of withheld taxes, printing payroll checks and issuing savings bonds
Internal Revenue Service—Federal Income Tax Processing
State and Local Governments—State and Local Income Tax processing
Civil Service Commission—Retirement Records and Benefits
Social Security Administration—Social Security Records and Benefits
Department of Labor—Processing workmen's compensation claims
DOD-Military Retired Pay Offices—Adjusting of Military Retirement
Savings Institutions—Crediting accounts for savings made through payroll deductions
Employee Unions—Crediting Accounts for employees with union dues deductions
Health Insurance Carriers—To process insurance claims
GAO-Audit—Verification of accuracy and legality of disbursement
Veterans' Administration—for evaluation of veteran's benefits to which the individual may be entitled.
States' Departments of Employment Security—for determining entitlement to unemployment compensation or other State benefits. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, punched cards, magnetic tape and disk, and microfiche

Retrievability: Individual Name (alphabetic), Social Security Number, chronologically, and Payroll number

Safeguards:

1. Access to magnetic tapes and disk files is controlled through established ERDA computer center procedures (personnel screening and physical security).
2. Locked cabinets and desks
3. Access or need to know basis
4. Secure building
5. Safe

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Controller,
Office of the Controller,
U.S. Energy Research and Development Administration
Headquarters
Washington, D.C. 20545, has been designated the Agency System Manager for this system.

The managers and directors of field locations listed under notification below are designated system managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

b. Required Identifying Information: Full name, social security number, location(s) of employment, and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

Individual; Division of Personnel; Personnel Certifying Time and Attendance Records

ERDA 28

System name:

Payroll and pay related data for employees of terminated contractors—ERDA

System location:

U.S. Energy Research and Development Administration
Richland Operations Office
Federal Record Center
Seattle, Washington 99352

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Oak Ridge Operations Office

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P.O. Box E
Oak Ridge, Tennessee 37830

Categories of individuals covered by the system:

All types of former contractor employees

Categories of records in the system:

Employee payroll data from terminated contractors, employment history, job titles, complaints, salary reviews, etc.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.) PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

U.S. Department of Labor—to determine compliance with Federal labor laws. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper

Retrievability: Alphabetical by name, some by subject matter.

Safeguards: ERDA holding records area.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill as appropriate.

System manager(s) and address:

The Director, Division of Labor Relations
U.S. Energy Research and Development Administration,
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

b. Required Identifying Information: Full name, location(s) of employment, and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

From ERDA contractors.

ERDA 29

System name:

Personnel Assurance Records—ERDA

System location:

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 141000
Las Vegas, Nevada

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

Categories of individuals covered by the system:

Employees performing critical duties.

Categories of records in the system:

Results of medical examinations, employment review, credit/consumer reports; and data for access authorizations (clearances).

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No outside use. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper file manually retrieved

Retrievability: indexed by name

Safeguards: access limited to employees having need-to-know; stored in locked file cabinets in secured buildings

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director, Division of Military Applications,
U.S. Energy Research and Development Administration (Headquarters)
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

b. Required Identifying Information: Full name, date of birth, social security number, and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

Individual and supervisor.

ERDA 30

System name:

Personnel radiation exposure information—ERDA

System location:

U.S. Energy Research and Development Administration
Albuquerque Operations Office

P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Amarillo Area Office
Pantex Plant
P.O. Box 1086
Amarillo, Texas 79105

U.S. Energy Research and Development Administration
Burlington Area Office
P.O. Box 561
Burlington, Iowa 52601

U.S. Energy Research and Development Administration
Dayton Area Office
P.O. Box 66
Miamisburg, Ohio 45342

U.S. Energy Research and Development Administration
Kansas City Area Office
P.O. Box 202
Kansas City, Missouri 64141

U.S. Energy Research and Development Administration
Los Alamos Area Office
528 35th Street
Los Alamos, New Mexico 87544

U.S. Energy Research and Development Administration
Pinellas Area Office
P.O. Box 11500
St. Petersburg, Florida 33733

U.S. Energy Research and Development Administration
Rocky Flats Area Office
P.O. Box 928
Golden, Colorado 80401

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Brookhaven Office
Upton, New York 11973

U.S. Energy Research and Development Administration
Grand Junction Office
P.O. Box 2567
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration
Idaho Operations Office
550 Second Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Idaho Health Services Laboratory, CF-690
INEL and Computer Science Center
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Nevada Operations Office
P. O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P. O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Cincinnati Area Office
P. O. Box 39188
Cincinnati, Ohio 45239

U.S. Energy Research and Development Administration
New Brunswick Laboratory
P.O. Box 150
New Brunswick, New Jersey 08903

U.S. Energy Research and Development Administration
Paducah Area Office
P.O. Box 1213
Paducah, Kentucky 42001

U.S. Energy Research and Development Administration
Portsmouth Area Office
Piketon, Ohio 45661

U.S. Energy Research and Development Administration
Puerto Rico Office
P.O. Box BB
Hato Rey, Puerto Rico 00919

U.S. Energy Research and Development Administration
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration
Idaho Branch Office
P.O. Box 2469
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Shippingport Branch Office
P.O. Box 11
Shippingport, Pennsylvania 15077

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wels Fargo Building
Oakland, California 94612

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

U.S. Energy Research and Development Administration
West Milton Field Office
P. O. Box 1069
Schenectady, New York 12301

U.S. Energy Research and Development Administration
Windsor Field Office
P.O. Box 393
Windsor, Connecticut 06095

U.S. Energy Research and Development Administration
Health and Safety Laboratory
376 Hudson Street
New York, New York 10014

U.S. Energy Research and Development Administration,
Hanford Environmental Health Foundation
Kadlec Medical-Dental Building
Richland, Washington 99352

U.S. Energy Research and Development Administration
Batavia Area Office
P.O. Box 2000
Batavia, Illinois

U.S. Energy Research and Development, Health Physics and Safety Division
Brookhaven National Laboratory, Bldg. 535
20 N. Technology St.
Upton, New York 11973

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U.S. Energy Research and Development Administration
Division of Naval Reactors
2521 Jefferson Davis Highway
Arlington, Virginia 22202

U.S. Energy Research and Development Administration
Naval Reactors Representative Office
Bldg. 178, Portsmouth Naval Shipyard
Portsmouth, New Hampshire

U.S. Energy Research and Development Administration
Naval Reactors Representative Office
Electric Boat Division
Groton, Connecticut

U.S. Energy Research and Development Administration
Naval Reactors Representative Office
Pascagoula, Mississippi

U.S. Energy Research and Development Administration
Naval Reactors Representative Office
Newport News Shipbuilding & Dry Dock Co.
Newport News, Virginia

U.S. Energy Research and Development Administration
Naval Reactors Representative Office
Charleston Naval Shipyard
Building 195
Charleston, South Carolina

U.S. Energy Research and Development Administration
Naval Reactors Representative Office
Norfolk Naval Shipyard
Portsmouth, Virginia

U.S. Energy Research and Development Administration
Morgantown Energy Research Center
Collins Ferry Road
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration
Laramie Energy Research Center
P. O. Box 3395, University Station
Laramie, Wyoming 82070

U.S. Energy Research and Development Administration
Grand Forks Energy Research Center
Box 8213, University Station
Grand Forks, North Dakota

U.S. Energy Research and Development Administration
Bartlesville Energy Research Center
P. O. Box 1398
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration
Pittsburgh Energy Research Center
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

Categories of individuals covered by the system:

ERDA personnel, contractor personnel, and any other persons having access to certain ERDA facilities.

Categories of records in the system:

ERDA and contractor personnel and other individuals' radiation exposure records; and other records in connection with the transuranic registry.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.) 83-703.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

U.S. Navy to monitor radiation exposure of Naval and other personnel at Navy activities. NRC—To monitor radiation exposure or contractor personnel.

ERDA and contractors and consultants, other contractors, and organizations where radiation exposure exceed established levels, various States' Departments and Labor Industries—to monitor radiation exposure of personnel. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer printouts, paper, index cards, magnetic tape, punched cards, microfilm

Retrievability: Name, alphabetical, numeric, alphanumeric code, chronological

Safeguards: Locked file cabinets, locked safes, guarded areas, secured buildings

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director, Division of Operational Safety
U.S. Energy Research and Development Administration
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Bartlesville Energy Research Center
Box 1398
Bartlesville, Oklahoma 74003

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Grand Forks Energy Research Center
University Station
Grand Forks, North Dakota 58201

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Laramie Energy Research Center
P.O. Box 3395
University Station
Laramie, Wyoming 82070

U.S. Energy Research and Development Administration
Morgantown Energy Research Center
Box 880
Morgantown, West Virginia 26505

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Pittsburgh Energy Research Center
4800 Forbes Avenue
Pittsburgh, Pennsylvania 15213

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

b. Required Identifying Information: Geographic location of individual while employee of AEC/ERDA or name of field office/contractor, and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

Individual concerned, accident/incident investigation, Film Badges, Dosimetry records, Previous Employee Records

ERDA 31

System name:

Personnel Records of Former and Present Contractor Employees—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

Categories of individuals covered by the system:

Former and present contractor employees.

Categories of records in the system:

Name, employment history, earnings, medical history, etc.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Fed. Agencies—Possible violations of labor statutes under their jurisdiction. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper

Retrievability: By contractor, by employees name and by subject name.

Safeguards: In locked or guarded building.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director
Division of Labor Relations
U.S. Energy Research and Development Administration
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

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U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

b. Required Identifying Information: Full name, location of employment, and period of employment.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

From contractors.

ERDA 32

System name:

Personnel Security Clearance Files—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
Schenectady Naval Reactors Office
P.O. Box 1069
Schenectady, New York 12301

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

Categories of individuals covered by the system:

Employees and applicants for employment for ERDA and ERDA contractors; consultants; other individuals requiring access to classified information and facilities; access permittees who are authorized access in accordance with 10 CFR, part 95.

Categories of records in the system:

Results of investigations concerning individuals processed for access authorizations (clearances).

Authority for maintenance of the system:

Public Law 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Civil Service Commission,

Defense Investigative Service,

Department of Defense,

Department of State, Nuclear Regulatory Commission, Central Intelligence Agency,

Federal Bureau of Investigation, and

U.S. Postal Inspectors

To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

Joint Committee on Atomic Energy—Employment purposes.
For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper file, manually retrieved; also, maintained at Albuquerque on computer printouts, magnetic tapes and punch cards.

Retrievability: Indexed by name and numerical file.

Safeguards: Access limited to employees having need-to-know; stored in repository under either guard or alarm protection.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director, Division of Safeguards and Security
U.S. Energy Research and Development Administration
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100

Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

b. Required Identifying Information: Full name, date of birth, social security number, clearance processing location, and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headqudrters.

Record source categories:

Personnel Security Questionnaire and fingerprint card executed by individual; background investigation reports by Federal Bureau of Investigation, Civil Service Commission and other Government Agencies conducting background investigations; summaries and transcripts of interviews with the individual; interrogatory letters to the individual; local police departments reports; and, security infraction reports received from the individual's supervisor.

Systems exempted from certain provisions of the act:

The Administrator has exempted this system from subsections (c)(3),(d),(e)(1), (e)(4)(G),(H),(I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k) (1), (2) and (5). See ERDA rules, 10 CFR Chapter 111, Part 708, to be published in FEDERAL REGISTER.

ERDA 33

System name:

Personnel Security Clearance Index—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94612

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

Categories of individuals covered by the system:

Energy Research and Development Administration employees and Energy Research and Development Administration contractor employees and access permittees for whom access authorizations, clearances, have been initiated, granted and/or terminated.

Categories of records in the system:

Records identifying history and status of processed access authorizations (clearances).

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

ERDA Contractor employees—Security and Administration—Performance of regular duties;

Federal Law Enforcement, Intelligence and Investigative Agencies and other Federal agencies possessing classified information—To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper file retrieved manually; also maintained on data cells, magnetic tape, punch cards and disc packs retrieved automatically.

Retrievability: Indexed by name, and access authorization (clearance) number.

Safeguards: Access limited to employees having need-to-know; stored in secured building subject to guard patrols and/or alarm protection.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director, Division of Safeguards and Security
U.S. Energy Research and Development Administration
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

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U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

b. Required Identifying Information: Indicate full name, date of birth, social security number and dates of employment.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters

Record source categories:

Personnel Security Questionnaire and fingerprint card executed by individual and records of Energy Research and Development Administration Personnel Security Offices.

Systems exempted from certain provisions of the act:

The Administrator has exempted this system from subsections (c)(3),(d),(e)(1), (e)(4)(G),(H),(I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k) (1), (2) and (5). See ERDA rules, 10 CFR Chapter 111, Part 708, to be published in FEDERAL REGISTER.

ERDA 35

System name:

Security Education and/or Infraction Reports—ERDA

System location:

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Amarillo Area Office
Pantex Plant
Amarillo, Texas 79105

U.S. Energy Research and Development Administration
Dayton Area Office
Mound Laboratory
Miamisburg, Ohio 45342

U.S. Energy Research and Development Administration
Kansas City Area Office
2000 East Bannister Road
Kansas City, Missouri 64141

U.S. Energy Research and Development Administration
Los Alamos Area Office
528 35th Street
Los Alamos, New Mexico 87544

U.S. Energy Research and Development Administration
Pinellas Area Office
GE Pinellas Peninsula Plant
St. Petersburg, Florida 33733

U.S. Energy Research and Development Administration
Rocky Flats Area Office
P.O. Box 928
Golden, Colorado 80401

U.S. Energy Research and Development Administration
Sandia Area Office, Technical Area I
Kirtland Air Force Base-East
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
(Headquarters)
Division of Safeguards and Security
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

Categories of individuals covered by the system:

Energy Research and Development Administration and Energy Research and Development Administration contractor employees having access authorization (clearance) to classify information and/or materials.

Categories of records in the system:

Records of security education lectures and investigative and summary reports of security infraction incidents.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No outside uses. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper file retrieved manually

Retrievability: Chronologically and by name

Safeguards: Access limited to employees with need-to-know; stored in security areas

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director, Division of Safeguards and Security
U.S. Energy Research and Development Administration
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portion of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

b. Required Identifying Information: Full name, date of birth, social security number, employment date and location.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

Records from training officer; investigative reports from Security personnel and employee supervisor; and Local, State and Federal authorities.

ERDA 36

System name:

Special Access Authorization for Categories of Classified Information—ERDA

System location:

U.S. Energy Research and Development Administration
Division of Safeguards and Security
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Amarillo Area Office
Pantex Plant
Amarillo, Texas 79105

U.S. Energy Research and Development Administration
Dayton Area Office
Mound Laboratory
Miamisburg, Ohio 45342

U.S. Energy Research and Development Administration
Kansas City Area Office
2000 E. Bannister Road
Kansas City, Missouri 64141

U.S. Energy Research and Development Administration
Los Alamos Area Office
528 35th Street
Los Alamos, New Mexico 87544

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E, Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Pinellas Area Office
GE Pinellas Peninsula
St. Petersburg, Florida 33733

U.S. Energy Research and Development Administration
Rocky Flats Area Office
P.O. Box 928
Golden, Colorado 80401

U.S. Energy Research and Development Administration
Laramie Energy Research Center
P.O. Box 3395
University Station
Laramie, Wyoming 82070

U.S. Energy Research and Development Administration
Sandia Area Office, Technical Area I
Kirtland Air Force Base-East
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

Categories of individuals covered by the system:

Individuals authorized access to special categories of information and comparmentalized Energy Research and Development Administration facilities and/or areas.

Categories of records in the system:

Letters and memoranda of authorization to special categories of classified information.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

ERDA contractors—For purposes of performing contractual functions.

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"NATO, National Security Agency, and CIA—for determining individuals who have access to classified information generated by these agencies." For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper file; also magnetic tape at Headquarters.

Retrievability: indexed by name.

Safeguards: access limited to employees with need-to-know; stored in security areas under either guard or alarm protection.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director, Division of Safeguards and Security
U.S. Energy Research and Development Administration
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Laramie Energy Research Center
P.O. Box 3395
University Station
Laramie, Wyoming 82070

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

b. Required Identifying Information: Full name, date of birth, where employed, clearance processing location, and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

Requests for access from sponsoring work unit initiated by individual and supervisor.

Systems exempted from certain provisions of the act:

The Administrator has exempted this system from subsections (c)(3),(d),(e)(1), (e)(4)(G),(H),(I), and (f) of 5 U.S.C. 552a under the Privacy Act of 1974. This exemption applies only to information in this system of records which is exempt pursuant to 5 U.S.C. 552a(k) (1), (2) and (5). See ERDA rules, 10 CFR Chapter 111, Part 708, to be published to FEDERAL REGISTER.

ERDA 37

System name:

Statistical Analysis Using Personnel Security Questionnaire (Mancuso Study)—ERDA

System location:

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee, 37830

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

Categories of individuals covered by the system:

Energy Research and Development Administration employees, consultants and contractor employees and consultants who were granted Energy Research and Development Administration access authorizations (clearances); and employees of Manhattan Engineering District Project.

Categories of records in the system:

Records of employees of the Manhattan Engineering District Project; and, copies of Personnel Security Questionnaires after termination of employment.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577(42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Mancuso Study—Statistical Analyses using Personnel Security Questionnaires

Federal Law Enforcement and Investigative Agencies -To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper file retrieved manually.

Retrievability: Indexed by name.

Safeguards: Maintained in guarded security areas in locked file cabinets; access limited to individuals having a need-to-know.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director, Division Safeguards and Security
U.S. Energy Research and Development Administration
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

b. Required Identifying Information: Full name and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

Clearance history of Manhattan Engineering District employees, access permittees payments for security clearances; and, reports from investigative agencies.

ERDA 38

System name:

Employee and Visitor Access Control Record—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Amarillo Area Office
Pantex Plant
Amarillo, Texas 79105

U.S. Energy Research and Development Administration
Dayton Area Office
Mound Laboratory
Miamisburg, Ohio 45342

U.S. Energy Research and Development Administration
Kansas City Area Office
2000 E. Bannister Road
Kansas City, Missouri 64141

U.S. Energy Research and Development Administration
Los Alamos Area Office
528 35th Street
Los Alamos, New Mexico 87544

U.S. Energy Research and Development Administration
Pinellas Area Office
GE Pinellas Peninsula
St. Petersburg, Florida 33733

U.S. Energy Research and Development Administration
Rocky Flats Area Office
P.O. Box 928
Golden, Colorado 80401

U.S. Energy Research and Development Administration
Sandia Area Office
Technical Area I, Kirtland Air Force Base-East,
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Savannah River Operations Office,
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94612

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

Categories of individuals covered by the system:

Individuals visiting Energy Research and Development Administration field offices, area offices and contractor facilities.ERDA employees seeking access to ERDA facilities and classified records.

Categories of records in the system:

Record of individuals visiting Energy Research and Development Administration and employee identification files maintained for access purposes.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

ERDA Contractors—Control access to classified information and areas
Department of Defense Contractors—Authorize access to classified information and areas. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper file, photo file, and microfiche retrieved manually.

Retrievability: Indexed chronologically and by name.

Safeguards: Access limited to employees with need-to-know; stored in guarded security areas.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Direcor, Division of Safeguards and Security
U.S. Energy Research and Development Administration
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office

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P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

b. Required Identifying Information: Name, social security number, date of birth, clearance processing location, and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

Department of Defense, individual; Energy Research and Development Agency Offices and Contractors; National Aeronautics and Space Administration; and other Government Agencies.

ERDA 39

System name:

Weapon Data and Weapons Program Facilities—Access to—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
San Francisco Operation Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

Categories of individuals covered by the system:

Employees of ERDA, DOD, and other Government Agencies, and their contractors and consultants requiring access to weapon data and/or ERDA nuclear weapons program facilities.

Categories of records in the system:

Name, Rank, Social Security Number, Date of Birth, citizenship, employer, type of clearance, number and date of clearance, categories of information requested and authorized, locations to be visited and dates of visit.

Authority for maintenance of the system:

PUB. L. 93-438 (42 U.S.C. 5814), PUB. L. 83-703 as amended (42 U.S.C. 2201), PUB. L. 93-409 (42 U.S.C. 5501 et seq.), PUB. L. 93-473 (42 U.S.C. 5551 et seq.), PUB. L. 93-410 (30 U.S.C. 1101 et seq.), PUB. L. 93-577 (42 U.S.C. 5901 et seq.), PUB. L. 86-599 (30 U.S.C. 661 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

DOD and DOD contractors, C.I.A., N.S.C., O.M.B., Executive Office of the President, N.A.S.A., N.R.C., Congress, State Department—for ERDA to maintain list of personnel authorized by ERDA to have access to nuclear weapon data and weapons facilities, and to provide clearance information on ERDA and ERDA contractors to other agencies. Other agencies have access to this system to determine whether ERDA or ERDA contractor personnel have appropriate clearances for access to their facilities. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfiche and paper files

Retrievability: Alphabetic by name, purpose, and facility to be visited

Safeguards: Maintained in buildings with controlled access

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director, Division of Military Application
U.S. Energy Research and Development Administration
Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under Notification below are designated the System Managers for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A

Aiken, South Carolina 29801

b. Required Identifying Information: Full name and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

From individual, Government agencies, employers

ERDA 40

System name:

Nationwide Traineeship Reporting System—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

Categories of individuals covered by the system:

College graduate students participating in the ERDA sponsored traineeship/laboratory graduate program.

Categories of records in the system:

Academic background, employment history, traineeship area of study, and mailing/permanent addresses.

Authority for maintenance of the system:

Pub. L. 93-438 (42 U.S.C. 5814), Pub. L. 83-703 as amended (42 U.S.C. 2201), Pub. L. 93-409 (42 U.S.C. 5501 et seq.), Pub. L. 93-473 (42 U.S.C. 5551 et seq.), Pub. L. 93-410 (30 U.S.C. 1101 et seq.), Pub. L. 93-577 (42 U.S.C. 5901 et seq.), Pub. L. 86-599 (30 U.S.C. 661 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

University traineeship advisors—Compliance with contract terms covering traineeship administration functions; Contractor officials—For possible employment selection/notification. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, punched cards, and magnetic tape.

Retrievability: Individual name, institution, laboratory, traineeship program class, and traineeship identification number.

Safeguards: Access to magnetic tapes is controlled through established ERDA computer center procedures (personnel screening and physical security); access on need to know basis; and secure building.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Director, Division of Biomedical and Environmental Research, U.S. Energy Research and Development Administration (Headquarters), Washington, D.C. 20545, has been designated the Agency System Manager for this system. "The Managers and Directors of the field locations listed under Notification have been designated the System Managers for their respective portions of this system."

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

b. Required Identifying Information: Full name, social security number, and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

University traineeship advisors.

ERDA 41

System name:

Travel Files—ERDA

System location:

U.S. Energy Research and Development Administration
(Headquarters)
Office of the Controller
Washington, D.C. 20545

U.S. Energy Reseaarch and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Schenectady Naval Reactors Office
Schenectady, New York 12301

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

U.S. Energy Research and Development Administration
Grand Junction Office
P.O. Box A
Grand Junction, Colorado 81501

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Pittsburgh Naval Reactors Office
P.O. Box 109
West Mifflin, Pennsylvania 15122

U.S. Energy Research and Development Administration

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Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

Categories of individuals covered by the system:

ERDA Personnel, Interviewers, Invitational Travelers (other federal agencies and Congress).

Categories of records in the system:

Travel vouchers, authorizations, advance payment records, foreign travel requests and approvals, related correspondence, and real estate transaction documents.

Authority for maintenance of the system:

Pub. L. 93-438 (42 U.S.C. 5814), Pub. L. 83-703 as amended (42 U.S.C. 2201), Pub. L. 93-409 (42 U.S.C. 5501 et seq.), Pub. L. 93-473 (42 U.S.C. 5551 et seq.), Pub. L. 93-410 (30 U.S.C. 1101 et seq.), Pub. L. 93-577 (42 U.S.C. 5901 et seq.), Pub. L. 86-599 (30 U.S.C. 661 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

GAO Audit and Verification of accuracy and legality of disbursements. Treasury Department—Production of checks for travel advances and payments. IRS—Taxable travel reimbursements. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, punched cards, magnetic tape and disk, and microfiche.

Retrievability: Individual Name (alphabetic) and chronologically.

Safeguards: Access to magnetic tapes and disk files is controlled through established ERDA computer center procedures (personnel screening and physical security); locked cabinets and desks; access on need to know basis; and secure building.

Retention and disposal: Records retention and disposal authorities are contained in ERDA, Manual Appendix 0230, "Records Disposition." Records within the ERDA are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System manager(s) and address:

The Controller, Office of the Controller, U.S. Energy Research and Development Administration (Headquarters), Washington, D.C. 20545, has been designated the Agency System Manager for this system. The Managers and Directors of the field locations listed under notification have been designated System Manager for their respective portions of this system.

Notification procedure:

a. U.S. Energy Research and Development Administration, Privacy Act Administration Officer's Mail Addresses:

U.S. Energy Research and Development Administration
(Headquarters)
Washington, D.C. 20545

U.S. Energy Research and Development Administration
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, New Mexico 87115

U.S. Energy Research and Development Administration
Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

U.S. Energy Research and Development Administration
Idaho Operations Office
550 2nd Street
Idaho Falls, Idaho 83401

U.S. Energy Research and Development Administration
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114

U.S. Energy Research and Development Administration
Oak Ridge Operations Office
P.O. Box E
Oak Ridge, Tennessee 37830

U.S. Energy Research and Development Administration
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

U.S. Energy Research and Development Administration
San Francisco Operations Office
1333 Broadway, Wells Fargo Building
Oakland, California 94616

U.S. Energy Research and Development Administration
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29801

b. Required Identifying Information: Full name, social security number, and location of employment, and time period.

Record access procedures:

Refer to Notification Procedure.

Contesting record procedures:

Refer to Headquarters.

Record source categories:

Individual and ERDA approval officials.

APPENDIX AA

Additional Routine Uses

The following routine uses apply to and are incorporated by reference into each system of records as stated therein:

1. In the event that a record within this system of records maintained by this agency indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred as a routine use to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed as a routine use to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevent and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in response to a court subpoena, to appropriate parties engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony when necessary to courts, magistrates or administrative tribunals, to parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, to individuals seeking information by using established discovery procedures, whether in connection with civil, criminal, or regulatory proceedings.

5. A record maintained by this agency to carry out its functions which relates to civil and criminal proceedings may be disclosed to the news media in accordance with guidelines contained in Department of Justice regulations 28 C.F.R. 50.2.

6. A record maintained by this agency to carry out its functions may be disclosed to foreign governments in accordance with treaty obligations.

7. A record from this system of records may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A019 at any stage of the legislative coordination and clearance process as set forth in that Circular.

8. A record from this system of records may be disclosed, as a routine use, to ERDA contractors in performance of their contracts, and their officers and employees who have a need for the record in the performance of their duties subject to the same limitations applicable to ERDA officers and employees under the Privacy Act.

Accordingly, the proposed Notice of Systems of Records is adopted with the foregoing changes, as well as corrections, and editorial changes as set forth below.

Effective date: September 27, 1975.

For the Administrator.

Robert F. Allnutt,
Deputy Assistant Administrator for Administration.

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ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PRIVACY ACT IMPLEMENTATION

Notice of Systems of Records

On August 26, 1975, ERDA published in the FEDERAL REGISTER at pages 38031–38071 its Notice of Systems of Records for implementation of the Privacy Act. Interested persons were invited to comment on or before September 25, 1975. As of 25 September 1975, no public comments have been received. ERDA now adopts the Notice of Systems of Records as proposed subject to the following editorial changes and additions:

1. In ERDA Systems Nos. 3, 9, 11, 12, 15, 21, 23, 26, and 30 under "System location:" and "Notification procedure:", delete under a. the following:

U.S. Energy Research and Development Administration, San Francisco Energy Research Center, 1429 Appraiser's Building, 630 Sansome Street, San Francisco, California 94111.

2. *ERDA–1.* Add under "System location:" and "Notification procedure:", under a. the following:

U.S. Energy Research and Development Administration, Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439.

3. *ERDA–2.* Under "Authority for maintenance of the system:", line 1, between the words "Executive Order" and "PUB", insert the number "11552,".

Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Full name, field of specialization, and time period.

4. *ERDA–3.* Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Location(s), full name, social security number, date of birth, and time period.

5. *ERDA–5.* Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Full name, date of birth, social security number, clearance processing location, and time period.

6. *ERDA–6.* Under "Notification procedure:", subparagraph a., insert the following:

U.S. Energy Research and Development Administration, Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439.

U.S. Energy Research and Development Administration, Nevada Operations Office, P.O. Box 14100, Las Vegas, Nevada 89114.

Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Full name, location of last employment, and time period.

7. *ERDA–7.* Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Full name of consultant, name of contractor, area of contract work performed, and time period.

8. *ERDA–8.* Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Full name, date of birth, social security number, and time period.

9. *ERDA–9.* Under "Notification procedure.", change paragraph b. to read as follows:

b. Required Identifying Information: Full name and time period.

10. *ERDA–10.* Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Individuals' name, ERDA location of last employment or cognizant office, and time period.

11. *ERDA–11.* Under "System Manager(s) and address:", change to read as follows:

"The Director of Personnel, U.S. Energy Research and Development Administration, Washington, D.C. 20545, has been designated the Agency System Manager for this system. The cognizant supervisor personnel in the appropriate office and location listed under Notification if said personnel retain such records, are designated System Managers for their respective portions of this system."

Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Complete name, and, if appropriate, the geographic location(s), organization(s), the name of the supervisor where requester believes such records may be located, and the time period.

12. *ERDA–12.* Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Full name, social security number, date of birth, occupational category and location at which application or other material was submitted; in case of college recruitment material, applicable college or university name; and time period.

13. *ERDA–13.* Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Full name and time period.

14. *ERDA–14.* Under "System location:", add the following:

U.S. Energy Research and Development Administration, Richland Operations Office, P.O. Box 550, Richland, Washington 99352.

Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Full name, training program, and time period.

Under "Records source categories:", change to read, "From individuals and contractors by whom the individual is employed."

15. *ERDA–15.* Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Complete name, and, if appropriate, the geographic location(s) and organization(s) where requester believes such record may be located, social security number, date of birth, and time period.

16. *ERDA–16.* Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Full name of individual and time period.

17. *ERDA–17.* Under "System location:" and "Notification procedure:", add the following:

U.S. Energy Research and Development Administration, Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439.

Under "System location:", add the following:

U.S. Energy Research and Development Administration, Savannah River Operations Office, P.O. Box A, Aiken, South Carolina 29801.

Under "Notification procedure:", delete from subparagraph a. the following:

U.S. Energy Research and Development Administration, Pittsburgh Naval Reactors Office, P.O. Box 109, West Mifflin, Pennsylvania 15122.

Under "Notification procedure:", change subparagraph b. to read as follows:

b. Required Identifying Information: Full name, date of birth, social security number, and time period.

18. *ERDA–18.* Under "System location:" and "Notification procedure:", add under a. the following:

U.S. Energy Research and Development Administration (Headquarters), Washington D.C. 20545.

19. *ERDA–20.* Under "System location:" and "Notification procedure:", add under a. the following:

U.S. Energy Research and Development Administration, Richland Operations Office, P.O. Box 550, Richland, Washington 99352.

Under "Notification procedure:", add under a. the following:

U.S. Energy Research and Development Administration, Laramie Energy Research Center, P.O. Box 3395, University Station, Laramie, Wyoming 82070.

Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Full name, location(s) of ERDA installation, where Government driver's license was issued, and time period.

20. *ERDA–21.* Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Full name, identity and address of employer, and dates of employment.

21. *ERDA–22.* Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Contractor, union, individual name, and time period.

22. *ERDA–24.* Under "System location:", delete the following:

U.S. Energy Research and Development Administration, Mound Laboratory—Medical, P.O. Box 32, Miamisburg, Ohio 35342.

U.S. Energy Research and Development Administration, Chicago Operations Office—Safety Division, 9700 South Cass Avenue, Argonne, Illinois 60439.

Under "System location:" and "Notification procedure:", add under a. the following:

U.S. Energy Research and Development Administration, San Francisco Operations Office, 1333 Broadway, Wells Fargo Building, Oakland, California 94616.

U.S. Energy Research and Development Administration, Morgantown Energy Research Center, P.O. Box 880, Morgantown, West Virginia 26505.

Under "Categories of records in the system:", change to read as follows:

"Medical history on employees resulting from medical examinations and radiation exposure. In case of injury, description of injury occurrence and treatment. In addition, medical records of periodic physical examinations; and psychological testing, routine first aid, and other visits."

Under "Routine uses of records maintained in the system, including categories of users and the purpose of such uses:", change to read as follows:

"Physicians, U.S. Department of Labor, various States' Departments of Labor and Industries, and Contractors—to describe and record information as a result of periodic and physical examinations to ascertain suitability of employee to a better job assignment with regard to health, and to maintain a record of occupational injuries or illnesses."

Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Applicable location or locations where individual is or was employed, full name of requester, social security number, employer(s), and time period.

23. *ERDA–26.* Under "Categories of individuals covered by the system:", change to read as follows:

"ERDA employees, contractor employees, and any other persons having access to ERDA facilities."

Under "Routine uses of records maintained in the system, including categories of users and the purpose of such uses:", add the following:

"ERDA contractors and consultants, States' Departments of Labor and Industries and other State Agencies, U.S. Department of Labor, National Drivers' Registry, and Department of Transportation—for purposes of processing insurance claims and accident reporting."

Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Full name, social security number and/or birth date, geographic location of the accident and time period.

24. *ERDA–27.* Under "Routine uses of records maintained in the system, including categories of users and the purpose of such uses:", add the following:

"Veteran's Administration—for evaluation of Veteran's benefits to which the individual may be entitled.

"States' Departments of Employment Security—for determining entitlement to unemployment compensation or other State benefits."

Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Full name, social security number, location(s) of employment, and time period.

25. *ERDA–28.* Under "Routine uses of records maintained in the system, including categories of users and the purpose of such uses:", change to read as follows:

"U.S. Department of Labor—to determine compliance with Federal labor laws."

Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Full name, location(s) of employment, and time period.

26. *ERDA–29.* Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Full name, date of birth, social security number, and time period.

27. *ERDA–30.* Under "Categories of individuals covered by the system:", change to read as follows:

"ERDA personnel, contractor personnel, and any other persons having access to certain ERDA facilities."

Under "Categories of records in the system:", change to read as follows:

"ERDA and contractor personnel and other individuals' radiation exposure records; and other records in connection with the transuranic registry."

Under "Routine uses of records maintained in the system, including categories of users and the purpose of such uses:", add the following:

"ERDA contractors and consultants, other contractors, and organizations where radiation exposure exceed established levels, various States' Departments and Labor Industries—to monitor radiation exposure of personnel."

Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Geographic location of individual while employee of AEC/ERDA or name of field office/contractor, and time period.

28. *ERDA–31.* Under "System location:" and "Notification procedure:", add under a. the following:

U.S. Energy Research and Development Administration, Nevada Operations Office, P.O. Box 14100, Las Vegas, Nevada 89114.

Under "Notification procedure:", add under a. the following:

U.S. Energy Research and Development Administration, Richland Operations Office, P.O. Box 550, Richland, Washington 99352

Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Full name, location of employment, and period of employment.

29. *ERDA–32.* Under "System location:" and "Notification procedure:", under a. the following:

U.S. Energy Research and Development Administration, Oak Ridge Operations Office, P.O. Box E, Oak Ridge, Tennessee 37830.

Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Full name, date of birth, social security number, clearance processing location, and time period.

30. *ERDA–33.* Under "System location:" and "Notification procedure:", add under a. the following:

U.S. Energy Research and Development Administration, Savannah River Operations Office, P.O. Box A, Aiken, South Carolina 29801.

31. *ERDA–35.* Under "System location:" and "Notification procedure:", add under a. the following:

U.S. Energy Research and Development Administration, Savannah River Operations Office, P.O. Box A, Aiken, South Carolina 29801.

32. *ERDA–36.* Under "System location:" and "Notification procedure:", add under a. the following:

U.S. Energy Research and Development Administration, Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439.

U.S. Energy Research and Development Administration, Savannah River Operations Office, P.O. Box A, Aiken, South Carolina 29801.

Under "Routine uses of records maintained in the system, including categories of users and the purpose of such uses:", add the following:

"NATO, National Security Agency, and CIA—for determining individuals who have access to classified information generated by these agencies."

Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Full name, date of birth, where employed, clearance processing location, and time period.

33. *ERDA–37.* Under "Notification procedure:", paragraph a., delete lines 3 through 10, and change paragraph b. to read as follows:

b. Required Identifying Infromation: Full name and time period.

34. *ERDA–38.* Under "System location:" and "Notification procedure:", add under a. the following:

U.S. Energy Research and Development Administration, Richland Operations Office, P.O. Box 550, Richland, Washington 99352.

Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Name, social security number, date of birth, clearance processing location, and time period.

35. *ERDA–39.* Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Full name and time period.

36. *ERDA–40.* Under "System Manager(s) and address:", add the following:

"The Managers and Directors of the field locations listed under Notification have been designated the System Managers for their respective portions of this system."

Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Full name, social security number, and time period.

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37. *ERDA–41.* Under "Notification procedure:", change paragraph b. to read as follows:

b. Required Identifying Information: Full name, social security number, location of employment, and time period.

38. Insert at the beginning of ERDA's System Notices the following table of contents:

TABLE OF CONTENTS

ERDA 1. Alien visits and participation—ERDA.
ERDA 2. Applications and reference checks for overseas employment with International Atomic Energy Agency (IAEA)—ERDA.
ERDA 3 ERDA Personnel—Appraisal and Development Records—ERDA.
ERDA 4. Census of High Energy Physicists—ERDA.
ERDA 5. Clearance Board Cases Administrative Review and Personnel—ERDA.
ERDA 6. Compensation for Contractor Employees ($25,000 or more)—ERDA.
ERDA 7. Consultants to ERDA Contractors—(Directory of)—ERDA:
ERDA 8. Security Correspondence File—ERDA.
ERDA 9. Discrimination Complaint File—ERDA.
ERDA 10. Employment and Financial Interests—ERDA.
ERDA 11. ERDA Personnel—Supervisor Records—ERDA.
ERDA 12. ERDA Personnel Applicant Records—ERDA.
ERDA 13. ERDA Contractor Employee Insurance Claims—ERDA.
ERDA 14. ERDA Technology Training Program—Skill Training at Technician Level—ERDA.
ERDA 15. ERDA Personnel/General Employment Records—(Addendum to the U.S. Civil Service Commission Federal Register Notice of Records reporting CSC-General Personnel Folder and Related Records)—ERDA.
ERDA 16. FHA Insured Loans (Certificates of Eligibility)—ERDA.
ERDA 17. Firearms Qualifications Record—ERDA.
ERDA 18. Investigations Pertaining to Violations of Law and Losses of Security Interest—ERDA.
ERDA 19. Foreign Travel—ERDA.
ERDA 20. Government Driver's License File—ERDA.
ERDA 21. Investigative Files—ERDA.
ERDA 22. Labor Standards Complaints and Grievance Files—ERDA.
ERDA 23. Legal Office—Claims, Litigations, Criminal Violations, Patents, and other Legal Files—ERDA.
ERDA 24. Medical History System—ERDA and Contractor Employees—ERDA.
ERDA 25. Nuclear Qualification Examination Records (for personnel to be assigned to ships, shipyards and prototypes)—ERDA.
ERDA 26. Occupational and Industrial Health and Safety Records—ERDA.
ERDA 27. Payroll and Leave—ERDA.
ERDA 28. Payroll and pay related data for employees of terminated contractors—ERDA.
ERDA 29 Personnel Assurance Records—ERDA.
ERDA 30 Personnel radiation exposure information—ERDA.
ERDA 31 Personnel Records of Former and Present Contractor Employees—ERDA.
ERDA 32 Personnel Security Clearance Files—ERDA.
ERDA 33 Personnel Security Clearance Index—ERDA.
ERDA 35 Security Education and/or Infraction Reports—ERDA.
ERDA 36 Special Access Authorization for Categories of Classified Information—ERDA.
ERDA 37 Statistical Analysis Using Personnel Security Questionnaire (Mancuso Study)—ERDA.
ERDA 38 Employee and Visitor Access Control Record—ERDA.
ERDA 39 Weapon Data and Weapons Program Facilities—Access to—ERDA.
ERDA 40 Nationwide Traineeship Reporting System—ERDA.
ERDA 41 Travel Files—ERDA.

39. In each system notice, the paragraph entitled "Routine uses of records maintained in the system including categories of users and the purposes of such uses:" is hereby amended by the addition at the end of the paragraph of the following words:

"For additional routine uses see Appendix AA."

40. Appendix AA is added as follows:

APPENDIX AA

ADDITIONAL ROUTINE USES

The following routine uses apply to and are incorporated by reference into each system of records as stated therein:

1. In the event that a record within this system of records maintained by this agency indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred as a routine use to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed as a routine use to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in response to a court subpoena, to appropriate parties engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony when necessary to courts, magistrates or administrative tribunals, to parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes, to individuals seeking information by using established discovery procedures, whether in connection with civil, criminal, or regulatory proceedings.

5. A record maintained by this agency to carry out its functions which relates to civil and criminal proceedings may be disclosed to the news media in accordance with guidelines contained in Department of Justice regulations 28 C.F.R. 50.2.

6. A record maintained by this agency to carry out its functions may be disclosed to foreign governments in accordance with treaty obligations.

7. A record from this system of records may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

8. A record from this system of records may be disclosed, as a routine use, to ERDA contractors in performance of their contracts, and their officers and employees who have a need for the record in the performance of their duties subject to the same limitations applicable to ERDA officers and employees under the Privacy Act.

Accordingly, the proposed Notice of Systems of Records is adopted with the foregoing changes, as well as corrections, and editorial changes as set forth below.

Effective date: September 27, 1975.

For the Administrator

ROBERT F. ALLNUTT,
Deputy, Assistant Administrator for Administration.

[FR Doc.75–26241 Filed 9–26–75;4:01 pm]

FEDERAL DEPOSIT INSURANCE CORPORATION

PRIVACY ACT OF 1974

Notice of Additional System of Records

Notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation ("FDIC"), pursuant to the requirements of section 3(e) of the Privacy Act of 1974, 5 U.S.C. 552a(e), 88 Stat. 1896, 1899-1900, proposes to adopt and "Unofficial Personnel System" as an additional system of records. Such system is to supplement the FDIC's previously adopted systems, as published on October 6, 1975, on page 46288 of the Federal Register.

The FDIC originally considered the category of information contained in this system to be within the Civil Service Commission's proposed notice for personnel records. However, after review of the Civil Service Commission's regulations, as finally adopted on September 30, 1975 (40 FR 45094), and published notice, the Board of Directors of the FDIC has determined that certain information maintained on FDIC employees is not covered by the Civil Service Commission publications. Accordingly, the Board of Directors of the FDIC has determined that it is necessary for the FDIC to establish a separate system of records as delineated in the following proposed notice.

Because of the need for the existence of the following system of records for daily internal personnel functions, the Board of Directors of the FDIC has determined, pursuant to section 302.6 of the rules and regulations of the FDIC, that good cause exists for the waiver of the thirty day period for effectiveness of the following notice and, accordingly, the notice will be effective, except for the "Routine Uses" section, on October 24, 1975. The FDIC will, however, accept and consider any comments on the notice. The Privacy Act does require advance publication of the "Routine Uses" section of system notices. The "Routine Uses" section of the notice set out below is therefore proposed for adoption and written public comments.

Interested persons are invited to submit written data, views or arguments regarding the proposed notice and its routine uses to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20409, no later than November 22, 1975.

By order of the Board of Directors, October 17, 1975.
FEDERAL DEPOSIT INSURANCE CORPORATION,

Alan R. Miller,
Executive Secretary.

FDIC—15

System name: Unofficial Personnel System—FDIC.

System location: Personnel Branch, FDIC, 1709 New York Ave., NW., Washington, D.C. 20409. In addition records are maintained at the Division of Office levels in the FDIC Washington office and at the FDIC Regional Offices. (See Appendix A for the location of FDIC Regional Offices.)

Categories of individuals covered by the system: All current and former FDIC employees.

Categories of records in the system: This system consists of general personnel-related records that are maintained in addition to the Civil Service Commission's published "General Personnel Records," CSC/GOVT-3, notice. These records may contain information on individuals relating to: birthdate; Social Security Number; past and present salaries, grades, and position titles; home address and telephone number; emergency contacts, addresses and telephone numbers; employment history; original application and resume; statement of bank loans and stock ownership; record of equipment and material issued to the individual; record of leave and time-and-attendance; written notes or memoranda on employee performance; counseling; and, data documenting reasons for personnel actions, decisions, or recommendations made about an employee.

Authority for maintenance of the system: Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Primarily maintained to be used by employee's supervisor for preparation of general personnel actions; however, disclosure may be made to financial and credit institutions for loan and credit purposes (solely to verify the employee's employment with the FDIC, date of employment and pay grade), to the Civil Service Commission in the event of any grievance procedures, or, in the event of any litigation, to the appropriate court, magistrate, or administrative tribunal as evidence, or to counsel for the presentation of evidence and/or in the course of discovery.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on file cards and in file folders.

Retrievability: Indexed by name.

Safeguards: Maintained in lockable metal cabinets.

Retention and disposal: Records are destroyed when no longer relevant to the purpose for which they were compiled and maintained. Generally, records are destroyed when the employee no longer workds in the Division or Office which compiled and maintained the information.

System manager(s) and address: Controller, Office of the Controller, FDIC, 550 17th Street, NW., Washington, D.C. 20409, for Corporation level records. For FDIC Division or Office levels, the Head of the appropriate Division or Office; for FDIC Regional Offices, the Regional Director. (See Appendix A for the location of FDIC Regional Offices.)

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th St., NW., Washington, D.C. 20429.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: Individuals to whom the records pertain, and their immediate supervisors or persons at other supervisory levels.

Systems exempted from certain provisions of the act: None.

[FR Doc.75–28498 Filed 10–23–75;8:45 am]

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GENERAL SERVICES ADMINISTRATION

[FPMR Temp. Reg. E–43]

PROTECTION OF PRIVACY AND DATA SECURITY

Rules and Procedures

1. *Purpose.* This temporary regulation sets forth rules and procedures relevant to protection of privacy and data security in accordance with the Privacy Act of 1974.

2. *Effective date.* This regulation is effective September 27, 1975.

3. *Expiration date.* This regulation expires March 31, 1976.

4. *Background.* The Privacy Act of 1974 sets forth certain safeguards for an individual against an invasion of personal privacy by requiring Federal agencies to abide by the provisions of the act. This regulation informs the agencies of GSA's privacy safeguards concerning ADP and telecommunications.

5. *General.* This regulation sets forth rules and procedures to be followed by agencies in making use of, or providing, interagency ADP services. This regulation applies to interagency, intra-agency, and commercial ADP service arrangements. This regulation also sets forth the procedures to be followed by agencies in preparing solicitation documents for procuring ADP equipment, software, and services and telecommunications facilities and services.

6. *Applicability.* The provisions of this regulation apply to all Federal agencies.

7. *Definitions.* For the purpose of this temporary regulation the following terms shall have the meaning set forth below:

a. The term "agency" means agency as defined in the Privacy Act of 1974.

b. The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

c. The term "maintain" includes maintain, collect, use, or disseminate.

d. The term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name or the identifyinig number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

e. The term "system of records" means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

f. The term "threats and hazards" means man-made or natural events, the occurrence of which may result in the loss, alteration, or unauthorized access to data.

g. The term "safeguards" means those procedures, methods, and devices which have as their specific function the prevention or mitigation of the effects of threats and hazards.

h. The term "rules of conduct" means those administrative procedures, methods of work, and standards of conduct which together define the manner in which persons involved in the design, development, operation, or maintenance of systems of records will maintain, collect, use, or disseminate such records.

i. The term "Government contractor" means any individual or other entity who contracts to operate by or on behalf of an agency a system of records to accomplish an agency function.

8. *Security and privacy requirements.*

a. The Privacy Act of 1974, 5 U.S.C. 552a, requires that each agency that maintains a system of records shall:

(1) Maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by Executive order of the President (5 U.S.C. 552a(e)(10)). Thus, protection of privacy is promoted by limiting the amount of information maintained.

(2) Establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records or in maintaining any record, and instruct each such person with respect to such rules and the requirements of this action, including rules and procedures adopted pursuant to this section and the penalties for noncompliance (5 U.S.C. 552a(e)(9)).

(3) Establish appropriate administrative, technical, and physical safeguards to ensure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained (5 U.S.C. 552a(e)(10)). It should be noted that the development of appropriate safeguards will necessarily be tailored to the requirements of the system of records being maintained. In addition, the need to provide safeguards may be influenced by other considerations such as ensuring continuity of agency operations, protecting proprietary data, protecting national security information, and ensuring accuracy and reliability of information.

b. Agencies contemplating acquisition of ADP or telecommunications equipment or services must determine whether such acquisitions will involve maintaining a system of records defined by the act. If so, the requirements cited in paragraph 8a, above, must be met, and the rules and procedures set forth in this temporary regulation must be adhered to.

c. Definition of responsibilities for implementing the act are contained in the Office of Management and Budget (OMB) Circular No. A–108, dated July 1, 1975. Guidelines for implementing Section 3 of the act are contained in OMB's Privacy Act Guidelines dated July 1, 1975. The OMB guidelines are found in 40 FR 28948.

9. *Interagency ADP services.* Special considerations and responsibilities apply in those instances in which one agency (the user agency) obtains ADP services from another (the provider agency) in the course of maintaining or operating systems of records. Specifically, these instances include the ADP Sharing Program (41 CFR 101–32.203) and the Federal Data Processing Centers (FDPC) (41 CFR 101–32.8).

10. *User agency responsibilities.* A user agency shall:

a. Determine its data confidentiality and security requirements before storing or processing systems of records at a provider agency's facility;

b. Include in its screening of ADP resources an examination of the ability of each resource to meet its data confidentiality and security requirements (Specifically, the adeouacy of available technical, administrative, and physical safeguards to counter anticipated threats and hazards must be evaluated.);

c. Satisfy itself that the rules of conduct governing the activities of personnel of the provider agency are commensurate with its data confidentiality and security requirements;

d. Obtain services from only those provider agencies that fully meet the user agency's data confidentiality and security requirements;

e. Recognize that the records it stores or processes at the facility of a provider agency will be considered to be maintained by the user agency; and

f. Establish written rules governing the disclosure by a provider agency of records considered to be maintained by the user agency.

11. *Provider agency responsibilities.* A provider agency shall:

a. As specified in 8a, above, develop rules of conduct for personnel involved in design, development, operation, or maintenance of equipment, systems, or services used to store or process systems of records;

b. In accordance with 8a, above, undertake a continuing program of review of its operations to ensure that threats and hazards to data confidentiality and security are properly identified and that appropriate safeguards are implemented;

c. Make available rules of conduct and information on safeguards to user agencies;

d. Refrain from disclosing any records stored or processed for a user agency except to that agency or under written rules established and provided by that user agency; and

e. Make known to user agencies changes in its perception of threats and hazards to data confidentiality and security or any changes in the safeguards implemented to protect against those threats and hazards. User agencies may use information on such changes to reevaluate its usage of the provided agency's services.

12. *Contractors' responsibilities.* Subsequent to the effective date of the act, all persons, including contractors, who are involved in the design, development, operation, or maintenance of any system of records, or the maintenance of any record, are subject to the applicable provisions of the act, including the agency rules of conduct. In addition, pursuant to 5 U.S.C. 552a(m), Government contractors, as defined in Section 7(i), above, and their employees are also subject to the criminal sanctions of 5 U.S.C. 552a(i).

13. *Solicitation documents.*

a. Agencies authorized to procure ADP equipment, software, or services in accordance with 41 CFR 101–32 or to procure telecommunications equipment or services in accordance with 41 CFR 101–35 shall include in their solicitation documents:

(1) Agency rules of conduct which a contractor and his employees shall be required to adhere to;

(2) A list of the anticipated threats and hazards which are pertinent to the contemplated procurement and which the contractor must safeguard against;

(3) A description of the safeguards which the agency specifically requires the contractor to provide; and

(4) A notice that under 5 U.S.C. 552a (m) of the act Government contractors and any employees of such contractors are subject to the criminal penalties of 5 U.S.C. 552a(i).

b. Agencies shall also:

(1) Evaluate vendor proposals to determine the adequacy of the safeguards proposed in meeting the anticipated threats or hazards to the security and integrity of records;

(2) Verify that any safeguards proposed by an offeror before award of a contract are in use and effective before commencing work under the contract;

(3) Identify in the specification and contract the test methods, procedures, and criteria to be used to verify that all safeguards have in fact been provided;

(4) Verify that any safeguards provided as a result of work done under the contract are effective; and

(5) Include in the system specifications and contract the requirements of the Government for a program of subsequent inspection that will be followed to ensure the continued efficacy and efficiency of safeguards and the discovery and countering of new threats and hazards.

14. *Agency comments.* Comments concerning the effect or impact of this regulation on agency operations or programs should be submitted to the General Services Administration (CP), Washington, DC 20405, no later than October 31, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

OCTOBER 9, 1975.

[FR Doc.75–28628 Filed 10–23–75;8:45 am]

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federal register

FRIDAY, OCTOBER 24, 1975

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

PART IV:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

VOL 40 NO 207 OCT 24 75 XUM

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Pre-determination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

Modifications to general wage determination decisions. The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AL75–1069	July 18, 1975.
Arkansas:	
AR75–4073	Apr. 4, 1975.
AR75–4083	Apr. 18, 1975.
Georgia:	
GA75–1025	Feb. 28, 1975.
GA75–1039	Apr. 11, 1975.
Idaho:	
ID75–5120	Oct. 3, 1975.
Kentucky:	
KY75–1096	Sept. 26, 1975.
Pennsylvania:	
PA75–3027	Mar. 28, 1975.
PA75–3017; PA75–3101; PA 75–3102; PA75–3104	Oct. 3, 1975.
Ohio:	
OH75–2056	Apr. 4, 1975.

Supersedeas decisions to general wage determination decisions. The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:	
AR–4013 (AL75–5131)	July 26, 1974.
Arkansas:	
AR–4013 (AL75–5131)	Do.
Connecticut:	
CT75–5045 (NY75–3108)	Apr. 4, 1975.
Delaware:	
CT75–5045 (NY75–3108)	Do.
Florida:	
AR–4000 (FL75–1104)	July 5, 1974.
AR–4013 (AL75–5131)	July 26, 1974.
Kentucky:	
AQ–4065 (KY75–1105)	Feb. 1, 1974.
AR–4013 (AL75–5131)	July 26, 1974.
Louisiana:	
AR–4013 (AL75–5131)	Do.
Maine:	
CT75–5045 (NY75–3108)	Apr. 4, 1975.
Maryland:	
CT75–5045 (NY75–3108)	Do.
Massachusetts:	
CT75–5045 (NY75–3108)	Do.
MA75–2070 (MA75–2118)	May 9, 1975.
Michigan:	
AM–403 (MI75–2120)	Aug. 18, 1971.
Mississippi:	
AR–4013 (AL75–5131)	July 26, 1974.
Missouri:	
AR–4013 (AL75–5131)	Do.
New Hampshire:	
CT75–5045 (NY75–3108)	Apr. 4, 1975.
New Jersey:	
CT75–5045 (NY75–3108)	Do.
New York:	
CT75–5045 (NY75–3108)	Do.
Pennsylvania:	
CT75–5045 (NY75–3108)	Do.
Rhode Island:	
CT75–5045 (NY75–3108)	Do.
Tennessee:	
AR–4013 (AL75–5131)	July 26, 1974.
Texas:	
AR–45 (TX75–4163)	Sept. 20, 1974.
AR–4013 (AL75–5131)	July 26, 1974.
TX75–4091 (TX75–4167); TX 75–4093 (TX75–4168)	May 16, 1975.
TX75–4102 (TX75–4169); TX 75–4104 (TX75–4165); TX 75–4106 (TX75–4166)	May 23, 1975.
TX75–4109 (TX75–4164); TX 75–4110 (TX75–4162)	May 30, 1975.

Signed at Washington, D.C., this 17th day of October 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATION P. 1

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	Apr. Tr.
DECISION #AL75-1069 - Mod. #2 (40 FR 30389 - July 18, 1975) Mobile County, Alabama					
CHANGE:					
Asbestos workers	$ 9.40	.395	.75	a	.02
Electricians:					
Electricians	10.14	.30	1¼+.25	.125	1/10of1%
Cable splicers	10.39	.30	1¼+.25	.125	1/10of1%
Lathers	9.08	.35	.35		.01
Sprinkler fitters	9.35	.50	.60		.08
Footnote:					
a. 2 Paid Holidays: D and E provided the employee works at least 1 day out of the 3 work days prior to the paid holidays and the first work day after the paid holidays.					

MODIFICATION P. 2

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	Apr. Tr.
DECISION NO. AR75-4073 - Mod. #4 (40 FR 15287 - April 4, 1975) Union and Ouachita Counties, Arkansas					
CHANGE:					
Sprinkler fitters	$9.15	.50	.80		.08
DECISION NO. AR75-4082 - Mod. #3 (40 FR 17452 - April 18, 1975) Sebastian & Crawford Counties, Arkansas					
CHANGE:					
Sprinkler fitters	$9.15	.50	.80		.08

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION # GA75-1025 - Mod. #2 (40 FR 8691 - February 28, 1975) Hall County, Georgia					
Change:					
Air conditioning mechanic	4.95				
Sheet metal workers	4.50				
DECISION # GA75-1039 - Mod. #2 (40 FR 16471 - April 11, 1975) Chattahoochee and Muscogee Counties, Georgia					
Change:					
Sheet metal workers	5.40				

DECISION NO. ID75-5120 - Mod. #1
(40 FR 45978 - October 3, 1975)
Statewide, Idaho

Change:
Power Equipment Operators:
(Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and that portion of Idaho Co. North of the 46th Parallel).

	Basic Hourly Rates ZONE 1*	Basic Hourly Rates ZONE 2*	Basic Hourly Rates ZONE 3*	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$8.05	$8.55	$9.00	.75	.85		.03
Group 2	8.35	8.85	9.30	.75	.85		.03
Group 3	8.90	9.40	9.85	.75	.85		.03
Group 4	9.05	9.55	10.00	.75	.85		.03
Group 5	9.20	9.70	10.15	.75	.85		.03
Group 6	9.45	9.95	10.40	.75	.85		.03
Group 7	9.70	10.20	10.65	.75	.85		.03

*ZONE 1: Within a 15 mile radius from the center of the following Cities: Coeur d' Alene and Lewiston in Idaho and Spokane, Washington
*ZONE 2: From a 15 to 45 mile radius from the center of the above named Cities.
*ZONE 3: Over a 45 mile radius from the center of the above named Cities.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION # KY75-1096 - Mod. #1 (40 FR 44457 - September 26, 1975) Boone, Campbell, Kenton, and Pendleton Counties, Kentucky					
Change:					
Ironworkers, reinforcing	$9.995	.65	.70		.02
Pipefitters	10.70	.50	1.025		.05

DECISION #OH75-2056 - Mod. #3
(40 FR 15301 - April 4, 1975)
Statewide, Ohio

Heavy and Highway Construction

LABORERS

	Zone I Basic Hourly Rates	Zone II Basic Hourly Rates	Zone III Basic Hourly Rates
GROUP I	$ 8.23	$ 7.55	$ 7.12
GROUP II	8.355	7.675	7.245
GROUP III	8.43	7.75	7.32
GROUP IV	8.58	7.90	7.47
GROUP V	8.88	8.20	7.77

FRINGE BENEFITS FOR ALL ZONE AND ALL CLASSIFICATIONS
$.55 - Health & Welfare
.40 - Pension
.05 - Apprentice Training

GROUP I Laborers (construction), plant laborers or yardmen, right-of-way Laborers landscape laborer , utility man or handyman, joint setter, flagman , carpenter helper, waterproofing laborer, slurry seal, seal coating, surface treatment or road mix laborer,riprap laborer and grouter, asphalt laborer, dump man (batch trucks), guardrail and fence installers, mesh handlers and placers, concrete curing applicator, scaffold erector.
GROUP II Asphalt raker, concrete puddler, kettle man (pipeline), all machine driven tools, mason tender, mortar mixer, sheeting and shoring man, surface grinder man, power buggy or power wheelbarrow.
GROUP III Form setter, bottom man, Welder helper (pipeline), concrete saw man, cutting with burning torch, pipelayer, hand spiker (railroad), car pusher (without air), underground man (working in sewer and waterline, repairing and reconditioning), tunnel laborer (without air) and caisson, cofferdam(below 25 feet deep), air trackand wagon drill
GROUP IV Blaster, powder man,muckers, wrencher (mechanical joints and utility pipeline), yarner, top lander
GROUP V Curb setter and cutter, miner without air, concrete crew in tunnels, utility pipeline tapper, gunnite nozzle man, waterline caulker

ZONE DEFINITIONS

Zone 1 Cuyahoga, Geauga and Lake Counties
Zone 2 Ashtabula, Erie, Huron, Lorain, Lucas, Mahoning, Medina, Ottawa, Portage, Stark, Summit, Trumbull and Wood Counties
Zone 3 Remainder of Counties

MODIFICATION P. 7

DECISION NO. OH75-2056 - (CONT'D) OHIO 7- FEO

POWER EQUIPMENT OPERATORS
ZONE I -Columbiana, Mahoning, and Trumbull Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$10.67	.50	.60		.13
CLASS II	9.98	.50	.60		.13
CLASS III	9.49	.50	.60		.13
CLASS IV	9.08	.50	.60		.13
CLASS V	8.98	.50	.60		.13
CLASS VI	10.94	.50	.60		.13

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

CLASS I - Asphalt planer heater, Austin western & similar type, Back hoe, Batch plant-portable concrete, Berm builder-automatic, Backfiller w/drag attachment, Boat derrick, Boat-tug, Boring mach. attached to tractor, Bulliclan, Bulldozer, C.M.I. road builder & similar types, Cable placer & layer, Carrier-straddle, Carryall - scraper or scoop, Chicago boom, Compactor w/blade attached, Concrete spreader finisher comb., Crane, Crane-stationary or climbing, Crane-electric overhead, Crane-side boom, Crane-truck, Crane-tower, Derrick-boom, Dirrick-car, Diggers-wheel (not trencher or road widner), Double nine, Drag line, Dredge, Drill-Mcnay or similar type, Electromatic, Fork lift, Frankie pile, Gradall, Grader-power, Gurry, Gurry-self propelled, High lift, Hoist-monorail, Hoist-stationary & mobile tractor, Hoist-2 or 3 drum, Jackall, Jumbo mach., Kocal or Kuhlman, Land-seagoing vehicle, Loader- Elevating, Loader-front end, Locomotive, Mechanic as welder, Metro clip harvester w/boom, Mucking mach., Paver-asphalt finishing mach., Paver-road concrete, Paver-slip form, Place crete mach, Post driver, Power driven hydraulic pumps and jacks-drilling, Shovel, Spikemaster, Stonecrusher, Tie puller & loader, Tie tamper, Tractor-double boom, Tractor w/attachments, Trucks-boom, Truck-tire-assigned to job, Trench mach., Tunnel machine (Mark 21 Java or similar), Whiley

CLASS II - Asphalt plant, Bending machine, Boring mach., Chip harvester w/o boom, cleaning Mach.-pipeline type, Coating Mach.-pipeline type, Concrete belt placer, concrete finisher, Concrete planer or asphalt, Concrete spreader, Elevator, Fork lift walk behind, Form line mach., Grease truck op., Grout pump, Gunnite mach., Huck bolting Mach., Hydraulic scaffold, Paving breaker, Pipe dream, Pot fireman, Power broom, Refrigeration plant, Casgen derrick, Seeding Mach., Self-propelled mobile vibrator compactor or roller, Hoist-single drum, Soil stabilizer (pump type), Spray cure Mach.-Self propelled, Straw blower mach., Sub-grader, Tube finisher or broom C.R. or similar type of Tugger Hoist

CLASS III - Batch plant-job related, Boiler op., Compressor (125 CFM or over), Curb builder (self propelled), Generator-steam, Jack-hydraulic-power driven, Mixer-concrete, Mulching Mach., Pin puller, Pulverizer, Pump, Road finishing mach. (pull type), Roller, Saw-concrete-self propelled. Signal man, spray cure Mach.-motar powered, Spreader (side driver shoulder attachment), Tractor, Trencher-form, Water blaster

CLASS IV - Brake man, Compressor under 125CFM, Conveyor, Conveyor 12 feet or under other than servicing brick layers, Deck hand, Drill wagon, fireman, Generator sets, Heaters-portable power (2 to 5), Helper-mechanic, Jacks Hydraulic (railroad), Lubricator, Roller (walk behind-1 ton or over), Steam jenny, Syphons, Vibrator-gasoline, Welding machines (2) (fuel burning)

CLASS V - Oiler

CLASS VI - Rigs-pilo driving or caission type

DECISION NO. OH75-2056 (CONT'D) MODIFICATION P. 8

HEAVY & HIGHWAY POWER EQUIPMENT OPERATORS

Zone 2 - Ashtabula, Cuyahoga, Erie, Geauga, Lake, Lorain, Medina, Portage, and Summit Counties
Zone 3 - Remainder of State

	ZONE 2	ZONE 3				
	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Ap
CLASS A	$10.38	$ 9.64	.46	.80		.
CLASS B	10.28	9.52	.46	.80		.
CLASS C	9.24	8.48	.46	.80		.
CLASS D	8.77	8.05	.46	.80		.
CLASS E	7.73	6.84	.46	.80		.

CLASS A - Air compressor on steel erection, Asphalt plant engineer (Cleveland District only), Boiler Op., compressor or generator when mounted on rig, Cableways, combination concrete mixer and tower, Concrete plants (over 4 yds. cap.), Concrete pumps, Cranes (all types inc. A frames, boom trucks, cherry pickers), Dericks, Draglines, Dredge (dipper clam or suction), Elevation grader or euclid loader, Floating equipment (all types), Helicopter crew (hoist to winch), Hoes (all types), Hoisting engines (including shaft & tunnel work), Industrial type tractor, Jet engineer dryer (D8 or D9) diesel tractor, Locomotives (standard guage), Maintenance Op. Class A, Mixer (paving single or double drum), Mucking mach., Multiple scraper, piledriving mach. (all types), Power shovel, Quad 9 (double pusher), Refrigerating mach. (freezer operation), Rotary drill on caisson work, slip form paver, Tower derricks, Tree shredder, Trench mach. (over 24" wide), Truck mounted concrete pump, Tug boat, Tunnel mach., Mining mach., Wheel excavator

CLASS B - Asphalt paver, Automatic subgrade mach. self propelled (CMI type), Boring mach. Op. (more than 48"), Bulldozers, Endloader, Kolman Loador (production type dirt), Leai grease man, Maintenance Op., Class B (in Zone 2 Portage & Summit Cos. only), Power grader, Power scraper, Push Cat, Trench mach. (24" wide & under)

CLASS C - Air compressor on tunnel work (low pressure), Asphalt plant engineer, Locomotive (narrow guage), Concrete mixers (more than 1 bag cap.), Mixers (1 bag cap. - side loader), Power boiler over 15 lb. pressure, Pump Op. installing and operating well points, Pumps (4" & over discharge), Rollers (asphalt) Utility Op. (small equipment), Welding mach. & generators.

CLASS D - Back fillers, Bar (joint & mach installing mach.), Batch plant, Boring, mach. Op. (48" or less), Bull floats, Burlap & curing mach., Compressors (portable, sewer, hvy & hwy.), Concrete plant (4 yd. & under cap.), concrete saw (multiple), Conveyors (Hwy.), Crusher, Deckhand, Drill highway (w/integral power), Farm type tractors w/attachments, Finishing mach., Fireman (floating equipment, all types), Fork lift (hwy.), Form trenchers, Hydro hammer, Hydro seeder, Pavement breaker, Plant mixers, Post driver, Post hole digger (power auger), Power brush burner, Power form handling Equip., Road widening trencher, Rollers (brick, grade, macadam), self propelled power spreader, self-propelled power subgrader, Steam firemen, Tractor (pulling sheepfoot roller or grader, Vibratory compactor (w/integral power).

CLASS E - Drum firemen (asphalt plant), Helpers, Inboard-outboard motor boat-launch, Oil heaters (asphalt plant), Oilers, Power driven heaters, Pumps (under 4" discharge) Signalmen, Tire repairmen.

MODIFICATION P. 9

DECISION NO. OH75-2056 (CONT'D) OHIO 9-TD

TRUCK DRIVERS
ZONE I -CUYAHOGA, LAKE &GEAUGA COUNTIES

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$7.15	a19.00	a22.00	b&c	
CLASS II	7.30	a19.00	a22.00	b&c	
CLASS III	7.53	a19.00	a22.00	b&c	
CLASS IV	7.65	a19.00	a22.00	b&c	

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Per week per employee
b. One week's paid vacation for one year of service; two weeks for five years; three weeks for ten years and four weeks for seventeen years.
c. Seven paid holidays: A through F plus National Election Day.

CLASSIFICATION DEFINITIONS

CLASS I - Straight and dumps including asphalt, warehousemen, straight fuel.
CLASS II - Semi fuel, semi pole drivers hauling steel pipe and semi tractor drivers.
CLASS III - Ready-mix, agitator or bulk concrete drivers, dry batch truck.
CLASS IV - Euclids, darts, tank: asphalt spreaders, low boys, carry-all driver, Lournarockers, hi-lifts, fork lifts, extra long trailers and semi pole trailers except when hauling steel pipe, double hook-up tractor trailers including team track and railroad siding, semi tractor and tri-axle trailer, tandem tractor and tanden trailer and tri-axle trailer, tag along trailers, expandable trailers, loads requiring road permits.

MODIFICATION P. 10

DECISION NO. OH75-2056 (CONT'D) OHIO 6-TD M

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE II -Remainder of the State					
CLASS I	$7.27	a16.00	a6.00		
CLASS II	7.32	a16.00	a6.00		
CLASS III	7.37	a16.00	a6.00		
CLASS IV	7.47	a16.00	a6.00		
CLASS V	7.57	a16.00	a6.00		
CLASS VI	7.74	a16.00	a6.00		

FOOTNOTE:
a. Per week per employee

CLASSIFICATION DEFINITIONS

CLASS I - 4 wheel service trucks, 4 wheel dump trucks, batch trucks, oil distributors, asphalt distributors.
CLASS II - Tandems
CLASS III - Semi tractor trucks, pole trailers, fuel trucks.
CLASS IV - All trucks five axle and over.
CLASS V - Asphalt-oil spraybar man when operated from cab
CLASS VI - Euclid wagons, Euclid end dumps, low boys, heavy duty equipment over 12 cu. yds. capacity when used exclusively for transportation, truck mechanics.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Decision #-PA-75-3101 - MOd. # 1 (40 FR 45990 - October 3, 1975) Northampton County, Pennsylvania					
Change: Boilermaker	$11.05	.65	1.00		.02
Decision #-PA-75-3102 - Mod. # 1 (40 FR - 45993 - October 3, 1975) Lackawanna, Susquehanna, Wayne and Wyoming Counties, Pennsylvania					
Change: Boilermakers	11.05	.65	1.00		.02
Laborers: Southern Part of Wyoming County: Mason tender & scaffold builders	8.17	.25	.50		
Decision No. PA-75-PA-3104 - Mod. # 1 (40 FR 45998 - October 3, 1975) Lehigh County, Pennsylvania					
Change: Boilermakers	11.05	.65	1.00		.02
Decision No. PA-75-3017 - Mod. #1 (40 FR 45996 - October 3, 1975) Schuylkill County, Pennsylvania					
Change: Boilermakers	11.05	.65	1.00		.02
Plasterers	8.55	.40	.85		
Decision No. PA-75-3027 - Mod. # 4 (40 FR 14268 - March 28, 1975) Cumberland, Dauphin, Perry, Juniata, New Cumberland Depot in York County, Pennsylvania					
Change: Boilermakers	11.05	.65	1.00		.02

SUPERSEDEAS DECISION

STATES: Alabama, Arkansas, Florida (West of the Aucilla River), Kentucky, Louisiana, Mississippi, Missouri, Tennessee and Texas

COUNTIES: Gulf Coast Area

DECISION NO.: AL75-5131

DATE: Date of Publication

Supersedes Decision No. AR-4013 dated July 26, 1974 in 39 FR 27397

DESCRIPTION OF WORK: Dredging along the Gulf Coast area including the Mississippi River and tributaries to the Ohio River.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Derrick operators	$ 3.14				
Dozer operators	3.80				
Marsh crane operators	3.99				
Marsh crane oilers	2.48				
HYDRAULIC DREDGING:					
Chief cook	2.77				
Second cook	2.44				
Cook helper	2.22				
Janitor (Cabin boy)	2.22				
Handyman	2.79				
Dredges under 16 inches:					
Leverman	3.31				
2nd assistant engineer	3.05				
Dredge tender operator	2.75				
Deckhand	2.25				
Oiler	2.31				
Welder	3.00				
Dredges 16 inches and over:					
Leverman	4.08				
Dredge tender operator	3.42				
1st assistant engineer	4.02				
2nd assistant engineer	3.61				
3rd assistant engineer	3.40				
Deckhand	2.52				
Shoreman	2.43				
Truck driver	2.70				
Oiler	2.70				
Welder	3.65				
Firemen	2.92				
BUCKET DREDGING:					
Leverman	3.60				
Oiler	2.57				
Handyman	2.60				
Deckhand	2.35				
Cook	2.53				

SUPERSEDEAS DECISION

STATE: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania and Rhode Island
DECISION NUMBER: NY75-3108 DATE: Date of Publication
Supersedes Decision No. CT75-5045 dated 4-4-75 in 40 FR 15294.
DESCRIPTION OF WORK: All dredging on the Atlantic Coast from the Canadian Border to the Southerly Border of the State of Maryland and tributary waters emptying into the Atlantic Ocean, the C & D Canal, Baltimore City and Baltimore County, Maryland, but excluding Boston Harbor and the Chesapeake Bay.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Dipper and Clamshell Dredges:					
Operator	$ 8.85	.35	.35	6%+a	
Craneman	8.58	.35	.35	6%+a	
Deckhand; tug deckhand	6.72	.35	.35	6%+a	
Engineer	8.80	.35	.35	6%+a	
Fireman; oiler	6.95	.35	.35	6%+a	
Maintenance engineer	8.42	.35	.35	6%+a	
Mate	7.74	.35	.35	6%+a	
Rodman; scowman	6.62	.35	.35	6%+a	
Welder	8.26	.35	.35	6%+a	
Hydraulic Dredges:					
Boiler; dredge carpenter; blacksmith; electricians; welder	8.26	.35	.35	6%+a	
Derrick operator	8.58	.35	.35	6%+a	
Deckhand; shoreman	6.62	.35	.35	6%+a	
Engineer	8.58	.35	.35	6%+a	
Fireman; oiler	6.95	.35	.35	6%+a	
Leverman	8.69	.35	.35	6%+a	
Maintenance engineer	8.42	.35	.35	6%+a	
Spider barge operator	8.16	.35	.35	6%+a	
Tug deckhand	6.72	.35	.35	6%+a	
Mate	7.74	.35	.35	6%+a	
Tug Boats over 400 H.P.:					
Tug engineer	7.81	.35	.35	6%+a	
Tug deckhand	6.72	.35	.35	6%+a	
Drill Boats:					
Engineers	9.01	.25	.25	b	
Blasters	9.13	.25	.25	b	
Firemen	8.66	.25	.25	b	
Drillers, Welders or Machinists	9.02	.25	.25	b	
Oilers	8.48	.25	.25	b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Plus Washington's Birthday and Veteran's Day.
b. 8 paid holidays, A through F plus Washington's Birthday and Veteran's Day; 6-½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

SUPERSEDEAS DECISION

STATE: Florida COUNTIES: *See below
DECISION NUMBER: FL75-1104 DATE: Date of Publication
Supersedes Decision No.: AR-4000 dated July 5, 1974, in 39 FR 24775
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties:
Citrus, Hernando, Hillsborough, Pasco, Pinellas, & Sumter

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air conditioning mechanics	4.68				
Bricklayers	6.98				
Carpenters	4.97				
Cement masons	6.50				
Drywall finishers	8.16				
Drywall hanger	9.50				
Electricians	5.60	5%	1%		.05
Glaziers	6.25				
Insulation installers	5.00				
Ironworkers	4.61				
Laborers:					
Laborers	3.52				
Mason tenders	4.28				
Painters, brush	4.73				
Painters, spray	4.50				
Plasterers	6.41				
Plumbers	5.71				
Roofers	4.50				
Kettlemen	4.00				
Sheet metal workers	6.63				
Soft floor layers	7.41				
Tile setters	7.13				
Truck drivers	3.52				
POWER EQUIPMENT OPERATORS:					
Backhoe	3.96				
Bulldozer	4.14				
Compactor	3.60				
Crane & dragline	4.75				
Fork lift	4.40				
Front end loader	3.60				
Grader	3.62				
Tractor	4.00				

SUPERSEDEAS DECISION

STATE: Kentucky
DECISION NUMBER: KY75-1105
COUNTY: See below*
DATE: Date of Publication
Supersedes Decision No.: AQ-4066 dated February 1, 1974 in 39 FR 4305
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Bath, Bourbon, Clark, Fayette, Harrison, Jessamine, Madison, Montgomery, Scott, & Woodford.	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Air conditioning mechanic	5.00				
Bricklayer	5.37				
Carpenters	4.09				
Cement masons	4.54				
Drywall finishers	4.65				
Drywall hanger	4.46				
Electricians	5.00				
Insulation installer	4.00				
Laborers:					
Laborers	2.97				
Hod carriers	3.00				
Mason tenders	3.00				
Pipelayers	5.00				
Painters	3.85				
Plumbers	5.00				
Roofers	4.00				
Sheet metal workers	4.14				
Soft floor layers	4.54				
Tile setters	5.00				
Truck drivers	5.00				
POWER EQUIPMENT OPERATORS:					
Backhoe	3.25				
Bulldozer	3.25				
Grader	4.10				
Mechanic	4.00				
Oiler	3.00				
Tractor	4.10				
Trenching machine	3.50				

SUPERSEDEAS DECISION

STATE: Massachusetts
DECISION NO.: MA75-2118
COUNTY: Berkshire
DATE: Date of Publication
Supersedes Decision NO.: MA75-2070, dated May 9, 1975 in 40 FR 20581
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and Highway construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.60	.54	.75		.01
BOILERMAKERS	10.00	.60	.10%		.01
BRICKLAYERS, CEMENT MASONS, MARBLE MASONS, PLASTERERS, STONE MASONS, TERRAZZO WORKERS AND TILE SETTERS:					
Twps. of Adams, N. Adams, Cheshire, Florida, Savoy, Clarksburg and Williamstown	9.60				
Twps. of Becket, Otis and Sandisfield	9.55	.55	.80		.03
Remainder of County	7.03	.40	.30		
CARPENTERS & SOFT FLOOR LAYERS:					
N. Adams, Clarksburgh, Savoy, Florida, Adams and Williamstown	8.535	.40	.50	.375	.04
Remainder of County	8.64	.55	.65		.04
ELECTRICIANS	9.44	.45	7%+.49		.02
ELEVATOR CONSTRUCTORS	9.505	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS (PROB.)	50%JR	.445	.29	3%+a+b	.02
GLAZIERS	9.45	.47	.45		
IRONWORKERS, STRUCTURAL, ORNAMENTAL & REINFORCING	8.84	.55	.85		.04
LABORERS (Building):					
Laborers, carpenter tenders, cement finisher tender, & wrecking laborers	7.50	.50	.45		.10
Jackhammer op., pavement breakers, wagon drills, asphalt rakers, carbide core drilling machine, chain saw ops., pipelayers, barco type jumping tampers, laser beam ops, cónorete pump ops., mason tenders, mortar mixers, ride-on motorized buggy	7.75	.50	.45		.10
Air track; block pavers; rammers	8.00	.50	.45		.10
Blasters, powdermen	8.25	.50	.45		.10
LATHERS	8.45	.45	.25		.01
LEAD BURNERS	9.25	.35		o	.01

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Linemen	$10.16	.40	1%	f	3/8of1%
Equipment Operator	9.48	.40	1%	f	3/8of1%
Driver Groundmen	7.32	.40	1%	f	3/8of1%
MARBLE SETTERS' & TILE SETTERS' HELPERS	8.00				
MILLWRIGHTS:					
Cheshire, Savoy, New Ashford, Adams, Florida, N. Adams, Clarksburg, Williamstown	9.15	.60	.65		.07
Remainder of County	9.20	.60	.65		.07
PAINTERS:					
Brush and Roller	8.82	.50	.35		.03
Spray	11.76	.66	.4667		.04
Swing stage under 40' and steel	9.007	.50	.35		.03
Swing stage over 40' and steel	9.32	.50	.35		.03
PILEDRIVERMEN	9.50	.50	.50		
PLUMBERS AND STEAMFITTERS:					
Adams, Clarsburg, Florida, N. Adams, Savoy, Williamstown, & northern half of Cheshire, New Ashford	8.15	.65	.50	d+c	.05
Becket, Otis, Sandisfield (Plumbers only)	9.68	.68	.85	g	.05
Becket, Otis, Sandisfield, & New Boston (Steamfitters)	9.88	.57	.70	.08	.02
Remainder of County	9.49	.46	.50		.05
ROOFERS:					
Composition, damp and waterproof	8.945	.64	.66		
Slate, Tile and precast concrete	9.60	.64	.66		
SHEET METAL WORKERS	9.11	.75	.97		.02
SPRINKLER FITTERS	10.53	.50	.80		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. MA75-2118

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 6% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Holidays: A through F

c. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F, plus Good Friday, Veterans' Day, Washington's Birthday, and Columbus Day

e. Employer contribution of $1.00 per hour to a savings fund.

f. Paid Holidays: A through F, Washington's Birthday, and Patriots Day providing employee has worked for a period of five (5) working days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday. There is also one floating holiday per year.

g. July 4th and Labor Day provided worker is employed 7 days prior to holiday.

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.35	.60	.75	a	.05
CLASS II	9.15	.60	.75	a	.05
CLASS III	8.95	.60	.75	a	.05
CLASS IV	8.58	.60	.75	a	.05
CLASS V	7.90	.60	.75	a	.05
CLASS VI	7.45	.60	.75	a	.05
CLASS VII	6.72	.60	.75	a	.05

CLASSIFICATIONS

CLASS I Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Booms, Bakchoec, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Mahines, Belt-type Loaders, Front End Loader-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over

CLASS II Rotary Drill (with mounted compressor), compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.

CLASS III Combination Backhoe-Loader-up to 3/4 hoe, Bulldozers, Push Cats, Scraper-up to 21 yards (struck Load)-self propelled or tractor drawn, Tireman, Front End Loaders-up to 4 yards, Asphalt Pavor, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumperete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.

CLASS IV Asphalt Roller-under 10 ton

CLASS V Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts up to 15 feet.

CLASS VI Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber, Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.

CLASS VII Compressors (up to 315 cu. ft.), Small Mixors, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Crease Truck, and Grease Trucks with hand greasing equipment

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F, Veterans' Day and Columbus Day.

NOTICES

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.35	.60	.75	a	.05
CLASS II	9.15	.60	.75	a	.05
CLASS III	8.95	.60	.75	a	.05
CLASS IV	8.58	.60	.75	a	.05
CLASS V	7.90	.60	.75	a	.05
CLASS VI	7.45	.60	.75	a	.05
CLASS VII	6.72	.60	.75	a	.05

CLASSIFICATIONS

CLASS I Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Graders-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine

CLASS II Rotary Drill (with mounted Compressor), Compressor House 3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (Struck Load), Forklifts-7 ft. lift and over or 3 ton capacity and over,, Sonic Hammer Console.

CLASS III Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumperete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Tiremen, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-Propelled Hydraulic Cranes-up to 10 ton

CLASS IV Asphalt Roller-up to 10 ton

CLASS V Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.

CLASS VI Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot roller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil

CLASS VII Compressor (up to 315 cu. ft.), Small Mixers with skip. Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.

FOOTNOTES:
a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day and Christmas Day.

MASS-1 - 2-3 L

HEAVY & HIGHWAY CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class I	$7.50	.50	.45		.10
Class II	7.75	.50	.45		.10
Class III	8.00	.50	.45		.10
Class IV	8.25	.50	.45		.10

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

NOTICES

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TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

MASS - 1 - TD - 1-2-3 D

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Station wagons, panel trucks and pick-up trucks	$7.24	.545	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	7.39	.545	.575	a+b		
Three axle equipment and firemen	7.44	.545	.575	a+b		
Four and five axle equipment	7.54	.545	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, wachaul, mechanics, paving restoration equipment, Mechanics	7.64	.545	.575	a+b		
Specialized earth moving equipment over 35 tons	7.89	.545	.575	a+b		
Trailers for earth moving equipment, (double hookup)	8.14	.545	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Michigan COUNTY: Muskegon
DECISION NO.: MI75-2120 DATE: Date of Publication
Supersedeas Decision Number AM-403 dated August 18, 1971 in 36 FR 15896
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$ 6.05				
CARPENTERS	6.27				
CEMENT MASONS	6.51				
DRYWALL HANGERS	6.50				
DRYWALL TAPERS	7.00				
ELECTRICIANS	4.785				
INSULATORS	3.85				
LABORERS	3.66				
PAINTERS	4.72				
POWER EQUIPMENT OPERATORS:					
Crane Operator	8.39	.55	.65		.05
Dozer Operator	6.81				
Grader Operator	8.40				
Loader Operator	6.585				
Roller Operator	8.50				
PLUMBERS	8.33				
ROOFERS	4.21				
SHEET METAL WORKERS	5.00				
SOFT FLOOR LAYERS	5.705				
TILE SETTERS	6.275				
TRUCK DRIVERS	5.40	.45	.35		

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SUPERSEDEAS DECISION

STATE: Texas COUNTY: Bexar
DECISION NO.: TX75-4163 DATE: Date of Publication
Supersedes Decision No. AR-45, dated September 20, 1974, in 39 FR 34015.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.43	.35	.45		.08
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS-STONEMASONS	7.87	.35	.30	.25	.05
CARPENTERS:					
Carpenters	7.12	.38	.30	.40	.02
Millwrights	7.42	.38	.30	.40	.02
CEMENT MASONS	6.68				
ELECTRICIANS:					
Electricians	8.33	.255	1%		1/2%
Cable splicers	8.58	.255	1%		1/2%
ELEVATOR CONSTRUCTORS	7.99	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	5.60		.20		
IRONWORKERS	7.15	.55	.60	.20	.07
LABORERS:					
Common laborers	4.07	.25	.20		.02
Pipelayers, concrete & clay (non-metallic)	4.74	.28	.20		.02
Air tool operators (jackhammer, vibrator)	4.03	.28	.20		.02
Ball hole man; Mason tenders	4.05	.28	.20		.02
Mortar mixers; Plasterers' tenders	5.11	.28	.20		.02
LATHERS	8.36				.01
LINE CONSTRUCTION:					
Linemen	8.255	.28	1%		1/2%
Cable splicer	9.90	.28	1%		1/2%
Groundman (1st year)	4.12	.28	1%		1/2%
Groundman	5.58	.28	1%		1/2%
MARBLE MASONS	6.99	.35	.30	.25	
MARBLE MASONS' HELPERS	4.87				
PAINTERS:					
Brush	6.55		.20		.05
Spray	6.80		.20		.05
Structural steel	6.80		.20		.05
Spray on structural steel; sandblasting	7.05		.20		.05
Paperhanger	6.55		.20		.05
Taper and floater	6.55		.20		.05
PLASTERERS	8.35				.01

DECISION NO. TX75-4163

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS-PIPEFITTERS	$8.68	.30	.45		.10
ROOFERS:					
Roofers	5.50				
Kettlemen	4.83				
Waterproofer	5.14				
Roofers' helpers	2.60				
SHEET METAL WORKERS	8.30	3%+.30	.35		.07
SOFT FLOOR LAYERS	4.55				
SPRINKLER FITTERS	10.10	.50	.80		.08
TERRAZZO WORKERS	6.99	.35	.30	.25	
TERRAZZO WORKERS' HELPERS'					
Terrazzo helpers	4.87				
Floor machine operators	5.07				
Base machine operators	5.22				
TILE SETTERS	6.99	.35	.30	.25	
TILE SETTERS' HELPERS	4.87				
TRUCK DRIVERS	3.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays A thru F

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO TX75-4163

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Air compressors	$5.79				
Cranes	7.82	.35	.30		
Fork lifts	7.04				
Front end loaders	5.72				
Foundation drills	7.45				
Motor graders	7.82	.35	.30		
Oilers	5.72	.35	.30		
Trenching machines	7.82	.35	.30		
Truck crane drivers	7.01	.35	.30		

SUPERSEDEAS DECISION

STATE: Texas
COUNTIES: Cameron, Hidalgo, Starr & Willacy
DECISION NO.: TX75-4167
DATE: Date of Publication
Supersedes Decision No. TX75-4091, dated May 16, 1975, in 40 FR 21681.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.37	.35	.40		
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS	6.00				
CARPENTERS:					
Carpenters	5.00				.025
Piledrivermen	4.67				
CEMENT MASONS	3.50				
ELECTRICIANS:					
Electrical contracts under $300,000	6.21	.35	1%		1/2%
Electrical contracts $300,000 & over	7.85	.35	1%		1/2%
GLAZIERS	2.75				
LABORERS:					
Common laborers	2.10				
Mason tenders	2.10				
Pipelayers (concrete & clay)	2.10				
LINE CONSTRUCTION:					
Electrical contracts under $300,000:					
Lineman	6.95	.40	1%		1/2%
Groundman	3.93	.40	1%		1/2%
Groundman (1st year)	3.48	.40	1%		1/2%
Electrical contracts $300,000 & over:					
Lineman	8.40	.40	1%		1/2%
Groundman	4.62	.40	1%		1/2%
Groundman (1st year)	4.20	.40	1%		1/2%
PAINTERS:					
Brush	2.60				
PLASTERERS	5.00				
PLUMBERS & PIPEFITTERS	7.15	.25			.05
ROOFERS:					
Roofers	3.00				
Kettlemen	2.10				
SOFT FLOOR LAYERS	2.10				
SPRINKLER FITTERS	10.10	.50	.70		.08
TERRAZZO WORKERS	2.50				
TERRAZZO WORKERS' HELPERS	2.10				
TILE SETTERS	2.50				
TILE SETTERS' HELPERS	2.10				
TRUCK DRIVERS	2.10				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

SUPERSEDEAS DECISION

STATE: Texas
COUNTIES: Cameron, Hidalgo, Starr & Willacy
DECISION NO.: TX75-4168
DATE: Date of Publication
Supersedes Decision No. TX75-4093, dated May 16, 1975, in 40 FR 21683.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$6.00				
CARPENTERS:					
Carpenters	5.00				.025
Piledrivermen	4.67				
CEMENT MASONS	3.50				
ELECTRICIANS:					
Electrical contracts under $300,000	6.21	.35	1%		1/2%
Electrical contracts $300,000 & over	7.85	.35	1%		1/2%
GLAZIERS	2.75				
LABORERS:					
Common laborers	2.10				
Mason tenders	2.10				
Pipelayers (concrete & clay)	2.10				
PAINTERS, BRUSH	2.60				
PLASTERERS	5.00				
PLUMBERS & PIPEFITTERS	7.15	.25			.05
ROOFERS:					
Roofers	3.00				
Kettlemen	2.10				
SOFT FLOOR LAYERS	2.10				
TERRAZZO WORKERS	2.50				
TERRAZZO WORKERS' HELPERS	2.10				
TILE SETTERS	2.50				
TILE SETTERS' HELPERS	2.10				
TRUCK DRIVERS	2.10				

DECISION NO. TX75-4168

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air Tool Man	$2.75				
Asphalt Heaterman	3.25				
Asphalt Raker	3.25				
Asphalt Shoveler	2.50				
Batching Plant Scaleman	3.40				
Carpenter	3.30				
Carpenter Helper	2.40				
Concrete Finisher (Paving)	2.75				
Concrete Finisher Helper (Paving)	2.35				
Concrete Finisher (Structures)	3.35				
Concrete Finisher Helper(Structures)	2.65				
Electricians	7.50				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	2.80				
Form Liner (Paving and Curb)	3.00				
Form Setter (Paving and Curb)	3.00				
Form Setter Helper (Paving & Curb)	2.75				
Form Setter (Structures)	3.75				
Form Setter Helper (Structures).	3.00				
Laborer, Common	2.35				
Laborer, Utility Man	2.85				
Manhole Builder, Brick	3.50				
Mechanic	4.00				
Mechanic Helper	2.85				
Oiler	2.80				
Serviceman	2.50				
Piledrivermen	3.75				
Pipelayer	2.85				
Pipelayer Helper	2.50				
Reinforcing Steel Setter(Structures)	3.30				
Reinforcing Steel Setter Helper	2.40				
Spreader Box Man	3.25				
Power Equipment Operators:					
Asphalt Distributor	3.25				
Asphalt Paving Machine	3.50				
Broom or Sweeper Operator	2.50				
Bulldozer, 150 HP and Less	3.25				
Bulldozer, over 150 HP	3.55				

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	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	Apr. Tr.
INCIDENTAL PAVING & UTILITIES & SITE PREPARATION					
Power Equipment Operators (Cont'd)					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	$3.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	4.25				
Front End Loader (2½ CY and Less)	3.00				
Front End Loader (Over 2½ CY)	3.50				
Motor Grader Operator, Fine Grade	4.00				
Motor Grader Operator	3.50				
Roller, Steel Wheel (Plant-Mix Pavements)	2.65				
Roller, Steel Wheel (Other-Plat	2.60				
Roller, Pneumatic (Self-Propelled)	2.60				
Scrapers (17 CY and Less)	3.00				
Scrapers (Over 17 CY)	3.50				
Tractor (Crawler Type) 150 HP and Less	2.85				
Tractor (Crawler Type) over 150 HP	3.10				
Tractor (Pneumatic) 80 HP and Less	2.75				
Tractor (Pneumatic) over 80 HP	3.00				
Traveling Mixer	3.00				
Truck Drivers:					
Single Axle, Light	2.35				
Single Axle, Heavy	2.50				
Tandem Axle or Semitrailer	2.35				
Welder	3.75				

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DECISION NO. TX75-4169

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	Apr. Tr.
ELECTRICIANS (CONT'D):					
ZONE 3 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties:					
AREA A - All work performed in Dallas County:					
Electricians	$9.11	4%	5%		7/10%
Cable splicers	10.02	4%	5%		7/10%
AREA B - All work performed outside of Dallas County up to a radius of 40 road miles from the City Hall in the City of Dallas:					
Electricians	9.36	4%	5%		7/10%
Cable splicers	10.30	4%	5%		7/10%
AREA C - All work performed outside of Area A and Area B:					
Electricians	9.61	4%	5%		7/10%
Cable splicers	10.57	4%	5%		7/10%
ELEVATOR CONSTRUCTORS	8.21	.445	.29	3%+4b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+4b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
ZONE 1 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties	7.39	.25	.25		.025
IRONWORKERS	7.125	.55	.60		.03
LABORERS:					
ZONE 1 - Grayson County:					
GROUP 1 - Unskilled laborers	5.62	.275	.30		
GROUP 2 - Air tool operator (jackhammer, vibrator), mason tenders & mortar mixers, pipelayers	5.87	.275	.30		
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties:					
GROUP 1	5.62	.275	.30		.02
GROUP 2	5.77	.275	.30		.02
GROUP 3	5.87	.275	.30		.02
GROUP 4	6.02	.275	.30		.02

SUPERSEDES DECISION

STATE: Texas

COUNTIES: Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise

DECISION NO.: TX75-4169
Supersedes Decision No. TX75-4102, dated May 23, 1975, in 40 FR 22791.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) heavy & highway general
Dallas-Fort Worth Regional Airport (See current heavy & highway general wage determination for Paving & Utilities projects) & Building Construction)

DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	Apr. Tr.
ASBESTOS WORKERS	$8.78	.30	.51		.025
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS & STONEMASONS:	6.80				
ZONE 1 - Grayson County					
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties	8.29	.30	.50		.04
CARPENTERS:					
ZONE 1 - Grayson County:					
Carpenters	8.225	.30	.30		.005
Millwrights	8.625	.30	.30		.005
Piledriverman	8.725	.30	.30		.005
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties:					
Carpenters	8.21	.30	.30		.02
Stationary power saw operators	8.335	.30	.30		.02
Millwrights	8.84	.30			.02
CEMENT MASONS:	6.16				
ZONE 1 - Grayson County					
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties	7.945	.25	.45		.01
ZONE 3 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	7.885	.40	.35		.01
ELECTRICIANS:					
ZONE 1 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties:					
Electricians	9.45	.40	11%		7/10%
Cable splicers	9.70	.40	11%		7/10%
ZONE 2 - Grayson County:					
Electricians	9.17	4%	5%		7/10%
Cable splicers	10.09	4%	5%		7/10%

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LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - All hand digging dirt work and backfilling; firing of salamanders, loading and unloading of materials to and from hoist or cages; loading and unloading of tools and equipment; wheeling, placing and pouring of concrete; all excavation; handling of lumber, steel, cement; distribution of all materials; miscellaneous job clean-up; wrecking and razing of buildings and all structures; cleaning and clearing of all debris; handling of broken concrete or other damaged or undamaged materials; removing, moving, handling and greasing of forms, wrecking forms; storing materials to storage place; slip form jacks, scaffold builders, checking materials and tools in and out of receiving lots and sheds; tool house men; landscaper; asphalt ironer and raker; waterproofing tender; dumper; spotter; concrete pumperete pipe (handling and laying); carpenter tender

GROUP 2 - All power tool and equipment operators (gas, electric or air); cutting torches man; concrete grademan; power buggy operator; wagon drill operator, well driller, drilling rig tender; cement finisher tender; metal pan and steel form man; handling creosoted materials; liquid acids or like materials when injurious to health, eyes, skin or clothes; all newly developed equipment which replaces wheelbarrows or buggies previously used by laborers, scale man on batch plants

GROUP 3 - Concrete and clay pipe (handling & laying); mason handler; scaffold builder; mason tender; hod carriers mortar mixers; lather tenders, plaster tenders; water pump operators up to four inches; cement mason tenders; mortar mixers; hod carriers; dry mixers; tank cleaning; all pipe doping, treating and wrapping, including all men working with dope, mortar and plaster mixing machines, grout machines; pump crete machines, gunite mixing machines, including placing and cleaning of pipe and conduits used in placing of concrete, handling and placing of gunite materials from stockpiles, screening sand, running sand dryer and loading and operating sand blaster, except nozzle, conveying, stocking and handling of all materials for brick masons, lathers, cement finishers, plasterers; ditch work over 6 feet and cleaning out drill piers

GROUP 4 - Sand blaster, blaster powderman; Gunite worker; gunite nozzle man and terrazzo grinder

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LATHERS:					
ZONE 1 - Collin, Dallas, Denton, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties	$9.23				.04
ZONE 2 - Hood, Johnson, Palo Pinto, Tarrant & Wise Counties	9.23				.04

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Linemen; Linemen operators	$9.86		1%		1/2%
Cable splicer	10.85		1%		1/2%
Groundman, 1st 6 months	5.92		1%		1/2%
Groundman, 2nd 6 months	6.41		1%		1/2%
Groundman, 1 year & over	6.90		1%		1/2%
MARBLE SETTERS:					
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	7.90				
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties	8.30				
MARBLE SETTERS' HELPERS:					
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	6.90				
PAINTERS:					
ZONE 1 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties:					
GROUP 1 - Brush	7.425	.35	.30		.04
GROUP 2 - All wall covering work; paper, fabric, sheeting, flexwood, etc.	7.675	.35	.30		.04
GROUP 3 - Ames tools operator	7.55	.35	.30		.04
GROUP 4 - Structural steel, stage work, bosun chair, spray gun, sandblasting and window jacks, fire escapes	7.80	.35	.30		.04
ZONE 2 - Denton County:					
GROUP 1 - Brush, hand roller	8.40				
GROUP 2 - All wall covering work	8.70				
GROUP 3 - Structural steel; stage & bosun chair work, window jacks, spraying, sandblasting & power tool work	8.65				
ZONE 3 - Hood, Johnson, Palo Pinto, Tarrant & Wise Counties:					
GROUP 1	8.295		.20		.02
GROUP 2	8.545		.20		.02
GROUP 3	8.295		.20		.02
GROUP 4	9.545		.20		.02

DECISION NO. TX75-4169

CLASSIFICATION DEFINITIONS

GROUP 1 - Brush

GROUP 2 - Spray; Wallcovering; Pressure roller; Sandblasting; Structural steel; Bosun chair, Window jack & window sill; Stage; Fire escape; Steel storage tanks; Stilts; Mittens; Ames tools; Drywall finishing

GROUP 3 - On jobs requiring less than six 250 feet rolls of joint tape, or less than eight man hours of bedding time the drywall finishing rate will be

GROUP 4 - Steeple jack rate (radio and TV towers, smoke stacks, chimneys and water towers, and similar facilities and flag poles atop buildings located closer to the edge of the building than the height of the pole); Toxic material rate (creosote, coal tar products or similar materials injurious to the skin)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PLASTERERS:					
ZONE 1 - Grayson County	$6.05				
ZONE 2 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	7.885	.35		.50	.03
ZONE 3 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties	9.26				.01
PLUMBERS & STEAMFITTERS	8.00	.38	.90		.08
ROOFERS:					
ZONE 1 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties:					
GROUP 1 - Slate & tile	8.065				
GROUP 2 - Composition and built-up roofing, damp proofing & bituminous waterproofing	7.915				
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties:					
GROUP 1 - Slate, tile asbestos roofing & siding	8.015				.05
GROUP 2 - Composition, built-up, damp & water proofing, kettlemen	7.865				.05
SHEET METAL WORKERS:					
ZONE 1 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties	7.835	.35	.50		.03
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	8.105	.45	.30		.055

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
SOFT FLOOR LAYERS	$7.93	.25	.20		.03
SPRINKLER FITTERS	10.10	.50	.80		.08
TERRAZZO WORKERS:					
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	7.95				
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	8.30				
TILE SETTERS:					
ZONE 1 - Collin, Dallas, Hunt, Kaufman & Rockwall Counties	8.60		.30		
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	8.30				
TILE SETTERS' HELPERS:					
ZONE 1 - Collin, Dallas, Hunt, Kaufman & Rockwall Counties	6.90				
TRUCK DRIVERS:					
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	4.25				
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	4.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays A thru F

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
ZONE 1 - Dallas County:					
GROUP 1	$6.465	.30	.40		
GROUP 2	7.25½	.30	.40		
GROUP 3	7.65½	.30	.40		

POWER EQUIPMENT OPERATORS (ZONE 1) CLASSIFICATION DEFINITIONS

GROUP 1 - Oilers

GROUP 2 - Air compressors; Blade Grader, towed; Flex plane; Form grader; Concrete mixer, less than 14 cu. ft.; Water pumps - 2½" or over and 2 or more pumps; Pulsometer; Welding machines, gasoline or diesel driven (2 to 6 machines); Wagon drill operator; Conveyor; Hoist, single drum; Scraper, 3 cu. yd. or less; Generator, gasoline or diesel driven (over 1500 watts); Bob cat with loader; All other equipment of similar nature coming under the light equipment class, when power operated

GROUP 3 - Heavy-duty mechanic; Asphalt mixer operator on job; Blade grader, self-propelled; Bull clam; Backfiller; Bulldozer & all cat type tractors; Backhoe; Concrete mixers, over 14 cu. ft.; Crusher operator on job; Concrete batch plant operator; Clam shell; Cranes (all types); Truck mounted on crawler requires oiler including groves (hydraulic) or similar type over 12½ ton capacity Escalated rate on crane and derricks booms; .01c per hour, per foot over 90' including jib; draglines; derricks, power operated (all types); D-10 caterpillar, S-8 Euclid and similar cractors; Elevating grader, self-propelled; Foundation drilling machine (all); Forklifts, used in handling machinery on construction; Gradeall; Hoist, motor driven, 2 drums or more; Locomotive crane; Mixmobile; Paving mixers (all types); Pile drivers; Pumperete machines; Pneumatic rollers, self-propelled; Shovels, power operated; Scrapers, over 3 cu. yds.; Scoopmobile; Trenching machines, all types; Winch trucks, when pole and winch is used; Water well drilling machines, used on construction; Well point pumps; Welding machines (7 to 13 machines); All other equipment of similar nature coming under heavy equipment class, when power operated

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
ZONE 2 - Collin, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties:					
GROUP 1	$6.665	.30	.50		.10
GROUP 2	7.45	.30	.50		.10
GROUP 3	7.85	.30	.50		.10

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POWER EQUIPMENT OPERATORS (ZONE 2) CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman

GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; All other equipment of similar nature coming under the Light Equipment Classification, when power operated

GROUP 3 - Ford Tractor or like with any attachments (except blade and mower on rear); Drilling Machines (all types); Scoopmobiles; Hoists, two drums or more; Forklifts (over 25 ft.); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic ft. or over; Blade Graders, self-propelled; Cableways; Cranes-power operated to 100 ft.; Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixers (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressor & Air Tugger; Rollers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Classification, when power operated

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Bowie
DECISION NO.: TX75-4165 DATE: Date of Publication
Supersedes Decision No. TX75-4104, dated May 23, 1975, in 40 FR 22796.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.78	.30	.51		.025
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS & STONEMASONS	7.75		.20		
CARPENTERS:					
Carpenters	6.95				.01
Millwrights	8.85				.04
Piledrivermen	7.55				.01
CEMENT MASONS	6.91	.15			.03
ELECTRICIANS	8.10	.40	1%		1/4%
ELEVATOR CONSTRUCTORS	8.21	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS	8.50	.30	.35		.04
LABORERS, UNSKILLED	2.85				
LINE CONSTRUCTION:					
Lineman	8.50		1%		1/2%
Cable splicer	8.755		1%		1/2%
Hole digger operator; Heavy equipment operators (or pole cat equivalent); powderman	7.735		1%		1/2%
Line truck driver (winch operator)	6.97		1%		1/2%
Jackhammer man	6.375		1%		1/2%
Groundman	5.695		1%		1/2%
Groundman, 1st year	4.23		1%		1/2%
Truck driver (flat bed, ton & half & under)	6.035		1%		1/2%
PAINTERS:					
GROUP 1 - Brush	5.50				
GROUP 2 - Spray	6.90				
GROUP 3 - Brush structural steel, iron & galvanized pipe; Painters working from window jacks	6.60				
GROUP 4 - Brush structural steel, iron & galvanized pipe over 40 ft. up & down to ground; Brush swinging stage & chair work	6.95				
GROUP 5 - Brush swinging stage & chair work over 40 ft. up & down to ground	7.25				
GROUP 6 - Spray, sandblasters & power tools	7.50				
GROUP 7 - Spray, sandblasters & power tools over 40 ft. up & down to ground	7.75				

DECISION NO. TX75-4165

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PLUMBERS & PIPEFITTERS	$9.00		.50		.05
ROOFERS	4.50				
SHEET METAL WORKERS	7.835	.35	.50		.03
SOFT FLOOR LAYERS	6.95				.01
SPRINKLER FITTERS	10.10	.50	.80		.08
TRUCK DRIVERS	2.45				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holideys A thru F

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

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DECISION NO TX75-4165

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$6.665	.30	.50		.10
GROUP 2	7.45	.30	.50		.10
GROUP 3	7.85	.30	.50		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman

GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers, less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; All other equipment of similar nature coming under the Light Equipment Classification, when power operated

GROUP 3 - Ford Tractor or like with any attachment (except blade and mower on rear); Drilling Machine (all types); Scoopmobile; Hoists, two drum or more; Forklifts (over 25 ft.); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic ft. or over; Blade Graders, self-propelled; Cableways; Cranes-power operated to 100 ft.; Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixers (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over: Air Compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Classification, when power operated

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Brazos

DECISION NO.: TX75-4166 DATE: Date of Publication

Supersedes Decision No. TX75-4106, dated May 23, 1975, in 40 FR 22799.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.95	.70	.70		.06
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS	9.21	.38	.40		.05
CARPENTERS	7.80				
CEMENT MASONS	8.32	.49	.42		.05
ELECTRICIANS	9.65	.30	3%		.04
ELEVATOR CONSTRUCTORS	8.21	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.22	.475	.20		.01
IRONWORKERS	8.77	.55	.70		.075
LABORERS:					
GROUP 1	3.61	.28	.20		.02
GROUP 2	3.71	.28	.20		.02
GROUP 3	3.81	.28	.20		.02
GROUP 4	3.76	.28	.20		.02
GROUP 5	3.86	.28	.20		.02
GROUP 6	4.01	.28	.20		.02

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - Construction labor, including excavation, concrete work, reinforcing, mason handler and wheeler (stock pile), asphalt ironer and raker, water proofing tender, pipe layer (non-metallic), pump crete pipe (handling and laying) and all building construction labor excepting that hereinafter classified; window washer, carpenters tender, cement mason tender, vibrator operator; other mechanic tender (except as otherwise classified); Dumper & spotter

GROUP 2 - Air tool operator

GROUP 3 - Well driller

GROUP 4 - Cutting torch man; mason tender; mason handlers & wheelers handling material from first stock pile; concrete pipe (handling and laying); sand blaster; power buggy operator; plasterer tender & hod carrier; lather tender; well driller tender

GROUP 5 - Tool room tender; mortar mixer (hoe and otherwise); Blaster, powder man; gunite worker

GROUP 6 - Gunite nozzleman

DECISION NO. TX75-4166

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Linemen & cable splicers	$9.72	.40	1%		1/2%
Groundman	5.94	.40	1%		1/2%
Groundman (1st year)	4.30	.40	1%		1/2%
MARBLE MASONS	8.41			.25	
PAINTERS:	4.75				
Brush	5.00				
Spray	4.50				
Roller					
PLASTERERS	8.72	.42	.525		.02
PLUMBERS & PIPEFITTERS	8.21		.25		.03
SHEET METAL WORKERS	8.985	.225	.475	.20	.025
SOFT FLOOR LAYERS	8.42	.35	.20		.09
TERRAZZO WORKERS	8.41			.25	
TILE SETTERS	8.41			.25	
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTES:

a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates

b - Paid Holidays A thru F

PAID HOLIDAYS:

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. TX75-4166

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$8.88	.35	.65		.04
GROUP 2	7.52	.35	.65		.04
GROUP 3	7.03	.35	.65		.04
GROUP 4	6.87	.35	.65		.04

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick-power operated (all types); Clam shell; Draglines; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader, Self-propelled; Hoist, Motor-Driven, Two Drums or more; Mix Mobile; Water Well Drilling Machines, used on construction; Building Elevator, used on construction; Tug Boat Operator, assigned to construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cubic feet or more; Paving Mixer (all types); Pile Driver; Scraper, heavy type, over 3 cubic yards; Trenching Machines (all sizes); Gradall; High-Lift; Foundation Boring Machine; Gasoline or Diesel-Driven Welding Machines, 7 or more; Pumpcrete Machine Operator; Turnapulls; DW-10 Caterpillar, S-18 Euclid and similar tractors; Asphalt Plant Mixer Operator on job; Crusher Operator on job; Scoopmobiles; Forklift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, self-propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

GROUP 2 - Air Compressors; Blade Grader, Towed; Flex Plane; Form Grader; Concrete Mixer, less than 14 cubic feet; Pumps; Pulsometer; Truck Crane Driver; Gasoline or diesel driven welding machines (on 3 or more, up to 6 machines); Hoist, Single Drum; Scraper, 3 cubic yards or less; Wagon Drill Operator; Conveyor; Generator, Gasoline or diesel driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A light equipment operator may run 1 or 2 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Fireman

GROUP 4 - Oiler

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Bexar

DECISION NO.: TX75-4164 DATE: Date of Publication

Supersedes Decision No. TX75-4109, dated May 30, 1975, in 40 FR 23690.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
AIR CONDITIONING INSTALLERS	$3.50				
BRICKLAYERS	7.27	.30	.30		.05
CARPENTERS	4.10				
CEMENT MASONS	7.02	.25			
DUCT INSTALLERS	3.45				
ELECTRICIANS:					
Single or multiple family dwellings or apartments up to and including 8 units not exceeding 2 stories	5.55	.30	1%		1/2%
Over 8 units or over 2 stories	8.33	.255	1%		1/2%
FORM SETTERS	3.29				
GLAZIERS	3.50				
INSULATION INSTALLERS	4.50				
IRONWORKERS	4.66				
LABORERS, UNSKILLED	2.34				
PAINTERS	3.675				
TAPE & FLOAT	4.00				
PLASTERERS	7.40				.01
PLUMBERS & PIPEFITTERS	7.13	.25	.35		.10
ROOFERS	3.10				
ROOFERS, SHINGLES	3.50				
SHEETROCK INSTALLER	4.00				
SOFT FLOOR LAYERS	3.71				
TILE SETTERS	5.18				
TRUCK DRIVERS	2.25				
T.V. ANTENNA INSTALLERS	3.50				
POWER EQUIPMENT OPERATORS:					
Fork lifts	2.75				
Foundation drill operator (crawler mounted)	5.85				
Front end loader	2.58				
Tractor	3.75				

DECISION NO. TX75-4164

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
INCIDENTAL PAVING & UTILITIES & SITE PREPARATION					
Air Tool Man	$2.75				
Asphalt Heaterman	2.75				
Asphalt Raker	3.00				
Asphalt Shoveler	2.50				
Batterboard Setter	2.50				
Carpenter	3.75				
Carpenter Helper	2.80				
Concrete Finisher (Paving)	3.60				
Concrete Finisher Helper (Paving)	2.95				
Concrete Finisher (Structures)	3.65				
Concrete Finisher Helper(Structures)	3.00				
Concrete Rubber	2.50				
Electrician	6.50				
Electrician Helper	3.20				
Form Builder (Structures)	3.85				
Form Builder Helper (Structures)	2.95				
Form Setter (Paving and Curb)	3.75				
Form Setter Helper (Paving & Curb)	3.00				
Form Setter (Structures)	3.50				
Form Setter Helper (Structures)	2.75				
Laborer, Common	2.25				
Laborer, Utility Man	2.50				
Manhole Builder, Brick	2.75				
Mechanic	4.10				
Mechanic Helper	3.00				
Oiler	3.00				
Serviceman	3.00				
Painter (Structures)	4.90				
Painter Helper (Structures)	3.00				
Piledriverman	5.30				
Pipelayer	3.00				
Pipelayer Helper	2.75				
Powderman	3.75				
Powderman Helper	2.50				
Reinforcing Steel Setter(Structures)	3.65				
Reinforcing Steel Setter Helper	2.70				
Steel Worker (Structural)	4.30				
Spreader Box Man	3.25				
Swamper	3.00				

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DECISION NO. TX75-4164

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Asphalt Distributor	3.25				
Asphalt Paving Machine	3.45				
Broom or Sweeper Operator	2.70				
Bulldozer, 150 HP and Less	3.25				
Bulldozer, over 150 HP	3.50				
Crane, Clamshell, Bachoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.65				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	4.40				
Crusher or Screening Plant Op.	3.75				
Foundation Drill Operator (Crawler Mounted)	6.00				
Foundation Drill Operator (Truck Mounted)	6.00				
Foundation Drill Operator Helper	3.55				
Front End Loader (2½ CY and Less)	3.25				
Front End Loader (Over 2½ CY)	4.00				
Motor Grader Operator, Fine Grade	4.25				
Motor Grader Operator	3.75				
Roller, Steel Wheel (Plant-Mix Pavements)	2.75				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.85				
Roller, Pneumatic (Self-Propelled)	2.50				
Scrapers (17 CY and Less)	3.00				
Scrapers (Over 17 CY)	3.50				
Tractor (Crawler Type) 150 HP and Less	2.50				
Tractor (Crawler Type) over 150 HP	3.35				
Tractor (Pneumatic) 80 HP and Less	2.50				
Tractor (Pneumatic) over 80 HP	3.25				
Trenching Machine, Light	3.50				
Trenching Machine, Heavy	3.50				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50				
Truck Drivers:					
Single Axle, Light	2.50				
Single Axle, Heavy	2.50				
Tandem Axle or Semitrailer	2.75				
Lowboy-Float	3.25				
Winch	3.50				
Welder	4.00				
Welder Helper	3.30				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Bell, Bosque, Coryell, Falls, Hill & McLennan

DECISION NO.: TX75-4162

DATE: Date of Publication

Supersedes Decision No. TX75-4110, dated May 30, 1975, in 40 FR 23692.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction in Bosque, Falls, Hill & McLennan Counties).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
ZONE 1 - Bell, Coryell & Falls Counties	$8.43	.35	.45		.08
ZONE 2 - Bosque, Hill & McLennan Counties	8.78	.30	.51		.025
BOILERMAKERS	8.00	.30	.76		.02
BRICKLAYERS	8.10		.55		.03
CARPENTERS:					
Carpenters:					
ZONE 1 - Bell & Coryell Counties	7.30				
ZONE 2 - Bosque, Falls, Hill & McLennan Counties	7.34	.18			
Millwrights & piledrivermen:					
ZONE 1 - Bosque, Falls, Hill & McLennan Counties	7.74	.18			
CEMENT MASONS	7.59	.35	.20		
ELECTRICIANS:					
ZONE 1 - Bosque, Falls, Hill & McLennan Counties; Parts of Bell & Coryell Counties north of Cowhouse Creek	8.45		1%		1/4%
ZONE 2 - Parts of Bell & Coryell Counties south of Cowhouse Creek	9.30		1%		.8%
ELEVATOR CONSTRUCTORS	8.21	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	5.90				
IRONWORKERS	7.49	.35	.60		.12
LABORERS:					
Unskilled	7.97				
Mason tenders	3.55				
Mortar mixers	3.55				
LATHERS	7.30	.30		.50	.05

DECISION NO. TX75-4162

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Linemen; Linemen operators	$9.86		1%		1/2%
Cable splicer	10.85		1%		1/2%
Groundman, 1st 6 months	5.92		1%		1/2%
Groundman, 2nd 6 months	6.41		1%		1/2%
Groundman, 1 year & over	6.90		1%		1/2%
PAINTERS:					
ZONE 1 - Bosque, Coryell, Falls, Hill & McLennan Counties:					
Brush	6.10				
Boiler pipes & steel, structural steel, window jacks, roofs, stage work, smoke stack, water towers, boatswain chair	6.60				
Ames tools for dry walls	6.70				
Spray work & self feeding rollers	6.85				
Steam cleaning, sandblasting & hazardous work	7.20				
ZONE 2 - Bell County:					
Brush	4.40				
Tapers, floater & dry wall finishers	4.65				
Stage work; Boatswain chair	4.90				
Window jacks, steel brushing	4.875				
Spray, sandblasting	5.65				
PLASTERERS	9.00	.25	.10		.01
PLUMBERS & PIPEFITTERS:					
ZONE 1 - Area within a 35 mile radius of Waco, including Temple, Marlin, Clifton & Hillsboro	7.80	.30	.30		.03
ZONE 2 - All other areas	8.20	.30	.30		.03
ROOFERS:					
Slate, tile, asbestos, roofing & siding	5.95				.03
Composition, built-up, damp & waterproofing	5.80				.03

DECISION NO TX75-4162

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS:					
ZONE 1 - Within a radius of 20 miles from the McLennan County Courthouse, Waco	$8.22				.05
ZONE 2 - Over 20 miles but less than 45 miles	8.72				.05
ZONE 3 - Over 45 miles	9.22				.05
SPRINKLER FITTERS	10.10	.50	.80		.08
TRUCK DRIVERS	2.80				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates
b - Paid Holidays A thru F

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO TX75-4162

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$7.38		.40		
GROUP 2	6.46		.40		
GROUP 3	5.43		.40		
GROUP 4	5.33		.40		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader - Self-propelled; Bull Clam; Back Filler; Derricks, power operated (all types); Dragline; Push Cat Operator; Euclid Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Back Hoe; Crane, Power Operated (all types); Elevating Grader, self-propelled; Hoist, Motor-Driven, two drums or more; Mix Mobile; High-Lifts & Loaders, over 1/3 cu. yd. capacity; Winch Truck; Locomotive; Mixer, 14 cu. ft. or over; Paving Mixer (all sizes); Scraper; Trenching Machine (all sizes); Gradall; Foundation Boring Machine; Scoopmobile; Shovel, Power Operated; Pump Crete Machine; Clam Shell Operator; Rock Crusher Operated on Job; Welding Machine, 6 to 12; Two 125 cu. ft. Compressors; Well points, including installations

GROUP 2 - Blade Grader, Towed; Flex Plane; Form Grader; Mixer, less than 14 cu. ft.; Pulsometer; Truck Crane Driver & Oiler, Combination man; Gasoline or Diesel Driven Welding Machine, 3 to 6; Hoist, Single Drum; Pump, 2½ in. or larger; Pneumatic Roller; High-Lifts & Loaders, 1/3 cu. yd. or less; Forklift, 1500 lbs. capacity or less; Air Compressors, anytime there are two or more attachments operating on a 125 cu. ft. compressor, a light equipment operator shall be employed. One 125 cu. ft. air compressor and one welding machine requires no operator. One 125 cu. ft. compressor and two welding machines or any 2 air compressors equivalent to a 125 cu. ft. air compressor requires a light equipment operator

GROUP 3 - Fireman

GROUP 4 - Oiler

DECISION NO. TX75-4162

INCIDENTAL PAVING & UTILITIES (BELL & CORYELL COUNTIES)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Air Tool Man	$2.80				
Asphalt Heaterman	3.40				
Asphalt Raker	3.25				
Batching Plant Scaleman	3.75				
Carpenter	4.00				
Carpenter Helper	3.00				
Concrete Finisher (Structures)	3.85				
Concrete Finisher Helper(Structures)	2.50				
Electrician	6.40				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	3.25				
Form Setter (Structures)	4.00				
Form Setter Helper (Structures)	3.00				
Laborer, Common	2.50				
Laborer, Utility Man	2.90				
Mechanic	4.50				
Mechanic Helper	3.80				
Oiler	3.75				
Serviceman	3.50				
Pipelayer (Concrete & Clay)	3.25				
Pipelayer Helper (Concrete & Clay)	2.50				
Plumbers:					
Zone 1 - 35 miles of Waco, Texas including town of Temple	7.80	.30	.30		.03
Zone 2 - all area not included in Zone 1	8.20	.30	.30		.03
Powderman	3.75				
Reinforcing Steel Setter(Structures)	3.50				
Reinforcing Steel Setter Helper	2.50				
Sign Erector	3.25				
Spreader Box Man	3.65				
Sweeper	3.30				
Power Equipment Operators:					
Asphalt Distributor	4.00				
Asphalt Paving Machine	4.00				
Broom or Sweeper Operator	3.10				
Bulldozer, 150 HP and Less	3.75				
Bulldozer, over 150 HP	4.00				
Concrete Paving Curing Machine	3.50				

DECISION NO. TX75-4162

INCIDENTAL PAVING & UTILITIES (BELL & CORYELL COUNTIES	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd)					
Concrete Paving Saw	$3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1¼ CY)	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1¼ CY & Over)	4.25				
Crusher or Screening Plant Op.	3.75				
Foundation Drill Operator (Truck Mounted)	3.15				
Foundation Drill Operator Helper	3.00				
Front End Loader (2½ CY and Less)	3.75				
Front End Loader (Over 2½ CY)	4.00				
Motor Grader Operator, Fine Grade	4.50				
Motor Grader Operator	4.00				
Roller, Steel Wheel (Plant-Mix Pavements)	3.00				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00				
Roller, Pneumatic (Self-Propelled)	2.95				
Scrapers (17 CY and Less)	3.50				
Scrapers (Over 17 CY)	3.75				
Tractor (Crawler Type) 150 HP and Less	3.00				
Tractor (Crawler Type) over 150 HP	3.50				
Tractor (Pneumatic) 80 HP and Less	2.70				
Tractor (Pneumatic) over 80 HP	3.10				
Trenching Machine, Heavy	3.75				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.15				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	3.00				
Weighman (Truck Scales)	2.50				
Welder	4.00				
Welder Helper	3.25				

[FR Doc.75-28473 Filed 10-23-75;8:45 am]

federal register

FRIDAY, OCTOBER 24, 1975

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PART V:

DEPARTMENT OF AGRICULTURE

Forest Service

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Environmental Statements Under Preparation as of September 15, 1975

V 40 207 OCT 24 75 XUM

DEPARTMENT OF AGRICULTURE

Forest Service

ENVIRONMENTAL STATEMENTS UNDER PREPARATION AS OF SEPTEMBER 15, 1975

A list of environmental statements is here published to provide timely public information on the status of Forest Service environmental statements under preparation as of September 15, 1975. Persons interested in a particular action and environmental statement should contact the responsible official directly.

For ease in use of this list, statements are grouped by Forest Service organizational units proposing the action. Statements marked with an asterisk indicate, in total or in part, land use planning, developments, or activities within inventoried roadless areas. National Forest inventoried roadless areas are defined as roadless and undeveloped areas 5,000 acres or larger, except that smaller areas adjoining existing Wilderness and Primitive Areas could be included. Existing Wilderness and Primitive Areas are excluded from this definition.

Forest Service field addresses are given at the end of the listing of environmental statements.

R. MAX PETERSON,
Deputy Chief, Forest Service.

FOREST SERVICE ENVIRONMENTAL STATEMENTS
UNDER PREPARATION AS OF 9/15/75

Washington Office

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Washington Office USDA, Forest Service 12th St., & Independence Ave., SW Washington, DC 20250					
*Flathead Wild and Scenic River Proposal	Flathead NF, Montana	Wild & Scenic River	Chief	9/73	10/75
Flaming Gorge National Recreation Area General Management Plan	Ashley NF, Utah	Land Use Plan	"	12/75	6/76
Salmon River Wild and Scenic River Proposal	Idaho	Legislation	"	6/75	12/75
*Teton Corridor Wilderness Classification	Bridger-Teton NF, Wyoming	Legislation	"	10/75	4/76
ALP Co. 1976-81 5-year Cutting Plan	Tongass NF, Alaska	Land Use Plan	"	11/75	3/76
Pacific Northern Timber Co.	"	5-year Reappraisal Long-term Timber Sale Contract	"	10/75	3/76

V 40 NO 207 OCT 24 75 XUM

Washington Office Continued

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
*North Fork American River Wild & Scenic	Tahoe NF, California	Legislation	Chief		
Sheep Mountain and Cucamonga Wilderness Study Areas	Angeles & San Bernardino NFs, California	Wilderness Study	"	2/77	6/77
*Land Acquisition from Southern Pacific Land Company	Shasta-Trinity NF, California	Land Acquisition	"		
Oregon Dunes	Siuslaw NF, Oregon	Wilderness Study	"	10/74	11/75
*Illinois River Study	Siskiyou NF, Oregon	Legislation	"	10/75	4/76
Skagit Wild and Scenic River	Mt. Baker & Snoqualmie NFs, Washington	Legislation	"	6/75	6/76
Lower Minam	Wallowa-Whitman NF, Oregon	Wilderness Study	"	4/76	6/77
*Naches-Tieton-White River	Mt. Baker & Snoqualmie NFs, Washington	Legislation	"	12/75	5/77

Washington Office Continued

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Pere Marquette Nat'l Scenic River	Manistee NF, Michigan	Legislation	Chief	2/74	12/75
Open Pit Copper and Nickel Mining	Superior NF, Minnesota	Land Use Plan	"	1/	1/

1/ Tentative date for completion of the draft environmental statement was July 1, 1976. However, this will need to be redetermined as it was premised on receipt of an operating plan from INCO. As soon as a site-specific proposal is received from INCO, a new revised schedule for completion of the environmental statement will be developed.

XUM

REGIONAL OFFICE
Missoula, Montana

Region 1

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Northern Region USDA, Forest Service Federal Building Missoula, MT 59801					
*Bitterroot South	Bitterroot NF, Montana	Land Use Plan	Forest Supervisor	8/75	12/75
Sapphires	"	Land Use Plan	"	11/75	5/76
*Lower West Fork	"	Land Use Plan	"	10/75	2/76
*Warm Springs-Medicine Tree	"	Land Use Plan	"	11/75	5/76
Little Sleeping Child-Rye	"	Land Use Plan	"	5/76	--
Timber Management Plan, Bitterroot NF	"	Resource Plan	Regional Forester	11/75	4/76
Emerald Creek	St. Joe NF, Idaho	Land Use Plan	Forest Supervisor	7/75	12/75
Siwash	"	Land Use Plan	"	10/75	

REGION 1 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicides, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Stillman Point	Nezperce NF, Idaho	Land Use Plan	"	5/75	10/75
Horse Creek Administrative Research Project	"	Research Project	"	8/75	11/75
Red River	"	Land Use Plan	"	9/75	1/76
Mill Creek	"	Land Use Plan	"	9/75	1/76
Hot Point	"	Land Use Plan	"	1/76	4/76
Blue Ridge	"	Land Use Plan	"	9/76	12/76
Slate Creek	"	Land Use Plan	"	11/76	4/77
Crooked Creek-Orogrande	"	Land Use Plan	"	10/76	1/77
Timber Management Plan	"	Timber Sales and Roads	Regional Forester	1/76	5/76

REGION 1 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicides, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Lakeview	Kaniksu NF, Idaho	Land Use Plan	Forest Supervisor	6/75	11/75
Smith Creek	"	Land Use Plan	"	7/75	12/75
Blacktail	"	Land Use Plan	"	10/75	
Lamb Upper West Branch	"	Land Use Plan	"	10/75	
Elk River	Clearwater NF, Idaho	Land Use Plan	"	11/75	2/76
Interim Timber Management Plan	"	Timber Management	Regional Forester	6/74	10/75
Lowell	"	Land Use Plan	Forest Supervisor	12/75	5/76
Clearwater-St. Joe Divide	Clearwater & Panhandle NFS, Idaho	Land Use Plan	"	7/76	11/76
Pryor Mountain Complex	Custer NF, Montana	Land Use Plan	"	10/75	
Beartooth Plateau	Custer, Gallatin, Shoshone NFs, Montana & Wyoming	Land Use Plan	Forest Supervisor Shoshone NF	4/76	7/76

REGION 1 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicides, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Sioux District	Custer NF, Montana & South Dakota	Land Use Plan	Forest Supervisor	1/76	7/76
Ashland	Custer NF, Montana	Land Use Plan	"	1/76	6/76
Beartooth Face	Custer, Gallatin NFS, Montana	Land Use Plan	Forest Supervisor Custer NF	5/76	2/77
North End	Deerlodge NF, Montana	Land Use Plan	Forest Supervisor	6/75	1/76
Basin	"	Land Use Plan	"	7/75	1/76
Skalkaho-East Fork	"	Land Use Plan	"	3/76	8/76
Fleecer	"	Land Use Plan	"	1/76	6/76
Little Boulder-Whitetail	"	Land Use Plan	"	6/76	12/76
Anaconda-Hamilton Transmission Line	Deerlodge, Bitterroot, Lolo NFs, Montana	Utility Transmission Line Corridor Selection	Forest Supervisor Deerlodge NF	3/76	8/76

REGION 1 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicides, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
*Lake Five	Flathead NF, Montana	Land Use Plan	Forest Supervisor	7/74	10/75
Big Mountain Master Plan	"	Winter Sports Site	"	5/75	10/75
*Oil and Gas Lease Applications	"	Oil and Gas Exploration and Development	"	6/75	12/75
Island Unit	"	Land Use Plan	"	6/75	2/76
Hebgen Lake	Gallatin NF, Montana	Land Use Plan	"	12/74	9/75
Ski Yellowstone	"	Winter Sports	"	10/75	5/76
Cedar Bassett	"	Land Use Plan	"	8/73	10/75
West Half Yellowstone	"	Land Use Plan	"	5/76	4/77
Gallatin River	"	Land Use Plan	"	8/77	3/78
Big Tepee	"	Timber Sale	"	2/74	10/75
South Fork Swan Creek	"	Timber Sale	"	2/74	12/75
Buck Creek-West Fork	"	Road Construction	"	11/75	3/76

REGION 1 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicides, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Elkhorn	Helena NF, Montana	Land Use Plan	Forest Supervisor	4/74	10/75
Colorado-Unionville-Travis	"	Land Use Plan	"	2/76	11/76
East Belts	"	Land Use Plan	"	5/76	2/77
Mike Horse	"	Land Use Plan	"	1/76	10/76
Magpie Confederate	"	Land Use Plan	"	5/76	3/77
Ophir-Dog-MacDonald Pass	"	Land Use Plan	"	11/75	8/76
Nevada-Stemple-Little Prickly Pear	"	Land Use Plan	"	10/77	9/78
*Callahan	Kootenai NF, Montana	Land Use Plan	"	7/74	10/75
*West Kootenai	"	Land Use Plan	"	9/75	2/76
*Cross Mountain	"	Land Use Plan	"	10/75	3/76
*O'Brien	"	Land Use Plan	"	10/75	3/76
*Seventeenmile	"	Land Use Plan	"	10/75	3/76
*Dickey-Sunday	"	Land Use Plan	"	8/75	12/75

REGION 1 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicides, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Big Swede	Kootenai NF, Montana	Land Use Plan	Forest Supervisor	11/75	5/76
*Pipe	"	Land Use Plan	"	11/75	5/76
*Keeler	"	Land Use Plan	"	12/75	6/76
Rocky Mountain Front	Lewis & Clark NF, Montana	Land Use Plan	"	11/75	8/76
Smith River	"	Land Use Plan	"	3/76	6/76
Yogo-Bear Park	"	Land Use Plan	"	6/76	10/76
Logging-Pilgrim	"	Land Use Plan	"	9/76	11/77
*Ward-Eagle	Lolo NF, Montana	Land Use Plan	"	7/74	10/75
*Petty Mountain	"	Land Use Plan	"	7/75	1/76
Placid-Blanchard	"	Land Use Plan	"	11/75	4/76
*North Cutoff-Kennedy	"	Land Use Plan	"	12/75	7/76
*Ninemile	"	Land Use Plan	"	12/75	7/76
*Big Hole	"	Land Use Plan	"	1/76	8/76
*Prospect Creek	"	Land Use Plan	"	2/76	9/76

REGIONAL OFFICE
Denver, Colorado

Region 2

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Rocky Mountain Region USDA, Forest Service 11177 West Eighth Avenue P. O. Box 25127 Denver, Colorado 80225					
Snake River Unit	Arapaho NF, Colorado	Land Use Plan	Forest Supervisor	11/75	4/76
Timber Management	Black Hills NF, South Dakota & Wyoming	Resource Plan	Regional Forester	2/76	6/76
*East River	Gunnison & White River NFs, Colorado	Land Use Plan	Forest Supervisors	11/75	4/76
*Grand Mesa-Muddy Creek	Gunnison & Grand Mesa NFs, Colorado	Land Use Plan	"	Deferred-pending USDI decision growing out of Sierra Club, et. al., vs. Rogers C. B. Morton et. al., C.A. #1182-73 C.A.D.C.	

REGION 2 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
*Savage Run	Medicine Bow NF, Wyoming	Land Use Plan	Forest Supervisor	11/75	2/76
Ryan Park	"	Winter Sports	"	11/75	2/76
*Southern San Juan	Rio Grande & San Juan NFs, Colorado Carson NF, New Mexico	Land Use Plan	"	Deferred - pending coordination with P.L. 93-621 Report	
*South Fork (includes Wolf Cr. Ski Area)	Rio Grande NF, Colorado	Land Use Plan	"	12/75	4/76
*Bears Ears Unit	Routt NF, Colorado	Land Use Plan	"	2/76	6/76
*Blacktail	"	Land Use Plan	"	11/75	2/76
*Mount Welba	"	Land Use Plan	"	11/75	2/76
*Dolores (includes Storm Peak)	San Juan NF, Colorado	Land Use Plan	"	Deferred - pending coordination with P.L. 93-621 Report	

REGION 2 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
*First Fork	San Juan NF, Colorado	Land Use Plan	Forest Supervisor	Deferred - pending coordination with P.L. 93-621 Report	
Timber Management	"	Resource Plan	Regional Forester	5/75	10/75
Beartooth Plateau Unit (w/Region 1) (Formerly Beartooth Highway)	Shoshone, Gallatin, & Custer NFs, Montana & Wyoming	Land Use Plan	Forest Supervisors	4/76	9/76
Timber Management	Shoshone NF, Wyoming	Resource Plan	Regional Forester	6/75	10/75
*Thompson Creek Unit	White River NF, Colorado	Land Use Plan	Forest Supervisor	11/75	4/76
*Upper Eagle Unit	"	Land Use Plan	"	Deferred-pending resolution of Beaver Creek Evaluation	
Marble Winter Sports	"	Winter Sports	"	4/73	11/75
Timber Management	"	Resource Plan	Regional Forester	10/75	2/76

REGIONAL OFFICE
Albuquerque, New Mexico

Region 3

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Southwestern Region USDA, Forest Service 517 Gold Avenue, SW Albuquerque, New Mexico 87102					
Addendum to Final Environmental Statement	Apache-Sitgreaves NF, Arizona	Herbicide	Forest Supervisor		9/76
Black River	"	Land Use Plan	"	12/75	6/76
Timber Management Plan	"	Resource Plan	Regional Forester	11/75	5/76
Off-Road Vehicle	Carson NF, New Mexico	Land Use Plan	Forest Supervisor	3/76	12/76
Red River Ski Area Expansion	"	Winter Sports	Regional Forester	2/76	7/76
Taos Ski Valley Expansion	"	Winter Sports	"	4/74	12/75
Manzano Mountain	Cibola NF, New Mexico	Land Use Plan	Forest Supervisor	12/75	3/76
Oak Creek	Coconino NF, Arizona	Land Use Plan	"	11/75	3/76

REGION 3 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Woods Canyon	Coconino NF, Arizona	Land Use Plan	Forest Supervisor	9/75	11/75
Anamax Land Exchange	Coronado NF, Arizona	Land Exchange	Regional Forester	1/77	4/77
Huachuca	"	Land Use Plan	Forest Supervisor	3/76	9/76
Off-Road Vehicle	"	Land Use Plan	"	2/76	6/76
Santa Catalina	"	Land Use Plan	"	3/75	11/75
Swift Trail	"	Road Constr.	Regional Forester	9/75	12/75
Gilita Unit Plan	Gila NF, New Mexico	Land Use Plan	Forest Supervisor	12/75	4/76
Timber Management Plan	"	Resource Plan	Regional Forester	12/75	4/76
So. Kaibab Timber Plan	Kaibab NF, Arizona	Resource Plan	"	1/76	6/76
Williams Land Use	"	Land Use Plan	Forest Supervisor	10/75	4/76

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REGION 3 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Eagle Creek Dam & Reservoir	Lincoln NF, New Mexico	Land Use Plan	Forest Supervisor	3/76	7/76
Ruidoso	"	Land Use Plan	"	10/76	2/77
So. Guadalupe	"	Land Use Plan	"	10/75	2/76
Phelps Dodge Land Exchange	Prescott NF, Arizona	Land Exchange	Regional Forester	8/76	12/76
Supplemental Draft to Clarkdale-Williams Highway #279	"	Road Constr.	"	8/75	6/76
Timber Management Plan	"	Resource Plan	"	11/75	3/76
Gallina Unit	Santa Fe NF, New Mexico	Land Use Plan	Forest Supervisor	1/76	7/76
Pecos	"	Land Use Plan	"	1/76	6/76
Off-Road Vehicle	"	Land Use Plan	"	7/76	12/76
Mogollon Rim	Tonto, Apache-Sitgreaves & Coconino NFs, Arizona	Land Use Plan	Regional Forester	1/75	9/75

REGIONAL OFFICE
Ogden, Utah

Region 4

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Intermountain Region USDA, Forest Service 324-25th Street Ogden, Utah 84401					
Timber Management	Ashley NF, Utah	Resource Plan	Regional Forester	6/76	12/76
Long Park Reservoir	"	Reservoir Construction	Forest Supervisor	12/75	6/76
High Uintas South Slope	"	Land Use Plan	"	6/76	12/76
*Middle Fork Boise Planning Unit	Boise NF, Idaho	Land Use Plan	"	6/75	9/75
*Garden Valley Planning Unit	"	Land Use Plan	"	5/75	9/75
*Squaw Creek	"	Land Use Plan	"	6/75	9/75
*Cascade Planning UNit	"	Land Use Plan	"	5/75	9/75
*Big Piney	Bridger-Teton NF, Wyoming	Land Use Plan	"	5/75	9/75
*West Slope of Wind River Mountains Planning UNit	"	Land Use Plan	"	5/76	9/76

REGION 4 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
*Union Pass Planning UNit	Bridger-Teton NF, Wyoming	Land Use Plan	Forest Supervisor	9/75	12/75
*Greys-Salt River Unit	"	Land Use Plan	"	10/75	2/76
*Timber Management Plan	"	Resource Plan	Regional Forester	3/76	6/76
Bear River	Caribou NF, Idaho	Land Use Plan	Forest Supervisor	5/76	8/76
*Pioneer Mountains	Challis & Sawtooth NFs, Idaho	Land Use Plan	"	6/75	1/76
Challis-Squaw Creek	Challis NF, Idaho	Land Use Plan	"	10/76	4/77
*Markagunt Plateau	Dixie NF, Utah	Land Use Plan	"	11/75	1/76
*Paunsaugunt-Sevier	"	Land Use Plan	"	1/76	5/76
*Timber Management	"	Resource Plan	Regional Forester	8/75	11/75
*Salina Unit	Fishlake NF, Utah	Land Use Plan	Forest Supervisor	10/75	2/76

REGION 4 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
*Mt. Moriah	Humboldt NF, Nevada	Land Use Plan	Forest Supervisor	10/75	2/76
*Santa Rosa	"	Land Use Plan	"	3/76	6/76
*Monticello	Manti-LaSal NF, Utah	Land Use Plan	"	8/75	11/75
*Moab Planning UNit	Manti-LaSal NF, Utah & Colorado	Land Use Plan	"	2/76	6/76
*Council Planning Unit	Payette NF, Idaho	Land Use Plan	"	9/75	1/76
*McCall Planning Unit	"	Land Use Plan	"	1/76	4/76
*Meadows Planning Unit	"	Land Use Plan	"	11/75	2/76
Payette Timber Plan	"	Resource Plan	Regional Forester	6/75	9/75
Boulder Planning Unit	"	Land Use Plan	Forest Supervisor	12/76	3/77
*Beartrap-Dutchler	Salmon NF, Idaho	Land Use Plan	"	9/75	1/76
*Twelvemile Planning UNit	"	Land Use Plan	"	10/75	3/76

REGION 4 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
*Moose Creek Basin	Salmon NF, Idaho	Land Use Plan	Forest Supervisor	4/75	9/75
Bigwood Ski Area	Sawtooth NF, Idaho	Winter Sports	"	9/74	6/76
*Black Pine	"	Land Use Plan	"	5/75	10/75
*Albion Planning Unit	"	Land Use Plan	"	4/76	12/76
*West Slope Tetons Unit	Targhee NF, Idaho	Land Use Plan	"	9/75	12/75
*Island Park	"	Land Use Plan		1/76	5/76
*Big Hole Mountains	"	Land Use Plan	"	6/76	10/76
*Central Nevada	Toiyabe NF, Nevada	Land Use Plan	"	3/75	10/75
*Mt. Charleston	"	Land Use Plan	"	12/75	6/76
*Four Seasons Ski Area	Uinta NF, Utah	Winter Sports	"	12/75	6/76
Strawberry Planning Unit	"	Land Use Plan	"	2/76	7/76
*Lone Peak	Wasatch & Uinta NFs, Utah	New Wilderness Study Area	Regional Forester	7/75	10/75

REGION 4 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
*North Slope of the High Uintas	Wasatch NF, Utah	Land Use Plan	Forest Supervisor	10/75	3/76

REGIONAL OFFICE
San Francisco, California

Region 5

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
California Region USDA, Forest Service 630 Sansome Street San Francisco, California 94111					
*San Gabriel	Angeles NF, California	Land Use Plan	Forest Supervisor	3/76	9/76
*Valencia	"	Land Use Plan	"	6/77	12/77
*Palomar Mountain Unit	Cleveland NF, California	Land Use Plan	"	2/75	10/75
*Trabuco District Unit	"	Land Use Plan	"	4/76	12/76
*Descanso 1/	"	Land Use Plan	"	1/78	6/78
*Shotgun-Black Mountain Unit	"	Land Use Plan	"	1/79	6/79
Volcanoville	Eldorado NF,	Land Use Plan	"	10/75	1/76

1/ The Descanso Unit was formerly listed as Japatul, El Capitan, Laguna-Morena Units.

REGION 5 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
*Almanor Planning Unit	Lassen N.F., California	Land Use Plan	Forest Supervisor	2/76	7/76
Big Sur Coastal	Los Padres NF, California	Land Use Plan	"	12/75	3/76
*Mt. Pinos	"	Land Use Plan	"	12/76	3/77
*Mammoth Planning Unit	Inyo NF, California	Land Use Plan	"	12/75	5/76
Mono Basin	"	Land Use Plan	"	11/76	3/77
Bishop Creek	"	Land Use Plan	"	11/75	4/76
Timber Management	"	Resource Plan	Regional Forester	6/76	10/76
*King Planning Unit	Klamath NF, California	Land Use Plan	Forest Supervisor	11/75	3/76
*Grider Planning Unit	"	Land Use Plan	"	12/75	6/76
Medicine Lake	Modoc NF, California	Land Use Plan	"	6/76	9/76
Warner Mountain	"	Land Use Plan	"	12/77	5/78

REGION 5 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
*Mohawk Planning Unit	Plumas NF, California	Land Use Plan	Forest Supervisor	11/75	5/76
Timber Management	"	Resource Plan	Regional Forester	2/75	10/76
Feather River	"	Land Use Plan	Forest Supervisor	9/76	9/77
*Upper Trinity	Shasta-Trinity NF, California	Land Use Plan	"	11/74	11/75
*Mt. Shasta	"	Land Use Plan	"	12/76	6/77
*NRA Planning Unit	"	Land Use Plan	"	8/75	3/76
*Girard-McCloud	"	Land Use Plan	"	7/76	12/76
*South Fork Mountain	"	Land Use Plan	"	2/76	7/76
Rancheria	Sierra NF, California	Land Use Plan	"	10/75	12/75
*Kings River	"	Land Use Plan	"	5/76	11/76
*Pineridge-Kaiser	"	Land Use Plan	"	5/76	11/76

REGION 5 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
*Chiquito-Bass Lake	Sierra NF, California	Land Use Plan	Forest Supervisor	5/76	11/76
*Mariposa	"	Land Use Plan	"	5/76	11/76
Timber Management	"	Resource Plan	Regional Forester	7/76	12/76
Siskiyou Planning unit	Six Rivers NF, California	Land Use Plan	Forest Supervisor	1/77	5/77
Mineral King	Sequoia NF, California	Recreation	Regional Forester	12/74	1/76
Little Kern	"	Land Use Plan	Forest Supervisor	2/76	7/76
Timber Management	"	Resource Plan	Regional Forester	9/76	2/77
*Middle Eel	Mendocino NF, California	Land Use Plan	Forest Supervisor	10/75	3/76
Timber Management	"	Resource Plan	Regional Forester	12/75	8/76
*Truckee-Little Truckee River	Tahoe NF, California and Toiyabe NF, Nevada	Land Use Plan	Forest Supervisor	12/75	5/76

REGION 5 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
*Foresthill-Hell Hole	Tahoe & Eldorado NFs, California	Land Use Plan	Forest Supervisor	3/77	9/77
Timber Management	Tahoe NF, California	Resource Plan	Regional Forester	6/76	11/76
*Nevada City	"	Land Use Plan	Forest Supervisor	6/77	12/77
Downieville	Tahoe & Plumas NFs, California	Land Use Plan	"	6/78	12/78
Timber Management	Angeles, Cleveland, Los Padres & San Bernardino NFs, California	Resource Plan	Regional Forester	2/76	9/76
Big Bear Basin	San Bernardino NF, California	Land Use Plan	Forest Supervisor	11/75	2/76
*Proposed General Management Plan of NF Lands in Lake Tahoe Basin	Lake Tahoe Basin Mgt. Unit, California & Nevada	Land Use Plan	Lake Tahoe Basin Adm.	8/73	12/75

REGION 5 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
*Sierra-Pacific Powerline, Buckeye to Round Hill	Lake Tahoe Basin Mgt. Unit & Toiyabe NF, Nevada	Transmission Line	Regional Foresters (R-4 & R-5)	10/75	2/76
Volcanoville Planning Unit	Eldorado NF, California	Land Use Plan	Forest Supervisor	10/75	1/76

REGIONAL OFFICE
Portland, Oregon

Region 6

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Pacific Northwest Region USDA, Forest Service 319 SW Pine Street Portland, Oregon 97208					
East Deer Creek	Colville NF, Washington	Land Use Plan	Forest Supervisor	9/75	1/76
*Harvey Creek	"	Land Use Plan	"	11/75	5/76
Kettle Crest	"	Land Use Plan	"	11/75	5/76
*Deschutes Land Use	Deschutes NF, Oregon	Land Use Plan	"	1/77	7/77
Fremont 10 year Timber Plan	Fremont NF, Oregon	Resource Plan	Regional Forester	12/75	6/76
Coffeepot Reservoir	"	Dam Construction	Forest Supervisor	11/75	2/76
*Lakeview	"	Land Use Plan	"	12/75	5/76

REGION 6 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
*Clear Creek	Gifford Pinchot NF, Washington	Land Use Plan	Forest Supervisor	1/75	11/75
*Upper Lewis Unit Plan	"	Land Use Plan	"	10/75	4/76
*Bear Creek	"	Land Use Plan	"	11/75	5/76
*John Day Planning Unit	Malheur NF, Oregon	Land Use Plan	"	11/75	5/76
*South Fork Planning Unit	"	Land Use Plan	"	1/76	8/76
*Silvies-Malheur	"	Land Use Plan	"	6/76	12/76
Bren Mac Mines	Mt. Baker, Snoqualmie NFs, Washington	Access Road & Mining	"	9/76	3/77
*Mt. Baker Planning Unit	"	Land Use Plan	"	1/76	7/76
*Bull Run	Mt. Hood NF, Oregon	Land Use Plan	"	11/75	6/76
*Mt. Hood Planning Unit	"	Land Use Plan	"	12/75	7/76
Timberline Lodge	"	Management Direction	"	9/74	11/75

REGION 6 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Timber Management	Mt. Hood NF, Oregon	Resource Plan	Regional Forester	1/76	8/76
Timber Management 10 year Plan	Ochoco NF, Oregon	Resource Plan	"	1/76	7/76
*Ochoco Planning Unit	"	Land Use Plan	Forest Supervisor	6/76	11/76
*Crooked River	"	Land Use Plan	"	12/76	4/77
*Grasslands Planning Unit	"	Land Use Plan	"	12/76	4/77
*Twisp-Winthrop Conconully	Okanogan NF, Washington	Land Use Plan	"	10/75	6/76
Olympic ORV Plan	Olympic NF, Washington	Off Road Vehicle Regulations	"	12/75	2/76
*Quinault Unit	"	Land Use Plan	"	12/75	7/76
*Mt. Butler-Dry Creek	Siskiyou NF, Oregon	Land Use Plan	"	1/75	1/76
*Rogue-Illinois	"	Land Use Plan	"	3/76	12/76
Chetco-Grayback	"	Land Use Plan	"	5/76	2/77
Coquille	"	Land Use Plan	"	1/78	12/78
Oregon Dunes NRA	Siuslaw NF, Oregon	Management Plan	"	9/74	11/75

REGION 6 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
*Marys Peak	Siuslaw NF, Oregon	Management Plan	Forest Supervisor	12/75	5/76
*Hebo Planning Unit	"	Management Plan	"	4/76	10/76
*Cascade Head Scenic Research Area	"	Management Plan	"	2/76	8/76
*Timber Management Plan	"	Resource Plan	"	1/76	7/76
*Oregon Butte	Umatilla NF, Washington	Management Plan	"	11/75	3/76
*Elgin	"	Management Plan	"	12/75	4/76
*Dumont, Quartz, Last Creek	Umpqua NF, Oregon	Roadless Area	"	12/75	7/76
*Fairview, Puddin Rock, Canton-Steelhead	"	Roadless Area	"	12/75	7/76
Timber Management	"	Resource Plan	Regional Forester	1/76	7/76
*Wallowa Valley	Wallowa-Whitman NF, Oregon	Land Use Plan	Forest Supervisor	6/75	11/76
*Grande Ronde	"	Land Use Plan	"	3/76	6/77
*Chelan	Wenatchee & Mt. Baker-Snoqualmie NFs, Washington	Land Allocation	Regional	9/75	1/76

REGION 6 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Spruce Budworm Control	Wenatchee & Okanogan NFs, Washington	Control Project	Regional Forester	12/75	4/76
*Chemult Unit	Winema NF, Oregon	Land Use Plan	Forest Supervisor	9/75	2/76
*Willamette Plan	Willamette NF, Oregon	Land Use Plan-Resource Plan	Regional Forester	7/75	12/75
Breitenbush Geothermal Development	"	Resource Plan	Forest Supervisor	10/75	2/76

REGIONAL OFFICE
Atlanta, Georgia

Region 8

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Southern Region USDA, Forest Service 1720 Peachtree Road, NW Atlanta, Georgia 30309					
Bankhead Timber Mgt. Plan	Bankhead NF, Alabama	Resource Plan	Regional Forester	1/76	4/76
Conecuh Unit	Conecuh NF, Alabama	Land Use Plan	Forest Supervisor	10/75	1/76
Dugger Mountain Unit	Talladega NF, Alabama	Land Use Plan	"	12/75	3/76
Timber Management Plan	"	Resource Plan	Regional Forester	7/75	10/76
Chattooga River Unit	Chattahoochee NF, Georgia	Land Use Plan	Forest Supervisor	2/75	9/75
Lake Russell	"	Land Use Plan	"	12/75	6/76
South Slope	"	Land Use Plan	"	2/76	7/76

REGION 8 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Timber Management Plan	Cherokee NF, Tennessee	Resource Plan	Regional Forester	10/75	3/76
Unka Unit	"	Land Use Plan	Forest Supervisor	11/75	3/76
Laurel River Unit Management Plan	Daniel Boone NF, Kentucky	Land Use Plan	"	10/75	4/76
Licking River Unit	"	Management Plan	"	6/76	12/76
Big Scrub	Ocala NF, Florida	Land Use Plan	"	11/75	5/76
Longleaf Unit	"	Land Use Plan	"	12/74	11/75
Chauga Unit	Francis Marion & Sumter NFs, South Carolina	Land Use Plan	"	8/74	11/75
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Massanutten Unit	"	Land Use Plan	"	11/75	6/76
Lower Jackson Unit	"	Land Use Plan	"	6/76	12/76

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Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
*Cave Mountain Lake	Jefferson NF, Virginia	Land Use Plan	Forest Supervisor	2/74	11/75
Mt. Rogers NRA	"	Land Use Plan	"	11/75	7/76
High Knob Unit	"	Land Use Plan	"	1/76	9/76
Revised 10 year Timber Management Plan	"	Resource Plan	Regional Forester	12/76	7/76
North Catahoula-South Winn Unit	Kisatchie NF, Louisiana	Land Use Plan	Forest Supervisor	10/75	4/76
Caney Planning Unit	"	Land Use Plan	"	12/75	5/76
Vernon Unit	"	Land Use Plan	"	1/76	6/76
Delta Unit	Delta NF, Mississippi	Land Use Plan	"	8/75	12/75
Porter Creek Unit	Homochitto NF, Mississippi	Land Use Plan	"	10/75	2/76
Brushy Creek Unit	"	Land Use Plan	"	10/75	2/76
Timber Management Plan	"	Resource Plan	"	10/75	1/76

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REGION 8 CONTINUED

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Timber Management Plan	Bienville NF, Mississippi	Resource Plan	Forest Supervisor	10/75	1/76
Nantahala Unit	Nat'l Forests in No. Carolina	Land Use Plan	"	8/75	12/75
Curtis Creek Unit	"	Land Use Plan	"	10/75	4/76
Timber Management Plan	"	Resource Plan	Regional Forester	1/76	6/76
Cossatot-Little Missouri	Ouachita NF, Arkansas	Land Use Plan	Forest Supervisor	10/75	5/76
South Fourche Unit	"	Land Use Plan	"	11/75	3/76
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St. Francis Unit Plan	St. Francis NF, Arkansas	Land Use Plan	Forest Supervisor	10/75	5/76
Vegetation Management with Herbicides	Ozark-St. Francis NF, Arkansas	Herbicide	"	4/75	11/75
Off-Road Vehicle Use	"	Recreation	"	9/75	4/76
Conroe Unit	Nat'l Forests in Texas	Land Use Plan	"	8/75	5/76
Caribbean Unit	Caribbean NF, Puerto Rico	Land Use Plan	"	12/75	6/76

REGIONAL OFFICE
Milwaukee, Wisconsin

Region 9

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Eastern Region USDA, Forest Service 633 West Wisconsin Avenue Milwaukee, Wisconsin 53203					
Buzzard Swamp Unit Plan	Allegheny NF, Pennsylvania	Land Use Plan	Forest Supervisor	11/75	3/76
Timber Management Plan	"	Resource Plan	Regional Forester	12/75	6/76
Deerfield River Area	Green Mtn. NF, Vermont	Land Use Plan	"	12/75	6/76
Willow Spring Unit Plan	Mark Twain NF, Missouri	Land Use Plan	Forest Supervisor	2/76	9/76
Timber Management Plan	Ottawa NF, Michigan	Resource Plan	Regional Forester	12/75	6/76
Off-Road Vehicle Policy	Shawnee NF, Illinois	Land Use Plan	Forest Supervisor	6/76	12/76
Timber Management Plan	Superior NF,	Resource Plan	Regional	11/75	5/76

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Kancamagus Unit Plan	White Mtn. NF, New Hampshire	Land Use Plan	Forest Supervisor	10/75	4/76
Evans Notch Unit Plan	"	Land Use Plan	"	1/76	4/76
Waterville Unit Plan	"	Land Use Plan	"	8/76	11/76

REGIONAL OFFICE
Juneau, Alaska

Region 10

Title of Environmental Statement	Location of Proposal	Nature of Proposal (i.e., Land Use, Herbicide, etc.)	Responsible Official	Date Draft Filed w/CEQ (or est. date)	Estimated Date of Final
Alaska Region USDA, Forest Service Federal Office Building P.O. Box 1628 Juneau, Alaska 99502					
Honker Divide	Tongass NF, Alaska	Land Use Plan	Forest Supervisor	5/75	11/75
Long Island	"	Land Use Plan	"	10/75	1/76
Karta Unit Plan	"	Land Use Plan	"	1/76	6/76
West Chichagof-Yakobi Island	"	Land Use Study	Regional Forester	7/75	12/75
Southern Chilkat	"	Land Use Study	Forest Supervisor	4/75	10/75
Basket Bay #2 Timber Sale	"	Timber Sale	"	4/75	9/75
Freshwater Bay Blowdown	"	Timber Sale	"	5/75	11/75
S. Lindenberg Peninsula	"	Land Use Plan	"	10/75	3/76

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1976-86 Timber Management Plan Revision	Chugach NF, Alaska	Functional Plan	"	3/76	7/76
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Passage Canal	"	Timber Sale	"	10/75	12/75
Siwash Bay	"	Timber Sale	"	1/76	4/76
Shelter Bay	"	Timber Sale	"	2/76	5/76

Forest Service

Chief, Forest Service
US Department of Agriculture
Washington, DC 20250

Region 1, Northern Region
(Montana, NE Washington, N. Idaho, North Dakota and NW South Dakota)

Regional Forester
Northern Region
US Forest Service
Federal Building
Missoula, Montana 59801

Region 2, Rocky Mountain Region
(Colorado, Kansas, Nebraska, South Dakota and Wyoming)

Regional Forester
Rocky Mountain Region
US Forest Service
Denver Federal Center, Bldg., 85
Denver, Colorado 80225

Region 3, Southwestern Region
(Arizona and New Mexico)

Regional Forester
Southwestern Region
US Forest Service
Federal Building
517 Gold Ave., SW
Albuquerque, New Mexico 87101

Region 4, Intermountain Region
(Utah, S. Idaho, W. Wyoming and Nevada)

Regional Forester
Intermountain Region
US Forest Service
Federal Building
324 25th Street
Ogden, Utah 84401

Region 5, California Region
(California and Hawaii)

Regional Forester
California Region
US Forest Service
630 Sansome Street
San Francisco, California 94111

Region 6, Pacific Northwest Region
(Washington and Oregon)

Regional Forester
Pacific Northwest Region
US Forest Service
319 SW Pine Street
P.O. Box 3623
Portland, Oregon 97208

Region 8, Southern Region
(Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia)

Regional Forester
Southern Region
US Forest Service
1720 Peachtree Road, NW
Atlanta, Georgia 30309

Region 9, Eastern Region
(Connecticut, Delaware, Illinois, Iowa, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia and Wisconsin)

Regional Forester
Eastern Region
US Forest Service
633 W. Wisconsin Avenue
Milwaukee, Wisconsin 53203

Region 10, Alaska Region
(Alaska)

Regional Forester
Alaska Region
US Forest Service
Federal Office Building
Box 1628
Juneau, Alaska 99801

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State and Private Forestry Areas

Note: State and Private Forestry offices are located in the Regional Headquarters with the exception of the following Areas:

Northeastern Area State and Private Forestry
(Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia and Wisconsin)

Director
Northeastern Area, S&PF
US Forest Service
6816 Market Street
Upper Darby, Pennsylvania 19082

Southeastern Area State and Private Forestry
(Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Virginia)

Director
Southeastern Area, S&PF
US Forest Service
1720 Peachtree Road, NW
Atlanta, Georgia 30309

Research Headquarters

Forest and Range Experiment Stations

Director
Pacific Northwest Experiment Station
US Forest Service
809 NE Sixth Avenue
P.O. Box 3141
Portland, Oregon 97208

Director
Pacific Southwest Experiment Station
US Forest Service
1960 Addison Street
P.O. Box 245
Berkeley, California 94701

Director
Intermountain Experiment Station
US Forest Service
507 25th Street
Ogden, Utah 84401

Director
Rocky Mountain Experiment Station
US Forest Service
240 West Prospect Street
Fort Collins, Colorado 80521

Director
North Central Experiment Station
US Forest Service
Folwell Avenue
St. Paul, Minnesota 55101

Director
Northeastern Experiment Station
US Forest Service
6816 Market Street
Upper Darby, Pennsylvania 19082

Director
Southern Experiment Station
US Forest Service
Federal Building, T-10210
701 Loyola Avenue
New Orleans, Louisiana 70113

Director
Southeastern Experiment Station
US Forest Service
Post Office Building
P.O. Box 2570
Asheville, North Carolina 28802

Institute of Tropical Forestry
(and Caribbean National Forest)

Director
Institute of Tropical Forestry
US Forest Service
P.O. Box AQ
Rio Piedras, Puerto Rico 00928

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Forest Products Laboratory

Director
Forest Products Laboratory
US Forest Service
North Walnut Street
P.O. Box 5130
Madison, Wisconsin 53705

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to reflect the following title change from: One Secretarial Attendant to the Secretary to One Steward.

Effective on October 28, 1975.

§ 213.3312(a)(9) is revised as set out below:

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* • • •

(9) One Steward.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-28845 Filed 10-24-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to reflect the following title change from: one Staff Assistant to the Secretary to: one Private Secretary to the Secretary.

Effective on October 28, 1975, § 213.3315 (a)(1) is amended as set out below:

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.*

(1) Two Special Assistants, one Confidential Assistant, one Staff Assistant, and one Private Secretary to the Secretary.

(5 U.S.C. 3301, 3302, E010577, 3 CRF 1954–1958 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-28846 Filed 10-24-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that one position of Confidential Secretary to the Assistant Secretary (Tax Policy) is excepted under Schedule C.

Effective on October 28, 1975, § 213.3305(a)(64) is added as set out below:

§ 213.3305 Department of the Treasury.

(a) *Office of the Secretary.* • • •

(64) One Confidential Secretary to the Assistant Secretary (Tax Policy).

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 75-28847 Filed 10-24-75; 8:45 am]

PART 213—EXCEPTED SERVICE

Export-Import Bank of the United States

Section 213.3342 is amended to reflect the following title change: from One Private Secretary to the Special Assistant to the President and Chairman who serves as Economic Advisor to the Chairman and Board of Directors to one Secretary (typing) to the Congressional Liaison Officer.

Effective on October 28, 1975, § 213.3342(h) is amended as set out below:

§ 213.3342 Export-Import Bank of the United States.

• • • • • •

(h) One Secretary (typing) to the Congressional Liaison Officer.

(5 U.S.C. 3301, 3302, EO10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-28844 Filed 10-24-75;8:45 am]

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Delegation of Authority for Resolving Certain Contract Disputes

In recent years, the Civil Service Commission has substantially increased its capability to audit carriers in the Federal Employees Health Benefits Program. As a result, the number and magnitude of disputes involving audit disallowances have also increased. Prompt resolution of disputes between carriers and the Commission has been impeded by fundamental disagreements regarding the designation of a particular board as the formal mechanism for resolving such disputes.

Since this is a matter of relating to agency management, the public rulemaking process is unnecessary and not in the public interest.

Therefore, under authority of section 8913 of title 5, United States Code, 5 CFR Part 890 is amended to delegate from the Commission to the Armed Services Board of Contract Appeals the authority to resolve certain disputes involving contracts under the Federal Employees Health Benefits Program. This is done by adding the following new section:

§ 890.105 Delegation of authority for resolving certain contract disputes.

For the purpose of making findings of fact and to the extent that conclusions of law may be required under any proceeding conducted in accordance with the provisions of the disputes clause included in health benefits contracts, the Commission delegates this function to the Armed Services Board of Contract Appeals.

(5 U.S.C. 8913)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-28843 Filed 10-24-75;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 21—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Regulations Corrected

In FR Doc. 75–27360 appearing at page 47751 in the FEDERAL REGISTER of October 10, 1975, the following corrections are made.

On page 47751, second column, the amendatory language to § 21.212 is corrected to read as follows:

3. Section 21.212 is amended by revising the last sentence in the introductory paragraph and paragraphs (a), (b) and (c) to read as follows:

§ 21.212 Farm Operation.

• • • • • •

• • • The activity is capable of contributing materially if, during the immediately preceding two-year period or the period of operation, whichever is the lesser, or during such other period as the agency head determines to be more equitable, the value of sales and the market value of home use contributes:

(a) Average annual gross receipts of at least $2,000 in value; *or*

(b) Average annual net earnings of at least $1,000 in value; (see § 21.308) *or*

(c) At least one-third of the average annual gross income of the owner(s), including income from all sources, such as welfare if any.

The following amendatory language to §§ 21.302, 21.304 and Subpart E was inadvertently omitted:

• • • • • •

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4. Section 21.302 is amended as follows:

§ 21.302 Extent of eligibility.

• • • • • •

(a) • • •

(3) By deleting this paragraph in its entirety.

• • • • • •

5. Section 21.304 is amended by revising paragraph (c).

§ 21.304 Fixed payment.

• • • • • •

(c) Where a person is displaced from a part of his farm operation the fixed payment shall be made if the displacing agency determines that the part taken met the definition of a farm operation prior to the taking, or the taking caused the operator to be displaced from the farm operation on the remaining land, or the taking caused such a substantial change in the nature of the existing farm operation as to constitute a displacement.

• • • • • •

6. Subpart E is amended by adding a new § 21.504 as follows:

• • • • • •

§ 21.504 Advance payments in condemnation cases.

(a) An advance replacement housing payment can be computed and paid to a property owner if the determination of the acquisition price will be delayed pending the outcome of condemnation proceedings. The displacing agency may make a provisional replacement housing payment to the displaced homeowner based on the agency's maximum offer for the property, provided the homeowner enters into an agreement with the agency that:

(1) Upon final determination of condemnation proceedings, the replacement housing payment will be recomputed using the acquisition price determined by the court as compared to the actual price paid or the amount determined necessary to acquire a comparable, decent, safe, and sanitary dwelling; and

(2) If the amount awarded in the condemnation proceedings as the fair market value of the property acquired plus the amount of the recomputed replacement housing payment exceeds the price paid for, or the acquiring agency's determined cost of a comparable dwelling, he will refund to the acquiring agency, an amount equal to the amount of the excess. However, in no event shall he be required to refund more than the amount of the replacement housing payment advanced.

(b) If the property owner does not agree to such adjustment, the replacement housing payment shall be deferred until the case is finally adjudicated and computed on the basis of the final determination using the award as the acquisition price.

Dated: October 20, 1975.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

[FR Doc.75-28789 Filed 10-24-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Delinquent Assessments

This amendment adds a new section to the Rules and Regulations currently in effect pursuant to Marketing Order No. 915. The new section requires each handler, who has delinquent assessments, which become due after November 30, 1975, to pay the Avocado Administrative Committee interest of one percent per month on any unpaid assessment balance beginning 30 days after date of billing.

Notice was published in the FEDERAL REGISTER issue on September 26, 1975, (40 FR 44334), that the Department was giving consideration to a proposal to amend the rules and regulations (Subpart—Rules and Regulations; 7 CFR 915.110–915.150) under provisions of the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of Avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). No comments regarding the proposal were received.

The slow payment of some handlers has caused the program additional bookkeeping, clerical, and mailing expense. Delinquent handlers have received undue advantage over those handlers who have paid their assessments in a timely manner in that unpaid funds have been used as interest free short term capital.

After consideration of all relevant matters presented, including that in the aforesaid notice which was submitted by the Avocado Administrative Committee (established pursuant to the said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the rules and regulations (Subpart—Rules and Regulations), pursuant to said amended marketing agreement and order is in accordance with the provisions of said amended marketing agreement and order and will tend to effectuate the declared policy of the act. Therefore, Subpart—Rules and Regulations of the said amended marketing agreement and order is hereby amended to add a new § 915.155 to read as follows:

§ 915.155 Delinquent assessments.

Each handler shall pay interest of one percent per month on any unpaid assessment balance beginning 30 days after date of billing. Such interest charge is to apply to any unpaid assessments which become due the Avocado Administrative Committee after the effective date of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, October 22, 1975, to become effective November 30, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-28865 Filed 10-24-75;8:45 am]

PART 980—VEGETABLES: IMPORT REGULATIONS

Tomatoes

Correction

In FR Doc. 75–28142 appearing at page 48687 in the issue for Friday, October 17, 1975, in § 980.209, the paragraph designated (d) after (a) (2) now reading "(d) *Designation of governmental in-*" should be designated as paragraph (b) and should read "(b) *Minimum quantity exemption.* Any" . . . .

PART 982—HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

Expenses of the Filbert Control Board, and Rate of Assessment, for the 1975–76 Fiscal Year

Notice was published in the October 1, 1975, issue of the FEDERAL REGISTER (40 FR 45175) regarding proposed expenses of the Filbert Control Board, and rate of assessment, for the 1975–76 fiscal year.

The proposal was under §§ 982.60 and 982.61 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The total expenses proposed in the notice were $36,129 and the assessment rate proposed was 0.20 cent per pound of assessable filberts.

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were received.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Filbert Control Board, and other available information, it is found that the expenses of the Filbert Control Board, and rate of assessment, for the fiscal year beginning August 1, 1975, shall be contained in a new § 982.320 in Subpart—Operating Reserve Fund; Budget of Expenses and Rate of Assessment (7 CFR 982.300, 982.319).

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of the marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable filberts from the beginning of such year; and (2) the current fiscal year began on August 1, 1975, and the rate of assessment hereinafter fixed will automatically apply to all such assessable filberts beginning with that date.

Section 982.320 is added to read as follows:

§ 982.320 Expenses of the Filbert Control Board and rate of assessment for the 1975–76 fiscal year.

(a) *Expenses.* Expenses in the amount of $36,129 are reasonable and likely to be incurred by the Filbert Control Board during the fiscal year beginning August 1, 1975, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of Assessment.* The rate of assessment for said fiscal year, payable by each handler in accordance with § 982.61, is fixed at 0.20 cent per pound of filberts.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 22, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.75-28866 Filed 10-24-75;8:45 am]

Title 14—Aeronautics and Space

[Airspace Docket No. 75–WA–17]

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Airway Description

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to transfer from V–107 to V–299 the exclusion note regarding R–2519 and R–2520.

On September 25, 1975, Airspace Docket No. 75–WE–21 was published in the FEDERAL REGISTER (40 FR 44126) transposing airway numbers assigned to segments of V–107 and V–299 in the vicinity of Los Angeles-Ventura-Fillmore, Calif., because the exclusion note must continue to accompany the description of the airway segment in the vicinity of R–2519 and R–2520 as it does at the present time in V–107, it is hereby deleted in V–107 and added to V–229 concurrent with the change of airway number on that airway segment.

Since this amendment is editorial in nature and is a minor matter on which the public would have no particular desire to comment, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0902 GMT, December 4, 1975, as hereinafter set forth.

Section 71.123 (40 FR 307) is amended as follows:

1. In V–107 "The airspace within R–2519 more than 3 statute miles W of Ventura 155° and 331° radials, the airspace within R–2519 below 5,000 feet MSL, and the airspace within R–2520 is excluded" is deleted.

2. In V–299 "The airspace within R–2519 more than 3 statute miles W of Ventura 155° and 331° radials, the airspace within R–2519 below 5,000 feet MSL, and the airspace within R–2520 is excluded." is added after "Gorman, Calif.," and before "The Portion outside . . ."

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on October 21, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-28830 Filed 10-24-75;8:45 am]

[Airspace Docket No. 74–SO–82]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Control Areas, Reporting Points, and Jet Routes

On September 22, 1975, FEDERAL REGISTER Document 75–25097 was published in the FEDERAL REGISTER (40 FR 43487) amending Parts 71 and 75 of the Federal Aviation Regulations by altering certain additional control areas, reporting points and jet routes to become effective December 4, 1975. Included in these amendments were the revocation of five reporting points and the relocation of three reporting points.

In addition to the five reporting points which were revoked, it was intended also to revoke the GAUGE and PALME reporting points which are on routes that will be revoked by the amendment. They will no longer serve any useful purpose after December 4, 1975, and would create chart clutter. Such action is taken herein.

One of the relocated reporting points was HOBEE; however, the geographic coordinates for HOBEE were specified incorrectly as Lat. 29°13'00" N., Long. 79°07'00" W., instead of Lat. 29°13'10" N., Long. 79°09'38" W. Action to make this correction is taken herein.

Since this action is a minor matter on which the public would have no particular desire to comment, notice and public procedure thereon are unnecessary, and in order to incorporate these changes in the basic amendment good cause exists for making this amendment to the Federal Register Document effective on October 28, 1975.

In consideration of the foregoing, effective on October 28, 1975, FR Document 75–25097 (40 FR 43487) is amended as hereinafter set forth.

1. Paragraph 2, subparagraph a. is revised to read as follows:

The following reporting points are revoked:

AZANA, BARON, HALBI, SWORD, SNOOK, GAUGE, and PALME.

2. In paragraph 2, subparagraph b. HOBEE is revised to read as follows:

HOBEE: Lat. 29°13'10" N., Long. 79°09'38" W. (INT of the 192° bearing from Carolina Beach, N.C., RBN and the Orlando, Fla., VORTAC 070° radials).

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on October 20, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-28828 Filed 10-24-75;8:45 am]

[Airspace Docket No. 75–NE–34]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke Restricted Area R–4106.

Since this amendment restores airspace to the public use and reduces the burden on the public, notice and public procedure hereon are unnecessary, and for that reason it is in the public interest to make this amendment effective as soon as practicable.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective October 28, 1975, as hereinafter set forth.

In § 73.41 (40 FR 678) R–4106 North Eastham, Mass., is revoked.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on October 21, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-28831 Filed 10-24-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C–2730]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Guild Industries Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15–225 Personnel or staff; 13.15–250 Qualifications and abilities; 13.15–260 Retailer as wholesaler, jobber, factory distributor; § 13.20 Comparative data or merits; § 13.110 Endorsements, approval and testimonials; § 13.155 Prices; 13.155–35

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Discount savings; 13.155–70 Percentage savings; 13.155–80 Retail as cost, wholesale, discounted, etc.; § 13.160 Promotional sales plans; § 13.205 Scientific or other relevant facts. Subpart—Claiming or using endorsements or testimonials falsely or misleadingly: § 13.330 Claiming or using endorsements or testimonials falsely or misleadingly; 13.330–33 Doctors and medical profession; 13.330–45 Health authorities, hospitals, nursing profession, etc. Subpart—Corrective actions and/or requirements; § 13.533 Corrective actions and/or requirements; 13.533–15 Destruction or records and/or data; 13.533–45 Maintain records; 13.533–45(k) Records, in general; 13.533–53 Recall of merchandise, advertising material, etc. Subpart—Disparaging competitors and their products—Competitors' products: § 13.1025 Safety. Subpart—Furnishing means and instrumentalities of misrepresentation or deception; § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections; § 13.1520 Personnel or staff; § 13.1535 Qualification—Goods: § 13.1575 Comparative data or merits; § 13.1665 Endorsements; § 13.1740 Scientific or other relevant facts—Prices: § 13.1805 Exaggerated as regular and customary; § 13.1820 Retail as cost, etc., or discounted. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Guild Industries Corp., a corporation, and Martin Byrd, individually and as an officer of said corporation.

Consent order requiring a St. Petersburg, Fla., manufacturer and seller of baby furniture, among other things to cease misrepresenting endorsements by the medical profession; misrepresenting savings and prices; misrepresenting the status and/or qualifications of its employees; and using scare tactics to secure merchandise orders.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered That respondents Guild Industries Corp., a corporation, its successors and assigns, and its officers, and Martin Byrd, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, or through franchisees or licensees, in connection with the advertising, offering for sale, sale or distribution of baby furniture or other articles of merchandise in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Representing, directly or by implication, orally or in writing that:

a. Their products have been recommended by leading hospitals, doctors, nurses and pediatricians; or misrepresenting in any manner the endorsement of their products.

b. Respondents' products are sold at direct factory discounts or at less than normal retail prices or at discount prices; or misrepresenting in any manner the savings that consumers will obtain by purchasing respondents' products.

c. Their franchisees and distributors and the agents, representatives and salesmen thereof are direct factory demonstrators or representatives; or misrepresenting in any manner the employment status of persons selling respondents' products to the consuming public.

d. Their franchisees and distributors and the agents, representatives and salesmen thereof are safety specialists and have had special training in safety procedures; or misrepresenting in any manner the qualifications of persons engaged in the sale of respondents' products to the consuming public.

e. Infant fatalities caused by structural defects in conventional high chairs are a relatively frequent occurrence.

f. The lives of children are endangered by the use of conventional high chairs.

2. Inducing the purchase of respondents' products by employing scare tactics through the preparation and dissemination of sales and promotional materials, newspaper clippings and accident pictures which may tend to or do unduly instill fear in members of the purchasing public as to the dangers of the use of conventional high chairs; or misrepresenting in any manner the safety of competitors' products.

Provided however, That respondents may make available to prospective customers reports or publications of Federal, State or local government agencies or other official and recognized organizations devoted to consumer safety, and which publications and reports are not more than three (3) years old when used.

3. Supplying to or placing in the hands of respondents' distributors, franchisees or salesmen, brochures, sales materials, flip-charts, slides or any other advertising or promotional materials which are intended for use or which may be used in connection with the sales of respondents' products to the consuming public and which contain any of the representations prohibited in Paragraphs 1 and 2 hereof.

It is further ordered That respondents herein shall forthwith distribute a copy of this Order to each of their officers and to respondents' present and future representatives, distributors, franchisees and dealers engaged in the sale of respondents' products, and secure from each of such persons a signed statement acknowledging receipt of said Order.

It is further ordered That the respondents herein shall direct all of their distributors, franchisees or dealers, to remove and destroy or return to respondents all brochures, sales manuals, flip-charts, or any other advertising materials disseminated to them by the respondents, as described in Paragraph 3 above, of this Order and which contain any of the representations prohibited in Paragraphs 1 and 2 above of this Order; and in the event any such distributor, franchisee or dealer refuses to comply therewith respondents shall in that event cease to furnish and supply their products to such distributor, franchisee or dealer for resale to the public until such time as compliance with this requirement is obtained.

It is further ordered That: (a) Respondents herein shall notify all of their distributors, franchisees, or dealers that respondents are obligated by this Order to cease to furnish and supply their products for resale to the public by any distributor, franchisee, or dealer who fails to comply with the requirements of the Federal Trade Commission's Trade Regulation Rule concerning a Cooling-Off Period for Door-to-Door Sales, 16 C.F.R. Section 429, 37 FR 22934, which is herein incorporated by reference; (b) In the event that any such distributor, franchisee, or dealer refuses or fails to comply with the requirements of the aforesaid Trade Regulation Rule, respondents shall in that event cease to furnish and supply their products to such distributor, franchisee, or dealer for resale to the public until such time as compliance with the requirements of said Trade Regulation Rule is obtained.

It is further ordered That respondents shall maintain, for at least a two (2) year period, copies of all literature, brochures, visual aids and any other sales or promotional materials used in connection with the promotion or sale of respondents' products, to include copies of any materials made available or distributed to consumers in the course of such promotion or sale; and such materials shall be made available to Federal Trade Commission representatives for inspection upon request in writing or by visitation during respondents' regular business hours.

It is further ordered That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered That the respondents herein shall within sixty (60) days after service upon them of this order,

[1] Copies of the Complaint, Decision and Order, filed with the original document.

file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission, September 26, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-28780 Filed 10-24-75;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Departmental Regulation 108.716]

PART 15—PROCEDURES OF THE BOARD OF THE FOREIGN SERVICE

Board of the Foreign Service

On July 23, 1975, the Department of State published a notice of proposed rulemaking in the FEDERAL REGISTER (40 FR 30824), setting forth proposed regulations and procedures for the Board of the Foreign Service to implement Executive Order 11264, as amended; Executive Order 11636; and Reorganization Plan No. 4 of 1965. These regulations will be added to Title 22 of the Code of Federal Regulations as Part 15. Interested persons were invited to submit written comments, suggestions or objections regarding the proposed regulations no later than August 22, 1975.

After consideration of all such relevant matter presented, the regulations for Part 15 are hereby adopted, subject to the following changes:

1. In paragraph (b) of § 15.1 an addition is made to provide for equal treatment of the parties before the Board in matters considered under Executive Order 11636.

2. Paragraph (c) of § 15.1 is amended to allow other persons to attend Board meetings for the purpose of assisting Board members.

3. Paragraph (d) of § 15.1 is amended to assure that the representation and authority level of ad hoc representatives is consistent with the criteria presently employed for alternates.

4. Paragraph (e) of § 15.1 is amended to define "personnel operations" as including "employee-management relations."

5. In paragraph (g) of § 15.1, the number of Board members required to request a meeting is changed from four to three.

6. Paragraph (b) of § 15.2 is amended to provide for access to the verbatim transcript by a Board member's representative.

7. Paragraph (b) of § 15.3 is amended to clarify the circumstances under which a proxy vote may be permitted.

8. The final sentence of paragraph (c) of § 15.3 is deleted in order to eliminate the possibility of a double vote for the Chairperson.

9. Paragraph (b) of § 15.4, is amended to clarify when timeliness requirements in consultability matters will apply.

10. Paragraph (b) of § 15.5 is amended to establish the same criteria for liaison officers as apply to Board members when considering appeals under Section 9 of Executive Order 11636.

Effective date. This part becomes effective on October 31, 1975.

[SEAL] ROBERT S. INGERSOLL,
Acting Secretary of State.

OCTOBER 17, 1975.

Sec.
15.1 Meetings.
15.2 Agenda and documentation.
15.3 Voting and decisions.
15.4 Issues of consultability.
15.5 Miscellaneous.

AUTHORITY: Sec. 4 of the Act of May 26, 1949, as amended (63 Stat. 111; 22 U.S.C. 2658); E.O. 11264 (31 FR 67); E.O. 11636 (36 FR 24901).

§ 15.1 Meetings.

(a) The Executive Secretary of the Board of the Foreign Service (hereinafter "the Executive Secretary") will notify members of the Board of the Foreign Service (hereinafter "the Board") when a meeting is scheduled; that notice will include information related to the date, time, place and agenda of the meeting. The Executive Secretary will also advise agency management (as defined in section 2 of Executive Order 11636) and the recognized organization (as defined in 22 CFR 14.3(c)) of the date, time, place and subject of a meeting when the Board meets in exercise of its functions under Executive Order 11636.

(b) The Board may, at the discretion of its chairperson, invite either or both agency management and the recognized organization to make verbal or written presentations on matters before the Board. If the Board were meeting in consideration of an appeal or related matter under Executive Order 11636, it could invite both the exclusive representative and agency management to make presentations before it, but would not invite one without the other.

(c) Meetings may be attended by only the following persons:

(1) Board members or their alternates;

(2) The non-voting observer from the Office of Management and Budget or his alternate;

(3) The Executive Secretary;

(4) A conference reporter who will make a verbatim transcript of the meeting's proceedings, as appropriate;

(5) Board members may bring one person to advise or assist them on the subject matter. Such person may not participate in the deliberations of the Board unless his/her principal first seeks and obtains appropriate recognition from the Chairperson. The alternate to the Chairperson and Vice Chairperson will attend all meetings but will not participate in the proceedings if both principals are present.

(6) Legal counsel or others, as approved or invited by the Chairperson. Authorization for others to attend the meeting must be obtained from the Chairperson, through the Executive Secretary.

(d) It is expected that all 10 of the Board members plus the non-voting observer (or their alternates) will attend all meetings. If a Board member or his/her alternate is unable to attend a meeting, he/she (or the agency head, if circumstances so warrant) shall designate an ad hoc alternate member for that meeting so as to maintain an appropriately balanced representation and voting at meetings. Consultation by management (as defined in Section 2 of Executive Order 11636) with the recognized organization is not required in naming an ad hoc alternate to attend a meeting, but the same restrictions applied to a member or alternate (see paragraph (e)) also apply to the ad hoc alternate. The level of representation and authority of the ad hoc alternate should be reasonably consistent with the criteria employed to date in the selection of regular alternates.

(e) For the purposes of consideration of matters under Section 9 of Executive Order 11636, the term "personnel operations" used in Section 9(b) of the Executive Order includes "employee-management relations".

Board members are expected to be broadly representative of their agency's interests, but on appeal cases and related matters are expected to reach decisions independently and impartially and not as representatives of their designating agencies.

(f) A quorum at a meeting of the Board shall consist of 7 voting members, including at least 5 members from the foreign affairs agencies.

(g) A meeting of the Board can be convened only by the Chairperson or Vice Chairperson. The Chairperson will consider requests for meetings by an individual Board member or group of members, but the decision to call or not to call a meeting remains with the Chairperson. If three members of the Board request a meeting on a particular issue, however, the Chairperson will be obliged to schedule a meeting within 30 days of the date of the request, or within 30 days of the date of the third member's request, should the three requests not be submitted simultaneously.

§ 15.2 Agenda and documentation.

(a) A fixed agenda will be established for each meeting and circulated in advance to each member of the Board, unless, because of unforeseen circumstances, an emergency meeting must be convened on an urgent matter. When possible, a brief period of approximately 15 minutes will be included as the last item on each agenda for free discussion of topics of interest or concern to members. The Board will not normally take action on matters introduced for consideration during this free discussion period.

(b) A written record will be made of all of the Board meetings, unless otherwise determined by the Chairperson. This record will be filed with the Executive Secretary and will be available for review by any Board member or his representative. Minutes of each meeting shall be drafted by the Executive Secretary and circulated to the members. Ap-

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propriate parties will receive decisions, findings, recommendations, or advice from the Board in writing. Those individuals or agency representatives who are invited to appear before the Board will have access to the written record of that part of the meeting related to their appearance.

(c) Position papers and other related documents, which interested parties (if invited to do so by the Chairperson) or members of the Board wish to provide as a basis for discussion at a meeting should be submitted to the Executive Secretary in 12 copies at least 10 days prior to the date of the meeting so that the Executive Secretary may circulate the documents to the members in sufficient time for review. The 10-day rule for distribution of documents may be waived by the Executive Secretary if, in his or her opinion, the situation so demands.

§ 15.3 Voting and decisions.

(a) Voting will be by members or their alternates. An ad hoc alternate member who attends a meeting in place of the member or regular alternate will also have the right to participate fully in the proceedings of that meeting and to vote.

(b) As a general rule, proxy voting will not be permitted. If someone participates in the major portion of the discussion and must leave shortly before the actual voting takes' place, that person, at the Chairperson's discretion, may leave his proxy vote with the Chairperson.

(c) Motions will first be presented in a positive, rather than a negative version; that is, a motion will be considered first to accept or approve a policy, a practice or recommendation, rather than to reject it, and a majority vote in favor of it will be necessary. Therefore, a tie vote will be considered as not having approved that policy or practice. Where the question of forwarding a recommendation to the head of a foreign affairs agency is involved, the recommendation shall be forwarded together with the statement that the Board's consideration of that recommendation resulted in a tie vote, if such is the case. The Chairperson may vote on all issues.

(d) The Executive Secretary will prepare for the Chairperson's signature, a memorandum to the head of the agency affected transmitting the Board's decision and requesting that the head of the agency advise the Chairperson within 30 days as to his or her action on the decision.

§ 15.4 Issues of consultability.

(a) Agency management will inform the recognized organization in writing, in advance, of any proposed changes in personnel policies and procedures which affect working conditions, so that the recognized organization can exercise its rights to consult, to seek determination as to whether an issue is consultable, or to confer, as provided in Executive Order 11636.

(b) The Board will act expeditiously on any appeal. Parties are required to raise the procedural issues of consultability in a timely fashion at the early stages of the consultation process, as presently required by agency regulations. Timeliness requirements will apply to each new proposal or issue which is presented in writing during consultations.

(c) The Board will not entertain, act upon or refer to the Employee-Management Relations Commission (Section 5 of Executive Order 11636) any claims of consultability unless the parties have complied with the requirement of prior notification in writing as delineated in § 15.4(a) and with the timeliness requirements as delineated in § 15.4(b).

(d) Pursuant to section 9(a) of Executive Order 11636, however, a foreign affairs agency or recognized organization may, within 10 days after transmittal of the Board's decision to the agency head, raise before the agency head, its view that the Board's decision is violative of law, applicable higher-level regulations, or Executive Order 11636. This paragraph may not be considered as restrictive as to other rights and authorities created by Section 9(a) of the Order.

§ 15.5 Miscellaneous.

(a) Members of the Board and the observer may appoint a liaison officer of their own choosing to serve as their point of contact with the Executive Secretary on administrative, technical, or other matters related to the Board.

(b) In the case of the foreign affairs agencies, no one responsible for personnel operations or employee-management relations in their agencies or reporting to someone holding such responsibilities shall be eligible to perform liaison officer duties in the Board's consideration of an appeal under Section 9 of Executive Order 11636.

[FR Doc.75-28785 Filed 10-24-75;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 51—FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Nondiscrimination Regulations

Pursuant to the authority vested in the Secretary of the Treasury by the State and Local Fiscal Assistance Act of 1972 (the Revenue Sharing Act), approved October 20, 1972, the Department of the Treasury hereby amends the nondiscrimination regulations in Part 51 of Subtitle B of Title 31, Code of Federal Regulations, which became effective April 5, 1973 (38 FR 9132) for entitlement periods beginning on or after January 1, 1973.

On July 24, 1975 the Department of the Treasury published civil rights regulations under a notice of proposed rulemaking (40 FR 30974). Interested persons were invited to submit written comments on or before August 21, 1975. Also those proposed regulations were submitted to the Advisory Commission on Intergovernmental Relations for distribution to State and local governments under the Office of Management and Budget Circular A-85 review and comment procedure. As a result of both of these procedures, the Department received 54 comments on the proposed regulations. Comments are available for inspection and copying at the Library, Department of the Treasury, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220.

Each of the written comments was carefully reviewed and the Department is now publishing the Office of Revenue Sharing civil rights regulations with the following changes.

Section 51.52(b) (iii), (vi), and (vii) are revised to insert the words "any person" in order to clarify the scope of protection afforded in each of these clauses.

Section 51.52(b)(4) encourages recipient governments to use revenue sharing funds to correct an imbalance in services or facilities resulting from prior discriminatory practice. A new sentence is added to that provision to make clear that when a program has been funded with revenue sharing funds, thus establishing jurisdiction by the Office of Revenue Sharing, then any imbalance of services or facilities must be ameliorated.

Section 51.53(a) is revised to state that, in addition to the specific employment practices that are within the scope of the nondiscrimination provision, that provision also covers all other terms and conditions of employment.

The Department of the Treasury has been advised that the Equal Employment Opportunity Coordinating Council, established by 42 U.S.C. 2000e-14, is working to prepare a set of guidelines for uniform application by the various Federal agencies having responsibility for implementation and enforcement of equal employment opportunity legislation, orders and policies. When such guidelines are approved by the Council, section 51.53(b) will, if necessary, be modified accordingly.

Section 51.53(d) addresses employment compliance reviews. In proposed form, paragraph (d) stated that employment compliance reviews would be scheduled by the Office of Revenue Sharing where programs funded with revenue sharing funds show a significant disparity between the percentage of minority employees and the percentage of minority persons in the work force. This paragraph is revised to include women in this comparison for purposes of identifying possible discrimination based on sex.

Section 51.54(c)(2) deals with sex discrimination in the area of fringe benefits. This provision in proposed form required recipient governments to justify any unequal fringe benefit contributions or benefits to men and women in a revenue sharing funded program as not being an arbitrary distinction based on sex. The section has been modified to make it an unlawful employment practice to provide for both unequal benefits and unequal contributions in the areas of insurance, pension or retirement plans, welfare or other fringe benefit programs. Further, the section makes it an unlawful employment practice to provide for either unequal benefits or unequal contributions in these areas unless directly related to actuarial differences. The section requires the recipient government to provide, upon request of the Secretary, proof of such actuarial differences.

As in the case of § 51.53(b), the guidelines being prepared by the Equal Employment Opportunity Coordinating Council will also concern sex discrimination in the area of fringe benefits. When such guidelines are approved by the Council, § 51.54(c)(2) will, if necessary, be modified accordingly.

Section 51.54(d)(1) covers sex discrimination based on family status. In proposed form, that section permitted recipient governments to take an employment action based on the employee's status as head of household or principal family wage earner so long as there was no distinction based on sex. Because this status principally attaches to male employees, this provision is being revised to prohibit a recipient government from taking any employment action based on anyone's status as head of household or principal family wage earner. Section 51.54(d)(1) is also being revised to state that a recipient government that takes an employment action which treats a woman differently because of her pregnancy must demonstrate that the pregnancy of that person prevents adequate job performance by that individual instead of demonstrating that pregnancy in general prevents adequate job performance.

Section 51.54(d)(2) regarding pregnancy as a temporary disability is not changed in substance. While this section is being promulgated in final form, it should be noted that the Supreme Court has granted certiorari in the case of *Wetzel* v. *Liberty Mutual Insurance Company*, 511 F. 2d 199 (Sup. Ct. Docket No. 74-1245), in which the validity of standards similar to those established in § 51.54(d)(2) are being challenged. It is anticipated that the Court will hear arguments early in the October 1975 Term. Should the standards established by the Equal Employment Opportunity Commission receive an adverse ruling in the *Wetzel* case, § 51.54(d)(2) will, if necessary, be modified to comply with the decision.

Section 51.54(e) sets forth the exemption from the sex discrimination prohibition where sex is a bona fide occupational qualification. That provision is revised to include the judicial language that requires an employer to demonstrate that all, or substantially all, of one sex are unable to perform the job in question in order to take an employment action based on a bona fide occupational qualification.

Section 51.56(a) states that recipient governments must provide access to relevant information to authorized representatives of the Office of Revenue Sharing. Because the Attorney General has been given independent authority to enforce nondiscrimination in revenue sharing funded programs by section 122(c) of the Act, this provision is being revised to require that representatives of the Department of Justice also be given access to information relating to possible cases of discrimination.

Section 51.57(a) stated in proposed form that anyone or any class which believed themselves to be subjected to discrimination prohibited by the regulations could file an administrative complaint with the Office of Revenue Sharing. This provision is revised to conform to the existing policy of the Office of Revenue Sharing which allows any person, regardless of his or her relation to the alleged discrimination, to file an administrative complaint.

Section 51.58(b) states the requirement that any recipient government which has been determined to have violated the civil rights regulations must take affirmative action to overcome the effects of discriminatory actions and practices. A new sentence is being added to this paragraph to state that the Secretary will determine the steps necessary to bring the recipient government into compliance and that the Secretary will determine a timetable for the accomplishment of those steps.

Finally, § 51.62 concerning delegation by the Secretary of responsibilities to enforce these civil rights regulations is being added to Subpart E. This section is similar to the prior delegation provision in § 51.32(g). Section 51.62 provides that the Secretary may delegate enforcement responsibility to other Federal agencies and agencies of State governments. However, the authority to review the decision of an administrative law judge may only be delegated to officials of the Department of the Treasury.

Because the purpose of these regulations is to provide immediate guidance to the States and units of local government in order that the requirements of the Act be complied with, it is hereby found impracticable to issue such regulations subject to the effective date limitation of 5 U.S.C. 553(d). These regulations shall become effective October 22, 1975.

These regulations are issued under the authority of the State and Local Fiscal Assistance Act of 1972, as amended, Title I, Public Law 92-512 (31 U.S.C. Supp. III 1221-1263) and Treasury Department Order No. 224, dated January 26, 1973 (38 F.R. 3342).

Dated: October 22, 1975.

[SEAL] JOHN K. PARKER,
Acting Director,
Office of Revenue Sharing.

Approved:

EDWARD C. SCHMULTS,
Under Secretary.

A new subpart E is added to Part 51. Current subparts E and F are redesignated F and G.

Subpart E—Nondiscrimination in Programs Funded With Entitlement Funds

Sec.
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AUTHORITY: State and Local Fiscal Assistance Act of 1972, as amended, Title I, Pub. L. 92-512 (31 U.S.C. Supp. III 1221-1263) T.D. 224, dated January 26, 1973 (38 FR 3342).

Subpart E—Nondiscrimination in Programs Funded With Entitlement Funds

§ 51.50 Purpose.

The purpose of this subpart is to effectuate Sec. 122 of the Act to the end that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with entitlement funds made available pursuant to subtitle A of title I of the Act.

§ 51.51 Definitions.

Unless the context requires otherwise, as used in this subpart, the term:

(a) "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein.

(b) "Funded" means that entitlement funds have been made available for expenditure in a designated program or activity through legislative action.

(c) "Program or activity" means any function conducted by an identifiable administrative unit of the recipient government, or by any other unit of government or private contractor receiving entitlement funds from the recipient government.

§ 51.52 Discrimination prohibited.

(a) *General.* No person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with entitlement funds made available pursuant to subtitle A of title I of the Act.

(b) *Specific discriminatory actions prohibited.* (1) A recipient government shall not, under any program or activity to which the regulations of this subpart apply, directly or through contractual or other arrangements, on the grounds of race, color, national origin, or sex:

(i) Deny any service or other benefit provided.

(ii) Provide any service or other benefit which is different, or is provided in a different form from that provided to others.

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(iii) Subject any person to segregated or separate treatment in any facility or in any matter or process related to receipt of any service or benefit.

(iv) Restrict in any way the enjoyment of any advantage or privilege enjoyed by others receiving any service or benefit.

(v) Treat an individual differently from others in determining whether the individual satisfies any admission, enrollment, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any service or other benefit.

(vi) Deny any person an opportunity to participate in a program or activity as an employee.

(vii) Deny any person an equal opportunity to participate as appointed members of planning or advisory bodies in connection with the disposition of entitlement funds.

(2) A recipient government may not utilize criteria or methods of administration which have the effect of:

(i) Subjecting individuals to discrimination on the basis of race, color, national origin, or sex.

(ii) Perpetuating the results of past discriminatory practices.

(iii) Defeating or substantially impairing accomplishment of the objectives or the program or activity with respect to individuals of a particular race, color, national origin, or sex.

(3) A recipient government may not, with respect to any program or activity to which this subpart applies, make selections of site or location of facilities which have the effect of:

(i) excluding individuals from such facilities.

(ii) Denying the individuals the benefits of such facilities.

(iii) Subjecting individuals using the facilties to discrimination on the ground of race, color, national origin, or sex.

(4) Recipient governments are encouraged to take action with entitlement funds to ameliorate an imbalance in services or facilities provided to any geographic area or specific group in order to overcome the effects of prior discriminatory practice or usage. If entitlement funds are allocated to a program or activity which currently provides an imbalance of services or facilities to persons protected by this subpart, then such imbalance must be ameliorated.

(5) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

§ 51.53 Employment.

(a) *Employment practices.* In any program or activity funded in whole or in part with entitlement funds, a recipient government may not (directly or indirectly through contractual or other arrangements) subject any individual to discrimination on the ground of race, color, national origin, or sex in its employment practices. These practices include recruitment, recruitment advertising, hiring, layoff, termination, upgrading, demotion, transfer, rates of pay or other forms of compensation, use of facilities, and other terms and conditions of employment.

(b) *Employee selection procedures.* The Equal Employment Opportunity Commission, in carrying out its responsibilities in ensuring compliance with title VII of the Civil Rights Act of 1964, has published Guidelines on Employee Selection Procedures (29 CFR Part 1607) to assist in establishing and maintaining equal employment opportunities. Among other things, these Guidelines forbid the use of employee selection practices, procedures, and devices (such as tests, minimum educational levels, and the like) which disqualify a disproportionate number of minority individuals or women for employment and which are not related to job performance. Recipient governments using selection procedures which are not in conformity with the EEOC Guidelines shall, upon request of the Secretary, set forth the reasons for any such noconformity, and, if necessary, the actions the recipient government is taking or will take to assure that its selection procedures are job related.

(c) *Self-evaluation.* Recipient governments are expected to conduct a continuing program of self-evaluation to ascertain whether any of their recruitment, employee selection, or promotional policies (or lack thereof) directly or indirectly have the effect of denying equal employment opportunities to minority individuals or women.

(d) *Employment compliance reviews.* Compliance reviews of recipient governments will be scheduled by the Office of Revenue Sharing, giving priority to any recipient government programs funded with entitlement funds which show a significant disparity between the percentage of minority persons or women in the work force and the percentage of minority or women employees in the applicable programs.

§ 51.54 Sex discrimination.

(a) *General.* No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in recruitment, hiring, or employment, whether full-time or part-time, under any program or activity funded in whole or in part with entitlement funds.

(b) *Recruitment and advertisement.* (1) Recipient governments engaged in recruiting activity must recruit employees of both sexes for all jobs.

(2) Advertisement in newspapers and other media for employment must not express a sex preference. The placement of an advertisement in columns headed "Male" or "Female" will be considered to be a discriminatory limitation.

(3) A recipient government shall not recruit primarily or exclusively at entities which furnish as applicants only or predominantly members of one sex if such recruitment has the effect of discriminating on the basis of sex.

(c) *Job policies and practices.* (1) Employees of both sexes shall have an equal opportunity to any available job that he or she is qualified to perform.

(2) Recipient governments must not make any distinction based upon sex in employment opportunities, wages, hours or other conditions of employment. It shall be an unlawful employment practice for an employer to have a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex. It shall be an unlawful employment practice for an employer to provide for both unequal benefits and unequal contributions in the areas of insurance, pension or retirement plans, welfare or other fringe benefits programs. Further, it shall be an unlawful employment practice for an employer to provide for either unequal benefits or unequal contributions in such areas unless such unequal benefits or unequal contributions are directly related to actuarial differences. Proof of such actuarial differences shall be provided by the recipient government upon the request of the Secretary. In the areas of insurance, pensions, welfare programs and other fringe benefits, it shall be an unlawful employment practice for a recipient government to make available benefits for the wives and families of male employees where the same benefits are not made available for the husbands and families of female employees; or to make available benefits for the wives of male employees which are not made available for female employees; or to make available benefits to the husbands of female employees, which are not made available for male employees.

(3) Any distinction between married males and married females and any distinction between unmarried males and unmarried females will be considered to be a distinction made on the basis of sex. Similarly, a recipient government must not deny employment to women with young children unless it has the same exclusionary policies for men; or terminate an employee of one sex in a particular job classification upon reaching a certain age unless the same rule is applicable to persons of the opposite sex.

(4) A recipient government may not refuse to hire men or women, or deny men or women a particular job because there are no separate restrooms or other separate facilities. The recipient government's policies and practices must assure that appropriate facilities are available for use by both sexes.

(5) Recipient governments may not deny any employee the right to any job, which the employee is qualified to perform, in reliance upon a State "protective" law that does not apply equally to both sexes.

(6) A recipient government shall not:

(i) Classify a job as being for males or for females.

(ii) Maintain or establish separate lines of progression, seniority lists, career ladders, tenure, systems, position descriptions or job requirements which are based on sex or which classify persons on the basis of sex.

(d) *Marital or parental status.* In any program or activity funded in whole or in part with entitlement funds:

(1) *Family status.* A recipient government shall not treat an employee or applicant for employment differently on the basis of sex in any employment action or policy because of the employee's or applicant's marital status or status as a parent. Such action may also not be taken with respect to pregnancy unless the recipient government can demonstrate that the pregnancy of the individual concerned prevents adequate job performance by that individual. In no event may a recipient government have a policy or take an action which benefits a person because of his or her status as head of household or principal family wage earner.

(2) *Pregnancy as a temporary disability.* A recipient government shall treat any temporary disability arising from pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom in the same manner as it treats any other temporary disability for all job related purposes. The term "job related purposes" includes commencement, duration and extensions of leave, payment of disability income, reinstatement or termination of employment, reinstatement pay rate and position, fringe benefits, accrual of seniority or other benefit of service, and promotion.

(e) *Sex as a bona fide occupational qualification.* Nothing in these regulations shall prohibit the hiring of employees of one sex if sex is a bona fide occupational qualification. A bona fide occupational qualification is only allowed where there is a reasonable factual basis to believe that all, or substantially all, of one sex are unable to perform the job in question. Further, the burden of demonstrating that sex is a bona fide occupational qualification for a given job rests on the recipient government.

§ 51.55 Assurances required.

(a) *General.* In order to qualify for any payment for any entitlement period, each Governor of a State or each chief executive officer of a unit of local government shall, prior to the beginning of each entitlement period, execute to the satisfaction of the Secretary an assurance that all programs to be funded in whole or in part with entitlement funds will be conducted in compliance with the requirements of this subpart. Assurances required under this paragraph shall be submitted pursuant to § 51.10(b) and shall be in such form and detail as prescribed by the Secretary.

(b) *Failure to comply.* Any recipient government which fails to comply with paragraph (a) of this section shall have its entitlement payments withheld for the applicable entitlement period. Any recipient government to which a determination of noncompliance with paragraph (a) of this section has been made shall be entitled to notice and opportunity for hearing. However, notwithstanding § 51.59, no payments shall be made for the applicable entitlement period pending the outcome of such hearing.

§ 51.56 Compliance information and reports.

(a) *Access to sources of information.* Each recipient government shall permit access by authorized representatives of the Office of Revenue Sharing and Department of Justice during normal business hours to such of its facilities, books, records, accounts, personnel, and other sources of information as may be relevant to a determination of whether the recipient government is complying with this subpart. Where any information required of a recipient government is in the exclusive possession of any other agency, institution, or person, and such agency, institution, or person fails or refuses to furnish this information, the recipient government shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(b) *Compliance reports.* Each recipient government shall keep such records and submit on request of the Secretary timely, complete and accurate compliance reports at such times, in such form, and containing such information, as the Secretary may determine to be necessary or useful to enable the Office of Revenue Sharing to ascertain whether the recipient government has complied or is complying with this subpart. Recipient governments shall make available on request of Office of Revenue Sharing officials, racial, ethnic, male/female, and national origin data showing the extent to which minorities and females are or will be beneficiaries of entitlement funds. In the case of any program under which a primary recipient government extends or will extend entitlement funds to any other secondary recipient, such secondary recipient shall submit such compliance reports to the primary recipient as may be necessary or useful to enable the primary recipient to carry out its obligations as a recipient government under this subpart. Each recipient government shall identify, on request of the Office of Revenue Sharing, any State or local agency which has been legally authorized to monitor its civil rights compliance activities.

§ 51.57 Complaints and investigations.

(a) *Complaints.* Any person who believes anyone has been subjected to discrimination prohibited by this subpart, may personally or by a representative file with the Secretary a written statement setting forth the nature of the discrimination alleged and the facts upon which the allegation is based. No representative of a recipient government nor any of its agencies shall intimidate, threaten, coerce, or discriminate against any person or class of persons because of testimony, assistance, or participation in an investigation, proceeding, or hearing under this subpart.

(b) *Investigations.* The Secretary shall advise the chief executive officer of the recipient government of any complaint received pursuant to paragraph (a). If the Secretary has reason to believe that the complaint shows that a recipient government has failed to comply with the provisions of this subpart, he will cause a prompt investigation to be made by the Office of Revenue Sharing, or other appropriate Federal or State agency, of the program or activity concerned. Such investigation may be made, if necessary, with the assistance of complainants or of the recipient government.

§ 51.58 Compliance reviews and affirmative action.

(a) *Compliance reviews.* The Secretary shall monitor and determine compliance of recipient governments with the requirements of this subpart and of the Act. Compliance reviews will be undertaken from time to time, as appropriate, at the discretion of the Secretary.

(b) *Affirmative action.* Any recipient government which has been determined to be in violation of this subpart must take reasonable steps to remove or overcome the consequences of such discrimination where a practice or usage has in purpose or effect tended to exclude individuals from participation in, deny them the benefits of, or subject them to discrimination under any program or activity to which this subpart applies, on the ground of race, color, national origin, or sex. The Secretary will, upon a finding of noncompliance, determine the steps necessary to remove the noncompliance and will determine a timetable for implementing those steps.

§ 51.59 Procedure for effecting compliance.

(a) *General.* Whenever the Secretary determines that a recipient government has failed to comply with this subpart, he shall notify the chief executive officer of the recipient government and the Governor of the State in which the government is located of the noncompliance and shall request the Governor to secure compliance. If, within a reasonable period of time not to exceed 60 days, the Governor fails or refuses to secure compliance, the Secretary is authorized:

(1) To refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted;

(2) To initiate an administrative hearing pursuant to the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d); or

(3) To take such other action as may be provided by law.

(b) *Administrative hearing.* An order of an administrative law judge to withhold temporarily, to repay, or to forfeit entitlement funds will not become effective until:

(1) There has been an express finding on the record, after notice and opportunity for hearing, of a failure to comply with a requirement of this subpart.

(2) At least 10 days have elepsed from the date of the order of the administrative law judge. During this period additional efforts will be made to assist the recipient government to comply with this subpart and to take appropriate corrective action.

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(3) Thirty days have elapsed after the Secretary has filed with the Committee on Government Operations of the House of Representatives and the Committee on Finance of the Senate a full written report of the circumstances and the grounds for such action. The time limitation of subparagraphs (2) and (3) can run concurrently.

(4) The Secretary has notified the recipient government that, in addition to whatever sanctions have been imposed by the administrative law judge, the Office of Revenue Sharing shall withhold payment of all entitlement funds until such time as the recipient government complies with the order of the administrative law judge. Further, the amount of the forfeiture or repayment of entitlement funds, if any, will be limited to the program or activity in which the noncompliance has been found. Such funds shall be collected by a downward adjustment to future entitlement payments and will be deposited in the general fund of the Treasury. If the Secretary determines that adjustment to future entitlement payments is impracticable, he may refer the matter to the Attorney General for appropriate civil action to require payment of such amount to the United States.

(c) *Withholding pursuant to court action.* The Secretary may immediately withhold the payment of entitlement funds to a recipient government pending the entry of an affirmative action order by a Federal court if:

(1) A violation of the nondiscrimination provision of this subpart or the Act (Sec. 122) was alleged in the complaint before the court;

(2) The court finds that the recipient government has violated the nondiscrimination provision of this subpart or the Act; and

(3) The question of withholding has not been resolved by the court.

(d) *Action by Attorney General.* Nothing in these regulations is intended to preclude the United States, in a civil action initiated by the Attorney General of the United States pursuant to § 122 (c) of the Act, from seeking, or a court from granting, an order to require the repayment of funds previously paid under the Act, or an order that the payment of funds under the Act be terminated or withheld. In addition, the Secretary may initiate the procedure provided for in paragraph (a)(2) of this section against a recipient government which has been named as a defendant in such civil action if it is the Secretary's judgment, after consultation with the Attorney General, that an administrative withholding of entitlement funds is an appropriate measure to ensure compliance with this subpart.

§ 51.60 Hearing procedures.

Whenever a procedure which requires notice and opportunity for a hearing is invoked by the Secretary to effect compliance under this subpart, the procedural regulations promulgated in subpart G of this part shall govern.

§ 51.61 Jurisdiction over property.

The Office of Revenue Sharing shall have jurisdiction over any program or activity for purposes of this subpart for as long as a recipient government retains ownership or possession of any real or personal property or any interest therein, which was purchased in whole or in part with entitlement funds for the applicable program or activity. Further, if such property is transferred to another party, the Office of Revenue Sharing will retain jurisdiction over the recipient government for purposes of this subpart for as long as the property is used to provide benefits similar to those which were provided by the property before the transfer.

§ 51.62 Delegation.

The Secretary may assign to officials of the Department, officials of other departments or agencies of the Federal government, or officials of State agencies, responsibilities and authority to effectuate the purposes of this section including the achievement of effective coordination within the executive branch in the implementation of Title VI and Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 2000e). Such delegation shall be made only with the consent of the affected departments and agencies, and in no event will the Secretary delegate authority to review the initial decision of an administrative law judge to officials outside the Department.

[FR Doc.75-28768 Filed 10-22-75;11:04 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 446-5]

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Indiana—Approval of Plan Revisions

Pursuant to section 110 of the Clean Air Act, the State of Indiana submitted to the Administrator of the United States Environmental Protection Agency an implementation plan on January 31, 1972 to achieve the National Ambient Air Quality Standards. The plan was approved by the Administrator on May 31, 1972 (37 FR 10842) with several exceptions. Subsequent to the May 31, 1972 action, the State submitted amended sulfur dioxide, hydrocarbon, and carbon monoxide regulations for stationary sources which the Administrator approved on May 14, 1973 (38 FR 12698).

Recently, the Indiana Air Pollution Control Board after public notice and hearing adopted revisions to regulations APC–13, APC–15, APC–16, and APC–17, and adopted new regulations APC–18, APC–20, and APC–22. On March 7, 1974, the Technical Secretary of the Air Pollution Control Board (APCB), acting for the Governor of Indiana, submitted to the Regional Administrator new regulations APC–18 and APC–20. On October 3, 1974 the Technical Secretary submitted revised regulations APC–16, APC–17, and new regulation APC–22. On November 8, 1974, the Technical Secretary submitted revised regulations APC–3 and APC–15, and on December 5, 1974, submitted a revised APC–13. With the revised regulations, the State submitted a technical support document describing the rationale for the changes to the regulations.

On May 2, 1975 the Regional Administrator of the U.S. EPA, Region V, published for public comment these proposed revisions to the regulations contained in the Indiana State Implementation Plan (SIP). The regulatory changes affect the control of five criteria pollutants: total suspended particulates, sulfur dioxide, hydrocarbons, nitrogen oxides, and carbon monoxide. Regulations establishing timetables for particulate control (APC–18) and controlling fugitive dust (APC–20) were included in the notice. Most significant, however, was a regulation (APC–22) which classifies counties within Indiana according to the need for control of emissions from sources located in each county, in fact, a wholesale revision of the applicable control strategy for all pollutants.

In the rulemaking proposal, eleven counties in Indiana were singled out for being unacceptably classified by APC–22 for purposes of sulfur dioxide controls set forth in APC–13, based on EPA's preliminary review of the State's technical support document. The EPA review of the technical support document supporting the proposed rulemaking indicated than an "A" Classification for those counties might be more appropriate. Public utility companies have submitted air quality, emission and meterological data to demonstrate that a "C" classification would be appropriate in most counties. As a result of a meeting between EPA and State officials, the State has undertaken a reassessment of the APC–22 classifications for the eleven counties based on a Federally approved methodology involving use of computerized dispersion modelling in which sources are examined for their impact on air quality. This work is currently under review in conjunction with other submitted data, by the regional office and final rulemaking action on APC–13 and pertinent portions of APC–22 will take place shortly.

This notice finalizes action on APC–3, APC–16, APC–17, APC–18, APC–20, and APC–22, insofar as it classifies counties for purposes of controlling total suspended particulates, carbon monoxide, and nitrogen dioxide. Final action on APC–13, APC–15, and the APC–22 classification of counties for sulfur dioxide and hydrocarbon control will be forthcoming.

New APC–3, the visible emissions regulation, varies from the approved regulation in several respects, the most significant of which is the introduction of a 15-minute exemption period in each 24-hour period. The power companies submitted comments to the effect that such an exemption is necessary for them when starting fires or cleaning units. Since sections 2(a) and 2(b) of APC–3 already provide an exemption to visible emission requirements for fuel-burning sources in such circumstances, this comment appears to be superfluous. Generally, visible emission regulations correspond to the surveillance requirement set forth at 40 CFR 51.19(c) and section 3 of APC–3 indicates that such was the intent of Indiana. However, certain intermittent sources, such as coke batteries and roof monitors, may cause gross visible emissions and remain within the exempted time limits. For such sources at least, APC–3 would be ineffective and impractical as a surveillance technique if indeed it could be deemed available. Such being the case, it is incumbent upon the State to demonstrate that failure of intermittent sources to comply with APC–3 during the exempted time period would not result in an interference with attainment and maintenance of the standards [40 CFR 51.13(e)(1)]. The State has failed to present such a demonstration. Accordingly, APC–3 must be disapproved to the extent that the 15-minute exemption provision in section 1 fails to meet the requirements of §§ 51.13 (e)(1) and 51.19(c). It should also be noted that EPA will not regard itself as bound by exemptions granted by the Board pursuant to section 2(c). Such exemptions must be considered on a case by case basis for impact on attainment and maintenance of the standards.

Other comments from industry and the utilities criticized APC–3 for vagueness and generally conveyed a need for clarification of terms. EPA is concerned about the confusion caused by the regulation but believes most difficulties can be resolved by administrative resolution. Such resolutions to the extent that EPA considers them substantive changes would need to be reviewed by EPA for consistency with the implementation plan before becoming effective.

New APC–16, control of carbon monoxide (CO) emissions from stationary sources, in conjunction with the classification of counties in APC–22 for purposes of CO control, effectively removes all existing stationary sources of CO from the applicable control strategy. A review of the last several years of air quality data showed few violations of the standards. The small number of stationary CO sources in Indiana and the fact that the bulk of CO emissions are mobile source initiated are reasons for EPA's approval of this strategy revision. APC–16 will require control of new stationary CO sources to assist in maintenance of the standards.

New APC–17, control of nitrogen dioxide (NO_2) emissions from stationary sources, in conjunction with the classification of counties in APC–22 for purposes of NO_2 control, effectively removes all stationary sources of NO_2 from the applicable control strategy. EPA's reclassification of AQCR's placed all but the Indiana portion of the major metropolitan Chicago AQCR in attainment status (39 FR 16344, May 8, 1974). The available air quality data in the Northwest Indiana Area indicates no standard violations. Accordingly, EPA will approve this strategy revision. APC–17 will require control of new stationary NO_2 sources to assist in maintaining the standard, and in reference to fossil fuel generators is consistent with Federal New Source Performance Standards for emissions of nitrogen dioxide (40 CFR Part 60.44).

APC–18 represents a series of compliance schedules affecting the various sources of particulate matter. In all cases, the final compliance date was on or before May 31, 1975. Since approval of APC–18 at this late date would be purely academic, EPA will request the State to withdraw the regulation as a plan revision in accordance with comments submitted by the Technical Secretary of the APCB.

APC–20 addresses the control of fugitive dust emissions. Comments received from industry indicated a general dissatisfaction with the regulation because of vagueness and unenforceability. While EPA recognizes the desirability of including a fugitive dust emission limitation in an air quality implementation plan, the State has been advised of our reservations concerning the inclusion of a vague or ambiguous regulation in the Indiana Implementation plan. State officials have indicated a willingness to clarify the ambiguities. In the interim EPA will approve APC–20 with the exception of section 2(d) relating to visible emission violations. State personnel have indicated that no person has ever been cited for violation solely of section 2(d). Accordingly, EPA will disapprove section 2(d) of APC–20 as unenforceable. This rulemaking will be effective immediately because no additional substantive requirements are imposed on parties.

APC–22 classifies all counties in the State as A, B, or C for each criteria pollutant. While EPA is not satisfied with the State's technical support of classifications for CO and NO_2, the priority county ratings for these two pollutants will be approved for reasons discussed above. Classifications for particulate, however, are unsupportable for the following reasons:

(1) Data to support the regulation is inadequate;

(2) Attainment of the National Ambient Air Quality Standards has not been addressed;

(3) Maintenance of the National Ambient Air Quality Standards has not been addressed.

Thus, this classification fails to meet the requirements of 40 CFR 51.3 and accordingly is disapproved.

Final rulemaking action on the ozone and sulfur dioxide county classifications will take place at the same time as actions on APC–15 and APC–13.

With the exception of the above-noted disapproval actions and material returned to the State or held in abeyance pending further review, the proposed revisions meet the substantive and procedural requirements of Section 110 of the Clean Air Act and 40 CFR Part 51 and are hereby approved as revisions to the Indiana Implementation Plan, effective immediately.

A technical support document discussing the background for the decisions noted above is available for inspection in the Region V office of the U.S. Environmental Protection Agency, 230 South Dearborn, Chicago, Illinois 60604, and the Indiana State Air Pollution Control Board, State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206.

(42 USC 1857c-5(a))

Dated: October 21, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

1. Section 52.770 is amended by adding paragraph (d)(2) as follows:

§ 52.770 Identification of plan.

* * * * * * *

(d) * * *

(2) March 7, 1974, October 3, 1974 and November 8, 1974 the Technical Secretary of the Air Pollution Control Board acting for the Governor of Indiana.

2. Section 52.771 is amended by adding paragraph (b) as follows (the existing unlettered paragraph becomes paragraph (a)):

§ 52.771 Classification of regions.

* * * * * * *

(b) The requirements of 51.3(a) of this chapter are not met by the classification of counties in APC–22 for the purposes of attainment and maintenance of the total suspended particulate ambient air quality standards.

3. Section 52.776 is amended by adding paragraph (c) as follows:

§ 52.776 Control strategy. Particulate matter.

* * * * * * *

(c) APC–3 of Indiana's Air Pollution Control Regulations (visible emission limitation) is disapproved insofar as the phrase "for more than a cumulative total of 15 minutes in a 24-hour period" will interfere with attainment and maintenance of particulate standards.

4. Section 52.781 is amended by adding paragraph (e) as follows:

§ 52.781 Rules and regulations.

* * * * * * *

(e) Section 2(d) of APC–20, Fugitive Dust Emissions, is disapproved because it is unenforceable within the terms of the regulation.

5. Section 52.792 is added as follows:

§ 52.792 Source surveillance.

(a) The requirements of 51.19(c) of this chapter are not met by the phrase "for more than a cumulative total of 15 minutes in a 24-hour period" contained in Section 1 of APC–3 of the Indiana Air Pollution Control Regulations.

[FR Doc.75-28779 Filed 10-24-75;8:45 am]

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Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

[FPMR Amdt. E–172]

PART 101–32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Agency Statement That ADP Resources Have Been Screened

This amendment requires Federal agencies to state that all available Federal sources of automatic data processing equipment and resources have been screened before initiating an agency procurement request.

Paragraph (a), (b) and (c) and the note of § 101–32.404 is amended to read as follows:

§ 101–32.404 Request for procurement action.

* * * * *

(a) Contain the name and telephone number of an individual within the agency who will act as the point of contact with GSA;

(b) Be accompanied by a justification to support negotiated procurement when such procurement is being accomplished. (This justification is for use by GSA when GSA effects the procurement. If GSA determines that procurement will be accomplished by the agency, the justification will be returned along with the delegation of authority for use by the agency in effecting the procurement); and

(c) Include a statement that in accordance with the requirements of Subpart 101–32.2 and Subpart 101–32.3 available ADP resources have been screened and no ADP resources are available to satisfy the user's requirements.

NOTE: When telecommunications are involved, agencies shall submit documentation as prescribed in Part 101–35.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c)).

Effective date. This regulation is effective October 28, 1975.

Dated: October 15, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75–28762 Filed 10–24–75;8:45 am]

[FPMR Amdt. E–173]

PART 101–32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

ADP Sharing Program

This amendment (1) clarifies the definition of ADPE as used in this subpart and the requirement to screen existing Federal resources before acquiring ADP time or services and (2) illustrates the June 1975 editions of GSA Form 2068, Request for ADP Service, and GSA Form 2068–A, Quarterly Report of ADP Service. The table of contents for Part 101–32 is amended to add new and revised entries as follows:

101–32.203–2 Authorization for commercial procurement.

101–32.203–4 Reports.

1. Sections 101–32.201(b)(1), 101–32.203–1, 101–32.203–2 and 101–32.203–3(a)(3) and (b) are revised to read as follows:

§ 101–32.201 Definitions.

* * * * *

(b) * * *

(1) Automatic data processing equipment (ADPE). This includes general purpose electronic data processing equipment (EDPE), computer output microfilm (COM) equipment, punchcard accounting machines (PCAM or EAM), and source data automation (SDA) equipment irrespective of use, application, or source of funding. This also includes ADPE built to Government specifications.

* * * * *

§ 101–32.203–1 ADP sharing procedures.

Federal agencies shall not initiate the process of selecting and acquiring ADP time or services from commercial sources unless it is first determined that the required ADP capability cannot be met satisfactorily by utilizing existing Federal ADP resources or established GSA mandatory contractual resources. Federal agencies shall first attempt to satisfy their ADP requirements by screening resources of other ADP units in their vicinity. If the result of the screening is unsuccessful, the requirement shall be referred to the appropriate ADP sharing exchange for assistance in locating suitable Federal ADP resources and in making the necessary arrangements for sharing. Requests for assistance may be made by mail, telephone, teletypewriter, or personal contact. GSA Form 2068, Request for ADP Service (illustrated at § 101–32.4902–2068), shall be used for mail requests.

§ 101–32.203–2 Authorization for commercial procurement.

ADP units in 50 States and the District of Columbia shall defer obtaining ADP time or services from a commercial source pending compliance with § 101–32.203–1 and review of established GSA mandatory contractual resources. A GSA Form 2068, approved by a GSA ADP sharing exchange, is used to notify requestors when no existing Federal ADP resources are available to satisfy their requirements. (See Parts 101–35 and 101–36 respectively, if telecommunications or public utilities services are required.)

(a) An approved GSA Form 2068 constitutes a delegation of procurement authority to the requesting agency to acquire ADP services from commercial sources. Without an approved GSA Form 2068, agencies do not have authority to contract for such services. However, when an agency does receive an approved GSA Form 2068, the 2068 does not constitute procurement authority to acquire from a sole source. Agencies are required to comply with the provisions of §§ 1–1.301–1 and 1–3.210 for guidance relating to competition in procurement.

(b) Before authorizing commercial procurement of ADP services, GSA will review the GSA Form 2068 and other available documents for the type of proposed procurement, its requirements specifications, and its evaluation and selection provisions in order to promote overall Government economy and efficiency.

(c) If a request for ADP services will or may result in the Government's acquiring title to general-purpose ADP equipment or proprietary software, GSA will process the proprietary software and equipment portions of the request as an Agency Procurement Request (APR) in a manner similar to the method described by Subpart 101–32.4.

(d) Federal agencies must determine that existing Federal ADP resources cannot satisfy their requirements for ADP equipment, as specified in § 101–32.303–2, before submitting an APR. Requirements for submission and processing of an APR are in §§ 101–32.404 and 101–32.405.

(e) If software to satisfy an agency requirement cannot be discovered by screening Government resources, as required by § 101–32.203–1, an APR may be submitted to procure proprietary software, as specified in § 101–32.403–2. Software development, in contrast to proprietary software, in being, is an ADP service and as such is subject to the provisions of § 101–32.203–1, above.

§ 101–32.203–3 Exemptions.

(a) * * *

(3) ADPE maintenance services. Acquisition of ADPE maintenance services is governed by Subpart 101–32.4. Unique requirements pertaining to maintenance services are described in § 101–32.403–3.

(b) When Federal agencies desire to exempt ADP equipment (EDPE, COM, SDA, EAM, and PCAM) not specifically exempt in § 101–32.203–3(a) to avoid compromise of national security or defense or to ensure economy and efficiency, requests for such exemptions shall be submitted, with adequate justification, to the General Services Administration (CPS), Washington, D.C. 20405. ADP equipment to be exempted shall be identified by the ADP unit number prescribed in the reporting instructions implementing Federal Management Circular (FMC) 74–2, ADP Management Information System (ADP/MIS).

2. Section 101–32.203–4 is added to read as follows:

§ 101–32.203–4 Reports.

ADP sharing and use of commercial ADP services shall be reported as specified in Subpart 101–32.47. Interagency Report Control Number 1106–GSA–QU has been assigned to GSA Form 2068–A, Quarterly Report of ADP Service, in accordance with FPMR 101–11.11.

Sections 101–32.4902–2068 and 101–32.4902–2068–A are revised to illustrate the June 1975 editions of GSA Form 2068, Request for ADP Service, and GSA Form 2068–A, Quarterly Report of ADP Service.

§ 101–32.4902–2068 GSA Form 2068, Request for ADP Service.

§ 101–32.4902–2068A GSA Form 2068–A, Quarterly Report of ADP Service.

NOTE: The forms illustrated in §§ 101–32.4902–2068 and 101–32.4902–2068–A are filed as part of the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective October 28, 1975.

Dated: October 15, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75–28763 Filed 10–24–75;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO VOCATIONAL STUDENTS AND STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Special Allowances

Paragraph (3) of § 177.4(c), Special Allowances, which deals with the payment to lenders of the allowances authorized by section 2 of the "Emergency Insured Student Loan Act of 1969" (Public Law 91–95) is amended to provide for the payment of such an allowance for the period July 1, 1975, through September 30, 1975, inclusive.

In light of the directives in the Emergency Insured Student Loan Act of 1969 with respect to the factors that the Secretary of Health, Education, and Welfare is to consider and the officials with whom he is to consult in setting the rate of the special allowance, and since a comment period would cause delay of at least 30 days, following each quarterly 3-month period, it has been determined pursuant to 5 U.S.C. 553 that the solicitation of comment as to the rate of the special allowance for any particular quarter is both impracticable and contrary to the public interest.

Effective Date. Pursuant to Section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

Section 177.4(c)(3) is amended as follows:

§ 177.4 Payment of interest benefits, administrative cost allowances and special allowances.

* * * * *

(c) Special allowances.

* * * * *

(3) Special allowances are authorized to be paid as follows:

* * * * *

(xxv) For the period July 1, 1975, through September 30, 1975, inclusive, a special allowance is authorized to be paid in an amount equal to the rate of 2¼ percent per annum of the average unpaid balance of disbursed principal of eligible loans.

(Sec. 2, 83 Stat. 141)

(Catalog of Federal Domestic Assistance No. 13.460 Guaranteed Student Loan Program)

Dated: October 10, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: October 22, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

[FR Doc.75–28959 Filed 10–24–75;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75–158]

PART 66—GENERAL PROVISIONS

Ports of Documentation

The Coast Guard recently published rules in the FEDERAL REGISTER changing the names and boundaries of certain Marine Inspection Zones. Specifically, the rule published in the Tuesday, August 24, 1971, FEDERAL REGISTER (36 FR 16577) amended boundaries within the Ninth Coast Guard District, the rule published in the Wednesday, May 15, 1974, FEDERAL REGISTER (39 FR 17312) amended boundaries within the Thirteenth Coast Guard District, and the rule published in the Monday, July 7, 1975, FEDERAL REGISTER (40 FR 28451) amended names and boundaries within the Seventeenth Coast Guard District.

46 CFR Subpart 66.05 contains a list of documentation ports, indexed by Coast Guard District and Marine Inspection Zone. These amendments merely update Subpart 66.05 to reflect changes already accomplished by the separate rulemaking actions cited above.

Since these amendments are matters relating solely to agency organization, they are exempt from the notice of proposed rulemaking requirements of 5 U.S.C. 553(b)(3)(A).

In accordance with the foregoing, 46 CFR Subpart 66.05 is amended as follows:

§ 66.05–1 [Amended]

1. Section 66.05–1 is amended as follows:

a. Under the heading "Ninth Coast Guard District" delete the:

(1) "Ludington" Marine Inspection Zone and "Muskegon, Mich." Port of Documentation.

(2) "Milwaukee" Marine Inspection Zone and "Milwaukee, Wis." Port of Documentation.

(3) "Oswego" Marine Inspection Zone and "Cape Vincent, N.Y.", "Ogdensburg, N.Y.", and "Oswego, N.Y." Ports of Documentation.

b. Under the heading "Ninth Coast Guard District" add:

(1) "Milwaukee, Wis." and "Muskegon, Mich." to the "Ports of Documentation" column under the Chicago Marine Inspection Zone.

(2) "Cape Vincent, N.Y.", "Ogdensburg, N.Y.", and "Oswego, N.Y." to the "Ports of Documentation" column under the Buffalo Marine Inspection Zone.

c. Under the heading "Thirteenth Coast Guard District" delete the:

(1) "Aberdeen, Wash." Port of Documentation under the Seattle Marine Inspection Zone.

d. Under the heading "Thirteenth Coast Guard District" add:

(1) "Aberdeen, Wash." as a Port of Documentation under the Portland Marine Inspection Zone.

e. Under the heading "Seventeenth Coast Guard District" delete "Juneau" as a Marine Inspection Zone and insert "Southeast Alaska" in place thereof.

(14 U.S.C. 633; 28 Stat. 118 (46 U.S.C. 2); 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b)).

Effective date. These amendments become effective on November 26, 1975.

Dated: October 17, 1975.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard
Acting Commandant.

[FR Doc.75–28820 Filed 10–24–75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75–1151]

PART 0—COMMISSION ORGANIZATION

Delegations of Authority

Adopted: October 15, 1975; Released: October 21, 1975.

In the matter of amendment of Part 0 of the Commission's rules with respect to delegations of authority to the Chief, Common Carrier Bureau.

1. The Commission has reviewed the delegations of authority to the Chief, Common Carrier Bureau and has decided that the public interest would be served by amending § 0.291(a)(1) to permit the Chief, Common Carrier Bureau to Act on formal and informal radio applications and section 214 applications for common carrier services (including all marine and aeronautical applications) which are subject of a petition to deny. This amendment will permit disposal of applications at staff level in accordance with established policy and precedent unless a particular matter warrants referral to the Commission.

2. Authority for the adoption of this Order is contained in Sections 4 (i) and (j) and 5(d) of the Communications Act. Since it relates to internal Commission management, practices and procedure, and because the early implementa-

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tion of this change will expedite the transaction of public business, compliance with the notice and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, is not required.

3. Accordingly, *it is ordered*, that effective § 0.291(a)(1) of the rules is amended in the manner set forth below effective October 28, 1975.

Adopted: October 15, 1975.

Released: October 21, 1975.

(Secs. 4, 303, 307, 48 Stat. as amended, 1068, 1082, 1083; 47 U.S.C. 154, 303, 307.)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In § 0.291, paragraph (a)(1) is amended to read as follows:

§ 0.291 Authority delegated.

* * * * *

(a) *Authority concerning applications.* (1) Authority to act on any formal and informal radio applications and Section 214 applications for common carrier services (including all marine and aeronautical applications) which are in hearing status or where the estimated cost of construction (or value of radio facilities where an assignment or transfer of facilities is involved) is in excess of $10 million or the annual rental is in excess of $2 million. (The only exception to these monetary limitations will be special temporary authorizations in the event of extraordinary circumstances requiring the immediate restoration or institution of public service.).

[FR Doc.75-28833 Filed 10-24-75;8:45 am]

[FCC 75-1143, Docket No. 19995 RM-2275, RM-2376; Docket No. 18785]

PART 76—CABLE TELEVISION SERVICE

Network Program Exclusivity Protection by Cable Television Systems

Adopted: October 8, 1975; Released: October 20, 1975.

In the matter of: amendment of Part 76 of the Commission's rules and regulations with respect to network program exclusivity protection by cable television systems.

1. On April 3, 1975, the Commission adopted its *First Report and Order in Docket 19995*, FCC 75-413, 52 FCC 2d 519 (1975) (hereinafter referred to as the *First Report and Order*). That action, which revised Subpart F of the Rules with respect to network program nonduplication protection on cable television systems, became effective on May 23, 1975. Petitions for reconsideration of the *First Report and Order*, filed pursuant to § 1.106 of the Rules, have been submitted by both broadcasting and cable television interests.[1]

2. In general, petitioners representing cable television interests argued that the *First Report and Order* continues unwarranted restrictions on cable television system operators. The National Cable Television Association (NCTA) submits that the Commission provided no factual basis nor possesses any data supporting the establishment of a 55-mile zone of protection for smaller markets, a minimal 1,000 subscriber exemption, or continued reliance on adverse economic impact as the underlying reason for continuing nonduplication restrictions. Without such data, NCTA argues that the Commission must reconsider these matters and eliminate the 55-mile secondary zone of protection, increase the small system exemption to a significantly higher figure and eliminate each of the nonduplication restrictions that is founded on the premise of adverse economic impact to television broadcasting. It should be noted that much of NCTA's petition is devoted to a recitation of its attempt to obtain certain information from the Commission pursuant to the Freedom of Information Act and the Cable Television Bureau's denial of that request.[2]

3. Petitioners representing broadcast interests generally object to the new rules, contending that they are arbitrary and will significantly reduce the area within which television stations are entitled to nonduplication protection. The National Association of Broadcasters (NAB) suggests that the Commission's "drastic overhaul" of the entire scheme of nonduplication protection simply cannot be justified. Aside from an overall dissatisfaction with the rules, most petitioners have expressed specific objections to the new provisions and submitted alternative proposals for the Commission's consideration.

4. Many petitioners have restated their previously expressed views that the nonduplication rules should either remain as they have been since 1972, or conversely, that they should be abolished entirely. Despite general assertions that the revisions we have adopted either go too far in reducing protection for television stations or do not go far enough, no petitioner has presented any persuasive evidence that fundamental changes in the structure of the new rules are needed. And, while some petitioners have submitted data unique to their own situations which purport to demonstrate that the new rules will adversely affect them, we cannot permit a wholesale reconsideration of our rules to follow the submission of such untested data. We believe that such showings can be most usefully considered in our special relief and waiver processes, where the affected parties can concentrate their arguments in a specific factual context.[3] We shall now direct our attention to the specific issues posed by the petitions for reconsideration.

SPECIFIED ZONES OF NONDUPLICATION PROTECTION

a. *Comments.* 5. Many broadcasting interests contend that the most objectionable aspect of the new rules is the substitution of fixed 35 and 55 mile zones of nonduplication protection for the contour priority approach which had been in effect for more than nine years. This new approach, they argue, substitutes arbitrary concepts for the sound theoretical underpinnings of the old rules and leads to arbitrary and capricious consequences. Capital Cities Communications, Inc. (CCC) contends that the new rules alter the competitive relationship between local and distant network affiliates heretofore determined by the coverage and drawing power of their off-the-air signals. They suggest that the difficulties that may have been caused by the frequent disparities between predicted and actual signal strength contours can be eliminated simply by specifying that a station's predicted contours will be controlling for nonduplication purposes, and that claims for coverage supported by actual as opposed to predicted contours should not be considered. CCC further argues that the Commission's analysis of economic need runs contrary to the "fair, efficient, and equitable" standard for making television channel allocations contained in Section 307(b) of the Communications Act of 1934, as amended (47 U.S.C. § 307(b)). For the sake of protecting less efficient stations at the expense of more efficient stations, they argue, the Commission has undercut the maximum

[1] The following parties filed petitions for reconsideration: National Association of Broadcasters (NAB), Association of Maximum Service Telecasters (AMST), National Cable Television Association (NCTA), several groups of television station licensees, a group of "76 CATV Companies," Black Hawk Broadcasting Co., Gross Telecasting, Inc., Capital Cities Communications, Inc., Golden Empire Broadcasting Co., Sacramento Valley Television, Inc., Viacom, Inc., Spartan Radiocasting Co., Springfield Television Broadcasting Corp., and KIRO, Inc. Throughout this Memorandum Opinion and Order on Reconsideration, the terms "nonduplication" and "exclusivity" are used interchangeably.

[2] Subsequently, the Commission partially granted NCTA's request, and materials were released. An appeal thereof is pending in the United States District Court for the District of Columbia.

[3] Recent decisions involving applications for special relief from our new nonduplication rules include *WHAG–TV, Inc.*, FCC 75-1117, —— FCC 2d —— (1975) and *WCEE-TV, Inc.* FCC 75–1118, —— FCC 2d —— (1975). In the latter case, a request for waiver of Section 76.92 of the Rules was denied, whereas, in *WHAG–TV, Inc.*, the Commission decided that a waiver of Section 76.92 would serve the public interest in view of WHAG–TV's operating conditions.

service objectives of Section 307(b). They maintain that the desirability, however great, of providing additional nonduplication protection to weaker stations does not provide a justification for reducing a stronger station's area of protection where there is no weaker station to protect. And while it may be desirable to provide a measure of economic support to network affiliates which operate on less desirable channels or with less than the maximum permitted facilities, it does not follow that this goal must or should be achieved by eliminating all non-duplication protection beyond the 35-mile zone for stations operating on the better channel allocations or with maximum facilities.

6. Golden Empire Broadcasting Company asserts that the modifications in the cable network nonduplication rules adopted in this proceeding reflect the Commission's misapprehension of the environment in which small market television stations must operate and the negative effect which the continuing fractionalization of television audiences in such markets has on the economic base which supports broadcast service. They argue that in small television markets, where populations are sparse and widely diffused, stations must serve a large area in order to provide national and regional advertisers with sufficient audiences to justify the cost of advertising over the station. They state that in markets such as Chico-Redding, California, it is literally true that every television household counts. While the Commission's purpose in adopting these changes in the network program exclusivity rules may be reasonable enough (e.g., to simplify procedures, expedite actions on exceptions, and eliminate unnecessary burdens on cable systems), Golden Empire suggests that the effect of those changes on small market stations will be quite harmful. The net effect of the new rules is, they say, to favor the distant market station over the local small market station while at the same time eliminating a substantial degree of the protection to which the local station would otherwise be entitled. No reason, they argue, is given to justify such favoritism.

7. Golden Empire, Gross Telecasting and others suggest that the adverse effects of the new rules can be rectified by returning to the predicted signal contour priorities for stations located in markets below the major television markets. To accommodate this exception with specified zones of the new rules, they propose a modification of our new priorities to provide smaller market stations with nonduplication protection throughout their predicted Grade B contours, except where the B contour overlaps with the 35 mile zone of a major market station. In the areas of overlap, both stations would receive equal priority. As an alternative, Golden Empire suggests that the "Primary Zone" of a small market station should be 60 miles and the "Secondary Zone" extended to 90 miles. Furthermore, since many stations have transmitter sites located at some distance from the reference point of community of license, the Commission should also avoid the inevitable anomalies arising from this fact by basing program exclusivity on the composite outlines of zones calculated from both the reference point of the station and its transmitter site.

8. The National Cable Television Association (NCTA) asks the Commission to reconsider the studies submitted in their original comments in this proceeding, which, they claim, clearly demonstrate that there is no need to exceed 35 miles as a zone of protection for smaller television markets. NCTA argues that the number of cable systems located within the 20 mile additional zone of smaller market stations that would be subject to the nonduplication rules would be small even in the most highly penetrated cable markets. It is submitted that this data indicates that there is no need to add 20 miles to a smaller television market station's zone of protection. In addition, NCTA remarks that the Commission, in the *First Report and Order*, characterized the previous nonduplication rules as being unduly complicated and restrictive and has publicized the new rules as remedying many of these problems. Unfortunately, NCTA suggests, the complexity of the rules and the magnitude of their restrictiveness have not, in fact, been reduced to any significant extent through the adoption of different specified zones for major and smaller television markets. NCTA contends that the new rules are, unquestionably, more complicated. The priorities of protection still persist, save that they are determined by a reference to fixed mileage zones rather than theoretical contours. Neither do the new fixed mileages, particularly the 55 miles smaller market zone, accomplish the deregulation of cable systems. NCTA argues that the Commission must make these new mileage zones both less complicated and more meaningful by establishing a uniform 35-mile zone for all markets.

b. *Discussion.* 9. Petitioners representing broadcast interests have argued that our revised rules will not provide the degree of nonduplication protection to which they are entitled. Some have maintained, in addition, that the Commission has neglected its mandate under Section 307 of the Communications Act by reducing the amount of protection that some stations will receive. However, before addressing those specific objections we think that a review of the general rationale underlying our nonduplication rules and their recent modifications would be appropriate.

10. The Commission is charged with the duty of furthering the objectives of the Communications Act to "make available, so far as possible, to all people of the United States, a rapid, efficient, nationwide and world-wide wire and radio communication service" (47 U.S.C. § 151) and "generally to encourage the larger and more effective use of radio in the public interest" (47 U.S.C. section 308 (g)). The Commission is also required to "make such distribution of licenses, frequencies, hours of operation, and of power among the several states and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same" (47 U.S.C. § 307(b)). Pursuant to the mandate of the Communications Act, we have formulated a television station allocations policy grounded upon the establishment of a multiplicity of local (rather than regional) television broadcast outlets to serve the needs and interests of local communities. In 1962, in the case of *Carter Mountain Transmission Corp.*,[4] the Commission first imposed program nonduplication restrictions on a cable television system in order to avoid the potentially damaging economic impact that the importation of distant duplicating signals could have on local stations. Subsequently, over a period of several years, various regulatory programs were developed to insure that the growth of cable television and the distribution of distant television signals would not unduly interfere with those Commission policies designed to foster the growth and economic stability of local television broadcast service.[5] The network nonduplication rules were adopted as a means of achieving that object. These rules provide a degree of economic protection for local television stations by requiring cable systems to delete network programming broadcast by a more distant television station when that station's programming simultaneously duplicates the programming broadcast by local stations. In this way, potentially damaging fractionalization of a local station's audience can be avoided and its revenue base can remain reasonably secure.[6]

11. Cable television systems have the inherent technological capability of carrying television signals over great distances, far beyond the service area of the local stations they carry. The network nonduplication rules—in conjunction with our signal carriage rules—constitute the primary means of protecting local network affiliated stations, and thereby our basic conventional television allocations policies, from the potentially harmful effects of unrestricted cable carriage of distant signals. Having determined that some measure of economic protection for local stations serves the public interest (i.e., the continuing vitality of local broadcast service) the issue

[4] *Carter Mountain Transmission Corp.*, 32 FCC 459 (1962), aff'd sub nom, *Carter Mountain Transmission Corp.* v. *FCC*, 321 F 2d 359 (D.C. Cir. 1963), cert. denied, 375 U.S. 951 (1963).

[5] See *First Report and Order in Docket Nos. 14895 and 15233*, 38 FCC 683 (1965); *Second Report and Order in Docket Nos. 14895, 15233 and 15971*, 2 FCC 2d 725 (1966); *Cable Television Report and Order*, FCC 72-108, 36 FCC 2nd 143 (1972); and the *Reconsideration of the Cable Television Report and Order*, FCC 72-530, 36 FCC 2d 320 (1972).

[6] The history of our various nonduplication rulemakings is related in the *First Report and Order in Docket 19995, supra*, pp. 519–524.

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then becomes one of degree and balance: how much protection should be afforded to local stations without unnecessarily restricting the diversity and improved reception which cable can provide. Under our former rules, nonduplication rights were determined on the basis of a system which utilized predicted signal contours. For many reasons, as we stated in Paragraphs 53–56 of the *First Report and Order*, we determined that the continued use of signal contour priorities was unsatisfactory, that they tended to frustrate rather than promote the attainment of a sound and rational nonduplication policy. In sum, we found that use of contours provided certain stations with unnecessarily large zones of protection; created confusing overlaps between closely-located stations; provided smaller stations with zones of protection which were disproportionately small; and caused numerous difficulties in the administration and application of the rules. In revising the rules we have attempted to provide greater certainty in the application, administration and enforcement of nonduplication rights while eliminating the many difficulties and inequities fostered by a priority system based upon the use of predicted signal contours. Basically, our revised rules are intended to lessen the burdens the nonduplication rules place on cable systems and their subscribers while maintaining an adequate degree of protection for local television stations to insure their continued economic viability and provision of local broadcast service.

12. The adoption of fixed, specified zones for the administration of our nonduplication rules is consistent with our efforts to eliminate the use of predicted television signal contours throughout our cable television rules. See the *Report and Order in Dockets 16004 and 18052*, FCC 75–636, 53 FCC 2d 855 at 862 (1975). We have recently released a *notice of proposed rulemaking in Docket 20496*, FCC 75–635, 53 FCC 2d 1009 (1975), which proposes the substitution of fixed mileage zones for those cable television signal carriage rules now based on the use of predicted signal strength contours. Moreover, in the *Report and Order in Docket 19417*, FCC 75–819, 54 FCC 2d 265 (1975), we adopted rules placing limitations on a cable television system's use of distant signals when a home team blacks out local television coverage of its home game. A 35-mile specified zone has been utilized to define the zone of protection which will be afforded local sports events.[7]

13. Broadcast interests arguing against the adoption of specified zones of protection have essentially two contentions: (1) that the specified zones are arbitrary because they fail to take into account stations' actual service areas; and (2) that the new zones will substantially decrease the area of nonduplication protection which many stations now receive, producing in turn a significant adverse economic impact. Under the former rules, a television station was entitled to protection within an area determined by its predicted Grade B signal contour. The new zones, particularly as they apply to stations located in the major television markets, will undoubtedly diminish the area of protection which some stations had previously claimed. However, we analyzed many television markets, especially those which are highly penetrated by cable operations. We concluded that although the area of protection would be decreased for a number of stations, the net loss in audience and advertising revenues would be insignificant in all but a handful of cases. We therefore found that stations simply do not need the degree of protection which they had been receiving under the previous rules. However, in the case of smaller market stations, we determined that a larger zone of protection was warranted in order to compensate for the differences in population density patterns which exist outside large urban areas. Therefore, an additional 20 mile zone of protection was provided for stations located in smaller markets. This additional zone should adequately protect the audience base of such stations.

14. Television stations are not inherently entitled to exclusive access to all of the television homes their signals may reach. The new specified zones, which largely parallel the zones which govern our signal carriage rules, will adequately protect the core of a station's market in which the majority of its viewers and ADI counties are located.[8] In our view a greater degree of protection is not needed. The adoption of larger specified zones, which several broadcasters have advocated, would be self-defeating in many instances. The use of larger zones (e.g., 60 or 75 miles) would actually tend to decrease the amount of nonduplication protection stations would be entitled to receive in the core of their markets. This phenomenon results from the fact that larger specified zones of protection will produce situations in which such zones overlap one another, thereby decreasing the extent of protection such zones are intended to assure. In contrast, the zones we have adopted will protect the heart of a station's market without producing such extraordinary consequences. Moreover, the new rules will eliminate the often confusing overlap of competing stations' predicted contours, thus insuring that each station will receive protection within those areas that lie in close proximity to its community of license. And, despite some contentions to the contrary, we have found that the new rules will provide increased protection for those UHF stations which had previously been overshadowed by the large contours of the powerful VHF stations.

15. While broadcasters have asserted that the Commission's new scheme of nonduplication protection is arbitrary, cable television system operators contend that the rules continue unjustified restrictions on cable operation. We realize, of course, that broadcasters would prefer to have as much economic protection for their programming as possible, while cable operators would favor little or no restriction on their ability to carry signals. And we assume that the public would prefer to have a maximum choice of signals and totally unhindered service. But parties to this proceeding have recognized that the issues underlying the nonduplication rules are extremely complex, and the myriad economic questions which must be considered in formulating any rational scheme of nonduplication protection do not lend themselves to easy answers. We believe that our response to these competing and often conflicting interests has adequately balanced the needs of one with the requirements of the other. To the extent that these rules, and in particular our formulation of specified zone, create either too much or too little protection, our special relief and waiver processes afford an appropriate administrative remedy. Any rule of general applicability will break down under the logic of unique and special circumstances, a truism which seems particularly apt when we contemplate the hundreds of television stations and thousands of cable systems these rules are designed to affect.

Hyphenated Markets

a. *Comments.* 16. Many broadcast interests have requested reconsideration of our treatment of stations located in hyphenated television markets. They suggest that although the Commission has acknowledged the unique characteristics of hyphenated markets, the new rules permit drastic alterations in the area of nonduplication protection for stations located in such markets. NAB submits that the Commission's failure to accord hyphenated markets a distinctive form of protection must be reconsidered and remedied. They propose that the zone of protection for stations located in hyphenated markets be extended to the composite zone consisting of the appropriate mileage zones around each of the designated communities in that hyphenated market. To avoid undue extension of the composite zone into the zones of surrounding television markets, NAB further proposes that stations located in markets adjacent to the hyphenated market retain their right to nonduplication protection in areas where only the composite zone (as opposed to the zone centered on the station's actual community of license) of the hyphenated market station overlaps the adjacent out-of-market station's zone of protection. NAB maintains that it would be illogical for the Commission to recognize that all communities in hyphenated markets constitute the station's basic market area for signal carriage purposes, but not for nonduplication protection purposes. If the purpose of the rules is to protect a station's right to network exclusivity within its basic market area, the full extent of its market must be recognized. Thus, because hyphenated markets are characterized by multiple population centers, all of which are served by individual market stations, they propose that nonduplication protection be provided in the composite zones of all designated communities of the hyphenated market. NAB asserts that its proposed solution would recognize the basic market area of hyphenated market stations without creating the overlap problem sometimes arising from such extended zones of composite protection.

For all stations located in the hyphenated market, the area within which it is entitled to nonduplication protection would include (1) the appropriate 35 or 55 mile zone surrounding its community of license, plus (2) the composite zone formed by the appropriate zones of each of the other designated communities in the market. However, in that portion of the composite zone beyond the zone of the station's community of license, the station would not be entitled to nonduplication protection as against a station located in a community not part of the hyphenated market whose zone overlapped the composite zone of the hyphenated market station. In such cases, the station located outside the hyphenated market would retain its right to nonduplication protection. Capital Cities Communications proposes that the Commission use the 35-mile zone as the basis for determining the first priority for providing nonduplication protection among affiliates of the same network, and continue to use predicted signal contours to establish nonduplication protection rights beyond the 35-mile zone. Under this proposal, there would be four priorities of protection, with the first being the 35-mile zone, the second being the station's predicted city grade contour, the third being the station's Grade A contour, and the fourth being the station's Grade B contour. With this modification, they suggest, the rules would achieve the Commission's primary objective—protection of smaller market local stations from the signals of larger market affiliates which overshadow the smaller market. Beyond the 35-mile zone, the superior signal scheme would remain in effect and would be used to establish nonduplication protection rights in areas where the local station has a superior predicted signal. This modification would maintain the integrity of existing off-the-air market patterns and would continue to recognize the Commission's long-standing objective of making cable viewing a neutral factor in the competition between network affiliates for circulation in the areas falling between their two cities. Capital Cities argues that this scheme would reduce the disparities in protection in hyphenated markets, since most hyphenated market stations would be entitled to nonduplication protection throughout the core of the market under one of the other protection priorities.

17. NCTA opposes any special consideration for hyphenated markets, arguing that the Commission's new exclusivity rules are not intended to protect television markets, only individual television stations. They argue that it would be inappropriate to distinguish between stations located inside or outside of hyphenated television markets for purposes of the network program exclusivity rules, and that the appropriate forum to adjudge claims that the new nonduplication rules work a unique hardship on a particular television station located in a hyphenated market is a special relief proceeding where the burden quite properly falls upon the television station seeking relief from these rules.

b. *Discussion.* 18. When we adopted our revised nonduplication rules we acknowledged that the replacement of a system of priorities based on signal contours with priorities established by fixed mileage zones would alter the areas of nonduplication protection for stations located in hyphenated television markets.[9] While we recognized that stations in hyphenated markets may be subject to somewhat unique problems, we found it unnecessary to accord such stations special zones of protection.[10] It is proposed by various broadcast interests that stations in hyphenated markets should be entitled to protection in the same composite zones which comprise the areas in which signal carriage is required. Without such protection, it is argued, a stations' basic market will not be adequately protected and substantial losses of audience and revenues will result. Various alternative proposals have been suggested, all of which would provide substantially increased areas of protection for hyphenated market stations.

19. Before adopting the *First Report and Order*, we thoroughly considered the ramifications of single, rather than composite zones of protection for hyphenated market stations. We compared the amount of protection to which stations in such markets had previously been entitled under the old rules with protection that would be afforded under the new provisions and found that there would be no significant loss of audience or advertising revenues. We believe that such minimal impact is the consequence of the former use of signal contours for nonduplication priorities. In hyphenated markets the extensive overlap of signal contours of stations within the market resulted in relatively small areas of nonduplication protection for most stations. We have concluded that stations would receive approximately the same degree of protection under the new rules as they had received under our former provisions. Therefore, we determined that it was unnecessary to accord stations located in hyphenated markets any additional zone of protection. The data which has been submitted by various broadcast petitioners is not sufficiently persuasive to convince us that we should depart from our previous determination in this matter. However, as we stated in the *First Report and Order*, we recognize that there are circumstances which may warrant a departure from the general application of our revised priorities. Such cases will be given full consideration in our special relief process.

Reference Point for Zones of Protection

a. *Comments.* 20. A number of petitioners representing broadcast interests have asked that the new rules be modified to permit individual television station licensees to select either a station's community of license or the location of its transmitter as the reference point from which the zone of protection is measured. They note that although in most cases a station's transmitter is located in or near a station's community of license, in a significant number of cases the transmitter is located a substantial distance away. Due to various factors, usually patterns of population density, they assert that television licensees have sought to establish a signal coverage area which is not geographically centered on the community of license. They argue that requiring the reference point of the zone of protection to be the city of license rather than the transmitter site will, in some cases, cause a substantial shift in the zone of nonduplication protection from the areas previously protected under the predicted signal contour priorities. The zone of protection will no longer correspond to the station's actual coverage area, but will be an arbitrary and artificial zone which will not provide protection to the areas actually served by a local station. They suggest that the Commission permit television licensees whose station transmitters are not located in or near their communities of license to select either the specified reference point of their communities of license or their transmitter sites as the center point of their zone. The broadcasters state that this method has the advantage of avoiding arbitrary results while preserving all the benefits of a fixed mileage standard. Once the licensee has made his choice, they aver, the zone would be both easily determinable and permanent, and the Commission will not be confronted with numerous requests for special relief.

b. *Discussion.* 21. Although at first blush, the arguments for giving station licensees the opportunity to select either their community of license or their transmitter site as the reference point of their zone of protection appears to be an attractive option, we must reject such a proposal for several reasons. Television stations apply for and are granted licenses to provide television service to a particular community and its surrounding area. A station licensed to one community has a primary obligation to that community for purposes of both signal quality and community ascertain-

[7] See § 76.67 of the Rules.

[8] "ADI" or Area of Dominant Influence is a designation used in assigning counties to television markets, determined on the basis of audience surveys.

[9] It should be noted that no television station in the United States is licensed to more than one community. The structure of hyphenated markets is a product of marketplace determinations by networks, advertisers and audience rating services.

[10] *First Report and Order in Docket 19995, supra*, at pp. 543–544.

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ment.[11] And while some stations have been permitted to identify themselves with more than one community, their primary obligation remains with the community of license. Generally, stations have been permitted, on request, to place their transmitters in locations other than their city of license to enable them to reach a larger audience than would be possible if they were required to locate the transmitter close to their community of license. While the erection of remotely located transmitters may increase the availability of station's signal in a particular area, it does not follow that stations should be entitled to exclusive access to television homes in the area of expanded coverage. Remotely located transmitters often operate from geographically favorable positions and at maximum permitted power. This often results in an extraordinarily large signal contour which greatly increases a station's total viewing audience and enhances its ability to attract advertising revenues. Under our new rules, stations will still be received in the same number of homes as before. They will simply no longer be entitled to exclusive access in cable television households outside their zone of protection.

22. The nonduplication rules serve to protect the core audience of a station, from which the bulk of its revenues is derived; and this audience for most stations is located in close proximity to its community of license. Therefore, in the vast majority of cases, use of the community of license as the reference point for the specified zones usually provides adequate protection of a television station's revenue base. Moreover, since the reference points for television stations have been fixed in our rules,[12] the specified zones for nonduplication can be determined without resorting to new maps or engineering studies which the use of a transmitter site option would require. The certainty of using established reference points will significantly assist the administration of the rules by the Commission and a readier comprehension of their rights and responsibilities by all parties concerned. Additionally, since more than one television station is licensed to operate in most television markets, permitting stations to select the reference point from which their specified zone is to be determined would almost surely result in an unnecessary and confusing complication for all parties. Nonetheless, television stations may be granted special relief upon a persuasive showing that they will be adversely affected by our general rule. In those situations where a transmitter is unusually distant from a station's community of license, we will consider alternative methods of measurement for the zone of protection, assuming of course that the petitioning station can show that the general rule will not adequately protect the station's network programming.[13] As we administer these rules, additional exceptions will doubtless be considered in our special relief processes.

SIGNIFICANTLY VIEWED SIGNALS

23. Several parties have requested reconsideration of our rules with regard to signals that are significantly viewed within a cable community, but must be deleted under the nonduplication rules. In the *First Report and Order*, we recognize that there may be situations in which the network programming of certain significantly viewed signals should not be deleted when they are available off-the-air in a cable community. We further stated our intention to develop a standard by which we could properly determine whether deletion of a significantly viewed signal was warranted. Subsequently, on August 8, 1975, we released a *Further Notice of Proposed Rule Making in Docket 19995*, FCC 75–922, — FCC 2d — (1975), for the purpose of establishing a standard to prevent those signals commonly viewed in cable households from being blacked-out because of our mileage priorities. Our determination of such a standard awaits the completion of that proceeding.

MULTIPLE CHANNEL CARRIAGE

a. *Comments.* 24. Broadcast interests urge us to reconsider the multiple channel carriage rule and restore the right of broadcasters to insist on single channel carriage of their station's signal on cable systems. The Association of Maximum Service Telecasters (AMST) contends that there is no sound justification for the elimination of the right of a higher priority station to insist that its signal not be carried on more than one cable channel during network nonduplication periods. AMST maintains that cable operators need not and do not invariably leave the lower priority channel black when network nonduplication with single channel carriage is being provided. They suggest that a blacked-out channel can be and has been used to notify viewers that the network programs which they might expect to see on that channel can be found on the channel on which the higher priority station is carried. Showing such informational slides, they aver, is a logical and simple step which will eliminate most of the supposed problems cited as justification for abolishing single channel carriage. As for the injury which the absence of single channel carriage will produce for broadcasters, AMST contends that the *First Report and Order* offers only the sheerest speculation that dual channel carriage will increase the higher priority station's audience for its network programs and that this gain will be sufficient to offset losses in viewing for nonduplicative programs (i.e., local or syndicated programming) which will have a reduced "lead-in" audience due to dual channel carriage.

25. Cable television interests have responded to broadcasters' requests for reconsideration of the multiple channel carriage provision by arguing that it has been amply demonstrated that single channel carriage is no longer needed to protect stations from loss of audience and advertiser identification. "76 CATV Companies," in a joint filing, contend that it has never been a purpose of the single channel carriage rule to protect non-network programming and, therefore, the issue of lead-in value for non-network programs is not relevant to the question of multiple channel carriage. Furthermore, they stress that the Commission should bear in mind that the single channel carriage rule has been one of the greatest irritants to the public of all of the cable rules, and therefore, reconsideration of the abandonment of the single channel carriage rule patently would not be in the public interest.

b. *Discussion.* 26. We initiated our inquiry into possible revision of the nonduplication rules in April, 1974, with a view towards simplifying the rules and, wherever possible, lessening the burdens placed on cable operators while continuing to assure a sufficient degree of protection for the network programming of local television broadcast stations. Undoubtedly, the most widespread complaint received by the Commission from cable television subscribers concerned the blacking-out of certain cable channels during periods of required network nonduplication protection. While many subscribers objected to being forced to watch a particular station's broadcasts, the major source of subscriber frustration stemmed more from the fact that the deletion of a lower priority signal resulted in a blacked-out channel.

27. In the *First Report and Order*, we determined that a great deal of the subscriber dissatisfaction caused by the nonduplication rules could be alleviated by permitting cable operators to carry the signal of the local protected station on the blacked-out channel. In this way channels would no longer have to be blacked-out and the protected television station would still obtain protected status on those cable systems within its specified zone of protection. In addition, the multiple exposure of the local signal should not adversely effect its audience ratings due to the nonduplication editing procedures employed by the ratings services.[14]

28. The petitions for reconsideration of our decision to permit dual or multiple channel carriage have not presented any arguments or data not previously considered. Despite claims by broadcasters that they will be financially injured by the multiple channel carriage rule, we have seen no evidence to indicate that such injury will occur. The showing of informational slides on non-programmed channels which many cable systems have done for years, will not eliminate the inconvenience to cable subscribers caused by sudden black outs. We cannot, of course, guarantee local stations that dual-channel carriage will so increase the number of viewers watching their network programming that the alleged loss of a network "lead-in" to non-network programming will be offset. However, no persuasive evidence or data has been submitted to us in this proceeding to indicate that the loss of this "lead-in" will result in even a minimal overall decline in a station's audience or revenues.[15]

GENERAL EXEMPTION FOR SMALLER CABLE SYSTEMS

a. *Comments.* 29. NCTA, in its petition for reconsideration, charges that the Commission has no factual basis for limiting the new exemption from the nonduplication rules to cable systems having fewer than 1000 subscribers on a head-end basis. They suggest that the 1000 subscriber system exemption will have no perceptible deregulatory effect and that the exemption level should be raised to 1500 subscribers per system. NCTA contends that even in the most highly penetrated cable markets, the number of television homes served by cable systems having fewer than 1500 subscribers within a television station's ADI (Area of Dominent Influence) averages less than three percent of a station's total audience. They further allege that in computing the number of cable systems and subscribers that would be exempt under the new rules the Commission failed to eliminate from consideration those systems already exempt under the former "500 subscriber exemption" as well as those systems which were situated in the equal priority contours of two stations.[16] Thus, they argue, the Commission's computation of the total number of subscribers and systems which will be exempt under the new rules is irrelevant. It is only the additional number of systems which would be exempt that should be considered. Since the increase in the number of cable systems and subscribers exempt per market under a 1,500 level would be insignificant according to their data, they assert that the Commission should increase the exemption level to 1,500 per cable headend.

30. Several broadcasters suggest that the new exemption level will have a serious impact on the operations of television stations located in smaller television markets. Such stations, they aver, unlike stations in larger markets, can ill afford the loss of even a small number of viewers. They recommend that the exemption level for cable systems in smaller television markets be lowered to 500 subscribers per headend in order to prevent the further loss of audience.

b. *Discussions.* 31. We have previously stated, both in our *Report and Order in Docket 18785, supra*, and in the *First Report and Order* of this proceeding, that we want to exempt from the nonduplication rules those cable systems which are of such small size that they would be unduly burdened by having to comply with the rules. To some extent, of course, compliance with the nonduplication rules is a burden for all cable systems. Nonduplication switching equipment must be purchased and maintained and available personnel must be assigned to program the equipment and perform other necessary tasks. However, the relative inconvenience and expense associated with complying with the rules must be measured against the potential harm to broadcasters which could occur if a significant number of cable television households within a station's ADI were exempt from the rules.

32. We determined in the *First Report and Order* that cable systems serving more than 1,000 subscribers on a head-end basis can reasonably be expected to comply with the nonduplication rules without being unduly burdened by the difficulties and expenses associated therewith. And, the potential adverse economic impact on local television stations appears to be minimal at the 1,000 subscriber exemption level. Beyond the 1,000 subscriber level—at 1,500 for example—the number of systems and subscribers which would be exempt from the rules escalates substantially. In smaller television markets particularly, where many small cable systems are located, the potential impact of a higher exemption level is proportionately increased within a station's specified zone. NCTA's figures on the percentage of total television households which would be exempt under a 1,500 subscriber level fail to take into account other revisions we have made in the rules, the effects of which must be considered in conjunction with the effect of our system headend exemption. In view of these considerations, we are not persuaded that a higher exemption level is warranted at this time. In response to those broadcasters who have urged that a lower exemption level be established for cable systems located in smaller television markets, it is sufficient to note that we have accorded smaller market stations an additional 20 miles of protection which should adequately offset any disproportionate numbers of small cable systems that may be located in smaller markets. Finally, we have recently adopted a similar exception to the applicability of our syndicated exclusivity rules. Since there exist common considerations in the adoption and enforcement of both the network nonduplication and the syndicated exclusivity rules, what we stated in the *Report and Order in Docket 20482*, FCC 75–1065, — FCC 2d — (1975) is particularly apt here:

> What is basically involved is a question of establishing an appropriate balance. It seems clear that the burden of complying with the syndicated program exclusivity rules must fall disproportionally heavily on smaller cable systems. Smaller systems have less manpower available to comply with exclusivity requests and they have a smaller financial base over which to spread the capital costs of obtaining the switching equipment that must be obtained and to pay for the continuing operation and maintenance of this equipment. In terms of the costs and the burdens involved, there would appear to be a great deal of similarity between the network nonduplication obligations and those under the syndicated exclusivity rules. In the *First Report and Order in Docket 19995*, we determined that 1,000 subscriber exemption would relieve these burdens from those systems upon which they fall most heavily. We believe the same conclusion is appropriate here if it can be concluded that this will not have an undue impact on local television broadcast stations and hence broadcast service to the public. It seems clear to us that the magnitude of the impact here would, if anything, be less than that associated with the network nonduplication exemption. Indeed, even the broadcast interests commenting in this proceeding appear generally to concede that the exemption proposed would not result in significant impact.

GRANDFATHERING

a. *Comments.* 33. NCTA has asked us to reconsider our decision not to grandfather the rights of those cable systems which were not required to provide nonduplication protection under the former rules. They contend that many systems which were previously within the equal priority contours of two stations will now be within the specified zone of one station and be forced to provide nonduplication protection for the first time. In many instances, they state, the purchase of nonduplication switchers and allocation of manpower for switching tasks will be necessitated for the first time as well. Thus, it is argued, the Commission will unnecessarily cause hundreds of cable television systems to spend substantial sums of money and countless manhours on nonduplication switching, undergo regular frustration and inconvenience and lose the goodwill of their subscribers. NCTA further argues that the Commission's failure to grandfather existing systems is inconsistent with its purported philosophy of seeking to deregulate the cable television industry.

34. Several broadcasters argue that they should be entitled to grandfathering of their nonduplication rights under the previous rules. Black Hawk Broadcasting Company and Cross Telecasting, Inc. contentd that it is unfair for the Commission not to grandfather the nonduplication rights of television stations which previously received protection against the signals of grandfathered network stations whose carriage is inconsistent with the current signal carriage rules. Black Hawk believes that the Commission has given inadequate consideration to the reliance that television stations have placed on the former rules in making certain investment decisions, such as improving their facilities. They also complain of the unfairness involved in grandfathering cable television signal carriage inconsistent with the rules but failing to similarly grandfather network nonduplication rights of television stations which have to compete with grandfathered signals. They argue that the Commission should, therefore, recognize the reliance that stations have placed on the former nonduplication rules, as it has recognized the reliance by cable televi-

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[11] *See, Report and Order in Docket No. 18774*, FCC 71–176, 27 FCC 2d 654 (1971), dealing with questions on community ascertainment for television station licensees.

[12] See § 76.53 of the Rules.

[13] Our recent ruling in *WCBE–TV, Inc.*, FCC 75–1118, — FCC 2d — (1975), discussed the issue of permitting stations to select a specified zone for nonduplication, based upon the location of a station's transmitter site.

[14] See the *First Report and Order in Docket 19995, supra*, at p. 533.

[15] We have recently discussed the showing which stations must present before waiving the "dual channel" rule in *Stations KPLM–TV and KMSR–TV*, FCC 75–1055, — FCC 2d — (1975).

[16] This exemption was adopted in the *Report and Order in Docket 18785*, FCC 74–299, 46 FCC 2d 94 (1974).

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sion operators on prior signal carriage rules.

b. *Discussion.* 35. At Paragraph 90 of the *First Report and Order*, we explained our decision not to grandfather either cable systems or television stations regarding nonduplication protection. We indicated that the considerations which impelled us to grandfather cable carriage of certain television signals, although the signal carriage rules had changed, do not apply to grandfathering of nonduplication rights. Where signal carriage was concerned, subscribers would suddenly have been deprived of service to which they had become accustomed over a period of years. None of the parties protesting our decision not to accord grandfathered status to either cable systems or television stations has persuaded us that our basic rationale is erroneous: inasmuch as a change in these rules does not threaten any sudden deprivation of service, there is no reason to grandfather nonduplication rights as we grandfathered signal carriage rights. Moreover, the costs of compliance will be borne equally by both cable and broadcasting interests. Accordingly, since the service now provided the public is unlikely to be affected by the revised rules, we do not believe the public interest mandates that we grandfather the nonduplication rights of either cable systems or television stations.

TRANSLATOR STATIONS

a. *Comments.* 36. Cable television interests maintain that our revised rules with regard to television translator stations continue to discriminate against cable systems. They suggest that translators are often direct competitors of cable systems because they bring "distant" signals to the communities they serve. By permitting a translator to demand nonduplication protection in communities which lie anywhere within the Grade B contour of its parent station, the Commission is allowing television stations to extend their nonduplication rights far beyond their specified zones of protection. Thus, they aver, a television station can install a translator on the perimeter of its Grade B contour and obtain nonduplication protection in a community up to 100 or more miles from the station's city of license. And, since translators are quite inexpensive to install and Commission grants of translator applications are virtually automatic, NCTA suggests that the spirit and intent of the new rules can easily be abused. Therefore, they submit, there is no justification for maintaining nonduplication rights to a translator station that is located in a community in which the station being rebroadcast is not itself entitled to protection.

b. *Discussion.* 37. In our *First Report and Order*, we modified our rules to deny protection to a television translator station licensed to a community located outside the Grade B contour of its parent station (Section 76.92(d).) We also provided that the network programming of a translator station licensed to a community located in whole or in part within the specified zone of protection of a television broadcast station need not be deleted by a cable system operating in the translator's community of license. (§ 76.92(e).) Our purposes in adopting these rules were twofold. First, in doing away with our contour priority system, translators (which were formerly the fourth priority) were left with no duplication rights. Since we considered it desirable to provide some degree of protection for translators, we adopted § 76.92(d), so that translators would be entitled to nonduplication protection in their communities of license, as long as the community was within the Grade B contour of the translator's parent station. Second, it appeared illogical to require a cable system operating in a translator's community of license to delete broadcasts that are *prima facie* available off-the-air in that community.

38. We do not believe that any further modification of our translator nonduplication rules is warranted at this time. Rather, a more prudent course would be to observe the effect that these changes have on the relationships between translator stations and cable television systems.

PROCEDURES AND SANCTIONS

a. *Comments.* 39. In the *First Report and Order*, we instituted certain changes in our nonduplication notification procedures in order to insure that cable television system operators receive accurate and timely notification from broadcasters as to what programs are entitled to nonduplication protection. However, we declined to set forth sanctions which would be automatically imposed against either broadcasters who fail to provide cable systems with proper notification or cable operators who do not provide protection when required to do so. NCTA suggests that the revised notification requirements do not meet the Commission's expressed goal of "preventing inconvenience and loss of protected programming to the viewing public." They specifically point to the loss of programming to subscribers which occurs when program schedule changes are made by lower priority stations and broadcasters fail to notify cable operators of the change.[11] NCTA submits that broadcasters whose programs are entitled to nonduplication protection should be required to notify cable operators of any modification in the programming of either the higher or the lower priority station's programming on the day that such schedule change occurs. In addition, NCTA contends that since stations which are entitled to nonduplication protection have no incentive to provide cable systems with notification of changes in the lower priority station's programming, the Commission should establish sanctions to be applied automatically to broadcasters who fail to provide such notice. Specifically, they recommend that immediate telephone notification of program changes be required and subsequently confirmed by letter if there is sufficient time to do so. If a broadcaster's failure to provide accurate initial notice, or notice of program changes results in two full hours or more of erroneous information in any single week, or four hours or more during any consecutive four-week period, NCTA suggests that the cable system should automatically be permitted to suspend nonduplication protection for the offending station. If a local station develops new procedures to eliminate its errors, they suggest that it should be permitted to file a petition for special relief with the Commission evidencing these revised procedures; and protection would then be reinstituted. However, such a petition could not be filed more than once during any yearly period.

40. In a joint opposition to NCTA's Petition for Reconsideration, the licensees of 24 television stations suggest that a cable operator has as much opportunity and capacity to ascertain information on late program changes as does the station seeking protection. They contend that if the problems arising from schedule changes are as onerous as NCTA claims, responsible cable operators should undertake to inform themselves of these changes by establishing "a simple procedure of communication" with the stations of lower priority—who would have every reason and incentive to cooperate in providing such information.

41. Finally, several representatives of broadcast interests, including AMST, state that it is unsound to require that program notices be provided one calendar month in advance. They state that many broadcasters have been sending weekly notices to cable operators and would like to continue to do so, but the new rules prohibit this practice.

b. *Discussion.* 42. With regard to the required frequency of program notices, the suggestion that the new rules prohibit weekly notices is erroneous and obviously some clarification is in order. Monthly notification is a minimum requirement to insure that cable operators will receive accurate periodic nonduplication notices rather than yearly master schedules which may be informally updated. We did not intend to prohibit broadcasters from sending more frequent notices. In fact, we encourage broadcasters to send weekly notices if they see fit to do so. The greater the frequency of such notices, the less likely it is that nonduplication errors will be made. To the extent our prior revisions insufficiently explicated the obligations of stations desiring protection, they are herewith amended. To correspond with the notification requirements of a weekly notice, the monthly notice—and changes thereto—must now be given six days in advance.

43. We must reject NCTA's request to reconsider our refusal to provide automatic sanctions against broadcasters who fail to furnish either accurate initial nonduplication notices or notice of late program schedule changes. We have established a new scheme of nonduplication protection and have required that nonduplication notices be provided with

[11] In effect, when a cable system is not made aware of a change in the lower priority station's programming, the system blacks-out a program which is not duplicative.

greater frequency than in the past. We trust that broadcasters and cable operators will make a sustained effort to work cooperatively and to carry out their respective obligations as smoothly as possible. Such cooperation can only benefit all parties concerned. We think it unnecessary to adopt sanctions at this time which would be invoked against either cable operators or broadcasters who may at some time fail to properly fulfill their obligations under the rules. Such provisions would be unnecessarily rigid and would fail to take into account special mitigating circumstances which could account for rule violations. There is also a significant question of due process with regard to automatic revocation of stations' right to protection. Therefore, we will continue to reserve consideration of such matters for the special relief process. We do expect, however, that broadcasters will make a diligent effort to notify cable operators of changes in the program schedules of lower priority stations. It can be extremely difficult for cable operators to learn of such changes in sufficient time to reprogram nonduplication switching equipment to prevent the unnecessary loss of programming. Should there be any continuing abuse of the rules on the part of any party, we will not hesitate to take prompt remedial action.

44. Informal inquiries of the Commission have been made by parties seeking to clarify their respective rights and obligations under § 76.92(a)(1) and (2).[12] The question has arisen as to what course of action should be followed by cable operators who receive untimely monthly nonduplication notifications. In such cases, we expect that cable operators will comply with the late request as fully as possible in light of individual circumstances. Cable operators may not unilaterally decide that protection for the month will not be provided because of a late notice. However, operators should retain complete records of such occurrences. Should there develop a demonstrable pattern of abuse of the notice requirements, we invite cable operators to notify us promptly, for we expect to take swift remedial action.

45. We have revised § 76.94(a)(2) of the Rules which governs the submission of changes to the monthly or weekly nonduplication notification. If a television station utilizes a monthly notification procedure, any change to the station's programming which necessitates additional protection must be given at least six (6) days before the scheduled broadcast of the program to be protected. This will allow the cable operator sufficient time to re-program his switching equipment. Of course, in the case of a station utilizing weekly notifications, a change necessitating additional nonduplication protection can be communicated to cable systems through the usual weekly notice. However, when a network program otherwise entitled to nonduplication protection is replaced by a program not entitled to such protection (either because it is a non-network program or it will not be subject to simultaneous duplication on the lower priority station), a failure to communicate this fact to the cable operator will result in a loss of network programming for cable subscribers. For, in such instances, the preset switching equipment will continue to black out the lower priority signal regardless of the fact that such protection is no longer required. To prevent such occurrences, we are requiring broadcasters to notify cable operators when nonduplication protection of a previously scheduled program is no longer required. Notice must be provided as soon as reasonably possible after the broadcaster decides upon or learns of the scheduling change. Since timely notice is likely to be crucial, notification by telephone will satisfy the requirements of this obligation.[13] We believe these revisions provide a sound foundation upon which cable operators and broadcasters can build a mutually beneficial relationship. To the extent compliance is feasible, we therefore urge cable operators to comply with changes to the regular nonduplication notifications which are not timely filed.

46. In conclusion, the parties who have petitioned for reconsideration of our revised nonduplication rules have essentially restated the arguments set forth in their comments and replies in Docket 19995. While various alternatives to our rules have been proposed, little in the way of new data or legal arguments has been presented that would persuade us to reconsider the rules we have adopted. We believe these revisions to our nonduplication rules can promote harmonious relations between the broadcast and cable television industries if they are applied with the common sense and good faith the public interest demands. As we have stated throughout the course of this proceeding, those cases in which a departure from general rules may be warranted will be duly considered in our special relief process. In this regard, we wish to note that a number of the petitions for reconsideration which have been submitted in Docket 19995 have been directed to the circumstances of the specific television market in which the petitioner operates. We invite these petitioners to resubmit their data pursuant to Section 76.7 of the Rules for our consideration in the special relief processes on an *ad hoc* basis.

Authority for rules adopted in the Appendix attached hereto is contained in sections 2, 4(i) and (j), 303, 307, 308 and 309 of the Communications Act of 1934, as amended.

Accordingly, *it is ordered*, That the petitions for reconsideration are granted to the extent indicated in Paragraph 42 herein, and in all other respects are denied.

It is further ordered, That Part 76 of the Commission's Rules and Regulations, is amended, effective December 1, 1975, as set forth below.

(Secs. 4, 303, 307, 48 Stat., as amended, 1068, 1082, 1083; 47 U.S.C. 154, 303, 307.)

Adopted: October 8, 1975.

Released: October 20, 1975.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In § 76.94, paragraph (a) is revised to read as follows:

§ 76.94 Notification requirements and extent of protection.

(a) Where the network programming of a television station is entitled to nonduplication protection, a cable television system shall, upon request of the station licensee or permittee, refrain from simultaneously duplicating any network program broadcast by such station only if the cable television system has received the information required in paragraphs (a)(1) and (2) below:

(1) Notification of the date and time of the programming to be protected and date and time of the programming to be deleted must, at a minimum, be received on a monthly basis. If the station licensee or permittee elects to provide such notification on a monthly basis, it must be submitted no later than six (6) days preceding the calendar month during which nonduplication is requested. If the station licensee or permittee elects to provide such notification on a weekly basis, notice shall be given no later than the Monday preceding the calendar week (Sunday-Saturday) during which nonduplication protection is sought.

(2) Changes in the monthly notification request required by paragraph (a)(1) must be submitted six (6) days preceding the broadcast of the programming to be protected; *Provided, however*, that the licensee or permittee of the television station otherwise entitled to nonduplication protection must notify the affected cable television system as soon as possible, and without regard to the time limits prescribed in paragraph (a)(1), of any programming change which would render unnecessary the deletion of a lower priority television broadcast signal.

* * * * * *

[FR Doc.75-28834 Filed 10-24-75;8:45 am]

[12] These sections provide that regular monthly notice of program schedules must be made, and that notification of changes in the monthly schedule must be made 6 days in advance of the broadcast to be protected.

[13] Of course, if a cable operator learns independently of these notice requirements that protection is no longer mandatory, then, upon appropriate verification, from the broadcaster, the higher priority station need not be protected.

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Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds; Correction

In FR Doc. 75-24772 appearing at page 44709 in the FEDERAL REGISTER of September 29, 1975, the following correction is made in order to bring the geographical description into agreement with the final frameworks relevant to the State of Missouri:

In § 20.105(e) on page 44716 under the entry for "Missouri: Geese," the designation "east of Interstate Highway 55" should be corrected to read "east of U.S. Highway 67."

AUTHORITY: Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703-711).

Dated: October 22, 1975.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-28903 Filed 10-24-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 10]

ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Establishing a Procedure for the Duty-Free Entry of Certain Merchandise From Designated Developing Countries

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), section 624, 46 Stat. 759 (19 U.S.C. 1624), and section 503(b), 88 Stat. 2069, (19 U.S.C. 2463(b)), it is proposed to amend Part 10 of the Customs Regulations (19 CFR Part 10) to implement the provisions of section 503(b) of the Trade Act of 1974 (Public Law 93-618, 88 Stat. 1978), hereinafter referred to as the "Trade Act." Title V of the Trade Act authorizes the President to establish a Generalized System of Preferences (GSP) which would permit the duty-free entry of eligible merchandise arriving directly from designated "beneficiary developing countries." Section 503 (b) of the Trade Act, relating to the requirements which must be met for eligible merchandise to receive duty-free treatment, authorizes the Secretary of the Treasury to prescribe such regulations as may be necessary to carry out the provisions of that subsection.

In accordance with sections 503(a) and 131(a) of the Trade Act, a notice by the President was published in the FEDERAL REGISTER on March 26, 1975 (40 FR 13456), listing the articles which will be considered for designation as eligible articles for purposes of the Generalized System of Preferences. The notice also included a list of countries which were designated by Executive Order 11844 (dated March 24, 1975) pursuant to sections 502(a)(1) and 503(a) of the Trade Act, as beneficiary developing countries and countries under consideration for designation as beneficiary developing countries.

The proposed amendments to Part 10 of the Customs Regulations set forth requirements and procedures for the free entry of eligible merchandise from beneficiary developing countries. The proposal would require the submission of evidence of the country of origin and, if it is determined to be necessary by the appropriate district director of Customs, proof that the merchandise was imported directly from the beneficiary developing country. If the district director is satisfied from other evidence that the merchandise clearly qualifies for duty-free treatment under the Generalized System of Preferences, he would be authorized to waive production of proof of direct shipment.

The proposed amendments further provide that eligible merchandise may qualify for duty-free entry under the Generalized System of Preferences only if the sum of the cost or value of the materials produced in the beneficiary developing country plus the direct costs of processing operations performed there are at least 35% of the final appraised value of the merchandise. In the case of eligible merchandise produced by 2 or more countries which are members of an association of countries treated as one country under section 502(a)(3) of the Trade Act, the percentage of the cost or value of the materials produced in those countries plus the direct costs of processing operations performed there must be at least 50% of the final appraised value. The proposal also explains the procedure used in computing the cost or value of materials and the direct costs of processing operations.

Accordingly, it is proposed to amend Part 10 of the Customs Regulations (19 CFR Part 10) by the insertion of a new centerheading and §§ 10.171 through 10.178 to read as follows:

GENERALIZED SYSTEM OF PREFERENCES

§ 10.171 General.

(a) *Statutory authority.* Title V of the Trade Act of 1974 (19 U.S.C. 2461-2465) authorizes the President to establish a Generalized System of Preferences (GSP) to provide duty-free treatment for eligible articles arriving directly from designated beneficiary developing countries. Beneficiary developing countries and articles eligible for duty-free treatment are designated by the President by Executive order in accordance with sections 502(a)(1) and 503(a) of the Trade Act of 1974 (19 U.S.C. 2462(a)(1), 2463(a)).

(b) *Country defined.* For purposes of §§ 10.171 through 10.178, except as otherwise provided in § 10.176(a), the term "country" means any foreign country, any overseas dependent territory or possession of a foreign country, or the Trust Territory of the Pacific Islands. In the case of an association of countries which is a free trade area or customs union, the President may by Executive order provide that all members of such association other than members which are barred from designation under section 502(b) of the Trade Act of 1974 (19 U.S.C. 2462 (b)) shall be treated as one country for purposes of §§ 10.171 through 10.178.

§ 10.172 Claim for exemption from duty under the Generalized System of Preferences.

A claim for an exemption from duty on the ground that the Generalized System of Preferences applies shall be allowed by the appropriate district director only if he is satisfied that the requirements set forth in this section and sections 10.173 through 10.178 have been met. A written claim for duty-free entry shall be filed at the time of the entry or application for immediate delivery of the eligible merchandise and prior to the release of the merchandise from Customs custody.

§ 10.173 Evidence of the country of origin.

(a) *Shipments valued in excess of $250.*—(1) *Certificate of Origin.* The importer or consignee of a shipment of eligible merchandise valued in excess of $250 shall file with the district director at the time of entry a Certificate of Origin, Form A, as evidence of the country of origin. Form A shall be signed by the exporter of the merchandise in the country from which it is directly imported, certified by the appropriate governmental body in that country, and completed in accordance with the instructions provided on the form.

(2) *Duplicate Certificate of Origin.* In the event of the loss, theft, or destruction of a Certificate of Origin, the district director will accept at the time of entry a duplicate Certificate issued by the appropriate governmental body in the country of origin and endorsed with the word "duplicate" in box 4 of Form A. The duplicate must bear the date of issue of the original Certificate of Origin and will be effective from that date.

(3) *Release under bond.* If the required Certificate of Origin, or a duplicate thereof as described in subparagraph (2) of this paragraph, is not available for filing at the time of entry, the entry shall be accepted, subject to compliance with the requirements set forth in § 10.172 and §§ 10.174 through 10.178, only if the importer or consignee gives a bond on Customs Form 7551, 7553, or 7595 for the production of the Certificate of Origin. The bond shall be in the amount required under § 113.14 of this chapter. Within 60 days after such entry, or such additional period as the district director may allow for good cause shown, the importer or consignee shall deliver to the district director the Certificate of Origin. If the Certificate is not delivered to the district director within 60 days of the date of entry or such additional period as may be allowed by the district director for good cause shown, the importer or consignee shall deliver or cause to be delivered to the district director the merchandise which was released in accordance with this subparagraph. In the event the merchandise is not redelivered within 5 days following the date specified in the preceding sentence, liquidated damages shall be assessed in the full amount of a bond given on Form 7551. When the transaction has been charged against a

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bond given on Form 7553 or 7595, liquidated damages shall be assessed in the amount that would have been demanded under the preceding sentence if the merchandise had been released under a bond given on Form 7551.

(4) *Verification of evidence.* Evidence of the country of origin required under this paragraph shall be subject to such verification as the district director deems necessary.

(5) *Baggage declarations.* The district director may waive the production of a Certificate of Origin in the case of articles accompanying a returning resident or non-resident when he is otherwise satisfied that the merchandise qualifies for duty-free entry under the Generalized System of Preferences.

(b) *Shipments valued at $250 or less.* Although the filing of a Certificate of Origin, Form A, is not required for shipments valued at $250 or less, the district director may require such other evidence of the country of origin as he deems necessary.

§ 10.174 Evidence of direct shipment.

(a) *Documents constituting evidence of direct shipment.* The district director may require that appropriate shipping papers, invoices, or other documents be submitted within 60 days of the date of entry as evidence of direct shipment, as that term is defined in section 10.175. Any evidence of direct shipment required by the district director shall be subject to such verification as he deems necessary.

(b) *Waiver of evidence of direct shipment.* The district director may waive the submission of evidence of direct shipment when he is otherwise satisfied, taking into consideration the kind and value of the merchandise, that the merchandise clearly qualifies for treatment under the Generalized System of Preferences.

§ 10.175 Direct shipment defined.

Eligible articles must be imported directly from a beneficiary developing country to qualify for treatment under the Generalized System of Preferences. For purposes of sections 10.171 through 10.178 the words "imported directly" mean:

(a) Direct shipment from the beneficiary country to the United States without passing through the territory of any other country; or

(b) In the event of transshipment, the invoices, bills of lading, and other documents connected with the shipment must show the United States as the final destination, and the merchandise must not have entered into the commerce of any other country while en route to the United States.

§ 10.176 Country of origin criteria.

(a) *Merchandise produced in one beneficiary developing country.* Merchandise which is the growth, product, manufacture, or assembly of a beneficiary developing country and which is imported directly from such beneficiary developing country may qualify for duty-free entry under the Generalized System of Preferences only if the sum of the cost or value of the materials produced in the beneficiary developing country, plus the direct costs of processing operations performed in such country, is not less than 35 percent of the value of the article as appraised in accordance with section 402 or 402a, Tariff Act of 1930, as amended (19 U.S.C. 1401a, 1402). For purposes of this paragraph, the term "country" does not include an association of countries which is treated as one country under § 10.171(b), but does include a country which is a member of any such association.

(b) *Merchandise produced in two or more countries which are members of an association.* Merchandise which is the growth, product, manufacture, or assembly of two or more countries which are members of an association of countries treated as one country under section 502(a)(3) of the Trade Act of 1974 (19 U.S.C. 2462(a)(3)) and § 10.171(b), and which is imported directly from a member country, may qualify for duty-free treatment under the Generalized System of Preferences only if the sum of the cost or value of the materials produced in such countries, plus the direct costs of processing operations performed in such countries, is not less than 50 percent of the value of the article as appraised in accordance with section 402 or 402a, Tariff Act of 1930, as amended (19 U.S.C. 1401a, 1402).

(c) *Merchandise grown, produced, or manufactured in a beneficiary developing country.* Merchandise which is the growth, product, or manufacture of a beneficiary developing country, or an association of countries treated as one country under section 502(a)(3) of the Trade Act of 1974 (19 U.S.C. 2462(a)(3)) and § 10.171(b), and manufactured products consisting of materials produced only in such country or countries, shall normally be presumed to meet the requirements set forth in this section.

§ 10.177 Cost or value of materials produced in the beneficiary developing country.

(a) *"Produced in the beneficiary developing country" defined.* For purposes of §§ 10.171 through 10.178, the words produced in the beneficiary developing country" refer to materials which are either:

(1) Wholly the growth, product, or manufacture of the beneficiary developing country; or

(2) Substantially transformed in the beneficiary developing country into a new and different article of commerce.

(b) *Questionable origin.* When the origin of an article either is not ascertainable or not satisfactorily demonstrated to the appropriate district director, the article shall not be considered to have been produced in the beneficiary developing country.

(c) *Determination of cost or value of materials produced in the beneficiary developing country.*

(1) The cost or value of materials produced in the beneficiary developing country includes:

(i) The manufacturer's actual cost for the materials;

(ii) When not included in the manufacturer's actual cost for the materials, the freight, insurance, packing, and all other costs incurred in transporting the materials to the manufacturer's plant;

(iii) The actual cost of waste or spoilage (material list), less the value of recoverable scrap; and

(iv) Taxes and/or duties imposed on the materials by the beneficiary developing country, or an association of countries treated as one country, provided they are not remitted upon exportation.

(2) In the event the material is provided to the manufacturer without charge, its cost or value shall be determined by computing the sum of:

(i) All expenses incurred in the growth, production, manufacture or assembly of the material, including general expenses;

(ii) An amount for profit; and

(iii) Freight, insurance, packing, and all other costs incurred in transporting the materials to the manufacturer's plant.

If the pertinent information needed to compute the cost or value of the materials is not available, the appraising officer may ascertain or estimate the value thereof using all reasonable ways and means at his disposal.

§ 10.178 Direct costs of processing operations performed in the beneficiary developing country.

(a) *Items included in the direct costs of processing operations.* As used in § 10.176, the words "direct costs of processing operations" mean those costs either directly incurred in, or which can be reasonably allocated to, the growth, production, manufacture, or assembly of the specific merchandise under consideration. Such costs include, but are not limited to:

(1) All actual labor costs involved in the growth, production, manufacture, or assembly of the specific merchandise, including fringe benefits, on-the-job training, and the cost of engineering, supervisory, quality control, and similar personnel;

(2) Dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the specific merchandise;

(3) Research, development, design, engineering, and blueprint costs insofar as they are allocable to the specific merchandise; and

(4) Costs of inspecting and testing the specific merchandise.

(b) *Items not included in the direct costs of processing operations.* Those items which are not included within the meaning of the words "direct costs of processing operations" are those which are not directly attributable to the merchandise under consideration or are not "costs" of manufacturing the product. These include, but are not limited to:

(1) Profit; and

(2) General expenses of doing business which are either not allocable to the specific merchandise or are not related to the growth, production, manufacture,

or assembly of the merchandise, such as administrative salaries, casualty and liability insurance, advertising, and salesmen's salaries, commissions, or expenses.

Prior to adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received no later than November 28, 1975.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, United States Customs Service, Washington, D.C., during regular business hours.

Approved: October 22, 1975.

[SEAL] VERNON D. ACREE,
Commisioner of Customs.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-28841 Filed 10-24-75;8:45 am]

DEPARTMENT OF THE INTERIOR

[32A CFR Ch. X]

Office of the Secretary

ALLOCATION OF NATURAL GAS FOR DEFENSE PURPOSES

Interior Priority Regulation No. 3

The Department of the Interior proposes to establish emergency procedures for the allocation of natural gas under the Defense Production Act of 1950 to assure adequate supplies to vital defense activities. This regulation will be issued pursuant to sections 101, 704, 705, and 707 of the Defense Production Act of 1950, as amended (50 U.S.C., App., Sec. 2061 et seq.); Executive Order No. 10480, as amended, and DMO-3, formerly DMO 8400.1 (32A CFR, p. 17); redesignated DMO-3, effective June 27, 1975 (40 FR 27218).

Interior Priority Regulation No. 3 will establish the procedure for the consideration and approval or denial by the Department of the Interior of requests for allocation of natural gas under the Defense Production Act of 1950 to assure supplies needed (1) in the production of certain military equipment and supplies under contracts with the Department of Defense; (2) in the operation of military installations in the United States; (3) in the operation of defense-related atomic energy facilities of ERDA when operated by ERDA or one of its contractors; and (4) in the production of national defense equipment and supplies under contracts with ERDA or its operating contractors. It provides procedures for handling and consideration of requests for adjustments or exceptions, records and reports, an address for communications, a set of definitions, provisions or violations, a special reference to the jurisdiction of the FPC and legal citations.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the development of such regulations. Accordingly, interested persons may submit written comments, suggestions or objections regarding this proposed regulation to the Assistant Secretary—Energy and Minerals, U.S. Department of the Interior, Washington, D.C. 20240. Comments received on or before November 18, 1975 will be considered before final action is taken on this proposal.

Date: October 20, 1975.

JACK W. CARLSON,
Assistant Secretary of the Interior.

INTERIOR PRIORITY REGULATION 3

ALLOCATION OF NATURAL GAS FOR DEFENSE PURPOSES

Section 1. *What this regulation does.* This regulation establishes the procedure for the consideration, and the granting by the Department of the Interior, of priorities and allocation assistance under the Defense Production Act of 1950, as amended, to assure the fulfillment of needs for natural gas in the production of certain military equipment and supplies under contracts with the Department of Defense, in the operation of military installations in the United States, in the operation of defense-related atomic energy facilities of the Energy Research and Development Administration (ERDA) when operated by ERDA or one of its contractors and in the production of national defense equipment and supplies under contracts with ERDA or its operating contractors. The regulation is applicable only in exceptional cases where, in the event of actual or imminent shortages of natural gas, the Federal Power Commission (FPC) and the State regulatory commission(s) involved are unable, due to lack of jurisdiction, effectively to direct delivery of natural gas to meet such defense needs through the exercise of their respective authorities. Cases in which the Secretary of Defense or the Administrator of ERDA does not secure the relief which is within the jurisdiction of the FPC to grant and for which the Secretary or the Administrator seeks to invoke the Defense Production Act are also covered by this regulation. In instances where actions by the Federal Power Commission and/or the State regulatory commission(s) can accomplish part but not all of the channeling of the natural gas required to fill the specific defense or atomic energy need identified and endorsed by the Department of Defense or ERDA, as appropriate, priorities and allocation assistance provided under this regulation may supplement their authorities to effect delivery of natural gas required, by operating in concert with the measures taken by those bodies under their respective jurisdictions.

Section 2. *Requests by the Department of Defense or ERDA.* (a) The Department of Defense or ERDA, having first sought the assistance of FPC and any State regulatory commission concerned, and having been advised by those bodies of their inability to effect arrangements with suppliers of natural gas to provide the gas requested, may submit a written request to the Assistant Secretary-Energy and Minerals, Department of the Interior, for the issuance of directive(s) to the appropriate supplier(s) of natural gas under the authority of the Defense Production Act of 1950, as amended, directing them to supply the needed gas to the Department of Defense, ERDA, or the contractor of either of these, as the case may be. Upon the expiration of any initial temporary extraordinary relief granted to the Department of Defense or ERDA, or a contractor of either of them, by FPC and the FPC's denial of an extension of such relief, the Department of Defense or ERDA may submit to the Assistant Secretary-Energy and Minerals, Department of the Interior, a request for, and obtain, a continuation of similar temporary relief through issuance of a directive to suppliers under authority of the Defense Production Act of 1950, as amended, until such times as the request procedures set forth elsewhere in this Section 2 have been followed and the consideration described in Section 3 has been concluded. The supplier(s) may include, as indicated by definitions in Section 10 of this regulation, owners of natural gas and transporters of natural gas by pipeline.

(b) Such request from the Department of Defense or ERDA shall set forth the following: (1) the name and location of the facility to which the gas is to be delivered; (2) the usual supplier(s) of natural gas; (3) the type of end product or component or service produced and its importance to Department of Defense or ERDA programs; (4) a statement as to why the production or service cannot be interrupted or postponed until the shortage of gas is otherwise alleviated; (5) the quantity of gas needed per day for defense related products; (6) the number of days, weeks or months ahead in which such requirements for natural gas or an increased or decreased requirement, will prevail; (7) the ability or lack of ability of the facility to use an alternate fuel in lieu of natural gas and, if alternate fuel can be used, efforts which have been made to obtain such fuel; (8) date, amount and probable duration of the curtailment or cut-off of natural gas supply as stated by the supplier; (9) the proposed supply source for additional gas needed, together with copies of any contingent contracts for such suppliers; and (10) efforts made by the defense contractor, the Department of Defense, ERDA or ERDA's contractor with the State regulatory commission(s) and FPC to obtain the required gas, and the outcome of these efforts. Specific dates and names of officials to whom formal requests for assistance were made, and their final responses to the requests, should also be included.

Section 3. *Consideration of Department of Defense or ERDA requests.* (a) Upon receipt of a request from the Department of Defense or ERDA as provided in Section 2 above, the Department of the Interior, acting for the President, will promptly review it and confer with FPC, the Federal Energy Administration (FEA), and the Federal Preparedness

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Agency (FPA) concerning the proposal. Views sought from FPC will pertain to physical and operating arrangements by which the proposed deliveries of natural gas might be accomplished, and the effects of such arrangements upon matters within the jurisdiction of FPC. Views sought from FEA will pertain especially to the relationship of the requested allocation of natural gas to other fuel requirements, availabilities and allocations in the affected area. Views sought from FPA will pertain especially to the relationship of the particular military or atomic energy program involved to the policies prescribed in sections 3.a(1), 3.a(2), and 3.a.(3) of Defense Mobilization Order–3(DMO–3), formerly DMO 8400.1; redesignated DMO–3, effective June 27, 1975 (40 F.R. 27218).

(b) The above cited sections of Defense Mobilization Order-3 (DMO–3) permit use of the authority of Title I of the Defense Production Act of 1950, as amended, to require preference in the performance of contracts and orders and to allocate materials and facilities to accomplish the following: (1) direct military and atomic energy programs; (2) other programs and activities which are related to the military and atomic energy programs and are certified by the Department of Defense or ERDA and specifically authorized by FPA; and (3) deliveries, production and construction in industry required to fulfill direct military and atomic energy programs and the related programs and activities authorized under (2) above. Allocation assistance with respect to natural gas which may be granted to the Department of Defense or its contractors, under this regulation will be limited to the categories of programs and activities specified in (1), (2), and (3) above, except construction.

(c) Increased costs associated with conversion to and use of a fuel other than natural gas shall not alone be considered as a valid reason to provide natural gas under this regulation. In the event that the contractor, defense installation, or atomic energy facility involved lacks existing alternate fuel capability, any relief granted under this regulation will be contingent on the subject facility's immediately initiating measures to install alternate fuel capability if technically feasible.

(d) Where serious national security implications are involved, a proposed rejection of the request for relief will be discussed with the Secretary of Defense or the Administrator of ERDA, as appropriate, prior to the rendering of a negative decision.

Section 4. *Directives.* (a) If it is concluded that the priorities and allocation assistance requested by the Department of Defense or ERDA should be granted, the Department of the Interior will prepare and issue the necessary written directive(s), in letter form, to the appropriate supplier(s) of natural gas where FPC or state regulatory commissions are without jurisdiction to act. The directive(s) will require the supplier(s), regardless of other existing contracts or orders, to deliver or have delivered specified quantities of natural gas to the designated facility over a specified period of time. Such directives may require, if necessary, the transfer of gas between intrastate or interstate transmission pipeline systems and by any natural gas supplier, including producers and natural gas distribution companies. The directives also may require the owner(s) of natural gas to deliver to a transmission pipeline or distribution pipeline, for ultimate delivery to the designated facility of a defense contractor, the Department of Defense, or ERDA a specified quantity of gas purchased or to be purchased from the said owner(s) by the defense contractor, the Department of Defense, ERDA or ERDA's contractor. Each supplier to whom a directive is issued shall comply with it fully and completely.

(b) In the preparation of directives for issuance under this regulation, staff of the Department of the Interior will call upon staff of FPC for consultation and technical assistance to ensure that the directed action will have the minimum possible impact on normal operations of transmission and distribution systems involved and on customers being served by these systems. Upon issuance of a directive, the Department of the Interior will send copies of it to appropriate officials of the Department of Defense or ERDA, FPC, the State regulatory commission(s) involved, FPA, and FEA.

Section 5. *Delegation of authority.* The Assistant Secretary—Energy and Minerals, Department of the Interior, is designated and authorized to administer this regulation. For this purpose, there is hereby delegated to him the functions and powers vested in the Secretary of the Interior under the Defense Production Act of 1950, as amended, by Executive Order 10480, as amended, and section 4.a. of Defense Mobilization Order–3 (DMO–3) insofar as such functions and powers relate to "gas," which is defined in section 601 of Executive Order 10480 as meaning "natural gas and manufactured gas, including pipelines for the movement thereof." This authority may be redelegated only by the Assistant Secretary—Energy and Minerals.

Section 6. *Defense against claims for damages.* In accordance with the provisions of section 707 of the Defense Production Act of 1950, as amended, no supplier shall be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from compliance with the provisions of any directive issued under this regulation.

Section 7. *Requests for adjustments or exceptions.* Any supplier to whom a directive is issued under this regulation may file with the Assistant Secretary-Energy and Minerals, Department of the Interior, a request for adjustment or exception upon the ground that its enforcement against him would be unduly prejudicial. An adjustment, exception or denial of the request shall be made within 15 days after receipt of the request by the Assistant Secretary-Energy and Minerals.

Section 8. *Records and reports.* (a) Each supplier to whom a directive is issued under this regulation shall make and preserve, for at least two years thereafter, accurate and complete records of deliveries made under the contract to which the directive relates. Records may be retained in the form of microfilm or photographic copies instead of the original by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this regulation shall be made available for inspection and audit by duly authorized representatives of the Department of the Interior at the usual place of business where the records are maintained.

(c) Suppliers to whom directives are issued under this regulation shall make such records and submit such reports to the Assistant Secretary-Energy and Minerals, Department of the Interior, as he may require.

Section 9. *Communications.* All communications concerning this regulation shall be addressed to the Assistant Secretary-Energy and Minerals, Department of the Interior, Washington, D.C. 20240.

Section 10. *Definitions.* As used in this regulation—

(a) The term "supplier(s) of natural gas" as well as the word "supplier(s)" means a person capable of fulfilling a delivery contract with the Department of Defense, or with a person performing production under a contract with the Department of Defense or with ERDA, or with a contractor operating an ERDA facility, as named in a directive issued under this regulation, for natural gas to be provided by pipeline (i.e., interstate transmission pipeline, intrastate transmission pipeline, or distribution pipeline), and it includes owners of natural gas, as defined in section 10(b) hereof, and persons engaged in the transportation of natural gas by pipeline.

(b) The term "owner(s) of natural gas" means a person who owns or legally controls natural gas supplies which are available for and subject to being sold for delivery to the Department of Defense, ERDA, or a contractor of either of them, designated in a directive issued under this regulation, and it includes gas producers and gas consumers who might sell a portion of their "rights" to buy natural gas under existing supply contracts or other arrangements.

(c) The word "person," as used in the definitions in this section, includes an individual, corporation, partnership, association or any other organized group of persons.

Section 11. *Violations.* In accordance with the provisions of section 705(d) of the Defense Production Act of 1950, as amended, any supplier who willfully fails to perform any act required by this regulation, or any directive issued thereunder, is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Section 12. *Regulatory status.* Use of this regulation to provide supplies of natural gas for the Department of Defense, ERDA, or their contractors shall not change the status of those supplies, or the reserves from which those supplies are drawn, with regard to FPC's regulatory authority.

Section 13. *Authority.* This regulation is issued pursuant to sections 101, 704, 705, and 707 of the Defense Production Act of 1950, as amended (50 U.S.C., App. sec. 2061 et seq.); Executive Order No. 10480, as amended; and DMO–3, formerly DMO 8400.1 (32A CFR, p. 17); redesignated DMO–3, effective June 27, 1975 (40 F.R. 27218).

JACK W. CARLSON,
Assistant Secretary of the Interior.

October 20, 1975.

[FR Doc.75–28692 Filed 10–24–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

MAPLE SIRUP

Proposed Standard Revisions

Notice is hereby given that the United States Department of Agriculture is considering the revision and combining of the United States Standards for Grades of Maple Sirup for Reprocessing (7 CFR 52.5921–52.5926) and the United States Standards for Grades of Table Maple Sirup (7 CFR 52.5961–52.5968) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1087, et. seq. as amended; 7 U.S.C. 1621 et seq.).

The Agricultural Marketing Act of 1946 provides for the issuance of official United States grades to designate different quality levels for the voluntary use of producers, buyers, and consumers. Official grading services are also provided for under this Act upon request and payment of the fee to cover the cost of such services.

Interested persons desiring to submit written data, views, or arguments for consideration in connection with the proposals should file the same, in duplicate, not later than November 28, 1975, with the Hearing Clerk, U.S. Department of Agriculture, Room 112 Administration Building Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public review at the office of the Hearing Clerk during business hours (7 CFR, 1.27 (b)).

STATEMENT OF CONSIDERATION LEADING TO THE REVISION OF THE STANDARDS

The proposed revision to the United States Standards for Grades of Table Maple Sirup and for Maple Sirup for Reprocessing includes:

1. Combining the two existing standards into a single standard.

2. Designating Table Maple Sirup and Maple Sirup for Reprocessing as "Types."

3. Changing the grade names to U.S. Grade A, U.S. Grade B, U.S. Grade C, and U.S. Grade D.

4. Updating the lot acceptance criteria to conform with the procedures used for other processed products.

Prompted by the need to revise the two U.S. Department of Agriculture maple sirup standards following the promulgation of Food and Drug Standards of Identity, it was deemed advisable to combine the two current standards into one. (The basic difference between the two standards is in the area of color.) It is proposed to differentiate between the table sirup and the sirup for reprocessing by including each as a "type."

The need to standardize and simplify grade nomenclature has been repeatedly pointed out in reports from General Accounting Office audits, and the White House's Consumer Affairs Office. Preparatory to proposing this revision, a letter was sent to the Departments of Agriculture of several maple producing states asking their thoughts about changing and simplifying the grade nomenclature. A majority of those responding favored the nomenclature proposed.

The product description has been restated to adopt the newly effective Food and Drug Standard of Identity—including its increased Brix requirement.

An updating of the lot acceptance criteria is included in the proposal. The proposed criteria would bring the maple sirup standards under the same procedures used for other processed products.

The proposed revisions are as follows:

§ 52.5961 Product description.

(a) "Maple sirup" means maple sirup as defined in the Standards of Identity for Maple Sirup (29 CFR 30.2 published at 39 FR 20882) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(b) The sirup shall have a soluble solids content of not less than 66.0 degrees Brix at 20° C. (68° F.). Brix shall be determined refractometrically or by Brix spindle.

TYPES

§ 52.5962 Types of maple sirup.

(a) *Table maple sirup.* Table maple sirup for the purposes of this subpart is maple sirup packaged in one gallon, or smaller, containers.

(b) *Maple sirup for reprocessing.* Maple sirup for reprocessing for the purpose of this subpart is maple sirup packaged in containers larger than one gallon.

GRADES

§ 52.5963 U.S. Grade A.

(a) *U.S. Grade A table maple sirup* shall meet the following requirements:

(1) The color shall not be darker than *Light amber* as represented by the color standards of the U.S. Department of Agriculture.

(2) The sirup shall not be cloudier than the *Light amber cloudy standard* as represented by the U.S. Department of Agriculture standards for cloudiness.

(3) The sirup shall have a characteristic maple flavor, shall be clean, free from fermentation, and free from damage caused by scorching, buddiness, any objectionable flavor or odor or other means.

(b) *U.S. Grade A maple sirup for reprocessing* shall meet the following requirements:

(1) The color shall not be darker than *Light amber* as represented by the color standards of the U.S. Department of Agriculture.

(2) The sirup shall have a characteristic maple flavor, shall be free from fermentation and free from damage caused by scorching, buddiness, any objectionable foreign flavor or odor or other means.

§ 52.5964 U.S. Grade B.

(a) *U.S. Grade B table maple sirup* is maple sirup that meets the requirements for U.S. Grade A Table Maple Sirup except for color and cloudiness.

(1) The color shall not be darker than *Medium amber* as represented by the color standards of the U.S. Department of Agriculture.

2. The sirup shall not be cloudier than *Medium amber cloudy standard* as represented by the standards of the U.S. Department of Agriculture for cloudiness.

(b) *U.S. Grade B maple sirup for reprocessing* is maple sirup that meets the requirements for U.S. Grade A Maple Sirup for Reprocessing except for color.

(1) The color shall be darker than *Light amber* but shall not be darker than *Medium amber* as represented by the color standards of the U.S. Department of Agriculture.

§ 52.5965 U.S. Grade C.

(a) *U.S. Grade C table maple sirup* is maple sirup that meets the requirements for U.S. Grade A Table Maple Sirup except for color and cloudiness.

(1) The color shall not be darker than *Dark amber* as represented by the color standards of the U.S. Department of Agriculture.

(2) The sirup shall not be cloudier than *Dark amber cloudy standard* as represented by the standards of the U.S. Department of Agriculture for cloudiness.

(b) *U.S. Grade C maple sirup for reprocessing* is maple sirup that meets the requirements of U.S. Grade A Maple Sirup for Reprocessing except for color.

(1) The color shall be darker than *Medium amber* but shall not be darker than *Dark amber* as represented by the color standards of the U.S. Department of Agriculture.

§ 52.5966 U.S. Grade D maple sirup for reprocessing.

U.S. Grade D maple sirup for reprocessing is maple sirup that meets the requirements of U.S. Grade A Maple Sirup for Reprocessing except for color.

(1) The color shall be darker than *Dark amber* represented by the color standards of the U.S. Department of Agriculture.

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

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§ 52.5967 Unclassified table maple sirup or maple sirup for reprocessing.

Unclassified table maple sirup or maple sirup for reprocessing is maple sirup which has not been classified in accordance with the foregoing grades. The term "Unclassified" is not a grade within the meaning of the standards in this subpart but is provided as a designation to show that no definite grade has been applied to the lot.

EXPLANATION OF TERMS

§ 52.5968 Explanation of terms.

(a) "Cloudiness" means presence in suspension of fine particles of mineral matter, such as malate of lime, "niter," "sugar sand," or other substances that detract from the clearness of the sirup.

(b) "Clean" means that the sirup shall be practically free from foreign material such as pieces of bark, soot, dust, and dirt.

(c) "Damage" means any defect that materially affects the appearance or edibility or shipping quality of the sirup.

(d) "Serious damage" means any defect that seriously affects the edibility or market value of the sirup. Badly scorched sirup, buddy sirup, fermented sirup or sirup that has any distasteful foreign flavor or disagreeable odor shall be considered as seriously damaged.

(e) "Buddy flavor, buddiness" is an unpleasant flavor characteristic of sirup made from sap collected from maple trees as they come out of dormancy.

(f) "U.S. Department of Agriculture Color Standards" means the official U.S. Department of Agriculture Permanent Glass Color Standards for Maple Sirup. The Color Standards are available only from the licensed supplier:

Phoenix Precision Instruments Division, The Virtis Company, Incorporated, Route 208, Gardiner, New York 12525.

LOT COMPLIANCE

§ 52.5969 Determining the grade of a lot.

The grade of a lot of maple sirup covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.83); *Provided*, That:

(a) When certifying the color of a sample that has been officially drawn and which represents a specific lot of maple sirup, the lot shall be considered as being of one color if the number of color deviants does not exceed the acceptance number in the appropriate sampling plan: *Provided, however*, That none of the sample units falls below the next darker color designation.

(b) No deviants for "serious damage" shall be allowed.

Dated: October 21, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-28788 Filed 10-24-75;8:45 am]

[7 CFR Part 1046]

[Docket No. AO-123-A45]

MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Executive Inn, Watterson Expressway at Fairgrounds, Louisville, Kentucky, beginning at 9:30 a.m., on November 13, 1975, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Louisville-Lexington-Evansville marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Dairymen, Inc.:

Proposal No. 1

Revise paragraph (a) of § 1046.50, to read as follows:

§ 1046.50 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.75.

• • • • • •

Proposal No. 2

Add a new § 1045.53(d) as set forth below and amend paragraph (a) as follows:

§ 1046.52 Plant location adjustments for handlers.

(a) For that milk received from producers or from a handler described in § 1046.9(c) at a pool plant located at any point which is 60 miles or more from the City Hall in Evansville, Indiana, or Louisville or Lexington, Kentucky, whichever is nearer, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk subject to the limitations pursuant to paragraph (b) of this Section, the price specified in § 1046.50(a) shall be:

(1) Reduced at the rate set forth in the following schedule according to the location of the plant where such milk is received if such plant is located north of the Ohio River or west of the Mississippi River; or

(2) Increased at the rate set forth in the following schedule according to the location of the plant where such milk is received if such plant is located south of the Ohio River and east of the Mississippi River.

	Rate per hundredweight (cents)
Distance from city hall:	
60 mi. but less than 70 mi	10.0
For each additional 10 mi. or fraction thereof an additional	2.0

• • • • • •

(d) The market administrator shall publicly announce the location adjustment of each plant of each handler as determined pursuant to paragraph (a) of this Section. The market administrator shall notify the handler on or before the first day of any month in which a change in a plant location adjustment will apply.

Proposal No. 3

Amend paragraph (c)(1) of § 1046.13 to read as follows:

§ 1046.13 Producer milk.

• • • • • •

(c) • • •

(1) Milk so diverted shall be deemed to have been received at the pool plant from which diverted, if diverted, to a nonpool plant located not more than 125 miles from the City Hall in Louisville, or Lexington, Kentucky, or Evansville, Indiana, whichever is nearer; and such milk shall be deemed to have been received by the diverting handler at the location of the plant to which diverted; if diverted, to a nonpool plant located more than 125 miles from the nearer of the City Hall of Louisville, or Lexington, Kentucky, or Evansville, Indiana.

• • • • • •

Proposed by National Farmers' Organization:

Proposal No. 4

Revise § 1046.50(a) as follows:

§ 1046.50 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.80.

• • • • • •

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 5

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 3920 Bardstown Road, Louisville, Kentucky, (P.O. Box 18030, Louisville, Kentucky 40218), or from the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on: October 22, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-28825 Filed 10-24-75;8:45 am]

[7 CFR Part 1094]

[Docket No. AO-103-A38]

MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA

Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the New Orleans, Louisiana, marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by November 12, 1975. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Jackson, Mississippi, April 22-26, 1975, pursuant to notice thereof issued March 10, 1975 (40 FR 11878) and March 14, 1975 (40 FR 12660).

The material issues on the record of the hearing relate to:

1. Expansion of marketing area;
2. Class I price and location adjustments;
3. Partial payments to producers and cooperative associations;
4. Pool plants;
5. Producer-handler;
6. Administrative assessment;
7. Producer and producer milk;
8. Marketing period; and
9. Miscellaneous administrative provisions.

A reopening of the April 1975 hearing was held in Washington, D.C., on June 26, 1975, pursuant to notice thereof issued June 16, 1975 (40 FR 25828). This session of the hearing was limited to considering the appropriate classification of flavored milk, flavored milk drinks, and milkshake and ice milk mix (or base) and was held simultaneously with a hearing involving the identical matter under 36 Federal orders. An emergency decision was issued on July 11, 1975 (40 FR 30119) containing findings and conclusions and an order made effective August 1, 1975, on the limited issue considered at the June 26, 1975 hearing. Accordingly, the proposed order language contained in this decision incorporates the appropriate provisions of the amendatory action taken regarding classification which became effective August 1, 1975.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Expansion of the marketing area.* The New Orleans marketing area, which presently includes the 7 Louisiana parishes of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, and Terrebonne, should be expanded to include three additional Louisiana parishes and 64 counties in the State of Mississippi. All territory occupied by government (municipal, State or Federal) reservations, installations, institutions or other establishments, if any part thereof is within any of the designated counties or parishes, as well as all piers, docks and wharves, including craft moored thereat, that are a part of these counties or parishes, likewise should be a part of the proposed "New Orleans-Mississippi marketing area."

The three Louisiana parishes, St. Tammany, Tangipahoa, and Washington, are located north of the present New Orleans marketing area across Lake Pontchartrain. These parishes had a population of 171,447 in 1970 (based on U.S. Census) with the cities of Bogalusa (18,412) and Hammond (12,487) being the principal centers of population. Two distributing plants would become regulated as a result of adding these three parishes to the marketing area, a plant in Bogalusa and a plant in Abita Springs.

The 64 Mississippi counties which encompass approximately three-fourths of the State are: Adams, Amite, Attala, Bolivar, Calhoun, Carroll, Choctaw, Claiborne, Clarke, Coahoma, Copiah, Covington, Forrest, Franklin, George, Greene, Grenada, Hancock, Harrison, Hinds, Holmes, Humphreys, Issaquena, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lamar, Lauderdale, Lawrence, Leake, Leflore, Lincoln, Lowndes, Madison, Marion, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Pearl River, Perry, Pike, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Stone, Sunflower, Tallahatchie, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, and Yazoo. The population of these 64 counties was 1.8 million in 1970. The city of Jackson, with a population of 153,968, is the largest city in the State. Other cities in the Mississippi portion of the marketing area include Biloxi (48,486), Meridian (45,083), Gulfport (40,791), Greenville (39,648), Hattiesburg (38,277), Pascagoula (27,264), Columbus (25,795), Vicksburg (25,478), Laurel (24,145), Greenwood (22,400), and Clarksdale (21,673).

The total population of the New Orleans-Mississippi marketing area is about 3.2 million. Approximately 1 million of this total population lives within the New Orleans standard metropolitan statistical area.

There are 12 distributing plants and two supply plants located in the 64 Mississippi counties that would become regulated. Inclusion of all 64 counties within the marketing area will encompass the great bulk of the fluid milk sales areas of these Mississippi dealers. Data showing the proportion of total sales in each of the 64 counties by various dealers was not presented. However, the record evidence indicates that in 56 of these counties, two or more of the 12 distributing plants have route distribution, while in seven counties only one dealer distributes in each. An additional county (Claiborne) has no large towns located there and is primarily rural. It lies between Jackson and Natchez, and is surrounded within Mississippi by other counties included herein. It is reasonable to expect that the population in Claiborne County is served by Jackson dealers, and others who would be regulated by the order.

Two dealers who would become regulated under the order presented detailed evidence with respect to route distribution in the 36 counties in which they distribute milk. These counties are scattered throughout the 64-county area and route sales in these counties by one or more of the 12 distributing plants exceed 70 percent of the total fluid milk product sales in each county. Thus, dealers who would be regulated by this order have the major portion of the sales in these counties.

For a number of years prior to May 1, 1973, virtually all of the Mississippi portion of the marketing area recommended herein was regulated, initially by three separate Federal orders and beginning in 1970, by a single order as a consequence of a three order merger. During April 1973 the Secretary found that the cooperative association representing a majority of the producers engaged in the production of milk for sale in the marketing area favored termination of the Mississippi order. Accordingly, on April 30, 1973, the Secretary terminated all of the provisions of the former Mississippi order, except those concerning the continuing obligations of handlers for milk received prior to the termination. The cooperative that requested termination of the Mississippi order is the proponent, in this proceeding, of the New Orleans-Mississippi order. A representative of the cooperative testified that as a policy matter, Dairymen, Inc. had believed that the Mississippi market could operate effectively without Federal regulation. But, the absence of such regulation since 1973 has "nullified" the idea that milk marketing could remain orderly without Federal regulation.

Expansion of the New Orleans marketing area to include the territory herein recommended was proposed by Dairymen, Inc. (D.I.). This producer cooperative association represents a major proportion of the producers supplying milk to handlers regulated under the New

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Orleans order and dealers located in Mississippi who would become regulated as a result of this decision. Gulf Dairy Association, a cooperative association whose producer members supply milk to certain New Orleans regulated handlers and to other dealers located in Louisiana supported proponent's proposal to expand the New Orleans marketing area.

The spokesman for the proponent cooperative testified that the entire territory contained in their proposal represented a single marketing area. Proponent supplies about 63 percent of the milk pooled under the New Orleans order and estimated that it supplies about 50 percent of the milk that would be pooled under the proposed extension. Proponent based the need for the enlarged marketing area primarily on the competition for milk supplies in a common production area between handlers in the New Orleans area and dealers in the expanded territory. In this connection, the association presented testimony and evidence which showed that (1) 27 percent of the New Orleans supply originates in Mississippi, (2) both areas compete for the same manufacturing outlets in disposing of the fluid reserve and seasonal production, (3) proponent's receiving station at Franklinton, Louisiana, supplies both New Orleans handlers and Mississippi dealers, and (4) previously when the two markets were separately regulated, numerous producers supplied both the New Orleans and the Mississippi markets during the same month. Thus, in proponent's view, the New Orleans marketing area and the Mississippi area cannot, under prevailing marketing conditions, be considered as separate markets.

Gulf Coast Dairymen's Association (Gulf Coast), also representing dairymen serving the market, proposed that the former Mississippi order be reinstated to provide separate regulation of the Mississippi segment of the market.

Another producer's association, Marketing Assistance Program (MAP), which represents about 50 Mississippi dairymen, opposed the expansion of the New Orleans order into Mississippi. It supported a regional order that would include Mississippi, Louisiana, and portions of Tennessee and Alabama. It opposed the reinstatement of the Mississippi order unless it contains provisions for an economic-type formula for pricing Class I milk, and provisions prohibiting unfair trade practices. Proposals concerning such area and such provisions had been submitted to the Department by the association for consideration at this hearing. However, after due consideration the proposals were denied for this proceeding. The consideration of such matters, therefore, is outside the scope of this proceeding.

It is noted further that the use of an economic formula for pricing Class I milk in all orders was considered by the Department in a final decision issued January 14, 1971 (36 F.R. 921) official notice of which is hereby taken.

A fundamental consideration concerning the use of an economic formula for the proposed New Orleans-Mississippi order would be the coordination of Class I milk prices among Federal order markets. Such coordination is needed because milk for Class I use moves readily between and among Federal order markets. Without price coordination, disparities in the normal price relationships may encourage the uneconomic movement of milk and disruption of markets. The use of an economic formula for the New Orleans-Mississippi area would seriously impede the continued coordination of Class I prices among Federal orders to promote the orderly marketing of milk.

Two dealers operating distributing plants, in Hattiesburg, and Jackson, respectively, supported the reinstatement of the Mississippi order. A third dealer who operates a plant in Laurel, stated that essentially, he was not taking a stand on the marketing area proposals, but preferred a separate order for Mississippi. A handler located in Memphis and regulated by the Memphis order supported a Federal order to stabilize marketing conditions throughout Mississippi.

One of the dealers who would be regulated by the proposed order testified that the Class I utilization at his plant has dropped substantially since the Mississippi Federal order was terminated. This, he indicated, resulted from the disorderly conditions which have existed in the market since 1973. As a result of the decline in Class I utilization, returns to his dairy farmer patrons have been reduced. The plant is supplied largely by "independent" dairymen among whom, according to the dealer, there is a great deal of dissatisfaction over the lower prices.

A Bogalusa, Louisiana, dealer (Washington Parish) and the dairy farmers who furnish his milk supply opposed the inclusion of the three Louisiana parishes in the expanded New Orleans marketing area. They testified that the three parishes should be included in the marketing area of the proposed Greater Louisiana order. Under a separate proceeding, the marketing area considered for that order would encompass the entire State of Louisiana outside the New Orleans marketing area with the exception of the three parishes. Both the dealer and his dairy farmers maintained that his greatest competition for retail sales in the three parishes comes from a dealer located in St. Tammany Parish and handlers who would be regulated under the Greater Louisiana order.

A dealer who operates distributing plants in Tupelo, Mississippi, and in the State of Alabama opposed Federal regulation of the 64 Mississippi counties. He testified that such regulation probably would result in regulation of his plants in Tupelo and Mobile. At the time of the hearing, his Tupelo plant was regulated under the Memphis Federal order and his Alabama plant was fully subject to the pricing regulation of the State of Alabama. The representative of the cooperative association that supplies milk to this dealer's Tupelo plant and to a dealer in Jackson also testified in opposition to regulation of the Mississippi area.

A Memphis regulated handler located at Grenada, Mississippi, proposed that some of the counties in northern Mississippi be excluded from the proposed Federal order and later be made a part of the Memphis order. However, no specific supporting testimony concerning this area modification was presented on the record.

Disorderly marketing conditions prevail in the handling of milk throughout the proposed area of extension, and the record evidence is that such conditions are deteriorating.

Since the termination of the Mississippi order in 1973, there has been no reliable procedure for establishing class prices to handlers for milk received from producers according to a classified price plan based upon the utilization made of the milk. There has been on impartial audit of handler's records to verify the payments of applicable prices. There has been no system for verifying the accuracy of weights and butterfat content of the milk purchased and there has been no method of providing uniform returns to producers supplying the market based upon an equalization sharing among all producers supplying the Mississippi market of the lower returns for the sale of reserve milk which cannot be marketed as Class I milk.

As indicated, there has been no uniform system for paying dairymen according to the utilization of their milk since the demise of the Mississippi order. This has caused differences in prices to neighboring dairymen, resulting in general dissatisfaction and in continuing shifting of supplies from dealer to dealer. Essentially, producers are receiving "flat" prices for their milk with no assurance that any of such milk is being priced according to how it is used.

The witness for one cooperative association in Mississippi described the situation of one handler who, under regulation, had received the milk of member producers of the association for many years for use in fluid milk products. In the unregulated situation, however, the handler began to purchase the milk for fluid use from another group of dairymen in northern Mississippi, and informed the cooperative association that he would take their milk in the future for manufacturing uses only. This action reduced the pay price to all of the cooperative association's members 24 cents per hundredweight and forced the association to seek another Class I outlet for this milk. This situation, he held, reflects the deteriorating market in the absence of a uniform classified pricing plan and illustrates the problems dairy farmers in Mississippi are encountering without Federal regulation. He indicated further that milk (from outside Mississippi), which otherwise would be used for manufacturing purposes, is being brought into Mississippi and displacing the Class I sales of local dairymen. In light of these conditions he held that a Federal order is needed to regularize the marketing of milk within Mississippi.

There was essential agreement among most participants at the hearing that Federal regulation of the Mississippi area is desirable and would contribute greatly toward the achievement of orderly marketing conditions. There was disagreement, however, among some participants as to the method of achieving orderly marketing conditions. The proponent cooperative association proposed that the Mississippi area be combined with the New Orleans area while other participants proposed that separate regulation be provided for the Mississippi area.

The issuance of a marketing agreement and order for the combined New Orleans-Mississippi area is concluded to be the most appropriate means of effectuating the declared policy of the Act. Marketing conditions throughout the entire proposed area to be regulated justify the issuance of a single order. The minimum sanitary requirements applicable to Grade A milk throughout the present and proposed marketing area are those of the State of Louisiana and Mississippi, which are patterned after the U.S. Public Health Ordinance and Code. While there may be some variations, such variations are not of a nature which would materially affect the procurement or distribution of milk within the area. It is noted, however, that while the regulations are similar, there is no reciprocity between the States of Louisiana and Mississippi. As a result, packaged milk does not move freely between the two states.

The primary procurement area for handlers regulated under the present New Orleans order consists of five Louisiana parishes and seven Mississippi counties. In these 12 parishes and counties there is general competition for milk supplies among New Orleans handlers and Louisiana and Mississippi dealers.

In December 1974, for example, there were 496 Grade A dairymen in the seven Mississippi counties, 267 delivered their milk as producers to New Orleans handlers, 45 delivered to Louisiana dealers outside New Orleans and 184 delivered to Mississippi dealers. The vast majority of the dairymen located in the five Louisiana parishes delivered their milk as producers to New Orleans handlers. The majority of all these Louisiana and Mississippi dairymen are members of the proponent cooperative association.

The total production of milk in Mississippi has declined substantially over the past decade, while the volume of packaged fluid milk sales has increased substantially. Should this continue, Mississippi fluid milk plants can be expected to draw more supplies from the southern part of the state in competition for the milk supply moving to the New Orleans market. Amite, Lamar, Livingston, Lincoln, Marion, Pike, and Walthall counties, Mississippi represent the area of greatest interrelationship between the New Orleans and Mississippi milksheds.

Because of the proponent cooperative's varied arrangements for supplying dealers and disposing of surplus milk, many members of the cooperative have no regular association with a specific market or dealer. Within a single month, milk of individual members may be moved to two or three plants, some of which may be regulated under the New Orleans order. Many of the producer members who are located in Mississippi may deliver their milk to New Orleans regulated plants and to Mississippi plants during the same month. The cooperative supplies 9 of the 12 Mississippi milk dealers who would be regulated by the order provided herein, and it is the major supplier of the New Orleans pool plants.

A representative of the proponent cooperative testified that Dairymen, Inc. directs milk within the New Orleans-Mississippi area with the aim of minimizing transportation costs, an economic objective rather than one of mere convenience. Also, the association moves milk to facilitate its disposition to available outlets.

An important consideration in whether a combined New Orleans-Mississippi order should be provided is that the proponent cooperative association's nonpool plant in Franklinton, Louisiana, performs a balancing function for distributing plants in both Louisiana and Mississippi. This is the overriding factor which the opponents of a combined order do not recognize in citing their reasons for reinstating a separate Mississippi order. The Franklinton plant manufactures excess milk supplies and furnishes supplemental milk, as needed, to a very large proportion of the handlers and dealers in both areas. In 1974, milk transferred for Class I use from the Franklinton plant to Mississippi dealers amounted to 7.8 million pounds and to New Orleans handlers it amounted to 7.5 million pounds. Also, much of the reserve milk supply for the New Orleans-Mississippi marketing area is processed at this plant. When capacity is not available at this plant, or at the five Mississippi manufacturing plants cited in the record, the proponent cooperative has disposed of the excess to more distant locations in Tennessee, and North Carolina.

The cooperative does not supply milk from the Franklinton plant when there are members in Mississippi whose milk can be shipped direct to a Mississippi plant. While it is preferable, and efficient, to move milk direct from farms to Mississippi plants, there are times when it is necessary to store milk at Franklinton for delivery to plants in New Orleans and Mississippi on peak bottling days. Hence, the facility is used for supplying plants both in New Orleans and Mississippi.

There are presently 5 plants that manufacture dairy products in Mississippi. The number of manufacturing plants in Mississippi has decreased significantly in recent years. The five plants are the only outlets that are available locally in Mississippi to handle daily reserves and seasonal production. New Orleans handlers and Mississippi dealers compete vigorously for access to the Mississippi manufacturing plants as an outlet for their reserve milk supplies. Thus, these processing facilities are not reserved exclusively for excess milk produced in Mississippi. The total daily capacity of the 5 plants for handling the market's reserve is about 1.3 million pounds a day. The capacity of the Dairymen, Inc. facility at Franklinton, Louisiana, is about 850,000 pounds daily. The combined capacity is inadequate to handle the market reserve over certain holidays and during the months of March through May.

In 1974 and into 1975, it was necessary for the Mississippi Division of Dairymen, Inc. to ship bulk milk out-of-state to dispose of the reserve supply of fluid milk and flush season excess. When outlets were not available at all times in Mississippi and Louisiana to handle the milk, it was moved to Tennessee, and North Carolina. While the local plants may not necessarily have been operating at capacity, they were not willing to handle the milk. In the spring of 1974, cheese plants curtailed milk procurement because of the rapid build-up of cheese inventories nationally. This left the proponent cooperative with the major burden of disposing of milk not needed for fluid use. Clearly, the burden of surplus disposition falls heaviest on the proponent cooperative association.

When separate orders were in effect for New Orleans and Mississippi, there were numerous dairymen who were qualified producers under both orders. During the last year that the Mississippi order was effective (1973), as many as 466 dairy farmers were in this status, and the volume of milk involved, for a single month, reached 1.7 million pounds. With a single order, these producers would have been on the one market the entire time, rather than being split between the two Federal order markets with the result that the producers assigned to the New Orleans market, although supplying a necessary part of the fluid milk needs of Mississippi handlers obtained lower returns associated with the handling of the reserve supplies of milk for the Mississippi market. Such a situation reflects disorderly marketing conditions and promotes considerable unrest among producers. These conditions prevail at present as between the New Orleans and Mississippi markets.

In view of these circumstances, separate regulation of the Mississippi and Louisiana areas under consideration would not be effective in promoting orderly marketing and equality among producers. The adoption of a single regulation for this area will insure more orderly marketing and a more equitable sharing of the proceeds from the sale of their milk among all producers supplying the various segments of the market.

The groups opposed to the inclusion of Mississippi and three Louisiana parishes in the New Orleans marketing area contended that the marketing area defined in a Federal order should encompass only that territory in which dealers compete generally for fluid milk sales, and that

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from a distribution standpoint, there is virtually no competition between New Orleans handlers and dealers in Mississippi or in the three Louisiana parishes.

Only two New Orleans pool plants sell Class I milk into Mississippi, and such sales are primarily in Hancock, Harrison, Jackson, and Pike counties. The combined distribution would be no more than 7 percent of the total fluid sales in these counties. Some of the Louisiana dealers (including New Orleans handlers) do bid on contracts with Federal military installations in Mississippi. Generally, however, Louisiana plants do not distribute milk in Mississippi because they have not been successful in obtaining permits. If the situation should change the competition for sales in Mississippi would intensify.

Expansion of the New Orleans area to include only the southern tier of eight Mississippi counties where New Orleans handlers distribute milk would result in the regulation of several dealers located further north in Mississippi, who generally compete with other dealers in the other segments of the Mississippi area being considered.

Although current institutional factors reduce competition between Louisiana and Mississippi dealers at the retail level, this cannot be an overriding consideration in this proceeding in determination of the territory to be included in the marketing area. These institutional factors can and do cause dissatisfaction among dairymen who supply milk to distributing plants in these areas. Whenever artificial barriers are established, the burden of handling the reserve supplies of milk associated with the protected market(s) may be passed to another group of dairymen with the result that neighboring dairymen in a common production area, and often supplying the same processors, receive different prices for their milk. Certainly, if there were no regulatory barriers to the movement of milk between the states, Louisiana and Mississippi dealers doubtless would compete for sales throughout a large portion of the marketing area recommended herein.

Those opposed to any combination of the New Orleans-Mississippi area pointed out that historically Mississippi has always had separate Federal regulation. However, the question in this proceeding is whether current marketing conditions justify a single order for the New Orleans-Mississippi area. A historical overview, such as was presented on the record, demonstrates clearly the development of the single Mississippi order from three separate milk orders. This development is not, of itself, an impediment to further combination with the New Orleans area. In fact, based on the marketing conditions in evidence in this proceeding, such combination is but a part of the historical progression of the area towards an order of regional aspect.

An argument presented by one opponent of combining the New Orleans-Mississippi areas was that if any combination of areas is justified, it should be that of the non-federally regulated areas in Louisiana with the New Orleans area. This issue was not a part of the considerations of this proceeding, and the testimony which was permitted by the presiding Administrative Law Judge was extraneous material outside the scope of the hearing notice.

Another argument presented in opposition to the combination of the New Orleans-Mississippi area was that such action should not be taken because Mississippi produces more than enough of the Grade A fluid milk needs of Mississippi consumers. This is not the point at issue. There is clearly a very substantial overlap of the supply area of New Orleans and Mississippi processors, and the unstable conditions which have developed since withdrawal of the Mississippi regulation can be corrected only by restoration of a regulation that insures continuing equity among area farmers in a common production area.

It is evident that the supply of milk for Mississippi is not stationary and reserved exclusively for use within Mississippi. It moves, readily, from market to market and the financial burden of surplus milk disposition is borne disproportionately by Dairymen, Inc., a major supplier of milk to Mississippi dealers. There is no evidence that "independent" dairymen absorb any of the surplus milk in the market, and it is clear that the other dairy farmer associations, if they handled any surplus milk at all, could only account for a very minor portion of such handling by reason of their limited representation in the market.

A further argument offered was that an order combining the areas would serve no public interest but rather would provide a "convenient tool" for Dairymen, Inc. to exploit its "regional economic power" to the detriment of "independent" supply competition. In this connection, the Agricultural Marketing Agreement Act did not necessarily contemplate that a marketing area should cover all the territory within which a given cooperative operates. Otherwise, it would not have provided specifically that a cooperative may reblend the proceeds from its sales in all markets. The record evidence of this hearing establishes that disorderly marketing conditions now prevail in the Mississippi area. The order provided herein will serve the public interest by establishing uniform prices to handlers, by establishing a use-classification plan, by providing audit of handlers' records and by other means promote the orderly marketing of milk.

Another argument in opposition to a combination of the areas was that the higher Class I prices of neighboring states, particularly Louisiana, would work to the disadvantage of Mississippi producers who would not have access to such higher prices. In this connection, the level of the Class I price is but one aspect of Federal milk regulation for a market. An important aspect of such pricing under an order is that it is uniformly applied to all handlers—a circumstance that is notably lacking in Mississippi under present marketing conditions. The Marketing Agreement Act, under which orders are promulgated, provides that the class prices established by an order shall be minimum prices. The fact that regulations administered by neighboring states may prescribe higher Class I prices to apply to part of the supply for the Federally regulated market, or that within a market certain service charges or premiums may be added to the minimum prices of an order, are not sufficient grounds to impede the promulgation of an order which can benefit producers, consumers and milk dealers through the implementation of more orderly marketing.

In establishing the total scope of the marketing area, the three parishes in Louisiana (Washington, Tangipahoa, and St. Tammany) require particular consideration.

The Bogalusa, Louisiana, dealer and his dairy farmer suppliers testified that the three Louisiana parishes should be regulated under the proposed Greater Louisiana order, which is being considered in a separate proceeding. However, the issue to be resolved on the basis of this record is whether these three parishes should be included in this marketing area as proposed in the hearing notice.

The dairymen who deliver milk to this dealer and to the Abita Springs dealer (in these three parishes) are located in the same supply area as the New Orleans market. The witness for the dairymen who deliver milk to the Bogalusa dealer stated that most of his neighbors in Washington Parish who do not deliver to this dealer are producers on the New Orleans market and members of proponent cooperative association. Further, he stated that his blend price each month is substantially higher than his neighbors who deliver to the New Orleans market. To a certain extent, however, the New Orleans producers have subsidized his higher blend prices by absorbing the excess milk associated with the supplemental milk received by his dealer. Proponent cooperative association's Franklinton facility also provides a convenient outlet for the Bogalusa dealer's excess milk.

Primarily, the Bogalusa dealer and his dairymen want to be part of the Greater Louisiana market because they believe that order will have a higher blend price. They testified that if they became subject to the New Orleans order their blend price would be reduced. This would not happen, they said, if they were subject to the Greater Louisiana order.

The proposed Greater Louisiana order would provide for the marketwide pooling of producer returns. Thus, it is likely that there will be a close relationship between the blend price of that order and the New Orleans-Mississippi order since there will always be the incentive for producers to associate milk with the market where the returns are greatest. Presently, each local Louisiana dealer pays his dairymen on the basis of his individual utilization of milk. The individual dealer pooling of dairy farmer returns encourages dealers to limit their supplies of dairy farmer milk. If he handles only enough reserve milk to balance his packaged milk sales, he is able to pay a higher blend price to his dairymen than dealers who have a greater proportion of milk used in manufacturing.

Under a Federal marketwide pooling arrangement all handlers with an above average market utilization must pay the difference in utilization value into a producer-settlement fund. These monies are then distributed by the market administrator to those handlers whose utilization is below the market average. In this manner, all producers in the market receive the same uniform price irrespective of how their milk is utilized by the particular handler to whom they deliver. It is expected that if these orders become effective with marketwide equalization of producer returns, the blend prices of the respective orders will have a tendency to equalize.

The three Louisiana parishes should be included in the New Orleans-Mississippi marketing area since the dealers distributing in these parishes who would become regulated rely upon the New Orleans market for balancing supplies. Proponent cooperative and the cooperative association associated with the New Orleans market that supported proponent's proposal supply supplemental milk during the short production months to the Bogalusa dealer. In addition, this dealer relied on proponent's Franklinton manufacturing plant to handle any excess receipts.

Several witnesses testified that from the standpoint of competition for retail sales, handlers in Memphis, Tennessee, are a more significant factor in Mississippi than are New Orleans handlers. They maintained that since the major competition for retail sales comes from Memphis handlers, rather than New Orleans, it would place Mississippi dairymen and dealers in an intolerable situation if Mississippi and New Orleans were regulated under the same order. The record evidence indicates that Memphis handlers distribute milk in 21 of the 64 Mississippi counties.

As previously indicated, the fact that Louisiana handlers have little distribution in Mississippi reflects institutional factors unrelated to economic considerations. The cooperative associations that deliver milk to the 12 unregulated Mississippi dealers do not supply milk to Memphis handlers. Conversely, there is a very substantial interchange of milk as between New Orleans handlers and Mississippi dealers as proponent cooperative association supplies much of the milk used by these two groups of distributors. No such relationship exists between Mississippi and Memphis. The Memphis milk supply emanates primarily from Tennessee and Arkansas. The volume of milk obtained from Mississippi is a very minor part of the market's needs. A substantial part of the Mississippi milk associated with Memphis is received by plants in northern Mississippi that are now regulated by the Memphis order. This situation likely will change when the New Orleans-Mississippi order is effective since one of the principal handlers of northern Mississippi has a plant at Grenada and it is likely that such plant will be regulated by such order. However another such handler located at Tupelo may adjust his business to keep the plant regulated by the Memphis order.

With the close interrelationship in location, milk supply and producer representation, orderly marketing in the area will best be achieved by adding the three Louisiana parishes and 64 Mississippi counties to the New Orleans marketing area.

It is concluded that a uniform price plan applicable to all handlers purchasing milk for sale in the expanded area will stabilize and improve marketing conditions in the area. Accordingly, regulation of the Louisiana and Mississippi territory described elsewhere herein, will effectuate the declared policy of the Act by providing for:

1. The establishment of uniform prices to handlers for milk received from producers according to a classified price plan based upon the utilization made of the milk;

2. An impartial audit of handler's records to verify the payments of required prices;

3. A system for verifying the accuracy of weights and butterfat content of the milk purchases; and

4. Uniform returns to producers supplying the market based upon an equalization sharing among all producers supplying the expanded market of the lower returns for the sale of reserve milk which cannot be marketed as Class I milk.

The public interest will be served by establishing orderly marketing conditions for milk in the proposed area that will assure a continuing and adequate supply of fluid milk for the area at reasonable prices. Accordingly, the proposals to provide separate Federal regulation for certain areas in Mississippi, and to exclude from regulation the Louisiana Parishes of St. Tammany, Tangipahoa, and Washington are hereby denied.

It is concluded also that, except as modified by this decision, the present provisions of the New Orleans order are equally appropriate for the extended marketing area and they are hereby adopted for the identical reasons advanced in the decision adopting such provisions in the order.

2. *Class I price and in-area location adjustments.* The Class I price for the New Orleans-Mississippi market should be established on the basis of a New Orleans "Zone 1," with prices applicable at plants in other locations to be determined through the use of location adjustments. Such Class I price should be the basic formula price for the second preceding month plus a Class I differential of $2.85.

For purposes of applying location adjustments, the marketing area should be divided into 5 pricing zones. The location adjustment for each zone, the resulting Class I differential (shown parenthetically), and the Louisiana parishes and Mississippi counties that should be included in each zone are as follows:

ZONE 1—NO ADJUSTMENT ($2.85)

Louisiana Parishes

Jefferson.	St. Bernard.
Lafourche.	St. Charles.
Orleans.	Terrebonne.
Plaquemines.	

ZONE 2—MINUS 18 CENTS ($2.67)

Louisiana Parishes

St. Tammany.	Washington.
Tangipahoa.	

Mississippi Counties

George.	Jackson.
Hancock.	Pearl River.
Harrison.	Stone.

ZONE 3—MINUS 40 CENTS ($2.45)

Mississippi Counties

Adams.	Lincoln.
Amite.	Madison.
Claiborne.	Marion.
Clarke.	Neshoba.
Copiah.	Newton.
Covington.	Perry.
Forrest.	Pike.
Franklin.	Lawrence.
Greene.	Rankin.
Hinds.	Scott.
Issaquena.	Sharkey.
Jasper.	Simpson.
Jefferson.	Smith.
Jefferson Davis.	Walthall.
Jones.	Warren.
Kemper.	Wayne.
Lamar.	Wilkinson.
Lauderdale.	Yazoo.
Leake.	

ZONE 4—MINUS 55 CENTS ($2.30)

Mississippi Counties

Attala.	Montgomery.
Bolivar.	Noxubee.
Carroll.	Oktibbeha.
Choctaw.	Sunflower.
Holmes.	Washington.
Humphreys.	Webster.
Leflore.	Winston.
Lowndes.	

ZONE 5—MINUS 65 CENTS ($2.20)

Mississippi Counties

Calhoun.	Quitman.
Ocahoma.	Tallahatchie.
Grenada.	Yalobusha.

The proponent cooperative for the extended New Orleans-Mississippi order proposed that the basic formula price now used under the New Orleans order be continued in the expanded order. The present basic formula price in the New Orleans order is based on pay prices for manufacturing grade milk at plants in the States of Minnesota and Wisconsin. This basic formula price is used in setting Class I prices under all Federal orders. Its continued use under this order will implement interorder price alignment by insuring that Class I price

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changes under this order will remain coordinated with those under all other orders. In addition, because the Minnesota-Wisconsin manufacturing pay price is a competitive pay price reflecting supply-demand conditions for milk produced by dairy farmers who incur about the same production costs, the use of this price will tend to insure an appropriate price level necessary to an adequate supply of milk.

At the hearing two central problems evolved concerning Class I price levels in the Mississippi portion of the marketing area. One problem concerned the price relationship in Mississippi with prices under the Memphis order. The other problem concerned the price structure within Mississippi in the area north of the six Gulf Coast counties (the Mississippi counties included in Zone 2).

Proponent cooperative association proposed that the Class I price for the market be established for the New Orleans area, with prices applicable at plants in other areas to be determined through the use of appropriate location adjustments. Under its proposal the marketing area would be divided into four zones with Zone 1 including all of the Louisiana portion of the marketing area plus the six Gulf Coast counties in Mississippi. They proposed that Zone 3, as recommended herein, be divided into two pricing zones and that the remainder of the marketing area be included in a fourth pricing zone with a 19-cent difference in the Class I price between zones.

As proposed, the Class I differential applicable at the eleven distributing plants presently regulated under the New Orleans order, the two additional Louisiana distributing plants that would become regulated as a result of this decision and a distributing plant in Biloxi, Mississippi would be $2.85. The Class I differential at distributing plants located in Brookhaven, Hattiesburg and Laurel, Mississippi would be $2.66, at distributing plants in Canton, Jackson (2), and Meridian, Mississippi it would be $2.47 and at distributing plants in Columbus, Greenville, Grenada, and Kosciusko it would be $2.28.

At the hearing proponent offered two alternative zone proposals that recognized the two special pricing problems described above. Proponent maintained that one alternative would improve the pricing relationship with Memphis and the other would improve the price structure within Mississippi in the area of greatest competition.

The two cooperative associations that supported the reinstatement of the previous separate Mississippi order, proposed the same Class I differentials as existed in the former order. The previous Mississippi order provided for a Class I differential of $2.47 in the six Gulf Coast counties and Greene County, and $2.31 in the remainder of the marketing area. However, in its post hearing brief one of these cooperatives (MAP) argued that there should be no location adjustments by zones in Mississippi.

A nonmember dairy farmer who delivers his milk to a distributing plant in Jackson testified against the establishment of zone prices within the marketing area on the grounds that a lower price level for the Jackson area would be disadvantageous to him.

Several dealers testified concerning the Class I differentials to be applied within the marketing area. Three dealers who operate distributing plants in Brookhaven, Hattiesburg and Laurel, Mississippi proposed that there be only a single Class I differential area to encompass the 58 Mississippi counties north of the six Gulf Coast counties. The operator of a distributing plant in Jackson did not oppose the establishment of four zones in the 64 Mississippi counties but he urged a Class I differential for the Jackson area of $2.31 and a 14-cent difference in Class I prices between zones. A dealer who operates distributing plants in Greenville and Grenada, Mississippi testified that the Class I price level applicable at his two plants should not be more than the Memphis price applicable at these locations. Presently, the Grenada plant is regulated under the Memphis order and the Class I differential applicable at that location under the Memphis order is $2.10.

Two handlers, one operating a pool plant under the existing New Orleans order and the other operating a plant regulated under the Memphis order, also testified on Class I price levels. The New Orleans regulated handler testified that prices applicable in Louisiana and Mississippi, regardless of the order regulating this territory, should be coordinated with the prices in the proposed Greater Louisiana order market. The Memphis handler stated that the Class I price in New Orleans is high relative to Memphis and should be lowered 31 cents to $2.54.

A witness representing three Mississippi dealers testified that any Class I price level established for neighboring Louisiana would create havoc if applied throughout Mississippi, and especially in northern Mississippi where dealer competition with Memphis handlers is an important consideration.

Historically, the Chicago milkshed has been a major source of supplemental supplies for markets throughout much of the United States, including the Mississippi markets. The cooperative proposing the expanded order indicated that during the short production months it must import milk into Mississippi from the Upper Midwest. To reflect the variable cost of moving milk from the Upper Midwest to distant markets, Class I prices in Federal order markets gradually increase in relation to the distance from the Chicago area. This structuring is reflected in the price levels in the markets to the north of Mississippi and appropriately must be a consideration in this proceeding. Substantially, the gradation of prices from market to market reflects a differential approximating 1.5 cents per hundredweight per 10 miles.

The Class I price structure recommended herein for the New Orleans-Mississippi market should provide the proper balance between adequate milk supplies and the necessary alignment of prices not only with other markets but also among the various segments within the market.

Because the New Orleans metropolitan area is a major fluid outlet for milk, the New Orleans area must be a decisive consideration in determining the location value for milk delivered to all plants in the Louisiana and Mississippi portions of the marketing area.

Basically, the Class I price structure for the New Orleans-Mississippi market should be established at a level which, in conjunction with the Class II and Class III prices, will result in returns to producers sufficient to insure an adequate, but not excessive, supply of pure and wholesome milk for the market. This has been the basis for the existing price established by the order and there is no basis on this record to change the Class I price level in the New Orleans area.

The Class I differential of $2.85 in New Orleans has been in effect for many years and the market is adequately supplied with milk. Data for the New Orleans order indicate that producer receipts in 1973 were 169 percent of the total Class I utilization of regulated handlers. For 1974, this figure was 172 percent. Even in the short production months of September, October, and November, supplies were sufficient to fully meet Class I needs of the area. In 1973 and 1974, producer receipts during this three-month period were 125 percent and 132 percent, respectively, of Class I use.

It would not be appropriate to lower the Class I differential at New Orleans, as was suggested by one witness who operates a plant regulated under the Memphis order. The witness claimed that handlers regulated under the Memphis order would be distributing milk in New Orleans at the present time if it were not for the barriers on milk sales set by the State of Louisiana. In this connection, it is not unusual for handlers regulated under one Federal order to have route distribution in the marketing area of another Federal order. The record evidence does not demonstrate the present Class I price level in New Orleans is inappropriate or that it is contributing to disorderly marketing conditions.

It is necessary to determine appropriate prices at all locations at which milk is delivered by producers, thereby facilitating the orderly movement of milk from farms serving the major market centers. Class I milk prices at plants located outside the present New Orleans area must be lower than the price in New Orleans, otherwise, producers would not have an incentive to deliver their milk to New Orleans distributing plants. The economic value of milk to the producer is determined by the alternative outlets for his milk. If this value is not properly reflected in the Class I price at various locations, the milk, over time, would not be available to plants at those locations.

At the plant locations outside the present New Orleans marketing area a series

of price zones that will relate the value of milk in New Orleans to the south and in Memphis to the north must be established. New Orleans is approximately 400 miles south of Memphis and the difference in Class I differentials is 91 cents ($2.85 at New Orleans minus $1.94 at Memphis).

The record evidence indicates—that most of the dairymen supplying milk to the market are within the proposed marketing area, although there are some Mississippi dairymen outside the marketing area and some Arkansas dairymen who deliver to the market. The greatest number of dairymen within the marketing area are located in Tangipahoa and Washington Parishes, Louisiana, and the southwest Mississippi counties of Amite, Lincoln, Marion, Pike, and Walthall. Of the total 1685 producers within the entire marketing area in December 1974, nearly three-fourths of them (1157) resided in these seven counties and parishes. Further, within the 64 counties in Mississippi, about one-half of all the dairymen are located in the five southwest counties enumerated above.

In the two Louisiana parishes of Tangipahoa and Washington, there were 675 dairymen, of whom 612 producers delivered to New Orleans regulated handlers. The remaining 63 dairymen in these two parishes delivered to plants located in the State of Florida and in Louisiana but outside New Orleans. Some of these 63 dairymen delivered to the two Louisiana dealers who would become regulated as a result of this decision.

In the five Mississippi counties enumerated above there were 482 dairymen; 262 delivered to New Orleans handlers, 177 delivered to Mississippi dealers and the remainder delivered to Louisiana, outside New Orleans.

Within the Mississippi portion of the market there are two other areas containing heavy concentrations of dairymen. Virtually all of the dairymen in these two areas deliver milk to Mississippi dealers. In the northeast corner of the marketing area in the six counties of Lowndes, Neshoba, Newton, Noxubee, Oktibbeha, and Winston there were 219 dairymen and in the six Gulf Coast counties there were 90 dairymen.

The $2.85 Class I differential applicable in the present New Orleans market will continue to provide an incentive for producers to deliver their milk to distributing plants located in New Orleans, which includes nearly one-third of the total marketing area population.

Plants located outside the present New Orleans marketing area but within Louisiana and the Gulf Coast counties in Mississippi would be in Zone 2. The four distributing plants and the cooperative's balancing plant located in this zone will have an 18-cent lower price than applies at New Orleans. Biloxi, Mississippi and Kentwood, Louisiana are slightly more than 85 miles from New Orleans, Bogalusa and Franklinton, Louisiana are about 70 miles and Abita Springs, Louisiana is about 40 miles from New Orleans. A Class I differential of $2.67 applicable at plants in this zone should assure handlers operating plants at these locations of an adequate supply of milk.

There are seven distributing plants and one supply plant located in Zone 3. The Class I differential applicable in this zone will be $2.45. These plants are at Brookhaven, Canton, Hattiesburg, Laurel, Meridian and Jackson. In Jackson there are two distributing plants and a supply plant operated by proponent cooperative association. Brookhaven, which is the closest city in this zone to New Orleans, is about 135 miles north of New Orleans. Canton and Meridian, the two cities in this zone furthest away from New Orleans, are about 200–210 miles north and northeast, respectively, of New Orleans. Jackson, the largest city in the Mississippi portion of the marketing area is about 190 miles north of New Orleans and about 210 miles south of Memphis. There are no cities in Mississippi approaching the size of Memphis and New Orleans. Any division of this area into two price zones with the lower price applicable in the Jackson area (an alternative proposed at the hearing), could, over time, jeopardize an adequate supply of milk for handlers in the Jackson metropolitan area and would ignore the historical procurement and distribution patterns among handlers in the area comprising Zone 3 as proposed herein.

There are three distributing plants and a supply plant located in Zone 4 where the Class I differential will be $2.30. The distributing plants are located in Columbus, Greenville and Kosciusko and the supply plant is in Macon. Kosciusko is located about 70 miles north of Jackson. Greenville is about 115 miles northwest of Jackson. Columbus is about 150 miles northeast of Jackson and 90 miles north of Meridian.

Only the plant in Grenada will be subject to the $2.20 Class I differential applicable in Zone 5. This plant is located about 55 miles north of Kosciusko, 115 miles north of Jackson and 100 miles south of Memphis.

The Class I prices established at these various locations are anticipated to assure adequate available supplies of milk at each plant location. In the absence of any local supply, a handler would have to procure milk from other areas. Thus, the value of milk at his plant location necessarily should reasonably reflect the cost of obtaining milk from alternative supply sources. Also, the price established at any given plant location must reflect the value of local milk in relation to more distant plants to the south where the price is higher. If the local price is too low relative to this "opportunity" price at other locations, the local supply will be attracted to other areas.

The Class I price structure under the order is not intended to assure each handler in the market that he will have an identical procurement cost at any location in which he may choose to distribute milk. Its purpose is to assure handlers, and ultimately consumers, of an adequate milk supply. A handler may distribute milk wherever he chooses. Should he decide to sell in an area where handlers have a lower procurement cost, he must assume any competitive risks involved.

The Class I differential applicable in Zone 5 would result in a Class I price at the present Memphis regulated handler's plant in Grenada 10 cents per hundredweight above the Memphis price at that location, if the plant becomes regulated under this order. Because of Grenada's location relative to the remainder of the marketing area, it is not feasible to have a Class I differential applicable in Grenada of less than $2.20 over time, otherwise, the handler would have difficulty in maintaining an adequate supply of milk.

As marketing conditions in the Mississippi portion of the proposed marketing area are now extremely disorderly, there is no effective price alignment with other markets, and no certainty for any particular dealer that the prices paid by his competitors for milk are rational. The price structure proposed herein will reestablish orderly marketing conditions by providing a rational basis for establishing milk prices with due consideration given to intermarket price alignment and competitive equities among handlers who would be regulated.

Out-of-area location adjustments. Provision should be made also for location adjustments at plants outside the marketing area. The Class I price at plants outside the marketing area but in the States of Louisiana and Mississippi should be adjusted for location on a zone pricing basis. In Louisiana, the zone prices should be related to Class I prices under the proposed Greater Louisiana order in that area. At a plant located in the State of Alabama, the Class I price should be the Class I price applicable at Columbus, Meridian, Pascagoula, or Tupelo, Mississippi, whichever city is nearest to the plant. At other out-of-area plants, a minus 45-cent per hundredweight location adjustment should apply to Class I milk received at a plant located in excess of 150 miles from the City Hall in New Orleans, Louisiana. For each additional 10 miles or fraction thereof beyond 160 miles the minus 45-cent location adjustment should be increased at the rate of 1.5 cents per hundredweight.

The cooperative proposing the New Orleans-Mississippi order urged that the zone prices established within the marketing area and south of the Louisiana-Arkansas border be extended in an east-west direction so that any plant located outside the marketing area but east or west of the southern portion of the marketing area would have the same zone price as if it were located within the marketing area. At plants located outside the marketing area and north of the Louisiana-Arkansas border the cooperative would apply a minus 20-cent location adjustment at plants located more than 50 but not in excess of 60 miles from the nearer of New Orleans, Louisiana or Pascagoula, Mississippi. Beyond 60 miles

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they proposed that the location adjustment be increased at a rate of 2.0 cents per hundredweight for each additional 10 miles or fraction thereof.

A dealer who operates a distributing plant in Jackson also proposed a location adjustment of minus 2.0 cents per hundredweight for each 10 miles or fraction thereof. The dealer supported a separate order for Mississippi and, thus, he proposed using Jackson and Meridian as basing points. Further, he would provide no location adjustment at any plant located outside the marketing area but within 50 miles of either Jackson or Meridian.

A witness appearing on behalf of Gulf Coast's Dairymen's Association, and also for three dealers, testified in favor of adopting the location adjustment provisions contained in the previous Mississippi order. That order provided a minus 10-cent location adjustment at plants more than 60 miles but less that 160 miles from Gulfport or Pascagoula, Mississippi plus an additional 1.5 cents per 10 miles beyond 160 miles. MAP adopted the testimony of this witness. Two Memphis regulated handlers testified in favor of the locaton adjustment rate of 1.5 cents per 10 miles. One of these handlers stated if there is to be any change in the location adjustment rate, it should be based on a national hearing so that all Federal orders could be on the new rate at the same time.

The Class I prices established under the proposed Greater Louisiana order applicable at various locations within the marketing area have been determined through the hearing procedure to be the minimum prices necessary to attract an adequate supply of milk at plants within each applicable zone. As was pointed out on the record of this hearing by a New Orleans regulated handler, the pricing structure in the Greater Louisiana order must be coordinated with the pricing structure under this order. A comparison of the two decisions will reveal that this coordination has been accomplished. Also, the location adjustment provisions here adopted will accomplish the objective sought by proponent cooperative with respect to out-of-area plants located south of the Louisiana-Arkansas border. Should a plant located in one of the zones in the Greater Louisiana marketing area become regulated under this order, it would not change the minimum price necessary to attract an adequate supply of milk to that plant on a normal and regular basis. If the price were allowed to decrease, for example, because the plant became regulated under this order, the supply of milk available to the plant could be jeopardized over a period of time. Producers supplying milk to the plant would seek a higher-valued alternative market represented by the other plants that remained regulated under the Greater Louisiana order. It is appropriate, therefore, to have the Class I price under the New Orleans-Mississippi order reflect the same level as the Class I price established under the Greater Louisiana order for plants located in the defined zones within the Greater Louisiana marketing area, if such plant is regulated by the New Orleans-Mississippi order.

To implement this arrangement, the following location adjustments should apply at Louisiana plants within the parishes listed in the following zones:

(1) NO ADJUSTMENT ($2.85)

Acadia.	Jefferson Davis.
Ascension.	Lafayette.
Asumption.	St. James.
Calcasieu.	St. John the Baptist.
Cameron.	St. Martin.
Iberia.	St. Mary.
Iberville.	Vermilion.

(2) MINUS 19 CENTS ($2.66)

Allen.	Pointe Coupee.
Avoyelles.	Rapides.
Beauregard.	St. Helena.
East Baton Rouge.	St. Landry.
East Feliciana.	Vernon.
Evangeline.	West Baton Rouge.
Livingston.	West Feliciana.

(3) MINUS 38 CENTS ($2.47)

Bienville.	Lincoln.
Bossier.	Madison.
Caddo.	Morehouse.
Caldwell.	Natchitoches.
Catahoula.	Ouachita.
Claiborne.	Red River.
Concordia.	Richland.
De Soto.	Sabine.
East Carroll.	Tensas.
Franklin.	Union.
Grant.	Webster.
Jackson.	West Carroll.
La Salle.	Winn.

At a plant located in Mississippi but outside the marketing area the Class I price should be the same as the Class I price applicable in Zone 5. This territory is just North of the marketing area and encompasses 18 counties, six of which are within the Memphis, Tennessee, marketing area. Several distributing plants located in these 18 counties presently are regulated under the Memphis order and are subject to a plus location adjustment under that order. The applicable Memphis Class I price at these plants is about 10 cents lower than the price recommended herein to be applicable under this order for plants located in that area. However, because the Memphis order provides individual-handler pooling handlers in that market for competitive reasons maintain a high Class I utilization. Hence, the 10-cent differential in Class I prices as between the two orders in this area will have a minimal procurement impact on Memphis handlers. Pool plants located in these 18 counties will compete for milk supplies with other pool plants that are located within the New Orleans-Mississippi marketing area as well as with Memphis handlers. A Class I differential applicable in these 18 counties lower than $2.20 would deter plants regulated under this order in the development of an adequate supply of milk from producers.

If a plant located in the State of Alabama becomes regulated under this order, the location value of milk at such plant would be the same as the location value of milk in Mississippi. Alabama is located adjacent to the eastern border of Mississippi. Class I prices in Alabama must reflect the same increasingly higher Class I prices from north to south that are necessary to obtain an adequate supply of milk at various locations in the eastern part of Mississippi. Accordingly, the Class I price at a plant located in Alabama should be the Class I price applicable at Columbus, Meridian, Pascagoula, or Tupelo, Mississippi, whichever city is nearest.

At a plant located outside the areas described above and more than 150 miles from the City Hall in New Orleans, Louisiana, a minus 45-cent location adjustment should apply to Class I milk. At plants located beyond 160 miles the minus 45-cent location adjustment should be extended at the rate of 1.5 cents for each additional 10 miles or fraction thereof. Such distance should be based on the shortest hard-surfaced highway distance as determined by the market administrator.

Plants that would be subject to such adjustment generally will be located north of the marketing area in Arkansas and Tennessee. Location adjustments computed at this rate will result in Class I prices at plants in southwestern Tennessee, just north of the Mississippi-Tennessee border, that are aligned with the Class I prices under this order and would be reduced at the rate of 1.5 cents for each 10 miles distance that the plant is located from the marketing area if such plants become regulated by this order. Further, such location adjustments are reflective of costs in moving milk to the central market and will implement uniformity of pricing as among handlers for both milk received at the market from distant plant locations and milk received at the market direct from farms.

The proposed location adjustment rate of 2.0 cents per 10 miles should not be adopted. Such a location adjustment rate for plants located outside the marketing area would not result in the proper alignment of prices in this market with prices in markets to the north. As set forth previously in this decision, a series of price zones are established within the marketing area that will relate the value of milk in New Orleans to the south and in Memphis to the north. At plants located north of the marketing area a location adjustment rate of 1.5 cents per 10 miles must be maintained to preserve interorder price alignments. As described earlier, intermarket price relationships are based on this transportation rate.

Further, a paramount consideration in establishing an appropriate price level is the assurance of an adequate milk supply for the regulated market. It is clear that prices in Federal order markets in the region have generated ample milk supplies. Under such circumstances, it is neither appropriate nor necessary to establish higher prices in this market solely to reflect the currently higher transportation costs for moving milk. Such objective can only be accomplished through a general hearing covering all Federal orders. At any such hearing, one of the matters which would have to be resolved would be how this might be accomplished within the limits of the present variation

in Class I prices from north to south. Further, if the total difference in prices north to south were to be increased, an important consideration at such hearing would center on how this might be accomplished under the standards of the Act and existing supply-demand relationships.

The language in the present New Orleans location adjustment provisions specifying that the distances shall be determined using only "toll free" highway distances should be deleted. Proponent cooperative requested this deletion because under today's energy conditions trucks hauling milk to New Orleans will use the shortest distance, even when that involves using the toll bridge across Lake Pontchartrain. Accordingly, the location adjustment provisions should provide the use of the "shortest highway distance" rather than the "shortest toll-free highway distance."

Location adjustment credits. The provisions in the present New Orleans order limiting Class I location adjustment credit on bulk milk transferred between plants should be modified.

In conjunction with its pricing proposal, proponent cooperative urged the continuation of the New Orleans order provisions that preclude the application of location adjustments under certain conditions. A supply plant some distance from the market, for example, may ship producer milk to a distributing plant, with the two plant operators claiming a Class I use of the milk. Normally, the pool obligation of the supply plant operator for the producer milk transferred as Class I milk would be the Class I price as adjusted for the location of his plant, rather than the f.o.b. market price. There may be those cases, however, where the distributing plant receiving supply plant milk has sufficient milk from local direct-ship producers to cover most or all of its Class I sales. In this situation the supply plant milk is not needed at the market for Class I use and the New Orleans order would not apply a Class I price location adjustment at the supply plant. Thus, the supply plant operator would not receive the location adjustment credit otherwise applicable with respect to his pool obligation for the Class I producer milk so transferred.

The basic concept of this limitation on location adjustment credits should be carried forth under the expanded order. To adopt this concept to the pricing structure adopted herein (which includes the announced Class I price for Zone 1 with minus price adjustments at other locations) it is necessary that the location adjustment credit provisions be revised. The basic intent, though, is to insure that producers on the market do not have their returns lowered through the granting of price credits on milk unnecessarily moved between pool plants for other than Class I use.

In this connection, location adjustment credits should not apply to Class I milk shipped to pool plants in lower-priced zones. Although this would not be a usual movement of milk, such movement could occur in situations where a plant in Louisiana or Gulf Coast of Mississippi received milk in excess of its fluid requirements, and sought to market such excess with handlers in Jackson or Meridian, for example. The Class I price levels established in Louisiana and the Gulf Coast are contemplated to attract milk to these areas for Class I use there, not for reshipment to lower priced zones. The latter should not be encouraged through the granting of price credits on such milk movements. If the prices provided tend to attract greater quantities of milk than are needed locally, then consideration should be given to whether a lower price should be provided.

Distributing plants relying on supply plant milk for Class I use should be encouraged to draw such milk from the nearest plant or plants. It is possible that near-in supply plant milk might be claimed as having been used in Class III, for example, while an equivalent amount of more distant supply plant milk received at the city might be claimed as having been used in Class I. Although the more distant plant would be eligible for a location adjustment credit under the provisions adopted herein, such credit would be limited, in this example, to the lesser credit that would have been applicable to the near-in supply plant milk had it been classified as Class I milk.

3. *Partial payments to producers and cooperatives.* The rate at which partial payments for producer milk are made should be changed from the Class III price for the preceding month to 90 percent of the uniform price for the preceding month, adjusted for location of the pool plant.

The present New Orleans order requires handlers to pay producers by the last day of the month for milk received during the first 15 days of the month, except those producers who discontinued shipping milk to such handler before the 25th day of the month. The rate of payment is the Class III price for the preceding month. Handlers must pay cooperatives authorized to collect payment for the milk of its member producers at least 2 days before the last day of the month.

Proponent of the New Orleans-Mississippi order proposed that handlers be required to make separate partial payments for producer milk received during each of the first two 10-day delivery periods of the month. Under their proposal these payments would be due on or before the 7th day following each of these 10-day periods at 90 percent of the previous month's uniform price to all producers who would still be delivering milk to him on the payment dates.

Proponent cooperative's spokesman recognized that the proposed changes would increase handlers' cost for milk, but held they are needed to improve the cash flow to dairy farmers. He contended that dairy farmers, faced with increasing production costs and greater demands for cash for purchasing items needed to continue producing milk, urgently need payment for their milk at a higher rate and at more frequent intervals. Higher interest rates for borrowed money since 1971–72 were cited in particular as justifying more frequent payments to producers.

Several handler representatives testified in opposition to this proposal. They maintained that increasing the number of payments to producers each month would increase the cost of milk to handlers, and ultimately to consumers. It was estimated that the increased cost would amount to about 1.5 cents per hundredweight on all producer milk. Also, they opposed increasing the rate of partial payment to 90 percent of the previous month's uniform price because it would very likely result in an overpayment to some individual producers. The representative of MAP stated that they also opposed this proposal.

Increasing the partial payment rate to 90 percent of the previous month's uniform price should be adopted. This will provide producers a larger portion of the value of their milk through partial payments. Since the partial payment applies only to the first 15 days' deliveries by producers who still ship milk to the handler on the 25th day of the month, there could be little likelihood of overpayment. Based on data for the New Orleans market only, the proposed 90 percent rate would have increased the partial payment for producer milk delivered in 1974 by an average of $0.91 more than the actual partial payment rate.

Under the order recommended herein, significant quantities of producer milk will be delivered to pool plants at which uniform prices because of location adjustments will be lower than the announced uniform price for the market. To decrease the possibility of overpayment to producers delivering milk to these plants, the previous month's uniform price should be adjusted for the location of the pool plant.

The proposal to require two partial payments each month should not be adopted. Providing an additional advance payment to producers each month would increase handler costs and would not in any way change the total monies producers received in a 30-day period. It would be unreasonable to adopt procedures which would result in increased handler costs, and, ultimately higher prices to consumers, to resolve a cash flow to individual producers which seemingly could be resolved through the exercise of prudence on the part of the producer in handling his accounts. Further, requiring handlers to make partial payments on the same day that determines the eligibility of the producer to receive the partial payment could greatly increase the possibility of overpayments to producers.

4. *Pool plant.* The "pool plant" definition should be revised to set forth all of the requirements that a plant must meet in order to be defined as a pool plant. For this reason, definitions of a "distributing plant" and a "supply plant" are deleted. Further, the pooling qualifica-

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tions for a plant operated by a cooperative association should be revised.

The New Orleans order now provides that, except for the 1,500 pound daily average in-area route distribution standard, the pooling standards for a distributing plant or a supply plant are measured in terms of the proportion of its receipts that is disposed of from the plant. These standards should be revised to specify that such receipts include producer milk that is diverted from the plant to other plants. Although diverted milk is not physically received at the plant from which diverted, it is, nevertheless, an integral part of the plant's supply of milk.

Unless diverted milk is included as a plant receipt for purposes of determining such plant's eligibility for pooling, the pooling standards would have only minimal substantive meaning. Such standards are intended to insure that the milk supplies which are permitted to share in the Class I proceeds through pooling are only those supplies reasonably associated with the Class I market.

Thus, when referring herein to a plant's receipts used in computing pooling percentages, it is intended that such receipts include producer milk diverted from the plant by both the plant operator or by a cooperative association.

The pooling provisions for distributing plants contained in the present New Orleans order specify that any plant approved for the handling of Grade A milk is a pool plant if during the month its total route disposition equals 50 percent or more of its Grade A receipts from producers, cooperative associations as handlers on bulk tank milk and supply plants, and its route disposition in the marketing area equals or exceeds the lesser of a daily average of 1,500 pounds or 20 percent of such receipts.

The Jackson dealer who supported a separate order for Mississippi testified that the in-area pooling percentage for distributing plants should be lowered from 20 percent to 10 percent. The witness for Gulf Coast stated that he favored lowering the 20 percent standard but believed that a substantial association with the market was necessary before pooling a distributing plant. The representative for DI urged that the 1,500 pound daily average standard be kept in the order. The operator of distributing plants in Tupelo, Mississippi and Mobile, Alabama, opposed any pooling standard for distributing plants lower than 20 percent.

Requiring that a pool distributing plant dispose of at least 50 percent of its Grade A receipts from the above described pool sources on routes is consistent with the general supply situation for this area. There was no proposal at the hearing to reduce or to increase the 50 percent factor, and it should be retained. Likewise, it is concluded herein that the standards relating to the 1,500 pound daily average sales within the marketing area should be continued, and that the 20 percent in-area route requirement should be reduced to 10 percent.

The 1,500 pound daily average sales standard could cause at least two distributing plants located outside the marketing area to become fully regulated. The dealer who operates these plants in Tupelo and Mobile testified that 1.4 percent of his Tupelo plant's sales and 13 percent of his Mobile plant's sales would be in the marketing area and would amount to more than 1,500 pounds per day. At the time of the hearing, the Tupelo plant was regulated under the Memphis Federal order and the Mobile plant was subject to a pricing regulation of the State of Alabama. To the extent the handler's sales from the Tupelo plant in the Memphis marketing area exceed its sales in this marketing area, the Tupelo plant would remain regulated under the Memphis order and have no financial obligation under this order.

With respect to the dealer's Mobile plant, it is reasonable to impose full regulation under this order on all its sales if it has route disposition in the marketing area which exceeds the volume factor provided in the order. Dealers with substantial sales in the marketing area should be subject to full regulation. With route disposition exceeding 10 percent of Grade A receipts the Mobile dealer meets this criterion.

It is necessary to continue to provide the minimum volume standard of 1,500 pounds per day due to the nature of the combined area proposed herein. The Mississippi portion of the marketing area is primarily rural. A large plant located outside the marketing area and distributing just under 10 percent of its receipts into the area would constitute a very considerable competitive impact in the relatively sparse marketing area. In these circumstances, competitive equity as between handlers can best be achieved by continuing to provide the disposition factors presently provided in the order. Thus, the Mobile plant, and any other plant similarly situated, would not be expected to remain outside full regulation when its sales in the marketing area are a significant factor.

Such regulation is necessary to insure the integrity of the uniform price plan and its objectives of maintaining orderly marketing for producers.

It is necessary, moreover, that a plant, wherever located, that distributes within the standards provided herein be subject to full regulation on all of its Class I distribution, including that which is outside the marketing area. If only the plant's in-area sales were subject to order pricing, the operator of the plant could assign any value he might choose to his out-of-area sales. He thereby could reduce the average cost of all his Class I milk below that of fully regulated handlers having all of their Class I sales within the marketing area. Unless his route sales both inside and outside the marketing area were fully regulated under the order, the plant operator in effect would not be subject to effective price regulation. It would not be possible in this circumstance to enforce uniform class prices with respect to those handlers who are in substantial competition with one another. The absence of effective pricing would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order.

The supply plant pooling requirements contained in the present New Orleans order should not be changed on the basis of this record, except for the modification described earlier to include diverted milk in computing the plant's total receipts.

Presently a supply plant is pooled in any month in which it ships at least 45 percent of its receipts from dairy farmers to pool distributing plants. If the plant is pooled in each of the months of August through November it is accorded pool plant status for the following months of December through July regardless of its shipments to distributing plants during such months.

Proposals were made by MAP to tighten the pooling requirements for supply plants. One of their proposals would raise the percentage of milk a supply plant must ship to pool distributing plants from 45 percent to 50 percent. To obtain automatic pooling status during the months of February through July they proposed that such plant would have to ship 75 percent of its receipts to pool distributing plants during the months of August through November.

At the time of the hearing there were no supply plants pooled under the New Orleans order. The spokesman for DI stated, however, that they operated receiving stations at Jackson and Macon, Mississippi, which might qualify as pool supply plants under the order. At the present time they did not anticipate qualifying their Franklinton plant.

There is no basis on this record to change the supply plant pooling requirements. Proponent for changing this pooling standard based his request solely upon his desire to prevent possible "predatory practices" by cooperative associations. However, he did not demonstrate that such abuses had occurred in this market and did not present any factual testimony showing the need to raise the shipping requirements. Accordingly, the proposal is denied.

The provisions in the present New Orleans order that allow a cooperative association operating one or more plants to meet the supply plant pooling requirements by including all member-dairy farmer milk delivered directly from farms to pool distributing plants as being considered to have been first received at that cooperative's plant located nearest New Orleans and then shipped therefrom to such distributing plants should be revised. Such plants perform a "balancing" function for the market rather than a "supply" function. The pooling provisions should accommodate the pooling of such plants based on their service to the market rather than as supply plants. Such a balancing plant, if it has no route distribution, should be pooled if during the month 50 percent or more of the milk of the cooperative's member

producers is physically received at pool distributing plants from farms or by transfer from the cooperative's balancing plants for which pool status is requested. Such pool status should be limited to those plants that are located in the marketing area and approved by a duly constituted regulatory agency for disposition of Grade A milk in the marketing area. The plant should not be pooled as a balancing plant if it meets the pooling standards on the basis of performance under any Federal order, including this order.

Proposals were made by MAP that the special provisions for pooling a plant operated by a cooperative association should be deleted. They proposed further, that if these provisions were not deleted then they should be amended to increase the shipping requirement to 75 percent and to specify that such plant must be located in the marketing area.

Presently, no plants of cooperative associations are pooled under the New Orleans order, although D. I.'s Franklinton, Louisiana operations typify the usual concept of cooperative balancing plants. Pool status for such plants, however, should be available to facilitate the efficient handling of reserve milk associated with the market.

When milk of some producers who regularly supply the market is temporarily not needed by distributors, their milk can be pooled by delivery to a balancing plant. The plant thus is an assured outlet for reserve milk without involving arrangements under which the producers' milk would need to be diverted from distributing plants in order to keep the milk pooled on the market.

Pool status for such plants facilitate also the transfer of milk from cooperative balancing plants to pool distributing plants. Although milk should be moved when possible directly from the farm to distributing plants, there still are occasions when balancing plants are called upon for supplemental supplies.

Only those plants located in the marketing area should be eligible for pooling under the pool balancing plant provisions. The marketing area proposed herein encompasses virtually all of the distributing plants that are expected to be pooled under the order, as well as most of the production area for the proposed market. In this situation, it is only those cooperative association plants located in the marketing area that can be expected to perform the typical market balancing function as described above.

It is necessary that there be a reasonable demonstration that the milk pooled through balancing plants is a part of the regular market supply. Milk should not be permitted to be associated with the market merely for manufacturing purposes since this would reduce returns to producers and discourage the production of an adequate supply of milk by those producers regularly supplying the fluid market. Any performance requirements for a balancing plant per se would be inconsistent, of course, with the balancing function of the plant. For this reason, the pooling of a cooperative balancing plant should be contingent on its function with respect to the milk supply for the fluid market and this is reasonably reflected in how much of the cooperative's total milk supply from member producers is furnished to pool distributing plants.

Under present conditions, at least 50 percent of the milk of member producers should be delivered each month to pool distributing plants to qualify a cooperative's balancing plant for pooling. This will assure a substantial association of the cooperative's total milk supply with the fluid market and will minimize the opportunity to pool unneeded milk through balancing plants.

Adoption of the 75 percent delivery requirement, as was proposed, could be expected, on the other hand, to jeopardize a cooperative association's ability to qualify its balancing plant for pool status, even though the plant might be performing a valid balancing function for the market. A performance requirement at the 75 percent level is not necessary to assure that any needed proportion of the total milk supply will be made available for fluid use or to preclude the addition of substantial milk supplies solely for manufacturing use.

Pool plant status should be accorded only those cooperative balancing plants located in the marketing area that are approved by a duly constituted regulatory agency for disposition of Grade A milk in the marketing area. Such a provision is necessary to assure that the plant can be depended upon for supplemental milk supplies when such are needed by distributors. Since the order would not require any minimum shipments to the market from a cooperative balancing plant, it is conceivable that the plant might not take the necessary steps to maintain its health approval, thereby precluding the plant from being able to transfer milk to pool distributing plants. Further, there would always exist the possibility that the milk being received there from dairy farmers was not in fact of fluid quality and therefore entitled to share in the Class I proceeds of the market.

A distributing plant that has route disposition in two marketing areas reasonably should be regulated in the market in which it has the greater route sales. However, if a plant that has been regulated under this order should have greater route disposition in another market, the plant should remain regulated under this order until the third consecutive month in which it has greater route disposition in the other marketing area. This procedure should limit the casual, disruptive shifting between orders on a month-by-month basis that can occur when intermarket distributing results in qualifying a distributing plant for pooling under more than one order. This provision, which is not contained in the present New Orleans order, could have relevancy in the future with promulgation of the Greater Louisiana order in determining under which of the two orders a plant would be regulated.

The pool plant provisions, also, should provide that a supply plant qualified for pooling under this order and under another order be regulated by the order under which it makes the greater shipments. However, it should provide further that pool status would not apply to a supply plant that has automatic pool status under another order but also qualifies as a pool plant under this order. On the other hand, a plant having automatic pool status under this order should remain pooled under this order (if the plant operator chooses to retain such status) even though the plant qualifies for pooling status under another order.

5. *Producer-handler.* The producer-handler provisions contained in the present New Orleans order should be modified.

As adopted herein, a "producer-handler" would be any person who operates a dairy farm and a processing plant and who receives no fluid milk products from sources other than his own farm production and by transfer from pool plants and other order plants. Any such receipts from pool plants and other order plants during the month could not exceed a daily average of 1,500 pounds. A producer-handler could not dispose of any other source milk in the form of a fluid milk product except through the addition of nonfat milk solids to fortify fluid milk products received from his own farm or from pool plants. To qualify as a producer-handler, such person would have to provide proof satisfactory to the market administrator that the care and management of the dairy farm and other resources necessary for his own farm production of milk and the management and operation of the processing plant are the personal enterprise and risk of such person.

Presently, the New Orleans order defines a producer-handler only as a dairy farmer who operates a distributing plant at which no fluid milk or fluid milk products are received during the month except his own farm production or transfers from pool plants and who has no receipts of milk products other than fluid milk products disposed of as Class I milk. There is no provision in the present order that such person provide proof satisfactory to the market administrator that all of the resources necessary for his own production of milk and the management and operation of the processing plant are the personal enterprise and risk of such person.

A dealer and dairy farmer in Columbus, Mississippi, who stated he probably would be the only producer-handler under the order proposed that producer-handlers be permitted to receive a daily average of 1,500 pounds of fluid milk products from other handlers. He also proposed that producer-handlers be permitted to purchase manufactured dairy products for sale in the same packages. There was no opposition to this pro-

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posal. The spokesman for D.I. testified that the present New Orleans provisions permit unlimited receipts of fluid milk products from pool plants by producer-handlers. He stated that since all fluid milk products sold to a producer-handler are classified and priced as Class I milk he saw no reason to place a limitation on the quantity a producer-handler could receive from pool plants.

The proponent Columbus dealer operates a 50–70 cow milking herd, a processing and packaging plant and sells all his milk through his own retail store. He has no retail routes. He buys packaged products from other dealers and sells them in his retail store along with some nondairy items. Proponent stated that he buys supplemental milk from other dealers only when his own production is short seasonally or when his milking herd has been downgraded by the health authorities.

Experience under Federal orders has demonstrated that effective regulation can be insured without the full regulation of individuals who produce, process, and distribute substantially only milk produced on their own farm and who buy no milk from other dairy farmers. The exemption from pricing and pooling of producer-handlers, however, should be limited to bona fide producer-handlers. Without appropriate safeguards milk distributors with own-farm production might be encouraged to seek producer-handler status.

Various business arrangements may be used to acquire an appearance of a true producer-handler operation. To preclude the use of such devices the order should provide that the producer-handler must provide proof satisfactory to the market administrator that the maintenance, care, and management of the dairy animals and all other resources used to produce the milk as well as the resources required for the distribution of the milk are each the personal enterprise and the personal risk of the person who claims producer-handler status.

Operators who receive milk from their own farm production and who rely on other plants for substantial supplemental supplies either in bulk or packaged form are not significantly different from the operations conducted by pool handlers. In addition, such individuals do not assume the risk or cost of providing a full supply for their own needs. If such operations are not pooled, the pool does not receive the benefits of their Class I sales but acts as a supply balance for these producer-handlers by carrying their necessary reserve milk supplies.

Notwithstanding the above conclusion, it is appropriate that producer-handlers be permitted some tolerance for purchasing fluid milk products from other plants. A limitation of 1,500 pounds per day average during the month on a producer-handler's purchases from pool plants and other order plants will insure against the unintentionable involvement in regulation of producer-handlers as a group while, at the same time, deterring larger handlers with own farm production from evading the pooling of such production by seeking producer-handler status.

6. *Administrative assessment.* The rate of assessment for administration of the order should be increased to 5 cents per hundredweight from the 4-cent rate now provided.

It was proposed by the Department that the maximum rate of administrative assessment be increased 1-cent per hundredweight to recognize the current and probable increased costs of administering the order. Presently, the New Orleans market administrator's budget for 1975 shows a deficit of $30,647. Increasing the rate 1 cent would project a surplus of $24,353 for this year. The operator of a distributing plant in Jackson opposed the proposed rate increase. He maintained that the market administrator's office should be operated at reduced costs.

Generally, market administrators are expected to maintain a reserve fund that would cover their operating expenses for up to six months, which monies normally would be needed to carry out the market administrator's responsibilities in the event an order was withdrawn for any reason. If the reserve fund exceeds projected operating expenses for a greater length of time, then the administrative assessment is usually suspended or the rate lowered until the reserve fund has market administrator must use some of been reduced. However, the New Orleans the money in his operating reserve fund at the present time to offset some of his increased expenses that have been brought about by higher prices.

Many of the costs associated with operating the market administrator's office are outside his control, since the functions are dictated by Congressional legislation. Thus, his ability to reduce costs are limited. Even so, the number of employees on the market administrator's staff has been reduced 25 percent over the past 2 years. It would not be feasible for the market administrator to reduce his operating expenses further if he is to continue fulfilling his duties of administering the order.

Expansion of the marketing area also will require additional expense by the market administrator to verify receipts and utilizations at handlers' plants that are scattered throughout virtually the entire State of Mississippi. The expense per handler likely will increase because at present, virtually all regulated handlers are located within the Greater New Orleans metropolitan area which greatly reduces travel expenses. It is not possible to know, at this time, whether or not the added funds collected from the newly regulated handlers will completely cover the additional expenses.

The Act requires handlers to pay the cost of operating an order through an assessment on milk handled. To assure that the market administrator will have sufficient funds to enable him to administer the order it is necessary to increase the rate to 5 cents. The present rate does not give this assurance. If experience indicates that at a later date a lower rate will be sufficient to provide adequate funds for the administration of the order, provision is made so that the Secretary may reduce the rate without the necessity of amending the order.

7. *Producer and Producer Milk.* The "producer" definition should be revised to refer to a "regulatory agency" rather than to a "health authority". Also, the "producer milk" provision should be revised to include, in the month in which picked up, milk picked up by a handler at the farm in a bulk tank truck but not received at a plant until the next month.

A requirement in the "producer" definition states that such person must produce milk in compliance with the Grade A inspection requirements of a duly constituted health authority. The term "regulatory agency" rather than the term "health authority", which has been used in the New Orleans order for some time, is a more appropriate term at the present time. The agency responsible for approving a dairy farmer for the production of Grade A milk may not always be designated as a health authority. In some states, for example, this function is the responsibility of the State Department of Agriculture.

The "producer milk" definition should be amended to provide that all bulk tank milk of producers picked up at the farm during the month is pooled in that month. The spokesman for D.I. testified that under the present New Orleans order producer milk picked up by the cooperative association in its bulk tank trucks on the last day of the month that is not delivered to a pool plant until the following month is considered producer milk in the month that it is picked up at the farm. However, milk picked up at a producer's farm in a tank truck operated by a handler on the last day of the month that is not received at the handler's pool plant until the following month is considered a receipt by the handler in the month it is physically received at the pool plant.

Dairy farmers need not be required to wait one and a half months before receiving the uniform price for milk that is picked up at their farms on the last day of a month but is not received at a plant until the following month. The accounting procedure will be simplified and should be more readily accepted if milk is pooled in all cases in the month in which it is picked up at the farm. The changes provided herein, will permit the pooling of producer milk in the month it is picked up at the farm, if the milk is received at a plant in the current or the following month. Milk which is picked up but not received at a plant until the following month will be included in the responsible handler's end of the month inventory and will be priced at the location of the plant where the milk is physically received in the following month. Since this milk reasonably will be received at a plant on the 1st or 2nd day of the following month, the handler will know the location of the plant of actual receipt in

time to include this information in his monthly report, which he files by the fifth day of the following month. If, however, none of the milk in the pick up tanker is subsequently received at a plant such milk will not be included in the handler's report and he will have no pool obligation on it. This conforms with the present provisions which tie the producer milk provisions to its receipt at a plant.

If the operator of a pool plant is the responsible handler he will account for this producer milk as part of his end of the month inventory and will be charged the Class III price in the month it is picked up at the farm. In the following month, this milk will be treated in the same manner as other fluid milk products he had in inventory.

If a cooperative association bulk tank handler is the responsible handler such cooperative will account for the milk in transit as inventory and at the Class III price and will be credited at the blend price. Additional conforming changes are needed to implement this procedure to insure that in the following month the cooperative is credited for its pool obligation in the preceding month on such milk. In such following month, this milk is included in the obligation of the pool plant handler who physically received it and he will account to the market administrator for this milk at the classified prices. Such monies would be deposited in the producer-settlement fund, but since the milk was pooled in the preceding month it would not be included in the pool computation of the current month.

It should be noted here that bulk tank milk being diverted by a cooperative from another handler's pool plant to a nonpool plant should not be included in the cooperative's ending inventory if the milk is in transit at the end of the month. Instead, the final accounting for the milk should be in the month in which it is picked up at the farm. The inventory accounting procedure is not necessary in this case since the cooperative is the only accountable handler under the order for such milk. The milk is received by the cooperative, of course, at the time it is picked up at the farm.

As provided herein, milk diverted from a pool plant would be included in the plant's receipts for purposes of determining whether or not the plant meets the applicable pooling standards. It is necessary under this procedure to safeguard against the possibility that a proprietary plant may not meet the pooling standards because too much milk was diverted from the plant by a cooperative, perhaps without timely knowledge of this by the plant operator. Accordingly, whatever quantity of milk diverted by a cooperative from a pool plant of another handler that would cause such plant to become a nonpool plant would be excluded from producer milk.

The proposal by MAP to reduce allowable diversions of producer milk by handlers and cooperative associations to nonpool plants from 35 percent of total producer receipts down to 20 percent should be denied. The witnesses for D.I. and a handler regulated under the present New Orleans order opposed the tightening of this provision. These two witnesses claimed that the 35 percent limit is needed to efficiently handle the market's reserve supplies and any lowering of this percentage limit could cause disorderly marketing conditions. The result could be that the milk of producers who are regularly associated with the market might not be able to qualify as producer milk except through uneconomic handling of the milk.

Diversion provisions are desirable to facilitate the orderly and efficient disposition of the market's reserve milk supplies. When producer milk is not needed in the market for Class I use, its movement direct to nonpool plants for manufacturing without loss of producer milk status is desirable. The diversion provisions contained in the present New Orleans order have permitted the efficient handling of the market's reserve supplies without, at the same time, allowing the association of unneeded milk supplies with the market through the diversion process. Reducing the quantity of producer milk that could be diverted would result in extra handling of milk and additional transportation costs without providing any benefits to the market. Handlers would be forced to receive the milk first at a pool plant and then transfer the milk to manufacturing plants. This would be an uneconomic way of handling the market's reserve supplies and should not be encouraged.

8. *Marketing period.* The order should not be amended to provide for a marketing period on the basis of this record.

MAP proposed that the order should contain a marketing period to be defined as "the fiscal year beginning April 1 and ending on March 31." They also proposed that any termination of the order under § 608c(16)(b) not be permitted unless announced at least 90 days prior to the end of the current marketing period. There were no other proposals concerning a marketing period.

Proponent's witness indicated that the April 1–March 31 marketing period would parallel, and would be consistent with, the marketing year used under the price support program for manufacturing grade milk. Under this program, the Secretary announces annually the support price for milk marketed during the period of April 1 through March 31 of the following year. In addition, proponent suggested that dairy farmers generally make production plans a year at a time, and that the biological production cycle of milk cows covers a year.

A minimum of 90 days' notice of any order termination was intended by proponent to provide handlers and producers with at least this minimum opportunity to adjust their operations in light of the impending absence of regulation. They claimed that a substantial notification period is necessary so that handlers and producers may make business adjustments to meet the competitive environment of an unregulated market should the dominant cooperative in the market elect to have the order terminated under § 608c(16)(b) of the Act.

Milk is produced and marketed by dairy farmers on a continuous basis. Because of its highly perishable nature, milk must be delivered within a day or two to plants for processing, the particular delivery schedule usually being dependent upon the storage capacity at the farm. In view of this daily and continuous character of milk production and marketing, there is no well defined marketing period for milk, either as a marketing year or as a season. Since the inception of Federal milk orders in the 1930's, however, milk has been accounted and paid for under the regulatory program on a monthly basis. At the end of each month, handlers are required to report all receipts of producer milk and make final payment therefor in accordance with the utilization of the milk during the month. Each successive month constitutes, in effect, a new marketing period for the producer and the handler. The consistent administration of milk orders on this basis over many years suggests that a defined marketing period of one year duration would be totally inconsistent with the long standing regulatory practice in the fluid milk industry.

The Federal Administrative Procedure Act requires that in the absence of emergency conditions any substantive rule evolving under a program such as the Federal order program shall be announced not less than 30 days before its effective date. Such Act also provides that notice is not required in the case of a rule that grants or recognizes an exemption or relieves a restriction. The withdrawal of an order in a market would relieve handlers from being subject to specific rules concerning their purchases of milk from dairy farmers (assuming no involvement with another regulated market). Further, termination of an order under § 608c(16)(b) of the Act occurs only after the Secretary publicly announces his findings that such termination is favored by a majority of the producers in the market. Providing a 90 day notification period would not permit reasonably timely action by the Secretary on the request of a majority of the producers once they decide that they no longer want an order for the market.

9. *Miscellaneous administrative provisions.*—(a) *Exemption of governmental agency plant.* A plant operated by a governmental institution should be exempt from regulation under the order. If fluid milk products are received at a pool plant from an exempt governmental agency plant they should be treated in the same manner as receipts from a producer-handler. If fluid milk products are transferred or diverted to an exempt governmental agency plant from a pool plant they should be classified as Class I milk.

The present New Orleans order does not contain such a provision because there are no such operations in the present New Orleans marketing area. However, in the Mississippi segment of the marketing area there are State operated processing plants and dairy farms. Both

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of the witnesses for D.I. and Gulf Coast Dairymen testified that such a provision would be appropriate in the order that encompasses the 64 Mississippi counties.

On February 16, 1973, the Deputy Assistant Secretary issued a decision which would have exempted governmental agency plants from regulation under the Mississippi Federal order. The provisions contained in that decision were never incorporated into the order. However, the reasons set forth in that decision for exempting a governmental institution are equally applicable at this time with respect to marketing conditions in the New Orleans-Mississippi order as indicated by the record of this proceeding. Official notice is hereby taken of that decision (35 F.R. 4773) in which the Deputy Assistant Secretary gave the following reasons for exempting such plants:

"The primary purpose of these State dairy operations is to provide patients of the several Mississippi State mental hospitals with a wholesome supply of milk at the lowest possible cost to the taxpayers of Mississippi. The State's dairy farms also serve a useful rehabilitative purpose insofar as they provide patients with meaningful occupational therapy. Except for surplus milk disposed of in bulk to other plants, none of the milk produced or processed by these operations is sold in commercial channels in competition with handlers or with producers. Milk bottled by the three processing facilities is consumed on the premises by patients.

"There are other governmentally operated institutions in the marketing area maintaining dairy farms and processing facilities to furnish milk to their residents. Similarly, there is no indication that such institutions sell fluid milk products in commercial channels in competition with regulated handlers.

"As long as a governmental institution restricts its fluid disposition to its own residents, its plant need not be regulated in the same manner as plants of other handlers to achieve the objectives of regulation. Such an institution does not compete with regulated handlers for fluid sales and assumes the burden of disposing of its milk supplies in excess of its fluid needs. Its dairy operations are economically isolated from the operations of regulated handlers and therefore pose no threat to orderly marketing in the Mississippi marketing area."

Since the Class I milk used by the institution would not be pooled with the sales of producer milk, its excess production should not be allowed to share in the Class I utilization of pool plants at the expense of producers. Accordingly, fluid milk products that are received at pool plants from an exempt governmental institution plant should be allocated first to Class III milk and then to Class II milk. Any such milk allocated to Class I at a pool plant would be subject to a compensatory payment at the difference between the Class I and Class III prices.

A State institution may be required at times to purchase supplemental supplies from regulated handlers. It may be reasonably expected that purchases in the form of fluid milk products would be needed for Class I purposes. Under these circumstances, producers are actually carrying the reserve for the exempt plant and should be allowed to retain the Class I use out of such sales to such plant. The order should provide, therefore, that fluid milk products transferred or diverted to exempt governmental institutions be classified as Class I milk.

(b) *Designation of a cooperative association as a handler on bulk tank milk.* The provisions designating a cooperative association as the handler on bulk tank milk it picks up at member-producer farms and delivers to pool plants of other handlers should be revised slightly. A cooperative association should continue to be a handler with respect to any bulk tank milk which it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under the control of, such cooperative. However, should there be a mutual arrangement between the cooperative and the plant operator whereby the plant operator will be the handler for such milk and will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the cooperative need not act in a handler capacity with respect to such milk.

Much of the milk received at pool plants in the proposed marketing area is picked up at the farm in trucks owned or operated by, or under the control of, cooperative associations. In this case, it is only the association that has the opportunity to measure and sample the milk of individual producers that is received at the pool plant. In the absence of any agreement by the plant operator to be the handler for the milk, the association necessarily must be the responsible handler for the milk as it leaves the farm.

When a cooperative is the handler for farm bulk tank milk, certain accounting and payment procedures apply under the order with respect to such milk. As provided in the attached order, the milk would be considered as a receipt of producer milk by the cooperative association at the location of the pool plant to which the milk is delivered. The purchase of such milk by the pool plant operator would be treated as an interhandler transfer but would be classified pro rata with producer milk that the pool plant operator may receive. The pool plant operator would be obligated to the producer settlement fund for the milk received directly from producers and by transfer from bulk tank cooperative handlers at its classified use value. The cooperative in turn would be paid the uniform price by the handler. This is in contrast to the procedure under the present New Orleans order whereby the cooperative accounts to the pool at class prices for milk delivered to pool plants.

The revised accounting and payment procedure will facilitate administration of the order with respect to matters of financial responsibility and audit adjustments. It is the pool plant operator who processes the milk and distributes it to consumers. It is reasonable, then, that the responsibility for accounting for the utilization of such milk and for its payment be placed directly on the plant operator. The present arrangement in the New Orleans market, i.e., where the plant operator settles with the cooperative at class prices and the cooperative pays the producer-settlement fund, involves an unnecessary third party in the transaction. Also, the revised procedure will facilitate the handling of audit adjustments that might result from the verification of a plant's utilization of milk. An error in the reported classification of milk at the pool plant, for example, would not require a related adjustment in the cooperative's classification of milk and thus its obligation to the pool for such milk.

The pool plant operator should be permitted under the order to be the responsible handler on bulk tank milk moved by the cooperative from the farm to the plant if both the cooperative and the pool plant operator notify the market administrator that they have agreed to such a handler arrangement and that the plant operator agrees to purchase the milk on the basis of weights and tests determined at the farm. Under this arrangement, the pool plant operator would be responsible for the milk in the same manner as for producer milk that he receives at his plant directly from the farm.

(c) *Announcement of Class II price.* A dealer who operates a distributing plant in Jackson proposed that the Class II price for the month be announced on the 5th day of the preceding month and be based on the basic formula price for the second preceding month. A similar proposal was made by handlers and was denied in a 39-market proceeding concerning classification that included the New Orleans market. The present proceeding does not present changed circumstances that require a different conclusion with respect to the New Orleans-Mississippi market. The proposal is therefore denied.

(d) *Reports included in uniform price computation.* The order should include in the current month's uniform price computation the report of a handler who has not paid his producers for the preceding month.

The market administrator must compute the uniform price for each month by the 11th of the following month. Less than four weeks earlier (by the 15th of the month) handlers must have completed their payments for producer deliveries in the preceding month.

It is not administratively feasible to audit the records of all handlers between the final date when payments to producers for the preceding month were due and the date by which the next monthly uniform price must be computed. Within that limited period of time, it is not practicable for the market administrator to determine that each handler has actually completed his payments to individual producers and cooperatives. Handlers' cancelled checks, for example, are necessary to verify such payments. They are received by handlers from their banks periodically, usually monthly, and it cannot be expected that all handlers' cancelled checks would be available for audit within the necessary time period.

In view of the above, the requirement to exclude from the current month's uniform price computation the report of a handler who has not paid his producers for the preceding month should be discontinued.

(e) *Marketing service deduction.* The proposed maximum deduction of 10 cents per hundredweight for marketing services should not be adopted. The present 5 cent rate in the New Orleans order is sufficient at this time to enable the market administrator to conduct an adequate marketing service program for nonmember producers supplying the market.

Gulf Coast proposed that the rate be increased to 10 cents because of their experience in providing services to members. Presently, with the 5 cent rate, the market administrator is performing an adequate marketing service program for those New Orleans producers not receiving such services (including weighing, testing, and providing market information) from a cooperative association. There was no indication on the record that the market administrator could not continue providing these services to producers in the enlarged marketing area at the same 5 cent rate. This rate is set to cover the costs incurred by the market administrator in performing the services, not to cover the costs incurred by cooperative associations for performing marketing services to their members. Accordingly, the proposal is denied.

(f) *Classification of transfers to nonpool plants.* The "pass-through" provisions contained in the section classifying milk transferred and diverted to nonpool plants should be deleted. This provision permits shipments of milk from a nonpool plant to pool distributing plants to be considered a transfer between pool plants if the nonpool plant had received an equivalent volume of milk from other pool plants. This provision was intended to implement the movement of milk from the cooperative's Franklinton (nonpool) plant to pool distributing plants as needed for fluid use. However, under the order modification hereinbefore discussed the Franklinton plant will have the ability to pool as a cooperative balancing plant and it is not necessary to accommodate its status as a nonpool plant.

As a result of the 39-market classification decision, the New Orleans order, as well as the other orders involved in that proceeding provide a uniform method for classifying milk received at a pool plant from a nonpool plant, which in turn had received an equivalent amount of milk from Federally regulated sources. In view of these uniform provisions, it would not be appropriate to continue this special provision for treating milk moving from one pool plant to another that passes through a nonpool plant in this order.

(g) *Deletion of obsolete language.* The attached order deletes certain obsolete language which has no application to the classification and pricing of milk under either the present or proposed order. Accordingly, such deletions will not affect the scope and application of the proposed order.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

At the hearing, the attorney for MAP presented a motion which would have enlarged the scope of the hearing. The motion was denied by the presiding Administrative Law Judge.

At a later point in the hearing the attorney submitted an offer of proof that the Department erred in not including in the hearing notice a proposal for an economic formula in pricing Class I milk. The offer was made for the purpose of establishing that a supplemental hearing should be held to consider such proposal.

The presiding Administrative Law Judge granted official notice of a document to accommodate the attorney's contention, and submitted into evidence an exhibit that was associated with such contention.

As indicated previously in this decision, the original request of MAP for an economic type formula was duly considered under the applicable rules and was denied for hearing in this proceeding.

The additional material which the presiding Administrative Law Judge, over the objections of numerous participants, allowed to be officially noticed and introduced as an exhibit represented extraneous material beyond the scope of the hearing notice.

Further, on the basis of the material thus introduced, and the findings heretofore discussed in this decision, concerning the appropriate marketing area, and the Class I price level, it is concluded that the decision of the Department to deny the proposal for hearing was correct.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

(d) All milk and milk products handled by handlers, as defined in the tentative marketing agreement and the order as hereby proposed to be amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1094.85 of the aforesaid tentative marketing agreement and the order as proposed to be amended.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the New Orleans-Mississippi order. The following order regulating the handling of milk in the New Orleans-Mississippi marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1094—MILK IN NEW ORLEANS-MISSISSIPPI MARKETING AREA

Subpart—Order Regulating Handling

General Provisions

Sec.
1094.1 General provisions.

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DEFINITIONS

Sec.
1094.2 New Orleans-Mississippi marketing area.
1094.3 Route disposition.
1094.4 [Reserved]
1094.5 [Reserved]
1094.6 [Reserved]
1094.7 Pool plant.
1094.8 Nonpool plant.
1094.9 Handler.
1094.10 Producer-handler.
1094.11 [Reserved]
1094.12 Producer.
1094.13 Producer milk.
1094.14 Other source milk.
1094.15 Fluid milk product.
1094.16 Fluid cream product.
1094.17 Filled milk.
1094.18 Cooperative association.

HANDLER REPORTS

1094.30 Reports of receipts and utilization.
1094.31 Payroll reports.
1094.32 Other reports.

CLASSIFICATION OF MILK

1094.40 Classes of utilization.
1094.41 Shrinkage.
1094.42 Classification of transfers and diversions.
1094.43 General classification rules.
1094.44 Classification of producer milk.
1094.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1094.50 Class prices.
1094.51 Basic formula price.
1094.52 Plant location adjustments for handlers.
1094.53 Announcement of class prices.
1094.54 Equivalent price.

UNIFORM PRICE

1094.60 Handler's value of milk for computing uniform price.
1094.61 Computation of uniform price.
1094.62 Announcement of uniform price and butterfat differential.

PAYMENTS FOR MILK

1094.70 Producer-settlement fund.
1094.71 Payments to the producer-settlement fund.
1094.72 Payments from the producer-settlement fund.
1094.73 Payments to producers and to cooperative associations.
1094.74 Butterfat differential.
1094.75 Plant location adjustments for producers and on nonpool milk.
1094.76 Payments by handler operating a partially regulated distributing plant.
1094.77 Adjustment of accounts.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1094.85 Assessment for order administration.
1094.86 Deduction for marketing services.

AUTHORITY: The provisions of this Part 1094 issued under secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674.)

GENERAL PROVISIONS

§ 1094.1 General provisions.

The terms, definitions, and provisions, in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1094.2 New Orleans-Mississippi marketing area.

The "New Orleans-Mississippi marketing area" hereinafter called the "marketing area" means all territory within the boundaries of the following Louisiana parishes and Mississippi counties, including all piers, docks, and wharves connected therewith and all craft moored thereat, and all territory occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within any of the listed counties and parishes:

ZONE 1

Louisiana Parishes

Jefferson. St. Bernard.
Lafourche. St. Charles.
Orleans. Terrebonne.
Plaquemines.

ZONE 2

Louisiana Parishes

St. Tammany. Washington.
Tangipahoa.

Mississippi Counties

George. Jackson.
Hancock. Pearl River.
Harrison. Stone.

ZONE 3

Mississippi Counties

Adams. Leake.
Amite. Lincoln.
Claiborne. Madison.
Clarke. Marion.
Copiah. Neshoba.
Covington. Newton.
Forrest. Perry.
Franklin. Pike.
Greene. Rankin.
Hinds. Scott.
Issaquena. Sharkey.
Jasper. Simpson.
Jefferson. Smith.
Jefferson Davis. Walthall.
Jones. Warren.
Kemper. Wayne.
Lamar. Wilkinson.
Lauderdale. Yazoo.
Lawrence.

ZONE 4

Mississippi Counties

Attala. Montgomery.
Bolivar. Noxubee.
Carroll. Oktibbeha.
Choctaw. Sunflower.
Holmes. Washington.
Humphreys. Webster.
Leflore. Winston.
Lowndes.

ZONE 5

Mississippi Counties

Calhoun. Quitman.
Coahoma. Tallahatchie.
Grenada. Yalobusha.

§ 1094.3 Route disposition.

"Route disposition" means any delivery of a fluid milk product classified as Class I milk from a milk processing plant to wholesale or retail outlets (including any delivery by a vendor and from a plant store or through a vending machine) other than a delivery to any milk or filled milk receiving and/or processing plant.

§ 1094.4 [Reserved]

§ 1094.5 [Reserved]

§ 1094.6 [Reserved]

§ 1094.7 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) Any plant at which fluid milk products, eligible for distribution in the marketing area under a Grade A label, are processed and packaged and from which during the month:

(1) Route disposition, except filled milk, in the marketing area is at least the lesser of a daily average of 1,500 pounds or 10 percent of receipts from dairy farmers (including producer milk diverted from the plant but excluding milk received as diverted milk), handlers described in § 1094.9(c), and other plants; and

(2) Total route disposition, except filled milk, is 50 percent or more of receipts from dairy farmers (including producer milk diverted from the plant but excluding milk received as diverted milk), handlers described in § 1094.9(c), and other plants.

(b) Any plant, other than a plant described in paragraph (a) of this section, at which milk eligible for distribution in the marketing area under a Grade A label is received and from which during the month not less than 45 percent of the Grade A milk received at the plant from dairy farmers (including producer milk diverted from the plant but excluding milk received as diverted milk), and handlers described in § 1094.9(c) is shipped to and received at plants qualifying for the month pursuant to paragraph (a) of this section.

Any plant meeting such shipping standard for each of the months of August through November shall continue to be a pool plant the following months of December through July unless the operator notifies the market administrator in writing before the first day of any such month of his intent to withdraw such plant as a plant qualified under this paragraph, in which case such plant thereafter shall be a nonpool plant except in any month it meets the above 45 percent shipping standard.

(c) Any plant located in the marketing area that is operated by a cooperative association if pool plant status under this paragraph is requested for such plant by the cooperative association and 50 percent or more of the producer milk of members of the cooperative association is physically received during the month in the form of a bulk fluid milk product at pool plants described in paragraph (a) of this section either directly from farms or by transfer from plants of the cooperative association for which pool status under this paragraph has been requested, subject to the following conditions:

(1) The plant does not qualify as a pool plant under paragraph (a) or (b) of this section or under the provisions of another Federal order applicable to a distributing plant or a supply plant; and

(2) The plant is approved by a duly constituted regulatory agency for the disposition of Grade A milk in the marketing area.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A governmental agency plant;

(3) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order and from which there is a greater quantity of route disposition, except filled milk, during the month in such other Federal order marketing area than in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its route disposition, except filled milk, is made in such other marketing area;

(4) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order on the basis of route disposition in such other marketing area and from which there is a greater quantity of route disposition, except filled milk, in this marketing area than in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order; and

(5) A plant qualified pursuant to paragraph (b) of this section which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part or such plant has automatic pooling status under such other order. This paragraph shall not apply during the months of December through July to a plant that retains automatic pooling status under this part.

§ 1094.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant, a governmental agency plant, nor a producer-handler plant, from which there is route disposition in consumer-type packages or dispenser units in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month, but which is neither an other order plant, a governmental agency plant, nor a producer-handler plant.

(e) "Governmental agency plant" means a plant operated by a governmental agency from which fluid milk products are distributed in the marketing area. Such plan shall be exempt from all provisions of this part.

§ 1094.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant(s);

(b) A cooperative association with respect to milk of producers diverted for the account of such association in accordance with § 1094.13;

(c) Any cooperative association with respect to the milk of producers which it causes to be delivered directly from the farm to the pool plant of another person in a tank truck owned and operated by, under contract to, or under the control of such association (unless the association and the person operating the pool plant both notify the market administrator, in writing, prior to the time of delivery that the pool plant operator will be the handler for such milk and will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples). For purposes of pricing, such milk shall be deemed to have been received by the association from producers at the location of the pool plant at which such milk is physically received;

(d) Any person who operates a partially regulated distributing plant;

(e) Any person who is a producer-handler; and

(f) Any person who operates another order plant described in § 1094.7(d).

§ 1094.10 Producer-handler.

"Producer-handler" means any person:

(a) Who operates a dairy farm and a processing plant from which there is route disposition in the marketing area;

(b) Who receives no fluid milk products from sources other than his own farm production, pool plants and other order plants;

(c) Whose receipts of fluid milk products during the month from pool plants and other order plants do not exceed a daily average of 1,500 pounds;

(d) Who disposes of no other source milk as Class I milk except by increasing the nonfat milk solids content of the fluid milk products received from his own farm production, pool plants, or other order plants and

(e) Who provides proof satisfactory to the market administrator that the care and management of the dairy farm and other resources necessary for his own farm production of milk and the management and operation of the processing plant are the personal enterprise and risk of such person.

§ 1094.11 [Reserved]

§ 1094.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk in compliance with the Grade A inspection requirements of a duly constituted regulatory agency, which is received at a pool plant or by a handler described in § 1094.9(c) or is diverted pursuant to § 1094.13.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) A governmental agency that operates a plant exempt pursuant to § 1094.8(e);

(3) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1094.44(a)(8)(iii) and the corresponding step of § 1094.44(b); and

(4) Any person with respect to milk produced by him which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

§ 1094.13 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk of a producer which is:

(a) Received at a pool plant directly from a producer;

(b) Received by a handler described in § 1094.9(c);

(c) Picked up from the producer's farm tank in a tank truck owned and operated by, or under the control of, the operator of a pool plant but which is not received at a plant until the following month. Such milk shall be considered as having been received by the handler during the month in which it is picked up at the producer's farm and shall be priced at the location of the plant where it is physically received in the following month. This paragraph shall apply in like manner to milk received by the operator of a pool plant who, in accordance with § 1094.9(c), is the handler for such milk;

(d) Diverted from a pool plant to the pool plant of another handler. Milk so diverted shall be deemed to have been received at the location of the plant to which diverted; and

(e) Diverted by the operator of a pool plant or a cooperative association to a nonpool plant that is not a producer-handler plant, subject to the following conditions:

(1) During December through July such diversions may be made without limit;

(2) During August through November such diversions shall be limited to the amounts specified in paragraph (e)(2)(i), (ii), and (iii) of this section:

(i) A cooperative association may divert the milk of any eligible member-dairy farmer without limit, during the month if the total volume of milk so

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diverted does not exceed 35 percent of the cooperative's total member producer milk during that month;

(ii) The operator of a pool plant may divert from such plant the milk of any eligible nonmember dairy farmer without limit during the month if the total volume of milk so diverted does not exceed 35 percent of his nonmember producer milk during that month; and

(iii) If the 35 percent limitation described in paragraph (e)(2)(i) and (ii) of this section is exceeded, the diversion of any eligible dairy farmer's milk shall be limited to 15 days' production during any such month. If this 15-day limitation is exceeded for any such dairy farmer, he shall be eligible for pooling only with respect to that milk physically received at pool plants during the month;

(3) Diverted milk shall be deemed to have been received at the location of the plant to which diverted; and

(4) The quantity of milk diverted for the account of a cooperative association from a pool plant of another handler that would cause the pool plant to become a nonpool plant shall not be producer milk.

§ 1094.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1094.40(b)(1) from any source other than producers, handlers described in § 1094.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1094.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1094.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1094.40(b)(1)) for which the handler fails to establish a disposition.

§ 1094.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5-percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1094.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1094.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1094.18 Cooperative association.

Cooperative association means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

HANDLER REPORTS

§ 1094.30 Reports of receipts and utilization.

On or before the 5th day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1094.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1094.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1094.9(b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1094.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1094.9 (a), (b), and (c), shall report to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plan who elects to make payment pursuant to § 1094.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1094.32 Other reports.

(a) Each handler who operates an other order plant with route disposition in the marketing area shall report such disposition to the market administrator on or before the seventh day after the end of each month.

(b) In addition to the reports required pursuant to paragraph (a) of this section and §§ 1094.30 and 1094.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

CLASSIFICATION OF MILK

§ 1094.40 Classes of utilization.

Except as provided in § 1094.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1094.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid creat product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, dry curd cottage cheese, and Creole cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, dry curd cottage cheese, and Creole cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaported or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1094.15; and

(6) In shrinkage assigned pursuant to § 1094.41(a) to the receipts specified in § 1094.41(a)(2) and in shrinkage specified in § 1094.41 (b) and (c).

§ 1094.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1094.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b)(1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b)(1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1094.9(c) and in milk diverted to such plant from another pool plant, except that, in either case, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b)(1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1094.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1094.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or divertee-plant after the computations pursuant to § 1094.44(a)(12) and the corresponding step of § 1094.44(b);

(2) If the transferor-plant or divertor-plant received during the month other source milk to be allocated pursuant to § 1094.44(a)(7) of the corresponding step of § 1094.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divertor-handler received during the month other source milk to be allocated pursuant to § 1094.44(a)(11) or (12) or the corresponding steps of § 1094.44(b), the skim milk or butterfat so transferred or diverted, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant or divertee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the

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pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b)(1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1094.40.

(c) *Transfers to producer-handlers and transfers and diversions to governmental agency plants.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order or transferred or diverted from a pool plant to a governmental agency plant shall be classified:

(1) As Class I milk, if so moved in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the transferee's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to its receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant, a governmental agency plant, or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2)(ii) through (viii) of this section:

(*a*) The transferor-handler or diverter-handler claims such classification in his report of receipts and utilization filed pursuant to § 1094.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully related thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence;

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

(e) *Transfers by a handler described in § 1094.9(c) to pool plants.* Skim milk and butterfat transferred in the form of bulk milk by a handler described in § 1094.9(c) to another handler's pool plant shall be classified pursuant to § 1094.44 pro rata with producer milk received at the transferee-handler's plant.

§ 1094.43 General classification rules.

In determining the classification of producer milk pursuant to § 1094.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1094.30 and shall compute separately for each pool plant and for each cooperative association with respect to milk for which it is the handler pursuant to § 1094.9 (b) or (c) that was not received at a pool plant, the pounds of skim milk or butterfat, respectively, in each class in accordance with §§ 1094.40, 1094.41, and 1094.42. The combined pounds of skim milk and butterfat so determined in each class for a handler described in § 1094.9 (b) or (c) shall be such handler's classification of producer milk;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1094.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1094.44 Classification of producer milk.

For each month the market administrator shall determine for each handler described in § 1094.9(a) for each of his pool plants separately the classification of producer milk and milk received from a handler described in § 1094.9(c), by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1094.41(b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1094.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1094.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1094.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1094.40(b)(1) that was not subtracted pursuant to paragraph (a)(4), (5), and (6) of this subsection;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order and from a governmental agency plant;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from another order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraphs (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount;

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk from a handler described in § 1094.9(c), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1094.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11)(i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III

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combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a) (7) (vi) and (8) (iii) of this section:

(i) Subject to the provisions of paragraph (a) (12) (ii), (iii), and (iv) of this section such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined, being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(a) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1094.45(a); or

(b) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a) (12) (i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a) (12) (ii) of this section, should the computations pursuant to paragraph (a) (12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a) (12) (ii) of this section, should the computations pursuant to paragraph (a) (12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III, combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1094.42(a); and

(14) If the total of skim milk remaining in all classes exceeds the pounds of skim milk in producer milk and milk received from a handler described in § 1904.9(c), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk and milk received from a handler described in § 1094.9(c) in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a) (14) of this section and the corresponding step of paragraph (b) of this section.

§ 1094.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1094.44(a) (12) and the corresponding step of § 1094.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1094.44 on the basis of such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to another order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 11th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

CLASS PRICES

§ 1094.50 Class prices.

Subject to the provisions of § 1094.52, the class prices for the month per hundredweight of milk shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.85.

(b) *Class II price.* The Class II price shall be the basic fromula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1094.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1094.52 Plant location adjustments for handlers.

(a) For milk received at a plant from producers or a handler described in § 1094.9(c) and which is classified as Class I milk without movement in bulk form to a pool distributing plant at which a higher Class I price applies, the price specified in § 1094.50(a) shall be adjusted by the amount stated in paragraph (a) (1) through (5) of this section for the location of such plant:

(1) For a plant located within one of the zones set forth in § 1094.2 the adjustment shall be as follows:

	Adjustment per hundredweight
Zone 1	No adjustment.
Zone 2	Minus 18 cents.
Zone 3	Minus 40 cents.
Zone 4	Minus 55 cents.
Zone 5	Minus 65 cents.

(2) For a plant located in any of the following Louisiana parishes, the adjustment shall be as follows:

(i) No adjustment.

Acadia.	Jefferson Davis.
Ascension.	Lafayette.
Assumption.	St. James.
Calcasieu.	St. John the Baptist.
Cameron.	St. Martin.
Iberia.	St. Mary.
Iberville.	Vermilion.

(ii) Minus 19 cents.

Allen.	Pointe Coupee.
Avoyelles.	Rapides.
Beauregard.	St. Helena.
East Baton Rouge.	St. Landry.
East Feliciana.	Vernon.
Evangeline.	West Baton Rouge.
Livingston.	West Feliciana.

(iii) Minus 38 cents.

Bienville.	Lincoln.
Bossier.	Madison.
Caddo.	Morehouse.
Caldwell.	Natchitoches.
Catahoula.	Ouachita.
Claiborne.	Red River.
Concordia.	Richland.
De Soto.	Sabine.
East Carroll.	Tensas.
Franklin.	Union.
Grant.	Webster.
Jackson.	West Carroll.
La Salle.	Winn.

(3) For a plant located in the State of Mississippi outside the marketing area the adjustment shall be minus 65 cents;

(4) For a plant located in the State of Alabama the adjustment shall be the adjustment applicable at Columbus, Meridian, Pascagoula or Tupelo, Mississippi, whichever city is nearest; and

(5) For a plant located outside the areas described in paragraphs (a) (1) through (4) of this section and more than 150 miles by shortest highway distance, as determined by the market administrator, from the City Hall in New Orleans, Louisiana, the adjustment shall be minus 45 cents per hundredweight. Such minus adjustment to be increased 1.5 cents per hundredweight for each 10 miles or fraction thereof that such plant is located in excess of 160 miles from the New Orleans City Hall.

(b) For fluid milk products transferred in bulk from a pool plant to a pool distributing plant at which a higher Class I price applies and which are classified as Class I milk, the Class I price shall be the Class I price applicable at the location of the transferee-plant subject to a location adjustment credit for the transferor-plant which shall be determined by the market administrator for skim milk and butterfat, respectively, as follows:

(1) Subtract from the pounds of skim milk remaining in Class I at the transferee-plant after the computations pursuant to § 1094.44(a) (12) an amount equal to:

(i) The pounds of skim milk in receipts of milk at the transferee-plant from producers and handlers described in § 1094.9(c); and

(ii) The pounds of skim milk in receipts of packaged fluid milk products from other pool plants;

(2) Assign any remaining pounds of skim milk in Class I at the transferee-plant to the skim milk in receipts of fluid milk products from other pool plants, first to the transferor-plants at which the highest Class I price applies and then to other plants in sequence beginning with the plant at which the next highest Class I price applies;

(3) Compute the total amount of location adjustment credits to be assigned to transferor-plants by multiplying the hundredweight of skim milk assigned pursuant to paragraph (b) (2) of this section to each transferor-plant at which the Class I price is lower than the Class I price at the transferee-plant by the difference in Class I prices applicable at the transferor-plant and transferee-plant, and add the resulting amounts;

(4) Assign the total amount of location adjustment credits computed pursuant to paragraph (b) (3) of this section to those transferor-plants that transferred fluid milk products containing skim milk classified as Class I milk pursuant to §1094.42(a) and at which the applicable Class I price is less than the Class I price at the transferee-plant, in sequence beginning with the plant at which the highest Class I price applies. Subject to the availability of such credits, the credit assigned to each plant shall be equal to the hundredweight of such Class I skim milk multiplied by the applicable adjustment rate determined pursuant to paragraph (b) (3) of this section for such plant. If the aggregate of this computation for all plants having the same adjustment rate as determined pursuant to paragraph (b) (3) of this section exceeds the credits that are available to those plants, such credits shall be prorated to the volume of skim milk in Class I transfers from such plants; and

(5) Location adjustment credit for butterfat shall be determined in accordance with the procedure outlined for skim milk in paragraph (b) (1) through (4) of this section.

(c) The market administrator shall determine and publicly announce the zone location of each plant of each handler according to the shortest highway distance between such plant and the City Hall in New Orleans, Louisiana. The market administrator shall notify the handler on or before the first day of any month in which a change in a plant location zone will apply.

(d) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1094.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1094.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

UNIFORM PRICE

§ 1094.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1094.9 (b) and (c) with respect to milk that was not received at a pool plant as follows:

(a) Multiply the pounds of producer milk and milk received from a handler described in § 1094.9(c) that were classified in each class pursuant to §§ 1094.43 (a) and 1094.44(c) by the applicable class prices, and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1094.44(a) (14) and the corresponding step of § 1094.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1094.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1094.44

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(a) (9) and the corresponding step of § 1094.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1094.44(a) (7) (i) through (iv) and the corresponding step of § 1094.44 (b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1094.44(a) (7) (v) and (vi) and the corresponding step of § 1094.44(b);

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1094.44 (a) (11) and the corresponding step of § 1094.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order; and

(g) Subtract for a handler described in § 1094.9(c) the amount obtained from multiplying the Class III price for the preceding month, as adjusted by the butterfat differential specified in § 1094.74, by the hundredweight of skim milk and butterfat contained in inventory at the beginning of the month that was delivered to another handler's pool plant during the month.

§ 1094.61 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content at pool plants at which no location adjustment applies as follows:

(a) Combine into one total the individual values of milk of all handlers computed pursuant to § 1094.60 except those of handlers who failed to make payments required pursuant to § 1094.71 for the preceding month;

(b) Add an amount equal to the total value of the location adjustments computed pursuant to § 1094.75;

(c) Add not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the amount computed pursuant to paragraphs (a) through (c) of this section by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk included pursuant to paragraph (a) of this section; and

(2) The total hundredweight for which a value is computed pursuant to § 1094.60(f); and

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" per hundredweight for milk of 3.5 percent butterfat received from producers.

§ 1094.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 11th day after the end of each month the uniform price for such month.

PAYMENTS FOR MILK

§ 1094.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1094.71, 1094.76, and 1094.77, and out of which he shall make all payments pursuant to §§ 1094.72 and 1094.77; *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1094.71 Payments to the producer-settlement fund.

(a) On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a) (1) of this section exceeds the amount specified in paragraph (a) (2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1094.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1094.75, of such handler's receipts of producer milk and milk received from a handler described in § 1094.9(c), less in the case of a handler described in § 1094.9(c) the amount due from other handlers pursuant to § 1094.73(e), exclusive of the butterfat differential specified in § 1094.74; and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1094.60(f).

(b) On or before the 25th day after the end of the month each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b) (1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1094.72 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1094.71(a) (2) exceeds the amount computed pursuant to § 1094.71(a) (1). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1094.73 Payments to producers and to cooperative associations.

(a) Except as provided in paragraph (c) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each producer, who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than 90 percent of the uniform price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

(2) On or before the 15th day of the following month, each handler shall make payment to each producer for milk which was received from him during the month at not less than the uniform price, as adjusted pursuant to §§ 1094.74 and 1094.75, subject to the following adjustments:

(i) Less payments made to such producer pursuant to paragraph (a) (1) of this section;

(ii) Less deductions for marketing services made pursuant to § 1094.86;

(iii) Plus or minus adjustments for errors made in previous payments to such producer;

(iv) Less deductions authorized in writing by such producer; and

(v) If by such date such handler has not received full payment from the market administrator pursuant to § 1094.72 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) Each handler shall furnish to the producer the following information:

(1) On or before the 25th day of the month, the pounds of milk received from the producer during the first 15 days of such month;

(2) On or before the 15th day of the following month (i) the pounds of milk received from the producer each day and the total for the month, together with the butterfat content of such milk, (ii) the amount (or rate) and nature of deductions made from payments, and (iii) the amount and nature of payments due pursuant to § 1094.77.

(c) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any claim on the part of the association, each handler:

(1) Shall pay to the cooperative association, in lieu of payments pursuant to paragraph (a) of this section, on or before the 2d day prior to the date on which payments are due individual producers, an amount equal to not less than the amount due such certified members as determined pursuant to paragraph (a) of this section;

(2) Report to the cooperative association on or before the 25th day of the month, the pounds of milk received from each member of the cooperative association during the first 15 days of such month and on or before the 7th day of the following month to the cooperative association for its individual members the following information: (1) The pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) the amount (or rate) and nature of deductions made from payments and (iii) the amount and nature of payments due pursuant to § 1094.77. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association; and

(3) A copy of each such request, promise to reimburse, and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) Each handler shall make payment to a cooperative association for milk received from such association in its capacity as a handler pursuant to § 1094.9(a) as follows:

(1) On or before the 22d day of each month an amount equal to not less than 90 percent of the uniform price for the preceding month multiplied by the hundredweight of milk received from the cooperative association during the first 15 days of the current month; and

(2) On or before the 12th day after the end of each month in which it was received at not less than the class prices, as adjusted by the butterfat differential specified in § 1094.74, that are applicable at the location of the receiving handler's pool plant, plus the amount due the market administrator from the cooperative association on such milk pursuant to § 1094.85, less amounts paid pursuant to paragraph (d) (1) of this section.

(e) Each handler shall make payment to a cooperative association for milk received from such association in its capacity as a handler pursuant to § 1094.9 (c) as follows:

(1) On or before the 22nd day of each month an amount equal to not less than 90 percent of the uniform price for the preceding month multiplied by the hundredweight of milk received from the cooperative association during the first 15 days of the current month; and

(2) On or before the 12th day after the end of each month in which it was received at not less than the uniform price, as adjusted pursuant to §§ 1094.74 and 1094.75, multiplied by the hundredweight of milk so received from the cooperative association during the month, less amounts paid pursuant to paragraph (e) (1) of this section.

§ 1094.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each 0.1 percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest 0.1 cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1094.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price for producer milk received at a plant shall be reduced according to the location of the plant, each at the rates set forth in § 1094.52 (a); and

(b) The uniform price applicable to other source milk shall be adjusted at the rates set forth in § 1094.52(a) applicable at the location of the nonpool plant from which the milk was received; except that the uniform price shall not be less than the Class III price.

§ 1094.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1094.30(b) and 1094.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price, both prices to be applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a) (3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1094.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the

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extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b) (1) (i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1094.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1094.60 for such handler shall include, in lieu of the value of other source milk specified in § 1094.60(f) less the value of such other source milk specified in § 1094.71(a)(2)(ii), a value of milk determined pursuant to § 1094.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1094.7(b) subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1094.30(b) and 1094.31(b) similar reports for each such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The value of milk determined pursuant to § 1094.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1094.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1094.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1094.77 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1094.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may, from time to time, prescribe, to be announced by the market administrator on or before the 11th day after the end of such month, with respect to all skim milk and butterfat received by such handler in:

(a) Producer milk (including such handler's own production) other than such receipts by a handler described in § 1094.9(c) that were delivered to pool plants of other handlers or held in inventory at the end of the month;

(b) Receipts from a handler described in § 1094.9(c);

(c) Other source milk allocated to Class I pursuant to § 1094.44(a) (7) and (11) and the corresponding steps of § 1094.44(b), except such other source milk that is excluded from the computations pursuant to § 1094.60 (d) and (f); and

(d) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1904.76(a)(2).

§ 1094.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1094.73, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

Signed at Washington, D.C., on: October 22, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc. 75-28827 Filed 10-24-1975;8:45 am]

[7 CFR Part 1096]

[Docket No. AO-257-A26]

MILK IN THE NORTHERN LOUISIANA MARKETING AREA

Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Northern Louisiana marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by November 12, 1975. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Alexandria, Louisiana, during the period April 8-10, 1975, pursuant to notice thereof which was issued March 10, 1975 (40 F.R. 11879).

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area.
2. The level of class prices.
3. Revision of location adjustments.
4. Miscellaneous and conforming changes.

A reopening of the April 1975 hearing was held in Washington, D.C., on June 26, 1975, pursuant to notice thereof issued June 16, 1975 (40 F.R. 25828). This session of the hearing was limited to considering the appropriate classification of flavored milk, flavored milk drinks, and milkshake and ice milk mix (or base) and was held simultaneously with a hearing involving the identical matter under 36 other Federal orders. An emergency decision was issued on July 11, 1975 (40 F.R. 30119) containing findings and conclusions and an order made effective as of August 1, 1975, on the limited issue considered at the June 26, 1975 hearing. Accordingly, the proposed order language contained in this decision incorporates the appropriate provisions of the amendatory action taken regarding classification which became effective August 1, 1975.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Expansion of the marketing area.* The Northern Louisiana marketing area should be expanded to include 44 additional parishes in Louisiana, and the order should be redesignated as the "Greater Louisiana" marketing area. The additional parishes that would be added are:

Acadia	Lafayette
Allen	La Salle
Ascension	Livingston
Assumption	Madison
Avoyelles	Natchitoches
Beauregard	Pointe Coupee
Bienville	Rapides
Calcasieu	Richland
Caldwell	Sabine
Cameron	St. Helena
Catahoula	St. James
Concordia	St. John the Baptist
East Baton Rouge	St. Landry
East Carroll	St. Martin
East Feliciana	St. Mary
Evangeline	Tensas
Franklin	Vermilion
Grant	Vernon
Iberia	West Baton Rouge
Iberville	West Carroll
Jackson	West Feliciana
Jefferson Davis	Winn

The expanded marketing area would include all the parishes of the State of Louisiana except the seven parishes now included in the New Orleans marketing area (Order 94) and St. Tammany, Tangipahoa and Washington Parishes in the southeast part of the State.

The present Northern Louisiana marketing area encompasses only the parishes of Bossier, Caddo, Claiborne, De Soto, Lincoln, Morehouse, Ouachita, Red River, Union, and Webster. The 1973 population of the present marketing area was 602,500, about 5.4 percent over 1970.

The parishes that would be added are located immediately south of the present marketing area and had a total population in 1973 of 1,747,200. The population of the combined area would be about 2,349,700.

Expansion of the marketing area was proposed by Northern Louisiana Pure Milk Producers Association, Baton Rouge Area Milk Producers Association, and Central and Southwest Dairy Farmers. In addition, Dairymen, Inc., while not an original proponent of the expanded marketing area, testified in support of the proposal at the hearing. There was no opposition testimony concerning the proposal.

Proponents testified that Federal regulation of milk marketing in the Greater Louisiana area is needed because:

(1) The area represents a single market in which the 11 fluid milk plants located there and five plants regulated by Order 96 (Northern Louisiana) compete extensively for fluid milk sales.

(2) The cooperative associations supplying milk to nonfederally regulated handlers in the area of extension bear the burden of handling the reserve supply of milk for the market without sharing in the returns from the sale of milk for fluid use.

(3) The possible demise of milk regulation for the area by the State of Louisiana could intensify disorderly marketing conditions. Proponents wish to avail themselves of Federal regulation for the area as an alternative authorized by law. In this way they believe there can be continuing assurance of orderly marketing conditions for the expanded marketing area.

The marketing of milk and dairy products in the proposed area involves considerable interstate commerce. Out-of-State milk producers supply milk to some handlers in the proposed area. In December 1974, 35 milk producers were located in Mississippi shipping to various Order 96 handlers. Also, five producers in Panola County, Texas ship milk to handlers regulated by Order 96. Six producers in Mississippi regularly ship milk to handlers in Baton Rouge, Louisiana.

Out-of-State supply plants ship milk to various dealers located in the proposed area. Two million pounds of bulk fluid milk was shipped to such dealers by Dairymen, Inc., during the last four months of 1974 from locations in Georgia, Tennessee, Wisconsin, Oklahoma, Kentucky, and Mississippi.

Bulk milk is disposed of outside the proposed area to processing plants in Texas, Arkansas, Mississippi, and Alabama. Class II products are distributed in the proposed area from sources in Missouri, Kentucky, and Texas, and a very large proportion of the Class III products sold in the area originates in other states. Only one plant in Louisiana processes Class III products, and the plant is located outside the proposed area.

Out-of-State plants compete with dealers in the proposed area for contracts to supply fluid milk products to Federal military installations in the area. At the time of the hearing, however, no plants located outside the area were successful bidders for such contracts.

The sanitary regulations applicable to the production, processing and distribution of Grade A fluid milk are uniform within the expanded marketing area. Such regulations are under the jurisdiction of the State of Louisiana and require that all fluid milk must be packaged under a Grade A label. Consequently, Grade A fluid milk can move freely from one parish to another. However, the State of Louisiana does not enter into reciprocal arrangements regarding sanitary requirements with surrounding states. Nevertheless, the record evidence showed that currently about 300 out-of-state producers are qualified to ship milk to Louisiana Grade A fluid milk plants.

Eleven Louisiana milk dealers located in the proposed expanded area, five handlers regulated by Order 96, and six handlers regulated by the New Orleans Federal order distribute milk in the expanded area.[1] Two of the Louisiana milk dealers are located at Lake Charles, two at Baton Rouge, and one each at Crowley, New Iberia, Lafayette, Alexandria, Opelousas, Breaux Bridge, and Abbeville.

Estimated current monthly distribution of fluid milk products in the proposed area of expansion is 52 million pounds. The preponderance of this distribution is by the 11 dealers who would become regulated, and by the Order 96 handlers distributing in the area.

The principal centers of population in the proposed expanded area are the metropolitan areas of Alexandria, Baton Rouge, Lafayette, and Lake Charles which had a combined population of 807,600 in 1973.

These areas have been identified as Standard Metropolitan Statistical Areas by the Census Bureau. An SMSA is a county or group of contiguous counties which contains at least one city of 50,000 inhabitants or more. In addition to the county, or counties, containing such a city or cities, contiguous counties are included in an SMSA if, they are socially and economically integrated with the central city.

The above four SMS Areas include 46.2 percent of the 1973 population of the 44 parish area. Between 1970-73 the metropolitan areas indicated population increases ranging between 2.8 percent and 7.4 percent.

In contrast to population increases in the four metropolitan areas, a number of the rural parishes lost population between 1970 and 1973. Fourteen of the 44 parishes involved lost population ranging between −0.5 percent (Avoyelles Parish) and −11.5 percent (St. Helena). The population of one urban parish (Vernon)

[1] A Federally unregulated handler located at Bogalusa has limited route distribution in one parish of the proposed expanded area.

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decreased 17.8 percent between 1970–73. During the same period 12 rural parishes increased population, ranging between 0.1 percent (East Feliciana) and 18.6 percent (Cameron Parish).

Generally, north central Louisiana represents an area of increasing population. In a contiguous area roughly between Alexandria and Monroe, the parishes of Lincoln, Jackson, Winn, Natchitoches, La Salle, Caldwell, Richland, and Union increased population between 1.1 percent and 8.8 percent from 1970 to 1973.

During the same period, a contiguous area of 10 parishes in eastern Louisiana between Morehouse Parish (on the Arkansas line) and Iberville Parish in south central Louisiana decreased in population between —0.5 percent (Catahoula Parish) and —11 percent (West Feliciana Parish). The other parishes included in this group are: West Carroll, East Carroll, Madison, Franklin, Tensas, Concordia, Avoyelles, and Pointe Coupee.

Similarly, in western Louisiana, a belt of six parishes ranging from Claiborne on the Arkansas line south to Vernon decreased in population ranging between —1.9 percent (Sabine Parish) and —17.8 percent (Vernon Parish). An exception in this area was the Shreveport SMSA which increased population by 3.5 percent.

In southern Louisiana, a 9-parish area near the Lake Charles and the Lafayette SMS Areas increased in population between 1.4 percent (Vermillion Parish) and 18.6 percent (Cameron Parish). This group also includes Beauregard, Evangeline, St. Landry, St. Martin, Iberia, Acadia, and Jefferson Davis Parishes.

Of the four parishes abutting the New Orleans marketing area two are principally urban and increased population 1.6 percent (St. Mary) and 4.8 percent (St. John the Baptist) respectively. Of the remaining two rural parishes one (Assumption) increased population 1.9 percent, and the other (St. James) decreased 4.9 percent.

The foregoing population composition of the expanded area delineates the changing consuming market for which handlers within the adopted marketing area compete with each other for fluid milk sales.

There are seven pool distributing plants regulated by the present Northern Louisiana order. For 1974, an average of 240 producers supplied 241.9 million pounds of producer milk to the market, of which 79.6 percent was used in Class I. About 30 percent of the packaged fluid milk disposition of the order was distributed outside the marketing area by five Order 96 pool distributing plants in competition with nonfederally regulated dealers in 13 of the 44 parishes proposed for the expanded area. In nine of these 13 parishes population increased between 1970–73.

Foremost at Shreveport distributes outside the Order 96 marketing area into Allen, Avoyelles, Beauregard, Bienville, Calcasieu, Concordia, Jackson, Jefferson Davis, La Salle, Natchitoches, Rapides, Vernon, and Winn Parishes, Calcasieu Parish is in the extreme southern part of Louisiana.

Midwest at Shreveport distributes into Avoyelles, Bienville, Calcasieu, Natchitoches, Rapides, and Vernon Parishes.

Borden at Monroe distributes into Bienville, Concordia, Jackson, La Salle, Natchitoches, and Winn Parishes.

Flav-O-Rich at Monroe distributes into Concordia, Jackson, La Salle, and Winn Parishes, while Sanitary at Minden distributes into Natchitoches Parish.

There are 11 fluid milk plants located in and distributing throughout the 44-parish area. The Borden plant at Baton Rouge distributes into 11 of these parishes, while the Borden plants at Lafayette and Lake Charles distribute into nine and eight of the parishes, respectively. A second plant at Lake Charles distributes into three of the 44 parishes.

Clover Farms at Opelousas distributes into six of the 44 parishes. Hebert at Breaux Bridge distributes into three, while Pelican at New Iberia distributes into five of the parishes.

A second plant at Baton Rouge distributes into 12 of the 44 parishes, and the Vermilion Dairy at Abbeville distributes into eleven.

The Walker-Roemer plant at Alexandria distributes into 13 of the 44 parishes, and the Ziegler-Trahan plant at Crowley distributes into three of the parishes.

The plants at Baton Rouge, Lafayette, Lake Charles, New Iberia, and Alexandria each distribute over one million pounds of fluid milk products per month, while the plants at Crowley, Abbeville, Breaux Bridge, and Opelousas each distribute less than one million pounds of fluid milk products each month.

There is considerable competition for fluid milk sales in the expanded area between the five Order 96 pool plants and the nonfederally regulated plants. Order 96 pool plants at Shreveport and Monroe compete for fluid milk sales with the Walker-Roemer plant at Alexandria in Grant, Natchitoches, Rapides, Vernon, Beauregard, Allen, Calcasieu, Jefferson Davis, and Cameron Parishes. The Shreveport plants also compete with the Lake Charles plants in Calcasieu, Beauregard, Vernon, Rapides, Allen, and Jefferson Davis Parishes.

Order 96 plants also have extensive packaged fluid milk distribution throughout the parishes of Sabine, Bienville, Jackson, Winn, Caldwell, La Salle, Catahoula, Concordia, Richland, Franklin, Tensas, Madison, West Carroll, and East Carroll.

In a rectangular area consisting of Alexandria, Lake Charles, Abbeville, and Baton Rouge, there is extensive competition for fluid milk sales among 11 dealers located at those points and at Crowley, New Iberia, Lafayette, Breaux Bridge, and Opelousas within the area. The competition covers the 16 parish area comprising Rapides, Allen, Beauregard, Calcasieu, Jefferson Davis, Cameron, Vermillion, Acadia, Iberia, Lafayette, St. Martin, St. Landry, Evangeline, Avoyelles, Pointe Coupee, and Iberville.

The dealers at Abbeville and New Iberia also compete to the south for sales in St. Mary Parish.

The Baton Rouge dealers also distribute in West Baton Rouge, East Baton Rouge, Tangipahoa and in West Feliciana, East Feliciana, St. Helena, Livingston, Ascension, St. John the Baptist, St. James and Assumption Parishes.

The foregoing competitive structure indicates that the five handlers now regulated by Order 96 compete extensively with nonfederally regulated dealers in the 44 parish area, and that the 11 fluid milk dealers located in such area compete extensively with each other throughout a major portion of the 44 parish area.

Three handlers regulated by the New Orleans order distribute fluid milk products throughout 13 parishes principally in the lower half of Louisiana. A fourth New Orleans handler distributes in Assumption, St. James and St. John parishes. The remaining New Orleans handlers distribute in several eastern parishes.

The New Orleans handlers distribute primarily to stores and account for a relatively minor portion of the fluid milk sales in the 44-parish area. The milk dealers located there, and the Order 96 pool handlers account for the great majority of the total fluid milk sales of the 44-parish area.

It is concluded that the 44-parish area, in conjunction with the 10 parishes of the Northern Louisiana marketing area, comprise a single market in which the milk dealers located there compete with each other for the available fluid milk sales. Accordingly, it is reasonable and appropriate that the 54 parishes be included in a single marketing area to be designated as the "Greater Louisiana" marketing area.

A second basis advanced by proponents for providing Federal regulation in the expanded marketing area is to distribute more equitably among producers the burden of reserve supplies of milk necessarily associated with the fluid milk sales of the area.

A major marketing problem in the expanded area is the inequality of treatment among the dairy farmers supplying the area to the end that some profit financially to the detriment of others. Under these conditions, there is much discord among dairy farmers which poses a continuing threat to orderly marketing in the area.

This problem emanates from the present use of the individual-handler pooling of dairy farmer returns throughout the 44 parishes which encourages milk dealers to limit supplies of producer milk. Under this pooling procedure, the Class I sales of each milk dealer are shared only among those dairy farmers delivering milk to such milk dealer. Hence, the blend price payable by each dealer to his dairy farmers is affected only by his own utilization.

Milk dealers in the expanded area tend to receive only enough milk at their distributing plants to meet the immediate needs of fluid milk and cottage cheese requirements. The milk dealers rely on the proponent cooperatives in varying degrees to meet their day-to-day and season-to-season fluctuations in milk supply needs. They arrange for the cooperative associations, particularly Dairymen, Inc., to supply them with milk at the time and in the quantities needed.

Some milk dealers buy their full supply this way while others receive some milk directly from producers and supplemental supplies from the cooperatives. In both instances, the cooperatives assume the burden of disposing of that milk dealers do not have an immediate need for but which represents a necessary reserve supply for the market.

One milk dealer may not need milk on a particular day, while another milk dealer may need an additional quantity. In these circumstances, the cooperatives may take the milk that regularly goes to the first milk dealer and deliver it to the second milk dealer. This is an efficient way of handling the milk and tends to maximize the fluid milk utilization of the market, as evidenced by the relatively high utilization percentages which were entered into evidence.

If no one wants the milk that is excess to a milk dealer's immediate needs, the cooperatives bear the burden of its disposition. Ordinarily, Dairymen, Inc., disposes of such milk at its manufacturing plant at Franklinton, Louisiana, while the Northern Louisiana Pure Milk Producers, which does not have a manufacturing plant, must dispose of such excess to available manufacturing plants in Texas, Arkansas, Alabama, and Mississippi, as there are no facilities within the 54 parishes for processing such surplus milk.

Under the present individual-handler pooling of dairy farmer returns, the lower returns from the marketing of the reserve or surplus supply by the cooperatives have been reflected only in the returns to their members, and nonmember dairy farmers have received significantly higher returns than member dairy farmers. Consequently, substantial inequity results between the members of the cooperative associations as major suppliers of milk for fluid use to the market and other dairy farmers supplying it.

Past efforts to provide a means of sharing the burden of reserve milk among all producers under State auspices have been to no avail. Federal regulation for the area, with provision for market pooling, will provide the means of doing so and will contribute to more orderly marketing conditions for the area. Accordingly, it is reasonable and appropriate that such regulation be provided.

The third basis advanced by proponents for providing Federal regulation for the expanded marketing area is centered on the possibility that State milk regulation may be discontinued. It cannot be determined from the record whether this is an imminent possibility, but the apprehension of producers that it may occur is evident.

There is growing sentiment in the State of Louisiana to discontinue milk marketing regulations. While the thrust of this discontent has been aimed at resale and wholesale price fixing, dairy farmers are concerned that all milk marketing programs may be discontinued. Such action would deprive them of the possibility of achieving stable and orderly marketing conditions at the producer level. Accordingly, they propose Federal milk regulation for the Greater Louisiana area as an alternative, authorized by the Agricultural Marketing Agreement Act, to the growing uncertainty underlying milk marketing stability in the 44 parishes under consideration herein.

Given the demise of State regulation, the application of Federal regulation would be the exclusive means of providing orderly marketing conditions for dairy farmers. Thus, it would provide a means of insuring a continuing adequate and dependable supply of milk for consumers. The chief measures that would be employed for such purpose are:

(1) The establishment of uniform prices to handlers for milk received from producers according to a classified price plan based upon the marketwide utilization of the milk.

(2) An impartial audit of handlers' records of receipts and utilization to insure uniform prices for milk purchased.

(3) A means for insuring accurate weights and tests.

(4) Uniform returns to producers supplying the market and an equitable sharing by all producers of the lower returns from the sale of reserve milk.

(5) Marketwide information on receipts and sales and other data relating to milk marketing in the area.

It should be noted at this point that Federal regulation of the expanded area would not set retail prices to consumers. It establishes price floors to producers consistent with local and general economic conditions affecting the supply of and demand for milk. In this way milk dealers are assured that their competitors pay for their milk at not less than the minimum prices set by the order. The dealers then can expect steady supplies of milk the year round, and can work toward building distribution on a sound, competitive basis.

As indicated previously, the State of Louisiana prescribes minimum prices that Louisiana milk dealers must pay for milk received from dairy farmers at Louisiana plants. The State cannot, however, regulate the price of milk received from sources outside the State. Proponents contended that the inability of the State to effectively regulate interstate movements of milk, which are becoming a more important factor in the area covered by the proposed order, could over time create additional marketing uncertainties. They maintained that only a Federal milk order can provide the marketing environment in which producers may obtain the full economic value of their milk under orderly marketing conditions.

As long as all milk supplies for the Greater Louisiana market are not subject to a fully effective classified pricing system, a situation exists whereby Louisiana dairy farmers cannot plan their future production programs with absolute certainty of marketing conditions needed for sound management decisions. This situation could ultimately threaten the maintenance of an adequate supply of milk for the Greater Louisiana market.

It is concluded that the application of Federal milk regulation to the expanded area proposed herein represents a necessary and an appropriate means of assuring orderly milk marketing conditions for the dairy farmers who supply the area with its fluid milk needs.

As indicated previously, all territory now within the defined marketing area of the Northern Louisiana order would be included together with the 44 parishes designated herein in the Greater Louisiana marketing area. As the expanded area includes Federal military installations and possibly State institutions, the marketing area should include all territory occupied by government (municipal, State, or Federal) reservations, installations, institutions or other establishments if any part thereof is within any of the designated parishes. Also, the expanded area would include part of the southern coastline of the State of Louisiana. Accordingly, the marketing area should include all piers, docks, and wharves, including craft moored thereat, that are a part of these parishes.

A spokesman for 22 dairy farmers affiliated with Dairy Farmers' Local 470 (AFL–CIO) and residing in Washington Parish, Louisiana, who supply a fluid milk dealer at Bogalusa, Louisiana (Washington Parish) testified that Washington, St. Tammany and Tangipahoa Parishes should be included in the proposed marketing area. The three Parishes were not part of the proposed market area extension as published in the hearing notice. However, the Administrative Law Judge presiding at the hearing permitted the testimony despite objections raised by other participants. He concluded that although the proposal technically was outside the scope of the hearing notice, it was relevant to the wishes of a producer group—all within the State of Louisiana—who preferred the three Parishes to be included in the proposed marketing area.

Since these three parishes were not noted in the area extension proposal as published in the hearing notice, they could not be included as part of the proposed Greater Louisiana marketing area on the basis of this proceeding. More importantly, however, the testimony that was permitted at the hearing did not justify the inclusion of these three parishes in the expanded marketing area for reasons discussed below.

The reason given by the dairy farmers' spokesman for preferring to be associated with the proposed marketing area was that the present blend prices of the 22 producers are more in line with those dairy farmers shipping to Baton Rouge

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milk dealers who would be regulated by the proposed order. However, no specific blend price comparisons were entered into evidence by the producers' spokesman.

According to their spokesman, the 22 dairy farmers tailor their production to the fluid needs of the Bogalusa milk dealer, and he pays them individually. The prices they receive are those established by the State of Louisiana applied to the utilization of the plant at Bogalusa.

It should be noted at this point that the expanded order adopted herein continues the market-wide type of pool as a means of distributing to producers the returns from the sale of their milk. Under this pooling arrangement, the Washington Parish dairymen would be sharing in the total utilization of milk for the market, including the reserve milk associated with Class I sales. Consequently, their blend prices would tend to be lower than those resulting from the relatively high Class I utilization associated with their buying milk dealer.

There is no basis for estimating with any precision at this point what level such blend prices woud be under the expanded order particularly in comparison with the blend prices of the New Orleans order which appeared to be a matter of concern for the 22 dairymen.

The parish (Washington) in which these 22 dairymen are located is a major supply area for the New Orleans Federal order market. In fact, the great majority of the milk produced in Washington Parish is pooled under the New Orleans order.

Baton Rouge milk dealers draw part of their supply from Tangipahoa Parish but not from Washington or St. Tammany Parishes. St. Tammany Parish is included in the New Orleans Standard Metropolitan Statistical Area. The great majority of the milk from Tangipahoa Parish is shipped to New Orleans regulated handlers. Tangipahoa and Washington Parishes are contiguous with Mississippi, and many producers in Mississippi ship to the New Orleans market. About five or six producers in St. Tammany Parish ship milk to a dairy at Abita Springs.

The spokesman for the 22 dairy farmers testified that the Bogalusa milk dealer competes mainly with a Baton Rouge plant, but indicated further that three New Orleans regulated handlers also distribute in Washington Parish. There are also two other processing plants located in the three parishes. There is a relatively small plant at Abita Springs (St. Tammany Parish) and a large plant at Kentwood (Tangipahoa Parish) which is regulated by the New Orleans order. Also located in Washington Parish is the unregulated manufacturing plant of Dairymen, Inc., one of the cooperative association participants at the hearing.

The operator of the Bogalusa plant testified that he has a contract with Dairy Farmers' Local 470 to supply all his milk needs. The great majority of his fluid milk sales are made in the three Parishes with some being distributed in Livingston Parish. His competition in the three Parishes comes from five New Orleans regulated handlers, two milk dealers from Baton Rouge, and one at Abita Springs. The Bogalusa dealer sells fluid milk to supermarkets, small stores, institutions, schools, restaurants and has some home delivery. The dealer estimated that about 75 percent of the fluid milk sales made in Washington Parish comes from his plant, with the remainder coming from a Baton Rouge plant and two New Orleans regulated plants. In St. Tammany Parish, he competes with a Baton Rouge dealer, the dealer located at Abita Springs, and with three or more handlers regulated by the New Orleans order.

In Washington Parish, the Bogalusa dealer estimated that his firm accounts for 75 percent of the fluid milk sales there, the Baton Rouge dealer for 22 percentan dthe New Orleans handler for 3 percent.

In St. Tammany Parish, he estimated that the Baton Rouge dealer accounts for 35 percent of the fluid sales there, the New Orleans handler for about 30 percent, the Abita Springs dealer for 20 percent and the Bogalusa dealer for about 15 percent.

In Tangipahoa Parish, the Bogalusa dealer estimated that he distributes about 30 percent of the fluid milk sales while a Baton Rouge dealer and a New Orleans handler distributes 25 percent respectively. Another 20 percent is distributed by a second Baton Rouge dealer and another New Orleans handler.

When the Bogalusa dealer needs extra milk he first gives Dairy Farmers' Local 470 the option to supply it. If they cannot, he buys it elsewhere. He has had to buy supplemental milk usually in September and October, and obtains it from the Gulf Milk Division of Dairymen, Inc., at Franklinton, Louisiana (Washington Parish) or from the Gulf Dairy Association at Kentwood, Louisiana (Tangipahoa Parish). Both associations are affiliated with the New Orleans market so that the supplemental sales are available from the New Orleans supply. He disposes of any surplus milk to Dairymen, Inc., or to a cheese plant at Newton, Mississippi.

It is apparent that in terms of supply and fluid milk sales there is a very strong connection between the three Parishes here considered and the New Orleans marketing area. The overwhelming majority of the dairymen residing in the three Parish area supply milk to the New Orleans market.

Not less than five New Orleans regulated handlers serve a large part of the fluid milk needs of the three Parishes. One Baton Rouge dealer only recently began distributing milk in the three Parishes. Previously the milk came from a branch of the same firm regulated by the New Orleans order.

Except for some sales in Livingston Parish the fluid milk sales of the Bogalusa dealer are within the three Parish area and meet no competition with other Baton Rouge dealers. In this connection, it is not necessary to cover all the route disposition of the Baton Rouge dealers to provide the necessary marketing stability contemplated for the area proposed.

Further, the Bogalusa dealer buys supplemental milk associated with the New Orleans order. To this extent, the reserve supply associated with such sales are borne by the New Orleans pool and are not a part of the Baton Rouge market.

It is concluded on the basis of the foregoing that Washington, St. Tammany, and Tangipahoa Parishes are not associated with the adopted marketing area to a degree which would require their inclusion.

Proponents of area extension urged that the expanded order continue the provisions of the present Northern Louisiana order except for certain modifications. The proposed order adopted herein carries out this recommendation. Therefore, it is concluded that, except as modified by this decision, the present provisions of the Northern Louisiana order are equally appropriate for the expanded Greater Louisiana order and they are hereby adopted.

2. *The level of class prices—Class I prices.* The Class I price under the proposed Greater Louisiana order should be the basic formula price for the second preceding month plus a Class I differential of $2.47. Such Class I price should apply at plants located in the base pricing zone (Shreveport-Monroe area) within the proposed marketing area. This pricing zone includes the northern segment of the expanded marketing area, encompassing all of the present Northern Louisiana marketing area. The Class I price should be 19 cents and 38 cents higher in Zones II and III, respectively, of the expanded marketing area. (A discussion of the three pricing zones adopted for the expanded marketing area is included under Issue 3 "Revision of location adjustments" of this decision.)

Proponents proposed that the Greater Louisiana order continue to use the basic formula price now used under the Northern Louisiana order as an appropriate basis for Class I pricing. They also proposed that the present Class I price differential of $2.47 under Order 96 should continue to apply to plants located in the northern area of the proposed expanded marketing area.

Proponents' proposal, as included in the notice of hearing, provides the same Class I price level as adopted herein. At the hearing, however, the principal proponent witness concerning Class I pricing modified the proposal and supported a Class I price approximating a Class I price applicable under the Chicago Regional order at Jim Falls, Wisconsin, plus two cents per hundredweight for each 10 miles from Jim Falls to the major population centers of the proposed extended marketing area. Under the modified proposal, the Class I price would be increased significantly, 30 cents for example at Lake Charles. Corresponding increases in Class I prices at other locations within the proposed marketing area would result, reflecting the two-cents variable transportation rate.

In support of this modification, the witness strongly emphasized that because of present and continuing higher transportation costs the commonly used transportation rate of 1.5 cents per each 10 miles is no longer appropriate in establishing Class I prices at various locations within the proposed marketing area. The level of zone prices, he indicated, should take into account the higher costs in obtaining alternative milk supplies from surplus production areas such as in Wisconsin.

A handler operating a pool distributing plant at Shreveport proposed that the Shreveport Class I price be reduced 21 cents. The handler stated a lower Class I price at Shreveport would enable Shreveport handlers to compete more equitably in the Northern Louisiana area with Little Rock regulated handlers (Central Arkansas Federal order). The present Shreveport-Little Rock price relationship, he claimed, does not reflect a price difference of 1.5 cents for each 10 miles which is commonly used as a bases in aligning Class I prices under Federal orders.

The present basic formula price of the Northern Louisiana order is based on pay prices for manufacturing grade milk at plants in the important production States of Minnesota and Wisconsin. Such pay prices are used in setting Class I prices under all Federal orders. Its continued use under the Greater Louisiana order will implement interorder price alignment by insuring that Class I price changes under the Greater Louisiana order will remain coordinated with those under all other orders thereby contributing to appropriate alignment of Class I prices among the orders. In addition, because the Minnesota-Wisconsin manufacturing pay price is a competitive pay price reflecting supply-demand conditions for milk produced by dairy farmers who incur about the same production costs, the use of this price will tend to insure an appropriate price level necessary to an adequate milk supply.

Basically, the Class I price for the Greater Louisiana order should be established at a level which, in conjunction with Class II and Class III prices, as herein adopted, would result in returns to producers sufficient to insure an adequate, but not excessive, supply of pure and wholesome milk for the market, including the necessary market reserves. Under present marketing conditions in the Greater Louisiana area, the Class I pricing plan adopted herein will meet this criterion.

The adequacy of milk supplies for the present Northern Louisiana order have been dependent on the level of Class I prices applicable to pool plants located within the marketing area. The Class I differential now provided for Order 96 is $2.47.

Data for the market as presently constituted indicate that producer receipts for 1974 were 118.6 percent of the total Class I utilization of regulated handlers. For 1973 this figure was 108.0 percent. However, it should be noted that data placed into evidence showed that during the past three years (1972–74) about 30 percent of total route disposition of Order 96 handlers was distributed outside the marketing area.

This supply-demand relationship indicates that the present Class I price structure under the order has maintained a satisfactory balance between producer milk supplies and the Class I requirements of regulated handlers. The relationship of the supply of producer milk to Class I sales in the additional territory proposed to be included in the Greater Louisiana marketing area is about the same as now exists under the present order. Hence, the Class I price adopted herein, together with the proposed Class II and Class III prices are contemplated to result in a blended price to producers at least equal to that which producers now receive under the present order.

To assure an adequate milk supply for the expanded market, it is essential that Class I prices under the Greater Louisiana order be closely aligned with Class I prices of other markets that represent alternative sources of supply. It is necessary that milk for Class I use in this market be competitively priced with milk supplies for other markets and with milk that is distributed in the Greater Louisiana area in competition with local producer milk.

The proposed Greater Louisiana marketing area borders two Federal order marketing areas—New Orleans and Texas. As indicated previously, the distribution areas of handlers that would be regulated by the Greater Louisiana order overlap with those of the New Orleans handlers selling in the Greater Louisiana area. At the time of the hearing, however, the distribution areas of Texas regulated handlers and handlers that would become regulated by this proposed order do not overlap. Part of the milkshed area of the proposed order overlaps extensively with the areas from which the New Orleans and Texas markets draw their milk supplies. In view of these circumstances, it is essential to the orderly marketing of producer milk that Class I prices in the Greater Louisiana area be closely coordinated with such prices in nearby markets.

The Class I prices under the present Order 96 and in adjacent Federal order markets were established to reflect such intermarket relationships. In order to continue this pricing concept under the proposed expanded order, the Class I prices throughout the Greater Louisiana area must be in proper relationship with the price structure for the region.

It is concluded that the Class I price at various locations within the proposed marketing area as adopted herein will provide the proper price relationships with nearby markets. The following table shows the Class I price by zones for the proposed Greater Louisiana order and for orders in nearby markets, as expressed for different locations in terms of a price differential over the basic formula price:

Order	Class I price differential
Greater Louisiana:	
Shreveport-Monroe (Zone I)	$2.47
Alexandria-Baton Rouge (Zone II)	2.66
Lake Charles-Lafayette (Zone III)	2.85
New Orleans	2.85
Proposed New Orleans-Mississippi:	
New Orleans (Zone 1)	2.85
Three Louisiana parishes north of Lake Pontchartrain (Zone 2)	2.67
Mississippi Gulf Coast area (Zone 2)	2.67
Jackson-Natchez-Vicksburg Mississippi area (Zone 3)	2.45
Texas:	
Beaumont (Zone 8)	2.68
Houston (Zone 8)	2.68
Lufkin (Zone 4)	2.50
Marshall (Zone 2)	2.38
Dallas (Zone 1)	2.32

Additionally, the Class I price under the expanded order must be in proper relationship with the cost of obtaining quality milk on a regular basis from alternative sources. Reflecting this consideration in the level of Class I prices will tend to assure producers in the Greater Louisiana area of a continuing outlet for their milk. Conversely, if the proposed order provided Class I prices substantially higher than the cost of milk from alternative sources, and if such a significant cost advantage exists long enough, handlers customarily relying on local supplies will recognize such advantage and be encouraged to change their buying arrangement.

An important source of alternative milk supplies in the expanded marketing area as well as for many other markets throughout much of the United States is the Chicago milkshed. Consequently, Class I prices gradually increase the more distant the markets are from the Chicago area reflecting the additional cost of moving milk from such area to distant markets. This accounts for the graduated level of prices in the markets surrounding the Greater Louisiana market and the basis of adopting a graduation of Class I prices from north to south within the proposed marketing area. Generally, the graduation of Class I prices approximates a transportation rate of 1.5 cents per hundredweight per 10 miles.

The principal witness on Class I pricing, and as previously indicated, testified that his organization in 1974 imported additional milk supplies for a number of plants located in the southern segment of the proposed marketing area from Jim Falls, Wisconsin, which is in the Chicago milkshed. The Class I price differential under the Chicago Regional order, which uses the same basic formula price as adopted herein, is $0.88 at Jim Falls. Based on the minimum order price at Jim Falls plus the transportation cost reflecting the location adjustment rates adopted herein, the cost of this alternative supply, for example at Lake Charles, is practically identical with the Greater Louisiana Class I prices for producer milk at this location.

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In view of the foregoing, the proposal to provide a 30 cents higher Class I price differential than is herein adopted, as advanced by the principal spokesman on Class I pricing, would not result in a proper price relationship with surrounding markets or the cost of securing regular milk supplies from more distant points. Therefore, the proposal should be denied.

For reasons already discussed in these findings the Shreveport based handler's proposal to lower the Class I differential by 21 cents also is inappropriate. The record of the current proceeding does not support the handler's contention that the price difference of 21 cents between Shreveport and Little Rock is now inappropriate and contributing to disorderly marketing conditions. In fact, the record evidence clearly showed that Shreveport and Little Rock handlers do not compete either for producer milk supplies or sales. Accordingly, the proposal is denied.

Class II and Class III prices. The Class II price under the expanded order should be the basic formula price for the month plus 10 cents. The Class III price should be the basic formula price for the month. The prices should be announced by the 5th day after the month to which they apply, as now provided in Order 96.

These prices are now applicable under the Northern Louisiana order, and the proponents at the hearing proposed that the Class II price should continue as now provided. Such price was adopted effective August 1, 1974, and the hearing proceeding to expand the marketing area did not present changed circumstances that require a different Class II price level.

With respect to the Class III price, the proposal published in the hearing notice would provide the basic formula for the month as the Class III price. At the hearing, proponents modified the proposal to provide such price minus 15 cents per hundredweight for each of the months of March, April, May, June, and December.

Cost data introduced into evidence by the Northern Louisiana Milk Producers Association purported to reflect the cost per hundredweight of disposing of surplus milk as the basis for requesting a seasonal Class III differential of minus 15 cents under the Minnesota-Wisconsin price for the months specified.

These data, taken in concert with the direct testimony and cross examination on the issue, revealed that the "costs" were not solely related to the disposition of surplus milk. They were derived on an extrapolation basis from total costs of operating the balancing plant of the association, including the costs associated with serving the fluid requirements of its buyers. This is the heart of the matter—the cost of the surplus disposition is totally bound up with the balancing operation of the association.

It is apparent from evidence introduced into the record by the Northern Louisiana Milk Producers Association that a cooperative does incur various costs in performing such function. The extent of these costs is dependent on many factors such as the cooperative's share of the market, the location and availability of surplus disposal outlets, whether it operates a manufacturing plant, and policies and practices of the organization and its management. If such costs were to be a main consideration in establishing the Class III price for an individual market such as the Greater Louisiana area, the Class III price would need to vary greatly among markets because supply balancing situations differ from market to market.

The costs of supply balancing services performed by a cooperative association appropriately should be recovered through service charges to the handlers who receive the benefit of the service. A cooperative's cost of supply balancing service varies among handlers according to each handler's procurement practices. A handler who regularly accepts the full production of a given number of producer-members of a cooperative association incurs the costs of balancing his own supply. A handler who limits his purchases of milk from a cooperative to 5 days a week, for example, to match his daily bottling schedule shifts the burden of balancing his milk supply to the cooperative. This is the situation that prevails both in the Order 96 area and in the area proposed for expansion.

Most balancing costs are attributable to the variation between the quantity of milk produced and the demand for milk for Class I use. Since the balancing costs are incurred in serving the Class I market, the incidence of the costs properly should fall on such use of milk. When the cooperative performs a balancing function for handlers the cost thereof reasonably should be recovered through the assessment by cooperatives of a service charge on their milk delivered to handlers for Class I use.

In considering the appropriate Class III price for the expanded area, it is consistent with the purposes of the Act that reserve milk supplies be priced at the highest practicable level compatible with the orderly disposal of the milk. Excess market supplies, as indicated by testimony and exhibits entered into the record, are channeled into manufactured products that compete on a national basis with similar products made from ungraded milk. It is essential, therefore, that the Class III price in the Greater Louisiana area be in close alignment with prices being paid by processors of manufacturing grade milk.

The Minnesota-Wisconsin price, which is now provided as the Class III price of Order 96, is a representative pay price for about half of the manufacturing grade milk in the United States. It reflects a farm price level determined by competitive conditions that are affected by the demand for all major manufactured dairy products. It also reflects the supply and demand of such products within a highly coordinated marketing system, which is national in scope. Use of the Minnesota-Wisconsin price as the Class III price under the Greater Louisiana order will result in order prices for surplus milk that are in close alignment with the dominant price structure for raw milk within the manufacturing segment of the dairy industry.

Use of the Minnesota-Wisconsin price also tends to result in price parity between regulated and unregulated plants engaged in a similar enterprise since it provides the regulated manufacturer essentially the same margin for processing as is experienced in the unregulated market. The Minnesota-Wisconsin price is an average of prices being paid by processors who are meeting the competitive test of the unregulated market place. Competing processors of ungraded milk purchase their supplies from farmers at prices commensurate with the ability of the more efficient processors to pay for raw milk. As shifts in the relationship between finished product prices take place, one group of processors may be able to pay dairymen higher prices than another. Other processors generally must meet these prices or risk the loss of their milk supplies. If a dairy concern in the unregulated manufactured products market fails to make the necessary adjustments to meet procurement competition, it will, in time, be forced out of business. This is a normal business risk in the unregulated competitive market.

These points concerning the Minnesota-Wisconsin price were evaluated in the final decision which established the Minnesota-Wisconsin price as the Class III price of Order 96 effective August 1, 1974. Official notice of this aspect of the decision is hereby taken from 39 F.R. 8458–8459.

It is concluded that the Class III price provisions now provided by Order 96 represent the correct pricing procedure for the Greater Louisiana market, and such provisions are hereby adopted.

3. *Revision of location adjustments.* The present location adjustment provisions of the order should be revised to reflect appropriately the location values of milk at pool plants serving the expanded area as herein adopted. Accordingly, the order should be amended to include: (1) A system of location zone pricing at pool plants located within the marketing area; and (2) a revision in the basis for determining location adjustments at pool plants located outside of the marketing area.

a. *Zone pricing.* The expanded marketing area for purposes of applying location adjustments should be divided into three zones. The location adjustment for each zone and the Louisiana parishes included in each zone are:

ZONE I—NO ADJUSTMENT

Bienville.	Lincoln.
Bossier.	Madison.
Caddo.	Morehouse.
Caldwell.	Natchitoches.
Catahoula.	Ouachita.
Claiborne.	Red River.
Concordia.	Richland.
De Soto.	Sabine.
East Carroll.	Tensas.
Franklin.	Union.
Grant.	Webster.
Jackson.	West Carroll.
La Salle.	Winn.

ZONE II—PLUS 19 CENTS

Allen.	Pointe Coupee.
Avoyelles.	Rapides.
Beauregard.	St. Helena.
East Baton Rouge.	St. Landry.
East Feliciana.	Vernon.
Evangeline.	West Baton Rouge.
Livingston.	West Feliciana.

ZONE III—PLUS 38 CENTS

Acadia.	Jefferson Davis.
Ascension.	Lafayette.
Assumption.	St. James.
Calcasieu.	St. John the Baptist.
Cameron.	St. Martin.
Iberia.	St. Mary.
Iberville.	Vermilion.

A proposal of the proponents of marketing area extension, as set forth in the hearing notice, would provide for three pricing zones within the marketing area. Under their proposal, Zone I would include the 25 most southern and southeastern unregulated Louisiana parishes to be included as a part of the expanded marketing area. Zone II would consist of nine unregulated parishes located in central Louisiana. Additionally, they proposed that the northern portion of the expanded marketing area be designated Zone III which would contain all of the territory included in the present Northern Louisiana marketing area plus 10 additional Louisiana parishes.

A Class I differential of $2.85, under their proposal, would apply in Zone I. This zone would be the base zone and from which a minus 19 cents and 38 cents per hundredweight location adjustment would apply to plants located in Zone II and III, respectively. Their proposal would provide an effective Class I differential of $2.85 in Zone I, $2.66 in Zone II and $2.47 in Zone III.

At the hearing, however, proponents relied on the testimony presented by Dairymen, Inc., regarding the entire location adjustment issue. This cooperative association supported dividing the expanded marketing area into the same three zones as proponents proposed. However, the association recommended a Class I price differential of $3.15 per hundredweight in the base zone (Zone I) from which the minus 19 cents (Zone II) and minus 38 cents (Zone III) location adjustments would apply. (The proposal of the cooperative to use a $3.15 Class I price differential in the base zone was previously discussed in conjunction with findings concerning class prices.)

The cooperative association contended that zone price differences were necessary to reflect the distances and cost of transporting milk between the major population centers included in the expanded marketing area.

A representative of a Shreveport handler, who operates a pool distributing plant regulated by the present order and who has extensive fluid milk sales throughout southwestern Louisiana, testified that the zone designations by proponents be reversed with the territory encompassing Northern Louisiana designated as Zone I or the base zone and the Southern Louisiana area designated as Zone III. The witness stated that this change would result in price alignment within the marketing area reflecting the usual differences in price relationships from north to south as distance from Chicago increased.

To carry out the objectives of assuring adequate supplies, it is essential to establish proper Class I price relationships between and among handlers located in the 44 parishes proposed to be added to the market with handlers located in the present marketing area. This is a most important consideration in view of the size of the expanded marketing area herein adopted. Also, Class I milk in these 44 parishes must be competitively priced with milk supplied to other nearby markets and with other milk that is distributed in these parishes in competition with local producer milk.

Alexandria, Baton Rouge, Lafayette, Lake Charles, Monroe, and Shreveport are the principal consuming centers in the proposed expanded marketing area. These primary markets are in competition for milk supplies with a number of important secondary markets or population centers within the expanded marketing area, located at varying distances from each other. The location price structure, therefore, should be such that adequate supplies of milk will be attracted to both the secondary as well as to the primary markets located within the expanded marketing area.

Milk supplies in the proposed Greater Louisiana area generally move from north to south. The northern portion of the marketing area is closest to the heavy producing Chicago milkshed. When supplemental supplies are needed for use in the proposed marketing area they are sometimes procured from this region. The cost of such supplies increase as they move further south reflecting additional transportation cost. This increased cost should be reflected in higher Class I prices in the central and southern portions of the extensive marketing area encompassed by the proposed order.

Therefore, to best reflect the value of milk at various locations within the expanded marketing area, a zone price structure should be employed. Accordingly, the expanded marketing area for pricing purposes should be divided in three zones. These zones are designated as Zone I, II and III.

Zone I as herein defined embraces the northern portion of the expanded marketing area. This zone contains all the territory included in the present Northern Louisiana marketing area plus 16 additional Louisiana parishes located east, south and southeast of the present marketing area.

The total population of the zone is about 871,700 with nearly 54 percent of this number concentrated in two metropolitan areas. These areas are Shreveport (population of 345,500) and Monroe (122,300).

A substantial proportion of the present order's total supply of milk is produced on farms located in Zone I. The record shows that in December 1974 about 190 dairy farmers located in Zone I qualified as producers under Order 96 by virtue of their deliveries of milk to pool plants. This represented about 73 percent of the total number of producers on the market for that month.

The unregulated portion of Zone I that is included in the expanded marketing area, as herein adopted, is not expected to bring under full or partial regulation any additional plants. Therefore, only the present eight Order 96 pool plants (one is a supply plant) are located in this zone. Five of these plants are located in Shreveport, two in Monroe and one in Minden, Louisiana.

The seven pool distributing plants so located have route distribution throughout the zone. Additionally, a distributing plant that is fully regulated by the New Orleans order and a Lafayette, Louisiana partially regulated distributing plant have limited route distribution in the Zone I territory.

In 1974, 30 percent of the total packaged disposition of Northern Louisiana pool distributing plants was outside of the marketing area. All of such disposition was made in the unregulated territory that would be added to the marketing area and a large part of it was in the areas included in proposed Zones II and III. Additionally, the principal proponent cooperative association, who operates a pool supply plant under the present order, testified that it had bulk milk disposition to fluid milk plants located in Zones II and III of the proposed marketing area.

The present Class I price applicable at all of the pool plants under Order 96 is $2.47 over the Minnesota-Wisconsin manufacturing grade milk price. It was concluded previously in this decision, that this Class I price structure, except for location, should continue under the expanded order.

In view of the foregoing and in recognition that Zone I is generally closer to the area of heavy milk production and thus has accessibility to alternative supplies of milk at lower costs than in the other zones as herein adopted, a Class I differential of $2.47 should apply to plants located therein.

A pricing zone to be designated as Zone II should be established to include 14 Louisiana parishes that are located immediately south and southeast of the territory included in Zone I. This zone would comprise a portion of the presently unregulated territory that will become regulated under the area expansion. The total population of the zone is about 784,800. Its principal consuming centers are the metropolitan areas of Alexandria and Baton Rouge with a population of 136,100 and 401,900, respectively.

The annexation of this territory to the marketing area is expected to bring under full regulation four additional distributing plants. Two of these plants are located at Baton Rouge and one each at Alexandria and Opelousas.

A substantial portion of these four distributing plant's fluid milk sales are made within the territory included in Zone II. All of these four plants, however,

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have some route distribution in the Zone III area as herein adopted. Additionally, the two Baton Rouge based distributing plants compete for sales in the Louisiana parishes of St. Tammany and Tangipahoa. This area is a part of the presently unregulated territory that is proposed to be annexed to the expanded New Orleans marketing area.[1]

At the time of the hearing, there were two Shreveport based Northern Louisiana and four New Orleans pool distributing plants that had route disposition in a portion of the area included in Zone II. Also, four distributing plants located in the proposed Zone III area and an unregulated distributing plant located at Bogalusa, Louisiana, have route disposition in the area.

The record evidence indicates that nearby direct shipped milk from dairy farms is not adequate to meet the total fluid needs of the four Zone II based plants resulting in the milk supply area extending outward a considerable distance from the location of such plants. Consequently, the supply areas of the Zone II based plants overlap extensively with plants located in the herein adopted Zone III and New Orleans market. For example, the two Baton Rouge plants obtain a large part of their milk supply from dairy farmers located north, northeast and east of Baton Rouge. Also, this area is the principal production area from which New Orleans plants obtain a large portion of their milk supply. Similarly, the Alexandria and Opelousas based plants compete principally with plants located in the area herein designated as Zone III for the declining supplies available in southwest Louisiana. Therefore, this competition for milk supplies must be considered in determining the appropriate value of milk at plants located in Zone II. Unless this consideration is taken into account, plants so located may encounter difficulties in holding a milk supply.

In view of these and other considerations set forth herein a Class I differential 19 cents higher than that which is applicable for Zone I should apply to plants located in Zone II.

The unregulated area encompassing the 14 southern tier Louisiana parishes included in the expanded marketing area, as herein adopted, should comprise a single pricing zone and be designated as Zone III. The total population of the zone is about 693,200 with nearly 40 percent of this number concentrated in its two metropolitan areas of Lafayette and Lake Charles. Other smaller market centers in the zone include Crowley, Morgan City and New Iberia.

Presently, there are nine plants located in Zone III. One of these plants is a partially regulated distributing plant under the present Northern Louisiana order and another is a balancing plant operated by the principal cooperative associated with the New Orleans market.

Historically, the Zone III based plants have relied, to the extent available, on local milk supplies in meeting their Class I requirements. However, the record clearly shows, that during certain months (particularly the fall months) of the year these local supplies have not been adequate in meeting the total fluid milk needs of certain plants. Consequently, these plants must rely on supplemental milk supplies.

Northern Louisiana Pure Milk Producers Association and Dairymen, Inc., have been the principal suppliers of supplemental milk to the Zone III plants. In 1974, the former cooperative furnished supplemental supplies to at least four Zone III based plants from its pool supply plant at Shreveport. Such movements were made to plants located at Lafayette, Lake Charles and New Iberia. The mileage from Shreveport to each of these cities is about 213, 181 and 236, respectively.

Dairymen, Inc., also supplies Zone III plants with substantial quantities of milk from its Franklinton, Louisiana, nonpool balancing plant. This plant is located in the principal milk supply area for the Baton Rouge and New Orleans market. In 1974, the cooperative association also had milk movements into Zone III from its Georgia, Nashville, Mississippi and Kyana (principally Kentucky) operating divisions. The spokesman for the cooperative testified that during the last four months of 1974 his association moved more than two million pounds of milk into the Zone III area from supply plants located in Georgia, Tennessee, Wisconsin, Oklahoma, Kentucky and Mississippi. Additionally, the Gulf Dairymens Association, which is primarily associated with the New Orleans market, supplied supplemental milk to a Zone III based distributing plant located at Abbeville, Louisiana.

Handlers operating pool distributing plants under the present New Orleans and Northern Louisiana orders have route disposition in the area included in Zone III. At the time of the hearing, there were six New Orleans plants with route disposition in the zone. The two Northern Louisiana plants distribute fluid milk in the southwest portion of the area. Also, the four distributing plants located in Zone II, as adopted herein, have some route disposition in Zone III.

This zone is the farthest from the upper midwestern area from which alternative supplies of milk are obtained. For this reason, and also for other considerations set forth herein, a plus location adjustment of 38 cents per hundredweight should apply to plants located in Zone III. This location adjustment will result in an effective Class I price differential of $2.85 for the zone which is 19 cents per hundredweight over the Zone II price and 38 cents over the Zone I price.

As herein adopted, the territory included and the applicable Class I price established for each zone is coordinated and closely aligned with the zone pricing structure as provided in the proposed New Orleans-Mississippi order. This will tend to insure the Greater Louisiana handlers equal access to the limited regional milk supply in competition with New Orleans and Mississippi handlers and vice-versa. It will also assure that orderly marketing is promoted by having similar minimum prices for all plants similarly located irrespective of under which order the plant is regulated. Finally, the coordinated scheme of zone pricing, as herein adopted, reflects the dominant influence on milk marketing practices throughout Louisiana by the New Orleans market.

The three pricing zones adopted herein will not change the applicable price at plants presently regulated under the Northern Louisiana order. Accordingly, the present Class I differential of $2.47 will continue to apply to the presently regulated plants under the expanded order.

The parishes included in each zone differ somewhat from those that were proposed by proponents of area extension. Except for the Baton Rouge area, these differences would not change the applicable Class I price differential at plants serving the principal consuming centers of the expanded marketing area as proposed by proponents. The two plants at Baton Rouge, however, would be in a 19 cents lower price zone than proposed by proponents.

As indicated, a substantial part of the supply area for Baton Rouge overlaps the primary portion of the common supply area for the New Orleans market. The distance from this common supply area to New Orleans is significantly greater than to Baton Rouge. As a result, producers delivering from the common supply area to a New Orleans plant would net a lesser return as compared to producers delivering to a Baton Rouge plant because of the longer haul and hence higher hauling costs. If identical pricing applied to both markets, this situation, undoubtedly, would provide the Baton Rouge based plants priority of call on a greater than necessary milk supply while New Orleans based plants might be in need of milk. Such a situation, however, could not promote continued orderly marketing over a period of time under either the proposed Greater Louisiana or New Orleans-Mississippi orders. In view of this and for reasons discussed previously in these findings, the Class I differential appropriately at Baton Rouge should be $2.66 which is 19 cents less than would apply at Zone III and New Orleans based plants.

It is concluded, therefore, that the zone price structure adopted herein will appropriately reflect the location value of milk at various points in the extensive expanded marketing area encompassed by the attached order.

[1] A decision amending the New Orleans Federal order, resulting from a hearing held April 22–26, 1975 (Docket No. AO–103–A38), is being issued simultaneously with the Greater Louisiana decision. The New Orleans decision designates the expanded area of regulation as the "New Orleans-Mississippi marketing area." Therefore, any reference that is made to the proposed New Orleans amendatory action in this decision (Greater Louisiana) will be referred to as the "proposed New Orleans-Mississippi order."

b. *Out-of-area location adjustments.* The location adjustment provisions of the order as they apply to a plant located outside the marketing area should be revised to reflect changes in the marketing area and the establishment within the expanded marketing area of a location zone pricing structure. To accomplish this purpose, the attached order provides the following: (1) The applicable zone location adjustment within the marketing area is extended on an east-west direction to apply to any plant located in any Louisiana parish not included in the adopted marketing area and certain specified nearby Mississippi and Texas counties.

(2) At a plant located outside the marketing area and not in any of the Louisiana parishes and nearby Mississippi and Texas counties in which the zone location adjustment rate would apply, the Class I and uniform prices of the expanded order should be reduced at the rate of 1.5 cents per hundredweight for each 10 miles or fraction thereof that such plant is located more than 50 miles from the nearest of the city halls in Monroe or Shreveport, Louisiana.

The present location adjustment rate is 1.5 cents for each 10 miles or fraction thereof that a plant is located at least 50 miles from the nearer of the city hall in Minden or Monroe, Louisiana. Since all of the fully regulated plants under the present order are within 50 miles of the two basing points, no location adjustments apply to these plants.

The producer organizations proposing the extension of regulation into the 44 additional Louisiana parishes relied on the position taken by Dairymen, Inc., (DI) at the hearing regarding out-of-area location adjustments, even though their original proposal on location adjustments was included in the hearing notice. Accordingly, DI proposed a complete restructuring of location adjustments applicable to plants located outside the marketing area. Under their proposal, and in conjunction with their zone pricing proposal as previously discussed, no location adjustment would apply to a plant located in any Louisiana parish which is not included in the marketing area as herein adopted.

At a plant location outside of the State of Louisiana and east or west of the boundaries of the marketing area, DI proposed a location adjustment rate the same as that for the zone in which its latitude coincides with a plant located within the marketing area. At a plant located north of a line running in an east-west direction between the Arkansas-Louisiana borders, the cooperative proposed a location adjustment rate of 20 cents to be applicable between 50 and 60 miles from the nearer of Baton Rouge and Lake Charles, and an additional two cents for each 10 miles distance or fraction thereof in excess of 60 miles from the nearer of such basing points.

Appropriate pricing at out-of-area plants is related to the problems of providing supplies for outlets in the marketing area and of achieving uniform prices for regulated handlers similarly located. In this context, consideration must be given to the cost associated with distance in moving milk from outlying supply plants to the various market centers for fluid processing and disposition and the maintenance of a reasonable price alignment with other regulated markets. These considerations are reflected in the system of location pricing at out of area plants adopted herein.

The attached order provides that the adopted zone location adjustments applicable to in-area plants is extended to any plant located in close proximity to the east-west boundaries of the marketing area that may become regulated under the proposed order. The nearby areas in which such location zone pricing would apply are now a part of either the present New Orleans or Texas order marketing areas or are included in the proposed New Orleans-Mississippi marketing area.

Extending zone pricing to apply at plants located just outside of the east-west borders of the adopted marketing area will provide a price structure at plants so located at a level the same as at plants located within the applicable zone. This pricing concept recognizes the overlapping route distribution of in-area and nearby out-of-area plants and the fact that producers with alternative fluid outlets experience no recognizable transportation cost savings in delivering their milk to the nearby out-of-area plants.

The application of zone pricing to any out-of-area plant located east or west from the adopted marketing area, regardless of distance from the central market as proposed by DI, would totally disregard the factor of transportation as a necessary input in determining the economic value of milk at outside plant locations in relation to its value f.o.b. the marketing area. Appropriately, pricing at distant plants must recognize the factor of transportation to implement equity among handlers in product costs. The proposal is, therefore, denied.

The major population centers in the adopted Zone I pricing zone should be used as the basing points for computing location adjustments at distant plants. This will maintain the general pattern of location adjustments of the present order throughout the expanded marketing area. It will also preserve essentially the price alignment that now exists between the present order and surrounding Federal order markets.

Shreveport should be added and Minden (as provided under the present Northern Louisiana order) deleted as a basing point from which location adjustments are computed. This change more appropriately establishes basing points for computing location adjustments reflecting the major population centers of the base zone (Zone 1). The adoption of Shreveport as one of the basing points will not change the price structure at any plants presently regulated under the order.

Dairymen, Inc., proposed that the zone comprising the southern and southeastern portion of the expanded marketing area be the base zone. In this connection, it proposed Baton Rouge or Lake Charles whichever is the nearer, as the basing point from which distance would be determined. The spokesman for the cooperative did not present any specific testimony in support of this proposal other than it was an integral part of their overall location pricing proposition.

A location adjustment rate of 1.5 cents per 10-mile distance (as now provided in the order) is appropriate under the expanded order. This rate is recognized as being reasonably reflective of the variable cost associated with transporting milk from distance points and is generally used in other Federal orders. Use of a different rate would result in serious price disparities with surrounding markets which compete for Class I sales and milk supplies. This could only disrupt marketing conditions further, and would seriously hinder the attainment of the objectives sought by proponents through Federal regulation.

The cooperative strongly urged the adoption of a 2 cent per 10-mile distance rate. It contended that the present 1.5 cent location adjustment rate, which has been in use a number of years, does not now reflect the cost of transporting milk from distance plants to the market.

In support of its position, the cooperative relied on data showing the actual freight it paid on milk movements during the 1974 fall period originating at Jim Falls and Turtle Lake, Wisconsin and shipped to southwestern Louisiana cities and to other metropolitan areas in which the cooperative operates. Such milk movements were made on a spot or incidental basis. These data showed hauling rates varying from 1.8 cents to 2.3 cents for each 10-mile distance. The spokesman for the cooperative association also presented additional information showing substantial increases in various items affecting transportation costs, such as trucks, tanker, and fuel costs.

A number of witnesses testified that the cost of transporting milk has recently increased. However, the cost of transportation, per se, is not the sole factor affecting the location adjustment rate level established under a given order. The rate, appropriately, must also reflect the economic value of milk to the producer at a particular location corresponding to the price he can obtain by shipping to an alternative market. Orderly marketing is achieved by maintaining a similar pattern of prices for regulated plants in the Federal order system similarly located.

Paramount in any consideration of price level is the assurance of an adequate milk supply for the regulated market. It is clear that prices in Federal order markets in the region have generated ample milk supplies. Under such circumstances, it is neither appropriate nor necessary to establish higher prices in this market solely to reflect the currently higher transportation costs for moving milk. Such objective can only be accom-

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plished through a general hearing covering all Federal orders. At any such hearing, one of the matters which would have to be resolved would be how this might be accomplished within the limits of the present variation in Class I prices from north to south. Further, if the total difference in prices north to south were to be increased, an important consideration at such hearing would center on how this might be accomplished under the standards of the Act and existing supply-demand relationships. Therefore, the higher location adjustment rate as proposed by the cooperative should not be adopted.

c. *Application of location adjustment credits.* The present order procedure for applying and limiting location adjustment credits to transfers between pool plants was adopted to deter the uneconomic movements of reserve milk to the market centers for manufactured uses at the expense of the pool. The basic concept of this procedure should be continued under the expanded order as herein adopted. However, to fully integrate this concept with the pricing structure adopted herein (which includes an announced Class I price for Zone I with plus price adjustments for other locations within the expanded marketing area), necessitates modifying the location adjustment credit provision.

No location adjustment credit should apply to Class I transfers shipped by pool plants to lower-priced zones. Under normal circumstances, this would not be a usual movement of milk. However, it could occur, for instance, if a Zone III based plant received milk in excess of its fluid requirements and marketed such excess to the Alexandria based plant which is located in a lower-priced zone. Similarly, the Alexandria based plant could sell its excess milk over fluid requirements plants located in the lower-priced Zone I.

It was previously concluded in this decision that a higher Class I price level was necessary at Zone II and III locations to attrack milk to these areas for Class I use there; not for reshipment to lower-priced zones. The latter should not be implemented by a location adjustment credit on such milk movements which would have the effect of requiring the pool to bear the cost of such movements.

Additionally, and for clarification purposes only, the location adjustment credit provisions are revised further to reflect greater specificity in computing location adjustment credits as they apply to transfers between pool plants.

4. *Miscellaneous and conforming changes.* (a) *Pool plant.* As indicated previously in this decision, orderly marketing can be assured for the expanded area only through marketwide pooling. Essential to the operation of a marketwide pool is the establishment of minimum performance requirements to distinguish between those plants substantially engaged in serving the needs of the regulated market and those plants that do not serve the market in a way or to a degree that warrants their sharing (by being included in the pool) in the Class I utilization of the market. The pooling standards for distributing plants, supply plants, and cooperative balancing plants that are contained in the attached order would carry out this concept under present marketing conditions.

The "pool plant" definition adopted herein sets forth all of the requirements that a plant must meet in order to participate fully in the equalization fund. For this reason, separate definitions of a "distributing plant" and "supply plant" as now provided in §§ 1096.5 and 1096.6 of the Northern Louisiana order are not provided in the attached order. Reference is made, however, in this decision to such types of plants because the adopted pooling standards relate to plants performing different types of functions in the market.

No substantive change is made herein in the pool plant provisions relating to distributing and supply type plants. Some revisions are made in the provisions relating to balancing plants operated by cooperative associations and in the provisions for determining where a plant is pooled if it is subject to pooling under more than one Federal order.

The expanded order should provide for the pooling of a "balancing" plant operated by a cooperative association if during the month 60 percent or more of the milk of the cooperative's member producers is physically received at pool distributing plant from farms or by transfer from the cooperative's balancing plants for which pool status is requested. The 60 percent requirement should be exclusive of the cooperative's member milk handled through supply plants. Such pool status should be limited to those plants that are located in the marketing area and approved by a duly constituted regulatory agency for disposition of Grade A milk in the marketing area. The plant should not be a pool balancing plant if it meets the pooling standards for distributing plants or supply plants under this or any other Federal order.

The cooperative association advocating the expansion of the marketing area requested that the present order provisions for pooling a cooperative association balancing plant be continued in the expanded order. The present order now provides for the pooling of a cooperative balancing plant if 60 percent or more of the cooperative's member producers is received at pool distributing plants by transfer from the cooperative's balancing plant or directly from farms.

At the time of the hearing, the Northern Louisiana Pure Milk Producers Association—a proponent of area extension—operated a pool balancing plant at Shreveport which is located in both the present and proposed marketing areas. The plant, which has been operated by the cooperative for a number of years, has both storage and cooling facilities and is used solely for balancing the market's supplies. Its operation has enabled the cooperative to distribute efficiently the market's milk supply among handlers in accordance with their day to day requirements and has facilitated the assembly of excess supply for movement to manufacturing outlets.

Most of the milk in the present market moves direct from the farm to distributing plants in amounts required for Class I use. Milk not so needed, and for which there is no other Class I outlets available, is moved to the Shreveport plant where it is assembled for shipment in large over-the-road tankers to available distant manufacturing facilities.

The nature of the operations of this plant, which performs a necessary balancing function in the market, would not result in pool status for the plant under the standards herein provided for either a pool distributing or supply plant. It is appropriate, therefore, that the Shreveport plant, or any other such cooperative operated plant, be accorded pool status under the expanded order. According pool status to a cooperative balancing plant meeting the performance standards as herein provided will implement orderly marketing by pooling all of the milk regularly associated with the market.

As a further condition of pooling a cooperative balancing plant, only a cooperative plant located in the expanded marketing area should be eligible for pooling. The expanded marketing area proposed herein includes all of the distributing plants that are expected to be pooled under the order, as well as the primary production area. In this situation, it is only those cooperative association plants located in the marketing area that can be expected to perform market balancing functions.

Pool plant status should be accorded to only those cooperative balancing plants located in the marketing area that are approved by a duly constituted regulatory agency for disposition of Grade A milk. Such provision is needed to assure that the plant can be depended upon for supplemental milk supplies when such are needed at pool distributing plants. Since the expanded order would not require any minimum shipments to the market from a cooperative balancing plant, a requirement must be provided for assuring that milk pooled through a balancing plant is in fact Grade A milk acceptable for fluid use throughout the expanded marketing area. A requirement of continuing approval for the plant will accomplish this end.

Providing pool status to a cooperative plant under the specified conditions herein provided will facilitate the efficient handling of the market's regular milk supply. However, according pool status to such a plant is not intended as a means of providing a cooperative the opportunity to associate additional milk with the market that is not needed.

It is possible under the requirements provided by the order that a distributing plant or a supply plant may meet the pooling requirements of two orders during the same month. As under the present

Northern Louisiana order, the expanded order should provide certain guidelines for determining under which order the plant should be regulated.

A distributing plant that has route disposition in two marketing areas reasonably should be regulated in the market in which it has the greater route sales. However, if a plant that has been regulated under the expanded order should have greater sales in another market, the plant should remain regulated under the expanded order until the third consecutive month in which it has greater disposition in the other marketing area. The possibility of plants being associated with the Greater Louisiana market and other adjacent markets, particularly New Orleans, does exist. Accordingly, this provision should be provided for the expanded order.

Pool status should not apply to a supply plant that has automatic pool status under another order but also qualifies as a pool plant under the expanded order on the basis of shipments provided herein.

(b) *Producer-handler.* Order 96 now provides a definition of producer-handler which should be included in the expanded order subject to certain modifications described herein.

The provisions of the expanded order would preclude a producer-handler from disposing of other source milk (such as nonfat dry milk) as Class I milk, except to increase the nonfat milk solids content of the fluid milk products he processes. Such provision is necessary to assure that a producer-handler does not rely upon milk or milk products for Class I use that may be available for less than the order's Class I price. In the absence of any requirement to pay class prices for milk, a producer-handler could find it advantageous to reconstitute nonfat dry milk, for example, and sell it in fluid form to consumers. With nonfat dry milk carrying only a surplus milk value, competing regulated handlers would be at a disadvantage on their Class I sales.

Under the expanded order, producer-handler status would be contingent on such person proving to the market administrator that the operation of the dairy farm and processing plant in question are at his sole risk. A producer-handler's exemption from the pooling and pricing provisions is based upon the basic self-sufficiency of the total operation. Accordingly, no other person should be permitted to share the risk involved with the operation of a producer-handler's farm or his plant. All resources necessary to his own farm production of milk must be his personal risk. Similarly, all risk associated with the operation of the procesing plant must be that of the producer-handler.

The risk concept, however, need not extend to the actual distribution on routes of the milk processed by the producer-handler. A jobber, for example, might pick up packaged fluid milk products at the dock of a producer-handler's plant for delivery to retail outlets. Although the producer-handler would not be assuming the risk of distribution in this case, neither would a regulated handler operating in similar fashion with respect to fluid sales from his plant.

The producer-handler definition should be revised further to provide that the quantity of fluid milk products that a producer-handler may purchase from pool and other order plants during the month should not exceed a daily average of 1,500 pounds. Presently, the Northern Louisiana order does not limit the quantity of fluid milk products that a producer-handler may purchase from pool plants.

Essentially, the basis of exempting a producer-handler from the pricing and pooling provisions of the order is that the operation of a producer-handler is self-sufficient. The milk that is processed, packaged, and distributed by a producer-handler is obtained from his own farm production. In this way, any fluctuations in a producer-handler's daily and seasonal milk needs is met through his own farm production and not at the expense of the pool. However, an operator who receives milk from his own farm and who relies on pool plants for substantial supplies either in bulk or packaged form is not significantly different than the operations conducted by a pool handler. Under such circumstances, the operator does not assume the risk or cost of providing a full supply for his own needs as does a pool handler. If such an operation is not fully regulated, the pool does not receive the benefits of its Class I sales but acts as a supply balance for such producer-handler by carrying his necessary reserve milk supplies. Such an operator should not have producer-handler status under the proposed order, but should be accorded pool status similar to that of any other handler receiving milk directly from dairy farms.

Notwithstanding, it is appropriate that producer-handlers be permitted some tolerance for purchasing fluid milk products from pool or other order plants. A limitation of 1,500 pounds per day average during the month on a producer-handler's purchases from such plants will insure against the unintentionable involvement in regulation of producer-handlers as a group. This limitation will also insure that producer-handlers will not have any significant advantage over regulated handlers under present marketing conditions.

(c) *Handler on bulk tank milk.* The expanded order should continue to provide that a cooperative association be the handler for milk of producers it receives for the account of the cooperative from the farm in a tank truck operated by, or under the control of, such cooperative for delivery to a pool plant. However, should there be mutual agreement between the cooperative and the operator of the pool plant whereby the plant operator purchases such milk on the basis of farm weights and butterfat tests, the cooperative should not be the handler under such an arrangement.

Under the current order, a cooperative association must be the handler for milk it receives from the farm for delivery to a pool plant in a tank truck owned and operated by, or under contract to, such association.

As a handler for such milk, a cooperative is required to file a payroll report showing the weights and butterfat content of the milk of the individual producers involved and of reporting the quantities of such milk delivered to each pool plant. The cooperative's obligation to the producer-settlement fund on such milk is for that portion of milk received from a producer's farm for delivery to pool plants that is not accounted as actually received at a pool plant because of a difference between the weight and test of milk received at the plant and the weight and test as picked up at the farm. In this connection, a cooperative's monetary obligation to the pool on the difference in these amounts usually is shrinkage which is determined in accordance with its value under the shrinkage provisions. Such monetary obligations are normally small. However, if the operator of the pool plant was the responsible handler in certain instances on farm tank milk these small monetary obligations by the cooperative would be eliminated.

The record indicates that handling arrangements between cooperative associations and plants that would become fully regulated under the expanded order vary considerably. Accordingly, in certain circumstances it could be mutually beneficial to both the cooperative association and the operator of the pool plant for the latter to be the responsible handler for farm bulk tank milk it receives from the cooperative. Therefore, the expanded order appropriately provides an optional basis upon which the operator of the pool plant rather than the cooperative is the responsible handler on farm bulk tank milk it receives from the cooperative.

(d) *Deletion of obsolete language.* The attached order deletes certain obsolete language which has no application to the classification and pricing of milk under either the present or proposed order. Accordingly, such deletions will not affect the scope and application of the proposed order.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and deter-

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minations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

(d) All milk and milk products handled by handlers, as defined in the tentative marketing agreement and the order as hereby proposed to be amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1096.85 of the aforesaid tentative marketing agreement and the order as proposed to be amended.

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Greater Louisiana marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1096—MILK IN GREATER LOUISIANA MARKETING AREA

Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.
1096.1 General provisions.

Definitions

Sec.
1096.2 Greater Louisiana marketing area.
1096.3 Route disposition.
1096.4 Plant.
1096.5 Reserved
1096.6 Reserved.
1096.7 Pool plant.
1096.8 Nonpool plant.
1096.9 Handler.
1096.10 Producer-handler.
1096.11 [Reserved]
1096.12 Producer.
1096.13 Producer milk.
1096.14 Other source milk.
1096.15 Fluid milk product.
1096.16 Fluid cream product.
1096.17 Filled milk.
1096.18 Cooperative association.

HANDLER REPORTS

1096.30 Reports of receipts and utilization.
1096.31 Payroll reports.
1096.32 Other reports.

CLASSIFICATION OF MILK

1096.40 Classes of utilization.
1096.41 Shrinkage.
1096.42 Classification of transfers and diversions.
1096.43 General classification rules.
1096.44 Classification of producer milk.
1096.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1096.50 Class prices.
1096.51 Basic formula price.
1096.52 Plant location adjustments for handlers.
1096.53 Announcement of class prices.
1096.54 Equivalent price.

UNIFORM PRICE

1096.60 Handler's value of milk for computing uniform price.
1096.61 Computation of uniform price.
1096.62 Announcement of uniform price and butterfat differential.

PAYMENTS FOR MILK

1096.70 Producer-settlement fund.
1096.71 Payments to the producer-settlement fund.
1096.72 Payments from the producer-settlement fund.
1096.73 Payments to producers and to cooperative associations.
1096.74 Butterfat differential.
1096.75 Plant location adjustments for producers and on nonpool milk.

Sec.
1096.76 Payments by handler operating a partially regulated distributing plant.
1096.77 Adjustment of accounts.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1096.85 Assessment for order administration.
1096.86 Deduction for marketing services.

AUTHORITY: The provisions of this Part 1096 issued under secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).

GENERAL PROVISIONS

§ 1096.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1096.2 Greater Louisiana marketing area.

The "Greater Louisiana marketing area," hereinafter called the "marketing area," means all territory within the boundaries of the following Louisiana parishes, including all piers, docks, and wharves connected therewith and all craft moored thereat, and all territory occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within any of the listed parishes:

ZONE I

Bienville.	Lincoln.
Bossier.	Madison.
Caddo.	Morehouse.
Caldwell.	Natchitoches.
Catahoula.	Ouachita.
Claiborne.	Red River.
Concordia.	Richland.
De Soto.	Sabine.
East Carroll.	Tensas.
Franklin.	Union.
Grant.	Webster.
Jackson.	West Carroll.
La Salle.	Winn.

ZONE II

Allen.	Pointe Coupee.
Avoyelles.	Rapides.
Beauregard.	St. Helena.
East Baton Rouge.	St. Landry.
East Feliciana.	Vernon.
Evangeline.	West Baton Rouge.
Livingston.	West Feliciana.

ZONE III

Acadia.	Jefferson Davis.
Ascension.	Lafayette.
Assumption.	St. James.
Calcasieu.	St. John the Baptist.
Cameron.	St. Martin.
Iberia.	St. Mary.
Iberville.	Vermilion.

§ 1096.3 Route disposition.

"Route disposition" means any delivery of a fluid milk product(s) classified as Class I milk from a plant to wholesale or retail outlets (including any disposition by a vendor, from a plant store, or through a vending machine) other than a delivery to another plant.

§ 1096.4 Plant.

"Plant" means the land, buildings together with their surroundings, facilities and equipment whether owned or operated by one or more persons, constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received and/or processed or packaged: *Provided*, That a separate establishment used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distributing depot for fluid milk products in transit for route disposition shall not be a plant under this definition.

§ 1096.5 [Reserved]

§ 1096.6 [Reserved]

§ 1096.7 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) Any plant that is approved by a duly constituted regulatory agency for the processing and/or packaging of fluid milk products eligible for distribution in the marketing area under a Grade A label and from which during the month there is:

(1) Route disposition, except filled milk, in the marketing area of not less than 10 percent of such eligible fluid milk products; and

(2) Total route disposition, except filled milk, equal to not less than 50 percent of such fluid milk products which are physically received at such plant or diverted to a nonpool plant as producer milk pursuant to § 1096.13.

(b) Any plant, other than a plant described in paragraph (a) or (c) of this section, that is approved by a duly constituted regulatory agency for the disposition of fluid milk products eligible for distribution in the marketing area under a Grade A label and from which during the month not less than 50 percent of the total quantity of Grade A milk that was physically received at such plant from producers and handlers described in § 1096.9(c) or diverted therefrom by the plant operator or cooperative association as producer milk to a nonpool plant pursuant to § 1096.13 is transferred during the month to a plant(s) described in paragraph (a) of this section. Such plant that was a pool plant pursuant to this paragraph in each of the months of September through January shall be a pool plant in each of the following months of February through August in which it does not meet the shipping requirements, unless written request is filed with the market administrator prior to the beginning of any such month for nonpool status for any of the remaining months through August.

(c) Any plant located in the marketing area that is operated by a cooperative association and which did not meet the shipping requirements of paragraph (b) of this section, shall be a pool plant in any month in which the volume of milk received at pool distributing plants directly from member producers or as a handler described in § 1096.9(c) is not less than 60 percent of the total pounds of member producer milk pooled during the month, except that on written request for nonpool status for any month, made to the market administrator prior to the beginning of such month, the plant shall be a nonpool plant for the month and for each of the succeeding 11 months in which it does not qualify as a pool plant pursuant to paragraph (b) of this section:

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A governmental agency plant;

(3) A plant qualified pursuant to paragraph (a) of this section which meets the requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which a greater quantity of fluid milk products, except filled milk, is disposed of during the month from such plant as route disposition in the marketing area regulated by the other order than in the Greater Louisiana marketing area and was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of such route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order.

(4) A plant qualified pursuant to paragraph (a) of this section which also meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order on the basis of distribution in such other marketing area and from which the Secretary determines route disposition, except filled milk, during the month in this marketing area is greater than route disposition in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

§ 1096.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is not an other order plant, a producer-handler plant, or an exempt plant, from which there is route disposition in consumer-type packages or dispenser units in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month, but which is not an other order plant, a producer-handler plant, or an exempt plant.

(e) "Exempt plant" means a plant operated by a governmental agency.

§ 1096.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to milk of producers it diverts pursuant to § 1096.13;

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under the control of, such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator prior to the time that such milk is delivered to the pool plant that the plant operator will be the handler for such milk and will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples.

(d) Any person who operates a partially regulated distributing plant;

(e) A producer-handler;

(f) Any person who operates an other order plant described in § 1096.7(d); and

(g) Any person in his capacity as the operator of an unregulated supply plant.

§ 1096.10 Producer-handler.

"Producer-handler" means any person who:

(a) Operates a dairy farm and a processing plant from which there is route disposition in the marketing area;

(b) Receives no fluid milk products from sources other than his own farm production and whose receipts of fluid milk products during the month from pool and other order plants do not exceed a daily average of 1,500 pounds;

(c) Disposes of no other source milk as Class I milk except by increasing the nonfat solids content of the fluid milk products received from his own farm production or pool plants; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy farm and other resources necessary for his own farm production of milk, and the management and operation of the processing plant are the personal enterprise and risk of such person.

§ 1096.11 [Reserved]

§ 1096.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk in compliance with the Grade A inspection requirements of a duly constituted regulatory agency, which milk is received at a pool plant or accounted for by a cooperative association pursuant to § 1096.13(c), or is diverted pursuant to § 1096.13(b).

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1096.44(a)(8)(iii) and the corresponding step of § 1096.44(b); and

(3) Any person with respect to milk produced by him which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

§ 1096.13 Producer milk.

"Producer milk" shall be that skim milk and butterfat in milk from producers that is:

(a) Received at a pool plant directly from a producer or a handler described in § 1096.9(c);

(b) Diverted by the operator of a pool plant or by a cooperative association to

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a nonpool plant that is not a producer-handler plant, subject to the conditions of paragraph (d) of this section; or

(c) The difference between the quantity of milk received by a handler described in § 1096.9(c) from producers' farms and the quantity of such milk delivered to pool plants. For the purposes of §§ 1096.52 and 1096.75, such milk shall be deemed to have been received by such handler at the pool plant to which all other producer milk in the same tank truck was delivered.

(d) The following conditions shall apply to milk diverted from a pool plant to a nonpool plant that is not a producer-handler plant:

(1) Such milk shall be accounted for as received by the diverting handler at the location of the nonpool plant;

(2) Milk of a producer shall not be eligible for diversion from a pool plant under this section if during the month less than 6 days' production of such person as a producer is received at a pool plant;

(3) The total quantity of milk diverted by a cooperative association that is greater than 15 percent of the total quantity of producer milk received at all pool plants during the month from the cooperative association shall not be producer milk;

(4) The total quantity of milk diverted by the operator (other than a cooperative association) of a pool plant that is greater than 15 percent of the total quantity received at such plant during the month from producers who are not members of a cooperative association shall not be producer milk; and

(5) The diverting handler shall designate the dairy farmers' deliveries that are not producer milk pursuant to this paragraph. If the handler fails to make such designation, no milk diverted by him to a nonpool plant shall be producer milk.

§ 1096.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1096.40 (b) (1) from any source other than producers, handlers described in § 1096.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1096.40(b) (1);

(c) Products (other than fluid milk products, products specified in § 1096.40 (b) (1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1096.40(b) (1)) for which the handler fails to establish a disposition.

§ 1096.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1096.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1096.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1096.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

Handler Reports

§ 1096.30 Reports of receipts and utilization.

On or before the seventh day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1096.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1096.40(b) (1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1096.9 (b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products, in such manner as the market administrator may prescribe.

§ 1096.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1096.9 (a), (b), and (c), shall report to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1096.76 (b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1096.32 Other reports.

(a) Each handler, who causes milk to be diverted for his account directly from a producer's farm to a nonpool plant, shall prior to such diversion report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the name of the plant to which such milk is to be diverted.

(b) In addition to the reports required pursuant to paragraph (a) of this section and §§ 1096.30 and 1096.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

Classification of Milk

§ 1096.40 Classes of utilization.

Except as provided in § 1096.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1096.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b) (1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or fluid milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c) (1) (iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b) (1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b) (1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b) (1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1096.15; and

(6) In shrinkage assigned pursuant to § 1096.41(a) to the receipts specified in § 1096.41(a) (2) and in shrinkage specified in § 1096.41(b) and (c).

§ 1096.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1096.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk; and butterfat;

(1) In the receipts specified in paragraph (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b) (1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a) (1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1096.9(c), except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity from which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1096.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1096.42 Classification of transfers and diversions.

(a) *Transfer to pool plants.* Skim milk or butterfat transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant after the computations pursuant to § 1096.44(a) (12) and the corresponding step of § 1096.44(b);

(2) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1096.44(a) (7) or the corresponding step of § 1096.44(b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler received during the month other source milk to be allocated pursuant to § 1096.44(a) (11) or (12) or the corresponding steps of § 1096.44(b), the skim milk or butterfat so transferred, up to the total of the skim milk and butterfat, respectively, in

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such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b) (1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1096.40.

(c) *Transfers to producer-handlers and transfers and diversions to exempt plants.* Skim milk or butterfat in the following forms that is transferred from a pool plant to a producer-handler under this or any other Federal order or transfered or diverted from a pool plant to an exempt plant shall be classified:

(1) As Class I milk, if moved in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the transferee's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to its receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant, an exempt plant, or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2) (ii) through (viii) of this section:

(*a*) The transferor-handler or diverter-handler claims such classification in his report of receipts and utilization filed pursuant to § 1096.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Except as provided in paragraph (d)(2)(ix) of this section, transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant.

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph; and

(ix) Transfers of bulk fluid milk products from a nonpool plant to a pool plant shall be classified as if they were a direct transfer pursuant to paragraph (a) of this section from one pool plant to another pool plant with Class II or Class III utilization indicated: *Provided*, That if the classification limitations provided in paragraph (a) of this section result in any skim milk or butterfat covered by this subdivision being classified as Class I from pool plants of two or more handlers, such classification shall be shared pro rata between such handlers according to the respective quantities of fluid milk products each handler transferred to the nonpool plant unless, at or before the time of reporting, signed statements by operators of such plants indicate agreement on a different sharing of such Class I classification.

§ 1096.43 General classification rules.

In determining the classification of producer milk pursuant to § 1906.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1096.30 and shall compute separately for each pool plant and for each cooperative association with respect to milk for which it is the handler pursuant to § 1096.9 (b) or (c) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1096.40, 1096.41, and 1096.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1096.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1096.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk of each handler described in § 1096.9(a) for each of his pool plants separately and of each handler described in § 1096.9 (b) and (c) by allocating the handler's receipts of skim milk and butterfat to this utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1096.41 (b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from another order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1096.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1096.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1096.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class I, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1096.40(b)(1) that was not subtracted pursuant to paragraph (a)(4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order and from an exempt plant;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step, at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, fluid milk products from pool plants of other handlers, milk from a handler described in § 1096.9(c), and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from another order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1096.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11)(i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and

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Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2), (7)(v), and (8) (i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a) (7)(vi) and (8)(iii) of this section:

(i) Subject to the provisions of paragraph (a)(12) (ii), (iii), and (iv) of this section, such subtraction shall be prorata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk;

(a) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1096.45(a); or

(b) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk remaining in each class at this allocation step at the pounds of skim milk in Class I shall be decreased by a like amount. In such case, handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1096.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

§ 1096.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1096.44(a)(12) and the corresponding step of § 1096.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1096.44 on the basis of such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 11th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class.

CLASS PRICES

§ 1096.50 Class prices.

Subject to the provisions of § 1096.52, the class prices for the month per hundredweight of milk shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.47.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1096.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1096.52 Plant location adjustments for handlers.

(a) For milk received at a plant from producers or a handler described in § 1096.9(c) and which is classified as Class I milk without movement in bulk form to a a pool distributing plant at which a higher Class I price applies, the price computed pursuant to § 1096.50(a) shall be adjusted by an amount determined pursuant to paragraph (a)(1) through (5) of this section for the location of such plant:

(1) For a plant located within one of the zones set forth in § 1096.2, the adjustment shall be as follows:

	Adjustment per hundredweight
Zone I	No adjustment.
Zone II	Plus 19 cents.
Zone III	Plus 38 cents.

(2) For a plant located in any of the following Louisiana parishes, the adjustment shall be as follows:

(i) Plus 38 cents.

Jefferson.	St. Bernard.
Lafourche.	St. Charles.
Orleans.	Terrebonne.
Plaquemines.	

(ii) Plus 19 cents.

St. Tammany.	Washington.
Tangipahoa.	

(3) For a plant located in any of the following Mississippi counties the adjustment shall be as follows:

(i) Plus 19 cents.

George.	Jackson.
Hancock.	Pearl River.
Harrison.	Stone.

(ii) No adjustment.

Adams.	Madison.
Amite.	Pike.
Claiborne.	Rankin.
Copiah.	Sharkey.
Franklin.	Simpson.
Jefferson.	Warren.
Hinds.	Wilkinson.
Issaquena.	Yazoo.

(4) For a plant located in any of the following Texas counties, the adjustment shall be as follows:

(i) Plus 38 cents.

Chambers.	Jefferson.
Hardin.	Liberty.
Harris.	Orange.

(ii) Plus 19 cents.

Jasper.	Polk.
Newton.	Tyler.

(iii) No adjustment.

Angelina.	Panola.
Cass.	Rusk.
Harrison.	Sabine.
Gregg.	San Augustine.
Marion.	Shelby.
Nacogodoches.	Upshur.

(5) For a plant located outside of the areas described in paragraph (a)(1) through (4) of this section, and located more than 50 miles by the shortest hard-surfaced highway distance, as determined by the market administrator, from the nearer of the City Hall in Monroe or Shreveport, Louisiana, the adjustment shall be minus 1.5 cents per hundredweight for each 10 miles or fraction thereof.

(b) For fluid milk products transferred in bulk from a pool plant to a pool distributing plant at which a higher Class I price applies and which are classified as Class I milk, the Class I price shall be the Class I price applicable at the location of the transferee-plant subject to a location adjustment credit for the transferor-plant which shall be determined by the market administrator for skim milk and butterfat, respectively, as follows:

(1) From the pounds of skim milk remaining in Class I at the transferee plant after the computations are made pursuant to § 1096.44(a)(12), subtract the pounds of skim milk in receipts of milk at the transferee-plant from producers and handlers described in § 1096.9(c);

(2) Assign any remaining pounds of skim milk in Class I at the transferee-plant to the skim milk in receipts from other pool plants, first to transferor-plants at which the highest Class I price applies and then to other plants in sequence beginning with the plant at which the next highest Class I price applies;

(3) Compute the total amount of location adjustment credits to be assigned to transferor-plants pursuant to (b)(2) of this section by the difference in Class I prices applicable at the transferor-plant and transferee-plant, and add the resulting amounts;

(4) Assign the total amount of location adjustment credits computed pursuant to paragraph (b)(3) of this section to those transferor-plants that transferred fluid milk products containing skim milk classified as Class I milk pursuant to § 1096.42(a), in sequence beginning with the plant at which the highest Class I price applies. Subject to the availability of such credits, the credit assigned to each plant shall be equal to the hundredweight of such Class I skim milk multiplied by the applicable location adjustment rate for such plant. If the aggregate of this computation for all plants having the same location adjustment rate exceeds the credits that are available to those plants, such credits shall be prorated to the volume of skim milk in Class I transfers received from such plant; and

(5) Class I location adjustment credit for butterfat shall be determined in accordance with the procedure outline for skim milk in paragraph (b)(1) through (4) of this section.

(c) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1096.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1096.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

UNIFORM PRICE

§ 1096.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1096.9 (b) and (c) as follows:

(a) Multiply the pounds of producer milk in each class as determined pursuant to § 1096.44 by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1096.44(a)(14) and the corresponding step of § 1096.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1096.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1096.44(a)(9) and the corresponding step of § 1096.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1096.44(a)(7)(i) through (iv) and the corresponding step of § 1096.44(b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the

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Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1096.44(a)(7)(v) and (vi) and the corresponding step of § 1096.44(b);

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1096.44(a)(11) and the corresponding step of § 1096.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order; and

§ 1096.61 Computation of uniform price.

For each month, the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1096.60 for all pool handlers who made reports prescribed in § 1096.30 for such month and who have made payments for the previous month pursuant to § 1096.71;

(b) Add an amount equal to the sum of the deductions to be made for location adjustments pursuant to § 1096.75;

(c) Add an amount equal to not less than one-half of the unobligated balance on hand in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1096.60(f); and

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for producer milk.

§ 1096.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 10th day after the end of each month the uniform price for such month.

PAYMENTS FOR MILK

§ 1096.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1096.71, 1096.76, and 1096.77 and out of which he shall make payments to handlers pursuant to §§ 1096.72 and 1096.77: *Provided*, That payments due to any handler shall be offset by any payment due from such handler.

§ 1096.71 Payments to the producer-settlement fund.

(a) On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1096.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1096.75, of such handler's receipts of producer milk; and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1096.60(f).

(b) On or before the 25th day after the end of the month each person who operated another order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1096.72 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1096.71(a)(2) exceeds the amount computed pursuant to § 1096.71(a)(1). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1096.73 Payments to producers and to cooperative associations.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the 28th day of each month, for milk received during the first 15 days of the month at not less than the Class III price for the preceding month;

(b) On or before the 15th day after the end of each month for milk received during the month, an amount computed at not less than the uniform price per hundredweight pursuant to § 1096.61, subject to the butterfat differentials and location adjustments computed pursuant to §§ 1096.74 and 1096.75, respectively; and

(1) Less payment made pursuant to paragraph (a) of this section;

(2) Less deductions for marketing services pursuant to § 1096.86;

(3) Plus or minus adjustments pursuant to § 1096.77 for errors in previous payments made to such producers; and

(4) Less proper deductions authorized by such producer;

(c) On or before the 25th and 13th days of each month, in lieu of the payment pursuant to paragraphs (a) and (b) of this section, respectively, each handler shall pay to a cooperative association which so requests, with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers;

(d) In making the payments to producers pursuant to paragraph (b) or (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) the net amount of payment to such producer;

(e) Each handler shall make payment to a cooperative association for each hundredweight of milk received from such association in its capacity as a handler pursuant to § 1096.9(a) as follows:

(1) On or before the 25th day of each month for milk received during the first 15 days of the month, at not less than the Class III price for the preceding month; and

(2) On or before the 13th day after the end of each month an amount equal to not less than the applicable class prices adjusted pursuant to § 1096.74, (i) less the amounts paid pursuant to paragraph (e)(1) of this section, and (ii) plus or minus adjustments pursuant to § 1096.77 for errors in previous payments made to such cooperative association; and

(f) Each handler shall make payment to a cooperative association for milk received from such association in its capacity as a handler described in § 1096.9(c), including the milk of producers who are not members of such association and who the market administrator determines have authorized such cooperative association to collect for their milk as follows:

(1) On or before the 25th day of each month for milk received during the first 15 days of the month at not less than the Class III price for the preceding month; and

(2) On or before the 13th day after the end of each month at not less than the uniform price adjusted pursuant to §§ 1096.74 and 1096.75, less payment made pursuant to paragraph (f)(1) of this section.

§ 1096.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1096.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price for producer milk shall be adjusted according to the location of the plant at which the milk was physically received, at the rates set forth in § 1096.52.

(b) For purposes of computations pursuant to §§ 1096.71 and 1096.72 the uniform price shall be adjusted at the rates set forth in § 1096.52 applicable at the location of the nonpool plant from which the milk was received, except that the adjusted uniform price shall not be less than the Class III price.

§ 1096.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1096.30(b) and 1096.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations;

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant.

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not another order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under an order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price, both prices to be applicable at the location of the partially regulated distributing plant (but not to be less than the Class II price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1096.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant.

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1096.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1096.60 for such handler shall include, in lieu of the value of other source milk specified in § 1096.60(f) less the value of such other source milk specified in § 1096.71(a)(2)(ii), a value of milk determined pursuant to § 1096.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1096.7(b) subject to the following conditions:

(a) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1096.30(b) and 1096.31(b) similar reports for each such nonpool supply plant;

(b) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The value of milk determined pursuant to § 1096.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1096.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterbasis by the butterfat differential specified in § 1096.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1096.77 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts, discloses errors resulting in moneys due (a) the market administrator from such handler; (b) such handler from the market adminis-

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trator; or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1096.85 Assessment for order administration.

As his pro rata share of the expense of administration of this part each handler, except a producer-handler, shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, as follows:

(a) Each pool handler with respect to (1) all receipts of producer milk including such handler's own production, and (2) other source milk allocated to Class I pursuant to § 1096.44(a) (7) and (11) and the corresponding steps of § 1096.44 (b), except such other source milk that is excluded from the computations pursuant to § 1096.60 (d) and (f);

(b) Each cooperative association on producer milk diverted to a nonpool plant for the account of such association or received by such association as a handler described in § 1096.9(c); and

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1096.76(a)(2).

§ 1096.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers other than himself) pursuant to § 1096.73 shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to provide market information and to verify the weights, samples and tests of milk received from such producers during the month. Such services shall be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the service set forth in paragraph (a) of this section and for whom a cooperative association is authorized to receive payment for marketing services as set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payment to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and shall pay such deductions to the cooperative association entitled to receive it, on or before the 15th day after the end of the month during which such milk was received. Such deductions shall be accompanied by a statement showing the quantity of milk for which such deduction was computed for each producer. In lieu of such statement, the handler may request the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 1096.31.

Signed at Washington, D.C., on: October 22, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-28826 Filed 10-24-75;8:45 am]

[7 CFR Part 1098]

[Docket No. AO-184-A40]

MILK IN THE NASHVILLE, TENNESSEE, MARKETING AREA

Hearing on Proposed Amendments To Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Hilton Airport Inn, Nashville Municipal Airport, Nashville, Tennessee, beginning at 9:30 a.m., on November 11, 1975, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Nashville, Tennessee, marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the aproval of the Secretary of Agriculture.

Proposed by Dairymen, Inc. and National Farmers' Organization.

Proposal No. 1.

Revise paragraph (a) of § 1098.50 to read as follows:

§ 1098.50 Class prices.

* * * * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.05.

* * * * * * *

Proposed by Dairymen, Inc.

Proposal No. 2.

Add a new paragraph (d) as set forth below and revise paragraph (a) of § 1098.52, to read as follows:

§ 1098.52 Plant location adjustments for handlers.

(a) For milk received from producers at a plant located at any point which is 50 miles or more by the shortest hard-surfaced highway distance as determined by the market administrator, from the State Capitol at Nashville, Tennessee, or the City Hall in Pulaski or McMinnville, Tennessee, and classified as Class I milk subject to the limitations pursuant to paragraph (b) of this Section, the price computed pursuant to § 1098.50(a) shall be reduced by 10.0 cents, plus 2.0 cents for each 10 miles or fraction thereof that such distance exceeds 60 miles; and

* * * * * * *

(d) The market administrator shall publicly announce the location adjustment of each plant of each handler as determined pursuant to paragraph (a) of this Section. The market administrator shall notify the handler on or before the first day of any month in which a change in a plant location adjustment will apply.

Proposal No. 3

Revise (b)(1) of § 1098.13, to read as follows:

§ 1098.13 Producer milk.

* * * * * * *

(b) * * *

(1) Such milk shall be deemed to have been received by the diverting handler at the plant from which diverted, if diverted, to a nonpool plant located not more than 125 miles from the City Hall in Nashville, Tennessee. Milk diverted to a nonpool plant located more than 125 miles from Nashville, Tennessee, shall be deemed to have been received by the diverting handler at the location of the plant to which diverted.

* * * * * * *

Proposed by National Farmers' Organization:

Proposal No. 4

Revise § 1098.50(a) as follows:

§ 1098.50 Class prices.

"(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.05."

* * * * * * *

Proposal No. 5

Revise § 1098.13(b)(1) as follows:

§ 1098.13 Producer milk.

* * * * * * *

(b) * * *

(1) (i) Such milk diverted to a nonpool plant located within 150 miles by shortest hard-surfaced highway distance from the State Capitol in Nashville, Tennessee, shall be accounted for as received by the diverting handler at the location of the pool plant from which diverted.

(ii) Such milk diverted to a nonpool plant located more than 150 miles by shortest hard-surfaced highway distance from the State Capitol in Nashville, Tennessee, shall be accounted for as received by the diverting handler at the location of the nonpool plant to which diverted.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 6

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Suite 251, Theatre Office Building, 100 Oaks Shopping Center, Nashville, Tennessee (P.O. Box 40765, Nashville, Tennessee, 37204), or from the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on: October 22, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-28824 Filed 10-24-75;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 78]

SWINE BRUCELLOSIS REGULATIONS

Proposed Rulemaking

Correction

In FR. Doc. 75-28041, appearing at page 48697, in the issue for Friday, October 17, 1975, change the tenth line of 78.35 (c) to read as follows: "or as may be authorized by the Deputy Adminis-".

[9 CFR Parts 317 and 381]

MEAT AND POULTRY JAR CLOSURE REGULATIONS

Extending the Effective Date

Purpose: The purpose of this document is to extend the effective date of the meat and poultry regulations on jar closures from December 10, 1975, to December 10, 1977.

Statement of Considerations: On June 10, 1974, the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, published in the FEDERAL REGISTER (39 FR 20369), a new section 317.19 to the meat inspection regulations, and a new section 381.143 to the poultry products inspection regulations, to require the elimination of annular spaces between lids and vacuum-packed glass jars or to require such spaces to be sealed. The purpose of the regulations was to correct defects which permitted, under certain circumstances, the lodging of filth and insect fragments between the lid and lip of the jars.

The type of package initially involved in this problem was baby food jars. Research and development efforts by the affected industries have produced a new type of closure which eliminates the problem for the bulk of such production. Such closures are now used on about 97 percent of all baby food packed in glass jars. Technical problems presently prevent the new type of closures from being used for the balance.

To solve those difficulties and to deal with problems affecting the packaging of other meat and poultry products in vacuum-packed glass jars, additional time is needed for research and development before industry can fully comply. Need has also been shown for additional time beyond the December 10, 1975, effective date to obtain and install the machinery and materials necessary for the new type of closures. To provide for orderly implementation of the regulations and to assure a continuing supply of products customarily packed in glass jars to consumers, the effective date of the above cited regulation is postponed to December 10, 1977.

It does not appear that the publication of a notice of proposed rulemaking or other public participation in connection with this action would make additional relevant information available to this Department. Therefore, under the administrative procedure provisions, 5 U.S.C. 553, it is found upon good cause that such notice or public participation is impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this action effective less than 30 days after publication in the FEDERAL REGISTER. Therefore, this action shall become effective on November 1, 1975.

Done at Washington, D.C. on:

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-29030 Filed 10-24-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-SO-137]

DESIGNATION OF TRANSITION AREA

Notice of Proposed Rulemaking

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Sturgis, Ky., transition area.

Interested persons may submit such written data, views or arguments as they desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P. O. Box 20636, Atlanta, Ga. 30320. All communications received on or before November 28, 1975 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Sturgis transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Sturgis Municipal Airport (latitude 37°32'30" N., longitude 87°56'51" W.)

The proposed designation is required to provide controlled airspace protection for IFR operations at Sturgis Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Tradewater (Private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on October 16, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-28829 Filed 10-24-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[FRL 449-1; PP1E1046/P9]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Tolerance for the Pesticide Chemical 2,4-D

The Department of the Army, Office of the Chief of Engineers [DAEN-CWO-F], Washington, D.C. 20314, has submitted a pesticide petition (PP1E1046) to the Environmental Protection Agency. This petition requested that the Administrator propose, pursuant to Section 408(e) of the Federal Food, Drug, and Cosmetic Act, the establishment of a tolerance for residues of the herbicide and plant regulator 2,4-dichlorophenoxyacetic acid (2,4-D) in or on the raw agricultural commodities fish and shell fish at 1.0 part per million (ppm). Residues of 2,4-D would result from the application of its dimethylamine salt in water hyacinth control programs conducted by the Corps of Engineers or other Federal, State, or local public agencies in ponds, lakes, reservoirs, marshes, bayous, drainage ditches, canals, rivers and streams that are quiescent or slow moving. (The Department of the Army has also filed a petition for the establishment of a food additive regulation permitting the use of 2,4-D in potable water. Notice of this filing also appears in today's FEDERAL REGISTER.)

The pesticide 2,4-D is not registered with the Agency under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973), for use against water hyacinths. However, the Corps of Engineers has been granted exemptions from such registration requirements pursuant to Section 18 of FIFRA, as amended, to use 2,4-D to control water hyacinths which impede water flow, reduce recreational use, and provide a habitat for large populations of insects

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which could pose a hazard to human health. [See FEDERAL REGISTER notices of March 4, 1974 (39 FR 8183), May 30, 1974 (39 FR 18806), October 11, 1974 (39 FR 36637), November 1, 1974 (39 FR 38717), December 9, 1974 (39 FR 42942), and July 10, 1975 (40 FR 29123).]

The Section 18 exemption provision of FIFRA is designed to provide solutions to emergency situations rather than recurring problems. Accordingly, the July 10, 1975, FR document (40 FR 29123) announcing the Agency's decision to grant the Corps most recent request for exemption provided that: "additional specific exemption requests by the Corps of Engineers for use of 2,4-D in moving water beyond calendar year 1975 will not be granted, since, in our estimation, there has been adequate time for the Corps to gather the necessary data to register 2,4-D for this use." Data compiled by the Corps during the course of control programs carried out under the provisions of section 18 have been submitted in support of this petition for tolerance.

The data submitted in the petition and all other relevant material have been evaluated, and it is concluded that the tolerance of 1.0 ppm for fish and shellfish established by amending § 180.142 will protect the public health. In addition, the Agency has concluded that a tolerance should also be established for residues of 2,4-D which may occur in or on raw agricultural commodities irrigated or otherwise in contact with treated water. A somewhat similar problem was addressed in the past when a tolerance was established for residues of 2,4-D in a number of agricultural commodities, resulting from the application of its dimethylamine salt to irrigation ditch banks [40 CFR 180.142(c)]. Based on available data and other pertinent information, it has been concluded that a tolerance of 1.0 ppm should be established for those crops and commodity crop groupings which are listed in § 180.142(c) (citrus; curcubits; forage grasses; forage legumes; fruiting vegetables; grain crops; leafy vegetables; small fruits; and stone fruits; and the individual raw agricultural commodities avocados, cottonseed, hops, and strawberries). Where tolerances are established at higher levels from other uses of the dimethylene salt of 2,4-D on crops included within these commodity groups, the higher tolerances also will apply to residues from the aquatic uses cited above.

For the above reasons, it is proposed that tolerances be established as set forth below. Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before November 28, 1975, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW, Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before November 28, 1975, and should bear a notation indicating the subject and the petition document control number PPIE1046/P9. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: October 22, 1975.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(c)).)

It is proposed that Part 180, Subpart C, § 180.142, be amended by adding the new paragraph (f) to read as follows.

§ 180.142 2,4-D; tolerances for residues.

* * * * *

(f) Tolerances are established for residues of 2,4-D(2,4-dichlorophenoxyacetic acid) from application of its dimethylamine salt for water hyacinth control in ponds, lakes, reservoirs, marshes, bayous, drainage ditches, canals, rivers and streams that are quiescent or slow moving in programs conducted by the Corps of Engineers or other Federal, State, or local public agencies at 1.0 part per million (ppm) in the crops and crop groupings listed in paragraph (c) above and at 1.0 ppm in or on the raw agricultural commodities fish and shellfish. Where tolerances are established at higher levels from other uses of the dimethylamine salt of 2,4-D on crops included within these commodity groups, the higher tolerances also apply to residues from the aquatic uses cited above.

[FR Doc.75-29047 Filed 10-24-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[10 CFR Part 790]

GEOTHERMAL ENERGY RESEARCH DEVELOPMENT, DEMONSTRATION AND PRODUCTION

Federal Guaranties on Loans

This notice offers interested parties an opportunity to comment on a proposed regulation concerned with enabling lenders to obtain Federal guaranties on loans to qualified borrowers for purposes related to the commercial development of practical means to produce electric power and other forms of useful energy from geothermal resources in an environmentally acceptable manner. This regulation is issued pursuant to the provisions of Title II of the Geothermal Energy Research, Development and Demonstration Act of 1974 (P.L. 93-410), and by authority contained in Section 105(a) of the Energy Reorganization Act of 1974 (Pub. L. 93-438) and Executive Order 11834 dated January 15, 1975.

The proposed regulation would provide policies and procedures by which lenders may, in addition to qualified borrowers, participate in accelerating the commercial utilization of geothermal energy by enabling the Administrator of the U.S. Energy Research and Development Administration (ERDA) to minimize financial risk usually associated with the introduction of new geothermal resources technology.

Generally, the proposed regulation provides priorities and criteria which ERDA will apply in determinations regarding whether a Federal guaranty will be approved. It provides illustrations of information to be developed by the borrower and the lender and supplied to ERDA, including especially a detailed description of the project planned to be undertaken by the borrower and an affirmation by the lender supporting the necessity for a Federal guaranty. The regulation, in addition, contains illustrations of costs which the borrower can include, when applicable, in arriving at the total project cost. Illustrations of costs not allowed to be included in project costs are also provided.

Legislative matters now being considered by the Congress affect certain provisions in this proposed regulation. Upon enactment of such legislation the affected provisions may either be revised and incorporated in a final regulation or later published in the FEDERAL REGISTER as proposed provisions for which written comments by interested persons will be sought. Interested persons should submit their written comments concerning this proposed regulation to the Director, Division of Geothermal Energy, U.S. Energy Research and Development Administration, Washington, D.C. 20545, on or before December 12, 1975.

Dated at Washington, D.C., this 22nd day of Oct., 1975.

JOHN M. TEEM,
Assistant Administrator for Solar, Geothermal and Advanced Energy Systems.

The proposed regulation is as follows:

PART 790—FEDERAL GUARANTEES ON LOANS TO CONDUCT GEOTHERMAL ENERGY RESEARCH DEVELOPMENT, DEMONSTRATION AND PRODUCTION

Subpart A—General Provisions

Sec.
790.1 Purpose
790.2 Objectives
790.3 Effective date
790.4 Eligible loans and priorities
790.5 Definitions
790.6 Loan guaranty criteria
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790.22 Project cost illustrations
790.23 Environmental considerations
790.24 Mandatory purchase of flood insurance

Subpart C—Servicing and Closing

790.30 Loan servicing by lender
790.31 User charge
790.32 Geothermal resources development fund.
790.33 Project monitoring
790.34 Loan disbursements by lender
790.35 Satisfactory documentary evidence
790.36 Withdrawal of guaranty
790.37 Default and demand
790.38 Preservation and liquidation of collateral
790.39 Treatment of payments
790.40 Assignment and incontestability
790.41 Survival of guaranty agreement
790.42 Security with respect to borrower's assets
790.43 Other federal assistance
790.44 Patent and proprietary rights
790.45 Closing
790.46 Periodic reports

Appendix A—Addresses of Managers of ERDA Operations Offices.

AUTHORITY: Sec. 105(a), Energy Reorganization Act of 1974, Public Law 93-438; Title II, Geothermal Energy Research, Development, and Demonstration Act of 1974, Public Law 93-410; Executive Order 11834 dated January 15, 1975.

Subpart A—General Provisions

§ 790.1 Purpose.

The purpose of this regulation is to set forth policies and procedures under which lenders may obtain a Federal guaranty on loans related to the commercial development of practical means to produce, with environmentally acceptable processes, useful energy from geothermal resources.

§ 790.2 Objectives.

The objectives of the Federal geothermal loan guaranty program are: (1) To encourage and assist the private sector to accelerate development of geothermal resources by enabling the Administrator of the Energy Research and Development Administration (ERDA) in the exercise of reasonable judgment to minimize a lender's financial risk that is associated with the introduction of new geothermal resources and technology; and, (2) to develop normal borrower-lender relationships which will in time encourage the flow of credit without the need for Federal assistance.

§ 790.3 Effective date.

This regulation is not effective at this time. Applications for guaranties will not be processed until a final regulation appears in the FEDERAL REGISTER setting forth an effective date for the filing of applications.

§ 790.4 Eligible loans and priorities.

(a) If the criteria specified in § 790.6 below are satisfied, the Administrator may enter into commitments to guaranty lenders against the loss of principal and accrued interest on loans made by such lenders to qualified borrowers, as defined in § 790.5. Subject to the application of priorities for guaranties as set forth in (b) and (c) below, and criteria set forth in § 790.6 such commitments can be entered into only for the purposes of:

(1) Determination and evaluation of the commercial potential of geothermal resources;

(2) Research and development with respect to extraction and utilization technologies, including but not limited to the mitigation of adverse environmental effects;

(3) Acquisition of rights in geothermal resources; or

(4) Development, construction, and operation of equipment or facilities for the demonstration or commercial production of energy (e.g., electric power, industrial or agricultural processes, or space heating) from geothermal resources.

(b) In complying with the objectives of the Federal geothermal loan guaranty program, the Administrator will give first priority consideration to those projects which will most quickly result in the production of useful energy from geothermal resources, as defined in § 790.5(a). Second priority consideration will be given to those projects designed to utilize new technological advances or engage in the production of advanced technology components. Third priority consideration will be given to projects that will exploit the potential of new geothermal resource areas. Projects that propose geological and geophysical exploration, or the acquisition of land or leases will be regarded by the Administrator as having a lower priority. Other types of projects will be given a priority ranking as determined by the Administrator. Within each category of priority as described herein, the Administrator shall give additional priority consideration to those guaranty applications in which the lender is providing a substantive portion of the loan for which a guaranty is not requested.

(c) A project which meets a lender's standard for a loan without a Federal guaranty will be regarded by the Administrator as not eligible for further consideration under this regulation. In addition, a project which is to be financed through tax exempt loans to any public agency, or a project which is devoted exclusively to purposes that consume electric power or non-electric energy, or is devoted exclusively to the extraction or production of geothermal byproducts as defined in § 790.5(b), or is devoted exclusively to the desalination of geothermal brines will be regarded by the Administrator as not eligible for a Federal loan guaranty under this regulation. Notwithstanding the provisions of § 790.43, a loan to enable a borrower to carry out a project that is cost-shared with ERDA will not be eligible for a guaranty under this regulation.

§ 790.5 Definitions.

For purposes of this regulation:

(a) "Geothermal resources" means (i) all products of geothermal processes, embracing indigenous steam, geopressured fluids, hot water, and brines, (ii) steam and other gases, hot water and hot brines, resulting from water, gas, or other fluids artificially introduced into geothermal formations, and (iii) any byproduct derived from them;

(b) "Byproduct" means any mineral or minerals which are found in solution or in association with geothermal resources and which have a value of less than 75 percent of the value of the geothermal steam and associated geothermal resources or are not, because of quantity, quality, or technical difficulties in extraction and production, of sufficient value to warrant extraction and production by themselves;

(c) "Administrator" means the Administrator of the U.S. Energy Research and Development Administration (ERDA) or a representative authorized by the Administrator;

(d) "Manager" means the Manager of an ERDA Operations Office as listed in Appendix A or a representative authorized by the Manager;

(e) "Lender" includes, but is not limited to, commercial banks, savings and loan institutions, insurance companies, factoring companies, investment banking organizations, venture capital investment companies, institutional investors, trusts, individuals, and entities designated as trustees acting on behalf of bondholders;

(f) "Qualified borrower" means any public or private agency, institution, joint venture, association, cooperative, partnership, corporation, individual, political subdivision, or other legal entity having authority to enter into a loan agreement. Examples of borrowers include, but are not limited to, lease holders, landowners, electric utilities, reservoir developers, drillers, suppliers, component and equipment manufacturers, research and development firms, engineers, patent holders, and licensees;

(g) A "loan" is an obligation involving a borrower and a lender, evidenced in writing by one or more notes, making available to the borrower money at a specified rate of interest for a limited period of time. The loan instrument may be negotiable, but may not be capable of conversion into an equity relationship with the borrower; and

(h) "Project" means a group of interrelated tasks to be undertaken by the borrower which when completed will result in an identifiable product, system, major component or study for which a market potentially exists. Examples of a project include, but are not limited to, test and production well drilling, power plant construction, equipment manufacturing, research and development, construction of transmission lines from a geothermal power plant, and other ventures to extract geothermal heat to serve as an energy source for nonelectric applications.

In addition to meeting the requirements for eligibility and priority set forth in § 790.4, guaranties shall be made only if the following conditions are met as determined by the Administrator:

(a) The application is signed by an authorized official of the lender and is

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accompanied by a statement signed by the borrower evidencing knowledge of the application and intent to comply with this regulation;

(b) The loan is to be made to a qualified borrower;

(c) Except as provided in § 790.43, the loan amount to be guaranteed does not exceed 75 percent of the estimated aggregate cost of the project, however; there is no prohibition against the guaranty being equal to 100 percent of the loan to be made by the lender;

(d) The lender affirms either that the loan would otherwise not be made to the borrower or that the prevailing prime rate of interest charged to preferred customers would not be made available without a Federal loan guaranty;

(e) There is satisfactory evidence demonstrating that the lender has a management organization competent to administer the terms and conditions of a loan guaranteed under this regulation;

(f) When the maximum permissible guaranty is requested as provided in (c) above, the lender must affirm that its confidence in geothermal technology and utilization as related to the project is insufficient, and therefore until the lender gains experience with new geothermal technology and resources, the lender is unwilling to approve a loan at less than the maximum permissible guaranty;

(g) The loan bears interest at a rate not to exceed an annual percent on the principal obligation outstanding as the Administrator determines, in consultation with the Secretary of the Treasury, to be reasonable, taking into account the range of interest rates and lending practices prevailing in the private sector for similar loans and risks by the United States. However, it is expected that the borrower and lender will negotiate a mutually acceptable interest rate that recognizes the benefits to the lender from a Federal guaranty;

(h) The terms of such loans require full repayment over a period of up to thirty years, or the expected useful life of any physical asset to be financed by such loan, whichever is less;

(i) The amount of the loan together with other funds available to the borrower will be sufficient to carry out the project;

(j) There is reasonable assurance of payment of interest and repayment of the guaranteed portion of the loan by the qualified borrower, such as, evidence that there exists or will exist a market for the project's product or results;

(k) The amount of the guaranty for a project does not exceed $25,000,000;

(l) The total dollar amount of guaranties made under this regulation for any combination of outstanding loans to any single qualified borrower does not exceed $50,000,000;

(m) The project is to be performed in the United States, its territories or possessions, or for the benefit of facilities owned or leased by the United States from foreign governments;

(n) The project is technically feasible and uses environmentally acceptable processes;

(o) The project is to be initiated and completed in a timely and efficient manner;

(p) When necessary to carry out the project, there is a sufficiency of encouraging geophysical, geological, hydrological and geochemical data;

(q) The borrower agrees to make available on a timely basis any technical and economic information as specified in the guaranty agreement, and subject to provisions in §§ 790.33 and 790.44(b), further agrees to its use for public dissemination purposes;

(r) There is satisfactory evidence of the borrower's interest in geothermal resources;

(s) There is satisfactory evidence that the borrower is capable of completing the project in an acceptable manner;

(t) An environmental statement or negative declaration has been prepared and issued by the appropriate Federal agency, in compliance with the National Environmental Policy Act of 1969;

(u) The project, whether conducted on public or private land, will be carried out with full regard to the use of environmentally acceptable processes in such a manner as to mitigate adverse environmental impact to the maximum extent practicable;

(v) The environmental risks of the project have been evaluated in accordance with § 790.23;

(w) The borrower and lender agree that the terms and conditions set forth in the loan agreement shall be acceptable to the Administrator and be part of the guaranty agreement;

(x) The borrower and non-guaranteed lender agree that the terms and conditions set forth in that loan agreement, including the provision that a loan guaranteed under this regulation shall not be subordinated to any other long term financing, shall not be effective until approved by the Administrator; and

(y) The borrower and lender agree to such other terms and conditions as the Administrator deems necessary and appropriate.

§ 790.7 Interest assistance.

With respect to any loan guaranteed pursuant to this regulation the Administrator may enter into an agreement to pay the lender for and on behalf of the borrower the interest charges which become due and payable on the unpaid balance of any such loan if the Administrator finds:

(a) That the borrower is unable to meet interest charges, and that it is in the public interest to permit the borrower to continue to pursue the purposes of the project, and that the probable net cost to the Federal Government in paying such interest will be less than that which would result in the event of a default;

(b) The amount of such interest charges which the Administrator is authorized to pay is no greater than the amount of interest which the borrower is obligated to pay under the loan agreement; and

(c) The borrower agrees to repayment of interest charges paid by the Federal Government (including the payment of interest on such charges at an annual rate to be set by the Administrator in consultation with the Secretary of the Treasury).

§ 790.8 Default payment.

In the event of any default by a borrower in making a payment in accordance with the loan agreement, and except as provided in § 790.7, the Administrator will, as provided in § 790.37, make payment of principal and accrued interest in accordance with the guaranty. Thereupon, the Attorney General of the United States shall take such action as may be appropriate to recover the amounts of such payments (including any payment of interest) from such assets of the defaulting borrower (including patent and proprietary rights as provided in § 790.44) as are associated with the project, or from any other security included in the terms of the guaranty. Any recovery achieved by the Attorney General which exceeds the amount paid to the lender in accordance with the guaranty agreement shall be available to other claimants in accordance with applicable law.

§ 790.9 Period of guaranties and interest assistance.

No loan guaranty agreements will be made or interest assistance contracts entered into after September 3, 1984. Guaranty agreements in effect at that time will continue until the term of the loan is completed or until the guaranteed portion of the loan is repaid by the borrower, whichever occurs first. Interest assistance agreements in effect on September 3, 1984, will remain in effect thereafter until the agreement term is completed or terminated.

§ 790.10 Information for governors.

The Administrator will periodically meet with Governors of directly affected States, regional associations of Governors, or heads of State agencies and commissions responsible for energy or environmental matters for the purposes of:

(a) Discussing the status of projects guaranteed under this regulation;

(b) Identifying means to remove or mitigate legal and regulatory barriers to the accelerated use of geothermal resources; and

(c) Evaluating plans to encourage growth in the geothermal industry.

Subpart B—Applications

§ 790.20 Filing.

(a) An application for a loan guaranty made under this regulation must be submitted by the lender to the Manager who is responsible for processing the application. Instructions and information regarding the filing of applications may be obtained from any ERDA Operations Office Manager. (Appendix A contains addresses.)

(b) Prior to receipt of a guaranty application, the Manager is authorized to conduct or arrange for preliminary discussions with prospective lenders or borrowers wishing to obtain advice regarding eligibility for a loan guaranty and compliance with supporting information requirements as illustrated in § 790.21. During the preliminary discussion the lender will make available to the Manager the lender's written assessment of all aspects of the borrower's loan application in sufficient detail as would be done by a prudent lender considering a loan without a guaranty.

(c) Guaranty applications may be submitted to the Manager for multi-phased projects in which the borrower plans to utilize milestone events as a basis for assessing the desirability of proceeding to a subsequent phase. A firm guaranty commitment, however, will extend only to each phase in sequence as requested by the lender to the Manager and approved in writing by the Administrator.

(d) Guaranty applications failing to meet criteria, eligibility or priorities as provided in this regulation will be returned to the lender accompanied by a written statement setting forth the basis for non-approval of the application.

§ 790.21 Supporting information.

(a) The lender and borrower shall provide information in support of the application as prescribed by the Manager who is responsible for processing the application. The following items illustrate the range of information which may be needed, dependent upon the type, complexity and cost of the project:

(1) Full description of the scope, nature, extent and location of the proposed project;

(2) An affirmation by the lender supporting the necessity for a Federal loan guaranty;

(3) Evidence of the borrower's previous and current interest in exploiting the potential of geothermal resources;

(4) Evidence supporting the borrower's ability to complete the project;

(5) Interest rate to be charged by the lender that provides preferential treatment to the borrower due to the benefits accruing to the lender from a Federal loan guaranty;

(6) Period and amount of the loan and the percent of the project cost to be guaranteed;

(7) A detailed budget-type breakdown of both the estimated total cost of the project and the amount to be borrowed;

(8) Evidence showing that the amount of the loan together with equity or other financing will be sufficient to carry out the project;

(9) The borrower's plan to pay interest charges and repay the loan, including assumptions regarding marketability of the project's results or product;

(10) The total dollar amount of outstanding loans taken by the borrower from all sources that are guaranteed under the provisions of this regulation;

(11) Where relevant to the purpose of the loan guaranty, a copy of the borrower's title or lease agreement to the property, supported by title opinion or other locally acceptable evidence of the borrower's interest, on which the project is to be carried out;

(12) Subject to § 790.44(b), technical information and reports, geophysical data, financial statements, milestone schedules, and maps and charts;

(13) Information covering the management experience of each officer or key person in the borrower's organization who is to be associated with the project;

(14) A description of the borrower's management concept and business plan or plan of operations to be employed in carrying out the project;

(15) A description of the project's technical and economic feasibility;

(16) A description of the intended sources and amount of capital and its form (equity, loans from principals, loans from the lender, outside financing, or factoring) together with evidence of firm commitments from these sources and a copy of each such agreement, and evidence of the financial ability of each source to honor its commitment;

(17) A copy of the loan agreement to be executed by the lender and borrower;

(18) A listing of assets associated or to be associated with the project, and any other security to be included in the loan agreement;

(19) A description of other Federal financial assistance (e.g., direct loans, guaranteed loans, grants, contracts) available or expected to be made available to the borrower in connection with the project;

(20) A description of the potential environmental impact stemming from the project and plans to mitigate or remove adverse environmental effects, including, but not limited to a description of the potential effect the project will have on surface and subsurface water supplies and regional air quality;

(21) Copies of all applications when filed, and approvals when issued by Federal, State and local government agencies, for permits and authorizations to conduct operations associated with the project;

(22) A description of the borrower's organization and a copy of the business certificate, partnership agreement or corporate charter, by-laws, and appropriate authorizing resolutions;

(23) Copies of investigations obtained by the lender from credit bureaus, references and bank inquiries, and professional associations;

(24) Written assurance from guaranteed and non-guaranteed lenders that the loan amounts as well as terms and conditions imposed by such lenders will not be altered in any significant respect without approval of the Administrator;

(25) A description of salaries (and other financial remuneration including profit sharing and stock options) to be paid to officers and employees of the borrower that are or will be directly associated with the project; and

(26) Evidence that the borrower has consulted with the appropriate agency of any affected State regarding the proposed project.

(b) In addition to supporting information illustrated in (a) above, the Manager may independently obtain or may require the lender to include with the application the filing of information regarding the lender as deemed necessary, including but not limited to:

(1) Description of the lender's organization and a copy of the business certificate, partnership agreement or corporate charter, by-laws, and appropriate authorizing resolutions;

(2) Copies of investigations obtained from credit bureaus, reference and bank inquiries, and professional associations;

(3) Descriptions covering the management experience of each officer or key person in the lender's organization who is or will be associated with the project;

(4) A description of the management concept to be employed by the lender in surveillance of the project; and

(5) When appropriate to the project, evidence of the lender's experience in the surveillance of complex technological projects.

(c) The guaranty application and information shall be submitted to the Manager, who shall conduct a review to assure compliance with this regulation and who may require the submission of additional information. To carry out this review, the Administrator or the Manager may utilize the services of other Federal agencies, National Laboratories or private consultants.

§ 790.22 Project cost illustrations.

(a) The cost elements set forth in (b) and (c), below are only for the purpose of illustrating the manner by which the total cost of the project can be determined. It is expected that project costs will be accumulated in accordance with generally accepted accounting principles.

(b) Except as set forth in (c) below, reasonable and customary expenses paid by the borrower are generally permitted in computing the total project cost. These expenses include, but are not limited to the following:

(1) Employees' and director's salaries and wages, consultant fees and other outside assistance;

(2) Land purchase or lease payments, including reasonable real estate commissions;

(3) Engineering fees, surveys, plats, title insurance, recording fees and legal fees incurred in connection with land acquisition;

(4) Site improvements, including access roads and fencing;

(5) Drilling of test, production and reinjection wells;

(6) Buildings, transmission lines, power plant equipment, and machinery;

(7) Taxes paid to Federal, State and local government agencies;

(8) Insurance and bonds of all types;

(9) Engineering, architectural and legal fees paid in connection with drilling, machinery selection, design, acquisition and installation;

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(10) Research and development necessary to complete the project;
(11) Professional services and fees necessary to obtain licenses and permits and to prepare environmental reports and data;
(12) Interest costs charged by the lender;
(13) Reasonable interest payments to other lenders;
(14) Costs incurred by the borrower prior to approval of the guaranty agreement that are directly in connection with the project:
(15) Technical and socio-economic information dissemination costs;
(16) Costs to provide safety and environmental protection equipment, facilities and services;
(17) Travel and transportation costs to and from project site;
(18) Bond financing costs and trustee fees;
(19) Fees for royalties and licenses;
(20) Costs associated with acquiring geophysical and other technical data;
(21) Financial and legal services costs;
(22) Costs to comply with terms and conditions specified in the guaranty agreement or required by regulations and issuances by Federal, State and local government agencies;
(23) Reasonable contingency reserve; and
(24) Other necessary and reasonable costs.

(c) Expenses not allowed in computing the total project cost are:
(1) Company organizational expenses;
(2) Company overhead items, such as entertainment, advertising, and parent corporation general and administrative expenses and other parent corporation assessments;
(3) Dividends and profit sharing to stockholders, employees and officers;
(4) Goodwill, franchises, or trade or brand name costs;
(5) Salaries paid to officers, directors and stockholders which are excessive;
(6) Except as provided in § 790.31, fees and commissions charged to the borrower for obtaining loans and Federal assistance;
(7) Loan commitment fees charged by lenders;
(8) Expenses not paid or incurred by the borrower;
(9) Normal operating expenses incurred after the project earns income; and
(10) Other costs that are excessive or are not directly required to carry out the project.

(d) Independently, or at the direction of the Administrator, the Manager may cause to be performed a review of any or all cost elements included by the borrower in the total project cost. The borrower shall make available records and other data necessary to permit the Manager to carry out such review. In carrying out this responsibility, the Manager may utilize ERDA staff, employees of other Federal agencies, or private firms, or may direct the borrower or the lender to submit a review performed by an independent certified public accountant.

(e) When costs incurred prior to the approval of the guaranty agreement, as provided in § 790.22(b)(14), are included in the total project cost in an amount determined by the Manager or the Administrator to be a significant percentage of the project cost, the borrower will make available to auditors selected by the Manager, financial and other records necessary to complete an audit of such costs.

§ 790.23 Environmental considerations.

(a) With respect to each project being considered actively for a loan guaranty, the Manager shall evaluate fully the potential effect of all phases of the project on the total environment, including but not limited to fish and other aquatic resources, wildlife habitat and populations, aesthetics, recreation, air and water quality, land use, and other resources in the area. This evaluation will additionally consider when appropriate to the project, the potential impact on the environment from the construction of power plants and transmission lines which may later be required but are not included in the project.

(1) To aid in the above evaluation the Manager may request and consider the views and recommendations of other Federal agencies, may hold public hearings after appropriate notice, and will consult with State and local government agencies, environmental and industrial organizations, and others.

(2) If the Manager determines that the proposed project will have a potentially significant effect on the quality of the human environment and that an environmental statement under section 102(2)(c) of the National Environmental Policy Act of 1969 previously has not been filed documenting such effect, final action on the guaranty application shall be held in abeyance until an environmental impact statement has been prepared and issued by the responsible Federal agency.

(3) If the Manager determines that the proposed project will not have a potentially significant effect on the quality of the human environment, a declaration to that effect shall be prepared by the Manager and published in the FEDERAL REGISTER prior to final action on the guaranty application, and an environmental assessment documenting that determination shall be kept on file by the Manager.

(b) Each loan guaranty agreement shall include the following general terms and conditions for the protection of the environment:

(1) The borrower shall comply with all Federal, State and local standards with respect to the control of all forms of air, land, water, and noise pollution. In the absence of standards, the Manager will establish standards and the borrower shall comply with such standards.

(2) The borrower, in addition to any other action required by Federal, State or local standards, or standards established by the Manager, shall take the following specific actions (for purposes of this paragraph the appropriate agency official means the Manager for projects conducted on private or State-owned land and the Secretary of the Interior for projects conducted on land administered by the Department of the Interior):

(i) Conduct operations in such a manner as to minimize disturbance to vegetation, drainage channels, and streambanks and employ such soil and resource conservation and protection measures as are deemed necessary by the appropriate agency official;

(ii) Remove or dispose of all waste generated in connection with the project in a manner acceptable to the appropriate agency official;

(iii) Take all reasonable precautions necessary to minimize to the lowest extent practicable, land subsidence or seismic activity which could result from the project, take measures to monitor operations for land subsidence and seismic activity and, when requested by the appropriate agency official, make available records of all monitoring activities;

(iv) Take aesthetics into account in the planning, design, and construction of facilities;

(v) Employ such measures as are deemed necessary by the appropriate agency official to protect fish and wildlife and their habitat;

(vi) Conduct activities on discovered, known or suspected archeological, paleontological, or historical sites in accordance with specific instructions issued by the appropriate agency official;

(vii) Provide for the reasonable restoration of all distributed lands; and

(viii) Employ such other measures as are deemed necessary by the appropriate agency official to protect the quality of the human environment.

(c) For projects conducted on private or State owned land:

(1) Assuring compliance with the requirements set forth in (b) above shall be the responsibility of the Manager, who may utilize experts from other Federal agencies, National Laboratories or private firms and shall have access to reports prepared by the borrower in compliance with requirements imposed by Federal, State and local government agencies.

(2) The borrower shall submit an annual report to the lender for transmittal to the Manager giving a full account of actions taken to comply with the requirements set forth in (b) above.

(d) For projects to be conducted on land administered by the Department of the Interior:

(1) Assuring compliance with safety and operating procedures and environmental protection standards and requirements shall be the responsibility of the Secretary of the Interior or a representative authorized by the Secretary as provided in 30 CFR Part 270.

(2) The borrower shall provide to the lender for transmittal to the Manager a copy of the annual Environmental Compliance Report prepared in accordance with 30 CFR Part 270.76.

(e) Nothing in this regulation shall be construed to modify requirements imposed on the borrower or lender by Federal, State and local government agencies in connection with permits, licenses, or other authorization to conduct or finance geothermal activities.

§ 790.24 Mandatory purchase of flood insurance.

The Flood Disaster Protection Act of 1973. (Pub. L. 92–234, December 31, 1973) requires purchase by the borrower of flood insurance as a condition of receiving any form of Federal financial assistance, including guarantees on loans, for acquisition or construction purposes in an identified flood plain area having special flood hazards. After July 1, 1975, the requirement applies to all identified special flood hazard areas within the United States, so that no Federal financial assistance can legally be provided for buildings in these area unless the community has entered the National Flood Protection Insurance Program and flood insurance has been purchased.

Questions emanating from borrowers or lenders regarding compliance with provisions of the Flood Disaster Protection Act and guidelines of the Federal Insurance Administration as published on July 17, 1974 in the FEDERAL REGISTER, Volume 39, 26186–93, shall be referred to the Manager who is responsible for processing the guaranty application. When the purchase of flood insurance is required, as determined by the Manager, such costs can be included by the borrower in the total project cost.

Subpart C—Servicing and Closing

§ 790.30 Loan servicing by lender.

Loan guaranty agreements approved in accordance with this regulation shall provide that:

(a) The lender shall exercise such care and diligence in the disbursement, servicing, collection and liquidation of the loan as would be exercised by a reasonable and prudent commercial bank in dealing with a loan without guaranty;

(b) The lender shall grant to the borrower no extension of time for the making of any repayment in whole or in part due on the loan without the prior written consent of the Manager;

(c) The lender shall notify the Manager in writing without delay:

(1) That first disbursement is ready to be made, together with evidence that the project has commenced or is about to commence;

(2) Of the date and amount of each disbursement on the loan and such notification shall be made monthly or at agreed upon intervals;

(3) Of any default by the borrower on the payment of principal or interest as set forth in the loan agreement, if such nonpayment is not cured within thirty days of its known occurrence, and shall furnish evidence of notifications made by the lender to the borrower that the borrower is in default;

(4) Of any failure by an intended source of capital to honor its commitment; and

(5) Of any failure by the borrower, known to the lender, to comply with terms and conditions as set forth in the loan agreement or guaranty agreement.

(d) In the event the lender retains the option to accelerate payment of the borrower's indebtedness, the lender shall not do so without the prior written consent of the Manager.

(e) The lender agrees that a term of the loan agreement will permit the borrower to defer payments of principal until such time as is set forth in the loan agreement.

§ 790.31 User charge.

The Administrator will charge the lender 1/2 of 1 percent yearly on the anticipated average amount outstanding during the year on the guaranteed portion of the loan. The user charge may be passed to the borrower by the lender and in such instances may be included in the project cost as provided in § 790.22(c)(6). At the time the guaranty agreement is closed, as set forth in § 790.45(d), the lender shall present to the Manager payment of the first year's user charge. Subsequent payments of the charge will be made by the lender on the anniversary date of closing. The Administrator annually will evaluate whether the user charge rate is sufficient to cover administrative, default and interest assistance costs and, when appropriate, establish a revised rate to be applied to new guaranty agreements.

§ 790.32 Geothermal resources development fund.

(a) As provided in section 204(a) of Pub. L. 93–410, there is established in the Treasury of the United States a Geothermal Resources Development Fund (hereinafter referred to as the Fund), which shall be available to the Administrator in carrying out the provisions of this regulation.

(b) Appropriations to be funded that are made available through legislation or amounts returned to the United States through recoveries by the U.S. Attorney General, as provided in § 790.8, shall constitute a reserve to be available to the Administrator for the payment to lenders of principal and interest on guaranty and interest agreements made in accordance with this regulation. In addition, balances in the Fund may be used for necessary administrative expenses incurred by ERDA in carrying out the provisions of this regulation.

(c) In the event that interest payments and default payments exhaust balances in the Fund, the Administrator will promptly seek to obtain appropriations.

§ 790.33 Project monitoring.

As designated by the Manager or as permitted by law, employees of ERDA and other Federal agencies may make visits to projects. The lender and borrower will assure availability of information related to the project as is necessary to determine technical progress, soundness of financial condition, management stability, compliance with environmental protection standards and requirements, and other matters pertinent to the guaranty. As provided in § 790.44(b), Federal employees will preserve the confidentiality of: any geological and geophysical information and data concerning wells; trade secrets; and, business and financial information. This provision does not affect requirements placed on the borrower in §§ 790.6(q) and 790.44.

§ 790.34 Loan disbursements by lender.

Lender shall not make first disbursement on the loan until it has followed notification requirements as set forth in § 790.30(c)(1) and has received written notice from the Manager that disbursement is approved. Disbursements may be made by the lender as set forth in the loan agreement upon receipt from the borrower of satisfactory documentary evidence, as provided in § 790.35, that funds requested will be used to pay the borrower's costs and expenses incurred or to be incurred in connection with the project.

§ 790.35 Satisfactory documentary evidence.

The borrower shall furnish to the lender a written statement in support of each request by the borrower for progress payments, setting forth in such detail as the lender may require and attesting that use of the proceeds from such disbursements will be for the purposes intended. Signature on the requesting document by a person known by the lender to have principal responsibility for ordering the expenditure of the borrower's funds shall constitute satisfactory documentary evidence for the purpose of making disbursements by the lender.

§ 790.36 Withdrawal of guaranty.

(a) The Manager, with the approval of the Administrator, and except in the demonstration by the lender of extenuating circumstances, may terminate the guaranty by written notice to the lender if:

(1) Initiation of activity on the project does not occur within the period of time set forth in the guaranty agreement. Within sixty days after termination, under this circumstance the manager shall reimburse to the lender the full amount of the user charge paid by the lender;

(2) There is non-compliance by the borrower or lender with pertinent terms and conditions set forth in either the loan agreement or the guaranty agreement, other than those concerning initiation of activity as referred to in (a)(1), above;

(3) There is failure to acquire capital from intended sources, as provided in § 790.21(a)(16), and the borrower is unable to acquire alternate sources within a reasonable time as approved by the Manager.

(b) If the borrower fails to comply with pertinent terms and conditions set forth in either the loan agreement or the guaranty agreement, but the lender has

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complied with the requirements placed upon it as set forth in § 790.30, the guaranty shall be reduced to the amount that has been disbursed by the lender as of the date notification of such termination is provided to the lender by the Manager. Disbursements made by the lender after such notification is received will not be covered by a guaranty.

(c) If the lender fails to comply with pertinent terms and conditions set forth in the guaranty agreement, the borrower, upon notification in writing by the Manager to that effect, may take action to acquire an alternate lender that is capable of complying with pertinent provisions in this regulation. Upon completion of that action by the borrower, a guaranty agreement, if desired by the alternate lender and acceptable to the Administrator. Upon issuance of the new guaranty to the alternate lender, the original lender shall be reimbursed by the borrower for unpaid principal outstanding and accrued interest. However, if the borrower elects to remain with the original lender, or cannot obtain an alternate lender, the guaranty may be terminated at the Administrator's option.

§ 790.37 Default and demand.

(a) If the borrower defaults in making payment of principal or interest within the time period allowed in § 790.30 (c)(3 and the lender has complied with the requirements placed on it as set forth in § 790.30, the lender may make demand in writing upon the Manager for payment pursuant to the guaranty, subject to the conditions described in (b), (c) and (d) below.

(b) The Administrator shall, pursuant to the provisions of § 790.7, determine whether an interest agreement shall be executed by the Manager. In the event that interest assistance is not warranted, the lender shall make available without delay such documents and certifications as the Manager may reasonably require evidencing the lender's compliance with the provisions of the guaranty agreement.

(c) To the extent that sufficient reserves exist in the Geothermal Resources Development Fund: (i) The Manager shall within sixty days after receipt of such documents, pay to the lender on a proportionate basis the guaranteed amount of unpaid principal and accrued interest outstanding at the date of default; and (ii) during the period beginning from sixty days after receipt of such documents and until payment is made by the Manager, interest will accrue and be paid by the Manager on the proportionate amount of guaranteed unpaid principal either at a rate equivalent to the average short term Treasury Bill rate as published by the Federal Reserve Bank of New York or as determined by the Secretary of the Treasury.

(d) The lender shall concurrently with such payment by the Manager assign to the United States and transfer and deliver to the Manager the loan documents, together with all collateral documents evidencing any and all security for and guaranties of the loan then held by the lender as set forth in the guaranty agreement.

§ 790.38 Preservation and liquidation of collateral.

The lender and borrower shall take such actions as may reasonably be required to enable the Manager, upon default by the borrower, to provide for such care, preservation, maintenance or liquidation of collateral, security and guaranties for the loan as may be necessary to achieve maximum recovery.

§ 790.39 Treatment of payments.

When the lender holds the guaranteed and non-guaranteed portion of the loan, payments of principal made by the borrower in accordance with the loan agreement shall be applied by the lender to reduce the guaranteed and non-guaranteed portions of the loan on a proportionate basis.

§ 790.40 Assignment and incontestability.

(a) Except as may be required by law, the lender shall not assign any rights or obligations under the guaranty agreement without the prior written consent of the Administrator. However, the lender may grant to other lenders participating shares in the loan without such prior consent. Written notice shall be given to the Manager when participating shares are granted by the lender. However, the Manager shall be required to recognize and deal only with the original lender.

(b) Subject to the conditions of the guaranty agreement, such a guaranty shall be incontestable by the holder of the guaranty except as to fraud or material misrepresentation.

§ 790.41 Survival of guaranty agreement.

The guaranty agreement shall be binding upon the lender and the Administrator and upon their successors and/or assignees and shall survive payment by the United States. No delay or failure of the Administrator or the Manager in the exercise of any right or remedy and no single or partial exercise of any such right or remedy shall preclude any further exercise thereof, and no action taken or omitted by the Administrator or the Manager shall be deemed a waiver of any such right or remedy.

§ 790.42 Security with respect to borrower's assets.

Financial assistance in the form of a loan guaranteed under this regulation will be secured by liens or assignments of rights in assets as are associated with the project or any other security included in the terms of the guaranty. Upon default by the borrower, as set forth in § 790.8, the Attorney General will not seek recourse to other assets held by the borrower which are not associated with the project or included in the terms of the guaranty.

§ 790.43 Other Federal financial assistance.

Nothing in this regulation shall be interpreted to deny or limit the borrower's ability to seek and obtain other Federal financial assistance (e.g., contracts, grants, direct loans or guaranteed loans). To the extent that such other assistance is obtained by the borrower to carry out the project, the amount of the loan guaranty obtained under this regulation will be reduced in the same amount. However, after approval of the loan guaranty application the borrower will not undertake any work in connection with the project (by contract or grant) for a Federal agency without written approval signifying the Manager's finding that performance of the work will not adversely affect completion of the project.

§ 790.44 Patent and proprietary rights.

(a) Patents and other proprietary rights accruing to the borrower and resulting from the project will remain with the borrower, except such rights shall be, in the case of default, treated as project assets in accordance with terms and conditions in the guaranty agreement. However, the guaranty agreement may provide that patents or other proprietary intellectual property rights utilized in the project which are owned or controlled by the borrower shall be made available to other domestic parties upon reasonable terms and conditions which protect the confidentiality of information, if such action is determined by the Administrator to be in the public interest. Generally this requirement will not be needed where the principal purpose of the loan to be guaranteed is to utilize generally available technology to determine and evaluate a new geothermal resource base, or the acquisition of rights in geothermal resources. Where the principal purpose of the loan is for research and development with respect to extraction and utilization technologies, or for the development or demonstration of new and unique facilities or equipment the requirements for making patents and other proprietary intellectual property available to other domestic parties shall normally be included in the guaranteed agreement unless the Administrator determines, upon the recommendation of the Manager, that such implementation would either seriously impair the borrower's ability to conduct the project, or seriously impair the borrower's ability to maintain a market-place posture. The Administrator's determination on this matter shall include consideration of whether attainment of the objectives of the Federal geothermal loan guaranty program, as set forth in § 790.2, will be adversely affected by this requirement.

(b) Subject to requirements of law, trade secrets, commercial and financial information, geological and geographical information and data (including maps) concerning wells which the borrower makes available and is furnished to ERDA in connection with the lender's application for a guaranty on a privileged or confidential basis, will be so treated by ERDA and will not be publicly disclosed without the prior written approval of the borrower. In order to assist ERDA in carrying out this provision, information deemed by the borrower or lender to be confidential, shall be identified and appropriately marked by the borrower or the lender.

§ 790.45 Closing.

The major activities engaged in during guaranty closing include the following:

(a) An application for a loan guaranty will be subject to approval by the Administrator and will be subject to terms and conditions which the Administrator deems necessary and appropriate. The approval document will be offered by the Manager to the lender for acceptance.

(b) A preclosing conference will be arranged by the Manager if the lender requests one to discuss the terms and conditions contained in the agreement and how these terms and conditions can be met.

(c) Requests by the lender for modification of the terms and conditions set forth in the approval document shall be submitted to the Manager, supported by such documentation and facts as would justify the requests.

(d) Immediately after agreement to terms and conditions, the Manager shall arrange with the lender for the preparation, review and signing of necessary documents and payment of the user charge.

§ 790.46 Periodic reports.

Lenders will submit to the Manager periodic financial statements that report the status and condition of each loan guaranteed or interest assistance agreement entered into under this regulation. The Manager will prescribe the frequency, format and content of such statements. However, a report on each loan guaranteed and interest assistance agreement entered into under this regulation, shall as a minimum, be submitted to the Manager annually on the anniversary date of the guaranty or interest assistance agreement. Reports will be furnished to the Manager until such time as the guaranteed portion of the loan or interest assistance is repaid or terminated.

APPENDIX A

ADDRESSES OF MANAGERS OF ERDA OPERATIONS OFFICES

Manager, U.S. Energy Research and Development Administration, Albuquerque Operations Office, Albuquerque, New Mexico 87115.

Manager, U.S. Energy Research and Development Administration, Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439.

Manager, U.S. Energy Research and Development Administration, Idaho Operations Office, 550 2nd Street, Idaho Falls, Idaho 83401.

Manager, U.S. Energy Research and Development Administration, Nevada Operations Office, P.O. Box 14100, Las Vegas, Nevada 89114.

Manager, U.S. Energy Research and Development Administration, Oak Ridge Operations Office, Oak Ridge, Tennessee 37830.

Manager, U.S. Energy Research and Development Administration, Richland Operations Office, P.O. Box 550, Richland, Washington 99352.

Manager, U.S. Energy Research and Development Administration, San Francisco Operations Office, 1333 Broadway, Wells Fargo Bldg., Oakland, California 94616.

Manager, U.S. Energy Research and Development Administration, Savannah River Operations Office, P.O. Box A, Aiken, South Carolina 29801.

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FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 205 and 303]

EXCEPTIONS AND APPEALS PROCEDURES CERTAIN NOTICE PROVISIONS

Notice of Proposed Rulemaking

The Federal Energy Administration (FEA) hereby gives notice of a proposal to amend Parts 205 and 303 ("Administrative Procedures and Sanctions"), Chapter II of Title 10, Code of Federal Regulations, to delete certain notice provisions of the regulations governing exceptions and appeals. Notice is also given that FEA will receive written comments with respect to the proposal.

With respect to exception and appeal proceedings under Parts 210, 211, 212, 213 and 215, §§ 205.57(a) and 205.109(a) require that FEA notify the applicant and all parties which received notice of an exception proceeding under § 205.53 or appeal proceeding under § 205.104, when it has received all information which it deems necessary to process the exception application or appeal. Sections 205.57(a) and 205.109(a) further provide that if FEA then fails to act within ninety days of service of such notice, the applicant may treat the application or appeal as having been denied in all respects and may appeal the denial, in the case of an exception application, or seek judicial review, in the case of an appeal. The same provisions appear in §§ 303.77 (a) and 303.110(a) for exceptions and appeals proceedings under Parts 305, 307 and 309.

FEA proposes to eliminate §§ 205.57 (a), 205.109(a), 303.77(a) and 303.110(a) because it has determined that these notice provisions do not serve the purpose for which they were intended and therefore do not justify the administrative burdens imposed by them. The 90-day notice provisions were added to these sections to establish a finite time limitation for decisions on exceptions and appeals. In view of the absolute limitation of 150 days from filing for an exception decision imposed by §§ 205.57(b) and 303.77(b), and 120 days from filing for a decision an appeal imposed by §§ 205.109(b) and 303.110(b), however, and the fact that since the 90-day notice provisions were added to the regulations no applicant or appellant has sought administrative or judicial review on the basis of FEA's failure to act within the time periods specified in §§ 205.57 (b), 205.109(b), 303.77(b) or 303.110(b), the 90-day notice provisions appear to serve no useful purpose. In addition, the notice requirements could cause needless delay in instances where a great number of parties must be notified.

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposals set forth herein to Executive Communications, Room 3309, Federal Energy Administration, Box EQ, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "90-day Notice Provisions." Fifteen copies should be submitted. All comments received by November 10, 1975 before 4:30 p.m., E.s.t., and all relevant information will be considered before final action is taken on the proposed regulations.

Any information or data considered confidential by the person furnishing it must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

FEA has determined that the procedural amendment proposed herein is not likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses and thus, under section 7(1)(1)(C) of the Federal Energy Administration Act of 1974, Pub. L. 93-275 ("FEAA"), a public hearing is not required. In accordance with section 7(c)(2), the amendment adopted herein has not been forwarded to the Administrator of the Environmental Protection Agency for comment because FEA has determined that it will not affect the quality of the environment.

This amendment has been reviewed in accordance with Executive Order 11821 and has been determined not to require evaluation of its inflationary impact.

(Emergency Petroleum Allocation Act of 1973, as amended by Pub. L. 93-511 and Pub. L. 94-99; Energy Supply and Coordination Act of 1974, Pub. L. 93-319; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, it is proposed that Parts 205 and 303 of Chapter II, Title 10 of the Code of Federal Regulations, be amended as set forth below.

Issued in Washington, D.C., October 22, 1975.

DAVID G. WILSON,
Acting General Counsel.

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

§ 205.57 [Amended]

1. Section 205.57 is amended by revoking and reserving paragraph (a).

§ 205.109 [Amended]

2. Section 205.109 is amended by revoking and reserving paragraph (a).

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PART 303—ADMINISTRATIVE PROCEDURES AND SANCTIONS

§ 303.77 [Amended]

3. Section 303.77 is amended by revoking and reserving paragraph (a).

§ 303.110 [Amended]

4. Section 303.110 is amended by revoking and reserving paragraph (a).

[FR Doc.75-28807 Filed 10-22-75;12:23 pm]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1100]

[Ex Parte No. 55 (Sub-No. 4)]

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Revised Guidelines for Implementation

Upon consideration of the record in the above-entitled proceeding; and

It appearing, That the Federal Register Notice of the institution of this rulemaking proceeding at 40 FR 37233 (August 26, 1975) omitted the Notice of Proposed Rulemaking and a Preliminary Statement which invited comment thereon in light of the recent Supreme Court decision in *Aberdeen & Rockfish Railroad Co. v. Students Challenging Regulatory Agency Procedures (SCRAP)*, —— U.S. —— (1975); that said omission necessitates republication of the proposed revised guidelines, accompanied by the Preliminary Statement, the Notice of Proposed Rulemaking, and an extension of time in which representations on the proposed rulemaking shall be filed, in order to ensure informed public comment on the impact of the SCRAP decision on said guidelines; and good cause appearing therefor:

It is ordered, That the time in which representations on the proposed rulemaking shall be filed be, and it is hereby, extended to December 12, 1975.

It is further ordered, That notice to the general public of the matter here under consideration will be given by depositing a copy of this order, the Notice of Proposed Rulemaking, and the Preliminary Statement in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by filing a copy thereof with the Director, Office of the Federal Register, for publication in the Federal Register as notice to interested persons.

Dated at Washington, D.C., this 21st day of October, 1975.

By the Commission, Chairman Stafford.

[SEAL] ROBERT L. OSWALD, *Secretary.*

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 29th day of July 1975.

PRELIMINARY STATEMENT

In light of the recent Supreme Court opinion rendered in *Aberdeen & Rockfish Railroad Co. v. Students Challenging Regulatory Agency Procedures (SCRAP)*, —— U.S. —— (Nos. 73-1966 and 73-1971, June 24, 1975), 7 ERC 2009 (SCRAP II), certain questions have arisen concerning procedures which an adjudicatory agency such as this Commission must follow in complying with the National Environmental Policy Act of 1969. Likewise, several provisions of the Council on Environmental Quality's Guidelines, 38 Fed. Reg. 20550 (August 1, 1973), may no longer be applicable to this Commission.

Consequently, the proposed rules which are the subject of following Notice of Proposed Rulemaking should be examined in light of *SCRAP II* and the public is invited to comment not only on the proposed rules but on the following additional questions raised by *SCRAP II*:

1. In light of *SCRAP II*, should the Commission revise its environmental regulations currently in force and codified at 49 C.F.R. § 1100.250. (Appendix A of following Notice of Proposed Rulemaking)?

2. If so, how should the regulations be modified to recognize the impact of *SCRAP II* as to the timing of draft impact statements in adjudicatory proceedings?

3. Is the filing of a draft environmental impact statement a prerequisite to the preparation of the "detailed (final) impact statement" required by NEPA?

4. Is an applicant-prepared environmental impact report an appropriate vehicle for consulting with and obtaining comments from other Federal agencies?

Section 101 of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.* (NEPA) declares: that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

To implement this policy the Congress, in section 102 of NEPA, authorizes and directs "that, to the fullest extent possible": (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality • • •, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes.

The policies and goals set forth in NEPA are made supplementary to those set forth in existing authorizations of Federal agencies, and all such agencies, including this Commission, were required to review their statutory authority, administrative regulations, and policies and procedures for the purpose of determining whether there were any deficiencies or inconsistencies therein which prohibited full compliance with the purpose and provisions of that act.

BACKGROUND

The National Environmental Policy Act was signed into law on January 1, 1970. By the terms of Executive Order 11514, Protection and Enhancement of Environmental Quality, dated March 5, 1970, the Federal Government was directed to "provide leadership in protecting and enhancing the quality of the Nation's environment to sustain and enrich human life," and Federal agencies were specifically required to "initiate measures needed to direct their policies, plans and programs so as to meet national environmental goals." Consonant with this policy, the heads of Federal agencies are required, among other things, (1) to "(m) onitor, evaluate, and control on a continuing basis their agencies' activities so as to protect and enhance the quality of the environment," and (2) to "(d) evelop procedures to ensure the fullest practicable provision of timely public

information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action." The Congress, through The Environmental Quality Improvement Act of 1970, Public Law 91-224, enacted April 3, 1970, also has declared that there is a national policy which provides for the enhancement of environmental quality and that this policy is "evidenced by statutes heretofore enacted relating to the prevention, abatement, and control of environmental pollution, water and land resources, *transportation*, and economic and regional development." [Emphasis added.] And, finally, the Council on Environmental Quality released interim guidelines dated April 30, 1970, to govern statements on proposed Federal actions affecting the environment.

In response to the interim guidelines promulgated by CEQ this Commission, on May 26, 1971, instituted a rulemaking proceeding to propose special rules pertaining to all proceedings before this Commission to insure that environmental amenities and values are accorded appropriate consideration in compliance with NEPA. Ex Parte No. 55 (Sub-No. 4), *Implementation—Natl. Environmental Policy Act, 1969*, 339 I.C.C. 508 (1971). The proposed guidelines were adopted by this Commission by a report and order served February 3, 1972, 340 I.C.C. 431 (1972), and codified at 49 C.F.R. § 1100.-250. These guidelines, which are attached hereto as appendix A, require that all initial papers filed with this Commission by a party should indicate whether the requested Commission action would have an effect on the quality of the human environment. If any effect is alleged to be present, all parties must submit statements concerning the five factors that NEPA requires. When the proposed action is determined to have a significant environmental impact, a detailed environmental impact statement will be made as part of the initial determination by an Administrative Law Judge, which will become final (with or without modification) when the Commission enters its final order. These guidelines, which are presently in force, do not contemplate the holding of hearings before an Administrative Law Judge prior to the issuance of a draft environmental impact statement. 340 I.C.C. 441.

Since the promulgation of this Commission's NEPA guidelines in February 1972, a number of court decisions have been handed down which have cast serious doubt on our NEPA procedures. In *Greene County Planning Board v. Federal Power Commission*, 455 F. 2d 412 (2d Cir., 1972), 3 ERC 1599, the NEPA guidelines prepared by FPC were declared invalid because the agency had substituted an environmental impact statement prepared by an applicant as its own and had failed to make the draft statement available prior to the holding of formal hearings. Following the *Greene County* decision, the CEQ revised its interim guidelines to conform with this court decision (codified at 40 C.F.R. 1500). The revised CEQ Guidelines suggest that no public hearings be held until at least 15 days after issuance of a draft environmental impact statement. In addition, the guidelines recognize that agencies must depend on applicants to provide initial environmental information in some situations. Consequently, agencies should assist applicants by outlining the types of information required, but, in all cases, the agency should make its own evaluation of the environmental issues and take responsibility for the scope and content of draft and final impact statements (§ 1500.7(c)).

The Second Circuit had occasion to review this Commission's environmental guidelines. In *Harlem Valley Transportation Association v. Stafford*, 500 F. 2d 328 (2d Cir., 1974), 6 ERC 1855, affirming 360 F. Supp. 1057 (S.D.N.Y., 1973), 5 ERC 1503, the court expressly followed its earlier holding in *Greene County* and found, among other things, that this Commission's environmental guidelines as applied to rail abandonment proceedings did not comply with NEPA, in that evaluation of environmental issues must take place prior to any hearings and the impact statement must be the product of an independent staff investigation rather than a reliance on applicant's assertions.

Since *Harlem Valley*, this Commission has been in *de facto* compliance with NEPA, the revised CEQ Guidelines, and the relevant court decisions. In excess of twenty (20) impact statements and more than one hundred (100) environmental threshold assessment surveys have been prepared by our independent multidisciplinary Environmental Staff. It is apparent, however, that this Commission's NEPA guidelines must be revised in order to codify these procedural and substantive changes. It is the purpose of this rulemaking proceeding to propose revised guidelines which will apply to all proceedings before this Commission, and which will delineate the procedures to be followed to insure timely and careful review of any environmental issues raised.

IMPLEMENTATION

To implement revisions in this Commission's NEPA procedures we propose to substitute for our present guidelines (49 C.F.R. 1100.250), the revised guidelines as set forth in the FEDERAL REGISTER issue of August 26, 1975 (40 FR 27233).

A few of the provisions of the proposed revised guidelines require some explanation. The guidelines propose three procedures for considering environmental issues. All proceedings before this Commission will be governed by one of these three procedures depending on the expected level of environmental impacts, as follows: (1) If the action contemplated is "major" and will have a significant impact on the quality of the human environment, an environmental impact statement will be prepared. Section 1108.8 sets forth various factors which this Commission will consider to determine the need for an impact statement and specifies the classes of actions for which an impact statement will normally be required; (2) If the action contemplated is of the general class where some environmental impact is usually present, each application will be examined on a case-by-case basis to determine the type of environmental analysis required. Section 1108.9 specifies the classes of actions which must be examined on a case-by-case basis; and (3) If it is determined that a contemplated action has no environmental issues present or that the impacts alleged are inconsequential or frivolous, this Commission will include in the initial procedural order a summary environmental negative declaration stating the absence of any environmental issues. Section 1108.10 specifies the classes of actions which will normally be processed by the issuance of a summary negative declaration.

Inasmuch as this Commission must rely on applicants to supply certain background factual information concerning design, functions, and management intentions relative to their own proposals, extensive reporting requirements are being proposed. The information which must accompany an application, outlined in § 1108.11, is designed to provide factual information which this Commission feels is essential for our independent environmental review and analysis. The degree of information required will depend on the type of proceeding involved and is based on the potential for environmental impacts. All supplemental information required by these guidelines and furnished by an applicant, proponent, or complainant will be investigated and supplemented by this Commission. Based on the information provided by applicant and staff investigation, the Commission will issue an independent environmental analysis. The scope and content of environmental impact statements and threshold assessment surveys is delineated in the proposed revisions.

The proposed regulations outline the procedure to be followed for environmental review of applications. The minimum periods for review of impact statements suggested by CEQ have been followed except as specified in § 1108.15(d) where, in certain cases, statutory obligations require shortened review periods.

When public hearings are contemplated for a particular proceeding where an environmental impact statement is required, the final statement will be made available at least fifteen (15) days prior to that portion of the hearing relating to the impact statement. Any party may challenge the content or validity of the final impact statement.

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EXISTING RULES AND PRACTICES FOR IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

§ 1100.250 Special rules pertaining to all proceedings before the Commission to insure that environmental amenities and values are given appropriate consideration.

(a) *Scope of special rules.*—These special rules are applicable to all proceedings before the Commission. They are intended to assist the Commission in discharging its duties under the National Environmental Policy Act of 1969 (Public Law 91–190, 83 Stat. 852) which authorizes and directs that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies for the protection of the environment declared in that act.

(b) *Detailed environmental statement.*—(1) It shall be the general policy of the Interstate Commerce Commission to adopt and adhere to the objectives and aims of the National Environmental Policy Act in performing its regulatory duties and powers under the Interstate Commerce Act and related statutes. Among other things, the National Environmental Policy Act requires, to the fullest extent possible, a detailed environmental statement in all reports and recommendations on legislative proposals and other major Federal actions which will significantly affect the quality of the human environment.

(2) In compliance with this requirement, a detailed environment statement will be made when the regulatory action taken by the Commission under the applicable statutes will have such a significant environmental impact. The detailed statement, which statement shall be made as part of the initial decision in the proceeding and shall become final (with or without modification) when a final decision or order is entered by the Commission, shall fully develop the five factors listed below among other relevant factors including the justification of a proposed action as compared to its alternatives. The following factors are listed merely to illustrate the kinds of values that *must* be considered in the statement, and in no respect is this listing to be construed as covering all factors relevant to the disposition of any particular proceeding:

(i) The environmental impact of the requested action;

(ii) Any adverse environmental effects which cannot be avoided should the requested action be granted;

(iii) Alternatives to the requested action;

(iv) The relationship if any between local short-term uses of man's environment and maintenance and enhancement of long-term productivity; and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the requested action should it be granted.

The procedures set forth in this rule are intended to encourage, to the fullest extent possible, public and governmental participation in those formal proceedings which might significantly affect the quality of the human environment, and to the end of insuring that a complete record is developed which will enable the Commission to consider fully the environmental impact of a contemplated action.

(c) *Applicable general and special rules not affected.*—The Commission's general and/or special rules heretofore applicable to a proceeding shall remain in effect and govern the procedure therein. These special rules shall supplement the applicable existing rules.

(d) *Papers to show effect of subject matter of proceeding on the quality of human environment.*—(1) In all initial papers filed with this Commission by a party, there shall be filed a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the paper shall include, but not be limited to, statements relating to each of the relevant factors set forth in paragraph (2)(i)–(v) of this section.

(2) In all proceedings determined or alleged to have a significant effect on the quality of the environment, all parties shall file statements submitting information relating to the relevant factors set forth in paragraph (b)(2)(i)–(v) of this section.

(e) *Notice to appropriate governmental agencies:*—(1) All papers submitted in compliance with these rules, and affirmatively alleging a substantial environmental impact, beneficial or adverse, shall be served by the person or persons submitting it on those governmental bodies given notice pursuant to subparagraph (1) of this paragraph. The person or persons submitting the statement also shall supply 10 copies of the statement to the Council on Environmental Quality.

(2) A notice of all proceedings determined to have a significant effect on the quality of the human environment will be transmitted by the Commission as promptly as possible to the Council on Environmental Quality and to appropriate governmental bodies—Federal, regional, State, and local—(as identified in the guidelines promulgated by the Council on Environmental Quality) with a request for public comments on the environmental considerations listed in paragraph (b)(2)(i)–(v) of this section.

(3) All interveners, including other Government agencies, taking a position on environmental matters shall file with the Commission an explanation of their environmental position, specifying any differences with the original party's detailed statement upon which intervener wishes to make its views known, and including therein a discussion of that position in the context of the factors enumerated in paragraph (b) of this section. All interveners shall be responsible for filing 10 copies of their submission with the Council on Environmental Quality at the time they file with the Commission and shall also supply a copy of such submission to all participants to the proceeding. Nothing herein shall preclude an intervener from filing a detailed environmental statement. The Commission will consider all representations submitted prior to the final disposition of the proceeding.

(4) The views of the Council on Environmental Quality, if any, should be made in a written statement served upon the Secretary of the Commission and all parties of record.

(f) *Official notice.*—The Commission may take official notice of any facts relating to the environmental situations before it. This shall include, but not be limited to, scientific studies, governmental reports, and maps which have not been presented in evidence by any of the parties of record.

(g) *Determinations.*—The determinations in all proceedings which investigate environmental issues should include an evaluation of the environmental factors enumerated in paragraph (b)(2)(i)–(v) of this section, and the views expressed in conjunction therewith by all persons making formal comment pursuant to the provisions of this section. Specific findings should be made in each such proceeding as to whether the relief sought is or is not environmentally advantageous.

(h) *Review of initial decision on environmental impact.*—Any decision with respect to the environmental issue will be subject to Commission review in the same manner as other issues in the proceeding.

(i) *Proceedings in progress.*—With respect to those proceedings already in progress, the Commission recognizes that it may not be possible to comply fully with the procedures outlined herein and, in particular, that it may not be possible in every instance to include within the record all of the material relating to the environmental impact of the contemplated action which might otherwise be developed. Nonetheless, it is the policy of the Commission to apply these procedures to the fullest extent possible to proceedings already in progress.

[FR Doc.75-28896 Filed 10-24-75;8:45 am]

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

[20 CFR Parts 901, 902]

HEARING

On August 27, 1975, proposed regulations for the enrollment of actuaries were published in the FEDERAL REGISTER (40 FR 38171). A public hearing on the provisions of these regulations will be held on November 24, 1975, beginning at 10:00 a.m., in Conference Room N3437 A&B, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. Those persons who requested on or before September 26, 1975, to comment orally at the hearing will be heard first. Thereafter, other individuals who desire to comment orally will be heard as time permits. The Chairman of the Joint Board reserves the right to limit the length of presentations at the hearing.

[SEAL] DONALD S. GRUBBS, JR.,
Chairman, Joint Board for the Enrollment of Actuaries.

[FR Doc.75-29027 Filed 10-24-75;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Ratings and Evaluations

Section 104 of Public Law 94–71 (89 Stat. 395), enacted August 5, 1975, and effective August 1, 1975, amended section 3010(b) of title 38, United States Code, to provide that the effective date of an award of increased compensation shall be the earliest date as of which it is ascertainable that an increase in disability has occurred, if a claim is received within 1 year from such date. Section 3.400(o) of Title 38, Code of Federal Regulations, which specifies effective dates for increased benefits, has been amended to incorporate this provision in the regulations. Prior to this amendment of section 3010(b) of title 38, United States Code, an award of increased benefits could not be made effective as of a date prior to the date of receipt of the claim for increase. Under the amendment an award of increased disability compensation may be made effective prior to the date of receipt of claim where the evidence establishes that the increase in disability occurred prior to that date.

Section 3.321(b) of Title 38, Code of Federal Regulations, specifies conditions for assigning extra-schedular disability evaluations in exceptional cases where the evaluations provided in Part 4 of this chapter are not deemed adequate. Paragraph (b)(3) currently states that the effective date of extra-schedular evaluations in claims for increased benefits will be in accordance with the facts found but may not be earlier than the date of receipt of claim. It is proposed to amend this paragraph to provide that the effective dates of extra-schedular evaluations in claims for increased benefits will be in accordance with § 3.400(o). This amendment reflects that extra-schedular evaluations are subject to the same effective date provisions as apply to schedular evaluations.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before November 28, 1975 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the amendment will be effective August 1, 1975.

In § 3.321, paragraph (b)(3) is revised to read as follows:

§ 3.321 General rating considerations.

* * * * * * *

(b) * * *

(3) ***Effective dates.*** The effective date of these extra-schedular evaluations granting or increasing benefits will be in accordance with § 3.400(b)(1) and (2) as to original and reopened claims and in accordance with § 3.400(o) in claims for increased benefits.

* * * * * * *

Approved: October 21, 1975.

By direction of the Administration.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75-28848 Filed 10-24-75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

TREASURY NOTES OF SERIES C–1982

[DEPT. CIRCULAR; Public Debt Series—No. 32–75]

Dated and Bearing Interest From November 17, 1975; Due November 15, 1982

OCTOBER 23, 1975.

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $2,500,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series C–1982. The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Standard time, Wednesday, October 29, 1975, under competitive and noncompetitive bidding, as set forth in Section III hereof. The 7 percent Treasury Notes of Series D–1975, maturing November 15, 1975, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. DESCRIPTION OF NOTES

1. The notes will be dated November 17, 1975, and will bear interest from that date, payable on a semiannual basis on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1982, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Standard time, Wednesday, October 29, 1975. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or the notes referred to in section I which will be accepted at par) of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of one percent necessary to make the average accepted price 100.000 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $2,500,000,000 of notes offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before November 17, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt. Payment must be in cash, 7 percent Treasury Notes of Series D–1975 (interest coupons dated November 15, 1975, should be detached), in other funds immediately available to the Treasury by November 17, 1975, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Wednesday, November 12, 1975, if the check is drawn on a bank in the Federal Reserve District of the bank to which the check is submitted, or the Fifth Federal Reserve District in case of the Treasury, or (2) Monday, November 10, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with notes, a cash adjustment will be made to or required of the bidder for any difference between the face amount of notes submitted and the amount payable on the notes allotted.

V. ASSIGNMENT OF REGISTERED NOTES

1. Registered notes tendered as deposits and in payment for notes allotted hereunder are not required to be assigned if the notes are to be registered in the same names and forms as appear in the registrations or assignments of the notes surrendered. Specific instructions for the issuance and delivery of the notes, signed by the owner or his authorized representative, must accompany the notes presented. Otherwise, the notes should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. When the new notes are to be registered in names and forms different from those in the inscriptions or assignments of the notes presented the assignment should be to "The Secretary of the Treasury for Treasury Notes of Series C–1982 in the name of (name and taxpayer identifying number)." If notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon Treasury Notes of Series C–1982 to be delivered to _____." Notes tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The notes must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

STEPHEN S. GARDNER,
Acting Secretary of the Treasury.

[FR Doc.75-29058 Filed 10-24-75;9:16 am]

[Dept. Circular Public Debt Series No. 33–75]

8¾% PERCENT TREASURY BONDS OF 1995–2000

Dated August 15, 1975, With Interest From November 17, 1975, Due August 15, 2000; Redeemable at the Option of the United States at Par and Accrued Interest On and After August 15, 1995.

I. INVITATION FOR TENDERS

OCTOBER 23, 1975.

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders at a price not less than 94.01 percent of their face value, for $1,000,000,000, or thereabouts, of bonds of the United States, designated 8¾ percent Treasury Bonds of 1995–2000. Additional amounts of these bonds may be issued at the average price of accepted tenders to Government accounts and Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Standard time, Thursday, October 30, 1975, under competitive and noncompetitive bidding, as set forth in Section III hereof. The 7 percent Treasury Notes of Series D–1975, maturing November 15, 1975, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. DESCRIPTION OF BONDS

1. The bonds now offered will be identical in all respects with the 8¾ percent Treasury Bonds of 1995–2000 issued pursuant to Department Circular, Public Debt Series—No. 25–75, dated July 24, 1975, except that interest will accrue from November 17, 1975. With this exception the bonds are described in the following quotation from Department Circular No. 25–75:

"1. The bonds will be dated August 15, 1975, and will bear interest[1] from that date, payable semiannually on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 2000, but may be redeemed at the option of the United States on and after August 15, 1995, in whole or in part, at par and accrued interest on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption, the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

"2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

"3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

"4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Book-entry bonds will be available to eligible bidders in multiples of those amounts. Interchanges of bonds of different denominations and of coupon and registered bonds, and the transfer of registered bonds will be permitted.

"5. The bonds will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States bonds."

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., eastern standard time, Thursday, October 30, 1975. Each tender must state the face amount of bonds bid for, which must be $1,000 or a multiple thereof, and the price offered, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals, e.g., 100.00. Tenders at a price less than 94.01 will not be accepted. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or the 7 percent Treasury Notes of Series D–1975 which will be accepted at par) of 5 percent of the face amount of bonds applied for.

[1] On July 31, 1975, the Secretary of the Treasury announced that the interest rate on the bonds would be 8¾ percent per annum.

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3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and price range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those at the highest prices will be accepted to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept less than the $1,000,000,000 of bonds offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated price from any one bidder will be accepted in full at the average price[2] (in two decimals) of accepted competitive tenders.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids together with $21.39266 per $1,000 for accrued interest from August 15 to November 17, 1975, must be made or completed on or before November 17, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt. Payment must be in cash, 7 percent Treasury Notes of Series D–1975 (interest coupons dated November 15, 1975, should be detached), in other funds immediately available to the Treasury by November 17, 1975, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Wednesday, November 12, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in the case of the Treasury, or (2) Monday, November 10, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with notes, a cash adjustment will be made to or required of the bidder for any difference between the face amount of notes submitted and the amount payable on the bonds allotted.

V. ASSIGNMENT OF REGISTERED NOTES

1. Registered notes tendered as deposits and in payment for bonds allotted hereunder are not required to be assigned if the bonds are to be registered in the same names and forms as appear in the registrations or assignments of the notes surrendered. Specific instructions for the issuance and delivery of the bonds, signed by the owner or his authorized representative, must accompany the notes presented. Otherwise, the notes should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. When the bonds are to be registered in names and forms different from those in the inscriptions or assignments of the notes presented the assignment should be to "The Secretary of the Treasury for 8⅜ percent Treasury Bonds of 1995–2000 in the name of (name and taxpayer identifying number)." If bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 8⅜ percent coupon Treasury Bonds of 1995–2000 to be delivered to_____." Notes tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The notes must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of bonds on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

STEPHEN S. GARDNER,
Acting Secretary of the Treasury.

[FR Doc.75–29059 Filed 10–24–75;9:16 am]

[2] Average price may be at, or more or less than 100.00.

DEPARTMENT OF DEFENSE

Department of the Navy

NAVAL POSTGRADUATE SCHOOL BOARD OF ADVISORS TO THE SUPERINTENDENT

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. D notice is hereby given that the Board of Advisors to the Superintendent of the Naval Postgraduate School will hold public meetings on November 20–21, 1975, in the mezzanine conference room of the Naval Postgraduate School, Monterey, California. The sessions on both days will commence at 8:00 a.m. and terminate at 5:30 p.m.

The Board was appointed to advise and assist the Superintendent concerning the Naval Postgraduate School education. A short report by the Superintendent and discussions on the recommendations made by the DoD Committee on Excellence in Education and the Navy Graduate Education Program Select Study Committee are scheduled. In addition, progress, results and implementation of the Naval Postgraduate School Continuing Education Program will be discussed.

OCTOBER 21, 1975.

LARRY G. PARKS,
Captain, JAGC, U.S. Navy Assistant Judge Advocate General (Civil Law).

[FR Doc.75–28759 Filed 10–24–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

DRAFT FACILITY LOCATION SUPPLEMENT

Public Meetings

Notice of public information meetings is hereby given by the Bonneville Power Administration to solicit public comments on the Draft Facility Location Supplement to BPA's Fiscal Year 1977 Program Environmental Statement covering the proposed Hot Springs–Bell 500–kV transmission line.

The Draft Facility Location Supplement on this proposal describes the environmental impact of constructing a 500–kV transmission line between Hot Springs Substation near Hot Springs, Montana, and Bell Substation, near Spokane, Washington.

The purpose of these public information meetings is to present to the public alternative line locations relative to the proposed facility, and to solicit comments from the public with respect to the environmental impacts of the alternatives.

A notice of availability on the Draft Facility Location Supplement for Hot Springs–Bell 500–kV line appeared in the FEDERAL REGISTER on September 26, 1975. Copies of the Draft Facility Location Supplement describing the proposal are available for inspection in the library of the headquarters office of EPA, 1002 NE. Holladay Street, Portland, Oregon 97232; the BPA Washington, D.C., Office in the Interior Building, Room 5600; the Spokane Area Office, Room 561, U.S. Courthouse, W. 920 Riverside Avenue, Spokane, Washington 99201; and at the Kalispell District Office, 5 miles east of Kalispell on Highway 2, Box 758, Kalispell, Montana 59901.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208, or to the Spokane Area Manager or the Kalispell District Manager at the above addresses.

The meetings covering the proposed Hot Springs–Bell 500–kV line will be held in the Thompson Falls Elementary School, Thompson Falls, Montana, on December 10, 1975, at 7 p.m.; Community Hall, South First Avenue, Sandpoint, Idaho, on December 11, 1975, at 7 p.m.; and at the First Federal Savings and Loan, 401 Front Avenue, Coeur d'Alene, Idaho, on December 12, 1975 at 7 p.m.

In addition to the three public meetings mentioned above, two public information centers will also be set up. The purpose of these public information centers is to answer questions which interested members of the public may have regarding the proposed facilities for the Hot Springs–Bell 500–kV line, to explain to the public BPA's environmental statement/decisionmaking process, and to solicit comments from the public with respect to the environmental impact of the alternatives. These information centers will be open to the public at the Vera Irrigation District, N. 601 Evergreen, Veradale, Washington, on December 8, 1975, between the hours of 4 p.m. and 9 p.m.; and at the Village Motor Inn, 100 Madison Street, Missoula, Montana, on December 9, 1975, between the hours of 5 p.m. and 10 p.m.

All those wishing to comment in writing must do so by January 9, 1976.

WILLIAM H. CLAGETT,
Assistant Administrator.

OCTOBER 20, 1975.

[FR Doc.75–28781 Filed 10–24–75;8:45 am]

Bureau of Land Management

[UTAH 31065]

UTAH

Proposed Protective Withdrawal and Designation of Lands

The Bureau of Land Management, U.S. Department of the Interior, has filed an application, serial No. Utah 31065, for the withdrawal and designation of lands containing 60 acres described below, from all forms of appropriation under the public land laws including the general mining laws, material sales act and leasing under the mineral leasing laws, pursuant to authority of Executive Order 10355 and closure to the use of off road vehicles pursuant to authority of Executive Order 11644 and 43 CFR 6225.

The designation identifies the Devil's Rock House as being an area having outstanding natural features and provides direction for its protection and management. The Devil's Rock House conforms to Class IV—Outstanding Natural Areas, under the Bureau of Outdoor Recreation System of Classification.

The protective withdrawal, closure, and designation will be to protect the scenic and fragile unique geological features from activities which would damage, destroy or make the Devil's Rock House unsuitable for general public enjoyment.

The Devil's Rock House contains eroded sandstone which has weathered to create pillars, minarets, toadstools and other fanciful shapes. Geologists theorize that the presence of oil in the sandstone is the reason for the unique pattern of erosion which creates these forms.

Recreational activities such as sightseeing, photography, hiking, geological study, etc., which are compatible with the purposes of an understanding natural area will be allowed.

On or before December 15, 1975 all persons who wish to submit comments, suggestions, or objections, in connection with the proposed withdrawal, may present their views in writing to the Utah State Director, Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, Utah 84111.

If circumstances warrant, public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

UINTAH COUNTY

T. 9 S., R. 22 E.,
Sec. 12, E½NW¼NW¼, NE¼NW¼.

The area described aggregates 60 acres.

PAUL L. HOWARD,
State Director, Utah.

OCTOBER 20, 1975.

[FR Doc.75–28900 Filed 10–24–75;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEYS IN MANUFACTURING AREA

Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to continue or initiate the annual surveys listed below for the year 1975 and for each year thereafter, under the authority of Title 13, United States Code, Sections 181, 224, and 225. These surveys, most of which have been conducted for many years, are significant in the manufacturing area; and on the basis of information and recommendations received by the Bureau of the Census, the data have significant application to the needs of the public and industry and are not available from non-governmental or other governmental sources.

The establishments covered by these surveys directly account for the bulk of all manufacturing employment. The information to be developed from these surveys is necessary for an adequate measurement of total industrial production. Government agencies need data on the output of these industries. Manufacturers in the industries involved, as well as their suppliers and customers and the general public, have all requested such data in the interest of business efficiency and stability.

Such surveys, if conducted, shall begin not earlier than November 28, 1975.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all or a sample of establishments engaged in the production of the items covered by the following list of surveys.

The surveys have been arranged under major group headings shown in the Standard Industrial Classification Manual (1972 edition) promulgated by the Office of Management and Budget for the use of Federal statistical agencies.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Broadwoven goods finished.
Narrow fabrics.
Yarn production.

MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Gloves and mittens.
Apparel.
Brassieres, corsets, and allied garments.

MAJOR GROUP 24—LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Hardwood plywood.
Softwood plywood.
Lumber.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Pulp, and detailed grades of paper and board.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Sulfuric acid.
Industrial gases.
Inorganic chemicals.
Pharmaceutical preparations, except biologicals.

MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES

Asphalt and tar roofing and siding products.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Rubber.
Plastics products.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers (by method of construction).

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Consumer, scientific, technical, and industrial glassware.
Fibrous glass.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Steel mill products.
Insulated wire and cable.
Magnesium mill products.
Iron and steel foundries.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Commercial steel forgings.
Steel power boilers.
Heating and cooking equipment.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Internal combustion engines.
Tractors.
Farm machines and equipment.

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Mining machinery and equipment.
Power driven handtools.
Air-conditioning and refrigeration equipment.
Office, computing, and accounting machines.
Pumps and compressors.
Selected air pollution control equipment.
Construction machinery.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Radios, televisions, and phonographs.
Motors and generators.
Wiring devices and supplies.
Switchgear, switchboard apparatus, relays, and industrial controls.
Selected electronic and associated products.
Electric housewares and fans.
Electric lighting fixtures.
Major household appliances.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft propellers.

MAJOR GROUP 38—PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

Selected instruments and related products.
Atomic energy products and services.

The following list of surveys represents annual supplements of monthly and quarterly surveys and will cover the same establishments canvassed in the monthly or quarterly survey. There will be no duplication of reporting, however, since the type of data collected on the annual supplement will be different from that collected in the more frequent surveys.

MAJOR GROUP 32—STONE, CLAY, AND GLASS
Glass containers.

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments which are not canvassed or do not report in the more frequent surveys. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly and quarterly reports.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Flour milling products.
Margarine manufacturers'—packaging operations.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Manmade fiber, woolen, and worsted fabrics.
Finishing plant report—broadwoven fabrics.
Piece goods inventories and orders.
Broadwoven gray goods (cotton, wool, and manmade).
Consumption of wool and other fibers, and production of tops and noils.
Carpet and rugs.
Knit fabric production.

MAJOR GROUP 25—FURNITURE AND FIXTURES

Mattresses and bedsprings.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Converted flexible packaging products.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Phosphatic fertilizer materials.
Paint, varnish, and lacquer.

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Flat glass.
Glass containers.
Refractories.
Clay construction products.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Nonferrous castings.
Iron and steel foundries.
Steel inventories. (Consumers and Producers Report)
Aluminum inventories.
Copper inventories.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Plumbing fixtures.
Metal cans.
Steel shipping drums and pails.
Closures for containers.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Construction machinery.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Electric lamps.
Fluorescent lamp ballasts.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft engines.
Complete aircraft.
Backlog of orders for aircraft, space vehicles, missiles, engines and selected parts.
Truck trailers.

The Annual Survey of Manufacturers will be conducted and will call for general statistical data such as employment, payroll, man-hours, capital expenditures, cost of materials consumed, gross book value of fixed assets, rental payments, supplemental labor costs, etc., in addition to information on value of products shipped and quantity data for selected classes of products and quantity and cost of selected fuels used. This survey, while conducted on a sample basis, will cover all manufacturing industries including data on plants under construction but not in operation.

A survey of research and development costs will be conducted also. The data to be obtained will be limited to total research and development costs of work performed by the company, total cost of research and development work performed for the Federal Government, and, for comparative purposes, total net sales and receipts, and total employment of the company.

In addition, a survey on shipments to, or receipts for work done for, Federal Government agencies and their contractors and suppliers is planned. It is designed to provide information on the impact of Federal procurement on selected industries and on the economy of States, standard metropolitan statistical areas, and geographic regions.

The Annual Survey of Oil and Gas will canvass the industry which provides most of the fuel consumed in the United States, as well as a substantial portion of the raw material requirement of many industries. The survey will collect information on exploration, development, production costs, revenues, expenditures and assets in the crude petroleum and natural gas industry.

The Annual Survey on Pollution Abatement Expenditures is designed to collect from the manufacturing area total expenditures made by industry to abate pollutant emissions. The survey covers current and capital expenditures made by industry to reduce pollution in its air, water or solid forms.

The Survey of Plant Capacity will call for general statistical data such as number of shifts, hours in operation, production workers, production worker manhours, quantities of materials consumed, quantity of production, and value of production for actual, preferred and practical operating rates, as well as information on the operation rates and the length of time required to reach and to maintain these operating rates. The survey will be done on a sample basis and cover all manufacturing industries.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of these proposed surveys should be submitted in writing to the Director of the Bureau of the Census on or before November 28, 1975.

Dated: October 22, 1975.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

[FR Doc.75-28849 Filed 10-24-75;8:45 am]

Bureau of the Census

SACRAMENTO, CALIFORNIA

Corrected Urbanized Area Delineation

On September 2, 1975, the Bureau of the Census announced a correction to the official delineation of the Sacramento, California Urbanized Area. As a result of this correction, the unincorporated place of Mather, with a population of 7,027 and a land area of 9.3 square miles, as reported in the 1970 census, is now included within the Sacramento, California Urbanized Area.

The definitional criteria developed by the Bureau of the Census to delineate urbanized areas is presented on pages 15202 and 15203 of the FEDERAL REGISTER, Volume 39, No. 85—Wednesday, May 1, 1974.

Listed below are the revised land area figures, population figures and components for the Sacramento, California Urbanized Area. These revisions correct the listings which appear in the U.S. Bureau of the Census publication: 1970, Volume I, Characteristics of the Population Part A, Number of Inhabitants.

Dated: October 22, 1975.

VINCENT P. BARABBA,
Director, Bureau of the Census.

Land area in square miles

Sacramento Urbanized Area	[1] 268.5
Sacramento city	98.5
Outside central city	[1] 150.7

Population of the Sacramento urbanized area: 1970 and 1960

Component parts	1970	1960
The area	[1] 640,759	451,920
Sacramento city	254,413	191,667
Outside central city	[1] 386,346	260,253
The area is defined as follows:		
Placer County (part)	21,542	13,798
Loomis Basin-Folsom Lake division (part)	3,281	372
Rocklin city	3,089	
Roseville division	18,311	13,421
Roseville city (part)	17,806	13,421
Sacramento County (part)	[1] 593,553	415,177
Elk Grove division (part)	9,646	2,125
Florin (U)	9,646	
Folsom division (part)	5,810	
Folsom city	5,810	
Franklin division (part)	85	25,117
Mather division (part)	[1] 45,710	614
Mather (U)	[1] 7,027	
Rancho Cordova (U)	30,451	
Natomas division (part)	32	7,125
North Highlands division (part)	38,610	28,666
North Highlands (U)	31,856	21,271
Rio Linda division	8,417	1,610
Rio Linda (U)	7,524	
Sacramento division	282,987	191,667
Parkway - Sacramento South (U)	28,574	
Sacramento city	254,413	191,667
San Juan division (part)	202,256	128,516
Arden-Arcade (U)	82,492	73,352
Carmichael (U)	37,625	20,455
Citrus Heights (U)	21,760	
Fair Oaks (U)	11,286	
Orangevale (U)	16,493	
Yolo County (part)	25,664	22,960
East Yolo division (part)	25,664	22,960
Broderick-Bryte (U)	12,782	
West Sacramento (U)	12,002	

[1] Indicates changes from the table included in the U.S. Bureau of the Census, Census of Population: 1970, Vol. I, Characteristics of the Population Pt. A, Number of Inhabitants.

[FR Doc.75-28850 Filed 10-24-75;8:45 am]

Domestic and International Business Administration

UNIVERSITY OF WASHINGTON MEDICAL SCHOOL, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act (40 FR 12253 et seq., 15 CFR 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00138-33-30950. Applicant: University of Washington Medical School, Department of Biological Structure, Seattle, WA 91895. Article: Freeze Etching Instrument. Manufacturer: Balzers High Vacuum Co., West Germany. Intended use of article: The article is intended to be used for electron microscopic examination of biological materials in the study of the surface of cells and their contained organelles after rapid preservation by freezing and subsequent fracture. Of particular interest is the fine structural characteristics of eggs and spermatozoa both individually and during the process of fertilization. Application received by Commissioner of Customs: October 7, 1975.

Docket number: 76-00157-01-28500. Applicant: University of Alabama in Birmingham, Laboratory of Membrane Biology, University Station, Birmingham, Ala. 35294. Article: FF5 Free Flow Electrophoresis. Manufacturer: Garching Instruments Co., West Germany. Intended use of article: The article is intended to be used to separate tumor cells from a mixture of normal and tumor cells for further diagnostic study. Application received by Commissioner of Customs: October 7, 1975.

Docket number: 76-00158-33-46040. Applicant: Massachusetts General Hospital, Fruit Street, Boston, Massachusetts 02114. Article: Electron Microscope, Model EM 301 and accessories. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of animal and human tissues, cells, and cell organelles as well as similar components of animal and human cells in culture systems. The phenomena to be investigated will include: (1) Basophil/mast cell functions in immunologic reactions and in the control of cancer; (2) Basophil degranulation mechanisms; (3) Basophil granule contents; (4) Macrophage-lymphocyte functions in immunologic phenomena; (5) Cell surface membrane changes in neoplasia, immunologic phenomena, and the inflammatory response. The article will also be used for advanced training in research for post-doctoral fellows. Application received by Commissioner of Customs: October 9, 1975.

Docket number: 76-00160-65-10100. Applicant: University of Virginia, Research Laboratories for the Engineering Sciences, Charlottesville, VA. 22901. Article: Chemical Vapor Deposition Apparatus. Manufacturer: Hermann Schladitz, West Germany. Intended use of article: The article is intended to be used for the study of the deposition of metallic layers and films of metals onto various substrates including glass, plastics and other metals. Structural and microstructural properties of films will be studied in addition to adhesion to the substrates continuity of the films, various cleaning procedures for maximum adhesion and mechanical properties of the coated articles. The objectives of the study are to determine optimum conditions for applying metallic layers onto various substrates. Application received by Commissioner of Customs: October 9, 1975.

Docket number: 75-00161-33-90000. Applicant: Providence Memorial Hospital, 2001 North Oregon Street, El Paso, Texas 79902. Article: EMI Scanner System with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used as a scientific tool to localize and pinpoint brain tumors prior to radiation therapy. Various research projects will be undertaken involving differentiation and localization of brain tumors. Comparison of findings with the scanner in relation to arteriography, pneumoencephalography and isotopic brain scanning will be carried out. In addition, the article will be used to teach local physicians interested in neurology and neurosurgery as well as in conjunction with a nursing program. Application received by Commissioner of Customs: October 9, 1975.

Docket number: 76-00162-60-10000. Applicant: Cornell University, Dept. of Food Science & Technology, New York State Agric. Expt. Station, Geneva, NY. 14456. Article: Kjel-Foss Macro Automatic Analyzer. Manufacturer: A/S N. Foss Electric, Denmark. Intended use of article: The article is intended to be used to identify the protein content of food, feed and feedstuffs. The materials to be studied include a market basket type sampling of commercially available animal feeds including processed pet foods, experimentally prepared foods prepared by researchers, fresh fruits, vegetables, and forage crop samples resulting from Station plant breeding programs and other research samples submitted for protein analysis.

Application received by Commissioner of Customs: October 9, 1975.

Docket number: 76-00163-33-46040. Applicant: Veterans Administration Hospital, 3801 Miranda Avenue, Palo Alto, California 94304. Article: Electron Microscope, Model HS-9 and 70mm Roll Film Camera. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for the examination of DNA macromolecules from bacteria and animal cell sources to gain a better understanding of the organization and structure of animal cell genes. The article will also be used to teach the course Medicine 405 in which instruction in the molecular biology of hematological diseases is taught to undergraduate medical students. In addition, the machine will be widely used for the instruction of graduate fellows and Physicians who are training for careers in academic medicine and research. Application received by Commissioner of Customs: October 9, 1975.

Docket number: 76-00164-65-46040. Applicant: Rensselaer Polytechnic Institute, Materials Engineering Department, Troy, New York 12181. Article: Electron Microscope, Model JEM 100C. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is in-

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tended to be used in research concerned with the investigation of the austenite variables of composition, defect structure, stacking fault energy, process history, and properties as coupled phenomena, and the relationship of these variables to the structure, transformation kinetics, and properties of the resultant martensite. Studies will be carried out in the area of corrosion fatique of aluminum alloys and copper alloys requiring extensive transmission electron microscopy to determine changes in deformation substructures which accompany corrosive reactions. It is also planned to study phase separation in glasses and the graphite layer structure at the surface of high performance graphite fibers. Other studies to be carried out include: (1) the effects of localized strain fields on the mechanical behavior of two phase alloys, and (2) grain boundary precipitation studies. The article will also be used for demonstration to students taking course in which electron microscopy is an important instrumentation technique as it provides significant data for the course content. Application received by Commissioner of Customs: October 9, 1975.

Docket number: 76-00165-65-46040. Applicant: Rensselaer Polytechnic Institute, Materials Engineering Department, Troy, New York 12181. Article: Electron Microscope, Model JEM 100S. Manufacturer: JOEL Ltd., Japan. Intended use of article: The article is intended to be used in research concerned with the investigation of the austenite variables of composition, defect structure, stacking fault energy, process history, and properties as coupled phenomena, and the relationship of these variables to the structure, transformation kinetics, and properties of the resultant martensite. Studies will be carried out in the area of corrosion fatigue of aluminum alloys and copper alloys requiring extensive transmission electron microscopy to determine changes in deformation substructures which accompany corrosive reactions. It is also planned to study phase separation in glasses and the graphite layer structure at the surface of high performance graphite fibers. In addition, the article will be used as a teaching instrument to expose students to the fundamentals of transmission electron microscopy in the courses: Structure and Properties of Materials II, Chemical Instrumentation, Electron Beam Analysis Techniques. The article will also be used in the Course Electron Microscopy of Crystalline Materials to instruct students in the use of the microscope and its accessories. Application received by Commissioner of Customs: October 9, 1975.

Docket number: 76-00166-00-43000. Applicant: University of South Carolina, Department of Geology, Columbia, S.C. 29208. Article: High Temperature Spinner & Furnace and Core Attachment. Manufacturer: Digico, United Kingdom. Intended use of article: The article is intended to be used for measurements of magnetic remanence during the process of heating; that is, monitor the changes in direction of the magnetization during heating. Application received by Commissioner of Customs: October 9, 1975.

Docket number: 76-00167-33-90000. Applicant: Tucson Medical Center, 5301 E. Grant Road, Tucson, Arizona 85712. Article: EMI Scanner System with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for non-invasive and detailed examination of the brain where indications for the examination consist of headache, brain tumor suspect, seizures, head injuries, hydrocephalus, dementia, and stroke. The article will also be used for training residents in the interpretation of EMI scans. Application received by Commissioner of Customs: October 9, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75-28770 Filed 10-24-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75F-0166]

DRAINED WEIGHT OF CANNED FRUITS AND VEGETABLES

Availability of Proposed Regulations for Label Declaration of Drained Weight

Notice is hereby given that a proposal to require declaration of drained weight on labels of certain canned fruits and vegetables was signed by the Acting Commissioner of Food and Drugs on October 20, 1975.

The proposal, on the Commissioner's initiative, includes a summary of the comments received in response to the Consumers Union petition and related matters published in the FEDERAL REGISTER of December 5, 1973 (38 FR 33512). The proposal would require label declaration of drained weight on canned fruits and vegetables and would establish fill-of-container requirements based on minimum average drained weight values for most of these foods.

Publication of the Commissioner's proposal in the FEDERAL REGISTER is being delayed because of the time required by the printer for typesetting the extensive tabular material contained therein. In the meantime, the proposal may be viewed by the public in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during regular business hours, Monday through Friday.

Dated: October 20, 1975.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.75-28784 Filed 10-24-75;8:45 am]

Health Services Administration

INTERAGENCY COMMITTEE ON EMERGENCY MEDICAL SERVICES

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to assemble during the month of December 1975:

Name: Interagency Committee on Emergency Medical Services.

Date and Time: December 8, 1975, 9:00 a.m.

Place: Conference Rooms G and H, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852. Open for entire session.

Purpose: The Committee provides for the communication and exchange of information necessary to maintain the coordination and effectiveness among such Federal programs and activities and makes recommendations to the Secretary respecting the administration of grants and contracts under Title XII, including making regulations for the emergency medical services systems program.

Agenda: The agenda will include a preview of fiscal year 1976 grant funding expectations, and reports by member agencies.

The meeting is open to the public for observation and participation. Anyone wishing to obtain a roster or other relevant information should contact John D. Reardon, Room 320, Prince George's Center-FCB #3, 6525 Belcrest Road, West Hyattsville, Maryland 20782, Telephone (301) 436-6284.

Public seating is limited to forty (40). Please contact at least 72 hours before the meeting.

Agenda items are subject to change as priorities dictate.

Dated: October 21, 1975.

WILLIAM H. ASPDEN, Jr.,
Acting Associate Administrator for Management.

[FR Doc.75-28852 Filed 10-24-75;8:45 am]

National Institutes of Health

CLINICAL APPLICATIONS AND PREVENTION ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, National Heart and Lung Institute, November 13, 1975, Landow Building, Conference Room C418, Bethesda, Maryland.

This meeting will be open to the public on November 13, from 8:30 a.m. to 10 a.m. when the current progress of the Multiple Risk Factor Intervention Trial will be discussed. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), and 552(b)(6), Title 5 U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public from 10 a.m. to adjournment, for the review of contracts related to the Multiple Risk Factor Intervention Trial and the Aspirin-Myocardial Infarction Study. These proposals contain information of a proprietary or confidential nature, including technical information, financial data, such as salaries of research personnel and personal information concerning individuals associated with the contract proposals.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. William J. Zukel, Executive Secretary of the Committee, Landow Building, Room C809, phone (301) 496-2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

Dated: October 23, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-29006 Filed 10-24-75;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON ETHNIC HERITAGE STUDIES

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that a meeting of the National Advisory Council on Ethnic Heritage Studies will be held November 20-21, 1975, from 9 a.m. to 4:30 p.m. in Room 4173, Federal Office Building 6, 400 Maryland Avenue SW., Washington, D.C.

The National Advisory Council on Ethnic Heritage Studies was established by Title XI of the Elementary and Secondary Education Act of 1965, as amended. The Council is governed by the provisions of Part D of the General Education Provisions Act and of the Federal Advisory Committee Act (Pub. L. 92-463). The Council shall advise the Commissioner concerning matters of general policy arising from the administration of programs in ethnic heritage studies. Functions may include determination of needs and objectives of programs in the field and provisions of support in the implementation nationally of program goals of ethnic heritage studies.

The meeting of the Council shall be open to the public. The meeting will be devoted to sub-committee reports and recommendations, and a further delineation of the functions of the Council and of its sub-committees.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of Chief of the Ethnic Heritage Studies Branch, Division of International Education, located in Room 3919 ROB #3, 7th & D Streets SW., Washington, D.C.

Signed at Washington, D.C. on October 22, 1975.

WILLIAM H. MARTIN,
Chief,
Ethnic Heritage Studies Branch.

[FR Doc.75-28790 Filed 10-24-75;8:45 am]

TITLE I AUDIT APPEAL

Approval of Application for Appeal

Notice is hereby given that, pursuant to the Notice establishing the Title I Audit Hearing Board (37 FR 23002, October 27, 1972), an application for an appeal before the Board has been received from the State of Arkansas and it has met the jurisdictional requirements of Section 5 of the Notice establishing the Board. The appeal involves the allowability of specified expenditures of funds under Title I of the ESEA during the period of September 10, 1965, through June 30, 1970, by the State Education Agency. The amount involved in the subject audit appeal is $10,157. The local education agencies involved are Marvell and Fort Smith. The Audit Control Number is ACN: 20005-06.

The prehearing conference will be held at 10:30 a.m. on December 3 and 4, 1975, in Room 4173, 400 Maryland Avenue SW., Washington, D.C.

Section 7(c) of the Notice setting up the board provides:

(c) Intervention by third parties. (1) Interested third parties may, upon application to the Board Chairman, intervene in proceedings conducted under this notice. Such application must indicate to the satisfaction of the Board Chairman that the intervener has information relative to the specific issues raised by the final audit determination and that such information will be useful to the Hearing Panel in resolving those issues.

(2) When third parties are given leave to intervene in accordance with subparagraph (1) above, such parties shall be afforded the same opportunities as other parties to present written materials, to participate in informal conferences, to call witnesses, to cross-examine other witnesses, and to be represented by counsel.

All such applications for intervention will be considered if received on or before November 3, 1975.

(20 U.S.C. 241a, 1232c)

Dated: October 21, 1975.

(Catalog of Federal Domestic Assistance Numbers 13.427, Educationally Deprived Children—Handicapped (Pub. L. 89-313); 13.428, Educationally Deprived Children—Local Educational Agencies; 13.429, Educationally Deprived Children—Migrants; 13.430, Educationally Deprived Children—State Administration; 13.431, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children.)

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-28756 Filed 10-24-75;8:45 am]

TITLE I AUDIT APPEAL

Date of Prehearing Conference

Notice is hereby given that, pursuant to the Notice establishing the Title I Audit Hearing Board (37 FR 23002, October 27, 1972), a date has been established for the conduct of a prehearing conference requested by the State of California.

On November 12, 1975, therefore a prehearing conference will be held regarding the appeal of the State of California with respect to certain findings made under audit ACN: 30012-09, Docket 4-(15)-75. The amount involved is $258,422. The local education agencies involved are Redding, Corcoran, and Lennox. State administration of Title I, ESEA, is also at issue.

The Conference will begin at 10:30 a.m. and will be held in Room 4173, 400 Maryland Avenue, S.W., Washington, D.C.

(20 U.S.C. 241a, 1232c)

Dated: October 22, 1975.

(Catalog of Federal Domestic Assistance Numbers 13.427, Educationally Deprived Children—Handicapped (P.L. 89-313); 13.428, Educationally Deprived Children—Local Educational Agencies; 13.429, Educationally Deprived Children—Migrants; 13.430, Educationally Deprived Children—State Administration; 13.431, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children.)

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-29000 Filed 10-24-75;8:45 am]

TITLE I—AUDIT APPEAL

Dates of Prehearing Conferences

Notice is hereby given that, pursuant to the Notice establishing the Title I Audit Hearing Board (37 FR 23002, October 27, 1972), a date has been established for the conduct of a prehearing conference requested by the State of California.

On November 13, 1975, therefore, a prehearing conference will be held regarding the appeal of the State of California with respect to certain findings made under audit ACN: 40015-09, Docket 3-(14)-75. The amount involved in subject audit appeal is $292,207. The Local Education Agency involved is Pasadena. State administration of Title I is also at issue.

The Conference will begin at 10:30 a.m. and will be held in Room 4173, 400 Maryland Avenue, S.W., Washington, D.C.

(20 U.S.C. 241a, 1232c)

Dated: October 22, 1975.

(Catalog of Federal Domestic Assistance Numbers 13.427, Educationally Deprived Children—Handicapped (P.L. 89-313); 13.428, Educationally Deprived Children—Local Educational Agencies; 13.429, Educationally Deprived Children—Migrants; 13.430, Educationally Deprived Children—State Administration; 13.431, Educationally Deprived Chil-

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dren in State Administered Institutions Serving Neglected or Delinquent Children.)

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-29001 Filed 10-24-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION ADMINISTRATIVE COMMITTEE

Public Meeting

Notice is hereby given, pursuant to PL-92-463, that a meeting of the National Advisory Council on Vocational Education Administrative Committee will be held on November 13, 1975 from 2:30 to 4:30 p.m., local time and on November 14, 1975 from 10:15 a.m. to 4:00 p.m., local time at the Muehlebach Hotel, Kansas City, Missouri.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the Administration of preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the secretary of HEW for transmittal to the Congress, and conduct independent evaluation of programs carried out under the act and public and distribute the results thereof.

The meeting of the Council Administrative Committee shall be open to the public. The proposed agenda includes: November 13-14, 1975: Discussion of Committee and staff activities.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located in Suite 412, 425-13th Street, N.W., Washington, D.C. 20004.

Signed at Washington, D.C. on October 24, 1975.

REGINALD PETTY,
Executive Director.

[FR Doc.75-29060 Filed 10-24-75;9:40 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-487-DR; NFD-309]

NEW YORK

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of New York, dated October 2, 1975, is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 2, 1975:

The County of:

Tompkins.

Dated: October 20, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

[FR Doc.75-28887 Filed 10-24-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of Pipeline Safety Operations

TECHNICAL PIPELINE SAFETY STANDARDS COMMITTEE

Notice of Advisory Committee Meeting

The Technical Pipeline Safety Standards Committee will meet at 9 a.m. on November 19 and 20, 1975, in Conference Rooms 2230 and 2232 of the Department of Transportation Headquarters Building (Nassif Building), 400 Seventh Street, SW., Washington, D.C. 20590.

The Committee is established under Section 4 of the Natural Gas Pipeline Safety Act of 1968. The duties of the Committee are to review and report on the technical feasibility, reasonableness, and practicability of proposed Federal gas pipeline safety standards and amendments thereto. Proposed amendments to safety standards in 49 CFR Part 192 on the agenda for this meeting concern the following:

(1) Emergency plans; (2) Protecting cast-iron pipelines; (3) Documents incorporated by reference; (4) Definition of the term "gathering line."

The meeting is open to the public. Persons desiring to attend the meeting should contact Ms. Barbara Smith, Office of Pipeline Safety Operations, 2100 Second Street, S.W., Washington, D.C. 20590, telephone (202) 426-2392, prior to 5 p.m. on November 18, 1975.

This notice is issued under Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770).

Issued in Washington, D.C., on October 17, 1975.

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc.75-28842 Filed 10-24-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 27844 and 27924]

CARIBBEAN INTERNATIONAL AIRWAYS LTD. AND LAKER AIRWAYS LTD.

Change of Hearing Room

In the matter of Caribbean International Airways Limited and Laker Airways Limited for foreign air carrier permits.

Notice is hereby given that the hearing in the above-captioned case (40 FR 47827, October 10, 1975) scheduled to be held in Room 911 of the Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., commencing at 9:30 a.m. (local time), Tuesday, November 4, 1975, has been transferred to Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., at the same time.

Dated at Washington, D.C., October 21, 1975.

[SEAL] BURTON S. KOLKO,
Administrative Law Judge.

[FR Doc.75-28888 Filed 10-24-75;8:45 am]

[Docket No. 21448; Order No. 75-10-91]

SPOKANE-MONTANA POINTS

Order Regarding Service Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 22nd day of October, 1975.

By Order 69-9-113, September 18, 1969 and 69-12-33, December 5, 1969, the Board instituted the *Spokane-Montana Points Service Investigation* to consider (1) the amendment of Frontier's then multi-segment certificate so as to (a) extend segment 15 beyond Missoula to the new terminal point Spokane; (b) extend segments 4 (b) and (c) beyond Billings to the new terminal point Spokane; (c) add the new intermediate point Kalispell to segments 15 and/or 4; or (d) extend segment 15 from the coterminal point Great Falls to the new intermediate point Kalispell, and the new coterminal point Spokane; (2) the amendment of Hughes Airwest's then multi-segment certificate for route 76 so as to extend segment 4(a) by adding Missoula and Billings as a new intermediate point and Salt Lake City and Denver as new coterminal points; (3) the amendment of Hughes Airwest's certificate for route 76 so as to delete the portion of segment 4(a) extending between Spokane and Great Falls; and (4) the amendment of Northwest Airlines' certificate for route 3 so as to authorize service between Spokane and Denver via Missoula and Bozeman, Montana and Casper, Wyoming and between Spokane and Salt Lake City via Bozeman and Missoula.

Since this proceeding was instituted the route systems of Airwest and Frontier have been modified by route realignment so that the carriers' systems are now quite different from what they were when the case was instituted. Thus, grant to Frontier of access to Spokane under Frontier's current single-segment certificate and grant to Airwest of access to Denver under Airwest's realigned certificate would permit, unless otherwise restricted, many more competitive service possibilities than were contemplated by the original instituting orders. In addition, Airwest's realignment has resulted in improved access to Kalispell and Great Falls which may have modified the desirability of considering the transfer of Airwest's Spokane-Kalispell-Great Falls authority to Frontier. Coupled with the route alterations, the passage of time may have intervened to modify the applicant carriers' route expansion programs.

Under all of these circumstances, rather than proceeding with the case as presently framed, we believe that it would be desirable to receive comments from interested carrier and civic participants with respect to the further disposition of this case in light of the applicant carriers' current route systems, and in light of the present service needs of the markets and cities in issue. Specifically, interested persons are invited to submit comments within 30 days of this order, with respect to: (1) whether the instant case can, and, if so, should go forward with the issues as framed by Orders 69-9-113 and 69-12-33; (2) whether the investigation or parts thereof as instituted should be terminated and some or all of the underlying applications be dismissed without prejudice; or (3) whether and to what extent the issues in the proceeding should be modified.

We expect that all comments will set forth fully all policy, legal and economic bases in support of the recommended courses of action.

Accordingly, it is ordered, That:

1. Interested persons are directed to submit comments within 30 days of this order with respect to:

a. Whether the instant case can, and, if so, should go forward with the issues as framed by Orders 69-9-113 and 69-12-33;

b. whether the proceeding or parts thereof as presently instituted should be terminated and some or all of the underlying applications be dismissed without prejudice; and

c. whether and to what extent the issues in the proceeding should be modified; and

2. Answers to the comments submitted pursuant to paragraph 1 above, shall be filed 15 days thereafter.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-28889 Filed 10-24-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

WYOMING ADVISORY COMMITTEE

Cancellation of Meeting

Notice is hereby given, pursuant to the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Wyoming Advisory Committee (SAC) to this Commission, originally scheduled for October 25, 1975 has been cancelled.

Dated at Washington, D.C., October 22, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-28819 Filed 10-24-75;8:45 am]

DELAWARE RIVER BASIN COMMISSION

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, November 5, 1975, commencing at 2 p.m. The hearing will be held in Room 1600 of the Municipal Services Bldg., 15th and Kennedy Blvd., Philadelphia. The subject of the hearing will be applications for approval of the projects listed below. The Commission will consider these applications as proposed amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to Section 3.8 of the Compact.

1. *Monroe County General Authority (D-74-41 CP-rev.).* Revisions to the Eastern Metropolitan Area Sewerage Plan serving the Boroughs of Stroudsburg and East Stroudsburg and portions of adjacent townships in Monroe County, Pa. The existing Stroudsburg treatment plant will be phased out. The present East Stroudsburg plant will be upgraded, and a secondary treatment plant will be constructed at the confluence of Brodhead Creek and the Delaware River.

2. *Borough of Norristown (D-72-29 CP-rev.).* A sewer interceptor project serving the Borough of Norristown and several adjacent municipalities in Montgomery County, Pa. The 1.3-mile interceptor will ultimately convey an average of 10.5 million gallons per day of sewage to the existing Norristown sewage treatment plant.

3. *Village of Delhi (D-75-70 CP).* A well water supply project to augment public water supplies in the Village of Delhi, Delaware County, N.Y. Two wells with a combined yield of about one million gallons per day will be utilized to replace an existing surface use from Steel Brook reservoir.

4. *Delaware Water Company, Inc. (D-75-104 CP).* A well water supply project to increase public water supplies in the company's service area in Delaware Township, Pike County, Pa. The pumping capacity of Wells Nos. 1 and 2 will be increased to meet peak day demands at the Wild Acres development area. The two wells will be limited to a combined yield of 5 million gallons per month.

5. *New Jersey Division of Fish, Game and Shellfisheries (D-73-195 CP).* A well water supply system to serve the Division's Pequest fish hatchery facility in Warren County, N.J. The well is expected to yield about 10 million gallons per day.

6. *Delmarva Power and Light Co. (D-75-38).* An overhead transmission line crossing of the Killcohook National Wildlife Refuge in New Castle County, Del., and Salem County, N.J. The company's 500-KV transmission line will extend across the Delaware River from a point just north of Red Lion Creek and then across the Killcohook Refuge.

7. *Keystone Lamp Manufacturing Corp. (D-75-114).* An industrial wastewater discharge at the company's plant in Washington Township, Lehigh County, Pa. The facility will provide substantial removal of materials from an industrial wastewater flow of 40,000 gallons per day. Treated effluent will discharge to an unnamed tributary of the Lehigh River.

8. *Berks Products Corp. (D-75-125).* An industrial wastewater discharge at the company's plant in Oley Township, Berks County, Pa. A system of lagoon storage and discharge to the ground will remove practically all suspended solids from a wastewater flow of 246,000 gallons per day.

9. *Superior Tube Co. (D-74-199).* A cooling water discharge at the company's manufacturing facilities in Lower Providence Township, Montgomery County, Pa. Cooling water ponds and recirculation are utilized. A summertime overflow of approximately one million gallons per day will discharge to Perkiomen Creek.

10. *Everett Walker (D-75-80).* A well water supply project to provide irrigation water on the subject farm in Pittsgrove Township, Salem County, N.J. The facility is expected to yield 300,000 gallons per day.

11. *Joseph Jiannotti (D-75-86).* A well water supply project to provide irrigation water on the subject farm in Franklin Township, Gloucester County, N.J. The new facility is expected to yield 200,000 gallons per day.

Documents relating to the items on this hearing notice may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

W. BRINTON WHITALL,
Secretary.

OCTOBER 17, 1975.

[FR Doc.75-28760 Filed 10-24-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-33000/331 (FRL 447-4)]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before December 29, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after

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October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after December 29, 1975.

Dated: October 20, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/331)

EPA Reg. No. 239-2363. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHO ISOTOX LINDANE SPRAY NO. 200. Active Ingredients: Lindane-Gamma Isomer of Benzene Hexachloride 20%; Aromatic Petroleum Derivative Solvent 59%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM15

EPA Reg. No. 11273-11. Sandoz Wander Inc., Crop Protection Dept., PO Box 1489, Homestead FL 33030. THURICIDE-16B. Active Ingredients: *Bacillus thuringiensis* Berliner, potency of 3,430 International Units (at least 5 million viable spores) per milligram 0.69%; Xylene 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM17

EPA File Symbol 9897-RR. Star Chemical Co., 2530 NW 77th St., Miami FL 33147. SF-111 INDUSTRIAL WATER COOLING TOWER ALGAECIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 38993-R. Tarson Chemical and Supply Co., 654 Burnet Ave., Syracuse NY 13206. ALGA-RID SWIMMING POOL ALGAECIDE. Active Ingredients: Alkyl (C14 60%, C12 25%, C16 15%) Dimethyl Benzyl Ammonium Chloride 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA Reg. No. 876-203. Velsicol Chemical Corp., 341 E. Ohio St., Chicago IL 60611. VELSICOL WEEDMASTER. Active Ingredients: Dimethylamine salt of dicamba (3,6-dichloro-o-anisic acid) 12.37%; Dimethylamine salts of related acids 1.53%; Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 37.17%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM26

[FR Doc.75-28619 Filed 10-21-75;8:45 am]

[FRL 447-6; OPP-00016]

PESTICIDE PROGRAMS

Availability of Pesticidal Active Ingredient Sample Used in Analysis of Reregistration Costs in "Economic Impact of Proposed Guidelines for Registering Pesticides in the United States"

On August 22, 1975, the Environmental Protection Agency (EPA) published a document entitled "Economic Impact of Proposed Guidelines for Registering Pesticides in the United States" in the FEDERAL REGISTER (40 FR 36798).

One portion of this analysis was concerned with the one-time incremental costs associated with the reregistration of existing pesticide products. In order to carry out this economic analysis, a preliminary examination of a sample of 641 active ingredients (representing the total of approximately 1400 active ingredients, including salts and esters), was made to determine which types of additional data would be required during the reregistration process. Although waivers of data requirements can only be issued in accordance with Section 162.8(a)(3) of the registration regulations (40 FR 28242), this preliminary examination indicated that several such waivers may be appropriate. Any such anticipated waivers of data requirements for these 641 active ingredients were taken to be representative of the total of 1400 active ingredients. As was pointed out in the economic impact analysis, "This figure represents an overestimate, because the active ingredients in the sample comprise all currently registered products with food tolerances and most significant disinfectants, rodenticides, and fungicides. These sampled ingredients are active ingredients with more stringent test requirements than the remainder of active ingredients which were not included in the sample. Thus, the projected number of tests required is conservative in the upward direction."

Notice is hereby given that a copy of the list setting forth this preliminary analysis of data requirements for 641 active ingredients is available for public inspection in the U.S. Environmental Protection Agency Public Information Reference Unit, Room 2922 (EPA Library), 401 M St. SW., Washington D.C. 20460, as well as in the ten Regional Offices of the EPA and in the office of the Federal Register Section, Technical Services Division, Office of Pesticide Programs, Room 401, East Tower, 401 M St. SW., Washington D.C. 20460.

Dated: October 21, 1975.

JOHN T. RHETT,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-28753 Filed 10-24-75;8:45 am]

[447-7; OPP-42004]

STATE OF SOUTH CAROLINA

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136) and 40 CFR Part 171 (39 FR 36446 (October 9, 1974) and 40 FR 11698 (March 12, 1975)), the Honorable James B. Edwards, Governor of the state of South Carolina, has submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis. Contingency approval is being requested pending promulgation of regulations implementing the South Carolina Pesticide Control Act signed into law by Governor Edwards June 4, 1975. Copies of the new law are attached to the plan.

Notice is hereby given of the intention of the Regional Administrator, EPA, Region IV, to approve this plan on a contingency basis.

A summary of this plan follows. The entire plan, together with all attached appendices (except for sample examinations), may be examined during normal business hours at the following locations:

Room 214, Barre Hall, Clemson University, Clemson, S.C. 29631 (Division of Regulatory and Public Service Programs (803) 656-3006).

Room 110, 1421 Peachtree St. NE., Atlanta, Georgia 30309 (Pesticides Branch, Air & Hazardous Materials Division, EPA, Region IV (404) 526-3222).

Room 401, East Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460 (Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA (202) 755-4854).

SUMMARY OF SOUTH CAROLINA STATE PLAN

The Division of Regulatory and Public Service Programs of Clemson University has been designated as the state lead agency for the administration of the pesticide applicator. certification program including enforcement activities. The South Carolina Pesticide Advisory Committee shall advise the Director on any or all problems relating to the use and application of pesticides.

Cooperating agencies include the State Cooperative Extension Service, South Carolina Department of Health and Environmental Control, and South Carolina Aeronautics Commission. The Extension Service will be responsible for the applicator certification training courses, assisting the lead agency in preparation of examinations, and distribution of applicator training materials. The South Carolina Department of Health and Environmental Control will assist the lead agency in development of regulations relating to storage and disposal of pesticides and pesticide containers and reporting pesticide incidents. The South Carolina Aeronautics Commission will assist the Extension Service and lead agency in certification training programs, examination preparation, and licensing of aerial applicators.

Legal authority for the program is contained in the South Carolina Pesticide Control Act (Act No. 220 of the 1975 Acts and Joint Resolutions of the General Assembly of the state of South Carolina) and Section 2-55 of the South Carolina Code of Laws (South Carolina Aeronautics Commission Regulations relating to aerial applicators).

The plan indicates that the State lead agency and cooperating agencies have or will have sufficient qualified personnel and funds necessary to carry out the proposed programs. The funding in support of this program for the fiscal year 1976 is $404,921.

The State estimates that 3,550 commercial applicators and 50,000 private applicators will need to be certified. All certified applicators will be furnished certificates containing all necessary information, to present to the dealer at the time of restricted use pesticide purchase.

The State lead agency will submit an annual report to EPA by March 1 of each year and special reports as required.

In addition to the commercial applicator categories listed in 40 CFR 171.3 one new category is proposed: Aerial. Training leading to certification in this category will be sufficiently broad and intensive as to satisfy the minimum standards of EPA categories:

(1) Agricultural Pest Control.
(2) Forest Pest Control.
(6) Right-of-Way Pest Control.

Aerial applicators desiring to apply restricted use pesticides in aquatic environments will be required to satisfy the EPA minimum standards for category 5 as listed in 40 CFR 171.3: Aquatic Pest Control.

New subcategories proposed are as follows:

(7) Industrial, Institutional, and Structural Pest Control.
(a) General.
(b) Fumigation.

The South Carolina Pesticide Control Act divides the FIFRA commercial applicator categories as listed in 40 CFR 171.3 into two principal classes: "Commercial Applicators" and "Non-Commercial Applicators." The South Carolina Pesticide Control Act defines a "commercial applicator" as "a person engaged in the business of using or supervising the use of any restricted use pesticide on the property of another." In a subsequent paragraph, a "non-commercial applicator" is defined as "a person (including officials or employees of Federal, State or local government) who uses or supervises the use of any restricted use pesticide who is not a private applicator (whether or not he is a private applicator with respect to some uses) or a commercial applicator." The non-commercial applicator class was set up for the purpose of removing fee and financial liability requirements.

In order to become certified, commercial and non-commercial applicators must pass a written examination covering the standards of competency for the appropriate category(s), as well as the general standards applicable to all categories (40 CFR 171.4(b) and 171.6). The examinations will be administered by lead agency personnel on at least a quarterly basis in central locations throughout the State.

Aerial applicators were trained and tested by the Cooperative Extension Service and lead agency during February 1975. All aerial applicators who passed this test in 1975 will be certified to use restricted use pesticides upon meeting the remaining requirements of the South Carolina Pesticide Control Act (fees and financial liability). Such certification will be limited to FIFRA categories 1, 2, and 6 as explained above unless additional training and examination procedures are met.

Persons under FIFRA category 7 (Industrial, Institutional, Structural and Health Related Pest Control) have been trained and tested during three (3) sessions in 1975. All persons who passed the examination offered at the sessions will be certified to use, or supervise the use of, restricted use pesticides under subcategory (a) upon meeting the remaining requirements of the South Carolina Pesticide Control Act (fees and financial liability).

Private applicators will be certified by satisfactorily completing a training course (which will include study questions designed to reinforce the learning process) conducted by County Extension Agents. The training will be based on EPA private applicator standards (40 CFR 171.5 and 171.6) with the EPA private applicator manual being used. If sufficient funds are available, an autotutorial system (strip film or slides, together with a tape and study questions based on the EPA manual) will be provided in the County Extension Agent's office. For those who desire to be certified by a written or oral examination rather than attend a training course, the lead agency field agents will provide the EPA core manual as study material, and subsequently offer the tests.

Private applicators with poor reading comprehension or who cannot read may have someone else read the EPA manual to them, and then take an oral test administered by the lead agency. Alternatively, they may be tutored by the County Extension Agent or lead agency personnel, with subsequent discussion of review questions. Certification for nonreaders will be limited to the pesticide product(s) for which the private applicator has demonstrated competency. In the future, as needed, the County Extension Agent or lead agency personnel will make personal contact with the nonreader applicator to inform him of additional information on the pesticide product(s) he is certified to use.

Sample examinations and review questions are attached to the plan, as provided for by 40 CFR 171.7(e)(1)(i)(D) and (ii)(C). However, in view of the need to preserve the confidentiality of the examinations, the state of South Carolina has requested that the examinations not be made available for public inspection. The Agency agrees with this position, and has removed the sample examinations from the public inspection copies of the plan.

The South Carolina State Plan also indicates that within 60 days of the final approval of the Government Agency Plan (GAP) by EPA, a statement concerning acceptance of GAP qualified Federal employees will be forwarded for inclusion in the State Plan.

State plans for states adjoining South Carolina are not sufficiently developed to properly address the issue of reciprocity; when such are considered, any reciprocal agreements will be submitted as amendments to South Carolina's State Plan.

Other regulatory activities listed in the State Plan which will supplement the South Carolina certification program are State registration, inspection, and sampling of pesticide products. All dealers handling restricted use pesticides will be trained, tested, and licensed and records will be subject to inspection by the lead agency.

Duration of certification for commercial applicators, private applicators, and dealers will be four years. Licenses (as opposed to certification) will have to be renewed on an annual basis. The lead agency will evaluate changing technology annually and updated information will be mailed to all applicators, with personal contact made as needed. Specific recertification requirements will be imposed which must be satisfied at the end of the fourth year from certification. The requirement contemplated by the State is attendance at a formalized training course approved by the lead agency.

Enforcement of the South Carolina certification program will be carried out by inspectors who will spot check commercial and private applicators to insure that they comply with State and Federal laws and regulations. They will perform regular inspections and follow up reports of suspected violations.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed State Plan for the state of South Carolina to the Chief, Pesticides Branch, Region IV, Environmental Protection Agency, Room 110, 1421 Peachtree Street, NE., Atlanta, Georgia 30309. The comments must be received on or before November 28, 1975 and should bear the identifying notation (OPP-42004). All written comments filed pursuant to this no-

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tice will be available for public inspection at the above mentioned locations from 8:30 a.m. to 3:30 p.m., Monday through Friday.

October 17, 1975.

JACK E. RAVAN,
Regional Administrator, Region IV.

[FR Doc.75-28754 Filed 10-24-75;8:45 am]

[FRL 449-2; PF18]

FOOD ADDITIVE PETITIONS

Notice of Filing

The Department of the Army, Office of the Chief of Engineers [DAEN-CWO-R], Washington DC 20314, has submitted a petition (FAP 6H5104) to the Environmental Protection Agency which proposes the establishment of a food additive regulation permitting the use of the herbicide and plant regulator 2,4-dichlorophenoxyacetic acid (2,4-D) in potable water with a tolerance limitation of 0.1 part per million. These residues would result from the application of the dimethylamine salt of 2,4-D in water hyacinth control programs conducted by the Corps of Engineers or other Federal, State, or local public agencies in ponds, lakes, reservoirs, marshes, bayous, drainage ditches, canals, rivers and streams that are quiescent or slow moving.

Notice of this submission is given pursuant to the provisions of section 409 (b)(5) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the petition number "FAP 6H5104". Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: October 22, 1975.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

[FR Doc.75-29048 Filed 10-24-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75R-387; Docket Nos. 20407, 20408, 20409; File Nos. BP-19047, 20410, 20412; File No. BP-19047, BP-19079, File No. BP-19080, BP-19081; File No. BP-19081, BP-19086]

GILBERT BROADCASTING CORP., ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Gilbert Broadcasting Corporation, Newark, New Jersey; Community Group for North Jersey Radio, Inc., Newark, New Jersey; Sound Radio, Inc., Newark, New Jersey; Fidelity Voices, Inc., Newark, New Jersey; Venture III Corporation, Newark, New Jersey; for construction permits.

1. The Chief of the Broadcast Bureau, acting pursuant to delegated authority, designated the above-captioned mutually exclusive applications for consolidated hearing by Order, 40 FR 18495, published April 28, 1975. Now before the Review Board is a joint petition to enlarge issues, filed July 15, 1975, by Sound Radio, Inc. (Sound), Community Group for North Jersey Radio, Inc. (Community), Fidelity Voices, Inc. (Fidelity) and Venture III Corporation (Venture), seeking the addition of a community ascertainment issue against Gilbert Broadcasting Corporation (Gilbert), and various other issues inquiring into the conduct of certain of Gilbert's principals in connection with their former employment with WNJR Radio Company, the interim operator of Station WNJR, Newark, New Jersey,[1] and the effect thereof on the character qualifications of Gilbert and its principals.[2]

CHARACTER ISSUES[3]

2. *Fraudulent Billing.* Petitioners first request an issue to determine whether Gilbert principal Rose Penner engaged in fraudulent billing while she was employed by WNJR Radio Company and, if so, whether she and the applicant, Gilbert, possess the requisite character qualifications to be a Commission licensee. In support of the requested issue, petitioners submit the affidavit of Adela Molina, currently an employee of WNJR, in which she avers that "[o]n several occasions, the Sales Manager, Rose Penner, had also instructed me to 'fix' the affidavits. On one occasion she became very angry with me when she saw that I had done the affidavits in accordance with the log. She told me to 'fix it' meaning, include all spots whether they had appeared on the log or not." [4]

3. In opposition, Gilbert attacks the adequacy of Molina's affidavit, arguing that the words directly attributable to Penner (*i.e.*, "fix" and "fix it") are not sufficient to show what Penner intended and whether her intent was improper, that there are no allegations that incorrect affidavits were actually prepared, that affiant does not say when the "several occasions" occurred, and that affiant fails to identify with particularity the affidavits which are the subject of her allegation. In addition, Gilbert submits the affidavit of Rose Penner in which she declares that the statements in Molina's affidavit are a "pack of lies." Penner avers that she never instructed Molina "to fix", "to change", or "to do anything else" to the affidavits of performance, and adds that "there never was an occasion" when she "became angry" at Molina for something she had done in preparing any of the affidavits. The Broadcast Bureau opposes addition of the requested issue.

4. In reply, petitioners submit a second affidavit by Molina.[5] Affiant alleges that Penner ordered [6] her to fix the affidavits of performance to correspond to the advertising contracts rather than to the material actually broadcast since the only legal way she could have fixed the affidavits would have been to order "make good" advertising, which she had no authority to do. Moreover, she states, the time stipulated in some of the contracts

[1] During the period in question, Gilbert was one of three partners in WNJR Radio Company.

[2] Also before the Review Board are the following related pleadings: (a) opposition, filed August 8, 1975, by Gilbert; (b) Broadcast Bureau's comments, filed August 15, 1975; and (c) joint reply, filed August 22, 1975, by Sound, Community, Fidelity, and Venture. In addition, the Board has before it: (a) a motion for alternative relief, filed August 29, 1975, by Gilbert; (b) an opposition, filed September 10, 1975, by the Broadcast Bureau; (c) comments, filed September 10, 1975, by Community, Sound, and Fidelity; and (d) a reply, filed September 16, 1975, by Gilbert. See note 5, *infra*.

[3] Sound, Fidelity, and Venture claim that the information upon which the allegations are based was first revealed to them on July 8, 1975, when counsel for Community attempted to use it in cross-examination, and that it was submitted to the Board as quickly as possible after discovery. In view of the serious nature of the allegations and the fact that no objections on the ground of timeliness were interposed by the other parties, we will consider petitioner's pleading on the merits.

[4] In this connection, affiant states that she informed the acting sales manager, general manager, and board of trustees that clients were being billed for spots that were not actually broadcast.

[5] Petitioners' reply also contains the affidavit of Joseph Soriano, a former employee of Station WNJR. In its motion for alternative relief, Gilbert alleges that, contrary to Commission rules, Soriano's affidavit and Molina's second affidavit constitute new matter, and therefore it requests that the Board, in the alternative: (1) strike the allegations, or dismiss the reply pleading to this extent; (2) dispose of the joint petition on the merits and declare that it is disregarding these matters; or (3) grant leave to Gilbert to file a pleading in response to the new allegations. The Review Board will disregard Soriano's affidavit and those portions of the latter Molina affidavit which allege new factual bases for the issue—as distinguished from clarifying factual matter (*i.e.*, the dates when the conversations took place) and explaining why she construed the words "fix" and "fix it" in the manner that she did. As correctly pointed out by Gilbert, Sections 1.45 (b) and 1.294(c) of the Commission's Rules provide that a reply shall be limited to matters raised in the opposition pleading. Here, although the affidavits in question are technically responsive to the opposition pleading, it is clear that both affidavits raise additional factual bases for adding the requested issue. Consideration of such material, however, is unnecessary in light of our disposition, see paragraph 5, *infra*. Therefore, there is no need to allow Gilbert to file a responsive pleading. See generally *D. H. Overmyer Communications Co.*, 4 FCC 2d 496, 504-505, 8 RR 2d 96, 107 (1966).

[6] Affiant states that her conversations with Penner took place during December 1973 and January 1974.

for broadcasting the advertising had expired and there was no way that those situations could legally be remedied.

5. The Review Board will add the requested issue. Section 73.1205 of the Commission's Rules specifically prohibits licensees from knowingly issuing to any party affidavits or other documents which misrepresent the quantity of advertising actually broadcast. Here, petitioners' allegations that Penner instructed Molina to prepare various affidavits of performance which would bill advertisers for "spots" that were never broadcast raise serious questions regarding the fitness of Penner and the applicant to be a Commission licensee. *Country-Politan Broadcasting, Inc.*, 54 FCC 2d 61, 63, 34 RR 2d 87, 90 (1975). We are not persuaded that Molina's affidavit is defective since her explanation (*i.e.*, that all legal alternatives under which she was authorized to act were precluded) adequately answers the objections of vagueness raised by the Bureau and Gilbert. Neither do we think it necessary to deny petitioners' request on the basis of the other objections raised by Gilbert regarding Molina's affidavit, *Country-Politan, supra*. Accordingly, because the disputed factual allegations cannot be resolved on the basis of the pleadings, an appropriate issue will be added. See *Christian Voice of Central Ohio*, 26 FCC 2d 76, 20 RR 2d 389 (1970).

6. *Unethical Sales Practices.* Petitioners' second requested character issue seeks to determine whether Penner engaged in unethical business and/or sales practices in her capacity as sales manager of WNJR. Specifically, predicated upon an unsworn inter-office memorandum prepared by Julie Bartholomew and three unsworn letters written by Sam Brownstein, general manager of WNJR's sales representative, Pro Time Sales, Inc., petitioners allege that Penner engaged in "selling around the rep" (*i.e.*, making direct sales to customers with whom the station representative was authorized to deal in order to avoid the representative's commission). In essence, Brownstein's letters refer to sales allegedly made directly by Penner, along with a comment that such actions are not "in keeping with our written agreement" and Bartholomew's memorandum declares that Penner told advertising customers "that she would handle it direct to avoid the rep commission." Petitioners acknowledge that the behavior in question may not violate either Commission Rules or Commission policy but argue that such conduct seriously tarnishes Penner's qualifications (as Gilbert's proposed sales manager) to operate a station within the bounds of proper business ethics, particularly since there is also purported evidence that Penner has engaged in fraudulent billing. In addition, petitioners allege that a candor and/or veracity question is raised if, as "counsel recalls is the case", Penner's testimony includes a denial that she ever engaged in the practice of "selling around the rep."

7. In opposition, Gilbert submits the affidavit of Penner in which she states that she had direct instructions from the general manager to make whatever national sales that she could without being concerned as to whether or not the sale would be commissionable to Pro Time. Affiant avers that she never said anything that could have been interpreted as meaning that she wanted to avoid the "rep's" commission. The Bureau also opposes addition of the issue.

8. The requested issue will be denied. As properly noted by the Broadcast Bureau, petitioners' allegations fail to meet the specificity and support requirements of Commission Rule 1.229(c). Petitioners have not shown what the ethical standards are for the advertising industry with respect to the use of sales representatives, nor are the allegations of misconduct properly supported by an affidavit of a person with personal knowledge thereof.[7]

9. *Plugola.* Petitioners' final requested character issue seeks to determine: (a) whether Gilbert principals Charles Green and Herman Amis engaged in plugola while they were employed with WNJR; and (b) whether Amis testified falsely under oath concerning his contacts with record companies and his employment contract with Gilbert. Specifically, with regard to the plugola allegations, petitioners rely on a memorandum prepared by Green in his former capacity as operations manager of WNJR. In the memorandum, Green advised the program director that it would be far more beneficial to the station if Amis remained as music director and used his (Amis') "position to solicit record promotion budget money from the companies" with which he dealt every Tuesday. Green further declared that it was his intention to see that Amis' contact and relationship with the record companies would be "exploited to the fullest for the benefit of the station." [8] Petitioners further rely upon Green's memorandum to demonstrate that Amis testified falsely under oath concerning his contacts with the record companies. Petitioners allege that in apparent contradiction to the memorandum, which reflects that Amis met regularly with the record companies, Amis, at hearing, denied under cross-examination that he had ever had discussions with the record companies.[9]

[7] Counsel's possible "recall" of Penner's testimony denying that she ever sold "around the rep" is not sufficient to add a misrepresentation issue. Penner acknowledges that she was allowed by the general manager to make direct national sales, but denies any wrongdoing.

[8] Petitioners urge that Green's and Amis' behavior requires exploration to determine whether those principals violated Sections 317 and 508 of the Communications Act of 1934, as amended.

[9] Petitioners state that Amis' answer was elicited when he was asked whether he had ever conferred with the record companies in an attempt to schedule the appearance of performers at his shows at the same time the record companies' albums were being advertised on WNJR. Petitioners point out that Amis currently owns JHJ Productions, Inc., a company that produces live shows in Newark, and state that it is a custom of the trade that when a recording artist or group is appearing live locally and the station is advertising a particular record made by that artist or group for the station to add a "tag" to the commercial informing the public that the recording artists are currently appearing locally in a live show.

Petitioners' final allegation relates to Amis' testimony denying that he had any agreement with Gilbert as to his proposed salary. Petitioners argue that an issue is necessary since Gilbert principal Larrie Stalks subsequently testified at the hearing that all of the Gilbert principals, including Amis, had entered into employment contracts with Gilbert, specifying, *inter alia*, their compensation for future services. With regard to the last allegation, the Bureau argues that in the absence of an explanation concerning Amis' denial of an employment contract with Gilbert, an appropriate issue is warranted to explore this apparent inconsistency; in all other respects, the Bureau opposes addition of the issue.

10. In opposition to the plugola allegations, Gilbert submits the affidavit of Green in which he avers that he has never been accused of participating in plugola or any other illegal activity in twenty-five years of radio experience, and that his memorandum did not suggest anything illegal. He explains that each record company and record distributor periodically has an advertising budget to spend on buying radio time to promote particular albums. Since Amis met every Tuesday with representatives of the record companies, Green continues, Amis was the logical one to solicit information as to the availability of advertising budgets. Green states that these representatives normally know whether their companies have established advertising budgets for the particular albums they are promoting, but that they are not the persons in their companies who purchase radio time. Thus, Green declares, Amis was to determine whether the budgets were available and then to pass that information on to the sales department, who in turn would call the advertising department of the record company for the actual sale. In addition, Green avers that at the time the memorandum was executed, the Pulse ratings reflected that WNJR had replaced WWRL as the number one black AM outlet in the New York Metro market and, thus, he saw that as an opportunity to turn those credentials into advertising dollars. He argues that his memorandum suggested taking advantage of that position.

11. The Board will deny the requested issue. As correctly noted by the Bureau, petitioners' allegations with regard to plugola do not comport with the specificity requirement of Section 1.229(c) of the Commission's Rules. Petitioners have shown neither that commercial matter was broadcast over WNJR in contravention of Section 317 of the Communica-

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tions Act [10] nor that Amis, or any other employee of WNJR, accepted money or other consideration in contravention of Section 508 of the Act.[11] Moreover, we agree with the Bureau that there is no indication in the language of the memorandum that the promotion budget money Amis was to solicit referred to anything other than legal purchases of commercial announcements over WNJR to promote individual records and stars. In any event, Green's affidavit provides an adequate and reasonable explanation of the meaning of the memorandum. The Board is therefore persuaded that an issue is not warranted on the basis of the plugola allegations. *Cf. CBS Inc.*, 49 FCC 2d 743, 31 RR 2d 1467 (1974). With regard to the allegations concerning Amis' testimony, we have examined the pertinent transcript testimony and are of the view that such allegations do not warrant an issue. The record clearly reflects that Amis' testimony that he had never had discussions with the record companies was given in the context of his assertions that he had never spoken to the record companies *about buying or promoting acts*. His statement cannot reasonably be taken as meaning that he had never spoken to the record companies about *anything*. Furthermore, Amis' testimony concerning an employment contract with Gilbert was in response to inquiries as to whether he had knowledge of the salary he was to receive. In light of his explanation contained in an affidavit submitted with Gilbert's opposition, *i.e.*, that the amount of his salary will be determined at the time he commences the job and will be equal to what other program directors are earning at similar stations in the market, we do not believe that petitioners have shown that Amis' testimony was inconsistent with subsequent hearing testimony or that a material question of fact exists with regard to this matter.

ASCERTAINMENT ISSUE

12. In support of this requested issue, petitioners allege that Gilbert entered into employment contracts with nearly all of its stockholders,[12] providing that a stockholder would receive twenty-five and five dollars, respectively, for each community leader and member of the general public he or she contacted who, in the opinion of communications counsel, would be useful for the application. Petitioners contend that the employment contracts violate the *Primer*,[13] since they give Gilbert's communications counsel the power to determine which community leaders are important and which needs and problems will be included in the application. Moreover, petitioners argue that the *bona fides* of Gilbert's ascertainment efforts are affected by paying the stockholders on a "per interview" basis since the payments create a situation where an interviewing stockholder might make as many contacts as possible, meaningful or not, in order to increase the amount that the stockholder would receive. Finally, petitioners argue that the payments to stockholders as part of an employment contract raise a question as to whether the interviewers became employees rather than principals within the meaning of the *Primer*.

13. In opposition, Gilbert submits the affidavit of its President, Milton A. Gilbert, in which he avers that the only authority given to counsel in connection with the applicant's ascertainment efforts was the right to refrain from using an interview in the application which on the basis of counsel's judgment and experience would not be regarded by the Commission as a valid interview. In this connection, affiant states, counsel was obliged to explain to the satisfaction of the principal who conducted the interview why the interview would not be acceptable to the Commission. Affiant further avers that the persons to be interviewed were selected by the principals, not by the applicant's counsel, although the interviews were based upon the advice of counsel. Finally, affiant notes that based upon counsel's advice, the applicant did decide upon a maximum number of community leader and general public interviews to be conducted (which governed the number of interviews undertaken for which compensation was paid), the type of civic leaders to interview, and the methods to be used in conducting the general public survey.

14. The requested issue will be denied. Petitioners' allegation that Gilbert's ascertainment efforts are deficient is based upon speculation and surmise and therefore fails to meet both the specificity and support requirements of Section 1.229(c) of the Commission's Rules. Petitioners have neither shown that the Gilbert principals failed to carry out their responsibilities of identifying and interviewing leaders of all significant groups in the proposed service area nor demonstrated that counsel's authority included anything other than proper legal assistance in determining whether the prospective interviews met Commission standards. Moreover, in light of Gilbert's explanation that the applicant had decided beforehand on a specific maximum number of interviews and that the applicant had solicited counsel's views regarding the value of specific interviews, the Board rejects petitioners' contentions that the *bona fides* of Gilbert's survey efforts are affected by the fact that the applicant compensated its principals for each interview conducted. Finally, the Board perceives no reason why the employment contract in this case would change the status of Gilbert's principals into employees.

15. Accordingly, it is ordered, That the motion for alternative relief, filed August 29, 1975, by Gilbert Broadcasting Corporation IS GRANTED to the extent indicated herein, and IS DENIED in all other respects; and

16. It is further ordered, That the joint petition to enlarge issues, filed July 15, 1975, by Sound Radio, Inc., Community Group for North Jersey Radio, Inc., Fidelity Voices, Inc., and Venture III Corporation IS GRANTED to the extent indicated herein, and IS DENIED in all other respects; and

17. It is further ordered, That the issues in this proceeding ARE ENLARGED to include the following issue:

To determine whether Gilbert Broadcasting Corporation's principal, Rose Penner, has engaged or attempted to engage in fraudulent billing in her capacities as sales manager and/or saleswomen of WNJR and, if so, to determine the effect thereof on the basic and/or comparative qualifications of Gilbert Broadcasting Corporation to be a licensee of the Commission.

18. It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added above SHALL BE upon Sound Radio, Inc., Community Group for North Jersey Radio, Inc., Fidelity Voices, Inc., and Venture III Corporation.[14]

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.75-28836 Filed 10-24-75;8:45 am]

[FCC 75R-389]

HAROLD J. SHARP ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Harold James Sharp, Ocala, Florida, Docket No. 20510, File No. BPH-8873; Greater Ocala Broadcasting Corporation, Ocala, Florida, Docket No. 20511, File No. BPH-9015; Hunter-Arnette Broadcasting Co., Ocala, Florida, Docket No. 20512, File No. BPH-9211, for construction permits.

1. This proceeding involves the mutually exclusive applications of Harold James Sharp (Sharp), Greater Ocala Broadcasting Corporation (Greater Ocala) and Hunter-Arnette Broadcasting Co. for construction permits for an FM broadcast facility for Ocala, Florida. Presently before the Review Board is Greater Ocala's second petition to enlarge issues, filed July 24, 1975,[1] seeking the addition of nondisclosure/misrepresentation, effectuation of proposal, and financial issues against Sharp.

2. In support of its request, Greater Ocala alleges that although neither Sharp's original application nor subsequent amendments thereto indicate that he has any current broadcast interests, a recent ownership report filed on behalf of Station WLBE, Leesburg, Florida, reflects that Sharp has been a proposed 25% owner of that station since January 1975. Moreover, petitioner contends, the applicant failed to report the assignment application, filed March 24, 1975 (and approved in June 1975), which sought Commission approval for the acquisition of that interest by Sharp. According to Greater Ocala, the acquisition of this broadcast interest must be regarded as being of potential decisional significance in light of the comparative nature of this proceeding. As a consequence, petitioner continues, there is ample reason to suspect that Sharp may have affirmatively misrepresented the existence of this other current broadcast interest to the Commission. The Broadcast Bureau supports the addition of a Rule 1.65 issue, asserting that the fact that Sharp's interest in Station WLBE was reflected in another unrelated proceeding does not affect its obligation to disclose such clearly relevant information here. However, rather than adding a separate misrepresentation issue, the Bureau urges that the question of whether Sharp intended to mislead the Commission can be fully explored pursuant to a Rule 1.65 issue. Sharp contends that inasmuch as he had no other broadcast interests at the time he filed his application and that the WLBE application showed the Ocala file number, all notification requirements were fulfilled. Further, Sharp contends that since WLBE is a standard broadcast facility some thirty miles from Ocala, there is no licensing conflict.

3. Greater Ocala next requests the addition of an effectuation of proposal issue, alleging that in the WLBE assignment application Sharp was listed as vice president and full-time general manager of the Leesburg station, a representation which conflicts with Sharp's representation in the present proceeding that he would be "full-time owner/manager" of his proposed Ocala facility. Thus, concludes Greater Ocala, an issue is required to determine whether Sharp can effectuate his proposal. The Broadcast Bureau opposes the addition of a separate issue, stating that it does not believe that Sharp's full-time participation as general manager is essential to the effectuation of his plans. However, since a serious question is raised by Sharp's conflicting representations, the Bureau, citing Payne of Virginia, 28 FCC 2d 66, 21 RR 2d 535 (1971), argues that any Rule 1.65 issue added be broad enough to encompass an inquiry into this apparent discrepancy as well.

4. Greater Ocala also alleges that the disclosure of Sharp's ownership interest in Station WLBE raises substantial and material questions as to Sharp's financial qualifications, since it reveals a reduction in the amount of cash available to Sharp, as well as additional demands on his assets. Specifically, Greater Ocala asserts that Sharp's transfer application indicates a reduction in cash on hand available to Sharp from $67,000 to $65,000, and that Sharp has made an additional loan commitment of $15,000 to Station WLBE. With respect to the instant application, petitioner contends that a $20,000 note previously relied upon as due and payable is now in default, and that Sharp has failed to include a first year cost estimate of $8,750 for payments due on a $25,000 bank loan.[2]

As a consequence, Greater Ocala concludes that Sharp now has net available funds of $66,250 to meet projected costs of $79,770, a deficit of $13,520. Greater Ocala also suggests that a question exists as to whether the loan commitment to Sharp is still valid inasmuch as Sharp recently assumed a $260,000 obligation held by another bank against the previous WLBE owners. The Broadcast Bureau agrees with Greater Ocala that a financial issue is warranted and suggests that the Rule 1.65 issue be broad enough to permit an investigation of the apparent failure of Sharp to report his financial commitment to WLBE. Sharp, in opposition, asserts that his "financial position, has been affected basically in no way by WLBE's transfer, if anything his financial status position has improved with the equity in WLBE."

5. In the Board's view, addition of a Rule 1.65 issue is warranted in light of Sharp's failure to amend his application to report his ownership interest and participation in and financial obligations to Station WLBE. All three matters are clearly of potential decisional significance. Thus, the acquisition of a substantial interest in a broadcast licensee may be determinative under the diversification aspect of the comparative issue specified herein. Similarly, the question of whether or not Sharp will be able to function as the full-time general manager of both Station WLBE and the instant proposal could well be critical in assessing the integration aspect of his proposal here.[3] And third, it is no longer clear that Sharp possesses the financial capability to finance the instant proposal. Greater Ocala has drawn Sharp's financial qualifications into question in two important respects. Based on the information before us, we are unable to determine to what extent Sharp's obligations to Station WLBE have diminished his overall financial resources. Sharp has not earmarked funds for the two enterprises, nor has he responded to Greater Ocala's allegations in this regard. Further, petitioner has also raised a question as to whether the available funds relied upon for this proposal have undergone a substantial reduction because of the assumption of new liabilities and reduction in collectable debts. A financial issue will therefore also be added.

6. ACCORDINGLY, IT IS ORDERED, That the second petition to enlarge issues, filed July 24, 1975, by Greater Ocala Broadcasting Corporation is granted to the extent indicated herein, and is denied in all other respects; and

7. It is further ordered, That the issues in this proceeding are enlarged to include the following issues:

(a) To determine whether Harold James Sharp has violated the provisions of Section 1.65 of the Commission's Rules by failure to report his interest and participation in WLBE Radio, Inc., and, if so, to determine the effect thereof on the applicant's comparative qualifications to be a Commission permittee; and

(b) To determine whether Harold James Sharp has available sufficient funds to construct and operate his proposed station for one year, and in light thereof, whether he is financially qualified to construct and operate the proposed Ocala facility.

8. It is further ordered, That the burden of proceeding with the introduction of evidence and burden of proof under issue (b) added herein shall be on Harold James Sharp.

Adopted: October 16, 1975.

Released: October 21, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-28837 Filed 10-24-75;8:45 am]

[FCC 75-1136]

J. SHERWOOD, INC. ET AL.

Designating Applications for Consolidated Hearing on Stated Issues

In re applications of J. Sherwood, Inc., Rochester, New Hampshire, Docket No. 20618, File No. BPH-8917, Requests: 96.7 MHz, Channel No. 244; 3 kW (H&V); 161 feet. Strafford Broadcasting Corporation, Rochester, New Hampshire, Docket No. 20619, File No. BPH-9037, Requests: 96.7 MHz, Channel No. 244; 2.1 kW; 351 feet, for construction permits.

1. The Commission has before it the two above-captioned applications to provide new FM service to Rochester, New Hampshire, which are mutually exclu-

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[10] Section 317 requires that where money, services, or other valuable consideration are directly or indirectly paid or furnished, as the case may be, for material that has been broadcast, an announcement must be made as to that fact, accompanied with the identity of the person providing the consideration in question.

[11] Under Section 508, an employee of a radio station who accepts money or other valuable consideration for the broadcast of matter over the station is required to report such acceptance to the station in advance of the broadcast.

[12] The contracts were with principals Charles R. Green, Herman Amis, Rose L. Penner, Larrie W. Stalks, and William A. Franklin.

[13] *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971).

[14] With respect to petitioners' burdens, see the Board's discussion in paragraph 9 of *Rocket Radio, Inc.*, —— FCC 2d ——, adopted October 15, 1975.

[1] Also before the Board are the following related pleadings: (a) comments, filed August 6, 1975, by the Broadcast Bureau; (b) opposition, filed August 7, 1975, by Sharp; and (c) reply, filed August 6, 1975, by Greater Ocala.

[2] Petitioner also alleges that there is a question raised as to whether the anticipated cost of operation is sufficient, since the Sharp application shows no estimates for telephone service, travel, taxes, insurance and building maintenance expenses. However, these allegations have not been timely raised, and, absent greater specificity and supporting affidavits, do not warrant evidentiary inquiry.

[3] We will not add a staffing issue, however. Petitioner's allegations relate to the question of who will serve in the capacity of general manager for the proposed facility, not to the question of whether Sharp has proposed sufficient staff to effectuate his proposal.

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sive in that they seek the same channel. Also before the Commission are a petition to deny the application of J. Sherwood, Inc. [Sherwood], filed by the competing applicant, Strafford Broadcasting Corporation [Strafford]; an opposition filed by Sherwood, and a reply thereto.[1] The petition raises matters concerning Sherwood's financial and character qualifications, and requests the specification of numerous issues related thereto.

2. Strafford alleges that Sherwood, in its initial financial data, has understated various costs, noting the proposed amounts for legal and miscellaneous costs in particular as being unreasonably low. In response, Sherwood submitted a financial amendment, simultaneously with the filing of its opposition, which effectively moots the allegations raised as to the sufficiency of that applicant's cost estimates.[2] Although we are persuaded that Sherwood will have sufficient funds available to meet its projected costs of construction and operation, as presently proposed, the assertions advanced by Strafford concerning misrepresentations allegedly made by Sherwood in the course of its original financial documentation raise serious matters which merit discussion.

3. The financial information associated with the original Sherwood application indicated that $31,150 was deposited ". . . in a premium account with the Indian Head National Bank in Manchester, New Hampshire." (Sherwood's application, Exhibit 3.) Sherwood, in response to section III, paragraph 3(d) of FCC Form 301, noted that no conditions were attached to these funds, which were proposed to offset entirely the anticipated costs of construction and operation of the facility. A reference was made to the effect that $20,000 of this figure was provided by a loan, payable at 7½ percent annual interest, from the Indian Head National Bank, although no corresponding letter of commitment was filed, as required by section III, paragraph 4(e) of the application form.

4. Strafford concentrates its attack upon this loan in the petition to deny, and asserts that there were indications that the funds on deposit were encumbered and not freely available, as claimed by Sherwood. The petitioner likens the $20,000 loan to a "pass-book loan," wherein the deposit book for the account is surrendered to the bank as collateral to secure the funds advanced. Strafford contends that Sherwood concealed this fact in order to bolster its financial qualifications; the misrepresentation in this instance is allegedly so grievous as to merit the specification of a character qualification issue.

5. Sherwood attempts to refute the petitioner's claims in an affidavit by the president of the applicant, J. Sherwood Bent, who avers that he "misunderstood" the conditions of the loan, but that at all times he considered the total amount in the corporate account fully available for use by Sherwood. To corroborate this contention, a letter from the Indian Head National Bank, dated May 2, 1975, is submitted to demonstrate, according to Sherwood, ". . . that the Bank would be quite flexible with respect to future advances, collateral and repayment at such time as the $20,000 was needed for the proposed station." (Opposition, par. 7, emphasis supplied.) However, Sherwood reorganized its corporate structure and completely revised its financial plan, abandoning the passbook loan as an integral part of its financing and substituting therefor a $65,000 loan from the Indian Head National Bank.

6. A similar situation was presented to the Review Board in Saul M. Miller, 38 FCC 1374, 5 RR 2d 880 (Rev. Bd., 1965), wherein the applicant represented that no conditions were imposed upon a $10,000 bank loan, although, in fact, the loan was secured by the pledge of a $10,000 savings deposit. When this fact was disclosed, the applicant asserted that he was an inexperienced borrower and was unaware of the relevant conditions imposed by the bank. He also assured the Review Board that he could obtain the necessary funds "by other arrangements," as evidence of the propriety of his conduct. Further, he noted that there would be no explicable reason for him to pledge $10,000 in order to borrow $10,000. The Review Board concluded that a motive was indeed apparent for the transaction allowed the applicant to show greater financial resources than he actually had available to him. The mitigating factors advanced by the applicant were adjudged to be not persuasive, and the application was denied for the applicant's lack of the requisite character qualifications.

7. The similarities between Miller and the instant case are striking. Sherwood proposed to borrow $20,000, at a cost of $1,500 per year, money which would not be needed until the Commission acted favorably upon its application. The effect of this transaction was to allow Sherwood to claim that $31,150 was on hand, deposited in a corporate account, when, it appears, Sherwood could not obtain the use of this money without further negotiations with the bank. In the May 2, 1975, letter, the Indian Head National Bank representative stated the bank's position with much less certainty as to future use of the pass-book advance than did Sherwood in its opposition; the bank representative clearly noted only that ". . . there could be flexibility . . ." as to the terms and conditions governing the use of the money held on deposit, but these additional terms were not revealed (emphasis supplied). In addition, that letter recognized the "excellent past personal borrowing relationship" between the bank and Sherwood's president, who was certainly not unaware of the responsibilities and obligations inherent in a loan transaction. Finally, although Sherwood maintains that an extension of credit for $20,000 could have been obtained from the bank as an alternative to the transaction utilized (Opposition, App. C), there is nothing to corroborate this assertion, and we cannot rely upon it. Miller, supra, at 1380, 5 RR 2d 886–887, fn. 3.

8. In light of the foregoing, we are of the opinion that a substantial and material question exists concerning the manner in which Sherwood reported this transaction in its application, and also concerning the impact of this alleged misrepresentation upon Sherwood's basic qualifications. Therefore, an appropriate issue will be specified to more fully explore this matter.

9. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services (1 mV/m or greater in the case of FM) in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

10. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

11. Accordingly, it is ordered, that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to the application of J. Sherwood, Inc.:

(a) Whether the applicant made intentional misrepresentations in its original financial showing; and

(b) Whether, in light of the evidence adduced pursuant to (a), above, J. Sherwood, Inc., has the requisite character qualifications to be a Commission licensee.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

12. It is further ordered, That, the petition to deny is granted to the extent indicated above, and is denied in all other respects.

13. It is further ordered, That, in the event that Sherwood is the successful applicant herein, the construction permit will contain the following condition:

[1] Strafford also submitted an unopposed petition to condition the grant of the Sherwood application, in the event Sherwood prevails. As the relief requested is routinely required of licensees, we will impose an appropriate condition. See paragraph 13, infra.

[2] In addition, allegations concerning deficiencies in Sherwood's balance sheet and letter from the equipment supplier have been mooted by more current information, filed by Sherwood in its recent amendment.

Subject to the condition that sufficient measurements shall be made both before and after construction of the antenna structure to show that there is no distortion of the antenna pattern of station WWNH(AM). Measurements shall be made jointly by personnel of the applicant and station WWNH(AM) or there shall be mutual agreement of the measurements as indicated by joint signatures to the data submitted.

14. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written apearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

15. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by section 1.594(g) of the rules.

Adopted: October 7, 1975.

Released: October 20, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-28839 Filed 10-24-75;8:45 am]

[Docket No. 18875; FCC 75-1167]

OVERSEAS COMMUNICATIONS

Licensing of Facilities; Third Notice of Inquiry

In the matter of the inquiry into policy to be followed in future licensing of facilities for overseas communications.

1. By its Further Notice of Inquiry, released February 25, 1975, the Commission reopened these proceedings, which had been initiated on June 16, 1970, by Notice of Inquiry and followed by a Statement of Policy and Guidelines for Overseas Communication, released on June 25, 1971, (30 FCC 2d 571). The Commission set forth in the Further Notice the considerations leading to the conclusion that "a requirement exists for continuing Commission review of relevant information for the purpose of establishing and refining where necessary principles and guidelines under which planning and implementation of needed communication facilities may proceed on a timely basis." We stated that we would focus initially on the transatlantic route and that the first step in this process would be the collection and analysis of information concerning several specified areas of interest. To this end we invited all interested parties to a series of meetings which resulted in the formation of three informal working groups[1] which were charged with gathering, discussing and analyzing information for presentation to the Chief, Common Carrier Bureau. These working groups have each submitted their initial reports. Subsequent to those submissions, as contemplated in our Further Notice U.S. Government and industry representatives held discussions in Paris from June 16–19, 1975, with European and Canadian representatives to exchange information and discuss those factors relevant to the licensing policies which are the subject of this Docket.

2. The informal proceedings outlined above have already proven valuable. However, as indicated in our Further Notice, we anticipated that these proceedings would also result in one or more Statements of Policy which would, as necessary, refine, amend and supplement our 1971 Statement. We believe it would be in the public interest for the Commission to issue such a Statement of Policy with respect to the North Atlantic area in the near future, and that, accordingly, this is an appropriate time to afford interested parties an opportunity, as contemplated in our Further Notice, to file written comments in this proceeding.

3. In order to place this Third Notice in proper perspective, we wish to review briefly the background of this proceeding, as well as to set forth certain basic assumptions and to define our objectives as clearly as possible. The proceeding had its genesis in a recognition that the increasing complexity of international communications called for improving the methods for facilities planning. In our June, 1970, Notice of Inquiry, we noted the inadequacy of fulfilling our statutory responsibilities by relying solely on *ad hoc* consideration of individual applications and stated our intention to seek, to the extent possible, to "formulate a policy which will govern our future licensing in the field of overseas communications" in a foreseeable future time period in order to afford interested carriers and their foreign correspondents as firm a base as possible for their planning of facilities. To aid in the fomulation of an appropriate policy, we solicited specific information on a number of subjects,[2] as well as detailed recommendations concerning the policy the Commission should adopt and the manner in which such a policy should be implemented.

4. After considering the responses to its Notice as well as the results of a public conference with interested carriers and a meeting with representatives of European Administrations and carriers, the Commission released its Statement of Policy and Guidelines on June 25, 1971, (30 FCC 2d 571). In that Statement we set forth the following "framework of policy" as a guide to future licensing of transatlantic facilities:

(a) The public interest requires that we promote the continued development of both cable and satellite technologies and their most effective and timely applications to meet future requirements ices;

for international communications serv-

(b) The public interest also requires that we authorize the most modern and effective facilities available via both cable and satellite technology with due regard for efficiency, economy, diversity and redundancy;

(c) The public interest and due regard for the concerns of the Administrations which operate the foreign end of cables require that care should be taken to minimize the need for imposing artificial formulae to govern the distribution of traffic among available media;

(d) The public interest requires that the economies available from each advance in technology be reflected in charges for service.

In the present context we think it is important to note that we then went on to address specific proposed facilities in light of the policy framework. We concluded that the public interest would be served by a new SG type transatlantic cable rather than another SF type cable, as had been proposed by AT&T.

5. As indicated above, the Commission reopened this proceeding with the issuance of its Further Notice in February, 1975. This was done in recognition of the need for continuing Commission review in this dynamic area to update and refine our policies in order to assist our licensees and their foreign correspondence in the orderly and timely planning of transatlantic facilities. As contemplated in our Further Notice, we have proceeded with the "informal" stage of our proceedings, which include the working groups and a meeting with interested European Administrations. We now wish to obtain written comments and recommendations to aid the Commission in updating, refining, and expanding—as necessary and appropriate—our 1971 Statement of Policy; and in applying these revised policies to the planning of future facilities (e.g., INTELSAT V satellite and TAT-7 cable) for which further policy guidance is needed. As a part of this continuing effort, we intend to establish and define criteria and prescribe procedures for Commission consideration of applications for international communications facilities. Specifically, we shall attempt to identify the factors which the Commission will take into consideration (e.g., service reliability, traffic forecasts, costs), the various elements that comprise such factors, how such factors will be applied in comparing cables and satellites, the information that the Commission will require from applicants, the methodology employed to obtain such information,

[1] Concerned respectively, with Traffic Forecasting, Service Reliability and Economics.

[2] These subjects included present facilities and their use; demand; additional facilities which could be authorized in the 1970–80 time frame; techniques for increasing basic facility capacity; need for redundancy and diversity of facilities; research and development and competition between media.

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its utilization and the timing of the submission of such information to the Commission.[a]

6. In order to provide the Commission with as broad and thorough a spectrum of views and information upon which to base any further or revised statement of policy, parties to this proceeding are requested to address themselves in considerable detail to the following general and specific questions:

A. General

1. What specific changes, clarifications, etc. should be made in the 1971 Statement of Policy in order to make it more useful and effective for planning purposes? Explain how each such change, clarification, etc. would be helpful in this regard.

2. Should the Commission adopt as a basic policy the maintenance of a specific ratio of cable and satellite facilities and/or circuits? If so, what is the economic, operational, or other rationale for such a policy? If not, are there alternative policy guidelines relating to the appropriate "mix" of cable and satellite facilities, and what is the economic, operational, or other rationale for such guidelines?

3. Should the Commission seek to authorize the "least cost" (appropriately defined) combination of facilities which will satisfy specified traffic and service objectives over a specified interval of time? If so, specify the appropriate definition of "least cost", the method of determining same, and the appropriate time interval for consideration, along with supporting justification therefor.

4. Should the Commission adopt a policy having the objective of establishing a specific number (e.g., 3, 4, 5) of major facilities (routes) over which transatlantic traffic would be distributed on a reasonable basis? If so, what should be the policy and explain the rationale for such a policy? If not, what guidelines, if any, should be established regarding the number of routes required?

B. Forecast Methodology

The basic objective is to focus on the framework and methods of analysis currently employed by the carriers to project levels of demand for telecommunications services which, in turn, are used to plan for additional facilities. A second objective is to seek information and suggestions relating to efforts that are being undertaken, or contemplated to improve existing techniques.

The following questions are directed at identifying, both quantitatively and qualitatively, certain fundamental aspects of forecasting methodology in order that we may better understand the techniques used by the carriers. Information is sought in the following areas:

a. The raw data collected and the data sources.

b. Procedures by which the data is collected.

c. Methods used to analyze the data.

d. Procedures used for the practical application of the analysed data.

e. Recognition of the impact on planning that improvements in the data base or analytical approach may make; and,

f. Effect of the accuracy of forecasts on the timing and planning of facilities.

Central to the achievement of the above noted objectives is a complete determination of the current data base, data sources and methodologies applied to this information. By using current approaches as a basic reference the question as to their continued use, modification, expansion or replacement may then be addressed.

In this respect the following information and/or explanations should be included in your reply:

1. Identify and explain the major parameters used to estimate call demand for each class of service. (It is recognized that demand may not only be determined by the desire to make a call, but also by such factors as time, rates, quality, proposed services and so on.)

2. For each parameter identified in 1. above, explain (1) the information and data used to derive the estimates for each parameter; (2) the methodologies employed to establish the quantitative impact of each parameter; (3) the values of the parameters, including any statistical tests of significance that are performed; (4) the manner by which these estimates are incorporated into the forecasts; and (5) if the parameters are estimated on the basis of historical data, explain the methods, assumptions, etc., employed to determine the future values of the parameters used to develop the forecasts and the actual estimates of these values.

3. A concise, comprehensive description of the forecasting techniques, employed in the derivation of the forecasts. This discussion should include all implicit and explicit assumptions, a detailed exposition of any statistical procedures that are used, an explanation of any survey techniques employed, an explicit list of any "judgmental factors" incorporated into the forecasts, the basis and information used in these "judgmental factors", and the quantitative value of these "judgmental factors".

4. The indicators or criteria, if any, that form the basis for assessing the a priori reliability of the forecasts and any indicators of the reasonableness of the forecasts.

5. Where actual values deviate from forecasted values for any particular year, explain what adjustments, if any, are made to the remaining forecasted values for the particular time period under study.

6. To the extent different methods, data, assumptions, forecasting techniques, etc., are used for short term versus longer term projection of demand, explain the differences and discuss the rationale for using different approaches. If short term forecasts are some how combined with or serve as a basis for longer term forecasts, explain the manner in which the latter are based on, derived from, or otherwise combined with the former.

7. Indicate in detail, the manner in which the call demand forecast obtained as in 1. is translated into a specific number of circuits for each class of service (e.g., demand in Erlangs may be translated into the required circuits by using a Poisson distribution).

8. With respect to the data and methodology presented above, what steps, if any, can be taken to improve the traffic forecasts that serve as a basis for the planning of future facilities? Explain in detail the changes or improvements you suggest with respect to:

a. The types of data and information to be gathered.

b. The procedures that would be used to collect this data and information.

c. The general methodologies that would be used with this data.

d. The manner in which the data would be utilized with these methodologies.

e. The manner in which new data would be introduced into such methodology.

C. Service Reliability Considerations

The basic purpose is to provide a structured approach for the development of service reliability objectives and for the method(s) of analyzing the alternative means of achieving those objectives. The questions presented are directed toward obtaining certain basic information and the views of the parties concerned on the framework and method(s) of analysis that should be employed to evaluate alternative means of achieving service reliability objectives.

1. What are the factors of reliability that are considered in facilities planning?

2. What are the service reliability objectives for each service offering?

3. What are the differences between cable and satellite facilities that should be considered in examining service reliability and how should these differences be taken into account in the planning process?

4. Are there any significant differences between cable and satellite facilities in the quality of service or efficiency of operation for the various services provided? What are those differences and what steps can be taken, if any, to reduce those differences?

5. Explain the manner in which service reliability aspects are examined and utilized in the planning process today.

6. Is the process described in 5. above satisfactory? What improvements, if any, should be made to the existing process? Should a different process be established? If so, describe the process that should be established and how should the Commission proceed to establish that process?

D. Economics

The basic objective is to focus on the framework and methods of analysis that should be employed to evaluate alternative courses of action that may be taken with regard to international cable and satellite facilities. The frame of reference for such evaluation procedures are the costs associated with these alternative courses of action. Central to this evaluation procedure is the development of a methodology that can be used to compare the prospective costs of establishing and operating satellite and cable facilities that are being considered for addition to the then existing international telecommunications network. However, the methodology should have sufficient flexibility so that it is possible to incorporate constderations of (1) variations in the timing of additions to the network; (2) varying degrees, types, and methods of achieving service realiability; (3) changes in traffic forecasts; (4) the impact of technological advancements and other factors which may have an impact on costs of the relevant alternatives. The methodology should also have the capability of examining and comparing the costs, the benefits, and the trade-offs of the alternative courses of action.

Considering the above objectives, please provide your response to the following:

1. What comprises the basic facilities costs that should be considered? What costs are relevant to both cable and satellite systems; unique to satellite systems; unique to cable systems; excluded costs?

2. What period of time should be used for comparing costs of alternative courses of action regarding transatlantic facilities and what are the factors that determine the time period used?

3. In order to properly compare the cost of alternative facilities, what considerations should be included in the costing analysis and what form should this analysis take (e.g., PWAC, PVCO). Provide a detailed breakdown indicating the precise methodology, significance of the individual cost contributing factors expected, amortization periods, and so on, so that a determination can be made of the validity of the proposed approach. This reply should indicate the extent to which intra-country "tails" are taken into account, the manner in which costs borne by foreign entities are taken into account, and the tax structure used in the analysis.

4. What method should be used to take account of the possibility that a facility may have a useful life that extends beyond the time period used for cost comparison studies?

5. In your opinion, how best should the Commission proceed to develop a methodology for comparing the cost of proposed cable and satellite facilities for transatlantic communications?

6. What method(s) for comparing the costs of alternative plans should be studied?

7. What data should the Commission require in order to study the method proposed?

8. In what manner should traffic demand and service reliability be considered in any cost comparison study?

9. How should the costs of alternative facilities be submitted so that the relevant costs are presented in comparable terms and the suggested methods for comparing the costs of alternatives can be performed?

E. Present Use of Facilities

1. Transatlantic Cable facilities—Indicate as of year-end 1974 and September 30, 1975, the number of equivalent voice circuits in use in each cable carrying U.S. transatlantic traffic to each point served; show circuits used for non-U.S. traffic separately; show TASI circuits separately; indicate the type of service provided over each voice grade circuit (i.e., message telephone service, telex, AVD, etc.). Indicate idle circuits (voice-grade or telegraph type) in each facility and the points to which each such circuit is allocated.

2. Atlantic Satellite facilities—Indicate as of year-end 1974 and September 30, 1975, the number of equivalent voice circuits in use in each Atlantic satellite to each point served. Comsat should present such information for each point using Atlantic satellites, with U.S.-Europe circuits listed under a separate heading. AT&T and each IRC should present such information for its respective traffic and show the type of service provided over each voice grade circuit. Any satellite traffic transiting the U.S. should be shown separately.

3. Comsat should present as of September 30, 1975, the detailed configuration for each Atlantic operational satellite showing capacity assigned to each point and indicating the number of assigned circuits that are unused. Comsat should indicate separately the amount of capacity in each operational satellite that is used or allocated for purposes such as television, SPADE, leased transponder, cable restoration, etc. Any unallocated capicity should be shown.

4. Summary—As a summary and separate list, Comsat, AT&T and each IRC should each show the circuits it has in use between the U.S. and each European point in each facility serving those points, indicating the capacity in each facility to each point that could readily be utilized for traffic growth. Use September 30, 1975, figures.

F. Authorized Facilities Not Yet in Use (Atlantic)

1. Transatlantic Cable (TAT–6)—AT&T and each IRC is requested to present, to the extent possible, its proposed use of the TAT–6 cable giving information similar to that requested in E.1 above, as appropriate, for the end of the first full month of operation and for the end of each year 1976–85. Indicate, as necessary, any changes in the use of existing authorized cable or satellite facilities as a result of the proposed utilization of the TAT–6 cable.

2. Atlantic Satellites (IV–A)—Comsat is requested to present, to the extent possible, its proposed configuration for the use of the Atlantic IV–A satellite or satellites giving similar information requested in E.2 above as appropriate for the end of the first full month of operation and for the end of each year 1975 until no longer used or useful. AT&T and each IRC should present its proposed respective use of the IV–A satellite(s) giving similar information requested in E.2 above as appropriate and to the extent possible for the end of the first full month of operation and for the end of each year 1975 until no longer used or useful. Indicate, as necessary, any changes in the use of existing authorized facilities as a result of the proposed utilization of the IV–A satellite(s).

G. Future Facilities Which Could Be Available in the 1976–85 Time Frame

1. Present a detailed description of each type of overseas facility that could be made available for North Atlantic service in the 1976–85 time period. Include the extent of any further research and development work which needs to be done, the earliest date at which construction can begin, the time required for construction, the earliest operational date and the anticipated operational date. Provide the estimated capital and operating costs associated with each type of facility showing separately any concomitant investment which may be required to construct additional or modified associated facilities such as earth stations, cable stations, landlines, terminal equipment, cable ships, etc. Also show separately research and development costs and satellite launch costs.

2. For each facility proposed in G.1 above present the type of information requested in F above to the extent possible and as appropriate. This should represent your current best proposal for the utilization of each new facility proposed. Explain in detail how each proposed facility will be used and is needed to satisfy:

a. Projected traffic requirements.

b. Service reliability requirements i.e., diversity, redundancy, restoration, grade of service, etc.

c. Special service needs.

H. Demand

Provide the projections of demand relied on in responding to questions herein. Indicate expected demand for equivalent voice circuits as of year-end 1975, and each year-end thereafter thru 1985, for each point expected to be served by the facilities proposed in F and G above.

I. Outages

For the years 1972, 73, 74 and the first six months of 1975 provide the following:

1. Comsat—For each Atlantic region satellite: number of outages, duration of each outage, number of U.S. circuits affected by each outage, cause of each outage, cost to repair each outage.

2. Comsat—Provide above information for each U.S. earth station operating in the Atlantic region and, to the extent

[a] In this regard, we call attention to the Commission's 1974 "Statement of Policy Concerning Procedures Applicable to Comsat's Applying for Commission Authorization to Participate in Certain INTELSAT Activities" (46 FCC 2d 338) wherein we stated that Comsat was expected to file certain applications prior to the time that all details concerning proposed facilities are known with precision, and, even prior to filing an application to keep the Commission fully and promptly informed concerning INTELSAT's facilities planning.

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possible, each European earth station operating in the Atlantic region.

3. AT&T—IRC—For each TAT cable provide the number of outages, duration of each outage, number of U.S. circuits affected by each outage, cause of each outage, cost to repair each outage. Also report the number of circuits restored via other facilities, what portion was restored via satellite and via cable and the average time of restoration. For each cable break, report where break occurred and whether cable was buried, armored or unprotected at break location.

4. AT&T—IRC—For U.S.-European satellite circuits, report the number of occasions U.S. circuits were affected by satellite outage, by earth station outage (U.S. and foreign), average time of restoration and means of restoration (other satellite facilities, cable facilities, or await repair of temporarily failed facility).

J. Additional Questions Addressed Specifically to Comsat

1. What information do you maintain concerning current and proposed use of cable facilities? How is this information considered in the satellite planning process? Would additional information concerning current and proposed use of cable facilities be helpful in the satellite planning process? If so, identify the type of information and how it would be used.

2. Within the planning process for satellite facilities, what effect would the availability or the non-availability of additional TAT cables in the 1979–85 time period have on the timing, capacity, design, configuration; saturation date, investment, etc. of future satellite facilities?

3. Considering only service reliability factors (diversity, redundancy, grade of service, etc.) within the satellite planning process, would it be necessary to modify plans for proposed satellite facilities assuming (a) no additional TAT cable facilities are available in the 1979–85 time period? (b) an additional SG-type TAT cable available in the 1980 or 1981? Explain your response in detail, separating the space segment from the ground segment.

4. Answer previous question 3 considering only capacity requirements. (E.g., would additional space segment capacity be required as a direct result of no additional cable capacity?)

5. Considering that the INTELSAT traffic data base is used in satellite planning and that the data base reflects projected satellite traffic only and not total traffic, would it be reasonable to assume that planned satellite facilities would not be capable of satisfying total traffic requirements in the North Atlantic absent any additional cable capacity in the 1979–85 time period? Explain the reasons for your answer.

6. What is the planning scenerio for satellite facilities in the 1979–85 time frame? What factors will determine the need and timing for introduction of an INTELSAT V satellite in the Atlantic region? To what extent would the introduction of an SG TAT–7 cable in 1980 or 81 affect the need and/or timing of an Altantic V satellite? Explain in general and, in particular, with respect to service reliability factors and capacity requirements.

K. Additional Questions Addressed Specifically to AT&T and the International Record Carriers (IRC)

1. What information do you maintain concerning the current and proposed configuration of the INTELSAT space segment and U.S. earth stations? How is this information considered in the cable planning process? Would additional information concerning current and proposed use of satellite facilities be helpful in the cable planning process? If so, identify the type of information and how it would be used.

2. Within the planning process for cable facilities, what affect would the availability or the non-availability of additional satellite facilities for North Atlantic traffic in the 1979–85 time period have on the timing, capacity, design, utilization, investment, etc. of future cable facilities?

3. Considering only service reliability factors within the cable planning process, would it be necessary to modify plans for proposed cable facilities assuming (a) no additional satellite capacity is available for North Atlantic traffic in the 1979–85 time frame? (b) Assuming INTELSAT V becomes available in 1979, 80, 81, 82, 83, 84, or 85. Explain your response in detail.

4. Answer previous question 3 considering only capacity requirements (e.g., to what extent, if any, do present cable plans assume additional satellite capacity will be available in 1979–85 time period?)

5. Approximately what percent of your total traffic projections for U.S. Europe traffic is reflected in the INTELSAT traffic data base as updated in September, 1975? How did you arrive at the projections of satellite traffic as a portion of total traffic projections?

6. What is the planning scenerio for TAT cables in the 1979–85 time frame? What factors will determine the need for and timing of a TAT–7 cable? Would the need for or timing of TAT–7 be affected by the timing of the introduction of INTELSAT V in the Atlantic region (e.g., 1979–82). Explain in general and, in particular, with respect to service reliability factors and capacity requirements.

L. Technological Developments

To the extent not covered in responding to the above questions, describe, to the extent possible, any major developments in technology which you believe will be available for application in the 1975–85 time frame. What impact will such developments have on facilities planning and how should the Commission take them into consideration in formulating policies?

7. Each common carrier engaged in overseas communications should submit the information called for above to the extent applicable to it. In addition, all interested parties are invited to submit comments on the matters discussed herein. Comments and the information requested in Sections A, E, F, G, H, J and K should be filed on or before November 30, 1975. Comments and information concerning the remaining Sections should be filed at the same time, if possible. However, an additional 30 days is provided for submission of the information in Sections B, C, D, I and L. An original and 11 copies should be filed. Each carrier engaged in overseas communications should furnish a copy of all of its filings to each of the other carriers so engaged. All relevant and timely information and comments submitted will be considered by the Commission. The Commission may also take into account other pertinent information before it.

Adopted: October 15, 1975.

Released: October 21, 1975.

Federal Communications Commission,
[SEAL] Vincent J. Mullins,
Secretary.

[FR Doc.75–28635 Filed 10–24–75;8:45 am]

[FCC 75R–385]

ROCKET RADIO, INC. AND APOSTOLIC COUNCIL OF CHURCHES, INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of Rocket Radio, Inc., Fort Valley, Georgia, Docket No. 20181, File No. BPH–8408, Apostolic Council of Churches, Inc., Fort Valley, Georgia, Docket No. 20182, File No. BPH–8798. For Construction Permits.

1. The above-captioned mutually exclusive applications were designated for consolidated hearing by Memorandum Opinion and Order, FCC 74–952, 39 FR 33827, published September 20, 1974. Presently before the Review Board is a petition to enlarge issues, filed March 17, 1975, by Rocket Radio, Inc. (Rocket),[1] requesting the addition of misrepresentation and abuse of process issues against Apostolic Council of Churches, Inc. (Apostolic).[2]

2. In support of the requested issues, Rocket argues that Apostolic misrepresented various facts contained in its petition for continuance and prehearing conference, filed with the Administrative Law Judge on February 20, 1975.[3] Specifically, petitioner notes that to substantiate its alleged need for additional time Apostolic stated:

> Most important, a continuance is now required because a tornado caused serious damage in Fort Valley on February 18, 1975.[4] Apostolic's church, which is in the area of Fort Valley most severely damaged by the storm, was moved off its foundation, and a large portion of the roof was torn off. Repair of the church structure will require a significant amount of Mr. Cobb's time in the next few weeks, depriving him of any possibility of adequately preparing for a hearing on March 3, 1975. Mr. Cobb is the Bishop of the Apostolic Council of Churches, and his responsibility for undertaking the repair of the church is direct. Moreover, Mr. Cobb feels a heavy moral responsibility to care for members of his flock affected by the storm. The precise extent of damage and possible injury suffered by members of the Apostolic Council of Churches is not yet known, but several members reside in the area most severely damaged. It is not even clear at this point whether Mr. Cobb can be available March 3 to come to Washington.

However, relying on a February 28, 1975 affidavit of Frank Flowers, a Fort Valley building inspector;[5] a March 1, 1975 affidavit of Edward C. Woodward, president of the Peach County Home Builders Association, Inc.; and a notarized photograph of the church taken on March 1, 1975, Rocket contends that the damage to the church roof was minor and the structure was not displaced from its foundation.[6] In addition, Rocket asserts that as of the date of the filing of the petition for continuance, entrance to and from Fort Valley was not obstructed and telephone service was completely restored for both incoming and outgoing long distance calls. Furthermore, petitioner maintains that the church was in an area of the city on the fringes of a damaged section. Petitioner asserts that a possible motive for Apostolic's request for a continuance was to secure additional time in which to again revise its financial and ascertainment showings and to obtain a new site.[7] To support this assertion, Rocket alleges that Cobb attempted unsuccessfully to obtain a loan from the Bank of Byron, Georgia, on or about February 25, 1975, and that land records of Peach County reveal that Cobb or Apostolic recently purchased a parcel of unimproved land, which, Rocket notes, could serve as a new site. Finally, petitioner maintains that an abuse of process issue is also warranted since Apostolic based its request for a continuance on the above-noted misrepresentations.

3. In opposition, Apostolic first reasserts that the church had been moved off its foundation and its roof damaged by the February 18 tornado. In support, Apostolic provides the affidavits of Cobb; two local residents, Francis Rumph and Alfred Scott; and D. G. Hunt, an insurance adjuster, who state that they saw that the church was moved off its foundation.[8] Furthermore, Cobb also avers that on February 25, 1975, after the church was inspected by an insurance adjuster, he (Cobb) obtained a railroad jack and with the help of several volunteers, was able to replace the church on its foundation;[9] that on March 1, 1975, while repairing the church, he was approached by Flowers who told him not to make any repairs to the church since it might be damaged to the point where it would be necessary to tear it down; and that Flowers' statement in his February 28, 1975, affidavit that he inspected the church on February 20, 1975, and found only "minor roof damage," is inconsistent with his March 1 order to stop repair work on the church. With regard to the question of access to and from Fort Valley, Apostolic submits the affidavit of Sergeant W. D. Blackstock who states that shortly after the storm, roads around Fort Valley were closed to all traffic, that the next day only emergency traffic was allowed to enter, that this lasted in certain parts of town for 3 days, and that the section east of town was closed until late on February 22. Consequently, Apostolic concludes that Rocket's contention that as of February 20 entrance and exit from Fort Valley were not restricted is untrue. Turning to the question of phone service, Apostolic submits an affidavit from J. D. Walker, District Manager of Southern Bell Telephone Company. According to Apostolic, since Walker avers that on February 24, 1975, crews from Southern Bell were still at work in an attempt to restore service to the area of Fort Valley, Rocket is also in error in alleging that telephone service was completely restored by February 20. Next, opposer submits an aerial photograph which allegedly indicates that the church is in fact in the area of the city most heavily damaged by the tornado. In any event, continues Apostolic, whether the church is on the fringe or in the center of the heavily damaged area is irrelevant. Finally, Apostolic asserts that a question is raised as to whether Rocket has abused the Commission's processes since the applicant has repeatedly submitted false or irrelevant affidavits "without reasonable cause for believing in the accuracy thereof", citing *Vernon E. Pressley*, FCC 61–1104, 22 RR 100, 102 (1961).[10]

4. In reply, Rocket argues that Apostolic has not effectively challenged the accuracy of Flowers' affidavit. Specifically, Rocket maintains that Cobb's affidavit is argumentative, conclusory, and selfserving, that Hunt's statement is unverified and does not indicate the date he inspected the church and that the "Sworn Statement of Proof of Loss," is undated, does not describe the damage and does not contain any jurat. With regard to the affidavit Apostolic submitted from Sgt. Blackstock, Rocket submits two further affidavits from that officer. In these affidavits Blackstock avers that the affidavit he executed for Apostolic has a jurat and a typewritten statement below his signature which were not done in his presence, that he never appeared before Albert Miller (the notary), that Miller has not witnessed his signature,[10] and that while roads in and around Fort Valley were closed after the storm, persons residing or having business in the affected areas were permitted to enter and to leave. Finally, Rocket also submits a subsequent affidavit from J. D. Walker. Therein, Walker states that 100 percent service in all areas of the city excepting certain locations within the downtown business area and in the Griffinline area was restored by 4:00 p.m. on February 19, 1975, and that service was not disrupted in the area of Pear Street. In this regard, Rocket notes that Apostolic's FCC Form 301 indicates that Cobb resides at 309 Pear Street.[11]

5. The Review Board will add the requested misrepresentation issue. There is a serious conflict in the various affidavits submitted by the parties, which raises a substantial question regarding the actual extent of the tornado damage to Apostolic's church and the truthful-

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[1] Rocket's petition and responsive pleadings, together with other pending petitions, were referred to the Review Board for consideration and disposition by Commission Memorandum Opinion and Order, FCC 75–927, released August 12, 1975.

[2] Also before the Board are the following related pleadings: (a) opposition, filed March 21, 1975, by Apostolic; (b) comments, filed April 1, 1975, by the Broadcast Bureau; and (c) reply, filed April 7, 1975, by Rocket.

[3] That petition was subsequently supported by an affidavit of Apostolic's president, Charles R. Cobb, dated February 22, 1975, and filed on February 26, 1975.

[4] The tornado caused damage estimated at $2.8 million in Fort Valley, while killing one person and injuring one hundred more. The Governor has declared Fort Valley an emergency area. See Exhibit A. Entrance to and exit from the city is restricted, and communications are disrupted. Mr. Cobb presently can receive incoming telephone calls, but he cannot make outgoing long distance calls.

[5] In particular, Flowers avers that on February 20, 1975, his inspection revealed that the only damage the Apostolic Church sustained was minor roof damage at the rear of the building. Woodward avers that on March 1, 1975, his examination of the structure revealed that it was setting on its foundation as it was placed prior to the tornado of February 18, 1975, and that the only apparent damage was to a minor portion of the roof at the rear of the Church. The notarized photograph is a frontal view and indicates that the church is resting on its foundation.

[6] In this regard, Rocket notes that Apostolic's recent attempt to amend was rejected by Order of the Administrative Law Judge, FCC 75M–368, released February 27, 1975, and that Apostolic faces financial, *Suburban* and site availability and suitability issues.

[7] In addition, Cobb, Rumph and Scott state that the roof was damaged and a "Sworn Statement in Proof of Loss", which accompanies Hunt's affidavit, estimates the damage to the church to be approximately $2,000.00.

[8] Accordingly, Apostolic concludes that on March 1, when Woodward inspected the church and the photograph in question was taken, the structure had already been replaced on its foundation and some repairs made.

[9] In support, Apostolic notes that Rocket previously raised most of the same allegations in its petition for expedited relief, filed with the Commission March 4, 1975, and that by its response of March 11, 1975, Apostolic showed that Rocket's pleading was accompanied by false and irrelevant affidavits and that there was no substance to those allegations.

[10] Pursuant to a petition to enlarge, filed by Rocket on April 11, 1975, the Review Board, by Memorandum Opinion and Order, FCC 75R–343, released September 12, 1975, added an issue to inquire into the circumstances surrounding the affixing of the jurat on the statement signed by Sgt. Blackstock.

[11] The Broadcast Bureau supports the addition of both requested issues.

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ness of applicant's representations about that damage in its petition for continuance and prehearing conference, filed February 20, 1975. Specifically, there is a direct conflict between Flower's affidavit, which states that his inspection of the church on February 20, 1975, revealed that the only damage sustained as a result of the tornado was minor roof damage, and the statements in affidavits by Cobb, Rumph and Scott to the effect that the church was off its foundation and Cobb's additional assertion that a large hole was torn in the roof. In our view, the conflict in these affidavits is sufficient in itself to justify adding the requested issue. See *Rosemor Broadcasting Company, Inc.*, 46 FCC 2d 1182, 30 RR 2d 360 (1974); and *Christian Voice of Central Ohio*, 26 FCC 2d 76, 20 RR 2d 389 (1970).[12] However, the balance of Rocket's allegations concerning false representations made by Apostolic in support of its petition of February 20, either raise no substantial questions or have been adequately answered by Apostolic's opposition.[13]

6. ACCORDINGLY IT IS ORDERED, That the petition to enlarge issues, filed August 14, 1975, by Rocket Radio, Inc., IS GRANTED to the extent indicated herein, and IS DENIED in all other respects; and

7. IT IS FURTHER ORDERED, That the issues in this proceeding ARE ENLARGED to include the following issues:

(a) To determine whether Apostolic Council of Churches, Inc., has made misrepresentations to the Commission in connection with its petition for continuance and prehearing conference, filed February 20, 1975.

(b) To determine in light of the evidence adduced pursuant to the above issue, whether Apostolic Council of Churches, Inc. possesses the basic and/or comparative qualifications to be a Commission licensee; and

8. IT IS FURTHER ORDERED, That the burden of proceeding with the introduction of evidence and the burden of proof under the issues (a) and (b) added herein SHALL BE on Rocket Radio, Inc.

Adopted: October 15, 1975.

Released: October 22, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary,

[FR Doc.75-28838 Filed 10-24-75;8:45 am]

[12] In this regard, we note that in a companion document adopted the same date, the Board is adding a misrepresentation issue against Rocket, pursuant to a petition to enlarge issues, filed by Apostolic, on March 11, 1975, predicated on the same set of conflicting affidavits as are under consideration here.

[13] In our view, the affidavits of Walker and Blackstock, submitted in reply by Rocket, do not directly contradict the representations made by Apostolic in its petition for a continuance.

FEDERAL ENERGY ADMINISTRATION

CONSUMER AFFAIRS/SPECIAL IMPACT ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Consumer Affairs/Special Impact Advisory Committee will meet Thursday, November 20, 1975, at 9:00 a.m., Room 7132, 12th and Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to provide the Federal Energy Administration with diversified information possessed by a wide range of highly qualified individuals who have been extensively involved in planning, development, and implementation of programs to remedy the problems of the consumer, the poor, the elderly, and the handicapped persons in rural and urban America.

The agenda for the meeting is as follows:

1. Committee policies toward proxies and absenteeism.
2. Scheduling of subcommittee meetings.
3. Reports from subcommittees.
a. Utility issues—UCAN program.
b. Mutual consumer and environmental interests—economics of nuclear vs. solar energy.
c. Social relief programs—impact of rising energy prices on the physically disabled.
d. Impact of energy policy on the cities—tax rebates for weatherization of homes.
e. Pricing—impact of the deregulation of natural gas on natural gas supplies.
f. Consumer participation issues.

Subcommittees may meet informally in Washington the preceding evening at the discretion of the Subcommittee chairmen. For further details, contact Lois G. Weeks, Advisory Committee Management Officer at (202) 961-7022.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make an oral statement should inform Lois Weeks at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on October 22, 1975.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.75-28867 Filed 10-22-75;4:16 pm]

FEDERAL POWER COMMISSION

[Docket No. RP75-80]

ALABAMA-TENNESSEE NATURAL GAS CO.

Settlement Conference

OCTOBER 16, 1975.

Take notice that on Monday, November 3, 1975, Staff is convening a settlement conference for the purpose of discussing the issues in the above referenced docket with a view toward settling these proceedings at 10 a.m., in Room 8402 at the offices of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Pursuant to section 1.18 of the Commission's rules of practice and procedure, all parties will be expected to come fully prepared to discuss the merits of all issues arising in these proceedings and to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Customers and other interested persons will be permitted to attend, but such attendance at the conference will not be deemed to authorize intervention as a party in the proceedings. A petition to intervene tendered pursuant to section 1.8 of the Commission's rules of practice and procedure is required for that purpose.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28791 Filed 10-24-75;8:45 am]

[Docket No. RP75-88]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

OCTOBER 17, 1975.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas), on October 3, 1975, tendered for filing Alternate (Corrected) Substitute Eighth Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that this sheet is being filed pursuant to its Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. Algonquin Gas states that the rate change is being filed to reflect a change in purchased gas costs to be paid by Algonquin Gas to its supplier, Texas Eastern Transmission Corporation, (Texas Eastern) effective October 1, 1975, as a result of a general rate increase filed by Texas Eastern on March 14, 1975, as later revised by its filing of September 26, 1975, in Docket No. RP75-73.

The proposed effective date of the revised tariff sheet is October 23, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28800 Filed 10-24-75;8:45 am]

[Docket No. RP72-142, PGA76-1]

CITIES SERVICE GAS CO.

Proposed Changes in FPC Gas Tariff

OCTOBER 16, 1975.

Take notice that Cities Service Gas Company (Cities Service) on October 9, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. Cities Service states that the proposed changes are based solely on increased purchase gas costs which will result from filings by two of its pipeline suppliers, Transwestern Pipeline Company (Transwestern) and Oklahoma Natural Gas Gathering Corporation (ONGG). Transwestern's motion dated September 26, 1975, in Docket No. RP75-74, proposes certain alternate increased rates to be effective October 1, 1975. ONGG's increased rate was approved by the Commission by order issued July 16, 1975, in Docket Nos. RP72-115 and PGA-2, to be effective July 2, 1975.

Cities Service states that it has filed its Revised Twelfth Revised Sheet PGA-1 to reflect the rates on Transwestern's First Revised Sheet Nos. 5 and 6 and the rate on ONGG's Seventh Revised Sheet PGA-1. Alternatively, Cities Service states that it has filed its Alternate Revised Twelfth Revised Sheet PGA-1 to reflect the rates on Transwestern's Original Sheet Nos. 5 and 6 and the same above-mentioned ONGG tariff sheet.

Cities Service states that copies of its filing were served on all jurisdictional customers, interested state commissions and all parties to the proceeding in Docket Nos. RP72-142 and RP75-27.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28792 Filed 10-24-75;8:45 am]

[Docket No. CP76-115]

CITIES SERVICE GAS CO.

Notice of Application

OCTOBER 16, 1975.

Take notice that on October 2, 1975, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP76-115, an application pursuant to Section 7(c) of the Natural Gas Act, as implemented by Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1976, and operation of certain natural gas purchase facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or other pipelines authorized to transport gas for or exchange gas with Applicant.

The total cost of the proposed facilities would not exceed $6,000,000, and the cost of a single project would not exceed $1,500,000, which costs Applicant states would be financed from treasury funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28793 Filed 10-24-75;8:45 am]

[Docket No. CP74-204]

COLUMBIA GULF TRANSMISSION CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Amendment to Application

OCTOBER 16, 1975.

Take notice that on September 23, 1975, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, and Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, jointly Applicants, filed in Docket No. CP74-204 an amendment to their application, as amended, for a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act requesting authorization for Natural and Columbia Gulf to transport and exchange for and with each other up to 30,000 Mcf of gas per day in addition to the 75,000 Mcf of gas per day originally proposed to be transported and exchanged, all as more fully set forth in the amendment to application on file with the Commission and open to public inspection.

Natural and Columbia Gulf state that by an application filed February 11, 1975,[1] as amended on June 26, 1974 and August 12, 1974, they requested, *inter alia*, authorization for a transportation and exchange arrangement under which Natural would make available up to 75,000 Mcf per day of pipeline delivery capacity from its entitlement in the system of Stingray Pipeline Company (Stingray) to transport gas available to Columbia Gulf in the West Cameron Area, offshore Louisiana, and Natural would deliver up to 75,000 Mcf per day of gas into the Blue Water Project which is owned jointly by Columbia Gulf and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee).

Natural and Columbia Gulf state that they now have volumes in excess of the 75,000 Mcf of gas per day estimated when the application originally was filed. The additional volumes would be available to Natural from Block 331, Eugene Island Area, offshore Louisiana, beginning in the fall of 1975 and continuing through the 1976-1977 heating season, and Columbia would have available to it additional volumes from Blocks 485-507 and 531, West Cameron Area, offshore Louisiana, for transportation on behalf of its affiliate, Columbia Gas Transmission Corporation (Columbia Transmission), for a indefinite period beginning about August 1, 1976.

Applicants allege that pursuant to a letter agreement between Natural and Columbia Gulf dated August 18, 1975,

[1] Notice published March 12, 1974 (39 FR 9575).

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30,000 Mcf of additional gas capacity would be made available by Natural to Columbia Gulf for so long as the combined production rates from the West Cameron blocks exceed 75,000 Mcf of gas per day, and up to 30,000 Mcf per day additional capacity in the Blue Water Project would be made available by Columbia Gulf for as long as Block 331 production would support production in excess of 57,000 Mcf of gas per day to the Blue Water Project.

It is stated that pursuant to their letter agreement, if Natural utilizes the additional capacity prior to the delivery of gas by Columbia Gulf to the Stingray System under the proposed exchange agreement, charges for the transportation agreement of August 9, 1974; but if Columbia first tenders gas to Stingray, the transportation and any exchange charges would be in accordance with an existing gas exchange agreement dated October 12, 1973. It is indicated that Columbia Gulf would pay Natural 4.6 cents per Mcf of gas delivered to Columbia Gulf pursuant to their transportation agreement dated August 9, 1974.

The proposed exchange agreement would be effected by deliveries of gas by Columbia Gulf to existing Stingray facilities in the West Cameron Area and by Natural to Blue Water facilities in the Eugene Island Area, with corrections for imbalances at the Cameron Meadows Plant of Mobil Oil Corporation in Cameron Parish, Louisiana, and the Henry Plant of Texaco Inc. in Vermilion Parish, Louisiana.

Pursuant to a letter agreement dated September 10, 1975, Tennessee would transport additional volumes for Natural and Columbia Transmission to the Blue Water Project. It is stated that no additional facilities would be required to effectuate any of the proposed transportation arrangements.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before November 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who heretofore filed protests, petitions to intervene and notices of intervention in the instance proceeding need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28794 Filed 10-24-75;8:45 am]

[Docket No. E-9216]

DAYTON POWER AND LIGHT CO.

Notice of Further Extension of Hearing Date

OCTOBER 17, 1975.

On October 10, 1975, Staff Counsel filed a motion to extend the hearing date fixed by order issued February 19, 1975, as most recently modified by notice issued July 28, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the hearing date in the above proceeding is extended from October 21, 1975 to October 29, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28801 Filed 10-24-75;8:45 am]

[Docket Nos. E-8082, E-7994, E-7720, E-7557]

DUKE POWER CO.

Filing of Refund Report

OCTOBER 17, 1975.

Take notice that on October 7, 1975 Duke Power Company tendered for filing a report which shows the amounts to be refunded to Duke's wholesale customers pursuant to the settlement agreement in the above-mentioned dockets.

Any person desiring to be heard or to comment upon said report should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 3, 1975. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28802 Filed 10-24-75;8:45 am]

[Docket No. RP72-134]

EASTERN SHORE NATURAL GAS CO.

Notice of Purchased Gas Cost Adjustment to Rates and Changes

OCTOBER 17, 1975.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on October 6, 1975, tendered for filing Substitute Thirteenth Revised Sheet No. 3A and Substitute Thirteenth Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by approximately $168,537 annually based on sales for the twelve-month period ending August 31, 1975.

Pursuant to Section 154.51 of the Regulations under the Natural Gas Act, Eastern Shore requests waiver of the notice requirements of Section 154.22 of those Regulations and of Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the tariff sheets submitted herewith to become effective as of October 1, 1975, to coincide with the proposed effective date of Transco's rate changes. In support thereof, Eastern Shore states that Transco's September 16 filing prevented it from meeting the appropriate notice requirements.

Pursuant to the Purchased Gas Adjustment Clause contained in its tariff, Eastern Shore proposes to increase the commodity or delivery charges in its Rate Schedules CD, CD-E, G-1, E-1, I-1, GSS-1 and PS-1 equivalent to the increases in the similar rates of its sole supplier, Transcontinental Gas Pipe Line Corporation, as contained in the latter's filing in Docket No. RP75-75 dated September 16, 1975.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 5, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28803 Filed 10-24-75;8:45 am]

GAS GATHERING CORP.

[Docket No. RP76-21]

Filing Rate Increase

OCTOBER 17, 1975.

Take notice that on September 29, 1975 the Gas Gathering Corporation (GGC) tendered for filing Supplement No. 24 to its Rate Schedule No. 2, which will serve to increase its rate to Transcontinental Gas Pipe Line Corporation (Transco), GGC's sole customer, from 31.025¢ per Mcf on a pressure base of 15.025 psia at 60°F to 35.24¢ per Mcf. GGC was classified as a pipe line company by a July 2, 1975 order issued in Docket No. CI75-34. GGC states that its estimated sales to Transco over the next twelve months are less than half of the volume sold during the twelve month period which ended June 30, 1974, or a reduction in two years of 52.9%, while costs of operations have increased approximately 15%.

GGC requests a waiver of the notice requirements of the Commission's Regulations to permit an effective date of August 1, 1975, in accordance with an agreement with Transco.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28804 Filed 10-24-75;8:45 am]

[Docket No. ER76-166]

IOWA POWER AND LIGHT CO.

Change in Rate Schedule

OCTOBER 16, 1975.

Take notice that Iowa Power and Light Company (Iowa Power) on October 6, 1975 tendered for filing the First Amendment to the Interconnection Agreement between Iowa Power and Light Company and Omaha Public Power District dated July 12, 1968 as proposed Supplement No. 7 to Iowa Power Rate Schedule FPC No. 5.

The First Amendment provides for the establishment of points of delivery between the two companies and further specifies the nature of facilities to be made available for the use of both parties for the interchange of electric power and energy under the terms of the basic Interconnection Agreement and Service Schedules attached thereto.

The purpose of these additional facilities and delivery points is to further increase the interchange and displacement capabilities between the systems of both companies and facilitate coordinated development of adequate transmission capacity for service to customers of the companies at minimum cost.

Iowa Power requests the Commission to waive the prior notice requirements of Section 35.3(a) and accept this rate schedule for filing with the retroactive effective date of May 1, 1968 pursuant to Section 35.11 of the Commission's regulations. Iowa Power states that copies of the filing have been served upon Omaha Public Power District and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28795 Filed 10-24-75;8:45 am]

[Docket No. RP76-25]

McCULLOCH INTERSTATE GAS CORP.

Proposed Changes in Rates and Charges

OCTOBER 17, 1975.

Take notice that on October 9, 1975, McCulloch Interstate Gas Corporation (McCulloch) tendered for filing the following Revised Sheets to its Federal Power Commission Gas Tariff, Original Volume No. 1:

MOUNTAIN FUEL SUPPLY COMPANY

First Revised Sheet No. 38, covering increased rates for the transportation of natural gas south from the Spearhead Ranch Area of Campbell County to Douglas, Wyoming, for the account of Mountain Fuel Supply Company.

Test year volume	Units	Contract rate (cents)	Proposed rate (cents)	Increase (cents)	Increase (dollars)
3,175,000	Mcf	3.50	9.76	6.26	198,786
4,010,000	MMBtu	2.77	7.73	4.96	198,912

Proposed effective date of such revised tariff sheets is November 1, 1975.

On September 16, 1975, McCulloch Interstate received copies of the FPC Staff's proposed answering testimony in these overall rate increase proceedings. Except for some other adjustments of minor extent, the FPC Staff's principal adjustment was to recommend increases in the cost of McCulloch Interstate's transportation of gas for Mountain Fuel's account. This filing is made in order to put the FPC Staff's recommendations into effect, as modified by McCulloch Interstate, according to McCulloch.

Because the increased rates are proposed to replace rates now under suspension, McCulloch asks that the Commission make the increases requested here effective on the same date.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 31, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28805 Filed 10-24-75;8:45 am]

[Docket No. ER76-163]

ROCHESTER GAS AND ELECTRIC CORP.

Filing of Firm Power Contract

OCTOBER 16, 1975.

Take notice that Rochester Gas and Electric Corporation (Rochester), on October 6, 1975, tendered for filing a rate schedule providing for the sale by Rochester to Consolidated Edison Company of New York, Inc. (Con Edison) of 150 MW of firm capability and associated energy. Rochester requests that the Commission waive the 30-day notice requirement and permit the rate schedule to be effective as of October 26, 1975.

According to Rochester, a copy of the filing was served upon Con Edison and the New York Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28796 Filed 10-24-75;8:45 am]

[Docket No. RP74-24]

TENNESSEE GAS PIPELINE CO.

Further Extension of Time

OCTOBER 16, 1975.

On October 10, 1975, Staff Counsel filed a motion to extend the time for filing briefs opposing exceptions to the Presiding Administrative Law Judge's Initial Decision issued July 9, 1975, in the above-designated proceeding.

The date for filing briefs opposing exceptions was set by notice issued July 29, 1975, as most recently modified September 26, 1975.

Notice is hereby given that the date for filing briefs opposing exceptions in the above proceeding is extended from October 20, 1975, to and including October 28, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28797 Filed 10-24-75;8:45 am]

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[Docket No. RP75–75]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Rejecting Tariff Sheets Without Prejudice and Granting Intervention

OCTOBER 16, 1975.

On September 16, 1975, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2.[1] Together with those substitute tariff sheets, Transco filed a motion to make effective as of October 1, 1975, those rates, suspended by Order issued April 30, 1975, in Docket No. RP75–75, as adjusted to reflect: (1) the elimination of certain costs for carrying charges under an advance payment agreement with Louisiana Land and Exploration Company[2], (2) a net increase in advance payments of $47,531,236 over the amounts originally filed herein, and (3) an increase in the rates for storage service under Rate Schedule S–2 tracking increased storage costs from Texas Eastern Transmission Corporation (Texas Eastern) under the latter's Rate Schedule X–28.

The aforementioned advance payment adjustment reflects the cumulative effect of four advance payment tracking filings previously made by Transco pursuant to tracking authority in Transco's pending settlement agreement in Docket Nos. RP74–48 and RP75–3.[3] Those previous advance payment tracking filings[4] were rejected as being premature.[5]

In addition, Transco's increased rate under Rate Schedule S–2, tracking increased storage costs from Texas Eastern under the latter's Rate Schedule X–28, was also included in a previous filing pursuant to tracking authority in Transco's pending settlement agreement and was rejected for being premature. In the instant filing, however, Transco does not rely upon the tracking authority for increased storage costs contained in the pending settlement. Rather, Transco relies upon the tracking authority we have granted them in the past on a case by case basis to track such increases.[6]

Public notice of the subject filing was issued on September 24, 1975, with comments, protests and petitions to intervene due on or before October 9, 1975. A timely petition for leave to intervene was filed by Sun Oil Company. Good cause appearing, said petition shall be granted, as hereinafter ordered and conditioned.

As noted above, the advance payment adjustment is made pursuant to provisions in the settlement agreement in Docket Nos. RP74–48 and RP75–3. Those provisions would permit the tracking of advances from Transco to producers of natural gas. However, because we have not yet taken any action on said settlement agreement, Transco, as of this date, has no authority to track the increases here in question. Regardless of the status of the settlement agreement in Docket Nos. RP74–48 and RP75–3, however, Transco will not be permitted to amend the suspended rates in the immediate docket to reflect additional advance payments pursuant to settlement tracking authority in another docket. Accordingly, that portion of the instant filing reflecting an adjustment for a net increase in advance payments over the amounts originally filed for must be rejected. Further, that portion of the instant filing consisting of a proposed adjustment in the suspended rates in this docket to reflect an increase in the rates for storage service under Rate Schedule S–2, tracking increased storage costs from Texas Eastern, shall be approved conditioned on Transco's filing the appropriate tariff sheets to become effective, subject to refund. Transco's substitute tariff sheets should reflect the elimination of certain costs for carrying charges under the advance payment agreement with Louisiana Land and Exploration Company, as directed by Commission order issued September 9, 1975, in these proceedings and should not include the amount for additional advance payments filed herein.

The Commission finds: (1) Good cause exists to grant Sun Oil Company's petition for leave to intervene in this proceeding, as hereinafter ordered and conditioned.

(2) Good cause exists to reject the tariff sheets listed in footnote 1 of this order and deny Transco's request to reflect in the suspended rates additional advance payments over the amounts originally filed herein.

(3) The proposed adjustment in the suspended rates in this docket reflecting an increase in the rates for storage service under Rate Schedule S–2 to track increased storage costs from Texas Eastern in the latter's Rate Schedule X–28 should be approved subject to Transco's filing the appropriate tariff sheets, which would become effective subject to refund in these proceedings.

(4) Those substitute tariff sheets reflecting a storage service increase shall eliminate, as ordered by this Commission, certain costs for carrying charges under the advance payment agreement with Louisiana Land and Exploration Company and shall also not include those additional advance payments not originally filed herein.

The Commission orders: (A) Sun Oil Company is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) Transco's proposed tariff sheets, filed September 16, 1975 in this docket and listed in footnote 1 of this order, are hereby rejected.

(D) Transco's request to reflect in the suspended rates in the instant docket additional advance payments over the amounts originally filed herein is denied.

(E) Transco's proposed adjustment in the suspended rates in this docket reflecting an increase in the rates for storage service under Rate Schedule S–2 to track increased storage costs from Texas Eastern in the latter's Rate Schedule X–28 is hereby approved subject to Transco's filing the appropriate tariff sheets in compliance with the conditions set forth hereinbelow in Ordering Paragraph (F), such sheets to become effective subject to refund in these proceedings.

(F) Those substitute tariff sheets reflecting a storage service increase shall eliminate, as directed by this Commission by order issued September 9, 1975, in these proceedings, certain costs for carrying charges under the advance payment agreement with Louisiana Land and Exploration Company and shall also not include those additional advance payments not originally filed herein.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–28798 Filed 10–24–75;8:45 am]

[1] These revised sheets are designated Substitute Fourteenth Revised Sheet No. 5 and Substitute Tenth Revised Sheet No. 6 to First Revised Volume No. 1; and Substitute Fifteenth Revised Sheet No. 52, Substitute Second Revised Sheet No. 121, Substitute Eleventh Revised Sheet No. 321, Substitute Fourth Revised Sheet No. 351, Substitute Seventh Revised Sheet No. 416, and Sixth Revised Sheet No. 495 to Original Volume No. 2.

[2] Commission order issued September 9, 1975, in the instant docket.

[3] "Agreement as to Rates" in Docket Nos. RP74–48 and RP75–3 was certified to the Commission on May 16, 1975.

[4] Filed in Docket Nos. RP74–48 and RP75–3 by Transco on May 16, 1975 (AP75–1), June 16, 1975, (AP75–2), July 16, 1975 (AP76–1) and August 15, 1975 (AP76–2).

[5] By orders issued June 30, 1975, July 25, 1975, August 29, 1975, and September 29, 1975, respectively, Transco's advance payments tracking filings were rejected because we had not yet acted on the aforementioned Agreement, pursuant to which the tracking filings were made. However, those rejections were without prejudice to Transco's right to make advance payment tracking filings in the event the tracking provision is approved at a later date.

[6] See e.g. Order issued October 26, 1970, in Docket No. RP71–10 (Transco's Rate Schedule S–2); Order issued June 30, 1971, in Docket No. RP71–124 (Transco's Rate Schedule GSS); Order issued July 2, 1971, in Docket No. RP71–123 (Transco's Rate Schedule S–2); Order issued July 13, 1972, in Docket No. RP72–131 (Transco's Rate Schedule S–2); Order issued May 30, 1974, in Docket No. RP73–69 (Transco's Rate Schedule S–2); Order issued August 1, 1974, in Docket Nos. RP73–69 and RP74–48 (Transco's Rate Schedule S–2); and Order issued August 30, 1974, in Docket Nos. RP74–48 and RP75–3 (Transco's Rate Schedule GSS).

[Docket Nos. G–7516 and G–13445]

WARREN PETROLEUM CO., A DIVISION OF GULF OIL CORP. (OPERATOR)

Notice of Application

OCTOBER 16, 1975.

Take notice that on September 29, 1975, Warren Petroleum Company, a division of Gulf Oil Corporation (Operator) (Applicant), P.O. Box 1589, Tulsa, Oklahoma 74102, filed in Docket Nos. G–7516 and G–13445 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon in part the sale of surplus residue gas to El Paso Natural Gas Company (El Paso) attributable to gas purchased from production from the Waddell Lease in Crane County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has been authorized to sell gas to El Paso pursuant to a surplus residue gas purchase agreement from Applicant's Waddell Gas Processing Plant in Crane County, Texas, by order issued May 28, 1956, in Docket No. G–7156, as amended, and by order issued February 24, 1958, in Docket No. G–13445. Applicant states further that part of the residue gas sold to El Paso after processing in the Waddell Plant was produced by Gulf Oil Corporation (Gulf) from the Waddell lease and that the portion attributable to gas formerly owned by Gulf under the Waddell lease has, since July 14, 1975, been owned by the reversionary mineral owners. Therefore, it is said, to the extent that such residue gas is attributable to the interests of the reversionary mineral owners in the Waddell Lease it is no longer available to Applicant for sale to El Paso.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 4, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–28799 Filed 10–24–75;8:45 am]

[Project No. 2507]

CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION AND THE MONTANA POWER CO.

Further Extension of Procedural Dates

OCTOBER 17, 1975.

On October 10, 1975, The Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana (the Confederated Tribes) filed a motion to extend the time within which to respond to the Motion of Staff Counsel to Dismiss Application for License, filed on July 1, 1975, in the above-designated proceeding. The time to respond to staff counsel's motion was most recently extended to October 16, 1975, by notice issued August 28, 1975.

On October 15, 1975, staff counsel filed a response in opposition to the motion of the Confederated Tribes. On October 16, 1975, The Montana Power Company filed a motion supporting the motion of the Confederated Tribes.

Notice is hereby given that the date within which to respond to Staff Counsel's motion is extended to and including October 31, 1975. No further extensions of this date will be permitted.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–28814 Filed 10–24–75;8:45 am]

[Docket No. RP74–100 (PGA 76–2)]

NATIONAL FUEL GAS SUPPLY CORP.

Suspending Proposed PGA Rate Adjustment, Establishing Hearing Procedures and Instituting Investigation

OCTOBER 17, 1975.

On September 19, 1975, National Fuel Gas Supply Corporation (National) filed a proposed PGA rate adjustment[1] reflecting (1) a 0.74 cents per Mcf increase in purchased gas costs, (2) a 0.58 cents per Mcf surcharge to recover $833,164 of deferred purchased gas costs, and (3) the elimination of the current 5.28 cents per Mcf surcharge. National requests waiver of the Commission's regulations to permit the proposed rate adjustments to become effective on October 1, 1975.

Notice of National's filing was issued on September 24, 1975, providing for protests or petitions to intervene to be filed on or before October 17, 1975. No protests, petitions to intervene, or other comments have been received in response to the notice.

A review of National's filing indicates that the proposed rates are predicated, in part, on the cost of purchased gas from small producers in excess of the rate levels prescribed in Opinion 742, issued on August 28, 1975. As a result, the proposed rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. National's proposed rates will therefore be accepted for filing, suspended for one day, and permitted to become effective thereafter on October 2, 1975, subject to refund.

With regard to the issue of small producers, we shall establish hearing procedures to determine the just and reasonable rate levels of those small producer purchases included in National's filing which are in excess of the rate levels resulting from use of the "130% formula" prescribed in Opinion No. 742. In this connection, we believe it appropriate to make the small producers involved respondents so that they may present evidence to show that the rates charged by them to National are just and reasonable. Although the small producers are not required to make refunds, we believe it appropriate to institute a Section 5 investigation against the small producers involved so that the just and reasonable small producer rate(s) determined in this proceeding can be applied prospectively.

Cost evidence relating to the small producer sales which are the subject of the hearing ordered herein can clearly provide the basis for "just and reasonable" rate findings, *F.P.C. v. Texaco Inc.*, 417 U.S. 380 (1974). Accordingly, we shall require the small producer respondents to submit cost evidence in order that we may determine the justness and reasonableness of National's rates and make appropriate prospective adjustments, if found necessary, to the small producer rates pursuant to our authority under Section 5 of the Natural Gas Act.

National must show that the rates paid to the small producers are just and reasonable by presenting evidence considering all relevant factors including, *inter alia*, (1) the pipeline's need for gas, (2) the availability of other gas supplies, (3) the amount of gas dedicated under the contracts, (4) the rates of other small producer sales previously approved and (5) comparison with appropriate market prices. (See Opinion 742, page 13).

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates

[1] Substitute Fifth Revised Sheet No. 4 to National's FPC Gas Tariff, Original Volume No. 1.

V 40 N 208 OCT 28 75 XUM

paid by the pipeline with respect to the subject small producer sales are just and reasonable.

Our review of National's proposed PGA rates indicates that with the exception of the increased purchased gas costs associated with that portion of small producer purchases in excess of the rate levels prescribed in Opinion 742, such rates are just and reasonable and should be approved. Accordingly, we shall permit National to file revised rates excluding that portion of small producer purchases in excess of the levels authorized by Opinion 742, to become effective on October 1, 1975, without refund obligation.

The Commission finds: (1) It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act, that a hearing be held to determine the justness and reasonableness of National's small producer purchases at rates in excess of the levels prescribed in Opinion 742.[3]

(2) Those small producers making sales to National at rates in excess of the level prescribed in Opinion 742 should be made respondents herein, and should be required to submit evidence of their project costs, as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 14 and 16 thereof, a public hearing shall be held on February 26, 1976 at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, to determine the lawfulness of National's PGA rates filed on September 19, 1975, insofar as those proposed rates reflect small producer purchases at rates in excess of the "130% formula" prescribed in Opinion 742.

(B) Pursuant to Section 5 of the Natural Gas Act, we hereby institute an investigation into the just and reasonable rate to be charged by the small producers making sales to National in excess of the rates resulting from the "130% formula" prescribed in Opinion 742, and consolidate such investigation with the hearing ordered in Paragraph (A) above for purposes of hearing and decision.

(C) The small producers listed on Appendix A are hereby made respondents to the hearing and investigation initiated by this order.

(D) National shall serve any evidence it wishes to present on or before December 1, 1975. The small producers listed on Appendix A shall also serve their evidence, if any, on or before December 1, 1975. Evidence by the Commission staff and any intervenor shall be served on or before January 15, 1976. Any rebuttal evidence shall be served on or before February 16, 1976.

(E) Each of the small producers listed on Appendix A, shall submit, on or before November 17, 1975, detailed cost data showing the cost of finding and producing gas for each project subject to this investigation.

[3] Dissenting statement by Nassikas filed as part of the original document.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see delegation of authority, 18 CFR 3.5 (d)), shall preside at the hearing to be held herein, and shall conduct such hearing in accordance with the Commission's rules and regulations and the terms of this order.

(G) Pending hearing and decision thereon, the proposed PGA rates filed by National on September 19, 1975, are accepted for filing, suspended for one day, and permitted to become effective thereafter on October 2, 1975, subject to refund.

(H) Within 15 days from the date of this order, National may file revised rates which exclude that portion of small producer rates in excess of the rates prescribed in Opinion 742, such rates to be effective on October 1, 1975, without refund obligation.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission. Chairman Nassikas, dissenting, filed a separate statement appended hereto.

[SEAL] KENNETH F. PLUMB,
Secretary.

Small Producer Respondents Docket No. RP74-100 (PGA 76-2)

Small producer	Contract No.	Contract date
G. W. & Jean F. Walters	20445	June 12, 1974
G. W. & Jean F. Walters	21704	Do.
Irvine L. Geer	26196	July 31, 1974
V. G. Gas Co.	18467	Aug. 5, 1974
Glenbrook Oil & Gas, Inc.	21978	Oct. 10, 1974
Cougar Pass Resources	22076	May 3, 1974
Carroll A. Weaver	22093	June 24, 1974
Howard & Son	25957	Oct. 2, 1974
Anthony F. Carino	25988	Nov. 18, 1974
Amarex, Inc.	26015	Nov. 22, 1974
North East Natural Gas Co., Ltd.	26153	July 9, 1974
Dillon-Reetz, Ltd.	26221	June 21, 1974
F. E. Petroleum, Inc.	24222	July 9, 1974
Forest Chemical Co.	26226	July 29, 1974
John Reetz Associates, Inc.	28251	Apr. 9, 1974

[FR Doc.75-28808 Filed 10-24-75;8:45 am]

[Docket No. RM74-16]

NATURAL GAS COMPANIES ANNUAL REPORT OF PROVED DOMESTIC GAS RESERVES

Extension of Time for Certain Respondents To File FPC Form No. 40

OCTOBER 17, 1975.

On August 18, 1975, the Commission issued Order No. 526-A, which made Section 260.13 of our Regulations effective as of that date. Pursuant to that order all natural gas companies, their affiliates, and subsidiaries were required to file FPC Form No. 40 on September 17, 1975, as to the Offshore Federal Domain, and October 2, 1975, for the onshore areas and the State controlled offshore. The Secretary has granted extensions of time to October 17, 1975, to file Form No. 40 to those respondents who have requested an extension.

Upon consideration, notice is hereby given that an extension is granted to November 17, 1975, to file all of Form 40 to those respondents on the attached list.

Those respondents which were required to file Form No. 40, but which have not filed to date nor requested an extension of time in which to file were deficient in this reporting requirement as of October 2, 1975.

KENNETH F. PLUMB,
Secretary.

NATURAL GAS COMPANIES ANNUAL REPORT OF PROVED DOMESTIC GAS RESERVES: FPC FORM NO. 40

ADA Resources, Inc., and Affiliates.
Adams, Jr. K. S.
Alamo Petroleum Company.
Amerada Hess Corporation.
American Pacific International, Inc.
American Petrofina Company of Texas.
Anadarko Production Company.
APCO Oil Corporation.
Apexco, Inc.
Arnold III, Isaac.
Arnold, Antoinette.
Arnold, Isaac, Estate of.
Arnold, Jr., Isaac.
Armond, Robert Tilly.
Ashland Oil, Inc.
Atlantic Richfield Company.
Austral Oil Company, Inc.
Barnhart, Robert Joseph.
Barnhart, Wilhelmina Anne.
Basin Petroleum Corporation.
Bayou Oil Company.
Bodcaw Company, Randal Lewis.
Bridger Petroleum Corporation.
Bridwell Oil Company.
Cabot Corporation.
California Company, The.
Chevron Oil Company.
Cities Service Oil Company.
CIG Exploration, Inc.
Clark Oil Producing Company.
Clinton Oil Company.
Coastal States Gas Corporation.
Coastal States Gas Producing Company.
Cobertson, Corbin J.
Colorado Oil & Gas Corp.
Consolidated Gas Supply Corporation.
Continental Oil Company.
Coquina Oil Corporation.
Cotton Petroleum Corporation.
Crab Run Gas Company.
Cullen, Harry H.
Cullen, Roy H.
Damson Oil Corporation.
Dan R. Wager.
Delta Drilling Company.
Devon Corporation.
Diane Oil Company.
Dixilyn Corporation.
Dorchester Gas Producing Company.
Dorfman Production Company.
Eason Oil Company.
Exchange Oil & Gas Corporation.
Exeter Exploration Co.
Expando Production Company.
Ferguson Oil Company, Inc.
Forest Oil Corp.
G. E. Kadane & Sons Corp.
Gas Producing Enterprises, Inc.
Geiselman, Elisabeth Robertson.
General American Oil Company of Texas.
H. M. Huber Corporation.
Hanover Petroleum Corporation.
Harper Oil Company.
Hells, William G., Estate of.
Helmerich & Payne, Inc.
Henderson, George I., Estate of.
Highland Resources, Inc.
HNG Fossil Fuels Company.
Houston Oil & Minerals Corporation.
Hunt Petroleum Corporation.
Hunt Oil Company.
Hunt, H. H. L., Estate of.
Hill, A. G.
Hunt, Hassie, Trust.
Hunt, Lamar.
Hunt Industries.
Hunt, W. H.
Hunt, William Herbert, Trust Estate.
Hunt, N. B.
Hunt, Caroline, Trust Estate.
Hunt, Caroline (Sands) Schoellkoph.
Husky Oil Company.
Indian Royalty Company.
J. N. Huber Corporation.
J. S. Abercombie Mineral Company, Inc.
K. S. Adams, Jr.
Kerr-McGee Corporation.
Kewanee Oil Company.
King Resources Company.
Knob Hill Oil & Gas Company, Inc.
Leasehold Interests, Inc.
Lenoir M. Josey, Inc., et al.
Lone Star Producing Company.
Long, Cornelia Cullen.
Louisiana Land & Exploration Company, The.
Marathon Oil Company.
Marshall, Margret Cullen.
Marshall, Douglas B.
Marshall, Hugh Roy.
Marice L. Brown Company, The.
McMoran Exploration Company.
MESA Petroleum Company.
Mims, Joyce A.
Mitchell Energy Corporation.
Mobil Oil Corporation.
Mosbacher, Robert.
Occidental Petroleum Corporation.
Ocean Production Company.
Ocean Drilling & Exploration Company.
Ocean Oil & Gas Company.
Murphy Oil Corporation.
Pacific Lighting Exploration Company.
Pauley Petroleum, Inc.
Pelto Oil Company.
Petro-Lewis Corporation.
Pioneer Production Corporation.
Placid Oil Company.
Portanova, Enrico.
Portanova, Ugo.
Prairie Producing Company.
Reserve Oil & Gas Company.
Robertson, Alison Suzanne.
Robertson, Carrol Christine.
Robertson, Corbin J.
Robertson, Corbin J., Jr.
Robertson, Lillie Therese.
Robertson, Wilhelmina Cullen.
Rodman Corporation, The.
Samedan Oil Corporation.
Sarkeys, Inc.
Scott III, Russell.
Scott, Agness Louis.
Scott, Joseph Arnold.
Scott, Mary Cullen.
Scott, Mary Hugh.
Shell Oil Company.
Shenandoah Oil Corporation.
Signal Oil Corporation.
Singer-Fleischaker Oil Operating Company.
Sklar & Phillips Oil Company.
Sohio Petroleum Company.
Sonat Exploration Company.
South Coast Corp., The.
South States Oil & Gas Company.
Southern Natural Gas Company.
Southwest Petro-Chem (Production), Inc.
Stephens Production Company.
Suburban Propane.
Sun Oil Company.
Tesoro Petroleum Corporation.
Texas Crude, Inc.
Texas Gas Exploration Corporation.
Texas Gas Transmission Corporation.
Texas Oil & Gas Corporation.
Texas Southeastern Gas Company.
Texas West Oil & Gas Corp.
Transco Exploration Company.
Transocean Oil, Inc.
W. C. McBride, Inc.
Wessely, Arthur J.
Wessely Energy Corp.
Westrans Petroleum, Inc.
Wheless Industries, Inc.
Wilshire Oil Company of Texas.
Wilson, Robert P.
Zoller & Danneberg, Inc.

[FR Doc.75-28817 Filed 10-24-75;8:45 am]

[Docket Nos. CP71-50, CP71-54, CP71-187]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

Postponement of Hearing

OCTOBER 17, 1975.

On October 14, 1975, Phillips Petroleum Company filed a motion to postpone the hearing date fixed by order issued July 18, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the hearing date in the above proceeding is changed from October 21, 1975 to November 18, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28809 Filed 10-24-75;8:45 am]

NORTH PENN GAS CO.

[Docket No. RP73-8, PGA76-1]

Proposed Changes in FPC Gas Tariff

OCTOBER 17, 1975.

Take notice that North Penn Gas Company (North Penn) on October 10, 1975 tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA clause for rates to be effective November 1, 1975. The proposed rate change will increase jurisdictional revenues based on the twelve-month period ending August 31, 1975, by $261.7 thousand annually.

North Penn states that the PGA filing was triggered by PGA increases filed by Consolidated Gas Supply Corporation on September 30, 1975, and by Transcontinental Gas Pipe Line Corporation on September 16, 1975, both to become effective November 1, 1975.

North Penn is requesting a waiver of the 45-day notice requirement contained in its PGA clause since it did not receive its suppliers' revised rates in sufficient time to make a timely filing and further asks for a waiver of any other of the Commision's Rules and Regulations in order to permit the proposed rates to go into effect on November 1, 1975.

Copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28810 Filed 10-24-75;8:45 am]

[Docket No. RP75-102]

PANHANDLE EASTERN PIPELINE

Extension of Procedural Dates

OCTOBER 17, 1975.

On September 23, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 30, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of staff, testimony, February 3, 1976.
Service of intervenor, testimony, February 17, 1976.
Service of company, rebuttal, March 2, 1976.
Hearing, March 23, 1976 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28811 Filed 10-24-75;8:45 am]

[Docket No. ER76-166]

PUGET SOUND POWER & LIGHT CO.

Change in Supplement

OCTOBER 17, 1975.

Take notice that on October 8, 1975, the Puget Sound Power and Light Company (Puget Sound) tendered to the Federal Power Commission for filing First Revised Sheet No. 2, superseding Original Sheet No. 2, and Original Sheet No. 2a. Puget Sound states that the purpose of this filing is to correct a typographical error in paragraph 3 under the section captioned "RATES" in Supplement No. 2 to Puget Sound's Rate Schedule FPC No. 55, accepted by the F.P.C. for filing on April 8, 1975. The company proposes an additional provision in its rate schedule whereby charges for energy delivered from thermal generation for nonfirm service will include as additional compensation such portion of the investment costs of the production plant used to furnish the thermal generation as the Company determines in advance but not to exceed 50 percent of such investment costs. The company also proposes to change the original filing whereby charges for energy delivered from thermal generation for firm service will include as additional compensation such portion of the investment costs of the production plant used to furnish the thermal generation as the company determines in advance but not to exceed 100 percent of such investment costs.

The company requests, pursuant to Section 35.11 of the Commission's Regulations, that these changes in its supplement be given the same effective date as the filing of the original supplement, which is March 12, 1975.

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Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28812 Filed 10-24-75;8:45 am]

STINGRAY PIPELINE CO.

[Docket No. CP73-27, *et al.*]

Tariff Filing

OCTOBER 17, 1975.

Take notice that on October 14, 1975, Stingray Pipeline Company (Stingray), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP73-27 Fourth Revised Sheet No. 4 to Original Volume No. 1 of its F.P.C. Gas Tariff to become effective on October 1, 1975.

Stingray states that the rate level reflected in Fourth Revised Sheet No. 4 utilizes a 9.6% cost of debt capital (8% x 1.2) for the 75% portion of Stingray's capitalization which consists of debt. The interest charge of 9.6% for the Fourth quarter of 1975 has been established pursuant to the terms of the Revolving Credit and Term Loan Agreement, dated April 1, 1973 which was introduced as Exhibit No. 8 in the record in Docket No. CP73-27, *et al.*

Any person desiring to be heard or to make any protest with reference to said tariff filing should on or before November 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rule of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant parties to the proceeding. Any person wishing to become a party to a proceeding or to participate wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28813 Filed 10-24-75;8:45 am]

[Rate Schedule Nos. 88, *et al.*]

TEXAS OIL & GAS CORP., ET AL.

Rate Change Filings

OCTOBER 16, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increase rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before November 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Sept. 25, 1975	Texas Oil & Gas Corp., Fidelity Union Tower Bldg., Dallas, Tex. 75201.	88	Arkansas Louisiana Gas Co.	Other Southwest.
Sept. 26, 1975	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	356	Tennessee Gas Pipeline Co.	Texas Gulf Coast.
Sept. 29, 1975	Pennzoil Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	191	Ashland Oil, Inc.	Other Southwest.
Do	do	192	do	Do.
Do	do	193	do	Do.
Do	do	194	do	Do.
Do	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	124	Texas Gas Pipeline Co.	Texas Gulf Coast.
Sept. 30, 1975	do	125	do	Do.

[FR Doc. 75-28818 Filed 10-24-75;8:45 am]

[Docket No. E-9351]

UNITED STATES DEPARTMENT OF THE INTERIOR, SOUTHEASTERN POWER ADMINISTRATION

Request for Approval of Temporary Rates and Charges

OCTOBER 17, 1975.

Notice is hereby given that on September 30, 1975, The Secretary of the Interior upon behalf of Southeastern Power Administration (SEPA) pursuant to Section 5 of the Flood Control Act of 1944 (50 STAT. 887, 890), filed with the Commission a request for confirmation and approval of Temporary Wholesale Power Rate Schedule WP-JB-C-1. This Temporary Rate Schedule is applicable to the sale of power produced at West Point, Jones Bluff and Carter's projects for an interim period prior to the Execution of contracts covering the long-term sale of power generated at the three projects. Confirmation and approval of this rate is requested for an interim period ending June 20, 1976, or the effective dates of contracts covering the long-term sale of this power, whichever occurs first.

The monthly rate for capacity and energy sold under rate schedule WP-JB-C-1 shall be:

DEMAND CHARGE

$0.90 per kilowatt per calendar month for capacity. The number of kilowatts for any month to which this charge shall apply shall be the average of the kilowatts declared available on a daily basis for scheduling by the customer. In the event capacity made available by the Government is reduced or interrupted for any reason for 12 hours or more, the declarations for that day shall be reduced by the amount that was unavailable to the customer for 12 hours or more.

ENERGY CHARGE

3.25 miles per kilowatt hour for all energy which can be generated from natural stream-flow water released through the turbines at the projects with the machine capability available and useable, including test and minimum release energy.

Submitted along with the requests were copies of Contract No. 14-05-0001-546, as amended, between the Government and Georgia Power Company covering the sale of the power output of the first two units at Carters Project for an interim period.

Any person desiring to make comments or suggestions upon this application may write the Federal Power Commission, 825 North Capital Street, N.E., Washington, D.C. 20426. All such comments or suggestions should be filed in writing on or before November 7, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28815 Filed 10-24-75;8:45 am]

[Docket No. RP76-15]

ALGONQUIN GAS TRANSMISSION CO.

Filing of Substitute Tariff Sheet

OCTOBER 20, 1975.

Take notice that on October 3, 1975, Algonquin Gas Transmission Company (Algonquin Gas) tendered for filing Substitute Ninth Revised Sheet No. 10. Algonquin Gas states the reason for the filing is to include in such sheet the correction to the base tariff rates as reflected in Algonquin Gas' (Corrected) Substitute Eighth Revised Sheet No. 10 and the change in its cost of purchased gas as reflected in Texas Eastern's Fourteenth Revised Sheet No. 14-D, filed on September 26, 1975.

Algonquin Gas requests that Substitute Ninth Revised Sheet No. 10 replace Ninth Revised Sheet No. 10, and in furtherance thereof, requests any waivers of the Commission's Regulations deemed necessary to accomplish this.

Algonquin Gas states a copy of this filing is being served on all customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28869 Filed 10-24-75;8:45 am]

BOSTON EDISON CO.

[Docket Nos. ER76-96, etc.]

ORDER ACCEPTING FOR FILING PROPOSED RATE SCHEDULE, INSTITUTING 206 INVESTIGATION, ESTABLISHING PROCEDURES, AND CONSOLIDATING PROCEEDINGS

OCTOBER 20, 1975.

On September 2, 1975, Boston Edison Company (Edison) tendered for filing as an initial rate schedule[1] a Unit Power Agreement with New England Power Company (NEPCO). Under the filed rate schedule Edison will make available to NEPCO on a unit contract basis 6.82% of the capacity and associated energy from Edison's Mystic Unit No. 7 (Unit) for the period November 1, 1975 through October 31, 1976.

Public notice of the filing was issued on September 10, 1975, with protests or petitions to intervene due on or before September 22, 1975. No timely responses were received. Edison has requested that the rate schedule be made effective as of October 2, 1975.

Edison states that the proposed rates are designed to reimburse Edison for 6.82% of the fixed and operating costs of the Unit and certain associated transmission facilities. Capacity charges are determined by a cost-of-service formula designed to recover all non-fuel costs associated with the Unit and certain transmission facilities linking the Unit with Edison's North Cambridge Substation No. 509. Energy charges are based on Edison's fuel expense for the Unit.

Delivery of the Unit entitlement is to be made at the 345 KV bus of Substation No. 509, with deliveries beyond that point to be in accordance with the New England Power Pool (NEPOOL) Agreement. We note that Pool Transmission Facilities (PTF) cost rules are currently under investigation in New England Power Pool Agreement, Docket No. E-7690 (PTF Cost Rules). Accordingly, that part of NEPCO's transmission charges associated with NEPOOL PTF costs will be made subject to the outcome of the proceedings in Docket No. E-7690 (PTF Cost Rules).

Our review indicates that the proposed rates, charges, terms, and conditions of service of the proposed rate schedule have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall accept the proposed rate schedule for filing to become effective October 2, 1975, as requested, and shall institute an investigation into the lawfulness of the proposed rate schedule pursuant to the Commission's authority under Section 206 of the Federal Power Act.

We note that the rates and charges contained within the instant rate schedule are the subject of an existing investigation initiated by our Order of July 31, 1975, in Docket Nos. E-9364 and E-9366. Therefore, it is appropriate that the investigation herein ordered be consolidated with Docket Nos. E-9364 and E-9366 for purposes of hearing and decision.

The Commission finds.—(1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act, that the Commission institute a Section 206 investigation and hearing concerning the lawfulness of the initial rate schedule tendered by Edison in Docket No. ER76-96 and that such rate schedule be accepted for filing.

(2) Good cause exists to consolidate the investigation herein ordered with the proceedings in Docket Nos. E-9364 and E-9366.

(3) Those transmission charges associated with NEPOOL PTF costs should be subject to the outcome of the proceedings in Docket No. E-7690 (PTF Cost Rules).

The Commission orders.—(A) Edison's initial rate schedule tendered on September 2, 1975, is hereby accepted for filing to become effective October 2, 1975.

(B) Pursuant to the authority of the Federal Power Act, particularly Section 206 thereof, and the Commission's Rules and Regulations, an investigation concerning the lawfulness and reasonableness of the subject initial rate schedule is hereby initiated.

(C) The proceedings instituted herein shall be consolidated for purposes of investigation, hearing and decision with those established by order issued July 31, 1975, in Docket Nos. E-9364 and E-9366, with the procedural schedule as established in that order to govern.

(D) Those transmission charges paid by NEPCO associated with NEPOOL PTF costs shall be made subject to the outcome of the proceedings now pending in Docket No. E-7690 (PTF Cost Rules).

(E) The Commission Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28870 Filed 10-24-75;8:45 am]

[1] Designated: Boston Edison Company Rate Schedule FPC No. 109.

[Project No. 2757]

COLORADO RIVER WATER CONSERVATION DISTRICT

Notice of Application for Preliminary Permit

OCTOBER 21, 1975.

Public notice is hereby given that application for preliminary permit was filed on August 4, 1975, under the Federal Power Act (16 U.S.C. § 791a-825r) by Colorado River Water Conservation District (Correspondence to: Mr. Roland C. Fischer, Secretary-Engineer, Colorado River Water Conservation District, P.O. Box 1120, Glenwood Springs, Colorado 81601; Mr. Kenneth Balcomb, Delaney & Balcomb, P.O. Drawer 790, Glenwood Springs, Colorado 81601; and Mr. Robert L. McCarty, McCarty and Noone, 1225 Connecticut Avenue N.W., Washington, D.C. 20036) for proposed Project No. 2757, to be known as the Juniper-Cross Mountain Project, located in Moffat County, Colorado, on the Yampa River.

According to the application, the proposed Juniper-Cross Mountain Project would involve two dams and reservoirs on the main channel of the Yampa River in Moffat County, Colorado.

The Juniper Development of the project would consist of: (1) a 210-foot-high concrete arch dam located in the east half of Section 18, T. 6 N., R. 94 W., in the vicinity of Maybell, Colorado, on the Yampa River about 25 miles southwest of Craig, Colorado; (2) a storage reservoir with a maximum water level at elevation 6,125 feet and a minimum tailwater level at elevation 5,950 feet; and (3) a diversion tunnel leading to a powerhouse containing three 15,000 kW generating units.

The Cross Mountain Development of the project would consist of: (1) a 260-foot-high concrete arch dam located downstream from Juniper Dam and about 50 miles west of Craig, Colorado, near the downstream end of Cross Mountain Canyon on the Yampa River;

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(2) a re-regulating reservoir having a maximum water level at elevation 5,875 feet and a minimum tailwater level at elevation 5,651 feet; and (3) a diversion tunnel leading to a powerhouse containing three 11,000 kW generating units.

A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, the market for the power, and all other necessary information for inclusion in an application for license.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. 825g, 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b) (18 C.F.R. 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein, and if the applicant or initial pleader requests that the shortened procedure of Section 1.32(b) be used. If an issue of substance is so raised or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28881 Filed 10-24-75;8:45 am]

[Docket Nos. RP74-81, RP74-82, RP75-105, and RP75-106]

COLUMBIA GULF TRANSMISSION CORP. AND COLUMBIA GAS TRANSMISSION CORP.

Notice of Conference

OCTOBER 21, 1975.

Take notice that on Thursday, November 6, 1975, Commission Staff is convening an informal conference for the purpose of discussing the conjunctive billing issue in Docket Nos. RP74-81, RP74-82 and the issue in Docket Nos. RP75-105 and RP75-106 with a view toward settling these proceedings. This conference will be held in Room 5200 of the Federal Power Commission offices, 825 North Capitol Street, NE., Washington, D.C. 20426, at 10:00 a.m.

All parties in attendance will be expected to come fully prepared to discuss all issues involved in this proceeding, both procedural and substantive, and to make commitments with respect to such issues and any offers of settlement or stipulation discussed at the conference.

Customers and other interested parties will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in this proceeding. A petition to intervene filed pursuant to Section 1.8 of the Commission's Rules of Practice and Procedure is required for that purpose.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28882 Filed 10-24-75;8:45 am]

[Docket No. RP76-19]

EL PASO NATURAL GAS CO.

Notice of Tariff Filing

OCTOBER 22, 1975.

Take notice that on September 29, 1975, El Paso Natural Gas Company (El Paso) tendered for filing, pursuant to Part 154 of the Commission's Regulations Under the Natural Gas Act, certain tariff sheets proposing changes to its FPC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A.[1]

El Paso states that on June 10, 1975, it tendered for filing and acceptance certain tariff sheets and a concurrent application at Docket No. CP75-360 for a certificate of public convenience and necessity. The purpose of such tariff filing was modification of El Paso's FPC gas Tariff relating to storage operations, extension of the term of currently effective special Rate Schedule X-35 as a part of El Paso's Third Revised Volume No. 2 tariff. Said filing was the culmination of additional special operating arrangements made between El Paso, Pacific Gas and Electric Company (PG&E) and Southern California Gas Company (SoCal) for the protection of Priority 1 and 2 requirements of El Paso's east-of-California customers during the 1975-76 and 1976-77 heating seasons.[2]

As indicated in said filing of June 19, 1975, El Paso had anticipated delivering approximately 9,000,000 Mcf through October, 1975, of the total 17,000,000 Mcf of additional advance sale gas provided for under the said arrangement with PG&E. El Paso has now been advised by PG&E that, due to current operational conditions, PG&E would be able to receive more than the said anticipated 9,000,000 Mcf of additional advance sale gas through October, 1975. El Paso states that, in order to utilize the additional special operating arrangements to the maximum, it has delivered as of September 26, 1975, approximately 11,300,000 Mcf of additional advance sale gas to PG&E. Further, El Paso now anticipates delivering to PG&E through October 31, 1975, essentially all of the 17,000,000 Mcf of additional advance sale gas permitted under the special operating arrangements. El Paso further states that such additional 1975 deliveries, above the originally forecasted 9,000,000 Mcf reflected in its filing of June 10, 1975, necessitate revision of the surcharge rate applicable to the additional special operating arrangements from 8.37¢ per Mcf to 10.09¢ per Mcf. The filing contains schedules reflecting the derivation of the revised surcharge rate and a revised estimate of the revenues to be derived by El Paso by application of such revised surcharge rate.

El Paso as requested that the tendered tariff sheets[1] be accepted for filing and permitted to become effective on November 1, 1975. El Paso also tendered alternative substitute tariff sheets which have the same purpose as those described above except that such alternative sheets assume that the authorizations sought by El Paso at Docket No. CP76-87, relating to the operation of its Rhodes Reservoir storage facility on a permanent basis, have not issued by November 1, 1975. Should the authorizations issue at Docket No. CP76-87 on or before November 1, 1975, El Paso further states that the tendered alternative substitute tariff sheets shall be deemed withdrawn. El Paso also requests waiver of the Commission's Regulations as may be necessary to permit effectiveness of the tendered sheets on November 1, 1975.

Any person desiring to be heard or to make any protest with reference to said tariff tender should, on or before October 28, 1975, file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10) and the Regulations

[1] Such tendered sheets are: Fourth Revised Sheet No. 63-C.6 to Original Volume No. 1; Fourth Revised Sheet No. 1-M.6 to Third Revised Volume No. 2 and Fourth Revised Sheet No. 7-MM.6 to Original Volume No. 2A and are designed to supersede the counterpart tariff sheets proposed to become effective on November 1, 1975, which were filed in conjunction with the certificate application filed by El Paso on September 17, 1975, at Docket No. CP76-87.

[2] By order issued July 9, 1975, at Docket Nos. CP73-334, CP74-289 and CP75-360, the Commission granted El Paso temporary authorization for the additional special operating arrangements made with PG&E and SoCal and accepted for filing effective July 9, 1975, certain tariff sheets providing for changes in the storage service provisions of El Paso's FPC Gas Tariff necessary to implement said additional special operating arrangements.

[1] See Note 1, *supra*.

Under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28920 Filed 10-24-75;8:45 am]

[Docket No. ER76-165]

IOWA POWER AND LIGHT CO.

Notice of Change in Rate Schedule

OCTOBER 20, 1975.

Take notice that Iowa Power and Light Company (Iowa Power) on October 6, 1975, tendered for filing the Second Amendment to Interconnection Agreement between Iowa Power and Light Company and Omaha Public Power District dated June 30, 1975 as proposed Supplement No. 8 to Iowa Power Rate Schedule FPC No. 5.

The Second Amendment provides for the establishment of points of delivery between the two companies and further specifies the nature of facilities to be made available for the use of both parties for the interchange of electric power and energy under the terms of the basic Interconnection Agreement and Service Schedules attached thereto.

Iowa Power states that the purpose of these additional facilities and delivery points is to further increase the interchange and displacement capabilities between the systems of both companies and facilitate coordinated development of adequate transmission capacity for service to customers of the companies at minimum cost.

Iowa Power request the commission to waive the prior notice requirement of

Iowa Power requests the Commission to waive the prior notice requirements of Section 35.3(a) and accept this rate schedule for filing with the retroactive effective date of June 30, 1975, pursuant to Section 35.11 of the Commission's regulations. Iowa Power states that copies of the filing have been served upon Omaha Public Power District and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28871 Filed 10-24-75;8:45 am]

[Docket No. RI75-136]

JOHN B. HAWLEY, JR., TRUST NO. 1

Order Granting Petition for Special Relief and Permitting Intervention

OCTOBER 20, 1975.

On April 28, 1975, Mr. Wheeler Smith, Trustee of the John B. Hawley, Jr. Trust No. 1 (Hawley), filed a petition for special relief pursuant to Section 2.76[1] of the Commission's General Policy and Interpretations for the sale of natural gas to Cities Service Gas Company (Cities), made pursuant to a small producer certificate issued in Docket No. CS71-22, from the Longbotham Gas Unit No. 1 Well located in the Hugoton Field, Haskell County, Kansas (Hugoton-Anadarko Area).

Hawley owns a 49.92489% working interest in the Longbotham Gas Unit No. 1. Hawley is currently collecting a rate of 13.5 cents per Mcf, before Btu adjustment, at 14.65 psia for the sale of natural gas to Cities pursuant to a contract dated November 1, 1993. In order to restore production and preclude premature abandonment, Hawley states that it was necessary to conduct "fishing operations" to recover 2,260 feet of 1¼ inch tubing that had fallen to the bottom of the well during repair work on equipment in the well. Cost data filed July 7, 1975 shows the actual 100% working interest cost of restoring production was $22,156.

In consideration of Hawley's remedial measures to restore production, Cities agreed to an amendment to their gas sales contract on April 7, 1975. The amendment provides for an increase in rate of 34.0 cents per Mcf.[2]

Notice of Hawley's petition for special relief was issued on May 12, 1975 and appeared in the Federal Register on May 19, 1975 at 40 FR 21778. A timely petition to intervene was filed by Cities on May 22, 1975, in support of Hawley's petition.

The Commission's Staff (Staff) has conducted a detailed analysis of the data submitted by Hawley. Based thereon, Staff has estimated that 513,075 Mcf of recoverable reserves remain to be produced over a period of 13 years, and Staff has determined that the proposed rate is justified. After a careful review of the costs incurred and the reserves to be recovered, we conclude that it is in the public interest to grant Hawley's petition.

The Commission finds.—(1) The petition for special relief filed by Hawley meets the criteria set forth in Section 2.76 of the Commission's General Policy and Interpretations and should be granted.

(2) Good cause exists to allow Cities to intervene in this proceeding.

The Commission orders.—(A) The petition for special relief of Hawley is hereby granted.

(B) Hawley is authorized to collect 34.0 cents per Mcf at 14.65 psia, inclusive of Federal Income Taxes and subject to downward Btu adjustment for gas having a Btu content below 900 Btu, for all gas produced from the Longbotham Gas Unit No. 1 effective on the date of this order.

(C) Cities is permitted to intervene in this proceeding for special relief subject to the Rules and Regulations of the Commission; *Provided, however*, that the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition for leave to intervene; and *Provided, further*, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding, and that the intervenor agrees to accept the record as it now stands.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28872 Filed 10-24-75;8:45 am]

[Docket No. RP76-3]

INLAND GAS COMPANY, INC.

Order Waiving Regulations, Accepting for Filing and Suspending Tariff Sheets, Setting Formal Hearing, Establishing Procedures, and Granting Interventions

OCTOBER 20, 1975.

On July 31, 1975, the Inland Gas Company, Inc. (Inland) tendered for filing Original Sheets Nos. 1 through 7 to its FPC Gas Tariff, Original Volume No. 1, constituting its proposed curtailment procedures. The proposed effective date of all sheets is January 1, 1976.

Inland states that it mailed a copy of its filing to all of its affected customers and requests waiver of the Commission's Regulations to permit its filing to become effective as proposed. Additionally, Inland requests the Commission to set a prehearing conference among all parties to discuss its proposed curtailment plan.

The tendered sheets provide for a method of curtailment, penalty charges, disposition of penalty charges, and a provision for relief in emergency situations. Although the proposed plan does not strictly follow the Commission's Order No. 467-B priorities, Inland states that the plan is nevertheless consistent with the Commission's statement of curtailment policy. Inland alleges that the proposed curtailment procedures would fully protect its rural domestic and commercial customers by imposing proportionate

[1] 18 CFR § 2.76.

[2] The rate sought by Hawley and herein approved reflects an allowance for the increased tax liability resulting from repeal of the percentage depletion allowance by the Tax Reduction Act of 1975.

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curtailment on its larger industrial customers with entitlements in excess of 300 Mcf per day. Inland states that a curtailment plan in strict accordance with the priorities of service set forth in Section 2.78 of the Commission's General Policy and Interpretations (18 CFR 2.78) would severely impact one of its major customers and might cause a number of its smaller industrial customers to cease operations. Inland states that its proposed curtailment plan is not in strict accordance with the end-use priorities prescribed in Section 2.78 but that its proposed plan would mitigate or obviate the need to request extraordinary relief from its supplier.

Petitions to intervene were timely filed by Allied Chemical Corporation and Armco Steel Corporation. Neither petitioner expressed any opposition to the proposed plan, but only a desire to protect their interest. Each supports Inland's request for a prehearing conference.

The Commission finds.—(1) The tendered tariff sheets have not been shown to be just and reasonable and thus may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful under the Natural Gas Act.

(2) Good cause exists to waive the requirements of the Commission's Regulations to permit Inland's tendered tariff sheets to be accepted for filing.

(3) Good cause exists to set formal hearing to determine the lawfulness of Inland's filing, to establish the procedures for that hearing, and to suspend and defer the effectiveness of the tariff sheets, all as hereinafter ordered.

(4) The participation of the petitioners in this proceeding may be in the public interest.

The Commission orders.—(A) Pursuant to Section 154.51 of the Commission's Regulations, the notice requirements of the Regulations, particularly Section 154.22 thereof, are hereby waived and Inland's tendered tariff sheets are hereby accepted for filing.

(B) Pursuant to authority under the Natural Gas Act, particularly Sections 4, 5, and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations Under the Natural Gas Act, a public hearing shall be held, commencing with a prehearing conference, on November 11, 1975, at 10:00 a.m. in a hearing room at the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the issues involved in the instant filing.

(C) Pending hearing and decision, the tariff sheets tendered by Inland on July 31, 1975, are hereby suspended and the use thereof deferred until January 2, 1976, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) On or before December 1, 1975, Inland and other parties supporting the instant filing shall file with the Commission their direct case in the form of testimony and exhibits in support of the filing and serve copies thereof upon all parties including the Presiding Administrative Law Judge and Commission Staff. Cross-examination of the testimony will convene on December 16, 1975, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge, (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at and control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(F) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however*, that the participation of such intervenors shall be limited to matters affecting asserted rights and interest as specifically set forth in said petition for leave to intervene; and, *Provided, further*, that the admission of said intervenors shall not be construed as recognition by the Commission that they or either of them might be aggrieved by any order or orders of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28878 Filed 10-24-75;8:45 am]

[Docket No. ER76-170]

KENTUCKY UTILITIES CO.

Notice of New Delivery Point

OCTOBER 21, 1975.

Take notice that on October 9, 1975, the Kentucky Utilities Company (Company) tendered for filing a change in its Rate Schedule FPC No. 78 to include an additional delivery point as requested by Old Dominion Power Company (Customer). Service is expected to begin on or about November 15, 1975, which is requested as the effective date.

Company states that no reasonable billing estimates can be made since the load served will be that transferred from other delivery points from time to time. Company further states that copies of the tendered filing have been sent to Customer and the Kentucky Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28883 Filed 10-24-75;8:45 am]

[Docket No. E-9425]

KENTUCKY UTILITIES CO.

Notice of Filing of Revised Fuel Adjustment Clause

OCTOBER 21, 1975.

Take notice that on October 9, 1975, Kentucky Utilities Company (KU) tendered for filing a revised fuel adjustment clause to comply with Section 35.14 as amended by Order No. 517, for inclusion in the contract for service at a new delivery point with the City of Nicholasville, Kentucky, such contract being dated April 22, 1975. The instant filing is to modify the fuel clause contained in said contract tendered for filing May 1, 1975, which the Commission found deficient and subsequently rejected by Order issued July 16, 1975.

KU requests: (a) waiver of prior notice, under Section 35.11 of the Commission Regulation as stated in the May 1, 1975 filing, and grant of an effective date of October 24, 1974, (b) acceptance of the initial contract as filed for service rendered from October 24, 1974 through either December 31, 1974, or the date of acceptance of the current filing (whichever the Commission deems appropriate) and (c) acceptance of the fuel clause filed herewith, which is in compliance with Section 35.14 amended by Order No. 517, as an amendment to the initial contract to become effective either on and after January 1, 1975 or the date of acceptance of the filing (whichever the Commission deems appropriate) and, thereby, replace the originally filed fuel clause.

WPS-73, the basic rate in the April 22, 1975 contract, was designed based on the test year of 12 months ended July 31, 1972. The fuel clause filed herewith is indexed to the same 12 months period. The fuel costs "F" and the KMH sales "S" (as defined in FPC Order 517) for the base period are $23,539,051 and 5,977,059,638 KWH respectively.

KU requests waiver of the requirement to supply estimated billing for a subsequent period. The customer is shifting loads to this new delivery and, therefore, no meaningful estimates can be made, KU states.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before October 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28919 Filed 10-24-75;8:45 am]

[Docket No. CP76-121]

McCULLOCH INTERSTATE GAS CORP.

Notice of Petition for Declaratory Order

OCTOBER 20, 1975.

Take notice that on October 2, 1975, McCulloch Interstate Gas Corporation (Petitioner), 10880 Wilshire Boulevard, Suite 1600, Los Angeles, California 90024, filed in Docket No. CP76-121 a petition pursuant to Section 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(c)) for a declaratory order of the Commission directed to the question whether Petitioner's sale of natural gas to McCulloch Gas Transmission Company (MGTC) in the State of Wyoming is subject to the Commission's jurisdiction, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that it sells gas, which is purchased from various producers in the Powder River Basin of Wyoming, to Colorado Interstate Gas Company (CIG) for interstate consumption and to MGTC for intrastate consumption. It is stated that CIG is an interstate pipeline company certificated by the Commission and that MGTC is an intrastate pipeline carrier certificated by the Wyoming Public Service Commission (WPSC). By order issued June 19, 1970 (43 FPC 909), in Docket No. CP70-231 Petitioner received authorization to construct and operate its pipeline in the Powder River Basin.[1] In its application in Docket No. CP70-231 Petitioner had indicated that it would deliver approximately 60,000-73,000 Mcf of gas per day to CIG and would make a smaller, non-jurisdictional intrastate sale of gas to MGTC. Petitioner states that by contracts dated February 1, 1970, with MGTC and January 28, 1970, as amended, with CIG Petitioner reserved certain of its gas for intrastate sales. Petitioner further states that the original contract between Petitioner and CIG estimated Petitioner's intrastate sales at about 8,000 Mcf of gas per day, although this provision was later eliminated by amendment.

Petitioner states that now, for various reasons beyond its control, its gas reserves have rapidly declined. Petitioner claims that because MGTC is increasingly dependent upon Petitioner for gas supplies, Petitioner's sales to MGTC have remained relatively constant while Petitioner's sales to the interstate market have decreased. Petitioner states that its current total gas deliveries are about 16,000 Mcf per day of which about 8,000 Mcf day are delivered to MGTC.

A proposed intrastate rate increase filed by MGTC with the WPSC culminated in an order dated August 5, 1975, in which, it is claimed, the WPSC asserted jurisdiction over Petitioner's sale of gas to MGTC. Petitioner states that, additionally, the WPSC required Petitioner and MGTC to study possible emergency restructuring of their operations into one intrastate utility and the sale of the utility systems to an operating utility with a broader base to make continued operations feasible.

Based upon current circumstances which did not exist at the time of Petitioner's original certification, Petitioner asserts that the Commission has jurisdiction over Petitioner's sale of gas to MGTC in Wyoming. Petitioner contends that the WPSC's assertion of jurisdiction over Petitioner's sale of gas to MGTC, and facilities "used and useful" therefor, is duplicative of the Commission's jurisdiction and could materially affect the financial position of Petitioner. Petitioner states that although in the past it has taken the position that its gas sale to MGTC was not subject to the Commission's jurisdiction, Petitioner has never taken the position that the WPSC had jurisdiction over the sale.

Petitioner requests a hearing on its petition and a declaratory order holding that the Commission has jurisdiction over Petitioner's sale of gas to MGTC.

Any person desiring to be heard or to make any protest with reference to said petition should on or before November 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28873 Filed 10-24-75;8:45 am]

[Docket Nos. E-9499, E-9502, ER76-20]

MINNESOTA POWER AND LIGHT CO. AND SUPERIOR WATER, LIGHT AND POWER CO.

Notice of Extension of Procedural Dates

OCTOBER 20, 1975.

On October 14, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued July 18, 1975, in the above designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of staff testimony, December 2, 1975.

Service of intervenor testimony, December 16, 1975.

Service of company rebuttal, January 6, 1976.

Hearing, January 20, 1976 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28874 Filed 10-24-75;8:45 am]

[Docket No. E-9536]

MONTANA POWER CO.

Notice of Extension of Time

OCTOBER 20, 1975.

On October 10, 1975, The Montana Power Company filed a motion to extend the time to show cause as to why it should not file an application pursuant to section 203 of the Federal Power Act for approval of the acquisition by the company of certain electric facilities from the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, pursuant to order issued September 26, 1975, in the above-indicated proceeding.

Notice is hereby given that the time within which to show cause in the above proceeding is extended to and including November 14, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28875 Filed 10-24-75;8:45 am]

[Docket No. RP76-4]

NATIONAL FUEL GAS SUPPLY CORP.

Order Accepting for Filing and Suspending Proposed Rate Increase, Allowing Interventions, and Setting Procedures

OCTOBER 21, 1975.

On August 15, 1975, National Fuel Gas Supply Corporation (Company), tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1.[1] The proposed changes would have increased revenues from jurisdictional sales and services by $12,484,000 based on the 12 month period ending December 31, 1975, as adjusted. Notice of the filing was issued on August 25, 1975 with protests and petitions to intervene due on or before September 9, 1975. The proposed effective date is October 1, 1975.

By letter dated September 12, 1975 the Secretary informed the Company that its filing was deficient in that it was not based upon a proper test period as defined by Section 154.63(e)(2)(ii) of the Commission's Rules and Regulations. On September 22, 1975 the Company filed material which cured the deficiency. Notice of the curing filing was issued October 2, 1975. Under the revised filing the Company's rate increase was reduced to $11,905,000 based on the twelve month test period ending April 30, 1975, as adjusted. The Company requested waiver of Commission Regulations to permit the revised filing to become effective October 1, 1975. We shall assign a proposed

[1] By that order Petitioner was also authorized to acquire MGTC's interest in a certain pipeline in Campbell County, Wyoming.

[1] Sixth Revised Sheet No. 4, Second Revised Sheet No. 35, Second Revised Sheet No. 36.

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effective date of October 22, 1975 to the filing (30 days after the date of completion of the filing) and shall suspend such rates until March 1, 1976, a date five months beyond the original proposed effective date.

The Company has requested waiver of Section 154.63(e)(2)(ii) in order that it might include in this filing costs applicable to facilities to be acquired from The Sylvania Corporation pursuant to the proposed merger of Sylvania and the Company which is the subject of Docket No. CP75-344. The Company states that if a certificate of public convenience and necessity in Docket No. CP75-344 is not issued prior to the expiration of the suspension period in this proceeding, it will file revised tariff sheets reflecting the elimination of costs applicable to Sylvania. Upon review of this request, the Commission believes that waiver of its Regulations is appropriate in this case.

Review of the filing reveals that the Company has requested an overall rate of return of 10.20% including a return of 13.50% on common equity. Further, the Company proposes to raise its overall depreciation rate from 3.24% to 4.05%. The present gas shortage in this country, to which this Commission has often called attention, is a problem which is shared by most if not all major interstate transmission pipelines in varying degrees of magnitude. The effect upon the risk of capital invested in gas pipeline operations resulting from inadequate and declining gas supplies as well as the uncertainties and contingencies inherent in possible supplemental sources of supply are of direct and primary concern to us. It also seems clear that the gas shortage may result in situations where the useful or economic life of gas pipeline facilities may be substantially less than their physical life. Accordingly, we request that the evidence in this proceeding, including that to be filed by our Staff, give full and careful consideration to these factors in the development of recommendations on the issues of rate of return and depreciation so as to enable this Commission to formulate sound regulatory policies in these areas. Other issues requiring development at hearing include adjustments to operating revenues and questions of rate design. The foregoing is without prejudice to the right of the parties, including Commission Staff, to file such further evidence as they deem relevant and material.

Notices and petitions to intervene in these proceedings have been filed by the Public Service Commission of the State of New York and the Peoples Natural Gas Company. Good cause exists to allow participation by these parties.

The Company's proposed rate increase has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly we shall suspend the Company's rate increase to become effective March 1, 1976.

The Commission finds.—(1) Good cause exists to accept for filing as of September 22, 1975 the Company's revised tariff sheets, and suspend them until March 1, 1976.

(2) Good cause exists to waive Section 154.63(e)(2)(ii) to allow the Company to include in the proposed rates costs associated with the Sylvania Corporation subject to the condition that should the Commission not issue by March 1, 1976 a certificate of public convenience and necessity in Docket No. CP75-344 approving the merger of Sylvania and the Company, the Company shall file substitute tariff sheets which reflect the exclusion of costs associated with Sylvania.

(3) Good cause exists to allow participation by the above-named petitioners to intervene.

The Commission orders.—(A) The Company's tendered tariff sheets are hereby accepted for filing and suspended until March 1, 1976, subject to the terms and conditions of this order.

(B) Waiver of Section 154.63 of the Commission's Rules and Regulations is hereby granted to allow the Company to include in the proposed rates costs associated with the Sylvania Corporation subject to the condition that should the Commission not issue by March 1, 1976 a certificate of public convenience and necessity in Docket No. CP75-344 approving the merger of Sylvania and the Company, the Company shall file substitute tariff sheets which reflect the exclusion of costs associated with Sylvania.

(C) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, the Commission's Rules of Practice and Procedure, and the Regulations Under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held on February 24, 1976, at 10 a.m., EST, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classification, and services contained in the Company's FPC Gas Tariff, as proposed to be amended herein.

(D) On or before January 16, 1975, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before January 30, 1976. Any rebuttal evidence by the Company shall be served on or before February 13, 1976.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall preserve relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(F) The above mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however*, that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further*, that the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(H) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-28884 Filed 10-24-75;8:45 am]

[Project No. 516, Docket No. E-7791]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Use of Project Lands and Waters, Change in Land Rights, Settlement, Recreation, Need for EIS

OCTOBER 20, 1975.

The settlement agreement before us herein had its origin in our Order Approving Application to Grant Easements issued September 10, 1973.[1] That order also provided for a hearing to consider, among other things, certain applications for permission to utilize project lands and waters. The basis for ordering the hearing was stated as follows:

> We are concerned with the practice of allowing increased use of project lands and waters on a piecemeal basis rather than being related to a comprehensive consideration of the capacity of the proposed project lands and waters to serve known and foreseeable proposed public uses which might be imposed upon them.[2]

Among those other applications which were included within the scope of the hearing was an application for Commission approval of the leasing of certain project lands, known as Billy Dreher Island, and easements located within project boundaries to the South Carolina Department of Parks, Recreation and Tourism (PRT) for development as a state park. Billy Dreher Island State Park is the subject of the instant settlement agreement.

On December 18, 1973, Licensee moved to sever and expedite the Commission's consideration of Billy Dreher Island from the hearing procedure. The motion was denied for lack of basic data upon which an informed judgment could be made. The hearings subsequently commenced on February 24, 1975, and continued for eight days.

On March 10, 1975, PRT filed a motion to sever and expedite consideration of the application for development of the State Park on Billy Dreher Island. The need for urgency was based upon the possible withdrawal of supporting federal funds which would cause the collapse of the proposal. At approximately the same time, Licensee requested to withdraw without prejudice an application for easements for a proposed residential subdivision on the shores of the reservoir (Lake Murray) about one mile from Billy Dreher Island. Both motions were granted by our order issued April 9, 1975. We noted therein that the pleadings before us pointed out that there had been comprehensive consideration of the cumulative effects of all identifiable uses of project lands and waters and that the effects of Billy Dreher Island State Park would not interrelate significantly with those from the other developments. Thus, it appeared reasonable to permit consideration of Billy Dreher Island on an expedited basis.

On April 11, 1975, at a conference among the parties following the direct case, the presiding Administrative Law Judge requested all parties to submit briefs on the issue of the necessity for an environmental impact statement (EIS) covering all the applications for easements and related matters[3] currently before the Commission in the instant proceeding. These were submitted by all parties on May 12, 1975. The hearing was reconvened on June 10 for three days of cross-examination of rebuttal testimony and on the last day PRT submitted the instant Settlement Agreement.

On July 7, 1975, the presiding Administrative Law Judge certified to us the Settlement Agreement together with the following questions:

> 1. Is Staff required to file an environmental impact statement in this case, for any or all of the pending applications and for other uses of project lands and waters which are at issue in this case, pursuant to the National Environmental Policy Act, 42 U.S.C. 4332, and the Statements of General Policy and Interpretations of the Commission, 18 CFR 2.81?
>
> 2. If an environmental impact statement must be filed by the Staff, when should Staff file such a statement?

At the time of presentation of the Settlement Agreement on the hearing record (Tr. 2410-2435), there were no objections raised (Tr. 2438-2440). However, Mr. James E. Smith and the Committee to Save Lake Murray, while supporting the Agreement, feel that it does require the preparation of an EIS (Tr. 2438).

Comments on the Settlement Agreement were filed by Staff, PRT and Licensee. All expressed their support for the Settlement Agreement. The only point of contention among them involves the proposed term of the lease, which is for 25 years. This would extend beyond the date of the license for Project No. 516 which expires August 4, 1977. In its comments, Staff notes prior Commission orders and letter orders[4] which have expressed our opinion and policy in connection with leases having terms which extend past the license expiration date. Under this policy our approval does not extend beyond the license expiration date (plus any period of time for which annual licenses are issued). Such a policy provides for maximum flexibility in order that we meet the requirements of the Federal Power Act that any project approved by this Commission will be best adapted to a comprehensive plan for all beneficial public uses. We reaffirm that policy and find no compelling reasons for deviating from it in the instant case.

Returning momentarily to the comment, supra, of James Smith and the Committee to Save Lake Murray that they have no objection to the Settlement Agreement but feel that an impact statement is required, we note that their position is not clear. That is, it is not certain if they would object to the Settlement Agreement if no EIS were prepared. However, we believe that the law is settled that concurrence in the Settlement Agreement by all parties to a proceeding is not necessary for our approval thereof.[5]

Turning then to the merits of the Settlement Agreement, we agree with all the parties that our approval would be in the public interest. Reference need only be made to Section 10(a) of the Federal Power Act,[6] and our own Order No. 313,[7] to emphasize our concern, and that of the Congress as well, over the need to provide adequate recreation facilities at FPC licensed projects as an integral part of our responsibility to ensure the comprehensive development of the nation's lands and waters under the Federal Power Act. The record in this proceeding reflects the uncontested fact that there presently exists a deficit in the recreation facilities at the project (Tr. 2420). Dreher Island State Park will help to provide recreation facilities needed to meet the present demand as well as anticipated demand until 1985 (Tr. 642, 1436). Furthermore, this will be done with minimum intrusion on the local environment and existing facilities. This result has been reached by scaling down the original proposal for the park[8] and by providing for various limiting covenants and articles in the Settlement Agreement. Some of the more important articles provide that: the FPC must approve any substantial changes in the plans (Article 5); use of the park is subject to the license, the Act and our Rules and Regulations thereunder (Article 6); waste water treatment discharges will be certified under the Federal Water Pollution Control Act and comply with the highest limitation standards possible (Article 12); prompt notification will be given to the Commission of any change in applicable water quality standards and an annual report will be submitted regarding compliance during the previous year (Articles 14 and 17); and a program to monitor discharges will be established (Article 18).

We find the proposal for Billy Dreher Island State Park as modified in the Settlement Agreement before us fully in accord with the public interest for Project No. 516 and a commendable example of cooperation among Federal, State and local interests in providing for the recreational needs of the public residing near the project and throughout the region in general.[9]

The only remaining issue then is the need for an EIS. As noted supra, the Administrative Law Judge ordered all parties to submit briefs on this question and has certified those briefs to us as part of the record. Staff has taken the position that no EIS is now required for the Billy Dreher Island application, nor regarding any of the other matters presently before this Commission in Project No. 516 (Staff Brief, p. 3). Licensee and Intervenors PRT and the South Carolina Department of Health and Environmental Control (DHEC) are also in general agreement on the lack of a need for an EIS for Billy Dreher Island,[10] although PRT states that the

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[1] 50 F.P.C. 700 (1973), affirmed, sub nom. The Committee to Save Lake Murray v. FPC, 515 F. 2d 379 (D.C. Cir. 1975).

[2] Id. at 703.

[3] Besides applications for easements by Champion International Corporation, PRT for Billy Dreher Island, Lands End Development, and Licensee for an ash pond for the McMeekin Steam Plant, there exists a recommendation by a staff recreation witness that consideration be given to the development of a Lake Shore Management Plan to expand the scope of the regulations on shoreline development at the project, a question of the need for Licensee to reacquire islands in the reservoir lost through adverse possession, and an unresolved Show Cause Order.

[4] The Susquehanna Power Company and Philadelphia Electric Power Company, Project No. 405; Philadelphia Electric Company, Project No. 2355, 34 F.P.C. 617 (1965). The Susquehanna Power Company and Philadelphia Electric Power Co., Project No. 405, 51 F.P.C. ——, (June 13, 1974). P.U.D. No. 2 of Grant County, Washington, Project No. 2114, letter order 4/3/73; Pacific Gas & Electric Company, Project No. 619, letter order dated April 5, 1973.

[5] See Pennsylvania Gas and Water Company, v. FPC, 463 F. 2d 1242 (1972).

[6] 16 U.S.C. § 803(a). See also Udall v. FPC, 387 U.S. 428 (1967).

[7] 34 F.P.C. 1546 (1965).

[8] The original proposal was for development in 3 phases with the third to consist of a golf course, 60-unit lodge, and 30 park cabins. This has been discarded as not in keeping with the nature of the park, and the land to be used will remain undeveloped and used only for such recreational uses as hiking and nature trails (Tr. 2419).

[9] This park is part of the State Comprehensive Outdoor Recreation Plan, 1970-1984, as developed by PRT.

[10] We categorize the position of Licensee as being in agreement with Staff because the tone of its brief indicates that it feels the decision is one to be left to Staff and the Commission, and "Staff's position is supported by case law" (SCG&E Brief, p. 4). Likewise we categorize DHEC as agreeing with Staff since it states that Billy Dreher Island "will improve the quality of the human environment" (DHEC Brief, p. 11), although DHEC states that it would be premature to take a position on the issue of whether an EIS will be necessary at a future date in order to dispose of all matters presently pending, other than the State Park (DHEC Brief, p. 10). As we indicate, infra, we are only considering in this order the Dreher Settlement Proposal and environmental impacts associated therewith and remand to the ALJ for his decision the questions certified to us regarding the need for an EIS on the remaining matters.

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Staff must file an assessment statement documenting its decision not to file an EIS. James Smith and the Committee to Save Lake Murray, as noted above, have taken the position that an EIS is required for Dreher Island Park under the National Environmental Policy Act of 1969 (NEPA).[11]

Section 102(2)(C) of NEPA[12] requires all federal agencies to prepare an EIS for any major federal action that will significantly affect the quality of the human environment. Superificial examination of the facts associated with Billy Dreher Island State Park indicates that this may indeed be a major federal action. For example, creation of the park on some 345 acres would cost approximately $997,000 of federal funds from the Bureau of Outdoor Recreation and $1,250,000 from South Carolina (Tr. 2416). The park would accommodate from 100,000 to 190,000 annual visitations (Tr. 2420) and generate about 60,000 gallons per day of treated effluent (Tr. 2422).

However, a closer examination of these statistics in the context of the present capacities of the project indicates that these impacts, i.e. increased visitations and treated effluent, will not have a significant effect upon the environment. For example, the annual visitations to Lake Murray during 1973 yere 2,478,265, while the projected use in 1985 is 3,143,000 (Tr. 2417). Assuming Dreher Island Park will receive 190,000 annual visitations, this amounts to less than 8 percent of the 1973, and about 6 percent of the 1985, Lake Murray visitations. Furthermore, both water quality experts who testified in the proceeding agreed that the proposed discharges into Lake Murray from the facilities proposed in the four applications pending at that time,[13] of which Dreher Park is one, would have an insignificant impact on the Lake's water quality, assuming compliance with the state water quality standards (Tr. 2422). Staff's expert in the field of socio-economics concluded that the park would not cause any unique socio-economic impacts to the extent of being different from those impacts that would generally be expected from the growth and development anticipated for the four-county Lake Murray area (Tr. 2423). Staff's environmental specialist in the field of urban and regional planning examined the existing situation around Lake Murray relative to cultural development, existing land use, zoning, planning, and accessibility. He found no impact that would be unique or would significantly affect the environment (Tr. 2423). And Staff's witness in recreational planning, besides finding that there exists a present need for increased facilities and that Dreher Park would fulfill most needs until 1985, also testified that the development would not affect any surface water contact recreational activities presently existing in the area (Tr. 647). In describing the visual impact of the park, he testified that the causeways and bridges associated with the park are located in an area that is not readily visible from other parts of Lake Murray (Tr. 648). These conclusions by Staff experts were similar to those of other experts testifying in the hearing and were not challenged.

With these facts in mind, we turn to the applicable law for guidance. The briefs submitted by staff and the parties in this regard have been helpful. It is clear from our recitation above of some of the basic facts involved herein that our decision on the need for an EIS for Billy Dreher Island will turn on our determination of the meaning of "significantly" in Section 102(2)(C) of NEPA. Although there is scant legislative history to rely on, there have been well reasoned Court decisions exploring precisely this term in the statute. Among the most helpful of these cases is Hanly v. Kleindienst.[14] Therein the Court noted as we have done about that "significantly" in Section 102(2)(C) is the key limiting term in determining the need for an EIS.[15] The Court went on to state:

> . . . we are persuaded that in deciding whether a major federal action will "significantly" affect the quality of the human environment the agency in charge, although vested with broad discretion, should normally be required to review the proposed action in the light of at least two relevant factors: (1) the extent to which the action will cause adverse environmental effects in excess of those created by existing usea in the area affected by it, and (2) the absolute quantitative adverse environmental effects of the action itself, including the cumulative harm that results from its contribution to existing adverse conditions or uses in the affected area. *Where conduct conforms to existing uses, its adverse consequences will usually be less significant than when it represents a radical change.*[16] (Emphasis added).

Under this standard we think it is clear that the Billy Dreher Island State Park proposal would not have a significant effect on the environment of Lake Murray.[17] Although the basic purpose for building Project No. 516 may have been the development of water power, Lake Murray has long been used as a recreational resource and its importance in this regard increases yearly. As noted above, 1973 visitations were 2,478,265 and 1985 projections amount to 3,143,000.

Around the lake today can be found clubs, parks, cottages, permanent residences, and commercial facilities which support swimming, boating, fishing, hiking, picnicking, camping, and other recreational activities (Tr. 2417–8). Thus Dreher Island Park would not differ from the existing uses in the surrounding area but in fact would conform to them. Nor would it in absolute terms give rise to sizeable adverse environmental effects, either alone or cumulatively, as determined by the experts who have studied the proposal and testified thereon during the hearing. Furthermore, as discussed above, the Settlement Agreement contains numerous provisions to protect the environment, while minimizing and mitigating any adverse environmental effects of development.

Thus we are confident in finding, and we do so find herein, that approval of the application to develop Billy Dreher Island State Park as modified by the terms of the Settlement Agreement is not a major federal action significantly affecting the quality of the human environment at Lake Murray, South Carolina, and therefore the preparation of an EIS for the proposal is not required under NEPA nor our own Rules and Regulations thereunder.

However, there remains the question advanced by PRT of the need for the filing of a negative impact statement or environmental assessment. The procedures required by Section 102(2)(B) of NEPA[18] to assure a fair and informed preliminary or threshhold decision regarding the need for an EIS are discussed in the Hanly case, supra. The court noted that neither NEPA nor any other federal statute mandates the specific type of procedure to be followed by federal agencies.[19] Notwithstanding this fact, however, the court goes on to state:

> We . . . hold that before a preliminary or threshold determination of significance is made the responsible agency must give notice to the public of the proposed major federal action and an opportunity to submit relevant facts which might bear upon the agency's threshold decision. We do not suggest that a full-fledged formal hearing must be provided before each such determination is made, although it should be apparent that in many cases such a hearing would be advisable. . . .[20]

In the instant proceeding a negative threshold decision by Staff regarding the need for an EIS was not made until evidence was received on the impacts associated with the pending applications (Tr. 1842–5, 2439). Staff's brief provides citation to the record in support of that decision. Thus, much more has been carried out in the instant proceeding than

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[11] 42 USC 4321 *et seq.*

[12] 42 USC 4332(2)(C).

[13] As stated previously, one of the four applications was dismissed by our order issued April 9, 1975.

[14] 471 F. 2d 823 (2d Cir. 1972), *cert. denied* 412 U.S. 908 (1973).

[15] "By adding the word 'significantly' however, [Congress] demonstrated that before the agency in charge triggered [the EIS] procedure, it should conclude that a greater environmental impact would result than from 'any major federal action' ". *Id.* at 830.

[16] Id. at 830–831.

[17] See, also, Maryland-National Capital Park and Planning Comm'n v. Postal Service, 487 F. 2d 1029 (D.C. Cir. 1973). In discussing the importance of the term "significantly" the court stated at 1036: "The question of significance takes on a distinctive cast in the context of land use planning. We think that much may turn on whether the Federal Government conforms to or deviates from local or regional regulations of land use. . . . The policy goals of NEPA are to be achieved in cooperation with State and local governments. Section 101(a), 42 U.S.C. § 4331(a)." While the court found a lack of cooperation in that case, the opposite is true for Billy Dreher Island and the Court's rationale adds support to our conclusion that the impacts herein are not significant.

[18] 42 U.S.C. § 4332(2)(B).

[19] Hanly v. Kleindienst at 835.

[20] Id. at 836.

the Court in Hanly required. Briefly, notice has been given, a local public hearing has been held, testimony and evidence were submitted and cross-examined by all parties in further hearings, and briefs on the need for an EIS were filed. All this was done before the Settlement Agreement was submitted. We believe that there exists a full and complete record upon the Billy Dreher Island proposal and that this record fully supports our conclusion that no EIS need be prepared. Furthermore, we believe that the record herein, as well as our decision, constitutes a full environmental assessment. To issue any other "statement" at this point would be mere redundancy.

Referring again to the MNCP&PC v. Postal Service case, supra, the court therein discussed four criteria that should be considered to determine whether the agency has come to a correct conclusion on the lack of need for an EIS. These criteria include: (1) whether the agency took a hard look at the problem, as opposed to bald conclusions, unaided by preliminary investigation; (2) whether the agency identified the relevant areas of environmental concern; (3) whether the agency made a convincing case that the impact is insignificant; and (4) where there is impact of true significance, whether the agency convincingly established that changes in the project have sufficiently minimized it.[21] We think that the record herein and our decision shows that the answers to all of these questions are affirmative and thus further supportive of our compliance with NEPA.

Finally with regard to the specific questions certified to us by the Administrative Law Judge concerning the need for an EIS on remaining matters, we remand those questions to the presiding judge for an initial determination. Our order of April 9, 1975, permitted the severance of the Billy Dreher Island application from the other applications in the hearing process for expeditious consideration. In reviewing the merits of Billy Dreher Island herein it has been necessary to examine the environmental impacts of that proposal in light of other pending matters to determine the need for an EIS on the state park at the present time, and we have done so. However, it has never been our intention to make a determination as to the appropriateness at a later point in time of requiring an EIS on all other pending matters once those matters had been more clearly defined and their effects determined.[22]

We note that no testimony or evidence has yet been received upon the application for an ash pond for the McMeekin Steam-Electric Generating Plant, which application has been consolidated with the others in the hearing process. The presiding judge should determine the most appropriate procedure to examine that application and subsequently make the initial decision as to which, if any, of the other pending applications should be granted and which, if any, require the preparation of an EIS, be it on an individual or cumulative basis.

The Commission finds: (1) The Settlement Agreement including all the terms and conditions thereto and subject to the additional condition set forth below is reasonable and appropriate and in the public interest in carrying out the provisions of the Federal Power Act and should be approved as hereinafter ordered.

(2) Our approval of the application for Billy Dreher Island as modified in the Settlement Agreement is not a major federal action significantly affecting the quality of the human environment, and therefore the preparation of an environmental impact statement in accordance with NEPA and our Order No. 415–C is not required.

(3) It is reasonable and appropriate to remand to the Administrative Law Judge the remaining issues as hereinbefore discussed.

The Commission orders: (A) The Settlement Agreement upon the application for permission to utilize the lands and waters of Project No. 516 to develop Billy Dreher Island State Park is incorporated herein by reference, and is hereby approved subject to all the terms and conditions set forth in said agreement: *Provided*, That our approval of the lease to PRT does not extend beyond the expiration date of the license for Project No. 516, plus any annual licenses that may be subsequently issued.

(B) The remaining issues certified to us by the Administrative Law Judge are remanded to him for disposition consistent with the opinions expressed herein.

(C) This order is without prejudice to any finding or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or persons affected by this order, in any proceeding now pending or hereafter instituted by or against South Carolina Gas and Electric Company or any person or party, except as provided in the settlement agreement.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–28816 Filed 10–24–75;8:45 am]

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[21] MNCP&PC v. Postal Service, at 1040.

[22] In this regard, we note that a comprehensive water quality study of Lake Murray is now being conducted by a consultant to Licensee and that the third of four quarterly reports has been filed with this Commission. A final report is scheduled for December, 1975. This type of information should be of value in making a determination of the future need for an EIS on other pending matters.

[Docket No. RP76–22]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

OCTOBER 20, 1975.

Take notice that South Georgia Natural Gas Company (South Georgia), on October 10, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. The proposed changes are based on the 12-month period ending August 31, 1975, as adjusted, and would increase jurisdictional revenues by $1,563,000.

South Georgia states that the principal reasons for the proposed rate increase are to reflect (1) an increase in the overall rate of return to 10.04%; (2) an increase in the book depreciation rate to 4.89% for South Georgia's compressor station equipment, other transmission and structures and improvements; (3) increased operation and maintenance expense; and (4) a projected decline in sales volumes.

Other changes proposed by South Georgia in its tariff include (1) increasing the Maximum Daily Quantity restriction under Rate Schedule G–1 from 3,500 Mcf to 5,000 Mcf; (2) increasing penalty charges for taking unauthorized overrun gas from $3.00 to $5.00; and (3) eliminating certain existing tariff provisions in order to conserve existing gas supplies.

Copies of the filing have been served upon South Georgia's jurisdictional customers and interested state public service commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 31, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–28876 Filed 10–24–75;8:45 am]

[Docket No. CI76–208]

SOUTH LOUISIANA PRODUCTION COMPANY, INC.

Notice of Application

OCTOBER 20, 1975.

Take notice that on October 8, 1975, South Louisiana Production Company, Inc. (Applicant), P.O. Box 52088, filed in Docket No. CI76–208 an application pur-

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suant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to United Gas Pipe Line Company (United) from the Pilgrim Church Field, Allen Parish, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it commenced the emergency sale of natural gas on September 24, 1975, from the subject acreage to United within the contemplation of Section 157.29 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the 60-day emergency sale pursuant to the authorization requested in the instant application within the contemplation of Section 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell up to approximately 75,000 Mcf of natural gas per month at $1.05 per Mcf at 15.025 psia, with no Btu or other price adjustments.

The application indicates that intrastate sales in the area are being made at prices ranging from $1.1781 per Mcf to $1.79 per Mcf of natural gas, and Applicant represents that $1.05 is the lowest price acceptable for the natural gas which would be delivered.

Applicant alleges that the gas to be sold to United is committed after the term of the proposed sale to Ethyl Corporation pursuant to a contract dated August 1, 1975, which sale would be in intrastate commerce, and that the price pursuant to said contract would be $1.50 per Mcf of natural gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28877 Filed 10-24-75;8:45 am]

[Docket No. RI76-43]

TERRA RESOURCES, INC., ETC.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject To Refund [1]

OCTOBER 17, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate [4]	Rate in effect subject to refund in docket Nos.
RI76-43	Terra Resources, Inc.	5	21	Mountain Fuel Supply Co. (Wyoming) (Rocky Mountain).	$32,524	9-18-75		3-19-76	[1] 25.8019	[3] 26.8372	
RI75-56	Belco Petroleum Corp.	12	9	El Paso Natural Gas Co. (New Mexico) (Rocky Mountain).		9-19-75		(?)	23.14	[3] 25.76	RI75-56.

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Last filed rate, inclusive of British thermal unit adjustment.
[2] Subject to British thermal unit adjustment from a base of 1,000 Btu/ft³.
[3] Accepted to become effective on Sept. 19, 1975, subject to the existing proceeding in docket No. RI75-56.
[4] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.

Terra Resource's proposed periodic rate increase exceeds the applicable ceiling area rate in Opinion No. 658 and is suspended for 5 months.

Belco's tax change reflects reimbursement for taxes in effect as of July 1, 1975, and represents a change in the method of its tax computation resulting in a tax decrease. Belco's underlying rate is in effect subject to refund in Docket No. RI75-56 and included all taxes in effect prior to July 1, 1975 based on the area rate clause of its contract. Since the underlying rate is in effect subject to refund, and the proposed rate is in excess of the applicable ceiling, the proposed tax decrease is accepted for filing as of the date of filing, subject to refund to the existing proceeding in Docket No. RI75-56.

[FR Doc.75-28885 Filed 10-24-75;8:45 am]

[Docket No. CP76-112]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

OCTOBER 20, 1975.

Take notice that on October 2, 1975, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-112 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of an additional delivery point between itself and Consolidated Gas Supply Corporation (Consolidated), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas transportation agreement between itself and Consolidated dated September 12, 1972,[1] as amended September 5, 1975, they agreed to an additional delivery point from Consolidated to Applicant at the tailgate of the Cow Island Plant, Vermillion Parish, Louisiana. The volumes that would be transported pursuant to said agreement would be redelivered by Applicant to Consolidated at a point near Liedy, Pennsylvania.

Applicant states that pursuant to the transportation agreement of September 12, 1972, Applicant is obligated on a firm basis to transport for Consolidated 71,548 Mcf of natural gas at 14.73 psia per day, for which service Consolidated is required to pay a demand charge regardless of utilization. Consolidated is said to own a working interest in South Timbalier Block 185 Field Area, Offshore Louisiana. Under the terms of a transportation agreement between Consolidated and Trunkline Gas Company (Trunkline), Trunkline would transport natural gas owned or purchased by Consolidated to Applicant at the proposed delivery point for Consolidated's account. Such volumes would assist Consolidated in utilizing the firm transportation capacity committed to it under the September 12, 1975 agreement, it is stated.

Applicant states that no additional facilities are required to establish the proposed delivery point.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-28879 Filed 10-24-75;8:45 am]

[Docket Nos. RP75-51, RP72-99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Denying Petition for Interim and Permanent Protective Order and Application for Rehearing and Providing Procedures Pertaining to Confidential Information

OCTOBER 20, 1975.

On August 28, 1975, Texaco Inc. (Texaco) filed a pleading which it styled:

REQUEST FOR CLARIFICATION, CONTINGENT PETITION FOR INTERIM AND PERMANENT PROTECTIVE ORDER STAYING THE PUBLIC RELEASE OF CONFIDENTIAL DATA OR, ALTERNATIVELY, APPLICATION FOR REHEARING BY TEXACO INC.

Texaco is a respondent in Docket No. RP75-51 which is the investigation of Transcontinental Gas Pipeline Company (Transco) to determine the extent of the reduced reserves and the bona fides of Transco and its supplies in meeting their past and future contract commitments. Texaco is concerned with the Commission's order of August 8, 1975, directing the Secretary to issue a Subpoena Duces Tecum for the production of certain books and records. This order by the Commission was issued in compliance with an order of the Court of Appeals for the District of Columbia in CADC No. 74-2036. Texaco is concerned with the compliance of Transco with this order which supplied the following information concerning data provided by Texaco to Transco on a confidential basis concerning gas reserves encountered in nine wells:

1. Blocks 545, 546, 548, 553, 563, 564, and 582, High Island Area, South Addition, Federal Domain, Offshore Texas and
2. Block 376, High Island Area, East Addition, South Extension, Federal Domain, Offshore Texas.

Texaco states that this information is confidential and its being made public would do irreparable harm to Texaco. In support of this contention it attaches an affidavit executed by L. W. Calahan, a vice president of Texaco in charge of the producing department, central United States. Texaco states that if the Commission should regard its August 8 order as requiring public release of this confidential data it would seek rehearing of the August 8, 1975 order. It describes in some detail the nature of the confidentiality of the information it has provided to Transco and that Transco has provided to the Commission. It cites Section 8(b) of the Natural Gas Act, various court cases, Section 1.36 of the Commission's Rules and Regulations, the Freedom of Information Act, as well as the 5th and 14th amendments of the Constitution. The pleading asks that the Commission "enter a permanent protective order staying the public release of Texaco's confidential data contained in Transco's memoranda . . . if the August 8, 1975, order allows for public release of same or, alternatively, grant rehearing on the August 8, 1975, order." Texaco also asks for interim stay of the public release of such data.

We will deny Texaco's request for an interim and permanent protective order and for rehearing, but will provide additional procedures to avoid any unnecessary disclosure of confidential information.

At the outset we emphasize the serious nature of this investigation and the overriding public interest requirement for a full and complete record. This proceeding began on January 8, 1975, when the Commission issued an order in Docket No. RP75-51, instituting an investigation into the reasons why Transcontinental Gas Pipeline Corporation (Transco) was experiencing a curtailment for the 1974 winter heating season far in excess of the level of curtailment Transco had projected as of September 1974. Hearings were held in this proceeding and evidence was presented by Transco and some of its

[1] The transportation service was authorized by order issued August 23, 1972, (48 FPC 380), and is rendered pursuant to Rate Schedule X-56 to Applicant's FPC Gas Tariff, Original Volume No. 2.

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suppliers on the issues presented. On July 1, 1975, the Commission issued an order expanding the investigation to determine the need for any curtailment at all by Transco in its deliveries to its resale customers. The Commission Staff was directed to conduct the expanded investigation as required by the order as expeditiously as possible.

We emphasize that the contested information in this proceeding is information acquired in compliance with the order of the Court of Appeals for the District of Columbia Circuit. (CADC No. 74–2036). On August 1, 1975, the Court issued an order to this Commission directing it, inter alia,

> Now, therefore, this Court will hold in abeyance any decision upon the order of the Federal Power Commission concerning Transco's plan for allocating the allegedly scarce gas supply until the Commission has completed its own investigation and report to this Court of Transco's claims of reduced reserves by immediate subpoena of Transco's books and records pertaining to all gas supplies in which it has any legal interest, whether by ownership, lease, contract, or other means and by field investigation has determined the extent of the reduced reserves and the bona fides of Transco and its suppliers in meeting their past and future contract commitments;

Before describing the steps that have already been taken to avoid any unnecessary disclosure of confidential information and procedures which we believe will balance the public necessity for a complete record and the legitimate needs, if they are legitimate, for the protection of confidential information, we will deal with Texaco's contentions in its pleading.

Most of Texaco's arguments were dealt with in our Order of September 10 in this docket dealing with a similar request by Superior Oil Company (Superior). As we stated in that order, Applicant's reliance on Section 8(b) is misplaced since 8(b) bars agents of the Commission from divulging information unless otherwise directed by the Commission or a court. Further, Texaco's arguments with reference to the Freedom of Information Act are specious. Texaco argues that the fourth and ninth exemptions of the Freedom of Information Act (5 U.S.C. 552) give blanket confidentiality to all material described in those exemptions. As we stated in our September 10 order,

> Furthermore, Superior misconstrues the FOIA and in particular the fourth and ninth exemptions thereto.[4] Both the Courts[5] and the Commission[6] (with particular emphasis on the fourth and ninth exemptions) have viewed the FOIA exemptions as a privilege of the agency in question, not of a private party attempting to protect the confidentiality of the information. These exemptions are permissive, not mandatory, that is, they permit, but do not require, an agency to withhold certain information. Moreover, legislative history surrounding to FOIA supports this view.[7] Superior's interpretation would divert the FOIA from its primary purpose of opening the administrative processes to public scrutiny[8] and convert it into an implement for frustrating the Commission's performance of its statutory responsibilities.[10]

As we stated we have already taken steps to safeguard the information produced as a result of the Subpoena Duces Tecum issued in compliance with our August 8, 1975, order and the order of the Court of Appeals. We emphasize however that in taking these precautions we are not prejudging the legitimacy of the claim of confidentiality as to the information supplied in response to the subpoena. At our direction on August 15, 1975, the Secretary of the Commission made provision for the physical safeguarding of the material supplied in response to the subpoena. He also provided that

> Only persons having written authorization from a bureau or office head will have access to the material. No unauthorized visitor will be permitted in the room. A log will be maintained for all persons entering or leaving the room. This log will show time of entry and time of exit and the name of the individual. If two or more individuals are in the room, each must sign the log.

Whether or not some or all of the information provided in response to the subpoena will be required to be on the public record as this proceeding unfolds is a matter we do not prejudge. The procedural steps outlined in the ordering clauses herein are designed to assure an adequate record without any unnecessary disclosure of confidential data.

The Commissioner orders: (A) Pursuant to the Commission's authority under Section 8 of the Natural Gas Act all relevant information acquired as a result of the Subpoena Duces Tecum issued pursuant to the Commission's order in this proceeding on August 8, 1975, and in compliance with the Order of the United States Court of Appeals for the District of Columbia Circuit, which Commission Staff deems required in presentation of Staff's case or Staff's cross-examination, may be offered into evidence by Staff, provided that Staff shall give all parties notice of its intention to do so at least ten (10) days in advance of such offer.

(B) The Presiding Administrative Law Judge shall without further order of the Commission admit into evidence herein any information acquired as a result of the hereinabove described Subpoena Duces Tecum which he finds to be relevant and necessary to develop a full and complete record in this proceeding.

(C) Any party (other than Staff) may seek access to the materials acquired as a result of the aforementioned subpoena by petition served on all parties and real parties in interest in the materials sought. All materials relevant to these proceedings shall be made available to such petitioner. Staff shall make a determination as to relevance and advise the petitioner and other parties and parties in interest ten (10) days prior to the release, if any, of the materials sought. The petitioner, or party aggrieved, may seek review by the Commission of the Staff determination of relevance made under this subparagraph (C) by appropriate motion.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–28880 Filed 10–24–75;8:45 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Authorization for Domestic Open Market Operations

In accordance with the Committee's rules regarding availability of information, notice is given that on October 3, 1975, paragraph 1(a) of the Committee's authorization for domestic open market operations was amended to raise from $3 billion to $4 billion the limit on changes between Committee meetings in System Account holdings of U.S. Government and Federal Agency securities, effective immediately for the period ending with the close of business October 21, 1975.

NOTE: For paragraph 1(a) of the authorization see 36 FR 22697.

By order of the Federal Open Market Committee, October 21, 1975.

MURRAY ALTMANN, *Deputy Secretary.*

[FR Doc.75–28821 Filed 10–24–75;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 4, November 13, 1975, from 10 a.m. to 4 p.m., Room 5A, 1776 Peachtree Street, N.W., Atlanta, Georgia 30309. The meeting will be concerned with the review of the conceptual design for the Columbia, South Carolina, Strom Thurmond Federal Building, U.S. Courthouse and Parking Facility. Frank and critical analysis of the proposed design is essential to insure that the design approach produces the best possible design solution. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public."

Dated: October 15, 1975.

L. D. STROM, *Regional Administrator.*

[FR Doc.75–28765 Filed 10–24–75;8:45 am]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 4, November 14, 1975, from 10 a.m. to 4 p.m., Room 5A, 1776 Peachtree Street, NW., Atlanta, Georgia 30309. The meeting will be concerned with the review of the conceptual design for the Ft. Lauderdale, Florida, Courthouse, Federal Office Building and Parking Facility. Frank and critical analysis of the proposed design is essential to insure that the design approach produces the best possible design solution. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public."

Dated: October 15, 1975.

L. D. STROM, *Regional Administrator.*

[FR Doc.75–28766 Filed 10–24–75;8:45 am]

[4] § 552(b)(4): "trade secrets and commercial or financial information obtained from a person and privileged or confidential."
§ 552(b)(9): "geological and geophysical information and data, including maps, concerning wells."

[5] *Moore-McCormack Lines Inc.*, v. *I.T.O. Corporation of Baltimore*, 508 F.2d 945, 950 (4th Cir. 1974); *La Morte* v. *Mansfield*, 438 F.2d 448, 451 (2d Cir. 1971).

[6] *Reliability of Electric and Gas Service*, Opinion No. 687, 51 FPC 464, 472 (1974) and Opinion No. 687–A, 51 FPC 1185, 1187 (1974); Order No. 526, *Natural Gas Companies Annual Report of Proved Domestic Gas Reserves*: FPC Form No. 40, Docket No. RM74–16, issued February 25, 1975 (slip op. at 22); and Order No. 509, *supra* note 4, (slip op. at 2).

[7] H.R. Rep. No. 92–1419, 92d Cong. 2d Sess. (1972), at 14.

[8] *E.g.*, *Renegotiation Board* v. *Bannercraft Clothing Company*, 415 U.S. 1, 17 (1974).

[10] The instant Transco curtailment investigation has been initiated and implemented by the Commission pursuant to Sections 10 and 14 of the Natural Gas Act.

a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public."

Dated: October 15, 1975.

L. D. STROM, *Regional Administrator.*

[FR Doc.75–28764 Filed 10–24–75;8:45 am]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 4, November 12, 1975 from 10 a.m. to 4 p.m., Room 5A, 1776 Peachtree Street NW., Atlanta, Georgia 30309. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed (a) Courthouse Annex and (b) Motor Pool and Vehicle Maintenance Facility, Miami, Florida. Frank and open discussion between panel members of the professional qualifications of the firms being considered is essential to insure selection of the best qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public."

Dated: October 15, 1975.

L. D. STROM, *Regional Administrator.*

[FR Doc.75–28765 Filed 10–24–75;8:45 am]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

TRANSBOUNDARY IMPLICATIONS OF THE GARRISON DIVERSION UNIT

Public Hearings

The International Joint Commission, a permanent Canada and United States body established under the Boundary Waters Treaty of 1909, will hold initial public hearings at the times and places noted below on transboundary implications of the Garrison Diversion Unit being constructed in the State of North Dakota.

The Governments of Canada and the United States by letter of reference dated October 22, 1975, pursuant to Article IX of the Boundary Waters Treaty of 1909, have requested the International Joint Commission to "examine into and to report upon the transboundary implications of the proposed completion and operation of the Garrison Diversion Unit in North Dakota; and to make recommendations as to such measures, including modifications, alterations or adjustments to the Garrison Diversion Unit, as might be taken to assist the governments in ensuring that the provisions of Article IV of the Boundary Waters Treaty are honored." Article IV provides in part that "boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other." The Commission has been requested to submit its report to the governments not later than October 31, 1976. The complete text of the reference may be obtained upon request from either Secretary listed below.

The purpose of these public hearings is to receive testimony and evidence relating to the questions in the reference. The Commission hopes that these hearings will assist it in organizing and carrying out this task in a thorough and effective manner. The Commission's hearings are international in nature and irrespective of the location in which they are held, the citizens of both the United States and Canada are invited to attend and participate.

Opportunity will be given to anyone, either on his own behalf or in a representative capacity, to offer pertinent information which may assist the Commission in its inquiry. Statements may be made orally or in writing. If written statements are submitted, it is requested that if possible, thirty (30) copies be provided for the Commission's use. Additional copies may be deposited with the Secretaries at the hearings for the use of the news media and other present.

TIMES AND PLACES OF HEARINGS

Tuesday, November 18, 1975, 8:00 p.m., and Wednesday, November 19, 1975, 9:30 a.m., Ramada Inn, 1505 N. Broadway, Minot, N.D.

Wednesday, November 19, 1975, 7:30 p.m., Westward Ho Motel, Highway 2, West, Grand Forks, N.D.

Thursday, November 20, 1975, 3:00 p.m., and 8:00 p.m., Marlborough Hotel, 331 Smith St., Winnipeg, Manitoba.

W. A. BULLARD, *Secretary, United States Section, International Joint Commission.*

D. G. CHANCE, *Secretary, Canadian Section, International Joint Commission.*

OCTOBER 23, 1975.

[FR Doc.75–28966 Filed 10–24–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–219]

JERSEY CENTRAL POWER AND LIGHT CO.

Provisional Operating License; Correction

In FR Document 75–27663 appearing at page 48407 in the FEDERAL REGISTER of Wednesday, October 15, 1975, correction is hereby made by completing the blank space in the 4th paragraph following the word "By" and before the words "the licensee may file" by inserting "November 15, 1975".

Dated at Bethesda, Maryland, this 17th day of October, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR, *Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.*

[FR Doc. 75–28775 Filed 10–24–75; 8:45 am]

[Docket Nos. 50–500 50–501]

TOLEDO EDISON CO. ET. AL

Notice of Reconstitution of Board

In the Matter of the Toledo Edison Company, the Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (Davis-Besse Nuclear Power Station, Units 2 and 3).

Dr. Richard F. Cole was a member of the Atomic Safety and Licensing Board for the above proceeding. Because of a schedule conflict, Dr. Cole is unable to serve on this Board.

Accordingly, Dr. John R. Lyman, whose address is 404 Clayton Road, Chapel Hill, North Carolina 27514, is appointed a member of this Board. Reconstitution of the Board in this manner is in accordance with Section 2.721(b) of the Rules of Practice.

Dated at Bethesda, Maryland this 21st day of October 1975.

JAMES R. YORE, *Acting Chairman, Atomic Safety and Licensing Board Panel.*

[FR Doc.75–28776 Filed 10–24–75;8:45 am]

[License No. 21–16256–01]

TRAIL CLINIC

Notice of Hearing

Trail Clinic, 18254 Livernois Avenue, Detroit, Michigan (Licensee) is the

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holder of Byproduct Material License No. 21–16256–01 issued by the Nuclear Regulatory Commission (Commission). The license authorizes the human use of byproduct material for medical diagnostic purposes by Dr. Lawrence A. Baker, D.O. The license was issued on December 23, 1974. The expiration date of this license is December 31, 1979.

On August 15, 1975, the Acting Director of Inspection and Enforcement, pursuant to the Atomic Energy Act of 1954, as amended, and 10 CFR Parts 2, 20, and 30 of the Commission's regulations, served on the Licensee an Order to Show Cause and Order Suspending License. That order alleged that the Licensee had submitted an application dated October 12, 1974 containing certain facts upon which a decision to issue the license was based. That application set forth certain training and experience purportedly received by Lawrence A. Baker, D.O., in the use of radiopharmaceuticals for medical diagnostic purposes, which was relied upon by the Commission in determining the technical qualifications for the conduct of operations under the license. The order further stated that as a result of allegations received by the Commission, a series of investigations were conducted which revealed that certain information submitted, concerning the qualifications of the applicant for the license, was incapable of corroboration independent of the license application. Consequently, the order alleged that false statements were submitted, misrepresenting Dr. Baker's experience and training necessary to meet the requirements of the Atomic Energy Act of 1954 as amended, and Commission rules, regulations and license conditions issued thereunder. Because of the potential effect on the public health, safety or interest the order suspended all activities under the license effective immediately.

On August 20, 1975, the Licensee responded to the order requesting reconsideration or an extension of time to prepare an answer to the order. On September 4, 1975, the Director of Inspection and Enforcement extended the time for response thirty days. On September 29, 1975 the Licensee filed an Answer to the Order to Show Cause and Suspending License asking that the order be dismissed or in the alternative requesting a hearing pursuant to 10 CFR § 2.202. The Director of Inspection and Enforcement after consideration of the Licensee's response has determined that adequate cause has not been shown why the order should not be sustained.

Therefore pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 2, "Rules of Practice", notice is hereby given that a hearing will be held before Samuel W. Jensch, Administrative Law Judge, at a time and place to be set by the Administrative Law Judge.

The Administrative Law Judge will consider and initially decide, as the issues in this proceeding:

a. Whether the Licensee violated the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations and the conditions of Byproduct Material License No. 21–16256–01 as specified in the Order to Show Cause dated August 15, 1975;

b. Whether Byproduct Material License No. 21–16256–01 should be permanently revoked.

A prehearing conference or conferences will be held by the Administrative Law Judge, at a date and place to be set by him, to consider pertinent matters in accordance with the Commission's "Rules of Practice". The date and place of the hearing will be set at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

An answer to this Notice, pursuant to the provisions of 10 CFR § 2.705 may be filed by the Licensee not later than November 17, 1975.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555.

Pending further order of the Administrative Law Judge, Parties are required to file, pursuant to the provisions of 10 CFR § 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

Pursuant to 10 CFR § 2.785, the Commission authorizes an Atomic Safety and Licensing Appeal Board to exercise the authority and perform the review functions which would otherwise be exercised and performed by the Commission. The Appeal Board will be designated pursuant to 10 CFR § 2.787, and notice as to its membership will be published in the FEDERAL REGISTER.

Dated at Washington, D.C. this 21st day of October, 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75–28777 Filed 10–24–75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS SUBPANEL ON FACULTY RESEARCH PARTICIPATION

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel on Science Education Projects—Subpanel on Faculty Research Participation.

Date: November 13, 14, and 15, 1975.

Time: November 13—8 p.m., November 14 and 15—9 a.m.

Place: Sheraton-Park Hotel and Motor Inn, Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. Arthur C. Hoffman, Program Manager, Faculty Research Participation Program, National Science Foundation, Rm. 452–W, Washington, D.C. 20550, telephone (202) 282–7760.

Purpose of subpanel: To provide advice and recommendations concerning the merit of specific education proposals submitted to the Faculty Research Participation Program for consideration.

Agenda: Review and evaluate specific education proposals.

Reason for closing: The proposals being reviewed contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the education proposals. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6).

Authority to close meeting: The determination made on February 21, 1975, by the Director of the National Science Foundation, pursuant to provisions of Section 10(d) of Public Law 92–463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

OCTOBER 22, 1975.

[FR Doc. 75–28767 Filed 10–24–75; 8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

ADVISORY COMMITTEE ON THE BALANCE OF PAYMENTS STATISTICS PRESENTATION

Notice of Public Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Office of Management and Budget's Advisory Committee on the Balance of Payments Statistics Presentation to be held on Thursday, November 20, 1975 in room 10103 of the New Executive Office Building, 17th Street between Pennsylvania Avenue and H Street, NW., Washington, D.C., starting at 9:45 a.m.

The objective of the Committee is to develop recommendations to improve the presentation of the official statistics of the U.S. balance of payments which are published quarterly by the Department of Commerce in press releases and in the Survey of Current Business. The Committee will consider a draft report summarizing their recommendations to the Director of OMB for improving the presentation of balance of payments statistics to facilitate a more meaningful analysis by the government and the public.

The meeting will be open to the public observation and participation. Further information regarding the meeting may be obtained from the Statistical Policy Division, Office of Management and Budget, Room 10208, New Executive Office Building, Washington, D.C., telephone (202) 395–4730.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.75–28822 Filed 10–24–75;8:45 am.]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on 10/21/75 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

COUNCIL ON ENVIRONMENTAL QUALITY

Urban Development Controls; Developer Dedications and Contributions; single-time, municipalities over 10,000 in SMSA's & Urban Counties, community & veterans affairs division, Eliett, C. A., 395–3532.

DEPARTMENT OF COMMERCE

Departmental and Other; Business Management Fellowship Program—Company Questionnaire—Student Questionnaire, Sec–893 Sec–894, annually, students and companies involved in program economics & general government division 395–3451.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education; Followup survey of the act national sampled 1972–73 high school juniors, OE 447, OE 447–1, OE 447–2, single-time, school personnel and parents, Human Resources Division, Joan Turek, 395–3532.

NEW FORMS

Office of Education: assessment of vocational education programs for disadvantaged students (State Administration forms), OE–448, 448–1, 448–2, single-time, Sea's, Human Resources Division, Joan Turek, 395–3532.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: survey to develop a profile of school food service personnel, single-time, School Food Service personnel, Sunderhauf, M. B., 395–6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Directory of Education Associations (up-dating and initial listing), OE 5015, OE 5016, annually, education associations, Harry B. Sheftel.

Right to read financial and performance report, OE 361, semi-annually, Sea's Lea's, education institutions, Lowry, R. L., 395–3772.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: monthly report of turkeys and chickens tested for pullorum Disease by State agencies, monthly, State Poultry Improvement Associations, Marsha Traynham, 395–4529.

DEPARTMENT OF DEFENSE

Departmental and other: U.S. Air Force Military Working Dog Program—Instructions and forms, on occasion, dog owners, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–29025 Filed 10–24–75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on 10/22/75 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

ENVIRONMENTAL PROTECTION AGENCY

Guidance package for evaluation of laboratories, single-time, air pollution agencies in western U.S., Lowry, R. L., 395–3772.

Household health survey for lead, single-time, households exposed to various traffic densities, Dick Eisinger, 395–6140.

DEPARTMENT OF COMMERCE

Bureau of Census: survey of income and education pretest control card and questionnaire, SIE–90X, SIE–91X, SIE–92X, single-time, selected households in Phila. & Miami, George Hall, 395–6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service: Child support enforcement program under title IV–D, SRS–OA–41–SL, OCSE–OA, 41– 41.4A, 41.16, 41.17, quarterly, States' IV–D agency States' welfare agencies, Lowry, R. L. 395–3772.

Alcohol, Drug Abuse and Mental Health Administration: Children's behavioral profiles: checklists A and B single-time, parents of children being seen in clinical settings, Dick Eisinger, 395–6140.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration: Survey of formalized special traffic control measures, single-time, State highway & law enforcement agencies, Strasser, A., 395–5867.

REVISIONS

VETERANS ADMINISTRATION

Application for a medical school grant, 10–1494, 10–1494A, annually, colleges and universities, Caywood, D. P., 395–3443.

EXTENSIONS

DEPARTMENT OF DEFENSE

Department of the Air Force: contractor reporting—(production difficulties and quantity of materials), monthly, defense aerospace contractors, Marsha Traynham, 395–4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Elsegis VI Part A–1 fall 1973 report on membership by grade for selected counties, OE 2350–5, annually, state education agency, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–29024 Filed 10–24–75;8:45 am]

POSTAL SERVICE

MAIL TO CANADA

Suspension of Private Express Statutes

Canadian postal workers have gone on strike. The U.S. Postal Service has placed an embargo on all mail addressed to Canada.

In view of the strike, the Postal Service has determined that it is in the public interest to suspend and hereby does suspend the operation of 39 U.S.C. 601(a) (1) through (6) and 39 CFR 310.2(b) (1) through (6) so as to permit the carriage of letters destined for delivery in Canada out of the mails without paying postage or meeting any of the other conditions in such provisions of law and regulation. This suspension shall remain in effect until further notice.

(39 U.S.C. 401, 404, 601)

LOUIS A. COX,
General Counsel.

[FR Doc.75–28992 Filed 10–23–75;2:34 pm]

SECURITIES AND EXCHANGE COMMISSION

[70–5745]

GEORGIA POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

OCTOBER 20, 1975.

Notice is hereby given that Georgia Power Company ("Georgia") 270 Peachtree Street, N.W., Atlanta, Georgia 30303, an electric utility subsidiary company of The Southern Company ("Southern"), a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company

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Act ("Act"), designating Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Georgia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $100,000,000 principal amount of its First Mortgage Bonds, % Series. The proposed series of bonds will bear a maturity date within the range of 5 to 30 years, such maturity date will be determined by Georgia after the date of public invitation for proposals. The interest rate and the price, exclusive of accrued interest, to be paid to Georgia (which will be not less than 98% nor more than 102¾% of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an Indenture, dated as of March 1, 1941, between Georgia and Chemical Bank, as Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated as of December 1, 1975, which includes a prohibition until December 1, 1980, against refunding the bonds with or in anticipation of the proceeds from borrowings at a lower effective interest cost. Georgia further states it may request, by further amendment, the sale of its bonds be excepted from the competitive bidding requirements of Rule 50.

Georgia will apply the proceeds from the sale of the bonds, together with (1) cash contributions to capital of $86,000,000 by Southern during 1975 (File No. 70-5630), (2) the proceeds from the sales of certain properties to Oglethorpe Electric Membership Corporation (File Nos. 70-5592, 70-5658 and 70-5696), (3) proceeds from the sale of $100,000,000 principal amount of first mortgage bonds and 3,000,000 shares ($75,000,000) of preferred stock earlier in 1975, (4) funds provided through the issuance of tax-exempt revenue bonds by public authorities for construction of certain pollution control facilities for Georgia, and (5) any excess cash on hand to finance in part its 1975 construction program (estimated at $473,751,000), to pay notes payable in the form of bank notes and commercial paper notes incurred for construction purposes and for other lawful purposes. Georgia estimates that it will not be necessary to sell any additional securities in 1975 for construction purposes except for commercial paper and short-term notes. Georgia estimates that upon successful consummation of its program for sale of long-term securities during 1975, no notes payable will be outstanding at December 31, 1975.

The Commission has issued an order (HCAR No. 19037) giving Georgia authority to issue and sell, through March 31, 1976, short-term notes to banks and dealers in commercial paper up to $140,000,000 at any one time outstanding.

It is stated that Georgia Public Service Commission has authorized the proposed issuance and sale of the bonds by Georgia. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees and expenses to be incurred in connection with the transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than November 13, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-28757 Filed 10-24-75;8:45 am]

[Release 34-11749 File No. SR-NASD-75-2]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Self Regulatory Organizations

In the matter of proposed rule change by National Association of Securities Dealers, Inc.

Pursuant to Section 19(B)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975) notice is hereby given on October 14, 1975 the above-mentioned self regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

THE NASD'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The following is the full text of the proposed amendment to Appendix A of Section 30, Article III of the Rules of Fair Practice of the National Association of Securities Dealers, Inc.

Section 1—unchanged
Section 2—unchanged
Section 3—unchanged
Section 4(a) (1), (2), (3)—unchanged

MINIMUM MARGIN

4(a)(4) Minimum maintenance requirements for any put or call issued, guaranteed or carried "short" in a customer's account shall be:

(i) in the case of puts and calls traded in the over-the-counter market, 50% of the market value of the equivalent number of shares of the underlying securities, plus any unrealized loss or less any unrealized profit;

(ii) in the case of puts and calls listed or traded on a registered national securities exchange, 30% of the market value of the equivalent number of shares of the underlying security, plus any unrealized loss or less any unrealized profit;

(iii) notwithstanding the foregoing, the minimum margin on each put or call issued, guaranteed or carried "short" in a customer's account shall be not less than $250; and,

Sections 5, 6—unchanged.

SECTION 7—PUT AND CALL OPTIONS

(a) Each put or call shall be margined separately. Any difference between the market price of the underlying security and the exercise price of a put or call will be of value only in providing margin on that particular put or call. Substantial additional margin must be required on options issued, guaranteed or carried "short" with an unusually long period of time to expiration (generally, more than six months and ten days), or written on securities subject to unusually rapid or abrupt changes in value, or which do not have an active market, or where the securities subject to the option cannot be liquidated promptly.

(b) If both a put and a call for the same number of shares of the same security are issued, guaranteed or carried "short" for a customer, the margin shall be the greater of that required on either the put or the call, except that:

(i) the put and the call shall each be subject to a minimum requirement of $250, and

(ii) if there is unrealized loss on both the put and the call, the amount of margin required shall be not less than the combined unrealized loss of both.

(c) When a call that is listed or traded on a registered national securities exchange is carried "long" for a customer's account and the account is also "short" a call listed or traded on a registered national securities exchange expiring on or before the date of expiration of the "long" listed call and written on the same number of shares of the same security, the margin required on the "short" call shall be the lower of:

(i) the margin required pursuant to Section 4(a)(4)(ii) above, or

(ii) the amount by which the exercise price of the "long" call exceeds the exercise price of the "short" call.

(d) When a call is issued, guaranteed or carried "short" against an existing net "long" position in the security under option or in any security exchangeable or convertible within a reasonable time without restriction other than the payment of money into the security under option, no margin need be required on the call, provided such net "long" position is inadequately margined in accordance with this Rule.

(e) When a call is issued, guaranteed or carried "short" against a net "long" position in an exchangeable or convertible security, as outlined above, margin shall be required on the call equal to any amount by which the conversion price of the "long" security exceeds the exercise price of the call.

(f) When a call is issued, guaranteed or carried "short" against a net "long" position in a security exchangeable or convertible into the security under option within a reasonable period of time and without restrictions other than the payment of money and when the conversion price of the exchangeable or convertible security does not exceed the exercise price of the call, no margin need be required on the call if the "long" position is properly margined in accordance with Section 4(a) hereof.

(g) When a put is issued, guaranteed or carried "short" against an existing net "short" position in the security under option, no margin need be required on the put, provided such net "short" position is inadequately margined in accordance with this Rule.

(h) When determining net "long" and net "short" positions, offsetting "long" and "short" positions in exchangeable or convertible securities or in the same security shall be deducted. When computing margin on such an existing net stock position carried against a put or call, the current market price used shall not be greater than the call price in the case of a call or less than the put price in the case of a put.

(i) When a member issues or guarantees an option to receive or deliver securities for a customer, such option shall be margined as if it were a put or call.

(j) An exchangeable or convertible security shall cease to have value for margin purposes as of its expiration date and cannot be used thereafter for purposes of this Rule.

Sections 8-14—unchanged.

SECTION 15 ACCRUED INTEREST

(a) Accrued interest may not be credited to an account except as provided in paragraph (b).

(b) A member may credit to a customer's account accrued interest in obligations issued or unconditionally guaranteed by the U.S. Government or any agency thereof provided that such securities are registered in the member's name or that of its nominee or, in the case of bearer bonds, are in the possession of the member and, provided further, that on a concurrent basis accrued interest on the outstanding debit balance in that account is entered as of the same date.

THE NASD'S STATEMENT OF BASIS AND PURPOSE

PURPOSE OF PROPOSED RULE CHANGE

The amendment to Appendix A of Section 30, Article III of the Rules of Fair Practice will cause the NASD margin requirement on option contracts to conform to a uniform standard proposed by the Securities and Exchange Commission. The amendments provide for a 30 percent margin maintenance requirement for listed options and a 50 percent margin maintenance requirement on over-the-counter options. The present Section 4(a)4 makes no distinction between listed and over-the-counter options and provides for a 50 percent margin maintenance requirement on the security underlying an option. Additionally, the amendments provide that the Appendix will cover "short" call options offset by the purchase of "long" calls; "short" calls hedged by "long" convertible securities; and, the treatment of "short" puts and calls for the same underlying security when carried in the same customer's account. Minimum equity and standardized procedures for computing required margin in giving value to options contracts are also included in the amendment.

New Section 15 of Appendix A provides that accrued interest may not be credited to a margin account and not considered margin equity unless the interest is on U.S. Government or agency securities; the securities are registered in the member's name or nominee or, in the case of bearer bonds, in the possession of the member; and the accrued interest on the customer's outstanding debit balance is entered in the account on the same date.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

Section 7(c) of the Securities Exchange Act of 1934 provides that it shall be unlawful for any broker or dealer, directly or indirectly, to extend or maintain credit or arrange for the extension or maintenance of credit to or for any customer on any security (other than an exempted security) in contravention of the rules and regulations which the Board of Governors of the Federal Reserve System shall prescribe. On July 8, 1969, the Federal Reserve Board adopted amendments to their regulations designed principally to broaden its control of credit on over-the-counter securities. Under these amendments, those OTC stocks meeting certain criteria and debt securities convertible into such stocks, became subject to margin requirements. Section 15A of the Securities Exchange Act of 1934 provides an association of brokers and dealers shall not be registered as a national security association unless the Commission determines that the rules of the association are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and in general to protect investors in the public interest and to regulate by virtue of any authority conferred by this Act. Section 30 of the Rules of Fair Practice adopted by the Board of Governors of the Association under that authority and nondisapproved by the SEC provides that a member shall not effect a securities transaction in a margin account in a manner contrary to the requirement adopted by the Board of Governors. Appendix A contains those requirements adopted by the Board and nondisapproved by the Commission.

COMMENTS RECEIVED FROM THE MEMBERS, PARTICIPANTS OR OTHERS ON THE PROPOSED RULE CHANGE

Because Section 30 of Article III of the Rules of Fair Practice authorizes the Board of Governors alone to establish the minimum amounts of initial and maintenance margin required to be obtained by members from customers, comments of the membership on the proposed amendment to Appendix A were not solicited or received.

BURDEN ON COMPETITION

Because the Securities Exchange Act places on the association the obligation to regulate the activities of its members' margin dealings in option contracts, and provides a statutory basis for the establishment of minimum margin requirements, and because the proposed amendments are designed to conform the NASD requirements to uniform standards proposed by the Securities and Exchange Commission and adopted by the registered national securities exchanges, it is felt that there is no burden on competition imposed by the proposed rule change and that it is in furtherance of the purposes of the Act.

The Association has consented to an extension of those time periods specified in Section 19(b)(2) of the Act as the Commission feels is necessary for proper review. On completion of this review, the Commission will:

(a) by order approve such proposed rule change, or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments

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concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 28, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

OCTOBER 17, 1975.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-28758 Filed 10-24-75;8:45 am]

URBAN REINVESTMENT TASK FORCE

NEIGHBORHOOD HOUSING SERVICES AND PRESERVATION PROJECTS

Application Procedures

INTRODUCTION

The Urban Reinvestment Task Force is a joint effort of the heads of the Federal financial regulatory agencies and the Secretary of the U.S. Department of Housing and Urban Development to stimulate the development of local partnerships committed to a coordinated neighborhood reinvestment strategy. The Co-Directors of the Urban Reinvestment Task Force are:

Carla A. Hills, Secretary, U.S. Department of Housing and Urban Development.

Garth Marston, Acting Chairman, Federal Home Loan Bank Board.

Philip C. Jackson, Jr., Member, Board of Governors, Federal Reserve System.

Frank Wille, Chairman, Federal Deposit Insurance Corporation.

James E. Smith, Comptroller of the Currency.

A small staff headed by Staff Director William A. Whiteside of the Federal Home Loan Bank Board is based in Washington, D.C. A HUD demonstration grant of $2.5 million for FY 1976 goes toward Task Force administrative support and dissemination efforts and modest grants to local operational programs. Additional administrative support comes from the Federal Home Loan Bank Board.

The Task Force is involved in two separate programs, Neighborhood Housing Services and Neighborhood Preservation Projects. Both programs involve the creation of a local partnership bringing together neighborhood residents, the private sector and local government. The major thrust of the Task Force is the development of Neighborhood Housing Services (NHS) programs. Presently there are sixteen operational NHS programs and twelve in the developmental process. NHS programs are developed with the direct local assistance of the Task Force. Neighborhood Preservation Projects (NPP), in contrast, have been developed locally without Task Force assistance and are operational or at the point of commencing operations when the Task Force becomes involved.

NEIGHBORHOOD HOUSING SERVICES

Important features of a Neighborhood Housing Services program are:

1. A neighborhood in which the housing stock is basically sound but beginning to show signs of deterioration, and where there is a high degree of home ownership.

2. Neighborhood residents who want to preserve their neighborhood and improve their homes, and are willing to put their effort into establishing and operating a NHS.

3. A local government which agrees to reinvest in the neighborhood by making necessary improvements in public amenities and by conducting an appropriate housing code compliance program coordinated with NHS activities.

4. A group of financial institutions who agree to reinvest in the neighborhood by making loans at market rates to all homeowners who meet normal credit standards. Participating financial institutions normally make tax-deductible contributions to the NHS to meet its operating costs.

5. A "High-Risk" Revolving Loan Fund which stands ready to make loans at flexible rates and terms to residents who do not meet commercial credit standards. Funds for the revolving loan fund are normally contributed by foundations, local corporate sources, and increasingly by local government from Community Development Block Grant funds. Matching grants at varying ratios may be provided by the Urban Reinvestment Task Force.

6. Finally, the NHS organization, a state-chartered private, nonprofit corporation. Each NHS has a board of directors of which a majority are community residents with significant representation from the financial institutions. A staff of typically three persons carries out NHS' work of financial counseling, assistance with rehabilitation specifications and bids, careful monitoring of contractors, administration of the revolving loan fund, and liaison with city agencies and financial institutions.

ROLE OF THE URBAN REINVESTMENT TASK FORCE

The Task Force plays an active catalytic role in developing a Neighborhood Housing Services program. The developmental process spans 8 to 10 months and includes:

1. Reviewing the application to develop a NHS program, and if it shows promise, conducting a field review to determine if the basic elements for a successful NHS program exist.

2. Entering into a developmental agreement with a local entity to assist local residents, financial institution representatives, and representatives of local government create a NHS program.

3. Conducting a careful survey of local resources, and securing the interest of relevant institutions and individuals.

4. Conducting an educational process, featuring several workshops, designed to acquaint representatives of all of the relevant segments of the community with operational details of the NHS program, and assisting them in fitting the general model to local conditions.

5. Assisting in the organization, incorporation, funding, and selection of staff for the NHS.

6. Training the NHS staff and assisting in the installation of operating procedures adapted to local needs and conditions.

7. Providing (subject to availability of funds) a seed money grant, or assisting in securing one from other sources, to initiate the ongoing fund raising program for a High Risk Revolving Loan Fund.

8. Conducting a workshop for local lending officers, appraisers, mortgage insurers and regulatory officials to enable them to appreciate the expected impact of the NHS coordinated reinvestment program on the future of the neighborhood.

9. Providing ongoing information and technical assistance to the newly formed private, non-profit NHS program.

DEVELOPMENTAL AGREEMENT

In assisting a locality to create a Neighborhood Housing Services program, the Urban Reinvestment Task Force will enter into an agreement with a local entity to conduct a careful developmental program lasting 8 to 10 months. The cost to the local entity of this developmental program is in the range of $30,000 to $50,000. This covers the cost of a local full-time staff person hired by the Task Force for six to eight months, and a series of workshops, including travel for participants to an operating NHS in another city. The workshops are designed to bring together leaders of financial institutions, city department heads and key persons from the community to design an effective program for that locality.

The goal of this developmental program is the establishment of a NHS as an independent, local, non-profit corporation.

GRANTS

Only upon completion of a successful developmental program will the Task Force consider making a matching grant to the NHS to stimulate the development of a High Risk Revolving Loan Fund. Grants may be made to the NHS non-profit corporation in amounts of $100,000 or less. The Task Force has resources in its Fiscal 1976 budget that will permit only a very limited number of such grants.

SPECIAL STATE PROGRAMS

The limited resources of the Task Force will not permit the development of NHS programs in every state, or more than one program in any one state during its 1976 Fiscal Year. Applications are encouraged from state agencies, however, to enter into a partnership with the Task Force, whereby state financial resources could be deployed to cover supervisory staffing costs and/or seed money grants to local NHS programs, complementing Task Force technical resources. Under such Task Force-state partnership arrangements, the Task Force could develop several programs in a given state.

Such a program, for example, could involve state funding of $200,000, matched by Task Force funding of $100,000, providing support for full-time Task Force supervisory staff for that state, as well as seed money grants for as many as three NHS programs in that State.

MULTI-NEIGHBORHOOD NHS PROGRAMS

Where resources have been adequate, the Task Force has found it possible to create NHS programs which serve two or more neighborhoods in a given city. Applications for such programs should indicate potential sources of funding for the NHS program at annual levels of typically $50,000 per neighborhood for administrative costs and $100,000 per neighborhood for additions to the High Risk Revolving Loan Fund.

Several of the Fiscal 1976 NHS developmental programs may include expansion to one or more additional neighborhoods of already-existing NHS programs. Applications for such assistance should indicate potential sources of the additional annual funding referred to above.

SELECTION CRITERIA FOR NHS PROGRAMS

Before entering into a developmental agreement, the Task Force must assure itself that the basic elements for a successful NHS program exist. Each community will have a different mix, with greater strengths in some areas than in others. In determining whether a particular community's mix can produce a viable program, the degree of presence of the following elements will be considered:

1. Local government capacity and willingness to participate with a sensitive and appropriate code compliance program, appropriate planning and zoning activities, public service improvements, and public works expenditures;

2. Potential financial institution leadership;

3. Potential neighborhood support and leadership;

4. Foundation/industrial/civic/local governmental resources to support a growing High Risk Revolving Loan Fund;

5. Interest of Federal, state, and other agencies in assisting and/or cooperating;

6. Active leadership from at least one (local government, financial industry or neighborhood group) sector.

NEIGHBORHOOD PRESERVATION PROJECTS (NPP)

The Urban Reinvestment Task Force is also participating in the developmental funding of a limited number of selected demonstration projects, called Neighborhood Preservation Projects (NPP). The Task Force will identify, monitor and evaluate locally developed neighborhood preservation programs which show promise of potential replicability in other cities. Those programs selected receive modest demonstration grants toward data collection, documentation, and support of the project itself.

PROGRAM AREAS FOR NEIGHBORHOOD PRESERVATION PROJECTS

The Task Force is seeking a number of replicable resource packages to deal with the problems of disinvestment in neighborhoods in various stages of the decline process.

1. The Task Force will consider applications for grant support for selected programs which include (but are not limited to) one or more of the following areas:

a. Protection of property-owner and commercial investment.

b. Real estate marketing practices.

c. Business district revitalization.

d. Innovative financing and economic incentive to stabilize multi-family buildings.

e. Intervention strategies to prevent default and foreclosure.

f. The purchase, rehabilitation, and marketing of foreclosed and vacant properties (FHA/Conventional).

g. Long-term maintenance programs for residential and commercial properties.

h. Innovative programs to stabilize neighborhoods undergoing transition.

2. In addition to the above, applications will be considered which, in combination with one or more of the above areas, include elements designed to increase the level of neighborhood confidence, such as those affecting:

a. Perceptions of personal and property safety.

b. Quality of public schools.

SELECTION CRITERIA FOR NEIGHBORHOOD PRESERVATION PROJECTS

1. The project should involve a partnership of neighborhood residents, the private sector, and local government.

2. The project should be operational.

3. The project should be specific to a neighborhood or neighborhoods, and should either have demonstrated success or show a strong probability of success in upgrading that/those neighborhood(s).

4. Neighborhood residents and private sector representatives should normally be involved at a policy level in program development.

5. Local government should be willing to allocate financial resources to the project.

6. The sponsoring agency should have a demonstrated capability to perform successfully in the area of neighborhood preservation.

7. The project sponsors should be willing to provide information which can be analyzed by the Task Force or its participating agencies to judge the effectiveness of the project. Sponsors should also be willing to offer their services to assist others who may wish to replicate their project.

APPLICATION PROCEDURE

Application forms are available upon request. Local entities may submit to the Urban Reinvestment Task Force applications and materials supporting their readiness to be considered for either:

1. Services of the Task Force in development of a Neighborhood Housing Services (NHS) or,

2. Funding for a Neighborhood Preservation Project (NPP).

The Task Force will review materials submitted and select promising submissions for field review.

Cities or other governmental jurisdictions or non-public entities wishing to apply for Task Force assistance should submit a formal application to the Urban Reinvestment Task Force by December 15, 1975.

Top ranking applicants can expect field visits and further dialogue.

Following field reviews, applications will be ranked according to their promise as demonstrations, and agreements will be entered into with the top ranking local entities, subject to availability of Task Force resources.

Inquiries should be addressed to:

Urban Reinvestment Task Force, 320 First Street, N.W., Washington, D.C. 20552.

WM. A. WHITESIDE,
Staff Director.

[FR Doc.75-28771 Filed 10-24-75;8:45 am]

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DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-252]

AMERICAN SAFETY EQUIPMENT CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 15, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Textile Workers Union of America on behalf of the workers and former workers of Medina, Ohio division of American Safety Equipment Corporation, Encino, California (TA-W-252). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with safety protective equipment including motor cycle helmets & accessories, police safety liners & helmets, automobile seat belts produced by American Safety Equipment Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 7, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28853 Filed 10-24-75;8:45 am]

[TA-W-254]

BROWN SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 15, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Murphysboro, Illinois plant of Brown Shoe Company, St. Louis, Missouri (TA-W-254). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Brown Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 7, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28854 Filed 10-24-75;8:45 am]

[TA-W-240]

CALIPER CLOTHES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Caliper Clothes, Inc., Philadelphia, Pennsylvania (TA-W-240). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sack coats produced by Caliper Clothes, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28855 Filed 10-24-75;8:45 am]

[TA-W-253]

CARTHAGE MARBLE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 15, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Carthage Marble Corporation, Carthage, Missouri (TA-W-253). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with marble produced by Carthage Marble Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 7, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28857 Filed 10-24-75;8:45 am]

[TA-W-255]

FASHION MAID KNITTING MILLS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 17, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, International Ladies Garment Workers, on behalf of the workers and former workers of Fashion Maid Knitting Mills, Incorporated, Philadelphia, Pennsylvania (TA-W-255). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's, boys' and ladies' sweaters produced by Fashion Maid Knitting Mills, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 7, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 17th day of October 1975.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28858 Filed 10-24-75;8:45 am]

[TA-W-250]

INFANTA KNITTING MILLS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 15, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union on behalf of the workers and former workers of Infanta Knitting Mills, Incorporated, Rockledge, Pennsylvania (TA-W-250). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's and children's knitted outerwear produced by Infanta Knitting Mills, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is

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filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 7, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28859 Filed 10-24-75;8:45 am]

[TA-W-226]

JACOB SIEGEL COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Jacob Siegel Company, Inc., Philadelphia, Pennsylvania (TA-W-226). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with topcoats and overcoats produced by Jacob Siegel Company, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 7, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28860 Filed 10-24-75;8:45 am]

[TA-W-251]

MAJESTIC SWEATER MILLS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 15, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union on behalf of the workers and former workers of Majestic Sweater Mills, Incorporated, Philadelphia, Pennsylvania (TA-W-251). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's, boys' and ladies' sweaters produced by Majestic Sweater Mills, Incorporated, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 7, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28861 Filed 10-24-75;8:45 am]

[TA-W-249]

SPERRY VICKERS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Joplin, Missouri plant of Sperry Vickers, Incorporated, Troy, Michigan, a division of Sperry Rand Corporation, New York, New York (TA-W-249). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with hydraulic pumps produced by Sperry Vickers, Incorporated, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 7, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of October, 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-28862 Filed 10-24-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

OCTOBER 22, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission on or before November 28, 1975. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 113855 (Sub-No. 328G), filed September 12, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, fittings, and accessories* for such pipe (except oil field pipe as described in *Mercer Extension—Oil Field Commodities* 74 M.C.C. 459), restricted to the transportation of so-called twilight zone commodities as described by the Commission in *National Automobile Transporters Association v. Rowe Transfer* 64 M.C.C. 229, (A) from points in Wisconsin on, east, and north of a line beginning along U.S. Highway 53 at the Minnesota-Wisconsin State line, thence along U.S. Highway 53 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Wisconsin-Illinois State line, to points in Arkansas on and south of U.S. Highway 70. The purpose of this filing is to eliminate the gateways of Elgin, Ill., Terre Haute, Ind. and Springfield, Ill. (B) From points in Wisconsin on and east of a line beginning at the Michigan-Wisconsin State Line along U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Wisconsin-Illinois State Line, to points in Texas and New Mexico. The purpose of this filing is to eliminate the gateways of Elgin, Ill., Terre Haute, Ind., and Springfield, Ill.

(C) From points in Lake, McHenry, Kane, and Dupage Counties, Ill., to points in Arkansas on, east, and north of a line beginning at the intersection of U.S. Highway 71 and the Missouri-Arkansas State line, thence along U.S. Highway 71 to the intersection of U.S. Highway 71 and Interstate Highway 40, thence along Interstate Highway 40 to Little Rock, Ark., thence southwesterly along U.S. Highway 65 to the Arkansas-Louisiana State Line. The purpose of this filing is to eliminate the gateways of Elgin, Ill., Terre Haute, Ind., and Springfield, Ill. (D) From points in Lake, McHenry, Kane, and Dupage Counties, Ill., and the Chicago, Ill. Commercial Zone, to points in Oklahoma on, west, and south of a line beginning at the Oklahoma-Kansas State Line on U.S. Highway 177, thence along U.S. Highway 177 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Oklahoma-Arkansas State Line. The purpose of this filing is to eliminate the gateways of Elgin, Ill., Terre Haute, Ind., and Springfield, Ill. (E) From points in Illinois on and east of U.S. Highway 51 and on and north of U.S. Highway 30, to points in Texas and New Mexico. The purpose of this filing is to eliminate the gateways of Elgin, Ill., Terre Haute, Ind., and Springfield, Ill., (2) *tractors* (not including truck tractors), *scrapers, motor graders, wagons, engines, generators, and generators combined, welders, road-rollers, compactors and lift trucks, and attachments and accessories* used in the construction and maintenance of highways, from points in Illinois on and north of Illinois Highway 9, to points in Oregon, Washington, Idaho, and Montana. The purpose of this filing is to eliminate the gateway of Milwaukee, Wis.

(3) *Such heat exchangers or equalizers* for gases or liquids, *machinery and equipment* for washing, heating, cooling, conditioning, humidifying, dehumidifying, and moving of gasses or liquids and *parts, attachments, and accessories*, for use in the installation and operation of the commodities specified above, the transportation of which, because of their size or weight, require the use of special equipment, and *related machinery, parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, (A) from points in Iowa on and north of U.S. Highway 20 and on and east of U.S. Highway 65, to points in Arizona. The purpose of this filing is to eliminate the gateway of La Crosse, Wis. (B) From points in Illinois on and north of U.S. Highway 6, to points in Arizona. The purpose of this filing is to eliminate the gateway of La Crosse, Wis. (4) (1) *Self-propelled vehicles* (except highway automobiles, trucks, buses, golf buggies, and commercial adaptations thereof, motorcycles and motor scooters); (2) *cranes and hoisting equipment*; (3) *attachments* for the commodities specified in (1) and (2) above; and (4) *parts* of the commodities specified in (1), (2), and (3) above when moving in mixed loads with any of said commodities, the transportation of which, because of their size or weight require the use of special equipment, and (5) *self-propelled articles* described in (1) and (2) above, not requiring special equipment for their transportation, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers), from points in Wisconsin, to points in Arizona. The purpose of this filing is to eliminate the gateway of Schofield, Wis.

(5) *Highway construction and maintenance tractors* (not including truck-tractors), *scrapers, motor graders, wagons, engines* (except aircraft and missile engines, generators, engines and generators combined, welders, road-rollers, compacters, and lift-trucks, and *attachments* for the above-named commodities, when moving therewith and separately, (A) From points in Wisconsin on, South, and east of a line beginning at the Wisconsin-Illinois State Line, extending along Wisconsin Highway 78 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Wisconsin Highway 33; thence along Wisconsin Highway 33 to Lake Michigan, to points in Utah, Oregon, Washington, Idaho, and Montana. The purpose of this filing is to eliminate the gateway of Elgin, Ill. (B) From points in that part of Wisconsin south of a line beginning at LaCrosse, Wis., and extending along U.S. Highway 16 to Wisconsin Dells, Wis., thence along Wisconsin Highway 23 to Sheboygan, Wis., including points on the indicated portions of the highways specified, to points in Arizona, California, and Nevada. The purpose of this filing is to eliminate the gateway of Peoria, Ill. (C) From points in Illinois on and north of Illinois Highway 9, to points in Arizona, Nevada, and California. The purpose of this filing is to eliminate the gateway of Milwaukee, Wis. (6) *tractors and stationary engines and attachments and parts* therefor, when moving incidental to and in the same vehicle with tractors and stationary engines (not including tractors with vehicle beds, bed frames, or fifth wheels), restricted to such of the named commodities as fall within the "twilight zone" as described by the Commission in *National Automobile Transporters Association v. Rowe Transfer*, 64 M.C.C. 229, (A) From points in New York on and east of New York Highway 14, to points in New Mexico. The purpose of this filing is to eliminate the gateways of Scranton, Pa., Elgin, Ill., and Dubuque, Iowa.

(B) From points in New York on and east of U.S. Highway 15, to points in Arizona. The purpose of this filing is to eliminate the gateways of Scranton, Pa., Elgin, Ill., and Dubuque, Iowa. (C) From points in Connecticut, Massachusetts, and Rhode Island, to points in New Mexico and Arizona. The purpose of this filing is to eliminate the gateways of Scranton, Pa., Elgin, Ill., and Dubuque, Iowa. (D) From points in New Jersey, to points in New Mexico. The purpose of this filing is to eliminate the gateways of Allentown, Pa., Elgin, Ill., and Dubuque, Iowa. (E) From points in Maryland (except points in Garrett, Allegany, and Washington Counties), to points in New Mexico on, west, and north of U.S. Highway 54. The purpose of this filing is to eliminate the gateways of Allentown, Pa., Elgin, Ill., and Dubuque, Iowa. (F) From points in Delaware, to points in New Mexico. The purpose of this filing is to eliminate the gateways of Allentown, Pa., Elgin, Ill., and Dubuque, Iowa. (G) From points in New Jersey and Delaware, to

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points in Arizona. The purpose of this filing is to eliminate the gateways of Allentown, Pa., and Elgin, Ill., and Dubuque, Iowa (H) From points in Maryland (except points in Garrett and Allegany Counties), to points in Arizona. The purpose of this filing is to eliminate the gateways of Allentown, Pa., Elgin, Ill., and Dubuque Iowa. (I) From points in Virginia, on, north, and east of a line beginning at the Virginia-West Virginia State Line extending along U.S. Highway 33 to junction Interstate Highway 95, thence along Interstate Highway 95, to the Virginia-North Carolina State Line, to points in Arizona. The purpose of this filing is to eliminate the gateways of Allentown, Pa., Elgin, Ill., and Dubuque, Iowa.

(7) *Such heat exchangers or equalizers* for gases or liquids, *machinery and equipment* for washing, heating, cooling, conditioning, humidifying, dehumidifying, and moving of gases or liquids, and *parts, attachments and accessories*, for use in the installation and operation of the commodities specified above, the transportation of which, because of size or weight, require the use of special equipment, and *related machinery, parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, (A) from points in Wisconsin, to points in Arizona. The purpose of this filing is to eliminate the gateway of La Crosse, Wis. (B) From points in Wisconsin (except Burnett, Polk, St. Croix and Pierce Counties), to points in Kansas and Nebraska. The purpose of this filing is to eliminate the gateway of LaCrosse, Wis. (C) From points in Minnesota on, east, and north of a line beginning at Breckenridge, Minn., thence along U.S. Highway 75 to junction Minnesota Highway 9, thence along Minnesota Highway 9 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to the Minnesota-Iowa State Line, to points in Arizona. The purpose of this filing is to eliminate the gateways of points in Minnesota within 25 miles of the Wisconsin State line and LaCrosse, Wis.

(8) (1) *New construction, road-building, earth-moving, excavating, loading, maintenance, logging, and mining machinery and equipment, tractors* (not including truck-tractors), and pipelayers and, when moving in combination loads on the same vehicle from the same consignor or consignors of the above-specified commodities, generators, internal combustion engines, and generators and engines combined (except aircraft and missile engines), and attachments, accessories, and parts of or for the above-specified equipment and machinery, the transportation of which, because of their size or weight, require the use of special equipment; and (2) *self-propelled articles* described in (1) above, not requiring special equipment for their transportation, each weighing 15,000 pounds or more and related parts moving in connection therewith, (restricted to commodities transported on trailers), from points in Illinois on and north of U.S. Highway 6, to points in Arizona. The purpose of this filing is to eliminate the gateway of Davenport, Iowa. (9) *such heat exchangers or equalizers* for gases and liquids, *machinery and equipment* for washing, heating, cooling, conditioning, humidifying, dehumidifying, and moving of gases or liquids, and parts, *attachments, and accessories*, for use in the installation and operation of the commodities specified above, the transportation of which, because of size or weight require the use of special equipment, and *related machinery, parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, restricted against the transportation of iron and steel articles, (A) from points in Indiana on and north of U.S. Highway 52, to points in Arizona on, west, and south of a line beginning at the Nevada-Arizona State Line along U.S. Highway 93, thence along U.S. Highway 93 to Phoenix, thence along U.S. Highway 89 to the United States-Mexico International Boundary at Nogales. The purpose of the filing is to eliminate the gateways of Elgin, Ill. and LaCrosse, Wis.

(B) From points in Ohio, to points in Arizona (except points in Navajo, Apache, Graham, and Greenlee Counties and those points in Coconino and Mohave Counties north of the Colorado and Little Colorado Rivers). The purpose of this filing is to eliminate the gateways of Elgin, Ill. and LaCrosse, Wis. (C) From points in Ohio on and north of Ohio Highway 73, to points in Navajo, Apache, and Graham and Greenlee Counties, Ariz., and those points in Coconino, Mohave Counties, Ariz., lying north of the Colorado and Little Colorado Rivers. The purpose of this filing is to eliminate the gateways of Elgin, Ill. and LaCrosse, Wis. (D) From points in West Virginia (except points in McDowell, Mercer, Wyoming, Summers, and Monroe Counties) and Allentown, Hazleton, and Scranton, Pa., to points in Arizona. The purpose of this filing is to eliminate the gateways of Elgin, Ill. and LaCrosse, Wis. (E) From points in Maryland (except points in and west of Frederick County) and the District of Columbia, to points in Arizona on and west of U.S. Highway 89. The purpose of this filing is to eliminate the gateways of Allentown, Pa., Elgin, Ill., and LaCrosse, Wis. (F) From points in Delaware and New Jersey, to points in Arizona. The purpose of this filing is to eliminate the gateways of Allentown, Pa., Elgin, Ill., and LaCrosse, Wis. (G) From points in New York (except points west of New York Highway 14), Connecticut and Massachusetts, to points in Arizona. The purpose of this filing is to eliminate the gateways of Eastern Pennsylvania, Elgin, Ill., and LaCrosse, Wis.

(10) (1) *Agricultural machinery, and implements*, other than hand, as described in Section 1(B) of Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and farm tractors the transportation of which, because of size or weight, require the use of special equipment, and (2) *self-propelled articles* described in (1) above not requiring special equipment for their transportation, each weighing 15,000 pounds or more and *related machinery and parts* moving in connection therewith, (restricted to commodities transported on trailers), (A) from points in Wisconsin, to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa. (B) From points in Minnesota, to points in Arizona; New Mexico, west and south of a line beginning at New Mexico-Colorado State Line extending along U.S. Highway 285 to junction U.S. Highway 66, thence along U.S. Highway 66 to the New Mexico-Texas State Line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa. (C) From points in Minnesota, except points in South and west of a line beginning at Minnesota-South Dakota State Line, extending along U.S. Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Minnesota-Iowa State Line, to points in New Mexico on, east, and north of a line beginning at the New Mexico-Colorado State Line extending along U.S. Highway 285 to junction U.S. Highway 66, thence along U.S. Highway 66 to the New Mexico-Texas State Line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

(11) (1) *Tractors and stationary engines and attachments and parts* therefor, when moving incidental to and in the same vehicle with tractors and stationary engines (not including tractors with vehicle beds, bed frames, or fifth wheels), restricted to the transportation of so-called "twilight zone" commodities as described by the Commission in *National Automobile Transporters Association v. Rowe Transfer*, 64 M.C.C. 229, (2) *self-propelled articles*, described in (1) above which do not require special equipment for their transportation each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers), (A) from points in Ohio and Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and Mines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State Line and extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19 near Rose Point, Pa., thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., thence along unnumbered highway via Prospect, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641, (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, and thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State Line, including points on the indicated portions of the highway specified, and points in West Virginia on and north of U.S. Highway 60, to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateways of Elgin, Ill. and Dubuque, Iowa.

(B) From points in West Virginia south of U.S. Highway 60, to points in Arizona and points in New Mexico on, west and north of U.S. Highway 54. The purpose of this filing is to eliminate the gateways of Elgin, Ill. and Dubuque, Iowa. (C) From points in Indiana on and north of U.S. Highway 30, to points in New Mexico. The purpose of this filing is to eliminate the gateways of Elgin, Ill. and Dubuque, Iowa. (D) From points in Indiana south of U.S. Highway 30 and on and north of U.S. Highway 150, to points in New Mexico on, west, and north of U.S. Highway 54. The purpose of this filing is to eliminate the gateways of Elgin, Ill. and Dubuque, Iowa. (E) From points in Indiana on and north of U.S. Highway 150, to points in Arizona. The purpose of this filing is to eliminate the gateways of Elgin, Ill. and Dubuque, Iowa. (F) From points in Indiana south of U.S. Highway 150, to points in Yuma and Maricopa Counties, Ariz. The purpose of this filing is to eliminate the gateways of Elgin, Ill. and Dubuque, Iowa.

(G) From points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State Line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State Line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa.), and points in Pennsylvania on and east of the above-described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa., to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateways of Ohio, Elgin, Ill., and Dubuque, Iowa. (12) *Tractors* (not including tractors with vehicle beds, bed frames, or fifth wheels), *utility trailers* designed for transportation of tractors other than truck-tractors, *road construction machinery and equipment, earth moving, excavating, and loading machinery, and parts and attachments* for all of the above-specified commodities when transported at the same time and in the same vehicle, the transportation of which, because of their size or weight, require the use of special equipment, and *related machinery, parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, and

(2) *Self-propelled articles* described in (1) above, not requiring special equipment for their transportation, each weighing 15,000 pounds or more and *related machinery, tools, parts and supplies* moving in connection therewith, restricted to the transportation of so-called "twilight zone" commodities as described by the Commission in *National Automobile Transporters Association v. Rowe Transfer*, 64 M.C.C. 229, (A) from points in Minnesota on and east of a line beginning at United States-Canada International Boundary line along U.S. Highway 71 extending along U.S. Highway 71 to junction U.S. Highway 371, thence along U.S. Highway 371 to junction Minnesota Highway 18, thence along Minnesota Highway 18 to junction U.S. Highway 169, thence along Minnesota Highway 169 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Minnesota-Iowa State line, to points in Arizona and points in New Mexico on and south of Interstate Highway 40. The purpose of this filing is to eliminate the gateway of Rock Island, Ill. (B) From points in Wisconsin (except points in Burnett, Polk, St. Croix, Pierce, Pepin, and Buffalo Counties), to points in New Mexico. The purpose of this filing is to eliminate the gateway of Rock Island, Ill. (C) From points in Burnett, Polk, St. Croix, Pierce, Pepin, and Buffalo Counties, Wis., to points in New Mexico (except points in Colfax, Union, Harding, Quay, Curry, and Roosevelt Counties). The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

(D) From points in Iowa on and east of a line beginning at the Minnesota-Iowa State Line extending along U.S. Highway 65 to junction U.S. 18, thence along U.S. Highway 18 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Iowa-Illinois State Line, to points in New Mexico. The purpose of this filing is to eliminate the gateway of Rock Island, Ill. (E) From points in Wisconsin, to points in Arizona. The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

(13) (1) *Tractors* (not including truck-tractors), *scrapers, motor graders, wagons, engines* (except aircraft and missile engines), *generators, engines, and generators combined, welders, road-rollers, compacters, and lift-trucks*, which, because of size or weight require the use of special equipment or special handling (except boats and iron and steel articles), and *related machinery parts and related contractors' equipment, materials and supplies* when their transportation is incidental to the transportation of commodities which, because of size or weight require the use of special equipment, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities which are transported in trailers), from points in Delaware, Maryland (except points in Garrett and Allegany Counties), Virginia on, north and east of a line beginning at the West Virginia-Virginia State Line extending along U.S. Highway 33 to junction Interstate Highway 95 at Richmond, Va., thence along Interstate Highway 95 to the Virginia-North Carolina State Line and the District of Columbia, to points to Arizona. The purpose of this filing is to eliminate the gateways of Allentown, Pa., Elgin, Ill., Northern Illinois, and Aurora, Ill.

(14) (1) *New construction, roadbuilding, earthmoving, excavating, loading, maintenance, logging, and mining machinery and equipment, tractors* (not including truck-tractors), and *pipelayers*, and, when moving in combination loads on the same vehicle from the same consignor or consignors of the above-specified commodities, *generators, internal combustion engines, and generators and engines combined* (except aircraft and missile engines), and *attachments, accessories, and parts* of or for the above-specified equipment and *machinery*, the transportation of which, because of their size or weight, require the use of special equipment, and *related machinery, parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, and (2) *self-propelled articles* described in (1) above, not requiring special equipment for their transportation, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith, from points in Minnesota and Wisconsin, to points in Arizona. The purpose of this filing is to eliminate the gateways of points in Minnesota within 25 miles of Minnesota-Iowa, Des Moines, Iowa.

(15) (1) *Agricultural machinery and parts and attachments* for agricultural machinery, which because of their size or weight require the use of special equipment, and (2) *self-propelled agricultural machinery* weighing 15,000 pounds or more and *related parts and attachments* when moving in connection therewith, from points in that portion of Minnesota lying in, east, and north of Koochiching, Itasca, Cass, Morrison, Benton, Sherburne, Hennepin, Scott, Dakota, Goodhue, and Wabasha Counties; and that portion of Wisconsin lying in, west and north of Iron, Price, Taylor, Clark, Eau Claire, and Buffalo Counties, to points in Missouri. The purpose of this filing is to eliminate the gateways of Pepin County, Wis. and points in Minnesota within 25 miles of the Wisconsin State line. (16) *Road construction equipment, trailers and semi-trailers*, other than house trailers, in initial movements, in truckaway service, from points in that part of Wisconsin south of a line beginning at La Crosse, Wis., and extending along U.S. Highway 16 to Wisconsin

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Dells, Wis., thence along Wisconsin Highway 23 to Sheboygan, Wis., including points on the indicated portions of the highways specified, to points in Washington, Oregon, California, Idaho, Nevada, and Utah. The purpose of this filing is to eliminate the gateway of Kewanee, Ill. (17) *Equipment* used in the construction and maintenance of highways, from points in Wisconsin on and south of a line beginning at LaCrosse, Wis., and extending along U.S. Highway 16 to Wisconsin Dells, Wis., thence along Wisconsin Highway 23 to Sheboygan, Wis., to points in California. The purpose of this filing is to eliminate the gateways of Davenport, Iowa and Sioux Falls, S. Dak. Dak.

(18) *Materials, equipment, and supplies* used in the construction and maintenance of highways, the transportation of which, because of their size or weight, require the use of special equipment, and *related machinery, parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, and (2) *self-propelled equipment* used in the construction and maintenance of highways, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith, (restricted to commodities transported on trailers), (A) between points in Wisconsin (except points in, east and south of Green, Dane, Columbia, Dodge, Washington, and Ozaukie Counties), on the one hand, and, on the other, points in Illinois south of U.S. Highway 6 and on, north and west of a line beginning at Quincy, Ill., and extending along Illinois Highway 104 to junction U.S. Highway 66, thence northward along U.S. Highway 66 to junction U.S. Highway 51, thence northward along U.S. Highway 51 to U.S. Highway 6. The purpose of this filing is to eliminate the gateway of Davenport, Iowa.

(B) Between points in Wisconsin, in, east, and south of Green, Dane, Columbia, Dodge, Washington, and Ozaukie Counties, on the one hand, and, on the other, points in that part of Illinois bounded by U.S. Highway 6 on the north, Illinois Highway 78 on the east, and Illinois Highway 104 on the south. The purpose of this filing is to eliminate the gateway of Davenport, Iowa. (C) Between points in Wisconsin, on the one hand, and, on the other, points in Illinois on and north of Illinois Highway 9. The purpose of this filing is to eliminate the gateway of Davenport, Iowa.

No. MC 113855 (Sub-No. 329G), filed September 12, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) (1) *Pipe*, of concrete and plastic construction, and *fittings and accessories* of such pipe (except oil field pipe as described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459) restricted to the transportation of so-called "twilight zone" commodities as described by the Commission in *National Automobile Transporters Association v. Rowe Transfer*, 64 M.C.C. 229; (A) from points in Wisconsin on and east of U.S. Highway 63 and on and west of U.S. Highway 51, to points in Missouri on and south of U.S. Highway 54. The purpose of this filing is to eliminate the gateways of Davenport, Iowa and Springfield, Ill. (B) From points in Wisconsin east of U.S. Highway 51, to points in Missouri on and south of U.S. Highway 24. The purpose of this filing is to eliminate the gateways of Davenport, Iowa and Sprinfield, Ill. (C) From points in Wisconsin, to points in Arkansas. The purpose of this filing is to eliminate the gateways of Davenport, Iowa and Springfield, Ill.

(D) From points in Wisconsin on and east of U.S. Highway 63, to points in Oklahoma, Texas, New Mexico, and Arizona. The purpose of this filing is to eliminate the gateways of Davenport, Iowa and Springfield, Ill. (E) From points in Minnesota on and east of U.S. Highway 71, to points in Arkansas on and east of Arkansas Highway 7. The purpose of this filing is to eliminate the gateways of points in Minnesota within 25 miles of the Wisconsin-Minnesota State line or the Iowa-Minnesota State line, Davenport, Iowa, and Sprinfield, Ill. (F) From points in Illinois on and north of U.S. Highway 6, to points in Texas, Oklahoma, New Mexico, and Arizona. The purpose of this filing is to eliminate the gateways of Davenport, Iowa and Springfield, Ill. (II) (1) *Agricultural machinery*, and *implements*, other than hand, as described in Section 1(B) of Appendix XII to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, and *farm tractors*, the transportation of which, because of their size or weight, require the use of special equipment, and (2) *self-propelled articles* described in (1) above not requiring special equipment for their transportation, each weighing 15,000 pounds or more (restricted to commodities transported on trailers), (A) from points in Illinois on and north of U.S. Highway 6 and the following portion of Iowa: Points in that part of Iowa on and north of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 6 to junction unnumbered highway (formerly portion of U.S. Highway 6), thence along unnumbere highway through Victor and Brooklyn, Iowa to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 90 (formerly portion of U.S. Highway 6), thence along unnumbered highthrough Colfax, Iowa to Des Moines, Iowa, and on and east of U.S. Highway 65 from Des Moines, to the Iowa-Minnesota State line, to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

(B) From points in Illinois south of U.S. Highway 6 and on and north of a line between points in that part of Illinois on, north, and west of a line beginning at Quincy, Ill., and extending along Illinois Highway 104 to junction U.S. Highway 66, thence northward along U.S. Highway 66 to junction Illinois Highway 53 (formerly Alternate U.S. Highway 66), at or near Gardner, Ill., thence along Illinois Highway 53 to junction U.S. Highway 66 at a point approximately 10 miles northeast of Plainfield, Ill., and thence along U.S. Highway 66 to Chicago, Ill., to points in Arizona. (C) From points in the territory described in (B) above (except points west of U.S. Highway 67), to points in New Mexico. The purpose of this filing is to eliminate the gateways of Davenport, Iowa and Des Moines, Iowa. (III) (1) *Tractors and stationary engines and attachments and parts* therefor, when moving incidental to and in the same vehicle with tractors and stationary engines (not including tractors with vehicle beds, bed frames, or fifth wheels), restricted to the transportation of so-called "twilight zone" commodities as described by the Commission in *National Automobile Transporters Association v. Rowe Transfer*, 64 M.C.C. 229 and (2) *self-propelled articles*, described in (1) above which do not require special equipment for their transportation, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers), (I) (A) from points in that part of Illinois bounded on the north by U.S. Highway 6 and on the south and east by a line beginning at the Iowa-Illinois State line extending along Illinois Highway 9 to junction U.S. Highway 66, thence northward along U.S. Highway 66 to junction Illinois Highway 53 (formerly Alternate U.S. Highway 66) at or near Gardner, Ill., thence 10 miles northeast of Plainfield, Ill., and thence along U.S. Highway 66 to Chicago, Ill. The purpose of this filing is to eliminate the gateways of Davenport, Iowa and Waterloo or Dubuque, Iowa.

(B) From points in Illinois on and north of U.S. Highway 6, points in that part of Iowa on and north of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 6 to junction unnumbered highway (formerly portion of U.S. Highway 6), thence along unnumbered highway through Victor and Brooklyn, Iowa, to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 90 (formerly portion of U.S. Highway 6) thence along Iowa Highway 90 through Colfax, Iowa, to Des Moines, Iowa, and on and east of U.S. Highway 65 from Des Moines, to the Iowa-Minnesota State line and points in Wisconsin. The purpose of this filing is to eliminate the gateways of Waterloo or Dubuque, Iowa. (C) From points in Minnesota on, north, and east of a line beginning at the North Dakota-Minnesota State line along Minnesota Highway 55, thence along Minnesota Highway 55 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to the Minnesota-Iowa State line, to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateways of points in Minnesota within 25 miles of the Iowa-Minnesota State line and Dubuque or Waterloo, Iowa. (II) From points in Minnesota south and west of a line beginning at the North Dakota-Minnesota State line along Minnesota Highway 55, thence along Minnesota Highway 55 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to the Minnesota-Iowa State line, to points in Arizona. The purpose of this filing is to eliminate the gateways of points in Minnesota within 25 miles of the Iowa-Minnesota State line and Dubuque or Waterloo, Iowa.

(IV) (1) *Tractors, front end loaders, lift trucks, self-propelled agricultural machinery, agricultural hoisting equipment;* (2) *attachments* for the commodities specified in (1) above; and (3) *parts* of the commodities specified in (1) and (2) above when moving in mixed loads with any of said commodities, the transportation of which, because of their size or weight require the use of special equipment and self-propelled articles described in (1) above, not requiring the use of special equipment, each weighing 15,000 pounds or more, from that part of Wisconsin described as follows: beginning at the Minnesota-Wisconsin State line along U.S. Highway 53, thence along U.S. Highway 53 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Wisconsin-Illinois State line, to points in New Mexico. The purpose of this filing is to eliminate the gateway of Schofield, Wis. (V) *Tractors, earth-moving, excavating, loading and maintenance machinery and equipment*, and, when moving in combination loads on the same vehicle from the same consignor or consignors of the above-specified commodities, attachments and part of or for the above-specified equipment and machinery, when also equipment used in the construction and maintenance of highways, from points in Illinois south of U.S. Highway 6 and on, east, and north of a line beginning at U.S. Highway 6 at the junction of Illinois Highway 78, thence along Illinois Highway 78 to junction Illinois Highway 9, thence along Illinois Highway 9 to the Illinois-Indiana State line, to points in Nevada. The purpose of this filing is to eliminate the gateways of Milwaukee or Waukesha Counties, Wis.

(VI) (1) *Irrigation sprinklers and winches* designed for use with irrigation sprinklers, (2) *stump-cutting, cablelaying, trench-digging, trench-backfilling, and tree-moving equipment* (3) *parts and attachments* for the commodities named in (1) and (2) above and (4) *trailers* designed for the transportation of commodities named in (1) and (2) above, (5) *hay balers and parts* the transportation of which, because of their size or weight require the use of special equipment and (6) *self-propelled articles*, described in (2) and (5) above which do not require special equipment for their transportation, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers), (A) from points in Minnesota within 25 miles of the Wisconsin-Minnesota State line and the Iowa-Minnesota State line lying east of U.S. Highway 169, to points in Maine, Vermont, New Hampshire, South Carolina, Tennessee west of a line beginning at the Kentucky-Tennessee State line along U.S. Highway 25W, thence along U.S. Highway 25W to junction Interstate Highway 40, thence along Interstate Highway 40 to the North Carolina-Tennessee State line, Arkansas north of Interstate Highway 40 and Georgia (except from points in Minnesota east of U.S. Highway 63 to points in Tennessee, South Carolina, and points in Georgia north of Interstate Highway 20). The purpose of this filing is to eliminate the gateways of Minneapolis, Minn. or points in Minnesota within 25 miles of the Iowa-Minnesota State line on and west of U.S. Highway 169. (B) From points in Minnesota within 25 miles of the Wisconsin-Minnesota State line and the Iowa-Minnesota State line east of U.S. Highway 63, the following described portion of Wisconsin: Beginning at the Wisconsin-Michigan State line along U.S. Highway 51 thence along U.S. Highway 51 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 86, thence along Wisconsin Highway 80 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Wisconsin-Minnesota State line, and the following described portion of Iowa: that portion of Iowa bounded on the west by U.S. Highway 65, on the south by U.S. Highway 20, and on the east by U.S. Highway 63 including all points on the named highways, to points in Florida and Louisiana. The purpose of this filing is to eliminate the gateways of Lake City, Minn. or points in Minnesota within 25 miles of the Iowa-Minnesota State line on and west of U.S. Highway 63.

(C) From points in Minnesota within 25 miles of the Wisconsin-Minnesota State line south of a line beginning at Bloomington, Minn., thence along Interstate Highway 494 to junction Minnesota Highway 55, thence along Minnesota Highway 55 to Hastings, Minn., and points in Minnesota within 25 miles of the Minnesota-Iowa State line east of Interstate Highway 35, to points in Alabama, Mississippi, Arkansas, on and south of Interstate Highway 40, and Texas on and south of U.S. Highway 80. The purpose of this filing is to eliminate the gateways of Minneapolis, Minn., or Hastings, Minn., or points in Minnesota within 25 miles of the Iowa-Minnesota State line, on and west of Interstate Highway 35. (D) From points in that part of Wisconsin on, west, and north of a line beginning at Racine, Wis., thence along Wisconsin Highway 38 to junction Wisconsin Highway 100, thence along Wisconsin Highway 100 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 151, thence along U.S. Highway 151 to the Wisconsin-Illinois State line and that part of Iowa on, north, and west of a line beginning at Dubuque, Iowa, thence along U.S. Highway 20 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line, to points in Texas on, south, and west of a line beginning at Galveston, Tex., thence along Interstate Highway 45 to Dallas, Tex., thence along U.S. Highway 80 to El Paso, Tex. The purpose of this filing is to eliminate the gateways of Minneapolis, Minn., or Hastings, Minn., or points in Minnesota within 25 miles of the Iowa-Minnesota State line on and west of Interstate Highway 35.

(VII) *Rollers, compactors, asphalt pavers, loading, and grading equipment and truck hitches for asphalt pavers*, when also equipment used in the construction and maintenance of highways, restricted against any service to pipelines, pipeline rights-of-way, pump stations, or pipeline construction projects along such rights-of-way other than in California, from points in Illinois south of U.S. Highway 6 and on north of Illinois Highway 9, to points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Calaveras, and Alpine Counties, Calif. The purpose of this filing is to eliminate the gateways of Milwaukee or Waukesha Counties, Wis. (VIII) (1) *New construction, roadbuilding, earth-moving, excavating, loading, maintenance, logging, and mining machinery and equipment, tractors* (not including truck-tractors), and pipelayers and, when moving in combination loads on the same vehicle from the same consignor or consignors of the above-specified commodities, generators, internal combustion engines and generators and engines combined (except aircraft and missile engines), and attachments, accessories, and parts of or from the above-specified equipment and machinery, the transportation of which, because of their size or weight, require the use of special equipment, and

(2) *Self-propelled articles* described in (1) above, not requiring special equipment for their transportation, each weighing 15,000 pounds or more and *related machinery and parts* moving in connection therewith, (restricted to commodities transported on trailers, and further restricted against the transportation of iron and steel articles), (A) from points in that portion of Pennsylvania described as follows: points in Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and mines in that part of Pennsylvania, south and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19 near Rose Point, Pa., thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., thence along unnumbered highway via Prospect, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641, (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, and thence along Pennsylvania Highway

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997 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, to points in Arizona. The purpose of this filing is to eliminate the gateways of Elgin, Ill. and Moline, Ill.

(B) From points in that portion of Pennsylvania described as follows: between points on Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15) thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.), to points in Arizona. The purpose of this filing is to eliminate the gateways of Ohio, Elgin, Ill., and Moline, Ill.

(IX) *Loaders, conveyors, screens, grizzlies* and when moving in combination loads on the same vehicle from the same consignor or consignors of the above-specified commodities, attachments, accessories and parts of or for the above-specified equipment and machinery, when also equipment used in the construction and maintenance of highways, from points in that part of Wisconsin south of a line beginning at La Crosse, Wis., and extending along U.S. Highway 16 to Wisconsin Dells, Wis., thence along Wisconsin Highway 23 to Sheboygan, Wis., including points on the indicated portions of the highways specified, to points in Arizona and Nevada. The purpose of this filing is to eliminate the gateway of Moline, Ill.

(X) (1) *Road construction equipment and machinery and lift trucks*, the transportation of which, because of their size and weight require the use of special equipment, (2) *self-propelled articles*, described in (1) above which do not require special equipment for their transportation, each weighing 15,000 pounds or more restricted to commodities transported on trailers, (a) from points in Iowa on, east, and north of a line beginning at the Iowa-Minnesota State line on U.S. Highway 65, thence along U.S. Highway 65 to Des Moines, Iowa, thence along U.S. Highway 6 to junction U.S. Highway 218, thence along U.S. Highway 218 to Cedar Rapids, Iowa, thence along U.S. Highway 151 to the Iowa-Illinois State line, to points in Maine, Vermont, and New Hampshire and the upper peninsula of Michigan; (B) from points in Iowa within an area bounded by a line beginning at the Iowa-Minnesota State line on U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 18, thence along U.S. Highway 18 to the Iowa-Wisconsin State line, to points in New York, Virginia, North Carolina, South Carolina, Georgia, and Florida; (3) *road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 lift trucks, in flat bed trailers only, restricted to the transportation of so-called "twilight zone" commodities as described by the Commission in *National Automobile Transporters Association v. Rowe Transfer* 64 M.C.C. 229, (C) from the destination points in (A) above, to the origin points in (A) above; (D) from the destination points in (B) above, to the origin points in (B) above. The purpose of this filing is to eliminate the gateway of points in Minnesota within 25 miles of the Minnesota-Wisconsin and Minnesota-Iowa State lines.

(XI) (1) *Road construction equipment and machinery and lift trucks*, the transportation of which, because of size and weight require the use of special equipment; (2) *self-propelled articles*, described in (1) above which do not require special equipment for their transportation, each weighing 15,000 pounds or more, (restricted to commodities transported on trailers), (A) from points in Wisconsin in, north, and west of Grant, Richland, Vernon, Juneau, Adams, Waushara, Waupaca, Outagamie, and Brown Counties, to points in Maine, Vermont, and New Hampshire; (B) from points in Wisconsin on, west, and north of a line beginning on the Wisconsin-Michigan State line at Hurley, Wis., thence along U.S. Highway 51 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Wisconsin Highway 78, thence along Wisconsin Highway 78 to junction U.S. Highway 18, thence along U.S. Highway 18 to the Iowa-Wisconsin State line, to points in Tennessee, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, New York, Virginia, and North Carolina; (3) *road construction machinery and equipment*, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and lift trucks in flat bed trailers only, restricted to the transportation of so-called "twilight zone" commodities as described by the Commission in *National Automobile Transporters Association v. Rowe Transfer*, 64 M.C.C. 229; (C) from points in Wisconsin on and north of the line described in (A) above; (D) from points in Oklahoma on and west of Interstate Highway 35, to points in that portion of Wisconsin described in (B) above. The purpose of this filing is to eliminate the gateways of points in the Minneapolis-St. Paul Commercial Zone and points within 15 miles thereof within 25 miles of the Minnesota-Wisconsin State line.

(XII) (1) *Road construction equipment and machinery and lift trucks*, the transportation of which, because of their size and weight require the use of special equipment; (2) *self-propelled articles*, described in (1) above which do not require special equipment for their transportation, each weighing 15,000 pounds or more, (restricted to commodities transported on trailers); (A) from points in Wisconsin on and north of a line beginning at La Crosse, Wis., extending along U.S. Highway 16 to junction Interstate Highway 190, thence along Interstate Highway 190 to junction Interstate Highway 194, thence along Interstate Highway 194 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Sheboygan, Wis., and points in Minnesota within 25 miles of the Wisconsin-Minnesota border on and north of Interstate Highway 90, to points in Oklahoma; (B) from points south of the line in (A) above and on, north, and west of a line beginning at the Iowa-Wisconsin State line, extending along U.S. Highway 18 to junction Wisconsin Highway 60, thence along Wisconsin Highway 60 to junction U.S. Highway 141, thence along U.S. Highway 141 to Port Washington, Wis., to points in Oklahoma on and west of Highway 35; (3) *road construction machinery and equipment*, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and lift trucks in flat bed trailers only, restricted to the transportation of so-called "twilight zone" commodities as described by the Commission in *National Automobile Transporters Association v. Rowe Transfer*, 64 M.C.C. 229; (C) from points in Oklahoma, to points in Wisconsin on and north of the line described in (A) above; (D) from points in Oklahoma on and west of Interstate Highway 35, to points in that portion of Wisconsin described in (B) above. The purpose of this filing is to eliminate the gateways of points in Minnesota within 25 miles of the Minnesota-Wisconsin State line.

(XIII) (1) *road construction machinery and equipment*, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and lift trucks, in flat bed trailers only, restricted to the transportation so-called "twilight zone" commodities as described by the Commission in *National Automobile Transporters Association v. Rowe Transfer*, 64 M.C.C. 229; (A) from points in Arizona to points in: Wisconsin, Illinois on and north of U.S. Highway 6; Indiana on and north of U.S. Highway 30; Ohio on and north of a line beginning at the Indiana-Ohio State line along U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line; the following described areas in Pennsylvania: Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and mines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19 near Rose Point, Pa., thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., thence along unnumbered highway via Prospect, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, and thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion of U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa.), and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, North Cumberland, Montour, and Columbia Counties, Pa., West Virginia on and north of U.S. Highway 33 (except from points in Apache, Navajo, and Greenlee Counties, Ariz.); New York in and east of Tioga, Tompkins, and Cayuga Counties; Virginia in and east of Southampton, Sussex, Prince George, Charles City, New Kent, King William, King and Queen, Essex, and King George Counties (except from points in Cochise, Graham, Greenlee, Apache, and Navajo Counties, Ariz.); and points in Connecticut, Rhode Island, Massachusetts, Delaware, New Jersey, Maryland on and east of a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 140 to junction Maryland Highway 97, thence along Maryland Highway 97 to the District of Columbia; points in Minnesota within 25 miles of the Minnesota-Wisconsin State line and of the Minnesota-Iowa State line; Iowa on north and east of a line beginning at the Iowa-Illinois State line along U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line.

(B) From points in Arizona (except points in Navajo, Apache, Greenlee, Graham, and Cochise Counties), to points in Iowa south of U.S. Highway 20 and on, east, and north of a line beginning at the junction of U.S. Highway 20 and Iowa Highway 150, thence along Iowa Highway 150 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Iowa-Illinois State line, and points in Illinois on and north of U.S. Highway 6; (1) *road construction equipment and machinery and lift trucks*, the transportation of which, because of their size and weight require the use of special equipment; (2) *self-propelled articles*, described in (1) above which do not require special equipment for their transportation, each weighing 15,000 pounds or more (restricted to commodities transported on trailers); (C) from the destination points in (A) above, to points in Arizona, and (except the same Arizona counties where excepted as origins) (D) from the destination points in (B) above, to points in Arizona (except points in Navajo, Apache, Greenlee, Graham, and Cochise Counties). The purpose of this filing is to eliminate the gateways of Minneapolis, St. Paul, Minn. Commercial Zone and points within 15 miles thereof and Elgin, Ill.

No. MC 113855 (Sub-No. 330G), filed September 19, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* the transportation of which, because of their size or weight require the use of special equipment and (2) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities which are transported in trailers), between Minot, N. Dak., those in that part of North Dakota south of a line beginning at the montana-North Dakota State line and extending along U.S. Highway 2 to Lakota, N. Dak., thence along North Dakota Highway 1 to the United States-Canada Boundary line, not including points on the indicated portions of the highways specified other than Minot, N. Dak., on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of points in Minnesota within 25 miles of the Minnesota-Wisconsin State line.

(2) *Commodities* the transportation of which, because of their size or weight require the use of special equipment and (2) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities which are transported in trailers), between points in that part of North Dakota on and north of a line beginning at the Montana-North Dakota State line and extending along U.S. Highway 2 to Lakota, N. Dak., thence along North Dakota Highway 1 to the United States-Canada Boundary line (except Minot, N. Dak.) on the one hand, and, on the other, points in that part of Iowa on and north of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 6 to junction unnumbered highway (formerly portion of U.S. Highway 6), thence along unnumbered highway through Victor and Brooklyn, Iowa to junction U.S. Highway 6 thence along U.S. Highway 6 to junction Iowa Highway 90 (formerly portion of U.S. Highway 6), thence along Iowa Highway 90 through Colfax, Iowa to Des Moines, Iowa, and on and east of U.S. Highway 65 from Des Moines, to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateway of points in Minnesota within 50 miles of Sioux Falls, S. Dak., and within 25 miles of the Iowa-Minnesota State line.

(3) *Commodities* the transportation of which, because of their size or weight require the use of special equipment and (2) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities which are transported in trailers), between points in Colorado, on the one hand, and, on the other, points in Illinois on and north of U.S. Highway 6. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

(4) *Commodities* the transportation of which, because of their size or weight require the use of special equipment (except boats and iron and steel articles), and *related machinery, parts, and related contractors' materials and supplies*, when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment; and (2) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers), (a) between points in Colorado, on the one hand, and, on the other, points in Indiana south and west of Interstate Highway 74 and on, north, and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 36 to the junction of U.S. Highway 231, thence along U.S. Highway 231 in a southerly direction to the junction of Indiana State

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Highway 46, thence along Indiana Highway 46 to the junction of Indiana Highway 37, thence along U.S. Highway 37 to the junction of U.S. Highway 150, thence along U.S. Highway 150 to the Indiana-Kentucky State line and (b) between points in Colorado on and north of a line beginning along U.S. Highway 6 along the Utah-Colorado State line, thence along U.S. Highway 6 to junction Colorado Highway 93 at or near Golden, Colo., thence along Colorado Highway 93 to Boulder, Colo., thence along Colorado Highway 7 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Nebraska State line, on the one hand, and, on the other, points in Indiana south and west of the line described in (a) above. The purpose of this filing is to eliminate the gateways of Elgin, Ill., and Davenport, Iowa.

(5) *Commodities*, the transportation of which, because of their size or weight require the use of special equipment and (2) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities which are transported in trailers), (a) between points in Colorado, on the one hand, and, on the other, points in Kentucky on and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 27 to junction U.S. Highway 421 at Lexington, Ky., thence along U.S. Highway 421 to the Kentucky-Indiana State line (except points in and east of Mason, Fleming, Bath, Menifee, Wolfe, Breathitt, Knott, and Letcher Counties, Ky.) and (b) between points in Kentucky on and east of Kentucky Highway 61 and west of a line beginning at the Kentucky-Tennessee State line and extending in a northerly direction along U.S. Highway 27 to junction U.S. Highway 421 at Lexington, Ky., thence along U.S. Highway 421 to the Kentucky-Indiana State line, on the one hand, and, on the other, points in Colorado west and south of a line beginning at the Utah-Colorado State line extending along U.S. Highway 6 to junction U.S. Highway 285 at or near Denver, Colo., thence along U.S. Highway 285 to the Colorado-New Mexico border (including points on U.S. Highway 285 but excluding points on U.S. Highway 6). The purpose of this filing is to eliminate the gateways of Elgin, Ill., and Davenport, Iowa.

(6) *Commodities* the transportation of which, because of their size or weight require the use of special equipment and *related machinery, parts, and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weigt require special equipment; and (2) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restristed to commodities transported on trailers), between points in Wisconsin, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

(7) *Commodities* the transportation of which, because of their size or weight require the use of special equipment (except boats and iron and steel articles) and (2) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities which are transported in trailers), (a) between points in Indiana on and east of a line beginning at the intersection of Interstate Highway 90 and the Illinois-Indiana State line, thence southeasterly along junction Interstate Highway 65, thence southeasterly along Interstate Highway 65 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 7, thence southeasterly along Indiana Highway 7 to the Indiana-Kentucky State line at or near Madison, Ind., on the one hand, and, on the other, points in Nebraska south of U.S. Highway 6 and east of U.S. Highway 81, (b) between points in Indiana south and west of the line in (a) above, on the one hand, and, on the other, points in Nebraska east and north of a line beginning at the Nebraska-Iowa State line along U.S. Highway 77, thence southerly along U.S. Highway 77 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to the Nebraska-Iowa State line (including points on Nebraska Highway 92 but excluding points on U.S. Highway 77) and (c) between points in Indiana within an area bounded on the north by Interstate Highway 90 on the east by Interstate Highway 65 and on the south by Interstate Highway 70 (not including points on the indicated highways other than those on Interstate Highway 70 west of Indianapolis, Ind.), on the one hand, and, on the other, points in Nebraska within an area beginning at Omaha, Nebr., thence along Nebraska Highway 92 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Nebraska Highway 14, thence along Nebraska Highway 14 to junction Interstate Highway 80, thence along Interstate Highway 80 to the point of beginning (not including Omaha, Nebr., or points on the indicated highways other than those points on Interstate Highway 80). The purpose of this filing is to eliminate the gateways of Elgin, Ill. north of U.S. Highway 50 or Cook or Lake Counties, Ill.

(d) Between points in Kentucky on and east of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 50 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Nebraska and (e) between points in Kentucky on and east of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 231 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Tennessee State line and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 150 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Nebraska on and north of a line beginning at the Iowa-Nebraska State line and extending along Nebraska Highway 92 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 281 at or near Grand Island, Nebr., thence along U.S. Highway 281 to junction Interstate Highway 80, thence along Interstate 80 to junction Interstate Highway 80S, thence along Interstate Highway 80S to the Nebraska-Colorado State line. The purpose of this filing is to eliminate the gateways of Elgin, Ill. north of U.S. Highway 50 or Cook or Lake Counties, Ill.

(8) *Commodities* the transportation of which, because of their size or weight require the use of special equipment and (2) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities which are transported in trailers), between points in Illinois on and north of a line beginning at the Indiana-Illinois State line along U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Iowa State line, on the one hand, and, on the other, points in Nebraska on and east of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 77 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction Nebraska Highway 14, thence along Nebraska Highway 14 to the Nebraska-Kansas State line. The purpose of this filing is to eliminate the gateway of points in Wisconsin.

(9) *Commodities* the transportation of which, because of their size or weight require the use of special equipment (except boats and iron and steel articles) and *related machinery, parts, and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason or size or weight require special equipment; and (2) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers), (a) between points in Indiana south of U.S. Highway 30 and on, north, and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 24 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line, on the one hand, and, on the other, points in Kansas on and west of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 281 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Kansas-Oklahoma border. The purpose of this filing

is to eliminate the gateways of Elgin, Ill., and Davenport, Iowa.

(b) Between points in Indiana on and north of U.S. Highway 30, on the one hand, and, on the other, points in Kansas east and south of a line beginning on U.S. Highway 281 at the Kansas-Nebraska State line, thence along U.S. Highway 281 to junction Kanssa Highway 61, thence along Kansas Highway 61 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Kansas-Colorado State line and on and west of U.S. Highway 77. The purpose of this filing is to eliminate the gateways of Elgin, Ill. and Dubuque, Iowa.

(c) Between points in West Virginia, on the one hand, and, on the other, points in Kansas bounded on the north and west by a line beginning at the Kansas-Oklahoma State line along U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 183, thence aong U.S. Highway 183 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 281 and on the east by U.S. Highway 281 (including points on the indicated portions of the highways named). The purpose of this filing is to eliminate the gateways of Elgin, Ill., and Davenport, Iowa.

(d) Between points in West Virginia south and east of a line beginning at the West Virginia-Ohio State line along U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line, on the one hand, and, on the other, points in Kansas north and west of the line described in (a) above as extended to the Kansas-Nebraska State line along U.S. Highway 281 (except points in Kansas on, north, and west of a line beginning at the Kansas-Nebraska State line, along U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Kansas Highway 96, thence along Kansas Highway 96 to the Kansas-Colorado State line). The purpose of this filing is to eliminate the gateways of Elgin, Ill., and Davenport, Iowa.

(e) Between points in West Virginia on and north of U.S. Highway 33, on the one hand, and, on the other, points in Kansas east of U.S. Highway 281 and on and west of U.S. Highway 77. The purpose of this filing is to eliminate the gateways of Elgin, Ill., and Dubuque, Iowa.

(f) Between points in Ohio south of a line beginning on U.S. Highway 6 at the Indiana-Ohio State line extending in an easterly direction to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 13, thence along U.S. Highway 13 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Pennsylvania State line and on and north of U.S. Highway 33, on the one hand, and, on the other, points in Kansas on and west of U.S. Highway 81 (except points in Kansas, on, west, and north of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 281 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 283, thence along U.S. Highway 283 to Kansas Highway 96, thence along Kansas Highway 96 to the Kansas-Colorado State line. The purpose of this filing is to eliminate the gateways of Elgin, Ill., and Dubuque, Iowa.

(g) Between points in Ohio south of U.S. Highway 33, on the one hand, and, on the other, that part of Kansas south and west of a line beginning at the Kansas-Colorado State line extending along Kansas Highway 96 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Kansas-Oklahoma State line (not including points on the indicated highways except points on U.S. Highway 183). The purpose of this filing is to eliminate the gateways of Elgin, Ill., and Davenport, Iowa.

(h) Between points in Ohio south of U.S. Highway 33, and on, north, and east of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 35 to junction U.S. Highway 68, thence along U.S. Highway 68 to Brown County, Ohio, including all points in Brown County, on the one hand, and, on the other, points in Kansas bounded on the east by U.S. Highway 281 and the north and west by a line beginning at the junction of U.S. Highway 281 and Interstate Highway 70 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Kansas-Oklahoma State line (including points on the described portion of U.S. Highway 281, but excluding points on the other described highways). The purpose of this filing is to eliminate the gateways of Elgin, Ill., and Davenport, Iowa.

(10) *Commodities* the transportation of which, because of their size or weight require the use of special equipment and (2) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities which are transported in trailers), between points in Minnesota on and north of Interstate Highway 94 within 25 miles of the Minnesota-Wisconsin State Line, on the one hand, and, on the other, points in Missouri on, west, and south of a line beginning at the Iowa-Missouri Highway Line extending along U.S. Highway 71 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 50 Bypass, thence along U.S. Highway 50 Bypass to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of points in Minnesota on or west of U.S. Highway 71 within 25 miles of the Minnesota-Iowa State line.

(11) *Commodities* the transportation of which, because of their size or weight requre the use of special equipment and (2) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities which are transported in trailers) between points in that part of Illinois on and north of U.S. Highway 6, on the one hand, and, on the other, points in Kansas on and west of U.S. Highway 77. The purpose of this filing is to eliminate the gateway of points in Iowa on and north of U.S. Highway 20 and on and east of U.S. Highway 65.

(12) *Commodities* the transportation of which, because of their size or weight require the use of special equipment and (2) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, toels, parts, and supplies* moving in connection therewith (restricted to commodities which are transported in trailers), (a) between points in Minnesota within 25 miles of the Minnesota-Wisconsin State line on and north of Interstate Highway 94, on the one hand, and, on the other, points in Illinois on and south of a line beginning at Alton, Ill. and extending along Illinois Highway 3 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction Illinois Highway 15, thence along Illinois Highway 15 to junction U.S. Highway 37, thence along U.S. Highway 37 to junction Illinois Highway 13, thence along Illinois Highway 13 to the Illinois-Kentucky State line and (b) between Minneapolis, Minn., on the one hand, and, on the other, points in Illinois on and south of a line beginning at the Illinois-Indiana State line extending along Interstate Highway 74 to Champaign and Urbana, Ill., thence along Interstate Highway 72 to junction Illinois Highway 10, thence along Illinois Highway 10 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 104, thence along Illinois Highway 104 to the Illinois-Missouri State line at Quincy, Ill., and north of a line beginning at Alton, Ill., and extending along Illinois Highway 3 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction Illinois Highway 15, thence along Illinois Highway 15 to junction U.S. Highway 37, thence along U.S. Highway 37 to junction Illinois Highway 13, thence along Illinois Highway 13 to the Illinois-Kentucky State line. The purpose of this filing is to eliminate the gateway of points in Minnesota within 25 miles of the Minnesota-Iowa State line on or west of Minnesota Highway 15.

(13) *Commodities* the transportation of which, because of their size or weight require the use of special equipment and (2) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (re-

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stricted to commodities which are transported in trailers), between points in Iowa on, south, east, and north of a line beginning at the Iowa-Wisconsin State line extending along U.S. Highway 20 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Iowa-Illinois State line, on the one hand, and, on the other, points in Kansas east of U.S. Highway 281 and on and west of U.S. Highway 77. The purpose of this filing is to eliminate the gateways of points in Iowa on and north of U.S. Highway 20 and on and east of U.S. Highway 65.

(14) *Commodities* the transportation of which, because of size or weight require the use of special equipment and (2) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities which are transported in trailers), (a) between points in Kansas on and east of U.S. Highway 59, on the one hand, and, on the other, points in Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line at La Crosse, Wis., extending in an easterly direction along Wisconsin Highway 33 to junction Wisconsin Highway 28, thence along Wisconsin Highway 28 to Sheboygan, Wis. The purpose of this filing is to eliminate the gateways of points in Minnesota within 25 miles of the Minnesota-Wisconsin State line or of the Minnesota-Iowa State line (except points south and west of Minnesota Highway 60).

(b) Between points in Wisconsin, on the one hand, and, on the other, points in Kansas on and east of U.S. Highway 77 and on and west of U.S. Highway 59. The purpose of this filing is to eliminate the gateway of points in Minnesota within 25 miles of the Minnesota-Iowa State line or of the Minnesota-Wisconsin State line.

(c) Between points in Wisconsin, on the one hand, and, on the other, points in Kansas on and west of U.S. Highway 77. The purpose of this filing is to eliminate the gateway of points in Iowa on and north of U.S. Highway 20 and on and east of U.S. Highway 65.

(15) *Commodities* the transportation of which, because of their size or weight require the use of special equipment and (2) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities which are transported in trailers), between points in Missouri on and west of U.S. Highway 71, on the one hand, and, on the other, points in Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line at La Crosse, Wis., extending along Wisconsin Highway 33 to junction Wisconsin Highway 28, thence along Wisconsin Highway 28 to Sheboygan, Wis. The purpose of this filing is to eliminate the gateway of points in Minnesota within 25 miles of the Minnesota-Wisconsin State line or of the Minnesota-Iowa State line on, north, and west of Minnesota Highway 60.

No. MC 113855 (Sub-No. 331G), filed September 22, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of their size or weight require the use of special equipment and (2) *self-propelled articles*, each weighing 15,000 lbs. or more and *related machinery, tools, parts, and supplies* moving in connection therewith, restricted in (2) above to commodities which are transported on trailers, (A) between points in Wisconsin, on the one hand, and, on the other, points in Indiana, Minnesota, Kentucky, Ohio, West Virginia, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland (except points west of Interstate Highway 81), Virginia (except points west and north of a line beginning at the Virginia-Maryland State line along Interstate Highway 81, thence along Interstate Highway 81 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line), North Carolina (except points west of U.S. Highway 321), the District of Columbia, the following described portions of Pennsylvania: Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and mines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19 near Rose Point, Pa., thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., thence along unnumbered highway via Prospect, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, and thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour and Columbia Counties, Pa.), and the following described territory in Illinois: that part of Illinois lying south of U.S. Highway 6 and on, north, and west of a line beginning at Quincy, Ill., and extending along Illinois Highway 104 to junction U.S. Highway 66, thence northward along U.S. Highway 66 to junction Illinois Highway 53 (formerly alternate U.S. Highway 66) at or near Gardner, Ill., thence along Illinois Highway 53 to junction U.S. Highway 66 at a point approximately 10 miles northeast of Plainfield, Ill., and thence along U.S. Highway 66 to Chicago, Ill. The purpose of this filing is to eliminate the gateways of any points on the Minnesota-Wisconsin State line, Elgin, Ill., Scranton, Reading or Hazleton, Pa., points in Ohio, and Davenport, Iowa.

(B) Between points in Minnesota, on the one hand, and, on the other, points in Indiana, Ohio, Kentucky, West Virginia, Virginia (except points west and north of a line beginning at the Virginia-Maryland State line along Interstate Highway 81, thence along Interstate Highway 81 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line), North Carolina (except points west of U.S. Highway 321), the District of Columbia, the following described portions of Pennsylvania: Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and mines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19 near Rose Point, Pa., thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., thence along unnumbered highway via Prospect, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, and thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Montour, Northumberland, and Columbia Counties, Pa. The purpose of this filing is to eliminate the gateways of Elgin, Ill., points in Ohio, any point on the Minnesota-Wisconsin State line, and any point in Minnesota within 25 miles of the Wisconsin-Minnesota State line or the Iowa-Minnesota State line.

(C) Between points in Illinois on, north, and west of a line beginning at Quincy, Ill., and extending along Illinois Highway 104 to junction U.S. Highway 66, thence northward along U.S. Highway 66 to junction Illinois Highway 53 (formerly alternate U.S. Highway 66), at or near Gardner, Ill., thence along Illinois Highway 53 to junction U.S. Highway 66 at a point approximately 10 miles northeast of Plainfield, Ill., and thence along U.S. Highway 66 to Chicago, Ill., on the one hand, and, on the other, points in Minnesota, Indiana, Kentucky, Ohio, West Virginia, Virginia (except points west and north of a line beginning at the Virginia-Maryland State line along Interstate Highway 81, thence along Interstate Highway 81 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line), North Carolina (except points west of U.S. Highway 321), Maryland (except points west of Interstate Highway 81), New Jersey, Delaware, New York, Connecticut, Massachusetts, Rhode Island, the District of Columbia and the following described portions of Pennsylvania: Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazelton, Pa., and mines in that part of Pennsylvania south and west of a line begining at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19 near Rose Point, Pa., thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., thence along unnumbered highway via Prospect, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522 to junction Pennsylvania Highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, and thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of Susquehana River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Montour, Northumberland, and Columbia Counties, Pa. The purpose of this filing is to eliminate the gateways of Elgin, Ill., points in Ohio, any point on the Minnesota-Wisconsin State line and Davenport, Iowa.

(D) Between points in Iowa on and north of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 6 to junction unnumbered highway (formerly portion U.S. Highway 6), thence along unnumbered highway through Victor and Brooklyn, Iowa to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 90 (formerly portion of U.S. Highway 6), thence along Iowa Highway 90 through Colfax, Iowa to Des Moines, Iowa on and east of U.S. Highway 65 from Des Moines, to the Iowa-Minnesota State line, on the one hand, and, on the other, points in Minnesota, Indiana, Ohio, Kentucky, West Virginia, Virginia (except points west and north of a line beginning at the Virginia-Maryland State line along Interstate Highway 81, thence along Interstate Highway 81 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line), North Carolina (except points west of U.S. Highway 321), Maryland (except points west of Interstate Highway 81), Delaware, New Jersey, New York, Massachusetts, Rhode Island, Connecticut, the District of Columbia, the following described portions of Pennsylvania: Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and mines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19 near Rose Point, Pa., thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., thence along unnumbered highway via Prospect, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, and thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, including points in Pennsylvania on and east of a line begining at the Maryland-Pennsylvania State line and extending along unnumbered highway (fromerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa.), and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of Susquehana River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Montour, Northumberland, and Columbia Counties, Pa. The purpose of this filing is to eliminate the gateways of Elgin, Ill., points in Ohio, any point on the Minnesota-Wisconsin State line and Davenport, Iowa.

(E) Between points in Iowa on and north of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 6 to junction unnumbered highway (formerly portion U.S. Highway 6), thence along unnumbered highway through Victor and Brooklyn, Iowa to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 90 (formerly portion of U.S. Highway 6), thence along Iowa Highway 90 through Colfax, Iowa to Des Moines, Iowa on and east of U.S. Highway 65 from Des Moines, to the Iowa-Minnesota State line, on the one hand, and, on the other, points in Minnesota, Indiana, Ohio, Kentucky, West Virginia, Virginia (except points west and north of a line beginning at the Virginia-Maryland State line along Interstate Highway 81, thence along Interstate Highway 81 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line), North Carolina (except points west of U.S. Highway 321), Maryland (except points west of Interstate Highway 81), Delaware, New Jersey, New York, Massachusetts, Rhode Island, Connecticut, the District of Columbia, the following described portions of Pennsylvania: Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and mines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19 near Rose Point, Pa., thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., thence along unnumbered highway via Prospect, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522.

Thence along U.S. Highway 522 to junction Pennsylvania Highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, and thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Montour, Northumberland, and Columbia Counties, Pa., points in Illinois south of U.S. Highway 6 and on, north, and west of a line beginning at Quincy, Ill., and extending along Illinois Highway 104 to junction U.S. Highway 66, thence northward along U.S. Highway 66 to junction Illinois Highway 53 (formerly alternate U.S. Highway 66) at or near Gardner, Ill.

Thence along Illinois Highway 53 to junction U.S. Highway 66 at a point approximately 10 miles northeast of Plainfield, Ill., and thence along U.S. Highway 66 to Chicago, Ill., Restriction: Service at points in Indiana, Ohio, Kentucky, West Virginia, Virginia, North Carolina, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, the described portions of Pennsylvania and Illinois south of U.S. Highway 6 and on north and west of a line beginning at Quincy, Ill., and extending along Illinois Highway 104 to junction U.S. Highway 66, thence northward along U.S. Highway 66 to junction Illinois Highway 53 (formerly alternate U.S. Highway 66) at or near Gardner, Ill., thence along Illinois Highway 53 to junction U.S. Highway 66 at a point approximately 10 miles northeast of Plainfield, Ill., and thence along U.S. Highway 66 to Chicago, Ill., restricted against the transportation of boats, and iron and

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steel articles. The purpose of this filing is to eliminate the gateways of Elgin, Ill., points in Ohio, and Davenport, Iowa.

No. MC 114552 (Sub-No. 106G), filed September 23, 1975. Applicant: SENN TRUCKING COMPANY, a Corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, composition board; urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies* as are useful in the manufacture and distribution of roofing and roofing materials (except commodities in bulk), from the District of Columbia and points in North Carolina, South Carolina and Virginia, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, North Carolina, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Elizabethtown, Ky., Wayne County, N.C., and Greenwood County, S.C.

No. MC 114552 (Sub-No. 107G), filed September 23, 1975. Applicant: SENN TRUCKING COMPANY, a Corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Roaring River, N.C., Wayne County, N.C., and Greenwood County, S.C.

Office of Proceedings

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY-ELIMINATION OF GATEWAY LETTER-NOTICES

Notice

OCTOBER 22, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 564 (Sub-No. E2), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in that part of Iowa within 150 miles of Austin, Minn., and on and west of Iowa Highway 4, on the one hand, and, on the other, points in Tennessee; (2) between points in that part of Iowa within 150 miles of Austin, Minn., and on and west of U.S. Highway 69, on the one hand, and, on the other, points in that part of Tennessee on and south of a line beginning at the Kentucky-Tennessee State line, thence along Tennessee Highway 69 to junction U.S. Highway 70, thence along U.S. Highway 70 to intersection U.S. Highway 11E, thence along U.S. Highway 11E to intersection U.S. Highway 321, thence along U.S. Highway 321 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-No. E68), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in that part of Iowa on and east of U.S. Highway 63, except points in Iowa within 150 miles of Austin, Minn., on the one hand, and, on the other, points in the Upper Peninsula of Michigan; (2) between points in that part of Michigan on and north of Michigan Highway 21 and points in the Upper Peninsula of Michigan, on the one hand, and, on the other, points in that part of Iowa bounded by a line beginning at the Iowa-Missouri State line, thence along U.S. Highway 61 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line, except points in Iowa within 150 miles of Austin, Minn. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-No. E72), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Maine on and north of a line beginning at the New Hampshire-Maine State line and extending along U.S. Highway 2 to junction U.S. Alternate Highway 1, thence along U.S. Alternate Highway 1 to junction Maine Highway 3, thence along Maine Highway 3 to the Atlantic Ocean, on the one hand, and, on the other, points in that part of Michigan on and west of a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 131 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Interstate Highway 75, thence along Interstate Highway 75 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 1872 (Sub-No. E18), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West St., Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber;* (1) from those points in Montana on and east of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Montana-Wyoming State line, to points in Nevada; (2) from points in Montana to those points in Lincoln and Uinta Counties, Wyo., on and south of U.S. Highway 30N; (3) from those points in Idaho on and south of Interstate Highway 80N to those points in Lincoln and Uinta Counties, Wyo., on and south of U.S. Highway 30N; (4) from those points in Idaho on and north of U.S. Highway 10 to those points in Nevada on and south of U.S. Highway 6; and (5) from those points in Idaho on and east of a line beginning at the Idaho-Montana State line and extending along U.S. Highway 93 to junction U.S. Highway Alternate 93, thence along U.S. Highway Alternate 93 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Idaho-Utah State line to those points in Nevada on and south of U.S. Highway 6. The purpose of this filing is to eliminate the gateway of Salt Lake City, Utah, and points in Utah within 50 miles of Salt Lake City, Utah.

No. MC 1872 (Sub-No. E20), filed June 4, 1974. Applicant: ASHWORTH

TRANSFER, INC., 1526 South 700 West St., Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *lumber products*, which are contractors' supplies; (1) from points in Idaho to points in Kansas, Missouri, Iowa, and those in Nebraska on and south of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 26 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Nebraska-Iowa State line (Colorado)*; (2) from those points in Idaho on and north of U.S. Highway 12 to those points in Wyoming on and south of a line beginning at the Wyoming-Nebraska State line and extending along U.S. Highway 26 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction Wyoming Highway 34, thence along Wyoming Highway 34 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Wyoming-Colorado State line (Colorado)*; (3) from those points in Idaho on and south of a line beginning at the Idaho-Oregon State line and extending along Interstate Highway 80N to junction Idaho Highway 68, thence along Idaho Highway 68 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Idaho-Wyoming State line to those points in Wyoming on, south, and east of a line beginning at the Wyoming-Nebraska State line and extending along U.S. Highway 26 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction Wyoming Highway 34, thence along Wyoming Highway 34 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Wyoming-Colorado State line (Colorado)*.

(4) From those points in Idaho on and south of a line beginning at the Idaho-Oregon State line and extending along Interstate Highway 80N to junction U.S. Highway 30N, thence along U.S. Highway 30N to the Idaho-Wyoming State line, to those points in South Dakota on, south, and east of a line beginning at the South Dakota-Minnesota State line and extending along U.S. Highway 212 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line (Colorado)*; (5) from points in Idaho to those points in Coconino County, Ariz., north of an east-west line extending through The Gap, Ariz. (Utah)*; (6) from those points in Montana on and west of a line beginning at the United States-Canada International Boundary line and extending along Interstate Highway 15 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Montana-Wyoming State line to those points in Nebraska on and south of U.S. Highway 30 (Colorado)*; (7) from points in Montana to points in Kansas, Missouri, those in Wyoming on, south, and east of a line beginning at the Wyoming-Nebraska State line and extending along Interstate Highway 80 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Wyoming-Colorado State line, and those in Coconino County, Ariz., north of an east-west line through The Gap, Ariz. (Colorado)*; and (8) from those points in Montana on and west of a line beginning at the United States-Canada International Boundary line and extending along Interstate Highway 15 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Montana-Wyoming State line to those points in Iowa on and south of Interstate Highway 80 (Colorado)*, restricted to the transportation of lumber and lumber products, which are contractors' supplies, as defined by the Commission to points in Coconino County, Ariz. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 1872 (Sub-No. E21), filed June 4, 1974. Applicant: ASHEWORTH TRANSFER, INC., 1526 South 700 West St., Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, when moving as materials or supplies used in telephone and power pole lines; between those points in New Mexico on, north, and east of a line beginning at the New Mexico-Arizona State line and extending along New Mexico Highway 504 to junction U.S. Highway 550, thence along U.S. Highway 550 to junction New Mexico Highway 17, thence along New Mexico Highway 17 to junction New Mexico Highway 44, thence along New Mexico Highway 44 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 285, thence along U.S. Highway 285 to the New Mexico-Texas State line, on the one hand, and, on the other, those points in Nevada on and north of U.S. Highway 6; and between points in New Mexico, on the one hand, and, on the other, those points in Idaho south of the Salmon River, and those in Teton, Lincoln, Sublette, and Uinta Counties, Wyo. The purpose of this filing is to eliminate the gateway of Salt Lake City, Utah, and points in Utah within 50 miles of Salt Lake City, Utah.

No. MC 1872 (Sub-No. E22), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, when moving as materials or supplies used in telephone and power pole lines, from points in Idaho to points in New Mexico, and from those points in Montana on and west of a line beginning at the United States-Canada International Boundary line and extending along Montana Highway 233 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Montana Highway 236, thence along Montana Highway 236 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Montana-Wyoming State line, to those points in New Mexico on, west and south of a line beginning at the New Mexico-Colorado State line and extending along New Mexico Highway 3 to junction New Mexico Highway 104, thence along New Mexico Highway 104 to junction U.S. Highway 66, thence along U.S. Highway 66 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of Utah.

No. MC 1872 (Sub-No. E23), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West St., Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Vancouver, Wash., and Great Falls and Black Eagle, Mont., to Salt Lake City, Utah, and points in Utah within 50 miles of Salt Lake City, Utah. The purpose of this filing is to eliminate the gateway of points in Idaho south of the Salmon River.

No. MC 1872 (Sub-No. E24), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West St., Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except liquid products, in bulk, in tank vehicles); (1) from Vancouver, Wash., and Great Falls and Black Eagle, Mont., to points in Sweetwater and Uinta Counties, Wyo. (points in Idaho south of the Salmon River, and Salt Lake City, Utah, and points in Utah within 50 miles of Salt Lake City, Utah)*; and (2) between points in Sweetwater and Uinta Counties, Wyo., on the one hand, and, on the other, points in Nevada, and those in Idaho south of the Salmon River (Salt Lake City, Utah, and points in Utah within 50 miles of Salt Lake City, Utah)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 1872 (Sub-No. E25), filed June 4, 1974. Applicant: ASHWORTH

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TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except liquid and petroleum products in bulk, in tank vehicles, and Class A and B explosives), between those points in Coconino County, Ariz., north of an east-west line through The Gap, Ariz., on the one hand, and, on the other, points in Sweetwater County, Wyo. The purpose of this filing is to eliminate the gateway of Utah.

No. MC 1872 (Sub-No. E26), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, as defined by the Commission in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except petroleum products, in bulk, in tank vehicles, and Classes A and B explosives, (1) from Vancouver, Wash., and Great Falls and Black Eagle, Mont., to those points in Coconino County, Ariz., north of an east-west line through The Gap, Ariz., and points in Utah (points in Idaho, south of the Salmon River and Salt Lake City, Utah, within 50 miles of Salt Lake City, Utah) *; (2) from those points in Coconino County, Ariz., north of an east-west line through The Gap, Ariz., to those points in Montana on and west of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 93 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Montana-Idaho State line (Salt Lake City, Utah, and points in Utah within 50 miles of Salt Lake City, Utah, and Boise Idaho) *; and (3) between those points in Coconino County, Ariz., north of an east-west line through The Gap, Ariz., on the one hand, and, on the other, those points in Idaho, south of the Salmon River, those in Nevada on and north of a line beginning at the Nevada-Oregon State line and extending along Nevada Highway 140 to junction U.S. Highway 95 thence along U.S. Highway 95 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-Utah State line and those in Teton, Lincoln, Sublette and Uinta Counties, Wyo. (Salt Lake City, Utah, and points in Utah within 50 miles of Salt Lake City, Utah) *. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 1872 (Sub-No. E27), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, when moving as building materials as defined by the Commission in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Montana and those in Idaho north of the Salmon River, to those points in Coconino County, Ariz., north of an east-west line through The Gap, Ariz. The purpose of this filing is to eliminate the gateway of Utah.

No. MC 1872 (Sub-No. E28), filed June 4, 1974. Applicant: ASHWORTH TRANSFER INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when moving as contractors' supplies, except liquid products, in bulk, in tank vehicles, (1) between points in Utah, on the one hand, and, on the other, those points in Nebraska on, north, and east of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 83 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa State line (Sweetwater or Uinta Counties, Wyo.*; (2) between those points in Utah on, north, and west of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 40 to junction Utah Highway 53, thence along Utah Highway 53 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Utah Highway 10, thence along Utah Highway 10 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Utah-Arizona State line, on the one hand, and, on the other, those points in Nebraska (Sweetwater or Uinta Counties, Wyo.) *; (3) between those points in Utah on, north, and west of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 40 to junction U.S. Highway 189, thence along U.S. Highway 189 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Arizona State line, on the one hand, and, on the other, points in Kansas (Sweetwater or Uinta Counties, Wyo.) *;

(4) Between those points in Utah on, north, and west of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 40 to junction Utah Highway 53, thence along Utah Highway 53 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Utah Highway 10, thence along Utah Highway 10 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Utah-Arizona State line, on the one hand, and, on the other, those points in Kansas on, north, and east of a line beginning at the Kansas-Colorado State line and extending along Interstate Highway 70 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction Kansas Highway 14, thence along Kansas Highway 14 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Oklahoma State line (Sweetwater or Uinta Counties, Wyo.) *; (5) between those points in Utah on, north, and west of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 40 to junction Utah Highway 53, thence along Utah Highway 53 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Utah Highway 10, thence along Utah Highway 10 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Utah-Arizona State line, on the one hand, and, on the other, those points in Missouri on and north of Interstate Highway 44 (Sweetwater or Uinta Counties, Wyo.) *; (6) between those points in Utah on, north, and west of a line beginning at the Utah-Idaho State line and extending along U.S. Highway 91 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Utah-Nevada State line, on the one hand, and, on the other, those points in Colorado on, north, and east of a line beginning at the Colorado-Wyoming State line and extending along Colorado Highway 789 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Colorado-Kansas State line (Sweetwater or Uinta Counties, Wyo.) *;

(7) Between points in Utah, on the one hand, and, on the other, points in Iowa (Sweetwater or Uinta Counties, Wyo.) *; (8) between those points in Utah on and north of Interstate Highway 80, on the one hand, and, on the other, those points in Colorado on and east of a line beginning at the Colorado-Wyoming State line and extending along Colorado Highway 789 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Colorado Highway 9, thence along Colorado Highway 9 to junction U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line (Sweetwater or Uinta Counties Wyo.) *; (9) between points in Utah, on the one hand, and, on the other, points in Wyoming and South Dakota (Sweetwater or Uinta Counties, Wyo.) *; (10) between points in Nevada, on the one hand, and, on the other, points in Nebraska, Missouri, Iowa, Wyoming, South Dakota, those in Kansas on and north of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 50 to junction U.S. Highway 154, thence

along U.S. Highway 154 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 39, thence along Kansas Highway 39 to junction Kansas Highway 7, thence along Kansas Highway 7 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line, and those in Colorado on, north, and east of a line beginning at the Colorado-Wyoming State line and extending along Colorado Highway 789 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Colorado-Kansas State line (Salt Lake City, Utah, and points in Utah within 50 miles of Salt Lake City, Utah, and Sweetwater or Uinta Counties, Wyo.) *; (11) between those points in Nevada on and north of U.S. Highway 6, on the one hand, and, on the other, points in Kansas (Salt Lake City, Utah, and points in Utah within 50 miles of Salt Lake City, Utah and Sweetwater or Uinta Counties, Wyo.) *.

(12) Between those points in Nevada on and north of a line beginning at the Nevada-California State line and extending along U.S. Highway 50 to junction Nevada Highway 8A, thence along Nevada Highway 8A to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-Utah State line, on the one hand, and, on the other, those points in Colorado on, north, and east of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 40 to junction Colorado Highway 789, thence along Colorado Highway 789 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Colorado Highway 82, thence along Colorado Highway 82 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line (Salt Lake City, Utah, and points in Utah within 50 miles of Salt Lake City, Utah, and Sweetwater or Uinta Counties, Wyo.) *; (13) between those points in Idaho south of the Salmon River, on the one hand, and, on the other, points in Kansas, Missouri, Iowa, Colorado, those in Nebraska on, east, and south of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 183 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Nebraska Highway 7, thence along Nebraska Highway 7 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line, and those in Wyoming on and south of Interstate Highway 80 (Salt Lake City, Utah, and points in Utah within 50 miles of Salt Lake City, Utah, and Sweetwater or Uinta Counties, Wyo.) *; (14) between those points in Idaho on and south of Interstate Highway 80N, on the one hand, and, on the other, those points in South Dakota on, east, and south of a line beginning at the South Dakota-North Dakota State line and extending along South Dakota Highway 65 to junction U.S. Highway 212, thence along U.S. Highway 212 to the South Dakota-Wyoming State line (Salt Lake City, Utah, and points in Utah within 50 miles of Salt Lake City, Utah, and Sweetwater or Uinta Counties, Wyo.) *.

(15) from Vancouver, Wash., to points in Nebraska, Kansas, Missouri, Iowa, Colorado, Wyoming, and those in South Dakota on, east, and south of a line beginning at the South Dakota-North Dakota State line and extending along U.S. Highway 83 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction South Dakota Highway 20, thence along South Dakota Highway 20 to junction South Dakota Highway 65, thence along South Dakota Highway 65 to junction U.S. Highway 212, thence along U.S. Highway 212 to the South Dakota-Wyoming State line (points in Idaho south of the Salmon River, Salt Lake City, Utah, and points in Utah within 50 miles of Salt Lake City, Utah, and Sweetwater or Uinta Counties, Wyo.) *; and (16) from Great Falls and Black Eagle, Mont., to those points in Kansas on and south of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 54 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Kansas-Missouri State line, those in Missouri on, south, and east of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 66 to junction Missouri Highway 68, thence along Missouri Highway 68 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Arkansas State line, and those in Colorado on and west of a line beginning at the Colorado-Wyoming State line and extending along Colorado Highway 789 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Colorado Highway 131, thence along Colorado Highway 131 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction Colorado Highway 291, thence along Colorado Highway 291 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction Colorado Highway 17, thence along Colorado Highway 17 to junction U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line (points in Idaho south of the Salmon River, Salt Lake City, Utah, and points in Utah within 50 miles of Salt Lake City, Utah, and in Sweetwater or Uinta Counties, Wyo.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 1872 (Sub-No. E29), filed June 4, 1974. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West Street, Salt Lake City, Utah 84104. Applicant's representative: Richard P. Kissinger, P.O. Box 17B, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (except pipe used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas, and petroleum, and their products and by-products), and fittings and accessories therefor, which are iron and steel articles, as defined by the Commission, when moving with cast iron pressure pipe, (1) from Council Bluffs, Iowa, to points in Nevada and those in Colorado on and west of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 6 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 550, thence along U.S. Highway 550 to the Colorado-New Mexico State line (Utah) *; (2) from Council Bluffs, Iowa, to those points in New Mexico on and west of a line beginning at the New Mexico-Colorado State line and extending along U.S. Highway 550 to junction New Mexico Highway 44, thence along New Mexico Highway 44 to junction New Mexico Highway 509, thence along New Mexico Highway 509 to junction New Mexico Highway 53, thence along New Mexico Highway 53 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction New Mexico Highway 117, thence along New Mexico Highway 117 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction New Mexico Highway 32, thence along New Mexico Highway 32 to junction New Mexico Highway 78, thence along New Mexico Highway 78 to junction New Mexico Highway 61, thence along New Mexico Highway 61 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction New Mexico Highway 11, thence along New Mexico Highway 11 to the United States-Mexico International Boundary line (Utah or Arizona) *; and

(3) from Council Bluffs, Iowa, to those points in Montana on and west of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 89 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line, and those in Wyoming on and west of a line beginning at the Wyoming-Montana State line and extending along U.S. Highway 89 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction U.S. Highway 189, thence along U.S. Highway 189 to junction Wyoming Highway 240, thence along Wyoming Highway 240 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction Interstate Highway 80, thence

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along Interstate Highway 80 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Wyoming Highway 412, thence along Wyoming Highway 412 to junction Wyoming Highway 414, thence along Wyoming Highway 414 to the Wyoming-Utah State line. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 4405 (Sub-No. E21), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in California. The purpose of this filing is to eliminate the gateway of E. St. Louis, Ill., points in Oklahoma, Texas, New Mexico, and Nevada, or those points in California in and south of Mono, Tuolumne, Santa Clara, and Santa Cruz Counties and north of a line beginning at the Pacific Ocean extending through Monterey, Salinas, Fresno, Dunlop, and Independence, Calif., to the California-Nevada State line.

No. MC 4405 (Sub-No. E22), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in New Mexico on, north, and west of U.S. Highway 54, on the one hand, and, on the other, points in California north of Mono, Tuolumne, Santa Clara, and Santa Cruz Counties. The purpose of this filing is to eliminate the gateway of those points in California south of the northern boundaries of Mono, Tuolumne, Santa Clara, and Santa Cruz Counties, and north of a line beginning at the Pacific Ocean extending through Monterey, Salinas, Fresno, Dunlop, and Independence, Calif., to the California-Nevada State line.

No. MC 4405 (Sub-No. E23), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment or handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Michigan, on the one hand, and, on the other, points in Colorado, restricted against the transportation of the above commodities between points in Iron, Baraga, Keweenaw, Houghton, Geogebic, and Ontonagon Counties, Mich., on the one hand, and, on the other, points in Washington, Yuma, Phillips, Logan, and Sedgwick Counties, Colo. The purpose of this filing is to eliminate the gateway of E. St. Louis, Ill.

No. MC 4405 (Sub-No. E24), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in the Upper Peninsula of Michigan, on the one hand, and, on the other, points in Missouri south of U.S. Highway 36. The purpose of this filing is to eliminate the gateway of E. St. Louis, Ill.

No. MC 4405 (Sub-No. E25), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Michigan, on the one hand, and, on the other, points in Oklahoma and Kansas. The purpose of this filing is to eliminate the gateway of E. St. Louis, Ill.

No. MC 4405 (Sub-No. E26), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, (1) between points in Michigan in and south of Ottawa, Kent, Montcalm, Gratiot, Saginaw, and Bay Counties, on the one hand, and, on the other, points in Nebraska in and south of Scottsbluff, Morrill, Garden, Keith, Lincoln, Dawson, Buffalo, Hall, Clay, Fillmore, Saline, Gage, Johnson, and Nemaha Counties, and (2) between points in Michigan east of Isabella, Clarke, Roscommon, Crawford, Otsego Counties, on the one hand, and, on the other, points in Nebraska in and west of Lincoln Frontier, and Red Willow Counties, and in and south of Scottsbluff, Morrill, Garden, Keith, and Lincoln Counties. The purpose of this filing is to eliminate the gateway of E. St. Louis, Ill.

No. MC 4405 (Sub-No. E27), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Michigan, on the one hand, and, on the other, points in Texas (points in Oklahoma and E. St. Louis, Ill.*); points in New Mexico (points in Texas, Oklahoma, and E. St. Louis, Ill.*); and points in Arizona (points in New Mexico, Texas, Oklahoma, and E. St. Louis, Ill.*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 4405 (Sub-No. E28), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in Missouri, restricted against the transportation of the above commodities between points in Michigan south of a line beginning at Lake Michigan extending along Interstate Highway 96 to junction U.S. Highway 131 to the Michigan-Indiana State line, on the one hand, and, on the other, points in Missouri east of a line beginning at the Missouri-Iowa State line extending along U.S. Highway 63 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Mississippi State line.

No. MC 4405 (Sub-No. E29), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St. Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in the Upper Peninsula of Michigan, on the one hand, and, on the other, points in California north of Inyo, Fresno, Madera, Mariposa, Stanislaus, San Joaquin, Contra Costa, and San Francisco Counties. The purpose of this filing is to eliminate the gateway of E. St. Louis, Ill., points in Oklahoma, Texas, New Mexico, and those in California in and south of Mono, Tuolumne, Stanislaus, Santa Clara, and Santa Cruz Counties, and north of a line beginning at the Pacific Ocean extending through Monterey, Salinas, Fresno, Dunlap, and Independence, Calif., to the California-Nevada State line.

No. MC 4405 (Sub-No. E30), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Kansas, on the one hand, and, on the other, points in Nevada, restricted against the transportation of traffic between points in Kansas north of Interstate Highway 70 and west of U.S. Highway 281, on the one hand, and, on the other, points in Elko, Pershing, and Humboldt Counties, Nev. The purpose of this filing is to eliminate the gateways of points in Oklahoma, Texas, and New Mexico.

No. MC 4405 (Sub-No. E31), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Nebraska on and east of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 81 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line, on the one hand, and, on the other, points in Nevada on and west of a line beginning at the Arizona-Nevada State line and extending along U.S. Highway 93 to junction Arizona Highway 25, thence along Arizona Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line. The purpose of this filing is to eliminate the gateways of points in Oklahoma, Texas, and New Mexico.

No. MC 4405 (Sub-No. E32), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in Colorado on and east of a line beginning at the Wyoming-Colorado State line and extending along U.S. Highway 87 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Nebraska State line, on the one hand, and, on the other, points in New Mexico on and south of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 54 to junction U.S. Highway 70, thence along U.S. Highway 70 to the New Mexico-Arizona State line. The purpose of this filing is to eliminate the gateways of points in Oklahoma and Texas.

No. MC 4405 (Sub-No. E33), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in Oklahoma, on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateways of points in Texas and those in New Mexico north and west of U.S. Highway 54.

No. MC 4405 (Sub-No. E34), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in Arizona, on the one hand, and, on the other, points in Missouri, Kansas, Nebraska (points in Oklahoma, Texas, and New Mexico) *, and E. St. Louis, Ill. (St. Louis, Mo., and points in Oklahoma, Texas, and New Mexico) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 4405 (Sub-No. E35), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in Kansas, Missouri, and E. St. Louis, Ill., on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateways of points in Oklahoma and Texas.

No. MC 4405 (Sub-No. E36), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, between points in Michigan, on the one hand, and, on the other, points in Nevada, restricted against the transportation of the above commodities, between points in the Upper Peninsula of Michigan, on the one hand, and, on the other, points in Nevada north of a line beginning at the Nevada-Arizona State line and extending along U.S. Highway 93 to junction Nevada Highway 25, thence along Nevada Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line. The purpose of this filing is to eliminate the gateways of E. St. Louis, Ill., points in Oklahoma, Texas, and New Mexico.

No. MC 4405 (Sub-No. E37), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, except any of such commodities

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along Interstate Highway 80 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Wyoming Highway 412, thence along Wyoming Highway 412 to junction Wyoming Highway 414, thence along Wyoming Highway 414 to the Wyoming-Utah State line. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 4405 (Sub-No. E21), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in California. The purpose of this filing is to eliminate the gateway of E. St. Louis, Ill., points in Oklahoma, Texas, New Mexico, and Nevada, or those points in California in and south of Mono, Tuolumne, Santa Clara, and Santa Cruz Counties and north of a line beginning at the Pacific Ocean extending through Monterey, Salinas, Fresno, Dunlop, and Independence, Calif., to the California-Nevada State line.

No. MC 4405 (Sub-No. E22), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in New Mexico on, north, and west of U.S. Highway 54, on the one hand, and, on the other, points in California north of Mono, Tuolumne, Santa Clara, and Santa Cruz Counties. The purpose of this filing is to eliminate the gateway of those points in California south of the northern boundaries of Mono, Tuolumne, Santa Clara, and Santa Cruz Counties, and north of a line beginning at the Pacific Ocean extending through Monterey, Salinas, Fresno, Dunlop, and Independence, Calif., to the California-Nevada State line.

No. MC 4405 (Sub-No. E23), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment or handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Michigan, on the one hand, and, on the other, points in Colorado, restricted against the transportation of the above commodities between points in Iron, Baraga, Keweenaw, Houghton, Geogebic, and Ontonagon Counties, Mich., on the one hand, and, on the other, points in Washington, Yuma, Phillips, Logan, and Sedgwick Counties, Colo. The purpose of this filing is to eliminate the gateway of E. St. Louis, Ill.

No. MC 4405 (Sub-No. E24), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Michigan, on the one hand, and, on the other, points in Texas (points in Oklahoma and E. St. Louis, Ill.*); points in New Mexico (points in Texas, Oklahoma, and E. St. Louis, Ill.*); and points in Arizona (points in New Mexico, Texas, Oklahoma, and E. St. Louis, Ill.*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 4405 (Sub-No. E25), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Michigan, on the one hand, and, on the other, points in Nebraska in and west of Lincoln Frontier, and Red Willow Counties, and in and south of Scottsbluff, Morrill, Garden, Keith, and Lincoln Counties. The purpose of this filing is to eliminate the gateway of E. St. Louis, Ill.

No. MC 4405 (Sub-No. E26), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, (1) between points in Michigan in and south of Ottawa, Kent, Montcalm, Gratiot, Saginaw, and Bay Counties, on the one hand, and, on the other, points in Nebraska in and south of Scottsbluff, Morrill, Garden, Keith, Lincoln, Dawson, Buffalo, Hall, Clay, Fillmore, Saline, Gage, Johnson, and Nemaha Counties, and (2) between points in Michigan east of Isabella, Clarke, Roscommon, Crawford, Otsego Counties, on the one hand, and, on the other, points in Nebraska in and west of Lincoln Frontier, and Red Willow Counties, and in and south of Scottsbluff, Morrill, Garden, Keith, and Lincoln Counties. The purpose of this filing is to eliminate the gateway of E. St. Louis, Ill.

No. MC 4405 (Sub-No. E27), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Michigan, on the one hand, and, on the other, points in Texas (points in Oklahoma and E. St. Louis, Ill.*); points in New Mexico (points in Texas, Oklahoma, and E. St. Louis, Ill.*); and points in Arizona (points in New Mexico, Texas, Oklahoma, and E. St. Louis, Ill.*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 4405 (Sub-No. E28), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in Missouri, restricted against the transportation of the above commodities between points in Michigan south of a line beginning at Lake Michigan extending along Interstate Highway 96 to junction U.S. Highway 131 to the Michigan-Indiana State line, on the one hand, and, on the other, points in Missouri east of a line beginning at the Missouri-Iowa State line extending along U.S. Highway 63 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Mississippi State line.

No. MC 4405 (Sub-No. E29), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St. Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in the Upper Peninsula of Michigan, on the one hand, and, on the other, points in California north of Inyo, Fresno, Madera, Mariposa, Stanislaus, San Joaquin, Contra Costa, and San Francisco Counties. The purpose of this filing is to eliminate the gateway of E. St. Louis, Ill., points in Oklahoma, Texas, New Mexico, and those in California in and south of Mono, Tuolumne, Stanislaus, Santa Clara, and Santa Cruz Counties, and north of a line beginning at the Pacific Ocean extending through Monterey, Salinas, Fresno, Dunlap, and Independence, Calif., to the California-Nevada State line.

No. MC 4405 (Sub-No. E30), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Kansas, on the one hand, and, on the other, points in Nevada, restricted against the transportation of traffic between points in Kansas north of Interstate Highway 70 and west of U.S. Highway 281, on the one hand, and, on the other, points in Elko, Pershing, and Humboldt Counties, Nev. The purpose of this filing is to eliminate the gateways of points in Oklahoma, Texas, and New Mexico.

No. MC 4405 (Sub-No. E31), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Nebraska on and east of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 81 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line, on the one hand, and, on the other, points in Nevada on and west of a line beginning at the Arizona-Nevada State line and extending along U.S. Highway 93 to junction Arizona Highway 25, thence along Arizona Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line. The purpose of this filing is to eliminate the gateways of points in Oklahoma, Texas, and New Mexico.

No. MC 4405 (Sub-No. E32), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in Colorado on and east of a line beginning at the Wyoming-Colorado State line and extending along U.S. Highway 87 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Nebraska State line, on the one hand, and, on the other, points in New Mexico on and south of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 54 to junction U.S. Highway 70, thence along U.S. Highway 70 to the New Mexico-Arizona State line. The purpose of this filing is to eliminate the gateways of points in Oklahoma and Texas.

No. MC 4405 (Sub-No. E33), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in Oklahoma, on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateways of points in Texas and those in New Mexico north and west of U.S. Highway 54.

No. MC 4405 (Sub-No. E34), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in Arizona, on the one hand, and, on the other, points in Missouri, Kansas, Nebraska (points in Oklahoma, Texas, and New Mexico)*, and E. St. Louis, Ill. (St. Louis, Mo., and points in Oklahoma, Texas, and New Mexico)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 4405 (Sub-No. E35), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in Kansas, Missouri, and E. St. Louis, Ill., on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateways of points in Oklahoma and Texas.

No. MC 4405 (Sub-No. E36), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and *self-propelled articles*, each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, between points in Michigan, on the one hand, and, on the other, points in Nevada, restricted against the transportation of the above commodities, between points in the Upper Peninsula of Michigan, on the one hand, and, on the other, points in Nevada north of a line beginning at the Nevada-Arizona State line and extending along U.S. Highway 93 to junction Nevada Highway 25, thence along Nevada Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line. The purpose of this filing is to eliminate the gateways of E. St. Louis, Ill., points in Oklahoma, Texas, and New Mexico.

No. MC 4405 (Sub-No. E37), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, except any of such commodities

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used in connection with the construction of, or dismantling of, main or trunk pipelines, including the stringing or picking up thereof; and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in Michigan, on the one hand, and, on the other, points in Arkansas, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of points in Indiana or Ohio.

No. MC 4405 (Sub-No. E38), filed June 4, 1974. Applicant: DEALER'S TRANSIT, INC., 2200 E. 170th St., Lansing, Ill. 60438. Applicant's representative: Robert Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, and self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in Missouri (points in Oklahoma, Texas, and those in New Mexico north and west of U.S. Highway 54) *, and E. St. Louis, Ill. (St. Louis, Mo., points in Oklahoma, Texas, and those in New Mexico north and west of U.S. Highway 54) *, on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 13134 (Sub-No. E13), filed September 4, 1975. Applicant: GRANT TRUCKING, INC., P.O. Box 266, Oak Hill, Ohio 45656. Applicant's representative: Joe Haydon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite of Bethlehem Steel Corporation, at Lackawanna, N.Y., to points in Washington County, Pa. (Ohio) *; (2) *Iron and steel articles*, restricted to reinforcement steel and steel rails, from the plantsite of Bethlehem Steel Corporation, Lackawanna, N.Y., to points in Kentucky (except those in Bracken, Pendleton, Grant, Gallatin, Carroll, Trimble, Boone, Kenton, and Campbell Counties) (points in Ohio within the Huntingdon, W. Va., commercial zone) *; (3) *Iron and steel articles* (except aircraft and missiles and parts, thereof, which, because of size or weight, require the use of special equipment, from the plantsite of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in West Virginia, and those in Kentucky on and east of a line beginning at the Kentucky-Ohio State line and extending along U.S. Highway 25 to junction U.S. Highway 25W, thence along U.S. Highway 25W to the Kentucky-Tennessee State line (those points in Ohio south of U.S. Highway 40) *; (4) *Iron and steel articles*, restricted to reinforcing steel, steel rails, and railway track, materials, and fittings, structural steel, including fittings and bolts, from the plantsite of Bethlehem Steel Corporation at Lackawanna, N.Y., to those points in Tennessee on and east of U.S. Highway 27 and those in Virginia on, south, and west of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 460 to junction Virginia Highway 8, thence along Virginia Highway 8 to the North Carolina-Virginia State line (those points in Ohio within the Huntingdon, W. Va., commercial zone) *;

(5) *Iron and steel articles*, restricted to corrugated iron and steel pipe, including fittings therefor, from the plantsite of Bethlehem Steel Corporation at Lackawanna, N.Y., to those points in Tennessee on and east of U.S. Highway 27 and on and north of U.S. Highway 70, and those in Virginia on, south, and west of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 460 to junction Virginia Highway 8, thence along Virginia Highway 8 to the North Carolina-Virginia State line (points in Ohio within the Ashland, Ky., commercial zone) *; (6) *Iron and steel articles*, restricted to reinforcing steel, steel rails, and railway track materials and fittings, structural steel, structural steel fittings, bolts, agricultural implement parts, steel posts, and iron and steel bars, from the plantsite of Bethlehem Steel Corporation at Lackawanna, N.Y., to those points in North Carolina on and west of a line beginning at the South Carolina State line and extending along Interstate Highway 95 to junction South Carolina Highway 87, thence along South Carolina Highway 87 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 220, thence along U.S. Highway 220 to the South Carolina-Virginia State line, and those in Kentucky west of U.S. Highway 25 and 25W which are more than ten miles of the Ohio River (except those in Bracken, Pendleton, Grant, Gallatin, Carroll, Trimble, Boone, Kenton, and Campbell Counties) (points in Ohio within the Huntington, W. Va., commercial zone) *; (7) *Iron and steel articles* (except commodities which because of size or weight require special equipment and those iron and steel articles which are building materials), from the plantsite of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in Alabama, Florida, Georgia, Kansas, and Texas, restricted to the transportation of iron and steel articles as defined by the Commission to points in Kansas (those points in Ohio within the Huntington, W. Va., commercial zone) *; and (8) *Iron and steel articles*, as defined by the Commission, from the plantsite of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in Arkansas and Oklahoma, restricted against the transportation of building materials and commodities which, because of size or weight, require special equipment (Ohio; Washington, Pa.; and Cabell and Wayne Counties, W. Va.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 19227 (Sub-No. E5), filed May 25, 1974. Applicant: LEONARD BROS. TRUCKING CO., 1701 E. Main St., Grand Prairie, Tex. 75050. Applicant's representative: J. William Cain, Jr., 2001 Massachusetts Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* (except boats and except oilfield equipment), the transportation of which because of their size or weight require the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith; between points in that part of Texas south of Culberson, Reeves, Pecos, Crockett, Sutton, Kimble, Mason, Llano, Burnet, Travis, Lee, Burleson, Bryan, Grimes, Montgomery, San Jacinto, Polk, Tyler, Jasper, and Newton Counties, on the one hand, and, on the other, points in that part of Alabama east and south of Cherokee, Calhoun, Talladega, Coosa, Autauga, Lowndes, Wilcox, Monroe, Conecuh, and Escambia Counties, Connecticut, Delaware, that part of Georgia east and south of Fannin, Murray, Gordon, and Floyd Counties, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, that part of New York east and south of Wayne, Seneca, Yates, and Steuben Counties, that part of North Carolina east and south of Swain, Graham, and Cherokee Counties, that part of Pennsylvania east and south of Potter, Elk, Jefferson, Ind., Westmoreland and Fayette Counties, Rhode Island, South Carolina, that part of Tennessee east and south of Hawkins, Hamblen, Jefferson, and Saviea Counties, Vermont, that part of Virginia east and south of Buchana, Dickenson, and Scott Counties, that part of West Virginia east and south of Monongalia, Marion, Harrison, Lewis, Braxton, Clay, Kanawha, Boone, Logan, and Mingo Counties, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Pensacola, Fla.

No. MC 27817 (Sub-No. E9), filed May 12, 1974. Applicant: H. C. GABLER, INC., P.O. Box 220, Chambersburg, Pa. 17201. Applicant's representative: Harold C. Gabler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods;* (1) from points in Delaware and that part of Maryland on and east of U.S. Highway 15, to points in Kentucky (Baltimore, Md., Winchester, Va., the plantsite of Musselman Fruit Products, Division of Pet, Inc., at Inwood, W. Va., and Morgan County, W. Va.) *; and to points in Ohio and West Virginia (Baltimore, Md., Winchester, Va., and the plantsite of Musselman Fruit Products, Division of Pet, Inc., at Inwood, W. Va.) *; (2) from points in that part of Virginia on and north of U.S. Highway 60 to points in Ohio (Baltimore, Md., Winchester, Va., and the plantsite of Musselman Fruit Products, Division of Pet, Inc., at Inwood, W. Va.) *; (3) from points in Virginia (except points in the Del Marva Peninsula) to points in West Virginia (Baltimore, Md., Winchester, Va., and the plantsite of Musselman Fruit Products, Division of Pet, Inc., at Inwood, W. Va.) *; (4) from points in that part of Pennsylvania on, east, and south of a line beginning at the Maryland-Pennsylvania State line, thence along the Susquehanna River to Harrisburg, thence along U.S. Highway 322 to the Pennsylvania-New Jersey State line, to points in Ohio (except Ashtabula, Lake, Warren, and Geauga Counties, Ohio) (Baltimore, Md.; Winchester, Va.; and the plantsite of Musselman Fruit Products, Division of Pet, Inc., at Inwood, W. Va.) *; (5) from points in that part of Pennsylvania on, east, and south of a line beginning at the Maryland-Pennsylvania State line, thence along the Susquehanna River to Harrisburg, thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line, to points in West Virginia (Baltimore, Md.; Winchester, Va.; and the plant site of Musselman Fruit Products, Division of Pet, Inc., at Inwood, W. Va.) *; and to points in Kentucky (Baltimore, Md.; Winchester, Va.; the plantsite of Musselman Fruit Products, Division of Pet, Inc., at Inwood, W. Va.; and Morgan County, W. Va.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 29886 (Sub-No. E58), filed June 3, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Indiana 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *street sweepers*, which because of size or weight require the use of special handling, and *self-propelled street sweepers*, each weighing 15,000 pounds or more, (1) from points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, and New York, to points in Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, Oregon, Washington, and California; (2) from points in Wisconsin to points in Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama (except those in Colbert and Lauderdale Counties, Ala.) those in Tennessee in and east of Sumner, Davidson, Williamson, Maury, and Giles Counties, Tenn., and the District of Columbia; (3) from points in Missouri to points in Delaware, Maryland, and the District of Columbia (points in Michigan on and south of a line extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Michigan, thence along Business Route Interstate Highway 96 to Lansing, Mich., thence on and west of a line beginning along U.S. Highway 127 to Jackson, Mich., thence along unnumbered highway (formerly portion of U.S. Highway 127) to junction U.S. Highway 12, near Somerset Center, Mich., thence along U.S. Highway 12 to junction U.S. Highway 127, to the Michigan-Ohio State line, and South Bend, Ind.) *; (4) from points in Indiana to points in Minnesota, North Dakota, South Dakota, Wyoming, Montana, Idaho, Utah, Nevada, California, Oregon, and Washington; and (5) from those points in Indiana on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to junction U.S. Highway 40, to the Ohio-Indiana State line, to points in Colorado, Arizona, and those in Nebraska on and north of a line beginning at the Nebraska-Iowa State line and extending along Nebraska Highway 92, to junction U.S. Highway 30, to junction U.S. Highway 34/281, to junction U.S. Highway 281 to the Nebras_a-Kansas State line. (South Bend, Ind.) *. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 29886 (Sub-No. E87) (Correction), filed May 23, 1974, republished in the FEDERAL REGISTER, September 11, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled road construction* and *earth moving machines and equipment*, each weighing 15,000 pounds or more, and *road construction and earth moving machines and equipment*, which because of size or weight require special handling or the use of special equipment (except automobiles, trucks, buses, trailers, cabs, and chassis), from those points in Illinois. . . . The purpose of this filing is to eliminate the gateway of South Bend, Ind. The purpose of this partial correction is to correct the commodity description. The remainder of this letter notice remains as previously published.

No. MC 83539 (Sub-No. E85) (Correction), filed May 29, 1975, published in the FEDERAL REGISTER, September 18, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Washington on and north of Interstate Highway 90 and Clallam, Kitsap, and Jefferson Counties, Wash., to points in Indiana south of Interstate Highway 70. The purpose of this filing is to eliminate the gateways of points in Montana on and west of a line extending north and south through Dupuyer and Butte, and the facilities of C F & I Steel Corp., at Pueblo, Colo. The purpose of this correction is to correct the origin description.

No. MC 41406 (Sub-No. E14) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER, September 18, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, Ames, Hill & Ames, 666 Eleventh Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as are building and construction materials (a) from points in Lake and Cook Counties, Ill., which are on, south, and east of a line beginning at Lake Michigan at Waukegan, Ill., extending along Illinois Highway 120 to its junction with U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 83, thence along Illinois Highway 83 to Des Plaines, Ill., thence along Illinois Highway 83 to the DuPage-Cook County line, thence along the DuPage-Cook County line to Illinois Highway 171, thence along Illinois Highway 171 to the Will-Cook County line, to points in Iowa except those in Clinton, Cedar, Jackson, Jones, Linn, Dubuque, Delaware, Buchanan, Blackhawk, Clayton, Fayette, Bremer, Butler, Franklin, Chickasaw, Floyd, Cerro Gordo, Hancock, Allamakee, Winneshiek, Howard, Mitchell, Worth, Winnebago, Kossuth, Emmet, Lyon, Osceola, Clay, O'Brien, Dickenson, Palo Alto, Humboldt, Wright, Hardin, Grundy, Tama, Benton Counties and points in Scott County north of Interstate Highway 80; (f) from those points in Will County, Ill., on and south of Interstate Highway 80, to points in Iowa (except those in Clinton and Jackson Counties, Iowa); and (g) from points in Will County, Ill., north of Interstate Highway 80, to those points in Iowa (except those in Allamakee, Clayton, Fayette, Buchanan, Delaware, Dubuque, Linn, Jones, Jackson, Cedar, Clinton, Winneshiek, Benton, and Scott Counties, Iowa). The purpose of this filing is to eliminate the gateways of the plantsite of Jones & Laughlin Steel Corporation, located in Putnam County, Ill. The purpose of this partial correction is to correct the territorial description in (a) above and to add the territorial description in (a) above and to add the territorial descriptions in (f) and (g) above.

No. MC 60014 (Sub-No. E77) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER, September 2, 1975. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee or both: (a) between points in West Virginia, on the one hand, and, on the other, those points in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 6 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 30, thence along U.S. Highway 30 to the

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Indiana-Illinois State line. The purpose of this filing is to eliminate the gateways of Zanesville, Ohio, and points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line. The purpose of this partial correction is to redefine the highway description above. The remainder of this letter-notice remains as previously published.

No. MC 60014 (Sub-No. E145) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER, July 23, 1975. The purpose of this partial correction is to correct the "E" number, previously published as E27. The remainder of this letter-notice remains as previously published.

No. MC 60014 (Sub-No. E146) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER, July 21, 1975. The purpose of this partial correction is to correct the "E" number, previously published as E98. The remainder of this letter-notice remains as previously published.

No. MC 61825 (Sub-No. E455), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Altavista, Va., to points in Illinois, Indiana, Iowa, Michigan, Missouri, New York, Ohio, and Wisconsin, and those points in Pennsylvania and West Virginia on, west, and north of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 19 to junction West Virginia Highway 71, thence along West Virginia Highway 71 to junction West Virginia Highway 10, thence along West Virginia Highway 10 to the Wyoming-Mercer County line, thence along the Wyoming-Mercer County line to the Wyoming-Raleigh County line, thence along the Wyoming-Raleigh County line to the Boone-Raleigh County line, thence along the Boone-Raleigh County line to the Kanawha-Raleigh County line, thence along the Kanawha-Raleigh County line to the Kanawha-Fayette County line, thence along the Kanawha-Fayette County line to junction Interstate Highway 77, thence along the Interstate Highway 77 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 2, thence along West Virginia Highway 2 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 19, thence along U.S. Highway 19 to Pittsburgh, thence along Pennsylvania Highway 380 to junction Pennsylvania Highway 286, thence along Pennsylvania Highway 286 to junction Pennsylvania Highway 954, thence along Pennsylvania Highway 954 to junction Pennsylvania Highway 85, thence along Pennsylvania Highway 85 to junction Pennsylvania Highway 839, thence along Pennsylvania Highway 839 to junction Pennsylvania Highway 28, thence along Pennsylvania Highway 28 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Pennsylvania Highway 155, thence along Pennsylvania Highway 155 to junction Pennsylvania Highway 607, thence along Pennsylvania Highway 607 to junction Pennsylvania Highway 872, thence along Pennsylvania Highway 872 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 107, thence along Pennsylvania Highway 107 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Martinsville, W. Va.

No. MC 83539 (Sub-No. E98) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER, September 18, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Pennington, Custer, Fall River, Shannon, and Washington Counties, S. Dak., to points in Alabama, Florida, Georgia, Mississippi, New Mexico, Oklahoma, South Carolina, and Texas. The purpose of this filing is to eliminate the gateway of the facilities of the CF & I Steel Corporation, at Pueblo, Colo. The purpose of this correction is to correct the MC number, previously published as 83439.

No. MC 106603 (Sub-No. E44), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, from St. Louis, Mo., to those points in Illinois on and east of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 1 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Illinois Highway 47, thence along Illinois Highway 47 to the Illinois-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Indiana.

No. MC 106603 (Sub-No. E45), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, from St. Louis, Mo., to Cincinnati, Ohio. The purpose of this filing is to eliminate the gateway of Indiana.

No. MC 106603 (Sub-No. E46), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk), from St. Louis, Mo., to those points in Kentucky east of a line beginning at the Kentucky-Indiana State line and extending along Kentucky Highway 69 to junction Kentucky Highway 54, thence along Kentucky Highway 54 to junction Kentucky Highway 259, thence along Kentucky Highway 259 to junction Cumberland Parkway, thence along Cumberland Parkway to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line (except Louisville). The purpose of this filing is to eliminate the gateway of the plantsite of the National Gypsum Company, near Shoals (Martin County), Ind.

No. MC 106603 (Sub-No. E47), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials*, which are building contractors' materials, from points in Illinois, to those points in New Jersey on, north, and east of a line beginning at the Pennsylvania-New Jersey State line and extending along Interstate Highway 276 to junction Interstate Highway 295, thence along Interstate Highway 295 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to the Atlantic Ocean, those in Pennsylvania on and north of a line beginning at the Ohio-Pennsylvania State line and extending along Interstate Highway 80 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction Interstate Highway 276, thence along Interstate Highway 276 to the Pennsylvania-New Jersey State line, and those in New York in and west of Wayne, Seneca, Schuyler, and Chemung Counties. The purpose of this filing is to eliminate the gateways of Whiting, Ind., and Avery, Ohio.

No. MC 106603 (Sub-No. E48), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing materials*, from St. Louis, Mo., to points in Delaware, Maryland, New Jersey, those in Virginia on, north, and east of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 250 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 46, thence along Virginia Highway 46 to junction Virginia Highway 49, thence along Virginia Highway 49 to junction Virginia Highway 138, thence along Virginia Highway 138 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Virginia-North Carolina State line, those in West Virginia north and east of a line beginning at the West Virginia-Ohio State line and extending along U.S. Highway 50 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Virginia State line, those in New York in and west of Wayne, Seneca, Schuyler, and Chemung Counties, those in Pennsylvania in and west of Tioga, Potter, Cameron, Clearfield, Cambria, and Somerset Counties, and the District of Columbia. The purpose of this filing is to eliminate the gateways of St. Louis, Mo.; Indiana; and the plantsite of Certain-teed Products Corporation at Avery, Ohio.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28890 Filed 10-24-75;8:45 am]

[Notice No. 695]

ASSIGNMENT OF HEARINGS

OCTOBER 22, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 38320 Sub-18, Central Motor Express, Inc., application dismissed.

MC 19311 Sub-30, Central Transport, Inc., now assigned January 13, 1976 at Traverse, Michigan; will be held in Park Place Motor Inn, 300 E. State Street.

MC 18088 Sub-55, Floyd & Beasley Transfer Company, Inc., continued to January 19, 1975 (1 week) at Montgomery, Alabama, in Governor's House Motel, 2705 East South Boulevard.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28891 Filed 10-24-75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 22, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before November 12, 1975.

FSA No. 43065—*Beet or Cane Sugar to Points in Texas.* Filed by Southwestern Freight Bureau, Agent, (No. B-563), for interested rail carriers. Rates on sugar, beet or cane, in carloads, as described in the application, from specified points in Minnesota and North Dakota, to specified points in Texas.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 411 to Southwestern Freight Bureau, Agent, tariff 1-F, I.C.C. No. 4875. Rates are published to become effective on November 13, 1975.

FSA No. 43066—*Single Empty Freight Trailers Between Points in Southwestern and Southern Territories and Points in Illinois, Southwestern and WTL Territories.* Filed by Southwestern Freight Bureau, Agent, (No. B-566), for interested rail carriers. Rates on single empty freight trailers, as described in the application, between points in southwestern territory, also Natchez, Mississippi and Memphis, Tennessee, on the one hand, and points in Illinois, southwestern, and western trunk-line territories, on the other. Grounds for relief—Carrier competition, short-line distance formula and grouping.

Tariffs—Supplement 92 to Southwestern Freight Bureau, Agent, tariff SW-74-G, I.C.C. No. 5127, and 4 other schedules named in the application. Rates are published to become effective on November 16, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28893 Filed 10-24-75;8:45 am]

[Notice No. 103]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

OCTOBER 28, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206)(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 17, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76008 By order of October 21, 1975, the Motor Carrier Board approved the transfer to Super Speed Delivery & Messenger Service, Inc., Totowa, New Jersey of Certificate No. MC 103486 (Sub-No. 1), issued October 11, 1961, to R. H. McDonald Company, A Corporation, Paterson, New Jersey, authorizing the transportation of general commodities, subject to normal restrictions, between specified counties in New Jersey, on the one hand, and on the other, New York, N.Y. Douglas Miller, 14 Front Street, Hempstead, New York, 11550, Attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-28894 Filed 10-24-75;8:45 am]

[Notice No. 121]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 22, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

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Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 106674 (Sub-No. 171TA) filed October 10, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Batting, wadding, or padding*, from Corbin, Ky., to Joliet, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: G A F Corporation, 1361 Alps Road, Wayne, N.J. 07470. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 107403 (Sub-No. 952TA) filed October 10, 1975. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids*, in bulk, in tank vehicles, from Narphlet, Ark., to Baton Rouge, La., for 180 days. Supporting shipper: MacMillan Rign-Free Oil Co., Inc., Box 1623, El Dorado, Ark. 71730. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 108393 (Sub-No. 97TA) filed October 8, 1975. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E. Ogden Ave., Hinsdale, Ill. 60521. Applicant's representative: Eugene L. Cohn, One North LaSalle St., Chicago, Ill. 60521. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts of electrical and gas appliances and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, between Evansville, Ind., on the one hand, and, on the other, Fulton, Henry, Lucas, Ottawa, Sandusky and Wood Counties, Ohio, under a continuing contract with Whirlpool Corporation, for 180 days. Supporting shipper: Whirlpool Corporation, Carl R. Anderson, Director of Corporate Traffic, Administrative Center, Benton Harbor, Mich. 49022. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 111729 (Sub-No. 580 TA) filed October 10, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copiers, typewriters, industrial and business machine parts and supplies*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, between Syracuse, N.Y., and Cortland, N.Y., restricted to the transportation of traffic having an immediately prior or subsequent out-of-state movement for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) SCM Corporation, 299 Park Avenue., N.Y. 10017. (2) Monarch Machine Tool Company, Cortland, N.Y. (3) Pall Trinity Micro Corp., Cortland, N.Y. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 118745 (Sub-No. 17TA), filed October 9, 1975. Applicant: JOHN PFROMMER, INC., Box 307, Douglassville, Pa. 19518. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime, limestone, and limestone products* (except in dump vehicles), from the Cedar Hollow Plantsite of the Warner Company, at or near Devault, Pa., to points in Connecticut, Delaware, Maryland, Maine, New York, Virginia and the District of Columbia and (2) *Lime, limestone, and limestone products* (except in dump vehicles and flat-bed trailers, from the Cedar Hollow Plantsite of the Warner Company, at or near Devault, Pa.), to points in New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden and Burlington Counties, N.J.). Restriction: Paragraphs 1 and 2 above are restricted to traffic moving under a continuing contract with the Warner Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Warner Company, 1721 Arch St., Philadelphia, Pa. 19103. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 119726 (Sub-No. 64TA) filed October 7, 1975. Applicant: N. A. B. TRUCKING CO., INC., 3220 Bluff Road, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, Suite 1000, 130 East Washington St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps and closures therefore and corrugated boxes*, from the plantsite of Universal Glass Products, Star City Glass Division at Joliet, Ill., to Louisville and Frankfort, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: National Bottle Corporation, Manager of Distribution, One Decker Square, Bala Cynwyd, Pa. 19004. Send protests to: Frances Sterling, Interstate Commerce Commission, Federal Bldg., & U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 123115 (Sub-No. 16TA) filed October 6, 1975. Applicant: BEN PACKER, doing business as, PACKER TRANSPORTATION CO., 465 South Rock Blvd., Sparks, Nev. 89431. Applicant's representative: Ben Packer, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products and plasterboard joint treatment products, and materials and supplies* used in the installation and application of such commodities, from Empire, Nev., to points in Montana and Utah, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: U.S. Gypsum Company, 525 S. Virgil Ave., Los Angeles, Calif., 90004. Send protests to: Robert G. Harrison, District Supervisor, 203 Federal Bldg., 705 N. Plaza St., Carson City, Nev. 89701.

No. MC 126555 (Sub-No. 37TA), filed October 9, 1975. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, S. Dak. 57701. Applicant's representative: Barry C. Burnette, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial sand*, from points in Colorado, Wisconsin, Minnesota, and Illinois, to points in South Dakota, Colorado and Wyoming, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mereen Johnson Machine, Inc., Box 9, Webster, S. Dak. 57274. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 129459 (Sub-No. 12TA), filed October 10, 1975. Applicant: KEARNEY'S TRUCKING SERVICE, INC., Alternate U.S. Route 611, P.O. Box 264, Portland, Pa. 18351. Applicant's representative: Kenneth R. Davis, 121 South Main St., Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* (except in bulk), from St. Clair, Mich., to points in Pennsylvania for the account of Diamond Crystal Salt Company, St. Clair, Mich., under a continuing contract with Diamond Crystal Salt Company, for 180 days. Supporting shipper: Diamond Crystal Salt Company, 916 South Riverside, St. Clair, Mich. 48079. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 135082 (Sub-No. 22TA), filed October 14, 1975. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., P.O. Box 533, Thirteenth and Erie, Pueblo, Albuquerque, N. Mex. 87107. Applicant's representative: D. F. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and tile*, requiring special equipment for loading and unloading, and commodities incidental to the installation thereof (except commodities in bulk), from Pueblo and Trinidad, Colo., to points in Kansas and Nebraska, for 180 days. Supporting shipper: Summit Pressed Brick and Tile Company, P.O. Box 533, Thirteenth and Erie, Pueblo, Colo. 81002. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, 1106 Federal Office Bldg., 517 Gold Ave., N.W., Albuquerque, N. Mex. 87101.

No. MC 136897 (Sub-No. 14TA), filed October 8, 1975. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, Suite 312, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Pueblo, Colo., to points in Arizona and California, under a continuing contract with CF&I Steel Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: CF&I Steel Corporation, P.O. Box 316, Pueblo, Colo. 81002. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 139919 (Sub-No. 1TA), filed October 6, 1976. Applicant: JAMES YOUNG, INC., P.O. Box 509, 113 S. Line, Weatherford, Tex. 76086. Applicant's representative: James Young (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Freeport, Corpus Christi, and Galveston, Tex., New Orleans, La., Gulfport, Miss., and Mobile, Ala., through U.S. Customs ports in the states of Washington, Idaho, Montana, North Dakota and Minnesota, to Canadian Provinces of Alberta, British Columbia, Saskatchewan and Manitoba, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Macdonalds Consolidated Ltd., 840 Camble St., Vancouver, B. C., V6B 4J2, Del Monte Banana Company, P.O. Box 011940, Miami, Fla. 33101. Macdonalds Consolidated Ltd., 14040 125th Ave., Edmonton, Alberta, Canada. Send protests to: H. C. Morrison, Sr., District Supervisor, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 141297TA (Correction), filed September 5, 1975, published in the FEDERAL REGISTER issue of September 19, 1975, and republished as corrected this issue. Applicant: UNITED INDUSTRIES, INC., 487 Parish St., Houston, Miss. 38851. Applicant's representative: W. DeWayne Griffin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, from Houston and Maben, Miss., to Miami, Fla.; Boston, Mass.; Detroit, Mich.; Minneapolis, Minn.; San Francisco, Calif.; San Antonio, Tex.; Fort Worth, Tex.; Oklahoma City, Okla.; and Kansas City, Kans., under a continuing contract or contracts with Maben Manufacturing, Inc., and Shannon Chair Company, for 180 days. Supporting shippers: Maben Manufacturing, Inc., 375 Oswalt Drive, Maben, Miss. 39750. Shannon Chair Company, 1st Ave., North, Houston, Miss. 38851. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201. The purpose of this republication is to add Houston in the territorial description.

No. MC 141357 (Sub-No. 1TA) (correction), filed September 25, 1975, published in the FEDERAL REGISTER issue of October 10, 1975, and republished as corrected this issue. Applicant: SHANUS, INC., 232 N. 1st St., Minneapolis, Minn. 55401. Applicant's representative: Gene P. Shanus (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fleshings, a by-product or residue of hides*, from South St. Paul, Minn. to Sioux City, Iowa and Green Bay, Wis., for 180 days. Supporting shipper: Twin City Hide, Inc., 491 Malden, S. St. Paul, Minn. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401. The purpose of this republication is to correct docket number 141357 Sub-No. 1TA, in lieu of MC 141357 which was previously published in error.

No. MC 141377 (Sub-No. 1TA), filed October 9, 1975. Applicant: THEO O. ELLIOTT, 5612 Heywood Road, Richmond, Va. 23224. Applicant's representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, Va. 23229. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicles parts; generators; machinery and machinery parts; road construction machinery and equipment* and (2) *Materials, equipment and supplies* (except commodities in bulk, in tank vehicles), used in the distribution and sales in (1) above, between York, Pa., on the one hand, and, on the other, Haymarket, Fredericksburg, Richmond, Fishersville, Charlottesville, Woods Mill, Chesapeake, Petersburg, Franklin, Hampton, Newport News and Williamsburg, Va., under a continuing contract with Virginia Tractor Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Virginia Tractor Company, Inc., 1901 Westwood Ave., Richmond, Va. 23261. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 10–502 Federal Bldg., 400 North 8th St., Richmond, Va. 23240.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–28895 Filed 10–24–75;8:45 am]

MOTOR CARRIER TRANSFER PROCEEDINGS

[Notice No. 104]

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–76157. By application filed October 16, 1975, SOUTHERN ILLINOIS TRANSPORTATION CORPORATION, 101 W. Vienna St., Anna, IL 62906, seeks temporary authority to lease the operating rights of WOMICK TRANSFER, INC., No. 5 Industrial Park, Carbondale, IL 62901, under section 210a(b). The transfer to SOUTHERN ILLINOIS TRANSPORTATION CORPORATION, of the operating rights of WOMICK TRANSFER, INC., is presently pending.

By the Commission.

Dated: October 28, 1975.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–28892 Filed 10–24–75;8:45 am]

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federal register

TUESDAY, OCTOBER 28, 1975



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

HEALTH MAINTENANCE ORGANIZATIONS

Employees' Health Benefit Plans

V40208 OCT 28 75 XUM

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 110—HEALTH MAINTENANCE ORGANIZATIONS

Employees' Health Benefits Plans

On February 12, 1975, there was published in the FEDERAL REGISTER (40 FR 6602–6605) a notice of proposed rulemaking setting out procedures for employers and health maintenance organizations to follow when implementing the Employees' Health Benefits Plans provisions authorized by Title XIII of the Public Health Service Act (42 U.S.C. 300e *et seq.*), as added by the Health Maintenance Organization Act of 1973, Pub. L. 93–222. Interested persons were given until March 31, 1975, to submit written comments or suggestions thereon. One hundred and sixty-one comments were received on or before March 31, 1975, and ten comments were received thereafter. All comments were considered in revising the regulations.

Comments requesting greater specificity were incorporated in the regulations wherever appropriate. Suggested changes in requirements which are mandated by statute were rejected. In addition to response to public comment, changes intended to clarify obligations of employers were introduced, some materials were reorganized, one section was deleted, and two new sections were added.

In the preamble to the notice of proposed rulemaking, specific attention was called to a major legal and policy provision of the proposed rules which dealt with the nature of the employer's obligation to offer membership in qualified health maintenance organizations to employees of that employer who are represented by a collective bargaining representative designated in accordance with Section 9(a) of the National Labor Relations Act (NLRA). Several well-thought-out and logically presented arguments on that issue were received. After serious evaluation of public comments on this issue, and after further consultation with the National Labor Relations Board and the Department of Labor, the Department has concluded, consistent with the overwhelming majority of the comments, that the employer's obligation to offer the option of health maintenance organization (HMO) membership to its represented employees is satisfied if the offer is made to such bargaining representative in accordance with the requirements of the NLRA. In such a case, if the employer and the representative agree that an HMO option shall be included in the health benefits plan offered to the represented employees, the offer of such option would then be made to such employees. The various portions of the regulations that relate to individual employee decisions have been revised appropriately to reflect the impact of this policy decision as it relates to those employees represented by a bargaining representative.

The other relevant comments received, the responses thereto, and the changes, if any, in the proposed regulations are summarized below:

1. Several comments suggested an appeals mechanism regarding the qualification status of an HMO. A notice of proposed rulemaking on appeals is forthcoming.

2. A new term, "bargaining representative," was added as § 110.801(b), and that term is used throughout the regulations.

3. Many comments asked for clarification of the term "employer." Suggestions that the definition include Taft-Hartley trust funds were rejected as inconsistent with the statute. Suggestions that universities and health care providers be exempt also were rejected as inconsistent with the statute's reference to the Fair Labor Standards Act as a basis for establishing an employer's obligation under the "Employees' Health Benefits Plans" provisions.

4. Several comments asked for clarification of the terms "employee" and "eligible employee" and particularly questioned whether retirees were employees. Guidelines will elaborate upon the concept that eligibility for participation in a health benefits plan is established under existing procedures, unaffected by these regulations. Retirees are not employees since they are not employed by an employer.

5. Several comments asked for clarification of the liability of the employer who has authorized a person or entity (e.g., a broker or a trust fund) to act as his designee for the purpose of offering the option of HMO membership. In such a situation, the ultimate liability for not making the HMO offer remains with the employer.

6. Several comments requested the inclusion of a definition of service area and the concept of marketing area. In response, a definition, "service area," appears in § 110.801(f). Since the term "marketing area" does not appear in the regulations, it has not been defined therein; however, as the concept is valuable for planning purposes, the term will be elaborated upon in guidelines.

7. Section 110.801(k), regarding the group enrollment period, has been clarified to indicate that each eligible employee must be given the opportunity, at least annually, to select among the alternatives included in the health benefits plan.

8. Several comments were received regarding the offer of a health benefits plan where no employer financial contribution is made. Since the employer's obligation is measured by the amount of his financial contribution for health benefits (see § 110.807), the employer is not required to offer an HMO option in this instance.

9. In response to several comments noting the omission of any reference to the Railway Labor Act, reference is made to both the National Labor Relations Act and the Railway Labor Act where appropriate.

10. Several comments noted the confusion generated by the definition of "existing contract." Three new definitions replace this term: § 110.801(m) defines "employer-employee contracts," § 110.801(n) defines a "health benefits contract," and § 110.801(l) defines "collective bargaining agreement."

11. A number of comments asked for clarification of the "place of residence" provision (see § 110.802(a)(4)) when individuals in a family reside in different geographic areas, and for clarification of the status of dependents. Guidelines soon to be issued will address these issues and establish that these issues are to be resolved between the HMO, the employer, and the individual seeking residency determination.

12. Section 110.802(b) has been revised in response to the suggestions and rationale submitted by many commenters. With respect to a collective bargaining agreement, § 110.802(b) requires that the HMO request be received 90 days in advance of the expiration or renewal date of the collective bargaining agreement. The regulation now provides that if a collective bargaining agreement has provision for changing wages, hours, or conditions of employment during its term, it shall be treated as renewable, for purposes of this subpart, at the time so provided. Section 110.802(b) takes recognition of the additional time needed to prepare brochures, design enrollment and coverage change forms, arrange corresponding payroll deduction accounts and procedures, plan for a communication strategy, and allow for enrollment. Accordingly, this section now requires that the request for inclusion in the health benefits plan be received at least 180 days prior to the expiration or renewal date of an employer-employee contract or a health benefits contract. In cases where the health benefits available to an employee are governed by both a collective bargaining agreement and a health benefits contract, the HMO's request for inclusion must satisfy both the 90-day and 180-day requirements.

13. Several comments requested that § 110.802(b) require the HMO to provide additional information to the employer or its designee. The regulations now contain new requirements for: identification of the health professionals providing care; identification of ownership and management of the HMO; copies of current financial statements; and a statement of capacity to enroll new members and of whether there is any likelihood of future limitations on enrollment.

14. Section 110.803(e), which provides for an annual group enrollment period during which eligible employees could enroll in the alternative of their choice or transfer from one alternative to another without application of waiting periods or exclusions or limitations based on health status, was the subject of many comments. Although this requirement has been maintained in the final regulations, it has been clarified to indicate that only enrollment in a qualified HMO and transfer from a qualified HMO to another alternative within the health benefits plan are subject to such requirement, and a provision has been added to allow an opportunity for the HMO and the other carriers in the health benefits plan to coordinate benefits and coverage at the official time of transfer associated with the group enrollment period.

15. Many persons commented on the requirement for an affirmative written selection at the time the first HMO is offered as an alternative. The suggestion that it also apply to subsequent offerings was rejected as impractical. Also rejected were suggestions for deletion of this requirement as impossible to administer. The regulations do not require that the employer do more than make the option of membership, with an affirmative written selection requirement, available to employees. The consequence of an employee's failure to make any such selection is a matter between the employer and the employee.

16. A few comments noted the inequity in mandating the opportunity for a transfer from an HMO to an alternative plan if the HMO ceases operation, while not mandating such opportunity if the alternative plan ceases operation. The regulations now require the opportunity for transfer in both situations.

17. Several comments requested clarification on the use of the employer's premises for HMO solicitation. Subject to the minimal requirements of § 110.803(h), the extent to which the employer's facilities are to be used is a matter for negotiation between the HMO and the employer, as will be explained more fully in guidelines soon to be issued.

18. Several comments pointed out the need for employer approval of marketing materials consistent with requirements of the Employee Retirement Income Security Act of 1974 (Pub. L. 93–406). Other comments suggested that an employer be required to act upon an HMO's request for inclusion in a timely manner. The regulations incorporate both of these suggestions.

19. Many persons commented on proposed § 110.805, relating to the employer's contribution for HMO options included in a health benefits plan. Most respondents indicated confusion. The use of the term "no less favorable" in lieu of the statutory language "shall not be required to pay more" was criticized. The methods for determining subsequent year costs were cited as unworkable. Concern was expressed about a situation where the HMO's health benefits differ from the indemnity plan benefits. Proposed § 110.805 has been substantially rewritten and now, as § 110.807, clarifies that an employer shall not be required to pay more for health benefits as a result of offering the HMO alternative than it would otherwise be required to pay for health benefits by an existing collective bargaining agreement or other employer-employee contract. Section 110.807(b)(2) allows for exclusion of those portions of the employer's contribution allocable to benefits not offered by the HMO on a prepaid basis and for which eligible employees will continue to be covered notwithstanding their selection of membership in the HMO. Sections 110.807 (e) and (f) describe the basis for computation of the employer's contribution in the absence of a collective bargaining agreement or legally enforceable employer-employee contract fixing such contribution. Factors to be taken into consideration for calculating contributions made prospectively and retrospectively are listed in § 110.807(f).

20. Many comments urged the deletion of proposed § 110.806, which would have required that the employer offer the employee payroll deduction for collecting the employee's share of the HMO premium payments. Others suggested that the means of premium payment be left to collective bargaining or to the employer and the HMO. Proposed § 110.806 was deleted, and the revised regulations are silent on this issue, as it was felt that such matters should be left to collective bargaining and to negotiation between the employer and the HMO.

There is hereby established in 42 CFR Part 110, Subpart H, "Employees' Health Benefits Plans," as follows:

Effective date. This subpart becomes effective on November 28, 1975.

Dated: September 29, 1975.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: October 20, 1975.

DAVID MATHEWS,
Secretary.

Subpart H—Employees' Health Benefits Plans

Sec.
110.801 Definitions.
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110.807 Employer contributions for health maintenance organization alternative.
110.808 Relationship of section 1310(a) of the Public Health Service Act to the National Labor Relations Act as amended and the Railway Labor Act, as amended.

AUTHORITY: Sec. 215, 58 Stat. 690, (42 U.S.C. 216); sec. 1301–1315, 87 Stat. 914–933 (42 U.S.C. 300e-300e–14).

Subpart H—Employees' Health Benefits Plans

§ 110.801 Definitions.

In addition to the terms defined in § 110.101 and § 110.602 of this Part, as used in this subpart:

(a) "Employer" shall have the same meaning as that given such term in Section 3(d) of the Fair Labor Standards Act of 1938, as amended, (29 U.S.C. 203).

(b) "Bargaining representative" means a representative designated or selected for the purposes of collective bargaining under the National Labor Relations Act, as amended, (29 U.S.C. 151 *et seq.*) or under the Railway Labor Act, as amended, (45 U.S.C. 151 *et seq.*).

(c) "Employee" means any individual employed by an employer, whether on a full- or part-time basis.

(d) "Eligible employee" means an employee who meets the terms and conditions established by an employer or its designee to participate in a health benefits plan.

(e) "Designee" means any person or entity authorized to act on behalf of an employer or group of employers to offer the option of membership in a qualified health maintenance organization to the employer's eligible employees.

(f) "Service area" means the particular geographic area described by the health maintenance organization as its service area as part of its application for a determination that it is a qualified health maintenance organization (see § 110.604(b)(1)(xix) of this part), or such other area defined by the health maintenance organization and found by the Secretary to be the area within which basic and supplemental health services are available and accessible to members as required by section 1301(b)(4) of the Act and § 110.107 of this part.

(g) "Health benefits" means health benefits and services.

(h) "Health benefits plan" means any arangement for the provision of, or payment for, any of the basic and supplemental health benefits described in § 110.101(b) and (c) of this part offered to eligible employees, or to such employees and their eligible dependents, by or on behalf of an employer.

(i) "Qualified health maintenance organization" means an entity which has been found by the Secretary to meet the requirements of Title XIII of the Act and the applicable regulations of this part.

(j) "To offer a health benefits plan" means to make participation in a health benefits plan available to eligible employees, or to such employees and their eligible dependents, whether the financial contribution by the employer on behalf of such employees is made directly or indirectly (e.g., through payments on any basis into a health and welfare trust fund).

(k) "Group enrollment period" means the period of at least 10 working days each calendar year during which each eligible employee is given the opportunity to select among the alternatives included in a health benefits plan.

(l) "Collective bargaining agreement" means an agreement entered into between an employer and the bargaining representative of its employees, and includes such agreements entered into on behalf of groups of employers with the bargaining representative of their employees in accordance with the provisions of the National Labor Relations Act, as amended, (29 U.S.C. 151 *et seq.*) or the Railway Labor Act, as amended, (45 U.S.C. 151 *et seq.*).

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(m) "Employer-employee contract" means a legally enforceable agreement (other than a collective bargaining agreement) between an employer and its employees for the provision of, or payment for, health benefits for its employees, or for such employees and their eligible dependents.

(n) "Health benefits contract" means a contract or other agreement between an employer, or its designee, and a carrier for the provision of, or payment for, health benefits to eligible employees or to such eligible employees and their eligible dependents.

(o) "Carrier" means a voluntary association, corporation, partnership, or other non-governmental organization which is engaged in providing, paying for, or reimbursing all or part of the cost of health benefits under group insurance policies or contracts, medical or hospital service agreements, membership or subscription contracts, or similar group arrangements, in consideration of premiums or other periodic charges payable to the carrier.

§ 110.802 Applicability.

(a) The regulations of this subpart apply in each calendar year to each employer which:

(1) Was required during any calendar quarter of the previous calendar year to pay its employees the minimum wage specified by Section 6 of the Fair Labor Standards Act of 1938 (or would have been required to pay its employees such wage but for section 13(a) of such Act);

(2) During such calendar quarter employed an average number of not less than 25 employees;

(3) Offers, or on whose behalf there is offered, in the calendar year beginning after such calendar quarter a health benefits plan to its eligible employees; and

(4) Has received a written request for inclusion in the employer's health benefits plan from one or more qualified health maintenance organizations which operates in an area in which any eligible employee resides.

(b) For an offer to be effective under paragraph (a)(4) of this section, the request for inclusion in the health benefits plan shall be received by the employer at least 180 days before the expiration or renewal date of a health benefits contract or employer-employee contract and at least 90 days before the expiration date of a collective bargaining agreement, unless otherwise agreed to by the health maintenance organization and the employer or its designee. For employers with a collective bargaining agreement that is automatically renewable and without fixed term, or is for a fixed term but has provisions for periodically changing the wages, hours, or conditions of employment, such agreement shall be treated as renewable, for purposes of this subpart, on the anniversary date of the collective bargaining agreement if it has no fixed term, or at such other times not less than annually, as may be provided by such agreement for discussion of changes in its provision, whichever is earlier. Additionally, the request for inclusion in the health benefits plan shall:

(1) Be in writing and directed specifically to a managing employer official at the employer site being solicited or to the employer's designee;

(2) Provide evidence that the health maintenance organization has been determined to be qualified by the Secretary under subpart F of this part;

(3) Indicate whether the services of health professionals which are provided as basic health services are provided through health professionals who are members of (i) the staff of the organization or a medical group (or groups), or (ii) an individual practice association (or associations);

(4) Provide a current financial report;

(5) Describe the health maintenance organization's service area or the proposed service area, and give the dates basic and supplemental health services will be provided in such area or areas;

(6) Describe the location of facilities where, and give the dates and hours of operation when, health services are provided or will be provided at such facilities;

(7) Provide proposed contracts between the health maintenance organization and the employer, or its designee;

(8) Include sample copies of marketing brochures and membership literature;

(9) Identify the staff and ownership of the health maintenance organization and the physicians who will provide health services for the organization;

(10) State the payment for basic and supplemental health services to be required for various categories of memberships; and

(11) State the health maintenance organization's capacity to enroll new members and the likelihood of any future limitations on such enrollment.

§ 110.803 Offer of health maintenance organization alternative to employees.

(a) An employer subject to § 110.802 shall, at the time a health benefits plan is offered to its eligible employees or to such employees and their eligible dependents, include in such plan the option of membership in qualified health maintenance organizations in accordance with the provisions of this section.

(b) If more than one qualified health maintenance organization which provides services in an area in which eligible employees of such employer reside have requested inclusion in the health benefits plan as provided by § 110.802, and

(1) One or more of such organizations provides basic health services through professionals who are members of the staff of the organization or of a medical group (or groups); and

(2) One or more of such organizations provides such services through an individual practice association (or associations), then, of the qualified health maintenance organizations included in a health benefits plan of such employer pursuant to this section, at least one shall be an organization which provides basic health services as described in paragraph (b)(1) of this section and at least one shall be an organization which provides basic health services as described in paragraph (b)(2) of this section.

(c) An employer subject to this subpart shall offer the option of membership in additional qualified health maintenance organizations to its eligible employees, described in paragraphs (c)(1) and (2) of this paragraph, if such additional qualified health maintenance organizations demonstrate that their service areas include the place of residence of eligible employees:

(1) Who do not reside in the service area of qualified health maintenance organizations already included in the employer's health benefits plans; or

(2) To whom membership in qualified health maintenance organizations already included in the health benefits plan is not available because such organizations have closed their enrollment of additional eligible employees of such employer.

(d) An employer subject to this subpart is not required to include in the health benefits plan offered to eligible employees the option of membership in the specific qualified health maintenance organization which initiated the request for inclusion in the health benefits plan: *Provided*, That the employer or its designee selects, in a manner consistent with this section, one or more other qualified health maintenance organizations that may not have made a request within the time limit of § 110.802(a)(4) but are willing to be included: *Provided further*, That such latter health maintenance organizations are of the same type (i.e., the type described in paragraph (b)(1) of this section or the type described in paragraph (b)(2) of this section) and serve, or will serve at a minimum, the same area (in which the employer's employees reside) individually or collectively as the health maintenance organization which submitted the timely request.

(e) An employer or its designee including the option of membership in a qualified health maintenance organization pursuant to this subpart as part of the health benefits plan offered to its eligible employees shall provide for a group enrollment period during which eligible employees may enroll in any qualified health maintenance organization or may transfer from a qualified health maintenance organization to any other alternative without application of waiting periods or exclusions or limitations based on health status as conditions of enrollment or transfer. Nothing in this subpart shall preclude the uniform application of coordination of benefit arrangements between the health maintenance organizations and the other carriers which are included in the health benefits plan at the official transfer time of the group enrollment period.

(f) During the group enrollment period in which the alternative of membership in a qualified health maintenance organization is offered to a group of employees for the first time, the health benefits plan alternative shall be presented to each eligible employee with the requirement that an affirmative written selection be made among the different alternatives included in the health benefits plan. In subsequent group enrollment periods, a selection among such alternatives shall be made available; however, such written selection is required only when the eligible employee elects to change from one alternative to another.

(g) In addition to the group enrollment period, the opportunity to select among different alternatives within a health benefits plan shall be made available to new employees, employees who have been transferred or otherwise changed their place of residence resulting in eligibility for membership in a qualified health maintenance organization for which they were not previously eligible by place of residence, or eligible employees covered by any alternative which ceases operation. At the time such employees are eligible to participate in the health benefits plan, such opportunity shall be made available without waiting periods or any exclusions or limitations based on health status as conditions of enrollment or transfer, and shall be presented to such employees with the requirement that they make an affirmative written selection among the different alternatives included in the health benefits plan.

(h) The employer shall provide each qualified health maintenance organization which is included in its health benefits plan with fair and reasonable access, not less than 30 days prior to and during group enrollment periods, to employees referred to in § 110.805, for purposes of presenting and explaining its program in accordance with § 110.108(c) of this part. This access shall include, at a minimum, the opportunity for distribution of educational literature, brochures, announcements of meetings, and other relevant printed materials meeting the requirements of § 110.108(c) to each such employee. The employer or its designee shall be given the opportunity to review, revise, and approve such materials before distribution. Revisions shall be limited to correcting factual errors, misleading or ambiguous statements, unless otherwise agreed to by the health maintenance organization and the employer or its designee, or as may be required by law. The employer or its designee shall complete promptly any such revisions in the offering material so as not to delay or otherwise interfere with the group enrollment period. In no event shall the access to eligible employees provided to such qualified health maintenance organizations be more restrictive or less favorable than that provided other offerers of alternatives included in the health benefits plan, whether or not the representatives of the other alternatives elect to avail themselves of such access.

§ 110.804 Timing of the health maintenance organization alternative offer to employees.

The employer or its designee shall offer eligible employees the option of membership in a qualified health maintenance organization at the earliest date permitted under the terms of the existing contracts. Should such health maintenance organization's request for inclusion in a health benefits plan be received at a time when the existing collective bargaining agreement, employer-employee contracts, or contract for health benefits does not provide for including a qualified health maintenance organization in the health benefits plan, the inclusion of the health maintenance organization in the health benefits plan shall occur at the time that new contracts are offered or a new contract negotiated and shall be consistent with the following paragraphs:

(a) If an existing collective bargaining agreement is in force at the time the request for inclusion in the health benefits plan is made by the health maintenance organization to the employer or its designee, the request shall be raised in the collective bargaining process when a new contract is negotiated or if such agreement is automatically renewable, on its anniversary date or at such other times as may be provided by such agreement for discussion of changes in its provisions, or in accordance with a specific process to review health maintenance organization offers.

(b) In the absence of a collective bargaining agreement, if there is an existing employer-employee contract, health benefits contract or any other arrangement which provides for a health benefits plan, such option shall be included in any health benefits plan offered to eligible employees when the existing contract is renewed, or when a new health benefits contract or other arrangement is negotiated. If an employer-employee contract or health benefits contract has no fixed term or has a term in excess of one year, such contract shall be treated as renewable on the earliest annual anniversary date of the contract. If the employer is self-insured, the budget year shall be treated as the term of the existing contract.

(c) For employers with multiple contracts or other arrangements included as part of the health benefits plan which may have different expiration or renewal dates, the offer shall be included for each contract or arrangement at the time such contract or arrangement is renewed or reissued or the benefits provided under such contract or arrangement are offered to employees.

§ 110.805 Employees to whom the health maintenance organization alternative must be offered.

Each employer subject to this subpart, or its designee, shall offer the option of membership in a qualified health maintenance organization to each eligible employee, or to such employees and their eligible dependents, who reside within the service area of the qualified health maintenance organization being offered.

(a) For those employees of an employer represented by a bargaining representative, the offer of the health maintenance organization alternative is subject to the collective bargaining process.

(b) For those employees not represented by a bargaining representative, the offer of the health maintenance organization alternative shall be made directly to such employees in accordance with this subpart.

§ 110.806 Copayment levels and supplemental health services determination.

Each eligible employee's election of a copayment level and of supplemental health services to be contracted for is to be made as follows:

(a) For those employees of an employer represented by a bargaining representative, the selection of supplemental health services and copayment levels is subject to the collective bargaining process.

(b) For those employees not represented by a bargaining representative, the selection of copayment levels and supplemental health services to be offered to eligible employees shall be made through the decision-making process that exists with respect to the existing health benefits plan.

§ 110.807 Employer contributions for health maintenance organization alternative.

(a) The health maintenance organization alternative shall be included in the health benefits plan on terms no less favorable, in regard to an employer's monetary contribution or designee's cost for health benefits, than those on which the other alternatives in the health benefits plan are included: *Provided*, That the employer shall not be required to pay more for health benefits as a result of offering the option of membership in qualified health maintenance organizations than such employer would otherwise be required to pay for health benefits by a collective bargaining agreement or other employer-employee contract in effect at the time that the health maintenance organization is included in the health benefits plans.

(b) The amount of the employer's or designee's contribution shall be determined in a manner consistent with this section.

(1) Administrative expenses of the employer, or its designee, incurred in connection with offering any alternative in the health benefits plan shall not be considered in determining the amount of the employer's contribution to the health maintenance organization.

(2) The amount of the employer's contribution or designee's costs may exclude such portions of the contribution allocable to benefits (e.g., life insurance or insurance for supplemental health benefits) for which eligible employees or such employees and their eligible dependents will continue to be covered notwithstanding selection of membership in the health

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maintenance organization, and which benefits are not offered on a prepaid basis by the health maintenance organization to such employer's employees.

(c) Where the specific amount of the employer's contribution for health benefits is fixed by a collective bargaining agreement, by an employer-employee contract, or by law, the amount so determined shall constitute the employer's obligation for contribution toward the health maintenance organization dues or premiums on behalf of eligible employees or such employees and their eligible dependents.

(d) Where the employer's contribution for health benefits is determined by a collective bargaining agreement, but the amount so fixed includes contribution for benefits in addition to health benefits, the employer shall determine, or shall instruct its designee to determine, the portion of such employer's contribution applicable to health benefits in accordance with this section.

(e) In the absence of a collective bargaining agreement or employer-employee contract specifying contribution for health benefits, the employer's contribution to the health maintenance organization on behalf of eligible employees or such employees and their eligible dependents, unless otherwise agreed to by the health maintenance organization and the employer or its designee, shall be based upon the total costs of such health benefits offered to the employees for the most recent period for which experience is available, reduced by such amounts identified in accordance with paragraph (b) (2) of this section. Such cost determination shall be consistent with paragraphs (a) and (f) of this section.

(f) For purposes of this section, an employer's contribution or its designee's cost for the alternatives within the health benefits plan other than the qualified health maintenance organization option shall be determined in the following manner, unless otherwise agreed to by the health maintenance organization and the employer or its designee:

(1) If the employer's contribution or its designee's cost for health benefits with respect to the non-health maintenance organization alternative is determined solely on the basis of a fixed prospective amount (not subject to retrospective adjustment), contributed by the employer or paid by the designee, then the prospective payment made by or on behalf of the employer to the non-health maintenance organization alternative for the provision of health benefits to eligible employees or to such employees and their eligible dependents under such alternatives shall be used as the basis for determining the employer's obligation for contribution toward the health maintenance organization dues or premiums.

(2) If the employer's contribution or its designee's cost for health benefits with respect to the non-health maintenance organization alternative is determined by a contract with a carrier on any form of retrospective experience rating basis, any billing contract arrangement, any plan of self insurance, any direct service plan provided by the employer or its designee, or any other form of health benefits plan wherein the actual cost to the employer or its designee is determined retrospectively, an estimated cost shall be used to determine the obligation for contribution toward the health maintenance organization's dues or premiums. Such estimated cost shall be determined by the employer or its designee based on consideration of the following factors:

(i) The employer's or designee's cost experience for non-health maintenance organization alternative with respect to the most recent benefit period for which such experience is available at the time when the employer's prospective contribution or designee's obligation to the health maintenance organization is to be determined;

(ii) A reasonable allowance for inflation based on historical cost trends and anticipated future cost increases;

(iii) Where applicable and consistently applied, cost differences experienced in the provision of health benefits for separate regional or local areas of employment;

(iv) Anticipated changes in the composition and experience of the covered population actually being served by the non-health maintenance organization alternative attributable to the shift of enrollment to the health maintenance organization;

(v) Any changes in health benefits to be provided by non-health maintenance alternatives during the period for which the estimated contribution is to be determined; and

(vi) Any other anticipated material change in the experience rating basis under any health benefits contract for the benefit period.

(g) An employer or its designee shall retain for at least three years the data used to compute its level of contribution to the alternatives included in the health benefits plan. Such data may be reviewed by the Secretary either on his own initiative or in response to a request which sets forth reasonable grounds supporting such a request, to determine whether the level of contributions determined by the employer complies with this subpart.

§ 110.808 Relationship of section 1310 (a) of the Public Health Service Act to the National Labor Relations Act as amended and the Railway Labor Act, as amended.

The obligation of an employer subject to this subpart to include the option of membership in a qualified health maintenance organization in any health benefits plan offered to its eligible employees shall be carried out consistently with the obligations imposed on such employer under the National Labor Relations Act and the Railway Labor Act.

[FR Doc.75-28696 Filed 10-24-75;8:45 am]

federal register

TUESDAY, OCTOBER 28, 1975



PART III:

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

ADVISORY CIRCULAR CHECKLIST AND STATUS OF FAA REGULATIONS

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC 00-2FF—Effective September 15, 1975]

ADVISORY CIRCULAR CHECKLIST AND STATUS OF FEDERAL AVIATION REGULATIONS

1. *Purpose.* This notice contains the revised checklist of current FAA advisory circulars and the status of Federal Aviation Regulations as of September 15, 1975.

2. *Explanation.* The FAA issues advisory circulars to inform the aviation public in a systematic way of nonregulatory material of interest. Unless incorporated into a regulation by reference, the contents of an advisory circular are not binding on the public. Advisory circulars are issued in a numbered-subject system corresponding to the subject areas of the Federal Aviation Regulations (14 CFR Ch. I). This checklist is issued triannually to list all current advisory circulars and also includes a checklist showing the status of the Federal Aviation Regulations.

3. *The Circular Numbering System.*

a. *General.* The advisory circular numbers relate to the FAR subchapter titles and correspond to the Parts, and when appropriate, to the specific sections of the Federal Aviation Regulations. Circulars of a general nature bear a number corresponding to the number of the general subject (subchapter) in the FAR's. A general subject number is used *only* when a circular covers more than one Part.

b. *Subject numbers.* The general subject matter areas and related numbers are as follows:

Subject Number	*and Subject Matter*
00	General.
10	Procedural.
20	Aircraft.
60	Airmen.
70	Airspace.
90	Air Traffic Control and General Operations.
120	Air Carrier and Commercial Operators and Helicopters.
140	Schools and Other Certified Agencies.
150	Airports.
170	Air Navigational Facilities.
180	Administrative.
210	Flight Information.

c. *Breakdown of subject numbers.* When the volume of circulars in a general series warrants a subsubject breakdown, the general number is followed by a slash and a subsubject number. Material in the 150 series, Airports, is issued under the following subsubjects:

Number	*and Subject*
150/1900	Defense Readiness Program.
150/4000	Resource Management.
150/5000	Airport Planning.
150/5100	Federal-aid Airport Program.
150/5150	Surplus Airport Property Conveyance Programs.
150/5190	Airport Compliance Program.
150/5200	Airport Safety—General.
150/5210	Airport Safety Operations (Recommended Training, Standards, Manning).
150/5220	Airport Safety Equipment and Facilities.
150/5230	Airport Ground Safety System.
150/5240	Civil Airports Emergency Preparedness.
150/5300	Design, Construction, and Maintenance—General.
150/5320	Airport Design.
150/5325	Influence of Aircraft Performance on Aircraft Design.
150/5335	Runway, Taxiway, and Apron Characteristics.
150/5340	Airport Visual Aids.
150/5345	Airport Lighting Equipment.
150/5360	Airport Buildings.
150/5370	Airport Construction.
150/5380	Airport Maintenance.
150/5390	Heliports.
150/5900	Planning Grant for Airports.

d. *Individual circular identification numbers.* Each circular has a subject number followed by a dash and a sequential number identifying the individual circular. This sequential number is not used again in the same subject series. Revised circulars have a letter A, B, C, etc., after the sequential number to show complete revisions. Changes to circulars have CH 1, CH 2, CH 3, etc., after the identification number on pages that have been changed. The date on a revised page is changed to the effective date of the change.

4. *The Advisory Circular Checklist.*

a. *General.* Each circular issued is listed numerically within its subject-number breakdown. The identification number (AC 120-1), the change number of the latest change, if any, to the right of the identification number, the title, and the effective date for each circular are shown. A brief explanation of the contents is given for each listing.

b. *Omitted numbers.* In some series, sequential numbers are missing. These numbers were assigned to advisory circulars still in preparation which will be issued later or were assigned to advisory circulars that have been canceled.

c. *Free and sales circulars.* This checklist contains advisory circulars that are for sale as well as those distributed free of charge by the Federal Aviation Administration. A list of circulars sold by the Superintendent of Documents is shown at the end of the numerical list of AC's. Please use care when ordering circulars to ensure that they are ordered from the proper source.

d. *Internal directives for sale.* A list of certain internal directives sold by the Superintendent of Documents is shown at the end of the checklist. These documents are not identified by advisory circular numbers, but have their own directive numbers.

5. *How to get circulars.*

a. When a price is listed after the description of a circular, it means that this circular is for sale by the Superintendent of Documents. When (Sub.) is included with the price, the advisory circular is available on a subscription basis only. After your subscription has been entered by the Superintendent of Documents, supplements or changes to the basic document will be provided automatically at no additional charge until the subscription expires. When no price is given, the circular is distributed free of charge by FAA.

b. Request free advisory circulars shown without an indicated price from:

U.S. Department of Transportation, Publications Section TAD 443.1, Washington, D.C. 20590.

c. Persons who want to be placed on FAA's mailing list for future circulars should write to:

U.S. Department of Transportation, Distribution Unit, TAD 482.3, Washington, D.C. 20590.

NOTE: Be sure to identify the subject matter numbers and titles shown in paragraph 3b because separate mailing lists are maintained for each advisory circular subject series. Checklists and circulars issued in the General series will be distributed to every addressee on each of the subject series lists. Persons requesting more than one subject classification may receive more than one copy of related circulars and this checklist because they will be included on more than one mailing list. Persons already on the distribution list for AC's will automatically receive related circulars.

d. Order advisory circulars and internal directives with purchase price given from:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402;

or from any of the following bookstores located throughout the United States:

GPO Bookstore, Room 102A, 2121 Building, 2121 Eighth Avenue North, Birmingham, AL 35203.

GPO Bookstore, Federal Building, Room 1015, 300 North Los Angeles Street, Los Angeles, CA 90012.

GPO Bookstore, Federal Building, Room 1023, 450 Golden Gate Avenue, San Francisco, CA 94102.

GPO Bookstore, Federal Building, U.S. Courthouse, Room 1421, 1961 Stout Street, Denver, CO 80202.

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6. *Reproduction of Advisory Circulars.* Advisory circulars may be reproduced in their entirety or in part without permission from the Federal Aviation Administration.

7. *Cancellations.* The following advisory circulars are canceled:

AC 00-2EE Advisory Circular Checklist, 5-15-75. Canceled by AC 00-2FF Advisory Circular Checklist, 9-15-75.

AC 00-23D Near Midair Collision Reporting, 5-19-75. Canceled.

AC 20-6W U.S. Civil Aircraft Register, June 1974. Canceled by AC 20-6X U.S. Civil Aircraft Register, January 1975.

AC 20-7L General Aviation Inspection Aids, August 1974. Canceled by AC 20-7M General Aviation Inspection Aids, August 1975.

AC 20-33A Technical Information Regarding Civil Aeronautic Manuals 1, 3, 4a, 4b, 5, 6, 7, 9, 13, and 14, 3-7-75. Canceled by AC 20-33B Technical Information Regarding Civil Aeronautics Manuals 1, 3, 4a, 4b, 5, 6, 7, 8, 9, 13, and 14, 5-1-75.

AC 36-1 Airplane Noise Levels, 5-13-73. Canceled by AC 36-1A Certified Airplane Noise Levels, 7-21-75.

AC 61-12F Student Pilot Guide, 1-25-74. Canceled by AC 61-12G Student Pilot Guide, 4-24-75.

AC 65-5 Parachute Rigger Certification Guide, 6-19-67. Canceled by AC 65-5A Parachute Rigger—Senior/Master—Certification Guide, 12-20-74.

AC 90-47 Abbreviated Instrument Flight Rules Departure Clearance, 3-18-70. Canceled.

AC 140-2I List of Certificated Pilot Flight and Ground Schools, 7-12-74. Canceled by AC 140-2J List of Certificated Pilot Schools, 6-27-75.

AC 150/5300-4A Utility Airports—Air Access to National Transportation, 5-6-69. Canceled by AC 150/5300-4B Utility Airports—Air Access to National Transportation, 6-24-75.

AC 150/5320-9 Use of a Friction Measuring Device in Engineering and Maintenance of Airport Pavement Surfaces, 9-19-72. Canceled by AC 150/5320-12 Methods for Design, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces, 6-30-75.

AC 150/5325-5A Aircraft Data, 1-12-68. Canceled by AC 150/5325-5B Aircraft Data, 7-30-75.

AC 150/5330-2A Runway/Taxiway Widths and Clearances for Airline Airports, 7-26-68. Canceled by AC 150/5335-4 Airport Design Standards—Airports Served by Air Carriers—Runway Geometrics, 7-21-75.

AC 150/5330-3 Wind Effect on Runway Orientation, 5-5-66. Canceled by AC 150/5335-4 Airport Design Standards—Airports Served by Air Carriers—Runway Geometrics.

AC 150/5340-4B Installation Details for Runway Centerline and Touchdown Zone Lighting Systems, 5-6-69. Canceled by AC 150/5340-4C Installation Details for Runway Centerline and Touchdown Zone Lighting Systems, 5-6-75.

AC 150/5340-9 Prefabricated Metal Housing for Electrical Equipment, 8-18-64. Canceled.

AC 150/5345-9C Specification for L-819 Fixed Focus Bidirectional High Intensity Runway Lights, 12-23-69. Canceled by AC 150/5345-48 Specification for Runway and Taxiway Edge Lights, 8-1-75.

AC 150/5345-15 Specification for L-842 Airport Centerline Light, 1-6-64. Canceled by AC 150/5345-46 Specification for Semiflush Airport Lights, 7-11-75.

AC 150/5345-16 Specification for L-843 Airport In-Runway Touchdown Zone Light, 1-20-64. Canceled by AC 150/5345-46 Specification for Semiflush Airport Lights, 7-11-75.

AC 150/5345-17 Specification for L-845 Semiflush Inset Prismatic Airport Light, 3-3-64. Canceled by AC 150/5345-46 Specification for Semiflush Airport Light, 7-11-75.

AC 150/5345-19 Specification for L-838 Semiflush Prismatic Airport Light, 5-11-64. Canceled by AC 150/5345-46 Specification for Semiflush Airport Lights, 7-11-75.

AC 150/5345-20 Specification for L-802 Runway and Strip Light, 6-24-64. Canceled by AC 150/5345-48 Specification for Runway and Taxiway Edge Lights, 8-1-75.

AC 150/5345-22 Specification for L-834 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit, 10-8-64. Canceled by AC 150/5345-47 Isolation Transformers for Airport Lighting Systems, 7-28-75.

AC 150/5345-23 Specification for L-822 Taxiway Edge Light, 10-13-64. Canceled by AC 150/5345-48 Specification for Runway and Taxiway Edge Lights, 9-1-75.

AC 150/5345-29A FAA Specification L-852, Light Assembly, Airport Taxiway Centerline, 4-28-71. Canceled by AC 150/5345-46 Specification for Semiflush Airport Lights, 7-11-75.

AC 150/5345-31A Specification for L-833 Individual Lamp Series-to-Series Type Insulating Transformer for 600-Volt or 5,000-Volt Series Circuits, 4-24-70. Canceled by AC 150/5345-47 Isolation Transformers for Airport Lighting Systems, 7-28-75.

AC 150/5345-33 Specifications for L-844 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit 6.6/20 Amperes 200 Watt, 1-13-65. Canceled by AC 150/5345-47 Isolation Transformers for Airport Lighting Systems, 7-28-75.

AC 150/5345-34 Specification for L-839 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit 6.6/20 Amperes 300 Watt, 1-13-65. Canceled by AC 150/5345-47 Isolation Transformers for Airport Lighting Systems, 7-28-75.

AC 150/5345-37C FAA Specification L-850, Light Assembly Airport Runway Centerline and Touchdown Zone, 6-27-72. Canceled by AC 150/5345-46 Specification for Semiflush Airport Lights, 7-11-75.

AC 150/5345-38 Changes to Airport Lighting Equipment, 3-23-67. Canceled.

AC 150/5345-41 Specification for L-855, Individual Lamp, Series-to-Series Type Insulating Transformers for 5,000 Volt Series Circuit, 6.6/6.6 Amperes, 65 Watts, 4-24-70. Canceled by AC 150/5345-47 Isolation Transformers for Airport Lighting Systems, 7-28-75.

AC 150/5360-1 Airport Service Equipment Buildings, 4-6-64. Canceled.

AC 150/5370-2 Safety on Airports During Construction Activity, 4-22-64. Canceled by AC 150/5370-2A Operational Safety on Airports with Emphasis on Safety During Construction, 6-20-75.

AC 150/5370-8 Grooving of Runway Pavements, 3-16-71. Canceled by AC 150/5320-12 Methods for the Design, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces, 6-30-75.

AC 150/5380-1 Airport Maintenance, 4-14-63. Canceled by AC 150/5320-12 Methods for the Design, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces, 6-30-75.

AC 150/5380-3A Removal of Contaminants from Pavement Surfaces, 10-27-70. Canceled by AC 150/5320-12 Methods for the Design, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces, 6-30-75.

AC 183.29-1G Designated Engineering Representatives, 7-1-74. Canceled by AC 183.29-1H Designated Engineering Representatives, 7-1-75.

8. *Additions.* The following advisory circulars are added to the list.

AC 00-2FF Advisory Circular Checklist, 9-15-75.

AC 00-45 Aviation Weather Services, 2-26-75.

AC 20-6X U.S. Civil Aircraft Register, January 1975.

AC 20-7M General Aviation Inspection Aids, August 1975.

AC 20-33B Technical Information Regarding Civil Aeronautics Manuals 1, 3, 4a, 4b, 5, 6, 7, 8, 9, 13, and 14, 5-1-75.

AC 21-14 The Role of Simulation in the Aircraft Certification Process, 6-12-75.

AC 36-1A Certificated Airplane Noise Levels, 7-21-75.

AC 43.13-1A CHG 1 Acceptable Methods, Techniques, and Practices—Aircraft Inspection and Repair, 5-19-75.

AC 61-12G Student Pilot Guide, 4-24-75.

AC 65-5A Parachute Rigger—Senior/Master—Certification Guide, 12-20-74.

AC 90-67 Light Signals from the Control Tower for Ground Vehicles, Equipment, and Personnel, 8-15-75.

AC 91-42 Hazards of Rotating Propellers, 6-17-75.

AC 91-43 Unreliable Airspeed Indications, 6-26-75.

AC 121-18 Aviation Security—Carriage of Weapons and Escorted Persons, 7-15-75.

AC 140-2J List of Certificated Pilot Schools, 6-27-75.

AC 150/5300-4B Utility Airports—Air Access to National Transportation, 6-24-75.

AC 150/5300-10 Federal Aviation Administration Funded Study—Analysis of General Aviation Airports Developed With and Without Federal Financial Assistance, 7-21-75.

AC 150/5320-12 Methods for the Design, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces, 6-30-75.

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AC 150/5325-4 CHG 9 Runway Length Requirements for Runway Design, 8–15–75.
AC 150/5325-5B Aircraft Data, 7–30–75.
AC 150/5335-4 Airport Design Standards—Airports Served by Air Carriers—Runway Geometrics, 7–21–75.
AC 150/5340-4C Installation Details for Runway Centerline and Touchdown Zone Lighting Systems, 5–6–75.
AC 150/5345-46 Specification for Semiflush Airport Lights, 7–11–75.
AC 150/5345-47 Isolation Transformers for Airport Lighting Systems, 7–28–75.
AC 150/5345-48 Specification for Runway and Taxiway Edge Lights, 8–1–75.
AC 150/5370-2A Operational Safety on Airports with Emphasis on Safety During Construction, 6–20–75.
AC 183.29–1H Designated Engineering Representatives, 7–1–75.

ADVISORY CIRCULAR CHECKLIST

Notice

Superintendent of Documents catalogue numbers have been included to aid Superintendent of Documents personnel in processing orders. Please use them when ordering—along with the title and FAA number. To avoid unnecessary delays, do not order single-sales material and subscription-sales material on the same order form, as orders are separated for processing by different departments when they arrive at Superintendent of Documents. Be sure your name and address appears on each list.

NOTICE

Prices shown are those in effect as of September 15, 1975. Prices are subject to change without notice and the prices that will be charged on your order will be those in effect as of the date your order is processed.

General

SUBJECT No. 00

00–1 The Advisory Circular System (12–4–62).

Describes the FAA Advisory Circular System.

00–2FF Advisory Circular Checklist (9–15–75).

Transmits the revised checklist of current FAA advisory circulars and the status of the Federal Aviation Regulations as of 9–15–75.

00–6 Aviation Weather (5–20–65).

Provides an up-to-date and expanded text for pilots and other flight operations personnel whose interest in meteorology is primarily in its application to flying. Reprinted 1969. ($4 GPO.) FAA 5.8/2: W 37.

00–7A State and Regional Disaster Airlift (SARDA) Planning (6–3–74).

Provides guidance for the development and implementation of State and Regional Disaster Airlift plans governing the use of general aviation aircraft during national emergencies and natural disasters.

00–17 Turbulence in Clear Air (12–16–65).

Provides information on atmospheric turbulence and wind shear, emphasizing important points pertaining to the common causes of turbulence, the hazards associated with it, and the conditions under which it is most likely to be encountered.

00–21 Shoulder Harness (10–5–66).

Provides information concerning the installation and use of shoulder harnesses by pilots in general aviation aircraft.

00–24 Thunderstorms (6–12–68).

Contains information concerning flights in or near thunderstorms.

00–25 Forming and Operating a Flying Club (3–24–69).

Provides preliminary information that will assist anyone or any group of people interested in forming and operating a flying club ($0.75 GPO.) TD 4.8:F 67.

00–26 Definitions of "U.S. National Aviation Standards" (1–22–69).

Informs the aviation community of the approval by the FAA Administrator of a definition of U.S. National Aviation Standards, the need for such standards, and their relationship to the Federal Aviation Regulations.

00–28 Communications Interference Caused by Sticking Microphone Buttons (8–6–69).

Alerts the industry of communications interference from undesired radiofrequency transmissions.

00–30 Rules of Thumb for Avoiding or Minimizing Encounters with Clear Air Turbulence (3–5–70).

Brings to the attention of pilots and other interested personnel, the "Rule of Thumb" for avoiding or minimizing encounters with clear air turbulence (CAT).

00–31 U.S. National Aviation Standard for the VORTAC System (6–10–70).

Informs the aviation community of the establishment and content of the U.S. National Aviation Standard for the VORTAC (VOR–TACAN–DME) System.

00–32 Civil Air Patrol and State and Regional Defense Airlift Relationships (7–2–70).

Advises interested persons of the Memorandum of Understanding between CAP and FAA, and provides additional guidance to further improve the use of non-air carrier aircraft in time of national emergency.

00–33A Nickel-Cadmium Battery Operational, Maintenance, and Overhaul Practices (2–14–73).

Provides guidelines for more reliable nickel-cadmium battery operation through proper operational and maintenance practices, and has been reissued to include reconditioning information.

00–34A Aircraft Ground Handling and Servicing (7–29–74).

Contains information and guidance for the servicing and ground handling of aircraft.

00–35A Emergency Locator Transmitters-Operational and Maintenance Practices (9–28–73).

Provides guidelines relative to the licensing, installation, maintenance, and testing of emergency locator transmitters (ELT).

00–35A CH 1 (4–18–74).

Paragraph 4 of this Advisory Circular deals with the interpretation of FAA licensing requirements and in some instances has been misunderstood. Because this paragraph is subject to misinterpretation and does not concern ELT operational or maintenance practices, it is therefore deleted.

00–36 Inadvertent Transmissions from Emergency Locator Transmitters (ELT) (3–15–73).

Urges pilots and maintenance personnel to make sure emergency locator transmitters are switched off when aircraft are parked.

00–38 Address List for Federal Aviation Administration Air Transportation Security Divisions, Air Transportation Security Field Offices, and Security Specialist Post of Duty (8–28–73).

Transmits the address list for all FAA Air Transportation Security Divisions, Air Transportation Security Field Offices, and Security Specialist Posts of Duty.

00–40 Emergency Locator Transmitter Regulations in FAR 91.52(a)(2) (10–3–73).

Discusses the relationship between FAR 91.52(a)(2) and Section 601(d) of the Federal Aviation Act of 1958 (as amended) and how that relationship affects those who might wish to petition the FAA for an exemption from FAR 91.52(a)(2).

00–41 FAA Quality System Certification Program (1–31–74).

Provides information concerning the Federal Aviation Administration (FAA) Quality System Certification Program and sets forth acceptable means of compliance with its requirements.

00–41 CH 1 (5–20–74).

Clarifies the requirement for the prime manufacturer's Quality Control System Plan to be a self-contained document independent of detailed operating procedures.

Adds paragraphs 2.5 and 3.1 to Appendix 1.

00–44A Status of the Federal Aviation Regulations (3–4–75).

Summarizes the current status of the conversion program, lists FAR prices, and provides ordering instructions for purchasing the regulations.

00–45 Aviation Weather Services (2–26–75).

Supplements AC 00–6, Aviation Weather, in that it explains the weather service in general and the use and interpretation of reports, forecasts, weather maps, and prognostic charts in detail. Is an excellent source of study for pilot certification examinations. ($1.95 GPO.) TD 4.408:W37/2.

00–46 Aviation Safety Reporting Program (5–9–75).

Advises that the FAA will make an evaluation study of the National Air Transportation System; will provide reporting procedures; and invites pilots, controllers, and other users of the airspace system or any other person to report discrepancies or deficiencies noted in the system to the FAA.

Procedural

SUBJECT No. 10

11–1A Airspace Rule-Making Proposals and Changes to Air Traffic Control Procedures (12–21–72).

Emphasizes the need for the early submission of proposal involving airspace rule-making activity or changes to existing procedures for the control of air traffic.

Aircraft

SUBJECT No. 20

20–3C Status and Availability of Military Handbooks and ANC Bulletins for Aircraft (6–1–73).

Announces the status and availability of Military Handbooks and ANC Bulletins prepared jointly with FAA, Navy and Air Force.

20–5C Plane Sense (1974).

Provides general aviation information for the private aircraft owner.

20–6X U.S. Civil Aircraft Register (2–Volume set) (Jan. 1975).

Lists all active U.S. civil aircraft by registration number. ($21.40 GPO.) TD 4.18/2:975–2/v. 1, 2.

20–7M General Aviation Inspection Aids, Summary (August 1975).

Provides the aviation community with a uniform means for interchanging service experience that may improve the durability and safety of aeronautical products. Of value to mechanics, operators of repair stations, and others engaged in the inspection, maintenance, and operation of aircraft in general. ($10.05, $12.60 foreign—Sub. GPO.) TD 4.409:973.

20–7M Supplement 1 (September 1975).

20–9 Personal Aircraft Inspection Handbook (12–2–64).

Provides a general guide, in simple, nontechnical language, for the inspection of aircraft. Reprinted 1972. ($1.60 GPO.) FAA 5.8/2:A1 7/2.

20–10 Approved Airplane Flight Manuals for Transport Category Airplanes (7–30–63).

Calls attention to the regulatory requirements relating to FAA Approved Airplane Flight Manuals.

20–13A Surface-Effect Vehicles (8–28–64).

States FAA policy on surface-effect vehicles (vehicles supported by a cushion of compressed air).

20–17B Surplus Aircraft of the Armed Forces (10–11–72).

Sets forth the method of obtaining copies of Federal Aviation Regulations which might be required for certification of surplus military aircraft.

20–18A Qualification Testing of Turbojet Engine Thrust Reversers (3–16–66).

Discusses the requirements for the qualification of thrust reversers and sets forth an acceptable means of compliance with the tests prescribed in Federal Aviation Regulations, Part 33, when run under nonstandard ambient air conditions.

20–23D Interchange of Service Experience—Mechanical Difficulties (2–12–71).

Provides information on the voluntary exchange service experience data used in improving durability and safety of aeronautical products.

20–24A Qualification of Fuels, Lubricants, and Additives (4–1–67).

Establishes procedures for the approval of the use of subject materials in certificated aircraft.

20–27B Certification and Operation of Amateur-Built Aircraft (4–20–72).

Provides information and guidance concerning certification and operation of amateur-built aircraft, including gliders, free balloons, helicopters, and gyroplanes, and sets forth an acceptable means, not the sole means, of compliance with FAR Part 21 and FAR Part 91.

20–28A Nationally Advertised Construction Kits, Amateur-Built Aircraft (12–29–72).

Advises persons contemplating the use of nationally advertised kits for the construction of an aircraft, that certain kits when used could render the aircraft ineligible for the issuance of an experimental certificate as an amateur-built aircraft.

20–29B Use of Aircraft Fuel Anti-icing additives (1–18–72).

Provides information on the use of anti-icing additives PFA–55MB and Mil-I–27686 as an acceptable means of compliance with the FARs that require assurance of continuous fuel flow under conditions where ice may occur in tubbine aircraft fuel systems.

20–30A Airplane Position Lights and Supplementary Lights (4–18–68).

Provides an acceptable means for complying with the position light requirements for airplane airworthiness and acceptable criteria for the installation of supplementary lights on airplanes.

20–32B Carbon Monoxide (CO) Contamination in Aircraft—Detection and Prevention (11–24–72).

Provides information on the potential dangers of carbon monoxide contamination from faulty engine exhaust systems or cabin heaters of the exhaust gas heat exchanger type.

20–33B Technical Information Regarding Civil Aeronautics Manuals 1, 3, 4a, 4b, 5, 6, 7, 8, 9, 13 and 14 (5–1–75).

Advises the public that policy information contained in the subject Civil Aeronautics Manuals may be used in conjunction with specific sections of the Federal Aviation Regulations.

20–34A Prevention of Retractable Landing Gear Failures (4–21–69).

Provides information and suggested procedures to minimize landing accidents involving aircraft having retractable landing gear.

20–35B Tie-Down Sense (4–19–71).

Provides information of general use on aircraft tie-down techniques and procedures.

20–36D Index of Materials, Parts, and Appliances Certified Under the Technical Standard Order System—August 1, 1974 (9–6–74).

Lists the materials, parts, and appliances for which the Administrator has received statements of conformance under the Technical Standard Order system as of August 1, 1974. Such products are deemed to have met the requirements for FAA approval as provided in Part 37 of the Federal Aviation Regulations.

20–37B Aircraft Metal Propeller Blade Failure (9–12–74).

Provides information and suggested procedures to increase service life and to minimize blade failures of metal propellers.

20–38A Measurement of Cabin Interior Emergency Illumination in Transport Airplanes (2–8–66).

Outlines acceptable methods, but not the only methods, for measuring the cabin interior emergency illumination on transport airplanes, and provides information as to suitable measuring instruments.

20–39 Installation Approval of Entertainment Type Television Equipment in Aircraft (7–15–65).

Presents an acceptable method (but not the only method) by which compliance may be shown with Federal Aviation Regulations 23.1431, FAR 25.1309(b), FAR 27.1309(b), or FAR 29.1309(b), as applicable.

20–40 Placards for Battery-Excited Alternators Installed in Light Aircraft (8–11–65).

Sets forth an acceptable means of complying with placarding rules in Federal Aviation Regulations 23 and 27 with respect to battery-excited alternator installations.

20–41 Replacement TSO Radio Equipment in Transport Aircraft (8–30–65).

Sets forth an acceptable means for complying with rules governing transport category aircraft installations in cases

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involving the substitution of technical standard order radio equipment for functionally similar radio equipment.

20–42 Hand Fire Extinguishers in Transport Category Airplanes and Rotorcraft (9–1–65).

Sets forth acceptable means (but not the sole means) of compliance with certain hand fire extinguisher regulations in FAR 25 and FAR 29, and provides related general information.

20–43B Aircraft Fuel Control (6–8–71).

Alerts the aviation community to the potential hazards of inadvertent mixing or contamination of turbine and piston fuels, and provides recommended fuel control and servicing procedures.

20–44 Glass Fiber Fabric for Aircraft Covering (9–3–65).

Provides a means, but not the sole means, for acceptance of glass fiber fabric for external covering of aircraft structure.

20–45 Safetying of Turnbuckles on Civil Aircraft (9–17–65).

Provides information on turnbuckle safetying methods that have been found acceptable by the FAA during past aircraft type certification programs.

20–46 Suggested Equipment for Gliders Operating Under IFR (9–23–65.)

Provides guidance to glider operators on how to equip their gliders for operation under instrument flight rules (IFR), including flight through clouds.

20–47 Exterior Colored Band Around Exits on Transport Airplanes (2–8–66).

Sets forth an acceptable means, but not the only means, of complying with the requirement for a 2-inch colored band outlining exits required to be openable from the outside on transport airplanes.

20–48 Practice Guide for Decontaminating Aircraft (5–5–66).

The title is self-explanatory.

20–51 Procedures for Obtaining FAA Approval of Major Alterations to Type Certificated Products (4–12–67).

Provides assistance to persons who desire to obtain FAA approval of major alterations to type certificate products.

20–52 Maintenance Inspection Notes for Douglas DC–6/7 Series Aircraft (8–24–67). (Consolidated Reprint—January 1974, includes Change 1.)

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of DC–6 6/7 series aircraft.

20–53 Protection of Aircraft Fuel System Against Lightning (10–6–67).

Sets forth acceptable means, not the sole means, by which compliance may be shown with fuel system lightning protection airworthiness regulations.

20–54 Hazards of Radium-Activated Luminous Compounds Used on Aircraft Instruments (10–24–67).

Provides information concerning health hazards associated with the repair and maintenance of instruments containing luminous markings activated with radium-226 or radium-228 (mesothorium).

20–55 Turbine Engine Overhaul Standard Practices Manual—Maintenance of Fluorescent Penetrant Inspection Equipment (1–22–68).

Advises operators of the necessity for periodic checking of black light lamps and filters used during fluorescent penetrant inspection of engine parts.

20–56A Marking of TSO–C72b Individual Flotation Devices (4–1–75).

Outlines acceptable methods for marking individual flotation devices which also serve as seat cushions.

20–57A Automatic Landing Systems (ALS) (1–12–71).

Sets forth an acceptable means of compliance, but not the only means, for the installation approval of automatic landing systems in transport category aircraft which may be used initially in Category II operations. Approval of these aircraft for use under such conditions will permit the accumulation of data for systems which may be approved for Category IIIa in the future.

20–59 Maintenance Inspection Notes for Convair 240, 340/440, 240T, and 340T Series Aircraft (2–19–68).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Convair 240, 340/440, 240T, and 340T series aircraft.

20–59 CH 1 (8–24–72).

Provides additional material for Convair Models 240 and 600/240D; Models 340/440 and 640/340D/440D series aircraft Maintenance inspection programs.

20–60 Accessibility to Excess Emergency Exits (7–18–68).

Sets forth acceptable means of compliance with the "readily accessible" provisions in the Federal Aviation Regulations dealing with excess emergency exits.

20–62B Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts (9–13–74).

Provides information relative to the determination of the eligibility of aeronautical parts and materials for installation on certificated aircraft.

20–63 Airborne Automatic Direction Finder Installations (Low and Medium Frequency) (7–7–69).

Sets forth one means, but not the only means, of demonstrating compliance with the airworthiness rules governing the functioning of airborne automatic direction finders. It does not pertain to installations previously approved.

20–64 Maintenance Inspection Notes for Lockheed L–188 Series Aircraft (8–1–69).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Lockheed L–188 series aircraft.

20–64 CH 1 (10–26–73).

20–65 U.S. Airworthiness Certificates and Authorizations for Operation of Domestic and Foreign Aircraft (8–11–69).

Provides general information and guidance concerning issuance of airworthiness certificates for U.S. registered aircraft, and issuance of special flight authorizations for operation in the United States of foreign aircraft not having standard airworthiness certificates issued by the country of registry.

20–66 Vibration Evaluation of Aircraft Propellers (1–29–70).

Outlines acceptable means, but not the sole means, for showing compliance with the requirements of the FARs concerning propeller vibration.

20–67A Airborne VHF Communication System Installations (10–17–72).

Sets forth one means, but not the only means of demonstrating compliance with the airworthiness rules governing the functioning of airborne VHF communication systems.

20–68A Recommended Radiation Safety Precautions for Airborne Weather Radar (4–11–75).

Sets forth recommended radiation safety precautions for ground operation of airborne weather radar.

20–69 Conspicuity of Aircraft Instrument Malfunction Indicators (5–14–70).

Provides design guidance information on methods of improving conspicuity of malfunction indication devices.

20–71 Dual Locking Devices on Fasteners (12–8–70).

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the requirements for dual locking devices on removable fasteners installed in rotorcraft and transport category airplanes.

20–72 Restricted Category Helicopter Maximum Weight Increases (3–11–71).

Provides assistance to persons who desire to obtain FAA approval of overmaximum certificated takeoff weight condition for restricted category helicopter operations.

20–73 Aircraft Ice Protection (4–21–71).

Provides information relating to the substantiation of ice protection systems on aircraft.

20–74 Aircraft Position and Anticollision Light Measurements (7–29–71).

Contains useful information concerning measurements for intensity, covering,

and color of aircraft position and anticollision lights.

20–76 Maintenance Inspection Notes for Boeing B–707/720 Series Aircraft (10–21–71).

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the B–707/720 series aircraft.

20–77 Use of Manufacturers' Maintenance Manuals (3–22–72).

Informs owners and operators about the usefulness of manufacturers' maintenance manuals for servicing, repairing, and maintaining aircraft, engines, and propellers.

20–78 Maintenance Inspection Notes for McDonnell Douglas DC–8 Series Aircraft (7–11–72).

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the DC–8 series aircraft.

20–81 Accidental or Unauthorized Activation of Emergency Locator Transmitters (ELT) (10–10–72).

Alerts the general aviation community to the harmful effects of accidental or unauthorized activation of emergency locator transmitters.

20–82 Maintenance Inspection Notes for Fairchild Hiller F–27/FH–227 Series Aircraft (12–5–72).

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of Fairchild Hiller F–27/FH–227 series aircraft.

20–82 CH 1 (7–12–73).

Provides additional material for subject advisory circular.

20–83 Maintenance Inspection Notes for Boeing B–737 Series Aircraft (1–17–73).

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the B–737 series aircraft.

20–83 CH 1 (8–8–74).

Provides updating of material for the B–737 series aircraft maintenance inspection program. Inspection of selected areas of the wing, fuselage, empennage and landing gear of B–737 series aircraft are presented supplementing information currently in AC 20–83.

20–83 CH 2 (1–31–75).

20–84 Maintenance Inspection Notes for Boeing B–727 Series Aircraft (1–22–73).

Provides inspection notes which can be used for the maintenance support program for certain structural parts of the B–727 series aircraft.

20–84 CH 1 (8–8–74).

Updates material for the B–727 series aircraft maintenance inspection program. Inspection of selected areas of the wing, fuselage, empennage and landing gear of the B–727 series aircraft are presented supplementing information currently available in AC 20–84.

20–84 CH 2 (1–31–75).

20–85 Emergency Locator Transmitters and Receivers (3–16–73).

Provides information concerning the design, installation, and utilization of emergency locator transmitters.

20–86 Aviation Education through Building an Airplane (5–11–73).

Provides information to high schools about the available assistance, resources, methods, and opportunities for attaining basic educational goals by building an airplane.

20–87 Airborne Homing and Alerting Equipment for use with Emergency Locator Transmitters (5–7–23).

Sets forth the availability of recommended basic characteristics for airborne homing and alerting equipment for use with emergency locator transmitters (ELT).

20–88 Guidelines on the Marking of Power-Plant Instruments (12–11–73).

Provides guidelines on the marking of aircraft powerplant instruments.

20–89 Communication Interference Caused by Unintentional Radio Transmissions (3–22–74).

Alerts the aviation community to the potential hazards created by unintentional radio transmissions from airborne, mobile, and ground based radio transmitters and gives guidance on alleviating ensuing hazards.

20–90A Address List for Engineering and Manufacturing District Offices (3–5–75).

Transmits the address list for all Engineering and Manufacturing District Offices.

20–91 Lithium Batteries Used in Emergency Locator Transmitters (4–11–75).

Warns of potential hazards associated with accidental release of sulfur-dioxide gas from lithium-sulfur batteries.

21–1A Production Certificates (7–9–71).

Provides information concerning Subpart G of Federal Aviation Regulations (FAR) Part 21, and sets forth acceptable means of compliance with its requirements.

21–2B Export Airworthiness Approval Procedures (10–2–69).

Announces the adoption of new regulations and provides guidance to the public regarding the issuance of export airworthiness approvals for aeronautical products to be exported from the United States.

21–2B CH 1 (11–13–70).

21–2B CH 2 (2–8–71).

21–3 Basic Glider Criteria Handbook (1962).

Provides individual glider designers, the glider industry, and glider operating organizations with guidance material that augments the glider airworthiness certification requirements of the Federal Aviation Regulations. Reprinted 1973. ($1.75 GPO). FAA 5.8/2:G49/962.

21–4B Special Flight Permits for Operation of Overweight Aircraft (7–30–69).

Furnishes guidance concerning special flight permits necessary to operate an aircraft in excess of its usual maximum certificated takeoff weight.

21–5C Summary of Supplemental Type Certificates (Announcement of Availability) (1–19–73).

Announces the availability to the public of the new price of the Summary of Supplemental Type Certificates (SSTC), dated January 1971.

21–6 Production Under Type Certificate Only (5–26–67).

Provides information concerning Subpart F of FAR Part 21, and sets forth examples, when necessary, of acceptable means of compliance with its requirements.

21–7A Certification and Approval of Import Products (11–24–69).

Provides guidance and information relative to U.S. certification and approval of import aircraft, aircraft engines and propellers that are manufactured in a foreign country with which the United States has an agreement for the acceptance of those products for export and import.

21–8 Aircraft Airworthiness; Restricted Category: Certification of Aircraft With Uncertificated or Altered Engines or Propellers (5–21–69).

Sets forth acceptable means of substantiating that uncertificated or altered engines and propellers have no unsafe features for type certification of aircraft in the restricted category.

21–9 Manufacturers Reporting Failures, Malfunctions, or Defects (12–30–70).

Provides information to assist manufacturers of aeronautical products (aircraft, aircraft engines, propellers, appliances, and parts) in notifying the Federal Aviation Administration of certain failures, malfunctions, or defects, resulting from design or quality control problems, in the products which they manufacture.

21–10 Flight Recorder Underwater Locating Device (5–20–71).

Provides one acceptable means (not the only means) of showing compliance with the underwater locating device requirements of FAR 25.1459 and FAR 121.343.

21–11 Quality Assurance Systems Analysis Review (QASAR) Program Manufacturers/Suppliers (5–26–72).

Explains the objectives and concept of the FAA's subject program.

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21–12 Application for U.S. Airworthiness Certificate, FAA Form 8130–6 (OMB 04–R0058) (1–17–73).

Provides instructions on the preparation and submittal of subject form.

21–13 Standard Airworthiness Certification of Surplus Military Aircraft and Aircraft Built from Spare and Surplus Parts (4–5–73).

Provides guidance and instructions on establishing eligibility and submitting application for civil airworthiness certification of surplus military aircraft and aircraft assembled from spare and surplus parts, under FAR 21.183(d) when an FAA Type Certificate has been issued under FAR 21.21 or FAR 21.27.

21–14 The Role of Simulation in the Aircraft Certification Process (6–12–75).

Informs the aviation industry that the FAA intends to conduct an exploratory program to determine the degree to which simulation can support the aircraft certification process.

21.25–1 Use of Restricted Category Airplanes for Glider Towing (4–20–65).

Announces that glider towing is now considered to be a special purpose for type and airworthiness certification in the restricted category.

21.303–1A Certification Procedures for Products and Parts (8–10–72).

Provides information concerning section 21.303 of Federal Aviation Regulations, Part 21, and to set forth examples, as necessary, of acceptable means of compliance with its requirements.

23.1329–1 Automatic Pilot Systems Approval (Non-Transport) (12–23–65).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 23.1329 may be shown.

25–2 Extrapolation of Takeoff and Landing Distance Data Over a Range of Altitude for Turbine-Powered Transport Aircraft (7–9–64).

Sets forth acceptable means by which compliance may be shown with the requirements in CAR 4b and SR–422B.

25–4 Inertial Navigation Systems (INS) (2–18–66).

Sets forth an acceptable means for complying with rules governing the installation of inertial navigation systems in transport category aircraft.

25–5 Installation Approval on Transport Category Airplanes of Cargo Unit Load Devices Approved as Meeting the Criteria in NAS 3610 (6–3–70).

Set forth an acceptable means, but not the sole means, of complying with the requirements of the Federal Aviation Regulations (FAR's) applicable to the installation on transport category airplanes of cargo unit load devices approved as meeting the criteria in NAS 3610.

25–6 Ground Proximity Warning Systems (GPWS) (12–31–74).

Outlines acceptable ground proximity warning system performance. System performance, other than that described, may also be acceptable when adequately substantiated.

25.253–1 High-Speed Characteristics (11–24–65).

Sets forth an acceptable means by which compliance may be shown with FAR 25.253 during certification flight tests.

25.253–1 CH 1 (1–10–66).

Provides amended information for the basic advisory circular.

25.981–1A Guidelines for Substantiating Compliance With the Fuel Tank Temperature Requirements (1–20–71).

Sets forth some general guidelines for substantiating compliance with fuel tank temperature airworthiness standards, section 25.981.

25.1329–1A Automatic Pilot System Approval (7–8–68).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 25.1329 may be shown.

25.1457—1A Cockpit Voice Recorder Installations (11–3–69).

Sets forth one acceptable means of compliance with provisions of FAR 25.1457 (b), (e), and (f) pertaining to area microphones, cockpit voice recorder location, and erasure features.

29–1 Approval Basis for Automatic Stabilization Equipment (ASE) Installations in Rotorcraft (12–26–63).

Gives means for compliance with flight requirements in various CAR's.

29–1 CH1 (3–26–64).

Transmits revised information about the time delay of automatic stabilization equipment.

29.773–1 Pilot Compartment View (1–19–66).

Sets forth acceptable means, not the sole means, by which compliance with FAR 29.773(a)(1), may be shown.

33–1B Turbine-Engine Foreign Object Ingestion and Rotor Blade Containment Type Certification Procedures (4–22–70).

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the design and construction requirements, of Part 33 of the Federal Aviation Regulations.

33–2A Aircraft Engine Type Certification Handbook (6–5–72).

Contains guidance relating to type certification of aircraft engines which will constitute acceptable means, although not the sole means, of compliance with the Federal Aviation Regulations.

33–3 Turbine and Compressor Rotors Type Certification Substantiation Procedures (9–9–68).

Sets forth guidance and acceptable means, not the sole means, by which compliance may be shown with the turbine and compressor rotor substantiation requirements in FAR Part 33.

36–1A Certificated Airplane Noise Levels (7–21–75).

Provides noise level data for airplanes certificated under FAR Part 36 since its publication on Nov. 18, 1969.

37–2A Test Procedures for Maximum Allowable Airspeed Indicators (10–22–74).

Provides guidance concerning test procedures which may be used in showing compliance with the standards in FAR 37.145 (TSO–C46a).

37–3A Radio Technical Commission for Aeronautics Document DO–160 (3–20–75).

This circular announces RTCA Document DO–160 and discusses how it may be used in connection with technical standard order authorizations.

39–1A Jig Fixtures; Replacement of Wing Attach Angles and Doublers on Douglas Model DC–3 Series Aircraft Airworthiness Directive 66–18–2 (3–5–70).

Describes methods of determining that jig fixtures used in the replacement of the subject attached angles and doublers meet the requirements of Airworthiness Directive 66–18–2.

39–6D Summary of Airworthiness Directives (2–11–74).

Announces the availability of Summary of Airworthiness Directives dated January 1, 1974 from the FAA in Oklahoma City and how to obtain them.

43–1 Matching VHF Navigation Receiver Outputs With Display Indicators (8–2–65).

Alerts industry to the possibility of mismatching outputs, both guidance and flag alarm, of certain VHF navigation receivers when used with some types of display indicators causing the receiver to fail without providing a flag alarm.

43–2A Minimum Barometry for Calibration and Test of Atmospheric Pressure Instruments (8–22–74).

Sets forth guidance material which may be used to determine the adequacy of barometers used in the calibration of aircraft static instruments and presents information concerning the general operation, calibration, and maintenance of such barometers.

43–3 Nondestructive Testing in Aircraft (5–11–73).

Reviews the basic principles underlying nondestructive testing. ($0.75 GPO.) TD 4.8:T28/973.

43–4 Corrosion Control for Aircraft (5–15–73).

Summarizes current available data regarding identification and treatment of corrosive attack on aircraft structure and engine materials.

43–4 CH 1 (3–1–74).

Provides additional information on identification and treatment of corrosion attack on aircraft structures. Adds a new Chapter 14—Corrosion control of aircraft used in agricultural cropdusting operations.

43–4 CH 2 (10–8–74).

Clarifies the discussion on the removal of corrosion and treatment of corroded areas.

43–5 Airworthiness Directives for General Aviation Aircraft (8–13–74).

Points areas of misunderstanding regarding: (1) Aircraft owners and operators' responsibility for complying with AD's; (2) maintenance personnel responsibilities with regards to performance of AD's; and (3) maintenance records entries for AD's required by FAR 91.173(a)(2)(v) and FAR 43.9.

43–6 Automatic Pressure Altitude Encoding Systems and Transponder Maintenance and Inspection Practices (9–19–74).

Provides information on the installation of encoding altimeters based upon recently acquired operating experience and on the maintenance of ATC transponders.

43–7 Ultrasonic Testing for Aircraft (9–24–74).

Describes methods used in ultrasonic nondestructive testing, discusses the many advantages, and points out the simplicity of the tests. Contains many illustrations. ($1 GPO.) TD 4.402:UL 8.

AC 43–9 Maintenance Records: General Aviation Aircraft (2–19–75).

Provides information to assist maintenance personnel in fulfilling their responsibility under FAR Section 43.9.

43.9–1C Instruction for Completion of FAA Form 337 (12–20–73).

Provides instructions for completing revised FAA Form 337, Major Repair and Alteration (Airframe, Powerplant, Propeller, or Appliance).

43.13–1A Acceptable Methods, Techniques and Practices—Aircraft Inspection and Repair (4–17–72).

Contains methods, techniques, and practices acceptable to the Administrator for inspection and repair to civil aircraft. Published in 1973. ($3.70—GPO.) TD 4.28/2:972.

43.13–1A CHG 1 (5–12–75).

Transmits new and revised material for basic advisory circular. ($0.65—G.P.O.) TD 4.28/2:973/Ch. 1.

43.13–2 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (4–19–66).

Contains methods, techniques, and practices acceptable to the Administrator in altering civil aircraft. Published in 1965. ($3.60–$4.50 foreign Sub.—GPO.) TD 4.28:973.

Subscription now includes: Changes 1 thru 14 Consolidated Reprint in 1973, Change 15 dated 1–15–74, and Change 16 dated 8–12–74.

43–202 Maintenance of Weather Radar Radomes (6–11–65).

Provides guidance material useful to repair facilities in the maintenance of weather radar radomes.

43–203A Altimeter and Static System Tests and Inspections (6–6–67).

Specifies acceptable methods for testing altimeter and static system. Also, provides general information on test equipment used and precautions to be taken.

45–2 Identification and Registration Marking (7–7–72).

Provides guidance and information concerning the identification and marking requirements of Federal Aviation Regulations (FAR) Parts 21 and 45, and where considered helpful, to provide an acceptable means, but not the sole means, of compliance with the regulations.

47–1A Aircraft Registration, Eligibility, Identification and Activity Report (6–7–73).

Advises owners and operators of U.S. civil aircraft of requirement for annual submission of current information related to aircraft registration eligibility, requests similar submission of information related to identification and activity of aircraft; and to call attention to the availability of the reporting form to be used.

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60–2M Annual Aviation Mechanic Safety Awards Program (2–6–75).

Provides the details of the annual Aviation Mechanic Safety Awards Program.

60–4 Pilot's Spatial Disorientation (2–9–65).

Acquaints pilots flying under visual flight rules with the hazards of disorientation caused by the loss of reference with the natural horizon.

60–6 FAA Approved Airplane Flight Manuals, Placards, Listings, Instrument Markings—Small Airplanes (12–13–68).

Alerts pilots to the regulatory requirements relating to the subject and provides information to aid pilots to comply with the provisions of FAR section 91.31.

60–7 Statement of Additional Instruction for Retest (1–27–72).

Announces a new procedure for the use of a computer printed "statement of Additional Instruction" on each Airman Written Test Report that has an unsatisfactory grade for any section. It explains the statement and strongly recommends its use.

60–9 Induction Icing—Pilot Precautions and Procedures (2–28–73).

Provides the pilot with information on the causes and results of induction icing in reciprocating aircraft engines, and the precautions he should take to reduce the likelihood of icing, and the means available to him in controlling icing when it is encountered.

60–10 Recommended Safety Parameters for Operation of Hang Gliders (5–16–74).

Suggests safety parameters for the operation of "hang gliders" and to present the current FAA intent with respect to the regulation and operation of those vehicles.

60–11 Aids Authorized for Use by Airman Written Test Applicants (8–27–74).

Clarifies FAA policy concerning aids that applicants may use when taking airman written tests.

61–1D Aircraft Type Ratings (5–15–72).

Provides designators adopted by the Federal Aviation Administration for aircraft type ratings issued with pilot certificates.

61–2A Private Pilot (Airplane) Flight Training Guide (9–1–64).

Contains a complete private pilot flight training syllabus which consists of 30 lessons. Reprinted in 1972. ($2.60 GPO.) FAA 5.8/2:P 64/4/964.

61–3B Flight Test Guide—Private Pilot—Airplane—Single Engine (4–2–68).

Assists the private pilot applicant in preparing for his certification flight test. Reprinted in 1969. ($0.55 GPO.) TD 4.408:P 64/2.

61–4C Multiengine Airplane Class or Type Rating—Flight Test Guide (2–1–71).

Assists the private pilot applicant in preparing for certification or rating flight tests. Reprinted in 1972. ($0.55 GPO.) TD 4.408:M 91/971.

61–5A Helicopter Pilot Written Test Guide—Private—Commercial (8–14–67).

Gives guidance to applicants preparing for the aeronautical knowledge requirements for a private or commercial pilot certificate with a helicopter rating.

61–8C—Instrument Rating (Airplane) Written Test Guide (5–31–72).

Reflects the current operating procedures and techniques in a background setting appropriate for applicants preparing for the subject test. ($1.45 GPO.) TD 4.8:In 7/4/972.

61–9B Pilot Transition Courses for Complex Single-Engine and Light, Twin-engine Airplanes (1–15–74).

A guide to the procedures and standards to be followed for a thorough and comprehensive checkout in modern single- and twin-engine aircraft. ($0.35 GPO.) TD 4.8:P 64/6/974.

61–10A Private and Commercial Pilots Refresher Courses (9–27–72).

Provides a syllabus of study requirements and describes the areas of train-

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ing that should be emphasized. ($0.40 GPO.) TD 4.408:P64/6.

61–11B Airplane Flight Instructor Written Test Guide (9–12–72).

Provides information to prospective airplane flight instructors about certification requirements, application procedures, and reference study materials; a sample examination is presented with explanations of the correct answers. ($0.95 GPO.) TD 4.408: In 7/972.

61–12G Student Pilot Guide (4–24–75).

Provides guidance for student pilots and those already in primary flight training. Updated to include requirements covered in the revised Part 61. ($0.55 GPO.) TD 4.8:P64/3/975.

61–13A Basic Helicopter Handbook (4–5–73).

Provides detailed information to applicants preparing for private, commercial, and flight instructor pilot certificates with a helicopter rating about helicopter aerodynamics, performance, and flight maneuvers. It will also be useful to certificated helicopter flight instructors as an aid in training students. ($1.90 GPO.) TD 4.408:H 36/2.

61–14A Flight Instructor Practical Test Guide (10–23–69).

Provides assistance to the certificated pilot in preparing for the practical demonstration required for the issuance of the flight instructor certificate. Reprinted in 1973. ($0.35 GPO.) TD 4.408: In 7/4.

61–16A Flight Instructor's Handbook (10–14–69).

Gives guidance and information to pilots preparing to apply for flight instructor certificates and for use as a reference by flight instructors. ($2 GPO.) Reprinted in 1972. TD 4.408:In 7/3.

61–17B Flight Test Guide—Instrument Pilot Airplane (1–12–72).

Provides assistance for the instrument pilot applicant in preparing for his instrument rating flight test. Reprinted in 1973. ($0.40 GPO.) TD 4.408:In 7/2/972.

61–18C Airline Transport Pilot (Airplane) Written Test Guide (4–19–71).

Reflects current operating procedures and techniques in a background setting appropriate for applicants preparing for the Airline Transport Pilot (Airplane) Written Test. ($1.75 GPO.) Reprinted in 1972. TD 4.8:P 64/5/971.

61–19 Safety Hazard Associated With Simulated Instrument Flights (12–4–64).

Emphasizes the need for care in the use of any device restricting visibility while conducting simulated instrument flights that may also restrict the view of the safety pilot.

61–21 Flight Training Handbook (1–11–66).

Provide information and direction in the introduction and performance of training maneuvers for student pilots, pilots requalifying or preparing for additional ratings, and flight instructors. Reprinted in 1969. ($2.10 GPO.) FAA 1.8:F 64/4.

61–23A Pilot's Handbook of Aeronautical Knowledge (7–10–70).

Contains essential, authoritative information used in training and guiding applicants for private pilot certification, flight instructors, and flying school staffs. ($5.30 GPO.) TD 4.408:P 64/5.

61–25 Flight Test Guide—Helicopter Private and Commercial Pilot (12–7–65).

Assists the helicopter pilot applicant in preparing for the certification flight tests; provides information concerning applicable procedures and standards. Published in 1965. ($0.35 GPO.) FAA 1.8:H 36/2.

61–27B Instrument Flying Handbook (9–22–70).

Provides the pilot with basic information needed to acquire an FAA instrument rating. It is designed for the reader who holds at least a private pilot certificate and is knowledgeable in all areas covered in the "Pilot's Handbook of Aeronautical Knowledge." ($3.35 GPO.) TD 4.8:In 7/2/971.

61–28A Commercial Pilot Written Test Guide (4–28–70).

Reflects current operating procedures and techniques for the use of applicants in preparing for the Commercial Pilot-Airplane Written Test. ($2.00 GPO.) TD 4.408:P 64/4.

61–29A Instrument Flight Instructor Written Test Guide (10–16–70).

Reflects current operating procedures, regulations, and techniques for the use of applicants in preparing for the Flight Instructor Instrument Written Test ($1.00 GPO.) TD 4.8:In 7/5.

61–30A Flight Test Guide—Gyroplane, Private and Commercial (3–23–72).

Assist the commercial and private pilot applicant in preparing for his gyroplane test ($0.75 GPO.) TD 4.408:G99.

61–31A Gyroplane Pilot Written Test Guide, Private and Commercial (6–9–72).

Provides guidance and assistance to applicants who are preparing for the Private or Commercial Pilot Gyroplane Written Test. Covers the basic aeronautical knowledge that the prospective gyroplane pilot must know.

61–32A Private Pilot Written Test Guide (12–1–71).

Provides information, guidelines, and sample test items to assist applicants for the Private Pilot Certificate in attaining necessary aeronautical knowledge ($2.50 GPO.) TD 4.408:P 64/971.

61–33 Gyroplane Flight Instructor Examination Guide (3–25–66).

Assists applicants who are preparing for the Flight Instructor Rotorcraft Gyroplane Written Examination. Revised in 1966.

61–34B Federal Aviation Regulations Written Test Guide for Private, Commercial and Military Pilots (2–10–75).

Outlines the scope of the basic knowledge required of civilian or military pilots who are studying FARs as they pertain to the Regulations terminology; to the certification of private and commercial pilots; to the operation of aircraft in the national airspace; and to the requirements of the National Transportation Safety Board. For use as a guide in preparing for the FAR Written Test. ($0.70 GPO.) TD 4.8P:64/970.

61–38 Rotorcraft Helicopter Written Test Guide (8–16–67).

Gives guidance to applicants preparing for the aeronautical knowledge requirement for a flight instructor certificate with a helicopter rating.

61–39A Flight Test Guide, Private and Commercial Pilot—Glider (10–19–72).

Assists applicants for private and commercial pilot flight tests in gliders.

61–41A Glider Flight Instructor Written Test Guide (1–12–72).

Provides information, guidelines, and sample test items, to assist applicants for the Glider Flight Instructor rating in attaining necessary aeronautical knowledge.

61–42A Airline Transport Pilot (Helicopter) Written Test Guide (1–20–72).

Describes the type and scope of required aeronautical knowledge covered in the written tests, lists reference materials available from GPO bookstores, and presents sample test items with answers and explanations. ($0.70 GPO). TD 4.408:H 36/972.

61–43A Glider Pilot Written Test Guide—Private and Commercial (1–12–72).

Provides information, guidelines, and sample test items, to assist applicants for the Glider Pilot certificate in attaining necessary aeronautical knowledge.

61–45 Instrument Rating (Helicopter) Written Test Guide (1–24–68).

Assists applicants who are preparing for the helicopter instrument rating. Presents a study outline, study materials and a sample test with answers.

61–46 Flight Instructor Procedures (6–4–69).

Informs flight instructors of the procedures involved in the renewal of reinstatement of Flight Instructor Certificates, qualification for "Gold Seal" certificates, and endorsing student pilot logbooks for various operations.

61–47 Use of Approach Slope Indicators for Pilot Training (9–16–70).

Informs pilot schools, flight instructors and student pilots of the recommendation of the Federal Aviation Administration on the use of approach slope indicator systems for pilot training.

61–49 Airline Transport Pilot—Airplane Practical Test Guide (8–9–71).

Describes the practical test requirements for Airline Transport Pilot Certificates (Airplane) and associated class and type ratings. ($0.45 GPO.) TD 4.408: Ai 7/4.

61–50 Aerial Applicator Aerodynamics Review of "Region of Reversed Command" (2–7–72).

Provided for the purpose of increasing pilot awareness of the aerodynamic limitations pertinent to aerial applicator operations.

61–51 Reporting Flight Time on Pilot Applications, FAA Form 8420–3 (6–26–72).

Advises applicants of the importance of entering their pilot flight time on subject form. (OBM No. 04–R0064.)

61–52B Flight Instructor of the Year Award Program (1–5–74).

Provides the details of the Flight Instructor of the Year Award Program.

61–54 Flight Test Guide (Part 61 revised)—Private Pilot Airplane (4–2–73).

Establishes a new concept of pilot training and certification requirements. ($0.65 GPO.) TD 4.408:P64/2/973.

61–55 Commercial Pilot Airplane Flight Test Guide (4–13–73).

Assist the applicant and his instructor in preparing for the flight test for the Commercial Pilot Certificate with Airplane Rating under Part 61 (revised). See also AC 61–78 and AC 61–79. ($0.60 GPO.) TD 4.408:AI7/7.

61–56 Flight Test Guide (Part 61 revised) Instrument Pilot Airplane (5–1–73).

Assists the applicant and his instructor in preparing for the flight test for the Instrument Pilot Airplane Rating under Part 61 (revised). ($0.55 GPO.) TD 4.408:IN/7/2/973.

61–57 Multiengine Airplane Class and Type Ratings, Flight Test Guide (4–13–73).

Contains information and guidance concerning the pilot operations, procedures, and maneuvers relevant to the flight test required for the Multiengine Class and Type Rating under Part 61 (revised). See also AC 61–79. ($0.85 GPO.) TD 4.408:M91/973.

61–58 Flight Instructor Practical Test Guide (5–1–73).

Outlines new requirements based on changes to FAR Part 61, Certification of Pilots and Flight Instructors. ($0.50 GPO.) TD 4.408:In 7/5.

61–59 Private and Commercial Pilot, Flight Test Guide (5–24–73).

Assist the applicant and his instructor in preparing for the flight test for the Private or Commercial Pilot Rotorcraft Certificate with Helicopter Rating under Part 61 (revised). ($0.75 GPO.) TD 4.408:H36/3.

61–60 Private and Commercial Pilot Gyroplane, Flight Test Guide (May 1973).

Outlines appropriate pilot operations and the minimum standards for the performance of each procedure or maneuver which will be accepted by the examiner as evidence of the pilot's competency, under Part 61 (revised). ($0.65 GPO.) TD 4.408:G99/973.

61–61 Private and Commercial Pilot Glider, Flight Test Guide (4–27–73).

Assist the applicant and his instructor in preparing for the flight test for the Private and the Commercial Pilot Certificate with Glider Rating under Part 61 (revised). ($0.50 GPO.) TD 4.408:G49.

61–62 Private and Commercial Pilot Free Balloon . . . , Flight Test Guide (June 1973).

Assists the applicant and his instructor in preparing for the flight test for the Private Pilot or Commercial Pilot Certificate with a lighter-than-air category and free balloon class rating under Part 61 (revised).

61–63 Flight Test Guide, Private and Commercial Pilot—Lighter-Than-Air Airship (5–23–74).

Establishes a new concept of pilot training and certification requirements. To provide a transition to these revised requirements, Part 61 (revised) permits the applicant, for a period of 1 year after the effective date, to meet either the previous requirements for the Private Pilot Certificate as outlined in Part 61, prior to November 1, 1973.

61–64 Flight Test Guide—Instrument Pilot Helicopter (7–23–73).

Assists the applicant and his instructor in preparing for the flight test for the Instrument Pilot Helicopter Rating under the revised Part 61 ($0.55 GPO.) TD 408:H36/4.

61–65 Part 61 (Revised) Certification: Pilot and Flight Instructors (9–5–73).

Informs pilots and flight instructors of the changes in Part 61, revised January 23, 1973, their effects, and the standards and procedures which will be used in implementing them.

61–66 Annual Pilot in Command Proficiency Checks (11–2–73).

Presents material relating to annual proficiency checks required for pilots-in-command of civil aircraft type certificated for more than one required pilot crewmember, other than those operating under Parts 121, 123, 127, 133, 135, and 137.

61–67 Hazards Associated with Spins in Airplanes Prohibited from Intentional Spinning (2–1–74).

Informs pilots of the airworthiness standards for the type certification of small airplanes prescribed in Section 23.221 of the Federal Aviation Regulations concerning spin maneuvers.

61–68 Flight Instructor Refresher Clinics—Scheduling, Attendance, Facilities, and Equipment (2–27–74).

Provides guidance to sponsors regarding scheduling, required facilities and equipment, and attendance control at Flight Instructor Refresher Clinics in which the Flight Instructor Refresher Unit (FIRU) participates.

61–70 Flight Instructor Instrument—Airplane—Written Test Guide (3–29–74).

Provides guidance for the applicant by outlining the scope of knowledge required for the Flight Instructor Certificate with an Instrument Airplane Rating. ($1.65 GPO.) TD 4.8:In 7/6.

61–71 Commercial Pilot—Airplane—Written Test Guide (4–9–74).

Assist applicants who are preparing for the Commercial Pilot-Airplane-Written Test based on the requirements of FAR Part 61 (revised) which became effective Nov. 1, 1973. ($0.85 GPO.) TD 4.408:P64/4/974.

61–72 Flight Instructor—Airplane—Written Test Guide (4–9–74).

Assists applicants who are preparing for the Flight Instructor certificate with Airplane Rating based on the revised provisions of FAR Part 61 which became effective Nov. 1, 1973. ($1.45 GPO.) TD 4.408:In 7/974.

61–73 Private and Commercial Pilot Rotorcraft—Helicopter Written Test Guide (8–8–74).

Assists applicants who are preparing for the Private or Commercial Pilot certificate with a Rotorcraft—Helicopter rating under the provisions of FAR Part 61 (revised). ($0.80 GPO.) TD 4.408: P64/7.

AC 61–74 Flight Instructor Rotorcraft—Helicopter Written Test Guide (5–8–74).

Assists applicants who are preparing for the Flight Instructor Certificate with a Rotorcraft—Helicopter Rating. ($1.45 GPO.) TD 4.408:R74.

AC 61–75 Flight Instructor—Glider—Written Test Guide (9–18–74).

Assists applicants who are preparing for the Flight Instructor—Glider Written Test. ($1.10 GPO.) TD 4.408:G 49/2.

61–78 Substitute "Acceptable Performance Guidelines" Applicable to AC 61–55, Commercial Pilot—Airplane—Flight Test Guide (10–10–74).

This supplementary AC is to be used in conjunction with AC 61–55, in conducting flight tests of applicants seeking a single engine sea class rating at the commercial pilot skill level. (See AC 61–55).

61–79 Substitute "Acceptable Performance Guidelines" Applicable to AC 61–57, Multiengine Airplane Class and Type Ratings Flight Test Guide (10–10–74).

This supplementary AC is to be used in conjunction with AC 61–55 and section 1 of AC 61–57, in conducting the flight test

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of an individual who is applying for a multiengine airplane land or sea class rating at the commercial pilot skill level. (See AC 61–55 and AC 61–57).

61–80 List of Flight Test Guides and Supplementary Advisory Circulars To Be Used for Private and Commercial Flight Tests (10–10–74).

Provides guidance in determining the appropriate Flight Test Guides and supplementary material to be used when administering private and commercial flight tests for initial certification or an additional class rating in airplanes.

61.117–1D Flight Test Guide—Commercial Pilot, Airplane (2–14–72).

Assists the commercial applicant in preparing for his certification flight test. Reprinted in 1973 ($0.60 GPO.) TD 4.8:P 64/2/972.

63–1B Flight Engineer Written Test Guide (10–22–70).

Provides information to prospective flight engineers and others interested in this certification area. Contains information about certification requirements and describes the type and scope of the written test. Lists appropriate study and reference material and presents sample questions similar to those found in the official written tests. ($0.85 GPO.) TD 4.8:En 3/971.

63–2A Flight Navigator Written Test Guide (4–4–69).

Defines the scope and narrows the field of study to the basic knowledge required for the Flight Navigator Certificate. Published in 1969. ($0.70 GPO.) TD 4.8:F 64/2.

65–2C Airframe and Powerplant Mechanics Certification Guide (3–15–73).

Provides information to prospective airframe and powerplant mechanics and other persons interested in FAA certification of aviation mechanics. ($1.10 GPO.) TD 4.8Ai 7/6/973.

65–4B Aircraft Dispatcher Written Test Guide (7–25–72).

Describes the type and scope of aeronautical knowledge covered by the aircraft dispatcher written examination, lists reference materials, and presents sample questions. ($1.40 GPO.) TD 408:Ai 7/6.

65–5A Parachute Rigger—Senior/ Master—Certification Guide (12–20–74).

Provides information on how to apply for a parachute rigger certificate or rating and assists the applicant in preparing for the written, oral, and practical tests. ($0.75 GPO.) TD 4.8: P 21.

65–9 Airframe and Powerplant Mechanics—General Handbook (8–26–70).

Designed as a study manual for persons preparing for a mechanic certificate with airframe or powerplant ratings. Emphasis in this volume is on theory and methods of application, and is intended to provide basic information on principles, fundamentals, and airframe and powerplant ratings. Reprinted in 1973. ($6 GPO.) TD 4.408:Ai 7/2.

65–11A Airframe and Powerplant Mechanics Certification Information (4–21–71).

Provides answers to questions most frequently asked about Federal Aviation Administration certification of aviation mechanics. ($0.40 GPO.) TD 4.8:Ai:7/21/971.

65–12 Airframe and Powerplant Mechanics Powerplant Handbook (9–25–70).

Designed to familiarize student mechanics with the construction, theory of operation, and maintenance of aircraft powerplants. Reprinted in 1973. ($6.05 GPO.) TD 4.408:Ai 7/3.

65–13A FAA Inspection Authorization Directory (4–18–74).

Provides a new directory of all FAA certificated mechanics who hold an inspection authorization as of March 1, 1974.

65–15 Airframe and Powerplant Mechanics Airframe Handbook (9–18–72).

Designed to familiarize student mechanics with airframe construction, repair, and the operating theory of airframe systems. Reprinted in 1973. ($5.05 GPO.) TD 4.408:Ai 7/5.

65–17 Annual Renewal Meeting of Holders of the Inspection Authorization (1–15–73).

Initiates an annual renewal meeting for the holders of the inspection authorization.

65–18 Report Availability on a Survey of the Aviation Mechanics Occupation (9–4–74).

Announces the public availability of the 1974 report on a Survey of the Aviation Mechanics Occupation.

65.95–2B Handbook and Study Guide for Aviation Mechanics Inspection Authorization (10–9–70).

This handbook gives guidance to persons conducting annual and progressive inspections and approving major repairs or alterations of aircraft. While the handbook is primarily intended for mechanics holding or preparing for an Inspection Authorization, it may be useful to aircraft manufacturers and certificated repair stations who have these privileges.

67–1 Medical Information for Air Ambulance Operators (3–1–74).

Provides persons or groups interested or involved in civil air ambulance activities with information governing the transport of patients by air.

67–2 Medical Handbook for Pilots (5–15–74).

An aviation medicine handbook written in pilots language that provides guidance on when, and when not, to fly. Emphasizes the fact that, to be a good pilot, you must be physically fit, psychologically sound, and well trained. Designed to complement the Pilots Handbook of Aeronautical Knowledge. ($1.45 GPO.) TD 4.8:M46/3.

Airspace

SUBJECT No. 70

70–2 Airspace Utilization Considerations in the Proposed Construction, Alteration, Activation and Deactivation of Airports (7–23–73).

Advises those persons proposing to construct, alter, activate or deactivate a civil or joint-use (civil/military) airport, for which Federal aid has not been requested of the Federal Aviation Administration.

70/7460–1D Obstruction Marking and Lighting (4–18–75).

Describes FAA standards on obstruction marking and lighting and establishes the methods, procedures, and equipment types for both aviation red and high-intensity white obstruction lights.

70/7460–2E Proposed Construction or Alteration of Objects that may Affect the Navigable Airspace (7–5–73).

Advises those persons proposing to erect or alter an object that may affect the navigable airspace of the requirement to submit a notice to the Administrator of the Federal Aviation Administration (FAA).

70/7460–3 Petitioning the Administrator for Discretionary Review; Section 77.37, FAR (8–8–68).

Revises and updates information concerning the submission of petitions to the Administrator for review, extension, or revision of determinations issued by regional directors or their designees.

73–1 Establishment of Alert Areas (3–11–68).

Announces the establishment of alert areas and sets forth the procedures which FAA will follow in establishing such areas.

Air Traffic Control and General Operations

SUBJECT No. 90

90–1A Civil Use of U.S. Government Produced Instrument Approach Charts (4–10–68).

Clarifies landing minimums requirements and revises instrument approach charts.

90–5 Coordination of Air Traffic Control Procedures and Criteria (6–13–63).

States Air Traffic Service policy respecting coordination of air traffic procedures and criteria with outside agencies and/or organizations.

90–12A Severe Weather Avoidance (2–21–73).

Warns all pilots concerning flight in the vicinity of known or forecasted severe weather, severe turbulence and hail and advises them that air traffic control facilities, even though equipped with radar, might not always have the capability nor be in a position to provide assistance for circumnavigation of areas of severe weather.

90–14A Altitude—Temperature Effect on Aircraft Performance (1–26–68).

Introduces the Denalt Performance Computer and reemphasizes the hazardous effects density altitude can have on aircraft.

90–20 Weather Radar Radomes (11–12–64).

Highlights some important points to consider in the selection and maintenance of weather radar radomes.

90–23D Wake Turbulence (12–15–72).

Alerts pilots to the hazards of aircraft trailing vortex wake turbulence and recommends related operational procedures.

90–34 Accidents Resulting from Wheelbarrowing in Tricycle Gear Equipped Aircraft (2–27–68).

Explains "wheelbarrowing", the circumstances under which it is likely to occur, and recommended corrective action.

90–38A Use of Preferred IFR Routes (12–29–69).

Outlines the background, intent, and requested actions pertaining to the use of preferred IFR routes.

90–42A Traffic Advisory Practices at Nontower Airports (8–16–72).

Establishes, as good operating practices, procedures for pilots to be apprised of or exchange traffic information, when approaching or departing uncontrolled airports.

90–43C Operations Reservations for High-Density Traffic Airports (11–14–71).

Advises the aviation community of the means for all aircraft operators, except helicopters, scheduled and supplemental air carriers and scheduled air taxis, to obtain a reservation to operate to and/or from designated high-density traffic airports.

AC 90–45A Approval of Area Navigation Systems for Use in the U.S. National Airspace System (2–21–75).

Provides guidelines for implementation of two-dimensional area navigation (2D RNAV) within the U.S. National Airspace System (NAS). Provides for both VOR/DME dependent systems and self-contained systems such as Inertial Navigation Systems (INS).

90–48 Pilots' Role in Collision Avoidance (3–20–70).

Alerts all pilots to the midair collision and near midair collision hazard and to emphasize those basic problem areas of concern, as related to the human casual factors, where improvements in pilot education, operating practices, procedures, and techniques are needed to reduce midair conflicts.

AC 90–50A VHF Radio Frequency Assignment Plan for Aeronautical Operations (2–7–75).

Describes the civil air traffic control assignment of frequencies in the very high frequency (118–136 MHz) band.

90–51 FAA Motion Picture—"Caution—Wake Turbulence" (11–17–70).

Announces the availability of a new wake turbulence film and encourages its viewing.

90–54A Cruise Clearances (11–27–73).

Provides the aviation community guidance when operating under a "cruise" clearance.

90–58B VOR Course Errors Resulting from 50kHz Channel Selection (9–12–74).

Provides information concerning a potentially hazardous situation when a 200 channel receiver is inadvertently mistuned 50kHz from the frequency of a 100kHz ground station.

90–59 Arrival and Departure Handling of High-Performance Aircraft (2–28–72).

Describes ATC handling of high-performance aircraft in terminal areas.

90–60 Weather Observation Reporting Obscured or Partially Obscured Sky Condition (3–31–72).

Provides pilots with information concerning weather conditions reported by weather observers as obscuration or partial obscuration.

90–62 Flying DME Arcs (1–23–73).

Describes the procedures and techniques for intercepting DME arcs from radials, maintaining DME arcs, and intercepting radials and localizers from DME arcs.

90–63 ATC Procedures for Random Area Navigation Routes (5–8–73).

Provides guidelines and procedures for obtaining approval of random IFR area navigation routes in the U.S. National Airspace System.

90–64 Automated Radar Terminal System (ARTS) III (6–22–73).

Advises the aviation community of the capabilities of the Automated Radar Terminal System and the associated services provided by ARTS III equipped air traffic control facilities.

90–65 Air Traffic Fuel Economy Program (1–18–74).

Advises the aviation community of flow control procedures that will be utilized to conserve aviation fuel during periods when the normal movement of aircraft is disrupted. Also describes actions required of user groups to ensure efficient flow control planning.

AC 90–66 Recommended Standard Traffic Patterns for Airplane Operations at Uncontrolled Airports (2–27–75).

Calls attention to regulatory requirements for the operations of airplanes at uncontrolled airports. Recommends voluntary use of standard traffic pattern flight procedures.

90–67 Light Signals from the Control Tower for Ground Vehicles, Equipment, and Personnel (8–15–75).

Provides the aviation community with the meaning of the light signals used when communicating with ground vehicles, equipment, and personnel on the airport movement area from the control tower.

91–5B Waivers of Subpart B, Part 91 of the Federal Aviation Regulations (FARs) (1–28–72).

Provides information concerning the submission of applications for and the issuance of waivers of Subpart B, FAR Part 91.

91–6 Water, Slush, and Snow on the Runway (1–21–65).

Provides background and guidelines concerning the operation of turbojet aircraft with water, slush, and/or snow on the runway.

91–7 Hazards Associated With In-Flight Use of "Visible-Fluid" Type Cigarette Lighters (3–16–65).

Discusses the potential hazards associated with in-flight use of "visible-fluid" type cigarette lighters.

91–8A Use of Oxygen by General Aviation Pilots/Passengers (8–11–70).

Provides general aviation personnel with information concerning the use of oxygen.

91–9 Potential Hazards Associated With Turbojet Ground Operations (6–19–65).

Alerts turbojet operators and flight crews to potential hazards involving turbojet operations at airports.

91–10A Suggestions for Use of ILS Minima by General Aviation Operators of Turbojet Airplanes (10–8–65).

Provides general aviation operators of turbojet airplanes with information on practices and procedures to be considered before utilizing the lowest published IFR minima prescribed by FAR Part 97 and provides informtion on pilot-in-command experience, initial and recurrent pilot proficiency, and airborne airplane equipment.

91–11A Annual Inspection Reminder (12–3–69).

Provides the aviation community with a uniform visual reminder of the date an annual inspection becomes due. (Reference section 91.169(a) (1) of the FAR's.)

91.11–1 Guide to Drug Hazards in Aviation Medicine (7–19–63).

Lists all commonly used drugs by pharmacological effect on airmen with side effects and recommendations. Reprinted 1970. ($1.15 GPO.) FAA 7.9:D 84.

91–12B Required Inspection for Aircraft Operating Under FAR Parts 121, 123, 127, or 135 and Reverting to General Operation Under FAR Part 91 (12 9–70).

Describes acceptable methods for complying with the required inspections set forth in FAR Part 91.

91–13A Cold weather Operation of Aircraft (1–2–70).

Provides background and guidelines relating to operation of aircraft in the

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colder climates where wide temperature changes may occur.

91–14B Altimeter Setting Sources (10–1–71).

Provides the aviation public, industry, and FAA filed personnel with guidelines for setting up reliable altimeter setting sources.

91–15 Terrain Flying (2–2–67).

A pocket-size booklet designed as a tool for the average private pilot. Contains a composite picture of the observations, opinions, warnings, and advice from veteran pilots who have flown this vast land of ours that can help to make flying more pleasant and safer. Tips on flying into Mexico, Canada, and Alaska. ($1.40 GOP.) TD 4.2:T27.

91–16 Category II Operations—General Aviation Airplanes (8–7–67).

Sets forth acceptable means by which Category II operations may be approved in accordance with FAR Parts 23, 25, 61, 91, 97, and 135.

91–17 The Use of View Limiting Devices on Aircraft (2–20–68).

Alerts pilots to the continuing need to make judicious and cautious use of all view limiting devices on aircraft.

91–21 Inspection Schedule—for Handley-Page Model HP–137 (4–24–69).

Provides information for use by persons planning to develop an inspection schedule for the Handley-Page Model HP–137 aircraft.

91–22A Altitude Alerting Devices/Systems (12–23–71).

Provides guidelines for designing, installing, and evaluating altitude alerting systems.

91–23 Pilot's Weight and Balance Handbook (5–6–69).

Provides an easily understood text on aircraft weight and balance for pilots who need to appreciate the importance of weight and balance control for safety of flight. Progresses from an explanation of basic fundamentals to the complete application of weight and balance principles in large aircraft operations. Reprinted in 1972 ($1.25 GPO.) TD 4.408:P 64/3.

91–24 Aircraft Hydroplaning or Aquaplaning on Wet Runways (9–1–69).

Provides information to the problem of aircraft tires hydroplaning on wet runways.

91–25A Los of Visual Cues During Low Visibility Landings (6–22–72).

Provides information concerning the importance of maintaining adequate visual cues during the descent below MDA or DA.

91–26 Maintenance and Handling of Air-Driven Gyroscopic Instruments (10–29–69).

Advises operators of general aviation aircraft of the need for proper maintenance of air-driven gyroscopic instruments and associated air filters.

91–27A Systemsworthiness Analysis Program—General Aviation (12–16–70).

Explains the purpose and applicability of the Systems Worthiness Analysis Program (SWAP) to certificated air taxis, repair stations, pilot and aviation maintenance technician schools that are operated under the privileges of certificates issued by the Federal Aviation Administration.

91–28 Unexpected Opening of Cabin Doors (12–23–69).

Outlines the importance of assuring that cabin doors are properly closed prior to takeoff.

91–32 Safety in and Around Helicopters (5–7–71).

Provides suggestions to improve helicopter safety by means of acquainting nonflight crew personnel and passengers with the precautions and procedures necessary to avoid undue hazards.

91–33 Use of Alternate Grades of Aviation Gasoline for Grade 80/87 (10–6–71).

Provides information relating to the use of alternate grades of aviation gasoline when grade 80/87 is not available, and the resultant effects of the use of the alternate fuels which may have higher TEL (tetraethyl lead) content.

91–34 Model Aircraft Operating Standards (7–1–72).

Outlines safety standards for operators of model aircraft, and encourages voluntary compliance with these standards.

91–35 Noise, Hearing Damage, and Fatigue in General Aviation Pilots (3–28–72).

Aquaints pilots with the hazards of regular exposure to cockpit noise. Especially pertinent are piston-engine, fixed-wing, and rotary-wing aircraft.

91–36A VFR Flight Near Noise-Sensitive Areas (7–9–74).

Encourages pilots making VFR flights near noise-sensitive areas to fly at altitudes higher than the minimum permitted by regulation. National Park areas now included.

91–37 Truth in Leasing (11–9–72).

Provides information and guidance for leasees and conditional buyers of U.S. registered large civil aircraft.

91–38 Large and Turbine-Powered Multiengine Airplanes, Part 91, Subpart D (12–13–72).

Sets forth guidelines and procedures to assist operators of large and turbine-powered multiengine airplanes in meeting the safety requirements of FAR, Part 91, Subpart D.

91–39 Recommended Noise Abatement Takeoff and Departure Procedure for Civil Turbojet Powered Airplanes (1–18–74).

Illustrates the recommended noise abatement takeoff and departure procedure for civil turbojet powered airplanes.

91–40 Terminal Control Area (TCA) Radar Outage (1–17–74).

Explains the service that will be provided by Air Traffic Control to aircraft in a terminal control area when a radar outage occurs.

91–41 Ground Operational Procedures for Aircraft Engine Emission Reduction and Fuel Conservation (3–12–74).

Recommends ground operational procedures that will minimize air pollution from aircraft ground operations and conserve fuel.

AC 91–42 Hazards of Rotating Propellers (6–17–75).

Provides information on propeller accidents and offers suggestions to reduce the frequency of their occurrence.

AC 91–43 Unreliable Airspeed Indications (6–26–75).

Alerts pilots to the possibility of erroneous airspeed/Mach indications that may be caused by blocking or freezing of the pitot system and advises of corrective action that can be taken.

91.29–1 Special Structural Inspections (1–8–68).

Discusses occurrences which may cause structural damage affecting the airworthiness of aircraft.

91.83–1A Canceling or Closing Flight Plans (3–25–75).

Outlines the need for canceling or closing flight plans promptly to avoid costly search and rescue operations.

91.83–2 IFR Flight Plan Route Information (2–16–66).

Clarifies the air traffic control needs for the filing of route information in an IFR (Instrument Flight Rules) flight plan.

95–1 Airway and Route Obstruction Clearance (6–17–65).

Advises all interested persons of the airspace areas within which obstruction clearance is considered in the establishment of Minimum En Route Instrument Altitudes (MEA's) for publication in FAR Part 95.

99–1 Security Control of Air Traffic (1–12–72).

Provides civil aviation with recommended practices for operating aircraft within or penetrating an Air Defense Identification Zone (ADIZ).

101–1 Waivers of Part 101, Federal Aviation Regulations (1–13–64).

Provides information on submission of applications and issuances of waivers to FAR Part 101.

103–2 Information Guide for Air Carrier Handling of Radioactive Materials (7–23–70).

Acquaints air carrier industry and in particular, air freight handling personnel, with the essential requirements and practical application of the various regulations pertaining to the handling and transportation of radioactive materials.

103–3 Information Guide for Training Programs and Manual Requirements in the Air Transportation of Dangerous Articles and Magnetized Materials (10–10–73).

Provides air carriers and air taxi/commercial operators with information concerning recent revisions to FAR Parts 103, 121, and 135 requiring the establishment of manuals and training of personnel in the air transportation of dangerous articles and magnetized materials.

103–4 Hazard Associated with Sublimation of Solid Carbon Dioxide (Dry Ice) Aboard Aircraft (5–1–74).

Discusses the potential hazard associated with the sublimation of dry ice aboard aircraft. Precautionary measures and simple rules of thumb are indicated in order to preclude environmentally hazardous conditions affecting crews and passengers aboard aircraft.

103–5 Preparation and Loading of Magnetron Tubes and Magnetic Materials for Air Shipments (7–16–74).

Provides information relevant to the preparation and loading of magnetron tubes and magnetic materials for shipment in civil aircraft.

105–2 Sport Parachute Jumping (9–6–68).

Provides suggestions to improve sport parachuting safety; information to assist parachutists in complying with FAR Part 105; and a list of aircraft which may be operated with one cabin door removed, including the procedures for obtaining FAA authorization for door removal.

107–1 Aviation Security—Airports (5–19–72).

Furnishes guidance to those individuals and organizations having responsibilities under Part 107 of the Federal Aviation Regulations. It also provides recommendations for establishing and improving security for restricted or critical facilities and areas the security of which is not dealt with in Part 107.

Air Carrier and Commercial Operators and Helicopters

SUBJECT No. 120

120–2A Precautionary Propeller Feathering To Prevent Runaway Propellers (8–20–63).

Emphasizes the need for prompt feathering when there is an indication of internal engine failure.

120–5 High Altitude Operations in Areas of Turbulence (8–26–63).

Recommends procedures for use by jet pilots when penetrating areas of severe turbulence.

120–7A Minimum Altitudes for Conducting Certain Emergency Flight Training Maneuvers and Procedures (7–27–70).

Issued to emphasize to all air carriers and other operators of large aircraft the necessity for establishing minimum altitudes above the terrain or water when conducting certain simulated emergency flight training maneuvers.

120–12 Private Carriage Versus Common Carriage by Commercial Operators Using Large Aircraft (6–24–64).

Provides guidelines for determining whether current or proposed transportation operations by air constitute private or common carriage.

120–13 Jet Transport Aircraft Altitude Instrument Systems (6–26–64).

Provides information about the characteristics of some attitude instrument systems presently installed in some jet transport aircraft.

120–16A Continuous Airworthiness Program (9–11–69).

Provides air carriers and commercial operators with guidance and information pertinent to certain provisions of Federal Aviation Regulations Parts 121 and 127.

120–17 Handbook for Maintenance Control by Reliability Methods (12–31–64).

Provides information and guidance materials which may be used to design or develop maintenance reliability programs which include a standard for determining the time limitations.

120–17 CH1 (6–24–66).

120–17 CH2 (5–6–68).

120–26C Civil Aircraft Operator Designators (9–28–72).

Revises the criteria and states the procedures for the assignment of a designator and a corresponding air/ground call sign to civil aircraft operators engaged in domestic services on a repetitive basis.

120–27 Aircraft Weight and Balance Control (10–15–68).

Provides a method and procedures for weight and balance control.

120–27 CH 1 (11–20–73).

Adds Part 123 to subject circular.

120–28A Criteria for Approval of Category IIIa Landing Weather Minima (12–14–71).

States an acceptable means, not the only means, for obtaining approval of Category IIIa minima and the installation approval of the associated airborne systems.

120–28A CH 1 (1–18–73).

Revises the CAT IIIa Landing Weather Minima maintenance requirements of paragraph 8 to make them consistent with the requirements for CAT IIa.

120–29 Criteria for Approving Category I and Category II Landing Minima for FAR 121 Operators (9–25–70).

Sets forth criteria used by FAA in approving turbojet landing minima of less than 300–¾ or RVR 4,000 (Category I) and Category II minima for all aircraft.

120–29 CH 1 (12–15–71).

Revises Appendix 1 and deletes statement in Appendix 2 regarding 19-foot criteria (does not apply when using an approved automatic landing system).

120–29 CH 2 (7–26–72).

Clarifies the airborne system evaluation by stressing the necessity for meeting maintenance program requirements.

120–29 CH 3 (12–3–74).

Outlines the recent change in FAR Part 121 wherein both initial and recurrent pilot qualification for both Category I and II proficiency checks may be performed in a visual simulator.

121–1A Standard Operations Specifications—Aircraft Maintenance Handbook (6–26–73).

Provides procedures acceptable to the Federal Aviation Administration which may be used by operators when establishing inspection intervals and overhaul times.

121–1A CH 1 (1–23–75).

Updates the overhaul and inspection/check period of selected airframes, powerplants, propellers, and appliances in relation to current industry standards.

121–3N Maintenance Review Board Reports (6–7–73).

Revises the list of Maintenance Review Board Reports that are currently in effect.

121–6 Portable Battery-Powered Megaphones (1–5–66).

Sets forth an acceptable means for complying with rules (applicable to various persons operating under Part 121 of the Federal Aviation Regulations) that prescribe the installation of approved megaphones.

121–12 Wet or Slippery Runways (8–17–67).

Provides uniform guidelines in the application of the "wet runway" rule by certificate holders operating under FAR 121.

121–13 Self-Contained Navigation Systems (Long Range) (10–14–69).

States an acceptable means, not the only means, of compliance with the referenced sections of the FAR as they apply to persons operating under Parts 121 or 123 who desire approval of Doppler RADAR navigation systems or Inertial Navigation Systems (INS) for use in their operations.

121–13 CH 1 (7–31–70).

Assures standardization of the Minimum Equipment List (MEL) with respect to Inertial Navigation Systems (INS) through the appropriate Flight Operations Evaluation Board (FOEB).

121–13 CH 2 (12–21–70).

Permits all flight training for Doppler and INS qualification, to be completed in a simulator or training device approved for conducting the required pilot training and qualifications in the use of these systems.

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121–14 Aircraft Simulator Evaluation and Approval (12–19–69).

Sets forth one means that would be acceptable to the Administrator for approval of aircraft simulators or other training devices requiring approval under section 121.407.

121–16 Maintenance Certification Procedures (11–9–70).

Provides guidance for the preparation of an Operations Specification—Preface Page which will afford nominal and reasonable relief from approved service and overhaul time limits when a part is borrowed from another operator.

121–17 Aviation Security: Certain Air Carriers and Commercial Operators—Security Programs and Other Requirements (3–14–72).

Provides general information regarding the requirements of FAR Amdt. 121–85.

121–18 Aviation Security—Carriage of Weapons and Escorted Persons (7–15–75).

Provides information and guidance for the implementation of amendments to FAR Part 121 regarding the carriage of weapons on aircraft and for the carriage of persons in the custody of law enforcement officers.

121.195(d)–1 Alternate Operational Landing Distances for Wet Runways; Turbojet Powered Transport Category Airplanes (11–19–65).

Sets forth an acceptable means, but not the only means, by which the alternate provision of section 121.195(d) may be met.

123–1 Air Travel Clubs (10–17–68).

Sets forth guidelines and procedures to assist air travel clubs using large aircraft in meeting safety requirements of FAR Part 123.

135.144–1 Small Propeller-Driven Air Taxi Airplanes That Meet Section 135.144 (4–13–72).

Provides a summary of and information on small propeller-driven air taxi airplanes that comply with section 135.144 and may continue operations under FAR Part 135 after May 31, 1972, with 10 or more passenger seats.

135.155–1 Alternate Static Source for Altimeters and Airspeed and Vertical Speed Indicators (2–16–65).

Sets forth an acceptable means of compliance with provision in FAR Part 135 and Part 23 dealing with alternate static courses.

135–1A Air Taxi Aircraft Weight and Balance Control (9–26–69).

Provides a method and procedures for developing a weight and balance control system for small aircraft operating in the air taxi fleet under FAR Part 135.

135–2A Air Taxi Operators of Large Aircraft (11–16–73).

Provides guidelines for use by air taxi operators or applicants who desire to obtain authorization to operate large aircraft (more than 12,500 pounds maximum certificated takeoff weight) in air taxi operations.

135–3A Air Taxi Operators and Commercial Operators of Small Aircraft (1–16–75).

Sets forth guidelines and procedures to assist persons in complying with the requirements of Federal Aviation Regulations, Part 135.

135–4 Security Measures and Passenger Screening for Scheduled Air Taxi Commercial Operators (1–22–75).

Advises interested ATCOs of the availability of operations specifications whereby they may implement security procedures to improve their security and facilitate passenger operation.

135.60–1 Aircraft Inspection Programs (5–1–70).

Provides information for use by air taxi operators and commercial operators of small aircraft developing an aircraft inspection program for FAA approval.

137–1 Agricultural Aircraft Operations (11–29–65).

Explains and clarifies the requirements of FAR Part 137 and provides additional information, not regulatory in nature, which will assist interested persons in understanding the operating privileges and limitations of this Part.

139.12–1 Airport Operations Specifications (2–3–75).

Presents guidelines to assist airport operators in developing airport operations specifications in compliance with the requirements of amended FAR Part 139.

139.49–1 Programs for Training of Fire Fighting and Rescue Personnel (11–12–74).

Outlines suggested training programs for airport fire fighting and rescue personnel involved in operating airport fire fighting and rescue equipment and the principles of aircraft fire fighting and rescue techniques.

Schools and Other Certificated Agencies

SUBJECT NO. 140

140–1C Consolidated Listing of FAA Certificated Repair Stations (2–27–74).

Provides a revised directory of all FAA certificated repair stations as of November 1973.

140–2J List of Certificated Pilot Schools (6–27–75).

Provides a list of FAA certificated pilot flight and ground schools as of July 1975.

140–3B Approval of Pilot Training Courses Under Subpart D of Part 141 of the FAR (1–8–70).

The title is self-explanatory.

140–5 Radio Maintenance Technician School Curriculum (8–11–71).

Provides information on curriculum subjects for persons desiring to establish radio maintenance technician training courses.

141–1 Pilot School Certification (8–29–74).

Sets forth guidelines to assist persons in obtaining a pilot school certificate and associated ratings under FAR Part 141 (revised).

141–2 Written Tests Prepared by Pilot Schools With Examining Authority Under Part 141 (Revised) of the Federal Aviation Regulations (9–18–74).

Provides guidance to FAR Part 141 Pilot Schools with examining authority in developing final written tests for FAA certificates and ratings which are equal in scope, depth, and difficulty to comparable written tests prescribed by the Administrator. Also prescribes procedures for administering, maintaining security of, and replacing those tests.

143–1D Ground Instructor Written Test Guide–Basic & Advanced (4–18–74).

Outlines the scope of basic knowledge requirements for a ground instructor; outlines source material to obtain this knowledge; presents a sample test with answers and explanations. ($2.25 GPO.) TD 4.408:G91.

143–2B Ground Instructor—Instrument—Written Test Guide (6–25–70).

Provides information to applicants for the instrument ground instructor rating about the subject areas covered in the examination and illustrated by a study outline, a list of study materials, and a sample examination with answers. ($1.30 GPO.) TD 4.8:G 91/971.

145.101–1A Application for Air Agency Certificate—Manufacturer's Maintenance Facility (3–10–69).

Explains how to obtain a repair station certificate.

147–2N Directory of FAA Certificated Aviation Maintenance Technician Schools (11–4–74).

Provides a revised directory of all FAA certificated aviation maintenance technician schools as of September 30, 1974.

147–3 Phase III, A National Study of the Aviation Mechanics Occupation (3–22–71).

Announces the availability for purchase by the public of a reprint of a report of Phase III, A National Study of the Aviation Mechanics Occupation.

147–4 Reports Availability of a Survey of Text Materials Used in Aviation Maintenance Technician Schools (9–3–74).

Announces the public availability of the 1974 report on A Survey of Test Materials Used in Aviation Maintenance Technician Schools.

149–2G Listing of Federal Aviation Administration Certificated Parachute Lofts (4–2–74).

Provides a revised listing of all FAA certificated parachute lofts as of March 1, 1974.

Airports

SUBJECT NO. 150

AIRPORT PLANNING

150/5000–1 Cancellation of Obsolete Publications Issued by Standards Division, Airports Service (4–17–70).

Cancels outstanding airport engineering data sheets, technical standard orders, airport engineering bulletins, and miscellaneous publications that are no longer current and to direct the reader ot a new source of information, where applicable.

150/5000–3B Address List for Regional Airports Divisions and Airport District Offices (10–26–73).

Transmits the address list for all regional Airports Divisions and Airport District Offices.

150/5000–3B CH 1 (10–31–74).

Transmits corrected addresses and telephone numbers for the subject AC.

150/5050–2 Compatible Land Use Planning in the Vicinity of Airports (4–13–67).

Advises Federal Aviation Administration personnel, local government officials and the public of the availability of the following two reports prepared under the auspices of the FAA by the firm of Transportation Consultants, Inc. *Compatible Land Use Planning On and Around Airports, and Aids Available for Compatible Land Use Planning Around Airports.*

150/5050–3A Planning the State Airport System (June 1972).

Provides general guidance in preparing a State airport system plan. ($2.50 GPO.) TD 4.8:Ai 7/29.

150/5060–1A Airport Capacity Criteria Used in Preparing the National Airport Plan (7–8–68).

Presents the method used by the Federal Aviation Administration for determining when additional runways, taxiways, and aprons should be recommended in the National Airport Plan. The material is also useful to sponsors and engineers in developing Airport Layout Plans and for determining when additional airport pavement facilities should be provided to increase aircraft accommodation capacity at airports.

150/5060–3A Airport Capacity Criteria Used in Long-Range Planning (12–24–69).

Describes the method used by the Federal Aviation Administration for determining the approximate practical hourly and practical annual capacities of various airport runway configurations and is used in long-range (10 years or more) planning for expansion of existing airports and construction of new airports to accommodate forecast demand.

150/5070–3 Planning the Airport Industrial Park (9–30–65).

Provides guidance to communities, airport boards, and industrial developers for the planning and development of Airport Industrial Parks.

150/5070–5 Planning the Metropolitan Airport System (5–22–70).

Gives guidance in developing airport-system plans for large metropolitan areas. It may be used by metropolitan planning agencies and their consultants in preparing such system plans and by the FAA in reviewing same. ($2.00 GPO.) TD 4.108:M56/2.

150/5070–6 Airport Master Plans (2–5–71).

Provides guidance for the preparation of individual airport master plans as provided for under the Airport Airway Development Act of 1970. ($2.00 GPO.) TD 4.108:P69.

150/5090–2 National Airport Classification System (Airport System Planning) (6–25–71).

Sets forth the new national airport classification system. The system is designed for use in the identification and classification of airports within the National System of Airports and for use as a planning tool in long-range airport system planning.

FEDERAL-AID AIRPORT PROGRAMS

150/5100–3A Federal-aid Airport Program-Procedures Guide for Sponsors (9–20–68).

Provides guidance to public agencies that sponsor or propose to sponsor projects under the Federal-aid Airport Program (FAAP) authorized by the Federal Airport Act.

150/5100–3A CH 1 (11–28–69).

Transmits revised pages to subject advisory circular.

150/5100–5 Land Acquisition in the Federal-aid Airport Program (1–30–69).

Provides general information to sponsors of airport development projects under the Federal-aid Airport Program on the eligibility of land acquisition and extent of Federal participation in land acquisition costs.

150/5100–6A Labor Requirements for Airport Development Aid Program (ADAP) Contracts (1–31–73).

Covers the basic labor requirements for the Airport Development Aid Program.

150/5100–6A CH 1 (3–16–73).

Transmits a revision to delete page 3–1 from subject Advisory Circular.

150/5100–7A Requirement for Public Hearing in the Airport Development Aid Program (2–25–72).

Provides guidance to sponsors of airport development projects under the Airport Development Aid Program (ADAP) on the necessity for and conduct of public hearings.

150/5100–8 Request for Aid; Displaced Persons; Public Hearings; Environmental Considerations; Opposition to the Project (1–19–71).

Provides general guidance on the information and coordination required in support of a request for aid for an airport development project under the Airport and Airway Development Act of 1970.

150/5100–9 Engineering Services Under the Airport Development Aid Program (ADAP) (7–1–72).

Provides guidance for airport sponsors and Federal Aviation Administration offices in the definition, selection, review, and approval of engineering services used under subject program.

150/5100–10 Accounting Records Guide for Airport Development Aid Program Sponsors (5–15–72).

Assists sponsors of Airport Development Aid Program (ADAP) projects in maintaining accounting records that will satisfy the recordkeeping and auditing requirements which are necessary to support claims for progress and final payments under the Airport and Airway Development Act of 1970 (Public Law 91–258).

150/5100–11 Land Acquisition and Relocation Assistance Under the Airport Development Aid Program (2–10–75).

Provides guidance to sponsors of airport development projects under the Airport Development Aid Program to meet the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (Public Law 91–646).

SURPLUS AIRPORT PROPERTY CONVEYANCE PROGRAMS

150/5150–2A Federal Surplus Personal Property for Public Airport Purposes (8–3–73).

Acquaints public airport owners and other interested parties with the Federal Surplus Personal Property Program for public airports and to outline procedures to be used in applying for and acquiring surplus personal property for this purpose.

150/5150–2A CH 1 (2–21–74).

Adds material to paragraph 24, Chapter 6, which was inadvertently omitted in the Advisory Circular during preparation.

AIRPORT COMPLIANCE PROGRAM

150/5190–1 Minimum Standards for Commercial Aeronautical Activities on Public Airports (8–18–66).

Gives to owners of public airports information helpful in the development and application of minimum standards for commercial aeronautical activities.

150/5190–2A Exclusive Rights at Airports (4–4–72).

Makes available to public airport owners, and to other interested persons, basic information and guidance on FAA's policy regarding exclusive rights at public airports on which Federal funds, administered by FAA, have been expended.

150/5190–2A CH 1 (10–2–72).

Deletes the reference to the sale of aeronautical charts by the National Ocean Survey (formerly the U.S. Coast Guard and Geodetic Survey) and to

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encourage airport owners to obtain UNICOM license in their own names and make these facilities available to all fixed base operators.

150/5190–3A Model Airport Hazard Zoning Ordinance (9–19–72).

Provides a model airport hazard zoning ordinance for airports. The model ordinance is intended merely as a guide to control manmade and natural hazards to aircraft and will require modifications and revisions to meet the varying circumstances and the state and local laws.

AIRPORT SAFETY—GENERAL

150/5200–3A Bird Hazards to Aircraft (3–2–72).

Transmits to the aviation public the latest published information concerning the reduction of bird strike hazards to aircraft in flight and in the vicinity of airports.

150/5200–4 Foaming of Runways (12–21–66).

Discusses runway foaming and suggests procedures for providing this service.

150/5200–5 Considerations for the Improvement of Airport Safety (2–2–67).

Emphasizes that, in the interest of accident/incident prevention, airport management should conduct self-evaluations and operational safety inspections. An exchange of information and suggestions for the improvement of airport safety is also suggested.

150/5200–6A Security of Aircraft at Airports (6–28–68).

Directs attention to the problem of pilferage from aircraft on airports and suggests action to reduce pilferage and the hazards that may result therefrom.

150/5200–7 Safety on Airports During Maintenance of Runway Lighting (1–24–68).

Points out the possibility of an accident occurring to airport employees caused by electrocution.

150/5200–8 Use of Chemical Controls to Repel Flocks of Birds at Airports (5–2–68).

Acquaints airport operators with new recommendations on the use of chemical methods for dispersing flocks of birds.

150/5200–9 Bird Reactions and Scaring Devices (6–26–68).

Transmits a report on bird species and their responses and reactions to scaring devices.

150/5200–11 Airport Terminals and the Physically Handicapped (11–27–68).

Discusses the problems of the physically handicapped air traveler and suggests features that can be incorporated in modification or new construction of airport terminal buildings.

150/5200–12 Fire Department Responsibility in Protecting Evidence at the Scene of an Aircraft Accident (8–7–69).

Furnishes general guidance for employees of airport management and other personnel responsible for firefighting and rescue operations, at the scene of an aircraft accident, on the proper presentation of evidence.

150/5200–13 Removal of Disabled Aircraft (8–27–70).

Discusses the responsibility for disabled aircraft removal and emphasizes the need for prearranged agreements, plans, equipment, and improved coordination for the expeditious removal of disabled aircraft from airport operating areas. It also illustrates some of the various methods used, equipment employed, equipment available, and concepts for aircraft recovery.

150/5200–14 Results of 90-Day Trial Exercise on Fire Department Activity (9–8–70).

Transmits statistical data collected during a 90-day trial exercise conducted to determine the relationship between aircraft fire and rescue service activities and airport aeronautical operations.

150/5200–15 Availability of the International Fire Service Training Association's (IFSTA) Aircraft Fire Protection and Rescue Procedures Manual (9–11–70).

Announces the availability of the subject manual.

150/5200–16 Announcement of Report AS–71–1 "Minimum Needs for Airport Fire Fighting and Rescue Services" Dated January 1971 (4–13–71).

Announces the availability of the subject report and describes how to get it.

150/5200–17 Emergency Plan (2–5–72).

Contains guidance material for airport management to use in developing an emergency plan at civil airports.

150/5200–17 CH–1 (6–28–74).

Provides additional guidance on care and services for uninjured aircraft passengers.

150/5200–18 Airport Safety Self-Inspection (2–5–72).

Suggests functional responsibility, procedures, a checklist, and schedule for an airport safety self-inspection.

150/5200–19 Availability of Report No. FAA–RD–71–20 "An Analysis of Airport Snow Removal and Ice Control" dated March 1971 (11–23–71).

Announces the availability of subject report.

150/5200–21 Announcing the Availability of U.S. Air Force Technical Order (T.O. 00–105–9) Aircraft Emergency Rescue Information (5–23–73).

Explains the nature of the Technical Order and tells how it can be obtained by airport fire departments which are under the Airport Certification Program.

150/5210–2 Airport Emergency Medical Facilities and Services (9–3–64).

Provides information and advice so that airports may take specific voluntary preplanning actions to assure at least minimum first-aid and medical readiness appropriate to the size of the airport in terms of permanent and transient personnel.

150/5210–4 FAA Aircraft Fire and Rescue Training Film, "Blanket for Survival" (10–27–65).

Provides information on the purpose, content, and availability of the subject training film.

150/5210–5 Painting, Marking, and Lighting of Vehicles Used on an Airport (8–31–66).

Makes recommendations concerning safety, efficiency, and uniformity in the interest of vehicles used on the aircraft operational area of an airport.

150/5210–6B Aircraft Fire and Rescue Facilities and Extinguishing Agents (1–26–73).

Outlines scales of protection considered as the recommended level compared with the minimum level in Federal Aviation Regulation Part 139.49 and tells how these levels were established from test and experience data.

150/5210–6B CH 1 (8–22–73).

Issues new guidance under paragraph 9, and paragraph 12 of subject advisory circular.

150/5210–6B CH 2 (5–21–74).

Includes details on the basic purpose, care, and cleaning of proximity suits. Adds a new chapter 5—contains criteria intended for use in purchasing off-the-shelf design proximity suits.

150/5210–7A Aircraft Fire and Rescue Communications (3–16–72).

Provides guidance information for use by airport management in establishing communication and alarm facilities by which personnel required to respond to and function at aircraft ground emergencies may be alerted and supplied with necessary information.

150/5210–8 Aircraft Firefighting and Rescue Personnel and Personnel Clothing (1–13–67).

Provides guidance concerning the manning of aircraft fire and rescue trucks, the physical qualifications that personnel assigned to these trucks should meet, and the protective clothing with which they should be equipped.

150/5210–9 Airport Fire Department Operating Procedures During Periods of Low Visability (10–27–67).

Suggests training criteria which airport management may use in developing minimum response times for aircraft fire and rescue trucks during periods of low visibility.

150/5210–10 Airport Fire and Rescue Equipment Building Guide (12–7–67).

This title is self-explanatory.

150/5210–11 Response to Aircraft Emergencies (4–15–69).

Informs airport operators and others of an existing need for reducing aircraft firefighting response time, and outlines a uniform response time goal of 2 minutes within aircraft operational areas on airports.

150/5210–12 Fire and Rescue Service for Certificated Airports (3–2–72).

Furnishes guidance and explains to Federal Aviation Administration (FAA) airport inspectors and airport management the minimum criteria to be applied when evaluating the aircraft fire and rescue service required at an airport for its compliance with the requirements of FAR Part 139.

150/5210–13 Water Rescue Plans, Facilities, and Equipment (5–4–72).

Suggests planning procedures, facilities, and equipment to effectively perform rescue operations when an aircraft lands in a body of water, swamp, or tidal area where normal aircraft firefighting and rescue service vehicles are unable to reach the accident scene.

150/5220–1 Guide Specification for a Light-Weight Airport Fire and Rescue Truck (7–24–64).

Describes a vehicle with performance capabilities considered as minimum for an acceptable light rescue truck.

150/5220–4 Water Supply Systems for Aircraft Fire and Rescue Protection (12–7–67).

The title is self-explanatory.

150/5220–6 Guide Specification for 1,000-Gallon Tank Truck (4–10–68).

Assists airport management in the development of local procurement specifications.

150/5220–9 Aircraft Arresting System for Joint Civil/Military Airports (4–6–70).

Updates existing policy and describes and illustrates the various types of military aircraft emergency arresting systems that are now installed at various joint civil/military airports. It also informs users of criteria concerning installations of such systems at joint civil/military airports.

150/5220–10 Guide Specification for Water/Foam Type Aircraft Fire and Rescue Trucks (5–26–72).

Assists airport management in the development of local procurement specifications.

150/5220–10 CH 1 (12–4–72).

Replaces information on weight distribution and fire pump engines which was omitted when the subject circular was developed, consolidating information from four other circulars.

150/5220–10 CH 2 (8–22–73).

Expands the guidance under paragraph 14 of subject AC to permit the design of engine systems to operate in freezing temperatures for prolonged periods and to provide devices insulation materials, etc., to prevent the truck fire fighting system from freezing.

150/5230–3 Fire Prevention During Aircraft Fueling Operations (4–8–69).

This advisory circular provides information on fire preventive measures which aircraft servicing personnel should observe during fueling operations.

150/5240–7 A Fuel/Energy Conservation Guide for Airport Operators (2–19–74).

Identifies potential areas where fuel and energy usage can be conserved to assist airport operators in their voluntary actions in reducing fuel and energy consumption.

150/5280–1 Airport Operations Manual (6–16–72).

Sets forth guidelines to assist airport operators in developing an Airport Operations Manual in compliance with the requirements of FAR Part 139.

150/5280–2 Guidance for Airport Operators-Use of Notices to Airmen as Related to FAR Part 139 (2–12–74).

Provides the airport operator with guidance on Notices to Airmen and assists him in understanding the system in relation to the requirements of FAR Part 139.

DESIGN, CONSTRUCTION, AND MAINTENANCE—GENERAL

150/5300–2C Airport Designs Standards—Site Requirements for Terminal Navigational Facilities (9–21–73).

Provides information regarding the relative location and siting requirements for the terminal navigation facilities located on or close to an airport.

150/5300–2C CH 1 (3–1–74).

Transits a revised Fig. 2–12 correcting the guidance for the location of the ILS Middle Marker Beacon.

150/5300–4B Utility Airports—Air Access to National Transportation (6–24–75).

Establishes design standards for utility airports which are constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

150/5300–5 Airport Reference Point (9–26–68).

Defines and presents the method for calculating an airport reference point.

150/5300–6 Airport Design Standards, General Aviation Airports, Basic and General Transport (7–14–69). Consolidated Reprint August 1975 Incorporates Changes 1 and 2.

Provides recommended design criteria for the development of larger than general utility airports.

150/5300–7B FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes (11–8–72).

Reaffirms the aviation community of the FAA policy governing responsibility for funding relocation, replacement and modification to air traffic control and air navigation facilities that are made necessary by improvements or changes to the airport.

150/5300–8 Planning and Design Criteria for Metropolitan STOL Ports (11–5–70).

Provides the criteria recommended for the planning and design of STOL ports in metropolitan areas.

150/5300–8 CH 1 (4–3–75).

Transmits revised requirements for color coding of threshold and runway end lights on STOL runways.

150/5300–9 Predesign and Preconstruction Conferences (ADAP) Projects (9–10–73).

Emphasizes the need for, and encourages the use of, predesign and preconstruction conferences as valuable tools in the administration of construction contracts funded under the ADAP.

150/5300–10 Federal Aviation Administration Funded Study—Analysis of General Aviation Airports Developed With and Without Federal Financial Assistance (7–21–75).

Transmits the recommendations and conclusions of a study conducted for the FAA. Advises the public as to how they may obtain the reports.

150/5320–5B Airport Drainage (7–1–70).

Provides guidance for engineers, airport managers, and the public in the design and maintenance of airport drainage systems. ($1.30 GPO.) TD 4.8:D78/970.

150/5320–6B Airport Pavement Design and Evaluation (5–28–74).

Provides guidance to the public for the design and evaluation of pavements at civil airports.

150/5320–6B CH 1 (11–18–74).

Transmits several changes to the basic advisory circular.

150/5320–10 Environmental Enhancement at Airports—Industrial Waste Treatment (4–16–73).

Provides basic information on the nature and treatment of industrial wastes produced at airports.

150/5320–10 CH 1 (11–18–74).

150/5320–11 Runway Categorization—Aeronautical Studies—Airport Owners' Responsibilities (9–21–73).

Emphasizes the need for airport owners to maintain runway and approach zone categories and locations on file with FAA so they may be given consideration under the regulations of FAR Part 77.

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150/5320–12 Methods for the Design, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces (7–30–75).

Provides guidance on methods that can be used to provide and maintain airport pavement surface friction characteristics.

150/5325–2C Airport Design Standards—Air Carrier Airports—Surface Gradient and Line-of-Sight (2–6–75).

Establishes design standards for airports served by certificated air carriers to assist engineers in (1) designing the gradients of airports surface areas used to accommodate the landing, takeoff, and other ground movement requirement of airplanes while (2) providing adequate line of sight between airplanes operating on airports.

150/5325–2C CH 1 (4–21–75).

Transmits revised criteria for unobstructed line-of-sight along individual runways and between intersecting runways.

150/5325–3 Background Information on the Aircraft Performance Curves for Large Airplanes (1–26–65). Consolidated Reprint May 1974. Includes Change 1.

Provides airport designers with information on aircraft performance curves for design which will assist them in an objective interpretation of the data used for runway length determination.

150/5325–4 Runway Length Requirements for Airport Design (4–5–65). Consolidated Reprint August 1974. Includes Changes 1 through 8.

Presents aircraft performance curves and sets forth standards for the determination of runway lengths to be provided at airports. The use of these standards is required for project activity under the Federal-Aid Airport Program when a specific critical aircraft is considered as the basis for the design of a runway.

150/5325–4 CHG 9 (8–15–75).

150/5325–5B Aircraft data (7–30–75).

Presents a listing of principal dimensions of aircraft affecting airport design for guidance in airport development.

150/5325–6A Airport Design Standards—Effects and Treatment of Jet Blast (7–13–72).

Presents criteria on the jet engine blast velocities associated with aircraft in common use in air carrier service, the effects of these blast velocities during ground operations, and suggested means to counteract or minimize these effects.

150/5325–8 Compass Calibration Pad (5–8–69).

Provides guidelines for the design, location on the airport, and construction of a compass calibration pad, and basic information concerning its use in determining the deviation error in an aircraft magnetic compass.

150/5335–1A Airport Design Standards—Airports Serviced by Air Carriers—Taxiways (5–15–70).

Provides criteria on taxiway design for airports served by certificated route air carriers with present airplanes and those anticipated in the near future.

150/5335–1A CH 1 (10–4–73).

Transmits revised pages to the subject advisory circular.

150/5335–2 Aiport Aprons (1–27–65).

Provides the criteria for airport aprons which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5335–3 Airport Design Standards—Airports Served by Air Carriers—Bridges and Tunnels on Airports (4–19–71).

Provides general guidance to those contemplating the construction of a bridge-type structure to allow aircraft to cross over an essential surface transportation mode.

150/5335–3 CH 1 (3–30–73).

Transmits revised pages.

150/5335–4 Airport Design Standards—Airports Served by Air Carriers—Runway Geometrics (7–21–75).

Provides criteria on runway geometric design for airports served by certificated route air carriers.

150/5340–1D Marking of Paved Areas on Airports (1–19–73).

Describes standards for marking serviceable runways and taxiways as well as deceptive, closed, and hazardous areas on airports.

150/5340–4C Installation Details for Runway Centerline and Touchdown Zone Lighting Systems (5–6–75).

Describes standards for the design and installation of runway centerline and touchdown zone lighting systems.

150/5340–5A Segmented Circle Airport Marker System (9–10–71).

Sets forth standards for a system of airport marking consisting of certain pilot aids and traffic control devices.

150/5340–8 Airport 51-foot Tubular Beacon Tower (6–11–64).

Provides design and installation details on the subject tower.

150/3540–13B High Intensity Runway Lighting System (3–24–73).

Describes standards for the design, installation, and maintenance of high intensity runway lighting systems.

150/5340–14B Economy Approach Lighting Aids (6–19–70).

Describes standards for the design, selection, sitting, and maintenance of economy approach lighting aids.

150/5340–14B CH 1 (6–24–73).

Transmits equipment specifications for an omnidirectional lead in approach light system.

150/5340–14B CH 2 (2–11–75).

Provides equipment specifications for an omnidirectional runway end identifier light system (REIL).

150/5340–15B Taxiway Edge Lighting System (4–4–72).

Describes the recommended standards for the design, installation, and maintenance of a taxiway edge lighting system.

150/5340–16B Medium Intensity Runway Lighting System and Visual Approach Slope Indicators for Utility Airports (10–26–70).

Describes standards for the design, installation, and maintenance of medium intensity runway lighting system (MIRL), and visual approach slope indicators for utility airports.

150/5340–16B CH 1 (8–2–74).

Adds the requirement for split red/green lens on the threshold lights and split white/yellow lens on the edge lights in the caution zone. Appendix I was deleted.

150/5340–17A Standby Power for Non-FAA Airport Lighting Systems (3–19–71).

Describes standards for the design, installation, and maintenance of standby power for nonagency owned airport visual aids associated with the National Airspace System (NAS).

150/5340–18 Taxiway Guidance System (9–27–68).

Describes the recommended standards for design, installation, and maintenance of a taxiway guidance sign system.

150/5340–19 Taxiway Centerline Lighting System (11–14–68).

Describes the recommended standards for design, installation, and maintenance of a taxiway centerline lighting system.

150/5340–20 Installation Details and Maintenance Standards for Reflective Markers for Airport Runway and Taxiway Centerlines (2–17–69).

Describes standards for the installation and maintenance of reflective markers for airport runway and taxiway centerlines.

150/5340–21 Airport Miscellaneous Lighting Visual Aids (3–25–71).

Describes standards for the system design, installation, inspection, testing, and maintenance of airport miscellaneous visual aids; i.e., airport beacons, beacon towers, wind cones, wind tees, and obstruction lights.

150/5340–22 Maintenance Guide for Determining Degradation and Cleaning of Centerline and Touchdown Zone Lights (4–20–71).

Contains maintenance recommendations for determining degradation and cleaning of centerline and touchdown zone lights installed in airport pavement.

150/5340–22 CH 1 (6–23–71).

Transmits a page change to subject advisory circular.

150/5340–23 Guide for Location of Supplemental Wind Cones (8–24–71).

Describes standards for the performance and location of supplemental wind cones.

150/5345–1D Approved Airport Lighting Equipment (4–11–73).

Contains lists of approved airport lighting equipment and manufacturers qualified to supply their product in accordance with the indicated specification requirements.

150/5345–1D CH 1 (11–1–73).

Transmits additions and revisions to the lists of approved equipment and manufacturers.

150/5345–2 Specification for L–810 Obstruction Light (11–4–63).

Required for FAAP project activity.

150/5345–2 CH 1 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–3B Specification for L–821 Airport Lighting Panel for Remote Control of Airport Lighting (4–21–72).

Describes the specification requirements for an airport lighting control panel for the remote control of airport lighting circuits and is published by the Federal Aviation Administration for the guidance of the public.

150/5345–4 Specification for L–892 Internally Lighted Airport Taxi Guidance Sign (10–15–63).

Required for FAAP project activity.

150/5345–4 CH 1 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–5 Specification for L–847 Circuit Selector Switch, 5,000 Volt 20 Ampere (9–3–63).

Required for FAAP project activity.

150/5345–7B Specification for L–824 Underground Electrical Cables for Airport Lighting Circuits (3–18–71).

Describes the specification requirements for underground electrical cables for airport lighting circuits. Published by the FAA for the guidance of the public.

150/5345–10C Specification for L–828 Constant Current Regulators (10–22–71).

Describes the subject specification requirements and is published by the Federal Aviation Administration for the guidance of the public.

150/5345–11 Specification for L–812 Static Indoor Type Constant Current Regulator Assembly, 4 Kw and 7½ Kw, With Brightness Control for Remote Operations (3–2–64).

Required for FAAP project activity.

150/5345–12A Specification for L–801 Beacon (5–12–67). Consolidated Reprint November 1974. Includes Change 1.

Describes the subject specification requirements.

150/5345–13 Specification for L–841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits (1–6–64).

Required for FAAP project activity.

150/5345–18 Specification for L–811 Static Indoor Type Constant Current Regulator Assembly, 4 Kw; With Brightness Control and Runway Selection for Direct Operation (3–3–64).

Required for FAAP project activity.

150/5345–18 CH 1 (5–28–64).

Advises that a detail requirement is not applicable to the circular.

150/5345–21 Specification for L813 Static Indoor Type Constant Current Regulator Assembly; 4 Kw and 7½ Kw; for Remote Operation of Taxiway Lights (7–28–64).

Describes the subject specification requirements.

150/5345–26A Specification for L–823 Plug and Receptacle, Cable Connectors (5–4–71).

Describes the subject specification requirements.

150/5345–27A Specification for L–807 Eight-foot and Twelve-foot Unlighted or Externally Lighted Wind Cone Assemblies (6–16–69).

Describes the subject specification requirement for a hinged steel pole support, an anodized tapered aluminum hinged base pole support, and an "A" frame fixed support with a pivoted center pipe support.

150/5345–28B Specification for L–851 Visual Approach Sope Indicators and Accessories (2–16–72).

Describes the specification requirements for visual approach slope indicator (VASI) and simple abbreviated visual approach slope indicator (SAVASI) equipment and accessories.

150/5345–30A Specification for L–846 Electrical Wire for Lighting Circuits To Be Installed in Airport Pavements (2–3–67).

Describes, for the guidance of the public, subject specification requirements for electrical wire.

150/5345–36 Specification for L–808 Lighted Wind Tee (2–3–65).

Describes the subject specification requirements.

150/5345–39A FAA Specification L–853, Runway and Taxiway Centerline Retroreflective Markers (9–17–71).

Describes specification requirements for L–853 Runway and Taxiway Retroreflective markers, for the guidance of the public.

150/5345–42A FAA Specification L–857, Airport Light Bases, Transformer Housing and Junction Boxes (10–4–73).

Describes specification requirements for airport light bases, transformer housing and junction boxes for the guidance of the public.

150/5345–43B FAA/DOD Specification L–856, High Intensity Obstruction Lighting Systems (11–1–73).

Contains equipment specifications for high intensity obstruction lighting systems.

150/5345–44A Specification for L–858 Retroreflective Taxiway Guidance Signs (7–20–71).

Describes the specification for retroreflective taxiway guidance signs.

150/5345–45 Lightweight Approach Light Structure (5–10–73).

Presents the specifications for lightweight structures for supporting lights as used in visual navigational aid systems.

150/5345–46 Specification for Semiflush Airport Lights (7–11–75).

Establishes the performance requirements and pertinent construction details for omnidirectional, unidirectional, and bidirectional semiflush inset light assemblies to be used for lighting airport runways and taxiways.

150/5345–47 Isolation Transformers for Airport Lighting Systems (7–28–75).

Contains the specifications requirements for series-to-series isolation transformers for use in airport lighting systems.

150/5345–48 Specification for Runway and Taxiway Edge Lights (8–1–75).

Contains the specification requirements for airport runway and taxiway edge lights for the guidance of the public.

150/5355–1A International Signs to Facilitate Passengers Using Airports (11–3–71).

Informs airport authorities of the desirability to provide international signs and diagrammatic maps within terminal buildings and of the need for clearly marked road signs for airports.

150/5355–2 Fallout Shelters in Terminal Buildings (4–1–69).

Furnishes guidance for the planning and design of fallout shelters in airport terminal buildings.

150/5360–2 Airport Cargo Facilities (4–6–64).

Provides guidance material on air cargo facilities.

150/5360–3 Federal Inspection Service Facilities at International Airports (4–1–66).

Describes and illustrates recommended facilities for inspection of passengers, baggage, and cargo entering the United States through international airport terminals. The material is for the guidance

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of architect-engineers and others interested in the planning and design of these airport facilities.

150/5370–2A Operational Safety on Airports With Emphasis on Safety During Construction (6–20–75).

Presents guidelines concerning operational safety on airports with special emphasis on safety during periods of construction activity.

150/5370–4 Procedures Guide for Using the Standard Specifications for Construction of Airports (5–29–69).

Provides guidance to the public in the use and application of the Standard Specifications for Construction of Airports.

150/5370–5A Offshore Airports (2–21–75).

Announces to the public the availability of a two-volume report on offshore airport planning and construction methods and how to obtain the report.

150/5370–6 Construction Progress and Inspection Report—Federal-Aid Airport Program (3–16–70).

Provides for a report on construction progress and inspection of Federal-aid Airport Program (FAAP) projects, suggests a form for the report, and recommends use of the form unless other arrangements exist to obtain the type of information provided by the form.

150/5370–7 Airport Construction Controls To Prevent Air and Water Pollution (4–26–71).

Supplies guidance material on compliance with air and water standards during construction of airports developed under the Airport and Airway Development Act of 1970.

150/5370–9 Slip-Form Paving—Portland Cement Concrete (6–7–73).

Transmits guidance for the construction of Portland Cement Concrete pavements by the slip-form method.

150/5370–10 Standards for Specifying Construction of Airports (10–24–74).

Provides construction standards usually used to specify grading, drainage, paving, lighting, fencing, and turfing items of work on civil airports. ($7.25 GPO) TD 4.24:974.

150/5380–2A Snow Removal Techniques Where In-Pavement Lighting Systems Are Installed (12–24–64).

Provides information on damage to inpavement lighting fixtures by snow removal equipment and recommends procedures to avoid such damage.

150/5380–4 Ramp Operations During Periods of Snow and Ice Accumulation (9–11–68).

Directs attention to an increased accident potential when snow or ice accumulates on the surfaces of ramps and aircraft parking and holding areas and suggests some measures to reduce this potential.

150/5380–5 Debris Hazards at Civil Airports (3–8–71).

Discusses problems of debris at airports, gives information on foreign objects, and tells how to eliminate such objects from operational areas.

150/5390–1A Heliport Design Guide (11–5–69).

Contains design guidance material for the development of heliports, both surface and elevated. ($1.50 GPO.) TD 4.108:H36.

PLANNING GRANT PROGRAM

150/5900–1A The Planning Grant Program for Airports (9–26–74).

Offers guidance to the sponsors of airport system plans and airport master plans on how to participate in the FAA's Planning Grant Program. It describes the application process and the administrative procedures to be followed in performing planning projects.

Air Navigational Facilities

SUBJECT NO. 170

170–3B Distance Measuring Equipment (DME) (11–8–65).

Presents information on DME and some of its uses to pilots unfamiliar with this navigational aid.

170–6A Use of Radio Navigation Test Generators (3–30–66).

Gives information received from the Federal Communications Commission as to the frequencies on which the FCC will license test generators (used to radiate a radio navigation signal) within the scope of its regulations and gives additional information to assist the user when checking aircraft navigation receivers.

170–8 Use of Common Frequencies for Instrument Landing Systems Located on Opposite Ends of the Same Runway (11–7–66).

In the future, common frequencies may be assigned to like components of two instrument landing systems serving opposite ends of the same runway. This will include the localizers, glide slopes, and associated outer and middle marker compass locators (LOM and LMM).

170–9 Criteria for Acceptance of Ownership and Servicing of Civil Aviation Interest(s) Navigational and Air Traffic Control Systems and Equipment (11–26–68).

Contains a revised FAA policy under which the FAA accepts conditional ownership of equipment and systems from civil aviation interests, without the use of Federal funds, and operates, maintains, and provides the logistic support of such equipment.

170–10 FAA Recommendations to FCC on Licensing of Non-Federal Radio Navigation Aids (10–17–69).

Gives background information and describes the basis for recommendations to be made by the FAA to the Federal Communications Commission (FCC) regarding licensing of radio navigation aids.

170–11 Amendment of Federal Aviation Regulation Part 171 (FAR–171)—Cost of Flight and Ground Inspections (9–17–70).

Alerts the public to the amendment to FAR Part 171 pertaining to the payment of ground and flight inspection charges prior to the issuance of an approved IFR procedure.

170–12 Implementatoin of 50 KHz/Y Channels for ILS/VOR/DME (10–7–70).

Advises aircraft owners, operators and radio equipment manufacturers of plans for future implementation of split channel assignments in the aeronautical radio navigation bands.

Administrative

SUBJECT NO. 180

183–30A FAA Designated Mechanic Examiners Directory (4–10–74).

Provides a revised directory of all FAA designated mechanic examiners as of March 1, 1974.

183–31B FAA Designated Parachute Rigger Examiner Directory (4–2–74).

Provides a new directory of all FAA designated parachute rigger examiners as of March 1, 1974.

183.29–1H Designated Engineering Representatives (7–1–75).

Lists FAA-approved Designated Engineering Representatives who are available for consulting work.

Flight Information

SUBJECT NO. 210

210–1 National Notice to Airmen System (2–3–64).

Announces FAA policy for the preparation and issuance of essential flight information to pilots and other aviation interests.

210–3 National Notice to Airmen System—Elimination of NOTAM Code (5–22–70).

Announces changes in criteria and procedures for the Notice to Airmen System required to accommodate the transmission of all domestic Notice to Airmen data in clear contracted language and eliminate use of the NOTAM code on the domestic service A circuits.

211–2 Recommended Standards for IFR Aeronautical Charts (3–20–67).

Sets forth standards recommended by the Federal Aviation Administration for the guidance of the public in the issuance of IFR aeronautical charts for use in the National Airspace System (NAS).

Advisory Circulars For Sale

This List contains those circulars that are sold by the Superintendent of Documents. (See numerical index for appropriate price, sequential lettering, if any, and date, etc.)

Acceptable Methods, Techniques, and Practices—Aircraft Alterations, AC 43.13–2.
Acceptable Methods, Techniques, and Practices—Aircraft Inspection and Repair, AC 43.13–1.
Aircraft Dispatcher Written Test Guide, AC 65–4.
Airframe and Powerplant Mechanics Airframe Handbook, AC 65–15.
Airframe and Powerplant Mechanics Certification Guide, AC 65–2.
Airframe and Powerplant Mechanics Certification Information, AC 65–11.
Airframe and Powerplant Mechanics—General Handbook, AC 65–9.

Airframe and Powerplant Mechanics Powerplant Handbook, AC 65–12.
Airline Transport Pilot—Airplane Practical Test Guide, AC 61–49.
Airline Transport Pilot (Airplane) Written Test Guide, AC 61–18.
Airline Transport Pilot (Helicopter) Written Test Guide, AC 61–42.
Airplane Flight Instructor Written Test Guide, AC 61–11.
Airport Drainage, AC 150/5320–5.
Airport Master Plans, AC 150/5070–6.
Aviation Weather, AC 00–6.
Aviation Weather Services, AC 00–45.
Basic Glider Criteria Handbook, AC 21–3.
Basic Helicopter Handbook, AC 61–13.
Commercial Pilot Airplane Flight Test Guide, AC 61–55.
Commercial Pilot Written Test Guide, AC 61–28.
Commercial Pilot Airplane Written Test Guide, AC 61–71.
Federal Aviation Regulations Written Test Guide for Private, Commercial, and Military Pilots, AC 61–34.
Flight Engineer Written Test Guide, AC 63–1.
Flight Instructor Instrument—Airplane—Written Test Guide, AC 61–70.
Flight Instructor Practical Test Guide, AC 61–14.
Flight Instructor Practical Test Guide, AC 61–58.
Flight Instructor Airplane Written Test Guide, AC 61–72.
Flight Instructor's Handbook, AC 61–16.
Flight Test Guide—Commercial Pilot, Airplane, AC 61.117–1.
Flight Test Guide—Gyroplane, Private and Commercial, AC 61–30.
Flight Test Guide—Helicopter, Private and Commercial Pilot, AC 61–25.
Flight Test Guide—Instrument Pilot Airplane, AC 61–17.
Flight Test Guide (Part 61 revised)—Instrument Pilot Airplane, AC 61–56.
Flight Test Guide—Instrument Pilot Helicopter, AC 61–64.
Flight Test Guide (Part 61 revised)—Private Airplane, AC 61–54.
Flight Test Guide—Private Pilot—Airplane—Single Engine, AC 61–3.
Flight Navigator Written Test Guide, AC 63–2.
Flight Training Handbook, AC 61–21.
Forming and Operating a Flying Club, AC 00–25.
General Aviation Inspection Aids, Summary, AC 20–7.
Ground Instructor—Instrument—Written Test Guide, AC 143–2.
Ground Instructor Written Test Guide—Basic and Advanced, AC 143–1.
Guide to Drug Hazards in Aviation Medicine, AC 91.11–1.
Heliport Design Guide, AC 150/5390–1.
Instrument Flight Instructor Written Test Guide, AC 61–29.
Instrument Flying Handbook, AC 61–27.
Instrument Rating (Airplane) Written Test Guide, AC 61–8.
Medical Handbook for Pilots, AC 67–2.
Multiengine Airplane Class and Type Rating, AC 61–57.
Multiengine Airplane Class and Type Rating—Flight Test Guide, AC 61–4.
Nondestructive Testing in Aircraft, AC 43–3.
Parachute Rigger Certification Guide, AC 65–5.
Personal Aircraft Inspection Handbook, AC 20–9.
Pilot Transition Courses for Complex Single-engine and Light, Twin-engine Airplanes, AC 61–9.
Pilot's Handbook of Aeronautical Knowledge, AC 61–23.
Pilot's Weight and Balance Handbook, AC 91–23.
Planning the Metropolitan Airport System, AC 150/5070–5.
Planning the State Airport System, AC 150/5050–3.
Private and Commercial Pilot, Flight Test Guide, AC 61–59.
Private and Commercial Pilot Glider, Flight Test Guide, AC 61–61.
Private and Commercial Pilot Gyroplane, Flight Test Guide, AC 61–60.
Private and Commercial Pilots Refresher Courses, AC 61–10.
Private Pilot (Airplane) Flight Training Guide, AC 61–2.
Private Pilot Written Test Guide, AC 61–32.
Standards for Specifying Construction of Airports, AC 150/5370–10.
Student Pilot Guide, AC 61–12.
Terrain Flying, AC 91–15.
Ultrasonic Nondestructive Testing for Aircraft, AC 43–7.
U.S. Civil Aircraft Register, AC 20–6.
Written Test Guide, Flight Instructor—Glider, AC 61–75.
Written Test Guide, Flight Instructor—Rotorcraft-Helicopter, AC 61–74.

Internal Publications

Contractions Handbook, 7340.1E (10–1–75).

Gives approved word and phrase contractions used by personnel connected with air traffic control, communications, weather, charting, and associated services. ($8.40—$10.50 foreign Sub.—GPO.) TD 4.308:C76/97.

Location Identifiers, 7350.4D (5–1–75).

Incorporates all authorized 3-letter location identifiers for special use in United States, worldwide, and Canadian assignments. ($11.70—$14.65 foreign Sub.—GPO.) TD 4.310:.

Notice

Effective January 1, 1976 the En Route Air Traffic Control Handbook (7110.9) and the Terminal Air Traffic Control Handbook (7110.8) will be combined into one handbook—Air Traffic Control Handbook (7110.65). The Superintendent of Documents is now accepting orders for this publication. Subscription service will be for a 2-year period with quarterly supplements. Price—$14.75; foreign mailing $18.45.

En Route Air Traffic Control Handbook, 7110.9D (1–1–75).

Prescribes air traffic control procedures and phraseology for use by personnel providing en route air traffic control service. ($11.75—$14.70 foreign Sub.—GPO.) TD 4.308: En1/97.

Terminal Air Traffic Control Handbook, 7110.8D (1–1–75).

Prescribes air traffic control procedures and phraseology for use by personnel providing terminal air traffic control services. ($15.35—$19.20 foreign Sub.—GPO.) TD 4.308: T27/97.

Flight Services, 7110.10C (1–1–75).

This handbook consists of two parts. Part I, the basic, prescribes procedures and phraseology for use by personnel providing flight assistance and communications services. Part II, the teletypewriter portion, includes Services A and B teletypewriter operating procedures, pertinent International Teletypewriter Procedures, and the conterminous U.S. Service A Weather Schedules. ($18.30—$22.90 foreign Sub.—GPO.) TD 4.308: F 64/97.

International Flight Information Manual, Vol. 23 (April 1975).

This Manual is primarily designed as a preflight and planning guide for use by U.S. nonscheduled operators, business and private aviators contemplating flights outside of the United States.

The Manual, which is complemented by the International Notams publication, contains foreign entry requirements, a directory of aerodromes of entry including operational data, and pertinent regulations, and restrictions. It also contains passport, visa, and health requirements for each country. Published annually with quarterly amendments. ($8.75—$10.95 foreign—Annual Sub. GPO.) TD 4.309: 21.

International Notams.

Covers notices on navigational facilities and information on associated aeronautical data generally classified as "Special Notices." Acts as a notice-to-airmen service only. Published weekly, ($28.10 domestic—$35.15 foreign—Annual Sub. GPO.) TD 4.11:.

Airman's Information Manual:

Part 1—Basic Flight Manual and ATC Procedures.

This part is issued quarterly and contains basic fundamentals required to fly in the National Airspace System; adverse factors affecting Safety of Flight; Health and Medical Facts of interest to pilots; ATC information affecting rules, regulations, and procedures; a Glossary of Aeronautical Terms; U.S. Entry and Departure Procedures, including Airports of Entry and Landing Rights Airports; Air Defense Identification Zones (ADIZ); Designated Mountainous Areas, Scatana, and Emergency Procedures. (Annual Sub. $7.60, Foreign mailing—$1.90 additional. GPO.) TD 4.12: pt. 1/.

Part 2—Airport Directory.

This part is issued semiannually and contains a Directory of all Airports, Seaplane Bases, and Heliports in the conterminous United States, Puerto Rico, and the Virgin Islands which are available for transient civil use. It includes all of their facilities and services, except communications, in codified form. Those airports with communications are also listed in Part 3 which reflects their radio facilities. A list of new and permanently closed airports which updates this part is contained in Part 3.

Included, also, is a list of selected Commercial Broadcast Stations of 100 watts or more of power and Flight Service Stations and National Weather Service telephone numbers. (Annual Sub. $7, Foreign mailing—$1.75 additional. GPO.) TD 4.12: pt. 2/.

SPECIAL NOTICE

Parts 3 and 3A are now sold as separate subscriptions to enable the public to purchase only the information they require.

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Part 3—Operational Data.

Part 3 is issued every 90 days and contains an Airport-Facility Directory of all major airports with control towers and/or instrument landing systems; a tabulation of Air Navigation Radio Aids; Special, General, Area Notices; a tabulation of New and Permanently Closed Airports (which updates Part 2), and supplemental data to Part 4. (Annual subscription $12.85; $16.10 foreign mailing. GPO.) TD 4.12: pt. 3.

Part 3A—Notices to Airmen.

Part 3A is issued every 14 days and contains current Notices to Airmen considered essential to the safety of flight as well as supplemental data to Parts 3 and 4. (Annual subscription $20.55; $25.70 foreign mailing. GPO.) TD 4.12: pt. 3A.

Part 4—Graphic Notices—Supplemental Data.

Part 4 is issued quarterly and contains abbreviations used in all parts of AIM; Parachute Jump Areas; VOR Receiver Check Points; Special Notice Area Graphics; and Heavy Wagon and Oil Burner Routes.

Future editions will be expanded to include Special Terminal Area Charts and data not subject to frequent change. (Annual Sub. $14.40, Foreign Mailing—$3.60 additional. GPO.) TD 4.12: pt 4/.

Aircraft Type Certificate Data Sheets and Specifications (January 1974).

Contains all current aircraft specifications and type certificate data sheets. Subscription service includes the reprint which incorporates effective material previously issued by the FAA through December 1973, and monthly supplements for an indefinite period. ($84.55—Sub., Foreign mailing—$21.15 additional. GPO.) TD 4.15: 974.

Aircraft Engine and Propeller Type Certificate Data Sheets and Specifications (January 1974).

Contains all current aircraft engine and propeller type certificate data sheets and specifications. Subscription service includes the reprint which incorporates effective material previously issued by the FAA through December 1973, and monthly supplements for an indefinite period. ($35.10—Sub., Foreign mailing—$8.80 additional. GPO.) TD 4.15/2:974.

Summary of Supplemental Type Certificates.

Contains all supplemental type certificates issued by FAA regarding design changes in aircraft, engines, or propellers. List includes description of change, the model and type certificate number, the supplemental type certificate number, and the holder of the change. Quarterly supplements provided. ($41.75—Sub., Foreign mailing—$10.45 additional. GPO.) TD 4.36:974.

NOTICE

Commencing with the January 1974 issues, the Summary of Airworthiness Directives—Volumes I and II, will be sold and distributed for the Superintendent of Documents by the Federal Aviation Administration from Oklahoma City, Oklahoma. Requests for subscriptions to either of these publications should be sent to:

U.S. Department of Transportation, Federal Aviation Administration, P.O. Box 25461, Attn: AAC-23, Oklahoma City, Okla. 73125.

Subscription service will consist of the summary and automatic biweekly updates to each summary for a 2-year period. Make certified checks or money orders payable to Federal Aviation Administration.

Summary of Airworthiness Directives for Small Aircraft (1–1–74) Volume I.

Presents, in volume form, all the Airworthiness Directives for small aircraft issued through December 31, 1973. AD's for engines, propeller, and equipment are included in each volume. Each volume is aranged alphabetically by product manufacturer. ($6.95 plus $1.75 additional for foreign mailing.)

Summary of Airworthiness Directives for Large Aircraft (1–1–74) Volume II.

Presents, in volume form, all the Airworthiness Directives for large aircraft (over 12,500 pounds maximum certificated takeoff weight) issued through December 31, 1973. AD's for engines, propellers, and equipment are included in each volume. ($7.50 plus $1.90 additional for foreign mailing.)

STATUS OF THE FEDERAL AVIATION REGULATIONS AS OF SEPTEMBER 15, 1975

The FAA publishes the Federal Aviation Regulations to make readily available to the aviation community the regulatory requirements placed upon them. These Regulations are sold as individual Parts by the Superintendent of Documents.

The more frequently amended Parts are sold on subscription service (that is, subscribers will receive Changes automatically as issued), while the less active Parts are sold on a single-sale basis. Changes to single-sale Parts will be sold separately as issued. Information concerning these Changes will be furnished by FAA through its "Status of the Federal Aviation Regulations, AC 00–44." Instructions for ordering this free status list are given in the front of each single-sale Part.

The following list indicates the breakdown of the single-sale Parts and the subscription Parts. Check or money order made payable to the Superintendent of Documents should be included with each order. Submit orders for single-sales and subscription Parts on different order forms. No COD orders are accepted. All FAR Parts should be ordered from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

PARTS SOLD ON SUBSCRIPTION SERVICE

Part	Title	Catalog number	Publication date	Price: Domestic	Price: Additional for foreign mailing	Changes issued to date
1	Definitions and abbreviations	TD 4.6:1	June 1974	$3.00	$0.75	2
21	Certification procedures for products and parts.	TD 4.6:21	May 1974	3.75	.95	4
23	Airworthiness standards: Normal, utility, and acrobatic category airplanes.	TD 4.6:23	June 1974	3.55	.90	2
25	Airworthiness standards: Transport category airplanes.	TD 4.6:25	do	6.60	1.65	2
33	Airworthiness standards: Aircraft engines.	TD 4.6:33	August 1974	3.00	.75	1
36	Noise standards: Aircraft type certification.	TD 4.6:36	June 1974	3.00	.75	3
37	Technical standard order authorizations.	TD 4.6:37	May 1974	5.65	1.45	1
43	Maintenance, preventive maintenance rebuilding, and alteration.	TD 4.6:43	January 1974	2.50	.65	
47	Aircraft registration	TD 4.6:47	May 1974	2.50	.65	
61	Certification: Pilots and flight instructors.	TD 4.6:61	November 1974	5.05	1.30	
63	Certification: Flight crewmembers other than pilots.	TD 4.6:63	Sept. 1974	3.00	.75	1
65	Certification: Airmen other than flight crewmembers.	TD 4.6:65	do	3.00	.75	
91	General operating and flight rules	TD 4.6:91	March 1974	11.20	2.85	7
93	Special air traffic rules and airport traffic patterns	TD 4.6:93	do	2.45	.65	2
103	Transportation of dangerous articles and magnetised materials.	TD 4.6:103	do	2.20	.55	5
105	Parachute jumping	TD 4.6:105	do	2.00	.50	
121	Certification and Operations: Domestic, flag, and supplemental air carriers and commercial operators of large aircraft.	TD 4.6:121	April 1974	9.20	2.30	9
123	Certification and operations: Air travel clubs using large airplanes.	TD 4.6:123	do	2.00	.50	1
127	Certification and operations of scheduled air carriers with helicopters.	TD 4.6:127	do	4.25	1.10	1
133	Rotorcraft external-load operations	TD 4.6:133	November 1974	3.00	.75	
135	Air taxi operators and commercial operators of small aircraft.	TD 4.6:135	do	6.20	1.55	1
139	Certification and operations: Land airports serving CAB-certificated scheduled air carriers operating large aircraft (other than helicopters).	TD 4.6:139	December 1974	3.00	.75	2
141	Pilot schools	TD 4.6:141	November 1974	3.00	.75	
152	Airport aid program	TD 4.6:152	December 1974	3.00	.75	

PARTS SOLD ON SINGLE-SALE BASIS

Part	Title	Catalog No.	Publication date	Price[1]
11	General rulemaking procedures	TD 4.6:11	May 1974	$0.55
	Change 1	TD 4.6:11/Ch 1	Feb. 1, 1974 and Jan. 1, 1975.	.45
13	Enforcement procedures	TD 4.6:13	do	.70
27	Airworthiness standards: Normal category rotorcraft	TD 4.6:27	August 1974	1.40
	Change 1	TD 4.6:27/Ch 1	Oct. 31, 1974	.75
29	Airworthiness standards: Transport category rotorcraft	TD 4.6:29	August 1974	1.70
	Change 1	TD 4.6:29/Ch 1	Oct. 31, 1974	.70
31	Airworthiness standards: Manned free balloons	TD 4.6:31	August 1974	.40
35	Airworthiness standards: Propellers	TD 4.6:35	do	.35
[2]39	Airworthiness directives	TD 4.6:39	May 1974	.35
45	Identification and registration marking	TD 4.6:45	do	.65
49	Recording of aircraft titles and security documents	TD 4.6:49	do	.45
67	Medical standards and certification	TD 4.6:67	September 1974	$0.50
[3]71	Designation of Federal airways, area low routes, controlled airspace, and reporting points.	TD 4.6:71	January 1975	.85
	Change 1	TD 4.6:71/Ch1	July 28, 1975	.30
[3]73	Special use airspace	TD 4.6:73	January 1975	.40
	Change 1	TD 4.6:73/Ch1	July 28, 1975	.30
[3]75	Establishment of jet routes and high area routes	TD 4.6:75	January 1975	.40
77	Objects affecting navigable airspace	TD 4.6:77	do	1.10
[3]95	IFR altitudes	TD 4.6:95	do	.50
	Change 1	TD 4.6:95/Ch 1	Feb. 13, 1975	.35
[4]97	Standard instrument approach procedures	TD 4.6:97	January 1975	.45
99	Security control of air traffic	TD 4.6:99	March 1974	.70
101	Moored balloons, kites, unmanned rockets, and unmanned free balloons.	TD 4.6:101	do	.65
	Change 1	TD 4.6:101/Ch 1	Aug. 20, 1974	.30
107	Airport security	TD 4.6:107	March 1974	.40
129	Operations of foreign air carriers	TD 4.6:129	April 1974	.45
	Change 1	TD 4.6:129/Ch 1	Oct. 9, 1975	.35
137	Agricultural aircraft operations	TD 4.6:137	November 1974	.50
143	Ground instructors	TD 4.6:143	September 1974	.45
145	Repair stations	TD 4.6:145	January 1974	.75
147	Aviation maintenance technician schools	TD 4.6:147	September 1974	.65
149	Parachute lofts	TD 4.6:149	January 1974	.35
151	Federal aid to airports	TD 4.6:151	December 1974	1.55
153	Acquisition of U.S. land for public airports	TD 4.6:153	do	.50
154	Acquisition of U.S. land for public airports under the Airports and Airway Act of 1970.	TD 4.6:154	do	.40
155	Release of Airport property from surplus property disposal	TD 4.6:155	do	.40
157	Notice of construction, alteration, activation, and deactivation of airports.	TD 4.6:157	January 1975	.40
159	National Capital airports	TD 4.6:159	December 1974	1.00
169	Expenditure of Federal funds for nonmilitary airports or air navigational facilities thereon.	TD 4.6:169	January 1975	.35
171	Non-Federal navigation facilities	TD 4.6:171	do	1.10
	Change 1	TD 4.6:171/Ch 1	Aug. 19, 1975	.65
183	Representatives of the Administrator	TD 4.6:183	May 1974	.45
185	Testimony by employees and production of records in legal proceedings and service of legal process and pleadings.	TD 4.6:185	do	.30
187	Fees	TD 4.6:187	do	.40
189	Use of Federal Aviation Administration communication system.	TD 4.6:189	do	.40

[1] Add 25% for foreign mailing.

[2] Due to their length, complexity, and frequency of issuance, individual Airworthiness Directives are published separately in the FEDERAL REGISTER. Copies of Airworthiness Directives that have been issued are for sale in summary form by DOT, FAA Aeronautical Center (Consigned agent for Superintendent of Documents), P.O. Box 25461, Oklahoma City, Okla. 73125, Attn: AAC-23.

[3] Due to their length, complexity, and frequency of issuance, individual airspace designations, airways descriptions, restricted areas, jet route descriptions, and en route IFR altitudes are not included in the publication of these basic parts. Such descriptions are published in the FEDERAL REGISTER and depicted on appropriate aeronautical charts. Aeronautical charts can be obtained from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Distribution Division (C–44), National Ocean Survey, Riverdale, Md. 20840.

[4] Standard instrument approach procedures are published in the FEDERAL REGISTER by reference to FAA documents which are available for examination in the Rules Docket (AGC-24) and the National Flight Data Center, FAA Headquarters, Washington, D.C., and at the appropriate FAA Regional Offices and Flight Inspection District Offices. These approach procedures can be obtained from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Distribution Division (C–44), National Ocean Survey, Riverdale, Md. 20840.

JOHN B. MOORE,
Acting Deputy Director of Management Systems.

[FR Doc.75–28655 Filed 10–24–75;8:45 am]

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Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1975)

Title 32—National Defense (Parts 700–799) ---------- $7.55

Title 40—Protection of Environment (Parts 70–99) ------ 4.15

Title 40—Protection of Environment (Part 100–End) ---- 8.35

[A Cumulative checklist of CFR issuances for 1975 appears in the first issue of the Federal Register each month under Title 1]

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issued by the FAA through December 1973, and monthly supplements for an indefinite period. ($35.10—Sub., Foreign mailing—$8.80 additional. GPO.) TD 4.15/2:974.

Summary of Supplemental Type Certificates.

Contains all supplemental type certificates issued by FAA regarding design changes in aircraft, engines, or propellers. List includes description of change, the model and type certificate number, the supplemental type certificate number, and the holder of the change. Quarterly supplements provided. ($41.75—Sub., Foreign mailing—$10.45 additional GPO.) TD 4.36:974

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Commencing **with the January 1974 issues, the Summary of Airworthiness Directives—Volumes I and II, will be** sold and distributed for the Superintend-

43	Maintenance, preventive maintenance, rebuilding, and alteration.	TD 4.6:43	January 1974	2.50	.65	
47	Aircraft registration	TD 4.6:47	May 1974	2.50	.65	
61	Certification: Pilots and flight instructors.	TD 4.6:61	November 1974	5.05	1.30	
63	Certification: Flight crewmembers other than pilots.	TD 4.6:63	Sept. 1974	3.00	.75	1
65	Certification: Airmen other than flight crewmembers.	TD 4.6:65	do	3.00	.75	
91	General operating and flight rules	TD 4.6:91	March 1974	11.30	2.85	7
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103	Transportation of dangerous articles and magnetized materials.	TD 4.6:103	do	2.20	.55	5
105	Parachute jumping	TD 4.6:105	do	2.00	.50	
121	Certification and Operations: Domestic, flag, and supplemental air carriers and commercial operators of large aircraft.	TD 4.6:121	April 1974	9.20	2.30	9
123	Certification and operations: Air [illegible] using large aircraft	TD 4.6:123	do	2.00	.50	1
127	Certification and operations of scheduled air carriers with helicopters.	TD 4.6:127	do	4.25	1.10	1
133	Rotorcraft external-load operations	TD 4.6:133	November 1974	3.00	.75	
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139	Certification and operations: Land airports serving CAB certificated scheduled air carriers operating large aircraft (other than helicopters).	TD 4.6:139	December 1974	3.00	.75	2
141	Pilot schools	TD 4.6:141	November 1974	3.00	.75	
152	Airport aid program	TD 4.6:152	December 1974	3.00	.75	

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presidential documents

Title 3—The President

PROCLAMATION 4402

Country Music Month, October 1975

By the President of the United States of America

A Proclamation

Country music—that uniquely American art form—holds a special place in our society. Its stories of struggle, of patience, of patriotism, of love won and lost—all set to music as distinctive and eloquently simple as any in the world—give pleasure and inspiration to millions of Americans.

Because country music plays such a significant role in American life, because its stars and its fans alike represent the very heart of America, it is particularly fitting that we as a Nation pay tribute to this very special kind of music. In doing so, we honor the hundreds of talented people who make that music, and the millions more who enjoy it.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, designate October 1975 as Country Music Month, and encourage all Americans to commemorate this designation with suitable observances.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of October, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.75–29252 Filed 10–28–75;10:33 am]

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PROCLAMATION 4403

National Parkinson Week, 1975

By the President of the United States of America

A Proclamation

Of all the illnesses threatening our older citizens, Parkinson's disease is one of the most devastating. One in forty Americans past middle age may be afflicted. The human as well as monetary costs are virtually incalculable.

Ten years ago, when the first proclamation of National Parkinson Week was issued and signed into law, a diagnosis of Parkinson's disease was usually accompanied by advice to the family that little could be done. Today, there is much that can be done, and prospects are steadily improving. Advances in drug treatment have put many disabled workers back on the job and have enabled many retirees to live their normal lives. For some, the change has been a real miracle.

However, the battle is not over. Drugs can control the symptoms of Parkinson's disease, but they do not cure or arrest it. Since the cause is still unknown, prevention is not possible. Scientists are working constantly to find the cause. We must support them so the spectacular research momentum of the past ten years can be sustained.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim the week of October 26, 1975, as National Parkinson Week. I urge physicians, scientists and government and private agencies concerned with Parkinson's disease to sponsor activities designed to inform every American of the need to continue the struggle and the need of their support.

I invite the Governors of the States and appropriate local government officials to support National Parkinson Week activities, and I urge the Nation's mass communications media to join in encouraging all Americans to heed the message.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of October, in the year of our Lord nineteen hundred seventy-five and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.75-29253 Filed 10-28-75;10:34 am]

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PROCLAMATION 4404

Wright Brothers Day, 1975

By the President of the United States of America

A Proclamation

On December 17, 1903, near Kitty Hawk, North Carolina, two brothers made the first successful flight in a heavier-than-air, mechanically propelled airplane they had designed and built after years of experimentation.

Through ingenuity and courage, Orville and Wilbur Wright revolutionized transportation. In the 72 years since their epic flight, aviation and space technology has contributed to closer ties among the peoples of the world by inspiring their imagination, promoting commerce and encouraging travel.

To commemorate the historic achievements of the Wright brothers, the Congress, by a joint resolution of December 17, 1963 (77 Stat. 402, 36 U.S.C. 169), designated the seventeenth day of December of each year as Wright Brothers Day and requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby invite the people of this Nation, and their local and national government officials, to observe Wright Brothers Day, December 17, 1975, with appropriate ceremonies and activities, both to recall the accomplishments of the Wright brothers and to provide a stimulus to aviation in this country and throughout the world.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of October, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.75-29254 Filed 10-28-75;10:34 am]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. 7]

PART 245—DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS AND FREE MILK IN SCHOOLS

The Food and Nutrition Service, U.S. Department of Agriculture, is amending the regulations governing the determining of eligibility for free and reduced price meals and free milk in schools to extend the time by which free and reduced price policy statements must have been approved by State agencies and Food and Nutrition Service Regional Offices (FNSROs).

Each year the Secretary issues income poverty guidelines which set forth income levels by family size for use by FNSROs and State agencies in determining eligibility for free and reduced price meals. State agenices and FNSROs are to prescribe and publicly announce by July 1, family size and income standards to be used by schools under their jurisdiction in determining eligibility for free and reduced price meals. Current regulations require the local school food authority's free and reduced price policy statement to be approved by the State agency or FNSRO by September 30.

Annually, the Department is advised by State agencies that problems continue to be encountered by school food authorities in obtaining approval by the September 30 date. Delays in submitting policy statements for approval arise from such actions as teachers' strikes, late openings of schools, board actions and budget approvals all of which require the immediate attention of local administrators.

In order to be responsive to the difficulties encountered by many school food authorities in obtaining approval by September 30, the date is being changed to October 15. Extension of the September 30 date will not diminish the Department's concern or the requirement that program benefits be made available to eligible children at the beginning of the school year, and that public announcement be made at that time.

Since this change makes the regulation more lenient, and in view of the desirability of having the change effective immediately, the Department believes that proposed rulemaking and public participation procedures are impracticable and unnecessary.

Accordingly, the regulations for Determining Eligibility for Free and Reduced Price Meals are hereby amended as follows:

§ 245.10 [Amended]

Section 245.10(d) is amended by deleting the date "September 30" and inserting the date "October 15" in lieu thereof.

Effective date. This amendment shall become effective as of October 1, 1975.

Dated: October 23, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-29031 Filed 10-28-75;8:45 am]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

[Amdt. 5]

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

Nominations for Membership

This amendment advances the date for holding nomination meetings so that nominations for membership on the National Potato Promotion Board shall be submitted to the Secretary by February 1, instead of March 1.

Notice was published in the October 1, 1975, FEDERAL REGISTER (40 FR 45176) regarding the proposal to amend § 1207.503 *Nominations*. The amendment was directed by the Secretary and concurred in by the Executive Committee of the National Potato Promotion Board. The Board was established pursuant to the Potato Research and Promotion Plan (7 CFR Part 1207). The plan is effective under the Potato Research and Promotion Act (7 U.S.C. 2611-2627).

The notice afforded interested persons an opportunity to file written comments not later than October 14, 1975. None was filed.

Section 1207.503(a) now specifies that the Board will hold nomination meetings prior to March 1 of each year. Originally the plan called for the term of office to begin July 1. However, the beginning date was changed to April 1 so that new appointees could participate in the annual meeting held on the first Monday in April. This change in dates has occasionally resulted in insufficient time for adequate administrative review of nominations and selection of new members prior to the annual meeting. In order to correct this problem nominations shall be submitted to the Secretary by February 1.

After consideration of all relevant matters, including the proposal set forth in the notice, it is hereby found that this amendment will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) such a change was directed by the Secretary and concurred in by the Executive Committee of the National Potato Promotion Board; (2) information regarding this rule change was published in the FEDERAL REGISTER on October 1, 1975, and provided all interested persons with ample notice; and (3) compliance with this amendment will not require any special preparation on the part of the Potato Board which cannot be completed on or before the effective date hereof.

The amendment is as follows:

Revise § 1207.503(a) to read as follows:

§ 1207.503 Nominations.

(a) Pursuant to § 1207.322 of the plan, the Board shall hold or cause to be held a meeting or meetings of producers in the producing sections or States each year to nominate members for the Board. One individual shall be nominated for each position to become vacant. A list of nominees shall be submitted to the Secretary for his consideration by February 1 of each year.

* * * * * *

(7 U.S.C. 2611-2627; 84 Stat 2041)

Dated: October 22, 1975, to become effective October 31, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-28952 Filed 10-28-75;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

Bond Redetermination Before Special Inquiry Officer

Reference is made to the Notice of Proposed Rule Making which was published in the FEDERAL REGISTER of August 28, 1975 (40 FR 39524) pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) and in which there was set forth the proposed amendment of 8 CFR 242.2(b) pertaining to bond redetermination before a special inquiry officer. The single representation which was received in response to the proposed rule of August 28, 1975 has been considered.

The proposed rule would permit an alien who cannot seek a bond redeter-

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mination before a special inquiry officer within the region wherein the alien is physically present to seek such redetermination before any other special inquiry officer. It would also permit an alien already released who nevertheless wishes a redetermination before a special inquiry officer of the conditions of such release to have an opportunity to obtain a redetermination provided request for redetermination is made within seven days of the date of release. The proposed rule has been modified to make it clear that after the expiration of the seven-day period application by a released alien for bond redetermination could be made only to the district director with an appeal directly to the Board of Immigration Appeals. This would assure that where a change in circumstances occurs after the seven-day period, the possibility of relief would be available by application to the district director.

The proposed rule, as modified and as set forth below, is hereby adopted:

In § 242.2, paragraph (b) is amended by adding three new sentences between the existing third and fourth sentences, and by amending the existing ninth sentence. As amended, § 242.2(b) is revised to read as follows:

§ 242.2 Apprehension, custody, and detention.

* * * * *

(b) *Authority of special inquiry officers; appeals.* After an initial determination pursuant to paragraph (a) of this section, and at any time before a deportation order becomes administratively final, upon application by the respondent for release from custody or for amelioration of the conditions under which he may be released, a special inquiry officer may exercise the authority contained in section 242 of the Act to continue or detain a respondent in, or release him from, custody, and to determine whether a respondent shall be released under bond, and the amount thereof, if any. Application for the exercise of such authority may be made to any available special inquiry officer who is stationed at the Service office which has administrative jurisdiction over the proceeding under the order to show cause or who conducts hearings there. If no such special inquiry officer is available, application may be made to any available special inquiry officer stationed in the region wherein said Service office is located. If there is no available special inquiry officer in that region, the application may be made to any other special inquiry officer. However, if the respondent has been released from custody, such application must be made within seven days after the date of such release. Thereafter, application by a released respondent for modification of the terms of release may be made only to the district director. The determination of the special inquiry officer in respect to custody status or bond shall be entered on Form I–342 at the time such determination is made and shall be accompanied by a memorandum by the special inquiry officer as to the reasons for his determination. The special inquiry officer shall promptly notify the respondent and the Service of such determination. Consideration under this paragraph by the special inquiry officer of an application or request of an alien regarding custody or bond shall be separate and apart from any deportation hearing or proceeding under this part, and shall form no part of such hearing or proceeding or of the record thereof. The determination of the special inquiry officer as to custody status or bond may be based upon any information which is available to the special inquiry officer, or which is presented to him by the alien or the Service. The alien and the Service may appeal to the Board of Immigration Appeals from any such determination. After a deportation order becomes administratively final, or if recourse to the special inquiry officer is no longer available because of the expiration of the seven-day period aforementioned, the respondent may appeal directly to the Board from a determination by the district director, acting district director, deputy district director, assistant district director for investigations, or officer in charge of an office enumerated in § 242.1(a), except that no appeal shall be allowed when the Service notifies the alien that it is ready to execute the order of deportation and takes him into custody for that purpose. An appeal to the Board shall be taken from a determination by a special inquiry officer or from an appealable determination by a district director, acting district director, deputy district director, assistant district director for investigations, or officer in charge of an office enumerated in § 242.1(a) by filing a notice of appeal with the district director within 5 days after the date when written notification of the determination is served upon the respondent and the Service. Upon the filing of a notice of appeal, the district director shall immediately transmit to the Board all records and information pertaining to the determination from which the appeal has been taken. The filing of such an appeal shall not operate to delay compliance, during the pendency of the appeal, with the custody directive from which appeal is taken, or to stay the administrative proceeding or deportation.

* * * * *

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Effective date. In accordance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), this order shall become effective on November 28, 1975.

Dated: October 22, 1975.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.75–28958 Filed 10–28–75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime, Night, and Holiday Inspection and Quarantine Activities at Border, Coastal, and Air Ports

Veterinary Services inspectors of the United States Department of Agriculture are charged with performing inspection duties relating to imports and exports at border ports, ocean ports, and airports. Such services may be performed outside the regular tour of duty of the inspector when requested by a person, firm, or corporation and the charge for such overtime is recoverable from those requesting the services. The following amendment increases the hourly rates for such services performed on a Sunday or holiday, or at any other time outside the regular tour of duty. These increases are commensurate with salary increases provided Federal employees in accordance with the Federal Pay Comparability Act of 1970 (Pub. L. 91–656) and Executive Order 11883, dated October 6, 1975.

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260); the first sentence of § 97.1, Part 97, Title 9, Code of Federal Regulations, is revised to read as follows:

§ 97.1 Overtime work at laboratories, border ports, ocean ports, and airports.[1]

Any person, firm, or corporation having ownership, custody or control of animals, animal byproducts, or other commodities subject to inspection, laboratory testing, certification, or quarantine under this subchapter and subchapter G of this chapter, and who requires the services of an employee of Veterinary Services on a holiday or Sunday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday or Sunday service request the Veterinary Services inspector in charge to furnish inspection, laboratory testing, certification or quarantine service during such overtime or holiday or Sunday period and shall pay the Administrator of the Animal and Plant Health Inspection Service at a rate of $18.92 per man hour per employee on a Sunday and at a rate of $12.80 per man hour per employee for holiday or any other period; except that for any services performed on a Sunday, or holiday, or at any time after 5 p.m. or before 8 a.m. on a week day, in connection with the arrival in or departure from the United States of a private aircraft or vessel, the total amount payable shall not exceed $25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture. * * *

* * * * *

(64 Stat. 561 (7 U.S.C. 2260))

Effective date. The foregoing amendment shall become effective October 12, 1975, when it shall supersede 9 CFR 97.1, effective October 13, 1974.

Determination of the hourly rate for overtime services and of the commuted traveltime allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of October, 1975.

E. A. SCHILF,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75–28956 Filed 10–28–75;8:45 am]

[1] For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR 92.1 through 92.3; and for designated ports of entry for certain purebred animals see 9 CFR 151.1 through 151.3.

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 9—FIDUCIARY POWER OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Registration of Transfer Agents

The Comptroller of the Currency, under Sections 17, 17A and 23(a) of the Securities Exchange Act of 1934 ("Act"), has added to Part 9 a new § 9.20 and related Form TA–1 (12 CFR 9.20). Section 9.20 and Form TA–1 set forth the procedure for transfer agents for which the Comptroller is the appropriate regulatory agency, as defined in section 3(a)(34)(B)[1] of the Act, to register with the Comptroller.

Each federal bank regulatory agency *i.e.*, the Board of Governors of the Federal Reserve System, the Comptroller and the Federal Deposit Insurance Corporation) and the Securities and Exchange Commission ("SEC") is publishing, concurrently with the publication of this Section and registration form, a substantially similar rule and an identical registration form for transfer agents which are required to register with that agency.

On September 4, 1975, a proposal regarding the amendment of Part 9 by adding new § 9.20 and related Form TA–1 was published in the FEDERAL REGISTER (40 FR 40859). Interested persons were given until September 29, 1975, to submit written comments. Full and careful consideration was given to all written comments received. In view of these comments the Comptroller has adopted § 9.20 and related Form TA–1 with certain modifications from the form in which they were proposed.

BACKGROUND

As amended by the Securities Acts Amendments of 1975 (the "1975 Act"), which was signed into law on June 4, 1975,[2] the Act provides for Federal regulation of the securities handling process, including clearing agencies, depositories, and transfer agents, with a view to facilitating the establishment of a national system for the prompt and accurate clearance and settlement of securities transactions.

Pursuant to section 17A(c) of the Act, a transfer agent must register with the appropriate regulatory agency if it performs the function of a transfer agent with respect to any security registered under section 12 of the Act or which would be required to be registered except for the exemption from registration provided by subsection (g)(2)(B) or (g)(2)(G) of that section. Such registration must be effective on December 1, 1975[3]; otherwise, it shall be unlawful for any transfer agent subject to the registration requirements but not so registered, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the function of a transfer agent with respect to such securities.

Under section 17A(c) of the Act, a transfer agent subject to the registration requirements registers by filing with the appropriate regulatory agency for such transfer agent an application for registration containing information and documents prescribed by the appropriate regulatory agency. Registration of a transfer agent becomes effective thirty days after receipt of the application for registration by the appropriate regulatory agency, unless the appropriate regulatory agency takes affirmative action to accelerate, deny or postpone registration in accordance with the provisions of section 17A(c) of the Act.

A transfer agent which is subject to the registration requirements and which is a national bank or a subsidiary of any such bank or a bank operating under the Code of Law for the District of Columbia or a subsidiary of any such bank registers with the Comptroller of the Currency. A transfer agent which is subject to the registration requirements and which is a State member bank of the Federal Reserve System or a subsidiary of any such bank or a bank holding company or a subsidiary of a bank holding company which is a bank[4] (other than a bank which registers with the Comptroller of the Currency or the Federal Deposit Insurance Corporation) registers with the Board of Governors of the Federal Reserve System. A transfer agent which is subject to the registration requirements and which is a State charterd bank insured by the Federal Deposit Insurance Corporation (other than a bank which is a member bank of the Federal Reserve System) or a subsidiary thereof registers with the Federal Deposit Insurance Corporation. All other transfer agents which are subject to the registration requirements register with the SEC.

DEFINITION OF THE TERM "TRANSFER AGENT"

The term "transfer agent" is defined in section 3(a)(25) of the Act to mean any person who engages on behalf of an issuer of securities or on behalf of itself as an issuer of securities in (i) countersigning such securities upon issuance, (ii) monitoring the issuance of such securities with a view to preventing unauthorized issuance, a function commonly performed by a person called a registrar, (iii) registering the transfer of such securities, (iv) exchanging or converting such securities, or (v) transferring record ownership of securities by bookkeeping entry without physical issuance of securities certificates. The term "transfer agent" does not include any insurance company or separate account which performs such functions solely with respect to variable annuity contracts or variable life policies which it issues or any registered clearing agency which performs such functions solely with respect to options contracts which it issues.

[1] Section 3(a)(34)(B) of the Act defines the term "appropriate regulatory agency" when used with respect to a clearing agency or transfer agent to be:

"(i) the Comptroller of the Currency, in the case of a national bank or a bank operating under the Code of Law for the District of Columbia, or a subsidiary of any such bank;

(ii) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System, a subsidiary thereof, a bank holding company, or a subsidiary of a bank holding company which is a bank other than a bank specified in clause (i) or (iii) of this subparagraph;

(iii) the Federal Deposit Insurance Corporation, in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System), or a subsidiary thereof; and

(iv) the Commission in the case of all other clearing agencies and transfer agents."

[2] Pub. L. 94–29 (June 4, 1975).

[3] Section 17A(c) of the Act becomes effective on December 1, 1975. *See* section 31(a) of the 1975 Act.

[4] Section 3(a)(34) of the Act provides that for purposes of that section the terms "bank holding company" and "subsidiary of a bank holding company" have the meaning given them in section 2 of the Bank Holding Company Act of 1956.

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Section 17A(c) of the Act precludes a person from performing any transfer agent function set forth in section 3(a)(25) of the Act with respect to any security registered under Section 12 of the Act or which would be required to be registered except for the exemption from registration provided by subsection (g)(2)(B) or (g)(2)(G) of that section, unless such person is registered as a transfer agent with the appropriate regulatory agency. Thus, an issuer who performs any one or more of the transfer agent functions specified in section 3(a)(25) of the Act with respect to such securities, even if it employs a transfer agent to perform other specified transfer agent functions, would be required to register under the Act. For example, an issuer who engages a transfer agent to countersign certificates, monitor the issuance of certificates, and prepare for the issuer information to enable the issuer to record the transfer of the securities on the corporate security holder records maintained by such issuer would also be required to register, since the issuer would be performing the function of registering the transfer of such securities on the corporate security holder records, a transfer agent function.

SECTION 9.20

Section 9.20 requires a transfer agent for which the Comptroller is the appropriate regulatory agency to apply for registration with the Comptroller on, and in accordance with the instructions contained in, Form TA–1. Registration shall become effective on the thirtieth day after filing unless the Comptroller takes affirmative action to accelerate, deny or postpone such registration. The filing of any amendment to an application for registration, which has not become effective, will postpone the effective date of the registration until the thirtieth day after the date on which the amendment was filed, unless the Comptroller takes affirmative action to accelerate, deny or postpone the registration in accordance with the Act.

Under section 17A(c)(2) of the Act, an application for registration filed by a transfer agent with the appropriate regulatory agency shall be effective thirty days after receipt of such application by such appropriate regulatory agency or within such shorter period of time as such appropriate regulatory agency may determine. Section 17A(c) of the Act, as made effective by section 31(a) of the 1975 Act, would make it unlawful on or after December 1, 1975, for any transfer agent, unless registered with the appropriate regulatory agency, to make use of the mails or any means or instrumentality of interstate commerce to perform the function of a transfer agent with respect to certain securities. In view of the fact that § 9.20 and related Form TA–1 have just been adopted and that there may be a brief delay in circulating Form TA–1 to all interested parties, the Comptroller has determined that to require transfer agents to file Form TA–1 before November 1, 1975, would not be practicable.

Accordingly, the Comptroller has determined to add a new paragraph (e) to § 9.20 which provides that for any properly completed application for registration on Form TA–1 which is filed on or before November 17, 1975, the registration shall become effective on December 1, 1975, unless affirmative action is taken to deny or postpone such registration in accordance with the provisions of the Act. In addition, any amendment to a Form TA–1, which properly completed registration form has been filed on or before November 17, 1975, shall not operate to postpone the December 1, 1975, effective date of the registration.

Section 9.20 as adopted also requires items 1–6 of Form TA–1 to be amended twenty-one calendar days following the date on which such information becomes inaccurate, misleading or incomplete. Information as to the issues which the registrant services must be updated within thirty calendar days following the close of any calendar year (beginning with the period from the date as of which registrant's application is prepared to December 31, 1976), during which the information has become inaccurate, misleading or incomplete.

Finally, § 9.20 provides that every registration or amendment filed pursuant thereto constitutes a "report" or "application" within the meaning of sections 17, 17A(c), and 32(a) of the Act.

RECEIPT OF FORM TA–1 BY THE COMPTROLLER

Procedurally, with respect to an application for registration on Form TA–1 filed with the Comptroller pursuant to § 9.20, the Comptroller will acknowledge receipt of Form TA–1 and such registration will become effective either on the thirtieth day after filing or for applications filed on or before November 17, 1975, on December 1, 1975, unless the registrant receives notification that such registration has not become effective for any reason.

FORM TA–1

Form TA–1 has been revised and reorganized to clarify its requirements and to simplify the registration process. It continues to be a common form for the registration of all transfer agents.

The Form is designed to identify, and to provide the Comptroller with basic information regarding, the size and nature of the registrant's transfer agent activities and to assist in the development of appropriate regulatory standards.

The information requested includes the name of the registrant, the address of the principal place of the registrant's business, the address of the principal office(s) for transfer agent activities, the name of the person in charge of the registrants' transfer agent activities, the registrant's form of organization, and the types of transfer agent activities engaged in by the registrant.

The Form has been revised to eliminate the requirement that the registrant disclose the identity of entities who act as transfer agent, co-transfer agent, registrar or co-registrar for issues with respect to which the registrant performs transfer agent functions. As revised, the Form requires the registrant to identify the issues for which it performs transfer agent functions and the capacities in which it acts for each issue and requires the registrant to update the information annually.

The Form has been clarified to indicate that a response to items on Form TA–1 should encompass all securities for which registrant performs a transfer agent function, except as otherwise specified in the Form.

The Form also requires information as to whether or not the registrant is audited, the registrant's insurance coverage in connection with its transfer agent activities, and the number of employees engaged in transfer agent activities.

The item pertaining to differences and out-of-proof conditions has been revised to clarify the information required.

STATUTORY BASIS

Section 9.20 and related Form TA–1 are adopted under sections 17, 17A, and 23(a) of the Act. The Comptroller has adopted § 9.20 and Form TA–1 effective October 21, 1975, having found, under 5 U.S.C. 553(d), that such action is necessary to provide an orderly and timely procedure for the registration of transfer agents.

THE TEXT OF § 9.20

12 CFR Part 9 is amended by adding a new § 9.20 to read as follows:

§ 9.20 Registration of national bank transfer agents.

(a) An application for registration, pursuant to section 17A(c) of the Securities Exchange Act of 1934, as amended (the "Act"), of a transfer agent for which the Comptroller is the appropriate regulatory agency, as defined in section 3(a)(34)(B) of the Act, shall be filed with the Comptroller on Form TA–1, in accordance with the instructions contained therein and shall become effective on the thirtieth day following the date on which the application is filed, unless the Comptroller takes affirmative action to accelerate, deny or postpone such registration in accordance with the provisions of section 17A(c) of the Act.

(b) The filing of any amendment to an application for registration as a transfer agent pursuant to paragraph (a) of this section, which registration has not become effective, shall postpone the effective date of the registration until the thirtieth day following the date on which the amendment is filed, unless the Comptroller takes affirmative action to accelerate, deny or postpone the registration in accordance with the provisions of section 17A(c) of the Act.

(c) Within twenty-one calendar days following the date on which any information reported at items 1–6 of Form TA–1 becomes inaccurate, misleading or incomplete, the registrant shall file an amendment on Form TA–1 correcting the inaccurate, misleading or incomplete information. Within thirty calendar days following the close of any calendar year (beginning with the period from the date as of which registrant's application is prepared to December 31, 1976) during which the information required by item 7 of Form TA–1 becomes inaccurate, misleading or incomplete, the registrant shall file an amendment on Form TA–1 correcting the inaccurate, misleading or incomplete information.

(d) Every registration and amendment filed pursuant to this section shall constitute a "report" or "application" within the meaning of sections 17, 17A(c) and 32(a) of the Act.

(e) Notwithstanding the provisions of paragraphs (a) and (b) of this section, if any application for registration, pursuant to section 17A(c) of the Act, is filed on or before November 17, 1975, the registration shall become effective on December 1, 1975, unless the Comptroller takes affirmative action to deny or postpone the registration in accordance with the provisions of section 17A(c) of the Act. Any amendments to an application for registration, which application has been filed on or before November 17, 1975, shall not operate to postpone the effective date of such registration as provided for in this paragraph (e).

The text of Form TA–1 is set forth below.

INSTRUCTIONS FOR USE OF FORM TA–1

UNIFORM FORM FOR REGISTRATION AS A TRANSFER AGENT AND FOR AMENDMENT TO REGISTRATION AS A TRANSFER AGENT PURSUANT TO SECTION 17A OF THE SECURITIES EXCHANGE ACT OF 1934 (THE "ACT")

I. General Instructions for Preparing and Filing Form TA–1.

1. Form TA–1 is to be used by transfer agents to apply for registration and to amend registration with the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation or the Securities and Exchange Commission. As used hereinafter, the term "Form TA–1" includes the form and any required schedules and attachments thereto.

2. Transfer agents should register as follows:

A. A national bank or a subsidiary of any such bank or a bank operating under the Code of Law for the District of Columbia or a subsidiary of any such bank registers with the *Comptroller of the Currency.*

B. A State member bank of the Federal Reserve System or a subsidiary of any such bank or a bank holding company or a subsidiary of a bank holding company which is a bank (other than a bank which is required to register with the Comptroller of the Currency or the Federal Deposit Insurance Corporation) registers with the *Board of Governors of the Federal Reserve System.*

C. A bank insured by the Federal Deposit Insurance Corporation (other than a bank which is a member bank of the Federal Reserve System) or a subsidiary thereof registers with the *Federal Deposit Insurance Corporation.*

D. All other transfer agents register with *the Securities and Exchange Commission.*

3. Transfer agents are required to file six completed copies of Form TA–1 with the appropriate regulatory agency, as described in instruction 2 immediately above, in accordance with the following instructions:

A. For transfer agents registering with the *Comptroller of the Currency,* six copies of Form TA–1 are to be filed with the Office of the Comptroller of the Currency, Administrator of National Banks, Washington, D.C. 20219.

B. For transfer agents registering with the *Board of Governors of the Federal Reserve System,* four copies of Form TA–1 are to be filed with the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, and two copies of Form TA–1 are to be filed with the Federal Reserve Bank of the District in which registrants' principal banking operations are conducted.

C. For transfer agents registering with the *Federal Deposit Insurance Corporation,* six copies of Form TA–1 are to be filed with the Federal Deposit Insurance Corporation, Washington, D.C. 20429.

D. For transfer agents registering with the *Securities and Exchange Commission,* six copies of Form TA–1 are to be filed with the Securities and Exchange Commission, Washington, D.C. 20549.

An exact copy of Form TA–1 should be retained for your records.

4. The date on which a Form TA–1 is received by the appropriate regulatory agency shall be the date of filing thereof if all the requirements with respect to filing have been complied with. A Form TA–1 which is not prepared and executed in compliance with applicable requirements may be returned as not acceptable for filing. However, acceptance of Form TA–1 shall not constitute any finding that it has been filed as required or that the information submitted is true, current, or complete.

5. Copies of Form TA–1 and Schedules A and B may be duplicated and are acceptable for filing provided an *original, manual signature* is affixed to the execution section of each copy. Except as set forth in instruction 20, Form TA–1 and Schedules A and B may be duplicated by any method producing legible copies, of type size identical to that in the Form, on good quality, unglazed, white paper, 8½ x 11 inches in size.

6. If Form TA–1 is filed by a corporation, it shall be signed in the name of the corporation by a principal officer duly authorized; if it is filed other than by a corporation, it shall be signed by a duly authorized principal of the organization filing the Form. As used in this Form, principal officer means the chairman of the board of directors, vice chairman of the board of directors, chairman of the executive committee, president, vice president, treasurer, secretary, comptroller, or any other person performing a similar function.

7. If the space provided for any answer on Form TA–1 is insufficient, the complete answer shall be prepared on Schedule A, which shall be attached to the Form.

8. Individuals' names, except for executing signatures, shall be given in full wherever required (last name, first name, middle name). The full middle name is required. Initials are not acceptable unless the individual legally has only an initial.

9. Unless the context otherwise requires, "registrant" means the entity on whose behalf Form TA–1 is filed, whether as a registration or as an amendment to a previously filed Form TA–1.

10. The information contained in Form TA–1 shall be amended upon the happening of certain events (see instruction 15 relating to amendments to Form TA–1).

11. Section 17(c)(1) of the Act, among other things, requires every transfer agent who files a registration form or amendment thereto with the Board of Governors of the Federal Reserve System, the Comptroller of the Currency or the Federal Deposit Insurance Corporation to file a copy of such registration form or amendment with the Securities and Exchange Commission. The Securities and Exchange Commission and the federal bank regulatory agencies have developed procedures pursuant to which the federal bank regulatory agencies will transmit a copy of any registration form or amendment filed with them to the Securities and Exchange Commission. Accordingly, such filings with the federal bank regulatory agencies by transfer agents for which the Securities and Exchange Commission is not the appropriate regulatory agency will constitute filings with the Securities and Exchange Commission for purposes of section 17(c)(1) of the Act.

12. The term "transfer agent" is defined in section 3(a)(25) of the Act to mean any person who engages on behalf of an issuer of securities or on behalf of itself as an issuer of securities in (i) countersigning such securities with a view to preventing unauthorized issuance, (ii) monitoring the issuance of such securities with a view to preventing unauthorized issuance, a function commonly performed by a person called a registrar, (iii) registering the transfer of such securities, (iv) exchanging or converting such securities, or (v) transferring record ownership of securities by bookkeeping entry without physical issuance of securities certificates. The term "transfer agent" does not include any insurance company or separate account which performs such functions solely with respect to variable annuity contracts or variable life policies which it issues or any registered clearing agency which performs such functions solely with respect to options contracts which it issues.

13. In response to any item (*except item 7(a)*) of Form TA–1 which requires information about "transfer agent activities," "transfer agent functions," "transfer agent operations," "securities" or "issues," the response should encompass all securities (*e.g.,* municipal securities, debt securities, preferred stock, common stock) for which registrant acts as transfer agent, as defined in section 3(a)(25) of the Act. The response should not be limited to securities registered under Section 12 of the Act or which would be required to be registered except for the exemption from registration provided by subsection (g)(2)(B) or (g)(2)(G) of section 12 of the Act. (See instruction 19 in responding to item 7 of Form TA–1.)

II. *Instructions Relating to Filing Form TA–1 as a Registration Form.*

14. If Form TA–1 is being filed as a registration form, all applicable items are required to be answered in full. If any item is not applicable, respond with "none" or "N/A" (not applicable), as appropriate.

III. *Instructions Relating to Filing Form TA–1 as an Amendment to a Registration Form.*

15. Within twenty-one calendar days following the date on which information reported at items 1–6 of Form TA–1 becomes inaccurate, incomplete or misleading, the registrant shall file an amendment on Form TA–1 correcting the inaccurate, incomplete or misleading information. Within thirty calendar days following the close of any calendar year (beginning with the period from the date as of which registrant's application is prepared to December 31, 1976), during which the information required by item 7 of Form TA–1 becomes inaccurate, incomplete or misleading, the registrant shall file an amendment on Form TA–1 correcting the inaccurate, incomplete or misleading information. The information reported at items 8–12 of Form TA–1 need not be amended after registration has become effective.

16. If an item is amended, the registrant must answer all other items on the page on which the amended item appears and must file six copies of the new page, each with an updated and properly completed execution page. Unless a schedule or an attachment is being amended, it is not necessary to file a new schedule or attachment pertaining to an unamended item on a page which is filed because such page contains an amended item.

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IV. *Instructions as to SPECIFIC ITEMS on Form TA–1.*

17. Item 1.—Indicate the agency with which Form TA–1 is to be filed and whether the Form is filed as a registration or an amendment.

18. Item 2(a).—Include a street address; a post office box number alone is not acceptable.

19. Item 7(a).—At the option of registrant, the response to this item may be limited to "issues" or "securities" registered under section 12 of the Act or which would be required to be registered except for the exemption from registration provided by subsection (g)(2)(B) or (g)(2)(G) of section 12 of the Act.

V. *Instruction Relating to Schedule B of Form TA–1*

20. Six copies of a facsimile of a computer run providing the information called for by Schedule B may be attached if the facsimile is in the format called for by Schedule B, the type size is legible, and the facsimile is reduced to 8½ x 11 inches in size.

21. Schedule B shall be amended by filing six copies showing all additions and deletions and so designating them. Each copy shall be filed with an updated and properly completed execution page. Any change in the capacity in which the registrant acts for an issue shall be shown both as a deletion of all capacities previously set forth for the issue and as an addition showing the corrected capacity or capacities in which the registrant acts for the issue.

VI. *Notice.*

22. Under sections 17, 17A(c), and 23(a) of the Securities Exchange Act of 1934 and the rules and regulations thereunder, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation and the Securities and Exchange Commission ("the appropriate regulatory agency") are authorized to solicit the information required to be supplied by this Form from applicants for registration as a transfer agent. Disclosure to the appropriate regulatory agency of the information requested in Form TA–1 (except for the disclosure by an individual registrant of his social security number as an IRS Employee Identification Number, which is voluntary) is a prerequisite to the processing of applications for registration as a transfer agent. The information will be used for the principal purpose of determining whether the appropriate regulatory agency should allow an application for registration to become effective or should deny, accelerate or postpone registration to an applicant. Social security numbers, if furnished, will be used only to assist the appropriate regulatory agency in identifying applicants and, therefore, in promptly processing applications. Information supplied on this Form will be included routinely in the public files of the appropriate regulatory agency and will be available for inspection by any interested person.

FORM TA–1

UNIFORM FORM FOR REGISTRATION AS A TRANSFER AGENT AND FOR AMENDMENT TO REGISTRATION AS A TRANSFER AGENT PURSUANT TO SECTION 17A OF THE SECURITIES EXCHANGE ACT OF 1934

General.—Form TA–1 is to be used to register as a transfer agent and to amend registration as a transfer agent with the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation or the Securities and Exchange Commission pursuant to Section 17A of the Securities Exchange Act of 1934 (the "Act"). Read all instructions before preparing the Form. Please print or type all responses.

1. This form is filed with _____ as
(name of agency)

A registration ☐ An amendment ☐

2. (a) Exact name, principal business address, mailing address, if different, and telephone number of registrant:

Full name of registrant: _____

IRS Employee Identification No.: _____

Attention.—Intentional misstatements or omissions of fact constitute Federal Criminal Violations (See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a)).

Execution.—The Registrant submitting this Form, any Schedules and any attachments and the person by whom it is executed represent hereby that all information contained herein is true, current and complete. It is understood that all required items, Schedules and attachments are integral parts of this Form and that the submission of any amendment to items 1–6 represents that all unamended parts of items 1–6 and any Schedules and any attachments to items 1–6 remain true, current and complete as previously submitted. An amendment to item 7 and Schedule B and any attachments thereto represents that all unamended parts of item 7 and Schedule B and any attachments thereto and items 1–6 and any Schedules and attachments thereto remain true, current and complete as previously submitted.

Registrant agrees and consents that the notice of any proceeding under section 17A of the Act involving registrant by the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation or the Securities and Exchange Commission may be given by sending such notice by registered or certified mail or confirmed telegram to the registrant at the address of its principal office for transfer agent activities as given in response to item 2(b), "Attention Officer in Charge of Transfer Agent Activities." If more than one office is listed in item 2(b), the first office listed shall constitute the principal office for purposes of the aforementioned notice.

Dated the _____ day of _____ 19__

_____
(Name of Transfer Agent)

_____
(Manual signature of Principal Officer or duly authorized Principal)

_____
(Title)

Name under which transfer agent activities are conducted, if different: _____

If name of registrant is hereby amended, state name under which registered previously: _____

If name under which transfer agent activities are conducted is hereby amended, state name given previously: _____

Address of registrant's principal place of business:

Number and street	City	State	ZIP Code

Mailing address, if different: _____

Telephone number: _____ (Area Code) _____ (Telephone number)

2. (b) Address of principal office(s) for transfer agent activities:

Number and street	City	State	Zip Code
1.			
2.			
3.			

2.(c) Name, title and telephone number of person in charge of registrant's transfer agent activities:

Name: _____

Title: _____

Telephone number: _____ (Area Code) _____ (Telephone Number)

3.(a) If registrant is a corporation or a national association: Date on which registrant became incorporated or was organized and jurisdiction in which incorporated or under which it is organized:

Date: _____ Jurisdiction: _____

(b) If registrant is not a corporation or a national association, describe on Schedule A the form of organization under which registrant conducts its business and identify the jurisdiction in which registrant is organized.

4. Does registrant have any arrangement with any person other than an issuer or a transfer agent, as defined in section 3(a)(25) of the Act, under which, with regard to registrant's transfer agent functions, such other person processes, keeps or maintains any records or accounts of registrant or issuers relating to transfer agent functions? Yes ☐ No ☐

If the answer is "yes," furnish on Schedule A, as to each such arrangement, the full name and principal business address of the other person and a brief summary of each such arrangement. As used in this question the term "person" includes any individual, corporation, partnership, association, joint stock company, business trust, unincorporated organization, or any other entity.

5. (a) Does registrant act as a transfer agent solely for its own securities? Yes ☐ No ☐

(b) Does registrant act as a transfer agent solely for securities of a person, as defined in item 4 of Form TA–1, that controls, or is controlled by, or is under common control with, the registrant? Yes ☐ No ☐

6. Check below types of business activities engaged in by registrant:

(a) Countersigning securities upon issuance ☐

(b) Monitoring the issuance of securities with a view to preventing unauthorized issuance, a function commonly performed by a person called a registrar ☐

(c) Registering the transfer of securities ☐

(d) Exchanging or converting securities ☐

(e) Transferring record ownership of securities by bookkeeping entry without physical issuance of securities certificates ☐

(f) Activities related to transfer agent functions:

(1) Acting as dividend disbursing agent or paying agent ☐

(2) Effecting dividend reinvestment ☐

(3) Processing stock subscriptions ☐

(4) Mailing of stockholders notices, proxies and other materials ☐

7. (a) In accordance with instruction 19, list on Schedule B issues serviced as transfer agent in the following capacities, as these terms are commonly used in the transfer agent industry: transfer agent, co-transfer agent, registrar or co-registrar.

(b) Does Schedule B include only securities registered pursuant to section 12 of the Act, or securities which would be required to be registered except for the exemption from registration contained in subsection (g)(2)(B) or (g)(2)(G) of section 12 of the Act? Yes ☐ No ☐

(c) State the total number of issues serviced as a transfer agent which are not set forth in Schedule B. _____

8. If registrant is not a bank insured by the Federal Deposit Insurance Corporation, please answer items (a) and (b) below:

(a) Are the registrant's transfer agent activities subject to regulation by any agency of a state or political subdivision? (If yes, specify name of agency). Yes ☐ No ☐

Name of State or political subdivision: _____

Name of agency: _____

(b) Have the registrant's transfer agent activities been the subject of periodic examinations by an agency of a state or political subdivision? (If yes, specify name of agency). Yes ☐ No ☐

Name of State or political subdivision: _____

Name of agency: _____

9. (a) Is registrant audited by an independent public accountant? Yes ☐ No ☐

(b) If registrant is audited by an independent public accountant, does the audit include a review of internal controls related to transfer agent activities? Yes ☐ No ☐

(c) Fiscal year of registrant: Mo.___ day___

10. (a) How many full-time and part-time employees does registrant have engaged in transfer agent activities?

1. Full-time _____

2. Part-time _____

(b) How many years has registrant performed transfer agent activities?

(c) Indicate the average monthly number of certificates registrant issued during each of the following calendar quarters: (Indicate by an asterisk (*) placed adjacent to the number reported whether any original issues occurred in any period requested below):

Period	Average monthly number of certificates issued
1. October 1, 1974 to December 31, 1974	
2. January 1, 1975 to March 31, 1975	
3. April 1, 1975 to June 30, 1975	
4. July 1, 1975 to September 30, 1975	

11. (a) With regard to transfer agent activities, provide the following information regarding the type of insurance carried or provided:

Type of Insurance	Yes	No	Amount of coverage (dollars)	Amount of deductible (dollars)
1. Blanket bond				
2. Fidelity				
3. Errors and omissions				
4. Mail robbery				
5. Air courier				
6. Lost instrument				
7. Other insurance related solely to transfer agent activities (Please specify on Schedule A)				

(b) If registrant's transfer activities are not covered by any insurance, has provision been made for self-insurance? Yes ☐ No ☐

If yes, indicate on Schedule A the provisions made for self-insurance (e.g., accounting reserve or funded reserve) and the amount thereof.

12. (a) What are registrant's internal policies and procedures for reconciling differences (including clerical and posting errors and out-of-proof conditions) in its transfer agent operations? (Describe on Schedule A).

(b) Indicate, as of September 30, 1975, the number of issues, if any, out-of-proof beyond thirty calendar days, and for each issue, identify the issue and state the number and market value of the shares or debt securities by which the issue is out-of-proof. (Attach Schedule A).

An out-of-proof condition exists if the total number of all securities reflected in the stockholder or debt holder records differs from the total number of shares or debt securities issued and outstanding pursuant to corporate action.

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SCHEDULE A OF FORM TA-1

1. Full name of Registrant exactly as stated in Item 2(a) of Form TA-1.

2. Item of Form (Identify)	Answer

SCHEDULE B List issues serviced as transfer agent, co-transfer agent, registrar or co-registrar. For each issue provide the following information: (See Instructions 19, 20 and 21 before completing this Schedule)

This is: A Registration Form__ An Amendment __

Name of Issuer	Issue	CUSIP Number If Applicable	Capacity or Capacities in which registrant acts for issue CHECK THE APPROPRIATE COLUMN: Transfer Agent 1/	Co-transfer Agent 1/	Registrar 1/	Co-Registrar 1/	If this is an Amendment: This is an addition to issues or capacities previously listed on Schedule B (CHECK ONE)	If this is an Amendment: This is a deletion of issues or capacities previously listed on Schedule B (CHECK ONE)

1/ For purposes of this Schedule B, the terms transfer agent and co-transfer agent include the person performing similar functions with respect to debt securities and the terms registrar and co-registrar include the person performing similar functions with respect to debt securities.

COPIES OF FORM TA-1

Copies of Form TA-1 are available on request from the Comptroller of the Currency, Administrator of National Banks, Washington, D.C. 20219.

Effective date: October 21, 1975.

Dated: October 21, 1975.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency, Administrator of National Banks.

[FR Doc.75-28902 Filed 10-28-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75-SW-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area; Withdrawal of Final Rule

On September 10, 1975, Part 71 of the Federal Aviation Regulations was amended to include a 700-foot point-in-space transition area south of Galveston, Tex., at latitude 28°53'00" N., longitude 94°43'00" W.

In the establishment of this transition area, compliance with the provisions of Executive Order 10854 and coordination with the International Civil Aviation Organization (ICAO) were inadvertently omitted.

In consideration of the foregoing, notice is hereby given that the establishment contained in Airspace Docket No. 75-SW-38 (40 FR 41998) is withdrawn pending readvertisement at a later date.

The withdrawal of this rule is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued at Fort Worth, Tex., on October 14, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.28917 Filed 10-28-75;8:45 am]

Title 20—Employees' Benefits

CHAPTER II—RAILROAD RETIREMENT BOARD

PART 300—DETERMINATION OF DAILY BENEFIT RATES

Employees' Daily Rates of Compensation

This document provides revisions of the Board's regulations with respect to the obtaining of employees' daily rates of compensation and the use of such rates in determining daily benefit rates.

Pursuant to the general authority contained in section 12 of the Act of June 25, 1938 (52 Stat. 1107, as amended; 45 U.S.C. 362), §§ 330.1, 330.4 and 330.5 of Part 330 (20 CFR 330.1, 330.4 and 330.5) of the regulations under such act are revised and § 330.6 is added to read as follows:

§ 330.1 Statutory provisions.

• • • The daily benefit rate with respect to any • • • employee for • • • [a] day of unemployment or sickness shall be in an amount equal to 60 per centum of the daily rate of compensation for the employee's last employment in which he engaged for an employer in the base year, but not less than $12.70: *Provided, however,* That for registration periods beginning after June 30, 1975, but before July 1, 1976, such amount shall not exceed $24 per day of such unemployment or sickness and that for registration periods beginning after June 30, 1976, such amount shall not exceed $25 per day of such unemployment or sickness. The daily rate of compensation referred to in this paragraph shall be determined by the Board on the basis of information furnished to the Board by the employee, his employer, or both. • • • (Section 2(a), Railroad Unemployment Insurance Act, as amended August 9, 1975.)

§ 330.4 Information furnished to the Board about daily rate of compensation.

Each employee applying for benefits shall be afforded an opportunity to furnish, on a pay rate report form provided by the Board, information to show the daily rate of his compensation for the last employment in which he engaged for an employer in the base year. Arrangements shall be made for employers to furnish information to Board officers with respect to pay rates. Such arrangements may include, but need not be limited to, (a) arranging for unemployment claims agents or other employer officials to verify or correct, to the extent practicable, employees' pay rate reports before such reports are forwarded to the

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Board, (b) sending to the appropriate employers for verification or correction pay rate reports furnished by employees applying for benefits, and (c) arranging for employers to furnish information as to established rates of pay. For purposes of paragraph (a) of § 330.5, the Board shall compile a table of pay rate ranges by occupation by employer from information furnished by employers in verifying or correcting pay rate reports submitted by employees.

§ 330.5 Use of daily rate of compensation in determining daily benefit rate.

(a) *Initial determination.* The daily benefit rate shall be 60 percent of the employee's daily rate (up to $40.00 in base year 1974; up to $41.66 in later base years) of compensation for the last employment in which he engaged for an employer in the base year, but not less than $12.70. Pending submission of a pay rate report by the employee, the daily benefit rate shall be $12.70. The office processing the employee's application for benefits shall use the information furnished on a verified or corrected pay rate report or on an unverified and uncorrected pay rate report, provided there is information, including information supplied by employers, sufficient to give reasonable assurance of the correctness of a daily benefit rate based on such pay rate report. If the office processing the application for benefits of an employee whose pay rate report has not been verified or corrected does not have information sufficient to give reasonable assurance of the correctness of a daily benefit rate based on the report, the daily benefit rate shall be $12.70 until (1) the report is verified or corrected or (2) a period of 30 days has elapsed with no verification or correction of the report, whichever first occurs. After a period of 30 days has elapsed with no verification or correction of the report, the processing office shall assign a daily benefit rate based on pay rates supplied by the employer for other employees in the employee's occupation. In the case where the employer has not supplied a rate for the employee's occupation, the processing office shall assign a daily benefit rate based on rates reported for the employee's occupation by other employers. The processing office shall take appropriate follow-up action to secure verification or correction of the report.

(b) *Redetermination.* When an unverified and uncorrected pay rate report has been verified or corrected, appropriate redetermination of the daily benefit rate shall be made, and such redetermined benefit rate shall be applied to all of the employee's days of unemployment or sickness in the benefit year, provided, however, that with respect to registration periods beginning after June 30, 1975, and before July 1, 1976, the daily benefit rate (determined in the manner prescribed in paragraph (a) of this section) shall be 60 percent of the employee's last daily rate up to $40.00 of compensation in the base year but not less than $12.70, and provided further that with respect to registration periods beginning after June 30, 1976, the daily benefit rate shall be 60 percent of the employee's last daily rate up to $41.66 of compensation in the base year but not less than $12.70.

§ 330.6 Use of reports of daily rates of compensation included in annual reports of creditable compensation of employees.

Any employer, in making his annual report of the creditable compensation of employees may elect to include, in a format prescribed by the Board, reports of the last daily rates of compensation in the base year for one or more employees. Any such report shall be accepted by the Board without further verification for the purpose of determining an employee's daily benefit rate in the following benefit year.

Dated: October 21, 1975.

By Authority of the Board.

[SEAL] R. F. BUTLER.
Secretary of the Board.

[FR Doc.75-28911 Filed 10-28-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Dichlorvos

The Commissioner of Food and Drugs has evaluated a new animal drug application (49-032V) filed by the Shell Chemical Co., a Division of Shell Oil Co., Agricultural Division, 2401 Crow Canyon Rd., San Ramon, CA 94583, proposing an additional use for dichlorvos in swine feed as an aid to increase litter production efficiency. The application is approved, effective October 29, 1975.

The Commissioner is amending Part 558 to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness of data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action would not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. Copies of the FDA environmental impact assessment are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 558 is amended in § 558.205 by revising paragraph (b) and amending paragraph (f)(1) and (2) and adding paragraph (f)(3), to read as follows:

§ 558.205 Dichlorvos.

* * * * *

(b) *Approvals.* Premix level of 9.6 percent granted to No. 011461 in § 510.660(c) of this chapter.

* * * * *

(f) * * *

(1) *Amount per ton.* Dichlorvos, 348 grams (0.0384 percent).

* * * * *

(2) *Amount per ton.* Dichlorvos, 479 grams (0.0528 percent).

* * * * *

(3) *Amount per ton.* Dichlorvos, 334-500 grams (0.0366-0.0550 percent).

(i) *Indications for use.* An aid in improving litter production efficiency by increasing pigs born alive, birth weights, survival to market, and rate of weight gain. Treatment also removes and controls mature, immature and/or fourth stage larvae of whipworm (*Trichuris suis*), nodular worm (*Oesophagostomum spp.*) large roundworm (*Ascaris suum*), and the thick stomach worm (*Ascarops strongylina*) occurring in the gastrointestinal tract of the sow or gilt.

(ii) *Limitations.* For pregnant swine; mix into a gestation feed to provide 1,000 milligrams per head daily during last 30 days of gestation.

Effective date. This amendment shall be effective October 29, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: October 21, 1975.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.75-28929 Filed 10-28-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

CFR Correction

The following are corrections to errors made in Title 24 of the Code of Federal Regulations, Parts 0 to 499, revised as of April 1, 1975.

1. In § 207.1, appearing on page 339, paragraphs (e), (f), (g), (h), and (i) were inadvertently omitted. Paragraphs (e), (f), (g), (h), and (i) are reinstated to read as follows:

§ 207.1 Application, SAMA letter, commitments and required fees.

* * * * *

(e) *Inspection fee.* The firm commitment may provide for the payment of an inspection fee in an amount not to exceed $5 per thousand dollars of the commitment. If an inspection fee is required, it shall be paid for as follows:

(1) If the case involves the insurance of advances, it shall be paid at the time of initial endorsement.

(2) If the case involves insurance upon completion, it shall be paid prior to the date construction is begun.

(f) *Fees on increases—(1) Increase in firm commitment prior to endorsement.* An application, filed prior to initial endorsement (or prior to endorsement in a case involving insurance upon completion), for an increase in the amount of an outstanding firm commitment shall be accompanied by a combined additional application and commitment fee. This combined additional fee shall be in an amount which will aggregate $3 per thousand dollars of the amount of the requested increase. If an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount computed at the same dollar rate per thousand dollars of the amount of increase in commitment as was used for the inspection fee required in the original commitment. When insurance of advances is involved, the additional inspection fee shall be paid at the time of initial endorsement. When insurance upon completion is involved, the additional inspection fee shall be paid prior to the date construction is begun or if construction has begun, it shall be paid with the application for increase.

(2) *Increase in mortgage between initial and final endorsement.* Upon an application, filed between initial and final endorsement, for an increase in the amount of the mortgage, either by amendment or by substitution of a new mortgage, a combined additional application and commitment fee shall accompany the application. This combined additional fee shall be in an amount which will aggregate $3 per thousand dollars of the amount of the increase requested. If an inspection fee was required in the original commitment, and additional inspection fee shall accompany the application in an amount not to exceed the $5 per thousand dollars of the amount of the increase requested.

(3) *Loan to cover operating losses.* In connection with a loan to cover operating losses occurring during the first 2 years following completion of the project, a combined application and commitment fee of $3 per thousand dollars of the amount of the loan applied for shall be submitted with the application for the commitment. No inspection fee shall be required.

(g) *Reopening of expired commitments.* An expired conditional or firm commitment may be reopened if a request for reopening is received by the Commissioner within 90 days of the expiration of the commitment. The reopening request shall be accompanied by a fee of 50 cents per thousand dollars of the amount of the expired commitment. If the reopening request is not received by the Commissioner within the required 90-day period, a new application, accompanied by the required application and commitment fee, must be submitted.

(h) *Transfer fee.* Upon application for approval of a transfer of physical assets or the substitution of mortgagors, a transfer fee of 50 cents per thousand dollars shall be paid on the original face amount of the mortgage in all cases, except that a transfer fee shall not be paid where both parties to the transfer transaction are nonprofit organizations.

(i) *Refund of fees.* If the amount of the commitment issued or increase in mortgage granted is less than the amount applied for, the Commissioner shall refund the excess amount of the application and commitment fees submitted by the applicant. If an application is rejected before it is assigned for processing, or in such other instances as the Commissioner may determine, the entire application and commitment fees or any portion thereof may be returned to the applicant. Commitment, inspection and reopening fees may be refunded, in whole or in part, if it is determined by the Commissioner that there is a lack of need for the housing or that the construction or financing of the project has been prevented because of condemnation proceedings or other legal action taken by a governmental body or public agency, or in such other instances as the Commissioner may determine. A transfer fee may be refunded only in such instances as the Commissioner may determine.

2. In § 213.3, appearing on page 374, paragraphs (c), (d), (e), (f), and (g) were inadvertently omitted. Paragraphs (c), (d), (e), (f), and (g) are reinstated to read as follows:

§ 213.3 Fees required by Commissioner.

* * * * *

(c) *Fees on increases—(1) Increase in firm commitment prior to endorsement.* An application, filed prior to initial endorsement (or prior to endorsement in a case involving insurance upon completion), for an increase in the amount of an outstanding firm commitment shall be accompanied by a combined additional application and commitment fee. The combined additional fee shall be in an amount which will aggregate $3 per thousand dollars of the amount of the requested increase. If an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount computed at the same dollar rate per thousand dollars of the amount of increase in commitment as was used for the inspection fee required in the original commitment. When insurance of advances is involved, the additional inspection fee shall be paid at the time of initial endorsement. When insurance upon completion is involved, the additional inspection fee shall be paid prior to the date construction is begun or if construction has begun, it shall be paid with the application for increase.

(2) *Increase in mortgage between initial and final endorsement.* Upon an application, filed between initial and final endorsement, for an increase in the amount of the mortgage, either by endorsement or by substitution of a new mortgage, a combined additional application and commitment fee shall accompany the application. This combined additional fee shall be in an amount which will aggregate $3 per thousand dollars of the amount of the increase requested. If an inspection fee was required in the original commitment, an additional inspection fee shall accompany the application in an amount not to exceed $5 per thousand dollars of the amount of the increase requested.

(3) *Loan to cover operating losses.* In connection with a loan to cover operating losses occurring during the first 2 years following completion of the project, a combined application and commitment fee of $3 per thousand dollars of the amount of the loan applied for shall be submitted with the application for the commitment. No inspection fee shall be required.

(d) *Reopening of expired commitments.* An expired conditional or firm commitment may be reopened if a request for reopening is received by the Commissioner within 90 days of the expiration of the commitment. The reopening request shall be accompanied by a fee of 50 cents per thousand dollars of the amount of the expired commitment. If the reopening request is not received by the Commissioner within the required 90-day period, a new application, accompanied by the required application and commitment fee, must be submitted.

(e) *Inspection fee.* The firm commitment may provide for the payment of an inspection fee in an amount not to exceed $5 per thousand dollars of the commitment. If an inspection fee is required, it shall be paid as follows:

(1) If the case involves the insurance of advances, it shall be paid at the time of initial endorsement.

(2) If the case involves insurance upon completion, it shall be paid prior to the date construction is begun.

(f) *Transfer fee.* Upon application for approval of a case involving the transfer of physical assets or involving the substitution of mortgagors, a transfer fee of 50 cents per thousand dollars shall be paid on the original face amount of the mortgage.

(g) *Refund of fees.* If the amount of the commitment issued or increase in mortgage granted is less than the amount applied for, the Commissioner shall refund the excess amount of the application and commitment fees submitted by the applicant. If an application is rejected before it is assigned for processing, or in such other instances as the Commissioner may determine, the entire application and commitment fees or any portion thereof may be returned to the applicant. Commitment, inspection, and reopening fees may be refunded, in whole or in part, if it is determined by the Commissioner that there is a lack of need for the housing or that the construction or financing of the project has been prevented because of condemnation proceedings or other legal action taken by a governmental body or

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public agency, or in such other instances as the Commissioner may determine. A transfer fee may be refunded only in such instances as the Commissioner may determine.

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7385]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PART 301—PROCEDURE AND ADMINISTRATION

Coordination of United States and Guam Individual Income Taxes

By a notice of proposed rule making appearing in the FEDERAL REGISTER for November 20, 1974 (39 FR 40773), amendments were proposed to conform the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) to the amendments made to the Internal Revenue Code of 1954 by the Act of October 31, 1972 (Pub. L. 92–606, 86 Stat. 1494), relating to coordination of United States and Guam individual income taxes. After consideration of all such relevant matter as was presented by interested persons regarding the proposed rules, the amendment of the regulations as proposed is adopted by this document, subject to the changes indicated below, which may be summarized as follows.

Section 1.935–1(d), captioned *Special rules for estimated income tax*, has been amended to provide that the special rule under subparagraph (1) with respect to declarations of estimated income tax filed before the date first due by an individual applies as well with respect to joint declarations of estimated income tax. This change has been accomplished by transferring the rule to a new subparagraph (3) and making the necessary changes in language.

In view of the foregoing considerations, the amendment of the regulations as proposed is hereby adopted, subject to the following changes:

Section 1.935–1, as set forth in paragraph 7 of the notice of proposed rule making, is amended—

(1) by revising paragraph (d)(1) and the last sentence of paragraph (d)(2),

(2) By adding a new subparagraph (3) to paragraph (d),

(3) By renumbering subparagraphs (3), (4), and (5) of paragraph (d) as (4), (5), and (6), respectively, and

(4) By striking out "(d)(5)" each place it appears in examples (1), (2), and (3) under paragraph (e) and inserting in lieu thereof "(d)(6)".

These revised and added provisions read as set forth below.

(Secs. 7805 (68A Stat. 917; 26 U.S.C. 7805) and 7654(e) (86 Stat. 1496; 26 U.S.C. 7654(e)) of the Internal Revenue Code of 1954.)

DONALD C. ALEXANDER,
Commissioner.

Approved: October 18, 1975.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

Title 26 is amended as follows:

PARAGRAPH 1. Section 1.881 is amended by redesignating subsection (b) of section 881 as subsection (c), by adding a new subsection (b) to such section, and by revising the historical note, to read as follows:

§ 1.881 Statutory provisions; tax on income of foreign corporations not connected with United States business.

SEC. 881. *Tax on income of foreign corporations not connected with United States business.* • • •

(b) *Exception for Guam corporations.* For purposes of this section, the term "foreign corporation" does not include a corporation created or organized in Guam or under the law of Guam.

(c) *Doubling of tax.* For doubling of tax on corporations of certain foreign countries, see section 891.

[Sec. 881 as amended by sec. 104(a), Foreign Investors Tax Act 1966 (80 Stat. 1555); sec. 313 (a) and (c), Rev. Act 1971 (85 Stat. 526); sec. 1(e)(1), Act of Oct. 31, 1972 (Pub. Law 92–606, 86 Stat. 1497)]

PAR. 2. Section 1.881–1 is amended by revising paragraph (c) to read as follows:

§ 1.881–1 Manner of taxing foreign corporations.

• • • • •

(c) *Meaning of terms.* For the meaning of the term "engaged in trade or business within the United States", as used in section 881 and this section, see section 864(b) and the regulations thereunder. For determining when income, gain, or loss of a foreign corporation for a taxable year is effectively connected for that year with the conduct of a trade or business in the United States, see section 864(c), the regulations thereunder, and § 1.882–2. The term "foreign corporation" has the meaning assigned to it by section 7701(a) (3) and (5) and § 301.7701–5 of this chapter (Regulations on Procedure and Administration), except that, for purposes of section 881 and § 1.881–2, in the case of taxable years beginning after December 31, 1971, the term "foreign corporation" does not include a corporation created or organized in Guam or under the law of Guam. Thus, for example, for such a taxable year the first sentence of paragraph (b)(1), and the second sentence of paragraph (b)(2), of this section do not apply to a Guamanian corporation.

• • • • •

PAR. 3. Section 1.931 is amended by revising subsection (c) of section 931 and the historical note to read as follows:

§ 1.931 Statutory provisions; income from sources within possessions of the United States.

SEC. 931. *Income from sources within possessions of the United States.* • • •

(c) *Definition.* For purposes of this section, the term "possession of the United States" does not include the Virgin Islands of the United States, and such term when used with respect to citizens of the United States does not include Puerto Rico or Guam.

[Sec. 931 as amended by sec. 107, Foreign Investors Tax Act 1966 (80 Stat. 1571); sec. 502(d), Rev. Act 1971 (85 Stat. 550); sec. 1(f)(1), Act of Oct. 31, 1972 (Pub. Law 92–606, 86 Stat. 1497)]

PAR. 4. Section 1.931–1 is amended by revising the heading and paragraph (a)(1) to read as follows:

§ 1.931–1 Citizens of the United States and domestic corporations deriving income from sources within a possession of the United States.

(a) *Definitions.* (1) As used in section 931 and this section, the term "possession of the United States" includes American Samoa, Guam, Johnston Island, Midway Islands, the Panama Canal Zone, Puerto Rico, and Wake Island. However, the term does not include (i) the Virgin Islands and (ii), when used with respect to citizens of the United States, the term does not include Puerto Rico or, in the case of taxable years beginning after December 31, 1972, Guam.

• • • • •

PAR. 5. Section 1.932 is amended by revising subsections (a) and (c) of section 932 and the historical note to read as follows:

§ 1.932 Statutory provisions; taxation of citizens of possessions of the United States.

SEC. 932. *Citizens of possessions of the United States*—(a) *General rule.* Any individual who is a citizen of any possession of the United States (but not otherwise a citizen of the United States) and who is not a resident of the United States shall be subject to taxation under this subtitle in the same manner and subject to the same conditions as in the case of a nonresident alien individual. This section shall have no application in the case of a citizen of Puerto Rico or Guam.

• • • • •

(c) *Guam.* For provisions relating to the individual income tax in the case of Guam, see sections 935 and 7654; see also sections 30 and 31 of the Act of August 1, 1950 (48 U.S.C., secs. 1421h and 1421i).

[Sec. 932 as amended by sec. 103(m), Foreign Investor Tax Act 1966 (80 Stat. 1554); sec. 1(f) (2) and (3), Act of Oct. 31, 1972 (Pub. Law 92–606, 86 Stat. 1497)]

PAR. 6. Section 1.932–1 is amended by revising paragraphs (a)(1) and (b) to read as follows:

§ 1.932–1 Status of citizens of United States possessions.

(a) *General rule*—(1) *Definition and treatment.* A citizen of a possession of

the United States (except Puerto Rico and, for taxable years beginning after December 31, 1972, Guam), who is not otherwise a citizen or resident of the United States, including only the States and the District of Columbia, is treated for the purpose of the taxes imposed by subtitle A of the Code (relating to income taxes) as if he were a nonresident alien individual. However, for purposes of the tax imposed on self-employment income by chapter 2 of the Code, the term "possession of the United States" as used in section 932 and the preceding sentence does not include American Samoa, Guam, or the Virgin Islands. See section 1402(a)(9). See subpart A (section 871 and following), part II, subchapter N, chapter 1 of the Code, and the regulations thereunder, for rules relating to imposition of tax on nonresident alien individuals. For Federal income tax purposes, a citizen of a possession of the United States who is not otherwise a citizen of the United States is a citizen of a possession of the United States who has not become a citizen of the United States by naturalization in a State, Territory, or the District of Columbia. The fixed or determinable annual or periodical income from sources within the United States of a citizen of a possession of the United States who is treated as if he were a nonresident alien individual is subject to withholding. See section 1441.

• • • • •

(b) *Nonapplication to citizen of Puerto Rico or Guam.* The provisions of section 932(a) and paragraph (a) of this section do not apply in the case of a citizen of Puerto Rico or, for taxable years beginning after December 31, 1972, a citizen of Guam. Thus, for example, any such citizen who is not a resident of the United States will not be treated by the United States as a nonresident alien individual for purposes of section 2(b)(3)(A) or (d), relating to definitions and special rules; section 4(d)(1), relating to taxpayers not eligible to use the optional tax tables; section 37(h), relating to denial of retirement income credit; section 116(d), relating to taxpayers ineligible for dividend exclusion; section 142(b)(1), relating to taxpayers ineligible for standard deduction; section 152(b)(3), relating to definition of "dependent"; section 402(a)(4), relating to distributions by the United States to nonresident aliens; section 545(d), relating to certain foreign corporations; section 565(e), relating to certain consent dividends; section 861(a)(1), relating to interest from sources within the United States; sections 871 to 877, relating to nonresident alien individuals; section 1303(b), relating to individuals not eligible for income averaging; section 1371(a)(3), relating to definition of small business corporation; section 1402(b), relating to definition of "self-employment income"; section 1441, relating to withholding of tax on nonresident aliens; section 3401(a), relating to definition of wages; section 6013(a)(1), relating to inability to make a joint return; section 6015(b) and (1), relating to declaration of estimated income tax by nonresident alien individuals; section 6017, relating to self-employment tax returns; section 6042(b)(2), relating to returns regarding payments of dividends; section 6049(b)(2), relating to returns regarding payments of interest; section 6072(c), relating to time for filing returns of nonresident alien individuals; section 6091(b), relating to place for filing returns of nonresident aliens; and section 6096(a), relating to designation of tax payments to Presidential Election Campaign Fund. For other rules applicable to citizens of Puerto Rico, see §§ 1.1–1(b) and 1.933–1. For other rules applicable to citizens of Guam, see §§ 1.1–1(b) and 1.935–1 of this chapter (Income Tax Regulations) and § 301.7654–1 of this chapter (Regulations on Procedure and Administration).

PAR. 7. The following new sections are inserted immediately after § 1.934–1:

§ 1.935 Statutory provisions; coordination of United States and Guam individual income taxes.

SEC. 935. *Coordination of United States and Guam individual income taxes*—(a) *Application of section.* This section shall apply to any individual for the taxable year who—

(1) Is a resident of Guam,

(2) Is a citizen of Guam but not otherwise a citizen of the United States,

(3) Has income derived from Guam for the taxable year and is a citizen or resident of the United States, or

(4) Files a joint return for the taxable year with an individual who satisfies paragraph (1), (2), or (3) for the taxable year.

(b) *Filing requirement*—(1) *In general.* Each individual to whom this section applies for the taxable year shall file his income tax return for the taxable year—

(A) With the United States, if he is a resident of the United States,

(B) With Guam, if he is a resident of Guam, and

(C) If neither subparagraph (A) nor subparagraph (B) applies—

(i) With Guam, if he is a citizen of Guam but not otherwise a citizen of the United States, or

(ii) With the United States, if clause (i) does not apply.

(2) *Determination date.* For purposes of this section, determinations of residence and citizenship for the taxable year shall be made as of the close of the taxable year.

(3) *Special rule for joint returns.* In the case of a joint return, this subsection shall be applied on the basis of the residence and citizenship of the spouse who has the greater adjusted gross income (determined without regard to community property laws) for the taxable year.

(c) *Extent of income tax liability.* In the case of any individual to whom this section applies for the taxable year—

(1) For purposes of so much of this title (other than this section and section 7654) as relates to the taxes imposed by this chapter, the United States shall be treated as including Guam,

(2) For purposes of the Guam territorial income tax, Guam shall be treated as including the United States, and

(3) Such individual is hereby relieved of liability for income tax for such year to the jurisdiction (the United States or Guam) other than the jurisdiction with which he is required to file under subsection (b).

(d) *Special rules for estimated income tax.* If there is reason to believe that this section will apply to an individual for the taxable year, then—

(1) He shall file any declaration of estimated income tax (and all amendments thereto) with the jurisdiction with which he would be required to file a return for such year under subsection (b) if his taxable year closed on the date he is required to file such declaration,

(2) He is hereby relieved of any liability to file a declaration of estimated income tax (and amendments thereto) for such taxable year to the other jurisdiction, and

(3) His liability for underpayments of estimated income tax shall be to the jurisdiction with which he is required to file his return for the taxable year (determined under subsection (b)).

[Sec. 935 as added by sec. 1(a), Act of Oct. 31, 1972 (Pub. Law 92–606, 86 Stat. 1494)]

§ 1.935–1 Coordination of U.S. and Guam individual income taxes.

(a) *Application of section*—(1) *Scope.* Section 935 and this section set forth the special rules relating to the filing of income tax returns, income tax liabilities, and estimated income tax of individuals described in subparagraph (2) of this paragraph. For additional rules relating to the collection of income tax at source on the wages of certain individuals, the furnishing of certain information with the returns of certain individuals, and the covering over to the treasury of Guam of net collections of income taxes imposed on certain individuals, see section 7654 and § 301.7654–1 of this chapter (Regulations on Procedure and Administration).

(2) *Individuals covered.* This section shall apply for a taxable year to any individual who—

(i) Is a resident of Guam, whether or not he is a citizen of the United States,

(ii) Is a citizen of Guam but not otherwise a citizen of the United States,

(iii) Has income derived from Guam for the taxable year and is a citizen or resident of the United States, or

(iv) Files a joint return for the taxable year with any individual described in subdivision (i), (ii), or (iii) of this subparagraph.

(3) *Determination of residence and citizenship.* For purposes of this section, determinations of residence and citizenship for a taxable year shall be made (except as provided to the contrary in paragraph (d) (1) and (2) of this section) as of the close of the taxable year. A citizen of the United States is any individual who is a citizen within the meaning of paragraph (c) of § 1.1–1, except that the term does not include an individual who is a citizen of Guam but not otherwise a citizen of the United States. An individual who is a citizen of Guam but not otherwise a citizen of the United States is any individual who has become a citizen of the United States by birth or naturalization in Guam. Whether an individual is a resident of Guam or a resident of the United States shall generally be determined by applying to the facts and circumstances in each case the principles of §§ 1.871–2 through 1.871–5 relating to what constitutes residence or nonresidence, as the case may be, in the United States in the

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case of an alien individual. However, for special rules for determining the residence for tax purposes of individuals under military or naval orders, see section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940, 50 App. U.S.C. 574. The residence of an individual, and, therefore, the jurisdiction with which he is required to file an income tax return under paragraph (b) of this section, may change from year to year.

(b) *Filing requirement*—(1) *Tax Jurisdiction.* An individual described in paragraph (a)(2) of this section shall file his return of income tax for the taxable year—

(i) With the United States if he is a resident of the United States, whether or not he is a citizen of the United States,

(ii) With Guam if he is a resident of Guam, whether or not he is a citizen of Guam, or

(iii) If neither subdivision (i) nor (ii) of this subparagraph applies,

(A) With Guam if he is a citizen of Guam but not otherwise a citizen of the United States, as defined in paragraph (a)(3) of this section, or

(B) With the United States if he is a citizen of the United States, as defined in paragraph (a)(3) of this section.

Thus, for example, if a U.S. citizen employed by the United States in Guam becomes a resident of Guam for the taxable year, he must file his return of income tax for such year with Guam. The tax shown on the return shall be paid to the jurisdiction with which such return is required to be filed and shall be determined by taking into account any credit under section 31 for tax withheld by Guam or the United States on wages, any credit under section 6402(b) for an overpayment of income tax to Guam or the United States, and any payments under section 6315 of estimated income tax paid to Guam or the United States. See paragraph (a)(3) of this section for the rule that determinations of residence and citizenship are to be made as of the close of the taxable year.

(2) *Joint returns.* In the case of married persons, if one or both spouses is an individual described in paragraph (a)(2) of this section and they file a joint return of income tax, the spouses shall file their joint return with, and pay the tax due on such return to, the jurisdiction where the spouse who has the greater adjusted gross income for the taxable year would be required under subparagraph (1) of this paragraph to file his return if separate returns were filed. For this purpose, adjusted gross income of each spouse is determined under section 62 and the regulations thereunder but without regard to community property laws; and, if one of the spouses dies, the taxable year of the surviving spouse shall be treated as ending on the date of such death.

(3) *Place for filing returns*—(i) *U.S. returns.* A return required under this paragraph to be filed with the United States shall be filed in accordance with § 1.6091–2, except that such return of a citizen or resident of the United States who is described in § 301.7654–1(a)(2) of this chapter (Regulations on Procedure and Administration) shall be filed with the Internal Revenue Service Center, 11601 Roosevelt Boulevard, Philadelphia, Pennsylvania 19155.

(ii) *Guam returns.* A return required under this paragraph to be filed with Guam shall be filed with the Commissioner of Revenue and Taxation, Agana, Guam 96910.

(4) *Tax accounting standards.* A taxpayer who has filed his return with one of the jurisdictions named in subparagraph (1) of this paragraph for a prior taxable year and is required to file his return for a later taxable year with the other such jurisdiction may not, for such later taxable year, change his accounting period, method of accounting, or any election to which he is bound with respect to his reporting of taxable income to the first jurisdiction unless he obtains the consent of the second jurisdiction to make such change. However, such change will not be effective for returns filed thereafter with the first jurisdiction unless before such later date of filing he also obtains the consent of the first jurisdiction to make such change. Any request for consent to make a change pursuant to this subparagraph must be made to the office where the return is required to be filed under subparagraph (3) of this paragraph and in sufficient time to permit a copy of the consent to be attached to the return for the taxable year.

(c) *Extent of liability for income tax*—(1) *Extension of territory*—(i) *General rule.* With respect to an individual who, for a taxable year, is described in paragraph (a)(2) of this section—

(A) For purposes of so much of the Internal Revenue Code of 1954 as relates to the normal taxes and the surtaxes imposed by chapter 1 thereof, the United States shall be treated, in a geographical and governmental sense, as including Guam, and

(B) For purposes of the Guam Territorial income tax (48 U.S.C. 1421i), Guam shall be treated, in a geographical an1 governmental sense, as including the United States except that this subdivision shall not apply for purposes of this section, section 7651, and section 7654.

(ii) *Application of general rule.* (A) The significance of the application of the rule of subdivision (i) of this subparagraph will depend upon the facts and circumstances of the particular case. The rule will not be applied where its application would be manifestly inapplicable or incompatible with the intent thereof. Thus, the rule will not be applied for purposes of section 3401, relating to definition of wages. Also, the rule will not be applied in determining the sources of dividends and interest from a domestic corporation. For example, if less than 20 percent of a domestic corporation's gross income is from U.S. sources for the period described in section 861(a)(1)(B) and (2)(A), but more than 20 percent of its gross income is from U.S. and Guam sources taken together for such period, the dividends and interest derived from it will be treated as derived from sources without the United States. In addition, for purposes of section 1372(e)(4), relating to whether an election of a small business corporation has been terminated because it derived more than 80 percent of its gross receipts from sources outside the United States, gross receipts from sources within Guam will be treated as gross receipts from sources outside the United States. On the other hand, some of the conclusions which may be reached as a result of the application of subdivision (i) of this subparagraph to a U.S. taxpayer (that is, an individual described in paragraph (b)(1)(i) or (iii)(B) of this section) are as follows. A U.S. taxpayer may not claim a foreign tax credit based upon his income from sources within Guam. Income tax paid to Guam may be taken into account under sections 31, 6315, and 6402(b) as payments to the United States. For purposes of section 116(a), relating to the partial exclusion of dividends received by individuals, dividends paid to a U.S. taxpayer by a corporation created or organized in Guam or under the law of Guam will be treated as dividends paid by a domestic corporation. Taxes paid to Guam and otherwise satisfying the requirements of section 164(a) will be allowed as a deduction under that section, but income taxes paid to Guam will be disallowed as a deduction under section 275(a).

(B) If a U.S. taxpayer has a net operating loss carryback or carryover under section 172, a foreign tax credit carryback or carryover under section 904, an investment credit carryback or carryover under section 46, a capital loss carryover under section 1212, or a charitable contributions carryover under section 170, the United States will take such carryback or carryover into account for a taxable year for which the taxpayer's return is required to be filed with the United States, and make a refund to the extent required under section 6402, even though the return of the taxpayer for the taxable year (whether beginning on, before, or after December 31, 1972) giving rise to the carryback or carryover was required to be filed with Guam.

(C) For purposes of income averaging of a U.S. taxpayer under sections 1301 through 1305, the taxpayer will not be denied status as an "eligible individual" merely because he was during the base period defined in section 1302(c)(2) treated under section 932 as a nonresident alien individual because he was a citizen of Guam but not otherwise a citizen of the United States. See section 1303(b). Furthermore, in determining the base period of such a U.S. taxpayer under section 1302(c)(2), taxable years for which a return was required to be filed with Guam shall be taken into account.

(D) In applying the Guam Territorial income tax the converse of the preceding rules under this subdivision will apply. Thus, for example, income tax paid to the United States may be taken into account under sections 31, 6315, and 6402(b) as payments to Guam. Moreover, a citizen of the United States (as defined in paragraph (a)(3) of this section) not a resident of Guam will not be treated as a nonresident alien individual for purposes of the Guam Territorial income tax. Thus, for example, a citizen of the United States (as so defined), or a resident of the United States, will not be treated as a nonresident alien individual for purposes of section 1371(a)(3) of the Guamanian Territorial income tax.

(2) *Liability to other jurisdiction*—(i) *Filing with Guam.* If for a taxable year an individual is required under paragraph (b)(1) of this section to file a return with Guam, he is relieved of liability to file an income tax return with, and to pay an income tax to, the United States for the taxable year.

(ii) *Filing with the United States.* If for a taxable year an individual is required under paragraph (b)(1) of this section to file a return with the United States, he is relieved of liability to file an income tax return with, and to pay an income tax to, Guam for the taxable year.

(d) *Special rules for estimated income tax*—(1) *Declaration of estimated income tax.* If, under all the facts and circumstances existing at the date an individual is required to file a declaration of estimated income tax, there is reason to believe that he will, for the taxable year, be an individual described in paragraph (a)(2) of this section, he must file his declaration of estimated income tax (and all amendments thereof) with the jurisdiction with which he would be required to file a return under paragraph (b)(1) of this section if his taxable year had closed on the date he is first required to file a declaration of estimated income tax for the taxable year. Except as provided in paragraph (6) of this section (relating to underpayments of estimated income tax), payments of estimated income tax shall be made to the jurisdiction with which he is required to file the declaration even though for the taxable year he is required under paragraph (b)(1) of this section to file his return with the other jurisdiction. In determining the amount of such estimated income tax, income tax paid to Guam may be taken into account under sections 31 and 6402(b) as payments to the United States, and vice versa. For rules relating to the determination of, and time for filing, declarations of estimated tax, see sections 6015 and 6073; for rules relating to the time for paying installments of the tax, see section 6153.

(2) *Joint declaration of estimated income tax.* In the case of married persons, if, under all the facts and circumstances existing at the date a spouse is required to file a declaration of estimated income tax, there is reason to believe that he will, for the taxable year, be an individual described in paragraph (a)(2) of this section and the spouses file a joint declaration of estimated income tax (and all amendments thereof) with the jurisdiction where the spouse who has the greater estimated adjusted gross income for the taxable year would be required under subparagraph (1) of this paragraph to file his declaration of estimated income tax if separate declarations were filed. For this purpose, estimated adjusted gross income of each spouse for the taxable year is determined without regard to community property laws. Except as provided in paragraph (6) of this section, payments of estimated income tax shall be made to the jurisdiction with which the spouses are required to file the joint declaration.

(3) *Early filing of declarations.* If the individual or spouses have in fact filed a declaration or joint declaration of estimated income tax earlier than the time he or they are first required to file the declaration and such declaration was not filed where it is required to be filed under paragraph (d)(1) or (2) of this section, as the case may be, of this paragraph, only subsequent amendments of the declaration are required to be filed pursuant to such paragraph (d)(1) or (2) of this section with the other jurisdiction and only subsequent installments of the estimated income tax are required to be paid to the other jurisdiction.

(4) *Place for filing declarctions.* A declaration of estimated income tax required under subparagraph (1) of this paragraph to be filed with Guam, shall be filed as prescribed in paragraph (b)(3)(ii) of this section. A declaration of estimated income tax required under subparagraph (1) of this paragraph to be filed with the United States shall be filed at the place prescribed by § 1.6073–1(c).

(5) *Liability to other jurisdiction*—(i) *Filing with Guam.* If, for a taxable year, an individual is required under this paragraph to file a declaration of estimated income tax with Guam, he is relieved of liability to file a declaration of estimated income tax (and any amendments thereof) with, and to make payments of estimated income tax to, the United States for the taxable year.

(ii) Filing with the United States. If, for a taxable year, an individual is required under this paragraph to file a declaration of estimated income tax with the United States, he is relieved of liability to file a declaration of estimated income tax (and any amendments thereof) with, and to make payments of estimated income tax to, Guam for the taxable year.

(6) *Underpayments.* The liability of an individual described in paragraph (a)(2) of this section for underpayments of estimated income tax for a taxable year, as determined under section 6654 and the regulations thereunder, shall be to the jurisdiction with which he is required under paragraph (b) of this section to file his return for the taxable year.

(e) *Illustration.* The application of this section may be illustrated by the following examples:

Example (1). B, and individual, files returns on a calendar year basis. B is a resident of the United States at the time he is required to file his declaration of estimated income tax for 1974. If, under the facts and circumstances, B does not reasonably expect at the time he files his declaration of estimated income tax that he will be a resident of Guam at the close of 1974, he will not be subject to this section at the time of such filing. However, B subsequently receives Guam source income which necessitates an amendment of his declaration, and some time later in 1974 he becomes a resident of Guam for the remainder of the year. B is required under paragraph (d)(1) of this section to file his amended declaration with the United States and to make payments of the estimated tax to the United States. However, B is required to file his income tax return for 1974 with Guam and to make any underpayments of estimated tax to Guam, pursuant to paragraphs (b)(1) and (d)(6) of this section.

Example (2). C, an individual, files returns on a calendar year basis. On March 1, 1974, C is a resident of the United States, files his declaration of estimated income tax for 1974 with the United States, and pays his first installment of estimated tax to the United States. Prior to the date C would otherwise be required to file his declaration of estimated income tax for 1974 (April 15, 1974), C becomes a resident of Guam for the remainder of the year. C is required under paragraph (d)(1) of this section to make only his remaining payments of installments of estimated tax to Guam. C is also required to file his income tax return for 1974 with Guam and to make any underpayments of estimated tax to Guam, pursuant to paragraphs (b)(1) and (d)(6) of this section.

Example (3). D, an individual, files returns on a calendar year basis. On August 1, 1974, D ceases to be a resident of the United States for the year and becomes a resident of Guam for the remainder of the year. D is first required to file a declaration of estimated income tax for 1974 on September 15, 1974, because of his receipt of an extraordinary item of income after June 15, 1974. D is required under paragraph (d)(1) of this section to file his declaration with Guam and to make payments of the estimated tax to Guam. D is also required to file his income tax return for 1974 with Guam and to make any underpayments of estimated tax to Guam, pursuant to paragraphs (b)(1) and (d)(6) of this section.

(f) *Effective date.* This section shall apply for taxable years beginning after December 31, 1972.

PAR. 8. Section 1.1441–1 is revised to read as follows:

§ 1.1441–1 Requirement for withholding of tax on nonresident aliens, foreign partnerships, and foreign corporations.

Except as otherwise provided in §§ 1.1441–3, 1.1441–4, and 1.1441–6, to the extent that the items specified in § 1.1441–2 constitute gross income from sources within the United States, withholding of a tax of 30 percent is required in the case of items of income specified in paragraphs (a) and (b) of § 1.1441–2 when such income is paid to a nonresident alien individual, a foreign partnership, or a foreign corporation, except that with respect to payments made after March 4, 1964, withholding of a tax of 14 percent is required in the case of items of income specified in paragraph (c) of § 1.1441–2. The rate of 30 percent or 14 percent shall be reduced as may be provided by a treaty with any country.

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See §§ 1.894–1 and 1.1441–6 relating to income affected by treaty. For purposes of this section, the term "nonresident alien individual" includes an alien resident of Puerto Rico. In the case of payments occurring after October 31, 1972, the term "foreign corporation" does not include a corporation created or organized in Guam or under the law of Guam.

PAR. 9. Section 1.1442 is amended by revising subsection (a) of section 1442, by adding a new subsection (c) to section 1442, and by revising the historical note, to read as follows:

§ 1.1442 Statutory provisions; withholding of tax on foreign corporations.

SEC. 1442. *Withholding of tax on foreign corporations*—(a) *General rule.* In the case of foreign corporations subject to taxation under this subtitle, there shall be deducted and withheld at the source in the same manner and on the same items of income as is provided in section 1441 or section 1451 a tax equal to 30 percent thereof; except that, in the case of interest described in section 1451 (relating to tax-free covenant bonds), the deduction and withholding shall be at the rate specified therein. For purposes of the preceding sentence, the references in section 1441(b) to sections 871(a)(1) (C) and (D) shall be treated as referring to sections 881(a) (3) and (4), the reference in section 1441(c)(1) to section 871(b)(2) shall be treated as referring to section 842 or section 882(a)(2), as the case may be, the reference in section 1441(c)(5) to section 871(a)(1) (D) shall be treated as referring to section 881(a)(4), and the reference in section 1441 (c)(8) to section 871(a)(1)(C) shall be treated as referring to section 881(a)(3).

* * * * *

(c) *Exception for Guam corporations.* For purposes of this section, the term "foreign corporation" does not include a corporation created or organized in Guam or under the law of Guam.

[Sec. 1442 as amended by sec. 104(c), Foreign Investors Tax Act 1966 (80 Stat. 1557); sec. 313(e), Rev. Act 1971 (85 Stat. 528); sec. 1(e)(2), Act of Oct. 31, 1972 (Pub. Law 92–606, 86 Stat. 1497)]

PAR. 10. Section 1.6091–1 is amended by adding a new subparagraph to paragraph (b), as follows:

§ 1.6091–1 Place for filing returns or other documents.

* * * * *

(b) *Place for filing certain information returns.* * * *

(16) For the place for filing information returns on Form 5074 with respect to the allocation of individual income tax to Guam, see paragraph (b)(3) of § 1.935–1 and paragraph (d) of § 301.7654–1 of this chapter (Regulations on Procedure and Administration).

PAR. 11. Section 1.6091–4 is amended by adding a new paragraph, as follows:

§ 1.6091–4 Exceptional cases.

* * * * *

(c) *Residents of Guam.* Income tax returns of an individual citizen of the United States who is a resident of Guam shall be filed with Guam, as provided in paragraph (b)(1) of § 1.935–1.

PAR. 12. The following new sections are inserted immediately after § 301.6685–1:

§ 301.6688 Statutory provisions; assessable penalties with respect to information required to be furnished under section 7654.

SEC. 6688. *Assessable penalties with respect to information required to be furnished under section 7654.* In addition to any criminal penalty provided by law, any person described in section 7654(a) who is required by regulations prescribed under section 7654 to furnish information and who fails to comply with such requirement at the time prescribed by such regulations unless it is shown that such failure is due to reasonable cause and not to willful neglect, shall pay (upon notice and demand by the Secretary or his delegate and in the same manner as tax) a penalty of $100 for each such failure.

[Sec. 6688 as added by sec. 1(c), Act of Oct. 31, 1972 (Pub. Law 92–606, 86 Stat. 1496); as amended by sec. 1016(b)(4), Employee Retirement Income Security Act 1974 (88 Stat. 932)]

§ 301.6688–1 Assessable penalties with respect to information required to be furnished under section 7654 on allocation of tax to Guam or the United States.

(a) *In general.* Each individual to whom paragraph (a)(2) of § 301.7654–1 applies for a taxable year who fails to file for such year the information return required by paragraph (d) of such section within the time prescribed therein, or who files such a return but does not show the information required thereon, shall, in addition to any criminal penalty provided by law, pay a penalty of $100 for each such failure.

(b) *Manner of payment.* The penalty set forth in paragraph (a) of this section shall be paid in the same manner as tax upon the issuance of a notice and demand therefor.

(c) *Reasonable cause.* The penalty set forth in paragraph (a) of this section shall not apply if it is established, to the satisfaction of the district director (or of the Commissioner of Revenue and Taxation of Guam if the individual was required to file his return of income tax for the taxable year with Guam) that the failure to file the information return or furnish the information within the prescribed time was due to reasonable cause and not to willful neglect. An individual who wishes to avoid the penalty must make an affirmative showing of all facts alleged as a reasonable cause for his failure to file the information return on time, or furnish the information on time, in the form of a written statement containing a declaration that it is made under penalties of perjury. Such statement must be filed with the district director (or with the Commissioner of Revenue and Taxation, Agana, Guam 96910, if the individual was required to file his return of income tax for the taxable year with Guam). In determining whether there was reasonable cause for failure to furnish the required information, account will be taken of the fact that the individual was unable to furnish the required information in spite of the exercise of ordinary business care and prudence in his effort to furnish the information. An individual will be considered to have exercised ordinary business care and prudence in his effort to furnish the required information if he made reasonable efforts to furnish the information but was unable to do so because of a lack of sufficient facts on which to make a proper determination. See paragraph (b) of § 1.935–1 of this chapter (Income Tax Regulations) for the rules which specify where returns of income tax must be filed for the taxable year by individuals to whom this section applies.

(d) *Effective date.* This section shall apply for taxable years beginning after December 31, 1972.

PAR. 13. Section 301.7654 is amended to read as follows:

§ 301.7654 Statutory provisions; coordination of United States and Guam individual income taxes.

SEC. 7654. *Coordination of United States and Guam individual income taxes*—(a) *General rule.* The net collections of the income taxes imposed for each taxable year with respect to any individual to whom this subsection applies for such year shall be divided between the United States and Guam according to the following rules:

(1) Net collections attributable to United States source income shall be covered into the Treasury of the United States;

(2) Net collections attributable to Guam source income shall be covered into the treasury of Guam; and

(3) All other net collections of such taxes shall be covered into the treasury of the jurisdiction (either the United States or Guam) with which such individual is required by section 935(b) to file his return for such year.

This subsection applies to an individual for a taxable year if section 935 applies to such individual for such year and if such individual has (or, in the case of a joint return, such individual and his spouse have) (A) adjusted gross income of $50,000 or more and (B) gross income of $5,000 or more derived from sources within the jurisdiction (either the United States or Guam) with which the individual is not required under section 935(b) to file his return for the year.

(b) *Definitions and special rules.* For purposes of this section—

(1) *Net collections.* In determining net collections for a taxable year, appropriate adjustment shall be made for credits allowed against the tax liability for such year and refunds made of income taxes for such year.

(2) *Income taxes.* The term "income taxes" means—

(A) With respect to taxes imposed by the United States, the taxes imposed by chapter 1, and

(B) With respect to Guam, the Guam territorial income tax.

(3) *Source.* The determination of the source of income shall be based on the principles contained in part I of subchapter N of chapter 1 (section 861 and following).

(c) *Transfers.* The transfers of funds between the United States and Guam required by this section shall be made not less frequently than annually.

(d) *Military personnel in Guam.* In addition to any amount determined under subsection (a), the United States shall pay to Guam at such times and in such manner as determined by the Secretary or his delegate the amount of the taxes deducted and withheld by the United States under chapter 24 with respect to compensation paid to members of the Armed Forces who are stationed in Guam but who have no income tax liability to Guam with respect to such compensation by reason of the Soldiers and Sailors Civil Relief Act (50 App. U.S.C., sec. 501 et seq.).

(e) *Regulations.* The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section and section 935, including (but not limited to)—

(1) Such regulations as are necessary to insure that the provisions of this title, as made applicable in Guam by section 31 of the Organic Act of Guam, apply in a manner which is consistent with this section and section 935, and

(2) Regulations prescribing the information which the individuals to whom section 935 may apply shall furnish to the Secretary or his delegate.

[Sec. 7654 as revised by sec. 1(b), Act of Oct. 31, 1972 (Pub. Law 92–606, 86 Stat. 1495)]

PAR. 14. The following new section is added immediately after § 301.7654:

§ 301.7654–1 Coordination of U.S. and Guam individual income taxes.

(a) *Application of section*—(1) *Scope.* Section 7654 and this section set forth the general procedures to be followed by the Government of the United States and the Government of Guam in the division between the two governments of revenue derived from collections of the income taxes imposed for any taxable year beginning after December 31, 1972, with respect to any individual described in subparagraph (2) of this paragraph and paragraph (e) of this section. To the extent that section 7654 and this section are inconsistent with the provisions of section 30 of the Organic Act of Guam (48 U.S.C. 1421h), relating to duties and taxes to be covered into the treasury of Guam and held in account for the Government of Guam, such section 30 is superseded.

(2) *Individuals covered.* Paragraph (b) of this section applies only to an individual who, for a taxable year, is described in paragraph (a)(2) of § 1.935–1 of this chapter (Income Tax Regulations) and has (or in the case of a joint return, such individual and his spouse have)—

(i) Adjusted gross income of $50,000 or more, and

(ii) Gross income of $5,000 or more from sources within the jurisdiction (either the United States or Guam) other than the jurisdiction with which the individual is required to file his income tax return under paragraph (b) of § 1.935–1 of this chapter.

For the determination of gross income and adjusted gross income see sections 61 and 62, and the regulations thereunder, or, when applicable, the corresponding provisions as made applicable in Guam by the Guam Territorial income tax (48 U.S.C. 1421i). For purposes of this subparagraph, gross income consisting of compensation for military or naval service shall be taken into account notwithstanding section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App. U.S.C. 574). However, see paragraph (e) of this section.

(b) *Allocation of tax.* (1) Net collections of income taxes imposed for each taxable year beginning after December 31, 1972, with respect to each individual described in paragraph (a)(2) of this section for such year shall be divided between the United States and Guam by the Commissioner of Internal Revenue and the Commissioner of Revenue and Taxation of Guam as follows:

(i) Net collections attributable to income from sources within the United States shall be covered into the Treasury of the United States,

(ii) Net collections attributable to income from sources within Guam shall be covered into the treasury of Guam, and

(iii) Net collections not described in subdivision (i) or (ii) of this subparagraph (i.e., net collections attributable to income from sources other than within the United States or Guam) shall be covered into the treasury of the jurisdiction (either the United States or Guam) with which the individual is required to file his return under paragraph (b) of § 1.935–1 of this chapter for such year.

(2) The amount of tax of any individual for a taxable year which shall be allocated to Guam for purposes of determining the portion of the net collections from such individual which shall be covered into the treasury of Guam by the United States for such year shall be that amount which bears the same ratio to such amount of tax as the adjusted gross income of that individual for such year which is allocable to sources in Guam bears to the total adjusted gross income of such individual for such year. For purposes of such allocation by the United States, the adjusted gross income of the taxpayer shall be determined by taking into account any compensation of any member of the Armed Forces for services performed in Guam the withheld tax on which is paid into the treasury of Guam pursuant to paragraph (e) of this section. The amount of tax of any individual for any taxable year which shall be allocated to the United States for purposes of determining the portion of the net collections from such individual which shall be covered into the Treasury of the United States by Guam for such year shall be that amount which bears the same ratio to such amount of tax as the adjusted gross income of that individual for such year which is allocable to sources in the United States bears to the total adjusted gross income of such individual for such year.

(c) *Definitions and special rules.* For purposes of this section—

(1) *Net collections.* (i) In determining net collections for a taxable year, appropriate adjustment between the two jurisdictions shall be made on a proportionate basis for underpayments of income taxes for such taxable year, credits allowed against the income tax for such taxable year (other than the credit for taxes withheld under section 3402 on wages), and refunds made of income taxes paid with respect to such taxable year. Thus, if a net operating loss results in a carryback to an earlier taxable year which gives rise to a refund for that earlier year, an adjustment must be made based upon the proportion which the amount of tax covered by one jurisdiction into the treasury of the other jurisdiction for that earlier year bears to the total amount of tax paid for that earlier year, even though the loss may have resulted from activities in one jurisdiction and the income, against which the loss was offset, was earned in the other jurisdiction. Similar adjustments must be made for foreign tax credit carrybacks even though different jurisdictions are involved. If, for example, an individual pays income tax of $30,000 to the United States for 1974 and $10,000 of such tax is covered into the treasury of Guam, and if for 1975 such individual has a net operating loss attributable to a trade or business carried on in the United States which loss is carried back to 1974 and gives rise to a refund of $15,000 by the United States, Guam must cover into the Treasury of the United States the amount of $5,000 which is the adjustment based upon the refund ($15,000x$10,000/$30,000=$5,000).

(ii) Tax withheld from the compensation of any member of the Armed Forces described in paragraph (a)(2) of this section which is paid to Guam pursuant to section 7654(d) and paragraph (e) of this section shall be taken into account in determining the amount required to be covered into the treasury of Guam under paragraph (b)(1)(ii) of this section.

(iii) For purposes of this subparagraph, any underpayment of tax is treated as attributable on a pro rata basis to income from sources within the United States, Guam, and sources other than within the United States or Guam, respectively, and is divided between the United States and Guam under the rules in paragraph (b) of this section.

(2) *Income taxes.* The term "income taxes" means—

(i) With respect to taxes imposed by the United States, the income taxes imposed by chapter 1 of the Code, and

(ii) With respect to taxes imposed by Guam, the Guam Territorial income tax (48 U.S.C. 1421i).

(3) *Source rules.* The determination of the source of income shall be based on the principles contained in sections 861 through 863, and the regulations thereunder, or, when applicable, in those sections as made applicable in Guam by the Guam Territorial income tax. For such purposes the provisions of section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App. U.S.C. 574) relating to the determination of the source of income of members of the Armed Forces shall not be taken into account. For purposes of this subparagraph, the provisions in section 935(c) treating Guam as part of the United States, and vice versa, do not apply. For definition of the terms "United States" and "Guam" (see section 7701(a)(9) of the Code and section 2 of the Organic Act of Guam (48 U.S.C. 1421).

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(d) *Information return.* Each individual described in paragraph (a)(2) of this section for a taxable year who is required by paragraph (b)(1) of § 1.935–1 of this chapter to file his return of income for such year with the United States shall timely file a properly executed Form 5074 (Allocation of Individual Income Tax to Guam) by attaching such form to his income tax return. Each individual described in paragraph (a)(2) of this section for a taxable year who is required by paragraph (b)(1) of § 1.935–1 of this chapter to file his return of income for such year with Guam shall timely file such information as may be required by the Commissioner of Revenue and Taxation with respect to his income derived from sources within the United States. See section 6688 and § 301.6688–1 for the penalty for failure to comply with this paragraph.

(e) *Military personnel in Guam.* The Commissioner of Internal Revenue shall arrange to pay to Guam the amount of the taxes deducted and withheld by the United States under section 3402 from wages paid to members of the Armed Forces who are stationed in Guam but who have no income tax liability to Guam with respect to such wages by reason of section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App. U.S.C. 574). Section 514 of that Act provides in effect that for purposes of the taxation of income by Guam a person shall not be deemed to have lost a residence or domicile in the United States solely by reason of being absent therefrom in compliance with military or naval orders and the compensation for military or naval service of such a person who is not a resident of, or domiciled in, Guam shall not be deemed income for services performed within, or from sources within, Guam. Any amount paid to Guam under this paragraph in respect of a member of the Armed Forces described in paragraph (a)(2) of this section shall be taken into account in determining the amount required to be covered into the treasury of Guam under paragraph (b)(1)(ii) of this section. For purposes of this paragraph, the term "Armed Forces of the United States" has the meaning provided by § 301.7701–8 of this chapter. This paragraph does not apply to wages for services performed in Guam by members of the Armed Forces of the United States which are not compensation for military or naval service. In determining the amount of tax to be covered into the treasury of Guam under this paragraph with respect to remuneration for services performed in Guam by members of the Armed Forces of the United States, the special procedure agreed upon with the Department of Defense in 1951 shall not apply to remuneration paid after December 31, 1974. Under that procedure the tax withheld under section 3402 upon such remuneration for services performed in Guam during April and October of each year was to be projected for the appropriate six-month period of which the base month is a part, thereby arriving at an estimated figure for semi-annual withholding tax to be covered over.

(f) *Transfers of funds.* The transfers of funds between the United States and Guam required to effectuate the provisions of this section shall be made when convenient for the two governments, but not less frequently than once in each calendar year. In complying with paragraph (b) of this section, only net balances will be transferred between the two governments. Further, amounts transferred pursuant to paragraph (b) of this section may be determined on the basis of estimates rather than the actual amounts derived from information furnished by taxpayers, except that the net collections for 1973 and every third calendar year thereafter are to be transferred on the basis of the information furnished by taxpayers pursuant to paragraph (d) of this section. In order to facilitate the transfer of funds pursuant to this section, the Commissioner of Internal Revenue and the Commissioner of Revenue and Taxation of Guam shall exchange such information, including copies of income tax returns, as will ensure that the provisions of section 7654 and this section are being properly implemented.

PAR. 15. Section 301.7701 is amended by revising paragraphs (12)(B) and (32) of section 7701(a) and the historical note to read as follows:

§ 301.7701 Statutory provisions; definitions.

SEC. 7701. *Definitions*—(a) • • •

(12) *Delegate.* • • •

(B) *Performance of certain functions in Guam or American Samoa.* The term "delegate", in relation to the performance of functions in Guam or American Samoa with respect to the taxes imposed by chapters 1, 2, and 21, also includes any officer or employee of any other department or agency of the United States, or of any possession thereof, duly authorized by the Secretary (directly, or indirectly by one or more redelegations of authority) to perform such functions.

• • • • • •

(32) *Cooperative bank.* The term "cooperative bank" means an institution without capital stock organized and operated for mutual purposes and without profit, which—

(A) Either—

(i) Is an insured institution within the meaning of section 401(a) of the National Housing Act (12 U.S.C., sec. 1724(a)), or

(ii) Is subject by law to supervision and examination by State or Federal authority having supervision over such institutions, and

(B) Meets the requirements of subparagraphs (B) and (C) of paragraph (19) of this subsection (relating to definition of domestic building and loan association).

In determining whether an institution meets the requirements referred to in subparagraph (B) of this paragraph, any reference to an association or to a domestic building and loan association contained in paragraph (19) shall be deemed to be a reference to such institution.

• • • • • •

[Sec. 7701, as amended by sec. 22 (g) and (h), Alaska Omnibus Act (72 Stat. 146, 147); sec. 18 (i) and (j), Hawaii Omnibus Act (74 Stat. 416); sec 103(t), Social Security Amendments 1960 (74 Stat. 941); secs. 6(c) and 7(h), Rev. Act 1962 (76 Stat. 982, 988); sec. 5, Act of Oct. 23, 1962 (Pub. Law 87–870, 76 Stat. 1161); secs. 204(a)(3) and 234(b)(3), Rev. Act 1964 (78 Stat. 36, 114); sec. 102(b)(5), Tax Adjustment Act 1966 (80 Stat. 64); sec. 103(l)(1), Foreign Investors Tax Act 1966 (80 Stat. 1554); sec. 103(e)(6), Revenue and Expenditures Control Act 1968 (82 Stat. 264); sec. 432 (c) and (d), Tax Reform Act 1969 (83 Stat. 622, 623); sec. 1(f)(4), Act of Oct. 31, 1972 (Pub. L. 92–606, 86 Stat. 1497)]

[FR Doc.75–28901 Filed 10–28–75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 447–3]

PART 52—APPROVAL LAND PROMULGATION OF IMPLEMENTATION PLANS

Washington; Approval of Implementation Plan Revision

OPEN BURNING

On May 31, 1972 (37 FR 10842), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator of the Environmental Protection Agency (EPA) approved, with specific exceptions, the State of Washington Air Quality Implementation Plan (SIP).

By this rulemaking the Administrator hereby approves the September 10, 1973 and May 23, 1975 submittals of the following revisions to the open burning portions of the State and local agency regulations contained in the SIP referred to above:

(1) Chapter 136, Laws of 1972, 1st ex. sess. (codified as RCW 70.94.740 through RCW 70.94.765),

(2) Chapter 193, Laws of 1973, 1st ex. sess. (amending RCW 70.94.011, 70.94.152, 70.94.205 and 70.94.334; repealing RCW 70.94.050 and RCW 70.94.520 through RCW 70.94.560; adding new sections to Chapter 70.94 RCW, codified as RCW 70.94.155, 70.94.654, 70.94.656, 70.94.770 through RCW 70.94.785),

(3) Washington Administrative Code (WAC) 18–12 amended and adopted on October 5, 1973,

(4) Regulation I of the Puget Sound Air Pollution Control Agency (PSAPCA), amended and adopted on June 20, 1974,

(5) Regulation II of the Northwest Air Pollution Authority (NWAPA), adopted on March 16, 1973,

(6) Regulation I of the Olympic Air Pollution Control Authority (OAPCA), amended and adopted on December 4, 1974.

(7) Regulation I of the Grant County Clean Air Authority (GCCAA), effective July 1, 1973,

(8) Regulation I of the Douglas County Air Pollution Control Commission (DCAPCC), effective July 1, 1972,

(9) Regulation I of the Spokane County Air Pollution Control Authority (SCAPCA), effective January 6, 1975,

(10) Regulation I of the Southwest Air Pollution Control Authority (SWAPCA),

(11) Regulation II of the Benton-Franklin-Walla Walla Counties Air Pollution Control Authority, effective October 6, 1973, and

(12) Regulation I of the Yakima County Clean Air Authority (YCCAA), effective September 5, 1973.

On February 15, 1973, the State of Washington Department of Ecology (DOE) submitted for EPA's approval revisions to the State and local agency open burning regulations contained in the SIP. These revisions to the WAC include provisions which:

(1) Prohibit open fires during any stage of an air pollution episode,

(2) Prohibit open burning of certain materials (e.g. garbage, dead animals, rubber products, etc.),

(3) Set restrictions on residential open burning,

(4) Prohibit commercial open burning without a permit (including a provision for certification of alternate methods of disposal),

(5) Prohibit agricultural open burning without a permit (except for certain burning of less than one acre),

(6) Designate certain areas as no burn areas, and

(7) Establish certain other administrative provisions.

In April 1973, House Bill No. 47 was enacted by the Washington State Legislature authorizing various State and local agencies to establish a one-permit open burning system until such time as alternate technology is developed. On September 10, 1973, the State of Washington, after proper notice and public hearings, submitted several changes to the State and local regulations as revisions to the SIP. These changes to the regulations were designed to implement the new legal authority and superseded the revisions submitted on February 15, 1973. Public comment was invited on these revisions in the November 15, 1973 FEDERAL REGISTER (38 FR 31513). No comments were received during the 30-day comment period.

Following a final pre-publication review, the Administrator determined that certain provisions of the proposed revisions needed further clarification before a final decision regarding approval could be given. Subsequently, on September 20, 1974, the Regional Administrator of Region X sent a letter to Mr. John Biggs, Director of DOE, requesting such information and on November 5, 1974 (39 FR 39019), EPA announced that final approval of the proposal was being delayed pending a response from DOE.

The requested additional information submitted by DOE on May 23, 1975, in combination with an evaluation performed by EPA's Seattle Regional Office has resulted in the Administrator concluding that he should grant approval of the entire submittal of State and local agency regulations pertaining to open burning. A "Technical Support Document on the Evaluation of New Regulations Concerning Open Burning in the State of Washington" was prepared by a consultant to Region X, in June, 1975. This document evaluated the question of the stringency of the regulations, comparing new State and local regulations to those in the approved SIP and comparing new local regulations to new State regulations. The evaluation concluded for the most part that the revised open burning regulations adopted by DOE and the local agencies are generally more stringent in terms of protecting the environment than the regulations which are part of the approved SIP. The technical document is available for public inspection at the EPA Regional Office, 1200 Sixth Avenue, Seattle, Washington 98101 and at the Freedom of Information Center, EPA 401 M Street S.W., Washington, D.C. 20460.

The Administrator finds good cause for making this rulemaking immediately effective since the regulations being approved by the Administrator are currently being enforced by the State and local air pollution agencies and will pose no additional requirements.

This rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended. (40 U.S.C. 1857c–5).

Dated: October 22, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart WW—Washington

1. In § 52.2470, paragraph (c)(2) is revised to read as follows:

§ 52.2470 Identification of plan.

• • • • • •

(c) Supplemental information was submitted on: • • •

(2) December 12, 1972, July 31, 1973, September 10, 1973, May 31, 1974, and May 23, 1975, by the State of Washington Department of Ecology.

[FR Doc.75–29046 Filed 10–28–75;8:45 am]

[FRL 426–3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Review of New Sources and Modifications

On August 14, 1971 (36 FR 15486), the Administrator promulgated as 40 CFR Part 420, regulations for the preparation, adoption and submittal of State Implementation Plans (SIPs) under section 110 of the Clean Air Act, as amended. These were subsequently republished on November 25, 1971 (36 FR 22398) as 40 CFR Part 51.

Among the requirements of 40 CFR Part 51 was a provision (§ 51.18, *Review of new sources and modifications*), which required States to adopt procedures for the review of new or modified stationary sources. This section was revised on June 18, 1973 (38 FR 15834) to include new and modified indirect sources as well and required the State or local agency to provide the opportunity for public comment on the effects on ambient air quality prior to the approval or disapproval of the construction of new sources or the modification of existing sources.

The public comment provision in § 51.18 requires that information provided by the owner or operator and the State's or local agency's analysis of the effect of the proposal on air quality be made available for inspection by the public in the affected area. A notice by prominent advertisement in the affected area is required after which the interested public has a 30-day period in which to comment. The notice is also to be furnished to the Administrator through the appropriate regional office as well as to all State and local agencies having jurisdiction in the region where the new or modified source is to be located.

The Administrator has promulgated new source and modifications regulations which do not include the requirement to provide for a 30-day period for public comment as provided for in § 51.18. The States affected are: Arizona, California, Indiana, Michigan, and Nevada. The Administrator is taking this opportunity to correct the regulations in the implementation plans of these States by amending them to be consistent with § 51.18, paragraph (h).

For the affected States listed above, a new paragraph is added with provisions for delegating to State or local agencies the review requirements under Part 51. Another paragraph is added to emphasize that persons failing to comply with new source review requirements will be subject to enforcement action. These provisions are similar to those contained in the Agency's regulations for preventing significant deterioration (§ 52.21 of this chapter).

The Administrator hereby finds good cause for not subjecting these amendments to public comment and for making them effective immediately. Since the amendments (1) merely make the new source review regulations consistent with the requirements of 40 CFR 51.18, which has already been subject to public comment and (2) merely add administrative, procedural and clarifying language which does not change the substance of the regulation as it may effect air pollution sources, providing for public comments and delaying the effectiveness of the amendments would be unnecessary and impracticable.

[42 U.S.C. 1857c–5]

Date: October 22, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is to be amended as follows:

Subpart D—Arizona

1. Section 52.129 is amended by adding paragraphs (c)(8), (d)(11), and paragraph (g) and revising paragraphs (c)(4) and (d)(4) as follows:

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§ 52.129 Review of new sources and modifications.

. . . . . .

(c) • • •

(4) (i) Within twenty (20) days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (c) (4) (ii) of this section, shall be the date on which all required information is received by the Administrator.

(ii) Within thirty (30) days after receipt of a complete application, the Administrator shall:

(*a*) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(*b*) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(*c*) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to state and local air pollution control agencies, having cognizance over the location where the source will be situated.

(iv) Public comments submitted in writing within thirty (30) days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comment submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within thirty (30) days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (c) (4) (ii), (iv) or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

. . . . . .

(8) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(d) • • •

(4) (i) Within twenty (20) days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (d) (4) (ii) of this section, shall be the date on which all required information is received by the Administrator.

(ii) Within thirty (30) days after receipt of a complete application, the Administrator shall:

(*a*) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(*b*) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(*c*) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to state and local air pollution control agencies, having cognizance over the location where the source will be situated.

(iv) Public comments submitted in writing within thirty (30) days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comment submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within thirty (30) days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (d) (4) (ii), (iv) or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

. . . . . .

(11) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

. . . . . .

(g) *Delegation of authority.* (1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to this section in accordance with paragraphs (g) (2), (3), and (4) of this section.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a Regional Office of the Environmental Protection Agency, a copy of the notice pursuant to paragraph (c) (4) (iii) and (d) (4) (iii) of this section shall be sent to the Administrator through the appropriate Regional Office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a Regional Office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal Land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to new source review requirements which have been delegated to a state or local agency pursuant to this paragraph.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a Regional Office of the Environmental Protection Agency, for new or modified sources which are located in Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with paragraphs (g) (2), (3), and (4) of this section.

Subpart F—California

2. Section 52.233 is amended by adding paragraphs (f) (11), (g) (8), and paragraph (j) and revising paragraphs (f) (4) and (g) 4) as follows:

§ 52.233 Review of new sources and modifications.

. . . . . .

(f) • • •

(4) (i) Within twenty (20) days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (f) (4) (ii) of this section, shall be the date on which all required information is received by the Administrator.

(ii) Within thirty (30) days after receipt of a complete application, the Administrator shall:

(*a*) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(*b*) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(*c*) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to state and local air pollution control agencies, having cognizance over the location where the source will be situated.

(iv) Public comments submitted in writing within thirty (30) days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comment submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on the application within thirty (30) days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (f) (4) (ii), (iv) or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

. . . . . .

(11) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(g) • • •

(4) (i) Within twenty (20) days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (g) (4) (ii) of this section, shall be the date on which all required information is received by the Administrator.

(ii) Within thirty (30) days after receipt of a complete application, the Administrator shall:

(*a*) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(*b*) Make available in at least one location in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(*c*) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to state and local air pollution control agencies, having cognizance over the location where the source will be situated.

(iv) Public comments submitted in writing within thirty (30) days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comment submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within thirty (30) days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (g) (4) (ii), (iv) or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

. . . . . .

(8) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

. . . . . .

(j) *Delegation of authority.*

(1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to this section in accordance with paragraphs (j) (2), (3), and (4) of this section.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a Regional Office of the Environmental Protection Agency, a copy of the notice pursuant to paragraph (f) (4) (iii) and (g) (4) (iii) of this section shall be sent to the Administrator through the appropriate Regional Office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a Regional Office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal Land Manager may at his discretion, to the extent permissible under applicable

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statutes and regulations, require the lessee or permittee to be subject to new source review requirements which have been delegated to a state or local agency pursuant to this paragraph.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a Regional Office of the Environmental Protection Agency, for new or modified sources which are located in Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with paragraphs (j) (2), (3), and (4) of this section.

Subpart P—Indiana

3. Section 52.780 is amended by adding paragraph (d)(11) and paragraph (g) and revising paragraph (d)(4) as follows:

§ 52.780 Review of new sources and modifications.

* * * * * *

(d) * * *

(4)(i) Within twenty (20) days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (d)(4)(ii) of this section, shall be the date on which all required information is received by the Administrator.

(ii) Within thirty (30) days after receipt of a complete application, the Administrator shall:

(*a*) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(*b*) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(*c*) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to state and local air pollution control agencies, having cognizance over the location where the source will be situated.

(iv) Public comments submitted in writing within thirty (30) days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comment submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within thirty (30) days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (d)(4)(ii), (iv) or (v) of this section by no more than 30 days, or such other period as agreed to buy the applicant and the Administrator.

* * * * * *

(11) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

* * * * * *

(g) *Delegation of authority.* (1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to this section in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a Regional Office of the Environmental Protection Agency, a copy of the notice pursuant to paragraph (d)(4)(iii) of this section shall be sent to the Administrator through the appropriate Regional Office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a Regional Office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal Land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to new source review requirements which have been delegated to a state or local agency pursuant to this paragraph.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a Regional Office of the Environmental Protection Agency, for new or modified sources which are located in Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with paragraphs (g) (2), (3), and (4) of this section.

Subpart X—Michigan

4. Section 52.1176 is amended by adding paragraph (b)(8) and paragraph (e) and by revising paragraph (b)(4) as follows:

§ 52.1176 Review of new sources and modifications.

* * * * * *

(b) * * *

(4)(i) Within twenty (20) days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (b)(4)(ii) of this section, shall be the date on which all required information is received by the Administrator.

(ii) Within thirty (30) days after receipt of a complete application, the Administrator shall:

(*a*) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(*b*) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(*c*) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to state and local air pollution control agencies, having cognizance over the location where the source will be situated.

(iv) Public comments submitted in writing within thirty (30) days after the date such information is made available

shall be considered by the Administrator in making his final decision on the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comment submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within thirty (30) days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (b)(4)(ii), (iv) or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

* * * * * *

(8) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

* * * * * *

(e) *Delegation of authority.* (1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to this section in accordance with paragraphs (e) (2), (3), and (4) of this section.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a Regional Office of the Environmental Protection Agency, a copy of the notice pursuant to paragraph (b)(4)(iii) of this section shall be sent to the Administrator through the appropriate Regional Office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a Regional Office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal Land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to new source review requirements which have been delegated to a state or local agency pursuant to this paragraph.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a Regional Office of the Environmental Protection Agency, for new or modified sources which are located in Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with paragraphs (e) (2), (3), and (4) of this section.

Subpart DD—Nevada

5. Section 52.1478 is amended by adding paragraph (b)(7) and paragraph (c) and revising paragraph (b)(4) as follows:

§ 52.1478 Review of new sources and modifications.

* * * * * *

(b) * * *

(4)(i) Within twenty (20) days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (b)(4)(ii) of this section, shall be the date on which all required information is received by the Administrator.

(ii) Within thirty (30) days after receipt of a complete application, the Administrator shall:

(*a*) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(*b*) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(*c*) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to state and local air pollution control agencies, having cognizance over the location where the source will be situated.

(iv) Public comments submitted in writing within thirty (30) days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comment submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within thirty (30) days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (b)(4)(ii), (iv) or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

* * * * * *

(7) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

* * * * * *

(c) *Delegation of Authority.* (1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to this section in accordance with paragraphs (c) (2), (3), and (4) of this section.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a Regional Office of the Environmental Protection Agency, a copy of the notice pursuant to paragraph (b)(4)(iii) of this section shall be sent to the Administrator through the appropriate Regional Office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a Regional Office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal Land Manager may at his discretion, to

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the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to new source review requirements which have been delegated to a state or local agency pursuant to this paragraph.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a Regional Office of the Environmental Protection Agency, for new or modified sources which are located in Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with paragraphs (c) (2), (3), and (4) of this section.

[FR Doc.75-29045 Filed 10-28-75;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 213—PRACTICE AND PROCEDURE FOR HEARINGS TO STATES ON CONFORMITY OF PUBLIC ASSISTANCE PLANS TO FEDERAL REQUIREMENTS

Notice of proposed rulemaking providing for pre-hearing discovery in hearings to States on conformity of public assistance plans to Federal requirements under 45 CFR Part 213 was published in the FEDERAL REGISTER on June 25, 1975 (40 FR 26684). Under the proposed regulation the full range of discovery provided in the Federal Rules of Civil Procedure would be available to parties designated in the Notice of Hearings, subject to the power of the Presiding Officer to limit such discovery to prevent undue delays in the conduct of the hearing.

We received responses to the Notice from three State welfare agencies, one county welfare department, and one State Attorney General's office. Three of the agencies supported the proposal. Others raised the following questions or objections regarding certain aspects.

1. Why should the Presiding Officer have the right to limit discovery proceedings.

According to the existing regulations, the Presiding Officer has the responsibility to control the course of the hearing. The right to limit and control the parameters of discovery is consistent with control of the hearing, and therefore no change in the final regulation was deemed appropriate.

2. To deny the Presiding Officer the power of subpoena is contradictory to the intent of the proposal.

In the absence of statutory authority for the Administrator to issue subpoenas, the regulation cannot so provide.

3. The sanctions available to the Presiding Officer could be applied in an arbitrary and capricious manner to the detriment of the State.

The sanctions can be applied to any party who refuses to cooperate, not just the State. However, it is assumed this would rarely be necessary. If applied in so arbitrary a manner as to make the decision arbitrary and capricious, such action could result in a reversal upon judicial review.

4. Since an official of DHEW, not an impartial third party, makes the final determination in the hearing, it cannot be argued that the present rules are unfair to the Department.

The purpose of this new regulation is to enable the parties to develop a more thorough and complete administrative record, thus assuring that the Administrator will be able to render an impartial decision based on all the facts.

The basis for this regulation is the Department's belief that all parties to an administrative hearing should have ample opportunity to apprise themselves of all relevant and unprivileged documents pertinent to the issues in question.

Under current rules, States involved in hearings under 45 CFR Part 213 may make a request for documents under the Freedom of Information Act, 5 USC Section 552. The Department has no comparable opportunity to conduct discovery against the State except in those unusual circumstances where the State involved in the hearing has a freedom of information law as broad as the Federal Act. This disparity in the opportunity of the parties to acquaint themselves with relevant information possessed by the other party prior to the hearing can hinder full development of all the issues and does not accord to both parties equally the opportunity to avoid surprise during the course of the hearing.

Accordingly, after consideration of all comments, the proposed regulations are hereby adopted.

Part 213, Chapter II, Title 45 of the Code of Federal Regulations is amended by revising § 213.22 and adding a new § 213.23a, as set forth below:

§ 213.22 Authority of presiding officer.

(a) The presiding officer shall have the duty to conduct a fair hearing, to avoid delay, maintain order, and make a record of the proceedings. He shall have all powers necessary to accomplish these ends, including, but not limited to, the power to:

(1) Change the date, time, and place of the hearing, upon due notice to the parties. This includes the power to continue the hearing in whole or in part. In hearings pursuant to section 1116(a)(2) of the Social Security Act (see § 201.4 of this chapter), changes of time are subject to the requirements of the statute.

(2) Hold conferences to settle or simplify the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding.

(3) Regulate participation of parties and amici curiae and require parties and amici curiae to state their position with respect to the various issues in the proceeding.

(4) Administer oaths and affirmations.

(5) Rule on motions and other procedural items on matters pending before him including issuance of protective orders or other relief to a party against whom discovery is sought.

(6) Regulate the course of the hearing and conduct of counsel therein.

(7) Examine witnesses.

(8) Receive, rule on, exclude or limit evidence or discovery.

(9) Fix the time for filing motions, petitions, briefs, or other items in matters pending before him.

(10) If the presiding officer is the Administrator, make a final decision.

(11) If the presiding officer is a hearing examiner, certify the entire record including his recommended findings and proposed decision to the Administrator.

(12) Take any action authorized by the rules in this part or in conformance with the provisions of 5 U.S.C. 551–559.

(b) The presiding officer does not have authority to compel by subpena the production of witnesses, papers, or other evidence.

(c) If the presiding officer is a hearing examiner, his authority pertains to the issues of compliance by a State with Federal requirements which are to be considered at the hearing, and does not extend to the question of whether, in case of any noncompliance, Federal payments will not be made in respect to the entire State plan or will be limited to categories under or parts of the State plan affected by such noncompliance.

§ 213.23a Discovery.

The Department and any party named in the Notice issued pursuant to § 213.11 shall have the right to conduct discovery (including depositions) against opposing parties. Rules 26–37 of the Federal Rules of Civil Procedures shall apply to such proceedings; there will be no fixed rule on priority of discovery. Upon written motion, the Presiding Officer shall promptly rule upon any objection to such discovery action initiated pursuant to this section. The Presiding Officer shall also have the power to grant a protective order or relief to any party against whom discovery is sought and to restrict or control discovery so as to prevent undue delay in the conduct of the hearing. Upon the failure of any party to make discovery, the Presiding Officer may, in his discretion, issue any order and impose any sanction (other than contempt orders) authorized by Rule 37 of the Federal Rules of Civil Procedure.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302)).

Effective date. These regulations shall be effective October 29, 1975.

(Catalog of Federal Domestic Assistance Program Number 13.714, Medical Assistance Program; 13.748, Work Incentive Program-Child Care-Employment Related Support Services; 13.754, Public Assistance-Social Services; 13.761, Public Assistance-Maintenance Assistance (State Aid))

Dated: September 8, 1975.

JOHN C. YOUNG,
Acting Administrator, Social and Rehabilitation Service.

Approved: October 22, 1975.

DAVID MATHEWS,
Secretary.

[FR Doc.75-28957 Filed 10-28-75;8:45 am]

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Unemployed Fathers of Dependent Children

Part 233 of Chapter II, Title 45 of the Code of Federal Regulations is amended by revising § 233.100(a)(5)(ii) and 233.20(a)(3)(ix) to implement the ruling of the U.S. Supreme Court in *Philbrook* v. *Glodgett et. al.* and *Weinberger* v. *Glodgett et. al.*, June 9, 1975. The Court affirmed a U.S. District Court decision by deciding that an unemployed father of dependent children who is otherwise eligible for financial assistance under Section 407 (AFDC–UF) of Title IV–A of the Social Security Act and who is also eligible to receive unemployment compensation under an unemployment compensation law of a State or of the United States has the option of receiving either unemployment compensation or financial assistance under AFDC–UF. Section 407(b)(2)(C)(ii) of the Act provides for denial of aid to such AFDC–UF fathers if they receive unemployment compensation.

The revised regulations comply with this ruling by requiring that a State which has elected to provide AFDC for children of unemployed fathers under title IV–A of the Social Security Act must provide in its State plan that such fathers, if otherwise eligible, shall be given the option of receiving AFDC–UF or unemployment compensation.

Notice of proposed rulemaking has been dispensed with because the regulations merely implement a requirement under a U.S. Supreme Court decision and delay would be contrary to interest of the assistance program and of recipients.

1. Section 233.20 is amended by revising paragraph (a)(3)(ix) to read as follows:

§ 233.20 Need and amount of assistance.

(a) • • •

(3) • • •

(ix) Provide that the agency will establish and carry out policies with reference to applicants' and recipients' potential sources of income that can be developed to a state of availability. (See § 233.100(a)(5)(ii) of this part regarding unemployment compensation.)

• • • • • •

2. Section 233.100 is amended by revising (a)(5)(ii) to read as follows:

§ 233.100 Dependent children of unemployed fathers.

(a) • • •

(5) • • •

(ii) With respect to any week for which such child's father receives unemployment compensation under an unemployment compensation law of a State or of the United States. Under this requirement, notwithstanding the provisions of § 233.20(a)(3)(ix) of this chapter, such child's father, if otherwise eligible, shall have the option of refusing to accept unemployment compensation for which he is eligible and thereby have the option of receiving aid under AFDC.

• • • • • •

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

Effective date: These regulations shall be effective January 27, 1976 or earlier at State option.

(Catalog of Federal Domestic Assistance Program No. 13.761, Public Assistance—Maintenance Assistance (State Aid))

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A–107.

Dated: August 22, 1975.

JOHN C. YOUNG,
Acting Administrator, Social and Rehabilitation Service.

Approved: October 20, 1975.

DAVID MATHEWS,
Secretary.

[FR Doc.75-28851 Filed 10-28-75;8:45 am]

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

PART 1076—ECONOMIC DEVELOPMENT PROGRAMS

Small Business Programs Funded by CDCs

The purpose of this subjart is to establish the criteria and procedures under which the Community Services Administration financial assistance under Section 712 may be provided for CDC small business programs. All CDCs were provided an opportunity to review the proposed policy statement and to submit comments, some of which have been incorporated into the final version. CSA welcomes additional comments and suggested changes and will revise its regulations in light of the comments if warranted. Please address all comments to: Mr. Louis Ramirez, Associate Director, Office of Economic Development, Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506.

Effective date: This subpart takes effect on November 28, 1975.

BERT A. GALLEGOS,
Director.

Subpart—Small Business Programs Funded by CDCs

Sec.
1076.20–1 Applicability.
1076.20–2 Definitions.
1076.20–3 Policy.
1076.20–4 Procedures, requirements, and limitations.

AUTHORITY: The provisions of this subpart issued under sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart—Small Business Programs Funded by CDCs

§ 1076.20–1 Applicability.

This subpart applies to all small business programs financially assisted by community development corporations (CDCs) with CSA funds under Section 712 of the Community Services Act of 1974.

§ 1076.20–2 Definitions.

(a) *Business Development Program.* Any venture, organized for profit or on a cooperative basis, financed in whole or in part by a CDC out of CSA Section 712(a)(1) grant funds under budget cost category 2.5, Investment Capital.

(b) *Small Business Program.* A business development program which is not a venture operating on a cooperative basis and in which the CDC has no equity interest.

(c) *Equity Interest.* Current ownership, in whole or in part, of a venture. Specifically excluded from the meaning of this term are those forms of debt financing which involve an option or right to purchase or convert to ownership at some future time or upon some future contingency.

§ 1076.20–3 Policy.

(a) Financial assistance for business development programs under Section 712(a)(1) shall be used predominantly for equity investment (either alone or in combination with other forms of financial assistance) and for cooperatives. This priority on equity investment and support for cooperatives derives from two factors: (1) The emphasis in Title VII on programs which will promote community-based *ownership* opportunities, an objective that can be best attained through either direct CDC investment in special impact area businesses or in development of cooperatives; and (2) the availability from other federal funding sources of financial assistance for technical assistance, loans, or loan guarantees, whereas Title VII is the only federal funding authority for equity capital.

(b) In addition, insofar as Section 712 funds are used for financial assistance to small business programs, it is OED policy that such financial assistance be generally limited to loan *guarantees*, rather than be in the form of direct loans. This policy derives from three factors: (1) The availability of direct loan funds from non-Title VII funding sources, including commercial lending institutions; (2) the "leveraging" effect of loan guarantees in attracting outside debt capital into the special impact area; and (3) direct loan programs impose a significant administrative burden

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on the CDC and require substantial staff resources to service the loans once they are approved.

(c) Finally, since the primary thrust of Title VII is community economic development for low-income residents, rather than support to individual entrepreneurs, small business programs assisted with Section 712 funds should also further the Title VII objective of promoting ownership or employment opportunities for low-income special impact area residents.

(d) Accordingly, CDC use of financial assistance under Section 712 for small business programs is subject to three basic policy limitations: (1) No more than a small percentage, up to a fixed maximum, of CDC investment capital may be used for such programs; (2) except in unusual circumstances direct loans may not be made to small business programs from CDC investment capital funds, and only then as approved by OED on a case by case basis; and (3) financial assistance to small business programs whether in the form of direct loans, loan guarantees, or some other debt capital mechanism, may not be provided from CDC investment capital funds unless such assistance will provide ownership or employment opportunities to low-income residents of the special impact area.

§ 1076.20–4 Procedures, requirements, and limitations.

(a) No CDC administrative funds under Section 712 (cost categories other than 2.5) may be used for financial assistance, whether direct loans or loan guarantees, to small business programs. NOTE: This does not preclude the use of administrative funds for technical assistance, e.g., by CDC staff, to small business programs.

(b) Except as provided in any venture autonomy agreement approved by OED, or as provided in any revolving loan guarantee fund approved by OED, no CDC investment capital funds (cost category 2.5) may be used for any individual loan or loan guarantee for any small business program without prior written approval by OED.

(c) In requesting OED approval for any small business program, whether it be an individual loan, individual loan guarantee, or revolving loan guarantee fund, the CDC must demonstrate how the program will directly benefit low-income residents of the special impact area, by providing either ownership or employment opportunities, or both. The CDC must also demonstrate, in requesting approval for any loan guarantee, that loans from commercial or other public sources would not be available without such guarantee. The CDC must also demonstrate, in requesting approval for any direct loan, that either loans from commercial or other public sources would not be available even if the CDC were to guarantee such loans, or that control rights necessary to promote the purposes of Title VII would be obtainable only through a direct loan.

(d) No more than 15 percent of the CDC's investment capital funds under Section 712 in any grant period may be used for small business programs, including both direct loans and loan guarantees.

(e) No loan guarantee may exceed 50 percent of the loan(s) to any recipient, thereby providing at a minimum two-for-one leverage. Where the CDC can devise effective relationships with the lending institution and/or SBA, guarantees of less than 50 percent providing much greater leverage, should be arranged.

[FR Doc.75-28925 Filed 10-28-75;8:45 am]

PART 1076—ECONOMIC DEVELOPMENT PROGRAMS

Training, Public Service Employment, and Social Service Programs

This subpart establishes the criteria and proeedures under which CSA financial assistance under Section 712 may be provided for CDC training, public service employment, and social service programs. All CDCs were provided an opportunity to review the proposed policy statement and to submit comments, some of which have been incorporated into the final version. CSA welcomes additional comments and suggested changes and will revise its regulations in light of the comments if warranted. Please address all comments to: Mr. Louis Ramirez, Associate Director, Office of Economic Development, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506.

Effective date: This subpart takes effect on November 28, 1975.

BERT A. GALLEGOS,
Director.

Subpart—Training, Public Service Employment, and Social Service Programs

Sec.
1076.30–1 Applicability.
1076.30–2 Definitions.
1076.30–3 Policy.
1076.30–4 Procedures, requirements, and limitations.

AUTHORITY: The provisions of this subpart issued under sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart—Training, Public Service Employment, and Social Service Programs

§ 1076.30–1 Applicability.

This subpart applies to all training, public service employment, and social service program financially assisted by community development corporations (CDCs) with CSA funds under section 712 of the Community Services Act of 1974.

§ 1076.30–2 Definitions.

(a) *Venture.* Any program financed in whole or in part by a CDC out of CSA Section 712 grant funds approved under budget cost category 2.5, Investment Capital, whether the financial assistance is in the form of equity investment, loans, loan guarantees, other forms of debt financing, direct subsidy, or any combination of such financial assistance. There are three categories of ventures:

(1) *Business Development Programs.* These ventures, financially assisted under the authority of Section 712(a)(1), are organized primarily for profit, while at the same time providing employment and ownership opportunities to special impact area residents.

(2) *Community Development Programs.* These ventures, financially assisted under the authority of Section 712(a)(2), are directed primarily to improving the community's physical environment or "infrastructure", and include projects such as housing, land development, industrial parks, and commercial centers. While not generally expected to produce profits, such ventures are expected to be financially self-sustaining; where they are not designed to break even financially any necessary subsidy is generally obtained from non-CSA sources. NOTE: Some CDCs use the term "community development" to include the broad range of ventures other than business ventures, including the third category of ventures described in paragraph (a)(3) of this section. For purposes of this subpart "community development" the category of ventures is described below.

(3) *Training, Public Service Employment, and Social Service Programs.* These are "social ventures" which are designed primarily for purposes other than profit (i.e., business development) or improvement of the physical environment (i.e., community development) but which are directed to a variety of social needs (e.g., job training, health, child care) which are in turn supportive of the CDC's business development and community development ventures. Like community development ventures, these social ventures are expected to be either financially self-sustaining or to be subsidized from non-CSA sources. Where a venture designed to meet a social need, such as a day care center or a nursing home, is organized as a business for purposes of generating profits, it shall be considered a business development program for purposes of this subpart.

§ 1076.30–3 Policy.

(a) The primary thrusts and unique features of the Special Impact Program are business development and community development, for which federal grant funds are limited or nonexistent from sources other than Title VII. Although training, public service employment, and social service programs may be legitimate and necessary components of a comprehensive community economic development strategy, it is clearly the intent of Title VII that they be secondary components, supportive of the primary business development and community development components. Moreover, there are substantial alternative federal funding sources, including other titles of the Community Services Act itself, for such programs.

(b) Accordingly, CDC use of financial assistance under Section 712 for training, public service employment, and so-

cial service programs is subject to three basic policy limitations: (1) No more than a small percentage, up to a fixed maximum, of CDC investment capital may be used for such programs; (2) no CDC investment capital may be used at all for such programs unless it can be demonstrated that other funding sources are unavailable; and (3) it must be demonstrated that such programs are directly related to and clearly supportive of the CDC's business and community development programs.

§ 1076.30–4 Procedures, requirements, and limitations.

(a) Except as provided in any venture autonomy agreement approved by OED no CDC investment capital funds (cost category 2.5) may be used for training, public service employment, and social service programs without prior written approval by OED.

(b) In requesting OED approval for the program, the CDC must demonstrate how the program is directly related to the CDC's business or community development programs. For example, training and public service employment programs must either upgrade the skills of individuals employed by CDC-supported ventures or provide necessary training to individuals who will be employed by CDC-supported ventures or related businesses. Similarly, a day care program, for example, could be supported by Section 712 funds only if it were a prerequisite to creating jobs for target area residents in CDC-supported or related ventures.

(c) No more than 20 percent of the CDC's investment capital funds under Section 712 in any grant period may be used for training, public service employment, and social service programs.

(d) No CDC investment capital funds under Section 712 may be used for training, public service employment, or social service programs unless the CDC can demonstrate that funds are not available from other public or private sources for these purposes in the special impact area.

(e) In all training, public service employment, and social service programs financially assisted under Section 712, preference in hiring shall be given to special impact area residents, subject to their qualifications and needs.

(f) Nothing in this subpart shall limit a CDC's authority to use profits earned on ventures assisted under Section 712, or to use otherwise retainable interest earned on Section 712 funds, to support training, public service employment, and social service programs, provided such programs are consistent with the purposes of Title VII.

[FR Doc.75-28924 Filed 10-28-75;8:45 am]

PART 1076—ECONOMIC DEVELOPMENT PROGRAMS

Location of CDC Ventures

This subpart establishes the policies governing the location, within or outside the special impact area, of CDC ventures financed with CSA investment capital funds under Section 712, and to define the circumstances and procedures under which CDCs may request approval to use investment capital funds for ventures located outside the special impact area. All CDCs were provided an opportunity to review the proposed policy statement and to submit comments, some of which have been incorporated into the final version. CSA welcomes additional comments and suggested changes and will revise its regulations in light of the comments if warranted. Please address all comments to: Mr. Louis Ramirez, Associate Director, Office of Economic Development, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506.

Effective Date: This subpart takes effect on November 28, 1975.

BERT A. GALLEGOS,
Director.

Subpart—Location of CDC Ventures

Sec.
1076.40–1 Applicability.
1076.40–2 Definitions.
1076.40–3 Policy.
1076.40–4 Procedures, requirements, and limitations.

AUTHORITY: The provisions of this subpart issued under sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart—Location of CDC Ventures

§ 1076.40–1 Applicability.

This subpart applies to all ventures financially assisted by community development corporations (CDCs) with CSA funds under Section 712 of the Community Services Act of 1974.

§ 1076.40–2 Definitions.

(a) *Venture.* Any program financed in whole or in part by a CDC out of CSA Section 712 grant funds approved under budget cost category 2.5, Investment Capital, whether the financial assistance is in the form of equity investment, loans, loan guarantees, other forms of debt financing, direct subsidy, or any combination of such financial assistance. For purposes of this subpart, the term "venture" specifically excludes investment capital funds deposited in a bank or other financial institution in cash or cash equivalents, or invested in Treasury bills or notes or similar instruments. The term does, however, include the programs to which such funds may be committed.

(b) Location or located. These terms refer to the principal place(s) of business or program activity where the venture provides significant employment or services. For purposes of this subpart these terms specifically exclude secondary facilities that support the principal activity, but include facilities that reproduce the principal activity. For example, a furniture manufacturing venture will be considered to be located within the CDC's special impact area, provided its actual manufacturing operations are so located, even if support facilities such as a sales office, a showroom, or warehouses are located outside the impact area. However, if a second manufacturing plant were established outside the special impact area, the venture would be considered to be located outside the impact area even though the initial manufacturing facility was within the impact area.

§ 1076.40–3 Policy.

(a) By funding a CDC under Title VII, OED has determined, based on recommendations and statistics submitted by the CDC, that the CDC's special impact area has the potential for economic viability and has sufficient targets for investment of venture capital. Given the tremendous needs of the special impact area and the limited resources available under Title VII, it is therefore expected that all CSA investment capital funds will be used for ventures located within the special impact area.

(b) It is clearly the intent of Congress that Title VII funds be invested wholly or primarily in the special impact area. Section 712(a)(1) authorizes financial assistance to businesses located "in or near the area served". Section 713(a)(6) provides that "all projects and related facilities will, to the maximum feasible extent, be located in the areas served".

(c) Accordingly, except as provided in § 1076.40–4, no CSA investment capital funds may be used in ventures located outside the special impact area.

§ 1076.40–4 Procedures, requirements, and limitations.

(a) No CDC investment capital funds (cost category 2.5) may be used for ventures located outside the special impact area without prior written OED approval, even if use of investment capital funds would otherwise not require prior OED approval by virtue of a venture autonomy agreement approved by OED.

(b) Prior to requesting approval for use of investment capital funds for a venture located outside the special impact area, the CDC should consider requesting OED approval of an expansion or modification of the special impact area boundaries to include the proposed location provided such inclusion is justified in terms of the long-term economic viability and integrity of the special impact area.

(c) In requesting OED approval for a venture located outside the special impact area, the CDC must demonstrate that *all* of the following three criteria have been met: (1) There are not other promising venture opportunities within the target area that would provide benefits to residents; (2) the proposed venture could not be located or relocated in the special impact area (NOTE: CDCs are reminded that Section 713(b) of the Community Services Act prohibits venture relocations which increase unemployment in the area of the original location); and (3) the proposed venture is either close enough to the impact area to provide, without significant inconveni-

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ence or expense, employment opportunities to special impact area residents, or would provide essential goods or services to, or improve the competitive position of, other CDC ventures.

[FR Doc.75-28923 Filed 10-28-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20423; FCC 75-1066]

PART 76—CABLE TELEVISION SERVICE

Postponement of Divestiture Requirements for Prohibited Cross-Ownership; Extension of Time

Amendment of Part 76, Subpart J, of the Commission's Rules and Regulations Relative to Cable Television Systems; and Postponement of Divestiture Requirement of § 76.501 Relative to Prohibited Cross-Ownership in Existence on or Before July 1, 1970.

1. In paragraph 22 of the *Second Report and Order*, FCC 75-1066. Released September 29, 1975 at 40 FR 44554, concerning cross-ownership between cable television systems and local television broadcast stations, the Commission indicated that pending waiver petitions could be supplemented "within 30 days of the publication of this *Report and Order* in the FEDERAL REGISTER." In the FEDERAL REGISTER edition of the *Second Report and Order*, however, this was erroneously changed to require such supplementation by September 29, 1975, the day of FEDERAL REGISTER publication.

2. In order to correct this error, we are hereby extending the time to file supplemental pleadings in cable television-television station cross-ownership proceedings to November 28, 1975.

Released: October 22, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-29002 Filed 10-28-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 2]

PUBLIC USE AND RECREATION

Proposed Regulations for Public Use

Notice is hereby given that pursuant to the authority contained in the Act of August 25, 1916 (39 Stat. 535, as amended and supplemented; 16 U.S.C. § 1 *et-seq.*), the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. § 4321 *et seq.*), and 245 DM-1 (34 FR 13879), as amended, it is proposed to amend portions of Part 2 of the general regulations as set forth below.

Existing provisions contained in § 2.6 provide that the Superintendent may "close or restrict public use of all or any portion of a park area, when necessary for the protection of the area or the safety and welfare of persons or property by the posting of appropriate signs indicating the extent and scope of closure." The purpose of this amendment is to detail and clarify the authority of the Superintendent to restrict or regulate public use of any area or facility for these purposes.

The proposed amendment defines "public use limit;" provides for the establishment of such limits; lists the factors which are considered in establishing such limits; authorizes the use of permit, registration, or reservation systems to regulate public use, in addition to the existing authority to post restrictions; provides for adequate public notice of the existence of public use limitation systems; and prohibits public use in violation of public use regulatory systems or in excess of established public use limits.

The establishment of any public use limitation system within any particular unit of the National Park System will be in accordance with the requirements of the National Environmental Policy Act of 1969.

Park Managers will give timely and adequate notice of their operations to reach the many visitors to the National Park System who live, and plan their trips, at distant locations. Where limitations are imposed both legal notice and other appropriate notice through various media will be used to give the majority of visitors a reasonable opportunity to be aware of the existence of the limitation and how they can obtain adequate detailed information.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggetsions, or objections regarding the proposed amendments to the Director, National Park Service, Department of the Interior, Washington, D.C. 20240, on or before the 60th day after publication.

Section 2.6 is proposed to read in its entirety as follows:

§ 2.6 Closures and public use limits.

(a) *Closing of areas.* (1) The Superintendent may establish a reasonable schedule of visiting hours for all or portions of a park area and close to public use all or any portion of a park area when necessary for the protection of the area or the safety and welfare of persons or property by the posting of appropriate signs indicating the extent and scope of closure.

(2) All persons shall observe and abide by officially posted signs designating closed areas and visiting hours.

(b) *Regulating public use*—(1) *Definition.* A public use limit is an established maximum number of persons and, if appropriate, the number and type of pack and saddle andimals and/or the amount, size, and type of equipment permitted to enter, be brought into, or remain in a designated area or facility at one time.

(2) The Superintendent may establish a public use limit for any designated area or facility. In the establishment of such a limit, the Superintendent shall utilize the best information available and consider factors such as health, safety, sanitation, environmental and resource protection, management capabilities, available facilities and visitor enjoyment.

(3) To implement a public use limit, the Superintendent may establish permit, registration, or reservation systems. The existence of a public use limitation system in any unit of the National Park System will be made known to the public through publication in the FEDERAL REGISTER and/or by posting, as appropriate.

(4) No person may enter or remain in an area or facility for which a public use limit has been established without complying with the requirements of the permit, registration, or reservation systems which have been established to regulate such public use.

(5) Entry into an area in violation of posted restrictions is prohibited.

JOHN E. COOK,
Acting Director,
National Park Service.

[FR Doc.75-29026 Filed 10-28-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

[Docket No. 75N-0190]

VINYL CHLORIDE POLYMERS IN CONTACT WITH FOOD

Extension of Time for Comments

The Commissioner of Food and Drugs issued a proposed rule, published in the FEDERAL REGISTER of September 3, 1975 (40 FR 40529), to restrict the use of vinyl chloride polymers in contact with food. A period of 60 days was provided for filing comments. The Commissioner is extending the time for comment to December 12, 1975.

The Commissioner has received requests for extension of the comment period, primarily because some of the data being prepared will require new extraction studies along with a review of the proposed new analytical procedures. This cannot be done in the original 60-day time frame. The requests, on file with the Hearing Clerk, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852, contain other justifications for the extension.

Good reason therefor appearing, the Commissioner hereby extends the period for filing comments on this proposal to December 12, 1975.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 402, 409, 701, 52 Stat. 1046-1047 as amended, 1055-1056, as amended, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 342, 348, 371)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: October 22, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-28928 Filed 10-28-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 583]

[Docket No. 75-25; Notice 2]

COST INFORMATION REPORTING

Correction

In FR Doc. 75-24335 appearing at pages 42365 to 42368 in the issue of Sep-

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tember 12, 1975, paragraph (h) of § 583.5 should read:

§ 583.5 Cost information reports.

• • • • • •

(h) • • •

(6) *Other cost.* The manufacturer shall state any cost not otherwise specified in paragraphs (h) (1) through (5) of this section.

• • • • • •

(Sec. 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1407); sec. 105, Pub. L 93-492, 88 Stat. 1470 (15 U.S.C. 1402); delegations of authority at 49 CFR 151 and 49 CFR 501.8)

Issued on October 23, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-29015 Filed 10-28-75;8:45 am]

Office of the Secretary

[49 CFR Part 71]

[OST Docket No. 21]

STANDARD TIME ZONE BOUNDARY IN THE STATE OF MICHIGAN

Withdrawal of Proposed Rule Making

In Notice No. 75-8, published in the FEDERAL REGISTER on September 30, 1975, (40 FR 44844), the Department of Transportation instituted a proceeding to determine whether § 71.5 of Title 49 of the Code of Federal Regulations should be amended to redefine the boundary line between the eastern and central zones so as to include Iron County, Michigan, in the eastern zone. The institution of the proceeding was based upon a petition of the governing body of the county. The notice stated that consideration would be given to all comments received on or before October 20, 1975.

The Uniform Time Act of 1966 authorizes the Secretary of Transportation to modify the boundaries of time zones "having regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce". In 1973, the four counties in the Upper Peninsula of Michigan bordering Wisconsin (Menominee, Dickinson, Iron and Gogebic) were relocated to the central from the eastern time zone (38 FR 9228, April 12, 1973).

A public hearing was conducted in Iron River, Michigan, on October 8, 1975, to inform residents of the county of the issues involved, and obtain their views concerning redefinition of the time zone boundary.

Approximately 50 Iron County residents appeared at the public hearing. Many desired Iron County to remain in the central time zone because of economic ties to Dickinson County in which many Iron County miners work. Almost as many expressed preference for the eastern time zone because as many Iron County miners work in Houghton and Baraga Counties to the north, which are in the eastern time zone. Several business associations submitted comments opposing any change in the existing time zone boundary.

It was made clear by almost all present at the hearing that their real desire is to have the entire Upper Peninsula observe the same time, and that either eastern or central time would be acceptable.

In response to the Federal Register notice, 112 persons submitted written comments to the docket, of which 94 opposed the time change.

There is not a showing in this proceeding that the convenience of commerce would be served by including Iron County in the eastern time zone. To the contrary, commerce would more likely be disrupted should Iron County observe a time different from that observed in Gogebic and Dickinson Counties. Inasmuch as Iron, together with the other three counties, was only recently placed in the central time zone upon a strong showing of convenience to commerce and to the residents of the area, a similar showing of reasons to locate Iron County to the eastern zone is required. That has not been made. If Iron County were in the eastern time zone, a "gap" would exist between Dickinson and Gogebic Counties. Travel between the two principal cities in those counties (Iron Mountain and Ironwood) would entail crossing, on U.S. Highway 2, from the central to the eastern and again to the central time zones.

The real concern of Iron County residents appears to be time uniformity in the Upper Peninsula. This issue, however, is not before the Department of Transportation for resolution. It should be understood that this Department would, upon proper request from the political authority or authorities having jurisdiction within the areas concerned, consider the issue of Upper Peninsula time uniformity.

In view of the foregoing, it does not appear to the Department that the convenience of commerce would be served by making any change in the present time zone boundary. Accordingly, the notice of proposed rule making published in the FEDERAL REGISTER on September 30, 1975, (40 FR 44844), is hereby withdrawn. The effect of this action is to leave Iron County in the central time zone.

This action is taken under the authority of the Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260-67), section 6(e)(5) of the Department of Transportation Act (49 U.S.C. 1655(e)(5)), and section 1.56(a) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.56(a)).

Issued in Washington, D.C. on October 22, 1975.

JOHN HART ELY,
General Counsel.

[FR Doc.75-28918 Filed 10-28-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 448-2]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS; MONTANA

Proposed Amendments to the SO_2 Control Strategy

On October 16, 1975, at 40 FR 48521, the Administrator proposed regulations to limit emissions of sulfur dioxide from the Anaconda Company's copper smelter located near Anaconda, Montana, in the Helena Intrastate Air Quality Control Region. A public hearing to discuss the proposal is set for November 19, 1975 in the Webster-Garfield Elementary School Auditorium, Front and Montana Streets, Butte, Montana, beginning at 9 a.m. Following the proposal of these regulations, the Administrator determined that formal procedures are appropriate to handle start-up, shutdown, and malfunction problems that may occur at the smelter.

Due to the nature of the operation of sulfuric acid production units to be used as SO_2 control devices at the Anaconda smelter, certain problems are likely to arise which are specific to this smelter. Process upsets in the metallurgical process frequently occur which may cause severe fluctuations of the sulfer dioxide concentration in the gas stream treated by the acid plant. These fluctuations, which can also be caused by a varying sulfur content in the feed ore, cause a process imbalance in the sulfuric acid manufacturing process which may result in an unavoidable shutdown. Although such difficulties can be minimized by proper maintenance of the gas purification system and the acid plant, these problems will still occur on occasion.

Generally, the proposed regulation establishes procedures for reporting information to the Administrator for his use in selecting the appropriate enforcement option. In order for a period of excess emissions to be considered as the result of a start-up, shutdown, or malfunction, the source owner or operator must demonstrate to the satisfaction of the Administrator that certain requirements have been met. Specifically, the owner or operator will be required to demonstrate that the excess emissions were unavoidable, that the air pollution control equipment, processes or process equipment had been operated and maintained in a manner consistent with good practice for minimizing emissions, that the cause of the excess emissions was corrected as expeditiously as practicable, that all possible steps were taken to minimize the impact of the excess emissions on ambient air quality, and that the amount and duration of the excess emissions were minimized to the maximum extent practicable. This would include, but not be limited to, curtailing bypass of strong SO_2 streams around acid plants to the maximum extent practicable during periods of start-up, shutdown, or malfunction.

The proposed regulations also require the source to notify the Administrator by telephone within 24 hours of the onset of a period of excess emissions if the applicable short-term national ambient air quality standards for sulfur dioxide have been exceeded as indicated by measured air quality data, and the source is required to confirm such telephone notifications in writing within five days. Further notification of all periods of excess emissions is required on a monthly basis. In addition, the regulation requires that all times, including those periods of excess emissions, all possible actions must be taken to avoid a violation of any national ambient air quality standard. The regulation does not preclude the Environmental Protection Agency (EPA) from enforcing against the source if mass concentration emission limitations are violated.

On October 8, 1975, the Governor of Montana submitted to the Administrator a revision to the Montana State Implementation Plan (SIP) for the attainment and maintenance of the national ambient air quality standards. The revision sets forth a sulfur oxides control strategy for the Anaconda Company's copper smelter located near Anaconda, Montana. Specifically, the revision limits sulfur dioxide emissions from the facility to 450 tons per day. EPA's analysis of the proposed revision indicates that an emission limitation of 10,400 pounds per hour (125 tons per day) of sulfur dioxide is required to provide for attainment and maintenance of the national sulfur oxides ambient air quality standards. Therefore, the Administrator proposes to disapprove the Montana SIP revision.

The proposed Montana revisions are available for public inspection at the office of the State Agency and at the offices of the Environmental Protection Agency listed below. An evaluation of the sulfur dioxide controls necessary for attainment and maintenance of the national sulfur oxides ambient air quality standards in the vicinity of the Anaconda smelter is described in the October 16, 1975, FEDERAL REGISTER (40 FR 48521) and is available at the offices of the Environmental Protection Agency listed below.

Montana Department of Health and Environmental Sciences, Division of Environmental Sciences, Cogswell Building, Helena, Montana 59601.
Environmental Protection Agency, Region VIII, Office of Public Affairs, 1860 Lincoln Street, Suite 900, Denver, Colorado 80203.
Environmental Protection Agency, Room 329, 401 M Street, SW., Washington, D.C. 20460.

Interested persons are encouraged to participate in this rulemaking by submitting written comments, preferably in triplicate, on the proposed regulation presented below and on the EPA's proposed disapproval of the Montana SIP revision. Such comments will be accepted for consideration on or before December 15, 1975. Additionally, the public is invited to provide comments on this proposed rulemaking at the public hearing to be held on November 19, 1975 in the Webster-Garfield Elementary School Auditorium, Front and Montana Streets, Butte, Montana, beginning at 9 a.m., and, if necessary, reconvening at 7 p.m. so that all present may be heard. Comments should be addressed to the Office of the Regional Counsel, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Suite 900, Denver, Colorado 80203. All comments will be available for public inspection during normal business hours at the offices of the Environmental Protection Agency noted above.

(Section 110 of the Clean Air Act (42 U.S.C.—1857 c-5); 39 FR 18805)

Dated: October 17, 1975.

JOHN A. GREEN,
Regional Administrator,
Region VIII.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart BB—Montana

In § 52.1373, paragraph (d) is added as follows:

§ 52.2325 Control strategy: Sulfur oxides.

• • • • • •

(d) *Compliance with emission standards; Reporting excess emissions during periods of start-up, shutdown, or malfunction: Copper smelter.* (1) The provisions of this paragraph are applicable to the copper smelter owned and operated by the Anaconda Company located near the city of Anaconda in Deer Lodge County, Montana, in the Helena Intrastate Air Quality Control Region.

(2) All terms used in this paragraph but not specifically defined below shall have the meaning given them in the Clean Air Act or Parts 51, 52, or 60 of this chapter.

(i) The term "excess emissions" means an emission rate which exceeds the applicable emission limitation prescribed by paragraph (c) of this section. The averaging time and test procedures for determining such excess emissions shall be as specified as part of the applicable emission limitation.

(ii) The term "malfunction" means any sudden and unavoidable failure of air pollution equipment or process equipment or a process to operate in a normal and usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

(iii) The term "start-up" means the setting into operation of air pollution control equipment or process equipment for any purpose.

(iv) The term "shutdown" means the cessation of operation of any air pollution control equipment or process equipment for any purpose.

(3) The owner or operator of the smelter subject to this paragraph shall notify the Region VIII Office of the Environmental Protection Agency to the attention of the Director, Enforcement Division, as indicated below when the applicable emission limitation in paragraph (c) of this section is not met.

(i) The owner or operator of the smelter subject to this paragraph must evaluate the impact on air quality of any excess emissions and notify the Director, Enforcement Division, if any Company owned or operated ambient air quality monitors located in the vicinity of the source indicate that any 24-hour and/or 3-hour national ambient air quality standard for SO_2 has been exceeded. Such notification shall be made by telephone within 24 hours of the occurrence of measurements in excess of these short-term standards, and shall be confirmed by submitting written notification within five days of each occurrence.

(ii) For any period of excess emissions the owner or operator of the smelter subject to this paragraph must submit written notification of all excess emissions for each month in which such excess emissions occur. Each monthly report shall be submitted within fifteen days following the end of each month together with the applicable progress reports required by paragraph (c)(3) of this section.

(iii) Each notification required pursuant to paragraph (d)(3)(i) or (3)(ii) of this section shall include:

(A) The identity of the stack and/or other emission points where the excess emissions occurred;

(B) The magnitude of the excess emissions in the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;

(C) The time and duration of the excess emissions;

(D) The identity of the equipment causing the excess emissions;

(E) The nature and cause of such excess emissions;

(F) The measured or estimated ambient SO_2 concentrations which occurred or were expected to occur during the period;

(G) If excess emissions were the result of a malfunction, the steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunctions;

(H) The steps taken to limit excess emissions and the resultant impact on ambient air quality.

(4)(i) In order for an excess emission to be considered the result of a malfunction, start-up, or shutdown, the owner or operator of the smelter subject to this paragraph shall demonstrate to the satisfaction of the Administrator that:

(A) The air pollution control equipment, process equipment, or processes were at all times maintained and operated, to the maximum extent practicable, in a manner consistent with good practice for minimizing emissions;

(B) Repairs were made as expeditiously as practicable, including the use of off-shift labor and overtime;

(C) The amount and duration of the excess emissions were minimized to the

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maximum extent practicable during periods of such emissions;

(D) Bypass of strong SO_2 streams around acid plants was limited to the maximum extent practicable;

(E) All possible steps were taken to minimize the impact of the excess emissions on ambient air quality;

(F) The definitional criteria of paragraph (d) (2) (ii) of this section are met, if the excess emissions were the result of an alleged malfunction;

(G) The reporting requirements set forth in paragraph (d) (3) of this section are met.

(ii) The demonstrations required by paragraph (d) (4) (i) of this section shall be submitted together with the monthly report required by paragraph (d) (3) (ii) of this section.

(5) Excess emissions during periods of routine maintenance or during routine phasing in or out of process equipment shall not be considered to be the result of a start-up, shutdown, or malfunction.

(6) Failure of the owner or operator of the smelter subject to this paragraph to report periods of excess emissions pursuant to paragraph (d) (3) of this section shall be considered a violation of the provisions of this subpart.

(7) Nothing in this section shall be construed to limit the authority of the Administrator to institute actions under Section 303 or 113 of the Clean Air Act or to exercise his authority under Section 114 of the Clean Air Act.

[FR Doc.75-29042 Filed 10-28-75;8:45 am]

[40 CFR Part 52]

[FRL 448-1]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS; UTAH

Proposed Amendments to SO_2 Control Strategy

On October 18, 1974, at 39 FR 37212, the Administrator proposed regulations to limit emissions of sulfur dioxide from the Kennecott copper smelter located near Magna, Utah, in the Wasatch Front Air Quality Control Region. Testimony at the hearing on behalf of Kennecott Copper Corporation raised an issue with respect to the difficulty in meeting the proposed emission limitation during those periods when the control equipment is not functioning at the maximum efficiency. Because this issue can be separated from the selection of the appropriate emission limitation to be required of the facility, the Administrator intends to take separate action on this latter issue in the near future. Following an analysis of the record of the public hearing and subsequent public comments, the Administrator has determined that formal procedures are appropriate to handle start-up, shutdown, and malfunction problems that may occur at the smelter.

Due to the nature of the operation of sulfuric acid production units to be used as SO_2 control devices at the Kennecott smelter, certain problems are likely to arise which are specific to this smelter. Process upsets in the metallurgical process frequently occur which may cause severe fluctuations of the sulfur dioxide concentration in the gas stream treated by the acid plant. These fluctuations, which can also be caused by a varying sulfur content in the feed ore, cause a process imbalance in the sulfuric acid manufacturing process which may result in an unavoidable shutdown. Although such difficulties can be minimized by proper maintenance of the gas purification system and the acid plant, these problems will still occur on occasion.

Generally, the proposed regulation establishes procedures for reporting information to the Administrator for his use in selecting the appropriate enforcement option. In order for a period of excess emissions to be considered as the result of a start-up, shutdown, or malfunction, the source owner or operator must demonstrate to the satisfaction of the Administrator that certain requirements have been met. Specifically, the owner or operator will be required to demonstrate that the excess emissions were unavoidable, that the air pollution control equipment, processes or process equipment had been operated and maintained in a manner consistent with good practice for minimizing emissions, that the cause of the excess emissions was corrected as expeditiously as practicable, that all possible steps were taken to minimize the impact of the excess emissions on ambient air quality, and that the amount and duration of the excess emissions were minimized to the maximum extent practicable. This would include, but not be limited to, curtailing bypass of strong SO_2 streams around acid plants to the maximum extent practicable during periods of start-up, shutdown, or malfunction.

The proposed regulations also require the source to notify the Administrator by telephone within 24 hours of the onset of a period of excess emissions if the applicable short-term national ambient air quality standards for sulfur dioxide have been exceeded as indicated by measured air quality data, and the source is required to confirm such telephone notifications in writing within five days. Further notification of all periods of excess emissions is required on a monthly basis. In addition, the regulation requires that at all times, including those periods of excess emissions, all possible actions must be taken to avoid a violation of any national ambient air quality standard. The regulation does not preclude the Environmental Protection Agency (EPA) from enforcing against the source if mass concentration emission limitations are violated.

As stated above, the issue of start-up, shutdown, and malfunction problems at the smelter was discussed at the public hearing conducted by EPA in Salt Lake City on December 11-12, 1974. Even though the public hearing requirements of Part 51 have been satisfied, and a separate public hearing on these proposed regulations is as a result not required, the Administrator believes that the magnitude of these proposed regulations warrants an opportunity for interested persons to submit written comments. Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Office of Regional Counsel, U.S. Environmental Protection Agency, Region VIII, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203. All relevant comments on or before December 15, 1975 will be considered. All relevant comments received will be available for public inspection and copying at the Regional Office at the address given above and at EPA's Public Information Reference Unit, Room 2922, (EPA Library), 401 M Street, S.W., Washington, D.C. 20460. This notice of proposed rulemaking is issued under the authority of section 110 of the Clean Air Act (42 U.S.C. 1857c-5).

Dated: September 30, 1975.

JOHN A. GREEN,
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart TT—Utah

In § 52.2325, paragraph (e) is added as follows:

§ 52.2325 Control strategy: Sulfur oxides.

* * * * *

(e) *Compliance with emission standards; Reporting excess emissions during periods of start-up, shutdown, or malfunction: Copper smelter.* (1) The provisions of this paragraph are applicable to the copper smelter owned and operated by the Kennecott Copper Corporation located in Salt Lake County, Utah, in the Wasatch Front Intrastate Air Quality Control Region.

(2) All terms used in this paragraph but not specifically defined below shall have the meaning given them in the Clean Air Act or Parts 51, 52, or 60 of this chapter.

(i) The term "excess emissions" means an emission rate which exceeds the applicable emission limitation prescribed by paragraph (d) of this section. The averaging time and test procedures for determining such excess emissions shall be specified as part of the applicable emission limitation.

(ii) The term "malfunction" means any sudden and unavoidable failure of air pollution equipment or process equipment or a process to operate in a normal and usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

(iii) The term "start-up" means the setting into operation of air pollution control equipment or process equipment for any purpose.

(iv) The term "shutdown" means the cessation of operation of any air pollution control equipment or process equipment for any purpose.

(3) The owner or operator of the smelter subject to this paragraph shall notify the Region VIII Office of the Environmental Protection Agency to the attention of the Director, Enforcement Division, as indicated below when the applicable emission limitation in paragraph (d) of this section is not met.

(i) The owner or operator of the smelter to this paragraph must evaluate the impact on air quality of any excess emissions and notify the Director, Enforcement Division, if any Company owned or operated ambient air quality monitors located in the vicinity of the source indicate that any 24-hour and/or 3-hour national ambient air quality standard for SO_2 has been exceeded. Such notification shall be made by telephone within 24 hours of the occurrence of measurements in excess of these short-term standards, and shall be confirmed by submitting written notification within five days of each occurrence.

(ii) For any period of excess emissions the owner or operator of the smelter subject to this paragraph must submit written notification of all excess emissions for each month in which such excess emissions occur. Each monthly report shall be submitted within fifteen days following the end of each month together with the applicable progress reports required by paragraph (d) (3) of this section.

(iii) Each notification required pursuant to paragraph (e) (3) (i) or (3) (ii) of this section shall include:

(A) The identity of the stack and/or other emission points where the excess emissions occurred;

(B) The magnitude of the excess emissions in the units of the aplicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;

(C) The time and duration of the excess emissions;

(D) The identity of the equipment causing the excess emissions;

(E) The nature and cause of such excess emissions;

(F) The measured or estimated ambient SO_2 concentrations which occurred or were expected to occur during the period;

(G) If excess emissions were the result of a malfunction, the steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunctions;

(H) The steps taken to limit excess emissions and the resultant impact on ambient air quality.

(4) (i) In order for an excess emission to be considered the result of a malfunction, start-up, or shutdown, the owner or operator of the smelter subject to this paragraph shall demonstrate to the satisfaction of the Administrator that:

(A) The air pollution control equipment, process equipment, or processes were at all times maintained and operated, to the maximum extent practicable, in a manner consistent with good practice for minimizing emissions;

(B) Repairs were made as expeditiously as practicable, including the use of off-shift labor and overtime;

(C) The amount and duration of the excess emissions were minimized to the maximum extent practicable during periods of such emissions;

(D) Bypass of strong SO_2 streams around acid plants was limited to the maximum extent practicable;

(E) All possible steps were taken to minimize the impact of the excess emissions on ambient air quality;

(F) The definitional criteria of paragraph (e) (2) (ii) of this section are met, if the excess emissions were the result of an alleged malfunction;

(G) The reporting requirements set forth in paragraph (e) (3) of this section are met.

(ii) The demonstrations required by paragraph (e) (4) (i) of this section shall be submitted together with the monthly report required by paragraph (e) (3) (ii) of this section.

(5) Excess emissions during periods of routine maintenance or during routine phasing in or out of process equipment shall not be considered to be the result of a start-up, shutdown, or malfunction.

(6) Failure of the owner or operator of the smelter subject to this paragraph to report periods of excess emissions pursuant to paragraph (e) (3) of this section shall be considered a violation of the provisions of this subpart.

(7) Nothing in this section shall be construed to limit the authority of the Administrator to institute actions under Section 303 or 113 of the Clean Air Act or to exercise his authority under Section 114 of the Clean Air Act.

[FR Doc.75-29043 Filed 10-28-75;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 445]

LABELING AND ADVERTISING OF ROOM AIR CONDITIONERS

Notice of Extension of Time To Propose Disputed Issues of Fact Regarding Proposed Trade Regulation Rule

Notice of a proposed rulemaking proceeding including the text of and a statement of reason for the proposed rule concerning Labeling and Advertising of Room Air Conditioners was published in the FEDERAL REGISTER on August 28, 1975 (40 FR 39532). The Notice also included an invitation to interested parties to propose disputed issues of fact regarding the proposed rule.

The Presiding Officer, in response to a petition on behalf of an association, certain industry members and others, has determined, pursuant to the authority of § 1.13(c) (1) of the Commission's Procedures and Rules of Practice, to extend the time for proposing disputed issues of fact for a period of thirty days beyond the original closing date of October 27, 1975. Accordingly, the record in this matter will remain open until November 26, 1975, for the receipt of such proposed disputed issues which should be submitted to the Special Assistant Director for Rulemaking, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

Written comments concerning this rulemaking proceeding other than proposals identifying disputed issues of fact will as previously announced be accepted until forty-five days before commencement of public hearings which are to be scheduled at a later date.

Issued: October 22, 1975.

RAYMOND L. RHINE,
Presiding Officer.

[FR Doc.75-28951 Filed 10-28-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

CANNED BAKED BEANS (OTHER THAN PORK AND BEANS AND CANNED DRIED BEANS)

Proposed Grade Standards

Notice is given that the United States Department of Agriculture is considering a proposal to establish United States Standards for Grades of Canned Baked Beans (7 CFR, 52.6461-52.6474). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written views, data, or arguments for consideration in connection with the proposed standards should file the same in duplicate, not later than December 31, 1975, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made under this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR, 1.27 (b)).

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

STATEMENT OF CONSIDERATION LEADING TO THE PROPOSED STANDARDS

Following publication of proposed grade standards for canned dried beans and canned pork and beans (40 FR 8207 *et seq*) comments were received pointing out a number of parameters and characteristics of beans prepared by baking which differed from those described in the proposed standards for grades of canned dried beans and canned pork and beans. The comments suggested adding two additional factors (consistency and flavor) for numerical scoring in the grading of baked products to those three factors initially proposed in the dried beans standards. As the baking of beans differs from other methods of

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cooking and results in a product characteristically different, the comments also proposed creation of new standards for maximum allowable defects.

The Department concludes that establishing separate grade standards for canned baked beans, in a fashion similar to the proposed separate grade standards for canned pork and beans, would provide useful criteria for buyers, producers, and consumers. Thus, under authority granted in the Agricultural Marketing Act of 1946, which provides for the issuance of official U.S. grades to designate different levels of quality, the Department proposes establishing grade standards for canned baked beans.

To acknowledge comments which were submitted, the Department is publishing elsewhere in this issue of the FEDERAL REGISTER:

(1) A second notice of proposed rulemaking to revise United States Standards for Grades of Canned Dried Beans; and

(2) A second notice of proposed rulemaking to establish United States Standards for Grades of Canned Pork and Beans.

The proposed standards are as follows:

Sec.

52.6461 Product description.
52.6462 Types.
52.6463 Styles.
52.6464 Grades.
52.6465 Sample unit size.
52.6466 Determining the grade.
52.6467 Determining the rating of the factors which are scored.
52.6468 Color.
52.6469 Consistency.
52.6470 Flavor.
52.6471 Character.
52.6472 Absence of defects.
52.6473 Determining the grade of a lot.
52.6474 Score sheet for canned baked beans.

Subpart—United States Standards For Grades of Canned Baked Beans (Other Than Pork and Beans) and Canned Dried Beans

AUTHORITY: Agricultural Marketing Act of 1946, Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

§ 52.6461 Product description.

Canned baked beans is the product prepared from dry mature beans or peas used for canning; but not including soybeans (Soya Max) and sweet peas or early peas (Pisum sativum); and with a packing medium or sauce consisting of water and any other safe and suitable ingredient(s) permissible under the provisions of the Federal Food, Drug and Cosmetic Act. Pork and pork fat may be used as an optional ingredient. The product is prepared by washing, soaking in cold water (colored beans only) and baking of the beans, in sauce, by the application of dry heat in open or loosely covered containers in a closed oven at atmospheric pressure for sufficient prolonged time to produce a typical texture (character) and flavor before canning. The product is then packed in hermetically sealed containers and sufficiently processed by heat to assure preservation.

§ 52.6462 Types.

(a) White beans.
(b) Red kidney beans.
(c) Yellow eye beans including soldier beans.
(d) Beans of other colors or types suitable for baking (except soybeans, sweet peas, and early peas).

§ 52.6463 Styles.

(a) "In brown sugar, molasses, or New England sauce" means packed with nutritive carbohydrate sweetening ingredients and any other safe and suitable ingredient(s).

(b) "In tomato sauce" means packed with tomato pulp or a similar tomato product and any other safe and suitable ingredient(s).

§ 52.6464 Grades.

(a) "U.S. Grade A" is the quality of canned baked beans that has the following attributes:
(1) Practically similar varietal characteristics;
(2) Scores at least 17 points for consistency;
(3) Practically free from defects;
(4) Scores at least 17 points for character;
(5) Scores at least 17 points for flavor;
(6) Scores at least 13 points for color;
(7) Totals not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" is the quality of canned baked beans that has at least the following attributes:
(1) Reasonably similar varietal characteristics;
(2) Reasonably good consistency;
(3) Reasonably free from defects;
(4) Reasonably good character;
(5) Reasonably good flavor;
(6) Reasonably good color;
(7) Totals not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned baked beans that fails to meet the requirements of U.S. Grade B.

§ 52.6465 Sample unit size.

Compliance with requirements for factors of quality is based on a sample unit consisting of the entire contents of one container, irrespective of container size.

§ 52.6466 Determining the grade.

(a) *General.* The grade of canned baked beans is determined by considering, in addition to the requirements of the respective grade, the following factors:

(b) *Factor not rated by score points.* (1) Similar varietal characteristics.

(c) *Factors rated by score points.* The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

Factors	*Points*
Color	15
Consistency	20
Flavor	20
Character	20
Absence of defects	25
Total score	100

(d) *Definitions.* (1) Similar varietal characteristics.

(i) "Contrasting varieties" means dried beans of the same type or of other types that are of a noticeably different color, size, or shape from the dried beans of the predominating variety (such as red beans in white beans).

(ii) "Varieties that blend" means dried beans of the same type or of other types that are similar in color, size, or shape to the dried beans of the predominating variety (such as pea beans with small white beans).

(iii) "Practically similar varietal characteristics" means that the beans are practically alike in size, shape, color, general characteristics, and that there may be present not more than 0.5 percent, by weight, of contrasting varieties; and not more than 5 percent, by weight, of varieties that blend.

(iv) "Reasonably similar varietal characteristics" means that the beans are reasonably alike in size, shape, color, general characteristics, and that there may be present not more than 1 percent, by weight, of contracting varieties; and not more than 10 percent, by weight, of varieties that blend.

§ 52.6467 Determining the rating of the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be determined for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.6468 Color.

(a) (*A*) *Classification.* Canned baked beans that have a good color may be given a score of 14 or 15 points. "Good color" means that the beans have a uniform color typical of the baked variety and style of pack.

(b) (*B*) *Classification.* Canned baked beans that have a reasonably good color may be given a score of 12 or 13 points. "Reasonably good color" means that the baked beans have a reasonably uniform color typical of the baked variety and style of pack. Canned baked beans that score 12 points for color shall not be graded above "U.S. Grade B" regardless of the total score for the product. (This is a partial limiting rule).

(c) (*SStd*) *Classification.* Canned baked beans that fail to mee the requirements of Grade B may be given a score of 0 to 11 points and shall not be graded above Substandard regardless of the total score for the product. (This is a limiting rule).

§ 52.6469 Consistency.

(a) *General.* The factor of consistency is determined two minutes after the product, without prior stirring or shaking, is emptied onto a flat surface.

(b) (*A*) *Classification.* Canned baked beans that have a good consistency may be given a score of 18 to 20 points. "Good consistency" means that the product shall form a well-rounded mound when emptied from the container and that the sauce shall be of such quantity and character that it clings to the beans with not more than a reasonable separation from the mound.

(c) (*B*) *Classification.* Canned baked beans that have a reasonably good consistency may be given a score of 16 or 17 points. "Reasonably good consistency" means that the product shall form a mound that may tend to take the shape of the container with little leveling or may level itself substantially with a fairly large amount of sauce separation from the beans. Canned baked beans that score 16 points for consistency shall not be graded above "U.S. Grade B" regardless of the total score for the product. (This is a partial limiting rule).

(d) (*SStd*) *Classification.* Canned baked beans that fail to meet the requirements of Grade B may be given a score of 0 to 15 points and shall not be graded above Substandard regardless of the total score for the product. (This is a limiting rule).

§ 52.6470 Flavor.

(a) (*A*) *Classification.* Canned baked beans that have a good flavor may be given a score of 18 to 20 points. "Good flavor" means that the product has a good baked bean flavor and odor characteristic of the variety of bean and style of pack with all flavor components in proper balance. The product is free from objectionable flavors and odors.

(b) (*B*) *Classification.* Canned baked beans that have a reasonably good flavor may be given a score of 16 or 17 points. "Reasonably good flavor" means that the product has a reasonably good baked bean flavor and odor characteristic of the variety of bean and style of pack with flavor components in reasonable balance. The product is free from objectionable flavors and odors. Canned baked beans that score 16 points for flavor shall not be graded above "U.S. Grade B" regardless of the total score for the product. (This is a partial limiting rule).

(c) (*SStd*) *Classification.* Canned baked beans that fail to meet the requirements of Grade B may be given a score of 0 to 15 points and shall not be graded above Substandard regardless of the total score for the product. (This is a limiting rule).

§ 52.6471 Character.

(a) *General.* The factor of character refers to the degree of freedom from hard units, mushy units, units with tough skins; and the overall texture of the product.

(b) (*A*) *Classification.* Canned baked beans that have a good character may be given a score of 18 to 20 points. "Good character" means that the beans have a good, typical texture, that may be slightly soft or slightly firm; and that the skins are tender.

(c) (*B*) *Classification.* Canned baked beans that have a reasonably good character may be given a score of 16 or 17 points. "Reasonably good character" means that the beans have a reasonably good, typical texture, that the beans may be firm or soft but not hard or mushy; and that the skins may be slightly tough. Canned baked beans that score 16 points for character shall not be graded above "U.S. Grade B" regardless of the total score for the product. (This is a partial limiting rule).

(d) (*SStd*) *Classification.* Canned baked beans that fail to meet the requirements of Grade B may be given a score of 0 to 15 points and shall not be graded above Substandard regardless of the total score for the product. (This is a limiting rule.)

§ 52.6472 Absence of defects.

(a) *General.* The factor of absence of defects refers to the degree of freedom from extraneous vegetable material, loose skins, broken and mashed units, and blemished and seriously blemished units.

(b) *Definitions.* (1) "Loose skin" means a skin or portions of a skin which have become separated wholly from the cotyledons.

(2) "Broken unit" means a cotyledon or portions of a cotyledon which have become separated from the unit; or, a unit or portions of a unit with the skin or portions of the skin missing.

(3) "Mashed unit" means a unit that is crushed or flattened to the extent that its appearance is seriously affected.

(4) "Blemished unit" means a bean that is spotted or discolored or otherwise blemished to such an extent that its appearance or edibility is materially affected. Beans that have a characteristic darkening around the hilum are not considered blemished units.

(5) "Seriously blemished unit" means a bean affected by discoloration (including scorched or burned beans) insect or similar type injury or otherwise defective to such an extent that its appearance or edibility is seriously affected.

(6) "Extraneous vegetable material" means vegetable material common to the bean plant or other plants that is harmless upon eating and includes but is not limited to, peas (Pisum sativum), lentils (Lens culinaris), cereal grains and corn.

(7) A "unit" means two cotyledons and a skin.

(c) (*A*) *Classification.* Canned baked beans that are practically free from defects may be given a score of 22 to 25 points. "Practically free from defects" means that the canned baked beans comply with the requirements listed in Table I.

(d) (*B*) *Classification.* Canned baked beans that are reasonably free from defects may be given a score of 20 or 21 points. Canned baked beans that fall into this classification shall not be graded above U.S. Grade B regardless of the total score for the product. (This is a limiting rule). "Reasonably free from defects" means that the canned baked beans comply with the requirements in Table II.

(e) (*SStd*) *Classification.* Canned baked beans that fail to meet the requirements of Grade B may be given a score of 0 to 19 points and shall not be graded above Substandard regardless of the total score for the product. (This is a limiting rule).

TABLE II.—*Allowances for defects in canned baked beans—(A) classification*

Defect	Maximum amount of defects in a sample unit—by net weight		Maximum amount of defects permitted in a sample all types
	Type a	Types b, c, and d	
	Percent	*Percent*	
Loose skin, broken and mashed	10	20	
Blemished and seriously blemished	3	3	
Seriously blemished	2	2	
Extraneous vegetable material	(1)	(1)	1 piece per 80 oz net weight.

[1] No limit.

TABLE I.—*Allowances for defects in canned baked beans—(B) classification*

Defect	Maximum amount of defects in a sample unit—by net weight		Maximum amount of defects permitted in a sample all types
	Type a	Types b, c, and d	
	Percent	*Percent*	
Loose skin, broken and mashed	20	35	
Blemished and seriously blemished	6	6	
Seriously blemished	4	4	
Extraneous vegetable material	(1)	(1)	1 piece per 20 oz net weight.

[1] No limit.

§ 52.6473 Determining the grade of a lot.

The grade of a lot of canned baked beans covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.83).

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§ 52.6474 Score sheet for canned baked beans.

Container size			
Container code or identification			
Label			
Net weight (in ounces)			
Vacuum (in inches)			
Type			
Style of pack			
Factors	**Score points**		
Color	15	(A)	14–15
		(B)	[1] 12–13
		(SStd)	[2] 0–11
Consistency	20	(A)	18–20
		(B)	[1] 16–17
		(SStd)	[2] 0–15
Flavor	20	(A)	18–20
		(B)	[1] 16–17
		(SStd)	[2] 0–15
Character	20	(A)	18–20
		(B)	[1] 16–17
		(SStd)	[2] 0–15
Absence of defects	25	(A)	22–25
		(B)	[2] 20–21
		(SStd)	[2] 0–19
Total score	100		
Similar varietal characteristics—practically; reasonably			
Grade			

[1] Indicates partial limiting rule.
[2] Indicates limiting rule.

Dated: October 22, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75–28955 Filed 10–28–75;8:45 am]

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED DRIED BEANS (OTHER THAN PORK AND BEANS AND BAKED BEANS)

Second Notice of Proposed Rulemaking

A notice of proposed rulemaking to revise the United States Standards for Grades of Canned Dried Beans (7 CFR, 52.411–52.422) was published in the FEDERAL REGISTER of February 26, 1975 (40 FR 8207). A correction to the proposed rulemaking was published in the FEDERAL REGISTER of March 17, 1975 (40 FR 12092). An extension of time to the comment period appeared in the FEDERAL REGISTER of May 7, 1975 (40 FR 19830). Due to the substance of the comments which were received in response to the first notice of proposed rulemaking, the Department is issuing a second notice of proposed rulemaking. The Department is requesting comments from all interested persons.

These grade standards are issued under the authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request and upon payment of a fee to cover the cost of such services.

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

All persons who desire to submit written views, data, or arguments for consideration in connection with the proposed revision should file the same in duplicate, not later than December 31, 1975, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made under this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR, 1.27(b)).

Statement of consideration leading to the second notice of proposed rulemaking to revise the standards. The first notice of proposed rulemaking, proposed revision of the U.S. Standards for Grades of Canned Dried Beans for the following reasons:

(1) There had been no major revision to the standards since 1947;

(2) An informal survey indicated that revision of the standards is desirable; and

(3) There are no other Federal standards for the product. The proposed changes were as follows:

(1) Canned pork and beans, a popular food among consumers, would be considered under a separate proposal;

(2) The product description would permit "safe and suitable" optional ingredients;

(3) Classification of types and styles of canned dried beans would be broadened;

(4) Introduction of a washed drained weight procedure and a recommendation to establish the amount of beans that should be in a given container; and

(5) Provide new criteria for quality factors.

Two consumers submitted comments to the first notice of proposed rulemaking. One consumer was appalled at the Department's continuing effort to police various industries. The other consumer stated a desire for requiring processors to use an adequate quantity of beans in each can and this was supported by copy of a letter to a large food processor.

Three canned dried bean processors and the National Canners Association (NCA), a nonprofit trade association, submitted comments to the first notice of proposed rulemaking. A compilation of these comments is as follows:

(1) Endorsed introduction of separate grade standards for canned pork and beans;

(2) Endorsed addition of "safe and suitable" optional ingredients;

(3) Recommended a lower washed drained weight to take into account the differences among can sizes, bean types and packing media;

(4) Recommended the allowance for "varieties that blend" be increased to 10 percent for "reasonably similar varietal characteristics";

(5) Recommended a revised definition for "reasonably good consistency" which would allow a slight amount of "matting";

(6) Requested that the current tolerances for defects be retained;

(7) Petitioned the Department to remove "baked beans" from the canned dried bean standards and establish separate standards for "New England Style" baked beans; and

(8) Requested a 90 day extension of time for the comment period.

One comment was received from the Special Assistant to the President for Consumer Affairs, The White House, Washington, D.C. The comment deemed that use of dual grade level designations, such as "U.S. Grade A" or "U.S. Fancy", is confusing to the consumer. It recommended that use of the alternative "U.S. Fancy" be deleted from the standards. Too, the comment argued for standards of fill for canned dried beans.

To acknowledge comments which were submitted, the Department is publishing:

(1) A second notice of proposed rulemaking to revise United States Standards for Grades of Canned Dried Beans, as well as, elsewhere in this issue of the FEDERAL REGISTER;

(2) A second notice of proposed rulemaking to establish U.S. Standards for Grades of Pork and Beans; and

(3) A first notice of proposed rulemaking to establish U.S. Standards for Grades of Baked Beans.

This proposed rulemaking provides for:

(1) "Safe and suitable" optional ingredients;

(2) Deletion of the washed drained weight procedure and the recommended minimum limit. The first notice recommended that not less than approximately 60 percent, by weight, of the contents of the container should be beans. Industry comments indicate that this percentage is impracticable on account of the variation in can sizes, bean types, and packing media. Washed drained weight is not now a requirement in the current standards.

(3) Retention of the 5 percent allowance for "varieties that blend" for "practically similar varietal characteristics" and changing the allowance to 10 percent for "reasonably similar varietal characteristics". This would permit dried beans to grade no higher than Grade B if more than 5 percent varieties that blend are present in the container;

(4) Changing the definition for "reasonably good consistency" to allow for a slight amount of "matting" or compacting in the bottom of the container;

(5) Changing the allowance for loose skin, broken and mashed beans from 4 to 5 percent for Grade A; and from 8 to 10 percent for Grade B. The allowance for blemished and seriously blemished beans and extraneous vegetable material shall be retained as published in the first notice of proposed rulemaking;

(6) Introduction of separate U.S. Standards for Grades of Canned Baked Beans. "New England Style" baked beans are solid pack, prepared by the application of dry heat in open or loosely covered containers in an enclosed oven at atmospheric pressure; and

(7) Discontinue alternative grade level designations. "U.S. Grade A" and "U.S. Grade B" shall be used to designate the top and second quality levels, respectively.

The Department granted an extension of time for comments on the first notice of proposed rulemaking in the FEDERAL REGISTER of May 7, 1975 (40 FR 19830). The extended comment period ended July 14, 1975.

The proposed revision is as follows:

Sec.
52.411 Production description.
52.412 Types.
52.413 Styles.
52.414 Grades.
52.415 Sample unit size.
52.416 Determining the grade.
52.417 Determining the rating of the factors which are scored.
52.418 Color.
52.419 Absence of defects.
52.420 Character.
52.421 Determining the grade of a lot.
52.422 Score sheet for canned dried beans.

Subpart—United States Standards for Grades of Canned Dried Beans (Other Than Pork and Beans and Baked Beans)

AUTHORITY: Agricultural Marketing Act of 1946, Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

§ 52.411 Product description.

Canned dried beans is the product prepared from dry mature beans or peas used for canning; but not including soybeans (Soja Max) and sweet peas or early peas (Pisum sativum); and with a packing medium or sauce consisting of water and any other safe and suitable ingredients permissible under the provisions of the Federal Food, Drug, and Cosmetic Act. Pork or pork fat may be used as an optional ingredient. The product is prepared by washing, soaking, blanching, cooking, or other processing except baking. It is packed in hermetically sealed containers and sufficiently processed by heat to assure preservation.

§ 52.412 Types.

(a) White beans.
(b) Lima beans.
(c) Red beans.
(d) Pinto beans.
(e) Pink beans.
(f) Garbanzos or chick-peas.
(g) Black beans
(h) Yelloweye beans.
(i) Black-eye peas or field peas.
(j) Beans of other colors or types (except soybeans, sweet peas, and early peas).

§ 52.413 Styles.

(a) "In tomato sauce" means packed with tomato pulp or a similar tomato product and any other safe and suitable ingredient(s). The sauce may be highly seasoned.

(b) "In sweetened sauce" means packed with nutritive carbohydrate sweetening ingredients and any other safe and suitable ingredient(s). The sauce may be highly seasoned.

(c) "In brine" means packed with brine and any other safe and suitable ingredient(s).

§ 52.414 Grades.

(a) "U.S. Grade A" is the quality of canned dried beans that has the following attributes:

(1) Practically similar varietal characteristics;

(2) At least a reasonably good consistency for the styles of "in tomato sauce" and "in sweetened sauce;"

(3) Practically free from defects;

(4) Good character;

(5) Good flavor;

(6) Scores at least 17 points for color; and

(7) Totals not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" is the quality of canned dried beans that has at least the following attributes:

(1) Reasonably similar varietal characteristics;

(2) Reasonably good consistency for the styles of "in tomato sauce" and "in sweetened sauce;"

(3) Reasonably free from defects;

(4) Reasonably good character;

(5) Reasonably good flavor;

(6) Reasonably good color; and

(7) Totals not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned dried beans that fail to meet the requirements of U.S. Grade B.

§ 52.415 Sample unit size.

Compliance with requirements for factors of quality is based on a sample unit consisting of the entire contents of one container, irrespective of container size.

§ 52.416 Determining the grade.

(a) *General.* The grade of canned dried beans is determined by considering, in addition to the requirements of the respective grade, the following factors:

(b) *Factors not rated by score points.*

(1) Similar varietal characteristics;

(2) Consistency: and

(3) Flavor.

(c) *Factors rated by score points.* The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors:	*Points*
Color	20
Absence of defects	40
Character	40
Total	100

(d) *Definitions.* (1) Similar varietal characteristics.

(i) "Contrasting varieties" means dried beans of the same type or of other types that are of a noticeably different color, size, or shape from the dried beans of the predominating variety (such as red beans with white beans).

(ii) "Varieties that blend" means dried beans of the same type or of other types that are similar in color, size, or shape to the dried beans of the predominating variety (such as pea beans with small white beans).

(iii) "Practically similar varietal characteristics" means that the beans are practically alike in size, shape, color, general characteristics, and that there may be present not more than 0.5 percent, by weight, of contrasting varieties; and not more than 5 percent, by weight, of varieties that blend.

(iv) "Reasonably similar varietal characteristics" means that the beans are reasonably alike in size, shape, color, general characteristics, and that there may be present not more than 1 percent, by weight, of contrasting varieties; and not more than 10 percent, by weight, of varieties that blend.

(2) Consistency.

(i) The factor of consistency is not a requirement for the style of "in brine."

(ii) "Reasonably good consistency" means that the sauce is reasonably smooth and may be slightly grainy or slightly lumpy. The product may have a thick consistency but is practically free from "matting" and when emptied on a flat surface may have practically no separation of liquid; or, the product may have a thin consistency with separation of liquid, but it shall not be watery.

(3) "Good flavor" means that the product has a good, normal flavor and odor, characteristic of the style of pack, and is free from objectionable flavors and objectionable odors of any kind.

(4) "Reasonably good flavor" means that the product may be lacking in good flavor and odor, but is characteristic of the style of pack, and is free from objectionable flavors and objectionable odors of any kind.

§ 52.417 Determining the rating of the factors which are scored.

The essential variation within each factor which is scored are so described that the value is determined for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.418 Color.

(a) (*A*) *classification.* Canned dried beans that have a good color may be given a score of 18 to 20 points. "Good color" means that the beans have a color that is bright and reasonably uniform, typical of the type; and that the sauce or brine has a color typical of the style of pack.

(b) (*B*) *classification.* Canned dried beans that have a reasonably good color may be given a score of 16 or 17 points. Canned dried beans that score 16 points for color shall not be graded above "U.S. Grade B", regardless of the total score for the product (this is a partial limiting rule). "Reasonably good color" means that the beans have a color that is fairly uniform, typical of the type; may be dull but not off color; and that the sauce or brine has a color typical of the style of pack.

(c) (*SStd.*) *classification.* Canned dried beans that fail to meet the requirements of Grade B may be given a score

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of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.419 Absence of defects.

(a) *General.* The factor of absence of defects refers to the degree of freedom from extraneous vegetable material, loose skin, broken and mashed units, and blemished and seriously blemished units.

(b) *Definitions.* (1) "Loose skin" means a skin or portions of a skin which have become separated wholly from the cotyledons.

(2) "Broken unit" means a cotyledon or portions of a cotyledon which have become separated from a unit; or a unit or portions of a unit with the skin or portions of the skin missing.

(3) "Mashed unit" means a unit that is crushed or flattened to the extent that its appearance is seriously affected.

(4) "Blemished unit" means a bean that is spotted or discolored or otherwise blemished to such an extent that its appearance or edibility is materially affected. Beans that have a characteristic darkening around the hilum are not considered blemished units.

(5) "Seriously blemished units" means a bean affected by discoloration, insect or similar type injury, or otherwise defective to such an extent that its appearance or edibility is seriously affected.

(6) "Extraneous vegetable material" means vegetable material common to the bean plant or other plants that is harmless upon eating and includes, but is not limited to, peas (Pisum sativum), lentils (Lens culinaris), cereal grains, and corn.

(7) A "unit" means two cotyledons and a skin.

(c) (*A*) *classification.* Canned dried beans that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that the canned dried beans comply with the requirements in Table I.

(d) (*B classification.* Canned dried beans that are reasonably free from defects may be given a score of 32 to 35 points. Canned dried beans that fall into this classification shall not be graded above "U.S. Grade B," regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned dried beans comply with the requirements in Table II.

(e) (*SStd.*) *classification.* Canned dried beans that fail to meet the requirements of Grade B may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I.—*Allowances for defects in canned dried beans—(A) classification*

Defect	Maximum amount of defects permitted in a sample unit—by net weight (percent)	Maximum amount of defects permitted in a sample
Loose skin, broken, and mashed.	5	
Blemished and seriously blemished.	3	
Seriously blemished		
Extraneous vegetable material.	(1)	1 piece per 80 oz net weight.

[1] No limit.

TABLE II.—*Allowances for defects in canned dried beans—(B) classification*

Defect	Maximum amount of defects permitted in a sample unit—by net weight (percent)	Maximum amount of defects permitted in a sample
Loose skin, broken, and mashed.	10	
Blemished and seriously blemished.	6	
Seriously blemished	4	
Extraneous vegetable material.	(1)	1 piece per 20 oz net weight.

[1] No limit.

§ 52.420 Character.

(a) *General.* The factor of character refers to the degree of freedom from hard units, mushy units, units with tough skins; and the overall texture of the product.

(b) (*A*) *classification.* Canned dried beans that have a good character may be given a score of 36 to 40 points. "Good character" means that the beans have a good, typical texture, that may be slightly soft or slightly firm; and that the skins are tender.

(c) (*B*) *classification.* Canned dried beans that have a reasonably good character may be given a score of 32 to 35 points. Canned dried beans that fall into this classification shall not be graded above "U.S. Grade B," regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the beans have a reasonably good, typical texture, that the beans may be firm or soft and the presence of hard or mushy units does not materially affect the eating quality; and that the skins may be slightly tough.

(d) (*SStd.*) *classification.* Canned dried beans that fail to meet the requirements of Grade B may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.421 Determining the grade of a lot.

The grade of a lot of canned dried beans covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.83).

§ 52.422 Score sheet for canned dried beans.

Container size			
Container code or identification			
Label			
Net weight (in ounces)			
Vacuum (in inches)			
Type			
Style of pack			
Factors	**Score Points**		
Color	20	(A) 18–20 (B) [1] 16–17 (SStd) [1] 0–15	
Absence of defects	40	(A) 36–40 (B) [1] 32–35 (SStd) [1] 0–31	
Character	40	(A) 36–40 (B) [1] 32–35 (SStd) [1] 0–31	
Total score	100		
Consistency [2]—reasonably good; substandard			
Flavor—good; reasonably good			
Similar varietal characteristics—practically; reasonably			
Grade			

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.
[3] Not applicable for the style of "in brine."

Dated: October 22, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-28954 Filed 10-28-75;8:45 am]

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED PORK AND BEANS

Second Notice of Proposed Rulemaking

A notice of proposed rulemaking to establish United States Standards for Grades of Canned Pork and Beans (7 CFR, 52.6441–52.6451) was published in the FEDERAL REGISTER of February 26, 1975 (40 FR 8209). An extension of time to the comment period appeared in the FEDERAL REGISTER of May 7, 1975 (40 FR 19830). Due to the substance of the comments which were received in response to the first notice of proposed rulemaking, the Department is issuing a second notice of proposed rulemaking. The Department is requesting comments from all interested persons.

These grade standards are issued under the authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request and upon payment of a fee to cover the cost of such services.

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

All persons who desire to submit written views, data, arguments for consideration in connection with the proposed U.S. standards should file the same in duplicate, not later than December 31, 1975, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made under this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR, 1.27(b)).

Statement of consideration leading to the second notice of proposed rulemaking to establish the standards. The first notice of proposed rulemaking, proposed establishing U.S. Standards for Grades of Canned Pork and Beans for the following reasons:

(1) Canned pork and beans, a popular food among consumers, comprises the major portion of the canned dried bean pack. The current U.S. Standards for Grades of Canned Dried Beans include all types and styles of canned dried beans. The standards are broad in extent and do not cover the attributes of canned pork and beans equitably;

(2) An informal survey indicated that standards for canned pork and beans are desirable; and

(3) There are no other Federal standards for the product.

The proposed standards provided for:

(1) Separate U.S. Standards for Grades of Canned Pork and Beans;

(2) The addition of "safe and suitable" optional ingredients;

(3) Three quality factors which were rated by score points: bean to sauce ratio, absence of defects and character. Color, flavor, odor and similar varietal characteristics were non-scoring quality factors; and

(4) An objective guide for determining the quantity of bean ingredient in a given container—the bean to sauce ratio.

Four consumers submitted comments to the first notice of proposed rulemaking. Two consumers favored the proposal. One consumer was appalled at the Department's continuing effort to police various industries. One consumer suggested that the Department should permit consumers to be self-responsible.

Three canned dried bean processors and the National Canners Association (NCA), a nonprofit trade association, submitted comments on the first notice of proposed rulemaking. A compilation of these comments is as follows:

(1) Endorsed introduction of separate grade standards for canned pork and beans;

(2) Endorsed addition of "safe and suitable" optional ingredients;

(3) Recommended that the allowance for "varieties that blend" be increased to 10 percent for "reasonably similar varietal characteristics";

(4) Opposed any effort to establish a bean to sauce ratio. Comments indicated that the specified range for suitable bean to sauce ratios is too difficult to attain and is not practical. It was suggested that this factor be replaced with the factor of consistency;

(5) Petitioned the Department to establish separate grade standards for "New England Style" baked beans; and

(6) Requested a 90 day extension of time for the comment period.

One comment was received from the Special Assistant to the President for Consumer Affairs, The White House, Washington, D.C. The comment deemed that use of dual grade level designations, such as "U.S. Grade A" or "U.S. Fancy", is confusing to the consumer. It recommended that use of the alternative, "U.S. Fancy", be deleted from the standards. Too, the comment argued for standards of fill for canned pork and beans. To acknowledge comments which were submitted, the Department is publishing:

(1) A second notice of proposed rulemaking to establish United States Standards for Grades of Canned Pork and Beans, as well as, elsewhere in this issue of the Federal Register;

(2) A second notice of proposed rulemaking to revise United States Standards for Grades of Canned Dried Beans; and

(3) A first notice of proposed rulemaking to establish United States Standards for Grades of Canned Baked Beans. This proposed rulemaking provides for:

(1) Retention of the 5 percent allowance for "varieties that blend" for "practicaly similar varietal characteristics" and changing the allowance to 10 percent for "reasonably similar varietal characteristics". This would allow canned pork and beans to grade no higher than Grade B if more than 5 percent "varieties that blend" are present in the container;

(2) Replacing the factor of "bean to sauce ratio" with the factor of "consistency". Since the sauce is consumed along with the beans, pork and bean processors formulate their product considering taste appeal as well as the amount of beans which are used in the sauce. Many consumers rely on specific brands for their individual taste preferences. It is not the intent of the Department to standardize manufacturer's pork and bean flavors by restricting bean to sauce ratios to a narrow range. If too few beans are used in the sauce, the consistency may be expected to be thin and the product would be classified as less than Grade A;

(3) Changing the allowance for loose skin, broken and mashed beans from 4 to 5 percent for Grade A; and from 8 to 10 percent for Grade B;

(4) Introduction of separate U.S. Standards for Grades of Canned Baked Beans. "New England Style" baked beans are prepared by a unique process unlike the process for canned dried beans and canned pork and beans; and

(5) Discontinue alternative grade level designations. "U.S. Grade A" and "U.S. Grade B" shall be used to designate the top and second quality levels, respectively.

The Department granted an extension of time for comments on the first notice of proposed rulemaking in the FEDERAL REGISTER of May 7, 1975 (40 FR 19830). The extended comment period ended July 14, 1975.

The proposed standards are as follows:

Sec.

52.6441 Product description.
52.6442 Types.
52.6443 Grades.
52.6444 Sample unit size.
52.6445 Determining the grade.
52.6446 Determining the rating for the factors which are scored.
52.6447 Consistency.
52.6448 Absence of defects.
52.6449 Character.
52.6450 Determining the grade of a lot.
52.6451 Score sheet for canned pork and beans.

Subpart—United States Standards for Grades of Canned Pork and Beans

AUTHORITY: Agricultural Marketing Act of 1946, Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

§ 52.6441 Product description.

Canned pork and beans (canned dried white beans with pork) is the product prepared from dry mature white beans of the species Phaseolus vulgaris L., with pork or pork fat; and with a packing medium or sauce consisting of water, tomato products, and any other safe and suitable ingredients permissible under the provisions of the Federal Food, Drug, and Cosmetic Act. The product is prepared by washing, soaking, blanching, or other processing except baking. It is packed in hermetically sealed containers and sufficiently processed by heat to assure preservation.

§ 52.6442 Types.

(a) Pea beans (The type as grown in the Great Lakes region known also as Navy beans).

(b) Small white beans (The type as grown in the Pacific coast region, not including Tepary beans).

(c) Flat small white beans (The type as grown in northern Idaho).

(d) Great northern beans.

(e) Other types of white beans (except white lima beans).

§ 52.6443 Grades.

(a) "U.S. Grade A" is the quality of canned pork and beans that has the following attributes:

(1) Practically similar varietal characteristics;

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(2) At least a reasonably good consistency;
(3) Practically free from defects;
(4) Good character;
(5) Good flavor;
(6) Good color; and
(7) Totals not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" is the quality of canned pork and beans that has at least the following attributes:
(1) Reasonably similar varietal characteristics;
(2) Reasonably good consistency;
(3) Reasonably free from defects;
(4) Reasonably good character;
(5) Reasonably good flavor;
(6) Reasonably good color; and
(7) Totals not less than 80 points when scored in accordance with the scoring system outlined in this subart.

(c) "Substandard" is the quality of canned pork and beans that fails to meet the requirements of U.S. Grade B.

§ 52.6444 Sample unit size.

Compliance with requirements for factors of quality is based on a sample unit consisting of the entire contents of one container, irrespective of container size.

§ 52.6445 Determining the grade.

(a) *General.* The grades of canned pork and beans may be determined by considering, in addition to the requirements of the respective grade, the following factors:
(b) *Factors not rated by score points.*
(1) Similar varietal characteristics;
(2) Color; and
(3) Flavor.
(c) *Factors rated by score points.* The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors	*Points*
Consistency	20
Absence of defects	40
Character	40
Total Score	100

(d) *Definitions.* (1) Similar varietal characteristics.
(i) "Contrasting varieties" means varieties of dried beans other than those specified in 52.6442 (such as red beans).
(ii) "Varieties that blend" means one or more of the varieties of dried beans specified in 52.6442 other than the predominating variety of white beans (such as pea beans with small white beans).
(iii) "Practically similar varietal characteristics" means that the beans are practically alike in size, shape, color, general, characteristics, and that there may be present not more than 0.5 percent, by weight, of contrasting varieties; and not more than 5 percent, by weight, of varieties that blend.
(iv) "Reasonably similar varietal characteristics" means that the beans are reasonably alike in size, shape, color, general characteristics, and that there may be present not more than 1 percent, by weight, of contrasting varieties; and not more than 10 percent, by weight, of varieties that blend.
(2) "Good color" means that the beans have a color that is bright and reasonably uniform; and that the sauce is reasonably bright and has the distinguishing color characteristics of the addition of tomato products.
(3) "Reasonably good color" means that the beans have a color that is fairly uniform, that may be slightly dull but not off color; and that the sauce may be dull but not off color and may be lacking in the distinguishing color characteristics of the addition of tomato products.
(4) "Good flavor" means that the product has a good, normal flavor and odor, and is free from objectionable flavors and objectionable odors of any kind; and that the flavor of the sauce is rich, distinct and characteristic of the ingredients including but not limited to tomato products.
(5) "Reasonably good flavor" means that the product may be lacking in good flavor and odor, but is free from objectionable flavors and objectionable odors of any kind; and that the flavor of the sauce may be weak.

§ 52.6446 Determining the rating of the factors which are scored.

The essential variations within each factor which is scored are so described that the value is determined for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.6447 Consistency.

(a) *Definition.* (1) "Matting" means compaction to the extent that beans cannot be removed from the container without damage or excessive mushiness.
(b) *(A) classification.* Canned pork and beans that have a good consistency may be given a score of 18 to 20 points. "Good consistency" means that the sauce is smooth and is neither grainy nor lumpy; the product is practically free from "matting" and when emptied on a flat surface forms a slightly mounded mass of beans and sauce with not more than a slight separation of liquid.
(c) *(B) classification.* Canned pork and beans that have a reasonably good consistency may be given a score of 16 or 17 points. "Reasonably good consistency" means that the sauce is reasonably smooth and may be slightly grainy or slightly lumpy; the product may have a thick consistency but is reasonably free from "matting" and when emptied on a flat surface may have practically no separation of liquid; or, the product may have a thin consistency with separation of liquid, but it shall not be watery.
(d) *(SStd) classification.* Canned pork and beans that fail to meet the requirements of Grade B may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (htis is a limiting rule).

§ 52.6448 Absence of defects.

(a) *General.* Factor of absence of defects refers to the degree of freedom from extraneous vegetable material, loose skin, broken and mashed units, and blemished and seriously blemished units.
(b) *Definitions.* (1) "Loose skin" means a skin or portions of a skin which have become separated from the cotyledons.
(2) "Broken unit" means a cotyledon or portions of a cotyledon which have become separated from a unit; or a unit or portions of a unit with the skin or portions of the skin missing.
(3) "Mashed unit" means a bean that is crushed or flattened to the extent that its appearance is seriously affected.
(4) "Blemished unit" means a bean that is spotted or discolored or otherwise defective to such an extent that its appearance or edibility is materially affected. Beans that have a characteristic darkening around the hilum are not considered blemished units.
(5) "Seriously blemished unit" means a bean affected by discoloration, insect or similar type injury, or otherwise defective to such an extent that its appearance or edibility is seriously affected.
(6) "Extraneous vegetable material" means vegetable material common to the bean plant or other plants that is harmless upon eating and includes but is not limited to, peas (Pisum sativum), lentils (Lens culinaris), field peas (Vigna sinensis), corn and cereal grains.
(7) A "unit" means two cotyledons and a skin.
(c) *(A) classification.* Canned pork and beans that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that canned pork and beans comply with the requirements in Table I.
(d) *(B) classification.* Canned pork and beans that are reasonably free from defects may be given a score of 32 to 35 points. Canned pork and beans that fall into this classification shall not be graded above "U.S. Grade B", regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned pork and beans comply with the requirements in Table II.
(e) *(SStd) classification.* Canned pork and beans that fail to meet the requirements of Grade B may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I.—*Allowances for defects in canned pork and beans—(A) classification*

Defect	Maximum amount of defects permitted in a sample unit—by net weight (percent)	Maximum amount of defects permitted in a sample
Loose skin, broken, and mashed:	5	
Blemished and seriously blemished:	3	
Seriously blemished:	2	
Extraneous vegetable material:	(1)	1 piece per 80 oz net weight.

[1] No limit.

TABLE II.—*Allowances for defects in canned pork and beans—(B) classification*

Defect	Maximum amount of defects permitted in a sample unit—by net weight (percent)	Maximum amount of defects permitted in a sample
Loose skin, broken, and mashed:	10	
Blemished and seriously blemished:	6	
Seriously blemished:	4	
Extraneous vegetable material:	(1)	1 piece per 20 oz net weight.

[1] No limit.

§ 52.6449 Character.

(a) *General.* The factor of character refers to the degree of freedom from hard units, mushy units, units with tough skins, and from granulation; and to the overall palatability and texture of the beans.
(b) *(A) classification.* Canned pork and beans that have a good character may be given a score of 36 to 40 points. "Good character" means that the beans have a good, typical texture, that may be slightly granular or slightly firm; and that the skins are tender.
(c) *(B) classification.* Canned pork and beans that have a reasonably good character may be given a score of 32 to 35 points. Canned pork and beans that fall into this classification shall not be graded above "U.S. Grade B", regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the beans have a reasonably good, typical texture, that the beans may be firm or soft and that the presence of hard and mushy units does not materially affect the eating quality; that the skins may be slightly tough; and that the beans may be granular.
(d) *(SStd) classification.* Canned pork and beans that fail to meet the requirements of Grade B may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6450 Determining the grade of a lot.

The grade of a lot of canned pork and beans covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.83).

§ 52.6451 Score sheet for canned pork and beans.

Container size			
Container code or identification			
Label			
Net weight (in ounces)			
Vacuum (in inches)			
Type			
Factors	**Score points**		
Consistency	20	(A)	18-20
		(B)	16-17
		(SStd.)	[1] 0-15
Absence of defects	40	(A)	36-40
		(B)	[1] 33-35
		(SStd.)	[1] 0-31
Character	40	(A)	36-40
		(B)	[1] 33-35
		(SStd.)	[1] 0-31
Total score	100		
Color—good; reasonably good			
Flavor—good; reasonably good			
Similar varietal characteristics—practically; reasonably			
Grade			

[1] Indicates limiting rule.

Dated: October 22, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-28953 Filed 10-28-75;8:45 am]

[7 CFR Part 981]

[Docket No. AO-214-A5]

ALMONDS GROWN IN CALIFORNIA

Hearing on Proposed Amendment of the Marketing Agreement and Order

Notice is hereby given of a public hearing to be held November 18, 1975, in Room W-1140, 2800 Cottage Way, Sacramento, California beginning at 9:30 a.m., local time, with respect to proposed amendment of the marketing agreement, as amended, and Order No. 981, as amended, regulating the handling of almonds grown in California.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendment, hereinafter set forth, and any appropriate modifications thereof, of the marketing agreement and the order.

The proposed amendment, set forth below, has not received the approval of the Secretary of Agriculture.

Proposed by the Almond Control Board.

1. Revise § 981.4 to read as follows:

§ 981.4 Almonds.

"Almonds" means (unless otherwise specified) all varieties of almonds (except bitter almonds), either shelled or unshelled, grown in the State of California, and for purposes of § 981.41 includes almond shells and hulls.

2. Revise § 981.7 to read as follows:

§ 981.7 Edible kernel.

"Edible kernel" means a kernel, piece or particle of almond kernel that is not inedible.

3. Revise § 981.8 to read as follows:

§ 981.8 Inedible kernel.

"Inedible kernel" means a kernel, piece or particle of almond kernel with any defect scored as serious damage or as damage due to gum, shrivel or brown spot as defined in the United States Standards for Shelled Almonds, or which has embedded dirt not easily removed by washing. This definition of inedible kernel may be modified by the Board with the approval of the Secretary.

4. Revise § 981.13 as follows:

§ 981.13 Handler.

"Handler" means any person handling almonds during any crop year, except that such term shall not include either a grower who sells only almonds of his own production at retail at a roadside stand operated by him, or a person receiving almonds from growers and gleaners and delivering the almonds so received directly to a handler of record with the Board.

5. Revise § 981.20 as follows:

§ 981.20 Handler carryover.

Handler carryover as of any given date means all almonds, wherever located, then held by handlers (whether or not sold) but not including any almond products.

6. Revise § 981.21 as follows:

§ 981.21 Trade demand.

"Trade demand" means the quantity of almonds (kernel weight basis) which commercial distributors and users such as the wholesale, chain store, confectionery, bakery, ice cream, and nut salting trades will acquire from all handlers during a crop year for distribution in United States, Puerto Rico, and the Canal Zone: *Provided*, That for the marketing policy of any crop year, the Board may include with the approval of the Secretary, export outlets for almonds.

7. Amend § 981.22 by changing "Control Board" to "Board", and revising the definition to read as follows:

§ 981.22 Board.

"Board" means the Almond Board of California which is the administrative agency established by this subpart.

8. Revise the center caption preceding § 981.30 to read "ALMOND BOARD OF CALIFORNIA" and delete "Control" wherever it appears in the order.

9. Revise § 981.41(a) to read as follows:

§ 981.41 Research and development.

(a) *General.* The Board, with the approval of the Secretary, may establish or provide for the establishment of projects involving production research, marketing research and development projects,

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and marketing promotion including paid advertising, designed to assist, improve, or promote the marketing, distribution, consumption or efficient production of almonds. For purposes of this section, the term "almonds" includes almond shells and hulls. The Board may also provide for crediting the pro rata expense assessment obligations of a handler with such portion of his direct expenditures for such marketing promotion including paid advertising as may be authorized. The expenses of such projects shall be paid from funds collected pursuant to § 981.81(a) or credited pursuant to paragraph (c) of this section.

• • • • •

10. Add a new § 981.42 to read:

§ 981.42 Quality Control.

(a) *Incoming.* Each handler shall cause to be determined, through the inspection agency and at handler expense, the percent of inedible almonds in each variety delivered by each grower and shall report the determinations to the Board. The quantity of inedible almonds in each variety, in excess of two percent of the kernel weight received, shall be separated from other almonds in the course of processing and shall be delivered to the Board or to Board approved crushers, feed manufacturers or feeders. The Board, with the approval of the Secretary, may change this percentage for any crop year and may establish rules and regulations necessary and incidental to the administration of this provision, including the method of determining inedible content and such removal and disposition requirements as will permit full accountability for inedible almonds.

(b) *Outgoing.* For any crop year the Board may establish, with the approval of the Secretary, such grade and inspection requirements applicable to almonds to be handled or to be processed into manufactured items or products, as will contribute to orderly marketing or be in the public interest. In such crop year, no handler shall handle or process almonds into manufactured items or products unless they meet the applicable grades as evidenced by inspection certificates issued by the inspection agency. The Board, with the approval of the Secretary, may establish rules and regulations necessary and incidental to the administration of this paragraph.

11. In conjunction with Proposal No. 10 to add a new § 981.42 pertaining to matters of quality control, including determinations by the inspection agency, the agency is to present testimony on the procedures to be used in those determinations and the estimated costs that may be incurred.

12. Revise § 981.47 as follows:

§ 981.47 Method of establishing salable and reserve percentages.

Whenever the Secretary finds, from the recommendations and supporting information supplied by the Board or from any other available information, that to designate the percentages of almonds during any crop year which shall be salable almonds and reserve almonds would tend to effectuate the declared policy of the act, he shall designate such percentages. Except as provided in § 981.50 the salable and reserve percentages shall each be applied to the kernel weight of almonds received by a handler for his own account during the crop year. In establishing such salable and reserve percentages, the Secretary shall give consideration to the ratio of estimated trade demand (minus the handler carryover at the beginning of the crop year—or following years of no reserve, the handler carryover not committed to export—plus the desirable handler carryover at the end of the crop year) to the estimated production of marketable almonds (all expressed in terms of kernel weight); the recommendation submitted to him by the Board; and such other information as he deems appropriate. The total of the salable and reserve percentages established each crop year shall equal 100 percent.

§ 981.49 [Amended]

13. Amend § 981.49(a) by inserting the word "marketable" before "almonds".

14. Revise § 981.51 to read as follows:

§ 981.51 Requirements for reserve.

Each handler may satisfy his reserve obligations with such almonds and such inspection and certification requirements as are included in the terms of the agency agreement authorized in § 981.67. Any handler not becoming an agent may receive credit by similarly delivering almonds to the Board or its designees. These requirements may be fixed by the Board, with the approval of the Secretary, and from time to time modified, and may include grade requirements for reserve almonds delivered to human consumption outlets.

§ 981.53 [Removed]

15. Delete § 981.53 and make conforming changes in § 981.52. As so revised, § 981.52 reads as follows:

§ 981.52 Holding requirement and delivery.

Each handler shall at all times hold in his possession or under his control, in proper storage for the account of the Board, the quantity of almonds necessary to meet his reserve obligation less: (a) any quantity which was disposed of by him pursuant to § 981.67; and (b) any quantity for which he is otherwise relieved by the Board of responsibility to so hold almonds. Upon demand of the Board reserve almonds shall be delivered to the Board f.o.b. handler's warehouse or point of storage, except that the Board shall not make such demand upon a handler with respect to reserve almonds he has agreed to undertake disposition pursuant to § 981.67. Any handler who does not act as agent for the Board in the disposition of reserve almonds shall be subject to the applicable inspection and certification requirements prescribed by the Board pursuant to § 981.67.

16. Revise § 981.61 as follows:

§ 981.61 Redetermination of kernel weight.

The Board, on the basis of reports by handlers, shall redetermine the kernel weight of almonds received by each handler for his own account during each crop year through each of the following dates: December 31, March 31, and June 30. Such redetermined kernel weight for each handler shall be the basis for computing his reserve obligation for the crop year through such dates, except that adjustment shall be made for almonds on which the obligation has been assumed by another handler. The redetermined kernel weight of each handler's receipts, as of any date during a crop year, shall be his carryover as of that date plus the weight delivered or used in products minus his carryover at the beginning of the crop year and the weight delivered to exempt outlets or which was transferred with another handler bearing the obligations. Weights used in such computations for various classifications of almonds shall be: (a) For unshelled almonds, the kernel weight computed by application of shelling ratios authorized pursuant to § 981.62; (b) for shelled almonds, the net weight; and (c) for shelled almonds used in production of almond products, the weight of such almonds.

17. Revise § 981.62 as follows:

§ 981.62 Varietal shelling ratios for unshelled almonds.

(a) The varietal shelling ratios applicable to unshelled almonds for determination of kernel weight are as follows:

	Percent
Major varieties:	
Nonpareil	60
Merced	60
Thompson	60
Ne plus ultra	50
Mission	40
Peerless	35
Minor varieties:	
Jordanolo	60
Kaperial	60
Bigelow	55
Harpareil	55
Eureka	54
Baker	53
Trembath	53
IXL	50
Long IXL	50
Ballico	50
Davey	50
Ruby	50
Smith (Smith's XL)	48
Lewelling (lewelling's prolific)	47
Walton	41
Drake	40
Emerald	40
Ripon	40
Standard	38
Suitana	36
Tarragona	33
Hardshell	30
Bidwell	30

• • • • •

18. Revise § 981.81(b) and (c) to read as follows:

§ 981.81 Assessment.

• • • • •

(b) *Refunds.* Any money collected as assessment for either the administrative (maintenance and functioning) or research activities of the Board and not used for the expenses of the applicable crop year, may be used in paying the Board expenses of the first four months of the succeeding crop year.

However, no later than the end of the fifth month the excess money of the prior year shall be refunded to handlers except for such amount as is retained to cause the administrative-research portion of the operating reserve to be maintained at permitted levels. Any money collected as advertising assessments of a crop year may be used for the Board promotion expenses of the succeeding crop year, and any excess at the end of such year shall be retained in the promotion portion of the operating reserve. Funds in excess of permitted levels in each portion of the operating reserve shall be refunded to handlers. Each handler's share of a refund shall be the amount by which his payment of assessments, including in the case of a promotion refund his creditable expenditures, exceeded his pro rata share of the respective area of Board expenses. In lieu of a refund, each handler may have the amount credited to his assessment obligation of the new crop year.

(c) *Reserves.* The Board may maintain an operating reserve fund consisting of an administrative-research portion and one for marketing promotion. These shall not exceed approximately six month's budget for the activity area or such lower amount as the Board may establish with the approval of the Secretary. To the extent that funds from current assessments are inadequate, funds in such reserve may be used for the authorized activities of a crop year. Funds so used shall be replaced to the extent practicable from assessments subsequently collected for the crop year.

19. Revise § 981.31(d) to read as follows:

§ 981.31 Membership representation.

• • • • •

(d) Those growers who market their almonds through other than cooperative handlers with one member and an alternate from the growing areas of the following counties: Butte, Colusa, Glenn, Sacramento, Solano, Sutter, Tehama, Yolo and Yuba. Another member and alternate to be elected from the district comprised of the following counties: Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, Tulare and Los Angeles.

• • • • •

20. Revise § 981.30 to read as follows:

§ 981.30 Establishment.

(a) A Control Board of twelve members, with an alternate member for each, is hereby established. Six of said members and their alternates shall represent handlers and six shall represent growers. Of the grower members and their alternates, two each shall represent each of the following districts within the area of production:

(1) The Northern District, comprised of Marin, Sonoma, Napa, Solano, Sacramento, El Dorado, and all other California counties lying north thereof;

(2) The Southern District, comprised of Monterey, San Benito, Fresno, Inyo, and all other California counties lying south thereof;

(3) The Central District, comprised of all remaining California counties.

(b) Whenever these districts fail to provide equitable representation, the Secretary, on the basis of a recommendation of the Board or other information, may change their boundaries. In recommending changes the Board shall consider shifts in almond planting, number of growers in each district, and other relevant factors.

21. Revise § 981.31 Membership representation, to read as follows:

§ 981.31 Membership representation.

Members and their alternates shall be selected from nominees submitted by the groups which they represent or from among other qualified persons belonging to such groups. Each grower member and alternate must be at the time of his selection and during his term of office a grower within the district for which selected and may not be engaged in the handling of almonds either in a proprietary capacity or as director, officer, or employer; except that he may be a member of a cooperative marketing association. Each handler member and alternate must be a handler or a director, officer, or employee of a handler.

22. Revise § 981.32 to read as follows:

§ 981.32 Nominations.

(a) Method of selection. Nominees for the respective member and alternate member positions shall be chosen by ballot as provided herein. Their names shall be submitted by the Board to the Secretary on or before May 20 of each year together with such related information as he may require. If a nomination for any board member or alternate is not received by the Secretary on or before May 20, he may select such member or alternate from persons belonging to the group to be represented, without nomination.

(b) Selection of grower nominees. Names of candidates for nomination by growers in the various districts shall be obtained at meetings convened by the Board. Each candidate named must receive a majority vote of the growers present and voting at a meeting. Following such meetings the Board shall prepare a ballot for each of the districts, containing (1) the names of the candidates for each such district and (2) provision for write-in candidates. The appropriate ballot shall be mailed to each grower of record in each district. The Board shall prescribe rules and regulations, with the approval of the Secretary, which shall govern the voting procedure (including the casting of ballots by mail addressed to the Board) and the tabulation of votes, and which may modify the mode of selection of alternates. A grower may vote only in a district in which he is currently a grower; if qualified to vote in more than one district he must select that within which he will vote. Each grower shall vote for two candidates. On his ballot he shall enter the quantity of almonds which during the then current crop year he has produced and delivered to a handler prior to April 1. The two nominees in each district shall be the person who receives the greatest number of individual votes and the person whose votes represent the greatest production tonnage. Alternate member nominees shall be those receiving the second highest vote in each category. Distribution of ballots shall be announced by press releases, furnishing pertinent information on balloting, issued by the Board through newspapers and other publications having general circulation in the almond producing areas.

(c) Selection of handler nominees. Names of nominee candidates for member and alternate member positions shall be solicited from handlers by the Board. The Board shall mail to each handler of record a ballot containing all such names. Handlers shall vote for members and alternate members separately. Each handler's votes shall be weighted by the quantity of almonds (kernel weight basis computed to the nearest whole ton) handled for his own account through March 31 of the crop year in which nominations are made. A handler may divide his vote among candidates in each category (not in excess of six in each), assigning to each vote such portion of the weighting available to him as he may choose. The nominees in each category shall be those six persons receiving the highest weighted votes therefor, and shall be paired according to their vote ranking in each category.

23. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Sacramento Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 2800 Cottage Way, Room E–2713, Sacramento, CA 95825, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on October 23, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75–29028 Filed 10–28–75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[CM-5/118]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Notice of Meeting

The working group on radio communications of the Subcommitte on Safety of Life at Sea, will hold open meetings on Thursday, November 20, and Thursday, December 18, 1975, in Room 847 of the Federal Communications Commission, 1919 M Street, NW., Washington, D.C.

The purpose of the meetings will be to discuss. the maritime distress system, training and qualifications of radio officers and radio operators, operational requirements for Emergency Position Indicating Radio Beacons (EPIRBs), international coordination of promulgating national warnings to shipping, and operational requirements for portable and fixed radio equipment.

Requests for further information on the meeting should be directed to Lt. F. N. Wilder, United States Coast Guard. He may be reached by telephone on (area code 202) 426-1345.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

OCTOBER 20, 1975.

[FR Doc.75-28984 Filed 10-28-75;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 75-265]

INSTRUMENTS OF INTERNATIONAL TRAFFIC

Certain Plastic Containers Used for the Transportation of Berries Designated as Instruments of International Traffic

OCTOBER 22, 1975.

It has been established to the satisfaction of the U.S. Customs Service that containers designed to transport berries, weighing approximately 3 pounds, composed of plastic with solid sides and perforated bottoms and measuring 15 inches in length, 15 inches in width, and 7 inches in height, are substantial, suitable for and capable of repeated use, and are used in significant numbers in international traffic.

Under the authority of § 10.41a(c)(1), Customs Regulations, I hereby designate the above-described containers as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. These containers may be released under the procedures provided for in § 10.41a, Customs Regulations.

LEONARD LEHMAN,
Assistant Commissioner,
Regulations and Rulings.

[FR Doc.75-29013 Filed 10-28-75;8:45 am]

Office of the Secretary

INCOME TAX TREATY

United States and India Preliminary Discussions

The Treasury Department today announced that representatives of the United States and India held preliminary discussions in Washington October 16 and 17 to consider entering into an income tax treaty. Representatives of the two countries plan to meet in India in the Spring of 1976 to begin formal discussions of a proposed bilateral income tax treaty.

At present there is no income tax convention between the two countries.

The proposed treaty is intended to prevent double taxation and to facilitate trade and investment between the two countries. It will be concerned with the tax treatment of income of individuals and companies from business, investment, and personal services, and the procedures for administering the provisions of the treaty.

The "model" income tax treaty developed by the Organization for Economic Cooperation and Development will be taken into account along with recent U.S. treaties with other countries, such as the treaty with Norway, which entered into force in 1972 and the treaties with Trinidad and Tobago and Japan, which entered into force in 1971 and 1972, respectively.

Persons wishing to make comments and suggestions about the discussion to be held with representatives of India should submit their views in writing before December 1, 1975 to Charles M. Walker, Assistant Secretary of the Treasury, U.S. Treasury Department, Washington, D.C. 20220.

[SEAL] ROBERT J. PATRICK, Jr.,
International Tax Counsel,
Office of Tax Analysis.

[FR Doc.75-29011 Filed 10-28-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

OCTOBER 20, 1975.

The USAF Scientific Advisory Board Aeromedical-Biosciences Panel will hold meetings on November 17, 1975 from 8:30 a.m. to 5 p.m. and on November 18, 1975 from 8:30 a.m. to 11:30 a.m., at Headquarters Aerospace Medical Division (AMD), AMD Conference Room, Brooks AFB, Texas.

The Panel will receive classified briefings and will hold classified and proprietary discussions on current and future AMD programs. The agenda includes informational briefings in the Occupational Safety and Health Act (OSHA) area. This session will be held from 1 p.m. to 5 p.m. on November 17, 1975 and will be open to the public.

The meetings concern matters listed in Section 552(b) of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof, and that accordingly the meetings will be closed to the public with the exceptions noted above.

For further information contact the SAB Secretariat at (202) 697-8845.

JAMES L. ELMER,
Major, USAF, Executive,
Directorate of Administration.

[FR Doc.75-28908 Filed 10-28-75;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Notice of Meeting

This is to provide notice of meeting of the Disorders and Terrorism Task Force on Criminal Justice Standards and Goals.

The Disorders and Terrorism Task Force will meet on November 16, 17, and 18, 1975 at the Airport Marina Hotel, 8601 Lincoln Blvd., Los Angeles, California 90045. The meeting will convene on Sunday afternoon at 2 p.m.

On Monday, November 17, the Task Force will be guests of the Los Angeles Police Department and will be viewing the regularly scheduled disorders training session of the Los Angeles Police Department. The members will reconvene at the Airport Marina Hotel for a meeting on Monday at 4 p.m.

The meeting Tuesday, November 18, will begin at 8:30 a.m. The subject of all formal business sessions will consist of reviewing proposed standards and commentaries on issues of disorders and terrorism. All business sessions will be open to the public and the public is invited to attend.

For further information, contact William T. Archey, Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue, N.W., Washington, D.C.

GERALD H. YAMADA,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.75-29156 Filed 10-28-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 2398]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 20, 1975.

The Forest Service, U.S. Department of Agriculture, has filed application CA 2398, for the withdrawal of the land described below, from appropriation under the Mining laws (30 U.S.C. Ch. 2), but not from leasing under the Mineral Leasing Laws, subject to valid existing rights for addition to the Tahoe National Forest:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 17 N., R. 11 E.,
Section 30, Lot 5;
Section 31, Lot 44 (M.S. C-10).

The area described aggregates 83.26 acres in Nevada County, California.

The land consists of two isolated parcels of public land completely surrounded by Tahoe National Forest. The applicant desires that the land be added to the National Forest in order to promote the efficient management of land and to effect national resource conservation in the area.

On or before December 1, 1975, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. Adjustments will be made as necessary to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn as requested.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

WALTER F. HOLMES,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.75-28975 Filed 10-28-75;8:45 am]

[NM 26721]

NEW MEXICO

Notice of Application

OCTOBER 20, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 9 W.,
Sec. 24, Lots 10 and 15.

This pipeline will convey natural gas across .178 mile of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.75-28976 Filed 10-28-75;8:45 am]

[Wyoming 52870]

WYOMING

Notice of Application

OCTOBER 21, 1975.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Colorado Interstate Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 94 W.,
Sec. 8;
Sec. 20.

The pipeline will convey natural gas from the Siberia Ridge Unit #6-4 well in sec. 4, to an existing pipeline in sec. 29, all in T. 21 N., R. 94 W., in Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301.

GLENNA M. LANE,
Acting Chief, Branch of Lands
and Minerals Operations.

[FR Doc.75-28977 Filed 10-28-75;8:45 am]

[Wyoming 52858]

WYOMING

Notice of Application

OCTOBER 21, 1975.

Notice is hereby that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Kansas-Nebraska Natural Gas Company, Inc., has applied for a natural gas pipeline right-of-way across the following townships:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 27 N., R. 92 W.,
T. 27 N., R. 93 W.

The pipeline will convey natural gas from the May Petroleum Federal #1-33 well in sec. 33, T. 27 N., R. 93 W., to an existing pipeline in sec. 4, T. 27 N., R. 92 W., in Fremont County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301.

GLENNA M. LANE,
Acting Chief, Branch of Lands
and Minerals Operations.

[FR Doc.75-28978 Filed 10-28-75;8:45 am]

FOLSOM DISTRICT MULTIPLE USE ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Folsom District Multiple Use Advisory Board of the Bureau of Land Management will meet in the Folsom District Office, 63 Natoma Street, Folsom, California on December 5, 1975, at 10 a.m.

The agenda for the meeting will include a discussion of the Board's charter and responsibilities, organization of the Board and election of officers, a summary presentation of on-going Bureau programs and responsibilities, a status report on each resource program in the District and presentation of the Board's recommendations and advice to the District Manager concerning any of the resource programs in the District.

The meeting is open to the public. Time will be made available beginning at 3 p.m.

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for brief statements by members of the public. Such statements should be limited to matters set forth in the agenda. Those wishing to make oral statements should inform the District Manager at the address listed below. Written statements may be filed for the Board's consideration by submitting them at the meeting or mailing in advance to the Bureau of Land Management at the address listed below.

Further information concerning the meeting may be obtained from Alan P. Thomson, District Manager, Bureau of Land Management, 63 Natoma Street, Folsom, California 95630. Telephone: (916) 985–4474.

Minutes of the meeting will be available at the Folsom District Office for public inspection and copying thirty days after the meeting.

ALAN P. THOMSON,
District Manager.

[FR Doc.75-28972 Filed 10-28-75;8:45 am]

RIVERSIDE DISTRICT MULTIPLE USE ADVISORY BOARD

Notice of Meeting

OCTOBER 20, 1975.

Notice is hereby given that the Riverside California District Multiple Use Advisory Board will hold its first meeting December 11, and 12, 1975, at the Holiday Inn, 300 W. Palmdale Blvd., Palmdale, CA.

The agenda will include organizing the board, consideration of operating procedures, formation of committees and orientation.

On December 12, 1975, the board will meet in joint session with the Bakersfield California District Multiple Use Advisory Board for a briefing on the Draft Management Framework Plan for the El Paso-Red Mountain Resource Areas.

The meeting will be open to the public. Time will be available for a limited number of brief statements by members of the public. Those wishing to make oral statements should notify the District Manager, Riverside District, 1695 Spruce St., Riverside, CA 92507, prior to the meeting. Any interested person may file a written statement with the board for its consideration. Written statements may be submitted at the meeting or mailed to the Riverside District Manager at the above address.

Further information regarding this meeting may be obtained from Gordon W. Flint, Public Affairs Officer, Riverside District Office, Bureau of Land Management, Riverside, California at (714) 787–1462. Minutes of the meeting will be available for public inspection 30 days after the meeting at the Riverside District Office, Bureau of Land Management, 1695 Spruce St., Riverside, CA 92507.

DELMAR D. VAIL,
District Manager.

[FR Doc.75-28974 Filed 10-28-75;8:45 am]

STEERING COMMITTEE, NATIONAL ADVISORY BOARD

Notice of Meeting

OCTOBER 21, 1975.

Notice is hereby given that a seven-member steering committee of the National Advisory Board, Bureau of Land Management, will meet Friday, December 5, 1975 in Denver, Colorado. The meeting will be held from 8 a.m. to 4 p.m. in room 708 of the Colorado State Office, Bureau of Land Management, Colorado State Bank Building, 1600 Broadway, Denver, Colorado. The Federal Representative will be Mr. James W. Monroe, Assistant Director, Bureau of Land Management, or his authorized representative.

The committee will consider and make recommendations concerning policy and program issues to be addressed by the National Advisory Board, as well as a time and place for the next meeting of the Board. Additionally, ad hoc committees of members of the Board will be formed to study and develop recommendations on selected issues for future consideration by the full Board.

The meeting will be open to the public. Time will be made available from 9 to 10 a.m. for brief statements by members of the public. Such statements must not exceed ten minutes, and be limited in content to suggested topics or issues for consideration by the National Advisory Board. Additionally, such statements should be reduced to writing and at least two copies filed with the committee chairman at the meeting. Those wishing to make an oral statement should notify the Colorado State Director, Bureau of Land Management, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, before the close of business Wednesday, December 3, 1975. Any interested person may file a written statement concerning suggested topics for Board consideration at the meeing or by mail to the Director (230), Bureau of Land Management, Washington, D.C. 20240.

Further information concerning the meeting may be obtained from Mr. G. C. Hinton, Public Affairs Officer, Bureau of Land Management, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202. His telephone number is (303) 837–4481.

FRANK A. EDWARDS,
Acting Associate Director.

[FR Doc.75-28973 Filed 10-28-75;8:45 am]

REDDING DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Redding District Multiple Use Advisory Board of the Bureau of Land Management will meet at the Hilton Inn, Redding, California, December 15th, 16th, 1975. The meeting will be devoted to the orientation of the newly formed Board to Redding District's multiple use management programs of the National Resource Lands. The first day of the meeting, December 15, will involve a field examination of the District's major resource programs. The field trip will commence at 9 a.m. from the Hilton Inn parking lot. Members of the public wishing to participate in the field trip will have to furnish their own transportation.

On the morning of December 16th, a meeting will be held at 9 a.m. for the purpose of presenting the following topics: District Manager's welcome and introduction; Roles of the District Advisory Board under the Federal Advisory Committee Act and new regulations; Election of Chairman and Vice Chairman, and Redding District program orientation.

The meeting will be open to the public. Time will be made available beginning at 11 a.m. on Tuesday, December 16th for brief statements by members of the public. Such statements should be limited to matters set forth in the agenda. Those wishing to make an oral statement on agenda topics should notify the Redding District Manager, Bureau of Land Management, 2460 Athens Avenue, Redding, California 96001, by close of business December 3, 1975. Any interested person or organization may file a written statement with the board for its consideration. Such statements may be submitted at the meeting or mailed to the Redding District Manager, Bureau of Land Management, 2460 Athens Avenue, Redding, California 96001. Further information concerning the meeting may be obtained from Mr. Art Derby, Public Affairs Officer, Bureau of Land Management, 2460 Athens Avenue, Redding, California 96001. His telephone number is (916) 246–5325.

STANLEY D. BUTZER,
Redding District Manager.

[FR Doc.75-28909 Filed 10-28-75;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant:

National Park Service, Hawaii Volcanoes National Park, Hawaii 96718, G. Bryan Harry, Superintendent

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: Permit is needed for research on status, habitat needs and competition with non-native species and other inimical factors threatening species survival; for life history studies; and for programs of propagation research preserving gene pools for long term releases as restoration of park habitats progresses; and for nutritional, physiological and pathological studies pertinent to care and perpetuation of caged birds.

3. APPLICANT: (If an individual, give his address and phone number of residence, business, agency, or association for whom permit is requested)
National Park Service
Hawaii Volcanoes National Park
Hawaii 96718
(808) 967-7311

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING
☐ MR. ☐ MRS. ☐ MISS ☐ MR.
WEIGHT | HEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS CORPORATION, PARTNERSHIP, OR ASSOCIATION, COMPLETE THE FOLLOWING
EXPLAIN TYPE OF BUSINESS, AGENCY, OR INSTITUTION
Federal managing Agency and custodian of natural resources, of which many are endangered or threatened, of Hawaii Volcanoes National Park.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE ACTIVITY TO BE COVERED BY THIS LICENSE/PERMIT
National Park Service
U. S. Fish and Wildlife Service
Hawaii State Division of Fish and Game
University of Hawaii

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: G. Bryan Harry, Superintendent; (808) 967-7311
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Hawaii Volcanoes National Park, Hawaii.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdictions and type of document)

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N. A.

10. DESIRED EFFECTIVE DATE: 1 September 1975
11. DURATION NEEDED: Five years

12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (SEE 50 CFR 13.12(a) FOR WHAT MUST BE ATTACHED) IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUB-CHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF, I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Bryan Harry
DATE 7/17/75

3-200
08/75

Current research management programs involve caged Hawaiian geese (nene) and crows (alala). Two pinioned adult nene, 14 pinioned sub adults and four free flying young (20 birds total) are presently in captivity in three enclosures of two to four acres in size. The enclosures have been constructed in lowland areas of the Park in regions of former nene distribution. Young nene will be permitted to fly from the enclosure in anticipation of establishing wild, viable, lowland populations. The nene lowland restoration program is a NPS project assisted in by the Fish and Wildlife Service and the Hawaii State Division of Fish and Game.

Three young adult alala (sex unknown) are presently confined in an aviary for propagation and life history research. Two of the three may have formed a pair bond with the first nest expected in the Spring of 1976. All young will be kept in captivity for preservation of gene pools (only 40 to 50 living birds in the wild) until and if habitat restoration in some far future date is substantial enough to release caged birds back into the wild. The alala program is a Fish and Wildlife Service project assisted in by NPS and the Hawaii State Division of Fish and Game.

Similar projects to the above are planned for future years on endangered birds numbered 6 through 9 in item #11 of this permit application. Several breeding pairs of each species will be caged in aviaries for study on life history, food and habitat requirements with ultimate objectives being to propagate birds for eventual releases following habitat recovery and/or restoration.

Researchers and/or managers on the Applicant's staff to be covered by the Permit are James K. Baker, Research Scientist, and Donald W. Reeser, Management Ecologist, and other employees as may be assigned by the Superintendent under the direct supervision of Messrs. Baker and Reeser in the research and/or management of endangered and/or threatened species.

It is also essential during certain portions of the research and/or management programs of Messrs. Baker and Reeser that the Applicant receive assistance from persons not administratively within the staffing of Hawaii Volcanoes National Park. This group on request for assistance would provide diagnostic and consultative services, and/or surveys and specialized investigations of the endangered and/or threatened species in the wild. For captive specimens such services would be nutritional, physiological, pathological and behavioral aspects of animal biology concerned with maintaining the health, comfort and productivity of live specimens held in confinement.

The following are involved in this assistance:

(1) Research and consultative assistance from the National Park Service Cooperative Resources Study Unit of the University of Hawaii under Dr. Maxwell Doty and other personnel working directly with the Cooperative Unit;

(2) Research and consultative assistance from the Hawaii State Division of Fish and Game, Hilo, Hawaii under Mr. Ernest Kosaka and other personnel working directly with Mr. Kosaka;

(3) Research and consultative assistance from the U.S. Fish and Wildlife Service, Hawaii under Messrs. Winston Banko and Gene Kridler and other personnel working directly under Messrs. Banko and Kridler; and

(4) Diagnostic and consultative services from the Hawaii State Department of Agriculture under Dr. Charles B. Webster, D.V.M.

6. N. A.

7. I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Sub-chapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

8. Desired effective date of Permit is 1 September 1975.

9. Date: July 17, 1975.

10. Signature: Bryan Harry.

11. Type of permit for which application is being made: 50 CFR 17.23, zoological, educational, scientific or propagation. Wildlife species and races to be covered by this permit:

(1) Hawaiian dark-rumped petrel, *Pterodroma phaeopygia sandwichensis.*

(2) Newell's manx shearwater, *Puffinus puffinus newelli.*

(3) Hawaiian goose (nene), *Branta sandvicensis.*

(4) Hawaiian hawk, *Buteo solitarius.*

(5) Hawaiian crow, *Corvus tropicus.*

(6) Hawaiian akepa, *Loxops coccinea coccinea.*

(7) Akiapolaau, *Hemignathus wilsoni.*

(8) Ou, *Psittirostra psittacea.*

(9) Hawaii creeper, *Loxops maculata mana.*

(10) Hawaiian hoary bat, *Lasiurus cinereus semotus.*

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's officie in Suite 600, 1612 K

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received within 30 days of the date of publication will be considered.

Dated: October 22, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-28863 Filed 10-28-75;8:45 am]

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Geological Survey

KNOWN GEOTHERMAL RESOURCES AREA

Gerlach, Nevada

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21 (a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as an addition to the Gerlach Known Geothermal Resources Area, effective October 1, 1974:

(28) NEVADA

GERLACH KNOWN GEOTHERMAL RESOURCES AREA MT. DIABLO MERIDIAN, NEVADA

T. 31 N., R. 23 E.,
Secs. 3 through 5;
Sec. 8 all.
T. 32 N., R. 23 .,
Secs. 1 and 2;
Secs. 12 and 13;
Secs. 24 through 29;
Secs. 32 through 36.
T. 32 N., R. 24 E.,
Sec. 6 all.
T. 33 N., R. 23 E.,
Secs. 25 and 26;
Secs. 35 and 36.
T. 33 N., R. 24 E.,
Secs. 30 and 31.

The area described aggregates 12,353.60
The area described aggregates 17,353.60

Dated: October 6, 1975.

DWAYNE E. HULL,
Acting Conservation Manager,
Western Region.

[FR Doc.75-28980 Filed 10-28-75;8:45 am]

KNOWN GEOTHERMAL RESOURCES AREA

Gerlach Northeast Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21 (a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as a known geothermal resources area, effective October 1, 1974.

(28) NEVADA

GERLACH NORTHEAST KNOWN GEOTHERMAL RESOURCES AREA MT. DIABLO MERIDIAN, NEVADA

T. 33 N., R. 24 E.,
Secs. 2 through 5.
T. 33½ N., R. 24 E.,
Secs. 25 through 29;
Secs. 32 through 36.
T. 34 N., R. 24 E.,
Secs. 35 and 36.

The area described aggregates 7,971 acres, more or less.

Dated: October 7, 1975.

DWAYNE E. HULL,
Acting Conservation Manager,
Western Region.

[FR Doc.75-28979 Filed 10-28-75;8:45 am]

KNOWN GEOTHERMAL RESOURCES AREA

Randsburg—San Bernardino County, Calif.

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as a known geothermal resources area, effective February 1, 1974.

(5) CALIFORNIA

RANDSBURG KNOWN GEOTHERMAL RESOURCES AREA, SAN BERNARDINO COUNTY, MT. DIABLO MERIDIAN, CALIFORNIA

T. 29 S., R. 41 E.,
Secs. 14, 22 through 27, 34, 35 and 36.
T. 29 S., R. 42 E.,
Secs. 18, 19, 20, 29 through 33.
T. 30 S., R. 42 E.,
Secs. 5 and 6.

The area described aggregates 12,880 acres, more or less.

Dated: October 7, 1975.

DWAYNE E. HULL,
Acting Conservation Manager,
Western Region.

[FR Doc.75-28982 Filed 10-28-75;8:45 am]

KNOWN GEOTHERMAL RESOURCES AREA

Silver Peak, Nevada

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21 (a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as a known geothermal resources area, effective February 1, 1974.

(28) NEVADA

SILVER PEAK KNOWN GEOTHERMAL RESOURCES AREA, MT. DIABLO MERIDIAN, NEVADA

T. 2 S., R. 39 E.,
Secs. 2, 3, 10, 11, 14, 15, 22, 23.

The above area aggregates 5,117.08 acres (2,071.69 hectares), more or less.

Dated: October 3, 1975.

WILLARD C. GERE,
Conservation Manager,
Western Region.

[FR Doc.75-28981 Filed 10-28-75;8:45 am]

Office of the Secretary

[INT FES 75-89]

PROPOSED MINGO WILDERNESS AREA

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a final environmental statement for the Proposed Mingo Wilderness Area, Wayne and Stoddard Counties, Missouri.

The proposal recommends that 1,700 acres of the Mingo National Wildlife Refuge, located in Wayne and Stoddard Counties, Missouri, be designated as wilderness within the National Wilderness Preservation System.

Copies of the final statement are available for inspection at the following locations:

Regional Director, U.S. Fish and Wildlife Service, Denver Service Center, Denver, Colorado 80225.
Refuge Manager, Mingo National Wildlife Refuge, Rural Route 1, Box 9A, Puxico, Missouri 63960.
U.S. Fish and Wildlife Service, Division of Wildlife Refuges, Room 2280, 18th & C Streets, NW., Washington, D.C. 20240.

Single copies may be obtained by writing the Environmental Impact Statement Coordinator, Division of Wildlife Refuges, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Dated: October 21, 1975.

STANLEY D. DOREMUS,
Deputy Assistant
Secretary of the Interior.

[FR Doc.75-28910 Filed 10-28-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

MARKET NEWS SYSTEM

General Statement of Basis, Purpose and Availability of an Automated Message Switcher

Pursuant to the Organic Act of the U.S. Department of Agriculture (R.S. 520; 7 U.S.C. 2201), the Cotton Statistics and Estimates Act (50 Stat. 62; 7 U.S.C. 473b), section 9 of the Tobacco Inspection Act (§ 9, 49 Stat. 733; 7 U.S.C. 511h), and paragraphs (g), (k), and (n) of section 203 of the Agricultural Marketing Act of 1946 (§ 203, 60 Stat. 1087; 7 U.S.C. 1622(g), (k), (n)), the Secretary of Agriculture has the authority and the duty to "acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word," including marketing reports and other items of interest to the agricultural community, and for the benefit of the general public by the most expeditious means possible.

On August 1, 1963, private direct extension connections were implemented to the USDA leased wire circuits, and these "drops" have been operative continuously since that date. Developments in technology now make it possible for newspapers, radio and television stations, commercial firms, cooperatives, and other interested persons, to obtain a link up connection to the Market News System of the Agricultural Marketing Service through an individual switcher ("port") provided by the Department.

On August 20, 1975, there was published in the FEDERAL REGISTER (40 FR 36395) a notice of proposal to permit the utilization of an automated message switcher. Four written requests and twelve telephonic requests for further information concerning the proposed automated message switcher were received. These queries essentially involved the availability, the cost, and information to be carried over the proposed message switcher. Pursuant to two written requests and three telephonic requests, the Agricultural Marketing Service sent out partial daily runs of information carried over the Market News System. The information transmitted by the Market News System includes market reports on cotton, fruits, vegetables, dairy and poultry products, livestock, meat, grain, feeds, tobacco, and other agricultural products. The reports include such matters as market supplies, demand, activity, prices, and trends.

All comments submitted pursuant to the notice published in the FEDERAL REGISTER on August 20, 1975, and all other data, views, and arguments brought to the attention of the Department have been carefully considered, and the utilization of the automated message switcher is hereby adopted. Those persons interested in obtaining permission to utilize the automated message switcher should contact Mr. Donald Wilson, Head, Communications Section, Communications and Operations Branch, Administrative Services Division, Agricultural Marketing Service, United States Department of Agriculture, Room 0092, South Building, Washington, D.C. 20250. The availability of the automated message switcher shall become effective immediately.

Done at Washington, D.C., this 23rd day of October, 1975.

DONALD E. WILKINSON,
Administrator, Agricultural
Marketing Service.

[FR Doc.75-29029 Filed 10-28-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CLARK UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00040-90-77030. Applicant: Clark University, 950 Main St., Worcester, MA 01610. Article: Coherent CPS-2 NMR Pulse Spectrometer. Manufacturer: Spin Lock Electronics Ltd., Canada. Intended use of article: The article is intended to be used in general pulsed nuclear magnetic resonance experiments to study spin-spin and spin-lattice relaxation times and resonance frequencies of most liquids and solids that contain hydrogen or fluorine nuclei. In addition, the article will be used in the following courses: (1) 119.2 Physical Instrumentation Laboratory—an introduction to modern physical research instrumentation emphasizing measurements on fundamental particles, such as protons, muons, gamma rays, electrons, and positrons, and (2) 219.2 Physical Instrumentation Laboratory—a course the same as Physics 119.2 except that interpretation of experiments must be at the advanced undergraduate and beginning graduate level.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the specification of a short pulse width (1 to 3 microseconds). The National Bureau of Standards (NBS) advises in its memorandum dated October 16, 1975 that the specification described above is pertinent to the applicant's intended purposes. NBS further advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75-28986 Filed 10-28-75;8:45 am]

INDIANA UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00322-33-46040. Applicant: Indiana University, Purchasing Department, 1101 East 17th Street, Bloomington, Indiana 47401. Article: Electron Microscope, Model EM 201C and Plate Camera. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended to be used for investigation of cytoplasmic contents and cell surface specializations in plastic thin sections of nerve cells. Studies will be carried out to obtain precise quantitative data concerning the 1.) geometric relationships between neurofilaments and adjacent structure and ii.) the dimensions of gaps separating cell membranes at various sites. Maturational and experimental studies have the objective of obtaining similarly precise data in order to understand basic mechanism of intracellular transport and cell surface adhesion and interaction.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is equipped with a eucentric goniometer stage and has a specified resolving power of 5A. At the time the foreign article was ordered the most closely comparable domestic instrument was the Model EMU-4C available from the Adam David Company. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated April 3, 1975 that the eucentric goniometer stage of the article is pertinent to the applicant's intended purposes. HEW further advises that the EMU-4C does not have a scientifically equivalent eucentric goniometer stage. We, therefore, find that EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.75-28987 Filed 10-28-75;8:45 am]

National Bureau of Standards

INSTANT NONFAT DRY MILK

Voluntary Product Standard Action on Proposed Withdrawal

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Voluntary Product Standard PS 37-70, "Package Quantities of Instant Nonfat Dry Milk."

It has been determined that the standard is no longer generally used by the

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industry and that revision of this Voluntary Product Standard would serve no useful purpose. This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of September 9, 1975 (40 FR 41828), to withdraw this standard.

The effective date for the withdrawal of this standard will be December 29, 1975. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: October 23, 1975.

ERNEST AMBLER,
Acting Director.

[FR Doc.75-29016 Filed 10-28-75;8:45 am]

National Oceanic and Atmospheric Administration

BROOKFIELD ZOO, ILLINOIS

Receipt of Application for Public Display Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Regulations Governing the Taking and Importing of Marine Mammals.

Brookfield Zoo, Chicago Zoological Park, Brookfield, Illinois 60513, to take two (2) Atlantic bottlenosed dolphins (*Tursiops truncatus*) for the purpose of display.

The bottlenosed dolphins will be taken by a professional collector from coastal waters of the Gulf of Mexico, by means of standard shallow water net techniques. The dolphins are intended to be taken during 1976.

The dolphins will be maintained and displayed, along with three other dolphins, in an enclosed pool measuring 100 feet long, 25 feet wide and up to 18 feet deep, with a capacity of 190,000 gallons of water.

Care and maintenance is provided by a staff of four senior staff members, with from seven to fourteen years experience, and a staff veterinarian.

The Brookfield Zoo is operated by the Chicago Zoological Society, a non-profit organization. An estimated 900,000 persons view the dolphins annually.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Offices of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building 9450 Gandy Boulevard, St. Petersburg, Florida 33702, and the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235, on or before November 28, 1975. The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: October 20, 1975.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.75-28988 Filed 10-28-75;8:45 am]

NATIONAL ZOOLOGICAL GARDENS OF SRI LANKA

Receipt of Application for Public Display Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Regulations Governing the Taking and Importing of Marine Mammals.

The National Zoological Gardens of Sri Lanka, Anagarika, Dharmapala Mawatha, Dehiwala, Sri Lanka (Ceylon), to take two (2) California sea lions (*Zalophus californianus*) for public display.

The sea lions will be taken from the California Channel Islands by a professional collector. The animals will be transported to Colombo, Sri Lanka via air freight, with a stop and transfer of plane in London.

The sea lions will be maintained and displayed in three holding pools, each 10 feet wide, 15 feet long and 3 feet deep, and a display pool, 30 feet wide, 30 feet long and 8 feet deep. Approximately 120 square feet of hauling out areas are available. There is a 250 square foot stage adjoining the display pool.

The arrangements and facilities for transporting and maintaining the marine mammals requested in this application have been inspected by a Government Veterinary Surgeon, Department of Agriculture, Animal Protection and Health Division, Colombo, Sri Lanka, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

The Applicant is a department of the Government of Sri Lanka, and, as such, has access to professional veterinary and other assistance from government agencies. The sea lions are displayed in a performing exhibit, viewed by 140,000 persons annually. The display is operated on a non-profit basis.

All statements and opinions contained above in this notice in support of this application are summaries based on those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 FR 11614, March 12, 1975). In this regard, the application:

(a) Was submitted to the Director, NMFS, through the Ministry of Shipping and Tourism, Sri Lanka, the National Zoological Gardens being under the control of this Ministry;

(b) Includes:

i. A certification from the Ministry of Shipping and Tourism that the information set forth in the application is correct;

ii. A certification from the Ministry of Shipping and Tourism that it is possible for the Government of Sri Lanka to enforce the terms and conditions of the permit and will do so, if and when necessary; and

iii. A statement that the Ministry of Shipping and Tourism will have no objection to a NMFS decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certifications and statements of the Ministry of Shipping and Tourism, Sri Lanka, have been found appropriate and sufficient to allow consideration of this permit application.

Documents submitted in connection with the above application are available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235; and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views, or requests for a public hearing on this application to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before November 28, 1975. The holding of such hearing is at the discretion of the Director.

Dated: October 15, 1975.

ROBERT W. SCHONING,
Director, National
Marine Fisheries Service.

[FR Doc.75-28989 Filed 10-28-75;8:45 am]

SOUTHWEST FISHERIES CENTER

Notice of Modification of Scientific Research Permit

Notice is hereby given that, pursuant to the provisions of Sections 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (39 FR 1851, January 15, 1974), the Scientific Research Permit issued to the Southwest Fisheries Center, National Marine Fisheries Service, on December 11, 1974, as modified on January 6, 1975 (40 FR 1112), is further modified in the following manner:

The research activity reports are due by September 1 of each year, rather than by June 1. The advance notification provisions of the permit are waived.

This modification is effective on October 29, 1975.

The Permit, as modified, and documentation pertaining to the modification, is available for review in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: October 3, 1975.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.75-28990 Filed 10-28-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 75F-0287]

Food and Drug Administration

ICI UNITED STATES INC.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786 (21 U.S.C. 348 (b) (5))), notice is given that a petition (FAP 5B3097) has been filed by ICI United States Inc., Concord Pike & New Murphy Rd., Wilmington, DE 19897, proposing that § 121.2524 *Polyethylene phthalate polymers* (21 CFR 121.2524) be amended to provide for the safe use of ethyleneazelate - terephthalate copolymer as a heat-sealing coating on polyethylene terephthalate films for food-contact (beverage) use.

The environmental impact analysis report and other relevant materials have been reviewed. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

The Food and Drug Administration is currently preparing an environmental impact analysis report on plastic bottles for carbonated beverages and beer, the draft of which was recently made public (see FR Doc. 75-9591, appearing in the FEDERAL REGISTER of April 14, 1975 (40 FR 16708)). The final draft will be expanded to include polyester pouches.

Dated: October 16, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[Docket No. 75F-0270]

MORTON CHEMICAL CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1788 (21 U.S.C. 348 (b) (5))), notice is given that a petition (FAP 5B3112) has been filed by Morton Chemical Co., 110 North Wacker Dr., Chicago, IL 60606, proposing that §§ 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) and 121.2569 *Resinous and polymeric coatings for polyolefin films* (21 CFR 121.2569) be amended to provide for the safe use of 2-sulfoethyl methacrylate, sodium salt as a component of coatings in contact with food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: October 10, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75-28930 Filed 10-28-75;8:45 am]

National Institutes of Health

NATIONAL CANCER INSTITUTE ADVISORY COMMITTEES'

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463 for the review, discussion and evaluation of individual research contract proposals as indicated. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014 unless otherwise stated.

Name of committee: Clinical Trials Committee.
Dates: December 2, 1975, 8:30 a.m.
Place: Building 31A, Room: Conference Room 4, National Institutes of Health.
Times: Open—December 2, 8:30 a.m.-9:00 a.m. Closed—December 2, 9:00 a.m.-adjournment.
Closure reason: To review Research Contract Proposals.
Executive secretary: Dr. Todd H. Wasserman, Address: Building 37, Room 6D28, National Institutes of Health. Phone 301/496-1774.
Catalog of Federal domestic assistance number 13.825.

Name of committee: Cancer Control Intervention Programs Review Committee.
Dates: December 2, 1975, 8:30 a.m. Place: Landow Building, Room Conference Room C418, National Institutes of Health.
Times: Open—December 2, 8:30 a.m.-9:00 a.m. Closed—December 2, 9:00 a.m.-adjournment.
Closure reason: To Review Research Contract Proposals. Executive secretary; Dr. Robert Bowser. Address: Blair Building, Room 7A07, National Institutes of Health. Phone 301/427-7943.
Catalog of Federal domestic assistance number, 13.825.

Name of committee: Diagnostic Research Advisory Group.
Dates: December 3-4, 1975, 8:30 a.m. Place: Building 31C, Room: Conference Room 7, National Institutes of Health.
Times: Open—December 3, 8:30 a.m.-10:00 a.m. Closed: December 3, 10:00 a.m.-5:00 p.m. Closed: December 4, 8:30 a.m.-adjournment.
Closure reason: To Review Research Contract Proposals. Executive secretary: Mr. Louis P. Greenberg, Address: Building 31A, Room 3A10, National Institute of Health. Phone 301/496-1591.
Catalog of Federal domestic assistance number 13.825.

Name of committee: Cancer Control Supportive Services Review Committee.
Dates: December 4, 1975, 8:30 a.m. Place: Building 31B, Room: Conference Room 5, National Institutes of Health.
Times: Open—December 4, 8:30 a.m.-9:00 a.m. Closed: December 4, 9:00 a.m.-adjournment.
Closure reason: To Review Research Contract Proposals. Executive secretary: Dr. Veronica L. Conley, Address: Blair Building, Room 7A07, National Institutes of Health. Phone 301/427-7943.
Catalog of Federal domestic assistance number 13.825.

Name of committee: Committee on Cancer Immunobiology.
Dates: December 9, 1975, 2:00 p.m. Place: Building 10, Room Conference Room 4B14, National Institutes of Health.

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Times: Open—December 9, 2:00 p.m.–2:30 p.m. Closed: December 9, 2:30 p.m.–adjournment.
Closure reason: To Review Research Contract Proposals.
Executive secretary: Ms. Judith M. Magnotta, Address: Building 10, Room 4B17, National Institutes of Health. Phone 301/496–1791.
Catalog of Federal domestic assistance number 13.825.
Name of committee: Diagnostic Radiology Committee.
Dates: December 9–10, 1975, 8:30 a.m. Place: Building 31C, Room Conference Room 7, National Institutes of Health.
Times: Open—December 9, 8:30 a.m.–9:30 a.m. Closed: December 9, 9:30 a.m.–5:00 p.m. Closed: December 10, 8:30 a.m.–adjournment.
Closure reason: To Review Research Contract Proposals.
Executive secretary: Dr. R. Quentin Blackwell, Address: Building 31A, Room 3A10, National Institutes of Health. Phone 301/496–1591.
Catalog of Federal domestic assistance number 13.825.
Name of committee: Drug Development contract Review Committee.
Dates: December 12, 1975, 9:00 a.m. Place: Building 31C, Room Conference Room 8, National Institutes of Health.
Times: Open—December 12, 10:30 a.m.–adjournment. Closed: December 12, 9:00 a.m.–10:39 a.m.
Closure reason: To Review Research Contract Proposals.
Executive secretary: Mrs. Naomi FitzGibbon, Address: Blair Building, Room 5A03, National Institutes of Health. Phone: 301/427–7337.
Catalog of Federal domestic assistance number 13.825.
Name of committee: Committee on Cancer Immunodiagnosis.
Dates: December 16, 1975, 1:00 p.m. Place: Building 10, Room Conference Room 4B14, National Institutes of Health.
Times: Open—December 16, 1:00 p.m.–1:30 p.m. Closed: December 16, 1:30 p.m.–adjournment.
Closure reason: To Review Research Contract Proposals.
Executive secretary: Ms. Judith M. Magnotta, Address: Building 10, Room 4B17, National Institutes of Health. Phone 301/496–1791.
Catalog of Federal domestic assistance number 13.825.
Name of committee: Committee on Cancer Immunotherapy.
Dates: December 18, 1975, 1:00 p.m.
Place: Building 10, Room Conference Room 4B14, National Institutes of Health.
Times: Open—December 18, 1:00 p.m.–1:30 p.m. Closed: December 18, 1:30 p.m.–adjournment
Closure reason: To Review Research Contract Proposals.
Executive secretary: Dr. Harriet Gordon, Address: Building 10, Room 4B17, National Institutes of Health. Phone: 301/496–1791.
Catalog of Federal domestic assistance number 13.825.

Dated: October 23, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.75–28999 Filed 10–28–75;8:45 am]

Office of Education

FOREIGN LANGUAGE AND AREA STUDIES RESEARCH PROGRAM

Proposed Priorities for the Funding of Proposals

Notice is hereby given that pursuant to the authority contained in section 602 of the National Defense Education Act of 1958, as amended (20 U.S.C. 512), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to utilize the funding priorities set forth below in the evaluation of unsolicited proposals for contracts to conduct research, surveys, and studies under the Foreign Language and Area Studies Research Program. Under this program the Commissioner is authorized to contract for studies and surveys to determine the need for increased or improved instruction in modern foreign languages and related fields needed to provide a full understanding of the areas, regions, or countries in which such languages are commonly used, to conduct research on more effective methods of teaching such languages and such fields, and to develop specialized materials for use in training students and language teachers. Proposals for contracts to conduct research and studies under the Foreign Language and Area Studies Research Program will be accepted as unsolicited proposals and be received and evaluated in accordance with the requirements and evaluation criteria listed in § 3–4.5203–2(b) of the HEW Procurement Regulations (41 C.F.R. 3–4.5203–2(b)). The proposed priorities are as follows:

Priority will be given to proposals dealing with: (1) the preparation of specialized instructional material particularly for languages which are not widely taught in the United States and for which there is no commercial market, and for area studies concerned with the non-Western world; (2) teaching methodology, and more specifically methodology which applies linguistic, psycholinguistic and sociolinguistic theories to projects which can thereby be expected to increase our understanding of second language acquisition and improve teaching and learning methodology; and (3) conferences, studies, and surveys to assess the state of the art of foreign language and area studies in the United States, to determine new directions as needed, to identify priority needs for specialized materials, and to observe national trends through surveys of enrollments and degree requirements.

For the information of applicants, the criteria listed in section 3–4.5203–2(b) of the HEW Procurement Regulation include:

(1) The overall scientific and technical merit of the proposed effort;

(2) The potential contribution which the proposed effort is expected to make to specific program objective(s), if supported at this time;

(3) The unique capabilities, related experience, facilities, instrumentation, or techniques which the offeror possesses and offers, and which are considered to be integral factors for achieving the scientific, technical, or technological objective(s) of the proposal; and

(4) The unique qualifications, capabilities, and experiences of the proposed principal investigator and/or key personnel.

For the further information of applicants, unsolocited proposals under the HEW Procurement Regulations (41 C.F.R. 3–4.5202–1(b)), must include the following information:

(1) Name and address of the organization or individual submitting the proposal;

(2) Date of preparation or submission;

(3) Type of organization (profit, nonprofit, educational, other);

(4) Concise title and clear and concise abstract. Extensive material should be included only in appendices;

(5) An outline and discussion of the purpose of the proposed effort of activity, the method of approach to the problem, and the nature and extent of the anticipated results;

(6) Names of the key personnel to be involved, brief biographical information, including principal publications and relevant experience;

(7) Proposed starting and completion dates;

(8) Equipment, facility, and personnel requirements;

(9) Proposed budget, including separate cost estimates for salaries and wages, equipment, expendable supplies, services, travel, subcontracts, other direct costs and overhead;

(10) Names of any other Federal agencies receiving the unsolicited proposal and/or funding the proposed effort or activity;

(11) Brief description of the offeror's facilities, particularly those which would be used in the proposed effort or activity;

(12) Brief outline of the offeror's previous work and experience in the field;

(13) A current financial statement and, if available, a descriptive brochure;

(14) The period for which unsolicited proposal is valid;

(15) Names and telephone numbers of offeror's primary business and technical personnel whom the agency may contact during evaluation and/or negotiation;

(16) Identification, on the cover sheet, of technical data which the offeror intends to be used by HEW for evaluation purposes only (see 41 C.F.R. 3–1.353(c)); and

(17) Signature of a responsible official of the proposing organization or a person authorized to contractually obligate such organization.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed areas of funding priorities to Foreign Language and Area Research Program, Bureau of Postsecondary Education, U.S. Office of Education, Room 3928, 7th and D Streets, S.W., Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m., and 4:30 p.m.

All relevant material must be received not later than November 28, 1975.

(20 U.S.C. 512)

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–107.

Dated: September 22, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: October 22, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance Number 13.438; Higher Education—Foreign Language and Area Research Program)

[FR Doc.75–28960 Filed 10–28–75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

ASSOCIATE ADMINISTRATOR FOR CAPITAL ASSISTANCE

Redelegation of Authority With Respect to Urban Mass Transportation Programs

The purpose of this notice is to effect a redelegation within the Urban Mass Transportation Administration of certain authority and functions under section 5 of the Urban Mass Transportation Act of 1964 as amended ("the Act") (49 U.S.C. 1604) which were delegated to the Urban Mass Transportation Administrator by the Secretary of the Transportation (49 CFR 1.45(b) and 1.50), and to advise the public thereof as required by the Freedom of Information Act (5 U.S.C. 552).

Since this redelegation is solely a matter of departmental management, procedures and practices, notice and public comment thereon are unnecessary, and it may be made effective in less than thirty days after publication in the FEDERAL REGISTER.

Effective immediately, the Associate Administrator for Capital Assistance (UCA–1) is delegated authority as follows:

(1) To concur in the selection by Governors, responsible local officials, and publicly owned operators of mass transportation services, of designated recipients to receive and dispense funds attributable to urbanized areas of two hundred thousand or more population, pursuant to section 5(b)(2) of the Act (49 U.S.C. § 1604(b)(2)), and to execute letters of notification of such concurrence; and

(2) To approve programs of projects for the utilization of authorized funds developed by a Governor or a designated recipient for any urbanized area of less than two hundred thousand population and approved by the metropolitan planning organization of the area involved, pursuant to section 5(g)(2) of the Act (49 U.S.C. 1604(g)(2)), and to execute letters of notification of such approval; and

(3) To approve operating and capital assistance projects, under section 5 of the Act (49 U.S.C. 1604) for urbanized areas of less than two hundred thousand population; and

(4) To execute grant contracts for approved operating and capital assistance projects under section 5 of the Act (49 U.S.C. 1604) and amendments to such contracts within previously approved limits; and

(5) To approve requisitions for funds under duly executed grant contracts under section 5 of the Act (49 U.S.C. 1604); and

(6) To sign general correspondence (not including Congressional, Office of the Secretary, or Executive Office of the President correspondence) pertaining to projects and programs under section 5 of the Act (49 U.S.C. 1604).

He is further authorized to re-delegate the authority herein conferred to one or more employees within the Office of Capital Assistance.

Done at Washington, D.C. this 21st day of October 1975.

ROBERT E. PATRICELLI,
Urban Mass Transportation Administration.

[FR Doc.75–28985 Filed 10–28–75;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets 28338, 27258; Order 75–10–101]

AEROVIAS CONDOR de COLOMBIA, S.A. AND AEROVIAS CONDOR de COLOMBIA, LTDA.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 23rd day of October, 1975.

On September 23, 1975, Aerovias Condor de Colombia, S.A., filed an application for approval of the transfer to it of the foreign air carrier permit held by Aerovias Condor de Colombia, Ltda., and contemporaneously filed a motion for a show cause order to be issued on its application for transfer of the foreign air carrier permit.

No answers to the application and motion have been received.[1]

BACKGROUND

Aerovias Condor de Colombia, Ltda., was issued a foreign air carrier permit by the Board by Order E–16588, adopted February 21, 1961, which was amended by Order E–19456, February 1, 1963, and Order E–21620, November 5, 1964. The permit authorizes foreign air transportation with respect to persons, property, and mail between a point or points in Colombia and Miami, Florida.

OWNERSHIP AND CONTROL

The current permit holder, Aerovias Condor de Colombia, Ltda., was organized in 1955 as a limited partnership under the laws of the Republic of Colombia.

On March 5, 1973, the applicant, Aerovias Condor de Colombia, S.A., was incorporated under the laws of the Republic of Colombia. Upon its formation, the entire business of Aerovias Condor de Colombia, Ltda., was transferred to applicant. Since that time, the applicant has continued the operations previously conducted by Aerovias Condor de Colombia, Ltda.

In addition to ownership, the management continues to remain in the control of Colombian nationals. All four officers of the company and thirteen of the fourteen directors are Colombian citizens. Thus, it is tentatively concluded that effective control over both day-to-day operations and policy decision is vested in nationals of Colombia.

FINANCIAL AND OPERATIONAL FITNESS

Aerovias Condor de Colombia, S.A., possesses, in all material respects, the attributes of Aerovias Condor de Colombia, Ltda. which was found by the Board in Order E–21620, effective December 26, 1964, to be fit, willing, and able to perform the foreign air transportation in issue. In terms of management experience, flight personnel, equipment, and service facilities, it is essentially the same organization which has been in operation since 1955. Also, applicant's certified financial statements for the year ended December 31, 1974, indicate assets at that time exceeding $10 million, a net worth in excess of $1 million, and profits exceeding $100,000 for the last two fiscal years.[2]

Furthermore, by requesting this transfer the applicant is voluntarily accepting the limits of passenger liability and the terms governing such limits as are set forth in CAB Agreement 18900, approved by the Board in Order E–23680, May 13, 1966. Thus, it is tentatively concluded that all of the fitness requirements of section 402 of the Act are met by the applicant.

PUBLIC INTEREST

Transfer of Aerovias Condor de Colombia Ltda.'s permit to the applicant to perform the identical foreign air transportation is based upon the same considerations expressed in Orders E–16588, E–19456, and E–21620 pursuant to which the Board found the issuance of a permit to the permit holder to be in the public interest. The Government of Colombia has designated Aerovias Condor de Colombia, S.A., under the bilateral agreement in lieu of the current permit holder.

On the basis of the foregoing, it is tentatively found and concluded that:

(a) Aerovias Condo de Colombia, SA., is fit, willing, and able properly to perform the air transportation proposed in its application and to conform to the provisions of the Act and the rules, regulations and requirements of the Board thereunder;

(b) Aerovias Condor de Colombia, S.A., is substantially owned and effectively controled by nationals of Colombia;

(c) Aerovias Condor de Colombia, S.A., should be subject to all of the terms, conditions, and limitations set forth in

[1] Applicant originally filed in Docket 27258 a change of name request. In light of our action in Docket 28338 transferring the permit, the request in Docket 27258 will be dismissed as moot.

[2] Exhibit D, Application.

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the attached specimen foreign air carrier permit;

(d) Aerovias Condor de Colombia, S.A., has been designated by the Government of Colombia and the Air Transport Services Agreement with the intention that it take over all the services of Aerovias Condor de Colombia, Ltda. thereunder;

(e) A hearing on the application of Aerovias Condor de Colombia, S.A., is not required in the public interest; and

(f) The transfer to Aerovias Condor de Colombia, S.A., of the permit held by Aerovias Condor de Colombia, Ltda. is in the public interest.

Accordingly, we have decided to issue an order directing interested persons to show cause why the Board should not approve the transfer of Aerovias Condor de Colombia, Ltda.'s permit to Aerovias Condor de Colombia, S.A.

All interested persons will be given 30 days following the adoption of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific issues, and to support such objections with detailed analyses. If an evidentiary hearing is requested, the objector should name the specific markets or other issues with respect to which a hearing is requested and should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing. Vague, general, or unsupported objections will not be entertained.

Accordingly, it is ordered that: 1. All interested persons be and they hereby are directed to show cause why the Board should not make final the tentative findings and conclusions herein and why an order should not be issued, subject to approval by the President pursuant to section 801 of the Act, transferring and reissuing the permit held by Aerovias Condor de Colombia, Ltda. to Aerovias Condor de Colombia, S.A., and canceling the permit issued by Order E–21620, effective December 26, 1964;

2. Any interested persons having objections to the issuance of an order making final the tentative findings and conclusions herein and transferring the said permit shall, within 30 days after adoption of this order, file with the Board and serve on the persons named in paragraph 6 a statement of objections specifying the part or parts of the tentative findings or conclusions objected to, together with a summary of testimony, statistical data and such evidence expected to be relied upon to support the statement of objections;

3. If timely and properly supported objections hereto are filed, full consideration will be accorded the matters or issues raised therein before further action is taken by the Board: *Provided,* That the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein if it determines that there are no factual issues presented that warrant the holding of an evidentiary hearing;[1]

4. In the event no objections are filed to this order, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein;

5. The application of Aerovias Condor de Colombia, Ltda., in Docket 27258 for permission to change its name pursuant to Part 215 of the Boards' Economic Regulations be and it hereby is dismissed; and

6. This order shall be served upon Aerovias Condor de Colombia, S.A., the Ambassador of Colombia, Braniff Airways, Inc., and Pan American World Airways, Inc.

This order shall be published in the FEDERAL REGISTER, and transmitted to the President.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

SPECIMEN

PERMIT TO FOREIGN AIR CARRIER (AS REISSUED)

Aerovias Condor de Colombia, S.A. is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in foreign air transportation with respect to persons, property, and mail, as follows: Between a point or points in Colombia and the terminal point Miami, Florida.

The holder hereof shall be authorized to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Colombia for Colombian international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Colombia shall be parties.

The exercise of the privileges granted hereby shall be subject to such reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall be subject to the conditions that the holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E–23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

By accepting this permit the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

This permit shall be effective on ----------. Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate (1) upon the effective date of any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the route hereby authorized from the routes which may be operated by airlines designated by the Government of Colombia, or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of Colombia in lieu of the holder hereof, or (3) upon the termination or expiration of the Air Transport Agreement signed October 24, 1956, effective January 1, 1957: *Provided, however,* That if prior to the occurrence of the event specified in clause (3) of this paragraph, the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and Colombia are or shall become parties, then and in that event this permit is continued in effect during the period provided in such treaty, convention, or agreement.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the ----------.

[SEAL] *Secretary.*

[FR Doc.75–29023 Filed 10–28–75;8:45 am]

[1] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

CIVIL SERVICE COMMISSION

Department of Agriculture

Grant of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Director, Grains, Oilseeds, and Cotton Division, Office of the Director, Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service, Assistant Secretary for International Affairs and Commodity Programs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–28962 Filed 10–28–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Revocation of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Director, Grain Division, Deputy Administrator, Commodity Operations, Agricultural Stabilization and Conservation Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–28964 Filed 10–28–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Director, Cotton, Rice, and Oilseeds Division, Office of the Director, Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–28965 Filed 10–28–75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

Title Change in Noncareer Executive Assignment

By notice of July 1, 1975, FR Doc. 75–17020, the Civil Service Commission authorized the Federal Energy Administration to fill by noncareer executive assignment the position of Associate Assistant Administrator for Allocation Regulation Development, Office of Allocation Regulation Development, Office of the Assistant Administrator for Regulatory Programs. This is notice that the title of this position is now being changed to Associate Assistant Administrator for Regulations Development, Regulations Development, Regulatory Programs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–28961 Filed 10–28–75;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Federal Employees Pay Council will meet at 1:30 p.m. on Wednesday, November 12, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E. Street, NW., and will consist of continued discussions on future comparability adjustments for the statutory pay systems, defined in section 5301 of title 5, United States Code, of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent:

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75–28963 Filed 10–28–75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN HAITI

Levels of Restraint

OCTOBER 24, 1975.

On August 29, 1975, the United States Government requested the Government of Haiti to enter into consultations under Article 3 of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, concerning exports to the United States of man-made fiber textile products in Categories 233 (playsuits, sunsuits, woven) and 238 (trousers, woven), produced or manufactured in Haiti. Public notice of this request was published in the FEDERAL REGISTER on September 19, 1975 (40 FR 43267), and public comment and/or submission of additional information was invited by October 10, 1975.

Since no solution has been mutually agreed upon, the United States Government, in furtherance of the objectives of, and under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, including Article 3, is establishing restraints at the following levels for the period beginning on August 29, 1975 and extending through August 28, 1976:

Category:		12-mo. level of restraint
233	dozen	81,067
238	do.	226,341

These levels of restraint do not apply to man-made fiber textile products in Categories 233 and 238, produced or manufactured in Haiti and exported to the United States prior to August 29, 1975. There is published below a letter of October 24, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that, effective on October 29, 1975, the amounts of man-made fiber textile products in Categories 233 and 238, produced or manufactured in Haiti, which may be entered or withdrawn from warehouse for consumption in the United States during the twelve-month period beginning on August 29, 1975, be limited to the designated levels.

Effective Date: October 29, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20229.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on October 29, 1975 and for the twelve-month period beginning on August 29, 1975 and extending through August 28, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption, of man-made fiber textile products in Categories 233 and 238, produced or manufactured in Haiti, in excess of the following levels of restraint:

Category:		12-Mo. level of restraint
233	dozen	81,067
238	do.	226,341

Entries of man-made fiber textile products in Categories 233 and 238, produced or manufactured in Haiti, which have been exported to the United States prior to August 29, 1975, shall not be subject to this directive.

Man-made fiber textile products in Categories 233 and 238 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of these categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 F.R. 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Haiti and with respect to imports of man-made fiber textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75–29143 Filed 10–28–75;8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[OPP-50041; FRL 448-6]

ABBOTT LABORATORIES

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Abbott Laboratories, North Chicago, Illinois 60064. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 275-EUP-12) allows the use of 5808 billion International units of potency of the insecticide *Bacillus thuringiensis*, Berliner and 800 pounds active ingredient of the insecticide chlordimeform to control the cotton bollworm and the tobacco budworm on cotton. A total of 200 acres is involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Georgia, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. The experimental use permit is effective from October 1, 1975 to October 1, 1976. Permanent tolerances have been established for residues of *Bacillus thuringiensis*, Berliner and chlordimeform on cottonseed; food additive tolerances have been established for residues of chlordimeform in cottonseed hulls.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: October 21, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75-29051 Filed 10-28-75;8:45 am]

[OPP-50040; FRL 448-8]

CHEVRON CHEMICAL CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Chevron Chemical Company, Richmond, California 94804. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 239-EUP-67) allows the use of 1,661.25 pounds of the insecticide acephate on trees and ornamentals to evaluate control of aphids, scale insects, lepidopterous larvae, and other insects. The program is authorized only in the States of Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Utah, Virginia, Washington, and West Virginia. The experimental use permit is effective from October 1, 1975, to October 1, 1976.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: October 21, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75-29052 Filed 10-28-75;8:45 am]

[PF20; FRL 448-4]

DEPARTMENT OF THE ARMY

Food Additive Petition; Notice of Filing

The Department of the Army, Office of the Chief of Engineers [DAEN-CWO-R], Washington, DC 20314, has submitted a petition (FAP 6H5107 to the Environmental Protection Agency (EPA) which proposes the establishment of a food additive regulation permitting the use of the herbicide and plant regulator 2,4-dichlorophenoxyacetic acid (2,4-D) in potable water with a tolerance limitation of 0.1 part per million. These residues would result from the application of the butoxyethanol ester of 2,4-D in water hyacinth control programs conducted by the Corps of Engineers or other Federal, State, or local public agencies in ponds, lakes, reservoirs, marshes, bayous, drainage ditches, canals, rivers, and streams that are quiescent or slow moving.

Notice of this submission is given pursuant to the provisions of Section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW, Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the petition number "FAP 6H5107". Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: October 21, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75-29049 Filed 10-28-75;8:45 am]

[OPP-50042; FRL 448-7]

GAF CORPORATION

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to GAF Corporation, New York, New York 10030. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 1529-EUP-1) allows the use of 10 pounds of the plant regulator ethephon on tobacco. A total of 5 acres is involved; the program is authorized only in the States of Georgia and North Carolina. The experimental use permit is effective from October 2, 1975, to October 2, 1976.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: October 21, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75-29053 Filed 10-28-75;8:45 am]

[PFT4; FRL 448-5]

MONSANTO CO.

Food Additive Petition; Notice of Filing

The Monsanto Co., 800 N. Lindbergh, St. Louis MO 63166, has submitted a petition (FAP 6H5106) to the Environmental Protection Agency which proposes to amend 21 CFR 123 by establishing a food additive regulation permitting the use of the herbicide glyphosate (N-(phosphonomethyl) glycine) and its metabolite aminomethylphosphonic acid in potable water with a tolerance limitation of 0.05 part per million resulting from the use of the herbicide in a proposed experimental program involving application to and near impounded and flowing water.

Notice of this submission is given pursuant to the provisions of Section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the petition number "FAP 6H5106". Comments may be made at any time while a petition is pending before the Agency. All written comments will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:30 p.m. Monday through Friday.

Dated: October 23, 1975.

MARTIN H. ROGOFF,
Acting Director, Registration Division.

[FR Doc.75-29050 Filed 10-28-75;8:45 am]

[PP6G1677/T17; FRL 448-3]

OXYTETRACYCLINE HYDROCHLORIDE

Notice of Establishment of a Temporary Tolerance

The Plant Pathology Department, New York State Agricultural Experiment Station, P.O. Box 727, Highland, NY 12528, submitted a pesticide petition (PP 6G1677) to the Environmental Protection Agency (EPA). This petition requested that a temporary tolerance be established for residues of the fungicide oxytetracycline hydrochloride in or on the raw agricultural commodity peaches at 0.1 part per million resulting from infusion of peach trees with an aqueous solution of the fungicide after harvest and prior to formation of new blooms.

This temporary tolerance will permit the marketing of peaches when treated in accordance with an experimental use permit which is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

The scientific data reported have been evaluated, and it has been determined that this temporary tolerance is adequate to cover residues resulting from the proposed experimental use, and that such tolerance will protect the public health.

The temporary tolerance is, therefore, established for the fungicide on condition that the fungicide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the active fungicide to be used must not exceed the quantity authorized by the experimental use permit.

2. The Plant Pathology Department, New York State Agricultural Experiment Station, must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The Experiment Station must also keep records of distribution and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires October 17, 1976. Residues not in excess of this temporary tolerance remaining in or on the above raw agricultural commodity after expiration of this tolerance will not be considered actionable if the fungicide is legally applied during the term and in accordance with the provisions of the experimental use permit and temporary tolerance. The temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this fungicide indicate such revocation is necessary to protect the public health.

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)))

Dated: October 17, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75-29054 Filed 10-28-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20181, File No. BHP-8408; Docket No. 20182, File No. BPH-8798; FCC 75 R-384]

ROCKET RADIO, INC. AND APOSTOLIC COUNCIL OF CHURCHES, INC.

Memorandum Opinion and Order Enlarging Issues

1. This proceeding involves the mutually exclusive applications of Rocket Radio, Inc. (Rocket) and Apostolic Council of Churches, Inc. (Apostolic) for authorization to construct a new FM broadcast station at Fort Valley, Georgia. The applications were designated for a consolidated hearing by Commission Memorandum Opinion and Order, FCC 74-952, 39 FR 33827, published September 20, 1974. Presently before the Review Board is a petition to enlarge issues, filed March 11, 1975, by Apostolic requesting the addition of character qualifications and concentration of control issues against Rocket.[1][2]

CHARACTER QUALIFICATIONS ISSUES

2. Apostolic alleges that at the instigation of Paul Reehling, Rocket's president and general manager, law enforcement officials investigated and intimidated Apostolic's proposed volunteer employees; that Rocket filed a misleading and fraudulent affidavit with the Commission; and that Reehling, as Mayor of Fort Valley, has conspired with Frank E. Flowers, the Fort Valley Building Inspector, to harass and obstruct Apostolic's efforts to obtain a building permit for its radio transmission tower.[3] With respect to the first allegation, Apostolic avers, as related in the attached March 7, 1975 affidavits of Joseph Dale Wilson and of Ray McWilliams, that the day after Apostolic provided Rocket's counsel with the names of its proposed volunteer employees, the two volunteers were questioned by policemen at the behest of Reehling. Thus, Wilson avers that on February 27, 1975, between 5 and 6 p.m., he was visited by "Detective" Talton of the Houston County Sheriff's Department[4] and that Talton asked to see Wilson's driver's license and his social security number, and inquired as to Wilson's place of employment. When Wilson questioned Talton as to the purpose of his visit, Talton's response was "Paul Reehling of Fort Valley has requested me to get some information."[5] Affiant McWilliams avers that on February 27, 1975, as he was arriving home from work at about 4 p.m., he was stopped by a police officer who was not in uniform but who was driving a marked police car. McWilliams adds that the officer, ostensibly interested in purchasing insurance, upon being informed that McWilliams was no longer employed as an insurance salesman, began inquiring as to his present employment. Subsequently, McWilliams learned that the officer had also questioned the secretary of his apartment building as to his employment and what kind of car he drove. According to Apostolic, such use of a public office by an applicant to gain information concerning a competing applicant and to intimidate its prospective employees is conduct which requires close Commission scrutiny.

3. Regarding its second major allegation, Apostolic asserts that the sworn statement of Frank Flowers, dated February 28, 1975, is not only false but that it also illustrates the continuing collusion of Reehling and Flowers to advance Reehling's interests at the expense of those of Apostolic. According to Apostolic, Flowers attested in his affidavit that he had inspected Apostolic's church on February 20, 1975, and found that the church sustained only minor roof damage as a result of the high winds accompanying the tornado of February 18, 1975. However, Apostolic contends, this statement is contradicted by Flowers' subsequent instructions to Charles R. Cobb, Apostolic's president, on March 1,

[1] Also before the Board are the following related pleadings: (a) opposition, filed March 21, 1975, by Rocket; (b) comments, filed March 21, 1975, by the Broadcast Bureau; and (c) reply, filed March 28, 1975, by Apostolic.

[2] The instant petition to enlarge and responsive pleadings were referred by the Commission to the Review Board for consideration and disposition by Memorandum Opinion and Order, FCC 75-927, released August 12, 1975

[3] In the Board's view, Apostolic has shown good cause for its late-filed petition as required by Rule 1.229(b), since the events which precipitated the filing of the instant petition occurred only recently. In any case, the petition raises substantial public interest questions. See *The Edgefield-Saluda Radio Company*, 5 FCC 2d 148, 8 RR 2d 611 (1966).

[4] Houston County borders Peach County in which Fort Valley is located.

[5] In an affidavit, dated March 1, 1975, Lillian Susan Wilson states that she witnessed the questioning of her husband by Talton.

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1975, to stop making repairs on the church because it might be so severely damaged that it would have to be torn down,[6] as well as by the affidavits of two citizens who state that they had observed that the church was moved off of its foundation and the notarized but unsworn statement of an insurance adjuster to the same effect.[7]

4. Regarding its third allegation, Apostolic contends that Reehling and Flowers, as Mayor and building inspector, respectively, have used their official positions to arbitrarily block Apostolic's efforts to obtain a building permit since the fall of 1974 when Apostolic was proposing to erect a radio transmission tower on the roof of a building located at 309 Pear Street, Fort Valley. In support of this contention, Apostolic relates the following sequence of events. In the early fall of 1974, according to Apostolic, Flowers and Reehling visited Apostolic's site together and Cobb claims that he overheard Reehling tell Flowers that the weight of a radio tower would break the roof of the building.[8] Subsequently, in early October, notes Apostolic, before it had even applied for a permit, Flowers addressed a letter to Reehling in his capacity as general manager of Rocket, stating that a construction permit would not be forthcoming for the proposed tower and antenna at 309 Pear Street.[9] On October 16, 1974, Apostolic relates, Cobb applied for a permit to erect a 100 ft. guyed tower (to be placed on the ground) at 309 Pear Street but was advised in a letter from Flowers, dated October 31, 1974, that his plans were being denied, and when Cobb next sought authorization to place a 103 ft. free-standing tower at 309 Pear Street, he was informed in a letter from Flowers, dated December 10, 1974, that the permit could not be issued because it would not be in compliance with the City of Fort Valley Code and Zoning Ordinance.[10] After unsuccessfully appealing Flowers' decision to deny a permit for 309 Pear Street to the Board of Zoning Appeals, recounts Apostolic, it purchased a plot of land at 310 Benjamin Street, Fort Valley, which was zoned "industrial." However, petitioner continues, its plans for a radio tower, transmitter and building at 310 Benjamin Street were rejected by Flowers on January 28, 1975, as not conforming with Section 78 of the Zoning Ordinance, although Section 78 provides for radio transmission towers in the industrial zone.[11] Apostolic argues that the aforementioned actions must be viewed "as evidence of a conspiracy between Reehling and Flowers to deny • • • Apostolic comparative consideration before the Commission." The Broadcast Bureau supports inquiry into each of Apostolic's allegations.

5. In its opposition, Rocket concedes that its two investigators were friends of Paul Reehling, but contends that both were off-duty police officers who politely questioned the volunteers and that "neither was acting in an official capacity nor represented that he was."[12] Rocket advances two interpretations concerning Flowers' affidavit of February 28, 1975, and later contradictory remarks to Cobb as to the condition of the church. First, Rocket maintains that, as Building Inspector, Flowers was under a duty to inspect all property in Fort Valley following the tornado, and, therefore, Flowers appropriately directed Cobb to cease work until an inspection could be made. Second, Rocket argues that Flowers' admonition to Cobb shows his recognition that the church might have been more seriously damaged than initial observation had revealed. With respect to Apostolic's efforts to obtain a building permit, Rocket avers that the Pear Street address is in a residential section which is not zoned for the construction and operation of radio facilities, and that Apostolic appealed the Building Inspector's decision as to the site at 310 Benjamin Street before the Fort Valley Zoning and Appeal Board, which denied the appeal on March 14, 1975. As an attachment to its opposition, Rocket submits a letter from David I. Sammons who, according to Rocket, is Chairman of the Appeal Board. Sammons' letter states that the Board's "denial was based on facts presented to us by the property owners and the city owned Utility Commission." Rocket also submits a petition purportedly signed by 21 area residents opposing the erection of a radio tower or transmission station on Benjamin Street.

6. Apostolic replies that Reehling's use of police officers to question its volunteer employees constitutes an abuse of his official position as Mayor and must be regarded as being conduct which was intimidating to the volunteers. Apostolic also disputes Rocket's account of the Appeal Board's decision regarding a permit for 310 Benjamin Street.[13] Specifically, Apostolic asserts that upon contacting several of the people who signed the petition opposing the tower, it learned that two signatories, Mr. and Mrs. Killins, signed the petition "only because they were told that wires from the radio tower would somehow interfere with their wires." In support, Apostolic supplies an unnotarized petition signed by Emma Killins and two other individuals to the effect that they have no objection to the construction of a tower on the property.[14] Apostolic also argues that it had no notice or knowledge of the Utility Commission's meeting. With respect to the Utility Commission's decision, Apostolic points out that the vote to deny its permit was based on the remarks of one individual that if the tower fell, it might interfere with electric power lines. To rebut this argument, Apostolic attaches an unnotarized statement from the Senior Communications Engineer and Assistant Vice President of the Southern Railway Company, dated January 8, 1975, to the effect that they have placed in service one hundred towers over the past fifteen years and have experienced no problems from wind, snow or ice.

7. We believe that Apostolic's allegations necessitate further inquiry into the facts surrounding Rocket's submission of the February 28, 1975 affidavit of Frank Flowers. The affidavit, which was submitted in support of Rocket's petition for expedited relief, directly contradicts Flowers' later remarks to Cobb, as described in Cobb's affidavit, dated March 8, 1975. Moreover, Rocket's explanation that Flowers directed Cobb to stop repairs on the church until an inspection could be made appears to be inconsistent with Flowers' statement in the February 28, 1975 affidavit that he inspected the church on February 20, 1975. The Board does not ordinarily add misrepresentation issues on the basis of hearsay affidavits. However, in a companion document being adopted this same date, the Board is adding a misrepresentation issue against Apostolic predicated on our consideration of the same affidavits. Since it appears from the conflict that someone may not be telling the truth, the Board is of the view that addition of an issue against Rocket, as well as Apostolic, is appropriate to insure a full exploration of the veracity of both applicants regarding this matter.

8. The Board also believes that petitioner has raised serious questions warranting the addition of further issues. We have previously emphasized that any attempt to harass, frustrate or obstruct the prosecution of a competing application will not be condoned, and that while an applicant has the right to investigate its adversaries, it may not misuse investigative procedures. See *WIOO, Inc*, FCC 73R-338, 28 RR 2d 685 (1973); *Chronicle Broadcasting Co.*, 19 FCC 2d 240, 16 RR 2d 1014 (1969), review denied 19 RR 2d 204 (1970). In the Board's view, a serious question has been raised as to whether Rocket has exceeded the bounds of permissible investigation by using off-duty police officers to question is opponent's volunteer employees. The use of law enforcement officials raises a question of possible intimidation given the circumstances here, *i.e.*, that Fort Valley is a relatively small community[15] in which Reehling has a prominent official position, and could dissuade the volunteers from continuing their involvement in the proceeding. *Cf. Chronicle Broadcasting Co., supra*, 19 FCC 2d at 244, 16 RR 2d at 1019. As a related matter the Board is of the view that a substantial question has been raised as to whether Reehling and Flowers have acted to obstruct Apostolic's efforts to obtain a building permit. Although there are conflicting and, in many instances, unsupported allegations, the pleadings suggest that Reehling may have used his position as Mayor to influence Flowers concerning the Pear Street site. One indication of this is the fact that Reehling was apparently informed that Apostolic would not be granted a building permit for that site before any application for such had been made. In addition, the series of permit applications made by Apostolic for the Benjamin Street site together with the subsequent denials by Flowers and accompanying inconsistent explanations evidence a possible pattern of conduct by Rocket to obstruct and/or undermine the prosecution of Apostolic's application. *Cf. Sumiton Broadcasting Co.*, 45 FCC 2d 933, 29 RR 2d 1163 (1974); *WIOO, Inc. ,supra*, and *Chronicle Broadcasting Co., supra*.

9. We would like to take this occasion, without in any way casting a reflection upon the particular parties before us, to make clear that we consider motions to enlarge issues to examine alleged misconduct to be a serious matter for both parties. Obviously, if the charges are substantiated the matter is serious for the party engaging in the misconduct. It should be equally understood that charges of character deficiency are not to be made as "bargaining chips" or for other tactical purposes. Absent good cause, any failure to pursue the matter actively at the hearing when an issue is added will be deemed a serious blemish upon the fitness of the party who initiated the issue. The filing of motions to add issues to a hearing substantially adds to the complexity and expense of the hearing for all parties. The Board does not add issues lightly, and we wish to make clear that the parties to the proceeding are expected to view the matter in the same light. As noted above, our comments on this matter are not intended to indicate that we think the parties to this hearing are not proceeding in good faith. We have rather chosen this occasion to make a statement which we hope will be given general consideration by parties to Commission hearings.

CONCENTRATION OF CONTROL ISSUE

10. Apostolic's request for a concentration of control issue is predicated on the fact that as president of Rocket, Paul Reehling controls the only local broadcast station in Fort Valley (WFPM) and that as Mayor, Reehling wields considerable political power in the community. It is argued by Apostolic that "the combination of Mr. Reehling's political and broadcast positions require that he be prohibited from obtaining a further voice in the community." The Board agrees with Rocket and the Broadcast Bureau that the requested issue is unwarranted. Rule 73.240(a)(2), as pointed out by the Bureau, in no way inhibits the acquisition by a daytime-only AM licensee of an FM station in the same community. Standing alone, Reehling's broadcast interest and position as Mayor do not raise a question of undue concentration of control of the local communications media. Moreover, petitioner has failed to provide any factual data concerning the areas and populations to be served and the extent of other competitive service to the areas in question. See Rule 73.636(a)(2); *Post-Newsweek Stations, Florida, Inc.*, 52 FCC 2d 887, 33 RR 2d 997 (1975) and *National Broadcasting Company, Inc. (KNBC)*, 21 FCC 2d 195, 18 RR 2d 74 (1970), rev'd in part on other grounds FCC 70-691, released July 7, 1970. In fact, petitioner concedes that the community of Fort Valley is served by two newspapers. In light of these facts, the Board finds Apostolic's allegations insufficient to warrant the specification of an issue; however, Reehling's ownership in WFPM may be considered under the diversification criterion of the standard comparative issue. See *William R. Gaston*, 35 FCC 2d 624, 24 RR 2d 779 (1972).

11. Accordingly, *it is ordered*, That the petition to enlarge issues, filed March 11, 1975, by Apostolic Council of Churches, Inc., is granted to the extent indicated herein and denied in all other respects; and

12. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issues:

(a) To determine the facts and circumstances relating to and surrounding the investigation of Joseph Dale Wilson and Ray McWilliams by Rocket Radio, Inc., and whether the conduct of such investigation constituted attempts to harass, coerce and intimidate such persons; and

(b) To determine whether Frank Flowers made misrepresentations in connection with the submission of an affidavit dated February 28, 1975, and, if so, to determine the role of Rocket Radio, Inc., in connection therewith; and

(c) To determine the facts and circumstances relating to the conduct of Paul Reehling and Frank Flowers concerning the efforts of Apostolic Council of Churches, Inc., to obtain a building permit and to determine whether such conduct constituted an attempt to harass, impede or obstruct the application of Apostolic Council of Churches, Inc.; and

(d) To determine the effect of the evidence adduced under issues (a), (b), and (c) above upon the basic and/or comparative qualifications of Rocket Radio, Inc., to be a Commission licensee.

13. *It is further ordered*, That the burdens of proceeding with the introduction of evidence and proof under issues (a),

[6] In support, Apostolic attaches the affidavit of Charles R. Cobb, dated March 8, 1975, recounting his discussion with Flowers.

[7] Apostolic notes that Flowers' affidavit was attached to Rocket's petition for expedited relief, filed with the Commission on March 5, 1975, and that Apostolic had earlier filed a petition for immediate relief with the Commission on February 26, 1975, in which it sought a continuance in this proceeding on the ground, *inter alia*, that its church was seriously damaged and therefore, its president, Charles R. Cobb, who is also the Bishop of the Apostolic Council of Churches, would be unable to prepare adequately for the hearing. (Cobb asserts in an affidavit dated March 8, 1975, that the church was moved off of its foundation and a large hole was torn in the roof.) Apostolic suggests that Flowers' attempt to have Cobb cease repairs was related to Rocket's plans to photograph the church, since a photograph of Apostolic's church, taken March 2, 1975, is attached to Rocket's petition for expedited relief. On March 3, 1975, the Commission issued an Order, FCC 75-254, postponing the hearing scheduled for that date pending further order of the Commission, and on August 12, 1975, the Commission released a Memorandum Opinion and Order, FCC 75-927, granting in part Apostolic's petition for immediate relief and dismissing as moot Rocket's petition for expedited relief.

[8] No affidavit from Cobb to this effect has been submitted with Apostolic's petition; however, Apostolic's petition for leave to amend, filed February 13, 1975, contains the same allegations, and attached to the petition is a blanket affidavit from Cobb attesting to the truth of the factual representations contained therein.

[9] The letter was submitted to the Commission in support of Rocket's motion to enlarge issues, filed October 7, 1974, along with an affidavit of Reehling stating that he had personally spoken with George Maddox whose property abuts 309 Pear Street, and that Maddox was opposed to the erection of a radio tower or antenna structure on the adjoining property. Apostolic submits an affidavit of George Ernest Maddox, Sr., stating that he does not oppose the erection of a radio tower or antenna structure on the adjoining property and that he "was mislead [sic] by Mr. Paul Reehling to think that the structure proposed was a great huge thing that would extend on my property."

[10] Apostolic contends that in the letters of October 31 and December 10, 1974, Flowers failed to provide reasons for his denials as required by Section 102.3 of the Fort Valley Zoning Ordinance. Upon inquiry by Apostolic's counsel, Flowers advised that the proposed tower was not a permitted use of the Pear Street property which was zoned residential.

[11] Flowers also advised Cobb that a Tower over 40 ft. high would violate the Ordinance, that the property was too small, and that it abutted a residential district. (In support, Apostolic submits the affidavit of Earnest C. Marshall who witnessed the discussion between Cobb and Flowers.) Apostolic asserts, to the contrary, that although Article VIII of the Zoning Ordinance provides for a 40 ft. maximum height in the industrial zone, Section 95 specifically exempts transmission towers. In addition, Apostolic contends that its plan meets the minimum setback requirements for the industrial zone, that the abutting property is not a residential district, and that the owners of the abutting property have no objection to the erection of a radio tower. However, no affidavits from adjoining property owners are attached to Apostolic's petition.

[12] Affidavits to this effect from Otis Mathis, Jr., a detective sergeant with the City of Fort Valley, who spoke to Ray McWilliams and from Captain Willie Talton, both dated March 14, 1975, are included with Rocket's opposition. Mathis asserts that he was not driving a marked police automobile.

[13] Apostolic argues that no members of the public appeared before the Appeal Board at the time of the public hearing on March 6, 1975, and that Apostolic was not provided with any notice that a further meeting would be held on March 14, nor was any notice published in the newspapers.

[14] Apostolic also alleges that A. L. Benjamin, the first signatory on Rocket's petition, was told by Flowers that Apostolic's tower would be in a residential zone, but Apostolic fails to provide an affidavit from Benjamin.

[15] Fort Valley has a population of 9,251 (1970 U.S. Census).

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(b), and (c) added herein shall be on Apostolic Council of Churches, Inc.,

Adopted: October 15, 1975.

Released: October 22, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-29008 Filed 10-28-75;8:45 am]

[Docket No. 20181, File No. BPH-8408; Docket No. 20182, File No. BPH-8789; FCC 75R-388]

ROCKET RADIO, INC. AND APOSTOLIC COUNCIL OF CHURCHES, INC.

Memorandum Opinion and Order Enlarging Issues

1. This proceeding involves the mutually exclusive applications of Rocket Radio, Inc., and Apostolic Council of Churches, both of Fort Valley, Georgia, for an FM construction permit. Presently before the Review Board is a petition to enlarge issues, filed July 15, 1975, by Apostolic seeking the addition of a character issue against Rocket: [1, 2]

2. In its petition, Apostolic asserts that Edmond Paul Reehling (the son of Rocket's president) obtained credit information concerning Charles R. Cobb (Apostolic's president) from the Credit Bureau of Macon, Georgia, in an unauthorized and illegal manner in an effort to ensure the disqualification of Apostolic on financial grounds.[3] Specifically, Apostolic contends that on January 6, 1975, the Credit Bureau of Macon received an inquiry about Cobb from the Dixie Finance Company. On this date, there were three employees at Dixie, including Edmond Paul Reehling, petitioner maintains, and in view of the affidavits of the other two employees, both of whom deny requesting the information on Cobb, it must be assumed that Reehling made the credit request. As for the request itself, it is Apostolic's assertion that this inquiry by Reehling was not authorized by Cobb, that it violated the Fair Credit Reporting Act, and that it involved the use of false pretenses, in that Reehling improperly represented himself as acting on behalf of Dixie.[4]

3. In opposition, Rocket asserts that Reehling did not at any time request credit information concerning Cobb from the Credit Bureau of Macon and was not instructed to do so by any person, and submits in support thereof an affidavit to this effect from Reehling. Further, Rocket contends, even if Reehling had requested the information concerning Cobb, Apostolic has not shown that such an action has been held to violate the Fair Credit Reporting Act by the Federal Trade Commission, the government agency responsible for enforcing the Act, or that it would in fact violate this statute.

4. The Review Board will add the requested issue. The circumstances relied on by Apostolic are, in our opinion, sufficient to raise a serious question concerning Edmond Paul Reehling's role in obtaining an unauthorized credit request, and these questions cannot be resolved solely on the basis of Reehling's self-serving denial of any wrongdoing. Moreover, while we agree with Rocket that an inquiry of the kind allegedly made by Reehling has not been held expressly to violate the Fair Credit Reporting Act, we do not agree that this fact precludes any further investigation of the action in question. Even where no suit charging illegal conduct has been filed or no formal complaint made, the Commission may consider and evaluate conduct which allegedly violates Federal law or is otherwise improper insofar as this conduct may relate to an applicant's ability to operate a broadcast station in the public interest. See *Violations by an Applicant of Laws of the U.S.*, 42 FCC 2d 399, 1 RR Part 3 91:495 (1951), *Cf. Gross Telecasting, Inc.*, FCC 75-1035, released September 16, 1975, 34 RR 2d 1491. Since, in our view, the alleged conduct in question could well have involved misrepresentation to procure credit information about a principal of a competing applicant, it could reflect upon Rocket's qualifications to be a Commission licensee whether or not there was a violation of the statute.[5]

5. Accordingly, *it is ordered*, That the petition to enlarge issues, filed July 15, 1975, by Apostolic Council of Churches, Inc. is granted; and

6. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issue:

To determine whether Edmond Paul Reehling obtained credit information concerning Charles R. Cobb in an unauthorized manner and whether this information was obtained at the request of a principal of Rocket Radio, Inc., and, if so, to determine the effect thereof on Rocket Radio Inc.'s basic and/or comparative qualifications to be a Commission licensee.

7. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the issue added herein shall be on Apostolic Council of Churches, Inc., and the burden of proof shall be on Rocket Radio, Inc.

Adopted: October 15, 1975.

Released: October 21, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-29004 Filed 10-28-75;8:45 am]

[Docket Nos. 20510, 20511, 20512; File Nos. BPH-8873, BPH-9015, BPH-9211; FCC 75R-394]

HAROLD JAMES SHARP, ET AL.

Memorandum Opinion and Order Enlarging Issues

1. This proceeding involves the mutually exclusive applications of Harold James Sharp, Greater Ocala Broadcasting Corporation (GOBC), and Hunter-Arnette Broadcasting Company (Hunter-Arnette) all of Ocala, Florida, for construction permits for a new FM broadcast station at Ocala, Florida. Presently before the Review Board is a third petition to enlarge issues, filed September 3, 1975, by GOBC, which seeks to add an issue to determine whether Hunter-Arnette has failed to disclose material facts concerning its technical proposal, whether such non-disclosure constitutes an affirmative misrepresentation to the Commission, and the effect of such conduct on Hunter-Arnette's basic and/or comparative qualifications to be a Commission licensee.[1]

2. In support of its petition, GOBC first asserts that Hunter-Arnette's failure to timely disclose to the Commission the Federal Aviation Administration's determination that its technical proposal for a new FM broadcast station in Ocala, Florida, would constitute an air hazard warrants a Rule 1.65 issue. Specifically, GOBC alleges that on July 27, 1974, Hunter-Arnette was advised by the FAA that its proposed tower could be a hazard to air navigation; that, on February 21, 1975, the FAA informed Hunter-Arnette that this definitely was the case; and that it was not until July 22, 1975, that the applicant took steps to inform the Commission of these facts.[2] GOBC further asserts that Hunter-Arnette also failed to timely report that vital portions of its engineering proposal were in error--portions directly relevant to the "areas and populations" issue—even

[1] Also before the Board are the following related pleadings: (a) opposition, filed August 8, 1975, by Rocket; (b) comments, filed August 7, 1975, by the Broadcast Bureau; (c) reply, filed August 20, 1975, by Apostolic.

[2] By Memorandum Opinion and Order, FCC 75-927, released August 12, 1975, the Commission referred the above petition and its related pleadings to the Review Board.

[3] A financial issue against Apostolic has been designated in the proceeding.

[4] In view of Apostolic's six month delay in bringing this matter to the Commission's attention, the Board must conclude that its petition is untimely. We will, however, consider its allegations on their merits because of the importance of the issues raised. See *The Edgefield-Saluda Radio Co.*, 5 FCC 2d 148, 8 RR 2d 611 (1966).

[5] *Cf. Theodore Granik and William H. Cook v. FCC*, 234 F.2d 682, 13 RR 2185 (D.C. Cir. 1956), where the Court stated that "good faith and fair dealing bear upon the public interest."

[1] Also before the Board are the following related pleadings: (a) opposition, filed September 16, 1975, by Hunter-Arnette; (b) comments, filed September 15, 1975, by the Broadcast Bureau; and (c) reply, filed September 19, 1975, by GOBC.

[2] Thereafter, pursuant to a petition filed by the Broadcast Bureau, the Review Board added an air hazard issue against Hunter-Arnette (FCC 75R-333, released September 5, 1975).

though it was aware of the error.[3] Because of this error, GOBC alleges, it has been seriously prejudiced. Finally, petitioner asserts that Hunter-Arnette may have affirmatively misrepresented the status of its technical proposal in order to avoid the possibility of technical disqualification. The Broadcast Bureau, in its comments, supports petitioner's request for an issue inquiring into the alleged failure to report the adverse FAA determination.

3. In opposition, Hunter-Arnette initially argues that the Commission does not require prior FAA approval before an application is submitted for filing, nor does it require an applicant to make any specific showing as to FAA approval in any portion of the application form for construction permits and, therefore, no non-disclosure or misrepresentation exists.[4] Hunter-Arnette next asserts that its application, as originally filed, contained a statement that the area within the proposed 1 mV/m contour was 673 square miles. However, opponent submits, the application was subsequently amended to reflect the population of persons within the 1 mV/m contour and, through some unexplained circumstance, the area within the contour was changed to 425.5 square miles. This error was inadvertent and recently discovered, Hunter-Arnette asserts, and it alludes to the affidavit of John H. Mullaney, its consulting engineer, who explains that this latter figure could not follow as a mathematical result and, therefore, that no misrepresentation is present.

4. In reply, GOBC contends that the Commission's rules do require the reporting of significant changes in air clearance information, particularly where an adverse FAA determination exists.[5] GOBC argues that it was not until February 21, 1975, that the FAA made its final determination that Hunter-Arnette's proposal had a "substantial adverse effect upon aeronautical operations." GOBC also argues that Hunter-Arnette did not notify the applicants or the Commission of this adverse determination.[6] Finally, GOBC asserts that Hunter-Arnette's failure to voluntarily and timely inform the Commission of the foregoing facts necessitates addition of non-disclosure and misrepresentation issues.

5. The Review Board will add a Rule 1.65 issue. In our view, Hunter-Arnette's failure to inform the Commission until July 1975 of the FAA's February 1975 adverse determination as to its proposed tower warrants an evidentiary inquiry.[7] Although, as Hunter-Arnette argues, the application form does not require an applicant to make a specific showing as to FAA approval, nevertheless, we believe it is clear from both the Commission's rules and case law that where a proposal constitutes a serious hazard to air navigation, this fact is decisionally significant and must be reported to the Commission. See Rule 17.4; *Cf. Athens Broadcasting Co., Inc.*, 27 FCC 2d 7, 20 RR 2d 1115 (1971). However, we will add the issue as a comparative basis only since there is no indication of deliberate concealment on the part of Hunter-Arnette.[8] Nor, for the same reason, is there any basis for adding a separate misrepresentation issue. Finally, we will not authorize inquiry into Hunter-Arnette's representation of its area coverage since, in view of the Mullaney affidavit and the other circumstances before us, it appears that the incorrect figure contained in the amendment was merely an inadvertent error.

6. Accordingly, *it is ordered*, That the petition to enlarge issues, filed September 3, 1975, by Greater Ocala Broadcasting Corporation, IS GRANTED to the extent indicated herein, and is denied in all other respects; and

7. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issue:

To determine whether Hunter-Arnette Broadcasting Co., has failed to comply with Rule 1.65 by not reporting an adverse determination by the FAA as to its proposed tower and, if so, the effect of such noncompliance on Hunter-Arnette's comparative qualifications.

Adopted: October 20, 1975.

Released: October 23, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-29007 Filed 10-28-75;8:45 am]

[3] Specifically in question, petitioner asserts, is Hunter-Arnette's statement in an amendment submitted on August 27, 1975, that its proposed service area includes 659 square miles as opposed to the representation in its original application that its service area contains 425 square miles. Petitioner's figures, taken from a discussion at the hearing, are in error although, as set forth in the text, Hunter-Arnette did incorrectly state the square mileage figure in its amendment.

[4] Hunter-Arnette also asserts that the Commission and GOBC were fully aware as early as November 29, 1974, that the FAA had problems with its site, and that the Commission was advised by the FAA of its disapproval of the transmitter site in February, 1975.

[5] GOBC asserts that Hunter-Arnette's contention that both the Commission and the other parties to this proceeding were aware, on November 29, 1974, of the FAA's adverse determination as to its proposed site is erroneous. GOBC further asserts that on the foregoing date, the Bureau merely made inquiry as to whether "further aeronautical study" would be requested of the FAA by the applicant.

[6] GOBC states that the "understanding" of counsel for Hunter-Arnette "that the Commission was advised by the FAA" of the adverse air hazard determination is erroneous. Rather, GOBC states, at the July 22 prehearing conference, counsel for the Broadcast Bureau requested an explanation of the status of the FAA clearance problem. In any case, GOBC asserts, informal notice by the FAA to the Commission would not satisfy Hunter-Arnette's obligations under Rule 1.65.

[7] *Cf. Total Radio, Inc.*, 51 FCC 2d 771, 32 RR 2d 653 (1975).

[8] See generally Part 17 of the Commission's Rules which adverts to the Interrelationship between th FAA and the Commission regarding the subject.

[Docket No. 20649 RM-2531; FCC 75-1168]

TELEVISION PROGRAMMING

Non-Interconnected Distribution to Certain Foreign Stations; Notice of Inquiry

1. The Commission has under consideration a "Petition for Rule Making" submitted on behalf of the American Broadcasting Companies, Inc. ("ABC"), which seeks the adoption of a rule intended to restrict the licensing for exhibition by foreign television stations of programs which are produced in the United States and shown on foreign stations regularly received in the United States prior to national network exhibition in this country (hereinafter referred to as "prerelease" or "prerelease programming"). Responses in support of the petition were filed by Flower City Television,[1] the Brockway Company [2] and Great Lakes Communications, Inc.,[3] with joint responses being filed by WBEN, Inc., Taft Broadcasting Co., and Capital Cities Communications, Inc. ("WBEN"),[4] and by Community Broadcasting Service and Aroostock Broadcasting Corp. ("Community").[5] A response opposing the petition was jointly filed by Columbia Pictures Industries, Inc., MCA, Inc., Paramount Pictures Corp., Twentieth Century Fox Film Corp., and Warner Bros., Inc. ("program suppliers"). Replies to responses were submitted on behalf of ABC and WBEN.

2. Prelease programming occurs when a television station, in this case a Canadian station consistently received in the United States, airs a program in advance of the time the same program is scheduled to appear on network-affiliated stations in the United States. As a concurring statement joined in by four Commissioners explained,[6] the ability of Canadian stations to air programs in advance of their showing on U.S. stations stems from the fact that Canadian licensees seek, and program suppliers grant, prerelease rights for specific programs and series of programs. Programs presented by Canadian TV stations on a prerelease basis may be seen by viewers in the U.S. either by tuning to the Canadian TV station directly or by subscribing to a cable television system in this country which imports the signals of Canadian TV stations. In either case, the viewer is able to see programs which, in many instances, will not be seen on

[1] Flower City is licensee of television Station WOKR, Rochester, New York.

[2] The Brockway Company is licensee of WWNY-TV, Carthage-Watertown, New York.

[3] Great Lakes Communications, Inc., is licensee of WICU-TV, Erie, Pennsylvania.

[4] Taft Broadcasting Co., is licensee of WGR-TV, Capital Cities Communications is licensee of WKBW-TV, and WBEN, Inc. is licensee of WBEN-TV. All stations are located in Buffalo, New York.

[5] Community Broadcasting Service is licensee of WABI-TV, Bangor, Maine; Aroostock Broadcasting Corp. is licensee of WAGM-TV, Presque Isle, Maine.

[6] *United Community Antenna Systems, Inc.*, 49 F.C.C. 2d 873 (1974) at p. 877; reconsideration denied 52 F.C.C. 2d 389 (1975), appeal pending.

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U.S. network-affiliated stations until a later time. The result of this practice, say ABC and the supporters of its petition, is that viewers in this country prefer to watch Canadian TV stations rather than those in this country. Community, Great Lakes, and Brockway assert that U.S. network affiliates located along the U.S-Canadian border experience a diminution of their viewing audiences as a result of the prerelease practice. It is our own observation that the growth of cable systems and increased over-the-air reception along the northern border areas of the United States (with the resultant increase in Canadian TV viewing opportunities for viewers in this country) may have elevated the prerelease practice, once thought to be insignificant, to a matter of genuine concern. Moreover, it is apparent that whatever problem presently exists in this regard will be exacerbated by the new Toronto television supporting structure which, when completed, will enable Toronto TV stations to deliver Grade A signals to Buffalo.

3. The effect of Canadian prerelease practices upon U.S. licensees is not a matter of first impression for the Commission. On numerous occasions, usually in the context of cable television proceedings, we have been asked by affected television licensees either to grant protective relief or deny the request of a cable system operator for permission to import the signals of Canadian stations carrying prereleased programming. In the earlier stages of cable television development, we described the Canadian prerelease problem as not widespread enough to warrant relief by rule making, though we did indicate that special *ad hoc* program exclusivity relief might be available in certain circumstances.[7] Thereafter, in three separate actions, we granted protection against the importation of Canadian prereleased programming by U.S. cable television systems.[8] Later, relying upon accumulated experience and changing circumstances in the prerelease area,[9] we required U.S. licensees seeking exclusivity protection from prereleased programming to demonstrate that the practice would result in the reduction of audiences, revenues, and profits to a point where programming services would be significantly impaired.[10] More recent decisions involving requests by U.S. licensees for protection from imported Canadian prereleased programming have reiterated the necessity for showing that the practice itself results in an adverse financial impact upon the licensee.[11] Though most showings have been found to be legally insufficient to support a grant of the relief requested, we have nevertheless continued to view the Canadian prerelease programming practice as a legitimate concern.[12]

4. In its petition, ABC outlines what it says is the general problem of Canadian prerelease programming vis-a-vis U.S. broadcasters; develops a theory of jurisdiction premised on the "delivered" language of Sec. 325(b) of the Communications Act of 1934, as amended; [13] and advances a specific proposal which it says will resolve the prerelease problem for broadcasters in this country.[14] ABC says it has attempted to negotiate with the program suppliers for more favorable distribution rights, but to no avail. It concludes that economic and competitive considerations have closed off the bargaining approach as a feasible solution and asserts that Commission action is the most prompt and effective remedy available. Urging that the prerelease problem be viewed in the larger context of recent Canadian government action,[15] ABC submits that the Commission has jurisdiction under which it may adopt rules regulating the licensing for exhibition in foreign countries of television programs produced in this country where the programs would first be shown on foreign stations that can be regularly received in this country.

5. WBEN's memorandum in support of ABC's petition is devoted, in large part, to an analysis of the programming of five Toronto-Hamilton, Ontario, television stations and a discussion of the possible effects to be realized from the imminent use by three Toronto TV stations of a new 1,805-foot observation and communications tower located in Toronto. The essence of the argument presented by WBEN is that the prerelease practices of the Canadian stations are already having a deleterious effect on U.S. stations located in the Buffalo market, and that inauguration of the new Canadian transmitting facilities (which will allow Grade A signals to be placed over the city of Buffalo) will, as already noted, only aggravate the problem further.

6. The remaining responses supportive of ABC's petition renew the concern expressed by WBEN and ABC over the new Toronto tower, and assert that Canadian prerelease programming, whether seen by U.S. viewers directly or by cable importation, adversely affects U.S. television licensees.

7. The program suppliers disagree with the arguments advanced by ABC and the supporters of the petition, asserting that the "physical delivery" theory of jurisdiction proposed by ABC was judicially repudiated nearly four decades ago.[16] Further, they contend that Sec. 325(b) was enacted not to deal with the practices at issue in this proceeding, but rather with objectionable programming and "outlaw" broadcasting of the type that prevailed along the U.S.-Mexican border in the mid-1930's.[17] The program suppliers also contend that adoption by the Commission of a rule such as that proposed by ABC would result in the violation of certain of the program suppliers' First Amendment rights, and would require the Commission to assume a policy position contrary to that of the Government of the United States which has openly advocated a free and unimpeded flow of information across international borders.

8. The basic jurisdictional issue raised in this proceeding was recently considered in *Time Sales, Inc.*[18] There, we held that the physical delivery of programming materials across international borders for use by foreign brodcast stations whose signals are consistently received in this country was among the activities proscribed by Sec. 325(b) where prior Commission authorization for delivery had not been obtained. The question, we said, was not one of Commission jurisdiction over the subject matter for the meaning of the statute was clear; instead, the issue was one of statutory interpretation and application of the Act to the facts of the case.[19] The situation in the present proceeding is similar. The plain language of the statute and a careful review of the legislative history leading to the enactment of the statute persuades us, as it did in the *Time Sales, Inc.* decision, that the Commission has the necessary jurisdiction under which it may act if required to protect the public interest. Moreover, as mentioned in para. 14, below, there are possible approaches to this subject based on other statutory provisions. The only issues before us are whether and how the statute should be applied.

9. Although the Canadian prerelease practices have been described by various parties as a "problem," the nature and extent of the "problem" remains essentially undefined. The effect of the prerelease practice on viewers, licensees, cable television system operators, program suppliers, networks, and the interrelationships between those parties, has not, to our knowledge, been specifically examined, particularly in the context presented here. Nevertheless, all of the above have a particular stake in any public interest determination. The record in the present proceeding adds little to the meager body of information already available. Because Canadian prerelease practices appear to be assuming an increasing significant role in telecommunications relations with Canada, it seems appropriate to assemble as much relevant information as is available on the subject so that future decisions in this area will be based on an informed and objective understanding of the prerelease practice. Accordingly, the most reasonable approach in our opinion is to undertake an inquiry which will enable us to determine whether or not the public interest requires regulatory intervention.

10. We therefore invite all interested parties to submit comments on, or related to, the questions posed below.[20] Although parties are encouraged to consider and comment on all aspects of the inquiry, they should, at a minimum, respond to the questions contained within the appropriate headings.

(a) *General Inquiry.* Are existing Canadian prereleaed practices harmful to the public interest? If so, what remedies other than Commission intervention are available? If program suppliers are required to apply for program export permits, by what criteria should they be judged?

(b) *Specific Inquiry: Viewing Public:* The perspective of the inquiry will be enhanced by the receipt of comments from members of the general public and public interest groups who may wish to inform the Commission of their opinions as to whether the existence of the Canadian prelease practice is beneficial or detrimental to the public interest.[21] Does the existence of the prerelease practice provide an increased diversity of viewing opportunities? If so, is the advantage outweighed by other consequences adverse to the public interest?

(c) *Licensees: Which U.S. markets are exposed to the Canadian prerelease practices either as the result of cable importation or direct over-the-air reception? What amount of programming produced* for U.S. network exhibitions is broadcast in Canadian markets on a prerelease basis? How much is telecast during prime time hours? How much prereleased programming is ultimately available for viewing in the various American markets? To what extent have U.S. licensees sustained an actual and quantifiable reduction in U.S. audiences, revenues, and profits as a result of exposure to the prerelease practice? Has exposure to the practice resulted in the impairment of public affairs or other program services rendered by U.S. licensees? What is the nature of this impairment? To what extent does the concern over the prerelease practice, expressed by proponents of the petition, reflect actual or potential loss of U.S. viewers, and to what extent does it represent actual or potential loss of Canadian viewers to U.S. stations? The Commission expects parties responding to these questions to substantiate their responses by providing comparative analyses of market rating surveys illustrating audience shares and ratings held by both U.S. and Canadian television stations. It would greatly assist the Commission if licensees submitted relevant financial data supportive of allegations that the prerelease practice has effectuated an erosion in revenue and profits.[22]

(d) *Program Producers and Suppliers:* What amount of programming produced for exhibition on U.S. television networks is distributed with prerelease rights to Canadian licensees or network organizations? What means are used to effectuate distribution of the programming to Canadian licensees? To what extent are brokers, syndicators and other "middle men" utilized in the distribution chain? Within the industry, are program producers and program suppliers commonly the same entity? Which of the above use or maintain studios or other production centers within which the programming is filmed or taped? What economic consequences can be reasonably expected to result for the program production industry if the prerelease practice is curtailed or eliminated as the result of Commission regulation? Parties are invited to discuss the possible effects on program pricing should the present foreign distribution system come under Commission regulation. Comments are also invited on the question of the extent to which the welfare of the U.S. program production industry is a public consideration which the Commission should take into account in this matter.

(e) *Cable systems:* What would be the resultant effect upon domestic cable systems if the Commission should act to regulate the participation of U.S. program suppliers in the prerelease programming practice? Do domestic cable system operators utilize the availability of Canadian prerelease programming in efforts to gain cable system subscribers? What would be the impact, if any, of a proposal to prohibit the carriage by domestic cable television systems of prereleased programming aired by Canadian stations whose signals are imported by cable systems for exhibition in this country? Would Commission regulation of certain program supplier practices adversely affect the economic viability of Cable systems and thus the public interest in an expanding cable service?

(f) *Networks:* To what extent is programming obtained by the U.S. television

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[7] *Memorandum Opinion and Order, Docket No. 14895*, 6 F.C.C. 2d 309 (1967) citing *Second Report and Order on Cable Television*, 2 F.C.C. 2d 7 (1966).

[8] *Jamestown Cablevision, Inc.*, 6 F.C.C. 2d 635 (1967); *Northern Microwave Service, Inc.*, 7 F.C.C. 2d 115 (1967); *General Electric Cablevision Corp.*, 10 F.C.C. 2d 739 (1967).

[9] *Colorcable, Inc.*, 25 F.C.C. 2d 195 (1970).

[10] *In Re CBS, Inc.*, 25 F.C.C. 2d 212 (1970).

[11] *Vanhu, Inc.*, 47 F.C.C. 2d 1244 (1974); reconsideration denied, 51 F.C.C. 2d 211 (1975), appeal pending, sub nom., KIRO, Inc., Nos. 75-1233, 75-1390 (D.C. Cir.).

[12] *Nationwide Cablevision, Inc.*, 49 F.C.C. 2d 659 (1974); reconsideration denied, 51 F.C.C. 2d 522 (1975). See also the concurring statement in *United Community Antenna Systems, Inc., supra.*

[13] Section 325(b) reads:

"(b) No person shall be permitted to locate, use or maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a foreign country for the purpose of being broadcast from any radio station there having a power output of sufficient intensity and/or being so located geographically that its emissions may be received consistently in the United States, without first obtaining a permit from the Commission upon proper application therefor."

It should be noted that the present Section 325(b) is a verbatim descendant of a proposed amendment to Section 28(a) of the Federal Radio Act which was superseded by the Communications Act of 1934. The proposed Section 28(a) was subsequently incorporated into the Communications Act prior to its passage. The greater part of the legislative history of Section 325(b) is, therefore, found in the hearings and deliberations on the amendment to Section 28 of the Federal Radio Act.

[14] The proposed regulation offered by ABC states:

"Television programs produced in the United States for national network exhibition in the United States, shall not be licensed for exhibition by a foreign television station which can be regularly viewed in the United States, either by off-the-air reception or cable television service, upon terms which permit such foreign exhibition prior to first United States national network exhibition except pursuant to an authorization issued under Section 325(b) of the Communications Act."

[15] These actions include a Canadian Radio-Television Commission ("CRTC") policy that commercial material be deleted from U.S. programs imported for airing on Canadian cable television systems, and a legislative proposal to eliminate business expense tax deductions for advertising placed by Canadian firms on U.S. broadcast stations.

[16] *Baker v. U.S.*, 93 F. 2d 332 (5th Cir. 1937), *cert. denied*, 303 U.S. 642 (1938), which held that the physical delivery of records and transcriptions to a Mexican station, as opposed to the delivery of programs by means of wireline interconnection, did not require the issuance of a program export permit under Section 325(b) of the Communications Act, *supra*. That determination was, however, made in the context of a criminal proceeding, and is otherwise distinguishable from the "prerelease" practice here considered.

[17] The legislation was primarily designed to curb the activities of medical charlatans who, at the time, were brokering Mexican border stations from studios established in Texas. The abuses cited in the legislative history do not define the limits of the Commission's jurisdiction in this area. See *American Broadcasting Companies, Inc.*, 35 F.C.C. 2d 1 (1972), affirmed per curiam *American Broadcasting Companies, Inc. v. F.C.C.*, Case No. 72-1612 (D.C. Cir. 1972), 26 R.R. 2d 203 (1972). See also *Wrather-Alvarez Broadcasting, Inc. v. F.C.C.*, 248 F. 2d 646 (1957).

[18] *Time Sales, Inc.*, 48 F.C.C. 2d 246 (1974); reconsideration denied, 49 F.C.C. 2d 1403 (1974).

[19] 49 F.C.C. 2d 1403, 1404 (1974).

[20] Relevant information already submitted by interested parties in RM-2385, entitled "Petition for Rule Making to Ban the Carriage of Canadian Television Signals Within Stations' Specified Zones, and Require CATV Systems Presently Carrying Canadian Signals to Afford Local Market Stations Pre- and Post-Release Network Program Exclusivity as Against Those Canadian Television Signals," will also be considered in this proceeding.

[21] This is in accordance with Commission action of August 1, 1975. (F.C.C. Public Notice. Mimeo. 53701, released August 7, 1975.)

[22] As a part of this inquiry, the Commission will also review information submitted by licensees on Form 324, "Annual Financial Report of Networks and Licensees of Broadcast Stations." This information may be used to arrive at some general conclusions with regard to the issues of the economic impact of the Canadian prerelease practice.

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networks for national exhibition also provided to Canadian licensees with prerelease exhibition rights? Has the prerelease practice resulted in benefit or detriment to the public interest in having viable U.S. television network services? Explain. What benefits or disadvantages, both direct and indirect, could be expected to accrue to the three national television networks should the Commission decide to adopt regulations restricting the export of program material intended for prerelease? Are private remedies, either of a formal or informal nature, available which would eliminate the need for Commission regulatory intervention? Is the public interest better served by reliance upon competitive forces in the market place or by Commission intervention? Assuming that prerelease should be stopped by Commission intervention, could scheduling be arranged to provide for simultaneous carriage of network features by television stations in both countries? If such simultaneous arrangements could not be worked out, what would be the consequences?

11. It is not our intention to limit the *Inquiry* solely to those areas of concern enumerated above. Interested parties are encouraged to submit any relevant information which may assist the Commission in resolving the questions raised by the prerelease practice.

12. *Alternative approaches to the "pre-release" problem.* The ABC petition, and the foregoing discussion of it, represent an approach to the "pre-release" problem (assuming it is a problem) based on § 325(b) of the Act—the Commission's authority to prohibit or condition the supplying of programs from the U.S. to foreign stations regularly received in the U.S. In our view, this is not the only possible approach to this subject, since there appear to be others which could be used (and which conceivably would be simpler) if it is established that, in fact, the prerelease matter requires Commission action. One would be the adoption of regulations applying to those who supply programs to U.S. television networks (producers or distributors), under the Commission's established authority to adopt rules governing entities and practices having a substantial impact on broadcasting. *U.S.* v. *Southwestern Cable Co.*, 392 U.S. 157 (1968)[28]. Such a regulation, for example, might prohibit such persons or entities from releasing their regular network entertainment series programs, contracted for by a U.S. network, to foreign stations, networks, or broadcasting authorities on terms which would permit showing on stations regularly received in the U.S. (directly or via cable) at a time earlier than their carriage on the U.S. network. Another approach would be the adoption of regulations applying to the U.S. networks, in this respect similar to the "financial interest" and "syndication" rules adopted in 1970 (§ 73.658(j)). Further, our cable television rules could be revised to restrict the importation of prereleased Canadian television programs. We are not here proposing these or any other specific regulations; comments are invited on any of these approaches, or others, in addition to the ABC approach based on § 325(b).

13. Authority for the *Notice of Inquiry* is contained in Section 403 of the Communications Act of 1934, as amended.

14. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested parties may file comments on or before November 28, 1975, and reply comments on or before December 8, 1975. All relevant and timely comments and reply comments will be considered by the Commission before action is taken herein. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this *Notice*.

15. Section 1.419 of the Commission's Rules requires that an original and 11 copies of all comments, replies, pleadings, briefs, etc. shall be filed with the Commission. This requirement will apply to the principal parties directly involved in this matter, such as the petitioner and station licensees, etc. However, the interest of the public as viewers is also involved here, and expressions from individuals may be of significance in this connection, and are encouraged. Letters and other expressions from the public will be received, placed in the docket and considered herein, even though they do not conform to the above rule. Also, the rather substantial material already filed with respect to the petition need not be filed again, but may be incorporated by reference. Material filed will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C., 1919 M Street, N.W.

Adopted: October 16, 1975.

Released: October 22, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[24]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-29003 Filed 10-28-75;8:45 am]

[Docket No. 20300, 20301; File No. BP-19587, 19733; FCC 75R-395]

TECHE BROADCASTING CORP. AND PHILLIPS RADIO, INC.

Applications for Construction Permits

1. This proceeding involves the mutually exclusive applications of Teche Broadcasting Corporation (Teche), Bayou Vista, Louisiana, and Phillips Radio, Inc., Berwick, Louisiana, for construction permits for a new standard broadcast facility. Presently before the Review Board is a petition to enlarge and modify issues, filed January 30, 1975, by Teche seeking the addition of suburban community, misrepresentation, *Suburban*, financial, Rule 1.526, and Rule 1.65 issues against Phillips, and the deletion of the Section 307(b) issue specified in the designation Order.[1]

SUBURBAN COMMUNITY ISSUE

2. Pursuant to the Commission's *Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities*, 2 FCC 2d 190, 6 RR 2d 1901 (1965),[2] Teche requests inclusion of an issue to determine whether Phillips' proposal would realistically provide a local transmission facility for its specified station location, Berwick, Louisiana, or for the larger community of Morgan City, Louisiana. Teche argues that the 50,000 population test enunciated in the *Policy Statement, supra*, was not intended as an inflexible standard and that it has made the necessary threshold showing that the proposal actually seeks to serve Morgan City (1970 U.S. population 16,586) rather than Berwick (population 4,186), citing *V.W.B., Inc.*, 8 FCC 2d 744, 10 RR 2d 563 (1967); and *Harry D. Stephenson and Robert E. Stephenson*, 15 FCC 2d 335, 14 RR 2d 945 (1968). While conceding that the comparison of the communities here involved does not meet the population test enunciated by the Commission, Teche argues that the disparity in population between the two communities, coupled with an analysis of Phillips' engineering characteristics, clearly requires the addition of the issue. According to Teche, Phillips could have achieved the requisite coverage of Berwick (*i.e.*, 5 mV/m coverage of the city and 25 mV/m coverage of the business and industrial areas of the city) with 250 watts power and a non-directional antenna located at any number of suitable sites within a crescent-shaped area near Berwick.[3] Instead, however, Phillips has proposed a clearly excessive operating power of 1 kW with a directionalized antenna, designed with its major lobe directed toward and over Morgan City, Teche avers. As a result, it continues, Phillips would place a 5 mV/m signal over all of and a 25 mV/m signal over the business and industrial sections of Morgan City. Thus, not only would Phillips provide technically complete coverage of Morgan City, Teche asserts, but it would be the most powerful station serving that city, operating with from two to six times the power of Morgan City Station KRMC. Teche urges that, aside from attempting to secure a Section 307(b) advantage, Phillips may attempt to qualify for dual-city identification (Berwick-Morgan City) in the future; therefore, the applicant reasons, the increased financial investment in the higher powered proposal (allegedly some $34,000 is in actuality an investment in the larger community from which Phillips intends to derive most of its advertising revenue. As a final matter, Teche maintains that it is significant that Phillips could not qualify as a Morgan City station since its proposal would occasion prohibited overlap as defined by Rule 73.37(a); rather, petitioner reasons, Phillips has taken advantage of a technical exception provided by Rule 73.37(b) (*i.e.*, provision of a first daytime station) even though Phillips allegedly has not relinquished its original and clear intention to become a Morgan City station.

3. In opposition, Phillips asserts that Teche has failed to make the necessary threshold showing required where the population of the communities involved is under 50,000, citing in support *V.W.B., Inc., supra*, and *Durgin Associates, Inc.*, 10 FCC 2d 24, 11 RR 2d 205 (1967). Specifically, Phillips asserts that Berwick and Morgan City do not possess the general characteristics of the city-suburban relationship, since there is no great disparity in population between the two communities, and that it is clear that Berwick has an independent economic, governmental and civic structure. Phillips asserts that Teche has neither shown nor alleged that Phillips' proposed programming is intended to serve the needs of Morgan City rather than Berwick. In response to Teche's engineering allegations, Phillips submits an engineering report which indicates that even at 250 watts its proposed facility would place a signal strength in excess of 5.0 mV/m over Morgan City, and that its proposed directionalized antenna system[4] is necessary to suppress radiation to afford protection to Mexican Station XERT, Reynosa.[5] But, in any event, continues Phillips, its proposed power is permitted by Commission Rules and is the same power permitted for daytime use on local channels and its choice of site was dictated by the fact that it was the only one of its major principal's holdings which was suitable, available, and unaffected by flooding problems.

4. In instances such as this where an applicant's proposal fails to automatically raise a presumption that it would realistically afford primary service to a community other than the one specified, a petitioner must make a strong threshold showing to justify the addition of a Section 307(b) suburban community issue. Two major factors have been repeatedly emphasized by the Commission. *Miracle Valley Broadcasting Company, Inc.* (*WEIF*), FCC 73-798, 42 FCC 2d 341 (1973). The first requisite is a tremendous disparity in the comparative sizes of the two communities; the second is a showing of social, political and/or economic dependence upon the larger community by the smaller. Neither factor is present here. Thus, we note that petitioner has not shown that Berwick is dependent upon the larger community of Morgan City in any manner whatsoever. And, absent such a showing, the Board perceives no basis for concluding that Berwick is so small and the disparity between the two cities so great, that Berwick of necessity would be dependent upon the larger community for revenues. Compare *Harry D. Stephenson and Robert E. Stephenson., supra*, and *V.W.B., Inc., supra*. Rather, the 1970 U.S. Census figures place Berwick's population at 4,186 and Morgan City's at 16,586, a ratio of only four to one. As a further matter, although the engineering characteristics of Phillips' proposal would enable the applicant to place a stronger signal over Morgan City than appears to be necessary, we do not believe that this factor, standing alone, is sufficient to justify the addition of an issue. *Cf. V.W.B., Inc., supra*, and *Durgin Associates, Inc., supra*. Rather, the Commission has held that it has never found a one kilowatt proposal to be excessive and that it has consistenty refrained from questioning the proposal of an applicant in this regard so long as all technical standards have been met as has been done here. *Central Carolina Broadcasting Corporation*, 50 FCC 2d 296, 32 RR 2d 379 (1974). Accordingly, the issue will not be added.

ASCERTAINMENT AND MISREPRESENTATION ISSUES

5. Teche asserts that Phillips' ascertainment showing contains numerous inaccuracies and omissions which not only draw its entire showing into doubt, but also raise a substantial question as to whether the applicant has made deliberate misrepresentations to the Commission. As an initial matter, Teche cites allegedly representative errors in Phillips' demographic study of its proposed community.[6] Maintaining that it must be assumed that the entire study is similarly replete with error, Teche avers that it is clear that the Phillips' principals did not attempt to personally examine the proposed community of license as represented by the applicant. As further indication of this, Teche asserts that in preparing its demographic study, Phillips merely "pirated" direct quotations from local (but out-of-date and inaccurate) publications. Second, Teche contends that Phillips' community leader survey is defective in several significant respects: specifically, petitioner asserts that the applicant failed to interview any members of the Police Jury, which is the local governing body in Louisiana; that given the significance of religious interest in the community, Phillips' survey of only one priest and two Baptist ministers is woefully inadequate; and that since nineteen out of forty-eight of the community leaders interviewed are educators, there is some question as to whether Phillips actually interviewed a cross-section of the community. As a related matter, Teche argues that Phillips has misrepresented the nature of its community leader survey, inasmuch as it has inaccurately described certain purported leaders, that two of the interviewees do not recall being interviewed and that one purported interviewee now states that he had refused to be interviewed by Phillips. Finally, Teche alleges that since the individual hired for the purpose of conducting the general public survey was not supervised by a principal or management-level employee of the applicant,[7] this portion of Phillips' ascertainment showing must be disallowed.[8]

6. In opposition, Phillips asserts that Teche's allegations with respect to the adequacy of its demographic study must be rejected since the information contained therein was obtained from a variety of sources customarily deemed reliable by the *Primer*.[9] Moreover, Phillips continues, since the information contained in its study is an accurate reflection of the information it received, there is no basis for the addition of a misrepresentation issue. With respect to its alleged failure to interview members of the Police Jury, Phillips explains that since Berwick is an incorporated area it has its own city government, rather than a police jury which is designed to govern an unincorporated area. In any event, Phillips states, it interviewed other governmental leaders and persons familiar with the parish's problems. In response to Teche's contention that Phillips made

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[28] This authority, under § 303(r) of the Act, would of course be limited to those situations where there is some U.S. nexus with the program to afford a basis for jurisdiction, either production in the U.S. or production or distribution by a U.S. person or entity.

[24] Dissenting statement of Commissioner Reid to be issued at a later date. Statements of Commissioners Hooks and Robinson filed as part of the original document.

[1] Also before the Board are the following related pleadings: (a) comments, filed March 6, 1975, by the Broadcast Bureau; (b) opposition, filed March 7, 1975, by Phillips; and (c) reply, filed March 19, 1975, by Teche.

[2] Therein, the Commission called for an examination to determine whether an applicant's proposed 5 mV/m daytime contour would penetrate the boundaries of any community with a population of over 50,000 persons and having at least twice the population of the applicant's specified community. If such a condition were found to exist, a rebuttable presumption would arise that the applicant realistically proposes to serve the larger community.

[3] According to Teche, Morgan City would receive a 5 mV/m signal from such a facility.

[4] However, Phillips also states that Teche is correct in indicating that "satisfactory coverage of Berwick in accordance with the FCC Rules could be achieved with 250 watts and a nondirectional antenna from either the site proposed or any of a number of other sites. . . ."

[5] As related by Phillips, Morgan City is located east-northeast of Berwick in a diametrically opposite direction to the region in which radiation must be suppressed; as a consequence, its transmitter site must be located in the west, south or southwest of Berwick in the direction of Morgan City so that the major lobe of radiation will be oriented toward Berwick.

[6] For example, petitioner alleges that Phillips erred in describing the extent to which parks, swimming pools and newspapers are available to the community of Berwick.

[7] Teche also suggests that Phillips made an affirmative misrepresentation to the Commission by declaring merely that the general public survey was conducted by a prospective employee of the proposed station.

[8] In support of this contention, Teche submits an affidavit from Mary Duthu stating that she received instructions for conducting the survey from a member of the Morgan City Chamber of Commerce and that she had not met with any representatives of Phillips.

[9] Citing *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21RR 2d 1507 (1971), question and answer 9.

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misrepresentations concerning its community leader survey, the applicant explains that those errors in description were the result of inadvertence. Further, Phillips submits the forms used to summarize the interviews with the two leaders who could not clearly recall the conversations in question, and explains that since it had contacted the interviewee who refused to fill out its questionnaire it listed him as having been contacted. Finally, William H. Phillips, president of the applicant, states that he had made arrangements to meet with the person employed to conduct the general public survey, but that due to an emergency, she cancelled the appointment.

7. In the Board's view, Teche's allegations—with one major but limited exception—fail to raise a susbtantial question with respect to the overall adequacy of Phillips' ascertainment showing. First, aside from adverting to a relatively small number of factual errors in Phillips' demographic study, petitioner has advanced no basis for assuming that Phillips' compositional study is incomplete or materially defective in any respect, whatsoever. Similarly, Teche's contentions that Phillips failed to survey a representative cross-section of Berwick must also be rejected as lacking the requisite specificity and support.[10] Thus, petitioner has not alleged that Phillips failed to consult with representatives of any significant group in the community in spite of the fact that the applicant interviewed a relatively large number of educators. And, Teche has not shown that Phillips disregarded the needs and interests of the religious community in any way because only three leaders of this segment of the population were consulted. As a related matter, we do not believe that the statements solicited from three of Phillips' interviewees warrant the addition of a misrepresentation issue; only one of the three statements was so unequivocal that it could be concluded with any degree of certainty that an interviewee was not interviewed as represented. But, in any event, where only a very few interviewees (some three out of seventy-nine) are unable to recall being interviewed, the Board has consistently held that there is insufficient basis for the addition of a misrepresentation issue. *CBS Inc.* (*WCAU–TV*), 49 FCC 2d 1214, 32 RR d2 271 (1974). The Board will, however, add a limited *Suburban* issue inquiring into whether Phillips' general public survey was conducted in accordance with the requirements of the *Primer*. In our view, Phillips' own admission that it delegated the supervision of the person employed to conduct the survey to a non-applicant-related person is sufficient to draw the applicant's compliance with Commission requirements in this regard into question. We do not find adequate basis in the pleadings before us for the addition of a misrepresentation issue. However, in the event that during the course of the hearing the Presiding Judge concludes that the variance in statements of Phillips' warrants such an inquiry, the Judge is hereby empowered to take appropriate account of the evidence and its effect upon Phillips' qualifications.

[10] Teche's allegation that Phillips made an affirmative misrepresentation by including secretaries in its community leader listing must be rejected; the applicant clearly and accurately described the occupations of the interviewees in question.

FINANCIAL AND MISREPRESENTATION ISSUES

8. Teche alleges that Phillips' first year costs will be $130,703, rather than $86,730, as proposed by the applicant. Teche computes the higher figure by adjusting the equipment estimate,[11] increasing the estimated engineering costs for proof of performance from $500 to $8,000, and increasing the estimate for legal expenses from $1,000 to $10,000. Thus, Teche asserts that the minimum cost of equipment necessary to construct a 1 kW proposal is $42,803, rather than $38,000 as proposed by Phillips; that the higher estimate for proof of performance testing is based upon general prices in the area; and that the higher legal estimate is based on its estimate of a reasonable fee. As a result of Phillips' miscalculations, Teche concludes, it has available resources of only $110,169 with which to meet first-year costs of $130,703. Teche also alleges that Phillips has made misrepresentations with respect to its financial position. Specifically, petitioner contends, Phillips' application is incomplete since it fails to reflect the fact that the Phillips principals are committed to personally guarantee numerous other loans in connection with other broadcast properties and applications.[12] The failure to mention these other commitments in the instant proceeding may well be significant, Teche suggests, in asmuch as these same individuals are required to personally guarantee a loan commitment of $87,000 for this proposed station.

9. In response to Teche's allegations concerning cost estimates, Phillips asserts that Teche's estimate of equipment costs fails to reflect the 10% discount offered by the equipment supplier; that its engineer has indicated his willingness to defer payment for proof of performance services for a period of two years; and that Teche's estimate of legal expenses likewise must be rejected inasmuch as it lacks the supporting documentation required by Rule 1.229(c).[13] But in any event, Phillips continues, it has obtained an additional loan in the amount of $20,000,[14] which provides it with ample funds to meet any additional costs. Phillips argues that Teche's assertion that it misrepresented its financial status is totally without merit. Thus, Phillips asserts that it has identified its other broadcast interest in the present application; that the other commitments are on file with the Commission in other proceedings and that there is no corresponding requirement to file these other commitments in the instant proceeding; and, significantly, that the lending institution in this proceeding was aware of these other obligations at the time it made the present commitment.

10. The requested issues will be denied. As an initial matter, we are of the view that Teche's allegations that Phillips both miscalculated and misrepresented its first-year costs must be rejected. Not only are petitioner's allegations insufficiently specific in this regard, they are also unsupported by appropriate documentation as required by Rule 1.229(c). Moreover, Phillips has shown that Teche failed to take into account a ten percent discount from the equipment supplier in calculating its estimate, and that payment for proof of performance tests has been deferred for two years. While Phillips' estimate for legal expenses appears to be somewhat low, we nevertheless, are of the view that given the surplus of funds available to the applicant,[15] no cost estimate issue is warranted on this basis. In this regard, we note that petitioner has not drawn the availability of Phillips' bank loan in question. Thus, Teche has not alleged and there is no basis for assuming that the financial institution is unaware of the principals' other contingent liabilities, a necessary basis for the addition of a financial qualifications issue given these circumstances. *Cf. Lamar Life Broadcasting Co.*, 26 FCC 2d 932, 20 RR 2d 981 (1970). Moreover, absent such a showing, we find no basis for adding a misrepresentation or nondisclosure issue, since petitioner has not shown that the unreported information would be of clear decisional significance.

PUBLIC INSPECTION FILE ISSUES

11. Teche requests the addition of Rule 1.65, Rule 1.526 and misrepresentation issues against Phillips based on allegations that the public inspection file was not located at the Berwick City Hall as represented by Phillips in a letter to the Commission dated August 8, 1974. In support of its request, petitioner attaches the affidavits of three individuals who aver that they were told by city hall personnel that the application had been removed sometime in August of 1974. A further affidavit reveals that two affiants went to the office of a local attorney, who informed them in January of 1975 that he was in possession of the application and that he had removed it from the Berwick City Hall, and that he would not allow them to inspect the application until he received prior permission from Phillips. Thus, Teche concludes that Phillips' assertion to the Commission on August 5, 1974, that the file was located at the Berwick City Hall was a deliberate misrepresentation; that the failure to notify the Commission of the relocation of the public file constitutes a change required to be reported by Rule 1.65; and that the denial of access to the file was a violation of Rule 1.526.

[11] Teche also alleges that there is an inconsistency between Phillips' representations in Section III of its application, since in one portion of the application Phillips sets out the down payment and first-year costs for equipment and in another portion it indicates that it has a credit of $22,669 in deferred equipment payments.

[12] Specifically, Teche alleges various Phillips principals are personal guarantors for some four loans in the total amount of $321,750 to other broadcast applicants and licensees in which the principals are involved.

[13] Citing *WVOC, Inc.*, 32 FCC 2d 765, 23 RR 2d 371 (1971).

[14] The amendment reflecting this additional bank loan was accepted by the Presiding Judge by Order, FCC 75M–582, released March 27, 1975.

[15] An adequate cushion is available to Phillips even when an adjustment is made in its listing of deferred payments (the applicant had erroneously listed this amount as a credit).

DELETION OF DESIGNATED 307(b) ISSUE[16]

14. Teche also requests the deletion of the 307(b) issue designated by the Commission because of the alleged similarity between Bayou Vista and Berwick. Specifically, Teche asserts that the two communities share many services, that they are separated by approximately 1.5 miles of swamp area, that they have closely interrelated interests and problems, and that the differential area to be served by these competing proposals is already served by at least 5 other aural services, factors which, petitioner contends, indicate that the two cities are actually one community.

15. The request to delete will be denied. The Board does not ordinarily delete issues designated by the Commission absent a showing of unusual or compelling circumstances, circumstances which are not alleged here. See *United Telephone Co. of Pennsylvania, Inc.*, 42 FCC 2d 1003, 28 RR 2d 591 (1973); and *Charles W. Holt*, 37 FCC 2d 64, 24 RR 2d 1002 (1972). Rather than alleging that the Commission failed to consider all aspects of the two proposals, Teche appears to argue that the issue should be deleted as a matter of law not fact. However, as the Bureau correctly notes, it may not be assumed that mutual reliance and similarity between two communities necessarily indicates that the communities are not separate and distinct for Section 307 (b) purposes.

16. *Accordingly, it is ordered*, That the petition to enlarge and modify issues, filed January 30, 1975, by Teche Broadcasting Corporation, is granted to the extent indicated herein, and is denied in all other respects; and

17. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issues:

(a) To determine the facts and circumstances surrounding the preparation of the general public survey submitted by Phillips Radio, Inc., and in light of the evidence adduced, whether the applicant has complied with the Commission's *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971), in this regard, and

(b) To determine whether Phillips Radio, Inc. has maintained its public inspection file in accordance with Rule 1.526 and, in light of the evidence adduced, the applicant's comparative qualifications to be a Commission licensee.

18. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof on issue (a) added herein shall be on Phillips Radio, Inc.

Adopted: October 20, 1975.

Released: October 24, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–29005 Filed 10–28–75;8:45 am]

[16] Section 307(b) of the Communications Act of 1934, as amended, provides for the fair, efficient, and equitable distribution of radio service.

FEDERAL HOME LOAN BANK BOARD

[H. C. #204]

FINANCIAL FEDERATION, INC., AND LASSEN SAVINGS & LOAN ASSOCIATION

Receipt of Application for Permission To Acquire Control of Redwood Empire Savings & Loan Association

OCTOBER 23, 1975.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Financial Federation, Inc., Los Angeles, California, a holding company, and Lassen Savings and Loan Association, Chico, California, its wholly owned subsidiary, to acquire Redwood Empire Savings and Loan Association, Ukiah, California under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected through Lassen Savings and Loan Association's acquisition of all or substantially all of the issued and outstanding guarantee stock of Redwood Empire Savings and Loan Association, and the subsequent merger of the two associations. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before November 28, 1975.

[SEAL] J. J. FINN,
Secretary,
Federal Home Loan Bank Board.

[FR Doc.75–29009 Filed 10–28–75;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01011	Aktieselskabet det Ostasiatiske Kompagni: *Cinchona.*
01015	A/S Rederiet Odfjell: *Bow Sailor, Bow Fortune.*
01017	Westfal-Larsen & Co. A.S.: *Saga Stream.*
01063	E. B. Aaby's Rederi A.S.: *Cresco.*
01383	Rederiaktiebolaget Gustaf Erikson: *Evopearl.*
01861	BP Tanker Co., Ltd.: *British Reliance.*
01935	Partnership between Steamship Co. Svendborg Ltd. & Steamship Co. of 1912: *Mc-Kinney Maersk.*
01992	Nordstrom & Thulin AB: *Skeppsbron.*
02145	Memphis Boat Refueling Service Inc.: *STC 2003.*
02190	Bugsier-Reederei-und Bergungs-Aktiengesellschaft: *Atlantic.*

V 40 209 OCT 29 75 XUM

Certificate No.	Owner/Operator and Vessels
02363---	Rederiet Otto Danielsen: *Karen Danielsen.*
02435---	Saint Raphael Shipping Corp.: *Saint Pierre.*
02471---	P. T. Djakarta Lloyd: *Djatisari, Sam Ratulangie, Djatiprana, Djatibaru, Djatimulia, Hadji Agus Salim, Djatianom.*
02862---	Ocean Shipping & Enterprises Ltd.: *Ocean Rentis.*
02911---	Sig. Bergesen Dy. & Co.: *Berge Fister, Berge Commander, Berehus, Berge Adria, Berge Brioni, Berge Duke, Berge Queen, Berge King.*
03047---	E. I. Dupont de Nemours & Co.: *EIDC–67.*
03245---	Rederiaktieselskabet Dannebrog: *Weco Supplier IV.*
03292---	Maritimecor S.A.: *Navelina, Satsuma, Anona, Nectarine, Bering, Antarctic.*
03293---	Maritime Fruit Carriers Co. Ltd.: *Guava.*
03635---	Hines, Inc.: *Hines 422, Hines 424.*
03637---	P. A. Van Es & Co. Bv: *Breeveertien, Breehelle.*
04228---	Campagnie Maritime Belge (Lloyd Royal) S.A.: *Mokaria.*
04276---	Rivtow Straits Ltd.: *Pt No. 2.*
04404---	Lars Rej Johansen: *Joada.*
04411---	The Ulster Steamship Co., Ld.: *Cast Beaver.*
04458---	Naviera Artola S.A.: *Ondiz.*
04462---	Empresa Nacional "Elcano" De La Mariana Mercante S.A.: *Castillo De Lorca.*
04567---	Ken Hieng Navigation (Panama) Corp. S.A.: *Ken Ley.*
05098---	Esso Tankers, Inc.: *Esso Tampa.*
05155---	Buitema Dock & Dredge Co.: *Grand Rapids.*
05192---	Reefer and General Shipping Co. Inc.: *Sifnos.*
05278---	Twin City Barge & Towing Co.: *TCB 68, TCB 313, TCB 306, TCB 310, TCB 311, TCB 312.*
05577---	Far Eastern Shipping Co.: *Kolya Myagotin, Spokoynyi, Sasha Kotov, Pioner Slavyanki, Angarales, Zina Portnova, Lara Mikheenko, Sasha Kondratjev, Valeriy Volkov, Vitya Chalenko, Nina Sagaydak, Komsomolets Turkmenii.*
06773---	Paduca Marine Ways, Inc.: *Gas Free I.*
06073---	Marine Drilling Co.: *J. Storm IV.*
06257---	Montauk Oil Transportation Corp.: Cibro Albany.
06566---	Occidental Petroleum Corp.: *Hooker North Tonawanda, Hooker Grand Island, Hooker Burlington.*
06583---	Eastern Canada Towing Ltd.: *Point Valiant.*
06691---	Hokkaido Prefecture Educational Committee: *Hokuho Maru.*
06808---	Eternity Carriers Inc.: *Nego May.*
07255---	Teh Tung Steamship Co. Ltd.: *Concord.*
07362---	Primorsk Shipping Co.: *Internatsional, Leninskoye Znamya.*
07574---	Georgian Shipping Co.: *Aspindza, Drogobych, General Bagration, Kapitan Makatsaria.*
07643---	Nebula Shipping Ltd.: *Nebula.*
08462---	Whiteline Navigation Co., Ltd.: *Marguerite Venture, Golden Wistaria, Golden Lilac, Camellia Venture.*
08466---	Astyanax Maritime Co., Ltd.: *Astyanax.*
08539---	Pescaboa S.A.: *Xeitosino.*
08790---	Agtek International Inc.: *American Eagle.*
08868---	Weathers Towing, Inc.: *Patrick Calhoun Jr.*
09036---	Commandamentul Flotei De Pescuit Oceanic Navrom-Tulcea: *Mindra.*
09095---	Moreno Shipping Co.: *Olympic Dream.*
09327---	Grand Wisdom Transport, Inc.: *Unibulk Fir.*
09468---	Puerto Rico Maritime Shipping Authority: *Eric K. Holzer, Ponce De Leon.*
09547---	J.A.R. Barge Lines: *J.A.R. 9, J.A.R. 10, J.A.R. 11.*
09611---	Bruce Bay Shipping Co. Ltd.: *Ocean Trader.*
09708---	Zapata Marine Service Ltd. S.A.: *Statesman Service, Dominion Service.*
09770---	Siora Milita Shipping Co. Ltd.: *Panagiotis S.*
09859---	K/S Bewa XIV: *Helga Bewa.*
09894---	Jaime Emilio Nunez: *Jaime.*
10093---	Universal Giant Shipping Co., Ltd. S.A.: *Universal Giant.*
10252---	Taiwan Maritime Transportation Co., Ltd.: *Orient Safety, Orient Welfare, Orient Victory.*
10260---	Hollywood Marine Inc.: *GDM 10, GDM 30, T–200.*
10292---	Pacific Peace Navigation S.A.: *Toyu Maru.*
10360---	Societe Senegalaise D'Armement A La Peche: *Jilor.*
10413---	Ever Honesty Line, S.A.: *Ever Honesty.*
10417---	T. Smith & Son, Inc.: Bob, Mammoth, *Mickey, Patricia, Penny, Sharon, Terence, William, SCB–3.*
10418---	Crescent Towing & Salvage Co., Inc.: *Humrick.*
10433---	Estonian Shipping Co.: *Ivan Belostotskiy.*
10468---	Mission Viking, Inc.: *Mission Viking,* A. W. Martin.
10502---	Silver Bay Barge Co.: *Silver Bay.*
10503---	Aquarius Enterprises Corp.: *Kaliope.*
10509---	Cin-Tow, Inc.: *Jim Murphy.*
10513---	Laurel Shipping Corp.: *Laurel Wreath.*
10525---	Pansegura Armadora S.A.: *Vassiliki Colocotroni*
10529---	Aethra Shipping Co. S.A.: *Costas K.*
10330---	United Car Transport Corp. S.A.: *Global Wing.*
10331---	Rederiet For T/T Sea Symphony: *Sea Symphony.*
10534---	Howard Anderson and James L. Free d.b.a. Sea Transporter Associates: *Sea Transporter.*
10535---	Hornett III Joint Venture: *Hornet III.*
10539---	Zeta Fisser Kg & Co.: *Sunlina.*
10541---	Theta Fisser Kg & Co.; *Erika Fisser.*
10542---	Boca Maritime N.V.: *Boca Tabla.*
10543---	Kommanditgeesellschaft Jota Fisser Kg & Co.: *Elisabeth Fisser.*
10545---	Scheepvaartbedrijf Santa Lucia Bv: *Tempo.*
10546---	Rederij Scheepvaartbedrijf M.S. Adriatic: *Adriatic.*
10547---	Rederij M.S. Atlantide: *Atlantide.*
10550---	Partrederiet Bymos: *Bymos.*
10551---	Partrederiet Ice Star: *Ice Star.*
10552---	F. Laeisz Maritime & Trading Co. Ltd.: *Ximena, Florida Silverbow, Florida State.*
10553---	Spetsai Navigation S.A.: *Captain B.*
10554---	Laertis Shipping Co. Ltd.: *Marina T.*
10555---	Algol Shipping Co. Ltd.: *Altanin.*
10556---	CK. Apollo (Liberia) Corp.: *Ck. Apollo.*
10557---	Caspian Marine Corp.: *Caspian Trader.*
10558---	Midas Marine Corp.: *Midas Seine*
10559---	Bardai Shipping Co., S.A.: *Alekos K.*
10560---	Transeast Navigation Ltd.: *Andros Transport.*
10561---	Loong Hwa Shipping Co., S.A.: *Loong Hwa.*
10563---	Libas Shipping Corp.: *Hetland Courier.*
10564---	Praco Navigation Co., Ltd.: *North Sea.*
10565---	Robbins Towing Co.: *Mary L.*
10566---	Alpine Shipping Co.: *Moura.*
10567---	Stephenson Clarke Shipping Ltd.: *Jevington.*
10568---	Falcon Line Ltd.: *Falcon Friendship.*
10569---	Peavey Co.: *Tennessee, Frank H. Peavey.*
10570---	Salamis A/S: *Skauvann.*
10571---	Maraplomo Naviera Oceanica S.A.: *Lady Clio.*
10572---	Filikos Shipping Corp.: *Filikos.*
10573---	Midas Moon Transport Inc.: *Sankomoon.*
10574---	Midas Light Transport Inc.: *Sankolight.*
10575---	Midas Star Transport Inc.: *Sankostar.*
10576---	Midas Inter-Ocean Corp.: *Midas Apollo.*
10577---	Tokai Shipping Co., Ltd.: *Tokyo Rainbow, Japan Rainbow, California Rainbow.*
10578---	Panamian Anchorport Co., Inc.: *F.S.B.–02.*
10579---	Miekyo Kaiun Co., Ltd.: *Meisei Maru.*
10580---	Thai Hwa Navigation Corp. S.A.: *Hongkong Truth.*
10581---	Parnassos Shipping Co. S.A.: *Noni.*
20582---	Hendrik Shipping Corp.: *Hendrik.*
10583---	Madison Shipping Corp.: *Sunvreeland, Sunfrancis.*
10584---	Mobil Tankships (U.K.) Ltd.: *Mobil Pinnacle Satucket.*
10586---	Compagnie Maritime Francaise Internavis: *Internavis 1.*
10587---	Quest Navigation Corp.: *Valentina.*
10588---	Shrine Navigation Co. Ltd. S.A.: *EDO.*
10589---	La Palma Navegacion S.A.: *Rio Colorado.*
10592---	Interessentskapet Essi Camilla: *Essi Camilla.*
10593---	Lotus Shipholding Corp.: *Lotus.*
10594---	Ms Astor Reederei & Schiffahrts G.m.b.H. & Co. KG.: *Astir.*
10595---	Coralstone Shipping Corp. *Puerto Madryn.*
10597---	Mighty Shipping Co.: *Captain Cook.*
10598---	International Ship Finance (Liberia) Co., Inc.: *Capella.*
10599---	Navajo Shipping Corp., Inc.: *Perseus.*
10602---	Riverfront Petroleum Corp.: *Sunshine Leader.*
10605---	Bisso Towboat Co., Inc.: *Big Bill No. 2.*
10607---	Souda Compania Naviera S.A.: *Aegis Lyric.*
10610---	Lajas Shipping Inc.: *Sankosteel, Sankograin.*

Certificate No.	Owner/Operator and Vessels
10612---	Coral Maritime Ltd.: *Coral.*
10613---	Regal Shipping Inc.: *Sankoqueen.*
10616---	Arab Maritime Petroleum Transport Co.: *Bubiyan.*
10617---	Valmar Navigation Co., Ltd.: *Gisella.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-29035 Filed 10-28-75;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to part 542 of Title 46 CFR and Section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/Operator and Vessels
01017---	Westfal-Larsen & Co. A/S: *Grenanger, Austanger.*
01150---	Chevron Transport Corp.: *E. J. McClanaham.*
01232---	Rolf Wigands Rederi A/S: *Voywi.*
01428---	Ocean Transport & Trading Ltd.: *Alcinous.*
01506---	Maritima Mexicana S.A.: *Saltillo.*
01606---	Oil Transport Co., Inc.: *LRL 112.*
01628---	Union Shipping Co., Ltd.: *Southern Union.*
01790---	Rex Shipping Corp.: *Alexander Voyazides.*
01849---	Victoria Steampship Co., Ltd.: *Victoria.*
01871---	F. Scinicariello: *St. Peter.*
01982---	Ab Svenska Ostasiatiska Kompaniet: *Japan.*
02022---	O. T. Gogstad & Co.: *Lama.*
02145---	Memphis Boat Refueling Service, Inc.: *Pittsburgh Supplier.*
02151---	Anchor Line Ltd.: *Star Assyria.*
02166---	Jan-Erik Dyvi Skipsrederi: *Dyvi Adriatic.*
02266---	Marina Mercante Nicaraguense S.A.: *Leon.*
02287---	International Union Lines Ltd.: *Union Venus.*
02303---	Interessentskapet Seahorse: *Concordia Seahorse.*
02363---	Rederiet Otto Danielsen: *Gudrun Danielsen.*
02551---	Ellerman Lines Ltd.: *City of Canterbury.*
02601---	Caraibische Scheepvaart Maatschappij N.V.: *Copan.*
02858---	Intermarine, Inc.: *Bonanza.*
02889---	Showa Kaiun K.K.: *Showa Maru.*
03023---	Primrose Shipping Co. S.A.: *Olympic Valour.*
03041---	Palmas Transportation Co.: *Tina Onassis.*
03058---	Amoco Oil Co.: *Amoco 1.*
03273---	Dunlap Towing Co.: *ZB 180, ZB 28.*
03292---	Martimecor S.A.: *Greenland.*
03349---	Pacific Breeze Navigation Co. S.A.: *Isabel.*
03389---	Shell Tankers, B.V.: *Camitia.*
03400---	Nicolas J. Vardinoyannis: *Georgios V.*
03473---	Nippin Shoun K.K.: *Tohnanmaru No. 10.*
03501---	Osaka Shosen Mitsui Senpaku K.K.: *Recife Maru.*
03623---	Smith-Rice Derrick Barges, Inc.: *Barge 20, Barge 5, Scow–3, Barge 7, Barge 16, Barge 17, Barge 19, Barge 25.*
03692---	Marmac Corp.: *East Peco.*
03847---	American Stern Trawlers, Inc.: Seafreeze Atlantic, Seafreeze Pacific.
03923---	Shinwa Kaiun Kaisha, Ltd.: *Hozan Maru.*
04218---	Zidell, Inc., Zidell Dismantling, Inc. and Zidell Explorations, Inc.: ZB 205, Peter W.
04226---	National Marine Service Inc.: *LTC 19, BI 127, BI 119, BI 126.*
04593---	Bow Shipping Corp.: *Golar Arrow, Golar Bow.*
05092---	Esso Belgium S.A.: *Esso Liege.*
05115---	N.V. Maatschappij Motorship Barendrecht: *Barendrecht.*
05171---	Poros Shipping Corp.: *Marna.*
05154---	Duquesne Sand Co.: *Admiral.*
05295---	Sameiseiskapet Polar Reeier Brandal Aalesund, Norway: *Polar Reefer.*
05406---	Coronet Shipping Ltd.: *Nenya.*
05470---	Charter Transport Line, Inc.: *Wimoc.*
05805---	Partenreederei MS Brunshoeft: *Brunshoeft.*
05857---	Coral Marine Enterprise Panama Co. S.A.: *Coral White.*
05890---	Enterprise Shipping Co. Ltd.: *Friendship.*
05937---	Pomona Company, Inc.: *Marion.*
06135---	Glynafon Shipping Co. LTD.: *Glyntawe.*
06254---	Andromeda Shipping Co., S.A.: *Spectra J.*
06596---	Issei Kisen KK.: *Kaisei Maru.*
06775---	Whitco (Marine Services) Ltd.: *Liverpool Clipper, Bristol Clipper.*
06808---	Eternity Carriers Inc.: *Nego Venture.*
06818---	Globus Reederei G.m.b.h., Hamburg: *S.A. Walvis Bay.*
07017---	Coquet Shipping Co. Ltd.: *Hong Kong Truth.*
07393---	Hellenic Maritime Enterprises Inc.: *Arcadia.*
07414---	Rederij Atlantide: *Atlantide.*
07445---	Arini Compania Naviera S.A.: *Lindaki.*
07448---	Hamburger Fleet Shipping Co., Inc. Monrovia: *Hamburger Fleet.*
07545---	Compania Topacio Navegacion S.A.: *Nagata.*
07550---	Erato Shipping Inc.: *Regent Vanda.*
07620---	Everbeauty Line, S.A.: *Ever Beauty.*
07788---	Rome Transfer Corp.: *Syracuse Sears.*
08091---	Partrederiet Bravo II: *Anne Bravo.*
08303---	Marioo Shipping Ltd.: *Idan, Yani.*
08344---	Hammerton Shipping Co. S.A.: *Lloyd New York.*
08381---	Ef-Marine, S.A.: *Freights Queen.*
08390---	The Interlake Steamship Co.: *Charles M. Schwab, Robert Hobson.*
08530---	Prompt Shipping Corp., Ltd.: *Mediterranean Darby.*
08577---	Heiner Braasch Schiffahrtsges. Hamburger Flagge KG.: *Hamburger Flagge.*
08586---	Tabard Shipping Co.: *Southern Sunlight.*
08587---	Dryad Shipping Co.: *Southern Merchant.*
08611---	Evangelo Maritime Co., Ltd.: *Manolis M.*
08801---	Nordestal Maritima S.A.: *Carole, Donald.*
08815---	George K. Compania Naviera S.A. Panama: *Bessy K.*
08833---	General Metals of Tacoma, Inc.: *Benner.*
08953---	Transpolaire Limitee: *Kakawi.*
09117---	Alianza Delmar Armadoro SA.: *Kyra Christina.*
09224---	Greenville Towing Co., Inc.: *Linda.*
09452---	Sea Spirit Navigation Co. Ltd: *Captain Theo.*
09470---	Carrick Corp. Ltd.: *Tara Hall.*
09475---	Wayne, Inc.: *Avalon.*
09521---	Expomar S.A.C.I.F.A.N.: *Meri Primero.*
09554---	Kef Management Co. S.A. Panama: *Kef Eagle.*
09584---	Dong Sung Marine Transport Co., Ltd.: *Dong Moon, Dong Moon No. 3.*
09620---	Atlantic Coast Chemical Co.: *Marmot.*
09653---	The Oceanic Freighters Corp. Monrovia: *Sauda.*
09748---	Spetses Shipping Corp.: *Lloyd Philadelphia.*
09859---	K/S Bewa XIV: *Helga Bewa.*
09922---	Marianne Tankers, Inc.: *Marianne Conway.*
10055---	Amy Shipping Company S.A. Panama: *Amy.*
10106---	Collegetown Marine Towing Inc.: *Michael J.*
10376---	Rks Bulk Tramp: *Viggo Scan.*
10481---	Tracey Navigation Co., Ltd.: *Chalkis.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-29034 Filed 10-28-75;8:45 am]

[Independent Ocean Freight Forwarder License No. 1585]

SEALIFT PACIFIC

Order of Revocation

On October 8, 1975, the Federal Maritime Commission received notification that Sealift Pacific, P.O. Box 254, Moraga, California 94556 wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 1585 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders Commission Order No. 201.1 (Revised) § 5.01(b) (dated June 30, 1975);

It is ordered, That Independent Ocean Freight Forwarder License No. 1585 of Sealift Pacific be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1585 be and is hereby revoked effective October 8, 1975, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Sealift Pacific.

LEROY F. FULLER,
Director, Bureau of Certification & Licensing.

[FR Doc.75-29032 Filed 10-28-75;8:45 am]

V 40 209 OCT 29 75 XUM

[Independent Ocean Freight Forwarder License No. 661]

TIDEWATER FORWARDING COMPANY, INC.

Order of Revocation

On October 1, 1975, the Federal Maritime Commission received notification that Tidewater Forwarding Company, Inc., 350 Broadway, New York, New York 10013 wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 661 for revocation effective October 3, 1975.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01 (b) (dated June 30, 1975):

It is ordered, That Independent Ocean Freight Forwarder License No. 661 of Tidewater Forwarding Company, Inc. be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 661 be and is hereby revoked effective October 3, 1975, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Tidewater Forwarding Company, Inc.

LEROY F. FULLER,
Director, Bureau of Certification & Licensing.

[FR Doc.75-29033 Filed 10-28-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP76-16]

NATIONAL FUEL GAS SUPPLY CORP.

Proposed PGA Rate Adjustment

OCTOBER 22, 1975.

Take notice that on September 29, 1975 National Fuel Gas Supply Corporation (National) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, Second Substitute Fifth Revised Sheet No. 4, proposed to be effective October 1, 1975.

National states that the sole purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provisions in Section 17 of the General Terms and Conditions. National further states that such tariff sheet reflects an adjustment in National's rates of .83¢ per MCF on Second Substitute Fifth Revised Sheet No. 4.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29068 Filed 10-28-75;8:45 am]

FEDERAL RESERVE SYSTEM

COMMERCIAL BANKSHARES, INC.

Order Approving Formation of Bank Holding Company

Commercial Bankshares, Inc., Grand Island, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 88.9 per cent or more of the voting shares of Commercial National Bank & Trust Company, Grand Island, Nebraska ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a corporation organized under the laws of the State of Nebraska for the purpose of becoming a bank holding company through the acquisition of Bank. In the relevant banking market (approximated by Hall County, Nebraska), Bank (deposits of $47.8 million)[1] is the second largest of seven commercial banks and controls approximately 24.1 percent of the total deposits held by commercial banks in that market.[2] Through eight other one-bank holding companies, certain principals of Applicant also have interests in six banks in Colorado and two banks in Nebraska. However, none of the other banks in which principals of Applicant are involved compete with Bank to any significant extent. Furthermore, inasmuch as the present proposal involves a transfer of the ownership of Bank from individuals to a corporation controlled essentially by those same individuals, and Applicant has no present banking subsidiaries, it appears that the acquisition of Bank by Applicant would not have any significantly adverse effect upon either existing or potential competition within the relevant market. Accordingly, on the basis of record, the Board concludes that competitive considerations are consistent with approval of the application.

Under the Bank Holding Company Act, the Board is required to consider the financial and managerial resources and future prospects of the bank holding company involved and the bank to be acquired. In the exercise of that responsibility, the Board has previously indicated its concern about the utilization of significant acquisition debt and the effect that such debt may have on the overall financial prospects of the holding company and the bank involved. In acting on one-bank holding company formations, the Board has been somewhat liberal in the financial standards that it has applied in cases where the current or prospective owner-chief executive is establishing a one-bank holding company to hold the direct equity interest in his bank. The Board regards such policy as being in the public interest in order to facilitate management succession on the community level at the nation's many smaller, independent banks.[3]

However, the Board does not believe as a general matter that such liberality should pertain to situations where individuals are involved in more than one one-bank holding company, such as where individuals are engaged in establishing a series or chain of one-bank holding companies. In such situations, the Board believes it more appropriate to analyze such organizations under the more restrictive financial standards that are normally used in analyzing multi-bank holding companies. Such analysis appears appropriate in such circumstances because of the financial interdependence regularly exhibited by a chain of commonly owned one-bank holding companies and the distinct possibility that the resources of one or more banks in the chain may be used to support the operations of other members of the banking group.

Even applying the more restrictive financial standards normally used in analyzing multi-bank holding companies, the Board finds that financial considerations relating to the present proposal are consistent with approval of the application.

Although Applicant will incur acquisition debt in connection with this proposal, it appears that Applicant will be able to service this debt over a twelve-year period without impairing the financial condition of Bank during that period. In addition, Applicant's principals have demonstrated their ability to service the debt of the eight other one-bank holding companies under their control without impairing the capital of those companies' respective subsidiary banks. In general, it appears that the overall financial condition of Applicant and of the other one-bank holding companies in which principals of Applicant are involved is satisfactory and consistent with approval of the application. With respect to convenience and needs considerations, it appears that there have been numerous improvements in Bank's operations, such as increasing banking hours, new and expanded services, and increased community involvement since the time that Applicant's principals acquired control of Bank. Such considerations relating to the convenience and needs of the community to be served are consistent with approval of the application.

Accordingly, on the basis of the above in addition to other facts of record, the Board concludes that considerations relating to the financial condition, resources, and prospects of Applicant are consistent with approval of the application. The Board also regards managerial considerations and benefits that would result in the convenience and needs of the community to be served as being consistent with approval of the application. It is the Board's judgment that consummation of the holding company formation would be in the public interest and that the application to acquire Bank should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[4] effective October 17, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-28921 Filed 10-28-75;8:45 am]

[1] All banking data are as of December 31, 1974, unless otherwise indicated.

[2] Of these seven banks, four (including the market's three largest) are located in the city of Grand Island, Nebraska.

[3] See Board's Order dated January 15, 1974, denying the application for Board approval of the formation of a bank holding company filed under section 3 of the Act by BHCo., Inc., Hardin, Montana [60 *Federal Reserve Bulletin* 123 (1974), 39 FEDERAL REGISTER 2643 (1974)].

[4] Voting for this action: Chairman Burns and Governors Bucher, Holland, and Jackson. Voting against this action: Governor Mitchell. Absent and not voting: Governors Wallich and Coldwell.

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 12, 1975.

Board of Governors of the Federal Reserve System, October 17, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-28922 Filed 10-28-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Recommendations A-15, A-16, A-17, A-19 and A-20]

COMMISSION ON GOVERNMENT PROCUREMENT

Executive Branch Position

Notice is given that the executive branch has accepted Commission on Government Procurement (COGP) Recommendations A-15, A-16, A-17, A-19 and A-20, with modifications.

The COGP recommendations and modifications are as follows:

COGP Recommendations A-15: Assign to the Office of Federal Procurement Policy responsibility for:

a. Developing and monitoring, in cooperation with the procuring agencies and the Civil Service Commission, personnel management programs that will assure a competent work force.

b. Defining agency responsibilities and establishing standards for effective work force management and for development of a Government-wide personnel improvement program.

c. Developing and monitoring a uniform data information system for procurement personnel.

Modification: Assign to the Federal Procurement Institute responsibility to:

a. Recommend and monitor, in cooperation with the Civil Service Commission and the procuring agencies, the development, implementation, and exchange of personnel management ideas to enhance the procurement field.

b. Monitor the manpower data relating to procurement personnel, using this data as needed in accomplishing the above.

COGP Recommendation A-16: Establish a recruiting and trainee program to assure development of candidates for procurement positions in all agencies, at all levels, and in all required disciplines. Special attention should be given to college recruitment to obtain young workers capable of being trained through experience and additional formal education to provide the managerial staff required a decade from now.

Modification: Assist the agencies in fulfilling their responsibility for determining quantitative and qualitative manpower requirements so that appropriate recruiting programs, training and development programs, and other personnel management activities can be developed and carried out effectively to meet agency needs.

COGP Recommendation A-17: Establish a better balance between employee tenure and promotion rights and long-range needs of the agencies.

Modification: Assist the agencies in designing and implementing plans to provide guidance and opportunity for employees to develop and advance in accordance with their capabilities and interests, when considering long-range needs of the agencies.

COGP Recommendation A-19: Establish a rotation program to provide selected future procurement personnel with a variety of related job experiences and individual assignments throughout the Government and in various locations.

Modification: Assist the agencies in fulfilling their general and continuing responsibility for executive development. Employees with executive potential in positions below the top career levels must be identified, trained, and developed to increase their capacity to perform the complex functions of procurement management. Rotation of personnel is recognized as a valuable and integral part of executive development and will be used as part of the program.

COGP Recommendation A-20: Structure career development, promotion, and reduction-in-force programs to reflect a longer-range viewpoint of what is best for the overall needs of the agency and of the Government.

Modification: Assist the agencies in designing and implementing plans to strengthen personnel management programs to reflect a long-range viewpoint for staffing, training, development, utilization, and retrenchment, as may be necessary to achieve program and manpower goals and requirements in an equitable, efficient, and economical manner and in accordance with public law and policy.

These recommendations, as modified, conform to Public Law 93-400 which established the Office of Federal Procurement Policy. Notice is further given that these recommendations will be assigned to the Federal Procurement Institute (FPI) for development and implementation in cooperation with the Civil Service Commission and the procuring agencies. (See Federal Register Volume No. 131—Tuesday, July 8, 1975, page 28677, for notice of the executive branch acceptance of COGP recommendation A-21 on the establishment of the FPI).

These recommendations are considered an integral part of the FPI's mission to provide leadership in the development and maintenance of an effective Federal procurement work force. The FPI is scheduled to be formally created and organized by the end of 1976, and its work activities initiated in January 1977. The effort of developing and maintaining an effective Federal procurement work force is viewed as continuous in nature, requiring on-going evaluation and appropriate program innovations, changes, or modifications to maintain the effective-

TEXAS AMERICAN BANCSHARES INC.

Acquisition of Bank

Texas American Bancshares Inc., Fort Worth, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire through exercise of a rights offering 3811 voting shares of Bank of Fort Worth, Fort Worth, Texas; 3749 shares to be acquired directly, and 62 shares indirectly through Texas American Bancshares Inc.'s wholly owned subsidiary, The Fort Worth National Bank, Fort Worth, Texas. The latter shares (62) represent ownership held in a fiduciary capacity by The Fort Worth National Bank. The acquisition pursuant to the rights offering would result in no increase in the percentage of voting shares of Bank of Fort Worth presently owned by Texas American Bancshares Inc. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

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ness and efficiency necessary to accomplish agency missions and goals.

This notice is being published by direction of the Administrator for Federal Procurement Policy, Office of Management and Budget.

Dated at Washington, D.C. on October 22, 1975.

JOHN L. LORDAN,
Acting Associate Administrator.

[FR Doc.75-29021 Filed 10-28-75;8:45 am]

NATIONAL ARCHIVES ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given that the National Archives Advisory Council will meet at the times and places indicated. Any interested persons may attend. For any additional information, call or write the person shown below.

NATIONAL ARCHIVES ADVISORY COUNCIL

Meeting dates: November 20-21, 1975.

Times: November 20: 9 a.m.-5 p.m., November 21: 9 a.m.-3 p.m.

Place: Lyndon B. Johnson Library, 2313 Red River Street, Austin, TX 78705.

Agenda: NARS Bicentennial activities, machine-readable archives, satellite archives and university-Presidential library relations.

For further information contact: Mr. Albert Meisel, Assistant Archivist for Educational Programs, General Services Administration (NE), Washington, D.C. 20408. 202-963-6404.

Issued in Washington, D.C. on October 16, 1975.

JAMES B. RHOADS,
Archivist of the United States.

[FR Doc.75-29022 Filed 10-28-75;8:45 a.m.]

INTERNATIONAL TRADE COMMISSION

BIRCH-DOOR-SKIN INDUSTRY

Eligibility for Higher Tariffs, Quotas, Adjustment Assistance

OCTOBER 20, 1975.

In its first decision under the new import relief provisions of the Trade Act of 1974, the United States International Trade Commission today turned down the pleas of U.S. producers for protection against imports of birch plywood door skins.

Five of six Commissioners reported to the President that the birch-faced plywood, which is used for making doors, is not coming into the country in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing similar articles.

The case is significant because it is the first to test the new criteria of the law President Ford signed earlier this year to give the U.S. Government new authority to negotiate trade agreements and to give U.S. industry at least temporary relief from increased imports. It was expected that U.S. industries which considered themselves hurt by imports would have a much easier time under the new act than under the previous law in getting Government help through higher tariffs, quotas, tax breaks, or loans for the industries and member firms, and unemployment compensation, relocation allowances, or training for their workers.

Nine other import relief cases are presently awaiting decision by the Commission, and other domestic industries are reported to be considering filing petitions for relief. Today's result at least means that a complaint filed with the U.S. International Trade Commission does not automatically entitle the complaining party to eligibility for relief from imports.

The Commission was quick to point out that today's decision meant only that the particular facts in this case did not satisfy the statutory conditions necessary for an affirmative decision.

Four Commissioners—George M. Moore, Catherine Bedell, Joseph O. Parker, and Italo H. Ablondi—based their determination on the fact that the downturn in new housing starts, more than increased imports, caused the problems of the domestic industry producing birch door skins.

The fifth member of the majority, Commissioner Will E. Leonard, did not find any increase in imports of birch plywood doors skins. Daniel Minchew, the only Commissioner reporting to the President that the domestic industry producing birch door skins was eligible for import relief, did find that imports had increased relative to domestic production, that the industry was seriously injured, and that the imports were a substantial cause of that serious injury.

Imports of birch plywood door skins decreased irregularly from 153 million square feet (valued at $11.7 million) in 1970 to 87 million square feet ($13.0 million) in 1974. Such imports totaled 59 million square feet ($6.7 million) in the first 6 months of 1975, compared with 48 million square feet ($7.7 million) in the corresponding period of 1974. U.S. shipments, on the other hand, increased from 18.1 million square feet (valued at $2.1 million) in 1970 to 26.0 million square feet ($4.5 million) in 1974. Such shipments amounted to 2.6 million square feet ($0.5 million) for the first 6 months of 1975, compared with 18.2 million square feet ($3.1 million) for the corresponding period of 1974.

Copies of the Commission's report (USITC Publication 743) containing the decision, the views of the various Commissioners, and nonconfidential information developed in the course of the 6-month investigation may be obtained, upon request, from the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436 (202-523-0161).

By Direction of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-28998 Filed 10-28-75;8:45 am]

[AA1921-149]

CERTAIN NON-POWERED HAND TOOLS FROM JAPAN

Amendment of Notice of Investigation

Having received advice from the Department of the Treasury on October 16, 1975, that it is inappropriate to include battery post and terminal cleaning brushes, battery terminal spreaders, angle-nose pliers, booster cables and battery service kits (terminal puller, cleaning brush and two terminals) within the investigation of certain non-powered hand tools from Japan, that are being, or are likely to be, sold at less than fair value, the United States International Trade Commission on October 23, 1975, amended investigation No. AA1921-149 instituted on September 10, 1975 (40 FR 42607), under section 201(a) of the Anti-dumping Act, 1921, as amended (19 U.S.C. 160(a)), to include only "punches, chisels, hammers and sledges (with or without handles), vises, c-clamps and battery terminal lifters."

By order of the Commission.

Issued: October 23, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-28997 Filed 10-28-75;8:45 am]

[332-77]

CONDITIONS OF COMPETITION BETWEEN DOMESTIC AND IMPORTED SHRIMP

Place and Time of Public Hearing

Notice is hereby given that a public hearing to be held in connection with United States International Trade Commission investigation no. 332-77, Conditions of Competition Between Domestic and Imported Shrimp, will be held in New Orleans, Louisiana, at 10 a.m., CST, on November 11, 1975, at the Board Room, International Trade Mart, 2 Canal Street. Requests for appearances at the hearing should be received by the Secretary of the Commission at his office in Washington, D.C., no later than noon of the fifth calendar day preceding the hearing.

Notice of Investigation and Hearings was published in the FEDERAL REGISTER on Tuesday, September 9, 1975 (40 FR 41856).

By order of the Commission.

Issued: October 23, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-29057 Filed 10-28-75;8:45 am]

LEGAL SERVICES CORPORATION

COMMITTEES ON APPROPRIATIONS AND AUDIT AND BY-LAWS AND REGULATIONS

Meetings

The next meetings of the Board of Directors of the Legal Service Corporation and its Committees on Appropriations and Audit, and By-laws and Regulations will be held on Thursday, November 6 and Friday, November 7, 1975 in the Cloyd Heck Marvin Center of George Washington University. The Marvin Center is located at 800 21st Street NW., Washington, D.C.

The meeting of the Committee on Appropriations and Audit will begin at 9:30 a.m. on Thursday, November 6, 1975 in room 406 of the Marvin Center and will be for the purpose of discussing the allocation of the FY 1976 appropriation, considering a supplemental request for FY 1976, and refining the FY 1977 budget request.

The Committee on By-laws and Regulations will meet at 9:00 a.m. on Thursday, November 6, 1975 in room 405 of the Marvin Center for the purpose of considering proposed Freedom of Information Act regulations which were printed in the FEDERAL REGISTER on September 12, 1975 (40 F.R. 42374-77), discussing proposed State Advisory Council regulations and a schedule for issuing future regulations.

The Board of Directors will meet at 12:15 p.m. on Thursday, November 6, 1975 and at 9:00 a.m. on Friday, November 7, 1975 in room 405 of the Marvin Center. On Thursday, the Board will adjourn for lunch shortly after convening. They will reconvene at 2:00 p.m. The Board will consider reports from the Committee on Appropriations and Audit, the Committee on By-laws and Regulations, and the Committee on Presidential Search, and recommendations with respect to alternative delivery systems, support center activities, and personnel matters.

Dated: October 24, 1975.

ROGER C. CRAMTON,
Chairman.

[FR Doc.75-29220 Filed 10-28-75;8:45 am]

MARINE MAMMAL COMMISSION

MARINE MAMMAL COMMISSION AND COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

Notice of Meetings

Pursuant to the notice published in the FEDERAL REGISTER on October 16, 1975, further notice is hereby given that the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals will meet on November 13, 14 and 15, 1975 at the Holiday Inn, 239 West Fourth Avenue, Anchorage, Alaska.

The Commission and Committee will meet together from 11:00 a.m. to 6:00 p.m. on November 13, from 9:00 a.m. to 3:30 p.m. on November 14, and from 9:00 a.m. to 2:30 p.m. on November 15 to discuss and consider the status of activities and problems affecting marine mammals including matters relating to:

(1) Taking of porpoises incidental to commercial yellowfin tuna fishing;

(2) The review of permit applications to take marine mammals for research purposes and/or public display;

(3) International efforts affecting the protection and conservation of marine mammals including and discussion of activities appropriate for cooperative understanding with Canada, Mexico, and the U.S.S.R.;

(4) Applications for waivers of the moratorium including those of the State of Alaska;

(5) Protection of marine mammal populations on San Miguel Island, and other areas; and

(6) The results of several ongoing research projects supported by the Commission.

These sessions of the meeting will be open to the public, and seating will be available to accommodate interested participants and observers. In order to learn as much as possible from people in Alaska who are concerned with and affected by marine mammal protection and conservation efforts, interested persons are invited to present information and comments during the afternoon session on November 13 and the morning session on November 14.

The remainder of the meeting will consist of executive sessions of the Commission and Committee. These sessions will be devoted to the review of memoranda, and exchange of opinions and deliberations concerning internal operations, budget, personnel, policy, interagency liaison, and the evaluation of proposals to conduct research related to marine mammal protection and conservation. Participants will be candidly discussing and appraising the professional qualifications and competence of the proposers, their potential contribution to the research program, and information given to the Commission and Committee in confidence.

Executive sessions will be held as follows: November 13, from 9 a.m. to 10:30 a.m.; November 14, from 4 p.m. to 5:00 p.m.; and November 15, from 3 p.m. to 6:00 p.m. These sessions are concerned with matters listed in 5 U.S.C. 552(b)(2), (3), (4), (5) and (6), and therefore will not be open to the public.

JOHN R. TWISS, JR.,
Executive Director,
Marine Mammal Commission.

OCTOBER 23, 1975.

[FR Doc.75-28991 Filed 10-28-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ANTHROPOLOGY

Notice of Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Anthropology.

Date: November 14-15, 1975. Time: 9 a.m. each day.

Place: Rm. 643, National Science Foundation, 1800 G Street, NW., Washington, D.C.

Type of meeting: Part Open—Open 11/14 (2 p.m.-5 p.m.) Closed 11/14 (9 a.m.-12:30 p.m.); and 11/15 (9 a.m.-5 p.m.).

Contact person: Dr. Nancie L. Gonzalez, Program Director for Anthropology, National Science Foundation, Rm. 206, Washington, D.C. 20550, telephone (202) 632-4208.

Summary minutes: (open portion) May be obtained from the Committee Management Coordination Staff, Management Analysis Office, National Science Foundation, Rm. 248, Washington, D.C. 20550.

Purpose of advisory panel: To provide advice and recommendations concerning support for research in Anthropology.

Agenda: Topics will include:

NOVEMBER 14—(9:00 a.m. TO 12:30 p.m.—CLOSED)

Review and evaluate research proposals that have been assigned to the Anthropology Program.

2:00 P.M. TO 5:00 P.M.—OPEN

1. Discussion of long-range plans; a. Longitudinal Studies of Sociocultural Phenomena, b. Origins of Man, c. Archeological Data Bank and Retrieval System, d. Energy-Related Research in Anthropology, e. Research in Applications of Anthropology, f. Mathematics in Anthropology.

2. Perceptions of role of NSF in anthropological research, past, present and future.

3. Identification and evaluation of significant changes in emphasis, new directions, recent advances in: a. Archeology, b. Physical Anthropology, c. Sociocultural Anthropology.

NOVEMBER 15 (9:00 A.M. TO 5:00 P.M.—CLOSED)

Continuation of the review and evaluation of research proposals.

Reason for closing: The proposals being reviewed contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6).

Authority to close meeting: The determination made on February 21, 1975, by the Director of the National Science Foundation pursuant to provisions of Section 10(d) of Pub. L. 92-463.

M. R. WINKLER,
Acting Committee
Management Officer.

OCTOBER 23, 1975.

[FR Doc.75-29056 Filed 10-28-75;8:45 am]

ADVISORY PANEL FOR EARTH SCIENCES

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Earth Sciences.

Date: November 14-15, 1975. Time: 9 a.m. each day.

Place: Rms. 511 and 517, National Science Foundation, 1800 G Street, NW., Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. William E. Benson, Chief Scientist, Division of Earth Sciences,

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National Science Foundation, Washington, D.C. 20550, telephone 202–632–4210.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for research in Earth Sciences.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6).

Authority to close meeting: The determination made on February 21, 1975, by the Director of the National Science Foundation pursuant to provisions of Section 10(d) of Pub. L. 92–463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

OCTOBER 22, 1975.

[FR Doc.75–29055 Filed 10–28–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE PALO VERDE NUCLEAR PLANT, UNITS 1, 2, AND 3

Cancellation

The meeting of the Advisory Committee on Reactor Safeguards Subcommittee on the Palo Verde Nuclear Plant, Units 1, 2, and 3 scheduled for November 5, 1975 has been cancelled. Notice was published at 40 FR 49156, October 21, 1975. It has been determined that this meeting is not necessary as the project is to go to the full Committee at its November 6–8, 1975 meeting.

Dated: October 22, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75–28946 Filed 10–28–75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE FLOATING NUCLEAR PLANT

Additional Information

In the notice of the October 29–30, 1975 meeting of the ACRS Subcommittee on the Floating Nuclear Plant, Jacksonville, FL published at 40 FR 48190, October 14, 1975 it was stated that background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the Jacksonville Public Library, and that a copy of the transcript of the open portion of the meeting will be available for inspection on or after November 6, 1975 at the Jacksonville Public Library. In addition to the above, the New Orleans Public Library, 219 Loyola Avenue, New Orleans, LA and the Stockton State College Library, Pomona, NJ 08240 also have this information available and will receive copies of the transcript of the open portion of the meeting.

Dated: October 22, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75–28947 Filed 10–28–75;8:45 am]

[License No. 48–16514–02E]

CITY TOOL AND MANUFACTURING CO., INC.

Issuance of Byproduct Material License

Please take notice that the Nuclear Regulatory Commission (NRC) has, pursuant to § 32.26 of 10 CFR 32, issued License No. 48–16514–02E to City Tool and Manufacturing Co., Inc., 1002 South 12th Street, P.O. Box 455, Watertown, Wisconsin 53094, which authorizes the distribution of Model ID–4 fire detectors to persons exempt from requirements for a license pursuant to § 30.20 to 10 CFR 30.

1. The devices are designed to detect incipient fires by responding to the products of combustion produced by thermal decomposition of building materials or contents prior to the appearance of visible smoke, flame, or appreciable heat. The sensitive element of each device is an ionization chamber in which air flowing into the chamber is made conductive by alpha particles emitted by americium–241.

2. The byproduct material incorporated in the active chamber of each device is americium–241 in oxide form contained in foils manufactured by Amersham/Searle (Model AMM 1001). The maximum activity contained in a unit is 2.5 microcuries.

3. Each exempt unit will have a label identifying the manufacturer (by reference of the License Number) and the byproduct material (americium–241) contained in the unit and recommending that the unit be returned to Master Lock Co., (a secondary distributor) for repair or disposal.

A copy of the license and the license application containing additional information are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

Dated at Bethesda, Maryland, October 15, 1975.

For the Nuclear Regulatory Commission.

BERNARD SINGER,
Chief, Materials Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.75–28948 Filed 10–28–75;8:45 am]

[Docket No. 50–261]

CAROLINA POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR–23 issued to Carolina Power & Light Company which revised Technical Specifications for operation of the H. B. Robinson Unit 2, located in Darlington County, Hartsville, South Carolina. The amendment is effective as of its date of issuance.

The amendment (1) revises the operating limits in the Technical Specifications based upon an acceptable evaluation model that conforms to the requirements of 10 CFR 50.46, and (2) terminates restrictions imposed on the facility by the Commission's December 27, 1974 Order for Modification of License, and imposes instead, limitations established in accordance with 10 CFR 50.46.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on July 7, 1975 (40 FR 28509). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated October 2, 1974, as supplemented March 14, 1975, April 18, 1975, June 20, 1975 and July 24, 1975, (2) Amendment No. 13 to License No. DPR–23, with Change No 38, (3) the Commission's related Safety Evaluation (4) the Commission's Negative Declaration dated September 25, 1975, which is being published concurrently with this notice, and (5) the Commission's associated Environmental Impact Appraisal. All of these items are available for public inspection at the Commision's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Hartsville Memorial Library, Home & Fifth Avenues, Hartsville, South Carolina.

A copy of items (2), (3), (4) and (5) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 17th day of October, 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch #4, Division of Reactor Licensing.

[FR Doc.75–28949 Filed 10–28–75;8:45 am]

[Docket No. 50–265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Facility Operating License No. DPR–30, issued to the Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company), which revised Technical Specifications for operation of the Quad Cities Station Unit 2 (the facility) located in Rock Island County, Illinois. The amendment is effective of its date of issuance.

This amendment authorizes Commonwealth Edison to carry out work that has the potential to partially drain the reactor vessel with the suppression pool water volume less than 112,200 ft³, provided that a total of 112,200 ft³ of water is available for cooling, including the quantity of water contained in the refueling cavity and the spent fuel pool above the bottom of the spent fuel pool gate.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated October 15, 1975, (2) Amendment No. 17 to License No. DPR–30, with Change No. 31, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Moline Public Library, 504 17th Street, Moline, Illinois 60625. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 17th day of October, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75–28943 Filed 10–28–75;8:45 am]

[Docket No. 50–336]

CONNECTICUT LIGHT AND POWER CO. ET AL. (MILLSTONE NUCLEAR POWER STATION, UNIT 2)

Issuance of Amendment to Facility Operating License

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. DPR–65 issued to The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (licensees). This amendment is effective as of the date of issuance.

The amendment changes certain of the Technical Specifications to (1) eliminate the potential for spurious reactor trips during low power physics testing, (2) to permit periodic verification of the actual versus the predicted core reactivity condition occurring as a result of fuel burnup or fuel cycling operations, and (3) to correct certain proofreading errors.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated October 3, 1975, (2) Amendment No. 5 to License No. DPR–65, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 17th day of October 1975.

For the Nuclear Regulatory Commission.

RALPH A. BIRKEL,
Acting Chief, Light Water Reactors Project Branch 1–3, Division of Reactor Licensing.

[FR Doc.75–28944 Filed 10–28–75;8:45 am]

[Docket Nos. 50–70, 50–73]

GENERAL ELECTRIC CO.

Order Designating Prehearing Conference

The Nuclear Regulatory Commission on June 27, 1975 issued a Notice of Hearing in this proceeding and thereby granted the request of General Electric Company, Nuclear Energy Division, 175 Curtner Avenue, San Jose, California (GE) (Vallecitos) for a hearing in reference to a proposed imposition of civil penalties. The Notice provided that the time and place of the hearing would be designated at a later time. Both GE and the Regulatory Staff have stipulated that a prehearing conference could be held on a mutually convenient date of October 29, 1975 at San Francisco.

Wherefore, *it is ordered*, That a prehearing conference in this proceeding shall convene at 9 a.m. on October 29, 1975 in the U.S. Tax Court, Room 2021, 2nd Floor, Federal Building and Courthouse, 450 Golden Gate Avenue, San Francisco, California 94102 to consider the issues specified by the Nuclear Regulatory Commission in the Notice of Hearing issued June 27, 1975.

Issued: October 20, 1975, Bethesda, Maryland.

Nuclear Regulatory Commission.

SAMUEL W. JENSCH,
Administrative Law Judge.

[FR Doc.75–28945 Filed 10–28–75;8:45 am]

[Docket No. 50–261]

H. B. ROBINSON STEAM ELECTRIC PLANT, UNIT 2

Negative Declaration Regarding Proposed Changes to the Technical Specifications of License DPR–23

The Nuclear Regulatory Commission (the Commission) has considered the issuance of changes to the Technical Specifications of Facility Operating License No. DPR–23. These changes would authorize the Carolina Power and Light Company (the licensee) to operate the H. B. Robinson Steam Electric Plant, Unit 2 (located in Darlington County, Hartsville, South Carolina), with changes to the limiting conditions for operation associated with fuel assembly specific power resulting from application of the Acceptance Criteria for Emergency Core Cooling System (ECCS).

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing, has prepared an environmental impact appraisal for the proposed changes to the Technical Specifications of License No. DPR–23, H. B. Robinson Steam Electric Plant, Unit 2, described above. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for H. B. Robinson Steam Electric Plant, Unit 2, published in April 1975.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina.

Dated at Rockville, Maryland, this 25th day of September 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75–28950 Filed 10–28–75;8:45 am]

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[Docket No. 50-321]

GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. DPR-57 issued to Georgia Power Company and Oglethorpe Electric Membership Corporation which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant Unit 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment incorporates additional suppression pool water temperature limits: (1) during any testing which adds heat to the pool, (2) at which reactor scram is to be initiated and (3) requiring reactor pressure vessel depressurization. It also adds surveillance requirements for visual examination of the suppression chamber during each refueling and following operations in which the pool temperatures exceed 160° F and add monitoring requirements of water temperatures during operations which add heat to the pool.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on July 24, 1975 (40 FR 31045). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated March 31, 1975, (2) Amendment No. 16 to License No. DPR-57, with Change No. 16 and (3) the Commission's related Safety Evaluation issued on July 16, 1975. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Appling County Public Library, Park Street, Baxley, Georgia.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 10th day of October, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch # 3, Division of Reactor Licensing.

[FR Doc.75-28932 Filed 10-28-75;8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Facility Operating License No. DPR-57 issued to Georgia Power Company and Oglethorpe Electric Membership Corporation which revised Technical Specifications for operations of the Edwin I. Hatch Nuclear Plant, Unit 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment will revise the Turbine Control Valve Fast Closure (TCVFC) scram trip setting and the associated Reactor Protective System (RPS) instrumentation functional test and calibration surveillance requirements.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated June 26, 1975, (2) Amendment No. 19 to License No. DPR-57, with Change No. 19, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 16th day of October, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75-28933 Filed 10-28-75;8:45 am]

[DOCKET NO. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR-36 issued to Maine Yankee Atomic Power Company which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station, located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

The amendment modifies requirements for measuring temperatures in the plant cooling water systems. The modifications are appropriate to a change in the discharge structure that was required to fulfill a condition by the State of Maine and subsequently ordered by an ASLAB decision requiring waste heat from the plant to be confined to a 25-acre mixing zone.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated August 15, 1975 and (2) Amendment No. 13 to License No. DPR-36 with Change No. 21. Both of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland this 16th day of October 1975.

For the Nuclear Regulatory Commission.

DANIEL R. MULLER,
Assistant Director for Environmental Projects, Division of Reactor Licensing.

[FR Doc.75-28934 Filed 10-28-75;8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Facility Operating License No. DPR-50 issued to Metropolitan Edison Company which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit 1, located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment provides for the chlorination testing to be completed in one consecutive 90-day period during the first two years of plant operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated May 7, 1975, and (2) Amendment No. 8 to License No. DPR-50 with Change No. 8. Both of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the State Library of Pennsylvania, Government Publications Section, Education Building, Harrisburg, Pennsylvania.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 16th day of October 1975.

For the Nuclear Regulatory Commission.

DANIEL R. MULLER,
Assistant Director for Environmental Projects, Division of Reactor Licensing.

[FR Doc.75-28935 Filed 10-28-75;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. DPR-46, issued to the Nebraska Public Power District (the licensee), which revised Technical Specifications for operation of the Cooper Nuclear Station (the facility) located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

This amendment changes the fuel grapple hoist load switch setting from ≦ 1200 lbs. to ≦ 650 lbs. and corrects several clerical errors and oversights in various sections of the Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated July 3, 1975, (2) Amendment No. 14 to License No. DPR-46, with Change No. 17 and (3) the Commission's concurrently issued Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Auburn Public Library, 1118 15th Street, Auburn, Nebraska 68305. A copy of items (2) and (3) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 17th day of October, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-28936 Filed 10-28-75;8:45 am]

[Docket No. 50-245]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Provisional Operating License No. DPR-21 issued to Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Connecticut Light and Power Company, which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit 1, located in Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment revises the operating limits in the Technical Specifications based upon an evaluation of the ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR Part 50, § 50.46. The amendment also incorporates operating limits in the Technical Specifications based on the General Electric Thermal Analysis Basis in accordance with the licensees' application for amendment dated July 9, 1975 and supplement dated July 25, 1975 for Reload 3, Cycle 4 operation of Millstone Unit 1.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on September 4, 1975 (40 FR 40879). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for license amendment dated July 9, 1975 and supplement dated July 25, 1975, (2) Amendment No. 16 to License No. DPR-21 with Change No. 29 to the Technical Specifications, (3) the Commission's related Safety Evaluation, and (4) the Commission's Negative Declaration (which is also being published in the FEDERAL REGISTER) and associated Environmental Impact Appraisal all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 17th day of October, 1975.

For the Nuclear Regulatory Commission.

WALTER A. PAULSON,
Acting Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-28937 Filed 10-28-75;8:45 am]

[License No. 12-15537-02E]

SDI/FIREX, INC.

Issuance of Byproduct Material License

Please take notice that the Nuclear Regulatory Commission (NRC) has, pursuant to § 32.26 of 10 CFR 32, issued License No. 12-15537-02E to SDI/FIREX, Inc., 1940 B Lehigh Road, Glenville, Illinois, which authorizes the distribution of Model 100 fire detectors to persons exempt from requirements for a license pursuant to § 30.20 of 10 CFR 30.

1. The devices are designed to detect incipient fires by responding to the products of combustion produced by thermal decomposition of building materials or contents prior to the appearance of visible smoke, flame, or appreciable heat. The sensitive element of each device is an ionization chamber in which air flowing into the chamber is made conductive by alpha particles emitted by americium-241.

2. The byproduct material incorporated in the active chamber of each device is americium-241 in the oxide form contained in foils manufactured by Nuclear Radiation Developments (Model A-001) or by Amersham/Searle (Model AMM 1001H). The maximum activity contained in a unit is 1.3 microcuries.

3. Each exempt unit will have a label identifying the manufacturer (SDI/FIREX, Inc.) and the byproduct material (americium-241) contained in the unit and recommending that the unit be returned to SDI/FIREX, Inc., for repair or disposal.

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A copy of the license and the license application containing additional information are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

Dated at Bethesda, Maryland, October 17, 1975.

For the Nuclear Regulatory Commission.

BERNARD SINGER,
Chief, Materials Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.75-28938 Filed 10-28-75;8:45 am]

[Docket Nos. 50-460, 50-513]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM (WPPSS NUCLEAR PROJECTS 1 AND 4)

Notice and Order Setting Evidentiary Hearing on Further Limited Work Authorizing Activities

The U.S. Nuclear Regulatory Commission (the Commission) by its September 16, 1974 "Notice of Receipt of Amended Application for Construction Permits and Facility Licenses and Notice of Hearing on Amended Application for Construction Permits: Time for Submission of Views on Antitrust Matters" (Notice of Hearing), ordered a hearing to be held on the application by the Washington Public Power Supply System (Applicant) for construction permits for two pressurized water reactors designated as WPPSS Nuclear Projects 1 and 4.

Sessions of the evidentiary hearing were held May 13-15, 1975 and September 29, 1975 on environmental and site suitability issues by the Atomic Safety and Licensing Board (the Board), which is composed of Dr. Marvin M. Mann and Dr. Donald P. de Sylva as technically qualified members, and Daniel M. Head as chairman. The purpose of this Notice of Hearing is for the Board to set the evidentiary hearing on the health and safety issues in the above-identified proceeding.

Accordingly, please take notice and it is hereby ordered, That an evidentiary hearing on health and safety issues will be held at 10 a.m. local time on Tuesday, November 11, 1975 in Room 189, U.S. District Courtroom, U.S. Post Office and Courthouse, 825 Jadwin Avenue, Richland Washington 99352. The hearing shall run continuously until all evidence has been received on the health and safety issues or until continued by further order of the Board.

Members of the public are invited to attend this evidentiary hearing and individuals or organizations wishing to make a limited appearance pursuant to 10 CFR 2.715(a) will be permitted to do so just prior to the starting of the evidentiary hearing.

Dated at Bethesda, Maryland this 21st day of October 1975.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.75-28939 Filed 10-28-75;8:45 am]

[Dockets Nos. 50-266 and 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 11 and 14 to Facility Operating Licenses Nos. DPR-24 and DPR-27 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company, which revised Technical Specifications for operation of the Point Beach Nuclear Plant Units Nos. 1 and 2, located in the town of Two Creeks, Manitowoc County, Wisconsin.

The amendments allow modification of the spent fuel storage racks and modify the Technical Specifications to place restrictions on spent fuel storage to limit the decay heat input to the spent fuel pool water, and restrict the use of two relocated spent fuel storage racks which would be seismically unrestrained.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Proposed Issuance of Amendments to Facility Operating Licenses in connection with this action was published in the FEDERAL REGISTER on May 20, 1975 (40 FR 22023). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendments dated March 28, 1975 and Supplement dated June 25, 1975, (2) Amendments Nos. 11 and 14 to Licenses Nos. DPR-24 and DPR-27, with Changes Nos. 16 and 20, (3) the Commission's related Safety Evaluation, (4) the Negative Declaration, and (5) the Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Document Department, University of Wisconsin—Stevens Point Library, Stevens Point, Wisconsin 54481.

A copy of items (2), (3), (4), and (5) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 20th day of October 1975.

For the Nuclear Regulatory Commission.

WALTER A. PAULSON,
Acting Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75-28940 Filed 10-28-75;8:45 am]

[Docket Nos. STN 50-502 and STN 50-503]

WISCONSIN ELECTRIC POWER CO. ET AL.

Availability of Safety Evaluation Report for Koshkonong Nuclear Plant, Units 1 and 2

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed construction of the Koshkonong Nuclear Plant, Units 1 and 2, to be located in Jefferson County, Wisconsin. Notice of receipt of application from Wisconsin Electric Power Company, Wisconsin Power & Light Company, Wisconsin Public Service Corporation, and Madison Gas & Electric Company to construct and operate the Koshkonong Nuclear Plant was published in the FEDERAL REGISTER on October 25, 1974 (39 FR 38015).

The application was submitted and accepted for review under the Commission's standardization policy using the duplicate plant option, described in Appendix N to the Commission's regulations in Part 50 of Title 10 of the Code of Federal Regulations.

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20565, at the Dwight Foster Public Library, 102 Milwaukee Avenue, East, Fort Atkinson, Wisconsin 53538, and at the Municipal Reference Service of the Madison Public Library, Room 103-B, Madison, Wisconsin 53709, for inspection and copying. The report (Document No. NUREG 75-092) can also be purchased for $7.00 each (microfiche $2.25) from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 21st day of October 1975.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2-2, Division of Reactor Licensing.

[FR Doc.75-28941 Filed 10-28-75;8:45 am]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP. ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. DPR-43 issued to Wisconsin Power and Light Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company which revised Technical Specifications for operation of the Kewaunee Nuclear Power Plant located in Kewaunee, Wisconsin. The amendment is effective as of its date of issuance.

This amendment changes the license to provide for standard provisions for special nuclear, source, and byproduct materials and adds surveillance requirements to the Technical Specifications for Radioactive Materials Sources.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated August 4, 1975, as supplemented September 19, 1975, (2) Amendment No. 7 to License No. DPR-43, with Change No. 9, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin 54216.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 21st day of October 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors #1, Division of Reactor Licensing.

[FR Doc.75-28942 Filed 10-28-75;8:45 am]

[Docket No. PRM-20-6]

NATURAL RESOURCES DEFENSE COUNCIL, INC.

Filing of Petition for Rule Making

Notice is hereby given that J. Gustave Speth, Esq., by letter dated September 26, 1975, has filed with the Nuclear Regulatory Commission a petition for rule making on behalf of the Natural Resources Defense Council, Inc., 917 15th Street, NW., Washington, D.C., requesting amendment of the Commission's "Standards for Protection Against Radiation,"-10 CFR Part 20. Attached to the petition is a report prepared by Thomas B. Cochran, Ph.D., and Arthur R. Tamplin, Ph.D., entitled "Radiation Standards for Occupational Whole Body Exposure," dated September 25, 1975. The petitioners state that this report and the documents referenced therein provide the principal support for and elaboration of the petition.

The petitioners request that the Commission amend its radiation protection standards as they apply to the maximum permissible whole body dose equivalent for occupational exposure. The limits on exposure of individuals to radiation in restricted areas are set out in § 20.101 of 10 CFR Part 20. Limits regarding exposure of minors to radiation in restricted areas are set out in § 20.104 of 10 CFR Part 20. The petitioners request that the current regulations be amended as follows:

1. For individuals under the age of M, where M is to be designated by the NRC but is not less than 45 years of age, the whole body radiation exposure limit shall not exceed 0.5 rem in any calendar year and 0.3 rem in any calendar quarter.

2. For individuals equal to or greater than M years of age, a licensee may permit an individual to receive up to 3 rem per quarter whole body dose as long as the dose to the whole body shall not exceed (0.5) (M—18) + X(N—M) rem, where N equals the individual's age in years, and X is calculated to reduce the cumulative somatic risks by a factor of 6 below the cumulative risks associated with exposure at 5 rem per year from age 18. It is proposed that the value X be calculated using the relative risk model as described more fully in the BEIR Report.[1]

The petitioners also request that the Commission institute hearings to determine the "as low as practicable" extent to which the exposures can be maintained below the new regulations proposed by the petitioners.

The petitioners state that the objective of their proposal is to reduce the genetic risk associated with radiation exposure at the occupational exposure level permitted by 10 CFR Part 20 by a factor of 10 and to reduce the somatic risk by a factor of 6.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. A copy of the petition may be obtained by writing the Division of Rules and Records at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, on or before December 29, 1975.

Dated at Washington, D.C., this 21st day of October 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-28778 Filed 10-28-75;8:45 am]

[1] National Academy of Sciences, National Research Council, "The Effects on Populations of Exposure to Low Levels of Ionizing Radiation," Report of the Advisory Committee on the Biological Effects of Ionizing Radiations, November, 1972, p. 171.

[Docket Nos. 50-369 and 50-370]

DUKE POWER CO. [WILLIAM B. McGUIRE] NUCLEAR STATION, UNITS 1 AND 2]

Availibility of Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of William B. McGuire Nuclear Station, Units 1 and 2, by Duke Power Company, located in Mecklenburg County, North Carolina, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and in the Public Library of Charlotte and Mecklenburg County, 310 North Tryon Street, Charlotte, North Carolina. The Draft Statement (NUREG-75/104) is also being made available at the Office of Intergovernmental Relations, 116 West Jones Street, Raleigh, North Carolina, and at the Centralina Council of Governments, Suite 301, 1229 Greenwood Cliff, P.O. Box 4168, Charlotte, North Carolina. Requests for copies of the Draft Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Reactor Licensing.

The Applicant's Environmental Report, as supplemented, submitted by Duke Power Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on June 14, 1974 (39 F.R. 20833).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by December 22, 1975. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Public Library of Charlotte and Mecklenburg County, 310 North Tryon Street, Charlotte, North Carolina. Upon consideration of comments submitted with respect to the draft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor, Licensing.

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Dated at Rockville, Maryland, this 22nd day of October 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75-21939 Filed 10-28-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON WASTE MANAGEMENT

Notice of Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on Waste Management will hold a meeting on November 13–15, 1975 in Room 1046, 1717 H St. NW., Washington, D.C. 20555. The purpose of this meeting is to develop information on the status of current waste management techniques within the nuclear industry.

The agenda for subject meeting shall be as follows:

Thursday, November 13, 1975, 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions based upon their independent review of available reports regarding matters which should be considered during the open session in order to formulate a Subcommittee report and recommendations to the full Committee.

9:00 a.m. until the conclusion of business. The Subcommittee will meet in open session to be briefed by representatives of the Energy Research and Development Administration (ERDA), Natural Resources Defense Council (NRDC), National Academy of Sciences (NAS), Atomic Industrial Forum (AIF), and others, on their plans, views, and evaluations of current and future methods for the management of radioactive wastes.

At the conclusion of the open session, the Subcommittee will caucus in a closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the matter is ready for review by the full Committee. During the session Subcommittee members and consultants will discuss their final opinions and recommendations on these matters.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safely related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than November 6, 1975 to Mr. R. Muller, ACRS, NRC, Washington, D.C., 20555, will normally be received in time to be considered at this meeting.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on November 12, 1975 to the Office of the Executive Director of the Committee (telephone 202/634-1413, Attn: Mr. R. Muller) between 8:15 a.m. and 5:00 p.m., EST.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information, other than plant security information, may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. R. Muller of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after November 21, 1975 at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 after February 16, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: October 24, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-29239 Filed 10-28-75;10:00 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 23, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

UNITED STATES INTERNATIONAL TRADE COMMISSION

Producers' questionnaire—certain gloves, single-time, domestic manufacturer, Evinger, S.K., 395-3710.

Importers' questionnaire—certain gloves, single-time, importers, Evinger, S.K., 395-3710.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Evaluation of state-based humanities program, single-time, regrant audiences and participants, human resources divison, Raynsford, R., 395-3532.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration, National Health Service Corps alumni questionnaire, Hsabchs 100, annually, NHSC alumni, Dick Eisinger, 395-6140.

Office of Human Development, screening questionnaire statistical survey on runaways, phase II, single-time, individuals, Reese, B. F. 395-3211.

Office of Education, application for Federal assistance (short form), instructions for arts education projects, OE 449, annually, LEA'S and SEA'S, Lowry, R. L., 395-3772.

DEPARTMENT OF THE INTERIOR

Bureau of Sport Fisheries and Wildlife, daily report of commercial fisheries of the Great Lakes, 3-234, monthly, commercial fishermen on Great Lakes, Lowry, R. L., 395-3772.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration, signal design survey (symbol and message/operation study), on occasion, pedestrians, Harry B. Sheftel.

REVISIONS

VETERANS ADMINISTRATION

Enrollment certification (under chapter 34, or 35, title 38, U.S.C.) 21E-1999-1, 22-1999, on occasion schools, Caywood, D. P., 395-3443.

DEPARTMENT OF COMMERCE

Bureau of Census, annual appearel manufacturing survey, MA-23A, annually, apparel manufacturers and jobbers, Peterson, M. O., 395-5631.

Bureau of Domestic Commerce, request for special priorities assistance, DIB 999, on occasion, Government contractors, Harry B. Sheftel.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, airport certification/safety checklist, FAA5280-3, on occasion, airport operators, Harry B. Sheftel.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, refund questionnaire (for overpayment of social security benefits), SSA-632, on occasion, individuals, Marsha Traynham, 395-4529.

Office of the Secretary, analyze obstacles to obtaining home health care and recommend regional HEW strategies, OS-49-75, single-time, agency staffs, Dick Eisinger, 395-6140.

DEPARTMENT OF THE TREASURY

Bureau of Customs:

Flight verification card, CF 7309A, on occasion, air carriers, Marsha Traynham, 395-4529.

Bonded fuel control card, CF-7309, on occasion, warehouse proprietors, Marsha Traynham, 395-4529.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, certification pilot and flight instructors, FAR 61, on occasion, pilots and flight instructors, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-29158 Filed 10-28-75;8:45 am]

POSTAL RATE COMMISSION

[Docket No. RM76-4]

PRIVATE EXPRESS STATUTES

Notice of Inquiry

OCTOBER 22, 1975.

The Commission has before it the April 29, 1975 Order in MC73-1 (Order No. 61, April 29, 1975). In that order the Commission accepted certification of the following question:

Does the Postal Rate Commission have jurisdiction over the Postal Service regulations which purport to implement the Private Express Statutes?

At the time the Commission noted that it had not reached a decision concerning the appropriate forum for resolution of that question.

Upon consideration, we have decided to start a new proceeding rather than keep the issue within the classification case. Our decision is motivated primarily by the fact that the private express issue transcends classification since it also could affect rates and service. In addition, there are interested parties outside the classification case who may wish to comment and a rulemaking-type of proceeding such as this is the vehicle conducive for consideration of those comments. The Commission does not have to be concerned about potential delay in MC73-1 and we will be able to carefully consider the matter without regard to extraneous matters which could delay a final decision on private express.

BACKGROUND OF REGULATIONS

Section 7 of the Postal Reorganization Act (Pub. L. No. 91-375, 84 Stat. 783) required that the Postal Service undertake a study and thorough reevaluation of the restrictions on the private carriage of letters. The Act also required that the Postal Service submit a report to the President and to Congress. On June 29, 1973, the Board of Governors issued its report.[1] The report concluded that the Private Express Statutes[2] must be retained and that no change in the law was required (*id.* at 1). The Postal Service's chief concern is that a relaxation of the postal monopoly will result in what is commonly known as "cream-skimming," viz., competing in the profitable markets and ignoring the unprofitable segments of the market. The Governors found that the monopoly is needed to permit subsidization of high-cost postal patrons (*e.g.*, those served by fourth-class post offices) by low-cost patrons (*e.g.*, within city mailers). Moreover, they found that private competition in the delivery of letters would necessarily result in at least one of the following:

(1) Non-uniform first class rates;

(2) Abandonment of service where competitive prices could not be met;

(3) Massive government subsidies; or

(4) Total reliance on private firms for carriage of letters (*id.* at 9-10).

In the Governor's report to the President and Congress, it noted that, while no changes in the Statutes are required, certain administrative practices should be improved. [Report at 2.] To that end, the Postal Service proposed a revised set of basic legulations [38 FR 17512 (1973)]. The regulations purported to "improve" the administration of the restrictions by clarifying the definition of "letter" and by modifying past administrative practices.

In its rulemaking, the Postal Service proposed that a "letter" be defined simply but comprehenesively as "a message in or on a physical object sent to a specific address." [38 FR 17513(1973).] In its original notice, certain previous exceptions to the definition of "letter" were eliminated. Among them were: (1) Matter conveying information already known to the addressee, (2) checks and other commercial papers, (3) legal papers and documents, (4) matters set for auditing and preparation of bills, and (5) matter sent for filing or storage. [*Id.*]

While expanding the concept of "letter," the Postal Service also proposed to mitigate the impact of the PES by "suspending" them for four different categories of mail:

(1) Interoffice communications between offices and branches of the same corporation, partnership, or other organization when transmission must be and is completed within 12 hours or by not later than the opening of the addressee's business on his next working day. [38 FR 17515 (1973).]

(2) Data processing materials conveyed to or back from a company-owned or independent data processing center, when transmission must be and is completed within 12 hours or by not later than the opening of the addressee's business on his next working day. [*Id.*]

(3) Checks and other financial instruments, such as stock certificates, promissory notes, bonds and other negotiable securities • • •. [*Id.*]

(4) Newspapers and periodicals. [*Id.*]

In response to comments filed, the final regulations, issued on September 16, 1974 (39 FR 33209), encompassed a number of changes.[3] First, the suspension for checks and financial instruments and the suspension for newspapers and periodicals were relocated to the definitional section, thereby taking those items out of the definition of a "letter." In making this change however, the Postal Service relied on its "suspension authority" in 39 U.S.C. 601(b) for the power to take these items out of the definition of a "letter." [*Id.*]

The second major change made in the final version of the rules was to omit the suspension of intra-company materials. The original version of the rules

[1] The report is captioned "United States Postal Service, the Private Express Statutes and Their Administration" (1973) (hereinafter cited as "Report").

[2] The Private Express Statutes are found in 18 U.S.C. 1693-99, 1724; 39 U.S.C. 601-06 (1970).

[3] Other minor changes were made earlier [39 FR 3968 (Jan. 31, 1974)].

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called for a reporting system designed to enforce the limitations that had been written into the proposed suspension. After receiving comments, the Postal Service concluded that the reporting system was unworkable. In addition, the Postal Service claimed that its decision to drop the suspension was also motivated by two other developments: (1) The expansion of the Express Mail Program which provides long-distance courier speed delivery of letters in many markets; and (2) the precarious financial condition of the Postal Service which argued against any potentially large revenue diminution.

With respect to the Postal Service's "suspension authority," in his Legal Memorandum, dated July 31, 1974, the Assistant General Counsel, Litigation, argued that the Posal Service had no such power under § 601(b) of the Postal Reorganization Act. We would like the Postal Service, and other interested parties, to discuss that issue. In addition, we would like the parties to discuss whether the Private Express Statutes can be suspended since the scope of the postal monopoly is found in the criminal code, and normally, criminal statutes cannot be suspended administratively.

JURISDICTION

As a preliminary matter, it appears that jurisdiction could lie if it were found that the Postal Service's regulations adversely impacted or were interrelated with the Commission's successful performance of its statutory duties with respect to rates, classification and service.[4] Such regulation would be limited to that reasonably ancillary to the effective performance of the Commission's various responsibilities. *United States* v. *Southwestern Cable Co.*, 392 U.S. 157, 178 (1968). For example, if it were found that the Commission could not implement §§ 3622(b)(4) and 3622(b)(5) without an interpretation of the Private Express Statutes, then the Commission would be constrained to act. The authority to act may be found in § 3603 of the Act which allows the Commission to take action deemed "necessary and proper to carry out" our "functions and obligations to the Government of the United States and the people."[5] Such a general provision has been ruled to include broad, substantive powers, and "not restricted to procedural minutiae." *Municipal Light Board* v. *FPC*, 450 F.2d 1341, 1346 (1971), *cert. denied*, 405 U.S. 989 (1972).

The Commission is interested to determine the impact, both qualitatively and quantitatively, of the Postal Service's regulation on rate, classification and service matters. Both as a legal and policy matter, the impact must be substantial in order for the Commission to exercise any jurisdiction. Certain questions arise concerning impact. In the area of service, for example, how is a user's postal service changed or adversely affected by a Postal Service decision that certain activity falls within the postal monopoly?

Instead of exercising jurisdiction in a manner ancillary to its principal functions, the Commission could find that § 3661 applies and require the Postal Service to submit its regulations to the Commission for an advisory opinion. Such a conclusion is conditioned on whether there is a "change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis." The parties are requested to address this question. Moreover, we foresee procedural difficulties if we find jurisdiction under § 3661 and the Postal Service refuses to request an advisory opinion. Furthermore, is an advisory opinion an adequate mechanism to insure compliance with § 3622 and § 3623 of the Act? If not, what alternative exists?

In this regard we do not contemplate that our exercise of jurisdiction over certain monopoly matters—to the extent that they relate to our regulatory responsibilities set forth in Chapter 36 of the Act—would replace or materially interfere with the Postal Service's implementation of its PES regulations. There seems little doubt that the Postal Service has the primary administrative responsibility for the enforcement of its monopoly.[6] It is the role of defining the scope of that monopoly, and its related impact on our responsibilities, that concern us.[7]

In filing comments, the parties are requested to address the following questions, some of which have been discussed above. Of course, the parties are not limited to these issues.

(1) What is the direct and indirect effect of the Postal Service's regulations implementing the Private Express Statutes on rate, classification and service matters?

(2) What is the relationship between the classification of mail for rate purposes and the classification of mail with respect to whether matter may lawfully be carried privately?

(3) Does the Postal Service have the power under § 601(b) of the Act to suspend the operation of the Private Express Statutes?

(4) How does a ruling which excludes competition or, in the alternative, permits competition, affect postal service generally, or the postal service of a specific user?

(5) To what extent, if any, do the present regulations impact the Postal Services' revenue and the volumes of the classes and subclasses of mail?

(6) Assuming that the Commission may render an advisory opinion under § 3661 of the Act with respect to the scope of the postal monopoly, must the Commission defer to the Postal Service's final opinion if the Commission determines that a specific regulation is contrary to implementation of §§ 3622 and 3623 of the Act?

(7) What specific amendments to the rules, if any, would be required to implement the Commission's assertion of jurisdiction?

Parties who have already filed comments in MC73–1 may incorporate those comments by reference if they so desire. In such cases, the parties need only file a brief statement indicating the date the earlier comments were filed.

Comments in this docket shall be filed on or before December 1, 1975. Reply comments shall be filed on or before December 15, 1975. The comments of the parties shall be filed with the Secretary of the Postal Rate Commission, 2000 L Street, NW., Suite 500, Washington, D.C. 20268.

By direction of the Commission.

[SEAL] JAMES R. LINDSAY,
Secretary.

[FR Doc.75-28983 Filed 10-28-75;8:45 am]

[4] *See* United States v. Southwestern Cable Co., 392 U.S. 157 (1968); Permian Basin Area Rate Cases, 390 U.S. 747 (1968); American Trucking Association, Inc. v. Atchison, Topeka & Santa Fe Ry., 387 U.S. 397 (1967).

[5] 39 U.S.C. § 3603.

[6] *See* National Ass'n. of Letter Carriers v. Independent Postal System of America, Inc., 336 F. Supp. 804, 808 (W. D. Okla. 1971), *aff'd*, 470 F. 2d 265 (10th Cir. 1972).

[7] We contemplate that we will issue a policy statement at the conclusion of this proceeding, indicating the nature and scope, if any, of the Commission's jurisdiction.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–11755; File No. SR–CBOE–75–3]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Extension of Time Period for Considering Proposed Rule Change

On September 12, 1975, the Chicago Board Options Exchange, Inc. ("CBOE"), LaSalle at Jackson, Chicago, Illinois, 60604, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendment of 1975, and Rule 19b–4 thereunder copies of a proposed rule change to alter the composition of its Board of Directors and to adopt various related procedural amendments.

Notice of the proposed rule change, together with the terms of substance, was given by publication of a Commission Release (Securities Exchange Act Release No. 34–11675, Septmeber 24, 1975) and by publication in the FEDERAL REGISTER (40 FR 14903, September 30, 1975).

In its September 12, 1975 filing the CBOE stated that it consented to an extension of the time period specified in Exchange Act Section 19(b)(2) until at least thirty-five days after it filed appropriate amendments reflecting the results of the Special Meeting of Members scheduled for October 6, 1975. That amendment was filed on October 10, 1975 and indicates that the CBOE membership voted in favor of the proposed amendments by a vote of 600 to 31.

On October 6, 1975, the New York Stock Exchange, Inc. ("NYSE") filed with the Commission, pursuant to Section 19(b) of the Act, as amended by the Securities Acts Amendments of 1975, and Rule 19b–4 thereunder, copies of a proposed rule change to alter the composition of its Board of Directors and to adopt various related procedurel amendments.

Notice of the NYSE proposed rule change, together with the terms of substance, was given by publication of a Commission Release (Securities Exchange Act Release No. 34–11722, October 9, 1975) and by publication in the FEDERAL REGISTER (40 FR 48738, October 17, 1975; The comment period is from October 17–November 11, 1975).

While each of these two proposals increases the number of Board members, they do not increase the number of public directors, and thereby proportionately decrease the non-securities industry representation on both Boards. The two pending proposals thus raise similar policy questions.

The Commission finds that the CBOE proposal needs further consideration and that it would be appropriate to consider both the CBOE and NYSE proposal at the same time.

Accordingly, the Commission has determined, pursuant to Section 19(b)(2) of the Act, to extend to 90 days from October 10, 1975 the time period within which the Commission shall approve the above referenced proposed rule change of CBOE or institute proceedings to determine whether it should be disapproved.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 21, 1975.

[FR Doc.75-28969 Filed 10-28-75;8:45 am]

[70-5748]

GULF POWER CO.

Proposed Issue and Sale of Preferred Stock at Competitive Bidding

OCTOBER 21, 1975.

Notice is hereby given that Gulf Power Company ("Gulf"), 75 North Pace Boulevard, Pensacola, Florida, 32502, an electric utility subsidiary company of The Southern Company, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7 and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Gulf proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 150,000 shares of its ——% Cumulative Preferred Stock, par value $100 per share. The dividend rate of the preferred stock (which shall be a multiple of 0.04%) and the price to be paid to Gulf (which shall be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. The terms of the preferred stock include a prohibition until December 1, 1980, against refunding the stock, directly or indirectly, with funds obtained from the issuance of debt securities at a lower effective interest cost or of preferred stock ranking equally with or prior to the new preferred stock at a lower effective dividend cost. The authorized number of shares of preferred stock will be increased by amendment to the Articles of Incorporation of Gulf and the new preferred stock will be created, and its terms established, by resolution of the board of directors. Gulf also proposes to make provision for a cumulative sinking fund which would retire annually not more than 5% of the number of shares initially issued, commencing five years after the sale, with the noncumulative option on any sinking fund date of redeeming an additional like number of shares. The proceeds from the sale of the preferred stock and $3,500,000 of additional equity funds received from The Southern Company during 1975 (See Holding Company Act Release No. 18924), together with its cash on hand in excess of operating requirements, interest and dividends, will be used by Gulf to finance its 1975 construction program, to pay short-term promissory notes payable in the form of bank notes and commercial paper notes incurred for such purpose.

It is stated that the issuance and sale of the new bonds and new preferred stock will be expressly authorized by the Florida Public Service Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than November 14, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-28967 Filed 10-28-75;8:45 am]

[File No. 500–1]

VAN DYK RESEARCH CORP.

Suspension of Trading

OCTOBER 21, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Van Dyk Research Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 9:15 a.m. (e.d.t.) on October 21, 1975 through midnight (e.d.t.) on October 30, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-28968 Filed 10-28-75;8:45 am]

[Release No. 11756]

SECURITIES INDUSTRY AUTOMATION CORP.

Application for Registration as a Securities Information Processor

OCTOBER 21, 1975.

Notice is hereby given that, pursuant to Section 11A(b)(2) of the Securities Exchange Act of 1934, (the "Act") the Securities Industry Automation Corporation ("SIAC") filed an application on October 20, 1975 with the Securities and Exchange Commission (the "Commission") for registration as a securities information processor.

The Commission is required under new Section 11A(b)(3) of the Act to find, before granting registration, that an applicant "is so organized, and has the capacity, to be able to assure the prompt, accurate, and reliable performance of its functions as a securities information processor, * * * and, insofar as it is acting as an exclusive processor, operate fairly and efficiently * * *." Additionally, Section 11A(b)(3) of the Act provides that the Commission shall, upon the filing of an application for registration pursuant to Section 11A(b)(2) of the Act, publish notice of the filing and afford interested persons an opportunity to submit written data, views and arguments concerning such application. A copy of the SIAC application is available for public inspection in the Commission's

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Public Reference Room at 1100 L Street, NW., Washington, D.C. 20549.

All persons interested in submitting written data, views and arguments concerning SIAC's application should submit them in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 not later than November 21, 1975. All communications should refer to File No. S7-595 and will be available for public inspection in the Commission's Public Reference Room.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-28971 Filed 10-28-75;8:45 am]

[Release No. 34-11754; File No. SR-NYSE-75-5]

NEW YORK STOCK EXCHANGE, INC.

Filing of Proposed Rule Change and Order Approving Proposed Rule Change

I. Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") as amended by Pub. L. No. 94-29, § 16 (June 4, 1975), notice is hereby given that on October 20, 1975, the New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, New York, 10005, a national securities exchange registered with the Commission pursuant to Section 6 of the Act, filed with the Commission copies of a proposed rule change. The proposed rule change would amend NYSE Rule 124 which establishes procedures for the execution of odd-lot orders and requires the charging of an odd-lot differential, the amount of which is fixed by Rule 125. Rule 125 would be repealed in its entirety.

II. Publication of notice of the proposed rule change is expected to be made in the FEDERAL REGISTER during the week of October 27, 1975. Interested persons are invited to submit written data, views and arguments concerning the proposed rule change. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-NYSE-75-5.

III. The Commission is directed under Section 19(b)(2) to the Act to approve a proposed rule change if it finds it to be consistent with the requirements of the Act and rules thereunder applicable to such organization. The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges including the requirements of Section 6 and the rules and regulations thereunder. In particular, under Section 6(e) of the Act, exchanges will be prohibited, effective May 1, 1976, from imposing any schedule or fixing rates of commissions, allowances, discounts, or other fees to be charged by its members for acting as an odd-lot dealer. Nothing in the Act prohibits an exchange from taking action, such as that being taken currently by the NYSE, in advance of May 1, 1976.

IV. Further, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing thereof. Eliminating the requirement that a prescribed odd-lot differential be charged will promote competition in odd-lot trading; NYSE members engaged, or who wish to engage, in odd-lot trading on the exchange will be able to compete on the basis of charges for odd-lot business.

A firm engaged in the odd-lot business on the NYSE and which is required to charge the fixed odd-lot differential would be at a competitive disadvantage with respect to firms which execute odd-lot transactions off the exchange and are not required to charge the odd-lot differential. Immediate removal of the requirement that a prescribed odd-lot differential be charged on odd-lot orders executed on the exchange will allow exchange members to begin competing, on an equal basis, with firms which may begin to execute odd-lot orders off the exchange without charging an odd-lot differential.

For the foregoing reasons, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after publication of notice of filing thereof.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission by the Division of market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 20, 1975.

[FR Doc.75-28970 Filed 10-28-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1189; Amdt. No. 1]

ALABAMA

Declaration of Disaster Area

In addition to previously declared counties (See 40 FR 48556) St. Clair, and adjacent counties within the State of Alabama constitute a disaster area because of damage resulting from high winds, tornadoes, heavy rains, and flooding beginning about September 22, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on December 8, 1975, and for economic injury until the close of business on July 8, 1976 at:

Small Business Administration, District Office, 908 South 20th Street, Birmingham, Alabama 35205.

or other locally announced locations.

Dated: October 14, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-28914 Filed 10-28-75;8:45 am]

[Declaration of Disaster Loan Area No. 1189, Amdt. No. 2]

ALABAMA

Declaration of Disaster Area

The above numbered Declaration (See 40 FR 48556) and Amendment No. 1 this page are amended by adding Crenshaw, Henry and adjacent counties within the State of Alabama, and the time for filing applications is extended to December 9, 1975, for physical damage and July 12, 1976, for economic injury.

Dated: October 16, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-28915 Filed 10-28-75;8:45 am]

[Proposed License No. 09/09-0184]

GROCERS CAPITAL CO.

Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA Regulations (13 CFR 107.102(1975)) by Grocers Capital Company, 6625 Washington Boulevard, Los Angeles, California 90040, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors and shareholder are:

Randolph H. Price, President, Director, 537 Dunnegan Place, Laguna Beach, California 92651.

William O. Christy, Vice President, Secretary-Treasurer, Director, 4200 Ironwood, Seal Beach, California 90740.

Kenneth Lee Stapp, Director, 1130 Paloma Drive, Arcadia, California 91006.

Grocers Equipment Company, 100%, 6625 Washington Boulevard, Los Angeles, California 90040.

The company's initial private capitalization will be $205,000.

Grocers Equipment Company (GEC) is 100 percent owned by Certified Grocers of California, Ltd. (Certified), 2601 South Eastern Avenue, Los Angeles, California 90040, which is a wholesale grocery company operated on a cooperative basis. GEC was organized as a service subsidiary in order to provide members of Certified and Spartan Grocers, Inc. (Spartan), 4408 Bandini Blvd., Los Angeles, California 90023, a subsidiary of Certified, with consultation and assistance.

It is anticipated that the applicant will be offering assistance to non-members as well as members of the cooperative. Historically, Certified and Spartan have not required members to participate in any division. Participation in any division or service is voluntary. The members of Certified and Spartan, through their ownership of the cooperative, are the beneficial owners of 100 percent of the applicant's common stock. As such, they would be considered an "affiliated group" beneficially owning 10 percent or more of the applicant's common stock. Therefore, the proposed financings to member retail grocers would be subject to the provisions of Section 107.1004(b)(1) of the Regulations.

It is the intent of SBA to grant the applicant a partial exemption from the restrictions of § 107.1004(b)(1) of the Regulations in order to make it possible to finance, and thus help advance, the best interests of the small retail grocers. The partial exemption would extend only to the financial assistance provided to the small retail grocers who are members of the cooperative. Any financial assistance to other associates of the licensee would not be exempt and would fall within the purview of § 107.1004 of the regulations.

Matters involved in SBA's consideration of the application, in view of the particular circumstances involved, include (1) the general business reputation and character of the proposed owner and management, (2) the reasonable prospects for successful operation of the new company under such management (including adequate profitability and financial soundness, in accordance with the Act and Regulations), and (3) whether the proposed licensing action would be in furtherance of the purposes of the Act.

Notice is further given that any person may, not late than November 13, 1975, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Los Angeles, California.

Dated: October 17, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-28913 Filed 10-28-75;8:45 am]

[Declaration of Disaster Loan Area #1190 Amdt. #1]

MARYLAND

Declaration of Disaster Area

The above numbered Declaration (See 40 FR 48409) is amended by adding Calvert, Kent, Queen Anne's, St. Mary's, Talbot and adjacent counties within the State of Maryland, and the time for filing applications is extended to December 9, 1975, for physical damage and July 12, 1976, for economic injury.

Dated: October 16, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-28916 Filed 10-28-75;8:45 am]

PITTSBURGH DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Pittsburgh District Advisory Council will hold a public meeting at 10 a.m., Monday, November 17, 1975, at the Second Floor Ballroom, Chatham Center, Pittsburgh, Pennsylvania, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call Jack C. Forbes, 1401 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222, (412) 644-2784.

Dated: October 17, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75-28912 Filed 10-28-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-127]

GENERAL ELECTRIC CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-127: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 25, 1975 in response to a worker petition received on August 25, 1975 which was filed by the International Union of Electrical, Radio and Machine Workers on behalf of workers formerly producing monochrome television picture tubes and cathode ray mounts at the Electronics Park plant of the General Electric Company.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 42065) on September 10, 1975. No public hearing was requested and none was held.

Section 223(b)(2) of the Trade Act of 1974 states that a certification under this section shall not apply to any worker whose last total or partial separation from the firm or appropriate subdivision of the firm occurred more than six months before the effective date, April 3, 1975, of Chapter 2, Title II of the Trade Act of 1974. All workers engaged in employment related to the production of monochrome television picture tubes were separated on or before December 1970.

All workers engaged in employment related to the production of cathode ray tube mounts were separated on or before December 1972.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that the total or partial separations of the workers engaged in employment related to the production of monochrome picture tubes and cathode ray tube mounts at the television components products section of the Electronics Park plant of General Electric, Syracuse, New York are precluded from program benefits by Section 223(b)(2) of Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of October 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.75-29020 Filed 10-28-75;8:45 am]

[TA-W-245]

OTTO B. MAY CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 20, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Otto B. May Company, Incorporated, Newark, New Jersey, a subsidiary of Cone Mills Corporation, Greensboro, North Carolina (TA-W-245). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with vat and dispersed dyes produced by Otto B. May Company, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 10, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-29018 Filed 10-28-75;8:45 am]

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[TA-W-259]

ROB-SCOT KNITTING MILLS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 20, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union on behalf of the workers and former workers of Rob-Scot Knitting Mills, Philadelphia, Pennsylvania a division of Thurman Manufacturing Company, Philadelphia, Pennsylvania (TA-W-259). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's and junior sweaters and tops produced by Rob-Scot Knitting Mills or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales of production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number of proportion of the workers of such firm or subdivision. The investigation will further relate, an appropriate, to the determination of the date on which total or partial separations, began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 10, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-20919 Filed 10-28-75;8:45 am]

Office of the Secretary

[TA-W-257]

BERGMAN TOOL MANUFACTURING CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 20, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Bergman Tool Manufacturing Company, Incorporated, Buffalo, New York (TA-W-257).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with battery service tools produced by Bergman Tool Manufacturing Company, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 10, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-29017 Filed 10-28-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 896]

ASSIGNMENT OF HEARINGS

OCTOBER 23, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 60157 Sub 28, C. A. White Trucking Company; MC 72293 Sub 50, The Aetna Freight Lines, Inc.; MC 73165 Sub 361, Eagle Motor Lines, Inc.; MC 74321 Sub 111, B. F. Walker, Inc.; MC 83835 Sub 121, Wales Transportation, Inc.; MC 88380 Sub 19, Reb Transportation, Inc.; MC 97068 Sub 15, H. S. Anderson Trucking Company; MC 100666 Sub 298, Melton Truck Lines, Inc.; MC 106497 Sub 118, Parkhill Truck Company; MC 107993 Sub 38, J. J. Willis Trucking Company; MC 113459 Sub 97, H. J. Jefferies Truck Line, Inc.; MC 113528 Sub 25, Mercury Freight Lines, Inc.; MC 115603 Sub 12, Turner Bros. Trucking Company, Inc.; MC 119700 Sub 28, Steel Haulers, Inc.; MC 119908 Sub 28, Western Lines, Inc.; MC 120257 Sub 24, K. L. Breeden & Sons, Inc.; MC 123407 Sub 243, Sawyer Transport, Inc. and MC 138104 Sub 22, Moore Transportation Co., Inc., now being assigned continued hearing January 7, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. AB 26 Sub 4, Southern Railway Company Abandonment Between Williamson and Robert, In Pike Lamar, Upson, Monroe and Crawford Counties, Georgia now being assigned January 15, 1976 (2 days), at Griffin, Ga.; in a hearing room to be later designated.

MC 140389 Sub 2, Osborn Transportation, Inc., now being assigned January 19, 1976 (1 week), at Atlanta, Ga.; in a hearing room to be later designated.

MC 119789 Sub 252, Caravan Refrigerated Cargo, Inc., continued to October 28, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 105501 Sub 13, Terminal Warehouse Company, now assigned October 29, 1975, at St. Paul, Minnesota, is cancelled and application is dismissed.

MC 61592 Sub 354, Jenkins Truck Lines, Inc., now being assigned January 12, 1976 (2 days), at Seattle, Washington, in a hearing room to be designated later.

MC 115904 Sub 37, Louis Grover Reentitled Grover Trucking Co., A Corporation, now being assigned January 14, 1976 (3 days), at Seattle, Washington, in a hearing room to be designated later.

MC 141001, B. & M Trucking, Inc., now being assigned January 19, 1976 (2 days), at Seattle, Washington, in a hearing room to be designated later.

MC 139527 Sub 2, M.E.M Enterprises, Inc., now being assigned for Continued hearing January 21, 1976 (3 days), at Seattle, Wash., in a hearing room to be designated later.

MC-F-12521, Ryder Truck Lines, Inc.—Purchase—Transamerican Freight Lines, Inc., now being assigned January 6, 1976 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 128383 Sub 57, Pinto Trucking Service, Inc., now being assigned January 6, 1976 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 140652, S. C. Hutchison, Co., Inc., now being assigned January 8, 1976 at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-29037 Filed 10-28-75;8:45 am]

[Notice No. 105]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

OCTOBER 29, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 29, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76074. By order of October 23, 1975, the Motor Carrier Board approved the transfer to Carlyle Moving & Storage Co., Inc., New York, N.Y., of Certificate No. MC 87230 issued April 3, 1943, to Reilly Storage Warehouse Corp., New York, N.Y., authorizing the transportation of household goods between specified points in New York, New Jersey and Connecticut. Alvin Altman, 1776 Broadway, New York, N.Y. 10019, Attorney for Applicants.

No. MC-FC-76079. By order of October 23, 1975, the Motor Carrier Board approved the transfer to Delp, Inc., Springdale, Arkansas, of Certificate No. MC 124408 Sub-No. 9, issued February 19, 1974, to Thompson Bros., Inc., Toronto, South Dakota, authorizing the transportation of frozen potato products from Clark, S. Dak., to points in 30 States. Tom B. Kretsinger, Kretsinger & Sapp, Suite 910 Fairfax Bldg., 101 W. 11th St., Kansas City, Mo. 64105, Attorney for Applicants.

No. MC-FC-76109. By order of October 23, 1975, the Motor Carrier Board approved the transfer to Mola Trucking, Inc., doing business as "Mola Trucking" and "Mitchko Trucking", Mountain Lakes, New Jersey, of Certificates No. MC 30114 and No. MC 30114 (Sub-No. 5), issued June 16, 1964 and September 22, 1972, respectively, to Mitchko Trucking, Inc., authorizing the transportation of general commodities and certain specified commodities, from, to and between points in New Jersey, New York, Pennsylvania, Delaware and Maryland. Bert Collins, Suite 6193—5 World Trade Center, New York, N.Y. 10048. Representative of Applicants.

No. MC-FC-76124. By order entered October 23, 1975, the Motor Carrier Board approved the transfer to R J L Corporation, Shelburn, Ind., of the operating rights set forth in Permit No. MC 136934 Sub 1, issued August 13, 1973, to Malcolm L. Leggitt, Lawrenceville, Ill., authorizing the transportation of corrugated plastic drainage tubing from Lawrenceville, Ill., to points in Missouri, Kansas, Arkansas, Tennessee, Kentucky, Indiana, Ohio, Iowa, Minnesota, Wisconsin, Michigan, Pennsylvania, and New York; and from the plant sites of Certain-Teed/Daymond Co., located at points in the destination States cited above to Lawrenceville, Ill.; also, plastic coupling T's, reducers, and caps, adapters, and elbows used in the distribution of and installation of corrugated plastic drainage tubing, from the destination States cited above to Lawrenceville, Ill., these operations restricted to service performed under a continuing contract with Certain-Teed/Daymond Co. of Ann Arbor, Mich. Donald W. Smith, Esq., Suite 2465—One Indiana Square, Indianapolis, Indiana 46204, attorney for applicant.

No. MC-FC-76142. By order entered October 23, 1975, the Motor Carrier Board approved the transfer to John Grant Everett, doing business as E. & P. Truck Service, McCrory, Ark., of the operating rights set forth in Certificate No. MC 124158, issued March 24, 1966, to Bornhoft Truck Service, Inc., Harrisburg, Ark., authorizing the transportation of potash and soybean meal, from and to points in New Mexico, Arkansas, Texas, Mississippi, and Tennessee. John C. Everett, 140 East Buchanan, Prairie Grove, Ark. 72753, attorney for applicants.

No. MC-FS-76146. By order entered October 23, 1975, the Motor Carrier Board approved the transfer to Swabco, Inc., Dayton, Tex., of the operating rights set forth in Certificate of Registration No. MC 120571 (Sub-No. 1), issued October 11, 1973, to Dixie Vacuum Tanks, Inc., Beaumont, Tex., evidencing a right to engage in transportation in interstate or foreign commerce of specified commodities, between points in Texas. Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Texas 78701, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-29038 Filed 10-28-75;8:45 am]

[Notice No. 122]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 23, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR section 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30446 (Sub-No. 8TA), filed October 14, 1975. Applicant: BRUCE JOHNSON TRUCKING COMPANY, INC., 3408 North Graham St., P.O. Box 5647, Charlotte, N.C. 28225. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave., NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and fittings*, from Bakers, N.C., and Charlotte, N.C., to points in Georgia; and (2) *Cast iron pipe and fittings*, from Charlotte, N.C., to points in Georgia, located south and west of a line beginning at Savannah, Ga., and extending along U.S. Highway 80 to Macon, Ga., thence along U.S. Highway 129 to Athens, Ga., and thence along U.S. Highway 29 to the Georgia-South Carolina State line, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Charlotte Pipe and Foundry Company, 2109 Randolph Road, Charlotte, N.C. 28204. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 47010 (Sub-No. 7TA), filed October 8, 1975. Applicant: BEERY

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TRANSPORT, INC., 5315 N. W. St. Helens Road, Portland, Oreg. 97210. Applicant's representative: Nick I. Goyak, 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, Oreg. 97258. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cans, can ends, tin plate, cannery supplies, and machinery*, between Salem, Oreg., on the one hand, and Toppenish and Yakima, Wash., on the other, for the account of Del Monte Corporation, under a continuing contract with Del Monte Corporation, for 180 days. Supporting shipper: Del Monte Corporation, 2001 Del Monte Way, Vancouver, Wash. 98660. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 52579 (Sub-No. 145TA), filed October 8, 1975. Applicant: GILBERT CARRIER CORP., 1 Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: Fred L. Cardascia, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, from Tupelo, Miss., to points in California, Delaware, Florida, Georgia, Illinois, Indiana, Michigan, New Jersey, New York, New York Commercial Zone, Ohio, and Texas; also from Leitchfield and Morgantown, Ky., to Tupelo, Miss., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: General Clothing Company, 1255 "F" St., San Diego, Calif. 92101. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 106674 (Sub-No. 172TA), filed October 14, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in dump vehicles; (1) from Danville, Ill., to point in Indiana and (2) from Vincennes, Ind., to points in Illinois, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Triple T Grain & Fertilzer, Inc., R.R. #1, Vincennes, Ind. 47591. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations: 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 107295 (Sub-No. 781TA), filed October 10, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos building panels, siding and roofing*, from Nashua, N.H., to points in Iowa and Nebraska, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Carl E. Arthur, Manager of Architectural Products, Stetson Building Products, 510 S.W. Ninth, Des Moines, Iowa 50309. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 214B, Springfield, Ill. 62705.

No. MC 109443 (Sub-No. 20TA), filed October 9, 1975. Applicant: SEABOARD TANK LINES, INC., Monahan Ave., Dunmore, Pa. 18512. Applicant's representative: Kenneth R. Davis, 121 S. Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, from Paulsboro, N.J., to Philadelphia and Lester, Pa., and Stanton, Del., for 150 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Alert Oil Company, 3411 Silverside Road, Wilmington, Del. 19810. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 115994 (Sub-No. 13TA), filed October 14, 1975. Applicant: FIDERAK TRUCKING, INC., Lafayette St., R. D. 2, Tamaqua, Pa. 18252. Applicant's representative: Paul B. Kemmerer, 1620 N. 19th St., Allentown, Pa. 18104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Coal* from points in Luzerne and Schuylkill Counties, Pa., to points in Massachusetts and Rhode Island for 180 days. Supporting shipper: Centralia Coal Sales Company, Inc. 1 East Wynnewood Road, Wynnewood, Pa. 19096. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 116400 (Sub-No. 5TA), filed October 8, 1975. Applicant: LAWRENCE TRANSFER & STORAGE CORPORATION, 2727 Hollins Road, N.E., P.O. Box 13025, Roanoke, Va. 24030. Applicant's representative: Stanley I. Goldman, 1700 K St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Equipment, materials and supplies; locomotive, rail car and equipment parts; tools; and intra-company records and correspondence*, (1) between the facilities of the Norfolk and Western Railway Company at or near Roanoke, Va.; Brewster, Ohio; Bellevue, Ohio; and Decatur, Ill.; (2) between the facilities of the Norfolk and Western Railway Company at or near Decatur, Ill., on the one hand, and, on the other, St. Louis and Hazelwood, Mo.; (3) between the facilities of the Norfolk and Western Railway Company at or near Decatur, Chicago, and Jacksonville, Ill.; St. Louis and Moberly, Mo.; and Peru and Ft. Wayne, Ind.; (4) between the facilities of the Norfolk and Western Railway Company at or near Roanoke, Va., on the one hand, and, on the other, Bluefield, W. Va.; Louisville, Ky.; and Portsmouth, Ohio; (B) *Locomotive parts and accessories*, between the facilities of the Norfolk and Western Railway Company at or near Roanoke, Va., on the one hand, and, on the other, (a) the facilities of the General Motors Corp., at or near Bedford, Pa.; (b) the facilities of the Chromium Corporation of America at or near Cleveland, Ohio, and (c) the facilities of the General Electric Co., at or near Erie, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Norfolk and Western Railway Company, 8 North Jefferson St., Roanoke, Va. 24042. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Ave., S.W., Roanoke, Va. 24011.

No. MC 120364 (Sub-No. 6TA), filed October 14, 1975. Applicant: A & B FREIGHT LINE, INC., 2800 Falund St., Rockford, Ill. 61109. Applicant's representative: Robert M. Kaske (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous articles, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, frozen foods, motor vehicles, and farm equipment and supplies), (1) between points in that part of Illinois on or bounded by a line beginning at the Illinois-Wisconsin State line and extending southerly on Illinois Highway 78 to its junction with Illinois Highway 88, thence southerly on Illinois Highway 88 to its junction with Illinois Highway 92, thence easterly on Illinois Highway 92 to its junction with U.S. Highway 34, thence easterly on U.S. Highway 34 to its junction with Illinois Highway 59, thence northerly on Illinois Highway 59 to its junction with Illinois Highway 83, thence northerly on Illinois Highway 83 to the Illinois-Wisconsin State line, thence west on the Illinois-Wisconsin State line to the place of beginning; on the one hand, and, on the other, Chicago, Ill., restricted to interline service only, applicant intends to tack its existing authority with MC 120364 at Rockford, Ill., and to interline with carriers at Chicago, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 37 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Patricia A. Roscor, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 124078 (Sub-No. 664TA), filed October 8, 1975. Applicant: SCHWERMAN TRUCKING COMPANY, 611 South 28th St., P.O. Box 1601, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cinders*, in bulk, from Kaukauna, Wis., to West Chicago, Ill., for 180 days. Supporting shipper: Thilmany Pulp & Paper Company, Thilmany Road, Kaukauna, Wis. 54130. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 125023 (Sub-No. 29TA), filed October 9, 1975. Applicant: SIGMA-4 EXPRESS, INC., 3825 Beech Ave., P.O. Box 9117, Erie, Pa. 16504. Applicant's representative: Richard G. McCurdy, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Utica, N.Y., to Painesville, Ohio and Toledo, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Allen Products of Ohio, Condon Brothers Distributing Co., Box 732, Painesville, Ohio 44077, and Seaway Beverage Co., 3917 Imlay St., Toledo, Ohio 43603. Send protests to: John J. England, District Supervisor, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 129301 (Sub-No. 2TA), filed October 9, 1975. Applicant: ENGLISH & SONS CORPORATION, 412 Kings Highway, Thorofare, N.J. 08086. Applicant's representative: James H. Sweeney, P.O. Box 684, Woodbury, N.J. 08096. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Room fresheners*, from Camden, N.J., to Chicago, Peoria, Melrose Park, Rosemont, North Lakes, and Lansing Ill.; Detroit, Mich.; points in the states of Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island and Virginia, under a continuing contract with Certified Chemicals Incorporated, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Certified Chemicals Incorporated, Jefferson & Master Sts., Camden, N.J. 08104. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

No. MC 134063 (Sub-No. 11TA), filed October 9, 1975. Applicant: MIDWEST TRANSPORTATION COMPANY, 2802 Avenue B, Council Bluffs, Iowa 51501. Applicant's representative: Frank R. Chullino, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except malt beverages) in containers; *and nonalcoholic beverages* (in containers only) when moving in the same vehicle, at the same time with alcoholic beverages, from points in Illinois, Kentucky, New Jersey, New York, Missouri, Ohio, Pennsylvania, Maryland, Michigan; and Hartford, Conn.; Lawrenceburg, Ind.; Boston, Mass.; and Lynchburg and Tullahoma, Tenn., to Minneapolis and St. Paul, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) McKesson Wine & Spirits Company, Kenneth L. Smith, General Manager, 2309 University Ave., St. Paul, Minn. 55114. (2) Old Peoria, M. H. Maisel, Secretary, 701 Stinson Blvd., Minneapolis, Minn. 55413. (3) Ed. Phillips & Sons Co., Leon C. Marquis, Traffic Manager, 2345 Kennedy St., N.E., Minneapolis, Minn. 55413. (4) Distillers Distributing Co., Michael G. Galinson, Director of Purchasing, 475 N. Prior, St. Paul, Minn. 55104. Send protests to: Carroll Russell, District Supervisor, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 135283 (Sub-No. 13TA), filed October 14, 1975. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., Box 1665, East Highway 30, Grand Island, Nebr. 68801. Applicant's representative: Gailyn L. Larsen, Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Alda, Nebr., to Zanesville, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Charles R. Beltinck, Office Manager, Leon Chemical & Plastics, Division of United States Industries, Box 1728, Grand Island, Nebr. 68801. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 136464 (Sub-No. 15TA), filed October 8, 1975. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, P.O. Box 3961, Gastonia, N.C. 28052. Applicant's representative: Eric Melerhoefer, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Zippers, thread, binding, braid, lace, tape, webbing, and ribbon*; (2) *hand and/or machine sewing aids, and materials and supplies* used in the manufacture and sale of zippers, thread, binding, braid, lace, tape, webbing, and ribbon, when moving in mixed loads with those commodities in (1) above, between the plantsites and warehouse facilities used by Talon Division of Textron located at or near Stanley, N.C., and Mecklenburg County, N.C.; Morton, Miss.; Dallas, Tex.; Port Hueneme, Calif., and Los Angeles, Calif. Restriction: Service to and from Dallas, Tex., restricted to partial pickups and/or delivery in conjunction with shipments originating at or destined to any other Talon facility or warehouse. Restriction: Service under this permit to be restricted to transportation to be performed under a continuing contract with Talon Division of Textron, Inc., of Meadville, Pa. Note: Portion of this application duplicates authority already held by Carolina-Western under existing Permit MC 136464 (Sub-No. 2) and under temporary authority in MC 136464 (Sub-No. 5TA), for 180 days. Supporting shipper: Talon Division of Textron, Inc., 626 Arch St., Meadville, Pa. 16334. Send protests to: Terrrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 138157 (Sub-No. 22TA), filed October 9, 1975. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, 4284 Mission Blvd., Pomona, Calif. 19769. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware*, from the plantsite and facilities of Owens-Illinois, Inc., at or near Streator, Ill., and from the plantsite and facilities of Kerr Glass Manufacturing Corp., at or near Dunkirk, Ind., to the facilities of Cutter Laboratories at or near Chattanooga, Tenn., for 180 days. Supporting shipper: Cutter Laboratories, Inc., Fourth and Parker Streets, Berkeley, Calif. 94710. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 138398 (Sub-No. 13TA), filed October 10, 1975. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tile*, from Cleveland, Miss., to points in Alabama, California, Florida, Georgia, Illinois, Maryland, Minnesota, Missouri, Kansas, North Carolina, South Carolina, Pennsylvania, Tennessee, Utah, the District of Columbia, Washington, New Mexico, and Oregon, (2) *Materials and supplies* (except in bulk, used in the manufacture of tile, from points in North Carolina, South Carolina, Illinois, Oklahoma, Tennessee, Alabama, Maryland, and Pennsylvania, to Cleveland, Miss., and (3) *Tile*, from Morrisville, Pa., to Cleveland, Miss., under a continuing contract with Robertson American of Mississippi, for 180 days. Supporting shipper: Robertson American of Mississippi, P.O. Box 1030, Cleveland, Miss. 38732. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 138398 (Sub-No. 14TA), filed October 10, 1975. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Earthenware*, from Jackson, Miss.,

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to Albany, Sweet Springs, Sedalia, Clinton, and Hannibal, Mo., under a continuing contract or contracts with Rival Manufacturing Company, at Kansas City, Mo., for 180 days. Supporting shipper: Rival Manufacturing Company, 3600 Bennington, Kansas City, Mo. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 138820 (Sub-No. 5TA), filed October 14, 1975. Applicant: PATTONS, INC., 2300 Canyon Road, Ellensburg, Wash. 98926. Applicant's representative: Lawrence V. Smart, Jr., 419 NW., 23d Ave., Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods*, from points in California, to points in Oregon and Washington, under a continuing contract with Roundup Co., a Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Roundup Co., 11016 East Jackson Ave., Spokane, Wash. 99206. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 138910 (Sub-No. 1TA), filed October 14, 1975. Applicant: DAVID J. ANTHONY, doing business as, GLOWATSKY'S PIGGYBACK SERVICE, 650 South Carlton St., Allentown, Pa. 18103. Applicant's representative: Paul B. Kemmerer, 1620 19th St., Allentown, Pa. 18104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except cement, motor vehicles, commodities in bulk, and commodities that require special equipment), between Allentown, Pa., on the one hand, and, on the other, points in Chester, Luzerne, and Philadelphia Counties, Pa., and Mercer, Morris and Somerset Counties, N.J., restricted to traffic having a prior or subsequent movement by rail, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: East Penn Terminal Co., 140 Union St., Allentown, Pa. 18102. Lehigh Valley Railroad Company, 112 Pioneer St., Newark, N.J. 07114. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 139600 (Sub-No. 6TA, filed October 8, 1975. Applicant: LA CRESTA, INC., doing business as, CALIFORNIA BULK EXPRESS, 414 N. Hale Ave., Escondido, Calif. 92025. Applicant's representative: Fred E. Caldwell, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Volcanic ash NOI: Clay NOI: Calcium Carbonate NOI: Bentonite; Saponite; Hectorite;* in bulk, bags or containers, from points in Nye County, Nev., (Invite, Nev.), to points in California, Oregon, Washington, Arizona, New Mexico, Colorado, Texas, Oklahoma, Kansas, Utah, Wyoming, North Dakota, South Dakota and Idaho, for 180 days. Supporting shipper: Industrial Mineral Ventures, Inc., 5920 McIntyre St., Goldon, Colo. 80401. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 139837 (Sub-No. 3TA), filed October 14, 1975. Applicant: K & I DISTRIBUTORS, INC., P.O. Box 29, New Haven, Ind. 46774. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise* dealt in by chain stores and mail-order department stores, (1) from Vincennes, Ind., to points in Indiana on and south of a line beginning at the point where the Indianapolis state boundary line extends easterly along U.S. Highway 36 to Indianapolis, Ind., thence along U.S. Highway 40 to the Indiana-Ohio state boundary line; and points in Kentucky on and west of U.S. Highway 431; (2) from Columbus, Ohio, to points in Ohio on and south of a line beginning at the point where the Indiana-Ohio state boundary line extends easterly along U.S. Highway 30 to its junction with U.S. Highway 30–N, thence along U.S. Highway 30–N to its junction with U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia state Boundary line; and that part of Kentucky on and east of Interstate 75, and (3) from Louisville, Ky., to points in that part of Ohio on and south of Interstate 70. Restriction: Restricted to a transportation service to be performed under a continuing contract with Amway Corporation, of Ada, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Amway Corporation, 7575 East Fulton Road, Ada, Mich. 49301. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 141138 (Sub-No. 2TA), filed October 14, 1975. Applicant: STEVE SCHRANZ TRUCKING, INC., 350 Honeysuckle Lane, Belleville, Ill. 62221. Applicant's representative: John L. Schranz, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, in bulk, from Mexico, Mo., to the plantsite of ConAgra, Inc., at National City, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: G. W. Lutz, Traffic Manager, ConAgra, Inc., Eagle Park Road, National City, Ill. 62071. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

APPLICATION OF PASSENGERS

No. MC 138297 (Sub-No. 5TA), filed October 9, 1975. Applicant: CENTRAL FLORIDA COACH LINES, INC., P.O. Box 3844, Cocoa, Fla. 32922. Applicant's representative: Kenneth R. Davis, 121 S. Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at Bowling Green, Ohio; Manassas and Fredericksburg, Va.; Lexington, Ky.; Hazleton Airport, Hazleton, Pa., and extending to St. Augustine, Orlando and Cocoa Beach, Fla. Restriction: The authority under (1) above is restricted to transportation of passengers having an immediately prior movement in a passenger automobile tendered to carrier for transportation on separate automobile transporters pursuant to the authority set forth in part (2) hereof; (2) *Passenger's automobiles* in secondary movements in truckaway service, between the points set forth in (1) above. Restriction. The authority granted under (2) above is restricted to the transportation of automobiles tendered to carrier by those passengers moving pursuant to the authority set out in part (1) above. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, 400 West Bay St., Jacksonville, Fla. 32202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

NOTE.—Applicant holds authority in MC 138297 (Sub-No. 3TA) to perform this service between White Haven and Hazleton Airport, Hazleton, Pa. and Cocoa Beach, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.

[FR Doc.75-29039 Filed 10-28-75;8:45 am]

[Docket No. 36141]

CORPORATE DISCLOSURE REGULATIONS

Notice of Informal Conference

The Interstate Commerce Commission will hold an informal conference in order to provide interested parties the opportunity to present their views and comments concerning the above-captioned proceeding.

Docket No. 36141, Corporate Disclosure Regulations, was served April 1, 1975 with a response date for filing statements of May 5, 1975. The Commission subsequently extended the time to file statements to June 20, 1975.

Many respondents contended the proposed regulations are ambiguous in many areas. Others pointed out terms which they believe need clarification. Because of the many issues to be resolved, the Commission believes that clarification can be better obtained through participation of the parties in an informal conference.

Accordingly, an informal conference will be conducted by a Commission staff group beginning January 13, 1976 and will continue until all parties have been heard. The conference will be held at the Interstate Commerce Commission, 12th Street and Constitution Avenue, N.W., Washington, D.C. All parties interested in making a presentation must submit six copies of a position paper by December 1, 1975 containing an outline of their proposed oral comments. All parties submitting position papers by the prescribed date will be heard. Parties will have fifteen minutes to comment and to clarify staff questions. The staff will question participants to clarify participants' statements. No informal clarifying rulings will be made at the conference. The staff group will be presided over by the Director, Bureau of Accounts, and will consist of the following Commission personnel:

1. Director, Bureau of Accounts.
2. Assistant Director, Bureau of Accounts.
3. Members of the Accounting Board.
4. Legal representation.
5. Staff assistant.

Participants will receive a list of the names of all parties scheduled to speak containing the date and time of their presentation. A transcript of the conference will be made a part of the record in this proceeding. Respondents who have submitted a position paper to the Notice of Proposed Rulemaking, Docket No. 36141, Corporate Disclosure Regulations, should notify the Commission by letter if they wish to make oral comments. Letters and position papers should be sent to John A. Grady, Director, Bureau of Accounts, Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C. 20423.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-29041 Filed 10-28-75;8:45 am]

[EX PARTE NO. 305-RE]

RECYCLABLE MATERIALS

Increased Freight Rates and Charges, 1975

OCTOBER 23, 1975.

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 22nd day of October 1975.

There being under consideration, the matter of rates and charges, and rules, regulations, and practices affecting such rates and charges, applicable on interstate or foreign commerce, of recyclable materials in railroad service, nationwide, as set forth in the following:

Tariff of increased rates and charges, X-305-RE, issued jointly by Traffic Executive Association—Eastern Railroads, Agent, its I.C.C. No. C-1072, and other designated agents; and Supplement 1 thereto;

or as same may be amended or reissued:

It appearing, That by said tariff publication scheduled to become effective October 11, 1975, the Nation's railroads except the Long Island Rail Road, proposed to increase rates and charges on recyclable commodities by 10 percent;

It further appearing, That the Commission's Suspension and Fourth Section Board, in Suspension Case No. 63740, declined to suspend the proposal; that, upon appeal, Division 2 affirmed the action of the Suspension and Fourth Section Board; and that, on October 11, 1975, the proposed schedules became effective;

It further appearing, That, by petition filed October 16, 1975, The National Association of Recycling Industries, Inc. (NARI), requests the issuance of a finding that this proceeding is one involving an issue of General Transportation Importance, and, upon such finding, to rule, among other things, that the proposed increase be suspended and investigated by the Commission;

It further appearing, That, under Rule 101(a)(4) of the Commission's General Rules of Practice, 49 CFR 1100, 101(a)(4), the filing of GTI petitions is permitted only in proceedings which have involved "the taking of evidence at oral hearing or by modified procedure," and that cases disposed of at the suspension level do not involve "the taking of evidence;" and that, as above indicated, the rates at issue have become effective and cannot be suspended;

It further appearing, That, in view of the magnitude of the increase proposed, the depressed financial condition of the recycling industry in general, and environmental questions which have been raised, there is reason to institute an investigation to determine whether the said schedules result in rates and charges, rules, regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act:

Wherefore:

It is ordered, That the petition of NARI, filed October 16, 1975, be, and it is hereby, denied.

It is further ordered, That an investigation be, and it is hereby, instituted upon the Commission's own motion, into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in the above-described schedules, with a view to making such findings and orders in the premise as the facts and circumstances may warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That the Commission's Bureau of Enforcement be, and it is hereby, directed to participate in this proceeding for the purpose of developing the record.

It is further ordered, That the carriers parties to the schedules named herein be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon said respondents; and that a notice of this proceeding be given to the public by posting a copy of this order in the office of the Secretary of the Commission.

And it is further ordered, That, pursuant to the provisions of section 15(7) of the Interstate Commerce Act, the respondents be, and they are hereby, ordered, pending a final decision in this proceeding, to keep accurate account in detail of all amounts received by reason of the increased rates and charges under investigation herein, specifying by whom and in whose behalf such amounts are paid, so that refund may be ordered in the event that the rates and charges, or any portion thereof, are found not justified.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-29040 Filed 10-28-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

OCTOBER 23, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating aid and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before November 10, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 61825 (Sub E218), filed May 13, 1974. Applicant: STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Louisiana on and bounded by a line beginning at the Mississippi-Louisiana State line and extending west along Louisiana Highway 60 to junction Louisiana Highway 437, thence south along Louisiana Highway 437 to junction Louisiana Highway 40, thence west along Louisiana Highway 40 to junction

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Louisiana Highway 443, thence south along Louisiana Highway 443 to junction U.S. Highway 190, thence west along U.S. Highway 190 to junction Louisiana Highway 12, thence southwest along Louisiana Highway 12 to the Louisiana-Texas State line, thence north along the Louisiana-Texas State line to junction Louisiana Highway 8, thence northeast along Louisiana Highway 8 to junction Louisiana Highway 28, thence northeast along Louisiana Highway 28 to junction U.S. Highway 84, thence east along U.S. Highway 84 to the Louisiana-Mississippi State line, thence southeast along the Louisiana-Mississippi State line to point of beginning, to points in Delaware, District of Columbia, Maryland, New Jersey, New York, and those points in Ohio, Pennsylvania and West Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending northeast along U.S. Highway 460 to junction Interstate Highway 77, thence north along Interstate Highway 77 to junction U.S. Highway 19, thence north along U.S. Highway 19 to junction U.S. Highway 250, thence northwest along U.S. Highway 250 to junction Ohio Highway 7, thence north along Ohio Highway 7 to junction U.S. Highway 30, thence east along U.S. Highway 30 to junction Pennsylvania Highway 168, thence north along Pennsylvania Highway 168 to junction Pennsylvania Highway 18, thence north along Pennsylvania Highway 18 to junction Pennsylvania Highway 158, thence northeast along Pennsylvania Highway 158 to junction U.S. Highway 19, thence north along U.S. Highway 19 to Lake Erie. The purpose of this filing is to eliminate the gateways of points in Smyth County and Martinsville, Va.

No. MC 61825 (Sub E219), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Louisiana on and south of a line beginning at the Mississippi-Louisiana State line and extending west along Louisiana Highway 60 to junction Louisiana Highway 437, thence south along Louisiana Highway 437 to junction Louisiana Highway 40, thence west along Louisiana Highway 40 to junction Louisiana Highway 443, thence south along Louisiana Highway 443 to junction U.S. Highway 190, thence west along U.S. Highway 190 to junction Louisiana Highway 12, thence southwest along Louisiana Highway 12 to the Louisiana-Texas State line, to points in Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, and those points in Ohio and West Virginia, on and east of a line beginning at the Virginia-West Virginia State line and extending north along Interstate Highway 77 to junction Ohio Highway 7, thence northeast along Ohio Highway 7 to junction Ohio Highway 45, thence north along Ohio Highway 45 to junction Ohio Highway 5, thence northeast along Ohio Highway 5 to junction Ohio Highway 7, thence north along Ohio Highway 7 to Conneaut, Ohio, and thence to Lake Erie. The purpose of this filing is to eliminate the gateways of points in Smyth County and Martinsville, Va.

No. MC 61825 (Sub-No. E220), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, Wyoming, and points in North Dakota, South Dakota, and Nebraska on and west of a line beginning at the United States-Canada International Boundary line at the North Dakota-Minnesota State line and extending along the North Dakota-Minnesota State line to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Interstate Highway 29, thence along Interestate Highway 29 to junction North Dakota Highway 15, thence along North Dakota Highway 15 to junction North Dakota Highway 18, thence along North Dakota Highway 18 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction North Dakota Highway 32, thence along North Dakota Highway 32 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to the Norht Dakota-South Dakota State line, thence along South Dakota Highway 37 to junction South Dakota Highway 10, thence along South Dakota Highway 10 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction South Dakota Highway 26, thence along South Dakota Highway 26 to junction South Dakota Highway 45, thence along South Dakota Highway 45 to junction South Dakota Highway 44, thence along South Dakota Highway 44 to junction South Dakota Highway 50.

Thence along South Dakota Highway 50 to junction U.S. Highway 281, thence along U.S. Highway 281 to the South Dakota-Nebraska State line extending along U.S. Highway 281 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction Nebraska Highway 14, thence along Nebraska Highway 14 to junction Nebraska Highway 66, thence along Nebraska Highway 66 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa State line, thence along the Nebraska-Iowa State line to the Nebraska-Missouri State line, thence along the Nebraska-Missouri State line to the Nebraska-Kansas State line, thence along the Nebraska-Kansas State line to points in Virginia north of a line beginning at the Maryland-Virginia State line and extending along Virginia Highway 655 to juction U.S. Highway 15, thence along U.S. Highway 15 to junction Virginia Highway 9, thence along Virginia Highway 9 to junction Virginia Highway 7, thence along Virginia Highway 7 to junction U.S. Highway 340, thence along U.S. Highway 340 to junction Virginia Highway 277, thence along Virginia Highway 277 to junction Virginia Highway 629, thence along Virginia Highway 629 to junction Virginia Highway 55, thence along Virginia Highway 55 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of Lynchburg and Smyth County, Va.

No. MC 61825 (Sub-No. E221), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, to those points in Maryland, Washington, D.C., Virginia, North Carolina, South Carolina, bounded by a line beginning on the Delaware-Maryland State line and extending along Interstate Highway 95 to junction Interstate Highway 495, thence along Interstate Highway 495 to junction Maryland Highway 193, thence along Maryland Highway 193 to junction Maryland Highway 586, thence along Maryland Highway 586 to junction Maryland Highway 28, thence along Maryland Highway 28 to junction Maryland Highway 107, thence along Maryland Highway 107 to the Maryland-Virginia State line, thence along the Maryland-Virginia State line to junction Virginia Highway 655, thence along Virginia Highway 655 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Virgina Highway 7, thence along Virginia Highway 7 to junction U.S. Highway 340, thence along U.S. Highway 340 to junction Virgina Highway 277, thence along Virginia Highway 277 to junction Virginia Highway 628, thence along Virginia Highway 628 to junction Virginia Highway 55, thence along Virgina Highway 55 to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to junction Virgina Highway 311, thence along Virginia Highway 311 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction U.S. Highway 11.

Thence along U.S. Highway 11 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 89, thence along Virginia Highway 89 to the Virginia-North Carolina State line, thence along North Carolina Highway 89 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction North Carolina Highway 268, thence along North Carolina Highway 268 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 521, thence along U.S. Highway 521 to the North Carolina-South Carolina State line, thence along U.S. Highway 521 to junction South Carolina Highway 341, thence along South Carolina Highway 341 to junction South Carolina Highway 512, thence along South Carolina Highway 512 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction South Carolina Highway 527, thence along South Carolina Highway 527 to junction South Carolina Highway 41, thence along South Carolina Highway 41 to junction U.S. Highway 521, thence along U.S. Highway 521 to the Winyah Bay, thence along the Winyah Bay to the Atlantic Ocean, thence along the Atlantic Shore to the Delaware-Maryland State line, thence along the Delaware-Maryland State line to point of beginning, including points on highways specified. The purpose of this filing is to eliminate the gateways of Lynchburg and Smith County, Va.

No. MC 61825 (Sub-No. E222), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in California, Idaho, Montana, Nevada, and Oregon and Washington on and west of a line beginning at the United States-Canada International Boundary line at Port of Whitlash, Mont., and extending along unnumbered highway to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Montana Highway 223, thence along Montana Highway 223 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Montana Highway 200, thence along Montana Highway 200 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Montana-Idaho State line, thence along U.S. Highway 12 to junction Idaho Highway 13, thence along Idaho Highway 13 to junction U.S. Highway 95, thence along U.S. Highway 95 to the Idaho-Oregon State line, thence along U.S. Highway 95 to the Oregon-Nevada State line, thence along U.S. Highway 95 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Nevada-California State line, thence along U.S. Highway 50 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction California Highway 680, thence along California Highway 680 to junction California Highway 84, thence along California Highway 84 to the Pacific Ocean to points in North Carolina on and bounded by a line beginning at the Tennessee-North Carolina State line at U.S. Highway 441 and extending along U.S. Highway 441 to junction U.S. Highway 19.

Thence along U.S. Highway 19 to junction North Carolina Highway 28, thence along North Carolina Highway 28 to junction unnumbered highway near Stecoah, N.C., thence along numbered highway to junction U.S. Highway 129, thence along U.S. Highway 129 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction numbered highway near Nantahala, N.C., thence along unnumbered highway through Kyle and Aquone, N.C., and extending to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 23, thence along U.S. Highway 23 to the North Carolina-Georgia State line, thence along the North Carolina-Georgia State line to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to U.S. Highway 276, thence along U.S. Highway 276 to junction U.S. Highway 19A, thence along U.S. Highway 19A to junction North Carolina Highway 209, thence along North Carolina Highway 209 to junction U.S. Highway 25, thence along U.S. Highway 25 to the North Carolina-Tennessee State line, thence along the North Carolina-Tennessee State line to the point of beginning. The purpose of this filing is to eliminate the gateways of Lynchburg and Smyth County, Va.

No. MC 61825 (Sub-No. E223), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials*, and *supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming on and west of a line beginning at the United States-Canada International Boundary line at Montana Highway 233 and extending along Montana Highway 233 to junction Montana Highway 232, thence along Montana Highway 232 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Montana Highway 230, thence along Montana Highway 230 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Montana Highway 427, thence along Montana Highway 427 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Wyoming-Montana State line, thence along U.S. Highway 89 to the Wyoming-Idaho State line, thence along U.S. Highway 89 to the Idaho-Utah State line, thence along U.S. Highway 89 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Arizona State line, thence along U.S. Highway 91 to the Arizona-Nevada State line, thence along U.S. Highway 91 to junction U.S. Highway 95.

Thence along U.S. Highway 95 to the Nevada-California State line, thence along U.S. Highway 95 to the Arizona-California State line, thence along U.S. Highway 95 to the United States-Mexico International Boundary line to points in North Carolina on and bounded by a line beginning at the Tennessee-North Carolina State line extending along U.S. Highway 25 to junction North Carolina Highway 209, thence along North Carolina Highway 209 to junction U.S. Highway 19A, thence along U.S. Highway 19A to junction U.S. Highway 276, thence along U.S. Highway 276 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction North Carolina Highway 18, thence along North Carolina Highway 18 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction North Carolina Highway 268, thence along North Carolina Highway 268 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction North Carolina Highway 89, thence along North Carolina Highway 89 to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to the North Carolina-Tennessee State line, thence along the North Carolina-Tennessee State line to point of beginning. The purpose of this filing is to eliminate the gateways of Lynchburg and Smyth County, Va.

No. MC 61825 (Sub-No. E224), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials*, and supplies used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Arizona, California, Colorado, Idaho, Montana, Nebraska, New Mexico, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming on and west of a line beginning at the United States-Canada International Boundary line at the North Dakota-Minnesota State line and extending along the North Dakota-Minnesota State line to the Minnesota-South Dakota State line, thence along the Minnesota-South Dakota State line to the South Dakota-Iowa State line, thence along the South Dakota-Iowa State line to the Nebraska-Iowa State line, thence along the Nebraska-Iowa State line to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Nebraska Highway 15, thence along Nebraska Highway 15 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 81, thence

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along U.S. Highway 81 to the Nebraska-Kansas State line, thence along the Nebraska-Kansas State line to the Kansas-Colorado State line, thence along the Kansas-Colorado State line to the Colorado-Oklahoma State line, thence along the Colorado-Oklahoma State line to the Oklahoma-New Mexico State line, thence along the Oklahoma-New Mexico State line to the New Mexico-Texas State line, thence along the New Mexico-Texas State line to junction U.S. Highway 70, thence along U.S. Highway 70 to junction New Mexico Highway 18, thence along New Mexico 18 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction New Mexico Highway 172, thence along New Mexico Highway 172 to junction U.S. Highway 82.

Thence along U.S. Highway 82 to junction New Mexico Highway 31, thence along New Mexico Highway 31 to junction New Mexico Highway 360, thence along New Mexico Highway 360 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 285, thence along U.S. Highway 285 to the Texas-New Mexico State line, thence along the Texas-New Mexico State line to the United States-Mexico International Boundary line to points in North Carolina on and bounded by a line beginning at the North Carolina-South Carolina State line at U.S. Highway 321 and extending along U.S. Highway 321 to the south fork of the Catawba River near High Shoals, N.C., thence along the south fork of the Catawba River to junction North Carolina Highway 127, thence along North Carolina Highway 127 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction U.S. Highway 321A, thence along U.S. Highway 321A to junction U.S. Highway 321, thence along U.S. Highway 321 to junction North Carolina Highway 268, thence along North Carolina Highway 268 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 521, thence along U.S. Highway 521 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to point of beginning. The purpose of this filing is to eliminate the gateways of Lynchburg and Smyth County, Va.

No. MC 61825 (Sub-No E225), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming on and west of a line beginning at the United States-Canada International Boundary line at the North Dakota-Minnesota State line to junction U.S. Highway 2, thence along U.S. Highway 2 junction Interstate Highway 29, thence along Interstate Highway 29 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction North Dakota Highway 20, thence along North Dakota Highway 20 to junction U.S. Highway 281, thence along U.S. Highway 281 to the North Dakota-South Dakota State line, thence along U.S. Highway 281 to junction South Dakota Highway 10, thence along South Dakota Highway 10 to junction South Dakota Highway 45, thence along South Dakota Highway 45 to junction South Dakota Highway 26, thence along South Dakota Highway 26 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to junction South Dakota Highway 47W, thence along South Dakota Highway 47W to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line, thence along U.S. Highway 83 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to unnumbered highway near Lakeside, Nebr., to Oshkosh, Nebr., thence along unnumbered highway to junction Nebraska Highway 27, thence along Nebraska Highway 27 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Nebraska Highway 71, thence along Nebraska Highway 71 to the Nebraska-Colorado State line.

Thence along Colorado Highway 71 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction Colorado Highway 115 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Colorado Highway 17, thence along Colorado Highway 17 to junction U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line, thence along U.S. Highway 285 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Colorado Highway 30, thence along Colorado Highway 30 to junction Colorado Highway 4, thence along Colorado Highway 4 to junction Colorado Highway 44, thence along Colorado Highway 44 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 80, thence along U.S. Highway 80 to the New Mexico-Texas State line, thence along the New Mexico-Texas State line to the United States-Mexico International Boundary line to points in North Carolina on and bounded by a line beginning at the North Carolina-South Carolina State line at U.S. Highway 221 and extending along U.S. Highway 221 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction North Carolina Highway 18, thence along North Carolina Highway 18 to junction U.S. Highway 321A, thence along U.S. Highway 321A to junction U.S. Highway 321, thence along U.S. Highway 321 to junction North Carolina Highway 127, thence along North Carolina Highway 127 to the south fork of the Catawba River, thence along the south fork of the Catawba River to U.S. Highway 321 near High Shoals, N.C., thence along U.S. Highway 321 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to the point of beginning. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va. .

No. MC 61825 (Sub-No. E226), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in California, Idaho, Montana, Oregon, and Washington on, north, and west of a line beginning at the United States-Canada International Boundary line at Interstate Highway 15 and extending along Interstate Highway 15 to junction Montana Highway 215, thence along Montana Highway 215 to junction Montana Highway 213, thence along Montana Highway 213 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 93, thence along U.S Highway 93 to junction Montana Highway 28, thence along Montana Highway 28 to junction Montana Highway 200, thence along Montana Highway 200 to junction Montana Highway 461, thence along Montana Highway 461 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Montana-Idaho State line, thence along Interstate Highway 90 to junction Idaho Highway 3, thence along Idaho Highway 3 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Idaho-Washington State line, thence along U.S. Highway 12 to junction Washington Highway 126, thence along Washington Highway 126 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Washington Highway 125, thence along Washington Highway 125 to the Washington-Oregon State line.

Thence along Oregon Highway 11 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Oregon-California State line, thence along U.S. Highway 395 to junction California Highway 299, thence along California Highway 299 to junction California Highway 139, thence along California Highway 139 to junction California Highway 36, thence along California Highway 36 to junction California Highway 89, thence along California Highway 89 to junction California Highway 70, thence along California Highway 70 to junction California Highway 65, thence along California Highway 65 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction

California Highway 16, thence along California Highway 16 to junction California Highway 20, thence along California Highway 20 to the Pacific Ocean to points in North Carolina on and west of a line beginning at the Tennessee-North Carolina State line at U.S. Highway 441 and extending along U.S. Highway 441 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction North Carolina Highway 28, thence along North Carolina Highway 28 to junction unnumbered highway near Stecoak, N.C., thence along unnumbered highway to junction U.S. Highway 129, thence along U.S. Highway 129 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction unnumbered highway near Nantahala, N.C., thence along unnumbered highway through Kyle and Aquone, N.C., to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 23, thence along U.S. Highway 23 to the North Carolina-Georgia State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E227), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in California, Idaho, Nevada, Oregon, and Washington on and west of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 95 to junction Idaho Highway 200, thence along Idaho Highway 200 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Idaho-Washington State line, thence along U.S. Highway 2 to junction U.S. Highway 195, thence along U.S. Highway 195 to the Idaho-Washington State line, thence along U.S. Highway 195 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Idaho-Washington State line, thence along U.S. Highway 12 to junction Washington Highway 129, thence along Washington Highway 129 to junction unnumbered highway near Fields Spring, Wash., thence along unnumbered highway to the Washington-Oregon State line, thence along unnumbered highway to junction Oregon Highway 82, thence along Oregon Highway 82 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Oregon Highway 244, thence along Oregon Highway 244 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Oregon-California State line, thence along the Oregon-California State line, thence along the Oregon-California State line to the California-Nevada State line, thence along the California-Nevada State line to junction U.S. Highway 395, thence along U.S. Highway 395 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway Alternate 95, thence along U.S. Highway Alternate 95 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Nevada Highway 10, thence along Nevada Highway 10 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line, thence along U.S. Highway 6 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 58.

Thence along California Highway 58 to junction unnumbered highway near Barstow, Calif., thence along unnumbered highway to junction California Highway 18, thence along California Highway 18 to junction unnumbered highway near Baldwin Lake, Calif., thence along unnumbered highway to junction California Highway 62, thence along California Highway 62 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction California Highway 111, thence along California Highway 111 to junction California Highway 74, thence along California Highway 74 to junction California Highway 71, thence along California Highway 71 to junction California Highway 79, thence along California Highway 79 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction California Highway S–1, thence along California Highway S–1 to junction California Highway 94, thence along California Highway 94 to junction unnumbered highway near Tecate, Calif., thence along unnumbered highway to the United States-Mexico International Boundary line to points in Virginia on and west of a line beginning at the Virginia-West Virignia State line and extending along Virginia Highway 311 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Virginia Highway 100,thence along Virginia Highway 100 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 89, thence along Virginia Highway 89 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of Smyth County, and Lynchburg, Va.

No. MC 61825 (Sub-No. E228), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Minnesota on, north, and west of a line beginning at the South Dakota-Minnesota State line and extending along U.S. Highway 12 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Minnesota Highway 27, thence along Minnesota Highway 27 to junction Minnesota Highway 54, thence along Minnesota Highway 54 to junction Minnesota Highway 79, thence along Minnesota Highway 79 to junction Minnesota Highway 78, thence along Minnesota Highway 78 to junction U.S. Highway 10, thence along U.S. Highway 10 to Frazee, Minn., thence along unnumbered highway to junction Minnesota Highway 34, thence along Minnesota Highway 34 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line to points in Maryland on and south of a line beginning at the Virginia-Maryland State line near Frederick, Md., thence along Maryland Highway 85 to Buckeystown, Md., thence along unnumbered highway to Urbana, Md., thence along Maryland Highway 80 to junction Maryland Highway 75, thence along Maryland Highway 75 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Maryland-Delaware State line and north of a line beginning at the Virginia-Maryland State line near the southern boundary line of Washington, D.C., thence along the Washington, D.C., boundary line to U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Maryland Highway 302, thence along Maryland Highway 302 to junction Maryland Highway 454, thence along Maryland Highway 454 to the Maryland-Delaware State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E229), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Minnesota on, north, and west of a line beginning at the Iowa-Minnesota State line near Albert Lea, Minn., thence along U.S. Highway 69 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 58, thence along Minnesota Highway 58 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Minnesota-Wisconsin State line to points in Maryland on and south of a line beginning at the Virginia-Maryland State line near the southern boundary line of Washington, D.C., thence along the Washington, D.C., boundary line to U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Maryland Highway 302, thence along Maryland Highway 302 to junction Maryland Highway 454, thence along Maryland Highway 454 to the Maryland-Delaware State line. The purpose of this filing is to eliminate

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the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E230), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Minnesota on, north, and west of a line beginning at the Iowa-Minnesota State line near Albert Lea, Minn., thence along U.S. Highway 69 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 58, thence along Minnesota Highway 58 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Minnesota-Wisconsin State line to Washington, D.C. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E231), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Minnesota on, north, and west of a line beginning at the North Dakota-Minnesota State line near East Grand Forks, Minn., thence along U.S. Highway 2 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction U.S. Highway 53, thence along U.S. Highway 53 to the United States-Canada International Boundary line to points in North Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along Alternate U.S. Highway 221 to junction North Carolina Highway 120, thence along North Carolina Highway 120 to junction U.S. Highway 74, thence along U.S. Highway 74 to junction North Carolina Highway 18, thence along North Carolina Highway 18 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction North Carolina Highway 18, thence along North Carolina Highway 18 to the Ashe-Alleghany County line, thence along the Ashe-Alleghany County line to U.S. Highway 221, thence along U.S. Highway 221 to junction North Carolina Highway 113, thence along North Carolina Highway 113 to junction North Carolina Highway 93, thence along North Carolina Highway 93 to the North Carolina-Virginia State line and west of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 321 to junction North Carolina Highway 16, thence along North Carolina Highway 16 to junction North Carolina Highway 90, thence along North Carolina Highway 90 to the Alexander-Iredell County line, thence along the Alexander-Iredell County line to North Carolina Highway 901, thence along North Carolina Highway 901 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction North Carolina Highway 268, thence along North Carolina Highway 268 to junction North Carolina Highway 66, thence along North Carolina Highway 66 to junction North Carolina Highway 89, thence along North Carolina Highway 89 to junction North Carolina Highway 704, thence along North Carolina Highway 704 to junction North Carolina Highway 8, thence along North Carolina Highway 8 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E232), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Minnesota on and east of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 321 to junction North Carolina Highway 16, thence along North Carolina Highway 16 to junction North Carolina Highway 90, thence along North Carolina Highway 90 to the Alexander-Iredell County line, thence along the Alexander-Iredell County line to North Carolina Highway 901, thence along North Carolina Highway 901 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction North Carolina Highway 268, thence along North Carolina Highway 268 to junction North Carolina Highway 66, thence along North Carolina Highway 66 to junction North Carolina Highway 89, thence along North Carolina Highway 89 to junction North Carolina Highway 704, thence along North Carolina Highway 704 to junction North Carolina Highway 8, thence along North Carolina Highway 8 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateways of Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E233), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Minnesota on, north, and west of a line beginning at the North Dakota-Minnesota State line and extending along U.S. Highway 2 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction U.S. Highway 53, thence along U.S. Highway 53 to the United States-Canada International Boundary line to points in South Carolina on and east of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 25 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction South Carolina Highway 49, thence along South Carolina Highway 49 to junction U.S. Highway 321, thence along U.S. Highway 321 to the South Carolina-North Carolina State line and points located west of a line beginning at the Georgia-South Carolina State line extending along U.S. Highway 17 to junction Alternate U.S. Highway 17, thence along Alternate U.S. Highway 17 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 178, thence along U.S. Highway 178 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction U.S. Highway 521, thence along U.S. Highway 521 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E234), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Minnesota to points in South Carolina on and east of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 17 to junction Alternate U.S. Highway 17, thence along Alternate U.S. Highway 17 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 178, thence along U.S. Highway 178 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction U.S. Highway 521, thence along U.S. Highway 521 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateways of points in Smyth County and Lynchburg, Va.

No. MC 61825 (Sub-No. E248), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Pennsylvania on and east of a line beginning on the New York-Pennsylvania State line extending along U.S. Highway 15 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction Pennsylvania Highway 880, thence along Pennsylvania Highway 880 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Centre-Union County line, thence along the Centre-Union County line to junction Pennsylvania Highway 45, thence along Pennsylvania Highway 45 to junction Pennsylvania Highway 235, thence along Pennsylvania Highway 235 to junction U.S. Highway 522, thence along U.S. Highway 522 to the Pennsylvania-Maryland State line and west and north of a line beginning at the New Jersey-Pennsylvania State line and extending along Interstate Highway 80 to junction Pennsylvania Highway 191, thence along Pennsylvania Highway 191 to junction Pennsylvania Highway 512, thence along Pennsylvania Highway 512 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Turnpike Extension, thence along the Pennsylvania Turnpike Extension to junction U.S. Highway 222, thence along U.S. Highway 222 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line to points in Kentucky on, east, and south of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 127 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 15, thence along Kentucky Highway 15 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Kentucky-Virginia State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E249), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on and south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 35 to junction Indiana Highway 122, thence along Indiana Highway 122 to junction Indiana Highway 123, thence along Indiana Highway 123 to junction Indiana Highway 350, thence along Indiana Highway 350 to junction Indiana Highway 134, thence along Indiana Highway 134 to junction Indiana Highway 124, thence along Indiana Highway 124 to junction Indiana Highway 346, thence along Indiana Highway 346 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Ohio River to points in North Carolina on and east of a line beginning at the South Carolina-North Carolina State line near Charlotte, N.C., thence along Interstate Highway 77 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Yadkin-Forsyth County line, thence along the Yadkin-Forsyth County line to junction North Carolina Highway 67, thence along North Carolina Highway 67 to junction North Carolina Highway 65, thence along North Carolina Highway 65 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction North Carolina Highway 268, thence along North Carolina Highway 268 to junction North Carolina Highway 66, thence along North Carolina Highway 66 to junction North Carolina Highway 704, thence along North Carolina Highway 704 to junction North Carolina Highway 8, thence along North Carolina Highway 8 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E250), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on, north, and east of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 35 to junction Indiana Highway 122, thence along Indiana Highway 122 to junction Indiana Highway 123, thence along Indiana Highway 123 to junction Indiana Highway 350, thence along Indiana Highway 350 to junction Indiana Highway 134, thence along Indiana Highway 134 to junction Indiana Highway 124, thence along Indiana Highway 124 to junction Indiana Highway 346, thence along Indiana Highway 346 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Ohio River to points in North Carolina on and east of a line beginning at the South Carolina-North Carolina State line near Charlotte, N.C., thence along Interstate Highway 77 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Yadkin-Forsyth County line, thence along the Yadkin-Forsyth County line to junction North Carolina Highway 67, thence along North Carolina Highway 67 to junction North Carolina Highway 65, thence along North Carolina Highway 65 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction North Carolina Highway 268, thence along North Carolina Highway 268 to junction North Carolina Highway 66, thence along North Carolina Highway 66 to junction North Carolina Highway 704, thence along North Carolina Highway 704 to junction North Carolina Highway 8, thence along North Carolina Highway 8 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E251), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Pennsylvania bounded by a line beginning on Lake Erie and extending along Pennsylvania Highway 8 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to Hyner, Pa., thence along unnumbered highway to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 14 to junction Ohio Highway 183, thence along Ohio Highway 183 to junction Ohio Highway 173, thence along Ohio Highway 173 to Westville, Ohio, thence along unnumbered highway to East Rochester, Ohio, thence along U.S. Highway 30 to junction Ohio Highway 644, thence along Ohio Highway 644 to junction Ohio Highway 164, thence along Ohio Highway 164 to junction Ohio Highway 43, thence along Ohio Highway 43 to junction Ohio Highway 152, thence along Ohio Highway 152 to junction Ohio Highway 150, thence along Ohio Highway 150 to junction Ohio Highway 647, thence along Ohio Highway 647 to the Ohio River to points in North Carolina on, east, and south of a line beginning at the South Carolina-North Carolina State line, thence along North Carolina Highway 18 to junction North Carolina Highway 150, thence along North Carolina Highway 150 to junction U.S. Highway 321.

Thence along U.S. Highway 321 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 601, thence along Highway 601 to junction North Carolina Highway 268, thence along North Carolina Highway 268 to junction North Carolina Highway 704, thence along North Carolina Highway 704 to junction North Carolina Highway 8, thence along North Carolina Highway 8 to the North Carolina-Virginia State line and points located on, west, and south of a line beginning at the Virginia-North Carolina State line near Roanoke Rapids, thence along North Carolina Highway 46 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction North Carolina Highway 305, thence along North Carolina Highway 305 to junction U.S. Highway 258, thence along U.S. Highway 258 to junction North Carolina Highway 308, thence along North Carolina Highway 308 to junction U.S. Highway 13, thence along U.S. Highway 13 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E251), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Pennsylvania bounded by a line beginning on Lake Erie and extending along Pennsylvania Highway 8 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to Hyner, Pa., thence along unnumbered highway to junction Pennsylvania Highway 44, thence along Pennsylvania High-

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way 44 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 442, thence along Pennsylvania Highway 442 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, thence along the Pennsylvania-Maryland State line to the Pennsylvania-West Virginia State line, thence along the Pennsylvania-West Virginia State line to the Pennsylvania-Ohio State line, thence along the Pennsylvania-Ohio State line to Lake Erie, thence along the Lake Erie Shore to point of beginning to points in Virginia bounded by a line beginning at the North Carolina-Virginia State line, thence along the Carroll-Patrick County line to the Blue Ridge Parkway, thence along the Blue Ridge Parkway to junction Virginia Highway 8, thence along Virginia Highway 8 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction Virginia Highway 640, thence along Virginia Highway 640 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 640, thence along Virginia Highway 640 to the Banister River, thence along the Banister River to U.S. Highway 501, thence along U.S. Highway 501 to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to the point of beginning including points on highways specified. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC–61825 (Sub-No. E252), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Pennsylvania bounded by a line beginning on the Maryland-Pennsylvania State line near Salisbury, Pa., thence along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Pennsylvania Turnpike Extension, thence along the Pennsylvania Turnpike Extension to junction U.S. Highway 222, thence along U.S. Highway 222 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to junction Pennsylvania Turnpike, thence along the Pennsylvania Turnpike to junction Pennsylvania Highway 82, thence along Pennsylvania Highway 82 to the Pennsylvania-Delaware State line, thence along the Pennsylvania-Delaware State line to the Pennsylvania-Maryland State line, thence along the Pennsylvania-Maryland State line to the point of beginning to points in Virginia bounded by a line beginning at the Tennessee-Virginia State line and extending along U.S. Highway 58 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction Virginia Highway 8, thence along Virginia Highway 8 to the Blue Ridge Parkway, thence along the Blue Ridge Parkway to junction Virginia Highway 640, thence along Virginia Highway 640 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 626, thence along Virginia Highway 626 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Virginia Highway 640, thence along Virginia Highway 640 to junction Virginia Highway 832, thence along Virginia Highway 832 to the Pittsylvania-Halifax County line, thence along the Pittsylvania-Halifax Countiy line to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to the Virginia-Tennessee State line, thence along the Virginia-Tennessee State line to the point of beginning, including points on highways specified. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E253), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials*, used in the manufacture of furniture, from points in Pennsylvania on, north, and east of a line beginning on Lake Erie, thence along Pennsylvania Highway 8 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to Hyner, Pa., thence along unnumbered highway to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 442, thence along Pennsylvania Highway 442 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Turnpike Extension, thence along the Pennsylvania Turnpike Extension to junction U.S. Highway 222, thence along U.S. Highway 222 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to junction Pennsylvania Turnpike, thence along the Pennsylvania Turnpike to junction Pennsylvania Highway 82, thence along Pennsylvania Highway 82 to the Pennsylvania-Delaware State line to points in Virginia bounded by a line beginning at the Tennessee-Virginia State line near Bristol, Va., thence along U.S. Highway 11 to junction Virginia Highway 637, thence along Virginia Highway 637 to junction Virginia Highway 610, thence along Virginia Highway 610 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction Virginia Highway 739, thence along Virginia Highway 739 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Virginia Highway 40, thence along Virginia Highway 40 to the Pittsylvania-Halifax County line, thence along the Pittsylvania-Halifax County line to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to the Virginia-Tennessee State line to the point of beginning including points on highways specified. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E254), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Pennsylvania on, north, and west of a line beginning at the Maryland-Pennsylvania State line near Salisbury, Pa., thence along U.S. Highway 219 to junction Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 26, thence along Pennsylvania Highway 26 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction Pennsylvania Highway 184, thence along Pennsylvania Highway 184 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line to points in North Carolina on and west of a line beginning on the Atlantic Ocean near Atlantic Beach, N.C., thence along unnumbered highway to junction U.S. Highway 70, thence along U.S. Highway 70 to Riverdale, N.C., thence along unnumbered highway to Pollocksville, N.C., thence along North Carolina Highway 58 to junction U.S. Highway 264, thence along U.S. Highway 264 to junction North Carolina Highway 39, thence along North Carolina Highway 39 to the North Carolina-Virginia State line and points located east of a line beginning on the Atlantic Ocean near Cape Fear, N.C., thence along the Cape Fear River to North Carolina Highway 87, thence along North Carolina Highway 87 to junction North Carolina Highway 141, thence along North Carolina Highway 141 to junction North Carolina Highway 210, thence along North Carolina Highway 210 to junction North Carolina Highway 242, thence along North Carolina Highway 242 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction North Carolina Highway 82, thence along North Carolina Highway 82 to junction North Carolina Highway 55, thence along North Carolina Highway 55 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction North Carolina Highway 86, thence along North Carolina Highway 86 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction North Carolina Highway 55, thence along North Carolina Highway 55 to junction North Carolina Highway 82, thence along North Carolina Highway 82 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction North Carolina Highway 242, thence along North Carolina Highway 242 to junction North Carolina Highway 210, thence along North Carolina Highway 210 to junction North Carolina Highway 141, thence along North Carolina Highway 141 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to the Cape Fear River, thence along the Cape Fear River to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E255), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Pennsylvania to points in North Carolina on and west of a line beginning at the Virginia-North Carolina State line and extending along North Carolina Highway 119 to junction North Carolina Highway 86, thence along North Carolina Highway 86 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction North Carolina Highway 55, thence along North Carolina Highway 55 to junction North Carolina Highway 82, thence along North Carolina Highway 82 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction North Carolina Highway 242, thence along North Carolina Highway 242 to junction North Carolina Highway 210, thence along North Carolina Highway 210 to junction North Carolina Highway 141, thence along North Carolina Highway 141 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E256), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Pennsylvania to points in Georgia on, east, and south of a line beginning at the Alabama-Georgia State line and extending along Georgia Highway 53 to junction Georgia Highway 5, thence along Georgia Highway 5 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction Georgia Highway 5, thence along Georgia Highway 5 to the Georgia-Tennessee State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E257), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Pennsylvania to points in South Carolina and Florida. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E258), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Pennsylvania to points in Louisiana on and south of a line beginning at the Texas-Louisiana State line and extending along Louisiana Highway 6 to junction U.S. Highway 171, thence along U.S. Highway 171 to junction Louisiana Highway 118, thence along Louisiana Highway 118 to junction Louisiana Highway 117, thence along Louisiana Highway 117 to junction Louisiana Highway 120, thence along Louisiana Highway 120 to junction Louisiana Highway 1, thence along Louisiana Highway 1 to junction Louisiana Highway 8, thence along U.S. Highway 84 to junction Louisiana Highway 8, thence along Louisiana Highway 8 to junction Louisiana Highway 15, thence along Louisiana Highway 15 to junction Louisiana Highway 4, thence along Louisiana Highway 4 to junction Louisiana Highway 888, thence along Louisiana Highway 888 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Louisiana Highway 603, thence along Louisiana Highway 603 to King, La., thence along unnumbered highway to Delta, La., thence along U.S. Highway 80 to the Mississippi River. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E259), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Pennsylvania, on and east of a line beginning at the West Virginia-Pennsylvania State line near Waynesburg, Pa., thence along Pennsylvania Highway 218 to junction Pennsylvania Highway 21, thence along Pennsylvania Highway 21 to junction Pennsylvania Highway 188, thence along Pennsylvania Highway 188 to junction Pennsylvania Highway 88, thence along Pennsylvania Highway 88 to junction Pennsylvania Highway 136, thence along Pennsylvania Highway 136 to junction Pennsylvania Highway 51, thence along Pennsylvania Highway 51 to junction Pennsylvania Highway 48, thence along Pennsylvania Highway 48 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 286, thence along Pennsylvania Highway 286 to junction Pennsylvania Highway 380, thence along Pennsylvania Highway 380 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction Pennsylvania Highway 948, thence along Pennsylvania Highway 948 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-New York State line, to points in Louisiana north of a line beginning on the Texas-Louisiana State line and extending along Louisiana Highway 6 to junction U.S. Highway 171, thence along U.S. Highway 171 to junction Louisiana Highway 118, thence along Louisiana Highway 118 to junction Louisiana Highway 117, thence along Louisiana Highway 117 to junction Louisiana Highway 120, thence along Louisiana Highway 120 to junction Louisiana Highway 1, thence along Louisiana Highway 1 to junction Louisiana Highway 8, thence along Louisiana Highway 8 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Louisiana Highway 8, thence along Louisiana Highway 8 to junction Louisiana Highway 15, thence along Louisiana Highway 15 to junction Louisiana Highway 4, thence along Louisiana Highway 4 to junction Louisiana Highway 888, thence along Louisiana Highway 888 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Louisiana Highway 603, thence along Louisiana Highway 603 to King, La., thence along unnumbered highway to Delta, La., thence along U.S. Highway 8 to the Mississippi River. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E260), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Pennsylvania to points in Mississippi on and south of a line beginning on the Louisiana-Mississippi State line and extending along U.S. Highway 80 to junction Mississippi Highway 39, thence along Mississippi Highway 39 to junction Mississippi Highway 16, thence along Mississippi Highway 16 to the Mississippi-Alabama State line. The purpose

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of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E261), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Pennsylvania on and east of a line beginning on the Maryland-Pennsylvania State line and extending along U.S. Highway 219 to junction Pennsylvania Highway 403, thence along Pennsylvania Highway 403 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 255, thence along Pennsylvania Highway 255 to junction Pennsylvania Highway 555, thence along Pennsylvania Highway 555 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Pennsylvania Highway 155, thence along Pennsylvania Highway 155 to junction Pennsylvania Highway 607, thence along Pennsylvania Highway 607 to junction Pennsylvania Highway 872, thence along Pennsylvania Highway 872 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction Pennsylvania Highway 49, thence along Pennsylvania Highway 49 to junction Pennsylvania Highway 449, thence along Pennsylvania Highway 449 to the Pennsylvania-New York State line to points in Mississippi north of a line beginning on the Louisiana-Mississippi State line and extending along U.S. Highway 80 to junction Mississippi Highway 39, thence along Mississippi Highway 39 to junction Mississippi Highway 16, thence along Mississippi Highway 16 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E262), filed May 13, 1974. Applicant: RAY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials*, used in the manufacture of furniture, from points in Pennsylvania to points in Alabama on, east, and south of a line beginning on the Mississippi-Alabama State line and extending along Alabama Highway 30 to junction Alabama Highway 17, thence along Alabama Highway 17 to junction Alabama Highway 116, thence along Alabama Highway 116 to junction Alabama Highway 39, thence along Alabama Highway 39 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E263), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 219 to junction Pennsylvania Highway 403, thence along Pennsylvania Highway 403 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 255, thence along Pennsylvania Highway 255 to junction Pennsylvania Highway 555, thence along Pennsylvania Highway 555 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Pennsylvania Highway 155, thence along Pennsylvania Highway 155, to junction Pennsylvania Highway 607, thence along Pennsylvania Highway 607 to junction Pennsylvania Highway 872, thence along Pennsylvania Highway 872 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction Pennsylvania Highway 49, thence along Pennsylvania Highway 49 to junction Pennsylvania Highway 449, thence along Pennsylvania Highway 449 to the Pennsylvania-New York State line to points in Alabama north of a line beginning on the Mississippi-Alabama State line and extending along Alabama Highway 30 to junction Alabama Highway 17, thence along Alabama Highway 17 to junction Alabama Highway 116, thence along Alabama Highway 116 to junction Alabama Highway 39, thence along Alabama Highway 39 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E264), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Allegheny County, Pa., on the one hand, and, on the other, points in North Carolina *except* points in Alexander, Alleghany, Ashe, Avery, Beaufort, Bertie, Buncombe, Caldwell, Camden, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Madison, Mitchell, Pasquotank, Perquimans, Surry, Tyrrell, Washington, Watauga, Wilkes, Yadkin and Yancey Counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E265), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Beaver County, Pa., on the one hand, and, on the other, points in North Carolina, except points in Alleghany, Ashe, Avery, Buncombe, Camden, Chowan, Currituck, Date, Gates, Hertford, Hyde, Madison, Mitchell, Pasquotank, Perquimans, Surry, Tyrrell, Washington, Watauga, Yadkin and Yancey Counties. The purpose of this filing is to eliminate the gateway of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E266), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Butler County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in North Carolina except points in Alleghany, Ashe, Avery, Bertie, Buncombe, Camden, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Madison, Mitchell, Pasquotank, Perquimans, Surry, Tyrrell, Washington, Watauga, Wilkes, Yadkin and Yancey Counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va. and Lynchburg, Va.

No. MC 61825 (Sub-E267), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or con-

taminating to other lading, between points in Lawrence County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in North Carolina *except* points in Buncombe, Currituck, Dare, Madison, Mitchell and Yancey Counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E268), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Washington County, Pa., on the one hand, and, on the other, points in Alamance, Anson, Bladen, Brunswick, Cabarrus, Carteret, Caswell, Chatham, Columbus, Craven, Cumberland, Duplin, Durham, Franklin, Granville, Greene, Harnett, Hoke, Johnston, Jones, Lee, Lenoir, Macklenburg, Montgomery, Moore, Nash, New Hanover, Onslow, Orange, Pender, Person, Randolph, Richmond, Robeson, Sampson, Scogland, Stanly, Union, Vance, Wake, Wayne and Wilson Counties, N.C. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E269), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representtive: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of usual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Belmont County, Ohio, on the one hand, and, on the other, points in Alamance, Anson, Bladen, Brunswick, Carteret, Caswell, Chatham, Columbia, Craven, Cumberland, Duplin, Durham, Edgecomb, Franklin, Granville, Greene, Harnett, Hoke, Johnston, Jones, Lee, Lenoir, Montgomery, Moore, Nash, New Hanover, Onslow, Orange, Pamlico, Pender, Person, Pitt, Randolph, Richmond, Robeson, Sampson, Scotland, Stanly, Union, Vance, Wake, Warren, Wayne, Wilson Counties, N.C. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E270), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Carroll County, Ohio, on the one hand, and, on the other, points in North Carolina except points in Avery, Buncombe, Madison, Mitchell, and Yancey Counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E271), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Guernsey County, Ohio, within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in North Carolina except points in Alexander, Alleeghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Cherokee, Clay, Cleveland, Davidson, Davie, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Iredell, Lincoln, McDowell, Macon, Madison, Mitchell, Polk, Randolph, Rockingham, Rowan, Rutherford, Stokes, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin and Yancey Counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E272), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24073. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Columbians County, Ohio, on the one hand, and, on the other, points in North Carolina except points in Avery, Buncombe, Madison, Mitchell, and Yancey Counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E273), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Harrison County, Ohio, on the one hand, and, on the other, points in North Carolina *except* points in Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin and Yancey Counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E274) filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Jefferson County, Ohio, on the one hand, and, on the other, points in North Carolina *except* points in Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, McDowell, Macon, Madison, Mitchell, Polk, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin and Yancey Counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va.

No. MC 61825 (Sub-E275), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Jose Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Mahoning County, Ohio, within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in North Carolina except points in Avery, Buncombe, Madison, Mitchell, and Yancey Counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E276), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle,

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over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Monroe County, Ohio, within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Alamance, Anson, Beaufort, Bladen, Brunswick, Carteret, Caswell, Chatham, Columbus, Craven, Cumberland, Duplin, Durham, Edgecomb, Franklin, Granville, Greene, Harnett, Hoke, Hyde, Johnston, Jones, Lee, Lenoir, Montgomery, Moore, Nash, New Hanover, Onslow, Orange, Pamlico, Pender, Person, Pitt, Randolph, Richmond, Robeson, Sampson, Scotland, Stanly, Union, Vance, Wake, Wayne, Wilson Counties, N.C. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E277), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Stark County, Ohio, within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in North Carolina except points in Avery, Buncombe, Madison, Mitchell and Yancey Counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E278), filed May 13, 1974, Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24073. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Tuscarawas County, Ohio, within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in North Carolina except points in Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Cherokee, Clay, Cleveland, Davie, Graham, Haywood, Henderson, Iredell, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rowan, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin and Yancey Counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E279), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in Texas on and west of a line beginning on the Texas-Oklahoma State line and extending along U.S. Highway 60 to junction U.S. Highway 83, thence south along U.S. Highway 83 to junction U.S. Highway 62/83, thence south along U.S. Highway 62/83 to junction U.S. Highway 70, thence south along U.S. Highway 70 to junction Texas Highway 70, thence south along Texas Highway 70 to junction Texas Highway 208, thence south along Texas Highway 208 to junction U.S. Highway 380, thence west along U.S. 380 to junction Texas Highway 208, thence south along Texas Highway 208 to junction Texas Highway 163, thence south along Texas Highway 163 to junction U.S. Highway 90, thence west along U.S. Highway 90 across the Pecos River, thence west along U.S. Highway 90 to the Rio Grande River to points in South Carolina on and east of a line beginning on the Atlantic Ocean, thence north along U.S. Highway 501 to junction U.S. Highway 76, thence west along U.S. Highway 76 to junction U.S. Highway 52, thence north along U.S. Highway 52 to junction South Carolina Highway 151, thence west along South Carolina Highway 151 to junction South Carolina Highway 109, thence north along South Carolina Highway 109 to junction South Carolina Highway 102, thence north along South Carolina Highway 102 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateways of points in Smyth County, and Lynchburg, Va.

No. MC 61825 (Sub-E293), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Georgia on and north of a line beginning at the Georgia-South Carolina State line at Georgia Highway 13, thence west along Georgia Highway 13 to junction U.S. Highway 23, thence southwest along U.S. Highway 23 to junction U.S. Highway 78, thence west along U.S. Highway 78 to the Georgia-Alabama State line, on the one hand, and, on the other, points in California, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming on and west of a line beginning at the Mexico-United States International Boundary line and extending along Interstate Highway 5, to junction of Interstate Highway 8, thence east along Interstate Highway 8 to junction California Highway 79, thence north along California Highway 79 to junction California Highway 71, thence east along California Highway 71 to junction California Highway 74, thence north along California Highway 74 to junction California Highway 111, thence east along California Highway 111 to junction Interstate Highway 10, thence northwest along Interstate Highway 10 to junction California Highway 62, thence north along California Highway 62 to junction unnumbered Highway, thence north through Old Woman Springs, Calif., along unnumbered Highway to junction Interstate Highway 40 at Dagget, Calif., thence west along Interstate Highway 40 to junction Interstate Highway 15, thence northeast along Interstate Highway 15 to junction California Highway 127, thence north along California Highway 127 to the California-Nevada State line, thence north along Nevada Highway 29 to junction U.S. Highway 95, thence north along U.S. Highway 95 to junction U.S. Highway 6, thence east along U.S. Highway 6 to junction Nevada Highway 25, thence east along Nevada Highway 25 to junction Nevada-Utah State line.

Thence east along Utah Highway 56 to junction Utah Highway 18, thence north along Utah Highway 18 to junction Utah Highway 21, thence east along Utah Highway 21 to junction U.S. Highway 91, thence north along U.S. Highway 91 to junction U.S. Highway 89, thence north along U.S. Highway 89 to junction Idaho-Utah State line, thence north along U.S. Highway 89 to junction Idaho-Wyoming State line, thence north along U.S. Highway 89 to junction U.S. Highway 14, thence east along U.S. Highway 14 to junction Big Horn River, thence north along Big Horn River to junction Wyoming-Montana State line, thence north along Big Horn River to junction Montana Highway 47, thence north along Wyoming Highway 47 to junction U.S. Highway 10, thence east along U.S. Highway 10 to junction U.S. Highway 12, thence east along U.S. Highway 12 to junction Montana-North Dakota State line, thence southeast along U.S. Highway 12 to junction North Dakota-South Dakota State line, thence along U.S. Highway 12 to junction South Dakota Highway 65, thence north along South Dakota Highway 65 to junction North Dakota-South Dakota State line, thence north along North Dakota Highway 31 to junction North Dakota Highway 21, thence east along North Dakota Highway 21 to junction North Dakota Highway 6, thence north along North Dakota Highway 6 to junction U.S. Highway 10, thence east along U.S. Highway 10 to junction North Dakota Highway 3, thence north along North Dakota Highway 3 to junction North Dakota Highway 19, thence east along North Dakota Highway 19 to junction North Dakota Highway 20, thence north along North Dakota Highway 20 to junction North Dakota Highway 5, thence along North Dakota Highway 5 to junction U.S. Highway 81, thence north along U.S. Highway 81 to the United States-Canadian International Boundary line. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va.

No. MC 61825 (Sub-E292), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Georgia on, south, and west of a line beginning on the Alabama-Georgia State line at U.S. Highway 80, thence east along U.S. Highway 80 to junction U.S. Highway 23, thence south along U.S. Highway 23 to junction U.S. Highway 441, thence south along U.S. Highway 441 to Georgia-Florida State line, on the one hand, and, on the other, points in California, Colorado, Idaho, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming on and west of a line beginning at California Highway 1 at the Pacific Ocean and extending along California Highway 68, thence east along, California Highway 68 to junction U.S. Highway 101, thence north along U.S. Highway 101 to junction California Highway 156, thence east along California Highway 156 to junction California Highway 25, thence southeast along California Highway 25 to junction California Highway J1, thence east along California Highway J1 to junction California Highway 180, thence east along California Highway 180 to junction unnumbered Highway near Lake Florence, thence along unnumbered highway to junction California Highway 168, near Lake Sabrina, thence northeast along California Highway 168 to junction U.S. Highway 6, thence north along U.S. Highway 6 to junction California-Nevada State line, thence north along U.S. Highway 6 to junction Nevada-Utah State line, thence east along U.S. Highway 6 to junction Utah Highway 26, thence east along Utah Highway 26 to junction U.S. Highway 91, thence north along U.S. Highway 91 to junction Utah Highway 26, thence east along Utah Highway 26 to junction U.S. Highway 89, thence north along U.S. Highway 89 to junction Interstate Highway 70, thence east along Interstate Highway 70 to junction Utah Highway 10.

Thence north along Utah Highway 10 to junction U.S. Highway 6, thence north along U.S. Highway 6 to junction Utah Highway 33, thence northeast along Utah Highway 33 to junction U.S. Highway 40, thence east along U.S. Highway 40 to junction Utah-Colorado State line, thence east along U.S. Highway 40 to junction Colorado Highway 14, thence north along Colorado Highway 14 to junction Colorado Highway 125, thence north along Colorado Highway 125 to junction Colorado Highway 127, thence north along Colorado Highway 127 to junction Colorado-Wyoming State line, thence north along Wyoming Highway 230 to junction U.S. Highway 287, thence north along U.S. Highway 287 to junction Colorado Highway 34, thence northeast along Colorado Highway 34 to junction U.S. Highway 87, thence north along U.S. Highway 87 to junction U.S. Highway 26, thence east along U.S. Highway 26 to junction U.S. Highway 85, thence north along U.S. Highway 85 to junction U.S. Highway 20, thence east along U.S. Highway 20 to junction Wyoming-Nebraska State line, thence east along U.S. Highway 20 to junction Nebraska Highway 27, thence north along Nebraska Highway 27 to junction Nebraska-South Dakota State line, thence north along South Dakota Highway 75 to junction U.S. Highway 18, thence east along U.S. Highway 18 to junction Nebraska Highway 73, thence north along Nebraska Highway 73 to junction U.S. Highway 14, thence east along U.S. Highway 14 to junction Nebraska Highway 47, thence north along Nebraska Highway 47 to junction U.S. Highway 212, thence east along U.S. Highway 212 to junction South Dakota-Minnesota State line, thence north along the South Dakota-Minnesota State line to junction North Dakota-Minnesota State line, thence north along the North Dakota-Minnesota State line to the Canadian-United States International Boundary line. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va.

No. MC 61825 (Sub-E294), filed May 13, 1974. Applicant: ROY STONE TRANSFER COMPANY, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Georgia on, south, and east of a line beginning at the Georgia-Florida State line at U.S. Highawy 441, thence north along U.S. Highway 441 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Georgia Highway 11, thence along Georgia Highway 11 to junction Georgia Highway 211, thence along Georgia Highway 211 to junction Interstate Highway 85, thence west along Interstate Highway 85 to junction Georgia Highway 366 thence north along Georgia Highway 366 to junction Georgia Highway 13, thence east along Georgia Highway 13 to junction Georgia-South Carolina State line, on the one hand, and, on the other, points in California, Colorado, Idaho, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming on and west of a line beginning at the Mexico-United States International Boundary line at Interstate Highway 5 and extending north along Interstate Highway 5 to the junction of Interstate Highway 8, thence east along Interstate Highway 8 to junction California Highway 79, thence north along California Highway 79 to junction California Highway 71, thence east along California Highway 71 to junction California Highway 74, thence north along California Highway 74 to junction California Highway 111, thence east along California Highway 111 to junction Interstate Highway 10, thence east along Interstate Highway 10 to junction unnumbered Highway thence northeast along unnumbered Highway to junction U.S. Highway 95, thence north along U.S. Highway 95 to junction Interstate Highway 15 thence east along Georgia Highway 15 to junction Nevada-Arizona State line, thence north along Nevada-Arizona State line to the Arizona-Utah State line, thence along the Arizona-Utah State line to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Arizona-Colorado State line.

Thence east along U.S. Highway 160 to junction Interstate Highway 25, thence north along Interstate Highway 25 to junction U.S. Highway 24, thence east along U.S. Highway 24 to junction Colorado Highway 71, thence north along Colorado Highway 71 to junction U.S. Highway 6, thence northeast along U.S. Highway 6 to junction U.S. Highway 138, thence east along U.S. Highway 138 to junction Colorado Highway 113, thence north along Colorado Highway 113 to the Colorado-Nebraska State line, thence north along Nebraska Highway 19 to junction U.S. Highway 385, thence north along U.S. Highway 385 to junction Nebraska Highway 2, thence east along Nebraska Highway 2 to junction Nebraska Highway 91, thence east along Nebraska Highway 91 to junction U.S. Highway 183, thence north along U.S. Highway 183 to the Nebraska-South Dakota State line to junction South Dakota Highway 37, thence north along South Dakota Highway 37 to junction U.S. Highway 18, thence east along U.S. Highway 18 to junction U.S. Highway 77, thence north along U.S. Highway 77 to junction U.S. Highway 16, thence east along U.S. Highway 16 to the South Dakota-Minnesota State line, thence north along the South Dakota-Minnesota State line to the Minnesota-North Dakota State line, thence north along the Minnesota-North Dakota State line to the Canadian-United States International Boundary line. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va.

No. MC 61825 (Sub-E295), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between Atlanta, Ga., on the one hand, and, on the other, points in California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming on and west of a line beginning at the United States-Mexico International Boundary line and extending along Interstate Highway 5, to junction Interstate Highway 8, thence east along Interstate Highway 8 to junction California Highway 79, thence north along California Highway 79 to junction California Highway 71, thence east along Califor-

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fornia Highway 74, thence east along California Highway 74 to junction California Highway 111, thence east along California Highway 111 to junction Interstate Highway 10, thence northwest along Interstate Highway 10 to junction California Highway 62, thence north along California Highway 62 to junction unnumbered Highway, thence north along unnumbered Highway through Old Woman Springs, Calif., to junction Interstate Highway 40, to Dagget, Calif., thence west along Interstate Highway 40 to junction Interstate Highway 15, thence northeast along Interstate Highway 15 to junction California Highway 127, thence north along California Highway 127 to the California-Nevada State line, thence north along Nevada Highway 29 to junction U.S. Highway 95, thence north along U.S. Highway 95 to junction U.S. Highway 6, thence east along U.S. Highway 6 to junction Nevada Highway 25, thence east along Nevada Highway 25 to the Nevada-Utah State line, thence east along Utah Highway 56 to junction Utah Highway 14, thence east along Utah Highway 14 to junction U.S. Highway 89, thence north along way 4, thence east along Utah Highway 4 to junction Utah Highway 10, thence north along Utah Highway 10 to junction Utah Highway 33, thence north along Utah Highway 33 to junction U.S. Highway 40, thence east along U.S. Highway 40 to Utah-Colorado State line.

Thence east along U.S. Highway 40 to junction Colorado Highway 14, thence north along Colorado Highway 14 to junction Colorado Highway 125, thence north along Colorado Highway 125 to junction Colorado Highway 127, thence north along Colorado Highway 127 to the Wyoming-Colorado State line, thence north along Wyoming Highway 230 to junction U.S. Highway 287, thence north along U.S. Highway 287 to junction Wyoming Highway 34, thence northeast along Wyoming Highway 34 to junction U.S. Highway 87, thence north along U.S. Highway 87 to junction U.S. highway 18, thence east along U.S. Highway 18 to the Wyoming-South Dakota State line, thence east along U.S. Highway 18 to junction South Dakota Highway 79, thence north along South Dakota Highway 79 to junction U.S. Highway 14, thence east along U.S. Highway 14 to junction South Dakota Highway 47, thence north along South Dakota Highway 47 to junction South Dakota Highway 26, thence east along South Dakota Highway 26 to junction U.S. Highway 281, thence north along U.S. Highway 281 to junction U.S. Highway 212, thence east along U.S. Highway 212 to the South Dakota-Minnesota State line, thence north along the Minnesota-South Dakota State line to the Minnesota-North Dakota State line, thence north along the Minnesota-North Dakota State line to the Canandian-United States International Boundary line. The purpose of this filing is to eliminate the gateway of points in Smyth County, Va.

No. MC 61825 (Sub-E309), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Allegheny County, Pa., on the one hand, and, on the other, points in Amherst, Appomattox, Bedford, Brunswick, Campbell, Carroll, Charlotte, Halifax, Henry, Lunenburg, Mecklenburg, Nottoway, Patrick, Pittsylvania, and Prince Edward, including independent cities bounded by above named Counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E310), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B Explosives, livestock, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Beaver County, Pa., on the one hand, and, on the other, points in Amherst, Appomattox, Bedford, Brunswick, Campbell, Carroll, Charlotte, Dinwiddie, Floyd, Franklin, Greensville, Halifax, Henry, Lunenburg, Mecklenburg, Nottoway, Patrick, Pittsylvania, Prince Edward, and Pulaski Counties, Va., including independent cities bounded by the above named counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E311), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* except those of unusual value, Classes A and B Explosives, livestock, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Butler County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Amherst, Appomattox, Bedford, Brunswick, Campbell, Carroll, Charlotte, Floyd, Franklin, Greenville, Halifax, Henry, Lunenberg, Mecklenberg, Nottoway, Patrick, Pittsylvania, Prince Edward, and Pulaski Counties, Va., including independent cities bounded by the above named counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E312), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Lawrence County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Amelia, Amherst, Appomattox, Bedford, Botetourt, Brunswick, Campbell, Carroll, Charlotte, Cumberland, Dinwiddie, Floyd, Franklin, Grayson, Greensville, Halifax, Henry, Lunenburg, Mecklenburg, Nottoway, Patrick, Pittsylvania, Prince Edward, Pulaski, and Southampton Counties, Va., including independent cities bounded by the above named counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E313), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Washington County, Pa., on the one hand, and, on the other, points in Campbell, Charlotte, Halifax, Mecklenburg, Pittsylvania, and Prince Edward Counties, Va., including independent cities bounded by the above named counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E314), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those unusual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Belmont County, Ohio, on the one hand, and, on the other, points in Campbell, Charlotte, Halifax, Lunenburg, Mecklenburg, Prince Edward, and Pittsylvania Counties, Va., including independent cities bounded by the above named counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E315), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B Explosives, livestock, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Carroll County, Ohio, on the one hand, and, on the other, points in Amelia, Amherst, Appomattox, Bedford, Botetourt, Brunswick, Buckingham, Campbell, Carroll, Charlotte, Cumberland, Dinwiddie, Floyd, Franklin, Goochland, Grayson, Greensville, Halifax, Henry, Isle of Wight, Lunenburg, Mecklenburg, Nottoway, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Pulaski, Roanoke, Southampton, Surry, Sussex, and Chesapeake, Nansemond, Norfolk, Princess Anne, and Virginia Beach, Va., including independent cities bounded by the above named counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E316), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B Explosives, livestock, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Columbiana County, Ohio, on the one hand, and, on the other, points in Amelia, Amherst, Appomattox, Bedford, Botetourt, Brunswick, Buckingham, Campbell, Carroll, Charlotte, Cumberland, Dinwiddie, Floyd, Franklin, Grayson, Greensville, Halifax, Henry, Isle of Wight, Lunenburg, Mecklenburg, Nottoway, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Pulaski, Roanoke, Southampton, Surry, Sussex, and Chesapeake, Nansemond, Norfolk, Princess Anne, and Virginia Beach, Va., and including independent cities bounded by the above named counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E317), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Guernsey County, Ohio, within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Amelia, Amherst, Appomattox, Bedford, Brunswick, Buckingham, Campbell, Charlotte, Chesapeake (City), Cumberland, Dinwiddie, Greensville, Halifax, Isle of Wight, Lunenburg, Mecklenburg, Nansemond (City), Norfolk (City), Nottoway, Pittsylvania, Powhatan, Prince Edward, Prince George, Princess Ann (City), Roanoke, Southampton, Surry, and Sussex Counties, Va., Virginia Beach (City) and Chesapeake, Nansemond, Norfolk, Princess Anne and Virginia Beach, Va., including independent cities bounded by the above named counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E318), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Amelia, Amherst, Appomattox, Bedford, Brunswick, Buckingham, Campbell, Charlotte, Cumberland, Dinwiddie, Floyd, Franklin, Grayson, Greensville, Halifax, Henry, Isle of Wight, Lunenburg, Mecklenburg, Nelson, Nottoway, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Southampton, Sussex Counties Va., and Chesapeake, Nansemond, Norfolk, and Princess Anne, Va., including independent cities bounded by the above named counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E319), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Jefferson County, Ohio, on the one hand, and, on the other, points in Amelia, Amherst, Appomattox, Bedford, Brunswick, Campbell, Carroll, Charlotte, Cumberland, Dinwiddie, Floyd, Franklin, Greensville, Halifax, Henry, Isle of Wight, Lunenburg, Mecklenburg, Nottoway, Patrick, Pittsylvania, Prince Edward, Prince George, Southampton, Surry, Sussex Counties, Va., including independent cities bounded by the above named counties, and Nansemond, Va. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E320), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Mahoning County, Ohio, within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, Amelia, Amherst, Appomattox, Bedford, Botetourt, Brunswick, Buckingham, Campbell, Carroll, Charlotte, Cumberland, Dinwiddie, Floyd, Franklin, Grayson, Greensville, Halifax, Henry, Isle of Wight, Lunenburg, Mecklenburg, Nelson, Nottoway, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Southhampton, Sussex Counties Va., and Chesapeake, Nansemond, Norfolk, and Princess Anne, Va., including independent cities bounded by the above named counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E321), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Monroe County, Ohio, within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Mecklenburg and Prince Edward Counties, Va., including independent cities within the above named counties. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-E322), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Stark County, Ohio, within 50 miles of Steuben-

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ville, Ohio, on the one hand, and, on the other, points in Amelia, Amherst, Appomattox, Bedford, Botetourt, Brunswick, Buckingham, Campbell, Carroll, Charlotte, Chesterfield, Cumberland, Dinwiddie, Floyd, Franklin, Grayson, Greensville, Halifax, Henry, Isle of Wight, Lunenburg, Mecklenburg, Nelson, Nottoway, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Roanoke, Southampton, Surry, and Sussex Counties, Va., including independent cities bounded by the above named counties, and Chesapeake, Nansemond, Newport News, Norfolk, Princess Anne, and Virginia Beach, Va. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E323), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Tuscarawas County, Ohio, within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Amelia, Amherst, Appomattox, Bedford, Brunswick, Buckingham, Carroll, Campbell, Charlotte, Chesterfield, Cumberland, Dinwiddie, Floyd, Franklin, Greensville, Halifax, Henry, Isle of Wight, Lunenburg, Mecklenburg, Nelson, Nottoway, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Southampton, Surry, Sussex Counties, Va., including independent cities bounded by the above named counties, and Chesapeake, Nansemond, Newport News, Norfolk, Princess Anne, and Virginia Beach, Va. The purpose of this filing is to eliminate the gateways of Weirton, W. Va., and Lynchburg, Va.

No. MC 61825 (Sub-No. E354), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Virginia on and west of a line beginning at the Virginia-West Virginia State line at Virginia Highway 311 and extending along Virginia Highway 311 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Virginia Highway 100, thence along Virginia Highway 100 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction Virginia Highway 89, thence along Virginia Highway 89 to the Virginia-North Carolina State line, to those points in California, Idaho, Nevada, Oregon, and Washington on and west of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 95 to junction Idaho Highway 200, thence along Idaho Highway 200 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Idaho-Washington State line, thence along U.S. Highway 195 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Idaho-Washington State line, thence along U.S. Highway 12 to junction Washington Highway 129, thence along Washington Highway 129 to junction unnumbered highway near Fields Spring, Wash., thence along unnumbered highway to the Washington-Oregon State line, thence along unnumbered Highway to junction Oregon Highway 82, thence along Oregon Highway 82 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Oregon Highway 244, thence along Oregon Highway 244 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Oregon-California State line, thence along the Oregon-California State line to the California-Nevada State line, thence along the California-Nevada State line to junction U.S. Highway 395, thence along U.S. Highway 395 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway Alternate 95, thence along U.S. Highway Alternate 95 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Nevada Highway 10.

Thence along Nevada Highway 10 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line, thence along U.S. Highway 6 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 58, thence along California Highway 58 to junction unnumbered highway near Barstow, Calif., thence along unnumbered highway to junction California Highway 18, near Lucerne Valley, Calif., thence along California Highway 18 to junction unnumbered highway near Baldwin Lake, Calif., thence along unnumbered highway to junction California Highway 62, thence along California Highway 62 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction California Highway 111, thence along California Highway 111 to junction California Highway 74, thence along California Highway 74 to junction California Highway 71, thence along California Highway 71 to junction California Highway 79, thence along California Highway 79 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction California Highway S–1, thence along California Highway S–1 to junction California Highway 94, thence along California Highway 94 to junction unnumbered highway near Tecate, Calif., thence along unnumbered highway to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateways of Lynchburg and Smyth County, Va.

No. MC 61825 (Sub-No. E355), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the North Carolina-South Carolina State line extending along U.S. Highway 321 to the south fork of the Catawba River near High Shoals, N.C., thence along the south fork of the Catawba River to junction North Carolina Highway 127, thence along North Carolina Highway 127 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction U.S. Highway 321A, thence along U.S. Highway 321A to junction U.S. Highway 321, thence along U.S. Highway 321 to junction North Carolina Highway 268, thence along North Carolina Highway 268 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 521, thence along U.S. Highway 521 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to point of beginning to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, New Mexico, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming on and west of a line beginning at the United States-Canada International Boundary line at the North Dakota-Minnesota State line and extending along the North Dakota-Minnesota State line to the Minnesota-South Dakota State line, thence along the Minnesota-South Dakota State line to the South Dakota-Iowa State line, thence along the South Dakota-Iowa State line to the Nebraska-Iowa State line, thence along the Nebraska-Iowa State line to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Nebraska Highway 15, thence along Nebraska Highway 15 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-Kansas State line, thence along the Nebraska-Kansas State line to the Colorado-Oklahoma State line, thence along the Colorado-Oklahoma State line to the Oklahoma-New Mexico State line, thence along the Oklahoma-New Mexico State line to the New Mexico-Texas State line, thence along the New Mexico-Texas State line to junction U.S. Highway 70, thence along U.S. Highway 70 to junction New Mexico Highway 18, thence along New Mexico Highway 18 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction New Mexico Highway 172, thence along New Mexico Highway 172 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction New Mexico Highway 31, thence along New Mexico Highway 31 to junction New Mexico Highway 360, thence along New Mexico Highway 360 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 285, thence along U.S. Highway 285 to the Texas-New Mexico State line, thence along the Texas-New Mexico State line to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateways of Lynchburg and Smyth County, Va.

No. MC 61825 (Sub-No. E356), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 311, thence along U.S. Highway 311 to junction U.S. Highway 220, thence along U.S. Highway 220 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to point of beginning to points in Delaware, District of Columbia, Illinois, Indiana, Iowa, Maryland, Michigan, Missouri, New Jersey, New York, Pennsylvania, and Wisconsin, and those points in Ohio and West Virginia on and north of a line beginning at the Indiana-Ohio State line and extending along the Ohio River to junction U.S. Highway 42 at Cincinnati, Ohio, thence along U.S. Highway 42 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction West Virginia Highway 2, thence along West Virginia Highway 2 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E357), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 220 to junction U.S. Highway 311, thence along U.S. Highway 311 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction North Carolina Highway 62, thence along North Carolina Highway 62 to junction North Carolina Highway 86, thence along North Carolina Highway 86 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to point of beginning, to points in Delaware, District of Columbia, Illinois, Indiana, Iowa, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin, and points in West Virginia (except points in Boone, McDowell, Mercer, Mingo, Monroe, Logan, Raleigh, Summers, and Wyoming, W. Va.). The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E358), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the Virginia-North Carolina State line and extending along North Caroline Highway 86 to junction North Carolina Highway 62, thence along North Carolina Highway 62 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 85, thence along Interstate Highway 85 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to the point of beginning, to points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin, and those points in New York, Pennsylvania, and West Virginia on and north and west of a line beginning at the Vermont-New York State line near Westport, N.Y., and extending along New York Highway 9N to junction New York Highway 73, thence along New York Highway 73 to junction New York Highway 86, thence along New York Highway 86 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 8, thence along New York Highway 8 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 39, thence along New York Highway 39 to junction New York Highway 19A, thence along New York Highway 19A to junction New York Highway 19, thence along New York Highway 19 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 305, thence along New York Highway 305 to junction Pennsylvania Highway 446, thence along Pennsylvania Highway 446 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 949, thence along Pennsylvania Highway 949 to junction Pennsylvania Highway 968, thence along Pennsylvania Highway 968 to junction Pennsylvania Highway 28, thence along Pennsylvania Highway 28 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E359), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, from points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and* extending along Interstate Highway 85 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Atlantic Ocean to points in Illinois, Indiana, Iowa, Michigan, Missouri, and Wisconsin, and those points in Ohio and West Virginia on and west of a line beginning at Lake Erie and extending along Ohio Highway 301 to junction Ohio Highway 57, thence along Ohio Highway 57 to junction Ohio Highway 604, thence along Ohio Highway 604 to junction Ohio Highway 94, thence along Ohio Highway 94 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Ohio Highway 145, thence along Ohio Highway 145 to junction Ohio Highway 821, thence along Ohio Highway 821 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio River, thence along the Ohio River to St. Marys, W. Va., thence along West Virginia Highway 16 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 41, thence along West Virginia Highway 41 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E360), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the Atlantic Ocean and extending along U.S. Highway 421 to junction U.S. Highway 117, thence along U.S. Highway 117 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Neuse River, thence along the Neuse River to the Atlantic Ocean, thence along the Atlantic Coast to point of beginning, to points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin, and those points in Maryland, New York, Pennsylvania, and West Virginia on and west of a line beginning at the Vermont-New York State line and extending along New York Highway 73 to junction New York Highway 9N at Ticonderoga, N.Y.,

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thence along New York Highway 9N to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 30A, thence along New York Highway 30A to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 14, thence along New York Highway 14 to junction New York Highway 328, thence along New York Highway 328 to junction Pennsylvania Highway 328, thence along Pennsylvania Highway 328 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction Pennsylvania Highway 414, thence along Pennsylvania Highway 414 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction Pennsylvania Highway 664, thence along Pennsylvania Highway 664 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Pennsylvania Highway 64, thence along Pennsylvania Highway 64 to junction Pennsylvania Highway 26, thence along Pennsylvania Highway 26 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction West Virginia Highway 28, thence along West Virginia Highway 28 to junction West Virginia Highway 55, thence along West Virginia Highway 55 to junction West Virginia Highway 259, thence along West Virginia 259 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E361), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the Atlantic Ocean and extending along the North Carolina-South Carolina State line to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 70A, thence along U.S. Highway 70A to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 117, thence along U.S. Highway 117 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Atlantic Ocean, thence along the Atlantic Coast to point of beginning, to points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin, and those points in Maryland, New York, Pennsylvania, and West Virginia on and west of a line beginning at the Massachusetts-New York State line and extending along New York Highway 23 to junction New York Highway 9G, thence along New York Highway 9G to junction New York Highway 199, thence along New York Highway 199 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 17, thence along New York Highway 17 to junction Pennsylvania Highway 370, thence along Pennsylvania Highway 370 to junction Pennsylvania Highway 171, thence along Pennsylvania Highway 171 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 87, thence along Pennsylvania Highway 87 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 64, thence along Pennsylvania Highway 64 to junction Pennsylvania Highway 445, thence along Pennsylvania Highway 445 to junction Pennsylvania Highway 192, thence along Pennsylvania Highway 192 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction West Virginia Highway 28, thence along West Virginia Highway 28 to junction West Virginia Highway 55, thence along West Virginia Highway 55 to junction West Virginia Highway 259 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Martinsville,Va.

No. MC 61825 (Sub-No. E362), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the South Carolina-North Carolina State line and extending along North Carolina Highway 177 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 52, thence along U.S. Highway 52 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to point of beginning, to points in Illinois, Indiana, Iowa, Michigan, Missouri, New Jersey, New York, Ohio, Wisconsin, and West Virginia except points in Boone, McDowell, Mercer, Mingo, Monroe, Logan, Raleigh, Summers, and Wyoming Counties, W. Va. and points in Delaware, Maryland, and Pennsylvania on and northwest of a line beginning at the Delaware-New Jersey State line and extending along Delaware Highway 41 to junction Pennsylvania Highway 41, thence along Pennsylvania Highway 41 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 116, thence along Pennsylvania Highway 116 to junction Pennsylvania Highway 194, thence along Pennsylvania Highway 194 to junction Maryland Highway 194, thence along Maryland Highway 194 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Maryland-Virginia State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E363), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at the South Carolina-North Carolina State line and extending along North Carolina Highway 177 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 52, thence along U.S. Highway 52 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to point of beginning, to points in Illinois, Indiana, Iowa, Michigan, Missouri, New Jersey, New York, Ohio, Wisconsin, and West Virginia except points in Boone, McDowell, Mercer, Mingo, Monroe, Logan, Raleigh, Summers, and Wyoming Counties, W. Va. and points in Delaware, Maryland, and Pennsylvania on and northwest of a line beginning at the Delaware-New Jersey State line and extending along Delaware Highway 41 to junction Pennsylvania Highway 41, thence along Pennsylvania Highway 41 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 116, thence along Pennsylvania Highway 116 to junction Pennsylvania Highway 194, thence along Pennsylvania Highway 194 to junction Maryland Highway 194, thence along Maryland Highway 194 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Maryland-Virginia State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E364), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina on and bounded by a line beginning at Lexington, N.C., and extending along North Carolina Highway 8 to junction North Carolina Highway 47, thence along North Carolina Highway 47 to junction North Carolina Highway 109, thence along North Carolina Highway 109 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 70, thence along U.S. Highway 70 to point of beginning, to points in Delaware, the District of Columbia, Illinois, Indiana, Iowa, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin, and those points in West Virginia on and north of a line beginning at the Kentucky-West Virginia State line and extending along U.S. Highway 119 to junction West Virginia Highway 10, thence along West Virginia Highway 10 to junction West Virginia Highway 85, thence along West Virginia Highway 85 to junction West Virginia Highway 99, thence along West Virginia Highway 99 to junction West Virginia Highway 3, thence along West Virginia Highway 3 to junction U.S. Highway 19, thence along U.S. Highway 19 to the Fayette-Raleigh County line, thence along the Fayette-Raleigh County line to the Fayette-Summers County line, thence along the Fayette-Summers County line to the Greenbrier-Summers County line, thence along the Greenbrier-Summers County line to the Greenbrier-Monroe County line, and thence along the Greenbrier-Monroe County line to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E365), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from West End, N.C., to points in Delaware, District of Columbia, Illinois, Indiana, Iowa, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub E573), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, MacDonald & McInerny, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: General commodities, except those of unusual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in North Carolina on and north of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 52 to junction Interstate Highway 40, thence east along Interstate Highway 40 to junction U.S. Highway 70, thence east along U.S. Highway 70 to junction Interstate Highway 85 near Durham, North Carolina, thence north along Interstate Highway 85 to the Virginia-North Carolina State line, on the one hand, and, on the other, points in Virginia on and bounded by a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 250 to junction Virginia Highway 42, thence south along Virginia Highway 42 to junction Virginia Highway 39, thence east along Virginia Highway 39 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction U.S. Highway 501, thence along U.S. Highway 501 to junction U.S. Highway 29, thence north along U.S. Highway 29 to junction U.S. Highway 250, thence east along U.S. Highway 250 to junction Virginia Highway 22, thence along Virginia Highway 22 to junction Virginia Highway 231, thence along Virginia Highway 231 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Maryland-Virginia State line, thence west along the Virginia-Maryland State line to the Virginia-West Virginia State line, thence southwest along the Virginia-West Virginia State line to the point of beginning. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 61825 (Sub E574), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, MacDonald & McInerny, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in North Carolina on and bounded by a line beginning at the Tennessee-North Carolina State line and extending south along U.S. Highway 421 to junction U.S. Highway 321, thence south along U.S. Highway 321 to junction North Carolina Highway 16, thence south along North Carolina Highway 16 to junction Interstate Highway 85, thence north along Interstate Highway 85 to junction Interstate Highway 40, thence west along Interstate Highway 40 to junction U.S. Highway 52, thence north along U.S. Highway 52 to the North Carolina-Virginia State line, thence west along the North Carolina-Virginia State line to the North Carolina-Tennessee State line, thence south along the North Carolina-Tennessee state line, to point of beginning, on the one hand, and, on the other, points in Virginia on and north of a line beginning at the West Virginia-Virginia State line and extending east along U.S. Highway 250, to junction State Highway 42, thence south along Virginia Highway 42, to junction Virginia Highway 39, thence east along Virginia Highway 39 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction U.S. Highway 501, thence south along U.S. Highway 501 to junction U.S. Highway 221, thence west along U.S. Highway 221 to junction Virginia Highway 811, thence along Virginia Highway 811 to junction Virginia Highway 24, thence east along Virginia Highway 24 to junction U.S. Highway 501, thence east along U.S. Highway 501 to junction Virginia Highway 24, thence east along Virginia Highway 24 to junction U.S. Highway 460, thence east along U.S. Highway 460 to junction Virginia Highway 307, thence along Virginia Highway 307 to junction U.S. Highway 360, thence north along U.S. Highway 360 to junction Interstate Highway 64, thence east along Interstate Highway 64 to junction Virginia Highway 33, thence east along Virginia Highway 33 to the York River, thence south along the York River to the Chesapeake Bay, thence along the Chesapeake Bay to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 61825 (Sub E575), filed May 13, 1974. Applicant: STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, MacDonald & McInerny, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: General commodities, except those of unusual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in North Carolina on and south-west of a line beginning at the Tennessee-North Carolina State line and extending south along U.S. Highway 421 to junction U.S. Highway 321, thence south along U.S. Highway 321 to junction North Carolina Highway 16, thence south along North Carolina Highway 16 to junction Interstate Highway 77, thence south along Interstate Highway 77 to the North Carolina-South Carolina State line, on the one hand, and, on the other, points in Virginia on and north of a line beginning at the West Virginia-Virginia State line and extending east along Virginia Highway 39 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction

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U.S. Highway 501, thence south along U.S. Highway 501 to junction U.S. Highway 221, thence west along U.S. Highway 221 to junction Virginia Highway 811, thence along Virginia Highway 811 to junction Virginia Highway 24, thence east along Virginia Highway 24 to junction U.S. Highway 501, thence east along U.S. Highway 501 to junction Virginia Highway 24, thence east along Virginia Highway 24 to junction U.S. Highway 460, thence east along U.S. Highway 460 to junction Virginia Highway 36, thence east along Virginia Highway 36 to junction Virginia Highway 10, thence east along Virginia Highway 10 to junction Virginia Highway 156, thence north along Virginia Highway 156 to the James River, thence south along the James River to the Chesapeake Bay, thence along the Chesapeake Bay to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 61825 (Sub E576) Filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's Representative: Joe Clyde Wilson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in North Carolina on and bounded by a line beginning at the South Carolina-North Carolina State line and extending north along Interstate Highway 77 to junction Interstate Highway 85, thence north along Interstate Highway 85, to junction U.S. Highway 70 at Greensboro, North Carolina, thence east along U.S. Highway 70 to junction Alternate U.S. Highway 70 near Selma, North Carolina, thence along Alternate U.S. Highway 70 to junction U.S. Highway 301, thence south along U.S. Highway 301 to the North Carolina-South Carolina State line to point of beginning, on the one hand, and, on the other, points in Virginia on and bounded by a line beginning at the West Virginia-Virginia State line and extending east along Virginia Highway 39 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Virginia Highway 43, thence south along Virginia Highway 43 to junction the Blue Ridge Parkway, thence east along the Blue Ridge Parkway to junction Virginia Highway 43, thence south along Virginia Highway 43 to junction Virginia Highway 24, thence east along U.S. Highway 501 to junction Virginia Highway 24, thence east along U.S. Highway 24 to junction U.S. Highway 460, thence east along U.S. Highway 460 to junction Virginia Highway 24, thence along Virginia Highway 24 to junction Virginia Highway 636, thence along Virginia Highway 636 to junction Virginia Highway 640, thence along Virginia Highway 640 to junction U.S. Highway 15, thence north along U.S. Highway 15 to junction Virginia Highway 28, thence north along Virginia Highway 28 to junction U.S. Highway 29, thence east along U.S. Highway 29 to junction Interstate Highway 495, thence north along Interstate Highway 495 to the Virginia-Maryland State line, thence west along the Virginia-Maryland State line to the Virginia-West Virginia State line, thence southwest along the Virginia-West Virginia State line to the point of beginning. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-29036 Filed 10-28-75;8:45 am]

federal register

WEDNESDAY, OCTOBER 29, 1975



PART II:

INTERSTATE COMMERCE COMMISSION

■

UNIFORM SYSTEMS OF ACCOUNTS, DESTRUCTION OF RECORDS; RECORDS AND REPORTS

Preservation of Records

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Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 36210]

UNIFORM SYSTEMS OF ACCOUNTS, DESTRUCTION OF RECORDS, AND RECORDS AND REPORTS

Preservation of Records

Decided: October 14, 1975.

Service Date: October 29, 1975.

Certain revised regulations governing preservation of records by all carriers (49 CFR 1220–1239) and ratemaking organizations (49 CFR 1253) subject to the Interstate Commerce Act are adopted to be effective with service of this order.

Report of the Commission. The purpose of the changes set forth below is to revise the regulations governing the destruction of records by carriers and ratemaking organizations under our jurisdiction. The following types of changes are made:

1. The present regulations are consolidated into a single set of general instructions and record retention schedules.

2. Microfilming of any record at any time is allowed provided certain basic requirements are met.

3. Retention periods of many records are reduced.

The significant change is the allowing of immediate microfilming of any record. Previously, our regulations have allowed microfilm copy for most records, but many records had to be either retained permanently in original form, or for a minimum number of years in original form before microfilm could replace them. The regulations set forth below retain the basic requirements for any photographic copy as to quality, accessibility, and reader-reproduction capability.

The reduced retention periods are for the most part the result of consolidating the regulations. The period selected for a particular record was generally the lowest period prescribed for any one mode. This insures that the rules are uniformly applied to all companies.

We do not consider the changes burdensome because they represent an easing of our recordkeeping requirements. Therefore, public proceedings under sections 553 and 559 of the Administrative Procedure Act, 5 U.S.C. 553, 559, are not necessary.

We find that Parts 1220–1239 of Chapter X of Title 49 of the Code of Federal Regulations should be amended to reflect the modifications as set forth below; that such rule changes are reasonable and necessary to the effective enforcement of the provisions of the Interstate Commerce Act, as amended; that such rules, as modified, are otherwise lawful and consistent with the public interest and the National Transportation Policy; that this is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

An appropriate order will be entered.

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 14th day of October, 1975.

Consideration having been given to the matters and things involved in this proceeding, and the said Commission, on the date thereof, having made and filed a report herein containing its findings and conclusions, which report is hereby made a part hereof:

It is ordered, That, effective with service of this order, the regulations prescribed in Parts 1201–1210, 1220–1239, 1253 of Chapter X, Subchapter C of Title 49 of the Code of Federal Regulations be, and they are hereby, revised to read as set forth below.

It is further ordered, That service of this order shall be made on all affected carriers; and to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C. and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

(49 U.S.C. 5b, 12, 20, 304, 320, 904, 913, 917, 1003, and 1012)

By the Commission.

Decided: October 14, 1975.

[SEAL] ROBERT L. OSWALD, *Secretary.*

NOTE.—This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Parts 1201–1210, Uniform Systems of Accounts, are amended as follows:

PART 1201—RAILROAD COMPANIES

General Instructions

1. Instruction 1–3 *Records* is amended by revising paragraph (c) to read:

1–3 Records.

* * * * *

(c) No carrier shall destroy any books, records, memoranda, etc., which support entries to its accounts unless destruction is permitted by the regulations governing preservation of records, Part 1220 of this chapter.

* * * * *

PART 1202—ELECTRIC RAILWAYS

2. Instruction 00–1 *Classification of carriers* is amended by adding a new paragraph to read:

00–1 Classification of carriers.

* * * * *

Class II and III companies * * * provided for herein.

No carrier shall destroy any books, records, memoranda, etc, which support entries to its accounts unless destruction is permitted by the regulations governing preservation of records, Part 1220 of this chapter.

* * * * *

PART 1203—EXPRESS COMPANIES

GENERAL INSTRUCTIONS

3. Instruction 1–3 *Records* is amended by revising paragraph (d) to read:

1–3 Records.

* * * * *

(d) No carrier shall destroy any books, records, memoranda, etc., which support entries to its accounts unless destruction is permitted by the regulations governing preservation of records, Part 1220 of this chapter.

PART 1204—PIPELINE COMPANIES

GENERAL INSTRUCTIONS

4. Instruction 1–2 *Records* is amended by revising paragraph (c) to read:

1–2 Records.

* * * * *

(c) No carrier shall destroy any books, records, memoranda, etc., which support entries to its accounts unless destruction is permitted by the regulations governing preservation of records, Part 1220 of this chapter.

PART 1205—REFRIGERATOR CAR LINES

GENERAL INSTRUCTIONS

5. Instruction 4 *Records* is amended by revising paragraph (c) to read:

4 Records.

* * * * *

(c) No carrier shall destroy any books, records, memoranda, etc., which support entries to its accounts unless destruction is permitted by the regulations governing preservation of records, Part 1220 of this chapter.

PART 1206—COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

INSTRUCTIONS

6. Instruction 2–2 *Records* is amended by revising paragraph (c) to read:

2–2 Records.

* * * * *

(c) No carrier shall destroy any books, records, memoranda, etc., which support entries to its accounts unless destruction is permitted by the regulations governing preservation of records, Part 1220 of this chapter.

* * * * *

PART 1207—CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

CLASS I AND CLASS II MOTOR CARRIERS INSTRUCTIONS

7. Instruction 2 *Records* is amended by revising paragraph (d) to read:

2 Records.

* * * * *

(d) No carrier shall destroy any books, records, memoranda, etc., which support entries to its accounts unless destruction is permitted by the regulations governing preservation of records, Part 1220 of this chapter.

* * * * *

PART 1208—MARITIME CARRIERS

General Instructions

8. Instruction (B) *Records* is amended by adding a new paragraph to read:

(B) Records.

* * * * *

(7) No carrier shall destroy any books, records, memoranda, etc., which support entries to its accounts unless destruction is permitted by the regulations governing preservation of records, Part 1220 of this chapter.

PART 1209—INLAND AND COASTAL WATERWAYS CARRIERS

General Instructions

9. Instruction 1 *Records* is amended by revising paragraph (d) to read:

1 Records.

* * * * *

(d) No carrier shall destroy any books, records, memoranda, etc., which support entries to its accounts unless destruction is permitted by the regulations governing preservation of records, Part 1220 of this chapter.

* * * * *

PART 1210—FREIGHT FORWARDERS

General Instructions

10. Instruction 1 *Records* is amended by revising paragraph (d) to read:

1 Records.

* * * * *

(d) No carrier shall destroy any books, records, memoranda, etc., which support entries to its accounts unless destruction is permitted by the regulations governing preservation of records, Part 1220 of this chapter.

* * * * *

Parts 1220–1239 DESTRUCTION OF RECORDS, as amended as follows:

11. The title "PARTS 1220–1239 DESTRUCTION OF RECORDS" is revised to read:

PARTS 1220–1239—PRESERVATION OF RECORDS

12. Part 1220, "RAILROAD COMPANIES," is revised to read:

PART 1220—PRESERVATION OF RECORDS

Sec.

1220.0 Applicability.
1220.1 Purpose.
1220.2 Designation of supervisory official.
1220.3 Index of records.
1220.4 Protection and storage of records.
1220.5 Preservation of records.
1220.6 Destruction of records.
1220.7 Photographic copies.
1220.8 Companies going out of business.
1220.9 Waiver of requirements of these regulations.
1220.10 Schedule of records and periods of retention.

AUTHORITY: Sec. 5a(3), 62 Stat. 472; 49 U.S.C. 5b; Secs. 12, 20, 24 Stat. 383 as amended, 386, as amended; 49 U.S.C. 12, 20; Secs. 204, 220, 49 Stat. 546 as amended, 563, as amended; 49 U.S.C. 304, 320; Secs. 304, 313, 317, 54 Stat. 933, 944, as amended; 49 U.S.C. 904, 913, 917; and Secs. 403, 412, 56 Stat. 285, as amended; 294, as amended; 49 U.S.C. 1003, 1012 unless otherwise indicated.

§ 1220.0 Applicability.

Before destroying any operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, reports, or documents the following companies and persons subject to the provisions of the Interstate Commerce Act shall comply with the regulations in this part:

Railroad companies
Electric railway companies
Express companies
Pipeline companies
Persons furnishing cars to railroads
Motor carriers and brokers
Water carriers
Freight forwarders
Rate-making organizations

This part applies also to the preservation of accounts, records, and memoranda of traffic associations, demurrage and car service bureaus, weighing and inspection bureaus, and other joint activities maintained by or on behalf of companies listed in the above paragraph of this subpart.

§ 1220.1 Purpose.

The regulations in this part prescribe the minimum length of time records shall be preserved, after which they may be destroyed. Mention of a record imposes no requiremnt that such a record be maintained if the information recorded is not requested by provisions of the Interstate Commerce Act or this Commission, or if its purpose is otherwise being adequately served. The provisions of this part shall not be construed as excusing compliance with the lawful requirements of any other governmental body, Federal or State, prescribing longer retention periods for any category of records.

§ 1220.2 Designation of supervisory official.

(a) Each company subject to the provision of this part shall appoint an officer or other responsible employee to supervise the preservation and authorized destruction of records. Such appointment shall be by formal corporate act of the Board of Directors or its executive committee or, if the company is not incorporated, by formal designation of the owners.

(1) Designation may be made by title only, rather than by name and title, and thus obviate the necessity for a new resolution or order each time a successor is appointed.

(b) If the property of the company is in the hands of a trustee, executor, administrator, or assignee, the officer or other responsible employee supervising the preservation and destruction of records shall be designated by such trustee, executor, administrator, or assignee.

(c) Authority to supervise the destruction of company records maintained by an association, joint bureau, etc. may be delegated to the manager or other chief officer.

(d) A company, at its option, may by a formal act of appointment delegate to a bank, trust company, or similar institution having custody of its records in the normal course of business, the authority to destroy such records upon compliance with the requirements of regulations in this part.

(e) Copies of the resolution or orders of appointment need not be filed with the Commission but shall be available for inspection by the Commission's duly authorized representatives.

§ 1220.3 Index of records.

At each office where records are kept or stored, such records shall be so arranged, filed, and currently indexed that they may be readily identified and made available to representatives of the Commission. In the company's general offices a master index shall be available showing the physical location of the various classes of records, the periods to which they relate, and the locations, names, and titles of the custodians.

§ 1220.4 Protection and storage of records.

The company shall protect records subject to the regulations in this part from fires, floods, and other hazards and safeguard the records from unnecessary exposure to deterioration from excessive humidity, dryness, or lack of ventilation.

§ 1220.5 Preservation of records.

(a) All records listed in § 1220.10 may be preserved in either hard-copy paperstock or nonerasable microfilm (see § 1220.7). However, a paperstock or microfilm record need not be created to satisfy the requirements of this part if the particular records are initially prepared on nonerasable media such as punched cards, magnetic tapes and disks. The records maintained in nonreadable media and the underlying data used in their preparation shall be preserved for the periods prescribed in § 1220.10. In no case shall a paperstock or microfilm record be destroyed after transfer to nonreadable media before expiration of the prescribed periods of retention without Commission approval (see § 1220.6).

(b) Each nonreadable form of media shall be accompanied by a statement clearly indicating the type of data included in the media and certifying that the information contained therein is complete and accurate. This statement shall be executed by a person having personal knowledge of the facts contained in the records. The records shall be indexed and retained in such a manner as will render them readily accessible, and the company shall have facilities available to locate, identify and reproduce the records on paper similar in size to the original without loss of clarity.

§ 1220.6 Destruction of records.

(a) *General authority.* Records described in these regulations may be destroyed after having been preserved for the prescribed periods.

(b) *Special authority.* Special authority is required before records described in these regulations may be destroyed prior to the end of the prescribed retention periods. Applications for special authority must describe in detail the nature and purpose of the records in question and the reasons continued retention is no longer considered necessary (see § 1220.9).

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(c) *Method of destruction.* These regulations require that records be preserved for specified periods. Upon expiration of these periods, records may be destroyed in any manner if the company so elects. Precaution should be taken, however, to shred or otherwise destroy the legibility of any records, the content of which is forbidden by law to be divulged to unauthorized persons.

(d) *Premature destruction or loss of records.* When records are destroyed or lost before the expiration of the prescribed retention periods, a statement shall be prepared listing, as accurately as possible, the records destroyed or lost and describing the circumstances under which they were destroyed or lost. The statement shall be certified by an officer of the carrier and filed with the officer having supervision over preservation of records. A copy of the statement shall also be filed with the Secretary's Office of this Commission within ninety (90) days from the discovery of the premature destruction or loss.

§ 1220.7 Photographic copies.

(a) Any record may be transferred to nonerasable microfilm (including microfiche, computer output microfilm, and aperture cards) at any time. Records so maintained on microfilm shall satisfy the minimum requirements listed in paragraphs (b) through (f) of this section.

(b) The microfilm used shall be of a quality that can be easily read and that reproduction in paperstock can be similar in size of an original without loss of clarity of detail during the periods the records are required to be retained in § 1220.10.

(c) Microfilm records shall be indexed and retained in such a manner as will render them readily accessible, and the company shall have facilities available to locate, identify and read the microfilm and reproduce in paper form.

(d) Any significant characteristic, feature, or other attribute which microfilm will not preserve shall be clearly indicated at the beginning of each roll of film or series of microfilm records if applicable to all records on the roll or series, or on the individual record, as appropriate.

(e) The printed side of printed forms need not be microfilmed for each record if nothing has been added to the printed matter common to all such forms, but an identified specimen of the form shall be on the film for reference.

(f) Each roll of film or series of microfilm records shall include a microfilm of a certificate stating that the photographs are direct and facsimile reproductions of the original records and they have been made in accordance with prescribed regulations. Such a certificate shall be executed by a person having personal knowledge of the facts covered thereby. Where the microfilm is computer output microfilm the certificate shall state that the information is complete and accurate.

§ 1220.8 Companies going out of business.

The records referred to in these regulations may be destroyed after business is discontinued and the company is completely liquidated. The records may not be destroyed until dissolution is final and all transactions are completed. When a company is merged with another company under jurisdiction of the Commission, the successor company shall preserve records of the merged company in accordance with these regulations.

§ 1220.9 Waiver of requirements of these regulations.

A waiver from any provision of these regulations may be made by the Commission upon its own initiative or upon submission of a written request by the company. Each request for waiver shall demonstrate that unusual circumstances warrant a departure from prescribed retention periods, procedures, or techniques, or that compliance with such prescribed requirements would impose an unreasonable burden on the company.

§ 1220.10 Schedule of records and periods of retention.

The following schedule shows periods that designated records shall be preserved. The descriptions specified under the various general headings are for convenient reference and identification, and are intended to apply to the items named regardless of where records are filed and regardless of departmental organization. Records other than those listed below may be destroyed at the option of the company *provided* such records used in place of those listed are preserved for the periods prescribed for the records used for substantially similar purposes.

Schedule of records and periods of retention

Item	Category of records	Retention period
	A. CORPORATE AND GENERAL	
1	Incorporation and reorganization:	
	(a) Charter or certificate of incorporation and amendments	Permanently.
	(b) Legal documents related to mergers, consolidations, reorganization, receiverships and similar actions which affect the identity or organization of the company.	Do.
2	Minutes of Directors', Executive Committees', Stockholders', and other corporate meetings.	Do.
3	Corporate elections:	
	(a) Proxies of holders of voting securities	2 years.
	(b) Lists of holders of voting securities represented at meetings	Do.
	(c) Ballots cast and tabulations of votes	Do.
	(d) Judges' reports of election results	Do.
	(e) Qualification oaths of judges of election	Optional.
	(f) Qualification oaths of directors	Do.
4	Titles, franchises and authorities:	
	(a) Certificates of public convenience and necessity issued by regulating bodies.	Until expiration or cancellation.
	(b) Operating authorizations and exemptions to operate issued by regulating bodies.	Do.
	(c) Copies of formal orders of regulatory bodies served upon the company	1 year after expiration or cancellation.
	(d) Deeds, charters, and other title papers	3 years after disposition of property.
	(e) Patents and patents records	1 year after expiration.
5	Annual reports or statements to stockholders, file copies of	10 years.
6	Contracts and agreements:	
	(a) Contracts and related papers for transactions which are subject to the provisions of the Clayton Antitrust Act (15 USC 20).	10 years after expiration, provided there is no pending litigation involved, and provided the company notifies the Commission of its intended action 2 weeks prior to date the records are to be destroyed.
	(b) Service contracts, such as for operational management, accounting, financial or legal service, and agreements with agents.	3 years after expiration or termination.
	(c) Contracts and other agreements relating to the construction, acquisition or sale of real property and equipment except as otherwise provided in (a) above.	Do.
	(d) Contracts for the purchase or sale of material and supplies except as provided in (a) above.	1 year after expiration or termination.
	(e) Shipping contracts for transportation of caretakers of freight	Do.
	(f) Contracts with employees and employee bargaining groups	Do.
	(g) Contracts, leases and agreements, not specifically provided for in this section.	3 years after expiration or termination.
7	Accountant's, auditor's, and inspector's reports:	
	(a) Certifications and reports of examinations and audits conducted by public and certified public accountants.	3 years.
	(b) Reports of examinations and audits conducted by internal auditors, time inspectors, weight inspectors, and others.	Do.
	B. TREASURY	
1	Capital stock records:	
	(a) Capital stock ledger	6 years.
	(b) Capital stock certificates, records of or stubs of. Note: If the information shown on the stubs is recorded in item 1(a), the stubs are required to be retained 3 years.	Do.
	(c) Stock transfer register	Do.
	(d) Memoranda and bills of sale or transfer of capital stock	2 years.
	(e) Capital stock subscription notices and requests for allotments	1 year.
	(f) Cancelled capital stock certificates	Optional.

Item	Category of records	Retention period
2	Long-term debt records:	
	(a) Bond indentures, underwriting, mortgage, and other long-term credit agreements.	6 years after redemption.
	(b) Registered bond and debenture ledgers	Do.
	(c) Stubs or similar records of bonds or other long-term debt issued. Note: If the information shown on the stubs is recorded in item 2(b), the stubs are required to be retained 3 years.	Do.
	(d) Funded debt subscription notices and requests for allotment	1 year.
	(e) Records of interest paid and unpaid	2 years.
	(f) Data pertaining to or supporting transfer of bonds or other long-term debt.	Do.
	(g) Cancelled and unissued bonds, mortgages, notes or other long-term debt issued.	Optional.
3	Filings with an authorization by regulatory agencies:	
	(a) Authorizations from regulatory bodies for issuance of securities including applications, reports and supporting papers.	20 years or until all securities covered are retired whichever is shorter.
	(b) Copies of registration statements and other data filed with the Securities and Exchange Commission and supporting papers in connection with offerings of securities for sale to the public or the listing of securities on an exchange.	6 years.
4	Records of securities owned, in treasury, or held by custodians, detailed ledgers and journals, or their equivalent.	3 years after the securities are sold, redeemed or otherwise disposed of.
5	Retired securities: stock certificates, bonds, notes, interest coupons, receiver's and trustee's certificates, and temporary certificates taken up and cancelled.	Optional.
6	Records of Funds and Deposits:	
	(a) Statements and summaries of balances on hand and with depositaries	3 years.
	(b) Depositaries statements of funds received, disbursed, and transferred	Do.
	(c) Authorities and statements for transfers between depositaries	Do.
	(d) Records of outstanding vouchers, checks, drafts, etc., issued and not presented.	Do.
	(e) Bank deposit books, stubs, ledgers, or records of checks	Do.
	(f) Supporting data for postings of miscellaneous receipts and payments of funds.	Do.
	(g) Cash remittance reports of superintendents, agents, and others	Do.
	(h) Records of verifications of treasurer's cash, or securities	2 years.
	(i) Copies of deposit slips	Do.
	(j) Periodical statements of working cash balances	Optional.
	(k) Lists of vouchers, drafts, and checks showing mailing dates	Do.
7	Records of foreign exchange or commercial paper purchased	3 years.
	C. FINANCIAL AND ACCOUNTING	
1	Ledgers:	
	(a) General and subsidiary ledgers with indexes thereto	50 years.
	(b) Balance sheets and trial balance sheets of general and subsidiary ledgers.	5 years.
2	Journals:	
	(a) General journals	50 years.
	(b) Subsidiary journals and any supporting data, except as otherwise provided for, necessary to explain journal entries.	6 years.
	(c) Schedules of recurring or standard journal entries with entry identifications.	Until superseded.
3	Cash books:	
	(a) General cash books	10 years.
	(b) Subsidiary cash books	6 years.
4	Vouchers:	
	(a) Voucher registers or equivalent	6 years.
	(b) Paid and cancelled vouchers, expenditure authorizations, detailed distribution sheets and other supporting data including original bills and invoices, except as otherwise provided herein.	Do.
	(c) Vouchers indexes	3 years.
	(d) Paid drafts, paid checks, and receipts for cash paid out	6 years.
5	Accounts receivable:	
	(a) Record or register of accounts receivable, indexes thereto, and summaries of distribution.	3 years after settlement.
	(b) Bills issued for collection and supporting data	Do.
	(c) Reports and statements showing age and status of receivables	1 year.
	(d) Authorizations for writing off receivables	Do.
6	Records of accounting codes and instructions	6 years after discontinuance
	D. PROPERTY AND EQUIPMENT	
	NOTE.—All accounts, records, and memoranda necessary for making a complete analysis of the cost or value of property shall be retained for the periods shown. If any of the records elsewhere provided for in this schedule are of this character, they shall be retained for the periods shown below, regardless of any lesser retention period assigned.	
1	Property records:	
	(a) Records which maintain complete information on cost or other value of all real and personal property or equipment.	3 years after disposition of property.
	(b) Records of additions and betterments made to property and equipment	Do.
	(c) Records pertaining to retirements and replacements of property and equipment.	Do.
	(d) Records pertaining to depreciation:	
	(1) When group method and depreciation rates are prescribed by the Commission.	10 years.
	(2) Other	3 years after disposition of property.
	(e) Records of equipment number changes	Do.
	(f) Records of motor and engine changes	Do.
	(g) Records of equipment lightweighed and stenciled	Do.
	(h) Files of detailed authorizations for expenditures, work or job orders showing estimated costs of additions and betterments, extensions, replacements, major repairs and dismantlements, approved by proper officials, together with all supporting data.	3 years.
	(i) Periodical inventories of property and equipment	3 years after prior inventory.
	(j) Estimates, detail records, and other data for proposed expenditures pertaining to projects not put into execution.	Optional.
2	Engineering Records:	
	(a) Plans, specifications, estimates of work, engineering studies, construction bids, and similar data pertaining to property changes actually made.	3 years after disposition of property.
	(b) Plans, specifications, estimates of work, engineering studies, experimental work, and similar data pertaining to projects not executed.	Optional.

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Item	Category of records	Retention period
	E. PERSONNEL AND PAYROLL	
1	Personal Records:	
	(a) Applications for employment, reports and certificates of physical examinations, service records, efficiency tests, qualification records, employees' rosters and other similar employee records.	1 year after termination of service.
	(b) Records of Employees' relief hospital, welfare and pension insurance and savings, and workmen's compensation accident reports.	1 year.
	(c) Applications for employment and replies thereto not resulting in employment of applicant.	Optional.
	(d) Files and records containing assignments, attachments, and garnishments of employees' salaries or wages, notice of suits, releases and correspondence incident thereto.	1 year.
2	Payroll records:	
	(a) Registers, abstracts, or summaries showing earnings, deductions and amounts paid to each employee by pay periods.	3 years.
	(b) Records showing the detailed distribution of salaries and wages to various accounts.	Do.
	(c) Receipted payrolls, endorsed pay checks or drafts, receipts, time tickets, certificates issued for wages, discharged tickets, and other evidences of payment for services rendered by employees.	Do.
	(d) Records of annuities of pensions paid to retired employees and records of death benefits paid to beneficiaries of deceased employees.	Do.
	(e) Time books, time cards, time sheets and summaries thereof, time slips, predetermined working schedules, overtime tickets, delayed time tickets, work orders, job tickets, check rolls and other records and papers pertaining to service of officers and employees.	Do.
	(f) Records, reports, and memoranda concerning deductions from payrolls	Optional.
	(g) Applications and authorities for changes in payrolls	Do.
	(h) Cancelled pay checks or drafts drawn in favor of employees in payment of wages for which receipt is shown on payrolls or other records retained.	Do.
	(i) Comparative, analytical, or other statistical statements of pay	Do.
	(j) Receipts for payrolls and pay checks forwarded to agents and others for distribution to employees.	Do.
	F. INSURANCE AND CLAIMS	
1	Insurance records:	
	(a) Schedules of insurance against fire, storm, and other hazards and record of premium payments.	3 years.
	(b) Records of losses and recoveries from insurance companies and supporting papers.	3 years after settlement.
	(c) Records and files of fidelity bonds of employees and others responsible for funds.	1 year after expiration of coverage.
	(d) Records and files of indemnity bonds incident to transportation and other charges.	Do.
	(e) Insurance policies	Optional after expiration or coverage.
	(f) Inspectors' reports of conditions of insured property	Optional when superseded.
	(g) Schedules of risks covered by self-insurance	2 years.
	(h) Reports to insurers of accidents or losses, and all correspondence and memoranda in connection therewith.	Do.
	(i) Letter and telegraphic reports of damages by fire, collision, etc	Do.
	(j) Reports of minor losses not covered by insurance or less than the minimum amount collectable.	Do.
2	Claims records:	
	(a) Claim registers, card or book indexes, and other records which record personal injury, fire and other claims *against* the company, together with all supporting data.	3 years after settlement.
	(b) Claims registers, card or book indexes, and other records which record overcharge, damages, and other claims filed by the company *against others*, together with all supporting data.	Do.
	(c) Records giving the details of authorities issued to agents, carriers, and others for participation in freight claims.	3 years.
	(d) Reports, statements and other data pertaining to personal injuries or damage to property when not necessary to support claims or vouchers.	Do.
	(e) Reports, statements, tracers, and other data pertaining to unclaimed, over, short, damaged, and refused freight, when not necessary to support claims or vouchers.	1 year.
	(f) Authorities for disposal of unclaimed, damaged, and refused freight	3 years.
	G. TAXES	
1	Copies of returns and schedules filed with taxing authorities, supporting work papers, records of appeals, tax bills and receipts for payments. (See Item C-4(b) for vouchers evidencing disbursements):	
	(a) Income tax returns	3 years after settlement.
	(b) Property tax returns	Do.
	(c) Sales and use taxes	3 years.
	(d) Other taxes	3 years after settlement.
	(e) Agreements between affiliated companies as to allocation of consolidated income taxes.	Do.
	(f) Schedule of allocation of consolidated Federal income taxes among affiliated companies.	Do.
2	Summaries of taxes paid	Optional.
3	Filing with taxing authorities to qualify employee benefit plans	3 years after settlement of tax return or discontinuance of plan, whichever is later.
4	Information returns and reports to taxing authorities	3 years, or for the period of any extensions granted for audits.
	H. PURCHASES AND STORES	
1	Material ledgers.	
	(a) Records of material and supplies on hand	2 years.
	(b) Balance sheets of material and supplies on hand at division storehouses, shops, and other places.	Do.
2	Inventories:	
	(a) General inventories of material and supplies on hand, with record of adjustments between accounts required to bring stores records into agreement with physical inventories.	Do.
	(b) Stock cards, inventory cards, and other detailed records pertaining to the taking of inventories if abstracted into records covered by Item 2(a) above.	Optional.
	(c) Minor inventories of material and supplies on hand if not reflected in adjustments of accounts.	Do.

Item	Category of records	Retention period
3	Purchases and Sales:	
	(a) Copies of orders for the purchase of material and supplies	2 years.
	(b) Advices from individuals and companies acknowledging receipt of orders for material and supplies and notices of shipment.	Optional.
	(c) Invoices for material and supplies purchased whether attached to vouchers or filed separately. (See Item C-4(b)).	6 years.
	(d) Reports of scrap on hand	2 years.
	(e) Authorities for the sale of scrap and other material and supplies	Do.
4	Material and supplies received and issued:	
	(a) Records and reports of material and supplies received and issued	Do.
	(b) Records of inspecting and testing material and supplies	Optional.
	(c) Records, memoranda, and authorities supporting writeoffs of surplus, obsolete, and scrap material and supplies.	2 years.
	(d) Price records of material and supplies issued	Do.
	I. SHIPPING AND AGENCY DOCUMENTS	
1	Bills of lading and releases:	
	(a) Consignors' shipping orders, consignors' shipping tickets, and copies of bills of lading, freight bills from other carriers and other similar documents furnished the carrier for movement of freight.	3 years.
	(b) Shippers' order-notify bills of lading taken up and cancelled	Do.
2	Freight waybills:	
	(a) Local waybills	Do.
	(b) Interline waybills received from and made to other carriers	Do.
	(c) Company freight waybills	Do.
	(d) Express waybills	Do.
3	Freight bills and settlements:	
	(a) Paid copy of freight bill retained to support receipt of freight charges.	
	(1) Bus express freight bills provided no claim has been filed	1 year.
	(2) All other freight bills	3 years.
	(b) Paid copy of freight bill retained to support payment of freight charges to other carriers.	
	(1) Bus express freight bills provided no claim has been filed	1 year.
	(2) All other freight bills	3 years.
	(c) Records of unsettled freight bills and supporting papers	1 year after disposition.
	(d) Records and reports of correction notices	3 years.
4	Other freight records:	
	(a) Records of freight received, forwarded, and delivered	Do.
	(b) Notice to consignees of arrival of freight; tender of delivery	2 years.
5	Agency records (to include conductors, pursers, stewards, and others):	
	(a) Cash books	3 years.
	(b) Remittance records, bank deposit slips, and supporting papers	Do.
	(c) Balance sheets and supporting papers	2 years.
	(d) Statements of corrections in agents accounts	Do.
	(e) Other records and reports pertaining to ticket sales, baggage handled, miscellaneous collections, refunds, adjustments, etc.	Do.
	J. TRANSPORTATION	
1	Records and reports of tickets issued, redeemed and destroyed, and ticket stock on hand.	2 years.
2	Records and reports of baggage checks issued, sold, and on hand	Do.
3	Used and cancelled tickets, cash fare slips, baggage checks, reports of which have been audited.	Optional.
4	Passes, reduced fare, and tickets:	
	(a) Copies of orders in printing houses for pass stock	Do.
	(b) Records of pass stock received, distributed, and destroyed	2 years.
	(c) Records and reports of passes and tickets, issued free or at reduced rates, and of such tickets requested from other carriers.	Do.
	(d) Records of passes received from other carriers	Do.
	(e) Reports of trip passes and free or reduced-rate passenger-fare tickets issued and collected.	Do.
	(f) Reports of annual or term passes honored	Optional.
	(g) Void, unused or unissued passes	Do.
5	Mail service:	
	(a) Records and reports of mail service, mail failures and detentions, fines, deductions, and irregularities.	2 years.
	(b) Records and reports of mail pouches received and distributed	1 year.
6	Dispatchers' sheets, registers, and other record pertaining to movement of transportation equipment.	3 years.
7	Import and export records including bonded freight and steamship engagements	2 years.
8	Records, reports, orders and tickets pertaining to weighing of freight	3 years.
9	Records of loading and unloading of transportation equipment	2 years.
10	Records pertaining to the diversion or reconsignment of freight, including requests, tracers, and correspondence.	Do.
11	Records pertaining to transportation of household goods:	
	(a) Estimate of charges	3 years.
	(b) Order for service	Do.
	(c) Vehicle-load manifest	Do.
	(d) Descriptive inventory	Do.
12	Records and reports pertaining to operation of marine and floating equipment:	
	(a) Ship's log	3 years.
	(b) Ship's articles	Do.
	(c) Passenger and room list	Do.
	(d) Floatmen's barge, lighter, and scow captains' reports, demurrage records, towing reports and checks sheets.	2 years.
	Car distribution and movement—railroads only:	
	(a) Records of car allotment and distribution	2 years.
	(b) Records of cars ordered, furnished and loaded	Do.
	(c) Records showing dates and numbers of trains, initials and numbers of cars, movement of cars, and mileage of cars and trains.	Do.
	(d) Reports of cars interchanged with connecting lines	Do.
	(e) Reports of unfilled car orders	1 year.
	(f) Per diem and mileage reports made and received, including reclaims and discrepancy and adjustment reports.	2 years.
	(g) Demurrage and storage records	Do.
	Oil and other products stocks and movements—pipelines only:	
	(a) Records of receipts, deliveries, pumpings, stocks, and over and short	3 years.

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Item	Category of records	Retention period
	(b) Run tickets showing quantities by tank measurement or meter readings of oil and other products received into and delivered from company's lines.	Do.
	(c) Reports or records of runs, allowables, and legal stocks by leases	Do.
	(d) Statements of oil and oil products consumed as fuel including quantity, value, and where consumed.	Do.
	(e) Statements of oil and other products lost by line breaks and leaks including quantity, value, and location of breaks and leaks.	Do.
	(f) Reports of power furnished by producers: monthly reports of the quantity of oil run in connection with which power was furnished by producers, and records of payment for such power.	Do.
	(g) Records of producers' property identifying ownership and location of producers' tanks or wells to which carriers' lines are connected.	3 years after disconnection.
	(h) Tank gage tables for all tanks used in carrier operation	3 years after disconnection or restrapping.
	(i) Division or other periodical inventory reports of oil and other products on hand.	3 years.
	(j) Division orders: Directions received by carrier as to the division of interest and to whose account transported oil should be credited.	3 years after discontinuance.
	(k) Directions received by the carrier for the transfer of division order interests from one interest owners to another.	Do.
	(l) Transfer orders for the transfer of ownership of oil or other products in carrier's custody.	3 years.
	K. TARIFFS AND RATES	
1	Official file copies of tariffs, classifications, division sheets, and circulars relative to the transportation of persons or property.	3 years after expiration or cancellation.
2	All other copies of tariffs, classifications, division sheets, and circular referred to in item 1 above.	Do.
3	Authorities and supporting papers for transportation of property or passengers free or at reduced rates.	3 years.
4	Copies of concurrences and powers of attorney filed with the Interstate Commerce Commission and other regulating bodies.	2 years after expiration or cancellation.
5	Correspondence and working papers in connection with the making of rates and compliance of tariffs, classifications, division sheets, and circulars affecting the transportation of persons or property.	2 years after cancellation of tariff.
6	Contracts and minimum rate schedules of contract motor carriers	3 years after expiration or cancellation.
	L. REPORTS AND STATISTICS	
1	Reports to Interstate Commerce Commission and other regulatory bodies:	
	(a) Annual financial, operating and statistical reports, file copies of, and supporting data.	10 years.
	(b) Periodical reports of operating revenues, expenses, and income, file copies of, and supporting data.	3 years.
	(c) Reports detailing use of proceeds from issuance or sale of company securities, file copy of, and supporting data.	Do.
	(d) Valuation inventory reports and records together with related notes, maps, and sketches; underlying engineering, land, and accounting reports, pricing schedules, summary or collection sheets, yearly reports of changes and other miscellaneous data, all relating to the valuation of the company's property by the Interstate Commerce Commission or other regulatory body.	3 years after disposition of the property.
2	Periodical reports of accidents, inspections, tests, hours of service, repairs, freight car locations, etc.	3 years.
3	Periodical statistical statements of operating results or performance by tonnage, mileage, passengers carried, piggyback traffic, commodities, costs, analyses of increases and decreases, or otherwise.	Do.
4	Miscellaneous statistical reports, statements and summaries, not otherwise provided for herein, used for administrative purposes only and not entering the accounts of the company.	Optional.
5	All other financial, operating and statistical statements or reports with supporting data.	3 years.
	M. MISCELLANEOUS	
1	Index of records (see 1220.3)	Until superseded.
2	Statement listing records prematurely destroyed or lost (see 1220.6(d))	Same period prescribed for listed records.
3	Instruction booklets, circulars, organization handbooks, bulletins, instructions to agents, conductors, drivers, and other employees, and other matters pertaining to the operation of the company.	3 years after expiration or cancellation.
4	Correspondence relating to subject matter covered by other items in this schedule.	Same period prescribed for related record.
5	Tabulating cards, tapes, and other media used in the compilation of statistics and other data when the results are transcribed to other records covered in this schedule.	Optional after summaries have been made.
6	Duplicate copies of accounts, records, and memoranda listed in this schedule, if all information on such duplicates is contained on the originals or other copies retained, and if such duplicates are not specifically provided for in this schedule.	Optional.
7	Complaints, related correspondence, and other records associated with adequacy of service, equipment, and facilities for freight and passenger operations.	2 years.

13. The following parts are deleted:

Part 1221 Electric railways
Part 1223 Express companies
Part 1224 Pipeline companies
Part 1225 Persons furnishing cars to railroads
Part 1226 Motor carriers and brokers
Part 1227 Water carriers
Part 1228 Freight forwarders

PART 1253—RATE-MAKING ORGANIZATIONS; RECORDS AND REPORTS

14. Part 1253, "Rate-making Organization; Records and Reports," is amended by revising § 1253.30 and deleting § 1253.31. As amended, these sections read:

§ 1253.30 Retention of records.

Each organization subject to section 5a shall retain records or documents relating to its transactions or activities in accordance with Part 1220, Preservation of Records, of this chapter.

§ 1253.31 [Reserved]

[FR Doc.75-28897 Filed 10-28-75;8:45 am]

federal register

WEDNESDAY, OCTOBER 29, 1975

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

PART III:

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

MILK IN THE MINNEAPOLIS-ST. PAUL AND CERTAIN OTHER MARKETING AREAS

Recommended Decision and Opportunity to File Written Exceptions

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1060, 1061, 1068, 1069, 1076]

[Docket Nos. AO–178–A33, etc.]

MILK IN THE MINNEAPOLIS-ST. PAUL AND CERTAIN OTHER MARKETING AREAS

Notice of Recommended Decision and Opportunity to File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Marketing area	Docket No.
1060	Minnesota-North Dakota	AO–360–A10.
1061	Southeastern Minnesota–Northern Iowa.	AO–367–A9.
1068	Minneapolis-St. Paul, Minn.	AO–178–A33.
1069	Duluth-Superior	AO–153–A22.
1076	Eastern South Dakota	AO–260–A21.

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the aforesaid marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, on or before November 28, 1975. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Minneapolis, Minnesota, on November 11–20, 1974, pursuant to notice thereof which was issued on October 11, 1974 (39 FR 37164).

The material issues on the record of the hearing relate to:

1. Whether the handling of milk produced for sale in the proposed merged and/or expanded marketing areas is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether any combination of the aforesaid marketing areas or parts thereof should be included under one or more orders;

3. Whether any proposed marketing area should be expanded to include additional territory in the States of Minnesota, South Dakota and Wisconsin; and

4. With respect to any of the aforementioned existing orders, or proposed combination thereof, what its provisions should be with respect to:

(a) Milk to be priced and pooled;

(b) Classification of milk;

(c) Class prices, butterfat differentials, and location adjustments;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

1. *Character of Commerce.* The handling of milk in the proposed Upper Midwest marketing area and in the modified marketing area of the Eastern South Dakota Order No. 76 is in the current of interstate commerce and directly burdens or obstructs interstate commerce in milk and milk products.

The proposed marketing area, designated as "Upper Midwest marketing area," will include the present marketing areas of Orders 60 (Minnesota-North Dakota), 61 (Southeastern Minnesota-Northern Iowa), 68 (Minneapolis-St. Paul), 69 (Duluth-Superior), the northern part of the present Order 76 (Eastern South Dakota) marketing area, and presently unregulated territory in Minnesota and Wisconsin. This covers territory in Minnesota, Wisconsin, Iowa, North Dakota, and South Dakota. Because territory in five states is included in the Upper Midwest marketing area and territory in three states is included in the Eastern South Dakota marketing area, interstate commerce necessarily is involved.

Milk procurement in this area crosses state boundaries. Handlers regulated by the Minneapolis-St. Paul order procure milk in Minnesota and Wisconsin; handlers regulated under the Minnesota-North Dakota order procure milk in Minnesota, North Dakota, and South Dakota; handlers regulated by the Eastern South Dakota order procure milk in Minnesota, North Dakota, and Iowa; handlers regulated by the Southeastern Minnesota-Northern Iowa order procure milk in Minnesota, Wisconsin, and Iowa; and handlers regulated by the Duluth-Superior order procure milk in both Minnesota and Wisconsin.

Similarly, retail sales of fluid milk products are intermingled among the various states in this region. Milk regulated under the Minneapolis-St. Paul and Southeastern Minnesota-Northern Iowa orders is disposed of in Minnesota, Wisconsin, and Iowa; milk regulated under the Minnesota-North Dakota order is disposed of for sale in both Minnesota and North Dakota; milk regulated under the Eastern South Dakota order is disposed of in South Dakota, Minnesota, and Nebraska; and milk regulated under the Duluth-Superior order is disposed of in both Minnesota and Wisconsin.

In addition to the interstate movements of bulk milk or packaged fluid milk products described above, there are numerous manufacturing plants within the proposed marketing areas (in each of the States of Minnesota, North Dakota, South Dakota, Wisconsin, and Iowa) that produce manufactured dairy products offered for sale in these and other states.

2. *Need for merger of orders.* Marketing conditions in the five separately regulated marketing areas under consideration justify merger of the orders regulating the handling of milk in these areas, except for the southern portion of the Eastern South Dakota marketing area.

The merger of all five markets under consideration (i.e.—Southeastern Minnesota-Northern Iowa, Minneapolis - St. Paul, Duluth-Superior, Minnesota-North Dakota, and Eastern South Dakota) was proposed by the National Farmers' Organization (NFO). This producer cooperative association represents producers supplying milk to the Minneapolis-St. Paul order market. In previous periods, it also has supplied milk to the Duluth-Superior order market.

The merging of the Southeastern Minnesota-Northern Iowa, Minneapolis-St. Paul, and Minnesota-North Dakota orders was proposed by Land O'Lakes, Inc. Land O'Lakes, Inc., represents producers supplying the Minnesota-North Dakota, Minneapolis-St. Paul and Eastern South Dakota order markets. Land O'Lakes also operates a distributing plant in the Duluth-Superior order market as well as distributing plants in the Minneapolis-St. Paul and Eastern South Dakota order markets. Mid-America Dairymen, Inc., proposed the merging of the Southeastern Minnesota-Northern Iowa, Minneapolis-St. Paul, and Minnesota-North Dakota orders. Mid-America represents producers supplying the Minnesota-North Dakota and Minneapolis-St. Paul order markets.

There was opposition expressed to merging several of the named markets. Associated Milk Producers, Inc., supplying the Southeastern Minnesota-Northern Iowa order market, opposed the inclusion of this market. The Twin Ports-Arrowhead Cooperative Dairy, representing producers supplying the Duluth-Superior order market, opposed the inclusion of that market. Representatives of Land O'Lakes, Inc., and Mid-America Dairymen, Inc., opposed inclusion of the Duluth-Superior and Eastern South Dakota orders.

Various proposals to add additional territory either to the merged marketing areas or to individual markets were made. These matters are dealt with under Issue No. 3.

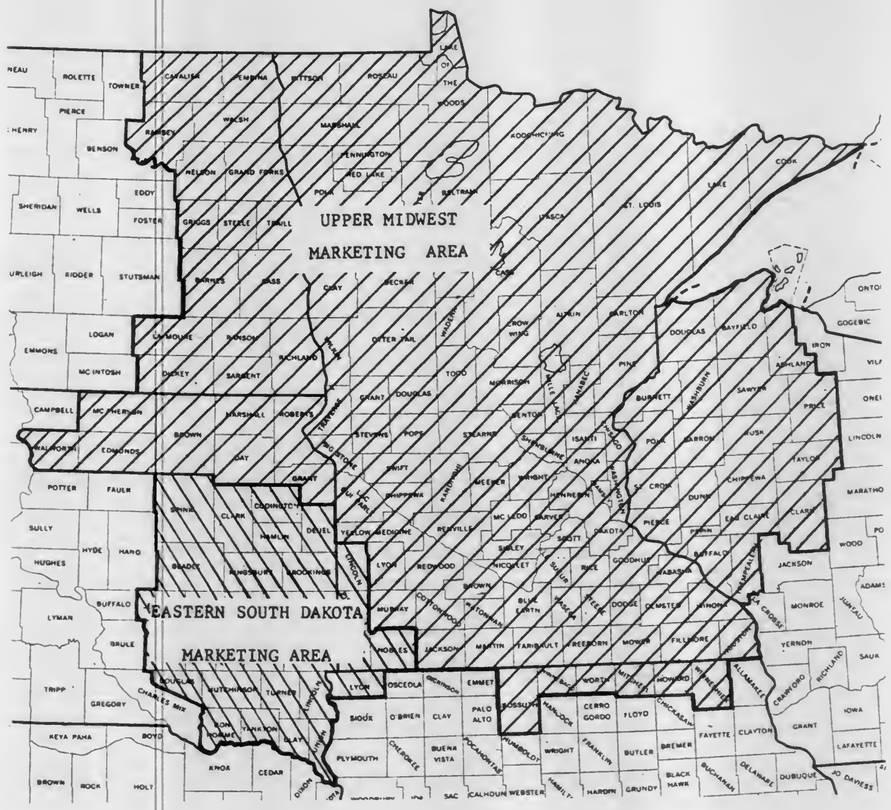
The reasons given by proponents for merging the several orders included the following: (1) Differences in uniform prices among the several orders cause discontent among producers; (2) the overlap of procurement and Class I distribution indicate a unity of the marketing system; (3) some of the markets are inaccesible to producer groups seeking to supply those markets; (4) efficiencies in marketing could be achieved through merging the orders; and (5) marketing stability and flexibility could be achieved with a uniform regulation over a larger area.

Those parties opposed to the merger of certain markets stressed the lack of relationships of such markets to others among the five or claimed that the particular market had a closer relationship to other markets outside these five markets.

It is concluded on the basis of the record evidence that orderly marketing will be served by merging Orders 60, 61, 68, and 69, and part of Order 76 into a single new order to be known as the "Upper Midwest" marketing area. The Eastern South Dakota order, with the exception of five of its northernmost counties, should not be included in the merger, but should be expanded to include three now unregulated counties in southwestern Minnesota and two now unregulated counties in eastern South Dakota.

The two marketing areas, as proposed herein, are shown in the following map:

PROPOSED UPPER MIDWEST AND EASTERN SOUTH DAKOTA MARKETING AREAS



FEDERAL REGISTER, VOL. 40, NO. 209—WEDNESDAY, OCTOBER 29, 1975

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HISTORY OF REGULATION AND DESCRIPTION OF PRESENT MARKETING AREAS

Federal regulation in this area was first initiated in 1941 and was subsequently extended to include all of the heavily populated areas of Minnesota and eastern North and South Dakota. The Minneapolis-St. Paul order (Order 68), promulgated November 3, 1945, applied to a marketing area including the cities of Minneapolis and St. Paul, and surrounding territory in Anoka, Dakota, Hennepin, Ramsey, and Washington Counties of Minnesota. That marketing area was expanded in May 1969 to include all of 21 Minnesota counties and portions of St. Croix and Pierce Counties, Wisconsin.

The Southeastern Minnesota-Northern Iowa order (Order 61, also referred to as Dairyland) was effectuated May 1, 1969. The Dairyland marketing area and the Minneapolis-St. Paul order marketing area form a geographic block of territory covering the southern half of Minnesota, excepting a tier of counties in western Minnesota, which has remained unregulated. The northern boundary of the Dairyland marketing area abuts the Minneapolis-St. Paul marketing area for a distance of about 140 miles. Both marketing areas have remained unchanged since 1969.

The Minnesota-North Dakota order (Order 60) was promulgated November 1, 1967. The marketing area, unchanged since its inception, includes a portion of western Minnesota, eastern North Dakota, and a three-county area in South Dakota. It joins with the Eastern South Dakota order marketing area (Order 76) on its southwestern border for a distance of over 110 miles and joins the Minneapolis-St. Paul marketing area at the boundary of Douglas and Stearn Counties, Minnesota.

The present Eastern South Dakota order (Order 76) resulted from a May 1965 merger of the Sioux Falls-Mitchell, South Dakota order (promulgated September 1, 1952) and the Eastern South Dakota order (promulgated May 1, 1955). The marketing area borders the Minnesota-North Dakota order to the north and the Nebraska-Western Iowa order to the south. Unregulated territory borders the marketing area on its eastern and western borders.

The Duluth-Superior order (Order 69) was promulgated May 5, 1941. The marketing area originally included the cities of Duluth, Minnesota; Superior, Wisconsin; and Cloquet, Minnesota. The market was expanded March 1, 1960 and now includes all of Carlton County, Minnesota, and Ashland, Douglas, and Bayfield Counties, Wisconsin.

THE CASE FOR MERGER

There are many different factors that are relevant in determining whether these five markets should be merged. These factors can be broken down into the following categories: (a) Overlap of Class I distribution; (b) Overlap of procurement areas; and (c) Market structure and accessibility.

A. *Overlap of Class I distribution.* The range of distribution by regulated handlers has expanded greatly since these five orders were promulgated. The reasons for this expansion are varied, but generally can be attributed to the spread of urbanized areas, better roads, improved technology, economies of large scale operation, and reciprocity of health standards.

As handlers have extended their range of distribution, they have increasingly disposed of fluid milk products in the marketing areas of neighboring orders. Not all such instances are described in detail below because of the restrictions protecting confidentiality of information relating to operations of individual handlers.

In the Order 61 (Dairyland) marketing area, during May and September 1974, nine Order 68 (Minneapolis-St. Paul) handlers accounted for 25 percent of the total route disposition in that marketing area. Another Order 68 handler testified that he began distribution in the Order 61 marketing area in October 1974. An Order 76 (Eastern South Dakota) handler also has Class I disposition in the Order 61 marketing area, but the volume of such disposition was not disclosed.

The disposition of fluid milk products by Order 68 handlers into the Order 61 marekting area is spread over almost the entire Minnesota portion of that marketing area. The representative of an Order 61 regulated handler, Marigold Foods, at Rochester, Minnesota, which has distribution throughout the marketing area, testified that Marigold competes with Order 68 handlers in all but two of the Minnesota counties in the Order 61 marketing area.

In the Order 60 (Minnesota-North Dakota) marketing area, more than 12 percent of the packaged disposition in May–September 1974 was by plants not regulated under the order. Most of this distribution was from seven Order 68 plants and one Order 76 plant.

In the Order 76 marketing area, 82 percent of the Class I distribution was made by Order 76 handlers during May and September 1974. About seven percent of the Class I distribution was accounted for by handlers regulated under Orders 60 and 61, while handlers regulated under the Nebraska-Western Iowa order accounted for 10 percent of the Class I sales.

In the Order 69 (Duluth-Superior) marketing area, approximately 12 percent of the route sales are from plants not regulated under the order, about half of these originating from Order 68 regulated plants. One Order 68 handler has route sales approximating 30,000 pounds of packaged fluid milk products daily. An Order 61 handler is also making sales in the Order 69 marketing area.

In the Order 68 marketing area, there were route sales by two Order 60 handlers, two Order 61 handlers, and two Order 69 handlers. The proportion of these sales to the total Class I market is relatively small, however.

Overlapping of distribution routes of the handlers regulated under the several orders also occurs in adjacent unregulated areas. A description of handlers' marketing activities in unregulated areas is set forth in detail under Issue No. 3 dealing with extension of the regulated area.

The extent of competition between handlers regulated under the different orders, as indicated above, suggests a significant linkage exists between all of these orders. It is apparent that integration of market structure has occurred to a very large degree between the Minneapolis-St. Paul and the Dairyland markets. In the instance of other markets among the five, a lesser, but significant, sales overlap is noted.

B. *Overlap of Procurement Areas.* The heaviest milk production area in the upper midwest region stretches from southern Wisconsin northerly and northwesterly through Minnesota, including Otter Tail County, Minnesota, and the northeastern corner of Iowa.

Substantial portions of this production area are geographically contained within the regulated marketing areas of the five orders here under consideration. Most of the Grade A milk produced in the region is priced under Federal milk orders, much of it under these five orders.

The degree of procurement overlap is an important factor in market identification, since similarly located producers supplying different markets can be expected to shift to that market with the more favorable price. This could cause disruption to orderly marketing by upsetting supply patterns or cooperative affiliation, particularly when only one cooperative association has access to a particular market.

Data on the record show that, with respect to Orders 61 and 68, there is a common procurement area in 15 of the 20 Minnesota counties in the Dairyland marketing area. In addition, both markets draw supplies from four other Minnesota counties and one Wisconsin county. In 1973, 87 percent of the milk supplied to Order 61 came from Minnesota, 11 percent came from Wisconsin, and the remainder came from Iowa.

The Duluth-Superior market draws supplies from seven Wisconsin counties, all of which are part of the Order 68 milkshed (supply area). Similarly, Order 68 shares four out of the six Minnesota counties from which Order 69 draws supplies. Fifty-four percent of the milk supplies for Order 69 come from Minnesota; the remaining 46 percent come from Wisconsin.

The Minnesota-North Dakota procurement area overlaps that of Orders 68 and 76. Order 68 shares 21 Minnesota counties as a common procurement area with

Order 60. In 1973, Order 60 drew 76 percent of its supplies from Minnesota, 22 percent from North Dakota, and two percent from South Dakota.

The procurement area for Order 76 extends into the milksheds of Orders 60, 68, and 61. In all of these instances, however, the overlaps are modest compared to those described above and compared to the procurement overlap between the Eastern South Dakota and Nebraska-Western Iowa markets. The procurement area for the latter market extends throughout most of the Eastern South Dakota marketing area and into southwestern Minnesota. Seventy-four percent of the milk supplied to Order 76 in 1973 came from South Dakota, 20 percent came from Minnesota, and the remainder came from Iowa and North Dakota.

The above data show a high degree of procurement overlap between Orders 68 and 61, Orders 68 and 69, Orders 68 and 60, and Orders 76 and 65. It demonstrates the potential for producer unrest if Federal order uniform prices in the common procurement areas are significantly different or if producers are denied access to their neighbors' markets. This issue will be discussed more below.

C. *Market Structure and Accessibility.* Substantial changes in the operations of milk handlers and of cooperative associations constitute major modifications of the institutional structure of the markets. These changes, which have been fairly rapid over a period of six years (1969–1974), affect dairy farmers' participation in the returns for milk priced under these orders. Fluid processing plants in these markets have become fewer in number, but generally larger in capacity. The decline in number of plants from 1969 through 1974 is shown in the following table:

Order No.	Number of pooled distributing plants		
	December 1969	September 1974	Change
60	17	5	−12
61	12	7	−5
68	22	16	−6
69	5	4	−1
76	6	4	−2
Total	62	36	−26

The size of cooperative associations in terms of volume of milk marketed also has changed. Several cooperatives now represent a substantial portion of the total milk supply in the five markets. There also are numerous cooperatives handling lesser volumes, particularly on the Minneapolis-St. Paul and Minnesota-North Dakota markets.

In the Southeastern Minnesota-Northern Iowa market, a single cooperative association, Associated Milk Producers, Inc., supplies the largest handler, who processes about 90 percent of the Class I milk pooled under the order. This handler, Marigold Foods, Inc., at Rochester, Minnesota, formerly (in 1968) purchased milk at this plant from ten cooperative associations. At that time, the handler also operated other plants at Austin and Mankato, Minnesota, where milk was received from four other cooperatives.[1] In total, the number of cooperative associations serving the Order 61 area in 1968 was 17, compared to three in September 1974.

In South Dakota, two cooperative associations and a federation of cooperatives supplied the Eastern South Dakota and the Sioux Falls-Mitchell markets prior to their merger in 1965. Presently, one cooperative association, Land O'Lakes, Inc., furnishes the entire supply for the four distributing plants regulated under the Eastern South Dakota market. Land O'Lakes, through a subsidiary, operates the largest of these four plants, accounting for approximately 60 percent of the Class I sales in the marketing area.

The Duluth-Superior market has a supply furnished only by the Twin Ports-Arrowhead Cooperative Dairy, an organization affiliated with Land O'Lakes, Inc. A third cooperative, National Farmers' Organization, was associated with the market in 1972, but subsequently left the market. There are four distributing plans regulated under Order 69. One of them is operated by Land O'Lakes, Inc.

The situation in the Order 60 and 68 markets is substantially different. There were 28 and 34 cooperatives, respectively, in these markets in September 1974. This number includes several relatively small (in terms of members) cooperative associations that market their member milk through the marketing systems of some of the larger cooperatives. In September 1974, there were 16 fully regulated distributing plants under Order 68 and five such plants under Order 60. In addition, there were many pool supply plants associated with each of these markets.

Institutional factors are important in evaluating the effect of separate order regulations compared to a single order. This is illustrated in the comparison of the proportions of milk supplies used in Class I in the several order markets. Specifically, in the Eastern South Dakota, Duluth-Superior, and Southeastern Minnesota-Northern Iowa order markets, there is a substantially higher proportion of supplies used in Class I than in the other two markets, as shown in the following table.

[1] Official notice is taken of the decision issued February 27, 1969 (34 FR 3808).

Class I utilization percentage

	Order 60	Order 61	Order 68	Order 69	Order 76
	Minnesota-North Dakota	Dairyland	Minneapolis-St. Paul	Duluth-Superior	Eastern South Dakota
1970	30	44	43	50	50
1971	27	40	42	52	52
1972	24	44	43	54	48
1973	25	50	40	57	45
1974	22	50	32	60	46
Change 1970–74	−8	+6	−11	+10	−13

The trends in utilization in the separate markets over a period of five years are significant. Orders 61 and 69 have experienced an increase in the percentage of producer milk used in Class I. Because of the buyer-seller arrangements in the three smaller markets, the level of Class I utilization in each of these markets generally can be established by the cooperative association on the basis of a decision as to the quantity of milk that will be pooled under the order. In the Order 61 market, nearly all of the supply is from a single cooperative, Associated Milk Producers, Inc.; likewise, in the Order 69 market, the Twin Ports-Arrowhead cooperative is the only one supplying the market.

The situation in the Eastern South Dakota market is somewhat different, although this market also is supplied by only one cooperative. This market has had a declining percentage use in Class I in recent years.

The effect of different Class I utilizations on returns to producers under the five orders is manifested through the uniform price. The average uniform price for the years of 1970 through 1974 for the five orders is shown in the following table.

	Order 60	Order 61	Order 68	Order 69	Order 76
1970	5.08	5.14	5.19	5.01	5.54
1971	5.19	5.24	5.33	5.26	5.60
1972	5.39	5.51	5.54	5.47	5.76
1973	6.45	6.55	6.56	6.49	6.77
1974	7.46	7.72	7.59	7.74	7.86

From the above table, it is obvious where the additional 1 billion pounds of milk has been pooled; Orders 68 and 60 have absorbed almost all of it. The milk pooled under Orders 61 and 69 has actually decreased during this period.

In view of the preceding considerations, it is apparent that the level of Class I utilization in the Minneapolis-St. Paul market and the Minnesota-North Dakota market more typically represents the impact of the large supplies of Grade A milk available in the region. In contrast, the Class I utilizations in the Order 61 and Order 69 markets reflect a sheltered situation which results from the play of institutional factors and the existence of separate orders.

The change in handlers' and cooperatives' operations has clearly reduced the ability of the four Federal milk orders in their present form to provide dairy farm-

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ers with equitable opportunity for participation in market returns. With respect to the Duluth-Superior and Southeastern Minnesota-Northern Iowa markets, each supplied by one principal cooperative, the existence of separate orders results in segregation of returns for producers on an organizational basis. For instance, in March, 1975,[2] Order 69 Class I utilization was 57 percent, compared to the Minneapolis-St. Paul utilization of 31 percent. The Order 69 blend price exceeded the Order 68 blend by 24 cents per hundredweight at central market locations. Only about 2 cents of this difference can be explained by the 4-cent higher Class I differential. It is clear that the main price difference is because of the higher utilization in Order 69.[3]

Producer milk pooled under 5 orders, 1970–74 (1,000,000 pounds)

	Order 60	Order 61	Order 68	Order 69	Order 76	Total
1970	654	464	1,062	186	187	3,453
1971	745	508	2,115	186	228	3,782
1972	793	460	2,314	181	263	4,011
1973	768	470	2,548	156	281	4,223
1974	814	435	2,835	143	279	4,506

It is readily apparent that a substantial change in price relationship has occurred during this five year period. With respect to Orders 61 and 68, for instance, it is noted that at the beginning of this period, the blend price under Order 68 exceeded the Order 61 price by 5 cents per hundredweight. By 1974, the Order 61 blend price exceeded the Order 68 blend price by 13 cents.

A comparison of blend prices under Orders 68 and 69 shows that in 1970 the Order 68 price exceeded the Order 69 price by 18 cents. By 1974, the situation was reversed, with the Order 69 price exceeding the Order 68 price by 15 cents.

Although substantial differences exist between the blend prices of Orders 60, 68, and 706, testimony at the hearing suggests that the actual prices to producers do not reflect the magnitude of these differences due to rebending of proceeds by cooperative associations with producers in two or more of these markets.

CONCLUSIONS

The facts discussed above lead to several relevant questions in determining the case for merger:

(1) Why has the relationship among these 5 markets changed?

(2) What effect do the changes have on producers marketing milk in this region? and

(3) What form of regulation will best insure orderly marketing for the future?

Part of the reason for the change in Class I utilization and prices to producers is to be found in the influx of newly-converted Grade A supplies pooled under the orders. The total supplies pooled under the five orders increased from 3.5 billion pounds in 1970 to 4.5 billion pounds in 1974. The following table shows how this milk was divided among the five markets.

A similar comparison of uniform prices can be made between the Order 61 and Order 68 markets, where Class I and Class II prices in the two markets are identical. The Order 61 uniform price has been consistently higher since the year 1972. In March and April 1975, the months of flush production, the differences were 17 cents and 22 cents per hundredweight, respectively. In these two months, the Class I utilization under Order 68 was 31 and 30 percent, respectively, while under Order 61 the corresponding percentages were 51 and 54 percent. These differences are significant in an appraisal of the degree to which orderly marketing conditions exist.

The Eastern South Dakota order market, also completely supplied by a single cooperative, has a different milk supply situation than the Dairyland and Duluth-Superior markets. In the case of the latter two markets, there is a significant overlap of milk supply with the Order 68 market. The Eastern South Dakota market, on the other hand, does not obtain substantial amounts of Grade A milk in Minnesota. Its principal supply of Grade A milk comes from within the marketing area and in relatively close proximity to the principal cities therein, i.e., Aberdeen and Watertown in the northern sector of the market, and Sioux Falls, Brookings, Huron, Mitchell, and Yankton, in the southern sector of the market.

Thus, where milk in the heavy production area of Wisconsin and Minnesota (described earlier) is in close proximity to handlers in the territory herein proposed for merger, the Grade A milk supply for much of the Eastern South Dakota market, as well as the handlers' plants in this market, are somewhat removed from such heavy milk production area.

For the four Orders 60, 61, 68, and 69, it must be concluded that present regulation is not resulting in an equitable distribution of market returns, considering that the milk of Grade A dairy farmers throughout most parts of the heavy milk production area is available either to several or all of the four markets. Within the new marketing structures that have developed among suppliers and handlers, competition for fluid outlets has resulted in disorderly marketing conditions for dairy farmers associated with these markets.

It is not uncommon that supply plants associated with one or another of the markets here under consideration have lost their Class I outlets to competition and have been forced, because of the limited pooling base under the order involved, to seek pooling status under other orders. In many situations, alternative outlets can be secured only in distant markets. The milk involved may displace traditional supplies in such markets which then may necessarily have to be disposed of for manufacturing uses. In other instances, the milk has gained pooling status in distant markets without significant performance through loopholes in the structure of the pooling provisions of the orders covering such markets. In usual circumstances, pooling in the distant market results in a lesser return for this upper midwestern milk than would result if the milk could have been pooled locally.

Several plants in Minnesota, formerly regulated by one of the four orders, now are pooled under the Federal milk orders regulating the handling of milk in the Greater Kansas City, Southern Illinois, and Des Moines, Iowa, marketing areas. In other cases, the milk of groups of Minnesota producers has been moved by direct pickup at the farm to the St. Louis Federal order market and to other markets as a means of sharing in the Class I market.

Examples of the changes in plants associated with the Southeastern Minnesota-Northern Iowa (Dairyland) market illustrate the situations just described. In 1970, five supply plants were pooled on the Dairyland market. Two plants were operated by Land O'Lakes, Inc., (at Mountain Lake and Pine Island, Minnesota), one by the Pigeon Falls Cooperative Creamery (at Pigeon Falls, Wisconsin), and one by the A–G Cooperative Creamery (at Arcadia, Wisconsin). Also, at this time, there were as many as seven cooperative associations, including Associated Milk Producers, Inc., supplying milk to proprietary handlers regulated under the Dairyland order. AMPI marketings were by shipment from member producer farms directly to processing plants.

In September 1971, the Land O'Lakes Pine Island plant ceased association with the Dairyland market and was pooled on the Southern Illinois Order No. 32. A further change in the supply arrangements occurred in July 1973, when AMPI qualified a pool supply plant at Owatonna, Minnesota.

In 1974, there was a break in the arrangement by which AMPI had marketed the milk of the Mid-America Twin Lakes plant, Elba Cooperative Creamery at Elba, Minnesota, and the milk of Elgin Cooperative of Elgin, Minnesota. The milk of these cooperatives had been included in the total supply furnished to Marigold Foods at Rochester, Minnesota. In the latter half of 1974, this marketing arrangement was discontinued. As stated by the AMPI witness, the cooperative "• • • replaced that displaced volume with producer volume of our own" when the Alma, Wisconsin, plant of AMPI was qualified for pooling under Order 61 in October 1974.

It is to be expected that this type of evolution of market structure may occur in any case where a single cooperative association has sufficient member milk to supply a relatively small, or medium, volume market. As indicated elsewhere, the Dairyland market is in this respect similar to the Duluth-Superior and Eastern South Dakota Federal order markets.

Contrasting to this situation is the Minneapolis-St. Paul market, where there is a number of cooperative and handler sources of supply. Presently, 34 cooperative associations have milk pooled under that order. This market pool has absorbed some of the supplies that once were associated with the Order 61 or Order 69 markets. Two of the supply plants that previously qualified on the Order 61 market now are regulated on the Order 68 market. A group of producer members of the National Farmers Organization that were previously identified with the Duluth-Superior market changed their market so that their milk now is pooled under the Minneapolis-St. Paul order. In other instances, plants not previously associated with any Federal order market have become pool plants under Order 68.

These aforedescribed marketing conditions, including changes in the market structure, indicate a need for modification of the form of order regulation. The increase in the size of cooperative and proprietary handlers' operations, not only within individual markets but also on a intermarket basis, has made obsolete a continuation of the four separate orders, and calls for some restructuring of the Eastern South Dakota marketing area. The separate regulations for Orders 60, 61, 68, and 69 are not achieving a proper distribution of returns of the fluid markets among the milk supplies immediately available to these markets. As a result, there are disparities in conditions affecting producers marketing their milk under the several orders which have tended to promote dissension among producer groups and uneconomical marketing patterns by cooperative associations.

The situation unquestionably will become increasingly severe as the transition from manufacturing grade milk to Grade A milk progresses.

In Wisconsin, Grade A marketings increased from 7.5 billion to 10.7 billion pounds in 1974. In Minnesota, Grade A marketings nearly doubled, from 1.7 billion in 1966 to 3.4 billion in 1974. Grade A milk and cream marketings in these and other specified states, for the years 1966, 1969 (the year that Dairyland became effective), 1970, and 1974 are shown in the following table:

Grade A milk and cream marketed by farmers [4]

[In million pounds]

State	1966	1969	1970	1974
Wisconsin	7,461	8,889	9,628	10,677
Minnesota	1,690	2,306	2,677	3,356
Iowa	1,105	1,405	1,404	1,647
North Dakota	220	201	227	319
South Dakota	204	202	218	305
Total	10,680	13,003	14,154	16,304

[4] Official notice is taken of the annual publications of "Milk Production, Disposition, Income" by Crop Reporting Board, S.R.S., USDA, covering the periods 1966 through 1974. Estimates of quantities of Grade A milk are derived by applying percentage figures to total marketings.

In total, the increase in Grade A marketings for these States, 1966–74, was 5.6 billion pounds, an average increase of 703 million pounds per year.

The potential for development of an even larger Grade A milk supply is indicated in the following table showing the proportion of the milk production in these states that does not now qualify as Grade A. In Minnesota, for example, about 63 percent of the 9 billion pounds of milk marketed in 1974 was manufacturing grade.

State	Milk and cream marketed in 1974(million pounds)	Percent non Grade A
Wisconsin	17,795	40
Minnesota	9,070	63
North Dakota	910	65
South Dakota	1,385	78
Iowa	3,660	55

Potential milk supplies for these markets from the State of Minnesota alone are indicated by a 1974 annual milk production of over 9 million pounds compared to a total order receipts of 4.5 billion pounds under the five orders. In the general area of Wisconsin from which these orders draw milk supplies (Crop Reporting Districts 1 and 4), total milk production in 1974 was close to 4.5 billion pounds, of which more than half was not pooled under any Federal order. While the volume of production in North and South Dakota is much smaller, the proportion of manufacturing grade milk is even larger. Thus, there is a very large quantity of potentially Grade A milk supplies no more distant than milk presently pooled under these orders. It can be expected there will be a continuing tendency for many of the dairy farmers producing manufacturing grade milk to improve their operations to attain Grade A qualification.

It is expected that cooperative associations and handlers will seek to pool under the upper Midwest Federal order markets most of the increase in the production of Grade A milk in the area. This cannot be accomplished under the framework of the existing orders, however, because the growth of Grade A milk supplies will be much greater than the growth of fluid requirements of these markets. Grade A milk pooled on the five markets increased 38 percent from December 1969 to December 1974, but the quantity used in Class I increased only 3 percent.

Because of this situation, the coordination of order pricing and pooling is vitally important in this area. Each of the markets here under consideration is affected by this supply situation, although in certain markets this is obscured by institutional factors that inhibit free adjustment of supplies among the markets.

The incentive for dairy farmers is to pool their milk where the highest return is available. With equal access to the respective markets, this would result in an equalization of returns under the several orders. If such balancing of milk supplies among the markets occurred, orderly marketing conditions would be manifested by the unfettered association of milk supplies according to price incentives. This, however, is not the case since two of the markets have seemingly absorbed a disproportionate share of the area milk supplies.

In addition to removing the basic problem of sharing the returns among all of the Grade A producers in this area, the proposed merged order will promote greater efficiency in the moving and handling of milk. Present efforts of cooperative associations and handlers to pool on these markets the milk produced in associated production areas involve movements unrelated to economical supply systems for a particular market. This is true also when supplies produced in this area are pooled on other more distant markets. The proposed merged order will provide a broad basis for pooling Grade A milk supplies produced within and close to the proposed marketing area, and will obviate shipments of milk for the sole purpose of attaining pooling status.

The merger action will also reduce uneconomic milk handling resulting from cooperatives attempting to maintain or adjust levels of Class I utilization in individual markets. Circumstances where a cooperative association attempts to balance milk supplies and Class I utilization levels between two markets, or a cooperative handling the major supply in a single market arranges to limit supply, foster uneconomical supply arrangements. Because the merged order would equalize Class I utilization over the entire area, the incidence of uneconomic handling of milk would be minimized.

OPPOSITION TO INCLUSION OF THE DULUTH-SUPERIOR MARKET

In opposition to merging the Duluth-Superior market with the other markets, a representative of the Twin Ports-Arrowhead Cooperative Dairy stated that

[2] Official notice is taken of data for these markets in Federal Milk Order Statistics, January–May 1975, USDA, Agricultural Marketing Service.

[3] In some prior periods, such price comparisons would involve the different Class II price formulas under the two orders. Prior to August 1, 1974, when the Duluth-Superior and Minneapolis-St. Paul orders were amended to establish a three class system, the Duluth-Superior Class II price was different from the Minneapolis-St. Paul market. Such Class II price, based on a butter-powder formula, was $1.43 per hundredweight lower than the Order 68 Class II price in February 1974. As a result, the Order 69 uniform price was lower than the Order 68 uniform price in spite of a 55 percent Class I utilization in Order 69 compared to a 30 percent Class I utilization under Order 68.

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this market is isolated geographically and has its own special supply of milk. He contended that the market's production area has a uniqueness due to such factors as a short growing season and lack of alternative agricultural enterprises, all of which result in production costs higher than other areas to the south supplying the Twin Cities and other Minnesota markets.

Except for institutional arrangements, which can affect the sources of a market's milk supply, alternative milk supplies in the heavy milk production region are amply available to the Duluth-Superior market.

The Duluth-Superior supply area in Minnesota and Wisconsin abuts and, in some measure, overlaps the heavy milk production region described elsewhere in these findings: About 32 percent of the milk pooled on the Order 69 market in December 1973 was produced in an east-west corridor of counties contiguous to the Order 69 marketing area on the south (Pine County, Minnesota, and Burnett, Washburn, and Sawyer Counties, Wisconsin.) This area is adjacent to the heavy production area in Polk and Barron Counties, Wisconsin, where a substantial volume of the milk produced is pooled under Order 68. As pointed out earlier, there are a number of counties in which both markets have supplies. Barring institutional factors, there is no apparent reason why the ample supplies described should not be as equally and economically available to the Duluth-Superior market as to the Minneapolis-St. Paul market. In the latter market, the volume of milk pooled is generally in excess of the market's fluid needs; therefore, not all such supplies are bound to that market by a need to meet fluid demands.

Opponents argue that separate regulation is needed for the Duluth-Superior area to maintain a higher price there than in areas to the south. However, opponents ignore the fact that substantial supplies of milk in this same area are now being pooled under the Minneapolis-St. Paul order at a substantially lower price. For instance, data introduced at the hearing show that in December 1973, more milk from Pine County, Minnesota—the biggest supply county for the Duluth-Superior market—was being pooled under Order 68 than under Order 69. In that month, 2.44 million pounds of milk were pooled on the Minneapolis-St. Paul market compared to 2.38 million pounds that were pooled on the Duluth-Superior market. Similarly, with respect to Bayfield and Ashland Counties in Wisconsin, which are part of the Duluth-Superior marketing area, more milk from those counties went to Order 68 than to Order 69.

Equity can only be achieved if all producers in this common supply area share equally in the proceeds of the several fluid markets. Accordingly, the declared policy of Act, to assure an adequate supply and to provide orderly marketing, can most appropriately be carried out by inclusion of the Duluth-Superior order in the Upper Midwest marketing area.

SEPARATE REGULATION FOR THE EASTERN SOUTH DAKOTA MARKET

The southern portion of the Eastern South Dakota order market should not be included in the merged order. However, the northern tier of five counties (McPherson, Walworth, Edmunds, Brown, and Day, referred to throughout this discussion as the "five-county area"), should be incorporated into the new Upper Midwest order marketing area. The remaining portion of the Order 76 marketing area should be extended to include the presently unregulated South Dakota counties of Brookings and Deuel, and the presently unregulated Minnesota counties of Lincoln, Pipestone, and Nobles. This extension is discussed elsewhere under the subject "additional territory to be regulated".

Testimony of milk dealers and producer groups generally opposed the merger of the Order 76 market with the other four order markets. The only expression of support for merger of Order 76 came from the National Farmers Organization.

It was the general consensus of most witnesses testifying on this matter that Order 76 was more integrated with the Nebraska-Western Iowa order from a standpoint of procurement and Class I sales than with other markets here considered for merging and should not, therefore, be included in this merger. A factor relied upon by Land O'Lakes in opposing the inclusion of the Eastern South Dakota market was the intermingling of producers with those for the Nebraska-Western Iowa market.

The Eastern South Dakota marketing area presently encompasses most of the eastern one-third of South Dakota. It is an elongated marketing area extending from the North Dakota border to the Nebraska state line, a distance, north-south, of about 270 miles.

The portion of the Eastern South Dakota marketing area herein proposed to be merged with the Minnesota markets is comprised of a tier of counties joined on the north with the Order 60 marketing area. An extension of this corridor of counties east to the Minnesota border also covers an area of three South Dakota counties, Marshall, Roberts, and Grant, which now are part of the Order 60 marketing area.

The principal city in the five-county area proposed to be annexed to the Upper Midwest marketing area is Aberdeen with a 1970 population of 26,476. Aberdeen, in Brown County, is about 40 miles south of the North Dakota state line and the Order 60 marketing area. It is the only large population center throughout the five-county area.

Aberdeen is located 180 miles from the Fargo-Moorhead complex in the Order 60 marketing area, and 210 miles from Sioux Falls, the largest city in the Order 76 marketing area.

The marketing of Grade A milk in the five-county area in the northern sector of the Order 76 market is closely integrated with the Order 60 marketing area. The three South Dakota counties regulated under Order 60, with the five hereto with proposed for annexation with the Upper Midwest market, are a part of the supply area for Grade A milk pooled on the Order 60 market. Also, some milk supplies in the adjoining North Dakota counties in the Order 60 marketing area are pooled on the Order 76 market. Local handlers supplying fluid milk products in the northern area of the Order 76 market are the DeVries Dairy, Inc., located in Aberdeen, in Brown County, and Blue Valley Dairy, a producer-handler, located at Hoven, in Walworth County. The fluid milk sales of the two handlers do not extend outside the present Order 76 marketing area.

The Cass Clay Creamery, Inc., operates a partially regulated distributing plant at Mandan, North Dakota, and a distributing plant regulated under Order 60 at Fargo, North Dakota. These bottling plants distribute directly, and through jobbers, into the five-county area. The Mandan plant, by virtue of its sales into both the Order 76 and Order 60 marketing areas, now is partially regulated under both such orders. Cass Clay also operates a butter-powder manufacturing operation at Fargo, North Dakota, and a cheese manufacturing plant at Aberdeen, South Dakota.

The Fairmont Foods Company operates a distributing plant at Moorhead, Minnesota, pooled under Order 60, and a distributing plant in Minneapolis, Minnesota, pooled under Order 68. From these plants, fluid milk products are distributed into the Order 76 marketing area as well as in Orders 60 and 68.

In the remaining territory of the Order 76 marketing area proposed to be left out of this merger are located the other distributing plants pooled under Order 76. These are: Culhanes Dairy, Mitchell, South Dakota; and Terrace Park Dairy and Lakeside Dairy, both located in Sioux Falls.

The representative of Lakeside Diary testified to having about 30 percent of the total Order 76 Class I market and Terrace Park Dairy about 60 percent. Both handlers distribute fluid milk products into the Nebraska-Western Iowa market. The Lakeside handler's distribution in the Order 65 market is confined to the Sioux City area.

Sioux Falls, (Minnehaha and Lincoln Counties), the largest city in South Dakota (urbanized area population of 75,000), is located in the southeast corner of the State. Sioux Falls is about 60 miles from the Nebraska border and 85 miles from Sioux City, Iowa (urbanized area population of 95,937), one of the principal cities in the Nebraska-Western Iowa marketing area.

In view of the significant sales and procurement relationship with the Nebraska-Western Iowa market, it is concluded that this area should be left out of the Upper Midwest marketing area and reserved for later consideration for merger with the Nebraska-Western Iowa market. The northern sector of the present Eastern South Dakota marketing area is an integral part of the board Upper Midwest market have being considered. An appropriate price level for

this area can be readily adopted to the structure for the merged order. This matter is discussed in more detail under item 4(c) of the findings.

3. *Additional territory to be regulated.* The merged Upper Midwest marketing area should include additional territory, presently unregulated, comprised of: 15 Wisconsin counties, and the portions of St. Croix and Pierce Counties, Wisconsin, that are not now a part of the Order 68 marketing area; and 18 counties in Minnesota and the portion of St. Louis County that is not now a part of the Order 69 marketing area. Three Minnesota counties (Lincoln, Pipestone, and Nobles) and two South Dakota counties (Brookings and Deuel) should be included in the Eastern South Dakota marketing area.

Reasons advanced by proponents for regulation of such territory were:

a. A significant share of the Class I sales in the unregulated territory is made by regulated handlers in competition with unregulated handlers;

b. Although the unregulated handlers have a high Class I utilization, they do not buy milk on a classified use basis. Thus, they have a competitive cost advantage compared to regulated handlers;

c. The Federal order pools carry the burden of reserve supplies that unregulated handlers depend on and purchase to supplement their regular sources during the short production season; and

d. The unregulated territory is contiguous to the present marketing area.

ADDITIONAL WISCONSIN TERRITORY

The Wisconsin territory to be included in the Upper Midwest marketing area (referred throughout these findings as the 17 Wisconsin counties) includes all but one (Jackson County) of the 18 counties proposed for regulation as set forth in the hearing notice. The 17 Wisconsin counties included in the merged and expanded marketing area are:

Barron	Polk
Buffalo	Price
Burnett	Rusk
Chippewa	Sawyer
Clark	St. Croix (remainder
Dunn	Taylor
Eau Claire	Trempealeau
Pepin	Washburn
Pierce (remainder)	

The total 1970 population of the 17 Wisconsin counties including all of Pierce and St. Croix, is 415,747. Eau Claire County with 67,219 persons, Chippewa with 47,717, and St. Croix with 34,354, (1970 U.S. Census of Population), are the three counties with largest population. A portion of St. Croix County is now regulated under Order 68. The three largest cities in these 17 counties are Eau Claire (about 45,000), Chippewa Falls (12,351), and Menomonie (11,275).

Three producer organizations supplying one or more of the five fluid markets proposed the regulation of additional territory in Wisconsin. Mid-America Dairymen, Inc., proposed that all the foregoing 17 Wisconsin counties, together with Jackson County, be included in the marketing area of a single order, combining Orders 60, 61, and 68. The National Farmers Organization, in connection with its proposal to combine all five markets into a single regulation, proposed inclusion of 13 of the 18 Wisconsin counties noticed in the hearing proposal (excluding Clark, Jackson, Price, Rusk, and Taylor).

Land O'Lakes, Inc., initially proposed the inclusion of all but Chippewa County of the 18 Wisconsin counties proposed for regulation; such proposal was included in the notice of hearing. In its post-hearing brief, however, this cooperative withdrew its support for the regulation of seven of the 18 Wisconsin counties, i.e., Clark, Jackson, Price, Rusk, Sawyer, Taylor, and Trempealeau. The cooperative, in its brief, argued that Order 30 handlers market a greater volume of Class I milk in these counties than Order 68 handlers. The cooperative contends, therefore, that consideration should be given to their regulation under Order 30.

Opposition to regulation of all 18 Wisconsin counties was stated in testimony in behalf of the unregulated milk handlers now marketing Class I milk there.

This additional territory (17 counties) should be brought under regulation to implement continuing orderly marketing for dairy farmers supplying regulated handlers, as well as unregulated handlers, marketing milk therein. Milk is disposed of in this territory by regulated handlers on routes as well as in the form of bulk supplemental supplies to unregulated handlers.

In the 17-county Wisconsin area, there is milk distribution by handlers regulated under three of the five orders (Orders 61, 68, and 69), several milk handlers regulated under the Chicago Regional order, and a number of unregulated milk plants. It is established that such unregulated handlers receive approximately 8.1 million pounds of milk monthly.

Ten of the 17 counties (Price, Sawyer, Washburn, Burnett, Polk, St. Croix, Pierce, Pepin, Buffalo, and Trempealeau) join the present marketing areas of either Order 61, 68, or 69. Geographically, the ten counties form the northern, western, and part of the southern extremities of the Wisconsin territory proposed to be regulated.

Adjacent thereto, in Barron and Eau Claire counties, respectively, are located the two principal unregulated handlers in the proposed Wisconsin territory. These are the Dolly Madison Dairies, Inc., at Eau Claire (Eau Claire County), and Gustafson Ice Cream and Dairy Company at Rice Lake (Barron County). The two unregulated handlers have substantial fluid milk sales in the territory made up of the 10 Wisconsin counties that are contiguous to the present regulated markets.

The Dolly Madison Dairies now is a partially regulated handler under Orders 68, 69, and 30 by virtue of sales into the respective marketing areas; the Gustafson Ice Cream and Dairy Company is partially regulated under Order 69. The primary business of these two handlers is fluid milk products disposition. Together, they have wide distribution of fluid milk products throughout the 17-county Wisconsin area.

Handlers now regulated under Orders 61, 68, and 69, respectively, dispose of 50 percent or more of the total fluid milk disposition in St. Croix (the unregulated portion), Polk, Burnett, and Buffalo Counties. The Gustafson Ice Cream and Dairy Company markets about 20 percent of the plant's Class I milk disposition in these four counties. The inclusion of the four counties in the regulated area, therefore, would result, under proposed pooling standards, in the full regulation of the Gustafson plant.

The Gustafson plant receives milk from about 52 Grade A dairy farmers located in the surrounding production area. About 27 million pounds of milk is received annually from such dairy farmers, roughly 90 percent of which is disposed of in the form of fluid milk products. This handler also purchases annually about 276,000 pounds of milk from a plant located in Rice Lake and purchases certain fluid milk products from an Order 68 regulated plant. Gustafson distributes fluid milk products in all but one (Pepin) of the 17 Wisconsin counties herein proposed for regulation.

The Dolly Madison plant also has a large proportion of its fluid milk products disposition in the 17-county area. About 7.5 percent of Dolly Madison's sales are disposed of in marketing areas of Federal Orders 68, 69, and 30, and roughly 83 percent of its sales are disposed of in 16 of the 17 unregulated counties adopted herein for regulation. It has no fluid milk sales in Burnett County, Wisconsin.

Dolly Madison Dairies is a division of Marigold Foods, Inc., of Rochester Minnesota. The bottling operation receives approximately 50 million pounds of milk annually from about 100 Grade A bulk producers located in the surrounding production area. Close to 90 percent of the milk handled is disposed of in the form of fluid milk products. In addition to milk purchased from dairy farmers, Dolly Madison purchases regulated milk, both bulk and packaged, equal to about 10 percent of its total annual fluid milk sales. It purchases annually about 4 million pounds of bulk skim milk pooled under Order 68 from Mid-American Dairymen, Inc. It also purchases packaged fluid milk products from Marigold Foods, Rochester, Minnesota, an Order 61 pool plant.

The inclusion of the 17 Wisconsin county territory in the merged and extended marketing area will bring under full regulation several additional unregulated distributors whose sales areas are more localized in scope than the Dolly Madison and Gustafson operations.

The Knapp Creamery Company, located at Knapp (Dunn County), Wisconsin, is a bottling plant that receives about 6 million pounds annually from 12 Grade A producers. About 70 percent of this Grade A milk is disposed of as Class I fluid milk products. The Knapp Creamery Company markets Class I products in Dunn County, in St. Croix County (abutting Dunn County on the

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west), and in Pepin County, which abuts the Order 61 marketing area.

The Hayward Dairy, a bottling plant located in Hayward (Sawyer County), Wisconsin, purchases about 2 million pounds of milk annually from two Grade A producers. It also purchases packaged milk from the Gustafson Ice Cream and Dairy Company. While the fluid milk distribution of this handler is largely confined to Sawyer County, some sales are made in the Duluth-Superior market. As a consequence, the plant is a partially regulated distributing plant under Order 69.

Hillside Dairy, located in Cadott (Chippewa County), Wisconsin, receives about 2 million pounds of milk annually from three Grade A dairy farmers. The milk is utilized principally in packaged fluid milk products distributed in Chippewa County through dairy stores owned by Hillside Dairy.

The Hoffman Dairy, located in the town of Thorp in Clark County, Wisconsin, receives about 1 million pounds annually from one producer, of which approximately 400 thousand pounds is packaged in fluid form for route disposition. Additional packaged milk in quantities not specified on the record are purchased from Dolly Madison Dairies. Hoffman Dairy distributes Class I products in Clark, Chippewa, and Taylor Counties, Wisconsin.

A primary consideration in the need for extending regulation to the 17-county territory included herein is the lack of uniform pricing for milk marketed there. Handlers now regulated under the present orders operate in competition with unregulated handlers not subject to a classified price plan in the proposed area of extension. The unregulated handlers distributing milk therein pay their farmers prices unrelated to the class use value of their milk, even though a high proportion of their milk receipts is utilized for Class I disposition. Because of this, the unregulated handlers achieve a raw product cost well below the cost to regulated handlers for the same type of utilization.

This cost advantage is greatest when an unregulated handler limits his Grade A receipts to accommodate only his immediate Class I needs and relies on supplementary milk supplies from plants and/or cooperatives during the seasonally short production months of the year. The handler likely must pay a price to his dairy farmers that matches, or betters, the uniform price that regulated handlers are paying. Such pay price of the unregulated handler, however, usually is substantially lower than the classified use value that regulated handlers would be required to pay for the same utilization.

Prices paid by Dolly Madison during January through September 1974, compared with prices based on Order 68 class values, as adjusted for the Eau Claire location, show that in only one month of the 9 months was the Dolly Madison pay price above the estimated class use value. In the remaining eight months, January through August 1974, the actual producer pay price of this handler ranged from 5 cents to $1.29 below the estimated class use value. These price differences over the 9-month period averaged approximately 50 cents below the class use value of the milk.

Similarly, the Gustafson pay price was 2 cents higher than the classified use value in September 1974, but for the months of January through August 1974, was 5 cents to $1.28 below the class use value at the Rice Lake location. The pay prices on the average were 49 cents per hundredweight lower than the class use value during this 9-month period.

A representative of the Dolly Madison Dairies, testifying also in behalf of six other unregulated handlers, opposed the inclusion of the proposed 18-county Wisconsin territory. He contended that there is no specific evidence of disorderly marketing conditions or any serious competitive problems in milk procurement between unregulated handlers and regulated handlers. Incorporating the unregulated Wisconsin territory into the marketing area, he said, would subject them to additional raw product procurement costs because of equalization payments to the order pool for the classified use value of their milk.

The pricing policy of the Dolly Madison and Gustafson, according to this spokesman, is to pay a flat price determined from the blend prices paid in the adjoining Federal order markets. The pay prices of the two handlers, thus, are not based upon their Class I utilization, which is 90 percent or more. The witness stated that, nevertheless, Dolly Madison pays its dairy farmers equal to or better than the Order 68, 69, or 30 blend prices and, accordingly, such dairy farmers would have nothing to gain by the regulation.

It was also contended that marketing conditions are not significantly different than shown in the 1968 hearing that considered expansion of the Order 68 marketing area to include the Wisconsin counties of Polk, St. Croix, Pierce, Dunn, Barron, Chippewa, and Eau Claire. Of these seven Wisconsin counties, only certain townships in Pierce and St. Croix Counties were incorporated in the Order 68 marketing area. It was found that regulated handlers had a substantial portion of the sales in such added areas. Official notice is taken herewith of the decision of the Under Secretary issued February 27, 1969 (34 FR 3833) on the aforesaid hearing record in which percentages of Class I sales by regulated handlers were cited for four Wisconsin counties.

The change since the 1968 hearing in Class I distribution in these four counties by regulated handlers, as per the November 1974 record, are shown in the following table:

Estimated percentage of Class I sales by regulated handlers

	1968 estimates	1974 estimates
Barron	2–8	4–10
Dunn	3–6	9–25
Eau Claire	3–15	16–28
Chippewa	2–3	29–45

In certain other counties not considered in the 1968 proceeding, but considered on this record, regulated handlers have the majority of total Class I marketings. In this respect, this record concerns a broader area of the Wisconsin area adjoining the present marketing area than in the 1968 proceeding, and the evidence indicates a more substantial relationship between marketing in this area and the merged markets than that described in the 1968 record.

Because fluid milk sales vary from day to day (primarily with the day of the week) and from month to month, and milk production varies seasonally, a reserve of production over the average daily volume of fluid sales is necessary to assure a reliable supply. The quantity of reserve needed is proportionate to the volume of Class I disposition of the handler or the market. Milk not actually utilized in Class I disposition, and which is necessarily classified as Class II or Class III milk, returns to producers only the lower value commensurate with such use.

A uniform price plan applicable to all handlerrs offering milk for sale in the expanded area should be made effective by bringing this area within the boundaries of the marketing area of the merged and expanded order. This will tend to stabilize and improve marketing conditions in the specified areas.

A witness for the Central Milk Sales Agency (an association of seven cooperatives, all of which operate pool supply plants under the Chicago Regional Order No. 30) testified in opposition to regulation of additional Wisconsin territory under the merged order. The principal reason given was that the merged order would not provide a suitable pricing plan in the proposed 18-county Wisconsin area, particularly in relation to the Order 30 Chicago Regional Federal order market.

In its post-hearing brief, however, CMSA stated that seven of the proposed Wisconsin counties, Burnett, Polk, St. Croix, Pierce, Dunn, Pepin, and Buffalo, should be included in the Order 68 marketing area. The association brief opposed the expansion of the order to the other 11 Wisconsin counties (Sawyer, Rusk, Chippewa, Eau Claire, Trempealeau, Jackson, Clark, Taylor, Price, Washburn, and Barron), stating that regulation of the latter 11 counties (which constitutes an area where a substantial share of fluid milk sales are made by seven unregulated handlers) should be delayed pending a hearing to consider the regulation of the area under the Chicago Regional order.

With respect to this 11-county area, the association argues that distribution by Order 30 handlers exceeds the volume of distribution by Order 68 handlers in Price, Taylor, Clark, Jackson, and Trempealeau Counties. They reason that inclusion of these five counties under the Chicago Regional order would subject the Dolly Madison plant to full regulation, and inclusion of additional counties where Dolly Madison has Class I sales would regulate the Gustafson operation.

On the other hand, the association's request that seven Wisconsin counties be included in the Order 68 marketing area would result in regulation of the Gustafson Ice Cream and Dairy Company, and probably the Dolly Madison plant, under Order 68. The seven counties proposed by the association include about 30 percent of Gustafson's Class I milk distribution and about 16 percent of the Class I disposition of the Dolly Madison plant. Under the terms of the merged order, a distributing plant with 15 percent route disposition in the marketing area becomes a fully regulated pool plant.

An official of the Consolidated Badger Cooperative, with membership under the Chicago Regional order, requested that 10 Wisconsin counties, Sawyer, Barron, Rusk, Chippewa, Eau Claire, Trempealeau, Jackson, Clark, Taylor, and Price, not be regulated under the merged order. His expressed reasons were that a substantial portion of the milk consumed in the 10 counties, together with the unregulated portions of Wood and Marathon Counties, is already subject to Order 30 regulation; more than 1300 dairy producers in all 12 counties participate in the Order 30 program; and that regulation under Order 30 of all handlers in the 12 counties would provide for greater equity among both handlers and producers.

The factors cited by the Consolidated Badger representative do not present any material considerations not already dealt with, and, except for Jackson County, the requests for exclusion from regulation of the specified Wisconsin counties are denied.

Jackson County should be excluded from the marketing area of the merged order. This is the only county among the 18 wherein a majority of the fluid milk sales are made by Order 30 handlers. Moreover, the extension of regulation under the merged order to Jackson County alone, in contrast with the other Wisconsin counties proposed for regulation, might be such that a single milk distributor, located therein and already regulated under the Chicago Regional order, would instead be regulated under the Upper Midwest order.

The Thomas Brothers Dairy Company at Black River Falls (Jackson County), a distributing plant pooled under the Chicago Regional order, has a majority of the sales of fluid milk products in Jackson County. This handler's sales are generally localized in character, although some fluid milk product distribution is made by this handler in certain communities in Eau Claire, Chippewa, Clark, and Trempealeau Counties.

The class prices under the merged order and the Chicago Regional order would be identical at the Black River Falls location. Extension of the marketing area into Jackson County is not necessary to the full regulation of the presently unregulated handlers in northwestern Wisconsin. Consequently, no purpose would be served by the inclusion of Jackson County in the marketing area. Moreover, the majority of the Grade A milk produced in Jackson County is now priced under the Chicago Regional order. Thus, it would be more appropriate that the Black River Falls handler remain regulated in the Chicago market, where his major milk procurement competition is.

ADDITIONAL MINNESOTA AND SOUTH DAKOTA TERRITORY TO BE REGULATED

Several proposals by cooperative associations would include all of the 22 unregulated Minnesota counties and two South Dakota counties in a regulated area, either a combination of all five markets into a single regulation or in several combinations of markets.

The unregulated territory in northeast Minnesota is a 10-county area between the marketing areas of the Minnesota-North Dakota order on the west, the Minneapolis-St. Paul and Duluth-Superior orders on the east, and the Canadian boundary on the north. In southwest Minnesota, there are 11 unregulated counties between the marketing areas of the Minnesota-North Dakota and Eastern South Dakota orders on the west and the Minneapolis-St. Paul and Southeastern Minnesota-Northern Iowa orders on the east. In the extreme southeast of the state, Houston County is unregulated.

NORTHEASTERN MINNESOTA

Ten counties in northeastern Minnesota were proposed by various parties as extensions of either the merged marketing area or the Duluth-Superior marketing area. These counties are: Aitkin, Cass, Cook, Crow Wing, Itasca, Koochiching, Lake, Morrison, St. Louis, and Todd.

This area had a population of 302,165 in 1970. This figure does not include Duluth in St. Louis County, which is part of the Order 69 marketing area and which has a population over 105,000. In April, 1974, regulated handlers under Orders 60 and 68 distributed about 1.1 million pounds of fluid milk products into these unregulated northeastern counties.

Proposals by Land O'Lakes, Inc., and NFO would extend regulation to eight of the northeastern Minnesota unregulated counties (excluding Lake and Cook). In its post hearing brief, Land O'Lakes modified its proposal, urging that the counties of Cass, Todd, Crow Wing, Morrison, and Aitkin be included in any merged order, and the counties of Koochiching, Itasca, St. Louis, Lake, and Cook be added to the Order 69 marketing area or, in the alternative, to the merged marketing area, if the Duluth-Superior market is included. Mid-America Dairymen, Inc., had proposed for the hearing the regulation of Todd, Morrison, Aitkin, Cass, and Crow Wing Counties, but held in its post hearing brief that the merged order should include all of the Minnesota unregulated counties except Koochiching, Itasca, Lake, and Cook.

The Twin Ports-Arrowhead Cooperative Dairy, representing producers supplying milk in the Duluth-Superior market, proposed the continuance of this market, Order 69, as a separate regulation and expansion of the order to include the unregulated Minnesota counties of Cook, Lake, Itasca, Koochiching, and the remaining unregulated territory in St. Louis County.

Regulated handlers market a substantial portion of the total fluid milk sales in each of the counties in the northeast territory here adopted as part of the merged marketing area. Witnesses for two cooperative organizations indicated that regulated handlers have about 70 to 85 percent of total fluid milk sales in Aitkin County, 65 percent in Cass County, 55 percent in Crow Wing County, 65 to 73 percent in Koochiching County, and 90 to 93 percent in St. Louis County.

The Order 68 handlers include: Clover Leaf Creamery Co. of Minneapolis, distributing in Aitkin, Cass, Crow Wing, and Morrison Counties; Ewald Bros. of Minneapolis, distributing in Aitkin, Cass, Crow Wing, and Morrison Counties; Fairmont Foods, Inc., of Minneapolis, distributing in Morrison County; Land O'Lakes, Inc., at St. Paul, distributing in Aitkin, Cass, Crow Wing, Itasca, Morrison, and Todd Counties; Minnesota Milk Co. at St. Paul, distributig in Aitkin and Todd Counties; Purity Milk Co., St. Cloud, Minnesota, distributing in Aitkin, Morrison, and Todd Counties; and Hastings, Co-op Creamery Company, Hastings, Minnesota, distributing in St. Louis County.

Order 69 handlers include: Land O'Lakes, Inc., Bridgeman Division at Duluth, distributing in Itasca, Koochiching, and St. Louis Counties; Franklin Creamery Company at Duluth, distributing at Aitkin, Koochiching, and St. Louis Counties; Lester River Dairy, Inc., at Duluth, distributing in St. Louis County; and Russell Creamery, Superior, Wisconsin, distributing in St. Louis County.

Order 60 handlers distributing in the ten counties include: Cass Clay Creamery, Inc., at Fargo, North Dakota, distributing in Cass, Koochiching, and Todd Counties; and Fairmont Foods, Inc., at Moorhead, Minnesota, distributing in Cass, Koochiching, Morrison, and Todd Counties.

The Meadow Gold Dairies at Brainerd, Minnesota (Crow Wing County), also has marketed fluid milk products in eight of the 10 counties, Aitkin, Cass, Crow Wing, Itasca, Koochiching, Morrison, St. Louis, and Todd. The Brainerd plant, at the time of the hearing, was partially regulated under these three orders by virtue of route disposition into the marketing areas of Orders 60, 68, and 69. During the months of generally short production, the Meadow Gold plant has received as much as 48,000 pounds daily in supplemental supplies of pool

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milk from Order 68 sources. It was the opinion of one cooperative furnishing such supplemental supplies that the Brainerd plant receives approximately an equal amount of milk directly from dairy farmers.

It appears from the record of the hearing that the Brainerd operation would be regulated by the inclusion of the 10 named counties proposed herein to be included in the marketing area. However, as a matter of public knowledge, the Grade A operation of this plant has been closed, and the associated fluid milk sales have been absorbed in the operations of other handlers. The Meadow Gold Dairies was not represented at the hearing and no post-hearing brief was filed to indicate the position of this handler with regard to the issues under consideration.

In St. Louis County, 85 percent of the total fluid milk sales are made by regulated handlers. There are four unregulated plants in this county; milk from these plants is distributed in Itasca and St. Louis Counties. Operators of the four plants oppose the regulation of Itasca and St. Louis Counties.

The populated areas in St. Louis County include the city of Duluth with a population of 105,000, Hibbing Village, 16,000, Virginia, 12,450, and Chisholm, 5,913. The unregulated fluid milk distributors in St. Louis County are clustered along U.S. Route 169 about 60 miles north of Duluth. The Island Farm Creamery Company is located at Hibbing; Aysta Dairy at Virginia; the Mesaba Dairy at Chisholm; and Wiinanen Dairy at Iron.

A representative of Island Farm Creamery Company, testifying also for the other unregulated handlers in St. Louis County, acknowledged competing with several regulated handlers in areas he serves in Itasca and St. Louis County. He claimed that the "Iron Range" unregulated milk plants process at least 50 percent of the total milk sold in Grand Rapids, which includes about half the total population of Itasca County (17,570). He also claimed that over half the milk sold in other small communities, including Cooley, Coleraine, Marble, and Bovey, in Itasca County, and Hibbing in St. Louis County, also is sold by the Iron Range milk distributors. The combined 1970 poulation of these communities is about 18,000. Further the witness claimed that a jobber for Island Farms, together with the Wiinanen and Aysta operations, has about 50 percent of the total sales in Virginia, a city of 12,450 in St. Louis County.

The Island Farm Creamery and the other unregulated plants distributing fluid milk in the St. Louis-Itasca area receive milk from dairy farmers and, in the short production season, obtain supplemental milk supplies from Order 68 sources, including two cooperative associations that are proponents of regulation of St. Louis and Itasca Counties. Thus, the four unregulated handlers are relying on the regulated markets to carry reserves for their operations. These unregulated handlers do not pay dairy farmers for milk on a classified-use basis. The witness for Island Farm Creamery indicated his price to farmers is essentially geared to uniform prices of regulated markets that reflect a much larger proportion of milk in manufacturing use than in his operation.

In these circumstances, prices paid by handlers doing business in Itasca and St. Louis Counties are not uniform as between regulated and unregulated plants; producers are not being paid the full classified use value for milk supplied to the unregulated plants; and the proceeds from the higher valued fluid milk sales and the burden of carrying the reserve milk supply is not being shared equitably as between producers supplying regulated plants and those supplying unregulated plants. Full regulation of this territory would assure uniformity of prices to all handlers doing business in the area, as well as uniformity of returns to all producers supplying milk for sale in the area.

It is concluded, therefore, that Itasca and St. Louis Counties should be included in the marketing area of the merged order. It is further concluded that the Minnesota counties of Lake and Cook also should be included in the designated marketing area of the merged orders.

The Twin Ports-Arrowhead Cooperative Dairy proposed that the two counties (Lake and Cook), together with other specified territory in Minnesota and Wisconsin, be included in an expanded marketing area for the Duluth-Superior Order 69. Since the Duluth-Superior marketing area would be in the merged marketing area, it is necessary to consider whether Lake and Cook Counties should be included also.

These two counties, in the northeastern part of the state, are bounded on the north by the Canadian border, on the south by Lake Superior, and on the west by St. Louis County.

The representative for the Twin Ports-Arrowhead Cooperative Dairy testified that regulated handlers distribute all fluid milk products sold in Cook County and about 80 percent of the total fluid milk sales in Lake County. Unregulated handlers, this witness testified, have some fluid milk sales in Lake County.

There are no known milk plants located in Lake and Cook Counties. Both counties are small in terms of population. Cook County in 1970 had a population of 3,423 and Lake 13,351.

The unregulated handlers who have sales in Lake County were not identified, but could be one or more of the unregulated handlers with plants in St. Louis County. The regulation of these two counties likely will assure that such unregulated plants will have their entire sales distribution in the regulated marketing area. There was no opposition to the proposals to regulate Cook or Lake Counties.

SOUTHWESTERN MINNESOTA-EASTERN SOUTH DAKOTA

The 11 counties proposed for regulation in southwestern Minnesota are Chippewa, Jackson, Lac Qui Parle, Lyon, Murray, Nobles, Pope, Swift, Yellow Medicine, Pipestone, and Lincoln. There was no opposition expressed to regulation of milk handled in the unregulated southwestern Minnesota territory.

At the time of the hearing, milk distributed in these unregulated counties was from several regulated handlers and one plant not regulated by a Federal order, Oak Grove Dairy (Plant No. 2) in Norwood, Minnesota.

The Oak Grove Dairy operates two plants at Norwood, one plant being a fully regulated distributing plant under Order 68, and the other, referred to as Plant No. 2, operating at the time of the hearing as a nonpool distributing plant. (In a post-hearing brief filed by one of the merger proponents, it was noted that all sales of Oak Grove Plant No. 2 had become fully regulated after the hearing.) A witness for one of the merger proponents estimated that the Oak Grove Plant No. 2 receives Grade A milk daily from about 30 dairy farmers.

Packaged fluid milk products processed at this plant are distributed in all 11 counties in southwestern Minnesota. In addition, milk is distributed from this plant in several of the unregulated counties in northern Minnesota that are herein proposed for regulation.

Fluid milk products also are distributed in the 11 southwestern county area by handlers regulated under Orders 60, 61, 68, and 76. Order 68 handlers distributing in this unregulated territory include: Clover Leaf Creamery Company of Minneapolis; Ewald Brothers, Inc., of Minneapolis; Land O'Lakes, Inc., of St. Paul; Purity Milk Co., St. Cloud; Fairmont Foods, Inc., of Minneapolis; and Minnesota Milk Co. of St. Paul. Two Order 60 regulated handlers, Cass Clay Creamery, Inc., of Fargo, North Dakota, and Fairmont Foods, Inc., Moorhead, Minnesota, also distribute in this area.

Order 61 regulated handlers with distribution in these southwestern Minnesota counties include: Marigold Foods, Inc., Rochester, Minnesota; Sanitary Dairy, Sleepy Eye, Minnesota; and Golden Dairy, Austin, Minnesota. One Order 76 regulated handler, Land O'Lakes, Inc., Sioux Falls, South Dakota, distributes fluid milk products in 10 of the 11 proposed southwestern counties, Swift County being the exception.

In April 1974, regulated handlers under Orders 60 and 68 together distributed about 1.7 million pounds of fluid milk products in these unregulated southwestern Minnesota counties. Similar data for Orders 61, 69, and 76 is restricted because of the limited number of handlers regulated under those orders selling into this unregulated territory.

Estimates of the percentage of fluid milk sales in each of the counties in the southern sector were made by two producer groups. It is apparent from the data placed in the record that presently regulated handlers have 50 percent or more of the total sales in each of these counties.

A milk distributor at Le Mars, Iowa, regulated under the Nebraska-Western Iowa Order 65, testified to having sales in the counties of Jackson, Pipestone, Nobles, Murray, and Lyon. The La Mars

handler favored the regulation of these specified counties under an order, without suggesting any particular order or merged group.

The unregulated county of Lincoln, Minnesota, is contiguous to Brookings County, South Dakota. South of Lincoln County, the Minnesota counties of Pipestone and Nobles border on the present Order 76 marketing area. Seventy percent of the fluid milk sales in Nobles County are distributed by a Sioux Falls pool distributing plant. In the counties of Pipestone and Lincoln, about 50 percent of the total sales also are from the Sioux Falls pool plant. Some sales in the three Minnesota counties originate from milk distributors regulated under Orders 65 and 68.

The regulation of milk marketed in the South Dakota counties of Brookings and Deuel was proposed by the National Farmers Organization. A representative of Lakeside Dairy Company, Sioux Falls, South Dakota, testified in support of regulation of Brookings and Deuel Counties, but was indifferent as to the order under which the two counties should be regulated.

Brookings and Deuel Counties are bounded by the present Order 76 marketing area on the south and west, and on the north by the Order 60 marketing area. The eastern boundaries of the two counties are contiguous with the 11-county southwestern Minnesota territory proposed for inclusion in a merged order. Brookings and Deuel Counties had a 1970 population of 22,000 and 5,700 respectively.

Milk not regulated by any Federal order is marketed by one dealer in Brookings and Deuel Counties. This is the Bibby-Kallenmeyer Dairy (commonly referred to as the B.K. Dairy) at Brookings that is partially regulated under Order 76 by virtue of route sales in the Order 76 marketing area. About 60 percent of the fluid milk sales in Deuel and Brookings Counties are made by B.K. Dairy. Terrace Park Dairy, Sioux Falls, South Dakota, regulated under Order 76, and Marigold Food, Inc., Rochester, Minnesota, regulated under Order 61, each have 20 percent.

The B.K. Dairy did not provide testimony at the hearing and filed no post hearing brief that would indicate its position as to the regulation of the two counties.

Besides milk purchased from dairy farmers, the B.K. Dairy has obtained supplemental supplies of milk regulated under Order 76 through Land O'Lakes, a regulated handler. Such supplemental purchases have amounted to 30,000 pounds weekly in the short production season. The B.K. Dairy, thus, is relying on the regulated market to carry its reserve supplies, and the producers under Order 76 are receiving the lowest class price for such volume when it is not needed by the B.K. Dairy. At the same time, the B. K. Dairy, having a very high proportion of its dairy farmer receipts used in fluid sales, is able to pay a price to such dairy farmers competitive with the uniform price of the order without paying a price reflective of the classified use value of such milk. In these circumstances, the B. K. Dairy has a cost advantage relative to regulated handlers and the dairy farmers who supply the plant are not receiving the full value of their milk according to the class of use.

The sales area of the B. K. Dairy overlaps with handlers regulated by the Eastern South Dakota order. Procurement areas of such regulated handlers also extend into Deuel and Brookings Counties and adjoining counties. There was no opposition to the regulation of the two South Dakota counties.

It is concluded in light of the considerations set forth herein, that the Minnesota counties of Nobles, Pipestone, and Lincoln, and the South Dakota counties of Brookings and Deuel, are a logical extension of the Order 76 marketing area and appropriately should be incorporated thereunder.

Regulated handlers are estimated to market from 80 to 85 percent of the total fluid milk products sold in Houston County, in the southeastern corner of the state. Two regulated handlers, the Land O'Lakes plant, St. Paul, Minnesota (regulated under Order 68), and the Marigold Foods, Inc., plant at Rochester, Minnesota (regulated under Order 61), are marketing milk in this county. Doing business in this same county is the Schlitz Farms, Inc., at Caledonia, Minnesota, a producer-handler who has sales in the Order 61 and Order 30 marketing areas. Also, the Oak Grove Plant No. 2 of Norwood, Minnesota, has distribution in Houston County.

It is concluded, for the identical reasons advanced by proponents for annexing the 11 southwestern Minnesota counties, that Houston County should be included in the marketing area of the merged order.

4. (a) *Milk to be priced and pooled.* It is necessary to designate clearly what milk and which persons would be subject to the merged order. This is accomplished by providing definitions to describe the persons, plants, and milk to which the applicable provisions of the order relate.

The following provisions included in the proposed order will serve to identify the specific types of milk and milk products to be subject to regulation and the persons and facilities involved with the handling of such milk and milk products. Definitions relating to handling and facilities are "route disposition," "plant," "pool plant," and "nonpool plant." Definitions relating to milk and milk products include "producer milk," "fluid milk product," "fluid cream product," "filled milk," and "other source milk." A number of these definitions were of particular issue at the hearing and are discussed below.

Plant. A "plant" definition should be provided for the purpose of designating the type of handling facilities to which the order provisions would apply. As defined under the merged order, a plant would be the land, buildings, facilities, and equipment that constitute a single operating unit at which milk or milk products are received, processed, or packaged. Separate facilities used solely as intermediary distribution points in the disposition of packaged fluid milk products would not be plants. Similarly, separate facilities without stationary storage tanks that are used only as a reload point for transferring bulk milk from one tank truck to another would not be a plant as defined herein.

None of the four orders provide for the pricing or pooling of milk at a reload point. The Minneapolis-St. Paul and Minnesota-North Dakota orders specifically exclude reload points for such purpose in the "plant" definition, while the Southeastern Minnesota-Northern Iowa order does so in the "pool plant" definition. The Duluth-Superior order does not specifically exclude a reload point as a "plant" or "pool plant," but neither does it provide for the pooling of such facilities.

It is not intended under this order that facilities that are used only for the reloading of milk from one tank truck to another be the pricing point for milk so handled. These facilities must be distinguishable, however, from facilities at which milk handled is to be priced:

It is not usual for a reload point to have stationary storage tanks for the holding of milk for one or two days. Rather, it is customary for milk that has been picked up at the farm by several tank trucks to be brought to the reload point and transferred directly to a large over-the-road tank truck for movement to processing plants. Accordingly, the absence of any stationary storage tanks is a reasonable means of identifying a reload facility.

Situations could arise where the individual producer identity for milk handled at reload points is lost. Some of the milk on a farm pick-up tanker could be reloaded onto an over-the-road tank truck and delivered to a pool plant while the remaining milk on the farm truck is held overnight in a tank truck and perhaps transported to another plant (either pool or nonpool) the next day. In this situation, it is not possible to know which producer's milk was delivered to which plant on which day. It is necessary, nonetheless, for the order to provide for the pricing of the milk of those dairy farmers at a plant location. Under these circumstances, the milk of individual producers involved appropriately should be prorated between the plants at which their commingled milk was received.

As described later in this decision, it is provided that milk picked up at a producer's farm during the month in a tank truck owned and operated by, or under the control of, a handler (including a cooperative association in its capacity as a bulk tank handler) but which is not received at a plant until the following month shall be considered as having been received by the handler during the month in which it is picked up at the producer's farm and shall be priced at the location of the plant where the milk is physically received in the following month. These guidelines are discussed

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later in more detail under the heading "Producer milk."

Pool plant. Essential to the operation of a marketwide pool is the establishment of minimum performance standards to distinguish between those plants engaged in serving the fluid needs of the regulated market and those plants that do not serve the market in a way or to a degree that warrants their sharing (by being included in the pool) in the Class I utilization of the market. The pooling standards for distributing plants, supply plants, and reserve supply plants that are contained in the attached order have been structured to accomplish this.

The "pool plant" definition adopted herein sets forth all of the various performance standards that plants must meet to qualify for pooling. For this reason, definitions of a "distributing plant" and a "supply plant," as contained in the individual orders, except the Minneapolis-St. Paul order, are not needed. Reference is made in this decision to such types of plants, nevertheless, since the adopted pooling standards relate to plants performing different types of functions in the market.

A requirement now common to all types of pool plants in the four individual orders is that the plants be approved by a duly constituted regulatory agency for the handling of Grade A milk. It was pointed out at the hearing that this requirement allows certain distributing plants without Grade A certification to escape regulation under the order since the State of Minnesota allows the bottling and distribution of non-Grade A milk. Under these circumstances, regulation under the existing orders can easily be evaded by a plant operator simply not requesting that his plant be approved for the distribution of Grade A milk. In this way, even though a plant handles only Grade A milk, the plant operator can gain a considerable price advantage over competing regulated handlers who are required to pay the Class I price for milk used for fluid use.

To assure equal treatment for all handlers competing in the fluid milk market and full equity among producers, the order should regulate distributing plants without regard to whether they have Grade A certification. It is principally the job of the State and local regulatory agencies to provide minimum quality standards for milk sold within their jurisdiction, while the Federal order assures a sufficient quantity of such milk through orderly marketing conditions and minimum prices to producers.

The order, however, should continue to assure minimum prices only to producers of Grade A milk, since only Grade A milk is allowed to be distributed in most of the marketing area. The cities of Moorhead, Minneapolis, St. Paul, Rochester, and St. Cloud, Minnesota; Fargo and Grand Forks, North Dakota; Aberdeen, South Dakota; Stacyville, Iowa; and Eau Claire and Superior, Wisconsin, all have Grade A ordinances that require fluid milk plants to be approved for distribution of Grade A milk. Thus, only Grade A milk should be pooled and priced under the order. In the event any ungraded milk is assigned to Class I, such milk should be considered "other source milk" to be accounted for by the handler to the pool at the difference between the Class I price and the uniform price. The order would have no jurisdiction over prices paid to producers of ungraded milk, however.

In the situation existing in this merged marketing area, it is unlikely that a handler could secure a supply of milk for bottling use at less than the uniform price under the order. Under such circumstances, a pool payment at the difference between the Class I price and the uniform price will reasonably neutralize any competitive price advantage a handler might otherwise gain by the use of other source milk.

The agency responsible for approving a plant for the handling of Grade A milk may not always be a designated health authority. In some states, for example, this function is the responsibility of the State Department of Agriculture. Therefore, the term "regulatory agency," rather than "health authority," as used in the present orders, is a more appropriate description of the agency controlling the approval of milk for disposition in the marketing area.

The following discussion sets forth the pooling standards that should apply to the several types of plants. To facilitate discussion, it is noted that the pooling standards for a distributing plant, a supply plant, or a reserve supply plant provide that the plant's required association with the market shall be measured in terms of the proportion of its receipts that is disposed of from the plant. It is intended that such receipts shall include any producer milk that is diverted from the plant by the plant operator to other plants. Although diverted milk is not physically received at the plant from which diverted, it is, nevertheless, an integral part of that plant's supply of milk and acquires pool status by virtue of its association with such plant. Therefore, to protect the integrity of the regulation, diverted milk must be included as a receipt for purposes of establishing the diverting plant's qualification for pooling. Otherwise, the performance standards prescribed would have no real meaning.

Conversely, milk received at a pool plant by diversion from a pool distributing plant would not be included in the divertee plant's receipts for the purpose of measuring such plant's association with the market. Thus, when referring herein to a plant's receipts used in computing pooling percentages, it is intended that such receipts include producer milk diverted from the plant by the plant operator, but exclude milk received at such plant as diverted milk.

Under the adopted pooling standards, any distributing plant would be a pool plant if, during the month, its total route disposition as a percent of its total receipts is at least equal to the marketwide Class I utilization during the same month of the preceding year, and if 15 percent of its receipts is disposed of as route disposition in the marketing area.

All of the major proponents proposed a 15 percent in-area route disposition standard. Two of the three proponents proposed a variable schedule for total route disposition, with a 30 percent requirement during the months of January through June, and a 40 to 50 percent requirement during the remaining months of the year.

It is desirable to have seasonal variation in pooling standards since production varies seasonally while fluid demand is relatively stable throughout the year. The provision recommended herein ties the total Class I disposition standard to the Class I utilization of the market and accordingly, does provide a variable pooling standard reflecting seasonality of production.

Distributing plants generally receive more milk during the spring flush production months than during the short production months of fall and early winter. While their Class I disposition remains fairly stable throughout the year, the percent of their milk supply used in Class I does not.

The minimum overall Class I distribution requirement should be related to the marketwide Class I utilization, since a distributing plant operator with Class I business both within and outside the marketing area, otherwise could adjust his own sales and receipts to insure that his Class I utilization fell below the minimum requirement for pooling, even though higher than the marketwide utilization. Although the utilization value per hundredweight of milk in such a plant would be higher than the marketwide uniform price, the plant operator would not be required to pool his higher-than-average use value with other market participants or to make pool payments on his out-of-market sales; thus, there would not be full marketwide pooling of proceeds among producers. Moreover, the operator of such a partially regulated plant could use his higher-than-average use value as an advantage in solicitation of producers.

A distributing plant which does not meet the minimum pooling standards would be subject to regulation only on its in-area sales (not offset by Class I milk purchased from regulated plants). The order requires the operator of a partially regulated distributing plant to make a pool payment on such in-area sales from the plant equal to the difference between the order's Class I price and blend price. As an alternative, the plant operator could pay his dairy farmers the classified use value for all receipts. These payment arrangements have been applicable under the individual orders for many years.

Since changes in Class I utilization throughout the year normally follow a predictable pattern, it is reasonable to use the marketwide Class I utilization percentage for the same month of the preceding year as the standard in determining which distributing plants are eligible to pool during the month. The monthly utilization percentage for the market in the previous year would not differ appreciably from the corresponding current month.

The weighted average Class I utilization for the four markets during the months of 1974 ranged from 25 percent in June to 42 percent in October. Although these standards are more stringent than those now contained in the Minnesota-North Dakota order (20 percent March–June and 25 percent July–February), it is not expected that any distributing plants now regulated under that order (or any of the other three orders) will lose their status as fully regulated plants under the merged order.

Mid-America Dairymen, Inc., proposed retention of a provision now in the Minnesota-North Dakota order under which the operation of all distributing plants operated by the same handler may be combined and treated as a single plant for the purpose of determining such plants' pooling status, if so requested by the handler. This provision is not necessary for the merged order since any distributing plant in the marketing area that is unable to meet the pooling standards set forth above likely would qualify for pooling under the additional standards discussed below.

Proponents proposed retaining the basic features of the supply plant pooling standards now contained in the Minneapolis-St. Paul order. They proposed variable supply plant shipping standards, with greater shipment requirements during the short production months than during the flush production months of the year. Also, two of the proponent cooperatives proposed retention of the "unit pooling" of supply plants now contained in the Minneapolis-St. Paul order. Unit pooling allows two or more supply plants to be combined as a "unit" for the purpose of meeting pooling standards. Another feature of these proposals that is now part of the Minneapolis-St. Paul order provisions would allow direct shipments of milk from the farm to a distributing plant to count as a qualifying shipment for a supply plant under certain circumstances.

This type of supply plant provision has evolved with the change from can to bulk tank handling of milk. With the advent of bulk tank handling, the role of supply plants as an assembly point for milk received directly from the farm has largely given way to the role of "balancing plant", processing the market's reserve supplies when not needed for fluid use. This is because, with bulk tank handling, it is usually less costly to move milk directly from the farm to distributing plants than it is to first assemble the milk at a supply plant and then transfer it to a distributing plant. Despite this change, some supply plants still perform valuable milk handling functions in the market, such as standardizing milk or storing milk for a temporary period to accommodate the bottling needs of a distributing plant.

In recognition of widespread bulk tank handling, pooling standards for plants other than distributing plants in some orders have been modified to provide that such plants may be pooled on the basis of milk shipped directly from farms to pool distributing plants or on the basis of shipments from other plants in a unit of plants. In lieu of these specific types of provisions, two different provisions are provided to accomplish the same end: one for a "supply plant" that regularly ships fluid milk products to pool distributing plants and one for a reserve supply plant."

The supply plant pooling standard adopted herein for the merged order is based on shipments from the plant to pool distributing plants. The shipping standard for each month is the marketwide Class I utilization during the same month of the previous year. Although this shipping standard is more stringent than was proposed by proponents, it is expected that most plants in the marketing area (which is essentially coextensive with the procurement area for handlers serving the market) not qualifying as distributing plants will qualify as reserve supply plants rather than as supply plants.

The merged order area has a great deal more Grade A milk than can be used by distributing plants in the area. Under the current provisions of the four individual orders, certain supply plants in the area have not been able to find distributing plant outlets through which to acquire pool status. Frequently, such plants have been able to acquire pool status in other markets, such as the Southern Illinois and Kansas City markets. However, proponent witnesses stated that blend prices under these markets, adjusted to their plant location, have often times been lower than the blend prices available if the plant were pooled locally.

Pressures to pool likely will increase in the future as Grade B milk continues to convert to Grade A and seeks a share of the fluid market. Thus, it is apparent that pooling standards that will accommodate the pooling of most of the Grade A milk produced within the marketing area are needed for the merged order in the interest of continuing orderly marketing. However, such pooling standards must be so structured that supplies are made available to the fluid market as needed.

It is proposed, therefore, that any plant located in the marketing area and approved by a duly constituted regulatory agency for the handling of Grade A milk be allowed to pool if certain conditions are met.

To assure that the milk included in the pool is, in fact, available for the fluid market, it must be established that the plant can serve the fluid market if milk is needed. If the quality of milk needed through a reserve supply plant is not sufficient for bottling purposes, or if the quantity of Grade A milk there handled is too small for economic transport to a distributing plant, the milk associated with such plant could not reasonably be considered a part of the reserve supply for the fluid market. As evidence of a plant operator's ability and willingness to supply milk for fluid use, at least one tank truck load of milk (at least 45,000 pounds) must have been shipped from the plant to a pool distributing plant or to a comparable plant under another Federal order within the past twelve months as a condition for pooling initially. Once qualified as a pool plant, the plant operator need not ship milk to a pool distributing plant unless called upon, as explained below. However, if the plant should lose its pool status as a reserve supply plant, it would again have to meet the one tank truck load shipping requirement within the last twelve months before being requalified.

The operator of a reserve supply plant must agree to supply milk from the plant to pool plants or other order plants whenever the market administrator announces that such shipments are needed. To this end, it is provided that the market administrator may announce a shipping requirement, which may not exceed the percentage of shipments required of a pool supply plant during the month, any time he finds that supply-demand conditions warrant such shipments. He may reach this conclusion after investigating—either on his own initiative or at the request of interested persons—the supply-demand conditions in the market.

To promote the most efficient marketing of milk, the market administrator may restrict his shipping requirement to the smallest part of the marketing area necessary to secure the needed milk supplies. This procedure will circumvent the possibility of requiring needless shipments from those plants least favorably located with respect to distributing plants, unless and until the more favorably located reserve plants have shipped at least the market's average Class I utilization. This procedure will insure maximum transportation savings.

A plant which does not comply with a shipping requirement prescribed by the market administrator would lose its pool status for the month in which it fails to comply. Moreover, such plant may not again qualify as a pool plant under this provision for a period of one year from the date on which pool status was lost.

A plant that was not a pool plant under the Upper Midwest order during each of the months of September through December should not be allowed to pool as a reserve supply plant during the following months of January through June. This requirement, which will not become effective until January 1, 1977, is necessary to deter the use of the Upper Midwest market as a "dumping ground" during the flush production months for milk associated with other markets during the months of short supply.

It is not uncommon, during short production months, for significant amounts of milk to be moved from the upper midwest area to various markets to the south. In some instances, this could entail the pooling on another market of a plant located in the Upper Midwest marketing area. After the short season is over, rather than keeping the plant pooled on the receiving market, the plant operator, without appropriate safeguards, could request and acquire pooling status for such plant under the Upper Midwest order. In such event, the producers on the Upper Midwest market

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would bear the burden of carrying this milk during the flush season, even though they had not shared in the higher proceeds available to this plant during the fall.

Under usual circumstances, shipments to outside markets by any particular plant would not be expected to be sufficient to meet the pooling requirements of another market. However, if a reserve supply plant does serve a particular market during the short season to a degree requiring pooling there, it should remain associated with that market during the remaining months of the year.

Since the merged order will likely become effective shortly after the most current September-December period has ended, this provision should not become effective until January 1, 1977. This will allow plants that could not have pooled under any of the separate orders in their present form to become pool plants under the merged order when it is effectuated.

The operator of a plant seeking to pool as a reserve supply plant must file a request for pooling with the market administrator at least 15 days prior to the date on which pool status is desired effective. This 15 day notice will allow the market administrator to inspect the plant and facilities and determine the plant's ability to meet the requirements discussed above. Once qualified as a pool reserve supply plant, such status will continue to be effective unless the operator requests nonpool status for the plant prior to the first day of the month for which nonpool status is requested, the plant subsequently fails to meet all of the conditions for pooling as a reserve supply plant, or the plant qualifies as a pool plant under another order.

The pool plant provisions specify that a reserve supply plant may not acquire pool status under this order if such plant is a pool plant under some other order. Under normal circumstances, a plant meeting the pooling standards of two orders is pooled in the market with which it has the more substantial association. Any plant pooled under another order, therefore, should be exempted from regulation under this order.

Land O'Lakes, Inc., proposed the pooling of a plant that failed to meet the pooling standards of a distributing plant or supply plant because of a strike, fire, riot, insurrection, breakdown of trucking equipment, hazardous road conditions, natural calamity, or other misfortunes beyond the control of the plant operator. Such proposed provision would not be limited to one month but would apply for an indefinite period, according to a LOL witness.

This proposal should not be adopted. However, a slightly different Land O'Lakes proposal, which would pool a distributing plant that met the pooling standards during the immediately preceding three months, should be adopted in modified form. As adopted herein, any distributing plant or supply plant that failed to meet the performance standards in the current month, but that had met such standards during each of the immediately preceding three months, would be pooled.

Producers should have protection against unexpected loss of pool participation of their milk because a distributing plant or supply plant, over which they have no control, failed to qualify as a pool plant. However, the "natural calamity" provision proposed by Land O' Lakes provides too much of an "open door" and could be subject to abuse. As proposed, a plant could conceivably qualify for pooling indefinitely while out of operation.

Allowing a plant that failed to meet the pooling standards for the month to be a pool plant if it met the requirements in each of the three preceding months is a reasonable and equitable basis for protecting producers' interests. It will afford handlers the opportunity to make corrective adjustments in their operations in the event of unanticipated circumstances or a miscalculation; and, in the case of a "natural calamity", it will afford producers reasonable opportunity to find an alternative pool outlet for their milk without losing pooling privileges in the interim.

One handler representative proposed a provision that would pool all Grade A plants in the marketing area with no performance standards to meet. However, in paying producers under this proposal, the uniform price would be adjusted upward in direct relation to a plant's Class I utilization: the higher the plant's Class I utilization, the greater would be the adjustment in price. This was intended to assure that milk would be made available for Class I use. Since this arrangement would clearly be in violation of the Agricultural Marketing Agreement Act, which requires uniform prices to producers "irrespective of the uses made of such milk by the individual handler to whom it is delivered", the proposal must be denied.

Nonpool plant. The "nonpool plant" definition of the merged order should specify those categories of plants other than pool plants. The four constituent orders now have identical "nonpool plant" definitions, with the exception of Southeastern Minnesota-Northern Iowa, which additionally defines an "exempt governmental plant" as a nonpool plant. The Minneapolis-St. Paul and Minnesota-North Dakota orders also exempt from regulation a plant owned and operated by a government agency, the former in the "handler" definition and the latter in the "pool plant" definition. Therefore, it is appropriate to include in the "nonpool plant" definition this exclusion from regulation of a plant owned and operated by a governmental institution which disposes of Class I milk solely for use on the premises of the institution or to its own facilities.

Handler. The impact of regulation under an order is primarily on handlers. The handler definition identifies persons who will have responsibility for filing reports and/or making payments for milk under the merged order.

Accordingly, the order should designate handler status for the following persons:

(1) The operator of a pool plant;
(2) A cooperative association with respect to milk that is diverted for its account;
(3) A cooperative association with respect to bulk tank milk picked up at the farm for delivery to a pool plant under specified circumstances;
(4) The operator of a partially regulated distributing plant;
(5) A producer-handler;
(6) The operator of an other order plant from which milk is disposed of in the market; and
(7) The operator of an unregulated supply plant.

Such persons are now defined as handlers under the four individual orders with the exception of the operator of an unregulated supply plant, who is now defined as a handler only under the Minneapolis-St. Paul order. The latter order also contains an unusual condition for qualification of a cooperative association as a handler on bulk tank milk. Under that order, a cooperative association must be the operator of a pool plant in order to acquire handler status on bulk tank milk delivered for its account from the farms of producers to the pool plants of other handlers. This provision should not be adopted for the merged order. Proponents generally agreed that a cooperative association's function as a bulk tank handler should not be contingent upon its operation of a pool plant.

A cooperative association's status as a handler for farm bulk tank milk should be modified from that now set forth in the individual orders. In the case of bulk tank milk, a cooperative should be a handler with respect to any such milk which it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under the control of, such cooperative. However, if there is a mutual arrangement between the cooperative and the plant operator, noticed to the market administrator, whereby the plant operator will be the handler for such milk and will purchase such milk on the basis of weights determined from its measurement at the farm bulk tank samples, the cooperative need not act in a handler capacity with respect to such milk.

When the milk of any producer is commingled in a tank truck with that of other producers, the identity of the individual producer's milk is lost. The amount of the producer's milk in the truck and the butterfat content thereof can be determined only from measurement of the milk at the farm and from milk samples taken from the farm tank. After the milk has been pumped from the individual producers farm tank into the tank truck of the hauler and commingled with the milk of other producers, there is no opportunity to measure, sample or reject the milk of an individual producer.

Much of the milk received at pool plants in the proposed marketing area is picked up at the farm in trucks owned or operated by, or under the control of, cooperative associations. In this case, it is only the association that has the opportunity to measure and sample the milk of individual producers that is received at the pool plant. In the absence of any agreement by the plant operator to be the handler for the milk, the association necessarily must be the responsible handler for the milk as it leaves the farm.

When a cooperative is the handler for farm bulk tank milk, certain accounting and payment procedures should apply under the merged order with respect to such milk. As provided in the attached order, the milk would be considered as a receipt of producer milk by the cooperative at the location of the pool plant to which the milk is delivered. The purchase of such milk by the pool plant operator would be treated as an interhandler transfer but would be classified pro rata with producer milk that the pool plant operator may receive. The pool plant operator would be obligated to the producer settlement fund for the milk received directly from producers and by transfer from bulk tank cooperative handlers at its classified use value. The cooperative in turn would be reimbursed by the handler at the blended price. Milk which the cooperative has picked up from the farm bulk tank and which has not been delivered to a plant during the month will be accounted for by the cooperative as ending inventory and the cooperative will be paid the blended price applicable at the location of the plant of physical receipt in the following month. In the following month, the cooperative's pool obligation will be adjusted to reflect the value of such inventory at the Class III price for the previous month. This is in contrast to the procedure under the Minneapolis-St. Paul, Minnesota-North Dakota, and Duluth-Superior orders whereby the cooperative association accounts to the pool at class prices for the milk delivered to pool plants. Under the Southeastern Minnesota-Northern Iowa order, the milk delivered by a cooperative is now treated as a receipt of producer milk by the plant operator, who then is obligated to the pool for such milk.

The adopted accounting and payment procedure will facilitate administration of the order with respect to matters of financial responsibility and audit adjustments. It is the pool plant operator who processes the milk and distributes it to consumers. It is reasonable, then, that the responsibility for accounting for the utilization of such milk and for its payment be placed directly on the plant operator. Were settlement with the pool to be made by the cooperative association, i.e., should the plant operator settle with the cooperative at class prices and the cooperative pay to the producer-settlement fund, an unnecessary third party is involved in the transaction. Also, the handling of audit adjustments that might result from the verification of a plant's utilization of milk. An error in the reported classification of milk at the pool plant, for example, would not require a related adjustment in the cooperative's classification of milk and thus its obligation to the pool for such milk.

A pool plant operator receiving farm bulk tank milk from a cooperative also should be responsible for paying to the market administrator the administrative assessment on such milk. The audit and verification activities of the market administrator relate essentially to the operations of the pool plant where the milk is processed. As in the case of producer milk which he receives from the farm, the plant operator thus should pay his pro rata share of the administrative costs on milk received from the cooperative in its capacity as a bulk tank handler.

When the cooperative assumes its role as the responsible handler on farm bulk tank milk, the pool plant operator may buy such milk on the basis of weights and butterfat tests determined at the plant rather than on the basis of those determined at the farm. Usually, the quantity of milk picked up at the farm slightly exceeds the quantity ascertained as actually received at the plant. In such cases, the difference should be considered as a receipt of producer milk by the cooperative association at the location of the pool plant where the milk in the tank truck was delivered. The cooperative should be obligated to settle with the producer-settlement fund and to pay the administrative assessment on the milk involved.

The pool plant operator should be permitted under the merged order to be the responsible handler on bulk tank milk moved by the cooperative from the farm to the plant if both the cooperative and the pool plant operator notify the market administrator that they have agreed to such a handler arrangement and that the plant operator agrees to purchase the milk on the basis of weights and tests determined at the farm. Under this arrangement, the pool plant operator would be responsible for the milk in the same manner as for producer milk that he receives at his plant directly from the farm. This would include being responsible for submitting to the market administrator monthly reports showing for each producer the farm weights and tests of milk received at his plant.

A cooperative association also should be a handler with respect to the milk of a producer which is diverted for the account of the association from a pool plant of another handler to a nonpool plant that is not a producer-handler plant. All the orders proposed to be merged provide that a cooperative may act as a handler for diverted milk. Continuation of this handling arrangement will facilitate the movement of milk not needed for fluid use to nonpool plants for manufacturing.

The merged order should afford all cooperatives in the market flexibility in the arrangements under which they sell milk to pool plants or dispose of reserve supplies. If it so chooses, a cooperative should be able to pick up the milk of nonmember producers along with the milk of its members for delivery to a pool plant or for diversion to nonpool plants. This procedure will enable the cooperative to act as the marketing agent for a nonmember producer who, although he has not become a member of the cooperative, has contracted with the cooperative to act as the marketing agent for his milk. Nothing in the order would require a cooperative to pick up the milk of nonmember producers. It would provide, however, that when a cooperative does pick up milk of nonmember producers on trucks under its control it must assume varying degrees of responsibility with respect to such milk, depending on the handling arrangements made.

The Capper-Volstead Act provides the criteria by which cooperative associations are determined to be qualified cooperatives under the Agricultural Marketing Agreement Act. With the adopted handler definition, the merged order would be consistent with that provision of the Capper-Volstead Act which recognizes that cooperatives may "deal in the products of nonmembers" and which limits such dealings to amounts not greater in value than as are "handled by it for members."

A question may arise concerning payments to a nonmember producer if the cooperative is marketing such producer's milk. A cooperative may reblend proceeds due such nonmember producer with those paid to its member producers if the nonmember producer has signed a contract with the cooperative whereby he authorizes the cooperative to market his milk, collect payment therefor, and reimburse him on the same basis as though he were a member of the cooperative association. The contract between the cooperative and the nonmember producer must provide specifically for a payment reflecting: (1) The same blending of proceeds as is otherwise done for members; (2) the same treatment for withholding for capital (revolving fund); (3) the same right of liquidation of certificates issued for a revolving fund or other capital withholding; and (4) the same privilege of sharing and ultimate distribution of proceeds if and when such special distribution is made, such as dividends or returns of unused deductions. In the absence of such a written contract containing the terms set forth above, the cooperative, if authorized, nevertheless, to collect payment for his milk, would be required to pay a nonmember producer not less than the uniform price announced by the market administrator for the month.

Producer-handler. The merged order should continue the exemption now contained in each of the four individual orders of a "producer-handler" from the pooling and pricing provisions of the order.

Experience under the separate orders has demonstrated that effective regulation can be insured without the full regulation of individuals who process and distribute milk produced on their own farm and who buy no milk from other dairy farmers. Such operations are basically self-sufficient in that they rely primarily on their own farm production and assume the burden of maintaining the necessary reserve supply of milk asso-

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ciated with their fluid milk operation and of disposing of any daily or seasonal surpluses they may produce.

As adopted herein, a "producer-handler" would be any person who operates a dairy farm and a processing plant, who receives no fluid milk products from sources other than his own farm production, pool plants of other handlers, and other order plants. Any receipts of nonfluid milk products could only be used to fortify fluid milk products received from his own farm, other pool plants, or other order plants. To qualify as a producer-handler, such person would have to provide proof satisfactory to the market administrator that the care and management of the dairy farm and other resources necessary for his own farm production of milk and the management and operation of the processing plant are the personal enterprise and risk of such person.

This producer-handler definition is essentially the same as the one now in the Minneapolis-St. Paul order and which was proposed by the National Farmers' Organization and Mid-America Dairymen, Inc. One slight difference is that the producer-handler would be allowed to receive fluid milk products from another order plant as well as from pool plants of other handlers. This point does not in any way threaten the integrity of the order, but it does allow for special circumstances where a producer-handler located on the edge of the marketing area might find it more convenient to purchase fluid milk products from a nearby other order plant than from a pool plant that is located farther away.

The proposed definition continues to forbid the receipt of nonfluid milk products for use in reconstituting fluid milk products, but such receipts are allowed for use in fortifying fluid milk products. Also, it retains the 50,000 pound limit on receipts of fluid milk products during the month from fully regulated plants.

Land O' Lakes proposed a 7,000 pound average per day limit on route disposition in the marketing area during the month. A LOL spokesman testified that the purpose of this limit would be to preclude the institution of large production, processing, and distribution complexes that could become a significant competitive force in the marketing area. This witness indicated that the producer-handlers now operating in the proposed marketing area are below this size and have not been a significant problem in the market.

No evidence was presented to show that a producer-handler distributing more than 7,000 pounds per day would be a disruptive factor in the merged market. No size limitations on producer-handlers are provided now under the individual orders. Therefore, a restrictive provision of this nature appears unneeded in the merged order at this time.

Under the merged order, producer-handler status would be contingent upon such person substantiating to the satisfaction of the market administrator that the operation of the dairy farm and processing plant in question are at his sole risk. As indicated, a producer-handler's exemption from the pooling and pricing provisions is predicated on the premise of self-sufficiency of the total operation. Accordingly, no other person should be permitted to share the risk involved with the operation of a producer-handler's farm or his plant. All resources necessary for his own farm production of milk and for the operation of the processing plant must be his personal risk. Similarly, all risk associated with the actual distribution on routes of the milk processed by the producer-handler must be his alone.

Producer. The term "producer" defines those dairy farmers who constitute the regular source of supply for the market. The producer definition provided herein follows closely the one proposed and supported by each of the merger proponents. It is virtually identical to the producer definitions in each of the four separate orders.

Producer status under the merged order should be provided for any dairy farmer who produces milk approved by a duly constituted regulatory agency for disposition as Grade A milk and whose milk is received at a pool plant directly from the dairy farmer or received by a cooperative association as a handler on farm bulk tank milk for a delivery to a pool plant. Producer status also should be accorded such a dairy farmer who has an established association with the market and whose milk is diverted to nonpool plants for surplus disposal. To determine a producer's association with the market and to insure the marketability of his milk in Grade A channels, it is reasonable to require that a dairy farmer's milk be received at a pool plant at least once before becoming eligible for diversion to a nonpool plant.

A producer-handler, who would have exempt status under the order, is expected from the producer definition. In addition, provision must be made to preclude the possibility of a dairy farmer being a producer under two orders with respect to the same milk. In this regard, the producer definition should continue the provisions of the present orders that exclude (1) a person with respect to milk which is received at a pool plant regulated under this order as diverted milk from a pool plant under another order if the dairy farmer whose milk is involved is a producer under the other order with respect to such milk and it is allocated to Class II or Class III use under this order, and (2) a person with respect to milk which is diverted to an other order plant from a pool plant regulated under this order if assigned to Class I milk under the other order.

Producer milk. The "producer milk" definition is intended to define that milk to be priced and pooled under the merged order. The definition adopted herein contains the basic features now in the individual orders and in the proposals by the merger proponents.

As provided herein producer milk would include milk received directly from a producer at a pool plant by the plant operator, milk picked up at a producer's farm during the month in a tank truck under the control of a handler that is received at a plant in the following month, and milk of a producer that is received by a cooperative association as a bulk tank handler for delivery to a pool plant. Producer milk also would include milk of producers that is diverted under specified conditions.

Producer milk should include milk picked up at a producer's farm during the month in a tank truck owned and operated by, or under the control of, a pool handler but which is not received at a plant until the following month. Such milk should be considered as having been received by the handler in the month it is picked up at the producer's farm and should be priced at the location of the plant where the milk is physically received in the following month.

Under the present accounting procedure in the respective orders, milk which is picked up at the farm in the current month, but which is not physically received at a plant until the following month, is treated as a receipt of producer milk in such following month. This procedure has presented substantial accounting problems, particularly when milk passes through a reload facility. In such instance, a portion of the pick-up tanker's load may be transferred to an over-the-road tanker and delivered during the month, while the remainder of the load may be held at the reload facility. While administrative guidelines have been adopted to insure uniform accounting procedures for such milk throughout the Federal order system, the procedures have not fully resolved the accounting problems to the satisfaction of affected parties. Further, individual producers have not understood the deferred settlement which results when milk picked up in the current month is not physically received at a plant during the month.

Dairy farmers need not be required to wait one and a half months before receiving the uniform price for milk that is picked up at their farms on the last day of a month but is not received at a plant until the following month. The accounting procedure will be simplified and should be more readily accepted if milk is pooled in all cases in the month in which it is picked up at the farm. The changes provided herein will permit the pooling of producer milk in the month it is picked up at the farm if the milk is received at a plant in the current or the following month. Milk not physically received at a plant in the current month will be included in the responsible handler's end-of-the-month inventory and will be priced at the location of the plant where the milk is physically received in the following month. Since this milk reasonably will be received at a plant on the 1st day of the following month, the handler will know the location of the plant of actual receipt in time to include this information in his monthly report, which he is required to file by the 10th day of the following month. If, however, none of the milk loaded into a pick-up

tanker is received at a plant, such milk will not be included in the responsible handler's report and he will have no pool obligation on it. This conforms with the present provisions, which tie the producer milk provisions to its receipt at a plant.

If the operator of a pool plant is the responsible handler, he will account for the producer milk which has not arrived at his plant by the end of the month as part of his end-of-the-month inventory and will be charged the Class III price in the month it is picked up at the farm. In the following month, this milk will be treated in the same manner as other fluid milk products he had in inventory.

If a cooperative association bulk tank handler is the responsible handler, such cooperative will account for the milk in transit as inventory at the Class III price and will be credited at the blend price. Additional conforming changes are needed to implement this procedure to insure that in the following month the cooperative is credited for its pool obligation in the preceding month on such milk. In such following month, this milk is included in the obligations of the pool plant handler who physically received it and he will account to the market administrator for this milk at the classified prices. Such monies would be deposited in the producer-settlement fund, but, since the milk was pooled in the preceding month, it would not be included in the pool computation of the current month.

Diversions of producer milk from a pool plant to a nonpool plant that is not a producer-handler plant, for the account of the handler operating the pool plant, are recognized within specified limitations. Similarly, diversions may be made for the account of a cooperative from the pool plant of another handler. Also, producer milk may be diverted from a pool distributing plant to any other pool plant for the account of the distributing plant operator.

Diversion provisions are desirable to facilitate the orderly and efficient disposition of the market's reserve supplies. When producer milk is not needed in the plant of normal receipt for Class I use, its movement to other pool plants or to nonpool plants for manufacturing, without loss of producer milk status, should be accommodated.

Since the merged market is expected to have a Class I utilization ranging from 25 percent in the spring to 40 percent in the fall, a substantial portion of the market's supply will likely be diverted to manufacturing outlets. To accommodate the pooling of all the milk that is available to supply the fluid market, the diversion limitation in any month should be equal to the combined Class II and III utilization in the same month of the prior year. (It will be necessary at the outset of this order for the market administrator to compute the weighted average Class II–III utilization of the four markets combined herein for the prior 12 months for use during the first year of the merged order.) This system will provide built-in flexibility, automatically providing for seasonal changes in supply and demand. It is not expected—with such a large market—that the utilization will change appreciably from one year to the next; thus, use of data for the same month of the preceding year should be entirely appropriate as a measure of the market's Class I needs.

The diversion limitations supported by two of the proponent cooperative associations in their briefs would allow diversions equal to 50 percent of producer receipts throughout the year. The other major proponent supported a limit of 50 percent during the months of August through December and 65 percent in all other months.

The individual orders now vary with regard to diversion limitations. The Minnesota-North Dakota order provides for unlimited diversions during the months of March through June, while limiting diversions in other months to 50 percent. During the flush production months of the year, several handlers have diverted to the full extent permitted under this order, resulting in diversions approaching 70 percent for the market as a whole.

The limits adopted herein, while stopping short of 100 percent, should not cause any disruptions in the operations of these handlers since they apply only to diversions to nonpool plants. Surplus milk in excess of these limits should reasonably find an outlet in some other pool plant.

The merged order should permit the operator of a distributing plant to divert milk to any other pool plant for his (the diverting handler's) account. No separate limits need apply to such diversions, since the performance standard applicable to a pool distributing plant effectively limits such diversions to an appropriate level.

The President of the Dairies Federation of Minnesota proposed allowing a distributing plant operator to divert the milk of his regular producers to other pool plants for his account. He testified that handlers wishing to retain their regular producers on their payroll for the entire month must now bring any excess milk into their plant (so that it will be a "producer receipt" there), then pump it right back into the truck, and deliver it to the other pool plant. Such milk would be treated as a transfer from one plant to another, with the transferor handler accounting to the pool for the milk and paying those producers as well.

This practice is obviously uneconomic. Moreover, as the witness pointed out, every time milk is pumped, its quality deteriorates.

The merged order should, in so far as possible, promote the most efficient handling of milk. To this end, the operator of a pool distributing plant should be permitted to divert his reserve milk supplies to another pool plant and retain the producer milk status and payroll responsibility for such milk. This will permit a distributing plant operator to avoid unnecessary and costly movements of milk merely for the purpose of retaining his status as the accountable handler for the milk. This procedure also will relieve the divertee handler of accounting for this milk as his own producer milk and being responsible in all respects for the milk.

Diversions to another pool plant should not be permitted in the case of a pool supply plant or reserve supply plant. No proposal was presented to allow diversions from such plants to other pool plants and, in the absence of convincing evidence in support of such a provision, such diversions should not be permitted.

Cooperative association spokesmen testified to the desirability of recognizing the transfer of milk through a pipeline connecting a pool plant to an adjoining or adjacent facility which is not approved for the handling of Grade A milk, in lieu of transfer in a tank truck. The cooperative witness held that recognition of pipeline transfers would promote efficient handling of milk and facilitate the use of storage capacity in the Grade A part of any such plant or complex.

It is essential to the proper operation of the order that movements of milk between plants be fully and accurately reported to the market administrator and that reported movements be readily verifiable. Thus, the flexibility to be accorded handlers with respect to the manner of movement of milk is necessarily an administrative matter that must be left to the discretion of the market administrator.

As proposed by the merger proponents, all diverted milk for pricing purposes is treated as a receipt by the diverting handler at the location of the plant to which the milk was diverted. This treatment is presently applicable under the four separate orders and must be retained. The Act specifically provides for the pricing of milk "at the location at which delivery—is made."

(b) *Classification of milk.* The uniform classification plan that became effective on August 1, 1974, for each of the orders under consideration should be continued under the merged order.

All of the proponent cooperative associations supported the continuation of the current classification plan, which was developed on the basis of very extensive hearings that had been held on this issue relative to 39 orders. For this reason, little testimony was presented at the merger hearing concerning the details of the classification provisions. There was no testimony presented in opposition to the plan.

(c) *Class I price and location adjustments—Upper Midwest Marketing Area.* The Class I price in "Zone 1" of the Upper Midwest marketing area should be the basic formula price for the second preceding month plus a Class I differential of $1.12. It should continue to be announced on the fifth day of the preceding month.

To provide an appropriate pricing structure for this market, four pricing

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zones should be defined. The location adjustments for each zone (which may include territory that is not part of the "marketing area"), the resulting Class I differential, and the territory that should be included in each zone are as follows: (See Map):

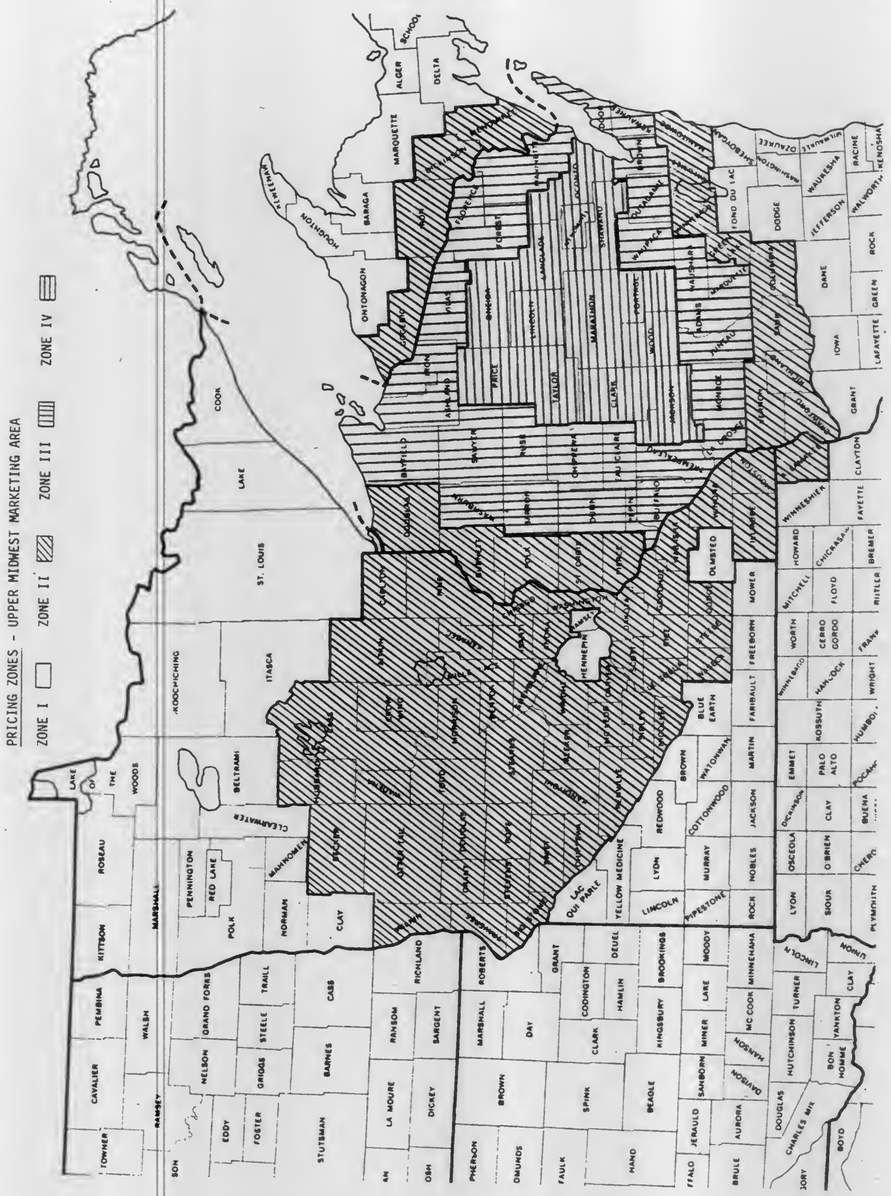
ZONE 1

Adjustment: None.
Differential: $1.12.
Territory: All of the territory, either within or outside the marketing area, not included in Zones 2, 3, and 4.

ZONE 2

Adjustments: Minus 6 cents.
Differential: $1.06.
Territory:
(1) The Minnesota counties of:

Aitkin	Mille Lacs
Anoka	Morrison
Becker	Nicollet
Benton	Otter Tail
Big Stone	Pine
Carlton	Pope
Carver	Renville
Cass	Rice
Chippewa	Scott
Chicago	Sibley
Crow Wing	Sherburne
Dakota	Stearns
Dodge	Steele
Douglas	Stevens
Fillmore	Swift
Goodhue	Todd
Grant	Traverse
Houston	Wabasha
Hubbard	Wadena
Isanti	Waseca
Kanabec	Washington
Kandiyohi	Winona
Le Seur	Wilkin and
McLeod	Wright;
Meeker	



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(2) The Wisconsin counties of:

Burnett	Manitowoc
Calumet	Pierce
Columbia	Polk
Crawford	Richland
Douglas (except the city of Superior)	St. Croix
	Sauk
	Vernon
Green Lake	Winnebago.

(3) The Michigan counties of Dickinson, Gogebic, Iron, and Menominee; and

(4) The Iowa county of Allamakee.

ZONE 3

Adjustment: Minus 10 cents.
Differential: $1.02.
Territory:

(1) The Wisconsin counties of:

Adams	La Crosse
Ashland	Kewaunee
Barron	Marinette
Bayfield	Marquette
Brown	Monroe
Buffalo	Outagamie
Chippewa	Pepin
Door	Rusk
Dunn	Sawyer
Eau Claire	Trempealeau
Florence	Washburn
Forest	Waupaca
Iron	Waushara and
Juneau	Vilas.

ZONE 4

Adjustment: Minus 16 cents.
Differential: $.96.
Territory:

(1) The Wisconsin counties of:

Clark	Oneida
Jackson	Portage
Langlade	Price
Lincoln	Shawano
Marathon	Taylor and
Menominee	Wood.
Oconto	

The revised Eastern South Dakota marketing area should have a Class I differential of $1.40. Minus location adjustments should be provided for plants located in Minnesota, North Dakota, or that portion of South Dakota north of U.S. Highway 90. Such adjustments should be based on the distance from the nearer of the Post Offices of Mitchell or Sioux Falls, South Dakota, and should be computed at the rate of 1.5 cents per 10 miles based on the shortest hard-surfaced highway distance as measured by the market administrator.

The pricing structure summarized above differs in many respects from what was proposed and from what now exists under the five separate orders.

Presently, the Class I differential under the Southeastern Minnesota-Northern Iowa order is $1.06 throughout the marketing area, and there are no location adjustments. The Class I differential under the Minneapolis-St. Paul order is also $1.06, but the price is reduced by 6 cents beyond 35 miles of St. Paul, Minnesota, and by an additional 1.5 cents per 10 miles beyond 45 miles of St. Paul.

The Duluth-Superior order now has a differential of $1.10 which applies to plants within 55 miles of Duluth, Minnesota, or Ashland, Wisconsin. Between 55 and 65 miles from the nearer of these points, the price is reduced 8 cents; and it is reduced an additional 1.3 cents per 10 miles beyond 65 miles of the basing point.

The Minnesota-North Dakota order currently has a Class I differential of $1.30 which is applicable in the "base zone." Location adjustments are computed at the rate of 1.2 cents per 10 miles from the perimeter of the base zone. The location adjustment so computed is subtracted for a plant located in the State of Minnesota and is added for a plant located in either North Dakota or South Dakota.

The Class I differential under the Eastern South Dakota order is now $1.50 for plants located within 100 miles of Aberdeen, Huron, Mitchell, Sioux Falls, or Watertown, South Dakota. Between 100 and 110 miles, the location adjustment is minus 15 cents; and beyond 110 miles, the price is reduced an additional 1.5 cents for each additional 10 miles distance.

The several pricing structures proposed by proponents differ in many respects from each other and from that now existing under the separate orders.

Land O'Lakes Cooperative, Inc., proposed a Class I differential of $1.25 that would apply in the present Southeastern Minnesota-Northern Iowa marketing area, the present "base zone" of the Minnesota-North Dakota order, and within 35 miles of Rochester, Minnesota, St. Paul, Minnesota, and Fargo, North Dakota. Outside of this territory, the price would be reduced at the rate of 1.5 cents per ten miles beyond 35 miles of Rochester, Fargo, or St. Paul, except that, in the States of North Dakota and South Dakota, the location adjustment would be added rather than subtracted from the Class I differential.

Mid-America Dairymen, Inc., originally proposed a pricing structure somewhat similar to the Land O'Lakes proposal, but with a Class I differential of $1.18. In its brief, the cooperative modified its proposal by requesting a differential of $1.25 that would apply throughout the marketing area.

A third major proponent, National Farmers Organization, proposed a five-zone Class I pricing structure with a Class I differential that ranges from $1.26 in eastern Minnesota-western Wisconsin to $1.50 in the present Eastern South Dakota marketing area. For plants located outside the proposed marketing area, there would be no location adjustment except in that portion of Wisconsin outside the marketing area. In this area, the location adjustment would be computed at the rate of 2 cents per 10 miles from the nearest point in the perimeter of the marketing area. Under the NFO proposal, there would be no location adjustments applicable to the blended price to be paid to producers delivering their milk to any plant in the marketing area.

Other pricing proposals were made by handler representatives. Three proprietary handlers under the Eastern South Dakota order requested that the Class I differential of any merged marketing area be set at a level equal to the Class I differential in Eastern South Dakota. A handler spokesman representing the Dairies Federation of Minnesota testified in support of a single uniform Class I price with no provision for location adjustments. Another Minnesota handler representative proposed a Class I differential of $1.24 with no location adjustments to be applicable in western Wisconsin and in Minnesota.

In establishing a pricing structure for the proposed marketing area, it is necessary to focus on two primary considerations: (1) What Class I price level is necessary to "insure a sufficient quantity of pure and wholesome milk"? and (2) What price structure is needed to insure Class I price alignment with neighboring marketing areas?

With regard to the first point, it is clear from reviewing the record evidence that the proposed marketing area is an extremely heavy milk-producing area. In 1974, more than 4.2 billion pounds of milk were pooled under the four orders proposed to be merged. Of this total, only 1.4 billion pounds, or roughly 33 percent, were used in the form of fluid milk products (Class I). The percentage of Class I utilization for this group of markets has been declining steadily for the past six years. In 1970, the weighted average Class I utilization for the combined markets was 41 percent; in 1971, 39 percent; in 1972, 40 percent, in 1973, 39 percent; and in 1974, 33 percent.[3]

Under these circumstances, there is no basis for increasing the Class I level in the combined and expanded marketing area. The adopted $1.12 Class I differential, in conjunction with the location adjustments prescribed, will provide essentially the identical Class I returns under the merged market as presently exists in the four separate markets. This price level can be expected to assure adequate supplies of Grade A milk for the combined marketing area.

Witnesses for Land O'Lakes, Inc., and Mid-America Dairymen, Inc., testified that a $1.25 Class I differential should be adopted because producers are now experiencing increased hauling costs. While it is true that hauling costs have increased since the present Class I differentials were adopted, this cannot be a basis for increasing the Class I differential in this combined market.

The Class I price is computed by adding the Class I differential to the basic formula price. The latter reflects the average price paid by unregulated manufacturing plants for manufacturing grade milk in Minnesota and Wisconsin. Presumably, any increased hauling costs are reflected in the price paid to producers for manufacturing grade milk in the area and, through the basic formula price, to producers under the Federal orders. In view of this, the higher farm to plant hauling cost does not support changing the returns for Grade A milk relative to manufacturing grade milk.

As previously indicated, the amount of Grade A milk in this area has been increasing relative to demand, as shown by the declining Class I utilization. Hence,

[3] Official notice is taken of *Federal Milk Order Market Statistics*, Annual Summary for 1974, Agricultural Marketing Service, U.S. Department of Agriculture.

there is no necessity for raising the Class I differential above the average level now existing in these markets.

LOCATION ADJUSTMENTS

The National Farmers' Organization proposed a Class I pricing structure which they testified would improve the Class I price relationships that now exist within the proposed merged marketing area and that would improve Class I price alignment with surrounding Federal order markets. Their proposed pricing structure would essentially retain the present Class I price level in the Minnesota-North Dakota and Eastern South Dakota marketing areas; provide new pricing zones for the unregulated territory in north central Minnesota and southwestern Minnesota; and create a new pricing zone comprising the present Southeastern Minnesota-Northern Iowa, Minneapolis-St. Paul, and Duluth-Superior marketing areas (including some unregulated territory in western Wisconsin).

One NFO witness testified that an ideal Class I price structure for the merged marketing area would be a Uniform Class I price throughout the marketing area, provided the Secretary can work it out with due regard to Class I pricing in surrounding Federal order markets. The testimony of the other cooperative proponents also suggests the desirability of a Class I price level throughout the marketing area with a minimum of variation. NFO was concerned about alignment with surrounding orders; LOL (in its brief) was concerned that a uniform Class I price would prove to be a hardship on proprietary handlers operating supply plants; and Mid-Am., while originally proposing location adjustments, in its brief modified its proposal to provide a uniform Class I price throughout the marketing area. As previously mentioned, various handler representatives also proposed uniform Class I prices and the elimination of location adjustments.

The pricing scheme recommended herein is directed toward meeting all of these conditions insofar as is possible; it provides a minimum of price differences in the market so that competing distributing plants to be regulated will have essentially the same raw product cost under the terms of the orders; it provides "location adjustments" to encourage transportation of milk, but only to the extent needed to cover transportation of milk from the closest sources of production; it complements the practice of most cooperative associations in the market of returning to their producer members a flat price regardless of their location; and it provides an appropriate price alignment with surrounding Federal order markets.

Unlike other markets where milk may be transported a substantial distance to the principal population centers, the proposed marketing area encompasses much of the heaviest milk production area of the country. Accordingly, there is abundant milk available within a short distance from the principal areas of consumption. In the Minneapolis-St. Paul area, for example, there is enough Grade A milk available in the counties bordering Hennepin (Minneapolis) and Ramsey (St. Paul) Counties to provide all the fluid milk consumed there, plus an ample reserve. Similarly, there are ample supplies of milk in the counties surrounding Rochester (Olmsted County), the Duluth-Superior area (St. Louis and Douglas Counties), and the Fargo-Moorhead-Grand Forks area.

With ample milk available within close proximity to the major population centers in the marketing area, there is no necessity to encourage the transporting of milk from more distant areas of the milkshed. The present provisions of the Minneapolis-St. Paul order, for example, provide a transportation allowance on Class I milk at the rate of 1.5 cents per ten miles from the basing points, regardless of distance from such plant. Thus, reimbursement for transportation is equally available to a supply plant 50 miles from the Twin Cities or 150 miles away. With this arrangement, a Minneapolis handler purchasing Class I milk from a supply plant is indifferent whether the milk comes from a nearby plant or a distant plant, since the additional transportation cost attributable to the difference in plan locations is reflected in the minimum order prices.

The pricing structure here adopted establishes zones which provide a limited transportation allowance for milk movement. Zone 1[4] ($1.12 differential) contains the major population centers in Minnesota and North Dakota and almost all of the distributing plants supplying such area. The $1.06 zone (Zone 2), by contrast, is rural in character and contains most of the heavy milk producing area and most of the manufacturing plants.

Since there is not enough milk produced within Zone 1 to satisfy all of the fluid demand on a day-to-day basis through the year, it is necessary to provide a price differential to implement the movement of a supplemental supplies from Zone 2. To this end, Zone 2 is priced 6 cents below Zone 1. At a hauling rate of 1.5 cents per 10 miles, 6 cents will accommodate the transportation of milk from within 40 miles of a plant in the $1.12 zone. Under existing circumstances, there is no need to accommodate the movement of milk from beyond this distance to insure all of the Grade A milk necessary to meet fluid demand of plants in Zone 1.

Bordering the proposed marketing area on its eastern border is the Chicago Regional marketing area. The Chicago Class I price zoned to this area results in a price 90–96 cents over the basic formula price at various points bordering the proposed marketing area. To provide alignment, therefore, it is necessary to have a comparable price in this segment of the market under the proposed order. Accordingly, Zone 4, which comprises four now unregulated Wisconsin counties (three of which are to be included in the Upper Midwest marketing area) and eight Wisconsin counties that are part of the Chicago Regional marketing area, requires a Class I differential of 96 cents.

Between Zone 2 ($1.06) and Zone 4 ($.96), an intermediate zone is required to provide a graduated price adjustment and thus to avoid abrupt and substantial price changes which could encourage unstable marketing conditions. For this purpose, a location adjustment of minus 10 cents (which would yield a Class I differential of $1.02) is appropriate. The presently unregulated portion of this part of the extended marketing area contains several partially regulated and unregulated distributing plants with sales throughout a broad segment of the area. Two of the largest of these plants are located in Barron and Eau Claire Counties. The distribution areas of these two plants virtually overlap, making it desirable to include both of these plants in the same zone.

The Minnesota-Wisconsin area represents an alternative supply area for virtually all markets east of the Rockies. For this reason, it is imperative that Federal order Class I prices be appropriately aligned so that the milk will move only when necessary. A Class I differential for the proposed marketing area that is too low would cause local milk to seek more remunerative distant outlets.

The $1.12 differential here adopted will align prices with those Federal orders also drawing milk supplies from central and southern Minnesota. The Des Moines order has a Class I differential of $1.09 at Rochester, Minnesota, and at Mankato, Minnesota. The Nebraska-Western Iowa Class I differential, based on mileage from Omaha, is also $1.09 at Rochester and $1.16 at Mankato. The Kansas City order Class I differential is $1.12 at Rochester and $1.13 at Mankato. A $1.12 differential for the extended market will improve price alignment with the North Central Iowa marketing area which now has a Class I differential of $1.25 in the counties adjacent to the southern boundary of the proposed marketing area.

Under current provisions of the Minnesota-North Dakota order, plus location adjustments apply in that part of North Dakota that is outside the base zone (as now defined in that order). Present circumstances do not warrant maintaining the existing plus location adjustments in the North Dakota segment of the marketing area. From December 1967 to November 1973 the amount of Order 60 milk pooled in North Dakota in the base zone declined by 19 percent, while that milk in the plus location adjustment area increased by 71 percent. Moreover, from December 1967 to November 1973, the number of supply plants in the plus location adjustment zone went from zero to six. As a result, milk received at plants in the plus location adjustment area increased by 674 percent in this period.

[4] All of the zones proposed herein extend into neighboring marketing areas, overlapping comparable pricing zones under other Federal orders. Unless otherwise specified, however, the discussion of pricing zones refers only to the territory within the proposed "Upper Midwest" marketing area.

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The effect of these plus location adjustments is to raise the uniform price to producers outside the base zone relative to those delivering their milk to plants inside the base zone. Consequently, there is a disincentive to deliver milk to the base zone directly from the farm when a higher price is available by delivering it to one of the supply plants outside the base zone. This practice is contrary to orderly and efficient marketing of milk.

To protect the integrity of regulation under Federal orders, it is generally necessary, either through the allocation procedure in the assignment of milk receipts to classes of use or in the application of location adjustment credits, to protect the pool from bearing the costs of moving milk to the central market for other than Class I use. This is usually accomplished by providing that Class I use in each plant is assigned first to direct receipts and then in sequence to receipts from other plants, starting with those plants nearest the market.

With the continuing conversion of manufacturing grade milk to Grade A in this upper midwest area, distributing plants can be expected to have ready access to their required milk supplies on a direct-shipped basis. Furthermore, in view of the liberal pooling standards adopted (which will remove any necessity for the movement of milk between plants solely to attain pooling status) and the limited location adjustments provided (6 cents for most plants, with the maximum being 16 cents), it may be presumed that, when milk is transferred to pool distributing plants, such transfers reflect a need for milk that cannot otherwise be met. In view of this, the interests of both handlers and producers will best be served by allowing the transferee handler flexibility in designating the milk to be assigned to Class I. This will insure that the difference in location value between transferor and transferee plant will be available to the transferor handler as an offset to the cost of moving any milk supplies.

EASTERN SOUTH DAKOTA MARKETING AREA

The Eastern South Dakota order now has a Class I differential of $1.50 applicable at each of its four fully regulated distributing plants. This price is clearly out of alignment with prices which have been effective in other parts of the area here being merged and also with prices in markets to the south. In substantial measure, it has been perpetuated by the particular institutional structure of the market. The record strongly suggests that producers in the Eastern South Dakota market have not, in fact, received returns reflecting the use value of their milk at the prescribed order prices, and that the higher returns from this market have been used to enhance returns of dairy farmers in Minnesota and North Dakota.

A South Dakota distributing plant operator representing himself and two other South Dakota handlers testified that the present 44-cent difference between Minneapolis-St. Paul ($1.06 differential), Southeastern Minnesota-Northern Iowa ($1.06 differential) and Eastern South Dakota ($1.50) has caused havoc in Eastern South Dakota, resulting in the demise of many small distributing plants over the years and the passage of a Minimum Retail Milk Price law to stem the inflow of cheaper Minnesota milk. These handlers proposed providing the same Class I differential for any merged order as would apply under the Eastern South Dakota order, but preferably increasing the Minnesota differentials to the $1.50 level.

The average annual Class I utilization in the Eastern South Dakota market has declined from 67 percent in 1969 to 46 percent in 1974. With the percentage of total milk production approved for Grade A averaging around 35 percent in this market, there is a growing potential for substantially increased Grade A supplies here. Because of its location with respect to markets to the south, i.e., Nebraska-Western Iowa and Kansas City, for example, the price must be established higher than that in the Upper Midwest market. But in the interest of producer and handler equities and overall price alignment, the price must be reduced from the existing level.

To provide continuing orderly marketing among the neighboring Federal order markets in the general area, Class I differentials must be structured to reflect costs in transporting milk between surplus markets and deficit markets. The Eastern South Dakota market is sandwiched between the Upper Midwest market on the north and east, and the Nebraska-Western Iowa market to the south. With a Class I differential is $1.12 on its northern border and a Class I differential of $1.60 on its southern border, the Eastern South Dakota market clearly must have a transitional pricing structure to provide for the orderly movement of milk.

For this reason, the Eastern South Dakota market, as modified herein, should have a Class I differential of $1.40 applicable at Mitchell, Sioux Falls, and all other points south of U.S. Highway 90. For plants located in Minnesota, North Dakota, or that portion of South Dakota north of U.S. Highway 90, the Class I price should be adjusted downward at the rate of 1.5 cents per 10 miles from the nearer of Sioux Falls or Mitchell. This will provide for a smooth transition of pricing between the Upper Midwest and Eastern South Dakota markets. It will considerably improve current inter-order price alignment, while continuing to assure an adequate supply of milk for South Dakota handlers.

In conjunction with the above change in pricing structure for the Eastern South Dakota market, a change should be made in the pricing point of producer milk diverted from a pool plant to a nonpool plant.

Presently, such milk is priced at the plant from which diverted. With virtually a flat price throughout the marketing area (presently there are no location adjustments within 100 miles of Aberdeen, Huron, Mitchell, Sioux Falls, and Watertown) it has mattered little if diverted milk were priced at the plant from which diverted or at the plant to which diverted. However, with the pricing structure adopted herein, the pricing point on diverted milk will be an important factor in the movement of milk supplies.

When diverted milk is priced at the plant from which diverted, there is always the incentive for association of distant milk with plants in the higher priced zones even though such milk is not needed at such plants for fluid use. This unecessary movement of milk results in inefficient marketing practices. It also reduces the return to producers whose milk is used on a regular basis at pool distributing plants in favor of more distant producers whose milk is used principally for manufacturing uses. The latter milk, although only occasionally transported to the central market, is priced as though it were received there every day.

The Act specifically provides for the pricing of milk "at the location at which delivery * * * is made." Thus, the change in pricing point will also insure compliance with the current interpretation of the Act.

Pricing milk not needed for Class I use. The Class II price under the merged order should be the basic formula price for the month plus 10 cents. The Class III price should be the basic formula price for the month. These prices should be announced by the 5th day after the month to which they apply.

These prices were proposed by all of the proponent organizations and are now applicable under each of the orders to be merged. They were adopted for all of these orders in conjunction with the 39-market classification proceedings referred to earlier in this decision and are appropriate for the identical reason for which they were adopted in the separate orders.

Butterfat differential. A single butterfat differential should apply under the merged order. It should be computed by multiplying the average Chicago 92-score butter price for the month by 0.115 and rounding such amount to the nearest 0.1 cent. The differential should be announced by the market administrator by the 5th day after the end of the month in which it applies. This differential is now applicable under the separate orders and was adopted in conjunction with the uniform classification plan now in use.

Land O'Lakes proposed that the butterfat differential be reduced to 10.5 percent of the Chicago 92-score buttter price.

Mid-America Dairymen, Inc., which originally supported a butterfat differential of .115 (the one now in the individual orders), changed its position taken at the hearing and, in its post hearing brief, supported the position of Land O'Lakes. Several proprietary handlers also expressed support of the idea. A proprietary handler and one producer cooperative association filed briefs in opposition to the proposal.

A Land O'Lakes spokesman testified that the current butterfat differential

prices surplus (Class III) cream $2.17 per hundredweight above its market value when manufactured into butter. Thus, he said, a fluid milk handler buying whole milk is at a disadvantage compared to one who buys skim milk since the former must absorb a loss on the cream portion of his milk.

It is unlikely that a fluid milk handler buying skim milk actually realizes this advantage. If there is a loss to be absorbed on surplus cream, it is likely that such loss is reflected in the price the handler must pay a cooperative association to obtain skim milk.

Any modification in the level of the butterfat differential would have wide-ranging repercussions since the market for butter, nonfat dry milk, and cheese is national in scope. Handlers in surrounding markets would be adversely affected by such a change in the pricing in this market. Moreover, as was pointed out in one brief, handlers manufacturing products that reouire milk testing below 3.5 percent would be faced with a cost increase that would put them at a competitive disadvantage compared to handlers in other markets.

The matter of appropriate butterfat differential was an issue dealt with fully in the 39-market proceedings. This record does not furnish a basis for modification of the provision so recently adopted for the several orders involved. Accordingly, the proposal is denied.

(d) *Distribution of proceeds to producers.* A marketwide pool should be provided under the merged order as a means of equitably distributing among all producers in the market the total proceeds derived from the sale of producer milk by all regulated handlers. Under marketwide pooling, one uniform price, adjusted for location of the plant to which the milk was delivered, is paid to all producers regardless of how a particular producer's milk is used by the handler to whom it is delivered. By receiving payment at the market uniform price, each producer shares equally in the higher-valued Class I milk of the market as well as in the lower-valued Class II and Class III uses of milk. This type of pooling is now being used in all four of the individual markets to be merged and was supported by all parties of interest for use under the merged order.

COMPUTATION AND ANNOUNCEMENT OF UNIFORM PRICE

A uniform price to producers based on estimated pool values should be computed each month by the market administrator and announced by the 11th day after the end of the month.

Presently, three of the individual orders provide for announcement of the previous month's uniform price by the 12th day of the month. The Minneapolis-St. Paul order provides for such announcement of the uniform price by the 15th day of the month.

Land O'Lakes, Inc., proposed a procedure whereby the market administrator would estimate a uniform price, which he would then announce by the 5th day after the month. A Land O'Lakes spokesman testified that announcement of the uniform price by the 5th day of the month would be a convenience to his organization in establishing producer pay prices. He stated that presently Land O'Lakes sets producer pay prices before the 15th day of the month, but this requires estimating gross returns in the various markets involved. The market administrator, he said, is in a much better position to estimate these returns since he has more information available to him.

The market administrator for the Minneapolis-St. Paul and Minnesota-North Dakota orders testified that his office has estimated the uniform price on an informal basis since June 1973. During the period from June 1973–October 1974 (no estimate was made for February 1974) these estimates were precisely correct during four months, one cent above or below the actual price during seven months, 2–3 cents off during four months, and off by 6 cents during one month when Key personnel were out of the office. On the average, the estimates differed from the actual price during this period by one half cent. They have been available to any interested person between the 5th and 12th day of the month.

The proposal to compute an estimated uniform price should be adopted. However, instead of being announced on the 5th day of the month, it should be announced on the 11th day of the month, one day after handler reports are due.

Several advantages will result in providing for computation of a uniform price on an estimated basis. Presently, the market administrator cannot compute a uniform price until the handlers' reports of receipts and utilization have been submitted. Often, depending on the fall of weekends and holidays, this does not allow enough regular working days to process the reports and announce a price by the 15th day of the month. As a result, overtime is regularly required in order to meet the deadline.

By allowing the market administrator to estimate the total amount and value of milk in the pool he has from the 5th day of the month, when the basic formula price for the preceding month is announced, until the 11th of the month to make his calculations and compute the uniform price. In addition, removing the uniform price computation from the processing of handlers' reports will allow the latter job to be done much more efficiently since the reports will no longer have to be processed by stages but, instead, may be processed in their entirety as they are received.

A final advantage to announcing the uniform price on the 11th day of the month is that it will permit earlier payments into and out of the producer-settlement fund and earlier payments to producers for their milk.

Payments to producers. The merged order should continue to require handlers to make payments to cooperative associations and producers for milk received. This is now the method of payment under each of the four orders.

Land O'Lakes Cooperative, Inc., proposed a payment plan whereby all handlers receiving milk from a cooperative association would pay their total pool obligation for such milk to the market administrator who, in turn, would pay the cooperative associations. Under their plan, proprietary handlers would pay their independent producers, however.

Proponent's witness testified that requiring handlers to pay the market administrator for milk received from cooperative associations would assure that all handler obligations and producer payments would be made on time and that such payments would be uniform. He further stated that, because cooperative associations continually fear a loss of their position in the market and, therefore, their ability to pool member milk, there is a tendency for cooperatives to be lenient with their Class I customers in the matter of making timely payments. This, he said, results in the slow-paying milk distributor realizing a cost advantage over competitors who make timely payments for their milk receipts. He related one experience in the spring of 1974 in which a handler fell further and further behind in his payments, ultimately falling into bankruptcy and leaving the cooperative with a large and uncollectable account receivable.

With the liberal pooling standards provided under the merged order, the circumstances leading to such large and uncollectible accounts should be avoided. It is expected that payments to producers will be made promptly, since access to Class I outlets will not be necessary to pool and a cooperative association may reasonably withhold supply to any handler who fails to pay promptly. If the problem leading to this proposal is resolved, there will be no need for channeling payments through the market administrator as proposed.

Under the terms adopted herein for the merged order, milk received from a cooperative acting as a handler for farm bulk tank milk will be treated as an interhandler transfer but will be classified pro rata with producer milk at the transferee plant. The pool plant operator will be obligated to the producer-settlement fund for the milk received directly from producers and by transfer from bulk tank cooperative handlers at its classified use value. This is in contrast to the procedure now followed, whereby the cooperative is responsible to the pool at class prices for milk delivered to a pool plant. In its capacity as the operator of a pool plant, a cooperative association will continue to account to the pool at class prices for milk transferred to other pool plants. The transferee handler will pay the cooperative the class prices for such milk.

The order should require a proprietary handler to make a partial payment to a cooperative association on or before the 3rd day after the end of the month for milk received during the first 15 days of the month from producers who are members of such cooperative association and who have authorized the association to

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collect such payment for them. For purposes of the partial payment, no distinction should be made between milk coming directly from the farm or by transfer from a pool plant operated by a cooperative. The rate of partial payment should be no less than the uniform price for the preceding month. A proprietary handler should also be required to make a partial payment to nonmember producers for milk received during the first 15 days of the month. Such payment should also be made on or before the 3rd day after the end of the month and should be at the rate of the uniform price for the preceding month.

The provisions proposed by the National Farmers' Organization and Mid-America Dairymen, Inc., would have required that the partial payment be at the Class I price for the current month rather than the uniform price for the preceding month. If partial payment were made at the Class I price, it would leave a disproportionately smaller share available to producers at the end of the month. Moreover, since no handler in this market has 100 percent Class I utilization, partial payment at the Class I price in most cases would be in excess of the value of milk received. For this reason, partial payment should be at the uniform price for the preceding month.

Final accounting for milk from producers and cooperative bulk tank handlers will be completed after the end of the month. Handlers will be required to submit to the market administrator a report of all receipts and utilization by the 10th day after the end of the month. The uniform price is announced by the 11th day. On the 11th day, handlers are required to pay cooperative associations for all skim milk and butterfat received from pool plants operated by such cooperative associations at not less than the class prices, as adjusted by the butterfat differential, applicable at the location of the receiving handler's pool plant (except that if such pool plant is in a lower priced zone than the cooperative association's plant, the Class I price will be at the location of the transferor plant), less the amount of the partial payment.

Handlers whose pool obligation exceeds the value of their producer milk at the uniform price should be required to make payment to the producer-settlement fund on or before the 15th day after the end of the month. On or before the 17th day after the end of the month, the market administrator will make payments to handlers whose total pool obligation is less than the value of their producer receipts at the uniform price.

Final payment by proprietary handlers to cooperative association handlers on farm bulk tank milk will be made on or before the 18th day after the end of the month. Such payment will be at not less than the uniform price for the month, less the amount of partial payment made for milk received during the first 15 days of the month. On or before the 18th day after the end of the month, handlers will also make final payment to each producer for milk which was not caused to be delivered by a cooperative association acting as a handler on farm bulk tank milk. Such payment will also be at the uniform price for the month, less the amount of partial pavment for milk received during the first 15 days of the month.

This schedule of reporting and payment dates adopted is intended to insure producers prompt payment for their milk. The payment dates being adopted are somewhat earlier than those proposed by Mid-America Dairymen, Inc., and the National Farmers Organization, but are later than those proposed by Land O'Lakes. They recognize that reasonable time is required for handlers to file reports and make payments to the market administrator by mail. This is particularly significant in view of the large and rural geographical area encompassed by the merged order.

The president of the Dairies Federation of Minnesota proposed that the payment date be pushed back from the 20th to the 25th of the month. He stated that the billing date for retail customers was on the 15th of the month and that payments from such customers are not received until the 25th day of the month. Consequently, he said, handlers are faced with additional costs in the form of interest on bank loans if they are required to pay producers before they receive payment from their retail customers.

There is no foundation for this position. As it is, producers must wait until the 18th day after the end of the month before receiving the final payment for their milk. The cost of any short term loans that a handler may need to meet order obligations must be considered a necessary business expense to be borne by the handler. There is no reason why producers should be required to bear any of the handler's business expenses. Accordingly, the proposal should not be adopted.

SERVICE CHARGES

Land O'Lakes Cooperative, Inc., proposed that service charges be incorporated in the order to accommodate recovery of a cooperative association's costs for field service, quality testing, coordination of milk movements, disposition of reserve supplies, producer payrolls, and operation and maintenance of storage and handling facilities. The proposal would provide a charge of 10 cents per hundredweight on milk delivered directly from the farm to a handler's plant and 18 cents per hundredweight on milk delivered from a supply plant to a handler's plant.

A Land O'Lakes witness testified that most cooperative associations supplying proprietary handlers are able to recoup the cost for various services rendered through service charges levied by the cooperative. However, not all cooperatives in the upper Midwest levy such a charge and the charges that are made vary from organization to organization and possibly from customer to customer. Often, this witness stated, the urgency to pool member milk may cause a cooperative to reduce or eliminate the charge in order to retain a Class I customer. Consequently, a milk distributor who pays a small charge or none at all has a procurement cost advantage over a competitor buying milk from a cooperative that does charge for services rendered. The witness concluded that this situation is not in keeping with the legislative requirement of the Agricultural Marketing Agreement Act that "prices shall be uniform to all handlers."

Proponent emphasized that the pressure to retain Class I customers and to keep member producer milk pooled made it difficult to recoup the cost for various services rendered. Under the proposed pooling standards, these pressures will be virtually eliminated. It will not be necessary to absorb bona fide service costs in order to keep milk pooled.

Accordingly, the Land O'Lakes proposal should not be adopted at this time.

(e) *Administrative provisions.—Interest payments on overdue accounts.* The merged order should provide for interest payments on handler obligations that are overdue. Such interest should be at the rate of three-fourths of one percent per month (9 percent annually). Interest should apply beginning the day following the date on which payment of an obligation is due.

It is essential that all handler payments to the producer-settlement fund be made promptly in order that the market administrator will be able to make the required payments to producers. An interest charge on overdue accounts should provide an incentive to handlers to make their payments on time. Moreover, handlers who pay late are, in effect, borrowing money from producers. Without interest payments, handlers delinquent in their payments would have a financial advantage relative to those handlers making timely payments.

It should be noted that interest payments are not a substitute for prompt payments by handlers. Those delinquent in their obligations will be subject to legal enforcement action as authorized under the Act.

The adopted interest rate (three-fourths of one percent per month) was proposed by all three merger proponents. This rate is currently applicable under the Southeastern Minnesota-Northern Iowa and Minneapolis-St. Paul orders. One proprietary handler suggested a penalty equal to the prime rate in effect, plus one percent, on all payments 15 days or more past due. This proposal, while somewhat more flexible than the provision adopted herein, does not differ substantially from it at present interest rates. Since no particular problem was presented regarding the present provision, there is no reason to depart from the present order language proposed by the merger proponents.

Administrative assessment. The maximum rate of payment by handlers for the cost of administering the merged order should be 3 cents per hundredweight. The market administrator must have adequate funds to perform the necessary function of administering the merged order.

Currently, the maximum rates under the separate orders are 4 cents per hundredweight under the Minnesota-North Dakota, Southeastern Minnesota-Northern Iowa, and Duluth-Superior orders, and 3 cents per hundredweight under the Minneapolis-St. Paul order.

A maximum 3-cent rates under the expanded order should cover all necessary expenses the market administrator may occur in administration of the order. It is necessary, of course, that the administrator have adequate funds to perform all of those functions necessary for effective administration. However, if experience indicates that the merged order can be administered at a lesser rate, the Secretary, under the terms of the order, may adjust the effective rate of assessment without the necessity of a hearing.

The administrative assessment should apply to all receipts within the month of milk from producers, including milk of such handler's own production, any other source milk allocated to Class I (except milk so assessed under another Federal order), milk received from a cooperative association in its capacity as a handler on farm bulk tank milk, and milk transferred in bulk to a pool plant from a plant owned and operated by a cooperative association. A cooperative association should pay the administrative assessment only on its receipts for which the assessment is applicable, and for which such assessment is not to be paid by other handlers.

Presently, of the four orders, only the Southeastern Minnesota-Northern Iowa order places on proprietary handlers the administrative assessment on milk received from a cooperative association in its capacity as a handler on farm bulk tank milk or as a handler or plant milk transferred. Land O'Lakes, Inc., proposed this procedure for the merged order.

The Act provides that the administrative cost of the order shall be borne by handlers. In this connection, it is apparent that Congress contemplated that, in any circumstance in which a proprietary handler purchased milk from a cooperative association, the assessment would be passed on to the proprietary handler. Otherwise, proprietary handlers would simply avoid the burden of administrative cost by purchasing milk only from cooperative associations, leaving producers to bear such cost. This practice would violate the mandate of the Act requiring minimum uniform prices to all handlers. Therefore, the new order should be clear on who is responsible for the administrative assessment on this milk.

When a cooperative association operates a processing plant or acts in the capacity of a handler diverting milk to nonpool plants or in the limited capacity as responsible handler with respect to farm bulk tank milk which it causes to be picked up at the farm and which is not received at any plant, it, of course, must be held responsible for the assessment payable on such milk.

Marketing service deduction. With respect to payments to producers, the order should provide for a maximum deduction of 5 cents per hundredweight for marketing services furnished by the market administrator. Such deductions are necessary to enable the market administrator to conduct an adequate marketing service program for producers supplying the market.

The maximum rates now for such services are 6 cents under the Southeastern Minnesota-Northern Iowa and Minneapolis-St. Paul orders, 5 cents under the Minnesota-North Dakota order, and 3 cents under the Duluth-Superior order.

The 5-cent rate, which is one cent below the rate proposed at the hearing, should permit the market administrator to conduct an adequate marketing service program for those producers not receiving such services (providing for market information to producers and verification of weights, sampling, and testing of milk purchased from producers) from a cooperative association. Experience indicates that these services can be performed at a rate considerably below the maximum now provided in the order. Therefore, a maximum rate of 5 cents should continue to provide adequate funds for these services.

The order should provide for the transfer of funds from a proprietary handler to a cooperative association when the latter is performing the marketing services for producers. The language suggested by proponents, which is the language now contained in the Minneapolis-St. Paul order, would merely direct that no money be withheld in the case of producers for whom a cooperative is performing the marketing services. This would be adequate when the handler pays the cooperative association for the milk and the cooperative then pays the producers. In this case, the cooperative could obviously withhold the market service fee. But in the case where the handler pays the producer directly, a provision is needed to provide for the transfer of funds from the handler to the cooperative to cover the marketing services performed. The language adopted herein, which is similar to language contained in the Minnesota-North Dakota and Southeastern Minnesota-Northern Iowa orders, specifically provides for this transfer of funds, accompanied by a statement showing the quantity of milk for which a deduction was computed for each producer.

Merger of the administrative expense, marketing service, and producer-settlement funds. To accomplish the merger of the orders effectively and equitably, the reserves in the administrative expense funds that have resulted under Orders No. 60, 61, 68, and 69 should be combined. Similar procedure should be followed with respect to the marketing service fund reserves of these individual orders. Any liabilities of such funds under the individual orders should be paid from the appropriate new fund established under the merged order. Similarly, obligations that are due the several funds under the individual orders should be paid to the appropriate combined fund under the merged order.

The money paid to the administrative expense fund is each handler's proportionate share of the cost of administering the order. It is anticipated that all handlers currently regulated under the individual orders will continue to be regulated under the merged order. In view of this, it would be an unnecessary administrative and financial burden to allocate back to handlers the reserve funds under the individual orders and then accumulate an adequate reserve for the merged order. It is equally equitable and more efficient to combine the administrative monies accumulated under the individual orders and to pay any liabilities against such funds from the consolidated fund of the merged order. With respect to the Eastern South Dakota administrative service fund, it should be retained under that order even though part of that marketing area is included in the merged area, since the reserve in that fund is for the purpose of performing audits of handlers reports and other administrative tasks with respect to handlers regulated under that order.

The money accumulated in the marketing service funds of Orders No. 60, 61, 68, and 69 is that which has been paid by producers for whom the market administrator is performing services. The Eastern South Dakota order has no marketing services provision. The producers who have contributed to the marketing service fund of each order are expected to continue to supply milk for the Upper Midwest market. The consolidation of the reserves in the individual marketing service funds is therefore appropriate in view of the continuation of the marketing service program for these producers under the merged order.

The producer-settlement fund balances in Orders No. 60, 61, 68, 69, and the proportion of the unobligated producer settlement fund reserve of Order No. 76 associated with and attributable to the milk of producers in the month preceding the first month in which such producer milk becomes regulated under the merged order should be combined so that the producer-settlement funds under the merged order and Order No. 76 may be continued without interruption. The producers currently supplying handlers in the individual markets are expected to continue to supply milk to such handlers. The merged Upper Midwest market, which incorporates part of the present Eastern South Dakota market, is expected to result in the shift of regulation of an Aberdeen, South Dakota, plant from that market to the Upper Midwest market. Thus, monies now in the producer settlement funds of the individual orders would be reflected in the uniform prices of the producers who will benefit from the merged order. The combined fund would also serve as a contingency fund from which money would be available to meet obligations (resulting from audit adjustments and otherwise) accruing under one or the other of the separate funds.

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PROVISIONS REQUIRING NO REVISION

Handlers and producers indicated that provisions of the Minneapolis-St. Paul and Eastern South Dakota orders for which they were proposing no changes were appropriate for the expanded marketing areas.

No testimony was presented indicating that the reasons set forth in the decisions providing for the adoption of such provisions were not equally applicable to regulation of the expanded marketing areas. For the reasons previously stated, the remaining unrevised provisions of the orders are appropriate for the extended orders and are hereby adopted.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusion were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds; available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the tentative marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreements upon which a hearing has been held;

(d) All milk and milk products handled by handlers, as defined in the tentative marketing agreements and the orders as hereby proposed to be amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 3 cents per hundredweight (5 cents under the Eastern South Dakota order) or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1068.85 of the aforesaid tentative marketing agreement and the Upper Midwest order. (§ 1076.85 under the Eastern South Dakota order)

RECOMMENDED MARKETING AGREEMENTS AND ORDER AMENDING THE ORDERS

The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders. The following order amending the orders, as amended, regulating the handling of milk in the Upper Midwest and Eastern South Dakota marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1068—MILK IN THE UPPER MIDWEST MARKETING AREA

Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.
1068.1 General provisions.

DEFINITIONS

1068.2 Upper Midwest marketing area.
1068.3 Route disposition.
1068.4 Plant.
1068.5 [Reserved]
1068.6 [Reserved]
1068.7 Pool plant.
1068.8 Nonpool plant.
1068.9 Handler.
1068.10 Producer-handler.
1068.11 [Reserved]
1068.12 Producer.
1068.13 Producer milk.
1068.14 Other source milk.
1068.15 Fluid milk product.
1068.16 Fluid cream product.
1068.17 Filled milk.
1068.18 Cooperative association.

HANDLER REPORTS

1068.30 Reports of receipts and utilization.
1068.31 Payroll reports.
1068.32 Other reports.

CLASSIFICATION OF MILK

1068.40 Classes of utilization.
1068.41 Shrinkage.
1068.42 Classification of transfers and diversions.
1068.43 General classification rules.
1068.44 Classification of producer milk.
1068.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1068.50 Class prices.
1068.51 Basic formula price.
1068.52 Plant location adjustments for handlers.
1068.53 Announcement of class prices.
1068.54 Equivalent price.

UNIFORM PRICE

1068.60 Handler's value of milk for determining pool obligation.
1068.61 Computation of uniform price.
1068.62 Announcement of uniform price and butterfat differential.

PAYMENT FOR MILK

1068.70 Producer-settlement fund.
1068.71 Payments to the producer-settlement fund.
1068.72 Payments from the producer-settlement fund.
1068.73 Payments to producers and to cooperative associations.
1068.74 Butterfat differential.
1068.75 Plant location adjustments for producers and on nonpool milk.
1068.76 Payments by handler operating a partially regulated distributing plant.
1068.77 Adjustment of accounts.
1068.78 Charges on overdue accounts.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1068.85 Assessment for order administration.
1068.86 Deduction for marketing services.

AUTHORITY: Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).

Subpart—Order Regulating Handling

GENERAL PROVISIONS

§ 1068.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1068.2 Upper Midwest marketing area.

"Upper Midwest marketing area" (referred to in this part as the "marketing area") means all territory within the boundaries listed below including all territory that is now, or in the future, occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments if any part of such territory is within the designated geographical limits of the marketing area:

(a) The State of Minnesota, except the counties of Lincoln, Nobles, Pipestone, and Rock.

(b) In the State of Wisconsin, the counties of:

Ashland	Pepin
Barron	Pierce
Bayfield	Polk
Buffalo	Price
Burnett	Rusk
Chippewa	Sawyer
Clark	St. Croix
Douglas	Taylor
Dunn	Trempealeau
Eau Claire	Washburn

(c) In the State of North Dakota, the counties of:

Barness	Pembina
Cass	Ramsey
Cavalier	Ransom
Dickey	Richland
Grand Forks	Sargent
Griggs	Steele
La Moure	Traill
Nelson	Walsh

(d) In the State of South Dakota, the counties of:

Brown	Marshall
Day	McPherson
Edmunds	Roberts
Grant	Walworth

(e) In the State of Iowa, the counties of:

Howard	Winnebago
Kossuth	Winneshiek
Mitchell (except the city of Osage)	Worth

§ 1068.3 Route disposition.

"Route disposition" means any delivery (including any delivery by a vendor or disposition at a plant store or through a vending machine) of a fluid milk product classified as Class I, milk other than a delivery to a plant.

§ 1068.4 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed, or packaged. Separate facilities used only as a distribution point for storing packaged fluid milk products in transit for route disposition or separate facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a "plant" under this definition.

§ 1068.5 [Reserved]

§ 1068.6 [Reserved]

§ 1068.7 Pool plant.

Except as provided in paragraph (e) of this section, "pool plant" means any plant:

(a) From which during the month:

(1) The total route disposition (except filled milk) as a percent of the total milk received in bulk form at such plant (excluding milk received as diverted milk from another pool plant) or diverted therefrom by the plant operator is at least equal to the marketwide Class I utilization percentage for the same month of the preceding year. (Upon the effective date of this order, the market administrator shall compute and announce the weighted average Class I utilization percentage for the four markets combined herein. Such computation shall be used in determining pooling standards pursuant to paragraph (a) and (b) of this section during the first year this order is effective.); and

(2) Not less than 15 percent of such receipts are disposed of as route disposition (except filled milk) in the marketing area; or

(b) That is approved by a duly constituted regulatory agency for the handling of Grade A milk, from which during the month the volume of fluid milk products shipped to pool plants qualified pursuant to paragraph (a) of this section as a percent of the total Grade A milk received at the plant from dairy farmers during the month (including milk delivered to the plant from dairy farms for the account of a cooperative association and milk diverted from the plant by the plant operator but excluding milk diverted to the plant from another pool plant) is not less than the marketwide Class I utilization percentage for the same month of the preceding year;

(c) That qualified as a pool plant in each of the immediately preceding three months on the basis of performance standards described in paragraph (a) or (b) of this section; or

(d) That is located in the marketing area and that is approved by a duly constituted regulatory agency for the handling of Grade A milk, subject to the following conditions:

(1) At least one tank truck load of milk (not less than 45,000 pounds) has been shipped from the plant to a pool plant described in paragraph (a) of this section or to a comparable plant under another Federal order within the last 12 months, unless the plant is already qualified as a pool plant pursuant to this paragraph;

(2) The operator of the plant has filed a request with the market administrator for pool status at least 15 days prior to the first day of the month in which such status is desired effective. Once qualified as a pool plant pursuant to this paragraph, such status shall continue to be effective unless the operator requests nonpool status for the plant prior to the first day of the month for which nonpol status is requested, the plant subsequently fails to meet all of the conditions of this paragraph, or the plant qualifies as a pool plant under another order;

(3) The operator of the plant has agreed to supply a percentage of its milk (not to exceed the percentage of shipments required of a plant described in paragraph (b) of this section) to pool plants described in paragraph (a) of this section or to comparable plants under another Federal order in compliance with any announcement by the market administrator requesting such level of shipments. The market administrator may require such shipments from any designated plants qualified pursuant to this paragraph whenever he finds, after investigating on his own initiative or at the request of interested persons, that milk supplies for Class I use are needed from pool plants qualified under this paragraph. Failure to comply with any announced shipping requirement shall result in immediate loss of pool status for the plant pursuant to this paragraph. A plant losing pool status in this manner may not again qualify as a pool plant pursuant to this paragraph for a period of one year from the date on which pool status was lost; and

(4) Effective January 1, 1977, a plant must have been a pool plant under this order during each of the preceding months of September through December to be a pool plant under this paragraph during the following months of January through June.

(e) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A governmental agency plant;

(3) A plant qualified as a pool plant pursuant to paragraphs (a), (b), or (c) of this section if the conditions of paragraph (e)(3) (i) and (ii) of this section are met. Such plant shall be exempt from the provisions of this part except for reports that may be required pursuant to § 1068.30(d) and verification of such reports by the market administrator in accordance with § 1000.5 of this chapter:

(i) The Secretary determines that a greater quantity of milk in fluid form is disposed of from such plant to a regulated marketing area as defined in another order issued pursuant to the Act either as route disposition, excluding filled milk, or to other order plants qualified on the basis of route disposition, than is disposed of from such plant in the Upper Midwest marketing area either as route disposition, excluding filled milk, or to pool plants qualified on the basis of route disposition; and

(ii) Such milk would be subject to the class price and producer payment provisions of the other marketing agreement or order upon being made exempt from this part; and

(4) That portion of a plant that is physically separated from the Grade A portion of such plant, is operated separately, and is not approved by any regulatory agency for the receiving, processing, or packaging of any fluid milk product for Grade A disposition.

§ 1068.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act,

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which there is route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped during the month to a pool plant.

(e) "Governmental agency plant" means a plant owned and operated by a government institution which disposes of Class I milk in the marketing area solely for use on the premises or to its own facilities. Such plant shall be exempt from all provisions of this part.

§ 1068.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to milk of a producer that is diverted for the account of the cooperative association from a pool plant of another handler in accordance with § 1068.13;

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer for

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delivery to a pool plant of another handler in a tank truck owned and operated by, or under the control of, such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator prior to the time that such milk is delivered to the pool plant that the plant operator will be the handler for such milk and will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the cooperative association at the location of the pool plant to which such milk is delivered;

(d) Any person in his capacity as the operator of a partially regulated distributing plant;

(e) Any person who is a producer-handler;

(f) Any person in his capacity as the operator of an other order plant; and

(g) Any person in his capacity as the operator of an unregulated supply plant.

§ 1068.10 Producer-handler.

"Producer-handler" means any person who meets all of the following conditions:

(a) Operates a dairy farm and a distribution plant at which Grade A milk of his own production is processed and packaged, and from which there is route disposition in the marketing area;

(b) Receives no milk or fluid milk products from the farms of other dairy farmers nor from any other source, except receipts of not more than 50,000 pounds of fluid milk products during the month by transfer from pool plants of other handlers or from other order plants;

(c) Receives no nonfluid milk products from any source for use in reconstituting fluid milk products; and

(d) The maintenance, care, and management of the dairy animals and other resources necessary to produce such milk and the processing, packaging, and distribution of such milk are the personal enterprise, and the personal risk, of such person.

§ 1068.11 [Reserved]

§ 1068.12 Producer.

(a) Subject to the exception of paragraph (b) of this section, "producer" means any person who produces milk approved by a duly constituted regulatory agency for disposition as Grade A milk and whose milk is:

(1) Received at a pool plant directly from such person;

(2) Received by a handler described in § 1068.9(c); or

(3) Diverted from a pool plant in accordance with § 1068.13.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Any person with respect to milk produced by him that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilizations pursuant to § 1068.44(a)(8)(iii) and the corresponding step of § 1068.44(b); and

(3) Any person with respect to milk produced by him that is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

§ 1068.13 Producer milk.

"Producer milk" means the skim milk and butterfat in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant;

(b) Received by a handler described in § 1068.9(c);

(c) Picked up from the producer's farm tank in a tank truck owned and operated by, or under the control of, this operator of a pool plant but which is not received at a plant until the following month. Such milk shall be considered as having been received by the handler during the month in which it is picked up at the producer's farm and shall be priced at the location of the plant where it is physically received in the following month. This paragraph shall apply in like manner to milk received by the operator of a pool plant who, in accordance with § 1068.9(c), is the handler for such milk;

(d) Diverted from a pool plant described in § 1068.7(a) for the account of the handler operating such plant to another pool plant. Milk so diverted shall be priced at the location of the plant to which diverted; or

(e) Diverted from a pool plant to a nonpool plant (other than a producer-handler plant) for the account of the handler operating such pool plant or for the account of a handler described in § 1068.9(b), subject to the following conditions:

(1) Milk of a dairy farmer shall not be eligible for diversion until milk of such dairy farmer is physically received as producer milk at a pool plant;

(2) The total quantity of milk diverted by a cooperative association during the month as a percent of the producer milk that the cooperative association causes to be delivered to or diverted from pool plants during the month shall not exceed the combined Class II and III utilization percentage for the same month of the prior year. (Upon the effective date of this order, the market administrator shall compute and announce the aggregate weighted average Class II and III utilization percentage of the four markets combined herein for the preceding 12-month period. Such computation shall be used in determining the diversion limitation pursuant to paragraph (e)(2) and (3) of this section during the first year the order is effective.);

(3) The operator of a pool plant that is not a cooperative association may divert any milk that is not under the control of a cooperative association that diverts milk pursuant to paragraph (e)(2) of this section. The total quantity of milk so diverted during the month as a percent of the producer milk physically received at or diverted from such pool plant during the month that is eligible to be diverted by the plant operator shall not exceed the combined Class II and III utilization percentage for the same month of the prior year;

(4) Any milk diverted in excess of the limits prescribed in paragraph (e)(2) and (3) of this section shall not be producer milk. The diverting handler may designate the dairy farmers whose diverted milk will not be producer milk, otherwise the days of production last diverted shall be used in determining which milk should not be producer milk; and

(5) Diverted milk shall be priced at the location of the plant to which diverted.

§ 1068.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1068.40(b)(1) from any source other than producers, handlers described in § 1068.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1068.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1068.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1068.40(b)(1)) for which the handler fails to establish a disposition.

§ 1068.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1068.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1068.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1068.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members; and

(c) Has its entire activities under the control of its members.

Handler Reports

§ 1068.30 Reports of receipts and utilization.

On or before the 10th day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1068.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1068.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1068.9(b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1068.31 Payroll reports.

(a) On or before the last day of each month, each handler described in § 1068.9(a), (b), and (c) shall report to the market administrator his producer payroll for the preceding month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1068.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1068.32 Other reports.

In addition to the reports required pursuant to §§ 1068.30 and 1068.31, the following shall be reported to the market administrator:

(a) Each handler specified in § 1068.9(g) who operates an unregulated supply plant shall report as required in § 1068.30, except that the receipts of skim milk and butterfat in Grade A milk shall be reported in lieu of those in producer milk.

(b) Each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

Classification of Milk

§ 1068.40 Classes of utilization.

Except as provided in § 1068.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1068.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk) are processed and from which (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the

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quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1068.15; and

(6) In shrinkage assigned pursuant to § 1068.41(a) to the receipts specified in § 1064.41(a)(2) and in shrinkage specified in § 1068.41(b) and (c).

§ 1068.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1068.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat;

(1) In the receipts specified in paragraph (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b) (1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1068.9(c) and in milk diverted to such plant from another pool plant, except that, in either case, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1068.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1068.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless the operators of both plants request the same classification in another class. In either case, the classification of such transfers shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant after the computations pursuant to § 1068.44(a)(12) and the corresponding step of § 1068.44(b);

(2) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1068.44(a)(7) or the corresponding step of § 1068.44(b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler received during the month other source milk to be allocated pursuant to § 1068.44(a)(11) or (12) or the corresponding steps of § 1068.44(b), the skim milk or butterfat so transferred up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b) (1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1068.40.

(c) *Transfers to producer-handlers.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order shall be classified:

(1) As Class I milk, if transferred in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the producer-handler's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to his receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2) (ii) through (viii) of this section:

(*a*) The transferor-handler or diverter-handler claims such classification in his report of receipts and utilization filed pursuant to § 1068.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(c) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such noonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

(e) *Transfers by a handled described in § 1068.9(c) to pool plants.* Skim milk and butterfat transferred in the form of bulk milk by a handler described in § 1068.9(c) to another handler's pool plant shall be classified with producer milk received at the transferee-handler's plant pursuant to § 1068.44(c).

§ 1068.43 General classification rules.

In determining the classification of producer milk, the following rules shall apply;

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1068.30 and shall compute separately for each pool plant, and for each cooperative association with respect to milk for which it is the handler pursuant to § 1068.9 (b) or (c) that was not received at a pool plant, the pounds of skim milk and butterfat, respectively, in each class in accordance with §§1068.40, 1068.41, and 1068.42. The combined pounds of skim milk and butterfat so determined in each class for a handler described in § 1068.9 (b) or (c) shall be such handler's classification of producer milk;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids;

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1068.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association; and

(d) For classification purposes, pursuant to §§ 1068.40 through 1068.45, butterfat in skim milk either disposed of to others or used in the manufacture of milk products shall be accounted for at a butterfat content of 0.065 percent, unless the handler has adequate records of the actual butterfat content of such skim milk.

§ 1068.44 Classification of producer milk.

For each month the market administrator shall determine for each handler described in § 1068.9(a) for each of his separate pool plants the classification of producer milk and milk received from a handler described in § 1068.9(c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1068.41 (b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1068.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1068.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1068.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk re-

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maining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a) (5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1068.40(b) (1) that was not subtracted pursuant to paragraph (a) (4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order and from a governmental agency plant;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2) and (7) (v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2), (7) (v), and (8) (i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a) (8) (ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk from a handler described in § 1068.9(c), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a) (7) (vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a) (7) (vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III the pounds of skim milk in fluid milk products and products specified in § 1068.40(b) (1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a) (5) and (7) (i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a) (1) of this section;

(11) Subject to the provisions of paragraph (a) (11) (i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a) (2), (7) (v), and (8) (i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a) (7) (vi) and (8) (iii) of this section:

(i) Subject to the provisions of paragraphs (a) (12) (ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1068.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a) (12) (i) of this section result in the total pounds of skim milk at all pool plants of the hander that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a) (12) (ii) of this section, should the computations pursuant to paragraph (a) (12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a) (12) (ii) of this section, should the computation pursuant to paragraph (a) (12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in recipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1068.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, and milk received from a handler described in § 1068.9(c), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk and milk received from a handler described in § 1068.9(c) in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a) (14) of this section and the corresponding step of paragraph (b) of this section.

§ 1068.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1068.44(a) (12) and the corresponding step of § 1068.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1068.44 on the basis of such report, and thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

CLASS PRICES

§ 1068.50 Class prices.

Subject to the provisions of § 1068.52, the class prices for the month per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.12.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1068.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1068.52 Plant location adjustments for handler.

(a) The following zones are defined for the purpose of determining location adjustments:

(1) Zone 1 shall include that territory, both inside and outside the marketing area, not included in Zones 2, 3, and 4.

(2) Zone 2 shall include:

(i) The Minnesota counties of Aitkin, Anoka, Becker, Benton, Big Stone, Carlton, Carver, Cass, Chippewa, Chisago, Crow Wing, Dakota, Dodge, Douglas, Fillmore, Goodhue, Grant, Houston, Hubbard, Isanti, Kanabec, Kandiyohi, Le Seur, McLeod, Meeker, Mille Lacs, Morrision, Nicollet, Otter Tail, Pine, Pope, Renville, Rice, Scott, Sibley, Sherburne, Stearns, Steele, Stevens, Swift, Todd, Traverse, Wabasha, Wadena, Waseca, Washington, Winona, Wilkins, and Wright;

(ii) The Wisconsin counties of Burnett, Calumet, Columbia, Crawford, Douglas (except the city of Superior), Green Lake, Manitowoc, Pierce, Polk, Richland, St. Croix, Sauk, Vernon, and Winnebago;

(iii) The Michigan counties of Dickinson, Gogebic, Iron, and Menominee; and

(iv) The Iowa County of Allamakee.

(3) Zone 3 shall include the Wisconsin counties of Adams, Ashland, Barron, Bayfield, Brown, Buffalo, Chippewa, Door, Dunn, Eau Claire, Florence, Forest, Iron, Juneau, La Crosse, Kewaunee, Marinette, Marquette, Monroe, Outagamie, Pepin, Rusk, Sawyer, Trempealeau, Washburn, Waupaca, Waushara, and Vilas.

(4) Zone 4 shall include the Wisconsin counties of Clark, Jackson, Langlade, Lincoln, Marathon, Menominee, Oconto, Oneida, Portage, Price, Shawano, Taylor, and Wood.

(b) For milk received at a plant from producers or a handler described in § 1068.9(c) and which is classified as Class I milk, the price specified in § 1068.52(a) shall be adjusted by the following amounts:

Zone:	*Adjustment per hundredweight*
1	No adjustment.
2	Minus 6¢.
3	Minus 10¢.
4	Minus 16¢.

(c) The Class I price applicable to other source milk shall be adjusted by the amounts set forth in paragraph (b) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1068.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1068.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

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UNIFORM PRICE

§ 1068.60 Handler's value of milk for determining pool obligation.

For the purpose of determining each handler's pool obligation, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1068.9 (b) and (c) with respect to milk that was not received at a pool plant, as follows:

(a) Multiply the pounds of producer milk and milk received from a handler described in § 1068.9(c) in each class as determined pursuant to § 1068.43(a) and § 1068.44(c) by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1068.44(a)(14) and the corresponding step of § 1068.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1068.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1068.44(a)(9) and the corresponding step of § 1068.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1068.44(a)(7) (i) through (iv) and the corresponding step of § 1068.44 (b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1068.44(a)(7) (v) and (vi) and the corresponding step of § 1068.44(b);

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I Pursuant to § 1068.44(a)(11) and the corresponding step of § 1068.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order; and

(g) Subtract, for a handler described in § 1068.9(c), the amount obtained from multiplying the Class III price for the preceding month by the hundredweight of skim milk and butterfat contained in inventory at the beginning of the month that was delivered to another handler's pool plant during the month.

§ 1068.61 Computation of uniform price.

For each month the market administrator shall compute a uniform price per hundredweight of milk of 3.5 percent butterfat content as follows:

(a) Estimate the value of milk of all handlers who made the payments pursuant to § 1068.71 for the preceding month;

(b) Add an amount equal to the estimated value of the producer location adjustments;

(c) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting account by:

(1) The estimated hundredweight of producer milk; and

(2) The estimated hundredweight of other source milk for which a value is computed pursant to § 1068.60(f); and

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1068.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 11th day after the end of each month the uniform price for such month.

PAYMENTS FOR MILK

§ 1068.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1068.71, 1068.76, and 1068.77 and out of which he shall make all payments due handlers pursuant to §§ 1068.72 and 1068.77: *Provided*, That the market administrator shall offset any payments due any handler against payments due from such handler.

§ 1068.71 Payments to the producer-settlement fund.

(a) On or before the 15th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1068.60.

(2) The sum of:

(i) The value at the unform price, as adjusted pursant to § 1068.75, of such handler's receipts of producer milk and milk received from a handler described in § 1068.9(c). In the case of a handler described in § 1068.9(c), less the amount due from other handlers pursuant to § 1068.73(c), exclusive of differential butterfat values; and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1068.60(f).

(b) On or before the 25th day after the end of the month each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plan in marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1068.72 Payments from the producer-settlement fund.

On or before the 17th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1068.71(a)(2) exceeds the amount computed pursuant to § 1068.71(a)(1): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary fund become available.

§ 1068.73 Payments to producers and to cooperative associations.

Each handler shall pay for milk received from producers or cooperative associations as follows:

(a) On or before the third day after the end of the month, each handler shall make payment at not less than the uniform price (adjusted for his plant location) for the preceding month for skim milk and butterfat received during the first 15 days of the month to:

(1) A cooperative association that is a handler pursuant to § 1068.9 (a) or (c);

(2) A cooperative association that is not a handler but which is authorized to collect payment on behalf of its member producers; and

(3) A nonmember producer who has not authorized a cooperative association to market his milk and collect payment on his behalf.

(b) On or before the 11th day after the end of the month, each handler shall pay for skim milk and butterfat received during the month from a cooperative association which is a handler pursuant to § 1068.9(a) at not less than the value of such milk computed at the applicable class prices for the month at the location of the transferee or transferor plant, whichever is higher, less the partial payment pursuant to paragraph (a) of this section.

(c) On or before the 18th day after the end of the month, each handler shall make payment at not less than the uniform price for the month, as adjusted by the butterfat differential specified in § 1068.74 and location adjustments specified in § 1068.52, for all skim milk and butterfat received during the month (less the partial payment pursuant to paragraph (a) of this section) to:

(1) A cooperative association that is a handler pursuant to § 1068.9(c);

(2) A cooperative association that is not a handler but which is authorized to collect payment on behalf of its member producers; and

(3) A nonmember producer who has not authorized a cooperative association to market his milk and collect payment on his behalf.

(d) In making payments pursuant to paragraphs (a) and (c) of this section, deductions may be made for marketing service pursuant to § 1068.86 and for any proper deductions authorized by the producer. In the event a handler has not received full payment from the market administrator pursuant to § 1068.72 by the 18th day of the month, he may reduce pro rata his payments to producers pursuant to paragraph (c) by not more than the amount of such underpayment. Following receipt of the balance due from the market administrator, the handler shall complete payments to producers not later than the next payment date provided under this section.

(e) In making payment to individual producers as required by this section, each handler shall furnish each producer from whom he received milk a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month involved, and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of the milk received from the producer;

(3) The minimum rate at which payment to the producer is required pursuant to this section;

(4) The rate used in making the payment, if such rate is other than the applicable minimum;

(5) The amount (or rate) per hundredweight of each deduction claimed under § 1068.86, together with a description of the respective deductions; and

(6) The net amount of the payment to the producer.

§ 1068.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1068.75 Plant location adjustments for producers and on nonpool milk.

The uniform price for producer milk received at a pool plant or delivered to a nonpool plant shall be adjusted according to the location of the plant of actual receipt at the rates set forth in § 1068.52.

§ 1068.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1068.30(b) and 1068.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price, both prices to be applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1068.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1068.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1068.60 for such handler shall include, in lieu of the value of other source milk specified in § 1068.60(f) less the value of such other source milk specified in § 1068.71(a)(2)(ii), a value of milk determined pursuant to § 1068.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1068.7(b), subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1068.30 (b) and 1068.31(b) similar reports for each such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records

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showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The value of milk determined pursuant to § 1068.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1068.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1068.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1068.77 Adjustment of accounts.

(a) Whenever verification by the market administrator of reports or payments by any handler discloses errors in payments to the producer-settlement fund pursuant to § 1068.71, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make payments to such handler.

(b) Whenever verification by the market administrator of the payments by a handler to any producer or cooperative association discloses payment of less than is required by § 1068.73, the handler shall pay the balance due such producer or cooperative association not later than the time for making payments next following such disclosure.

§ 1068.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1068.71, 1068.76, and 1068.77(a), for which remittance has not been made by the close of business on the next day following the date specified for such payment shall be increased three-fourths of 1 percent for each month and any remaining amount due shall be increased at a similar rate on the corresponding day of each month thereafter until paid. The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid charges previously made pursuant to this section; and for the purpose of this section any obligation that was determined at a date later than prescribed by the order because of a handler's failure to submit a report to the market administrator when due, shall be considered to have been payable by the date it would have been due if the report had been filed when due.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1068.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 3 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Receipts of producer milk (including such handler's own production) other than:

(1) Receipts of producer milk by a handler described in § 1068.9(c) that were delivered to pool plants of other handlers; and

(2) Receipts of producer milk that were transferred to pool plants of other handlers (other than cooperative associations) by a cooperative association in its capacity as a handler pursuant to § 1068.9(a);

(b) Receipts from a handler described in § 1068.9(c);

(c) Receipts from a cooperative association in its capacity as a handler pursuant to § 1068.9(a);

(d) Other source milk allocated to Class I pursuant to § 1068.44(a) (7) and (11) and the corresponding steps of § 1068.44(b), except such other source milk that is excluded from the computations pursuant to § 1068.60 (d) and (f); and

(e) Route disposition from a partially regulated distributing plant in the marketing area that exceeds the skim milk and butterfat specified in § 1068.76(a)(2).

§ 1068.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments directly to producers (other than himself) pursuant to § 1068.73, shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received from producers' farms during the month, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be expended by the market administrator to provide for market information and to verify the weights, samples, and tests of milk of producers who are not receiving such services from a cooperative association.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month shall pay such deductions to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which a deduction was computed for each producer.

Part 1076—Milk in the Eastern South Dakota Marketing Area

1. Revise § 1076.2 to read as follows:

§ 1076.2 Eastern South Dakota marketing area.

"Eastern South Dakota marketing area," hereinafter called the "marketing area," means all of the territory within the counties listed below, including all territory within such counties which is occupied by government (municipal, State or Federal) reservations, installations, institutions, or other establishments:

IOWA COUNTY

Lyon

MINNESOTA COUNTIES

Lincoln.
Nobles.
Pipestone.
Rock.

SOUTH DAKOTA COUNTIES

Aurora.
Beadle.
Bon Homme.
Clark.
Clay.
Codington.
Davison.
Douglas.
Hamlin.
Hanson.
Hutchison.
Jerauld.
Kingsbury.
Lake.
Lincoln.
McCook.
Miner.
Minnehaha.
Moody.
Sanborn.
Spink.
Turner.
Union (except Jefferson Township and the city of North Sioux City and the unorganized territory adjacent thereto).
Yankton.

§ 1076.13 [Amended]

2. In § 1076.13(c)(3), change the words "from which diverted" to "to which diverted."

3. Revise § 1076.50(a) to read as follows:

§ 1076.50 Class prices.

Subject to the provisions of § 1076.52, the class prices for the month per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.40.

* * * * *

4. Revise § 1076.52(a) to read as follows:

§ 1076.52 Plant location adjustments for handlers.

(a) For milk received from producers at a plant located in Minnesota, North Dakota, or that portion of South Dakota north of U.S. Highway 90, and which is

classified as Class I milk, the price specified in § 1076.50(a) shall be reduced 1.5 cents for each 10 miles or fraction thereof (by shortest hard-surfaced highway distance as measured by the market administrator) that such plant is located from the nearer of the Post Offices of Mitchell or Sioux Falls, South Dakota.

* * * * *

Signed at Washington, D.C., on: October 22, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-28832 Filed 10-28-75;8:45 am]

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federal register

WEDNESDAY, OCTOBER 29, 1975

PART IV:

DEPARTMENT OF THE INTERIOR

Office of the Secretary

■

PRIVACY ACT

Systems of Records

VOL 209 OCT 29 75 XUM

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[43 CFR Part 2]

SYSTEMS OF RECORDS

Notice of Proposed Exemptions

The Department of the Interior has under consideration exemption of four systems of records from certain of the provisions of section 3 of the Privacy Act of 1974, 5 U.S.C. 552a, and the Department's regulations implementing that section, 43 CFR, Part 2, Subpart D.

The systems of records involved are: (1) Endangered Species Licensee System (Interior/Fish and Wildlife Service—19); (2) Investigative Case File System (Interior/Fish and Wildlife Service—20); (3) Committee Management Files System (Interior/Office of the Secretary—1); and (4) Timber Cutting and Fire Trespass Claims Files System (Interior/Bureau of Indian Affairs—24).

Pursuant to 5 U.S.C. 552a(k) the first, second and fourth of these systems are proposed to be exempted from subsections (c)(3), (d), (e)(1), (e)(4)(6), (H), and (I) and (f) of 5 U.S.C. 552a. The reason for proposing exemption of these four systems is the need to protect the investigative process, particularly in the pre-enforcement phase, from earlier or greater access than the subject would have through discovery in an enforcement proceeding. Exemption of these systems will insure that knowledge of activity alleged to violate statutes or regulations will not be prematurely disclosed. It will also insure that the possible enforcement action will not be prematurely disclosed. It will finally permit protection of the identity of confidential sources.

The Investigative Case File System has previously been exempted from a number of provisions of the Act as a criminal law enforcement records system. (See, 40 FR 37217). This additional exemption is necessary to exempt from access non-criminal enforcement records which it may contain.

Pursuant to 5 U.S.C. 552a(K)(5), the Committee Management Files System is proposed to be exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of 5 U.S.C. 552a to the extent that disclosure would reveal the identity of a confidential source who has supplied information in connection with an investigation conducted for the purpose of determining the suitability of an individual for employment. The system includes investigatory material compiled solely for the purpose of determining suitability, eligibility or qualifications for Federal civilian employment and exemption of the systems is necessary to protect the identity of persons who furnish information concerning applicants under a pledge of confidentiality.

To implement the proposed exemption of these systems, it is proposed, pursuant to 5 U.S.C. 301 and 552a and 43 U.S.C. 1460, to amend 43 CFR 2.79 by addition of new paragraphs numbered (b)(10), (b)(11) and (b)(12). These new paragraphs are set out below.

Comments on this proposal are welcome. They may be submitted to the Assistant Solicitor, General Legal Service, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. All comments received on or before November 5, 1975, will be considered. Comments received will be available for inspection in Room 6525 at the above address.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

OCTOBER 22, 1975.

1. In § 2.79 paragraphs (b) (11), (12), (13) and (c)(3) are added. These paragraphs read as follows:

§ 2.79 Exemptions.

(b) • • •

(11) Endangered Species Licensee System, Interior/FWS—19;

(12) Investigative Case File, Interior/FWS—20;

(13) Timber Cutting and Trespass Claims Files, Interior/BIA—24.

(c) • • •

(3) Committee Management Files, Interior/OS—1.

[FR Doc.75-28993 Filed 10-28-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

PRIVACY ACT OF 1974

Adoption of Additional Systems of Records Notices

By notice published in the FEDERAL REGISTER on September 19, 1975 (40 FR 43467–43477), the Department of the Interior proposed adoption of 35 notices describing systems of records which it maintains which are subject to section 3 of the Privacy Act of 1974, 5 U.S.C. 552a.

Comments on all portions of these notices except the "Routine uses" paragraphs were solicited by September 22, 1975. Comments on the "Routine uses" paragraphs were solicited with a deadline for submission of October 6, 1975.

No comments have been received on the non-"Routine uses" portions of the notices. A review of the notices by the Department indicated, however, a need to correct errors or omissions in some of the notices. Additionally, it is necessary to revise some notices to reflect adoption of the Department's Privacy Act regulations which exempt certain systems of records from specified portions of the Act.

The revisions necessitated by adoption of the Department's regulations are as follows:

The proposed notice for the Law Enforcement Services System (Interior/BIA–18) indicated that the system was proposed for exemption from specified portions of the Privacy Act under the authority of 5 U.S.C. 552a(j)(2). Since a regulation exempting the system has now been adopted, the "Systems exempted from certain provisions of the act" paragraph of the notice is revised to read: Under the general exemption authority provided by 5 U.S.C. 552a(j)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(a), which exempts this system from all of the provisions of 5 U.S.C. 552a and the regulations in 43 CFR, Part 2, Subpart C, except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10) and (11) and (i) of 5 U.S.C. 552a and the portions of the regulations in 43 CFR, Part 2, Subpart C implementing these subsections. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

Similarly, the proposed notice for the Special Investigations, Coal Mine Health and Safety, System (Interior/MESA—10) indicated that the system was proposed for exemption from specified portions of the Act under the authority of 5 U.S.C. 552a(k)(2). The exemption paragraph of the notice is revised as follows to reflect adoption of the regulation: Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b), which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) and the portions of 43 CFR, Part 2, Subpart C which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

Finally, the proposed notice for the National Research Council Grants Program System (Interior/GS—9) indicated that this system was proposed for exemption under the authority of 5 U.S.C. 552a(k)(5). Since a regulation exempting the system has been adopted, the exemption paragraph of the notice is revised to read: Under the specific exemption authority of 5 U.S.C. 552a(k)(5), the Department of the Interior has adopted a regulation (43 CFR 2.79(c)) which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e) system consists of investigatory material compiled solely for the purpose of determining suitability, eligibility or qualifications for federal civilian employment. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

Other modifications in the notices published on September 5, 1975, are as follows:

1. The title of the Travel Records System (Interior/OS—36) is changed to Travel Arrangement Records System to distinguish the system from a separate travel records system having to do with compensation of employees for travel which appears as Interior/OS—12.

2. The Biography File System is modified by additional system locations and additional system managers. As proposed, the system notice listed the system as being maintained only in the Department's Office of Communications. The system is, however, also maintained in various bureau public information offices and the addition of additional system locations will reflect this fact. (Readers will note that the system notice, as expanded, does not cover biography files maintained by the Bureau of Mines; these are covered by notice (Interior/Mines—10).)

The pertinent portions of the system notice are modified as follows:

System location: (1) Office of Communications, Research Office, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. (2) Bureau public information offices in the Bureau of Indian Affairs, the Bureau of Reclamation, the U.S. Geological Survey, the Mining Enforcement and Safety Administration, the National Park Service, the U.S. Fish and Wildlife Service, the Office of Land Use and Water Planning, the Bonneville Power Administration, the Alaska Power Administration, the Southeastern Power Administration and the Southwestern Power Administration. (See System manager paragraph for addresses.)

System manager(s) and address: (Unless otherwise noted, the address for all system managers in U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.) (1) For the Office of Communications: Director, Office of Communications. (2) For the Bureau of Indian Affairs: Director, Public Information Staff, Bureau of Indian Affairs. (3) For the Bureau of Reclamation: Chief, Office of Public Affairs, Bureau of Reclamation. (4) For the Geological Survey: Information Officer, U.S. Geological Survey, the National Center, Reston, Virginia 22092. (5) For MESA: Chief, MESA Information Office, Mining Enforcement and Safety Administration, Ballston Tower No. 3, 4015 Wilson Blvd., Arlington, Virginia 22203. (6) For the National Park Service: Assistant to the Director, Office of Public Affairs, National Park Service. (7) For the Fish and Wildlife Service: Assistant Director—Public Affairs, U.S. Fish and Wildlife Service. (8) For the Office of Land Use and Water Planning: Staff Assistant for Communications, Office of Land Use and Water Planning, 801 19th Street, NW., Washington, D.C. 20006. (9) For the Bonneville Power Administration: Information Officer, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208. (10) For the Alaska Power Administration: Administrator, Alaska Power Administration, P.O. Box 50, Juneau, Alaska 99801. (11) For the Southeastern Power Administration: Chief, Division of Administrative Management, Southeastern Power Administration, Samuel Elbert Bldg., Elberton, Georgia 30635. (12) For the Southwestern Power Administration: Public Information Specialist, Southwestern Power Administration, P.O. Drawer 1619, Tulsa, Oklahoma 74101.

Additionally, the notification, access and contest paragraphs of the notice for the Biography File System are modified to indicate that requests should be addressed to the appropriate system manager.

3. The "Record access procedures" paragraph of the notice for the Classified Documents System (Interior/OS—39) was printed as part of the notice for the Biography File System (Interior/OS—38). Both notices are modified to correct this error.

4. The name of the Office of Minerals Exploration System (Interior/GS—16) is modified to Office of Minerals Exploration Financial Assistance Applications System.

5. The "System manager(s) and address" paragraph was omitted from the notice for the Computer Service Users System (Interior/GS—18). This paragraph reads: Chief, Computer Center Division, U.S. Geological Survey, Mail Stop 801, National Center, Reston, Virginia 22092.

6. The notice for the Publications Division Management Information System (Interior/GS—19) duplicates the notice for the Management Information System, Publications Division (Interior/GS—17) and, accordingly, the notice is deleted.

Pursuant to the authority granted by 5 U.S.C. 301 and 552a and 43 U.S.C. 1460, the system notices published in the FEDERAL REGISTER for September 19, 1975, are, with the exception of the "Routine uses" paragraph of each notice, adopted with the revisions set forth above.

The Privacy Act took effect on September 27, 1975. So that these notices will be in effect when the Act takes effect, good cause for waiving the 30-day

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period for effectiveness exists and the notices, accordingly, will be effective as of September 27, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

OCTOBER 21, 1975.

[FR Doc.75-28904 Filed 10-24-75;8:45 am]

Office of the Secretary

PRIVACY ACT OF 1974

Additional Routine Uses

Notice is hereby given that, pursuant to 5 U.S.C. 301 and 552a and 43 U.S.C. 1460, the Department of the Interior has under consideration adoption of statements describing additional routine uses for records which it maintains which are subject to section 3 of the Privacy Act of 1974, 5 U.S.C. 552a.

A notice published in the FEDERAL REGISTER on September 5, 1975, proposed adoption of 205 notices describing records subject to section 3 of the Privacy Act. (40 FR 41432–41507.) By notice published in the FEDERAL REGISTER on September 26, 1975, these notices were adopted by the Department with some modifications. (40 FR 44517–44522.)

For several of the systems of records covered in these notices, the Department has identified additional routine uses which were not described in the notices. These routine uses are not new uses for the systems involved, but were uses overlooked in initial preparation of the notices.

The systems involved and the routine use statements which the Department proposes to adopt for each are as follows:

1. Private Relief Claimants, Department system (Interior/Office of the Secretary—16): (1) Disclosure to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that circular. (2) Disclosure to the congressional sponsor of a private relief bill and to representatives of the individual who is the subject of the legislation.

2. Great Lakes Commercial Fish Catch Records (Interior/Fish and Wildlife Service—14): Copies of records are provided upon request to the National Marine Fisheries Service as part of a cooperative agreement and to the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin for resource assessment, effective fishery management, economic and social considerations, and for ongoing biological research.

3. Endangered Species Licensee System (Interior/Fish and Wildlife Service—19) and Permits System (Interior/Fish and Wildlife Service—21): Publication in the FEDERAL REGISTER, as required by law.

4. Payroll Files System (Interior/Bonneville Power Administration—2): Transfer to the Department of the Treasury for issuance of checks to satisfy court orders authorizing garnishment under the provisions of Pub. L. 93–674.

Additionally, the Department has identified a further routine use for one system included in a group of notices which appeared in the FEDERAL REGISTER on October 10, 1975. (40 FR 49785). The system involved and the additional routine use are as follows:

Private Relief Claimants, Bureau System (Interior/OS—45): Disclosure to the congressional sponsor of a private relief bill and to representatives of the individual who is the subject of the legislation.

Comments on these proposed routine use statements may be submitted to the Assistant Solicitor, General Legal Services, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. All comments received on or before November 5, 1975, will be considered. Copies of any comments received may be inspected in Room 6525 at the above address.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

OCTOBER 22, 1975.

[FR Doc.75-28995 Filed 10-28-75;8:45 am]

PRIVACY ACT OF 1974

Additional Record System

The notice set out below describes an additional system of records which the Department of the Interior has identified as being subject to section 3 of the Privacy Act of 1974, 5 U.S.C. 552a. Pursuant to authority granted by 5 U.S.C. 301 and 552a and 43 U.S.C. 1460, the Department hereby adopts this notice, with the exception of the "Routine Uses" paragraph of the notice.

So that this notice will be in effect to meet the requirements of the Privacy Act, good cause for waiver of the 30-day period for effectiveness exists and the notice will, accordingly, take effect on September 27, 1975.

In accordance with the public policy expressed in 5 U.S.C. 553 and the Department's policy statement of May 4, 1971, the Department will, however, accept and consider any comments on this notice. Comments should be submitted to the Assistant Solicitor, General Legal Services, at the address given below and must be received by November 5, 1975.

The Privacy Act does require advance publication of the "Routine Uses" paragraph of system notices. The "Routine Uses" paragraph set out below is thus proposed for adoption and written public comments thereon are solicited.

Comments on the "Routine Uses" paragraph may be submitted to the Assistant Solicitor, General Legal Services, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. All comments received on or before November 5, 1975, will be considered. Copies of any comments which are received will be available for inspection in Room 6525 at the above address.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

OCTOBER 22, 1975.

Interior/Office of the Secretary—44.

System name: Freedom of Information Request Files System—Interior/Office of the Secretary—44.

System location: All facilities of the Department of the Interior which have received requests under the Freedom of Information Act seeking access to or copies of records.

Category of individual: Individuals who have submitted Freedom of Information requests.

Category of record: Requests, responses, related documents.

Authority: 5 U.S.C.

Route uses: (1) Decisions on Freedom of Information requests. (2) Disclosure to other agencies of the Federal Government having a subject matter interest in a request or an appeal or a decision thereon. (3) Transfer to the U.S. Department of Justice in connection with consultation on a request or in the event of litigation involving the records or the subject matter of the records. (4) Transfer in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

System manager: For the officer or bureau for which each is responsible, the head of each office making up the Office of the Secretary, each other Departmental office and each bureau. (See Appendix for addresses of office and bureau headquarters offices.)

Notification: Inquiries regarding the existence of records in the system shall be addressed to each facility to which an individual has submitted a Freedom of Information request. See 43 CFR 2.60 for submission requirements.

Access: A request for access shall be addressed to each facility to which the requester has submitted a Freedom of Information request. See 43 CFR 2.61 for submission requirements.

Contest: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Sources: Requesters, internally generated documents.

Exemption: The Privacy Act does not entitle an individual to access to information compiled in reasonable anticipation of a civil action or proceeding.

[FR Doc.75-28996 Filed 10-28-75;8:45 am]

Office of the Secretary

PRIVACY ACT OF 1974

System Notice Modifications

By notice published in the FEDERAL REGISTER for September 26, 1975 (40 FR 44517–44524), the Department of the Interior adopted 205 notices describing records which it maintains which are subject to section 3 of the Privacy Act of 1974, 5 U.S.C. 552a. Pursuant to authority granted by 5 U.S.C. 301 and 552a and 43 U.S.C. 1460, the Department of the Interior hereby adopts the following modifications to these notices:

1. The notice for the Tort Claims Records System (Interior/FWS—4), is modified by addition of a "Systems exempted from certain provisions of the act" paragraph reading as follows: The Privacy Act does not entitle an individual to access to information compiled in reasonable anticipation of a civil action or proceeding.

2. The "Authority" paragraph of the notice for the Hunting and Fishing Survey Records System (Interior/FWS—6) is modified by adding: 16 U.S.C. 777–777k, 669–669i.

3. The "Authority" paragraph of the notice for the Fish Disease Inspection Report System (Interior/FWS—8) is modified by adding: Fish and Wildlife Act of 1956, 16 U.S.C. 742a–742l; Fish and Wildlife Coordination Act, 16 U.S.C. 661–666c.

4. The "Authority" paragraph of the notice for the Farm Pond Stocking Program Interior/FWS—9) is modified by adding: Fish and Wildlife Coordination Act, 16 U.S.C. 661–666c.

5. The "Authority" paragraph of the notice for the National Fish Hatchery Special Use Permits System (Interior/FWS—10) is modified by adding: 16 U.S.C. 460k–3.

6. The "Authority" paragraph of the notice for the Diagnostic-Extension Service Records System (Interior/FWS—17) is modified by adding: Fish and Wildlife Coordination Act, 16 U.S.C. 661–661c.

7. The notice for the Applicants Files System (Interior/OS—29) is modified by adding the words "in excepted and noncareer positions" to the end of the "Categories of individuals covered by the system" paragraph.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

OCTOBER 22, 1975.

[FR Doc.75-28994 Filed 10-28-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

PRIVACY ACT OF 1974

Systems of Records

On August 27, 1975, the General Services Administration (GSA) published notice of an inventory of its systems of records as defined and required by the Privacy Act of 1974 (40 FR 39137). Notice is hereby given that GSA proposes that the following routine use statement will apply to all GSA systems of records listed in the FEDERAL REGISTER.

ROUTINE USE—CONGRESSIONAL INQUIRIES

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

Any person interested in commenting on this proposed routine use may do so by sending written comments to the General Services Administration (BR), Washington, D.C. 20405, by November 23, 1975.

Dated at Washington, D.C. on October 21, 1975.

DWIGHT A. INK,
Acting Administrator.

[FR Doc.75-29012 Filed 10-28-75;8:45 am]

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federal register

WEDNESDAY, OCTOBER 29, 1975



PART V:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary For Housing Production and Mortgage Credit

■

FAIR MARKET RENTS FOR HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

Interim Rule

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing Production and Mortgage Credit

[24 CFR Part 888]

[Docket No. R-75-311]

FAIR MARKET RENTS FOR HOUSING ASSISTANCE PAYMENTS PROGRAMS

Proposed Amendment of Schedule B; Interim Rule

On April 7, 1975, the Department published Fair Market Rents for Housing Assistance Payments Programs, section 8—Existing Housing and section 23—Existing Housing. Since April 7, 1975, the Department has received periodically additional comments and data that indicate a continuing need to revise these rents in light of the most recent data available. This material has been submitted by interested members of the general public as well as HUD Field Offices, and has generally indicated a need to increase the published rents in order to meet specific local housing market or submarket conditions. The following Fair Market Rent schedules for selected areas are proposed amendments to Schedule B of Part 888 of Title 24.

In addition to publishing proposed amendments to Schedule B of Part 888 of Title 24 that are in response to proposals submitted by the general public and HUD field offices, the Department is publishing proposed rental schedules for selected metropolitan and nonmetropolitan areas of New England in which Fair Market Rents had not been established previously.

Prior to making these Fair Market Rents effective, the Assistant Secretary for Housing Production and Mortgage Credit-FHA Commissioner has determined it to be reasonable and in the public interest to allow for a 15-day comment period; such comments may be addressed to the Rules Docket Clerk, address as given below.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the office of Rules Docket Clerk, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Schedule B will continue to be amended in the future in those local housing market or submarket areas where changes are deemed appropriate on the basis of available data and information.

Issued at Washington, D.C., October 20, 1975.

SANFORD A. WITKOWSKI,
Acting Assistant Secretary for Housing Production and Mortgage Credit-FHA Commissioner.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BANGOR,MAINE INSURING OFFICE					
NON SMSA					
NONSMSA PART:ANDROSCOGGIN	124	140	165	190	204
STATE:ME	136	154	182	209	227
NONSMSA PART:CUMBERLAND	124	140	165	190	204
STATE:ME	136	154	182	209	227
NONSMSA PART:YORK	124	140	165	190	204
STATE:ME	136	154	182	209	227
BOSTON,MASSACHUSETTS AREA OFFICE					
SMSA: BOSTON, MA	165	187	220	253	284
SMSA PART:ESSEX	182	204	242	278	315
STATE:MA					
SMSA PART:PLYMOUTH	165	187	220	253	284
STATE:MA	182	204	242	278	315
SMSA: BROCKTON, MA	150	172	204	237	269
SMSA PART:BRISTOL	165	189	225	260	296
STATE:MA					
SMSA PART:NORFOLK	150	172	204	237	269
STATE:MA	165	189	225	260	296
SMSA: FALL RIVER, MA-RI	135	153	180	207	225
SMSA PART:BRISTOL	148	168	198	228	248
STATE:MA					
SMSA: FITCHBURG-LEOMINSTER, MA	135	153	180	207	225
SMSA PART:MIDDLESEX	148	168	198	228	248
STATE:MA					
SMSA PART:WORCESTER	135	153	180	207	225
STATE:MA	148	168	198	228	248
SMSA: LOWELL, MA-NH	135	153	180	207	225
SMSA PART:MIDDLESEX	148	168	198	228	248
STATE:MA					
SMSA: NEW BEDFORD, MA	135	153	180	207	225
SMSA PART:PLYMOUTH	148	168	198	228	248
STATE:MA					

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
BOSTON,MASSACHUSETTS AREA OFFICE						
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA						
SMSA PART:BRISTOL	NON-ELEVATOR:	135	153	180	207	225
STATE:MA	ELEVATOR:	148	168	198	228	248
SMSA PART:NORFOLK	NON-ELEVATOR:	135	153	180	207	225
STATE:MA	ELEVATOR:	148	168	198	228	248
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA						
SMSA PART:WORCESTER	NON-ELEVATOR:	135	153	180	207	225
STATE:MA	ELEVATOR:	148	168	198	228	248
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT						
SMSA PART:WORCESTER	NON-ELEVATOR:	135	153	180	207	225
STATE:MA	ELEVATOR:	148	168	198	228	248
NON SMSA						
NONSMSA PART:BERKSHIRE	NON-ELEVATOR:	135	153	180	207	225
STATE:MA	ELEVATOR:	148	168	198	228	248
NONSMSA PART:BRISTOL	NON-ELEVATOR:	135	153	180	207	225
STATE:MA	ELEVATOR:	148	168	198	228	248
NONSMSA PART:ESSEX	NON-ELEVATOR:	150	172	204	237	269
STATE:MA	ELEVATOR:	165	189	225	260	296
NONSMSA PART:HAMPSHIRE	NON-ELEVATOR:	135	153	180	207	225
STATE:MA	ELEVATOR:	148	168	198	228	248
NONSMSA PART:MIDDLESEX	NON-ELEVATOR:	135	153	180	207	225
STATE:MA	ELEVATOR:	148	168	198	228	248
NONSMSA PART:NORFOLK	NON-ELEVATOR:	135	153	180	207	225
STATE:MA	ELEVATOR:	148	168	198	228	248
NONSMSA PART:PLYMOUTH	NON-ELEVATOR:	135	153	180	207	225
STATE:MA	ELEVATOR:	148	168	198	228	248
NONSMSA PART:WORCESTER	NON-ELEVATOR:	135	153	180	207	225
STATE:MA	ELEVATOR:	148	168	198	228	248
HARTFORD,CONNECTICUT AREA OFFICE						
SMSA: BRIDGEPORT, CT						
SMSA PART:NEW HAVEN	NON-ELEVATOR:	152	173	205	237	258
STATE:CT	ELEVATOR:	167	191	226	261	284

PROPOSED RULES

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HARTFORD,CONNECTICUT AREA OFFICE						
SMSA: BRISTOL, CT						
SMSA PART:HARTFORD	NON-ELEVATOR:	145	165	195	225	246
STATE:CT	ELEVATOR:	159	181	215	248	271
SMSA PART:LITCHFIELD	NON-ELEVATOR:	145	165	195	225	246
STATE:CT	ELEVATOR:	159	181	215	248	271
SMSA: DANBURY, CT						
SMSA PART:FAIRFIELD	NON-ELEVATOR:	137	156	185	214	234
STATE:CT	ELEVATOR:	151	172	204	235	257
SMSA PART:LITCHFIELD	NON-ELEVATOR:	137	156	185	214	234
STATE:CT	ELEVATOR:	151	172	204	235	257
SMSA: HARTFORD, CT						
SMSA PART:LITCHFIELD	NON-ELEVATOR:	145	165	195	225	246
STATE:CT	ELEVATOR:	159	181	215	248	271
SMSA PART:MIDDLESEX	NON-ELEVATOR:	145	165	195	225	246
STATE:CT	ELEVATOR:	159	181	215	248	271
SMSA PART:NEW LONDON	NON-ELEVATOR:	145	165	195	225	246
STATE:CT	ELEVATOR:	159	181	215	248	271
SMSA: MERIDEN, CT						
SMSA PART:NEW HAVEN	NON-ELEVATOR:	137	156	185	214	234
STATE:CT	ELEVATOR:	151	172	204	235	247
SMSA: NEW BRITAIN, CT						
SMSA PART:HARTFORD	NON-ELEVATOR:	145	165	195	225	246
STATE:CT	ELEVATOR:	159	181	215	248	271
SMSA: NEW HAVEN-WEST HAVEN, CT						
SMSA PART:MIDDLESEX	NON-ELEVATOR:	137	156	185	214	234
STATE:CT	ELEVATOR:	151	172	204	235	257
SMSA: NEW LONDON-NORWICH, CT-RI						
SMSA PART:MIDDLESEX	NON-ELEVATOR:	132	150	178	205	224
STATE:CT	ELEVATOR:	145	165	195	226	247
SMSA: NORWALK, CT						
SMSA PART:FAIRFIELD	NON-ELEVATOR:	152	173	205	237	258
STATE:CT	ELEVATOR:	167	191	226	261	284

PROPOSED RULES

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HARTFORD,CONNECTICUT AREA OFFICE						
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT						
SMSA PART:TOLLAND	NON-ELEVATOR:	135	153	180	207	225
STATE:CT	ELEVATOR:	148	168	198	228	248
SMSA: STAMFORD, CT						
SMSA PART:FAIRFIELD	NON-ELEVATOR:	152	173	205	237	258
STATE:CT	ELEVATOR:	167	191	226	261	284
SMSA: WATERBURY, CT						
SMSA PART:LITCHFIELD	NON-ELEVATOR:	137	156	185	214	234
STATE:CT	ELEVATOR:	151	172	204	235	257
SMSA PART:NEW HAVEN	NON-ELEVATOR:	137	156	185	214	234
STATE:CT	ELEVATOR:	151	172	204	235	257
NON SMSA						
NONSMSA PART:FAIRFIELD	NON-ELEVATOR:	137	156	185	214	234
STATE:CT	ELEVATOR:	151	172	204	235	257
NONSMSA PART:HARTFORD	NON-ELEVATOR:	145	165	195	225	246
STATE:CT	ELEVATOR:	159	181	215	248	271
NONSMSA PART:NEW HAVEN	NON-ELEVATOR:	137	156	185	214	234
STATE:CT	ELEVATOR:	151	172	204	235	257
NONSMSA PART:NEW LONDON	NON-ELEVATOR:	132	150	178	205	224
STATE:CT	ELEVATOR:	145	165	195	226	247
NONSMSA PART:TOLLAND	NON-ELEVATOR:	132	150	178	205	224
STATE:CT	ELEVATOR:	145	165	195	226	247
MANCHESTER,NEW HAMPSHIRE AREA OFFICE						
SMSA: LAWRENCE-HAVERHILL, MA-NH						
SMSA PART:ROCKINGHAM	NON-ELEVATOR:	150	172	204	237	269
STATE:NH	ELEVATOR:	165	189	225	260	296
SMSA: LOWELL, MA NH						
SMSA PART:HILLSBOROUGH	NON-ELEVATOR:	135	153	180	207	225
STATE:NH	ELEVATOR:	148	168	198	228	248
SMSA: MANCHESTER, NH						
SMSA PART:ROCKINGHAM	NON-ELEVATOR:	131	148	175	201	219
STATE:NH	ELEVATOR:	144	163	193	221	241

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MANCHESTER,NEW HAMPSHIRE AREA OFFICE						
SMSA: NASHUA, NH						
SMSA PART:HILLSBOROUGH	NON-ELEVATOR:	131	148	175	201	219
STATE:NH	ELEVATOR:	144	163	193	221	241
NON SMSA						
NONSMSA PART:HILLSBOROUGH	NON-ELEVATOR:	131	148	175	201	219
STATE:NH	ELEVATOR:	144	163	193	221	241
NONSMSA PART:MERRIMACK	NON-ELEVATOR:	131	148	175	201	219
STATE:NH	ELEVATOR:	144	163	193	221	241
PROVIDENCE,RHODE ISLAND INSURING OFFICE						
SMSA: FALL RIVER, MA-RI						
SMSA PART:NEWPORT	NON-ELEVATOR:	135	153	180	207	225
STATE:RI	ELEVATOR:	148	168	198	228	248
SMSA: NEW LONDON-NORWICH, CT-RI						
SMSA PART:WASHINGTON	NON-ELEVATOR:	132	150	178	205	224
STATE:RI	ELEVATOR:	145	165	195	226	247
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA						
SMSA PART:NEWPORT	NON-ELEVATOR:	135	153	180	207	225
STATE:RI	ELEVATOR:	148	168	198	228	248
SMSA PART:WASHINGTON	NON-ELEVATOR:	135	153	180	207	225
STATE:RI	ELEVATOR:	148	168	198	228	248
NON SMSA						
NONSMSA PART:BRISTOL	NON-ELEVATOR:	135	153	180	207	225
STATE:RI	ELEVATOR:	148	168	198	228	248
NONSMSA PART:KENT	NON-ELEVATOR:	135	153	180	207	225
STATE:RI	ELEVATOR:	148	168	198	228	248
NONSMSA PART:PROVIDENCE	NON-ELEVATOR:	135	153	180	207	225
STATE:RI	ELEVATOR:	148	168	198	228	248

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
REGION 2					
CAMDEN,NEW JERSEY AREA OFFICE					
SMSA: VINELAND-MILLVILLE-BRIDGETON, NJ					
COUNTY:CUMBERLAND	124	140	165	190	206
STATE:NJ	136	154	182	209	227
SMSA: WILMINGTON, DE-NJ-MD					
COUNTY:SALEM	135	153	180	207	224
STATE:NJ	149	168	198	228	247
REGION 3					
BALTIMORE,MARYLAND AREA OFFICE					
SMSA: WILMINGTON, DE-NJ-MD					
COUNTY:CECIL	135	153	180	207	234
STATE:MD	149	168	198	228	257
CHARLESTON,WEST VIRGINIA INSURING OFFICE					
NON SMSA					
COUNTY:MCDOWELL	94	106	125	138	150
STATE:WV	103	117	138	152	165
COUNTY:MERCER	94	106	125	138	150
STATE:WV	103	117	138	152	165
COUNTY:MONROE	94	106	125	138	150
STATE:WV	103	117	138	152	165
COUNTY:RALEIGH	94	106	125	138	150
STATE:WV	103	117	138	152	165
COUNTY:SUMMERS	94	106	125	138	150
STATE:WV	103	117	138	152	165
COUNTY:WYOMING	94	106	125	138	150
STATE:WV	103	117	138	152	165
WILMINGTON,DELAWARE INSURING OFFICE					
SMSA: WILMINGTON, DE-NJ-MD					
COUNTY:NEW CASTLE	135	153	180	207	234
STATE:DE	149	168	198	228	257

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
REGION 4					
JACKSONVILLE,FLORIDA AREA OFFICE					
SMSA: JACKSONVILLE, FL					
COUNTY:BAKER	120	136	160	184	200
STATE:FL	132	150	176	202	220
COUNTY:CLAY	120	136	160	184	200
STATE:FL	132	150	176	202	220
COUNTY:DUVAL	120	136	160	184	200
STATE:FL	132	150	176	202	220
COUNTY:NASSAU	120	136	160	184	200
STATE:FL	132	150	176	202	220
COUNTY:ST JOHNS	120	136	160	184	200
STATE:FL	132	150	176	202	220
LOUISVILLE,KENTUCKY AREA OFFICE					
SMSA: LOUISVILLE, KY-IN					
COUNTY:BULLITT	118	134	159	184	201
STATE:KY	129	148	175	202	220
COUNTY:JEFFERSON	118	134	159	184	201
STATE:KY	129	148	175	202	220
COUNTY:OLDHAM	118	134	159	184	201
STATE:KY	129	148	175	202	220
NON SMSA					
COUNTY:MCCRACKEN	93	110	135	147	160
STATE:KY	100	119	146	158	172
REGION 5					
INDIANAPOLIS,INDIANA AREA OFFICE					
SMSA: LOUISVILLE, KY-IN					
COUNTY:CLARK	118	134	159	184	201
STATE:IN	129	148	175	202	220
COUNTY:FLOYD	118	134	159	184	201
STATE:IN	129	148	175	202	220

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
MINNEAPOLIS-ST.PAUL,MINNESOTA AREA OFFICE						
SMSA: FARGO-MOORHEAD, ND-MN						
COUNTY:CLAY	NON-ELEVATOR:	114	129	152	167	182
STATE:MN	ELEVATOR:	125	142	167	184	200
NON SMSA						
COUNTY:BECKER	NON-ELEVATOR:	114	129	152	167	182
STATE:MN	ELEVATOR:	125	142	167	184	200
COUNTY:BLUE EARTH	NON-ELEVATOR:	143	162	190	209	228
STATE:MN	ELEVATOR:	157	178	209	230	251
COUNTY:CLEARWATER	NON-ELEVATOR:	114	129	152	167	182
STATE:MN	ELEVATOR:	125	142	167	184	200
COUNTY:KITTSON	NON-ELEVATOR:	114	129	152	167	182
STATE:MN	ELEVATOR:	125	142	167	184	200
COUNTY:MAHNOMEN	NON-ELEVATOR:	114	129	152	167	182
STATE:MN	ELEVATOR:	125	142	167	184	200
COUNTY:MARSHALL	NON-ELEVATOR:	114	129	152	167	182
STATE:MN	ELEVATOR:	125	142	167	184	200
COUNTY:NORMAN	NON-ELEVATOR:	114	129	152	167	182
STATE:MN	ELEVATOR:	125	142	167	184	200
COUNTY:OTTER TAIL	NON-ELEVATOR:	114	129	152	167	182
STATE:MN	ELEVATOR:	125	142	167	184	200
COUNTY:PENNINGTON	NON-ELEVATOR:	114	129	152	167	182
STATE:MN	ELEVATOR:	125	142	167	184	200
COUNTY:POLK	NON-ELEVATOR:	114	129	152	167	182
STATE:MN	ELEVATOR:	125	142	167	184	200
COUNTY:RED LAKE	NON-ELEVATOR:	114	129	152	167	182
STATE:MN	ELEVATOR:	125	142	167	184	200
COUNTY:ROSEAU	NON-ELEVATOR:	114	129	152	167	182
STATE:MN	ELEVATOR:	125	142	167	184	200
MINNEAPOLIS-ST.PAUL,MINNESOTA AREA OFFICE						
NON SMSA						
COUNTY:WILKIN	NON-ELEVATOR:	114	129	152	167	182
STATE:MN	ELEVATOR:	125	142	167	184	200

PROPOSED RULES

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
DES MOINES,IOWA INSURING OFFICE						
SMSA: CEDAR RAPIDS, IA						
COUNTY:LINN	NON-ELEVATOR:	134	154	182	211	239
STATE:IA	ELEVATOR:	147	169	200	232	263
SMSA: SIOUX CITY, IA-NE						
COUNTY:WOODBURY	NON-ELEVATOR:	123	140	166	191	217
STATE:IA	ELEVATOR:	135	154	182	211	239
OMAHA,NEBRASKA AREA OFFICE						
SMSA: SIOUX CITY, IA-NE						
COUNTY:DAKOTA	NON-ELEVATOR:	123	140	166	191	217
STATE:NE	ELEVATOR:	135	154	182	211	239
ST.LOUIS,MISSOURI AREA OFFICE						
NON SMSA						
COUNTY:COLE	NON-ELEVATOR:	116	132	155	171	186
STATE:MO	ELEVATOR:	128	145	171	188	205
REGION 8						
DENVER,COLORADO INSURING OFFICE						
SMSA: DENVER-BOULDER , CO						
COUNTY:ADAMS	NON-ELEVATOR:	142	161	190	210	229
STATE:CO	ELEVATOR:	156	177	209	231	252
COUNTY:ARAPAHOE	NON-ELEVATOR:	142	161	190	210	229
STATE:CO	ELEVATOR:	156	177	209	231	252
COUNTY:BOULDER	NON-ELEVATOR:	142	161	190	210	229
STATE:CO	ELEVATOR:	156	177	209	231	252
COUNTY:DENVER	NON-ELEVATOR:	142	161	190	210	229
STATE:CO	ELEVATOR:	156	177	209	231	252
COUNTY:DOUGLAS	NON-ELEVATOR:	142	161	190	210	229
STATE:CO	ELEVATOR:	156	177	209	231	252
COUNTY:GILPIN	NON-ELEVATOR:	142	161	190	210	229
STATE:CO	ELEVATOR:	156	177	209	231	252
COUNTY:JEFFERSON	NON-ELEVATOR:	142	161	190	210	229
STATE:CO	ELEVATOR:	156	177	209	231	252

PROPOSED RULES

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SCHEDULE A- FAIR MARKET RENTS FOR EXISTING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
REGION 8					
DENVER, COLORADO INSURING OFFICE					
FARGO, NORTH DAKOTA INSURING OFFICE					
SMSA: FARGO-MOORHEAD, ND-MN					
COUNTY: CASS	114	129	152	167	182
STATE: ND	125	142	167	184	200
REGION 9					
HONOLULU, HAWAII INSURING OFFICE					
NON SMSA					
COUNTY: GUAM	204	230	272	314	357
STATE:	0	0	0	0	0
SACRAMENTO, CALIFORNIA INSURING OFFICE					
SMSA: STOCKTON, CA					
COUNTY: SAN JOAQUIN	118	136	160	185	200
STATE: CA	130	150	176	204	220
REGION 10					
ANCHORAGE, ALASKA INSURING OFFICE					
NON-SMSA					
DISTRICT: CORDOVA-MCCA	232	264	311	342	375
STATE: AK	255	290	342	377	412
DISTRICT: JUNEAU	232	264	311	342	375
STATE: AK	255	290	342	377	412
DISTRICT: KETCHIKAN	232	264	311	342	375
STATE: AK	255	290	342	377	412
DISTRICT: KODIAK	232	264	311	342	375
STATE: AK	255	290	342	377	412
DISTRICT: SITKA	232	264	311	342	375
STATE: AK	255	290	342	377	412
DISTRICT: VLDZ-CHTN-WH	232	264	311	342	375
STATE: AK	255	290	342	377	412
DISTRICT: WRNGLL-PTRSB	232	264	311	342	375
STATE: AK	255	290	342	377	412

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SCHEDULE A- FAIR MARKET RENTS FOR EXISTING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM

	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
REGION 10					
PORTLAND, OREGON AREA OFFICE					
SMSA: SALEM, OR					
COUNTY: MARION	126	143	169	214	233
STATE: OR	139	158	186	236	257
COUNTY: POLK	126	143	169	214	233
STATE: OR	139	158	186	236	257

[FR Doc.75-28898 Filed 10-28-75;8:45 am]

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federal register

WEDNESDAY, OCTOBER 29, 1975



PART VI:

ENVIRONMENTAL PROTECTION AGENCY

■

AIRCRAFT AND AIRCRAFT ENGINES

Control of Air Pollution

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 87]

[FRL 441-2]

CONTROL OF AIR POLLUTION FROM AIRCRAFT AND AIRCRAFT ENGINES

Extension of Compliance Date for Emission Standards Applicable to JT3D Engine

On July 17, 1973, the Environmental Protection Agency promulgated Part 87 establishing aircraft emission standards and test procedures (38 FR 19088). One provision of Part 87 in § 89.31(c) is applicable to exhaust emissions of smoke from JT3D engines (Class T3), beginning January 1, 1978.

On September 5, 1974, the Air Transport Association of America (ATA) submitted a petition to the EPA in behalf of 11 member airlines asking that the implementation date for this requirement be set back to March 1, 1981, and proposing that each operator of class T3 engines accomplish the necessary engine modifications in accordance with a plan approved by the EPA Administrator.

The ATA petition explained the need for an extension in time for compliance by pointing out that delays had been encountered by the manufacturer of the JT3D engine in the development of a suitable low smoke combustor, which postponed the start of the preliminary service tests from late 1972 until late 1974. Because of this full scale installation efforts cannot now begin until early 1977, after completion of a two year service test with 25 sets of combustors. The consideration of maintenance facilities and staff available for carrying out the installation program for all of the airlines represented by the ATA petition led to their recommendation of March, 1981, as a date by which all could comply.

This petition has been evaluated by the Environmental Protection Agency and it has been determined that some delay in the implementation date for this standard is justified, recognizing the additional time that has been required to develop a completely suitable low smoke combustor and the argument for a full two year service evaluation program with a pilot group of engines in scheduled airline service before starting a full scale retrofit program. The Federal Aviation Administration has separately recommended to EPA the desirability of the two year service evaluation program.

It is EPA's position that compliance with the smoke standard should be achieved as expeditiously as is practicable giving appropriate consideration to alternative retrofit schedules. A detailed analysis was made by EPA technical staff of the justification provided by the industry for the three year delay in compliance as well as alternative retrofit schedules achieving earlier compliance with the standard. This analysis, entitled "Analysis of Petition submitted to the Environmental Protection Agency by the Air Transport Association requesting a delay in implementation of the JT3D Engine Smoke Standard" and a copy of the petition will be available for inspection and copying at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460.

The analysis concludes that the petitioner has not provided sufficient justification for a three year delay in the compliance date but that an 18 month delay is warranted and should be granted. The new effective date would be July 1, 1979. The agency proposes to deny the request to amend the regulation to provide for individually negotiated compliance schedules in addition to changing the effective date on the ground that such a procedure is unnecessary and impractical. The delay proposed provides for compliance as expeditiously as practicable by the parties subject to the standard.

This schedule can be accomplished by the airlines following the full two year service evaluation of a pilot group of low smoke combustors, by replacement of combustors in all engines which have been removed from aircraft for shop work of any kind. It is not expected that any engines would have to be removed for the specific purpose of combustor replacement in order to meet this schedule. The cost of compliance with the proposed schedule is comparable to the cost which would have been required to meet the original installation schedule with the engine manufactureres' first retrofit combustor design.

Interested persons may submit written data, views, or arguments (in quadruplicate) in regard to the proposed regulations to the Administrator, Environmental Protection Agency, Attention: Office of Mobile Source Air Pollution Control (AW-455), Washington, D.C. 20460. To be effectively considered, all relevant material should be received on or before December 15, 1975.

Comments submitted will be available for public inspection during normal business hours at the Public Information Unit, Environmental Protection Agency, Fourth and M Streets, S.W., Washington, D.C. 20460.

This notice of proposed rulemaking is issued under the authority of Section 231 of the Clean Air Act, as amended (42 U.S.C. 1857f-9).

Dated: October 22, 1975.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend Part 87, Chapter I of Title 40 of the Code of Federal Regulations as follows:

1. Section 87.31(c) is revised to read as follows:

§ 87.31 Standards of exhaust emissions.

• • • • •

(c) Exhaust emissions of smoke from each in-use aircraft gas turbine engine of Class T3, beginning July 1, 1979, shall not exceed: Smoke number of 25.

[FR Doc.75-29044 Filed 10-28-75;8:45 am]

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Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Voluntary Inspection and Certification

Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended to delegate to the Assistant Secretary for Marketing and Consumer Services the authority to provide voluntary inspection and certification of technical animal fats, and to redelegate such authority to the Administrator, Animal and Plant Health Inspection Service, as follows:

Subpart C—Delegations of Authority to the Under Secretary, Assistant Secretaries, and Director of Agricultural Economics

Section 2.17 is amended by revising paragraph (b)(28) to read as follows:

§ 2.17 Delegations of authority to the Assistant Secretary for Marketing and Consumer Services.

• • • • • •

(b) • • •

(28) The Agricultural Marketing Act of 1946, sections 203, 205, as amended (7 U.S.C. 1622, 1624), with respect to voluntary inspection and certification of edible meat and other products; certified products for dogs, cats, and other carnivora; animal byproducts; and technical animal fats (9 CFR Parts 156, 350, 351, 355).

• • • • • •

Subpart F—Delegations of Authority by the Assistant Secretary for Marketing and Consumer Services

Section 2.51 is amended by revising paragraph (a)(28) to read as follows:

§ 2.51 Administrator, Animal and Plant Health Inspection Service.

(a) • • •

(28) The Agricultural Marketing Act of 1946, sections 203, 205, as amended (7 U.S.C. 1622, 1624), with respect to voluntary inspection and certification of edible meat and other products; certified products for dogs, cats, and other carnivora; animal byproducts; and technical animal fats (9 CFR Parts 156, 350, 351, 355).

• • • • • •

Effective date: October 30, 1975.

Dated: October 24, 1975.

For Subpart C:

J. PHIL CAMPBELL,
Acting Secretary.

Dated: October 24, 1975.

For Subpart F:

RICHARD L. FELTNER,
Assistant Secretary for Marketing and Consumer Services.

[FR Doc.75-29148 Filed 10-29-75;8:45 am]

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED DAIRY PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Subpart A—Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products

FEES AND CHARGES

Statement of consideration leading to amendment of regulations. The Agricultural Marketing Act of 1946 authorizes official inspection and grading of dairy products. Such inspection and grading service is voluntary and is made available to interested parties upon payment of a fee. The Act requires such fees to be reasonable and, as nearly as possible, to cover the cost of performing the services.

Recent increases in salary, travel and other costs incurred in providing inspection and grading service have made it necessary to increase fees charged for inspection and grading services to approximate costs of performing the service. The fees are being amended as follows:

Section 58.43, *Fees for inspection, grading and sampling.* Base rate from $16.00/hour to $17.00/hour; night differential rate from $16.60/hour to $18.60/hour.

Section 58.45, *Fees for continuous resident service.* Base rate from $12.00/hour to $13.00/hour for the inspector or grader in charge and from $10.00/hour to $11.00/hour for the assistant inspector or grader.

Section 58.47, *Fees for continuous non-resident service.* Base rate from $18.60/hour to $21.20/hour; Holiday, Saturday, Sunday or overtime rate from $26.60/hour to $31.80/hour.

Pursuant to the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–27) the provision of "Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products", Subpart A of 7 CFR, Part 58, is hereby amended to read as follows:

§ 58.43 Fees for inspection, grading and sampling.

Except as otherwise provided in this section and §§ 58.38 through 58.47, charges shall be made for inspection, grading and sampling service at the hourly rate of $17.00 for service performed between 6 a.m. and 6 p.m., and $18.70 for service performed between 6 p.m. and 6 a.m., for the time required to perform the service calculated to the nearest 15 minute period, including the time required for preparation of certificates and reports, and travel of the inspector or grader in connection with the performance of the service. When the Administrator determines it feasible, he may set a minimum charge based on average time for specific types of service. A minimum charge of one-half hour shall be made for service pursuant to each request or certificate issued.

§ 58.45 Fees for continuous resident service.

Irrespective of the fees and charges provided in §§ 59.39 and 58.43, charges for the inspector or grader in charge of a continuous resident program shall be made at the rate of $13.00/hour for services performed during the assigned tour of duty. Charges for the assistant inspector or grader shall be at the rate of $11.00/hour for the assigned tour of duty. Charges for service performed in excess of the assigned tours of duty shall be at a rate of 1½ times the rates stated in this section.

§ 58.47 Fees for continuous non-resident service.

Irrespective of the fees in §§ 58.39, 58.42 and 58.43, charges for continuous nonresident service shall be made at the hourly rate of $21.20 for services performed between 6 a.m. and 6 p.m., and $23.32 for services performed between 6 p.m. and 6 a.m., for the number of hours each inspector or grader is assigned including travel time at beginning and end of period. The costs of travel are included in this hourly rate. The charge for holiday, Saturday or Sunday work or overtime (work in excess of each eight-hour shift Monday through Friday) shall be at $31.80 per hour.

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(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; (7 U.S.C. 1622, 1624))

Notice of proposed rulemaking, public procedure thereon, and the postponement of the effective time of this action later than November 9, 1975 (5 U.S.C. 553), are impracticable, unnecessary, and contrary to the public interest in that (1) The Agricultural Marketing Act of 1946, provides that the fees charged shall be reasonable, and as nearly as possible, cover the cost of the service rendered, (2) the increases in fee rates set forth herein are necessary to cover costs; and (3) additional time is not required by users of the inspection service to comply with this amendment.

This amendment shall become effective November 9, 1975, with respect to the inspection and grading service rendered on and after that date.

Done at Washington, D.C., this 24th day of October 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-29149 Filed 10-29-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 522]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Oct. 31–Nov. 6, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.822 Valencia Orange Regulation 522.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continued to be soft during the past week. Prices f.o.b. averaged $3.21 per carton on a reported sales volume of 428,000 cartons last week, compared with an average f.o.b. price of $3.58 per carton and sales of 400,000 cartons a week earlier. Track and rolling supplies at 197 cars were down 128 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 28, 1975.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period October 31, 1975, through November 6, 1975, are hereby fixed as follows:

(i) District 1: 147,000 cartons;

(ii) District 2: 328,000 cartons;

(iii) District 3: Unlimited movement."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 29, 1975.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-29428 Filed 10-29-75; 11:42 am]

[Lemon Reg. 16, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period October 19–25, 1975. The quantity that may be shipped is increased due to improved market conditions for California-Arizona lemons. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of lemons available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lemon Regulation 16 (40 FR 48685). The marketing picture now indicates that there is a greater demand for lemons than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of lemons to fill the current market demand thereby making a greater quantity of lemons available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* Paragraph (b) (1) of § 910.316 (Lemon Regulation 16) (40 FR 48685) is hereby amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period October 19, 1975 through October 25, 1975, is unlimited.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: October 23, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-29096 Filed 10-29-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION, SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA; PROHIBITED AND RESTRICTED IMPORTATIONS

Territory of St. Pierre and Miquelon Declared To Be Free of Rinderpest and Foot-and-Mouth Disease

• The purpose of this amendment is to add the Territory of St. Pierre and Miquelon to the listing in § 94.1(a)(2) of countries declared to be free of rinderpest and foot-and-mouth disease. •

Statement of considerations. Veterinary Services has reviewed all the pertinent information and documents submitted by the authorities of the Territory of St. Pierre and Miquelon in support of their position that the Territory of St. Pierre and Miquelon is free of both rinderpest and foot-and-mouth disease and that it meets all the criteria in § 94.1a which have to be met by a territory or possession of a rinderpest or foot-and-mouth disease infected mother country in order to qualify for rinderpest and foot-and-mouth disease free status. On two occasions, Veterinary Services veterinarians have visited the Territory of St. Pierre and Miquelon to advise and assist the authorities in meeting the specified criteria. Veterinary Services has concluded that the Territory of St. Pierre and Miquelon meets all the criteria contained in § 94.1a and that it therefore qualifies to be declared free of rinderpest and foot-and-mouth disease.

This action will permit the importation of ruminant animals and swine into the United States from the Territory of St. Pierre and Miquelon which were heretofore not eligible for such importation.

Accordingly, Part 94, Title 9 ,Code of Federal Regulations, is amended in the following respect:

§ 94.1 [Amended]

Section 94.1(a)(2) is amended by adding thereto the name of "Territory of St. Pierre and Miquelon," after the reference to "Panama Canal Zone.".

(Sec. 306, 46 Stat. 689, as amended (19 U.S.C. 1306); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective October 23, 1975.

Insofar as the amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the introduction and dissemination of the contagion of rinderpest and foot-and-mouth disease, it must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary with respect to the amendment and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of October 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-29098 Filed 10-29-75;8:45 am]

Title 10—Energy

CHAPTER III—UNITED STATES ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PART 810—UNCLASSIFIED ACTIVITIES IN FOREIGN ATOMIC ENERGY PROGRAMS

Unclassified Activities; Correction

The following preamble was inadvertently omitted from FR Doc. 75-26044 appearing on page 44826 of the issue for Tuesday, September 30, 1975.

RECODIFICATION OF REGULATIONS GOVERNING UNCLASSIFIED ACTIVITIES IN FOREIGN ATOMIC ENERGY PROGRAMS

The U.S. Energy Research and Development Administration hereby announces nonsubstantive revisions to its regulations governing unclassified activities in foreign atomic energy programs. By FEDERAL REGISTER notice of January 20, 1975 (40 FR 3242), the regulations of the Atomic Energy Commission applicable to the functions exercised by the Energy Research and Development Administration under the Energy Reorganization Act of 1974, were affirmed by the Administration. By FEDERAL REGISTER notice of March 3, 1975, these regulations were redesignated as Chapter III of Title 10, Code of Federal Regulations, Parts 700 through 870. Pursuant to this redesignation, 10 CFR, Part 110, was redesignated as 10 CFR, Part 810. The present notice is intended to recodify the current provisions of 10 CFR, Part 810, in order to remove all references to the Atomic Energy Commission and substitute therefor the Energy Research and Development Administration, or the Administrator, as appropriate.

Pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553), the Energy Research and Development Administration has found that good cause exists for making this action effective without the customary 30-day waiting period. Accordingly, pursuant to the Energy Reorganization Act of 1974, the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Code of Federal Regulations are published as a document subject to codification to be effective October 30, 1975.

1. Part 810 of Title 10, Code of Federal Regulations, is deleted.

2. A new Part 810 of Chapter III, Title 10, Code of Federal Regulations is adopted as follows:

Dated at Washington, D.C., this 22 day of October, 1975.

For the Energy Research and Development Administration.—

VANCE H. HUDGINS,
Assistant Director for Politico-Military Security Affairs, Division of International Security Affairs.

[FR Doc.75-29142 Filed 10-29-75;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

[Reg. F]

PART 206—SECURITIES OF STATE MEMBER BANKS

Adoption of Revised Regulation

By notice of proposed rulemaking of February 21, 1975, appearing in the FEDERAL REGISTER (40 FR 10322), the Board of Governors, pursuant to its authority under section 12(i) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78l(i)) (the "Act"), proposed to revise its regulations governing Securities of State Member Banks (12 CFR 206) in order that they be substantially similar to comparable rules and regulations issued by the Securities and Exchange Commission. By notice of June 6, 1975, appearing in the FEDERAL REGISTER (40 FR 2031), the Board extended the

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period for comment on the proposed revision until June 30, 1975. The Board has considered all comments and views received with respect to the proposed revision, including those of the Securities and Exchange Commission.

A. As a result of a review of the proposed revision and of comments received thereon, and in order that the revised regulation conform even more closely to the corresponding rules and regulations of the Securities and Exchange Commission, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency, some language has been clarified and the following changes have been made to the proposed rules:

1. Language has been added to §§ 206.2(dd) (2) and (3), which define the term "significant subsidiary," in order to provide income percentage tests which take into account the income of a parent's consolidated subsidiaries, in addition to the parent's income, and permit the use of an average of 5 years' income, instead of only the most recent year's income, in determining what is a significant subsidiary.

2. Section 206.4(e)(2) has been revised in order to require registrant banks to file interim reports if they change their fiscal years.

3. A new subparagraph (i) has been added to § 206.5(c), in order to clarify what specific information concerning a bank's operation is required in an annual report to shareholders which accompanies a proxy statement.

4. Language is added to § 206.5(i)(2)(ii)(A), in order to clarify who is not deemed to be a participant to a proxy statement.

5. Section 206.7(b)(3)(B) has been revised to specify the Board's standards for ensuring the independence of public accountants who audit financial statements of registrant banks.

6. Section 206.7(c)(9)(v)(B) has been revised to require information concerning unoptioned shares of stock available for use in an option plan, and information regarding other shares sold or offered for sale to officers, directors, and key employees.

7. New § 206.7(c)(9)(ix) and (x) have been added to provide for disclosure of information in the balance sheet concerning any default in payment with respect to any issue of securities or credit agreements, and any significant changes in the authorized or issued amounts of bonds, mortgages, and similar debt since the date of filing of the latest balance sheet.

8. Section 206.7(c)(10)(iii) has been revised by restructuring the proposed language into separate subparagraphs, and by adding new subparagraphs which provide for disclosure of the amount of interest cost which is capitalized, and information concerning disagreements on accounting and financial disclosure matters which occur after a change in accountants.

9. Revisions have been made to §§ 206.7(d)(5) and (6) regarding the use of consolidated financial statements in order to clarify the circumstances in which such a statement is appropriate, and a new subparagraph (7) has been added to this section which provides that information be submitted with respect to changes in the participants to consolidated or combined financial statements.

10. Item 3 of § 206.42 has been changed to further specify the type of information concerning a bank's business activities required to be included in Form F–2.

11. Item 12 of § 206.43 has been revised to clarify the Board's standards in Form F–3 concerning disclosure of information when a change occurs in a registrant bank's certifying accountant.

12. Item 8 of § 206.51 has been revised to provide for disclosure of additional information with respect to the election of independent public accountants and the existence of an audit committee, if any, within a registrant bank.

13. New Instructions 2 and 3 to Item 9(f) of § 206.51 have been added which provide that no information regarding group health, life or accident insurance benefits need be included in answer to this Item, and that if action is to be taken at a meeting with respect to any plan in which officers or directors may benefit, information must be provided concerning any such previous plans or option arrangements.

14. Language has been added to paragraph 2 of Form F–9A under § 206.71, in order to provide for the inclusion of information with regard to the aggregate fair market value of a registrant bank's investment securities.

B. Any variations remaining between the revised regulation and the corresponding rules and regulations of the Securities and Exchange Commission are either deemed not substantive by the Board, not necessary or appropriate in the public interest or for protection of investors, or not applicable to banking as presently conducted in the United States by State member banks. For example, several particular disclosure provisions of the rules of the Securities and Exchange Commission relate to an issuer's ownership of treasury stock. As State member banks are generally prohibited by Federal law from purchasing shares of their own stock, such a disclosure requirement is deemed inapplicable to State member banks. Similarly, disclosure requirements uniquely applicable to extractive industries were deemed inapplicable to State member banks, the business of which is strictly limited by statutes to banking. For the same reason, line of business disclosure, particularly suitable to conglomerate enterprises, was deemed inapplicable to State member banks. Similarly, disclosure relating to physical plant and equipment, while particularly applicable to manufacturing firms, was not deemed applicable to State member banks. The Commission's use of a percentage of assets test in determining materiality of various items was rejected in favor of a percentage of equity capital accounts test which was deemed more meaningful in banking, as well as eliciting greater disclosure, than a percentage of assets test. Similarly, cross-references to filings under the Securities Act of 1933 were not adopted as no such filings exist, securities issued by banks being exempted from that Act. Mandatory certification of financial statements of all registered banks was rejected as being unnecessary at this time in view of the fact that, unlike the majority of issuers whose securities are registered with the Securities and Exchange Commission, State member banks are subject to periodic examination by State Banking authorities and the Federal Reserve System. Moreover, some apparent differences have developed among public accountants and between public accountants and bank regulatory authorities concerning asset valuation standards that ought to be examined prior to any final determination in this area. However, the Board will continue to consider the question of whether mandatory certification would be appropriate for registered State member banks, or a subgroup thereof, possibly based, for example, upon the size or number of shareholders of such banks.

C. The Board finds that further public participation in this rulemaking process is unnecessary, in that the aforementioned further modifications to the proposal contained in the original notice merely clarify or are otherwise reasonably encompassed within the original proposal. Therefore the relevant provisions of 5 U.S.C. 553 requiring notice of proposed rulemaking and opportunity for public participation are not applicable. Accordingly, 12 CFR 206 is revised as set forth below.

Effective Date: This revised Part shall become effective on December 1, 1975. The existing regulation 12 CFR 206 shall remain in effect until that date.

Board of Governors of the Federal Reserve System, October 23, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

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AUTHORITY: Sec. 12(i) of the Securities Act of 1934, as amended (15 U.S.C. 781(i) (the "Act")).

REGULATIONS

§ 206.1 Scope of part.[1]

This Part is issued by the Board of Governors of the Federal Reserve System (the "Board") pursuant to section 12(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78) (the "Act") and applies to all securities subject to registration pursuant to section 12(b) or section 12(g) of the Act by a bank that is organized under State law and is a member of the Federal Reserve System ("bank").

§ 206.2 Definitions.

For the purposes of this Part, including all forms and instructions promulgated for use in connection herewith, unless the context otherwise requires:

(a) The terms "exchange", "director", "person", "security", and "equity security" have the meanings given them in section 3(a) of the Act.[2]

(b) The term "affiliate" (whether referred to as an "affiliate" of, or a person "affiliated" with, a specified person) means a person that directly, or indirectly through one of more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(c) The term "amount", when used with respect to securities, means the principal amount if relating to evidences of indebtedness, the number of shares if relating to shares, and the number of units if relating to any other kind of security.

(d) The term "associate", when used to indicate a relationship with any person, means (1) any corporation or organization (other than the bank or a majority-owned subsidiary of the bank) of which such person is an officer or partner or is, directly or indirectly, either alone or together with one or more members of his immediate family, the beneficial owner of 10 per cent or more of any class of equity securities, (2) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar fiduciary capacity, and (3) any relative or spouse of such person, or any relative of such spouse, who has the same home as such person, or who is a director or officer of the bank or any of its parents or subsidiaries.

(e) The term "charter" includes articles of incorporation, declarations of trust, articles of association or partnership, or any similar instrument, as amended, effecting (either with or without filing with any governmental agency) the organization or creation of an incorporated or unincorporated person.

(f) The term "control" (including the terms "controlling", "controlled by", and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise.

(g) The term "employee" does not include a director, trustee, or officer.

(h) The term "equity capital accounts" means capital stock, surplus, undivided profits, and reserve for contingencies and other capital reserves.

(i) The term "fiscal year" means the annual accounting period or, if no closing date has been adopted, the calendar year ending on December 31.

(j) (1) For the purpose of determining whether the registration requirements of section 12(g)(1) of the Act are applicable, securities shall be deemed to be "held of record" by each person who is identified as the owner of such securities on records of security holders maintained by or on behalf of the bank, subject to the following:

(i) In any case where the records of security holders have not been maintained in accordance with accepted practice, any additional person who would be identified as such an owner on such records if they had been maintained in accordance with accepted practice shall be included as a holder of record.

(ii) Securities identified as held of record by a corporation, a partnership, a trust whether or not the trustees are named, or other organization shall be included as so held by one person.

(iii) Securities identified as held of record by one or more persons as trustees, executors, guardians, custodians, or in other fiduciary capacities with respect to a single trust, estate, or account shall be included as held of record by one person.

(iv) Securities held by two or more persons as co-owners shall be included as held by one person.

(v) Each outstanding unregistered or bearer certificate shall be included as held of record by a separate person, except to the extent that the bank can establish that, if such securities were registered, they would be held of record, under the provisions of this paragraph (j), by a lesser number of persons.

(vi) Securities registered in substantially similar names, where the bank has reason to believe because of the address or other indications that such names represent the same person, may be included as held of record by one person.

(2) Notwithstanding subparagraph (1):

(i) Securities held subject to a voting trust, deposit agreement, or similar arrangement shall be included as held of record by the record holders of the voting trust certificates, certificates of deposit, receipts, or similar evidences of interest that the bank may rely in good faith on such information as is received in response to its request from a nonaffiliated issuer of the certificates or interests.

(ii) If the bank knows or has reason to know that the form of holding securities of record is used principally to circumvent the provisions of section 12(g)(1) of the Act, the beneficial owners of such securities shall be deemed to be record owners thereof.

(k) The term "immediate family" includes a person's (1) spouse; (2) son, daughter, and descendant of either; (3) father, mother, and ancestor of either; (4) stepson and stepdaughter; and (4) stepfather and stepmother. For the purpose of determining whether any of the foregoing relationships exist, a legally adopted child shall be considered a child by blood.

(l) The term "information statement" means the statement required by § 206.5(a), whether or not contained in a single document.

(m) The term "last fiscal year" of bank means the last fiscal year of bank ending prior to the date of the meeting with respect to which an information statement is required to be distributed.

(n) The term "listed" means admitted to full trading privileges upon application by the bank and includes securities for which authority to add to the list on official notice of issuance has been granted.

(o) The term "majority-owned subsidiary" means a subsidiary more than 50 per cent of whose outstanding securities representing the right, other than as affected by events of default, to vote for the election of directors, is owned by the subsidiary's parent and/or one or more of the parent's other majority-owned subsidiaries.

(p) The term "material", when used to qualify a requirement for furnishing of information as to any subject, limits the information required to those matters as to which an average prudent investor ought reasonably to be informed before buying or selling the security registered.

(q) The term "officer" means a Chairman of the Board of Directors, Vice Chairman of the Board, Chairman of the Executive Committee, President, Vice President (except as indicated in the next sentence), Cashier, Treasurer, Secretary, Comptroller, and any other person who participates in major policy-making functions of the bank. In some banks (particularly banks with officers bearing titles such as Executive Vice President, Senior Vice President, or First Vice President as well as a number of "Vice Presidents"), some or all "Vice Presidents" do not participate in major

[1] This text corresponds to the Code of Federal Regulations, Title 12, Chapter II, Part 206, cited as 12 CFR 206. The words "this Part", as used herein, mean Regulation F.

[2] See Appendix of Regulation F published by the Board of Governors of the Federal Reserve System.

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policy-making functions, and such persons are not officers for the purpose of this Part.

(r) The term "option" means any option, warrant, or right other than those issued to security holders on a pro rata basis.

(s) The term "parent" of a specified person is a person controlling such person directly, or indirectly through one or more intermediaries.

(t) The term "plan" includes all plans, contracts, authorizations, or arrangements, whether or not set forth in any formal document.

(u) The term "predecessor" means a person the major portion of the business and assets of which another person acquired in a single succession or in a series of related successions.

(v) The terms "previously filed" and "previously reported" mean previously filed with, or reported in, a registration statement under section 12, a report under section 13, or a definitive proxy statement or statement where management does not solicit proxies under section 14 of the Act, which statement or report has been filed with the Board, except that information contained in any such document shall be deemed to have been previously filed with or reported to an exchange only if such document is filed with such exchange.

(w) The term "principal underwriter" means an underwriter in privity of contract with the bank of the securities as to which he is underwriter.

(x) The term "promoter" includes: (1) any person who, acting alone or in conjunction with one or more other persons, directly or indirectly takes initiative in founding and organizing the bank; (2) any person who, in connection with the founding and organizing of the bank, directly or indirectly receives in consideration of services or property or both services and property 10 per cent or more of any class of securities of the bank or 10 per cent or more of the proceeds from the sale of any class of such securities. A person who receives such securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not, however, be deemed a promoter if such person does not otherwise take part in founding and organizing the bank.

(y) The term "proxy" includes every proxy, consent, or authorization within the meaning of section 14(a) of the Act. The consent or authorization may take the form of failure to object or to dissent.

(z) The term "proxy statement" means the statement required by § 206.5 (a), whether or not contained in a single document.

(aa) The terms "qualified stock option", "restricted stock option", and "employee stock purchase plan" have the meanings given them in sections 422 through 424 of the Internal Revenue Code of 1954, [as amended. For the purposes of this regulation, an option which meets all of the conditions of section 424(b) of the Internal Revenue Code of 1954, as amended, other than the date of issuance shall be deemed to be a "restricted stock option".

(bb) The term "registration statement" or "statement", when used with reference to registration pursuant to § 206.4 of this Part, includes both an application for registration of securities on a national securities exchange pursuant to section 12(b) of the Act and a registration statement filed pursuant to section 12(g) of the Act.

(cc) The term "share" means a share of stock in a corporation or unit of interest in an unincorporated person.

(dd) The term "significant subsidiary" means a subsidiary meeting any of the following conditions:

(1) The investments in the subsidiary by its parent plus the parent's proportion of the investments in such subsidiary by the parent's other subsidiaries, if any, exceed 5 per cent of the equity capital accounts of the bank. "Investments" refers to the amount carried on the books of the parent and other subsidiaries or the amount equivalent to the parent's proportionate share in the equity capital accounts of the subsidiary, whichever is greater; or

(2) The parent's proportion of the gross operating revenues of the subsidiary exceeds 5 per cent of the gross operating revenues of the parent and its consolidated subsidiaries; or

(3) The parent's proportion of income of the subsidiary before income taxes exceeds 5 per cent or more of the income before income taxes of the parent and its consolidated subsidiaries, provided that if such income of the parent and its consolidated subsidiaries is at least 5 per cent lower than the average of such income for the last five fiscal years such average income may be substituted in the determination.

[NOTE: The subsidiary may be the parent of one or more subsidiaries and, together with such subsidiaries may, if considered in the aggregate, constitute a significant subsidiary.]

(ee) The terms "solicit" and "solicitation" means (1) any request for a proxy whether or not accompanied by or included in a form of proxy; (2) any request to execute or not to execute, or to revoke, a proxy; or (3) the furnishing of a form of proxy or other communication to security holders under circumstances reasonably calculated to result in the procurement, withholding, or revocation of a proxy. The terms do not apply, however, to the furnishing of a form of proxy request of such security holder, the performance by the bank of acts required to a security holder upon the unsolicited by § 206.5(g), or the performance by any person of ministerial acts on behalf of a person soliciting a proxy.

(ff) A "subsidiary" of a bank is (1) an affiliate controlled by the bank, directly or indirectly, through one or more intermediaries, except where the control (i) exists by reason of ownership or control of voting securities by the bank in a fiduciary capacity, or (ii) was obtained by the bank in the course of securing or collecting a debt previously contracted in good faith, or (2) a person a majority of whose voting securities are held in trust for the benefit of the holders of a class of stock of the bank pro rata.

(gg) The term "succession" means the direct acquisition of the [shares or] assets comprising a going business, whether by merger, consolidation, purchase, or other direct transfer. The term does not include the acquisition of control of a business unless followed by the direct acquisition of its [shares or] assets. The term "succeed" and "successor" have meanings correlative to the foregoing.

(hh) The term "verified", when used with respect to financial statements, means either (1) certified by an independent public accountant, or (2) signed in accordance with § 206.7(b)(2) by the person principally responsible for the accounting records of the bank (the "principal accounting officer") and by the person principally responsible for the audit procedures of the bank (the "auditor"); except that the term "verified" shall mean certified by an independent public accountant in any case in which the Board so informs the bank concerned, in writing, at least 90 days prior to the end of the fiscal year to which the financial statements will relate.

(ii) The term "voting securities" means securities the holders of which are presently entitled to vote for the election of directors.

(jj) The terms "beneficial ownership", "beneficially owned", and the like, when used with respect to the reporting of ownership of the bank's equity securities in any statement or report required by this Part, shall include, in addition to direct and indirect beneficial ownership by the reporting person, ownership of such securities (1) by the spouse (except where legally separated) and minor children of such reporting person, and (2) by any other relative of the reporting person who has the same home as such person.

§ 206.3 Inspection and publication of information filed under the Act.

(a) *Filing of material with the Board.* All papers required to be filed with the Board pursuant to the Act or regulations thereunder shall be filed at its office in Washington, D.C. Material may be filed by delivery to the Board, through the mails, or otherwise. The date on which papers are actually received by the Board shall be the date of filing thereof if all of the requirements with respect to the filing have been complied with.

(b) *Inspection.* Except as provided in paragraph (c) of this section, [all information filed, other than ownership reports required to be filed pursuant to § 206.6(a),] regarding a security registered with the Board will be available for inspection at the Federal Deposit Insurance Corporation, 550 Seventeenth Street, NW., Washington, D.C. In addition, copies of the registration statement and reports required by § 206.4 (exclusive of exhibits), the statements required by § 206.5(a), and the annual reports to security holders required by § 206.5(c), will be available for inspection at the New York, Chicago, and San Francisco Federal Reserve Banks and at the Reserve Bank of the district in which the bank filing the statements or reports is located. [The ownership reports required to be filed pursuant to § 206.6(a) will be available for public inspection at the Board's office in Washington, D.C.]

(c) *Nondisclosure of certain information filed.* Any person filing any statement, report, or document under the Act may make written objection to the public disclosure of any information contained therein in accordance with the procedure set forth below:

(1) The person shall omit from the statement, report, or document, when it is filed, the portion thereof that it desires to keep undisclosed (hereinafter called the confidential portion). In lieu thereof, it shall indicate at the appropriate place in the statement, report, or document that the confidential portion has been so omitted and filed separately with the Board.

(2) The person shall file with the copies of the statement, report, or document filed with the Board:

(i) As many copies of the confidential portion, each clearly marked "CONFIDENTIAL TREATMENT", as there are copies of the statement, report, or document filed with the Board and with each exchange, if any. Each copy shall contain the complete text of the item and, notwithstanding that the confidential portion does not constitute the whole of the answer, the entire answer thereto; except that in case the confidential portion is part of a financial statement or schedule, only the particular financial statement or schedule need be included. All copies of the confidential portion shall be in the same form as the remainder of the statement, report, or document.

(ii) An application making objection to the disclosure of the confidential portion. Such application shall be on a sheet or sheets separate from the confidential portion, and shall contain (A) an identification of the portion of the statement, report, or document that has been omitted, (B) a statement of the grounds of objection, and (C) the name of each exchange, if any, with which the statement, report, or document is filed. The copies of the confidential portion and the application filed in accordance with this subparagraph shall be enclosed in a separate envelope marked "CONFIDENTIAL TREATMENT" and addressed to Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

(3) Pending the determination by the Board as to the objection filed in accordance with paragraph (c)(2) of this section, the confidential portion will not be disclosed by the Board.

(4) If the Board determines that the objection shall be sustained, a notation to that effect will be made at the appropriate place in the statement, report, or document.

(5) If the Board shall have determined that disclosure of the confidential portion is in the public interest, a finding and determination to that effect will be entered and notice of the finding and determination will be sent by registered or certified mail to the person.

(6) The confidential portion shall be made available to the public:

(i) upon the lapse of 15 days after the dispatch of notice by registered or certified mail of the finding and determination of the Board described in paragraph (c)(5) of this section, if prior to the lapse of such 15 days the person shall not have filed a written statement that he intends in good faith to seek judicial review of the finding and determination;

(ii) upon the lapse of 60 days after the dispatch of notice by registered or certified mail or the finding and determination of the Board, if the statement described in clause (i) shall have been filed and if a petition for judicial review shall not have been filed within such 60 days; or

(iii) if such petition for judicial review shall have been filed within such 60 days, upon final disposition, adverse to the person, of the judicial proceedings.

(7) If the confidential portion is made available to the public, a copy thereof shall be attached to each copy of the statement, report, or document filed with the Board and with each exchange concerned.

§ 206.4 Registration statements and reports.

(a) *Requirement of registration statement.* Securities of a bank shall be registered under the provisions of either section 12(b) or section 12(g) of the Act by filing a statement in conformity with the requirements of Form F-1, [Form F-1B (in the case of registration of securities of a successor bank),] or Form F-10 (in the case of registration of an additional class of securities). No registration shall be required under the provisions of section 12(b) or section 12(g) of the Act of any warrant or certificate evidencing a right to subscribe to or otherwise acquire a security of a bank if such warrant or certificate by its terms expires within 90 days after the issuance thereof.

(1) Where in connection with a succession by merger, consolidation, exchange of securities or acquisition of assets, equity securities of a bank, not previously registered pursuant to section 12 of the Act, are issued to the holders of any class of equity securities of another bank which is registered pursuant to section 12(g), the class of securities so issued shall be deemed to be registered pursuant to section 12(g) of the Act unless upon consummation of the succession such class is exempt from such registration or all securities of such class are held of record by less than 300 persons.

(2) Where in connection with a succession by merger, consolidation, exchange of securities or acquisition of assets, equity securities of a bank, which are not registered pursuant to section 12 of the Act, are issued to the holders of any class of equity securities of another bank which is required to file a registration statement pursuant to section 12(g) but has not yet done so, the duty to file such statement shall be deemed to have been assumed by the bank whose class of securities is so issued and such bank shall file a registration statement pursuant to section 12(g) of the Act with respect to such class within the period of time the predecessor bank would have been required to file such a statement, or within such extended period of time as the Board may authorize upon application pursuant to § 206.4(r), unless upon consummation of the succession such class is exempt from such registration or all securities of the class are held of record by less than 300 persons.

(b) *Registration effective as to class or series.* Depending upon whether the security is to be listed on an exchange, registration shall become effective as provided in section 12(d) or section 12(g)(1) of the Act as to the entire class of such security, then or thereafter authorized. If, however, a class of security is issuable in two or more series with different terms, each such series shall be deemed a separate class for the purposes of this paragraph.

(c) *Acceleration of effectiveness of registration.* A request for acceleration of the effective date of registration shall be made in writing by either the bank, an exchange, or both and shall briefly describe the reasons therefor.

(d) *Exchange certification.* (1) Certification that a security has been approved by an exchange for listing and registration pursuant to section 12(d) of the Act shall be made by the governing committee or other corresponding authority of the exchange.

(2) The certification shall specify (i) the approval of the exchange for listing and registration; (ii) the title of the security so approved; (iii) the date of filing with the exchange of the registration statement and of any amendments thereto; and (iv) any conditions imposed on such certification. The exchange shall promptly notify the Board of the partial or complete satisfaction of any such conditions.

(3) The certification may be made by telegram but in such case shall be confirmed in writing. All certifications in writing and all amendments thereto shall be filed with the Board in duplicate and at least one copy shall be manually signed by the appropriate exchange authority.

(4) The date of receipt by the Board of the certification approving a security for listing and registration shall be the date on which the certification is actually received by the Board or the date on which the registration statement to which the certification relates is actually received by the Board, whichever date is later.

(5) If an amendment to the registration statement is filed with the exchange and with the Board after the receipt by the Board of the certification of the exchange approving the security for listing and registration, the certification, unless withdrawn, shall be deemed made with reference to the statement as amended.

(6) An exchange may, by notice to the Board, withdraw its certification prior to the time that the registration to which it relates first becomes effective pursuant to paragraph (b) of this section.

(7) An exchange may suspend from trading a bank security listed and regis-

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tered thereon in accordance with its rules. Suspension of trading shall not terminate the registration of any bank security.

(e)(1) *Requirement of annual reports.* Every registrant bank shall file an annual report for each fiscal year after the last full fiscal year for which financial statements were filed with the registration statement. The report, which shall conform to the requirements of Form F–2, shall be filed within 90 days after the close of the fiscal year or within 30 days of the mailing of the bank's annual report to stockholders, whichever occurs first.

(2) Every bank which changes its fiscal closing date after the last fiscal year for which financial statements were filed in a Form F–1 or Form F–2 shall file a report on Form F–2 covering the resulting interim period not more than 120 days after the close of the interim period or after the date of the determination to change the fiscal closing date, whichever is later. A separate report, however, need not be filed for any period of less than three months if the Form F–2 filed for the succeeding full fiscal year covers the interim period as well as the fiscal year. In such case, balance sheets need be furnished only as of the close of the entire period but all other financial statements and schedules shall be filed separately for both periods.

(f) *Annual reports of predecessors.* Every bank having securities registered pursuant to section 12 of the Act on Form F–1 (or Form F–10, in the case of registration of an additional class of securities) shall file an annual report pursuant to paragraph (e) of this section for each of its predecessors which had securities registered pursuant to section 12 covering the last full fiscal year of the predecessor prior to the registrant's succession, unless such report has been filed by the predecessor. Such annual report shall contain the information that would be required if filed by the predecessor.

(g) *Exception from requirement for annual report.* Notwithstanding paragraph (e) of this section, any bank that has filed, within the period prescribed for filing an annual report pursuant to that paragraph, a registration statement that has become effective and is not subject to any proceeding under section 15(c) or section 19(a) of the Act, or to an order thereunder, need not file an annual report if such statement covers the fiscal period that would be covered by such annual report and contains all of the information, including financial statements and exhibits, required for annual reports.

(h) *Current reports.* (1) Every registrant bank shall file a current report in conformity with the requirements of Form F–3 within 10 days after the close of any month during which any of the events specified in that form occurs, unless substantially the same information as required by that form has been previously reported by the bank.

(2) Each bank having securities registered pursuant to section 12(g) of the Act, upon being notified by a national securities association registered pursuant to section 15A of the Act, that a class of the bank's securities is to be quoted on an interdealer quotation system which is sponsored and governed by the rules of such association, shall thereafter notify such association promptly of (i) any increase or decrease in the amount of securities of such class outstanding which exceeds 5 percent of the amount of such class last reported to the association and (ii) any change in the name of the bank. The obligation to report pursuant to this subparagraph (2) shall continue until notification is received from the association that all classes of securities are no longer quoted on such interdealer quotation system.

(3)(i) Any person who, after acquiring, directly or indirectly, the beneficial ownership of any equity security of a member State bank, of a class which is registered pursuant to section 12 of the Act, is directly or indirectly the beneficial owner of more than 5 percent of such class shall, within ten days after such acquisition, send to the bank at its principal executive office, by registered or certified mail, send to each exchange where the security is traded, and file with the Board a statement containing the information required by Form F–11. Eight copies of the statement shall be filed with the Board.

(ii) Acquisitions of securities by a security holder who, prior to such acquisition, was the beneficial owner of more than 5 percent of the outstanding securities of the same class as those acquired shall be exempt from the reporting requirements of paragraph (h)(3) (i) of this section if the following conditions are met: (A) the acquisition is made pursuant to preemptive subscription rights in an offering made to all holders of securities of the class to which the preemptive subscription rights pertain; (B) the purchaser does not, through the exercise of such preemptive subscription rights, acquire more than his or its pro rata share of the securities offered; and (C) the acquisition is duly reported pursuant to section 16(a) of the Act and the provisions of § 206.6 promulgated thereunder.

(4) If any material change occurs in the facts set forth in the statement required by paragraph (h)(3) of this section, the person who filed such statement shall promptly file with the Board and send to the bank and the exchange an amendment disclosing such change.

(5) In determining, for the purposes of § 206.4(h) or § 206.5(1), whether a person is directly or indirectly the beneficial owner of securities of any class, such person shall be deemed to be the beneficial owner of securities of such class which such person has the right to acquire through the exercise of presently exercisable options, warrants or rights or through the conversion of presently convertible securities, or otherwise. The securities subject to such options, warrants, rights or conversion privileges held by a person shall be deemed to be outstanding for the purpose of computing the percentage of outstanding securities of the class owned by such person but shall not be deemed to be outstanding for the purpose of computing the percentage of the class owned by any other person.

(i) *Quarterly reports.* Every registrant bank shall file a quarterly report in conformity with the requirements of Form F–4 for each fiscal quarter ending after the close of the latest fiscal year for which financial statements were filed in a registration statement, except that no report need be filed for the fiscal quarter which coincides with the end of the fiscal year of the bank. Such reports shall be filed not later than 30 days after the end of such quarterly period, except that the report for any period ending prior to the date on which a class of securities of the bank first becomes effectively registered may be filed not later than 30 days after the effective date of such registration.

(j) *Additional information.* In addition to the information expressly required to be included in a statement or report, there shall be added such further material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

(k) *Information not available.* Information required need be given only insofar as it is known or reasonably available to the bank. If any required information is unknown and not reasonably available to the bank, either because the obtaining thereof would involve unreasonable effort or expense or because it rests peculiarly within the knowledge of another person not affiliated with the bank, the information may be omitted, subject to the following conditions:

(1) The bank shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense together with the sources thereof, and

(2) The bank shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to such person for the information. No such request need be made, however, to any foreign government, or an agency or instrumentality thereof, if, in the opinion of the bank, such request would be harmful to existing relationships.

(l) *Disclaimer of control.* If the existence of control is open to reasonable doubt in any instance, the bank may disclaim the existence of control and any admission thereof; in such case, however, the bank shall state the material facts pertinent to the possible existence of control.

(m) *Incorporation by reference.* (1) Matter contained in any part of a statement or report, other than exhibits, may be incorporated by reference in answer or partial answer to any item of a [same] statement or report. Matter contained in an exhibit may be so incorporated to the extent permitted in paragraph (n) of this section. A registration statement for an additional class of securities of the bank may incorporate by reference any item contained in a previous registration statement or report.

(2) Material incorporated by reference shall be clearly identified in the reference. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the statement or report where the information is required. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear, or confusing.

(n) *Summaries or outlines of documents.* Where an item requires a summary or outline of the provisions of any document, only a brief statement shall be made, in succinct and condensed form, as to the most important provisions. In addition to such statement, the summary or outline may incorporate by reference particular items, sections, or paragraphs of any exhibit and may be qualified in its entirety by such reference. Matter contained in an exhibit may be incorporated by reference in answer to an item only to the extent permitted by this paragraph (n).

(o) *Omission of substantially identical documents.* In any case where two or more indentures; contracts, franchises, or other documents required to be filed as exhibits are substantially identical in all material respects except as to the parties thereto, the date of execution, or other details, the bank need file a copy of only one of such documents, with a schedule identifying the documents omitted and setting forth the material details in which such documents differ from the document of which a copy is filed. The Board may at any time in its discretion require the filing of copies of documents so omitted.

(p) *Additional exhibits.* The bank may file such exhibits as it may desire, in addition to those required by the appropriate form. Such exhibits shall be so marked as to indicate clearly the subject matters to which they refer.

(q) *Incorporation of exhibits by reference.* (1) Any document or part thereof previously filed with the Board pursuant to this Part may, subject to the following limitations, be incorporated by reference as an exhibit to any registration statement or report filed with the Board by the same or any other person. Any document or part thereof filed with an exchange pursuant to the Act may be incorporated by reference as an exhibit to any registration statement or report filed with the exchange by the same or any other person.

(2) Any document incorporated by reference pursuant to this paragraph (q) shall be so incorporated only by reference to the specific document and to the prior filing in which it was physically filed, not to another file which incorporates it by reference.

(3) If any modification has occurred in the text of any document incorporated by reference since the filing thereof, the bank shall file with the reference a statement containing the text of any such modification and the date thereof.

(4) No document which has been on file with the Board pursuant to this Part for a period of more than 10 years may be incorporated by reference. This limitation shall not, however, apply to a corporate charter or by-laws if such document has not been amended more than twice since such filing.

(r) *Extension of time for furnishing information.* If the furnishing of any information, document, or report at the time it is required to be filed is impracticable, the bank may file with the Board as a separate document an application (1) identifying the information, document, or report in question, (2) stating why the filing thereof at the time required is impracticable, and (3) requesting an extension of time for filing the information, document, or report to a specified date not more than 60 days after the date it would otherwise have to be filed. The application shall be deemed granted unless the Board, within 15 days after receipt thereof, shall enter an order denying the application.

(i) If the extension requested pursuant to this paragraph is necessitated by the inability of any person other than the registrant to furnish any required opinion, information, report or verification, the application shall have attached as an exhibit, a statement signed by such person stating the specific reasons why such person is unable to furnish the required opinion, information, report or verification.

(ii) If the application pursuant to this paragraph, or the extension of time granted, relates only to a portion of the required information, document or report, the registrant shall file the remaining portion, and the portion filed shall prominently indicate the nature of the omitted portion.

(s) *Number of copies; signatures; binding.* (1) Except where otherwise provided in a particular form, 8 copies of each registration statement and report (including financial statements) and 4 copies of each exhibit and each other document filed as a part thereof, shall be filed with the Board. At least one complete copy of each statement shall be file with each exchange, if any, on which the securities covered thereby are being registered. At least one copy of each report shall be filed with each exchange, if any, on which the bank has securities registered.

(2) At least one copy of each statement or report filed with the Board and one copy thereof filed with an exchange shall be manually signed. If the statement or report is typewritten, one of the signed copies filed with the Board shall be an original "ribbon" copy. Unsigned copies shall be conformed. If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power or other authority shall also be filed with the statement or report.

(3) Each copy of a statement or report filed with the Board or with an exchange shall be bound in one or more parts. Copies filed with the Board shall be bound without stiff covers. The statement or report shall be bound on the left side in such a manner as to leave the reading matter legible.

(t) *Requirements as to paper, printing, and language.* (1) Statements and reports shall be filed on good quality, unglazed, white paper 8½ x 13 inches in size, insofar as practicable. Tables, charts, maps, and financial statements may, however, be on larger paper if folded to that size.

(2) The statement or report and, insofar as practicable, all papers and documents filed as a part thereof, shall be printed, lithographed, mimeographed, photocopied, or typewritten. The statement or report or any portion thereof may, however, be prepared by any similar process that, in the opinion of the Board, produces copies suitable for a permanent record. Irrespective of the process used, all copies of any such material shall be clear, easily readable, and suitable for repeated photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.

(3) The body of all printed statements and reports shall be in roman type at least as large as 10-point modern type. To the extent necessary for convenient presentation, however, financial statements and other statistical or tabular data and the notes thereto may be in type at least as large as 8-point modern type. All type shall be leaded at least 2 points.

(4) Statements and reports shall be in English. If any exhibit or other paper or document filed with a statement or report is in a foreign language, it shall be accompanied by a translation into English.

(u) *Preparation of statement or report.* Each statement and report shall contain the numbers and captions of all items of the appropriate form, but the text of the items may be omitted provided the answers thereto are so prepared as to indicate to the reader the coverage of the items without the necessity of his referring to the text of the items or instructions thereto. Where any item requires information to be given in tabular form, such information shall be given in substantially the tabular form specified in the item. All instructions, whether appearing under the items of the form or elsewhere therein, are to be omitted. Unless expressly provided otherwise, if any item is inapplicable, or the answer thereto is in the negative, an appropriate statement to that effect shall be made.

(v) *Riders; inserts.* Riders shall not be used. If the statement or report is typed on a printed form, and the space provided for the answer to any given item is insufficient, reference shall be made in such space to a full insert page or pages on which the item number and caption and the complete answer are given.

(w) *Amendments.* All amendments shall comply with all pertinent requirements applicable to statements and reports. Amendments shall be filed separately for each separate statement or report amended. Amendments to a state-

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ment may be filed either before or after registration becomes effective.

(x) *Title of securities.* Wherever the title of securities is required to be stated, information shall be given that will indicate the type and general character of the securities, including:

(1) In the case of shares, the par or stated value, if any; the rate of dividends, if fixed, and whether cumulative or noncumulative; a brief indication of the preference, if any; and if convertible, a statement to that effect.

(2) In the case of funded debt, the rate of interest; the date of maturity, or if the issue matures serially, a brief indication of the serial maturities, such as "maturing serially from 1970 to 1980"; if payment of principal or interest is contingent, an appropriate indication of such contingency; a brief indication of the priority of the issue; and if convertible, a statement to that effect.

(3) In the case of any other kind of security, appropriate information of comparable character.

(y) *Interpretation of requirements.* Unless the context clearly shows otherwise,

(1) The forms require information only as to the bank.

(2) Whenever any fixed period of time in the past is indicated, such period shall be computed from the date of filing.

(3) Whenever words relate to the future, they have reference solely to present intention.

(4) Any words indicating the holder of a position or office include persons, by whatever titles designated, whose duties are those ordinarily performed by holders of such positions or offices.

(z) *When securities are deemed to be registered.* A class of securities with respect to which a registration statement has been filed pursuant to section 12 of the Act shall be deemed to be registered for the purposes of sections 13, 14, and 16 of the Act and this Part only when such registration statement has become effective as provided in section 12, and securities of said class shall not be subject to sections 13, 14, and 16 of the Act until such registration statement has become effective as provided in section 12.

§ 206.5 Proxy statements and other solicitations under section 14 of the Act.

(a) *Requirement of statement.* No solicitation of a proxy with respect to a security of a bank registered pursuant to section 12 of the Act shall be made unless each person solicited is concurrently furnished, or has previously been furnished, with a written proxy statement containing the information required by Form F–5. If the management of any bank having such a security outstanding fails to solicit proxies from the holders of any such security in such a manner as to require the furnishing of such a proxy statement, such bank shall transmit to all holders of record of such security a statement containing the information required by Form F–5. The "information statement" required by the preceding sentence shall be transmitted (1) at least 20 calendar days prior to any annual or other meeting of the holders of such security at which such holders are entitled to vote, or (2) in the case of corporate action taken with the written authorization or consent of security holders, at least 20 days prior to the earliest date on which the corporate action may be taken. A proxy statement or an "information statement" required by this paragraph is hereinafter sometimes referred to as a "Statement".

(b) *Exceptions.* The requirements of the first sentence of paragraph (a) of this section shall not apply to the following:

(1) Any solicitation made otherwise than on behalf of the management of the bank where the total number of persons solicited is not more than 10.

(2) Any solicitation by a person in respect to securities carried in his name or in the name of his nominee (otherwise than as voting trustee) or held in his custody, if such person

(i) receives no commission or remuneration for such solicitation, directly or indirectly, other than reimbursement of reasonable expenses;

(ii) furnishes promptly to the person solicited a copy of all soliciting material with respect to the same subject matter or meeting received from all persons who will furnish copies thereof for such purpose and who will, if requested, defray the reasonable expenses to be incurred in forwarding such material; and

(iii) in addition, does no more than (A) impartially instruct the person solicited to forward a proxy to the person, if any, to whom the person solicited desires to give a proxy, or (B) impartially request from the person solicited instructions as to the authority to be conferred by the proxy and state that a proxy will be given if no instructions are received by a certain date.

(3) Any solicitation by a person with respect to securities of which he is the beneficial owner.

(4) Any solicitation through the medium of a newspaper advertisement that informs security holders of a source from which they may obtain copies of a proxy statement, form of proxy, and any other soliciting material and does no more than (i) name the bank; (ii) state the reason for the advertisement; and (iii) identify the proposal or proposals to be acted upon by security holders.

(c) *Annual report to security holders to accompany Statements.* (1) Any Statement furnished on behalf of the management of the bank that relates to an annual meeting of security holders at which directors are to be elected shall be accompanied or preceded by an annual report to such security holders containing such financial statements for the last 2 fiscal years as will, in the opinion of the management, adequately reflect the financial position of the bank at the end of each such year and the results of its operations for each such year. The financial statements included in the annual report may omit details or summarize information if such statements, considered as a whole in the light of other information contained in the report and in the light of the financial statements of the bank filed or to be filed with the Board, will not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances. Subject to the foregoing requirements with respect to financial statements, the annual report to security holders may be in any form deemed suitable by the management and the information required by paragraphs (c) (1) (i) to (iv) of this paragraph may be presented in an appendix or other separate section of the report, provided that the attention of security holders is called to such presentation.

(i) The report shall include a summary of the bank's operations containing the information required by Item 4 of Form F–2 except for the reconciliations, exhibits and supplemental information thereto.

(ii) The report shall contain a brief description of the operations done by the bank and its subsidiaries during the most recent fiscal year.

(iii) The report shall identify each of the bank's directors and officers, and shall indicate the principal occupation or employment of each such person and the name and principal business of any organization by which such person is so employed.

(iv) The report shall identify the principal market, if any, in which securities of any class entitled to vote at the meeting are traded, and shall state the high and low sales prices for such securities (or, in the absence of such information, the range of bid and asked quotation) and the dividends paid on such securities for each quarterly period during the bank's two most recent fiscal years. If bank securities are inactively traded, the report shall so state and shall indicate the range of sales prices known to management for the periods specified above and the source(s) of such information.

(2) Management's Statement, or the report, shall contain an undertaking in bold face or otherwise reasonably prominent type to provide without charge to each person solicited, on the written request of any such person, a copy of the bank's annual report on Form F–2 including the financial statements and the schedules thereto, required to be filed with the Board pursuant to § 206.4 of this Part for the bank's most recent fiscal year, and shall indicate the name and address of the person to whom such a written request is to be directed. In the discretion of management, a bank need not undertake to furnish without charge copies of all exhibits to its Form F–2 provided that the copy of the annual report on Form F–2 furnished without charge to requesting security holders is accompanied by a list briefly describing all the exhibits not contained therein and indicating that the bank will furnish any exhibit upon the payment of a specified reasonable fee which fee shall be limited to the bank's reasonable expenses in furnishing such exhibit.

NOTE: Pursuant to the undertaking required by the paragraph (c)(2) of this section, a bank shall furnish a copy of its annual report on Form F–2 to a beneficial owner of its securities upon receipt of a written request from such person. Each request must set forth a good faith representation that, as of the record date for the annual meeting of the bank's security holders, the person making the request was a beneficial owner of securities entitled to vote at such meeting.

(3) Providing copies of material for certain beneficial owners. If the bank knows that securities of any class entitled to vote at a meeting are held of record by a broker, dealer, nonmember or member bank or voting trustee, or their nominees, the bank shall inquire of such record holder whether other persons are the beneficial owners of such securities and, if so, the number of copies of the Statement and other soliciting material, if applicable, and in the case of an annual meeting at which directors are to be elected, the number of copies of the annual report to security holders, necessary to supply such material to such beneficial owners. The bank shall supply such record holder with additional copies in such quantities, assembled in such form and at such a place, as the record holder may reasonably request in order to address and send one copy of each to each beneficial owner of securities so held and shall, upon the request of such record holder, pay its reasonable expenses for completing the mailing of such material to security holders to whom the material is sent.

(4) If bank's list of security holders indicates that some of its securities are registered in the name of "Cede & Co.", a nominee for the Depository Trust Company, or in the name of a nominee for any central certificate depository system, bank shall make appropriate inquiry of the central depository system and thereafter of the participants in such a system who may hold on behalf of a beneficial owner, and shall comply with the above paragraph with respect to any such participant.

This paragraph (c) shall not apply, however, to solicitations made on behalf of management before the financial statements are available if solicitation is being made at the time in opposition to the management and if the management's statement includes an undertaking in bold-face type to furnish such annual report to all persons being solicited at least 20 days before the date of the meeting.

NOTES: 1. To reflect adequately the financial position and results of operations of a bank in its annual report to security holders, the financial presentation shall include, but not necessarily be limited to, the following:

(a) Comparative statements of condition at the end of each of the last 2 fiscal years.

(b) Comparative statements of income in a form providing for the determination of "net income" for each fiscal year and per share earnings and dividend data.

(c) Comparative statements of changes in capital accounts for each fiscal year similar in form to Form F–9C.

(d) Comparative statements of changes in financial position for each fiscal year for which a statement of income is furnished.

(e) A comparative reconciliation of the "Allowance for Possible Loan Losses" account similar in form to Schedule VII, Form F–9D, and a comparative loan classification summary similar in form to Schedule III, of Form F–9D.

(f) Supplemental notes to financial statements to the extent necessary to furnish a fair financial presentation. Such notes should include the aggregate market value as at the balance sheet date for each category of investment securities reported on the balance sheet, and other information required to be furnished in notes to financial statements included in the bank's Form F–2 Annual Report.

2. The financial statements should be prepared on a consolidated basis to the extent required by § 206.7(d). Any difference from the principles of consolidation or other accounting principles or practices, or methods of applying accounting principles or practices, applicable to the financial statements of the bank filed or to be filed with the Board, which have a material effect on the financial position or results of operations of the bank, shall be noted and the effect thereof reconciled or explained in the [financial statements or the notes thereto in the] annual report to security holders.

3. When financial statements included in the annual report (Form F–2) filed, or proposed to be filed, with the Board are accompanied by an opinion of an independent public accountant, the financial statements in the annual report to security holders should also be accompanied by an opinion of such independent public accountant.

4. The requirement for sending an annual report to each person being solicited will be satisfied with respect to persons having the same address by sending at least one report to a holder of record at that address provided (i) that management has reasonable cause to believe that the record holder to whom the report is sent is the "beneficial owner" (see definition in § 206.2(jj)) of securities registered in the name of such person in other capacities or in the name of other persons at such address, or (ii) the security holders at such address consent thereto in writing. Nothing herein shall be deemed to relieve any person so consenting of any obligation to obtain or send such annual report to any other person.

(5) Eight copies of each annual report sent to security holders pursuant to this paragraph (c) shall be sent to the Board not later than (i) the date on which such report is first sent or given to security holders, or (ii) the date on which preliminary copies of the management Statement are filed with the Board pursuant to paragraph (f) of this section, whichever date is later. Such annual report is not deemed to be "soliciting material" or to be "filed" with the Board or otherwise subject to this § 206.5 or the liabilities of section 18 of the Act, except to the extent that the bank specifically requests that it be treated as a part of the proxy soliciting material or incorporates it in the proxy statement by reference.

(d) *Requirements as to proxy.* (1) The form of proxy (i) shall indicate in bold-face type whether or not the proxy is solicited on behalf of the management of the bank, (ii) shall provide a specifically designated blank space for dating the proxy, and (iii) shall identify clearly and impartially each matter or group of related matters intended to be acted upon, whether proposed by the management or by security holders. No reference need be made, however, to proposals as to which discretionary authority is conferred pursuant to paragraph (d) (4) of this section.

(2) Means shall be provided in the form of proxy whereby the person solicited is afforded an opportunity to specify by ballot a choice between approval or disapproval of each matter or group of related matters referred to therein as intended to be acted upon, other than elections to office. A proxy may confer discretionary authority with respect to matters as to which a choice is not so specified if the form of proxy states in bold-face type how the shares represented by the proxy are intended to be voted in each such case.

(3) A form of proxy which provides both for the election of directors and for action on other specified matters shall be prepared so as clearly to provide, by a box or otherwise, means by which the security holder may withhold authority to vote for the election of directors. Any such form of proxy which is executed by the security holder in such manner as not to withhold authority to vote for the election of directors shall be deemed to grant such authority, provided the form of proxy so states in bold-face type. This paragraph (d) (3) does not apply (i) in the case of a merger, consolidation, or other plan if the election of directors is an integral part of the plan and is not to be separately voted upon or (ii) if the only matters to be acted upon are the election of directors and the election, selection, or approval of other persons such as clerks or auditors.

(4) A proxy may confer discretionary authority to vote with respect to any of the following matters:

(i) Matters that the persons making the solicitation do not know, within a reasonable time before the solicitation, are to be presented at the meeting, if a specific statement to that effect is made in the proxy statement or form of proxy;

(ii) Approval of the minutes of the prior meeting if such approval does not amount to ratification of the action taken at that meeting;

(iii) The election of any person to any office for which a bona fide nominee is named in the proxy statement and such nominee is unable to serve or for good cause refuses to serve;

(iv) Any proposal omitted from the proxy statement and form of proxy pursuant to § 206.5(k);

(v) Matters incident to the conduct of the meeting.

(5) No proxy shall confer authority (i) to vote for the election of any person to any office for which a bona fide nominee is not named in the proxy statement, or (ii) to vote at any annual meeting other than the next annual meeting (or any adjournment thereof) to be held after the date on which the proxy statement and form of proxy are first sent or given to security holders. A person shall not be deemed to be a bona fide nominee and he shall not be named as such unless he has consented to being named in the proxy statement and to serve if elected.

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(6) The proxy statement or form of proxy shall provide, subject to reasonable specified conditions, that the shares represented by the proxy will be voted and that where the person solicited specifies by means of a ballot provided pursuant to paragraph (d)(2) of this section a choice with respect to any matters to be acted upon, the shares will be voted in accordance with the specifications so made.

(e) *Presentation of information in Statement.* (1) The information included in the Statement shall be clearly presented and the statements made shall be divided into groups according to subject matter and the various groups of statements shall be preceded by appropriate headings. The order of items in the form need not be followed. Where practicable and appropriate, the information shall be presented in tabular form. All amounts shall be stated in figures. Information required by more than one applicable item need not be repeated. No statement need be made in response to any item that is inapplicable.

(2) Any information required to be included in the Statement as to terms of securities or other subject matter that from a standpoint of practical necessity must be determined in the future may be stated in terms of present knowledge and intention. To the extent practicable, the authority to be conferred concerning each such matter shall be confined within limits reasonably related to the need for discretionary authority. Subject to the foregoing information that is not known to the persons on whose behalf the solicitation is to be made and is not reasonably within the power of such persons to ascertain or procure may be omitted, if a brief statement of the circumstances rendering such information unavailable is made.

(3) There may be omitted from a proxy statement any information contained in any other proxy soliciting material that has been furnished to each person solicited in connection with the same meeting or subject matter if a clear reference is made to the particular document containing such information.

(4) All printed Statements shall be set in roman type at least as large as 10-point modern type except that, to the extent necessary for convenient presentation, financial statements and other statistical or tabular matter may be set in roman type at least as large as 8-point modern type. All type shall be leaded at least 2 points.

(5) All proxy statements shall disclose on the first page thereof the complete mailing address, including ZIP code, of the principal executive offices of bank and the approximate date on which the proxy statement and form of proxy are first sent or given to security holders.

(f) *Material required to be filed.* (1) Three preliminary copies of each Statement, form of proxy, and other items of soliciting material to be furnished to security holders concurrently therewith, shall be filed with the Board by management or any other person making a solicitation subject to this § 206.5 at least 10 calendar days (or 15 calendar days in the case of other than routine meetings, as defined below) prior to the date such item is first sent or given to any security holders, or such shorter period prior to that date as may be authorized. For the purposes of this paragraph (f)(1) of this section, a routine meeting means a meeting with respect to which no one is soliciting proxies subject to this § 206.5 other than on behalf of management and at which management intends to present no matters other than the election of directors, election of inspectors of election, and other recurring matters. In the absence of actual knowledge to the contrary, management may assume that no other such solicitation of the bank's security holders is being made. In cases of annual meetings, one additional preliminary copy of the Statement, the form of proxy, and any other soliciting material, marked to show changes from the material sent or given to security holders with respect to the preceding annual meeting shall be filed with the Board.

(2) Three preliminary copies of any additional soliciting material, relating to the same meeting or subject matter, furnished to security holders subsequent to the proxy statement shall be filed with the Board at least two days (exclusive of Saturdays, Sundays, and holidays) prior to the date copies of such material are first sent or given to security holders, or such shorter period prior to such date as may be authorized upon a showing of good cause therefor.

(3) Eight copies of each Statement, form of proxy, and other items of soliciting material, in the form in which such material is furnished to security holders, shall be filed with, or mailed for filing to, the Board not later than the date such material is first sent or given to any security holders. Three copies of such material shall at the same time be filed with, or mailed for filing to, each exchange upon which any security of the bank is listed.

NOTE: The definitive material filed with the Board should be accompanied by a letter over the signature of an officer of bank or its counsel indicating any material changes which have been made therein, other than those made in response to the staff's comments.

(4) If the solicitation is to be made in whole or in part by personal solicitation, three copies of all written instructions or other material that discusses or reviews, or comments upon the merits of, any matter to be acted upon, and is furnished to the individuals making the actual solicitation for their use directly or indirectly in connection with the solicitation, shall be filed with the Board by the person on whose behalf the solicitation is made at least five days prior to the date copies of such material are first sent or given to such individuals, or such shorter period prior to that date as may be authorized upon a showing of good cause therefor.

(5) All copies of material filed pursuant to paragraphs (f) (1) and (2) of this section shall be clearly marked "Preliminary Copies" and shall be for the information of the Board only, except that such material may be disclosed to any department or agency of the United States Government and the Board may make such inquiries or investigation with respect to the material as may be necessary for an adequate review thereof. All material filed pursuant to paragraphs (f) (1), (2), or (3) of this section shall be accompanied by a statement of the date upon which copies thereof are intended to be or have been sent or given to security holders. All material filed pursuant to paragraph (f)(4) of this section shall be accompanied by a statement of the date upon which copies thereof are intended to be released to the individuals who will make the actual solicitation.

(6) Copies of replies to inquiries for security holders requesting further information and copies of communications that do no more than request that forms of proxy theretofore solicited be signed, dated, and returned need not be filed pursuant to this paragraph (f).

(7) Notwithstanding the provisions of paragraphs (f)(1), (f)(2), and (i)(5) of this section, copies of soliciting material in the form of speeches, press releases, and radio or television scripts may, but need not, be filed with the Board prior to use or publication. Definitive copies, however, shall be filed with or mailed for filing to the Board as required by paragraph (f)(3) of this section not later than the date such material is used or published. The provisions of paragraphs (f)(1), (f)(2), and (i)(5) of this section shall apply, however, to any reprints or reproductions of all or any part of such material.

(8) Where any Statement, form of proxy, or other material filed pursuant to this paragraph (f) is revised, two of the copies of such revised material filed pursuant to paragraph (f)(3) of this section shall be marked to indicate clearly the changes. If the revision alters the text of the material, the changes in such text shall be indicated by means of underscoring or in some other appropriate manner.

(9) The date that proxy material is "filed" with the Board for purposes of paragraphs (f) (1), (2), and (4) of this section is the date of receipt of the material by the Board, not the date of mailing to the Board. In computing the advance filing period for preliminary copies of proxy soliciting material referred to in such paragraphs, the filing date of the preliminary material is to be counted as the first day of the period and definitive material should not be planned to be mailed or distributed to security holders until after the expiration of such period. Where additional time is required for final printing after receipt of comments, the preliminary proxy material should be filed as early as possible prior to the intended mailing date.

(10) Where preliminary copies of material are filed with the Board pursuant to this subsection, the printing of definitive copies for distribution to security holders should be deferred until comments of the Board's staff have been received and considered.

(g) *Mailing communications for security holders.* If the management of the bank has made or intends to make any proxy solicitation subject to this § 206.5, the bank shall perform such of the following acts as may be requested in writing with respect to the same subject matter or meeting by any security holder who is entitled to vote on such matter or to vote at such meeting and who shall first defray the reasonable expenses to be incurred by the bank in the performance of the act or acts requested:

(1) The bank shall mail or otherwise furnish to such security holder the following information as promptly as practicable after the receipt of such request:

(i) A statement of the approximate number of holders of record of any class of securities, any of the holders of which have been or are to be solicited on behalf of the management, or any group of such holders that the security holder shall designate;

(ii) If the management of the bank has made or intends to make, through bankers, brokers, or other persons, any solicitation of the beneficial owners of securities of any class, a statement of the approximate number of such beneficial owners, or any group of such owners that the security holder shall designate;

(iii) An estimate of the cost of mailing a specified proxy statement, form of proxy, or other communication to such holders, including insofar as known or reasonably available, the estimated handling and mailing costs of the bankers, brokers, or other persons specified in paragraph (g)(1)(ii) of this section.

(2)(i) Copies of any proxy statement, form of proxy, or other communication furnished by the security holder shall be mailed by the bank to such of the holders of record specified in paragraph (g)(1)(i) of this section as the security holder shall designate. The bank shall also mail to each banker, broker, or other persons specified in paragraph (g)(1)(ii) of this section, a sufficient number of copies of such proxy statement, form of proxy, or other communication as will enable the banker, broker, or other person to furnish a copy thereof to each beneficial owner solicited or to be solicited through him;

(ii) Any such material that is furnished by the security holder shall be mailed with reasonable promptness by the bank after receipt of a tender of the material to be mailed, of envelopes or other containers therefor, of postage or payment for postage, and of evidence that such material has been filed with the Board pursuant to paragraph (f) of this section. The bank need not, however, mail any such material that relates to any matter to be acted upon at an annual meeting of security holders prior to the earlier of (A) a day corresponding to the first date on which management proxy soliciting material was released to security holders in connection with the last annual meeting of security holders, or (B) the first day on which solicitation is made on behalf of management. With respect to any such material that relates to any matter to be acted upon by security holders otherwise than at an annual meeting, such material need not be mailed prior to the first day on which solicitation is made on behalf of management.

(iii) Neither the management nor the bank shall be responsible for such proxy statement, form of proxy, or other communication.

(3) In lieu of performing the acts specified above, the bank may, at its option, furnish promptly to such security holder a reasonably current list of the names and addresses of such of the holders of record specified in paragraph (g)(1)(i) of this section as the security holder shall designate, and a list of the names and addresses of the bankers, brokers, or other persons specified in paragraph (g)(1)(ii) of this section as the security holder shall designate together with a statement of the approximate number of beneficial owners solicited or to be solicited through each such banker, broker, or other person and a schedule of the handling and mailing costs of each such banker, broker, or other person, if such schedule has been supplied to the management of the bank. The foregoing information shall be furnished promptly upon the request of the security holder or at daily or other reasonable intervals as it becomes available to the management of the bank.

(h) *False or misleading statements.* (1) No solicitation or communication subject to this section shall be made by means of any Statement, form of proxy, notice of meeting, or other communication, written or oral, containing any statement that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or that omits to state any material fact necessary in order to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for the same meeting or subject matter that has become false or misleading. Depending upon particular circumstances, the following may be misleading within the meaning of this paragraph: predictions as to specific future market values, earnings, or dividends; material that directly or indirectly impugns character, integrity, or personal reputation, or directly or indirectly makes charges concerning improper, illegal, or immoral conduct or associations, without factual foundation; failure to so identify a Statement, form of proxy, and other soliciting material as to clearly distinguish it from the soliciting material of any other person or persons soliciting for the same meeting or subject matter; claims made prior to a meeting regarding the results of a solicitation.

(2) The fact that a proxy statement, form of proxy, or other soliciting material has been filed with or reviewed by the Board or its staff shall not be deemed a finding by the Board that such material is accurate or complete or not false or misleading, or that the Board has passed upon the merits of or approved any statement therein or any matter to be acted upon by security holders. No representation contrary to the foregoing shall be made.

(i) *Special provisions applicable to election contests.*—(1) *Solicitations to which this paragraph applies.* This paragraph (i) applies to any solicitation subject to this § 206.5 by any person or group of persons for the purpose of opposing a solicitation subject to this section by any other person or group of persons with respect to the election or removal of directors at any annual or special meeting of security holders.

(2) *Participant defined.* (i) For purposes of this paragraph (i) the terms "participant" and "participant in a solicitation" include the following:

(A) The bank;

(B) Any director of the bank, and any nominee for whose election as a director proxies are solicited;

(C) Any committee or group that solicits proxies, any member of such committee or group, and any person whether or not named as a member who, acting alone or with one or more other persons, directly or indirectly, takes the initiative in organizing, directing, or financing any such committee or group;

(D) Any person who finances or joins with another to finance the solicitation of proxies, except persons who contribute not more than $500 and who are not otherwise participants;

(E) any person who lends money or furnishes credit or enters into any other arrangements, pursuant to any contract or understanding with a participant, for the purpose of financing or otherwise inducing the purchase, sale, holding, or voting of securities of the bank by any participant or other person, in support of or in opposition to a participant, except a [member or nonmember] bank, broker, or dealer who, in the ordinary course of business, lends money or executes orders for the purchase or sale of securities and who is not otherwise a participant;

(F) Any other person who solicits proxies.

(ii) Such terms do not include:

(A) Any person or organization retained or employed by a participant to solicit security holders and whose activities are limited to the performance of his or its duties in the course of such retention or employment, or any person who merely transmits proxy soliciting material or performs ministerial or clerical duties;

(B) Any person employed by a participant in the capacity of attorney, accountant, or advertising, public relations, or financial adviser, and whose activities are limited to the performance of his duties in the course of such employment;

(C) Any person regularly employed as an officer or employee of the bank or any of its subsidiaries who is not otherwise a participant; or

(D) Any officer or director of, or any person regularly employed by, any other participant, if such officer, director, or employee is not otherwise a participant.

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(3) *Filing of information required by Form F–6.* (i) No solicitation subject to this paragraph (i) shall be made by any person other than the management of the bank unless at least five business days prior thereto, or such shorter period as the Board may authorize upon a showing of good cause therefor, there has been filed with the Board and with each exchange upon which any security of the bank is listed, by or on behalf of each participant in such solicitation, a statement in duplicate containing the information specified by Form F–6.

(ii) Within five business days after a solicitation subject to this paragraph (i) is made by the management of the bank, of such longer period as the Board may authorize upon a showing of good cause therefor, there shall be filed with the Board and with each exchange upon which any security of the bank is listed, by or on behalf of each participant in such solicitation, other than the bank, a statement in duplicate containing the information specified by Form F–6.

(iii) If any solicitation on behalf of management or any other person has been made, or if proxy material is ready for distribution, prior to a solicitation subject to paragraph (i) (3) (i) of this section in opposition thereto, a statement in duplicate containing the information specified in Form F–6 shall be filed by or on behalf of each participant in such prior solicitation, other than the bank, as soon as reasonably practicable after the commencement of the solicitation in opposition thereto, with the Board and with each exchange on which any security of the bank is listed.

(iv) If, subsequent to the filing of the statements required by paragraphs (i) (3) (i), (ii), and (iii) of this section, additional persons become participants in a solicitation subject to paragraph (i) (3) (i) of this section, there shall be filed, with the Board and each appropriate exchange, by or on behalf of each such person a statement in duplicate containing the information specified by Form F–6, within three business days after such person becomes a participant, or such longer period as the Board may authorize upon a showing of good cause therefor.

(v) If any material change occurs in the facts reported in any statement filed by or on behalf of any participant, an appropriate amendment to such statement shall be filed promptly with the Board and each appropriate exchange.

(vi) Each statement and amendment thereto filed pursuant to this paragraph (i) shall be part of the official public files of the Board and shall be deemed a communication subject to the provisions of paragraph (h) of this section.

(4) *Solicitations prior to furnishing required Statement.* Notwithstanding the provisions of § 206.5(a), a solicitation subject to paragraph (i) of this section may be made prior to furnishing security holders a written Statement containing the information specified in Form F–5 with respect to such solicitation if (i) the statements required by subparagraph (3) of this paragraph (i) are filed by or on behalf of each participant in such solicitation; (ii) no form of proxy is furnished to security holders prior to the time the Statement is furnished to security holders, except that paragraph (i) (4) (ii) of this section shall not apply where a Statement then meeting the requirements of Form F–5 has been furnished to security holders by or on behalf of the person making the solicitation; (iii) at least the information specified in Items 2(a) and 3(a) of the statement required by paragraph (i) (3) of this section to be filed by each participant, or an appropriate summary thereof, is included in each communication sent or given to security holders in connection with the solicitation; and (iv) a written Statement containing the information specified in Form F–5 with respect to a solicitation is sent or given security holders at the earliest practicable date.

(5) *Solicitations prior to furnishing required Statement.*—filing requirements. Three copies of any soliciting material proposed to be sent or given to security holders prior to the furnishing of the proxy statement required by § 206.5(a) shall be filed with the Board in preliminary form, at least five business days prior to the date copies of such material are first sent or given to security holders, or such shorter period as the Board may authorize upon a showing of good cause therefor.

(6) *Application of this paragraph to annual report.* Notwithstanding the provisions of § 206.5(c), three copies of any portion of the annual report referred to in that paragraph that comments upon or refers to any solicitation subject to this paragraph (i), or to any participant in any such solicitation, other than the solicitation by the management, shall be filed with the Board as proxy material subject to this section. Such portion of the annual report shall be filed with the Board in preliminary form at least five business days prior to the date copies of the report are first sent or given to security holders.

(7) *Application of paragraph (f).* The provisions of paragraphs (f) (3), (4), (5), (6), and (7) of this section shall apply, to the extent pertinent, to soliciting material subject to subparagraphs (5) and (6) of this paragraph (i).

(8) *Use of reprints or reproductions.* In any solicitations subject to paragraph (i) of this section, soliciting material that includes, in whole or in part, any reprints or reproductions of any previously published material shall:

(i) state the name of the author and publication, the date of prior publication, and identify any person who is quoted without being named in the previously published material.

(ii) except in the case of a public, official document or statement, state whether or not the consent of the author and publisher has been obtained to the use of the previously published material as proxy soliciting material.

(iii) if any participant using the previously published material, or anyone on his behalf, paid, directly or indirectly, for the preparation or prior publication of the previously published material, or has made or proposed to make any payments or given any other consideration in connection with the publication or republication of such material, state the circumstances.

(j) *Prohibition of certain solicitations.* No person making a solicitation that is subject to this § 206.5 shall solicit (1) any undated or postdated proxy; or (2) any proxy that provides that it shall be deemed to be dated as of any date subsequent to the date on which it is signed by the security holder.

(k) *Proposals of security holders.* (1) If any security holder entitled to vote at a meeting of security holders of the bank shall submit to the management of the bank, within the time hereinafter specified, a proposal which is accompanied by notice of his intention to present the proposal for action at the meeting, the management shall set forth the proposal in [*its Statement.*] If management issues a proxy statement, it shall identify the proposal in its form of proxy and provide means by which security holders can either approve or disapprove the proposal. [If management issues an information statement, it shall identify the proposal and indicate the disposition proposed to be made of the proposal by the management at the meeting.] The management of the [bank] shall not be required by this paragraph to include the proposal in its [Statement or form of proxy] for an annual meeting unless the proposal is received by the management at the bank's principal executive offices not less than [70] days in advance of a date corresponding to the date set forth on the management's Statement released to security holders in connection with the last annual meeting of security holders. A proposal to be presented at any other meeting shall be received by the management of the bank a reasonable time before the solicitation is made. This paragraph (k) of this section shall not apply, however, to elections of office or to counter proposals to matters to be submitted by the management.

NOTE.—In order to curtail controversy as to the date that a security holder's proposal was received by the management, it is suggested that security holders submit their proposals by Certified Mail—Return Receipt Requested.

(2) If the management opposes the proposal, it shall also, at the written request of the security holder, include in its Statement (i) the name and address of the security holder, or a statement that such name and address will be furnished upon request, and (ii) a statement of the security holder (which shall not include such name and address) of not more than 200 words in support of the proposal. [Any statements in the text of a proposal, such as a preamble or "whereas" clauses, which are in effect arguments in support of the proposal, shall be deemed part of the supporting statement and subject to the 200-word limitation thereon.] The statement and request of the security holder shall be furnished to the management at the same time that the proposal is furnished. Neither the management nor the bank shall be responsible for such statement.

(3) Notwithstanding paragraphs (k) (1) and (2) of this section, the management may omit a proposal and any statement in support thereof from its [Statement] or form proxy under any of the following circumstances:

(i) if the proposal is impossible to accomplish or, under applicable law, is not a proper subject for action by security holders; or

(ii) if the proposal consists of a recommendation or request that the management take action with respect to a matter relating to the conduct of the ordinary business operations of the bank; or

(iii) if it appears that the proposal is submitted by the security holder principally for the purpose of enforcing a personal claim or redressing a personal grievance against the bank or its management, or consists of a recommendation, request or mandate that action be taken with respect to any matter, including a general economic, political, racial, religious, social, or similar cause [that is neither significantly related to the business of the bank nor within the control of the bank;] or

(iv) if the management has at the security holder's request included a proposal in its proxy statement and form of proxy relating to either of the two preceding annual meetings of security holders or any special meeting held subsequent to the earlier of such two annual meetings, and such security holder has failed without good cause to present the proposal, in person or by proxy, for action at the meeting; or

(v) if substantially the same proposal has previously been submitted to security holders in the management's proxy statement and form of proxy relating to any meeting of security holders held within the preceding five calendar years, it may be omitted from the proxy statement relating to any meeting of security holders held within the three calendar years after the latest such previous submission; provided, that (A) if the proposal had been submitted at only one meeting during such preceding period, it received less than [3] percent of the total number of votes cast in regard thereto, or (B) if the proposal had been submitted at only two meetings during such preceding period, it received at the time of its second submission less than [6] per cent of the total number of votes cast in regard thereto, or (C) if the proposal had been submitted at three or more meetings during such period, it received at the time of its latest submission less than [10] per cent of the total number of votes cast in regard thereto; or

(vi) if, prior to the receipt of such proposal, substantially the same proposal has been received by the management from another security holder and is to be included in the bank's proxy soliciting material.

NOTE. Proposals not within the bank's control are those which are beyond its power to effectuate.

(4) Whenever the management asserts that a proposal and any statement in support thereof may properly be omitted from [its Statement] and form of proxy, it shall file with the Board, not later than [30] days prior to the date the preliminary copies of the [Statement] or form of proxy are filed pursuant to § 206.5(f) (1) or such shorter period prior to such date as the Board may permit, a copy of the proposal and any statement in support thereof as received from the security holder, together with a statement of the reasons why the management deems such omission to be proper in the particular case, and, where such reasons are based on matters of law, a supporting opinion of counsel. The management shall at the same time, if it has not already done so, notify the security holder submitting the proposal of its intention to omit the proposal from its [Statement] and shall forward to him a copy of the statement of the reasons why the management deems the omission of the proposal to be proper and a copy of such supporting opinion of counsel.

(l) *Invitation for tenders.* (1) No person, directly or indirectly, by use of the mails or by any means or instrumentality of interstate commerce or of any facility of a national securities exchange or otherwise, shall make a tender offer for, or a request or invitation for tenders of, any class of any equity security, which is registered pursuant to section 12 of the Act, of a member State bank if, after consummation thereof, such person would, directly or indirectly, be the beneficial owner of more than 5 per cent of such class, unless, at the time copies of the offer or request or invitation are first published or sent or given to security holders, such person has filed with the Board a statement containing the information and exhibits required by Form F–11.

(2) If any material change occurs in the facts set forth in the statement required by paragraph (l) of this section, the person who filed such statement shall promptly file with the Board an amendment disclosing such change.

(3) All tender offers for, or requests or invitations for tenders of, securities published or sent or given to the holders of such securities shall include the following information:

(i) The name of the person making the tender offer, request or invitation;

(ii) The exact dates prior to which, and after which, security holders who deposit their securities will have the right to withdraw their securities pursuant to section 14(d) (5) of the Act, or otherwise;

(iii) If the tender offer or request or invitation for tenders is for less than all of the outstanding securities of the class and the person making the offer, request or invitation is not obligated to purchase all of the securities tendered, the date of expiration of the period during which the securities will be taken up pro rata pursuant to section 14(d) (6) of the Act, or otherwise; and

(iv) The information required by Items 2 (a) and (c), 3, 4, 5 and 6 of Form F–11, or a fair and adequate summary thereof, and shall be filed with the Board as part of the statement required by paragraph (1) of this section.

(4) Any additional material soliciting or requesting such tender offers subsequent to the initial solicitation or request shall contain the name of the persons making such solicitation or request and the information required by Items 2 (a) and (c), 3, 4, 5 and 6 of Form F–11, or a fair and adequate summary thereof; provided, however, that such material may omit any of such information previously furnished to the persons solicited or requested for tender offers. Copies of such additional material soliciting or requesting such tender offers shall be filed with the Board not later than the time copies of such material are first published or sent or given to security holders.

(5) If any securities to be offered in connection with the tender offer for, or request or invitation for tenders of, securities with respect to which a statement is required to be filed pursuant to paragraph (l) of this section, have been or are to be registered under the Securities Act of 1933, a copy of the prospectus containing the information required to be included therein under that Act shall be filed as an exhibit to such statement. Any information contained in the prospectus may be incorporated by reference in such statement.

(6) When a person makes a tender offer for, or request or invitation for tenders of, any class of equity securities of a bank registered pursuant to section 12 of the Act, and such person has filed a statement with the Board pursuant to this section, any other person controlling, controlled by, or under common control ("control person") with the issuing bank [which bank is prohibited by R.S. 5201 (12 U.S.C. 83) from purchasing, with certain exceptions, shares of its own capital stock] shall not thereafter, during the period such tender offer, request or invitation continues, purchase any class of equity securities of the issuing bank unless:]

(i) The control person has filed with the Board a statement containing the information specified below with respect to proposed purchases:

(A) The title and amount of equity securities to be purchased, the names of the persons or classes of persons from whom, and the market in which, the securities are to be purchased, including the name of any exchange on which the purchase is to be made;

(B) The purpose for which the purchase is to be made and any plan or proposal for the disposition of such securities; and

(C) The source and amount of funds or other consideration used or to be used in making the purchases, and if any part of the purchase price or proposed purchase price is represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading the securities, a description of the transaction and the names of the parties thereto.

(ii) The control person has at any time within the past six months sent or

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given to the equity security holders of the issuing bank the substance of the information contained in the statement required by paragraph (1)(6)(i) of this section.

(7) Eight copies of the statement required by subparagraph (1) of this paragraph, every amendment to such statement, and all other material required by this section shall be filed with the Board.

(8) Certain communications. The following communications shall not be deemed to be requests or invitations for tenders:]

(i) Offers to purchase securities made in connection with a distribution of securities permitted by Rules 10b–6, 10b–7 and 10b–8 under the Act as promulgated by the Securities and Exchange Commission (17 CFR 240.10b–6, 10b–7 and 10b–8).

(ii) The call or redemption of any security in accordance with the terms and conditions of the governing instruments.

(iii) Offers to purchase securities evidenced by a script certificate, order form or similar document which represents a fractional interest in a share of stock or similar security.

(iv) Offers to purchase securities pursuant to a statutory procedure for the purchase of dissenting shareholders' securities.

(v) The furnishing of information and advice regarding a tender offer to customers or clients by attorneys, member or nonmember banks, brokers, fiduciaries or investment advisers, who are not otherwise participating in the tender offer or solicitation, on the unsolicited request of a person or pursuant to a general contract for advice to the person to whom the information or advice is given.

(vi) A communication from a bank to its security holders which does no more than (1) identify a tender offer or request or invitation for tenders made by another person, (2) state that the management of the bank is studying the matter and will, on or before a specified date (which shall be not later than 10 days prior to the date specified in the offer, request or invitation, as the last date on which tenders will be accepted, or such shorter periods as the Board may authorize) advise security holders as to the management's recommendation to accept or reject the offer, request or invitation, and (3) request security holders to defer making a determination as to whether or not they should accept or reject the offer, request or invitation until they have received the management's recommendation with respect thereto.

(m) *Recommendations as to tender offers.* (1) No solicitation or recommendation to the holders of a security to accept or reject a tender offer or request or invitation for tenders subject to section 14(d) of the Act shall be made unless, at the time copies of the solicitation or recommendation are first published or sent or given to holders of the security, the person making such solicitation or recommendation has filed with the Board a statement containing the information specified by Form F–12; provided, however, that this paragraph shall not apply to (i) a person required by § 206.5(1) to file a statement, or (ii) a person, other than the bank or the management of the bank, who makes no written solicitations or recommendations other than solicitations or recommendations copies of which have otherwise been filed with the Board.

(2) If any material change occurs in the facts set forth in the statement required by paragraph (m)(1) of this section, the person who filed such statement shall promptly file with the Board an amendment disclosing such change.

(3) Any written solicitation or recommendation to the holders of a security to accept or reject a tender offer or request or invitation for tenders subject to section 14(d) of the Act shall include the name of the person making such solicitation or recommendation and the information required by Items 1(b) and 2(b) of Form F–12, or a fair and adequate summary thereof; provided, however, that such written solicitation or recommendation may omit any of such information previously furnished to the persons to whom the solicitation or recommendation is made.

(n) *Change in majority of directors.* If, pursuant to any arrangement or understanding with the person or persons acquiring securities in a transaction subject to section 13(d) or 14(d) of the Act, any persons are to be elected or designated as directors of the bank, otherwise than at a meeting of security holders, and the persons so elected or designated will constitute a majority of the directors of the bank, then, not less than 10 days prior to the date any such person takes office as a director, or such shorter period prior to that date as the Board may authorize upon a showing of good cause therefor, the bank shall file with the Board and transmit to all holders of record of securities of the bank who would be entitled to vote at a meeting for election of directors, information substantially equivalent to the information which would be required by Items 5 (a), (d), (e) and (f), 6 and 7 of Form F–5 to be transmitted if such person or persons were nominees for election as directors at a meeting of such security holders.

(o) *Solicitation prior to furnishing required proxy statement.* (1) Notwithstanding the provisions of § 206.5(a), a solicitation (other than one subject to § 206.5(i)) may be made prior to furnishing security holders a written proxy statement containing the information specified in Form F–5 with respect to such solicitation if—

(i) The solicitation is made in opposition to a prior solicitation or an invitation for tenders or other publicized activity, which if successful, could reasonably have the effect of defeating the action proposed to be taken at the meeting.

(ii) No form of proxy is furnished to security holders prior to the time the written proxy statement required by § 206.5(a) is furnished to security holders; provided, however, that this paragraph (o)(ii) of this section shall not apply where a proxy statement then meeting the requirements of Form F–5 has been furnished to security holders by or on behalf of the person making the solicitation;

(iii) The identity of the person or persons by or on whose behalf the solicitation is made and a description of their interests, direct or indirect, by security holdings or otherwise, are set forth in each communication sent or given to security holders in connection with the solicitation; and

(iv) A written proxy statement meeting the requirements of this section is sent or given to security holders at the earliest practicable date.

(2) Three copies of any soliciting material proposed to be sent or given to security holders prior to the furnishing of the written proxy statement required by § 206.5(a) shall be filed with the Board in preliminary form at least 5 business days prior to the date definitive copies of such material are first sent or given to security holders, or such shorter period as may be authorized.

§ 206.6 "Insiders'" securities transactions and reports under section 16 of the Act.

(a) *Filing of statements by directors, officers and principal stockholders.* (1) Initial statements of beneficial ownership ownership of equity securities of a bank required by section 16(a) of the Act, and statements of changes in such beneficial ownership, shall be prepared and filed in accordance with the requirements of Form F–7 and Form F–8, respectively.

(2) A person who is already filing statements with the Board pursuant to section 16(a) of the Act need file an additional statement on Form F–7 when an additional class of equity securities of the same bank becomes registered or when he assumes another or an additional relationship to the bank; for example, when an officer becomes a director.

(3) Any bank that has equity securities listed on more than one national securities exchange may designate one of them as the only exchange with which reports pursuant to section 16(a) of the Act need be filed. Such designation shall be filed with the Board and with each national securities exchange on which any equity security of the bank is listed. After the filing of such designation the securities of such bank shall be exempted with respect to the filing of statements pursuant to section 16(a) of the Act with any exchange other than the designated exchange.

(4) Any director or officer who is required to file a statement on Form F–8 with respect to any change in his beneficial ownership of equity securities which occurs within six months after he became a director or officer of the bank issuing such securities, or within six months after equity securities of such bank first became registered pursuant to section 12 of the Act, shall include in the first such statement the information called for by Form F–8 with respect to all changes in his beneficial ownership of equity securities of such bank which occurred within 6 months prior to the date of the changes which require the filing of such statement.

(5) Any person who has ceased to be a director or officer of a bank which has equity securities registered pursuant to section 12(g) of the Act, or who is a director or officer of a bank at the time it ceased to have any equity securities so registered, shall file a statement on Form F–8 with respect to any change in his beneficial ownership of equity securities of such bank which shall occur on or after the date on which he ceased to be such director or officer, or the date on which bank ceased to have any equity securities so registered, as the case may be, if such change shall occur within 6 months after any change in his beneficial ownership of such securities prior to such date. The statement on Form F–8 shall be filed within 10 days after the end of the month in which the reported change in beneficial ownership occurs.

(b) *Ownership of more than 10 per cent of a class of equity securities.* (1) In determining for the purpose of section 16(a) of the Act whether a person is the beneficial owner, directly or indirectly, of more than 10 percent of any class of equity securities, such person shall be deemed to be the beneficial owner of securities of such class which such person has the right to acquire through the exercise of presently exercisable options, warrants or rights or through the conversion of presently convertible securities. The securities subject to such options, warrants, rights or conversion privileges held by a person shall be deemed to be outstanding for the purpose of computing the percentage of outstanding securities of the class owned by such person but shall be not be deemed outstanding for the purpose of computing the percentage of the class owned by any other person. This subparagraph shall not be construed to relieve any person of any duty to comply with section 16(a) of the Act with respect to any equity securities consisting of options, warrants, rights or convertible securities which are otherwise subject as a class to section 16(a) of the Act.

(2) For the purpose of this paragraph a person acting in good faith may rely on the information contained in the latest Form F–1, F–1B or F–2 filed with the Board under § 206.4 with respect to the amount of securities of the class outstanding or in the case of voting trust certificates or certificates of deposit the amount thereof issuable.

(3) For the purpose of determining percentage ownership of voting trust certificates or certificates of deposit for equity securities, the class of voting trust certificates or certificates of deposit shall be deemed to consist of the amount of voting trust certificates or certificates of deposits issuable with respect to the total amount of outstanding equity securities of the class which may be deposited under the voting trust agreement or deposit agreement in question, whether or not all of such outstanding securities have been so deposited.

(c) *Disclaimer of beneficial ownership.* Any person filing a statement may expressly declare therein that the filing of such statement shall not be construed as an admission that such person is, for the purpose of section 16 of the Act, the beneficial owner of any equity securities covered by the statement.

(d) *Ownership of securities held in trust.* (1) Beneficial ownership of a bank's securities for the purpose of section 16(a) of the Act shall include:

(i) the ownership of such securities as a trustee where either the trustee or members of his immediate family have a vested interest in the income or corpus of the trust,

(ii) the ownership of vested beneficial interest in a trust, and

(iii) the ownership of such securites as a settlor of a trust in which the settlor has the power to revoke the trust without obtaining the consent of all beneficiaries.

(2) Except as provided in paragraph (d)(3) of this section, beneficial ownership of securities of registrant banks solely as a settlor or beneficiary of a trust shall be exempt from the provisions of section 16(a) of the Act where less than 20 per cent in market value of the securities having a readily ascertainable market value held by such trust (determined as of the end of the preceding fiscal year of the trust) consists of equity securities with respect to which reports are required by section 16(a) of the Act or would be required but for an exemption by the Securities and Exchange Commission, the Comptroller of the Currency, or the Federal Deposit Insurance Corporation similar to the exemption provided for by this sentence. Exemption from section 16(a) of the Act is likewise accorded with respect to any obligation that would otherwise be imposed solely by reason of ownership as settlor or beneficiary of a bank's securities held in trust, where the ownership, acquisition, or disposition of such securities by the trust is made without prior approval by the settlor or beneficiary. No exemption pursuant to this subparagraph shall, however, be acquired or lost solely as a result of changes in the value of the trust assets during any fiscal year or during any time when there is no transaction by the trust in the securities otherwise subject to the reporting requirements of section 16(a) of the Act.

(3) In the event that 10 percent of any class of any equity security of a bank is held in a trust, that trust and the trustees thereof as such shall be deemed a person required to file the reports specified in section 16(a) of the Act.

(4) Not more than one report need be filed to report any holdings of a bank's securities or with respect to any transaction in such securities held by a trust, regardless of the number of officers, directors, or 10 percent stockholders who are either trustees, settlors, or beneficiaries of a trust if the report filed discloses the names of all trustees, settlors, or beneficiaries who are officers, directors, or 10 percent stockholders. A person having an interest only as a beneficiary of a trust shall not be required to file any such report so long as he relies in good faith upon an understanding that the trustee of such trust will file whatever reports might otherwise be required of such beneficiary.

(5) In determining, for the purposes of paragraph (a) of this section, whether a person is the beneficial owner, directly or indirectly, of more than 10 percent of any class of equity security of a bank, the interest of such person in the remainder of a trust shall be excluded.

(6) No report shall be required by any person, whether or not otherwise subject to the requirement of filing reports under section 16(a) of the Act, with respect to his indirect interest in portfolio securities held by

(i) Any holding company registered under the Public Utility Holding Company Act,

(ii) Any investment company registered under the Investment Company Act,

(iii) A pension or retirement plan holding securities of a bank whose employees generally are the beneficiaries of the plan,

(iv) A business trust with over 25 beneficiaries.

(e) *Certain transactions subject to section 16(a) of the Act.* (1) The [granting,] acquisition or disposition of any [presently exercisable] put, call, option, [or other right or obligation to buy securities from, or to sell securities to, another person, or any expiration or cancellation thereof] shall be deemed to effect such a change in the beneficial ownership of the bank's security to which [the right or obligation] relates as to require the filing of a statement reflecting the [granting,] acquisition or disposition of such [right or obligation.] Nothing in paragraph (e) of this section, however, shall exempt any person from filing the statements required upon the exercise of such put, call, [option or other right or obligation to buy or sell securities.]

(i) If any such right or obligation is not initially exercisable, the granting and acquisition thereof shall be reported in a statement filed for the month in which it became exercisable, unless the filing of such statement is otherwise not required.

(ii) The right of a pledgee or borrower of securities to sell the pledge or borrowed securities is not an option or right to sell securities within the meaning of this paragraph. However, the sale of the pledged or borrowed securities by the pledgee or borrower shall be reported by the pledgor or lender.

(iii) The right to acquire securities, or the obligation to dispose of securities, in connection with a merger or consolidation involving the bank issuing the securities is not a right or obligation to buy or sell securities within the meaning of this paragraph.

(2) For the purpose of section 16(a) of the Act both the grantor and the holder of any presently exercisable put, call, option or other right or obligation

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to buy or sell securities shall be deemed to be beneficial owners of the securities subject to such right or obligation until it is exercised or cancelled or expires.

(3) Notwithstanding the foregoing, a statement need not be filed pursuant to section 16(a) of the Act (i) by any person with respect to the acquisition, expiration or cancellation of any non-transferable qualified, restricted or other stock option granted by the bank with respect to securities to which the option relates pursuant to a plan provided for the benefit of the bank's employees or the employees of the bank's affiliates if such plan meets the condition specified in § 206.6(1), or (ii) by any bank with respect to any put, call, option or other right or obligation to buy or sell securities of which it is the issuer.

NOTE: An option, otherwise non-transferable, is deemed to be non-transferable even though it may be disposed of by will or by descent and distribution upon the death of the holder.

(f) *Exemption from section 16 of securities purchased or sold by odd-lot dealers.* A bank's securities purchased or sold by an odd-lot dealer (1) in odd-lots so far as reasonably necessary to carry on odd-lot transactions, or (2) in round lots to offset odd-lot transactions previously or simultaneously executed or reasonably anticipated in the usual course of business, shall be exempt from the provisions of section 16 of the Act with respect to participation by such odd-lot dealer in such transactions.

(g) *Exemption of small transactions from section 16(a) of the Act.* (1) Any acquisition of a bank's securities shall be exempt from section 16(a) of the Act where

(i) the person effecting the acquisition does not within six months thereafter effect any disposition, otherwise than by way of gift, of securities of the than by way of gift of securities of the same class, and

(ii) the person effecting such acquisition does not participate in acquisitions or in dispositions of securities of the same class having a total market value in excess of $3,000 for any six-month period during which the acquisition occurs.

(2) Any acquisition or disposition of a bank's securities by way of gift, where the total amount of such gifts does not exceed $3,000 in market value for any six-month period, shall be exempt from section 16(a) of the Act and may be excluded from the computations prescribed in paragraph (g)(1)(ii) of this section.

(3) Any person exempted by paragraphs (g)(1) or (2) of this section shall include in the first report filed by him after a transaction within the exemption a statement showing his acquisitions and dispositions for each six-month period or portion thereof that has elapsed since his last filing.

(h) *Temporary exemption of certain persons from sections 16 (a) and (b) of the Act.* During the period of 12 months following their appointment and qualification, a bank's securities held by the following persons shall be exempt from sections 16(a) and 16(b) of the Act:

(1) Executors or administrators of the estate of a decedent;

(2) Guardians or committees for an incompetent; and

(3) Receivers, trustees in bankruptcy, assignees for the benefit of creditors, conservators, liquidating agents, and similar persons duly authorized by law to administer the estate or assets of other persons. After the 12-month period following their appointment and qualification the foregoing persons shall be required to file reports under section 16(a) with respect to a bank's securities held by the estates that they administer and shall be liable for profits realized from trading in such securities pursuant to section 16(b) only when the estate being administered is a beneficial owner of more than 10 per cent of any class of equity security of the bank.

(i) *Exemption from section 16(b) of transactions that need not be reported under section 16(a).* Any transaction that has been or shall be exempted by the Board from the requirements of section 16(a) shall, insofar as it is otherwise subject to the provisions of section 16(b), be likewise exempted from section 16(b).

(j) *Exemption from section 16(b) of certain transactions by registered investment companies.* Any transaction of purchase and sale or sale and purchase, of any equity security of a bank shall be exempt from the operation of section 16(b), as not comprehended within the purpose of that section, if the transaction is effected by an investment company registered under the Investment Company Act of 1940 and both the purchase and sale of such security have been exempted from the provisions of section 17(a) of the Investment Company Act of 1940 by an order of the Securities and Exchange Commission entered pursuant to section 17(b) of that Act.

(k) *Exemption from section 16(b) of certain transactions effected in connection with a distribution.* (1) Any transaction of purchase and sale, or sale and purchase, of an equity security of a bank that is effected in connection with the distribution of a substantial block of such securities shall be exempt from the provisions of section 16(b), to the extent specified in paragraph (k) of this section, as not comprehended within the purpose of said section, upon the following conditions:

(i) The person effecting the transaction is engaged in the business of distributing securities and is participating in good faith, in the ordinary course of such business, in the distribution of such block of securities;

(ii) The security involved in the transaction is (A) a part of such block of securities and is acquired by the person effecting the transaction, with a view to the distribution thereof, from the bank or other person on whose behalf such securities are being distributed or from a person who is participating in good faith in the distribution of such block of securities, or (B) a security purchased in good faith by or for the account of the person effecting the transaction for the purpose of stabilizing the market price of securities of the class being distributed or to cover an overallotment or other short position created in connection with such distribution; and

(iii) Other persons not within the purview of section 16(b) are participating in the distribution of such block of securities on terms at least as favorable as those on which such person is participating and to an extent at least equal to the aggregate participation of all persons exempted from the provisions of section 16(b) by paragraph (k) of this section. However, the performance of the functions of manager of a distributing group and the receipt of a bona fide payment for performing such functions shall not preclude an exemption that would otherwise be available under this paragraph.

(2) The exemption of a transaction pursuant to this paragraph (k) with respect to the participation therein of one party thereto shall not render such transaction exempt with respect to participation of any other party therein unless such other party also meets the conditions of this paragraph.

(l) *Exemption from section 16(b) of acquisitions of shares of stock and stock options under certain stock bonus, stock option, or similar plans.* Any acquisition of shares of a bank's stock (other than stock acquired upon the exercise of an option, warrant, or right) pursuant to a stock bonus, profit sharing retirement, incentive, thrift, savings, or similar plan, or any acquisition of a qualified or restricted stock option pursuant to a qualified or restricted stock option plan, or of a stock option pursuant to an employee stock purchase plan, by a director or officer of the bank issuing such stock or stock option shall be exempt from the operation of section 16(b) if the plan meets the following conditions:

(1) The plan has been duly approved, directly or indirectly,

(i) By the holders of a majority of the securities of the bank present, or represented, and entitled to vote at the meeting at which it was approved, or by the written consent of the holders of a majority of the securities of the bank entitled to vote, or

(ii) by the holders of a majority of the securities of a predecessor so entitled to vote, if the plan or obligations to participate thereunder were assumed by the bank in connection with the succession. Provided, however, that if such vote or written consent was not solicited substantially in accordance with the requirements, if any, in effect under § 206.5 at the time of such vote or written consent, the bank shall furnish in writing to the holders of record of the securities entitled to vote for the plan substantially the same information concerning the plan which would be required by the provisions in effect under § 206.5 at the time such information is furnished, if proxies to be voted with respect to the approval or disapproval of the plan were then being solicited, on or prior to the date of the first annual meeting of security holders held subsequent

to the later of (A) the first registration of an equity security under section 12 of the Act, or (B) the acquisition of an equity security for which exemption is claimed. Such written information may be furnished by mail to the last known address of the security holders of record within 30 days prior to the date of mailing. Eight copies of such written information shall be filed with, or mailed for filing to, the Board not later than the date on which it is first sent or given to security holders of the bank.

(2) If the selection of any director or officer of the bank to whom stock may be allocated (or to whom qualified, restricted, or employee stock purchase plan stock options may be granted pursuant to the plan) or the determination of the number or maximum number of shares of stock that may be allocated to any such director or officer (or that may be covered by qualified, restricted, or employee stock purchase plan stock options granted to any such director or officer) is subject to the discretion of any person, then such discretion shall be exercised only as follows:

(i) With respect to the participation of directors (A) by the board of directors of the bank, a majority of which board and a majority of the directors acting in the matter are disinterested persons; (B) by, or only in accordance with the recommendation of, a committee of three or more persons having full authority to act in the matter, all of the members of which committee are disinterested persons; or (C) otherwise in accordance with the plan, if the plan specifies the number or maximum number of shares of stock that directors may acquire (or that may be subject to qualified, restricted, or employee stock purchase plan stock options granted to directors) and the terms upon which and the times at which, or the periods within which, such stock may be acquired (or such options may be acquired and exercised); or sets forth, by formula or otherwise, effective and determinable limitations with respect to the foregoing based upon earnings of the bank, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time to time, or similar factors.

(ii) With respect to the participation of officers who are not directors (A) by the board of directors of the bank or a committee of three or more directors; or (B) by, or only in accordance with the recommendations of, a committee of three or more persons having full authority to act in the matter, all of the members of which committee are disinterested persons. For the purposes of paragraph (l)(2) of this section, a director or committee member shall be deemed to be a disinterested person only if such person is not at the time such discretion is exercised eligible and has not at any time within one year prior thereto been eligible for selection as a person to whom stock may be allocated (or to whom qualified, restricted, or employee stock purchase plan stock options may be granted) pursuant to the plan or any other plan of the bank or any of its affiliates entitling the participants therein to acquire stock or qualified, restricted, or employee stock purchase plan stock options of the bank or any of its affiliates.

(3) As to each participant or as to all participants the plan effectively limits the aggregate dollar amount or the aggregate number of shares of stock that may be allocated (or may be subject to qualified, restricted, or employee stock purchase plan stock options granted) pursuant to the plan. The limitations may be established on an annual basis, or for the duration of the plan, whether or not the plan has a fixed termination date. Such limitations may be determined either by fixed or maximum dollar amounts, fixed or maximum numbers of shares, formulas based upon earnings of the bank, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time to time, or similar factors that will result in an effective and determinable limitation. Such limitations may be subject to any provisions for adjustment of the plan or of stock allocable (or options outstanding thereunder) to prevent dilution or enlargement of rights.

(4) The term "exercise of an option, warrant or right" contained in the parenthetical clause of the first sentence of § 206.6(1) shall not include (i) the making of any election to receive under any plan compensation in the form of stock or credits therefore; provided that such election is made either prior to the making of the award or prior to the fulfillment of all conditions to the receipt of the compensation and; provided further, that such election is irrevocable until at least six months after termination of employment; (ii) the subsequent crediting of such stock; (iii) the making of any election as to the time for delivery of such stock after termination of employment; provided, that such election is made at least six months prior to any such delivery; (iv) the fulfillment of any condition to the absolute right to receive such stock; or (v) the acceptance of certificates for shares of such stock.

(m) *Exemption from section 16(b) of long-term profits incident to sales within six months of the exercise of an option.* (1) To the extent specified in paragraph (m)(2) of this section, transactions involving the purchase and sale, or sale and purchase, of any equity security of a bank shall be exempt from the operation of section 16(b), as not comprehended within the purpose of that section, if such purchase is pursuant to the exercise of an option, warrant, or right either—

(i) Acquired more than six months before its exercise, or

(ii) Acquired pursuant to the terms of an employment contract entered into more than six months before its exercise.

(2) With respect to transactions specified in paragraph (m)(1) of this section, the profits inuring to the bank pursuant to section 16(b) shall not exceed the difference between the proceeds of sale and the lowest market price of any security of the same class within six months before or after the date of sale. Nothing in paragraph (m) of this section shall be deemed to enlarge the amount of profit that would inure to the bank in the absence of this paragraph.

(3) The disposition of any equity security of a bank shall also be exempt from the operation of section 16(b), as not comprehended within the purpose of that section, if purchased in a transaction specified in paragraph (m) of this section pursuant to a plan or agreement for merger or consolidation, or reclassification of the bank's securities, or for the exchange of its securities for the securities of another person that has acquired its assets, where the terms of such plan or agreement are binding upon all stockholders of the bank except to the extent that dissenting stockholders may be entitled, under statutory provisions or provisions contained in the bank's charter, to receive the appraised or fair value of their holdings.

(4) The exemptions provided by paragraph (m) of this section shall not apply to any transaction made unlawful by section 16(c) or by any regulations thereunder.

(5) The burden of establishing market price of a security for the purpose of paragraph (m) of this section shall rest upon the person claiming the exemption.

(n) *Exemption from section 16(b) of dispositions of equity securities pursuant to certain mergers or consolidations incident to formation of a bank holding company.* (1) There shall be exempt from the provisions of section 16(b), as not comprehended within the purpose of that section, the disposition of any equity security, pursuant to a merger or consolidation, of a bank which, prior to said merger or consolidation, held over 85 percent of the combined assets of all the companies undergoing merger or consolidation, as determined by reference to their most recent available financial statements for a 12-month period prior to the merger or consolidation, if, in such merger or consolidation, there are issued, in exchange for such equity securities of such bank equity securities of a bank holding company as defined in the Bank Holding Company Act of 1956, as amended, 12 U.S.C. 1841.

(2) Notwithstanding the foregoing, if an officer, director, or stockholder shall make any purchase (other than a purchase exempted by this paragraph or any rule under section 16(b) of the Act) of an equity security of any company involved in the merger or consolidation and any sale (other than a sale exempted by this paragraph or any rule under section 16(b) of the Act) of an equity security in any other company involved in the merger or consolidation within any period of less than six months during which the merger or consolidation took place, the exemption provided by this rule shall be unavailable to such officer, director, or stockholder to the extent of such purchase and sale.

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(o) *Exemptions from section 16(b) of transactions involving the deposit or withdrawal of equity securities under a voting trust or deposit agreement.* (1) Any acquisition or disposition of an equity security involved in the deposit of such security under, or the withdrawal of such security from, a voting trust or deposit agreement, and the acquisition or disposition in connection therewith of the certificate representing such security, shall be exempt from the operation of section 16(b) of the Act if substantially all of the assets held under the voting trust or deposit agreement immediately after the deposit or immediately prior to the withdrawal, as the case may be, consisted of equity securities of the same class as the security deposited or withdrawn; provided, however, that this rule shall not apply to the extent that there shall have been either (i) a purchase of an equity security of the class deposited and a sale of any certificate representing an equity security of such class, or (ii) a sale of an equity security of the class deposited and a purchase of any certificate representing an equity security of such class (otherwise than in a transaction involved in such deposit or withdrawal or in a transaction exempted by any rule under section 16(b)) within a period of less than six months which includes the date of the deposit or withdrawal.

(p) *Exemption from section 16(b) of transactions involving the conversion of equity securities.* (1) Any acquisition or disposition of an equity security involved in the conversion of an equity security which, by its terms or pursuant to the terms of the bank's corporate charter or other governing instruments, is convertible immediately or after a stated period of time into another equity security of the same bank, shall be exempt from the operation of section 16(b) of the Act; provided, however, that this paragraph shall not apply to the extent that there shall have been either (i) a purchase of any equity security of the class convertible (including any acquisition of or change in a conversion privilege) and a sale of any equity security of the class issuable upon conversion, or (ii) a sale of any equity security of the class convertible and any purchase of any equity security issuable upon conversion (otherwise than in a transaction involved in such conversion or in a transaction exempted by any paragraph under section 16(b)) within a period of less than six months which includes the date of conversion.

(2) For the purpose of this paragraph, an equity security shall not be deemed to be acquired or disposed of upon conversion of an equity security if the terms of the equity security converted require the payment or entail the receipt, in connection with such conversion, of cash or other property (other than equity securities involved in the conversion) equal in value at the time of conversion to more than 15 percent of the value of the equity security issued upon conversion.

(3) For the purpose of this paragraph, an equity security shall be deemed convertible if it is convertible at the option of the holder or of some other person or by operation of the terms of the security or of the governing instruments.

(q) *Exemption from section 16(b) of certain transactions involving the sale of subscription rights.* (1) Any sale of a subscription right to acquire any subject security of the same bank shall be exempt from the provision of section 16(b) of the Act, to the extent prescribed in this paragraph, as not comprehended within the purpose of said section, if:

(i) Such subscription right is acquired, directly or indirectly, from the bank without the payment of consideration;

(ii) Such subscription right by its terms expires within 45 days after the issuance thereof; and

(iii) Such subscription right by its terms is issued on a pro rata basis to all holders of the beneficiary security of the bank.

(2) When used within this paragraph the following terms shall have the meaning indicated:

(i) The term "subscription right" means any warrant or certificate evidencing a right to subscribe to or otherwise acquire an equity security.

(ii) The term "beneficiary security" means a security registered pursuant to section 12 of the Act to the holders of which a subscription right is granted.

(iii) The term "subject security" means a security which is the subject of a subscription right.

(3) Notwithstanding anything contained herein to the contrary, if a person purchases subscription rights for cash or other consideration, then a sale by such person of subscription rights otherwise exempted by this paragraph will not be so exempted to the extent of such purchases within the 6-month period preceding or following such sale.

(r) *Exemption of certain securities from section 16(c).* Any equity security of a bank shall be exempt from the operation of section 16(c) to the extent necessary to render lawful under such section the execution by a broker of an order for an account in which he had no direct or indirect interest.

(s) *Exemption from section 16(c) of certain transactions effected in connection with a distribution.* Any equity security of a bank shall be exempt from the operation of section 16(c) to the extent necessary to render lawful under such section any sale made by or on behalf of a dealer in connection with a distribution of a substantial block of the bank's securities, upon the following conditions:

(1) The sale is made with respect to an overallotment in which the dealer is participating as a member of an underwriting group, or the dealer or a person acting on his behalf intends in good faith to offset such sale with a security to be acquired by or on behalf of the dealer as a participant in and underwriting, selling, or soliciting-dealer group of which the dealer is a member at the time of the sale, whether or not the security to be so acquired is subject to a prior offering to existing security holders or some other class of persons; and

(2) Other persons not within the purview of section 16(c) are participating in the distribution of such block of securities on terms at least as favorable as those on which such dealer is participating and to an extent at least equal to the aggregate participation of all persons exempted from the provisions of section 16(c) by paragraph (s) of this section. The performance of the functions of manager of a distributing group and the receipt of a bona fide payment for performing such functions shall not, however, preclude an exemption that would otherwise be available under this paragraph.

(t) *Exemption of sales of securities to be acquired.* (1) Whenever any person is entitled, as an incident to his ownership of an issued equity security of a bank and without the payment of consideration, to receive another security of the bank "when issued" or "when distributed", the security to be acquired shall be exempt from the operation of section 16(c) if:

(i) The sale is made subject to the same conditions as those attaching to the right of acquisition;

(ii) Such person exercises reasonable diligence to deliver such security to the purchaser promptly after his right of acquisition matures; and

(iii) Such person reports the sale on the appropriate form for reporting transactions by persons subject to section 16(a).

(2) This paragraph (t) shall not be construed as exempting transactions involving both a sale of a security "when issued" or "when distributed" and a sale of the security by virtue of which the seller expects to receive the "when-issued" or "when-distributed" security, if the two transactions combined result in a sale of more units than the aggregate of those owned by the seller plus those to be received by him pursuant to his right of acquisition.

(u) *Arbitrage transactions under section 16.* It shall be unlawful for any director or officer of a bank to effect any foreign or domestic arbitrage transaction in any equity security of the bank, unless he shall include such transaction in the statements required by section 16(a) of the Act and § 206.6(a) and shall account to such bank for the profits arising from such transaction, as provided in section 16(b). The provisions of section 16(c) shall not apply to such arbitrage transactions. The provisions of § 206.6(a) and of section 16 shall not apply to any bona fide foreign or domestic arbitrage transaction insofar as it is effected by any person other than such director or officer of the bank issuing such security.

§ 206.7 Form and content of financial statements.

(a) *Principles of financing reporting.* Financial statements filed with the Board pursuant to this Part shall be prepared in accordance with generally accepted accounting principles and practices applicable to banks. The Board may from time to time issue releases on accounting principles and practices to be used with respect to specific areas.

(b) *Verification.*—(1) *General.* (i) Every verification with respect to financial statements filed pursuant to this Part shall be dated, shall be signed manually, [shall indicate the city and state where issued], and shall identify without detailed enumeration the financial statements covered by the verification.

(ii) If the person or persons making the verification considers that he must take exceptions or express qualifications with respect thereto, each such exception or qualification shall be stated specifically and clearly and, to the extent practicable, shall indicate the effect of the matter on the financial statements to which it relates.

(2) *Opinions to be expressed by principal accounting officer and auditor.* Every verification by a bank's principal accounting officer and auditor shall state:

(i) The opinions of such persons with respect to the financial statements covered by the verification and the accounting principles and practices reflected therein; and

(ii) The opinions of such persons as to any material changes in accounting principles or practices or in the method of applying the accounting principles or practices, or adjustments of the accounts, required to be set forth by paragraph (c)(5) of this section.]

(3) *Certification by independent public accountants.* (i) Qualifications of independent public accountants—

(A) The Board will not recognize any person as an independent public accountant who is not registered or licensed to practice as a public accountant by a regulatory authority of a State and in good standing with such authority as such an accountant.

(B) The Board will not recognize any certified public accountant or public accountant as independent who is not in fact independent. For example, an accountant will be considered not independent with respect to any person or any of its parents, its subsidiaries, or other affiliates (*1*) in which, during the period of his professional engagement to examine the financial statements being reported on or at the date of his report, he or his firm or a member thereof had, or was committed to acquire, any direct financial interest or any material indirect financial interest, or (*2*) with which, during the period of his professional engagement to examine the financial statements being reported on, at the date of his report or during the period covered by the financial statements, he or his firm or a member thereof was connected as a promoter, underwriter, voting trustee, director, officer, or employee, except that a firm will not be deemed not independent in regard to a particular person if a former officer or employee of such person is employed by the firm and such individual has completely disassociated himself from the person and its affiliates and does not participate in auditing financial statements of the person or its affiliates covering any period of his employment by the person. For the purposes of 206.7 the term "member" means all partners in the firm and all professional employees participating in the audit or located in an office of the firm participating in a significant portion of the audit.

(C) In determining whether a public accountant is in fact, independent with respect to a particular person, the Board will give appropriate consideration to all relevant circumstances, including evidence bearing on all relationships between the accountant and that person or any affiliate thereof, and will not confine itself to the relationships existing in connection with the filing of reports with the Board.

(ii) Representations as to the audit. The independent public accountant's certificate—

(A) shall state whether the audit was made in accordance with generally accepted auditing standards; and

(B) shall designate any auditing procedures generally recognized as normal (or deemed necessary by the accountant under the circumstances of the particular case) that have been omitted, and the reasons for their omission, but no procedure that independent accountants ordinarily employ in the course of an audit made for the purpose of expressing the opinions required by clause (iii) below shall be omitted.

(iii) Opinions to be expressed. The independent public accountant's certificate shall state—

(A) The opinion of the accountant with respect to the financial statements covered by the certificate and the accounting principles and practices reflected therein;

(B) The opinion of the accountant as to any material changes in accounting principles or practices or in the method of applying the accounting principles or practices, or adjustments of the accounts, required to be set forth by paragraph (c)(5) of this section; and

(C) The nature of, and the opinion of the accountant as to, any material differences between the accounting principles and practices reflected in the financial statements and those reflected in the accounts after the entry of adjustments for the period under review.

(iv) Exceptions. If the accountant making the report considers that he must take exceptions or express qualifications with respect thereto, each such exception or qualification shall be stated specifically and clearly and, to the extent practicable, shall indicate the effect of the matter on the financial statements to which it relates.

(v) Certification of financial statements by more than one independent public accountant. If, with respect to the certification of the financial statements of any bank, the principal independent public accountant relies on an examination made by another independent public accountant of certain of the accounts of such bank or its affiliates, the certificate of such other accountant shall be filed (and the provisions of this subparagraph shall be applicable thereto); however, the certificate of such other accountant need not be filed (A) if no reference is made directly or indirectly to such other accountant's examination in the principal accountant's certificate, or (B) if, having referred to such other accountant's examination, the principal accountant states in his certificate that he assumes responsibility for such other accountant's examination in the same manner as if it had been made by him.

(c) *Provisions of general application.* (1) *Requirements as to form.* Financial statements shall be prepared in accordance with the applicable requirements of Forms 9 A, B, C, and D. All money amounts required to be shown in financial statements may be expressed in even dollars or thousands of dollars. If shown in even thousands, an indication to that effect shall be inserted immediately beneath the caption of the statement or schedule, or at the top of each money column. The individual amounts shown need not be adjusted to the nearest dollar or thousand if the failure of the items to add to the totals shown is stated in a note as due to the dropping of amounts of less than $1.00 or $1,000, as appropriate.

(2) *Items not material.* If the amount that would otherwise be required to be shown with respect to any item is not material, it need not be separately set forth.

(3) *Inapplicable captions and omission of unrequired or inapplicable financial statements.* No caption need be shown in any financial statement required by the forms set forth in this Part as to which the items and conditions are not present. Financial statements not required or inapplicable because the required matter is not present need not be filed, but the statements omitted and the reasons for their omission shall be indicated in the list of financial statements required by the applicable form.

(4) *Additional information.* In addition to the information required with respect to any financial statement, such further information shall be furnished as is necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

(5) *Changes in accounting principles and practices and retroactive adjustments of accounts.* Any change in accounting principle or practice, or in the method of applying any accounting principle or practice, made during any period for which financial statements are filed that affects comparability of such financial statements with those of prior or future periods, and the effect thereof upon the net income for each period for which financial statements are filed, shall be disclosed in a note to the appropriate financial statement. Any material retroactive adjustment made during any

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period for which financial statements are filed, and the effect thereof upon net income of prior periods, shall be disclosed in a note to the appropriate financial statement.

(6) *Summary of accounting principles and practices.* Information required in notes as to accounting principles and practices reflected in the financial statements may be presented in the form of a single statement. In such a case specific references shall be made in the appropriate financial statement to the applicable portion of such single statement.

(7) *Foreign currencies.* The basis of conversion of all items in foreign currencies shall be stated, and the amount and disposition of the resulting unrealized profit or loss shown. Disclosure should be made as to the effect, insofar as this can be reasonably determined, of foreign exchange restrictions upon the consolidated financial position and operating results of the bank and its subsidiaries.

(8) *Commitments.* If material in amount, the pertinent facts relative to firm commitments for the acquisition, directly or indirectly, of fixed assets and for the purchase, repurchase, construction, or rental of assets under long-term leases shall be stated briefly in the balance sheet or in footnotes referred to therein. Where the rentals or obligations under long-term leases are material [the following shall be set forth in a note to the appropriate financial statement:

(i) Total rental expense (reduced by rentals from subleases, with disclosure of such amounts) entering into the determination of results of operations for each period for which an income statement is presented shall be disclosed. Rental payments under short-term leases for a month or less which are not expected to be renewed need not be included. Contingent rentals, such as those based upon usage or sales, shall be reported separately from the basic or minimum rentals. Rentals on noncapitalized financing leases shall be shown separately for both categories or rentals reported.

(ii) The minimum rental commitments under all noncancelable leases shall be disclosed, as of the date of the latest balance sheet presented, in the aggregate (with disclosure of the amounts applicable to noncapitalized financing leases) for (A) each of the five succeeding fiscal years; (B) each of the next three five-year periods; and (C) the remainder as a single amount. The amounts so determined should be reduced by rentals to be received from existing noncancelable subleases (with disclosure of the amounts of such rentals). For purposes of this rule, a noncancelable lease is defined as one that has an initial or remaining term of more than one year and is noncancelable, or is cancelable only upon the occurrence of some remote contingency or upon the payment of a substantial penalty.

(iii) Additional disclosures shall be made to report in general terms: (A) The basis for calculating rental payments if dependent upon factors other than the lapse of time; (B) existence and terms of renewal or purchase options, escalation clauses, etc.; (C) the nature and amount of related guarantees made or obligations assumed; (D) restrictions on paying dividends, incurring additional debt, further leasing, etc.; and (E) any other information necessary to assess the effect of lease commitments upon the financial position, results of operations, and changes in financial position of the lessee.

(9) *General notes to balance sheets.* If present with respect to the person for which the statement is filed, the following shall be set forth in the balance sheet or in referenced notes thereto:

(i) *Assets subject to lien.* The amounts of assets mortgaged, pledged, or otherwise subject to a lien or security interest shall be designated and the obligation secured thereby, if any, shall be identified briefly.

(ii) *Intercompany profits and losses.* The effect upon any balance sheet item of profits or losses resulting from transactions with affiliated companies not consolidated shall be stated. If impracticable of accurate determination without unreasonable effort or expense, an estimate or explanation shall be given.

(iii) *Preferred shares.* [(A) If convertible, the terms of the conversion shall be described briefly;] (B) If callable, the date or dates and the amount per share at which such shares are callable shall be stated; (C) Arrears in cumulative dividends per share and in total for each class of shares shall be stated; and (D) [Aggregate] preferences on involuntary liquidation, if other than the par or stated value, shall be shown [parenthetically in the equity section of the balance sheet.] When the excess involved is material, there shall be shown the difference between the aggregate preference on involuntary liquidation and the aggregate par or stated value, a statement that this difference (plus any arrears in dividends) exceeds the sum of the par or stated value of the junior capital shares, surplus, and undivided profits if such is the case, and a statement as to the existence (or absence) of any restrictions upon surplus and/or undivided profits growing out of the fact that upon involuntary liquidation the preference of the preferred stock exceeds its par or stated value.

(iv) *Pension and retirement plans.* (A) A brief description of the essential provisions of any employee pension or retirement plan shall be given; (B) The estimated annual cost of the plan shall be stated; (C) If a plan has not been funded or otherwise provided for, the estimated amount that would be necessary to fund or otherwise provide for the past-service cost of the plan shall be disclosed; [(D) The excess, if any of the actually computed value of vested benefits over the total of the pension fund and any balance sheet pension accruals, less any pension prepayments or deferred charges, shall be given as the most recent practicable date; and (E) A statement shall be given of the nature and effect of significant matters affecting comparability of pension cost for any periods for which income statements are presented.]

(v) *Capital stock optioned to officers and employees.* (A) A brief description of the terms of each option arrangement shall be given, including the title and amount of securities subject to the option, the year or years during which the options were granted, and the year or years during which the optionees became, or will become, entitled to exercise the options;

(B) There shall be stated the number of shares under option at the balance sheet date, and the option price and the fair value thereof (per share and in total) at the dates the options were granted; the number of shares with respect to which options became exercisable during the period, and the option price and the fair value thereof (per share and in total) at the dates the options became exercisable; the number of shares with respect to which options were exercised during the period, and the option price and the fair value thereof (per share and in total) at the dates the options were exercised; and the number of unoptioned shares available at the beginning and at the close of the latest period presented, for the granting of options under an option plan. A brief description of the terms of each other arrangement covering shares sold or offered for sale to only directors, officers, and key employees shall be given, including the number of shares, and the offered price and the fair value thereof (per share and in total) at the dates of sale or offer to sell, as appropriate. The required information may be summarized as appropriate with respect to each of the categories referred to in this subclause (B);

(C) The basis of accounting for such option arrangements and the amount of charges, if any, reflected in income with respect thereto shall be stated.

(vi) *Restrictions that limit the availability of surplus and/or undivided profits for dividend purposes.* Any such restriction, other than as reported in paragraph (c)(9)(iii) of this section shall be described, indicating briefly its source, its pertinent provisions, and, where appropriate and determinable, the amount of the surplus and/or undivided profits so restricted.

(vii) *Contingent liabilities.* A brief statement as to contingent liabilities not reflected in the balance sheet shall be made.

(viii) *Standby letters of credit.* State the amount of outstanding "standby letters of credit." For the purpose of this paragraph, "standby letters of credit" include every letter of credit (or similar arrangement however named or designated) which represents an obligation to the beneficiary on the part of the issuing bank (A) to repay money borrowed by or advanced to or for the account of the account party or (B) to make payment on account of any evidence of indebtedness undertaken by the account party, or (C) to make payment on account of any default by the account party in the performance of an obligation, except that, if prior to or at the time of issuance of a standby letter of credit, the issuing bank is paid an amount equal to the bank's maximum liability under the standby letter of credit, or has set aside sufficient funds in a segregated, clearly earmarked deposit account to cover the bank's maximum liability under the standby letter of credit, then the amount of that standby letter of credit need not be stated.

(ix) *Defaults.* The facts and amounts concerning any default in principal, interest, sinking fund, or redemption provisions with respect to any issue of securities or credit agreements, or any breach of covenant of a related indenture or agreement, which default or breach existed at the date of the most recent balance sheet being filed and which has not been subsequently cured, shall be stated. Notation of such default or breach of covenant shall be made in the financial statements and the entire amount of obligations to which the default or breach relates shall be classified as a current liability if said default or breach accelerates the maturity of the obligations and makes it current under the terms of the related indenture or agreement. Classification as a current obligation is not required if the lender has waived the accelerated due date or otherwise agreed to a due date more than one year from the balance sheet date. If a default or breach exists, but acceleration of the obligation has been waived for a stated period of time beyond the date of the most recent balance sheet being filed, state the amount of the obligation and the period of the waiver.

(x) *Significant changes in bonds, mortgages, and similar debt.* Any significant changes in the authorized or issued amounts of bonds, mortgages, and similar debt since the date of the latest balance sheet being filed for a particular person or group shall be stated.

(10) *General notes to statements of income.* If present with respect to the person for which the statement is filed, the following shall be set forth in the statement of income or in referenced notes thereto:

(i) *Intercompany profits and losses.* The amount of any profits or losses resulting from transactions between unconsolidated affiliated companies shall be stated. If impracticable of determination without unreasonable effort and expense, an estimate or explanation shall be given.

(ii) *Depreciation and amortization.* For the period of which statements of income are filed, there shall be stated the policy followed with respect to: (A) The provision for depreciation of physical properties or valuation allowances created in lieu thereof, including the methods and, if practicable, the rates used in computing the annual amounts; (B) The provision for depreciation and amortization of intangibles, or valuation allowances created in lieu thereof, including the methods and, if practicable, the rates used in computing the annual amounts; (C) The accounting treatment for maintenance, repairs, renewals, and improvements; and (D) The adjustment of the accumulated valuation allowances for depreciation and amortization at the time the properties were retired or otherwise disposed of, including the disposition made of any profit or loss on sale of such properties.

(iii) *Bonus, profit sharing, and other similar plans.* Describe the essential provisions of any such plans in which only directors, officers or key employees may participate, and state, for each of the fiscal periods for which income statements are required to be filed, the aggregate amount provided for all plans by charges to expense.

(iv) *Income tax expense.* (A) Disclosure shall be made, in the income statement or a note thereto, of the components of income tax expense, including: (1) taxes currently payable; (2) the net tax effects, as applicable, of (i) timing differences (Types of timing differences that are individually less than 15 percent of the deferred tax amount in the income statement may be combined. If no individual type of difference is more than 5 percent of the amount computed by multiplying the income before tax by the applicable statutory Federal income tax rate and the aggregate amount of timing differences is less than 5 percent of such computed amount, disclosure of each of the separate types of timing differences may be omitted.) and (ii) operating loses; and (3) the net deferred investment tax credits. Amounts applicable to United States Federal income taxes, to foreign income taxes and to other income taxes shall be stated separately for each major component, unless the amounts applicable to foreign and other income taxes do not exceed 5 percent of the total for the component. (B) Provide a reconciliation between the amount of reported total income tax expense and the amount computed by multiplying the income before tax by the applicable statutory Federal income tax rate, showing the estimated dollar amount of each of the underlying causes for the difference. If no individual reconciling item amounts to more than 5 percent of the amount computed by multiplying the income before tax by the applicable statutory Federal income tax rate, and the total difference to be reconciled is less than 5 percent of such computed amount, no reconciliation need be provided unless it would be significant in appraising the trend of earnings. Reconciling items that are individually less than 5 percent of the computed amount may be aggregated in the reconciliation. The reconciliation may be presented in percentages rather than in dollar amounts.

[1] As defined, "standby letter of credit" would not include (1) commercial letters of credit and similar instruments where the issuing bank expects the beneficiary to draw upon the issuer and which do not "guaranty" payment of a money obligation or (2) a guaranty or similar obligation issued by a foreign branch in accordance with and subject to the limitations of Regulation M.

(v) *Interest capitalized.* (A) The amount of interest cost capitalized in each period for which an income statement is presented shall be shown within the income statement. Banks which follow a policy of capitalizing interest cost shall make the following additional disclosures required by items (B) and (C) below. (B) The reason for the policy of interest capitalization and the way in which the amount to be capitalized is determined. (C) The effect on net income for each period for which an income statement is presented of following a policy of capitalizing interest as compared to a policy of charging interest to expense as incurred.

(vi) *Disagreements on accounting and financial disclosure matters.* If, within the twenty-four months prior to the date of the most recent financial statements, a Form F-3 has been filed reporting a change of accountants and included in such filing there is a reported disagreement on any matter of accounting principles or practices or financial statement disclosure, and if such disagreement, if differently resolved, would have caused the financial statements to differ materially from those filed, state the existence and nature of the disagreement. In addition, if during the fiscal year in which the change in accountants took place or during the subsequent fiscal year there have been any transactions or events similar to those which involved a reported disagreement and if such transactions are material and were accounted for or disclosed in a manner different from that which the former accountants apparently concluded was required, state the effect on the financial statements if the method which the former accountant apparently concluded was required had been followed. The effects on the financial statements need not be disclosed if the method asserted by the former accountant ceases to be generally accepted because of authoritative standards or interpretations subsequently issued.

(d) *Consolidated financial statements.* (1) Consolidated statements generally present more meaningful information to the investor than unconsolidated statements. Except where good reason exists, consolidated statements of the bank and its majority-owned significant subsidiaries should be filed.

(2) Every majority-owned bank-premises subsidiary and every majority-owned subsidiary operating under the provisions of section 25 or section 25(a) of the Federal Reserve Act ("Agreement Corporation" and "Edge Act Corporations") shall be consolidated with that of the reporting bank irrespective of whether such subsidiary is a significant subsidiary.

(3) If the financial statements of a subsidiary are as of a date or for periods different from those of the bank, such statements may be used as the basis for consolidation of the subsidiary only if the date of such statements is not more than 93 days from the date of the close of the bank's fiscal year; the closing date of the subsidiary is specified; the neces-

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sity for the use of different closing dates is explained briefly; and any changes in the respective fiscal periods of the bank and the subsidiary made during the period of report are indicated clearly.

(4) There shall be set forth in a note to each consolidated balance sheet filed a statement of any difference between the investment in subsidiaries consolidated, as shown by the bank's books, and the bank's equity in the net assets of such subsidiaries as shown by the subsidiaries' books. If any such difference exists, there shall be set forth the amount of the difference and the disposition made thereof in preparing the consolidated statements, naming the balance sheet captions and stating the amount included in each.

(5) There may be filed financial statements in which majority-owned subsidiaries not consolidated with the parent are consolidated or combined in one or more groups, and 50 percent or less owned persons, the investments in which are accounted for by the equity method are consolidated or combined in one or more groups, pursuant to principles of inclusion or exclusion which will clearly exhibit the financial position and results of operations of the group or groups.

(6) A brief description of the principles followed in consolidating or combining the separate financial statements, including the principles followed in determining the inclusion or exclusion of (i) subsidiaries in consolidated or combined financial statements and (ii) companies in consolidated or combined financial statements, shall be stated in the notes to the respective financial statements.

(7) As to each consolidated financial statement and as to each combined financial statement, if there has been a change in the persons included or excluded in the corresponding statement for the preceding fiscal period filed with the Board which has a material effect on the financial statements, the persons included and the person"s" excluded shall be disclosed. If there have been any changes in the respective fiscal periods of the persons included made during the periods of the report which have a material effect on the financial statements, indicate clearly such changes and the manner of treatment.

(e) *Statement of changes in capital accounts.* A statement of changes in capital accounts shall be filed with each statement of income filed pursuant to this Part.

(f) *Statement of changes in financial position.* A statement of changes in financial position shall be filed with each statement of income filed pursuant to this Part.

(g) *Schedules to be filed.* (1) The following schedules shall be filed with each balance sheet filed pursuant to this Part: Schedule I—U.S. Treasury Securities, Securites of other U.S. Government Agencies and Corporations, and Obligations of States and Political Subdicisions; Schedule II—Other securities; Schedule III—Other Loans; Schedule IV—Bank Premises and Equipment; Schedule V—Investments in, Dividend Income from, and Share in Earnings or Losscs of Unconsolidated Subsidiaries; and Schedule VI—"Other" Liabilities for Borrowed Money.

(2) The following schedule shall be filed with each statement of income filed pursuant to this Part: Schedule VII—Allowance for Possible Loan Losses.

(3) Reference to the schedules referred to in subparagraphs (1) and (2) shall be made against the appropriate captions of the balance sheet or statement of income.

FORMS

§ 206.41 Form for registration of securities of a bank pursuant to section 12 (b) or section 12(g) of the Securities Exchange Act of 1934 (Form F–1).

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

FORM F–1

REGISTRATION STATEMENT FOR SECURITIES OF A BANK

Pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934

(Exact name of bank as specified in charter)

(Address of principal office)

(I.R.S. Employer Identification No.)

(Bank's telephone number, including area code)

Title of each class of securities being registered pursuant to section 12(g) of the Act: [1]

Title of class

Name of each exchange on which class is being registered

Title of each class of securities being registered pursuant to section 12(g) of the Act: [1]

GENERAL INSTRUCTIONS

[Form F–1 shall be used for registration pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934 of classes of securities of issuers that are State-chartered banks that are members of the Federal Reserve System]. This form is not to be used as a blank form to be filled in but only as a guide in the preparation of a registration statement. Particular attention should be given to the definitions in § 206.2 and the general requirements in § 206.4 of this Part. Unless otherwise stated, the information required shall be given as of a date reasonably close to the date of filing the statement. The statement shall contain the numbers and captions of all items, but the text of the items may be omitted if the answers with respect thereto are prepared in the manner specified in § 206.4(u). [Attention is directed to § 206.4(j) which states: "In addition to the information expressly required to be included in a statement or report, there shall be added such further material information, if any, as may be necessary to make the required statements, in light of the circumstances under which they are made, not misleading."]

[Section 206.4(s) requires that four complete copies of the registration statement, including financial statements, exhibits and all other papers and documents filed as a part thereof, and four additional copies which need not include exhibits, shall be filed with the Board. At least one complete copy of the registration statement, including financial statements, exhibits and all other papers and documents filed as a part thereof, shall be filed with each exchange on which any class of securities is to be registered. At least one complete copy of the registration statement filed with the Board and one such copy filed with each exchange shall be manually signed. Copies not manually signed shall bear typed or printed signatures.]

[Information required by any item or other requirement of this form with respect to any foreign subsidiary may be omitted to the extent that the required disclosure would be detrimental to the registrant. However, financial statements, otherwise required, shall not be omitted pursuant to this instruction. Where information is omitted pursuant to this instruction, a statement shall be made that such information has been omitted and the names of the subsidiaries involved shall be separately furnished to the Board. The Board may, in its discretion, call for justification that the required disclosure would be detrimental.]

INFORMATION REQUIRED IN REGISTRATION STATEMENT

Item 1. General information.

State the year in which the bank was organized. If organized as a national bank, state the year of conversion into a State bank. Indicate the approximate number of holders of record of each class of equity securities of the bank.

Item 2. Parents and Subsidiaries of the Bank.

(a) List all parents of the bank, showing the basis of control and, as to each parent, the percentage of voting securities owned or other basis of control by its immediate parent, if any.

(b) Furnish a list or diagram of all subsidiaries of the bank and, as to each subsidiary, indicate (1) the State or other jurisdiction under the laws of which it was organized, and (2) the percentage of voting securities owned or other basis of control by its immediate parent. Designate (i) subsidiaries for which separate financial statements are filed; (ii) subsidiaries included in consolidated financial statements; [(iii) subsidiaries included in group financial statements filed for unconsolidated subsidiaries; and (iv)] subsidiaries for which no financial statements are filed, indicating briefly why statements of such subsidiaries are not filed.

Instructions. 1. Include the bank and show clearly the relationship of each person named to the bank and the other persons named, including the percentage of voting securities of the bank owned or other basis of control by its immediate parent. The names of particular subsidiaries may be omitted if the unnamed subsidiaries considered in the aggregate as a single subsidiary would not constitute a significant subsidiary.

2. In case the bank owns, directly or indirectly, approximately 50 per cent of the voting securities of any person and approximately 50 per cent of the voting securities of such person are owned directly or indirectly by another single interest, or if the bank takes up the equity in undistributed earnings of any other unconsolidated person, such person shall be deemed to be a subsidiary for the purpose of this item.]

[NOTE: If any person is controlled by means of the direct ownership of its securities by two or more persons listed in response to this item, so indicate by appropriate cross reference.]

[(c) Describe any contractual arrangement, known to the bank, including any pledge of securities of the bank or any of its parents the operation of the terms of which may at a subsequent date result in a change of control of the bank.]

[1] If none, so state.

[Instruction. This paragraph does not require a description of ordinary default provisions contained in the charter, trust indentures or other governing instruments relating to securities of the registrant.]

Item 3. Description of Business.

Describe briefly the business done [or intended to be done] by the bank and any significant developments or trends in such business occurring over the preceding five years. Information should be furnished as to any mergers, consolidations, or other acquisitions of assets of any other person that were consummated during such period. State the number of banking offices in each city (or county) in the United States in which the bank has offices and the number of banking offices located in each foreign country or jurisdiction. In describing the business done by the bank, the business of its subsidiaries should be included only insofar as the same is important to an understanding of the character and development of the business conducted by the total enterprise.

(a) [The description shall include, without limitation, information as to matters such as the following:]

(1) [Competitive conditions in the market areas involved and the competitive position of the bank, if known or reasonably available to the bank. If several services are involved, separate consideration shall be given to the principal services or classes of services.]

(2) [The principal services rendered by the bank, including any significant changes in the kinds of services rendered, during the past three fiscal years.]

(3) [The estimated dollar amount, if material, spent during each of the last two fiscal years for the development of new services or the improvement of existing services.]

(4) [The number of persons employed by the bank.]

(5) [The extent to which the business of the bank or a material portion thereof is or may be seasonal.]

(6) [Present in tabular form, for each of the three years for which a statement of income is being furnished, ratios of the bank's net income to the following items: (a) Average equity capital accounts, and (b) average daily total deposits. Ratios for such periods of average daily loans to average daily deposits should also be included.]

(7) [If more than 25 percent of the bank's loans are concentrated in any one of the categories specified in Schedule III of Form F–9D, or if more than 10 percent of the bank's loans in any particular category specified in Schedule III of Form F–9D represent the indebtedness of persons or firms in a particular industry (for example, electronics or real estate investment trusts), the category of loans, the particular industry or industries involved, and the percentages that the amounts of such loans bear to the total amount of the bank's loans and to the total amount of the bank's loans in the pertinent category in Schedule III.]

(8) [The dollar amounts of loan and other commitments as of the end of the last fiscal year and previous fiscal year, indicating also the portions thereof reasonably expected to be exercised within the current fiscal year.]

Instructions. [1. If the bank proposes to enter, or has recently entered or introduced a new service requiring the investment of a material amount of its total assets, provide as supplemental information at the time of filing of the registration statement, but not as a part thereof, a copy of any studies conducted or performed by or for the bank relating to such business, and a statement as to the actual or proposed use of such study. Where material, disclosure of the absence of such a study is required.]

[2. The principal methods of competition (e.g., rate service) should be identified and positive and negative factors pertaining to the competitive position of the bank, to the extent that they exist, should be explained, if known or reasonably available to the bank. An estimate of the number of competitors should be included, and where material, the particular market areas in which the bank competes should be identified. Where one or a small number of competitors are dominant, they should be identified.]

[3. The description shall not relate to the powers and objects specified in the charter, but to the actual business done and intended to be done. Include the business of subsidiaries of the bank insofar as is necessary to understand the character and development of the business conducted by the total enterprise.]

[4. In describing developments, information shall be given as to matters such as the following: the nature and results of any other material reorganization, readjustment or succession of the registrant or any of its significant subsidiaries; the acquisition or disposition of any material amount of assets otherwise than in the ordinary course of business; and any material changes in the mode of conducting the business.]

[5. Appropriate disclosure shall also be made as to the material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the bank and its subsidiaries.]

[6. The business of a predecessor or predecessors shall be deemed to be the business of the bank for the purpose of this item.]

[7. Appropriate disclosure shall be made with respect to any material portion of the business, e.g. deposits which may be subject to termination at the election of state, local, or federal governments, or any other depositor.]

[(b) If the bank and its subsidiaries engage in material operations in foreign countries, or if a material portion of revenues is derived from customers in foreign countries, appropriate disclosure shall be made with respect to the importance of that part of the business to the bank and the risks attendant thereto. Insofar as practicable, furnish information with respect to volume and profitability of such operations.]

[(c) The Board may, upon written request of the bank, and where consistent with the protection of investors, permit the omission of any of the information herein required or the furnishing in substitution therefor of appropriate information of comparable character. The Board may also require the furnishing of other information in addition to, or in substitution for, the information herein required in any case where such information is necessary or appropriate for an adequate description of the business done or intended to be done.]

[Item 4. Summary of Operations.]

[Furnish in comparative columnar form a summary of operations for the bank or for the bank and its subsidiaries consolidated, as appropriate, for—]

[(a) each of the last five fiscal years of the bank (or for the life of the bank and its predecessors, if less), and]

[(b) any additional fiscal years necessary to keep the summary from being misleading.]

[Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the registration statement.]

[*Instruction.* 1. As a minimum, operating income, operating expenses, income before income taxes and security gains (losses), applicable income taxes, income before security gains (losses), security gains (losses), and net income should be presented. The summary shall reflect retroactive adjustments of any material items affecting the comparability of the results.]

[2. Per share earnings and dividends declared for each period of the summary shall be also shown. The basis of the computation of per share earnings shall be stated, together with the number of shares used in the computation. The bank shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation can be clearly determined from the answer to this item.]

[3. (a) If debt securities are being registered, the bank may, at its option, show in tabular form for each fiscal year the ratio of earnings to fixed charges. Such ratio shall be calculated both on the basis of excluding interest on deposits and including interest on deposits as part of "fixed charges."]

[(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed income or unconsolidated subsidiaries and 50 per cent or less owned persons.]

[(c) The term "fixed charges" shall mean (1) interest and amortization of debt discount and expense and premium on all indebtedness; (ii) such portion of rentals as can be demonstrated to be representative of the interest factor in the particular case.]

[(d) Any bank electing to show the ratio of earnings to fixed charges, in accordance with this instruction, shall file as an exhibit a statement setting forth in reasonable detail the computations of the ratios shown.]

Item 5. Description of bank premises and other real estate.

Describe briefly, individually or by categories, (a) properties held in fee, by the bank and its subsidiaries, in which the banking offices are located, indicating any major encumbrances with respect thereto, and (b) other real estate of material value that is owned by the bank. In the event aggregate annual rentals paid during the bank's last fiscal year exceeded 5 per cent of its operating expenses, state the amount of such rentals, the average term of the leases pursuant to which such rentals were paid, [and the expiration dates of any material leases.]

Item 6. Organization within five years.

If the bank was organized within the past five years, furnish the following information.

(a) State the names of the promoters, the nature and amount of anything of value (including money, property, contracts, options, or rights of any kind) received or to be received by each promoter directly or indirectly from the bank, and the nature and amount of any assets, services, or other consideration therefor received or to be received by the bank.

(b) As to any assets acquired or to be acquired by the bank from a promoter, state the amount at which acquired or to be acquired and the principle followed [or to be followed] in determining the amount. Identify the persons making the determination and state their relationship, if any, with the bank or any promoter. If the assets were acquired by the promoter within 2 years prior to their transfer to the bank, state the cost thereof to the promoter.

Item 7. Pending Legal Proceedings.

Describe briefly any material pending legal proceedings, other than ordinary routine proceedings incidental to the business, to which the bank or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings were instituted, the date instituted, the principal

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parties thereto, [a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities.]

Instructions. [1. No collection action or other claim need be described unless it departs from the normal kind of such actions.]

2. No information need be given with respect to proceedings that involve principally claims for damages if the aggregate amount involved does not exceed 10 percent of the equity capital accounts of the bank. If, however, any proceeding presents in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

3. Any material proceedings to which any director, officer, or affiliate of the bank, any security holder named in answer to Item 12(a), or any association of any such director, officer, or security holder, is a party, or has a material interest, adverse to the bank or any of its subsidiaries shall also be described.

4. [Notwithstanding the foregoing, administrative or judicial proceedings arising under any Federal, State or local provisions which have been enacted or adopted relating to the protection of the environment, shall not be deemed "ordinary routine litigation incidental to the business" and shall be described if such proceeding is material to the business or financial condition of the bank or if it involves primarily a claim for damages and the amount involved exclusive of interest and costs, exceeds 10 percent of the equity capital accounts of the bank and its subsidiaries on a consolidated basis. Any such proceedings by governmental authorities shall be deemed material and shall be described whether or not the amount of any claim for damages involved exceeds 10 percent of equity capital accounts on a consolidated basis and whether or not such proceedings are considered "ordinary routine litigation incidental to the business"; provided however, that such proceedings which are similar in nature may be grouped and described generically stating: the number of such proceedings in each group; a generic description of such proceedings; the issues generally involved; and, if such proceedings in the aggregate are material to the business or financial condition of the bank, the effect of such proceedings on the business or financial condition of the bank.]

Item 8. Directors and Officers.

[(a)] List all directors and officers of the bank and all persons chosen to become directors or officers. Indicate all positions and offices with the bank held by each person named. [State the age of the persons named, their terms of office, and the periods during which each such person has served. Briefly describe any arrangement or understanding between each director or officer and any other person pursuant to which such director or officer was selected to serve in that capacity.] The term "officer" is defined in § 206.2(q).

Instruction. [Do not include arrangements or understandings with directors or officers of the bank acting solely in their capacities as such.]

[(b) State the nature of any family relationship between any director or officer and any other director or officer.]

Instruction. [The term "family relationship" means any relationship by blood, marriage or adoption, not more remote than first cousin.]

[(c) Give a brief account of the business experience during the past five years of each director and each officer, including his principal occupations and employment during that period and the name and principal business of any corporation or other organization in which such occupations and employment were carried on. Where an executive officer has been employed by the bank or a subsidiary of the registrant for less than five years, a brief explanation should be included as to the nature of the responsibilities undertaken by the individual in prior positions to provide adequate disclosure of his prior business experience.]

[(d) Describe any of the following events which occurred during the past ten years and which are material to an evaluation of ability and integrity of any director or officer of the bank.]

[(1) A petition under the Bankruptcy Act or any state insolvency law was filed by or against, or a receiver, fiscal agent or similar officer was appointed by a court for the business or property of, such person, or any partnership in which he was a general partner at or within 2 years before the time of such filing, or any corporation or business association of which he was an officer at or within 2 years before the time of such filing.]

[(2) Such person was convicted in a criminal proceeding (excluding traffic violations and other minor offenses) or is the subject of a criminal proceeding which is presently pending; or]

[(3) Such person was the subject of any order, judgment or decree of any court of competent jurisdiction permanently or temporarily enjoining him from acting as an investment adviser, underwriter, broker or dealer in securities, or as an affiliated person, director or employee of any investment company, bank, savings and loan association or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity or in connection with the purchase or sale of any security, or was the subject of any order of a Federal or State authority barring or suspending, for more than 60 days, the right of such person to be engaged in any such activity or to be associated with persons engaged in any such activity, which order has not been reversed or suspended.]

Instruction. [If any event specified in paragraph (d) has occurred but information in regard thereto is omitted on the ground that it is not material, the bank shall furnish, as supplemental information and not as a part of the registration statement, a description of the event and a statement of the reasons for the omission of information in regard thereto.]

Item 9. Indemnification of directors and officers.

State the general effect of any charter provision, by-law, contract, arrangement, or statute under which any director or officer of the bank is insured or indemnified in any manner against any liability that he may incur in his capacity as such.

Item 10. Remuneration of Directors and Officers.

(a) Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the bank and its subsidiaries during the bank's latest fiscal year to the following persons for services in all capacities:

(1) Each director and each of the [three] highest paid officers of the bank whose annual total direct remuneration exceeded [$40,000], naming each such person.

(2) All directors and officers of the bank as a group, without naming them, but stating the number of persons included.

Name of individual or number of persons in group	Capacities in which remuneration was received	Aggregate remuneration
(A)	(B)	(C)

Instructions. 1. This item applies to any person who was a director or officer of the bank at any time during said fiscal year. Information need not, however, be given for any portion of that period during which such person was not a director or officer.

2. The information is to be given on an accrual basis, if practicable. The tables required by this paragraph and paragraph (b) may be combined if the bank so desires.

3. Do not include remuneration paid to a partnership in which any director or officer was a partner. But see Item 13, below.

4. If the bank has not completed a full fiscal year since its organization or if it acquired or is to acquire the majority of its assets from a predecessor within the current fiscal year, the information shall be given for the current fiscal year, estimating future payments if necessary. To the extent that such remuneration is to be computed upon the basis of a percentage of [earnings or] profits, the percentage may be stated without estimating the amount of such profits to be paid.

5. If any part of the remuneration shown in response to this item was paid pursuant to a material bonus or profit-sharing plan, describe briefly the plan and the basis upon which directors or officers participate therein.

(b) Furnish the following information, in substantially the tabular form indicated below, as to all [annuity,] pension or retirement benefits proposed to be paid under any existing plan in the event of retirement at normal retirement date, directly or indirectly, by the bank or any of its subsidiaries to [(1)] each director of officer named in answer to paragraph (a) (1) [and (2) all directors and officers of the bank who are eligible for such benefits, as a group, stating the number of persons in the group without naming them:]

Name of individual or number of persons in group	Amounts set aside or accrued during bank's last fiscal year	Estimated annual benefits upon retirement
(A)	(B)	(C)

Instructions. 1. Column (B) need not be answered with respect to amounts computed on an actuarial basis under any plan that provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service. [In such case, Columns (A) and (C) need not be answered with respect to directors and officers as a group.]

2. The information called for by Column (C) may be given in a table showing the annual benefits payable upon retirement to persons in specified salary classifications.

3. In the case of any plan (other than those specified in Instruction 1) where the amount set aside each year depends upon the amount of earnings [or profits] of the bank or its subsidiaries for such year or a prior year (or where otherwise impracticable to state the estimated annual benefits upon retirement) there shall be set forth, in lieu of the information called for by Column (C), the aggregate amount set aside or accrued to date, unless impracticable to do so, in which case the method of computing such benefits shall be stated.

(c) Describe briefly all remuneration payments (other than [accrued] payments reported under paragraph (a) or (b) of this item) proposed to be made in the future, directly or indirectly, by the bank or any of its subsidiaries pursuant to any existing plan to (i) each director or officer named in answer to paragraph (a) (1), naming each such person, and (ii) all directors and officers of the bank as a group, without naming them.

Instruction. Information need not be included as to payments to be made for, or benefits to be received from, group life or accident insurance, group hospitalization, or similar group payments or benefits. If impractical to state the amount of remuneration, payments proposed to be made, the aggregate amount set aside or accrued to date in respect of such payments should be stated, together with an explanation of the basis for future payments.

[Item 11. Management Options to Purchase Securities. Furnish the following information as to all options to purchase securities from the bank held by any of the following persons: (i) each director or officer named in answer to paragraph (a) (1) of Item 10, naming each such person; and (ii) all directors and officers of the registrant as a group, without naming them.]

[(a) The title and amount of securities called for;]

[(b) The option prices, expiration dates, and other material provisions;]

[(c) Any consideration received for the granting thereof;]

[(d) The market value of the security on the date of grant.]

[*Instructions.* 1. The term "options" as used in this term includes all options, warrants or rights, other than those issued to security holders as such on a pro rata basis.]

[2. The extension, regranting or material amendment of options shall be deemed the granting of options within the meaning of this item.]

[3. Where the total market value of securities called for by all outstanding options does not exceed $10,000 for any person required to be named, or $40,000 for all directors and officers as a group, this item need not be answered with respect to such person or group.]

[4. In case a number of options are outstanding having different prices and expiration dates, the options may be grouped by prices and dates. If this produces more than five separate groups then there may be shown only the range of the expiration dates and prices.]

Item 12. Principal holders of securities. Furnish the following information as of a specified date within 90 days prior to the date of filing in substantially the tabular form indicated:

(a) As to the voting securities of the bank owned of record or beneficially by each person who owns of record, or is known by the bank to own beneficially, more than 10 per cent of any class of such securities. Show in Column (C) whether the securities are owned both of record and beneficially, or record only, or beneficially only, and show in Columns (D) and (E) the respective amounts and percentages owned in each such manner:

Name and address	Title of class	Type of ownership	Amount owned	Percent of class
(A)	(B)	(C)	(D)	(E)

(b) As to each class of equity securities of the bank or any of its parents or subsidiaries, other than directors' qualifying shares, beneficially owned directly or indirectly by all directors and officers of the bank, as a group, without naming them.

Title of class	Amount beneficially owned	Percent of class
(A)	(B)	(C)

Instructions. 1. The percentages are to be calculated on the basis of the amount of securities outstanding, excluding securities held by or for the account of the bank. In any case where the amount owned by directors and officers as a group is less than 1 per cent of the class, the per cent of the class owned by them may be omitted.

2. If, to the knowledge of the bank, more than 10 per cent of any class of voting securities of the bank are held or to be held subject to any voting trust or other similar agreement, state the title of such securities, the amount held or to be held, and the duration of the agreement. Give the names and addresses of the voting trustees and outline briefly their voting rights and other powers under the agreement.

[3. For the purpose of this item a person shall be deemed to be the beneficial owner of securities which he has the right to acquire through the exercise of presently exercisable options, warrants or rights or through the conversion of presently convertible securities. In computing the percentage of the class owned, securities which such person has a right to acquire shall be deemed to be outstanding.]

Item 13. Interest of management and others in certain transactions. [(a)] Describe briefly, and where practicable state the approximate amount of, any material interest, direct or indirect, of any of the following persons in any material transactions during the last three years, or in any material proposed transactions, to which the bank or any of its subsidiaries was, or is to be, a party:

(1) Any Director or officer of the bank;

(2) Any security holder named in answer to Item 11(a); or

(3) Any associate of any of the foregoing persons.

Instructions. 1. See Instruction 1 to Item 10(a). Include the name of each person whose interest in any transaction is described and the nature of the relationship by reason of which such interest is required to be described [as well as the nature of his interest in the transaction]. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated.

2. As to any transaction involving the purchase or sale of assets by or to the bank or any subsidiary, otherwise than in the ordinary course of business, state the cost of the assets to the purchaser and the cost thereof to the seller if acquired by the seller within two years prior to the transaction.

3. This item does not apply to any interest arising from the ownership of securities of the bank where the security holder receives no extra or special benefit not shared on a pro rata basis by all other holders of the same class.

[4. No information need be given in response to this Item 13(a) as to any remuneration or other transaction reported in response to Items 10 or 11, or as to any transaction with respect to which information may be omitted pursuant to Instruction 1 to Item 10(b) or the instruction to Item 10(c).]

5. Information should be included as to any material underwriting discounts and commissions upon the sale of securities by the bank where any of the specified persons was or is to be a principal underwriter or is a controlling person or member of a firm that was or is to be a principal underwriter. Information need not be given concerning ordinary management fees paid by underwriters to a managing underwriter pursuant to an agreement among underwriters the parties to which do not include the bank or its subsidiaries.

6. No information need be given in answer to this item as to any transaction or any interest therein where:

(i) The rates or charges involved in the transaction are fixed by law [or governmental authority] or determined by competitive bids;

(ii) The interest of the specified person in the transaction is solely that of a director of another corporation that is a party to the transaction;

(iii) The specified person is subject to this Item 13(a) solely as a director of the bank (or associate of a director) and his interest in the transaction is solely that of a director and/or officer of another corporation that is a party to the transaction;

(iv) [The transaction does not involve remuneration for services, directly or indirectly, and] (A) the interest of the specified persons arises from the ownership individually and in the aggregate of less than a 10 percent interest in another person that is a party to the transaction, (B) [the transaction is in the ordinary course of business of the bank or its subsidiaries, and (C) the amount of such transaction or series of transactions is less than 10 percent of the equity capital accounts of the bank;]

(v) The transaction involves services as a bank depository of funds, transfer agent, registrar, trustee under a trust indenture, or other similar service;

(vi) The interest of the specified person, including all periodic installments in the case of any lease or other agreement providing for periodic payments or installments, does not exceed [$40,000.]

(vii) [The transaction consists of extensions of credit by the bank in the ordinary course of its business that (A) are made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other than specified persons, (B) at no time exceed 10 per cent of the equity capital accounts of the bank, or $10 million, whichever is less, and (C) do not involve more than the normal risk of collectibility or present other unfavorable features. Notwithstanding the foregoing, if aggregate extensions of credit to the specified persons, as a group, exceeded 20 per cent of the equity capital accounts of the bank at any time during the preceding year, (1) the aggregate amount of such extensions of credit shall be disclosed, and (2) a statement shall be included, to the extent applicable, that the bank has had, and expects to have in the future, banking transactions in the ordinary course of its business with directors, officers, principal stockholders, and their associates, on the same terms, including interest rates and collateral on loans, as those prevailing at the same time for comparable transactions with others. For the purpose of determining "aggregate extensions of credit" in this instruction, transactions which are exempted from disclosure pursuant to other instructions to this item 13(a) may be excluded.]

7. Information shall be furnished in answer to this item with respect to transactions not excluded above that involve remuneration, directly or indirectly, to any of the specified persons for services in any capacity

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unless the interest of such persons arises solely from the ownership individually and in the aggregate of less than a 10 per cent interest in another person furnishing the services to the bank or its subsidiaries.

9. [The amount of the interest of any specified person shall be computed without regard to the amount of the profit or loss involved in the transaction.]

(b) [Describe briefly any transactions during the last three years or any presently proposed transactions, to which any pension, retirement, savings or similar plan provided by the bank, or any of its parents or subsidiaries, was or is to be a party, in which any of the following persons had or is to have a direct or indirect material interest, naming such person and stating his relationship to the bank, the nature of his interest in the transaction and, where practicable, the amount of such interest:]

[(1) Any director or officer of the bank;]

[(2) Any security holder named in answer to Item 12(a);]

[(3) Any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same home as such person or who is a director or officer of any parent or subsidiary of the bank; or]

[(4) The bank or any of its subsidiaries.]

Instructions. 1. Instructions 1, 2, 3, 4, 6, 7 and 8 to Item 13(a) shall apply to this Item (13(b)).]

[2. Without limiting the general meaning of the term "transaction" there shall be included in answer to this item any remuneration received or any loans received or outstanding during the period, or proposed to be received.]

[3. No information need be given in answer to paragraph (b) with respect to—]

[(i) Payments to the plan, or payments to beneficiaries, pursuant to the terms of the plan;]

[(ii) Payments of remuneration for services not in excess of 5 percent of the aggregate remuneration received by the specified person during the bank's last fiscal year from the bank and its subsidiaries; or]

(iii) Any interest of the bank or any of its subsidiaries which arises solely from its general interest in the success of the plan.

Item 14. Capital stock being registered. If capital stock is being registered, state the title of the class and furnish the following information:

(a) Outline briefly (1) dividend rights; (2) voting rights; (3) liquidation rights; (4) preemptive rights; (5) conversion rights; (6) redemption provisions; (7) sinking fund provisions; and (8) liability to further calls or to assessment by the bank.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the bank while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

Instructions. 1. This item requires only a brief summary of the provisions that are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct resume is required.

2. If the rights evidenced by the securities being registered are materially limited or qualified by the rights of any other class of securities [or by the provisions of any contract or other document], include such information regarding such other securities being registered. [If any securities being registered are to be offered in exchange for other securities, an appropriate description of such other securities shall be given. No information need be given, however, as to any class of securities all of which will be redeemed and retired if appropriate steps to assure such redemption and retirement will be taken prior to registration of the securities being registered.]

Item 15. Long-Term Debt Being Registered. If long-term debt is being registered, outline briefly such of the following as are relevant:

(a) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund, or retirement.

(b) Provisions restricting the declaration of dividends [or requiring the maintenance of any ratio of assets] or the creation or maintenance of reserves [or the maintenance of properties.]

(c) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, [the release or substitution of assets securing the issue], the modification of the terms of the security, and similar provisions.

(d) The name of the trustee and the nature of any material relationship with the bank or any of its affiliates; the percentage of securities of the class necessary to require the trustee to take action, and what indemnification the trustee may require before proceeding to enforce the lien.

(e) [Provisions with respect to the kind and priority of any lien, securing the issue, together with a brief identification of the principal properties subject to each lien.]

Instruction. 1. The instructions to Item 14 shall apply to this item.

2. Provisions permitting the release of assets upon the deposit of equivalent funds or the pledge of equivalent property, the release of property no longer required in the business, obsolete property or property taken by eminent domain, the application of insurance moneys, and similar provisions, need not be described in answer to paragraph (c).

Item 16. Other Securities Being Registered. If securities other than capital stock or long-term debt are being registered, outline briefly the rights evidenced thereby. If subscription warrants or rights are being registered, state the title and amount of securities called for, the period during which and the price at which the warrants or rights are exercisable.

Instruction. The instructions to Item 14 shall also apply to this item.

Item 17. Recent Sales of Securities.

Furnish the following information as to all securities of the bank sold by the bank within the past three years or presently proposed to be sold. Include securities issued in exchange for property, services, or other securities, [and new securities resulting from the modification of outstanding securities.]

(a) Give the date of sale, title, and amount of securities sold.

(b) Give the names of the principal underwriters, if any. As to any securities sold privately, name the persons or identify the class of persons to whom the securities were sold.

(c) As to securities sold for cash, state the aggregate offering price and the aggregate underwriting discounts or commissions. As to any securities sold otherwise than for cash, state the nature of the transaction and the nature and aggregate amount of consideration received by the bank.

(d) [Give a reasonably itemized statement of the purposes, so far as determinable, for which the net proceeds have been or are to be used and the approximate amount to be used for each purpose.]

Instructions. (1) Information need not be set forth as to notes, drafts, bills of exchange, or bank acceptances that mature not later than [12 months] from the date of issuance.

(2) If the sales were made in a series of transactions, the information may be given by such totals and periods as will reasonably convey the information required.

[Item 18. Nature of Trading Market.]

[As to each class of securities to be registered pursuant to Section 12(g) of the Act, state briefly the nature of the trading market, if any, in such securities, including the names of the principal market makers and the reported high and low bid prices for each quarterly period during the past three years. If bank securitis are inactively traded, so state and indicate the range of sales prices known to management for each such period and the source of such information.]

[Item 19. Applicability of State Laws.]

[Describe briefly the manner in which the laws of the State under the laws of which the bank is chartered may materially affect:

(a) [*De novo branching;*]

(b) [*Mergers;*]

(c) [*Interest rates on loans; and*]

(d) [*Bank holding companies.*]

Item 20. Financial statements and exhibits. List all financial statements and exhibits filed as a part of the registration statement.

(a) Financial statements.

(b) Exhibits.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized.

(Name of bank)

Date---------- By----------

(Name and title of signing officer)

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets and statements of income required to be filed as a part of a Registration Statement on this form. Section 206.7 of this part governs the verification form, and content of the balance sheets and statements of income required, including the basis of consolidation, and prescribes the statement of changes in capital accounts [, *statement of changes in financial position,*] and the schedules to be filed in support thereof.

A. *Financial statements of the bank.* 1. *Balance sheets.* (a) The bank shall file a verified balance sheet as of the close of its latest fiscal year unless such fiscal year has ended within 90 days prior to the date of filing the Registration Statement, in which case the balance sheet may be as of the close of the preceding fiscal year.

(b) If the latest fiscal year of the bank has ended within 90 days prior to the date of filing the Registration Statement and the balance sheet required by paragraph (a) is filed as of the end of the preceding fiscal year, there shall be filed as an amendment to the Registration Statement, within 120 days after the date of filing, a verified balance sheet of the bank as of the end of the latest fiscal year.

2. *Statements of income.* (a) The bank shall file verified statements of income for each of the three fiscal years preceding the date of the balance sheet required by Instruction 1(a).

(b) There shall be filed with each balance sheet filed pursuant to Instruction 1(b) a verified statement of income of the bank for the fiscal year immediately preceding the date of the balance sheet.

3. *Omission of bank's financial statements in certain cases.* Notwithstanding Instructions 1 and 2, the individual financial statements of the bank may be omitted if consolidated statements of the bank and one or more of its subsidiaries are filed.

B. *Consolidated statements.* 4. *Consolidated balance sheets.* (a) There shall be filed a verified consolidated balance sheet of the bank and its majority-owned (1) bank premises subsidiaries, (ii) subsidiaries operating under the provisions of sections 25 or 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act Corporations"), and (iii) significant subsidiaries, as of the close of the latest fiscal year of the bank, unless such fiscal year has ended within 90 days prior to the date of filing the Registration Statement, in which case this balance sheet may be as of the close of the preceding fiscal year.

(b) If the latest fiscal year of the bank has ended within 90 days prior to the date of filing the Registration Statement, and the balance sheet required by paragraph (a) is filed as of the end of the preceding fiscal year, there shall be filed as an amendment to the Registration Statement, within 120 days after the date of filing, a verified consolidated balance sheet of the bank and such subsidiaries as of the end of the latest fiscal year.

5. *Consolidated statement of income.* (a) There shall be filed verified statements of income of the bank and its majority-owned (1) bank premises subsidiaries, (ii) subsidiaries operating under the provisions of sections 25 or 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act Corporations"), and (iii) significant subsidiaries, for each of the three fiscal years preceding the date of the consolidated balance sheet required by Instruction 4(a).

(b) There shall be filed with each balance sheet filed pursuant to Instruction 4(b), a verified consolidated statement of income of the bank and such subsidiaries for the fiscal year immediately preceding the date of the balance sheet.

C. *Unconsolidated subsidiaries and other persons.* 6 *Separate statements of unconsolidated subsidiaries and other persons.* There shall be filed such other verified financial statements with respect to unconsolidated subsidiaries and other persons as are material to a proper understanding of the financial position and results of operations of the total enterprise. [For purposes of this item, "other persons" includes 50 percent owned persons and unconsolidated persons in which the bank takes up equity in undistributed earnings.]

D. *Special provisions.* 7. *Succession to other businesses.* (a) If during the period for which its statements of income are required, the bank has by merger, consolidation, or otherwise succeeded to one or more businesses, the additions, eliminations, and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the balance sheets filed. In addition, statements of income for each constituent business, or combined statements, if appropriate, shall be filed for such period prior to the succession as may be necessary when added to the time, if any, for which statements of income after the succession are filed to cover the equivalent of the period specified in Instructions 2 and 5 above.

(b) If the bank by merger, consolidation, or otherwise is about to succeed to one or more businesses, there shall be filed for the constituent businesses financial statements, combined if appropriate, that would be required if they were registering securities under the Act. In addition, there shall be filed a balance sheet of the bank giving effect to the plan of succession. These balance sheets shall be set forth in such form, preferably columnar, as will show in related manner the balance sheets of the constituent businesses the changes to be effected in the succession and the balance sheet of the bank after giving effect to the plan of succession. By a footnote or otherwise, a brief explanation of the changes shall be given.

(c) This instruction shall not apply with respect to the bank's succession to the business of any majority-owned subsidiary or to any acquisition of a business by purchase.

8. *Acquisition of other businesses.* (a) There shall be filed for any business directly or indirectly acquired by the bank after the date of the balance sheet filed pursuant to Part A or B above and for any business to be directly or indirectly acquired by the bank, the financial statements that would be required if such business were a registrant.

(b) The acquisition of securities shall be deemed to be the acquisition of a business if such securities give control of the business or combined with securities already held give such control. In addition, the acquisition of securities that will extend the bank's control of a business shall be deemed the acquisition of the business if any of the securities being registered hereunder are to be offered in exchange for the securities to be acquired.

(c) No financial st. tements need be filed, however, for any business acquired or to be acquired from a majority-owned subsidiary. In addition, the statements of any one or more businesses may be omitted if such businesses, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

9. *Filing of other statements in certain cases.* The Board may, upon the request of the bank, and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Board may also require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

E. *Historical Financial Information.* 10. *Scope of Part E.* The information required by Part E shall be furnished for the seven-year period preceding the period for which statements of income are filed, as to the accounts of each person whose balance sheet is filed. The information is to be given as to all of the accounts specified whether they are presently carried on the books or not. Part E does not call for verification, but only for a survey or review of the accounts specified. It should not be detailed beyond a point material to an investor.

11. *Revaluation of assets.* (a) If there were any material increases or decreases resulting from revaluing of assets, state (1) in what year or years such revaluations were made; (2) the amounts of such increases or decreases, and the accounts affected, including all related entries; and (3) if in connection with such revaluations any related adjustments were made in reserve accounts, the accounts and amounts with explanations.

(b) Information is not required as to adjustments made in the ordinary course of business, but only as to major revaluations made for the purpose of entering on the books current values, reproduction cost, or any values other than original cost.

(c) No information need be furnished with respect to any revaluation entry that was subsequently reversed or with respect to the reversal of a revaluation entry recorded prior to the period if a statement as to the reversal is made.

12. *Capital shares.* (a) If there were any material restatements of capital shares that resulted in transfers from capital share liability to surplus, undivided profits, or reserves, state the amount of each such restatement and all related entries. No statement need be made as to restatements resulting from the declaration of share dividends.

(b) If there was an original issue of capital shares, any part of the proceeds of which was credited to accounts other than capital stock accounts, state the title of the class, the accounts, and the respective amounts credited thereto.

13. *Debt discount and expense written off.* If any material amount of debt discount and expense, on long-term debt still outstanding, was written off earlier than as required under any periodic amortization plan, give the following information: (1) Title of the securities; (2) date of the write-off; (3) amount written off; and (4) to what account charged.

14. *Premiums and discount and expense on securities retired.* If any material amount of long-term debt or preferred shares was retired, and if either the retirement was made at a premium or there remained, at the time of retirement, a material amount of unamortized discount and expense applicable to the securities retired, state for each class (1) title of the securities retired; (2) date of retirement; (3) amount of premium paid and of unamortized discount and expense; (4) to what account charged; and (5) whether being amortized and, if so, the plan of amortization.

15. *Other changes in surplus or undivided profits* If there were any material increases or decreases in surplus or undivided profits, other than those resulting from transactions specified above, the closing of the income account, or the declaration or payment of dividends, state (1) the year or years in which such increases or decreases were made; (2) the nature and amounts thereof; and (3) the accounts affected, including all material related entries. Instruction 11(c) above also applies here.

16. *Predecessors.* The information shall be furnished, to the extent material, as to any predecessor of the bank from the beginning of the period to the date of succession, not only as to the entries made respectively in the books of the predecessor or the successor, but also as to the changes effected in the transfer of the assets from the predecessor. No information need be furnished, however, as to any one or more predecessors that, considered in the aggregate, would not constitute a significant predecessor.

17. *Omission of certain information.* (a) No information need be furnished as to any subsidiary, whether consolidated or unconsolidated, for the period prior to the date on which the subsidiary became a majority-owned subsidiary of the bank or of a predecessor for which information is required above.

(b) No information need be furnished hereunder as to any one or more unconsolidated subsidiaries for which separate financial statements are filed if all subsidiaries for which the information is so omitted, considered in the aggregate, would not constitute a significant subsidiary.

(c) Only the information specified in Instruction 11 need be given as to any predecessor or any subsidiary thereof if immediately prior to the date of succession thereto by a person for which information is required, the predecessor or subsidiary was in insolvency proceedings.

INSTRUCTIONS AS TO EXHIBITS

Subject to provisions regarding incorporation by reference, the following exhibits shall be filed as a part of the Registration Statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing.

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Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits in Item 20.

1. Copies of the charter (or a composite or reatatement thereof) and the by-laws (or instruments corresponding thereto) as presently in effect.

2. Copies of any plan of acquisition, reorganization, readjustment, or succession described in answer to Item 3 or [17].

3. (a) Specimens or copies of all securities being registered hereunder, and copies of all constituent instruments defining the rights of holders of long-term debt of the bank and of all subsidiaries for which consolidated or unconsolidated financial statements are required to be filed.

(b) There need not be filed, however, (1) any instrument with respect to long-term debt not being registered hereunder if the total amount of securities authorized thereunder does not exceed 25 per cent of the equity capital accounts of the bank and its subsidiaries on a consolidated basis and if there is filed an agreement to furnish a copy of such instrument to the Board upon request, (2) any instrument with respect to any class of securities if appropriate steps to assure the redemption or retirement of such class will be taken prior to or upon delivery by the bank of the securities being registered, or (3) copies of instruments evidencing scrip certificates for fractions of shares.

4. Copies of all pension, retirement, or other deferred compensation plans, contracts, or arrangements. If any such plan, contract, or arrangement is not set forth in a formal document, furnish a reasonably detailed description thereof. Copies of any booklet or other description of any such plan, contract, or arrangement shall also be filed.

5. Copies of any plan setting forth the terms and conditions upon which outstanding options, warrants, or rights to purchase securities of the bank or its subsidiaries from the bank or its affiliates have been issued, together with specimen copies of such options, warrants, or rights; or, if they were not issued pursuant to such a plan, copies of each such option, warrant, or right.

6. Copies of any voting trust agreement referred to in answer to Item [12].

7. (a) Copies of every material contract not made in the ordinary course of business that is to be performed in whole or in part at or after the filing of the Registration Statement or that was made not more than two years before such filing and performance of which has not been completed. Only contracts need be filed as to which the bank or a subsidiary is a party or has succeeded to a party by assumption or assignment, and in which the bank or such subsidiary has a beneficial interest.

(b) If the contract is such as ordinarily accompanies the kind of business conducted by the bank and its subsidiaries, it is made in the ordinary course of business and need not be filed, unless it falls within one or more of the following categories, in which case it should be filed except where immaterial in amount or significance:

(1) Directors, officers, promoters, voting trustee, or security holders named in answer to Item 11(a) are parties thereto except where the contract merely involves purchase or sale of current assets having a determinable market price, at such price.

(2) It calls for the acquisition or sale of fixed assets for a consideration exceeding [10] per cent of the value of all fixed assets of the bank and its subsidiaries.

(3) It is a lease under which a significant part of the property described under Item 5 is held by the bank, or

(4) The amount of the contract, or its importance to the business of the bank and its subsidiaries, is material, and the terms and conditions are of a nature of which investors reasonably should be informed.

(c) Any bonus or profit-sharing plan, contract, or arrangement shall be deemed material and shall be filed.

§ 206.42 Form for annual report of bank (Form F–2).

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

FORM F–2

ANNUAL REPORT PURSUANT TO SECTION 13 OF THE SECURITIES EXCHANGE ACT OF 1934

For the fiscal year ended _____.

_____
(Exact name of registrant as specified in its charter)

_____
(State or other jurisdiction of incorporation or organization)

_____
[(I.R.S. Employer Identification No.)]

_____
(Address of principal) (Zip Code)
Bank's telephone number, including area code _____

_____
Securities registered pursuant to Section 12(b) of the Act:
Title of each class

_____
Name of each exchange on which registered

_____

Securities registered pursuant to Section 12 (g) of the Act:

_____
(Title of class)

_____
(Title of class)

[GENERAL INSTRUCTIONS]

A. [*Rule as to Use of Form F–2.*] (a) [Form F–2 shall be used for annual reports pursuant to section 13 of the Securities Exchange Act of 1934.]

(b) [Reports on this form shall be filed within 90 days after the end of the fiscal year covered by the report, or within 30 days of the mailing of the bank's annual report to stockholders, which ever occurs first.]

B. [*Application of Regulation F.*] [(a) The Board's Regulation F contains certain general requirements which are applicable to reports on any form. These general requirements should be carefully read and observed in the preparation and filing of reports on this form.]

[(b) Particular attention is directed to § 206.4 which contains general requirements regarding matters such as the kind and size of paper to be used, the legibility of the report, the information to be given whenever the title of securities is required to be stated, and the filing of the report. The definitions contained in Section 206.2 should be especially noted.]

C. [*Preparation of Report.*] [(a) This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the report on paper meeting the requirements of § 206.4(t). The report shall contain the item numbers and captions of all items but the text of such items may be omitted. The answers to the items shall be prepared in the manner specified in § 206.4 (u).]

[(b) Except where information is required to be given for the fiscal year or as of a specified date, it shall be given as of the latest practicable date.

(c) Attention is directed to § 206.4(j) which states: "In addition to the information expressly required to be included in a statement or report, there shall be added such further material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made, not misleading."

D. [*Signature and Filing of Report.*] [Four complete copies of the report, including financial statements, exhibits and all other papers and documents filed as a part thereof, and four additional copies which need not include exhibits, shall be filed with the Board. At least one complete copy of the report, including financial statements, exhibits and all other papers and documents filed as a part thereof, shall be filed with each exchange on which any class of securities of the bank is registered. At least one complete copy of the report filed with the Board and one such copy filed with each exchange shall be manually signed. Copies not manually signed shall bear typed or printed signatures.]

E. [*Disclosure with Respect to Foreign Subsidiaries.*] [Information required by any item or other requirement of this form with respect to any foreign subsidiary may be omitted to the extent that the required disclosure would be detrimental to the bank. However, financial statements, otherwise required, shall not be omitted pursuant to this instruction. Where information is omitted pursuant to this instruction, a statement shall be made that such information has been omitted and the names of the subsidiaries involved shall be separately furnished to the Board. The Board may, in its discretion, call for justification that the required disclosure would be detrimental.]

F. [*Incorporation of Certain Information by Reference.*] [Attention is directed to § 206.4(m) which provides for the incorporation by reference of information contained in certain documents in answer or partial answer to any item of a report.]

G. [*Omission of Information Previously Filed.*] [(a) Except as provided in paragraph (b) below, the information called for by itms 1, 2, 3, 4, 8, 9, 10, 11, 12 and 15 is to be furnished by all banks required to file a report on this form. Items 5, 6, 7, 13 and 14 may be omitted from the report by any bank which, since the close of the fiscal year, has filed with the Board a definitive proxy statement or a definitive information statement pursuant to § 206.5, which involved the election of directors.]

[(b) If the information called for by Item 2, 9, or 12 would be unchanged from that given in a previous report, a reference to the previous report which includes the required information will be sufficient. Copies of such previous report need not be filed with the report currently being filed on this form.]

[*Item 1. Approximate Number of Equity Security Holders.*]

[State in the tabular form indicated below the approximate number of holders of record of each class of equity securities of the bank as of the end of the fiscal year:]

[(1)]	[(2)]
[Title of Class]	[Number of record holders]

[*Instructions.* 1. Attention is directed to the definition of the term "equity security" in section 3(a)(11) of the Act and the definition of the term "held of record" in § 206.2(j).]

[2. The information shall be given as of the end of the last fiscal year or as of any subsequent date, except that if the latest determination of the number of record holders of any class of equity securities was made for some other purpose within 90 days prior to the end of the last fiscal year, the information may be given as of the date of such determination.]

[3. Information need not be given with respect to the number of holders of outstanding nontransferable options to purchase securities of the bank.]

Item 2. Parents and subsidiaries of the bank. Furnish a list or diagram showing the relationship of the bank to all parents and subsidiaries, and as to each person named indicate the percentage of voting securities owned, or other basis of control, by its immediate parent. [See General Instruction G.]

Instructions. 1. This item need not be answered if there has been no change in the list or diagram as last previously reported.

2. The list or diagram shall include the bank and shall be so prepared as to show clearly the relationship of each person named to the bank and to the other persons named. If any person is controlled by means of the direct ownership of its securities by two or more persons, so indicate by appropriate cross reference.

3. Designate by appropriate symbols (a) subsidiaries for which separate financial statements are filed; (b) subsidiaries included in the respective consolidated financial statements, [(c) subsidiaries included in group financial statements filed for unconsolidated subsidiaries], and (d) other subsidiaries, indicating briefly why statements of such subsidiaries are not filed.

4. Indicate the name of the [state or other jurisdiction] in which each subsidiary was organized [or incorporated.]

5. The names of particular subsidiaries may be omitted if the unnamed subsidiaries, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

6. A person, approximately 50 per cent of whose voting securities are owned, directly or indirectly, by the bank, and approximately 50 per cent of whose voting securities are owned directly or indirectly, by another person, [or if the bank takes up the equity in undistributed earnings of any other unconsolidated person] shall be considered a subsidiary for the purpose of this item.

Item 3. Business.

Describe the business done or intended to be done by the bank and its subsidiaries, including any material changes during the fiscal year. In describing the business done by the bank, the business of its subsidiaries should be included only insofar as the same is important to an understanding of the character and development of the business conducted by the total enterprise. The description shall also include, without limitation, information as to matters such as the following:

(a) competitive conditions and the competitive position of the bank in its service area;

(b) by appropriate categories the amount of loan and similar commitments (including check credit, over-draft, and credit card lines) as of the end of each of the last two fiscal years, and with respect to the amount as of the end of the most recent fiscal year, the portion considered to be "firm" and the portion not reasonably expected to be exercised within the current year.

Instructions—1. The categorization may include such items as commercial letters of credit, commitments to grant loans, and commitments to purchase loans, or such other classifications deemed appropriate by the bank. Any specific category representing more than 25 percent of the total commitments shown shall, however, be identified and specific categories representing individually less than 25 percent of the total commitments shown may be aggregated as Other Commitments.

2. If more than 25 percent of the total commitments shown are on terms whereby the prices or interest rates are not to be determined by the market conditions to be prevailing at the time of exercise of the commitments, the amount and a description of such commitments should also be disclosed.

(c) If a material portion of the bank's deposits has been obtained from a single person or a few persons (including Federal, State, and local governments and agencies thereunder), the loss of any of one or more of whom would have a materially adverse effect on the business of the bank, or if a material portion of the bank's loans is concentrated within a single industry or group of related industries, a description of such customers, their other relationships, if any, to the bank, and material facts regarding their importance to the business of the bank;

(d) the extent to which the business is or may be seasonal;

(e) appropriate disclosure shall be made with respect to the importance of and risks attendant to foreign sources and applications of funds;

(f) Appropriate disclosure shall also be made as to the material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the environment or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the bank and its subsidiaries; and

(g) the appropriate number of persons employed.

Item 4. Summary of operations. [Furnish in comparative columnar form a summary of operations for the bank or for the bank and its subsidiaries consolidated, as appropriate, for—]

[(a) each of the last five fiscal years of the bank (or for the life of the bank and its predecessors, if less), and]

[(b) any additional fiscal years necessary to keep the summary from being misleading.]

[Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the registration statement.]

[*Instruction.* 1. As a minimum, operating income, operating expenses, income before income taxes and security gains (losses), applicable income taxes, income before security gains (losses), security gains (losses), and net income should be presented. The summary shall reflect retroactive adjustments of any material items affecting the comparability of the results.]

[2. Per share earnings and dividends declared for each period of the summary shall be also shown. The basis of the computation of per share earnings shall be stated, together with the number of shares used in the computation. The bank shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation can be clearly determined from the answer to this item.]

[3. (a) If debt securities are being registered, the bank may, at its option, show in tabular form for each fiscal year the ratio of earnings to fixed charges. Such ratio shall be calculated both on the basis of excluding interest on deposits and including interest on deposits as part of "fixed charges."]

[(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed income or unconsolidated subsidiaries and 50 per cent or less owned persons.]

[(c) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness; and (ii) such portion of rentals as can be demonstrated to be representative of the interest factor in the particular case.]

[(d) Any bank electing to show the ratio of earnings to fixed charges, in accordance with this instruction, shall file as an exhibit a statement setting forth in reasonable detail the computations of the ratios shown.]

[*Item 5.* Principal holders of voting securities and security holdings of management. See General Instruction G. Set forth the same information as to principal holders of voting securities and securitiy holdings of management as is required to be furnished by Item 5 of Form F–5.]

[*Item 6.* Directors of bank. See General Instruction G. Set forth the same information as to directors of bank as is required to be furnished by Item 6 of Form F–5.]

[*Item 7.* Remuneration of director and officers and related matters. See General Instruction G. Set forth the same information as to remuneration of officers and directors and their transactions with management and others as is required to be furnished by Item 7 (a), (b), and (c) of Form F–5.]

[*Item 8.* Bank Premises and Other Real Estate. Describe material changes in the location and general character of premises and real property of the bank and its subsidiaries, whether held in fee or leased, and if leased, the expiration dates of material leases.]

Item 9. [Legal Proceedings. Briefly describe any material pending legal proceedings, other than ordinary routine litigation incidental to the business, to which the bank or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities. See General Instruction G.]

[*Instructions.* 1. No collection action or other claim need be described unless it departs from the normal kind of such actions.]

[2. No information need be given with respect to any proceeding which involves primarily a claim for damages if the amount involved, exclusive of interest and costs, does not exceed 10 per cent of the equity capital of the bank and its subsidiaries on a consolidated basis. However, if any proceeding presents in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.]

[3. Notwithstanding Instructions 1 and 2, any material proceedings to which any director, officer or affiliate of the bank, any security holder named in answer to Item 5, or any associate of any such director, officer or security holder, is a party, or has a material interest, adverse to the bank or any of its subsidiaries shall also be described.]

[4. Notwithstanding the foregoing, administrative or judicial proceedings arising under any Federal, State or local provisions regulating the discharge of materials into the environment or otherwise relating to the protection of the environment, shall not be be deemed "ordinary routine litigation incidental to the business" and shall be described if such proceeding is material to the business or financial condition of the bank or if it involves primarily a claim for damages and

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the amount involved, exclusive of interest and costs, exceeds 10 per cent of the equity capital of the bank and its subsidiaries on a consolidated basis. Any such proceedings by governmental authorities shall be deemed material and shall be described whether or not the amount of any claim for damages involved exceeds 10 percent of equity capital on a consolidated basis and whether or not such proceedings are considered "ordinary routine litigation incidental to the business"; provided however, that such proceedings which are similar in nature may be grouped and described generically stating: the number of such proceedings in each group; a generic description of such proceedings; the issues generally involved; and, if such proceedings in the aggregate are material to the business or financial condition of the registrant, the effect of such proceedings on the business or financial condition of the bank.]

[*Item 10.* Increases and Decreases in Outstanding Securities. Give the following information as to all increases and decreases during the fiscal year in the amount of equity securities of the bank outstanding:]

[(1) The title of the class of securities involved;]

[(2) The date of the transaction;]

[(3) The amount of securities involved and whether an increase or a decrease;]

[(4) A brief description of the transaction in which the increase or decrease occurred. If previously reported, the description may be incorporated by a specific reference to the previous filing.]

[Instruction. The information shall be prepared in the form of a reconciliation between the amounts shown to be outstanding on the balance sheet to be filed with this report and the amounts shown on the bank's balance sheet for the previous year. The exercise of outstanding options or warrants (separately by class or type of option warrant), conversions of previously issued convertible securities (separately by class of security) and the issuance of options may be grouped together showing the dates between which all such transactions occurred.]

[*Item 11. Officers of the bank.* [(a) List the names and ages of all officers of the bank and all persons chosen to become officers; state the nature of any family relationship between them; indicate all positions and offices with the bank held by each such persons; state his term of office as officer and the period during which he has served as such and briefly describe any arrangement or understanding between him and any other person pursuant to which he was selected as an officer.]

[Instructions. 1. Do not include arrangements or understandings with directors or officers of the bank acting solely in their capacities as such.]

[2. The term "officer" is defined in section] 206.2(q).

[3. The term "family relationship" means any relationship by blood, marriage or adoption, not more remote than first cousin.]

[(b) Give a brief account of the business experience during the past five years of each officer, including his principal occupations and employment during that period and the name and principal business of any corporation or other organization in which such occupations and employment were carried on. Where an officer has been employed by the bank or a subsidiary of the bank for less than five years, a brief explanation should be included as to the nature of the responsibilities undertaken by the individual in prior positions to provide adequate disclosure of his prior business experience.]

[*Item 12. Indemnification of directors and officers.*] See General Instruction G [State the general effect of any charter provision, bylaw, contract, arrangement or statute under which any director or officer of the bank is insured or indemnified in any manner against any liability which he may incur in his capacity as such.

[*Item 13. Options granted to management to purchase securities.*] See General Instruction G [Set forth the same information as to options granted to management to purchase securities as is required to be furnished by Item 7(d) of Form F-5.]

[*Item 14. Interest of management and others in certain transactions.*] See General Instruction G [Set forth the same information as to the interest of management and others in certain transactions as is required to be furnished by Item 7 (e), (f), and (g) of Form F-5.]

Item 15. Financial statements and exhibits. List below all financial statements and exhibits filed as a part of the annual report:

(a) Financial statements.

(b) Exhibits. [*including those incorporated by reference.*]

[*Instruction. Where any financial statement or exhibit is incorporated by reference, the incorporation by reference shall be set forth in the list required by this item. See § 206.4(q).*]

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this annual report to be signed on its behalf by the undersigned, thereunto duly authorized.

(Name of bank)

Date ---- By ----

(Name and title of signing officer)

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets and statements of income required to be filed as a part of annual reports on this form. Section 206.7 of this Part governs the verification, form, and content of the balance sheets and statements of income required, including the basis of consolidation, and prescribes the statement of changes in capital accounts, [statement of changes in financial position,] and the schedules to be filed in support thereof.

1. Financial statements of the bank. (a) There shall be filed for the bank, in comparative columnar form, verified balance sheets as of the close of the last two fiscal years and verified statements of income for such fiscal years.

(b) Notwithstanding paragraph (a), the individual financial statements of the bank may be omitted if consolidated statements of the bank and one or more of its subsidiaries are filed.

2. Consolidated statements. There shall be filed for the bank and its majority-owned (i) bank premises subsidiaries, (ii) subsidiaries operating under the provisions of sections 25 or 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act Corporations"), and (iii) significant subsidiaries, in comparative columnar form, verified consolidated balance sheets as of the close of the last two fiscal years of the bank and verified consolidated statements of income for such fiscal years.

3. Separate statements of unconsolidated subsidiaries and other persons. There shall be filed such other verified financial statements with respect to unconsolidated subsidiaries and other persons as are material to a proper understanding of the financial position and results of operations of the total enterprise. [For purposes of this item, "other persons" includes 50 percent owned persons and unconsolidated persons in which the bank takes up equity in undistributed earnings.]

4. Filing of other statements in certain cases. The Board may, upon the request of the bank and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Board may also require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

INSTRUCTIONS AS TO EXHIBITS

Subject to provisions regarding incorporation by reference, the following exhibits shall be filed as part of the report:

1. Copies of all amendments or modifications, not previously filed, to all exhibits previously filed (or copies of such exhibits as amended or modified).

2. Copies of all documents of the character required to be filed as an exhibit to an original form for registration of securities of a bank which have been executed or otherwise put into effect during the fiscal year and not previously filed.

§ 206.43 Form for current report of a bank (Form F-3).

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

FORM F-3

CURRENT REPORT

Pursuant to Section 13 of the Securities Exchange Act of 1934. For the month of ----, 19--

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(Exact name of bank as specified in charter)

(Address of principal office)

GENERAL INSTRUCTIONS

A. Preparation of report. This form is not to be used as a blank form to be filled in but only as a guide in the preparation of the report. The report shall contain the numbers and captions of all applicable items, but the text of such items may be omitted if the answers with respect thereto are prepared in the manner specified in § 206.4(u) of this Part. All items which are not required to be answered in a particular report may be omitted and no reference thereto need be made in the report. Particular attention should be given to the definitions in § 206.2 and the general requirements in § 206.4 of this Part.

B. Events to be reported. A report on this form is required to be filed upon the occurrence of any one or more of the events specified in the items of this form. Reports are to be filed within 10 days after the close of each month during which any of the specified events occurs. However, if substantially the same information as that required by this form has been previously reported by the bank, an additional report of the information on this form need not be made.

C. Incorporation by reference to proxy statement, statement where management does not solicit proxies, or annual report to security-holders. Information contained in any Statement previously filed with the Board pursuant to § 206.5(a) of this Part or in an annual report to security holders furnished to the Board pursuant to § 206.5(c) of this Part may be incorporated by reference in answer or partial answer to any item or items of this form. In addition, any financial statements contained in any such Statement or annual report may be incorporated by reference provided such financial statements substantially meet the requirements of this form.

INFORMATION TO BE INCLUDED IN REPORT

Item. 1. Changes in control of bank.

(a) If any person has become a parent of the bank, give the name of such person, the date and a brief description of the transaction or transactions by which the person became such a parent and the percentage of voting securities of the bank owned by the parent or other basis of control by the parent over the bank.

(b) If any person has ceased to be a parent of the bank, give the name of such person and the date and a brief description of the transaction or transactions by which the person ceased to be such a parent.

(c) If securities of a bank or any of its parents have been pledged under such circumstances that a default may result in a change of control of the bank, state the names of the pledgor and pledgee and the title and amount of securities pledged.

Instruction. Where, pursuant to a previously reported pledge agreement, additional securities are pledged on the same terms, no report is necessary unless there is a significant change in the percentage of voting securities pledged.

Item 2. Acquisition or disposition of assets.

If the bank or any of its [significant subsidiaries] has acquired or disposed of a significant amount of assets, otherwise than in the ordinary course of business, state the date and manner of acquisition or disposition and briefly describe the assets involved, the nature and amount of consideration given or received therefor, the principle followed in determining the amount of such consideration, the identity of the persons from whom the assets were acquired or to whom they were sold and the nature of any material relationship between such persons and the bank or any of its affiliates, any director or officer of the bank, or any associate of any such director or officer.

Instructions. 1. No information need be given as to (i) any transaction between any person and any wholly-owned subsidiary of such person; i.e., a subsidiary substantially all of whose outstanding voting securities are owned by such person and/or its other wholly-owned subsidiaries; (ii) any transaction between two or more wholly-owned subsidiaries of any person; or (iii) the redemption or other acquisition of securities from the public, or the sale or other disposition of securities to the public, by the bank of such securities.

2. The term "acquisition" includes every purchase, acquisition by lease, exchange, merger, consolidation, succession or other acquisition; provided that such term does not include the construction or development of property by or for the bank or its subsidiaries or the acquisition of materials for such purpose, and does not include the acquisition of assets acquired (i) in collecting a debt previously contracted in good faith or (ii) in a fiduciary capacity. The term "disposition" includes every sale, disposition by lease, exchange, merger, consolidation, mortgage, or hypothecation of assets, assignment, abandonment, destruction, or other disposition, but does not include disposition of assets acquired (i) in collecting a debt previously contracted in good faith or (ii) in a fiduciary capacity.

3. The information called for by this item is to be given as to each transaction or series of related transactions of the size indicated. The acquisition or disposition of securities shall be deemed the indirect acquisition or disposition of the assets represented by such securities if it results in the acquisition or disposition of control of such assets.

4. An acquisition or disposition shall be deemed to involve a significant amount of assets (i) if the net book value of such assets or the amount paid or received therefor upon such acquisition or disposition exceeded [5 percent] of the equity capital accounts of the bank, or (ii) if it involved the acquisition or disposition of a business whose gross operating revenues for its last fiscal year exceeded 5 percent of the gross operating revenues of the bank and its consolidated subsidiaries for the bank's latest fiscal year.

5. Where assets are acquired or disposed of through the acquisition or disposition of control of a person, the person from whom such control was acquired or to whom it was disposed of shall be deemed the person from whom the assets were acquired or to whom they were disposed of, for the purposes of this item. Where such control was acquired from or disposed of to not more than five persons, their names shall be given, otherwise it will suffice to indentify in an appropriate manner the class of such persons.

6. Attention is directed to the requirements at the end of the form with respect to the filing of financial statements for businesses acquired.

Item 3. Legal proceedings.

(a) Briefly describe any material legal proceedings, other than ordinary routine proceedings incidental to the business, to which the bank or any of its subsidiaries has become a party or of which any of their property has become the subject. Include the name of the court or agency in which the proceedings were instituted, the date instituted, [a description of the factual basis, the relief sought,] and the principal parties thereto.

(b) If any such proceeding previously reported has been terminated, identify the proceeding, state the date and nature of such termination and the general effect thereof with respect to the bank and its subsidiaries.

Instructions. 1. No information need be given with respect to any proceeding which involves primarily a claim for damages if the amount involved exclusive of interest and costs, does not exceed [10 per cent] of the equity capital accounts of the bank. However, if any proceeding presents in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

2. Any material proceeding to which any director, officer, or affiliate of the bank, any holder of more than 10 per cent of any class of its equity securities, or any associate of any such director, officer, or security holder, is a party adverse to the bank or any of its subsidiaries, shall also be described.

[3. Any proceeding to which any director, officer or affiliates of the registrant, any principal holder of equity securities of the registrant or any associate of any such director, officer or security holder, is a party adverse to the registrant or any of its subsidiaries shall also be described.]

[4. Notwithstanding the foregoing administrative or judicial proceedings arising under any Federal, State or local provisions regulating the discharge of materials into the environment or otherwise relating to the protection of the environment, shall not be deemed "ordinary routine litigation incidental to the business" and shall be described if such proceeding is material to the business or financial condition of the registrant or if it involves primarily a claim for damages and the amount involved, exclusive of interest and costs, exceeds 10 per cent of the equity capital of the registrant and its subsidiaries on a consolidated basis. Any such proceedings by governmental authorities shall be deemed material and shall be described whether or not the amount of any claim for damages involved exceeds 10 per cent of equity capital on a consolidated basis and whether or not such proceedings are considered "ordinary routine litigation incidental to the business"; provided however, that such proceedings which are similar in nature may be grouped and described generically stating: the number of such proceedings in each group; a generic description of such proceedings; the issues generally involved; and, if such proceedings in the aggregate are material to the business or financial condition of the registrant, the effect of such proceedings on the business or financial condition of the registrant.]

Item 4. Changes in securities.

(a) If the instruments defining the rights of the holders of any class of registered securities have been materially modified, give the title of the class of securities involved and state briefly the general effect of such modification upon the rights of holders of such securities.

(b) If the rights evidenced by any class of registered securities have been materially limited or qualified by the issuance or modification of any other class of securities, state briefly the general effect of the issuance or modification of such other class of securities upon the rights of the holders of the registered securities.

Instruction. Working capital restrictions and other limitations upon the payment of dividends are to be reported hereunder.

Item 5. Defaults upon senior securities.

(a) If there has been any material default in the payment of principal, interest, a sinking or purchase fund installment, or any other material default not cured within 30 days, with respect to any indebtedness of the bank or any of its significant subsidiaries exceeding 5 percent of the equity capital accounts of the bank, identify the indebtedness and state the nature of the default. In the case of such a default in the payment of principal, interest, or a sinking or purchase fund installment, state the amount of the default and the total arrearage on the date of filing this report.

Instruction. This paragraph refers only to events which have become defaults under the governing instruments, i.e., after the expiration of any period of grace and compliance with any notice requirements.

(b) If any material arrearage in the payment of dividends has occurred or if there has been any other material delinquency not cured within 30 days, with respect to any class of preferred stock of the bank which is registered or which ranks prior to any class of registered securities, or with respect to any class of preferred stock of any significant subsidiary of the bank, give the title of the class and state the nature of the arrearage or delinquency. In the case of an arrearage in the payment of dividends, state the amount and total arrearage on the date of filing this report.

Item 6. Increase in amount of securities outstanding.

If the amount of securities of the bank outstanding has been increased through the issuance of any new class of securities or through the issuance or reissuance of any additional securities of a class outstanding and the aggregate amount of all such increases not previously reported exceeds 5 percent of the previously outstanding securities of the class, furnish the following information:

(a) Title of class, the amount outstanding as last previously reported, and the amount presently outstanding (as of a specified date).

(b) A brief description of the transaction or transactions resulting in the increase and a statement of the aggregate net cash pro-

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ceeds or the nature and aggregate amount of any other consideration received or to be received by the bank.

(c) The names of the principal underwriters, if any, indicating any such underwriters which are affiliates of the bank.

(d) A reasonably itemized statement of the purposes, so far as determinable, for which the net proceeds have been or are to be used and the approximate amount used or to be used for each such purpose.

[(e) If the securities were capital shares, a statement of the amount of the proceeds credited or to be credited to any account other than the appropriate capital share account.]

Instructions. 1. This item does not apply to notes, drafts, bills of exchange, or bank acceptances which mature not later than *12 months* from the date of issuance. No report need be made where the amount not previously reported, although in excess of 5 percent of the amount previously outstanding, does not exceed [$50,000] face amount of indebtedness or 1,000 shares or other units.

2. This item includes the reissuance of treasury securities and securities held for the account of the issuer thereof. The extension of the maturity date of indebtedness shall be deemed to be the issuance of new indebtedness for the purpose of this item. In the case of such an extension, the percentage shall be computed upon the basis of the principal amount of the indebtedness extended.

Item 7. Decrease in amount of securities outstanding.

If the amount of any class of securities of the bank outstanding has been decreased through one or more transactions and the aggregate amount of all such decreases not previously reported exceeds 5 percent of the amount of securities of the class previously outstanding, furnish the following information:

(a) Title of the class, the amount outstanding as last previously reported, and the amount presently outstanding (as of a specified date).

(b) A brief description of the transaction or transactions involving the decrease and a statement of the aggregate amount of cash or the nature and aggregate amount of any other consideration paid or to be paid by the bank in connection with such transaction or transactions.

Instruction. Instruction 1 to Item 6 shall also apply to this Item. This item need not be answered as to decreases resulting from ordinary sinking fund operations, similar periodic decreases made pursuant to the terms of the constituent instruments, or decreases resulting from the conversion of securities or from the payment of indebtedness at maturity.

Item 8. Options to purchase securities.

If any options to purchase securities of the bank or any of its subsidiaries from the bank or any of its subsidiaries have been granted or extended and the amount of securities called for by all such options the granting or extension of which has not been previously reported exceeds 5 percent of the outstanding securities of the class, furnish the following information:

(a) The dates on which the options were granted or extended;

(b) The total amount of securities called for by such options;

(c) The consideration for the granting or extension of the options;

(d) The exercise prices;

(e) The market value of the securities on the granting or extension dates;

(f) The expiration dates of the options; and

(g) Any other material conditions to which the options were subject.

[*Instructions. 1. The term "option" as used herein means any option, warrant or right to purchase securities. This item does not, however, refer to an issue of securities such as an issue of warrants or rights or an issue of convertible securities.*]

(2) This item need not be answered where the amount not previously reported, although in excess of 5 percent of the amount previously outstanding, does not exceed [$50,000] face amount of indebtedness or 1,000 shares or other units of other securities.

Item 9. Revaluation of assets or restatement of capital stock account.

(a) If there has been a material revaluation of the assets of the bank or any of its significant subsidiaries involving a write-up, write-down, write-off, or abandonment, state the date of the revaluation, the amount involved and the accounts affected, including all related entries. If any adjustment was made in any related reserve account in connection with the revaluation, state the account and amounts involved and explain the adjustment.

(b) If there has been a material restatement of the capital stock account of the bank resulting in a transfer from capital stock to surplus, undivided profits, or reserves, or vice versa, state the date, purpose, and amount of the restatement and give a brief explanation of all related entries in connection with the restatement.

[*Item 10. Extraordinary Item Charges and Credits, Other Material Charges and Credits to Income of an Unusual Nature, and Material Provisions for Loss.*]

[(a) If there have been any extraordinary item charges or credits, any other material charges or credits to income of an unusual nature, or any material provisions for loss, the following shall be furnished for each such charge, credit, or provision:]

[(1) The date of the bank's determination to make the charge, credit, or provision:]

[(2) A statement of the reasons for making the charge, credit, or provision;]

[(3) An analysis of the components (in dollar amounts) of the charge, credit, or provision, which includes]

[(i) A description of the various categories of loans written down or off;]

[(ii) A description of any provision for losses on liquidation of assets or for other losses including a detailed schedule showing the components of any losses provided for, which schedule shows the amount of administrative and fixed costs, if any, allocated to the loss;]

[(iii) A description of any estimated recoveries or costs netted against the charge or credit;]

[(4) A statement setting forth the years in which costs being reflected in the charge (or net credit) being described were or are expected to be incurred and the amount of cost for each year by major category (e.g., fixed assets, research and development costs, operating losses);]

[(5) A statement setting forth the estimated amount of net cash outlays (or inflows) associated with the charge (or credit) in the year the charge (or credit) is made and in each subsequent year in which such estimate of the cash amount differs from the amount of total costs stated in part (4) for that year;]

[(6) A description of the accounting principles or practices followed and any changes therein or in the methods of applying such principles or practices which was made in connection with the transaction; and]

[(7) A report from the bank's independent accountants, if any, in which they state that they have read the description in the Form F-3 of the facts set forth therein and of the accounting principles applied and whether they believe that on the basis of the facts so set forth that such accounting principles are fairly applied in conformity with generally accepted accounting principles or, if not, the respects in which they believe the principles do not conform to generally accepted accounting principles.]

Item 11. Submission of matters to a vote of security holders.

If any matter has been submitted to a vote of security holders, through the solicitation of proxies or otherwise, furnish the following information:

(a) The date of the meeting and whether it was an annual or special meeting.

(b) If the meeting involved the election of directors, state the name of each director elected at the meeting and the name of each other director whose term of office as a director continued after the meeting.

(c) Briefly describe each other matter voted upon at the meeting and state the number of affirmative votes and the number of negative votes cast with respect to each such matter.

Instructions. 1. If any matter has been submitted to a vote of security holders otherwise than at a meeting of such security holders, corresponding information with respect to such submission shall be furnished. The solicitation of any authorization or consent (other than a proxy to vote at a security holders' meeting) with respect to any matter shall be deemed a submission of such matter to a vote of security holders within the meaning of this item.

2. Paragraph (a) need be answered only if paragraph (b) or (c) is required to be answered.

3. Paragraph (b) need not be answered if (i) a proxy statement, or statement where management does not solicit proxies, with respect to the meeting was filed with the Board pursuant to section 206.5(a), (ii) there was no solicitation in opposition to the management's nominees as listed in such Statement, and (iii) all of such nominees were elected.

4. Paragraph (c) need not be answered as to procedural matters or as to the selection or approval of auditors.

5. If the bank has published a report containing all of the information called for by this item, the item may be answered by a reference to the information contained in such report, provided copies of such report are filed as an exhibit to the report on this form.

Item 12. Changes in Bank's Certifying Accountant. If an independent accountant who was previously engaged as the principal accountant to audit the registrant's financial statements resigns (or indicates he declines to stand for re-election after the completion of the current audit) or is dismissed as the registrant's principal accountant, or another independent accountant is engaged as principal accountant, or if an independent accountant on whom the principal accountant expressed reliance in his report regarding a significant subsidiary resigns (or formally indicates he declines to stand for re-election after the completion of the current audit) or is dismissed or another independent accountant is engaged to audit that subsidiary:

(a) State the date of such resignation (or declination to stand for re-election) dismissal or engagement.

(b) State whether in connection with the audits of the two most recent fiscal years and any subsequent interim period preceding such resignation, dismissal or engagement there were any disagreements with the former accountant on any matter of accounting principles or practices, financial statement disclosure, or auditing scope or procedure, which disagreements if not resolved to the satisfaction of the former accountant would

have caused him to make reference in connection with his report to the subject matter of the disagreement(s); also, describe each such disagreement. The disagreements required to be reported in response to the preceding sentence include both those resolved to the former accountant's satisfaction and those not resolved to the former accountant's satisfaction. Disagreements contemplated by this rule are those which occur at the decision-making level; i.e., between personnel of the registrant responsible for presentation of its financial statements and personnel of the accounting firm responsible for rendering its report.

(c) State whether the principal accountant's report on the financial statements for any of the past two years contained an adverse opinion or a disclaimer of opinion or was qualified as to uncertainty, audit scope, or accounting principles; also describe the nature of each such adverse opinion, disclaimer of opinion, or qualification.

(d) The registrant shall request the former accountant to furnish the registrant with a letter addressed to the Board stating whether he agrees with the Statements made by the registrant in response to this item and, if not, stating the respects in which he does not agree. The registrant shall file a copy of the former accountant's letter as an exhibit with all copies of the Form F-8 required to be filed pursuant to this Part.

Item 13. Other materially important events.

The bank should, report under this item any events that the bank deems of material importance to security holders, even though information as to such events is not otherwise called for by this form.

Item 14. Financial statements and exhibits.

List below the financial statements and exhibits, if any, filed as a part of this report;

(a) Financial statements.

(b) Exhibits.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this report to be signed on its behalf by the undersigned, thereunto duly authorized.

(Name of Bank)

Date ---- By ----

(Name and title of

FINANCIAL STATEMENTS OF BUSINESS ACQUIRED

1. *Business for which statements are required.*

The financial statements specified below shall be filed for any business the acquisition of which by the bank or any of its majority-owned subsidiaries is required to be described in answer to Item 2 above.

2. *Statements required.*

(a) There shall be filed a balance sheet of the business as of a date reasonably close to the date of acquisition. The balance sheet need not be verified but if it is not verified there shall also be filed a verified balance sheet as of the close of the preceding fiscal year.

(b) Statements of income of the business shall be filed for each of the last three full fiscal years and for the period, if any, between the close of the latest of such fiscal years and the date of the latest balance sheet filed. These statements of income shall be verified up to the date of the verified balance sheet.

(c) If the business was in insolvency proceedings immediately prior to its acquisition, the balance sheets required above need not be verified. In such case, the statements of income required shall be verified to the close of the latest full fiscal year.

(d) No supporting schedules need be filed.

(e) [Except as otherwise provided in this instruction, the principles applicable to a registrant and its subsidiaries with respect to the filing of individual, consolidated and group statements in an original application or annual report shall be applicable to the statements required by this instructions.]

3. Filing of other statements in certain cases. The Board may, upon the informal written request of the bank, and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Board may also by informal written notice require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person for which financial statements are required, or whose statements are otherwise necessary for the protection of investors.

EXHIBITS

Subject to provisions as to incorporation by reference, the following documents shall be filed as exhibits to this report:

1. Copies of any contract, plan, or arrangement for any acquisition or disposition described in answer to Item 2, including any plan of reorganization, readjustment, exchange, merger, consolidation, or succession in connection therewith.

2. Copies of any judgment or any document setting forth the terms of any settlement described in answer to Item 3.

3. Copies of the amendments to all constituent instruments and other documents described in answer to Item 4.

4. Copies of all constituent instruments defining the rights of the holders of any new class of securities referred to in answer to Item 6.

5. Copies of the plan pursuant to which the options referred to in answer to Item 8 were granted, or if there is no such plan, specimen copies of the options.

6. Copies of any material amendments to the bank's charter or by-laws, not otherwise required to be filed.

7. Letters from the registrant and the independent accountants furnished pursuant to Item 12.

8. Copies of any letters furnished pursuant to Item 10.

§ 206.44 Form for quarterly report of bank (Form F-4).

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

FORM F-4

QUARTERLY REPORT

PART A—SUMMARIZED FINANCIAL INFORMATION

(Name of bank)

(City and state)

	3 months ending ____		Fiscal year to date (___ months ending ___)	
	19— (current year)	19— (prior year)	19— (current year)	19— (prior year)
1. Operating income:				
(a) Interest fees on loans				
(b) Interest and dividends on securities				
U.S. Treasury securities				
Securities of other U.S. Government agencies and corporations				
Obligations of States and political subdivisions				
Other securities				
(c) Other operating income				
(d) Total operating income				
2. Operating expenses:				
(a) Salaries and other compensation				
(b) Interest expenses				
(c) Provision for loan losses				
(d) Other operating expenses				
(e) Total operating expenses				
3. Income before income taxes and securities gains (losses)				
4. Applicable income taxes				
5. Income before securities gains (losses)				
6. Net securities gains (losses), less related tax effect				
7. Net income				
Earnings per common share:				
Income before securities gains (losses)				
Net income				
Cash dividends declared per common share				

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

FORM F-4

QUARTERLY REPORT

PART B—BORROWINGS AND EQUITY CAPITAL

(Date)

Furnish, insofar as practicable in the manner presented below, data as at the end of the latest fiscal quarter.

Borrowings

1. Federal funds purchased and securities sold under agreement to repurchase	$----
2. Mortgages payable	$----
3. Other liabilities for borrowed money	$----
4. Subordinated notes and debentures (if more than one issue, list separately)	$----
Equity Capital	
5. Preferred stock:	
Convertible (---- shares outstanding)	$----
Non-convertible (---- shares outstanding)	$----
6. Common stock (---- shares outstanding)	$----
7. Surplus	$----
8. Undivided profits:	
(a) Balance at beginning of current fiscal year	$----
(b) Net income to date	$----

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(c) Dividends declared:
Common stock:
Cash ---------- $_____
Stock (percent)_____ $_____
Preferred stock:
Cash ($___ per share)_ $_____
(d) Prior period adjustments (list credits and (charges) separately) ---------- $_____
(e) Other credits and (charges) $_____
(f) Balance at end of interim period ---------- $_____
9. Reserves for contingencies_____ $_____
Total equity capital_____ $_____

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this quarterly report to be signed on its behalf by the undersigned, thereunto duly authorized.

(Name of Bank)

Date_____ By_____
(Name and title of signing officer)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

FORM F–4

GENERAL INSTRUCTIONS

(a) *Use of Form F–4.* (1) Form F–4 is a guide for use in preparation of quarterly reports to be filed with the Board. (2) The interim report shall be filed not later than 30 days after the end of each of the first three fiscal quarters of each fiscal year. No report need be filed for the fourth quarter of any fiscal year.

(b) *Persons for whom the information is to be given.* The required information is to be given as to the registrant bank or, if the bank files consolidated financial statements with the annual reports filed with the Board, it shall cover the bank and its consolidated subsidiaries. If the information is given as to the bank and its consolidated subsidiaries, it need not be given separately for the bank.

(c) *Presentation of information.* The form calls only for the items of information specified. It is not necessary to furnish a formal statement of income. The information is not required to be audited (see §206.7(b) of this Part). The report may carry a notation to that effect and any other qualification considered necessary or appropriate. Amounts may be stated in thousands of dollars if a notation to that effect is made.

(d) *Incorporation by reference to published statements.* If the bank makes available to its stockholders or otherwise publishes, within the period prescribed for filing the report, a financial statement containing the information required by this form, such information may be incorporated by reference to such published statement if copies thereof are filed as an exhibit to this report.

(e) *Extraordinary items.* If present with respect to any interim period reported herein, extraordinary items less applicable income tax effect shall be appropriately segregated and included in the determination of net income. (See Form F–9B, Statement of Income.)

(f) *Acquisitions.* (1) If the bank has entered into a business combination with another bank or other related business treated for accounting purposes as a pooling of interests, the results of operations reported in this report—for both the current year and the preceding year—should reflect the combined results of the pooled entities. Disclosure of the separate results of the combined entities for periods prior to the combination should be given in a footnote with appropriate explanation. (2) In case the bank has acquired a significant amount of assets in a transaction treated for accounting purposes as a purchase, during any of the periods covered by the report, the effect thereof on revenue and net income, in total and per share, should be disclosed in a footnote.

(g) The financial information to be included in this report should be prepared in conformity with the accounting principles and practices, reflected in the financial statements included in the annual report filed with the Board for the preceding fiscal year, except for any changes required to be reported by §206.7(c)(5) of this Part.

§ 206.45 Form for amendment to registration statement or periodic report of bank (Form F–20).

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

FORM F–20

AMENDMENT TO REGISTRATION STATEMENT OR PERIODIC REPORT OF BANK

GENERAL INSTRUCTIONS

The form set forth hereinafter is not to be used as a blank form to be filled in but is intended solely as a guide in the preparation of an amendment to a previously filed registration statement or report. Attention should be given to the general requirements governing amendments, which are prescribed in section 206.4(w) of Regulation F.

The amendment shall contain the number and caption of each item being amended and each such item shall be rstated, as amended, in its entirely. Where a financial statement, or a note or schedule related thereto, is being amended, such statement, note, or schedule likewise shall be restated in its entirely.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Washington, D.C. 20551

AMENDMENT NUMBER ———

To

———————[1]

On

FORM F———[2]

Pursuant to Section 12 or 13 of the Securities Exchange Act of 1934

———————
(Exact name of bank as specified in charter)

———————
(Address of principal office)

The undersigned bank hereby amends the following items, financial statements or exhibits, constituting part of the aforesaid statement or report, as set forth in the pages attached hereto:

(List all such items, financial statements, exhibits, or other portions amended).

Pursuant to the requirement of the Securities Exchange Act of 1934, the bank has duly caused this amendment to be signed on its behalf by the undersigned, thereunto duly authorized.

Date ———

———————
By ———————
(Print name and title of signing office under signature)

[1] Indicate appropriate designation of statement or report being amended, such as "Registration Statement" or "Annual Report for year ended December 31, 19____."

[2] Indicate the number of the form on which the statement or report was filed, such as "Form F–1."

§ 206.46 Form for registration of additional class of securities of a bank pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (Form F–10).

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Washington, D.C. 20551

FORM F–10

Registration Statement for Additional Classes of Securities of a Bank

Pursuant to Section 12(b) or Section 12(g) of the Securities Exchange Act of 1934.

(Exact name of bank as specified in charter)

(Address of principal office)

(State of incorporation or organization)

(I.R.S. Employer Identification No.)

Securities being registered pursuant to section 12(b) of the Act:

Title of class.

Name of each exchange on which class is being registered.

Title of each class of equity securities being registered pursuant to section 12(g) of the Act:

GENERAL INSTRUCTIONS

1. *Applicability of this form.*
This form may be used for registration of the following securities pursuant to the Securities Exchange Act of 1934:

(a) For registration pursuant to section 12(g) of the Act of any class of equity securities of a bank which has one or more other classes of securities registered pursuant to either section 12 (b) or (g) of the Act.

(b) For registration on a national securities exchange pursuant to section 12(b) of the Act of any class of securities of a bank which has one or more other classes of securities so registered on the same or another securities exchange.

2. *Preparation of registration statement.*
This form is not to be used as a blank form to be filled in but only as a guide in the preparation of a registration statement. Particular attention should be given to the general requirements in §206.4 of Federal Reserve Regulation F. The statement shall contain the numbers and captions of all items, but the text of the items may be omitted if the answers with respect thereto are prepared in the manner specified in §206.4(u).

INFORMATION REQUIRED IN REGISTRATION STATEMENT

Item 1. Stock to be registered.
If stock is being registered, state the title of the class and furnish the following information (See Instruction 1):

(a) Outline briefly (1) dividend rights; (2) voting rights; (3) liquidation rights; (4) preemptive rights; (5) conversion rights; (6) redemption provisions; (7) sinking fund provisions, and (8) liability to further calls or to assessment.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the bank while there is any arrearage in the payment of dividends or sinking fund instalments. If there is no such restriction, so state.

Instructions. 1. If a description of the securities comparable to that required here is contained in any other document filed with the Board, such description may be incorporated by reference to such other filing in answer to this item. If the securities are to be registered on a national securities exchange and the description has not previously been filed with such exchange, copies of the description shall be filed with copies of the registration statement filed with the exchange.

2. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct resumé is required.

3. If the rights evidenced by the securities to be registered are materially limited or qualified by the rights evidenced by any other class of securities or by the provisions of any contract or other document, include such information regarding such limitation or qualification as will enable investors to understand the rights evidenced by the securities to be registered.

Item 2. Debt securities to be registered.
If the securities to be registered hereunder are bonds, debentures or other evidences of indebtedness, outline briefly such of the following as are relevant (see Instruction 2 below):

(a) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund or retirement.

(b) Provisions with respect to the kind and priority of any lien, securing the issue, together with a brief identification of the principal properties subject to such lien.

(c) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, the creation or maintenance of reserves or the maintenance of properties.

(d) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions.

Instruction 1. Provisions permitting the release of assets upon the deposit of equivalent funds or the pledge of equivalent property, the release of property no longer required in the business, obsolete property or property taken by eminent domain, the application of insurance moneys, and similar provisions, need not be described.

(e) The name of the trustee and the nature of any material relationship with the bank or any of its affiliates; the percentage of securities of the class necessary to require the trustee to take action, and what indemnification the trustee may require before proceeding to enforce the lien.

(f) The general type of event which constitutes a default and whether or not any periodic evidence is required to be furnished as to the absence of default or as to compliance with the terms of the indenture.

Instruction 2. In most cases, debt securities issued by banks need not be registered pursuant to section 12(g) of the Securities Exchange Act; the registration requirements of that section apply only to an "equity security". The term "equity security" is defined by section 3(a)(11) of the Act to mean "any stock or similar security; or any security convertible, with or without consideration, into such a security; or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security which the [Board] shall deem to be of similar nature and consider necessary or appropriate, by such rules and regulations as it may prescribe in the public interest or for the protection of investors, to treat as an equity security."

Instruction 3. The instructions to Item 1 also apply to this item.

Item 3. Other securities to be registered.
If securities other than those referred to in Items 1 and 2 are to be registered hereunder, outline briefly the rights evidenced thereby. If subscription warrants or rights are to be registered, state the title and amount of securities called for, and the period during which and the price at which the warrants or rights are exercisable.

Instruction. The instructions to Item 1 also apply to this item.

Item 4. Exhibits.
List all exhibits filed as a part of the registration statement.

SIGNATURE

Pursuant to the requirements to the securities Exchange Act of 1934, the bank has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized.

(Name of Bank)

Date_____ By_____
(Name and Title of Signing Officer)

INSTRUCTIONS AS TO EXHIBITS

[I. If the securities to be registered hereunder are to be registered on an exchange on which other securities of the bank are registered, or are to be registered pursuant to Section 12(g) of the Act, the following exhibits shall, subject to §206.4(q) regarding incorporation of exhibits by reference, be filed with each copy of the registration statement filed with the Board or with an exhange:]

[1. Specimens or copies of each security to be registered hereunder.]

[2. Copies of all constituent instruments defining the rights of the holders of each class of such securities, including any contracts or other documents which limit or qualify the rights of such holders.]

[II. If the securities to be registered are to be registered on an exchange on which no other securities of the bank are registered, the following exhibits shall be filed with each copy of the registration statement filed with each such exchange, but need not be filed with, or incorporated by reference in, copies of the registration statement filed with the Board:]

[3. Copies of the last annual report filed pursuant to section 13 of the Act or, if no such report has yet been filed, copies of the latest registration statement filed pursuant to section 12(b) or (g) of the Act.]

[4. Copies of all current or quarterly reports filed pursuant to section 13 of the Act since the end of the fiscal year covered by the annual report filed pursuant to Instruction 3 above, or if none, since the effective date of the latest registration statement so filed.]

[5. Copies of the latest definitive proxy statement or information statement, if any, filed with the Board pursuant to section 14 of the Act.]

[6. Copies of the charter and bylaws, or instruments corresponding thereto, and copies of any other documents defining the rights of holders of the securities to be registered.]

[7. Specimens or copies of each security to be registered hereunder.]

[8. Copies of the last annual report submitted to stockholders by the bank or its predecessors. Such annual report shall not be deemed to be "filed" with the exchange or otherwise subject to the liabilities of section 18 of the Act, except to the extent it may already be subject thereto.]

§ 206.47 Form for statement to be filed pursuant to § 206.4(h)(3) or § 206.5(l) of Regulation F (Form F–11).

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

FORM F–11

[Statement filed Pursuant to § 206.4(h)(3) or § 206.5(1) of Regulation F Relating to Securities of:] ———————

(Name of Bank)

GENERAL INSTRUCTIONS

The item numbers and captions of the items shall be included but the text of the items may be omitted. The answers to the items shall be so prepared as to indicate clearly the coverage of the items without referring to the text of the items. Answer every item. If an item is inapplicable or the answer is in the negative, so state.

If the statement is filed by a partnership, limited partnership, syndicate, or other group, the information called for by Items 2 to 6, inclusive, shall be given with respect to (1) each partner or any partnership or limited partnership, (2) each member of such syndicate or group and (3) each person controlling such partner or member. If a person referred to in (1), (2), or (3) is a corporation or the statement is filed by a corporation, the information called for by the above-mentioned items shall be given with respect to each principal officer and director of such corporation and each person controlling such partner or member.

Item 1. Security and bank.
State the title of the class of equity securities to which this statement relates and the name and address of the bank which issued such securities.

Item 2. Identity and background.
State the following with respect to the person filing this statement:

(a) Name and business address;

(b) Residence address;

(c) Present principal occupation or employment and the name, principal business and address of any corporation or other organization in which such employment is carried on;

(d) Material occupations, positions, offices or employments during the last 10 years, giving the starting and ending dates of each and the name, principal business and address of any business corporation or other organization in which each such occupation, position, office or employment was carried on; and

(e) Whether or not, during the last 10 years, such person has been convicted in a criminal proceeding (excluding traffic violations or similar misdemeanors) and, if so, give the dates, nature of conviction, name and location of court, and penalty imposed, or other disposition of the case.

Item 3. Source and amount of funds or other consideration.
State the source and amount of funds or other consideration used or to be used in making the purchases, and if any part of the purchase price or proposed purchase price is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading the securities, a description of the transaction and the names of the parties thereto.

Instruction: If the source of funds is a loan made in the ordinary course of business by a bank, the person filing the statement may, at his option, omit the name of the bank, provided it is furnished to the Board in a letter requesting confidential treatment as to such information. Pursuant to section 13(d)(1)(B) of the Act, such information shall not be made available to the public.

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Item 4. Purpose of transaction.

[State the purpose or purposes of the purchase or proposed purchase of securities of the issuer.] If the purpose of the purchases or prospective purchases is to acquire control of the bank, describe any plans or proposals which such persons may have to liquidate such bank, to sell its assets to or to merge it with any other persons, or to make any other major change in its business or corporate structure.

Item 5. Interest in securities in the bank.

State the number of shares of the security which are beneficially owned, and the number of shares concerning which there is a right to acquire, directly or indirectly, by (i) such person, and (ii) each associate of such person giving the name and address of each such associate. [Furnish information as to all transactions in the class of securities to which this statement relates which were effected during the past 60 days by the person filing this statement and by its subsidiaries and their officers, directors, and affiliated persons.]

Item 6. Contracts, arrangements, or understandings with respect to securities of the bank.

Furnish information as to any contracts, arrangements, or understandings with any person with respect to any securities of the bank, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guaranties of loans, guaranties against loss or guaranties of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements, or understandings have been entered into, and giving the details thereof.

Item 7. Persons retained, employed, or to be compensated.

Where this statement relates to a tender offer, or request or invitation for tenders, identify all persons and classes of persons employed, retained, or to be compensated by the person filing this statement, or by any person on his behalf, to make solicitations or recommendations to security holders and describe briefly the terms of such employment, retainer, or arrangement for compensation.

Item 8. Material to be filed as exhibits.

Copies of all requests or invitations for tenders or advertisements making a tender offer or requesting or inviting tenders, additional material soliciting or requesting such tender offers, solicitations or recommendations to the holders of the security to accept or reject a tender offer or request or invitation for tenders shall be filed as an exhibit.

SIGNATURE

I certify that to the best of my knowledge and belief the information set forth in this statement is true, complete, and correct.

(Date) (Signature)

If the statement is signed on behalf of a person by an authorized representative, evidence of the representative's authority to sign on behalf of such person shall be filed with the statement.

§ 206.51 Form for proxy statement; statement where management does not solicit proxies (Form F–5).

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

FORM F–5

PROXY STATEMENT; STATEMENT WHERE MANAGEMENT DOES NOT SOLICIT PROXIES

GENERAL INSTRUCTIONS

Each Statement required under § 206.5(a) of this Part shall, to the extent applicable, include the information called for under each of the items below. In the preparation of the Statement, particular attention should be given to the definitions in § 206.2 of this Part.

This form is not to be used as a blank form to be filled in nor is it intended to prescribe a form for presentation of material in the Statement. Its purpose is solely to prescribe the information required to be set forth in the Statement; any additional information that management or the soliciting persons deem appropriate may be included.

[Except as otherwise specifically provided, where any item calls for information for a specified period in regard to directors, officers or other persons holding specified positions or relationships, the information shall be given in regard to any person who held any of the specified positions or relationships at any time during the period. However, information need not be included for any portion of the period during which such person did not hold any such position or relationship provided a statement to that effect is made.]

Item 1. Revocability of proxy.

State whether the person giving the proxy has the power to revoke it. If the right of revocation before the proxy is exercised is limited or is subject to compliance with any formal procedure, briefly describe such limitation or procedure.

Item 2. Dissenters' rights of appraisal or similar rights of dissenters with respect to any matter to be acted upon and indicate any statutory procedure required to be followed by dissenting security holders in order to perfect such rights.

Where such rights may be exercised only within a limited time after the date of the adoption of a proposal, the filing of a charter amendment or other similar act, state whether the person solicited will be notified of such date.

Instructions. Indicate whether a security holder's failure to vote against a proposal will constitute a waiver of his appraisal or similar rights and whether a vote against a proposal will be deemed to satisfy any notice requirements under State law with respect to appraisal rights. If the State law is unclear, state what position will be taken in regard to those matters.

Item 3. Persons making the solicitation.

(a) Solicitations not subject to § 206.5(1).

(1) If the solicitation is made by the management of the bank, so state. Give the name of any director of the bank who has informed the management in writing that he intends to oppose any action intended to be taken by the management and indicate the action which he intends to oppose.

(2) If the solicitation is made otherwise than by the management of the bank, so state and give the names of the persons by whom and the persons on whose behalf it is made.

(3) If the solicitation is to be made otherwise than by the use of the mails, describe the methods to be employed. If the solicitation is to be made by specially engaged employees or paid solicitors, state (i) the material features of any contract or arrangement for such solicitation and identify the parties, and (ii) the cost or anticipated cost thereof.

(4) State the names of the persons by whom the cost of solicitation has been or will be borne, directly or indirectly.

(b) Solicitations subject to § 206.5(f)

(1) State by whom the solicitation is made and describe the methods employed and to be employed.

(2) If regular employees of the bank or any other participants in a solicitation have been or are to be employed to solicit security holders, describe the class or classes of employees to be so employed, and the manner and nature of their employment for such purpose.

(3) If specially engaged employees, representatives, of other persons have been or are to be employed to solicit security holders, state (i) the material features of any contract or arrangement for such solicitation and identify the parties, (ii) the cost or anticipated cost thereof, and (iii) the approximate number of such employees or employees of any other person (naming such other person) who will solicit security holders.

(4) State the total amount estimated to be spent and the total expenditures to date for, in furtherance of, or in connection with, the solicitation of security holders.

(5) State by whom the cost of the solicitation will be borne initially by any person other than the bank, state whether reimbursement will be sought from the bank, and, if so, whether the question of such reimbursement will be submitted to a vote of security holders.

Instruction. With respect to solicitations subject to § 206.5(1), costs and expenditures within the meaning of this Item 3 shall include fees for attorneys, accountants, public relations or financial advisors, solicitors, advertising, printing, transportation, litigation, and other costs incidental to the solicitation, except that the bank may exclude the amounts of such costs represented by the amount normally expended for a solicitation for an election of directors in the absence of a contest, and costs represented by salaries and wages of regular employees and officers, provided a statement to that effect is included in the proxy statement.

Item 4. Interest of certain persons in matters to be acted upon. (a) Solicitations not subject to § 206.5(1). Describe briefly any substantial interest, direct or indirect, by security holdings or otherwise, of each of the following persons in any matter to be acted upon, other than elections to office:

(1) If the solicitation is made on behalf of management, each person who has been a director or officer of the bank at any time since the beginning of the last fiscal year.

(2) If the solicitation is made otherwise than on behalf of management, each person on whose behalf the solicitation is made. Any person who would be a participant in a solicitation for purposes of § 206.5(1), as defined in subparagraph 2(i)(C), (D), (E), and (F) thereof, shall be deemed a person on whose behalf the solicitation is made for purposes of this paragraph (a).

(3) Each nominee for election as a director of the bank.

(4) Each associate of the foregoing persons.

Instruction. Except in the case of a solicitation subject to § 206.5 of this Part made in opposition to another solicitation subject to § 206.5 of this Part, this sub-item (a) shall not apply to any interest arising from the ownership of securities of the bank where the security holder receives no extra or special benefit not shared on a pro rata basis by all other holders of the same class.

(b) Solicitations subject to § 206.5(1).

(1) Describe briefly any substantial interest, direct or indirect, by securing holdings or otherwise, of each participant, as defined in § 206.5(1)(2)(i), (b), (c), (d), and (e), in any matter to be acted upon at the meeting, and include with respect to each participant the information, or a fair and adequate summary thereof, required by Items 2(a), 2(d), 3, 4(b), and 4(c) of Form F–6.

With respect to any person named in answer to Item 6(b), describe any substantial interest, direct or indirect, by security holdings or otherwise, that he has in any matter to be acted upon at the meeting, and furnish the information called for by Item 4 (b) and (c) of Form F–6.

Item 5. Voting securities and principal holders thereof.

(a) State, as to each class of voting securities of the bank entitled to be voted at the meeting, the number of shares outstanding and the number of votes to which each class is entitled.

(b) Give the date as of which the record of security holders entitled to vote at the meeting will be determined. If the right to vote is not limited to security holders of record on that date, indicate the conditions under which other security holders may be entitled to vote.

(c) If action is to be taken with respect to the election of directors and if the persons solicited have cumulative voting rights, make a statement that they have such rights and state briefly the conditions precedent to the exercise thereof.

(d) If to the knowledge of the persons on whose behalf the solicitation is made, any person, individually, or together with his associates, owns of record or beneficially more than 10 per cent of the outstanding voting securities of the bank, name such person or persons, state the approximate amount of such securities owned of record but not owned beneficially, and the approximate amount owned beneficially, and the percentage of outstanding voting securities represented by the amount of securities so owned in each such manner.

(e) If to the knowledge of the persons on whose behalf the solicitation is made, a change in control of the bank has occurred since the beginning of its last fiscal year, state the name of the person or persons who acquired such control, the basis of such control, the date and a description of the transaction or transactions in which control was acquired and the percentage of voting securities of the bank owned by such person or persons.

(f) Describe any contractual arrangements, including any pledge of securities of the bank or any of its parents, known to the persons on whose behalf the solicitation is made, the operation of the terms of which may at a subsequent date result in a change in control of the bank.

Instruction. Paragraph (f) does not require a description of ordinary default provisions contained in the charter, trust indentures or other governing instruments relating to securities of the bank.

Item 6. Nominees and directors.

(a) If action is to be taken with respect to the election of directors, furnish the following information, in tabular form to the extent practicable, with respect to each person nominated for election as a director and each other person whose term of office as a director will continue after the meeting:

(1) Name each such person, state when his term of office or the term of office for which he is a nominee will expire, and all other positions and offices with the bank presently held by him, and indicate which persons are nominees for election as directors at that meeting.

(2) State his present principal occupation or employment and give the name and principal business of any corporation or other organization in which such employment is carried on. Furnish similar information as to all of his principal occupations or employments during the last five years, unless he is now a director and was elected to his present term of office by a vote of security holders at a meeting with respect to which a proxy statement or statement where management does not solicit proxies was submitted to security holders pursuant to § 206.5(a) of this Part.

(3) If he is or has previously been a director of the bank state the period or periods during which he has served as such.

(4) State, as of the most recent practicable date, the approximate amount of each class of equity securities of the bank, or any of its parents or subsidiaries, "beneficially owned" (as defined in § 206.2(jj)) directly or indirectly by him. If he disclaims beneficial ownership of any such securities, make a statement to that effect.

(b) If any nominee for election as a director is proposed to be elected pursuant to any arrangement or understanding between the nominee and any other person or persons, except the directors and officers of the bank acting solely in that capacity, name such other person or persons and describe briefly such arrangement or understanding.

(c) If fewer nominees are named than the number fixed by or pursuant to the governing instruments, state (1) the reasons for this procedure, and (2) that the proxies cannot be voted for a greater number of persons than the number of nominees named.

Item 7. Remuneration and other transactions with management and others.

Furnish the information called for by this item if action is to be taken with respect to (i) the election of directors, (ii) any bonus, profit sharing or other remuneration plan, contract or arrangement in which any director, nominee for election as a director, or officer of the bank, will participate, (iii) any pension or retirement plan in which any such person will participate, or (iv) the granting or extension to any such person of any options, warrants, or rights to purchase any securities, other than warrants or rights issued to security holders, as such, on a pro rata basis. However, if the solicitation is made on behalf of persons other than the management; the information required need be furnished only as to nominees for election as directors and as to their associates.

(a) Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the bank and its subsidiaries during the bank's latest fiscal year to the following persons for services in all capacities:

[(1) Each director of the bank whose aggregate direct remuneration exceeded $40,000, and each of the three highest paid officers of the bank whose aggregate direct remuneration exceeded that amount, naming each such director and officer.]

(2) All directors and officers of the bank as a group, without naming them, but stating the number of persons included.

Name of individual or number of persons in group	Capacities in which remuneration was received	Aggregate direct remuneration
(A)	(B)	(C)

Instructions. 1. The information is to be given on accrual basis, if practicable. The tables required by this paragraph and paragraph (b) may be combined if the bank so desires.

2. Do not include renumeration paid to a partnership in which any director or officer was a partner. But see paragraph (f) below.

(b) Furnish the following information, in substantially the tabular form indicated, as to all annuities, pension or retirement benefits proposed to be paid under any existing plan in the event of retirement at normal retirement date, directly or indirectly, by the bank or any of its subsidiaries to (1) each director of officer named in answer to paragraph (a)(1) and, [(2) All directors and officers of the issuer who are eligible for such benefits, as a group, stating the number of persons in the group without naming them.]

Name of individual or number of persons in group	Amount set aside or accrued during bank's last fiscal year	Estimated annual benefits upon retirement
(A)	(B)	(C)

Instructions. 1. Column (B) need not be answered with respect to payments computed on an actuarial basis under any plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service. [In such case, Columns (A) and (C) need not be answered with respect to directors and officers as a group.]

2. The information called for by Column (C) may be given in a table showing the annual benefits payable upon retirement to persons in specified salary classifications.

3. In the case of any plan (other than those specified in Instruction) where the amount set aside each year depends upon the amount of earnings of the bank or its subsidiaries for such year or a prior year (or where otherwise impracticable to state the estimated annual benefits upon retirement) there shall be set forth, in lieu of the information called for by Column (C), the aggregate amount set aside or accrued to date, unless impracticable to do so, in which case the method of computing such benefits shall be stated. In addition, furnish a brief description of the material terms of the plan, including the method used in computing the bank's contribution, and the amount set aside or accrued during the bank's last fiscal year for all officers and directors as a group, indicating the number of persons in such group without naming them.

(c) Describe briefly all remuneration payments (other than payments reported under paragraph (a) or (b) of this item) proposed to be made in the future, directly or indirectly, by the bank or any of its subsidiaries pursuant to any existing plan or arrangement to (1) each director or officer named in answer to paragraph (a)(1), naming each such person, and (ii) all directors and officers of the bank as a group, without naming them.

Instruction. Information need not be included as to payments to be made for, or benefits to be received from, group life or accident insurance, group hospitalization, or similar group payments or benefits. If it is impracticable to state the amount of remuneration payments proposed to be made, the aggregate amount set aside or accrued to date in respect of such payments shall be stated, together with an explanation of the basis for future payments.

(d) Furnish the following information as to all options to purchase securities, from the bank or any of its subsidiaries, which were granted to or exercised by the following persons since the beginning of the bank's last fiscal year and as to all options held by such persons as of the latest practicable date: (i) each director or officer named in answer to paragraph (a)(1), naming each such person; and (ii) to all directors and officers of the bank as a group, without naming them:

(1) As to options granted, state (i) the title and amount of securities called for; (ii) the prices, expiration dates, and other material provisions; and (iii) the market value of the securities called for on the granting date.

(2) As to options exercised, state (i) the title and amount of securities purchased;

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(ii) the aggregate purchase price; and (iii) the aggregate market value of the securities purchased on the date of purchase.

(3) As to all unexercised options held as of the latest practicable date, regardless of when such options were granted, state (i) the title and aggregate amount of securities called for; (ii) the range of option prices; and (iii) the per share market prices of the securities subject to option, as of the latest practicable date.

[*Instructions.* 1. The term "options" as used in this paragraph (d) includes all options, warrants or rights, other than those issued to security holders as such on a pro rata basis. Where the average option price per share is called for, the weighted average price per share shall be given.

2. The extension, regranting, or material amendment of options shall be deemed the granting of options within the meaning of this paragraph.

3. This item need not be answered with respect to options granted, exercised, or outstanding, as may be specified therein, where the total market value (i) on the granting date of the securities called for by all options granted during the period specified, (ii) on the dates of purchase of all securities purchased through the exercise of options during the period specified, or (iii) as of the latest practicable date of the securities called for by all options held at such time, does not exceed $10,000 for any officer or director named in answer to paragraph (a)(1), or $40,000 for all officers and directors as a group.

4. The information for all directors and officers as a group regarding market value of the securities on the granting date of the options and on the purchase date may be given in the form of price ranges for each calendar quarter during which options were granted or exercised.

(e) State as to each of the following persons who was indebted to the bank at any time since the beginning of the bank's last fiscal year: (i) the maximum amount of the indebtedness outstanding at any time during such period; (ii) the maturity of such indebtedness; (iii) the amount thereof outstanding as of the latest practicable date; and (iv) the rate of interest paid or charged thereon, if the loan was made at other than prevailing interest rates for comparable transactions with unaffiliated persons:

(A) Any director or officer of the bank;

(B) Any nominee for election as a director;

(C) Any security holder named in answer to 5(d); or (iv) any associate of any of the foregoing persons.

Instructions. 1. See Instruction (1) to paragraph (a). Include the name of each person whose indebtedness is described and the nature of the relationship by which the information is required to be given.

2. No information need be given under this paragraph as to any indebtedness where: (i) the specified person is subject to this Item 7(e) solely as an officer of the bank and his interest in the transaction is solely that of a director of another corporation which is a party to the transaction; (ii) the specified person is subject to this Item 7(e) solely as a director of the bank (or associate of a director) and his interest in the transaction is solely that of a director, officer of, and/or owner of less than a 10 percent interest in, another person that is a party to the transaction; or (iii) the transaction consists of extensions of credit by the bank in the ordinary course of its business that (A) are made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other than specified persons, (B) at no time exceed 10 per cent of the equity capital accounts of the bank, or $10 million, whichever is less, and (C) do not involve more than the normal risk of collectibility or present other unfavorable features. Notwithstanding the foregoing, if aggregate extensions of credit to the specified persons, as a group, exceeded 20 per cent of the equity capital accounts of the bank at any time during the preceding year, (1) the aggregate amount of such extensions of credit shall be disclosed, and (2) a statement shall be included, to the extent applicable, that the bank has had, and expects to have in the future, banking transactions in the ordinary course of its business with directors, officers, principal stockholders, and their associates, on the same terms, including interest rates and collateral on loans, as those prevailing at the same time for comparable transactions with others. For the purpose of determining "aggregate extensions of credit" in this instruction, transactions which are exempted from disclosure pursuant to other instructions to this Item 7(e) may be excluded.

3. If to the knowledge of the persons on whose behalf the solicitation is made, any beginning of the bank's last fiscal year under section 16(b) of the Securities Exchange Act of 1934, as a result of transactions in the bank's stock (or other equity securities) by any director, officer, or security holder named in answer to Item 5(d), which indebtedness has not been discharged by payment, state the amount of any profit realised and whether suit will be brought or other steps taken to recover such profit. If, in the opinion of counsel, a question reasonably exists as to the recoverability of such profit, only facts necessary to describe the transactions, including the prices and number of shares involved, need be stated.

(f) In addition to indebtedness required to be described in Item 7(e), describe briefly, and where practicable, state the approximate amount of, any material interest, direct or indirect, of any of the persons described in Item 7(e), in any other material transactions since the beginning of the bank's last fiscal year, or in any other material proposed transactions, to which the bank or any of its subsidiaries was or is to be a party.

Instructions. 1. No information need be given in response to this Item 7(f) as to any remuneration or other transaction reported in response to Item 7(a), (b), (c), (d), or (e), or as to any transaction with respect to which information may be omitted pursuant to Instruction (2) to Item 7(b), the Instruction to Item 7(c), Instruction (3) to Item 7(d), or Instruction (2) or the Instructions to Item 7(e).

2. No information need be given in answer to this Item 7(f) as to any transaction or any interest therein were: (i) the rates or charges involved in the transaction are fixed by law or determined by competitive bids; (ii) the transactions involve services as a bank depository of funds, transfer agent, registrar, trustee under a trust indenture or other similar services; (iii) the amount involved in the transaction or a series of similar transactions, including all periodic installments in the case of any lease or other agreement, providing the periodic installment does not exceed $40,000; (iv) the interest of the specified person in the transaction is (a) solely that of a director of another corporation which is a party to the transaction or (b) from the direct or indirect ownership by such person and his associates of less than a 10 per cent equity interest in such corporation or organization, or (c) from both such position and ownership.

3. The amount of the interest of any specified person shall be computed without regard to the amount of the profit or loss involved in the transaction. Where it is not practicable to state the approximate amount of interest, the approximate amount involved in the transaction shall be indicated.

4. In describing any transaction involving the purchase or sale of assets by or to the bank or any of its subsidiaries, otherwise than in the ordinary course of business, state the cost of the assets to the purchaser or, if acquired by the seller within two years prior to the transaction, the cost thereof to the seller.

(g) Describe briefly any transactions since the beginning of the issuer's last fiscal year or any presently proposed transactions to which any pension retirement savings or similar plan provided by the issuer, or any of its parents or subsidiaries, was or is to be a party in which any of the following persons had or is to have a direct or indirect material interest, naming such person and stating his relationship to the issuer, the nature of his interest in the transaction and, where practicable, the amount of such interest:

(1) Any director or officer of the issuer;

(2) Any nominee for election as a director;

(3) Any security holder named in answer to Item 5(d);

(4) Any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same home as such person or who is a director or officer of any parent or subsidiary of the issuer; or

(5) The bank or any of its subsidiaries.

Instructions. 1. Instructions 2, 3, and 4 to Item 7(f) shall apply to this Item 7(g).

2. Without limiting the general meaning of the term "transaction" there shall be included in answer to this item any remuneration received or any loans received or outstanding during the period, or proposed to be received.

3. No information need be given in answer to paragraph (g) with respect to—

(a) payments to the plan or payments to beneficiaries, pursuant to the terms of the plan;

(b) payment of remuneration for services not in excess of 5 per cent of the aggregate remuneration received by the specified person during the issuer's last fiscal year from the issuer and its subsidiaries; or

(c) any interest of the issuer or any of its subsidiaries which arises solely from its general interest in the success of the plan.

Item 9. Bonus, profit-sharing, and other remuneration plans. If action is to be taken with respect to any bonus, profit-sharing, or other remuneration plan, furnish the following information:

(a) Describe briefly the material features of the plan, identify each class of persons who will participate therein, indicate the approximate number of persons in each such class and state the basis of such participation.

(b) State separately the amounts which would have been distributable under the plan during the last fiscal year of the bank (1) to directors and officers, and (2) to employees, if the plan had been in effect.

(c) State the name and position with the bank of each person specified in Item 7(a) who will participate in the plan and the amount *each such person* would have received under the plan for the last fiscal year of the bank if the plan had been in effect.

(d) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit-sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 5 years, for (1) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (2) all directors and officers of the bank as a group, if any director or officer may participate in the plan, and (3) all employees, if employees may participate in the plan.

(e) If the plan to be acted upon can be amended otherwise than by a vote of stockholders to increase the cost thereof to the bank or alter the allocation of the benefits as between the groups specified in (b), state the nature of the amendments which can be so made.

(f) If action is to be taken with respect to the amendment or modification of an existing plan, this item shall be answered with respect to the plan as proposed to be amended or modified and shall indicate any material differences from the existing plan.

Instructions. 1. If the plan is set forth in a normal plan, contract, or arrangement, three copies thereof shall be filed with the Board at the time preliminary copies of the Statement are filed pursuant to § 206.5(f).

2. Information need not be included as to payments made for, or benefits to be received from group life or accident insurance, group hospitalization or similar group payments or benefits.

3. If action is to be taken with respect to any plan in which directors or officers may participate, the information called for by Item 7(d) (1) and (2) shall be furnished for the last five fiscal years of the issuer and any period subsequent to the end of the latest such fiscal year, in aggregate amounts for the entire period for each such person and group. If any named person, or any other director or officer, purchased securities through the exercise of options during such period, state the aggregate amount of securities of that class sold during the period by such named person and such other directors and officers as a group. The information called for by this Instruction 3 is in lieu of the information since the beginning of the issuer's last fiscal year called for by Item 7(d) (1) and (2). If employees may participate in the plan to be acted upon, state the aggregate amount of securities called for by all options granted to employees during the five-year period and, if the options were other than "restricted" or "qualified" stock options or options granted pursuant to an "employee stock purchase plan", as the quoted terms are defined in Sections 422 through 424 of the Internal Revenue Code, state that fact and the weighted average option price per share.

(d) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 5 years, for (1) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (2) all [present] directors and officers of the bank as a group, if any director or officer may participate in the plan, and (3) all employees, if employees may participate in the plan.

(e) If the plan to be acted upon can be amended otherwise than by a vote of stockholders to increase the cost thereof to the bank or alter the allocation of the benefits as between the groups specified in (b)(3), state the nature of the amendments which can be so made.

(f) If action is to be taken with respect to the amendment or modification of an existing plan, this item shall be answered with respect to the plan as proposed to be amended or modified and shall indicate any material differences from the existing plan.

Instructions. 1. The information called for by paragraph (b)(3) or (c)(2) need not be given as to payments made on an actuarial basis pursuant to any group pension plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

2. The instructions to Item 9 shall apply to this item.

Item 11. Options, warrants, or rights.

If action is to be taken with respect to the granting, extension or amendment of any options, warrants, or rights to purchase securities of the bank or any subsidiary, furnish the following information:

(a) State (i) the title and amount of securities called for or to be called for by such options, warrants, or rights; (ii) the prices, expiration dates, and any other material conditions upon which the options, warrants, or rights may be exercised; [(iii) the consideration received or to be received by the issuer or subsidiary for the granting extension of the options, warrants or rights; (iv) the market value of the securities called for or to be called for by the options, warrants or rights as of the latest practicable date,] and (v) in the case of options, the Federal income tax consequences of the issuance and exercise of such options to the recipient and to the bank.

(b) State separately the amount of options, warrants, or rights received or to be received by the following persons, naming each such person: (i) each director or officer named in answer to Item 7(a); (ii) each nominee for election as a director of the bank; (iii) each associate of such directors, officers, or nominees; and (iv) each other person who received or is to receive 5 percent or more of such options, warrants or rights. State also the total amount of such options, warrants, or rights received or to be received by all directors and officers of the bank as a group, without naming them.

(c) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 5 years, for (1) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (2) all directors and officers of the bank as a group, if any director or officer may participate in the plan, and (3) all employees, if employees may participate in the plan.

Instruction 1. Paragraphs (b) and (c) do not apply to warrants or rights to be issued to security holders as such on a pro rata basis.

2. The Instructions to Item 9 shall apply to paragraph (c) of this item.

3. Include in the answer to paragraph (c) as to each director or officer named in answer to Item 7(a) and as to all directors and officers as a group (1) the amount of securities acquired during the past two years through the exercise of such options, (2) the amount of securities sold during such period of the same class as those acquired through the exercise of such options, and (3) the amount of securities subject to all unexercised options held as of the latest practicable date.

Item 12.

Authorization or issuance of securities otherwise than for exchange. If action is to be taken with respect to the authorization or issuance of any securities otherwise than in exchange for outstanding securities of the bank, furnish the following information:

(a) State the title and amount of securities to be authorized or issued.

(b) Furnish a description of the material provisions of the securities such as would be required in a registration statement filed pursuant to this Part. If the terms of the securities cannot be stated or estimated with respect to any or all of the securities to be authorized, because no offering thereof is contemplated in the proximate future, and if no further authorization by security holders for the issuance thereof is to be obtained, it should be stated that the terms of the securities to be authorized, including dividend or interest rates, conversion prices, voting rights, redemption prices, maturity dates, and similar matters will be determined by the board of directors of the bank. If the securities are additional shares of common stock of a class outstanding, the description may be omitted [except for a statement of the preemptive rights, if any. Where the statutory provisions with respect to preemptive rights are so indefinite or complex that they cannot be stated in summarized form, it will suffice to make a statement in the form of an opinion of counsel as to the existence and extent of such rights.]

(c) Describe briefly the transaction in which the securities are to be issued, including a statement as to (1) the nature and approximate amount of consideration received or to be received by the bank, and (2) the approximate amount devoted to each purpose so far as determinable, for which the net proceeds have been or are to be used. If it is impracticable to describe the transaction in which the securities are to be issued, indicate the purpose of the authorization of the securities, and state (1) whether further authorization for the issuance of the securities by a vote of security holders will be solicited prior to such issuance, and (2) [whether present security holders will have preemptive rights to purchase such securities.]

[(d) If the securities are to be issued otherwise than in a general public offering for cash, state the reasons for the proposed authorization or issuance and the general effect thereof upon the rights of existing security holders.]

Item 13.

Modification or exchange of securities. If action is to be taken with respect to the modification of any class of securities of the bank, or the issuance or authorization for issuance of securities of the bank in exchange for outstanding securities of the bank, furnish the following information:

(a) If outstanding securities are to be modified, state the title and amount thereof. If securities are to be issued in exchange for outstanding securities, state the title and amount of securities to be so issued, the title and amount of outstanding securities to be exchanged therefore, and the basis of the exchange.

(b) Describe any material differences between the outstanding securities and the modified or new securities with respect to any of the matters concerning which information would be required in the description of the securities in a registration statement filed pursuant to this Part.

(c) State the reasons for the proposed modification or exchange and the general effect thereof upon the rights of existing security holders.

(d) Furnish a brief statement as to arrears in dividends or as to defaults in principal or interest with respect to the outstanding securities which are to be modified or exchanged and such other information as may be appropriate in the particular case to disclose adequately the nature and effect of the proposed action.

(e) Outline briefly any other material features of the proposed modification or exchange.

(f) The instruction to Item 9 shall apply to this item.

[*Instruction.* If the existing security is presently listed and registered on a national securities exchange, state whether it is in-

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tended to apply for listing and registration of the new or reclassified security on such exchange or any other exchange. If it is not intended to make such application, state the effect of the termination of such listing and registration.]

Item 14. Mergers, consolidations, acquisitions, and similar matters. If action is to be taken with respect to any plan for (i) the merger or consolidation of the bank into or with any other person, or of any other person into or with the bank, (ii) the acquisition by the bank or any of its subsidiaries of securities of another bank, (iii) the acquisition by the bank of any other going business or of the assets thereof, (iv) the sale or other transfer of all or any substantial part of the assets of the bank, or (v) the voluntary liquidation or dissolution of the bank:

(a) Outline briefly the material features of the plan. State the reasons therefore and the general effect thereof upon the interests of existing security holders. If the plan is set forth in a written document, file three copies thereof with the Board when preliminary copies of the Statement are filed pursuant to section 206.5(f).

(b) Furnish the following information as to the bank and each person which is to be merged into the bank, or into or with which the bank is to be merged or consolidated, or the business or assets of which are to be acquired, or which is the issuer of securities to be acquired by the bank or any of its subsidiaries in exchange for all or a substantial part of its assets [be acquired by security holders of the or to bank.]

(1) A brief description of the business and property of each such person in substantially the manner required by Items 3 and 5.

(2) A brief statement as to dividends in arrears, defaults in principal or interest with respect to any securities of the bank or of such person, and as to the effect of the plan thereon and such other information as may be appropriate in the particular case to disclose adequately the nature and effect of the proposed action.

(3) Such information with respect to the proposed management of the surviving bank as would be required by Items 6 and 7 of this Form F-5. Information concerning remuneration of management may be projected for the current year based on remuneration actually paid or accrued by each of the constituent persons during the last calendar year. If significantly different, proposed compensation arrangements should be described.

(4) A tabular presentation of the existing and pro forma capitalization.

(5) In columnar form, for each of the last five fiscal years, a historical summary of earnings. Such summary is to be concluded by indicating per share amounts of income before securities gains (losses), net income, and dividends declared for each period reported. (Extraordinary items, if any, should be appropriately reported and per share amounts of securities gains (losses) should be included.)

(6) In columnar form, for each of the last five fiscal years, a combined pro forma summary of earnings, as appropriate in the circumstances, similar in structure to the historical summary of earnings. If the transaction established a new basis of accounting for assets of any of the persons included therein, the pro forma summary of earnings shall be furnished only for the most recent fiscal year and interim period and shall reflect appropriate pro forma adjustments resulting from such new basis of accounting.

(7) A tabular presentation of comparative per share data of the constituent banks or other persons pertaining to:

(A) (i) Income before securities gains (losses), (ii) net income, and (iii) dividends declared, for each of the last three fiscal years; and

(B) book value per share, at the date of the balance sheets included in the Statement.

The comparative per share data shall be presented on a historical and pro forma basis (except dividends which are to be furnished on historical basis only) and equated to a common basis in exchange transactions

(8) To the extent material for the exercise of prudent judgment, the historical and pro forma earnings data specified in (5), (6), and (7) above for the latest available interim period of the current and prior fiscal years.

Instructions. 1. Historical statements of income in their entirety, as required by Item 15, may be furnished in lieu of the summary of earnings specified in paragraph (5). If summary earnings information is presented, include, as a minimum, operating revenues, operating expenses, income before income taxes and security gains (losses), and net income. Th summary shall reflect retroactive adjustments of any material items affecting the comparability of the results.

2. In connection with any interim period or periods between the end of the last fiscal year and the balance sheet date, and any comparable prior period, a statement shall be made that all adjustments necessary to a fair statement of the results for such interim period or periods between the end of the last fiscal year and the balance sheet date, and any comparable prior period, a statement shall be made that all adjustments necessary to a fair statement of the results for such interim period or periods have been included, and results of the interim period for the current year are not necessarily indicative of results for the entire year. In addition, there shall be furnished in such cases, as supplemental information but not as a part of the proxy statement, a letter describing in detail the nature and amount of any adjustments, other than normal recurring accruals, entering into the determination of the results shown.

3. The information required by this Item 14(b) is required in a Statement of the "acquiring" or "surviving" bank only where a "significant" merger or acquisition is to be voted upon. For purposes of this item, the term "significant" merger or acquisition shall mean a transaction where either (1) the net book value of assets to be acquired or the amount to be paid therefor exceed 5 percent of the equity capital accounts of the acquiring bank, or (2) in an exchange transaction, the number of shares to be issued exceeds 5 percent of the outstanding shares of the acquiring bank, or (3) gross operating revenues for the last fiscal year of the person to be acquired exceeded 5 percent of the gross operating revenues for the last fiscal year of th acquiring bank, or (4) "income (loss) before income taxes and securities gains or losses" amounts to 5 percent or more of the "income (loss) before income taxes and securities gains or losses" of the acquiring bank. If less than a "significant" merger acquisition is to be voted upon, such information need only be included to the extent necessary for the exercise of prudent judgment with respect thereto.

(c) As to each class of securities of the bank, or of any person specified in paragraph (b), which is admitted to dealing on a national securities exchange or with respect to which a market otherwise exists, and which will be materially affected by the plan, state the high and low sale prices (or, in the absence of trading in a particular period, the range of the bid and asked prices) for each quarterly period within two years. This information may be omitted if the plan involves merely the voluntary liquidation or dissolution of the bank.

Item 15. Financial statements.

(a) If action is to be taken with respect to any matter specified in Items 12, 13, or 14 above, furnish verified financial statements of the bank and its subsidiaries such as would be required in a registration statement filed pursuant to this Part. In addition, the latest available interim date balance sheet and statement of income for the interim period between the end of the last fiscal year and the interim balance sheet date, and comparable prior period, shall be furnished. All schedules, except Schedules I, II, and VII may be omitted.

(b) If action is to be taken with respect to any matter specified in Item 14(b), furnish for each person specified therein, other than the bank, financial statements such as would be required in a registration statement filed pursuant to this Part. In addition, the latest available interim date balance sheet and statement of income for the interim period between the end of the last fiscal year and the interim balance sheet date, and comparable prior period, shall be furnished. However, the following may be omitted: (1) all schedules, except Schedules I, II, and VII; and (2) statements for subsidiary, all of the stock of which is owned by the bank, that is included in the consolidated statement of the bank and its subsidiaries. Such statements shall be verified, if practicable.

(c) Notwithstanding paragraphs (a) and (b) above, any or all of such financial statements which are not material for the exercise of prudent judgment in regard to the matter to be acted upon may be omitted. Such financial statements are deemed material to the exercise of prudent judgment in the usual case involving the authorization or issuance of any material amount of senior securities, but are not deemed material in cases involving the authorization or issuance of common stock, otherwise than in an exchange, merger, consolidation, acquisition, or similar transaction.

(d) The Statement may incorporate by reference any financial statements contained in an annual report sent to security holders pursuant to § 206.5(c) with respect to the same meeting as that to which the Statement relates, provided such financial statements substantially meet the requirements of this item.

Item 16. Acquisition or disposition of property.

[If action is to be taken with respect to the acquisition or disposition of any property furnish the following information:]

[(a) Describe briefly the general character and location of the property.]

[(b) State the nature and amount of consideration to be paid or received by the issuer or any subsidiary. To the extent practicable, outline briefly the facts bearing upon the question of the fairness of the consideration.]

[(c) State the name and address of the transferer or transferee, as the case may be, and the nature of any material relationship of such person to the issuer or any affiliate of the issuer.]

[(d) Outline briefly any other material features of the contract or transaction.]

[Item 17. Restatement of accounts. If action is to be taken with respect to the restatement of any asset, capital, or surplus account of the issuer, furnish the following information:]

[(a) State the nature of the restatement and the date as of which it is to be effective.]

[(b) Outline briefly the reasons for the restatement and for the selection of the particular effective date.]

[(c) State the nature and amount of each account (including any reserve accounts) affected by the restatement and the effect of the restatement thereof. Tabular presentation of the amounts shall be made when appropriate, particularly in the case of recapitalizations.]

[(d) To the extent practicable, state whether and the extent, if any, to which, the restatement will, as of the date thereof, alter the amount available for distribution to the holders of equity securities.]

Item 18. Action with respect to reports.

If action is to be taken with respect to any report of the bank or of its directors, officers, or committees or any minutes of a meeting of its security holders, furnish the following information:

(a) State whether or not such action is to constitute approval or disapproval of any of the matters referred to in such reports of minutes.

(b) Identify each of such matters which it is intended will be approved or disapproved, and furnish the information required by the appropriate item or items of this schedule with respect to each such matter.

Item 19. Matters not required to be submitted.

If action is to be taken with respect to any matter which is not required to be submitted to a vote of security holders, state the nature of such matter, the reasons for submitting it to a vote of security holders and what action is intended to be taken by the management in the event of a negative vote on the matter by the security holders.

Item 20. Amendment of charter, by-laws, or other documents.

If action is to be taken with respect to any amendment of the bank's charter, by-laws, or other documents as to which information is not required above, state briefly the reasons for and general effect of such amendment.

Instruction. Where the matter to be acted upon is the classification of directors, state whether vacancies which occur during the year may be filled by the board of directors to serve only until this next annual meeting or may be so filled for the remainder of the full term.

Item 21. Other proposed action.

If action is to be taken with respect to any matter not specifically referred to above, describe briefly the substance of each such matter in substantially the same degree of detail as is required by Items 5 to 18, inclusive, above.

Item 22. Vote required for approval.

As to each matter which is to be submitted to a vote of security holders, other than elections to office or the selection or approval of auditors, state the vote required for its approval.

§ 206.52 Form for statement in election contests (Form F–6).

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

FORM F–6

STATEMENT IN ELECTION CONTEST

GENERAL INSTRUCTIONS

The statement shall contain the number and captions of all items, but the text of the items may be omitted. If an item is inapplicable or the answer is in the negative, so state. The information called for by Items 2(a) and 3(a) or a fair summary thereof is required to be included in all preliminary soliciting material by § 206.5(1) of this Part.

Item 1. Bank.

State the name and address of the bank.

Item 2. Identity and background of participant.

(a) State the following: (1) Your name and business address. (2) Your present principal occupation or employment and the name, principal business, and address of any corporation or other organization in which such employment is carried on.

(b) State the following: (1) Your residence address. (2) Information as to all material occupations, positions, offices, or employments during the last ten years, giving starting and ending dates of each and the name, principal business, and address of any business corporation or other business organization in which each such occupation, position, office, or employment was carried on.

(c) State whether or not you are or have been a participant in any other proxy contest involving the bank or other corporations within the past ten years. If so, identify the principals, the subject matter and your relationship to the parties and the outcome.

(d) State whether or not, during the past 10 years, you have been convicted in a criminal proceeding (excluding traffic violations or similar misdemeanors) and, if so, give dates, nature of conviction, name and location of court, and penalty imposed or other disposition of the case. A negative answer to this sub-item need not be included in the Statement or other proxy soliciting material.

Item 3. Interests in securities of the bank.

(a) State the amount of each class of securities of the bank that you own beneficially, directly, or indirectly.

(b) State the amount of each class of securities of the bank that you own of record but not beneficially.

(c) State with respect to the securities specified in (a) and (b) the amounts acquired within the past two years, the dates of acquisition and the amounts acquired on each date.

(d) If any part of the purchase price or market value of any of the shares specified in paragraph (c) is represented by funds borrowed or otherwise obtained for the purpose of acquiring or holding such securities, so state and indicate the amount of the indebtedness as of the latest practicable date. If such funds were borrowed or obtained otherwise than pursuant to a margin account or bank loan in the regular course of business of a bank, broker, or dealer, briefly describe the transactions, and state the names of the parties.

(e) State whether or not you are a party to any contracts, arrangements or understandings with any person with respect to any securities of the bank, including but not limited to joint ventures, loan or option arrangements, puts or calls, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. If so, name the persons with whom such contracts, arrangements, or understandings exist and give the details thereof.

(f) State the amount of securities of the bank owned beneficially, directly or indirectly, by each of your associates and the name and address of each such associate.

(g) State the amount of each class of securities of any parent or subsidiary of the bank which you own beneficially, directly or indirectly.

Item 4. Further matters.

(a) Describe the time and circumstances under which you became a participant in the solicitation and state the nature and extent of your activities or proposed activities as a participant.

(b) Furnish for your self and your associates the information required by Item 7(f) of Form F–5.

(c) State whether or not you or any of your associates have any arrangement or understanding with any person (1) with respect to any future employment by the bank or its affiliates; or (2) with respect to any future transactions to which the bank or any of its affiliates will or may be a party. If so, describe such arrangement or understanding and state the names of the parties thereto.

[(d) State the total amount contributed and proposed to be contributed by you in furtherance of the solicitation, directly or indirectly, if such amount exceeds or will exceed $500 in the aggregate.]

Item 5. Signature.

The statement shall be dated and signed in the following manner:

I certify that the statements made in this statement are true, complete, and correct, to the best of my knowledge and belief.

(Date)

(Signature of participant or authorized representative)

Instruction. If the statement is signed on behalf of a participant by the latter's authorized representative, evidence of the representative's authority to sign on behalf of such participant shall be filed with the statement.

§ 206.53 Form for statement to be filed pursuant to § 206.5(m) of Regulation F (Form F–12).

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

FORM F–12

STATEMENT RELATING TO SOLICITATIONS OR RECOMMENDATIONS AS TO TENDER OFFER BY ---------- FOR SECURITIES OF ----------

GENERAL INSTRUCTIONS

The item numbers and captions of the items shall be included but the text of the items may be omitted. The answers to the items shall be so prepared as to indicate clearly the coverage of the items without referring to the text of the items. Answer every item. If an item is inapplicable or the answer is in the negative, so state.

Item 1. Security and bank.

(a) State the title of the class of equity securities to which this statement relates and the name and address of the bank which issued such securities.

(b) Identify the tender offer or request or invitation for tenders to which this statement relates and state the reasons for the solicitation or recommendation to security holders to accept or reject such tender offer, request, or invitation for tenders.

Item 2. Identity and background.

(a) State the name and business address of the person filing this statement.

(b) Describe any arrangement or understanding in regard to the solicitation with (i) the bank or the management of the bank or (ii) the maker of the tender offer or request or invitation for tender of securities of the class to which this statement relates.

Item 3. Persons retained, employed or to be compensated.

Identify any person or class of persons employed, retained or to be compensated, by the person filing this Form F–12, or by any person on his behalf, to make solicitations or recommendations to security holders and describe briefly the terms of such employment, retainer or arrangement for compensation.

Item 4. Material to be filed as exhibits.

Copies of all solicitations or recommendations to accept or to reject a tender offer or request or invitation for tenders of the securities specified in Item 1 shall be filed as an exhibit.

Item 5. Additional information to be furnished.

Furnish information as to all transactions in the class of securities to which this statement relates which were effected during the

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past 60 days by the bank and its subsidiaries and their officers, directors, and associates.

SIGNATURE

I certify that to the best of my knowledge and belief the information set forth in this statement is true, complete and correct.

---------- ----------
(Date) (Signature)

If the statement is signed on behalf of a person by an authorized representative, evidence of the representative's authority to sign on behalf of such person shall be filed with the statement.

§ 206.61 Form for initial statement of beneficial ownership of equity securities (Form F-7).

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

FORM F-7

INITIAL STATEMENT OF BENEFICIAL OWNERSHIP OF SECURITIES

(Filed pursuant to section 16(a) of the Securities Exchange Act of 1934)

(1) Name of bank----------

(2) Name and Business Address of Reporting Person

---

(3) Relationship of Reporting Person to Company ---------- (see Instruction 5)

(4) Nature of event necessitating this statement:

☐ Assumption of Directorship
☐ Appointed policy making officer
☐ Became 10 percent owner
☐ Newly Registered Bank

(5) Date of Event Requiring Filing of this statement ---------- (see Instruction 6)

(6) If an Amendment give date of statement amended ----------

TABLE I. *Securities beneficially owned*

Furnish the information required by the following table as to securities of the company beneficially owned directly or indirectly by the reporting person, including transferable warrants but excluding puts, calls, options and other rights or obligations required to be reported in Table II. (see Instruction 7)

Title of securities owned (Instruction 9)	Amount owned directly or indirectly (Instruction 10)	Nature of beneficial ownership (Instruction 11)
(1)	(2)	(3)

TABLE II. *Puts, calls, options and other rights or obligations*

Furnish the information required by the following table as to all puts, calls, options and other rights or obligations (all hereinafter referred to as "options") pursuant to which the reporting person may buy or sell, or be required to buy or sell, securities of the company. However, transferable warrants issued by the company which give the right to buy other securities of the company are to be reported in Table I. (see Instruction 7)

Title of securities subject to option (Instruction 9)	Nature of option held (Instruction 12)	Amount of securities subject to option (Instruction 11)	Purchase or sale price of securities subject to option (Instruction 13)	Date of expiration of option
(1)	(2)	(3)	(4)	(5)

Explanation of items in tables:

Date of Statement

Signature of person reporting

NOTE: If the space provided in either table is insufficient, use a continuation sheet which identifies the table and columns to which it relates.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

FORM F-7

INSTRUCTIONS

1. *Person required to file statements.* A statement on this form is required to be filed by every person who, at the time any class of equity securities of a bank becomes registered pursuant to section 12 of the Securities Exchange Act of 1934 (the Act), (i) is directly or indirectly the beneficial owner of more than 10 percent of such class or (ii) is a director or officer of the bank which is the issuer of such securities, and by every person who thereafter becomes such a beneficial owner, director, or officer, the term "officer" means a Chairman of the Board of Directors, Vice Chairman of the Board, Chairman of the Executive Committee, President, Vice President (except as indicated in the next sentence), Cashier, Treasurer, Secretary, Comptroller, and any other person who participates in major policy-making functions of the bank. In some banks (particularly banks with officers bearing titles such as Executive Vice President, Senior Vice President, or First Vice President as well as a number of "Vice Presidents"), some or all "Vice Presidents" do not participate in major policy-making functions, and such persons are not officers for the purpose of this statement.

2. *When statements are to be filed.* Persons who hold any of the relationships specified in Instruction 1 when any class of equity securities of the bank becomes registered pursuant to section 12 of the Act are required to file a statement on this form within 10 days after the date such registration becomes effective. Persons who subsequently assume any of the relationships specified in Instruction 1 are required to file a statement within 10 days after assuming such relationship. Statements are not deemed to have been filed with the Board or an exchange until they have actually been received by the Board or such exchange.

3. *Where and how statements are to be filed.* One signed copy of each statement shall be filed with the Board of Governors of the Federal Reserve System, Washington, D.C. 20551. One signed copy thereof shall also be filed with each exchange on which any class of equity securities of the bank is listed. However, if such bank has, in accordance with § 206.6(a)(3) of Regulation F, designated a single exchange to receive statements, the statement need only be filed with the Board and the designated exchange.

4. *Separate statement for each bank.* A separate statement shall be filed with respect to the equity securities of each bank.

5. Relationship of reporting person. Indicate clearly the relationship of the reporting person to the bank; for example, "Director", "Director and Vice President", "Beneficial owner of more than 10 percent of the bank's common stock," etc.

6. *Date as of which beneficial ownership is to be given.* The information as to beneficial ownership of securities, [including those subject to puts, calls, options and warrants, etc.,] shall be given as of the date on which the event occurred which requires the filing of a statement on this form. For example, when registration of equity securities of the bank becomes effective pursuant to section 12 of the Act or when the person whose ownership is reported becomes a director or officer of the bank or becomes the beneficial owner of more than 10 percent of a class of registered equity securities of the bank.

7. *Securities to be reported.* Persons specified in Instruction 1 above shall include information as to their beneficial ownership of all classes of equity securities of the bank, even though one or more of such classes may not be registered pursuant to section 12 of the Act. [If any person required to file a statement on this form does not own any securities required to be reported, a statement on this form shall be filed to report that fact.]

[8. *Reporting of Ownership in Certain Cases.* (a) When two or more securities are owned as a unit, such as debentures and transferable warrants to purchase common stock, report each security separately and describe the unit relationship in the space provided for explanation on page 2 of the form. If one or more of the securities comprising the unit is not required to be reported, the other security or securities shall be reported separately and the unit relationship described as indicated above.]

[(b) In reporting the ownership of a convertible security or a transferable warrant, the number of shares or units subject to the conversion privilege and the conversion or exercise price per share or unit shall be set forth in the explanation space on page 2. Transferable warrants issued by the issuer of the security subject to the warrants shall be reported in Table I (in which case the exercise price and date of expiration of the] warrant shall be reported in the explanation space on page 2).

[(c) Securities owned indirectly shall be reported on separate lines from those owned directly and also from those owned through a different type of indirect ownership.]

9. *Title of equity security.* The statement of the title of an equity security should clearly distinguish it from any securities of other classes issued by the bank.

[10. *Nature of ownership of securities—Table I.*] [(a) In reporting the nature of beneficial ownership of securities in Column 3 of Table I, if the securities are owned directly, so state. If they are owned indirectly, state the nature of such indirect ownership: for example, "By self as trustee for sons", "By wife", "By X Trust", "By Y Corporation", etc. If the securities are owned directly and other securities are owned indirectly, the required information shall be furnished separately for each type of ownership; see Instruction 8(c) above. Securities held as joint tenants, tenants in common, tenants by the entirety or as community property are to be reported as held directly.]

[(b) Beneficially owned securities held in the name of the reporting person or in the name of a bank, broker or nominee for the account of the reporting person shall be reported as directly owned by him. A person is regarded as the indirect beneficial owner of securities held in the name of another person if by reason of any contract, understanding, relationship, including a family relationship, or arrangement, such person obtains therefrom benefits substantially equivalent to those of ownership. For example, a person may be the indirect beneficial owner of securities held in the name of a spouse, relative or other person if such person may obtain therefrom benefits substantially equivalent to those of ownership. A person may also be the indirect beneficial owner of securities held in the name of a partnership, corporation, trust or other entity if such person or a spouse or relative of such person, individually or collectively, may exercise a controlling influence over the purchase, sale or voting of such securities.]

11. *Statement of amount owned.* In stating the amount of equity securities beneficially owned, give the face amount of convertible debt securities or the number of shares of stock or other units of other securities. In the case of equity securities owned indirectly, the entire amount of equity securities owned by the partnership, corporation, trust, or other entity shall be stated. The person whose ownership is reported may, if he so desires, also indicate in a footnote or other appropriate manner the extent of his interest in the partnership, corporation, trust, or other entity.

[12. *Puts, Calls, Options and Other Rights—Table II.* The terms "puts" and "calls" in Table II include, in addition to separate puts and calls, any combination of the two, such as spreads, straddles, strips and straps. In reporting the nature of the option in Column 3 of Table II, state whether it represents a right to buy, a right to sell, an obligation to buy or an obligation to sell, the securities subject to the option.]

[13. *Price at which options may be exercised.* If a warrant is not presently exercisable, state the price at which it will first become exercisable. If a warrant, put, call or option is exercisable at various increasing prices, state the price at which it is presently exercisable.]

14. *Inclusion of additional information.* A statement may include any additional information or explanation deemed relevant by the person filing the statement.

15. *Signature.* If the statement is filed for a corporation, partnership, trust, etc., the name of the organization shall appear over the signature of the officer or other person authorized to sign the statement. If the statement is filed for an individual, it shall be signed by him or specifically on his behalf by a person authorized to sign for him. [If signed on his behalf by another person, the authority of such person to sign the statement shall be confirmed to the Board in writing as soon as practicable by the individual for whom the statement is filed, unless such a confirmation which is still in effect is on file with the Board.]

§ 206.62 Form for statement of changes in beneficial ownership of equity securities (Form F-8).

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

FORM F-8

STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES

(Filed pursuant to section 16(a) of the Securities Exchange Act of 1934)

(1) Name of Bank----------

(2) Name and Business Address of Reporting Person

(Zip)

(3) Relationships of Report Person to Company (Inst. 4)----------

(4) Date of Last Previous Statement------- (mo.)
---------- ---------- (day) (year)

(5) If an Amendment, Give Date of Statement Amended---------- ---------- (mo.) (day)
---------- (year)

(6) Statement for Calendar Month of------- (mo.)
---------- (year)

TABLE I. *Securities bought, sold or otherwise acquired or disposed of.*

Furnish the information required by the following table as to securities of the company brought or sold or otherwise acquired or disposed of by the reporting person during the month for which this statement is filed (See Instruction 6) and as to securities of the company beneficially owned, directly or indirectly, at the end of the month. However, transactions involving the acquisition of disposition of puts, calls, options or other rights or obligations to buy or sell securities of the company shall be reported in Table II.

Title of securities (Instruction 8)	3. Date of transaction (Instruction 9)	4. Amount of securities acquired or disposed of (Instruction 10)	5. Nature of ownership of securities acquired or disposed of (Instruction 11)	6. Character of transaction reported (Instruction 12)	7. Purchase or sale price per share or other unit (Instruction 13)	8. Amount owned at end of month (Instruction 10)	9. Nature of ownership of securities owned at end of month (Instruction 11)

TABLE II. *Puts, calls, options and other rights or obligations*

If during the month for which this statement is filed the reporting person acquired or disposed of any put, call, option or other right or obligation (all hereinafter referred to as "options") to buy or sell, or be required to buy or sell, securities of the company, furnish the information required by the following table. (See Instruction 5.) However, the acquisition or disposition of transferable warrants issued by the company which give the right to buy securities of the company are to be reported in Table I. Options exempted by Rule 16a-6 need not be reported.

Title of securities subject to option (Instruction 8)	3. Date of transaction (Instruction 9)	4. Nature of option (Instruction 14)	5. Amount of securities subject to option (Instruction 10)	6. Character of transaction, if any, reported (Instruction 12)	7. Purchase or sale price of securities subject to option (Instruction 13)	8. Date of expiration of option

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BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

FORM F-8

INSTRUCTIONS

1. Persons required to file statements. A statement on this form is required to be filed by every person who at any time during any calendar month was (1) directly or indirectly the beneficial owner of more than 10 percent of any class of equity securities of a bank registered pursuant to section 12 of the Securities Exchange Act of 1934 (the Act) or (11) a director or officer of the bank which is the issuer of such securities, and who during such month had any change in the nature or amount of his beneficial ownership of any class of equity securities of such bank. The term "officer" means a Chairman of the Board of Directors, Vice Chairman of the Board, Chairman of the Executive Committee, President, Vice President (except as indicated in the next sentence), Cashier, Treasurer, Secretary, Comptroller, and any other person who participates in major policy-making functions of the bank. In same banks (particularly banks with officers bearing titles such as Executive Vice President, Senior Vice President, or First Vice President, as well as a number of "Vice Presidents"), some or all "Vice Presidents" do not participate in major policy-making functions, and such persons are not officers for the purpose of this statement.

2. When statements are to be filed. Statements are required to be filed on or before the 10th day after the end of each calendar month in which any change in the nature or amount of beneficial ownership has occurred. Statements are not deemed to have been filed with the Board or an exchange until they have actually been received by the Board or such exchange.

3. Where statements are to be filed. One signed copy of each statement shall be filed with the Board of Governors of the Federal Reserve System, Washington, D.C. 20551. One signed copy thereof shall also be filed with each exchange on which any class of equity securities of the bank is listed. However, if such bank has, in accordance with § 206.6 (a)(3) of Regulation F, designated a single exchange to receive statements, the statement need only be filed with the Board and the designated exchange.

4. Separate statement for each bank. A separate statement shall be filed with respect to the equity securities of each bank.

5. Relationship of reporting person to bank. Indicate clearly the relationship of the reporting person to the bank; for example, "Director", "Director and Vice President", "Beneficial owner of more than 10 percent of the bank's common stock", etc.

6. Transactions and holdings to be reported. Persons required to file statements on this form shall include in their statements all changes during the calendar month in their beneficial ownership, and their beneficial ownership at the end of the month, of all classes of equity securities of the bank, even though one or more of such classes may not be registered pursuant to section 12 of the Act.

Every change in beneficial ownership shall be reported even though purchases and sales during the month are equal or the change involves only the nature of beneficial ownership (for example, from direct to indirect ownership or from one type of indirect ownership to another). Beneficial ownership at the end of the month of classes of equity securities of the bank shall be shown even though there has been no reportable change during the month in the ownership of equity securities of a particular class.

[*7. Reporting of Transactions.* (a) When a transaction relates to the acquisition or disposition of two or more securities as a unit, such as debentures and transferable warrants to purchase common stock of the bank, report each security separately and describe the unit relationship in the space provided for explanation on page 2 of the form. If one or more of the securities comprising the unit is not required to be reported, the other security or securities shall be reported separately and the unit relationship described as indicated above.]

[(b) In reporting the acquisition or disposition of a convertible security or a transferable warrant, the number of shares or units subject to the conversion privilege or warrant and the conversion or exercise price per share or unit shall be set forth in the explanation space on page 2. When a convertible security is converted or a warrant is exercised, the amount of securities acquired as a result of such conversion or exercise shall be reported and, in addition, the disposition of the convertible security or warrant shall be reported as a separate transaction.]

[(c) Securities owned indirectly shall be reported on separate lines from those owned directly and also from those owned through a different type of indirect ownership.]

[(d) The acquisition, disposition, exercise, or expiration or cancellation of a put, call, option or other right or obligation to buy or sell securities (all hereinafter referred to as "options") is deemed to effect a change in beneficial ownership of the security to which the option relates and shall be reported in Table II. If the option is exercised, the transaction shall be reported in Table II and the acquisition or disposition of the security subject to the option shall be reported in Table I. Transferable warrants issued by the issuer of the security subject to the warrants shall be reported in Table I (in which case the exercise price and date of expiration of the warrant shall be reported in the explanation space on page 2).]

8. Title of equity security. The statement of the title of an equity security should clearly distinguish it from any securities of other classes issued by the bank.

9. Date of transaction. The exact date (month, date, and year) of each transaction shall be stated opposite the amount involved in the transaction. [In the case of market transactions, the trade date shall be given and in the case of stock splits, stock dividends, etc., the record date shall be given.]

10. Statement of amounts of equity securities. In stating the amount of equity securities acquired, disposed of, or beneficially owned, give the face amount of convertible debt securities or the number of shares of stock or other units of other securities. In the case of equity securities owned indirectly, the entire amount of equity securities involved in the transaction or owned by the partnership, corporation, trust, or other entity shall be stated. The person whose ownership is reported may, if he so desires, also indicate in a footnote or other appropriate manner, the extent of his interests in the transaction or holdings of the partnership, corporation, trust or other entity.

[*11. Nature of ownership of securities—Table I.* [(a) In reporting the nature of ownership of securities on Columns 5 and 9 of Table I, if the securities are owned directly, so state. If they are owned indirectly, state the nature of such indirect ownership; for example, "By self as trustee for sons", "By wife", "By X Trust", "By Y Corporation" etc. If the securities are owned directly and other securities are owned indirectly, the required information shall be furnished separately for each type of ownership, see Instruction 7(c) above. Securities held as joint tenants, tenants in common, tenants by the entirety or as community property are to be reported as held directly.]

[(b) Beneficially owned securities held in the name of the reporting person or in the name of a bank, broker or nominee for the account of the reporting person shall be reported as directly owned by him. A person is regarded as the indirect beneficial owner of securities held in the name of another person if by reason of any contract, understanding, relationship, including a family relationship, or arrangement, such person obtains therefrom benefits substantially equivalent to those of ownership. For example, a person may be the indirect beneficial owner of securities held in the name of a Spouse, a relative or other person if such person may obtain therefrom benefits substantially equivalent to those of ownership.]

[A person may also be the indirect beneficial owner of securities held in the name of a partnership, corporation, trust or other entity if such person or a spouse or relative of such person, individually or collectively, may exercise a controlling influence over the purchase, sale or voting of such securities.]

12. Character of transaction. If the transaction in equity securities was with the bank, so state. If it involved the purchase of equity securities through the exercise of warrants or options, so state, give the termination date of the option or warrant, and give the exercise price per share. If any other purchase or sale was effected otherwise than in the open market, that fact shall be indicated. If the transaction was not a purchase or sale, indicate its character: for example, gift or stock dividend, stock split, or other type of pro rata distribution, etc., as the case may be. The foregoing information may be appropriately set forth in the table or under "Remarks" below the table.

[*13. Purchase or sale price of securities.*] [(a) If any transaction reported in Table I involved a purchase or sale of securities for cash or obligation to pay cash, including the exercise of an option, state in Column 7 the purchase price per share or other unit, exclusive of brokerage commissions or other costs of execution. If the transaction was only partly for cash and partly for other consideration, state the amount of cash per share or other unit and the nature of the additional consideration. Column 7 need not be answered for transactions not involving cash.]

[(b) When two or more securities are purchased or sold as a unit (see Instruction 7(a) above), the purchase or sale, price of the unit shall be stated opposite one of the securities and cross-referred to opposite the other security or securities.]

[(c) If an option reported in Table II is exercisable at varying increasing prices, state in Column 7 of that table the price at which it is presently exercisable.]

[*14. Puts, calls, options and other Rights—Table II.*]

[The terms "put" and "call" on Table II include, in addition to separate puts and calls, any combination of the two, such as spreads, straddles, strips and straps. In reporting the nature of the option in Column 4 of Table II, state whether it represents a right to buy, a right to sell, an obligation to buy or an obligation to sell, the securities subject to the option.]

15. Inclusion of additional information. A statement may include an additional information or explanation deemed relevant by the person filing the statement.

16. Signature. If the statement is filed for a corporation, partnership, trust, etc., the name of the organization shall appear over the signature of the officer or other person authorized to sign the statement. If the statement is filed for an individual, it shall be signed by him or specifically on his behalf by a person authorized to sign for him. [If signed on his behalf by another person, the authority of such person to sign the statement shall be confirmed to the Commission in writing as soon as practicable by the individual for whom the statement is filed, unless such a confirmation which is still in effect is on file with the Commission.]

§ 206.65 Form for registration of certain successor issuers pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934.[1]

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
Washington, D.C. 20511

FORM F-1B

FOR REGISTRATION OF SECURITIES OF CERTAIN SUCCESSOR ISSUERS PURSUANT TO SECTION 12(b) OR (g) OF THE SECURITIES EXCHANGE ACT OF 1934

GENERAL INSTRUCTIONS

A. Rule as to Use of Form F-1B.

This form may be used for registration pursuant to section 12(b) or (g) of the Securities Exchange Act of 1934 ("Act") of securities of an issuer which has no securities so registered but which has succeeded to an issuer which at the time of the succession had securities so registered, or to such an issuer and one or more other persons, subject to the following conditions:

(a) The capital structure and balance sheet of the successor issuer immediately after the succession were substantially the same as those of the single predecessor or, if more than one predecessor, the combined capital structures and balance sheets of all of the predecessors; or

(b) Proxies were solicited pursuant to regulations promulgated by the Board, Federal Deposit Insurance Corporation or Comptroller of the Currency, or other government agency, under section 14 of the Act with respect to the succession from the security holders of the predecessor or, if more than one predecessor, from the security holders of at least one of such predecessors and copies of the proxy statement used in such solicitation are filed as an exhibit to the registration statement on this form;

Provided, however, (1) That this form may be used only if the registration statement is filed within 120 days after the date of the succession, and (2) that this form shall not be used for the registration on a national securities exchange pursuant to section 12 (b) of the Act of securities of a successor issuer unless its predecessor or, if more than one predecessor, at least one of its predecessors, had securities listed and registered on the same exchange at the time of the succession.

B. Application of Regulation F.

(a) The Board's Regulation F contains certain general requirements which are applicable to registration on any form. These general requirements should be carefully read and observed in the preparation and filing of registration statements on this form.

(b) Particular attention is directed to § 206.4 which contains general requirements regarding matters such as the kind and size of paper to be used, legibility, information to be given whenever the title of securities is required to be stated, incorporation by reference and the filing of the registration statement. The definitions contained in § 206.2 should be especially noted.

C. Preparation of Registration Statement.

This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the registration statement on paper meeting the requirements of § 206.4(t). The registration statement shall contain the item numbers and captions, but the text of the items may be omitted provided the answers thereto are prepared in the manner specified in § 206.4(u).

D. Signature and Filing of Registration Statement.

Eight complete copies of the registration statement, including exhibits and all papers and documents filed as a part thereof, shall be filed with the Board. At least one complete copy shall be filed with each exchange on which registration is applied for. At least one of the copies filed with the Board and one filed with each such exchange shall be manually signed. Unsigned copies shall be conformed.

E. Incorporation by Reference.

If the information called for by any item or items of this form is contained in a proxy statement filed as an exhibit pursuant to General Instruction A(b), such information may be incorporated by reference to such document in answer or partial answer to such item or items.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
Washington, D.C. 20551

FORM F-1B

FOR REGISTRATION OF SECURITIES OF CERTAIN SUCCESSOR ISSUERS PURSUANT TO SECTION 12 (B) OR (G) OF THE SECURITIES EXCHANGE ACT OF 1934

(Exact name of bank as specified in its charter)

(State or other jurisdiction of incorporation or organization)

(I.R.S. Employer Identification No.)

(Address of principal executive offices) (Zip Code)

Securities to be registered pursuant to section 12(b) of the Act:

Title of each class to be registered

Name of each exchange on which each class is to be registered

---

Securities to be registered pursuant to Section 12(g) of the Act:

(Title of class)

(Title of class)

INFORMATION REQUIRED IN REGISTRATION STATEMENT

Item 1. General information.

(a) State the date on which the bank was organized, its form of organization, and the State or other jurisdiction under the laws of which it was organized.

(b) State the date on which the bank's fiscal year ends.

Item 2. Transaction of succession.

(a) Name each predecessor which had securities registered pursuant to Section 12(b) or (g) of the Act at the time of the succession.

(b) Describe briefly the transaction of succession and state the basis upon which securities of the bank have been or are to be issued in exchange for or otherwise in respect of securities of any predecessor.

Item 3. Securities to be registered.

As to each class of securities to be registered, state the number of shares or the amounts of bonds (1) presently authorized, (2) presently issued and (3) presently issued which are held by bank for the account of others.

Item 4. Capital stock to be registered.

If capital stock is to be registered hereunder, state the title of the class and furnish the following information (See Instruction 1):

(a) Outline briefly (1) dividend rights; (2) voting rights; (3) liquidation rights; (4) pre-emptive rights; (5) conversion rights; (6) redemption provisions; (7) sinking fund provisions, and (8) liability to further calls or to assessment.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the bank while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

Instructions. 1. If a description of the securities comparable to that required here is contained in any other filing with the Board, such description may, subject to § 206.4(q) be incorporated by reference to such other filing in answer to this item. If the securities are to be registered on a national securities exchange and the description has not previously been filed with such exchange, copies of the description shall be filed with copies of the application filed with the exchange.

2. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct resume is required.

3. If the rights evidenced by the securities to be registered are materially limited or qualified by the rights evidenced by any other class of securities or by the provisions of any contract or other document, include such information regarding such limitation or qualification as will enable investors to understand the rights evidenced by the securities to be registered.

Item 5. Debt securities to be registered.

If the securities to be registered hereunder are bonds, debentures or other evidences of indebtedness, outline briefly such of the following as are relevant:

(a) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund or retirement.

(b) Provisions with respect to the kind and priority of any lien, securing the issue, together with a brief identification of the principal properties subject to such lien.

(c) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, the creation or maintenance of reserves or the maintenance of properties.

(d) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions.

Instruction. Provisions permitting the release of assets upon the deposit of equivalent funds or the pledge of equivalent property, the release of property no longer required in the business, obsolete property or property taken by eminent domain, the application of insurance moneys, and similar provisions, need not be described.

[1] Section 206.65 is proposed to be added in its entirety.

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(e) The name of the trustee and the nature of any material relationship with the bank or any of its affiliates; the percentage of securities of the class necessary to require the trustee to take action, and what indemnification the trustee may require before proceeding to enforce the lien.

(f) The general type of event which constitutes a default and whether or not any periodic evidence is required to be furnished as to the absence of default or as to compliance with the terms of the indenture.

Instruction: The instructions to Item 4 shall also apply to this Item.

Item 6. Other securities to be registered. If securities other than those referred to in Items 4 and 5 are to be registered hereunder, outline briefly the rights evidenced thereby. If subscription warrants or rights are to be registered, state the title and amount of securities called for, the period during which and the price at which the warrants or rights are exercisable.

Instruction: The instructions to Item 4 shall also apply to this Item.

Item 7. Financial statements and exhibits. List below all financial statements and exhibits, if any, required to be filed as a part of the application or statement:

(a) Financial Statements.

(b) Exhibits.

SIGNATURE

Pursuant to the requirements of Section 12 of the Securities Exchange Act of 1934, the bank has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized.

(Bank)

Date: ---- By ----

(Signature)*

*Print the name and title of the signing officer under his signature.

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

(a) No financial statements need be filed if the capital structure and balance sheet of the bank immediately after the succession were substantially the same as those of the predecessor or, if more than one predecessor, the combined capital structures and balance sheets of all of the predecessors.

(b) If paragraph (a) above does not apply, the registration statement shall include any financial statements or schedules, not included in the proxy statement filed as an exhibit, which would be called for by Form F–1 if the securities were to be registered on that form.

INSTRUCTIONS AS TO EXHIBITS

Subject to section 206.4(q) regarding the incorporation of exhibits by reference, the following exhibits shall be filed as a part of the registration statement. Such exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may be referred to by the designation given in the previous filing. Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits called for under Item 7.

1. Copies of the plan or agreement, if any pursuant to which the bank's succession has taken place or is to take place, unless the terms of such plan or agreement are substantially contained in a proxy statement filed as an exhibit pursuant to Instruction 2, below.

2. Copies of any proxy statement required to be filed pursuant to General Instruction A(b).

3. Copies of all other exhibits which would be called for by Form F–1 if the securities to be registered hereunder were to be registered on that form.

§ 206.71 Forms for financial statements (Forms F–9, A, B, C, and D).

(Revised Dec. 31, 1969)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

FORM F–9: FINANCIAL STATEMENTS

A. Balance Sheet (Form F–9A)

B. Statement of Income (Form F–9B)

C. Statment of Changes in Capital Accounts (Form F–9C)

D. Schedules (Form F–9D)

GENERAL INSTRUCTIONS

1. *Preparation of forms.* The forms for financial statements are not to be used as blank forms to be filled in but only as guides in the preparation of financial statements. The requirements with respect to the filing of balance sheets and statements of income are contained in the instructions as to certain other forms required by this Part. Particular attention should be given to the general requirements as to financial statements in § 206.7 of this Part, including paragraphs (e), (f), and (g) thereof, which prescribe when statements of changes in capital accounts and schedules will be filed. Although inapplicable items specified in the forms for financial statements should be omitted, the detailed instructions that relate to applicable items shall be followed.

2. *Accrual accounting.* Financial statements shall generally be prepared on the basis of accrual accounting whereby all revenues and all expenses shall be recognized during the period earned or incurred regardless of the time received or paid, with certain exceptions: (a) where the results would be only insignificantly different on a cash basis, or (b) where accrual is not feasible. Statements with respect to the first fiscal year that a bank reports on the accrual basis shall indicate clearly, by footnote or otherwise, the beginning-of-year adjustments that were necessary and their effect on prior financial statements filed under this Part.

A. BALANCE SHEET

Assets

1. Cash and due from banks----------
2. Investment securities:
   - (a) U.S. Treasury securities------
   - (b) Securities of other U.S. Government agencies and corporations ----------
   - (c) Obligations of States and political subdivisions------
   - (d) Other securities----------
3. Trading account securities---------
4. Federal funds sold and securities purchased under agreements to resell ----------
5. Other loans----------
6. Bank premises and equipment----
7. Other real estate owned----------
8. Investments in subsidiaries not consolidate----------
9. Customers' acceptance liability----
10. Other assets----------
11. Total assets----------

Liabilities

12. Deposits:
    - (a) Demand deposits in domestic offices ----------
    - (b) Savings deposits in domestic offices ----------
    - (c) Time deposits in domestic offices ----------
    - (d) Deposits in foreign offices--
13. Federal funds purchased and securities sold under agreements to repurchase----------
14. Other liabilities for borrowed money ----------
15. Bank's acceptances outstanding---
16. Montgages payable----------
17. Other liabilities----------
18. Total liabilities----------
19. Minority interests in consolidated subsidiaries ----------

Reserves

20. Allowance for possible loan losses-

Capital Accounts

21. Capital notes and debentures-----
22. Equity capital:
    - (a) Capital stock:
      - Preferred stock----------
      - Common stock----------
    - (b) Surplus ----------
    - (c) Undivided Profits----------
    - (d) Reserve for contingencies and other capital reserves ----------
23. Total capital accounts----------
24. Total liabilities, reserves, and capital ----------

Assets

1. *Cash and due from banks.* (a) State the total of (1) currency and coin (A) owned and held in the bank's vaults and (B) in transit to or from a Federal Reserve Bank; (2) the bank's total reserve balance with the Federal Reserve Bank as shown by the bank's books; (3) demand and time balances with other banks; and (4) cash items in process of collection.

(b) Reciprocal demand balances with banks in the United States, except those of private banks and American branches of foreign banks, shall be reported net.

(c) Do not include unavailable balances with closed or liquidating banks. Such balances should be reported in "other assets".

(d) Cash items in process of collection include: (1) checks in process of collection drawn on another bank, private bank, or any other banking institution that are payable immediately upon presentation (including checks with a Federal Reserve Bank in process of collection and checks on hand that will be presented for payment or forwarded for collection on the following business day); (2) Government checks and warrants drawn on the Treasurer of the United States that are in process of collection; and (3) such other items in process of collection, including redeemed United States savings bonds, payable immediately upon presentation in the United States, as are customarily cleared or collected by banks as cash items.

(e) Checks drawn on a bank other than the reporting bank that have been deposited in the reporting bank (or offices or branches of such bank) and have been forwarded for collection to other offices or branches of the reporting bank are cash items in the process of collection.

(f) Do not include commodity or bill-of lading drafts payable upon arrival of goods against which drawn, whether or not deposit credit therefor has been given to a customer. If deposit credit has been given, such drafts should be reported as "loans"; but if the drafts were received by the reporting bank on a collection basis they should not be included in the reporting bank's statement until such time as the funds have been actually collected.

(g) Unposted debits should preferably be deducted form the appropriate deposit liability caption. If such items are included hereunder, the amount shall be stated parenthetically.

2. *Investment securities.* (a) State separately book value of (1) U.S. Treasury securities; (2) Securities of other U.S. Government agencies and corporations; (3) Obligations of States and political subdivisions; and (4) Other securities owned by the bank; include securities pledged, loaned or sold under repurchase agreements and similar arrangements.

(b) The aggregate amount on the basis of fair market value at the balance sheet date shall be shown either parenthetically on the balance sheet or by a reference note for each category of investment securities reported under caption 2 of each balance sheet required to be filed.

(c) Book value with respect to investment quality securities reported in paragraph (a) shall be cost adjusted for amortization of premium and, at the option of the bank, for accretion of discount. There shall be set forth in a note to financial statements (1) the basis of accounting for book value, and (2) if bond discount is systematically accrued and amounts to 5 per cent or more of interest and dividends or investments, the total of accretion income and deferred income taxes applied thereto.

(d) Include in category (3) of paragraph (a) obligations, including warrants and tax anticipation notes, of the States of the United States and their political subdivisions, agencies, and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign states.

(e) Do not include borrowed securities or securities purchased under resale agreements or similar arrangements.

3. *Trading account securities.* State the aggregate value at the balance sheet date, of securities of all types carried by the bank in a dealer trading account (or accounts) that are held principally for resale to customers. Indicate parenthetically, or otherwise in a note to financial statements, whether the inventory is valued at (1) cost, (2) lower of cost or market, or (3) market. If cost basis of valuation is used, furnish aggregate market value of the trading account inventory at the current fiscal year balance sheet date.

4. *Federal funds sold and securities purchased under agreements to resell.* (a) State the aggregate value of Federal funds sold and securities purchased under resale agreement or similar arrangements. All securities purchased under transactions of this type should be included regardless of (1) whether they are called simultaneous purchases and sales, buy-backs, turnarounds, overnight transactions, delayed deliveries, etc., and (2) whether the transactions are with the same or different institutions if the purpose of the transactions is to resell identical or similar securities.

(b) Federal funds sold and purchases of securities under resale agreements should be reported gross and not netted against purchases of Federal funds and sales of securities under repurchased agreements.

5. *Other loans.* (a) State the aggregate gross value of all loans including (1) acceptances of other banks and commercial paper purchased in the open market; (2) acceptances executed by or for the account of the reporting bank and subsequently acquired by it through purchase or discount; (3) customers' liability to the reporting bank on drafts paid under letters of credit for which the bank has not been reimbursed; and (4) "cotton overdrafts" or "advances," and commodity or bill-of-lading drafts payable upon arrival of goods against which drawn, for which the reporting bank has given deposit credit to customers.

(b) Include (1) paper rediscounted with the Federal Reserve or other banks; and (2) paper pledged as collateral to secure bills payable, as marginal collateral to secure bills rediscounted, or for any other purpose.

(c) Do not include contracts of sale or other loans indirectly representing bank premises or other real estate; these should be included in "bank premises" or "other real estate".

(d) Do not deduct bona fide deposits accumulated by borrowers for the payment of loans.

6. *Bank premises and equipment.* (a) State the aggregate cost of (1) bank premises owned, (2) leasehold improvements, and (3) equipment less any accumulated depreciation or amortization with respect to such assets.

(b) All fixed assets acquired subsequent to December 31, 1959, shall be stated at cost less accumulated depreciation or amortization.

(c) All fixed assets acquired prior to January 1, 1960, that are not presently accounted for by the bank on the basis of cost less accumulated depreciation or amortization, may be stated at book value. Any such assets that are still in use and would not have been fully depreciated on an acceptable method of accounting for depreciation if the bank had recorded depreciation on such basis shall be described briefly in a footnote, together with an explanation of the accounting that was used with respect to such assets.

(d) The term "leasehold improvements" comprehends two types of situations: (1) where the bank erects a building on leased property; and (2) where a bank occupies leased quarters or uses leased parking lots and appropriately capitalizes disbursements for vaults, fixed machinery and equipment directly related to such leased quarters, or resurfacing or other improvements directly related to such parking lots that will become an integral part of the property and will revert to the lessor on expiration of the lease.

(e) Bank premises includes vaults, fixed machinery and equipment, parking lots owned adjoining or not adjoining the bank premises that are used by customers or employees, and potential building sites.

(f) Equipment includes all movable furniture and fixtures of the bank.

7. *Other real estate owned.* (a) State the aggregate cost of all real estate owned by the bank that is not a part of bank premises.

(b) With respect to real estate acquired through default of a loan, aggregate cost shall include the unpaid balance on the defaulted loan plus the bank's out-of-pocket costs in acquiring clear title to the property. Any adjustments from aggregate cost shall be explained in a footnote.

(c) The aggregate market value of all real estate owned by the bank that is not a part of bank premises shall be set forth in a footnote, together with an explanation of the method of determining such market value.

8. *Investments in subsidiaries not consolidated.* State the aggregate investment, including advances, in subsidiaries not consolidated.

9. *Customers' acceptance liability.* (a) State the liability to the reporting bank of its customers on drafts and bills of exchange that have been accepted by the reporting bank or by other banks for its account and that are outstanding—that is, not held by the bank, on the reporting date. (If held by the reporting bank, they should be reported as "loans".)

(b) In case a customer anticipates his liability to the bank on outstanding acceptances by paying the bank either the full amount of his liability or any part thereof in advance of the actual maturity of the acceptance, the bank should decrease the amount of the customer's liability on outstanding acceptances. If such funds are not received for immediate application to the reduction of the indebtedness to the bank or the receipt thereof does not immediately reduce or extinguish the indebtedness, then such funds held to meet acceptances must be reported in "demand deposits".

(c) Do not include customer's liability on unused commercial and travelers' letters of credit issued under guaranty or against the deposit of security—that is, not issued for money or its equivalent.

10. *Other assets.* State separately, if material, (1) income earned but not collected; (2) prepaid expenses; (3) property acquired for the purpose of direct lease financing; and (4) any other asset not included in the preceding items.

11. *Total assets.* State the sum of all asset items.

LIABILITIES

12. *Deposits.* (a) State separately (1) demand deposits in domestic offices of the bank, (2) savings deposits in domestic offices of the bank, (3) time deposits in domestic offices of the bank, and (4) deposits in foreign offices. Related unposted debits, if any, should preferably be deducted from domestic deposits.

(b) The domestic deposit liability categories shall be segregated in accordance with the Rules and Regulations of the Federal Deposit Insurance Corporation, Part 327.2—Classification of Deposits.

(c) The term "unposted debit" means a cash item in the bank's possession drawn on itself that has been paid or credited and is chargeable against, but has not been charged against, deposit liabilities at the close of the reporting period. This term does not include items that have been reflected in deposit accounts on the general ledger, although they have not been debited to individual deposit accounts.

(d) Reciprocal demand deposit balances with banks in the United States, except those of private banks and American branches of foreign banks, shall be reported net.

(e) Include outstanding drafts (including advices or authorizations to charge the bank's balance in another bank) drawn in the regular course of business by the reporting bank on other banks pursuant to customer order.

(f) Do not include trust funds held in the bank's own trust department that the bank keeps segregated and apart from its general assets and does not use in the conduct of its business.

13. *Federal funds purchased and securities sold under agreements to repurchase.* (a) State the aggregate value of Federal funds purchased and securities sold under repurchase or similar arrangements. All securities sold under transactions of this type should be included regardless of (1) whether they are called simultaneous purchases and sales, buy-backs, turnarounds, overnight transactions, delayed deliveries, etc., and (2) whether the transactions are with the same or different institutions if the purpose of the transactions is to repurchase identical or similar securities.

(b) Federal funds purchased and sales of securities under repurchase agreements should be reported gross and not netted against sales of Federal funds and purchases of securities under resale agreements.

14. *Other liabilities for borrowed money.* State the aggregate amount borrowed by the reporting bank on its own promissory notes, on notes and bills rediscounted (including commodity drafts rediscounted), or on any other instruments given for the purpose of borrowing money.

15. *Bank's acceptances outstanding.* (a) State the aggregate of unmatured drafts and bills of exchange accepted by the reporting bank, or by some other bank as agent for the reporting bank (other than those reported in "demand deposits"), less the amount of such acceptances acquired by the reporting bank through discount or purchase and held on the reporting date.

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(b) Include bills of exchange accepted by the reporting bank that were drawn by banks or bankers in foreign countries, or in dependencies or insular possessions of the United States, for the purpose of creating dollar exchange as required by usage of trade in the respective countries, dependencies, or insular possessions.

16. *Mortgages payable.* (a) State separately here, or in a note referred to herein, such information as will indicate (1) the general character of the debt including the rate of interest; (2) the date of maturity; (3) if the payment of principal or interest is contingent, an appropriate indication of such contingency; and (4) a brief indication of priority.

(b) If there are any liens on bank premises or other real estate owned by the bank or its consolidated subsidiaries which have not been assumed by the bank or its consolidated subsidiaries, report in a footnote the amount thereof together with an appropriate explanation.

17. *Other liabilities.* State separately, if material, (a) accrued payrolls; (b) accrued income tax liability (Federal and State combined); (c) accrued interest; (d) cash dividends declared but not paid; (e) income collected but not earned; and (f) any other liability not included in Items 12 through 16.

18. *Total liabilities.* State the sum of Items 12 through 17.

19. *Minority interests in consolidated subsidiaries.* State the aggregate amount of minority stockholders' interests in capital stock, surplus, and undivided profits of consolidated subsidiaries.

RESERVES

20. *Allowance for possible loan losses.* (a) State the balance of the loan losses allowance account at the end of the fiscal year. Include in this allowance only (1) any provision that the bank makes for possible loan losses pursuant to the Treasury tax formula and (2) any amount in excess of the provision taken under such formula that (A) represents management's judgment as to possible loss or value depreciation and (B) has been established through a charge against income.

(b) Any provision for possible loan losses that the bank establishes as a precautionary measure that is in excess of the amount reported in paragraph (a) shall not be included in this allowance but shall be reported as a contingency reserve—that is, as a segregation of undivided profits.

NOTE.—Any allowance that (1) represents management's judgment as to possible loss or value depreciation in investment securities and (2) has been established through an appropriate charge against income shall be separately stated. Any provision for possible security losses that the bank establishes as a precautionary measure only (such as to reflect normal fluctuations in market value of readily marketable securities) shall not be included in this allowance but shall be reported as a contingency reserve—that is, as a segregation of undivided profits.

CAPITAL ACCOUNTS

21. *Capital notes and debentures.* State separately here, or in a note referred to herein, each issue or type of obligation and such information as will indicate (a) the general character of each type of debt including the rate of interest; (b) the date of maturity (or dates if maturing serially) and call provisions; (c) the aggregate amount of maturities, and sinking fund requirements, each year for the 5 years following the date of the balance sheet; (d) if the payment of principal or interest is contingent, an appropriate indication of the nature of the contingency; (e) a brief indication of priority; and (f) if convertible, the basis.

22. *Equity capital.* (a) Capital stock. State for each class of shares the title of issue, the number of shares authorized, the number of shares outstanding and the capital share liability thereof, and, if convertible, the basis of conversion. Show also the dollar amount, if any, of capital shares subscribed but unissued, and of subscriptions receivable thereon.

(b) Surplus. State the net amount formally transferred to the surplus account on or before the reporting date.

(c) Undivided profits. State the amount of undivided profits shown by the bank's books.

(d) Reserve for contingencies and other capital reserves.

(1) State separately each such reserve and its purpose.

(2) These reserves constitute amounts set aside for possible decrease in the book value of assets, or for other unforeseen or indeterminable liabilities not otherwise reflected on the bank's books and not covered by insurance.

(3) As these reserves represent a segregation of undivided profits, do not include any element of known losses, or losses the amount of which can be estimated with reasonable accuracy.

(4) Reserves for possible security losses, reserves for possible loan losses, and other contingency reserves that are established as precautionary measures only shall be included in these reserves, as they represent segregations of "undivided profits".

23. *Total capital accounts.* State the total of Items 21 and 22.

24. *Total liabilities, reserves and capital.* State the total of Items 18, 19, 20 and 23.

(STATEMENT OF INCOME) FORM F–9B

B. STATEMENT OF INCOME

1. Operating Income:
   - (a) Interest and fees on loans
   - (b) Income on Federal funds sold and securities purchased under agreements to resell
   - (c) Interest and dividends on investments:
     - (1) U.S. Treasury securities
     - (2) Securities of other U.S. Government agencies and corporations
     - (3) Obligations of States and political subdivisions
     - (4) Other securities
   - (d) Trust department income
   - (e) Service charges on deposit accounts
   - (f) Other service charges, collection and exchange charges, commissions, and fees
   - (g) Other operating income
   - (h) Total operating income
2. Operating Expenses:
   - (a) Salaries and wages
   - (b) Pensions and other employee benefits
   - (c) Interest on deposits
   - (d) Expenses of Federal funds purchased and securities sold under agreements to repurchase
   - (e) Interest on other borrowed money
   - (f) Interest on capital notes and debentures
   - (g) Occupancy expense of bank premises, net:
     - Gross occupancy expense
     - Less: Rental income
   - (h) Furniture and equipment expense (including depreciation of $)
   - (i) Provision for loan losses
   - (j) Other operating expenses
   - (k) Total operating expenses
3. Income before Income Taxes and Securities gains (losses)
4. Applicable Income Taxes
5. Income before securities gains (losses)
6. Net Security gains (losses), less related tax effect, $
7. Net income

or

7. Income before extraordinary items
8. Extraordinary items, less related tax effect, $
9. Net Income
10. Earnings per common share[1]:
    - Income before securities gains (losses)
    - Net Income

[1] Per share amount of securities gains (losses) may be stated separately. If extraordinary items are reported, per share amount of income before extraordinary items and per share amount of extraordinary items shall be stated separately.

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1. *Operating income.* State separately:

(a) *Interest and fees on loans.*

(1) Include interest, fees and other charges on all assets that are reported on the balance sheet as other loans.

(2) Include interest on acceptances, commercial paper purchased in the open market, drafts for which the bank has given deposit credit to customers, etc. Also include interest on loan paper that has been rediscounted with Federal Reserve or other banks or pledged as collateral to secure bills payable or for any other purpose.

(3) Include service charges and other fees on loans.

(4) Include profits (or losses) resulting from the sale of acceptances and commercial paper at discount rates other than those at which such paper was purchased.

(5) Current amortization of premiums on mortgages or other loans shall be deducted from interest on loans and current accumulation of discount on such items shall be added to interest on loans.

(b) *Income on Federal funds sold and securities purchased under agreements to resell.* Include the total gross revenue from Federal funds sold and securities purchased under agreements to resell.

(c) *Interest and dividends on investments.*

(1) State separately interest and dividends from (A) U.S. Treasury securities, (B) securities and other U.S. Government agencies and corporations, (C) obligations of States and political subdivisions, and (D) other securities owned by the bank, including securities pledged, loaned, or sold under repurchase agreements and similar arrangements.

(2) Include accretion of discount on securities, if any; deduct amortization of premiums on securities. If the reporting bank accrues bond discount and such income amounts to 5 per cent or more of the total of interest and dividends on investments, state in a note to financial statements, the amount of accretion income and deferred income taxes applicable thereto.

(3) When securities are purchased, any payment for accrued interest shall not be charged to expenses, nor when collected be credited to earnings. Such interest shall be charged to a separate account that will be credited upon collection of the next interest payment. The balance in the account shall be shown as "Other assets" in the balance sheet.

(d) *Trust department income.*

(1) Include income from commissions and fees for services performed by the bank in any authorized fiduciary capacity.

(2) This item may be reported on the cash basis in those instances where the presentation of the item on the financial statements would not be materially affected thereby. The cash basis may also be used with respect to an individual trust or estate if accrual of income therefrom is not feasible. If any portion of trust department income is not reported on the accrual basis, there shall be a footnote explaining the method of reporting and the reason for departing from reporting on the accrual basis.

(e) *Service charges on deposit accounts.* Include amounts charged depositors that fail to maintain specified minimum deposit balances; charges based on the number of checks drawn on and deposits made in deposit accounts; charges for account maintenance and for checks drawn on "no minimum balance" deposit accounts; return check charges; etc.

(f) *Other service charges, collection and exchange charges, commissions, and fees.* State the aggregate of other service charges, collection and exchange charges, commissions, and fees. Exclude charges on loans and deposits and those related to the Trust Department. Do not include reimbursements for out-of-pocket expenditures made by the bank for the account of customers. If expense accounts were charged with the amount of such expenditures, the reimbursements should be credited to the same expense accounts.

(g) *Other operating income.*

(1) Include all operating income not reported in Items 1(a) through 1(f).

(2) Include (A) net trading accouht income consisting of profits and losses, interest, and other income and expense related to securities carried in a dealer trading account or accounts that are held principally for resale to customers, but exclude salaries, commissions, and other indirect expenses; (B) income from lease financing; (C) gross rentals from "other real estate" and safe deposit boxes; (D) net remittable profits (or losses) of foreign branches and consolidated subsidiaries less any minority interests (unless the reporting bank preferably combines or consolidates each item of income and expense); (E) interest on time balances with other banks; and (F) all other recurring credits (such as miscellaneous recoveries) and immaterial nonrecurring credit items.

(3) Do not include rentals from bank premises. Such rental income shall be reported in the inset to Item 2(g). In the event there is a net occupancy income, the income shall be shown in parenthesis in Item 2(g).

(4) Itemize (A) net trading account income, (B) net remittable profits (or losses) of foreign branches and consolidated subsidiaries (if included in this sub-Item), and (C) all other amounts that represent 25 percent or more of the total of this sub-Item, unless "other operating income" is less than 5 percent of "total operating income."

(h) *Total operating income.* State the sum of Items 1(a) through 1(g).

2. *Operating expenses.* State separately:

(a) *Salaries.*

(1) Include compensation for personal services of all officers and employees, including dining room and cafeteria employees but not building department employees.

(2) Include amounts withheld from salaries for Social Security taxes and contributions to the bank's pension fund. Do not include Social Security taxes paid by the bank for its own account and the bank's contribution to pension funds. Such amounts shall be included in Item 2(b).

(3) Include bonus and profit sharing paid directly or through a trustee. Such compensation that is deferred and not distributed to employees shall be reported in Item 2(b).

(4) Do not include compensation of officers and employees who spent the major portion of their working time on bank building and related functions. Such compensation shall be included in Item 2(g).

(5) Do not include amounts paid to legal, management, and investment counsel for professional services if such counsel are not salaried officers or employees of the bank. Such amounts shall be included in Item 2(j).

(b) *Pensions and other employee benefits.*

(1) Include all supplementary benefits, other than direct compensation included in Item 2(a) accrued during the report period on behalf of all officers and employees except building department personnel (see Item 2(g)).

(2) Include the bank's own contribution to its pension fund; unemployment and Social Security taxes for the bank's own account; life insurance premiums (net of dividends received) and hospitalization insurance payable by the bank; and other employee benefits.

(3) Do not include expenses related to testing, training, or education of officers and employees; the cost of bank newspapers and magazines; premiums on insurance policies where the bank is beneficiary; and athletic activities where the principal purpose is for publicity or public relations and employee benefits are only incidental. Such amounts shall be included in Item 2(j).

(c) *Interest on deposits.* Include interest on all deposits.

(d) *Expense of Federal funds purchased and securities sold under agreements to repurchase.* Include the total gross expenses of Federal funds purchased and securities sold under agreements to repurchase.

(e) *Interest on other borrowed money.*

(1) Include all interest on bills payable, rediscounts, unsecured notes payable, and other instruments issued for the purpose of borrowing money other than Federal funds purchased and securities sold under agreements to repurchase.

(2) Do not include interest on mortgages on bank premises. Such interest shall be included in Item 2(g).

(f) *Interest on capital notes and debentures.*

(1) Include all interest on capital notes and debentures.

(2) Amortization of premium or discount shall be deducted from or included in the amount reported.

(3) Do not include premium or discount paid or realized on retirement of such securities. Such amounts shall be reported in Item 1(g) or 2(j).

(g) *Occupancy expense of bank premises, net.*

(1) Include in "gross occupancy expense" inset the aggregate amount of (A) salaries, wages, and supplementary compensation of bank personnel who devote the major portion of their time to the operation of bank premises or its consolidated premises subsidiaries; (B) depreciation of bank premises and amortization of leasehold improvements; (C) rent expense of bank premises; (D) real estate taxes; (E) interest on mortgages on bank premises owned; and (F) other bank premises operating and maintenance expenses.

(2) Include in "rental income" inset the aggregate amount of rentals from bank premises leased by the bank or its consolidated premises subsidiaries.

(3) Report the net occupancy expense (or net income) of bank premises. If net income is reported, the amount shall be shown in parenthesis.

(h) *Furniture and equipment expense.*

(1) Include normal and recurring depreciation charges; rental costs of office machines and tabulating and data processing equipment; and ordinary repairs to furniture and office machines, including servicing costs. The amount applicable to depreciation charges shall be shown in parenthesis.

(2) Include taxes on equipment.

(i) *Provision for loan losses.*

(1) Banks which provide for loan losses on a reserve basis shall include an estimated amount for credit losses. Such amount shall be determined by management in light of past loan loss experience and evaluation of potential loss in the current loan portfolio. The estimated loan loss factor allocable to operating expense shall not be less than the amount computed under one of the elective methods set forth in sub-Item (2).

(2) The bank may elect in 1969, and thereafter consistently use for financial reporting purposes, one of the following methods for allocating loan losses to operating expense:

(A) Average ratio of loss over the past five years applied to average loans outstanding during the current year. Ratio of loss shall be the single decimal quotient of total net charge-offs (losses less recoveries) and total average loans for the five most recent years, including the current year.

(B) Average ratio of loss on a forward moving average beginning with the year 1969 applied to average loans outstanding during the current year. Ratio of loss shall be the single decimal quotient of total net charge-offs and total average loans for the number of years beginning with 1969 and ending with the year of report. In 1973, banks which elect the forward moving average method will compute the minimum allocable credit loss expense on the same basis as banks which elect method (1).

NOTE. For purposes of Items 2(A) and (B), annual "average loans outstanding" (1) shall include Federal funds sold and securities purchased under agreements to resell, and (2) may be computed on any reasonable schedule of frequency. In the absence of other procedures, "Other loans", and "Federal funds sold and securities purchased under agreements to resell", as reported in the Statements of Condition called by the supervisory authorities, shall be averaged.

(C) Actual net charge-offs as experienced in the current year.

(3) An estimated amount for loan losses allocable to operating expense in excess of the minimum amount computed as instructed in sub-Item (2) should be provided when judged appropriate in the opinion of management.

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(4) Furnish in a note to financial statements an explanation of the basis for allocating loan losses to operating expense including (A) the method followed, and (B) amount added at the discretion of management, if any.

(5) The amount may be expressed in even dollars or thousands of dollars.

NOTE.—The amount reported for loan losses in operating expense shall be adjusted, if necessary, to the amount transferred to the allowance for loan losses recorded on the books of the bank by an entry to the undivided profits account in the statement of changes in capital accounts. For example, if the estimated loan loss expense reported in the statement of income is less than the amount transferred to the allowance for loan losses, the amount of difference, less related tax effect, should be charged against the undivided profits account. If the estimated loan loss expense reported in the statement of income (1) is more than the amount transferred to the allowance for loan losses, and (2) represents the minimum amount the bank is required to allocate under its elected method, the amount of difference, less related tax effect, should be credited to the undivided profits account.

(6) Banks which do not provide for loan losses on a reserve basis shall include the amount of actual net charge-offs (losses less recoveries) for the current year.

(j) *Other operating expenses.*

(1) Include all operating expenses not reported in Items 2(a) through 2(i).

(2) Include advertising, business promotion, contributions, cost of examinations by supervisory authorities, deposit insurance assessment, fees paid to directors and members of committees, memberships, net cash shortages or overages, operating expenses (except salaries) of "Other real estate owned", postage, premium on fidelity insurance, publicity, retainer fees, stationery and office supplies, subscriptions, taxes not reported against other items, telegrams and cables, telephone, temporary agency help, travel, unreimbursed losses on counterfeits, forgeries, payments over stops, and all other recurring expenses and immaterial nonrecurring charges.

(3) Deposit insurance assessment expense shall be reported as a net figure—that is, all assessment credits during the period shall be applied against the assessment expense.

(4) Itemize all amounts that represent 25 per cent or more of this item.

(k) *Total operating expenses.* State the sum of Items 2(a) through 2(j).

3. *Income before income taxes and security gains (losses).* State the difference of Item 1(h) minus Item 2(k).

4. *Applicable income taxes.* (a) State the aggregate of Federal and State taxes applicable to the amount reported in Item (3).

(b) Do not include taxes applicable to net security gains (losses) and extraordinary items. Such taxes (or tax reductions) shall be reported in Items 6 and 8.

5. Income before securities gains (losses). State the difference of Item 3 minus Item 4.

6. *Net security gains (losses).* State the net result of security gains and losses realized. Related income taxes (or tax reductions) shall be shown parenthetically.

7. *Net income.* State the sum or difference of Items 5 and 6.

NOTE. If extraordinary items are reported (See Item 8) the caption to this Item shall read, "Income before extraordinary items."

8. *Extraordinary items.* State the material results of non-recurring transactions that have occurred during the current reporting period. Only the results of major events outside of the ordinary operating activity of the bank are to be reported herein. Such events would include, but not be limited to, material gain or loss from sale of bank premises, expropriation of properties, and major devaluation of foreign currency. Related income taxes (or tax reductions) shall be shown parenthetically. (Less than material results of non-recurring transactions are to be included in Items 1(g) or 2(j), as appropriate.)

9. *Net income.* State the sum or difference of Items 7 and 8.

10. *Earnings per common share.* State the per share amounts applicable to common stock (including common stock equivalents) and per share amounts on a fully diluted basis, if applicable. The basis of computation, including the number of shares used, shall be furnished in a note to financial statements.

C. STATEMENT OF CHANGES IN CAPITAL ACCOUNTS

Increase (decrease)	Capital notes and debentures	Preferred stock $——— par	Common stock $——— par	Surplus	Undivided profits	Reserve for contingencies and other capital reserves
1. Net income transferred to undivided profits						
2. Capital notes and debentures, preferred stock and common stock sold (par or face value)						
3. Stock issued incident to mergers and acquisitions						
4. Premium on capital stock sold						
5. Additions to, or reductions in, surplus, undivided profits, and reserves incident to mergers						
6. Transfer to allowance for loan loss, exclusive of portion charged against income, less related income tax effect $						
7. Cash dividends declared on preferred stock						
8. Cash dividends declared on common stock						
9. Stock issued in payment of stock dividend, ——— shares at par value						
10. All other increases (decreases) [1]						
11. Net increase (decrease) for the year						
12. Balance at beginning of year [2]						
13. Balance at end of year						

[1] State separately any material amounts, indicating clearly the nature of the transaction out of which the item arose.

[2] If the statement is filed as part of an annual or other periodic report and the balances at the beginning of the period differ from the closing balances as filed for the previous fiscal period, state in a footnote the difference and explain.

D. SCHEDULES

SCHEDULE I—U.S. TREASURY SECURITIES, SECURITIES OF OTHER U.S. GOVERNMENT AGENCIES AND CORPORATIONS, AND OBLIGATIONS OF STATES AND POLITICAL SUBDIVISIONS

Type and maturity grouping	Book value [1]	Market value [2]
U.S. Treasury securities:		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total U.S. Treasury securities		
Securities of other U.S. Government agencies and corporations:		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total securities of other U.S. Government agencies and corporations		
Obligations of states and political subdivisions: [3]		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total obligation of states and political subdivisions		

[1] State briefly in a footnote the basis for determining the amounts in this column.

[2] Include obligations of the States of the United States and their political subdivisions, agencies, and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign states.

[3] If market value is determined on any basis other than market quotations at balance sheet date, explain.

SCHEDULE II—OTHER SECURITIES

Type	Book value [1]	Market value [2]
Bonds, notes, and debentures [3]		
Stocks of the Federal Reserve Bank		
Other stocks [3]		
Total		

[1] State briefly in a footnote the basis for determining the amounts shown in this column.

[2] State in a footnote the aggregate amount and book value of foreign securities included.

[3] If market value is determined on any basis other than market quotations or balance sheet date, explain.

SCHEDULE III.—*Other loans* [1]

Type:	Book value
Real estate loans:	
Insured or guaranteed by the U.S. Government or its agencies	
Other	
Loans to financial institutions	
Loans for purchasing or carrying securities (secured or unsecured)	
Commercial and industrial loans	
Loans to individuals for household, family, and other consumer expenditures	
All other loans (including overdrafts)	
Total other loans reported in balance sheet	

[1] If impractical to classify foreign branch and foreign subsidiary loans in accordance with this schedule, a separate caption stating the total amount of such loans may be inserted. Such action should be explained in a footnote.

SCHEDULE IV—BANK PREMISES AND EQUIPMENT

Classification [1]	Gross book value [2]	Accumulated depreciation and amortization [3] [4]	Amount at which carried on balance sheet
Bank premises (including land $——)			
Equipment			
Leasehold improvements			
Totals [5]			

[1] If impractical to consolidate foreign branch and foreign subsidiary bank premises and equipment in accordance with the breakdown required by this schedule, a separate caption stating the total amount of all such property may be inserted. Such action should be explained in a foot-note.

[2] State briefly in a footnote the basis of determining the amounts in this column.

[3] If provision for depreciation and amortization is credited in the books directly to the asset accounts, the amounts for the last fiscal year shall be stated in an explanatory footnote.

[4] The nature and amount of significant additions (other than provisions for depreciation and amortization) and deductions shall be stated in an explanatory footnote.

[5] Show in a footnote totals (corresponding to the first two columns) representing amounts reported for Federal income tax purposes.

SCHEDULE V—INVESTMENTS IN, DIVIDEND INCOME FROM, AND SHARE IN EARNINGS OR LOSSES OF UNCONSOLIDATED SUBSIDIARIES

Name of subsidiary	Per cent of voting stock owned	Total investment, including advances	Equity in underlying net assets at balance sheet date [1]	Amount of dividends [2]	Bank's proportionate part of earnings or loss for the period
Totals		$	$	$	$

[1] Equity shall include advances reported in preceding column to the extent recoverable.

[2] In a footnote state as to any dividends other than cash, the basis on which they have been reported as income. Also, if any such dividend received has been credited to income in an amount differing from that charged to surplus and/or undivided profits by the disbursing subsidiary, state the amount of such difference and explain.

SCHEDULE VI—
"Other" Liabilities for Borrowed Money

Item:	Amount
Borrowings from Federal Reserve Bank	
Unsecured notes payable within 1 year	
Unsecured notes payable after 1 year	
Other obligations	
Total	

SCHEDULE VII—ALLOWANCE FOR POSSIBLE LOAN LOSSES

Item	Amount set up pursuant to Treasury tax formula	Other amount [1]
Balances at beginning of period		
Recoveries credited to Allowance		
Additions due to mergers and absorptions [2]		
Transfers to Allowance:		
From income		
From undivided profits [3]		
Totals		
Losses charged to Allowance		
Balances at end of period [4]		

[1] Do not include any provision for possible loan losses that the bank establishes as a precautionary measure. Include only any provision that (1) has been established through a charge against income, (2) represents management's judgment as to possible loss or value depreciation, and (3) is in excess of the provision taken under the Treasury tax formula.

[2] Describe briefly in a footnote any such addition.

[3] Indicate by parentheses the gross amount of any credit adjustment to undivided profits.

[4] Describe briefly in a footnote the basis used in computing the amount accumulated in the Allowance at the end of the period. State the amount that could have been deducted for Federal income tax purposes if such amount is in excess of the amount provided by the bank pursuant to the Treasury tax formula.

NOTE.—The sum of the balances should equal the amount of "Allowance for possible loan losses" reported in the balance sheet.

[FR Doc.75-29093 Filed 10-29-75;8:45 am]

[Reg. Z]

PART 226—TRUTH IN LENDING

Disclosure of Closing Costs

On October 28, 1974, Congress enacted Pub. L. 93-495 containing several amendments to the Truth in Lending Act. Section 409 of Pub. L. 93-496 provides for the disclosure of "closing costs" to be incurred by the customer in consumer credit transactions. On September 22, 1975, the Board of Governors published for comment in the FEDERAL REGISTER (40 FR 43516) proposed amendments to Regulation Z designed to implement section 409. The comment period on this proposal terminated on October 15. The Board of Governors is today publishing final amendments to Regulation Z designed to implement section 409.

While these amendments have been adopted because section 409 becomes effective October 28, 1975, it should be noted that the Board has recommended to Congress that the section be repealed; the Senate voted such repeal on October 9, 1975, and the question of such a repeal is presently under consideration in the House of Representatives.

Approximately 110 written comments were received by the Board. In response to the comments, some changes in the provisions previously published were made. An explanation of most of the substantive changes follows.

Section 226.8(r), the section which requires disclosure of closing costs, applies only to real property transactions, i.e., transactions in which a security interest in real property is or will be retained or acquired by the creditor. But even such real property transactions will not be subject to § 226.8(r) if they are either subject to the Real Estate Settlement Procedures Act (RESPA) or are exempted from the requirements of RESPA by regulations adopted by the Department of Housing and Urban Development (HUD). The Board believes that this limitation is appropriate at this time because in other types of transactions closing costs are generally either not present at all or are minimal in amount and not subject to change among creditors, and with respect to transactions exempted from RESPA, requiring disclosures under section 409 would be inconsistent with the discretion exercised by HUD to exempt certain transactions.

The term "closing" is defined to refer to consumer credit transactions.

The definition of "closing cost" is written to clarify that any fee or charge, other than a downpayment, which is paid in cash at or prior to closing is a closing cost. Closing costs may include finance charges but not any amounts financed nor any loan proceeds paid to satisfy other debts of the customer.

The definition of "commitment" is adjusted to refer to a commitment legally binding on the creditor. This is necessary so that oral and over the telephone shopping for credit is not hampered by having such conversations considered commitments.

The disclosure of closing costs is required to be made, in connection with real property credit sales, prior to the making of any downpayment. With respect to other real property transactions, disclosure is required at the time a lender commitment is given.

With respect to the way in which disclosures are made, the Board adheres to its general policy of not specifying forms but allowing creditors to design their own forms subject only to Regulation Z's requirements as to clarity and sequence. Disclosure is permitted on a separate form, or could be given with the other Truth in Lending disclosures if they are given at the time disclosure of closing costs would otherwise be required or, at the creditor's option, on pages 1 and 2 of HUD Form I. If the latter option is chosen, it will completely satisfy the disclosure requirements of section 409.

In order to facilitate compliance with section 409 by allowing for the development of procedures and the orderly

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change of forms, creditors have until January 31, 1976, to bring their forms and procedures into compliance.

Where disclosures are required to be made but exact information is not known, estimates may be used under the provisions of § 226.6(f).

Where Truth in Lending disclosures are made at the same time disclosure of closing costs is made under section 409 and that time is prior to consummation, no further Truth in Lending disclosures need be made at consummation.

Pursuant to the authority granted in 15 U.S.C. 1604 (1970), the Board amends Regulation Z, 12 CFR Part 226, as follows:

1. Section 226.2 is amended as follows:

§ 226.2 Definitions and rules of construction.

* * * * *

(mm) "Closing" means the date on which the bargained-for consideration is exchanged between the parties to any consumer credit transaction, irrespective of when the transaction is consummated.

(nn) "Closing cost" means any fee or charge, other than a downpayment, paid in cash by the customer or on the customer's behalf at or prior to a closing as a condition of the transaction. The term includes fees or charges which are finance charges but does not include amounts which are financed nor loan proceeds paid over in satisfaction of other debts of the customer.

(oo) "Commitment" means an oral or written agreement, which is legally binding on the creditor, to enter into a specified consumer credit transaction with a customer, whether or not such agreement is subject to any conditions and whether or not such agreement is binding upon the customer.

(pp) "Downpayment" means a payment made at or prior to consummation of a transaction which is or will be applied wholly to the cash price of property or services purchased.

(qq) "RESPA" means the Real Estate Settlement Procedures Act of 1974 together with the regulations promulgated thereunder by the Secretary of Housing and Urban Development.

2. Section 226.8 (a) and (r) are amended as follows:

§ 226.8 Credit other than open end—specific disclosures.

(a) *General rule.* Any creditor when extending credit other than open end credit shall, in accordance with § 226.6 and to the extent applicable, make the disclosures required by this section with respect to any transaction consummated on or after July 1, 1969. Except as otherwise provided in this section, such disclosures shall be made before the transaction is consummated. At the time disclosures are made, the creditor shall furnish the customer with a duplicate of the instrument or a statement by which the required disclosures are made and on which the creditor is identified. Except as provided in paragraph (r) of this section, all of the disclosures shall be made together on either:

(1) The note or other instrument evidencing the obligation on the same side of the page and above the place for the customer's signature; or

(2) One side of a separate statement which identifies the transaction.

* * * * *

(r) *Disclosure of closing costs.* The creditor in any real property transaction subject to this section shall disclose to the customer all closing costs, if any, to be paid by the customer in connection with such transaction in accordance with the following provisions:

(1) The disclosure required by paragraph (r) shall include the total amount of closing costs, if any, using the term "closing costs" and, where there is more than one component cost, a description of each. Such disclosures shall be made:

(i) On one side of a separate statement, or

(ii) Together with the other disclosures required by this section, in which case the disclosures required by this paragraph shall, if required to be itemized, either be listed separately, or to the extent that they are itemized elsewhere on such disclosure statement, referenced as being a closing cost by use of an asterisk or other appropriate means, or

(iii) At the creditor's option, on pages 1 and 2 of HUD Form 1, as issued by the Department of Housing and Urban Development pursuant to 24 CFR Part 82. Use of this option will completely satisfy the disclosure requirements of this paragraph (r).

(2) In the case of any credit sale, the disclosures required by this paragraph (r) shall be made prior to the making of any downpayment.

(3) In the case of any extension of credit other than a credit sale, the disclosures required by this paragraph (r) shall be made at the time the creditor makes a commitment in connection with that transaction.

(4) Notwithstanding the provisions of paragraph (r) (2) and (3) of this section, the disclosures required by this paragraph (r) shall be made before the transaction is consummated.

(5) This paragraph (r) does not apply to any transaction:

(i) To which the disclosure requirements of RESPA are applicable, or

(ii) Which is exempted from the disclosure requirements of RESPA under regulations issued by the Department of Housing and Urban Development.

(6) This paragraph (r) shall become effective on January 31, 1976.

3. The effective date of these regulations shall be October 28, 1975, except as provided in § 226.8(r) with respect to that section.

4. This notice is published pursuant to section 553(b) of Title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2 (a)).

By order of the Board of Governors, October 24, 1975.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.75-29260 Filed 10-28-75;10:40 am]

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

PART 341—REGISTRATION OF TRANSFER AGENTS

Regulations and Statements of General Policy

1. On August 28, 1975, the Federal Deposit Insurance Corporation ("Corporation") requested public comment on a proposed Part 341 of its regulations respecting registration of State nonmember bank transfer agents and their subsidiaries (12 CFR Part 341). The proposed regulation was published as a notice of proposed rulemaking in the FEDERAL REGISTER on September 4, 1975 (40 FR 40856–40857, 40860–40863). All interested parties were invited to submit their written data, views and arguments thereon by September 30, 1975. The comments having been considered, the Board of Directors of the Federal Deposit Insurance Corporation has adopted Part 341 and related Form TA-1 (12 CFR Part 341) under the Securities Exchange Act of 1934 ("the Act"). The rule and form set forth the procedures under which transfer agents subject to the registration requirements under the Act and for which the Corporation is the appropriate regulatory agency, as defined in section 3(a)(34)(B) of the Act,[1] will register with the Corporation.

Each federal bank regulatory agency and the Securities and Exchange Commission is publishing, concurrently with the publication of this rule and registration form, a substantially similar rule and an identical registration form for transfer agents which are required to register with that agency.

Background. As amended by the Securities Acts Amendments of 1975 (the "1975 Act"), which was signed into law on June 4, 1975,[2] the Act provides for federal regulation of the securities handling process, including clearing agencies, depositories, and transfer agents, with a view to facilitating the establishment of a national system for the prompt and accurate clearance and settlement of securities transactions.

Pursuant to section 17A(c) of the Act, a transfer agent must register with the appropriate regulatory agency if it performs the functions of a transfer agent with respect to any security registered under section 12 of the Act or which would be required to be so registered except for the exemption from registration provided by subsections (g)(2)(B) or (g)(2)(G) of that section. Such registration must be effective on December 1, 1975; [3] otherwise, it shall be unlawful for any transfer agent subject to the registration requirements but not so registered, directly or indirectly to make use of the mails or any means or instrumentality of interstate commerce to perform the function of a transfer agent with respect to such securities.

Under section 17A(c) of the Act, a transfer agent subject to the registration requirements registers by filing with the appropriate regulatory agency for such transfer agent an application for registration containing information and documents prescribed by the appropriate regulatory agency. Registration of a transfer agent becomes effective thirty days after receipt of the application for registration by the appropriate regulatory agency, unless the appropriate regulatory agency takes affirmative action to accelerate, deny or postpone the registration in accordance with the provisions of section 17A(c) of the Act.

A transfer agent which is subject to the registration requirements and which is a national bank or a subsidiary of any such bank or a bank operating under the Code of Law for the District of Columbia or a subsidiary of any such bank is required to register with the Comptroller of the Currency. A transfer agent which is subject to the registration requirements and which is a State member bank of the Federal Reserve System or a subsidiary of any such bank, a bank holding company or a subsidiary of a bank holding company which is a bank [4] (other than a bank which is required to register with the Comptroller of the Currency or the Federal Deposit Insurance Corporation) is required to register with the Board of Governors of the Federal Reserve System. A transfer agent which is subject to the registration requirements and which is a State chartered bank insured by the Federal Deposit Insurance Corporation (other than a bank which is a member bank of the Federal Reserve System) or a subsidiary thereof is required to register with the Federal Deposit Insurance Corporation. All other transfer agents which are subject to the registration requirements are required to register with the Securities and Exchange Commission.

Definition of the Term "Transfer Agent". The term "transfer agent" is defined in section 3(a)(25) of the Act to mean any person who engages on behalf of an issuer of securities or on behalf of itself as an issuer of securities in (i) countersigning such securities upon issuance, (ii) monitoring the issuance of such securities with a view to preventing unauthorized issuance, a function commonly performed by a person called a registrar, (iii) registering the transfer of such securities, (iv) exchanging or converting such securities, or (v) transferring record ownership of securities by bookkeeping entry without physical issuance of securities certificates. The term "transfer agent" does not include any insurance company or separate account which performs such functions solely with respect to variable annuity contracts or variable life policies which it issues or any registered clearing agency which performs such functions solely with respect to options contracts which it issues.

Section 17A(c) of the Act would preclude a person from performing any transfer agent functions set forth in section 3(a)(25) of the Act with respect to certain securities unless such person were registered as a transfer agent with the appropriate regulatory agency. Thus, an issuer who performs any one or more of the specified transfer agent functions in section 3(a)(25) of the Act with respect to certain securities, even if it employs a transfer agent to perform other specified transfer agent functions, would itself be required to register under the Act. For example, an issuer who engages a transfer agent to countersign certificates, monitor the issuance of certificates, and prepare for the issuer information to enable the issuer himself to record the transfer of the securities on the corporate shareholder records would also be required to register since the issuer himself would be performing the function of registering the transfer of such securities on the corporate shareholder records, a transfer agent function.

Part 341. Part 341 requires a transfer agent for which the Corporation is the appropriate regulatory agency to apply for registration with the Corporation on, and in accordance with the instructions contained in, Form TA-1. Registration shall become effective on the thirtieth day after filing unless the Corporation takes affirmative action to accelerate, deny or postpone such registration. The rule further provides that the filing of any amendment to an application for registration, which has not become effective, will postpone the effective date of the registration until the thirtieth day after the date on which the amendment was filed, unless the Corporation takes affirmative action to accelerate, deny or postpone the registration in accordance with the Act.

The rule as adopted also requires Items 1–6 of Form TA-1 to be amended twenty-one calendar days following the date on which such information becomes inaccurate, misleading or incomplete. Information as to the issues which the registrant services must be updated within thirty calendar days following the close of any calendar year (beginning with the period from the date as of which registrant's application is prepared to December 31, 1976) during which the information has become inaccurate, misleading or incomplete.

Finally, every registration or amendment filed pursuant to Part 341 constitutes a "report" or "application" within the meaning of sections 17, 17A(c), and 32(a) of the Act.

Corporation Acceleration of Registration Filed on or Prior to November 17, 1975. Under section 17A(c)(2) of the Act, an application for registration filed by a transfer agent with the appropriate regulatory agency shall be effective thirty days after receipt of such application by such appropriate regulatory agency or within such shorter period of time as such appropriate regulatory agency may determine. Section 17A(c) of the Act, as made effective by section 31(a) of the 1975 Act, would make it unlawful on or after December 1, 1975, for any transfer agent, unless registered with the appropriate regulatory agency, to make use of the mails or any means or instrumentality of interstate commerce to perform the function of a transfer agent with respect to certain securities. Absent an order accelerating the effectiveness of registration, transfer agents required to register must file an application for registration with the appropriate regulatory agency before November 1, 1975.

In view of the fact that Part 341 and related Form TA-1 have just been adopted and that there may be a brief delay in circulating Form TA-1 to all interested parties, the Corporation has determined that to require transfer agents to file Form TA-1 before November 1, 1975 would not be practicable.

Accordingly, the Corporation intends to accelerate the effectiveness of any properly completed application for registration on Form TA-1 which is filed on or before November 17, 1975, unless affirmative action is taken to deny or postpone such registration in accordance with the provisions of the Act. In addition, an amendment to a Form TA-1 which was properly completed and filed on or before November 17, 1975 shall not operate to postpone the effective date of the registration.

Receipt of Form TA-1 by the Corporation. Procedurally, with respect to an application for registration on Form TA-1 filed pursuant to Part 341, in general, the Corporation will acknowledge receipt of Form TA-1 and such registration will become effective either on the thirtieth day after filing or for applications filed on or before November 17, 1975, on December 1, 1975, unless the registrant receives notification that such registration has not become effective for any reason.

Form TA-1. Form TA-1 as adopted has been revised and reorganized to clarify its requirements and simplify the registration process. It continues to be a com-

[1] Section 3(a)(34)(B) of the Act defined the term "appropriate regulatory agency" when used with respect to a clearing agency or transfer agent to be:

"(i) the Comptroller of the Currency, in the case of a national bank or a bank operating under the Code of Law for the District of Columbia, or a subsidiary of any such bank;

(ii) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System, a subsidiary thereof, a bank holding company, or a subsidiary of a bank holding company which is a bank other than a bank specified in clause (i) or (iii) of this subparagraph;

(iii) the Federal Deposit Insurance Corporation, in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System), or a subsidiary thereof; and

(iv) the Commission in the case of all other clearing agencies and transfer agents."

[2] Pub. L. 94-29 (June 4, 1975).

[3] See section 31(a) of the 1975 Act.

[4] Section 3(a)(34) of the Act provides that for purposes of that section the terms "bank holding company" and "subsidiary of a bank holding company" have the meanings given them in section 2 of the Bank Holding Company Act of 1956.

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mon form for the registration of all transfer agents.

The Form is designed to identify and to provide the Corporation with basic information regarding the size and nature of the registrant's transfer agent activities and to assure the development of appropriate regulatory standards.

The information requested includes the name of the registrant, the address of the principal place of the registrant's business, the address of the principal office(s) for transfer agent activities, the name of the person in charge of the registrant's transfer agent activities, the registrant's form of organization, and the types of transfer agent activities engaged in by the registrant.

The form has been revised to require only the names of the issues for which the registrant acts and the capacity in which the registrant acts. Disclosure of the identity of others with whom the registrant acts for an issue (e.g., a transfer agent, a co-transfer agent, a registrar or a co-registrar of the issue) would not be required of the registrant. An update of these issues would be required annually where the information becomes inaccurate, incomplete or misleading and would be accomplished by filing Schedule B to Form TA–1.

The form would also require information related to the registrant's insurance coverage related solely to transfer agent activities, whether or not the registrant is audited, and the number of employees engaged in transfer agent activities.

The information requested on differences and out of proof issues has been revised to clarify the information required.

Statutory Basis. Part 341 and Form TA–1 are adopted pursuant to Sections 2, 17, 17A and 23(a) of the Securities Exchange Act of 1934.

2. Title 12 of the Code of Federal Regulations is amended by adding a new Part 341 which reads as follows:

§ 341.1 Scope.

The requirements of this part are adopted pursuant to Sections 2, 17, 17A and 23(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78) the "Act") and apply to all State nonmember banks, or subsidiaries of such banks, that act as transfer agent for securities registered under Section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 781), or for securities which would be required to be registered except for the exemption from registration contained in subsections (g)(2)(B) or (g)(2)(G) of Section 12 of that Act (which subsections relate to securities of investment companies and insurance companies).

§ 341.2 Application for Registration as Transfer Agent.

(a) *Requirement of Application.* An application for registration, pursuant to Section 17A(c) of the Act, of a transfer agent for which the Corporation is the appropriate regulatory agency, as defined in Section 3(a)(34)(B) of the Act, shall be filed with the Corporation on Form TA–1, in accordance with the instructions contained therein and shall become effective on the thirtieth day following the date on which the application is filed unless the Corporation takes affirmative action to accelerate, deny or postpone such registration in accordance with the provisions of Section 17A(c) of the Act.

(b) *Effective Date.* The filing of any amendment to an application for registration as a transfer agent pursuant to paragraph (a) of this section, which registration has not become effective, shall postpone the effective date of the registration until the thirtieth day following the date on which the amendment is filed unless the Corporation takes affirmative action to accelerate, deny or postpone the registration in accordance with the provisions of Section 17A(c) of the Act.

(c) *Required Amendments.* Within twenty-one calendar days following the date on which any information reported at Items 1–6 of Form TA–1 becomes inaccurate, misleading or incomplete, the registrant shall file an amendment on Form TA–1 correcting the inaccurate, misleading or incomplete information. Within thirty calendar days following the close of any calendar year (beginning with the period from the date as of which registrant's application is prepared to December 31, 1976) during which the information required by item 7 of Form TA–1 becomes inaccurate, misleading or incomplete, the registrant shall file an amendment on Form TA–1 correcting the inaccurate, misleading or incomplete information.

(d) *Constitute Reports.* Every registration or amendment filed pursuant to this rule shall constitute a "report" or "application" within the meaning of Sections 17, 17A(c) and 32(a) of the Act.

§§ 341.3–341.9 [Reserved]

§ 341.10 Form for Registration as a Transfer Agent (Form TA–1).

INSTRUCTIONS FOR USE OF FORM TA–1

UNIFORM FORM FOR REGISTRATION AS A TRANSFER AGENT AND FOR AMENDMENT TO REGISTRATION AS A TRANSFER AGENT PURSUANT TO SECTION 17A OF THE SECURITIES EXCHANGE ACT OF 1934 (THE "ACT")

I. *General Instructions for Preparing and Filing Form TA–1.* 1. Form TA–1 is to be used by transfer agents to apply for registration and to amend registration with the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation or the Securities and Exchange Commission. As used hereinafter, the terms "Form TA–1" includes the form and any required schedules and attachments thereto.

2. Transfer agents should register as follows:

A. A national bank or a subsidiary of any such bank or a bank operating under the Code of Law for the District of Columbia or a subsidiary of any such bank registers with the Comptroller of the Currency.

B. A State member bank of the Federal Reserve System or a subsidiary of any such bank or a bank holding company or a subsidiary of a bank holding company which is a bank (other than a bank which is required to register with the Comptroller of the Currency or the Federal Deposit Insurance Corporation) registers with the Board of Governors of the Federal Reserve System.

C. A bank insured by the Federal Deposit Insurance Corporation (other than a bank which is a member bank of the Federal Reserve System) or a subsidiary thereof registers with the Federal Deposit Insurance Corporation.

D. All other transfer agents register with the Securities and Exchange Commission.

3. Transfer agents are required to file six completed copies of Form TA–1 with the appropriate regulatory agency, as described in instruction 2 immediately above, in accordance with the following instructions:

A. For transfer agents registering with the Comptroller of the Currency, six copies of Form TA–1 are to be filed with the Office of the Comptroller of the Currency, Administrator of National Banks, Washington, D.C. 20219.

B. For transfer agents registering with the Board of Governors of the Federal Reserve System, four copies of Form TA–1 are to be filed with the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, and two copies of Form TA–1 are to be filed with the Federal Reserve Bank of the District in which registrants' principal banking operations are conducted.

C. For transfer agents registering with the Federal Deposit Insurance Corporation, six copies of Form TA–1 are to be filed with the Federal Deposit Insurance Corporation, Washington, D.C. 20429.

D. For transfer agents registering with the Securities and Exchange Commission, six copies of Form TA–1 are to be filed with the Securities and Exchange Commission, Washington, D.C. 20549.

An exact copy of Form TA–1 should be retained for your records.

4. The date on which a Form TA–1 is received by the appropriate regulatory agency shall be the date of filing thereof if all the requirements with respect to filing have been complied with. A Form TA–1 which is not prepared and executed in compliance with applicable requirements may be returned as not acceptable for filing. However, acceptance of Form TA–1 shall not constitute any finding that it has been filed as required or that the information submitted is true, current, or complete.

5. Copies of Form TA–1 and Schedules A and B may be duplicated and are acceptable for filing provided an original, manual signature is affixed to the execution section of each copy. Except as set forth in instruction 20, Form TA–1 and Schedules A and B may be duplicated by any method producing legible copies, of type size identical to that in the Form, on good quality, unglazed, white paper, 8½ x 11 inches in size.

6. If Form TA–1 is filed by a corporation, it shall be signed in the name of the corporation by a principal officer duly authorized; if it is filed other than by a corporation, it shall be signed by a duly authorized principal of the organization filing the Form. As used in this Form, principal officer means the chairman of the board of directors, vice chairman of the board of directors, chairman of the executive committee, president, vice president, treasurer, secretary, comptroller, or any other person performing a similar function.

7. If the space provided for any answer on Form TA–1 is insufficient, the complete answer shall be prepared on Schedule A, which shall be attached to the Form.

8. Individuals' names, except for executing signatures, shall be given in full wherever required (last name, first name, middle name). The full middle name is required. Initials are not acceptable unless the individual legally has only an initial.

9. Unless the context otherwise requires, "registrant" means the entity on whose behalf Form TA–1 is filed, whether as a registration or as an amendment to a previously filed Form TA–1.

10. The information contained in Form TA–1 shall be amended upon the happening of certain events (See instruction 15 relating to amendments to Form TA–1).

11. Section 17(c)(1) of the Act, among other things, requires every transfer agent who files a registration form or amendment thereto with the Board of Governors of the Federal Reserve System, the Comptroller of the Currency or the Federal Deposit Insurance Corporation to file a copy of such registration form or amendment with the Securities and Exchange Commission. The Securities and Exchange Commission and the federal bank regulatory agencies have developed procedures pursuant to which the federal bank regulatory agencies will transmit a copy of any registration form or amendment filed with them to the Securities and Exchange Commission. Accordingly, such filings with the federal bank regulatory agencies by transfer agents for which the Securities and Exchange Commission is not the appropriate regulatory agency will constitute filings with the Securities and Exchange Commission for purposes of section 17(c)(1) of the Act.

12. The term "transfer agent" is defined in section 3(a)(25) of the Act to mean any person who engages on behalf of an issuer of securities or on behalf of itself as an issuer of securities in (i, countersigning such securities upon issuance; (ii) monitoring the issuance of such securities with a view to preventing unauthorized issuance, a function commonly performed by a person called a registrar, (iii) registering the transfer of such securities, (iv) exchanging or converting such securities, or (v) transferring record ownership of securities by bookkeeping entry without physical issuance of securities certificates. The term "transfer agent" does not include any insurance company or separate account which performs such functions solely with respect to variable annuity contracts or variable life policies which it issues or any registered clearing agency which performs such functions solely with respect to options contracts which it issues.

13. In response to any item (except item 7(a)) of Form TA–1 which requires information about "transfer agent activities," "transfer agent functions," "transfer agent operations," "securities" or "issues," the response should encompass all securities (e.g., municipal securities, debt securities, preferred stock, common stock) for which registrant acts as transfer agent, as defined in Section 3(a)(25) of the Act. The response should not be limited to securities registered under Section 12 of the Act or which would be required to be registered except for the exemption from registration provided by subsection (g)(2)(B) or (g)(2)(G) of section 12 of the Act. (See instruction 19 in responding to item 7 of Form TA–1.)

II. *Instructions Relating to Filing Form TA–1 as a Registration Form.* 14. If Form TA–1 is being filed as a registration form, all applicable items are required to be answered in full. If any item is not applicable, respond with "none" or "N/A" (not applicable), as appropriate.

III. *Instructions Relating to Filing Form TA–1 as an Amendment to a Registration Form.* 15. Within twenty-one calendar days following the date on which information reported at items 1–6 of Form TA–1 becomes inaccurate, incomplete or misleading, the registrant shall file an amendment on Form TA–1 correcting the inaccurate, incomplete or misleading information. Within thirty calendar days following the close of any calendar year (beginning with the period from the date as of which registrant's application is prepared to December 31, 1976) during which the information required by item 7 of Form TA–1 becomes inaccurate, incomplete or misleading, the registrant shall file an amendment on Form TA–1 correcting the inaccurate, incomplete or misleading information. The information reported at items 8–12 of Form TA–1 need not be amended after registration has become effective.

16. If an item is amended, the registrant must answer all other items on the page on which the amended item appears and must file six copies of the new page, each with an updated and properly completed execution page. Unless a schedule or an attachment is being amended, it is not necessary to file a new schedule or attachment pertaining to an unamended item on a page which is filed because such page contains an amended item.

IV. *Instructions as to SPECIFIC ITEMS on Form TA–1.* 17. Item 1—Indicate the agency with which Form TA–1 is to be filed and whether the Form is filed as a registration or an amendment.

18. Item 2(a)—Include a street address; a post office box number alone is not acceptable.

19. Item 7(a)—At the option of registrant, the response to this item may be limited to "issues" or "securities" registered under Section 12 of the Act or which would be required to be registered except for the exemption from registration provided by subsection (g)(2)(B) or (g)(2)(G) of section 12 of the Act.

V. *Instruction Relating to Schedule B of Form TA–1.* 20. Six copies of a facsimile of a computer run providing the information called for by Schedule B may be attached if the facsimile is in the format called for by Schedule B, the type size is legible, and the facsimile is reduced to 8½ x 11 inches in size.

21. Schedule B shall be amended by filing six copies, showing all additions and deletions and so designating them. Each copy shall be filed with an updated and properly completed execution page. Any change in the capacity in which the registrant acts for an issue shall be shown both as a delegation of all capacities previously set forth for the issue and as an addition showing the corrected capacity or capacities in which the registrant acts for the issue.

VI. *Notice.* 22. Under sections 17, 17A(c) and 23(a) of the Securities Exchange Act of 1934 and the rules and regulations thereunder, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation and the Securities and Exchange Commission ("the appropriate regulatory agency") are authorized to solicit the information required to be supplied by this Form from applicants for registration as a transfer agent. Disclosure to the appropriate regulatory agency of the information requested in Form TA–1 (except for the disclosure by an individual registrant of his social security number as an IRS Employee Identification Number, which is voluntary) is a prerequisite to the processing of applications for registration as a transfer agent. The information will be used for the principal purpose of determining whether the appropriate regulatory agency should allow an application for registration to become effective or should deny, accelerate or postpone registration to an applicant. Social security numbers, if furnished, will be used only to assist the appropriate regulatory agency in identifying applicants and, therefore, in promptly processing applications. Information supplied on this Form will be included routinely in the public files of the appropriate regulatory agency and will be available for inspection by any interested person.

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FORM TA-1
EXECUTION PAGE

OFFICIAL USE

UNIFORM FORM FOR REGISTRATION AS A TRANSFER AGENT AND FOR AMENDMENT TO REGISTRATION AS A TRANSFER AGENT PURSUANT TO SECTION 17A OF THE SECURITIES EXCHANGE ACT OF 1934

General: Form TA-1 is to be used to register as a transfer agent and to amend registration as a transfer agent with the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation or the Securities and Exchange Commission pursuant to Section 17A of the Securities Exchange Act of 1934 (the "Act"). Read all instructions before preparing the Form. Please print or type all responses.

1. This Form is filed with _____ as
(name of agency)
A registration ☐ An amendmeht ☐

2.(a) Exact name, principal business address, mailing address, if different, and telephone number of registrant:

Full name of registrant: IRS Empl. Ident. No.:

EXECUTION: The Registrant submitting this Form, any Schedules and any attachments and the person by whom it is executed represent hereby that all information contained herein is true, current and complete. It is understood that all required items, Schedules and attachments are integral parts of this Form and that the submission of any amendment to items 1-6 represents that all unamended parts of items 1-6 and any Schedules and any attachments to items 1-6 remain true, current and complete as previously submitted. An amendment to item 7 and Schedule B and any attachments thereto represents that all unamended parts of item 7 and Schedule B and any attachments thereto and items 1-6 and any Schedules and attachments thereto remain true, current and complete as previously submitted.

Registrant agrees and consents that the notice of any proceeding under Section 17A of the Act involving registrant by the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation or the Securities and Exchange Commission may be given by sending such notice by registered or certified mail or confirmed telegram to the registrant at the address of its principal office for transfer agent activities as given in response to item 2(b), "Attention Officer in Charge of Transfer Agent Activities." If more than one office is listed in item 2(b), the first office listed shall constitute the principal office for purposes of the aforementioned notice.

Dated the _____ day of _____ 19 ___.

_____
(Name of Transfer Agent)

_____
(Manual signature of Principal Officer or duly authorized Principal)

_____
(Title)

ATTENTION: Intentional misstatements or omissions of fact constitute Federal Criminal Violations (See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a)).

FORM TA-1 Page 1

Name under which transfer agent activities are conducted, if different:

If name of registrant is hereby amended, state name under which registered previously:.

If name under which transfer agent activities are conducted is hereby amended, state name given previously:

Address of registrant's principal place of business:

Number and Street City State Zip Code

Mailing Address, if different:

Number and Street City State Zip Code

Telephone Number:

(Area Code) (Telephone Number)

2.(b) Address of Principal Office(s) for Transfer Agent Activities:

1.
2.
3.

Number and Street City State Zip Code

2.(c) Name, title and telephone number of person in charge of registrant's transfer agent activities:

Name Title

Telephone Number:

(Area Code) (Telephone Number)

3.(a) If registrant is a corporation or a national association:

Date on which registrant became incorporated or was organized and jurisdiction in which incorporated or under which it is organized:

DATE: _____ JURISDICTION: _____

(b) If registrant is not a corporation or a national association, describe on Schedule A the form of organization under which registrant conducts its business and identify the jurisdiction in which registrant is organized.

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FORM TA-1 Page 2

4. Does registrant have any arrangement with any person other than an issuer or a transfer agent, as defined in Section 3(a)(25) of the Act, under which, with regard to registrant's transfer agent functions, such other person processes, keeps or maintains any records or accounts of registrant or issuers relating to transfer agent functions?

Yes ☐ No ☐

If the answer is "yes", furnish on Schedule A, as to each such arrangement, the full name and principal business address of the other person and a brief summary of each such arrangement. As used in this question the term "person" includes any individual, corporation, partnership, association, joint stock company, business trust, unincorporated organization, or any other entity.

5.(a) Does registrant act as a transfer agent solely for its own securities? Yes ☐ No ☐

(b) Does registrant act as a transfer agent solely for securities of a person, as defined in item 4 of Form TA-1, that controls, or is controlled by, or is under common control with, the registrant? Yes ☐ No ☐

6. Check below types of business activities engaged in by registrant:

(a) Countersigning securities upon issuance ☐

(b) Monitoring the issuance of securities with a view to preventing unauthorized issuance, a function commonly performed by a person called a registrar ☐

(c) Registering the transfer of securities ☐

(d) Exchanging or converting securities ☐

(e) Transferring record ownership of securities by bookkeeping entry without physical issuance of securities certificates ☐

(f) Activities related to transfer agent functions:

(1) Acting as dividend disbursing agent or paying agent ☐

(2) Effecting dividend reinvestment ☐

(3) Processing stock subscriptions ☐

(4) Mailing of stockholders notices, proxies and other materials ☐

FORM TA-1 Page 3

7.(a) In accordance with instruction 19, list on Schedule B issues serviced as transfer agent in the following capacities, as these terms are commonly used in the transfer agent industry: transfer agent, co-transfer agent, registrar or co-registrar.

(b) Does Schedule B include only securities registered pursuant to Section 12 of the Act, or securities which would be required to be registered except for the exemption from registration contained in subsection (g)(2)(B) or (g)(2)(G) of Section 12 of the Act? Yes ☐ No ☐

(c) State the total number of issues serviced as a transfer agent which are not set forth in Schedule B. _____

8. If registrant is not a bank insured by the Federal Deposit Insurance Corporation, please answer items (a) and (b) below:

(a) Are the registrant's transfer agent activities subject to regulation by an agency of a state or political subdivision? (If yes, specify name of agency). Yes ☐ No ☐

Name of State or Political Subdivision Name of Agency

(b) Have the registrant's transfer agent activities been the subject of periodic examinations by an agency of a state or political subdivision? (If yes, specify name of agency). Yes ☐ No ☐

Name of State or Political Subdivision Name of Agency

9.(a) Is registrant audited by an independent public accountant? Yes ☐ No ☐

(b) If registrant is audited by an independent public accountant, does the audit include a review of internal controls related to transfer agent activities? Yes ☐ No ☐

(c) Fiscal year of registrant: Mo. ___ Day ___/___

10.(a) How many full-time and part-time employees does registrant have engaged in transfer agent activities?

1. Full-Time _____ 2. Part-Time _____

(b) How many years has registrant performed transfer agent activities?

(c) Indicate the average monthly number of certificates registrant issued during each of the following calendar quarters: (Indicate by an asterisk (*) placed adjacent to the number reported whether any original issues occurred in any period requested below):

Period	Average Monthly Number of Certificates Issued
1. October 1, 1974 - December 31, 1974	
2. January 1, 1975 - March 31, 1975	
3. April 1, 1975 - June 30, 1975	
4. July 1, 1975 - September 30, 1975	

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FORM TA-1 Page 4

11.(a) With regard to transfer agent activities, provide the following information regarding the type of insurance carried or provided:

Type of Insurance	Yes	No	Amount of Coverage	Amount Of Deductible
1. Blanket Bond	☐	☐	$	$
2. Fidelity	☐	☐	$	$
3. Errors and Omissions	☐	☐	$	$
4. Mail Policy	☐	☐	$	$
5. Air Courier	☐	☐	$	$
6. Lost Instrument	☐	☐	$	$
7. Other Insurance related solely to transfer agent activities (Please specify on Schedule A)	☐	☐	$	$

(b) If registrant's transfer activities are not covered by any insurance, has provision been made for self-insurance? Yes ☐ No ☐

If yes, indicate on Schedule A the provisions made for self-insurance (e.g., accounting reserve or funded reserve) and the amount thereof.

12.(a) What are registrant's internal policies and procedures for reconciling differences (including clerical and posting errors and out-of-proof conditions) in its transfer agent operations? (Describe on Schedule A).

(b) Indicate, as of September 30, 1975, the number of issues, if any, out-of-proof beyond thirty calendar days, and for each issue, identify the issue and state the number and market value of the shares or debt securities by which the issue is out-of-proof. (Attach Schedule A).

An out-of-proof condition exists if the total number of all securities reflected in the stockholder or debt holder records differs from the total number of shares or debt securities issued and outstanding pursuant to corporate action.

SCHEDULE A OF FORM TA-1

1. Full name of Registrant exactly as stated in Item 2(a) of Form TA-1.

2. Item of Form (Identify)	Answer

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SCHEDULE B List issues serviced as transfer agent, co-transfer agent, registrar or co-registrar. For each issue provide the following information: (See Instructions 19, 20 and 21 before completing this Schedule)

This is: A Registration Form ___ An Amendment ___

Name of Issuer	Issue	CUSIP Number If Applicable	Capacity or Capacities in which registrant acts for issue CHECK THE APPROPRIATE COLUMN				If this is an Amendment	
			Transfer Agent 1/	Co-transfer Agent 1/	Registrar 1/	Co-Registrar 1/	This is an addition to issues or capacities previously listed on Schedule B	This is a deletion of issues or capacities previously listed on Schedule B
							CHECK ONE	

1/ For purposes of this Schedule B, the terms transfer agent and co-transfer agent include the person performing similar functions with respect to debt securities and the terms registrar and co-registrar include the person performing similar functions with respect to debt securities.

3. The Corporation has adopted Part 341 and related Form TA–1 effective November 1, 1975 having found, in accordance with the Administrative Procedure Act, 5 U.S.C. 553(d) and § 302.6 of the Federal Deposit Insurance Corporation's rules and regulations (12 CFR 302.6), that such action is necessary in order to provide an orderly and timely procedure for the registration of transfer agents.

4. *Effective Date.* November 1, 1975.

By order of the Board of Directors, October 21, 1975.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.75-28927 Filed 10-29-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 13, Amdt. 6]

PART 121—SMALL BUSINESS SIZE STANDARDS REGULATION

Definition of a Small Petroleum Refiner

On March 17, 1975, there was published in the FEDERAL REGISTER (40 FR 12125) a notice that the Small Business Administration proposed to increase the Small Business Size Standards (definition of small business) for petroleum refiners for the purpose of bidding on Government procurements, sales of Government property including royalty oil, and obtaining an SBA loan, to refining capacity not exceeding 75,000 barrels per day (60,000 barrels per day for the purpose of sales of Government property) and employment not exceeding 1,500 persons.

Interested parties were given time in which to file written comment and, as a result of the comment filed, it was decided to hold a public hearing on the proposed changes. The notice of hearing was published in the FEDERAL REGISTER on June 19, 1975 (40 FR 25831).

The hearing was held in the Central Office of the Small Business Administration at 9 a.m., on August 25, 1975. It was well-attended and various points of view were presented. Interested parties were given until September 22, 1975, to file additional comment in writing.

1. *Size Standard for Purpose of Bidding on Government Procurements and Obtaining SBA Loans.* On the basis of all of the evidence, it has been determined to adopt a 50,000 barrels per day and 1,500 employee standard for the purpose of bidding on Government procurements and obtaining SBA loans.

The reasons for the decision are as follows: Since the Small Business Administration promulgated its definition of a small petroleum refiner in 1955, the number of petroleum refiners with less than 30,000 barrels per day (BPD) has shrunk from 127 to 70, and the percentage of total United States refining capacity accounted for by these concerns has diminished from 7.8 percent to 5.1 percent. It is projected that the total demand for petroleum products will substantially increase within the next decade and, although the total productive refinery capacity in the United States has substantially increased since SBA promulgated its current size standard, additional refining capacity will be needed to meet such new demand. Some of the small refiners undoubtedly will expand their capacity because of economies of scale, increased markets, etc. However, others are, or in the future may be, reluctant to expand their capacity, because they wish to avoid losing their small business status and eligibility for assistance under the various SBA assistance programs. Since the SBA does not want to inhibit growth of refineries, it has been concluded that some increase in the capacity standard would be appropriate.

While it originally was proposed to increase the capacity standard to 75,000 BPD, it has been concluded, on the basis of material submitted at or in connection with the public hearing, that the standard should be increased only to 50,000 BPD. This determination was based in part on a finding that concerns having between 50,000 and 75,000 barrels per day capacity did not furnish sufficient evidence that they needed SBA assistance in order to remain competitively viable. Further, it was determined that concerns with capacity not exceeding 50,000 barrels per day capacity would account for 7.8 percent of total U.S. refining capacity and that a 50,000 barrels per day standard would thus be consistent to that extent with the 30,000 barrels per day standard adopted in 1955.

It also has been determined that, in the case of petroleum refining, smaller concerns need to enter certain market-expanding field operations such as truckstops, motels, gift shops, and camping areas, all of which are labor intensive. A 1,500 employee size standard will add only about 5 or 6 concerns not currently eligible as small, and will permit other concerns to remain small even though adding employees in the additional fields of operation noted above and, therefore, it has been determined that a 1,500 employee standard should be adopted.

2. *Size Standard for Purpose of Sales of Government Property Including Royalty Oil.* Little opposition has been expressed with respect to the proposal to increase the number of employee standard to 1,500 persons, since royalty oil is allocated on the basis of refining capacity rather than employment size. Accordingly, for the reasons set forth in paragraph 1, above, it has been determined to increase the employee standard for the purpose of sales of Government property to 1,500 employees.

The hearing panel recommended that no increase be made in the refining capacity standard for the purpose of sales of Government property including royalty oil. It based its recommendation to some extent on the limited supply of royalty oil available to small businesses within the definition. Although I agree with this rationale, I also am of the opinion that the expanded growth of the petroleum industry since the last change in the standard (1955) would warrant some increase in the standard. In my view, failure to do so would unnecessarily prohibit the natural and essential growth of eligible small concerns. Therefore, I have determined that the capacity standard for the purpose of sales of Government property, including royalty oil, should be increased to 45,000 barrels per day.

In accordance with the above, Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by:

1. Revising § 121.3–8(g) to read as follows:

§ 121.3–8 Definition of small business for Government procurement.

• • • • •

(g) Refined petroleum products. Any concern bidding on a contract for a refined petroleum product other than a product classified in Standard Industrial Classification Industries No. 2951, Paving Mixtures and Blocks; No. 2952, Asphalt Felts and Coatings; No. 2992, Lubricating Oils and Grease; or No. 2999, Products of Petroleum and Coal, Not Elsewhere Classified; is classified as small if (1) (i) its number of employees does not exceed 1,500 persons; (ii) it does not have more than 50,000 barrels per day crude oil or bona fide feedstock capacity from owned or leased facilities or from facilities made available to such concern under an arrangement such as, but not limited to, an exchange agreement (except one on a refined-product-for-refined product basis), or a throughput or other form of processing agreement, with the same effect as though such facilities had been leased; and (iii) the product to be delivered in the performance of the contract will contain at least 90 percent components refined by the bidder from either crude oil or bona fide feedstocks; *Provided, however,* That a petroleum refining concern which meets the requirements in paragraph (g)(1)(i) and (ii) of this section may furnish the product of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement, in effect on the date of the bid or offer, between the bidder or offeror and the refiner of the product to be delivered to the Government which requires exchanges in a stated ratio on a refined-petroleum-product - for - a - refined - petroleum - product basis, and precludes a monetary settlement, and that the products exchanged for the products offered and to be delivered to the Government meet the requirement in paragraph (g)(1)(iii) of this section; and, provided further, That the exchange of products for products to be delivered to the Government will be completed within 90 days after the expiration of the delivery period under the Government contract; and that any product furnished pursuant to a bona fide exchange agreement must be for delivery in the same Petroleum Administration for Defense (PAD) District pursuant to Schedule C of Part 121, as that in which the small refinery is located; or (2) its number of employees does not exceed 500 persons and the product to be delivered to the Government has been refined by a concern which qualifies under paragraph (g)(1) of this section. The proviso that the product to be delivered in the performance of the contract will contain at least 90 percent components refined by the bidder from either crude oil or bona fide feedstocks contemplates that, in accomplishing such refining, the bidder will utilize its own employees and facilities which it owns or obtains under a bona fide lease as distinguished from any other arrangement having the same effect as a lease. The proviso permitting a concern which meets the requirements in paragraph (g)(1)(i) and (ii) of this section to furnish the product of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement which meets prescribed requirements, contemplates that the product exchanged by the bidder for the product to be furnished, shall have been refined by the bidder utilizing only its own employees and its own facilities or facilities obtained through a bona fide lease.

2. Revising 121.3–9(a)(1) to read as follows:

§ 121.3–9 Definition of small business for sales of Government property.

• • • • •

(a) Sales of Government property other than timber • • •

(1) Manufacturers. Any concern which is primarily engaged in manufacturing is small if its number of employees does not exceed 500 persons: *Provided, however,* That a concern primarily engaged in SIC Industry 2911, Petroleum Refining, is small if its number of employees does not exceed 1,500 persons and it does not have more than 45,000 barrels per day crude oil or bona fide stock capacity from owned and/or leased facilities, or from facilities made available to such concern under an arrangement such as, but not limited to, an exchange agreement (except one on a refined-product-for-refined-product basis) or a throughput or other form of processing agreement, with the same effect as though such facilities had been leased.

• • • • •

3. Revising the employment size standard for SIC 2911, Petroleum Refining, in Schedule A to 1,500 employees.

4. Revise footnote 2 to Schedule A to read as follows:

[2] Together with its affiliates, does not employ more than 1,500 persons and does not have more than 50,000 barrels per day crude oil or bona fide feedstock capacity from owned and/or leased facilities or from facilities made available to such concerns under an arrangement such as, but not limited to, an exchange agreement (except one on a refined-product-for-a-refined-product basis) or a throughput or other form of processing agreement with the same effect as though such facilities had been leased.

Effective Date. This amendment shall become effective on October 30, 1975, provided, however, That for the purpose of Government procurement or sales, it shall apply only to procurements or sales for which the invitation for bids or requests for proposals are issued 30 days or more after such date.

(Catalog of Federal Domestic Assistance Program No. 59.002, Economic Injury Disaster Loans; 59009, Procurement Assistance to Small Businesses; and 59.012, Small Business Loans)

Dated: October 16, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-29067 Filed 10-29-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 75–WE–45–AD; Amdt. 39–2411]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas DC–10 Series Airplanes

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an emergency airworthiness directive, amending AD 75–18–08, was adopted on October 10, 1975, and made effective immediately by individual telegrams, dated October 10, 1975, to all known United States operators of McDonnell Douglas DC–10 Series airplanes, certificated in all categories.

The amendment to Amendment 39–2351 (40 FR 36762), AD 75–18–08, was required because of several reported localiser antenna anomalies resulting in localiser oscillatory deviations of up to one dot, repeated simultaneously and with comparable phasing without failure warning on both receivers which could appear to be legitimate guidance. Amendment 39–2351, AD 75–18–08, requires approaches be limited to Category I minimums until the airplane is inspected or modified in accordance with McDonnell Douglas Service Bulletins A34–70 or 34–66, or until equivalent inspections or modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region, are accomplished.

After issuing Amendment 39–2351, the agency found that Douglas Service Bulletin A34–70 may not eliminate the

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localizer antenna anomalies. The telegraphic AD deleted the inspection program described in Service Bulletin A34–70 as a relieving provision from the Category I approach minima limitation and adopted other editorial changes.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of McDonnell Douglas DC–10 series airplanes, certificated in all categories. These conditions still exist and the amendment to Amendment 39–2351 (40 FR 36762), AD 75–18–08, is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Amendment 39–2351 (40 FR 36762), AD 75–18–08, is amended as follows:

(1) Delete subparagraph (c)(1).

(2) Remember subparagraphs (c) (2) and (3) as (c) (1) and (2).

(3) Amend the new subparagraph (c) (2) to read:

(2) Accomplish a modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment is effective November 10, 1975 for all persons except those to whom it was made effective by telegrams, dated October 10, 1975, which contained this amendment.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).)

Issued in Los Angeles, California on October 21, 1975.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.75–29079 Filed 10–29–75;8:45 am]

[Docket No. 15113; Amdt. No. 992]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS–230, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, *effective December 18, 1975.*

Arcata-Eureka, CA—Arcata Arpt., VOR/DME Rwy 1, Amdt. 1.
Arcata-Eureka, CA—Arcata Arpt., VOR Rwy 13, Amdt. 2.

• • • *effective December 4, 1975:*

Kansas City, MO—Kansas City Int'l Arpt., VOR Rwy 27, Amdt. 6.

• • • *effective November 6, 1975:*

Franklin, PA—Chess-Lamberton Arpt., VOR Rwy 20, Amdt. 4.
Nogales, AZ—Nogales Int'l Arpt., VOR/DME–A, Orig.
Nogales, AZ—Nogales Int'l Arpt., VOR–B, Orig.

2. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective December 18, 1975.*

Arcata-Eureka, CA—Arcata Arpt., NDB–A, Amdt. 3.

• • • *effective December 11, 1975:*

Cambridge, MN—Cambridge Municipal Arpt., NDB Rwy 34, Orig.

• • • *effective November 20, 1975:*

Coeur d'Alene, ID—Coeur d'Alene Air Terminal Arpt., NDB Rwy 5, Amdt. 2.

• • • *effective November 13, 1975:*

East Liverpool, OH—Columbiana County Arpt., NDB Rwy 24, Orig. Marion, IL—Williamson County Arpt., NDB Rwy 20, Orig.

• • • *effective October 16, 1975:*

Covington, KY—Greater Cincinnati Arpt., NDB Rwy 27L, Amdt. 2, Canceled.

3. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective December 18, 1975.*

Arcata-Eureka, CA—Arcata Arpt., ILS Rwy 31, Amdt. 20.

• • • *effective November 13, 1975:*

Columbus, OH—Ohio State University Arpt., ILS Rwy 9R, Orig.
Marion, IL—Williamson County Arpt., ILS Rwy 20, Orig.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and sec. 6(c) Department of Transportation Act 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on October 23, 1975.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.75–29080 Filed 10–29–75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER D—SPECIAL REGULATIONS

[Regulation SPR–90, Amdt. 2]

PART 378a—ONE-STOP-INCLUSIVE TOUR CHARTERS

Technical Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., September 17, 1975.

By SPR–85, the Board authorized the performance of One-stop-inclusive Tour Charters (OTC's) and Special Event Charters (SEC's) under a new Part 378a and amendments to other parts.

Those engaged in these operations are required to file certain information with the Board. The within amendments prescribe forms for use in filing the OTC passenger list required by § 378a.25, the tour reports required by § 378a.50, and the application for a Statement of Authorization to operate an SEC, required by § 378a.107.

We are also taking this opportunity to amend § 378a.31(b)(2)(ix), in order to make it clear that the bank holding the OTC depository account is permitted, under § 378a.31(b)(2)(iii), to reimburse the tour operator for refunds made by the latter to canceling tour participants.

Finally, we are amending § 378a.50, in order to clarify the application of that section to SEC's as well as ordinary OTC's.

Since the amendments are either interpretative in nature or constitute rules of agency practice and procedure and are designed to facilitate compliance with the substantive requirements of SPR–85, the Board finds that notice and public procedure are unnecessary, and that the amendments may become effective on less than 30 days' notice.

In consideration of the foregoing, the Board hereby amends Part 378a of the Special Regulations (14 CFR Part 378a), effective October 16, 1975, as follows:

1. Amend § 378a.25(b)(1) to read as follows:

§ 378a.25 Operating authorization of tour operators.

• • • • • •

(b) • • •

(1) CAB Form 378a–1, which appears as appendix B to this Part, setting forth the name of each passenger in alphabetical order, his address and telephone number, and the name, address, and telephone number of the travel agent (if any) who sold the tour to the passenger.

• • • • • •

2. Amend § 378a.31(b)(2)(ix) to read as follows:

§ 378a.31 Surety bond and depository agreement.

• • • • • •

(b) • • •

(2) • • •

(ix) Except as provided in paragraph (b)(2)(ii), (iii), (iv), (v), and (viii) of this section, the bank shall not pay out any funds from the account prior to two banking days after completion of each tour, when the balance in the account shall be paid to the tour operator or foreign tour operator, upon certification of the completion date by the direct air carrier.

• • • • • •

3. Amend § 378a.50 (b) and (c) to read as follows:

§ 378a.50 Charter trip reporting.

• • • • • •

(b) The direct air carrier shall promptly notify the Board (Supplementary Services Division, Bureau of Operating Rights) regarding any charters covered by a Prospectus filed under § 378a.28, or a Statement of Authorization issued pursuant to § 378a.106, that are later canceled.

(c) Within 30 days after termination of a tour or series of tours, or, in the case of a series of tours extending over a period longer than 30 days, every 30 days, the direct air carrier and tour operator or foreign tour operator shall jointly file a report with the Board (Supplementary Services Division, Bureau of Operating Rights), on CAB Form 378a–2, which appears as appendix C to this Part. The report shall indicate whether or not the tours authorized hereunder were, in fact, performed. For each tour operated, the report shall indicate the origin, destination(s), and number of passengers carried. To the extent that the operations differed from those described in the Prospectus filed under § 378a.28 or the Application for a Statement of Authorization under § 378a.107, such differences will be fully detailed, including the reasons therefor. However, the making of such an explanation shall not of itself operate as authority for or excuse any such deviation.

4. Amend § 378a.107(a) to read as follows:

§ 378a.107 Application for Statement of Authorization.

(a) Application for a Statement of Authorization shall be submitted by the direct air carrier or carriers, on CAB Form 85, which appears as appendix D to this Part, addressed to the attention of the Director, Bureau of Operating Rights. If a series of charters is to be operated for one tour operator pursuant to one charter contract, the application may cover the entire series.

• • • • • •

5. Amend Part 378a by adding thereto Appendices B, C, D, in the form attached hereto.

NOTE: The reporting requirements herein have been approved by the General Accounting Office in accordance with the Federal Reports Act of 1942, as amended.

(Secs. 101(3), 204(a), 401, 402, 407, 416(a), and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended), 743, 754 (as amended), 757, 766, 771, and 788; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, and 1481.)

By the Civil Aeronautics Board.

Adopted: September 17, 1975.

Effective: October 16, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

Approved by GAO
B-180226 (R0274)
Expires 8-31-78

Appendix B
Page 1 of 3

CAB ONE-STOP-INCLUSIVE TOUR CHARTER PASSENGER NAME LISTS (See Instructions On Page 3) — (1) PAGE ___ OF ___ — (2) OTC NUMBER

(3) NAME OF TOUR OPERATOR — (3) DATE OF FIRST FILING
(7) NAME DEPARTURE TRIP DIRECT AIR CARRIER — (4) DATE DEPART. LIST FILED
(8) NAME RETURNING TRIP DIRECT AIR CARRIER — (5) DATE RETURN LIST FILED
(9) DEPARTURE JOURNEY ORIGIN DESTINATION — DATE OF DEPARTURE Y|M|D
(10) RETURN JOURNEY ORIGIN DESTINATION — DATE OF RETURN Y|M|D

(11) PSNGR SEQ. NOS.	(12) PSNGR STATUS Pax.	Rel.	(13) M F NAME	(14) ADDRESS AND TELEPHONE NO.	(15) ENPLANEMENT IDENTIFICATION
			M F		Passport No. / Tvl Doc. No. / Other No.
			M F		Passport No. / Tvl Doc. No. / Other No.
			M F		Passport No. / Tvl Doc. No. / Other No.
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			M F		Passport No. / Tvl Doc. No. / Other No.
A-DEP.			(17) Total Tour Participants Enplaned on the Reporting Journey = ___ Total No. Pngr. Seats Contracted For	$	(18) PREPARED BY: First Filing / Signature / Return
B-RET.					

CAB FORM 378a-1 (9-75)

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(19) NAME, ADDRESS, AND TELEPHONE NUMBER OF RETAIL AGENT	PASSENGER SEQUENTIAL NUMBERS (From Item 11)
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

INSTRUCTIONS

Introduction

Form 378a1/ is to be used in making the first filing of the one-stop-inclusive tour charter passenger name list (OTCPNL), required by Part 378a to be filed by the tour operator (TO) no later than 15 days before the scheduled date of departure in the case of North American OTC's, and no later than 30 days before the scheduled date of departure for all others, pursuant to §378a.25 (the First Filing); and a photostatic or similarly reproduced copy of this form, stamped by the Board, is to be used in filing the enplanement list required to be prepared by the direct air carrier (DAC), and filed after a flight is performed, pursuant to §378a.41 and 378a.50. The information required by all items on Form 378a shall be typewritten except item 12 (Passenger Status) item 15 (Enplanement Identification) and item 18 (Prepared By).

Procedures for First Filing

The TO will prepare Form 378a according to the instructions set forth below and shall file an original and two photostatic or similarly reproduced copies (not carbons) accompanied by a self-addressed and postage-prepaid return envelope, with the Board's Supplementary Services Division, Bureau of Operating Rights (BOR). BOR will stamp the original and two copies to validate their receipt, and return the two stamped copies to the TO. One stamped copy will be for use by the DAC who is to perform the OTC departure flight and the other stamped copy will be for use by the DAC who is to perform the OTC return flight.

Preparation of Form 378a

Each page provides for twenty (20) names. Items 1, 2, and 6 through 15 will be completed on each page, and items 16 through 18 will be prepared only on the first page, by the TO or DAC, as the case may be.

Item 1, page of —The left blank is to contain a sequential number beginning with "1" representing the page number in the set of pages submitted for the OTCPNL. The right blank is to contain the total number of pages in the set for the OTCPNL.

Item 2, OTC Number—Enter the number assigned by BOR for the OTC program, e.g., 75-37; the TO should further identify the passenger lists filed within the program by assigning another number for each passenger list filed, such numbers to be in sequence and begin with "1". Thus, the first passenger list filed in the program 75-37 would be 75-37-1, and the fifth list filed would be 75-37-5.

Item 3, Date of First Filing—Leave blank.

Item 4, Date Departure List Filed—Leave blank.

Item 5, Date Return List Filed—Leave blank.

Item 6, Name of Your Operator—Enter the name of the tour operator exactly as shown on the OTC Prospectus filed with the Board.

Item 7, Name Departure Trip Direct Air Carrier—Enter the name of the DAC who will perform the departure journey for the OTC exactly as shown on the OTC Prospectus filed with the Board.

Item 8, Name Returning Trip Direct Air Carrier—Enter the name of the DAC who will perform the return journey for the OTC, exactly as shown on the OTC Prospectus filed with the Board. (Although this will generally be the same as shown in item 7, ditto marks are not acceptable. The item must be completed).

Item 9, Departure Journey—Enter details about the departure journey on this line. Show the origin and destination as city, state (or otherwise), and country. Airport names are acceptable only as an addition to the city, state, and country information. The date should appear in the form YYMMDD where YY represents the last two digits of the current calendar year, MM represents the month in a scale where 01 is January and 12 is December, and DD is the day of the month from 01 to 31. For example, December 12, 1975, would be shown as 751212. The ADP coding boxes to the left of item 9 are intended for the three-letter codes of the origin and destination, i.e., Washington, D.C., USA (National Airport) to Baltimore, Md. USA should be shown as DCABAL. Enter these if known, otherwise, leave blank.

Item 10, Return Journey—Follow the same directions as for item 9 above in describing the return journey.

Item 11, Passenger Sequential Number—Two or more pages will be required to list the prospective passenger names. The names of prospective passengers who are tour participants shall be listed first, receiving a sequential number beginning with "1". The names of prospective passengers who are persons occupying "unused space", under §378a.13, shall be listed following those of participants, and shall receive a sequential number in a second series of numbers beginning with "1".

Item 12, Passenger Status—These two (2) columns are to be marked with an x as appropriate to show that the passenger named on this line is a departing enplaned passenger (departure), or returning enplaned passenger (return). The DAC performing the departure journey will mark an x in the departure column and the DAC performing the return journey will mark an x in the return column.

Item 13, Name—Enter the prospective passenger's last name first, followed by a comma, the first name or initials and the middle initial, if any (for example, Doe, John A.). Check block whether Male or Female. Enter the name on one line only. If necessary, drop any element other than the fully spelled out last name. Enter all prospective passengers' names in alphabetical order, according to the last name and in the case of like last names, according to initials of first names.

Item 14, Address and Telephone No.—Enter the address in enough detail to allow contact by mail, and telephone number (including area code, if any).

Item 15, Enplanement Identification—The DAC performing the departure or return journey will verify each enplaning passenger's identity, using as the documentary source of such verification the passenger's passport, or, if he has no passport, using his travel identity document. Only if no passport or travel identity document is available should any other document be used, e.g., a Social Security card. When a passport or Social Security card is used for identification, enter only the number in the appropriate space. Where a travel identity document or document other than a passport or Social Security card is used, then in addition to entering the number in the appropriate space, a brief description of such document should also be noted.

Item 16, Column Totals—Boxes shown are to be used for recording the total x's shown on all the pages of this OTCPNL in the particular column. These entries must appear only on page 1 of the OTCPNL. The box under the column headed DEP (titled A-DEP) should contain the total number of departure flight passengers and the box under the column headed RET (titled B-RET) should contain the total number of return flight passengers. The A-DEP and B-RET figures will be shown on the filings made by the departing DAC and returning DAC, respectively.

Item 17—This computation will be completed by the departure DAC. The calculation requires a division of the number of tour participants (i.e., not including any passengers occupying "unused space") enplaned on the departure journey by the total number of passenger seats contracted for. Express the result to the nearest tenth of a percent.

Item 18, Prepared By—Enter the signature of the person preparing the form for the TO, the departing DAC and the returning DAC, as the case may be.

Item 19, Name, Address, and Telephone Number of Retail Agent—Enter the name, address, and telephone number of each retail agent who has sold a tour to a passenger listed under item 13. For each agent, give the sequential number (item 11) of all passengers to whom tour was sold.

1/ Copies are obtainable from the Board's Publications Services Section.

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Approved by GAO
B-180226 (R0275)
Expires 8-31-78

Appendix C
Page 1 of 2

ONE-STOP INCLUSIVE TOUR CHARTER REPORT

General Instructions

1. For the Tour Prospectus Summary and the Market Data Summary, an original and one (1) copy of each shall be jointly filed with the Board (Bureau of Operating Rights, Supplementary Services Division) by the direct air carrier and the tour operator conducting OTC's pursuant to Part 378a of the Board's Special Regulations within thirty (30) days of the close of each calendar month.

2. The information provided for items 1 and 2 of the Tour Prospectus Summary, and all information provided for the Market Data Summary, shall be for the month in which OTC's were operated, and shall not include any information for OTC's previously operated or expected to be operated in the future under any one prospectus -- e.g., reports filed in December shall contain information for OTC's operated during November.

A. Tour Prospectus Summary

OTC Number _____
Month Ended _____, 19__

1. Number of tours operated this month _____.

2. Number of tours listed in OTC prospectus for this month that were not operated _____.

3. Specifically identify tour(s) in item 2 that were not operated and give reason, and indicate if prospective tour participants received full refunds _____

_____

_____.

4. Indicate if the OTC's performed this month were operated substantially different from the description in the tour prospectus or application for Statement of Authorization, and, if so, state the reason(s).

Name of Direct Air Carrier	Signature of Direct Air Carrier	Date
Name of Tour Operator or Foreign Tour Operator	Signature of Tour Operator or Foreign Tour Operator	Date

CAB FORM 378a-2

Appendix C
Page 2 of 2

ONE-STOP INCLUSIVE TOUR CHARTER REPORT

B. Market Data Summary

Reporting Instructions for Market Data Summary

Field 1 - Air Carrier. This is the official two-letter alpha code of the carrier supplying the charter service.

Field 2 - Month. This is the spelling of the month the services were performed by the carrier.

Field 3 - OTC File Number. This is the official number given to the OTC prospectus.

Field 4 - This is the flight number assigned by the carrier to this group.

Field 5 - This is the three-letter OAG code assigned to the departure airport.

Field 6 - This is the three-letter OAG code assigned to the arrival airport.

Field 7 - These are the number of passengers that enplaned at the departure airport (Field 5) and deplaned at the arrival airport (Field 6).

NOTE Round trips are reported as two one-way trips showing traffic in each direction.

Example A round-trip OTC from JFK to Denver to Los Angeles with 400 people departing JFK and half going to Denver and half to Los Angeles would be reported as follows:

OTC FILE NUMBER	FLIGHT NUMBER	POINT OF ENPLANEMENT	POINT OF DEPLANEMENT	NUMBER OF PASSENGERS ENPLANED
75-12	0005	JFK	DEN	200
75-12	0005	JFK	LAX	200
75-12	0006	LAX	JFK	200
75-12	0006	DEN	JFK	200

AIR CARRIER _____ (1), MONTH OF _____ (2), 19__

OTC FILE NUMBER (3)	FLIGHT NUMBER (4)	POINT OF ENPLANEMENT OAG AIRPORT CODE (5)	POINT OF DEPLANEMENT OAG AIRPORT CODE (6)	NUMBER OF PASSENGERS ENPLANED (7)

V 40 210 OCT 30 75 XUM

Approved by GAO
B-180226 (R0276)

Appendix D
Page 1 of 2

CAB Form 85
(8-75)

UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD

APPLICATION FOR STATEMENT OF AUTHORIZATION
FOR A SPECIAL EVENT CHARTER

(See Instructions on Reverse)

DO NOT WRITE — FOR OFFICIAL USE ONLY

Issue Date

Approved under delegated authority

Permit expires

Director, Bureau of Operating Rights

Operations pursuant to this authorization shall conform to Part 378a of the Board's Special Regulations.

TO: Civil Aeronautics Board
Attention: Director, Bureau of Operating Rights
Washington, D. C. 20428

Application is made for authorization to conduct special event charter flight under provisions of the applicant's certificate or permit and the Board's Special Regulations Part 378a, Subpart F.

1. Name of Applicant Air Carrier(s):
Nationality:

2. Name of Tour Operator:
Address:

3. Send Authorization to:
Name:
Address:

4. Name of Event Sponsor(s):
Address:

5. Dates and Times of the Special Event;
Commencement: Termination:

6. Dates and Times of Proposed Flight(s):
Departure: Return:

7. Routing of Flight(s):
Origin: Destination:

8. Description of Event (include the location, history, purposes and significance of event, and any other pertinent information and printed material necessary to determine eligibility of event):

9. If Application is Being Filed Late, State Reasons for Lateness:

10. Total Air Charter Price:

11. Total Cost of Event-related Charges to Tour Operator:

12. Tour Operator's Compensation Per Passenger:

13. Minimum Price Per Passenger:

CERTIFICATION

I hereby certify that the charter flight(s) for which authority is sought herein conforms to the requirements of Special Regulation Part 378a, Subpart F, and that the air charter price conforms to the applicable tariff on file with the Civil Aeronautics Board.

(Date) (Signature and title of authorized carrier official)

Appendix D
Page 2 of 2

INSTRUCTIONS

1. Prepare an original and three copies of this application (CAB Form 85). If extra space is needed to complete an item, continue on a separate sheet of paper.

2. Attach in duplicate the air charter contract and proposed solicitation material. If applicable, enclose filing fees and attach in duplicate contract between charter organizer and passengers; surety bond (include an original copy); and depository agreement.

3. Send the application to: "Civil Aeronautics Board, Attention: Director, Bureau of Operating Rights, Washington, D.C. 20428" in time to be received at least 30 days in advance of commencement of the proposed operation. Applications received less than 30 days prior to the flight departure will be rejected, unless good cause for lateness is shown.

[FR Doc.75-28707 Filed 10-29-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 75N-0177]

PART 310—NEW DRUGS

PART 700—COSMETICS

Certain Halogenated Salicylanilides as Active or Inactive Ingredients in Drug and Cosmetic Products

The Commissioner of Food and Drugs has determined that any drug or cosmetic product containing the halogenated salicylanilides, tribromsalan (TBS, 3,4',5 - tribromosalicylanilide), dibromsalan (DBS, 4',5-dibromosalicylanilide), metabromsalan (MBS, 3,5-dibromosalicylanilide) and 3,3',4,5'-tetracholorsalicylanilide (TCSA) is a new drug or an adulterated cosmetic. This regulation regarding these halogenated salicylanilides shall be effective on December 1, 1975.

A notice of proposed rulemaking was published in the FEDERAL REGISTER of September 13, 1974 (39 FR 33102), in which the Commissioner proposed that any drug or cosmetic product containing certain halogenated salicylanilides as active or inactive ingredients is a new drug or an adulterated cosmetic. Elsewhere in that same issue of the FEDERAL REGISTER (39 FR 33103), the Commissioner issued the results of the OTC Antimicrobial I Drug Review Panel's evaluation of over-the-counter (OTC) drug products containing antimicrobial ingredients for topical human use and a proposed monograph establishing conditions under which such products are generally recognized as safe and effective and not misbranded.

The Panel reviewed submissions of data and information regarding the use of tribromsalan. Tribromsalan (TBS, 3, 4',5-tribromosalicylanilide) is a halogenated salicylanilide, which is used in OTC drug and cosmetic products as an active ingredient for its antimicrobial action or as an inactive ingredient as a preservative.

The Panel concluded, in its report, that tribromsalan can photosensitize and cause skin eruptions in man and lead to a disabling skin disorder. In some instances the photosensitization may persist for prolonged periods and severe reactions can reoccur in the presence of sunlight even though the individual is not exposed again to tribromsalan. The Panel also reported that there is evidence to indicate that tribromsalan produces cross-sensitization with other halogenated salicylanilides. In addition to citing the problem of photosensitization, the Panel expressed concern about the potential toxicity of this compound if used over an extended period of time. Such exposure would occur if tribromsalan were used in an antimicrobial soap, which is intended for daily use over the entire body and may be used for a lifetime. Although extensive animal and human toxicological data were reviewed by the Panel concerning the amount absorbed through the skin and length of use, the data failed to provide a basis for establishment of a safe level for use. The Panel noted that, although tribromsalan contributes to control of body odor, there are other safer agents available that achieve the same result.

The Panel recommended to the Commissioner that tribromsalan and certain chemically related halogenated salicylanilides also reviewed by the Panel be considered not safe for general use as OTC antimicrobial agents in drug and costmetic products, and that the Food and and Drug Administration take prompt action to remove such ingredients from all products.

The report of the Panel and supporting scientific literature clearly indicate that certain halogenated salicylanilides such as dibromsalan (DBS), metabromsalan (MBS) and tetrachlorosalicylanilide (TCSA) have been shown to be more potent photosensitizers and cross-photosensitizers than tribromsalan. Thus, the Commissioner has determined that any action regarding use of tribromsalan shall also include these other halogenated salicylanilides.

Interested persons were invited to submit written comments regarding the proposal on these halogenated salicylanilides on or before October 15, 1974. Requests for extensions of time to comment on the proposal were received, and the Commissioner permitted additional time through January 13, 1975, on the assurance from the major manufacturer that sales in the United States of halogenated salicylanilides were virtually nil.

The Commissioner has carefully reviewed all of the comments and also again reviewed the findings of the OTC Antimicrobial I Drug Review Panel regarding halogenated salicylanilides (tribromsolar (TBS, 3,4',5-tribromosalicylanilide), dibromsalan (DBS, 4' 5-dibromosalicylanilide), metabromsalan (MBS, 3,5-dibromosalicylanilide), and 3,3',4,5'-tetrachlorosalicylanilide (TCSA)). The Commissioner has reached the following conclusions and decisions.

SENSITIZATION

1. There were several comments stating or implying that tribromsalan is not a primary photosensitizer and that the cases of photosensitization seen and tested are cross-reactions to 3,3',4,5'-tetracholorsalicylanilide (TCSA), other photosensitizing drugs, natural products, or effects elicited because of intrinsic genetic factors operating in a particular patient. In addition it was stated that the incidence of photosensitization should be established.

The Commissioner concludes that the data in the Panel's report adequately demonstrate that tribromsalan is a primary photosensitizer. Conclusive evidence was set forth by the Panel in its discussion of the Danish experience with a marketed soap in the late 1960's. This soap contained 2 percent tribromsalan rather than the 1 percent often used in this country. After introduction of the product, there were approximately 80 verified cases of photosensitization in patients who had used the product. Of crucial importance is the fact that TCSA was never marketed in Denmark, and therefore cross-photosensitization due to it could not have occurred. The only reasonable explanation of the Danish experience is that tribromsalan acts as a primary photosensitizer.

In addition, the published work of T. Masuda et al., "Contact Dermatitis Due to Hexachlorophene, Irgasen CF3, TCC, TBS, and Diaphene," "Japanese Journal of Dermatology," (Series B), 81:245-248, 1971, documents the primary photosensitization potential of tribromsalan from topical application in humans.

The Commissioner is also aware of the significant hazard of cross-photosensiti-

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zation. The Commissioner notes that there are literally thousands of people in this country who are sensitized to TCSA, in most cases, by products such as soap and diaper rinses. Some individuals may have also been sensitized by having been patch tested repeatedly with TCSA. The Commissioner recognizes that it is inescapable and unfortunate that these people, when exposed, will react to tribromsalan and other halogenated salicylanilides. These individuals thus add to the population at risk from exposure to tribromsalan.

The Commissioner therefore concludes that sufficient data are available to demonstrate that tribromsalan is a primary photosensitizer and that there is in addition a significant hazard of tribromsalan due to its cross-sensitization potential. Moreover, although the incidence of photosensitization is not known precisely, it is known to a sufficient degree to permit the conclusion that a hazard exists. Therfore it is not necessary to establish the incidence of photosensitization prior to taking final action on this compound.

2. There was comment that the decrease in photosensitization caused by tribromsalan began when the purified ingredient came onto the market, and when TCSA was no longer used as a positive control for patch testing. The commentator concludes from this fact that tribromsalan is therefore not a primary photosensitizer.

The Commissioner recognizes that because of manufacturing limitations earlier formulations of tribromsalan were contaminated with higher concentrations of photosensitizing chemical impurities, e.g., dibromsalan and metabromsalan, which are more potent sensitizers than tribromsalan. With improved manufacturing techniques, the level of impurities was reduced. The Commissioner agrees that with the availability of a purified compound the incidence of tribromsalan sensitization has been declining, but it has not disappeared. Since tribromsalan is a less potent photosensitizer than the impurities which have been reduced in concentration, the increased purity of tribromsalan may well be an explanation for the observed decline in photosensitization. However, the Panel's data, described above, show that tribromsalan is itself a primary photosensitizer. In addition to the data cited in question 1, published and verified positive reactions to tribromsalan in skin photo-patch tests continued to occur even after TCSA was removed from patch-test kits in the late 1960's. Based upon comment, the Commissioner is also aware that cases of tribromsalan photosensitization occurred up to and even after publication of the Panel's report.

3. Several commentators noted that an expert in photosensitization had pointed out to the Panel that there was indeed a rash of reports of halogenated salicylanilide sensitization in the latter half of the 1960's. The commentators stated that this represented all of the cases the expert had reviewed to that point in time and that recent reports noted that photosensitization was caused by a variety of cross-reactions and predisposing factors. The commentators concluded that halogenated salicylanilides were therefore not primary sensitizers.

When photosensitization to halogenated salicylanilides first become evident in the 1960's, it was frequently recognized and verified by experts working in large dermatologic centers. This resulted in a rash of reports of such cases in the dermatologic literature. As dermatologists became generally aware that antimicrobial bar soaps were a cause of photosensitization, it was no longer a new phenomenon. Hence, they tended not to report additional cases since it did not represent new information and physicians everywhere could identify such cases and recommend that patients stop using the product.

The Panel noted that with the purification of tribromsalan-containing bar soaps the incidence of photosensitization did in fact decline substantially, but it did not decline to zero. The Panel also noted in their report that although the incidence of photosensitization further declined when the major bar soap manufacturers ceased using tribromsalan in their formulations, there were still reported cases of photosensitivity to tribromsalan. The Panel concluded that these cases were not the result of cross-reactions to photopatch testing or due to other predisposing factors. The Commissioner is persuaded by the Panel's argument that even with purification of tribromsalan and modification of photopatch testing techniques, tribromsalan use in bar soaps will result in photosensitization of some individuals.

4. There was comment that the individuals who still react to tribromsalan, either when photopatch tested or when exposed to a tribromsalan-containing product, are members of a small group who are highly active because they are atopic, or they are intrinsically genetically predisposed to be highly reactive.

Absolutely no evidence was submitted to the Commissioner that atopic individuals react to a photosensitizer such as tribromsalan with any higher incidence than the normal population. In fact, there is evidence to the contrary, as reported by Raika in "Studies in Hypersensitivity to Mold and Staphylococci," "Prurigo Besocier, Atopic Dermatitic, Acta Dermato-Venereologica, Stockholm" (1963); Palacias et al. in "Immunological Capabilities of Patients with Atopic Dermatitis," "Journal of Investigational Dermatology," (1966); and Cronin et al. in "Contact Dermatitis in the Atopic," "Acta Dermatovener, Stockholm" (1970).

After a review of the literature, and from the Panel's communications with dermatologists who treat such patients, it is evident to the Commissioner that there is no universal rule that atopic patients are highly reactive to tribromsalan or that they have genetic predisposition to photosensitization. The Commissioner recognizes that there is no dispute that immune reactions are involved in sensitization reactions, including photosensitization. Since the basic mechanism of photosensitization is not fully characterized, some role for intrinsic or genetic factors may eventually be identified.

However, even if there were a segment of the population which is particularly susceptible to harm from a tribromsalan and the other halogenated salicylanilides, the Commissioner concludes that such individuals should not be exposed to these chemicals unless the benefit of their availability outweighs the risk to such persons, or there are no satisfactory substitutes. This is clearly not the case, since safer and equally effective agents are available to the consumer.

5. There was comment suggesting that perhaps all tribromsalan-sensitized patients should be retested by a recognized group of experts in dermatology.

The Commissioner believes that retesting tribromsalan-sensitized patients would serve no useful purpose. The sensitivity of these individuals has already been established by accepted means. To suggest that they resubmit to testing would impose a risk that would not be compensated by any information obtained. The photosensitizing properties of tribromsalan and other halogenated salicylanilides has already been adequately demonstrated in these patients.

6. There was comment that there are no photosensitization reactions reported in the tests performed in guinea pigs, and that this observation means that the Panel's opinion that tribromsalan acts as a primary photosensitizer is unfounded.

The Commissioner recognizes that guinea pigs and their excised skin have been used to screen and study photosensitizing chemicals including tribromsalan, as reported in the book by Herman and Sams, "Soap Photodermatitis: Photosensitivity to Halogenated Salicylanilides" (1972). The guinea pig, as a model for human photosensitization, is a convenient but not a perfect model. It is not unexpected that some materials found negative in the experimental animal model are found to be positive in humans. The contrary situation also exists. Clinical judgment based on evidence from human experience must be given more consideration than evidence from animal models. The Commissioner concludes that evidence of photosensitization potential exists for tribromsalan based on human experience and that observations on guinea pigs, though of scientific interest, do not refute the observations on humans.

7. There was comment that the high levels of tribromsalan used in patch testing do not reflect actual usage levels in OTC products.

It is scientifically rational and common practice in sensitization tests to use procedures that maximize the likelihood of obtaining a reaction and assure induction in those individuals who are reactive. The Commissioner finds that the levels of tribromsalan used in patch testing are consistent with those used throughout the scientific community for sensitization testing.

8. There was comment that the patch test is an imperfect tool and its use to establish a cause and effect relationship is questionable. The commentator was convinced that in the work of Willis and Kligman, "Diagnosis of Photosensitization Reactions by the Scotch Tape Provocative Patch Test," "Journal of Investigative Dermatology," 51:116–119, 1968, the subjects were exposed to a traumatization, which induced a positive photosensitization test.

The Commissioner agrees that patch testing is an imperfect tool. Nonetheless it has served well in screening for potentially sensitizing materials prior to their use in humans, and has succeeded in identifying previously unknown sensitizing agents for allergic patients. The Commissioner accepts the need for provocative or predictive tests as a means for revealing the existence of moderate sensitizers. Publications by the North American and International Contact Dermatitis Groups have established standards for both induction and elicitation doses in such testing. Using these standards, photosensitivity to the halogenated salicylanilide has been shown. The commentator's contention that traumatization can induce photosensitization by a chemical that is otherwise a nonphotosensitizer is not supported by data and is not accepted by experts in dermatology.

General Toxicity

9. There was comment stating that the data submitted to the OTC Antimicrobial I Panel on systemic toxicity testing and percutaneous absorption adequately documents the safety of tribromsalan under the conditions for which it has been used in cleansing products. It was also contended that toxicity of tribromsalan is of the same order of magnitude as other specific ingredients categorized by the Panel in Category III (insufficient information to categorize as generally recognized as safe and effective).

The Commissioner has reviewed the toxicologic data submitted to the Panel. The toxicity profile of tribromsalan indicates toxic effects at high dosage levels. The Commissioner does not agree that the toxicity of tribromsalan is the same order of magnitude as other ingredients classified by the Panel as Category III, which do not have demonstrated photosensitizing properties. While the tribromsalan data showed some similar safety and toxicity data to other ingredients reviewed by the Panel, only the halogenated salicylanilides were recognized as causing photosensitization leading to persistent light reaction.

The Commissioner notes that additional toxicity data are still required as contained in the conclusions of the Antimicrobial I Panel report.

10. Several comments were received concerning the toxicological data for tribromsalan, which had been submitted to the Panel. Several commentators had conducted animal safety tests that failed to produce any abnormalities after 100 days of feeding at 50 mg/kg/day. After feedings with higher doses, the highest amount found in the blood was 2.7 mcg/ml (2.7 parts per million) without any effect on any of the organs examined. They stated that the data showed that topical application to rats failed to produce any brain damage. A research institute reported finding no central nervous system abnormality in the rats tested. There was also comment that no carcinogenic or teratogenic effects were found in an 18-month-multigeneration feeding study in rats.

The Commissioner has again reviewed the data submitted to the Panel and the conclusions included in their report. Toxic effects were seen at high doses in animals, but the entire toxicity profile was not established. The Commissioner notes that the Panel had requested that "effect" and "no-effect" dose information be generated in a single study, but such data either did not exist or were not made available to the Panel.

The data submitted to the Panel help to supply information to complete the toxicological profile for tribromsalan. The Commissioner concludes, however, that even if the complete toxicologic profile became available and showed no toxicity in animals, the risk of photosensitization demonstrated in humans would by itself preclude the use of these halogenated salicylanilides in OTC products.

Safety

11. A comment noted that there were very few consumer complaints about tribromsalan-containing soap products even though sales volume was large, and that this fact supports the product's safety.

The Commissioner concludes that the sales record of a product cannot be relied upon solely as proof of safety. There are products such as chloramphenicol, which was extensively tested for safety prior to marketing and others such as hexachlorophene, which was marketed for an extended period without apparent adverse effects, that later proved to cause serious adverse reactions when widely marketed. Therefore, the Commissioner believes that such evidence is not conclusive as to safety, especially with respect to such a complex area as photosensitization. Further, the lack of consumer complaints may also be due to the inability to adequately diagnose adverse reactions or to correlate those reactions with the use of these soap products.

12. There was comment that the consumer complaint index is normally used as evidence for safety of tribromsalan in the market place. One and one-half billion soap bars containing tribromsalan were sold between 1960 and 1974, with a good record of marketing success and a very low consumer complaint index (1 complaint per million soap bars sold), which is comparable to that for nonbacteriostatic bar soaps.

The Commissioner notes that the agency has supported consumer studies that demonstrate that voluntary reports of adverse reactions markedly underestimate the incidence of such reactions. While the consumer complain index may give some indication of the level of adverse reactions, it, like other marketing information, cannot be accepted as definitive evidence of safety in the face of other more pertinent information, discussed above, unequivocally demonstrating a significant hazard. The published literature, as well as communication with dermatologists working in the field of sensitization, documents a number of verified cases of tribromsalan-induced photosensitization, most of which occurred during the period when the products were extensively marketed. The Commissioner noted that apparently not a single one of these patents reported their reaction to the manufacturer of the offending products. A verified case of tribromasalan-induced photosensitization has occurred since the report of the Panel was published.

The Commissioner concludes that many sources of safety information, in addition to the consumer complaint index, should be considered in evaluating the safety of a product.

13. There was comment referring to data on plant-worker health records as evidence for the safety of tribromsalan in the factory and in the marketplace. One commentator stated that it is almost axiomatic that a manufacturer of consumer products will encounter problems associated with a new raw material first among his plant workers exposed to the concentrated agent, rather than in the consumer population which is exposed to a significant dilution of this agent. The same commentator revealed that seminal fluid examination of workers exposed to tribromsalan was normal and that no skin or mucous membrane toxicity was found. It was further noted that plant-worker history of safe contact with tribromsalan must be given serious consideration when it is realized that no special precautions for worker protection were taken, nor have they been found necessary.

The Commissioner agrees that plant-worker health records may have a bearing on the determination of the safety of a product. He is aware of the many documented reports of toxic effects in workers in the asbestos and plastics industry. However, information on the duration of exposure of workers to tribromsalan was not included in the data submitted and is therefore unkown. Other important factors, such as the physical form and concentration of tribromsalan in industrial situations as well as the physical state of tribromsalan required for absorption from body surfaces, are also unknown. For example, the duration of exposure might be inadequate or the concentration might not be within the limits required to induce any sensitization. In addition, a susceptible individual may even develop a tolerance to the product and become immune to its effects.

The Commissioner concludes that the crucial safety problem associated with tribromsalan is its potential for photo-

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sensitization. It has been clearly stated in the Panel's report that photosensitization and persistent light reaction are rare events. The true incidence has not been established and probably cannot be accurately estimated. However, the Commissioner notes that primary photosensitization is not common and it is very unlikely that the small number of exposed employees, either at the plant of the manufacturer or formulator, would provide a population large enough to include an individual, on a statistical probability basis, who would be sensitive to tribromsalan. In addition, it is not clear whether the state of industrial hygiene in chemical plants was adequate to protect against the kind of exposure required for inducing sensitization.

The Commissioner is of the opinion that with regard to the seminal fluid examination of workers, interpretation of sperm count data is difficult at best. He notes that the number of samples was low and the range of values great. Interpretation of safety from this fragmentary data is difficult, if not impossible.

The Commissioner concludes that there are no data sufficient to make an objective judgment based on exposed workers.

GENERAL COMMENTS

14. One commentator took issue with the classification of all halogenated salicylanilides into one group with respect to safety.

The Commissioner has confined the proposal to four halogenated salicylanilides: Tribromsalan (TBS, 3,4',5-tribromosalicylanilide), dibromsalan (DBS, 4', 5-dibromosalicylanilide), metabromsalan (MBS 3,5-dibromosalicylanilide), and 3,3',4,5' - tetrachlorosalicylanilide (TC SA). Herman and Sams, recognized experts in sensitization, entitled their book, "Soap Photodermatitis: Photosensitivity to Halogenated Salicylanilides," and have stated that all salicylanilides containing certain structural requirements have a potential for photosensitization. However, the Commissioner will insist that any halogenated salicylanilide proposed for future OTC topical use be adequately tested for photosensitization potential prior to use in humans.

15. There was comment regarding a test in which a marketed bar soap containing no antimicrobial ingredients was used and found to be irritating. The commentator noted that the Food and Drug Administration had not removed the soap from the market.

The Commissioner notes that the reaction reported in users of the marketed soap is well known and is a simple irritation reaction probably resulting from the high alkalinity of the product. This irritation is mild and is known to disappear when contact stops. On the other hand, photosensitization with halogenated salicylanilides is much more severe and may lead to persistent light reactions lasting months, years or even a lifetime. The Commissioner finds that the latter obviously represents a significant hazard while the former does not.

16. One commentator stated that the individual nonproprietary names, 4',5-dibromosalicylanilide or dibromsalan and 3,5-dibromosalicylanilide or metabromsalan, be used rather than the incorrect "dibromsalans" when the Panel means "dibrominated" salicylanilides.

The Commissioner concurs with the statement of the commentator. The Food and Drug Administration and other government agencies regularly use these names officially; they are accepted United States Adopted Names (USAN). Accordingly, the nomenclature has been revised to clarify 4',5-dibromosalicylanilide as dibromsalan (DBS) and 3,5-dibromosalicylanilide as metabromsalan (MBS).

17. There was comment that there is a demand in the marketplace for antimicrobial agents, and the obvious result of banning tribromsalan will be an increase in the use of less well-proven antimicrobial agents.

The Commissioner notes the Panel made it clear in their discussion of several ingredients they categorized as Category III (insufficient information upon which to determine general recognition of safety and effectiveness) that general recognition of safety and effectiveness was attainable if certain further testing were successfully carried out; the Commissioner accepts this position.

The Commissioner concludes that those ingredients in Category III have a much better history of safety than tribromsalan and would not result in exposing the American public to a health hazard equal to that created by the use of tribromsalan, nor does it result in the increased use of less well-proven antimicrobial ingredients. The purpose of the review of OTC drug products is to assure that the ingredients are safe and effective.

18. A comment was made that marketing many different antimicrobial ingredients assures that individuals have a decreased body burden for any one antimicrobial chemical. The implication of this remark is that access to a variety of antimicrobials reduces the potential of an individual consumer to be exposed to a toxic burden of a single antimicrobial compound.

The Commissioner concludes that the existence of a number of antimicrobial products does not reduce risks inherent in the toxicity of a single product because a consumer may use only one product. The theoretical advantage of avoiding large concentrations of any one product through use of many different products is far outweighed by the ability of tribromsalan and the other halogenated salicylanilides to cause severe photosensitization reactions. Only if all antimicrobials had the same toxicity profile would the stated conclusion of the commentator have validity. Because of these considerations, the comment cannot be viewed as a basis for modifying the recommendations of the Panel on tribromsalan.

On the basis of the Panel's report, the documented evidence of photosensitization and cross-photosensitization caused by these halogenated salicylanilides, the lack of toxicological data adequate to establish a safe level for use, the availability of other safer agents, the adverse benefit-to-risk ratio, and the foregoing comments, the Commissioner concludes that these halogenated salicylanilides, including tribromsalan, dibromsalan, metabromsalan, and tetrachlorosalicylanilide, cannot be considered generally recognized as safe for any use in drug and cosmetic products. Therefore, the Commissioner has determined that any drug product containing these halogenated salicylanilides as an active or inactive ingredient is a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(p)) for which an approved new drug application pursuant to section 505 (21 U.S.C. 355) of the act and 21 CFR Part 314 is required. The Commissioner has also determined that these halogenated salicylanilides are deleterious substances that may render any cosmetic product that contains such a halogenated salicylanilide as an ingredient at any level, for any purpose, injurious to users. Accordingly, any such cosmetic product shall be deemed to be adulterated under section 601(a) of the act.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 601(a), 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 361(a), 371)) and the Administrative Procedure Act (secs. 4, 5, 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

1. In Part 310, by adding a new § 310.508 to Subpart E to read as follows:

§ 310.508 Use of certain halogenated salicylanilides as an inactive ingredient in drug products.

(a) Halogenated salicylanilides (tribromsalan (TBS, 3,4',5-tribromosalicylanilide), dibromsalan (DBS, 4',5-dibromosalicylanilide), metabromsalan (MBS, 3,5-dibromosalicylanilide), and 3,3',4,5' - tetrachlorosalicylanilide (TCSA)) have been used as active or inactive ingredients in a number of over-the-counter (OTC) drug products, largely antibacterial soaps, for antimicrobial, preservative, and other purposes. These halogenated salicylanilides are potent photosensitizers and can cause disabling skin disorders. In some instances the photosensitization may persist for prolonged periods as a severe reaction without further exposure to these chemicals. Safer alternative antimicrobial agents are available.

(b) These halogenated salicylanilides are not generally recognized as safe and effective for use as active or inactive ingredients in any drug products. Therefore, any drug product containing such a halogenated salicylanilide as an ingredient at any level for any purpose is a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act for which an approved new drug application pursuant to section 505 of the act and Part 314 of this chapter is required for marketing.

(c) A completed and signed "Notice of Claimed Investigational Exemption for a New Drug" (Form FD–1571), as set forth in § 312.1 of this chapter, is required to cover clinical investigations designed to obtain evidence that such preparations are safe and effective for the purpose intended.

(d) Any such drug product initially introduced into interstate commerce after December 1, 1975, that is not in compliance with this section is subject to regulatory action.

2. In Part 700, by adding a new § 700.15 to Subpart B to read as follows:

§ 700.15 Use of certain halogenated salicylanilides as ingredients in cosmetic products.

(a) Halogenated salicylanilides (tribromsalan (TBS,3,4',5-tribromosalicylanilide), dibromalan (DBS,4',5-dibromosalicylanilide, metabromsalan (MBS, 3,5-dibromosalicylanilide) and 3,3',4,5' - tetrachlorosalicylanilide (TCSA)) have been used as antimicrobial agents for a variety of purposes in cosmetic products. These halogenated salicylanilides are potent photosensitizers and cross-sensitizers and can cause disabling skin disorders. In some instances, the photosensitization may persist for prolonged periods as a severe reaction without further exposure to these chemicals. Safer alternative antimicrobial agents are available.

(b) These halogenated salicylanilides are deleterious substances which render any cosmetic that contains them injurious to users. Therefore, any cosmetic product that contains such a halogenated salicylanilide as an ingredient at any level for any purpose is deemed to be adulterated under section 601(a) of the Federal Food, Drug, and Cosmetic Act.

(c) Any cosmetic product containing these halogenated salicylanilides as an ingredient that is initially introduced into interstate commerce after December 1, 1975, that is not in compliance with this section is subject to regulatory action.

Effective date. This regulation shall be effective on December 1, 1975.

(Secs. 201, 502, 505, 601(a), 701, Pub. L. 717, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 361(a), 371); (5 U.S.C. 553, 554, 702, 703, 704))

Dated: October 22, 1975.

SHERWIN GARDNER,
Deputy Commissioner of Food and Drugs.

[FR Doc.75–29094 Filed 10–29–75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–75–292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Submission of Applications

On February 7, 1975, in 40 FR 5952, the Department amended Title 24 of the Code of Federal Regulations by adding Subpart E—Applications and Criteria for Discretionary Grants to Part 570 of Chapter V. On June 9, 1975, at 40 FR 24692, the Department revised 24 CFR Part 570 to consolidate the several changes previously made to the above part, including the above Subpart E. Effective July 22, 1975, the deadline for applicants to submit final applications for general purpose funds for metropolitan areas was changed from May 15, 1975, to September 30, 1975. The Department is extending the September 30, 1975, deadline for certain communities to November 30, 1975.

The additional time is necessary to enable these communities to complete, revise, or update their applications to include new priorities and needs brought on as a result of Federally recognized disasters.

Except for the extension of the deadline for receipt of final applications to November 30, 1975 the regulations governing discretionary grants remain unchanged and are applicable.

It is necessary that this amendment taken effect at the earliest possible date so that applicants unable to meet the previously established deadline can plan the completion of their applications within the time remaining under the extended date. Accordingly, the Assistant Secretary for Community Planning and Development finds good cause for foregoing the usual public comment and notice procedure, and he further finds good cause that this amendment to the regulations should take effect on the date of publication.

In connection with the environmental review of this technical change to the final regulations, a Finding of Inapplicability has been made under HUD Handbook 1390.1, 38 FR 19182. A copy of the Finding is available for public inspection in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451–7th Street, SW., Washington, D.C. 20410.

It is hereby certified that the economic and inflationary impacts of these amendments have been carefully evaluated in accordance with OMB Circular No. A–107.

In view of the foregoing, 24 CFR Part 570 is amended by revising § 570.400(c) (3) (i) (A) to read as follows:

§ 570.400 General.

. . . . . .

(c) . . .

(3) . . .

(i) . . .

(A) For metropolitan areas—March 15, 1975 through September 30, 1975; except for certain communities which had filed preapplications for assistance under this part and had been invited by HUD to submit full applications but were unable to complete the application because of the occurence of Federally recognized disasters, for which the deadline is extended to November 30, 1975.

. . . . . .

(Title I of the Housing and Community Development Act of 1974 (Pub. L. 93–383); and sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Effective date. This amendment shall be effective on October 30, 1975.

WARREN H. BUTLER,
Deputy Assistant Secretary for Community Planning and Development.

[FR Doc.75–29167 Filed 10–29–75;8:45 am]

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–75–334]

PART 811—FINANCING

Tax Exemption of Obligations of Public Housing

The Department is amending Title 24 by adopting a new Part 811—Financing, and new Subpart A—Tax Exemption of Obligations of Public Housing Agencies Under Section 11(b) of the Act. Subpart A implements, in accordance with section 201(b) of the Housing and Community Development Act of 1974 (42 USC 1437, note), section 11(b) of the United States Housing Act of 1937 (42 USC 1437l) and section 3(6) of the 1937 Act (42 USC 1437a) in relation thereto, both of which sections were incorporated into the Act by section 201 of the Housing and Community Development Act of 1974. (Section 3(6) defines the term "public housing agency" and section 11(b) authorizes tax exemption of obligations issued by a public housing agency in connection with a low-income housing project assisted under the Act.) The Subpart further sets forth requirements and procedures for HUD approval of applicants and applications for tax exemption under section 11(b).

The Department invited interested persons to submit comments on the Interim Rule in which form this amendment was first published on May 27, 1975 at 40 FR 22829. The principal recommendations made by those comments have been incorporated in this amendment: (1) The regulation provides specifically that it applies only to tax exemption sought under section 11(b) of the Act and not to any other tax exemption provision of law or Government regulations and (2) the regulation provides that a reserve equal to one year's debt service may be established out of the proceeds of the obligations.

An additional comment recommended that no limit be placed on the amount or the type of reserve fund so as to allow maximum freedom to local public housing agencies in developing security devices with reserve funds; or that the provisions of Proposed Treasury Regulation 1.103–14–(b) with respect to reserves be adopted. The recommendation that there be no limit was rejected because without such a limit the regulation would fail to prevent the abuses of arbitrage financing under the United States Housing Act of 1937. As to the adoption of the Treasury Regulation reserve policy, it is the De-

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partment's position that the Treasury Regulation was drafted as a general regulation and that its provisions are inappropriate with respect to the specific statutory provisions and objectives of the USHAct of 1937.

It has been determined that this amendment will not have a substantial environmental impact. A Finding of Inapplicability will be on file for public inspection at Room 10245, Office of the General Counsel, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C.

Accordingly, Title 24 is amended by adding a new Part 811 and a new Subpart A to read as follows:

Subpart A—Tax Exemption of Obligations of Public Housing Agencies Under Section 11(b) of the Act

Sec.
811.101 Purpose.
811.102 Definitions.
811.103 Tax exemption of obligations.
811.104 Approval of Public Housing Agencies.
811.105 Approval of amount of obligations.
811.106 Exemption of certain additional obligations.
811.107 Inapplicability to tax exemption other than under section 11(b).

AUTHORITY: Sections 3(6) and 11(b) of the U.S. Housing Act of 1937 (42 USC 1437a, 1437l).

Subpart A—Tax Exemption of Obligations of Public Housing Agencies Under Section 11(b) of the Act

§ 811.101 Purpose.

The purpose of this Subpart A is to provide a basis for determining tax exemption of obligations issued by Public Housing Agencies pursuant to section 11(b) of the United States Housing Act of 1937 and this Subpart.

§ 811.102 Definitions.

(a) "Act" means the United States Housing Act of 1937, as amended by section 201 of the Housing and Community Development Act of 1974 (42 USC 1437, note), 42 USC 1437, et seq.

(b) "Department" means the Department of Housing and Urban Development.

(c) "Public Housing Agency" means any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing projects.

(d) "Secretary" means the Secretary of Housing and Urban Development or a designee of the Secretary's authority under sections 3(6) and 11(b) of the Act.

§ 811.103 Tax Exemption of obligations.

(a) Subject to the requirements of paragraph (b) of this section and § 811.104, obligations, including interest thereon, issued by Public Housing Agencies pursuant to this Subpart in connection with low-income housing projects developed, acquired or assisted under the Act shall be exempt from all taxation now or hereafter imposed by the United States, whether paid by such Agency or by the Secretary.

(b) In order for obligations to be tax exempt under § 811.103(a):

(1) The obligation must be issued in connection with a low-income housing project approved by the Department under the Act;

(2) The obligations must be issued by an entity which is approved by the Department, pursuant to § 811.104, as a Public Housing Agency and as legally qualified to carry out the low-income housing project or the financing thereof; and

(3) The amount of the obligations must be approved by the Department as prescribed in § 811.105.

§ 811.104 Approval of Public Housing Agencies.

An application for approval of a Public Housing Agency for purposes of § 811.103 shall be submitted to the Department supported by the following:

(a) The applicant shall identify any prior annual contributions contract under the Act (or under the United States Housing Act of 1937 prior to its amendment by the Housing and Community Development Act of 1974) to which it is a party, and the applicant shall also identify any pending application it has submitted for a contract under the Act. If the applicant has not previously entered into an annual contributions contract, it shall furnish sufficient evidence to establish that:

(1) It is legally authorized to engage in or assist in the development or operation of low-income housing; and

(2) It has the legal capacity to carry out the low-income housing project, or the financing thereof, as described in its application, including the legal capacity to perform the obligations required of it under the Department's regulations applicable to the project.

(b) If the applicant is applying as an agency or instrumentality, as defined in § 811.102(c), the applicant, in addition to complying with paragraph (a) of this section, shall identify the parent entity, shall establish the qualifications of that entity under paragraph (a) of this section and shall submit documentary evidence of the designation or creation of the applicant as the duly authorized agency or instrumentality of the parent entity with powers to carry out the low-income housing project, or the financing thereof, as described in the application.

§ 811.105 Approval of amount of Obligations.

Obligations shall be tax exempt under § 811.103(a), only if the amount of the obligations is determined by the Department not to exceed the estimated reasonable development cost of the project plus reasonable expenses of issuing the obligations. Reasonable development cost may include an amount sufficient to establish a reserve fund equal to one year's debt service.

§ 811.106 Exemption of certain additional obligations.

Sections 811.103(b), 811.104 and 811.105 shall not apply to any obligations if evidence is submitted to the Department that those obligations were sold and delivered before 5 p.m., e.d.t., January 22, 1975, and if the Department certifies to the fact of such prior sale and delivery.

§ 811.107 Inapplicability to tax exemption other than under section 11(b).

The provisions of this Subpart shall not be applicable to obligations issued pursuant to, or purporting to be tax-exempt under, any other provision of law or Government regulation.

(Sec. 7(d) of the Department of Housing and Urban Development Act, 42 USC 3535 (d); sec. 201(b) of the Housing and Community Development Act of 1974, 42 USC 1437, note; sec. 5(b) of the United States Housing Act of 1937, 42 USC 1437c(b).)

Effective date. This amendment is effective as of May 27, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-29110 Filed 10-29-75;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-443]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Dallas, Texas

On January 10, 1975, in 40 FR 2199, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Dallas, Texas, as an eligible community and included Map No. H 480171 24 which indicates that Lot 4, Block U/8122, White Rock North No. 5, Dallas, Texas, as recorded in Volume 69060, page 1513 of the Deed Records of Dallas County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective December 13, 1974, Map No. H 480171 24 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 FR 2787, aJnuary 24, 1974)

Issued: October 15, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-29177 Filed 10-29-75;8:45 am]

[Docket No. FI-321]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Eliot, Maine

On August 6, 1974, in 39 FR 28256, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Town of Eliot, Maine, as an eligible community and included Map No. H 230149 07 which indicates that some of the lots in Riverview Estates, Eliot, Maine, as recorded in Plan Book 54, Page 23 in the office of the Registry of Deeds of York County, Maine, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lots 6 through 11, 22, 23, 24, and 36 through 52, and the existing structures on Lots 12, 14, and 18 of the above property are not within the Special Flood Hazard Area. Accordingly, effective June 28, 1974, Map No. H 230149 07 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974).

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-29171 Filed 10-29-75;8:45 am]

[Docket No. FI-279]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Everson, Washington

On June 3, 1974, in 39 FR 19467, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Everson, Washington, as an eligible community and included Map No. H 530200 01 which indicates that the structure located on a tract of land in the NW ¼ of the NE ¼ of Section 31, Township 40 North, Range 4 East of W.M., Whatcom County, Washington, as recorded in Volume 201, page 259 in the office of the Auditor of Whatcom County, Washington, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above property is not within the Special Flood Hazard Area. Accordingly, effective May 24, 1974, Map No. H 530200 01 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended, (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-29184 Filed 10-29-75;8:45 am]

[Docket No. FI-246]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Farmers Branch, Texas

On April 16, 1974, in 39 FR 13647, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Farmers Branch, Texas, as an eligible community and included Map No. H 480174 03 which indicates that a tract of land, being a part of the William B. Shahan Survey, Abstract No. 1337, Dallas County, Texas, being a part of the Texas Empire Development Corporation and Wilson H. Brown Tract, and being a part of the tract of land described in the Warranty Deed recorded in Volume 70039, page 1481 in the office of the Clerk of Dallas County, Texas, which can be further described as follows:

Beginning at a point approximately 1850 feet North along the East property line of the tract described above and also along the East line of the William P. Shahan Survey; thence West approximately 650 feet to a point for corner in the West line of the above described tract; thence North along the West line of the above described tract approximately 700 feet to a point for corner; thence East approximately 650 feet to a point for corner in the East line of the above described tract; thence South along the East line of the above described tract approximately 700 feet to the point of beginning,

is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective April 12, 1974, Map No. H 480174 03 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-29176 Filed 10-29-75;8:45 am]

[Docket No. FI-744]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fauquier County, Virginia

On January 10, 1975, in 40 FR 2199, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included Fauquier County, Virginia, as an eligible community and included Map No. H 510055 12 which indicates that a portion of the W. H. deButts property, located between U.S. Route 50 and Virginia Route 619 in Scott District, Fauquier County, Virginia, as recorded in Book 282, pages 204 through 208 in the office of the Clerk of the Circuit Court of Fauquier, Virginia, which can be described as follows:

Beginning at (B), a point in the center of Virginia Route 619, and corner to Williams, the said point is referenced by an iron pipe set 15.00 feet from (B) in the line (B)–(C), thence with Williams N 82°15'55" W 838.45 feet to a point; thence N 37°44'45" E 270.00 feet to a point; thence S 52°15'55" E 300.00 feet to a point; thence approximately N 84° E approximately 105 feet to a point; thence S 52°50'11" E approximately 252 feet to a point; thence S 53°52'31" W 350.58 feet to the point of beginning,

is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective December 13, 1975, Map No. H 510055 12 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-29183 Filed 10-29-75;8:45 am]

V 40 210 OCT 30 75 XUM

[Docket No. FI-277]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Franklin, Wisconsin

On January 9, 1974, in 39 FR 1436, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Franklin, Wisconsin, as an eligible community and included Map No. H 550273 06, which indicates that Lot 8, Block 2, Hawthorne Glen Subdivision, City of Franklin, Wisconsin, as recorded in Plat Volume 102, Pages 37 and 38, in the office of the Register of Deeds of Milwaukee County, Wisconsin, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective January 9, 1974, Map No. H 550273 06 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-29185 Filed 10-29-75;8:45 am]

[Docket No. FI-285]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Forest Hill, Texas

On January 23, 1974, in 39 FR 2604, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Forest Hill, Texas, as an eligible community and included Map No. H 480595 02 which indicates that the structures on Lots 11, 12, and 18, Block 5; Lot 11, Block 6; and Lot 16, Block 7, Heritage Heights Addition, Forest Hill, Texas, as recorded in Plat Record Volume 388, pages 54 and 60 in the office of the Clerk of Tarrant County, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area, Accordingly, effective January 18, 1974, Map No. H 480595 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-29179 Filed 10-29-75;8:45 am]

[Docket No. FI-250]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Hampden Township, Pennsylvania

On April 25, 1974, in 39 FR 14608, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included Hampden Township, Pennsylvania, as an eligible community and included Map No. H 420360 03 which indicates that Lot 155, Section A, Countryside Subdivision, Hampden Township, Pennsylvania, as recorded in Plan Book Volume 25, page 6 in the office of the Recorder of Cumberland County, Pennsylvania, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above property is not within the Special Flood Hazard Area. Accordingly, effective May 3, 1974, Map No. H 420360 03 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-29174 Filed 10-29-75;8:45 am]

[Docket No. FI-270]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Indianapolis, Indiana

On May 17, 1974, in 39 F.R. 17518, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Indianapolis, Indiana, as an eligible community and included Map No. H 180159 49 which indicates that some of the lots of Spring Valley Subdivision, Section Two, Indianapolis, Indiana, as recorded on Instrument No. 74 69040 in the office of the Recorder of Marion County, Indiana, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lots 38 through 66 of the above property are not within the Special Flood Hazard Area. Accordingly, effective May 17, 1974, Map No. H 180159 49 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-29170 Filed 10-29-75;8:45 am]

[Docket No. FI-743]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Irving, Texas

On June 17, 1970, in 35 F.R. 9914, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Irving, Texas, as an eligible community and included Map No. H 480180 15 which indicates that Lot 16, Block C, Sleepy Hollow No. 2 Addition, being 1212 Mosswood Place, Irving, Texas, as recorded in Volume 562, page 2107 of the Map Records of Dallas County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above property is not within the Special Flood Hazard Area. Accordingly, effective June 16, 1970, Map No. H 480180 15 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation

of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-29180 Filed 10-29-75;8:45 am]

[Docket No. FI-236]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Little Rock, Arkansas

On October 26, 1973, in 38 F.R. 29580, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Little Rock, Arkansas, as an eligible community and included Map Nos. H 050181B 04 and 07 which indicate that Tract 0–3, Riverdale Addition, Little Rock, Arkansas, subject to the Building Setback Requirements as shown on the plat of Riverdale Addition, prepared by Garver and Garver, Inc., Little Rock, Arkansas, on March 4, 1975, and recorded in Plat Book 35, page 50 in the office of the Circuit Clerk of Pulaski County, Arkansas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective November 2, 1973, Map Nos. H 050181B 04 and 07 are hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-29168 Filed 10-29-75;8:45 am]

[Docket No. FI-229]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Napa California

On March 27, 1974, in 39 F.R. 11260, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Napa, California, as an eligible community and included Map No. H 060207 05 which indicates that Lots 1 through 9, 13 through 20, 36, 38, 39, and 50 through 53, Spring Creek Subdivision, Napa, California, as recorded in Map Book 10, pages 99 and 100 in the office of the Recorder of Napa County, California, are located within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective March 22, 1974, Map No. H 060207 05 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-29169 Filed 10-29-75;8:45 am]

[Docket No. FI-254]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Reynoldsburg, Ohio

On November 20, 1973, in 38 FR 31974, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Reynoldsburg, Ohio, as an eligible community and included Map No. H 390177 02 which indicates that a portion of the Alice I. Moore Tract, Half Sections 1 and 2, Township 12, Range 21, Refugee Lands, Reynoldsburg, Franklin County, Ohio, as recorded in Volume 2776, page 135 in the office of the Probate Court, Franklin County, Ohio, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that a portion of the above property which can be described as follows:

Beginning at a stone found at the northeasterly corner of said Alice I. Moore tract, said stone being located within the easterly one-half of Rose Hill Road, near the easterly right-of-way line of said road; thence along the easterly line of Alice I. Moore tract, within the east one-half of said Rose Hill Road, S 8°03'39" E, 123 feet to a point; thence S 81°56'21" W, 180 feet to a point; thence S 8°03' 39" E, 140 feet to a point; thence N 81°56'21" E, 180 feet to a point; thence S 8°03'39" E, 213.37 feet to a spike; thence S 28°09'45" E, 27.40 feet to a spike; thence continuing S 28°09'45" E, 129.79 feet to a spike; thence N 89°32'06" W, 959.52 feet to a point; thence N 89°10'58" W, 1697.13 feet to a point; thence N 0°46'21" E, 618.53 feet to a point; thence S 89°11'34" E, 2506.66 feet to the point of beginning,

is not within the Special Flood Hazard Area. Accordingly, effective November 23, 1973, Map No. H 390177 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-29172 Filed 10-29-75;8:45 am]

[Docket No. FI-239]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of San Antonio, Texas

On April 11, 1974, in 39 FR 13152, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of San Antonio, Texas, as an eligible community and included Map No. H 480045 11 which indicates that the structure on Lot 29, N.C.B. 11641, Oak Valley Subdivision, San Antonio, Texas, as recorded in Volume 7300, page 201 in the office of the Clerk of Bexar County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above structure is not within the Special Flood Hazard Area. Accordingly, effective April 5, 1974, Map No. H 480045 11 is hereby corrected to reflect that the above structure is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-29161 Filed 10-29-75;8:45 am]

V 40 210 OCT 30 75 XUM

[Docket No. FI-256]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Township of Upper Merion, Pennsylvania

On May 1, 1974, in 39 F.R. 15108, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Township of Upper Merion, Pennsylvania, as an eligible community and included Map No. H 420957 04 which indicates that a portion of a subdivision in Upper Merion Township, Montgomery County, Pennsylvania, bounded and described according to a plan made for Jared Corporation by Kissane-Leddy and Associates, Inc., Philadelphia, Pennsylvania, on July 28, 1975, and recorded in Plan Book A–25, page 5 in the Office for the Recording of Deeds, Norristown, Pennsylvania is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lots 1 through 5; Lot 10; and the portions of Lots 6 through 9, including Lot 10, which can be described as follows:

Beginning at a point on the northeasterly side of Tory Turn (variable width) at the distance of 469.80' northwesterly from the center line of Matson Ford Roard (32' wide); thence extending the following six directions and distances along the northerly side of Tory Turn; (1) on an arc curving to the left having a radius of 50.00' and a central angle of 120°35'32'', the arc distance of 105.24' to a point of reverse curve, (2) on an arc curving to the right having a radius of 40.00' and a central angle of 59°26'41'', the arc distance of 41.50' to a point of reverse curve, (3) on an arc curving to the left having a radius of 525.00' and a central angle of 33°37'49'' an arc distance of 308.15' to a point of tangent, (4) S. 62°35'20'' W., 165.38' to a point of curve, (5) on an arc curving to the right, having a radius of 40.00' and a central angle of 63°36'40'', the arc distance of 44.41' to a point of reverse curve, (6) on an arc curving to the left, having a radius of 50.00' and a central angle of 148°50'00'', the arc distance of 129.88' to a point; thence extending S. 87°-22'00'' W., 185.00' to a point; thence extending N. 22°38'00'' W., 231.44' to a point; thence extending N. 47°12'00'' E., 121.50' to a point on the One Hundred Year Flood Plain Line of Gulph Creek; thence extending along the said One Hundred Year Flood Plain Line of Gulph Creek, the following twenty-nine directions and distances, (1) S. 69°08'-00'' E., 9.00' to a point, (2) S. 80°43'00'' E., 35.25' to a point, (3) S. 87°13'00'' E., 21.00' to a point, (4) S. 77°43'00'' E., 23.49' to a point, (5) S. 63°43'00'' E., 23.41' to a point, (6) S. 43°28'00'' E., 22.26' to a point, (7) S. 45°08'00'' E., 55.98' to a point, (8) N. 83°-22'00'' E., 10.05' to a point, (9) N. 25°52'00'' E., 13.86' to a point, (10) N. 12°12'00'' E., 58.75' to a point, (11) N. 62°22'00'' E., 4.92' to a point, (12) S. 44°08'00'' E., 11.71' to a point, (13) S. 88°08'00'' E., 14.45' to a point, (14) N. 66°07'00'' E., 55.00' to a point, (15) N. 51°47'00'' E., 54.75' to a point, (16) N. 44°47'00'' E., 36.85' to a point, (17) N. 19°-07'00'' E., 25.05' to a point, (18) N. 75°57'00'' E., 8.93' to a point, (19) S. 15°11'00'' E., 15.85' to a point, (20) S. 49°53'00'' E., 19.10' to a point, (21) S. 85°03'00'' E., 18.35' to a point, (22) N. 76°32'00'' E., 35.00' to a point, (23) N. 62°07'00'' E., 21.50' to a point, (24) N. 58°39'00'' E., 80.00' to a point, (25) N. 74°00'00'' E., 34.50' to a point, (26) N. 74°-37'00'' E., 20.76' to a point, (27) N. 63°12'00'' E., 52.90' to a point, (28) N. 61°12'00'' E., 74.75' to a point, (29) N. 64°42'00'' E., 87.64' to a point; thence extending S. 22°38'00'' E., 278.49' to the first-mentioned point and place of beginning,

are not within the Special Flood Hazard Area. Accordingly, effective May 10, 1974, Map No. H 420957 04 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-29175 Filed 10-29-75;8:45 am]

[Docket No. FI-211]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Washington Township, Ohio

On September 20, 1973, in 38 F.R. 26368, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included Washington Township, Ohio, as an eligible community and included Map No. H 390598 01 which indicates that Lot 24, Point Pleasant Cove Subdivision, Washington Township, Lucas County, Ohio, as recorded in Volume 69, Page 31 in the office of the Recorder of Lucas County, Ohio, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above property is not within the Special Flood Hazard Area. Accordingly, effective September 21, 1973, Map No. H 390598 01 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 15, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-29173 Filed 10-29-75;8:45 am]

[Docket No. FI-321]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Wichita Falls, Texas

On August 6, 1974, in 39 FR 28271, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Wichita Falls, Texas, as an eligible community and included Map No. H 480662 15 which indicates that some lots in University Park, Section F, Wichita Falls, Texas, as recorded in Volume 20, page 33 in the office of the Clerk of Wichita County, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lots 59 through 77, Block 4, and Lots 5 through 17, Block 5 of the above property are not within the Special Flood Hazard Area. Accordingly, effective June 28, 1974, Map No. H 480662 15 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-29182 Filed 10-29-75;8:45 am]

[Docket No. FI-229]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Yankton, South Dakota

On March 27, 1974, in 39 FR 11266, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Yankton, South Dakota, as an eligible community and included Map No. H 460093 04 which indicates that the structure on the southern half of Lot 8 and Lot 9, Block 85, B. C. Fowler's Addition to Yankton, Yankton County, South Dakota, as recorded in Plat Book S–3 in the office of the Register of Deeds of Yankton County, South Dakota, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above property is not within the Special Flood Hazard Area. Accordingly, effective March 22, 1974, Map No. H 460093 04 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-29176 Filed 10-29-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1204, Amdt. 2]

PART 1033—CAR SERVICE

Chicago, Milwaukee, St. Paul and Pacific Railroad Co. Authorized To Operate Over Tracks of Chicago and North Western Transportation Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23d day of October 1975.

Upon further consideration of Service Order No. 1204 (39 FR 44010 and 40 FR 27940), and good cause appearing therefor:

It is ordered, That: § 1033.1204 *Service Order No. 1204* (Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over tracks of Chicago and North Western Transportation Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1976, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., October 31, 1975.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), 17(2)))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-29212 Filed 10-29-75;8:45 am]

[Rev. S. O. 1214, Amdt. 1]

PART 1033—CAR SERVICE

Burlington Northern Inc., Authorized To Operate Over Tracks Authorized To Be Abandoned by Chicago and North Western Transportation Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23d day of October 1975.

Upon further consideration of Service Order No. 1214 (40 FR 2587, 25024), and good cause appearing therefor:

It is ordered, That: § 1033.1214 *Service Order No. 1214* Burlington Northern Inc., authorized to operate over tracks authorized to be abandoned by Chicago and North Western Transportation Company be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 30, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., October 31, 1975.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the FEDERAL REGISTER.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-29213 Filed 10-29-75;8:45 am]

[S.O. 1221]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

OCTOBER 24, 1975.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23d day of October 1975.

It appearing, that there are acute shortages of freight cars throughout the country; that certain carriers are unable to furnish an adequate supply of freight cars to shippers located on their lines; that these shortages of freight cars are impeding both the domestic and export movements of agricultural, mineral, forest, and manufactured products, and other commodities; and that the existing car service rules, regulations, and practices of the railroads are ineffective with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars to meet the requirements of shippers. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1221 **Railroad operating regulations for freight car movement.**

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Application.* (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all loaded cars.

(iii) This order shall apply to all empty general service freight equipment cars described on pages 1119–1121, inclusive and listed in the Official Railway Equipment, Register ICC RER No. 396, issued by W. J. Trezise, or reissues thereof including cars bearing mechanical designations modified in the manner described in the various notes thereto. (See exceptions, paragraph (a) (1) (iv), (v), (vi), and (vii) of this section.)

(iv) Exception: Cars of mechanical designation FL, SC, SM, ST, or NE.

(v) Exception: Empty cars owned by The Alaska Railroad, while held in the State of Washington, pursuant to instructions of the carowner, are exempt from the provisions of this order.

(vi) Exception: Empty cars, described in paragraph (a) (1) (iii) of this section, owned by and bearing the registered reporting marks assigned to the line holding the car, are exempt from provisions of this order.

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(vii) Exception: To alleviate hardships or inequities, exceptions to this order may be authorized to the carrier by the Railroad Service Board, Interstate Commerce Commission, Washington, D.C. Requests for such exceptions may be made only by carriers and shall be sent to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for recording and submission to the Railroad Service Board, Interstate Commerce Commission, for consideration.

(viii) Actual placement means placing a car in an accessible position for loading, unloading, or placing on an industrial interchange track serving the consignor or consignee. If such placing is prevented by any cause attributable to consignor or consignee and car is placed on the private or other-than-public-delivery tracks serving the consignor or consignee, it shall be considered constructively placed without notice.

(ix) Holidays shall be those listed in Item 25 of Agent B. B. Maurer's Tariff 4–J ICC H–59, naming Car Demurrage Rules and Charges, supplements thereto, or successive issues thereof.

(2) *Placing of cars.* (i) Loaded cars shall be actually or constructively placed within 24 hours, exclusive of Saturdays, Sundays, and holidays following arrival at destination, or after arrival at the yard from which cars are dispatched for actual placement.

(ii) Empty cars which after placement will be subject to demurrage, storage or detention rules applicable to cars for loading, or which are subject to storage rules and charges applicable to assigned cars held empty awaiting placement for loading by the assignee, shall be actually placed or appropriate notice as required by applicable tariffs issued within 48 hours, exclusive of Saturdays, Sundays, and holidays, after arrival at the point where held.

(iii) When delivery of a car, either empty or loaded, consigned or ordered to an industrial interchange track or to an other-than-public-delivery track, cannot be made because of any condition attributable to the consignor or consignee, such car shall be held at destination or, if it cannot reasonably be accommodated there, at an available hold point; and constructive placement notice, shall be sent or given the consignor or consignee within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival of car at destination or hold point.

(iv) Proper notice for cars placed on public delivery tracks shall be sent or given within 24 hours after placement, exclusive of Saturdays, Sundays, and holidays.

(v) Cars held at destination for accessorial terminal services described in the applicable tariffs, such as holding for orders or inspection, shall be placed on unloading, hold, or inspection tracks; and proper notice shall be given within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival of car at destination or at hold point. Time and charges shall be computed following such notice and demurrage or detention charges assessed in accordance with provisions of governing tariffs.

(3) *Removal of cars.* (i) Empty cars must be removed from point of unloading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays, and holidays, following unloading or release by consignee or shipper, unless each empty cars are ordered or appropriated by the shipper for reloading within such 24-hour period. Empty cars not ordered for loading at point where made empty must be forwarded or set aside to be cleaned, repaired, or weighed, if to be weighed at that point, within 24 hours following removal of empty cars.

(ii) Outbound loaded freight cars must be removed from point of loading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays, and holidays, following acceptance by carrier of the shipping instructions covering the cars. Such cars must be forwarded, weighed, if to be weighed at that point, or set aside for repairs within 24 hours following release and removal.

(iii) Cars subject to paragraph (a) (3) (i) and (ii) of this section, not made accessible to the carrier, shall be subject to demurrage until such time as they become, and remain, accessible to the carrier.

(iv) Cars shall not be removed from point of unloading or from industrial interchange tracks, nor released from demurrage or detention status, until all bracing, blocking, dunnage, paper, residue of lading, debris, and other foreign matter directly related to the inbound load have been removed from the car in accordance with the requirements of Rules 14 and 27 of the Uniform Freight Classification, I.C.C. 7, issued by J. D. Sherson, supplements thereto, or reissues thereof.

Exception. Dunnage being returned to shipper under provisions of the applicable tariffs may be left in cars released as empty, provided that proper shipping instructions are received by the carrier prior to 5 p.m., of the first day, which is not a Saturday, Sunday, or holiday, immediately following release of the car.

(4) *Forwarding of cars.* (i) Loaded cars and empty cars shall be forwarded within 24 hours, except cars described in paragraph (a) (4) (ii), (iii), or (iv) of this section, or cars described in paragraph (a) (2) (ii) of this section.

(ii) Exception: Loaded cars held subject to instructions of consignee, consignor, or other qualified owner of the freight contained therein, while subject to applicable tariffs.

(iii) Exception: Cars held for repairs, weighing, or cleaning. (See subparagraph (5) of this paragraph.)

(iv) Exception: Cars held because no train or switch engine service is available between hold point and destination.

(5) *Cars held for repairs, weighing, or cleaning.* (i) Cars of system, foreign, or private ownership which are held for light repairs or cleaning shall be placed on repair or cleaning tracks not later than the first 7 a.m., exclusive of Sundays, and holidays, after time carded for repairs or cleaning. Light repairs or cleaning shall be accomplished within 24 hours, exclusive of Sundays, and holidays, after placement on repair or cleaning tracks; except that when necessary to order material from car owner to make the repairs to foreign or private cars held awaiting such material, repairs shall be completed within 24 hours, exclusive of Sundays, and holidays, after receipt of such material at the station at which the repair point is located.

(ii) Light repairs are defined as repairs requiring less than 20 man-hours by repair track forces to complete.

(iii) Cars which must be weighed shall be weighed and restenciled, if required, within 24 hours, exclusive of Sundays and holidays, after arrival at the point at which weighing is to be accomplished, or after request for weight is received, if weights are requested by shipper or by carowner.

(iv) Cars which have been repaired, cleaned or weighed shall become subject to paragraphs (a) (2), (3), or (4) of this section, as applicable, from the date such repairs, cleaning or weighing have been accomplished.

(6) *Movement of Freight Cars.* (i) No common carrier by railroad subject to the Interstate Commerce Act shall delay the movement of cars by holding such cars in yards, terminals, or sidings for the purpose of increasing the time in transit of such cars.

(ii) Cars shall not be set out between terminals except in cases of emergency.

(iii) Back-hauling cars for the purpose of increasing the time in transit is prohibited.

(iv) Through cars shall not be handled on local or way freight trains for the purpose of increasing the time in transit of such cars.

(v) The use by any common carrier by railroad, or the acceptance of instructions from the shipper, for the movement of cars over its line via any route other than its shortest available route or its usual and customary fast freight route from point of receipt of the car from consignor, or connecting line, to point of delivery to consignee, or to next connecting line, except for the purpose of according a lawfully established transit privilege (not including a diversion or reconsignment privilege) is hereby prohibited.

(b) *Rules and Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Effective date.* This order shall become effective at 11:59 p.m., October 31, 1975.

(d) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, 17(2). Interprets or applies secs. 1(10–17), 15(4), 17(2), 40 Stat. 101, as amended, 54 Stat. 911, (49 U.S.C. 1(10–17), 15(4), 17(2).))

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 75–29215 Filed 10–29–75;8:45 am]

[S.O. 1222]

PART 1033—CAR SERVICE

Distribution of Grain Cars

OCTOBER 24, 1975.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of October 1975.

It appearing, that an acute shortage of covered hopper cars for transporting shipments of grain, grain products, and soybeans; that there are substantial quantities of corn and soybeans on the ground at elevator sites in the States of Ohio, Indiana, Illinois, Kentucky, Iowa, and Nebraska; that such grain is in danger of spoilage and damage from the elements of weather unless it is shipped promptly to protected storage facilities; that the elevators adjacent to which such grain is located are unable to obtain sufficient freight cars to ship this grain promptly to protected storage facilities, thus creating great economic loss; that present regulations and practices with respect to the use, supply, control, movement, and distribution of grain cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1222 Distribution of grain cars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act and serving grain shippers located in the states named herein shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) This order shall apply to railroads serving shippers of grain located in states of:

Ohio	Kentucky
Indiana	Iowa
Illinois	Nebraska

(b) Car distribution rules and regulations. (1) *Priority required.* Priority in the distribution of empty cars for loading grain shall be given to elevators which certify to the carrier that corn and soybeans are stored on the ground in the immediate vicinity of the elevator.

(2) *Certification.* The certification referred to in paragraph (b) (1) of this section shall be in writing and shall separately state the number of bushels of corn or soybeans, stored on the ground in the immediate vicinity of the elevator as of October 24, 1975, or as of the date of certification whichever is the lesser. Grain stored on farms or at sites not adjacent to the elevator shall be excluded from the certification.

(3) *Verification required.* A representative of the railroad will verify the quantity of grain certified as being on the ground in the immediate vicinity of the elevator. Such verification shall be noted on the certification before a priority distribution of cars is allocated to each elevator.

(4) *Certifications to be retained.* The verified elevator certifications referred to in paragraphs (b) (2) and (3) of this section shall be retained by the railroad at the station or office at which records of cars ordered and furnished by the elevator are required by mandatory Car Service Rule 15 to be maintained.

(5) *Termination of priority.* The priority in grain car distribution granted to any elevator under the provisions of paragraph (b) (1) of this section shall terminate when the quantity in bushels, of all grains, regardless of kind, shipped from the elevator equals the quantity of grain certified as being stored on the ground.

(6) *Records required.* The carrier shall record for each elevator requesting priority in the distribution of grain cars because of corn or soybeans stored on the ground, the number of bushels of grain loaded into each car shipped from the date the certification described in paragraphs (b) (2) and (3) of this section is given until the total amount shipped equals the number of bushels certified as being stored on the ground.

(7) *Priority cars to be charged to normal distributive share.* Grain cars furnished to any elevator as a result of the priorities authorized by this order shall be charged to the distributive share of grain cars to which such elevator is normally entitled during the thirty-day period following the furnishing of the last car on a priority basis.

(8) *Exceptions.* Exceptions to this order, including extension of its application to elevators located in other states, may be authorized to railroads by the Railroad Service Board, Washington, D.C. 20423. Requests for such extension must be submitted in writing, or confirmed in writing, and must clearly state the points at which such exceptions are requested and the reason therefor.

(c) Rules and regulations suspended. The operation of all rules, regulations, or tariff provisions is suspended insofar as they conflict with the provisions of this order.

(d) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(e) *Effective date.* This order shall become effective at 11:59 p.m., October 24, 1975.

(f) *Expiration date.* All provisions of this order except paragraph (b) (7) of this section shall expire at 11:59 p.m., November 14, 1975. The provisions of paragraph (b) (7) of this section shall expire at 11:59 p.m., December 14, 1975.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies secs. 1(10–17), 15(4), 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the FEDERAL REGISTER.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–29214 Filed 10–29–75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 966]

TOMATOES GROWN IN FLORIDA

Proposed Handling Limitations

This regulation, designed to promote orderly marketing of Florida tomatoes, would impose minimum grade, size, quality and maturity standards and require inspection of fresh shipments to keep undesirable tomatoes from being shipped to consumers.

Consideration is being given to the issuance of the handling regulation, hereinafter set forth, which was recommended by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Marketing Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the production area. This program is issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the composition of the 1975–76 crop of Florida tomatoes and the marketing prospects for this season. The proposed requirements for containers, container net weights, and size classifications are intended to standardize shipments in the interest of orderly marketing and thereby improve returns to producers. The proposals with respect to special purpose shipments are designed to meet the different requirements for such shipments. The proposals concerning special pack shipments are intended to help handlers in the production area compete on an equal basis with those outside the area by not requiring reinspection of previously inspected tomatoes when repacked in consumer size packages. The minimum grade and size requirements would preclude shipments to fresh market of tomatoes which usually are of negligible economic value to producers.

Consideration will be given to any written data, views, or arguments pertaining to this proposal which are filed in duplicate with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than November 14, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulation is as follows:

§ 966.313 Handling regulation.

During the period November 24, 1975, through June 20, 1976, no person shall handle any lot of tomatoes for shipment outside the regulated area unless they meet the requirements of paragraph (a) of this section or are exempted by paragraphs (b) or (d) of this section.

(a) *Grade, size, container and inspection requirements*—(1) *Grade.* Tomatoes shall be graded and meet the requirements specified in § 51.1855 U.S. No. 1, § 51.1856 U.S. Combination, § 51.1857 U.S. No. 2 or § 51.1858 U.S. No. 3, of the U.S. Standards for Grades of Fresh Tomatoes except that when not more than 15 percent of tomatoes in any lot fail to meet the requirements of U.S. No. 1 grade and not more than one-third of this 15 percent (or 5 percent) are comprised of defects causing very serious damage including not more than one percent of tomatoes which are soft or affected by decay, such tomatoes may be shipped and designated as at least 85 percent U.S. No. 1 grade.

(2) *Size.* (i) Tomatoes shall be over 2$\frac{6}{32}$ inches in diameter and be sized in accordance with § 51.1859 of the U.S. tomato standards.

(ii) Tomatoes of designated sizes may not be commingled unless they are over 2$\frac{17}{32}$ inches in diameter and each container shall be marked to indicate the designated size.

(iii) Only the generic terms as defined in § 51.1859 may be used to indicate size designations on containers of tomatoes; except that the following abbreviations may be used—sml for small, med for medium, lg for large, ex lg for extra large, or max lg for maximum large.

(3) *Containers.* (i) Tomatoes shall be packed in containers of 20, 30, or 40 pounds designated net weights and comply with the requirements of § 51.1863 of the U.S. tomato standards.

(ii) Each container shall be marked to indicate the designated net weight.

(iii) If the container in which the tomatoes are packed has been previously used, the lid of such container shall be marked with the words "USED BOX" in letters not less than three-fourths inch high.

(4) *Inspection.* Tomatoes shall be inspected and certified pursuant to the provisions of § 966.60. Each handler who applies for inspection shall register with the committee pursuant to § 966.113. Registered handlers shall pay assessments as provided in § 966.42. Inspection certificates must accompany truck shipments.

(b) *Special purpose shipments.* The requirements of paragraph (a) of this section shall not be applicable to shipments of tomatoes for canning, relief, charity or export if the handler thereof complies with the safeguard requirements of paragraph (c) of this section. Shipments for canning are also exempt from the assessment requirements of this part.

(c) *Safeguards.* Each handler making shipments of tomatoes for canning, relief, charity or export in accordance with paragraph (b) of this section shall:

(1) Apply to the committee and obtain a Certificate of Privilege to make such shipments.

(2) Prepare on forms furnished by the committee a report in quadruplicate on such shipments authorized in paragraph (b) of this section.

(3) Bill or consign each shipment directly to the designated applicable receiver.

(4) Forward one copy of such report to the committee office and two copies to the receiver for signing and returning one copy to the committee office. Failure of the handler or receiver to report such shipments by signing and returning the applicable report to the committee office within ten days after shipment shall be cause for cancellation of such handler's certificate and/or receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of any such certificate, the handler may appeal to the committee for reconsideration.

(d) *Exemption*—(1) *For types.* The following types of tomatoes are exempt from these regulations: Elongated types commonly referred to as pear shaped or paste tomatoes and including but not limited to San Marzano, Red Top and Roma varieties; cerasiform type tomatoes commonly referred to as cherry tomatoes, hydroponic tomatoes, and greenhouse tomatoes.

(2) *For minimum quantity.* For purposes of these regulations each person subject thereto may handle up to but not to exceed 60 pounds of tomatoes per day without regard to the requirements of these regulations but this exemption shall not apply to any shipment or any portion thereof of over 60 pounds of tomatoes.

(3) *For special packed tomatoes.* Tomatoes resorted, regraded and repacked by a handler who has been designated as a "Certified Tomato Repacker" by the committee are exempt from the tomato grade classifications of paragraph (a)(1) of this section and the size classifications of paragraph (a)(2) of this section except that tomatoes shall be over 2$\frac{6}{32}$ inches in diameter; and the container weight requirements of paragraph (a)(3) of this section if such tomatoes comply with the inspection requirements of paragraph (a)(4) of this section.

(e) *Definition.* "Hydroponic tomatoes" means tomatoes grown in solution without soil; "greenhouse tomatoes" means tomatoes grown indoors. A "Certified Tomato Repacker" is a repacker of tomatoes in the regulated area who has the facilities for handling, regrading, resorting, and repacking tomatoes into consumer sized packages and has been certified as such by the committee. "U.S. tomato standards" means the revised United States Standards for Grades of Fresh Tomatoes (§§ 51.1855–51.1877 of this title), effective December 1, 1973, or variations thereof specified in this section. Other terms in this section shall have the same meaning as when used in Marketing Agreement No. 125, as amended, and this part, and the U.S. tomato standards.

NOTE: It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.

Dated: October 24, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-29152 Filed 10-29-75;8:45 am]

[7 CFR Part 980]

TOMATOES

Proposed Grade, Size and Inspection Requirements

Notice is hereby given of proposed grade, size and inspection requirements to be made applicable to the importation of fresh tomatoes into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The import regulation would apply the same requirements to be made effective under the Federal marketing order for tomatoes grown in Florida.

All persons who desire to submit data, views, or arguments in connection with this proposal may file the same with the Hearing Clerk, U.S. Department of Agriculture, Room 112–A, Washington, D.C. 20250, not later than November 14, 1975. Written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulation is as follows:

§ 980.209 Tomato import regulation.

Except as otherwise provided during the period November 24, 1975, through June 30, 1976, no person may import fresh tomatoes, except pear shaped, cherry, hydroponic and greenhouse tomatoes as defined herein, unless they are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements.* (1) At least U.S. No. 3 grade and over 2$\frac{6}{32}$ inches in diameter;

(2) Not more than 10 percent, by count, in any lot may be smaller than the specified minimum diameter.

(b) *Minimum quantity exemption.* Any importation which in the aggregate does not exceed 60 pounds may be imported without regard to the provisions of this section.

(c) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(d) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of tomatoes that are imported into the United States under the provisions of Section 8e of the act.

(e) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the tomatoes meet the United States import requirements for tomatoes under Section 8e (7 U.S.C. 608e–1), issued by a designated governmental inspection service and applicable to a specified lot is required on all imports of fresh tomatoes.

(2) Inspection and certification by the Federal of Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

Ports	Office	Advance notice (in days)
All Texas points	L. M. Denbo, P.O. Box 107, San Juan, Tex. 78589 (phone 512–787–4091 or 6881).	1
All Arizona points	B. O. Morgan, P.O. Box 1614, Nogales, Ariz. 85621 (phone 602–287–2902)	1
All California points	D. F. Thompson, 784 South Central Ave., Room 266, Los Angeles, Calif. 90021 (phone 213–622–8756).	3
All Hawaii points	Stevenson Ching, P.O. Box 5425, Pawaa Substation, 1428 South King St., Honolulu, Hawaii 96814 (phone 808–941–3071).	1
All Puerto Rico points	John L. Coulon, P.O. Box 9112, Santurce, P.R. 00908 (phone 809–783–2230 or 4116).	2
New York City	Carmine J. Cavallo, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (phone 212–991–7669 or 7668).	1
New Orleans	Leonard E. Mixon, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (phone 504–589–6741 or 6742).	1
Miami	Lloyd W. Boney, 1350 Northwest 12th Ave., Room 530, Miami, Fla. 33136 (phone 305–324–6116 or 6117).	1
All other Florida points	C. B. Brantley, P.O. Box 1282, Winter Haven, Fla. 33880 (phone 813–294–2511, extension 83, and 813–294–2066).	1
All other points	Chief, FPSI Branch, Fruit and Vegetable Division, AMS, Washington, D.C. 20250 (phone 202–447–3670).	3

(4) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any tomatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e–1.

(f) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of tomatoes for the purpose of making it eligible for importation.

(g) *Definitions.* For the purpose of this section, "Importation" means release from custody of the United States Bureau of Customs. "Cherry tomatoes" means cerasiform types commonly referred to as "cherry tomatoes." "Pear shaped tomatoes" means elongated types, commonly referred to as pear shaped or paste tomatoes and include San Marzano, Red Top and Roma varieties. "Hydroponic tomatoes" means tomatoes grown in solution without soil. "Greenhouse tomatoes" means tomatoes grown indoors. The terms relating to grade and size, as used herein, shall have the same meaning as when used in the U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855–51.1877 of this title).

Dated: October 24, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-29150 Filed 10-29-75;8:45 am]

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Proposed Expenses of California Date Administrative Committee and Rate of Assessment, for 1975–76 Crop Year

Notice is hereby given of a proposal regarding expenses of the California Date Administrative Committee, and rate of

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assessment, for the 1975–76 crop year. The proposal is pursuant to §§ 987.71 and 987.72 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987). The amended marketing agreement and order regulate the handling of domestic dates produced or packed in Riverside County, California, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The California Date Administrative Committee has recommended, for the 1975–76 crop year, expenses totalling $25,830 and an assessment rate of 7 cents per hundredweight on assessable dates. The assessable poundage is estimated by the Committee at 38.5 million pounds. When the proposed assessment rate is applied to the estimated assessable poundage, that rate provides assessment income of $26,950.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20205, not later than November 14, 1975. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 987.320 Expenses of the California Date Administrative Committee and rate of assessment for the 1975–76 crop year.

(a) *Expenses.* Expenses in the amount of $25,830 are reasonable and likely to be incurred by the California Date Administrative Committee during the 1975–76 crop year beginning October 1, 1975, for its maintenance and functioning, and for such other purposes as the Secretary may, pursuant to the applicable provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 987.72, to pay to the California Date Administrative Committee as his pro rata share of the expenses is fixed at 7 cents per hundredweight on all assessable dates. Assessable date are dates which the handler has certified during the crop year as meeting the requirements for marketable dates, including the eligible portion of any field-run dates certified and set aside or disposed of pursuant to § 987.45(f).

Dated: October 24, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-29151; Filed 10-29-75;8:45 am]

[7 CFR Part 989]

DIPPED SEEDLESS RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Weight Conversion Factors

Notice is given of a proposal to establish factors for converting the weight of reconditioned Dipped Seedless raisins to natural condition weight. Section 989.601 of Subpart—Conversion Factors (7 CFR 989.601) contains the factors established for converting weights of various varietal types of raisins, and the appropriate conversion factors for Dipped Seedless would be included in this section.

This action, unanimously recommended by the Raisin Administrative Committee, would be taken under § 989.58(e)(4) of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), hereinafter referred to as the "order", and § 989.158(c)(4)(i) of the Subpart—Administrative Rules and Regulations issued under the order. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Certain program obligations (e.g., assessments, reserve tonnage set asides) are based on the natural condition weight of raisins acquired by handlers. When the handler acquires a lot of packed raisins after they have been reconditioned, the weight of the lot is less than its natural condition weight. Thus, factors are established for adjusting the weight of reconditioned raisins to natural condition weight.

Under the order, raisins are regulated by varietal types, and these types are contained in § 989.110. On July 29, 1975, this section was changed (40 FR 31739) by adding "Dipped Seedless" raisins and deleting "Soda Dipped" raisins. This makes it necessary to amend § 989.601 to include Dipped Seedless raisins and to provide appropriate conversion factors. The net weight of raisins acquired by handlers as packed raisins is divided by the applicable factor to obtain natural condition weight. As proposed, the natural condition weight of a lot of Dipped Seedless raisins after that lot had been passed through a stemmer and blower would be determined by dividing its net weight by .96; and that weight after complete processing would be determined by dividing its net weight by .95. Since Soda Dipped raisins are no longer a varietal type of raisin under the order, the proposal would delete them from § 989.601.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 14, 1975. All written submissions should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 24, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-29153 Filed 10-29-75;8:45 am]

[7 CFR Parts 1001, 1002, 1015]

[Docket Nos. AO-14-A55, AO-305-A33, AO-71-A70]

MILK IN BOSTON REGIONAL, CONNECTICUT, AND NEW YORK-NEW JERSEY MARKETING AREAS

Extension of Time for Filing Exceptions To Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Boston Regional, Connecticut, and New York-New Jersey marketing areas, which was issued September 30, 1975 (40 FR 47316) is hereby extended to November 17, 1975.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on October 24, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-29097 Filed 10-29-75;8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Determinations To Be Made With Respect to Marketing Quotas, National, State, and County Acreage Allotments, County Normal Yields, and a Period for Conducting a Referendum on Marketing Quotas for the 1976 Crop

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended, (7 U.S.C. 1301, 1352, 1353, and 1354), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1976 crop of rice; to determine and proclaim the national acreage allotment for the 1976 crop of rice; to apportion among States and counties the national acreage allotment for the 1976 crop of rice; to establish county normal yields for the 1976 crop of rice; and to establish a period for conducting a referendum on marketing quotas in the event quotas are proclaimed for the 1976 crop of rice.

Section 354 of the act provides that whenever in the calendar year 1975 the Secretary determines that the total supply of rice for the 1975–76 marketing year will exceed the normal supply for such marketing year, the Secretary shall, not later than December 31, 1975, proclaim such fact and marketing quotas shall be in effect for the crop of rice produced in 1976. Within 30 days after the issuance of such proclamation, the Secretary shall conduct a referendum by secret ballot of farmers engaged in the production of the immediately preceding crop of rice to determine whether farmers are in favor of or opposed to such quotas.

Section 352 of the act, as amended, provides that the national acreage allotment of rice for 1976 shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the 5 calendar years 1971 through 1975, produce an amount of rice adequate, together with the estimated carryover from the 1975–76 marketing year, to make available a supply for the 1976–77 marketing year not less than the normal supply. The Secretary is required under this section of the act to proclaim such national acreage allotment not later than December 31, 1975.

Section 353(c)(6) of the act, as amended, provides that the national acreage allotment of rice for 1976 shall be not less than the national acreage allotment for 1956, including the 13,512 acres apportioned to States pursuant to paragraph (5) of section 353(c) of the act. Under this provision, the national acreage allotment of rice for 1976 will be not less than 1,652,596 acres.

As defined in section 301 of the act, for purposes of these determinations, "total supply" for any marketing year is the carryover of rice for such marketing year, plus the estimated production of rice in the United States during the calendar year in which such marketing year begins and the estimated imports of rice into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of rice for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of rice for the marketing year for which normal supply is being determined, plus 10 per centum of such consumption and exports, with adjustments for current trends in consumption and for unusual conditions as deemed necessary; and "marketing year" for rice is the period August 1–July 31.

Section 353 (a) and (c)(6) of the act requires that the national acreage allotment of rice for the 1976 crop, less a reserve of not to exceed 1 per centum thereof for apportionment to farms receiving inadequate allotments because of insufficient State or county allotments or because rice was not planted on the farm during all the years of the base period, be apportioned among the several States in which rice is produced in the same proportion that they shared in the total acreage allotted to States in 1956 (State acreage allotments, plus the additional acreage allocated to States under section 353(c)(5) of the act as amended).

The State acreage allotment of rice for the 1976 crop would be apportioned to producers in "producer States" and to farmers in "farm States" in accordance with the Regulations for Determination of Acreage Allotments for 1974 and Subsequent Crops of Rice (§§ 730.61 to 730.87; 39 FR 918; 39 FR 15021 40 FR 20060).

Section 301(b)(13)(D) of the act provides that the "normal yield" of rice for 1976 for any county shall be the average yield per acre of rice for the county during the 5 calendar years 1971 through 1975 adjusted for abnormal weather conditions and trends in yields. Provision is made therein that if for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations of the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

Section 301(b)(13)(F) of the act provides that if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any county for any year during the years 1971 through 1975 is less than 75 per centum of the average, 75 per centum of each average shall be substituted therefor in calculating the normal yield per acre. If on account of abnormally favorable weather conditions, the yield for any county for any year during the years 1971 through 1975 is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments, and county normal yields for the 1976 crop of rice, including national, State and county reserves, and announcing the period of the referendum, if marketing quotas are required, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Grains, Oilseeds and Cotton Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. All written submissions must be postmarked by November 19, 1975 to be sure of consideration. All written submissions made pursuant to this notice will be made available for public inspection during normal business hours at the United States Department of Agriculture, Room 5741, South Building, Washington, D.C. 20250.

Signed at Washington, D.C. on: October 24, 1975.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc75-29166 Filed 10-29-75;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1464]

CIGAR TOBACCO

Proposed Grade Loan Rates for Price Support on 1975 Crop

Notice is hereby given that CCC is considering the grade loan rates to be applied in making price support available on 1975-crop cigar tobacco.

Interested persons are invited to participate in establishing the grade loan rates to be applied by submitting views and recommendations in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. To assure consideration, all submissions must be received not later than December 1, 1975. All such written submissions received will be available for public inspection at the office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

Under the Tobacco Loan Program published in this part, CCC proposes to establish loan rates by grades for the 1975-crop Ohio filler tobacco, types 42–44, Connecticut Valley broadleaf tobacco, type 51, Connecticut Valley Havana seed tobacco, type 52, New York and Pennsylvania Havana seed tobacco, type 53, and Southern Wisconsin tobacco, type 54, Northern Wisconsin tobacco, type 55, and Puerto Rican tobacco, type 46, as set forth herein. These proposed rates, calculated to provide the level of support of 66.5 cents per pound for types 51–52, 49.9 cents per pound for type 46 and 48.0 cents per pound for types 42–44, 53–55, as determined under section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445), are as follows:

§ 1464.22 1975 Crop—Ohio Filler Tobacco, Types 42–44, Loan Schedule.[1]

Grade	*Loan rate*
[Dollars per hundred pounds, farm sales weight]	
Crop run (stripped together):	
X1	50
X2	46
X3	43
X4	39
Nondescript:	
N	30

[1] Tobacco is eligible for loan only if consigned by the original producer. No loan is authorized for tobacco graded "S" (scrap) or designated, "No-G" (no grade). The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against overhead and receiving costs.

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§ 1464.23 1975 Crop—Connecticut Valley Broadleaf Tobacco, Type 51 Loan Schedule.[3]

Grade	Loan rate
[Dollars per hundred pounds, farm sales weight]	
Binders:	
B1	88
B2	80
B3	70
B4	59
B5	52
Non-binders:	
X1	44

[3] Tobacco is eligible for loan only if consigned by the original producer. No loan is authorized for tobacco graded "N1" or "N2" (nondescript) or "S" (scrap) or designated "No-G" (no grade). The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against overhead and receiving costs.

§ 1464.24 1975 Crop—Connecticut Valley Havana Seed Tobacco, Type 52, Loan Schedule.[3]

Grade	Loan Rate
[Dollars per hundred pounds, farm sales weight]	
Binders:	
B1	84
B2	77
B3	67
B4	58
B5	52
Non-binders:	
X1	44

[3] Tobacco is eligible for loan only if consigned by the original producer. No loan is authorized for tobacco graded "N1" or "N2" (nondescript) or "S" (scrap) or designated "No-G" (no grade). The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against overhead and receiving costs.

§ 1464.25 1975 Crop—New York and Pennsylvania Havana Seed Tobacco, Type 53, and Southern Wisconsin Tobacco, Type 54, Loan Schedule.[4]

Grade	Loan Rate
[Dollars per hundred pounds, farm sales weight]	
Crop-run:	
X1	55
X2	48
X3	41
Farm fillers:	
Y1	35
Y2	33
Y3	31
Nondescript:	
N1	31
N2	25

[4] Tobacco is eligible for loan only if consigned by the original producer. No loan is authorized for tobacco graded "S" (scrap) or designated "No-G" (no grade). The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against overhead and receiving costs.

§ 1464.26 1975 Crop—Northern Wisconsin Tobacco, Type 55, Loan Schedule.[5]

Grade	Loan rate
[Dollars per hundred pounds, farm sales weight]	
Binders:	
B1	72
B2	66
B3	61
Strippers:	
C1	55
C2	49
C3	40
Crop-run:	
X1	54
X2	48
X3	39
Farm fillers:	
Y1	37
Y2	35
Y3	32
Nondescript:	
N1	31
N2	25

[5] Tobacco is eligible for loan only if consigned by the original producer. No loan is authorized for tobacco graded "S" (scrap) or designated "No-G" (no grade). The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against overhead and receiving costs.

§ 1464.27 1975 Crop—Puerto Rican Tobacco, Type 46, Loan Schedule.[6]

Grade:	Loan rate
[Dollars per hundred pounds, farm sales weight]	
Price block I (C1f and C1P)	57
Price block II (X1F, X1P, and X1S)	47
Price block III (X2T, X2F, X2P and X2S)	39
Price block IV (N)	23

[6] Tobacco is eligible for loan only if consigned by the original producer. No loan is authorized for tobacco "S" (scrap) or designated, "No-G" (no grade). The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against overhead and receiving costs.

Signed at Washington, D.C., on October 24, 1975.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.75-29154 Filed 10-29-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 75-SO-141]

LOCKHEED MODEL 382 SERIES

Proposed Airworthiness Directives

Amendment 39-2342, FR Doc. 75-21572, AD 75-18-03, requires inspection of the outer wing lower forward spar caps at OWS 54 and 108 on Lockheed Model 382 series airplanes. After issuing Amendment 39-2342, the Federal Aviation Administration determined that modification of the wing is required. Therefore the Administration is considering amending Amendment 39-2342 to require modification of the wings in accordance with Lockheed Service Bulletin 382-187.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Southern Region Office, Chief, Engineering and Manufacturing Branch, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before December 15, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available, both before and after the closing date for comments, in the Engineering and Manufacturing Branch, FAA Southern Region, for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2342, FR Doc. 75-21572, AD 75-18-03 by adding the following new paragraphs at the end thereof:

Before the accumulation of more than 30,000 flight hours, preventive modification shall be installed in accordance with Lockheed Service Bulletin 382-187, or later FAA-approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

The inspection required by AD 75-18-03 may be discontinued for those airplanes modified in accordance with the above paragraph.

(Sec. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Georgia on October 17, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-29081 Filed 10-29-75;8:45 am]

[14 CFR Part 39]

[Docket No. 75-SO-143]

LOCKHEED MODEL 382 SERIES

Proposed Airworthiness Directives

Amendment 39-2249, FR Doc. 75-17068, AD 75-14-05, as amended by Amendment 39-2362, FR Doc. 75-23706, requires inspection of the outer wing lower aft beam caps at OWS 54 and 108 on Lockheed Model 382, series airplanes. After issuing Amendment 39-2362, the Federal Aviation Administration determined that modification of the wing is required. Therefore, the Administration is considering amending Amendment 39-2362 to require modification of the wings in accordance with Lockheed Service Bulletin 382-187.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Southern Region Office, Chief, Engineering and Manufacturing Branch, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before December 15, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this Notice may be changed in light of comments received. All comments will be available, both before and after the closing date for comments, in the Engineering and Manufacturing Branch, FAA Southern Region, for examination by interested persons.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2362, FR Doc. 75-23706, AD 75-14-05, by adding the following new paragraphs at the end thereof:

Before the accumulation of more than 30,000 flight hours, preventive modification shall be installed in accordance with Lockheed Service Bulletin 382-187, or later FAA-approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

The inspections required by this AD may be discontinued for those airplanes which have been modified in accordance with the above paragraph.

Issued in East Point, Georgia on October 17, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-29082 Filed 10-29-75;8:45 am]

[14 CFR Part 39]

[Docket No. 75-SO-142]

LOCKHEED MODEL 382 SERIES

Proposed Airworthiness Directives

Amendment 39-1867, FR Doc. 74-13289, AD 74-12-06, requires inspection of the outer wing lower panels at OWS 35 on Lockheed Model 382 series airplanes. After issuing Amendment 39-1867, the Federal Aviation Administration determined that modification of the wing is required. Therefore, the Administration is considering amending Amendment 39-1867 to require modification of the wings in accordance with Lockheed Service Bulletins 382-152 and A382-169.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Southern Region Office, Chief, Engineering and Manufacturing Branch, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before December 15, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this Notice may be changed in light of comments received. All comments will be available, both before and after the closing date for comments, in the Engineering and Manufacturing Branch, FAA Southern Region, for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1867, FR Doc. 74-13289, AD 74-12-06, by adding the following new paragraph at the end thereof:

Before the accumulation of more than 30,000 flight hours, preventive modification shall be installed in accordance with Lockheed Service Bulletin 382-152, Revision 2, and Alert Service Bulletin A382-169A, Revision 4, or later FAA-approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Georgia on October 17, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-29083 Filed 10-29-75;8:45 am]

[14 CFR Part 39]

[Docket No. 75-SO-144]

LOCKHEED MODEL 382 SERIES

Proposed Airworthiness Directives

Amendment 39-2343, FR Doc. 75-21619, AD 75-18-04, requires inspection of the outer wing lower panels at OWS 35 on Lockheed Model 382 series airplanes. After issuing Amendment 39-2343, the Federal Aviation Administration determined that modification of the wing is required. Therefore, the Administration is considering amending Amendment 39-2343 to require modification of the wings in accordance with Lockheed Service Bulletin 382-57-43.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Docket Number and be submitted in duplicate to the Federal Aviation Administration, Southern Region Office, Chief, Engineering and Manufacturing Branch, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before December 15, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available, both before and after the closing date for comments, in the Engineering and Manufacturing Branch, FAA Southern Region, for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1867, FR Doc. 74-13289, AD 74-12-06, by adding the following new paragraph at the end thereof:

Before the accumulation of more than 30,000 flight hours, preventive modification shall be installed in accordance with Lockheed Service Bulletin 382-152, Revision 2, and Alert Service Bulletin A382-169A, Revision 4, or later FAA-approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Georgia on October 17, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-29803 Filed 10-29-75;8:45 am]

[14 CFR Part 39]

[Docket No. 75-SO-144]

LOCKHEED MODEL 382 SERIES

Proposed Airworthiness Directives

Amendment 39-2343, FR Doc. 75-21619, AD 75-18-04, requires inspection of the outer wing lower panels at OWS 35 on Lockheed Model 382 series airplanes. After issuing Amendment 39-2343, the Federal Aviation Administration determined that modification of the wing is required. Therefore, the Administration is considering amending Amendment 39-2343 to require modification of the wings in accordance with Lockheed Service Bulletin 382-57-43.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Southern Region Office, Chief, Engineering and Manufacturing Branch, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before December 15, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this Notice may be changed in light of comments received. All comments will be available, both before and after the closing date for comments, in the Engineering and Manufacturing Branch, FAA Southern Region, for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2343, FR Doc. 75-21619, AD 75-18-04, by adding the following new paragraphs at the end thereof:

Before the accumulation of more than 30,000 flight hours, preventive modification shall be installed in accordance with Lockheed Service Bulletin 382-57-43, or later FAA-approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

The inspections required by AD 75-18-04 may be discontinued for those airplanes modified in accordance with the above paragraph.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Georgia on October 17, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-29084 Filed 10-29-75;8:45 am]

Coast Guard

[33 CFR Part 117]

[CGD 75-180]

INDIAN RIVER, FLORIDA

Proposed Drawbridge Operation Regulations

At the request of the Florida Department of Transportation, the Coast Guard is considering revising the regulations for the drawbridges across the Indian River (Atlantic Intracoastal Waterway) at Melbourne and Eau Gallie to require that the draws open on signal at half-hour intervals from 8:15 a.m. to 4:15 p.m. daily. The present closed periods, from 6:45 a.m. to 8:15 a.m. and 4:15 to 5:45 p.m. would also be extended to Saturday and Sunday, rather than just Monday through Friday as is now the case. Although the vehicular traffic daily average has actually decreased slightly in the past five years (for the Melbourne drawbridge 21,671 per day in 1970 versus 21,445 per day in 1974; for the Eau Gallie drawbridge, 19,371 per day in 1970 versus 17,770 per day in 1974), there is a potential of relieving some of the vehicular traffic problems by this proposal.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1018, Federal Building, 51 SW., First Avenue, Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available, both before and after the closing date for comments, in the Engineering and Manufacturing Branch, FAA Southern Region, for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2343, FR Doc. 75-21619, AD 75-18-04 by adding the following new paragraphs at the end thereof:

Before the accumulation of more than 30,000 flight hours, preventive modification shall be installed in accordance with Lockheed Service Bulletin 382-57-43, or later FAA-approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

The inspections required by AD 75-18-04 may be discontinued for those airplanes modified in accordance with the above paragraph.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Georgia on October 17, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-29084 Filed 10-29-75;8:45 am]

Coast Guard

[33 CFR Part 117]

[CGD 75-180]

INDIAN RIVER, FLORIDA

Proposed Drawbridge Operation Regulations

At the request of the Florida Department of Transportation, the Coast Guard is considering revising the regulations for the drawbridges across the Indian River (Atlantic Intracoastal Waterway) at Melbourne and Eau Gallie to require that the draws open on signal at half-hour intervals from 8:15 a.m. to 4:15 p.m. daily. The present closed periods, from 6:45 a.m. to 8:15 a.m. and 4:15 to 5:45 p.m. would also be extended to Saturday and Sunday, rather than just Monday through Friday as is now the case. Although the vehicular traffic daily average has actually decreased slightly in the past five years (for the Melbourne drawbridge 21,671 per day in 1970 versus 21,445 per day in 1974; for the Eau Gallie drawbridge, 19,371 per day in 1970 versus 17,770 per day in 1974), there is a potential of relieving some of the vehicular traffic problems by this proposal.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1018, Federal Building, 51 SW., First Avenue, Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be avail-

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able for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before December 2, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.436(b) and by adding a new § 117.436(b–1) to read as follows:

§ 117.436 Indian River, Fla.; Florida State Road Department bridges at Titusville, Eau Gallie, Melbourne and the National Aeronautics and Space Administration bridge at Addison Point.

• • • • •

(b) The draw of the bridge at Eau Gallie shall open on signal from 5:45 p.m. to 6:45 a.m. From 6:45 a.m. to 8:15 a.m. and from 4:15 p.m. to 5:45 p.m. the draw may remain closed. From 8:15 a.m. to 4:15 p.m. the draw shall open on the quarter-hour and three-quarter hour if any vessels are waiting to pass.

(b–1) The draw of the bridge at Melbourne shall open on signal from 5:45 p.m. to 6:45 a.m. From 6:45 a.m. to 8:15 a.m. and from 4:15 p.m. to 5:45 p.m. the draw may remain closed; however, the draw shall open at 8:15 a.m. and 4:15 p.m. if any vessels are waiting to pass. From 8:30 a.m. to 4:00 p.m., the draw shall open on the hour and half-hour if any vessels are waiting to pass.

• • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4)).

Dated: October 22, 1975.

D. J. RILEY,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.75–29133 Filed 10–29–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20588]

LOGGING OF PROMOTIONAL ANNOUNCEMENTS

Order Extending Time for Filing Comments and Reply Comments

On September 5, 1975, the Commission adopted a notice of inquiry and notice of proposed rule making in the above-entitled proceeding (40 FR 43514). The dates for filing comments and reply comments are presently October 22 and November 3, 1975, respectively.

2. On October 8, 1975, counsel for the National Association of Broadcasting (NAB) requested that the time for filing comments be extended to and including November 24, 1975. Counsel states the instant proceeding contains public interest questions which are applicable to the entire broadcasting industry and as such many parties will be desirous of participating. He points out that the present filing date in this proceeding is only eight days prior to the date for filing comments in Docket 20550, employment practices and nondiscrimination, and in Docket 20600, revision of rules pertaining to program logging. He further states that because of the nearness of filing dates, NAB's participation in its Fall conferences, staff size, and normal workload an extension of time will be necessary.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *it is ordered*, That the dates for filing comments and reply comments are extended to and including November 24 and December 19, 1975, respectively.

4. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: October 16, 1975.

Released: October 21, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75–29106 Filed 10–29–75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 75–941]

FEDERAL SAVINGS AND LOAN SYSTEM

Mobile Home Financing

OCTOBER 15, 1975.

The Federal Home Loan Bank Board considers it desirable to propose to amend § 545.7–1 of the rules and regulations of the Federal Savings and Loan System (12 CFR 545.7–1) for the purpose of increasing the amount that a federal association may lend to home buyers on the security of mobile homes.

Present § 545.7–1(e)(3)(iii)(c) limits the amount attributable to installation and freight charges that a federal association may include in a mobile home loan to the lesser of 10 percent of the manufacturer's invoice price or $500. The proposed amendment would delete the $500 limitation, in recognition of the greater installation and freight costs which prevail today.

Accordingly, the Board hereby proposes to amend Part 545 by revising § 545.7–1(e)(3)(iii)(c) thereof, to read as set forth below.

Interested persons are invited to submit written data, view, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552, by December 1, 1975, as to whether this proposal should be adopted, rejected, or modified. Copies of all written material submitted will be available for public inspection at the above address during normal business hours.

§ 545.7–1 Mobile home financing.

• • • • •

(e) *Retail financing.* Any such association may invest in any retail mobile home chattel paper as to which the association's investment is insured or guaranteed, or the association has a commitment for such insurance or guarantee, under the provisions of the National Housing Act or Chapter 37 of Title 38, United States Code, as now or hereafter amended, if arrangements have been made for satisfactory local servicing of such chattel paper. Any such association may invest in other retail mobile home chattel paper only if:

• • •

(3) The amount of the monetary obligation evidenced by such chattel paper (exclusive of any time price differential or any interest, whether on an add-on, discount, or other gross charge basis) does not, except as otherwise provided in paragraph (f) of this section, exceed an amount equal to the total of the following:

• • • • •

(iii) in the case of a new mobile home, (*a*) 100 percent of the manufacturer's invoice price of such mobile home (including any installed equipment), excluding freight, (b) 100 percent of the invoice price of the manufacturer of any new equipment installed or to be installed by the dealer, excluding freight, and (c) an amount, attributable to set-up and freight costs, not exceeding 10 percent of the total of such invoice price; or

• • • • •

(Sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464), Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN,
Secretary.

[FR Doc. 75–29155 Filed 10–29–75; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[CM–5/119]

ADVISORY COMMITTEE ON TRANSNATIONAL ENTERPRISES

Meeting

The State Department Advisory Committee on Transnational Enterprises will hold its second meeting on Monday, November 17 at 9:30 a.m. in Room B of the Pan American Health Organization, 525 23rd Street, NW., Washington, D.C. The meeting will be to discuss status of ongoing work in international fora related to Transnational Enterprises, including the United Nations, the Organization of Economic Cooperation and Development and the Organization of America States. North-South Issues in general will also be reported on. Among the items on the agenda are:

1. Report on the work of the Committee's Working Group on Information Disclosure.

2. State Department update of transnational enterprises issues in international organizations and North-South Issues in general.

3. Discussion of transnational enterprise issues in international organizations.

Requests for further information on the meeting should be directed to Stephen Bond, Department of State, Office of the Legal Adviser, 2201 C Street, NW., Washington, D.C. 20520. He may be reached by telephone on (area code 212) 632–0349.

Members of the public wishing to attend the meeting must contact Mr. Bond's office in order to arrange entrance to the Pan American Health Organization building.

The Chairman will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: October 24, 1975.

STEPHEN R. BOND,
Executive Secretary, Committee on Transnational Enterprises.

[FR Doc.75–29223 Filed 10–29–75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 74–26]

BURTON WEISER, D.O.

Revocation of Registration

On October 25, 1974, the Administrator of the Drug Enforcement Administration issued to Burton Weiser an Order to Show Cause as to why DEA registration #AW5508354 issued him pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked for reason that on October 23, 1973, in the United States District Court for the District of New Jersey, he was convicted of conspiracy to sell narcotic drugs, a felony.

Respondent requested a hearing on the Order to Show Cause and, on March 10, 1975, a hearing was held in Washington, D.C., before Administrative Law Judge Lewis F. Parker.

On September 29, 1975, the Judge filed his Recommended Decision with the Acting Administrator of the Drug Enforcement Administration which recommends:

. . . that the Administrator recognize Dr. Weiser's need to dispense some controlled substances and the substantial benefit which this ability would confer on his patients. Dr. Weiser suggests that if revocation is ordered, it extend only to methadone or, in the alternative, to substances in Schedules I and II, and I recommend that the Administrator adopt the latter proposal by revoking Dr. Weiser's controlled substances registration only with respect to those substances in Schedules I and II. . . .

Having reviewed the record of these proceedings in its entirety, the Acting Administrator finds that on October 23, 1973, in the United States District Court for the District of New Jersey, Burton Weiser was convicted of conspiracy to sell narcotic drugs, a felony. He also finds that Dr. Weiser is now providing valuable medical service to a depressed area of Philadelphia and that his patients require the prescribing of some controlled substances. Therefore the Acting Administrator hereby adopts that part of the Recommended Decision of the Administrative Law Judge set out above, pursuant to § 1316.66, Title 21, Code of Federal Regulations.

Accordingly, under the authority vested in the Attorney General by section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. 823, and redelegated to the Administrator of the Drug Enforcement Administration by § 0.100, as amended Title 28, Code of Federal Regulations, and further, having been duly designated as Acting Administrator by Order No. 607–75 of the Attorney General, dated May 30, 1975, in accordance with the authority stated therein and pursuant to the authority delegated to the Acting Administrator by § 0.132(d) of Title 28 of the Code of Federal Regulations, the Acting Administrator hereby orders that the certificate of registration of Burton Weiser (DEA Registration #AW5508–354) be revoked in Schedules I and II.

This order shall be effective December 1, 1975.

Dated: October 17, 1975.

HENRY S. DOGIN,
Acting Administrator Drug Enforcement Administration.

[FR Doc.75–29116 Filed 10–29–75;8:45 am]

CONTROLLED SUBSTANCES IN SCHEDULES I AND II

Final 1976 Aggregate Production Quotas

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations and has been further delegated to the Acting Administrator by virtue of his designation as such by Order Number 607–75 of the Attorney General, dated May 30, 1975 and pursuant to the authority delegated to him by § 0.132(d) of Title 28 of the Code of Federal Regulations.

On August 26, 1975, a notice of the proposed aggregate production quotas for 1976 was published in the FEDERAL REGISTER (40 FR 37240). All interested parties were invited to comment or object to the proposed aggregate production quotas with these comments or objections to be received by September 30, 1975.

Mallinckrodt, Inc. of St. Louis, Missouri submitted comments relative to the proposed aggregate production quota for Thebaine (for sale). Mallinckrodt commented that the proposed quota does not permit the conversion of all Thebaine derived from the processing of raw opium to a stable form. As a result of this valuable quantities of Thebaine would be lost which could be converted to medicinal Hydrocodone or Oxycodone, if the Thebaine were processed to a stable form.

Endo Laboratories, Inc. of Garden City, New York also commented that the proposed aggregate production quota for Thebaine (for sale) will not permit the full recovery of Thebaine from gum opium and poppy straw which is processed in the United States.

Western Fher Laboratories of Ponce, Puerto Rico through their counsel Kleinfeld, Kaplan, and Becker of Washington, D.C. have commented that the proposed aggregate production quota for Phenmetrazine is inadequate to provide for the estimated medical needs of the United States for 1976.

Winthrop Laboratories, Division of Sterling Drug Inc. of Rensselaer, New York has advised that it is their opinion that the proposed aggregate production quota for Pethidine is insufficient for 1976. The firm further advised that the underlying reason for their opinion may be related to the fact that their 1975 and 1976 production cycles have been recently changed.

Pennwalt Corporation of Rochester, New York has commented that the Drug

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Enforcement Administration should consider building into the aggregate production quotas an amount to be available to manufacturers later in the quota year, which would allow the Drug Enforcement Administration more flexibility than it currently has and would obviate the administrative time delay which would be encountered by both the Drug Enforcement Administration and individual companies by having to republish in the FEDERAL REGISTER revised aggregate production quotas, when increases of the aggregate production quota are warranted.

Ciba-Geigy Corporation (Ciba) through their Attorney William Ragolia, Jr. filed a comment relative to the proposed aggregate production quota for Methylphenidate for 1976. Ciba requested that the Acting Administrator defer establishing the 1976 aggregate quota for Methylphenidate pending the outcome of Administrative Hearings with reference to the registration of Importers of basic class Methylphenidate (see 40 FR 37060–61, August 25, 1975). It is Ciba's opinion that as a result of these hearings the aggregate production quota as proposed for 1976 may prove to be inadequate.

None of the above mentioned comments specifically requests a formal hearing on the aggregate quotas as proposed for 1976. Pursuant to § 1303.11(c), the Acting Administrator of the Drug Enforcement Administration has deemed, in his sole discretion, that hearings relative to any of the above mentioned comments are not necessary. Representatives of the Drug Enforcement Administration will meet with representatives of the above mentioned firms to review the comments submitted.

Therefore, under the authority vested in the Attorney General by section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations and further, having been duly designated as Acting Administrator by Order No. 607–75 of the Attorney General, dated May 30, 1975, in accordance with the authority stated therein, and pursuant to the authority delegated to the Acting Administrator by § 0.132(d) of Title 28 of the Code of Federal Regulation, the Acting Administrator of the Drug Enforcement Administration hereby orders that the aggregate production quotas for the controlled substances listed below, expressed in grams in terms of their respective anhydrous bases, be established as follows:

SCHEDULE II

	Quota Established—1976
Basic class:	
Alphaprodine	47,000
Amobarbital	21,975,000
Amphetamine	3,586,000
Anileridine	245,000
Apomorphine	1,700
Cocaine	1,213,000
Codeine (for sale)	51,426,000
Codeine (for conversion)	806,000
Desoxyephedrine	[1] 1,596,000
Dihydrocodeine	395,000
Diphenoxylate	1,141,000
Ethylmorphine	22,100
Fentanyl	2,000
Hydrocodone	718,000
Hydromorphone	96,000
Levorphanol	6,700
Methadone	2,407,000
Methadone Intermediate (4-cyano-2 dimethyl-amino-4,4-diphenyl butane)	759,000
Methaqualone	24,096,000
Methylphenidate	2,007,000
Mixed Alkaloids of Opium	44,000
Morphine (for sale)	592,000
Morphine (for conversion)	46,778,000
Norpethidine	799,000
Opium (tinctures, extracts, et cetera, expressed in terms of opium)	1,692,000
Oxycodone (for sale)	1,475,000
Oxycodone (for conversion)	7,000
Oxymorphone	4,000
Pentobarbital	23,697,000
Pethidine	9,474,000
Phenmetrazine	2,312,000
Secobarbital	30,106,000
Thebaine (for sale)	1,231,000
Thebaine (for conversion)	1,010,000

[1] 1,265,000 g for the production of levo-desoxyephedrine for use in a noncontrolled, nonprescription product, and 331,000 g for the production of methamphetamine.

Pursuant to Title 21 of the Code of Federal Regulations, § 1303.23(c), the Acting Administrator of the Drug Enforcement Administration will in early 1976 adjust individual manufacturing quotas allocated for 1976 for the above listed controlled substances based upon 1975 end of year inventories and a review of 1975 disposition data as submitted by quota applicants.

All persons who submitted an application for either an individual manufacturing quota or a procurement quota for 1976 will be notified by mail as to their respective 1976 quotas established by the Drug Enforcement Administration.

This order is effective upon the date of its issuance.

Dated: October 23, 1975.

HENRY S. DOGIN,
Acting Administrator
Drug Enforcement Administration.

[FR Doc.75–29117 Filed 10–29–75;8:45 am]

ENDO LABORATORIES, INC., ET AL.

Manufacture of Controlled Substances: Registration

By notice dated September 3, 1975, and published in the FEDERAL REGISTER on September 10, 1975; (40 FR 42035), the following manufacturers made application to the Drug Enforcement Administration to be registered as bulk manufacturers of the basic class of controlled substances listed below:

Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, N.Y. 11530 (July 28, 1975):

Drug:	Schedule
Hydrocodone	II
Oxycodone	II
Oxymorphone	II

Eli Lilly & Company, Mfg., Tippecanoe Lab., Box 685 Lilly Road, Lafayette, Indiana 47902 (August 5, 1975):

Drug:	Schedule
Methadone	II
Methadone-Intermediate	II
Secobarbital	II
Amobarbital	II

Eli Lilly & Co., 1249 South White River Parkway, East Drive, Building 80, Indianapolis, Indiana 46225 (August 5, 1975):

Drug:	Schedule
Secobarbital	II
Amobarbital	II

No comments or objections having been received, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Acting Administrator hereby orders that the applications submitted by each of the above firms for registration as bulk manufacturers of the basic classes of controlled substances listed therein are granted

Dated: October 23, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75–29115 Filed 10–29–75;8:45 am]

Office of the Attorney General

FEDERAL ADVISORY COMMITTEE ON FALSE IDENTIFICATION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. Appendix I) that the ninth meeting of the Federal Advisory Committee on False Identification will be held at 9:30 a.m., Thursday, November 13, 1975, at the Briefing and Conference Center of the Department of Justice (opposite Room 1315), 10th and Constitution Avenue, NW, Washington, D.C.

The Committee was established by the Attorney General to study the criminal use of false identification at Federal, state, and local levels and to recommend measures to prevent such use.

At the November 13th meeting Committee members will complete their work on the scope of the false identification problem and report on their survey of draft recommended solutions. Draft copies of the Executive Steering Committee Report on the Scope of the False Identification Problem will be discussed. Task Forces will continue their deliberations.

The meeting, which will adjourn at approximately 2:00 p.m., is open to the public. The Committee welcomes a broad spectrum of ideas from the public to assist the Committee in its efforts to increase individual privacy and to aid in preventing the criminal use of false identification.

Further information concerning this meeting may be obtained from David J. Muchow, General Crimes Section, Criminal Division, Department of Justice, Room 516, Federal Triangle Building, 315 9th Street, NW, Washington, D.C. 20530. Minutes of the meeting will be available for public inspection two weeks after the meeting in Room 516, Federal Triangle Building.

RICHARD L. THORNBURGH,
Assistant Attorney General.

[FR Doc.75–29144 Filed 10–29–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA OUTER CONTINENTAL SHELF OFFICE SOCIOECONOMIC CONFERENCE

Public Conference

OCTOBER 24, 1975.

Announcement is hereby made of the following conference:

Name: Socioeconomic Conference
Date: November 11 through 13, 1975
Place: The Alaska Room, Anchorage Westward Hotel, 3rd and E Streets, Anchorage, Alaska
Time: 0900 to 1630 hour on November 11, 0830 to 1630 hour on November 12 and 13

The University of Alaska's Sea Grant Program, under contract to the Bureau of Land Management, will hold this conference to provide a public review of an integrated comprehensive planning document which will help guide the Bureau of Land Management in studying the economic and social impact of petroleum development on the Alaskan Outer Continental Shelf. This planning document is based on the results of a scientific workshop held on September 23–25, that brought together experts from many different fields. Copies of the document will be available on request at either the Anchorage (707 A Street) or Fairbanks (Resources Building, Fairbanks Campus) offices of the University of Alaska's Sea Grant Program. Mail requests should be made to Alaska Sea Grant Program Resources Building, University of Alaska, Fairbanks, Alaska 99701. Telephone requests should be directed to (907) 479–7086.

OCTOBER 24, 1975.

FRANK A. EDWARDS,
Acting Associate Director.

[FR Doc.75–29157 Filed 10–29–75;8:45 am]

Bureau of Land Management

LAS CRUCES DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given in accordance with Pub. L. 92–463, that a meeting of the Las Cruces District Multiple Use Advisory Board will be held on December 3, 1975 at 9:30 a.m. at the District Office, 1705 N. Valley Drive, Las Cruces, New Mexico.

The advisory board was established to advise the District Manager on matters relating to the use, management, protection and disposition of lands and resources administered within the Las Cruces District.

The purpose of the meeting is to review organization of the board, hold election of board officers, provide a general BLM orientation for the advisory board, discuss current programs within the Las Cruces District and discuss approaches to obtaining public input into the Bureau's planning system in the Las Cruces District.

The meeting will be open to the public. Anyone wishing to make a presentation to the board or submit a written statement should contact the official listed below at least five days prior to the meeting.

Further information concerning this meeting may be obtained from the District Manager, Bureau of Land Management, Las Cruces, New Mexico 88001, (523–5571). Minutes of the meeting will be available for public inspection and copying by January 16, 1976 at the district office in Las Cruces.

WILLIAM K. BARKER,
District Manager.

OCTOBER 21, 1975.

[FR Doc.75–29120 Filed 10–29–75;8:45 am]

Fish and Wildlife Service

MIGRATORY BIRD HUNTING STAMP CONTEST

Announcement of Judging; Correction

In FR Doc. 75–27767, published at page 48535 in the issue of Thursday, October 16, 1975, the fifth line is corrected by changing the year "1975" to "1976."

Dated: October 23, 1975.

F. V. SCHMIDT,
Acting Director,
U.S. Fish and Wildlife Service.

[FR Doc.75–29121 Filed 10–29–75;8:45 am]

Geological Survey

GILLARD HOT SPRINGS, ARIZONA

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by section 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572, 30 U.S.C. (1020)), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as an addition to the Gillard Hot Springs Known Geothermal Resources Area, effective February 1, 1974:

Containing 460 acres, more or less.

(1) ARIZONA

GILLARD HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

Gila and Salt River Meridian, Arizona

T. 5 S., R. 20 E.,
Sec. 22, N½,
Sec. 27, N½SE¼, S½SE¼SE¼,
Sec. 28, NE¼SE¼.

Dated: September 16, 1975.

WILLARD C. GERE,
Conservation Manager,
Western Region.

[FR Doc.75–29122 Filed 10–29–75;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76–10]

BETHLEHEM MINES CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Bethlehem Mines Corporation has filed a petition to modify the application of 30 CFR 75.1405 to its Mine No. 31, Cambria County, Pennsylvania.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition, Petitioner states:

(1) The mine cars in question are equipped with a link-and-pin apparatus which has been significantly modified in order to permit a worker to couple and uncouple without the necessity of placing himself between the ends of the two mine cars.

a. A mechanism for lifting the coupling pin has been placed on the end of the car where the coupling pin is located. The mechanism consists primarily of a handle which, when pushed down, will lift the coupling pin so that the coupling link of the other car can be inserted during the coupling procedure. The handle to lift the coupling pin can be held in the "up" position by means of a "hold block" until the pin is ready to be lowered into the coupling link from the other car to complete the coupling process.

b. A mechanism for positioning the coupling link has been placed on the end of the car where the coupling link is located. This mechanism consists primarily of a handle connected to the coupling link by means of a chain. When this handle is adjusted, the chain will position the link in such a manner that the link will be ready for coupling with the pin. (See attached drawing labeled "Pin and Link Lift Mechanism," particularly the diagrams entitled "Mechanism for Lifting Link." See also attached photographs.) [1]

In view of the existing modifications of the link-and-pin system, which makes it necessary for a worker to place himself between the ends of two mine cars when coupling and uncoupling the cars, an alternative method of achieving the result of the standard in question exists which will at all times guarantee no less than the same measure of protection afforded the miners by the standard in question.

(2) Automatic couplers had been placed on the cars in question relatively recently, but

[1] The petition is accompanied by a drawing and photographs detailing the alternate method. This supplementary material is available for inspection at the address contained in the last paragraph of this notice.

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the automatic couplers proved to be unsatisfactory. A number of steep grades exist in Mine No. 31. It was found that such grades caused the coupler on the end of one car to separate from the coupler on the end of a neighboring car when, due to the steepness of the grades and the shortness of the wheelbase on the cars, the end of one car was either higher or lower than the end of the neighboring car. Also, the weight of automatic couplers on each end of the cars was not conductive to a smooth haulage operation, and derailments occurred. It was therefore obvious under such conditions that the application of the standard in question actually did and would continue to result in a diminution of safety to the involved miners at this mine. This use of automatic couplers on the cars in question was discontinued.

(3) An order has been placed for new supply cars with automatic couplers. As soon as the manufacturer fills that order, mine supervision plans to use the mine cars in question almost exclusively for rock hauling. These new cars will have longer wheelbases than the cars in question, and the automatic couplers undoubtedly will function well on the new cars. In addition, such a change in procedure will substantially reduce the amount of coupling and uncoupling work which is presently required, because once new supply cars are provided, there will be significantly fewer occasions when the mine cars in question have to be uncoupled and left on sidings in order to provide materials for a crew of employees in a certain work area.

(4) In accordance with established safety procedures, employees presently responsible for coupling and uncoupling the cars in question are not to couple or uncouple the cars while the cars are in motion. The coupling and uncoupling activities are to be conducted only when the cars are not in motion. Employes who are given such coupling and uncoupling responsibilities in the future will continue to be advised of proper coupling and uncoupling procedures.

(5) It is submitted that the petition in question conforms in all respects to the conditions imposed by Administrative Law Judge William Fauver's decision dated March 4, 1975, in the matter of "Bethlehem Mines Corporation v. MESA," Docket No. M 74-95, granting Bethlehem's petition filed pursuant to section 301(c) of the Act for mine cars using link-and-pin couplers at Mine No. 41.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 1, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

OCTOBER 17, 1975.

[FR Doc.75-29123 Filed 10-29-75;8:45 am]

[Docket No. M 76-4]

BLACK DIAMOND MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Black Diamond Mining Company has filed a petition to modify the application of 30 CFR 75.1405 to its Shannon Mine, Jefferson County, Alabama.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

To be read in conjunction with § 75.-1405 is 30 CFR 75.1405-1 which provides:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

In support of its petition, Petitioner states:

(1) The subject mine cars in use are approximately 30 years old having a capacity of 88.6 cubic feet and are constructed with steel sides and wood bottoms. Cars were originally designed for, and are operated with; pin and link couplings. Weight of a car is approximately 3,500 pounds empty. There have been no lost time accidents due to the pin and link coupling system since this mine was opened approximately 4 years ago and, in fact, the mine has recently completed 26 months without a lost time accident from any cause.

(2) Investigation of automatic couplers available commercially and consultation with coupler manufacturers has convinced Petitioner that they are not suitable for use with our equipment or under our mining conditions. Petitioner has recently, however, become aware of an alternate system of coupling and uncoupling which we believe does not possess the disadvantages of the conventional automatic coupler and which Petitioners believes will achieve a greater measure of protection to the miners.

(3) It is Petitioner's position that application of the foregoing provisions and regulations if applied to Shannon Mine would result in lessening of safety over the present system. Beyond this, however, in order to better achieve the purpose which is sought in the Act and to provide a higher standard of protection to the miners, Petitioners proposes an alternate method of coupling and uncoupling mine cars.

(4) *Alternate method.* (a) All mine cars used at Shannon Mine will be coupled together in units or strings of eight or less cars using pin and link couplings. The coupling link of every other car will be permanently affixed on each end with a permanent pin which cannot be removed without extracting a cotter pin and unscrewing a nut. The remaining cars located alternately in the trip will have a pin and link coupling permanently affixed on one end and fitted on the other with a coupler lever so designed as to permit an employee to lift or trip the pin through the car bumper to secure or release a link that has been inserted from another haulage unit and to do this without the necessity of positioning himself between the units being coupled or uncoupled. If it becomes necessary in the coupling operation to position the link, this also will be done without the employee positioning himself between the units. He will affect this alignment by using a specially designed Hand Link Aligner tool which shall be a part of the equipment of all haulage crews. These aligners will be provided in two basic sizes, a longer variety for use when aligning the couplings from the side of the car and a shorter variety for use by the motorman in the event he wishes to position the link while remaining seated in the locomotive. Attached to this petition are detailed drawings for the coupling lever and hand link aligner.[1]

(b) While it is presently planned that only the front car and every other car in a trip or unit of eight cars will be designed with a lever and pin arrangement, it is possible that experience will indicate these modifications should be made to all cars. While coal is currently being brought from the face to the outside in mine cars, belt conveyors have been purchased which, in the future, will transport all coal to the bottom yard. There it will be loaded in mine cars and pulled to the surface as is presently being done. At that time, no mine cars other than supply cars will be used inby the bottom yard.

(c) All employees at the mine will be trained and instructed in the proper operation and use of the coupling levers and the hand link aligners and their proper use will be mandatory requirements for coupling and uncoupling of all mine cars. If, as presently planned, the coupling levers are employed on every other mine car, cars would be added to and removed from service in pairs. Each pair would consist of one car with permanently affixed couplings and one car with the coupling lever arrangement.

(d) All employees presently engaged in the transportation of coal or supplies will receive particular instruction in the use of the coupling lever and hand link aligner. The use of this equipment will become a specific part of the training and orientation of all new employees hired to operate haulage units. Petitioner presently conducts weekly safety meetings and the use and operation of this equipment will be included as a part of these meetings. The use of hand link aligners shall become a mandatory safety rule at the mine and notice to this effect will be posted on the Union and Company bulletin boards.

(5) *Safety considerations.* The alternate method set forth above will provide no less than the same measure of protection to the miners at Shannon Mine than that afforded by section 314(f) of the Act and 30 CFR 75.1405 and 75.1405-1. Under the circumstances at this mine, the alternate method will actually provide greater protection than would result if conventional automatic couplers were used. This is so because:

(a) These cars are too light to guarantee good coupling upon impact with conventional type couplers. We are familiar with other mines who have experienced this problem and in many instances, to secure firm union between cars, impacts of excessive speed are required.

(b) The Blue Creek seam in this area lies in a saucershaped basin and haulage tracks must be laid out with tight horizontal curves and with numerous vertical curves. It is the latter vertical curves which we feel are most serious and could cause misalignment and uncoupling of conventional automatic couplings. This is particularly true on the rope hoisting slope where quite severe vertical curves are encountered.

(c) When the present cars were designed, no thought was given to automatic couplers and even with extensive modification there would be no way to guarantee the present chassis would not be subject to such severe strain and stress that structural failure might result. The prospect of derailment and runaway cars is much less likely if pin and link couplings are used.

(d) No imminent danger is presently involved as evidenced by the safety record already compiled.

[1] The drawings are available for inspection at the address contained in the last paragraph of the notice.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 1, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

OCTOBER 17, 1975.

[FR Doc.75-29124 Filed 10-29-75;8:45 am]

[Docket No. M 75-139]

ENERGY FUELS CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Energy Fuels Corporation has filed a petition to modify the application of 30 CFR 77.803 to its Energy Fuels Mine, Steamboat Springs, Colorado.

30 CFR 77.803 provides:

On and after September 30, 1971, all high-voltage, resistance grounded systems shall include a fail safe ground check circuit or other no less effective device approved by the Secretary to monitor continuously the grounding circuit to assure continuity. The fail safe ground check circuit shall cause the circuit breaker to open when either the ground or ground check wire is broken.

Petitioners' proposed alternate method is comprised of an electrical system in which the relays only break the circuit to the dragline thereby leaving power to the tipple substation in the event of a dragline ground fault. Petitioner proposes its alternate method based on the following safety considerations:

1. Unscheduled tipple power failures stop all conveyor and loading tunnel ventilation fans creating a potential hazard to personnel.

2. Emergency power failure would create a hazard from loaded conveyor belts in the event of a backstop failure.

3. Both sub-stations are provided with grounding grids.

The petition is supported by a schematic diagram detailing the alternate method.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 1, 1975. Such requests or comments must be filed with the Departmnetal Hearings Branch, Office of Hearings and Appeals, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84138. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

OCTOBER 17, 1975.

[FR Doc.75-29125 Filed 10-29-75;8:45 am]

[Docket No. M 75-140]

ENERGY FUELS CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Energy Fuels Corporation has filed a petition to modify the application of 30 CFR 77.1605(k) to its Energy Fuels Mine, Steamboat Springs, Colorado.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer banks of elevated roadways.

In support of its petition, Petitioner states:

(1) Petitioner's mining operation is situated at an elevation of 7500 feet where Petitioner can expect 200 inches of snowfall.

(2) The installation of berms on the haulage roads would seriously hamper snow and mud removal. Therefore, Petitioner requests a waiver of that provision of § 77.1605(k) which requires the installation of berms.

(3) In the alternative, Petitioner would install guard rails on its haulage roads. Attached to the petition is a schematic drawing depicting the location of the guard rails.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 1, 1975. Such requests or comments must be filed with the Departmental Hearings Branch, Office of Hearings and Appeals, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84138. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

OCTOBER 17, 1975.

[FR Doc.75-29126 Filed 10-29-75;8:45 am]

[Docket No. M 76-9]

HERB COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Herb Coal Company has filed a petition to modify the application of 30 CFR 75.301 to its No. 7 Drift Mine, Tremont, Pennsylvania.

30 CFR 75.301 provides in pertinent part:

All active workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flamable, explosive, noxious, and harmful gases, and dust, and smoke and explosive fumes. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be 9,000 cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be 3,000 cubic feet a minute * * *

Petitioner requests that § 75.301 be modified for the subject anthracite mine to require, in part, that the minimum quantity of air reaching each working face shall be 1,500 cubic feet a minute, that the minimum quantity of air reaching the intake end of a pillar line shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

In support of its alternate method, Petitioner states:

1. Air sample analysis history reveals that harmful quantities of methane are nonexistent in the mine.

2. There is no history of ignition, explosion and mine fire for the mine.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in small cross sectional areas of airways and manways required in friable anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mines.

7. Difficulty in keeping miners on the job and securing additional mine help is due primarily to the conditions cited.

Petitioner avers that its alternate method will in no way provide less than the same measure of protection afforded the miners by the existing mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 1, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

OCTOBER 17, 1975.

[FR Doc.75-29127 Filed 10-29-75;8:45 am]

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[Docket No. M 76–5]

LAUREL RUN MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Laurel Run Mining Company has filed a petition to modify the application of 30 CFR 75.307 to its No. 1 Mine, Mount Storm, Grant County, West Virginia.

30 CFR 75.307 provides:

At the start of each shift, tests for methane shall be made at each working place immediately before electrically operated equipment is energized. Such tests shall be made by qualified persons. If 1.0 volume per centum or more of methane is detected, electrical equipment shall not be energized, taken into, or operated in, such working place until the air therein contains less than 1.0 volume per centum of methane. Examinations for methane shall be made during the operation of such equipment at intervals of not more than 20 minutes during each shift, unless more frequent examinations are required by an authorized representative of the Secretary. In conducting such tests, such person shall use means approved by the Secretary for detecting methane.

In support of its petition, Petitioner states:

(1) Many sections of Petitioner's No. 1 Mine have steep grades at the working faces. At most of these faces, there exists a severe water problem which is controlled by the continuous use of permissible electric water pumps.

(2) The pumps so used are described as 5 horsepower Flyght Permissible sump pumps, approved under Schedule 2G, number 1895. A permissible circuit breaker set at 7.5 amps is used with each unit.

(3) No methane has ever been detected during any inspection of Petitioner's No. 1 Mine. As evidence of the absence of methane at said mine, the six most recent Mine Atmosphere Analyses Reports of the atmosphere of said mine are enclosed herein. These reports were prepared by the chief chemist of Eastern Associated Coal Corporation's chemistry lab for Petitioner.

(4) Due to this complete absence of methane, it has been the customary procedure at Petitioner's No. 1 Mine not to make methane examinations at 20 minute intervals when the only electrical equipment being operated at each working place was a permissible electric sump pump as described above. Until June 18, 1975, the Mining Enforcement and Safety Administration had issued no notices of violation as a result of this procedure. However, on June 18, 1975, Federal Coal Mine Inspector Junior E. Goodwin issued Notice of Violation No. 2 JEG at Petitioner's No. 1 Mine. Said Notice provided that: "Examinations for methane were not being made at the face in No. 1 entry crosscut right 2 left where an electric water pump was observed operating for 35 minutes." A violation of 30 CFR 75.307 was indicated.

(5) As an alternative to strict compliance with § 75.307, Petitioner proposes that, when the only electrical equipment being operated in a working place in said mine consists of a permissible electric sump pump as described above, methane examinations be made only at the start of each production shift. Under this proposal, methane examinations at 20 minute intervals would not be made during the remainder of the shift, unless electrical equipment other than the above described electric sump pump was to be operated.

(6) Petitioner respectfully requests that its petition for modification, as set forth hereinabove, be granted for the reason that it will provide no less than the same measure of safety to the miners at Petitioner's No. 1 Mine than if 30 CFR 75.307 were strictly complied with.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 1, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

OCTOBER 17, 1975.

[FR Doc.75–29128 Filed 10–29–75;8:45 am]

[Docket No. M 76–11]

MOUNTAINEER COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Mountaineer Coal Company has filed a petition to modify the application of 30 CFR 75.1700 to its Loveridge Mine, Marion County, West Virginia.

30 CFR 75.1700 provides:

Each operator of a coal mine shall take reasonable measures to locate oil and gas wells penetrating coalbeds or any underground area of a coal mine. When located, such operator shall establish and maintain barriers around such oil and gas wells in accordance with State laws and regulations, except that such barriers shall not be less than 300 feet in diameter, unless the Secretary or his authorized representative permits a lesser barrier consistent with the applicable State laws and regulations where such lesser barrier will be adequate to protect against hazards from such wells to the miners in such mine, or unless the Secretary or his authorized representative requires a greater barrier where the depth of the mine, other geologic conditions, or other factors warrant such a greater barrier.

Petitioner seeks modification of that portion of 30 CFR 75.1700 which stipulates:

• • • Such operator shall establish and maintain barriers around such oil and gas wells • • •.

In support of its Petition, Petitioner states:

The large majority of petroleum wells in Loveridge Mine were drilled and many were also aabndoned between 1890 and 1920 when no standards for drilling and plugging existed. Oil and gas sands are now nearly depleted, hence no appreciable volume of gas comes from petroleum reservoirs.

In lieu of the provision to establish and maintain barriers around oil and gas wells, it is proposed that the Pittsburgh Coal Seam be sealed from surrounding strata at the wells to be plugged as hereinafter described and that such systems will at all times provide no less than the same degree of safety as intended by the Act.

To provide no less than the same measure of protection intended by the Act, the Petitioner proposes to do the following:

1. Plug the wells in Loveridge Mine using a proven technique developed through a series of cooperative agreements between the United States Bureau of Mines, the Energy Research and Development Administration, the Mining Enforcement and Safety Administration, and the coal industry. The attached Exhibit "A"[1] shows this technique which will be used at each well in a manner acceptable to the Mining Enforcement and Safety Administration. Plugs will be placed in the wellbore below the base of the Pittsburgh coalbed, which will prevent any natural gas from entering the mine after the well is mined through. Before the well is filled to the Pittsburgh coalbed, Petitioner may run a directional survey on the well to determine the exact location of the wellbore in the coalbed; but if it does not, and if it does not penetrate the wellbore in mining, Petitioner shall continue mining until the well is located. Gamma ray neutron and caliper logs shall be run in the well to determine the exact depth of the coalbed, the most competent formation for setting a mechanical bridge plug if needed, and the wellbore diameter for calculating the cement requirements. An automatic tracer injector unit of sulfur hexafluoride will be placed in the well. The well will be plugged back to the base of the Pittsburgh coalbed using an expandable cement and fly-ash-gel water slurry. A 50 percent fly-ash-cement mix will be used to fill the wellbore from the base of the Pittsburgh coalbed to the surface.

2. Petitioner shall mine through and remove segments of the wells between the mine pavement and roof during its normal mining cycle. Petitioner, in cooperation with Mining Enforcement and Safety Administration, shall monitor the mine atmosphere during such mining and for a period of six (6) months thereafter for traces of gas.

A Federal mine inspector shall be present during the mining through operations. Petitioner will cooperate with Mining Enforcement and Safety Administration to sample for gas before, during and after mining through each well.

Petitioner shall instruct all personnel in the affected area to proceed with caution when mining into and through the well-support pillar, and especially diligent efforts shall be made to assure a gas-free atmosphere in the affected areas. In addition to the methane testing procedures in Part 75, Title 30, Code of Federal Regulations, a fireboss dateboard shall be placed in the area and methane examinations made at least one per shift by a qualified person during development and retreat work using an approved methane detector, recording the date and the time of the examination on the date-board.

The alternate proposal as above described will at all times provide no less than or a greater measure of safety than intended by the Act, as the alternate proposal will effect:

(1) The elimination of possible gas flow path,

(2) The simplification of the mine ventilation system, and

(3) The improvement of subsidence control in second mining.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 1, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

OCTOBER 17, 1975.

[FR Doc.75–29129 Filed 10–29–75;8:45 am]

[Docket No. M 75–127]

REX MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Rex Mining Company has filed a petition to modify the application of 30 CFR 75.1405 to its No. 1 Mine, LaFollette, Tennessee.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition, Petitioner states:

1. As an alternative to compliance with § 75.1405 Petitioner proposes to use a manually operated coupling device in lieu of an automatic coupler. This device is detailed in a sketch[1] which accompanies the petition.

2. Petitioner asserts that the manual coupler is preferable to the automatic coupler which is expensive and difficult to acquire.

3. Petitioner avers that its alternate method will at all times guarantee no less than the same measure of protection as the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 1, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

OCTOBER 17, 1975.

[FR Doc.75–29130 Filed 10–29–75;8:45 am]

[Docket No. M 76–14]

SCOTIA COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Scotia Coal Company has filed a petition to modify the application of 30 CFR 75.1710–1 to its Scotia Mine, Cumberland, Kentucky.

30 CFR 75.1710–1 provides in pertinent part:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roofs, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 43 inches or more, but less than 60 inches;

In support of its petition, Petitioner states:

(1) Petitioner asserts that by installing canopies on its haulage equipment it is creating a hazard to the personnel operating the machinery.

(2) Petitioner's haulage equipment consists of several Torkars, type: 48–48, 48–43, 48–51–40 and 48–51–43. The cars range in height from 43" to 50". These cars were manufactured in the early sixties and unlike the new cars were not designed to have canopies installed.

(3) The subject mine is in the Imboden Seam ranging from 48" to 84" in height. In this seam Petitioner is constantly running into ascending and descending grades, resulting in dips in the coalbed. By installing canopies on the Torkars Petitioner is limiting the visibility of the operators of the equipment, thereby creating a hazard to them as well as other employees in the mine.

(4) The petition is accompanied by a document signed by the shuttle car operators in which the operators express support of the petition for modification of § 75.1710–1.

Persons interested in this Petition may request a hearing on the petition or furnish comments on or before December 1, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

OCTOBER 17, 1975.

[FR Doc.75–29131 Filed 10–29–75;8:45 am]

[Docket No. M 76–6]

ZIMMERMAN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Zimmerman Coal Company has filed a petition to modify the application of 30 CFR 75.301 to its Buck Mt. Rock Slope Mine, Ravine, Pennsylvania.

30 CFR 75.301 provides in pertinent part:

All active workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flammable, explosive, noxious, and harmful gases, and dust, and smoke and explosive fumes. The minimum quantity of air reaching the last open cross cut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be 9,000 cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be 3,000 cubic feet a minute • • •.

Petitioner requests that § 75.301 be modified for the subject anthracite mine to require, in part, that the minimum quantity of air reaching each working face shall be 1,500 cubic feet a minute, that the minimum quantity of air reaching the intake end of a pillar line shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

In support of its alternate method, Petitioner states:

1. Air sample analysis history reveals that harmful quantities of methane are nonexistent in the mine.

2. There is no history of ignition, explosion and mine fire for the mine.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in small cross sectional areas of airways and manways re-

[1] Exhibit A is available for inspection at the address contained in the last paragraph of the notice.

[1] The sketch is available for inspection at the address contained in the last paragraph of the notice.

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quired in friable anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mines.

7. Difficulty in keeping miners on the job and securing additional mine help is due primarily to the conditions cited.

Petitioner avers that its alternate method will in no way provide less than the same measure of protection afforded the miners by the existing mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 1, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

OCTOBER 17, 1975.

[FR Doc.75-29132 Filed 10-29-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

TIMBERLINE LODGE, MT. HOOD NATIONAL FOREST OREGON

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Forest Service has prepared a Final Environmental Statement for Timberline Lodge, Mt. Hood National Forest, Oregon: USDA-FS-R6-FES-(Adm)-74-12.

The Environmental Statement concerns a proposed moderate form of development and management direction for Timberline Lodge. The proposed action to meet these goals is to construct a Day Lodge, remodel Timberline Lodge, construct a retaining wall, overnight accommodations, landscaping, and Palmer and Blossom chairlifts.

This Final Environmental Statement was transmitted to CEQ on October 22, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service South Agriculture Bldg., Room 3230 12th St. & Independence Ave., SW. Washington, D.C. 20250
USDA, Forest Service Pacific Northwest Region 319 SW. Pine Portland, Oregon 97204
Mt. Hood National Forest, 2440 SE. 195 Avenue, Portland, Oregon 97233.

A limited number of single copies are available upon request to:

Mt. Hood National Forest, Wright T. Mallery, Forest Supervisor, 2440 SE. 195 Avenue, Portland, Oregon 97233.

Copies of the Environmental Statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

WRIGHT T. MALLERY,
Forest Supervisor,
Mt. Hood National Forest.

OCTOBER 22, 1975.

[FR Doc.75-29221. Filed 10-29-75;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

SURVEY OF DISTRIBUTORS' STOCKS OF CANNED FOODS

Determination

In conformity with Title 13, United States Code, sections 181, 224, and 225, and due Notice of Consideration having been published September 22, 1975 (40 FR 43527), I have determined that year-end data on stocks of 30 canned and bottled products, including vegetables, fruits, juices, and fish, are needed to aid the efficient performance of essential government functions, that the data have significant application to the needs of the public and industry, and that they are not publicly available from nongovernmentals or other governmental sources. This is a continuation of the survey conducted in previous years.

All respondents will be required to submit information covering their December 31, 1975 inventories of 30 canned and bottled vegetables, fruits, juices, and fish. Reports will not be required from all firms but will be limited to a scientifically selected sample of wholesalers and retail multi-unit organizations handling canned foods in order to provide year-end inventories of the specified canned food items with measurable reliability. These stocks will be measured in terms of actual cases, with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger". (In addition, multiunit firms reporting separately by establishment will be requested to update the list of their establishments maintaining canned food stocks.)

Report forms will be furnished to firms covered by the survey. Additional copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that this annual survey be conducted for the purpose of collecting these data.

Dated October 23, 1975.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

[FR Doc.75-29118 Filed 10-29-75;8:45 am]

Maritime Administration

[Docket No. S-472]

PYRAMID SUGAR TRANSPORT, INC.

Application

Notice is hereby given that Pyramid Sugar Transport, Inc., No. 2 Canal Street, New Orleans, La. 70130, has filed an application dated October 10, 1975, with the Maritime Subsidy Board (the Board) pursuant to Title VI of the Merchant Marine Act, 1936, as amended (the Act), for an operating-differential subsidy contract, to expire December 31, 1975, unless further extended, to operate the MV SUGAR ISLANDER, a bulkcarrier of 29,702 deadweight tons, in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.). Dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in Title 46 of the Code of Federal Regulations, Part 294.

For purposes of section 605(c) of the Act, it should be assumed that, should the Board grant the requested approval, the vessel named above will engage in the described trade, on a full-time basis, during the indicated time period. Under such approval each voyage must be approved for subsidy assistance prior to its commencement and the Board will act on such request(s) as an administrative matter for which there is no requirement for further section 605(c) notice(s).

Any person having an interest in the granting of the application and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must on or before November 7, 1975, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject application, the purpose of such hearing will be to receive evidence relevant to (1) whether the application herein described, with respect to the vessel to be operated in an essential service and served by citizens of the U.S., would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

So ordered by the Maritime Subsidy Board, Maritime Administration.

Dated: October 24, 1975.

JAMES S. DAWSON, Jr.
Secretary.

[FR Doc.75-29218 Filed 10-29-75;8:45 am]

National Oceanic and Atmospheric Administration

MARINE FISHERIES ADVISORY COMMITTEE, MARINE FISHERIES ADVISORY COMMITTEE AD HOC SUBCOMMITTEE

NOAA Role in Implementation of U.S. v. Washington ("The Boldt Decision")

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I (Supp. II, 1972), notice is hereby given of a meeting of the Marine Fisheries Advisory Committee (MAFAC) Ad Hoc Subcommittee on the Role of the National Oceanic and Atmospheric Administration in Implementation of U.S. v. Washington (hereafter known as the Ad Hoc Subcommittee on the Boldt Decision).

The subcommittee will undertake to develop recommendations for consideration by the Marine Fisheries Advisory Committee which will address a role for the National Oceanic and Atmospheric Administration in implementing recent U.S. District court decisions on Indian fishing treaty rights concerned with Pacific Northwest anadromous fisheries.

This meeting is open to the public and will be held on December 2, 1975, in the 4th floor Conference Room of the Lake Union Building, 1700 Westlake Avenue, North, Seattle, Washington, 98109. The meeting will begin promptly at 10 a.m. and continue until 2 p.m. or until adjourned by the subcommittee chairman.

Public participation in this meeting will be permitted and limited to the extent deemed necessary at the discretion of the chairman.

Written comments from interested members of the public should be addressed to:

Mr. Frank L. Cassidy, Chairman, Commissioner Washington Department of Game, 2614 NW. 91st, Vancouver, Washington 08665

and a copy provided to:

Executive Secretary, Marine Fisheries Advisory Committee, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Washington, D.C. 20235

To receive due consideration at the meeting typewritten statements should be provided to the chairman by November 28, 1975. Inquiries concerning the subcommittee or the meeting should be directed to the Executive Secretary, listed above, (202) 634-7270.

This notice is also to advise the public that should another subcommittee meeting be needed to complete the recommendations, that meeting is tentatively scheduled to be held on December 16, 1975. The second subcommittee meeting is planned to be held in the Main Auditorium of the NMFS Northwest Fisheries Center, 2725 Montlake Boulevard East, Seattle, Washington 98112. It will begin at 10:00 a.m. Any changes concerned with the foregoing schedule will be published in the FEDERAL REGISTER.

Dated: October 22, 1975.

ROBERT M. WHITE,
Administrator, National Oceanic and Atmospheric Administration.

[FR Doc.75-29222 Filed 10-29-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

MINORITY ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of November 1975:

Minority Advisory Committee, Adamha
November 20 and 21—Open Meeting
November 20; 9:30 a.m., DHEW Regional Office, Room 5092, Arcade Plaza Building, 1321 Second Avenue (Second and Union Streets), Seattle, Washington 98101
November 21; 9:00 a.m., 4th Floor Conference—Auditorium Room, New Federal Building, 915 Second Avenue, Seattle, Washington 98101
Contact Ernest F. Hurst, Parklawn Building, Room 13C-15, 5600 Fishers Lane, Rockville, Md., 20852, 301-443-3838

Purpose. The Minority Advisory Committee, ADAMHA, advises the Secretary, Department of Health, Education, and Welfare, and the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, on needs, programs, and activities regarding minority alcohol, drug abuse, and mental health matters, and makes recommendations for possible solutions which meet the needs and concerns of minority groups throughout the United States. The Committee functions in an advisory capacity to the Administrator, ADAMHA, on these matters which relate to the National Institute on Alcohol Abuse and Alcoholism, National Institute on Drug Abuse, and the National Institute of Mental Health.

Agenda. This meeting will be open to the public. November 20 will be devoted to discussion of the Fiscal Year 1976-1977 Operating Plan. On November 21 the agenda will include a report by the Chief, ADAMHA Branch, DHEW Regional Office X and discussions with Regional Office Staff and community groups regarding (1) Special Alcohol, Drug Abuse, and Mental Health Needs and Concerns of Minority Groups and (2) Plans, Objectives, Priorities and Minority Initiatives. Agenda items are subject to change as priorities dictate. Attendance by the public will be limited to space available.

Substantive program information may be obtained from the contact person listed above.

Mr. James C. Helsing, Deputy Director, Office of Public Affairs, ADAMHA, will furnish, on request, summaries of the meeting and a roster of committee members. Mr. Helsing is located in Room 16-95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 301-443-3783.

Dated: October 23, 1975.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75-29095 Filed 10-29-75;8:45 am]

Office of the Secretary

ADVISORY COUNCIL ON EDUCATION STATISTICS

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the meeting of the Advisory Council on Education Statistics will be held on November 11, 1975, from 10 a.m., to 5 p.m., and on November 12, 1975, from 9 a.m. to 3 p.m., in the Education Division Conference Center, Room 3000 of the Federal Office Building Number 6 at 400 Maryland Avenue, S.W., Washington, D.C. 20202.

The Advisory Council on Education Statistics is mandated by section 406(c) of the General Education Provisions Act as added by section 501(a) of the Education Amendments of 1974, Pub. L. 93-380 (20 U.S.C. 1221e-1(c)) to advise the Secretary of the Department of Health, Education and Welfare and the Assistant Secretary for Education, and the National Center for Education Statistics and "shall review general policies for the operation of the Center and shall be responsible for establishing standards to ensure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influence."

The meeting agenda tentatively will include the swearing-in of the Council members, general information on the National Center for Education Statistics program priorities and Center activities, major new activities, an overview on DHEW issues, the Center's mission and opportunities, and a discussion of the Council's role.

Because of limited accommodations, all persons wishing to attend should call for reservations by November 7, 1975, area code 202/245-3184.

Records shall be kept of all Council proceedings and shall be available for public inspection in the Office of the Administrator, National Center for Education Statistics located at 400 Maryland Avenue, SW., Washington, D.C. 20202.

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Signed at Washington, D.C., on October 21, 1975.

FRANCIS C. NASSETTA,
Acting Administrator, National Center for Education Statistics.

[FR Doc.75-29100 Filed 10-29-75;8:45 am]

ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Meeting; Amended

Notice is hereby given of a change in the meeting dates of the Secretary's Advisory Committee on the Rights and Responsibilities of Women, which was published in the FEDERAL REGISTER on October 20, 1975 (40 FR 48960).

This Committee was to have convened from 9 a.m. to 5 p.m. on November 6-7, 1975, but because of the inavailability of members to attend, this date has been altered to November 13-14, 1975, from 9 a.m. to 5 p.m. in Room 5051, HEW-North Building, 330 Independence Avenue, SW., Washington, D.C.

Interested persons wishing to address the Committee, should contact the Executive Secretary by COB Friday, October 31: Phone: 202-245-8454. Written statements received by October 31 will be duplicated and distributed to the members. Members of the public are invited to attend the meeting.

Dated: October 21, 1975.

SANDRA S. KRAMER,
Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc.75-29099 Filed 10-29-75;8:45 am]

Office of the Secretary

SOCIAL SECURITY CONTRIBUTION AND BENEFIT BASE AND RETIREMENT TEST EXEMPT AMOUNT FOR 1976

Notice of Amounts

Pursuant to authority contained in sections 203(f)(8) and 230 of the Social Security Act (42 U.S.C. 403(f)(8) and 430), as amended by section 3 (j) and (k) of Pub L. 93-233, enacted December 31, 1973, I hereby determine and announce that the contribution and benefit base with respect to remuneration paid in, and taxable years beginning in 1976 shall be $15,300 and the monthly exempt amount under the retirement test shall be $230 with respect to taxable years ending in calendar year 1976.

There follows a statement of the actuarial bases employed in arriving at the amounts of $230 and $15,300 for the retirement test monthly exempt amount and the contribution and benefit base, respectively, for the calendar year 1976.

In determining each of the 1976 amounts, the law specifies a formula which automatically produces a mathematical result based upon reported statistics.

Section 203(f)(8) of the Act provides that the retirement test monthly exempt amount for 1976 shall be equal to the 1975 amount of $210 multiplied by the ratio of (1) the average amount, per employee, of the taxable wages of all employees reported under the program for the first calendar quarter of 1975 to (2) the average amount of such wages reported for the first calendar quarter of 1974. The section further provides that if the amount so determined is not a multiple of $10, it shall be rounded to the nearest multiple of $10.

Similarly, section 230 of the Act provides that the contribution and benefit base for 1976 shall be equal to the 1975 amount of $14,100 multiplied by the ratio of (1) the average amount, per employee, of the taxable wages of all employees reported under the program for the first calendar quarter of 1975 to (2) the average amount of such wages reported for the first calender quarter of 1974. The section further provides that if the amount so determined is not a multiple of $300, it shall be rounded to the nearest multiple of $300.

The data used to make the necessary computations of such average taxable wages were derived from reports submitted to the Social Security Administration of taxable wages paid to employees by their employers. Each quarter, taxable wages are posted to the record of earnings of each individual employee for whom wages were reported. These records are referred to hereinafter as Summary Earnings Records. As the wages were posted to the Summary Earnings Records, the data were tabulated on a 100-percent basis to obtain the total amount of reported taxable wages and the total number of employees for whom such wages were reported.

Because of the requirement in the law that the foregoing determinations be made on or before November 1, 1975, the tabulated data on taxable wages reported for the first calendar quarter of 1975 were necessarily limited to those wages that were reported and posted to the Summary Earnings Records by the end of the quarterly updating operations completed in September 1975. In order that the required ratio referred to above be based on data reflecting comparable reporting and posting periods, the tabulated data on taxable wages reported for the first calendar quarter of 1974 were limited to those wages that were reported and posted to the Summary Earnings Records by the end of the quarterly updating operations completed in September 1974.

About 71.1 million employees had taxable wages reported for the first calendar quarter of 1974 that were posted to the Summary Earnings Records by the end of September 1974, and the average amount of their taxable wages was $2,007.69 per employee. The corresponding number of employees and average amount of taxable wages for the first calendar quarter of 1975 were 70.6 million and $2,157.73, respectively. The ratio of average taxable wages reported for the first quarter of 1975 to average taxable wages reported for the first quarter of 1974 is therefore 1.074733.

Multiplying the 1975 retirement test monthly exempt amount of $210 by the ratio of 1.074733 produces the amount of $225.69, which must then be rounded to $230. Accordingly, the retirement test exempt amount for taxable years ending in calendar year 1976 is $230 on a monthly basis, or $2,760 on an annual basis.

Multiplying the 1975 contribution and benefit base of $14,100 by the ratio of 1.074733 produces the amount of $15,153.74, which must then be rounded to $15,300. Accordingly, the contribution and benefit base for remuneration paid in, and taxable years beginning in calendar year 1976 is $15,300.

The following is an extension of the Table for Determining Primary Insurance Amount and Maximum Family Benefits provided in section 215(a) of the Social Security Act. This extension reflects the new higher average monthly wage and related benefit amounts now possible under the increased contribution and benefit amounts promulgated herein effective January 1976 in accordance with section 215(i) of the Act.

Table for determining primary insurance amount and maximum family benefits beginning January 1976

I (Primary insurance benefit under 1939 Act, as modified)		II (Primary insurance amount effective for June 1974)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (e)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis on his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
			$1176	$1180	$523.80	$916.70
			1181	1185	524.80	918.40
			1186	1190	525.80	920.20
			1191	1195	526.80	921.90
			1196	1200	527.80	923.70
			1201	1205	528.80	925.40
			1206	1210	529.80	927.20
			1211	1215	530.80	928.90
			1216	1220	531.80	930.70
			1221	1225	532.80	932.40
			1226	1230	533.80	934.20
			1231	1235	534.80	935.90
			1236	1240	535.80	937.70
			1241	1245	536.80	939.40
			1246	1250	537.80	941.20
			1251	1255	538.80	942.90
			1256	1260	539.80	944.70
			1261	1265	540.80	946.40
			1266	1270	541.80	948.20
			1271	1275	542.80	949.90

(Catalog of Federal Domestic Assistance Programs Nos. 13.802-5, and 13.807 Social Security Programs.)

Dated: October 22, 1975.

DAVID MATHEWS,
Secretary.

[FR Doc.75-29014 Filed 10-29-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-75-377]

ASSISTANT SECRETARY AND DEPUTY ASSISTANT SECRETARY FOR HOUSING MANAGEMENT

Delegation of Authority

Section A(16) of the Secretary's delegation of authority to the Assistant Secretary and Deputy Assistant Secretary for Housing Management published at 36 FR 9251, May 6, 1972; 37 FR 17774, August 31, 1972; 37 FR 18232, September 8, 1972; and 38 FR 4430, February 14, 1973; is further amended by adding a new subparagraph (k) to read as follows:

"(k). Public Facility Loans Program under Title II of the Housing amendments of 1955, as amended (42 U.S.C. 1491-1497)."

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d)).

Effective date. This amendment to the delegation of authority is effective as of September 1, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-29111 Filed 10-29-75;8:45 am]

[Docket No. D-75-378]

ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT

Delegation of Authority

Section A of the Secretary's Delegation of Authority to the Assistant Secretary and Deputy Assistant Secretary for Community Planning and Development published March 16, 1971 (36 FR 5004) is amended by deleting Item 15 respecting the Public Facility Loans Program under Title II of the Housing Amendments of 1955 (42 USC 1491-1497).

Effective date. This amendment is effective as of September 1, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc. 75-29112 Filed 10-29-75; 8:45 am]

[Docket No. D-75-379]

REGIONAL ADMINISTRATORS, ET AL.

Redelegation of Authority With Respect to the Community Planning and Development Programs

Section A, Subsection I of the Assistant Secretary's Redelegation of Authority of Regional Administrators, et al., published October 2, 1970 (35 FR 15408) is amended by 1) changing the introductory paragraph to read:

Assistant Regional Administrator for Community Planning and Development, Area Director, and Deputy Area Director of the Department of Housing and Urban Development is hereby authorized, with respect to the following programs, to (a) authorize grants and loans, as applicable, and establish the terms thereof; (b) execute agreements for grants, loans, and advances, as applicable, and amendments thereto; and (c) approve requisitions for funds and third-party contracts, and with respect to subparagraphs 1 and 2 of Section A but not including subparagraphs 5 through 7 of Section A, the power to (d) suspend or terminate loan or grant assistance.

and 2) deleting subparagraph 3 respecting the Public Facility Loans Program under section 202 of the Housing Amendments of 1955 (42 USC 1492).

Effective date. This amendment is effective as of September 1, 1975.

WARREN H. BUTLER,
Deputy Assistant Secretary for Community Planning and Development.

[FR Doc.75-29113 Filed 10-29-75;8:45 am]

[Docket No. D-75-380]

REGIONAL ADMINISTRATORS ET AL.

Redelegation of Authority With Respect to Programs Transferred to the Revolving Fund for Liquidating Programs

Section A. *Authority redelegated.* Each Regional Administrator, Deputy Regional Administrator, Area Director and Deputy Area Director is authorized to exercise the following power and authority of the Secretary of Housing and Urban Development in connection with the Public Facility Loans Program under section 202(a), (b)(2) and (c), of the Housing Amendments of 1955 (42 U.S.C. 1492(a), (b)(2), and (c)).

1. Execute amendments to agreements for loans and advances;

2. Approve requisitions for funds and third-party contracts;

3. Provide for postponement of payment of interest under section 202(b)(2); and

4. Suspend or terminate loan assistance.

(Secretary's delegation of authority to the Assistant Secretary for Housing Management published concurrently herewith.)

Effective date. This redelegation of authority is effective as of September 1, 1975.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.75-29114 Filed 10-29-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. 6337]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Intention To Make Findings; Guarantee of Certificates

The Trustee of the Property of the Chicago, Rock Island and Pacific Railroad Company has filed an application for the guarantee of trustee's certificates in the principal amount of $19 million by the Secretary of Transportation under the Emergency Rail Services Act of 1970, 45 U.S.C. 661 et seq. ("Act").

Notice is hereby given of the intention of the Secretary of Transportation to make findings on or before November 14, 1975 in accordance with the authority vested in him by section 3(a) of the Act. The amount of certificates which may be guaranteed will be limited by the authority remaining under the Act, which is estimated to be a maximum of $17.5 million. Interested persons may submit such data, views and arguments as they deem appropriate during the 15 day period following this notice to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Room 5101, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C. on October 28, 1975.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

[FR Doc.75-29319 Filed 10-29-75;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON DEFINITION AND REGULATION OF MARKET INSTRUMENTS

Meeting

Notice is hereby given, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a), that the Commodity Futures Trading Commission Advisory Committee on Definition and Regulation of Market Instruments ("Advisory Committee on Market Instruments") will conduct a public meeting on November 19, 1975, at 1120 Connecticut Avenue, NW., Washington, D.C., in Room 925, beginning at 10 a.m. The objectives and scope of activities of the Advisory Committee on

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Market Instruments will be to consider and submit reports and recommendations to the Commission on the following subjects:

(1) Appropriate standards to be utilized by the Commission in regulating forms of transactions that are subject to the Commodity Exchange Act, as amended, including consideration of such matters as:

(i) Appropriate standards to be utilized by the Commodity Futures Trading Commission regarding the definition of commodity futures contracts; and

(ii) Appropriate restrictions or prohibitions for options relating to commodity transactions and margin or leverage transactions subject to Section 217 of the CFTC Act.

(2) Responsibilities of the Commission over cash commodity markets. This will include consideration of such matters as:

(i) Contracts for forward delivery;

(ii) Cash market manipulations; and

(iii) Data and reporting needs for cash markets.

The summarized agenda for the meeting is as follows:

1. Organization meeting—Assignment into working groups.

2. Individual working group meetings:

A. Commodity Options Subcommittee.

B. Futures, Forward and Leverage Contracts Subcommittee.

C. Cash Market Subcommittee.

(Analysis of preliminary staff studies; identification of issues; policy discussion; staff work assignments)

In the event the committee does not complete its consideration of the items on the agenda on November 19, 1975, the meeting may be continued on the following day or until the agenda is completed.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the committee should mail a copy of the statement to The Advisory Committee on Market Instruments, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036, at least five days before the meeting. Members of the public that wish to make oral statements should inform Margaret Harrison, telephone (202) 254–8955, at least five days before the meeting, and reasonable provision will be made for their appearance on the agenda.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meetings to those persons. Interested persons may have their names placed on this list by writing DeVan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.

Dated: October 23, 1975.

WILLIAM T. BAGLEY,
Chairman,
Commodity Futures Trading Commission.

[FR Doc.75–29087 Filed 10–29–75;8:45 am]

ADVISORY COMMITTEE ON REGULATION OF COMMODITY FUTURES TRADING PROFESSIONALS

Meeting

Notice is hereby given, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a), that the Commodity Futures Trading Commission Advisory Committee on Regulation of Commodity Futures Trading Professionals ("Advisory Committee on Commodity Futures Trading Professionals") will conduct a public meeting on November 18, 1975, at 1120 Connecticut Avenue, NW., Washington, D.C., in Room 925, beginning at 10 a.m. The objectives and scope of activities of the Advisory Committee on Commodity Futures trading professionals, including consider and submit reports and recommendations to the Commission on the following subjects:

Standards for regulation under the Commodity Exchange Act, as amended, of domestic and foreign commodity futures trading professional, including commodity trading advisors, commodity pool operators, futures commission merchants, floor brokers, and associated persons. The advisory committee will consider:

(1) Definition, role and function of commodity futures trading professionals.

(2) Recordkeeping, reporting, and financial responsibility requirements for commodity futures trading professionals.

(3) Training and fitness standards for commodity futures trading professionals.

(4) Regulation of non-member futures commission merchants.

(5) Customer/investor protection standards for commodity futures trading professionals including:

(i) Investor information needs, availability, content, timeliness, format and accuracy; and

(ii) Responsibilities to customers: rules or suitability/know your customer or other alternatives; customer rights.

The summarized agenda for the meeting is as follows:

1. Orientation of members.

2. Review the objectives of the Advisory Committee and outline the proposed study methodology.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the committee should mail a copy of the statement to The Advisory Committee on Commodity Futures Trading Professionals, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036, at least five days before the meeting. Members of the public that wish to make oral statements should inform Margaret Harrison, telephone (202) 254–8955, at least five days before the meeting, and reasonable provision will be made for their appearance on the agenda.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meetings of this committee to those persons. Interested persons may have their names placed on this list by writing DeVan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.

Dated: October 23, 1975.

WILLIAM T. BAGLEY,
Chairman,
Commodity Futures Trading Commission.

[FR Doc. 75–29089 Filed 10–29–75;8:45 am]

ADVISORY COMMITTEE ON REGULATION OF CONTRACT MARKETS AND SELF-REGULATORY ASSOCIATIONS

Meeting

Notice is hereby given, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 1, 10(a), that the Commodity Futures Trading Commission Advisory Committee on Regulation of Contract Markets and Self-Regulatory Associations ("Advisory Committee on Market Regulation") will conduct a public meeting on November 24, 1975, at 1120 Connecticut Avenue, NW., Washington, D.C., in Room 925, beginning at 10 a.m. The objectives and scope of activities of the Advisory Committee on Market Regulation will be to consider and submit reports and recommendations to the Commission on the following subjects:

(1) Rulemaking and enforcement roles of contract markets and futures associations subject to section 301 of the Commodity Futures Trading Commission Act of 1974, 88 Stat. 1389, 1406. This will include consideration of such matters as:

(i) Streamlining regulations and rules;

(ii) Uniformity considerations;

(iii) Cost-effectiveness; and

(iv) Duplication, coordination, and cooperation.

(2) Adequacy of contract market practices including:

(i) Procedures for emergency actions by contract markets;

(ii) Desirability of prohibiting or restricting dual broker-dealer activities; and

(iii) Adequacy of transaction records (including time-stamping of executions)

The summarized agenda for the meeting is as follows:

1. Orientation of members.

2. Consideration of objectives and procedures of advisory committee.

3. Consideration of advisory committee work plan.

In the event the committee does not complete its consideration of the items on the agenda on November 24, 1975, the meeting may be continued on the following day or until the agenda is completed.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the committee should mail a copy of the statement to The Advisory Committee on Market Regulation, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036, at least five days before the meeting. Members of the public that wish to make oral statements should inform Margaret Harrison, telephone (202) 254–8955, at least five days before the meeting, and reasonable provision will be made for their appearance on the agenda.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meetings of the committee to those persons. Interested persons may have their names placed on this list by writing DeVan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.

Dated October 23, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75–29088 Filed 10–29–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75–1146]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Regarding Declaratory Ruling on Interstate Foreign Exchange Service and Common Control Switching Arrangements

In the matter of American Telephone and Telegraph Company and the Associated Bell System Companies, Interconnection With Specialized Carriers in Furnishing Interstate Foreign Exchange (FX) Service and Common Control Switching Arrangements (CCSA).

1. We have before us a Petition for Declaratory Rulings and for Enforcement of Cease and Desist Orders (Petition) filed by Southern Pacific Communications Company (SPCC). Several parties have filed pleadings either supporting or opposing the petition, and SPCC has filed a reply. SPCC raises significant questions regarding Federal-State jurisdiction and what constitutes interstate and intrastate communications.

2. SPCC asks us to grant six specific areas of relief against alleged actions by the American Telephone and Telegraph Company (AT&T) and the Associated Bell System Companies (the Bell System Companies), with particular reference to the Pacific Telephone and Telegraph Company (PT&T) and Southwestern Bell Telephone Company (SW Bell), to enforce our Cease and Desist Order and implement our Decision in Docket No. 19896, Bell System Tariff Offerings, 46 FCC 2d 413 (1974), aff'd sub nom Bell Tel. Co. of Pennsylvania v. FCC, 503 F. 2d 1250 (1974), cert. denied, 43 U.S.L.W. 3654 (1975). The following relief is requested:

(1) That the Commission issue a declaratory ruling reaffirming that the Commission has primacy in authority over the terms and conditions governing the interconnection of facilities of the Bell System Companies essential to the rendition by the specialized common carriers of all of their authorized interstate and foreign communications services, including interconnection by the specialized carriers into the Bell System Companies' local exchange facilities for the purpose of furnishing Foreign Exchange (FX) service or for insertion into Bell System Common Control Switching Arrangements (CCSA);

(2) That the Commission issue a declaratory ruling reaffirming that it possesses and has exercised exclusive authority and jurisdiction over such interconnection facilities so as to preempt any State action invoked to oust or restrict the Commission from its jurisdiction;

(3) That the Commission issue a declaratory ruling reaffirming that its prior rulings and orders in Docket No. 19896 require the Bell System Companies to provide all FX and CCSA interconnections necessary for the specialized carriers to provide the full scope of interstate private line service, including specifically that the Bell System Companies upon order of a specialized carrier must provide a CCSA or an FX interconnection at one end of a private line circuit between two points, whether or not the two points are located within a single state, whenever the other end is connected by a switch to a circuit in interstate service;

(4) That the Commission issue a declaratory ruling that the complaints filed by PT&T before the Public Utilities Commission of California concerning a Southern Pacific CCSA–FX interconnection, and by Southwestern Bell before the Corporation Commission of Oklahoma concerning Southern Pacific FX interconnections, each connected by a switching arrangement with interstate service furnished to the customers, constitute a violation of the Commission's cease and desist orders in Docket No. 19896 enjoining AT&T and the Bell System Companies from engaging in any conduct and implementing any policies or practices designed to deny or delay the establishment of interconnection with specialized carriers of facilities, including FX and CCSA, for the rendition by the specialized carriers of their authorized services;

(5) That the Commission direct PT&T and Southwestern Bell to withdraw the complaints before the California and Oklahoma Commissions, respectively, and enjoin the Bell System Companies from engaging in any further conduct or implementing any policies or practices before any State regulatory agencies designed to deny or delay to specialized carriers the interconnection of facilities, including FX and CCSA, ordered by this Commission; and

(6) That the Commission take such action and grant such other and further relief as to the Commission may seem just and proper in the premises.

3. There is no dispute as to the basic facts of this case. SPCC is a Specialized Common Carrier authorized by us to offer interstate private line services. Pursuant to various Commission orders, AT&T and the Bell System Companies must offer interstate and local distribution facilities to other common carriers (OCCs) in connection with the OCCs' authorized interstate services. See e.g., Docket No. 19896, supra and AT&T Offer of Facilities for Use by Other Common Carriers Docket 20099, 52 F.C.C. 2d 727 (1975).

4. SPCC has also been authorized to offer certain intrastate private line services by the California Public Utilities Commission (PUC) and the Oklahoma Corporation Commission, but in both cases subject to certain conditions and restrictions.[1] The Commission does not question the validity of such orders, but, as the State Commissions recognized, these conditions and restrictions apply only to intrastate facilities and services. The question before us thus is whether the subject facilities and services are interstate or intrastate. If they are the latter, we have no jurisdiction and the State orders, with their restrictions, apply. If they are interstate, our jurisdiction applies, and the State orders by their own terms are inapplicable.

5. The specific facilities which are the subject of the present Petition are lines physically located within one state which are designed to extend, through a switch, interstate FX or Common Control Switching Arrangements (CCSA) from the interstate terminal point to another point in the state. In California, the SPCC FX line will extend to users in San Diego an AT&T provided American Airlines interstate CCSA network which terminates in Los Angeles. It also provides local San Diego telephone exchange access to those who are on the CCSA network, whether located in California or in some other state.[2] The connections requested from PT&T extend the FX line into the San Diego telephone exchange and into the CCSA network in Los Angeles through a PT&T switch. SPCC alleges that 82% of the calls involved in this system will be originated from points outside California. In Oklahoma, SPCC is providing FX lines between Tulsa and Oklahoma City, connected by an SPCC switch to SPCC interstate FX lines into Texas. SW Bell is asked to furnish local loops in Tulsa and Oklahoma City.

6. In support of its Petition, SPCC cites our Decision in Docket No. 19896, supra, as requiring Bell System interconnection with OCC private line services, including FX and CCSA. It also points to recent amendments made to AT&T Tariff FCC No. 260 as a result of Docket No. 20099, supra, under which a customer is charged an interstate rate for interexchange Bell System facilities within a single state when connected to an interstate channel through facilities provided either by AT&T or an OCC. It contends that the present situation is essentially the same as that provided for in this tariff provision.

[1] The California PUC, in an Interim Decision dated March 4, 1975 (Decision No. 84167) conditioned SPCC's grant, inter alia, by ruling: Any direct connection of private line circuits to the exchange network is prohibited. This includes any connection similar to foreign exchange service. The Oklahoma Commission, by Order No. 108737 dated November 14, 1975, granted applications of United Video, Inc., predecessor to SPCC, with the following condition: Certificated telephone companies will be permitted, but not required, to furnish local loops * * *.

[2] The system as presently configured does not permit telephones in San Diego to access the CCSA network through the facilities in question.

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7. SPCC further alleges that, although PT&T and SW Bell have provided the requested facilities, installation was delayed due to actions by the Bell Companies before the two State Commissions. Presently complaints against SPCC are pending before the California and Oklahoma Commissions, filed by PT&T and SW Bell, respectively.[2] The filing of those complaints, SPCC asserts, violates the Cease and Desist Orders in Docket No. 19896 by creating Federal-State jurisdictional conflicts over an issue which it alleges has been decided by this Commission.

8. AT&T, PT&T and SW Bell (Bell) jointly filed Comments to SPCC's Petition. They indicate that they have provided all the connections SPCC has requested in Oklahoma and California, and, therefore, they contend that the allegation of SPCC that they have violated our Cease and Desist Order (Docket No. 19896) is without foundation. Bell further alleges that we never ruled on the question of interconnection for OCC intrastate operation. It asserts that our action on this petition would foreclose consideration of whether SPCC was complying with restrictions in state orders and certificates and puts forth several procedural alternatives.

9. Bell suggests that we hold our action in abeyance pending action by the California and Oklahoma Commissions, as such state action will help clarify the issues and develop a more complete record. It may, Bell asserts, avoid a jurisdictional conflict entirely. As an alternative, Bell proposes the prompt convening of a Federal-State Joint Board pursuant to Section 410 of the Communications Act to recommend the proper jurisdictional treatment of SPCC's services. Finally, if we choose to proceed directly by means of a declaratory ruling, Bell asks us first to call conferences with interested parties, including representatives of the State Commissions, to define the jurisdictional disputes. On the merits, Bell disagrees with SPCC that the mere filing of complaints with State Commissions violates our Cease and Desist Order in Docket No. 19896, especially since it claims that neither that decision nor our Order in Telerent Leasing Corp., 45 FCC 2d 204 (1974), petition for review pending sub nom. North Carolina Utilities Commission v. FCC (No. 74-1229, 4th Cir.) addressed the present issues.

10. We have received an Opposition to the SPCC Petition from the National Association of Regulatory Utility Commissioners (NARUC). It states that granting any declaratory relief is a matter of discretion and alleges that SPCC has not made a case for the exercise of such discretion. NARUC gives several reasons for this. First, it asserts that no "uncertainty or confusion" exists in this case as existed in Telerent, supra. Second, it contends that Federal-State relations are so fundamental that any decision must be taken after considerable study, and the SPCC petition would ask us to decide the issue without such careful consideration. Third, SPCC has obtained state authorization and NARUC asserts it cannot ignore State remedies which have not been shown to be inadequate. Fourth, NARUC contends that dual regulation is impractical and questions of fact exist which make a declaratory ruling improper. Finally, NARUC asserts that SPCC may be engaging in a subterfuge to evade State regulation of intrastate communications services. As a relief, NARUC requests denial of the petition and the convening of a Federal-State Joint Board to consider the jurisdictional issues. The Opposition is accompanied by a resolution of the NARUC executive committee opposing the SPCC petition.

11. In replying to Bell and NARUC, SPCC asserts, inter alia, that this Commission is the appropriate forum to determine the extent of its interconnection orders. It claims that Federal regulation pre-empts State regulation where the two conflict. It asserts that Commission precedents require that we assert jurisdiction and conclude that the FX services in question herein are interstate in nature.

12. Oppositions to SPCC have also been received from the United States Independent Telephone Association (USITA) and from the State of California and the California Public Utilities Commission (California). MCI Telecommuncations Corporation, Data Transmission Company and Aeronautical Radio, Inc., filed in support of the petition. California contends that SPCC's petition is premature, as State proceedings have not been concluded and therefore the matter is not ripe for decision. Accordingly, it asks us to dismiss the petition, or, in the alternative, to convene a Federal-State Joint Board pursuant to Section 410(c) of the Act. In a separate reply to California and USITA, SPCC asserts that the key issue herein is the extent of this Commission's own jurisdiction rather than the lawfulness of any decisions which the State might issue.

Discussion and Conclusions

13. At the outset, we believe it inappropriate to defer action on the SPCC Petition pending the outcome of preceedings in California and Oklahoma. The questions presented here are legal determinations of the extent of our authority under the Communications Act over the subject facilities and services, and it is for us, rather than the States, to interpret the extent of our jurisdiction, As we stated in Telerent Leasing Corporation, supra at 213:

> [W]e are not obliged to, nor do we deem it appropriate to, await some definitive action by a State or a carrier which creates a conflict between Federal and State regulations having the ingredients of a conventional "case or controversy" before issuing [a declaratory] ruling. As an administrative agency, we are vested by statute with broad and discretionary power to devise and use procedures, such as the issuance of declaratory judgments, as may be reasonably appropriate to discharge our statutory responsibilities with respect to effective regulation of interstate and foreign communication, including the clarification of the scope and effect of rulings issued by us in the performance of those responsibilities. (See F.C.C. v. Pottsville Broadcasting Co., 309 U.S. 134, 142-43 (1940); Section 4(j) of the Communications Act * * *).

The principal question presented here, whether or not the facilities in question are interstate, is one which does not require interpretation of State statutes or rulings, thus no need exists to await the outcome of State proceedings.

14. By the same token, we believe it inappropriate to convene a Federal-State Joint Board pursuant to Section 410(c) of the Act, as the Bell Carriers, NARUC and California, among others, have requested. Parties to the Telerent case, supra, had made the same request, and we therein refused to convene the Board saying (at 214):

> The Joint Board is an appropriate vehicle for the consideration of technical and economic aspects of the interconnection policies and tariffs. It is not a proper or appropriate vehicle for determining the statutory jurisdiction of this Commission and the legal effects of policies promulgated by us in furtherance of our statutory responsibilities.

15. Since the facts of this case are not in dispute, and no party has disagreed with SPCC's characterization of the capabilities of the facilities, a hearing is not required. Stone v. F.C.C., 466 F 2d 316 (D.C. Cir., 1972); Columbus Broadcasting Coalition v. F.C.C.,, 505 F 2d 320 (D.C. Cir., 1974). Nor, as indicated above, is there any reason to await State action, since integration of State grants or orders is not required for a solution to the legal question of jurisdiction. Accordingly, we believe the most efficient procedure is for us to rule now on the legal question of the locus of regulatory jurisdiction over the facilities in question. This will provide immediate guidance to the States and carriers as to the interconnections and facilities which AT&T and the Bell Associated Companies must offer to SPCC.

16. The SPCC facilities in question are located within the States of California and Oklahoma and terminate in switches which are designed to interconnect with an interstate CCSA network (California) or one of several interstate FX lines (Oklahoma). In both states, the lines may be utilized alternatively to access a foreign telephone exchange located within the same state as the customer's terminal facilities. Furthermore, the facilities in both California and Oklahoma constitute part of dedicated interstate private line networks which are clearly identifiable as carrying communications of only the customer. They are distinguishable from the non-dedicated public switched telephone network, in which the facilities are intended to be used by all Bell System customers interchangeably for interstate or intrastate calls. If these SPCC facilities are interstate, the Bell System Companies must interconnect their facilities with those of SPCC and must provide SPCC with any requested local distribution facilities. If the facilities are intrastate they are subject to the interconnection policies established by the respective State Commissions.

[2] Copies of these complaints are attached in the Appendix to this Order.

17. One solution proposed in the pleadings would be to limit transmissions over the private line which is interconnected with Bell facilities to interstate calls, leaving intrastate transmissions to a separate FX line which is subject to restrictions imposed by the States. Other than resolving the present conflict, this "solution" is clearly not in the public interest. Requiring the customer to maintain two redundant facilities or to invest in expensive additional equipment simply because of jurisdictional conflicts would violate our congressional mandate in Section 1 of the Communications Act to regulate "interstate and foreign commerce in communication by wire or radio so as to make available, so far possible, to all the people of the United States a rapid, efficient, Nation-wide and world-wide wire and radio communications service with adequate facilities at reasonable charges."

18. In a somewhat similar case, U.S. Department of Defense v. General Telephone Company, 38 FCC 2d 803 (Review Board, 1973) affirmed FCC 73-854, affirmed sub nom St. Joseph Telephone and Telegraph Co. v. F.C.C., Case No. 73-1907 (D.C. Cir., Nov. 11, 1974), we asserted jurisdiction over Dial Restoration Panel (DRP) equipment which is part of a nationwide defense communications system even though the facilities were used in part for the transmission of intrastate communications. As is the case here, it was technically and practically difficult to "split" the DRP between interstate and intrastate transmission functions, and it was held that filing of interstate tariffs with this Commission would not be an "unnecessary burden" to either the carriers or the Commission.

19. We have dealt with the question of our jurisdiction over facilities and services which are used for both interstate and intrastate communications in several other cases as well. For example, in AT&T–TWX, 38 FCC 1127 (1965) we held at 1133:

> We find nothing in Section 2(b)(1) which imposes any limitation upon our full authority over interstate communication service. For us to conclude that, because the facilities or instrumentalities are used in intrastate as well as interstate communications service, we do not have jurisdiction, or that we should not exercise it, would leave a substantial portion of the interstate communication service unregulated. We do not believe Congress so intended.

Similarly, in Telerent, supra, 45 F.C.C. 2d 204, 217–220, we concluded that Congressional intent in the Communications Act to make available a unified, nationwide communications service would be frustrated if each of the State and local jurisdictions could impose its own terms and conditions for the interconnection with the switched telephone network of equipment which is to be used for both interstate and intrastate communications services. As a result, if the facilities in the present case are interstate, even if they are capable of being utilized for intrastate services as well, they are subject to terms and conditions which this Commission imposes.

20. We now turn to an examination of whether or not the lines in question are interstate, and thus subject to our interconnection policies and tariff rates and conditions. As Judge Newcomer recently stated, the physical location of the facilities is not determinative of whether they are interstate or intrastate for regulatory purposes.

> The Courts have held that transmission facilities located entirely within one state are not thereby immune from the Commission regulation if those facilities are used in an interstate transmission network. United States v. Southwestern Cable Co., 392 U.S. 157, 88 S.Ct. 1994, 20 L. Ed. 2d 1001 (1968); Ward v. Northern Ohio Telephone Company, 300 F. 2d 816 (6th Cir.), cert. denied, 371 U.S. 820, 83 S.Ct. 37, 9 L. Ed. 2d 61 (1962); California Interstate Telephone Co. v. FCC, 117 U.S. App. D.C. 255, 328 F. 2d 556 (1964). It has also been held that Commission regulation of interstate communications does not end with the local switchboard, but continues to the transmission's ultimate destination. United States v. American Telephone and Telegraph Co., 57 F. Supp. 451 (S.D. N.Y. 1944), aff'd. sub nom. Hotel Astor, Inc. v. United States, 325 U.S. 837, 65 S. Ct. 1401, 89 L. Ed. 1964 (1945). And when a local transmission facility is included in an interstate transmission network, the regulation of the interstate uses of that facility lies exclusively with the FCC. Ivy Broadcasting Company v. AT&T, 391 F. 2d 486 (2d Cir. 1968).[4]

21. Section 2(b) of the Act, 47 U.S.C. 102(b), denies the Commission jurisdiction over intrastate communication, while Section 221(b), 47 U.S.C. 221(b), gives the States or local governments authority to regulate exchange service "even though a portion of such exchange service constitutes interstate or foreign communication." Conversely, the States do not have jurisdiction over interstate communications (see Section 1 of the Act, 47 U.S.C. 101).[5]

22. The key issue in determining this question before us is the nature of the communications which pass through the facilities, not the physical location of the lines. United States v. Southwestern Cable Co., 392 U.S. 157, 168–9 (1968). Under the facts given us in both the California and Oklahoma situations, the SPCC facilities are an integral part of a dedicated interstate communications network. The lines in California extend the naitonwide CCSA network from Los Angeles into San Diego, while the Oklahoma facilities extend interstate foreign exchange services into other points within the State. These arrangements, supplied at customer request, render the facilities interstate and place them within our jurisdiction. Therefore, the Bell Companies are required to interconnect their facilities with those of SPCC and to provide SPCC with local distribution facilities in connection with these services. (Docket No. 19896, supra; Docket No. 20099, supra).

23. We now turn to the appropriate remedy, and to SPCC's request for relief. Since PT&T and SW Bell are presently providing the facilities SPCC has requested and are not implementing any policy or practice which forecloses SPCC from establishing through routes, we cannot agree with SPCC that our Cease and Desist Orders in Docket No. 19896 are thereby being violated. The Bell Companies must, however, continue to provide the requested interconnections and facilities as well as any such others needed by SPCC. The filing of complaints with the State Commissions, though superfluous since the facilities are subject to our jurisdiction, does not per se violate our Docket No. 19896 Cease and Desist Orders. We shall not therefore direct SW Bell and PT&T to withdraw the complaints before State Commissions, but we hope that they abandon such unnecessary proceedings.

24. We conclude that the Bell System Companies must continue to provide the interconnections and facilities to SPCC to interconnect with the facilities described herein located within the States of California and Oklahoma, pursuant to applicable interstate tariffs. SPCC implies, however, in asking us to take jurisdiction over the FX services outlined in its petition, that we should assert jurisdiction over the local exchange service which is accessed through the dedicated private line. While we are herein requiring the Bell Companies to interconnect local exchange service to the SPCC private lines in question, we do not thereby intend to assume jurisdiction over the local exchange service.

25. Accordingly, *it is ordered*, That AT&T, PT&T, SW Bell and the other Bell System Companies must continue to offer facilities and services to SPCC as specified in paragraph 24 herein.

26. *It is further ordered*, That the Petition for Declaratory Rulings and For Enforcement of Cease and Desist Order is granted in part and denied in part as provided herein.

Federal Communications Commission,[6]
[SEAL] Vincent J. Mullins,
Secretary.

[FR Doc.75-29107 Filed 10-29-75;8:45 am]

[4] *MCI Communications Corp. v. American Telephone and Telegraph Co.*, 369 F. Supp 1004, 1029 (E.D., Pa. 1974), vacated (on grounds that District Court should have deferred to FCC primary jurisdiction), 496 F. 2d 214 (3d Cir., 1974).

[5] These are dedicated interstate private lines which terminate in the local exchange. They are not themselves part of a local exchange service and are thus not subject to Sections 2(b) and 221(b). While the States clearly have the authority to regulate the local exchange service pursuant to Sections 2(b) and 221(b), they cannot in so doing block interstate commerce by prohibiting interstate access to foreign exchanges or by discriminating against or among interstate services.

[6] Commissioner Robinson concurring in the result; Commissioner Hooks dissenting.

[Docket No. 19660 RM-690]

INTERNATIONAL RECORD CARRIERS' SCOPE OF OPERATIONS IN THE CONTINENTAL UNITED STATES

Extension of Comment Period

In the matter of International Record Carriers' Scope of Operations in the Continental United States, Including

V 40 10 OCT 30 75 XUM

Possible Revisions to the Formula Prescribed Under section 222 of the Communications Act.

1. In its Memorandum Opinion and Order released herein on September 18, 1975, FCC 75–1023, the Commission granted in part and otherwise denied in all other respects petitions for partial reconsideration of its June 26, 1975 Memorandum Opinion and Order herein, FCC 75–723. These petitions were filed by ITT World Communications, Inc. (ITT Worldcom) and Western Union International, Inc. (WUI). The petitions were granted to the extent the Commission afforded petitioners and other interested parties 30 days after the September 18, 1975 release date to request a hearing to determine landline haul divisions in lieu of those approved by the Commission in its June 26, 1975 decision. The Commission stated it would give appropriate consideration to any such request.

2. By telex message received October 17, 1975 WUI requests a 14-day extension of this 30-day period. WUI claims it needs this additional time in order to reach "an enlightened decision on this important question." WUI also states that certain executives involved in making the decision have previous commitments which require their being absent from their offices until the last week in October. We believe good cause has been shown for a grant of WUI's request.

3. Accordingly, *it is ordered*, That pursuant to § 0.303(c) of the Commission's rules an extension of time from October 20, 1975 to November 3, 1975 is hereby granted.

[SEAL] WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

Adopted: October 17, 1975.

Released: October 21, 1975.

[FR Doc.75–29105 Filed 10–29–75;8:45 am]

LICENSEES AND OPERATORS OF CITIZENS CLASS D (CB) RADIO TRANSMITTERS

Phenomenal CB Growth

OCTOBER 22, 1975.

Application reciepts for new CB radio licenses during the past 8 months have more than quadrupled over that received for the same period a year ago (an increase in average monthly application receipts from 40,000 to over 160,000). During this same period the number of licensed CB stations has almost doubled (an increase from 1 million to 2 million licenses). It is estimated that approximately 10 million CB transmitters are presently in use in the United States today.

In order that all CB operators may obtain maximum benefit from their CB radio station investments, the FCC strongly urges all CB radio operators to observe the following "Good CB Practices."

[1] 40 FR 37081

Good CB Practices

1. Channel Selection—In selecting a channel for your station, it is very important that the following factors be considered:

a. There are a total of 23 channels available to all CB stations on a shared basis;

b. Channel 11 may be used only for calling purposes (i.e. to establish initial contact for the purpose of moving to one of the other 22 channels);

c. Channel 9 may be used only for communications involving immediate or potential emergency situations and/or assistance to motorists;

d. You may select any of the remaining 21 channels to conduct your normal personal or business radio communications;

e. To prevent unintentional "bleed over" interference to channels 9 and 11, the FCC recommends that all transmissions involving highway travelers be conducted on a channel other than channel 10, preferably one several channels removed from channels 9 or 11.

2. *Channel Usage*—Cooperate with all CB'ers to the fullest extent possible in sharing the CB channels—always try to be courteous and considerate when using a channel. In order to assure that all CB operators will have an equal opportunity to use the frequencies, radio communications between CB stations (interstation) must be limited to no longer than 5 continuous minutes to be followed by a silent period of at least one minute. Every CBer should restrict their time on the air to a practical minimum. We cannot stress enough the importance for all CBers to discipline themselves from needlessly transmitting for long periods of time.

3. *Identification*—Identify your radio transmissions with your own FCC issued call sign before and after each transmission. This call sign is unique in that it is unlike any other CB radio station call sign. Be proud to identify your radio transmissions with it. "Nicknames" or "handles" may also be used to identify your radio transmissions provided they are accompanied by the FCC assigned call sign. It is not necessary to transmit the call sign of the station with whom you are talking.

4. *Equipment*—Have frequency, power and modulation measurements made at regular intervals. Do not tamper with the equipment. A licensed commercial operator is required for any adjustments that might affect the proper operation of the station.

5. *Keep Informed*—You may obtain the FCC Rules and Regulations (Volume VI, Part 95) governing the Citizens Radio Service from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of these Rules are also available at many radio equipment stores at a nominal cost.

6. *Promote "Good CB Practice"*—Encourage other CB users to follow the above suggested practices.

If all CB users make a serious attempt to understand and follow the above recommended practices, we believe efficient utilization of the 23 shared CB channels will be maximized.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–29109 Filed 10–29–75;8:45 am]

STANDARD BROADCAST APPLICATIONS

Available for Processing

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on November 26, 1975, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on November 25, 1975, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on November 25, 1975. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: October 9, 1975.

Released: October 21, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX

BP–17251 KGRB, West Covina, Calif.
Robert Burdette & Associates, Inc.
Has: 900 kHz, 250 W, DA-Day.
Req: 900 kHz, 500 W, DA-Day.

BP–19525 KGAR, Vancouver, Wash.
Gordon A. Rogers.
Has: 1550 kHz, 1 kW, Day.
Req: 1550 kHz, 10 kW, DA–N, U.

BP–19556 NEW, Wells River, Vt.
Puffer Brothers.
Req: 1490 kHz, 250 W, 1 kW–LS, U.

BP–19610 WVMI, Biloxi, Miss.
New South Communications, Inc.
Has: 570 kHz, 1 kW, Day.
Req: 570 kHz, 1 kW, 5 kW–LS, DA–2, U.

BP–19616 NEW, Newland, N.C.
J. T. Parker, Jr.
Req: 1130 kHz, 1 kW, Day.

BP–19644 WLIT, Steubenville, Ohio.
Capitol Broadcasting Corp.
Has: 950 kHz, 500 W, DA, Day.
Req: 950 kHz, 1 kW, DA, Day.

BP–19757 WMLR, Hohenwald, Tenn.
The Lewis County Broadcasting Co.
Has: 1540 kHz, 250 W, Day.
Req: 1230 kHz, 250 W, 1 kW–LS, U.

BP–19817 NEW, Mayfield, Ky.
Purchase Sound, Inc.
Req: 1430 kHz, 1 kW, DA–1, U.

BP–19855 NEW, Newport, Tenn.
Newport Broadcasting Co.
Req: 1060 kHz, 1 kW, Day.

BP–19881 NEW, White Castle, La.
Lafourche Valley Enterprises, Inc.
Req: 1590 kHz, 1 kW, Day.

BP–19867 NEW, Isabel Segunda (Vieques), P.R.
Vieques Radio Corp.
Req: 1540 kHz, 1 kW, Day.

BP–19870 NEW, Jacksonville, Ala.
H–M–S Broadcasting Co. of Jacksonville, Ala.
Req: 810 kHz, 500 W, 50 kW–LS, DA–2, U.

BP–19921 WPED, Crozet, Va.
McClenahan Broadcasting Corp.
Has: 810 kHz, 250 W, Day.
Req: 810 kHz, 500 W, Day.

BP–19988 WAKX, Superior, Wisc.
Stereo Broadcasting, Inc.
Has: 970 kHz, 500 W, Day.
Req: 970 kHz, 1 kW, Day.

BP–20010 NEW, Kentwood, Mich.
Richard L. Culpepper.
Req: 1140 kHz, 5 kW, DA–Day.

BP–20013 NEW, Amherst, Va.
Amherst Broadcasting Associates, Inc.
Req: 1420 kHz, 1 kW, Day.

BP–20042 KZUL, Parker, Ariz.
O. M. Broadcasting, Inc.
Has: 1380 kHz, 1 kW, Day.
Req: 1380 kHz, 2.5 kW, Day.

[FR Doc. 75–29106 Filed 10–29–75; 8:45 am]

FEDERAL COUNCIL ON THE AGING

COMMITTEE ON OLDER AMERICANS CHARTER

Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93–29) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to Pub. L. 92–463 that the Council's Committee on the Older Americans Charter will meet on November 11, 1975, from 9:30 a.m. to 5 p.m., in Room 4563, Donohoe Building, 400 Sixth Street SW., Washington, D.C. 20201. The agenda will consist of the revision of the Older Americans Charter developed by the 1961 White House Conference on the Aging. The revision will be based on suggestions sent by State and Area Advisory Committees to the Administration on Aging. The revised Charter will be presented to the Federal Council on the Aging for action at the December Council meeting.

This meeting is open for public observation.

Further information on the Council may be obtained from Cleonice Tavani, Room 4022, Donohoe Building, 400 Sixth Street SW., Washington, D.C. 20201, telephone (202) 245–0441.

CLEONICE TAVANI,
Executive Director,
Federal Council on the Aging.

OCTOBER 20, 1975.

[FR Doc.75–29103 Filed 10–29–75;8:45 am]

ECONOMICS OF AGING COMMITTEE

Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93–29) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to Pub. L. 92–463 that the Council's Economics of Aging Committee will meet on November 12, from 9:30 a.m. to 5:00 p.m. and on November 13, 1975 from 9 a.m. to 3 p.m. in Room 4563, Donohoe Building, 400 Sixth Street, SW., Washington, D.C. The agenda will consist of: Final Committee Action on Tax Study, Review Effect on Older Americans of Federal Budget Proposals, Review of Possible Reforms in Medicare and Medicaid, Status of HUD Section 202 Housing Program for Elderly and Further Strategies on Services for Frail Elderly.

This meeting is open for public observation.

Further information on the Council may be obtained from Cleonice Tavani, Executive Director, Federal Council on the Aging, 400 Sixth Street, SW., Washington, D.C. 20201, telephone: (202) 245–0441.

CLEONICE TAVANI,
Executive Director,
Federal Council on the Aging.

OCTOBER 15, 1975.

[FR Doc. 75–29102 Filed 10–29–75; 8:45 am]

RESEARCH AND MANPOWER COMMITTEE

Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93–29) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to Pub. L. 92–463 that the Council's Research and Manpower Committee will meet on November 24, 1975, from 9 a.m. to 3 p.m. in New Federal Office Building, Room 1042, 915 Second Avenue, Seattle, Washington 98174.

The agenda will consist of: Status Reports on the Committee on Mental Health and Illness of the Elderly, the National Institute on Aging Research Plan, the FCA Task Force on the Frail Elderly, and a Planning Session for a Hearing on Manpower Needs of the Frail Elderly.

This meeting will be open for public observation.

Further information on the Council may be obtained from: Cleonice Tavani, Executive Director, Federal Council on the Aging, Room 4022, Donohoe Building, 400 Sixth Street, SW., Washington, D.C. 20201.

OCTOBER 17, 1975.

CLEONICE TAVANI,
Executive Director,
Federal Council on the Aging.

[FR Doc.75–29101 Filed 10–29–75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP75–88]

ALGONQUIN GAS TRANSMISSION CO.

Extension of Time

OCTOBER 23, 1975.

On October 20, 1975, Algonquin Gas Transmission Company filed a motion to extend the date on which to respond to the Motion of Bay State Gas Company, et al. For Summary Disposition of a Portion of the Proposed Rate Increase, filed Octber 7, 1975, in the above-designated proceeding.

Notice is hereby given that the date for filing answer to the motion of October 7, 1975 filed by Bay State Gas Company, et al. in the above proceeding is extended for all parties from October 22, 1975 to and including October 29, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–29325 Filed 10–29–75;8:45 am]

[Docket Nos. E–9101 and E–9518]

APPALACHIAN POWER CO.

Presiding Administrative Law Judge's Certification of Proposed Settlement

OCTOBER 22, 1975.

Take notice that on October 6, 1975, Presiding Administrative Law Judge Sherman P. Kimball, pursuant to § 1.18 (e) of the rules of practice and procedure, certified to the Commission for "appropriate disposition" a proposed settlement in this proceeding which concerns a new service agreement between Appalachian Power Company (Appalachian) and Virginia Polytechnic Institute and State University (VPI) replacing a service contract that expired on October 31, 1974. In addition to the settlement proposal, contained in a motion jointly filed by Appalachian and VPI on October 1, 1975, there was certified the transcript of the September 12, 1975 hearing, the prepared testimony of the parties entered into the record at the hearing, and Exhibit No. 1, the new service agreement executed by Appalachian and VPI and attached to the joint motion of October 1, 1975.

Judge Kimball stated, in the certification document, that a hearing had been

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convened on September 12, 1975, regarding the terms and conditions of an unsigned service agreement filed by Appalachian on November 8, 1975, and a second unsigned agreement submitted by Appalachian on July 23, 1975, to replace the first filing. He stated further that a proposed settlement was reached at an informal conference held following the opening of the hearing and that VIP and Appalachian filed on October 1, 1975, a joint motion reflecting the arrangement at the conference and stating that it was not objected to by counsel for the Commission Staff.

Judge Kimball also noted that the Commission orders of December 6, 1974 and July 18, 1975, accepting for filing the unsigned service agreements and setting the hearing "provided that the rate issues for service to VPI were consolidated with the proceedings pending in Docket No. E–7775 and (are) subject to a final determination of that case."

Any person desiring to comment on the proposed settlement may do so by filing comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. All comments should be filed on or before November 21, 1975. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–29701 Filed 10–29–75;8:45 am]

[Docket Nos. AR61–2 and AR69–1, etc.]

AREA RATE PROCEEDING, ET AL. (SOUTHERN LOUISIANA AREA)

Extension of Time

OCTOBER 21, 1975.

On September 8, 1975, Robin F. Scully and Clovelly Oil Company, Inc. filed a request to extend the time within which to comply with order issued August 19, 1975, in the above-indicated proceeding.

Notice is hereby given that the time within which to file the report required by ordering paragraph (A) of order issued August 19, 1975, in the above proceeding is extended for all parties to October 30, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–29326 Filed 10–29–75;8:45 am]

[Docket Nos. RP73–65;PG75–5]

COLUMBIA GAS TRANSMISSION CO.

Order Granting Motion to Make Certain Producers Parties to This Proceeding and to Show Cause Why They Should Not Be Held Subject to This Commission's Jurisdiction and Certified Pursuant to Section 7 of the Natural Gas Act

OCTOBER 22, 1975.

On January 14, 1975, Columbia Gas Transmission Corporation (Columbia) filed an application for a proposed purchase gas adjustment (PGA) rate increase to become effective March 1, 1975. The Commission issued an order on February 28, 1975, accepting the application for filing and suspending for one day the PGA filing. The Commission directed that a hearing be held to determine the propriety of including allegedly "intrastate" purchases in Columbia's rate adjustments. The following issues are to be addressed at the hearing:

(1) Has Columbia included all Ohio producer purchases in its base rate and in its proposed PGA rate adjustment?

(2) Of the total producer purchases made in Ohio by Columbia, which purchases are, or should be, subject to this Commission's producer jurisdiction? In the determination of this question, which of the Ohio purchases are included in the volumes considered in Columbia's curtailment plan?

(3) Of the Ohio purchases found to be jurisdictional, which of the purchases should be treated as "small producers" under Docket No. R–393 and which should be subject to the applicable area or national rate?

Staff filed a Motion to Make Certain Producers Parties to this Proceeding on August 11, 1975. Ohio Oil & Gas Association (Ohio Oil & Gas)[1] filed an answer to this motion on August 21, 1975, and Columbia filed an answer on August 26, 1975.

Staff requested that all Ohio producers making sales to Columbia be made parties to this proceeding because one of the major issues to be decided is "which producers are, or should be, subject to this Commission's producer jurisdiction."

Ohio Oil & Gas and Columbia oppose the motion, contending that Staff misconstrued the order of Feberuary 28, 1975. It is Ohio Oil & Gas' contention that the sole purpose of the hearing is "to determine the reasonableness and appropriateness of including Ohio intrastate purchases in Columbia's proposed PGA rate adjustment." (Commission Order, issued February 28, 1975, p. 5). Ohio Oil & Gas feels it would be inappropriate to turn a rate matter into an investigation involving producer jurisdiction. Both Columbia and Ohio Oil & Gas assert that any information which the Commission requires could be obtained from Columbia; therefore, Columbia feels that nothing could be gained by including these producers in the proceeding. Furthermore, Ohio Oil & Gas suggests that if the Commission concludes that these sales are within FPC jurisdiction, then an Order to Show Cause could be issued, but until that time there is no need to include these Ohio producers.

The order issued on February 28, 1975, as previously stated, sets out three issues to be examined. One of these issues pertains to the question of the Commission's jurisdiction as to these intrastate purchases. Ohio Oil & Gas would have the Commission wait until it had "tentatively" concluded that these sales are subject to the Commission's jurisdiction before including these producers in the proceeding. To wait until after a hearing when the Commission does not have all the facts before it and then to decide to issue a show cause order at that time would be inappropriate. It is obvious from the material presented that it is necessary to determine the jurisdiction before the rate matter can be properly evaluated. The Commission must have a complete picture in order to give proper weight to all the evidence. Any decision the Commission would make in this matter could have an effect on these Ohio producers. Not only is it necessary for the Commission to have these producers as parties, but also it is in the producers' interest as well since they will be able to present their evidence. For these reasons, the motion that certain producers be made parties shall be granted and we shall require such producers to show cause why they should not be subject to this Commission's jurisdiction under Sections 5 and 7 of the Natural Gas Act and the Commission's rules and regulations promulgated thereunder.

The Commission further finds. Good cause has been shown to warrant granting Staff's Motion to Make Certain Producers Parties to this Proceeding.

The Commission orders. (A) The Motion to Make Certain Producers Parties to this Proceeding is hereby granted.

(B) The procedural dates are changed as follows: On or before November 24, 1974, all Ohio Producers making sales to Columbia (See attachment) shall serve direct cases in this proceeding. On or before December 22, 1975, the Commission Staff shall serve its direct case in this proceeding. Prepared testimony and exhibits of intervenors shall be served on or before January 12, 1976, Ohio Producers' rebuttal cases and Columbia's rebuttal case shall be served on or before February 2, 1975. Cross-examination of the evidence shall commence on February 17, 1976, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX

A

A & P Drilling Company, P.O. Box 248, Racine, Ohio 45771.
A & Z Production, 111 Martinsburg Road, Mt. Vernon, Ohio 43050.
Edward H. Ackerman, Route 1, Monroe County, Lewisville, Ohio 43754.
Roger Adams, Racine, Ohio 45771.
Affald Oil Company, 700 Willow Lane, Dundee, Illinois 60118.
The Alko Company, Agent c/o George T. Ritsos, 11 S. LaSalle Street, Chicago, Illinois 60603.
O. Stanley & Ester I. Allard, 439 Remsen Road, Medina, Ohio 44256.
All States Oil Producing Co., Inc., 515 Mellett Bldg., Canton, Ohio 44702.
Alphie Oil Company, 1945 S. Eleventh Street East, Salt Lake City, Utah 84105.
John F. Altier, Route 1, Corning, Ohio 43730.
N. L. Altier, Jr., Route 2, New Lexington, Ohio 43764.

[1] On July 3, 1975, the Commission issued an order granting Ohio Oil & Gas Association's late petition to intervene. This association represents 80 percent of Ohio's independent producers.

American-European Mineral Exploration Corp., P.O. Box 29068, Northland Station, Columbus, Ohio 43229.
American Exploration Company, 1631 Northwest Professional Plaza, Columbus, Ohio 43220.
American Minerals Management Inc., 450 Kennecott Bldg., Salt Lake City, Utah 84111.
An Car Oil Company, Inc., One Boston Place, Boston, Mass. 02108.
The Anchorage Oil Co., c/o Wood County Bank, 429 Market Street, Parkersburg, W.Va. 26101.
Apex Exploration Inc., 2606 S. Mahoning Avenue, Alliance, Ohio 44601.
Appalachian Exploration, Inc., 1642 Cleveland Avenue N.W., Canton, Ohio 44703.
Daniel L. & Bonnie Artz, Route 7, Newark, Ohio 43055.
Ascot Enterprises, 1919 Akron Peninsula Road, Akron, Ohio 44313.
James Ashcraft, Route 2, Frazeysburg, Ohio 43822.
Ashton Gas Co., c/o Ila Clymer, Noble County, Dexter City, Ohio 45727.
Atlantic International Oil Corp., Suite 2212, 1000 Urlin Avenue, Columbus, Ohio 43212.

B

Dale & Garnet Bachner, R.F.D. 1, Rutland, Ohio.
Monroe M. Badertscher, R.D. 1, Killbuck, Ohio 44637.
Charles W. Badger, % Energy Development Corp., 7667 West 95th Street, Hickory Hills, Illinois 60457.
Julia Badger, % Energy Development Corp., 7667 West 95th Street, Hickory Hills, Ohio 60457.
The Baker Brothers Oil and Gas Co., % Roscoe Baker, Box 84, Killbuck, Ohio 44637.
Baker & Gerber, % John C. Baker, Route 2, Lewisville, Ohio 43754.
Baker Oil & Gas Inc., Caldwell, Ohio 43724.
Baker Oil Company, % John Baker, Route 2, Lewisville, Ohio 43754.
Carl Baker, Caldwell, Ohio 43734.
Carl Baker & John R. Noon, P.O. Box 100, Dexter City, Ohio 45727.
Carl & Gilbert Baker, Route 4, Caldwell, Ohio 43724.
Paul R. Baker, Box 11, Route 1, Killbuck, Ohio 44637.
Robert P. Baker, Attorney in Fact, Route #1, Killbuck, Ohio 44637.
Robert E. & Helen R. Baker, Route 3, Athens, Ohio 45701.
The Ballard & Cordell Corporation, P.O. Box 52151, Lafayette, Louisiana 70501.
The Ed Barr Corporation, 34 S. Frank Blvd., Akron, Ohio 44313.
Robert V. & Joan Barr, Route 1 Box 183, Norwich, Ohio 43767.
Thomas L. Barr, Route 2, New Concord, Ohio 43762.
Alonzo Bartenschlag, Route 2, Woodsfield, Ohio 43793.
Lew Bates, Jr., P.O. Box 256, Marion, Ohio 43302.
Marshall H. Bauman, 1896 Birkdale Drive, Columbus, Ohio 43227.
Clarence E. Beardmore, 1003 Glendale Road, Marietta, Ohio 45750.
Beardsley and Fillmore Inc., P.O. Box 328, Spearfish, South Dakota 57783.
Beasley-Sharp Inc., 502 Masonic Temple Building, Zanesville, Ohio 43701.
Duane E. Bebout, Wellington Mobile Home Park, Lot 62, Wellington, Ohio 44090.
George W. Bebout, % First National Bank, Utica, Ohio 43080.
Agnes Beisser, Route 6, Zanesville, Ohio 43701.
Bell Drilling & Producing Company, % David H. Bell, P.O. Box 502, Logan, Ohio 43138.
Belmont Pulling Company, % William B. Chaney, Attorney at Law, Barnesville, Ohio 43713.
George Benson Cree, Jr., Exec-Estate, Box 1119, Pampa, Texas 79065.
Bern Oil & Gas Co., % Carl J. Bowman, Chesterhill, Ohio 43728.
Berwell Energy Inc., 1350 West Fifth Avenue, Suite 217, Columbus, Ohio 43212.
Best Run Oil & Gas Co., R.R. Ullman Treasurer, Route 1, Lower Salem, Ohio 45745.
Best Way Mechanical Contracting Co., P.O. Box 500, Route 4, Zanesville, Ohio 43701.
Bethel Resources Inc., 1631 Northwest Professional Plaza, Columbus, Ohio 43220.
John M. Bias, Agent, 1338 Third Avenue, Huntington, West Virginia 25701.
John R. Bickle, Route 1, Box 204–A, Amesville, Ohio 45711.
BKT Oil Company, P.O. Box 9077, Canton, Ohio 44709.
Leonard Blood, 1245 Perkins, NW., Canton, Ohio 44703.
O. C. Bode, Sycamore Valley, Ohio 43789.
Helen S. Boer, Apartment 1207, 12540 Edgewater Drive, Lakewood, Ohio 44107.
E. R. Bonzo and Ernest W. Bonzo, Ashland Road, Greenup, Kentucky 41144.
Leonard A. & Eula Borland, 4255 Greenwich Road, Route 1, Seville, Ohio 44273.
Bowman Oil & Gas Co., % Mrs. Margene Emge, Route 2, Marietta, Ohio 45750.
Dow A. Bowman, Box 147, Chesterhill, Ohio 43728.
Samuel H. & Verna Bowman, Route 5, Box 142, Millersburg, Ohio 44654.
Leo J. Boyle d.b.a. Dew Oil Company, 101 East Street, Logan, Ohio 43138.
Braden Development Company, Route 1, Marietta, Ohio 45750.
Brasel and Brasel Inc., 6172 Busch Boulevard, Suite 2021, Columbus, Ohio 43229.
Faye D. Bray, Route 1, Creola, Ohio 45622.
Potter Brestle, Woodsfield, Ohio 43793.
Harold Brillhart, Route 1, Killbuck, Ohio 44637.
Phillip H. Brown, Jr., P.O. Box 338, Lowell, Ohio 45744.
Raymond M. & Marian H. Brown, Route 2, Wadsworth, Ohio 44281.
Walter Brown Heirs Oil Company, P.O. Box 8, Marietta, Ohio 45750.
Betty Bryant, Agent, Suite 566, 100 Central Plaza South, Canton, Ohio 44702.
Buckeye Management Company, P.O. Box 5654, Columbus, Ohio 43221.
Buckeye Oil Producing Co., P.O. Box 123, Wooster, Ohio 44691.
Buckeye Resources Inc., 121 N. Main Street, Fredericktown, Ohio 43019.
Fred & Martha Bucklew, Route 1, Sterling, Ohio.
Howard G. Buckley, Agent, Route 1 Wood County, Williamstown, West Virginia 26187.
Lyman J. & Mary E. Buffington, Route 1, Seville, Ohio 44273.
R. M. Burns, Senecaville, Ohio 43780.
Larry & Betty Jane Bush, Route 2, Box 245, Lowell, Ohio 45744.
Benjamin P. & Richard S. Butt, 143 Eagle Point Road, Rossford, Ohio 43460.

C

Caddo Oil Company, Inc., Attn: Mr. J. M. McMaster, P.O. Box 800, Shreveport, Louisiana 71162.
Merchants Nat'l Bank & Trust Co., Ex., D. P. Cagwin Trust Dept., 216 S. Warren St., Syracuse, New York 13201.
Callander & Kimbrel, Inc., Box C, Worthington, Ohio 43085.
Cameron Brothers Route 4, Airport Road Zanesville, Ohio 43701.
Henry Cameron, 2180 East Pike, Zanesville, Ohio 43701.
Henry Cameron & J. Donald Kincaid, 2180 East Pike, Zanesville, Ohio 43701.
John W. & Ross L. Campbell, Route 1, Glenford, Ohio 43739.
Wilson Canter, 1202 Kirklynn Avenue, Washington, D.C. 20012.
David L. Cantway.
Carlo Producing Co., 345 N. Market St. Wooster, Ohio 44691.
John M. Cassidy, 6500 Parkwood Road, Edina, Minnesota 55436.
Chief Petroleum, Inc., 4770 Indianola Avenue, Suite 141, Columbus, Ohio 43214.
H. H. Choguill Estate, R. N. Choguill, Executor, 2057 Fishinger Rd., Columbus, Ohio 43221.
Benjamin H. Christman, Agt., Route 4, Quaker City, Ohio 43773.
Charles E. Christman, Agt., Route 3, Woodsfield, Ohio 43793.
Dale L. Christman, Agt., Route 1, Lewisville, Ohio 43754.
Lee Christman, Route 4, Quaker City, Ohio 43773.
Nova A. Christman, 402 Eastern Avenue, Woodsfield, Ohio 43793.
Christman Oil Company, Box 275, Caldwell, Ohio 43724.
Thurman J. Christman, Route 1, Jerusalem, Ohio 43747.
Clarence E. Christy, Route 1, Graysville, Ohio 45734.
Ray C. Chute & Hugh E. Chute, Route 5, Box 846, Logan, Ohio 43138.
Circle O Petroleum Corp., % Jack Johnston, P.O. Box 765, Route 40 West, Cambridge, Ohio 43725.
John Clark, Agt., Route 4, Caldwell, Ohio 43724.
Beryl M. Claus, Agt., Route 1, Lewisville, Ohio 43754.
Clay County Production Co., Inc., P.O. Box 9077, Canton, Ohio 44709.
John Claypool, Chatam Rd., Route 3, Newark, Ohio 43055.
Craig Cleary, Route 1, Sarahsville, Ohio 43779.
Clinton Energy Producers, Inc., Box 169, 158 Water Street, Stonington, Conn. 06378.
Clinton Oil Company, Attn: Petroleum Dept., % Nat. Bank of Detroit, P.O. Box 116, Detroit, Michigan 48232.
Clinwell Oil and Gas, Inc., 3040 Riverside Drive, Columbus, Ohio 43221.
Earl G. Clymer, 7575 Charlin Parkway, Orlando, Florida 32807.
Earl or Ila Clymer, P.O. Box 22, Dexter City, Ohio 45727.
Willis J. & Ida B. Coblentz, Star Route, Millersburg, Ohio 44654.
Jack Z. Cole, % Haye & Co., P.O. Box 590, Spencer, W. Va. 25276.
Jack Z. Cole, 4647 Willis Avenue, Sherman Oaks, California 91403.
H. D. Collins, 304 Philtower Building, Tulsa, Oklahoma 74103.
Wilford O. & Gertrude Colopy, Route 2, Danville, Ohio 43014.
Cook Piper Gas Co., % Mr. William G. Cook, Cecilville, Ohio 45723.
Ralph I. & Betty D. Coolman, 9296 Hubbard Valley Rd. Seville, Ohio 44273.
Bruce A. & Beulah F. Comstock, 1745 E. 17th Avenue, Columbus, Ohio 43219.
Mary George & Florence Condry Exe., Route #7, Wooster, Ohio 44691.
Joseph Cosgriff, 4753 Avery Street, Detroit, Michigan 48208.
Cotton Petroleum Company, 2121 S. Columbia Avenue, Tulsa, Oklahoma 74114.
Cougar Development Ltd.—Ky. Drilling & Operating Corp., 1900 Nicholasville Rd., Lexington, Kentucky 40503.
Coulter Bros., P.O. Box 45, Vincent, Ohio 45784.
D. B. Coulter, 334 Muskingum Dr., Marietta, Ohio 45750.
Cove Development, 706 Monroe St., Stroudsburg, Pa. 18360.
Leeper Craig Oil & Gas Co., 209 E. State Street, Athens, Ohio 45701.
James Crisp, Sr. & Nellie Jarrell Crisp, Route 1, Langsville, Ohio 45741.
Walter T. & Mary V. Crum, Route #4, Caldwell, Ohio 43724.

V 40 N 210 OCT 30 75 XUM

Crusader Oil & Gas Co., % Hay & Company, Spencer, W. Va. 25276.
Crusader Oil & Gas Company, 5576 Elston Avenue, Chicago, Illinois 60630.
Cushing & Bradshaw Operating Co., % Raymond Moley, Jr. Agent, 13 West Grand, Berea, Ohio 44017.
Benjamin Czajka, 115 Park Ave., West, Mansfield, Ohio 44902.

D

D & S Drilling Corp., 2106 W. Royalton Road, Grafton, Ohio 44044.
Pearl Dailey, Route 1, Lowell, Ohio 45744.
Dal Ken Corporation, Box 353, Worthington, Ohio 43085.
Dalton & Hanna Co., % Lloyd Dalton, 345 N. Market Street, Wooster, Ohio 44691.
Dorcas Dalton, Agent, 435 W. Wayne Avenue, Wooster, Ohio 44691.
Virgil Davis, Agent, P.O. Box 133, Lowell, Ohio 45744.
Deck Pipe Company, 2702 Fourth National Bank Building, Tulsa, Oklahoma 74119.
Burris Decker, Agent, 103 Maple Avenue, Woodsfield, Ohio 43793.
Dee Ka Pipe Company, % Lloyd Dalton, 435 W. Wayne Avenue, Wooster, Ohio 44691.
Helen Demiter, Route 2, Wadsworth, Ohio 44281.
Frank M. Dever, Route #6, Cambridge, Ohio 43725.
Charles A. Devoe, Agent, 2404 22nd. Avenue West, Bradenton, Florida 33505.
Devonian Ohio Oil & Gas Co., % Mrs. E. A. Fieraugh, 416 Diamond Street, Ashland, Ohio 44805.
Mary F. Diehl, R. D. #4, Pomeroy, OHIO 45769.
Goldie M. Ditch, Guardian of Charles M. Ditch, Apt. 42–D, 3225 E. Riverside Drive, Fort Myers, Florida 33901.
Ditch & Hanna Co., 345 N. Market Street, Wooster, Ohio 44691.
Kenneth E. Dixon, 725 Stony Hill Road, Hinckley, Ohio 44233.
Greyhound Leasing & Financial Corp., % Elmer Doege, Escrow, Agent, First National Bank, 101 Central Plaza Square, Canton, Ohio 44702.
Harold Donaker & Leiton Nelson, Route 3, Frazeysburg, Ohio 43822.
Central National Bank—Disbursing Agent, Donoco, Inc., Drawer 220, Cambridge, Ohio 43725.
Donald D. Doty, Route 1, Glemont, Ohio 44628.
A. M. Doudna, Agent, % First National Bank, Barnesville, Ohio.
James S. Downing, 2412 Terminal Tower, Cleveland, Ohio 44113.
Brice E. Dreher, R. F. D. 3, Coshocton, Ohio.
Harley Drumm, Route 1, Senecaville, Ohio 43780.
T. E. Drum, Woodsfield, Ohio 43793.
First National Bank in St. Marys, For Duchess Gas Co., St. Marys, W. Va. 26170.
Dugan & Erlywine Oil Company, 17 Wyoming Street, Newark, Ohio 43055.
Selma S. Dunbarger, Route 2, Lowell, Ohio 45744.
S. W. Duvall, Route 1, Box 153 H, Zanesville, Ohio 43701.
Ean, Inc., 1340 Bennington, Pittsburgh, Pennsylvania 15217.
Dwight O. Earlywine, Route 1, Walhonding, Ohio 43843.
Eastern Operating Company, c/o Hays & Company, Inc., P.O. Box 590, Spencer, West Virginia 25276.
Eastern Operating Company, Route 2 (County Road 98) Cambridge, Ohio 43725.
Eastern & Pacific Gas Company, Box 746, Fox Pavilion, Jenkintown, Pennsylvania 19046.
Eaststates Gas Producing Company, 1105 Granville Road, Newark, Ohio 43055.
Clarence S. & Emma B. Ebersole, Box 296, Route 1, Mount Joy, Pennsylvania 17552.
E J H, Inc., c/o Savage Zito Omalley Attorneys, Suite 1320, 75 Public Square, Cleveland, Ohio 44113.
Elkhead Gas & Oil Company, 5900 Roche Drive, Suite 486, Columbus, Ohio 43229.
W. E. Engle, Box S, McArthur, Ohio 45651.
Enney Oilfield Rental Company, c/o Elmer Doege ESC. Agent, First National Bank, 101 Central Plaza Square, Canton, Ohio 44702.
4–B Enterprises, 231–B North 14th Street, Newark, Ohio 43055.
Erie Oil & Gas Company, P.O. Box 449, 714 West Michigan Avenue, Jackson, Michigan 49204.
R. C. Ernst, Box 127, Evans City, Pennsylvania 16033.
Exploration Development, Inc., 744 Free Press Building, Detroit, Michigan 48226.
Robert W. & James G. Ewing, Agents, Route 1, Burbank, Ohio 44214.

F

Fairfield Drilling Company, Agent, c/o Clayton Chilcote, 69 Rainbow Drive NE., Lancaster, Ohio 43130.
Mrs. R. Paul Farmer, 718 Grove Avenue, Newark, Ohio 43055.
Glenn C. Fauss, Route 2, Seville, Ohio 44273.
Fayette Drilling Company, 25 North Hillsdale Street, Hillsdale, Michigan 49242.
Woodrow Ferrel, Route 1, Chesterhill, Ohio 43728.
Bert Fields, Jr., Agent, 11835 Preston Road, Dallas, Texas 75230.
First National Bank of Cicero Age, Arnold Well No. 1, Cicero, Illinois.
Ruth M. Fisher and Grace R. Harden, c/o Grace R. Harden, Route 5, Box 860, Logan, Ohio 43138.
Frank V. Flaugher, Route 5, Mansfield, Ohio 44903.
Frank Fleeman, Agent, Route 1, Lower Salem, Ohio 45745.
Robert Fleeman, Route 1, Whipple, Ohio 45788.
Robert J. Florence, Route 1, Lowell, Ohio 45744.
Charles D. Fogle Trust, c/o Peoples Banking & Trust Company, Marietta, Ohio 45750.
Franklin Gas & Oil Company, Inc., P.O. Box 524, Wooster, Ohio 44691.
Franklin Oil Company, Inc., 6220 Gaston Avenue, Lakewood Tower, Dallas, Texas 75214.
Frontier Oil & Gas Corporation, Route 1, Seville, Ohio 44273.
Robert H. Fulmer, 302 Chestnut Street, Marietta, Ohio 45750.
Clayton Fulton & Beatrice Fulton, Road No. 1, Seville, Ohio 44273.
Gene G. Fution & Grace I. Fulton, 8701 Hubbard Valley Road, Road No. 1, Seville, Ohio 44273.
Peters Fund, c/o Robert S. Peters, 102 West Main Street, Barnesville, Ohio 43713.
Ady and Jenewein Fussell, 598 Highland Avenue, Cambridge, Ohio 43725.

G

Park National Bank Attn.: R. Oberfie, Credit Account, GBS Management Corporation, 50 North Third Street, Newark, Ohio 43055.
George Gainer-Hays & Company, Box 590, Spencer, West Virginia 25276.
M. Galvin, % Peoples Bank, Nelsonville, Ohio.
Samuel S. Garfield, Box 96, Clare, Michigan 48617.
D. F. Garner, P.O. Box 2009, Zanesville, Ohio 43701.
Joseph & Nina Gasser, Route 1, Sterling, Ohio 44276.
O. T. Gatten, Box 172, Route 2, Lewisville, Ohio 43754.
William E. Gerber, Whipple, Ohio 45788.
George M. Gernhardt, 205 North Diamond Street, Mansfield, Ohio 44902.
Earl R. & Margaret L. Geshwilm, 466 Marks Road, Brunswick, Ohio 44212.
R. William Geyer, Belle Drive, Norwich, Ohio 43767.
Daniel J. Gingerich, Route 5, Box 128A, Millersburg, Ohio 44654.
William A. Glass, % Twinem McLeish & Bowman, 21 South First Street, Newark, Ohio 43055.
Glencliff Oil Company, % Rambeau Accounting Service, 104 South Lincoln Avenue, Bridgeport, Ohio 43912.
Marion Goddard, 726 Hugh Wallis Road, Lafayette, Louisiana 70501.
Delbert Golf Estate, % James F. Shumaker, Administrator, Nelsonville, Ohio 45764.
Aloysius Golabek, 20 Rushby Way, Yonkers, New York 10701.
Goodfellows, Inc., P.O. Box 6357, Charlestown, West Virginia 25302.
Roy G. Gordon, Jr., 1383 Frederick Street, Lancaster, Ohio 43130.
Gossett Oil Company, P.O. Box 3266, Longview, Texas 75601.
Cleo C. Graber & Ruby Petrie, 110 Seventeenth Street, Ashland, Kentucky 41101.
Brown, Graham & Glover, Agents, 132 East Third Street, Hereford, Texas 79045.
E. R. Gregg, Secretary, 2027 Marion Avenue, Zanesville, Ohio 43701.
Green Gas Company, P.O. Box 845, Wooster, Ohio 44691.
H. B. Greiner, Route 1, Guysville, Ohio 45735.
Greyhound Leasing & Financial Corporation, % Elmer Doege, ESC., Agent, First National Bank, 101 Central Plaza Square, Canton, Ohio 44702.
Paul Grim, Route 3, Logan, Ohio 43138.
Grim Brothers, C17 310 West Union Street, Athens, Ohio 45701.
R. O. Grim, Box 503, Springville, California 93265.
Groves Ridge Gas Syndicate, % Eugene B. Ward, Quaker City, Ohio 43773.
Guernsey Petroleum Corporation, 633 Antone Street NW., Atlanta, Georgia 30318.

H

H L M Company, % Charles McDonald, Box 176, Utica, Ohio 43080.
H & M. Oil Company, P.O. Box 66, Lewisville, Ohio 43754.
H Y M G Oil Company, Route #2, Millersburg, Ohio 44654.
Nelle N. Halbirt, Route 4, Athens, Ohio 45701.
Hall & Henning, 225 Putnam St., Marietta, Ohio 45750.
M. A. Hall, Reedsville, Ohio 45772.
Hallwell, Inc., 22154 W. Nine Mile Rd., Southfield, Michigan 48075.
Wm. Paul Hambleton, Agt., Box 522, Hartville, Ohio 44632.
Ralph H. Hamblin, 846 Richland Terrace, Marion, Ohio 43302.
Ralph H. Hamblin or Charles Acitelli, % Ralph H. Hamblin, 846 Richland Terrace, Marion, Ohio 43302.
Leonard O. Hamilton & Luther H. Hun, Dart, Ohio 45725.
E. E. Hamm, P.O. Box 283, Lodi, Ohio 44254.
George L. Hammer, Box 338, Route 3, Ashland, Ohio 44805.
Denver Hamrick, 1307 Stearns Drive, Brunswick, Ohio 44212.
Dalton & Hanna Co., % Loyd Dalton, 345 N. Market St., Wooster, Ohio 44691.
Harris Brothers, Chestehill, Ohio 43728.
Harris Engineering Co., 16908 Park Hill, Dallas, Texas 75240.
Harris Oil, Inc., Suite 106, 3603 Lemmon Avenue, Dallas, Texas 75219.
Frank Harrison, 104 N. Seventh St., McConnelsville, Ohio 43756.
Hart Gas Company, Mervin C. Nalley, Agent, 305 S. Sycamore Street, Woodsfield, Ohio 43793.
E. E. Atha, Trustee, % Hartman Oil & Gas Co., 418 Avery St., Parkersburg, W. Va. 26101.

Harlan F. Hartshorn, Agent, 3796 Highland Ave., Shadyside, Ohio 43947.
John, Jr. & Joan L. Hartzler, Route 1, Sterling, Ohio 44276.
Robert F. & Ramona Hawk, Hemlock Grove, Ohio 45738.
George R. Hawkins, Route 1, Whipple, Ohio 45788.
Hays & Company, Agent, P.O. Box 590, Spencer, West Virginia 25276.
Rogers W. Hays, Agent, P.O. Box 220, Matton, Illinois 61938.
R. O. Hearn & Donald Creighton, New Matamoras, Ohio 45767.
Kenneth Barnett & Roy R. Hedrleston, Route 3, New Matamoras, Ohio 45767.
Albert Heilman, Route 4, Pomeroy, Ohio 45769.
David M. Heinz, % Glen R. Remsworth, 666 N. Wood Street, Logan, Ohio 43138.
Pearl Heldman Agent, % Ralph W. Hendershot, Dart, Ohio 45725.
Frances M. Helmick, 3778 Cleveland Road, Wooster, Ohio 44691.
Mrs. Frances R. Hensley, Route 3, Coshocton, Ohio 43812.
Hercher Oil Company, % Ralph Hercher, Sycamore Valley, Ohio 43789.
Joseph R. Herlan, Route 1, Newport, Ohio 45768.
Dan S. Hershberger and/or Mike O. Yoder, Route #5, Millersburg, Ohio 44654.
Dale E. & Allen R. Hess, Route 1, Sterling, Ohio 44276.
R. J. Hickin, Agent, Route 2, Seville, Ohio 44273.
William F. Hill, P.O. Box 341, Killbuck, Ohio 44637.
Marvin Hilty, 306 W. High Street, Mt. Gilead, Ohio 43338.
Robert Hilverding et al., Box 46, Stafford, Ohio 43786.
Leonard Hines, 128 Maple Avenue, Woodsfield, Ohio 43793.
Hi-Ridge Producing Company, 1775 E. 45th Street, Cleveland, Ohio 44102.
David L. Hite, Receiver, 26–28 S. Main Street, Utica, Ohio 43080.
Virgil Hixson, 45 Spruce Street, Gallipolis, Ohio 45631.
C. W. Hoback Estate, % Dixie Smith, Exectrx, Route 1, Box 30, Portland, Ohio 45770.
Cora B. Hoey, Executrix, Estate of W. M. Hoey, 1788 Reddington Road, Newark, Ohio 43055.
Barton A. Holl, Agent, % Logan Clay Producing Company, P.O. Box 698, Logan, Ohio 43138.
Holmes Oil & Gas, % R. P. Hipp, North Clay, Millersburg, Ohio 44654.
Harry A. Holtom, 4998 Smokestalk Lane, Westerville, Ohio 43081.
Jenny Holzer, 19 E. Carpenter Street, Athens, Ohio 45701.
Homar Oil & Gas Company, % John S. Patterson, Trustee, P.O. Box 5, Chesterhill, Ohio 43728.
Hoosier Oil Company, P.O. Box 51, Key West, Florida 33040.
Francis R. & Helen S. Hothem, Route 2, Fresno, Ohio 43824.
Glenn D. Hottel, Route 1, West Salem, Ohio 44287.
Okey Householder, % Householders Inc., 1112 E. Main Street, Lancaster, Ohio 43130.
Mark E. Houston, Route 2, Mansfield, Ohio 44903.
Huffman Bowers Inc., P.O. Box 13, New Lexington, Ohio 43764.
Ruby E. Hunter, Clark, Ohio 43810.
Hunting Oil Company Inc., 1106 Granville Road, Newark, Ohio 43055.
Glen & Floyd Huntsman et al., Route 1, Barnesville, Ohio 43713.
Huntsman Brothers, Route 1, Barnesville, Ohio 43713.
R. H. Hutcheson, d.b.a. Energy Services, P.O. Box 9160, Canton, Ohio 44711.

I

Harry J. Iles & L.S. Mikesell, Jr., % Harry J. Iles, Box 155–219 E. Main Street, St. Clairsville, Ohio 43950.
The Independent Machine Co., Inc., 601–607 Munroe Falls Avenue, P.O. Box 271, Cuyahoga Falls, Ohio 44222.
Inland States Gas, 10 East Vine Street, Mt. Vernon, Ohio 43050.
Irvin Producing Co., c/o C. Frank Irvin, Agent, Room 405, Masonic Temple, Zanesville, Ohio 43701.

J

J. & J. Wells Company, Route 2, Seville, Ohio 44273.
J & J Oil & Gas Venture, 810 Lombard Street, Philadelphia, Pa. 19147.
Jadoil, Inc., Box 388, Grandville, Ohio 43022
Jaguar Developments, 1900 Nicholasville Road, Lexington, Kentucky 40503.
James Drilling Corporation, Agent For Werner Hylan Corp., P.O. Box 337, Blairsville, Pa. 15717.
Jebb, Inc., % James R. Burchfield, Attorney, 1313 E. Broad Street, Columbus, Ohio 43205.
John B. & Joan T. Jenkins, 304 Main Street, Caldwell, Ohio 43724.
Franklin Jobes, St. Louisville, Ohio 43071.
Carl Fouts, Sr., Attorney in Fact, For Johnson Run Oil, % Route 1, Gloucester, Ohio 45732.
Howard A. Johnson, 503 Berea Street, St. Louis, Michigan 48880.
Johnston Petroleum Corp., P.O. Box 765, Route 40 West, Cambridge, Ohio 43725.
Robert D. & Rosalie Johnston, Route 1, Creston, Ohio 44217.

K

K S T Oil and Gas Co., Inc., 34 South Frank Boulevard, Akron, Ohio 44313.
Kalem Oil & Gas Co., % Howard Edgar, Newport, Ohio 45768.
Sallie Mae Kanouff Estate, % Savings & Trust Co., of Indiana, Box 190, Indiana, Pa. 15701.
A. J. Karson, 4776 Nettleton Road, Medina, Ohio 44256.
Stephen A. and Ella Keim, Box 56, Route 1, Dundee, Ohio 44624.
Gerald Kendall, Agent, Route 3, New Matamoras, Ohio 45767.
Kenohio Corporation, P.O. Drawer E, Wooster, Ohio 44691.
Kenoil, % Ken Miller, Route 2, Box 6, Shreve, Ohio 44676.
Kentucky Drilling & Operating Corp., d.b.a. Cougar Developments, 1900 Nicholasville Road, Lexington, Kentucky 40503.
Michael E. Kessler, Estate, % Garnet M. Kessler, Administratix, 229 W. Main St., Apt. A, Logan, Ohio 43138.
Key Resources, Inc., 3450 West Central Avenue, Toledo, Ohio 43606.
Keystone Gas Company, Mellon National Bank & Trust Bldg., Canonsburg, Pa. 15317.
Kidd & McKee Drilling, Inc., 1594 N. 21st Street, Newark, Ohio 43055.
Forrest Kidd, Agent, Post Office Box 82, Bladensburg, Ohio 43005.
King Drilling Company, 3914 Miami Road, Cincinnati, Ohio 45227.
Howard E. Kline, Agent, Route 4, Ashland, Ohio 44805.
Walter H. & Alice E. Klinger, Route 1, Waterford, Ohio 45786.
Herbert A. Koontz, St. Louisville, Ohio 43071.
Clair T. & Neva J. Koval, 3707 Guilford Road, Seville, Ohio 44273.
Herbert T. Kozak, 525 Putnam Avenue, Zanesville, Ohio 43701.
S. C. Kramer, Escrow Account, 810 Peoples Bank Bldg., Canton, Ohio 44702.
Ralph R. & Anna Kreider, Route 1, Seville, Ohio 44273.
Thoburn, S. & Myrtle E. Krofit, Route 1, Mt. Perry, Ohio 43760.
W. H. & E. M. Krueger, 9366 State Road, North Royalton, Ohio 44133.

L

L & B Gas Syndicate, Dallas Law, Secy & Treas, Rt. 1, Senecaville, Ohio.
L. & M. Gas Company, P.O. Box 9077, Canton, Ohio 44711.
Robert A. & Eileen K. LaFollette, Route 1, Box 161, Lewisville, Ohio 43754.
Waldo F. Landis, Route 5, Wooster, Ohio 44691.
John F. Lang, Route 1, Waterford, Ohio 45786.
Laverde Oil Co., 6416 North Ridgeway, Chicago, Illinois.
Ted B. Law, Agent, P.O. Box 478, Alderson, W. Va. 24910.
Lawson Oil & Gas, Route 4, Athens, Ohio 45701.
Lloyd W. Leeseburg, Agent, 2725 Gibson Drive, Rocky River, Ohio 44116.
Doris M. Lehman, Junction City, Ohio 43748.
Paul Lengacher, Route 1, Box 170, Creston, Ohio 44217.
Lenhart & Bennett, Inc., 901 Mayo Building, Tulsa, Oklahoma 74103.
Julius F. Lenz/Receiver For Alley Willey, 227 Hudson Avenue, Newark, Ohio 43055.
Kenneth Levea, 35 Cottage Street, Newark, Ohio 43055.
Charles and Margaret Lewis, Route 1, Middleport, Ohio 45760.
Liberty Petroleum Corporation, 2582 Broadway, Toledo, Ohio 43609.
Paul L. Liberty, 1113 Broadway, Toledo, Ohio 43609.
Charles O. Lighthizer, % Romei and Duniap, 40 N. Second Street, Newark, Ohio 43055.
Lincoln Oil Well Service Co., 7260 West Ogden Avenue, Riverside, Illinois 60546.
J. M. Loffland, Jr., 261 Rowan Bldg., 600 Camp Bowie Boulevard, Fort Worth, Texas 76116.
Long Run Oil & Gas Co., % Charles Kidd, 1594 N. 21st Street, Newark, Ohio 43055.
Mrs. Carrie Long, R.F.D., Cheaspeake, Ohio.
Ruth V. Luburgh, Route 4, Zanesville, Ohio 43701.
Cleo Ludwig Oil Properties, P.O. Box 467, Marion, Ohio 43302.
R. H. Lumbatis, Lewisville, Ohio 43754.
Lunar Oil Co., Inc., P.O. Box 3894, Indialantic, Florida 32903.
W. J. Lydic Company, 411 Woodlawn Avenue, Zanesville, Ohio 43701.
Lydic Oil & Gas Producing Co., P.O. Box 1004, Akron, Ohio 44309.
Lynch Oil & Gas Co., P.O. Box 31, Lowell, Ohio 45744.
John W. Lynch, Route #1, St. Louisville, Ohio 43071.
Lynn Oil & Gas Company, 17 South First Street, Newark, Ohio 43055.
John B. Lytle III, Box 260, Fredericksburg, Ohio 44627.

M

McCandlish Bros., Inc., P.O. Box 126, Bremen, Ohio 43107.
Edgar W. McCauley—Reliance Management Company, 1627 Bryn Maur Drive, Newark, Ohio 43055.
George B. McClellan, 296 W. Main Street, Byesville, Ohio 43723.
Richard C. & Alma M. McDougall, 3340 Easton Road, Norton, Ohio 44203.
Jerome P. McHugh, Suite 412, 180 Cook Street, Denver, Colorado 80206.
David E. & Nancy J. McIlvaine and Milton L. Leohr, P.O. Box 2222, Creston, Ohio 44217.
Ed McIntosh, Route #7, Mt. Pleasant, Mt. 48858.
Donald McKee, 1594 N. 21st Street, Newark, Ohio 43055.
Robert N. McKibben, Route 4, Athens, Ohio 45701.
Ray E. & Katherine V. McMains, Route 1, Fleming, Ohio 45729.
E. C. McManawah, 831 Sandusky Street, Ashland, Ohio 44805.
Edith S. McTaggart, Vincent, Ohio 45784.

V 40 N 210 OCT 30 75 XUM

Management Control Corporation, P.O. Box 916, East Liverpool, Ohio 43920.
First National Bank of Mansfield, A/C E. M. & J. Myers, Jr., 42–44 N. Main Street, Mansfield, Ohio 44902.
Mansfield Drilling Company, Inc., 2631 Crider Road, P.O. Box 2018, Mansfield, Ohio 44905.
First Natl. Bank in Marietta, H. F. McTaggart Acct. 4, Marietta, Ohio 45750.
Marietta Petroleum, Inc., P.O. Box 10, Berea, Ohio 44107.
Mar-Ann Gas Company, % Delmer Morgenstern, Box 70, Whipple, Ohio 45788.
Marion Energy, P.O. Box 453, Marion, Ohio 43302.
Harvey A. Markley, Route 2, Wadsworth, Ohio 44281.
Mask Oil Company, J.O. Box 895, Friona, Texas 79035.
Monroe Marks, 830–20th Street, Boulder, Colorado 80302.
H. L. Martin, 2800 Mustang Drive, Grapevine, Texas 76051.
John C. Mason, Route 2, Millersburg, Ohio 44654.
Roy L. Mason, Route 2, Box 309, Swanton, Ohio 43558.
M. B. Operating Co., Inc., 205 Central Plaza So. Canton, Ohio 44702.
M C P Oil Company, Route 1, Dellroy, Ohio 44620.
Meridian Oil & Gas Enterprises, P.O. Box 337, Blairsville, Pa. 15717.
M. & L. Drilling Co., P.O. Box 176, Utica, Ohio 43080.
Christ A. & Orrie Mast, Route 5, Millersburg, Ohio 44654.
Marjorie B. Mathews c/o Beasley & Mathews, 19 E. Carpenter Street, Athens, Ohio 45701.
Marie A. Mayberry, P.O. Box 12, Salesville, Ohio 43778.
Meigs Developing Co., P.O. Box 6357, Charleston, WV 25302.
Ralph S. Mickley, Paul A. Mickley, Danville, Ohio.
Ralph S. Mickley, Route 2, Danville, Ohio 43014.
Mid Atlantic Oil Company, 149 Westwood Drive, Hillsdale, Michigan 49242.
Midwest Exploration, Inc., P.O. Box 562, Elmhurst, Illinois 60126.
The Midwest Oil and Gas Company, 250 E. Broad Street, Suite 908, Columbus, Ohio 43215.
Joseph J. Mihelic, Box 855, Flint, Michigan 48501.
Robert E. Milani, 780 Damon Street, Akron, Ohio 44310.
Abe J. & Anna Miller/Eli A. & Barbara Miller, Route 5, Box 140, Millersburg, Ohio 44654.
James M. Miller, Agent, Box 425, Olney, Illinois.
Robert Miller, 6000 Beth Avenue, S.W., Canton, Ohio 44706.
Benjamin H. Mills, 4566 Walburn Road, Columbus, Ohio 43227.
Minacc Inc., 9750 Pinto Court, Cincinnati, Ohio 45242.
Mineral Leasing, Inc., % George Cavagnard, 1570 Madruga Avenue, Coral Gables, Florida 33146.
Estell Mink, Route 1, Gallipolis, Ohio 45631.
Frank N. Miracle, Sterling Drive, Route 1, Marietta, Ohio 45750.
M. & L. Drilling Company, Box 176, Utica, Ohio 43080.
Mobreal Oil Inc., 3410 Silverside Road, Wilmington, Delaware 19810.
Monark Oil & Gas Co., Inc., 5019 North High Street, Columbus, Ohio 43214.
Monroe Oil & Gas Co., % Hazel G. Edwards, 210 Spring Street. Marietta. Ohio 45750
C. E. Moore, R.D. 8, Marietta, Ohio.
Monroefield Oil & Gas Co., % Lawrence Kahrig, Route 1, Lewisville, Ohio 43754.
Morco Distribution Co. AGTS % Coy & Iannelli 15918 W. McNichols, Detroit, Michigan 48235.
Morgan Oil & Gas Company, 79 East State Street, Columbus, Ohio 43215.
John Morgan, Quaker City, Ohio 43773.
Mormack Industries, Inc. % C. T. Mortensen Atty., P.O. Box 101, Orrville, Ohio 44667.
Jerry Moore, Inc., Suite 536, Citizens Savings Building, Canton, Ohio 44702.
Lewis & Alverna Moore, Route 2, Fresno, Ohio 43824.
Allene M. Mortensen Executrix, Estate of C. T. Mortensen Route 1, Box 199, Dalton, Ohio 44618.
Delcemore & Marcia L. Morris, 5720 Beach Road, Route 2, Medina, Ohio 44256.
Donald Morris, P.O. Box 84, Macksburg, Ohio 45746.
Mumma Oil and Gas Company, 1207 Zorba Drive #9, Whitehall, Pa. 18052.
B. R. & Hester Murray, Route 1, Lowell, Ohio 45744.
Webster Myers, 1614 7th Avenue, Huntington, W. Va. 25703.
N & B Gas Syndicate, % Kyle Day, 707 Harcourt Road, Mount Vernon, Ohio 43050.
National Bank of Detroit and Mary Gordon, Attention: Mr. Terry A. Bethel, 100 East Broad Street, Columbus, Ohio 43215.
National Bank of Detroit, Petroleum Department, For The Act of RMS Investments, Box 116, Detroit, Michigan 48232.
National Treasure Mines Company, 525 Atlas Building, Salt Lake City, Utah 84120.
Delbert & Janette Neighbarger, Route 2, Mount Vernon, Ohio 43050.
Neston Petroleum, Inc. 1207 Zorba Drive #9, Whitehall, Pennsylvania 18052
Brice Neville & Naomi Neville, Route 2, Warsaw, Ohio 43844.
Floyd & Alma Newcomer, Route 1, Seville, Ohio 44273.
New Gilford Gas Transmission Company, % Freman T. Eagleson, Jr., 360 South Third Street, Room 310, Columbus, Ohio 43215.
Paul E. Newhart, 830 Glendale Road, Marietta, Ohio 45750.
Jud Noble & Associates, Suite 151, 4770 Indianola Avenue, Columbus, Ohio 43214.
James P. Noll, Route 1, Somerset, Ohio 43783.
John R. Noon, 802 West Street, Caldwell, Ohio 43724.
North Star Oil & Gas Company, Attention: Glenn Rish, Treasurer, P.O. Box 143, Barberton, Ohio 44203.
North East Natural Gas Company, Inc., Trust Account Suite 655, 110 Central Plaza Square, Canton, Ohio 44702.
Caroline & Mary Obermiller, 150 Myers Street, Creston, Ohio.
Ed Obermiller, P.O. Box 2397, North Canton, Ohio 44720.
Ohio Natural Gas, % Robert Clements, 100 Street Ann Building, Owensboro, Kentucky.
Ohio Production Corporation, The American Road, Dearborn, Michigan 48121.
Ohio Valley National Bank, Box 5188, Vienna, West Virginia 26101.
Ohio West Virginia Oil & Gas Company, Jackson Building, 8222 Perry Highway, Pittsburgh, Pennsylvania 15237.
Oil & Gas Company, Route 2, Zanesville, Ohio 43701.
Rory H. & Diane K. O'Neil, 7171 Greenwich Road, Seville, Ohio 44273.
Orange Coal Company, Inc., P.O. Box 100, Dexter City, Ohio 45727.
F. C. Taylor & George Warner, d.b.a., Orbit Gas & Oil Company, P.O. Box 323, Rutland, Ohio 45775.
The Oxford Oil Company, P.O. Box 2909, Zanesville, Ohio 43701.
Ohio Gas And Oil, Inc., 1473 South Eleventh Street East, Salt Lake City, Utah 84105.

P

Pa.—Tex Oil and Gas, Inc., 1301 Main Tower, 1200 Main Street, Dallas, Texas 75202.
P & G Company, P.O. Box 2009, Zanesville, Ohio 43701.
Palmer Metals Company, 104 Prentiss St., Munroe Falls, Ohio 44262.
Dennis W. & Elizabeth S. Palmquist, 1100 National City Bank Building, Cleveland, Ohio 44114.
Panic Oil Company, % Donald Creighton, New Matamoras, Ohio 45767.
Park National Bank Credit Acct. # 5, Newark, Ohio 43055.
C. M. Parker Estate, % Edward T. Lombardo Administrator, 850 South Third St., Columbus, Ohio 43206.
Patrick Petroleum Corporation, 901 Nelson Building, Charleston, West Virginia 25301.
W. H. Patten Drilling Company, P.O. Box 10, Route #1, Millersburg, Ohio 44654.
Mr. Roger Pattison, Route #2, New Concord, Ohio 43762.
F. S. Paulus, Agt., Route #3, Woodsfield, Ohio 43793.
Paw Paw Oil & Gas Company, Route 1, % Floyd R. Fleeman, Whipple, Ohio 45788.
Clarence W. Payne, Agent, R.D. #1, Whipple, Ohio 45788.
Daniel A. & Everett R. Pearcy, Guysville, Ohio 45735.
PEMCO Gas, Inc., 3829 Willow Avenue, Pittsburgh, Pa. 15234.
R. H. Penick, 1504 Blue Jay Rd., Newark, Ohio 43055.
The Peoples Savings Bank, New Matamoras, Ohio 45767.
Sidney D. Perkins, P.O. Box 147, Mt. Vernon, Ohio 43050.
Perrault Giant Geo Venture, 310 Philtower Building, Tulsa, Oklahoma 74103.
Perry Development Co., 1105 Granville Rd., Newark, Ohio 43055.
Russell J. Petrie, Box 215, Route 3, Proctorville, Ohio 45669.
Petroc Company, 19030 Lake Road, Rocky River, Ohio 44116.
P. E. Petroleum, Inc., 1401 Newbridge Road, North Billmore, New York 11710.
L. Pfleger & D. F. Garner, P.O. Box 2009, Zanesville, Ohio 43701.
W. H. Pickens, 1074 West Main Street, Newark, Ohio 43055.
Pims Oil Company, Inc., P.O. Box 121, Marietta, Ohio 45750.
Pominex—BPG INcome Account, % National Bank of Tulsa, P.O. Box 2300, Tulsa, Oklahoma 74102.
Ponderosa Oil Company, 405 West Liberty Street, Wooster, Ohio 44691.
Ira D. Porter, Box 8292, Route 2, Seville, Ohio 44273.
Leonard E. Porter, 8146 Westfield Road, Seville, Ohio 44273.
Poston Operating Co., Inc., P.O. Box 111, Ashley, Ohio 43003.
Carl M. Poston, P.O. Box 111, Ashley, Ohio 43003.
Hattie E. Powell, RFD, Racine, Ohio 45771.
Prior Oil Company, % James N. Wright Agt., P.O. Box 1486, Parkersburg, W. Va. 26101.
Roy Proffitt, Box 128, Racine, Ohio 45771.
Pure Grit Oil & Gas Co., % E. B. Townsend III, Dime Saving Bldg., Marietta, Ohio 45750.
D. Ray or Margaret Purkey, Route 1, Brick Plant Rd., Somerset, Ohio 43783.
William H. Putnam, % The Tri County Bank, Coolville, Ohio 45723.
Quaker State Oil Refining Corp., P.O. Box 1327, Parkersburg, W. Va. 26101.

R

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R. E. Ramser, Jr., Route 2, Box 46, Jelloway Pl., Danville, Ohio 43014.
Fulton or Edna Ramsey, Route 1, Jacobsburg, Ohio.

Reading Gas Company, P.O. Box 271, Wooster, Ohio 44691.
William M. & Kenneth E. Reed, Box 118, Burbank, Ohio 44214.
Refiners Petroleum Corporation, First National Bank Bldg., One East First Street, Reno, Nevada 89501.
Reliance Management Company, 1627 Bryn Mawr Drive, Newark, Ohio 43055.
Reliance Oil Corporation, P.O. Box 1014, Charlottesville, Virginia 22902.
Remoc Oil & Gas Co., % H. H. Hall, Route 1, Marietta, Ohio 45750.
Resource Exploration Inc., 1600 Fairfield Avenue, Suite 400, Shreveport, Louisiana 71101.
Rialto Resources, Inc., 2970 Osbun Road, Marion, Ohio 43302.
Rich Gas Company, % Hazel Rich, Sarahsville, Ohio 43779.
Richmond Drilling Company, 1st National Bank Bldg., P.O. Box 1547, Midland, Texas 79701.
C. E. Ridenour, Agent, 9 Lamer Drive, Athens, Ohio 45701.
Ridge Oil Co., P.O. Box 517, Cambridge, Ohio 43725.
James Ridgway, P.O. Box 317, Danville, Ohio 43014.
R. W. Riggs, R.D. 3, New Matamoras, Ohio.
Rittman Savings Bank, Agent, Robert J. Hickin Well, Rittman, Ohio.
John C. Robbins, P.O. Box 128, Longview, Texas 75601.
Roberson Williams Oil Corporation, 40 N. Second Street, Newark, Ohio 43055.
Eula H. Robinson, Route 2, Box 98, Lewisville, Ohio 43754.
George & Verna Rohrer, Route 2, Wadsworth, Ohio 44281.
N. F. Rohrkaste, Trustee, 605 Gateway Two, Pittsburg, Pa. 15222.
Julius Romei, c/o Romei & Dunlap, 40 N. Second Street, Newark, Ohio 43055.
Rouse Oil & Gas Co., c/o Howard Edgar, Newport, Ohio 45768.
Earl Rouse, Newport, Ohio.
George W. Roush, 503 Second National Building, Akron, Ohio 44308.
Rowill, Inc., 300 N. Monroe Street, Marksville, Louisiana 71351.
Rowley & Brown Petroleum Corporation, 1380 Dublin Road, Suite 206, Columbus, Ohio 43215.
Royalton Oil & Gas Co., 5086 Grafton Road, Brunswick, Ohio 44212.
Robert H. Rummer, Route 2, Lowell, Ohio 45744.

S

S D X Corporation, 706 Monroe Street, Stroudsburg, Pennsylvania 18630.
S & M Oil & Gas Company, % Glen Sturn, 225 Walnut Street, Bremen, Ohio.
Salem Gas Company, % A. C. Radford, Agent, Box 8, Winfield, West Virginia.
Sanyo Investment Company, 5152 Gloria Avenue, Encino, California 91316.
M. A. Sartarius & John Conover, 6139 Valley Park, Toledo, Ohio 43623.
Savannah Pipe Line, 1610–B Northwest Court, Columbus, Ohio 43212.
Charles E. & Clara L. Sayre, Route 4, Pomeroy, Ohio 45769.
Herbert J. Schaefer, 1868 Station Road, Valley City, Ohio 44280.
Fred C. Schafer, Route 1, Senecaville, Ohio 43780.
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Chris Schmeizer, 214 Purvis Avenue, Bremen, Ohio 43107.
Mark Schmeizer, Route 1, Box 167, Bremen, Ohio 43107.
Ray Schmidt, Route 2, Lowell, Ohio 45744.
Willard Schneider & John Schneider, Route 3, New Matamoras, Ohio 45767.
W. E. Schrock, P.O. Box 143, Berlin, Ohio 44610.
Mrs. Lura Scites, Agent, West Hamlin, West Virginia 25571.
H. W. Scott, 206 Eastmoor Blvd., Columbus, Ohio 43209.
Norman Sehlinger, R.D. 1, New Concord, Ohio 43762.
The Seneca Gas Company, % Mrs. Melba J. Greene, Secretary, 1901 Bellview Road, Cambridge, Ohio 43725.
Sentinel Resources Corporation, 140 Central Building, Midland, Texas 79701.
Berman J. Shafer, Attorney in Fact, % Wayne County National Bank, Wooster, Ohio 44691.
David Shafer Oil Producers Inc., Box 582, Wooster, Ohio 44691.
Harold Shafer, Stafford, Ohio 43786.
James L. & Shirley M. Shafer, Route 2, Lewisville, Ohio 43754.
W. L. Shaffer, Jr., 1811 Calhoun, Chillicothe, Missouri.
Shakespeare Oil Inc., P.O. Box 669, Salem, Illinois 62881.
Charles W. Shane, Route 1, Sterling, Ohio 44276.
Shay Oil Company, Petroleum Building, 565 Turner Boulevard, Omaha, Nebraska 68105.
Shelter Funds, Inc., 6230 Busch Blvd., Suite 330, Columbus, Ohio 43229.
Shenandoah Oil Corporation, 1500 Commerce Building, Fort Worth, Texas 76102.
Frank Shepard, Jr. & William J. Miller, 349 Stouffer Road, Akron, Ohio 44313.
Glenn L. & Mary A. Shepherd, Route 1, Norwich, Ohio 43767.
Sheridan & Hogue, % E. P. Sheridan, Jr., Agent, 311 Redwood Lane, Key Biscayne, Miami 49, Florida.
E. M. Shields, Jr., 1600 N. 14th Street, Cambridge, Ohio 43725.
W. E. Shrider Company, 165 Oakwood Avenue, Newark, Ohio 43055.
Melvin E. Shrock, R.D. #2, Box 100, Danville, Ohio 43014.
Alba M. Sinclair, Route 1, Shade, Ohio 45776.
E. C. Smally, 1819 Shore Drive, Apt. 207, South Pasadena, Florida 33707.
Bernard C. Smith, Route 2, Lewisville, Ohio 43754.
Carl E. Smith, P.O. Box 1069, Zanesville, Ohio 43701.
Gerald E. Smith, 327 Muskingum Drive, Marietta, Ohio 45750.
Hildred I. Smith Oil & Gas Company, Box 6, Holmesville, Ohio 44633.
Ray Smith, Route 1, Roseville, Ohio 43777.
R. Dean Smith, Box 85, Holmesville, Ohio 44633.
Walter L. & Camille W. Smith, 8444 Guilford Road, Route 1, Seville, Ohio 44273.
W. E. Smith, Lewisville, Ohio.
Roman L. Smithberger, Route 1, Lower Salem, Ohio 45745.
Sora Oil Company, % Hays & Company, P.O. Box 590, Spencer, West Virginia 25276.
Warren E. Souers, Agent, 133 Nolan Circle (Devola), Marietta, Ohio 45750.
Southern Triangle Company, % Kernel Oil Company, P.O. Box 473, Mt. Carmel, Illinois 62863.
Otto P. Spangler Estate, Roman Spangler, Trustee, Route 1, Lewisville, Ohio 43754.
Harold Sparks, Route 1, Radnor, Ohio 43066.
Stanann Oil & Gas Company, % F. W. Duvall, Route 1, Box 153 H, Zanesville, Ohio.
Duane F. & Hazel K. Stanley, Route 4, Pomeroy, Ohio 45769.
Star Gas Company, 809 Kanawha Valley Building, Charleston, West Virginia 25301.
Star Gas Company, Inc., % Webster Myers, Agent, 1614 Seventh Avenue, Huntington, West Virginia 25703.
Star Exploration Corporation, P.O. Box 227, Mt. Gilead, Ohio 43338.
Paul F. Starr, Inc., Public Accountant, P.O. Box 158, Spencer, West Virginia 25276.
Stewart Brothers, P.O. Box 546, Mt. Vernon, Illinois 62864.
The Stockport Sand & Gravel Company, P.O. Box 5, Chesterhill, Ohio 43728.
Mitchell Strach, 6576 N. Elston Avenue, Chicago, Illinois 60630.
Julia A. Stump, Agent, 341 Parkview Drive, St. Albans, West Virginia 25177.
Glen Sturm, 225 Walnut Street, Breman, Ohio 43107.
Helen M. Swinehart, 730 Winter Street, Wooster, Ohio 44691.
James R. & Mark B. Swingle, 149 McKeever Street, Crooksville, Ohio 43731.

T

Clark Talbott, P.O. Box 151, Chesterhill, Ohio 43728.
Delva Talbott, P.O. Box 66, Chesterhill, Ohio 43728.
John Tansky, 297 East Main Street, Logan, Ohio 43138.
Titge Enterprises, P.O. Box 190, Herington, Kansas 67449.
P. C. Taylor, Box 323, Rutland, Ohio 45775.
Robert N. Taylor, Route 1, New Concord, Ohio 43762.
Temple Oil & Gas Company, P.O. Box 121, Crooksville, Ohio 43731.
Thomas Oil & Gas Company, 227 Poplar Street, Mansfield, Ohio 44903.
A. W. Thomas & Milan E. Frase, 309 Main Street, Coshocton, Ohio 43812.
Howard C. Thomas, Route 2, Box 123, Millersburg, Ohio 44654.
Floyd E. Thompson d.b.a. Thompson Oil Company, 15 W 130 Plainfield Road, Hindsdale, Illinois 60521.
James L. & Jeanne M. Thompson, 8966 Guilford Road, Seville, Ohio 44273.
Three M Drilling Company, P.O. Box 67, Mt. Hope, Ohio 44660.
Tiger Oil, Inc., % Herbert J. Pfeifer, Suite 302, 297 S. High Street, Columbus, Ohio 43215.
Jerry L. & Darlene Tillis, Route 4, Pomeroy, Ohio 45769.
William N. Tipka, Agent, 7706 Alan Parkway, Middleburg Heights, Ohio 44130.
Titan Oil Company, Suite 1010, Frank Nelson Bldg., Birmingham, Alabama 35203.
Tosman Royalty Corporation, 293 W. Main Street, Byesville, Ohio 43723.
Herman & Charles Tratchell, R.F.D. 1, Vincent, Ohio
Tri County Gas Company, P.O. Box 387, Corning, Ohio 43730.
The Tri County Bank, Account #1007810, Coolville, Ohio 45743.
Triple R. Oil & Gas Company, % Roscoe Baker Agent, Rt. #1, Killbuck, Ohio 44637.
Triple Gas Company, 510 Dime Bank Building, Marietta, Ohio 45750.
Ronald Truitt, 10281 Stratton Road, Salem, Ohio 44460.
T–S–E Trust, % James Tuschman CO–Trustee, Suite 500, 811 Madison Avenue, Toledo, Ohio 43624.
Twinoaks Oil & Gas Co., % Harold H. Davis, 25 Winterberry Lane, Moreland Hills, Ohio 44022.

U

Jacob Ullman Heirs Gas Company, c/o Luna Ullman, Secretary, Route 1 Box 132, Lower Salem, Ohio 45745.
Jacob Ulrich Oil & Gas Company, c/o Harry A. Devoe, Treasurer, Route 3, Lewisville, Ohio 43754.
United Gas Lines, Inc., 150 East Bridge Street, Elyria, Ohio 44035.
Ute Production Company, P.O. Box 1743, Grand Junction, Colorado 81501.
Grace Utsinger, Rutland, Ohio 45775.

V

William H. Haas, Agent, Valentine Oil Properties, P.O. Box 737, Marietta, Ohio 45750.
Dwight Van Winkle, Bladensburg, Ohio 43005.

V 40 N210 OCT 30 75 XUM

James Venus, Route 1 Box 155, Lodi, Ohio 44254.
Don Vernau, d.b.a. Jaddii Well Service, P.O. Box 388, Granville, Ohio 43023.
Viking Resources Corporation, 8041 Hosbrook Road, Cincinnati, Ohio 45236.
Vital Earth Resources, Inc., P.O. Box 354, South Holland, Illinois 60473.

W

Wade Oil Company, Inc., c/o Richard Brumbaugh, P.O. Box 139, Spencer, West Virginia 25276.
David Waldron & Associates, Inc., Box 271, Wooster, Ohio 44691.
Wall Oil & Gas Company, c/o Howard H. Hall, Route 1, Marietta, Ohio 45750.
H. J. Walters, Agent, Woodsfield, Ohio 43793.
Ward Gas Syndicate, c/o Gould Ward, Agent, Route 1, Sarahsville, Ohio 43779.
Eugene B. Ward, Route 1, Quaker City, Ohio 43773.
George H. & Grace M. Warner & James J. & Margie A. Proffitt, Route 4, Pomeroy, Ohio 45769.
H. E. & Amber Warner, Route 4, Pomeroy, Ohio 45769.
Warren Winland, Agent, Rinard Mills, Ohio 45774.
Paul W. & Norma L. Watkins, Route 1, Glenford, Ohio 43739.
W. G. Watkins, Jr., 1855 Cherry No. 12, Springfield, Missouri 65802.
Robert Waugaman, Route 1, Sullivan, Ohio 44880.
The Waverly Oil Works Co. No. 2 Acc., 1627 Bryn Mawr Drive, Newark, Ohio 43055.
Wayne Petroleum Producers, Inc., P.O. Box 446, Jesup, Georgia 31545.
Roman Weaver, Route 5, Millersburg, Ohio 44654.
J. H. Weber Atty-In-Fact, Route 2, Lewisville, Ohio 43754.
Paul T. Webster, 548 Standard Building, Cleveland, Ohio 44113.
Webster Myers, Agent, 1614 Seventh Avenue, Huntington, West Virignia 25703.
Gerald L. Weiss, P.O. Box 51, Malaga, Ohio 43757.
N. M. Welch, 1500 7th Street, Parkersburg, West Virginia.
Well Investments, Inc., Box 309, Logan, Ohio 43138.
Helen V. Welsh, 101 Cherry Avenue, Apt. No. 22, Delmar, New York 12054.
Wenner Petroleum Corporation, 35042 Kesler Court, P.O. Box 283, Fraser, Michigan 48026.
Cameron C. & Mona S. West, Dye Street Box 59, Newport, Ohio 45768.
Western Exploration, Inc., 125 South Marion Street, Cardington, Ohio 43315.
Westland Minerals, % Hays & Company, Spencer, West Virginia 25276.
Westrans Petroleum, 250 Park Avenue, New York, New York 10017.
David E. & Betty M. Wetmore, Route 1 Box 9, Seville, Ohio 44273.
Paul D. & Roberta J. Whedon, Society Natl. Bank of Cleveland, Automated Service Dept., 127 Public Square, Cleveland, Ohio 44114.
Earl R. & Annie White, 5809 Beach Road, Wadsworth, Ohio 44281.
Owen White, Route 2, Nelsonville, Ohio 45764.
Ward W. & Amy H. White, 35 East Road, Delray Beach, Florida 33444.
Thomas C. Whitney, 27118 Cavallo Road, Danville, Ohio 43014.
J. A. Wilburn, 125 Sherwood Drive, Lexington, Ohio 44904.
G. Allen Willey, 90 Western Avenue, Newark, Ohio 43055.
John F. Williams, P.O. Box 433 Route 5, Coshocton, Ohio 43812.
John F. & Sandra Williams, Box 443 Route 5, Coshocton, Ohio 43812.
Max G. & Esther L. Williams, TWP. Road 142, Malta, Ohio 43758.
Mac & Kathryn Williams, Route 4, Box 289–A, Athens, Ohio 45701.
Williston Oil & Development Corp., Plaza 66, P.O. Box 1316, Clifton, New Jersey 07013.
Gay Wilson, Box 19, Walhonding, Ohio 43843.
Wilson Petroleum Corporation, And V. J. Wilson, 6172 Busch Boulevard, Suite 2021, Columbus, Ohio 43229.
Fred & Nina Winkler, Box 322, Rittman, Ohio 44270.
Glenn Winkler, Sterling, Ohio 44276.
The Wiser Oil Company, P.O. Box 192, Sistersville, West Virginia 26175.
O. S. Wittmer, Room 112, 337 22nd Avenue North, St. Petersburg, Florida 33704.
Roger E. Wolfe and/or Agnes Wolfe, 11 Pleasantaview Drive, Athens, Ohio 45701.
Emil Wolny, 2694 Center Road, Hinckley, Ohio 44233.
Woods Petroleum Corporation, 3555 Northwest 58th Street, Oklahoma City, Oklahoma 73112.
Robert Woodyard, Route 1, Chesterhill, Ohio 43728.
Larry H. Wright, Inc., 3040 Riverside Drive, Columbus, Ohio 43221.
Lavonne Wyckoff, Agent, Route 1, Burbank, Ohio.

Y

A. W. Yenne, % Sandy Supply Co., P.O. Box 458, Wooster, Ohio 44691.
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Earl L. Young, 202 N. Clay Street, Millersburg, Ohio 44654.
Mae Young, 240 Condor Street, Pomeroy, Ohio.
William F. Youngeberg, % Robert Grobe, Route 2, Elyria, Ohio 44035.

[FR Doc.75-29078 Filed 10-29-75;8:45 am]

[Project Nos. 2360; 2363]

MINNESOTA POWER & LIGHT CO. AND POTLATCH CORP.

Pre-Hearing Conference

OCTOBER 21, 1975.

By order issued October 6, 1975, the Federal Power Commisison directed that a pre-hearing conference be held before an Administrative Law Judge at 10 a.m. on November 18, 1975, in a hearing room of the Commision at 825 North Capitol Street NE., Washington, D.C. The conference will concern the issues raised by Minnesota Power & Light Company and the corporate predecessor of Potlatch Corporation (Applicants), applicants for Project Nos. 2360 and 2363, respectively, in their applications for rehearing of the Commission's December 11, 1964, Orders Issuing License for the respective projects.

The St. Louis River Project No. 2360 consists of four power developments located on the St. Louis River (Knife Falls, Scanlon, Thomson and Fond du Lac) and five storage reservoirs located on the Cloquet, Whiteface, Skunk, Beaver and Otter Rivers, in Carlton and St. Louis Counties, Minnesota. The Cloquet Project No. 2363 is located in Carlton County, Minnesota on the St. Louis River immediately downstream from the aforementioned Knife Falls development of Project No. 2360.

The prehearing conference on November 18, 1975, has been set to explore the issues raised by Applicants in their respective petitions for rehearing. These issues include the basis for the Commission's jurisdiction over the projects, the effective and termination dates of the licenses, annual charges to be paid the Commission, and certain license conditions, among them a condition providing for such modifications of project operations as may be necessary to alleviate adverse water quality in the St. Louis River.

At the conference, the Presiding Administrative Law Judge will consider the admission into evidence of relevant and uncontroverted facts. If the parties can agree on a statement of facts, the Administrative Law Judge will then require briefs and submit an initial decision. If the parties cannot agree on a statement of facts, the Presiding Judge shall fix a public hearing on the issues raised on rehearing. Upon conclusion of the hearing, in the event one is held, the Presiding Judge will require briefs and forward the record to the Commission with his initial decision on those issues.

Any person desiring to be heard or to make protest with reference to this proceeding should on or before November 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1975). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to this proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29070 Filed 10-29-75;8:45 am]

[Docket Nos. CP69-249; CP70-163]

MICHIGAN WISCONSIN PIPE LINE CO.

Petition to Amend

OCTOBER 22, 1975.

Take notice that on October 2, 1975, Michigan Wisconsin Pipe Line Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket Nos. CP69-249 and CP70-163 a petition to amend the certificates of public convenience and necessity issued pursuant to section 7(c) of the Natural Gas Act in said dockets on June 24, 1969 (41 FPC 828), and August 4, 1970 (44 FPC 241), respectively, insofar as such certificates relate to the offshore transportation of gas by authorizing Petitioner to receive gas for the account of Columbia Gas Transmission Corporation (Columbia Gas) at an additional point of receipt for redelivery at the Calumet Compressor Station, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is stated that by application filed July 16, 1975, at Docket No. CI76-30,[1] Shell Oil Company (Shell) requested authorization to gather and sell up to 14,706 Mcf of natural gas per day from South Marsh Island Block 130, offshore Louisiana, to Transco Gas Supply Company which would in turn be sold to Transcontinental Gas Pipe Line Corporation (Transco). Petitioner states that because there presently are no pipeline facilities connecting any interstate pipeline system with the Block 130 field, Shell proposes as an interim measure pending construction of a pipeline by Transco to Block 130, to transport the gas through its existing pipeline from Block 130 to South Marsh Island Block 58. The petition states that to effectuate Shell's proposal, Transco has requested and Columbia Gas has agreed to arrange for the further transportation of Transco's gas from Block 58 for subsequent redelivery onshore to Transco's system. The petition further states that Columbia Gas does not have any pipeline facilities in South Marsh Island Block 58.

Petitioner states that it is authorized in the certificates of public convenience and necessity granted by the aforementioned orders, as amended, to transport a contract demand volume for Columbia Gas of 65,000 Mcf of natural gas per day from Eugene Island Block 250, offshore Louisiana, to a point of redelivery near Calumet, St. Mary Parish, Louisiana. Petitioner requests authorization in the instant amendment to transport up to 15,000 Mcf of gas per day for Columbia Gas from an additional point of receipt in South Marsh Island Block 58, offshore Louisiana in lieu of equivalent volumes that would be delivered to Petitioner by Columbia Gas at the Eugene Island delivery point. It is stated that the aggregate contract demand would remain at 65,000 Mcf per day and that the proposed changes in the transportation Service would require no new facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure)(18 CFR 1.8. or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29702 Filed 10-29-75;8:45 am]

[1] Notice published July 31, 1975 (40 FR 32171).

[Rate Schedule Nos. 41, etc.]

SUN OIL COMPANY, ET AL.

Rate Change Filings

OCTOBER 21, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699–H, issued December 4, 1974. Pursuant to Opinion No. 699–H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before November 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Oct. 3, 1975	Sun Oil Co., Southland Center, P.O. Box 2880, Dallas, Tex. 75221.	41	Texas Gas Pipe Line Corp.	Texas Gulf Coast.
Do	do	42	do	Do.
Oct. 10, 1975	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	141	Trunkline Gas Co.	Do.

[FR Doc.75-29076 Filed 10-29-75;8:45 am]

[Docket No. RP75-75]

TRANSCONTINENTAL GAS PIPELINE CORP.

Further Extension of Time

OCTOBER 22, 1975.

On October 20, 1975, Consolidated Gas Supply Corporation filed a motion to extend the procedural dates fixed by order issued April 30, 1975, as most recently modified by notice issued October 9, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Intervenor Testimony, November 7, 1975.
Service of Company Rebuttal, November 21, 1975.
Hearing, December 16, 1975 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29073 Filed 10-29-75;8:45 am]

[Docket No. RP75-75]

TRANSCONTINENTAL GAS PIPELINE CORP.

Order Granting Intervention

OCTOBER 22, 1975.

On March 14, 1975, the Transcontinental Gas Pipeline Corporation (Transco) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2. Notice of Transco's filing was issued by the Commission on March 19, 1975, with protests and petitions to intervene due on or before April 2, 1975.

An untimely protest and petition to intervene was filed by Sun Oil Company. Having reviewed the above petition to intervene, we believe that the petitioner has sufficient interest in the proceedings to warrant intervention.

The Commission finds. It is desirable and in the public interest to allow the above-named petitioner to intervene.

The Commission orders. (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29074 Filed 10-29-75;8:45 am]

[Docket No. G-232]

UNITED GAS PIPE LINE CO.

Petition to Amend

OCTOBER 22, 1975.

Take notice that on October 7, 1975, United Gas Pipe Line Company (Petitioner), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. G-232 a petition to amend the order of November 10, 1942 (3 FPC 863), issued in said docket pursuant to section 7(c) of the Natural Gas Act issuing a certificate of public convenience and necessity by including authorization to deliver natural gas to The Escatawpa Suburban Utility District (Escatawpa), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

V 40 210 OCT 30 75 XUM

Petitioner proposes to reduce deliveries to the City of Pascagoula (Pascagoula) from 15,606 to 14,545 Mcf of gas per day at two of three delivery points. The remaining delivery point is said to have been transferred to Escatawpa, and Petitioner would deliver 1,061 Mcf of natural gas per day to Escatawpa at that delivery point. The rearrangement is stated to be caused by the purchase by Escatawpa of the portion of Pascagoula's distribution system presently being served through Petitioner's City Gate Station No. 1. Escatawpa would take deliveries of the gas at the City Gate Station No. 1. The maximum daily quantity for Escatawpa is said to have been determined by multiplying 15,606, the total maximum daily quantity of Pascagoula, by 6.8 percent, which is said to represent the amount of gas flowing through the City Gate Station No. 1 on the coldest day of the past three winters. The total maximum daily quantity of the proposed deliveries to Pascagoula and Escatawpa is said to equal the total maximum daily quantity presently effective to Pascagoula.

Applicant states that since the total load of the system served through City Gate Station No. 1 is residential and small commercial, Petitioner's curtailment program will be unaffected by the instant proposal.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29075 Filed 10-29-75;8:45 am]

[Docket No. E-9145]

UTAH POWER AND LIGHT CO.

Further Extension of Procedural Dates

OCTOBER 20, 1975.

On October 14, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued April 29, 1975, as most recently modified by notice issued September 30, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, November 14, 1975.

Service of Intervenor Testimony, November 28, 1975.

Service of Company Rebuttal, December 11, 1975.

Hearing, January 5, 1976 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29069 Filed 10-29-75;8:45 am]

[Docket No. E-8867]

WISCONSIN PUBLIC SERVICE CORP.

Order Approving Settlement Agreement With Conditions

OCTOBER 21, 1975.

On June 24, 1974, Wisconsin Public Service Corporation (WPSC) tendered for filing a revised Rate Schedule W-1 for service to eight municipal resale customers located in Wisconsin and Michigan [1] which would have effected an increase of $1,116,306 (27.9 percent) based on billings for the year ended July 31, 1975.

By order issued on August 23, 1974, the Commission, inter alia, (1) suspended the proposed rates for one day, to become effective on August 27, 1974, subject to refund; (2) permitted intervention by seven of the municipal customers (Customers) [2]; and ordered a phased hearing to determine the justness and reasonableness of the proposed rates (Phase I), and to develop an evidentiary record concerning the alleged anticompetitive provisions of WPSC's jurisdictional contracts (Phase II).

On March 5, 1975, a conference was held, attended by WPSC, Staff, and the Customers, in which agreement was reached to settle the issues raised in these prcoeedings. On July 9, 1975, WPSC submitted a proposed settlement agreement. On July 21, 1975, this settlement agreement was noticed, with comments due on or before August 5, 1975. On August 5, 1975, Staff filed comments urging Commission approval of the proposed settlement. No comments were received from the other parties involved in this proceeding.

Under the terms of the proposed settlement, WPSC has agreed, inter alia, to: (1) File revised rates to effect an increase in revenues of $773,271, based on billings for the year ended July 31, 1975; (2) file a revised fuel adjustment clause consistent with the Commission's Regulations, as modified by Order No. 517, issued on November 13, 1974; (3) reduce the number of billing blocks in the proposed demand and energy charges, respectively, from three to two blocks, and from four to three blocks, and (4) eliminate any unreasonable anticompetitive provisions in the jurisdictional contracts. WPSC has also agreed to make refunds of the excess amounts of revenues collected since August 27, 1974, with interest at 7 percent per annum.

WPSC submitted Appendix A, pages 1-2, attached to this order, with its proposed settlement agreement. Appendix A, page 1, shows a cost of service for the wholesale customers of $4,771,675, and a revenue deficiency of $773,271, which is the amount of rate increase that the settlement agreement proposes. Appendix A, page 2, shows the capital structure of the settlement agreement with a 12.00 percent return on equity and a 8.92 percent overall rate of return.

Our review of the settlement agreement, with respect to Phase I issues, shows that it is just and reasonable and that the rate increase proposed and the rates of return on common equity and overall rate of return are just and reasonable.

With respect to the Phase II issues involving alleged anticompetitive provisions in the jurisdictional contracts, the proposed settlement agreement proposes to change the availability clause in the revised rate schedules and override contrary language in the service contracts to allow the municipalities to interconnect and purchase less than full requirements firm power and to allow the municipalities to deliver power to other utilities. We believe that the proposed changes still leave the contracts and rate schedules unduly restrictive and contrary to the public interest. We stated in our order establishing hearing procedures in this docket, issued August 23, 1974, at mimeo pgs. 3-4:

> If Wisconsin is shown to have restricted its customers' ability to develop other sources of generation or resale markets, we will not hesitate, to the extent we have jurisdiction over the conduct or contracts involved, to order appropriate reformation of the contracts or any other measures which have been shown to be necessary to remedy the conduct established.

The availability clause in rate schedule W-1 which WPSC proposes to revise in the settlement agreement reads as follows:

> AVAILABILITY This schedule is available to any public utility (at existing primary service) upon signing a contract and existing as of the original effective date of this schedule, which then purchased and since then has continuously purchased power from the Company. Service furnished under this schedule shall not be resold to any other electric distribution agency without the written consent of the Company.

The proposed settlement agreement proposes to change this language to:

> AVAILABILITY Upon executing a contract for service hereunder, this schedule is available to any electric utility for the purchase of firm power capacity and associated firm power energy requirements. In the event that the customer interconnects in a manner where it could take any of its requirements from another supplier or deliver to another utility, the company and the customer shall enter into an amended contract with amended rates as may be appropriate under the circumstances.

We believe that this language should state clearly that the municipalities shall have the right to interconnect so as to take any of their requirements from another supplier and to deliver to other purchasers, including, but not restricted, to other utilities. We shall therefore condition our approval of this settlement on a change in the availability clause to read as follows:

> AVAILABILITY Upon executing a contract for service hereunder, this schedule is available to any electric utility for the purchase of firm power capacity and associated firm power energy requirements. The purchasing electrical utility shall have the right to interconnect in a manner where it could take any of its requirements from another supplier or deliver to other buyers. In the event that the customer so interconnects, the company and the customer shall enter into an amended contract with amended rates as may be appropriate under the circumstances.

The proposed settlement agreement proposes to override language in the service contracts requiring the municipals to purchase full requirements service and to permit the purchase of partial requirements service subject to conditions.

The language in the existing contracts proposed to be replaced by the settlement agreement reads typically as follows:

> The Service Company agrees to furnish and sell to the City, and the City agrees to purchase from the Service Company, all the electrical energy required for the operation of the City's electric distribution system and for other municipal uses.[3]

The settlement agreement proposes to override this language with the following provision:

> (g) WPSC and each of the Customers hereby agree that, notwithstanding any provision to the contrary in the Service Contract between WPSC and the Customer, the Customer may purchase less then its full requirements from WPSC, provided that the Customer shall have given WPSC at least two years' prior written notice of its intention to take such action, WPSC and the Customer shall have entered into an amended contract to reflect such change, and an appropriate rate schedule for such partial requirements service shall have become legally effective. As promptly as possible after receipt by WPSC of such notice and of such information as WPSC may reasonably request, WPSC will submit a proposed amendment of the Service Contract and rate schedule.

This proposed clause unduly restricts the ability of the municipals to take partial requirements service and does not reflect the municipals' right to interconnect and sell power, which was granted in the proposed availability clause by WPSC. We shall therefore condition our approval of this settlement by requiring the incorporation by reference of the following language into the contract:

> WPSC and each of the Customers hereby agree that, notwithstanding any provision to the contrary in the Service Contract between WPSC and the Customer, the Customer may purchase less than its full requirements and shall have the right to interconnect in a manner where it could take any of its requirements from another supplier or deliver to other buyers. In the event that the Customer purchases less than its full requirements or so interconnects, the Customer will provide the company with at least two years' prior written notice and the company and the Customer shall enter into an amended contract with amended rates as may be appropriate under the circumstances. In the event that an amended contract and/or amended rates are executed by the parties, WPSC will submit to the Federal Power Commission the proposed amendments.

The action taken herein is consistent with the actions and policies this Commission has taken with respect to restrictive provisions in wholesale contracts.

In Wisconsin Power and Light Company, Docket No. E-8158, order issued September 4, 1974, we conditioned approval of a settlement agreement for another Wisconsin utility upon its deletion from an availability clause of a requirement that cooperatives and municipals purchase all their bulk power supply requirements from the Wisconsin utility and upon its deletion from the rate schedules of proposed and existing language restricting interconnections and resales.[4]

In Puget Sound Power and Light Company, Docket Nos. E-8850, et al., order issued June 3, 1975, we conditioned approval of a settlement agreement upon elimination of language in an availability clause restricting resale of electricity purchased to a specified area.

This Commission has the authority and has not hesitated to state its willingness to remedy anticompetitive provisions in jurisdictional contracts upon a proper showing. Sections 205, 206 of the Federal Power Act; "Gulf States Utilities Co. v. F.P.C.", 411 U.S. 747 (1973); Cf. Kentucky Power Company, 49 FPC 564 (1973); Cf. Georgia Power Company, 35 FPC 436 (1966), aff'd 373 F. 2d 485 (5th Cir. 1967); Public Service Company of Indiana, Inc., Docket Nos. E-8556 et al., order issued March 17, 1975, mimeo p. 5; Northern States Power Company, Docket No. E-9155, order issued February 5, 1975, mimeo pgs. 4-5, Virginia Electric and Power Company, Docket No. E-9147, order issued January 22, 1975, mimeo p. 4; Carolina Power and Light Company, Docket No. E-8884, order issued August 26, 1974, mimeo pgs. 3-4; Southwestern Public Service Company, Docket No. E-8753, order issued June 28, 1974, mimeo p. 2; Pacific Gas and Electric Company, Docket No. E-7777, order issued March 14, 1974, mimeo p. 6; and Carolina Power & Light Company, Docket No. E-7918, issued March 12, 1973, mimeo pgs. 2-3.

Our review of the proposed settlement indicates that it does not provide reasonable and appropriate resolution of the Phase II issues. We will therefore condition approval of the proposed settlement on WPSC filing the changes in its rate schedule and service contracts as specified, supra, and according to the timetable to be outlined, infra.

The Commission finds. Approval of the proposed settlement agreement subject to the conditions hereinafter ordered is just and reasonable and in the public interest in carrying out the provisions of the Federal Power Act.

The Commission orders. (A) The proposed settlement agreement is incorporated herein by reference and made effective on August 27, 1974, subject to the terms and conditions of this order.

(B) WPSC and the Customers shall comply fully with each provision of the settlement agreement and the terms and conditions of this order.

(C) WPSC shall remove from the proposed settlement agreement the restrictions on purchase requirements, interconnections and resales contained in the proposed availability clause and amendment to the service contracts and shall refile amended rate schedules and amendments to existing service contracts containing the substitute language as specified in the body of this order within 30 days of the issuance of this order.

(D) Within 30 days of the issuance of this order, WPSC shall file the rate schedules of the settlement agreement, with the changed availability clause, incorporating the rate increase of the proposed settlement agreement as approved in this order.

(E) Within 30 days of the filing of the revised rate schedules WPSC shall refund to its municipal customers the difference between the amounts collected since August 27, 1974, under the rate schedules currently in effect and the amount which would have been collected under the proposed settlement rates, with interest at 7 percent per annum.

(F) WSPC shall file with the Commission, concurrently with the refunds ordered in Paragraph (E), a schedule of such refunds. Upon filing and approval of such schedule, Docket No. E-8867 shall be terminated.

(G) This order is without prejudice to any findings or orders which have been or will be made by the Commission and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, WPSC, or any party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against WPSC or any other person or party.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] The Cities of Algoma, Eagle River, New Holstein, Sturgeon Bay, Two Rivers, and the Village of Stratford, all located in Wisconsin, and the City of Stephenson and the Village of Daggett, both located in Michigan.

[2] The Village of Daggett, Michigan, did not petition for intervention.

[3] From the City of Eagle River, Wisconsin, service agreement, FPC Electric Rate Schedule No. 24, executed November 20, 1967.

[4] The proposed new language which the Commission found unduly restrictive read as follows (see Order at mimeo p. 3):

> "While taking service from the Company under this schedule, the Customer shall not sell or otherwise dispose of electrical energy to any other electrical utility or electric distribution agency, unless such action is expressly permitted in writing by the Company, which permission shall not be unreasonably withheld.
>
> Except as provided for in the preceding paragraph, electrical connection of the Customer's utility or electric distributing agency will be permitted when such interconnection can be accomplished without imparing the integrity of the Company's system. In the event of such interconnection, the cost of establishing and maintaining integrity of the Company system shall be borne by the Customer."

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Wisconsin Public Service Corporation—Cost of service, period II

Line No.		Total	Production	Transmission	stribution	
1	Total O & M expenses	$60,689,000	$46,766,248	$2,074,725	$11,848,027	Note 1.
2	Depreciation	$20,736,012	$11,661,319	$2,729,394	$6,345,299	Note 2.
3	Taxes—other than income taxes	$9,229,000	$4,871,754	$1,420,928	$2,936,318	Note 3.
4	Total expenses	$90,654,012	$63,299,321	$6,225,047	$21,129,644	
5	Energy component		$36,289,000			Note 4.
6	Demand component	$33,235,368	$27,010,321	$6,225,047		
7	Demand allocation factor (percent)	5.103	5.103	5.103		Note 5.
8	Demand allocation	$1,696,001	$1,378,337	$317,664		
9	Energy allocation (4.194% of line 7)	$1,521,961				Note 6.
10	Distr. O & M expenses-Per M-1	$13,580				
11	Distr. depr. expenses-Per M-1	$30,357				
12	Distr. A&G and taxes (.5339%)—Per M-1	$33,009				
13	Sales and customer accounts	$4,160				
14	Total expenses—wholesale for resale customers	$3,299,152				
15	Income taxes: Federal (2.109056% of rate base)	$268,279				Note 7.
16	State (0.547062% of rate base)	$69,591				Note 7.
17	Return—8.92% per statements G	$1,134,653				
18	Cost of service—wholesale for resale customers	$4,771,675				
19	Revenue at present rates per Ex. 2	$3,997,648				
20	Total other electric income	$756				Note 8.
21	Revenue deficiency	$773,271				

22 Note 1, from statement H, line 17.
23 Note 2, per statement I.
24 Note 3, per statement K.
25 Note 4, from statement H, line 6.
26 Note 5, from statement M-3.
27 Note 6, from statement M-2 (4.194%).
28 Note 7, from statement J.
29 Note 8, from statement M-5.

Wisconsin Public Service Corporation—Capitalization structure, period II

Line No.	Description	Amount of capital outstanding	Percent of total capital	Percent annual cost of capital	Percent weighted cost of capital
1	Rate of return required:				
2					
3	First mortgage bonds	$198,300,000	46.76	6.98	3.264
4					
5	Preferred stock	66,200,000	15.62	7.31	1.142
6					
7	Common stock	159,445,000	37.62	12.00	4.514
8					
9	Total	423,845,000	100.00		8.920
10					

[FR Doc.75-29077 Filed 10-29-75;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST BANCORP OF OAK LAWN, INC.

Formation of Bank Holding Company

First Bancorp of Oak Lawn, Inc., Oak Lawn, Illinois, has applied for the Board's approval section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of First National Bank of Oak Lawn, Oak Lawn, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 21, 1975.

Board of Governors of the Federal Reserve System, October 23, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-29091 Filed 10-29-75;8:45 am]

SUBURBAN BANCORPORATION

Acquisition of Bank

Suburban Bancorporation, Hyattsville, Maryland, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to The Thurmont Bank, Thurmont, Maryland. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 20, 1975.

Board of Governors of the Federal Reserve System, October 23, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc. 75-29092 Filed 10-29-75; 8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 22, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FPC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before November 17, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL POWER COMMISSION

The Federal Power Commission (FPC) requests an extension no change clearance to continue the use of FPC Form No. 3, Typical Net Monthly Bills for Electric Service. FPC Form No. 3 collects data on charges for various consumptions of electric energy to the residential, commercial, and industrial consumers. It serves as the basis for the Commission's annual publication "Typical Electric Bills." FPC Form No. 3 is filed annually by approximately 2600 electric utilities on or before February 1 of each year and it is estimated that an average of less than one hour is required annually per response.

The Federal Power Commission (FPC) requests an extension no change clearance to continue the use of FPC Form No. 3-A, All-Electric Homes Data Sheet. FPC Form No. 3-A collects data on charges for various consumptions of electric energy to residential consumers occupying all-electric homes. It serves as the basis for the Commission's annual publication "All-Electric Homes." FPC Form No. 3-A is filed annually by 190 retail electric utilities serving communities with 50,000 population in all 50 states and it estimated that an average of approximately 21 hours will be required annual per response.

The Federal Power Commission (FPC) requests an extension no change clearance to continue the use of FPC Form No. 4, Monthly Power Plant Report. FPC Form No. 4 is designed to collect monthly data on the capacities, generation and fuels used for electric generating plants from all known electric utilities in the United States and from major industrial establishments. Form No. 4 is filed monthly by mail for approximately 4,450 electric utility plants and industrial generating plants and it is estimated that an average of about one hour will be required monthly per plant per response.

The Federal Power Commission (FPC) requests an extension no change clearance to continue the use of FPC Form No. 12E-1, Monthly Power Statement. FPC Form No. 12E-1 provides primarily for the collection, on a monthly basis, of actual and projected operating data on loan and capacity relative to current monthly and near-term peak period (annual summer and annual winter peaks) power supply conditions. Form No. 12E-1 has been previously reviewed and approved by GAO under No. B-180228 (R0045), issued May 3, 1974. Form No. 12E-1 is filed monthly by a sample of 580 electric utilities and it is estimated that an average of 4 hours will be required monthly per response.

The Federal Power Commission (FPC) requests an extension no change clearance to continue the use of FPC Form No. 67, Steam-Electric Plant Air and Water Quality Control Data. FPC Form No. 67, promulgated by FPC Order No. 412 in re Docket No. R-382 on October 22, 1970, and revised in FPC Order No. 492 in re Docket No. R-465 issued September 26, 1973, is designed essentially to provide the Commission with information which would allow assessment of the electric utility industry's impact on the environment and an assessment of the ability of electric power utilities to assure an abundant and reliable supply of electric energy throughout the United States with the greatest possible economy and with regard to the proper utilization and conservation of natural resources. FPC Form No. 67 is filed annually with appropriate FPC regional offices by May 1 of the year following the report year, by approximately 294 utilities reporting for about 830 power plants; it is estimated that an average of 30 hours will be required annually per response per plant.

The Federal Power Commission (FPC) requests an extension no change clearance to continue the collection of data submitted by the Regional Electric Reliability Councils in response to FPC Order No. 383-3 (Docket No. R-362). This reporting requirement is the form of one annual report filed by each of the nine Regional Electric Reliability Councils in the contiguous United States. Such annual reports contain information on load and capacity projections, existing and proposed generating units and their fuel types, transmission system data, reserve requirements and other utility system planning information relating to the reliability of bulk power supply. Reporting is voluntary both on the part of the utilities to the Electric Reliability Councils and on the part of the Electric Reliability Councils to the Federal Power Commission. There are no estimates of the number of hours required by the Reliability Councils to prepare their responses to FPC Order No. 383-3.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-29217 Filed 10-29-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-150]

BIRCH 3-PLY DOORSKINS FROM JAPAN

Investigation and Hearing

Having received advice from the Department of the Treasury on October 10, 1975, that birch 3-ply doorskins from Japan are being, or are likely to be, sold at less than fair value, the United States International Trade Commission on October 22, 1975, instituted investigation No. AA1921-150 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t., on Thursday, November 13, 1975. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Commission, in writing, at its office in Washington, D.C., not later than noon, Monday, November 10, 1975.

Issued: October 24, 1975.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-29149 Filed 10-29-75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 75-30]

SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

The National Transportation Safety Board announces the issuance on October 20 of recommendations P-75-12 and 13 to the Stroudsburg Gas Company of Stroudsburg, Pennsylvania. The Class I (urgent followup) recommendations were made when Board investigation of the June 17, 1975 explosion of a house in Stroudsburg disclosed that there had been leakage from a corrosion hole in the gas service line capped in the basement of the house. The Board recommended that the gas company (1) review and revise its emergency procedures and its employee training program to insure that houses in a suspected leakage area are entered and checked for gas, and (2) review and revise its service abandonment procedures to insure that all service lines reported abandoned have been cut and capped at the main.

During the past week, the Safety Board received two letters from the Federal Aviation Administration in response to the following recommendations:

A-75-65 (40 FR 36628), letter dated October 9. FAA believes that a logbook endorsement by a certificated flight instructor, before a pilot's initial flight as pilot-in-command of a high-performance sailplane, would be a redundant requirement—doing little more than the present regulations (FAR 91.31(a)) to prevent the type of accident which occurred at Frederick, Maryland, November 3, 1974. However, FAA is seeking more effective means of dealing with the possibility of accidents involving high-performance gliders. FAA comments, "Possibly, this will involve the soaring and sport aviation professional societies in an effort to publicize operating characteristics of high performance sailplanes." Intended actions are of a long-term nature and should be completed within a year, FAA states.

A-75-68 and 69 (40 FR 36628), letter of October 7. Re A-75-68, FAA notes that instrument approach minimums at Provincetown were established in accordance with FAA Handbook 8260.3A, Terminal Instrument Procedures. FAA states, "There is no credit for visibility reduction for approach lights authorized. The approach light system was installed by the airport sponsor as an additional visual aid due to the airport's close proximity to the water, which produces a

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black hole effect. This system adequately serves the purpose as a visual aid and has no effect on the instrument approach procedure at the airport." Concerning A–75–69, FAA comments that lead-in light installations under the Airport Development Aid Program are in accordance with prescribed standards, unless a deviation is authorized. According to FAA, "All deviation requests are now fully coordinated and approved with FAA Flight Standards Service concurrence at headquarters level."

With reference to the midair collision between a Turbo Commander 680 and a USAF F–111A near Kingston, Utah, November 12, 1974 (40 FR 44198), the Department of the Air Force believes that there are inconsistencies between the accident investigation, the determination of probable cause, and the recommendations made to the Department of Defense. By letter of October 10 to the Board, the Air Force requests reconsideration. With reference to the recommendations (40 FR 25107 and 40 FR 33287), the Air Force considers A–75–14 unnecessarily restrictive in addressing only military air refueling operations. The Air Force states, "We believe the recommendation should be expanded to provide a buffer zone between all aircraft operating under VFR and the lowest usable flight level within the PCA [positive control area]. In so doing, corrective action would address the basic deficiency associated with this midair collision." Regarding recommendation A–75–15, the Air Force states that its aircraft participating in the mission were lighted in compliance with current Federal Aviation Regulations. The Air Force comments, "In many cases, basic lighting of Air Force aircraft is augmented to fulfill special military requirements. We believe that if changes in lighting requirements are required to increase aircraft conspicuity for collision avoidance such changes should be applied to the entire aviation community and not limited to military aircraft conducting air refueling operations."

The recommendation letter is available to the general public; single copies may be obtained without charge. A $4.00 user-service charge will be made for each recommendation response, in addition to a charge of 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2172 (49 U.S.C. 1906)))

MARGARET L. FISHER,
Federal Register Liaison Officer.

OCTOBER 24, 1975.

[FR Doc.75–29165 Filed 10–29–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ABNORMAL OCCURRENCE REPORT

Submission to Congress

Notice is hereby given that pursuant to Section 208 of the Energy Reorganization Act of 1974, the Nuclear Regulatory Commission has published and issued the first periodic Report to Congress on Abnormal Occurrences (NUREG 75/090). Effective release date is Friday, October 17, 1975.

None of the abnormal occurrences in the report had an actual adverse impact on public health and safety, although each fell within the NRC's interpretation of the definition of the Act of an abnormal occurrence.

Under the Energy Reorganization Act of 1974, which created the NRC and requires the report, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health and safety." In accordance with the Act, the NRC has interpreted the definition on an interim basis to mean those events involving an actual loss or a significant reduction in the degree of protection against radioactive and other hazardous properties of source, special nuclear, and by-product materials.

The first report to Congress covers the first six months of 1975. Subsequent reports will cover three month periods. The report includes a discussion of actions taken to prevent repeat of an abnormal occurrence.

Interested persons may review the report at the NRC's Public Document Room, 1717 H Street, N.W., Washington, D.C. and each of the 122 local public document rooms throughout the country. The report, designated NUREG 75/090, may be purchased from the National Technical Information Service, Springfield, Virginia 22161, at $3.75 a copy.

Dated at Washington, D.C. this 24th day of October 1975.

NUCLEAR REGULATORY COMMISSION,
SAMUEL J. CHILK,
Secretary.

[FR Doc.75–29138 Filed 10–29–75;8:45 am]

[Docket No. P–560–A]

CENTRAL MAINE POWER CO.

Receipt of Partial Application for Construction Permit and Facility License: Time for Submission of Views on Antitrust Matters

Central Maine Power Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, which was docketed on August 20, 1975, in connection with their plans to construct and operate a reactor in Searsport, Maine. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portions of the application consisting of an Environmental Report and a Preliminary Safety Analysis Report pursuant to § 2.101 of Part 2, are expected to be filed in April and June 1976, respectively. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

The applicant has solicited from other New England utilities non-binding indications of potential interest in the unit. As utilities indicate their interest, additional antitrust information will be submitted for them.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C 20555, and at the Local Public Document Room, Office of Town Manager, Union Hall, Reservoir Street, Searsport, Maine 04974. Docket No. P–560–A has been assigned to the application and should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before December 30, 1975.

Dated at Bethesda, Md., this 23rd day of October 1975.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch, Division of Reactor Licensing.

[FR Doc.75–29240 Filed 10–29–75;8:45 am]

[Docket No. STN 50–437]

OFFSHORE POWER SYSTEMS (FLOATING NUCLEAR POWER PLANTS)

Reconstitution of Board

Daniel M. Head, Esq., was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Mr. Head is resigning from the Atomic Safety and Licensing Board Panel and therefore is unable to continue his service on this Board.

Accordingly, Thomas W. Reilly, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with the Rules of Practice of the Commission.

Dated at Bethesda, Maryland this 23rd day of October 1975.

JAMES R. YORE,
Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.75–29134 Filed 10–29–75;8:45 am]

[Docket Nos. STN 50–546, STN 50–547]

PUBLIC SERVICE COMPANY OF INDIANA, INC. (MARBLE HILL NUCLEAR GENERATING STATION, UNITS 1 AND 2)

Order Relative to Petition to Intervene

The Board learned today that inadvertently the "Notice of Hearing on Application for Construction Permits" was not sent promptly to the local public document room but that it will be on file there not later than Tuesday, October 28, 1975.

Therefore, in accordance with the discretionary authority vested in the Board in 10 CFR 2.714, petitions to intervene filed thirty (30) days from that date will be considered timely by the Board.

It is so ordered.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

Issued this 23rd day of October 1975 at Bethesda, Maryland.

[FR Doc.75–29135 Filed 10–29–75;8:45 am]

[Docket Nos. STN 50–47; STN 50–478]

PUBLIC SERVICE ELECTRIC AND GAS CO. (ATLANTIC NUCLEAR GENERATING STATION, UNITS 1 AND 2)

Reconstitution of Board

Daniel M. Head, Esq., was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Mr. Head is resigning from the Atomic Safety and Licensing Board Panel and therefore is unable to continue his service on this Board.

Accordingly, Thomas W. Reilly, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with the Rules of Practice of the Commission.

Dated at Bethesda, Maryland this 23rd day of October 1975.

JAMES R. YORE,
Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.75–29136 Filed 10–29–75;8:45 am]

[Docket No. 50–376]

PUERTO RICO WATER RESOURCES AUTHORITY (NORTH COAST NUCLEAR PLANT, UNIT 1)

Reconstitution of Board

Daniel M. Head, Esq., was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Mr. Head is resigning from the Atomic Safety and Licensing Board Panel and therefore is unable to continue his service on this Board.

Accordingly, James R. Yore, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with the rules of practice of the Commission.

JAMES R. YORE,
Acting Chairman, Atomic Safety and Licensing Board Panel.

Dated at Bethesda, Maryland this 23rd day of October 1975.

[FR Doc.75–29137 Filed 10–29–75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Public Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of a panel of the Business Advisory Council on Federal Reports to be held in Room 9104, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C., on Thursday, November 20, 1975, at 10 a.m.

The purpose of the meeting is to advise the Statistical Policy Division of the Office of Management and Budget concerning reporting problems associated with proposed revisions of the Renegotiation Board's reporting forms RB–1, Standard Form of Contractor's Report for Renegotiation; RB–1–A, Attachment to Standard Form of Contractor's Report for Renegotiation, and; RB–90, Statement of Non-Applicability of the Renegotiation Act of 1951. The meeting will be open to public observation and participation.

Further information regarding the meeting may be obtained from the Statistical Policy Division, Office of Management and Budget, Room 10201, New Executive Office Building, Washington, D.C. 20503, Telephone (202) 395–3443.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.75–29318 Filed 10–29–75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 24, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

NATIONAL SCIENCE FOUNDATION

Peer Review Survey, single-time, Authors and reviewers of NSF proposals, George Hall, Lowry, R. L., 395–6140.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, livestock feed program financial statement, DF–23, on occasion, Farmers applying for purchase of CCC owned livestock feed, Lowry, R. L., 395–3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Effects of contraceptive steroids on blood pressure—Southeastern Georgia study, NIH–CH–29, single-time, Women on contraceptives; 2 SIBS, Dick Eisinger, 395–6140.

Office of Education:
- Application for Federal assistance (non-construction):
- Instructions for part A, Title IV, Pub. L. 92–318, OE 444, annually, LEA's, Lowry, R. L., 395–3772.

Test Arts and Humanities Curriculum Materials, OE 451–1, OE 451–2, OE 451–3, OE 451–4, OE 451–5, OE 451–6, OE 451–7, single-time, counselor, students, teachers, Joan Turek.

Training Course Assessment Instrument—Handicapped, OE 452–1, OE 452–2, OE 452–3, OE 452–4, OE 452–5, on occasion, teachers, public schools, Joan Turek.

National Institutes of Health:
- Effects of Contraceptive Steroids on Blood Pressure—Boston Study, NIH–CH–37, single-time, adult female residents East Boston & Cambridge, Dick Eisinger, 395–6140.
- Effects of Contraceptive Steroids on Blood Pressure—Atlanta Study, NIH–CH–36, single-time, women from family planning clinics in Atlanta, Dick Eisinger, 395–6140.

REVISIONS

Food and Drug Administration, Drug Defect Reporting System, FDABD 0622, on occasion, physicians, pharmacists, chemists, etc., Harry B. Sheftel.

Health Resources Administration, 1976 Health Interview Survey Questionnaire, NCHS 1014, other (See SF–83), Households, George Hall, 395–6140.

Office of Education, Progress Report Title III, Pub. L. 89–329, OE–1126, on occasion, IHE's, Lowry, R. L., 395–3772.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, Commodity Request, CCC–163, on occasion, registered voluntary relief agencies, Marsha Traynham, 395–4529.

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Animal and Plant Health Inspection Service, application-certification purebred animals imported for breeding, ANH 17-388, on occasion, individuals, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-29291 Filed 10-29-75;8:45 am]

OHIO RIVER BASIN COMMISSION

MONONGAHELA RIVER BASIN WATER AND RELATED LAND STUDY

Availability of Report and Draft Environmental Impact Statement

OCTOBER 22, 1975.

Pursuant to section 204(3) of the Water Resources Planning Act of 1965 (Pub. L. 89-80), the Ohio River Basin Commission has completed a Monongahela River Basin Water and Related Land Resources Study Report and a Comprehensive Coordinated Joint Plan (CCJP) for the Monongahela River Basin portion of the Ohio River Basin. A draft Environmental Impact Statement for the Study and CCJP has also been completed as required by section 102(2)(c), of the National Environmental Policy Act (Pub. L. 91-190). It is included as an integral part of the Report.

Views, comments and recommendations on the Report, the CCJP and the Draft EIS are requested by January 15, 1976. Copies are available on request to the Ohio River Basin Commission, 36 E. Fourth Street, Cincinnati, Ohio 45202.

FRED E. MORR,
Chairman.

[FR Doc.75-29061 Filed 10-29-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 3-4767; Release No. 11761]

CAPCO SECURITIES, INC.

Application and Opportunity for Hearing

OCTOBER 23, 1975.

Notice is hereby given that Capco Securities, Inc. ("Capco") has filed an application pursuant to Section 15(a)(2) of the Securities Exchange Act of 1934, as amended (the "Act"), for an order exempting it from the registration requirements of section 15(a)(1) of the Act.

Section 15(a)(2) authorizes the Commission to exempt any broker or dealer or class of brokers or dealers, either unconditionally or upon specified terms and conditions or for specific periods, from the registration requirement of section 15(a)(1) of the Act, if the Commission deems it necessary or appropriate in the public interest or for the protection of investors.

Capco is a District of Columbia corporation which intends to make direct loans to eligible small business concerns under the loan guarantee program of the United States Small Business Administration ("SBA"). A loan made to an eligible small business with SBA approval qualifies for an SBA loan guarantee as to principal and interest to the extent of 90% of the unpaid balance of the loan or $350,000, whichever is less. Capco's application to the SBA to become an approved lender under that program has been approved by the SBA subject to its obtaining the minimum required capital to participate. In return for any loan it makes, Capco will receive a promissory note from the borrower for the full amount of the loan. Capco will then sell, with the consent of the SBA, the guaranteed portion of such loans to institutional investors. All such sales will be made through brokers or dealers registered with the Commission. Capco will retain the non-guaranteed portion of each loan and will service the loan for purchasers of the guaranteed portion.

A more detailed statement of information is contained in the application for exemption which is on file at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

Notice is further given that any interested person may submit to the Commission not later than November 14, 1975 in writing any views or substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549 and should refer to File No. 3-4767. Any such statement should also briefly provide the nature of the interest of the person submitting information or requesting a hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Any time after November 14, 1975, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29160 Filed 10-29-75;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

OCTOBER 23, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 24, 1975 through November 2, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29161 Filed 10-29-75;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

OCTOBER 23, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 24, 1975 through November 2, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29163 Filed 10-29-75;8:45 am]

[811-2515]

LIQUID DAILY RESOURCES FUND

Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

OCTOBER 23, 1975.

Notice is hereby given that Liquid Daily Resources Fund, 555 Capitol Mall, P.O. Box 3008, Sacramento, California 95812. ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, filed an application on July 14, 1975 and an amendment thereto on August 19, 1975, pursuant to Section 8(f) of the Act for an order of the Commission declaring that applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized as a California corporation on August 9, 1974 and registered under the Act by filing a Notification of Registration on Form N-8A on August 23, 1974. Thereafter, it filed a Registration Statement under the Act on Form N-8B-1 and a Registration Statement under the Securities Act of 1933 on Form S-5.

Applicant represents that, due to an inability to secure investment advisory services on satisfactory terms following the termination of its Advisory and Management Services Agreement by its investment advisor, Applicant's Board of Directors, at a meeting held on May 1, 1975, adopted a resolution to dissolve applicant and wind up its business. Applicant further represents that, at a meeting held on June 9, 1975, Applicant's shareholders approved the plan of dissolution.

Applicant states that all of its outstanding securities are beneficially owned by the eleven persons who were the initial investors in Applicant. Applicant also states that it is not now making and does not propose to make a public offering of its securities and that it intends to make a final distribution of its assets to the remaining eleven shareholders on or after October 31, 1975.

Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered management investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 17, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29162 Filed 10-29-75;8:45 am]

[Release 34-11756; File No. S7-595]

SECURITIES INFORMATION PROCESSORS

Application for Registration

Notice is hereby given that, pursuant to section 11A(b)(2) of the Securities Exchange Act of 1934, (the "Act") the Securities Industry Automation Corporation ("SIAC") filed an application on October 20, 1975 with the Securities and Exchange Commission (the "Commission") for registration as a securities information processor.

The Commission is required under new section 11A(b)(3) of the Act to find, before granting registration, that an applicant "is so organized, and has the capacity, to be able to assure the prompt, accurate, and reliable performance of its functions as a securities information processor, . . . and, insofar as it is acting as an exclusive processor, operate fairly and efficiently . . ." Additionally, section 11A(b)(3) of the Act provides that the Commission shall, upon the filing of an application for registration pursuant to section 11A(b)(2) of the Act, publish notice of the filing and afford interested persons an opportunity to submit written data, views and arguments concerning such application. A copy of the SIAC application is available for public inspection in the Commission's Public Reference Room at 1100 L Street, NW., Washington, D.C. 20549.

All persons interested in submitting written data, views and arguments concerning SIAC's application should submit them in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 not later than November 21, 1975. All communications should refer to File No. S7-595 and will be available for public inspection in the Commission's Public Reference Room.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 21, 1975.

[FR Doc.75-29159 Filed 10-29-75;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

OCTOBER 23, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987, and all other securities of Westgate California Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 24, 1975 through November 2, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29164 Filed 10-29-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

DETROIT DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Detroit Advisory Council will hold a public meeting at 9 a.m., Thursday, November 20, 1975, at the Hospitality Motor Inn, Lansing, Michigan, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call Raymond L. Harshman, 1200 Book Building, Detroit, Michigan 48226, (313) 226-7240.

Dated: October 21, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75-29062 Filed 10-29-75;8:45 am]

[License No. 05/08-0001]

MINNESOTA SMALL BUSINESS INVESTMENT CO.

Surrender of License to Operate

Notice is hereby given that Minnesota Small Business Investment Company (MSBIC), 2338 Central Avenue Northeast, Minneapolis, Minnesota 55418, pursuant to the provisions of § 107.105 of the regulations governing small business investment companies (13 CFR 107.105 (1975)), has surrendered its license to operate as a small business investment company (SBIC). The Small Business Administration (SBA) approved this surrender effective October 8, 1975. MSBIC was acquired by MorAmerica Capital Corporation, an SBIC located at Suite 200, American Building, Cedar Rapids, Iowa 52401.

MSBIC was incorporated under the laws of the State of Minnesota to operate solely as an SBIC under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), (ACT) and it was issued license number 05/08-0001 by SBA on May 18, 1959.

Under the authority vested by the Act and the regulations promulgated thereunder, surrender of the license of MSBIC is hereby accepted and accordingly, it is no longer licensed to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: October 20, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-29064 Filed 10-29-75;8:45 am]

[Application No. 05/05-5110]

NIA CORP.

Application for License

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by NIA Corporation (applicant) with the Small Business Administration pursuant to CFR 107.102 (1975).

The officers and directors are as follows:

Isadore H. Burney II, 1187 West 10th Street, Jacksonville, Florida 33209, President, Director.

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Charles A. Davis, Sr., 2121 W. Howland Avenue, Chicago, Illinois 60659, Administrative V.P., Director.
Chris H. Howard, 8855 South Ridgeland Avenue, Chicago, Illinois 60559, Administrative V.P., Director.
Benjamin J. Johnson, 5619 Lafaye Street, New Orleans, Louisiana 70122, Secretary, Director.
Anderson M. Schweich, 5421 South Cornell Avenue, Unit 10, Chicago, Illinois 60616, Treasurer, Director.
George E. Hill, 1809 Jackson Avenue, Winston-Salem, North Carolina 27102, Director.
Edward M. McIntyre, 2400 South Michigan Avenue, Chicago, Illinois 60616, Director.
Walter H. Williams, P.O. Box 159, Jackson, Mississippi 39205, Director.
John L. Daigre, 710 East Boulevard, Baton Rouge, Louisiana 70802, Director.
Paul E. Harris, 845 Center Way, SW., Birmingham, Alabama 35211, Director.
Joseph O. Misshore, Jr., 5478 Dayna Court, New Orleans, Louisiana 70124, Director.
Joseph H. Miller, Jr., 4924 Inadale Avenue, Los Angeles, California 90043, Director.
Grace B. Casamayor, 709 N. Willow Avenue, Tampa, Florida 33606, Director.
Henry N. Brown, 14th & Peachtree Street, Atlanta, Georgia 30383, Director.
Maceo A. Sloan, 2100 Otis Street, Durham, North Carolina 27707, Director.

The applicant will maintain its principal place of business at 2400 South Michigan Avenue, Chicago, Illinois 60616.

It will begin operations with $197,657 of private capital derived from the sale of 12,196 shares of common stock to members of the National Insurance Association. The following insurance companies will own 10 percent or more of the voting securities, represented by the initial financing: Afro-American Life Insurance Company, Atlanta Life Insurance Company, Chicago Metropolitan Mutual Assurance Company and Pilgrim Health and Life Insurance Company.

As a small business investment company under section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA rules and regulations.

Any person may on or before November 14, 1975, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Chicago, Illinois.

Dated: October 20, 1975.

JAMES THOMAS PHELAN,
Deputy Association Administrator for Investment.

[FR Doc.75-29065 Filed 10-29-75;8:45 am]

SIOUX FALLS DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Sioux Falls District Advisory Council will hold a public meeting at 9 a.m., Friday, November 14, 1975, at the Downtown Holiday Inn, Sioux Falls, South Dakota, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, call or write Chester B. Leedom, 402 National Bank of South Dakota Building, 8th and Main Avenue, Sioux Falls, South Dakota 57102, (605) 336-2231.

Dated: October 20, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75-29063 Filed 10-29-75;8:45 am]

[License No. 06/10-0025]

SOUTHERN SMALL BUSINESS INVESTMENT CO., INC.

Surrender of License To Operate

Notice is hereby given that Southern Small Business Investment Company, Inc. (Southern), 8137 Oleander Street, New Orleans, Louisiana 70118, pursuant to the provisions of § 107.105 of the regulations governing small business investment companies (13 CFR 107.105 (1975)), has surrendered its license to operate as a small business investment company (SBIC).

Southern was incorporated under the laws of the State of Louisiana to operate solely as an SBIC under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), (Act) and it was issued license number 06/10-0025 by the Small Business Administration on July 5, 1960.

Under the authority vested by the Act and the Regulatibns promulgated thereunder, surrender of the license of Southern is hereby accepted effective October 8, 1975, and accordingly, it is no longer licensed to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: October 20, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-29066 Filed 10-29-75;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

[USRA Docket No. 75-64]

PENN CENTRAL TRANSPORTATION CO., FAIRBROOK BRANCH; BLAIR COUNTY, PENNSYLVANIA

Proposed Interim Abandonment of a Branch

The Trustees in Bankruptcy of the Penn Central Transportation Company ("Penn Central") propose to abandon the Fairbrook Branch in Blair County, Pennsylvania, and have made a request to the United States Railway Association ("USRA") for the authorization required for that purpose under section 304(f) of the Regional Rail Reorganization Act of 1973 ("the Act"), Pub. L. 93-236.

Section 304(f) provides:

After [January 2, 1975], no railroad in reorganization may discontinue service or abandon any line of railroad other than in accordance with the provisions of [the Act], unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority.

The Fairbrook Branch sought to be abandoned extends from M.P. 0.0 at Tyrone to its terminus at M.P. 1.1, a distance of 1.1 miles in Blair County, Pennsylvania.

There are no stations on the line.

In support of its request, Penn Central asserts that:

(1) Applicant's line must be removed to accommodate reconstruction of State Highway 350 by the Pennsylvania Department of Transportation.

(2) The sole patron on the line will be accommodated by other facilities to be provided in the Tyrone area.

(3) No passenger service is provided on the line.

(4) The line is not operated as a joint facility.

The request is accompanied by exhibits providing more detailed information.

To assist USRA in its analysis and disposition of this request, all affected or interested parties are invited to submit written statements, views, arguments or comments either favoring or opposing the discontinuance proposal.

Any such submissions must identify, by its Docket No., the request to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2222, Trans Point Building, 2100 Second Street, SW., Washington, D.C., 20595 by December 17, 1975, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address, at the offices of the Pennsylvania Department of Transportation, 1220 Transportation & Safety Building, Harrisburg, Pennsylvania; and the Pennsylvania Public Utilities Commission, Harrisburg, Pennsylvania, at the Division Superintendent's Office, Penn Central Transportation Company, General Office Building, Ninth Avenue & Twelfth Street, Altoona, Pennsylvania, and at the Division Superintendent's Office, Penn Central Transportation Company, Room 202 Penn Central Station, Harrisburg, Pennsylvania between 8 a.m. and 4:30 p.m., Monday through Friday.

In addition to this publication, Penn Central, shall by November 3, 1975, furnish a copy of this notice and invitation for written submission, to known shippers on the Fairbrook Branch, sought to be abandoned, to each creditor holding an obligation secured by that property, and to each labor union whose members are employed on that part of its line. It shall also post and prominently display a copy of this notice at each station along the line, continually during the period from November 3 through December 17, 1975.

This action is taken pursuant to section 304(f) of the Regional Rail Reorganization Act of 1973, Pub. L. 93-236.

Copies of this notice have been sent by USRA to the Governor of Pennsylvania, Pennsylvania Department of Transportation, the Pennsylvania Public Utility Commission, Southeastern Pennsylvania Transportation Authority, the Board of Supervisors of Blair County, the Mayor of the City of Fairbrook, the Director of the Rail Services Planning Office, the Chairman of the Interstate Commerce Commission, the President of the National Rail Passenger Corporation, and also to newspapers and radio and television broadcasting stations servicing the area involved.

Publication of this notice does not mean that the Association has reached any conclusion as to merits of the application. The Association will consider the application in the light of the public comments received and the requirements and purposes of the Act before making a decision. The Association will deny any application which a State or local or regional transportation authority is reasonably opposes, or where the authorization requested is inconsistent with the requirements and purposes of the Act; it will grant the application if that action is consistent with the requirements and purposes of the Act.

Dated at Washington, D.C. this 21st day of October 1975.

JAMES A. HAGEN,
President, United States Railway Association.

[FR Doc.75-29086 Filed 10-29-75;8:45 am]

[USRA Docket No. 75-127]

PENN CENTRAL TRANSPORTATION CO., (A) LEBANON SECONDARY TRACK, (B) EAST LEBANON BRANCH; LEBANON COUNTY, PENNSYLVANIA

Proposed Interim Abandonment of a Branch

The Trustees in Bankruptcy of the Penn Central Transportation Company ("Penn Central") propose to abandon portions of two adjoining lines of railroad known as the Lebanon Secondary Track and the East Lebanon Branch in Lebanon County, Pennsylvania, and have made a request to the United States Railway Association ("USRA") for the authorization required for that purpose under section 304(f) of the Regional Rail Reorganization Act of 1973 ("the Act"), Pub. L. 93-236.

Section 304(f) provides:

After [January 2, 1974], no railroad in reorganization may discontinue service or abandon any line of railroad other than in accordance with the provisions of [the Act], unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority.

The lines sought to be abandoned include a portion of the Lebanon Secondary Track between milepost 20.6 and milepost 21.7, a distance of 1.1 miles, and a portion of the East Lebanon Branch between its junction with the Lebanon Secondary Track, on the west side of North Eighth Street, and its terminus at a point 495 feet east of the center of Fifth Avenue, a distance of 1.4 miles, both in the City of Lebanon, Lebanon County, Pennsylvania.

There are no stations on this line.

In support of its request, the Penn Central asserts that:

1. The Reading Company provided service to shippers located on this trackage pursuant to an I.C.C. service order because the portion of the Lebanon Secondary Track South of Lebanon has been out of service since June 1972 on account of Hurricance Agnes damage.

2. Abandonment of a substantial amount of this trackage, between South Eighth Street and North Fourth Street, will permit sale of Penn Central's right of way to the Lebanon County Redevelopment Authority for use in an urban renewal and flood control project.

3. Service to existing shippers will continue to be provided by Reading Company and its successors by means of track connections to adjacent Reading trackage to be constructed at the expense of the Redevelopment Authority.

4. The cost of rebuilding and damaged track would be prohibitive.

5. Alternate transportation service would also be available from the motor carriers servicing the area.

6. No passenger or overhead freight service is provided over the line.

The request was accompanied by exhibits providing more detailed information.

To assist USRA in its analysis and disposition of this request, all affected or interested parties are invited to submit written statements, views, arguments or comments either favoring or opposing the discontinuance proposal.

Any submissions must identify, by its Docket No., the request to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2222, Trans Point Building, 2100 Second Street, SW., Washington, D.C. 20595, by December 17, 1975, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address between 8:30 a.m. and 5 p.m. Monday through Friday at the offices of the Pennsylvania Department of Transportation, 1220 Transportation and Safety Building, Harrisburg, Pennsylvania, and the Pennsylvania Public Utility Commission, Bureau of Public Transportation, Harrisburg, Pennsylvania, during normal business hours, at the Penn Central Railroad's Division Superintendent's Office, Room 202 Penn Central Station, Harrisburg, Pennsylvania, and at the Penn Central General Manager's office, Room 908, Penn Central Station, 30th and Market Streets, Philadelphia, Pennsylvania, between 8 a.m., and 5 p.m., Monday through Friday.

In addition to this publication, Penn Central shall, by November 3, 1975, furnish a copy of this notice and invitation for written submission, to known shippers on the portions of the Lebanon Secondary Track and East Lebanon Branch sought to be abandoned, to each creditor holding an obligation secured by that property, and to each labor union whose members are employed on that part of its line. It shall also post and prominently display a copy of this copy of this notice at each station along that line, continually during the period from November 3, 1975 through December 17, 1975.

This action is taken pursuant to section 304(f) of the Regional Rail Reorganization Act of 1973, Pub. L. 93-236.

Copies of this notice have been sent by USRA to the Governor of Pennsylvania, the Pennsylvania Department of Transportation, the Pennsylvania Public Utility Commission, The Pennsylvania Department of State Planning, the Lebanon County Redevelopment Authority, the Mayor of the City of Lebanon, the Board of County Commissioners of Lebanon County, the Director of the Rail Services Planning Office, the President of the National Rail Passenger Corporation, and also to newspapers and radio and television broadcasting stations servicing the area involved.

Publication of this notice does not mean that the Association has reached any conclusion as to merits of the application. The Association will consider the application in the light of the public comments received and the requirements and purposes of the Act before making a decision. The Association will deny any application which a State or local or regional transportation authority reasonably opposes, or where the authorization requested is inconsistent with the requirements and purposes of the Act; it will grant the application if that action is consistent with the requirements and purposes of the Act.

Dated at Washington, D.C. this 21st day of October 1975.

JAMES A. HAGEN,
President, United States Railway Association.

[FR Doc.75-29085 Filed 10-29-75;8:45 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

ALASKA STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Assistant Regional Director for Occcupational Safety and Health (hereinafter called Assistant Regional Director) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On August 10, 1973, notice was published in the FEDERAL REGISTER (38 FR 21628) of the approval of the Alaska plan and the adoption of Subpart R to Part 1952 containing the decision.

The Alaska plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1952.243 of Subpart R sets forth the State's schedule for the adoption of at least as effective State standards.

By letter dated November 9, 1973 (Subpart E) and January 1974 (Subpart M) from R. L. Smith, Commissioner, Department of Labor, and letter dated March 3, 1975 (Subpart F) from Edmund N. Orbeck, Commissioner, Department of Labor to James W. Lake, Assistant Regional Director, and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR Part 1910, Subparts E, M and F. Subpart E, which is contained in subchapter 2 of the Industrial Housing Code, was promulgated after resolution adopted by the Alaska Department of Labor on August 27, 1974, pursuant to AS 44.62.040 and 44.62.120. Subparts M and F, which are contained in Chapter 1 of the General Safety Code, were promulgated by the Alaska Department of Labor on May 31, 1973, pursuant to AS 44.62.080 and 44.62.120.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards and are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 6048, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; State of Alaska, Department of Labor, Office of the Commissioner, Juneau, Alaska 99801; and Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, New Department of Labor Building, Room N3603, 200 Constitution Avenue NW, Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Alaska State plan as a proposed change and making the Assistant Regional Director's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective October 30, 1975.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Seattle, Washington this fifteenth day of September, 1975.

JAMES W. LAKE,
Assistant Regional Director.

[FR Doc.75-29187 Filed 10-29-75;8:45 am]

ALASKA STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Assistant Regional Director for Occupational Safety and Health (hereinafter called Assistant Regional Director) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On August 10, 1973, notice was published in the FEDERAL REGISTER (38 FR 21628) of the approval of the Alaska plan and the adoption of Subpart R to Part 1952 containing the decision.

The Alaska plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1952.243 of Subpart R sets forth the State's schedule for the adoption of at least as effective State standards.

By letters dated January 8, 1974 (Subpart K) and February 8, 1974 (Subpart Q) from James A. Witt, Deputy Commissioner to James W. Lake, Assistant Regional Director, and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR Part 1910 Subparts K and Q. These standards, which are contained in Chapter 1 of the General Safety Code, were promulgated by the State on May 31, 1973.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards and are hereby approved. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 6048, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; State of Alaska, Department of Labor, Office of the Commissioner, Juneau, Alaska 99801; and Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, New Department of Labor Building, Room N3603, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2 (c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Alaska plan as a proposed change and making the Assistant Regional Director's approval effective upon publication for the following reason:

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective October 30, 1975.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington this eleventh day of September, 1975.

JAMES W. LAKE,
Assistant Regional Director.

[FR Doc.75-29188 Filed 10-29-75;8:45 am]

ALASKA STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Assistant Regional Director for Occupational Safety and Health (hereinafter called Assistant Regional Director) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards in accordance with section 18(c) of the Act and 29 CFR Part 1902. On August 10, 1973, notice was published in the FEDERAL REGISTER (38 FR 21628) of the approval of the

Alaska plan and the adoption of Subpart R to Part 1952 containing the decision.

The Alaska plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1952.243 of Subpart R sets forth the State's schedule for the adoption of at least as effective State standards.

By letter dated February 28, 1974, from James A. Witt, Deputy Commissioner, Alaska Department of Labor, to James W. Lake, Assistant Regional Director, and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR Part 1910, Subpart L. These standards, which are contained in subchapter 2 of the Industrial Housing Code, were promulgated by the Alaska Department of Labor on August 27, 1974.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards and are hereby approved. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 6048, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; State of Alaska, Department of Labor, Office of the Commissioner, Juneau, Alaska 99801; and Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, New Department of Labor Building, Room N3603, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2 (c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Alaska State plan as a proposed change and making the Assistant Regional Director's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective October 30, 1975.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Seattle, Washington this 15th day of September, 1975.

JAMES W. LAKE,
Assistant Regional Director.

[FR Doc.75-29189 Filed 10-29-75;8:45 am]

MICHIGAN STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Assistant Regional Directors for Occupational Safety and Health (hereinafter called the Assistant Regional Director) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On October 3, 1973, notice was published in the FEDERAL REGISTER (38 FR 27338) of the approval of the Michigan plan and the adoption of Subpart T to Part 1952 containing the decision.

The Michigan plan provides for the adoption of Federal standards as State standards by reference. Section 1952.263 of Subpart T sets forth the State's schedule for the adoption of Federal standards. By letter dated March 19, 1975, from Keith Molin, Director, Michigan Department of Labor, and Maurice S. Reizen, M.D., Director, Michigan Department of Public Health, to Edward E. Estkowski, Assistant Regional Director, Occupational Safety and Health Administration, and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR Part 1910, Subpart S. These standards were adopted by reference under authority of Act No. 154 of the Public Acts of 1974, enacted by the State Legislature on June 18, 1974.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Assistant Regional Director, Occupational Safety and Health Administration, 230 South Dearborn Street, Chicago, Illinois 60604; State of Michigan, Department of Labor, 300 East Michigan Avenue, Lansing, Michigan 48926; and Office of the Associate Assistant Secretary for Regional Programs, Room N3603, 200 Constitution Avenue, NW., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2 (c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Michigan State plan as a proposed change and making the Assistant Regional Director's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective October 30, 1975.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Chicago, Illinois this 17th day of September 1975.

EDWARD E. ESTKOWSKI,
Assistant Regional Director.

[FR Doc.75-29190 Filed 10-29-75;8:45 am]

OREGON STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Assistant Regional Director for Occupational Safety and Health (hereinafter called Assistant Regional Director) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18 (c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the FEDERAL REGISTER (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision. The notice of Approval of Revised Developmental Schedule was further published on April 1, 1974, in the FEDERAL REGISTER (39 FR 11881).

The Oregon plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act.

Section 1952.108 of Subpart D sets forth the State's schedule for the adoption of at least as effective State standards. By letter dated October 30, 1974, from M. Keith Wilson, Chairman, Workmen's Compensation Board to James W. Lake, Assistant Regional Director, and incorporated as part of the plan, the State submitted proof documents concerning Subpart G of Part 1910, Title 29, Code of Federal Regulations. These standards, which are contained in Oregon Safety and Health Code were promulgated by the State after Notice of Intent was published in the Department of State's Administrative Rule Bulletin Vol. 14, No. 8, dated October 15, 1974. A public hearing was held on September 24, 1974.

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2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards and are hereby approved. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 6048, 909 First Avenue, Federal Office Building, Seattle, Washington 98174; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon 97310; and the Technical Data Center, Room N-3620, 200 Constitution Avenue, NW., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2 (c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon plan as a proposed change and making the Assistant Regional Director's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective October 30, 1975.

(Sec. 18, Pub. L. 91-296, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Seattle, Washington this 29th day of August 1975.

JAMES W. LAKE,
Assistant Regional Director.

[FR Doc.75-29191 Filed 10-29-75;8:45 am]

SOUTH CAROLINA STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Assistant Regional Director for Occupational Safety and Health (hereinafter called the Assistant Regional Director) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 6, 1972, notice was published in the FEDERAL REGISTER (37 FR 25932) of the approval of the South Carolina plan and the adoption of Subpart C to Part 1952 containing the decision. The South Carolina plan provides for the adoption of Federal standards as State standards after public hearing.

By letters dated April 30, 1975, and June 6, 1975, from Edgar L. McGowan, Commissioner, South Carolina Department of Labor to Donald E. MacKenzie, Assistant Regional Director and incorporated as a part of the plan, the State submitted amended State standards comparable to OSHA standards 29 CFR Part 1910 and 29 CFR Part 1926 as follows: amendments to § 1910.217 and § 1910.106 dated January 27, 1975; amendments to § 1910.67, § 1910.70, § 1910.183, § 1910.189, § 1910.190, § 1910.268, § 1910.269, § 1910.274, and § 1910.275 dated March 26, 1975; amendment deleting § 1910.267 and replacing it with 29 CFR Part 1928 dated April 25, 1975; amendments to § 1910.40, § 1910.100, § 1910.116, § 1910.141, § 1910.165, § 1910.171, § 1910.184, and § 1910.254 dated April 28, 1975; recodification of § 1910.93 through § 1910.93q as a new Subpart Z, § 1910.1000 through § 1910.1017 and amendments to § 1910.94, § 1910.99, § 1910.141, § 1910.178, § 1910.252, § 1910.261, § 1910.262, § 1910.265, § 1910.1002, § 1910.1499, § 1910.1500, Tables G-1, G-2, and G-3, and § 1926.55 dated May 28, 1975; and correction to § 1910.106 dated June 2, 1975. Further, the State independently revised State standards comparable to § 1926.400(h) and § 1910.309(c) to make inapplicable the National Electrical Code requirement (§ 210-7) on ground fault circuit interruptors.

These standards were promulgated after public hearings held on April 24, 1975, and by filing with the South Carolina Secretary of State on April 24, 1975, and June 5, 1975, respectively, pursuant to Act 379, South Carolina Acts and Joint Resolutions, 1971 (Section 40-261 through 40-274 South Carolina Code of Laws, 1962).

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards, with the exception that the State has not incorporated the requirement of Section 210-7 of the National Electrical Code as adopted by § 1910.309 and §1926.400. The standards are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement along with the approved plan may be inspected and copied during normal business hours at the following locations: Office of the Commissioner of Labor, South Carolina Department of Labor, 3600 Forest Drive, Columbia, South Carolina 29211; Office of the Assistant Regional Director, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309; and Office of the Associate Assistant Secretary for Regional Programs, Room N3603, 200 Constitution Avenue, NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds good cause exists for not publishing the supplement to the South Carolina State Plan as a proposed change and making the Assistant Regional Director's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with procedural requirements of State law and further participation would be unnecessary.

This decision is effective October 30, 1975.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Atlanta, Georgia, this 10th day of September, 1975.

DONALD E. MACKENZIE,
Assistant Regional Director.

[FR Doc.75-29192 Filed 10-29-75;8:45 am]

VIRGINIA

Consent Findings and Order

Notice is hereby given that on June 16, 1975, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) moved for dismissal of the pending proceedings for rejection of the Virginia Occupational Safety and Health Plan on the ground that the amended enabling legislation, enacted by the Virginia General Assembly in its 1975 regular session and considered by the Assistant Secretary as a modification to Virginia's Developmental Plan (see 40 FR 25741, June 18, 1975), had rendered moot the pending rejection proceeding. Notice of that proposed rejection was published at 39 FR 27844, August 1, 1974. The Commonwealth of Virginia objected to the Assistant Secretary's Motion for Dismissal and requested a hearing contending that collateral issues remained pending for the Administrative Law Judge's determination. A hearing on this procedural matter was scheduled for July 25, 1975. Prior to the date scheduled for hearing, however, the Assistant Secretary and the Virginia Commissioner of Labor and Industry agreed upon the following Consent Findings: in the event that the Assistant Secretary approves the amended Virginia enforcement procedures as being "at least as effective as" the Federal enforcement procedures under the Occupational Safety and Health Act of 1970, the current rejection proceedings will be rendered moot. If, however, the Assistant Secretary proposes to reject the amended Virginia enforcement procedures then the amended legislation would be the subject of the rejection proceeding. In accordance with the above findings, a Consent Order was signed by the Administrative Law Judge on July 25, 1975. The Assistant Secretary's Motion for Dismissal was withdrawn and the current rejection proceedings continued pending the outcome of the Assistant Secretary's review of Virginia's legislative amendments in accordance with 29 CFR 1902.11, 1902.3 and 1902.4.

Signed at Washington, D.C. this 9th day of October, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-29193 Filed 10-29-75;8:45 am.]

Office of the Secretary

[TA-W-244]

CHARLES H. LIEBMAN AND BROTHER, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Charles H. Liebman and Brother, Inc., Philadelphia, Pennsylvania (TA-W-244). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits and sport coats produced by Charles H. Liebman and Brother, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 10, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 14th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-29199 Filed 10-29-75;8:45 am]

[TA-W-256]

CHRYSLER CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 17, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Chrysler Styling, Chrysler Corporation, Detroit, Michigan (TA-W-256). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with styling of automobiles and trucks produced by Chrysler Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, or or before November 10, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3d St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-29194 Filed 10-29-75;8:45 am]

[TA-W-258]

COLONNA AND CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 20, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by and on behalf of the workers and former workers of Colonna and Company, Incorporated, Long Island City, New York (TA-W-258). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with marble slabs produced by Colonna and Company, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 10, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-29195 Filed 10-29-75;8:45 am]

[TA-W-204]

FAIRFOOT SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 2, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Boot and Shoe Workers Union on behalf of the workers and former workers of Fairfoot Shoe Company, Bedford, Pennsylvania a division of Altoona Shoe Manufacturing Company, Altoona, Pennsylvania (TA-W-204). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

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The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Fairfoot Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 10, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-29196 Filed 10-29-75;8:45 am]

[TA-W-242]

J. MAIMON AND SONS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of J. Maimon and Sons, Inc., Philadelphia, Pennsylvania (TA-W-242). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with Sport coats, suits and slacks produced by J. Maimon and Sons, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 10, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-29200 Filed 10-29-75;8:45 am]

[TA-W-243]

K & D CLOTHING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of K & D Clothing Company, Philadelphia, Pennsylvania (TA-W-243). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits produced by K & D Clothing Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 10, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-29197 Filed 10-29-75;8:45 am]

[TA-W-246]

LAWRENCE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of The Lawrence Company, Philadelphia, Pennsylvania (TA-W-246). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits and sport coats produced by The Lawrence Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 10, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-29198 Filed 10-29-75;8:45 am]

[TA-W-247]

NICK IPPOLITI, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Nick Ippoliti, Inc., Philadelphia, Pennsylvania (TA-W-247). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's clothing produced by Nick Ippoliti, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 10, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-29201 Filed 10-29-75;8:45 am]

[TA-W-241]

PENN STATE CLOTHING CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Penn State Clothing Corporation, Philadelphia, Pennsylvania (TA-W-241). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits and sport coats produced by Penn State Clothing Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 10, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-29202 Filed 10-29-75;8:45 am]

[TA-W-248]

STANLEY BLACKER, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 14, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Stanley Blacker, Inc., Philadelphia, Pennsylvania (TA-W-248). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with tailored suits and sport coats produced by Stanley Blacker, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 10, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 14th day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-29203 Filed 10-29-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 807]

ASSIGNMENT OF HEARINGS

OCTOBER 24, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include

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cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 1515 Sub 203, Greyhound Lines, Inc., now assigned November 10, 1975, at San Francisco, Calif., is canceled and transferred to Modified Procedure.
MC 124606 Sub 4, Ford Truck Line, Inc., now assigned November 10, 1975, at Little Rock, Arkansas; is postponed indefinitely.
MC 61592 Sub 355, Jenkins Truck Line, Inc., application dismissed.
MC 138627 Sub 6, Smithway Motor Express, Inc., application dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-29206 Filed 10-29-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 24, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43067—*Joint Water-Rail Container Rates—Atlantica Line.* Filed by Atlantica Line (Atlantica, S.P.A. Genoa, Italy), (No. 2), for itself and interested rail carriers. Rates on general commodities, between rail stations on the U.S. Pacific Coast, and ports in Italy, Spain, Portugal, and France.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-29207 Filed 10-29-75;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 24, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Texas Docket No. 2674 (amended) filed August 4, 1975, published in the Federal Register issue of October 16, 1975. Applicant: TEXAS TEX-PACK EXPRESS, INC., 150 E. Zavalla St., San Antonio, Tex. 78204. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Procedural Note-Hearing: The FEDERAL REGISTER erroneously shows that a hearing will be scheduled in this docket on or before November 17, 1975. The Texas Railroad Commission has not specified a hearing date, but indicates that a hearing may be scheduled any date 30 days after the October 16, 1975 FEDERAL REGISTER Notice.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-29211 Filed 10-29-75;8:45 am]

[Notice No. 39]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 24, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 647 (Deviation No. 3), EXHIBITORS SERVICE COMPANY, 85 Helen Street, McKees Rocks, Pa. 15136, filed October 16, 1975. Carrier's representative: Samuel P. Delisi, 604 Law & Finance Bldg., Pittsburgh, Pa. 15219. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 22 and Pennsylvania Highway 764 near Duncansville, Pa., over Pennsylvania Highway 764 to junction Pennsylvania Highway 36, thence over Pennsylvania Highway 36 to junction U.S. Highway 219, thence over U.S. Highway 219 to junction Pennsylvania Highway 286, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Hollidaysburg, Pa., over U.S. Highway 22 to Ebensburg, Pa., thence over U.S. Highway 219 to junction Pennsylvania Highway 286 and return over the same route.

No. MC 42405 (Deviation No. 9), MISTLETOE EXPRESS SERVICE, d.b.a. MISTLETOE EXPRESS, 111 N. Harrison, Oklahoma City, Okla. 73112, filed October 9, 1975. Carrier's representative: Max G. Morgan, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Nowata, Okla., over U.S. Highway 169 to Tulsa, Okla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Nowata, Okla., over U.S. Highway 60 to junction U.S. Highway 66 near Whiteoak, Okla., thence over U.S. Highway 66 to Tulsa, Okla., and return over the same route.

No. MC 48958 (Deviation No. 70), ILLINOIS-CALIFORNIA EXPRESS, INC., 510 E. 51st Ave., Denver, Colo. 80216, filed October 16, 1975. Carrier's representative: Morris G. Cobb, P.O. Box 9050, Amarillo, Tex. 79105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Abilene, Tex., over Interstate Highway 20 (U.S. Highway 80) to junction Interstate Highway 10, thence over Interstate Highway 10 (U.S. Highway 80) to Phoenix, Ariz., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Abilene, Tex., over Texas Highway 351 to junction U.S. Highway 180, thence over U.S. Highway 180 to Albany, Tex., thence over U.S. Highway 283 to junction Texas Highway 79 near Throckmorton, Tex., thence over Texas Highway 79 to Olney, Tex., thence over Texas Highway 199 to Seymour, Tex., thence over U.S. Highway 283 to Vernon, Tex., thence over U.S. Highway 287 to Amarillo, Tex., thence over U.S. Highway 66 to Flagstaff, Ariz., thence over Interstate Highway 17 to Phoenix, Ariz., and return over the same route.

No. MC 75320 (Deviation No. 57), CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801, filed October 10, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Wagoner, Okla., over Oklahoma Highway 16 to junction Muskogee Turnpike, thence over Muskogee Turnpike to junction Interstate Highway 40, thence over Interstate Highway 40 to Alma, Ark., and return over the same rout for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Wagoner, Okla., over Oklahoma Highway 51 to the Arkansas-Oklahoma State line, thence over Arkansas Highway 244 to junction Arkansas Highway 59, thence over Arkansas Highway 59 to junction U.S. Highway 62, thence over U.S. Highway 62 to Fayetteville, Ark., thence over U.S. Highway 71 to Alma, Ark., and return over the same route.

No. MC 111383 (Deviation No. 38) BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 4447, Dallas, Tex. 75208, filed October 10, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Oklahoma City, Okla., over H. E. Bailey Turnpike to Wichita Falls, Tex., thence thence over U.S. Highway 82 to Brownfield, Tex., thence over U.S. Highway 62 to El Paso, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Oklahoma City, Okla., over U.S. Highway 77 to Dallas, Tex., thence over U.S. Highway 80 to El Paso, Tex., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-29208 Filed 10-29-75;8:45 am]

[Notice No. 85]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 24, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) Grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under Sections 5(2) and 212(b); (4) notices of filing of Sections 5(2) and 210a(b) finance applications; and (5) notices of filing of section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 CFR § 1100.250.

Protests to the granting of the requested authority must be filed with the Commission on or before December 1, 1975 (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's general rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

No. MC 10761 (Sub-No. 266) (Republication), filed June 24, 1974, and published in the Federal Register issue of August 15, 1974, and republished this issue. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 5650 Foremost Drive SE., Grand Rapids, Mich. 49508. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. An Initial Decision and Order of Administrative Law Judge Daniel J. Davidson, dated August 13, 1975 and served August 20, 1975, became the Order of the Commission by Notice dated September 19, 1975, and served October 6, 1975, and finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, transporting: *electrical distribution transformers*, from the plantsite and warehouse facilities of the RTE Corporation at Waukesha, Wis., to points in Pennsylvania, New York, New Jersey, Maryland and Michigan; that applicant is fit, willing and able to properly perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate New Jersey as a destination state. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 111729 (Sub-No. 496) (Republication), filed January 7, 1975, and published in the Federal Register issue of February 6, 1975, and republished this issue. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). An Supplemental Order of the Commission, Operating Rights Board, dated September 22, 1975, and served October 8, 1975, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *cut flowers* and *decorative greens*, when moving at the same time and in the same vehicle with commodities the transportation of which is subject to economic regulation, (1) from Emerson, N.J. to points in New Jersey and New York restricted to the transportation of traffic having an immediately prior movement by motor vehicle, and (2) from Newark Airport, Newark, N.J., to points in New Jersey and New York, restricted to the transportation of traffic having an immediately prior movement by air; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate that applicant will provide through service from the Newark Airport, at Newark, N.J., to points in New Jersey and New York. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 119367 (Sub-No. 8) (Republication) filed July 24, 1974, and published in the Federal Register issue of August 22, 1974, and republished this issue. Applicant: ANTONA TRUCKING CO., INC., Route 208, P.O. Box 135, Washingtonville, N.Y. 10992. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. An Order of the Commission, Review Board

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Number 1, dated October 3, 1975, and served October 17, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *scrap metal* from points in Dutchess, Orange, and Ulster Counties, N.Y., to points in Fairfield, Litchfield, and New Haven Counties, Conn., Bucks, Chester, Lancaster, Lehigh, and Northumberland Counties, Pa., and points in New Jersey; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate service to points in Chester, Pa. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 139934 (Sub-No. 1) (republication), filed June 10, 1974, and published in the Federal Register issue of July 25, 1974, and republished this issue. Applicant: WALKER CONTRACT CARRIER, INC., 4214 Beach Park Drive, Tampa, Fla. 33609. Applicant's representative: M. Craig Massey, 202 East Walnut Street, P.O. Box Drawer J, Lakeland, Fla. 33802. A Stay Decision and Order of the Commission, Review Board Number 3, dated October 6, 1975, and served October 17, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes of *general commodities* (except commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, motor vehicles, and chemicals, phosphates, phosphate products, and phosphate by-products in bulk), in containers or in trailers between Tampa and Port Manatee, Fla., on the one hand, and, on the other, points in Florida south of Levy, Alchua, Clay, and Duval Counties, Fla., restricted against the transportation (a) of building and construction materials from Tampa, and (b) of plywood from Port Manatee, and further restricted to the transportation of shipments having an immediately prior or subsequent movement by water. The certificate issued insofar as it concerns the transportation of dangerous commodities shall be subject to the condition that it shall be limited in point of time to a period expiring 5 years from the date of issuance. The purpose of this republication is to indicate the transportation in containers or trailers. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 63838 (Sub-No. 6) (Amended notice of filing of petition to modify certificate), filed August 28, 1975, and published in the Federal Register issue of September 17, 1975, and republished as amended this issue. Petitioner: BOLUS MOTOR LINES, INC., 700 N. Keyser, Ave., Scranton, Pa. 18508. Petitioner's representative: Kenneth R. Davis, 121 S. Main Street, Taylor, Pa. 18517. Petitioner holds a motor *common carrier* certificate in No. MC 63838 (Sub-No. 6), issued April 11, 1975, authorizing transportation, over irregular routes, of *Television bulbs*, from the facilities of Owens-Illinois, Inc., at or near Pittston Township, Pa., to Auburn and Seneca Falls, N.Y. By the instant petition, petitioner seeks to modify the above described authority so as to read, *Television bulbs* and *Glass face plates* used in the manufacture of television bulbs, between the plantsite of Owens-Illinois, Inc., at or near Pittston Township, Pa., on the one hand, and, on the other, Auburn and Seneca Falls, N.Y. The purpose of this republication is to indicate that *television bulbs* should be included in the commodity description of the requested authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 119313 and (Sub-No. 2) (Notice of filing of petition to modify territorial descriptions) filed September 25, 1975. Petitioner: CRESCENT TRUCKING, INC., 120 Bridge Street, Mayville, Wis. 53050. Petitioner's Representative: Edward Solie, Executive Building-Suite 100, 4513 Vernon Blvd., Madison, Wis. 53705. Petitioner holds motor *common carrier* certificates in No. MC 119313 and MC 119313 (Sub-No. 2), issued January 8, 1960 and April 6, 1967, respectively, authorizing transportation, as pertinent, over irregular routes, in MC 119313, of (1) *Sheet metal products*, from Mayville, Wis., to points in Illinois, Indiana, Ohio, Michigan, Iowa, and Minnesota; (2) *steel*, from points in Illinois, Indiana, Ohio, Michigan, Iowa, and Minnesota, to Mayville, Wis.; and (3) *dies and tools*, between Mayville, Wis., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Michigan, Iowa, and Minnesota; and in MC 119313 (Sub-No. 2), of (1) *Fabricated metal products* (except sheet metal products) and *related parts and accessories* thereto, from Mayville, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota and Ohio; and (2) *steel products* used in the manufacture of fabricated metal products, from points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Ohio, to Mayville, Wis.

By the instant petition, petitioner seeks to add Allenton, Wis. as a terminal point in the above described authorities so as to read, in MC 119313, (1) *Sheet metal products*, from Mayville and Allenton, Wis., to points in Illinois, Indiana, Ohio, Michigan, Iowa and Minnesota; (2) *steel*, from points in Illinois, Indiana, Ohio, Michigan, Iowa, and Minnesota, to Mayville and Allenton, Wis.; and (3) *dies and tools*, between Mayville and Allenton, Wis., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Michigan, Iowa, and Minnesota; and in MC 119313 (Sub-No. 2), (1) *Fabricated metal products* (except sheet metal products) and *related parts* and accessories thereto, from Mayville and Allenton, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Ohio; and (2) *steel products* used in the manufacture of fabricated metal products, from points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Ohio, to Mayville and Allenton Wis. Any interested person or persons desiring to participate may file an original and six copies of his written representations views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 140952 (Notice of filing of petition to modify commodity descriptions), filed July 14, 1975. Petitioner: HELEN G. LEE, doing business as REFRIGERATED EXPRESS, 1209 Kanawha Terrace, Huntington, W. Va. 25701. Petitioner's Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Petitioner holds a motor *common carrier* certificate in No. MC 140952 issued October 8, 1975, authorizing transportation, over irregular routes, of (1) *Such commodities* as are manufactured, sold, and distributed by packinghouses: (a) between Williamson and Logan, W. Va., on the one hand, and on the other, points in Wyoming, Logan and Lincoln Counties, W. Va.; (b) between Logan, W. Va., on the one hand, and, on the other, points in Mingo and Wayne Counties, W. Va. and those in Pike County, Ky.; and (2) *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses* as described in the appendix to the report in *Modification of Permits of Motor Common Carriers of Packinghouse Products*, 46 M.C.C. 23: (a) between Logan, W. Va., on the one hand, and, on the other, points in Cabell and Putnam Counties, W. Va., Lawrence and Scioto Counties, Ohio, Russel, Ky., and points in Boyd and Lawrence Counties, Ky.; and (b) from Huntington, W. Va., to points in West Virginia, Ohio and Kentucky within 100 miles of Huntington, W. Va.

By the instant petition, petitioner seeks to modify the commodity descriptions in (1) and (2) above so as to read, *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 105808 (Sub-No. 10), filed October 10, 1975. Applicant: PLYMOUTH ROCK TRANSPORTATION CORP., 1230 Massachusetts Avenue, Boston, Mass. 02125. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving points in Massachusetts as off-route points, in connection with carrier's authorized regular route operations.

NOTE.—The purpose of this application is to convert a Certificate of Registration applicant seeks to acquire to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) proceeding in MC-F-12655 published in the Federal Register issue of October 22, 1975. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 108119 (Sub-No. 45), filed September 18, 1975. Applicant: E. L. MURPHY TRUCKING CO., a Corporation, 3303 Sibley Memorial Highway, P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Donald A. Morken, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which, because of size or weight, require special handling or the use of special equipment, (2) *self-propelled articles*, each weighing 15,000 pounds or more, and (3) *related parts, materials, and supplies*, when their transportation is incidental to commodities, in paragraphs (1) and (2) above, restricted to commodities in (2) above which are transported by trailers and further restricted against the transportation of farm machinery, (1)(A) between points in Connecticut, on the one hand, and, on the other, points in Arizona, California, Colorado, Kansas (points on, north, and west of a line extending westerly from the Kansas-Missouri line along Interstate Highway 70 to its junction with the Kansas Turnpike, thence southwesterly along the Kansas Turnpike to its junction with U.S. Highway 166, thence westerly along U.S. Highway 166 to its junction with U.S. Highway 81, thence southerly along U.S. Highway 81 to the Kansas-Oklahoma State Line, and points in the Kansas City Commercial Zone), Missouri (points in the Kansas City Commercial Zone only), Nebraska, Nevada, New Mexico, Oklahoma, points on and west of a line extending southerly from the Kansas-Oklahoma State Line along U.S. Highway 81 to its junction with U.S. Highway 60, thence westerly along U.S. Highway 60 to its junction with U.S. Highway 183.

Thence southerly along U.S. Highway 183 to the Oklahoma-Texas State Line, Texas (points on and west of a line extending southerly from the Oklahoma-Texas State Line along U.S. Highway 283 to its junction with U.S. Highway 80, thence westerly along U.S. Highway 80 to its junction with U.S. Highway 277, thence southwesterly along U.S. Highway 277 to Del Rio, Tex., thence southwesterly along unnumbered highway to the International Boundary with Mexico), Utah and Wyoming and (B) between points in Connecticut, on the one hand, and, on the other, points in Kansas not described in Part (1)(A) above. The purpose of this filing is to eliminate the gateways of points in Pennsylvania, Ohio, and Minnesota. (2)(A) between points in Delaware, on the one hand, and, on the other, points in Arizona, California, Colorado, Kansas (points on and west of a line extending southerly from the Kansas-Nebraska State Line along U.S. Highway 77 to its junction with U.S. Highway 36, thence westerly along U.S. Highway 36 to its junction with U.S. Highway 81, thence southerly along U.S. Highway 81 to its junction with Kansas Highway 140, thence southwesterly along Kansas Highway 140 to its junction with U.S. Highway 156, thence southwesterly along U.S. Highway 156 to its junction with U.S. Highway 56, thence southwesterly along U.S. Highway 56 to its junction with U.S. Highway 283, thence southerly along U.S. Highway 283 to its junction with U.S. Highway 54, thence southerly along U.S. Highway 54 to the Oklahoma-Kansas State Line), Nebraska (points on, north, and west of a line extending from the Missouri-Nebraska State Line westerly along U.S. Highway 136 to its junction with U.S. Highway 77, to the Kansas-Nebraska State Line), Nevada, New Mexico, points on and west of a line extending from the New Mexico-Texas State Line westerly along U.S. Highway 62 to its junction with New Mexico Highway 18.

Thence southerly along New Mexico Highway 18 to the New Mexico-Texas State Line, Oklahoma (points on and west of U.S. Highway 54), Texas (points on and west of a line extending from the Oklahoma-Texas State Line southerly along U.S. Highway 54 to its junction with U.S. Highway 87, thence southerly along U.S. Highway 87 to its junction with U.S. Highway 62, thence southerly along U.S. Highway 62 to the New Mexico-Texas State Line, and also that part of Texas extending southerly from the New Mexico-Texas State Line along Texas Highway 18 to its junction with Texas Highway 115, thence southerly along Texas Highway 115 to its junction with U.S. Highway 80, thence southwesterly along U.S. Highway 80 to its junction with Texas Highway 17, thence southerly along Texas Highway 17 to the International Boundary with Mexico near Presidio, Tex.), Utah and Wyoming and (B) between points in Delaware, on the one hand, and, on the other, points in Nebraska and New Mexico not described above. The purpose of this filing is to eliminate the gateways of points in Pennsylvania, Ohio, and Minnesota.

(3)(A)(1) from points in Arizona, California, Nevada, Utah, and Wyoming, to points in Maryland, (2) from points in Colorado, Iowa (points in the Council Bluffs Commercial Zone), Kansas (points on and west of a line extending from the Kansas-Nebraska State Line southerly along U.S. Highway 81 to its junction with U.S. Highway 24, thence westerly along U.S. Highway 24 to its junction with U.S. Highway 183, thence southerly along U.S. Highway 183 to its junction with Kansas Highway 96, thence westerly along Kansas Highway 96 to its junction with U.S. Highway 83, thence southerly along U.S. Highway 83 to the Kansas-Oklahoma State Line), Nebraska (points on, north, and west of a line extending from the Missouri-Nebraska State Line westerly along U.S. Highway 136 to its junction with U.S. Highway 77, thence southerly along U.S. Highway 77 to the Kansas-Nebraska State Line), New Mexico (points on and west of a line extending from the New Mexico-Texas State Line along U.S. Highway 54 to its junction with New Mexico Highway 18, thence southerly along New Mexico Highway 18 to its junction with U.S. Highway 62, thence southwesterly along U.S. Highway 62 to the New Mexico-Texas State Line), Oklahoma (points on and west of U.S. Highway 54), Texas (points on and west of U.S. Highway 54, and points on and west of a line extending from the New Mexico-Texas State Line southerly along U.S. Highway 62 to its junction with Texas Highway 54, thence southerly along Texas Highway 54 to its junction with U.S. Highway 67, thence southerly along U.S. Highway 67 to its end at the International Boundary with Mexico near Presidio, Tex.), to points in Maryland that are on and east of a line extending from the Maryland-Pennsylvania State Line southerly along Interstate Highway 81 to its junction with U.S. Highway 40, thence southeasterly along U.S. Highway 40 to Baltimore, thence easterly along the southern border of Kent County to the Delaware-Maryland State Line.

(3) From points in Colorado, Iowa (points in the Council Bluffs Commer-

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cial Zone), Kansas (points on and west of a line extending from the Kansas-Nebraska State Line southerly along U.S. Highway 81 to its junction with U.S. Highway 24, thence westerly along U.S. Highway 24 to its junction with U.S. Highway 183, thence southerly along U.S. Highway 183 to its junction with U.S. Highway 56, thence westerly along U.S. Highway 56 to its junction with U.S. Highway 283, thence southerly long U.S. Highway 283 to its junction with U.S. Highway 54, thence southwesterly along U.S. Highway 54 to the Kansas-Oklahoma State Line), Nebraska (points on, north, and west of a line extending from the Missouri-Nebraska State Line westerly along U.S. Highway 136 to its junction with U.S. Highway 81, thence southerly along U.S. Highway 81 to the Kansas-Nebraska State Line), New Mexico (points on and west of a line extending from the New Mexico-Texas State Line along U.S. Highway 70 to its junction with U.S. Highway 285, thence southerly along U.S. Highway 285 to its junction with U.S. Highway 62, thence southerly along U.S. Highway 62 to the New Mexico-Texas State Line), Oklahoma (points on and west of U.S. Highway 54), Texas (points on and west of a line extending from the Oklahoma-Texas State Line southerly along U.S. Highway 54 to its junction with U.S. Highway 87, thence southerly along U.S. Highway 87 to its junction with U.S. Highway 60, thence southwesterly along U.S. Highway 60 to the New Mexico-Texas State Line, and points on and north of a line extending from the New Mexico-Texas State Line southwesterly along U.S. Highway 62 to the International Boundary with Mexico near El Paso, Tex.), to points in Maryland that are on and south of a line extending from the Maryland-West Virginia State Line northerly along Interstate Highway 81 to its junction with U.S. Highway 40, thence easterly along U.S. Highway 40 to Baltimore, thence along the southern boundary of Kent County to the Delaware-Maryland State Line, and

(4) From points in Colorado (points on, north, and west of a line extending from the Colorado-Kansas State Line westerly along U.S. Highway 36 to its junction with Colorado Highway 71, thence southerly along Colorado Highway 71 to its junction with U.S. Highway 24, thence southwesterly along U.S. Highway 24 to its junction with Interstate Highway 25, thence southerly along Interstate Highway 25 to the Colorado-New Mexico State line), Iowa (points in the Council Bluffs Commercial Zone), Kansas (points on, west, and north of a line extending from the Kansas-Nebraska State line southerly along U.S. Highway 83 to its junction with U.S. Highway 36, thence westerly along U.S. Highway 36 to the Colorado-Kansas State Line), Nebraska (points on and north of a line extending from the Iowa-Nebraska State Line westerly along Interstate Highway 80 to its junction with U.S. Highway 6, thence westerly along U.S. Highway 6 to its junction with U.S. Highway 83, thence southerly along U.S. Highway 83 to the Kansas-Nebraska State Line), New Mexico (points on, and west of a line extending from the Colorado-New Mexico State Line southerly along Interstate Highway 25 to its junction with New Mexico Highway 3, thence southerly along New Mexico Highway 3 to its junction with U.S. Highway 54, thence southerly along U.S. Highway 54 to the New Mexico-Texas State Line), Texas (points in El Paso County only), to points in Maryland west of Interstate Highway 81, (B) from points in Colorado, Nebraska, and New Mexico not described above, to points in Maryland. The purpose of this filing is to eliminate the gateways of Points in Pennsylvania, Ohio, and Minnesota.

(4) (A) (1) between points in Massachusetts, on the one hand, and, on the other, points in Arizona, California, Colorado, Nebraska, Nevada, New Mexico, Utah, and Wyoming, (2) between points in Massachusetts on and east of a line extending from the Massachusetts-New Hampshire State Line southerly along U.S. Highway 202 to its junction with Massachusetts Highway 2, thence easterly along Massachusetts Highway 2 to its junction with Massachusetts Highway 140, thence southerly along Massachusetts Highway 140 to its junction with Massachusetts Highway 12, thence southerly along Massachusetts Highway 12 to its junction with Massachusetts Highway 122, thence southerly along Massachusetts Highway 122 to its junction with Massachusetts Highway 140, thence southeasterly along Massachusetts Highway 140 to its junction with Massachusetts Highway 123, thence southwesterly along Massachusetts Highway 123 to the Massachusetts-Rhode Island State Line, on the one hand, and, on the other hand, points in Iowa (points on and west of Interstate Highway 35), Kansas (points on and west of a line extending from the Kansas-Missouri State Line westerly along Kansas Highway 68 to its junction with U.S. Highway 169, thence southerly along U.S. Highway 169 to its junction with Kansas Highway 39, thence southerly along Kansas Highway 39 to its junction with U.S. Highway 160, thence westerly along U.S. Highway 160 to its junction with U.S. Highway 77, thence southerly along U.S. Highway 77 to the Kansas-Oklahoma State Line), Oklahoma (points on and west of a line extending from the Kansas-Oklahoma State Line southerly along U.S. Highway 77 to its junction with U.S. Highway 60, thence westerly along U.S. Highway 60 to its junction with Interstate Highway 35, thence southerly along Interstate Highway 35 to the Oklahoma-Texas State Line), Texas (points on and west of a line extending from the Oklahoma-Texas State Line southerly along Interstate Highway 35 to its junction with U.S. Highway 377, thence southwesterly along U.S. Highway 377 to its junction with Texas Highway 16, thence southerly along Texas Highway 16 to its junction with U.S. Highway 183, thence southeasterly along U.S. Highway 183 to its junction with U.S. Highway 81, thence southerly along U.S. Highway 81 to the International Boundary with Mexico, near Laredo, Tex., and also points in the Commercial Zone of Dallas), and

(3) Between points in Massachusetts west of the area described in (2) above, on the one hand, and, on the other, points in Iowa (points on and west of Interstate 35), Kansas (points on and west of a line extending from the Kansas-Missouri State Line southwesterly along Interstate Highway 35 to its junction with U.S. Highway 77, thence southerly along U.S. Highway 77 to its junction with U.S. Highway 166, thence westerly along U.S. Highway 166 to its junction with Interstate Highway 35, thence southerly along Interstate Highway 35 to the Kansas-Oklahoma State Line), Oklahoma (points on and west of a line extending from the Kansas-Oklahoma State Line southerly along Interstate Highway 35 to its junction with U.S. Highway 60, thence westerly along U.S. Highway 60 to its junction with U.S. Highway 81, thence southerly along U.S. Highway 81 to the Oklahoma-Texas State Line), Texas (points on and west of a line extending from the Oklahoma-Texas State Line southerly along U.S. Highway 81 to its junction with U.S. Highway 67, thence southwesterly along U.S. Highway 67 to its junction with U.S. Highway 281, thence southerly along U.S. Highway 281 to its junction with U.S. Highway 183, thence southeasterly along U.S. Highway 183 to its junction with U.S. Highway 81, thence southerly along U.S. Highway 81 to its junction with U.S. Highway 57, thence westerly along U.S. Highway 57 to the International Boundary with Mexico at Eagle Pass, Tex., and points in the Commercial Zone of Dallas), and (B) between points in Massachusetts, on the one hand, and, on the other, points in Kansas not described in Part A above. The purpose of this filing is to eliminate the gateways of points in Pennsylvania, Ohio, and Minnesota.

(5) (A) (1) Between points in New Jersey, on the one hand, and, on the other, points in Arizona, California, Colorado, Nebraska, Nevada, New Mexico, Utah, and Wyoming, (2) between points in New Jersey within the Commercial Zone of New York, on the one hand, and, on the other, points in Iowa (points on and west of U.S. Highway 71), Kansas (points on and west of a line extending from the Kansas-Missouri State Line westerly along Interstate Highway 70 to its junction with the Kansas Turnpike, thence southerly along the Kansas Turnpike to its junction with U.S. Highway 166, thence westerly along U.S. Highway 166 to its junction with U.S. Highway 81, thence southerly along U.S. Highway 81 to the Kansas-Oklahoma State Line), Missouri (points in the Kansas City Commercial Zone), Oklahoma (points on, north, and west of a line extending from the Kansas-Oklahoma State Line southerly along U.S. Highway 81 to its junction with U.S. Highway 60, thence westerly along U.S. Highway 60 to its junction with Oklahoma Highway 34, thence southerly along Oklahoma Highway 34 to its junction with Oklahoma Highway 33, thence westerly along Oklahoma Highway 33 to its junction with U.S. Highway 283, thence southerly along U.S. Highway 283 to its junction with Oklahoma Highway 9, thence westerly along Oklahoma Highway 9 to the Oklahoma-Texas State Line), Texas (points on and west of a line extending from the Oklahoma-Texas State Line westerly along Texas Highway 203 to its junction with U.S. Highway 83, thence southerly along U.S. Highway 83 to its junction with U.S. Highway 277, thence southerly along U.S. Highway 277 to the International Boundary with Mexico near Del Rio, Tex.).

(3) Between points in New Jersey, other than those in the Commercial Zone of New York, on the one hand, and, on the other, points in Iowa (points on and west of U.S. Highway 75), Kansas (points on, west, and north of a line extending from the Kansas-Nebraska State Line southerly along U.S. Highway 75 to its junction with U.S. Highway 36, thence westerly along U.S. Highway 36 to its junction with U.S. Highway 81, thence southerly along U.S. Highway 81 to its junction with U.S. Highway 24, thence westerly along U.S. Highway 24 to its junction with U.S. Highway 183, thence southerly along U.S. Highway 183 to its junction with U.S. Highway 56, thence southerly along U.S. Highway 56 to its junction with U.S. Highway 283, thence southerly along U.S. Highway 283 to its junction with U.S. Highway 54, thence southwesterly along U.S. Highway 54 to the Kansas-Oklahoma State Line), Nebraska (points on and west of a line extending from the Iowa-Nebraska State Line westerly along Nebraska Highway 2 to its junction with U.S. Highway 75, thence southerly along U.S. Highway 75 to the Kansas-Nebraska State Line), Oklahoma (points on and west of U.S. Highway 54), Texas, points on and west of a line extending from the Oklahoma-Texas State Line southerly along U.S. Highway 54 to its junction with U.S. Highway 87, thence southerly along U.S. Highway 87 to its junction with U.S. Highway 62, thence southwesterly along U.S. Highway 62 to the New Mexico-Texas State Line, and also that part of Texas west of a line extending from the New Mexico-Texas State Line southerly along Texas Highway 18 to its junction with Texas Highway 115, thence southerly along Texas Highway 115 to its junction with U.S. Highway 80, thence southwesterly along U.S. Highway 80 to its junction with U.S. Highway 290, thence southeasterly along U.S. Highway 290 to its junction with Texas Highway 17, thence southerly along Texas Highway 17 to the International Boundary with Mexico near Presidio, Tex., and

(B) (1) Between points in New Jersey within the Commercial Zone of New York, on the one hand, and, on the other, points in Kansas not described in Part A(2) above and (2) between points in New Jersey, other than those within the Commercial Zone of New York, on the one hand, and, on the other, points in Nebraska not described in Part A(3) above. The purpose of this filing is to eliminate the gateways of points in Pennsylvania, Ohio, and Minnesota.

(6) (A) (1) between points in New York, on the one hand, and, on the other, points in Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, (2) between points in New York, on, north, and east of a line extending from Lake Ontario easterly along New York Highway 12 to its junction with Interstate Highway 81, thence southerly along Interstate Highway 81 to its junction with New York Highway 5, thence easterly along New York Highway 5 to its junction with U.S. Highway 20, thence easterly along U.S. Highway 20 to its junction with New York Highway 12–B, thence southerly along New York Highway 12–B to its junction with New York Highway 23, thence easterly along New York Highway 23 to the Massachusetts-New York State Line, on the one hand, and, on the other, points in Iowa (points on and west of Interstate Highway 35), Kansas (points on and west of a line extending from the Kansas-Missouri State Line southwesterly along Interstate Highway 35 to its junction with U.S. Highway 77, thence southerly along U.S. Highway 77 to the Kansas-Oklahoma State Line), Missouri (points in the Kansas City Commercial Zone), Nebraska, Oklahoma (points on and west of a line extending from the Kansas-Oklahoma State Line southerly along U.S. Highway 177 to its junction with U.S. Highway 70, thence easterly along U.S. Highway 70 to its junction with U.S. Highway 377, thence southerly along U.S. Highway 377 to the Oklahoma-Texas State Line), Texas (points on and west of a line extending from the Oklahoma-Texas State Line southerly along U.S. Highway 75 to its junction with U.S. Highway 77, thence southerly along U.S. Highway 77 to its junction with Interstate Highway 37, thence southeasterly along Interstate Highway 37 to its end at Corpus Christi, Tex.).

(3) Between points in New York on, east, and south of a line extending from the New York-Pennsylvania State Line northerly along the western boundary of Delaware and Otsego Counties to its junction with New York Highway 23, thence easterly along New York Highway 23 to the Massachusetts-New York State Line, on the one hand, and, on the other, points in Iowa (points on and west of U.S. Highway 59), Kansas (points on and west of a line extending from the Kansas-Missouri State Line westerly along Interstate Highway 70 to its junction with the Kansas Turnpike, thence southerly along the Kansas Turnpike to its junction with U.S. Highway 166, thence westerly along U.S. Highway 166 to its junction with U.S. Highway 81, thence southerly along U.S. Highway 81 to the Kansas-Oklahoma State Line), Missouri (points in the Kansas City Commercial Zones), Nebraska, Oklahoma (points on and west of a line extending from the Kansas-Oklahoma State Line southerly along U.S. Highway 81 to its junction with U.S. Highway 60, thence westerly along U.S. Highway 60 to its junction with Oklahoma Highway 34, thence southerly along Oklahoma Highway 34 to its junction with Oklahoma Highway 33, thence westerly along Oklahoma Highway 33 to its junction with U.S. Highway 283, thence southerly along U.S. Highway 283 to its junction with Oklahoma Highway 9, thence westerly along Oklahoma Highway 9 to the Oklahoma-Texas State Line), Texas (points on and west of a line extending from the Oklahoma-Texas State Line westerly along Texas Highway 83 to its junction with U.S. Highway 277, thence southerly along U.S. Highway 277 to the International Boundary with Mexico near Del Rio, Tex.

(4) Between points in New York that lie west of the territory described in paragraphs (2) and (3) above, on the one hand, and, on the other, points in Iowa (points on and west of U.S. Highway 75), Kansas (points on and west of a line extending from the Kansas-Nebraska State Line southerly along U.S. Highway 77 to its junction with U.S. Highway 40, thence westerly along U.S. Highway 40, to its junction with Kansas Highway 140, thence southwesterly along Kansas Highway 140 to its junction with U.S. Highway 156, thence southwesterly along U.S. Highway 156 to its junction with U.S. Highway 56, thence southwesterly along U.S. Highway 56 to its junction with U.S. Highway 283, thence southerly along U.S. Highway 283 to the Kansas-Oklahoma State Line), Nebraska (points on and west of a line extending from the Iowa-Nebraska State Line westerly along Nebraska Highway 2 to its junction with U.S. Highway 75, thence southerly along U.S. Highway 75 to the Kansas-Nebraska State Line), Oklahoma (points on and west of a line extending from the Kansas-Oklahoma State Line southerly along U.S. Highway 283 to its junction with U.S. Highway 66, thence westerly along U.S. Highway 66 to the Oklahoma-Texas State Line), Texas (points on and west of a line extending from the Oklahoma-Texas State Line westerly along U.S. Highway 66 to its junction with U.S. Highway 83, thence southerly along U.S. Highway 83 to the International Boundary with Mexico at Laredo, Tex.), (B) (1) between points in New York, on the one hand, and, on the other, points in Nebraska not described above (2) between points in New York described in Part A, paragraphs (2) and (3), above, on the one hand, and, on the other, points in Kansas not described therein. The purpose of this filing is to eliminate the gateways of points in Pennsylvania, Ohio, and Minnesota.

(7) (A) (1) Between points in Pennsylvania on and west of U.S. Highway 15 on the one hand, and, on the other, points in Arizona, California, Nevada, Utah, and Wyoming, (2) between points in Pennsylvania on and west of U.S. Highway 15, which also lie on, east, and north of a line extending from the New York-Pennsylvania State Line southerly along

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U.S. Highway 62 to its junction with U.S. Highway 6, thence southerly along U.S. Highway 6 to its junction with U.S. Highway 219, thence southerly along U.S. Highway 219 to its junction with U.S. Highway 322, thence southeasterly along U.S. Highway 322, to its junction with U.S. Highway 522, thence easterly along U.S. Highway 522 to its junction with U.S. Highway 15, on the one hand, and, on the other, points in Colorado, Iowa (points on and west of U.S. Highway 75), Kansas (points on, north, and west of a line extending from the Kansas-Nebraska State Line southerly along U.S. Highway 77 to its junction with Kansas Highway 9, thence westerly along Kansas Highway 9 to its junction with U.S. Highway 24, thence westerly along U.S. Highway 24 to its junction with U.S. Highway 281, thence southerly along U.S. Highway 281 to its junction with U.S. Highway 54, thence westerly along U.S. Highway 54 to its junction with U.S. Highway 183, thence southerly along U.S. Highway 183 to the Kansas-Oklahoma State Line), Nebraska (points on, north, and west of a line extending from the Missouri-Nebraska State Line westerly along U.S. Highway 136 to its junction with U.S. Highway 77, thence southerly along U.S. Highway 77 to the Kansas-Nebraska State Line), New Mexico, Oklahoma (points on and west of a line extending from the Kansas-Oklahoma State Line southerly along U.S. Highway 183 to its junction with Oklahoma Highway 15 to its junction with U.S. Highway 283, thence southerly along U.S. Highway 283 to its junction with U.S. Highway 60, thence westerly along U.S. Highway 60 to the Oklahoma-Texas State Line), Texas (points on and west of a line extending from the Oklahoma-Texas State Line southerly along U.S. Highway 60 to its junction with Texas Highway 207, thence southerly along Texas Highway 207 to its junction with Texas Highway 669, thence southerly along Texas Highway 669 to its junction with Texas Highway 33, thence southerly along Texas Highway 33 to its junction with Texas Highway 137, thence southerly along Texas Highway 137 to its junction with Texas Highway 163 thence southerly along Texas Highway 163 to its junction with U.S. Highway 90, thence southerly along U.S. Highway 90 to Del Rio, Tex., thence along unnumbered highway to the International Boundary with Mexico near Del Rio, Tex.).

(3) Between points in Pennsylvania on and west of U.S. Highway 15, not included in (2) above, on the one hand, and, on the other, points in Colorado (points on and west of a line extending from the Colorado-Kansas State Line westerly along U.S. Highway 40 to its junction with U.S. Highway 287, thence southerly along U.S. Highway 287 to its junction with U.S. Highway 50, thence southwesterly along U.S. Highway 50 to its junction with U.S. Highway 350, thence southerly along U.S. Highway 350 to its junction with Interstate Highway 25, thence southerly along Interstate Highway 25 to the Colorado-New Mexico State Line), Iowa (points on and west of U.S. Highway 75), Kansas (points on and west of a line extending from the Kansas-Nebraska State Line southerly along U.S. Highway 383 to its junction with U.S. Highway 40, thence westerly along U.S. Highway 40 to the Colorado-Kansas State Line), Nebraska (points on, west, and north of a line extending from the Iowa-Nebraska State Line westerly along Interstate Highway 80 to its junction with U.S. Highway 77, thence southerly along U.S. Highway 77 to its junction with U.S. Highway 6, thence westerly along U.S. Highway 6 to its junction with U.S. Highway 183, thence southerly along U.S. Highway 183 to the Kansas-Nebraska State Line), New Mexico (points on and west of a line extending from the Colorado-New Mexico State Line southerly along U.S. Highway 85 to its junction with U.S. Highway 84, thence southeasterly along U.S. Highway 84 to its junction with U.S. Highway 54, thence southerly along U.S. Highway 54 to the New Mexico-Texas State Line), and Texas (El Paso County only), (B) (1) between points in Pennsylvania on and west of U.S. Highway 15, on the one hand, and, on the other, points in Nebraska not described in Part A, (2) and (3) above and (2) between points in Pennsylvania described in Part A(3) above, on the one hand, and, on the other points in Colorado and New Mexico not described in Part A(3) above. The purpose of this filing is to eliminate the gateways of points in Ohio and Minnesota.

(8)(A) between points in Rhode Island, on the one hand, and, on the other, points in Arizona, California, Colorado, Iowa (points on and west of Interstate Highway 35), Kansas (points on and west of a line extending from the Kansas-Missouri State Line southerly along U.S. Highway 169 to its junction with Kansas Highway 39, thence westerly along Kansas Highway 39 to its junction with Kansas Highway 96, thence westerly along Kansas Highway 96 to its junction with Kansas Highway 99, thence southerly along Kansas Highway 99 to its junction with U.S. Highway 166, thence westerly along U.S. Highway 166 to its junction with Interstate Highway 35, thence southerly along Interstate Highway 35 to the Kansas-Oklahoma State Line, and including points in the Kansas City Commercial Zone), Nebraska, Nevada, New Mexico, Oklahoma (points on and west of a line extending from the Kansas-Oklahoma State Line southerly along Interstate Highway 35 to its junction with Oklahoma Highway 33, thence westerly along Oklahoma Highway 33 to its junction with U.S. Highway 81, thence southerly along U.S. Highway 81 to its junction with the H. E. Bailey Turnpike, thence southwesterly along the H. E. Bailey Turnpike to the Oklahoma-Texas State Line), Texas (points on and west of a line extending from the Oklahoma-Texas State Line southerly along U.S. Highway 281 to its junction with U.S. Highway 81, thence southwesterly along U.S. Highway 81 to the International Boundary with Mexico near Laredo, Tex.), Utah, and Wyoming and (b) between points in Rhode Island, on the one hand, and, on the other, points in Kansas not described in Part A, above. The purpose of this filing is to eliminate the gateways of points in Pennsylvania, Ohio, and Minnesota.

(A)(1) from points in California (points on and north of a line extending from the Pacific Ocean near Santa Cruz, Calif., northeasterly along California Highway 17 to its junction with Interstate Highway 680, thence northerly along Interstate Highway 680 to its junction with U.S. Highway 50, thence easterly along U.S. Highway 50 to the California-Nevada State Line), and Nevada (points in Douglas, Lyon, Storey, and Washoe Counties), to points in Virginia west of a line extending from the Virginia-West Virginia State Line southerly along Virginia Highway 311 to its junction with U.S. Highway 220, thence southerly along U.S. Highway 220 to its junction with Virginia Highway 40, thence easterly along Virginia Highway 40 to its junction with U.S. Highway 29, thence southerly along U.S. Highway 29 to the North Carolina-Virginia State Line.

(2) From points in California (points on, north, and west of a line extending from the California-Nevada State Line southwesterly along Interstate Highway 15 to its junction with California Highway 274, thence southerly along California Highway 274 to its junction with California Highway 62, thence southwesterly along California Highway 62 to its junction with Interstate Highway 10, thence westerly along Interstate Highway 10 to its junction with California Highway 111, thence southerly along California Highway 111 to its junction with California Highway 74, thence westerly along California Highway 74 to its junction with California Highway 71, thence southwesterly along California Highway 71 to its junction with U.S. Highway 395, thence southerly along U.S. Highway 395 to the International Boundary with Mexico near San Ysidro, Calif.), Colorado, points on, north, and west of a line extending from the Colorado-Nebraska State Line southwesterly along Interstate Highway 80–S to its junction with Interstate Highway 70, thence westerly along Interstate Highway 70 to its junction with Colorado Highway 82, thence southerly along Colorado Highway 82 to its junction with Colorado Highway 133, thence southerly along Colorado Highway 133 to its junction with Colorado Highway 92, thence westerly along Colorado Highway 92 to its junction with U.S. Highway 50, thence southerly along U.S. Highway 50 to its junction with Colorado Highway 90, thence southwesterly along Colorado Highway 90 to its junction with Colorado Highway 141, thence southwesterly along Colorado Highway 90 to its junction with Colorado Highway 141.

Thence southwesterly along Colorado Highway 141 to its junction with U.S. Highway 666, thence westerly along U.S. Highway 666 to the Colorado-Utah State Line, Nebraska (points on, north, and west of a line extending from the Iowa-Nebraska State Line westerly along Nebraska Highway 51 to its junction with U.S. Highway 275, thence westerly along U.S. Highway 275 to its junction with U.S. Highway 81, thence southerly along U.S. Highway 81 to its junction with U.S. Highway 30, thence westerly along U.S. Highway 30 to its junction with U.S. Highway 34, thence southerly along U.S. Highway 34 to its junction with Interstate Highway 80, thence westerly along Interstate Highway 80 to the Colorado-Nebraska State Line), Nevada (points on, north, and west of Interstate Highway 15), Utah and Wyoming, to points in Virginia east of the territory described in paragraph (1) above, and west of a line extending from the Virginia-West Virginia State Line southerly along U.S. Highway 522 to its junction with U.S. Highway 33, thence southerly along U.S. Highway 33 to its junction with Interstate Highway 95, thence southerly along Interstate Highway 95 to its junction with Virginia Highway 35, thence southeasterly along Virginia Highway 35 to its junction with U.S. Highway 58, thence easterly along U.S. Highway 58 to its junction with U.S. Highway 258, thence southerly along U.S. Highway 258 to the North Carolina-Virginia State Line.

(3) From points in Arizona, California, Colorado, Iowa (points on and west of U.S. Highway 75), Kansas (points on and north and west of a line extending from the Kansas-Nebraska State Line southerly along U.S. Highway 81 to its junction with U.S. Highway 24, thence westerly along U.S. Highway 24 to its junction with U.S. Highway 183, thence southerly along U.S. Highway 183 to its junction with Interstate Highway 70, thence westerly along Interstate Highway 70 to its junction with U.S. Highway 283, thence southerly along U.S. Highway 283 to its junction with Kansas Highway 96, thence westerly along Kansas Highway 96 to its junction with U.S. Highway 83, thence southerly along U.S. Highway 83 to its junction with U.S. Highway 56, thence southwesterly along U.S. Highway 56 to the Kansas-Oklahoma State Line), Nebraska (points on, north, and west of a line extending from the Missouri-Nebraska State Line westerly along U.S. Highway 136 to its junction with U.S. Highway 77, thence southerly along U.S. Highway 77 to the Kansas-Nebraska State Line), Nevada, New Mexico (points on, north, and west of a line extending from the New Mexico-Oklahoma State Line westerly along U.S. Highway 56 to its junction with U.S. Highway 85, thence southerly along U.S. Highway 85 to its junction with New Mexico Highway 90, thence westerly along New Mexico Highway 90 to its junction with Interstate Highway 10, thence westerly along Interstate Highway 10 to the Arizona-New Mexico State Line), Utah and Wyoming, to points in Virginia on and east of the eastern boundary of the territory described in paragraph (2) above.

(B) (1) From points in California not described in part A, paragraph, to points in Virginia described in Part A, paragraph (2) above, (2) from points in Nebraska not described in Part A, paragraph (3), to points in Virginia described in Part A, paragraph (3) above. The purpose of this filing is to eliminate the gateways of points in Pennsylvania, Ohio, and Minnesota.

(10)(A) (1) Between points in West Virginia, on, north, and east of a line extending from the Ohio-West Virginia State Line easterly along U.S. Highway 50 to its junction with West Virginia Highway 18, thence southerly along West Virginia Highway 18 and unnumbered road to its junction with U.S. Highway 33 at Camden, thence easterly along U.S. Highway 33 to its junction with U.S. Highway 250, thence southeasterly along U.S. Highway 250 to the Virginia-West Virginia State Line, on the one hand, and, on the other, points in Arizona, California, Colorado (points on, north, and west of a line extending from the Colorado-Kansas State Line westerly along U.S. Highway 36 to its junction with Colorado Highway 71, thence southerly along Colorado Highway 71 to its junction with U.S. Highway 24, thence southwesterly along U.S. Highway 24 to its junction with Interstate Highway 25, thence southerly along Interstate Highway 25 to the Colorado-New Mexico State Line), Iowa (points on and west of U.S. Highway 75), Nebraska (points on and north of a line extending from the Iowa-Nebraska State Line westerly along Interstate Highway 80 to its junction with U.S. Highway 6, thence westerly along U.S. Highway 6 to its junction with U.S. Highway 83, thence southerly along U.S. Highway 83 to the Kansas-Nebraska State Line), Nevada, New Mexico (points on and west of a line extending from the Colorado-New Mexico State Line southerly along Interstate Highway 25 to its junction with New Mexico Highway 3, thence southerly along New Mexico Highway 3 to its junction with U.S. Highway 54, thence southerly along U.S. Highway 54 to the New Mexico-Texas State Line), Texas (points in El Paso County only), Utah, and Wyoming, and

(2) Between points in West Virginia south of the territory described in paragraph (1) above, on the one hand, and, on the other, points in Arizona (points on and west of a line extending from the Arizona-Utah State Line southerly along U.S. Highway 163 to its junction with U.S. Highway 160, thence southwesterly along U.S. Highway 160 to its junction with U.S. Highway 89, thence southerly along U.S. Highway 89 to its junction with U.S. Highway 66, thence easterly along U.S. Highway 66 to its junction with Arizona Highway 99, thence southerly along Arizona Highway 99 to its junction with Arizona Highway 288, thence southerly along Arizona Highway 288 to its junction with Arizona Highway 88, thence southerly along Arizona Highway 88 to its junction with Arizona Highway 77, thence southerly along Arizona Highway 88 to its junction with Arizona Highway 77, thence southerly along Arizona Highway 77 to its junction with U.S. Highway 89, thence southerly along U.S. Highway 89 to the International Boundary with Mexico near Nogales, Ariz.), California, Colorado, points on, north, and west of a line extending from the Colorado-Nebraska State Line westerly along Interstate Highway 80–S to its junction with U.S. Highway 6, thence westerly along U.S. Highway 6 to its junction with Colorado Highway 82, thence southerly along Colorado Highway 82 to its junction with Colorado Highway 133, thence southerly along Colorado Highway 133 to its junction with Colorado Highway 92, thence westerly along Colorado Highway 92 to its junction with U.S. Highway 550, thence southerly along U.S. Highway 550 to its junction with Colorado Highway 90, thence southwesterly along Colorado Highway 90 to its junction with Colorado Highway 141.

Thence southwesterly along Colorado Highway 141 to its junction with U.S. Highway 666, thence westerly along U.S. Highway 666 to the Colorado-Utah State Line, Iowa (points on and west of U.S. Highway 75), Nebraska (points on and north of a line extending from the Iowa-Nebraska State Line westerly along Nebraska Highway 92 to its junction with U.S. Highway 30, thence southwesterly along U.S. Highway 30 to its junction with U.S. Highway 34, thence southerly along U.S. Highway 34 to its junction with Interstate Highway 80, thence westerly along Interstate Highway 80 to the Colorado-Nebraska State Line), Nevada (points on and west of a line extending from the Colorado-Utah State Line westerly along U.S. Highway 666 to its junction with U.S. Highway 163, thence southwesterly along U.S. Highway 163 to the Arizona-Utah State Line), and Wyoming, (B) (1) between points in West Virginia described in Part A, paragraph (1) above, on the one hand, and, on the other, points in Colorado, Nebraska, and New Mexico not described in Part A, paragraph (1) and (2) between points in West Virginia described in Part A, paragraph (2) above, on the one hand, and, on the other, points in Arizona, Nebraska, and Utah not described in Part A, paragraph (2). The purpose of this filing is to eliminate the gateways of points in Ohio and Minnesota. (11) *Airplane engines, wings, and wing flaps*, which because of size or weight, require special handling or the use of special equipment, (1) between points in Montana, North Dakota, Minnesota, Iowa, Wisconsin, Illinois, Michigan, Indiana, and Ohio, on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania (points on and west of U.S. Highway 15), Rhode Island and West Virginia and

(2) From points in Montana, North Dakota, Minnesota, Iowa, Wisconsin, Illinois, Michigan, Indiana, and Ohio, to points in Maryland and Virginia. The purpose of this filing is to eliminate the gateways of Pennsylvania and Ohio.

NOTE.—Common control may be involved. This is a gateway elimination request and is a matter directly related to a Section 5(2) proceeding in MC–F–12642 published in the FEDERAL REGISTER issue of October 8, 1975. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 116273 (Sub-No. 198) (Correction), filed August 18, 1975, published in the FEDERAL REGISTER issue of September 10, 1975, and republished, as corrected, this issue. Applicant: D & L TRANS-

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PORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals, petroleum products, and coal tar products*, in bulk, in tank vehicles, from points in the Illinois counties of Lake, Kane, DuPage, Cook, Kendall, that part of McHenry, on, south, and east of a line beginning at the Lake-McHenry County Boundary line on Illinois Highway 173 and extending in a westerly direction along Illinois Highway 173 to intersection Illinois Highway 47, thence southerly along Illinois Highway 47 to Woodstock, Ill., thence westerly on an unnamed county road to intersection Illinois Highway 23, thence southerly on Illinois Highway 23 to intersection Interstate Highway 90, thence southerly and easterly along Interstate Highway 90 to the McHenry-Kane County Boundary line, that part of Grundy County on, north, and east of a line beginning at the Kendall-Grundy County Boundary line on Illinois Highway 47, thence southerly along Illinois Highway 47 to intersection Illinois Highway 113, thence easterly along Illinois Highway 113 to the Grundy-Will County Boundary line, that part of Will County on, north, and east of a line extending along Illinois Highway 113 from the Grundy-Will County Boundary line to the Will-Kankakee County Boundary line, that part of Kankakee County on and north of a line beginning at the Kendall-Will County Boundary line on Illinois Highway 113, thence southerly and easterly along Illinois Highway 113 to intersection Illinois Highway 17, thence east along Illinois Highway 17 to intersection Illinois Highway 114, thence easterly along Illinois Highway 114 to the Illinois-Indiana State Boundary line, to points in Alabama, Colorado, Georgia, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, Ohio, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin. The purpose of this filing is to eliminate the gateways at Chicago, Frankfort, LaSalle, Ottawa, Joliet, and Peru, Ill.

(2) *Lubricating oils and dry plastics*, in bulk, in tank vehicles, from points in Michigan, to the origin points named in (1) above. The purpose of this application is to eliminate the gateway of Chicago, Ill.

NOTE.—The purpose of this republication is to indicate applicant seeks authority over Interstate Highway 90 in lieu of intersection highway 90 as previously published in error. This is a gateway elimination request and is directly related to a Section 5(2) proceeding in MC-F-12552 published in the FEDERAL REGISTER issue of June 25, 1975. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124174 (Sub-No. 103), filed July 25, 1975. Applicant: MOMSEN TRUCKING CO., a Corporation, 13811 L Street, P.O. Box 37490, Millard Station, Omaha, Nebr. 68137. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except classes A and B explosives, and commodities requiring special equipment), between points within 15 miles of Waterloo, Nebr. on the one hand, and, on the other, points in Nebraska; and (2) *contractor's* and *construction equipment and machinery, materials, and supplies*, and commodities which by reason of their weight, size, or length, require special handling), between points within 20 miles of Waterloo, Nebr.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority (I) with its lead certificate on *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (A) (1) at points within 15 miles of Waterloo, Nebr., and also within 60 miles of Auburn, Nebr., to provide service between points in Nebraska on the one hand, and, on the other, points in that part of Nebraska, Iowa, Kansas, and Missouri located within 60 miles of Auburn, Nebr.

(2) At points within 20 miles of Waterloo, Nebr., and also within 60 miles of Auburn, Nebr., to provide service between points within 20 miles of Waterloo, Nebr. and those in Iowa, Kansas, Nebraska, and Missouri within 60 miles of Auburn, Nebr., (B) (1) at points within 20 miles of Waterloo, Nebr., and also within 60 miles of Auburn, Nebr., to provide service between points within 20 miles of Waterloo, Nebr. on the one hand, and, on the other, Anita, Iowa, and points within 15 miles thereof; (C) at Cherokee, Emitsburg, Le Mars, Sheldon, Sioux City, Spencer, Storm Lake, Algona, Charlton, Grinnel, Esterville, Charles City, Clinton, Webster City, Waverly, Iowa Falls, Carroll, Oelwin, Fort Madison, Red Oak, Centerville, Clarinda, Fort Dodge, Perry, Atlantic, Waterloo, Boone, Marshalltown, Harlan, Dennison, Albia, Maquoketa, Knoxville, Fairfield, Creston, Waukon, Decorah, Shannandoah, Manchester, and Jefferson, Iowa.; (1) to provide a through service from Chicago, Ill., to Waterloo, Nebr. and points within 15 miles thereof; (2) to provide a through service from Chicago, Ill. to points in Waterloo, Nebr. and points within 20 miles thereof; (D) a Freemont, Nebr. (1) to provide a through service from Chicago, Ill. to points in Nebraska; (2) to provide a through service from Chicago, Ill. to points within 20 miles of Waterloo, Nebr.; (E) at Freemont and Omaha, Nebr., (1) to provide a through service from points in Nebraska, to Spencer, Iowa and those points within 50 miles thereof; (2) to provide a through service from points within 20 miles of Waterloo, Nebr., to Spencer, Iowa and points within 50 miles thereof; (II) in Sub-No. 18, at Omaha, Nebr.: (1) (a) to provide a through service from points in Nebraska, to points in Iowa, Minnesota and South Dakota.

(1) (b) To provide a through service from Savage, Minn., and Atlantic, Dubuque, and Webster City, Iowa, to points in Nebraska: (2) (a) to provide a through service from points within 20 miles of Waterloo, Nebr., to points in Iowa, Minnesota, and South Dakota; (2) (b) to provide a through service from Savage, Minn., and Atlantic, Dubuque, and Webster City, Iowa, to points within 20 miles of Waterloo, Nebr.; (III) in Sub-No. 33, at Nebraska City, Nebr.: (A) to provide service between points within 15 miles of Waterloo, Nebr. on the one hand, and, on the other, points in Iowa, South Dakota, North Dakota, Minnesota, Kansas, and Missouri (except St. Louis, Atlas, Horn, Neosho, and South River); (B) to provide a through service from points within 15 miles of Waterloo, Nebr., to points in St. Louis, Atlas, Horn, Neosho, and South River, Mo.; (IV) in Sub-No. 35 at the plantsite of Cominco American Incorporated, located at or near Hoag, Nebr. to provide a through service from points within 50 miles of Waterloo, Nebr., to points in Iowa, Kansas, South Dakota, Minnesota, Missouri, and Illinois; (V) in Sub-No. 62, at Omaha, Nebr.: (A) to provide a through service from Lynchburg and Radford, Va., to points in Nebraska; (B) to provide a through service from Lynchburg and Radford, Va., to points within 20 miles of Waterloo, Nebr.; (VI) in Sub-No. 82 (A) at points in Nebraska.

(1) To provide service between points within 15 miles of Waterloo, Nebr. on the one hand, and, on the other, St. Joseph, Mo., restricted to traffic either originating at or destined to the plantsites and/or warehouse facilities of Swift & Company and John Morrell & Co. Said operations are further restricted against the transportation of feed and feed ingredients from points in Iowa west of U.S. Highway 59 and those in Nebraska east of U.S. Highway 81 and north of U.S. Highway 34, to St. Paul, Minn.; from Omaha, Nebr., to points in South Dakota; and from Sioux City, and Seargeant Bluff, Iowa. to points in Nebraska and South Dakota; (2) to provide service between points within 15 miles of Waterloo, Nebr. on the one hand, and, on the other, St. Paul, Minn.; Chicago, Ill.; Omaha, Nebr.; and Sioux City and Seargent Bluff, Iowa, with the same restrictions as described above, as applicable; (B) (1) at points within 20 miles of Waterloo, Nebr., to provide service between points within 20 miles or Waterloo, Nebr. on the one hand, and, on the other, St. Joseph, Mo.; (B) (2) at Omaha, Nebr. to provide service between points within 20 miles of Waterloo, Nebr. on the one hand, and, on the other, points in Colorado, Iowa, Kansas, Minnesota, Nebraska, and South Dakota, subject to the restrictions stated in (VI) (A) above; and (VII) with its existing regular route authority in the lead certificate, at Omaha, Nebr.: (1) to provide service between points in Nebraska and Chicago, Ill.; and (2) to provide service between points within 20 miles of Waterloo, Nebr., and Wiota, Iowa. This is a matter directly related to a Section 5(2) proceeding in MC-F-12579 published in the FEDERAL REGISTER issue of July 16, 1975. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr

No. MC-F-12629. (Amendment) (W & L MOTOR LINES, INC.—PURCHASE (PORTION)—CLAREMONT MOTOR LINES, INC.), published in the September 17, 1975, issue of the FEDERAL REGISTER. By amendment filed October 15, 1975, GENEVIEVE R. LAWSON, and BRANCH LAWSON, P.O. Box 309, Spruce Pine, N.C. 28777, and JOHN LAWSON, Prof. Bldg., Murtle Ave., Johnson City, N.C. join in as party applicants to the proceeding.

No. MC-F-12653. Authority sought for purchase by ROADWAY EXPRESS, INC., P.O. Box 471, Akron, OH 44309, of a portion of the operating rights and property of KEY LINE FREIGHT, INC., 15 Andre' St. SE., Grand Rapids, MI 49507, and for acquisition by GALEN J. ROUSH, also of Akron, OH 44309, of control of such rights and property through the purchase. Applicants' attorneys: William O. Turney, 2001 Massachusetts Ave. NW., Washington, DC 20036, and Robert A. Sullivan, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. Operating rights sought to be transferred: *General commodities*, with the usual exceptions, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, and Missouri, with certain restrictions serving various intermediate and off-route points, as more specifically described in Docket No. MC 46280 and Sub-numbers thereunder. This notice does not purport to be a complete description of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12654. Authority sought for purchase by SWIFT TRANSPORTATION COMPANY, 14719 South San Pedro St., Gardena, CA 90247, of a portion of the operating rights of S & M FREIGHT LINES, 2017 Violet St., Los Angeles, CA 90021, and for acquisition by WILLIAM SIMONOFF, 9434 Tierra Bianca Dr., Whittier, CA 90603, of control of such rights through the purchase. Applicants' attorneys: Donald Murchison, 9454 Wilshire Blvd., Beverly Hills, CA 90212, and Theodore W. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC 10381 (Sub-No. 3), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of California. Vendee is authorized to operate as a common carrier in California. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12656. Authority sought for control and merger by FISCHBACH TRUCKING CO., 921 Sherman St., Akron, OH 44311, of the operating rights and properties of COYLE TRUCKING CO., a non-carrier, and PECK MOVERS, INC., both of 700 Carroll St., Akron, OH 44304, and for acquisition by C. B. FISCHBACH, also of Akron, OH 44311, of control of such rights and properties through the transaction. Applicants' attorney: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Operating rights sought to be controlled and merged: Under a certificate of registration, in Docket No. MC 120311 (Sub-No. 1), covering the transportation of property, as a common carrier, in interstate commerce, within the State of Ohio. Vendee is authorized to operate as a *common carrier* in Arkansas, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC 11398 (Sub-No. 15), is a matter directly related.

No. MC-F-12657. Authority sought for purchase by BRIGGS TRANSPORTATION CO., 2360 West County Road C, St. Paul, MN 55113, of a portion of the operating rights of ARROW MOTOR TRANSIT, INC., 4600 West 34th St., Chicago, IL 60650, and for acquisition by GEORGE E. BRIGGS AND MICHAEL P. WARDELL, both of St. Paul, MN 55113, of control of such rights through the purchase. Applicants' attorney: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, livestock, household goods, and commodities in bulk, as a *common carrier* over regular routes, between Chicago and Rochelle, ILL., serving all intermediate points, and various off-route points, between Marengo and Chicago, ILL., serving all intermediate points and various off-route points; *general commodities*, excepting among other classes A and B explosives, household goods and commodities in bulk, over irregular routes, between points in a defined area in northern Illinois in the Counties of Winnebago, DeKalb, Kendall, DuPage, and Cook, with restrictions. Vendee is authorized to operate as a *common carrier* in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, Wisconsin, and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12658. Authority sought for purchase by CURTIS TRANSPORT, INC., P.O. Box 388, Arnold, MO 63010, of the operating rights of GILDER TRUCKING COMPANY, 1024 Winding Creek Trail NW., Atlanta, GA 30328, and for acquisition by H. A. GARDNER, 431 Pinecrest Ct. Cape Coral, FL 33904, J. J. THYSON, 408 Olive St., St. Louis, MO 63102, and DAVID G. DIMIT, 13438C Pompeii, Chesterfield, MO 63017, of control of such rights through the purchase. Applicants' attorney: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Operating rights sought to be transferred: *Ceramic foam, plastics, plastic products*, and *plastic coated metal* (except in bulk), as a *common carrier* over irregular routes, from the plantsite and warehouse facilities of The Dow Chemical Company at or near Findlay and Ironton, Ohio, and at Royersford, Pa., to points in Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana. Vendee is authorized to operate as a *common carrier* in Alabama Virginia, West Virginia, Kentucky, Tennessee, Illinois, Indiana, Iowa, Missouri, Wisconsin, Arkansas, Kansas, Nebraska, Michigan, Minnesota, Ohio, Oklahoma, Colorado, Connecticut, Delaware, Florida, Georgia, Louisiana, Maryland, Massachusetts, Mississippi, Montana, New Jersey, New Mexico, New York, North Carolina, North Dakota, Rhode Island, South Carolina, South Dakota, Texas, Wyoming, Maine, Vermont, Pennsylvania, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12659. Authority sought for purchase by WALLACE TRANSPORT CO., LIMITED, 1608 The Queensway, Toronto, Ontario, Canada, of the operating rights of GREEN LINE TRUCKING CO., 608 W. Harrison St., Trenton, MI 48183, and for acquisition by RED STAR EXPRESS LINES of Auburn, Inc., 24–50 Wright Avenue, Auburn, NY, of control of such rights through the purchase. Applicants' attorneys: Leonard A. Jaskiewicz, 1730 M St. NW., Washington, D.C. 20036, and Ramon S. Regan, 2255 City National Bank Bldg., Detroit, MI 48226. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC 99782 (Sub-No. 1), covering the transportation of general commodities, as a *common carrier*, in interstate commerce, within the State of Michigan. Vendee holds no authority from this Commission. However it is affiliated with RED STAR EXPRESS LINES of Auburn, Inc., under MC 59135 and sub numbers, which is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Massachusetts, Vermont, Connecticut, Rhode Island, Virginia, Maryland, Maine, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTICE

Andrew L. Lewis, Jr. and Joseph L. Castle, Trustees of the property of Reading Company, 415 Reading Terminal, Philadelphia, Pennsylvania 19107, represented by Mr. Joel E. Mazor, 415 Reading Terminal, Philadelphia, Pennsylvania 19107, hereby gives notice that on the 1st day of October, 1975, it filed with the

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Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing applicant, to acquire one-half of the stock of the Allentown Terminal Railroad Company from Lehigh Coal and Navigation Company, which application was assigned Finance Docket No. 28006. The line of railroad involved extends from the connection of the Allentown Terminal Railroad with the East Pennsylvania Railroad and extends generally in an easterly direction, a distance of 4,754 feet, all in the City of Allentown, Lehigh County, Pennsylvania.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b) (1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Interstate Commerce Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-29209 Filed 10-29-75;8:45 am]

[Notice No. 123]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 24, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 19778 (Sub-No. 89TA), filed October 15, 1975. Applicant: MILWAUKEE MOTOR TRANSPORTATION COMPANY, Suite 508–516 W. Jackson Blvd., Chicago, Ill. 60606. Applicant's representative: W. E. Gallagher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products*, from the plantsite of Gage Bros., Concrete Products, Inc., at or near Sioux Falls, S. Dak., to Minot, N. Dak., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gage Bros. Concrete Products, Inc., A. C. Gate, President, P.O. Box 1526, Sioux Falls, S. Dak. 57101. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 22065 (Sub-No. 4TA), filed October 15, 1975. Applicant: COMMERCIAL TRANSFER, INC., P.O. Box 12064, Fresno, Calif. 93716. Applicant's representative: Martin J. Rosen, 140 Montgomery St., San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between Fresno, Calif., and its commercial zone, on the one hand, and, on the other, Dinuba, Exeter, Hanford, Lindsay, Madera, Porterville, Sanger, Tulare, and Visalia, Calif., and their commercial zones, limited to shipments having prior or subsequent movement by rail or water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Crown Zellerbach Corporation, One Bush St., San Francisco, Calif. 94104. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 26396 (Sub-No. 127TA), filed October 17, 1975. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Jeanne Charlesworth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Missoula, Mont., to points in Illinois, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 30844 (Sub-No. 556TA), filed October 15, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial St., Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Class B poisonous liquids and solids, corrosive No. 1 materials, oxidizing materials, flammable liquids, chemicals No. 1* (except in bulk), *chemical lab apparatus, mineral oil, plastic* cups and articles used by medical laboratories requiring protective service in vehicles equipped with mechanical temperature control, from South Plainfield, N.J., to Cleveland, Ohio; Chicago, Ill.; Boston, Mass.; Dallas, Tex.; and Atlanta, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Technicon Instruments Corp., 511 Benedict St., Tarrytown, N.Y. 10591. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 40915 (Sub-No. 48TA), filed October 14, 1975. Applicant: BOAT TRANSIT, INC., P.O. Box 1402, Newport Beach, Calif. 92663. Applicant's representative: David R. Parker, 2810 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tent campers*, from Costa Mesa, Calif., to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Starcraft Company, P.O. Box 577, Goshen, Ind. 46526. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 9554 (Sub-No. 934TA), filed October 15, 1975. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, Lakeland, Fla. 33802. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road, N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles* distributed by meat packinghouses as defined in Sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from points in Fulton County, Ga., to points in Denver County, Colo., for 180 days. Applicant has also

filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dudahy Foods, Co., a division of General Hosts, Inc., 6540 Powers Ferry Road, Suite 350, Atlanta, Ga. 30339. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrece, Miami, Fla. 33166.

No. MC 107064 (Sub-No. 110TA), filed October 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, 2808 Fairmount St., Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the plantsites and storage facilities of Southern Union Oil Products Company and Famariss Oil Corporation in Lea County, N. Mex., to Shallow Water, Kans., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southern Union Oil Products Company, Fidelity Union Tower, Dallas, Tex. 75201. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 107403 (Sub-No. 953TA), filed October 17, 1975. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Designation 10C insulating oil*, in bulk, in tank vehicles, from Hosston, La., to Bryan, Tex.; Dever, Colo.; American Falls, Idaho; Longview, Wash.; Eugene, Oreg.; Adolph, Minn.; Calvert City, Ky.; Richburg Station, Miss., and Parkesburg, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: General Electric Co., 6901 Elmwood Ave., Philadelphia, Pa. 19142. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 107478 (Sub-No. 19TA), filed October 15, 1975. Applicant: OLD DOMINION FREIGHT LINE, P.O. Box 2006, High Point, N.C. 27261. Applicant's representative: Francis W. McInerny, 1000 16th St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with the usual exceptions, between Halifax and Vance Counties, N.C., on the one hand, and, on the other, Baltimore, Md., and points in Pennsylvania, on and east of a line extending from the Maryland-Pennsylvania state line along Interstate Highway 83 (formerly U.S. Highway 111), to York, Pa., and on and south of a line extending from York along U.S. Highway 30 to junction U.S. Highway 202, and thence along U.S. Highway 202 via New Hope, Pa., to the Pennsylvania-New Jersey state line. Applicant intends to tack its existing authority with MC 107478 at points in Vance and Halifax County, N.C., applicant also intends to interline with other carriers including Star Transport at Baltimore, Md., and will tack at Baltimore after merger of Star, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 60 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., of copies thereof which may be examined at the field office named below. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 107496 (Sub-No. 1007TA), filed October 14, 1975. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: Earl Check, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vapona* (Dichlorovinyl Dimethyl Phosphate), in bulk, in tank vehicles, from Denver, Colo., to Clarksdale, Miss., for 180 days. Supporting shipper: Shell Oil Company, P.O. Box 2099, Houston, Tex. 77001. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 110161 (Sub-No. 6TA), filed October 15, 1975. Applicant: HARRY H. KEMP, doing business as, HARRY H. KEMP ENTERPRISES, 115 Geneva Drive, Oskaloosa, Iowa 52577. Applicant's representative: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation*, from Oskaloosa, Iowa to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: U.S. Fiber Corp., P.O. Box 41, Oskaloosa, Iowa 52577. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 110420 (Sub-No. 748TA), filed October 16, 1975. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar*, in bulk, in tank vehicles, from the plantsite of CPC International, Inc., at North Kansas City, Mo., Albuquerque, N. Mex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: CPC International, Inc., Englewood Cliff, N.J. 07632. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 113908 (Sub-No. 355TA), filed October 17, 1975. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale St., P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from Cabool, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, Texas, and Wisconsin, for 180 days. Supporting shipper: Ozark Fertilizer, P.O. Box 542, Cabool, Mo. 65689. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 115669 (Sub-No. 152TA), filed October 16, 1975. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebra. 68933. Applicant's representative: Howard N. Dahlsten, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, in bags, from the plantsite of The Pillsbury Company, at Falls City, Nebr., to points in Arizona, Arkansas, Illinois, Iowa, Minnesota, Missouri, New Mexico, North Dakota, Oklahoma, Tennessee, Texas, Utah and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Don Wenz, Plant Manager, The Pillsbury Company, 5th & Morton Streets, Falls City, Nebr. 68355. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 115904 (Sub-No. 41TA), filed October 15, 1975. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Miss Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, forest products, sawmill products, wood products, composition board and wall board*, from points in Oregon and Washington to points in Montana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) North Pacific Lumber Company, P.O. Box 3915, Portland, Oreg. (2) Prentice Lumber Sales, Box 1208, Missoula, Mont. (3) Ferguson Lumber Sales, Inc., P.O. Box 178, Missoula, Mont. 59801. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 West Fort, Box 07, Boise, Idaho 83724.

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No. MC 116300 (Sub-No. 20TA), filed October 14, 1975. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, Miss. 39635. Applicant's representative: John A. Crawford, 1700 Deposit Guaranty Plaza, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in packages, from Avery Island, La., to points in Arkansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Salt Company, 1600 Tullie Circle, N.E., Suite 133, Atlanta, Ga. 30329. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 117940 (Sub-No. 168TA), filed October 17, 1975. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite of warehouse facilities of Jero's Inc., at or near Sodus, Mich., to points in Arkansas, Connecticut, Delaware, the District of Columbia, Iowa, Kansas, Maine, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, Virginia, West Virginia, and Wisconsin, restricted to traffic originating at the plantsite of Jeno's, Inc., at Sodus, Mich., and the storage facilities of or utilized by Jeno's, Inc., in the states of Michigan and Indiana and destined to the named destination states, for 180 days. Supporting Shipper: Jeno's, Inc., 525 Lake Ave., South, Duluth, Minn. 55802. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 414 Federal Bldg., & U.S. Courthouse, 110 South Fourth St., Minneapolis, Minn. 55401.

No. MC 118806 (Sub-No. 41TA), filed October 16, 1975. Applicant: ARNOLD BROS. TRANSPORT, LTD., 739 Lagimodiere Blvd., Winnepeg, Manitoba, Canada. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recreational vehicles*, from Mansfield, Ohio, to the ports of entry on the International Boundary Line between Canada and the United States near Noyes, Minn., and Pembina, N. Dak., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Sno-Trac Equipment, Ltd., P.O. Box 722, Regina, Saskatchewan, Canada 54P 3A8. (2) Rupp Snowmobiles, 1376 Airport Road, Mansfield, Ohio 44901. (3) Yetman, Ltd., 949 Jarvis Ave., Winnipeg, Manitoba, Canada R2X 0A1. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operation, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 119634 (Sub-No. 13TA), filed October 17, 1975. Applicant: DICK IRVIN, INC., P.O. Box F, Shelby, Mont. 59474. Applicant's representative: Charles R. Irvin, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon black*, in bags, from the ports of entry on the International Boundary line between the United States and Canada, located in Montana to Chicago, Bensonville and McHenry, Ill.; Minneapolis, Minn.; Havelock, Nebr.; Watertown, S. Dak.; Portland, Oreg.; Los Angeles and San Francisco, Calif., and Salt Lake City, Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: D. P. Schwabe, Cancarb, Limited, P.O. Box 310, Medicine Hat, Alberta, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 124813 (Sub-No. 133TA), filed October 14, 1975. Applicant: UMTHUN TRUCKING CO., 910 South Jackson St., Eagle Grove, Iowa 51533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and gypsum feed ingredients and soil conditioners*, (1) from points in Marion County, Iowa, to points in Arkansas, Colorado, Idaho, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Tennessee, Washington, Wisconsin and Wyoming, and (2) from points in Breckinridge County, Ky., to points in Arkansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: American Pelletizing Corporation, 7200 Hickman Road, Des Moines, Iowa 50322. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 124846 (Sub.-No. 1TA), filed October 10, 1975. Applicant: KALLMEYER BROS. ENTERPRISES, INC., 4 Schiller St., P.O. Box 233, Hermann, Mo. 65041. Applicant's representative: Thomas P. Rose, P.O. Box 205, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Milwaukee, Wis., to Hermann, Mo., under a continuing contract with Marvin's Distributing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Marvin's Distributing Co., Hermann, Mo. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission.

No. MC 125023 (Sub-No. 30TA), filed October 15, 1975. Applicant: SIGMA-4 EXPRESS, INC., 3825 Beech Ave., P.O. Box 9117, Erie, Pa. 16504. Applicant's representative: Richard G. McCurdy, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Monroe, Wis., to points in Massachusetts, Maryland, New Jersey, New York, Pennsylvania and Washington, D.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jos. Huber Brewing Co., 1208 14th Ave., Monroe, Wis. 53566. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 126286 (Sub-No. 14TA), filed October 17, 1975. Applicant: NIX TRANSPORTATION, INC., P.O. Box 721, Albany, Oreg. 97321. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, between points in Oregon lying on and west of U.S. Highway 97, on the one hand, and, on the other, points in Washington lying on and west of U.S. Highway 97, for 180 days. Supporting shippers: There are approximately 11 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Sent protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 133708 (Sub-No. 18TA), filed October 16, 1975. Applicant: FIKSE BROS., INC., 12647 East South St., Artesia, Calif. 90701. Applicant's representative: Carl H. Fritze, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard*, from the plantsite of Kaiser Gypsum Company, Inc., at Long Beach, Calif., to the distribution center of Kaiser Gypsum Company, Inc., at Glendale, Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kaiser Gypsum Company, Inc., 600 South Commonwealth Ave., Los Angeles, Calif. 90005. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 134145 (Sub-No. 59TA), filed October 16, 1975. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts for computing machines and materials and supplies* used in the manufacture or operation thereof (except commodities in bulk), between Minneapolis, Minn., and Rapid City, S. Dak., under a continuing contract with Control Data Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Control Data Corporation, 8100 34th Ave. South, Minneapolis, Minn. 55420. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 134599 (Sub-No. 136TA), filed October 14, 1975. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass* (except commodities in bulk or which because of size or weight require special equipment or special handling), from Tulsa, Okla., to East Paterson and Maywood, N.J., under a continuing contract with Mattel, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mattel, Inc., 5150 Rosecrans Ave., Hawthorne, Calif. 90250. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 135098 (Sub-No. 2TA), filed October 16, 1975. Applicant: GULF COAST MOLASSES COMPANY, INC., 560 Fairhope Ave., P.O. Drawer Q, Fairhope, Ala. 36532. Applicant's representative: D. H. Markstein, Jr., 512 Massey Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid cattle feed*, in bulk, in tank vehicles, from Mobile, Ala., to points in Arkansas, Louisiana and Mississippi, under a continuing contract with Rico Liquids, Inc., for 180 days. Supporting shipper: Rico Liquids, Inc., Box 423, Aliceville, Ala. 35442. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 136166 (Sub-No. 19TA), filed October 15, 1975. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Palm oil*, from Portland, Oreg., to Phoenix, Ariz., for 180 days. Supporting shipper: Palmco, Inc., P.O. Box 03380, Portland, Oreg. 97203. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 136343 (Sub-No. 59TA), filed October 15, 1975. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnelle Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp board, wrapping paper and woodpulp*, from the facilities of the Chesapeake Corporation of Va., at West Point, Va., to Pulaski, Buffalo, Binghamton, Syracuse, Rochester, N. Tonawanda, N.Y.; Newark, Yorklyn, Del.; Latrobe, York, Scranton, New Oxford, Gettysburg, Oakmont, Hanover, Pa.; Piqua, N. Randall, Caledonia, Ohio; Monroe Bridge, Irving, Dalton, Holyoke, Turners Falls, Millers Falls, Adams, Whitman, Mass., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Chesapeake Corp., of Va., Box 27-A, Mattaponi, Va. 23110. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 136595 (Sub-No. 4TA), filed October 17, 1975. Applicant: EASTSIDE ENTERPRISES, INC., 1440 South "A" St., Springfield, Oreg. 97477. Applicant's representative: Lawrence V. Smart, Jr., 419 N. W. 23rd Ave., Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sectionalized buildings and mobile homes*, from points in Ventura and Orange Counties, Calif., to points in Lane County, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Staffordshire, Inc., Route 7, Box 177G, Eugene, Oreg. 97405. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 139340 (Sub-No. 2TA), (Correction), filed October 3, 1975, published in the FEDERAL REGISTER issue of October 21, 1975, and republished as corrected this issue. Applicant: YELVINGTON TRANSPORT, INC., 800 Big Tree Road, P.O. Box 1686, Daytona Beach, Fla. 32015. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay pipe;* (2) *Joint materials;* (1) from Ocala, Fla., to Gulfport, Miss., and (2) from Gulfport, Miss., to Ocala, Fla., under a continuing contract with United States Concrete Pipe Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: United States Concrete Pipe Company, 2121 East Ohio Bldg., Cleveland, Ohio 44114. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202. The purpose of this republication is to correct the applicant's name.

No. MC 140484 (Sub-No. 12TA), filed October 15, 1975. Applicant: LESTER COGGINS TRUCKING, INC., 2671 E. Edison Ave., P.O. Box 69, Fort Myers, Fla. 33902. Applicant's representative: Clayton Geer, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Macrame, wrought iron stands, glassware and pottery*, from points in San Diego County, Calif., to points in the United States and East of Louisiana, Arkansas, Iowa, Missouri, and Minnesota, for 180 days. Supporting shipper: C. L. C., Inc., 6831 E. Apache Trail, Mesa, Ariz. 85207. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, Miami, Fla. 33166.

No. MC 141361 (Sub-No. 1TA), filed October 10, 1975. Applicant: LONSBERG TRUCKING AND MATERIALS, INC., 545 Broadway, Platteville, Wis. 53818. Applicant's representative: A. R. Hanson, 139 West Wilson St., Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, having a prior movement by rail, from Potosi Brewing Company, rail siding (CB & Q RR Co.), at Potosi, Wis., to the University of Wisconsin, Platteville, Platteville, Wis., under a continuing contract with State of Wisconsin Bureau of Purchases and Services, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: State of Wisconsin Bureau of Purchases and Services, 1 West Wilson St., Madison, Wis. 53702. Send protests to: Barney L. Hardin, District Supervisor, 139 West Wilson St., Room 202, Madison, Wis. 53703.

No. MC 141407 (Sub-No. 1TA), filed October 15, 1975. Applicant: CHARLES N. CASKEY, doing business as, B & C TRANSFER, 3112 Highway 75 North, Sioux City, Iowa 51105. Applicant's representative: A. J. Swanson, 512 S. 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, in carcass form, (1) from Hawarden and Hospers, Iowa, to the facilities of Iowa Beef Processors, Inc., at or near Dakota City, Nebr.; and (2) from Hawarden, Iowa, to Schuyler, Fremont, and Omaha, Nebr., and points in the commercial zones thereof, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Lou Millage, Traffic Manager, Hawarden of Iowa, Inc., P.O. Box 87, Hawarden, Iowa 51023. (2) Don Mehesan, Traffic Manager, Banner Beef Company, P.O. Box 132, Hospers, Iowa 51238. Send protests to: Carroll Russell,

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District Supervisor, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 141408 TA, filed October 8, 1975. Applicant: KEPPEL CORPORATION, 1325 Horner Road, Woodbridge, Va. 22191. Applicant's representative: John D. Clark, Suite 404, 1400 N. Uhle St., Arlington, Va. 22201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Antenna panels and other electronic equipment used in tuning antennas*, from McLean, Va., and the plantsite of National Science Foundation, to Magdalena, N. Mex., under a continuing contract with Radiation Systems, Inc., for 180 days. Supporting shipper: Radiation Systems, Inc., 1755 Old Meadow Road, McLean, Va. 22101. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room 317, Washington, D.C. 20423.

No. MC 141409 TA, filed October 9, 1975. Applicant: RALPH S. COFFIN, 600 Barnes, Kelso, Wash. 98626. Applicant's representative: Robert R. Hollis, 520 S. W. Yamhill, Portland, Oreg. 97219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shingles, shakes, hip ridge and shims*, from points in Clallam, Jefferson and Grays Harbor Counties, Wash., and Ports of Entry on the United States-Canadian Border near Port Angeles and Blaine, Wash., on the one hand, and, points in California, Arizona and Nevada on the other, for 180 days. Supporting shippers: (1) Lime Bay Shake Ltd., P.O. Box 905, Victoria, B.C., Canada. (2) Nehalem Bay Shake & Shingle Co., Inc., Route 2, Box 19F, Sekiu, Wash. 98381. (3) Robert Gray Shake & Shingle, Inc., P.O. Box 515, Hoquiam, Wash. 98550. R. C. & R Inc., Route 2, Box 19F, Sekiu, Wash. 98381. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97214.

No. MC 141410 TA, filed October 9, 1975. Applicant: KAZERY'S BLACK ANGUS MEATS AND GROCERIES TRUCKING CO., P.O. Box 8780, Jackson, Miss. 39204. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products*, from Jackson, Miss., to points in California, under a continuing contract with Filtrol Corporation, for 180 days. Supporting shipper: Filtrol Corporation, 3200 East Washington Blvd., Los Angeles, Calif. 90023. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 141411 TA, filed October 10, 1975. Applicant: TAMPA BAY ENTERPRISES, INC., 5600 Airport Blvd., Tampa, Fla. 33622. Applicant's representative: John W. McWhirter, Jr., 1915 Exchange Bank Bldg., Tampa, Fla. 33602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Polystyrene shapes and forms* tendered by Dolco Packaging Co., from the plantsite and warehouse facilities of Dolco Packaging Corp., near Lawrenceville, Ga., to points in Hernando, Hillsborough, Pasco and Polk Counties, Fla., under a continuing contract with Dolco Packaging Corp., for 180 days. Supporting shipper: Dolco Packaging Corp., 4405 Riverside Drive, Burbank, Calif. 91505. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 141412 TA, filed October 10, 1975. Applicant: ARTHUR L. WILKERSON, doing business as, WILKERSON & SONS, 11029 Cornell Ave., South, Seattle, Wash. 98178. Applicant's representative: Arthur L. Wilkerson, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' supplies, materials, and equipment*, from points in King, Pierce, and Snohomish Counties, to points located in said Counties for subsequent movement by water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: J. P. Francis & Associates, 6223 South 22nd St., Kent, Wash. 98031. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 141415 TA, filed October 16, 1975. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State St., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Graphite, water base*, in bulk, from Phoenix, Ariz., to Cucamonga, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wagner-Insul Company, 11299 8th St., Cucamonga, Calif. 91730. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 141416 TA, filed October 17, 1975. Applicant: LEWIS T. STEFFEY, doing business as STEFFEY TRUCKING, P.O. Box 749, 9586 Liden Ave., Bloomington, Calif. 92316. Applicant's representative: William J. Monheim, P.O. Box 1756, 15942 Whittier Blvd., Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles* distributed and used by meat packinghouses, as described in Sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), (1) Between Vernon, Calif., on the one hand, and, on the other, Phoenix and Tucson, Ariz.; (2) from Vernon, Calif., to Yuma, Ariz., under a continuing contract with Clougherty Packing Co., Inc., for 180 days. Supporting shipper: Clougherty Packing Co., Inc., 3049 East Vernon Ave., Los Angeles, Calif. 90058. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.75-29210 Filed 10-29-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

OCTOBER 24, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 73165 (Sub-No. 342G), filed June 4, 1974. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Contractors' outfits and equipment*, the transportation of which because of size or weight require special equipment, or consisting of *self-propelled articles* each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith, (a) from points in Georgia, to points in Texas, (b) from points in Mississippi and that part of Louisiana east of the Mississippi River, to points in Virginia, (c) from points in Tennessee on and east of U.S. Highway 231, to points in Texas, (d) from points in Tennessee on and west of U.S. Highways 45 and 45W, to points in Virginia on and east of a line extending from the Virginia-North Carolina Line over U.S. Highway 220 to Martinsville, Va., thence over U.S. Highway 58 to Clarksville, Va., and thence over U.S. Highway 15 to the Virginia-Maryland Line, and (e) from points in Florida on and west of U.S. Highway 231, to points in Virginia. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. or points within ten miles thereof.

(2) *Roadbuilding machinery and contractors' equipment* which because of size or weight require the use of special equipment or consisting of *self-propelled articles* each weighing 15,000 pounds or more and *related machinery, tools, parts and supplies* moving in connection therewith, from Detroit, Mich., and Marion Ohio, to points in Texas on and south of U.S. Highway 80. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

(3) *Contractors' equipment* other than oil field equipment, and *contractors' outfits* consistings of *machinery, and structural steel and iron or steel pipe* which because of size or weight requires the use of special equipment, between Bessemer, Ala., and points in Alabama within 100 miles of Bessemer, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateway at points in Tennessee.

(4) *Machinery, contractors' equipment* other than oil field equipment, structural steel, and iron or steel pipe which because of size or weight requires the use of special equipment, restricted to the transportation of machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, supplies, and equipment, incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, mining and milling of lead, zinc, coal, and other minerals, and commodities which because of size or weight require the use of special equipment or special handling, (a) between points in Tennessee, on the one hand, and, on the other, points in Kansas, and Oklahoma within 300 miles of Joplin, Mo., on and north of a line extending from the Arkansas-Oklahoma Line along U.S. Highway 62 to Muskogee, Okla., thence along U.S. Highway 69 to Eufaula, Okla., thence along Oklahoma Highway 9 to its junction with U.S. Highway 277 near Blanchard, Okla., and thence along U.S. Highway 277 to the Oklahoma-Texas Line.

(b) Between points in Missouri on and east of Interstate Highway 35, on the one hand, and, on the other, points in Oklahoma on and east of a line extending from the Kansas-Oklahoma Line along U.S. Highway 81 to Chickasha, Okla. and thence along U.S. Highway 277 to the Oklahoma-Texas Line and on and north of a line extending from the Arkansas-Oklahoma Line along U.S. Highway 62 to Muskogee, Okla., thence along U.S. Highway 69 to Eufaula, Okla., thence along Oklahoma Highway 9 to Norman, Okla., and thence along U.S. Highway 77 to the Oklahoma-Texas Line; (c) between points in Missouri on and west of U.S. Highway 66, on the one hand, and, on the other, points in Oklahoma on and east of a line extending from the Oklahoma-Kansas Line along U.S. Highway 66 to Oklahoma City, Okla., and thence along U.S. Highway 77 to the Oklahoma-Texas Line; (d) between points in Missouri in and south of Cape Girardeau, Bollinger, Wayne, Carter, Shannon, Howell, Douglas, Webster, Greene, Dade and Jasper Counties, on the one hand, and, on the other, points in Kansas on and southeast of a line extending from Kansas City, Kans., along U.S. Highway 24 to its junction with U.S. Highway 81 in Cloud County, Kans., and thence along U.S. Highway 81 to the Kansas-Nebraska line; and (e) between points in Missouri, on and south of U.S. Highway 54, on the one hand, and, on the other, points in Kansas on and south of a line extending from the Missouri-Kansas Line along U.S. Highway 54 to Wichita, Kans., and thence along Kansas Highway 96 to the Kansas-Colorado Line. The purpose of this filing is to eliminate the gateways of Jasper, Lawrence, Newton, Barry or Barton Counties, Mo.

(5) *Road and contractors' machinery, contractors' equipment* other than oil field equipment, (a) between points in Tennessee, on the one hand, and, on the other, points in Kansas, and Oklahoma on and north of a line extending from the Arkansas-Oklahoma Line along U.S. Highway 62 to Muskogee, Oklahoma, thence along U.S. Highway 69 to Eufaula, Okla., thence along Oklahoma Highway 9 to its junction with U.S. Highway 277 near Blanchard, Okla., and thence along U.S. Highway 277 to the Oklahoma-Texas Line; (b) between points in Missouri on and east of Interstate Highway 35, on the one hand, and, on the other, points in Oklahoma on and east of a line extending from the Kansas-Oklahoma Line along U.S. Highway 81 to Chickasha, Okla. and thence along U.S. Highway 277 to the Oklahoma-Texas Line and on and north of a line extending from the Arkansas-Oklahoma Line along U.S. Highway 62 to Muskogee, Okla., thence along U.S. Highway 69 to Eufaula, Okla., thence along Oklahoma Highway 9 to Norman, Okla., and thence along U.S. Highway 77 to the Oklahoma-Texas Line; (c) between points in Missouri on and west of U.S. Highway 66, on the one hand, and, on the other, points in Oklahoma on and east of a line extending from the Oklahoma-Kansas Line along U.S. Highway 66 to Oklahoma City, Okla., and thence along U.S. Highway 77 to the Oklahoma-Texas Line; (d) between points in Missouri in and south of Cape Girardeau, Bollinger, Wayne, Carter, Shannon, Howell, Douglas, Webster, Greene, Dade and Jasper Counties, on the one hand, and, on the other, points in Kansas on and southeast of a line extending from Kansas City, Kans., along U.S. Highway 24 to its junction with U.S. Highway 81 in Cloud County, Kans., and thence along U.S. Highway 81 to the Kansas-Nebraska Line; and (e) between points in Missouri on and south of U.S. Highway 54, on the one hand, and, on the other, points in Kansas on and south of a line extending from the Missouri-Kansas Line along U.S. Highway 54 to Wichita, Kans., and thence along Kansas Highway 96 to the Kansas-Colorado Line, and points in Oklahoma on and west of a line extending from the Kansas-Oklahoma Line along U.S. Highway 81 to Chickasha, Okla., and thence along U.S. Highway 277 to the Oklahoma-Texas Line. The purpose of this filing is to eliminate the gateways of Jasper, Lawrence, Newton, Barry or Barton Counties, Mo.

(6) *Contractors' equipment* other than oilfield equipment, and *contractors' outfits* consisting of road and contractors' *machinery*, between Bessemer, Ala., and points in Alabama within 100 miles of Bessemer, on the one hand, and, on the other, points in Kansas and that part of Oklahoma on and north of a line extending from the Oklahoma-Arkansas Line along U.S. Highway 62 to Muskogee, Okla., thence along U.S. Highway 69 to Eufaula, Okla., thence along Oklahoma Highway 9 to its junction with U.S. Highway 62 near Blanchard, Okla., and thence along U.S. Highway 277 to the Oklahoma-Texas Line. The purpose of this filing is to eliminate the gateways at points in Tennessee and Jasper, Lawrence, Newton, Barry or Barton Counties, Mo.

(7) *Contractors outfits* consisting of *machinery and contractors' equipment* other than oil field equipment, except those requiring special equipment, (a) between points in Missouri, on the one hand, and, on the other, points in Georgia on and south of a line extending from the Georgia-Alabama Line along Georgia Highway 20 to Cumming, Ga., and thence along U.S. Highway 19 to the Georgia-North Carolina Line; (b) from points in Missouri to points in Florida on and north of a line beginning at St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, Fla., thence along U.S. Highway 192 to Melbourne, Fla., and thence along an unnumbered highway to the Atlantic Seaboard; and (c) between points in Missouri on and northeast of a line extending from the Missouri-Iowa Line along U.S. Highsway 65 to Chillicothe, Mo., thence along U.S. Highway 36 to Macon, Mo., thence along U.S. Highway 63 to Columbia, Mo., and thence along U.S. Highway 40 to St. Louis, Mo., on the one hand, and, on the other, points in Mississippi on and southeast of U.S. Highway 11. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and points in Tennessee.

(8) *Contractors' equipment* other than oil field equipment, and *contractors' outfits* consisting of *road and contractors' machinery*, except those requiring special equipment restricted to the transportation of machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and ma-

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chinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, mining and milling of lead, zinc, iron, coal, and other minerals, and commodities which because of size or weight require the use of special equipment or special handling, (a) between points in Georgia on and south of a line extending from the Georgia-Alabama Line along Georgia Highway 20 to Cumming, Ga., and thence along U.S. Highway 19, to the Georgia-North Carolina Line, on the one hand, and, on the other, points in Kansas; (b) between points in Georgia, on the one hand, and, on the other, points in Oklahoma on and north of U.S. Highway 62; (c) from points in Kansas, to points in Florida on and north of a line beginning at St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, Fla., and thence along U.S. Highway 192 to Melbourne, Fla., and thence along an unnumbered highway to the Atlantic Seaboard; (d) from points in Oklahoma on and northeast of a line extending from the Arkansas-Oklahoma Line along Oklahoma Highway 33 to Tulsa, Okla., and thence along U.S. Highway 75 to points in Florida on and north of a line beginning at St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, Fla., thence along U.S. Highway 192 to Melbourne, Fla., and thence along an unnumbered highway to the Atlantic Seaboard; and (e) from points in Oklahoma on and north of U.S. Highway 62 to points in Florida on and east of U.S. Highway 319 and on and north of a line beginning at St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, Fla., thence along U.S. Highway 192 to Melbourne, Fla., and thence along an unnumbered highway to the Atlantic Seaboard. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., Memphis, Tenn. and Lamar or Joplin, Mo.

(9) *Contractors' outfits and equipment*, which because of size or weight require the use of special equipment (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling and repair of pipe lines), (b) between Bessemer, Ala. and points in Alabama within 100 miles of Bessemer and on or north of U.S. Highway 78, on the one hand, and, on the other, points in Arkansas on and northwest of U.S. Highway 49 extending from the Arkansas-Mississippi Line to junction with U.S. Highway 79 thence along U.S. Highway 79 to Fordyce, Ark., and thence along U.S. Highway 167 to the Arkansas-Louisiana Line; (b) between points in Alabama within 100 miles of Bessemer, Ala. and south of U.S. Highway 78, on the one hand, and, on the other, points in Arkansas on and north of U.S. Highway 49 extending from the Arkansas-Mississippi Line to junction with U.S. Highway 79 thence along U.S. Highway 79 to Pine Bluff, Ark., and thence along U.S. Highway 270 to the Arkansas-Oklahoma Line; (c) between Bessmer, Ala. and points in Alabama within 100 miles of Bessemer, on the one hand, and, on the other, points in Kentucky west of the Tennessee River and Kentucky Lake. The purpose of this filing is to eliminate the gateways of Memphis or Union City, Tenn.

(11) *Contractors' outfits and equipment*, consisting of self-propelled articles each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, except those requiring special equipment, (a) between points in Georgia on and north of U.S. Highway 78, on the one hand, and, on the other, points in Arkansas on and southwest of U.S. Highway 63 and on and north of a line extending from the Arkansas-Mississippi Line along U.S. Highway 49 to junction U.S. Highway 79, thence along U.S. Highway 79 to Fordyce, Ark., and thence along U.S. Highway 167 to the Arkansas-Louisiana Line; (b) between points in Georgia on and south of U.S. Highway 78, on the one hand, and, on the other, points in Arkansas on and north of a line extending from the Arkansas-Mississippi Line along U.S. Highway 49 to junction with U.S. Highway 79, thence along U.S. Highway 79 to Pine Bluff, Ark., and thence along U.S. Highway 270 to the Arkansas-Oklahoma Line; (c) between points in Georgia on and south of U.S. Highway 80, on the one hand, and, on the other, points in Kentucky west of the Tennessee River and Kentucky Lake; and (d) from points in Kentucky west of the Tennessee River and Kentucky Lake to points in Florida on and north of a line beginning at St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, Fla., thence along U.S. Highway 192 to Melbourne, Fla., and thence along an unnumbered highway to the Atlantic Seaboard. The purpose of this filing is to eliminate the gateways of Birmingham, Ala. and points within ten miles thereof, and Memphis, or Union City, Tenn.

(12) *Contractors' outfits and equipment*, which because of size or weight require the use of special equipment (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines, and except those requiring special equipment), (a) between points in Georgia on and north of U.S. Highway 78, on the one hand, and, on the other, points in Arkansas on and southwest of U.S. Highway 63 and on and north of a line extending from the Arkansas-Mississippi Line along U.S. Highway 49 to junction U.S. Highway 79, thence along U.S. Highway 79 to Fordyce, Ark., and thence along U.S. Highway 167 to the Arkansas-Louisiana Line; (b) between points in Georgia on and south of U.S. Highway 78, on the one hand, and, on the other, points in Arkansas on and north of a line extending from the Arkansas-Mississippi Line along U.S. Highway 49 to junction with U.S. Highway 79, thence along U.S. Highway 79 to Pine Bluff, Ark., and thence along U.S. Highway 270 to the Arkansas-Oklahoma Line; (c) between points in Georgia on and south of U.S. Highway 80, on the one hand, and, on the other, points in Kentucky west of the Tennessee River and Kentucky Lake; and (d) from points in Kentucky west of the Tennessee River and Kentucky Lake to points in Florida on and north of a line beginning at St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, Fla., thence along U.S. Highway 192 to Melbourne, Fla., and thence along an unnumbered highway to the Atlantic Seaboard. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., and points in Alabama within 100 miles of Bessemer, on the one hand, and, on the other, points in Kentucky west of the Tennessee River and Kentucky Lake. The purpose of this filing is to eliminate the gateways of Memphis or Union City, Tenn.

(10) *Contractors' outfits and equipment*, consisting of self-propelled articles each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, (a) between Bessemer, Ala. and points in Alabama within 100 miles of Bessemer and on or north of U.S. Highway 78, on the one hand, and, on the other, points in Arkansas on and northwest of U.S. Highway 49 extending from the Arkansas-Mississippi Line to junction with U.S. Highway 79 and thence along U.S. Highway 79 to Fordyce, Ark., and thence along U.S. Highway 167 to the Arkansas-Louisiana Line; (b) between points in Alabama within 100 miles of Bessemer, Ala., and south of U.S. Highway 78, on the one hand, and, on the other, points in Arkansas on and north of U.S. Highway 49 extending from the Arkansas-Mississippi Line to junction with U.S. Highway 79 thence along U.S. Highway 79 to Pine Bluff, Ark., and thence along U.S. Highway 270 to the Arkansas-Oklahoma Line; and (c) between Bessmer, Ala. and points in Alabama within 100 miles of Bessemer, on the one hand, and, on the other, points in Kentucky west of the Tennessee River and Kentucky Lake. The purpose of this filing is to eliminate the gateways of Memphis or Union City, Tenn.

(11) *Contractors' outfits and equipment*, consisting of self-propelled articles each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, except those requiring special equipment, (a) between points in Georgia on and north of U.S. Highway 78, on the one hand, and, on the other, points in Arkansas on and southwest of U.S. Highway 63 and on and north of a line extending from the Arkansas-Mississippi Line along U.S. Highway 49 to junction U.S. Highway 79, thence along U.S. Highway 79 to Fordyce, Ark., and thence along U.S. Highway 167 to the Arkansas-Louisiana Line; (b) between points in Georgia on and south of U.S. Highway 78, on the one hand, and, on the other, points in Arkansas on and north of a line extending from the Arkansas-Mississippi Line along U.S. Highway 49 to junction with U.S. Highway 79, thence along U.S. Highway 79 to Pine Bluff, Ark., and thence along U.S. Highway 270 to the Arkansas-Oklahoma Line; (c) between points in Georgia on and south of U.S. Highway 80, on the one hand, and, on the other, points in Kentucky west of the Tennessee River and Kentucky Lake; and (d) from points in Kentucky west of the Tennessee River and Kentucky Lake to points in Florida on and north of a line beginning at St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, Fla., thence along U.S. Highway 192 to Melbourne, Fla., and thence along an unnumbered highway to the Atlantic Seaboard. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., and points within ten miles thereof and Memphis or Union City, Tenn.

(13) *Machinery, contractors' equipment* other than oil field equipment, *structural steel, and iron and steel pipe* (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), restricted to the transportation of commodities which because of size or weight require the use of special equipment, (a) between points in Missouri, on the one hand, and, on the other, points in Kentucky on and south of a line beginning at Paducah, Ky. and extending along U.S. Highway 68 to Glasgow, Ky., thence along Kentucky Highway 80 to Hazard, Ky., thence along Kentucky Highway 15 to Whitesburg, Ky., and thence along U.S. Highway 119 to the Kentucky-West Virginia Line; (b) between points in Kentucky, on the one hand, and, on the other, points in Kansas, in and south of the Kansas Counties of Platte, Clay, Jackson, Johnson, Pettis, Cooper, Moniteau, Cole, Osage, Maries, Phelps, Crawford, Iron, Madison, and Ferry; (c) between points in Missouri in and east of the Missouri Counties of Butler, Wayne, Madison, St. Francois, Jefferson, St. Louis and St. Charles,

on the one hand, and, on the other, points in Arkansas on and south of a line extending from the Arkansas-Missouri Line along U.S. Highway 67 to Bald Knob, Ark., and thence along U.S. Highway 64 to Ft. Smith, Ark.; and (d) between points in Missouri, on and north of U.S. Highway 60, on the one hand, and, on the other, points in Arkansas in and east of the Arkansas Counties of Clay, Greene, Craighead, Poinsett, Cross, Saint Francis, and Crittenden. The purpose of this filing is to eliminate the gateways of Cape Girardeau or Poplar Bluff, Mo.

(14) *Contractors' equipment* other than oil field equipment, consisting of self-propelled articles each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, (a) between points in Missouri, on the one hand, and, on the other, points in Kentucky on and south of a line beginning at Paducah, Ky., and extending along U.S. Highway 68 to Glasgow, Ky., thence along Kentucky Highway 80 to Hazard, Ky., thence along Kentucky Highway 15 to Whitesburg, Ky., and thence along U.S. Highway 119 to the Kentucky-West Virginia Line; (b) between points in Kentucky, on the one hand, and, on the other, points in Kansas in and south of the Kansas Counties of Platte, Clay, Jackson, Johnson, Pettis, Cooper, Moniteau, Cole, Osage, Maries, Phelps, Crawford, Iron, Madison, and Ferry; (c) between points in Missouri in and east of the Missouri Counties of Butler, Wayne, Madison, St. Francois, Jefferson, St. Louis, and St. Charles, on the one hand, and, on the other, points in Arkansas on and south of a line extending from the Arkansas-Missouri Line along U.S. Highway 67 to Bald Knob, Ark., and thence along U.S. Highway 64 to Ft. Smith, Ark.; and (d) between points in Missouri on and north of U.S. Highway 60, on the one hand, and, on the other, points in Arkansas in and east of the Arkansas Counties of Clay, Greene, Craighead, Poinsett, Cross, Saint Francis, and Crittenden. The purpose of this filing is to eliminate the gateways of Cape Girardeau or Poplar Bluff, Mo.

(15) *Machinery, contractors' equipment*, other than oil field equipment, *structural steel, and iron and steel pipe* (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), restricted to the transportation of machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, mining and milling of lead, zinc, iron, coal, and other minerals, and commodities which because of size or weight require the use of special equipment or special handling, (a) between points in Kentucky on and south of a line beginning at Ashland, Ky., and extending along U.S. Highway 23 to Paintsville, Ky., thence along U.S. Highway 460 to Salyersville, Ky., thence along Kentucky Highway 7 to its junction with Kentucky Highway 80, thence along Kentucky Highway 80 to Hopkinsville, Ky., and thence along U.S. Highway 68 to Paducah, Ky., on the one hand, and, on the other, points in Kansas on and south of U.S. Highway 24 within 300 miles of Joplin, Mo.; (b) between points in Kentucky, on the one hand, and, on the other, points in Oklahoma on and west of U.S. Highway 271, within 300 miles of Joplin, Mo.; and (c) between points in Kentucky, on the one hand, and on the other, points in Kansas within 300 miles of Joplin, Mo., and on and south of a line extending from the Kansas-Missouri Line along U.S. Highway 54 to El Dorado, Kans., thence along U.S. Highway 77 to Junction with U.S. Highway 56, thence along U.S. Highway 56 to junction with Kanses Highway 96, and thence along Kansas 96 to Kansas-Colorado Line. The purpose of this filing is to eliminate the gateways of Cape Girardeau or Popular Bluff, Mo., and Seligman (Barry County) or Lamar (Barton County), Mo.

(16) *Contractors' equipment* other than oil field equipment, consisting of self-propelled articles each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, (a) between points in Kentucky on and south of a line beginning at Ashland, Ky., and extending along U.S. Highway 23 to Paintsville, Ky., thence along U.S. Highway 460 to Salyersville, Ky., thence along Kentucky Highway 7 to its junction with Kentucky Highway 80, thence along Kentucky Highway 80 to Hopkinsville, Ky., and thence along U.S. Highway 68 to Paducah, Ky., on the one hand, and, on the other, points in Kansas on and south of U.S. Highway 24; (b) between points in Kentucky, on the one hand, and, on the other, points in Oklahoma on and west of U.S. Highway 271; and (c) between points in Kentucky, on the one hand, and, on the other, points in Kansas on and south of a line extending from the Kansas-Missouri Line along U.S. Highway 54 to El Dorado, Kans., thence along U.S. Highway 77 to junction with U.S. Highway 56, thence along U.S. Highway 56 to junction with Kansas Highway 96, and thence along Kansas 96 to Kansas-Colorado Line. The purpose of this filing is to eliminate the gateways of Cape Girardeau or Poplar Bluff, Mo. and Seligman (Barry County) or Lamar (Barton County), Mo.

(17) *Machinery, contractors' equipment* other than oilfield equipment, structural steel, and pipe, the transportation of which because of size or weight requires the use of special equipment (except pipe, pipeline material, machinery, equipment and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), between points in Tennessee on and west of U.S. Highway 45W, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of Union City, Tenn.

(18) *Contractors' equipment* other than oil field equipment, consisting of self-propelled articles each weighing 15,000 pounds and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Tennessee on and west of U.S. Highways 45 and 45W, on the one hand, and, on the other points in Kentucky. The purpose of this filing is to eliminate the gateway of Union City, Tenn.

(19) *Commodities* (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), the transportation of which because of size or weight require the use of special equipment, between points in Kentucky, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateway of Union City, Tenn.

(20) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Kentucky, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateway of Union City, Tenn.

(21) *Machinery*, except commodities requiring special equipment, from Chicago and Peoria, Ill., to Birmingham, Ala., and points and places within 10 miles of Birmingham. The purpose of this filing is to eliminate the gateway of Paris, Tenn.

(22) *Machinery*, consisting of contractors' outfits and equipment, from Chicago and Peoria, Ill., to Bessemer, Ala., and points in Alabama within 100 miles of Bessemer. The purpose of this filing is to eliminate the gateway of Paris, Tenn.

(23) *Machinery*, consisting of contractors' outfits and equipment, except those requiring special equipment, from Chicago and Peoria, Ill., to points in Georgia on and south of U.S. Highway 278, Mississippi on and east of U.S. Highway 11, Louisiana east of the Mississippi River, and points in Florida on and north of a line beginning at St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, Fla., thence along U.S. Highway 192 to Melbourne, Fla., and thence along an unnumbered highway to the Atlantic Seaboard. The purpose of this filing is to eliminate the gateways of Paris, Tenn. and Birmingham, Ala.

(24) *Machinery*, (a) from Chicago and Peoria, Ill., to points in Tennessee on and west of U.S. Highway 41 and on and south of U.S. Highway 70. The purpose of this filing is to eliminate the gateway of Paris, Tenn.

(25) *Machinery*, the transportation of which because of size or weight requires the use of special equipment (except machinery and equipment incidental to and used in connection with the construction, dismantling, and repair of pipe

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lines), (a) from Chicago, Ill., to points in Arkansas on and south of a line extending from the Arkansas-Missouri Line along U.S. Highway 67 to Bald Knob, Ark., and thence along U.S. Highway 64 to Ft. Smith, Ark.; (b) from Peoria, Ill., to points in Arkansas on and south of a line extending from the Arkansas-Missouri Line along U.S. Highway 67 to Little Rock, Ark. and thence along U.S. Highway 70 to the Arkansas-Oklahoma Line. The purpose of this filing is to eliminate the gateway of Dyersburg, Tenn.

(26) *Road and bridge building machinery*, the transportation of which because of size or weight requires the use of special equipment (except machinery and equipment incidental to and used in connection with the construction, dismantling, and repair of pipe lines), from Chicago and Peoria, Ill., to points in Louisiana, that part of Mississippi on and southwest of a line extending from Greenville, Miss., along U.S. Highway 82 to junction with U.S. Highway 61, thence along U.S. Highway 61 to Vicksburg, Miss., thence along U.S. Highway 80 to Jackson, Miss., and thence along U.S. Highway 49 to Gulfport, Miss., and that part of Texas on and south of a line extending from Texarkana along U.S. Highway 67 to Greenville, Tex., and thence along U.S. Highway 380 to the Texas-New Mexico Line. The purpose of this filing is to eliminate the gateways of Dyersburg, Tenn. and Warren, Ark.

(27) *Mining, excavating, construction and road building, contractors' machinery, equipment and supplies*, which by reason of size or weight require special equipment (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), (a)(1) between points in Indiana, on the one hand, and, on the other, points in Arkansas; (2) between points in Indiana, on the one hand, and, on the other, points in Kentucky on and west of U.S. 45; (3) between points in Indiana, on and north of U.S. Highway 150, on the one hand, and, on the other, points in Kentucky west of the Tennessee River; and (4) between points in Indiana, on the one hand, and, on the other, Memphis, Tenn.

(b)(1) between points in Missouri on and north of U.S. 62, on the one hand, and, on the other, points in Kentucky; (2) between points in Missouri on and east of U.S. 61 commencing at Cape Girardeau and extending to the Missouri-Iowa State line, on the one hand, and, on the other, points in Arkansas on and east of U.S. 67; and (3) between points in Missouri on and west of U.S. 63, on the one hand, and, on the other, points in Tennessee on and east of U.S. 11 and U.S. 11W. The purpose of this filing is to eliminate the gateways of points in Illinois within 50 miles of Sikeston, Mo.; U.S. 45 intersection 5 miles northeast, Metropolis, Ill., Cairo, Ill. and Blytheville, Ark.

(28) *Mining, excavating, construction and road building, and contractors' machinery*, which by reason of size or weight requires the use of special equipment, or consisting of self-propelled articles each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith, (a) between points in Missouri on the north of U.S. 50, on the one hand, and, on the other, points in Kentucky and points in Indiana on and south of U.S. Highway 50; and (b) between points in Indiana on and north of U.S. Highway 36, on the one hand, and, on the other, points in Missouri on and south of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of East St. Louis, Ill.

(29) *Mining, excavating, construction and road building, and contractors' machinery*, which by reason of size or weight requires the use of special equipment, or consisting of self-propelled articles each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith, restricted to the transportation of machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, mining and milling of lead, zinc, iron, coal, and other minerals, and commodities which because of size or weight require the use of special equipment or special handling, between points in Indiana, and those in Kentucky on and northeast of a line beginning at the Indiana-Kentucky Line, thence over U.S. Highway 41 to Henderson, Ky., thence over U.S. Highway 60 to Louisville, Ky., thence over U.S. Highway 150 to Mt. Vernon, Ky., thence over U.S. Highway 25 and U.S. Highway 25W to the Kentucky-Tennessee Line on the one hand, and, on the other, points in Oklahoma within 300 miles of Joplin, Mo. and those in Kansas on and south of U.S. Highway 54 within 300 miles of Joplin, Mo. The purpose of this filing is to eliminate the gateways of East St. Louis, Ill. and Joplin (Jasper County), Mo.

(30) *Contractors' equipment* (other than oil field equipment), which because of size or weight requires the use of special equipment, or consisting of self-propelled articles each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith, (a) between points in Missouri on and north of U.S. Highway 50, on the one hand, and, on the other, points in Kentucky and points in Indiana on and south of U.S. Highway 50; and (b) between points in Indiana on and north of U.S. Highway 36, on the one hand, and, on the other, points in Missouri on and south of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of East St. Louis, Ill.

(31) *Road and contractors' machinery and contractors' equipment* (other than oil field equipment), which because of size or weight require the use of special equipment, or consisting of self-propelled articles each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith, restricted to the transportation of machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, mining and milling of lead, zinc, iron, coal, and other minerals, and commodities which because of size or weight require the use of special equipment or special handling, between points in Kentucky on and northeast of a line beginning at the Indiana-Kentucky Line, thence over U.S. Highway 60 to Louisville, thence over U.S. Highway 150 to Mt. Vernon, thence over U.S. Highway 25 and U.S. Highway 25W to the Kentucky-Tennessee Line, on the one hand, and, on the other, points in Oklahoma, and points in Kansas on and south of U.S. Highway 54. The purpose of this filing is to eliminate the gateways of East St. Louis, Ill. and Joplin (Jasper County), Mo.

(32) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in mining, excavating, construction, roadbuilding and contractors' machinery and equipment, and *related machinery, tools, parts and supplies* moving in connection therewith, (a)(1) between points in Indiana, on the one hand, and, on the other, points in Arkansas; (2) between points in Indiana, on the one hand, and, on the other, points in Kentucky on and west of U.S. Highway 45; (3) between points in Indiana, on and north of U.S. Highway 150, on the one hand, and, on the other, points in Kentucky west of the Tennessee River, and (4) between points in Indiana, on the one hand, and, on the other, Memphis, Tenn; and (b)(1) between points in Missouri on and north of U.S. Highway 62, on the one hand, and, on the other, points in Kentucky; (2) between points in Missouri on and east of U.S. Highway 61 commencing at Cape Girardeau and extending to the Missouri-Iowa State Line, on the one hand, and, on the other, points in Arkansas on and east of U.S. Highway 67, and (3) between points in Missouri on and west of U.S. Highway 63, on the one hand, and, on the other, points in Tennessee on and east of U.S. Highway 11 and U.S. Highway 11W. The purpose of this filing is to eliminate the gateways at points in Illinois within 50 miles of Sikeston, Mo. and Cairo, Ill., U.S. 45 Intersection 5 miles northeast, Metropolis, Ill. and Blythville, Ark.

(33) *Road and bridge building machinery and materials*, the transportation of which because of size and weight require the use of special equipment (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), (a) between Sikeston, Mo. and points within 50 miles of Sikeston, Mo., Kentucky, and Tennessee on the one hand, and, on the other, points in Louisiana on and west of a line beginning at the Arkansas-Louisiana Line, thence over U.S. Highway 165 to its intersection with U.S. Highway 90, and thence over U.S. Highway 90 to the Louisiana-Texas Line, and points in Texas on and south of U.S. Highway 62; and (b) between points in Kentucky and Tennessee on and east of U.S. Highway 31 and U.S. Highway 31W, on the one hand, and, on the other, points in Oklahoma on and southeast of a line beginning at the Texas-Oklahoma Line, thence over Interstate Highway 40 to Henryetta, thence over the Indian National Turnpike and U.S. Highway 271 to the Oklahoma-Texas Line. The purpose of this filing is to eliminate the gateway of Warren, Ark.

(34) *Road and bridge building machinery*, consisting of self-propelled articles each weighing 15,000 pounds or more and *related machinery, tools, parts and supplies* moving in connection therewith, (a) between Sikeston, Mo., and points within 50 miles of Sikeston, Mo., Kentucky and Tennessee, on the one hand, and, on the other, points in Louisiana on and west of a line beginning at the Arkansas-Louisiana Line, thence over U.S. Highway 165 to its intersection with U.S. Highway 90, and thence over U.S. Highway 90 to the Louisiana-Texas Line, and points in Texas on and south of U.S. Highway 62; and (b) between points in Kentucky and Tennessee on and east of U.S. Highway 31 and U.S. Highway 31W, on the one hand, and, on the other, points in Oklahoma on and southeast of a line beginning at the Texas-Oklahoma Line, thence over Interstate Highway 40 to Henryetta, thence over the Indian National Turnpike and U.S. Highway 271 to the Oklahoma-Texas Line. The purpose of this filing is to eliminate the gateway of Warren, Ark.

(35) *Road and bridge building machinery*, which by reason of size or weight require the use of special equipment (except machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipelines), (a)(1) between points in Indiana on the one hand, and, on the other, points in Texas on and south of U.S. Highway 62, and points in Louisiana on and west of a line beginning at the Louisiana-Mississippi Line, thence over U.S. Highway 61 to Baton Rouge, thence over Louisiana Highway 1 to the Gulf of Mexico; (2) between points in Indiana on and north of a line beginning at the Illinois-Indiana Line, thence over Interstate Highway 70 to Indianapolis, thence over Interstate Highway 69 to the Indiana-Michigan Line, on the one hand, and, on the other, points in Mississippi on and west of a line beginning at Vicksburg, thence over Mississippi Highway 27 to the Mississippi-Louisiana Line, and points in Louisiana on and east of a line beginning at the Gulf of Mexico, thence along Louisiana Highway 1 to Baton Rouge, thence over U.S. Highway 61 to the Louisiana-Mississippi Line; and (b) between points in Louisiana on and south of U.S. Highway 80 on the one hand, and, on the other, points in Missouri on and northeast of a line beginning at Cape Girardeau, thence over Missouri Highway 72 to Rolla, thence over U.S. Highway 63 to Missouri-Iowa Line. The purpose of this filing is to eliminate the gateways of Cairo, Ill. and Warren, Ark.; Poplar Bluff, Mo. (within 50 miles of Sikeston).

(36) *Road and bridge building machinery*, consisting of self-propelled articles each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, (a)(1) between points in Indiana, on the one hand, and, on the other, points in Texas on and south of U.S. Highway 62, and points in Louisiana on and west of a line beginning at the Louisiana-Mississippi Line, thence over U.S. Highway 61 to Baton Rouge, thence over Louisiana Highway 1 to the Gulf of Mexico; (2) between points in Indiana on and north of a line beginning at the Illinois-Indiana Line, thence over Interstate Highway 70 to Indianapolis, thence over Interstate Highway 69 to the Indiana-Michigan Line, on the one hand, and, on the other, points in Mississippi on and west of a line beginning at Vicksburg, thence over Mississippi Highway 27 to the Mississippi-Louisiana Line, and points in Louisiana on and east of a line beginning at the Gulf of Mexico, thence along Louisiana Highway 1 to Baton Rouge, thence over U.S. Highway 61 to the Louisiana-Mississippi Line; and (b) between points in Louisiana on and south of U.S. Highway 80, on the one hand, and, on the other, points in Missouri on and northeast of a line beginning at Cape Girardeau, thence over Missouri Highway 72 to Rolla, thence over U.S. Highway 63 to the Missouri-Iowa Line. The purpose of this filing is to eliminate the gateways of Cairo, Ill. and Warren, Ark.; Poplar Bluff, Mo. (within 50 miles of Sikeston).

(37) *Contractors' outfits and equipment*, consisting of road and bridge building machinery and materials, the transportation of which because of size or weight require the use of special equipment (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling and repair of pipelines), between Bessemer, Ala., and points in Alabama within 100 miles of Bessemer, on the one hand, and, on the other, points in Texas and Oklahoma on and west of a line beginning at the Texas-New Mexico Line, thence over U.S. Highway 82 to Wichita Falls, Tex., thence over U.S. Highway 277 to Oklahoma City, thence over Interstate Highway 35 to the Oklahoma-Kansas Line. The purpose of this filing is to eliminate the gateways of Memphis, Tenn. and Warren, Ark.

(38) *Contractors' outfits and equipment* consisting of road and bridge building machinery, restricted to self-propelled articles each weighing 15,000 pounds or more and *related machinery, tools, parts and supplies* moving in connection therewith, between Bessemer, Ala., and points in Alabama within 100 miles of Bessemer, on the one hand, and, on the other, points in Texas and Oklahoma on and west of a line beginning at the Texas-New Mexico Line, thence over U.S. Highway 82 to Wichita Falls, Tex., thence over U.S. Highway 277 to Oklahoma City, thence over Interstate Highway 35 to the Oklahoma-Kansas Line. The purpose of this filing is to eliminate the gateways of Memphis, Tenn. and Warren, Ark.

(39) *Contractors' outfits and equipment*, consisting of road and bridge building machinery and materials, the transportation of which because of size or weight requires the use of special equipment (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines, and except those commodities requiring special equipment), (a)(1) between points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas line, thence over U.S. Highway 75 to Henryetta, thence over the Indiana National Turnpike to Hugo, thence over U.S. Highway 271 to the Oklahoma-Texas line, on the one hand, and, on the other points in Georgia on and south of a line beginning at the Alabama-Georgia line, thence over U.S. Highway 78 to Atlanta, thence over U.S. Highway 278 to the Georgia-South Carolina line; (2) between points in Georgia on and north of Georgia Highway 8, on the one hand, and, on the other, points in Texas on and northwest of a line beginning at the Texas-Arkansas line, thence over U.S. Highway 67 to Dallas, thence over Interstate Highway 35 to the Texas-Mexican border; and (b) from points in Oklahoma, and points in Texas on and north of U.S. Highway 67 to points in Florida on and southeast of a line beginning at the Georgia-Florida line, thence over U.S. Highway 221 to Perry, thence over Florida Highway 361A to the Gulf of Mexico and on and north of a line beginning at St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, Fla.; thence along U.S. Highway 192 to Melbourne, Fla., and thence along an unnumbered highway to the Atlantic Seaboard. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., Memphis, Tenn. and Warren, Ark.

(40) *Contractors' outfits and equipment*, consisting of road and bridge building machinery, restricted to self-propelled articles each weighing 15,000 pounds or more and *related machinery, tools, parts and supplies* moving in connection therewith (except those commodities requiring special equipment), (a)(1) between points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas line thence over U.S. Highway 75 to Henryetta, thence over Indiana National Turnpike to Hugo, thence over U.S. Highway 271 to the Oklahoma-Texas line, on the one hand, and, on the other, points in Georgia on and south of a line beginning at the

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Alabama-Georgia line thence over U.S. Highway 78 to Atlanta, thence over U.S. Highway 278 to the Georgia-South Carolina line; (2) between points in Georgia on and north of Georgia Highway 8, on the one hand, and, on the other, points in Texas, on and northwest of a line beginning at the Texas-Arkansas line thence over U.S. Highway 67 to Dallas, thence over Interstate Highway 35 to the Texas-Mexican border; and (b) from points in Oklahoma, and points in Texas on and north of U.S. Highway 67, to points in Florida on and southeast of a line beginning at the Georgia-Florida line, thence along U.S. Highway 221 to Perry, thence over Florida Highway 361A to the Gulf of Mexico and on and north of a line beginning at St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, Fla., thence along U.S. Highway 192 to Melbourne, Fla., and thence along on unnumbered highway to the Atlantic Seaboard. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., Memphis, Tenn. and Warren, Ark.

(41) *Commodities*, the transportation of which because of size or weight require the use of special equipment (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), (a)(1) between Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque, and all points in Illinois, on the one hand, and, on the other, points in Arkansas on and south of a line beginning at the Tennessee-Arkansas line, thence over Interstate Highway 40 to Little Rock, thence over U.S. Highway 67 to the Arkansas-Texas line; (2) between points in Illinois on and east of Interstate Highway 57, on the one hand, and, on the other, points in Arkansas; (3) between Dubuque, Iowa, and points in Iowa within 150 miles of Dubuque, and points in Illinois on and north of U.S. Highway 34, on the one hand, and, on the other, points in Kentucky on and south of a line beginning at the Illinois-Kentucky line, thence over U.S. Highway 45 to Paducah, thence over U.S. Highway 62 to Princeton, thence over Kentucky Highway 91 to Hopkinsville, thence over U.S. Highway 68 to Bowling Green, thence over U.S. Highway 231 to the Kentucky-Tennessee line; (4) between points in Wisconsin within 150 miles of Dubuque, Iowa, on the one hand, and, on the other, points in Kentucky on and southwest of a line beginning at the Illinois-Kentucky line, thence over U.S. Highway 45 to Paducah, thence over U.S. Highway 62 to Princeton, thence over Kentucky Highway 91 to Hopkinsville, thence over U.S. Highway 41 to the Kentucky-Tennessee line; and (5) between points in Illinois on and northwest of a line beginning at the Illinois-Missouri line, thence over U.S. Highway 40 to Effingham, thence over Interstate Highway 57 to Chicago, on the one hand, and, on the other, points in Kentucky on and west of a line beginning at the Kentucky-Illinois Line, thence over U.S. Highway 45 to Paducah, thence over U.S. Highway 68 to intersection with U.S. Highway 641, thence over U.S. Highway 641 to the Kentucky-Tennessee line; and (b)(1) between Dubuque, Iowa and points in Iowa and Wisconsin within 150 miles of Dubuque, and points in Illinois on and north of U.S. Highway 34, on the one hand, and, on the other, points in Tennessee on and southwest of a line beginning at the Tennessee-Arkansas line, thence along Tennessee Highway 20 to Jackson, thence along U.S. Higwhay 45 to the Tennessee-Alabama line. The purpose of this filing is to eliminate the gateways of Cairo, Ill. and Blytheville, Ark.

(42) *Self-propelled articles* each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith, (a)(1) between Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque, and all points in Illinois, on the one hand, and, on the other, points in Arkansas on and south of a line beginning at the Tennessee-Arkansas line, thence over Interstate Highway 40 to Little Rock, thence over U.S. Highway 67 to the Arkansas-Texas line; (2) between points in Illinois on and east of Interstate Highway 57, on the one hand, and, on the other, points in Arkansas; (3) between Dubuque, Iowa, and points in Iowa within 150 miles of Dubuque, on the one hand, and, on the other, points in Kentucky on and south of a line beginning at the Illinois-Kentucky line, thence over U.S. Highway 45 to Paducah, thence over U.S. Highway 62 to Princeton, thence over Kentucky Highway 91 to Hopkinsville, thence over U.S. Highway 68 to Bowling Green, thence over U.S. Highway 231 to the Kentucky-Tennessee line; (4) between points in Wisconsin within 150 miles of Dubuque, Iowa, on the one hand, and, on the other, points in Kentucky on and southwest of a line beginning at the Illinois-Kentucky line, thence over U.S. Highway 45 to Paducah, thence over U.S. Highway 62 to Princeton, thence over Kentucky Highway 91 to Hopkinsville, thence over U.S. Highway 41 to the Kentucky-Tennessee line; and (5) between points in Illinois on and northwest of a line beginning at the Illinois-Missouri line, thence over U.S. Highway 40 to Effingham, thence over Interstate Highway 57 to Chicago, on the one hand, and, on the other, points in Kentucky on and west of a line beginning at the Kentucky-Illinois line, thence over U.S. Highway 45 to Paducah, thence over U.S. Highway 68 to intersection with U.S. Highway 641, thence over U.S. Highway 641 to the Kentucky-Tennessee line; and (b)(1) between Dubuque, Iowa and ponts in Iowa and Wisconsin within 150 miles of Dubuque, and points in Illinois on and north of U.S. Highway 34, on the one hand, and, on the other, points in Tennessee on and southwest of a line beginning at the Tenessee-Arkansas line, thence along Tennessee Highway 20 to Jackson, thence along U.S. Highway 45 to the Tennessee-Alabama line. The purpose of this filing is to eliminate the gateways of Cairo, Ill. and Blytheville, Ark.

(43) *Road and bridge building machinery and materials*, the transportation of which because of size or weight require the use of special equipment (except pipe, pipe line material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling and repairing of pipelines), (a) between Dubuque, Iowa, and points in Iowa within 150 miles of Dubuque, on the one hand, and, on the other, points in Louisiana on and south of a line beginning at the Louisiana-Texas line, thence over Louisiana Highway 6 to Clarence, thence over U.S. Highway 84 to Tullos, thence over U.S. Highway 165 to the Louisiana-Arkansas line, and points in Mississippi on and east of of a line beginning at the Arkansas-Mississippi line, thence along U.S. Highway 82 to Indianola, thence along U.S. Highway 49W and U.S. Highway 49 to the Gulf of Mexico and (b) between points in Wisconsin within 150 miles of Dubuque, Iowa and on and east of a line beginning at the Illinois-Wisconsin line, thence over U.S. Highway 14 to Madison, thence over U.S. Highway 12 to Wisconsin Dells, thence over Wisconsin 13 to the Wisconsin Border, and points in Illinois on and north of U.S. Highway 34, on the one hand, and, on the other, points in Louisiana, points in Mississippi on and east of a line beginning at the Arkansas-Mississippi line, thence along U.S. Highway 82 to Indianola, thence along U.S. Highway 49W and U.S. 49 to the Gulf of Mexico, and points in Texas on and south of a line beginning at the Arkansas-Texas line, thence over U.S. Highway 59 to Henderson, thence over U.S. Highway 79 to Round Rock, thence over Interstate Highway 35 to Austin, thence over U.S. Highway 290 to Ft. Stockton, thence over U.S. Highway 67 to the Texas-Mexico border. The purpose of this filing is to eliminate the gateways of Cairo, Ill. and Warren, Ark.

(44) *Road and bridge building machinery and materials*, consisting of self-propelled articles, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith, (a) between Dubuque, Iowa, and points in Iowa within 150 miles of Dubuque, on the one hand, and, on the other, points in Louisiana on and south of a line beginning at the Louisiana-Texas line, thence over Louisiana Highway 6 to Clarence, thence over U.S. Highway 84 to Tullos, thence over U.S. Highway 165 to the Louisiana-Arkansas line, and points in Mississippi on and east of of a line beginning at the Arkansas-Mississippi line, thence along U.S. Highway 82 to Indianola, thence along U.S. Highway 49W and U.S. Highway 49 to the Gulf of Mexico and (b) between points in Wisconsin within 150 miles of Dubuque, Iowa and on and east of a line beginning at the Illinois-Wisconsin line, thence over U.S. Highway 14 to Madison, thence over U.S. Highway 12 to Wisconsin Dells, thence over Wisconsin 13 to the Wisconsin Border, and points in Illinois on and north of U.S. Highway 34, on the one hand, and, on the other, points in Louisiana, points in Mississippi on and east of a line beginning at the Arkansas-Mississippi line, thence over U.S. Highway 82 to Indianola, thence over U.S. Highway 49W and 49 to the Gulf of Mexico, and points in Texas on and south of a line beginning at the Arkansas-Texas line, thence over U.S. Highway 59 to Henderson, thence over U.S. Highway 79 to Round Rock, thence over Interstate Highway 35 to Austin, thence over U.S. Highway 290 to Ft. Stockton, thence over U.S. Highway 67 to the Texas-Mexico border. The purpose of this filing is to eliminate the gateways of Cairo, Ill. and Warren, Ark.

(45) *Commodities* the transportation of which because of size or weight require the use of special equipment (except pipe, pipe line material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines, and except commodities of unusual value, dangerous explosives, household goods as defined in *Practice of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and those requiring special equipment), from Dubuque, Iowa and points in Iowa and Wisconsin within 150 miles of Dubuque, and points in Illinois on and northwest of a line beginning at the Missouri-Illinois line, thence along U.S. Highway 40 to Effingham, thence over Interstate Highway 57 to Chicago, to Birmingham, Ala., and points within ten miles of Birmingham. The purpose of this filing is to eliminate the gateways of Cairo, Ill., West Memphis, Ark. and Memphis, Tenn.

(46) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (except commodities of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), from Dubuque, Iowa, and points in Iowa, and Wisconsin within 150 miles of Dubuque, and points in Illinois on and northwest of a line beginning at the Missouri-Illinois line, thence over U.S. Highway 40 to Effingham, thence over Interstate Highway 57 to Chicago, to Birmingham, Ala., and points within ten miles of Birmingham. The purpose of this filing is to eliminate the gateways of Cairo, Ill., West Memphis, Ark. and Memphis, Tenn.

(47) *Contractors' outfits and equipment*, the transportation of which because of size or weight requires the use of special equipment (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repairing of pipelines), (a) between Dubuque, Iowa and points in Iowa within 150 miles of Dubuque, on the one hand, and, on the other, Bessemer, Ala., and points in Alabama within 100 miles of Bessemer and (b) between Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque, and points in Illinois on and northwest of a line beginning at the Missouri-Illinois line, thence over U.S. Highway 40 to Effingham, thence over Interstate Highway 57 to Chicago, on the one hand, and, on the other, points in Alabama on and southeast of a line beginning at the Alabama-Mississippi line thence over U.S. Highway 11 to Birmingham, thence over U.S. Highway 31 to Montgomery, thence over U.S. Highway 231 to the Alabama-Florida line which are within 100 miles of Bessemer. The purpose of this filing is to eliminate the gateways of Cairo, Ill., West Memphis, Ark., and Memphis, Tenn.

(48) *Contractors' outfits and equipment*, consisting of self-propelled articles each weighing 15,000 pounds or more and *related machinery, tools, parts and supplies* moving in connection therewith, (a) between Dubuque, Iowa and points in Iowa within 150 miles of Dubuque, on the one hand, and, on the other, Bessemer, Ala., and points in Alabama within 100 miles of Bessemer and (b) between Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque, and points in Illinois on and northwest of a line beginning at the Missouri-Illinois line, thence over U.S. Highway 40 to Effingham, thence over Interstate Highway 57 to Chicago, on the one hand, and, on the other, points in Alabama on and southeast of a line beginning at the Alabama-Mississippi line thence over U.S. Highway 11 to Birmingham, thence over U.S. Highway 31 to Montgomery, thence over U.S. Highway 231 to the Alabama-Florida line which are within 100 miles of Bessemer. The purpose of this filing is to eliminate the gateways of Cairo, Ill., West Memphis, Ark., and Memphis, Tenn.

(49) *Contractors' outfits and equipment*, the transportation of which because of size or weight requires the use of special equipment (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repairing of pipelines, and commodities of unusual value, dangerous explosives, household goods as defined in *Practice of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and those requiring special equipment), (a)(1) between Dubuque, Iowa and points in Iowa within 150 miles of Dubuque, and points in Wisconsin within 150 miles of Dubuque and on and west of Wisconsin Highway 80, on the one hand, and, on the other, points in Georgia on and south of U.S. Highway 80; (2) between points in Wisconsin within 150 miles of Dubuque, Iowa and on and east of U.S. Highway 41, on the one hand, and, on the other, points in Mississippi on and southeast of a line beginning at the Alabama-Mississippi line thence along Mississippi Highway 42 to Hattiesburg, thence along U.S. Highway 11 to the Mississippi-Louisiana line; and (b) from Dubuque, Iowa and points in Iowa and Wisconsin within 150 miles of Dubuque, and points in Illinois on and west of Interstate Highway 57, to points in Florida on and north of a line beginning at St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, Fla., thence along U.S. Highway 192 to Melbourne, Fla., and thence along an unnumbered Highway to the Atlantic Seaboard. The purpose of this filing is to eliminate the gateways of Cairo, Ill., West Memphis, Ark., Memphis, Tenn. and Birmingham, Ala.

(50) *Contractors' outfits and equipment*, consisting of self-propelled articles each weighing 15,000 pounds or more and *related machinery, tools, parts and supplies* moving in connection therewith (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), (a)(1) between Dubuque, Iowa and points in Iowa within 150 miles of Dubuque, and points in Wisconsin within 150 miles of Dubuque and on and west of Wisconsin Highway 80, on the one hand, and, on the other, points in Georgia on and south of U.S. Highway 80; (2) between points in Wisconsin within 150 miles of Dubuque, Iowa and on and east of U.S. Highway 41, on the one hand, and, on the other, points in Mississippi on and southeast of a line beginning at the Alabama-Mississippi line thence along Mississippi Highway 42 to Hattiesburg, thence along U.S. Highway 11 to the Mississippi-Louisiana line; and (b) from Dubuque, Iowa and points in Iowa and Wisconsin within 150 miles of Dubuque, and points in Illinois on and west of Interstate Highway 57, to points in Florida on and north of a line beginning at St. Petersburg, thence across Gandy Bridge to Tampa, thence along U.S. Highway 92 to Kissimmee, Fla., thence along U.S. Highway 192 to Melbourne, Fla., and thence along an unnumbered Highway to the Atlantic Seaboard. The purpose of this filing is to eliminate the gateways of Cairo, Ill., West Memphis, Ark., Memphis, Tenn. and Birmingham, Ala.

(51) *Oil field equipment and supplies*, the transportation of which because of size or weight requires the use of special equipment (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repair of pipe lines), (a) between points in Texas within 200 miles of Texarkana, Tex., including Texarkana, on the one hand, and, on the other, points in Tennessee and (b) between points in Texas within 200 miles of Texarkana, Tex., including Texarkana, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateways of Montrose, Ark. (within 150 miles of Texarkana), Texarkana, Ark., and Union City, Tenn.

(52) *Oil field equipment and supplies*, consisting of self-propelled articles each weighing 15,000 pounds or more and *related machinery, tools, parts and supplies* moving in connection therewith, (a) between points in Texas within 200 miles of Texarkana, Tex., including Texarkana, on the one hand, and, on the other, points in Tennessee and (b) between points in Texas within 200 miles of Texarkana, Tex., including Texarkana, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateways of

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Montrose, Ark. (within 150 miles of Texarkana), Texarkana, Ark., and Union City, Tenn.

(53) *Mining, excavating, construction and road building, contractors' machinery, equipment and supplies*, which by reason of size or weight require special equipment, restricted to the transportation of machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, supplies, and equipment, incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, mining and milling of lead, zinc, iron, coal, and other minerals, and commodities which because of size or weight require the use of special equipment or special handling, (a) (1) between points in Illinois on and east of U.S. Highway 66 and on and north of U.S. Highway 40, on the one hand, and, on the other, points in Missouri on and south of U.S. Highway 50, and on and west of U.S. Highway 67; (2) between points in Illinois on and west of U.S. Highway 66 and on and east of U.S. Highway 67, on the one hand, and, on the other, points in Missouri on and south of U.S. Highway 66; (3) between points in Illinois on and south of U.S. Highway 50, on the one hand, and, on the other, points in Missouri on and north of U.S. Highway 50; and (b) between points in Illinois on and east of U.S. Highway 67 and on and north of a line beginning at Chester, Ill., thence along Illinois Highway 3 to Murphysboro, thence along Illinois Highway 13 to the Illinois-Indiana line, on the one hand, and, on the other, points in Cherokee, Crawford, Labette, and Montgomery Counties, Kansas, and Ottawa County, Okla. The purpose of this filing is to eliminate the gateway of East St. Louis, Ill.

(54) *Roadbuilding and contractors' machinery and equipment*, which by reason of size or weight requires the use of special equipment, restricted to the transportation of machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, mining and milling of lead, zinc, iron, coal, and other minerals, and commodities which because of size or weight require the use of special equipment or special handling, (a) between points in Illinois on and east of U.S. Highway 67 and on and north of a line beginning at Chester, Ill., thence along Illinois Highway 3 to Murphysboro, thence over Illinois Highway 13 to the Illinois-Indiana line, on the one hand, and, on the other, points in Oklahoma; and (b) between points in Illinois on and east of a line beginning at the Missouri-Illinois line, thence over U.S. Highway 66 to Chicago, thence over U.S. Highway 45 to the Illinois-Wisconsin line, on the one hand, and, on the other, points in Kansas on and south of a line beginning at the Kansas-Missouri line, thence over U.S. Highway 54 to Wichita, thence over Kansas Highway 96 to Scott City, thence over U.S. Highway 83 to Oakley, thence over U.S. Highway 40 to the Kansas-Colorado line. The purpose of this filing is to eliminate the gateways of East St. Louis, Ill., Joplin (Jasper County), Mo., Ottawa County, Okla., Barton County, Mo., and Pittsburg (Crawford County), Kans.

(55) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in mining, excavating, construction, roadbuilding, and contractors' machinery, and *related machinery, tools, parts and supplies* moving in connection therewith, (a) (1) between points in Illinois on and east of U.S. Highway 66 and on and north of U.S. Highway 40, on the one hand, and, on the other, points in Missouri on and south of U.S. Highway 50, and on and west of U.S. Highway 67; (2) between points in Illinois on and west of U.S. Highway 66 and on and east of U.S. Highway 67, on the one hand, and, on the other, points in Missouri on and south of U.S. Highway 66; (3) between points in Illinois on and south of U.S. Highway 50, on the one hand, and, on the other, points in Missouri on and north of U.S. Highway 50; and (b) between points in Illinois on and east of U.S. Highway 67 and on and north of a line beginning at Chester, Ill., thence along Illinois Highway 3 to Murphysboro, thence over Illinois Highway 13 to the Illinois-Indiana line, on the one hand, and, on the other, points in Cherokee, Crawford, Labette, and Montgomery Counties, Kans., and Ottawa County, Okla. The purpose of this filing is to eliminate the gateways of East St. Louis, Ill., Barton, Jasper or Newton Counties, Mo.

(56) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in roadbuilding and contractors' machinery, and *related machinery, tools, parts and supplies* moving in connection therewith, (a) between points in Illinois on and east of U.S. Highway 67 and on and north of a line beginning at Chester, Ill., thence over Illinois Highway 3 to Murphysboro, thence over Illinois Highway 13 to the Illinois-Indiana line, on the one hand, and, on the other, points in Oklahoma; and (b) between points in Illinois on and east of a line beginning at the Missouri-Illinois line, thence over U.S. Highway 66 to Chicago, thence over U.S. Highway 45 to the Illinois-Wisconsin line, on the one hand, and, on the other, points in Kansas on and south of a line beginning at the Kansas-Missouri line, thence over U.S. Highway 54 to Wichita, thence over Kansas Highway 96 to Scott City, thence over U.S. Highway 83 to Oakley, thence over U.S. Highway 40 to the Kansas-Colorado line. The purpose of this filing is to eliminate the gateways of East St. Louis, Ill., Joplin (Jasper County), Mo., Ottawa County, Okla., Barton County, Mo., and Pittsburgh (Crawford County), Kans.

(57) (1) *Material handling equipment, winches, compaction and road-making equipment, rollers, mobile cranes and highway freight trailers*, and (2) *parts, attachments and accessories* of the commodities described in (1) above, (restricted to commodities consisting of road and contractors' equipment and machinery, which because of size or weight requires the use of special equipment or such as are self-propelled articles each weighing 15,000 pounds or more), between the plant sites of Hyster Company, located at or near Danville, Kewanee, and Peoria, Ill., on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of Gravette, Ark. (within 300 miles of Joplin, Mo.) and Ottawa County, Okla.

(58) *Material handling equipment and parts, attachments, and accessories* used in connection with material handling equipment (except commodities in bulk), which may be included in contractors' outfits and equipment, covered in (57) except for the following: (a) between Memphis, Tenn., on the one hand, and, on the other, points in California, Idaho, Nevada, Oregon, Washington, Pennsylvania, New York, New Jersey, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, points in Virginia on and east of Interstate Highway 81, and the District of Columbia; and (b) between points in Louisana east of the Mississippi River, on the one hand, and, on the other, points in Virginia, West Virginia, Pennsylvania, New York, New Jersey, Delaware, Maryland, Connectcut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Ohio, Indiana, Illinois, Kentucky, Michigan, Wisconsin, Minnesota, South Dakota, North Dakota, Montana, Idaho, Washington, Oregon, and points in California on and north of Interstate Highway 80, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Winfield, Ala.

(59) *Contractors equipment and road-building machinery*, which because of size or weight require the use of special equipment, or consisting of self-propelled articles each weighing 15,000 pounds or more and *related machinery, tools, parts and supplies* moving in connection therewith, as may be included in material handling equipment and parts, attachments and accessories for material handling equipment, (a) from Peoria, Pekin, and Joliet, Ill., Detroit, Mich., Marion, Ohio, Milwaukee, Wis., and Cedar Rapids and Waverly, Iowa, to points in Mississippi on and south of a line beginning at the Mississippi-Louisiana line, thence over U.S. Highway 80 to Jackson, thence over U.S. Highway 51 to Durant, thence over Mississippi Highway 12 to the Mississippi-Alabama line, points in Louisiana on and east of the Mississippi River; (b) from Detroit, Mich. and Marion, Ohio, to points in Louisiana; (c) from Detroit, Mich. and Marion, Ohio, to points in Florida on and east of a line beginning at the Georgia-Florida line, thence over U.S. Highway 19 to Perry, thence over Florida Highway 361A to the Gulf of Mexico; and (d) from Peoria, Pekin, and Joliet, Ill., Milwaukee, Wis., and Cedar Rapids, and Waverly, Iowa, to points in Georgia on and south of a line beginning at the Alabama-Georgia line, thence over U.S. Highway 78 to Atlanta, thence over U.S. Highway 23 to McRae, thence over U.S. Highway 341 to Brunswick, and points in Florida. The purpose of this filing is to eliminate the gateway of Winfield, Ala.

(60) *Contractors' equipment* other than oil field equipment and contractors' outfits consisting of machinery, and iron or steel pipe which because of size or weight requires the use of special equipment, as may be included in material handling equipment and parts, attachments and accessories for material handling equipment, (a) between points in Missouri, on the one hand, and, on the other, Bessemer, Ala., and points in Alabama within 100 miles of Bessemer and (b) between points in Missouri, on the one hand, and, on the other, points in Alabama on and south of U.S. Highway 78, points in Georgia on and south of a line beginning at the Alabama-Georgia line, thence over U.S. Highway 78 to Washington, thence over U.S. Highway 378 to the Georgia-South Carolina line, and points in South Carolina on and south of a line beginning at the Georgia-South Carolina line, thence over U.S. Highway 378 to Sumter, thence over U.S. 76 to the South Carolina-North Carolina line, and points in Florida. The purpose of this filing is to eliminate the gateways of points in Tennessee and Winfield, Ala.

(61) *Contractors' equipment* other than oilfield equipment and contractors' outfits consisting of road and contractors' machinery, as may be included in material handling equipment and parts, attachments and accessories for material handling equipment, (a) between points in Kansas, on the one hand, and, on the other, points in Alabama, Florida, points in Georgia on and south of U.S. 278, points in South Carolina on and south of a line beginning at the Georgia-South Carolina line, thence I-20 to Columbia, thence U.S. 1 to the South Carolina-North Carolina line, and points in North Carolina, on and south of a line beginning at the South Carolina-North Carolina line, thence U.S. 1 to Raleigh, thence U.S. 64 to the Atlantic Ocean and (b) between points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas line, thence U.S. 66 to Oklahoma City, thence U.S. 277 to the Oklahoma-Texas line, on the one hand, and, on the other, points in Alabama on and north of a line beginning at the Mississippi-Alabama line, thence U.S. 82 to Montgomery, thence U.S. 231 to the Alabama-Georgia line, Georgia, Florida on and east of the Ochlockonee River, Georgia on and south of a line beginning at the Alabama-Georgia line, thence U.S. 278 to Atlanta, thence I-85 to the Georgia-South Carolina line, South Carolina, North Carolina on and south of

I-85. The purpose of this filing is to eliminate the gateways of Winfield, Ala., Memphis, Tenn., or points in Tennessee, Barton, Jasper, or Newton Counties, Mo. and Pittsburg, Kans.

(62) *Contractors' outfits and equipment*, which because of size or weight require the use of special equipment (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling and repair of pipe lines), as may be included in material handling equipment and parts, attachments and accessories for material handling equipment, (a) between points in Arkansas, on the one hand, and, on the other, District of Columbia, Delaware, New Jersey, Maryland on and east of I-95, and points in the U.S. on and east of I-87 from New York, N.Y. to the U.S.-Canadian border, (b) between points in Arkansas on and south of I-40, on the one hand, and, on the other, points in South Carolina on and east of a line beginning at Charleston, thence I-26 to Columbia, thence U.S. 321 to the South Carolina-North Carolina line, North Carolina on and east of U.S. 21, Virginia on and east of U.S. 21, West Virginia on and east of U.S. 19, Pennsylvania, Maryland and all points in the United States east thereof, and (c) between points in Arkansas on and north of I-40, on the one hand, and, on the other, points in Florida, Georgia on and south of a line beginning at the Alabama-Georgia line, thence U.S. 278 to Atlanta, thence I-85 to the Georgia-South Carolina line, South Carolina, and North Carolina on and southeast of a line beginning at the South Carolina-North Carolina line, thence I-85 to Salisbury, thence U.S. 601 to the North Carolina-Virginia line. The purpose of this filing is to eliminate the gateways of Memphis, Tenn. and Winfield, Ala.

(63) *Contractors' outfits and equipment*, consisting of self-propelled articles each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, as may be included in material handling equipment and parts, attachments and accessories for material handling equipment, (a) between points in Arkansas, on the one hand, and, on the other, District of Columbia, Delaware, New Jersey, Maryland on and east of I-95, and points in the U.S. on and east of I-87 from New York, N.Y., to the U.S.-Canadian border, (b) between points in Arkansas on and south of I-40, on the one hand, and, on the other, points in South Carolina on and east of a line beginning at Charleston, thence I-26 to Columbia, thence U.S. 321 to the South Carolina-North Carolina line, North Carolina on and east of U.S. 21, Virginia on and east of U.S. 21, West Virginia on and east of U.S. 19, Pennsylvania, Maryland and all points in the United States east thereof, and (c) between points in Arkansas on and north of I-40, on the one hand, and, on the other, points in Florida, Georgia on and south of a line beginning at the Alabama-Georgia line, thence U.S. 278 to Atlanta, thence I-85 to the Georgia-South Carolina line, South Carolina, and North Carolina on and southeast of a line beginning at the South Carolina-North Carolina line, thence I-85 to Salisbury, thence U.S. 601 to the North Carolina-Virginia line. The purpose of this filing is to eliminate the gateways of Memphis, Tenn. and Winfield, Ala.

(64) *Machinery*, consisting of *contractors' outfits and equipment*, as may be included in material handling equipment and parts, attachments and accessories for material handling equipment, from Chicago and Peoria, Ill., to points in Mississippi on and south of U.S. 80, Alabama on and south of a line beginning at the Alabama-Mississippi line, thence U.S. 82 to Tuscaloosa, thence I-20 to the Alabama-Georgia line, Georgia on and south of U.S. 80, and Florida. The purpose of this filing is to eliminate the gateways of Memphis, Tenn. and Winfield, Ala.

(65) *Contractors' outfits and equipment*, consisting of road and bridge building machinery and materials, the transportation of which because of size or weight require the use of special equipment (except pipe, pipe line material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling and repair of pipe lines), as may be included in material handling equipment and parts, attachments and accessories for material handling equipment, (a) between points in Texas on and northwest of a line beginning at El Paso, thence U.S. 80 to Dallas, thence U.S. 75 to the Texas-Oklahoma line, points in Oklahoma on and southeast of a line beginning at the Oklahoma-Texas line, thence I-35 to Oklahoma City, thence U.S. 66 to the Oklahoma-Texas line, on the one hand, and, on the other, points in Alabama on and southeast of a line beginning at the Georgia-Alabama line, thence U.S. 78 to Birmingham, thence U.S. 280 to the Alabama-Georgia line, Georgia on and south of U.S. 278 and on and north of a line beginning at the Alabama-Georgia line, thence U.S. 280 to Americus, thence U.S 19 to Albany, thence U.S. 82 to I-75, thence I-75 to the Georgia-Florida line, Florida on and east of a line beginning at the Georgia-Florida line, thence U.S. 221 to Perry, thence 361A to the Gulf of Mexico, South Carolina, North Carolina on and southeast of a line beginning at the South Carolina-North Carolina line, thence I-85 to Salisbury, thence U.S. 601 to Mt. Airy, thence U.S. 52 to the North Carolina-Virginia line, Virginia on and east of U.S. 21 and (b) between points in Texas on and west of U.S. 75, on the one hand, and, on the other, points in South Carolina, North Carolina on and east of U.S. 21, Virginia on and east of U.S. 21, West Virginia on and east of U.S. 19, Pennsylvania, Maryland, District of Columbia, and all points in the United States east thereof. The purpose of this filing is to eliminate the gateways of Warren, Ark., Memphis, Tenn. and Winfield, Ala.

(66) *Contractors' outfits and equipment* consisting of road and bridge building machinery, restricted to self-propelled articles each weighing 15,000 pounds or more and *related machinery*,

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tools, parts and supplies moving in connection therewith, as may be included in material handling equipment and parts, attachments and accessories for material handling equipment, (a) between points in Texas on and northwest of a line beginning at El Paso, thence U.S. 80 to Dallas, thence U.S. 75 to the Texas-Oklahoma line, points in Oklahoma on and southeast of a line beginning at the Oklahoma-Texas line, thence I–35 to Oklahoma City, thence U.S. 66 to the Oklahoma-Texas line, on the one hand, and, on the other, points in Alabama on and southeast of a line beginning at the Georgia-Alabama line, thence U.S. 78 to Birmingham, thence U.S. 280 to the Alabama-Georgia line, Georgia, on and south of U.S. 278 and on north of a line beginning at the Alabama-Georgia line, thence U.S. 280 to Americus, thence U.S. 19 to Albany, thence U.S. 82 to I–75, thence I–75 to the Georgia-Florida line, Florida on and east of a line beginning at the Georgia-Florida line, thence U.S. 221 to Perry, thence 361A to the Gulf of Mexico, South Carolina, North Carolina, on and southeast of a line beginning at the South Carolina-North Carolina line, thence I–85 to Salisbury, thence U.S. 601 to Mt. Airy, thence U.S. 52 to the North Carolina-Virginia line, Virginia on and east of U.S. 21 and (b) between points in Texas on and west of U.S. 75, on the one hand, and, on the other, points in South Carolina, North Carolina on and east of U.S. 21, Virginia on and east of U.S. 21, West Virginia on and east of U.S. 19, Pennsylvania, Maryland, District of Columbia, and all points in the United States east thereof. The purpose of this filing is to eliminate the gateways of Warren, Ark., Memphis, Tenn. and Winfield, Ala.

(67) *Contractors' outfits and equipment*, the transportation of which because of size or weight require the use of special equipment, (except pipe, pipeline material, machinery, equipment, and supplies incidental to and used in connection with the construction, dismantling, and repairing of pipelines), as may be included in material handling equipment and parts, attachments and accessories for material handling equipment, (a) between Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque, and points in Illinois on and north of U.S. 34, on the one hand, and, on the other, points in Mississippi on and east of U.S. 11, Alabama on and southwest of a line beginning at the Mississippi-Alabama line, thence U.S. 78 to Birmingham, thence U.S. 31 to Montgomery, thence U.S. 331 to the Alabama-Florida line, and Florida and (b) between Dubuque, Iowa, and points in Iowa within 150 miles of Dubuque, and points in Wisconsin within 150 miles of Dubuque and on and west of U.S. 51, on the one hand, and, on the other, points in Alabama on and south of U.S. 78, Georgia on and south of U.S. 80. The purpose of this filing is to eliminate the gateways of Cairo, Ill., West Memphis, Ark., Memphis, Tenn. and Winfield, Ala.

(68) *Contractors' outfits and equipment*, consisting of self-propelled articles each weighing 15,000 pounds or more and *related machinery, tools, parts and supplies* moving in connection therewith, as may be included in material handling equipment and parts, attachments and accessories for material handling equipment, (a) between Dubuque, Iowa, and points in Iowa and Wisconsin within 150 miles of Dubuque, and points in Illinois on and north of U.S. 34, on the one hand, and, on the other, points in Mississippi on and east of U.S. 11, Alabama on and southwest of a line beginning at the Mississippi-Alabama line thence U.S. 78 to Birmingham, thence U.S. 31 to Montgomery, thence U.S. 331 to the Alabama-Florida line, and Florida and (b) between Dubuque, Iowa, and points in Iowa within 150 miles of Dubuque, and points in Wisconsin within 150 miles of Dubuque and on and west of U.S. 51, on the one hand, and, on the other, points in Alabama on and south of U.S. 78, Georgia on and south of U.S. 80. The purpose of this filing is to eliminate the gateways of Cairo, Ill., West Memphis, Ark., Memphis, Tenn. and Winfield, Ala.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before November 10, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 2633 (Sub-No. E2), (Correction), filed May 12, 1974, published in the FEDERAL REGISTER September 8, 1975. Applicant: CROSSETT, INC., P.O. Box 946, Warren, Pa. 16365. Applicant's representative: M. A. Burgett (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles; (1) between points in that part of Ohio on, east, and north of a line beginning at Lake Erie, thence along Ohio Highway 14 to Unity, thence along Ohio Highway 165 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, Jamestown and the Chautauqua County towns of French Creek, Clymer, Sherman, Harmony, North Harmony, Busti, Ellery, Kiantone, Ellicott, Gerry, Charlotte, Carroll, Poland, Effington, and Cherry Creek, N.Y.; * * * The purpose of this filing is to eliminate the gateways of Warren, Pa., and points within seven miles of Warren, Pa., in Warren County, Pa. The purpose of this partial correction is to correct the territorial descriptions above. The remainder of this letter-notice remains as previously published.

No. MC 42261 (Sub-No. E3), (Correction), filed May 10, 1974, published in the FEDERAL REGISTER October 8, 1975. Applicant: LANGER TRANSPORT CORP., P.O. Box 305, Jersey City, N.J. 07303. Applicant's representative: A. J. Langer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (D) Petroleum products, * * * The purpose of this filing is to eliminate the gateways indicated by asterisks. The purpose of this partial correction is to correct the MC number, previously published as No. MC 42661. The remainder of this letter-notice remains as previously published.

No. MC–52657 (Sub-No. E11), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER May 7, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th St., Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Truck bodies*, between points in Nevada and that part of California on and north of a line beginning at the Nevada-California State line on U.S. Highway 6 near Benton Station, Calif., thence along U.S. Highway 6 to junction California Highway 120, thence along California Highway 120 to junctio Interstate Highway 205, thence along Interstate Highway 205 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction California Highway 92, thence along California Highway 92 to the Pacific Ocean near Half Moon Bay, Calif., on the one hand, and, on the other, points in Alabama, * * * The purpose of this filing is to eliminate the gateways of (1) Mattoon, Coles County, Ill., and (2) Coles County, Ill., and St. Claire, Mo. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 52657 (Sub-No. E27), (correction), filed June 4, 1974, published in the FEDERAL REGISTER May 12, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th St., Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, between points in Iowa, on the one hand, and, on the other, points in Alabama, * * * The purpose of this filing is to eliminate the gateway of Matoon, Coles County, Ill. The purpose of this partial correction is to correct the territorial descriptions. The remainder of this letter-notice remains as previously published.

No. MC 52657 (Sub-No. E33), (correction), filed June 4, 1974, published in the FEDERAL REGISTER May 8, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th St., Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* and *trailer chassis* (except those designed to be drawn by passenger automobiles), in secondary movements in truckaway service, *parts* of trailers and trailer chassis (except for trailers and trailer chassis designed to be drawn by passenger automobiles) and (except commodities in bulk or in bags), used in the manufacture, assembly, or servicing of trailers and trailer chassis, when moving in mixed loads with such commodities, * * * Kentucky (except that part west of a line beginning at the Ohio River and Kentucky Highway 55 near Carrollton, Ky., thence south on Kentucky Highway 55 to junction Kentucky Highway 61 near Columbia, Ky., and thence along Kentucky Highway 61 to the Kentucky-Tennessee State line near Raydure, Ky.), to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Delta, Ohio. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 65941 (Sub-No. E14), filed May 3, 1974. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: George V. Thieroff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities, which because of size or weight require special handling or special equipment (except knitting machines); (a) between points in North Carolina west of a line beginning at the Atlantic Ocean and extending along U.S. Highway 117 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line, on the one hand, and, on the other, points in West Virginia west of U.S. Highway 219; (b) between points in Tennessee east of Interstate Highway 65, on the one hand, and, on the other, points in West Virginia (except Cabell, Wayne, and Lincoln Counties); (c) between points in South Carolina, on the one hand, and, on the other, points in West Virginia; (d) between points in West Virginia on and east of U.S. Highway 219, on the one hand, and, on the other, points in Kentucky on and south of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 231 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Kentucky-Virginia State line; (e) between points in West Virginia west of a line beginning at the West Virginia-Kentucky State line and extending along U.S. Highway 60 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction U.S. Highway 19, thence along U.S. Highway 19 to the West Virginia-Pennsylvania State line, on the one hand, and, on the other, points in Virginia south of U.S. Highway 460 and west of U.S. Highway 29; (f) between points in Pike, Letcher, and Harlan Counties, Ky., on the one hand, and, on the other, points in South Carolina on and west of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 21 to junction Interstate Highway 20, thence along Interstate Highway 20 to the South Carolina-Georgia State line; (g) between points in West Virginia north of U.S. Highway 60, on the one hand, and, on the other, points in Virginia on and west of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 460 to junction Virginia Highway 8, thence along Virginia Highway 8 to the Virginia-North Carolina State line; and (h) between points in Pike, Letcher, and Harlan Counties, Ky., on the one hand, and, on the other, points in North Carolina on and east of U.S. Highway 21 and points in Tennessee on and west of U.S. Highway 45. The purpose of this filing is to eliminate the gateway of Tazewell, Bland, or Giles Counties, Va.

No. MC 65941 (Sub-No. E20), filed January 16, 1975. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: George V. Thieroff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; (1) from points in Ohio on and east of Ohio Highway 60 to points in Georgia on and north of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 1 to junction Georgia Highway 24, thence along Georgia Highway 24 to junction Georgia Highway 22, thence along Georgia Highway 22 to the Atlantic Ocean, and points in South Carolina on and west of U.S. Highway 1, to points in Ohio on and east of Ohio Highway 60; (2) from points in North Carolina on and west of U.S. Highway 1, to points in Ohio on, north, and east of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 70 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Ohio Highway 13, thence along Ohio Highway 13 to Lake Erie. The purpose of this filing is to eliminate the gateway of Martins Ferry, Ohio.

No. MC 65941 (Sub-No. E21), filed January 16, 1975. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: George V. Thieroff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, textile products, chemicals, and lumber* (except commodities in bulk or those requiring special equipment); (1) from points in Georgia on and north of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 1 to junction Georgia Highway 24, thence along Georgia Highway 24 to junction Georgia Highway 22, thence along Georgia Highway 22 to the Atlantic Ocean, and points in South Carolina on and west of U.S. Highway 1, to points in Ohio on and east of Ohio Highway 60; (2) from points in North Carolina on and west of U.S. Highway 1, to points in Ohio on, north, and east of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 70 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Ohio Highway 13, thence along Ohio Highway 13 to Lake Erie, to points in North Carolina on and west of U.S. Highway 1. The purpose of this filing is to eliminate the gateway of Martins Ferry, Ohio.

No. MC 65941 (Sub-No. E22), filed January 16, 1975. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: George V. Thieroff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper* and *paper products*, from Sylva, Canton, and Asheville, N.C., the plant site of Champion Paper and Fibre Company at or near Waynesville, N.C., and Charleston and Georgetown, S.C., to points in Ohio on and east of Ohio Highway 60; and (2) *Pulpboard*, from Krannert, Ga., to points in Ohio on and east of Ohio Highway 60. The purpose of this filing is to eliminate the gateway of Martins Ferry, Ohio.

No. MC 65941 (Sub-No. E23), filed January 16, 1975. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: George V. Thieroff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except those which because of size or weight require the use of special equipment); (1) from points in Ohio on and east of Ohio Highway 60 to points in Florida west of the Apalochicola River and points in Georgia south of a line beginning at the South Carolina-Georgia State line and extending along U.S. Highway 1 to junction Georgia Highway 24, thence along Georgia Highway 24 to junction Georgia Highway 22, thence along Georgia Highway 22 to the Georgia-Alabama State line; and (2) from points in Ohio on and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 50 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Michigan State line, to points in Florida east of the Apalochicola River. The purpose of this filing is to eliminate the gateway of the Wheeling-Pittsburgh Steel Corporation plant site at or near Martins Ferry, Ohio.

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No. MC 65941 (Sub-No. E27), filed January 22, 1975. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: George V. Thieroff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment and fixtures*, from points in Ohio on and east of Ohio Highway 60 to points in Georgia on and north of a line beginning at the Atlantic Ocean and extending along U.S. Highway 80 to junction U.S. Highway 280, thence along U.S. Highway 280 to the Georgia-Alabama State line, and south of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 1 to junction Georgia Highway 24, thence along Georgia Highway 24 to junction Georgia Highway 22, thence along Georgia Highway 22 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Georgia-Alabama State line. The purpose of this filing is to eliminate the gateways of Martins Ferry, Ohio, and Glen Dale, W. Va.

No. MC 65941 (Sub-No. E28), filed January 24, 1975. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: G. V. Thieroff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil and grease*, in containers, from points in Ohio on, north, and east of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 70 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Ohio Highway 60, thence along Ohio Highway 60 to Lake Erie, to those points in North Carolina and South Carolina on and west of U.S. Highway 1, and points in Georgia on and north of a line beginning at the Atlantic Ocean and extending along U.S. Highway 80 to junction U.S. Highway 280, thence along U.S. Highway 280 to the Georgia-Alabama State line. The purpose of this filing is to eliminate the gateways of Martins Ferry, Ohio, Greene, Washington, or Allegheny Counties, Pa., and Martins Ferry, W. Va.

No. MC 65941 (Sub-No. E29), filed January 24, 1975. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: G. V. Thieroff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and tops therefor, corrugated boxes and sheets*, and *wooden bottle carriers*, from points in Ohio on and east of Ohio Highway 60, to those points in North Carolina and South Carolina on and west of U.S. Highway 1, and points in Georgia on and north of a line beginning at the Atlantic Ocean and extending along U.S. Highway 80 to junction U.S. Highway 280, thence along U.S. Highway 280 to the Georgia-Alabama State line. The purpose of this filing is to eliminate the gateways of Martins Ferry, Ohio, Greene, Washington, or Allegheny Counties, Pa., and Parkersburg, W. Va.

No. MC 65941 (Sub-No. E30), filed January 27, 1975. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: G. V. Thieroff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty compressed-gas cylinders*, from those points in North Carolina and South Carolina on and west of U.S. Highway 1, and points in Georgia on and north of a line beginning at the Atlantic Ocean and extending along U.S. Highway 80 to junction U.S. Highway 280, thence along U.S. Highway 280 to the Georgia-Alabama State line, to points in Ohio on, north, and east of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 70 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Ohio Highway 60, thence along Ohio Highway 60 to Lake Erie. The purpose of this filing is to eliminate the gateways of Natrium, W. Va., and Martins Ferry, Ohio.

No. MC 65941 (Sub-No. E31), filed January 27, 1975. Applicant: TOWER TANK LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: G. V. Thieroff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal burial caskets*, from Atlanta, Ga., to points in Ohio on and east of Ohio Highway 60. The purpose of this filing is to eliminate the gateways of Wheeling, W. Va., and Martins Ferry, Ohio.

No. MC 65941 (Sub-No. E33), filed January 31, 1975. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: G. V. Thieroff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrochemicals), in containers; (1) from points in Ashtabula, Lake Medina, Geauga, Trumbull, Mahoning, Belmont, Wayne, Tuscarawas, Portage, Carroll, Jefferson, Harrison, Summit, Cuyahoga, Columbiana, and Stark Counties, Ohio, to points in Alabama and Tennessee; (2) from points in Ashtabula, Trumbull, Mahoning, and Columbiana Counties, Ohio, to points in Kentucky; (3) from points in Ohio on and east of Ohio Highway 60, to those points in North Carolina and South Carolina on and east of U.S. Highway 1, points in Georgia south and east of a line beginning at the South Carolina-Georgia State line and extending along U.S. Highway 1 to junction Georgia Highway 24, thence along Georgia Highway 24 to junction Georgia Highway 22, thence along Georgia Highway 22 to the Georgia-Alabama State line, and points in Florida west of the Apalochicola River; (4) from points in Ohio on and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 50 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Michigan State line, to points in Florida east of the Apalochicola River; (5) from points in Ohio on, north, and east of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 70 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 95, thence along Ohio Highway 95 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line, to points in Virginia on and north of U.S. Highway 60 and the District of Columbia; (6) from points in Ohio on, and east of U.S. Highway 250, to points in Virginia south of U.S. Highway 60; and (7) from points in Ohio on, north, and east of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 70 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Ohio-Michigan State line, to those points in North Carolina and South Carolina on and east of U.S. Highway 1. The purpose of this filing is to eliminate the gateways of Martins Ferry, Ohio, Green, Washington, or Allegheny Counties, Pa., and St. Marys, W. Va.

No. MC 65941 (Sub-No. E35), filed February 1, 1975. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: G. V. Thieroff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in containers, from Winston-Salem, N.C., to points in Ohio on and north of Interstate Highway 70 and on and east of Ohio Highway 60. The purpose of this filing is to eliminate the gateways of points in Ohio, Brooke, or Marshall Counties, W. Va. (except Charleston), and Martins Ferry, Ohio.

No. MC 65941 (Sub-No. S37), filed February 1, 1975. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: G. V. Thieroff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard* and *fibreboard*, from Hartsville, S.C., to points in Ohio on and east of U.S. Highway 250. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Martins Ferry, Ohio.

No. MC 78228 (Sub-No. E163), (Correction), filed May 30, 1975, published in the FEDERAL REGISTER September 10, 1975. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Thomas M. Mulroy, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-clay refractories*, from points in West Virginia on, north, and west of a line beginning at the Ohio-West Virginia State line extending along U.S. Highway 50 to Clarksburg, W. Va., thence along U.S. Highway 19 to Morgantown, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, * * * The purpose of this filing is to eliminate the gateway of the facilities of the Universal Refractory Co., at Greenville, Pa. The purpose of this partial correction is to correct the territorial description above. The remainder of this letter-notice remains as previously published.

No. MC 80428 (Sub-No. E2), filed May 12, 1974. Applicant: MC BRIDE TRANSPORTATION, INC., P.O. Box 530, Goshen, N.Y. 10924. Applicant's representative: S. Michael Richards, P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, bullion, commodities in bulk, commodities requiring special equipment, those injurious or contaminating to other lading, and articles moving under refrigeration); (1) from Buffalo, N.Y., to New York, N.Y.; and (2) from Buffalo, N.Y., to points in Hudson, Bergen, Essex, Passaic, and Union Counties, N.J. The purpose of this filing is to eliminate the gateways of Wayne County, N.Y., in (1) above; and Wayne County, N.Y., and New York, N.Y., in (2) above.

No. MC 83539 (Sub-No. E94), (Correction), filed June 3, 1975, published in the FEDERAL REGISTER September 18, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Montana, west of Glacier, Pondera, Teton, Louis and Clark, Broadwater, and Gallatin Counties to points in Kansas south of a line beginning * * * The purpose of this filing is to eliminate the gateways of points in Montana on and west of a line running north and south through Dupuyer and Butte, and the facilities of CF & I Steel Corp., at Pueblo, Colo. The purpose of this partial correction is to correct the destination points. The remainder of this letter-notice remains as previously published.

No. MC 92983 (Sub-No. E18) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 7, 1975. Applicant: AMERICAN BULK TRANSPORT, CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Vegetable oils* and *vegetable oil products* (except soap products and paint), in bulk, in tank vehicles; (2) from points in Florida located in Broward, Dade, and Monroe Counties to points in Louisiana located in, north, and west of Winn, Jackson, Quachita, and Morehouse Parishes and points in Sabine and Natchitoches Parishes located north of Louisiana Highway 6 (excluding the many commercial zones); (F) *Acids* and *chemicals*, in bulk, in tank or hopper vehicles, from Panama City, Fla., and points within five miles thereof to points in Colorado, points in Iowa located in and west of Allamakee, Fayette, Buchanan, Benton, Iowa, Keokuk, Wapello, and Davis Counties, points in Kansas, points in Missouri located in, north, and west of Vernon, St. Clair, Henry, Pettis, Saline, Chariton, Linn, Adair, and Schuyler Counties and to points in Oklahoma within Ottawa, Craig, Nowata, Washington, Osage, Kay, Grant, Alfalfa, Woods, Harper, Beaver, Texas, and Cimarron Counties; (J) *Acids* and *chemicals*, in bulk; (9) from points in Florida located in and east of Gladsden, Leon, and Wakulla Counties to points in Kansas and points in Oklahoma located in, north, and west of Roger Mills, Dewey, Major, Garfield, Noble, Pawnee, OOsage, Washington, and Nowata Counties. The purpose of this filing is to eliminate the gateways of: in (A)(2) above, Memphis, Tenn.; in (A)(F) above, points in Arkansas within the Memphis, Tenn., commercial zone, and Olathe, Kans. (points in the Kansas City, Mo., commercial zone); and in (J)(9) above, Olathe, Kans. (at points in the Kansas City, Mo., commercial zone). The purpose of this partial correction is to correct typographical errors above. The remainder of this letter-notice remains as previously published.

No. MC 9976 (Sub-No. E1) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER September 11, 1975. Applicant: BUCKNER TRUCKING, INC., P.O. Box 3287, Houston, Tex. 77001. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and the drilling of water wells; (B) between points in Kansas, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateway of points in Tulsa County, Okla. The purpose of this partial correction is to include (B) above. The remainder of this letter-notice remains as previously published.

No. MC 99776 (Sub-No. E2), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER September 11, 1975. Applicant: BUCKNER TRUCKING, INC., P.O. Box 3287, Houston, Tex. 77001. Applicant's representative: Ronald E. Butler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*; (10) from points in Texas on, south, and west of a line beginning at the Texas-New Mexico State line on Texas Highway 116, thence along Texas Highway 116 to Lubbock, Tex., thence along U.S. Highway 84 to Abilene, Tex., thence along Texas Highway 36 to Gatesville, thence along U.S. Highway 84 to Waco, thence along Texas Highway 6 to Bryan, Tex., thence along Texas Highway 30 to Huntsville, Tex., thence along U.S. Highway 75 to a terminus at Galveston, Tex., to points in Georgia; (32) * * * to the Louisiana-Texas State line to points in North Carolina on and north of a line beginning at the North Carolina-Tennessee State line on U.S. Highway 70, thence along U.S. Highway 70 to Asheville, N.C., thence along U.S. Highway 74 to Charlotte, N.C., thence along U.S. Highway 21 to the North Carolina-South Carolina State line; (37) * * * thence along U.S. Highway 84 to Snyder, Tex., thence along U.S. Highway 180A to the Texas-New Mexico State line to points in Pennsylvania; and (43) from points in Texas on, south, and west of a line beginning at the New Mexico-Texas State line on Texas Highway 116 * * * The purpose of this filing is to eliminate the gateway of Houston, Tex. The purpose of this partial correction is to correct the territorial descriptions above. The remainder of this letter-notice remains as previously published.

No. MC 106603 (Sub-No. E49), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, as defined by the Commission, from St. Louis, Mo., to points in Michigan. The purpose of this filing is to eliminate the gateways of Indiana; and Wilmington, Ill.

No. MC 106603 (Sub-No. E50), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from St. Louis, Mo., to those points in Tennessee east of a line beginning at the Tennessee-Kentucky State line and extending along Tennessee Highway 53 to junction Tennessee Highway 135, thence along Tennessee Highway 135 to junction Tennessee Highway 42, thence along Tennessee Highway 42 to junction Tennessee Highway 111, thence along Tennessee Highway 111 to junction Tennessee Highway 8, thence along Tennessee Highway 8 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of the plant site of the National Gypsum Company, near Shoals (Martin County), Ind.

No. MC 106603 (Sub-No. E51), filed May 10, 1974. Applicant: DIRECT

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TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractor's materials*, from St. Louis, Mo., to Louisville, Ky. The purpose of this filing is to eliminate the gateway of Indiana.

No. MC 107064 (Sub-No. E1), (Correction), filed May 21, 1974, published in the FEDERAL REGISTER September 3, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products and potash), dry, in bulk; (1) from points in that part of Texas on and west of U.S. Highway 83 (except points in Hansford, Ochiltree, Roberts, Hemphill, Wheeler, and Collingsworth Counties), to points in Nebraska; (2) from points in that part of Texas in and west of Dallam, Hartley, Oldham, Deaf Smith, Castro, Lamb, • • • (3) • • • Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, • • • The purpose of this filing is to eliminate the gateway of Sheerin, Tex. The purpose of this partial correction is to correct typographical errors. The remainder of this letter-notice remains as previously published.

No. MC 107064 (Sub-No. E3), (Correction), filed May 21, 1974, published in the FEDERAL REGISTER September 10, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Bailey, Lamb, Hale, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Garza, Gainer, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, Norlan, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Tom Green, Irion, Reagan, Upton, Crane, Ward, Crockett, Val Verde, Terrell, Pecos, Reeves, Brewster, Presidio, Jeff Davis, Culberson, Hudspeth, and El Paso Counties, Tex., to points in Ohio. The purpose of this filing is to eliminate the gateway of Ector County, Tex. The purpose of this correction is to correct typographical errors.

No. MC 107064 (Sub-No. E23), (Correction), filed May 21, 1974, published in the FEDERAL REGISTER September 10, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas in and west of Cochran, Hockley, Lubbock, Lynn, Borden, Scurry, Mitchell, Sterling, Tom Green, Schleicher, Sutton, Val Verde, Kinney, and Maverick Counties, Tex., to points in Illinois. The purpose of this filing is to eliminate the gateway of Ector County, Tex. The purpose of this correction is to correct typographical errors.

No. MC 107064 (Sub-No. E25), (Correction), filed May 21, 1974, published in the FEDERAL REGISTER September 10, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas in and west of Bailey, Lamb, Hockley, Lubbock, Lynn, Borden, Scurry, Fisher, Nolan, Coke, Tom Green, Schleicher, Sutton, and Val Verde Counties, to points in Michigan. The purpose of this filing is to eliminate the gateway of Ector County, Tex. The purpose of this correction is to correct typographical errors.

No. MC 107064 (Sub-No. E26), (Correction), filed May 21, 1974, published in the FEDERAL REGISTER September 10, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas in and west of Hartley, Moore, Potter, Randall, Swisher, Briscoe, Motley, Dickens, Kent, Fisher, Nolan, Coke, Tom Green, Schleicher, Sutton, and Val Verde Counties, Tex., to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Ector County, Tex. The purpose of this correction is to correct typographical errors.

No. MC 107064 (Sub-No. E28), (Correction), filed May 21, 1974, published in the FEDERAL REGISTER September 10, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas on, south, and west of a line beginning at the New Mexico-Texas State line, thence along Texas Highway 125 to Whiteface, thence along Texas Highway 116 to Lubbock, thence along U.S. Highway 84 to junction Texas Highway 70, thence along Texas Highway 70 to Fort Chadbourne, thence along U.S. Highway 277 to the United States-Mexico International Boundary line to points in Alabama. The purpose of this filing is to eliminate the gateway of Ector County, Tex. The purpose of this correction is to include the destination point above.

No. MC 107064 (Sub-No. E34), (Correction), filed May 21, 1974, published in the FEDERAL REGISTER September 10, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas on, south, and east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 271 to Paris, thence along Texas Highway 24 to Greenville, thence along U.S. Highway 380 to Denton, thence along Interstate Highway 35W to Fort Worth, • • • The purpose of this filing is to eliminate the gateway of Ector County, Tex. The purpose of this partial correction is to correct the territorial descriptions in (b) above. The remainder of this letter-notice remains as previously published.

No. MC 107064 (Sub-No. E70), (Correction), filed May 21, 1974, published in the FEDERAL REGISTER September 10, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of New Mexico on and south of a line beginning at the New Mexico-Arizona State line, thence along U.S. Highway 66 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Texas-New Mexico State line to points in Ohio. The purpose of this filing is to eliminate the gateway of Ector County, Tex. The purpose of this correction is to correct the territorial description.

No. MC 107064 (Sub-No. E53), (Correction), filed May 21, 1974, published in the FEDERAL REGISTER September 16, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles; (b) from points in San Juan, McKinley, Sandoval, Valencia, and Bernalillo Counties, N. Mex., to points in that part of Texas on, south, and east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 271 to Paris, thence along Texas Highway 24 to Greenville, thence along U.S. Highway 380 to Denton, thence along Interstate Highway 35W to Fort Worth, • • • The purpose of this filing is to eliminate the gateway of Ector County, Tex. The purpose of this partial correction is to correct the territorial descriptions in (b) above. The remainder of this letter-notice remains as previously published.

No. MC 107064 (Sub-No. E82), (Correction), filed May 21, 1974, published in the FEDERAL REGISTER September 16, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers* (except petroleum products and potash), from points in Gaines, Dawson, Borden, Andrews, Martin, Howard, Loving, Winkler, Ector, Midland, Culberson, Hudspeth, • • • The purpose of this filing is to eliminate the gateway of Dimmit, Tex. The purpose of this partial correction is to correct the origin points above. The remainder of this letter-notice remains as previously published.

No. MC 107064 (Sub-No. E86), (Correction), filed May 21, 1974, published in the FEDERAL REGISTER September 16, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products, potash, and liquid sulphur), from points in El Paso, Hudspeth, Culberson, Reeves, Pecos, • • • The purpose of this filing is to eliminate the gateway of Hale County, Tex. The purpose of this partial correction is to correct the origin points above and to correct the gateway. The remainder of this letter-notice remains as previously published.

No. MC 107064 (Sub-No. E89) (Correction), filed May 21, 1974, published in the FEDERAL REGISTER September 16, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products, potash, and liquid sulphur), from points in Lamb, Hale, Floyd, Motley, Lubbock, Crosby, Dickens, Lynn, Garza, Kent, Dawson, Borden, Scurry, • • • The purpose of this filing is to eliminate the gateway of Hale County, Tex. The purpose of this partial correction is to correct the commodity description and to correct the gateway. The remainder of this letter-notice remains as previously published.

No. MC 107064 (Sub-No. E90), (Correction), published in the FEDERAL REGISTER September 16, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients*, from points in Randall, Armstrong, Donley, Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, • • • Terrell, Pecos, Reeves, Culberson, Jeff Davis, Presidio, and Brewster Counties, Tex., to points in Wyoming. The purpose of this filing is to eliminate the gateway of Hale County, Tex. The purpose of this partial correction is to correct the commodity description, territorial description, and gateway above. The remainder of this letter-notice remains as previously published.

No. MC 107064 (Sub-No. E91), (Correction), filed May 21, 1974, published in the FEDERAL REGISTER September 16, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products, potash, and liquid sulphur), • • • Pecos, Reeves, Culberson, Hudspeth, El Paso, Jeff Davis, Presidio, and Brewster Counties, Tex., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Hale County, Tex. The purpose of this partial correction is to correct the territorial description and the gateway. The remainder of this letter-notice remains as previously published.

No. MC 107064 (Sub-No. E108), (Correction), filed May 21, 1974, published in the FEDERAL REGISTER September 16, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers* and *liquid fertilizer ingredients* (except petroleum products and potash), in bulk, in tank vehicles, from points in Parmer, Castro, Swisher, Bailey, Lamb, Hale, Floyd, Cochran, Hockley, Lubbock, Crosby, Jeff Davis, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, El Paso, Hudspeth, Culberson, Reeves, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Ward, Crane, Upton, Reagan, Pecos, Crockett, Terrell, Presidio, Brewster, and Val Verde Counties, Tex., to points in Illinois. The purpose of this filing is to eliminate the gateway of Lubbock County, Tex. The purpose of this correction is to correct the commodity description and territorial description.

No. MC 107064 (Sub-No. E109), (Correction), filed May 21, 1974, published in the FEDERAL REGISTER September 16, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* and *liquid fertilizer ingredients* (except petroleum products and potash), in bulk, in tank vehicles, from points in Dallam, Sherman, • • • Reagan, Pecos, Reeves, Culberson, Hudspeth, El Paso, Jeff Davis, Presidio, and Brewster Counties, Tex., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Lubbock County, Tex. The purpose of this partial correction is to correct the commodity description and territorial description. The remainder of this letter-notice remains as previously published.

No. MC 107064 (Sub-No. E110) (Correction), filed May 21, 1974, published in the FEDERAL REGISTER September 16, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* and *liquid fertilizer solutions* (except petroleum products and potash), in bulk, in tank vehicles, from points in Oldham, Potter, Deaf Smith, Randall, Armstrong, Parmer, Castro, Swisher, Briscoe, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Ward, Crane, Upton, Reagan, Irion, Tom Green, Crockett, Val Verde, Terrell, Pecos, Reeves, Jeff Davis, Culberson, Hudspeth, El Paso, Presidio, and Brewster Counties, Tex., to points in Indiana. The purpose of this filing is to eliminate the gateway of Lubbock County, Tex. The purpose of this correction is to correct the commodity and territorial descriptions.

No. MC 107064 (Sub-No. E111), (Correction), filed May 21, 1974, published in the FEDERAL REGISTER September 16, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* and *liquid fertilizer ingredients* (except petroleum products and potash), from points in Parmer, • • • Hudspeth, Culberson, Reeves, Jeff Davis, Pecos, Presidio, Brewster, Terrell, Val Verde, Kinney, and Maverick Counties, Tex., to points in Iowa. The purpose of this filing is to eliminate the gateway of Lubbock County, Tex. The purpose of this partial correction is to correct the commodity and territorial descriptions. The remainder of this letter-notice remains as previously published.

No. MC 107064 (Sub-No. E112), Correction), filed May 21, 1974, published in the FEDERAL REGISTER September 16, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* and *liquid fertilizer ingredients* (except petroleum products and potash), in bulk, in tank vehicles, from points in Parmer, • • • Reeves, Culberson, Hudspeth, El Paso, Jeff Davis, Presidio, Brewster, Kinney, and Maverick Counties, Tex., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Lubbock County, Tex. The purpose of this partial correction is to correct the commodity and territorial descriptions. The remainder of this letter-notice remains as previously published.

No. MC 107064 (Sub-No. E114), (Correction), filed May 21, 1974, published in the FEDERAL REGISTER September 16, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* and *liquid fertilizer ingredients* (except petroleum products

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and potash), in bulk, in tank vehicles, from points in Dallam, Hartley, Moore, Oldham, Potter, * * * Reeves, Culberson, Hudspeth, El Paso, Jeff Davis, Presidio, and Brewster Counties, Tex., to points in South Carolina. The purpose of this filing is to eliminate the gateway of Lubbock County, Tex. The purpose of this partial correction is to correct the commodity and territorial descriptions. The remainder of this letter-notice remains as previously published.

No. MC 107064 (Sub-No. E125), (Correction), filed May 21, 1974, published in the FEDERAL REGISTER September 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except sulphuric acid), in bulk, in tank vehicles, from Chaves, Eddy, Lea, Roosevelt, and Curry Counties, N. Mex., to Cheyenne, Kit Carson, Yuma, Washington, Morgan, Logan, Phillips, and Sedgewick Counties, Colo. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of the Occidental Chemical Company, in Hale County, Tex. The purpose of this correction is to correct the "E" number, previously published as E25.

No. MC 107064 (Sub-No. E132), (Correction), filed May 21, 1974, published in the FEDERAL REGISTER September 16, 1975. Applicant: STEERE TANK LINES, INC. P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petro-chemicals* (except sulphuric acid), in bulk, in tank vehicles, from points in Parmer, Castro, Swisher, Bailey, Lamb, Hale, Cochran, Hockley, Lubbock, Yoakum, Terry, Lynn, Gaines, Dawson, Andrews, Martin, El Paso, Hudspeth, Culberson, Jeff Davis, Reeves, Loving, Winkler, Ector, Midland, Ward, Crane, and Presidio Counties, Tex., to points in Arkansas. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of the Occidental Chemical Co., of Texas, in Hale County, Tex. The purpose of this correction is to correct the territorial description.

No. MC 107064 (Sub-No. E134), (Correction) filed May 21, 1974, published in the FEDERAL REGISTER September 16, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr., (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petro-Chemicals* (except sulphuric acid), in bulk, in tank vehicles, from points in Parmer, Castro, Swisher, Bailey, Lamb, Hale, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Garza, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Loving, Winkler, Ector, Midland, Ward, Crane, Upton, El Paso, Hudspeth, Culberson, Reeves, Pecos, Jeff Davis, Presidio, and Brewster Counties, Tex., to points in Missouri. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., of Texas, at Hale County, Tex. The purpose of this correction is to correct the territorial descriptions and gateway.

No. MC 107107 (Sub-No. E43), (Correction), filed April 25, 1975, published in the FEDERAL REGISTER September 19, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 NW 42nd Ave., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods;* (1) * * * to the Mobile-Washington County line, to the Alabama-Mississippi State line, to points in Arkansas, Kentucky, Maryland, Tennessee, and those points in Louisiana on and west of U.S. Highway 67; (2) from * * * The purpose of this filing is to eliminate the gateway of Florida. The purpose of this partial correction is to correct the territorial descriptions in (1) above. The remainder of this letter-notice remains as previously published.

No. MC 109326 (Sub-No. E41), filed May 19, 1975. Applicant: C & D TRANSPORTATION CO., INC., P.O. Box 10506, New Orleans, La. 70121. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products,* and *articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Mobile County, Ala., to points in Louisiana, Arkansas, Missouri, Illinois, Indiana, and Ohio. RESTRICTION: The operations authorized herein shall be subject to the following conditions: Said operations are restricted against the transportation of traffic from or to any facility of the Great Atlantic & Pacific Tea Company of New York, N.Y., and Hunt Foods and Industries, Inc. (merged into Norton-Simon, Inc.), of Fullerton, Calif. The purpose of this filing is to eliminate the gateway of Gulfport, Miss.

No. MC 109637 (Sub-No. E30), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER September 3, 1975. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Jefferson County, Ky., Clark and Floyd Counties, Ind., to points in Alabama, Arkansas, Georgia, Mississippi, and points in Barry, Barton, Carter, Christian, Dade, Douglas, Greene, Howell, Jasper, Lawrence, McDonald, Newton, Oregon, Ozark, Ripley, Stone, Shannon, Taney, Texas, Vernon, Webster, and Wright Counties, Mo. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn. The purpose of this correction is to correct the commodity description.

No. MC 109637 (Sub-No. E38), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER September 3, 1975. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Covington, Ky., to points in Alabama, Georgia, Mississippi, and points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 231 to junction U.S. Highway 70S, thence along U.S. Highway 70S to junction Tennessee Highway 30, thence along Tennessee Highway 30 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Georgia-Tennessee State line. The purpose of this filing is to eliminate the gateways of Clark County, Ind., and Robertson County, Tenn. The purpose of this correction is to correct the commodity description.

No. MC 109637 (Sub-No. E41), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER September 3, 1975. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Alabama, Arkansas, Georgia, Mississippi, Missouri, on and south of U.S. Highway 60, and points in Tennessee. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn. The purpose of this correction is to correct the commodity description.

No. MC 109637 (Sub-No. E42), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER September 3, 1975. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except Benzol, toluol, and xylol), from Louisville and West Point, Ky., to points in Kansas, Louisiana, Minnesota, Nebraska, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of Troy, Ind., and Calvert City, Ky. The purpose of this correction is to correct the commodity description.

No. MC 109637 (Sub-No. E43), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER September 3, 1975. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except benzol, toluol, and xylol), from Lucas County, Ohio, to points in Arkansas, points in Florida on and west of U.S. Highway 231, points in Kansas and Louisiana, points in Missouri on and south of U.S. Highway 60, and points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateways of Jefferson County, Ky., Troy, Ind., and Calvert City, Ky. The purpose of this correction is to correct the commodity description.

No. MC 109637 (Sub-No. E44), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER September 3, 1975. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Lucas County, Ohio, to points in Alabama, Arkansas, Georgia, Mississippi, and points in Tennessee on and west of U.S. Highway 25E. The purpose of this filing is to eliminate the gateways of Jefferson County, Ky., and Robertson County, Tenn. The purpose of this correction is to correct the commodity description.

No. MC 109637 (Sub-No. E46), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER September 3, 1975. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the Petroleum Products Terminal of the LaGloria Oil & Gas Co., near Seymour, Ind., the terminal site of the Texas Eastern Transmission Corp., at or near Lebanon, Warren County, Ohio, and Hamilton County, Ohio, to points in Arkansas, Florida, Louisiana, Oklahoma, Texas, and points in Kansas on, west, and south of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 81 to junction Kansas Highway 196, thence along Kansas Highway 196 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Calverty City, Ky. The purpose of this correction is to correct the commodity description.

No. MC 109637 (Sub-No. E51) (correction), filed May 29, 1974, published in the FEDERAL REGISTER September 3, 1975. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except benzol, toluol, and xylol), from the terminal site of the Texas Eastern Transmission Corp., at or near Princeton, Gibson County, Ind., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, points on and west of U.S. Highway 81, and points in Kansas on, west, and south of a line beginning at the Nebraska-Kasas State line and extending along U.S. Highway 81 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Calvert City, Ky. The purpose of this correction is to correct the commodity description.

No. MC 112595 (Sub-No. E123), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), (except petro-chemicals), from Freedom, Pa., to points in Missouri on, west, and south of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 63 to junction Missouri Highway 6, thence along Missouri Highway 6 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 113855 (Sub-No. E51), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A)(1) *Hay balers and parts*, (2) *Irrigation sprinklers and winches* designed for use with irrigation sprinklers, (3) *Stump-cutting, cable-laying, trench-digging, trench-backfilling, and tree-moving equipment*, (4) *Parts and attachments* for the commodities named in (2) and (3) above, (5) *Trailers* designed for the transportation of commodities named in (2) and (3) above, (6) *Self-propelled hay balers and irrigation sprinklers*, each weighing 15,000 pounds or more, and *related parts* moving in connection therewith (restricted to commodities transported on trailers); from points in North Dakota, to points in Maine, Vermont, New Hampshire, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Arkansas, and Louisiana (South Dakota, and Pella, Iowa) *; (B)(1) *Hay* balers and parts, and (2) *Agricultural and road construction stump-cutting, cable-laying, trench-digging, trench-backfilling, and tree-moving equipment*, and *parts and attachments* therefor, restricted in (1) and (2) to transportation in foreign commerce; from the port of entry on the United States-Canada International Boundary line at Portal, N. Dak., to points in Maine, Vermont, New Hampshire, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Arkansas, and Louisiana (Pella, Iowa) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E60), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of their size or weight require the use of special equipment (except boats and iron and steel articles), and *related machinery, parts, and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of the above-described commodities, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers); (a) between points in Kansas on and west of U.S. Highway 281, on the one hand, and, on the other, points

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in Illinois on, north, and west of a line beginning at Lake Michigan and extending along U.S. Highway 66 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Illinois-Iowa State line; and (b) between points in Kansas east of U.S. Highway 281 and on and west of U.S. Highway 77, on the one hand, and, on the other, points in Illinois on and north of Illinois Highway 64. The purpose of this filing is to eliminate the gateways of South Dakota, and Davenport, Iowa.

No. MC 113855 (Sub-No. E71), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which, because of size or weight, require the use of special equipment, and *related machinery, parts, and related contractors' materials and supplies*, when their transportation is incidental to the transportation of the above-described commodities, (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers); (a) between points in South Dakota, on the one hand, and, on the other, points in Minnesota (Minot, N. Dak., or points in North Dakota south of a line beginning at the Montana-North Dakota State line and extending along U.S. Highway 2 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to the United States-Canada International Boundary line, or points in Minnesota on and south of U.S. Highway 12 and on and west of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 65 to junction Minnesota Highway 50 (formerly portion U.S. Highway 65), to junction Minnesota Highway 3 (formerly portion U.S. Highway 65), to junction U.S. Highway 65, to junction Minnesota Highway 30 (formerly portion U.S. Highway 65), to junction unnumbered highway near Ellendale, to junction U.S. Highway 65 to the Minnesota-Iowa State line)*; and (b) between points in Nebraska, on the one hand, and, on the other, points in Minnesota (points in Minnesota within 50 miles of Sioux Falls, S. Dak.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E73), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which, because of their size or weight, require the use of special equipment, and *related machinery, parts, and related contractors' materials and supplies* when their transportation is incidental to the transportation of the above-described commodities, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers); (a) between points in Colorado, on the one hand, and, on the other, points in North Dakota, Ohio, and Pennsylvania (South Dakota)*; (b) between points in Colorado, on the one hand, and, on the other, points in Minnesota (South Dakota, and points in Minnesota on or south of U.S. Highway 12 and on or west of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 65, to junction Minnesota Highway 50, to junction Minnesota Highway 3, to junction U.S. Highway 65, to junction Minnesota Highway 30, to junction unnumbered highway near Ellendale, to junction U.S. Highway 65, to the Minnesota-Iowa State line, or Minot, N. Dak., or points in North Dakota south of a line beginning at the North Dakota-Montana State line and extending along North Dakota Highway 1 to junction North Dakota Highway 2, to the United States-Canada International Boundary line)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E78), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which, because of their size or weight, require the use of special equipment (except boats and iron and steel articles), and *related machinery, parts and related contractors' materials and supplies*, when their transportation is incidental to the transportation by said carrier of the above-described commodities, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers); (a) between points in Montana, on the one hand, and, on the other, points in West Virginia and Kentucky (points in South Dakota east of the Missouri River and Elgin, Ill.)*; (b) between points in Montana and Wyoming, on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, Delaware, New Jersey, and the District of Columbia (points in South Dakota east of the Missouri River, and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway to junction Business U.S. Highway 15, near Fairplay, to junction U.S. Highway 15, to junction unnumbered highway, through Clear Spring, to junction U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.)*; and (c) between points in Wyoming, on the one hand, and, on the other, points in West Virginia and Kentucky (points in South Dakota east of the Missouri River or east of South Dakota Highway 73, and Elgin, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E130), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A)(1) *Lift trucks* and *road construction machinery and equipment*, as defined by the Commission, in flatbed trailers, restricted to commodities which because of size or weight require the use of special equipment, provided that the loading and/or unloading which necessitates the special equipment is performed by the consignor or consignee, or both; and (2) *Street sweeping machines* (except those which because of size or weight require the use of special equipment), in flat bed trailers, from points in Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Kentucky, Virginia, Indiana (except points in the corporate limits of Hammond, Whiting, East Chicago, and Gary), Michigan (except Benton Harbor and Battle Creek), Delaware, New York, Vermont, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, and Mississippi, to points in Oregon and Washington [(1) points within 15 miles of the Minneapolis-St. Paul, Minn., commercial zone, and Sioux Falls, S. Dak.; and (2) points within 15 miles of the Minneapolis-St. Paul, Minn., commercial zone]; (B)(1)(a) *Road construction machinery and lift trucks*, which because of size or weight, require the use of special equipment, and (b) *Self-propelled articles*, described in (1) above, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers); and (2)(a) *Street sweeping* machine, which because of size or weight require the use of special equipment, and *related parts, attachments, and accessories* when moving in connection therewith, and (b) *Self-propelled street sweeping machines*, each weighing 15,000 pounds or more, and *related* parts, attachments, and accessories when moving in connection therewith (restricted to commodities transported on trailers), from points in Oregon and Washington to points in Alabama, Georgia, Florida, South Carolina, Tennessee, and Mississippi [(1) Montana or Wyoming, points in South Dakota west of the Missouri River, and points within 15 miles of the Minneapolis, Minn., commercial zone; and (2) Montana or Wyoming, points in South Dakota east of the Missouri River, and Minneapolis, Minn.]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E138), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Tractors* (except tractors with venicle beds, bed frames, or fifth wheels), utility trailers, designed to transport tractors other than truck tractors, *road construction machinery and equipment, earth moving, excavating and loading machinery*, restricted to commodities which because of size or weight require the use of special equipment, provided that the loading and/or unloading which necessitates the special equipment is performed by the consignor or consignee, or both, and related machinery parts, moving in connection therewith, and (II) *Self-propelled articles* described in (I) above, each weighing 15,000 pounds or more, and *related machinery and parts*, moving in connection therewith, restricted in (I) and (II) above against the transportation of iron and steel articles, (a)(1) from points in Illinois on and west of a line beginning at the Illinois-Missouri State line and extending along Illinois Highway 104 to junction U.S. Highway 66, to junction Illinois Highway 53, to junction U.S. Highway 66, to Lake Michigan, to points in Arizona; (2) from points in Illinois as described in (1) above (except points west of U.S. Highway 67 and south of U.S. Highway 34), to points in New Mexico; (3) from points in Illinois north of Illinois Highway 104, west of U.S. Highway 67 and south of U.S. Highway 34, to points in New Mexico in and west of San Juan, McKinley, Valencia, Socorro, Sierra, and Otero Counties (Rock Island, Ill.)*; (b)(1) from points in Indiana on and north of U.S. Highway 150, points in Ohio, West Virginia, and points in Kentucky on and east of a line beginning at the Indiana-Ohio State line and extending along Kentucky Highway 61 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line, to points in Arizona.

(2) From points in Indiana on and north of Interstate Highway 74, points in West Virginia on and north of U.S. Highway 60, and points in Ohio, to points in New Mexico (Elgin, Ill., and Rock Island, Ill.)*; (c)(1) from points in Connecticut, Rhode Island, Massachusetts, New Jersey, and Delaware, to points in New Mexico and Arizona; (2) from points in New York (except Chautauqua and Cattaraugus Counties), points in Maryland (except Garrett, Allegheny, and Washington Counties), points in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 11 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Virginia-North Carolina State line and points in Currituck, Camden, and Pasquatank Counties, N.C., to points in Arizona; (3) from points in New York on and east of a line beginning at Lake Ontario and extending along New York Highway 18 to junction U.S. Highway 15, thence along U.S. Highway 15 to the New York-Pennsylvania State line, to points in New Mexico; (4) from points in Maryland on and east of U.S. Highway 15, to points in Mexico (except Lea County); (5) from points in Nansemond County, Va., to points in New Mexico on and west of U.S. Highway 54 (points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway to junction Business U.S. Highway 15, near Fairplay to junction U.S. Highway 15, to junction unnumbered highway through Clear Spring, to junction U.S. Highway 15, to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above-described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia, Counties, Pa.), Elgin, Ill., and Rock Island, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E139), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Heavy machinery* and other *contractors' materials, supplies, and equipment*, which because of size or weight require the use of special equipment and (II) *Self-propelled article*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities transported on trailers); (A)(1) between points in Iowa on and west of U.S. Highway 75 and on and north of U.S. Highway 18, on the one hand, and, on the other, points in Nebraska on and north of U.S. Highway 75; (2) between points in Iowa on, east, and south of the line described in (1) above, and on and north of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 20 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Illinois State line, on the one hand, and, on the other, points in Nebraska on, north, and west of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 30 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line; (3) between points in Iowa, on the one hand, and, on the other, points in North Dakota; (4) between points in North Dakota, on the one hand, and, on the other, points in Minnesota on and south of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 12 to junction Minnesota Highway 9, thence along Minnesota Highway 9 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction Minnesota Highway 48, thence along Minnesota Highway 48 to the Minnesota-Wisconsin State line (South Dakota)*; (B)(1) between points in Nebraska east of Sheridan, Gorden, and Duell Counties, on the one hand, and, on the other, points in Montana.

(2) Between points in Nebraska on and east of U.S. Highway 83, on the one hand, and, on the other, points in Wyoming on and north of U.S. Highway 20; (3) between points in Nebraska on and north of a line beginning at the Nebraska-South Dakota State line and extending along Nebraska Highway 61 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to the Nebraska-Iowa State line, on the one hand, and, on the other, points in Wyoming south of U.S. Highway 20, and on and west of Wyoming Highway 789; (4) between points in Montana, on the one hand, and, on the other, points in Wisconsin, Illinois, Missouri, Indiana, and Michigan; (5) between points in Wyoming, on the one hand, and, on the other, points in Wisconsin, Illinois, Indiana, Michigan, and points in Missouri on and east of U.S. Highway 65; (6) between points in Wyoming (except Laramie, Albany, Platte, and Goshen Counties), on the one hand, and, on the other, points in Missouri west of U.S. Highway 65; (7) between points in Montana, on the one hand, and, on the other, points in Kansas; (8) between points in Wyoming on and north of U.S. Highway 20, on the one hand, and, on the other, points in Kansas; (9) between points in Uinta, Sublette, Lincoln, and Teton Counties, Wyo., on the one hand, and, on the other, points in Kansas on and east of U.S. Highway 81; (10) between points in Montana on and west of U.S. Highway 91, on the one hand, and, on the other, points in North Dakota on, east and south of a line beginning at the North Dakota-South Dakota State line and extending along North Dakota Highway 6 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to the Minnesota-North Dakota State line.

(11) Between points in Montana on and south of U.S. Highway 12 and east of U.S. Highway 91, on the one hand,

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and, on the other, points in North Dakota on and east of North Dakota Highway 3 and on and south of North Dakota Highway 200 (points in South Dakota on and east of South Dakota Highway 73)*; (C)(1) between points in Oregon, Washington, and points in Idaho on and south of Interstate Highway 90, on the one hand, and, on the other, points in North Dakota on, south, and east of a line beginning at the North Dakota-Montana State line and extending along North Dakota Highway 200 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction North Dakota Highway 23, thence along North Dakota Highway 23 to junction North Dakota Highway 8, thence along North Dakota Highway 8 to the United States-Canada International Boundary line; (2) between points in Oregon on, west, and south of a line beginning at the Oregon-Washington State line and extending along Oregon Highway 409 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Oregon Highway 47, thence along Oregon Highway 47 to junction Oregon Highway 99W, thence along Oregon Highway 99W to junction Oregon Highway 22, thence along Oregon Highway 22 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Oregon-California State line, on the one hand, and, on the other, points in North Dakota north and west of the line described in (1) above (Wyoming or Montana, and points in South Dakota on and east of South Dakota Highway 73)*; (D)(1) between points in Montana, on the one hand, and, on the other, points in Kentucky and West Virginia; (2) between points in Wyoming, on the one hand, and, on the other, points in Kentucky on and east of U.S. Highway 41; and (3) between points in Wyoming (except Laramie, Albany, Goshen, and Platte Counties), on the one hand, and, on the other, points in Kentucky west of U.S. Highway 41 (points in South Dakota on and east of South Dakota Highway 73, and Elgin, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E158), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A)(1) *Agricultural implements, agricultural machinery, soil and beach cleaners*, and *farm tractors* and *tractor attachments*, which because of size or weight require the use of special equipment, and (2) *Self-propelled articles*, described in (1) above, each weighing 15,000 pounds or more (restricted to commodities transported on trailers); (a) from points in Oregon, Washington, points in Idaho west of U.S. Highway 93, and points in Nevada (except Clark, Lincoln, and Whitepine Counties), to points in Arizona; (b) from points in Idaho on and east of U.S. Highway 93 to points in Arizona on and south of a line beginning at the Nevada-Arizona State line and extending along U.S. Highway 93 to junction Arizona Highway 93, thence along Arizona Highway 93 to the United States-Mexico International Boundary line; (c) from points in Nevada, and those points in Oregon and Washington on and west of U.S. Highway 97 to points in Texas; (d) from points in Washington east of U.S. Highway 97 to points in Texas on and south of U.S. Highway 80; (B)(1) *Agricultural machinery*, and *implements*, other than hand, as defined by the Commission, *farm tractors*, and the following tractors attachments only: *scarifiers, bulldozers, backhoes, buckets, front end loaders, and fork lifts*, restricted to commodities which because of size or weight, require the use of special equipment, provided that the loading and/or unloading which necessitates the special equipment is performed by the consignor or consignee, or both, and

(2) *Self-propelled articles* described in (1) above, each weighing 15,000 pounds or more (restricted to commodities transported on trailers); (a) from points in Nevada (except Elko County), to points in Arkansas and points in New Mexico on and south of U.S. Highway 66; (b) from points in Oregon on and west of Interstate Highway 5 to points in New Mexico on and south of U.S. Highway 66; (c) from points in Oregon on and west of U.S. Highway 97, to points in Arkansas; (d) from points in Washington on and west of U.S. Highway 97, to points in Georgia, South Carolina, and points in Arkansas on and south of Interstate Highway 40; (e) from points in Orgeon, Washington, Nevada, and points in Twin Falls, Owyhee, Elmore, Boise, Ada, Canyon, Gem, Payette, Washington, Adams, and Valley Counties, Idaho, to points in Louisiana; (f) from points in Nevada, points in Oregon on and west of U.S. Highway 395, and points in Washington on and west of U.S. Highway 97, to points in Alabama; (g) from points in Oregon and Nevada to points in Florida, Georgia, and South Carolina; (h) from points in Washington to points in Florida (except points in Baker, Union, Bradford, Clay, St. Johns, Duval, and Nassau Counties); (i) from points in Twin Falls, Owyhee, Elmore, Boise, Ada, Canyon, Gem, Payette, Washington, Adams, and Valley Counties, Idaho, to points in Florida, points in South Carolina east of Spartanburg, Laurens, Greenwood, and McCormick Counties, and in Georgia on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 280 to junction Georgia Highway 30, thence along Georgia Highway 30 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of California.

No. MC 113855 (Sub-No. E161), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Road construction machinery and equipment*, as defined by the Commission (except commodities which because of size or weight require the use of special equipment or handling), in flat bed trailers only; (1) between points in Minnesota on and north of a line beginning at the North Dakota-Minnesota State line and extending along U.S. Highway 2 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Delaware, Florida, Georgia, Kentucky, Maine, Massachusetts, Mississippi, Nevada, New Hampshire, New York, Oklahoma, Rhode Island, South Carolina, Tennessee, Utah, Virginia, Vermont, North Carolina, Connecticut, California (except Los Angeles, Orange, San Diego, San Mateo, Santa Clara, Alameda, Contra Costa, Marin, Sacramento, and San Joaquin Counties), and Indiana (except points within the corporate limits of Hammond, Whiting, East Chicago, and Gary); (2) between points in Minnesota on and north of U.S. Highway 2 and on and east of U.S. Highway 75, on the one hand, and, on the other, points in the Lower Peninsula of Michigan (except Benton Harbor Creek and Battle Creek) (points in Wisconsin within the commercial zone of Minneapolis-St. Paul, Minn., and within 15 miles of the described commercial zone)*; (B) *Road construction equipment*, (1) from points in that part of Minnesota on and north of a line beginning at the North Dakota-Minnesota State line and extending along U.S. Highway 2 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line to points in Alabama, Arizona, Arkansas, California, Delaware, Florida, Georgia, Indiana, Kentucky, Maine, Massachusetts, Mississippi, Nevada, New Hampshire, New York, Oklahoma, Rhode Island, South Carolina, Tennessee, Utah, Virginia, Vermont, North Carolina, and Connecticut; (2) from points in Minnesota on and north of U.S. Highway 2 and on and east of U.S. Highway 75, to points in the Lower Peninsula of Michigan (points in Wisconsin within 15 miles of Minneapolis and St. Paul, Minn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-No. E375), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Street sweeping machines* which because of size or weight require the use of special equipment, and *parts* and *attachments* therefore, when their transportation is incidental to the transportation of the above-specified commodities, and (2) *Self-propelled street sweeping machines*, each weighing 15,000 pounds or more, and related parts moving in connection therewith (restricted to commodities transported on trailers); (a) from points in Minnesota (except Houston, Fillmore, and Winona Counties), to points in Alabama, Maryland, Mississippi, and North Carolina; (b) from points in Minnesota (except Rock, Nobles, Jackson, Murray, and Pipestone Counties), to points in Arizona, Louisiana, and Nevada; (c) from points in Minnesota (except Houston, Fillmore, Winona, Rock, Nobles, Jackson, Murray, Martin, Faribault, Freeborn, Pipeston, and Mower Counties), to points in Arkansas; (d) from points in Minnesota to points in California, Delaware, Washington, D.C., Florida, Georgia, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, South Carolina, Vermont, and Virginia; (e) from points in Minnesota (except points in Wilkin, Grant, Douglas, Pope, Stevens, Traverse, Big Stone, Swift, LacQuiparle, Chippewa, Yellow Medecine, Lincoln, Lyon, Redwood, Cottonwood, Pipestone, Murray, Jackson, Nobles, and Rock Counties), to points in Colorado, New Mexico, Oklahoma, Texas, and Utah; (f) from points in Minnesota on and north of Minnesota Highway 19, to points in Illinois; (g) from points in Minnesota on and north of Minnesota Highway 60, to points in Indiana and Kenutcky; (h) from points in Minnesota on and north of U.S. Highway 12, to points in Iowa on and east of U.S. Highway 69; (i) from points in Minnesota (except points on and east of U.S. Highway 63, and north of U.S. Highway 2 and on and east of U.S. Highway 75), to points in the Lower Peninsula of Michigan; (j) from points in Minnesota on and north of U.S. Highway 10, to points in Missouri and Ohio; (k) from points in Minnesota on and west of U.S. Highway 63, to points in New York, Pennsylvania, Tennessee, and West Virginia; and (l) from points in Minnesota on and east of U.S. Highway 71, to points in Washington. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 113855 (Sub-No. E376), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Road construction equipment and machinery and lift trucks, which, because of their size and weight require the use of special equipment, and (2) Self-propelled articles described in (1) above, each weighing 15,000 pounds or more; (a) from points in Minnesota (except Houston, Fillmore, and Winona Counties), to points in Alabama, Mississippi, North Carolina, and Nevada; (b) from points in Minnesota (except Rock, Nobles, Jackson, Murray, and Pipestone Counties), to points in Arizona; (c) from points in Minnesota (except Houston, Fillmore, Winona, Rock, Nobles, Jackson, Murray, Martin, Faribault, Freeborn, and Mower Counties), to points in Arkansas; (d) from points in Minnesota to points in California, Delaware, Florida, Georgia, Maine, Massachusetts, New Hampshire, Rhode Island, South Carolina, Vermont, and Virginia; (e) from points in Minnesota (except points in Wilkin, Grant, Douglas, Pope, Stevens, Traverse, Big Stone, Swift, Lacquiparle, Chippewa, Yellow Medicine, Lincoln, Lyon, Redwood, Cottonwood, Pipestone, Murray, Jackson, Nobles, and Rock Counties) to points in Oklahoma and Utah. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 113855 (Sub-No. E377), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lift trucks* and *road construction machinery and equipment*, as defined by the Commission (in flat bed trailers), restricted to commodities which because of size or weight require the use of special equipment, provided that the loading and/or unloading which necessitates the special equipment is performed by the consignor or consignee, or both; (a) between points in Minnesota (except Houston, Fillmore, and Winona Counties), on the one hand, and, on the other, points in Alabama, Mississippi, and North Carolina; (b) between points in Minnesota (except Rock, Nobles, Jackson, Murray, and Pipestone Counties), on the one hand, and, on the other, points in Arizona and Nevada; (c) between points in Minnesota (except Houston, Fillmore, Winona, Rock, Nobles, Jackson, Murrary, Martin, Faribault, Freeborn, Mower, and Pipestone Counties), on the one hand, and, on the other, points in Arkansas; (d) between points in Minnesota, on the one hand, and, on the other, points in California (except Los Angeles, Orange, San Diego, San Mateo, Santa Clara, Alameda, Contra Costa, Marin, Sacramento, and San Joaquin Counties); (e) between points in Minnesota on and north of Minnesota Highway 60, on the one hand, and, on the other, points in Kentucky and Indiana (except points within the corporated limits of Hammond, Whiting, Gary, and East Chicago); (f) between points in Minnesota (except points on and east of U.S. Highway 63, and north of U.S. Highway 2 and on and east of U.S. Highway 75), on the one hand, and, on the other, points in the Lower Peninsula of Michigan; (g) between points in Minnesota on and west of U.S. Highway 63, on the one hand, and, on the other, points in New York and Tennessee; (h) between points in Minnesota (except Wilkin, Grant, Douglas, Pope, Stevens, Traverse, Big Stone, Swift, Lacquiparle, Chippewa, Yellow Medicine, Lincoln, Lyon, Redwood, Cottonwood, Pipestone, Murray, Jackson, Nobles, and Rock Counties), on the one hand, and, on the other, points in Oklahoma and Utah. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E439) filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between points in that part of North Dakota on and east of a line beginning at the South Dakota-North Dakota State line, thence along North Dakota Highway 49 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction North Dakota Highway 23, thence along North Dakota Highway 23 to junction North Dakota Highway 8, thence along North Dakota Highway 8 to junction U.S. Highway 52, thence along U.S. Highway 52 to the North Dakota-Canada International Boundary line on the one hand, and, on the other, points in that part of Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 81 to junction H. E. Bailey Turnpike, thence along H. E. Bailey Turnpike to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa and Topeka, Kans.

No. MC 114211 (Sub-No. E755), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts* thereof (except those commodities the transportation of which because of size and weight require the use of special equipment), from Perry, Okla., to points in that part of Texas on and south of a line beginning at the New Mexico-Texas State line extending along Texas Highway 125 to junction Texas Highway 116, thence along Texas Highway 116 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Texas Highway 29, thence along Texas Highway 29 to junction Texas Highway 95, thence along Texas Highway 95 to junction Texas Highway 36, thence along Texas Highway 36 to junction Texas Highway 53, thence along Texas Highway 53 to junction Texas Highway 320, thence along Texas Highway 320 to junction Texas Highway 7, thence along Texas Highway 7 to junction U.S. High-

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way 79, thence along U.S. Highway 79 to junction Texas Highway 155, thence along Texas Highway 155 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 19, thence along Texas Highway 19 to junction U.S. Highway 271, thence along U.S. Highway 271 to the Texas-Oklahoma State line (except Houston, Galveston, Odessa, and El Paso). The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 114211 (Sub-No. E1266), filed August 24, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Harold C. Andrews, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from points in Washington and Oregon to points in Michigan, Ohio, and Pennsylvania. The purpose of this filing is to eliminate the gateway of points in Custer, Lawrence, Meade and Pennington Counties, S. Dak.

No. MC 114211 (Sub-No. E1267), filed August 24, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Harold C. Andrews, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from points in Washington, to points in Oklahoma and points in Texas on and east of a line beginning at Del Rin, extending along U.S. Highway 90 to junction Texas Highway 349, thence along Texas Highway 349 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateway of points in Custer, Lawrence, Meade and Pennington Counties, S. Dak.

No. MC 114211 (Sub-No. E1268), filed August 24, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Harold C. Andrews (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from points in Oregon, to points in Texas on and east of a line beginning at Port Arthur extending along U.S. Highway 69 to junction Texas Highway 37, thence along Texas Highway 37 to junction Texas Highway 154, thence along Texas Highway 154 to junction Texas Highway 24, thence along Texas Highway 24 to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line, and to points in Oklahoma on and east of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 271 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike to junction U.S. Highway 75, thence along U.S. Highway 75 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of points in Custer, Lawrence, Meade, Pennington Counties, S. Dak.

No. MC 114211 (Sub-No. E1269), filed August 24, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Harold C. Andrews, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from points in Washington on and north of a line beginning at the Washington-Idaho State line extending along U.S. Highway 12 to junction Washington Highway 261, thence along Washington Highway 261 to junction Washington Highway 26, thence along Washington Highway 26 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Washington Highway 18, thence along Washington Highway 18 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Washington Highway 8, thence along Washington Highway 8 to junction U.S. Highway 12, thence along U.S. Highway 12 to Aberdeen, to points in Texas on and east of a line beginning at Presidio extending along U.S. Highway 67 to junction Texas Highway 17, thence along Texas Highway 17 to junction U.S. Highway 285, thence along U.S. Highway 285 to the Texas-New Mexico State line, to points in Colorado on and east of a line beginning at the New Mexico-Colorado State line extending along Interstate Highway 25 to the Colorado-Wyoming State line, and points in Wyoming on and east of a line beginning at the Colorado-Wyoming State line extending along Interstate Highway 25 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Wyoming-South Dakota State line, and points in Oklahoma. The purpose of this filing is to eliminate the gateway of points in Custer, Meade, Lawrence and Pennington Counties, S. Dak.

No. MC 114211 (Sub-No. E1270), filed August 24, 1975. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Harold C. Andrews, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from points in Oregon on and north of a line beginning at the Idaho-Oregon State line extending along Interstate Highway 80N to junction Oregon Highway 201, thence along Oregon Highway 201 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Oregon Highway 58, thence along Oregon Highway 58 to junction Interstate Highway 5, thence along Interstate Highway 6 to junction U.S. Highway 199, thence along U.S. Highway 199 to the Oregon-California State line, to points in Oklahoma on and east of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 281 to the Oklahoma-Texas State line, and points in Texas on and north of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 281 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Texas Highway 6, thence along Texas Highway 6 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 75, thence along U.S. Highway 75 to Galveston. The purpose of this filing is to eliminate the gateway of points in Custer, Lawrence, Meade, and Pennington Counties, S. Dak.

No. MC 115841 (Sub-No. E82), (correction), filed June 4, 1974, published in the FEDERAL REGISTER May 28, 1975. Applicant: COLONIAL REFRIGERATED, TRANSPORTATION INCORPORATED, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except in bulk, or in tank vehicles), in vehicles equipped with mechanical refrigeration, from Brundidge, Ala., and points in Alabama on and north of U.S. Highway 80 (except Cullman, Ala.), to points in Delaware, Maine, Rhode Island, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. The purpose of this correction is to correct the origin territories.

No. MC 115841 (Sub-No. E147), (correction), filed June 3, 1974, published in the FEDERAL REGISTER November 18, 1974. The purpose of this partial correction is to correct the "E" number, previously published as E13. The remainder of this letter-notice remains as previously published.

No. MC 115841 (Sub-No. E148), (Correction), filed May 22, 1974, published in the FEDERAL REGISTER September 5, 1975. The purpose of this partial correction is to correct the "E" number, previously published as E53. The remainder of this letter-notice remains as previously published.

No. MC 115841 (Sub-No. E171), (Correction), filed May 22, 1975, published in the FEDERAL REGISTER September 16, 1975. published in the FEDERAL REGISTER September 16, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INCORPORATED, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh bananas* and *fresh coconuts and pineapples*, when moving in mixed loads with bananas (presently authorized), in vehicles equipped with mechanical refrigeration, . . . The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the commodity description. The remainder of this letter-notice remains as previously published.

No. MC 115841 (Sub-No. E375), (correction), filed May 22, 1975, published in the FEDERAL REGISTER September 16, 1975. Applicant: COLONIAL REFRIGERATED, TRANSPORTATION INCORPORATED, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh bananas*, and *fresh coconuts and pineapples*, when moving in mixed loads with bananas (presently authorized), in vehicles equipped with mechanical refrigeration, . . . The purpose of this filing is to eliminate the gateway of Birmingham, or Brundige, Ala., Atlanta, Ga., and Chattanooga, Tenn. The purpose of this partial correction is to correct the commodity description. The remainder of this letter-notice remains as previously published.

No. MC 115841 (Sub-No. E383), (correction), filed June 4, 1974, published in the FEDERAL REGISTER September 5, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, in vehicles equipped with mechanical refrigeration; (a) from Birmingham, Ala., . . . The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn. The purpose of this partial correction is to correct the "E" number, previously published as E53. The remainder of this letter-notice remains as previously published.

No. MC 115841 (Sub-No. E384), (Correction, filed June 3, 1974, published in the FEDERAL REGISTER September 16, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Edible meats, cheese*, and *cheese products* (except liquid commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the plant site facilities of Oak Foods, Inc., at East Brunswick, N.J., (a) to points in Alabama, Arkansas, Louisiana, Missisippi, and points in Tennessee on and west of a line beginning at the Tennessee-Georgia State line and extending along Tennessee Highway 68 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Kentucky State line (Pittsburgh, Pa.)*; . . . The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the "E" number, previously published as E36. The remainder of this letter-notice remains as previously published.

No. MC 119641 (Sub-E6), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 471, Fowler, Ind. 47944. Applicant's representative: Robert C. Doran, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used cannery machinery* from; (1) points in Maine, New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, Pennsylvania, New Jersey, Delaware, Maryland, and the District of Columbia to points in Iowa and Missouri; (2) points in West Virginia, Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, to points in Iowa; and (3) points in South Carolina, Georgia, Alabama, and Florida, to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Hoopeston, Ill.

No. MC 119641 (Sub-E7), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 471, Fowler, Ind. 47944. Applicant's representative: Robert C. Doran. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used cannery machinery* and parts therefor, from points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oregon, South Dakota, Utah, Washington and Wyoming, to points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New York, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia. The purpose of this filing is to eliminate the gateway of Hoopeston, Ill.

No. MC 119641 (Sub-E8), filed May 9, 1974. Aplicant: RINGLE EXPRESS, INC., P.O. Box 471, Fowler, Ind. 47944. Applicant's representative: Robert C. Doran. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used cannery machinery*, (1) from points in Arkansas, Arizona, California, Colorado, Kansas, Louisiana, Mississippi, Nevada, New Mexico, Oklahoma, Texas and Utah, to points in the lower Peninsula of Michigan, (2) from points in North Dakota, South Dakota, Nebraska, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Washington, Oregon, Nevada, and California, to points in Ohio; (3) from points in Washington, Oregon, Idaho, Montana, Wyoming, California, Nevada, Utah and Arizona to points in Indiana. The purpose of this filing is to eliminate the gateway of Hoopeston, Ill.

No. MC 119641 (Sub-E22), filed May 10, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 471, Fowler, Ind. 47944. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and parts* from Horicon, Wis., to points in Illinois west and south of a line beginning at the Kentucky-Illinois State line and extending along Illinois Highway 1 to junction U.S. Highway 45, thence along U.S. Highway 45, to junction Interstate Highway 70, thence along Interstate Highway 70 to the Missouri-Illinois State line, points in Kansas on and south of a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 54 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Kansas-Oklahoma State line. Points in Missouri on and south of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 50 to Jefferson City, Missouri, thence along U.S. Highway 54 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of Gary, Ind., and Shelbyville, Ill.

No. MC 119944 (Sub-No. E2), filed January 26, 1975. Applicant: BRACKWAY FAST MOTOR FREIGHT, INC., 568 Central Avenue, Summerville, N.J. 08786. Applicant's representative: Morton E. Kiel, Suite 6193, 5 Wared Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic ducts, plastic tubes, and related fittings and* attachments, and (2) *materials* used in the installation of the commodities in (1) above, (A) from points in that part of New York and New Jersey within 100 miles of Cliffwood, N.J., to Florida, Alabama, Mississippi, Tennessee, South Carolina, Georgia, Kentucky, Indiana, Illinois, Wisconsin, Ohio, and Michigan; (B) from points in that part of New York within 100 miles of Cliffwood, N.J., and points in that part of New Jersey on and north of New Jersey Highway 33 and within 100 miles of Cliffwood, N.J., to North Carolina, and West Virginia; (C) from points in and south of Mercer, Middlesex, Monmouth, Somerset Counties, N.J., within 100 miles of Cliffwood, N.J., to points in that part of New York on and west of Interstate Highway 81 and Franklin, St. Lawrence, Jefferson and Clinton Counties, N.Y.; (D) from New York, N.Y., and Nassau County, N.Y., and that part of Suffolk County, N.Y., within 100 miles of Cliffwood, N.J., to points in New York on and west of U.S. Highway 15; and (E) from New York, N.Y., and points in Nassau, Suffolk, Westchester, Putnam, Dutchess, Rockland, Orange, Sullivan and Ulster Counties, N.Y., points in New Jersey on, east and north of Interstate Highway 287, within 100 miles of Cliffwood, N.J., to points in Virginia on and south of Interstate Highway 64. The purpose of this filing is to eliminate the gateways of points in Middlesex County, N.J., and Nazareth, Pa.

No. MC 120021 (Sub-No. E12), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 28, 1975. Applicant: THE COTTER MOVING & STORAGE CO., 265 W. Bowery St., Akron, Ohio 44308. Applicant's representative: Thomas R. Kingsley, 1819 H St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

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routes, transporting: *Household goods*, as defined by the Commission; (10) between points in Michigan in, west, and north of Branch, Calhoun, Easton, Clinton, Shiawassee, Saginaw, Tuscola, and Sanilac Counties, on the one hand, and, on the other, those in West Virginia (except Ohio, Brooke, Hancock, Marshall, Wetzel, and Tyler Counties). The purpose of this filing is to eliminate the gateway of Dayton, Ohio, and points within 25 miles thereof. The purpose of this partial correction is to include (10) above. The remainder of this letter-notice remains as previously published.

No. MC 120021 (Sub-No. E21), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 29, 1975. Applicant: THE COTTER MOVING & STORAGE CO., 265 W. Bowery St., Akron, Ohio 44308. Applicant's representative: Thomas R. Kingsley, 1819 H St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Georgia, on the one hand, and, on the other, points in Nebraska, Minnesota, Wisconsin, and those in Indiana and Illinois on and north of Interstate Highway 74; . . . The purpose of this filing is to eliminate the gateway of Dayton, Ohio, and points within 25 miles thereof. The purpose of this partial correction is to correct the destination territories. The remainder of this letter-notice remains as previously published.

No. MC 123681 (Sub-No. E21), (Correction), filed May 13, 1974, published in the FEDERAL REGISTER September 5, 1975. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Oreg. 97203. Applicant's representative: V. J. Eggleston (same as above). Authority sough to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment, and *related* machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation of the commodities authorized above, restricted against the transportation of boats, between points in Utah, on the one hand, and, on the other, points in Idaho in and north of Idaho, Adams, Washington, Payette, and Gem Counties. The purpose of this filing is to eliminate the gateway of Washington or Oregon. The purpose of this correction is to correct the destination territories.

No. MC 123681 (Sub-No. E22), (Correction), filed May 13, 1974, published in the FEDERAL REGISTER September 5, 1975. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Orog. 97203. Applicant's representative: V. J. Eggleston, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment, and *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation of the commodities authorized above, restricted against the transportation of boats, between points in Kootenai, Benewah, Latah, Nez Perce, Lewis, Adams, Washington, Payette, Gem, Canyon, and Ada Counties, Idaho, and in Idaho County, Idaho, on and west of U.S. Highway 95, on the one hand, and, on the other, points in Montana on and east of U.S. Highway 93. The purpose of this filing is to eliminate the gateway of Washington or Oregon.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-29205 Filed 10-29-75;8:45 am]

federal register

THURSDAY, OCTOBER 30, 1975

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PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FAIR MARKET RENTS FOR HOUSING ASSISTANCE PAYMENT PROGRAMS

Section 8 and Section 23
Existing Housing

V 40 210 OCT 30 75 XUM

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-311]

PART 888—FAIR MARKET RENTS FOR HOUSING ASSISTANCE PAYMENTS PROGRAMS

Schedule B—Section 8 Existing Housing and Section 23 Existing Housing

Notice was given on July 16, 1975, at 40 FR 29999 that the Department of Housing and Urban Development (HUD) was proposing to amend Schedule B of Part 888 of Title 24 which sets forth the regulations concerning Fair Market Rents for existing housing (including the Housing Finance and Development Agencies Program).

Interested parties were invited to submit written comments concerning the proposed amendments to Schedule B. Comments were received concerning only one of the published rental schedules. Further consideration of the market situation in that locality resulted in HUD determination to publish for effect all the amendments of the Schedule B rents which had been published for comment on July 16, 1975.

Erroneous Fair Market Rents for the Missouri counties of Adair and Calloway were published for comment in the July 16, 1975 notice. The Fair Market Rents for existing housing in these two counties are being published again for effect at the same rental levels as those which were published for effect on April 7, 1975.

Since July 16, several localities in the United States have been designated as metropolitan areas (SMSA's) by the Office of Management and Budget. These are being published for effect under their new metropolitan area name. In Virginia, three Independent Cities have been incorporated in existing metropolitan areas. Fair Market Rents for these localities have been developed at the same levels that are currently effective in the SMSA in which they are located.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of Rules Docket Clerk, Room 10245, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C.

Accordingly, Title 24, Part 888, Schedule B is amended to read as follows:

Effective date. These regulations and schedules shall become effective October 30, 1975.

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner.

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SAN JUAN, P. R. AREA OFFICE						
SMSA: SAN JUAN						
MUNICIPIO:ALL	NON-ELEVATOR:	152	172	202	232	253
STATE:PR	ELEVATOR:	167	189	222	255	278
SMSA: PONCE						
MUNICIPIO:ALL	NON-ELEVATOR:	153	173	204	234	255
STATE:PR	ELEVATOR:	168	190	224	296	268
SMSA: MAYAGUEZ						
MUNICIPIO:ALL	NON-ELEVATOR:	124	140	165	182	198
STATE:PR	ELEVATOR:	136	154	182	200	218
SMSA: CAGUAS						
MUNICIPIO:ALL	NON-ELEVATOR:	119	135	159	135	191
STATE:PR	ELEVATOR:	131	149	175	193	210
NON SMSA						
MUNICIPIO:ALL OTHER	NON-ELEVATOR:	113	128	151	166	181
STATE:PR	ELEVATOR:	124	141	166	183	199
REGION 3						
BALTIMORE, MARYLAND AREA OFFICE						
SMSA: BALTIMORE, MD						
COUNTY:HOWARD	NON-ELEVATOR:	134	151	168	194	220
STATE:MD	ELEVATOR:	134	155	184	213	242
I-COLUMBIA(U)	NON-ELEVATOR:	150	180	210	240	270
STATE:MD	ELEVATOR:	146	198	231	264	297
PHILADELPHIA, PENNSYLVANIA AREA OFFICE						
NON SMSA						
COUNTY:LEBANON	NON-ELEVATOR:	102	116	138	160	175
STATE:PA	ELEVATOR:	112	128	152	176	192
RICHMOND, VIRGINIA AREA OFFICE						
SMSA: NEWPORT NEWS-HAMPTON, VA						
INDEP. CITY:PORTSMOUTH	NON-ELEVATOR:	110	126	149	165	181
STATE:VA	ELEVATOR:	121	138	164	181	199
WASHINGTON,D.C. AREA OFFICE						
SMSA: WASHINGTON, DC-MD-VA						
INDEP. CITY:MANASSAS	NON-ELEVATOR:	150	180	210	240	270
STATE:VA	ELEVATOR:	165	198	231	264	297
INDEP. CITY:MANASSAS PRK	NON-ELEVATOR:	150	180	210	240	270
STATE:VA	ELEVATOR:	165	198	231	264	297
REGION 4						
JACKSON, MISSISSIPPI AREA OFFICE						
SMSA: MEMPHIS, TN-AR-MS						
COUNTY:DE SOTO	NON-ELEVATOR:	120	136	162	186	209
STATE:MS	ELEVATOR:	131	150	177	205	223
SMSA: PASCAGOULA-MOSS POINT, MS						
COUNTY:JACKSON	NON-ELEVATOR:	82	94	111	128	141
STATE:MS	ELEVATOR:	90	103	123	142	155
JACKSONVILLE, FLORIDA AREA OFFICE						
SMSA: PENSACOLA, FL						
COUNTY:ESCAMBIA	NON-ELEVATOR:	110	125	149	172	187
STATE:FL	ELEVATOR:	121	138	164	189	206
COUNTY:SANTA ROSA	NON-ELEVATOR:	110	125	149	172	187
STATE:FL	ELEVATOR:	121	138	164	189	206
SMSA: TALLAHASSEE, FL						
COUNTY:LEON	NON-ELEVATOR:	105	120	142	157	173
STATE:FL	ELEVATOR:	116	132	156	173	190
COUNTY:WAKULLA	NON-ELEVATOR:	105	120	142	157	173
STATE:FL	ELEVATOR:	116	132	156	173	190
LOUISVILLE, KENTUCKY AREA OFFICE						
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY						
COUNTY:CHRISTIAN	NON-ELEVATOR:	99	113	134	149	163
STATE:KY	ELEVATOR:	109	124	147	164	179
MEMPHIS, TENNESSEE INSURING OFFICE						
SMSA: MEMPHIS, TN-AR-MS						
COUNTY:SHELBY	NON-ELEVATOR:	120	136	162	186	209
STATE:TN	ELEVATOR:	131	150	177	205	223
COUNTY:TIPTON	NON-ELEVATOR:	120	136	162	186	209
STATE:TN	ELEVATOR:	131	150	177	205	223
NON SMSA						
COUNTY:MADISON	NON-ELEVATOR:	80	92	110	122	139
STATE:TN	ELEVATOR:	89	101	122	139	157

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SCHEDULE A- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NASHVILLE,TENNESSEE INSURING OFFICE						
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY						
COUNTY:MONTGOMERY	NON-ELEVATOR:	99	113	139	149	163
STATE:TN	ELEVATOR:	109	124	147	169	179
SMSA: NASHVILLE-DAVIDSON, TN						
COUNTY:CHEATHAM	NON-ELEVATOR:	130	136	162	186	209
STATE:TN	ELEVATOR:	131	150	177	205	223
COUNTY:DAVIDSON	NON-ELEVATOR:	120	136	162	186	209
STATE:TN	ELEVATOR:	131	150	177	205	223
COUNTY:DICKSON	NON-ELEVATOR:	120	136	162	186	209
STATE:TN	ELEVATOR:	131	150	177	205	223
COUNTY:ROBERTSON	NON-ELEVATOR:	120	136	162	186	209
STATE:TN	ELEVATOR:	131	150	177	205	223
COUNTY:RUTHERFORD	NON-ELEVATOR:	120	136	162	186	209
STATE:TN	ELEVATOR:	131	150	177	205	223
COUNTY:SUMNER	NON-ELEVATOR:	120	136	162	186	209
STATE:TN	ELEVATOR:	131	150	177	205	223
COUNTY:WILLIAMSON	NON-ELEVATOR:	120	136	162	186	209
STATE:TN	ELEVATOR:	131	150	177	205	223
COUNTY:WILSON	NON-ELEVATOR:	120	136	162	186	209
STATE:TN	ELEVATOR:	131	150	177	205	223
NON SMSA						
COUNTY:PUTNAM	NON-ELEVATOR:	74	85	101	112	123
STATE:TN	ELEVATOR:	81	94	111	123	135
COUNTY:WARREN	NON-ELEVATOR:	74	85	101	112	123
STATE:TN	ELEVATOR:	81	94	111	123	135
TAMPA,FLORIDA INSURING OFFICE						
SMSA: DAYTONA BEACH, FL						
COUNTY:VOLUSIA	NON-ELEVATOR:	100	114	135	161	145
STATE:FL	ELEVATOR:	110	125	149	146	182
SMSA: TAMPA-ST PETERSBURG, FL						
COUNTY:HILLSBOROUGH	NON-ELEVATOR:	109	124	147	171	186
STATE:FL	ELEVATOR:	120	136	162	188	205
COUNTY:PASCO	NON-ELEVATOR:	109	124	147	171	186
STATE:FL	ELEVATOR:	120	136	162	188	205
COUNTY:PINELLAS	NON-ELEVATOR:	109	124	147	171	186
STATE:FL	ELEVATOR:	120	136	162	188	205
REGION 5						
CINCINNATI,OHIO INSURING OFFICE						
SMSA: DAYTON, OH						
COUNTY:GREENE	NON-ELEVATOR:	132	151	178	206	225
STATE:OH	ELEVATOR:	145	166	196	227	249
COUNTY:MONTGOMERY	NON-ELEVATOR:	132	151	178	206	225
STATE:OH	ELEVATOR:	145	166	196	227	248
COUNTY:PREBLE	NON-ELEVATOR:	132	151	178	206	225
STATE:OH	ELEVATOR:	145	166	196	227	248
COLUMBUS,OHIO AREA OFFICE						
SMSA: DAYTON, OH						
COUNTY:MIAMI	NON-ELEVATOR:	132	151	178	206	225
STATE:OH	ELEVATOR:	145	166	196	227	248
INDIANAPOLIS,INDIANA AREA OFFICE						
SMSA: BLOOMINGTON, IN						
COUNTY:MONROE	NON-ELEVATOR:	114	130	154	170	187
STATE:IN	ELEVATOR:	125	143	169	187	205
MILWAUKEE,WISCONSIN AREA OFFICE						
SMSA: EAU CLAIRE, WI						
COUNTY:CHIPPEWA	NON-ELEVATOR:	108	123	145	161	177
STATE:WI	ELEVATOR:	118	135	160	177	194
COUNTY:EAU CLAIRE	NON-ELEVATOR:	108	123	145	161	177
STATE:WI	ELEVATOR:	118	135	160	177	194
SPRINGFIELD,ILLINOIS INSURING OFFICE						
SMSA: ST LOUIS, MO-IL						
COUNTY:CLINTON	NON-ELEVATOR:	134	154	182	211	239
STATE:IL	ELEVATOR:	147	169	200	232	263
COUNTY:MADISON	NON-ELEVATOR:	134	154	182	211	239
STATE:IL	ELEVATOR:	147	169	200	232	263

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SPRINGFIELD,ILLINOIS INSURING OFFICE						
COUNTY:MONROE	NON-ELEVATOR:	134	154	182	211	239
STATE:IL	ELEVATOR:	147	169	200	232	263
COUNTY:ST CLAIR	NON-ELEVATOR:	134	154	182	211	239
STATE:IL	ELEVATOR:	147	169	200	232	263
REGION 6						
ALBUQUERQUE,NEW MEXICO INSURING OFFICE						
NON SMSA						
COUNTY:CHAVES	NON-ELEVATOR:	101	115	135	149	162
STATE:NM	ELEVATOR:	111	127	149	164	179
COUNTY:CURRY	NON-ELEVATOR:	94	106	125	138	150
STATE:NM	ELEVATOR:	103	117	138	152	165
COUNTY:DONA ANA	NON-ELEVATOR:	101	115	135	149	162
STATE:NM	ELEVATOR:	111	127	149	164	179
COUNTY:EDDY	NON-ELEVATOR:	101	115	135	149	162
STATE:NM	ELEVATOR:	111	127	148	164	178
COUNTY:LEA	NON-ELEVATOR:	101	115	135	149	162
STATE:NM	ELEVATOR:	111	127	149	164	179
COUNTY:OTERO	NON-ELEVATOR:	101	115	135	149	162
STATE:NM	ELEVATOR:	111	127	149	164	179
COUNTY:SAN JUAN	NON-ELEVATOR:	101	115	135	149	162
STATE:NM	ELEVATOR:	111	127	149	164	179
DALLAS,TEXAS AREA OFFICE						
SMSA: LONGVIEW, TX						
COUNTY:GREGG	NON-ELEVATOR:	90	103	120	132	144
STATE:TX	ELEVATOR:	99	112	132	145	158
SMSA: SHERMAN-DENISON, TX						
COUNTY:GRAYSON	NON-ELEVATOR:	98	110	130	143	156
STATE:TX	ELEVATOR:	108	121	143	157	172
SMSA: TYLER, TX						
COUNTY:SMITH	NON-ELEVATOR:	90	102	120	132	144
STATE:TX	ELEVATOR:	99	112	132	145	158
NON SMSA						
COUNTY:ANDERSON	NON-ELEVATOR:	83	94	111	122	133
STATE:TX	ELEVATOR:	91	103	122	134	146
COUNTY:COOKE	NON-ELEVATOR:	89	100	118	130	142
STATE:TX	ELEVATOR:	98	110	130	143	156
COUNTY:DELTA	NON-ELEVATOR:	80	91	107	118	128
STATE:TX	ELEVATOR:	88	100	118	130	141
COUNTY:HOPKINS	NON-ELEVATOR:	89	100	118	130	142
STATE:TX	ELEVATOR:	98	110	130	143	156
COUNTY:HUNT	NON-ELEVATOR:	89	100	118	130	142
STATE:TX	ELEVATOR:	98	110	130	143	156
COUNTY:LAMAR	NON-ELEVATOR:	80	91	107	118	128
STATE:TX	ELEVATOR:	88	100	118	130	141
COUNTY:RUSK	NON-ELEVATOR:	83	94	111	122	133
STATE:TX	ELEVATOR:	91	103	122	134	145
FORT WORTH,TEXAS INSURING OFFICE						
SMSA: ABILENE, TX						
COUNTY:CALLAHAN	NON-ELEVATOR:	92	104	122	134	146
STATE:TX	ELEVATOR:	101	114	134	147	161
COUNTY:JONES	NON-ELEVATOR:	92	104	122	134	146
STATE:TX	ELEVATOR:	101	114	134	147	161
COUNTY:TAYLOR	NON-ELEVATOR:	92	104	122	134	146
STATE:TX	ELEVATOR:	101	114	134	147	161
SMSA: SAN ANGELO, TX						
COUNTY:TOM GREEN	NON-ELEVATOR:	90	102	120	132	144
STATE:TX	ELEVATOR:	99	112	132	145	158
NON SMSA						
COUNTY:ERATH	NON-ELEVATOR:	89	100	118	130	142
STATE:TX	ELEVATOR:	98	110	130	143	156
COUNTY:MONTAGUE	NON-ELEVATOR:	89	100	118	130	142
STATE:TX	ELEVATOR:	98	110	130	143	156
COUNTY:PALO PINTO	NON-ELEVATOR:	90	110	130	143	156
STATE:TX	ELEVATOR:	108	121	143	157	172

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
HOUSTON,TEXAS INSURING OFFICE						
NON SMSA						
COUNTY:ANGELINA	NON-ELEVATOR:	83	94	111	122	133
STATE:TX	ELEVATOR:	91	103	122	134	145
COUNTY:NACOGDOCHES	NON-ELEVATOR:	83	94	111	122	133
STATE:TX	ELEVATOR:	91	103	122	134	145
LITTLE ROCK,ARKANSAS AREA OFFICE						
SMSA: FAYETTEVILLE-SPRINGDALE, AR						
COUNTY:BENTON	NON-ELEVATOR:	88	99	117	130	143
STATE:AR	ELEVATOR:	97	108	128	143	157
COUNTY:WASHINGTON	NON-ELEVATOR:	88	99	117	130	143
STATE:AR	ELEVATOR:	97	108	128	143	157
SMSA: FORT SMITH, AR-OK						
COUNTY:CRAWFORD	NON-ELEVATOR:	83	93	110	128	140
STATE:AR	ELEVATOR:	91	102	121	140	154
COUNTY:SEBASTIAN	NON-ELEVATOR:	83	93	110	128	140
STATE:AR	ELEVATOR:	91	102	121	140	154
SMSA: MEMPHIS, TN-AR-MS						
COUNTY:CRITTENDEN	NON-ELEVATOR:	120	136	162	186	209
STATE:AR	ELEVATOR:	131	150	179	205	223
SMSA: PINE BLUFF, AR						
COUNTY:JEFFERSON	NON-ELEVATOR:	86	96	114	127	139
STATE:AR	ELEVATOR:	95	106	125	140	154
SMSA: TEXARKANA, TX-AR						
COUNTY:LITTLE RIVER	NON-ELEVATOR:	83	93	110	128	140
STATE:AR	ELEVATOR:	91	102	121	140	154
COUNTY:MILLER	NON-ELEVATOR:	83	93	110	128	140
STATE:AR	ELEVATOR:	91	102	121	140	154
COUNTY:BOWIE	NON-ELEVATOR:	83	93	110	128	140
STATE:TX	ELEVATOR:	91	102	121	140	154
NON SMSA						
COUNTY:CRAIGHEAD	NON-ELEVATOR:	85	96	113	127	139
STATE:AR	ELEVATOR:	94	106	124	140	153
COUNTY:GARLAND	NON-ELEVATOR:	78	88	104	116	127
STATE:AR	ELEVATOR:	86	97	115	128	140
LITTLE ROCK,ARKANSAS AREA OFFICE						
NON SMSA						
COUNTY:[illegible]	NON-ELEVATOR:	85	96	113	127	139
STATE:AR	ELEVATOR:	94	106	124	140	153
COUNTY:POINSETT	NON-ELEVATOR:	85	96	113	127	139
STATE:AR	ELEVATOR:	94	106	124	140	153
COUNTY:ST FRANCIS	NON-ELEVATOR:	85	96	113	127	139
STATE:AR	ELEVATOR:	94	106	124	140	153
LUBBOCK,TEXAS INSURING OFFICE						
SMSA: AMARILLO, TX						
COUNTY:POTTER	NON-ELEVATOR:	92	104	122	139	156
STATE:TX	ELEVATOR:	101	114	134	153	171
COUNTY:RANDALL	NON-ELEVATOR:	92	104	122	139	156
STATE:TX	ELEVATOR:	101	114	134	153	171
SMSA: LUBBOCK, TX						
COUNTY:LUBBOCK	NON-ELEVATOR:	101	115	135	149	160
STATE:TX	ELEVATOR:	111	127	149	164	179
SMSA: MIDLAND, TX						
COUNTY:MIDLAND	NON-ELEVATOR:	98	110	130	143	154
STATE:TX	ELEVATOR:	108	121	143	157	172
SMSA: ODESSA, TX						
COUNTY:ECTOR	NON-ELEVATOR:	98	110	130	143	154
STATE:TX	ELEVATOR:	108	121	143	157	172
NON SMSA						
COUNTY:DEAF SMITH	NON-ELEVATOR:	92	104	122	134	146
STATE:TX	ELEVATOR:	101	114	134	147	161
COUNTY:GRAY	NON-ELEVATOR:	89	100	118	130	142
STATE:TX	ELEVATOR:	98	110	130	143	156
COUNTY:HALE	NON-ELEVATOR:	89	100	118	130	142
STATE:TX	ELEVATOR:	98	110	130	143	156
COUNTY:HOWARD	NON-ELEVATOR:	98	110	130	143	156
STATE:TX	ELEVATOR:	108	121	143	157	172

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
NEW ORLEANS,LOUISIANA AREA OFFICE						
SMSA: BATON ROUGE, LA						
PARISH:ASCENSION	NON-ELEVATOR:	117	134	158	183	200
STATE:LA	ELEVATOR:	129	147	174	201	220
PARISH:E BATON ROUG	NON-ELEVATOR:	117	134	158	183	200
STATE:LA	ELEVATOR:	129	147	174	201	220
PARISH:LIVINGSTON	NON-ELEVATOR:	117	134	158	183	200
STATE:LA	ELEVATOR:	129	147	174	201	220
PARISH:W BATON ROUG	NON-ELEVATOR:	117	134	158	183	200
STATE:LA	ELEVATOR:	129	147	174	201	220
SMSA: LAFAYETTE, LA						
PARISH:LAFAYETTE	NON-ELEVATOR:	88	101	120	138	151
STATE:LA	ELEVATOR:	97	111	132	152	166
NON SMSA						
PARISH:IBERIA	NON-ELEVATOR:	88	101	120	138	151
STATE:LA	ELEVATOR:	97	111	132	152	166
PARISH:ST LANDRY	NON-ELEVATOR:	88	101	120	138	151
STATE:LA	ELEVATOR:	97	111	132	152	166
PARISH:WASHINGTON	NON-ELEVATOR:	65	74	88	98	108
STATE:LA	ELEVATOR:	71	81	97	108	118
OKLAHOMA CITY,OKLAHOMA AREA OFFICE						
SMSA: LAWTON, OK						
COUNTY:COMANCHE	NON-ELEVATOR:	108	122	146	167	182
STATE:OK	ELEVATOR:	120	135	159	183	200
NON SMSA						
COUNTY:CANTER	NON-ELEVATOR:	80	90	102	119	130
STATE:OK	ELEVATOR:	88	99	117	130	143
COUNTY:CUSTER	NON-ELEVATOR:	92	103	122	141	154
STATE:OK	ELEVATOR:	101	113	134	156	170
COUNTY:GARFIELD	NON-ELEVATOR:	92	103	122	141	154
STATE:OK	ELEVATOR:	101	113	134	156	170
COUNTY:GRADY	NON-ELEVATOR:	92	103	122	141	154
STATE:OK	ELEVATOR:	101	113	134	155	170
COUNTY:KAY	NON-ELEVATOR:	84	95	112	129	140
STATE:OK	ELEVATOR:	92	105	123	142	154
COUNTY:KINGFISHER	NON-ELEVATOR:	84	95	112	129	140
STATE:OK	ELEVATOR:	92	105	123	142	154
COUNTY:PAYNE	NON-ELEVATOR:	98	111	131	152	166
STATE:OK	ELEVATOR:	108	122	144	167	183
COUNTY:PONTOTOC	NON-ELEVATOR:	80	90	107	119	130
STATE:OK	ELEVATOR:	88	99	117	130	143
COUNTY:TEXAS	NON-ELEVATOR:	87	99	116	133	145
STATE:OK	ELEVATOR:	96	109	128	146	160
COUNTY:WOODWARD	NON-ELEVATOR:	84	95	112	129	140
STATE:OK	ELEVATOR:	92	105	123	142	154
SAN ANTONIO,TEXAS AREA OFFICE						
SMSA: BROWNSVILLE-HARLINGEN-SAN BENITO, TX						
COUNTY:CAMERON	NON-ELEVATOR:	104	118	140	162	178
STATE:TX	ELEVATOR:	114	129	159	179	195
SMSA: CORPUS CHRISTI, TX						
COUNTY:NUECES	NON-ELEVATOR:	115	131	155	178	197
STATE:TX	ELEVATOR:	127	144	171	198	217
COUNTY:SAN PATRICIO	NON-ELEVATOR:	115	131	155	178	197
STATE:TX	ELEVATOR:	127	144	171	198	217
SMSA: LAREDO, TX						
COUNTY:WEBB	NON-ELEVATOR:	104	118	140	162	178
STATE:TX	ELEVATOR:	114	129	154	170	195
SMSA: MC ALLEN-PHARR-EDINBURG, TX						
COUNTY:HIDALGO	NON-ELEVATOR:	104	118	140	162	178
STATE:TX	ELEVATOR:	114	129	154	179	195
SMSA: SAN ANTONIO, TX						
COUNTY:BEXAR	NON-ELEVATOR:	115	131	155	178	197
STATE:TX	ELEVATOR:	127	144	171	198	217
COUNTY:COMAL	NON-ELEVATOR:	115	131	155	178	197
STATE:TX	ELEVATOR:	127	144	171	196	217

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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING[INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM]

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
SAN ANTONIO,TEXAS AREA OFFICE						
SMSA: BROWNSVILLE-HARLINGEN-SAN BENITO, TX						
COUNTY:GUADALUPE	NON-ELEVATOR:	115	131	155	178	197
STATE:TX	ELEVATOR:	127	144	171	198	217
NON SMSA						
COUNTY:MAVERICK	NON-ELEVATOR:	89	100	119	132	145
STATE:TX	ELEVATOR:	98	110	131	145	160
COUNTY:VICTORIA	NON-ELEVATOR:	100	114	135	149	164
STATE:TX	ELEVATOR:	110	125	148	164	180
SHREVEPORT,LOUISIANA INSURING OFFICE						
SMSA: ALEXANDRIA, LA						
PARISH:GRANT	NON-ELEVATOR:	92	105	124	144	157
STATE:LA	ELEVATOR:	101	115	137	158	173
PARISH:RAPIDES	NON-ELEVATOR:	92	105	124	144	157
STATE:LA	ELEVATOR:	101	115	137	158	173
SMSA: LONGVIEW, TX						
COUNTY:HARRISON	NON-ELEVATOR:	90	102	120	132	144
STATE:TX	ELEVATOR:	99	112	133	145	158
SMSA: MONROE, LA						
PARISH:OUACHITA	NON-ELEVATOR:	92	105	124	144	157
STATE:LA	ELEVATOR:	101	115	137	158	173
NON SMSA						
PARISH:NATCHITOCHES	NON-ELEVATOR:	74	85	101	117	128
STATE:LA	ELEVATOR:	82	93	110	129	141
TULSA,OKLAHOMA INSURING OFFICE						
SMSA: FORT SMITH, AR-OK						
COUNTY:LE FLORE	NON-ELEVATOR:	83	93	110	128	140
STATE:OK	ELEVATOR:	91	102	121	140	154
COUNTY:SEQUOYAH	NON-ELEVATOR:	83	93	110	128	140
STATE:OK	ELEVATOR:	91	102	121	140	154
SMSA: TULSA, OK						
COUNTY:CREEK	NON-ELEVATOR:	109	122	145	167	182
STATE:OK	ELEVATOR:	120	135	159	183	200
COUNTY:NATES	NON-ELEVATOR:	109	122	145	167	182
STATE:OK	ELEVATOR:	120	135	159	183	200
COUNTY:OSAGE	NON-ELEVATOR:	109	122	145	167	182
STATE:OK	ELEVATOR:	120	135	159	183	200
COUNTY:ROGERS	NON-ELEVATOR:	109	122	145	167	182
STATE:OK	ELEVATOR:	120	135	159	183	200
COUNTY:TULSA	NON-ELEVATOR:	109	122	145	167	182
STATE:OK	ELEVATOR:	120	135	159	183	200
COUNTY:WAGONER	NON-ELEVATOR:	109	122	145	167	182
STATE:OK	ELEVATOR:	120	135	159	183	200
NON SMSA						
COUNTY:OTTAWA	NON-ELEVATOR:	80	90	107	119	130
STATE:OK	ELEVATOR:	88	99	117	130	143
COUNTY:PITTSBURG	NON-ELEVATOR:	77	86	102	113	124
STATE:OK	ELEVATOR:	85	95	112	125	137
COUNTY:WASHINGTON	NON-ELEVATOR:	90	101	120	138	150
STATE:OK	ELEVATOR:	99	111	132	152	165
REGION 7						
ST.LOUIS,MISSOURI AREA OFFICE						
SMSA: COLUMBIA, MO						
COUNTY:BOONE	NON-ELEVATOR:	121	138	163	182	198
STATE:MO	ELEVATOR:	133	152	179	200	218
SMSA: ST LOUIS, MO-IL						
COUNTY:FRANKLIN	NON-ELEVATOR:	134	154	183	211	239
STATE:MO	ELEVATOR:	147	169	200	232	263
COUNTY:JEFFERSON	NON-ELEVATOR:	134	154	182	211	239
STATE:MO	ELEVATOR:	147	169	200	232	263
COUNTY:ST CHARLES	NON-ELEVATOR:	134	154	182	211	239
STATE:MO	ELEVATOR:	147	169	200	232	263
COUNTY:ST LOUIS	NON-ELEVATOR:	134	154	182	211	239
STATE:MO	ELEVATOR:	147	169	200	232	263
INDEP. CITY:ST. LOUIS	NON-ELEVATOR:	134	154	182	211	239
STATE:MO	ELEVATOR:	147	169	200	232	263

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING[INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM]

REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4+BEDROOMS
ST.LOUIS,MISSOURI AREA OFFICE						
NON SMSA						
COUNTY:ADAIR	NON-ELEVATOR:	116	132	155	171	186
STATE:MO	ELEVATOR:	128	145	171	188	205
COUNTY:CALLAWAY	NON-ELEVATOR:	116	132	155	171	186
STATE:MO	ELEVATOR:	128	145	171	188	205
COUNTY:CAPE GIRARDE	NON-ELEVATOR:	98	111	130	143	156
STATE:MO	ELEVATOR:	108	122	143	157	172
COUNTY:SCOTT	NON-ELEVATOR:	98	111	130	143	156
STATE:MO	ELEVATOR:	108	122	143	157	172
REGION 8						
DENVER,COLORADO INSURING OFFICE						
SMSA: FORT COLLINS, CO						
COUNTY:LARIMER	NON-ELEVATOR:	103	117	139	153	167
STATE:CO	ELEVATOR:	113	129	152	168	184
SMSA: GREELEY, CO						
COUNTY:WELD	NON-ELEVATOR:	103	117	139	153	167
STATE:CO	ELEVATOR:	113	129	152	168	184
SALT LAKE CITY,UTAH INSURING OFFICE						
SMSA: PROVO-OREM, UT						
COUNTY:UTAH	NON-ELEVATOR:	113	128	150	165	180
STATE:UT	ELEVATOR:	122	139	163	179	196
SMSA: SALT LAKE CITY-OGDEN, UT						
COUNTY:DAVIS	NON-ELEVATOR:	119	134	160	184	200
STATE:UT	ELEVATOR:	130	149	174	200	217
COUNTY:SALT LAKE	NON-ELEVATOR:	119	134	160	184	200
STATE:UT	ELEVATOR:	130	149	174	200	217
COUNTY:TOOELE	NON-ELEVATOR:	119	134	160	184	200
STATE:UT	ELEVATOR:	130	149	174	200	217
COUNTY:WEBER	NON-ELEVATOR:	119	134	160	184	200
STATE:UT	ELEVATOR:	130	149	174	200	217
NON SMSA						
COUNTY:UINTAH	NON-ELEVATOR:	97	111	131	149	158
STATE:UT	ELEVATOR:	107	122	144	160	174
SOUIX FALLS,SOUTH DAKOTA INSURING OFFICE						
SMSA: SIOUX FALLS, SD						
COUNTY:MINNEHAHA	NON-ELEVATOR:	131	150	175	192	210
STATE:SD	ELEVATOR:	144	164	193	211	231
REGION 9						
HONOLULU,HAWAII INSURING OFFICE						
NON SMSA						
COUNTY:HAWAII	NON-ELEVATOR:	175	200	236	307	334
STATE:HI	ELEVATOR:	193	220	259	0	0
COUNTY:KAUAI	NON-ELEVATOR:	175	200	230	260	280
STATE:HI	ELEVATOR:	0	0	0	0	0
SAN FRANCISCO,CALIFORNIA AREA OFFICE						
SMSA: SANTA CRUZ, CA						
COUNTY:SANTA CRUZ	NON-ELEVATOR:	138	157	185	213	231
STATE:CA	ELEVATOR:	153	173	203	234	254
REGION 10						
SEATTLE,WASHINGTON AREA OFFICE						
NON SMSA						
COUNTY:CORLITZ	NON-ELEVATOR:	109	125	145	161	176
STATE:WA	ELEVATOR:	120	135	140	177	194
SPOKANE,WASHINGTON INSURING OFFICE						
SMSA: SPOKANE, WA						
COUNTY:SPOKANE	NON-ELEVATOR:	122	138	162	186	203
STATE:WA	ELEVATOR:	134	152	178	205	223

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PART III:

PRIVACY ACT OF 1974

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VARIOUS AGENCIES

Rules, Proposed Rules, and Notices of Systems of Records

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Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 627-75]

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Protection of Privacy of Individual Records

This order promulgates in final form the regulations of the Department of Justice implementing the Privacy Act of 1974, Pub. L. 93-579. By notice of proposed rulemaking, published in the FEDERAL REGISTER on August 27, 1975 (40 FR 39404) the Department of Justice proposed regulations relating to individual access to records pursuant to the Privacy Act and the obligations of the Department to insure the security, accuracy and completeness of records. No comments from the public were received with respect to the proposed regulations. This order makes the regulations, as published, final, with the following technical amendments and a new section establishing the Department's policy in granting access to records.

Pursuant to the authority vested in me by 5 U.S.C. 552a and as Attorney General of the United States, the new Subpart D of Part 16, Chapter I, Title 28 of the Code of Federal Regulations, as published in the FEDERAL REGISTER of August 27, 1975 (40 FR 39404), is adopted with the following amendments, to become effective October 30, 1975.

(1) The table of contents of Subpart D is amended to add at the end thereof—"16.57 Relationship of Privacy Act and the Freedom of Information Act.";

(2) Section 16.48—Requests for correction of records is amended by adding at the end of the second sentence of paragraph (b) the words "or his delegate"; and

(3) Subpart D of Part 16, Chapter I, Title 28 of the Code of Federal Regulations is amended by adding at the end thereof the following new section § 16.57.

Subpart D—Protection of Privacy of Individual Records

Sec.
16.40 Purpose and scope.
16.41 Access by individuals to records maintained about them.
16.42 Records exempt in whole or in part.
16.43 Special access procedures.
16.44 Requests for accounting of record disclosures.
16.45 Notice of access decisions; time limits.
16.46 Fees for copies of records.
16.47 Appeals from denials of access.
16.48 Requests for correction of records.
16.49 Records not subject to correction.
16.50 Accounting for disclosures.
16.51 Notices of subpoenas and emergency disclosures.
16.52 Information forms.
16.53 Contracting records systems.
16.54 Security of records systems.
16.55 Use and collection of Social Security numbers.
16.56 Employee standards of conduct with regard to privacy.
16.57 Relationship of Privacy Act and the Freedom of Information Act.

Subpart D—Protection of Privacy of Individual Records

§ 16.40 Purpose and scope.

(a) This subpart contains the regulations of the Department of Justice implementing the Privacy Act of 1974, Pub. L. 93-579. The regulations apply to all records contained in systems of records maintained by the Department of Justice which are retrieved by individual name or identifier, except that for personnel records, where there is a conflict between these regulations and those of the Commission, Civil Service Commission regulations shall prevail. The regulations set forth the procedures by which individuals may seek access to records pertaining to themselves in these systems of records and request correction of them. The regulations also set forth the requirements applicable to Department of Justice employees maintaining, collecting, using or disseminating such records. These regulations are applicable to each Office, Division, Board, Bureau, Service and Administration of the Department (hereafter referred to as a "component").

(b) The Assistant Attorney General for Administration shall provide that the provisions of this subpart and any revisions thereof shall be brought to the attention of and made available to:

(1) Each employee at the time of issuance of this subpart and any amendment thereto; and

(2) Each new employee at the time of employment.

(c) The Assistant Attorney General for Administration shall be responsible for insuring that employees of the Department of Justice are trained in the obligations imposed by the Privacy Act of 1974 and by these regulations, but each component of the Department is authorized to undertake training for its own employees.

§ 16.41 Access by individuals to records maintained about them.

(a) *Access to available records.* An individual seeking access to records about himself in a system of records, which have not been exempted from access pursuant to the Privacy Act of 1974, may present his request in person or in writing to the manager of the particular system of records to which he seeks access or to such other person as may be specified. System managers and others to whom requests may be presented are identified in the "Notice of Records Systems" published by the National Archives and Records Service, General Services Administration. Access to Department of Justice records maintained in National Archives and Records Service Centers may be obtained in accordance with the regulations issued by the General Services Administration. Access to records in multiple systems of records should be addressed to each component maintaining one of the systems. If a requester seeks guidance in defining his request, he may write to the Information Systems Staff, Office of Management and Finance, Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

(b) *Verification of identity.* The following standards are applicable to any individual who requests records concerning himself, unless other provisions for identity verification are specified in the published notice pertaining to the particular system of records.

(1) An individual seeking access to records about himself in person may establish his identity by the presentation of a single document bearing a photograph (such as a passport or identification badge) or by the presentation of two items of identification which do not bear a photograph but do bear both a name and address (such as a driver's license, or credit card).

(2) An individual seeking access to records about himself by mail shall establish his identity by a signature, address, date of birth, place of birth, employee identification number if any, and one other identifier such as a photocopy of an identifying document.

(3) An individual seeking access to records about himself by mail or in person who cannot provide the necessary documentation of identification may provide a notarized statement, swearing or affirming to his identity and to the fact that he understands the penalties for false statements pursuant to 18 U.S.C. 1001. Forms for such notarized statements may be obtained on request from the Information Systems Staff, Office of Management and Finance, Department of Justice, Washington, D.C. 20530.

(c) *Verification of guardianship.* The parent or guardian of a minor or a person judicially determined to be incompetent and seeking to act on behalf of such minor or incompetent shall, in addition to establishing his own identity, establish the identity of the minor or other person he represents as required in paragraph (b) of this section and establish his own parentage or guardianship of the subject of the record by furnishing either a copy of a birth certificate showing parentage or a court order establishing the guardianship.

(d) *Accompanying persons.* An individual seeking to review records about himself may be accompanied by another individual of his own choosing. Both the individual seeking access and the individual accompanying him shall be required to sign the required form indicating that the Department of Justice is authorized to discuss the contents of the subject record in the presence of both individuals.

(e) *Specification of records sought.* Requests for access to records, either in person or by mail shall describe the nature of the records sought, the approximate dates covered by the record, the system or systems in which it is thought to

be included as described in the "Notices of Records Systems" published by the General Services Administration, and the identity of the system manager or component of the Department having custody of the system of records. In addition, the published "Notice of Systems Records" for individual systems may include further requirements of specification where necessary to retrieve the individual record from the system.

§ 16.42 Records exempt in whole or in part.

(a) When an individual requests records about himself which have been exempted from individual access pursuant to 5 U.S.C. 552a (j) or (k)(3) or (k)(4) or which have been compiled in reasonable anticipation of a civil action or proceeding either in a court or before an administrative tribunal, the Department of Justice will neither confirm nor deny the existence of the record but shall advise the individual only that there is no record which is available to him pursuant to the Privacy Act of 1974.

(b) Individual requests for access to records which have been exempted from access pursuant to 5 U.S.C. 552a(k) shall be processed as follows:

(1) Requests for information classified by the Department of Justice pursuant to Executive Order 11652 require the responsible component of the Department to review the information to determine whether it continues to warrant classification under the criteria of sections 1 and 5 (B), (C), (D), and (E) of the Executive Order. Information which no longer warrants classification under these criteria shall be declassified and made available to the individual if not otherwise exempt. If the information continues to warrant classification, the individual shall be advised that the information sought is classified, that it has been reviewed and continues to warrant classification, and that it has been exempted from access pursuant to 5 U.S.C. 552a(k)(1). Information which has been exempted pursuant to 5 U.S.C. 552a(j) and which is also classified shall be reviewed as required by this paragraph but the response to the individual shall be in the form prescribed by paragraph (a) of this section.

(2) Requests for information which has been exempted from disclosure pursuant to 5 U.S.C. 552a(k)(2) shall be responded to in the manner provided in paragraph (a) of this section unless a review of the information indicates that the information has been used or is being used to deny the individual any right, privilege or benefit for which he is eligible or to which he would otherwise be entitled under federal law. In that event, the individual shall be advised of the existence of the record and shall be provided the information except to the extent it would identify a confidential source. If and only if information identifying a confidential source can be deleted or the pertinent parts of the record summarized in a manner which protects the identity of the confidential source, the document with deletions made or the summary shall be furnished to the requester.

(3) Information compiled as part of an employee background investigation which has been exempted pursuant to 5 U.S.C. 552a(k)(5) shall be made available to an individual upon request except to the extent that it identifies a confidential source. If and only if information identifying a confidential source can be deleted or the pertinent parts of the record summarized in a manner which protects the identity of the confidential source, the document with deletions made or the summary shall be furnished to the requester.

(4) Testing or examination material which has been exempted pursuant to 5 U.S.C. 552a(k)(6) shall not be made available to an individual if disclosure would compromise the objectivity or fairness of the testing or examination process but shall be made available if no such compromise possibility exists.

§ 16.43 Special access procedures.

(a) *Records of other agencies.* When information sought from a system of records in the Department of Justice includes information:

(1) That has been classified pursuant to Executive Order 11652, the request shall be referred to the appropriate classifying authority pursuant to 28 CFR 17.61 and the individual requesting the record shall be so advised unless the record is also exempt from disclosure pursuant to 5 U.S.C. 552a (j) or (k);

(2) That has been furnished by another component of the Department, the request shall be referred to the component originating the information for a decision as to access or correction;

(3) That has been furnished by another agency, the Department shall consult the other agency before granting access or making a correction and may refer the request to the other agency if referral will provide more expeditious access or correction, but the requester shall be notified of the referral.

(b) *Medical Records.* When an individual requests medical records concerning himself, which are not otherwise exempt from disclosure, the system manager shall, if deemed necessary, advise the individual that records will be provided only to a physician designated in writing by the individual. Upon receipt of the designation, the system manager will permit the physician to review the records or to receive copies of the records by mail, upon proper verification of identity. The determination of which records should be made available directly to the individual and which records should not be disclosed because of possible harm to the individual shall be made by the physician.

§ 16.44 Requests for accounting of record disclosures.

At the time of his request for access or correction or at any other time, an individual may request an accounting of disclosures made of his record outside the Department of Justice. Requests for accounting shall be directed to the system manager or other person specified in the "Notices of Records Systems." Any available accounting, whether kept in accordance with the requirements of the Privacy Act or under procedures established prior to September 27, 1975 shall be made available to the individual except that an accounting need not be made available if it relates to: (a) records with respect to which no accounting need be kept (see § 16.50(c) infra); (b) a disclosure made to a law enforcement agency pursuant to 5 U.S.C. 552a(b)(7); (c) an accounting which has been exempted from disclosure pursuant to 5 U.S.C. 552a (j) or (k).

§ 16.45 Notice of access decisions; time limits.

(a) *Responsibility for notice.* The head of the component maintaining the system from which information is sought or his delegate has responsibility for determining whether access to records is available under the Privacy Act and for notifying the individual of that determination in accordance with these regulations. If access is denied because of an exemption, the responsible person shall notify the individual that he may appeal that determination to the Deputy Attorney General within thirty working days of the receipt of the determination.

(b) *Time limits for access determinations.* The following time limits shall be applicable to requests for access to information pursuant to the Privacy Act of 1974:

(1) Any request concerning a single system of records all of which are maintained at the same location and none of which requires consultation with another component or agency shall be responded to within 20 working days unless the records requested exceed the equivalent of 100 pages.

(2) Any request concerning a single system of records some of which require consultation with another component or agency shall be responded to within 25 working days unless the records requested exceed the equivalent of 100 pages.

(3) Any request involving several systems of records or one or more systems maintained at different locations shall be responded to within 40 working days.

(4) Any request involving the equivalent of 100 pages or more, whether maintained in one system or several systems, shall be responded to within 40 working days.

(5) If a request under paragraphs (b)(2), (3) or (4) of this section presents unusual difficulties in determining whether the records involved are exempt from disclosure, the Deputy Attorney General, upon written request of the responsible person, may extend the time period established by these regulations for an additional 15 working days.

§ 16.46 Fees for copies of records.

(a) *When charged.* Fees pursuant to 31 U.S.C. 483a and 5 U.S.C. 552a(f)(5)

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shall be charged according to the schedules contained in paragraph (b) of this section for actual copies of records provided to individuals unless the responsible person determining access, in his discretion, waives the fee for good cause (such as the inability of the individual to pay) or a separate fee schedule is established for an exempt system. Fees shall not be charged where they would amount, in the aggregate, to less than $3.

(b) *Fees charged.* Fees may only be assessed for actual copies of materials furnished pursuant to the Privacy Act in accordance with the following schedule:

(1) For copies of documents (maximum of 10 copies will be supplied), $0.10 per page;

(2) For computer material charges:

(i) One-part paper per 1,000 pages	$11.00
(ii) Two-part paper per 1,000 pages	22.80
(iii) Three-part paper per 1,000 pages	36.17
(iv) Four-part paper per 1,000 pages	48.32
(v) Five-part paper per 1,000 pages	63.97
(vi) Stock Hollerith cards per 1,000	1.98
(vii) Magnetic tape per reel	10.75
(viii) Disk pack, each	775.00

(3) For tape recordings and other audio records:

(i) 45 minute cassette	$0.56
(ii) 60 minute cassette	.60
(iii) 90 minute cassette	.77

(4) For materials other than the common ones described in paragraphs (b) (1), (2) and (3) of this section, the direct costs of such materials to the government may be charged, but only if the requester has been notified of such cost before it is incurred.

(c) *Notice of anticipated charges.* Where it is anticipated that access fees chargeable under this section will amount to more than $25, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be notified of the amount of the anticipated fees before copies are made. The notification shall offer the requester the opportunity to confer with Department personnel with the object of reformulating the request so as to meet his needs at lower cost.

(d) *Form of payment.* Payment should be made by check or money order payable to the Department of Justice. No employee of the Department of Justice is authorized to accept payment of fees in cash.

(e) *Advance deposit.* Where the anticipated fee chargeable under this section exceeds $25, an advance deposit of part or all of the anticipated fee may be required.

§ 16.47 Appeals from denials of access.

An individual who has been denied access to records concerning him may appeal that decision to the Deputy Attorney General by filing a written appeal within 30 working days of the receipt of the denial. If the denial of access was made by a responsible person in the Office of the Deputy Attorney General, the appeal shall be to the Attorney General. The appeal shall be marked on its face and on the face of the envelope "Privacy Appeal—Denial of Access," and shall be addressed to the Office of the Deputy Attorney General, U.S. Department of Justice, Washington, D.C. 20530, or, if an appeal from a denial by the Deputy Attorney General, to the Assistant Attorney General, Office of Legal Counsel, at the same address. Appeals shall be determined in thirty working days unless the appropriate official, by notice to the individual, extends that period for an additional thirty working days because of the volume of records requested, the scattered location of records, the need to consult other agencies, or the difficulty of the legal issues involved, or other administrative difficulty.

§ 16.48 Requests for correction of records.

(a) *How Made.* Unless a record is exempted from correction, an individual may request amendment or correction of a record concerning him by addressing his request to the person responsible for the system in which the record is maintained either in person or by mail. The request must indicate the particular record involved, the nature of the correction sought, and the justification for the correction or amendment. Requests made by mail should be addressed to the person specified in the Notice of Systems of Records published by the General Services Administration and shall be clearly marked on the request and on the envelope "Privacy Correction Request." Where the individual believes that the same record appears in more than one system, he should address his request to each person responsible for a system of records which may contain the record he seeks to correct.

(b) *Initial determination.* Within 10 working days of the receipt of the request, the appropriate Department official shall advise the individual that his request has been received. If the record is to be amended or corrected, the system manager may so advise the individual but if correction is refused, in whole or in part, it must be done by the head of the component in which the record is located. If a correction is to be made, the individual shall be advised of his right to obtain a copy of the corrected record upon request. If a correction or amendment is refused, in whole or in part, the individual shall be so advised, shall be given reasons for the refusal, and shall be advised of his right to appeal the refusal to the Deputy Attorney General in accordance with the procedures set forth in this section.

(c) *Appeals.* A refusal, in whole or in part, to amend or correct a record may be appealed to the Deputy Attorney General within 30 days of the receipt of notice of the refusal. If the refusal to correct was made by the Office of the Deputy Attorney General, the appeal shall be to the Attorney General. Appeals shall be in writing, shall set forth the specific item of information sought to be corrected, and the individual's documentation justifying the correction. Appeals shall be addressed to the Office of the Deputy Attorney General, U.S. Department of Justice, Washington, D.C. 20530 or, if an appeal from a denial by the Deputy Attorney General, to the Assistant Attorney General, Office of Legal Counsel, at the same address. They shall be clearly marked on the appeal and on the envelope, "Privacy Correction Appeal." The appeal shall be decided within 30 working days unless the appropriate official shall extend the time for an additional 30 working days because of the need to obtain additional information, the volume of records involved, or the complexity of the issue, or other administrative difficulty. The requester shall be advised in advance of any such extension and shall be given the reasons therefor.

(d) *Appeal determinations.* If the Deputy Attorney General or Attorney General determines that an amendment or correction is not warranted on the facts, he shall advise the individual of his refusal to authorize correction or amendment of the record, in whole or in part, and shall advise the individual of his right to provide for the record a "Statement of Disagreement." The individual shall be advised also of his right to judicial review pursuant to the Privacy Act of 1974.

(e) *Statements of disagreement.* Statements of Disagreement may be furnished by the individual within 30 working days of the date of receipt of the notice of refusal of the Deputy Attorney General or Attorney General to authorize correction. They shall be addressed to the Office of the Deputy Attorney General, U.S. Department of Justice, Washington, D.C. 20530. Statements may not exceed one typed page per fact disputed. Statements exceeding this limit will be returned to the requester for condensation. Upon receipt of a statement of disagreement in accordance with this section, the Deputy Attorney General shall take steps to insure that the statement is included in the system or systems of records in which the disputed item is maintained and that the original record is so marked as to indicate that there is a statement of disagreement and where, within the system of records, that statement may be found.

(f) *Notices of correction or disagreement.* When a record has been corrected the system manager shall, within thirty working days thereof, advise all prior recipients of the record whose identity can be determined pursuant to the accounting required by the Privacy Act or any other accounting previously made, of the correction. Any dissemination of a record after the filing of a statement of disagreement shall be accompanied by a copy of that statement. Any statement of the agency giving reasons for refusing to correct shall be included in the file.

§ 16.49 Records not subject to correction.

The following records are not subject to correction or amendment by individuals:

(a) Transcripts or written statements made under oath;

(b) Transcripts of Grand Jury Proceedings, judicial or quasi-judicial proceedings which form the official record of those proceedings;

(c) Pre-sentence reports comprising the property of the courts but maintained in agency files; and

(d) Records duly exempted from correction by notice published in the FEDERAL REGISTER.

§ 16.50 Accounting for disclosures.

(a) As soon as possible, but not later than September 27, 1975, each system manager, with the approval of the head of his component, shall establish a system of accounting for all disclosures of records, either orally or in writing, made outside the Department of Justice. Accounting procedures may be established in the least expensive and most convenient form that will permit the system manager to advise individuals, promptly upon request, of the persons or agencies to which records concerning them have been disclosed.

(b) Accounting records, at a minimum, shall include the identification of the particular record disclosed, the name and address of the person or agency to which disclosed, and the date of the disclosure. Accounting records shall be maintained until the record is destroyed or transferred to the Archives.

(c) Accounting is not required to be kept for disclosures made within the Department of Justice or disclosures made pursuant to the Freedom of Information Act.

§ 16.51 Notices of subpoenas and emergency disclosures.

(a) *Subpoenas.* When records concerning an individual are subpoenaed by a Grand Jury, Court, or quasi-judicial agency, the official served with the subpoena shall be responsible for assuring that notice of its issuance is provided to the individual. Notice shall be provided within 10 days of the service of the subpoena or, in the case of a Grand Jury subpoena, within 10 days of its becoming a matter of public record. Notice shall be mailed to the last known address of the individual and shall contain the following information: the date the subpoena is returnable, the court in which it is returnable, the name and number of the case or proceeding, and the nature of the information sought. Notice of the issuance of subpoenas is not required if the system of records has been exempted from the notice requirement, pursuant to 5 U.S.C. 552a(j), by a Notice of Exemption published in the FEDERAL REGISTER.

(b) *Emergency disclosures.* If information concerning an individual has been disclosed to any person under compelling circumstances affecting health or safety the individual shall be notified at his last known address within 10 working days of the disclosure. Notification shall include the following information: the nature of the information disclosed, the person or agency to whom it was disclosed, the date of the disclosure, and the compelling circumstances justifying the disclosure. Notification shall be given by the officer who made or authorized the disclosure.

§ 16.52 Information forms.

(a) *Review of forms.* Except for forms developed and used by the Law Enforcement Assistance Administration, the Drug Enforcement Administration, the Immigration and Naturalization Service, the Bureau of Prisons, the Federal Bureau of Investigation and the U.S. Marshals Service for the collection of information from individuals, the Office of Management and Finance shall be responsible for reviewing all forms developed and used by the Department of Justice to collect information from individuals. The Law Enforcement Assistance Administration, the Drug Enforcement Administration, the Immigration and Naturalization Service, the Bureau of Prisons, the Federal Bureau of Investigation and the U.S. Marshals Service shall each be responsible for the review of forms it uses to collect information from individuals.

(b) *Scope of review.* The responsible offices shall review each form for the purpose of eliminating any requirement for information that is not relevant and necessary to carry out an agency function and to accomplish the following objectives:

(1) To insure that no information concerning religion, political beliefs or activities, association memberships (other than those required for a professional license), or the exercise of other First Amendment rights is required to be disclosed unless such requirement of disclosure is expressly authorized by statute or is pertinent to and within the scope of an authorized law enforcement activity;

(2) To insure that the form or accompanying statement makes clear to the individual which information he is required by law to disclose and the authority for that requirement and which information is voluntary;

(3) To insure that the form or accompanying statement states clearly the principal purpose or purposes for which the information is being collected, and summarizes concisely the routine uses that will be made of the information;

(4) To insure that the form or accompanying statement clearly indicates to the individual the effect in terms of rights, benefits or privileges of not providing all or part of the requested information; and

(5) To insure that any form requesting disclosure of a Social Security Number, or an accompanying statement, clearly advises the individual of the statute or regulation requiring disclosure of the number or clearly advises the individual that disclosure is voluntary and that no consequence will flow from his refusal to disclose it, and the uses that will be made of the number whether disclosed mandatorily or voluntarily.

(c) *Revision of forms.* Any form which does not meet the objectives specified in the Privacy Act and in this section, shall be revised to conform thereto. If revision, printing and distribution cannot be accomplished prior to September 27, 1975, a separate statement shall be prepared to accompany each form advising the individual that the form is not in compliance with the Privacy Act and specifying the portions thereof which are not in compliance. The statement shall include all the information necessary to accomplish the objectives specified in the Privacy Act and this section.

§ 16.53 Contracting records systems.

(a) No component of the Department shall contract for the operation of a record system by or on behalf of the agency without the express approval of the Attorney General.

(b) Any contract which is approved shall contain the standard contract requirements promulgated by the General Services Administration to insure compliance with the requirements imposed by the Privacy Act of 1974. The contracting agency shall have responsibility for insuring that the contractor complies with the contract requirements relating to privacy.

§ 16.54 Security of records systems.

(a) The Assistant Attorney General for administration shall have responsibility for developing Department regulations governing the security of systems of records. Regulations relating to the security of automated systems shall be consistent with the guidelines developed by the National Bureau of Standards.

(b) Each system manager, with the approval of the head of his component, shall establish administrative and physical controls, consistent with Department regulations, to insure the protection of records systems from unauthorized access or disclosure and from physical damage or destruction. The controls instituted shall be proportional to the degree of sensitivity of the records but at a minimum must insure that the records are enclosed in a manner to protect them from public view, that the area in which the records are stored is supervised during all business hours to prevent unauthorized personnel from entering the area or obtaining access to the records, and that the records are reasonably inaccessible to unauthorized persons outside of business hours.

(c) Each system manager, with the approval of the head of his component shall adopt access restrictions to insure that only those individuals within the agency who have a need to have access to the records for the performance of their duties have access to them. Procedures shall also be adopted to prevent accidental access to or dissemination of records.

§ 16.55 Use and collection of Social Security numbers.

(a) Each system manager of a system of records which utilizes the Social Security number as a method of identification without statutory authorization, or authorization by regulation adopted prior to January 1, 1975, shall take steps to revise the system to avoid future collection and use of the Social Security number.

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(b) The head of each component of the Department shall take such measures as are necessary to insure that employees authorized to collect information from individuals are advised that individuals may not be required to furnish Social Security numbers without statutory or regulatory authorization and that individuals who are requested to provide Social Security numbers voluntarily must be advised that furnishing the number is not required and that no penalty or denial of benefits will flow from the refusal to provide it.

§ 16.56 Employee standards of conduct with regard to privacy.

(a) The head of each component of the Department shall be responsible for assuring that employees subject to his supervision are advised of the provisions of the Privacy Act, including the criminal penalties and civil liabilities provided therein, and that such employees are made aware of their responsibilities to protect the security of personal information, to assure its accuracy, relevance, timeliness and completeness, to avoid unauthorized disclosure either orally or in writing, and to insure that no system of records retrieved by individual identifier, no matter how small or specialized, is maintained without public notice.

(b) Except to the extent permitted pursuant to the Privacy Act, employees of the Department of Justice shall:

(1) Collect no information of a personal nature from individuals unless authorized to collect it to achieve a function or carry out a responsibility of the Department;

(2) Collect from individuals only that information which is necessary to Department functions or responsibilities;

(3) Collect information, wherever practicable, directly from the individual to whom it relates;

(4) Inform individuals from whom information is collected of the authority for collection, the purposes thereof, the uses that will be made of the information, and the effects, both legal and practical, of not furnishing the information;

(5) Neither collect, maintain, use nor disseminate information concerning an individual's religious or political beliefs or activities or his membership in associations or organizations, unless (i) the individual has volunteered such information for his own benefit; (ii) the information is expressly authorized by statute to be collected, maintained, used or disseminated; or (iii) the activities involved are pertinent to and within the scope of an authorized investigation, adjudication or correctional activity;

(6) Advise their supervisors of the existence or contemplated development of any record system which retrieves information about individuals by individual identifier;

(7) Wherever required by the Act, maintain an accounting, in the prescribed form, of all dissemination of personal information outside the Department, whether made orally or in writing;

(8) Disseminate no information concerning individuals outside the Department except when authorized by 5 U.S.C. 552a, including pursuant to a routine use published in the FEDERAL REGISTER;

(9) Maintain and process information concerning individuals with care in order to insure that no inadvertent disclosure of the information is made either within or without the Department; and

(10) Call to the attention of the proper Department authorities any information in a system maintained by the Department which is not authorized to be maintained under the provisions of the Privacy Act of 1974, including information on First Amendment activities and information that is inaccurate, irrelevant or so incomplete as to risk unfairness to the individual concerned.

(c) Heads of components within the Department shall, at least annually, review the record systems subject to their supervision to insure compliance with the provisions of the Privacy Act of 1974.

§ 16.57 Relationship of Privacy Act and the Freedom of Information Act.

(a) Issuance of this section and actions considered or taken pursuant hereto are not to be deemed a waiver of the Government's position that the materials in question are subject to all of the exemptions contained in the Privacy Act. By providing for exemptions in the Act, Congress conferred upon each agency the option, at the discretion of the agency, to grant or deny access to exempt materials unless prohibited from doing so by any other provision of law. Releases of records under this section, beyond those mandated by the Privacy Act, are at the sole discretion of the Deputy Attorney General and of those persons to whom authority hereunder may be delegated. Authority to effect such discretionary releases of records and to deny requests for those records as an initial matter is hereby delegated to the appropriate system managers as per the Notices of Systems of Records published in 40 FEDERAL REGISTER 167, pages 38703–38801 (August 27, 1975).

(b) Any request by an individual for information pertaining to himself shall be processed solely pursuant ot this Subpart D. To the extent that the individual seeks access to records from systems of records which have been exempted from the provisions of the Privacy Act, the individual shall receive, in addition to access to those records he is entitled to receive under the Privacy Act and as a matter of discretion as set forth in paragraph (a), access to all records within the scope of his request to which he would have been entitled under the Freedom of Information Act, 5 U.S.C. 552, but for the enactment of the Privacy Act and the exemption of the pertinent systems of records pursuant thereto. Only fees set forth in § 16.46 may be charged a requester as to any records to which access is granted pursuant to the provisions of this subsection.

(c) When an individual requests access to records pertaining to criminal, national security or civil investigative activities of the Federal Bureau of Investigation which are contained in systems of records exempted under provisions of the Privacy Act, such requests shall be processed as follows:

(1) Where the investigative activities involved have been reported to F.B.I. Headquarters, records maintained in the F.B.I.'s Central files will be processed; and,

(2) Where the investigative activities involved have not been reported to F.B.I. Headquarters, records maintained in files of the Field Office identified by the requester will be processed.

Dated: October 22, 1975.

EDWARD H. LEVI,
Attorney General.

[FR Doc.75-28905 Filed 10-29-75;8:45 am]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[28 CFR Part 16]

[Order No. 629-75]

PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Exemption of Record Systems Under the Privacy Act

The Department of Justice proposes to issue regulations exempting certain systems of records in the Department from provisions of the Privacy Act of 1974, Pub. L. 93-579, for the reasons set forth in the proposed exemption notices.

Persons wishing to comment on any of the proposed exemptions may address their comments in writing to the individuals specified in each of the proposed exemption notices. All comments must be received on or before December 1, 1975.

Below are notices of proposed exemptions for appropriate record systems (which were inadvertently omitted from the group of notices published on August 27, 1975) of the Department of Justice. These exemption notices will be integrated into the new Subpart E of Part 16, Title 28 of the Code of Federal Regulations.

Dated: October 22, 1975.

EDWARD H. LEVI,
Attorney General.

The Department of Justice proposes to issue regulations exempting certain systems of records (which were inadvertently omitted from the Department of Justice publication in the FEDERAL REGISTER on August 27, 1975), maintained by the Drug Enforcement Administration from the provisions of subsections (c) (3) and (4), (d), (c) (1), (2) and (3), (e)(4) (G) and (H), (e)(5) and (a), (f), (g) and (h) of 5 U.S.C. 552a, in order to maintain the confidentiality of information compiled for law enforcement and criminal investigation purposes.

Written comments on the proposed exemptions should be clearly labeled "Privacy Act Exemption Comments" and sent to:

Chief Counsel, Drug Enforcement Administration, United States Department of Justice, Room 1203, 1405 Eye Street, N.W., Washington, DC 20537.

All comments must be received no later than December 1, 1975. No oral hearings are contemplated.

By virtue of the authority vested in me by 5 U.S.C. 552a (j) and (k) and as Attorney General of the United States, the following sections are amended to read as follows:

1. Section 16.98 is amended to read as follows:

§ 16.98 Exemption of Drug Enforcement Administration Records.

(a) The following systems of records are exempt from 5 U.S.C. 552a (c) (3), (d), (e) (4) (G) and (H), and (f):

* * * * *

(4) Drug Theft Reporting System (JUSTICE/DEA-023).

These exemptions apply only to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(k).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the revealing of the disclosure accounting pursuant to the routine uses published for these systems would enable the subject of an investigation to gain valuable information concerning the nature and scope of the investigation and seriously hamper the regulatory functions of the Drug Enforcement Administration.

(2) From subsection (d) because access to records contained in these systems might provide the subject of an investigation information that could enable him to avoid compliance with the Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91-513).

(3) From subsections (e)(4) (G) and (H) because these systems or records are exempt from individual access pursuant to subsection (k) of the Act.

(4) From subsection (f) because these systems are exempt from the access provisions of subsection (d).

(c) The following systems of records are exempt from 5 U.S.C. 552a (c) (3) and (4), (d), (e) (1), (2) and (3), (e) (4) (G) and (H), (e) (5) and (8), (f), (g) and (h):

* * * * *

(14) Drug Enforcement Administration Semi-Automated Narcotic Trafficker Profiles (KISS) (JUSTICE/DEA-025).

(15) Drug Enforcement Administration Specialized Automated Intelligence Files (JUSTICE/DEA-026).

These exemptions apply only to the extent that information in these systems is subject to exemptions pursuant to 5 U.S.C. 552a (j) and (k).

(d) Exemptions from the particular subsections are justified for the following reasons:

(1) from (c)(3) because the release of the disclosure accounting for disclosure pursuant to the routine uses published for these systems would permit the subject of a criminal investigation to obtain valuable information concerning the nature of that investigation and present a serious impediment to law enforcement.

(2) From subsection (c)(4) because an exemption is being claimed for subsection (d), this subsection will not be applicable.

(3) From subsection (d) because access to records contained in these systems would alert a subject to the existence of an investigation and thereby provide information to the subject which might enable him to avoid detection or apprehension, and present serious impediment to law enforcement.

(4) From subsection (e)(1) because in the course of criminal investigations, the Drug Enforcement Administration often detects violation of non-drug related laws. In the interests of effective law enforcement, it is necessary that DEA retain all information obtained in criminal investigations because it can aid in establishing patterns of criminal activity and assist other law enforcement agencies that are charged with enforcing other segments of criminal law.

(5) From subsection (e)(2) because information collected to the greatest extent possible from the subject individual of a criminal investigation would provide the subject with valuable information which might preclude detection or apprehension of the subject individual.

(6) From subsection (e)(3) because the requirement that individuals supplying information be provided a form stating the requirements of subsection (e)(5) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life or physical safety of confidential informants.

(7) From subsections (e)(4) (G) and (H) because these systems of records are exempt from individual access pursuant to subsection (j) of the Privacy Act of 1974.

(8) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions imposed by subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on investigations and impede the development of criminal intelligence necessary for effective law enforcement.

(9) From subsection (e)(8) because the individual notice requirements could present a serious impediment to law enforcement by interfering with the Drug Enforcement Administration's ability to issue administrative techniques and procedures.

(10) From subsection (f) because these systems have been exempted from the access provisions of subsection (d).

(11) From subsections (g) and (h) because these systems are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

(e) The following systems of records are from 5 U.S.C. 552a (d)(1) and (e)(1).

(1) Grants of Confidentiality Files (GCF) (JUSTICE/DEA-022).

(2) DEA Applicant Investigations (JUSTICE/DEA-024).

These exemptions apply only to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(k)(5).

(f) Exemptions from the particular subsections are justified for the following reasons:

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(1) From subsection (d)(1) because many persons are contacted who, without an assurance of anonymity, refuse to provide information concerning an applicant for a grant of confidentiality with DEA. Permitting access to the information supplied by persons after a promise of confidentiality has been given could reveal the identity of the source of the information and constitute a breach of the promised confidentiality on the part of the Drug Enforcement Administration. Such breaches ultimately would restrict the free flow of information vital to a determination of an applicant's qualifications for a grant.

(2) From (e)(1) because in the collection of information for investigative and evaluative purposes, it is impossible to determine in advance what exact information may be of assistance in determining the qualifications and suitability of a candidate. Information which may appear irrelevant, when combined with other apparently irrelevant information, can on occasion, provide a composite picture of an applicant which assists in determining whether a grant of confidentiality is warranted.

The Department of Justice proposes to issue regulations exempting the Immigration and Naturalization Service Index System (JUSTICE/INS–001) maintained by the Immigration and Naturalization Service from the provisions of subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H) and (I), (e) (5) and (8), (f), (g), and (h) of 5 U.S.C. 552a. The purpose of these exemptions is to maintain the confidentiality and security of information compiled for purposes of criminal investigation.

Written comments on the proposed exemptions should be clearly labeled "Privacy Act Exemption Comments" and sent to:

Commissioner, Immigration and Naturalization Service, United States Department of Justice, Room 7100–C, 425 I Street, N.W., Washington, D.C. 20538.

All comments must be received no later than December 1, 1975. No oral hearings are contemplated.

2. Section 16.99 is amended as follows:

§ 16.99 Exception of Immigration and Naturalization Service System—Limited access.

(a) The following subsystems (which were inadvertently omitted from the Department of Justice publication in the FEDERAL REGISTER on August 27, 1975) of the Immigration and Naturalization Service Index System are exempt from 5 U.S.C. 552a (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H) and (I), (e) (5) and (8), (f), (g), and (h):

* * * * *

(22) Fraudulent Document Center Index.

(23) Emergency Reassignment Index.

These exemptions apply to the extent that information in these subsystems is subject to exemption pursuant to 5 U.S.C. 552a (j) and (k).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because the release of the disclosure accounting for disclosure pursuant to the routine uses published for these subsystems would permit the subject of a criminal or civil investigation to obtain valuable information concerning the nature of that investigation and present a serious impediment to law enforcement.

(2) From subsection (c)(4) since an exemption is being claimed for subsection (d), this subsection will not be applicable.

(3) From subsection (d) because access to the records contained in these subsystems would inform the subject of a criminal or civil investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and present a serious impediment to law enforcement.

(4) From subsection (e)(1) because in the course of criminal or civil investigations, the Immigration and Naturalization Service often obtains information concerning the violation of laws other than those relating to violations over which INS has investigative jurisdiction. In the interests of effective law enforcement, it is necessary that INS retain this information since it can aid in establishing patterns of criminal activity and provide valuable leads for those law enforcement agencies that are charged with enforcing other segments of the criminal law.

(5) From subsection (e)(2) because in a criminal or civil investigation, the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be placed on notice of the existence of the investigation and would therefore be able to avoid detection or apprehension.

(6) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life or physical safety of confidential informants.

(7) From subsection (e)(4) (G) and (H) because these subsystems of records are exempt from individual access pursuant to subsection (j) of the Privacy Act of 1974.

(8) From subsection (e)(4)(I) because the Immigration and Naturalization Service maintains the confidentiality of sources of information in order to protect their privacy and physical safety and to maintain the confidentiality of their cooperation. The publication of categories of cources would constitute a breach of confidentiality on the part of INS and restrict the free flow of information essential to effective law enforcement.

(9) From subsection (e)(5) because in the collection of informaiton for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on investigations and impede the development of criminal intelligence necessary for effective law enforcement.

(10) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the Immigration and Naturalization Service's ability to issue administrative subpoenas and could reveal investigative techniques and procedures.

(11) From subsection (f) because these subsystems of records have been exempted from the access provisions of subsection (d).

(12) From subsection (g) because these subsystems of records are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

(13) From subsection (h) because to permit the parent of any minor, or the legal guardian of an individual who has been legally declared incompetent to obtain access to a record which is exempt to the individual would be a serious impediment to law enforcement in that it would enable the individual by himself or through the aid of others, to avoid detection or apprehension.

(14) In addition, these subsystems of records are exempt from compliance with the following provisions of the Privacy Act of 1974 (5 U.S.C. 552a), subsections (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I), and (f) to the extent that the records contained in these subsystems are classified pursuant to Executive order.

(c) The Border Patrol Academy Index Subsystem is exempt from 5 U.S.C. 552a (d) and (f).

This exemption applies only to the extent that information in this subsystem is subject to exemption pursuant to 5 U.S.C. 552a(k).

(d) Exemptions for the particular subsections are justified for the following reasons.

(1) From subsection (d) because exemption is claimed only for those testing and examination materials used to determine an individual's qualifications for retention and promotion in the Immigration and Naturalization Service. This is necessary to protect the integrity of testing materials and to insure fair and uniform examinations.

(2) From subsection (f) because the subsystem of records has been exempted from the access provisions of subsection (d).

[FR Doc.75–28906 Filed 10–29–75;8:45 am]

DEPARTMENT OF JUSTICE

Notices of Systems of Records Pursuant to the Privacy Act of 1974

(Order No. 628-75)

Attached hereto are notices of proposed systems of records maintained by the Department of Justice and required to be published in the Federal Register and in annual compilation form pursuant to the provisions of Privacy Act of 1974, P. L. 93-579.

The following systems of records were inadvertantly omitted from the group of notices published on August 27, 1975: JUSTICE/DEA—021, 022, 023, 024, 025, and 026; JUSTICE/LEAA—008 and 009; JUSTICE/TAX—003; and JUSTICE/OMF—016 and 017.

The following system notices are reprinted in their entirety for the reasons stated. JUSTICE/BOP—001: System notice, as published, was incomplete. JUSTICE/INS—001: Four new subsystems have been added to the original notice and major revisions were made in several subparagraphs of the original notice. JUSTICE/LEAA—003: System Notice, as published, was deleted and is replaced by this notice.

The following system notices are partially reprinted to reflect new or revised "routine uses of records maintained in the system, including categories of users and the purpose of such uses:" JUSTICE/BOP—002, 003, 005, 007, 008, and 009; JUSTICE/DEA—014; and, JUSTICE/OMF—002 and 013.

Pursuant to 5 U.S.C. 552a(e)(11) interested persons are invited to submit written comments on those portions of the notice which describe the routine uses of the system of records listed. Comments may be submitted in writing to the individual listed under the heading "Notifications Procedure" in the record system description. All comments must be received by the thirtieth day following the date of publication of this notice.

No oral hearings are contemplated.

Dated: October 22, 1975.

Edward H. Levi,
Attorney General.

JUSTICE/BOP - 001

System name: Custodial and Security Record System

System location: Records may be retained at any of the Bureau's facilities, the Regional Offices and the Central Office. All requests for records may be made to the Central Office: U. S. Bureau of Prisons; 320 First Street, N.W.; Washington, D.C. 20534.

Categories of individuals covered by the system: Current and former inmates under the custody of the Attorney General.

Categories of records in the system: 1) Conduct Records; 2) Escape Information; 3) Assault Information; 4) Disturbance Information; 5) Investigative Reports; 6) Social Data; 7) Bus Movements; 8) Transfers; 9) Emergency Plans; 10) Daily Activity Sheet; 11) Intelligence Information; 12) Segregation Reports and Log Book; 13) Special Offender List; 14) Physical Health Data; 15) Personal Property Records; 16) Identification and Sentence Data; 17) Records of Work and Housing Assignments; 18) Visiting and Mail Records; 19) Confidential Informant Information from Inmates, Staff, and Others; 20) Work and Study Release Information; 21) FBI Referral Record; 22) Rectal and X-ray Examination Record; 23) Phone Call Record.

Authority for maintenance of the system: This system is established and maintained under authority of 18 U.S.C. 4003, 4042, 4082.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of this system are: (a) to provide information source and documented records of the protection given Federal inmates, and security in Federal penal facilities; (b) to provide information source to officers and employees of the Department of Justice who have a need for the information in the performance of their duties; (c) to provide information source to state and federal law enforcement officials for investigations, possible criminal prosecutions, civil court actions, or regulatory proceedings; (d) to provide information source for responding to inquiries from federal inmates involved or Congressional inquiries; (e) to provide information source for contracting or consulting correctional agencies who provide services to federal inmates.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information maintained in the system is stored on documents.

Retrievability: Documents are indexed by name and/or register number.

Safeguards: Information is safeguarded in accordance with Bureau of Prisons rules governing access and release.

Retention and disposal: Records in this system are retained for a period of ten (10) years after expiration of sentence, then destroyed by shredding.

System manager(s) and address: Chief, Management and Information Systems Group; U. S. Bureau of Prisons; 320 First Street, N.W.; Washington, D.C. 20534.

Notification procedure: Address inquiries to: Director; Bureau of Prisons; 320 First Street, N.W.; Washington, D.C. 20534 20534. The major part of this system is exempt from this requirement under 5 U.S.C. 552a (j). Inquiries concerning this system should be directed to the System Manager listed above.

Record access procedures: The major part of this system is exempt from this requirement under 5 U.S.C. 552a (j). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received.

Contesting record procedures: Same as the above.

Record source categories: 1) Inmates; 2) Federal Law Enforcement Agencies; 3) State and Federal Probation Services; 4) Non-Federal Law Enforcement Agencies; 5) Educational Institution (Study Release); 6) Relatives, friends, and other interested community individuals; 7) Former or Future Employers; 8) Evaluations, Observations, and Findings of Institutional Staff; 9) Foreign Law Enforcement Agencies.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/LEA - 003

System name: Inspector General Investigative System.

System location: Office of Inspector General; Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

Categories of individuals covered by the system: Grantees, subgrantees, contractors, subcontractors, employees, and applicants.

Categories of records in the system: Resolution of Investigations of Criminal or Civil Violations Investigatory Case Index Card File

Authority for maintenance of the system: 5 U.S.C. 301; 42 U.S.C. 3791, 3792, 3793.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Investigation of possible violations of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order pursuant thereto. Records may be referred to the appropriate agency, whether federal, state, or local for the purpose of investigating or prosecuting such violations or enforcing compliance with statute, rule, regulation or order.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in the system is stored in file folders and on index cards.

Retrievability: Information is retrieved by name of respondent and complainant.

Safeguards: Information is kept in locked file cabinets and combination safe. Access is limited to investigative personnel.

Retention and disposal: Complaint control logs are destroyed upon completion of action on the inquiry or complaint. Complaint case files thereafter are not retrievable by name, number, or other information identifiable to the individual. Other investigative information is destroyed four years after the investigation is completed.

System manager(s) and address: Office of Inspector General; Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

Notification procedure: Same as the above.

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Record source categories: Information contained in this system was received from individual complainants, witnesses, grant files, respondents, official state and federal records.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (d), (e)(4)(G) and (H), and (f) of the Privacy Act pursuant to 5 U.S.C. 522a(k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/LEAA - 008

System name: Civil Rights Investigative System.

System location: Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

Categories of individuals covered by the system: Complaints of discrimination by individuals affected by the agency program for which the agency has compliance responsibility, grantees, subgrantees, contractors, subcontractors, employees, and applicants.

Categories of records in the system: Civil Rights Complaint Control Logs; Civil Rights Litigation Reference Files.

Authority for maintenance of the system: 42 U.S.C. 3766(c); E.O. 11246 (3 C.F.R. 173) as amended by E.O. 11375.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Investigation of complaints and to obtain compliance with Civil Rights laws. Users of this data are State Planning Agencies, State Governors and Attorneys General, Criminal Justice Agencies, Office of Federal Contract Compliance, Equal Employment Opportunity Commission, and Office of Federal Revenue Sharing.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in the system is stored in file folders and on index cards.

Retrievability: Information is retrieved by name of respondent and complainant.

Safeguards: Information is kept in locked file cabinets and combination safe. Access is limited to investigative personnel.

Retention and disposal: Complaint control logs are destroyed upon completion of action on the inquiry or complaint. Complaint case files thereafter are not retrievable by name, number, or other information identifiable to the individual. Other investigative information is destroyed four years after the investigation is completed.

System manager(s) and address: Office of Civil Rights Compliance; Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

Notification procedure: Same as the above.

Record access procedures: A request for access to a record containing civil rights investigatory material shall be made in writing with the envelope and letter clearly marked 'Privacy Access Request' to the Civil Rights System Manager listed above.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: The information contained in this system was received from individual complainants, witnesses, grant files, respondents, official State and Federal records.

Systems exempted from certain provisions of the act: None.

JUSTICE/LEAA - 009

System name: Federal Advisory Committee Membership Files.

System location: Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

Categories of individuals covered by the system: Individuals who have been or are presently members of or are being considered for membership on advisory committees within the jurisdiction of the Law Enforcement Assistance Administration.

Categories of records in the system: Correspondence with and documents relating to committee members.

Authority for maintenance of the system: Federal Advisory Committee Act, 5 U.S.C. App. I et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Annual Report to the President; administrative reports to OMB and other federal agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in system is stored in file folders.

Retrievability: Information is retrieved by name of individual.

Safeguards: Data is maintained in file cabinets. The entrance to the building requires building pass or security sign-in.

Retention and disposal: The data is placed in an inactive file upon discontinuance of membership, held for two years and then retired to the Federal Records Center.

System manager(s) and address: Federal Advisory Committee Officer; Office of General Counsel; Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

Notification procedure: Same as the above.

Record access procedures: A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Access requests will be directed to the System Manager listed above.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: Sources of information are supplied directly by individuals about whom the record pertains, references, recommendations, program personnel, and biographical reference books.

Systems exempted from certain provisions of the act: None.

JUSTICE/INS - 001

System name: THE IMMIGRATION AND NATURALIZATION SERVICE INDEX SYSTEM WHICH CONSIST OF THE FOLLOWING SUBSYSTEMS.

A. Agency information control record index.
B. Alien address report index.
C. Alien enemy index.
D. Automobile decal parking identification system for employees.
E. Centralized index and records relating to, but not limited to aliens lawfully admitted for permanent residence and United States citizens (Master index).
F. Congressional Mail Unit correspondence control index.
G. Document vendors and alterers index (Service documents).
H. Enforcement branch indices:
  1. Air detail office index system.
  2. Anti-smuggling index (general).
  3. Anti-smuggling information centers systems for Canadian and Mexican borders.
  4. Border Patrol Academy index.
  5. Border Patrol sectors general index system.
  6. Contact index.
  7. Criminal, immoral, narcotic, racketeer, and subversive indices.
  8. Enforcement correspondence control index.
  9. Fraudulent document center index system.
  10. Informant index.
  11. Suspect third party index.
I. Examinations correspondence control index.
  1. Branch indices.
  2. Service lookout system.
J. Extension training program enrollees.
K. Finance section indices.
  1. Accounts with creditors.
  2. Accounts with debtors.
L. Freedom of Information correspondence control index
M. Intelligence index.
N. Microfilmed manifest records
O. Naturalization and citizenship indexes.
  1. Naturalization and citizenship docket cards.
  2. Examiner's docket lists of petitioners for naturalization.
  3. Master docket list of petitons for naturalization pending one year or more.
P. Personnel investigations index.
Q. Procurement - property issued employees.
R. Security system access clearance information index system.
S. White House and Attorney General correspondence control index.
T. Health Record System.
U. Personal Data Card System.
V. Compassionate Cases System.

W. Emergency Reassignment Index.

System location:

A. Central Office: 425 'I' Street; N.W. Washington; D.C. 20536.
B. Regional Offices:
  1. Burlington, Vermont
  2. Fort Snelling, Twin Cities, Minnesota
  3. Richmond, Virginia
  4. San Pedro, California
C. District Offices in the United States:
  1. Anchorage, Alaska
  2. Atlanta, Georgia
  3. Baltimore, Maryland
  4. Boston, Massachusetts
  5. Buffalo, New York
  6. Chicago, Illinois
  7. Cleveland, Ohio
  8. Denver, Colorado
  9. Detroit, Michigan
  10. El Paso, Texas
  11. Hartford, Connecticut
  12. Helena, Montana
  13. Honolulu, Hawaii
  14. Houston, Texas
  15. Kansas City, Missouri
  16. Los Angeles, California
  17. Miami, Florida
  18. Newark, New Jersey
  19. New Orleans, Louisiana
  20. New York, New York
  21. Omaha, Nebraska
  22. Philadelphia, Pennsylvania
  23. Phoenix, Arizona
  24. Portland, Maine
  25. Portland, Oregon
  26. St. Albans, Vermont
  27. St. Paul, Minnesota
  28. San Antonio, Texas
  29. San Francisco, California
  30. San Juan, Puerto Rico
  31. Seattle, Washington
  32. Washington, D.C.
D. District offices in foreign countries:
  1. Hong Kong, B.C.C.
  2. Mexico City, Mexico
  3. Rome, Italy
E. Sub Offices:
  1. Agana, Guam
  2. Albany, New York
  3. Cincinnati Ohio
  4. Dallas, Texas
  5. Hammond, Indiana
  6. Harlingen, Texas
  7. Las Vegas, Nevada
  8. Memphis, Tennessee
  9. Milwaukee, Wisconsin
  10. Norfolk, Virginia
  11. Pittsburgh, Pennsylvania
  12. Providence, Rhode Island
  13. Reno, Nevada
  14. St. Louis, Missouri
  15. Salt Lake City, Utah
  16. San Diego, California
  17. Spokane, Washington
F. Border Patrol Sector Headquarters:
  1. Blaine, Washington;
  2. Buffalo, New York;
  3. Chula Vista, California;
  4. Del Rio, Texas;
  5. Detroit, Michigan;
  6. El Centro, California;
  7. El Paso, Texas;
  8. Grand Forks, North Dakota;
  9. Harve, Montana;
  10. Houlton, Maine;
  11. Laredo, Texas;
  12. Livermore, California;
  13. Marfa, Texas;
  14. McAllen, Texas;
  15. Miami, Florida;
  16. New Orleans, Louisiana;
  17. Ogdensburg, New York;
  18. Spokane, Washington;
  19. Swanton, Vermont;
  20. Tucson, Arizona;
  21. Yuma, Arizona
G. Border Patrol Academy - Los Fresnos, Texas
H. Charlotte Amalie, St. Thomas, Virgin Islands
I. Sub offices in foreign countries:
  1. Athens, Greece
  2. Frankfurt, Germany
  3. Naples, Italy
  4. Palermo, Italy
  5. Rome, Italy
  6. Tokyo, Japan
  7. Vienna, Austria

Addresses of each office are listed in the telephone directories of the respective cities listed above under the heading 'United States Government, Immigration and Naturalization Service'.

Categories of individuals covered by the system:

A. Agency information control record index (Location A, supra)
  1. United States citizens, resident and non-resident aliens named in documents classified for National Security reasons.
  2. Individuals referenced in documents classified for National Security reasons.

B. Alien address reports (Form I-53), 1975 and subsequent years. (Locations: C, D, and H supra).

C. Alien enemy index (Location: A supra)
  1. Alien enemies who were interned during World War II.
  2. Americans of Japanese ancestry (Nisei) who returned to Japan and, during World War II, either accepted employment by the Japanese Government or became naturalized in Japan.

D. Automobile decal parking identification for employees. (Location B-4 supra).
  Current Service employees of this office who have the privilege of parking their cars on government premises, have a decal for their cars for parking identification.

E. Centralized index (Master index). (Locations: A, C, D, E and I supra)
  1. Aliens lawfully admitted for permanent residence, and United States citizens; and individuals who are under investigation, were investigated in the past, or who are suspected of violating the criminal or civil provisions of treaties, statutes, Executive orders and Presidential proclamation administered by the Immigration and Naturalization Service, hereinafter referred to as the Service, and witnesses and informants having knowledge of such violations.

F. Congressional Mail Unit (Location A, supra)
  1. Aliens lawfully admitted for permanent residence and United States citizens named in correspondence received including, but not necessarily limited to: a. employees and past employees; b. federal state and local officials; and c. members of the general public.
  2. Aliens lawfully admitted for permanent residence and United States citizens named in reports or correspondence received, as individuals investigated in the past or under active investigations for, or suspected of violations of, the criminal or civil provisions of statutes enforced by the Service, including Presidential proclamations and Executive orders relating thereto, and witnesses and informants having knowledge of violations.

G. Document vendors and alterers index (Service documents) (Location B-4; duplicates are housed in several Service offices in the southwest region). This index relates to, but is not limited to, aliens lawfully admitted for permanent residence and United States citizens.

H. Enforcement Branch Indices
  1. Group one -- (Locations: A, B, C and E, supra) - contact index; informant index; anti-smuggling index (General); criminal, immoral, narcotic, racketeer and subversive indices; and suspect third party index -- all relate to same general categories of individuals as follows:
    (a) Aliens lawfully admitted for permanent residence, and citizens who are in a position to know or learn of, and assist in locating aliens illegally in the United States.
    (b) Aliens lawfully admitted for permanent residence, and citizens who are former or present members of an organization subversive in nature, whether foreign or

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domestic, and are willing to appear as government witnesses to testify as to their knowledge of an individual's membership therein, or as to the nature, aims and purpose of the organization, or as to the identification, publication, distribution and authenticity of the literature of such organization, or are in possession of information relative to such organization or on specific individuals and are willing to cooperate with the Immigration and Naturalization Service, or who although they have not been members of subversive organizations, are in possession of information relating to such organizations or members thereof, and are willing to cooperate with the Service on a continuing basis;

(c) Aliens lawfully admitted for permanent residence, and citizens who are known or suspected of being professional arrangers, transporters, harborers, and smugglers of aliens, who operate or conspire to operate with others to facilitate the surreptitious entry of an alien over a coastal or land border of the United States and witnesses having knowledge of such matters;

(d) Aliens lawfully admitted for permanent residence and citizens who are known or suspected of being habitual or notorious criminals, immorals, narcotic violators or racketeers, or subversive functionaries or leaders;

(e) Aliens lawfully admitted for permanent residence, and citizens who are known, or are believed, to be engaged in fraud operations involving the preparation and submission of visa petitions and other applications for Service benefits, or the preparation and submission of applications for immigrant visas and/or Department of Labor certifications, or the filing of false United States birth registrations for alien children to enable parents who are immigrant visa applicants to evade the labor certification requirements or to enable such children to pose as citizens.

2. Group two -- relate to specific categories of individuals as follows:

(a) Air detail office index system (Location: F, 21, supra) (1) The majority of the system contains information relating to United States citizens and aliens lawfully admitted for permanent residence who are pilots and/or owners of private aircraft and who have engaged in flying between the United States and foreign countries. (2) The system also contains information of an investigative nature relative to pilots, owners, and associates, including United States citizens and aliens lawfully admitted for permanent residence, who engage in, or are suspected of being engaged in, illegal activity, such as alien smuggling or entry without inspection.

(b) Anti-smuggling information centers for the Canadian border and Mexican border. (Location: Northern Border: F-19, supra - Southern Border: F-21, supra). Categories of individuals include United States citizens and aliens lawfully admitted for permanent residence who are smugglers or transporters of illegal aliens, or who are suspects in the violation of statutes relating to smuggling and transporting illegal aliens.

(c) Border Patrol Academy index system -- (Location: G, supra). United States citizens who are: students in attendance at the Border Patrol Academy; former students who have attended the Academy; and officers attending advanced training classes at the Academy.

(d) Border Patrol Sectors general index -- (Locations: F, supra). (1) United States citizens who are past or present employees of the Service; and (2) United States citizens and aliens lawfully admitted for permanent residence classified as law violators, witnesses, contacts, informants, members of the general public, federal, state, county and local officials.

(e) Fraudulent Document Center index system -- (Location: F-21, supra). The system contains information relating to United States citizens and/or aliens lawfully admitted for permanent residence categorized as members of the general public, Notaries Public, state and local birth registration officials and employees, immigration law violators, vendors of documents, donors of documents, midwives and witnesses. Also inchided in the system are names and information of fictitious non-existent individuals such as may be used by counterfeiter or alterer of citizenship documents.

3. Group three --

(a) Enforcement correspondence control index -- (Location: A, supra -- Associate Commissioner, Enforcement). (1) Aliens lawfully admitted for permanent residence and citizens of the United States named in corresppondence received, including but not necessarily limited to: a. employees and past employees; b. federal, state, and local officials; and c. members of the general public. (2) Aliens lawfully admitted for permanent residence and citizens of the United States named in documents, reports or correspondence received as individuals under investigation, or investigated in the past, or suspected of violation of the criminal or civil provisions of the statutes enforced by the Service, including Presidential Executive Orders and Proclamations relating thereto, and witnesses and informants having knowledge of violations.

I. Examinations branch indexes (Location: A, supra (duplicates are in some local offices)) Aliens lawfully admitted for permanent residence and United States citizens and individuals who are violators or suspected violators of the criminal or civil provisions of statutes enforced by the Service.

J. Extension training program enrollees (Location: A, supra) contains the names of Service employees, and other federal agency employees enrolled in extension training program courses.

K. Finance Section indexes -- (Locations: A and B, supra)

1. Individuals who are indebted to the United States Government for goods, services, or benefits or for administrative fines and assessments;
2. Employees who have received travel advances or overpayments from the United States Government, who are in arrears in their accounts, or who are liable for damage to Government property,
3. Vendors who have furnished supplies, material, equipment and services to the Government;
4. Employees, witnesses and special deportation attendants who have performed official travel; and
5. Employoees and individuals who have a valid claim against the Government.

L. Freedom of Information correspondence control index (Locations: A; B; C; D; E; F; G; H and I, supra) Individuals who request, under the Freedom of Information Act, access to, or copies of, records maintained by the Service.

M. Intelligence index -- (Locations: A and B, supra) Aliens who have been lawfully admitted to the United States for permanent residence and United States citizens, who have, or who are suspected of having, violated the criminal or civil provisions of the statutes enforced by the Service.

N. Microfilmed manifest records -- (Locations: A, C-26, C-10, C-20, and C-29, supra) Aliens lawfully admitted for permanent residence to the United States and United States citizens.

O. Naturalization and citizenship indexes.

1. Naturalization and citizenship docket cards (Locations: C and E supra, except E-6, 7, 8 and 13). Aliens lawfully admitted for permanent residence and citizens of the United States, and other individuals seeking benefits under Title III of the Immigration and Nationality Act of 1952, as amended.
2. Examiner's docket lists of petitioners for naturalization. (Locations: C and E supra, Except E- 6, 7, 8, and 13.) Petitioners for naturalization and beneficiaries
3. Master docket list of petitioners for naturalization pending one year or more. (Locations: A, B, C and E supra, Except E-6, 7, 8 and 13.) Petitioners for naturalization and beneficiaries.

P. Personnel Investigations -- (Location: A, supra) Employees, former employees, other Government agency employees designated to perform immigration functions, witnesses, informants, and certain persons having contacts with Service operations.

Q. Property issued to employees -- (Locations: A, B, C, E and F, supra). Employees of the Service who have been issued property and have in addition signed for receipt of the property on Form G-570.

R. Security system -- (Location: A supra). United States citizens and aliens lawfully admitted for permanent residence to the United States currently employed with the Service who have been cleared for access to documents and materials classified in the interest of National Security.

S. White House and Attorney General correspondence control index -- (Location: A, supra). Citizens and aliens lawfully admitted for permanent residence to the United States named in correspondence received, including, but not necessarily limited to: (a) employees and past employees of the Service; (b) federal, state and local officials; and (c) members of the general public.

T. Health Record System (Location: A, supra). Persons at Location A, supra, who need health services or who require emergency treatment.

U. Personal Data Card System (Locations: A and B, supra). Employees and former employees of the Service.

V. Compassionate Cases System. (Locations: A and B-1 and 4, supra). Employees of the Service.

W. Emergency Reassignment Index (Locations: B, C, E and F). Employees of the Service.

Categories of records in the system:

A. Agency information control record index system contains.

1. Top secret and secret material originated, received or transmitted by Service officers that has been classified as National Security information including all copies prepared from a controlled document.
2. Confidential material originated by another agency which is received by this Service including all copies prepared from a controlled document.
3. All investigative reports, responses to security checks, and material of an intelligence nature concerning individuals, organizations, movements, conditions in foreign countries, received from sources within the Department of Justice and other federal intelligence sources.

B. Alien address report index. This system contains information such as name, address, occupation, date of admission into the United States and Alien Registration number.

C. Alien enemy index. This system contains a microfilm index of each file opened on these individuals.

D. Automobile decal parking identification system for employees vehicles. This system contains a list by number of each DJ decal car sticker issued by the Security Division to regional employees who require car parking permission.

E. Centralized index and records relating to permanent resident alliens, and citizens of the United States (Master index). The system consists of records relating to the categories of individuals described in E-1, supra. The records contain various Service forms, applications and petitions for benefits under the immigration and nationality laws, reports of investigation, sworn statements, and reports, correspondence and memoranda.

F. Congressional mail unit. This system contains a permanent index record for each report or piece of correspondence received. Information maintained in the index of this subsystem is that which is entered on a 3' x 5' index card. The index record is solely a locator reflecting the name of the individual and the number of the file in which specific information concerning the individual is maintained.

G. Document vendors and alterers index (Service documents). This system consists of 'mug book' containing photos of alleged immigration law violators involved in the supply of fradulent documents, and data relating to the pictured violators including: name, aliases, vital statistics, method of operation, list of convictions, present location, and source material.

H. Enforcement branch.

1. Group one -- contact index; informant index; anti-smuggling index (general); criminal, immoral, narcotic, racketeer and subversive indices; and suspect third party index: These systems of records are maintained on the following.
   (a) Form G-598, 'Contact Record'.
   (b) Form G-169, 'Informant Record'.
   (c) Form G-170, 'Smuggler Information Index Card'.
   (d) Alphabetical index cards reflecting the name of the individual and the file in which specific information concerning the individual is housed. Some index cards reflect the individual's biographic data, address, etc., and may contain a brief description of the individual's activities.
2. Group two.
   (a) Air detail office index. The primary record in the system is Form I-92A, Report of Private Aircraft Arrival, which is executed by the inspecting official upon arrival of a private aircraft from foreign territory. There are also indices, forms, investigative reports, records, and correspondence relative to aircraft arrivals, failure to report for inspection, and known or suspected alien smuggling operations wherein aircraft are utilized. In addition, microfiche containing names of owners of aircraft of United States registry are maintained at this location.
   (b) Anti-smuggling information centers for the Canadian and Mexican borders. This system contains G-170, Smuggler Information Index Card, other index cards, and correspondence relating to anti-smuggling activities. Two indices of active smugglers are compiled, one for the Canadian border and the other for the Mexican border area. These indices are in loose leaf booklet form and are distributed to Border Patrol offices in the respective border areas.
   (c) Border Patrol Academy index. This system contains general information and correspondence regarding the student's academic progress in training. Thee information is maintained on the following forms. (1) SW 91 - Probationary Achievement Report. (2) SW 91A - Scholastic Grade Worksheets. (3) SW 91B-10 BTC Achievement Report Immigration Inspector. (4) SW 91C - 10 BTC Achievement Report Investigator. (5) SW 96 - Class Rating Form. (6) SW 128 - Training Data. (7) SW 282 - Registration Information Form. (8) 446 - Conduct and Efficiency Report of Probationary Employee 5 1/2 and 10 months exam grades.
   (d) Border Patrol sectors general index. (1) This system contains indices, forms, reports and records relating to activities of the Border Patrol. Included in the various segments of the system are the following numbered and titled forms: a. Form I-44 - Record of Apprehension or Seizure; b. Form I-215W - Affidavit - witness; c. Form I-263A and I-263B - Record of Sworn Statement; d. Form I-195 - Criminal Prosecution Control Card; e. Form I-263W - Records of Sworn Statement - witness; f. Form I-326 - Prosecution Reports; g. Form G-170 - Smuggler Information Index Card; h. Form G-296 - Report of Violation of Section 239, Immigration and Nationality Act; i. Form G-330 - Notice of Action Information; j. Form G-445 - Conduct and Efficiency Evaluation of Probationary Appointees; and k. Form G-598 - Contact Record. (2) This system also contains copies of correspondence and memoranda between offices of the Service and with outside agencies and individuals, as well as photographs of some violators of the immigration laws or of individuals suspected of being involved in immigration law violations. (3) The Service lookout book and booklets of indexes of active smugglers are at each location; however, these are duplicated records which are reported separately in other systems of records.
   (e) Fraudulent document center index. This system contains birth certificates, baptismal certificates, and other indentification documents used by aliens to support their fraudulent claims to United States citizenship. Most of the documents are genuine, however, there are also counterfeit and altered documents in the system. Also within the system are cross indexes, investigative reports, and records of individuals involved in fraud schemes and of individuals whose documents have been put to fraduulent usage. Correspondence and memoranda between the Fraudulent Document Center and other Service Offices, outside agencies and individuals are retained.
3. Group three.
   (a) Enforcement correspondence control index. This system contains a semi-permanent index record for each document, report or piece of correspondence received. Information maintained in the system is that which is entered on Form G-617, 'Correspondence Control Card', and CO Form 147, 'Call-Up Index - Domestic Control'. The index record is primarily a locator reflecting the name of the individual and the file in which specific information concerning the individual is housed.

I. Examinations branch.

1. Examinations correspondence control index: contains a semi-permanennt index record for each document, report or piece of correspondence received. Information maintained in the system is that which is entered on Form G-617, 'Correspondence Control Card'. The index record is primarily a locator reflecting the name of the individual and the file in which specific information concerning the individual is housed.
2. Service lookout system contains names of violators, alleged violators and suspected violators of the criminal or civil provisions of statutes enforced by the Service.

J. Extention training program enrollees. The system contains a folder for each enrollee. Each folder contains a complete record of the enrollee's test scores, correspsondence and dates of every action taken with regard to the mailing of lesson materials, receipt of tests, scoring and mailing out test results and dates certificates were completed and mailed.

K.

1. Accounts with creditors. The records consist of vendors' invoices, purchase orders, travel vouchers and claims filed

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by appropriation for the fiscal year from which payment is chargeable.

2. Accounts with debtors. The records consist of bills for inspection services performed under the Act of March 2, 1931 (8 U.S.C. 1353a); fees, fines, penalties and deportation expenses assessed pursuant to the Immigration and Nationality Act; and employee indebtedness for travel advances, for the unofficial use of Government facilities and services, for damage to or loss of Government property, and for the erroneous or overpayment of compensation for travel expenses.

L. Freedom of Information correspondence control index. The system contains an index record for each piece of correspondence received requesting information under the Freedom of Information Act.

M. Intelligence index. This system contains a semi-permanent index record for each document, report, bulletin or correspondence received. The index is categorized by name, violation, and activity. The index is primarily a locator reflecting the category, source of material and specific housing of information.

N. Microfilmed manifest records. Microfilmed indices, and arrival and departure manifests reflecting brief biographical data and facts of arrival or departure. The arrival records for certain ports date from 1891 and departure records date from 1900. The records are not complete; certain records were destroyed and were not microfilmed.

O.

1. Naturalization and citizenship docket cards. Docket cards consist of 3' x 5' or 5' x 8' index cards arranged alphabetically according to name of applicant, beneficiary or petitioner, indicating type of application submitted, date of receipt, file and/or petition number, and court number wherein petition for naturalization was filed. The docket cards are locators for the files in which specific information concerning the individuals is maintained.
2. Examiner's docket lists of petitioners for naturalization. Lists of petitioners for naturalization (Form N-476) are arranged chronologically for each court exercising naturalization jurisdiction, showing petition number, petition filing date, file number, court number, name of petitioner for naturalization, name of beneficiary in whose behalf a petition is filed, proposed recommendation by the naturalization examiner and reasons for the continuance. The lists serve as locators for the files in which specific information concerning the petitioners is maintained.
3. Master docket lists of petitions for naturalization pending one year or more. Master docket lists of petitions for naturalization (Form N-476) pending for a year or more are arranged chronologically for each court exercising naturalization jurisdiction showing the petition number, petition filing date, petitioner's name, recommendation and issues and reason why petition is still pemding. The lists serve as locators for the files in which specific information concerning the petitioners is maintained.

P. Personnel investigations index. Contains two separate card index files, one for cases under active investigation, and the other for formerly active cases now closed. These cards are locator cards listing names of investigation subjects, their locations, and the allegations under investigation. Two relating sets of temporary work folders exist housing open/closed allegations of misconduct and investigative reports.

Q. Property issued to employees. The records consist of a Form G-570, 'Record-Receipt-Property Issued to Employee,' which lists property issued to an employee. The Form G-570 lists the employee's name, description of the property, serial number, date received and employee's initials, and finally date returned and supervisor's intials.

R. Security system index. The system is comprised of 3' x 5' index cards filed alphabetically which reflect levels of access clearances granted to employees of the Service and the dates when the clearances were granted.

S. White House and Attorney General correspondence control index. Contains an index record for each piece of correspondence addressed to the President and the Attorney General, with certain exceptions, which has been referred to this Service for appropriate attention. Information maintained in the system is that which is entered on Form G-617, 'Correspondence Control Card'. The index record is primarily a locator reflecting the name of the correspondent and/or the subject individual of the correspondence and the file in which specific information concerning the individual is housed.

T. Health Record System. The record consists of a 5' x 7' index card that lists the name, date and treatment given any person in the Health Unit.

U. Personal Data Card System. The record consists of a 3' x 5' card for each employee or former employee (G-74). The entries on the card (G-74) include name, date of birth, height, weight, sex, blood type, photograph, and color of hair and eyes.

V. Compassionate Cases System. The reccord consists of a 3' x 5' index card containing employee's name, position, grade, present location, date request received in Central Office, date circulated to compassionate committee, disposition, new location of employee whose request is granted; and a folder containing copy of employee's Form G-410, employee's request (memo), local and regional recommendations, doctor's statement (where applicable), record of committee action, and response to employee.

W. Emergency Reassignment Index. The record consists of 3' x 5' card (G-560) which reflects the name, age, grade, title, official station, residence, telephone number and emergency assignment activity.

Authority for maintenance of the system:

A. General, applicable to all Service index systems, includes but is not limited to: Sections 103, 265 and 290 and Title III of the Immigration and Nationality Act, hereinafter referred to as the Act (66 Stat. 163), as amended, (8 U.S.C. 1103; 8 U.S.C. 1305; 8 U.S.C. 1360), and the regulations pursuant thereto.

B. Specific, applicable to some of the indices, including but not limited to: (1) Executive Order 11652, and 28 C.F.R. 17.79 - agency control information record index, and access clearance information system. (2) 31 U.S.C. 66a - Finance branch indices. (3) Title III of the Act, as amended, (8 U.S.C. sections 1401 through 1503), and the regulations promulgated thereunder - naturalization and citizenship indices. (4) Sections 235 and 287 of the Act, as amended, (8 U.S.C. 1225; and 8 U.S.C. 1357), and the regulations promulgated pursuant thereto in personnel investigations. (5) Section 231 of the Act, as amended, (8 U.S.C. 1221) - manifest records. (6) 40 U.S.C. 483 - property management system. (7) 5 U.S.C. 4113 - extension training program. (8) 5 U.S.C. 552. The Freedom of Information Act, requires certain record keeping, this system was established and is maintained in order to enable the Service to comply with this requirement. (9) 5 U.S.C. 301 - Health Record System, Personal Data Card System, and Compassionate Cases System. (10) Executive Order 11490 - Emergency Reassignment Index.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system of records is used to serve the public by providing data for responses, when authorized, to written inquiries, complaints, and so forth. It is also used to administer the management, operational, and enforcement activities of the Service. The records are used by officers and employees of the Service and the Department of Justice in the administration and enforcement of the immigration and nationality laws, and related statutes, including the processing of applications for benefits under these laws, detecting violations of these laws, and for referrals for prosecution.

Relevant information contained in this system of records maintained by the Service to carry out its functions may be referred, as a routine use, to clerks and judges of courts exercising naturalization jurisdiction for the purpose of filing petitions for naturalization and to enable such courts to determine eligibility for naturalization or grounds for revocation of naturalization.

Relevant information contained in this system of records maintained by the Service to carry out its functions may be referred, as a routine use, to the Department of State in the processing of petitions or applications for benefits under the Immigration and Nationality Laws Act, and all other immigration and nationality laws, including treaties and reciprocal agreements.

Relevant information contained in this system of records maintained by the Service to carry out its functions may be provided, as a routine use, to other federal, state, and local government law enforcement and regulatory agencies, foreign governments, the Department of Defense, including all components thereof, the Department of State, the Department of the Treasury, the Central Intelligence Agency, the Selective Service System, the United States Coast Guard, the United Nations, Interpol, and individuals and organizations during the course of investigation in the processing of a matter or a proceeding within the purview of the immigration and nationality laws, to elicit information

required by the Service to carry out its functions and statutory mandates.

In the event that this system of records maintained by the Service to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in this system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforceing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

In the event that this system of records maintained by the Service to carry out ist functions indicates a violation or potential violation of the immigration and nationality laws, or of a general statute within Service jurisdiction, or by regulation, rule, or order issued pursuant thereto, the relevant records in this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal and to opposing counsel in the course of discovery.

A record from this system of records may be disclosed, as a routine use, to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

A record from this system of records may be disclosed, as a routine use, to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a decision of this Service concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Indication of a violation or potential violation of the laws of another nation, whether civil or criminal, may be referred to the appropriate foreign agency charged with the responsibility of investigating or prosecuting such violation or charged with enforceing or implementing such laws; indication of any such violation or potential violation may also be referred to international organizations engaged in the collection and dissemination of intelligence concerning criminal activity.

Relevant information contained in this system of records may be disclosed, as a routine use, to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: General.

Storage: Generally, information is stored manually; in some instances, in antomated index systems. The actual records relating to individuals are stored in file folders at the addresses located in locations A, B, C, E, F and H, supra.

Retrievability: In general, records are indexed alphabetically by name and/or 'A' file number or petition and court number, some include date and port of entry. They are generally retrieved manually, and in some cases can be retrieved electronically.

Safeguards: Each system of records is safeguarded and protected in accordance with Department of Justice and Service rules and procedures.

Retention and disposal:

a. The period of retention for alien registration records is 100 years from the closing date or date of last action.

b. Materials retained in correspondence portion of subject files are normally retained no longer than two years and are then either microfilmed or destroyed by burning.

c. Materials retained in policy portions of subject files are retained indefinitely.

d. Indexes and records not enumerated above are generally retained only so long as they serve a useful purpose.

e. Microfilmed manifest records are retained permanently.

f. Freedom of Information Act index cards and materials kept in the correspondence portion of files are retained for one year; the disposal is by burning, shredding or pulverizing.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Exceptions to the general practices above:

Storage:

a. Air detail office index systems. Forms I-92 are filed in rotary index machines by calendar year. Suspect files are in letter size cabinets, both are operated manually.

b. Alien address reports, I-53, are microfilmed from 1975 and subsequent. In 1973 and 1974 they are filed in cabinets in Service offices and in Federal Record Centers.

c. Alien enemy index information is maintained in the system and is on microfilm. The actual filess are stored in Federal Record Centers.

d. Intelligence indices, are stored not by name, but by organization, activity or violation.

e. Some systems are stored numerically, or by subject, or by court and petition number or time sequence, as well as alphabetically.

Retrievability: Aircraft data is filed in numerical sequence (air detail office index system).

Retention and disposal:

a. Access clearance index is maintained on a current basis. Cards comprising the index are destroyed upon the resignation, death or retirement of the employee.

b. Air detail office index, Form I-92A, forms information is retained for 5 years.

c. Border Patrol examination papers are destroyed 6 months after the trainee officer completes his probationary year.

d. Finance indices: Accounts with creditors and debtors are retained by the Service for 2 years from the close of the fiscal year to which they relate and are then transferred to the Federal Record Centers pending their ultimate disposition. The records are disposed of in accordance with General Service Administration regulations.

e. Intelligence indices: Intelligence bulletins are retained indefinitely.

f. Index Form G-617 is maintained for three years, then destroyed. However, in the White House and Attorney General Correspondence Indexes, form G-617 information is retained through the administration of each President and one year beyond.

g. Index Form CO - 147 is maintained until the subject matter is finally acted upon and is then destroyed.

h. Personnel investigations are generally destroyed in June of the year following the one year anniversary of the close of the investigation. Operation Clean Sweep cases are being retained as a package until the program is terminated. Criminal matters of unusual sensitivity are retained as long as there is a useful need.

i. Health Unit records: The records are retained for a period of 6 years after the date of the last entry therein. The records are disposed of by burning, shredding, macerating or pulverizing.

j. Indexes relating to law violators and witnesses are retained for 3 years and then destroyed. General correspondence is retained for no longer than 2 years. Investigative matters of a routine nature may be disposed of when the investigation is closed. Information on present and past employees is retained only as long as such information serves a useful purpose.

k. Naturalization examiners docket lists and master docket lists of petitioners for naturalization are retained for two years, disposal is by tearing, shredding, pulverizing, or burning. Naturalization and citizenship docket cards are purged after applications are rejected, closed, petitions non-filed, applications granted or denied, or petitions for naturalization granted, or denied, the disposal is by tearing the cards.

l. Personal Data Card System: The record is retained for a period of 3 years after an employee is separated and then destroyed (Location: A, supra). The record is ratined until an employee is separated and then destrroyed (Location: B, supra). The records are disposed of by burning, shredding, macerating or pulverizing (Locations: A and B, supra).

m. Compassionate Cases System: The records are retained for 3 years and then destroyed. The records are disposed of by burning, shredding, macerating or pulverizing.

n. Emergency Reassignment Index: The records are retained on a current basis and are destroyed upon the transfer, separation, retirement or death of the employee. The records are destroyed by burning.

System manager(s) and address:

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A. The system manager, service-wide is the Associate Commissioner, Management (Location: A supra)

B. The Associate Commissioner, Management is the sole manager of the following systems:

1. Agency information control record index;
2. Alien address report (I-53);
3. Alien enemy index;
4. Centralized index (Master index);
5. Congressional mail unit index;
6. Document vendors and alterers;
7. Enforcement correspondence control index;
8. Examinations correspondence control index;
9. Finance unit indexes;
10. Freedom of Information Act correspondence control index;
11. Intelligence indexes;
12. Microfilmed manifest records;
13. Property issued to employees;
14. Access clearance information system; and
15. White House and Attorney General correspondence control index.
16. Health Record System.

C. The following official for Service personnel investigations: Director, Internal Investigations (Location: A supra).

D. The following officials (for inquiry for special need) by category:

1. Alien address reports for portion of system maintained: (a) Associate Commissioner, Management; (b) District Directors (Locations: C supra); and/or (c) Officers in Charge - (Locations: - E supra).
2. Investigation units indices for: Contact index; enforcement index; anti-smuggling index (general); criminal, immoral, narcotic, racketeer and subversive indices; and suspect third party index, the managers are the ranking Service officer, of the Service offices in which such indices are maintained - (Location: A, B, C and E supra).
3. Border Patrol unit indices. (a) Air detail office index: Chief Patrol Agent (Location: F-21 supra). (b) Anti-smuggling information center: (1) Canadian Border: Chief Patrol Agent (Location: F-19 supra); and (2) Mexican Border: Chief Patrol Agent (Location: F-21 supra). (c) Fraudulent Document Center: Chief Patrol Agent (Location: F-21 supra). (d) Border Patrol Academy: Chief Patrol Agent (Location: G supra). (e) Border Patrol sector general indices: Chief Patrol Agent (Location: F-1 thru 21 supra).
4. Assistant Regional Commissioner, Security (Location: B-4 supra) For automobile decal identification system.
5. Chief, Employee Development Branch. Office of Assistant Commissioner, Personnel (Location: A supra) for extension training program enrollee file.
6. Naturalization and Citizenship indexes. (a) Naturalization and citizenship docket cards: District Directors and Officers in Charge (Locations: C and E supra, except E-6, 7, 8 and 13). (b) Docket lists of Petitioners for Naturalization Form N-476: District Directors and Officers in Charge (Locations: C and E supra, except E-6 and 8). (c) Docket lists of petitions pending at least one year (Form N-476): The Associate Commissioner Mgt. (Location: A supra), Regional Commissioners (Location: B supra), District Directors and OIC's (Locations: C and E supra, except E-6, 7, 8 and 13).
7. Personal Data Card System: Associate Commissioner, Management (Location: A, supra); Regional Commissioners (Location: B, supra).
8. Compassionate Cases System: Associate Commissioner, Management (Location: A, supra); Regional Commissioners (Locations: B-1 and 4, supra).
9. Emergency Reassignment Index: Regional Commissioners (Location: B, supra); District Directors (Location: C, supra); Officers in charge (Location: E, supra); and Chief patrol agents (Location: F, supra).

Notification procedure:

A. Address inquiries to the respective systems managers listed in System Manager supra, except Finance unit inquiries shall be addressed to the office of the Service at which the individual did business (for locations see Location supra) and Freedom of Information Act inquiries shall be addressed to the office of the Service nearest the requestor's place of residence, or if known, the office of the Service where the requestor knows his record is located.

B. Systems totally exempt from disclosure pursuant to 5 U.S.C. 552a (j) and (k).

1. Agency information control index system.
2. Anti-smuggling index (general).
3. Anti-smuggling information centers system for Canadian and Mexican Borders.
4. Contact index.
5. Criminal, immoral, narcotic, racketeer and subversive indexes.
6. Document vendors and alterers index.
7. Informant index.
8. Intelligence indexes.
9. Service look out system.
10. Suspect third party index.
11. Emergency Reassignment Index.

Record access procedures: In all cases, requests for access to a record from any record subsystem shall be in writing or in person; if request for access is made in writing, the envelope and letter shall be clearly marked 'Privacy Access Request'. The requester must include a description of the general subject matter and, if known, the relating numerical identifier. The request must also include sufficient data to identify a relating record, such as the individual's full name, date and place of birth, and if appropriate, the date and place of entry into the United States, or departure from the United States. The requester shall also provide a return address for transmitting the information. Most of the systems contain records which the Attorney General has exempted from disclosure pursuant to 5 U.S.C. 552a (j) and (k) and records which are classified pursuant to Executive order. The requester will be accorded access to the records relating to himself only to the extent that such records are not within the scope of exemptions and are not classified.

Contesting record procedures: Any individual desiring to contest or amend information maintained in the system should direct his request to the office of this Service nearest his residence, or in which he believes a record concerning him may exist, (see Notification, supra), stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

Record source categories: The basic information contained in these records is supplied by the individual on Department of State and Service applications and reports; inquiries and/or complaints from members of the general public, members of the Congress; referrals of inquiries and/or complaints directed to the White House or to the Attorney General by members of the general public; Service reports of investigation, sworn statements, correspondence and memoranda; official reports, memoranda and written referrals from other government agencies, including Federal, state and local; from the various courts and regulatory agencies; and infromation from foreign government agencies and international organizations.

The source of the data in the Freedom of Information Act correspondence control index is those individuals who seek information under that Act.

The information contained in the Emergency Reassignment Index is supplied by the individual and the Associate Commissioner, Management.

Nearly all the systems contain information received from sources which are exempted from disclosure pursuant to 5 U.S.C. 552a (j) and (k).

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H) and (I), (e)(5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/TAX - 003

System name: Freedom of Information Request Files.

System location: U.S. Department of Justice; Tax Division; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Categories of individuals covered by the system: Persons who have requested information under the Freedom of Information Act.

Categories of records in the system: (a) Correspondence relating to requests for information; (b) documents relevant to appeals and lawsuits under the Freedom of Information Act.

Authority for maintenance of the system: The system is maintained to enable the Tax Division to process requests under the Freedom of Information Act (5 U.S.C. 552).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is maintained to insure the efficient processing of requests made pursuant to the Freedom of Information Act (5 U.S.C. 552).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information contained in this system is stored manually in standard file folders, alphabetically by name of the person making the request.

Retrievability: Information is retrieved manually by name of the persons making the request.

Safeguards: The system of records is stored in a file cabinet in a locked closet. Access is restricted to the Freedom of Information Unit staff on a need-to-know basis.

Retention and disposal: Destruction schedules will be developed as the needs of the system requirements become known. Presently, records are retained indefinitely.

System manager(s) and address: Assistant Attorney General; Tax Division; U.S. Department of Justice; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

Notification procedure: Inquiry concerning this system should be directed to the System Manager listed above. Inquiries should contain the inquirer's name, date and place of birth.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: (a) Persons requesting information; (b) Department of Justice employees.

Systems exempted from certain provisions of the act: None.

JUSTICE/OMF - 016

System name: Inter-Divisional Information System (IDIS), (A non-operational, deactivated system).

System location: U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Categories of individuals covered by the system: Individuals who were allegedly involved or connected with civil disturbances or other activities.

Categories of records in the system: IDIS, consisted of two subsystems. The incident subsystem was used to establish a record of various events, such as meetings and demonstrations. The subject subsystem provides individual's names, biographical sketches, and organizational affiliation(s). Some cross referencing between the two subsystems exists.

Authority for maintenance of the system: The system is currently being maintained by reason of an agreement between the Department of Justice and members of the Committee on the Judiciary of the United States Senate.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: There are no present or anticipated operational uses of IDIS records by Department of Justice personnel. IDIS material is exclusively used to respond to inquiries from citizen who are subject of the files and also may be used by litigants involved in court proceedings.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is maintained on index cards and computer produced reports stored in locked cabinets.

Retrievability: Index cards of the subject subsystem are filed alphabetically by individual name.

Safeguards: IDIS information is maintained in secured storage devices in a locked room, rendered inaccessible for any operational use and accessible by a limited number of employees who must respond to Freedom of Information Act requests and to decrees in court proceedings.

Retention and disposal: IDIS information will be maintained until such time as the legislative and executive branches of government agree to its disposal.

System manager(s) and address: Director, Information Systems Staff; U.S. Department of Justice; Office of Management and Finance; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Notification procedure: Address inquiries to the System Manager.

Record access procedures: Access to information maintained in IDIS will be granted in accordance with the procedures set forth in 28 C.F.R. 16.41. Requests for access will be directed to the System Manager.

Contesting record procedures: Requests for correction of IDIS data will be processed in accordance with the procedures set forth in 28 C.F.R. 16.53. Requests for correction will be directed to the System Manager.

Record source categories: Information in IDIS was derived from FBI reports and teletypes; U.S. Attorney Offices; the Bureau of Alcohol, Tobacco, and Firearms; U.S. Department of Treasury; citizen complaints; wire service clippings; and articles in periodicals.

Systems exempted from certain provisions of the act: None.

JUSTICE/OMF - 017

System name: Department of Justice Controlled Parking Records.

System location: U.S. Department of Justice; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

Categories of individuals covered by the system: Department of Justice employees who have applied for vehicle parking space which is assigned and controlled by the Department of Justice, per Department of Justice Order 2540.2C, November 11, 1974.

Categories of records in the system: This system contains copies of Form DOJ-362, Department of Justice Parking Space Application (DOJ Space), and Form DOJ-OT-20, Department of Justice Parking Space Application (DOJ Carpool Space), which have been completed and submitted by Department of Justice employees.

Authority for maintenance of the system: This system is established and maintained in accordance with Federal Energy Office (FEO) memorandum of January 17, 1974, Federal Management Circular 74-1 of January 21, 1974, and Federal Energy Office memorandum of April 5, 1974, as reflected in Federal Property Management (Temporary) Regulation D-47 of May 22, 1974. Operating procedures are contained in Department of Justice Order 2450.2C of November 11, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used to assign, identify and control the use of vehicle parking space for which the Department of Justice is responsible.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in a locked file cabinet.

Retrievability: These records are indexed alphabetically, by the last name of the applicant, within the organizational element.

Safeguards: Information contained in this system is unclassified and is disseminated on a need to know basis by the Office of the Director, Operations Support Staff, Office of Management and Finance.

Retention and disposal: Although these records are currently retained as long as applicants remain as employees of the Department of Justice, the establishment of a disposal schedule is still pending.

System manager(s) and address: Director; Operations Support Staff; Office of Management and Finance; U.S. Department of Justice; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Applications from employees.

Systems exempted from certain provisions of the act: None.

JUSTICE/DEA - 021

System name: Drug Enforcement Administration Accounting System (DEAAS).

System location: Drug Enforcement Administration: 1405 Eye Street, N.W.; Washington, D.C. 20537. Also field offices. See Appendix 1 for list of addresses.

Categories of individuals covered by the system: All individuals who submit vouchers requesting payment for goods or services rendered, except payroll vouchers for DEA employees. These include vendors, contractors, experts, witnesses, court reporters, travelers, relocated employees, etc.

Categories of records in the system: All vouchers paid except payroll vouchers for DEA employees.

Authority for maintenance of the system: The system is established and maintained in accordance with the Budget and Accounting Procedures Act of 1950 as amended 31 U.S.C. 66(a) and 31 U.S.C. 200(a).

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: After payment of the vouchers, the accounting data is used for the purpose of internal management reporting and external reporting to agencies such as OMB, U.S. Treasury, and the GAO.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Voucher files are maintained alphabetically by payees name.

Retrievability: Information is retrieved primarily by using the name of the payee.

Safeguards: Information contained in the system is unclassified. It is safeguarded in accordance with organizational rules and procedures.

Retention and disposal: The payment documents are retained at this location for three fiscal years (current and two prior years). The records are then shipped to a Federal Records Center for storage in accordance with the General Record Schedule published by the General Services Administration.

System manager(s) and address: Controller, Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C., 20537.

Notification procedure: Inquiries should be addressed to Freedom of Information Unit, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C., 20537.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Submitted by the payee involved.

Systems exempted from certain provisions of the act: None.

JUSTICE/DEA - 022

System name: Grants of Confidentiality Files (GCF).

System location: Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C., 20537.

Categories of individuals covered by the system: Applicants for grants of confidentiality.

Categories of records in the system: A) Requests for and actual Grants of Confidentiality; B) Correspondence relating to above; C) Documents relating to investigations of said applicants.

Authority for maintenance of the system: Pursuant to 21 U.S.C. 872 of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records are utilized for the purpose of investigating applicants prior to the granting of confidentiality. In the course of such investigations, information may be disseminated to state and local law enforcement and regulatory agencies to other federal law enforcement and regulatory agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on standard case folders.

Retrievability: The information in this system is retrieved by name of grantee.

Safeguards: This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, the records are stored in bar lock filing cabinets and access to the system is restricted to members of the DEA employees on a 'need to know basis'.

Retention and disposal: Records in this system are retained indefinitely.

System manager(s) and address: Chief Counsel; Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C., 20537.

Notification procedure: Inquiries should be addressed to: Freedom of Information Unit; Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C., 20537. Inquiries should include the inquirer's name, date, and place of birth.

Record access procedures: Same as above

Contesting record procedures: Same as above.

Record source categories: A) DEA investigative reports; B) Applicants; C) Reports from other federal, state and local agencies.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (c) and have been published in the Federal Register.

JUSTICE/DEA - 023

System name: Drug Theft Reporting System (DTR)

System location: Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C., 20537.

Categories of individuals covered by the system: Registrants of DEA.

Categories of records in the system: The system of records contains reports (DEA Form 106) listing the name and address of the firm and the type and quantity of controlled substances lost due to theft.

Authority for maintenance of the system: This system of records is maintained to enable the Drug Enforcement Administration to perform its regulatory functions under the 'Comprehensive Drug Abuse Prevention and Control Act of 1970'.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in the system is used for law enforcement and regulatory purposes. Information concerning thefts and patterns of thefts are provided to state and local law enforcement agencies for investigatory purposes. Statistics derived from the system are used for regulatory purposes. Users of this information include federal, state and local law enforcement and regulatory agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copies of the reports are grouped and maintained in standard file folders. Information from these reports is also maintained on magnetic tape.

Retrievability: The records in the system are indexed by location and date of theft occurance.

Safeguards: This system of records is maintained at DEA Headquarters which is protected by twenty-four guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to authorized DEA employees with appropriate clearances on 'a need to know basis'.

Retention and disposal: The DEA Form 106 is held for three years then destroyed. The information on the magnetic tapes is maintained for five years and then destroyed.

System manager(s) and address: Chief, Statistical and Data Services Division; Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C., 20537.

Record source categories: Firms manufacturing, distributing, wholesaling, retailing, or dispensing controlled substances that have experienced a theft of these substances.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c)(3), (d), (c)(4)(6) and (h), (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/DEA - 024

System name: DEA Applicant Investigations (DAI)

System location: Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C., 20537.

Categories of individuals covered by the system: Applicants for employment with DEA.

Categories of records in the system: Information in records may include date and place of birth, citizenship, marital status, military and social security status. These records contain investigative information regarding an individual's character, conduct, and behavior in the community where he or she lives or lived; arrests and convictions for any violations against the law; information from inquiries directed to present and former supervisors, co-workers, associates, educators, etc., credit and National Agency checks; and other information developed from the above.

Authority for maintenance of the system: 5 U.S.C. 301 and Executive Order No. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used by DEA to implement an effective screening process for applicants. To foreign, federal, state and local law enforcement and regulatory agencies, where appropriate, for referral to avoid duplication of the investigative process and where the appropriate agency is charged with the responsibility of investigating or prosecuting potential violations of law.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in standard investigative folders.

Retrievability: These records are retrieved by use of a card index maintained alphabetically by employee name.

Safeguards: These records are maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to employees of the office of Internal Security and upper level management officials. The records are stored in safe-type combination lock file cabinets.

Retention and disposal: These records are maintained indefinitely.

System manager(s) and address: Chief Inspector; Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C., 20537.

Notification procedure: Inquiries should be addressed to: Freedom of Information Unit; Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C., 20537. Inquiries should include the inquirer's name, date, and place of birth.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: DEA investigations, federal, state and local law enforcement agencies. Cooperating individuals, employees, educational institutions, references, neighbors, associates, credit bureaus, medical officials, probation officials.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements at 5 U.S.C. 553(b),(c) and (e) and have been published in the Federal Register.

JUSTICE/DEA - 025

System name: Semi-Automated Narcotics Trafficker Profiles (KISS)

System location: Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537.

Categories of individuals covered by the system: Known and suspected drug traffickers.

Categories of records in the system: Trafficker profile data are maintained on McBee edge notched cards.

Authority for maintenance of the system: This system will be maintained to provide DEA with a semi-automated intelligence capability pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970, Reorganization Plan No. 2 of 1973 and the Single Convention on Narcotic Drugs.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system will be used to produce association and link analysis reports and such special reports as required by DEA intelligence analysts. Information from this system will be provided to the following categories of users for law enforcement purposes.

A. Other federal law enforcement agencies;

B. State and local law enforcement agencies;

C. Foreign law enforcement agencies with whom DEA maintains liaison;

D. U.S. intelligence and military intelligence agencies involved in drug enforcement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on edge notched cards.

Retrievability: These records are retrievable by name and by subject matter.

Safeguards: This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, this system is stored in a GEA approved security area. Access to the system is restricted to authorized DEA personnal with appropriate clearance on a need-to-know basis.

Retention and disposal: Records in this system are kept indefinitely.

System manager(s) and address: Assistant Administrator for Intelligence; Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C., 20537.

Record source categories: A) DEA Intelligence Reports; B) Reports of other federal agencies; C) Reports of foreign agencies with whom DEA maintains liaison.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1),(2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a(j) and (k)(1). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/DEA - 026

System name: Specialized Automated Intelligence Files (NIMROD)).

System location: Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C., 20537.

Categories of individuals covered by the system: Known and suspected drug traffickers.

Categories of records in the system: Special purpose applications from which information includes, but is not limited to, comprehensive personality data, activity data, significant event data, phone numbers, addresses, and special purpose information related to individuals.

Authority for maintenance of the system: This system will be maintained to provide DEA with an automated intelligence capability pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970, Reorganization Plan No. 2 of 1973 and the Single Convention on Narcotic Drugs.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system will be used to produce association and link analysis reports and such special reports as required by DEA intelligence analysts. Information from this system will be provided to the following categories of users for law enforcement purposes: A) Other federal law enforcement agencies; B) State and local law enforcement agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on magnetic tape. Reference materials are maintained on microfiche.

Retrievability: This system is retrievable by data elements as a single entity or by a combination of data elements.

Safeguards: This system of records is maintained by DEA Headquarters which is protected by twenty-four hour guard service and surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, the system is housed in a special computer facility which meets CIA and NSA standards for intrusion, electronic and acoustic penetration. Access to the system is strictly limited to DEA intelligence analysts with appropriate clearances on a specific need-to-know basis.

Retention and disposal: Information will be maintained in the system indefinitely.

System manager(s) and address: Assistant Administrator for Intelligence; Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C., 20537.

Record source categories: A) DEA Intelligence Reports; B) Reports of other Federal agencies.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f)(g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a(j) and (k)(1). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(c) and (e) and have been published in the Federal Register.

JUSTICE/BOP - 002

System name: Freedom of Information Act Record System

V 40 N 210 OCT 30 75 XUM

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of this system are: (a) to maintain public records concerning the processing and determination of requests for information made pursuant to the Freedom of Information Act 5 U.S.C. 552; (b) to provide documentation of receipt and processing requests for information made pursuant to the Freedom of Information Act for purposes of litigation of contested denial of release of information; (c) to furnish information to employees of the Department of Justice who have a need for information from the system in performance of their duties; (d) to provide information relating to federal offenders and state courts, court personnel, and probation officials.

JUSTICE/BOP - 003

System name: Industrial Inmate Employment Record System

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of this system are: (a) to determine compensation of inmates pursuant to 18 U.S.C. 4002, 4126, 4125, 4121 et seq.; (b) to record employment history of an inmate within the Federal Prison Industries, Inc.; (c) to record disbursement of Federal Prison Industries, Inc., funds for payroll purposes; (d) to evaluate effectiveness of industrial training of inmates; (e) to evaluate authenticity of Federal Prison Industries, Inc., accounting records; (f) to provide information source to officers and employees of the Department of Justice who have need for information in the performance of their duties; (g) to provide information source to state and federal law enforcement officials for investigations, possible criminal prosecutions, civil court actions, or regulatory proceedings; (h) to provide information relating to federal offenders to federal and state courts, court personnel, and probation officials.

JUSTICE/BOP - 005

System name: Inmate Central Records System.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of this system are: (a) to provide documented records of the classification, care, subsistence, protection, discipline and programs, etc., of persons committed to the custody of the Attorney General; (b) to provide information source to officers and employees of the Department of Justice who have a need for the information in the performance of their duties; (c) to provide information source to state and federal law enforcement officials for investigations, possible criminal prosecutions, civil court actions, or regulatory proceedings; (d) to provide information source for disclosure of information that are matters solely of general public record, such as name, offense, sentence data, release date, and etc; (e) to provide information source for disclosure to contracting or consulting correctional agencies that provide correctional services for federal inmates; (f) to provide informational source for responding to inquiries from federal inmates involved or Congressional inquiries; (g) Internal Users - Employees of the Department of Justice who have a need to know information in the performance of their duties; (h) External Users - State and Federal law enforcement officials for the purposes of investigation, possible criminal prosecution, civil court actions, and regulatory proceedings; state correctional agencies providing services to federal inmates; (i) to provide information relating to federal offenders to federal and state courts, court personnel, and probation officials.

JUSTICE/BOP - 007

System name: Inmate Physical and Mental Health Record System.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of this system are: (a) to provide documented records of the diagnosis, treatment, and cure of illnesses of persons committed to the custody of the Attorney General pursuant to 18 U.S.C. 4082; (b) to provide documented records and background medical, mental, or dental history to contracting, or consulting physicians, psychologists and psychiatrists, and dentists, or other specialists, for diagnosis, treatment and cure of federal inmates; (c) to provide information source to officers and employees of the Department of Justice who have a need for the information in the performance of their duties; (d) to provide information source for disclosure to state and federal law enforcement officials for investigations, possible criminal prosecutions, civil court actions, or regulatory proceedings; (e) to provide information source for responding to inquiries from federal inmates or Congressional inquiries; (f) to provide information relating to federal offenders to federal and state courts, court personnel, and probation officials; (g) to provide medical information relevant to the treatment being provided by physicians, psychiatrists, psychologists, state and federal medical facility personnel, other medical agencies and etc., providing treatment for a pre-existing condition for ex-federal offenders.

JUSTICE/BOP - 008

System name: Inmate Safety and Accident Compensation Record System

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of this system are: (a) to provide a documented record of inmate accidents, injuries, for the purpose of measuring safety programs effectiveness; (b) to provide information source for compliance with the Occupational Safety and Health Act; (c) to provide documented records of inmate accidents, injuries, and disabilities for adjudication of claims by inmates filed pursuant to the Inmate Accident Compensation System, 18 U.S.C. 4126; Chapter III, Federal Prisons Industries, 28 C.F.R., Part 301; (d) furnished to employees of the Department of Justice who require information from these records for performance of their duty; (e) to provide background information and litigation reports to United States Attorneys for purpose of defending civil actions filed against the Bureau of Prisons; (f) furnished to consultant physicians, and physicians treating inmates following release from custody for the purpose of providing prior medical history in conjunction with further treatment of the individual inmate; (g) to provide documented records for disclosure to appropriate law enforcement authorities, state or federal, for investigation and possible criminal prosecution, civil court action, or regulatory proceeding; (h) to provide information source for responding to inquiries from the inmate involved or Congressional inquiries; (i) to provide information relating to federal offenders to federal and state courts, court personnel, and probation officials.

JUSTICE/BOP - 009

System name: Federal Tort Claims Act Record System

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of this system are: (a) to provide information source for purposes of adjudicating claims for personal injury and property damages pursuant to the Federal Tort Claims Act, 28 U.S.C. 2675; (b) to provide information source for purposes of preparing reports concerning litigation in United States Courts under the Federal Tort Claims Act, 28 U.S.C. 2671 et seq; (c) to provide information source that is furnished to counsel for claimants under the Federal Tort Claims Act; (d) to provide information source that is furnished to medical officials when requested by claimants under the Federal Tort Claims Act; (e) to provide information source that is disclosed to employees of the Department of Justice who have a need for the information in the performance of their duties; (f) to provide information source to state and federal law enforcement officials for the purpose of investigations, possible criminal prosecutions, civil court actions, or regulatory proceedings; (g) to provide information relating to federal offenders to federal and state courts, court personnel, and probation officials.

JUSTICE/DEA - 014

System name: Office of Internal Security Records

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system prepares reports on inspections of DEA field offices and is used to document investigations into allegations of wrongdoing against DEA employees. Information contained in this system is supplied on a routine basis to the following categories of users for the purposes stated: A) Other Federal law enforcement agencies in connection with investigations of violations of criminal law; B) State and local law enforcement agencies in connection with investigations or prosecutions of violations of criminal law; C) Other Federal agencies in connection with security background investigations; D) Foreign law enforcement agencies with whom DEA maintains liason.

JUSTICE/OMF - 002

System name: Controlled Substances Act Nonpublic Records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are retained by the Department of Justice and are available only to a Federal court upon a Federal court order issued to the Attorney General demanding such records for use by said court in determining whether or not a person qualified under Public Law 91-513 Sec. 404 (b), 21 U.S.C. 844 (b).

JUSTICE/OMF - 013

System name: Employee Locator File.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The locator system is used to provide address data to federal, state and local tax authorities in accordance with the reporting requirements of their income tax withholding programs. The locator system is also used to contact employees of the Department at their official place of business or their residence regarding matters of an official nature relating to their employment with the Department of Justice. It is also used in medical emergencies to contact an employee's personal physician if he or she has an indicated preference, and to notify next of kin. Use of the file for these purposes is limited to supervisors of the employees concerned or individuals having the permission of a supervisor of the employee concerned.

[FR Doc.75-28907 Filed 10-29-75;8:45 am]

V 40 N 210 OCT 30 75 XUM

Title 15—Department of Commerce

SUBTITLE A—OFFICE OF THE SECRETARY OF COMMERCE

PART 4b—PRIVACY ACT

Implementation Provisions; Technical Corrections

On October 2, 1975, the Department of Commerce issued a notice of proposed rulemaking in the FEDERAL REGISTER (40 FR 45632–45633) proposing to amend Part 4b to further implement provisions of the Privacy Act of 1974 (Pub. L. 93–579, 88 Stat. 1896). Interested persons were invited to submit comments. No comment was received through the date of this adoptive action.

Inasmuch as the text of the proposed amendments was contained in the unified text of 15 CFR Part 4b published in the FEDERAL REGISTER on October 2, 1975 (40 FR 45621–45631), and explained in footnote 1 at 40 FR 45619, there is no need to republish the full text at this juncture.

Therefore, the Department hereby adopts the proposed amendments to 15 CFR Part 4b as a final regulation, subject to the following corrections of a typographical character (these typographical errors do not appear in the unified text):

1. On page 45632, the second column, the paragraph title "Section 4b.14(b)(2)(vii)." should read "Section 4b.14(a).".

2. On page 45632, the second column, in the paragraph entitled "Appendix C," a new last sentence should be added to read "A complementary amendment adds the words 'to the extent indicated in Appendix C to this part.' to the end of the fifth sentence of § 4b.3(h)." This exact sentence erroneously appears as the last sentence in the third column of the same page and should be deleted therefrom.

3. On page 45632, the third column, in paragraph "(5)", insert a semicolon after the period at the end of the paragraph.

4. On page 45632, the third column, the fourth paragraph, the fifth line, the reference "4b.1(e)(2)," should read "4b.1(e)(2),".

5. On page 45632, the third column, the dividing line signifying footnotes should be deleted; and the text of footnotes 1, 2, 3 and 4 should be removed to page 45633, the second column, the fifth line, and inserted after the colon.

6. On page 45633, the first column, the last words in the paragraph entitled "§ 4b.14 [Amended]" reading "COMMERCE/PAT–TM–5; and,"; and," should read "COMMERCE/PAT–TM–5."; and,".

7. On page 45633, the second column, the first three lines reading "Payroll and Travel Records of Department Employees at Diplomatic Posts Overseas, Department of State." should read "Payroll and travel records of Department employees at diplomatic posts overseas, Department of State.".

Dated: October 23, 1975.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75–29090 Filed 10–29–75;8:45 am]

Title 29—Labor

CHAPTER I—NATIONAL LABOR RELATIONS BOARD

PART 102—RULES AND REGULATIONS, SERIES 8

Records and Information

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935, the National Labor Relations Board hereby issues the following rule which it finds necessary to carry out the provisions of said Act.

This rule is issued following proceedings conforming to the requirements of section (f) of the Privacy Act of 1974, 5 U.S.C. Section 552a(f), and of 5 U.S.C. 553 (see 40 FR 39764, August 28, 1975). The rule shall be effective October 30, 1975 and shall apply to all matters affected thereby which are pending at the time of such publication or which may arise thereafter.

Dated: Washington, D.C., October 23, 1975.

By direction of the Board.

[SEAL] JOHN C. TRUESDALE,
Executive Secretary.

Section 102.118(a) of 29 CFR Chapter I is redesignated § 102.118(a)(1). This section is amended by adding the following subparagraph (2).

§ 102.118 Board employees prohibited from producing files, records, etc., pursuant to subpoena ad testificandum or subpoena duces tecum; prohibited from testifying in regard thereto; production of witnesses' statements after direct testimony.

(a)(1) • • •

(2) No regional director, field examiner, administrative law judge, attorney, specially designated agent, general counsel, member of the Board, or other officer or employee of the Board shall, by any means of communication to any person or to another agency, disclose personal information about an individual from a record in a system of records maintained by this agency, as more fully described in the notices of systems of records published by this agency in accordance with the provisions of section (e)(4) of the Privacy Act of 1974, 5 U.S.C. Sec. 552a(e)(4), or by the Notices of Government-wide Systems of Personnel Records published by the Civil Service Commission in accordance with those statutory provisions, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be in accordance with the provisions of section (b)(1) through (11), both inclusive, of the Privacy Act of 1974, 5 U.S.C. Sec. 552a(b)(1) through (11).

[FR Doc.75–29147 Filed 10–29–75;8:45 am]

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[1] 49 Stat. 449; 29 U.S.C. 151–166, as amended by act of June 23, 1947 (61 Stat. 136; 29 U.S.C. Sup. 151–167), act of October 22, 1951 (65 Stat. 601; 29 U.S.C. 158, 159, 168), and act of September 14, 1959 (73 Stat. 519; 29 U.S.C. 141–168).

federal register

THURSDAY, OCTOBER 30, 1975

PART IV:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

COMMUNITY DEVELOPMENT BLOCK GRANTS

Applications and Criteria for Discretionary Grants; Interim Rule

V40210 OCT 30 75 XUM

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Applications and Criteria for Discretionary Grants Interim Rule

On February 7, 1975, the Department of Housing and Urban Development (HUD) published in the FEDERAL REGISTER regulations setting forth application requests and criteria for discretionary grants under title I of the Housing and Community Development Act of 1975. These appear as 24 CFR Part 570, Subpart E., included in complete publication at 40 FR 24692, June 9, 1975.

The Department has now had the experience of making grants under Subpart E in fiscal year 1975. This experience shows the need for some changes. Also certain changes need to be made in Subpart E to delete material specifically designed for fiscal year 1975 and no longer appropriate and to add policies or requirements specifically intended for fiscal year 1976. Further, the Department has received a number of comments from the public indicating the desirability of making certain changes in Subpart E.

Accordingly, notice is hereby given that HUD is revising Subpart E to incorporate a series of technical and substantive amendments. The significant changes are as discussed in the following paragraphs:

1. Requirement for Preapplications. Section 570.400(b) is being amended to require preapplications for discretionary grants from general purpose funds for metropolitan and nonmetropolitan areas and for areawide projects. The regulations governing the first year of the block grant program, fiscal year 1975, provided that preapplications would be accepted for metropolitan and nonmetropolitan area discretionary grants, but that an applicant could also submit a full application even though a preapplication had not previously been submitted. This policy was necessary in fiscal year 1975 because of the short lead time between passage of the legislation and implementation of the program. For fiscal year 1976 preapplications will be required for all grants from the general purpose fund for metropolitan and nonmetropolitan areas and for areawide projects.

2. Time Limits for Submitting Applications and Preapplications. Paragraphs (b)(3) and (c)(3) of § 570.400 provide that the Secretary will establish from time to time the earliest and latest dates for submission of preapplications and applications for each fiscal year. The revised regulations establish those dates for fiscal year 1976 for all discretionary grants, except grants for innovative projects.

3. Scope of Applications—Generally. Paragraph (c)(2) of § 570.400 sets forth general requirements concerning the scope of application under Subpart E. This is being deleted because the subject matter is not equally applicable to all sections of this subpart. However, the substance of this paragraph is retained for grants for general purpose funds by addition of a new subsection (d) in § 570.402, as explained below.

4. Circular A-95. Section 570.400(d) is being revised to establish policy for meeting the requirements of OMB Circular No. A-95 for all fiscal year 1976 discretionary grants. Because of the short lead time for implementing the new block grant legislation of fiscal year 1975, certain exceptions were granted by OMB to the regular requirements of the Circular. In fiscal year 1976, the regular clearinghouse review procedures will apply. Special requirements applying to preapplications and to full applications that follow preapplications are spelled out in the revised section.

5. Letters to Proceed. Section 570.400 (e) is being amended by deletion of certain material pertaining only to fiscal year 1975. It is also being given a new heading, Letter to Proceed. However, no substantive change is being made.

6. Urgent Needs Grants—Planned Variations. Section 570.401.(b)(2), which made the need to continue Model Cities planned variation demonstrations a criterion for urgent needs funding, is being deleted. In fiscal year 1976, the urgent needs fund will not be used for planned variations demonstrations under the Model Cities Program.

7. Applications for Urgent Needs Funds. Section 570.401(c) is being revised to eliminate references to planned variations (see paragraph 6 above); to provide that documentation establishing the basis for grants may be submitted at any time but that full applications will be submitted only at the request of HUD; and to specify the certifications that must be included with applications.

8. General Purpose Funds—Preapplication Selection Criteria. Section 570.402 (b) is revised to modify the criteria for selection among preapplications for general purpose funds for metropolitan and nonmetropolitan areas. Experience with the first year of the block grant program has suggested that modifications from the criteria for selection used in fiscal year 1975 would substantially improve the administration of the program. Specifically, the criteria for selection described in § 570.402(b)(1) and (2) are being modified to make clear that both absolute amounts and percentages of substandard housing and poverty will be taken into consideration. This will permit HUD to give equal consideration to applicants of all sizes in making funding decisions. Also, material is being deleted (final undesignated paragraph) which provided that an additional priority could be given for certain cases involving cooperation agreements among States and local governments or among different local governments and which authorized HUD area officers to set maximum grant amounts.

9. General Purpose Funds—HUD Review of Preapplications. A new paragraph (c) is being added to § 570.402. This provides that each HUD regional office must establish a review and rating system for evaluating preapplications. Each system must give consideration to the degree proposed activities directly address the general selection criteria and primarily benefit low income persons, as well as to the consistency of these activities with local and areawide plans. The applicant's capacity to complete the activity within estimated time and cost limit is also to be considered.

10. General Purpose Funds—Scope of Preapplications. A new paragraph (d), entitled Scope of Preapplication, is being added to § 570.402. This is essentially the same language that was formerly included in § 570.400(c)(2) (see 3 above). A new sentence is added, however, to require that citizen participation requirements must be met prior to submission of a preapplication.

11. General Purpose Funds—Applications. Paragraph (c) of § 570.402 is being redesignated paragraph (e) and is being revised to provide that full applications will be accepted only upon invitation from HUD, based on HUD's review of the preapplication. Furthermore, addition of new activities or the substitution of different activities between the preapplication and the full application will not be approved if such addition or substitution will alter HUD's rating of the preapplication.

12. Redesignation of Paragraphs. Paragraphs (d) and (e) of § 570.402 relating to application requirements and waivers are redesignated (f) and (g), respectively.

13. General Purpose Funds—State Applications. Paragraph (g) of § 570.402 (formerly paragraph (e)—see 12 above) is modified to permit a State, at its option, to submit a single application covering more than one metropolitan area, and to establish that a housing assistance plan submitted by a State shall not be inconsistent with a housing assistance plan adopted by a unit of general local government, if such plan exists and has been approved by HUD, for the same area in which the State proposes to undertake block grant activities.

14. New Communities Grants—Eligible Applicants. In § 570.402 a new subparagraph (b)(4) is being added to provide that a State or local public body or agency as defined in section 711(e) of the Housing and Urban Development Act of 1970 is an eligible applicant for a new communities discretionary grant.

15. New Communities Grants—Application Requirements. Section 570.403(c)(2) is being revised to require an applicant to identify the entity that will own any land, facilities or improvements acquired or constructed with block grant funds.

16. New Communities Grants—Ownership of Land, Facilities and Improvements. In § 570.403 a new paragraph (h) is being added requiring that land, facilities and improvements acquired or constructed with block grant funds shall be publicly owned. A limited exception would be made for a privately owned neighborhood facility if it is available for public use to the same extent as a publicly owned facility.

17. New Communities Grants—Management of Grants. Section 570.403(f) is being revised to provide that a cost control system established by the New Communities Administration will apply to the management of new communities discretionary grants.

18. Grants for Territories. Section 570.405(b) is being revised to provide that the procedures used to establish grant amounts in fiscal year 1975 for Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands, will also apply to fiscal year 1976.

19. Innovative Projects. Section 570.406(b) concerning criteria for selection, and § 570.406(c), concerning application requirements are being deleted and reserved. New regulations on these subjects will be issued at a later date.

20. Disaster Grants—Eligibility of Activities. A new paragraph (d) is being added which specifies that, in the case of disaster grants, otherwise eligible activities must also be activities for which funds cannot be provided under the Disaster Relief Act of 1974 or other Federal programs.

21. Disaster Grants—Application Requirements. A new paragraph (e) is being added to § 570.407. This provides that applications for disaster grants must be submitted within 120 days of the official Federal recognition of the disaster and must generally include the materials called for by § 570.303 for entitlement grant applications, with some exceptions or modifications to reflect the special circumstances likely to be involved in disaster situations and to require specification of particular disaster related needs and identification of funding priorities.

22. Inequities Funds—Criteria for Selection. The last sentence in § 570.408(c)(3) is being deleted. This sentence provided that inequities funds could be used whenever significant decreases occur in the anticipated levels of funding available for discretionary grants in metropolitan areas as a result of the qualification of urban counties. This provision is no longer necessary.

23. Reallocated Funds. Section 570.409, Reallocated Funds, was published in the FEDERAL REGISTER on September 12, 1975 (40 FR 42347). Only minor changes to conform to other sections of this subpart are contained herein.

The revised Subpart E is needed so that applicants for discretionary grants can complete their applications or preapplications and so that HUD can act on these requests for discretionary grants. This process of submission and HUD review must begin very quickly if the Department is to meet its overall responsibilities for reviewing and approving all title I fiscal year 1976 applications in a timely fashion. Accordingly, the revised Subpart E sets forth a schedule under which preapplications for general purpose grants may be submitted beginning December 1, 1975. It further contemplates that applicants for urgent needs, inequities, and new communities grants, as well as disaster grants, may begin submitting applications early in the fiscal year. Because of this schedule, and the necessity for adhering to it, the Assistant Secretary for Community Planning and Development has determined that it is impracticable to follow a notice of proposed rulemaking procedure and that good cause exists for making these regulations effective on November 1. However, interested persons are invited to participate in the making of this rule by furnishing written comments, data and suggestions. All such materials should refer to the Docket No. and should be filed with the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

All comments received on or before December 31, 1975 will be considered before adoption of a final rule in this matter. Copies of all comments will be available for public inspection at the above address during regular business hours both before and after the close of the comment period.

In connection with the environmental review of these amendments to the regulations, a Finding of Inapplicability has been made under HUD Handbook 1390.2, 38 FR 19182. A copy of the Finding is available for inspection in the Office of the Rules Docket Clerk at the above address.

It is hereby certified that the economic and inflation impacts of these amendments have been carefully evaluated in accordance with OMB Circular No. A-107.

In consideration of the foregoing, 24 CFR Part 570, Subpart E, is amended to read as follows:

Subpart E—Applications and Criteria for Discretionary Grants

570.400 General.
570.401 Urgent needs fund.
570.402 General purpose funds for metropolitan and nonmetropolitan areas.
570.403 New communities.
570.404 Areawide projects [Reserved]
570.405 Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.
570.406 Innovative projects.
570.407 Federally recognized disasters.
570.408 Inequities funds.
570.409 Reallocated funds.

Subpart E—Applications and Criteria for Discretionary Grants

§ 570.400 General.

(a) *Applicability of rules and regulations.* The policies and procedures set forth in Subpart A, B, C, F, G, H, I, and J of this Part shall apply to this subpart and to the funds described in § 570.104, except to the extent that they are specifically modified or augmented by the contents of this subpart, including specified exemptions described herein. The HUD Environmental Review Procedures contained in 24 CFR Part 58 also apply to this subpart, unless otherwise specifically provided herein.

(b) *Preapplications.* Preapplications are required for grants from general purpose funds for metropolitan and nonmetropolitan areas as described in § 570.402(b), and for areawide projects as described in § 570.404. The purpose of the preapplication is to determine how well an application will compare with similar applications from other jurisdictions, and to discourage full applications which have little or no chance for Federal funding before applicants incur significant expenditures for preparing full applications.

(1) *Submission requirements.* Preapplications shall be submitted on HUD forms to the appropriate HUD Area Office. The preapplication shall consist of a brief description of the applicant's community development needs, the activities proposed to meet those needs, and the general location and estimated cost of the proposed activities. The applicant's statement shall address the specific criteria under which it requests priority consideration for funding.

(2) *HUD review of preapplications.* HUD will review preapplications based upon the appropriate criteria set forth in this subpart, to determine how well an application is likely to compete with other applications for the same discretionary funds submitted by other jurisdictions. Applicants will be advised of HUD's determinations and judgments on the preapplication, and of the availability of funds for that particular fiscal year.

(3) *Preapplication submission dates.* The Secretary will establish from time to time the earliest and latest dates for submission of preapplications for each fiscal year. For Fiscal Year 1976, the earliest and latest dates for submission of preapplications shall be as follows:

(i) General purpose funds for metropolitan areas—February 1, 1976 through March 15, 1976;

(ii) General purpose funds for nonmetropolitan areas—December 1, 1975 through January 15, 1975.

(iii) Areawide projects—February 15, 1976 through March 31, 1976.

(c) *Applications.*—(1) *Submission requirements.* Applications shall be submitted on HUD forms to the appropriate HUD Area Office. Specific submission requirements are contained in the following sections of this subpart which describe each discretionary fund. To the maximum extent possible, documentation submitted in support of an application previously submitted for funding under this part will be accepted and need not be resubmitted with an application for a discretionary grant.

(2) *Application submission dates.* The Secretary will establish from time to time the earliest and latest dates for submission of applications for discretionary grants for each fiscal year. For Fiscal Year 1976 the earliest and latest dates shall be as follows:

(i) General purpose funds for metropolitan and nonmetropolitan areas—To

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be established by each HUD Regional Office at the time a full application is requested after HUD review of the preapplication.

(ii) Urgent needs fund—July 1, 1975 through September 30, 1976;

(iii) Secretary's fund:

(A) New communities—September 1, 1975 through September 30, 1976;

(B) Areawide projects—June 15, 1976 through July 30, 1976;

(C) Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands—not later than 75 days prior to the end of the current program year;

(D) Innovative projects—(Reserved).

(E) Federally recognized disasters—July 1, 1975 through September 30, 1976;

(F) Inequities funds—July 1, 1975 through September 30, 1976.

(d) *Meeting the requirements of OMB Circular A-95.* (1) *General.* All applicants under this subpart must comply with the procedures set forth in OMB Circular No. A-95. Federally-recognized Indian tribes are not subject to the regular A-95 requirements; however, they are encouraged to participate voluntarily in the A-95 Project Notification and Review System. HUD will notify the appropriate State and areawide clearinghouses of any applications from federally-recognized Indian tribes upon their receipt. For those discretionary grants not requiring a preapplication, the procedures set forth in Part I of OMB Circular No. A-95 shall apply.

(2) *Modified procedures—Grants involving preapplications.* The following special procedures apply to those discretionary grants for which a preapplication is required to be submitted to HUD.

(i) *Preapplications and notice of intent to apply.* A copy of the preapplication shall be submitted to the appropriate State and areawide clearinghouses at least 30 days prior to submission of the preapplication to HUD. Applicants are also urged to contact their clearinghouses for forms and instructions developed by such clearinghouses in order to facilitate the reviews. The preapplication submitted will serve as the notification of intent to apply for a Federal grant and the clearinghouses will have 30 days for review of the preapplication and response to the applicant.

(ii) *Full application review.* At least 30 days prior to submission of a full application to HUD, the applicant shall transmit the application to the appropriate State and areawide clearinghouses for review and comment unless the clearinghouses relinquish this requirement. They shall be provided 30 days for review and comments.

(e) *Letter to proceed.* In response to a request by a unit of general local government, the Secretary may, however, in cases of demonstrated need, issue a letter to proceed authorizing an applicant to incur costs for the planning and preparation of an application for funds available under this subpart. Reimbursement for such costs will be dependent upon HUD approval of such application. Costs incurred by a recipient prior to notification of a funding approval or issuance of a letter to proceed by HUD are not eligible for assistance under this Part.

(f) *Review of applications for discretionary grants—(1) Acceptance of application.* HUD will accept an application for review, *Provided*, That:

(i) It has been received before the close of business on the final date established by HUD for submission of applications for each fiscal year;

(ii) The application is complete, as required in this subpart;

(iii) The required certifications have been properly executed; and

(iv) The applicant has attached or enclosed any comments or recommendations made by or through State and areawide clearinghouses or has stated that no comments or recommendations have been received.

(2) *Timing of review.* While the Secretary is not required by the Act to review and approve a discretionary grant application within any specified time period, the Secretary will make every effort to complete his review of all such applications within 75 days.

(3) *Notification to applicants.* The Secretary will notify the applicant in writing that the application has been approved, partially approved, or disapproved. If an application is partially approved or disapproved, the applicant will be informed of the specific reasons for partial approval or disapproval. The Secretary may make conditional approvals, as provided in § 570.306(e).

(g) *Program amendments.* Recipients shall request prior HUD approval for program amendments wherever the amendment results from changes in the scope or the objective of the approved program.

(h) *Performance report.* Except for new communities and innovative projects, each recipient shall, upon completion of the activities carried out with the discretionary grant, or upon submission of a subsequent discretionary grant application, whichever is earlier, submit a performance report as described in § 570.906(b), and shall meet the requirements of § 570.906(c) concerning notice of the availability of the report for examination by the public.

§ 570.401 Urgent needs fund.

(a) *Eligible applicants.* Eligible applicants are States, and units of general local government as defined in § 570.3(v). For the purpose of this section, the second sentence in § 570.3(v) includes those entities described in § 570.403(b) (1), (2) and (3).

(b) *Criteria for selection.* The Secretary shall make grants for the purpose of facilitating an orderly transition to the community development block grant program and to provide for urgent community development needs which cannot be met through the allocation provisions of § 570.102, § 570.103, and § 570.104(c), giving priority to the following:

(1) The analysis performed by the unit of general local government (and concurred in by HUD) of its ongoing projects or program undertaken pursuant to Title I of the Housing Act of 1949 indicates that the entitlement amount is: (i) Insufficient, over a three-year period beginning January 1, 1975, to complete the program or project plan as approved by HUD; or (ii) in any one of those three years the entitlement amount will be insufficient to maintain the progress schedules adopted locally for achievement of the program and the inability to maintain such progress will seriously and adversely affect the Federal interest in the project or program.

(2) A state or unit of general local government, as a result of cost increases due to circumstances beyond its control, has been unable to complete a previously approved project assisted under one or more of the following terminated categorical programs: (i) Water and sewer facilities under section 702 of the Housing and Urban Development Act of 1965; (ii) neighborhood facilities under section 703 of the Housing and Urban Development Act of 1965; (iii) open-space land under Title VII of the Housing Act of 1961; and the Secretary's analysis of the financial capacity of the unit of general local government indicates a lack of available resources locally or otherwise to finance completion of the project and the Federal investment in the project as of January 1, 1975 warrants the incremental Federal assistance required to complete the project.

(c) *Application requirements.* Applications for funds to meet urgent community development needs shall be submitted by States and units of general local government to the HUD Area Office serving the locality. The required documentation establishing the basis for grants under this section may be submitted to the appropriate HUD Area Office at any time during the fiscal year. Full applications shall be submitted only at the request of, and in a form prescribed by, HUD and shall provide the certifications required by § 570.303(e) (1), (3), (4), (5), (6), and (8).

§ 570.402 General purpose funds for metropolitan and nonmetropolitan areas.

(a) *Eligible applicants.* Eligible applicants are States, and units of general local government as defined in § 570.3 (v), excluding metropolitan cities, urban counties and units of general local government which are included in urban counties as described in § 570.105(b)(3)(ii) and (iii). For the purpose of this section, the second sentence in § 570.3(v) includes those entities described in § 570.403(b)(1), (2) and (3).

(b) *Criteria for selection.* In selection among preapplications, priority will be extended to those preapplications showing at least one of the following conditions, and proposing activities which appropriately address these conditions:

(1) Extent of substandard housing conditions determined as follows:

(i) for metropolitan areas, the proportion and extent of overcrowded housing as defined in § 570.3(i) and expressed both as an absolute amount and as a percentage of the total housing units in the unit of general local government; and

(ii) for nonmetropolitan areas, the proportion and extent of housing units lacking plumbing as published by the United States Bureau of the Census for 1970 for rural areas and expressed both as an absolute amount and as a percentage of the total housing units in the unit of general local government.

(2) The proportion and extent of poverty as defined in § 570.3(j) and expressed both as an absolute amount and as a percentage of the total population for the unit of general local government.

(3) An extraordinarily high rate of growth or a severe and rapid decline in population and economic activity, either one of these conditions resulting primarily from the impact of national policy decisions or direct Federal program decisions, and where the program is designed to offset or mitigate the effects of sudden spurts or declines in growth.

(4) Conditions which represent an imminent threat to public health or safety.

(c) *HUD review procedures.* Consistent with the criteria for selection in the preceding paragraph, each HUD Regional Office will establish a review and rating system for evaluating preapplications from applicants within its jurisdiction. Separate review and rating systems may be developed for each Area Office within a particular Region. Copies of the review and rating system may be obtained from the appropriate Regional or Area Office prior to submission of a preapplication.

(1) *Rating factors.* The review and rating system will provide for a rating of preapplications according to the following factors only:

(i) The degree to which the proposed activities directly address the criteria for selection described in § 570.402(b).

(ii) The degree to which the proposed activities primarily benefit persons of low and moderate income.

(iii) Consistency of the proposed activities with local and areawide plans.

(2) *Capacity of the applicant.* The review system will also give consideration to the capacity of the applicant to complete the proposed activity within a reasonable period of time and within the estimated cost. In evaluating the capacity of the applicant, HUD will review the performance and the status of completion of any other approved activities that may have been funded under this Part.

(d) *Scope of preapplication.* A preapplication may include any number of eligible activities, identified by priority, up to the maximum dollar amount established by the Secretary. A preapplication may be for any reasonable period of time necessary to complete the proposed activities. The applicant shall apply for discretionary funds in an amount, which together with other resources that may be available, will be adequate to complete the proposed activities. While a recipient remains eligible for discretionary grant funding in subsequent years, an applicant shall not assume that additional funding will be available in subsequent years to continue or expand activities. A preapplication may not, however, be only for planning purposes, as defined in § 570.200(a)(12). The applicant must meet all citizen participation requirements called for in § 570.303(e)(2) prior to submission of a preapplication.

(e) *Application requirements.* Full applications will be accepted only upon invitation from HUD, based on HUD's review of the preapplication. Addition of new activities or the substitution of different activities from those proposed in the preapplication will not be approved if such addition or substitution will alter HUD's rating of the preapplication. Full applications shall meet the application requirements of § 570.303.

(f) *Waiver of application requirements.* The provisions of § 570.304 shall also apply to applications under this section.

(g) *Applications submitted by States.* States (including the Commonwealth of Puerto Rico) may apply for general purpose funds for metropolitan and nonmetropolitan areas to carry out eligible activities in metropolitan and nonmetropolitan areas, respectively.

(1) Separate applications are required for nonmetropolitan areas and for metropolitan areas. A State may, at its option, submit separate applications for each metropolitan area for which it seeks funds or a single application for more than one metropolitan area, provided that such application clearly identifies the proposed cost attributable to each metropolitan area.

(2) The geographical area to be covered by the application shall be the jurisdiction of the unit or units of general local government in which the proposed activity or activities are to be located or carried out. This policy pertains particularly to the community development plan summary, as described in § 570.303(a), and the housing assistance plan, as described in § 570.303(c). The State application shall indicate that the housing assistance plan is not inconsistent with a housing assistance plan adopted by a unit of general local government if such plan exists and has been approved by HUD.

(3) A State may not apply for activities to be located in or carried out in metropolitan cities, urban counties or units of general local government which are included in urban counties, unless such funds have been reallocated in accordance with the provisions of § 570.107.

(4) A State may apply for activities to be carried out pursuant to State authority or pursuant to an agreement with one or more units of general local government.

§ 570.403 New communities.

(a) *General.* This Section covers grants made in behalf of activities and projects to be undertaken in direct support of a new community (which term means a new community approved by the Secretary under Title VII of the Housing and Urban Development Act of 1970 or Title IV of the Housing and Urban Development Act of 1968), and reflected in a current new community development plan (the development plan which forms an attachment to each new community project agreement by and between each developer and the United States, as the same may be revised and amended from time to time).

(b) *Eligible applicants.* States, and units of general local government which meet the definition contained in § 570.3(v) may apply under this subsection for grants made on the basis of the provisions of this section. For the purpose of this section, the second sentence in § 570.3(v) includes only:

(1) A State land development agency or local public body or agency with authority to act as a developer of a new community.

(2) Any community association (including any homes association), or other similar nonprofit organization established in a new community under covenants approved by the Secretary in connection with approved new community development projects, or any community authority established under State law for similar purposes, or any of the foregoing organizations otherwise approved by the Secretary which is legally and administratively qualified to carry to successful completion those projects for which grant assistance is sought by the applicant.

(3) A private new community developer or any subsidiary thereof organized in a form satisfactory to the Secretary: *Provided*, That a request has been made to an appropriate unit of general local government or a non-profit organization to apply for and serve as grantee for the direct benefit of the new community, and such request has been denied, or in the judgment of the New Communities Administration (NCA) of HUD, no acceptable response has been received within a reasonable period of time.

(4) A State or a local public body or agency as defined in Section 711(e) of the Housing and Urban Development Act of 1970.

(c) *Application requirements—(1) General.* The requirements set forth in this paragraph are designed to supplement application procedures and approval requirements of the new communities program under which applicants will have already provided substantial information to the Secretary.

(2) *Activities program.* The application shall be submitted on forms as approved by NCA and include a brief description of the activities and costs to be funded from the grants for the program year. The application shall identify separately any activities not previously submitted to and approved by NCA as part of Title IV or Title VII documentation. The estimated costs and general location of these latter activities are to be shown. The applicant shall also indicate the entity which will own the land, facilities or improvements acquired or constructed with funds provided under this Part.

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(3) *Certifications.* The Applicant shall submit certifications in such form as NCA will prescribe, providing the assurances required under § 570.303(e) (1), (3) if applicable, (4) if applicable, (5) and (6) with respect to activities undertaken with funds under this Part.

(4) *Environmental review requirements.* (i) For activities proposed by an applicant eligible under § 570.403(b) (2) or (3), no new environmental review or clearances will be required by virtue of any such activity's proposed funding under this part if the activity is a part of a previously approved project for which environmental review clearances have been completed, which clearances adequately covered such activity, and for which circumstances, including the availability of additional data or advances in technology, have not changed significantly.

If NCA determines that an additional review is required, environmental review shall be conducted by HUD pursuant to HUD Handbook 1390.1.

(ii) For activities proposed by an applicant eligible under § 570.403(b), other than under § 570.403(b) (2) or (3), environmental reviews shall be conducted pursuant to 24 CFR Part 58.

(5) *Clearinghouse review.* Applicants must comply with the procedures set forth in OMB Circular A–95 (requiring review by a clearinghouse) only where the proposed Title I funded activities have not previously been the subject of clearinghouse review.

(6) *Performance report.* Progress in execution activities funded under the Act shall be reported to NCA as a part of the quarterly and annual reporting and review procedures.

(d) *Review and approval of applications.* All applications for grants to assist new community development projects pursuant to this section shall be submitted to NCA through the appropriate HUD Area Office.

(1) *Scope of review.* NCA will review the application, based upon data and information supplied by the developer of the new community project and other independent reviews conducted by NCA staff or others at NCA request, to determine pertinent facts and goals and their consistency with information contained in the Project Agreement, Development Plan, and other documents submitted by the developer or obtained by NCA in the project review process. The review will include application of the selection criterion in paragraph (d)(2) of this section.

(2) *Criterion for selection.* The criterion to be used in selecting among applications and activities is whether the grants are necessary to achieve new community objectives.

(e) *Exceptions to regulations.* (1) The provisions of Subpart F, Grant Administration, shall be applicable to recipients, except that a recipient under § 570.403(b) (2) and (3) shall not be required to comply with the competitive bidding requirements of subsections 3c (5), (6), and (8) of Attachment O of Federal Management Circular 74–7, "Procurement Standards," which is incorporated in § 570.587.

(2) The provisions of Subpart G, Other Program Requirements, shall be applicable to recipients, except as follows:

(i) A recipient under § 570.403(b) (2) and (3) which is not a "State agency" under Section 101(3) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is not subject to the provisions of § 570.602(a), (b) and (c), regarding Title II and III of such Act.

(ii) A recipient under § 570.403(b) (2) and (3) is not subject to the provisions of § 570.608 regarding the Hatch Act.

(f) *Program management.* Program management shall be accomplished within the framework of NCA project management, including the financial and physical progress reports required by NCA administrative procedures and the cost control system which NCA has developed specifically for grants pursuant to this section.

(g) *Remedies for non-compliance.* The provisions of §§ 570.911, 570.912, and 570.913 shall apply, except that the provisions of § 570.912, dealing with securing compliance through State governors, shall not apply to private developers, or prospective grantees controlled by private developers.

(h) *Ownership of land, facilities and improvements.* All land, facilities and improvements acquired or constructed with grant funds provided under this Part shall be publicly owned, and entities eligible under § 570.403(b) (2) (except a community authority described therein) or § 570.403(b) (3) shall dedicate any such land, facilities or improvements to a public body eligible under the first sentence of § 570.3(v) or under § 570.403(b) (1) or (4), pursuant to a dedication agreement in form and substance satisfactory to the Secretary; provided, that an applicant eligible under § 570.403(b) (2) may own and operate a neighborhood facility eligible under § 570.200(a) (2) if such facility will be available for public use to the same extent as a publicly-owned neighborhood facility.

§ 570.404 Areawide projects [Reserved]

§ 570.405 Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(a) *Eligible applicants.* Eligible applicants are Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(b) *Criteria for funding.* Applicants may submit applications for discretionary grants for the full range of eligible activities described in § 570.200. The Secretary will establish for each fiscal year an amount for which each eligible applicant may apply. For fiscal year 1976, the following shall apply:

(1) Guam and the Virgin Islands shall each receive their hold-harmless amount as calculated pursuant to § 570.103(c). Guam and the Virgin Islands may also apply for funds to cover urgent needs not met by the hold-harmless amounts.

(2) The Secretary shall establish a funding level for American Samoa and the Trust Territory of the Pacific Islands, taking into account their needs and their local administrative capacity.

(c) *Application requirements.* Applicants shall meet the application requirements in § 570.303.

§ 570.406 Innovative projects.

(a) *Eligible applicants.* Eligible applicants are States, and units of general local government as defined in § 570.3 (v). For the purpose of this section, the second sentence in § 570.3(v) includes those entities described in § 570.403(b) (1), (2) and (3).

(b) *Criteria for selection.* (Reserved)

(c) *Application requirements.* (Reserved)

(d) *Reports.* In lieu of the annual performance report cited in § 570.906, recipients shall submit the following:

(1) *Outline for final project report.* Midway through completion of the project (or at an alternate point in time as specified by HUD) each recipient shall prepare a detailed outline of the final project report under guidelines provided by HUD.

(2) *Draft report.* The recipient shall submit to HUD, six copies of a draft of the final project report with all readily reproducible charts, tables, graphs, and appendices that are to be included in the final report. In addition, each recipient shall meet the requirements of § 570.906 (c) concerning notice of the availability of the report for examination by the public with the exception that reports need only be available to be copied by the public.

(3) *Final report.* The report shall describe in appropriate detail the objectives of the project and how they were met, the methods and techniques that were used, the types of problems encountered during project execution and the methods used to resolve them and the conclusions and recommendations that are to be drawn from the demonstration project. The final report shall be in a form and manner prescribed by HUD.

(e) *Records.* Recipients must comply with th e requirements of § 570.907, excluding § 570.907(b). In lieu of this exception, recipients shall maintain records describing the process used to provide an opportunity for citizens to comment on the application.

§ 570.407 Federally recognized disasters.

(a) *General.* Grants under this section shall be for the purpose of meeting emergency community development needs caused by federally recognized disasters. For purposes of this section, "federally recognized disasters" means any hurricane, tornado, storm, flood, high-water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which (1) in the determination of the President, pursuant to the Disaster Relief Act of 1974 (49 U.S.C. 5121n), (i) causes damage of sufficient severity and magnitude to warrant major disaster assistance under such Act, above and beyond emergency services by the Federal Government, to supplement the efforts and available resources of States, local governments and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby, or (ii) requires Federal emergency assistance to supplement State and local effort to save lives and protect public health and safety or to avert or lessen the threat of a major disaster, or (2) in the determination of a Federal agency requires disaster or emergency assistance pursuant to the statutory authority of such Federal agency.

(b) *Eligible applicants.* Eligible applicants are States, and units of general local government as defined in § 570.3 (v). For the purpose of this section, the second sentence in § 570.3(v) includes those entities described in § 570.403(b) (1), (2) and (3).

(c) *Criteria for funding.* Within the limits of available funds, applications will be funded on the basis of the following criteria:

(1) Severity and magnitude of the federally recognized disaster, with priority given to needs caused by Presidentially declared major disasters.

(2) Community development needs identified which are essential for the immediate restoration or maintenance of community health, safety, or economic stability and resources are not available from other sources to meet these community development needs in a timely fashion.

(d) *Eligible activities.* The activities eligible for assistance under this section are the same as those listed in § 570.200, but only to the extent that funds to meet emergency community development needs cannot be provided under the Disaster Relief Act of 1974 (see 24 CFR Part 2205 and HUD Handbook 3300.5 and 3300.6) or by other Federal programs. Applicants proposing activities which might be assisted by other Federal programs are encouraged to follow the procedures of § 570.607. Section 570.607 procedures must be followed whenever public services or flood or drainage facilities are proposed.

(e) *Application requirements.* An application must be submitted to the appropriate HUD Area Office within 120 days after either the Presidential declaration or other Federal recognition that disaster or emergency assistance is required. Applications for grants under this section shall meet the application requirements of § 570.303 with the following modifications:

(1) The community development plan summary required by § 570.303(a) and the Community Development Program required by § 570.303(b) shall specifically describe and identify the emergency community development needs caused by the disaster and the activities proposed to meet those needs.

(2) The Community Development Program shall indicate the applicant's priorities for funding.

(3) The housing assistance plan required by § 570.303(c) shall identify separately those housing conditions and needs directly related to the disaster or emergency.

(4) The applicant shall provide the certifications required by § 570.303(e) (1), (3), (4), (5) and (8).

Applicants that are entitlement recipients may elect to submit and amendment to their approved application incorporating the information required by this paragraph.

§ 570.408 Inequities funds.

(a) *General.* Funds are available under this subpart to correct in whole or in part inequities resulting from the allocation provisions of Section 106 of the Act.

(b) *Eligible applicants.* Eligible applicants are States, and units of general local government as defined in the first sentence of § 570.3(v).

(c) *Criteria for selection.* The Secretary shall make grants to eligible applicants, giving priority to the following:

(1) Funding under this subpart is necessary to correct a technical error in the computation of a locality's entitlement amount.

(2) Funding under this subpart is needed by an applicant, meeting the criteria as specified in § 570.401(b) for urgent needs funds.

(3) Funding under this subpart is necessary to compensate for the fact that the applicant's hold harmless amount as calculated pursuant to § 570.103(c) is significantly lower than the average amount of funds approved by HUD for applicable programs in such governmental unit during the fiscal years immediately preceding and immediately following the base period of Fiscal Years 1968 through 1972, and the applicant is subject to the phase-in provisions of § 570.102(c).

(d) *Application requirements.* Applicants requesting funds under criterion (2) shall meet the application requirements of § 570.401(c). All other applicants shall meet all application requirements in § 570.303.

§ 570.409 Reallocated funds.

(a) *General.* This section governs the reallocation of funds as required by the provisions of § 570.107. In accordance with § 570.107 (a) and (b), any amounts allocated to metropolitan cities, urban counties, or other units of general local government for basic grants or hold-harmless grants in metropolitan areas or nonmetropolitan areas which are not applied for, or which are disapproved by the Secretary as part of the application review or program monitoring process, will be reallocated as set forth in subsection (f). As required by § 570.107(c), the following shall constitute the policies to be employed in the reallocation of funds appropriated for Fiscal Year 1975.

(b) *Timing of reallocation.* Any amounts appropriated for Fiscal Year 1975 which become available for reallocation as of August 15, 1975, will be reallocated no later than October 15, 1975.

(c) *Eligible applicants.* States and units of general local government, as defined in § 570.3(v), are eligible to apply for reallocated funds. For the purpose of this section, the second sentence in §570.3(v) includes those entities described in § 570.403(b) (1), (2), and (3).

(d) *Criteria for selection.* Reallocated funds will be used to make grants to eligible applicants with urgent needs, including those with entitlements as well as others with special needs arising from urban renewal closeout activities. The term "urgent needs" as used in this section means those urgent needs described in § 570.401(b). In selecting among applications, the Secretary will give priority first, where reallocated funds will be sufficient to complete a HUD-approved urban renewal project (including a neighborhood development program) within Fiscal Year 1976, a water and sewer project, a neighborhood facilities project, or an open-space land project, and second, where reallocated funds in conjunction with funds provided under § 570.401 will be sufficient to complete one of the above-mentioned projects.

(e) *Application requirements.* (1) Applicants seeking grant assistance for the completion of ongoing urban renewal projects shall submit the analysis called for in § 570.401(b) (1). Applicants seeking grant assistance for the completion of a water and sewer, neighborhood facility, or open-space land project shall submit documentation which indicates how the applicant meets the criteria of § 570.401(b) (2). Communities considering applying for reallocated funds are urged to contact the appropriate HUD Area Office for more specific instructions regarding submission requirements.

(2) In selecting among applicants, the Secretary will consider all analyses and applications submitted for urgent needs funds under § 570.401 as of August 15, 1975. Final applications shall be submitted only when requested by the Secretary.

(f) *Priorities for reallocation of funds.* (1) *Metropolitan areas.* Any amounts which become available for reallocation from appropriations for Fiscal Year 1975, will be reallocated in accordance with the following priorities: (i) to the same metropolitan area; (ii) if reallocated funds are available after meeting the urgent needs in that metropolitan area, to other metropolitan areas in the same State; and (iii) if reallocated funds are available after meeting the urgent needs in that State, to other metropolitan areas in other States.

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(2) *Nonmetropolitan areas.* Any amounts which become available for reallocation from appropriations for Fiscal Year 1975, will be reallocated in accordance with the following priorities:

(i) To the nonmetropolitan area in the same State; and (ii) if reallocated funds are available after meeting the urgent needs in that State, to the nonmetropolitan areas in other States.

(3) *Additional considerations.* In determining to which metropolitan area or areas funds shall be reallocated under paragraphs (1)(ii) and (iii), and to which State or States funds shall be reallocated under paragraph (2)(ii), the Secretary shall give priority consideration to the metropolitan areas or States where the greatest unmet urgent needs exist.

(Title I of the Housing and Community Development Act of 1974 (Public Law 93-383); and sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535 (d))

Effective date. This amendment shall be effective on November 1, 1975.

WARREN H. BUTLER,
Deputy Assistant Secretary for Community Planning and Development.

[FR Doc.75-29225 Filed 10-29-75;8:45 am]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

MOTOR CARRIER SAFETY

Interpretations

● **Purpose. The purpose of this document is to publish interpretations of the Federal Motor Carrier Safety Regulations (FMCSR) contained in volume 6 of the Operations Manual of the Bureau of Motor Carrier Safety (BMCS).** ●

In compliance with the order of the United States District Court for the District of Columbia in *National Wildlife Federation* v. *Brinegar*, Civil Action No. 1269–73 (August 22, 1975), the material contained in volume 6 of the BMCS Operations Manual interpreting some of the FMCSR is hereby published. Although the Court's order required publication only of selected portions of volume 6, determination has been made to publish the entire volume for completeness and clarity.

Volume 6 contains restatements and interpretations of regulations published in title 49 of the Code of Federal Regulations, Parts 390 through 398, and Parts 171 through 178. Volume 6 also contains abstracts of opinions of the Interstate Commerce Commission organizational elements and opinions of the BMCS.

The publication of volume 6 of the BMCS Operations Manual is not intended to change any policy stated in that volume.

Issued on October 23, 1975.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

VOLUME 6—INTERPRETATIONS MANUAL

CHAPTER I—SPECIAL INSTRUCTIONS APPLICABLE TO THIS VOLUME

1. *References:* a. After each citation in the chapters of this volume, there will appear a reference. These references may be formal decisions of the Interstate Commerce Commission or a court, or they may be opinions of one of the Bureau Directors of the Interstate Commerce Commission, or this Bureau.

b. Formal decisions are cited by giving the case title, the volume, the reporting agency, and the page number, in that sequence. For example: Moore, 89 M.C.C. 180.

c. Opinions of I.C.C. examiners expressed in reports which became final without further consideration are shown by I.C.C. docket number. For example: MC–35789, Sub 3. These opinions are not published, and to determine exactly what the examiner said, one must obtain a copy of the examiner's report and recommended order from the I.C.C.

d. Opinions of the Bureau Directors of the Interstate Commerce Commission are shown by the correspondence file number and date, for example: L–18893, May 23, 1946.

e. Opinions of the Director of this Bureau are shown by the letters BMCS and the date. For example: BMCS, Jan. 5, 1968.

2. *Abbreviations:* The following abbreviations are used in citing formal case decisions:

a. M.C.C.—Interstate Commerce Commission Reports, Motor Carrier Cases.

b. I.C.C.—Interstate Commerce Commission Reports.

c. U.S.—United States Supreme Court Reports.

d. F.C.C.(CCH)—Federal Carrier Reporter (Commerce Clearing House).

e. F. Supp.—Federal Supplement.

f. F. 2d—Federal Reporter, Second Series.

g. P. 2d—Pacific Reporter, Second Series.

CHAPTER II—INTERSTATE VS. INTRASTATE COMMERCE—PASSENGERS

Par.

1 Purpose.
2 No Through Tickets or Arrangements Between Carriers.
3 Sightseeing Trips in One State.
4 Deadheading.
5 State Line Crossed on Foot.
6 Migrant Workers.
7 Free Transportation Beyond State Line.

1. *Purpose.* a. The Bureau's safety jurisdiction extends only to motor carriers engaged in the transportation of passengers or property in interstate or foreign commerce. Therefore a thorough understanding of what constitutes interstate or foreign commerce is essential for any investigator.

b. This chapter deals with the transportation of passengers, and reports past decisions and opinions for the guidance of staff members in considering parallel situations which may arise.

c. The Motor Carrier Safety Regulations apply equally to foreign and interstate commerce. It is therefore unnecessary for the field staff to distinguish between these two. In distinguishing between intrastate and foreign commerce, the guidelines would be the same as set forth herein for consideration of interstate vs. intrastate.

2. *No thorough tickets or arrangements between carriers.* a. Regardless of the intention of any passenger to continue or to complete an interstate journey or the distance involved, a carrier of passengers operating wholly within a single State, selling no through tickets, and having no common arrangements with connecting out-of-State carriers, is not engaged in transportation in interstate or foreign commerce. Motor Transportation of Passengers Incidental to Air, 85 M.C.C. 526, 536, Anchorage, 98 M.C.C. 775; Greyhound v. Allen, 99 M.C.C. 1, and cases there cited. In the Allen case, involving charter trips in California to and from the Nevada border I.C.C. Division I made clear that the traveller's intent to go to an interstate destination, even when known to the carrier, does not govern.

b. Arrangement of both legs of journey by a third party does not make the one-State portion in interstate commerce. Moore, 89 M.C.C. 180 (migrant workers moved from border to a reception center and from the center to bus terminals for movement to other States, both movements separately arranged and paid for by the Department of Labor); and Midwest, 98 M.C.C. 362 (40-mile motor movements to and from airports, land and air movements separately arranged and paid for by a university).

c. Where the same carrier performed short local transportation from a reception center to a bus terminal and line-haul of the same passengers from the terminal to interstate points, but there was no coordination of the local and line-haul moves, the local movement was held to be in intrastate commerce. Moore, 89 M.C.C. 180.

d. In Capital Transit, 325 U.S. 357 (similar later case, 338 U.S. 286), no joint fares or other formal arrangements for through transportation had been established between the two carriers, but the Supreme Court held that through routes existed and that the one-State passenger carrier was engaged in interstate commerce. There, however, there was a continuous daily flow of passengers in mass transportation.

3. *Sightseeing trips in one state.* a. Sightseeing trips in one State as a digression from an interstate motor or rail journey, tickets being sold by the sightseeing carriers or by travel agencies and tour bureaus in other States which sell through tickets containing coupons entitling the passenger to the sightseeing as a side trip. Where no joint tickets are sold for common arrangements in effect between the sightseeing and line-haul carrier, such side trips by motor vehicle are *not* in interstate commerce. Rio Grande, 3 M.C.C. 9 (Joint Board Report); Utah Transp., 32 M.C.C. 815 (not printed); L–18893, May 23, 1946.

b. In Delaware Valley Transportation, MC–28457 Sub 3 TA, I.C.C. Division 5 had before it a situation quite similar to that in the cases cited in the paragraph just above. Greyhound Highway Tours, a broker, sold coupons at various points

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which were exchanged by the passenger at the tour point for a tour ticket, and could be purchased independent of regular Greyhound ticket. I.C.C. Division 5 in an unprinted order of May 12, 1949 adhered to its early rulings that one-State tours of this kind at the end of or at a stopover on an interstate journey, separately arranged by the traveler or by a broker on his behalf, are not integral parts of a continuous movement from one State to another, and are not in interstate commerce. L–24230, Feb. 26, 1953.

c. In Resler v. Hunter Clarkson, Inc., 41 M.C.C. 665, the regular route nature of authorized tours in New Mexico was under consideration but no one questioned their interstate character. The tour tickets there were included in an all-expense trip and the tour schedules were coordinated with the train schedules.

4. *Deadheading.* Deadheading of a charter bus from one State into another for the purpose of transporting a charter party within the second State does not transform the one-State charter trip into interstate commerce even though a charge is made for the deadheading. L–15511, July 2, 1942.

5. *State line crossed on foot.* Passengers carried from Louisiana points to the Louisiana side of a bridge reaching into Texas. Passengers alight in Louisiana and walk over the bridge into Texas. Director's opinion that the Commission would hold the transportation to be in *intrastate* commerce. L–15218, April 4, 1942. Compare Moore, 89 M.C.C. 180, where migrant workers brought from points in the interior of Mexico walked from the train station at the Mexican border point and crossed a bridge into Texas where they boarded a bus which carried them to a reception center, that one-State movement being held to be intrastate.

6. *Migrant workers.* a. The history of migrant worker transportation and the Bureau's position is discussed in Volume 2, Chapter VII of this manual.

b. Migrant workers were brought from Mexico to a reception center in Texas pursuant to arrangements made by the Department of Labor and thereafter to local bus stations whence they travelled to places of employment. There were no through routes or other common arrangements either between the Mexican carrier and the carrier performing the transportation from the port of entry to the reception center, or between the respective carriers performing the transportation to the local bus stations and then to the places of employment. Both segments were held to be intrastate. Moore, 89 M.C.C. 180.

7. *Free transportation beyond state line.* Charging only for service in one State does not make intrastate a movement of passengers carried a short distance into an adjoining State. Antietam 83 M.C.C. 175.

CHAPTER III—INTERSTATE VS INTRASTATE COMMERCE—PROPERTY

Par.
1 Purpose.
2 Leading Cases—Intent Governs.
3 Interstate Intent not Carried Out.
4 Distribution from Warehouse or Other Storage.
5 Storage-in-Transit, Household Goods.
6 Warehouse or Terminal Astride State Line.
7 Transit Arrangements Affecting Character of Traffic.
8 Interruptions other than Storage.
9 Processing at Intermediate Point.
10 Distribution of Pool-Car Shipment.
11 Accumulating Shipments.
12 Distribution of Identical Items in One State.
13 Distribution of Films to Theatres.
14 To or From Pipeline Terminals.
15 Stop for Inspection.
16 Mine to Railroad, Destination Unknown.
17 Forest to River Boom.
18 Oilfield Pipe from Railhead.
19 Ex-water Shipments, Moving from Docks.
20 Motor-water Movement Through Waters of Second State.
21 Between points in one State Through Another.
22 Effect of Reconsignment, Diversion, or Reshipment.
23 Combined Interstate-Intrastate Shipment.
24 Partly over Private Roadways.
25 Partly by Private or Exempt Carrier.
26 Partly by Air or Mail.
27 Movements on a Theatrical Circuit.
28 Supplies for Interstate Vehicles.
29 Movement of Contents of Disabled Vehicles.
30 Movements of Empty Containers or Trailers.
31 Comingling of Intrastate and Interstate Cargoes.

1. *Purpose.*

a. The Bureau's jurisdiction extends only to the transportation of passengers or property by motor carriers engaged in interstate or foreign commerce. Therefore a thorough understanding of what constitutes interstate or foreign commerce is essential for any investigator.

b. This chapter deals with the transportation of property, and reports past decisions and opinions for the guidance of staff members in considering parallel situations which may arise.

c. The Motor Carrier Safety Regulations apply equally to foreign and interstate commerce. It is therefore unnecessary for the field staff to distinguish between these two. In distinguishing between intrastate and foreign commerce, the guidelines would be the same as set forth herein for consideration of interstate vs intrastate.

2. *Leading cases—intent governs.*

a. The intention existing at the time the movement starts governs and fixes the character of the shipment, provided that intention persists throughout the Idaho transporting between mine and movement. A contract carrier within railhead shipments to or from out-of-State points with no through rate or billing or common control, etc., held operating in interstate commerce. Rush, 17 M.C.C. 661. See also the discussion of intent in Crude Talc, 44 M.C.C. 714; Transway, Inc. 51 M.C.C. 263; and Petroleum Products, 71 M.C.C. 17.

b. A different way of expressing the same idea, often used in correspondence, is that an interstate shipment begins when it has started in its course of transportation to another State or has been delivered to a carrier for such transportation. It ends when it has reached the ultimate destination originally intended by the party who controls the movement. All transportation which is a step in that movement from its beginning to its end is transportation in interstate commerce. Through billing is not essential, nor an arrangement between the carrier for through transportation nor actual physical continuity of the movement. L–24605, Nov. 18, 1953.

*3. *Interstate intent not carried out.*

Where the original intent is to ship in interstate commerce but before the shipment leaves the State it is ordered returned or reconsigned to a point within the State, it is considered to be in intrastate commerce from the beginning. L–25562, Nov. 30, 1973.

4. *Distribution from warehouse or other storage.*

a. (1) Goods from one State or shipped to a warehouse in another State, no specific destination beyond the warehouse being known or intended at the time of shipment. Goods come to rest at the warehouse and are distributed in the State to the retail outlets of the chain store shipper, as they are needed. Distribution held to be in intrastate commerce. Surles, 4 M.C.C. 488; Freight Transp., Inc., 32 M.C.C. 742.

(2) Same holding where the goods were distributed as they were sold to customers of the shipper in the same State. Dixie, 29 M.C.C. 303; Administrative Ruling 93.

*(3) Same holding as to oil from bulk stations. Hall, 24 M.C.C. 33; molasses from a barge terminal storage tank, Transit, Inc., 68 M.C.C. 295; petroleum products from barge-line facilities, Petroleum Products, 311 I.C.C. 219, upheld in Pacific Inland vs U.S., 14 F.C.C. (CCH) 81,389; synthetic resin glue from rail tank car serving as a storage tank and local marketing facility, Watkins, 67 M.C.C. 120; and bulk cement from storage silos, Schwerman, 94 M.C.C. 683; and the delivery of goods shipped to a warehouse to await developments in an impending strike which would determine what would be done with them. L–25562, Dec. 8, 1971.

(4) See also Par. 14 as to one-State movement from interstate pipeline terminal storage tanks.

b. Salesman in one State peddling out-of-State goods which they have picked up at a warehouse before being placed in storage are not performing interstate transportation. L–14727, Nov. 29, 1941. Nor are driver-salesman who distribute to retail stores, products which were brought into the State and kept at a distribution point as stock to be used to fill orders. L–25562, June 3, 1963.

c. (1) The mere use of a warehouse as a transfer point from the interstate carrier to the local carrier, the intent of the shipper being for a continuous movement, does not change the character of the commerce from interstate to intrastate, Gossett, 27 M.C.C. 719. See also Beggs vs Kroger, 167 F. 2d 700, discussed in Transway, Inc., 51 M.C.C. 263.

(2) Similar conclusion as to one-State distribution of products from rail tank cars shipped from out-of-State origins under a continuing intention to move the products to a certain point beyond the rail terminal. Williams, 66 M.C.C. 523.

(3) So also as to ex-barge traffic from Florida to ultimate users in Georgia, after temporary stoppage at port facilities in that State. Walker, 84 M.C.C. 371.

d. The question of whether goods come to rest at a warehouse or other storage facility, or merely pass through it in the course of a continuous journey, is often a difficult one, particularly in situations where selling is not involved, such as when the goods constitute supplies or materials for a manufacturer. There is no set formula which will produce the right answer. The cases seem to hold, however, that where the warehouse serves only as a temporary storage to permit orderly and convenient transfer of the goods from one form of transportation to another, in the course of carrying out what is intended as a continuous movement to destination, the continuity is not broken and the one-State movements are interstate. Gossett, 27 M.C.C. 719.

e. Where goods were placed in a warehouse to await customs clearance after arrival from abroad, the intent of the shipper being that they move as continuously as possible to consignee to whom they had been sold, further transportation in the same State held to be interstate. J. W. Cartage, 81 M.C.C. 167. Similarly, holding for 5 days free storage period at port authority sheds did not constitute a break in continuity when the goods had been purchased to stock the stores of the purchaser, the ultimate destination having been ascertained prior to arrival of the goods from abroad. Iron and Steel, 323 I.C.C. 740; sustained N.C. P.U.C. vs U.S., C.A. 1079, March 29, 1966. See also Glosson, 101 M.C.C. 151.

*f. Salt for highway use stockpiled at point where received from water and rail carriers until such time as salt dealer's customers in that State have need for it according to weather conditions, has reached the end of its original interstate journey at that point. Mohawk, 113 M.C.C. 579. Where the intent was to stockpile, but emergency weather conditions required immediate one-State delivery from rail yard, delivery considered to be intrastate. L–25562, June 7, 1965.

g. Where a manufacturer shipped milk cartons, imprinted with the names of various of its dairy customers, to a warehouse in another State and there held them until ordered by the customers in that State as they had need for them, the transportation from warehouse to the customers, arranged by them, was held to be intrastate. Distinction was made between the *ultimate* intent of the shipper to sell to the particular customers and its present intent to ship only to the warehouse and there hold the goods until needed by the customers. Durbin, MC–119858, decided Sept. 1, 1961 (not printed).

*h. Where a dealer in asphalt ordered supplies of the product from out of State only as he received an order covering a particular construction contract, but when received, all the asphalt was placed in a common tank from which all his customers were served, the continuity of the movement is broken at the storage tank and the movement from there to a customer within the State is considered in intrastate commerce. L–23846, May 13, 1952.

i. Where goods unloaded from rail cars were held at a motor carrier's warehouse for a short time until accommodations were available at the consignee's plant, the intent from the time of origin being that the ultimate destination would be that plant, the haul from the warehouse to the plant in the same State was held to be in interstate commerce. Marckesano, 86 M.C.C. 727.

5. *Storage-in-transit, household goods.*

Where there is an arrangement for the entire service of transportation to the warehouse, temporary storage-in-transit, and subsequent movement out of the State at the time the goods are picked up from the shipper, the entire service is in interstate commerce. If no such arrangement exists, it cannot be said to be in interstate commerce. A mere intention to ship to a point outside the State at some indefinite later date does not render the local movement interstate. Y–3201, July 26, 1939.

6. *Warehouse or terminal astride state line.*

a. Where a factory, terminal or warehouse, or like facility is located astride a State line, the movement within that facility is not considered to affect the status of subsequent transportation outside. In common understanding, transportation begins when factory, warehouse, or terminal handling ends, and does not begin when the goods are placed in movement with such facility. Thus, it is considered that when goods stored in a warehouse astride a State line are carried through an exit of the warehouse in State A to a point in State A, the transportation is considered in intrastate commerce even though the goods had been stored in the State B side of the warehouse. L–23322, Sept. 21, 1951.

b. However, in two unprinted decisions, I.C.C. Division 1 held that where a pipeline tank farm is partly in Nebraska and partly in Iowa, storage tanks being located in both States and loading racks being in Nebraska, when the petroleum product is withdrawn from a tank in Iowa it begins a movement in interstate commerce, even though there is no connection between the original inbound pipeline movement and the following motor movement. Richling, MC–107098 Sub 5, decided March 23, 1956, and Staack, MC–89633 Sub 9, decided April 27, 1956.

7. *Transit arrangements affecting character of traffic.*

a. Where it is the intent that shipments originating in a State move to a point in that State for a transit service, then move to points outside the State, or the reverse, the one-State portion to or from the transit point is in interstate commerce. Commercial 73 M.C.C. 527 and 76 M.C.C. 773, where there was refining in transit. See also Alterman, 81 M.C.C. 781, where it was not known whether goods going to storage-in-transit would move out of storage to points in the same State or another State.

b. Where an unknown amount of the goods moved to the transit point normally stay in the State, this does not affect the interstate character of the haul to the transit point of the goods which do move out of the State from the transit point. Southern Pacific Transp. Co., 120 M.C.C. 236, 247, which discusses Alterman, 81 M.C.C. 781, involving a similar situation.

c. A liberal substitution-of-tonnage rule in the interstate tariff under which the identity of the inbound to the outbound shipment is not preserved, making it impossible to determine just which of the predominantly interstate-bound shipments stayed in the State, does not affect the conclusion that the movements to the storage-in-transit point are in interstate commerce. Southern Pacific, 120 M.C.C. 236. See also Railroad Commission vs. Oil Field Haulers, 325 I.C.C. 697, where pipe was brought into the State and held under storage-in-transit arrangements which permitted the substitution of other pipe originating in the State, it being said that the small portion of the pipe so moved between points in one State assumes the identity of the interstate tonnage.

d. Generally substantial processing breaks the continuity (see Par. 8), but the contrary holding here is based on the peculiar nature of transit service whereby two otherwise separate movements are considered to constitute a single continuous movement. There is a good discussion of the reasoning behind this in Petroleum Carrier Corp., 48 M.C.C. 719, which involved what appeared to be storage-in-transit. Later in Petroleum Products, 71 M.C.C. 17, the entire Interstate Commerce Commission held that in the earlier case it was mistaken in concluding that a transit arrangement existed, and that in the absence of such an arrangement the one-State movements from storage were in intrastate commerce. A dissent challenging the idea that transit may make interstate what would otherwise be intrastate will be found in Merchants, 82 M.C.C. 293. See also Par. 23.

8. *Interruptions other than storage.*

a. (1) Cattle held in siding pens one day awaiting transfer to rail cars, intention existing from the start to ship to interstate destination, the one-State motor haul to the pens held in interstate commerce. Ogas, 32 M.C.C. 437.

(2) Short stop to fumigate berries does not change the character of an otherwise interstate journey. Berries, 28 M.C.C. 156.

(3) Dumping of coke at railhead and reloading on rail cars within 2 days does not change character of shipment where intent from the beginning was to ship out of State by rail. Mickle, 84 M.C.C. 334.

(4) Wait of a few days on railroad siding for heating necessary to unload bituminous materials does not break otherwise continuous journey. L–25659, Sept. 25, 1957.

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b. Grading of agricultural commodities at a warehouse was held a sufficient interruption to break the journey, although the decision did not debate the point. Ferry, 22 M.C.C. 441. For the effect of transit privileges, see Par. 7 of this chapter.

9. *Processing at intermediate point.*

a. (1) Fluor spar ore transported from mine to a crusher mill in the same State was received at the mill in a bin over the primary crusher or on a stock pile. It is crushed, floated, and dried, producing 72% concentrate and the remainder waste. The concentrate was shipped by rail to destinations in other States. It was held that as the ore goes through extensive processing at the mill, which results in a substantial change in physical characteristics, industrial potentialities, and value, the transportation from mine to mill is in intrastate commerce. Wildie, 48 M.C.C. 798.

(2) But where coal intended from the beginning to go to out-of-State destinations from tipple passes through a device which crushes, grades and cleans it and thence into a car for transportation out of the State, the interstate character of the movement was not considered broken at the processing point. L–25562, November 7, 1957.

b. (1) Flour earmarked for specified consignees when it left the mill was transported interstate by rail in bulk to an unloading facility where it was sifted during unloading to remove foreign matter and passed either directly into trucks or into bins from which it was trucked daily. The movement by truck to points in the same State was held to be in interstate commerce. City Express, 78 M.C.C. 497.

(2) In a situation where wheat purchased by a mill owner was transported within Oregon to his mill and there ground into flour, it being known definitely that all of the flour would be exported to points outside Oregon, the Director's opinion was that the transportation of the wheat to the mill was in intrastate commerce. L–11292, March 30, 1940.

c. (1) When an interstate movement of oil was stopped for hydrogenation process which took one day, it was held that the movement from the processing point to the originally intended destination in the same State was in intrastate commerce. Reliable, 81 M.C.C. 486.

(2) Similar result as to jet fuel piped into storage tanks and held there for purification and inspection before further transportation to destinations in the same State. Jet Fuel, 311 I.C.C. 439.

d. For cases involving processing under transit arrangements, see Par. 7 of this chapter.

10. *Distribution of pool-car shipments.*

Within one State is in interstate commerce when the shipments arrive from out-of-State, distribution being made from sheets furnished by the shipper containing instructions as to disposition. Station, 26 M.C.C. 199; Abbt, 31 M.C.C. 529, 533. Same holding where distribution sheets are furnished by local representatives of shipper. DeMerchant, 21 M.C.C. 585. See also Freight Transp., Inc., 32 M.C.C. 742; Berk, 62 M.C.C. 571. The movement within one State of the contents of pool cars sent into the State by an exempt shippers' association is in interstate commerce. Motor Express, 68 M.C.C. 35. Storage of a pool car's contents for about a month before distribution begins does not destroy the interstate character where the intent is clear that the goods are to go beyond, and that intent is carried out. L–25562, June 27, 1974.

11. *Accumulating shipments.*

a. Movements between plants to make up a carload, the out-of-State destination of the carload being known from the start, are in interstate commerce. Bisceglia, 19 M.C.C. 649.

b. (1) Grain shipped to an elevator in the same State, all of it to be moved to points outside the State, but no truckload or shipment earmarked for any particular out-of-State purchaser. At the elevator the grain was graded, tested, and blended and then shipped to out-of-State points during the year following harvest. The motor movements to the elevators were held to be in interstate commerce. State Corp. Comm. vs Bartlett, 338 F.2d 495.

(2) Based on Carson vs Vial, 279 U.S. 95, one-State transportation of benzol to a storage tank for accumulation until there is sufficient on hand to fill a lake tanker for movement to an out-of-State destination, intended from the beginning, is in interstate commerce. L–21817, Dec. 9, 1949. Compare Miller, 63 M.C.C. 313.

12. *Distribution of identical items in one state.*

a. (1) Catalogs, bound in bundles with the name and address of the recipient appearing on each catalog, were sent interstate by rail to a motor carrier who distributed the bundles to various post offices within his State, as marked. One-State distribution was held to be in interstate commerce. Novick, 12 M.C.C. 213.

(2) Same holding as to milk bottles ordered in carloads from the manufacturer by a dairy supply dealer, there being several lots, each containing bottles marked with the name of its ultimate purchaser, and the lots being reshipped from the car as soon as it was unloaded. L–24493, Dec. 28, 1953.

*b. (1) Catalogs which were moved into the distribution State by carrier without labels and at the distribution point were individually addressed, placed in bundles, and delivered by truck to post offices within the State, were held to be moving in interstate commerce throughout. Administrative Ruling No. 92.

(2) Magazines moved into destination State by express, unmarked, and there marked by a local distributor for immediate delivery by carrier to newsstands in accordance with instructions from the shipper are moving in interstate commerce. L–20069, Nov. 26, 1947.

13. *Distribution of films to theatres.*

a. Distribution of feature films within one State, the films having originated outside the State but no intention having existed to move any particular film to any particular point beyond the distribution point, held in intrastate commerce. Film Transit, 7 M.C.C. 485.

b. (1) Distribution of newsreels within a State was held in interstate commerce, there being an intent from the beginning to move the prints to various exhibitors for showing on specific dates in accordance with contracts executed prior to the start of the movement from the out-of-State origin. Transway, Inc. 51 M.C.C. 263.

(2) The Transway case was later overruled in Armored vs. Security, 102 M.C.C. 246, insofar as it involved movements from out-of-State points by parcel post. Recent cases have held that one-State transportation preceded or followed by service provided by the Post Office Department is not interstate transportation. Motor Transportation of Property within a single State, 94 M.C.C. 541.

(3) The movement of feature films from a film exchange to exhibitors and between exhibitors, all within one State, the date of showing ordinarily not known, the contract with the exhibitor sometimes not signed when movement started, and the specific destination of any particular print sometimes unknown was found to be in interstate commerce when the ultimate consignee was known to the out-of-State shipper. Ephraim 78 M.C.C. 489. This case made clear that not only movements from the exchange to the first exhibitor, but those between exhibitors as the films are circulated within the State are interstate, however it appears to leave open the possibility that some of the distribution might be intrastate, perhaps that to exhibitors who had not contracted for a certain film before it left the out-of-State origin.

14. *To or from pipeline terminals.*

a. Petroleum products were shipped by pipeline into Illinois and stored at pipeline terminals under free storage for 30 days. There was no segregation of individual lots the goods of all shippers being kept in common tanks. The only knowledge of ultimate destination was that probably the goods would be consumed in Illinois. During storage some of the products were sold to jobbers and others, some were sent to bulk plants of the shipper, the time, amount and destination of shipments being determined by customer demand. There was no through billing nor transit arrangement. The motor movements of such products to points in Illinois are in intrastate commerce. Miller, 63 M.C.C. 313; Williams, 66 M.C.C. 523.

b. In Petroleum Products, 71 M.C.C. 17, a proceeding was instituted for the specific purpose of determining the status of petroleum products moving from pipeline terminal storage tanks to points in the same State, the products having come to the tanks from out-of-State. It was found that under the general industry pattern of shipment:

(1) At the time of original shipment there is no specific order being filled for a specific quantity to be moved to a specific destination beyond the terminal storage,

(2) The terminal storage is a distribution point or local marketing facility from which specific amounts of the products are sold or allocated,

(3) Transportation in furtherance of the distribution within the State is specifically arranged only after sale or allocation from storage. Transportation from the storage tanks in such circumstances was held to be in intrastate commerce. See also: Jet Fuel, 311 I.C.C. 439.

c. One-State motor movements to a pipeline terminal at which the oil was stored for a day or two before movement by pipeline to destinations in another State, it being intended from the beginning that the oil was to move as continuously as possible to those destinations, were held to be in interstate commerce. Miller, 63 M.C.C. 313; Wilson, 68 M.C.C. 169. See also U.S. vs. Majure, 167 F. Supp. 594. See also Par. 4 and 11, and if transit is involved, Par. 7.

15. *Stop for inspection.*

Where used generators were shipped from origin to a point in the same State for inspection to determine whether they would be sold for junk at that point or shipped beyond the State for rebuilding, the movement to the inspection point is in intrastate commerce. L–21123, February 17, 1949.

16. *Mine to railroad, destination unknown.*

a. (1) Crude talc was transported by motor carriers from mine to talc companies' bins in the same State, the companies being both consignors and consignees. Loading of rail cars is by the companies on order of distant business offices and the destination of the cars is determined at some time after the motor transportation is completed. Talc moves by rail mainly intrastate, although ⅓ of the shipments of one company move to interstate destinations. It was held that the motor transportation was in intrastate commerce. Rush case (Par. 2) distinguished. Crude Talc, 44 M.C.C. 714.

*(2) The same is true where goods are shipped from a plant to storage in the same State, shipments being made indiscriminately out of storage to both intrastate and interstate destinations, and there being no through rates or transit provisions applicable. Alterman, 81 M.C.C. 781, 787.

b. Gasoline shipped from refinery to storage in the same State, shipments being made out of storage to both interstate and intrastate destinations was held to be in intrastate commerce. L–22919, April 19, 1951.

17. *Forest to river boom.*

Applicants transported logs from the forest to booms located in same State. The logs frequently remained in the booms for from 3 to 6 months, logs being taken out at intervals for fabrication in local mills or for export depending on changing circumstances. Held booms were in essence floating warehouses and the movement from forest to boom was not in interstate or foreign commerce. Baker, 7 M.C.C. 255.

18. *Oil field pipe from railroad.*

a. (1) Where the destination of the pipe was known precisely when ordered from Eastern mills, the motor haul from the railhead to that destination is interstate. Dunn, 28 M.C.C. 476. A stop for coating and wrapping such pipe would not destroy the interstate character of the movement to the intended destination. L–21360, April 28, 1949. Nor a stop for inspection. Dixie, 29 M.C.C. 317. Nor would delay at the railhead between the rail and motor movements necessarily have that effect.

(2) Oilfield pipe transported from rail or water carrier terminals either direct to construction site or after storage in the motor carrier's storage facilities is interstate commerce where it was known that the pipe was destined for a particular project and it was identified by class and kind and deliveries to consignee were in accordance with its precise instructions. Oilfield, 300 I.C.C. 409, 428.

b. However, where the only intent was a general one that different sized sections of pipe eventually be installed somewhere in an extensive pipeline operation, transportation from storage to construction location viewed as intrastate commerce. L–24605, November 18, 1953. Same where pipe was stored prior to commencement of construction there being only a general intent that selections of particular dimensions be used in certain areas. L–25562.

19. *Ex-water shipments moving from docks.*

a. One-State movements from docks of goods that have come from foreign lands or territories or from other States in coastal traffic may be in interstate or foreign commerce or in intrastate commerce depending upon the intent of the party or parties in control of the transportation. See Par. 23 as to one-State transportation in connection with a movement to, from, or beyond by private carrier or within an exemption.

*b. A common situation is where an importer or broker purchases goods from abroad with no intent other than to have them shipped to him at the shipside dock, be there either storing the goods for future sale, or turning them over to purchasers he has located before and during the voyage and after arrival of the ship, with the purchasers arranging their own inland transportation. Such inland movements when confined to one State have been considered in intrastate commerce. In Seaboard Air Line Ry. Co., vs. Lee, 14 F. 2d 439, affirmed per curiam 276 U.S. 591, a shipload of fertilizer was brought to Wilmington, N.C., under the above circumstances. Some purchasers stored their lots at the dock, some sold to others without taking physical possession, others shipped or had their agents ship the goods to them, they appearing as consignors on the rail bill of lading and paying the rail freight charges. The Court said that the original and persisting intent of the importer was to ship the fertilizer from the foreign origin to the dock and there to put it in the hands of purchasers, and that while the importer obviously knew the fertilizer eventually would move to inland points in the usual course of trade, this did not establish an intent on his part that it so move. The one-State rail movements were held to be in intrastate commerce.

c. At about the same time as the *Lee* case was decided the Commission in *Goldsboro Chamber of Commerce* vs. *A.C.L. RR Co.*, 91 I.C.C. 315, had before it almost an identical situation involving the same commodity and the same port, and it held the inland transportation from the docks to be in foreign commerce. On many of the shipments, however, the importer was shown as the consignor on the rail bill of lading, which was not so in the *Lee* case. On other shipments the customers were shown as the rail consignors and controlled the inland movement, and as to these the two cases appear to be in conflict. Advice has been given to the I.C.C. field staff that in the latter situation the *Lee* case holding that the shipments are in intrastate commerce must be considered as controlling. L–24066, April 9, 1953

d. It is considered that even though, the local movements are made by the importer or his agent, they are in intrastate commerce where the intent of the importer was merely to bring the goods from foreign points to the dock to be held there for sale and subsequent distribution in the usual course of trade, there being no intent that any particular portion of the goods move to any particular purchaser. Thus, were shiploads of sugar were brought into San Francisco and placed on the docks and drawn on to fill orders received by the importer each day, the opinion was given that the movements from the docks to the customers were in intrastate commerce though arranged for and paid for by the importer. This is in line with the decision in Southern Pacific vs. Van Hoosear, 72 F 2d 903, and with that in Manlowe vs. Dept. of Public Service, 140 P 2d 287 and discussion in 155 American Law Reports 937–949. L&E 31924, May 25, 1956.

e. A different situation is presented where from the beginning the intent is that goods move from out-of-State to the dock and thence to the intended inland destination, there being no intent to sell or otherwise dispose of the goods at the dock. Thus, in U.S. vs. Erie R. Co., 280 U.S. 98, a manufacturer in New Jersey purchased foreign materials through a broker, the latter ordering the goods from the European source, and the particular lot of goods being identified throughout the journey as those of the manufacturer. The court sustained Commission's finding that the rail movement from the New Jersey dock to the manufacturer's plant was in foreign commerce, there having been a continuing intent from the time the goods were put aboard the ship that they should move to that plant.

f. (1) Where goods were ordered from abroad for the purpose of restocking the buyer's stores according to their needs as shown by a computerized inventory made six months in advance, and held at port warehouses for the 3 to 5 days free storage time permitted during which time a rapid reexamination is made of the individual needs of the various stores, the transportation from storage

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to destinations in the same State was held to be foreign commerce. Iron & Steel, 323 I.C.C. 740; sustained N.C. P.U.C. vs. U.S., C.A. 1079, March 29, 1966.

(2) Similar finding were goods where purchased abroad and shipped to a U.S. port, then shipped inland to customers to whom they had been sold at various times before purchase abroad to the expiration of the free time at the U.S. Port, those unsold being shipped to inland storage, this being the intent from the beginning. Southern States, 323 I.C.C. 400. The decision in Wool, 26 M.C.C. 297, is somewhat similar. See also Glosson-Purch.-Helderman, 101 M.C.C. 151, where the intent was that substantially all of the goods ordered from abroad by importers would move from dockside warehouses within the 5 days free time permitted pursuant to directions prepared in advance.

*g. Where producer of urea imported it in bulk to fill its own needs and for movement to customers who contracted to by fixed amounts each month, the producer in most instances selecting and paying the motor carrier for the inland one-State movement, the motor movement was held to be in foreign commerce. Petroleum Transit, 102 M.C.C. 380.

20. *Motor-water movement through waters of second state.*

In making trips between points in Oregon the boat passes through waters of the State of Washington and sometimes calls at Washington ports. Held the motor transportation is in interstate commerce. L–14081, Aug. 11, 1941. Compare Cornell Steamboat Co., vs. U.S. 634.

21. *Between points in one state through another.*

a. (1) Transportation between two points in one State by means of a circuitous route through another State for the purpose of evading the first State's Intrastate regulations was held in interstate commerce but not a bona fide operation entitling the carrier to "grandfather" rights. Eastern Carrier Corp., 14 M.C.C. 430; Same vs. U.S., 31 F. Supp. 332: On finding such an operation a badfaith attempt to convert what is essentially intrastate commerce into interstate, the Commission issued a cease and desist order in Pa. P.U.C. vs. Hudson, 88 M.C.C. 745; sustained, Hudson vs. U.S., 219 F Supp 43; aff Arrow vs. U.S., 375 U.S. 452. This involved a regular service between Philadelphia and Allentown, Pa., a highway distance of 52 miles, as contrasted with the circuitous route of over 100 miles through New Jersey where the carriers' authorities were tacked, for which no economic justification was shown other than, as the court said, of avoiding the unfavorable consequences of their intrastate traffic coming within the rightful jurisdiction of the State.

(2) Similarly operations over a circuitous route were found to have been conducted as a subterfuge to evade State regulations and not authorized by the carrier's I.C.C. certificate in Service, 94 M.C.C. 222; aff. Service vs. U.S., 239 F. Supp. 519; 382 U.S. 43. Here only movements involving shipments between points in one State were routed circuitously through another State, others already having interstate characteristics because of prior or subsequent movement, were routed directly.

22. *Effect of reconsignment, diversion, or reshipment.*

a. Where a shipment moving in interstate commerce is diverted to a different consignee enroute, or after arrival at destination but before delivery it is reconsigned to a different consignee in the same State for some reason, such as refusal of delivery by original consignee, the movement to the second consignee is in interstate commerce, citing Woodward & Son vs. Southern Railway Co., 156 I.C.C. 354.

b. On the other hand, where the first movement ends with a bona fide delivery, and pursuant to a new intent the goods are reshipped to a new destination in the same State, the subsequent journey would appear to be in intrastate commerce. Compare Seaboard vs. Lee, 14 F. 2d 439 (Affirmed per curism 276 U.S. 591); Freight Transp. Inc., 32 M.C.C. 742; and Bassetti; 33 M.C.C. 739. L–22368, June 16, 1950; L–23984, July 25, 1952; L–24679, March 25, 1954.

23. *COMBINED INTERSTATE-INTRASTATE SHIPMENT.*

Goods are shipped as part of a volume truckload shipment moving to a point outside the State of origin; but are unloaded within the State of origin under a tariff provision permitting stoppage in transit for partial unloading. If such goods are otherwise in intrastate commerce, their status if not changed by the fact that they were billed and transported as part of an interstate volume or truckload shipment. If, however, the stop is for storage-in-transit and the goods later move to an interstate destination, the movement from origin to that destination is in interstate commerce. Armour vs. Tri-State, 49 M.C.C. 46.

*24. *PARTLY OVER PRIVATE OR RESERVATION ROADWAYS.*

Intrastate operations in a State are not made interstate by movement to or through a U.S. Government reservation within that State. (Compare Hughes vs. U.S., 121 F. Supp. 212). However, where a shipment moves from one State to a destination in a second State, but all movement in the second State is within a military reservation, the haul is considered in interstate commerce. Direct, 83 M.C.C. 136. The same is true where all movement within one of two States is over private roads. Lattavo, 98 M.C.C. 767.

*25. *PARTLY BY PRIVATE OR EXEMPT CARRIER.*

a. (1) For-hire motor transportation within a single State of property, which has moved or will move in private motor carriage from or to points beyond the single State, was found not to be transportation in interstate commerce subject to economic regulation. The I.C.C. so held in Motor Transportation of Property within Single State, 94 M.C.C. 541, affirmed Pa. R. Co. vs. U.S., 242 F. Supp. 890, ATA vs. U.S. 382 US. 372 (petitions for rehearing denied), wherein it expressed agreement with the result of the decisions in Service, 44 M.C.C. 419; Iron & Steel, 53 M.C.C. 769; and Holliday vs. Liberty, 53 M.C.C. 22, which had applied the theory of Pa. R. Co., vs. Ohio P.U.C., 298 U.S. 170 (1936). In taking that position the Commission overruled the decisions in Roethlisberger, 32 M.C.C. 709; Biscoeglin, 34 M.C.C. 233; Dora, 48 M.C.C. 171; Miller, 63 M.C.C. 313; and Enfner, 69 M.C.C. 581, to the extent they held to the contrary.

(2) These decisions relate only to economic regulation and the movement of traffic within a single State by a for-hire carrier, which will move beyond the single State by private carriage, subjects the single State movement to the MCSR.

b. (1) Where shipments are brought into the State by private barge the same principle applies. Transport, 96 M.C.C. 676. When shipments are brought into a State by the owner of the goods in a ship which the owner of the goods has hired under charter, the I.C.C. does not consider this to be private water carriage, and it has expressed the opinion that the movement of such shipments by for-hire motor carrier to other points in that State is subject to full regulation. L–25562, February 28, 1966.

(2) But transportation in Government owned and operated vessels and planes is considered in the same category as ordinary private carriage for this purpose.

26. *Partly by air or mail.*

a. Though neither air nor mail are mentioned in the definition of interstate commerce in Section 203(a)(10), it was held that operating authority is required for one-State motor transportation of goods moving in a continuous journey into or out of the State by air. Gromand, 72 M.C.C 257, and Film Transit, 98 M.C.C. 145.

b. Such transportation, in common with that in part by pipeline and ocean vessels, was distinguished from transportation by motor vehicle in connection with service provided by the Post Office Department in Armored vs. Security, 102 M.C.C. 246, wherein it was held that the one-State movement in the latter situation is not interstate transportation. This decision was said to be predicated on the unique status of the Post Office Department and those performing governmental functions under contract with it or as sub-contractors with its approval, in respect to the transportation of mail, as distinguished from for-hire carriers. Compare Motor Transportation of Property within Single State, 94 M.C.C. 541. See Item 24.

27. *Movements on a theatrical circuit.*

Transportation of theatrical equipment between two points in one-State, with complete unloading and show at both points, is interstate in character if the performance at the two points within the State were part of a series of scheduled performances in more than one State. 0–326, MC–60580 Sub 15, Dec. 9, 1954.

28. *Supplies for interstate vehicles.*

Transportation of ice within a State to refrigerator cars which will move in interstate commerce is in intrastate commerce. C.C. and court cases cited L–13121, Jan. 31, 1941. The same is true as to ice moving to fishing boats for use in refrigerating their catches. L–25348, March 8, 1956.

29. *Movement of contents of disabled vehicles.*

Movement of contents of disabled vehicles, as an incident to the towing of disabled equipment, from point of accident or breakdown to carrier's terminal in the same State is intrastate commerce, the governing factor being the intent of the carrier, not that of the shipper of the commodities contained in the vehicle. L–21578, August 21, 1962.

*30. *Movements of empty containers or trailers.*

Movements of empty containers or trailers from place of last use to a holding pool in the same State, and their movements to place of next use in that State, are in intrastate commerce, through the last use or the next use is for a movement in interstate or foreign commerce. L–25562, July 16, 1968.

*31. *Comingling of intrastate and interstate cargoes.*

Comingling of intrastate and interstate cargoes does not change the status of either, Ryder, 91 M.C.C. 497.

CHAPTER V—PART 390—GENERAL

Par.
1 Applicability of Safety Regulations.
2 Pick-up and Delivery.
3 Exempt Carriers.
4 Certificate of Exemption.
5 State and Local Laws.
6 Observance of Driver Regulations.
7 Passenger Automobiles.
8 Ambulances.
9 Escort Vehicles.
10 Plants and Terminals.
11 Private Property.
12* Empty Vehicles.
13 Commercial Zones.
14 Dromedaries.
15 Government Vehicles.
16 Private Carriage by Railroads.
17 Transportation Within a Single State.
18 School Bus Operations.
19 Driver Mechanics.

1. *Applicability of safety regulations.*

The Motor Carrier Safety Regulations are applicable to the transportation of property and passengers (except private carriage of passengers) in interstate or foreign commerce.

2. *Pick-up and delivery.*

Motor carriers performing pickup and delivery service, whether as an agent or under contractual agreement for other carriers, within terminal areas may be exempt from the ICC economic regulations (Section 202(c)(2)). However, such operations are not exempt from the Motor Carrier Safety Regulations. If a local pickup and delivery operation is conducted for another motor carrier, the pickup and delivery service may be exempted from certain parts of the Motor Carrier Safety Regulations if performed wholly within a commercial zone. When the pickup and delivery service performed is for a railroad (such as piggyback), the operation could be subject to all parts of the Motor Carrier Safety Regulations. The reason being that in most instances a railroad terminal area is larger than a motor carrier's commercial zone, as defined by the ICC.

3. *Exempt carriers.*

Section 203(b) of the Interstate Commerce Act provides ten exemptions from the economic regulations of that Act. Carriers operating under the exemptions are referred to as "exempt carriers." However, all of these types, while exempt from economic regulations, are not exempted from the Motor Carrier Safety Regulations.

4. *Certificate of exemption.*

Under Section 204(a)(4a) of the Interstate Commerce Act, the Interstate Commerce Commission can issue a certificate of exemption to any motor carrier or class of motor carriers engaged in operations solely within a single State. The certificate of exemption exempts the carrier, or carriers, from the provisions of the Interstate Commerce Act. Therefore, if a certificate of exemption has been issued to a carrier, the carrier is exempt from both the economic and safety regulations, except to the extent that the particular certificate states otherwise.

5. *State and local laws.*

Section 390.3 is not intended to preclude States or their subdivisions from establishing and enforcing laws relating to safety, if compliance with the State laws would not prevent full compliance with the MCSR.

6. *Carrier must require observance of driver regulations.*

Section 390.32 requires that wherever in the regulations a duty or prohibition is imposed on a driver, it shall be the duty of the carrier to require observance of the rule (72 MCC 47).

7. *Passenger automobiles.*

The safety regulations were designed primarily to apply to lightweight and heavy-duty commercial vehicles, and in many instances the regulations are not suitable for passenger cars. Various parts of the MCSR contain exemptions for the operation and driving of passenger automobiles. The Bureau, therefore, has not required compliance with the regulations by private carriers of property insofar as they engage in the transportation of property in an incidental manner in passenger cars.

8. *Ambulances.*

Ambulance service implies emergency situations, and freedom of movement in the event of an emergency is vital to the public interest. Ambulances must be sent over the most practical routes to whatever destination their services may be needed, irrespective of any limitation or restrictive regulation (63 MCC 66). Until further notice, the operation of ambulances in transportation of corpses or sick and injured persons is not subject to the requirements of the Motor Carrier Safety Regulations.

9. *Escort vehicles.*

Automobiles and lightweight vehicles used in escorting valuable or oversized loads, and not transporting property, are not considered as vehicles used in the transportation of property and would, therefore, not be subject to regulation. If the escorts are transporting any substantial amount of property for use in connection with their escort duties, they would be private carriers of property subject to regulation.

10. *Interstate vehicles at plants and terminals.*

Vehicles which, in the course of transporting over the highway, are for a time off the highway loading, unloading, or waiting, are subject to the safety regulations during these times. Vehicles and drivers used *wholly* within terminals and on premises of carriers or plant sites, are not subject to the safety regulations. Vehicles designed for use at construction projects but which are moved over the highway by driveaway operations are subject to the MCSR when the vehicle is driven in interstate operations.

11. *Private property.*

The Motor Carrier Safety Regulations are not applicable to vehicles operating wholly on private property. When a motor carrier crosses a State line on private property and transportation continues over public highway in one State, such transportation is in interstate commerce and the portion of operations over public highways requires compliance (98 MCC 767).

12. *Empty vehicles.*

The Bureau's jurisdiction extends to the movements of empty vehicles, including movements wholly within a single State when such movements are incidental to transportation in interstate or foreign commerce (33 MCC 319).

13. *Commercial zones.*

a. *General*—Section 390.33 sets forth a table providing significant exemptions from the MCSR. The table and wording may both be confusing and may not provide the best possible notice of applicability. On August 10, 1971, an amendment was issued to the regulations defining exempt intracity operations (Section 390.18). Additionally, those parts affected by the table in Section 390.33 were individually amended to add language giving notice of the intracity operation exemptions.

b. *Hazardous Materials.* The placarding requirements were changed on January 1, 1967, to require placards on vehicles transporting hazardous materials weighing 1,000 pounds or more, and in certain instances, requiring placards regardless of weight. Simultaneously, the applicability chart in Section 390.33 was revised to reflect the new placarding requirements. This change in the chart provided an exemption from the safety regulations (except Parts 394 and 395) to the following operations conducted wholly within a commercial zone.

(1) Vehicles transporting less than 2,500 pounds gross weight of one such article, or

(2) Vehicles transporting less than 5,000 pounds gross weight of two or more such articles.

c. *Between Commercial Zones.*

(1) In Section 390.33, a table sets forth the applicability of the various parts. The applicability is predicated on vehicles and drivers *used wholly* within a municipality . . . the word "used" must be construed to mean "used as a motor vehicle." Vehicles transported in flatcar service or on ves-

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sels are not being used as motor vehicles, but are being used as containers. For example, in piggy-back operation the transportation between origin and destination is being performed by the railroad and not by a motor carrier. The commodity being transported consists of the trailer and not necessarily the commodity within the trailer. Thus, the trailer is not being used for its intended purpose, namely operation on the highway, but is being used only as a container. The trailer would, therefore, fall within the exemption as it is operated only on the highway within the origin and destination commercial zones.

(2) A trailer which is transported by a motor carrier from one commercial zone to another would be subject to Part 393 while it is being used for delivery of freight or picking up freight within a commercial zone. However, if a pickup and delivery tractor is attached to the trailer, the tractor would not be subject to Part 393 if it is used wholly within a commercial zone and the trailer would be subject to Part 393 if it is not used wholly within a commercial zone.

14. *Dromedaries.*

The definition of a truck, Section 390.4, has been interpreted to include "Dromedaries."

15. *Government vehicles.*

Vehicles operated by agencies of the Federal Government, the States, Counties, and cities in carrying out their governmental and civic functions, are not considered to be subject to any regulation under the DOT Act.

16. *Private carriage by railroads.*

Transportation by a railroad, on its own trucks, of tie-handling machinery, or other similar machinery, and material and supplies which are owned by it in the repair, maintenance or construction of its railroads or other facilities used in its railroad operations, is private carriage by motor vehicle subject to the Motor Carrier Safety Regulations.

17. *Motor transportation of property within a single state.*

For-hire motor transportation within a single State of property, which has moved or will move in private motor carriage from or to points beyond the single State, was found not to be transportation in interstate commerce subject to economic regulation (94 MCC 571, 37 Fed. Sub. 890; 382 US 372 and 384 US 914). This decision relates only to economic regulations and the movement of traffic within a single State by a for-hire carrier, which will move beyond the single State by private carriage, subjects the single State movement to the MCSR.

18. *School bus operations.*

a. The vast majority of school bus operations are not subject to the jurisdiction of the Bureau because one or more of the following exemptions apply to those operations:

(1) The motor carrier is an agency of the Federal, State or local Government;

(2) The motor carrier is a private carrier of persons;

(3) The operations are not in interstate or foreign commerce.

b. Nevertheless, the breadth of the exempt areas still leave us with a substantial number of school bus operations that are subject to the Motor Carrier Safety Regulations. When a nongovernment for-hire carrier transports children to school or school-related functions and operates across a State line or international boundary, his operations must be conducted in accordance with the Regulations. This is the case even though he may not be required to obtain a permit from the Interstate Commerce Commission and otherwise comply with the Commission's regulations.

c. The Bureau, and the Interstate Commerce Commission before it, traditionally applied the same test that the ICC Act uses to distinguish a private carrier of property from a for-hire carrier of property. That test is the so-called "primary business test." There appears to be no valid reason why the Bureau should not apply the primary business test to the transportation of passengers generally, and to the transportation of passengers in school buses in particular for the purpose of determining whether the transportation is private carriage of persons, exempt from application of the Motor Carrier Safety Regulations. Under the test, we would have exempt private carriage only if:

(1) The carrier was primarily engaged in an enterprise other than transportation (Such as education of children in a school); and

(2) The transportation is within the scope of, and in furtherance of, that primary enterprise.

d. For our purposes, the critical issues in determining whether the Motor Carrier Safety Regulations apply to school bus operations or other transportation of passengers are:

(1) Is the motor carrier a private, rather than a common or contract carrier of persons?

(2) Is the motor carrier a Government agency?

If either of these questions is answered in the affirmative, the Motor Carrier Safety Regulations do not apply. If both are answered in the negative, the Motor Carrier Safety Regulations apply to operations in interstate or foreign commerce.

19. *Driver mechanics.*

a. A mechanic who drives or tows a replacement vehicle which is to be substituted for a vehicle that has broken down, and remains wholly within a single State is not subject to the Federal Motor Carrier Safety Regulations. He is not exempt however, if he operates the replacement vehicle, or tows it, across a State boundary. Similarly, the driver-mechanic would be subject if he either drives the line-haul vehicle loaded with cargo back to the terminal or drives the replacement vehicle loaded with cargo taken from the line-haul vehicle to the carrier's terminal without crossing a State line, assuming that the line haul vehicle had been transporting freight in interstate commerce.

b. If a mechanic drives a service vehicle to repair a vehicle that is broken down, and does not cross a State line, he is not subject to the Federal Motor Carrier Safety Regulations. However, if he crosses a State line, he is subject to the Federal Motor Carrier Safety Regulations.

CHAPTER VI—PART 391—QUALIFICATIONS OF DRIVERS

Par.

1. General.
2. Qualification and Disqualification.
3. Background and Character.
4. Examination and Tests.
5. Physical Qualification and Examinations.
6. Files and Records.
7. Limited Exemptions.

1. *General.*

a. Under existing regulations, administration of a driver qualification program can be undertaken only by a motor carrier. The Regulations define the term "motor carrier" to include common, contract, and private carriers (see Section 390.15). The regulations do not permit a union to administer the qualification scheme. One obvious difficulty in permitting non-carriers to qualify drivers is the fact that those persons, unlike carriers, are not subject to the Bureau's authority to inspect records. Hence, it would be very difficult to police the adequacy and accuracy with which the required functions are performed.

b. *Section 391.7*—If an official of a labor organization successfully demands that a carrier use an unqualified driver on the ground that the use of that driver is mandatory under the carrier's collective bargaining agreement, he may be guilty of aiding or abetting a violation. If the union official knew that the driver was not qualified under Part 391, he would be considered an aider and abettor of the carrier's violation and would himself incur liability under Section 391.7. This is the case regardless of the terms of the collective bargaining agreement. However, he would not be in violation of Section 391.7 if he acted upon a good-faith belief that the driver was qualified, even though his belief was erroneous.

*c. The disqualification provisions of Section 391.15, do not apply to offenses committed by a driver who is using a company vehicle for personal reasons while off-duty. For example, an owner-operator using his own vehicle in an off-duty status, or a driver using a company truck, or tractor for transportation to a motel, restaurant or home, would be outside the scope of this section if he returns to the same terminal from which he went off-duty. (10–74)

2. *Qualification and disqualification.*

a. *Section 391.11(a)*—The question has been raised as to whether or not a carrier may lawfully permit a person not yet qualified as a driver to operate one of the carrier's vehicles for the purpose of attending a training and indoctrination course, and being trained in the operation of that specific vehicle. If an interstate trip, or a trip across an international boundary, is involved, the driver must be fully qualified to operate a commercial vehicle.

b. *Section 391.11(b)(3)*—A driver who is not qualified by reason of experience or training, and who is hired for on-the-job training may not be used in interstate operations until completion of the training program. The employing motor carrier can comply with Part 391 only after the driver completes his training program since the driver in question would not be fully qualified under all applicable provisions.

c. *Section 391.11(b)(4) and (5)*—There is no requirement that a driver must personally load, block, brace, and tie down the cargo on the property carrying vehicle he drives. Neither is he prohibited from doing so. He must be capable of ascertaining that the cargo is properly loaded so that, if it is not, he can direct others to take the necessary corrective steps.

d. *Section 391.11(b)(6)*—A returning serviceman who fails to meet the physical requirements and obtain a Medical Examiners Certificate is prohibited by Section 391.11(a) from driving in interstate operations. The Selective Service Act of 1967 (50 U.S.S. App. 459(b)), does not require a motor carrier to place a returning veteran driver in a position where he fails to meet minimum physical standards. It provides for reemployment rights only if the veteran is "still qualified to perform the duties" of his former position.

e. *Section 391.11(b)(7)*—Certain States issue so-called "Veterans" driving licenses which show no expiration date. This absence of an expiration date does not alter the fact that these licenses are considered to be "currently valid."

f. *Section 391.15(a).*

(1) A plea of no contest (nolo contendre) differs from a plea of guilty in that the pleader allows himself to be convicted without making an admission of guilt. The regulations make no requirement that there be a plea of guilty. The regulations clearly indicate that a plea of guilty is not necessary to disqualify a driver.

A driver charged with any of the enumerated offenses is disqualified without making any plea where he has forfeited bond or collateral.

(2) Drivers who have been disqualified under Section 391.15 may not necessarily be disqualified from *all* interstate driving. Section 391.15 is a provision found in Part 391. According to Section 390.33 of the Motor Carrier Safety Regulations, nothing in Part 391 or 393 applies to a vehicle or driver, not transporting hazardous materials, (within definitions of placarding requirements of Section 390.33) used wholly within a municipality or the commercial zone thereof. Therefore, Section 391.15 does not apply to a commercial zone driver.

(3) A requalification to drive after a disqualification for any reason under this Section, is not in any way to be considered as a guarantee of employment. This would be a matter entirely within the purview of the employer and employee.

g. *Section 391.15(b).*

(1) In a situation where a driver who holds a license to drive issued by one State, has a second State revoke or suspend his privilege to drive in the second State, the driver would be disqualified from interstate operations until his privileges are restored by the authority that suspended or revoked them. It is immaterial that he holds a valid license from another State.

(2) If a driver has his privileges to drive a pleasure vehicle revoked or suspended by State authorities, but his privileges to operate a commercial vehicle are left intact, he would not be disqualified under the terms of the rule. If that State permits him to operate a commercial vehicle over its highways, as by allowing the driver to retain his chauffeur's license or permit, he remains qualified under the Motor Carrier Safety Regulations.

(3) In jurisdictions where there are two separate and distinct offenses of driving while under the influence of alcohol, and driving while impaired, a driver is disqualified only for the conviction of the former, and not the latter. However, if he were convicted of the latter, and his privileges to drive were suspended or revoked, he would not be eligible until those privileges were restored.

h. *Section 391.15(c)(2).*

(1) A driver who is convicted of one of the specified offenses, or has forfeited bond or collateral on account of one of these offenses, and who is allowed to retain his driver's license, is still disqualified. The loss of a driver's license and conviction of certain offenses are entirely separate grounds for disqualification. A driver who is convicted of one of the enumerated offenses is disqualified even though he retains his license or permit. Likewise, a driver who loses his driving privileges is disqualified even though he is not convicted.

(2) A driver has his license to operate a motor vehicle suspended for driving while under the influence of alcohol, and two months later he is convicted of the DWI charge. The disqualification period begins on the date of conviction. Disqualification for loss of operating privileges is a separate ground for disqualification, and the fact that the driver was already disqualified when he was convicted does not shorten the period of disqualification by reason of the conviction. In general, there is no reason why two or more grounds for disqualification may not be currently applicable to a particular person at one time.

(3) A driver who is charged with a disqualifying offense prior to January 1, 1971, and is convicted after that date, is not disqualified. Under the rule, both commission of the offense and the conviction must occur on or after January 1, 1971, in order for a driver to be disqualified.

(4) If a driver was previously disqualified under the enumerated offenses before December 25, 1972, he would not be disqualified at present unless the offense took place in a commercial motor vehicle. If the offense took place before this effective date in his personal automobile, *and* he currently does not have his driving privileges suspended or revoked, he could again be eligible.

(5) Concern has been expressed about drivers who are convicted of the specified offenses (i.e., possession of amphetamines, etc.), and their being prevented by Safety Investigators from continuing to drive.

(a) Safety Investigators are not authorized to apprehend violators of the safety regulations. The driver cannot be physically restrained from driving. A driver who becomes disqualified, and a carrier who uses his services, are both in violation of the applicable provisions of Part 391 and should be investigated and handled accordingly.

(b) We do not have the authority to place a disqualified driver out of service. The out-of-service procedure is applicable to hours of service and vehicle condition.

i. A person found guilty of one of the specified offenses, and then is granted probation under provision of the applicable State laws, has not been "convicted" as the word is used in Section 391.15. Judgment entered upon revocation of such probation would, however, be a conviction within the meaning of Section 391.15. Texas Law—Vernon's Ann. C.C.P. Art. 42.13.

j. *Section 391.15(c)(2)(ii) and Section 392.4(a)(1), (2) and (3).*

(1) For purposes of the Regulations, narcotic drugs are drugs which produce insensibility or stupor because of their depressant effect on the central nervous system. Included in this definition are: opium derivatives, such as morphine, codeine, and herion; and synthetic opiates, such as meperidine and methadone. Under Federal narcotic laws, however, the term "narcotics" also embraces the cocoa leaf and its derivative, cocaine.

(2) Pharmacologically marijuana is a hallucinogen. Hence, we do not regard it as a drug under the provisions of Section 391.15. However, the operation of a motor vehicle while under the influence of any substance which renders the driver incapable of safe operation, is prohibited by Section 392.4 of the Regulations.

k. *Section 391.15(c)(2)(iii).*

A driver is not guilty of leaving the scene of an accident where personal injury is involved if the injury does not appear until after the accident. If the driver, in good faith, conducts the necessary exchange of information, and otherwise properly executes his duties in an accident situation, he would not be guilty of leaving the scene if the injury was not readily apparent.

1. *Section 391.15(c)(2)(iv).*

A felony committed which involves the use of a vehicle is disqualifying under this subsection, only if the vehicle involved is a commercial motor vehicle.

3. *Background and character.*

a. *Section 391.21*—There is no specified or prescribed form to be used in an application for employment. Carriers should develop their own forms, which are tailored to their individual needs. However, the application form must, at a minimum, call for furnishing the data specified in 391.21(b). The carrier may, if it wishes, require the applicant to supply additional information not required by the Regulations.

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b. *Section 391.23—Investigation and Inquiries.*

(1) A carrier may contract out the task of making the preemployment investigations and inquiries. However, the motor carrier remains responsible for the accuracy and completeness of the work. The carrier must have the record of the preemployment investigations and inquiries in its driver qualification files (either the original or a legible copy), regardless of whether the documents are also retained by the person who performed the work.

(2) When a carrier receives no response from parties to whom inquiries are made, he may still employ the applicant. The rule requires the carrier to make a bona fide good-faith attempt to secure the specified background information about a prospective driver. The carrier fulfills his duty by doing so. The carrier must, of course, keep required records of any response to its attempts to secure the information.

(3) If a carrier receives a request for information from another carrier about a former driver, it is not required to supply the information. The rules do not impose that duty upon him. If the carrier knowingly supplies false information about the driver, however, it risks being charged as an aider and abettor to the use of an unqualified driver.

(4) This section does not contemplate that the police or court record of every prospective driver be examined. This would seem to be a step taken only in the event the employer has reasonable doubt of the veracity of preemployment statements made by the individual.

(5) A carrier in the employment and use of drivers and in continuing drivers in its service, shall give due consideration to the violations of the laws or regulations governing the operation of motor vehicles of which the driver was guilty, and violations of criminal laws, especially with respect to those offenses which tend to demonstrate unfitness of the driver in the public interest. In the court case cited below, evidence adduced showed that a driver in the employ of a motor carrier had been arrested and convicted on at least four occasions for violations of the California Vehicle Code involving the use of intoxicants; however, such violations occurred while the driver was off duty and while he was engaged in personal pursuits. The court held that the MCSR impose a duty on a carrier to ascertain the past record of a driver as to off-duty and on-duty violations. It found that the defendant carrier had failed to not only concern itself with off-duty violations, but had failed to exercise due diligence in securing the record of some of such violations when such record was available. U.S. v. Pacific Motor Trucking Company, U.S. Dist. Ct., of California, Central Division, No. 32674-CD, October 4, 1963.

(6) Inquiry into the driver's driving record shall be made for the previous three years to the appropriate agency of every State in which the driver held a motor vehicle operator's license or permit during those three years. Nothing in the Regulations would prohibit a carrier from requiring additional information in this regard.

c. *Section 391.25—Annual Review of Driving Record.*

(1) In reviewing a driver's driving record, the carrier must consider all violations known to him that indicate the driver exercised lack of due regard for the safety of the public. The overwhelming weight of the available evidence establishes, beyond rational doubt, that a driver's proneness for involvement in serious accidents can frequently be foretold by his past driving record. A violation involving only size and weight of a vehicle would not generally indicate a disregard for public safety, unless the driver had knowledge of the violation before his apprehension.

(2) This section provides that due consideration shall be given to violations of traffic and criminal laws as well as the driver's accident record. All driver acts and offenses should be given due consideration regardless of whether they are committed while he is on or off duty.

d. *Section 391.27—Record of Violations.*

(1) Violations of the size and weight laws must be reported to the carrier. The driver must prepare and furnish the carrier that employs him with a list of all violations of motor vehicle traffic laws and ordinances (except parking violations) of which he was convicted, or forfeited bond or collateral, during the preceding 12 months.

*(2) Drivers who refuse to furnish their employer a list of violations of motor vehicle traffic laws of which the drivers have been convicted during the previous year, or a certificate that they have not been convicted during the year, as required by Section 391.27, are disqualified under Section 391.11.

*(3) The argument that the driver's Fifth Amendment privilege is transgressed by the rule is clearly without merit or substance. It has been settled ever since the Supreme Court decided Sullivan vs. United States, 274 U.S. 259 and Shapiro vs. United States, 335 U.S. 1, that the Government can validly require its citizens to provide personal information about themselves when the information is needed to carry out a valid Federal program. The requirement for disclosure of driving records, as mandated by Section 391.27, has a valid nonprosecutive objective: protection of the motoring public from accidents caused by unfit commercial drivers.

*(4) If drivers concientiously believe that the regulation is invalid, their remedy is not to violate it. Instead, they are at liberty either to petition the Bureau to change or repeal the regulation or to bring an action for a judicial declaration of its invalidity.

4. *EXAMINATION AND TESTS.*

a. *Section 391.31—Road Test.*

(1) The form of the certificate set out in Section 391.31(f) is not mandatory; the certificate must be in substantially that form. A carrier may, therefore, place additional language in the form he uses so long as drivers operating vehicles under his authority have been issued a certificate that they have been tested and found qualified to operate those vehicles.

(2) Blanket certificates taking the form of blank certificates for specific vehicles, (driver's name, etc. left out) are not permissible.

(3) The regulations do not prohibit a carrier from designating another person or organization to administer the road test as long as the person who gives the road test is competent to evaluate and determine the results of the tests.

(4) Restrictions and qualifications other than those specified in Section 391.31(f) may be inserted into the certificate. This is so for two reasons: First, the certificate is not a mandatory form; the rule provides that the certificate must be issued in "substantially" the form specified in Section 391.31(f). Second, the purpose of the certificate, and the road test requirement as a whole, is to attest to a driver's capability to operate a commercial vehicle safely. To the extent that the driver's ability to do so is unknown or uncertain, even after the test, the carrier may certainly so indicate by restrictions in the certificate. For example, the form itself contains such a restriction. It says that the driver is certified to operate only the type of vehicle on which he was tested. There would seem to be no reasonable basis for objection to other similar restrictions which bear a rational relationship to the environment in which the test was given. For instance, a carrier could properly take the position that a test given under certain geographic or meteorological conditions does not indicate whether the driver possesses sufficient skill to operate safely under others.

b. *Section 391.33—Equivalent of Road Test*

A carrier may accept a chauffeur's license as the equivalent of a road test if, and only if, the State that issued the license required the driver, as a condition of securing the license, successfully to complete a road test in a vehicle of the type the carrier intends to assign to that driver.

5. *Physical qualifications and examinations.*

a. *Section 391.41—General.*

The question of whether a person is physically qualified can be decided only after two separate determinations are made; First, that he does not suffer from a specified disease or disorder; and second, that his condition is not likely to interfere with his ability to drive safely.

b. *Section 391.41(b)(3)—Diabetes.*

(1) Regarding questions as to what stage or degree a person could have diabetes before he would be declared an unsafe driver, and further, if an individual using insulin could be classified as a safe operator, the U.S. Public Health Service has given the following answer: "Since diabetes is a disease which, on many occasions, can result in a loss of consciousness or disorientation in time and space, it seems to us that any, except a very mild diabetic, should be considered as an unsafe operator of a motor vehicle. Certainly a person who receives insulin is in double jeopardy of becoming incapacitated. This is so because, in the first instance, his disease is probably of great severity, and secondly, insulin per se may result in loss of consciousness under certain conditions where it is not used properly."

(2) Drivers taking oral medicine or whose condition is controlled by diet may be qualified, whereas drivers using insulin may not.

c. *Section 391.41(b)(4)—Cardiovascular.*

(1) The regulations were drafted to preclude permanent disqualification of a driver solely because he once suffered from a heart disease. The phrase "has no current clinical diagnosis" was specifically chosen so as to disqualify only persons who have had a recent onset of heart disease and persons with heart conditions that have not fully stabilized, regardless of when the disease was first diagnosed.

(2) A "clinical diagnosis" is a diagnosis made by a physician as a result of his clinical appraisal of an individual, as distinct from medical history. This implies a battery of signs and symptoms elicited that may or may not be classic for a diagnosis, and may or may not have resulted from clinical appraisal with resultant diagnosis.

(3) "Current" is meant to mean a clinical diagnosis of a condition which is now present, and where the natural history of the underlying disease process is such that the man may experience further difficulty which would be adverse to highway safety.

(4) Angina pectoris in itself would not be disqualifying. However, if the medical examiner feels that the patient with angina pectoris is most likely to have complication of syncope, dyspnea, collapse, or congestive cardia failure in the near future, he should not be qualified in the interests of highway safety.

(5) If a driver has suffered a heart attack in the past, and the medical evidence indicates that the condition has stabilized to the point that the examining physician concludes that the driver can withstand the tensions characteristic of over-the-road driving, the driver would not be disqualified because of his past heart disease.

d. *Section 391.41(b)(6)—High Blood Pressure*—As indicated by Section 391.43(c), a reading above 160/90 mm Hg may not necessarily be disqualifying. If the readings are consistently above this level, further testing should be undertaken to determine the underlying causes of the elevated blood pressure.

e. *Section 391.41(b)(8)—Epilepsy.*

(1) For definition of "clinical diagnosis" refer to Section c of this heading.

(2) If a driver who has had epilepsy demonstrates a cessation of all seizures for at least 2 years, and is off all anticonvulsant medication, he may be considered qualified if medical examiners agree as to his condition. An essentially normal electroencephalographic tracing should also be considered.

(3) Narcolepsy is a disqualifying condition since the presence of this condition represents a significantly high risk of loss of consciousness, and thus poses a serious threat to highway safety.

f. *Section 391.41(b)(10)—Vision.*

(1) The application of this section does not depend upon a determination that an individual's poor eyesight would interfere with his ability to drive safely. The standard is a general one applicable to all persons without regard to individual circumstance.

(2) "Corrective lenses" means either glasses or contact lenses.

(3) If a person can recognize, and distinguish among traffic control signals and devices showing standard red, green and amber, he meets the minimum standard, even though he may have some type of color perception deficiency.

(4) If certain color perception tests are administered (such as Ishihara, Pseudoisochromatic, Yarn, etc.), and doubtful findings are discovered, a controlled test using signal red, green and amber, may be employed to determine the driver's ability to recognize these colors.

g. *Section 391.41(b)(11)—Hearing.*

(1) Hearing aids may be employed to meet the minimum requirements for hearing in the better ear.

(2) If an audiometer is used to test hearing ability, the parameter to be employed for the results is the American National Standard (formerly ASA Standard) Z24.5–1951.

(3) Frequently, the standard used is ISO (International Standards Organization). This standard is more stringent than that of ASA (American Standards Association), and, in many cases, drivers who would be qualified under ASA, are disqualified under ISO. Therefore, before a determination is made, conversion from ISO (if that is the parameter used) to ASA is necessary.

(a) Procedure: At 500 Hz subtract 14 dB from the ISO reading to get ASA reading; At 1000 Hz subtract 10 dB from the ISO reading to get ASA reading; At 2000 Hz subtract 85 dB from the ISO reading to get ASA reading.

(b) The final figure is derived by averaging the readings of the above three frequencies.

h. *Section 391.41(b)(12)—Drugs*—The term "habit-forming drug" is intended to include any drug or medication generally recognized as capable of becoming habitual, and which may impair the user's ability to operate the vehicle safely.

i. *Section 391.43—Medical Examination; Certificate of Physical Examination.*

(1) The use of paramedic personnel in conducting driver physical examinations is permissible, provided final approval and signature responsibility remains with a licensed physician who is responsible for the paramedic.

(2) It is within the discretion of the examining physician, in light of all the facts, to determine whether or not a particular driver is qualified under the minimum physical qualification. The medical examiner should be fully informed with respect to the characteristics of the work to be performed. Disqualification of a driver by a qualified doctor should be regarded by the Bureau as determining the question of physical fitness. Carriers should be advised that in cases of doubt, a doctor's findings should be followed.

(3) The present physical examination form has no space for showing color or race, but does have a space for place of birth. In States having antidiscrimination statutes forbidding employers to compel disclosure of such a matter, the space on an examination form calling for this information may be left blank.

(4) The Bureau has no direct power over the manner in which a physician fills out a medical certificate. It is thought we should accept medical certificates with a physician's facsimile signature rubber stamped. Where the typewriter or a printed rubber stamp is used, it is thought we should recognize that as a signature. However, pre-printed signatures appearing on the forms are unacceptable since this practice would open the door for unauthorized examinations.

(5) In the case of the doctor's certificate required by this section, the precise language set forth must be used, but format may vary with the individual form. The form making physical examinations and recording findings is merely a recommended form and does not have to be followed in every detail.

(6) The rules requiring physical examination of drivers provide that such examinations must be made by licensed doctors of medicine or osteopathy. Motor carriers may not accept physical examinations made by a chiropractic physician to meet the requirements of the rules.

j. *Section 391.45—Persons Who Must Be Medically Examined and Certified.*

The question of whether or not a driver should undergo a complete physical examination before returning to work after a minor illness has been raised repeatedly. This section states that before being allowed to return to work, a driver, whose ability to perform his normal duties has been impaired by a physical or mental injury or disease, "should be physically examined upon his return to work." The actual need for a "complete" examination in such cases would depend to a great extent upon the nature and degree of the injury or illness. This would leave some discretionary power to the carrier and/or the physician involved.

k. *Section 391.47—Conflict of Medical Evaluations.*

(1) In a case where two medical examiners disagree about whether a person is physically qualified to drive, it is not necessary for the disagreement to be submitted to the Director, BMCS, for resolution.

(2) It is recommended that the opinion of a third physician, preferrably one who specializes in the field in which the medical condition arose, be sought, and that all possible efforts for informal resolution of the disagreement on a local level be made first. If the disagreement cannot be resolved informally, either

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party may submit all available information about the case to the BMCS for determination.

(3) The question has also been raised as to a driver's status during the process of resolving a conflict of medical examinations. If the carrier does not accept the medical examiner's certificate for the potential driver, the carrier may not permit him to drive until the dispute about his qualifications has been resolved in his favor.

(4) During the evaluation of certain cases, interested parties have requested copies of documents concerning those cases. The Freedom of Information Act, 5 U.S.C. 552(b), requires all Federal agencies to make their records "promptly available" to any person who may request them. There are, however, a number of statutory exceptions to this rule. Departmental directives implementing the Act say that we must disclose records, even when they are or may be covered by one of the exceptions, unless a substantial policy would be served by withholding them. However, in certain cases, it would appear wise to invoke the exceptions of the Act. Disclosure of certain "intra-agency memorandums" could possibly result in injury to the persons involved.

(5) If a medical conflict is resolved in a driver's favor, this finding, can in no way be interpreted to mean that it is a guarantee of employment. This matter would be one of an employer-employee nature.

1. *Section 391.49—Waiver of Certain Physical Defects.*

(1) Waivers are issued *only* for loss of a foot, a leg, a hand, an arm, or an impairment of their use, or other structural defect or limitation as set forth in Section 391.49(b) (1) and (2).

(2) Waivers are *not issued* for the following physical impairments:

a. Vision—391.49(b) (10).
b. Diabetes—391.49(b) (3).
c. Epilepsy—391.49(b) (8).
d. Hearing—391.49(b) (11).
e. Heart Disease—391.49(b) (4).
f. Respiratory Dysfunction—391.49(b) (5).
g. High Blood Pressure—391.49(b) (6).
h. Rheumatic, Arthritic, Orthopedic, Muscular, Neuromuscular, or Vascular Disease—391.49(b) (7).
i. Mental, Nervous, Organic or Functional Disease—391.49(b) (9).
j. Drugs—391.49.
k. Alcoholism—391.49(b) (13).

Drivers with these impairments should not be referred to the Washington Office for a waiver.

(3) Waivers granted are valid only for a specified driver, who drives for a specified carrier, in a specified territory, with a specified type of equipment. A waiver, as provided in this Section, is not valid for the transportation of passengers for hire, or the transportation of hazardous materials of such a quantity as to require placarding.

6. *Files and records.*

It has been determined that no interpretation of this section is necessary.

7. *Limited exemptions.*

a. *Section 391.61—Drivers Who Were Regularly Employed Before January 1, 1971.*

(1) In order to qualify for the exemption offered by the Section, the driver must be regularly employed, within the meaning of Section 395.2(f) of the Regulations, as of the date he seeks exemption. His employment as of that date must have been continuous for a period which began before January 1, 1971.

(2) If there is a break in continuous employment, the subject driver would not be able to take advantage of this exemption and must be fully qualified.

(3) The Bureau has taken the position that a driver who was regularly employed as of December 31, 1970, and who is absent from work under normal circumstances for a brief period of time thereafter, does not lose his "grandfathered" status as long as the employer continued to treat him as an employee during that period of time, and as long as the driver did not take new employment in the hiatus.

(4) A driver who left in mid-1970 under a leave of absence and returns subsequent to January 1, 1971, must be considered a new employee. The driver was not an employee for a continuous period which began prior to January 1, 1971.

(5) There is no specific time limit under which a driver on furlough or layoff would fail to meet the requirements of a regularly employed driver. A driver is not a regularly employed driver when the continuity of his employment is broken.

(6) If a driver is called into the military service prior to January 1, 1971, upon his return he would be considered as not being a regularly employed driver for a continuous period which began prior to January 1, 1971.

b. *Section 391.63—Intermittent, Casual or Occasional Drivers.*

A driver who has been laid off by one carrier may drive for another carrier as an intermittent, casual, or occasional driver, if the second carrier complies with the prerequisites for employing a driver on an intermittent, casual, or occasional basis as set forth in this section.

c. *Section 391.65—Drivers Furnished by Other Motor Carriers.*

(1) Each time the driver is furnished to another motor carrier, the employing motor carrier must furnish the second carrier with a certificate that the driver is fully qualified to drive. Permanent certificates are not permitted. However, a single certificate may be issued for a continuous period during which the driver is in the second carrier's service. In this connection, it should be noted that if the driver is in the second carrier's service for a continuous period of 7 days or more, he may be deemed a regularly employed driver of the second carrier, rather than the carrier who originally furnished him, and the exemptions in Section 391.65 may become applicable. As a general rule, the Bureau would regard a certificate valid on its face for a period exceeding 30 days, as raising a question as to whether or not the driver remained regularly employed in the service of the carrier that issued it.

(2) A regularly employed driver of one carrier who is on vacation may be employed as a driver for another carrier during that period. The driver may be employed without undergoing full qualification if all requirements of Section 391.65 are fulfilled (i.e., the carrier must obtain a certificate from the regular employer that the driver is fully qualified and must obtain and retain a copy of the driver's medical examiner's certificate). Alternatively, the carrier may take steps necessary to qualify the driver as if he were entering into that carrier's service on a regular basis.

(3) A motor carrier may furnish the certificate of qualification required by Section 391.65(a) (2) as a part of other documents, such as a lease and interchange agreement. The motor carrier may stamp or preprint the certificate of qualification as part of any other document, provided the motor carrier that uses the driver retains a copy of the certificate in its files for 3 years. The document must be dated and signed by a duly authorized representative of the regularly employing motor carrier.

CHAPTER VII—PART 392—DRIVING OF MOTOR VEHICLES

Par.
1. General.
2. Driving of Vehicles.
3. Stopped Vehicles.
4. Use of Lighted Lamps and Reflectors.
5. Accidents and License Revocations.
6. Fuel Precautions.
7. Prohibited Practices.

1. *General.*

a. *Section 392.2—Applicable Operating Rules*—Since this rule is contained in Part 392 and not among the "General" regulations in Part 390, the Bureau takes the position that it was intended to relate to State and local driving laws and regulations roughly comparable to those in Part 392, including safe loading, but not to include State laws and regulations relating to other matters.

b. *Section 392.5—Intoxicating Liquor*—A question has been raised regarding the consumption of alcohol by a driver before going on duty, and also while he is at a lunch break, etc.

(1) This section specifically prohibits a driver from consuming an alcoholic beverage, regardless of alcohol content, for a period of 4 hours before reporting for duty. It should also be noted that the regulations state that a driver shall not be under the influence of such an intoxicant while he is on duty. Therefore, even though a driver may have consumed alcohol more than 4 hours before going on duty, he may still be under its influence, and hence, would be in violation if he went on duty or operated a commercial vehicle in such a situation. It also follows that the motor carrier who required or permitted this subject driver to go on duty or drive, would also be in violation of the Motor Carrier Safety Regulations.

(2) The intent of this section is to prohibit the use of any driver on whom can be detected the odor of alcohol or

who has actually been observed drinking alcoholic beverages.

(3) The prohibition against carrying alcoholic beverages in Section 392.5 is not applicable to a driver who is using a company vehicle for personal reasons while off duty. For example an owner-operator using his own vehicle in an off-duty capacity, or a driver using a company vehicle for transportation to a motel, home, or restaurant, and returning to the same terminal from which he departed when he went off-duty would not be subject to this section. (10–74)

c. *Section 392.9—Safe Loading*—Motor carriers may determine compliance under circumstances of the shipper's loading and sealing the trailer by arranging for supervision of loading to the extent necessary for determining compliance. Also, in interchange of such vehicles, the receiving carrier might obtain notation on connecting line freight bill that lading was properly loaded and, if necessary, obtain approval to break the seal to permit inspection.

d. *Section 392.9a—Corrective Lenses to be Worn*—Aphacic drivers (drivers who have an absence of the eye's crystalline lense) are not necessarily precluded from certification. The use of contact lenses is permissible, and in aphacic drivers they may prosthetically replace the natural lense. Such drivers may qualify provided they meet the minimum standards set forth by Section 391.41(b)(10), with contact lenses or contact lenses and glasses, and provided they carry a spare lense or set of lenses when driving.

e. Section 392.9b—Hearing Aid to be Worn—Drivers who use hearing aids may be qualified, provided they meet the minimum standards set forth by Section 391.41(b) (11), and provided they carry a spare power cell when driving.

2. *Driving of vehicles.*

No interpretation necessary.

3. *Stopped vehicles.*

Section 392.25 is interpreted to prohibit the use of any flame-producing emergency signal for protecting any motor vehicle equipped with temperature control equipment using compressed gas as a motor fuel.

4. *Use of lighted lamps and reflectors.*

No interpretation necessary.

5. *Accidents and license revocations.*

No interpretation necessary.

6. *Fuel precautions.*

No interpretation necessary.

7. *Prohibited practices.*

a. *Section 392.60—Unauthorized Persons Not To Be Transported.*

(1) The test as to when no written authorization is required is conditioned upon the provisions contained in subparagraphs (a), (b), (c) and the concluding paragraph of Section 392.60. The term "other" as used in subparagraph (a) includes persons who, for example, might be employed by the motor vehicle lessor or persons assigned to accompany a shipment for security reasons.

(2) Section 392.60(b) permits the transportation of persons under conditions where danger to life or damage to property might result from refusal to transport such person or persons.

(3) Inspection of motor vehicles while in operation: Persons appointed in the Bureau of Motor Carrier Safety as mechanical engineers, regional safety officers, safety supervisors, safety compliance investigators, and field safety specialists are authorized to ride on or in any motor vehicle of carriers subject to the safety provisions of the Interstate Commerce Act whenever such action is deemed to be necessary in order to determine the operational characteristics of the vehicle or any equipment thereof with respect to safety of operation or compliance with standards prescribed by law or regulations of the Administration.

b. *Section 392.67—Heater, Flame Producing, on Vehicle in Motion.* Open flame burners on trucks while the vehicles are moving on the highways are held hazardous from the standpoint of fire or explosion. Condition imposed is that such burners would not be used except when the vehicles were at rest off the highway; Biddison, 28 M.C.C. 203: Gibbons, 31 M.S.C. 633. Use of such heaters on moving vehicles is prohibited by Section 392.67.

CHAPTER VIII—PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Par.
1 General.
2 Lighting Devices, Reflectors, and Electrical Equipment.
3 Brakes.
4 Glazing and Window Construction.
5 Fuel Systems.
6 Coupling Devices and Towing Methods.
7 Miscellaneous Parts and Accessories.
8 Emergency Equipment.

1. *General.*

a. *Approval of Motor Vehicles, Parts and Accessories.* The Bureau policy is not to approve any motor vehicle, part or accessory. Parts and accessories required by the Motor Carrier Safety Regulations and conforming to pertinent requirements may be used on motor vehicles subject to our jurisdiction. Also, non-required devices may be used provided they are not inconsistent with the regulations nor detrimental to the safety of operation of the vehicle.

b. *When is Vehicle Being "Operated?"* Section 393.1. Where vehicles are "in transit," though stopped, they are being "operated" by the carrier within the meaning of Section 393.1, and equipment deficiencies discovered at such time are violations. Evidence of deficiencies found during inspections at terminals are counter-balanced by the fact that the vehicles were awaiting repairs.

2. *Lighting devices, reflectors, and electrical equipment.*

a. *Advertising signs, electric.* The Motor Carrier Safety Regulations do not prohibit the use of advertising signs on commercial motor vehicles, so long as they do not interfere with lights required by Subpart B—Lighting Devices, Reflectors and Electrical Equipment, of the Motor Carrier Safety Regulations. The Interstate Commerce Commission does have requirements regarding the use of advertising on motor vehicles operated by common and contract motor carriers.

b. *Identification Lamps—Front.* Sections 393.12(a) and 393.13(a). The exact location of front identification lamps has been made optional. The lights are to be on the vertical center line of the vehicle, and may be on the truck body or cab. Where the body is lower than the cab, the identification lamps would have to be mounted on the cab. No part of the front identification lamps or mountings may be extended below the top of the vehicle windshield.

c. *Identification Lamps—Rear.* The rear identification lamps required by Sections 393.12, 393.14, 393.16 and 393.17 are to be mounted on the vertical center line of the vehicle, and the height has been made optional so long as the visibility requirements are met.

d. *Identification Lamps—Spacing.*

(1) The spacing for identification lamps is not specified. The lamps should be spaced at equal distances from each other, with one lamp on the vertical center line of the vehicle and the other two, one on each side at equal distances.

(2) The Motor Carrier Safety Regulations set forth certain safety requirements for motor carriers engaged in interstate or foreign commerce. The Federal Motor Vehicle Safety Standards set forth requirements for the manufacturers of new motor vehicles for use within the United States. Motor Vehicle Safety Standard No. 108 requires the use of three amber identification lamps grouped in a horizontal row, with lamp centers spaced not less than 6 inches, nor more than 12 inches, apart, and mounted as close as practicable to the vertical centerline of trucks over 80 inches wide.

e. *Reflectors, Rear of Truck Tractors.* Section 393.13(b). There is an apparent contradiction between the text of Section 393.13(b) of the Motor Carrier Safety Regulations and the illustration. However, where there is a discrepancy between the text of a regulation and illustrations, the language of the regulation governs. Placement of the reflectors on the rear end of the truck tractor locates them "on the rear" as specified in the rule, and is therefore permissible. The fact that the reflectors are shown in the illustration as being on the rear of the cab does not mean that they must be so placed, though this location is also permissible.

f. *Lighting Requirements, Mobile Homes.*

(1) Mobile homes which constitute the commodity being transported or having one or more sets of wheels on the roadway during the course of transportation, will constitute a driveaway-towaway operation. Lighting devices are required as specified in Section 393.17. Section 393.25(a) provides that lighting devices required on motor vehicles being transported in driveaway-towaway operations may be temporarily mounted on the vehicle.

(2) House trailers are considered to be "trailers" in both the Federal Motor Vehicle Safety Standards and the Motor

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Carrier Safety Regulations. The lighting necessary for all such new vehicles is described in Motor Vehicle Safety Standard No. 108, and for such vehicles in interstate commerce, in Section 393.17 of the Motor Carrier Safety Regulations (movement of a house trailer is generally considered to be a driveaway-towaway operation). These lamps, reflective devices, etc., need not be permanently applied to vehicles of this type.

g. *Lighting Requirements—Large Containers.*

(1) We find no essential difference between large containers and other pieces of lading of the same size. Therefore, the Motor Carrier Safety Regulations do not require the application of lights to containers which are lading upon properly lighted trailer or truck bodies. In cases where the container assumes the structural requirements of the trailer body, being, while on the road, the trailer body rather than lading on a trailer, all relevant requirements of the regulations must be met by this "trailer."

(2) Concerning requirements for side marker lights and reflectors when two 20-foot units are concerned. "When coupleable containers and chassis are operated in coupled condition, red side marker lamps on rear of lead unit to be de-energized." "With respect to reflectors, the red reflector on the rear of the lead unit must be covered."

h. *Lighting Requirements—Wrecked Vehicles.* "In our opinion, interstate operation wherein a wrecker is pulling a tractor would be considered a driveaway-towaway operation, and would have to be equipped with the lighting devices specified in Section 393.17 of the regulations. The lighting devices would have to be operable or they would serve no useful purpose." Lighting devices are permitted by Section 393.25(a) to be temporarily mounted on motor vehicles being transported in driveaway-towaway operations.

i. *Turn Signal Systems.*

(1) Section 393.19. The turn signal system must be capable of flashing simultaneously in both the "on" and "off" positions of the ignition switch. If the vehicle has a three-position switch, and the turn signals can be flashed simultaneously as required when the switch is in either of the two positions, and the ignition is on when the switch is in one of the positions, and off when the switch is in the other position, the arrangement is considered to be in compliance with Section 393.19. The type of switch to be used to cause the turn signals to flash simultaneously is not specified; therefore, a key operated switch could be used, provided the system operates as required with the ignition turned on or off.

(2) We have taken the position in all instances that red lights on the front of motor vehicles are prohibited by Section 393.25(e). Also, we have taken the position that flashing lights are prohibited on all vehicles except those for which Section 393.25(f) contains specific exemptions.

(3) Where vehicles have no ignition switches, as with Diesel engines, this requirement applies with the equivalent control (for stopping the engine) in either the running or the stopped position. Section 393.19. The rule recites, "Every motor vehicle," but the switches need not be installed on the trailer. The switches on the towing unit serve the purpose with respect to trailers.

(4) If the application of the brakes will cause the hazard warning system to cease flashing, the vehicle does not comply with the requirements of Section 393.19 of the Motor Carrier Safety Regulations. This section requires that the vehicular hazard warning system be capable of flashing at all times, with the ignition of the vehicle turned on or off. Section 392.22 and 392.23 contain the requirements for use of turn signals as emergency signals on disabled or parked motor vehicles.

(5) The requirements of Section 393.19 are applicable to all motor vehicles being operated under the jurisdiction of this Administration, without regard to the type of engine on the vehicle. The intent of the regulation is that all motor vehicles shall have the turn signal system so arranged that it can flash simultaneously when the vehicle engine is running and when the vehicle engine is stopped. We realize that diesel engines do not have ignition systems such as used with gasoline engines. However, this does not exempt them from the requirements of Section 393.19. If the turn signals on the vehicles will flash simultaneously only with the key turned in one position, then it would not comply with the requirements of Section 393.19. The turn signal system has to be capable of flashing with the key in either the on or off position.

j. *Clearance Lamps—Section 393.20.*

(1) The intended location of clearance lamps is stated to be such as to indicate the extreme width and height of the motor vehicle, ". . . except that clearance lamps on truck-tractors shall be so located as to indicate the extreme width of the truck-tractor cab." The quoted language indicates the width of the cab to be of greater importance than the height with respect to clearance lamp location. In the case of the truck-tractors of basic cab-forward design, the entire body structure, including the housings extended to the right of the cab itself, can be considered to be a part of the cab or body of the vehicle. The fact that the driver's enclosure and other housings are separate structures is not important when considering clearance lamp locations. Therefore, location of truck-tractor clearance lamps at opposite sides of the principal body or housing of the vehicle is deemed compliance with this section. Location of the clearance lamps at the upper corners of the driver's enclosure will also be deemed as compliance. (Note: The opinion involved location of clearance lamps on truck-tractors having driver's enclosure on left side and engine compartment on right side of vehicle.)

(2) It is our opinion that the *intent* of the regulation is met if the clearance lamps are located either on the truck-tractor cab, as shown in Section 393.13, or on the sleeper berth portion of the truck-tractor cab, as shown in Section 393.20, sleeper berth detachable or not, regardless of which type truck-tractor is involved. Successful enforcement through the courts would be so doubtful that we are taking the position that the clearance lamps may be in either position as long as installed in one of the positions described.

(3) Section 393.20 of the regulations requires that clearance lamps shall be mounted so as to indicate the extreme width of the motor vehicle, or, in the case of a truck-tractor, the extreme width of the truck-tractor cab.

(4) The only lights that are required to be located at the top of trailers are the front and rear clearance lamps. The side marker lamps and the rest of the lights required on the rear of the trailer may be located at the lower portion of the trailer. As an alternative, if the three identification lamps required on the rear of trailers are located on top, then the rear clearance lamps may be located at optional height.

k. *Combination Lighting Devices—Section 393.22.*

(1) Combination clearance and side-marker lamps are permitted by Section 393.22, provided the requirements of each light are met at the same time. It is possible to have a combination stop, tail, and turn signal lamp.

(2) Section 393.22 permits combining two or more lighting devices into one shell or housing, provided the requirements for each are met at the same time. A dual-filament bulb may be used, one filament serving as the tail lamp light source, and the other filament as the light source for the turn signal (flashing) and stop lamps.

(3) Section 393.22(c) prohibits combining clearance lamps with any tail lamp or identification lamp. Therefore, three lights equally spaced on a truck-tractor cab could not be used as clearance lamps and the three identification lamps.

l. *Requirements for Head Lamps.* This Administration's Motor Carrier Safety Regulations require trucks and buses operating under our jurisdiction to have a headlighting system that will provide an upper and lower distribution of light selectable at the driver's will. The regulations also permit the use of auxiliary road-lighting lamps, and these lamps are considered to be a part of the headlighting system. The auxiliary road-lighting lamps may be used in lieu of head lamps under conditions making their use advisable, if there is at least one lamp on each side of the vehicle.

m. *Requirements for Lamps Other Than Head Lamps.*

(1) *Mounting.* (a) Lamps may be mounted in desirable positions on brackets of adequate strength where the brackets themselves are permanently and securely mounted. The bracket must be of such character as to keep the lamps firmly in position, and if any flexible elements are used, the arrangement of

parts must be such as always to return to the same position as after deflection. The standards set forth in Section 393.25 (c) include a vibration test which is expected to be especially severe on certain flexible mountings.

(b) A dromedary is a truck and must be lighted as required in Section 393.12, if over 80 inches in width. Rear lights, except tail lights may be mounted on the cargo compartment, but tail lights must mark the actual rear of the vehicle. Similarly, it is suggested that the rear side-marker lights and reflectors be mounted on the frame, so as to indicate the length of the vehicle.

(2) *Visibility—Section 393.25(b).* This rule requires that lamps, "shall be so mounted as to be capable of being seen at all distances between 500 feet and 50 feet, etc." It is clear on careful reading of the quoted language that the visibility requirement does not apply, insofar as mounting of the lamps is concerned, at distances closer than 50 feet or farther than 500 feet from the lamps. Thus, an observer could be unable to see any of the lamps named in the rule at distances closer than 50 feet because of obstructions between himself and the lamps, but this fact in itself would not constitute a violation of the rule. There should, however, be no point at any distance between 50 feet and 500 feet from the nearest such lamp, at which an observer would fail to see at least one such lamp because of any obstruction on the vehicle or any other peculiarity of the mounting. Apart from mountings, the visibility of the lamps is covered by Section 393.25(c) and its reference to SAE Standards, compliance with which will assure that the lamps be seen at much greater distances than 500 feet under favorable conditions.

(3) *Certification and Marking—Section 393.25(d).* The exact location of the certification markings is not specified; however, the markings are to be visible when the device is mounted on the vehicle. The size of lettering or marking is not specified.

(4) *Lighting Devices to Be Steady-Burning.* (a) Section 393.25(f) requires all exterior lighting devices to be steady-burning with certain exceptions. The section does not prohibit the use of turn signals to give vehicular traffic hazard warning signals as required by Section 392.22 and 392.23.

(b) Sections 392.22 and 392.23 restrict the use of flashing lights to stopped and disabled vehicles. The regulations do not prohibit the use of the 4-way flasher signals by buses stopped at passenger stops along the highway, or when stopped at railroad crossings in compliance with Section 392.10.

(c) We have taken the position in all instances that red lights on the front of motor vehicles are prohibited by Section 393.25(e). Also, we have taken the position that flashing lights are prohibited on all vehicles except those for which Section 393.25(f) contains specific exemptions.

(5) *Stop Lamp Operation—Section 393.25(g).*

(a) In accordance with Section 393.25(g), stop lamps must be actuated upon application of any of the service brakes, with no exceptions contained therein for daylight hours. Section 392.30(a) does not mean that lights do not have to be operable during daylight hours. To substantiate our position in this matter, we will quote from 64 M.C.C. 405, pages 422–423, as follows: "Another issue raised at the hearing and made the subject of one of the Bureau's exceptions is whether the failure of a vehicle to have lights in working order when inspected at a terminal or en route *during the day* is a violation of the Motor Carrier Safety Regulations. Respondent is persuaded that vehicle lights need only to be working during darkness, and that a failure to have them in working order during the day is not a violation of any regulation. Section 396.2 of the regulations provides: 'Every motor carrier shall systematically inspect and maintain, or cause to be systematically maintained, all motor vehicles subject to its control, and the accessories required by Part 393 of this subchapter (including lights) to be mounted thereon, to insure that such motor vehicles and accessories *are in safe and proper operating* condition.' Also, Section 392.7 of the regulations provides: 'No motor vehicle shall be driven unless the driver thereof shall have satisfied himself that the following parts and accessories are in good working order: Lighting devices and reflectors . . .' Thus, the conclusion is inescapable that lights on any vehicle in operation should be in operating condition during the daylight hours, as well as night, and this makes good sense, for any other rule might serve to excuse the operation without proper lights of a vehicle which was unavoidably detained and kept on the highway after dark."

(b) The exact location of the stop and tail lights required on the rear of truck-tractors by Section 393.13(b) is not specified. We see no reason to object to mounting these lights on the rear of the truck-tractor cab. We believe there is no problem in the lights being a few feet ahead of the extreme rear of the truck-tractor.

n. *Requirements for Reflectors.*

(1) Mounting—393.26(a). This section contains specifications for height of reflectors, but not the exact location on the vehicle. The diagrams used in the regulations are for illustrative purposes only. They should not be considered as showing the exact location of the lighting devices, as in some instances location is optional.

(2) Retroflective surfaces (Front of Vehicle)—Section 393.26(e)(4). Red retroreflective signs may not be used on the front of motor vehicles as Section 393.26(e)(4) prohibits the use of any red color on the front of any motor vehicle, except for display of markings or placards required by Section 177.823.

(3) In our opinion, license plates with red retroreflective surfaces are permitted by Section 393.26(e)(5), even though Section 392.26(4)(4) states that no red color shall be used on the front of any motor vehicle. The above opinion is based on the fact that the size of license plates and their location on the vehicles is such that any red color would not be associated with any lighting device or reflector.

o. *Wiring Specifications—Section 393.27.* Explosion proof wiring and fixtures are not required by the Motor Carrier Safety Regulations, or Explosives and Other Dangerous Articles Regulations. The wiring specifications for all motor vehicles under the Commission's jurisdiction are set forth in Section 393.27. This section requires that the wiring conform to the requirements in the SAE Standards for "Insulated Cable" as found in the 1952 edition of the SAE Handbook.

p. *Wiring to be Protected—Section 393.28.* Frame channels of motor vehicles do not constitute a metallic sheath or tube, as specified in Section 393.28 of the Regulations. To be acceptable such sheath or tube should enclose the wires throughout their circumference. In the absence of the sheath or tube mentioned in the rule, the group of wires must be protected by non-metallic tape, braid, or other covering.

q. *Battery Return Grounds.*

(1) Section 393.29 does not require that any electrical system be grounded. It does require, however, that where grounds are used they be readily accessible, and that the contact surfaces of all electrical connections be free of non-conductive materials.

(2) The preferred grounding is by means of one of the contacts in the detachable connection required by rule 393.32, though grounding by this means is not specifically required. If this means is used, the ground connection should be complete from the plug contacts to the frame or body of each of the vehicles. If all electrical parts of a trailer are grounded to the trailer body, and the body is of all metal construction, a ground connection to the frame is not needed. If the trailer body is made of wood or other non-conducting material, the grounding on that trailer must perforce be to an electrically conductive part, such as a steel frame. On power units, however, the main battery ground is always made to the vehicle frame, because it must carry the heavy current demanded by the engine starter (except where non-electrical starters are used). The ground connection from the plug contact must then be complete to the vehicle frame, although a metal cab or other structure can, of course, be part of the connection. Where headlamps, clearance lamps, and other electrical equipment is grounded to parts other than the frame, such parts must be adequately grounded to the frame if satisfactory operation is expected.

(3) If grounding is not done by use of one of the contacts in the detachable electrical connection, then electrically conductive contact between the vehicles in a combination must be depended on for this purpose. If such contact is limited to that between upper and lower halves of the conventional fifth wheel,

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which is lubricated, then the lubricant should be made electrically conductive, such as by admixture of graphite or other electrically conductive material. If it is found necessary to use a ground wire on a fifth wheel (lower half), it should be attached to the hinge place and to the vehicle frame. If the parts concerned are in electrical contact, however, such a wire is not needed.

(4) If it is found necessary to use a ground wire between the upper and lower halves of the fifth wheel, or otherwise between the vehicles of a combination, that wire should be a part of the cable required by rule 393.32, as above discussed.

(5) It is suggested that in road checks first attention to the electrical system be given to the tail lamp. With all required lamps lighted and the engine running fast enough (fast idle) for the generator to maintain regulated electrical voltage, the white or clear light for lighting the registration plate on the trailer should be clear white, in which case the ground connections can be assumed to be in satisfactory condition, however made. If this light is tinged with yellow or red, there is undoubtedly a poor connection in the circuit of this lamp, which poor connection may or may not be the ground. A poor ground connection between power unit and trailer will, of course, affect all trailer lamps alike.

r. *Overload Protective Devices—Section 393.31.* Semitrailers and full trailers need not have overload protective devices when protection of trailer circuits is provided on towing vehicles. Circuit breaker is required only when head lamp circuit is protected in common with one or more other circuits. Circuit breaker, if required, must be automatic reset type.

s. *Detachable Electrical Connections—Section 393.22.* The regulations do not require that connections between vehicles be made with connectors and receptaeles. Thus, it may be found preferable to make detachable electrical connections by using cable terminals attached to fixed posts or terminals as provided in Section 393.33, instead of using the more common connector designed to be fitted into a receptacle.

t. *Wiring, Installation—Section 393.33.* The language "all detachable wiring, except temporary wiring connections for driveaway-towaway operations, shall be attached to posts or terminals by means of suitable cable terminals," is not to be construed as to require the use of posts or terminals and cable terminals on all detachable wiring. The intent of this language is that where posts or terminals are used for the purpose of attaching or removing detachable wiring, the intent of this language is that where posts or terminals are used for the purpose of attaching or removing detachable wiring, the wiring shall not be merely wrapped or tied to the posts or terminals, with or without nuts or other clamping devices to act on the wire itself, but the ends of the detachable wires shall be provided with cable terminals or lugs suitable for use with the posts or terminals to which attachment is made.

3. *Brakes.*

a. *Required Brake Systems—Section 393.40.*

(1) The advantages of engine brakes are appreciated by the Federal Highway Administration and we have no objection to their use, provided there is no decrease in the safety of operation of the motor vehicles on which they are used. Engine brakes can offer advantages in braking the drive wheels of those diesel-powered trucks and truck-tractors for which they are available. However, we feel that proper commercial vehicle braking can best be assured for all types of vehicles by the proper design, use and maintenance of the vehicle service, emergency and parking brake systems, as required in the regulations.

(2) Will the specified emergency systems still be required for air brake systems on trucks (the current Regulation has provision for trailer systems that is not changed) on or after January 1, 1973, in the event the effective date on FMVSS–121 is extended?

Our regulations will require emergency brake systems on and after July 1, 1973, even though Federal Motor Vehicle Safety Standard 121 has been extended to September 1, 1974.

(3) Since a revision to FMVSS–105 (based on NHTSA Docket 70–27) has not been issued, trucks with hydraulic brakes have not had to be equipped with emergency systems. Does this mean that an emergency system must be introduced after January 1, 1973, as an interim design between today's hydraulic brake system and that expected to be part of a revised FMVSS–105?

Vehicles equipped with hydraulic brakes will have to be equipped with an emergency brake system on or after July 1, 1973, even though Federal Motor Vehicle Safety Standard 105 has not been made applicable to vehicles other than passenger cars.

(4) Does the statement, "• • • three controls may not be combined" as used here mean the control valves for the three brake systems: (1) are not to use a single point and method of actuation, or (2) are not to be part of the same interconnected piping or plumbing system?

The intent of the requirements in Section 393.40(b)(2)(ii) is that the devices used to apply or release the three different brake systems may not be combined. In other words, the device to apply and release the parking and emergency brake systems could be the same, however, it could not be used to apply the service brakes.

(5) What components are understood to constitute, "• • • the operating mechanism • • • ?"

The words "operating mechanism" mean the device used to apply any of the required brake systems.

(6) May we conclude that components common to the service brake system, the parking brake system and the emergency brake system are excluded from "• • • the operating mechanism • • • ?"; e.g., shoes, drums, brake chamber, cam, cam shaft, slack adjuster, etc., for systems which require each wheel to furnish part of the emergency brake effectiveness.

You are correct in your conclusions that the intent of the wording in Section 393.40(c) was to exclude foundation brake components. In this regard, the language used in the amended regulations is substantially identical to the wording of the prior rule.

(7) Section 393.40 does not state what type of an emergency brake system vehicles have to be equipped with. Therefore, a driveline brake could be used as an emergency brake system, provided it could comply with the requirements of Section 393.52.

b. *Parking Brake—Section 393.41.*

(1) Section 393.41(a). Parking brakes intended to be used in compliance with this section are not required to be capable of stopping the motor vehicle. Parking brakes are intended to hold and maintain a vehicle stationary, under the conditions specified, once it has been stopped and parked.

(2) A chock is not a brake within the meaning of the regulations.

(3) The park position of a hydromatic transmission cannot be used as a parking brake in compliance with Section 393.41. The park position of the transmission is only a locking device intended to lock the transmission.

(4) Release of Parking Brakes—Section 393.41(c). Section 393.41 does not prohibit the provision of means for releasing spring brakes for purposes of towing disabled vehicles in emergency situation and to perform necessary brake repairs. While releasing of brakes by any means available for purposes of towing disabled vehicles or for brake repairs is necessary, we must emphasize the provisions of Section 393.41(c) which require that under operating conditions the brakes must be so made and maintained that they cannot be released unless adequate energy is available upon release of such brake or brakes to make immediate further application with the required effectiveness.

(5) Parking Brakes v. Service Brakes—Section 393.41. The regulations specifically avoid calling parking brakes "emergency brakes" since they are not intended to be used in case of emergency, but are intended to keep the vehicle stationary. Nor should service brakes be used as parking brakes. It is impractical and, in fact, unsafe to use the ordinary braking mechanism relying upon air pressure to hold the system, as a parking brake, since we have reports of hundreds of accidents caused by such reliance upon the air brake system when parking. It is permissible for parking brakes to use the same shoes or bands as the service brakes.

(6) Section 393.2 of the Motor Carrier Safety Regulations provides that additional equipment may be used on motor vehicles subject to our jurisdiction, provided it is not inconsistent with, or prohibited by, the regulations, and if that equipment does not decrease the safety of operation of the motor vehicles on which it is installed. Therefore, the use of any parking brake using air pressure, fluid pressure, or electrical energy as a supplemental parking brake would not violate Section 393.41, if the vehicle is also equipped with a parking brake that meets the requirement of the cited section and as long as the operation of the required brake system is not impaired by the supplemental brake.

(7) The Motor Carrier Safety Regulations are operational requirements. This means that the operator must assure himself that the parking brake is adequate to hold the vehicle or combination on any grade on which it is operated subject to certain conditions. If the operator chooses not to operate a vehicle on certain grades, because, for example, he uses the vehicle entirely on the highway, he would not need a parking brake capable of holding on grades off the highway.

(8) If a parking brake would not hold the vehicle from moving in a reverse direction, it would not comply with the requirements as it must be capable of holding a motor vehicle from moving in either the forward or reverse direction after the vehicle has come to a stop.

(9) Section 393.41 requires parking brakes to be of such character that they will remain in the applied condition despite exhaustion of any source of energy or leakage of any kind. Parking brake systems dependent on air pressure to keep the brakes applied do not comply with the regulations.

c. *Brakes Required on All Wheels—Section 393.42.*

(1) Section 393.42(a). A semitrailer equipped with an auxiliary front axle (dolly) is defined in Section 390.7 as a full trailer. Section 393.42(a), therefore, applies to semitrailers converted to full trailers by the addition of dollies, as well as to full trailers initially designed as such.

(2) Section 393.42 requires every motor vehicle to have brakes acting in all wheels, with stated exceptions. One of the exceptions, as related to vehicles being towed in a driveaway-towaway operation, says, in part, "• • • only such brakes . . . need be operative as may be necessary to insure compliance with • • • Section 393.52." In practical effect, the quoted language requires sufficient amount of the towed vehicle brakes to be operative to assure compliance with Section 393.52. It does not provide an exception to Section 393.71, regarding coupling devices and towing methods. Section 393.71 requires, as a condition of allowing a full-mounted vehicle to be carried on a double-saddle-mounted vehicle, that the double-saddle-mounted vehicle have effective brakes acting on the wheels on the road, without regard to exceptions otherwise provided in Section 393.42. The rule applies even though it may be proven that the combination can conform to Section 393.52 without the brakes so required.

(3) The retractable axle on the semitrailer will have to be equipped with brakes when the wheels are in contact with the roadway and the vehicle is used in transportation in interstate and/or foreign commerce. Section 393.42 requires that every motor vehicle be equipped with brakes acting on all wheels with certain exceptions. There is an exception for trailers having a gross weight of 3,000 pounds or less.

(4) Section 393.42 of the regulations requires brakes acting on all wheels of trailers with a gross weight of over 3,000 pounds. Section 393.43(d) requires that: "Every trailer required to be equipped with brakes shall be equipped with brakes of such character as to be applied automatically and promptly upon breakaway from the towing vehicle • • •" Neither the safety chains or cables requirement of Section 393.70(f), nor the brake performance requirements of Section 393.52, offer exemption from the requirements of Section 393.42 and Section 393.52.

d. *Breakaway and Emergency Braking—Section 393.43*

(1) Section 393.43(a)—Brakes on towing vehicle. This section does not require the use of "tractor protection valves" as such, though it does require that trucks and truck-tractors, if used to tow a trailer equipped with brakes, be equipped with a means for providing that in case of breakaway of such trailer, the service brakes on the towing vehicle will be sufficiently operative to stop the vehicle. This regulation does not require braking power in the service line of a truck or truck-tractor in the event of a breakaway. Also, the means of applying the service brakes on the towing vehicle in event of a breakaway is not specified. In view of the above facts, we see no reason why spring activated service brakes of sufficient strength to stop the towing vehicle could not be used to comply with the towing vehicle breakaway requirements of Section 393.43(a).

(2) Section 393.43(b)—Air Pressure. This rule, prescribed in 67 M.C.C. 405, requires, in part, that trucks and truck-tractors equipped with air brakes, when used to tow other vehicles with full air brakes, in operations other than driveaway or towaway, shall be equipped with two means of activating the emergency features of the trailer brakes, one manual and the other automatic. The rule further provides that, "In no instance may the manual means be so arranged as to permit its use to *prevent operation* of the automatic means."

(a) The quoted language of the cited rule does not forbid such an arrangement of automatic and manual means that use or misuse of the manual means can change the pressure at which the automatic means shall function, so long as that pressure remains within the prescribed limits of 20 and 45 pounds per square inch. If the automatic means operates at relatively high pressure, not over 45 pounds per square inch, and manipulation of the manual means lowers the pressure to a value not below 20 pounds per square inch, at which value the automatic means operates despite the manipulation, this requirement is met.

(b) All field personnel are cautioned to this effect. Lowering of the pressure at which the automatic means operates, but not below 20 pounds per square inch, is not to be considered as preventing operation of the automatic means, as mentioned in the underscored portion of the rule as above quoted.

(3) Section 393.43(d) — Brakes on Towed Vehicles. The regulations define a semitrailer equipped with a dolly as a full trailer. They require such a vehicle, with certain exceptions, to have brakes acting on all wheels, and Section 393.43(a) further requires it to have "brakes of such character as to be applied automatically and promptly upon breakaway from the towing vehicle, and • • • to maintain application of the brakes on the trailer in such a case for at least 15 minutes." Since Section 393.43(a) does not specify what minimum number of brakes must apply automatically or state any exception, the requirement is considered to apply alike to all axles of all trailers.

(a) If such a full trailer separated from the towing vehicle at the tongue or pintle, automatic braking could be provided by connecting the dolly brakes to the emergency relay valve on the original semitrailer in the same manner as those on the rear axle. However, if separation occurred at the dolly fifth wheel, the brake line between dolly and semitrailer would be torn apart. This would prevent the required automatic brake application on the semitrailer. It would, therefore, not be in compliance with the regulations.

(b) If the dolly brakes were connected into the emergency relay valve or air system on the towing vehicle, separation at the tongue or pintle would prevent the required automatic application of the dolly brakes. This would also not be in compliance with the regulations.

(c) We must conclude that although the regulations do not specifically state that each dolly must have an emergency relay valve and an air tank, or equivalent means to accomplish automatic braking on the dolly itself, such means must be provided on each dolly.

(4) The breakaway and emergency braking requirements are to be found in Section 393.43 of the Motor Carrier Safety Regulations. The requirements for brakes on towed vehicles are set forth in paragraphs (d) and (e) of the cited section. The cited section permits the use of devices other than "relay emergency valves" as long as the regulatory requirements are met. Also, we see no reason to believe that spring actuated brakes could not be used to provide the emergency feature of trailer brakes, if adequate for the purpose intended and provided all the requirements of the subject section are met.

e. *Front Brake Line, Protection—Section 393.44.*

(1) Section 393.44 has been interpreted as requiring the brakes on the rear wheels of buses to be capable of being applied with full effectiveness in an emergency. We see no reason to believe that spring brakes could not be used to comply with Section 393.44, provided they are capable of applying brakes on rear wheels with full effectiveness, de-

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spite damage to the front brake lines as specified in the cited section. Of course, all requirements of this section would have to be complied with.

f. Brake Tubing and Hose, Adequacy—Section 393.45.

(1) This Administration has no requirements for the copper tubing used in air brake systems, except that such tubing must be designed and constructed of proper material and so installed as to insure proper continued functioning, sufficiently long and flexible to accommodate without damage all formal motions of parts to which it is attached, and suitably secured against chafing, kinking or other mechanical damage.

(2) The type of tubing to be used in hydraulic brake systems is not specified. Copper or steel tubing may be used, provided it is designed and constructed for such use.

(3) The wall thickness for copper tubing is not specified in the regulations.

(4) The regulations do not specify the type of tubing to be used on motor vehicles. Therefore, aluminum tubing could be used provided it is satisfactory for the purpose intended.

(5) We have studied in detail the 1965 SAE Standard J40a, Automotive Brake Hose, and we find that the 1965 Standard is the same as, or more, restrictive than the 1952 Standard. We find the major difference in the two Standards is that the 1965 Standard includes more types of hose. Therefore, hose manufactured in accordance with the 1965 Standard would be deemed to comply with the Administration's requirements.

g. Brake Tubing and Hose Connections—Section 393.46. This Administration's regulations do not specify what type of tubing fittings shall be used in motor vehicle brake systems. Compression type or flare type fittings may be used, provided they are adequate to meet the requirements of Section 393.46.

h. Brake Lining—Section 393.47. We have not set up specifications for minimum thickness of brake lining to comply with the requirements of Section 393.47. It is assumed new vehicles will have been equipped with brake lining adequate to comply with the cited section. As to motor vehicles which have been in service, it is our opinion that bonded brake lining should be replaced, if when measured at the thinnest point, it is less than 15 percent of the original thickness, or 1/32 inch, whichever is greater. Riveted or bolted brake lining should be replaced when worn to within 1/64 inch of any rivet or bolt head.

i. Brakes to be Operative—Section 393.48.

(1) In our opinion, 3-axle truck or truck-tractors which have the brakes disconnected on the steerable axle should not be placed out-of-service. However 3-axle trucks or truck-tractors equipped with front wheel brakes do not comply with the requirements of Section 393.48 if the front wheel brakes are not operating. Vehicles should be cited on the Vehicle Inspection form as not meeting the requirements of 393.48 if the front wheel brakes are disconnected.

(2) The Bureau's position regarding surge brakes has been that they did not comply with the requirements of Section 393.48 of the Motor Carrier Safety Regulations. The cited section requires, in part, that all brakes with which motor vehicles are required to be equipped shall be operative at all times. A surge brake which is only operative under certain preset conditions would not be in compliance with this requirement. In other words, surge brakes, in general, are only operative when the vehicles are moving in the forward direction.

j. Single Valve to Operate All Brakes—Section 393.49.

(1) In the case of electric brakes, a rheostat or other electrical control is considered to be the equivalent of the "one application valve."

(2) A surge brake would comply with the requirements of Section 393.49 as it specifically states that the brake system shall be so arranged that one application valve shall, when applied, operate all of the service brakes on the motor vehicle or combination of motor vehicles. When the service brakes on a power unit towing a vehicle with surge brakes are applied, the brakes on both vehicles would be applied. The power unit brakes would be applied by its application valve and the surge brakes on the towed vehicle by the overrunning effect.

k. Reservoirs Required—Section 393.50. The regulations do not contain specific design requirements for air reservoirs. It is assumed that vehicle manufacturers will use air reservoirs that are suitable for the purpose intended. We understand that most manufacturers use reservoirs that comply with the SAE Standard J10a.

l. Warning Devices and Gauges—Section 393.51.

(1) Section 393.51(a) has been reworded so as to be explicit in what is required as a warning device. The specific type of warning device required for various brake systems is specified in Section 393.51 (b) through (e).

(2) If the driveline parking brake is to be used as the emergency brake system on motor vehicles which have a single hydraulic brake system, then a warning signal is not required. Warning devices are not required on such motor vehicles because the driver will be given ample warning of system failure by the movement and feel of the brake pedal.

(3) Vehicles other than passenger cars equipped with hydraulic brakes will need warning devices on and after July 1, 1973. The warning devices will be required in both the hydraulic circuit as well as the air or vacuum portion of the brake system.

(4) The regulations do not specify how the warning system shall be designed. Therefore, if a switch actuated by a stroke indicator will meet all of the applicable requirements this would be satisfactory.

(5) For vehicles with both air and hydraulic brakes, warning devices will be required for both portions of the system. That is, the hydraulic circuit would have to have a warning signal and also the air circuit.

(6) Pressure gauges are required for all motor vehicles utilizing compressed air in the brake system in any manner. Therefore, air mechanical, air hydraulic and air assist hydraulic brake systems would have to be equipped with an air pressure gauge. Vacuum gauges are required for vacuum assist hydraulic brake systems and vacuum mechanical brake systems.

(7) The exemptions have been restated in Section 393.51(g) and it has been rewritten in its entirety for clarity. Two axle property carrying vehicles which were manufactured before July 1, 1973, or have a manufacturer's gross vehicle rating of 10,000 pounds or less, are not required to have warning devices or gauges.

m. Brake Performance—Section 393.52.

(1) Tractors operated singly would have to meet the requirements of paragraph (b)(3) of Section 393.52(d).

(2) In determining whether combination vehicles comply with the requirements of Section 392.52, the emergency brake system on both the power unit and towed vehicles would be actuated to determine whether it could stop in the distances specified.

(3) We would expect that vehicles being operated over the highways would not weigh more than what the various States permit. However, if they are overloaded and were checked by members of our Bureau of Motor Carrier Safety's staff, then they would have to be capable of stopping within the distances specified in Section 393.52.

(a) The gross weight of the vehicles is the combined weight of the motor vehicle and its cargo. In other words, the gross weight of a vehicle or combination would be the weight indicated when the vehicle is weighed on portable or stationary scales.

(b) At the present time, we do not plan on disabling a portion of the service brake system to determine the effectiveness of the emergency brake system.

4. Glazing and window construction.

a. Glazing Materials—Section 393.60.

(1) This section of the regulations does not specifically forbid the use of "tempered glass" in motor vehicles. If tempered glass can be made to conform to the requirements for Grade 2 glass in the American Standards Association Code Z26.1–1950, it may be used anywhere in the motor vehicle, except windshields. Certain minimum escape means must be provided, however, which if glazed, must be either of push-out type or be glazed with laminated safety glass. This requirement applies to windows in both buses and other vehicles as specified in Section 393.61.

(2) We have studied in detail the 1966 American Standards Code Z26.1, "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways." We find that the 1966 Code is the same as, or more restrictive, than the 1964 Code. The major differences in the two Codes is that the 1966 Code includes more types of glazing materials. Therefore, we see no reason to object to the use of glazing material manufactured in accordance with the 1966 Code, and in our opinion, it would be used in compliance with this Administration's regulations.

(3) Windshield Marking—Section 393.60(a). It appears some carriers have alleged that marking need not appear on windshields cut from large pieces of suitable glass, because the markings remain on that portion of the glass not used in the windshields. Section 393.60 requires glazing material comply with ASA Code Z26.1–1950. Section 6 of that Code contains the language, "• • • any section of safety glazing material cut from a piece of safety glazing material marked by the manufacturer as above indicated, shall be marked with the same words, designations, characters, and numerals as the piece from which it was cut." It is thus clear that the required markings are to be reproduced as necessary so as to appear on the finished windshield or other pieces of glass actually in use.

(4) Windshield Condition. Laminated glazing material is the only type of material that may be used in motor vehicle windshields at the present time. This laminated glazing material is made of two pieces of glass with a piece of plastic or filler material between the pieces of glass. A crack ¼ inch wide in a windshield may be one where both pieces of glass are cracked and the distance between the cracks is ¼ inch.

(5) Windshield glass discoloration exceeding ¼ inch in width at cracks is considered to be a defect forbidden by the subject rule, unless it can be covered by a ¾ inch disc as mentioned in Section 393.63(b)(3). The rule literally forbids any discoloration in the area specified, except coloring or tinting applied in manufacture for glare reduction, and except such damaged areas ¾ inch in diameter or smaller, as provided for in Item 3. Where a crack results in discoloration not over ¼ inch wide, however, the discoloration can be considered as part of the crack, and is not forbidden.

(6) Use of Vision Reducing Matter—Section 393.60(c). The Administration, when promulgating this regulation, recognized the fact that it would create problems for various manufacturers and also various States and municipalities where their regulations conflict with that of the Administration. However, the Administration found it necessary, in the interest of public safety, to cut to the very minimum any vision reducing matter on windshields.

b. Windshield Construction—Section 393.61.

(1) This rule does not refer to the tilt of the windshield, but refers to the angle for testing. For example, using the side windows, the ellipse of the type shown should be contained within the window either when the long axis is parallel to the ground, or when the ellipse is rotated to any angle up to 45 degrees. A window longer vertically than horizontally, which would require that a person obtain exit from the window by twisting on his side, is not wanted.

(2) Tractor cabs are not required to have two doors. However, they are required to have on each side a window of prescribed minimum area, either of laminated safety glass or the push-out type.

(3) Bus Windows (Push-Out Tests)—Section 393.61(b): The test for this requirement is to strike the window with the palms of the hands to see if the window will push out. This should be done cautiously at first with gradually increased effort. Windows which are adequate will push, but without too much effort. If the glass breaks before the window pushes out, this is a sure sign of failure under the test. The regulations do not recognize rear exit doors as substitutes for escape windows on either new or old buses.

(4) Bus Windows—Minimum Escape Area—Section 393.61(b). The total area of all windows counted for compliance with this section must equal or exceed 67 square inches times the number of seated people, including the driver, the bus is designed to carry. Neither the windshield nor any window not complying with this section as to dimensions, or not laminated or of the push-out type, is to be counted. The windows need not open in the same sense as windows are opened for ventilation in order to be counted as escape windows. Dependence is not to be placed on ordinary opening of windows for escape purposes, because some windows may become jammed in the event of an accident so as to make opening impossible.

(5) "Free opening resulting from the opening of a push-out type window" refers to the emergency opening by pushing out, and not to ordinary opening for ventilation.

(6) Laminated safety glass windows are counted in the minimum escape area if of the prescribed minimum dimension, because it has been found that such glass can be broken with comparatively little effort, with few, if any, fragments, and that when broken out as for escape for a motor vehicle, the glass hangs together and falls from the sash substantially in one piece. Laminated safety glass, therefore, is considered to be push-out glass of itself, unless so installed in the vehicle as to negate this feature.

(7) Section 393.61(b) states that every bus, except buses having a seating capacity of eight or less persons, shall have, in addition to the area provided by the windshield, adequate means of escape for passengers *through windows.* It is our opinion, therefore, that although the door provides in excess of 67 square inches escape opening, it is not a "window." In order to comply, the window area must meet the requirements of Section 393.61(b).

(8) Bus Windows, Driveway-Towaway—Section 393.61(b). This section is not applicable to buses being moved in driveaway-towaway operation, since this section relates only to those times when there are passengers aboard.

(9) School Bus Windows—Section 393.60(b). Neither the general provisions of the Safety Regulations, nor the specific provisions of any part of the sections of Subpart D, Part 393, contain any language which would exempt school buses from the window construction requirements. Section 393.61(c) does provide an option: Pushout windows are required unless the windows are glazed with laminated safety glass in size sufficient to meet the requirements of paragraph (b).

c. Window Obstructions—Section 393.62. This section is not applicable to buses moved in driveaway-towaway operations, since this section relates only to those times when there are passengers aboard.

5. Fuel Systems.

a. All Fuel Systems—Section 393.65.

(1) Fuel for Refrigerating Equipment—Section 393.65(a). This section is applicable to tanks containing fuel for the operation of refrigerating equipment. In the absence of a front axle of conventional type, the frame cross members to which links are attached for keeping the front wheels of the vehicle in position, is considered to be the practical equivalent of a front axle, with Section 393.65(b)(2) requiring that the fuel tank not extend forward beyond that cross member.

(2) Gravity or Syphon Feed Prohibited—Section 393.65(d). The installation of a fuel pump between the fuel tank and the carburetor or injector is considered as a means of complying with this section if the fuel pump is such that when operating in its normal manner, the fuel will flow to the carburetor or injector by action of the fuel pump and not by action of gravity. The fuel pump must not assist gravity to induce the flow, but must be the sole impelling force. Without a submerged fuel pump, a tank entirely satisfactory in itself could be installed in a high enough location to permit syphon feed of the fuel directly to the carburetor or injector. This would be a violation of Section 393.65(d), but the fault would lie in the installation, and not the tank itself. Similarly, a tank with a submerged pump could be satisfactory in itself, but used in an installation not conforming to DOT requirements.

(3) Selector Valves—Section 393.65(e). Motor vehicles equipped with a selector valve for fuel feed from two or more tanks, must have the selector valve installed in either of two ways: (1) It must be in normal reach of the driver, so that he can readily operate it without taking his eyes from the road or moving from his customary driving position, or (2) It must be in such position that the driver must stop the vehicle and leave his seat in order to operate the valve. Where such a valve operates by remote control, it is not necessary for the driver to reach the valve itself. The valve may be located in any desired place, but the control for the valve must conform to the requirements above mentioned.

(4) Excess Flow Valve—Section 393.65(g). This section does not of necessity require that an excess flow valve be

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used. Fuel systems having submerged pumps in the gasoline tanks to supply the engine with fuel under pressure from such pumps, are in compliance with this regulation if provided with means by which the pump is stopped automatically in the event of engine stoppage.

b. *Liquid Fuel Systems.*

(1) Gasoline tanks made of non-metallic material suitable for the purpose and fabricated without joints in the tank body, do not have to comply with the requirements of Section 393.67(c)(1). However, all other applicable requirements of Section 393.67 must be complied with.

(2) Fittings—Section 393.67(c)(2). The type of threads that flanges and spuds are to have is not specified. Therefore, flanges and spuds may have straight pipe threads. Of course, any fitting that is installed in the flanges or spuds will have to have threads that comply with Section 393.67(c)(3).

(3) Threads—Section 393.67(c)(3). Straight (non-taped) threads may be used with flanged fittings using suitable gaskets.

(4) Drains and Bottom Fittings—Section 393.67(c)(4). The intention of this section was to distinguish drains of petcock type and similar fittings from flanges of similar structures securely fastened by welding or studs to the main portion of the tank.

(5) Liquid Fuel Tank Identity Markings. The use of a letter will not serve as a company's name as the manufacturer's identity required by Section 393.67(f). The code letter would identify to a customer, but it would not be a means of identification to the final user of the tank.

(6) Liquid Fuel Tank Tests, Drop Test on Fill Pipe—Section 393.67(e). This Section applies to both saddle-type and conventional sid-mounted tanks. If, in the drop test or other impact, it can be bent or crushed without rupture of itself or associated seam or parts, and without leakage, the fill pipe drop test requirement will be met.

(7) Safety Vent Test—Section 393.67(d)(1). A motor carrier should protect itself by inquiring of the vendor as to whether or not the tank complies with the specifications, and could further assure itself of such compliance by examining the certification required by Section 393.67(f).

(8) Combination labels or name plates showing compliance with DOT requirements as well as those of Underwriters Laboratories, may be used. It is the responsibility of the manufacturer, rather than of Underwriters Laboratories, to see that such labels or plates are placed only on such tanks as do, in fact, comply with DOT requirements.

c. *Liquefied Petroleum Gas Fuel Systems—Section 393.69.* Where a compressed gas, such as butane, is used as a fuel for the propulsion of a motor vehicle, the container must comply with the Explosives and Other Dangerous Articles Regulations if it is readily detachable and is removed for the purpose of refilling. If the container is a permanent part of the vehicle and firmly attached, it is not subject to those regulations, but only to the Motor Carrier Safety Regulations. (See 49 CFR 171.8(f)(2) and 49 CFR 393.69)

6. *Coupling devices and towing methods.*

a. *Fifth Wheel Mounting—Section 393.70(a).*

(1) In the absence of manufacturer's recommendations, it is suggested that the size of the U-bolts to be used fit the notches or holes provided for them. Holes drilled in the frame should be at, or near, horizontal center line of frame channel web so as not to appreciably decrease the strength of that part.

(a) Fifth wheels may be welded directly to the frame, provided the welding will give security at least equivalent to that of proper size U-bolts. Fifth wheel installation must be done in such a manner that the frame will not be cracked, warped, or deformed. Low-temperature welding material should be used. U-bolts of welded construction are prohibited.

(b) A history of the development of Section 393.71 (j)(2) and (k)(1) indicates that the intent of the regulations was to specify the minimum diameter and minimum cross-sectional areas of U-bolts. Whenever the size of a bolt is specified in a regulation or any specification, it should and generally does, mean the nominal size or outside diameter.

b. *Fifth Wheel Locking—Section 393.70(c).* This section is satisfied if, after coupling it is necessary for the driver to either get out of his cab to make a manual release or to operate a positive release mechanism from his position in the cab.

c. *Safety Chains—Section 393.70(f).*

(1) The term "stay chains or cables" refers to chains or cables so applied as to prevent separation of towed and towing vehicles in the event of failure or inadvertent disconnection of the coupling devices.

(2) The two chains or cables required need not be separated pieces of material, so long as the material is used in such a manner as not to reduce its strength in either of the plies extending to the full trailer frame or axle. We recommend ordinary U-bolt cable clips not be used next to the forward thimble. Clamps having shaped to fit both parts of the cable should be used.

(3) The attachment of the safety chains or cables to one point on the towing vehicles is permissible. The chains or cables are not permitted to be attached to the pintle hook.

(4) Safety Chains (Pole Trailers)—Section 393.70(f) does not require safety chains on pole trailers.

d. *Location of Lower Half of Fifth Wheel—Section 393.70(g).* We believe that this section cannot be interpretated to prohibit all fifth wheel locations to the rear of the center line of the axle.

7. *Miscellaneous parts and accessories.*

a. *Tires—Section 393.75*

(1) It is permissible to use recapped tires on semitrailers. It is permissible to use recapped tires on front wheels of trucks or truck-tractors. Retreaded tires may be used on the front wheels of trucks.

(2) Section 393.75(a) is considered to prohibit the use of regrooved, recapped or retreaded tires on the front wheels of buses.

b. *Sleeper Berths—Section 393.76*

(1) This section is not applicable to sleeper berth arrangements to be used by authorized riders who are not drivers, such as guards or messengers.

(2) If the sleeper compartment is mounted back of the vehicle cab and not made a part of the cab itself, it must have at least two means of ready exit. This section allows a sleeper berth to be used with only one means of exit if it is located within the cab of the vehicle. It is considered to be within the cab if, in fact, it is within an addition to the cab, which is made a part of the cab by suitable remodeling. An opening of suitable size has to be provided between the original cab and the addition.

(3) Sleeper berths in the cargo space of a motor vehicle shall be completely and securely compartmentized from the remainder of the cargo space. No sleeper berth shall be installed in or on any semitrailer or full trailer other than house trailers.

(4) Section 393.76(e) requires some means for introducing outside air into sleeper berths. The above opinion is based on the wording of the subject section. It is apparent from the wording of Section 393.76(e) that some means for allowing outside air to enter the sleeper berth is required. The number of vents is not specified in Section 393.76(e). Therefore, we see no reason to object to the use of only one, provided it is adequate for the purpose.

(5) The mere fact that a truck is of the tilt-cab type would not preclude the installation of a sleeper berth in the cargo compartment of the truck. However, the installation would have to be such that all of the requirements of Section 393.76 are complied with. The sleeper berth would be securely fixed in relation to the cab when the cab is in proper position for operation of the vehicle over the highways.

(6) Section 393.76 does not state how the sleeper berth is to be separated from the passenger compartment. However, it appears to us that if a relief driver is to get proper rest, there has to be some means of separating the sleeper berth from the passenger compartment. If a solid partition is used, the two exits, one on each side of the vehicle, has to be provided, and also means of communication with the driver.

(7) Sleeper Berths—Buses. The requirements of Section 393.76(h) are not applicable to sleeper berths installed in buses. The section specifically states the requirements apply to berths installed in or on any truck or truck-tractor. However, sleeper berths on buses have to meet the dimensional requirements of Section 393.76(d) and the measurements are to be made on the center line of the longitudinal axis.

c. *Heater—Section 393.77.*

(1) Section 393.77(c)(14)—A controlled method of regulating the flow of combustion air is considered to be satisfied if the air intake holes have been so designed and made in size, location, and number as to make it impossible for the outershell of the heater to become hot enough to char or scorch readily combustible materials in contact with it, and the construction has been verified by suitable tests on regular production heaters.

(2) The fuel system for a engine preheater will have to comply with the requirements contained in Section 393.69 which requires that motor vehicles using liquefied petroleum gas for any purpose to be equipped with a fuel system meeting the requirements contained therein. The device will have to be provided with an exhaust system that complies with the requirements contained in Section 393.83 of the regulations.

(3) We understand that the catalytic cargo heater utilizes an oxidation process to produce heat. The oxidation process used in the catalytic type cargo heater is considered the practical equivalent of combustion as mentioned in Section 393.77(c)(9). The heater is therefore, considered not to conform to the rule, because the combustion or oxidation apparatus is to be used inside the trailer.

d. *Defrosting Device—Section 393.79.* We cannot require a blower connected to the vent in the windshield if the arrangement of the vehicle is such that condensation does not actually collect, the arrangement being considered "other means" of preventing condensation. While this section exempts driveaway-towaway operations, Section 392.14 restricts speed and use of vehicles when visibility is bad.

e. *Rear Vision Mirrors—Section 393.80.* The regulations do not specify the size or kind of mirrors to be used on motor vehicles. Convex mirrors do exaggerate the apparent distance between a driver and a following vehicle. They also exaggerate the apparent rate at which the following vehicle is overtaking, making it easier for the driver using such a mirror to know whether his vehicle is being overtaken. This fact, plus the fact that the convex mirror gives the driver a wider view of the road at the rear than does a flat mirror of the same size, should make the convex mirror preferable.

f. *Exhaust System Location—Section 393.83.* Operation with a burst muffler is a violation of this section. When a muffler is burst, a substantial part of the exhaust gases is then discharged through the damaged portion of the muffler and not at the location specified in Section 393.83.

g. *Protection Against Shifting Cargo—Section 393.100–393.106.*

(1) It is advisable to place the load on the vehicle as close to the header board as possible. If the load is placed against the header board, there will be no impact, and the force on the header board caused by a one "g" stop is the amount by which the weight of the load exceeds the friction and other resistance to motion of the load. The examples of cargo, such as beams, pipes, etc., are only examples intended to indicate types of material which would shift upon rapid deceleration or accident. Lumber, especially dressed lumber, is as likely to shift upon rapid deceleration or accident as the other items cited.

(2) The term "similar devices" has reference to devices similar in strength and function, though not necessarily in appearance and construction, as header boards. The requirement of Section 393.106 has been interpreted as being met by a network of chains or cables of sufficient strength properly secured to the vehicle to prevent forward movement of the cargo. The cited rule also has been interpreted as requiring that there be no openings in the "header boards or similar devices" through which the lading being transported can pass. The requirement for "header boards or similar devices of sufficient strength to prevent shifting and penetration of the driver's cab," is, as stated in Section 393.106, in addition to secure fastening and bracing of the load.

(3) A literal interpretation of the words, "Every motor vehicle carrying cargo" might require the header board to be attached to the vehicle on which the cargo is loaded. However, the load would not "be likely to result in penetration or crushing of the driver's compartment", if an adequate header board were suitably attached to the vehicle carrying the driver. Header boards or similar devices may, within practical limitations, be applied to either the towing vehicle (back of cab) or the vehicle actually carrying the lading. It must be remembered that the farther the header board or other device is placed ahead of the lading, the greater must be its strength to afford adequate protection, because of the impact developed in the event of shifting.

h. *Rear End Protection—Section 393.86.*

(1) Tail lift gate so constructed and attached to a vehicle that its location and position of its parts when folded or retracted for traveling are such as to comply with the term "devices serving similar purposes" will be deemed to comply insofar as the lateral extent fulfills the dimensional requirements. It is suggested that if the lift tail gate, when in traveling position with the vehicle unladen, is more than 30 inches above ground, a suitable bumper or bumper section might be attached to the lift tail gate itself in such manner as to comply with the 30-inch height requirement and to retract when the lift gate is opened into operative position. Where the lift gate, frame and other parts of the vehicle do not meet dimensional requirements of this section, additional bumper sections must be attached.

(2) The axles, tires, and other parts of the vehicle are considered to serve the purpose of rear end protection, if they are substantially constructed and if they are within the dimensional limitations prescribed by this section.

i. *Buses, Aisle Seats—Section 393.91.* The width of the clear aisle to be left by the automatic folding of the permissible aisle seats is not specified. Ten and one-half inch width of aisle at knee height is adequate for normal passengers to pass through. Aisle seats, if used, must be so designed and installed as to automatically fold and leave a clear aisle when they are unoccupied. Folding seats are not considered to be automatic, within the meaning of the rule, if their folding must be done purposefully.

j. *Seat Belts—Section 393.93.*

(1) Section 393.93 of the Motor Carrier Safety Regulations does not preclude the use of removable seat belts, provided the seat belts themselves meet the applicable Motor Vehicle Safety Standards. In addition, the seat belt anchorage must meet the requirements of Motor Vehicle Safety Standard 210.

(2) Section 393.93(b)(1) specifically states that belts must be installed . . . at the right front outboard seat, if the vehicle has one. The reasoning behind this requirement was that occupants of these seats should be afforded the same level of protection as a belted driver. There are many situations in which installation of belts, only during those times when the seat is occupied, may be a desirable alternate requirement. However, the present language of the regulations does not permit this interpretation.

(3) Section 393.93(b)(1) of the Motor Carrier Safety Regulations states that trucks or truck tractors ". . . must be equipped with a Type I or Type II seat belt assembly . . . installed at the driver's seat and at the right front outboard seat, if the vehicle has one . . ." Therefore, the only options available to motor carriers are to either install removable right front seats and seat belt assemblies or, if the right front seats are permanent, to install removable seat belt assemblies. Installation of right front seats and seat belt assemblies is not mandatory. However, if a seat is permanently installed, seat belt assembly must be available for that seat.

8. *Emergency equipment.*

a. *Fire Extinguishers.*

(1) Tests. The regulations do not specifically require that carbon dioxide fire extinguisher cylinders be tested at 5 year intervals, that requirement being applicable only to cylinders that are transported as property in interstate commerce, and not applicable to those being carried on vehicles for immediate use if needed. Some fire extinguishers utilize containers of gases under pressure. The regulations of this Administration do not require retesting of such cylinders merely because of their being carried for use on vehicles in interstate commerce. E&ODA regulations are pertinent to transportation of filled cylinders as lading. They define a compressed gas as any material or mixture having in the container an absolute pressure exceeding 40 pounds per square inch at 70 degrees F, or 104 pounds per square inch, or both. Generally, containers of such materials are not to be refilled for shipment as lading if the most recent test date on the container is five years old.

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Retesting before refilling is then required. Special provisions for some fire extinguisher cylinders are found in Section 173.310 of these regulations.

(2) In Kit. The regulations do not prohibit the mounting of a fire extinguisher within a kit provided it is securely mounted in a bracket. The kit should not be locked and the lid should be in such condition as to permit its opening by hand without the use of tools or other aid. The section does not prohibit mounting a fire extinguisher on the outside of a box containing other safety equipment. The fire extinguisher does not have to be attached to the cab of the motor vehicle, however, it has to be in a more readily accessible for use.

(3) Emergency equipment kit must be securely mounted on the vehicle, in the cab or some other location, and be readily accessible for use. This could be done by bolting the kit to the vehicle, or it could be done by placing a framework to set the kit in so that it would not slide around the vehicle. Either method would comply with the requirement of Section 393.95(a) insofar as secure mounting is concerned.

(4) The visual inspection requirement has been interpreted as being met by fire extinguishers employing a metallic seal to keep the charge under pressure if the seal is readily accessible for inspection without the use of tools. Fire extinguishers having the operating mechanism sealed with a wire or other means would not comply with the requirement for visual inspection. Breaking a seal of this type would only indicate that the operating mechanism had been manipulated. Also weighing a fire extinguisher to determine whether it is charged is not considered a means of visual inspection.

(5) If vehicles are equipped with fire extinguishers that comply with Section 393.95(a), then additional fire extinguishers could be on the vehicles, and not be equipped with a pressure gauge or other means of visual inspection.

(6) We understand that there are three basic types of hand portable fire extinguishers which can be used to comply with the requirements of Section 393.95(a) of the Motor Carrier Safety Regulations, as amended. These three types are the cartridge and stored pressure types of dry chemical units, and carbon dioxide extinguishers. Since the cited section does not specify the exact type of extinguisher to be used, the three types mentioned, along with any other type capable of meeting the specific requirements, could be used.

(7) Insofar as visual inspection requirements are concerned, this can be accomplished in several different ways. Different types of extinguishers may require different methods of visual inspection. We will describe separately some of the methods we believe can be used for various types of extinguishers.

(a) The stored pressure type dry chemical units can be inspected in two different ways, depending upon whether a gauge or similar device is used to indicate the charge pressure, or if a metallic seal is used to keep the charge under pressure. Where a gauge is provided, it can be read to determine if the extinguisher is fully charged. If a metallic seal is used to keep the charge under pressure, inspection of the seal, provided it is readily accessible without the use of tools, has been interpreted as meeting the visual inspection requirement.

(b) We understand that some extinguishers have a cartridge of compressed gas to expel the dry chemical extinguishing agent. In cases such as this, the visual requirements could be met if the cartridge were readily removable without the use of tools to determine if the metallic seal had been punctured, and a means were provided for determining whether the extinguisher was fully charged with the extinguishing agent.

(c) The carbon dioxide type of extinguisher presents more of a problem in the visual inspection requirement area. In our opinion, such extinguishers would have to employ either a gauge capable of registering the amount of pressure or a metallic seal. If these two methods are not appropriate, then consideration would have to be given to allowing some other means of determining whether the type of extinguisher was fully charged.

(8) Section 392.8 of the regulations requires a driver to satisfy himself that the emergency equipment required by Section 393.95 and 393.96 is in place and ready for use. In the case of fire extinguishers, we believe that this requirement would be complied with if the driver determines that the extinguisher is on the vehicle and whether it is charged by the methods cited above.

b. *Tire Chains—Section 393.95(d).* This section requires "tire chains" without an alternative for other types of traction devices such as snow tires. Devices that are not "tire chains" in the commonly used sense of the words, are not acceptable for compliance with this section. Loop type chains are not recognized as meeting the requirements of this section.

c. *Warning Devices for Stopped Vehicles—Section 393.95(f).* Flares (pot torches), fusees, oil lanterns, or any signal produced by a flame shall not be carried on any motor vehicle transporting explosives, Class A or Class B; any tank motor vehicle used for the transportation of flammable liquids or flammable compressed gas, whether loaded or empty; or any motor vehicle using compressed gas as a motor fuel; but in lieu of such flares or fusees, three electric lanterns or three red emergency reflectors shall be carried. Flame-type signals may not be carried on a vehicle using flammable compressed gas as fuel for motors of refrigerating units or heating devices. If such gas is used in a heating device, but no motor of any kind on the vehicle is fueled by such gas, it is recommended that flame producing signals not be carried, but the language of this section would not permit enforcement.

d. *Requirements for Red Flags—Section 393.95(k).*

(1) Red cloth flag standards which will not stand upright unless pushed or driven into place, do not meet the requirements of this section.

(2) Further revision to Section 393.95 (l) (5) is not contemplated at the present time. The present Sections 393.95(l) and (k) require red emergency reflectors designed to serve as flag standards to have the flags attached when the device is subjected to the 40 mph wind test. Flags are required to have standards adequate to maintain them in an upright position. We believe the flags need to be as effective as the red emergency reflectors, and for that reason should be attached in the 40 mph wind test.

e. *Buses, Additional Emergency Equipment—Section 393.96.* There is no contradiction between the requirements of Section 393.96(c) (1) and 393.96(c) (7). The language of Section 393.96(c) (1), which mentions the kit as being "heavy duty 10-unit type or larger" refers to the size of the kit, rather than the contents since the contents are listed elsewhere according to whether the kit is unit type or commercial type. A unit type kit of "10-unit type or larger," containing the eight items (nine packages) specified in "A-Unit Type Kit" in Section 393.96(c) (7) would be considered to fulfill the requirements of the section.

CHAPTER IX—PART 394 RECORDING AND REPORTING OF ACCIDENTS

Par.

1. Intrastate Accidents.
2. Service and Tow Vehicle.
3. Accidents at Terminals.
4. Intermittent Operations.
5. "Death to Any Person".
6. "Injury to Any Person".
7. "Property Damage".
8. "Which Involves a Motor Vehicle".
9. "Involving a Motor Vehicle".
10. Preparation of Accident Reports.
11. Use of Vehicle by Driver.
12. Collision with Debris.
13. Damaged Vehicle—Parked.
14. Vehicle Operated on Own Property.
15. Place of Accident Occurrence.

1. *Intrastate accidents.*

a. Intrastate accidents must be reported by all motor carriers (except private carriers engaged wholly in farm-to-market agricultural transportation as defined in Section 394.5); engaged in interstate, foreign, or intrastate commerce operations of a motor carrier who is subject to the Department of Transportation Act, resulting in—the death of a human being; or bodily injury to a person who, as a result, receives medical treatment away from the scene of an accident; or total property damage aggregating $2,000.00 or more, using the same reporting form requirements as for interstate accidents. The above interpretation requires that carriers report accidents which occur not only during intrastate movements which precede, follow, or come between interstate movements, but also intrastate movements which are entirely independent of interstate movements, including those involving particular vehicles of the carrier which are used exclusively in intrastate commerce. Carriers who do not at any time engage in transportation in interstate or foreign commerce are not required to report accidents.

b. This does not constitute an attempt by the Administration to interfere in any way with the exclusive power of the States to regulate intrastate commerce. Rather, it is a means adopted by the Administration to keep itself informed of the general accident records of motor carriers subject to its jurisdiction in order to better carry out its duties in regard to interstate and foreign commerce. That the Administration's broad power of inquiry under the Act includes the power to require the reporting of intrastate accidents and to inspect carrier records relating thereto, would seem reasonably clear from such decisions as Interstate Commerce Commission v. Goodrich Transit, 224 U.S. 194 (upholding the Commission's power to require inclusion of intrastate operations in Part I annual reports), and U.S. v. Clyde S. S. Co., 29 F. 2d 742 (upholding power to inspect all records of carriers). The close relation between safety in intrastate operations and safety in interstate operations of carriers has been recognized by the courts in such cases as Schechter v. U.S., 295 U.S. 495, and Southern Ry. Co. v. U.S., 222 U.S. 20. L–21843, January 27, 1958.

2. *Service and tow vehicle.*

Accidents are reportable when occurring during the operation of a service vehicle of a motor carrier in connection with the servicing or towing of one of the carrier's vehicles, or during the towing of a motor carrier's vehicle by any other vehicle, whether or not owned or operated by the carrier. If the towing vehicle is subject to DOT regulations, that carrier will also file an accident report.

3. *Accidents at terminals.*

Accidents at terminals involving no vehicles are not reportable. If vehicles loaded with goods are damaged by a terminal fire, the damage to vehicle and cargo is reportable. The destruction of *each* such vehicle constitutes a reportable accident.

4. *Intermittent operations.*

Where a carrier operates mainly in intrastate commerce, but once or twice a month performs interstate operations, it must maintain a register of all accidents which are "reportable," both interstate and intrastate.

5. *"Death to any person."*

"Death to any person" is any fatality resulting from an accident including both immediate death at the time of the accident and subsequent death from injuries suffered in the accident occurring within 30 days after a reportable accident.

a. The term includes death from carbon monoxide or other poisoning, from burning, or from a cause other than a natural cause.

b. Death from a natural cause, such as a heart attack, if not caused by an accident, is not reportable. If death from a natural cause results in an accident, as in losing control of the vehicle, it is reportable.

6. *"Injury to any person."*

A motor vehicle accident injury is any nonfatal bodily harm received in a motor vehicle accident, i.e., bodily injury to a person who, as a result, receives medical treatment away from the scene of the accident.

7. *"Property damage."*

"Property damage" is the dollar damage to any and all vehicles, cargoes and other kinds of property, directly or indirectly resulting from the accident. The term includes only physical damage to property, and does not take into consideration indemnification for any cause, or cost of litigation. It is expected that carriers' estimates of damage will not vary too greatly from the actual damage.

8. *"Which involves a motor vehicle."*

This phrase refers to any motor vehicle which, at the time of the accident, is owned and operated, or leased and operated, by a motor carrier which conducts operations in interstate or foreign commerce.

a. In the case of a *leased* vehicle, the *operating* carrier, not the owner of the vehicle, is required to make a report.

b. *Stolen Vehicle.* Where an accident happens during the theft of a vehicle, it should be reported when it comes to the carrier's attention. After the theft is completed and the stolen vehicle is unloaded, sold, or put to other use, it would then cease to be "operated by" the carrier.

c. *Unauthorized Pleasure Jaunt.* Where a loaded vehicle is diverted from the carrier's business to go on an unauthorized pleasure jaunt, an accident then occurring is reportable whether the carrier's driver is driving or someone who is a stranger to the carrier.

9. *"Involving a motor vehicle".*

A motor vehicle is deemed not to be "involved," where a filling station mechanic broke his thumb while changing a tire on a carrier's vehicle.

10. *Preparation of accident reports.*

Reports of accidents should be prepared by carrier, not by insurance company, in order that carrier shall be fully acquainted with the circumstances of each accident.

11. *Use of vehicle by driver.*

A "bobtail" tractor (without trailer attached) owned by a leased driver, being used for his own purpose, is involved in an accident meeting all other reporting criteria is reportable based on the fact that the motor carrier is responsible for the vehicle during the term of the lease arrangement. The purpose of the accident reporting requirement is to enable the Bureau to obtain information as to the cause of commercial vehicle accidents. There is no relation between reportability of the accident and the liability involved. The Bureau will take cognizance of the fact that the vehicle was being operated by the driver for his own personal use without permission of the motor carrier.

12. *Collision with debris.*

A collision occurred between two vehicles both commercial motor carriers, the third vehicle, operated by another commercial motor carrier strikes the debris. The vehicle striking the debris is involved in the original collision. In other words, this is all one accident.

13. *Damaged vehicle—parked.*

A trailer is spotted at a shipper's dock, loaded and picked up the following day by a driver, at this time damages to the trailer are found. This incident is reportable, however, under Item 11A indicate "NO DRIVER."

14. *Vehicles operated on own property.*

An occurrence meeting all other reporting criteria, involving a private truck operated in the confines of private property, is reportable providing the vehicle involved is one normally used in over-the-road service and not a vehicle used in yard work only, such as a yard jockey.

15. *Place of reportable accident occurrence.*

A U.S. motor carrier is involved in a reportable accident in Canada or Mexico, or a Canadian or Mexican motor carrier's vehicle is involved in a reportable accident in the United States; providing these carriers are involved in interstate or foreign commerce, both instances would require the filing of accident reports, as required by Part 394 of the Motor Carrier Safety Regulations.

CHAPTER X—PART 395
HOURS OF SERVICE OF DRIVERS

Para.

1 Compliance—Section 395.1.
2 Definitions—Section 395.2.
3 Maximum Driving and On-Duty Time—Section 395.3.
4 Travel Time—Section 395.7.
5 Drivers' Daily Logs—Section 395.8.
6 Emergency Conditions—Section 395.11.

1. *Compliance—Section 395.1.*

a. *Canadian Operations Into U.S. Border Compounds.* Although the Bureau does have jurisdiction over that portion of the operations conducted in the United States, the Bureau has not elected to exercise its jurisdiction, and will not, unless and until, circumstances indicate the need for further control in U.S. Border Compounds. The operations solely into U.S. Border Compounds is at present an insignificant part of the total safety regulatory problem.

*b. *Use of Company Trucks for Personal Reasons.* When a driver is relieved from work and all responsibility for performing work, time spent traveling to and from his place of employment is considered off-duty. The type of conveyance used between the terminal and his home, restaurant, etc., would not alter the situation. However, if the driver who used a company tractor for transportation home, and is called by the employing carrier at home, and is dispatched from his home, the driver would be on-duty from the time he leaves home.

c. *Drivers of Trip-Lease Equipment.* Logs must be obtained and retained by the carrrier.

2. *Definitions—Section 395.2.*

(1) A driver transported by automobile from a point of breakdown to a terminal may log the travel time to the terminal as off-duty if he is given 8 hours off-duty upon reaching the terminal.

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(2) If the same driver, upon reaching the terminal was dispatched on another run, the time traveling from point of breakdown to terminal would be logged as "on-duty" not driving.

b. *Meal Stops—Charter Bus Movements.* Issuance of Interpretation 70–1 was not meant to neutralize or liberalize the hours of service rules. As stated in the interpretation, a driver should log meal stops or other routine stops while enroute to a destination as on-duty time except under limited circumstances. The interpretation deals solely with the characterization of *meal stops* or *other routine stops* while a driver is enroute. This interpretation, therefore, would not be applicable where the driver is relieved for extended periods of time, e.g. charter bus movements.

c. *Communication with Driver During 8-Hour Off-Duty Rest Period.* There is no provision in the safety regulations that prohibits a motor carrier from communicating with a driver during his off-duty period for the purpose of notifying him when to report for work. However, the driver may not be required to begin driving duties prior to the expiration of his 8-hour off duty period.

d. *Duty Status While Waiting.* The fact that a driver is paid for a certain period of time does not always establish that he was on duty during that period even though it may be a good indication that he was on duty. A driver may be relieved of duty at a foreign terminal or at his home terminal when waiting for bills, equipment, break down of equipment, yet being paid for time waiting. Generally, it would be necessary for the driver to be notified that he is relieved from duty for a specific predetermined period, and that the driver have a suitable facility available for rest and relaxation during that period.

e. *On-Duty (Non-Transportation Work for Carrier).*

(1) Driver painting a motor vehicle or performing for his carrier-employer other tasks not related to transportation, must show the time spent as "on-duty" in his driver's log. The term "work" as used in Section 395.2(a) of the regulations is not limited to employment related to transportation.

(2) When a driver drives, or performs duties other than driving, for a motor carrier, after having been on duty for 60 hours in any 7 consecutive days, or 70 hours in any 8 consecutive days, he is in violation of the Hours of Service Regulations.

CHAPTER XI—PART 396

INSPECTION AND MAINTENANCE

Par.
1 Inspection and Maintenance Program.
2 Leased Equipment—Location of Records.
3 Tire Plies.
4 Preservation of Records by Private Carriers.
5 Trailer Breakaway Valve.
6 Imminently Hazardous.
7 Vehicle Condition Report by Driver.
8 Driveaway—Towaway Operations.

1. *Inspection and maintenance program.*

a. The Department of Transportation requirements for inspection and maintenance of motor vehicles are to be found in Part 396 of the regulations. The inspection and maintenance program that a motor carrier uses will depend upon the operation he is performing. The period of time between motor vehicle inspections may be determined on a mileage basis or a weekly basis. The exact elapsed mileage or time is left to the discretion of the carrier, but the program must be systematic.

b. Requirements for parts and accessories necessary for safe operation of motor vehicles and inspection and maintenance are to be found in Parts 393 and 396, respectively, of the Motor Carrier Safety Regulations. Vehicles used in interstate and foreign commerce are required to be equipped with the parts and accessories specified and to be inspected and maintained in accordance with the regulations. The requirements are to be complied with by all equipment operated under our jurisdiction, whether it is new or used.

2. *Leased equipment—location of records.*

a. *Section 396.2*—It does not matter whether the lessee-carrier or the equipment lessor performs the inspection and maintenance work required by Part 396 of the Motor Carrier Safety Regulations. The carrier must, however, either itself inspect, maintain and keep suitable records, or arrange for a third party to do it, or specify in the lease contract that inspection and maintenance work be done by the lessor.

b. If the lessor does the inspection and maintenance at its garage in the same city or immediate area in which the particular operations of the lessee-carrier are based, the records of inspection and maintenance may be kept at that garage, provided they are available to the DOT inspectors during normal business hours upon request made to the carrier. It is the carrier's duty to check periodically to assure that inspection and maintenance are properly done and that the required records are being kept. Though the work and record keeping may be done by another, the carrier cannot shift its responsibility to see that this is done in accordance with the regulations.

c. The Motor Carrier Safety Regulations do not require inspection and maintenance records to be kept at the carrier's principal place of business. Therefore, it would be appropriate for the carrier to keep such records at locations where they have been given permission to keep required safety records, such as driver's daily logs. However, because of the nature of inspection and maintenance records, we believe it would be more appropriate for the carrier to keep these records at the terminal out of which their vehicle operates and where preventive maintenance is performed. If duplicate records are not maintained, records kept at locations other than the principal place of business would be of greater value to the carrier in assuring vehicles were properly inspected and maintained. If a safety survey was performed by members of our field staff, records at the outlying locations could be brought into the carrier's principal place of business upon request of our personnel.

3. *Tire plies.*

Section 396.2. It would be satisfactory for carriers to show on their inspection and maintenance records ply ratings, instead of the number of plies.

4. *Preservation of records by private carriers.*

Section 396.2. The ICC regulations governing the preservation of records do not apply to private carriers. Therefore, a private carrier may be required to retain systematic inspection and maintenance records for each motor vehicle controlled by it only for the period during which such vehicle is subject to its control.

5. *Trailer breakaway valve.*

Trailer breakaway valve, in common with other parts of the brake air system, is contemplated as being included in the regulations requiring periodic inspection and maintenance of vehicles. Ordinarily, the breakaway valve is tested every time the towing vehicle is separated from the trailer. There are, of course, some vehicle combinations which are not frequently separated and the breakaway brakes thereon are rarely operated and should be checked periodically as part of the inspection and maintenance requirements.

6. *Imminently hazardous.*

a. Motor vehicles with inoperative generators and starting motors would be hazardous to operate. It would be hazardous to drive motor vehicles with these parts inoperative. Regarding generators, there can be no doubt about a vehicle with an inoperative generator being hazardous. This fact is quite obvious since the batteries would become discharged in a very short time. This would result in the vehicle being without lights and could cause the vehicle to stop if electrical energy was required to keep the engine running. Also, a vehicle with an inoperative starting motor would be hazardous. This opinion is based on the fact that a vehicle could be stalled at an inopportune time or place on the highway. If the starting motor was inoperative, the engine would not be started and in that way the vehicle would become a traffic hazard.

b. *Section 396.5(c)(2).*

(1) The movement of a vehicle placed out of service may only be made in a manner by which the defects or defect for which it was placed out of service would not constitute a hazard while it is being moved. The towing of any such vehicle is construed as operating the unit and, therefore, is not permissible in any case where such movement would result in a violation of the Motor Carrier Safety Regulations.

(2) For example, if the steering of a power unit is defective and the towing vehicle lifts the front wheels of the unit off the road so the defective steering does not constitute a hazard, the out of service vehicle may be towed to a place of repair. If, however, the defect still constitutes a hazard, e.g., a cracked rear wheel which is not lifted from the ground in the towing, the movement of the out of service vehicle is improper and will be forbidden. Of course, any vehicle placed out of service may be entirely placed on another vehicle and removed to a place of repair provided the hauling vehicle is in full compliance with all of the safety requirements.

7. *Vehicle condition report by driver.*

a. *Two Driver Operation*—In two driver operations, only one vehicle condition report must be prepared covering each day's tour of duty that a vehicle is operated. Both drivers must sign this report. Should the driver or co-driver disagree as to the content of the report, each should prepare a vehicle condition report. The motor carrier may require each driver to prepare such a report, if desired.

b. *Tour of Duty*—The term "tour of duty" was primarily designed for drivers who operate more than one vehicle during a day. They must turn in a report on each vehicle at the time they are through driving it. If a driver is on a trip of several days duration, he must make a report at the end of each day's work.

c. *Number of Vehicles.*

(1) The term "operating more than one vehicle" is intended to mean all motor vehicles, including those in commercial zone or intrastate operations. Therefore, if a motor carrier operates only one motor vehicle in interstate commerce, plus one or more additional vehicles in other operations, the driver of the motor vehicle operated in interstate commerce must be required to prepare a daily vehicle condition report.

(2) A motor carrier having one tractor and using it in conjunction with the operation of several trailers is required to maintain records for all of the vehicles. In the operation of a single tractor-semitrailer combination, Section 390.1 interprets such a vehicle as a "motor vehicle" and that for such a combination no reports need be kept.

d. *Trip Lease—Section 396.7*—Such report must be obtained and retained by the carrier as to trip-leased vehicles.

8. *Driveaway-towaway operations.*

Every motor carrier, with respect to motor vehicles engaged in driveaway-towaway operations, shall comply with this section (Inspection), in addition to Section 396.1 and 396.7, inclusive, except that the driver's "vehicle condition report" required by Section 396.7 shall not be required for any vehicle which is part of the shipment being delivered. Before the beginning of any driveaway-towaway operation of motor vehicles in combination, the motor carrier shall make a careful inspection and test to ascertain that the tow-bar or saddle-mount connections are properly secured to the towed and towing vehicles, that they function adequately without cramping or binding of any of the parts, and that the towed motor vehicle follows substantially in the path of the towing vehicle without whipping or swerving. Every motor carrier shall maintain practices to insure that following completion of any trip in driveaway-towaway operation of motor vehicles in combination, and before they are used again, the tow-bars and saddle-mounts are disassembled and inspected for worn, bent, cracked, broken, or missing parts. Before reuse, suitable repairs or replacements shall be made of any defective parts and the devices shall be properly reassembled.

Par.
1 Application of Regulations.
2 Nurse Tanks.
3 Attendance and Surveillance of Motor Vehicles.
4 Parking.
5 Routes.

1. *Application of regulations.*

The Motor Carrier Safety Regulations apply: (a) To intrastate shipments when transported in the vehicles operated by interstate motor carriers; (b) To vehicles and drivers thereof, transporting interstate and intrastate shipments comingled in a vehicle and; (c) To the intrastate operations of an interstate motor carrier when hazardous materials are transported in intrastate commerce. The regulations also apply to divisions of the corporation. This would not be true of wholly owned subsidiary companies unless the parent corporation management exercises control over the day-to-day management of the subsidiaries' motor carrier operators.

2. *Nurse tanks.*

a. Nurse tanks are subject to the regulations when pulled by a carrier. When a farmer performs the transportation, application of the regulations would depend on whether or not the farmer operates the tank in interstate commerce on public highways.

b. Ammonia applicators used in the field would not be subject to the regulations since they do not further the transportation of the commodity. However, if the applicator is used in a dual role as applicator and nurse tank, then the operations of the carrier would be used to determine application of the regulations.

3. *Attendance and surveillance of motor vehicles.*

a. *Attendance*—Parking an explosive-laden vehicle within 100 feet of a cafe in an attempt to meet the attendance provisions of Section 397.5(a) would result in a violation of Section 397.7(a)(3). Therefore, the question whether or not the vehicle is attended would be immaterial.

b. *Qualified Representative*—The regulations do not specify who may be a qualified representative; they state only that the person must meet the provisions of Section 397.5(d)(2). If a fuel stop operator meets those criteria, is actually in attendance, and the vehicle is parked more than 300 feet from the service building, then the vehicle can be considered attended by the fuel stop operator as the carrier's representative. To qualify, however, the fuel stop operator would have to forego most, if not all, of his normal activities as a fuel stop operator while attending the vehicle. If all the conditions described above are met, the drivers could log their time as "off duty" to the extent outlined in Interpretation 70–1.

c. *Safe Haven.*

(1) A safe haven may be located either on a Federal installation, including a military base, or on civilian property. In the first instance, the Federal military department operating the installation would be the *competent authority*. The official or the office on that installation having the responsibility of making the decision would be determined by the operating directives of the particular department.

(2) When the proposed safe haven is on civilian property, the *competent governmental authority* would be that civilian authority which has jurisdiction over the area. In many cases, more than one level of government may be involved, such as the city, county, State or independent authority. For this reason, we would have to consider each situation individually on its own facts. Any of the civilian authorities may, of course, seek assistance from the military.

(3) The definition found in Section 397.5(d)(3) purposely is void of any specific guidelines or criteria. In the original notice proposing to amend Part 397, we advocated a design-oriented definition, specifying the area must be surrounded by hills, timber or other features to deflect shock waves from an explosion. However, comments in response to the notice indicated that the proposed definition was too restrictive and too inflexible. Therefore, it was decided that the selection of safe havens should properly be a decision of the "competent governmental authorities" having jurisdiction over the area.

(4) A truck stop may be considered a "safe haven" if it is so designated by local or State governmental authorities. The definition in Part 397.5(d)(3) simply states "an area," with no exceptions. The Notice proposing to amend Part 397 contained specific requirements for an area to qualify as a "safe haven." It would be difficult to write specific requirements that would be workable over the entire country, however, and it was decided that governmental authorities, who would be familiar with their respective geographic areas and population densities, could designate these areas. There is a possibility that local governments could be wrongfully influenced by certain outside parties in their designation of "safe havens." However, we felt that, because of the potential hazards involved, the local authorities would make sound and safe decisions and would not be influenced by selfish pressure groups.

4. *Parking.*

a. The word "or" between subparagraphs 397.7(a)(2) and 397.7(a)(3) requires that both subparagraphs be fully complied with. Advising the owner of the property as to the nature of the explosives does not lessen the danger to the owner or other persons that may occupy the property.

b. *Notice of Proposed Rule Making to Amend Part 397.*

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(1) In the Notice of Proposed Rule Making to amend Part 397, it was proposed in Section 397.7(a)(3) to allow a "15 minute period" during which time the vehicle could be parked within the 300 foot parameter. This provision was to allow for pick-up and delivery operations. Comments from the industry indicated that the 15-minute limit would be too restrictive. Several commenters suggested a 30-45 minute period. In order to provide a workable and flexible solution, it was decided to incorporate the provision "except for brief periods" to accommodate *pickup and delivery operation of various time intervals, and other necessary stops in route.*

(2) In view of the foregoing, it is our formal interpretation that parking a vehicle containing Class A or Class B explosives closer than 300 feet to buildings, dwellings, etc., "for periods up to 1 hour for a driver to eat" would not be permitted under the provisions of Section 397.7(a)(3). Parking at fueling facilities to obtain fuel, etc., or at a carrier's terminal for brief periods would be considered a necessity of operation.

5. *Routes.*

Section 397.9(a) is not meant to preclude the use of expressways or major thoroughfares to make deliveries within a populated area. We realized that in many instances a more circuitous route may present greater hazards due to increased exposure. However, in those situations where a vehicle is passing through a populated or congested area, use of a beltway or other bypass would be considered the appropriate route, regardless of the additional economic burden.

CHAPTER XIII—PART 298—TRANSPORTATION OF MIGRANT WORKERS

Par.
1 General.
2 Jurisdiction.
3 Application of Regulations.

1. *General.*

Regulations governing the transportation of migrant workers are contained in 49 CFR 398, otherwise known as Part 398 of the Motor Carrier Safety Regulations. They are published in a separate booklet from the other Parts of the Motor Carrier Safety Regulations. Because of lack of demand, these regulations have not been reprinted since the transfer of functions from the Interstate Commerce Commission. Therefore, the booklet in use still identifies them as being regulations of the Interstate Commerce Commission, and the section numbers are in the 198 series, rather than the 398 series now assigned.

2. *Jurisdiction.*

a. Common carriers of migrant workers are subject to the full and complete Motor Carrier Safety Regulations (Parts 390–396), rather than the Migrant Worker Regulations (Part 398). Y–7260, February 19, 1957.

b. All portions of a preplanned itinerary, including short hauls between camp and work site, or to a new camp site, are subject to the Administration's jurisdiction to the extent described in Public Law 939. Y–7450, September 4, 1957.

c. Contract and private carriers of Migrant Workers (except when transporting members of their own family) are subject to the regulations in Part 398. Y–726C, February 19, 1957.

3. *Application of regulations*

a. Except as specified in Part 398, the provisions of Parts 390–397 do not apply to the transportation of migrant workers by other than common carrier.

b. The booklet of Migrant Workers Regulations contains the text and drawings of the lighting regulations of Part 193 as they existed in 1957. Accordingly, no enforcement action for violation of the present lighting regulations should be considered until the booklet is reprinted. S–3011, June 27, 1961.

c. Buses are not subject to the glazing or escape window provisions of Part 393, Subpart D, the fuel system requirements of Subpart E, or the emergency equipment requirements beyond those specified in Section 398.4(f). ICC OM 3–14.

CHAPTER XIV—PARTS 171 THRU 178—REGULATIONS FOR TRANSPORTATION OF HAZARDOUS MATERIALS

Par.
1 General.
2 Definitions.
3 Shipper Regulations.
4 Carriers by Rail Freight.
5 Shipments by Public Highway.

1. *General.*

a. *Regulations Where Contained*—Regulations governing the transportation of hazardous materials are contained in the following publications which are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at prevailing prices:

(1) Code of Federal Regulations, Title 49—Transportation, Parts 100–199 (contains pipeline regulations and packaging, marking and labeling requirements for rail, highway and air transportation).

(2) Code of Federal Regulations, Title 46—Shipping, Parts 146–149 (contains the U.S. Coast Guard Regulations for transportation by water).

(3) Federal Aviation Administration Regulations, Vol. VI (contains the regulations for air transportation).

(4) Code of Federal Regulations, Title 49, Transportation, Parts 390–397, Motor Safety Regulations.

b. *Penalties*—Under the Transportation of Explosives Act as amended September 6, 1960 (Formerly the Explosives and Combustibles Act), Title 18, Chapter 39, U.S. Code, heavy penalties are provided for violations of regulations prescribed thereunder by common contract or private carriers by motor vehicle. (Formerly only common carriers were subject to the explosives regulations by Part II of the Interstate Commerce Act, and as to such carriers only the penalties in Section 222(a) of that Act formerly applied). By order of July 28, 1961, in Docket No. 3666 (Order No. 46), Ex Parte No. MC–13 and Ex Parte No. MC–3, the explosives regulations insofar as they relate to contract and private carriers and to shippers, were prescribed under the Transportation of Explosives Act (18 U.S.C. 834) so that the situation is now the same in respect to all types of carriers.

c. *Intrastate Operations*—The Hazardous Materials Regulations apply: (a) To intrastate shipments when transportation in the vehicles operated by interstate motor carriers; (b) To vehicles and drivers thereof, transporting interstate and intrastate shipments co-mingled in a vehicle, and; (c) To the intrastate operations of an interstate motor carrier when hazardous materials are transported in intrastate commerce. The regulations also apply to divisions of corporations. This would not be true of wholly owned subsidiary companies unless the parent corporation management exercises control over the day-to-day management of the subsidiaries' motor carrier operations.

d. *Foreign Shipments*—The transportation of explosives between points in the United States and points in foreign countries is subject generally to the hazardous materials regulations insofar as the transportation is performed in the United States. Shipments which are packed, marked, labeled and loaded in conformity with the requirements of the Board of Transport Commissioners for Canada are acceptable for transportation in the United States. The same is true as to specification containers. See Section 173.8 and 177.805. This special treatment is afforded because Canada has adopted for application in its country, regulations identical with those of the Department of Transportation, and revises its regulations in accordance with amendments and revisions made by DOT.

e. *Applicability, Military Installation and Port Area*—The motor carrier service in the United States in connection with the Navy shipments of explosives entirely within the reservation, is not subject to regulation under Part II. Nor does it appear that the explosives regulations of this Administration are applicable to such motor transportation in view of Section 171.12(b) and Section 177.804(b).

f. *The U.S. Army is not a private carrier* and, hence, is not subject to the explosives regulations when transporting its munitions and other commodities in its own vehicles.

g. *The Bureau of Explosives is Not a Government Agency*—It is an organization established by rail carriers. In Title 18, U.S. Code, Section 834, there is a reference made to the Bureau of Explosives and the Administration is authorized to consult with this Bureau in establishing the regulations and to use the services of that Bureau. A proposal to change the regulations, however, may come to the Administration from any source.

h. *Physicians transporting radium*, or other radioactive materials in their private automobiles for treatment of their patients, are considered not to be private carriers within the intent of Part II of the Act, and not to be subject to the Hazardous Materials Regulations when so transporting.

i. *Liquefied Petroleum Gas in House Trailers.*

(1) A tank containing such gas installed on a house trailer used only for living quarters or for touring and not in connection with a business, need not comply with the Federal Highway Administration Regulations. However, if suppliers of the gas refuse to fill such containers because they do not comply, that is a matter over which we have no jurisdiction.

(2) Recent regulations issued by this Department require that all cylinders containing hazardous materials must be labelled as to the class of hazardous materials contained in the cylinder. The purpose of this change is to assure that fire fighting and other emergency personnel are aware of the contents of the cylinders and could take necessary precautions in accident situations. (On shipments of compressed gases classified as flammable or non-flammable, shippers have a choice between the label prescribed by the regulations or a label prescribed by the Compressed Gas Association in CGA Phamplet C–7, Appendix A, but only when the compressed gas is transported by private carriers or offered to a contract carrier).

(3) The regulations do permit proprietary information to appear to the right of the CGA diamond-shaped label. These regulations, however, apply to cylinders which are shipped in interstate or foreign commerce and would not apply to cylinders when used with a recreational vehicle, *unless required by State law.* Since the proprietary or advertising information on the sticker is not required, that part may be removed.

j. *Explosives—Bracing and Blocking.*

(1) There is no specific requirement in the regulations relating to methods of bracing or blocking shipments of explosives. Section 392.9 of the safety regulations might well be used to prohibit dangerous loading practices.

(2) It was intentional that no specific methods of bracing or blocking were required. The transportation of explosives utilizes so many types of motor vehicles and consists of the transportation of so many different explosives both by type and nature of the container, that no feasible method was devised for specifying loading and bracing. The problems of the railroads are somewhat simplified by the standardized cars which provide for simplified blocking and bracing.

k. *State Regulations vs. Federal Regulations*—As a general rule, it is our view that State safety requirements for the transportation of hazardous materials are not preempted by the Hazardous Materials Regulations, unless the State's rule conflicts with the Federal Regulations or unless compliance with the State's rule tends to undermine the safety objective that the Federal requirement seeks to achieve.

*2. *Definitions.*

a. *Definition of Package.*

Section 171.8(j), "Package" means the packaging plus its content of hazardous materials as presented for transportation. However, when a container is the cargo-carrying body of the conveyance used for the transportation of hazardous materials, it is not considered to be a package, but part of a transport vehicle as defined in 171.8(1)(c).

3. *Shipper regulations.*

a. *Jurisdiction—The Department's* regulatory jurisdiction over the transportation of hazardous materials is set forth in Title 18, United States Code, Section 831–835. As noted in Section 834(a), the Department's regulations are binding upon all carriers engaged in interstate or foreign commerce transporting explosives or other dangerous articles, and upon all shippers making these shipments via any carrier engaged in such commerce. Thus, it is the nature of the carrier involved that is the significant factor. If an interstate carrier is being used, the Department's jurisdiction extends to shippers of *intrastate* or *interstate* shipments of hazardous materials.

b. *Hazardous Materials Violations—Proof of Knowledge*—On June 1, 1971, the Supreme Court of the United States decided in favor of the United States, by a 6–3 vote, *the United States vs. International Minerals and Chemical Corporation.* The basic import of this case is that we can maintain a successful prosecution of Hazardous Materials Regulations without having to plead or prove that the defendant had actual knowledge of the regulations at the time he committed the violation. We must, though, plead and prove that the defendant knowingly shipped and/or transported a hazardous material in interstate commerce. The Supreme Court Syllabus of the case reads as follows:

"Appellee was charged by information with shipping sulfuric and hydrofluosilicic acids in interstate commerce and that 'did knowingly fail to show on the shipping papers the required classification of said property to wit, Corrosive Liquid, in violation of 49 CFR 173.437,' issued pursuant to U.S.C. § 834(a). Section 834(f) provides that whoever 'knowingly violates any such regulation' shall be fined and imprisoned. The District Court dismissed the information holding that it did not charge a 'knowing violation' of the regulation. Held: The statute does not signal an exception to the general rule that ignorance of the law is excuse. The word 'knowingly' in the statute pertains to knowledge of the facts, and where, as here, dangerous products are involved, the probability of regulation is so great that anyone who is aware that he is in possession of or dealing with them must be presumed to be aware of the regulation."

c. *Shipper's Signature on Certification.*

(1) Section 173.430 of the Hazardous Materials Regulations required a shipper to sign the certification that the commodity is properly marked, packaged, labeled, etc. The question has been asked "Does this section require a shipper to sign the certification in addition to signing the paper?"

(2) Chief Counsel had advised that a shipper's signature on a shipping document constitutes certification of all information contained on that document.

d. *Definition of Bottle*—The common industry term "bottle" means a container having a round neck of relatively smaller diameter than the body and an opening capable of holding a closure for retention of the contents. The cross section of the bottle may be round, oval, oblong, or a combination of these. Generally, it is made of glass, but also may be of polyethylene or other plastics, earthenware, metal, etc. Specifically, it is a narrow-necked container as compared with a jar, or wide-mouth container.

e. Cryogenic Materials—At the present time, the regulations do not define cryogenic materials. In general terms, cryogenics are materials that are maintained at low temperatures to reduce vapor pressure. If the cryogenic material is not flammable, corrosive, poisonous or an oxydizer and the pressure within the container does not meet the definition of a compressed gas, then the material is not subject to the Hazardous Materials Regulations.

f. *Labels on Small Packaging Containing Hazardous Materials*—A label with two corners of its diamond shape extending past the corners of a box onto the side panels would not be considered in compliance with the labeling display requirements of the Hazardous Materials Regulations. A label which does not appear full size on a panel of a box containing hazardous materials is not in compliance with the Department of Transportation's Regulations.

g. *Testing of Chlorine Cargo Tank Angle Valves (Section 173.33(g)(10))*—If the loading interval exceeds one week, the required testing must be performed before each loading. This interpretation is based on the original intent of the rule wherein the Department intended to grant relief from testing before each loading occurred on a regular and relatively frequent schedule, and from what would otherwise be a requirement to test even though transportation does not take place, a position which does not appear to be reasonable in this case.

*h. *Specification 44P Plastic Bags—178.241–4*—We are of the opinion that the specification does not preclude provision for "breathing" of the bag. In fact, if the specification were interpreted to require a completely sealed bag, that portion of the test requirements in 178.241–4, describing the test results would have no meaning. Note that "passing the test means doing so without 'sifting' or 'rupture'." This definitely implies that sifting without rupture is a possibility. This could only occur if the bag "breathes." Notwithstanding this interpretation, the bag must pass the tests "without sifting" with the product to be shipped in the bag. Also, during transportation there must be no significant release of the hazardous materials to the environment.

*i. *Exemptions—Section 173.132(b).*

(1) It has been asked if a shipper can take advantage of only part of an exemption or must he use all provisions in the exemption. The exemption in question is found in Section 173.132(b). If the shipment is exempt from specification packaging requirements and the shipper uses a specification container, there would not be a violation. If he marks the package with the commodity name, even though exempt from this re-

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quirement, there would not be a violation.

(2) Labeling presents a different situation. Section 173.404(b) specifically prescribes that labels must not be applied to packages containing articles which are exempted from the labeling requirements. Thus, applying a label to a package which meets a labeling exemption would be a violation of Section 173.404 (b). However, if the package is destined for shipment by air or for export, then the shipper is permitted to label during land transportation to meet the FAA requirements or those of the importing country. Also, within Section 173.132(b) in a specific reference to rail-express shipments, which states labels must be applied if the inside container is over 1-quart capacity.

*j. *Packaged Electrolyte—Section 173.260(e).*

(1) The term "other hazardous materials," as used in Section 173.260(e)(2)(i), does not include electrolyte or corrosive battery fluid. Electrolyte and corrosive battery fluid are hazardous materials whether they are in an electric storage battery or in separate containers.

(2) The exemption does not eliminate the necessity to placard the vehicle when it contains more than 1,000 pounds of electrolyte, that is 1,000 pounds of electrolyte over and above the gross weight of the batteries. For example, a vehicle containing 8,000 pounds of wet batteries and 800 pounds of electrolyte does not have to be placarded. But if the vehicle contained 800 pounds of wet batteries and 1,200 pounds of electrolyte the vehicle would be placarded corrosive since the amount of electrolyte exceeds 1,000 pounds.

(3) As an example of when the exemption would not apply, if a vehicle contained 800 pounds of wet batteries and 800 pounds of compressed gas the vehicle would be placarded "Dangerous" since the batteries are now loaded with "other hazardous materials," and would be included when totaling the amount of hazardous materials on the vehicle for purposes of placarding.

*k. *Labels.*

(1) Several questions have been raised concerning the new labels required after January 1, 1975. One question specifically asked for the correct color combination for the poison labels. Section 173.414, which prescribes the poisonous materials labels, contains the phrase ". . . each 'Poison Label' except for size must be as shown:" Compare that phrase to Section 173.409, which reads "Each 'Flammable Liquid' label except for size and color must be as shown:" Also, included in Section 173.409 is a subparagraph (a)(1) which specifies the color for the flammable liquid label. Since Section 173.414 (Poison labels) does not contain a similar reference to color requirements, the color for the poisonous materials labels is "as shown" in the FEDERAL REGISTER, that is black and white. The same holds true for the "Corrosive" label, Section 173.417, and the "Empty" label, Section 173.420.

(2) It was also asked if the commodity name could be printed on the warning labels. None of the labels authorized under HM-8 except the radioactive materials labels, has a space provided for the name of the commodity. If a shipper desires to print the commodity or any other information on the label, it must be outside the solid line border of the label. See Section 173.404(e).

* l. *Carload and Truckload Shipments—173.400(a)(1)*—A label is not required on military ammunition shipped by, for, or to, the U.S. Department of Defense when in carload or truckload shipments if the shipment is loaded and unloaded by the shipper, or the Department of Defense. In order to use this exemption the military ammunition must be all or part of a single shipment in a rail car or motor vehicle. Section 173.400 (a)(1)

* m. *Compressed gas Section 173.301 (b)*—A container of compressed gas may not be shipped unless it was charged by the owner or by some one who had the owner's consent. There is no further regulation relating to further evidence of ownership in addition to the assertion by a person that the cylinder is his property. The regulation does place some onus on a dealer who fills such a device but as to what extent the regulation requires him to be certain of ownership would be the test of reasonableness. We would think that the certificate would protect the dealer if he had no other reason to believe actual ownership was in some other person or company. For example, if one purporting it to be his, tendered a cylinder to a dealer for refilling and shipment which was stamped or impressed with a notation "Property of Dow Chemical Company," we would think the dealer would ship such a cylinder at his own risk. On the other hand, if the cylinder was unmarked we feel that the dealer having no other reason to discredit the certificate would be protected.

4. *Carriers by rail freight.*

Section 174.560(a) has been interpreted to apply alike to private rail sidings and to carrier's rail sidings, and to forbid delivery of tank cars containing flammable liquids having flash points of 80 degrees or below to parties not having sidings equipped for piping the liquids direct to permanent storage facilities adequate to receive the contents of the cars. However, a court decision holds that rules made by this Administration under the Act apply only to secure safety in transit (Davis vs. Gosset [1923], 118 S.E. 773, affirmed Gosset vs. Davis [1924], 124 S.E. 529). If the consignee has a siding equipped for piping contents of tank cars into storage tanks, such cars may be delivered to it, even though the contents of such cars are not unloaded into such tanks. The Regulations do not forbid loading of tank motor vehicles direct from tank cars.

5. *Shipments by public highway.*

a. *Port Area Exemption* — Section 177.803(b) and 177.804(b) provide exemptions from parts of the regulations for such transportation by motor vehicles as may be necessary to effect certain transfer of import and export shipments "within the same port area (including contiguous harbors)." There has been no interpretation of the quoted language, but somewhat similar language in Section 303(g) of the Act, relating to water carriers, has been interpreted and certain harbor areas delineated. See *Thames River Line Inc.*, 250 I.C.C. 245 and 49 Code of Federal Regulations, Part 303, as to New York Harbor. In the interest of uniformity, the port areas mentioned in the Hazardous Materials Regulations will be considered coextensive with the harbor areas outlined under Section 308 (g) of the Act. (1–23549, April 1, 1952)

b. *Cargo Tank Specifications*—Cargo tank specifications in Part 173 of the regulations must be observed by motor carriers, although Part 173 is titled "Regulations Applying to Shippers." See Section 177.812 of the regulations. (L–20615, August 6, 1948)

c. *Placards, When No Labels Required*—In some instances, both labeling and placarding requirements as well are inapplicable, as where, for example, the regulations state "not subject to Parts 170–189 of this Chapter." (1–23356, February 14, 1952)

d. *Placards, Tank Motor Vehicles (Compressed Gas Tubes, Sign or Lettering Required)—Section* 177.823(b). A vehicle consisting of a number of compressed gas tubes banded together and permanently installed on a flatbed trailer would constitute a cargo tank motor vehicle under the definition of Section 171.8(e) and (f). Therefore, the sign of lettering required is that for a cargo tank specified in Section 177.823(b).

e. *Placards, When Removal is Required—Section* 117.823(d). When a vehicle is not carrying material which would require it to be placarded, then such placards are not permitted on the vehicle. The purpose of a placard is to warn persons that vehicle contains a dangerous cargo. If vehicles were to be so marked whether or not they contained a dangerous cargo, then much of the benefit of the placard is lost. (BMCS, September 4, 1968)

*f. *Placarding "Exempt Shipments".*

Q. Must a carrier placard a vehicle when loaded with 5,000 pounds of "exempt shipments" which are labeled?

A. It is our opinion that the carrier has an option. Since the shipment is exempted from Part 177, except 177.817, the carrier need not placard. On the other hand, since the placarding requirements in 177.823 are based on the weight of the shipment without reference to labels applied, then the carrier could apply placards if he so desired.

g. *Placarding on Multi-Compartment Cargo Tanks.*

(1) Paragraph (b)(1) of Section 177.823 of Title 49, CFR, requires every tank motor vehicle or tank trailer used for the transportation of any explosive or other dangerous article, regardless of quantity or whether loaded or empty, to be marked or placarded in accordance with the regulations. However, Paragraph (b)(1) contains a proviso stating that no such marking or placarding shall be displayed during such time as the motor vehicle or trailer is laden only with a commodity not classified as a dangerous article.

(2) Paragraph (d) reinforces the proviso in Paragraph (b)(1) by requiring the removal of any marking or placard from a motor vehicle when that motor vehicle does not contain the article for which the marking is required.

(3) We believe, however, that in the interest of safety, the words "laden only" in the exception to Paragraph (b)(1) should be interpreted to mean laden fully with a commodity not classified as a dangerous article. A multi-compartmented cargo tank with an empty compartment previously used to transport a flammable liquid, contains sufficient residue from the flammable liquid to warrant the continued placarding of the cargo tank. Thus, when operating multi-compartmented cargo tanks with one or more empty compartments previously containing flammable liquids, the placard "Flammable" would be the proper marking.

h. *Loading and Storage Chart (Combination Vehicles)*—The test of Section 177.848 of the regulations refers to the loading and storage of certain classes of dangerous articles "together" and such articles are not considered to be loaded together unless they are in the same motor vehicle. Where one class is in a truck and the other in a trailer attached thereto, they are not considered as "together." This is verified by some of the footnotes to this section containing words "in the same vehicle" or "in the same motor vehicle."

i. *Loading and Storage Chart (Intermixing Flammable Liquids) Section 177.848*—There are no rules in our Explosives and Other Dangerous Articles Regulations covering this subject. The specification for cargo tanks requires that where double bulkheads are provided that the space between such bulkheads be equipped with vents and drains. The purpose of this was to prevent intermixture due to a leaking bulkhead, of different classes of flammable liquids in adjacent compartments.

j. *Foodstuffs Load With Poisons*—Section 177.841(e) of the Hazardous Materials Regulations reads: "Materials marked as or known to be poison (Class A or B) must not be transported in the same vehicle with material which is marked or known to be foodstuffs, feeds, or *any other edible materials intended for consumption by humans or animals* (Emphasis added)." This section has been interpreted to include drugs or medicine intended for oral consumption. Thus, such drugs or medicine may not be transported in the same vehicle with poisons, Class A or B.

k. *Suitable Storage*—Hazardous Materials in Transit—Section 177.853(b)—A motor carrier terminal may be considered suitable storage for hazardous materials provided a specific area is designated for the hazardous material and the area is designed or constructed to provide adequate safeguards to protect the material and carrier personnel. Such safeguards should include as a minimum protection from (1) theft or vandalism; (2) heat or other extreme temperature variations; (3) damage by fork lifts or other mechanical devices; (4) exposure to carrier personnel and office facilities; and (5) the posting of signs to indicate that the area contains hazardous materials. Carriers must also recognize the restrictions in Section 177.848 pertaining to loading and storage of hazardous materials.

1. *Test Dates on Cargo Tanks.*

(1) New cargo tank vehicles are required to have the original test date marked on the metal certification plate attached to the tank.

(2) To require the "V" and "H" (together with the appropriate dates) on new cargo tank vehicles would be needless application.

(3) The marking specified in Section 177.824(h) are required in conjunction with the retesting and inspection of cargo tank vehicles as specified in the cited section and not on new cargo tank vehicles.

m. *Hazardous Materials Incident Reports—Jurisdiction.*

(1) Does the Department of Transportation or the Department of Labor under the Occupational Health and Safety Act have jurisdiction over the reporting of accidents or incidents which occur at loading or unloading work areas? A DOT regulation which imposes a comprehensive incident reporting scheme, including loading and unloading work area, does not necessarily preclude the Department of Labor, under the Occupational Health and Safety Act, from exercising similar reporting requirements over the same work area.

(2) The Occupational Safety and Health Act provides: "Nothing in this Act shall apply to working conditions of employees with respect to which other Federal agencies . . . exercise statutory authority to prescribe or enforce standards or regulations affecting occupational standards or health."

(3) Notice that, in order to preempt the Labor Department from issuing and enforcing an accident reporting requirement with respect to a particular place of work, the Department of Transportation would have to do two things: (1) exercise its statutory authority over the workplace; and (2) prescribe or enforce standards or regulations affecting occupational safety or health with respect to that workplace. It is clear that the former requirement is met by the issuance of DOT accident reporting regulations. However, it is doubtful whether a mere requirement for the reporting of accidents or incidents occurring at a particular location constitutes the issuance or enforcement of standards or regulations affecting occupational safety or health.

(4) In short, carriers may have to file Labor Department accident reports as well as Department of Transportation incident reports on accidents occurring at unloading sites. As a general rule, an agency's jurisdiction to require reports and otherwise seek information about a situation is not necessarily coincidental with its authority to promulgate substantive rules pertaining to that situation; the power to inquire is usually substantially broader than the power to regulate.

n. *Hazardous Materials Incident Reports—Reporting Criteria for Tank Carriers*

(1) Q. How many gallons must the spill or release consist of?

A. A carrier must report any unintentional release of hazardous materials. This does not include release that are normal occurrences such as spills from hoses during normal disconnections. Included would be mechanical and human failures resulting in overflows, releases from broken delivery hoses, etc. There is no way to give a quantitative response to this question since each case must be evaluated on its facts.

(2) Q. Who reports when a spill happens at a loading rack owned by another company?

A. Regardless of ownership, the carrier involved must report the spill.

(3) Q. Does the tank include storage tanks (underground and above ground) or just the transport tank?

A. The requirement is a carrier responsibility and only spills involving carrier equipment or related to the activities of the carrier must be reported by the carrier. Therefore, if the storage tank spills because the carrier has overfilled the storage tank, the carrier must report. If there is a spill from a storage tank because of a malfunctioning of the storage tank unrelated to the activities of the carrier, the carrier does not have to report.

(4) Q. Would the rupture of a hose be included in the reporting.

A. A rupture in a hose used to load or unload must be reported.

(5) Q. What is the procedure in the event that a tank trailer, laden with hazardous materials, is properly "spotted" at a consignee facility and leakage occurs (which may or may not involve death, injury or property damage), and no carrier representative is at the site? (This incident may not be reported to the carrier officials within the 15-day reporting requirement time limit).

A. The regulations require reporting "within 15 days of the date of discovery." The Department interprets this requirement as meaning discovery by the carrier, although obviously there is no need for a carrier representative to personally observe the leakage in order for him to be considered to have "discovered" the leakage. Thus, the 15-day period begins to run from the day the carrier becomes aware of the unintentional release.

(6) Q. Many carriers "automatically" send employees, involved in a hazardous material incident, to the hospital. This is done whether or not personal injury is evident to avoid complications in various statewide workman's compensation agreements. In the event that the employee is found not to have suffered injury, does this constitute hospitalization? Are there any guidelines that might be used to determine hospitalization?

A. Section 171.15 requires an immediate telephonic report when, among other

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things, "a person receives injuries requiring his hospitalization." For the purposes of this section, hospitalization means formal admission to a hospital, as evidenced by the records of the hospital.

(7) Q. With regard to DOT Form 5800.1, where on that report is the carrier to note that loss of hazardous product resulted from a collision?

A. The actual nature of the package failure which released the hazardous materials should be described in Item F, "Nature of Packaging Failure." The fact that the package failure may have been due to a collision should be carefully noted in Item H—"Remarks."

(8) Q. Am I required to enter the date of the last test or visual inspection of a cargo tank in Item 29B of DOT Form 5800.1?

A. Yes. Report the last visual inspection date for a cargo tank other than one constructed in accordance with specification MC 330 or MC 331. Report the last test date for those two specifications. If there has been no visual inspection or retesting performed since new construction, enter the original test date entered on the metal certification plate affixed to the tank.

0. *Heaters in Cargo Compartment with Hazardous Materials Section 177.834.*

(1) Regarding catalytic heaters utilizing an oxidation process to produce heat, it is our understanding that the oxidation process occurs at approximately 750 degrees F. This temperature is substantially higher than the auto-ignition temperature of some of the flammable materials listed generically in paragraph 177.834(1) of the pertinent regulations. A few examples with auto-ignition temperature in degrees F., are carbon disulfides, 257; gasoline, 495; and petroleum ether, 475. The auto-ignition temperature of any material is the lowest temperture at which the material, or its vapors, mixed with or in the presence of air, will ignite without spark or flame.

(2) The oxidation process used in the catalytic type cargo heater is considered the practical equivalent of combustion as mentioned in the cited rule. The heater is therefore considered not to conform to the rule, because the combustion or oxidation apparatus is to be used inside the trailer.

p. *Oxygen Supplies on Buses—177.870 (b).*—Under the Hazardous Materials Regulations bus operators can permit bus passengers who must use oxygen for health reasons to take cylinders of oxygen with them on the buses. Section 177.870(b) of the Hazardous Materials Regulations prohibits the carrying of hazardous material on buses unless no other practicable means of transportation is available. The terms practicable and available must be construed in a realistic sense, so that a person cannot travel without carrying oxygen may be accompanied by a cylinder.

[FR Doc.75-29263 Filed 10-30-75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 277 (Sub-No. 1)]

PART 1124—REGULATIONS GOVERNING THE ADEQUACY OF INTERCITY RAILROAD PASSENGER SERVICE

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 20th day of October, 1975.

It appearing, That by report and order dated December 7, 1973, the Commission, pursuant to section 801 of the Rail Passenger Service Act, adopted regulations governing the adequacy of intercity rail passenger service, 49 CFR 1124.1 *et seq.*; that by order dated January 6, 1975, the Commission reopened this proceeding on its own motion to restate regulation 2 (d); and that by order dated March 27, 1975, the Commission further modified the restated regulation 2(d);

It further appearing, That the public notice requirement of regulation 2(d) may be insufficiently conducive to prompting public response to exemption petitions filed pursuant to the regulation; that the public notice requirement of the regulation should be restated so as to encourage greater response; that such restatement constitutes a procedural rule change within the exception to section 553(b) the Administrative Procedure Act, so that notice or hearing of the proposed restatement is not required, and good cause appearing therefor:

It is ordered, That this proceeding be, and it is hereby, reopened for the purpose of rewording section 2(b) of regulation 2(d) of the Commission's Adequacy of Service Regulations; and that section 2(b) of regulation 2(d), 49 CFR 1124.2 (d), be, and it is hereby, amended to read as set forth below.

It is further ordered, That this order shall be effective on the date it is served; and

It is further ordered, That notice of this order shall be given to the general public by filing a copy with the Office of the Secretary of the Commission, and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

NOTE: This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Section 1124.2(d) is revised to read as follows:

§ 1124.2 Regulations regarding applicability, exemptions, and effective date.

* * * * *

(d) Notice shall be given to the public by posting a copy of the following announcement, reproduced on a placard of at least 8½" by 11" in dimensions, with lettering at least 3/16" in size, except that the words "NOTICE TO PASSENGERS" must be in letters at least 1" high, in a conspicuous location in every train car and station to be affected by the exemption. The announcement shall read as follows:

NOTICE TO PASSENGERS

(Name of Carrier) has requested the Interstate Commerce Commission to exempt its (name of train or station) from Regulation (No.). If the exemption is granted, (state in plain language the practical effect of such exemption).

If you are opposed to this request, write to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, by (a date at least 30 days after posting of notice).

* * * * *

[FR Doc.75-29273 Filed 10-30-75;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one additional position of Special Assistant to the Secretary is excepted under Schedule C.

Effective on October 31, 1975.

Section 213.3394(a)(2) is revised as set out below:

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *

(2) Three Special Assistants to the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–58, Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY, *Executive Assistant to the Commissioners.*

[FR Doc.75-29273 Filed 10-30-75;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Expenses of the Prune Administrative Committee and the Rate of Assessment for 1975–76 Crop Year

Notice was published in the August 21, 1975, issue of the FEDERAL REGISTER (40 FR 38164) regarding expenses of the Prune Administrative Committee and the rate of assessment for the 1975–76 crop year under §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Interested persons were given until September 15, 1975, in which to submit written data, views, or arguments with respect to the proposal. None were received.

The proposal was based on a unanimous recommendation of the Prune Administrative Committee. Expenses of the Committee for the 1975–76 crop year were proposed at $225,000. Also, the assessment rate was proposed to be $1.67 per ton of assessable prunes.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Prune Administrative Committee, and other available information, it is found that the expenses of the Prune Administrative Committee and the rate of assessment for the crop year beginning August 1, 1975, shall be as hereinafter set forth.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular crop year shall be applicable to all salable prunes handled by handlers as the first handlers thereof; and (2) the current crop year began on August 1, 1975, and the rate of assessment hereinafter fixed will automatically apply to all such prunes beginning with that date.

The expenses and assessment rate as set forth in new § 993.326 are as follows:

§ 993.326 Expenses of the Prune Administrative Committee and rate of assessment for the 1975–76 crop year.

(a) *Expenses.* Expenses in the amount of $225,000 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1975, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of the marketing agreement, as amended, and this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for such crop year which each handler is required, pursuant to § 993.81, to pay to the Prune Administrative Committee as his pro rata share of the said expenses is fixed at $1.67 per ton of salable prunes handled by him as the first handler thereof.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 28, 1975.

CHARLES R. BRADER, *Deputy Director, Fruit and Vegetable Division.*

[FR Doc.75-29364 Filed 10-30-75;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

Miscellaneous Amendments to Chapter

Pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Public Law 93-502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1, miscellaneous amendments, as set forth hereinafter, are prescribed in Parts 223, 238, 243, 264, 299, 316a, 343c and 499 of Chapter I of Title 8 of the Code of Federal Regulations.

Under existing § 223.2, American consular officers in Venezuela do not have authority to grant extensions of the validity of reentry permits. An application for extension of a reentry permit by a resident alien of the United States temporarily in Venezuela shall be submitted to the office of this Service having jurisdiction over the applicant's place of residence in the United States. Increasing numbers of resident aliens of the United States are temporarily in Venezuela as a result of transfers of personnel of American companies to their branch offices there. Most of the applicants for reentry permit extensions seek Embassy assistance to provide information on preparing applications and to expedite return from Service offices. In view of the time spent by the Embassy on liaison between the applicants and the Service offices to which applications are submitted, and in an effort to assist applicants in obtaining extensions more readily, the first sentence of § 223.2 is being amended to authorize American consular officers in Venezuela to grant extensions of the validity of reentry permits to resident aliens of the United States temporarily in Venezuela.

In accordance with the provisions of section 238(a) of the Immigration and Nationality Act and 8 CFR 238.1, an agreement has been entered into between the Regional Commissioner, Northeast Regional Office, of the Immigration and Naturalization Service and American Airlines, Inc., a transportation line operating to ports of foreign contiguous territory or adjacent islands and the United States, for the entry and inspection of aliens coming to the United States through Bermuda. In Part 238, § 238.2 (b)(2) is, therefore, amended by adding "American Airlines, Inc.", to the listing of signatory lines.

In accordance with the provisions of section 238(d) of the Immigration and Nationality Act, an agreement has been entered into between the Commissioner of Immigration and Naturalization and Lloyd Aereo Boliviano S.A., a transportation line operating to ports of the United States, to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries. In Part 238, § 238.3(b) is, therefore, amended by adding "Lloyd Aereo Boliviano S.A." to the listing of signatory lines.

Agreements for preinspection at Montreal and at Toronto, Canada, of flights of Transair Limited destined to the United States, have been entered into between that line and the Commissioner of Immigration and Naturalization pursuant to sections 103 and 238(b) of the Immigration and Nationality Act. Accordingly, § 238.4 is amended by adding "Transair Limited" to the listing of transportation lines which have entered into agreements for the preinspection of their passengers and crews at the designated places outside the United States.

Current § 243.4 requires that an alien who has filed with this Service a request for a stay of deportation shall be furnished written notification of the decision thereon. Section 103.3(a) provides that whenever a formal application is denied, the written notification shall set forth the specific reasons for the denial. Accordingly, for the purpose of clarity, the third sentence of § 243.4 is being amended to specifically provide that the written notification of denial of an alien's request for a stay of deportation shall include the reasons for the denial.

Existing § 264.1(c) provides that application may be made by an alien lawfully admitted for permanent residence for replacement of an Alien Registration Receipt Card, Form I-151, in lieu of one lost, mutilated or destroyed. In order to insure that an applicant for the replacement of Form I-151 is the same person who received the original Form I-151, § 264.1(c) is being amended to provide that the application for replacement of a lost or destroyed Form I-151 shall be accompanied by a completed fingerprint card. An editorial amendment is also made to change "United Arab Republic" to read "Arab Republic of Egypt".

A number of immigration forms have been revised and now reflect more recent edition dates, an existing form has been cancelled, and a new form has been created. Accordingly, the listings of forms in §§ 299.1 and 499.1 are amended to reflect the deletion, addition, and current revision dates of the specified forms.

On August 19, 1975, and September 30, 1975, it was determined that Humboldt State University (School of Natural Resources, Wildlife Management Department) and the Rockefeller Foundation, respectively, are American institutions of research for the purpose of preserving residence in the United States for naturalization. Accordingly, in Part 316a, § 316a.2 is amended by adding Humboldt State University and the Rockefeller Foundation to the listing therein of American institutions of research.

In Part 343c, § 343c.1 provides that an application for certification of a natu-

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ralization record of any court, or of a certificate of naturalization, repatriation, or citizenship under section 343(e) of the Immigration and Nationality Act shall be made on Form N–585. Form N–585 is now obsolete, having been replaced by Form G–641. Accordingly, § 343c.1 is amended by substituting the words "Form G–641" in lieu of "Form N–585".

In the light of the foregoing, the following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 223—REENTRY PERMITS

1. In § 223.2, the first sentence is amended by deleting therefrom the parenthetical phrase "(except Venezuela)". As revised, § 223.2 reads as follows:

§ 223.2 Extensions.

An application for extension of a reentry permit shall be submitted on Form I–131 prior to the expiration of the reentry permit's validity to the office having jurisdiction over the applicant's place of residence in the United States, or to the immigration officer stationed outside the United States having jurisdiction over the place where the applicant is temporarily sojourning, or to an American consular officer in South America, in those areas of Asia lying to the east of the western borders of Afghanistan and Pakistan (but not including Hong Kong and adjacent islands, Taiwan, Japan, Okinawa, Korea, and the Philippines), in Australia, New Zealand, Bulgaria, Czechoslovakia, Hungary, Iceland, Poland, Romania, the Union of Soviet Socialist Republics, Yugoslavia, Iran, Iraq, Jordan, Saudi Arabia, Syrian Arab Republic, Yemen, Aden, Kuwait, United Arab Emirates, and in Africa (including the Arab Republic of Egypt) when the applicant is temporarily sojourning in one of the aforementioned places. A reentry permit extension application mailed during the permit's validity is considered as timely submitted, even though received by a Service or consular office after the permit's validity has expired. If the extension application is granted, the permit will be noted to show the extension and returned to the applicant; if denied, the applicant shall be notified of the decision, and the permit returned to him if the remaining period of its validity permits its use for return to the United States. No appeal shall lie from a decision denying an application for extension of a reentry permit.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.2 [Amended]

2. In § 238.2 *Transportation lines bringing aliens to the United States from or through foreign contiguous territory or adjacent islands and lines bringing aliens destined to the United States into such territory or islands*, the listing of transportation lines in subparagraph (b)(2) *Bermuda* is amended by adding thereto in alphabetical sequence the following transportation line: "American Airlines, Inc."

§ 238.3 [Amended]

3. In § 238.3 *Aliens in immediate and continuous transit*, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by adding thereto in alphabetical sequence the following transportation line: "Lloyd Aereo Boliviano S.A.".

§ 238.4 [Amended]

4. In § 238.4 *Preinspection outside the United States*, the listing of transportation lines under "At Montreal" and under "At Toronto" are amended by adding thereto in alphabetical sequence: "Transair Limited".

PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

5. In § 243.4, the third sentence is amended. As revised, § 243.4 reads as follows:

§ 243.4 Stay of deportation.

Any request by an alien under a final administrative order of deportation for a stay of deportation, except a request for withholding of deportation pursuant to section 243(h) of the Act, shall be filed on Form I–246 with the district director having jurisdiction over the place where the alien is at the time of filing. The district director, in his discretion, may grant a stay of deportaton for such time and under such conditions as he may deem appropriate. Written notice of the disposition of the alien's request shall be served upon him and any notice of denial shall include specific reasons therefor; however, neither the making of the request nor the failure to receive notice of disposition of the request shall relieve the alien from strict compliance with any outstanding notice to surrender for deportation. Denial by the district director of a request for a stay is not appealable but such denial shall not preclude the Board from granting a stay in connection with a motion to reopen or a motion to reconsider as provided in Part 3 of this chapter, nor shall such denial preclude the special inquiry officer, in his discretion, from granting a stay in connection with, and pending his determination of, a motion to reopen or a motion to reconsider a case falling within his jurisdiction pursuant to § 242.22 of this chapter, and also pending an appeal from such determination.

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

6. In § 264.1(c), a new sentence is added between the existing seventh and eighth sentences thereof, and the eleventh sentence is revised. As revised, § 264.1(c) reads as follows:

§ 264.1 Registration and fingerprinting.

* * * * *

(c) *Replacement of registration.* Any alien whose evidence of registration has been lost, mutilated, or destroyed, shall immediately apply for new evidence thereof. Application by a nonimmigrant crewman for replacement of Form I–184, Alien Crewmen Landing Permit and Identification Card, shall be made on Form I–174. Application for replacement of Form I–185, Nonresident Alien Canadian Border Crossing Card, shall be made on Form I–175. Application for replacement of Form I–186, Nonresident Alien Mexican Border Crossing Card, shall be made on Form I–190. Application for replacement of Form I–94, Arrival-Departure Record, or Form I–95, Crewman's Landing Permit, shall be made on Form I–102, except that a new Form I–94 may be issued in lieu of one lost, mutilated, or destroyed without application therefor, when the alien is an applicant for extension of his temporary stay or change of nonimmigrant classification. Application by an alien lawfully admitted for permanent residence for Form I–151, Alien Registration Receipt Card, in lieu of one lost, mutilated, or destroyed, or who requests issuance of such card in a name which has been changed after registration by order of any court of competent jurisdiction or by marriage, or whose Form I–151 was never received and application is made more than one year after the date of his admission for permanent residence or adjustment to permanent resident status, shall be made on Form I–90 accompanied by the fee required by § 103.7 (b) of this chapter, two photographs, unless the requirement for such photographs has been waived by the district director in his discretion because of hardship to an applicant who is confined due to age or physical infirmity, and, when issuance of Form I–151 is desired in a changed name, by appropriate documentary evidence of such change.

Any Form I–151 in the applicant's possession must also be submitted with the application. When an application is made for replacement of a Form I–151 alleged to have been lost or destroyed, the application must be accompanied by a completed fingerprint card (Form FD–258). An application on Form I–90, with two photographs but without fee, is required for issuance of Form I–151 in the case of a lawful permanent resident who surrenders evidence of registration on other than Form I–151; who establishes within one year after admission for permanent residence or adjustment to permanent resident status that such form was not received by him, if the form has not been returned to the issuing Service office; who is the holder of a Form I–151 which is in poor condition because of improper lamination and surrenders such form, or in the case of an alien who has attained the age of 14 and is seeking to be registered and fingerprinted pursuant to section 262(b) of the Act and who surrenders evidence of registration previously issued to him. No application or fee is required if Form I–151 has been returned to the issuing office and is in the applicant's file. An application by an alien within the United States for replacement of evidence of registration shall be submitted to the Service office having jurisdiction over the applicant's place of residence in the United States. An alien lawfully admitted for permanent residence who is outside the United States shall submit his application for a new Form I–151 in person or through an American consular officer to the Service officer stationed outside the United States having jurisdiction over the place where the applicant is temporarily sojourning or, if physically present in the area of jurisdiction of the following consular officers directly to such a consular officer in South America (except Venezuela), in areas of Asia lying to the east of the western borders of Afghanistan and Pakistan (but not including Hong Kong and adjacent islands, Taiwan, Japan, Okinawa, Korea, and the Philippines), in Australia, New Zealand, Bulgaria, Czechoslovakia, Hungary, Iceland, Rumania, the Union of Soviet Socialist Republics, Iran, Iraq, Jordan, Saudi Arabia, Syrian Arab Republic, Yemen, Aden, Kuwait, and in Africa (including the Arab Republic of Egypt).

An application filed abroad will be forwarded to the district director having jurisdiction over the alien's place of residence in the United States and, if the application is approved, Form I–151 will be transmitted to the Service officer stationed outside the United States or the American consular officer for delivery to the applicant. An alien who files application Form I–90 may be required, as a matter of discretion, to appear in person before an immigration officer prior to adjudication of the application and be interrogated under oath concerning his eligibility for issuance of Form I–151 as evidence of his registration. If the applicant is outside the United States, such interrogation may be conducted by an immigration officer or a consular officer. The decision on an application for replacement of evidence of registration shall be made by the district director having jurisdiction over the alien's place of residence in the United States. No appeal shall lie from the decision of the district director denying the application.

* * * * *

PART 299—IMMIGRATION FORMS

In § 299.1, the listing of forms is amended to reflect the deletion of the reference to Form N–585, which has been cancelled, the addition in alphabetical and numerical sequence of Form G–641, and the current edition dates of the following forms:

§ 299.1 Prescribed forms.

Form No.	*Title and description*
* *	* *
G–28 (9–27–75)	Notice of Entry of Appearance as Attorney or Representative.
* *	* *
G–641 (3–1–75)	Application for Verification of Information from Immigration and Naturalization Records.
* *	* *
I–90 (4–1–75)	Application by Lawful Permanent Resident Alien for Alien Registration Receipt Card, Form I–151.
* *	* *
I–131 (5–1–75)	Application for Issuance or Extension of Permit to Reenter the United States.
* *	* *
I–191 (9–27–75)	Application for Advance Permission to Return to Unrelinquished Domicile.
* *	* *
I–221S (4–1–75)	Order to Show Cause, Notice of Hearing, and Warrant for Arrest of Alien.
I–243 (9–27–75)	Application for Removal.
* *	* *
I–410 (5–1–75)	Receipt for Crew List.
* *	* *
I–539 (4–1–75)	Application to Extend Time of Temporary Stay.
* *	* *
I–570 (4–1–75)	Application for Issuance or Extension of Refugee Travel Document.
* *	* *
MA 7–50 (4–70)	Application for Alien Employment Certification. (Part I—Statement of Qualifications of Aliens (MA 7–50A)) (Part II—Job Offer for Alien Employment (MA 7–50B))
SW–434 (7–1–73)	Mexican Border Visitors Permit.
* *	* *

PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

§ 316a.2 [Amended]

8. In § 316a.2 *American institutions of research*, the listing of research institutions is amended by adding thereto in alphabetical sequence the following institutions: "Humboldt State University, School of Natural Resources, Wildlife Management Department" and "Rockefeller Foundation".

PART 343c—CERTIFICATION FROM RECORDS

9. Section 343c.1 is amended by substituting the words "Form G–641" in lieu of "Form N–585". As revised, § 343c.1 reads as follows:

§ 343c.1 Application for certification of naturalization record of court or certificate of naturalization or citizenship.

An application for certification of a naturalization record of any court, or of any part thereof, or of any certificate of naturalization, repatriation, or citizenship, under section 343(e) of the Act for use in complying with any statute, Federal or State, or in any judicial proceeding, shall be made on Form G–641.

PART 499—NATIONALITY FORMS

10. In § 499.1, the listing of forms is amended to reflect the deletion of the reference to Form N–585, which has been cancelled, and the addition in alphabetical and numerical sequence of Form G–641, to read in pertinent part as follows:

§ 499.1 Prescribed forms.

* * * * *

Form No.	*Title and description*
G–641 (3–1–75)	Application for Verification of Information from Immigration and Naturalization Records.
I–138 (11–5–70)	Subpoena.
* *	* *
N–580 (4–3–61)	Application for a Certificate of Naturalization or Repatriation (under sec. 343(a) of the Immigration and Nationality Act or 12th Subdivision, Sec. 4 of the Act of June 29, 1906).
N–600 (11–1–74)	Application for Certificate of Citizenship.

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 223.2 confers a benefit on the persons affected thereby; the amendments to §§ 238.2, 238.3 and 238.4 add transportation lines to the listings; the amendments to §§ 243.4 and 264.1(c) relate to agency procedure; the amendments to § 316.2 add institutions of research to the listing; and the amendments to §§ 299.1, 343c.1 and 499.1 are editorial in nature.

Effective date. The amendments made in this order shall become effective on the date October 31, 1975.

(5 U.S.C. 552 (80 Stat. 383); as amended by Pub. L. 93–502 (88 Stat. 1561); sec. 103 Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103))

Dated: October 24, 1975.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.75–29272 Filed 10–30–75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Extension of Effective Date

FR Doc. 75–29030 appearing on page 50099 in the issue for Tuesday, October 28, 1975, inadvertantly appeared in the Proposed Rules section. It should appear in the Rules and Regulations section with the heading as above.

Title 9 continued on page 50719.

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

Clarifying and Corrective Amendments to Chapter

Notice is hereby given of the Amendment of the Nuclear Regulatory Commission's regulations in 10 CFR Parts 0, 20, 30, and 70 which are of a minor nature.

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The amendments of Part 70 make an editorial change to clarify the definition of "random error" in § 70.57(a)(5), and correct the spelling of "unidirectional" in § 70.57(a)(6).

The amendments of Parts 0 and 20 make minor corrections and editorial changes in §§ 0.735–28(i), 0.735–30(m), 0.735–40(e), and 20.407(a)(3).

The amendment of Part 30 amends § 30.32(a) to require that Form NRC–313, "Application for Byproduct Material License" be filed in duplicate with the Director of Nuclear Material Safety and Safeguards.

Because these amendments relate solely to corrections and minor matters, the Commission has found that good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary, and for making the amendments effective October 31, 1975.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 0, 20, 30, and 70 are published as a document subject to codification.

PART 0—CONDUCT OF EMPLOYEES

§ 0.735–28 [Amended]

1. Section 0.735–28(i) is amended by changing the term "AEC Manual" to read "NRC Manual".

§ 0.735–30 [Amended]

2. Section 0.735–30(m) is amended by correcting the word "deciet" to read "deceit" and paragraph 0.735–30(o) is amended by correcting the word "multilating" to read "mutilating".

§ 0.735–40 [Amended]

3. Section 0.735–40(e) is amended by changing the words "no employee shall accept a few" to "no employee shall accept a fee".

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

§ 20.407 [Amended]

4. Section 20.407(a)(3) is amended by inserting a comma between the words "processing" and "fabrication".

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BYPRODUCT MATERIAL

5. Section 30.32 is amended by changing the first sentence of paragraph (a) to read as follows:

§ 30.32 Application for specific licenses.

(a) Applications for specific licenses should be filed in duplicate on Form NRC–313, "Application for Byproduct Material License," with the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. • • •

• • • • • •

PART 70—SPECIAL NUCLEAR MATERIAL

6. Paragraph 70.57(a)(5) is amended to read as follows:

§ 70.57 Measurement control program for special nuclear materials control and accounting.[1]

(a) As used in this section:

• • • • • •

(5) "Random error" refers to the variation encountered in all measurement work, characterized by the random occurrence of both positive and negative deviations from a mean value.

• • • • • •

§ 70.57 [Amended]

7. Paragraph 70.57(a)(6) is amended by correcting the word "undirectional" to read "unidirectional".

Effective date. These amendments become effective on October 31, 1975.

(Sec. 161, Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201); Secs. 201, 301, Pub. L. 93–438, 88 Stat. 1242, 88 Stat. 1248 (42 U.S.C. 5841, 5871))

Dated at Bethesda, Maryland this 21st day of October 1975.

FOR THE NUCLEAR REGULATORY COMMISSION,
LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.75–29141 Filed 10–30–75;8:45 am]

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

An Occupational Exposure Limit for Radon-222 and Its Use When Uranium Ore Dust Is Present

On June 24, 1974, the Atomic Energy Commission published in the FEDERAL REGISTER (39 FR 22428) proposed amendments of 10 CFR Part 20 of its regulations. The main purpose of the amendments was to lower the limit on occupational exposure to airborne radon-222 and its daughters to one-third of that currently permitted. The proposed limit is in agreement with guidance to Federal agencies issued by the Environmental Protection Agency and with the recommendations of the International Commission on Radiological Protection (ICRP) and the National Council on Radiation Protection and Measurements (NCRP).

Another important purpose of the amendments was to change the uranium ore dust provision in paragraph 4 of the Note to Appendix B of Part 20. Currently, concentrations of radon-222 and its daughters need not be considered if the uranium concentration is held within the permissible limit given in paragraph 4. The proposed amendments would require consideration of radon-222 and its short-lived daughters in addition to uranium. When paragraph 4 was adopted the Atomic Energy Commission staff believed that if uranium concentrations were adequately controlled, concentrations of radon and its daughters would be far below the applicable limits. Subsequent measurements in uranium mills have shown concentrations of radon and its daughters to be higher than was expected.

Six public comments on the proposed amendments were received. None of these comments objected to its two main purposes. Two important issues were raised, however. It was questioned whether the limit on radon daughter exposure was expressed in the best way. It was also suggested that the proposed concentration value for radon daughters should have been even lower.

The proposed amendments expressed limits on radon daughters in an unconventional way—in microcuries of alpha activity of radon daughters per milliliter. This approach had the advantage of using units of microcuries per milliliter as is done for all other nuclides in Appendix B. Also it places a limit directly on radon daughters, which cause far more alpha particle exposure than the radon itself.

There are two common ways to represent radon and radon daughters limits. One is to specify a limit on radon-222 itself. If radon concentrations are held below this limit, exposure from both radon and its daughters will be within permissible levels. The other is to express a limit on daughters in terms of "working levels." (A "working level" is generally defined as any combination of short-lived radon daughters in one liter of air, without regard to the degree of equilibrium, that will result in the ultimate emission of 1.3×10^5 MeV of alpha particle energy.)

If the radon daughter concentrations are held below the limit, then exposure from both the radon and its daughters will be within permissible levels.

The Commission has decided to express its limits on exposure to radon and its daughters in both conventional ways instead of in the manner proposed in the FEDERAL REGISTER notice of June 24, 1974. Table I of Appendix B has been amended to change the radon-222 concentration to 3×10^{-8} microcuries per milliliter. This is one-third the value formerly in effect. A new footnote gives an alternate limit of one-third "working level" for radon daughters. The two values are equivalent when the daughters are in equilibrium with the radon-222. The licensee may use whichever value he prefers.

A chart in § 20.5(b) relating radon concentration to radon daughter alpha activity has been deleted. The chart is no longer necessary since measurements of radon daughter alpha activity ("working levels") are now acceptable for the purpose of Appendix B of Part 20.

A chart in the proposed amendments which gave alpha activities at several times after counting is not incorporated in the effective amendments. That chart was based on the modified Kusnetz method for determining "working levels." Instead the Commission will allow any generally acceptable measurement technique for determining "working levels." Among such acceptable techniques currently available are the Kusnetz method, the modified Kusnetz method, the Tsivoglou method, integrating alpha monitoring, and instant working level meter techniques.

[1] A "working level" month is defined as exposure to radon daughter concentrations of one "working level" for 170 hours, the usual number of working hours in a month.

The Environmental Protection Agency in its comments on the proposed rule said that the limit should be at a level "as low as practicable" for uranium mills. The NRC fully supports the "as low as practicable" concept. It is Commission policy that uranium mills, in addition to meeting the individual limits in Appendix B of Part 20, should operate in a manner consistent with that objective. However, the need for specific numerical guidance on "as low as practicable" (or "as low as reasonably achievable") is a separate matter, the further consideration of which should not delay the implementation of the present amendments. The application of the "as low as reasonably achievable" concept also does not remove the necessity for individual exposure limits in Appendix B of Part 20.

Another commentor suggested lowering the proposed radon limit by an additional factor of ten. He did not believe the proposed values contained a margin of safety. The Commission does not believe the limit on radon and its daughters need be lower than originally proposed. Extensive studies of uranium miners here and abroad have shown no statistically significant excess of lung cancers in miners receiving radon daughter exposures of 120 "working level" months or less.[1] At the limit herein adopted by the Commission it would take 30 years to get an exposure of 120 "working level" months. Among source material licensees radon is found in significant quantities only in certain parts of uranium mills where a few specific processes are carried out. Thus, although permissible, a cumulative exposure of a mill worker to 120 working level months is highly unlikely. Nevertheless, the Commission will periodically review the limit on radon as more data on mortality among workers exposed to radon become available.

Another comment was that the value in Table II (the effluent limit) should also be lowered. The Table II effluent limit for radon-222 is beyond the scope of these amendments which consider only occupational exposures. Effluent limitation standards are under study by the NRC staff.

One comment said that the ore dust limit in paragraph 4 of the Note to Appendix B is based on an incorrect premise on the behavior of thorium-230 in the lung and is therefore invalid. The question of the behavior of thorium-230 in the lung is being studied by the Commission. If it is concluded that a change in paragraph 4 of the Note to Appendix B is called for, another amendment will be proposed.

Another comment suggested annual averaging for radon-222 rather than quarterly averaging as was proposed. The reason given was that the official Environmental Protection Agency guidance gave an annual limit, and that the Commission should not be more restrictive than the officially recommended limit. The Commission agrees that limits on radon exposure may be based on an annual average.

A change was made in the ore dust limit in paragraph 4 of the Note. Its applicability was ended at radium-226 instead of extending down the decay chain to lead-210 and its daughters. While it could be argued the thorium-230 and radium-226 in ore dust remain with uranium in the air, this argument is not completely correct for nuclides in the decay chain beyond radon-222, a noble gas. Lead-210 and its daughters may not be bound to the ore dust particles. Because of its high diffusivity, radon is likely to escape the ore dust. Its decay products, therefore, may not be bound to the uranium ore. As a result of this change, separate measurements of the concentration of airborne radionuclides beyond radon-222 are now required. The requirement for separate measurements for lead-210 and its daughters has been made without opportunity for public comment. The Commission has found such opportunity for comment unnecessary since the amendment will not have a significant impact because the concentrations of lead-210 and its daughters in mills are presently far below Part 20 limits.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 and sections 552 and 553 of title 5 of the United States Code, the following amendments of Title 10, Chapter I, Code of Federal Regulations, Part 20 are publishcd as a document subject to codification.

§ 20.5 [Amended]

1. Paragraph (b) of § 20.5 is deleted.

2. In Appendix B of Part 20, the line for "Isotope" Rn 222 listed under the "Element" Radon (86) is amended to read as follows:

Isotope	Table I: Col. 1, air (microcurie per milliliter)	Table I: Col. 2, water, (microcurie per milliliter)
Rn 222[2]	3×10^{-8}	

Isotope	Table II: Col. 1, air (microcurie per milliliter)	Table II: Col. 2, water (microcurie per milliliter)
Rn 222[2]	3×10^{-9}	

3. Footnote 3 to Appendix B is renumbered footnote 4 and the number "3" following the symbol "S" after the isotopes U 234, U 235, U 238, and U natural is changed to "4."

4. A new footnote 3 is added to Appendix B of Part 20 to read as follows:

[2] These radon concentrations are appropriate for protection from radon-222 combined with its short-lived daughters. Alternatively, the value in Table I may be replaced by one-third (⅓) "working level." (A "working level" is defined as any combination of short-lived radon-222 daughters, polonium-218, lead-214, bismuth-214 and polonium-214, in one liter of air, without regard to the degree of equilibrium, that will result in the ultimate emission of 1.3×10^5 MeV of alpha particle energy.) The Table II value may be replaced by one-thirtieth (1/30) of a "working level." The limit on radon-222 concentrations in restricted areas may be based on an annual average.

5. The first sentence of paragraph 4 of the Note to Appendix B is revised to read as follows:

4. If a mixture of radionuclides consists of uranium and its daughters in ore dust prior to chemical separation of the uranium from the ore, the values specified below may be used for uranium and its daughters through radium-226, instead of those from paragraphs 1, 2, or 3 above.

• • • • • •

Effective date: The foregoing amendments become effective on January 29, 1976.

(Secs. 161(b) and (i), 183, Pub. Law 83–703, 68 Stat. 948, 954 (42 U.S.C. 2201 (b) and (i), 2233); Sec. 201(f), Pub. L. 93–438, 88 Stat. 1243 (42 U.S.C. 5841))

Dated at Washington, D.C. this 24th day of October 1975.

For the Nuclear Regulatory Commission,
SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75–29242 Filed 10–30–75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15122; Amdt. 39–2413]

PART 39—AIRWORTHINESS DIRECTIVES

Aer Pegaso M100S and Carmam M200 Gliders

There have been reports of cracks being found in the aileron spar to the right of the central hinge on Aer Pegaso M100S and Carmam M200 gliders which could result in structural failure of the aileron and loss of control. Since this condition is likely to exist or develop in other gliders of the same type design, an airworthiness directive is being issued to require periodic inspections of the aileron spar on Aer Pegaso M100S and Carmam M200 gliders for cracks and reinforcement of the aileron if necessary.

Since this situation requires immediate adoption of this regulation, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AER PEGASO AND CARMAM. Applies to Aer Pegaso M100S gliders, all serial numbers, and

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Carmam M200 gliders, except serial number 45 and subsequent, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent possible structural failure of aileron spars accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, and, thereafter, at intervals not to exceed 20 hours' time in service from the last inspection, visually inspect the aileron spar to the right of the central hinge for cracks.

(b) If a crack is found during an inspection required by paragraph (a) of this AD, before further flight, reinforce the affected area with plates made of 1.5 mm thick birch plywood of aeronautical quality in accordance with Carmam Drawing, titled "Modification Aileron Central Part" dated April 12, 1968, or an FAA-approved equivalent.

(c) Upon incorporation of the reinforcement specified in paragraph (b) of this AD, the inspections required by paragraph (a) of this AD may be discontinued.

This amendment becomes effective November 14, 1975.

Issued in Washington, D.C., on October 23, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-29266 Filed 10-30-75;8:45 am]

[Docket No. 15123; Amdt. 39-2414]

PART 39—AIRWORTHINESS DIRECTIVES

Alexander Schleicher Segelflugzeugbau Ka2B, 6, 6B, 6BR, 6C, 6CR; K7, K8, AS–K13 Gliders

There have been loose glue joints detected at the elevator rib No. 1 to the nose skin on both elevator halves on certain Alexander Schleicher gliders that could result in structural failure of the elevator and loss of elevator control. Since this condition is likely to exist or develop in other gliders of the same type design, an airworthiness directive is being issued to require inspection of the elevator glue joints and regluing, as necessary, on Alexander Schleicher Ka Series, K7, K8, and AS–K13 gliders.

Since this situation requires immediate adoption of this regulation, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

This amendment is made under the authority of sections 313(a), 601, and 603, of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ALEXANDER SCHLEICHER SEGELFLUGZEUGBAU. Applies to Ka2B, Ka6, Ka6B, Ka6BR, Ka6C, Ka6CR, K7, K8, and AS–K13 gliders. All serial numbers, certificated in all categories.

Compliance is required as indicated.

To prevent structural failure of the elevator and loss of elevator control accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, unless already accomplished, remove the elevator from the glider and visually inspect the glue joint between nose rib No. 1 and the nose plywood skin on both elevator halves by probing with a small penknife.

(b) If insufficient glue adhesion is determined in accordance with good aeronautical practices, before further flight, remove elevator rib No. 1 in its entirety, prepare for new glue joint by roughing the surfaces to be glued, reinstall rib No. 1 by regluing, and cover joints between rib No. 1 and nose skin with fabric to protect joint against moisture.

This amendment becomes effective November 14, 1975.

Issued in Washington, D.C. on October 23, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-29267 Filed 10-30-75;8:45 am]

[Docket No. 75-NW-30-AD; Amendment 39-2410]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

Amendment 39-1456 (37 FR 41248), AD 72-12-1, as amended by Amendment 39-2026 (39 FR 41248), and Amendment 39-2353 (40 FR 37207), requires inspections of the P/N 65-23366 main landing gear downlock torque shafts on Boeing Model 727 series airplanes. After issuing Amendment 39-2353, the FAA became aware that the amendment did not make clear the intended initial compliance time for inspection of affected torque shafts. Therefore, the AD is being amended to correct this error.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), section 39.13 of the Federal Aviation Regulations, Amendment 39-1456 (37 FR 11235), AD 72-12-1, as amended by Amendment 39-2026 (39 FR 41248) and Amendment 39-2353 (40 FR 37207), is amended by striking out the words "this AD" (two places) from paragraph (a), and inserting the word "Amendment 39-2353" (two places) in place thereof.

This amendment becomes effective December 4, 1975.

This amendment is made under the authority of (Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

Issued in Seattle, Washington, October 22, 1975.

C. B. WALK, JR.,
Director, Northwest Region.

[FR Doc.75-29264 Filed 10-30-75;8:45 am]

[Docket No. 15121; Amdt. 39-2412]

PART 39—AIRWORTHINESS DIRECTIVES

Scheibe Flugzeugbau GmbH SF 27A Gliders

Cracks have been found in the welded area of the elevator actuating lever of the elevator drive shaft in the Scheibe SF 27A glider that could result in failure of the lever and loss of elevator control. Since this condition is likely to exist or develop in other gliders of the same type design, an airworthiness directive is being issued to require an inspection for cracks, repair, as necessary, and modification of the welded area of the elevator actuating lever of the elevator drive shaft on Scheibe SF 27A gliders.

Since this situation requires immediate adoption of this regulation, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

This amendment is made under the authority of sections 313(a), 601, and 603, of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SCHEIBE FLUGZEUGBAU GmbH. Applies to SF 27A gliders, serial numbers 6001 to 6105 inclusive, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent failure of the welded area of the elevator actuating lever of the elevator driveshaft, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, inspect the welded area of the elevator actuating lever of the elevator drive shaft for cracks in accordance with No. 1 of the Action paragraph of Scheibe Flugzeugbau Technical Note No. 257-1/74, translation dated 26 June, 1975, or an FAA-approved equivalent.

(b) If cracks are found, before further flight, repair the weld and modify the elevator drive shaft by applying a new reinforcing plate in accordance with No. 2 of the Action paragraph of Scheibe Flugzeugbau Technical Note No. 257-1/74, translation dated 26 June, 1975, or an FAA-approved equivalent.

(c) If no cracks are found, within the next 100 hours' time in service after the effective date of this AD, modify the elevator drive shaft by applying a new reinforcing plate in accordance with No. 2 of the Action paragraph of Scheibe Flugzeugbau Technical Note No. 257-1/74 translation dated June 26, 1975, or an FAA-approved equivalent.

This amendment becomes effective November 14, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

Issued in Washington, D.C. on October 16, 1975.

[FR Doc.75-29265 Filed 10-30-75;8:45 am]

[Docket No. 12762; Amdt. No. 121-125]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Ground Proximity Warning Systems

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to establish procedures for the granting of an extension of the December 1, 1975, compliance date of § 121.360 for installation of a ground proximity warning system on each large turbine-powered airplane used in operations under Part 121 to any operator that can show that an extension is warranted.

After December 1, 1975, § 121.360 prohibits, with certain specified exceptions, the operation of a large turbine-powered airplane unless it is equipped with a ground proximity warning system that meets the performance and environmental standards of TSO-C92 or incorporates TSO-approved ground proximity warning equipment.

The Air Transport Association of America (ATA) has petitioned the FAA to extend the compliance date of § 121.360 for those operators that request an extension for a period of time not to extend beyond June 1, 1976. The ATA states that delays in certification programs, together with delays in equipment delivery by some manufacturers of ground proximity warning systems, have caused some ATA member airlines to foresee difficulties in meeting the December 1, 1975, date for compliance with the first four modes of the system. The ATA points out in its petition that questionnaires to all member airlines have resulted in responses that indicated that only 78.5% of the total fleets of ATA member airlines will have the first four modes installed, as required, by December 1, 1975.

The ATA points out that extension of the compliance date is in the public interest in that it will avoid grounding of aircraft and its attendant penalties both to the airlines and to the public, and recommends that procedures for granting limited extensions on an individual basis be established as soon as possible. A secondary benefit that would accrue to certificate holders to whom extensions were granted, ATA asserts, is that it could permit concurrent installation of all five modes and thereby "lessen the need for removal of aircraft from service, potentially reduce the need for dual certification testing, and simplify crew-training procedures."

The FAA's review of the matter indicates that there are a sufficient number of Part 121 certificate holders and other operators subject to Part 121 that will be unable to meet the December 1, 1975, compliance date due to circumstances beyond their control to justify the establishment of a procedure for the granting of extensions where appropriate. The FAA believes that amendment to the regulation to provide for individual extensions of the compliance date, but not beyond June 1, 1976, is justified and that the FAA Director, Flight Standards Service, should be authorized to grant those extensions. Extensions will be granted in those cases where the petitioner can show that its inability to comply by the December 1, 1975, compliance date is due to circumstances beyond its control, and it has submitted, by December 1, 1975, a schedule for compliance, acceptable to the Director, indicating that the equipment will be installed at the earliest practicable date.

In view of the imminence of the present effective date and since this amendment imposes no additional burden on any person, I find that notice and public procedure thereon are impracticable and unnecessary, and that good cause exists for making this amendment effective in less than 30 days.

This amendment is issued under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended, effective November 1, 1975, by amending paragraph (a) and by adding a new paragraph (h) to § 121.360 to read as follows:

§ 121.360 Ground proximity warning systems.

(a) Except as provided in paragraphs (b) and (h) of this section, after December 1, 1975, no person may operate a large turbine-powered airplane unless it is equipped with a ground proximity warning system that meets the performance and environmental standards of TSO-C92 or incorporates TSO-approved ground proximity warning equipment.

• • • • • •

(h) A certificate holder may obtain an extension of the December 1, 1975, compliance date specified in paragraph (a) of this section, but not beyond June 1, 1976, from the Director, Flight Standards Service if, before December 1, 1975—

(1) It shows that due to circumstances beyond its control it cannot comply by that date; and

(2) It has submitted by that date a schedule for compliance, acceptable to the Director, indicating that the system will be installed at the earliest practicable date.

Issued in Washington, D.C., on October 28, 1975.

JAMES E. DOW,
Acting Administrator.

[FR Doc.75-29381 Filed 10-30-75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER II—NATIONAL BUREAU OF STANDARDS, DEPARTMENT OF COMMERCE

PART 256—RESEARCH ASSOCIATE PROGRAM

Technical Amendments

The following changes are made in Part 256:

§ 256.2 [Amended]

1. In view of a policy decision no longer to collect certain overhead expenses from the Sponsors of Research Associates, § 256.2 is amended to eliminate reference to former policy in this regard by deleting the final sentence thereof.

2. Because of a change in the name of the office administering the Research Associate Program, § 256.6 is revised to read as follows:

§ 256.6 Information concerning the Research Associate Program.

Information concerning the Research Associate Program may be obtained from the Industrial Liaison Officer, National Bureau of Standards, Washington, D.C. 20234.

(27 Stat. 395, 31 Stat. 1039; 20 U.S.C. 91)

Effective date. The first change is a statement of policy and, in view of the formalistic nature of the second change, good cause is found that these changes shall become effective on October 31, 1975.

ERNEST AMBLER,
Acting Director.

OCTOBER 24, 1975.

[FR Doc.75-29322 Filed 10-30-75;8:45 am]

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 371—GENERAL LICENSES

Exemption From Shipper's Export Declaration Filing Requirement

The *Foreign Trade Statistics Regulations* of the Bureau of the Census have been changed to exempt from the Shipper's Export Declaration requirements certain shipments made under General License *RCS*. A parallel revision is being made in the *Export Administration Regulations*, which will remove the requirement for Shipper's Export Declarations for exports under General License *RCS* when aircraft parts, equipment, and supplies are being shipped by U.S. airlines to their installations abroad for use in their aircraft operations. It should be noted that "fuel," is *not* included in this exemption.

Effective date of action: October 28, 1975.

Accordingly, Part 371 of the *Export Administration Regulations* (15 CFR Part 371) is amended by revising § 371.12 (b)(4), (c)(4), and (d) as follows:

§ 371.12 General License *RCS*; shipments to U.S. or Canadian vessels, planes, and airline installations or agents.

• • • • • •

(b) • • •

(4) Shipped as cargo for which a Shipper's Export Declaration is filed with the carrier, or for which the Declaration is exempted by the provisions of § 372.12 (d).

(c) • • •

(4) Shipped as cargo for which a Shipper's Export Declaration is filed with the

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carrier, or for which the Declaration is exempted by the provisions of § 372.12 (d).

(d) *Applicable commodities.* This general license applies to the commodities listed below. A Shipper's Export Declaration is not required when any of these commodities, other than fuel, is exported by *U.S. airlines* to their own installations, aircraft, and agents abroad for use in their aircraft operations.

(1) Fuel (except when listed in a Supplement to Part 377 as being under short supply control);
(2) Deck, engine, and steward department stores, provisions, and supplies;
(3) Medical and surgical supplies;
(4) Food stores;
(5) Slop chest articles;
(6) Saloon stores or supplies; and
(7) Equipment and spare parts.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.75-29293 Filed 10-30-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 9025]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

American Tractor Trailer Training, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15–30 Connections or arrangements with others; 13.15–195 Nature; 13.15–225 Personnel or staff; 13.15–250 Qualifications and abilities; § 13.55 Demand, business or other opportunities; § 13.60 Earnings and profits; § 13.105 Individual's special selection or situation; § 13.115 Jobs and employment service; § 13.143 Opportunities; § 13.160 Promotional sales plans; § 13.190 Results; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(c) Complaints; 13.533–65 Release of general, specific, or contractual constrictions, requirements, or restraints. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051–20 Adequate. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Misrepresenting oneself and goods -Business status, advantages or connections: § 13.1395 Connections and arrangements with others; § 13.1490 Nature; § 13.1520 Personnel or staff; § 13.1535 Qualifications. —Goods: § 13.1610 Demand for or business opportunities; § 13.1615 Earnings and profits; § 13.1663 Individual's special selection or situation; § 13.1685 Nature; § 13.1697 Opportunities in product or service; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. —Promotional Sales Plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 Nature; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of American Tractor Trailer Training, Inc., a corporation; American Tractor Trailer Training School, Inc., a corporation; and Charles R. Schwab, individually and as an officer of said corporations.

Consent order requiring an East Hartford, Conn., truck driving school and its wholly-owned subsidiary in Foxboro, Mass., among other things to cease using unfair and deceptive sales tactics in promoting their services.

The Final Order, including further order requiring report of compliance therewith, is as follows: [1]

FINAL ORDER

The Administrative Law Judge filed his Initial Decision in this matter on July 28, 1975, finding respondents to have engaged in the acts and practices as alleged in the complaint and entering a Cease-and-Desist Order against respondents. That Initial Decision was entered after the default of respondents in filing an answer to the complaint and to the Administrative Law Judge's subsequent Order Providing For Reconsideration Of Default If Answer Is Filed by July 9, 1975. A copy of the Initial Decision and Order was served on the respondents American Tractor Trailer Training, Inc. and Charles R. Schwab on August 14, 1975 and respondent American Tractor Trailer Training School, Inc., on August 18, 1975. No appeal was taken from the Initial Decision.

The Commission having now determined that the matter should not be placed on its own docket for review, and that the Initial Decision should become, effective as provided in § 3.51(a) of the Commission's Rules of Practice.

It is ordered, That the Initial Decision and Order contained therein shall become effective on September 17, 1975; and

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this Order, file with the Commission a written report, signed by the respondents, setting forth in detail the manner and form in which they have complied with this Order.

[1] Copies of the Complaint, Appendices, Initial Decision and Final Order, filed with the original document.

INITIAL DECISION

ORDER

I

It is ordered, That respondents American Tractor Trailer Training, Inc., American Tractor Trailer Training School, Inc., corporations, their successors and assigns, and their officers, and Charles R. Schwab, individually and as an officer of said corporations, and respondents' officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of courses of study, training or instruction in the field of truck driving or any other subject, trade or vocation, or of any other product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing orally, visually, in writing or in any other manner, directly or by implication, that:

(a) Respondents operate, represent or are affiliated with trucking companies, employers of truck drivers, or any industry for which enrollees of any course are being trained; or misrepresenting, in any manner, the nature of respondents' business.

(b) Employment is being offered when the purpose of such offer is to obtain leads to prospective purchasers of such training courses.

(c) Respondents have been requested by trucking companies or any other business or organization to train persons for specific jobs; or misrepresenting, in any manner, respondents' connection or affiliation with any industry or any member thereof.

(d) Graduates of said courses will be qualified thereby for employment as truck drivers without further training or experience.

(e) There is a need or demand of any size, proportion or magnitude for persons completing any of the courses offered by the respondents, or otherwise representing that opportunities for employment, or opportunities of any size, figure or number are available to such persons, or that persons completing said courses will or may earn any specified amount of money, or otherwise representing by any means the prospective earnings of such persons except as hereafter provided in Paragraph 6 of the Order.

(f) Respondents or others provide a placement service which will or may secure a job for graduates of said courses.

(g) Graduates of said courses are assured of placement in the positions for which they have been trained; or representing that graduates of said courses will easily attain employment or that said courses are effective in preparing or qualifying any graduate for employment.

(h) Any person engaged in the promotion, offering for sale, sale, distribution or other use of said courses is a trained admissions counselor or vocational counselor; or misrepresenting the training, experience, title, qualifications or status of such person or the import or meaning of any advice given by or any other statement made by any such person.

(i) Respondents accept only qualified candidates for enrollment in said courses.

(j) Said courses provide a minimum of 20 hours of road-driving instruction, when such representations do not accurately disclose the actual number of hours of behind-the-wheel road-driving instruction furnished to enrollees; or misrepresenting, in any manner, the number of actual hours of behind-the-wheel road-driving instruction furnished to enrollees.

2. Placing advertisements in "Help Wanted" columns, or failing to specify, clearly and conspicuously, as a condition to the publication of classified advertisements seeking leads to prospective purchasers, that such advertisements be published only in the education, instruction or similar columns of classified advertising.

3. Failing to disclose, in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective enrollee of any truck driver training course offered by respondents, the following information:

(a) The title "IMPORTANT INFORMATION" printed in ten (10) point bold face type across the top of the form.

(b) Paragraphs providing the following information:

(1) Many employers of truck drivers prescribe a minimum age of twenty-one (21) years for drivers.

(2) Many employers of truck drivers give preferential consideration in hiring to driver-applicants who are twenty-five (25) years of age.

(3) Many employers of truck drivers give preferential consideration in hiring to driver-applicants with actual truck-driving experience.

4. Failing to disclose, clearly and conspicuously, in advertisements, in catalogs, brochures and on letterheads, that respondents' business is solely and exclusively that of a private school, not affiliated with any members of the trucking industry or any member of any other industry.

5. Failing to keep adequate records which may be inspected by Commission staff members upon reasonable notice which substantiate the data and information required to be disclosed by Paragraph 6 of this Order and prescribed in Appendix A hereto.

6. Failing to disclose, in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective enrollee of any course of instruction offered by respondents, the following information in the format prescribed in Appendix A and for a base period designated as described in Appendix B hereto:

(1) The number and percentage of enrollees who have failed to complete their course of instruction, such percentage to be computed separately for each course of instruction offered by respondents at each school, location or facility;

(2) The placement rate, ratio or percentage for enrollees and graduates, and also the numbers upon which such rates, ratios or percentages are based; such rate or percentage to be computed separately for each course of instruction offered by respondents at each school, location or facility;

(3) The salary range of respondents' graduates as to the same graduates used to compute the placement percentage in (2) above; and

(4) A list of firms or employers which are currently hiring graduates of said courses in substantial numbers and in the positions for which such graduates have been trained, and the number of such graduates hired, as to the same graduates used to compute the placement percentage in (2) above.

Provided, however, this Paragraph shall be inapplicable to any school newly established by respondents in a metropolitan area or county, whichever is larger, where they previously did not operate a school, or to any course newly introduced by respondents, until such time as the new school or course has been in operation for the base period established pursuant to Appendix B as prescribed in this Paragraph. However, during such period the following statement, and no other, shall be made in lieu of the Appendix A Disclosure Form required by this Paragraph:

DISCLOSURE NOTICE

This school [or course, as the case may be] has not been in operation long enough to indicate what, if any, actual employment or salary may result upon graduation from this school [course].

7. (a) Contracting for the sale of any course of instruction in the form of a sales contract or any other agreement which does not contain in immediate proximity to the space reserved in the contract for the signature of the prospective enrollee in bold face type of a minimum size of ten (10) points, a statement in the following form:

"You, the prospective enrollee, may cancel this transaction at any time prior to midnight of the tenth business day after the date of this transaction. See attached notice of cancellation form for an explanation of this right."

(b) Failing to furnish each prospective enrollee, at the time he signs the sales contract or otherwise agrees to enroll in a course of instruction offered by respondents, a complete form in duplicate, which shall be attached to the contract or agreement, and easily detachable, and which shall contain in ten (10) point bold face type the following information and statements:

NOTICE OF CANCELLATION

(enter date of transaction)

(date)

You may cancel this transaction, without any penalty or obligation, within ten (10) business days from the above date. If you cancel, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within ten (10) business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may, if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within twenty (20) days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for payment for said goods.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram, to [*Name of seller*], at [*address of seller's place of business*] not later than midnight of _____.

(date)

I hereby cancel this transaction.

_____ _____

(date) (Buyer's signature)

(c) Failing to orally inform each prospective enrollee of his right to cancel at the time he signs a contract or agreement for the sale of any course of instruction.

(d) Misrepresenting in any manner the prospective enrollee's right to cancel.

(e) Failing or refusing to honor any valid notice of cancellation by a prospective enrollee and within ten (10) business days after the receipt of such notice, to: (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by respondents; (iii) cancel and return any negotiable instrument executed by the prospective enrollee in connection with the contract or sale.

(f) During the cancellation period described herein, respondents shall not initiate contacts with such contracting persons other than contacts permitted by this paragraph.

8. Making any representations of any kind whatsoever, which are not already proscribed by other provisions of this Order, in connection with the advertising, promoting, offering for sale, sale or distribution of courses of study, training or instruction in the field of truck-driver training or any other course offered to the public in any field in commerce, for which respondents have no reasonable basis prior to the making or dissemination thereof.

9. Furnishing or otherwise placing in the hands of others the means and instrumentalities by and through which the public may be misled or deceived in the manner, or by the acts and practices prohibited by this Order.

It is further ordered, That:

(a) Respondents herein deliver, by registered mail, a copy of this Decision and Order to each of their present and future franchisees, licensees, employees, sales representatives, agents, solicitors, brokers, independent contractors or to any other person who promotes, offers for sale, sells or distributes any course

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of instruction included within the scope of this Order.

(b) Respondents herein provide each person or entity so described in subparagraph (a) of this Paragraph with a form returnable to the respondents clearly stating his or her intention to be bound by and to conform his or her business practices to the requirements of this Order; retain said statement during the period said person or entity is so engaged; and make said statement available to the Commission's staff for inspection and copying upon request.

(c) Respondents herein inform each person or entity described in subparagraph (a) of this Paragraph that the respondents will not use or engage or will terminate the use or engagement of any such party, unless such party agrees to and does file notice with the respondents that he or she will be bound by the provisions contained in this Order.

(d) If such party as described in subparagraph (a) of this Paragraph will not agree to file the notice set forth in subparagraph (b) above with the respondents and be bound by the provisions of this Order, the respondents shall not use or engage or continue the use or engagement of such party to promote, offer for sale, sell or distribute any course of instruction included within the scope of this Order.

(e) Respondents herein inform the persons or entities described in subparagraph (a) above that the respondents are obligated by this Order to discontinue dealing with or to terminate the use or engagement of persons or entities who continue on their own the deceptive acts or practices prohibited by this Order.

(f) Respondents herein institute a program of continuing surveillance adequate to reveal whether the business practices of each said person or entity described in subparagraph (a) above conform to the requirements of this Order.

(g) Respondents herein discontinue dealing with or terminate the use or engagement of any person described in subparagraph (a) above, who continues on his or her own any act or practice prohibited by this Order as revealed by the aforesaid program of surveillance.

(h) Respondents herein maintain files containing all inquiries or complaints from any source relating to acts or practices prohibited by this Order, for a period of two years after their receipt, and that such files be made available for examination by a duly authorized agent of the Federal Trade Commission during the regular hours of the respondents' business for inspection and copying.

It is further ordered, That respondents herein present to each interested applicant or prospective student, immediately prior to the commencement of any interview or sales presentation, during which the purchase of or enrollment in any course of instruction offered by respondents herein is discussed or solicited, a 5" x 7" card containing only the following language:

YOU WILL BE TALKING TO A SALESPERSON

It is further ordered, That respondent corporations shall forthwith distribute a copy of this Order to each of their operating divisions.

It is further ordered, That the respondent corporations shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the respondents which may affect compliance obligations arising out of this Order.

It is further ordered, That the individual respondent, Charles R. Schwab, promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

The Initial Decision Order was issued, July 28, 1975.

The Final Order was issued by the Commission, September 17, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-29255 Filed 10-30-75;8:45 am]

[Docket 8975]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Rosenthal Chevrolet Co., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.70 Fictitious or misleading guarantees; § 13.135 Nature of product or service; § 13.140 Old, reclaimed or reused product being new; § 13.205 Scientific or other relevant facts; § 13.260 Terms and conditions. Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 Guarantees; § 13.1685 Nature; § 13.1695 Old, secondhand, reclaimed or reconstructed as new; § 13.1740 Scientific or other relevant facts; § 13.1760 Terms and conditions. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 Prices; 13.1882–10 Additional prices unmentioned. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Rosenthal Chevrolet Co., a corporation, and Robert M. Rosenthal and Harry Rosenthal, individually and as officers of said corporation.

Consent order requiring an Arlington, Va., new and used car dealership, among other things to cease misrepresenting that any vehicle is new when it has been used in any manner other than the limited use necessary in moving or road testing it prior to delivery to the customer. Further, the complaint is dismissed as to individual respondent Robert M. Rosenthal.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondents Rosenthal Chevrolet Co., a corporation, its successors and assigns and its officers, and Harry Rosenthal, individually and as an officer of said corporation, and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, sale or distribution, service and repair of new and used motor vehicles, or any other products or services, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Representing, orally or in writing, directly or by implication, that any vehicle is new when it has been used in any manner other than the limited use necessary in moving or road testing a new vehicle prior to delivery of such vehicle to the customer.

2. Offering for sale or selling any vehicle of the current or previous model year, which has been used in any manner, other than the limited use referred to in paragraph 1. above, without orally disclosing, prior to any sales presentation the nature and extent of such previous use of said vehicle.

3. Advertising any vehicle of the current or the previous model year which has been used in any manner, other than the limited use referred to in paragraph 1. above, without clearly and conspicuously disclosing in any and all advertising thereof the nature of such previous use of said vehicle.

4. Displaying, offering for sale or selling any vehicle of the current or the previous model year which has been used in any manner, other than the limited use referred to in paragraph 1. above, without clearly and conspicuously disclosing by decal or sticker affixed to the inside of the side window containing the manufacturer's suggested retail price or "Monroney sticker", or if space is not available thereon, in close proximity thereto, so as to be clearly visible, the nature of such previous use of said vehicle. Said decal or sticker shall also contain the following statement: "For Exact Mileage, See Odometer".

5. Misrepresenting, orally or in writing, directly or by implication, the nature or extent of previous use or condition of any vehicle displayed, offered for sale or sold.

6. Representing, orally or in writing, directly or by implication, that any of their motor vehicles are warranted; unless the nature and extent of the warranty, the identity of the warrantor and the manner in which the warrantor will perform are clearly and conspicuously disclosed; misrepresenting, in any manner, the terms, conditions and extent of any warranty.

7. Failing to disclose both orally and in writing, prior to the signing of the completed retail order for a used motor vehicle, and in any and all advertising of such vehicles, the precise amount of handling and service charges which will be added to the cost of respondents' used motor vehicles.

It is further ordered, That respondent Robert M. Rosenthal be dismissed from the complaint as an individual and named officer of the corporate respondent.

It is further ordered: (a) That respondents shall forthwith distribute a copy of this order to each of their operating divisions;

(b) That respondents deliver a copy of this order to cease and desist to all present and future personnel engaged in the offering for sale, or sale, of any motor vehicle, and in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person;

(c) That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order;

(d) That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

(e) That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission September 30, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-29256 Filed 10-30-75;8:45 am]

[1] Copies of the Complaint, Decision and Order, filed with the original document.

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 33-5681]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Delegation of Authority; Director of the Division of Corporation Finance

The Commission today announced an amendment to its regulations governing delegation of authority to authorized members of the Commission's staff to take action in questions presented in requests for waiver from certain filing requirements under the Securities Act of 1933 (the "Act"). Rule 437 of the Act (17 CFR 230.437) provides for the application by a registrant to the Commission to dispense with any written consent of an expert pursuant to Section 7 thereof. Such application must be supported by an affidavit establishing that the obtaining of such consent is impracticable or involves undue hardship on the registrant. The application must be filed, and the Commission's consent must be obtained prior to the effective date of the relevant registration statement.

Given the need for prompt action in such requests and otherwise to expedite the operations of the Commission in this area, the Commission has determined that authority should be delegated to the Director of the Division of Corporation Finance to act, on behalf of the Commission, on applications filed pursuant to Rule 437.

17 CFR Part 200 is amended by adding paragraph (a)(8) to § 200.30–1 as follows:

§ 200.30–1 Delegation of Authority to Director of Division of Corporation Finance.

. . . . . .

(a) . . .

(8) To act on applications to dispense with any written consents of an expert pursuant to Rule 437 (§ 230.437 of this chapter).

The Commission finds that the foregoing action relates solely to agency organization, procedure or practice and that notice and procedures under 5 U.S.C. 553 are unnecessary. Accordingly, the foregoing action, which was taken pursuant to Public Law 87–592, 76 Stat. 394, and to section 4 of the Securities Exchange Act of 1934, becomes effective October 22, 1975.

(Pub. L. 87–592, 76 Stat. 394); (Sec. 4, 48 Stat. 885; sec. 1106(a), 63 Stat. 972 (15 U.S.C. 78d(b))).

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 22, 1975.

[FR Doc.75-29361 Filed 10-30-75;8:45 am]

[Rel. No. IC-8999]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Reduction in 18 Month Reserve Requirements for Contractual Plans

On August 29, 1975 the Securities and Exchange Commission published notice (ICA Rel. No. 8913, 40 FR 42757, September 16, 1975) that it had under consideration proposed amendments to Rule 27d–1 [17 CFR 270.27d–1] under the Investment Company Act of 1940 [15 U.S.C 80a–1 et seq.] ("the Act"), which would reduce the reserve requirements for front-end load periodic payment plan certificates subject to Section 27(d) [15 U.S.C. 80a–27(d)] of the Act by approximately 50%.[1] The Commission has considered all of the comments received and has determined to adopt the amendments as proposed pursuant to its authority under Section 27(d) of the Act. That section permits the Commission to issue rules and regulations applicable to depositors or principal underwriters specifying such reserve requirements as it deems necessary or appropriate in order for such depositors or principal underwriters to carry out the obligations to refund sales charges required by Section 27(d).

Specifically, the amendments revise paragraphs (c) and (d) of Rule 27d–1. Paragraph (c) formerly required that the depositor or principal underwriter of a periodic payment plan certificate governed by Section 27(d) deposit into a segregated trust account 45% of that portion of the sales load which is in excess of 15% of the payment. For 50% front-end load contractual plans these deposits generally apply to the first 13 monthly payments. Under the amendment to paragraph (c) the requirement that 45% of the excess sales load be deposited will apply only to the first 6 monthly payments. This change will apply to periodic payment plans issued during the 18 months prior to the effective date of the amendment as well as to plans issued after the effective date.

Paragraph (d) of Rule 27d–1 formerly required that a minimum balance equal to 35% of the total refundable sales load on the payments made on 50% front-end load certificates be maintained in the segregated trust account. Under the amendment to paragraph (d) the minimum balance which must be maintained has been reduced to 15% of the total refundable sales load. These reduced reserve requirements will also apply to plans issued during the 18 months prior to the effective date of the amendment.

It should be noted that paragraph (f) of Rule 27d–1 does not permit withdrawals from the segregated trust account (other than withdrawals to pay refunds pursuant to Sections 27(d) and 27(f) [15 U.S.C. 80a–27(f)] of the Act) if such withdrawals reduce the reserves below 130% of the minimum balance required by paragraph (d) of the rule. Thus, although depositors or principal underwriters could withdraw amounts from the segregated trust account after this amendment becomes effective, the balance remaining may not be less than 130% of the minimum reserve of 15% of the total refundable sales load.

The Commission will continue to monitor data on the sales, persistency and refund experience of front-end load contractual plans which are filed by sponsors of these plans on Form N–27D–2 in order to determine whether further adjustments in Rule 27d–1 become necessary.

[1] The reserve requirements for "spread load" periodic payment plans governed by Section 27(h) [15 U.S.C. 80a-27(h)] would not be affected by this amendment.

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Commission action.

In § 270.27d–1 paragraphs (c) and (d) are revised to read as follows:

§ 270.27d–1 Reserve requirements for principal underwriters and depositors to carry out the obligations to refund charges required by section 27(d) and section 27(f) of the Act.

* * * * *

(c) For every periodic payment plan certificate governed by Section 27(d), the depositor or principal underwriter shall deposit into the segregated trust account not less than 45 percent of the excess sales load on each of the first six monthly payments or their equivalent.

(d) For all periodic payment plan certificates governed by Section 27(d) which have not been surrendered in accordance with their terms, and for which the depositor or principal underwriter may be liable for the refund of any sales load, the depositor or principal underwriter shall maintain in the segregated trust account an amount equal to not less than 15% of the total refundable sales load on the payments made on those certificates. The depositor or principal underwriter shall also maintain in the segregated trust account such additional amounts as the Commission by order may require for the depositor or principal underwriter to carry out refund obligations pusuant to Sections 27(d) and 27(f) of the Act.

* * * * *

This amendment will become effective on December 15, 1975.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 22, 1975.

[FR Doc.75–29362 Filed 10–30–75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 230—EXTERNAL PROGRAMS

Minority Business Enterprise in Federal-Aid Highway Construction

● Purpose. The purpose of the regulations in this subpart is to set forth rules intended to promote increased participation by minority business enterprises in Federal-aid highway construction activity. ●

The matters affected relate to grants, benefits, or contracts within the purview of 5 U.S.C. 553(a)(2), therefore general notice of proposed rulemaking is not required.

Issued on: October 22, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

The following Subpart B of Part 230 is added to 23 CFR Chapter I:

Subpart B—Minority Business Enterprise in Federal-Aid Highway Construction

Sec.

230.201 Purpose.
230.203 Definitions.
230.205 Policy.
230.207 Action by State Highway Agencies.
230.209 Reports.

AUTHORITY: 23 U.S.C. 315; 49 CFR 1.48(b).

Subpart B—Minority Business Enterprise in Federal-Aid Highway Construction

§ 230.201 Purpose.

The purpose of the regulations in this subpart is to obtain increased participation by minority business firms in Federal-aid highway construction activity.

§ 230.203 Definitions.

(a) "Minority business enterprises" means a business at least 50 percent of which is owned by minority group members or, in the case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purpose of this definition "minority group members" are Negroes, Spanish-speaking American persons, American Orientals, American Indians, American Eskimos, and American Aleuts.

(b) "State highway agency" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term "State" is considered equivalent to "State highway agency" if the context so implies.

§ 230.205 Policy.

Based on the provisions of Executive Order 11625, dated October 13, 1971, it is the policy of the Federal Highway Administration (FHWA) to promote increased participation of minority business enterprises in Federal-aid highway construction programs.

§ 230.207 Action by state highway agencies.

(a) State highway agencies and FHWA division administrators shall review and evaluate the State highway agencies' prequalification and licensing requirements for Federal-aid highway construction contracts to assure that unreasonably complex, costly or difficult requirements are not utilized. Specific attention shall be given to minimum contract dollar value requirements for prequalification or licensing based on qualifications.

(b) The State highway agencies shall take affirmative action to increase the participation of minority business firms in Federal-aid highway construction. This affirmative action shall include the following:

(1) Seek out, identify, and compile a list of minority business firms that wish to participate in the Federal-aid highway construction program and distribute the list to all prime contractors taking out contract proposals on Federal-aid projects. Minority and other firms shall be provided with an opportunity to obtain identification of general contractors who have taken out contract proposals, unless disclosure of such information is prohibited by State law.

(2) Include appropriate provisions in the advertised specifications for Federal-aid contracts requiring bidders to submit certifications stating whether or not they intend to subcontract a portion of the work and, if so, that they have taken affirmative action to seek out and consider minority business enterprises as potential subcontractors. The provisions shall specify that each bidder intending to sublet part of the contract work shall make contact with potential minority business enterprise subcontractors[1] to affirmatively solicit their interest, capability, and prices and shall document the results of such contacts. A bidder's failure to submit this certification or submission of a false certification shall render his bid nonresponsive.

(3) Include appropriate provisions in Federal-aid contracts to assure that prime contractors requesting permission to sublet part of the contract work take the affirmative actions required of bidders in paragraph (b)(2) of this section if they have not done so during the bidding stage. These provisions shall specify that no subletting will be approved unless the prime contractor demonstrates he has taken such affirmative actions.

(4) Include contract provisions in Federal-aid construction contracts requiring the contractor to designate a liaison officer who will administer the contractor's minority business enterprise program.

§ 230.209 Reports.

Minority business contract and subcontract awards are to be reported quarterly on revised Form FHWA 1405 (October, 1974).

Effective date: These regulations take effect on December 1, 1975, for contracts for projects authorized for advertising by the Division Administrator on or after that date.

[FR Doc.75–29262 Filed 10–30–75;8:45 am]

Title 24—Housing

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FI–543]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Cottage Grove, Minnesota

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Cottage Grove, Minnesota, under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

[1] Potential minority business enterprise subcontractors will be identified in the State highway agency's current list of interested firms or from other appropriate sources.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 7516–80th Street, Cottage Grove, Minnesota 55106.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Mississippi River	Gray Cloud Trail	697	From end of Gray Cloud Trail to 100 ft west of intersection with dirt road.
	Burlington Northern RR.	696	Starts 750 ft southeast of sewage disposal and spans (going east) 400 ft.
	Burlington Northern RR.	696	Starts 3,500 ft east of waste disposal ponds and spans (going east) 375 ft.
Mooers Lake Channel	Geneva Ave., South	698	From corporate limits to 425 ft south of corporate limits.
	Gray Cloud Trail	697	From 1,500 ft north of intersection with Geneva Ave., south to intersection with Geneva Ave.

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.

Issued: October 15, 1975.

J. ROBERT HUNTER,
Acting
Federal Insurance Administrator.

[FR Doc.75–29277 Filed 10–30–75;8:45 am]

[Docket No. FI–529]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Lamesa, Texas

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Lamesa, Texas, under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the city must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 310 South Main Street, Lamesa, Texas.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

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Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Sulfur Springs Draw...	Avenue S	2948.7	180	50
	Hillside Dr	2948.4	220	180
	1st St	2947.8	280	100
	South 2d St	2942.8	325	200
	Avenue O	2941.0	320	110
	Avenue N	2940.6	320	120
	Avenue M	2940.4	310	125
	Avenue L	2940.0	300	140
	Avenue K	2939.8	220	210
	Byran Ave	2939.6	60	120
	South 9th St	2936.5	[1] 270	430
	Houston Ave	2935.0	110	220
Playa Lake (9th St.)...	North 9th St	2977.0	[2] 980	[3] 10
	Houston Ave	2977.0	[4] 340	[5] 80
Playa Lake (22d St. and Lynn Ave.).	North 22d St	2991.0	[6] 600	
	North 24th St	2991.0	[7] 400	

[1] Measured along South 10th St.
[2] Measured east from Houston Ave.
[3] Measured west from Houston Ave.
[4] Measured south from center of 9th St.
[5] Measured north from center of 9th St.
[6] Measured east from center of North 22d St. and Lynn Ave. intersection.
[7] Measured east from center of North 24th St. and Lynn Ave. intersection.

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.

Issued: October 15, 1975.

J. ROBERT HUNTER,
Acting
Federal Insurance Administrator.

[FR Doc.75-29280 Filed 10-30-75;8:45 am]

[Docket No. FI-279]

PART 1920—PROCEDURE FOR MAP CORRECTION

Town of Hamden, Connecticut; Letter of Map Amendment

On January 4, 1974, in 39 FR 1984, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Town of Hamden, Connecticut, as an eligible community and included Map No. H 090078 08, which indicates that the three structures known as Plant No. 2, the V.U.P. Building, and the Main Office Building, on land in Hamden, Connecticut, as recorded on Map No. 3080 in Map File No. 580, in the office of the Town Clerk of Hamden, Connecticut, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned structures are not within the Special Flood Hazard Area. Accordingly, effective January 16, 1974, Map No. H 090078 08 is hereby corrected to reflect that the structures on the above property are not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.75-29281 Filed 10-30-75;8:45 am]

[Docket No. FI-239]

PART 1920—PROCEDURE FOR MAP CORRECTION

The Village of Lindenhurst, Illinois; Letter of Map Amendment

On April 11, 1974, in 39 FR 13147, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Village of Lindenhurst, Illinois, as an eligible community and included Map No. H 170379 01 which indicates that Lot 13, Block 194, Unit 24, being 2204 East Lake Shore Drive, Lindenhurst, Illinois, as recorded in Plat Book 39, Page 26 in the office of the Recorder of Lake County, Illinois, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above property is not within the Special Flood Hazard Area. Accordingly, effective April 5, 1974, Map No. H 170379 01 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting
Federal Insurance Administrator.

[FR Doc.75-29282 Filed 10-30-75;8:45 am]

[Docket No. FI-446]

PART 1920—PROCEDURE FOR MAP CORRECTION

City of Shreveport, Louisiana; Letter of Map Amendment

On January 13, 1975, in 40 FR 2427, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Shreveport, Louisiana, as an eligible community and included Map No. H 220036 28, which indicates that the existing structure on Lot 40, The Meadow Subdivision Unit No. 1, Shreveport, Louisiana, as recorded in Book 1500, Page 19, of the records of Caddo Parish, Louisiana, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective January 3, 1975, Map No. H 220036 28 is hereby corrected to reflect that the above structure is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting
Federal Insurance Administrator.

[FR Doc.75-29283 Filed 10-30-75;8:45 am]

Title 29—Labor

CHAPTER II—OFFICE OF THE ASSISTANT SECRETARY FOR LABOR-MANAGEMENT RELATIONS, DEPARTMENT OF LABOR

PART 202—REPRESENTATION PROCEEDINGS

Procedures for Consolidation of Existing Exclusively Recognized Units Under Section 10(a) of Executive Order 11838

On August 21, 1975, notice of amendments to 29 CFR Part 202 was published in the FEDERAL REGISTER (40 FR 36576), proposing to grant both an agency and a labor organization equal rights to initiate unilaterally the procedures for consolidation of existing exclusively recognized units where bilateral agreement was not possible. Interested persons were given to

September 22, 1975, to offer data, views or comments regarding the proposed regulations.

After consideration of all relevant comments received and matter presented, and pursuant to the authority of Executive Order 11491, as amended by Executive Orders 11616, 11636, 11838, and Secretary's Order No. 11–72, I hereby adopt, without change, the proposed regulations as set forth below, and to hereby correct a typographic error in Part 202 of Chapter II of Title 29, as follows:

PART 202—REPRESENTATION PROCEEDINGS

1. The table of contents is amended by revising the title of § 202.2 as follows:

Sec.

* * * * * *

202.2 Contents of petition; procedures for national consultation rights and for consolidation of existing exclusively recognized units filing and service of petition; challenges to petition.

* * * * * *

2. Section 202.1 is revised as follows:

§ 202.1 Who may file petitions.

* * * * *

(f) A petition to consolidate existing exclusively recognized units may be filed by a labor organization(s), or by an activity(ies) or agency.

* * * * *

3. Section 202.2 is revised as follows:

§ 202.2 Contents of petition; procedures for national consultation rights and for consolidation of existing exclusively recognized units filing and service of petition; challenges to petition.

* * * * *

(h) *Petition and procedures for consolidation of existing exclusively recognized units.* (1) Action to be taken before filing a petition to consolidate existing exclusively recognized units:

(i) A request in writing must be served by a labor organization or by two or more labor organizations jointly within a single agency, on an activity(ies) or agency, or must be served by an activity(ies) or agency on a labor organization(s), requesting the consolidation of existing exclusively recognized units represented by the labor organization(s).

(ii) The request shall contain a clear and concise description of the existing exclusively recognized units sought to be consolidated and whether the labor organization(s), activity(ies) or agency involved desire(s) the consolidation with or without an election.

(2) When and where a petition to consolidate existing exclusively recognized units may be filed:

(i) If the labor organization(s), activity(ies) or agency involved reject(s) in writing or fails to respond to the requested consolidation of units within thirty (30) days after the service of the request, the labor organization(s), activity(ies) or agency involved may file a petition to consolidate existing exclusively recognized units. The petition must be filed with the Area Director for the area where the headquarters of the activity or agency of the proposed consolidated unit is located: *Provided, however,* That where a petition to consolidate existing exclusively recognized units involves two or more activities, such petition may be filed with the Area Director for the area where the headquarters of any of the activities involved is located.

(ii) If there is a bilateral agreement to consolidate existing exclusively recognized units, the labor organization(s), activity(ies) or agency involved, may individually or jointly file a petition for an election in the proposed unit with the appropriate Area Director as set forth in paragraph (h)(2)(i) of this section.

(iii) If the labor organization(s), activity(ies) or agency involved bilaterally agree to consolidate existing exclusively recognized units without an election, they shall file jointly a petition to consolidate such units without an election with the appropriate Area Director as set forth in paragraph (h)(2)(i) of this section.

(3) A petition to consolidate existing exclusively recognized units shall contain the information required by paragraph (a) of this section, except supparagraphs (2), (3), (6), and (9) and shall set forth:

(i) A description of the proposed consolidated unit claimed to be appropriate for the purpose of exclusive representation. Such description shall indicate generally the geographic locations and the classifications of employees sought to be included and those sought to be excluded and the approximate number of employees in the consolidated unit claimed to be appropriate for the purpose of exclusive recognition;

(ii) A description of each existing exclusively recognized unit encompassed by the petition, the dates of recognition or certification, the name(s) and address(es) of the exclusively recognized labor organization(s) involved, and the approximate number of employees in each unit;

(iii) A statement that a request to consolidate existing exclusively recognized units has been served on the labor organization(s) activity(ies) or agency involved and the date of the service of such request;

(iv) A statement as appropriate:

(A) That the labor organization(s), activity(ies) or agency involved agree to consolidate existing exclusively recognized units without an election;

(B) That the labor organization(s), activity(ies) or agency involved desire(s) the Assistant Secretary to hold an election on the issue of the proposed consolidation;

(C) That the labor organization(s), activity(ies) or agency involved has rejected or has failed to respond to the request to consolidate together with the date of the service of the written rejection, if any;

(D) The name(s) of the labor organization(s), activity(ies) or agency involved that should appear on the certification on consolidation of units, if such a certificate is issued.

(4) The following govern petitions filed under this paragraph:

(i) Upon the request of the Area Director, after the filing of a petition to consolidate existing exclusively recognized units, the activity(ies) or agency involved shall post copies of a notice to all employees in places where notices are normally posted affecting the employees in the exclusively recognized units involved in the proceeding.

(ii) Such notice shall set forth, as appropriate:

(A) The name(s) of petitioner(s),

(B) The description of the proposed consolidated unit,

(C) A statement that a petition for an election in the proposed unit has been filed, or, in the event there is a bilateral agreement to consolidate without an election, a statement that if, within ten (10) days from the date of posting of such notice, thirty (30%) percent or more of the employees in the proposed consolidated unit have notified the Area Director in writing that they desire the Assistant Secretary to hold an election on the issue of the proposed consolidation, such an election will be supervised by the Area Director.

(5) The notice shall remain posted for a period of ten (10) days. It shall be posted conspicuously and shall not be covered by other material, altered or defaced.

(6) The Area Director shall make such investigation as he deems necessary. Thereafter, the Assistant Regional Director shall issue and serve on the labor organization(s) and activity(ies) or agency involved a report and findings with respect to the petition to consolidate existing exclusively recognized units. The labor organizations, activity(ies) or agency involved or a labor organization granted intervention pursuant to § 202.5(e), may obtain a review of such report and findings pursuant to § 202.6(d). If no request for review is filed, or if one is filed and denied, the Assistant Regional Director shall take such action as may be appropriate, which may include causing the Area Director to issue a certification on consolidation of units: *Provided, however,* That where the Assistant Regional Director approves, or causes the Area Director to approve, a withdrawal request, or determines to supervise an election; or to issue a notice of hearing, no such report and findings need be issued and such action shall not be subject to review by the Assistant Secretary. The Assistant Regional Director, if appropriate, may cause a notice of hearing to be issued where substantial factual issues exist warranting a hearing. Hearings shall be conducted by Hearing Officers in accordance with §§ 202.8 through 202.16.

(7) Agreement for Unit Consolidation Election: (i) Where an election is appropriate because the petitioner(s) or thirty (30%) percent of the affected employees desire the Assistant Secretary to hold an election on the consolidation issue, the labor organization(s), activity(ies) or agency involved must sign an agreement providing for such an election on a form prescribed by the Assistant

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Secretary. The agreement shall be filed with the appropriate Area Director.

(ii) The labor organization(s), activity(ies) or agency involved shall agree on the eligibility period for participation in the election, the date(s), hour(s) and place(s) of the election and other related election procedures. In the event that they cannot agree, the Area Director, acting on behalf of the Assistant Secretary, shall decide these matters.

(iii) If the Area Director approves the agreement, the election by secret ballot shall be conducted by the activity(ies) or agency, as appropriate, under the supervision of the Area Director, in accordance with §§ 202.17 (a), (b), (c), and (f), 202.18, 202.19, and 202.20. There shall be no runoff elections.

(8) Upon the issuance of a certification on consolidation of units, the terms and conditions of existing agreements covering those units embodied in the consolidation shall remain in effect, except as mutually agreed by the parties, until a new agreement covering the consolidated unit becomes effective.

* * * * *

In 40 FR at page 19988, § 202.20(f), insert in line 7 the number "6" in between "§ 202" and "(d)". As revised § 202.20(f) reads as follows:

(f) Any party aggrieved by the findings of an Assistant Regional Director with respect to objections to an election or challenged ballots, may obtain a review of such action by the Assistant Secretary by following the procedure set forth in § 202.6(d) of this chapter: *Provided, however,* That a determination by the Assistant Regional Director to issue a notice of hearing shall not be subject to review by the Assistant Secretary.

Since the effect of this amendment is to correct a policy interpretation within the meaning of 5 U.S.C. 553(d)(2) and also relieves a restriction within the meaning of 5 U.S.C. 553(d)(1) by permitting an agency to initiate unilaterally the procedures for consolidation of existing exclusively recognized units where bilateral agreement was not possible, this rule shall be effective October 31, 1975.

Signed at Washington, D.C. this 28th day of October, 1975.

PAUL J. FASSER, Jr.,
Assistant Secretary of Labor for Labor-Management Relations.

[FR Doc.75-29341 Filed 10-30-75;8:45 am]

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Iowa Plan; Level of Federal Enforcement

1. *Background.* Part 1954 of Title 29, Code of Federal Regulations, sets out procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for the evaluation and monitoring of State plans which have been approved under section 18(c) of the Act and 29 CFR Part 1902. Section 1954.3 of this chapter provides guidelines and procedures for the exercise of discretionary Federal enforcement authority under section 18(e) of the Act with regard to Federal standards in issues covered under an approved State plan. In accordance with § 1954.3(b) of this chapter, Federal enforcement authority will not be exercised as to occupational safety and health issues covered under a State plan where a State is operational. A State is determined to be operational under § 1954.3(b) of this chapter when it has provided for the following requirements: enacted enabling legislation, approved State standards, a sufficient number of qualified enforcement personnel, and provisions for the review of enforcement actions. In determining whether and to what extent a State plan meets the operational guidelines, the results of evaluations conducted under 29 CFR Part 1954 are taken into consideration. Once this determination has been made, under § 1954.3(f) of this chapter, a notice of the determination of the operational status of a State plan as described in an agreement setting forth the Federal-State responsibility is to be published in the FEDERAL REGISTER.

2. *Notice of Iowa operational agreement.* (a) In accordance with the provisions of § 1954.3 of this chapter, notice is hereby given that it has been determined that Iowa has met the following conditions for operational status:

(1) Enactment of the Iowa Occupational Safety and Health Act of 1972 (Iowa Senate File 1218—Chapter 88 of the Iowa Code) (hereinafter referred to as the Iowa Act) which became effective as of July 1, 1972; and was amended by Senate File 92, which became effective on July 1, 1975.

(2) Promulgation under the Iowa Act of general industry and construction standards by the Iowa Bureau of Labor on July 1, 1972, and updated on August 30, 1974, April 7, 1975, and July 1, 1975. The maritime standards of 29 CFR 1910.13 through 1910.16 are excluded as Iowa has chosen not to assume jurisdiction over maritime or longshoring activities covered by those standards. The general industry and construction standards were found in the professional judgment of the Assistant Regional Director to be identical to the Federal standards in 29 CFR Part 1910 and 29 CFR Part 1926, and to provide overall protection equal to the comparable Federal standards in such issues.

(3) A sufficient number of qualified safety and health personnel employed under an approved merit system, that is, twenty-one (21) safety inspectors and three (3) health inspectors as of July 1, 1975.

(4) Operation since June 1, 1973, of a review and appeals system before the Iowa State Review Commission providing the mechanism for employers and employees to contest enforcement actions and/or abatement dates. The appeals are processed by the Commission under legislation effective on July 1, 1972.

(5) State enforcement since July 20, 1973, of the State standards described in (2) above, by the Iowa Bureau of Labor, and monitoring of this enforcement program under Subpart C of 29 CFR Part 1954, including three semi-annual evaluations, covering the period from July 1, 1973, to December 31, 1974.

(b) In addition, the State has provided under its plan for:

(1) Notification to employers and employees of rights and responsibilities under the State Act by requiring the display (starting August 1, 1975) of an approved State poster in workplaces covered by the plan.

(2) Occupational accident and illness recordkeeping and reporting by employers covered under the plan;

(3) Responding to complaints filed with the Iowa Bureau of Labor for violations of the prohibition against discrimination by employers against employees for exercising their rights under the State Act (§ 10.3).

(4) Assurance of the rights of employers and employees and their representatives consistent with the provisions of the Federal Act and its implementing regulations;

(5) Coverage of State and local Government employees in a manner designed to be ultimately as effective as the protection provided for private employees. Pursuant to this finding, an agreement effective July 1, 1975, and incorporated as part of the Iowa plan has been entered into between Jerry L. Addy, Commissioner of the Iowa Bureau of Labor, and J. A. Reidinger, Assistant Regional Director for Occupational Safety and Health of the U.S. Department of Labor, providing that Federal enforcement activity under section 18(e) of the Act will not be initiated after August 1, 1975 with regard to Federal occupational safety and health standards in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926 wherever Iowa occupational safety and health standards are in effect and operational.

Under the agreement Federal responsibility under the Act will continue to be exercised, among other things, with regard to complaints about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); enforcement of standards promulgated under the Act subsequent to the agreement where necessary to protect employees, as in the case of standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)), until such time as the State shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; enforcement of Federal standards in the maritime and longshoring issues covered by 29 CFR 1910.13 through 1910.16, which issues have been specifically excluded from coverage under the plan; inspections of bridge construction projects on structures spanning the Mississippi and Missouri Rivers between the State of Iowa and other States; and investigations and inspections for the purpose of evaluating the State plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)). The agreement is subject to revision or termination by the Assistant Secretary of Labor for Occupational Safety and Health upon substantial failure by the State to comply with any of its provisions, or when the results of evaluation under 29 CFR Part 1954 reveal that State operations covered by the agreement fail in a substantial manner to be at least as effective as the Federal program.

In accordance with this agreement and effective as of August 1, 1975, Subpart J of 29 CFR Part 1952 is hereby amended as set forth below.

Section 1952.162 is revised to read as follows:

§ 1952.162 Level of Federal enforcement.

Pursuant to §§ 1902.20(b)(1)(iii) and 1954.3 of this chapter under which an agreement has been entered into with Iowa, effective July 1, 1975, and based on a determination that Iowa is operational in issues covered by the Iowa occupational safety and health plan, discretionary Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926. The U.S. Department of Labor will continue to exercise authority, among other things, with regard to: complaints filed with the U.S. Department of Labor about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); Federal standards promulgated subsequent to the agreement where necessary to protect employees, as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)), in the issues covered under the plan and the agreement until such time as Iowa shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; standards in 29 CFR 1910.13 through 1910.16, which issues have been specifically excluded from coverage under the Iowa plan; inspections of bridge construction projects on structures spanning the Mississippi and Missouri Rivers between the State of Iowa and other States; and investigations and inspections for the purpose of the evaluation of the Iowa plan under section 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)). The Assistant Regional Director for Occupational Safety and Health will make a prompt recommendation for resumption of exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667 (e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in Iowa.

(Secs. 8(g)(2), 18, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C., this 28th day of October 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-29344 Filed 10-30-75;8:45 am]

Title 31—Money and Finance: Treasury

SUBTITLE A—OFFICE OF THE SECRETARY OF THE TREASURY

PART 9—EFFECTS OF IMPORTED ARTICLES ON THE NATIONAL SECURITY

Miscellaneous Amendments

Treasury Department regulations under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862), regarding investigations to determine the effects on the national security of imports of any article, are hereby amended to implement section 127(d) of the Trade Act of 1974, approved January 3, 1975 (Pub. L. 93-618; 88 Stat. 1993) and to update certain provisions.

Section 127(d)(3) of the Trade Act of 1974 amended section 232 of the Trade Expansion Act of 1962 to require the Secretary of the Treasury to investigate and determine whether any article is being imported in such quantities or under such circumstances so as to threaten to impair the national security and, within one year after receiving an application of an interested party requesting the investigation or otherwise beginning an investigation, to report his findings and recommendations for action or inaction to the President. In making this investigation, the Secretary of the Treasury is required to consult with the Secreary of Defense, the Secretary of Commerce, and any other appropriate officer of the United States. To reflect these changes, section 9.3(b) and 9.7(e) of the regulations (31 CFR 9.3(b), 9.7 (e)) are being amended.

Section 127(d)(3) of the Trade Act of 1974 also authorizes the Secretary of the Treasury, if he determines it appropriate, to hold public hearings so that interested parties can present information and advice relevant to a national security investigation. Section 9.7 of the regulations is being amended to reflect this change.

The regulations are also being amended to update the title of the Assistant Secretary of the Treasury (Enforcement, Operations, and Tariff Affairs) to conform with Treasury Department Order 190 (Revision 10). Further, section 9.6 of the regulations (31 CFR 9.6) is being amended to conform with existing law and agency procedure and practice for determining whether information submitted for an investigation will be treated as confidential. Section 9.9 of the regulations (31 CFR 9.9) is being revised to provide that reports of the findings of investigations will be published in the FEDERAL REGISTER, rather than providing that notice of the publication of reports will be published in the FEDERAL REGISTER.

1. The authority section of 31 CFR Part 9 is amended to read as follows:

AUTHORITY: (Sec. 232, as amended, 76 Stat. 877, 80 Stat. 369 (19 U.S.C. 1862); 5 U.S.C. 301; Reorganization Plan No. 1 of 1973; and E. O. 11726, dated June 27, 1973 (38 FR 17175).

2. Section 9.2 is revised to read as follows:

§ 9.2 Definitions.

As used herein, "Secretary" means the Secretary of the Treasury and "Assistant Secretary" means the Assistant Secretary of the Treasury (Enforcement, Operations, and Tariff Affairs).

3. Section 9.3(b) is revised to read as follows:

(b) The Secretary shall report the findings of his investigation under subsection (a) of this section with respect to the effect of the importation of such article in such quantities or under such circumstances upon the national security and, based on such findings, his recommendation for action or inaction to the President within one year after receiving an application from an interested party or otherwise beginning an investigation under this section.

4. Section 9.5(a) is revised to read as follows:

(a) Applications shall be in writing. Twenty-five copies shall be filed by mail with the Assistant Secretary (Enforcement, Operations, and Tariff Affairs), Department of the Treasury, Washington D.C. 20220.

* * * * *

5. Section 9.6 is revised to read as follows:

§ 9.6 Confidential information.

Information submitted in confidence which the Assistant Secretary determines would disclose trade secrets and commercial or financial information obtained from a person and privileged, within the meaning of 5 U.S.C. 552 and 31 CFR Part 1, will be accorded confidential treatment. All information submitted in confidence must be on separate pages marked "Business Confidential."

6. Sections 9.7(b), (c), (d), and (f)(5) are revised to read as follows:

§ 9.7 Conduct of investigation.

* * * * *

(b) If the Assistant Secretary determines that it is appropriate to hold public hearings or otherwise afford interested parties an opportunity to present information and advice relevant to an investigation, he shall issue a public notice which shall be published in the FEDERAL REGISTER. Such notice shall include a statement of the time, place and nature of any public hearing or shall solicit from any interested party written comments, opinions, or data relative to the investigation, to be submitted to the Assistant Secretary within

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the time period specified in the notice. Rebuttal to material so submitted may be filed with the Assistant Secretary within such time as is specified in the public notice. All data, comments and opinions shall be submitted with 25 copies.

(c) All applications filed and all comments, opinions, and data submitted pursuant to paragraph (b) of this section, except information determined to be confidential as provided in § 9.8, will be available for inspection and copying at the Office of the Assistant Secretary (Enforcement, Operations, and Tariff Affairs), Department of the Treasury, in Washington, D.C. The Assistant Secretary will maintain a roster of persons who have submitted materials.

• • • • • •

(e) The Assistant Secretary or his delegate shall, in the course of the investigation, seek information or advice from, and consult with, the Secretary of Defense, the Secretary of Commerce, or their delegates, and any other appropriate officer of the United States as the Assistant Secretary shall determine.

(f) • • •

(5) The hearing will be stenographically reported. The Assistant Secretary will not cause transcripts of the record of the hearing to be distributed to the interested parties, but a transcript may be inspected at the Office of the Assistant Secretary (Enforcement, Operations, and Tariff Affairs), Department of the Treasury, in Washington, D.C., or purchased from the reporter.

7. Section 9.9 is revised to read as follows:

§ 9.9 Report.

A report will be made and published in the FEDERAL REGISTER upon the disposition of each request, application or motion under § 9.3 of this part. Copies of the report will be available at the Office of the Assistant Secretary (Enforcement, Operations, and Tariff Affairs), Department of the Treasury.

Inasmuch as these amendments merely conform these regulations to the Trade Act of 1974, agency management and organization, existing administrative procedure or practice, and require no public initiative, notice and public procedure is found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. These amendments will be effective October 31, 1975.

Dated: October 22, 1975.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-29271 Filed 10-30-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 447-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to the New York State Implementation Plan

On April 8, 1974, the Commissioner of the New York State Department of Environmental Conservation submitted a proposed revision to the New York State Transportation Control Plan for the Genesee-Finger Lakes Intrastate Air Quality Control Region.

The plan which was originally approved by the Administrator on June 22, 1973 provided for the 1975 attainment and subsequent maintenance of the national ambient air quality standard for photochemical oxidants through implementation of: (1) the Federal Motor Vehicle Control Program (FMVCP); (2) the control of industrial process sources; and, (3) the inspection and maintenance of light-duty vehicles.

The revision submitted on April 8, 1974 was subject to State public hearings on March 12, 1974 and contains the following:

(1) an estimate of additional reductions to be obtained in hydrocarbon emissions from process sources due to solvent reformulation and control;

(2) a recalculation of automobile emissions based on an assumption of a greater amount of travel in new vehicles than that which was assumed in the original plan using national driving characteristics; and

(3) a proposal to delete the inspection and maintenance of light-duty vehicles as an element in the control strategy.

The reduction in hydrocarbon emissions from the major process source will not be attained until July 1, 1976. The Administrator believes that this delay from 1975 for attainment of the national standard for photochemical oxidants is justified since an inspection/maintenance program could not be implemented prior to July 1, 1976.

On August 1, 1975 (40 FR 32346) EPA published a notice of proposed rulemaking covering the subject revision to the New York State Transportation Control Plan and solicited public comments on this action. On page 32347 of this notice the total reduction which is predicted to occur as a result of this revision is presented. It is shown that the revision is more than adequate to provide for the attainment and maintenance of the national standard for photochemical oxidants. The Administrator concurs with the State's analysis and agrees that the inspection/maintenance program for light-duty vehicles in this AQCR appears unnecessary. At the close of the public comment period on August 31, 1975, two comments had been received by the EPA Region II Office.

The first comment received expressed the belief that inspection/maintenance is not a reasonable strategy for reducing pollutant emissions and, therefore, that the revision request should be approved.

The Administrator has determined that the comment does not directly relate to the revision request submitted by the State. The State's decision to delete inspection/maintenance as a control strategy element was based on revised calculations which show that this program is no longer required to provide for the attainment and maintenance of the national standard for photochemical oxidants. The Administrator still believes that inspection/maintenance is a feasible and cost effective program to reduce emissions of carbon monoxide and hydrocarbons.

The second comment points out that the current vehicle turnover rate in the Genesee-Finger Lakes AQCR cannot be extrapolated to future years due to changing gasoline prices, oil shortage fears and Federal safety requirements which make car costs more costly and less desirable. The Administrator has determined that the above factors may significantly affect the rate of vehicle turnover in this AQCR. However, factors such as increased fuel economy and increased reductions in carbon monoxide and hydrocarbon emissions from new vehicles will offset any of the factors raised above.

Effective Date: These revisions will become effective on December 1, 1975.

42 U.S.C. 1857c-5 and 9

JOHN QUARLES,
Acting Administrator.

OCTOBER 24, 1975.

Part 52 of Chapter I, Title 40 Code of Federal Regulations is amended as follows:

1. In § 52.1670, paragraph (c) is amended by revising subparagraph (3) as follows:

§ 52.1670 Identification of plan.

• • • • • •

(c) • • •

(3) October 26, 1973, November 27, 1973, January 17, 1974, April 8, 1974, August 29, 1974, October 11, 1974, December 6, 1974, January 27, 1975, February 25, 1975 and May 8, 1975.

[FR Doc.75-29233 Filed 10-30-75;8:45 am]

[449-4]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCE

Delegation of Authority to State of Colorado

Pursuant to the delegation of authority for the standards of performance for eleven categories of new stationary sources (NSPS) to the State of Colorado on August 27, 1975, EPA is today amending 40 CFR 60.4, Address, to reflect this delegation. A Notice announcing this delegation is published today in the FEDERAL REGISTER. The amended § 60.4, which adds the address of the Colorado Air Pollution Control Division to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must also be addressed, is set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on August 27, 1975, and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of Section 111 of the Clean Air Act, as amended, 42 U.S.C. 1857c-6.

Dated: October 22, 1975.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.4 paragraph (b) is amended by revising subparagraph (G) to read as follows:

§ 60.4 Address.

• • • • • •

(b) • • •

(G)—State of Colorado, Colorado Air Pollution Control Division, 4210 East 11th Avenue, Denver, Colorado 80220.

• • • • • •

[FR Doc.75-29234 Filed 10-30-75;8:45 am]

[449-5]

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to State of Colorado

Pursuant to the delegation of authority for national emission standards for hazardous air pollutants (NESHAPS) to the State of Colorado on August 27, 1975, EPA is today amending 40 CFR 61.04, Address, to reflect this delegation. A Notice announcing this delegation is published today in the Federal Register. The amended § 61.04, which adds the address of the Colorado Air Pollution Control Division to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must also be addressed, is set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on August 27, 1975, and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of Section 112 of the Clean Air Act, as amended, 42 U.S.C. 1857c-7.

Dated: October 22, 1975.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 61.04 paragraph (b) is amended by revising subparagraph (G) to read as follows:

§ 61.04 Address.

• • • • • •

(b) • • •

(G)—State of Colorado, Colorado Air Pollution Control Division, 4210 East 11th Avenue, Denver, Colorado 80220.

• • • • • •

[FR Doc.75-29237 Filed 10-30-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

[PUBLIC LAND ORDER 5545; I-8770]

IDAHO

Partial Revocation of Executive Order No. 7655

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, 43 U.S.C. 141 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Executive Order No. 7655 of July 12, 1937, creating the Deer Flat National Wildlife Refuge, is hereby revoked so far as it affects the following described lands:

BOISE MERIDIAN

T. 3 N., R. 3 W.,
Secs. 19 and 20, those portions lying north and west of the centerline of the road right-of-way on the shoreline area of Lake Lowell, designated as the "lower embankment";
Sec. 29, that portion of lots 1 and 3 lying south of the centerline of Lake Shore Drive;
Sec. 30, that portion of lot 11 lying south of the centerline of Lake Shore Drive;
Sec. 32, that portion of lot 1 lying south and west of the centerline of Lake Shore Drive.
T. 2 N., R. 3 W.,
Sec. 2, that portion of lots 5 and 7 and the S½SE¼ of said section lying south of the centerline of Lake Shore Drive;
Sec. 3, that portion of the N½ of said section lying south of the centerline of Lake Shore Drive;
Sec. 12, that portion of the NE¼ of said section lying south of the centerline of Lake Shore Drive.
T. 2 N., R. 2 W.,
Sec. 18, that portion of the NE¼ of said section lying south of the centerline of Lake Shore Drive.

The area described aggregates approximately 175 acres in Canyon County.

2. Except for any private lands which may be involved, the lands described in paragraph 1 above remain withdrawn from all forms of appropriation under the public land laws, including the mining laws, for the Payette-Boise Reclamation Project.

JACK O. HORTON,
Assistant Secretary of the Interior.

OCTOBER 24, 1975.

[FR Doc.75-29261 Filed 10-30-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

PART 307—FACILITIES FOR INSPECTION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Overtime or Holiday Inspection Service Schedule of Operations, Billing-Amendment

On October 3, 1975, there were published in the FEDERAL REGISTER (40 FR 45798-45801) amendments to Part 307 of the Federal meat inspection regulations (9 CFR 307), and Part 381 of the poultry products inspection regulations (9 CFR 381) pertaining to overtime and holiday inspection service, schedules of operations, and billings. The amendments were to become effective November 3, 1975.

Since the publication on October 3, additional information has become available which requires consideration and a reassessment of certain provisions of the regulations which pertain to the limitation on the number of hours inspectors may be engaged per shift in the performance of duty (§§ 307.4(e) and 381.37(e)) and to the authority of the Administrator to designate, in the case of small operations, the hours of the day and the days of the week during which operations requiring inspection may be conducted (§§ 307.4(f) and 381.37(f)). Therefore, such provisions are being deleted so that further evaluation and assessment may be made, as follows:

§ 307.4 [Amended]

1. Section 307.4 is amended by deleting paragraphs (e) and (f).

§ 381.37 [Amended]

2. Section 381.37 is amended by deleting paragraphs (e) and (f).

Effective date: November 3, 1975.

Done at Washington, D.C., this 30th day of October, 1975.

J. M. HEJL,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-29525 Filed 10-30-75;12:18 pm]

FEDERAL REGISTER, VOL. 40, NO. 211—FRIDAY, OCTOBER 31, 1975

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

ADJUSTED GROSS INCOME

Notice of Proposed Rulemaking

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by December 8, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by December 8, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform the regulations under section 62 of the Internal Revenue Code of 1954 to the provisions of section 6 of the Act of October 26, 1974 (88 Stat. 1457).

Section 62 was amended by the addition of paragraph (11) (which should be properly designated as paragraph (12)) which provides that amounts forfeited as a result of a premature withdrawal of funds from a time savings account or similar deposit are to be deducted from gross income in arriving at adjusted gross income. These regulations are effective for taxable years beginning after December 31, 1972.

Proposed amendments to the regulations. In view of the foregoing, such regulations are amended as follows:

Paragraph 1. Section 1.62 is amended by adding paragraphs (10), (11), and (11) [(12)] and by revising the historical note. These added and revised provisions read as follows:

§ 1.62 Statutory provisions; deductions from adjusted gross income.

Sec. 62. *Adjusted gross income defined.* For purposes of this subtitle, the term "adjusted gross income" means, in the case of an individual, gross income minus the following deductions:

* * * * *

(10) *Retirement savings.* The deduction allowed by section 219 (relating to deduction for certain retirement savings).

(11) *Certain portion of lump-sum distributions from pension plans taxed under section 402(e).* The deduction allowed by section 402(e)(3).

(11) [(12)] *Penalties forfeited because of premature withdrawal of funds from time savings accounts or deposits.* The deductions allowed by section 165 for losses incurred in any transaction entered into for profit, though not connected with a trade or business [,] to the extent that such losses include amounts forfeited to a bank, mutual savings bank, savings and loan association, building and loan association, cooperative bank or homestead association as a penalty for premature withdrawal of funds from a time savings account, certificate of deposit, or similar class of deposit.

[Sec. 62 as amended by sec. 7(b), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 826); sec. 213(b), Rev. Act 1964 (78 Stat. 52); sec. 531(b) Tax Reform Act 1969 (83 Stat. 655); secs. 2002(a)(2) and 2005(c)(9), Employee Retirement Income Security Act 1974 (88 Stat. 959, 992); sec. 6(a) Act of Oct. 26, 1974 (Pub. L. 93-483, 88 Stat. 1458)]

Par. 2. Section 1.62-1(c) is amended by adding at the end thereof paragraphs (14) and (15). The added provisions to read as follows:

§ 1.62-1 Deductions from adjusted gross income.

* * * * * *

(c) * * *

(14) [Reserved]

(15) For taxable years beginning after December 31, 1972, the deduction allowed by section 165 for losses incurred in any transaction entered into for profit though not connected with a trade or business, to the extent that such losses include amounts forfeited to a bank, mutual savings bank, savings and loan association, building and loan association, cooperative bank or homestead association as a penalty for premature withdrawal of funds from a time savings account, certificate of deposit or similar class of deposit.

[FR Doc.75-29366 Filed 10-30-75;8:45 am]

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[33 CFR Part 209]

PERMITS FOR ACTIVITIES IN NAVIGABLE WATERS OR OCEAN WATERS

On July 25, 1975, the Department of the Army, acting through the Corps of Engineers, published in the FEDERAL REGISTER (40 FR 31320) an interim final regulation which prescribes the policies, practice, and procedures to be followed in the processing of Department of the Army permits for activities in navigable or ocean waters, including the discharge of dredged or fill material in navigable waters. Interim final regulations were published in order to begin immediately to implement a permit program under Section 404 of the Federal Water Pollution Control Act (FWPCA) Amendments of 1972 in those waters which are to be included in the Corps regulatory jurisdiction pursuant to the order of the United States District Court for the District of Columbia in *Natural Resources Defense Council (NRDC) v. Calloway* et al Civil No. 74-1242. Notwithstanding the fact that the regulation became effective on July 25, 1975, the public was provided an additional comment period of 90 days for submitting comments on any of the provisions contained in the interim final regulation.

Subsequent to July 25, 1975, the Administrator of the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 41292), September 5, 1975, interim final guidelines, pursuant to Section 404(b) of the FWPCA. The guidelines are applicable to all activities involving the discharge of dredged or fill material in navigable waters and are to be considered in evaluating such applications for Department of the Army permits submitted in accordance with 33 CFR 209.120, "Permits for Activities in Navigable Waters or Ocean Waters," FEDERAL REGISTER (40 FR 31320), July 25, 1975. While the guidelines became effective upon publication, the public was provided an additional comment period of 90 days from September 5, 1975, for submitting comments on the provisions contained therein.

During the month of September the Corps of Engineers conducted public hearings at four locations: Annapolis, Maryland; San Bruno, California; Baton Rouge, Louisiana; and Omaha, Nebraska. The purpose of these hearings was to receive verbal and written comemnts from the public-at-large in order to provide responsive public input in the Federal regulatory process. The period for public input to the hearing records has been terminated.

During the months of October and continuing into November, the Corps of Engineers District and Division Offices have scheduled public information meetings to further publicize the new regulatory jurisdictional areas, procedures, and EPA guidelines in order to fully inform the public. As a result of these efforts, the Chief of Engineers is continuing to receive substantive comments at an increasing rate from an informed public.

In view of the large number of informational meetings yet to be conducted throughout the country during the month of November and substantive public responses expected to be received as a result of these meetings, as well as the direct interrelationship between the Department of the Army Corps of Engineers Regulatory Program and EPA published Section 404(b) guidelines, the comment period established in 40 FR 31320 is hereby extended to December 5, 1975.

All comments received by December 5, 1975, will be reviewed and evaluated by the Corps of Engineers in determining possible and feasible future revisions to the July 25, 1975, interim final regulation.

All comments, suggestions, or objections to these regulations (40 FR 31320) should be submitted in writing to the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, ATTN: DAEN-CWO-N.

Dated: October 23, 1975.

KENNETH E. MCINTYRE,
Brigadier General, U.S.A.,
Deputy Director of Civil Works.

[FR Doc.75-29444 Filed 10-30-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Subpart 2912]

RECREATION AND PUBLIC PURPOSES ACT

Processing and Disposal of Solid Waste

The purpose of this amendment is to provide regulations for use by the Bureau of Land Management in complying with section 211 of the Solid Waste Disposal Act as amended (42 U.S.C. 3254e); E. O. 11752; and to insure compliance with Environmental Protection Agency guidelines by lessees of public lands under the jurisdiction of the Bureau of Land Management for purposes of disposal of solid waste.

In accordance with the Department's policy on public participation in rulemaking (36 FR 8336), interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C., 20240 until December 1, 1975.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Public Affairs, Bureau of Land Management, Room 5625, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.-4:15 p.m.).

It is hereby determined that the publication of this amendment is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C) is required.

In 43 CFR Chapter II, subpart 2912 is amended by adding §§ 2912.3 through 2912.3-3 to read as follows:

§ 2912.3 Leases for solid waste disposal sites.

§ 2912.3-1 Requirement.

Compliance with *Guidelines for the Thermal Processing of Solid Wastes, Guidelines for the Land Disposal of Solid Waste, and Regulations for the Acceptance of Certain Pesticides and Recommended Procedures for the Disposal and Storage of Pesticides and Pesticide Containers,* as promulgated by the Environmental Protection Agency, is required under leases issued for purposes of disposal of solid waste. Each such lease shall contain provisions to insure compliance.

§ 2912.3-2 References.

(a) *Guidelines for the Thermal Processing of Solid Wastes* are contained in 40 CFR 240 (39 FR 29328-29338).

(b) *Guidelines for the Land Disposal of Solid Waste* are contained in 40 CFR 241 (39 FR 29328-29338).

(c) *Regulations for the Acceptance of Certain Pesticides and Recommended Procedures for the Disposal and Storage of Pesticides and Pesticide Containers* are contained in 40 CFR 165 (39 FR 15236-15241).

§ 2912.3-3 Procedures.

(a) All new leases shall contain express stipulations requiring compliance with the above referenced guidelines. Leases and respective plans of development and management already in existence without such specific stipulations shall be amended to require compliance with the above guidelines by lessees. In all cases, the lease must stipulate that failure to comply with the guidelines shall constitute sufficient grounds for cancellation of the lease.

(b) Lease applicants shall include in the plan of development and management detailed descriptions of the methods and procedures that will be employed to achieve compliance with the above guidelines. The recommended procedures in the guidelines must be followed unless the applicant demonstrates in the plan of development and management that specified alternative procedures will insure compliance with the requirements of the guidelines.

(c) Determinations as to how such compliance in meeting the requirements of the above guidelines shall occur are to be made by the authorized officer of the Bureau of Land Management.

JACK O. HORTON,
Assistant Secretary of the Interior.

OCTOBER 23, 1975.

[FR Doc.75-29260 Filed 10-30-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 905]

HANDLING OF ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Proposed Rulemaking With Respect to Approval of Expenses and Rate of Assessment for 1975-76 Fiscal Period

This notice invites written comment relative to the proposed expenses of $160,500 and rate of assessment of $0.0045 per standard packed box of fruit to support the activities of the Growers Administrative Committee for the 1975-76 fiscal period under Marketing Order No. 905.

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That expenses that area reasonable and likely to be incurred by the Growers Administrative Committee during the period August 1, 1975, through July 31, 1976, will amount to $160,500.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 905.41, be fixed at $0.0045 per standard packed box of fruit.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 17, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 28, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-29363 Filed 10-30-75;8:45 am]

V40211 OCT 31 75 XUM

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 298]

FEDERAL SHIP MORTGAGE AND LOAN INSURANCE

Notice of Rulemaking

Notice is hereby given that Part 298 of Title 46 of the Code of Federal Regulations governing the Federal Ship Financing Program under Title XI of the Merchant Marine Act, 1936, as amended, is amended. One amendment to Part 298 increases the filing fee from $100 to $1000, and conditions any commitment to guarantee obligations to finance vessel construction, reconstruction or reconditioning upon the receipt by the Secretary of Commerce of the investigation fee, which is due at the time the letter commitment to guarantee is issued. Other amendments to Part 298 require (1) the payment of a fee of $3000 (in addition to the original investigation fee) to process any change, which in the opinion of the Secretary is substantial, after a commitment to guarantee has been issued but does not require substantial changes in documentation, and (2) the payment of an additional fee in the amount of 50 percent of the original investigation fee, but not to exceed $50,000, where substantial changes in documentation are required.

Part 298 of 46 CFR is amended, effective October 31, 1975, to read as follows:

1. Paragraph (d) and (f) of § 298.3 is revised to read as follows:

§ 298.3 Applications.

* * * * *

(d) *Investigation fee.* Each application must be accompanied by payment pursuant to Section 1104(e) of the act in the amount of $1,000, which payment shall be retained by the Secretary irrespective of the final disposition of the application. At the time the letter Commitment to Guarantee Obligations is issued, the applicant shall pay to the Secretary such additional amount or amounts, less the $1,000 filing fee previously paid, as the Secretary may deem reasonable for the investigation of the application, for the appraisal of properties offered as security, for the issuance of commitments, and for the inspection of such properties during construction, reconstruction or reconditioning: Provided, that such charges shall not aggregate more than one half of one per centum of the maximum principal amount of the guarantee. No commitment to guarantee obligations shall be considered to have been issued without the receipt by the Secretary of the amounts due under this section.

* * * * *

(f) *Amendment of application.* (1) An amendment to an application for the guarantee of obligations under Title XI of the act may be made to the Secretary, Maritime Administration.

(2) An amendment made prior to the review of the documentation of a transaction by the Maritime Administration which represents, in the opinion of the Secretary, a substantial change to an application which has received a Commitment to Guarantee Obligations shall be subject to a charge in the amount of $3,000, which will be applied to cover the cost of processing the amendment to the application. "Substantial changes" would include, but not necessarily be limited to, changes from an ownership application to a sale and leaseback, drastic alteration of vessel design, large cost increases, or other changes that affect the basic economics of the project.

(3) An amendment which involves, in the opinion of the Secretary, substantial changes in the documentation of a transaction subsequent to the review of such documentation by the Maritime Administration shall be subject to a charge equal to one half of the investigation fee charged pursuant to Section 298.3(d), but not to exceed $50,000. 'Substantial changes' would include, but not necessarily be limited to, a basic change in the structure of the financing such as a change from ownership to a sale and lease arrangement or substantial change in the parties resulting in a basic change affecting the credit risk of the financing. Changes in the ordinary course of documentation such as cost changes, assignments, simple substitutions of parties not affecting the basic credit or structure of the transaction and other similar changes shall not be construed as a 'substantial change'.

§ 298.3 [Removed]

2. Paragraph (g) of § 298.3 is deleted.

(Secs. 204(b) and 1109, Merchant Marine Act, 1936, as amended (46 USC 1114), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 842) as amended by Pub. L. 91-469 (84 Stat. 1036), and Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973))

Dated: October 22, 1975.

By order of the Assistant Secretary for Maritime Affairs.

(Catalog of Federal Domestic Assistance Program No. 11,502 Federal Ship Financing Guarantees (Title XI MMA-1936)).

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-29219 Filed 10-30-75;8:45 am]

HOUSING AND URBAN DEVELOPMENT

[24 CFR Part 1917]

Federal Insurance Administration

[Docket No. FI-740]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of South Bethany, Delaware

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234, 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Town of South Bethany.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Town Offices, South Bethany, Delaware 19930.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Robert F. Terrill, P.O. Box 25, South Bethany, Delaware 19930. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or January 29, 1975, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Atlantic Ocean	Shoreline to 77 ft inland	14	Not applicable.
	77 ft inland to inland side of U.S. 14	6-14	Do.
	Inland side of U.S. 14	6	Do.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting
Federal Insurance Administrator.

[FR Doc.75-29275 Filed 10-30-75;8:45 am]

[Docket No. FI-739]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the County of Sussex, Delaware

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the County of Sussex.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the County must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Sussex County Courthouse, Georgetown, Delaware 19947.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Oliver E. Hill, P.O. Box 507, Georgetown, Delaware 19947. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or January 29, 1975, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-year flood boundary (feet)
Indian River Bay, Rehoboth Bay, Indian River, Little Assawoman Bay.	State Route 24	6	Entire road, 100 ft south of Unity Branch to 400 ft north of Unity Branch.
Atlantic Ocean, Indian River Bay, Rehoboth Bay, Indian River, Little Assawoman Bay.	State Route 14	7	Entire road, from Dewey Beach to 900 ft southwest of Coltonpatch Hill.
Do.	Long Neck Rd.	6	Entire road, 5,000 ft west of Roman T Pond to 8,000 ft west of Roman T Pond.
Indian River Bay, Rehoboth Bay, Indian River, Little Assawoman Bay.	State Route 5	6	Entire road, 200 ft northwest of Indian River to 1,200 ft northwest of Indian River.
Do.	Piney Neck Rd.	6	Road from Indian River to 3,100 ft southwest of Indian River.
Indian River Bay, Rehoboth Bay, Indian River, Little Assawoman Bay, storm tides.	State Route 26	6	Road from west bank of Vines Creek to 700 ft east of the west bank of Vines Creek.
Atlantic Ocean, Indian River Bay, Rehoboth Bay, Indian River, Little Assawoman Bay, storm tides.	State Route 14	7	Road from northern Bethany Beach corporate limits to 3,800 ft north of northern Bethany Beach corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting
Federal Insurance Administrator.

[FR Doc.75-29276 Filed 10-30-75;8:45 am]

[Docket No. FI-737]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Town of East Hampton, Suffolk County, New York

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Town of East Hampton.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the City Hall, 159 Pantigo Road, East Hampton.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Supervisor Judith Hope, 159 Pantigo Road, East Hampton. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or January 29, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

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Source of flooding	Location	Elevation (feet above mean sea level)	Width in feet from shoreline to 100-yr flood boundary
Gardiners Bay	Along Bostwick Creek	8	50 to 1,000.
	Along Cherry Hill Pond	8	200 to 1,800.
	Captain Kidd Hollow	8	125.
	Along Home Pond	8	450 to 2,000.
	Along Little Pond	8	150 to 2,150.
	Along Oakes Pond	8	200 to 900.
	Along Airport Pond	8	225 to 1,250.
	Along Great Pond	8	550 to 2,300.
	Cartwright Island	8	All of Island.
	Ladarges Landing	8	200.
	Brook Landing	8	300.
	Along Sammys Beach	8	550 to 2,100.
	Hog Creek Point	8	175.
	Hog Creek	8	5,800.
	Fireplace Road	8	500.
	Along Gerard Park	8	900 to 1,900.
	Along Acabonac Harbor	8	900 to 5,000.
	Along East Harbor	8	2,900 to 5,200.
	Barnshole Rd	8	1,750.
	North-West Landing Rd (extended)	8	4,500.
Block Island Sound	At Whale Hill	8	175.
	Along Tobecoiot Pond	8	200 to 4,650.
	Rocky Point	8	100.
	Along Fort Pond	8	1,200 to 5,800.
	Culloden Point	8	100.
3-Mile Harbor	Hands Creek Landing	8	300 to 400.
	Copeces Lane (extended)	8	550.
Napeague Bay	Abrams Landing	8	100.
	Lazy Point Rd	8	2,400.
Lake Montauk	Along West Lake Dr	8	75 to 575.
	Along East Lake Dr	8	100 to 550.
Atlantic Ocean	Indian Well Plain Highway (Amagansett Beach).	11	1,725.
	Hedges Lane (extended)	11	1,100.
	Marine Blvd	11	2,250.
	Beach Hampton	11	1,975.
	Intersection of Napeague Meadow Rd and Highway 27.	11	2,550 (to Napeague Harbor).
	Along Napeague Beach	11	125 to 400.
	Along Wainscott Pond	11	450 to 3,900.
	Along Georgica Pond	11	800 to 6,500.

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.

Issued: October 15, 1975.

J. ROBERT HUNTER,
Acting
Federal Insurance Administrator.

[FR Doc.75-29278 Filed 10-30-75;8:45 am]

[Docket No. FI-738]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Township of Tredyffrin, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Township of Tredyffrin.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township of Tredyffrin must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at 973 Old Lancaster Road, Berwyn, Pennslyvania 19312.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify the Township Manager, Mr. Norman Mawby. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or January 29, 1975, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Trout Creek	Upstream, Golph Rd	112.5	270	140
	Upstream, Richards Rd	113.5	200	160
	Upstream, Glenhardie Rd	115	110	210
	Downstream, Pennsylvania Turnpike	122.5	70	45
	Upstream, Pennsylvania Turnpike	125.5	280	285
	Upstream, Thomas Rd	133	80	180
	Upstream, Walker Rd	152	150	220
	Downstream, U.S. Route 202	187	370	120
	Upstream, Reading R.R	188	85	45
	Upstream, Coldstream Dr	195	190	80
	Downstream, Contention Lane	217.5	40	30
Tributary No. 1	Downstream, Pennsylvania Turnpike	119	110	270
	Upstream, Pennsylvania Turnpike	122.5	480	400
Tributary No. 2	Downstream, U.S. Route 202	174	80	40
Little Valley Creek	Downstream, Mill Rd	149	750	158
	Downstream, West Swedesford Rd	160.5	500	120
	Upstream, North Valley Rd	191	40	80
	Downstream, U.S. Route 202	206	400	380
	Upstream, U.S. Route 202	210	220	900
	Reading R.R	222	200	100
	Cedar Hollow Rd	225	140	95
	Matthews Rd	234.5	310	90
Valley Creek	Upstream, Yellow Springs Rd	108.5	100	70
	Upstream, Wilson Rd	115	100	140
	Downstream, Pennsylvania Turnpike	120	240	260
	Upstream, Pennsylvania Turnpike	125	115	320
	Upstream, Mill Rd	139.5	90	130
	Upstream, Le Boutillier Rd	151	270	280
	Upstream, North Valley Rd	160.5	140	250
	Upstream, Reading R.R	190.4	140	310
	Upstream, Church Rd	198	90	75

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 15, 1975.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.75-29279 Filed 10-30-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 75-175]

[46 CFR Part 401]

GREAT LAKES PILOTAGE RATES

Proposed Increase

The Coast Guard is considering amending Title 46 Code of Federal Regulations by increasing existing basic rates for Great Lakes Pilotage by 25%.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments regarding the proposal to the Commandant (G-CMC), U.S. Coast Guard, Washington, D.C. 20590. Each person submitting comments should include his name and address and organization, if any, identify the notice number (CGD 75-175) and give reasons for any recommended change in the proposal. Copies of all written comments received will be available for examination in Room 8234, Department of Transportation, 400 Seventh Street S.W., Washington, D.C. All written comments received on or before December 1, 1975 will be fully considered before final action is taken on this proposal.

No public hearing is contemplated at this time. A public hearing may be held at a time and place set in a later notice in the FEDERAL REGISTER if requested by an interested person raising a genuine issue and desiring an opportunity to comment orally at a public hearing.

Great Lakes Pilotage rates were increased September 1, 1974 as published August 29, 1974 (39 FR 31529). The impact of inflation on the U.S. pilot associations has eroded pilot compensation and increased the operating expenses of the pilotage pools. This problem has been compounded by a decline of foreign vessel traffic into the Great Lakes in recent years, necessitating a rate revision at this time.

It is proposed to change the method for determining rates in District 1 from a point to point basis to a mileage charge. This change would facilitate the computation of the charge for partial trips over the various segments of District 1. The basic rates would be increased 25% under this mileage charge the same as it would be under the existing method of determining rates.

The Coast Guard is also considering the introduction of a $100 charge for the services the pilot provides in docking and undocking a vessel in the designated waters. While this concept of a docking/undocking charge in designated waters is not a part of the proposed rate increase, the Coast Guard would appreciate comments regarding a docking/undocking charge in designated waters. After review of the comments and further study by the Coast Guard, a docking/undocking charge may be included in the rate increase.

In consideration of the foregoing, it is proposed that Part 401 of Title 46 of the Code of Federal Regulations be amended as follows:

1. By revising § 401.405 to read as follows:

§ 401.405 Basic rates and charges on designated waters.

Except as provided under § 401.420, the following basic rates shall be payable for all services and assignments performed by U.S. Registered Pilots in the areas described in § 401.300.

(a) District 1:

(1) For passage through the District or any part thereof, $4.60 for each statute mile plus $58.75 for each lock transited but with a minimum basic rate of $131.25 and a maximum basic rate for a through trip of $577.50.

(2) For a movage in any harbor $197.50.

(b) District 2:

(1) Passage through the Welland Canal or any part thereof, $16.25 for each statute mile plus $58.75 for each lock transited but with a minimum basic rate of $197.50 and a maximum basic rate for a through trip of $728.75. When U.S. pilots are changed at Lock 7 on a through trip, the basic rates are apportioned as follows:

(i) Between northerly limits and Lock 7 $363.75.

(ii) Between Lock 7 and southerly limits $363.75.

(2) Between Southeast Shoal or any point on Lake Erie west thereof and any point on the St. Clair River or the approaches thereto as far as the northerly limit of the district $583.75. When U.S. pilots are changed at Detroit/Windsor on a through trip, the basic rates are apportioned as follows:

(i) Between Southeast Shoal or any point on Lake Erie west thereof and Detroit/Windsor $242.50.

(ii) Between Detroit/Windsor and the northerly limits $341.25.

(3) Between Southeast Shoal and any point on Lake Erie west of Southeast Shoal and any point on the Detroit River $335.

(4) Between any point on Lake Erie west of Southeast Shoal and any point on the Detroit River $335.

(5) Between points on Lake Erie west of Southeast Shoal $197.50.

(6) Between points on the Detroit River $197.50.

(7) Between any point on the Detroit River and any point on the St. Clair River or its approaches as far as the northerly limit of the District $440.

(8) Between points on the St. Clair River including the approaches thereto as far as the northerly limit of the District $242.50.

(c) District 3:

(1) Between the southerly limit of the District and the northerly limit of the District or the Algoma Steel Corporation Wharf at Sault Ste. Marie, Ontario $525.

(2) Between the southerly limit of the District and Sault Ste. Marie, Ontario, or any point in Sault Ste. Marie, Ontario, other than the Algoma Steel Corporation Wharf $440.

(3) Between the northerly limit of the District and Sault Ste. Marie, Ontario including the Algoma Steel Corporation Wharf, or Sault Ste. Marie, Michigan $197.50.

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(4) For a movage in any harbor $197.50.

2. By revising § 401.410 to read as follows:

§ 401.410 Basic rates and charges on undesignated waters.

(a) Except as provided under § 401.420 and subject to paragraph (b) of this section, the basic rates to be paid by a ship that has a U.S. registered pilot on board in the undesignated waters shall be:

In Lake Ontario	$105
In Lake Erie	157.50
In Lakes Huron and Michigan	105
In Lake Superior	98.75

for each 6 hour period or part thereof that the U.S. pilot is on board, plus $100 for each time the U.S. pilot performs the docking or undocking of the ship.

(b) When in a direct transit of the undesignated waters of Lake Erie between Southeast Shoal and Port Colborne, or between Port Colborne and Southeast Shoal, and the master of the ship plans to utilize an appropriate certificate in lieu of the services of the U.S. pilot, the ship shall pick up or discharge the U.S. pilot at the Cleveland pilot boat. No charge is to be made for the transit between Southeast Shoal and the Cleveland pilot boat or between the Cleveland pilot boat and Southeast Shoal unless the services of the U.S. pilot are utilized.

3. By revising § 401.420 to read as follows:

§ 401.420 Cancellation, delay or interruption in rendition of services.

(a) When, in designated or undesignated waters, the passage of a ship is interrupted for the purpose of loading or discharging cargo or for any reason and the services of the U.S. pilot are retained during such interruption or when a U.S. pilot is detained on board a ship after the end of an assignment for the convenience of the ship, the ship shall pay an additional charge calculated on a basic rate of $16.25 for each hour or part of an hour during which each interruption lasts with a maximum basic rate of $262.50 for each 24-hour period of such interruption. However, there is no charge for any interruption caused by ice, weather, or traffic, except during the period beginning the 1st day of December and ending on the 8th day of the following April. Additionally, no charge shall be made for any interruption if the total interruption is ended during the 6-hour period for which a charge has been made under § 401.410.

(b) When, in designated or undesignated waters, the departure or movage of a ship for which a U.S. pilot has been ordered is delayed for the convenience of the ship for more than 1 hour after the U.S. pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is the later, the ship shall pay an additional charge calculated on a basic rate of $16.25 for each hour or part of an hour after the fist hour of such delay, with a maximum basic rate of $262.50 for each 24-hour period of such delay.

(c) When, in designated or undesignated waters, a U.S. pilot reports for duty as ordered and the order is canceled, the ship shall pay:

(1) A cancellation charge calculated on a basic rate of $98.75.

(2) If the cancellation is more than 1 hour after the U.S. pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is the later, a further charge calculated on a basic rate of $16.25 for each hour or part of an hour after the first hour, with a maximum basic rate of $262.50 for each 24-hour period of such cancellation.

4. By revising § 401.428 to read as follows:

§ 401.428 Basic rates and charges for carrying a U.S. pilot beyond normal change point.

If a U.S. pilot is carried beyond his normal change point or is unable to board at his normal boarding place the U.S. pilot shall be paid at the rate of $100 per day or part thereof, plus reasonable travel expenses to or from his base. These charges are not applicable if the ship utilizes the services of the U.S. pilot beyond his normal change point and the ship is billed for those services. The change point to which this section applies are designated in § 401.450.

(Sec. 4 and sec. 5, 74 Stat. 260 (46 USC 216b, 216c); sec. 6(a)(4), 80 Stat. 937, as amended (49 USC 1655(a)(4); 49 CFR 1.46(a)))

Dated: October 24, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard Chief, Office of Merchant Marine Safety.

[FR Doc.75-29298 Filed 10-30-75;8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 15120]

AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale Alouette III Helicopter Models SE 3160 and SA 316B

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Alouette III SE. 3160 and SA316B helicopters incorporating Houdaille AV4S2 hydraulic dampers in the directional control system. It has been reported that binding of the AV4S2 hydraulic dampers causes discontinuities in the control force required for tail rotor directional control and thereby jeopardizes safe operation. Since this condition is likely to exist or develop in other helicopters of the same type design, the proposed airworthiness directive would require either replacement or modification of the AV4S2 damper.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before December 1, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE (formerly SUD AVIATION). Applies to Alouette III Helicopter Models SE.3160 and SA316B, certificated in all categories.

Compliance is required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished in accordance with Alouette Service Bulletin No. 05.38, as revised June 14, 1971.

To prevent possible binding of the tail rotor directional control, either replace the Houdaille type AV4S2 hydraulic damper with type AV4S3, or modify the type AV4S2 hydraulic damper by incorporating Houdaille Kit 10.338, in accordance with subparagraph 1C(2)(b) of Alouette Service Bulletin 05.38 as revised June 14, 1971, or equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, A.P.O. New York, N.Y. 09667.

Issued in Washington, D.C., on October 16, 1975.

J. A. FERRARESE,
Acting Director, Flight Standards Service.

[FR Doc.75-29268 Filed 10-30-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-NE-29]

ALTERATION OF TRANSITION AREA

Proposed Rule Making

The Federal Aviation Adminisrtation (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Portland, Maine, Transition Area to include additional airspace east of Pease Air Force Base, N.H. Coincident with the amendment, Warning Area W-103 would be reduced in size.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803. All communications received on or before December 1, 1975 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 809 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The proposed amendment would extend the eastern boundary of the Portland, Maine, 1,200-foot transition area to encompass airspace now contained within Warning Area W-103 between its western edge and longitude 70°25'00"W. Concurrently, the western boundary of Warning Area W-103 would be relocated at longitude 70°25'00"W.

In consideration of the foregoing, it is proposed to amend § 71.181 by redescribing the Portland, Maine, Transition Area, to read as follows:

PORTLAND, MAINE, TRANSPORTATION AREA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Center (latitude 43°38'50"N., longitude 70°18'30"W) of Portland International Jetport; within 4.5 miles south and 9.5 miles north of the Portland ILS localizer west course, extending from the OM to 18.5 miles west of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°59'00"N., longitude 69°16'00"W, thence to latitude 43°50'00"N., longitude 69°18'00" W., to latitude 43°44'00"N., longitude 69°19' 42"W., to latitude 43°41'00"N., longitude 69°30'00"W.; to latitude 43°30'00"N., longitude 70°06'00"W., to latitude 43°18'15"N., longitude 70°25'00"W., to latitude 42°43'15" N., longitude 70°25'00"W., to latitude 42°41' 20"N., longitude 70°30'15"W., thence along a line 3 nautical miles from and parallel to the shoreline to latitude 42°44'25"N., longitude 70°37'15"W., to latitude 42°53'00"N., longitude 71°05'00"W., to latitude 43°45'00" N., longitude 71°09'00"W., to latitude 44°06' 00"N., longitude 70°43'00"W., to latitude 44°02'05"N., longitude 70°37'30"W., to latitude 44°13'30"N., longitude 70°11'30"W., to latitude 44°12'00"N., longitude 70°10'00"W., to latitude 44°05'00"N., longitude 70°23'00" W., to latitude 43°55'00"N., longitude 70°28' 00"W., to latitude 43°50'00"N., longitude 70°12'00"W., to latitude 44°03'00"N., longitude 70°06'00"W., to latitude 44°09'00"N., longitude 69°57'0"W., thence counterclockwise via the arc of a 14-mile radius circle centered on the Augusta, Maine, VOR to latitude 44°09'00"N., longitude 69°39'00"W., thence to the point of beginning.

Extending the Portland, Maine Transition Area as proposed would permit Pease Air Force Base to use a vectoring altitude of 1,500 feet to a greater distance east of the field. This option is not presently available because it would require flight within W-103.

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on October 24, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-29269 Filed 10-30-75;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[EDR-289; Docket 28434]

PASSENGER REVENUE AND TRAFFIC DATA BY TYPE OF FARE

Proposed Rulemaking

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 241 of the Economic Regulations (14 CFR Part 241) which would require the monthly submission of passenger revenue and traffic data by type of fare for the 48-State operations of the domestic trunks as part of the CAB Form 41 report.

The principal features of the proposed amendment are described in the attached Explanatory Statement and the proposed amendments are set forth in the Proposed Rule. The amendments are proposed under authority of sections 204 (a) and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766, as amended; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rulemaking through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before December 1, 1975, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., upon receipt thereof.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so through submission of comments in letter form to the Docket Section at the address indicated above, without the necessity of filing additional copies thereof.

Dated: October 24, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

In this rulemaking proceeding, the Board is proposing to require the trunk carriers to report, on a 48-State basis,[1] revnue passenger miles, passenger revenue, passenger yield, revenue passenger enplanements, and average trip length for various categories of full-fare and discount-fare traffic. The Board has tentatively concluded that the reports should be submitted on a monthly basis, thirty days after the end of the month.

At the present time, traffic and revenue data are not broken down between full fare and discount fare in the Form 41 reports. However, it is important that the Board have information of this sort to exercise its regulatory responsibilities under the Act. First, in Phase 5 of the *Domestic Passenger-Fare Investigation*, the Board adopted the policy that the overall fare level should be computed on a hypothetical full normal-fare basis—*i.e.*, as if discount fares not based on costs savings were not a part of the fare structure. In order to monitor the domestic fare level in light of this policy, the Board needs traffic and revenue data broken down between full-fare and discount-fare services. In addition, with respect to individual types of discount fares, the

[1] As explained below, the primary purpose of this rule is to supplant the reporting of similar data in Docket 21866-5. Those reports are confined to the 48-State operations of the domestic trunks, and, in our judgment, it is appropriate to so restrict the scope of this rulemaking.

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Board often finds it desirable to require the carriers to file monthly reports showing the traffic and revenue from the fare in order to monitor the results of the particular discount fare and its impact upon carrier operations.

At the present, the only sources of traffic and revenue data by class of fare are monthly reports submitted in the Phase 5 docket, and other reporting requirements imposed from time to time by Board orders relating to specific types of discount fares. Experience has demonstrated the difficulties of relying on these sources: the information is often not filed in a timely fashion, is incomplete at times, and is not compiled on a consistent basis by the various carriers. Obviously, these difficulties impair the usefulness of the data.

Accordingly, we are proposing to add a new schedule P–13, Passenger Revenue and Traffic Data by Type of Fare—48-States, to provide the necessary information in the Form 41 reports. By regularizing the reporting of these data and specifying a consistent basis on which to report the data, the resulting reports should be more useful to the Board and all other users of this information. At the same time, since the data required by the proposed rule are essentially the same as the data now required to be reported elsewhere, the burden on the carriers of complying with this rule should be minimal.[3]

It is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) as follows:

1. Amend Section 22—General Reporting Instructions—as follows:

A. By adding to the "List of Schedules in CAB Form 41 Report" in paragraph (a), new schedule P–13, "Passenger Revenue and Traffic Data by Type of Fare—48 States" the revised list in pertinent part to read:

[3] If the proposed rule is finalized, we will issue an appropriate order terminating the Phase 5 reporting requirement.

List of schedules in CAB Form 41 Report

Schedule No.	Schedule title	Filing frequency
•	•	•
P–12(a)	Fuel consumption by type of service and specific operational markets	Do.
P–13	Passenger revenue and traffic data by type of fare—48 States	Do.
T–1	Traffic and capacity statistics by class of service	Do.
•	•	•

B. By adding to the list of "Due Dates of Schedules in CAB Form 41 Report" in paragraph (a) new schedule P–13 as follows:

DUE DATES OF SCHEDULES IN CAB FORM 41 REPORT

Due date [1]	*Schedule Nos.*
Jan. 20	P–12, P–12(a).
Jan. 30	B–1, P–1(a), P–13, T–1, T–2, T–3, T–7, T–41.
Feb. 10 [2]	A, B–2, B–3, B–4, B–5, B–7, B–7(b), B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–2, P–2(a), P–3, P–3(a), P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–8, P–9.1, P–9.2, P–10, P–11(a), P–11(b), T–6.
Feb. 20	P–12, P–12(a).
Mar. 1	B–1, P–1(a), P–13, T–1, T–7.
Mar. 20	P–12, P–12(a).
Mar. 30	A–2, B–1, B–41, B–43, B–44, B–46, P–1(a), P–13, G–41, G–42, G–43, G–44, T–1, T–7.
Apr. 20	P–12, P–12(a).
Apr. 30	B–1, P–1(a), P–13, T–1, T–2, T–3, T–7.
May 10	A, B–2, B–3, B–4, B–5, B–7, B–7(b), B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–2, P–2(a), P–3, P–3(a), P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–8, P–9.1, P–9.2, P–10, P–11(a), P–11(b), T–6.
May 20	P–12, P–12(a).
May 30	B–1, P–1(a), P–13, T–1, T–7.
June 20	P–12, P–12(a).
June 30	B–1, P–1(a), P–13, T–1, T–7.
July 20	P–12, P–12(a).
July 30	B–1, P–1(a), P–13, T–1, T–2, T–3, T–7.
Aug. 10	A, A–1, B–2, B–3, B–4, B–5, B–7, B–7(b), B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–2, P–2(a), P–3, P–3(a), P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–8, P–9.1, P–9.2, P–10, P–11(a), P–11(b), T–6.
Aug. 20	P–12, P–12(a).
Aug. 30	B–1, P–1(a), P–13, T–1, T–7.
Sept. 20	P–12, P–12(a).
Sept. 30	B–1, P–1(a), P–13, T–1, T–7.
Oct. 20	P–12, P–12(a).
Oct. 30	B–1, P–1(a), P–13, T–1, T–2, T–3, T–7, T–41.
Nov. 10	A, B–2, B–3, B–4, B–5, B–7, B–7(b), B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–2, P–2(a), P–3, P–3(a), P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–8, P–9.1, P–9.2, P–10, P–11(a), P–11(b), T–6.
Nov. 20	P–12, P–12(a).
Nov. 30	B–1, P–1(a), P–13, T–1, T–7.
Dec. 20	P–12, P–12(a).
Dec. 30	B–1, P–1(a), P–13, T–1, T–7.

[1] Due dates falling on a Saturday, Sunday, or national holiday will become effective the first following work day.

[2] B and P reporting dates are extended to Mar. 30, if preliminary schedules are filed at the Board by Feb. 10.

2. Amend Section 24—Profit and Loss Elements—by inserting, following the reporting instructions for schedule P–12 (a), reporting instructions for new schedule P–13, to read as follows:

SCHEDULE P–13—PASSENGER REVENUE AND TRAFFIC DATA BY TYPE OF FARE—48 STATES

(a) This schedule shall be filed monthly by all domestic trunk air carriers.[3]

(b) A single copy (original only) of this schedule shall be filed to report revenue and traffic data by type of fare on a 48-State basis as a supplement to the domestic entity report.

(c) The appropriate data required in columns 2 through 6 shall be reported for each type of fare listed in column 1. Data shall also be separately identified and reported on this schedule for (1) any other type of fare reported on line 10 amounting to five percent or more of total revenue passenger-miles; and (2) any fare for which monthly reports are specifically required by Board order.

(d) Column 2 shall report the total revenue passenger-miles for each fare category on a 48-State basis.

(e) Column 3 shall report the total passenger revenue for each fare category on a 48-State basis.

(f) Column 4 shall report the revenue passenger yield for each fare category determined by dividing the amounts reported in column 3 by the related amounts reported in column 2.

(g) Column 5 shall report the number of revenue passenger enplanements for each fare category on a 48-State basis.

(h) Column 6 shall report the average trip length for each fare category determined by dividing the amounts reported in column 2 by the related amounts reported in column 5.

3. Amend CAB Form 41 by adding new schedule P–13, as shown in Exhibit A.[4]

[FR Doc.75–29331 Filed 10–30–75;8:41 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1207]

SWIMMING POOL SLIDES

Proposed Safety Standard; Correction

The purpose of this notice is to correct the proposed consumer product safety standard for swimming pool slides, which was published for comment in the FEDERAL REGISTER of September 15, 1975 (40 FR 42562) pursuant to section 7(f) of the Consumer Product Safety Act (15 U.S.C. 2056(f)). The Consumer Product Safety Commission also invites public comment on the correction.

The correction would add to the proposed standard table 3, which is referred to in § 1207.6(a) (iii) of the proposal but was inadvertently omitted when the proposed standard was published in the

[3] A definition of trunk air carrier for purposes of Part 241 was recently proposed in EDR–286, July 15, 1975. If the rule proposed herein is finalized prior to the completion of that proceeding, we will incorporate herein the definition of trunk air carriers there proposed.

[4] Filed as part of the original document.

FEDERAL REGISTER for comment. Table 3 includes the dimensions that are to serve as the minimum distance of water that should be maintained in front of the exit of the slide.

The figures proposed in table 3 are those that the Commission intended to publish in the September 15, 1975 FEDERAL REGISTER in which the swimming pool slide standard was proposed. The figures are taken from the recommended standard submitted by the offeror as subsequently modified by the offeror in a telephone conversation with the Commission's staff. The figures originally submitted by the offeror carried the notation that they were based on preliminary date. The Commission believes interested persons should have an opportunity to comment on the contents of table 3.

It is intended that table 3 will appear in any final standard issued for swimming pool slides and will take effect at the same time as the remainder of the standard. (The effective date for the swimming pool slide standard has been proposed to be 180 days after it is issued in the FEDERAL REGISTER). In order to ensure that the entire standard, including table 3 will be issued and effective at the same time; because the issue presented in the correction is narrow; and because the proposed standard presented the question of what would be the minimum distance to be maintained in front of the exist of the slide, the Commission is allowing only 10 days for comment on table 3.

A full discussion of the background of the consideration of the proposed standard on swimming pool slides by the Commission, the unreasonable risks of injury associated with swimming pool slides, the development of the standard by the offeror (The National Swimming Pool Institute), the estimated economic impact of the standard, and the environmental effects associated with the issuance of the standard is included in the FEDERAL REGISTER notice of September 15, 1975, which is incorporated by reference in this proposal.

Therefore, pursuant to provisions of the Consumer Product Safety Act (section 7(f)), Pub. L. 92–573, 86 Stat. 1215; 15 U.S.C. 2056(f)), the Commission proposes that title 16, Chapters II, subchapter B, be corrected by adding to part 1207 table 3 as follows:

TABLE 3

A feet	*A* feet +0.5 ft	*B* feet +0.5 ft	*C* feet +.05 ft
3	----------	5	8
4	----------	6	9
5	----------	7	10
6	----------	7	10.5
6.5	----------	8	11
7	8.5	----------	13
8	8.5	----------	13
9	8.5	----------	13.5
10	8.5	----------	14
11	8.5	----------	14
11–15	9	----------	15

Interested persons are invited to submit on or before November 10, 1975, written comments regarding proposed table 3. Only comments concerning proposed table 3 will be considered.

Any person interested in making an oral presentation of data, views, or arguments concerning the figures included in table 3, in addition to or in lieu of making written comments, will be given the opportunity to do so on Monday, November 10, 1975 at 10:00 A.M. on the sixth floor at 1750 K Street NW., Washington, D.C. Comments are to be limited to a discussion of the figures in table 3 and each presentation will be limited to a maximum of 15 minutes. The "Procedural Regulations for Oral Presentations Concerning Proposed Consumer Product Safety Rules," 16 CFR 1109 (40 FR 48122) will govern the proceedings

Written submissions and any accompanying data or materials should be submitted, preferably in five copies, to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments and other relevant material may be seen in and copies may be obtained from, the Office of the Secretary, 10th floor, 1750 K Street NW., Washington, D.C., during working hours Monday through Friday.

Dated: October 29, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75–29501 Filed 10–30–75;8:45 am]

FEDERAL ELECTION COMMISSION

[11 CFR Parts 130, 131, 132, 133]

[Notice 1975–69]

PRESIDENTIAL PRIMARY MATCHING FUND REGULATIONS

Site for Hearings

Hearings on proposed regulations covering Presidential Primary Matching Funds, published at 40 FR 47688 on October 9, 1975, to be held on November 4 and 5, 1975, as announced on October 17, 1975, will be held in the Federal Election Commission meeting room, 5th Floor, 1325 K Street, NW., Washington, D.C. 20463, beginning at 10 a.m., both days. Questions regarding the hearings should be directed to Office of the General Counsel, (202) 382–5657.

Approved: October 28, 1975.

NEIL STAEBLER,
Vice Chairman for the Federal Election Commission.

[FR Doc.75–29320 Filed 10–30–75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[Public Notice]

DEPARTMENT OF STATE

AGREEMENT ON THE IMPORTATION OF EDUCATIONAL, SCIENTIFIC AND CULTURAL MATERIALS; PROPOSED PROTOCOLS

Availability of Proposed Protocol

The Department of State hereby gives notice that the United Nations Educational, Scientific and Cultural Organization (UNESCO) has proposed a protocol to the Agreement on the Importation of Educational, Scientific and Cultural Materials (Florence Agreement). The Florence Agreement facilitates the international flow of publications, objects of artistic and scientific interest and other materials of information by exempting a specific list of materials from customs duties and certain other importation charges among the 68 contracting nations. The proposed protocol suggests extending the Agreement to cover several additional categories of educational, scientific and cultural materials.

The annotated proposal has been made available to member countries for consideration. The Department of State will submit comments to UNESCO by December 15, 1975 for review at a special intergovernmental meeting in March 1976. Any interested party may obtain a copy of the annotated proposal from Carol M. Owens, Executive Secretary, Government Advisory Committee on International Book and Library Programs, Bureau of Educational and Cultural Affairs (CU/ACS), Department of State, Room 420, 515–22nd Street, N.W., Washington, D.C. 20520 ((202) 632–2841) and submit comments on the proposal to the same office on or before December 1, 1975.

[SEAL] CAROL M. OWENS,
Executive Secretary Government Advisory Committee on International Book and Library Programs.

OCTOBER 23, 1975.

[FR Doc.75–29297 Filed 10–30–75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

OCTOBER 28, 1975.

The USAF Scientific Advisory Board Science and Technology Advisory Group, Air Force Systems Command, will hold meetings on November 20, 1975 from 8:30 a.m. to 5 p.m. and November 21, 1975 from 8:30 a.m. to 2 p.m., at Kirtland Air Force Base, New Mexico in Conference Room #1, Building 497.

The Group will receive classified briefings and hold classified discussions on selected Air Force Weapons Laboratory programs.

The meetings concern matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202–697–8404.

JAMES L. ELMER,
Major, USAF, Executive, Directorate of Administration.

[FR Doc.75–29303 Filed 10–30–75;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

OCTOBER 28, 1975.

The USAF Scientific Advisory Board Aeronautical Systems Division Advisory Group, Air Force Systems Command, will hold a meeting on November 25, 1975 from 8:30 a.m. to 5:30 p.m. at the Aeronautical Systems Division, Wright-Patterson Air Force Base, Ohio.

The Group will conduct a classified review of the proposed X–24C Hypersonic Research Program.

The meeting concerns matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meeting will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202–697–8404.

JAMES L. ELMER,
Major, USAF, Executive, Directorate of Administration.

[FR Doc.75–29216 Filed 10–30–75;8:45 am]

Office of the Secretary

DEFENSE SYSTEMS MANAGEMENT SCHOOL

Notice of Board of Visitors Meeting

A meeting of the Board of Visitors of the Defense Systems Management School will be held in Building 202, Fort Belvoir, VA on Wednesday, November 19, 1975, from 8:30 a.m. until 4:30 p.m. The agenda will include reports on the DSMS expansion plans, status reports on the Intermediate and Executive Management Courses, and discussion of educational policies and methods. The meeting is open to the public with limitations on space available for observers requiring allocation on a first-come, first-served basis. Persons desiring to attend should call the school (664–1314) to reserve space as far in advance as possible.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

OCTOBER 28, 1975.

[FR Doc.75–29274 Filed 10–30–75;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

PRIVATE SECURITY ADVISORY COUNCIL

Notice

Notice is hereby given that the Private Security Advisory Council to the Law Enforcement Assistance Administration will meet Tuesday and Wednesday, November 18 and 19, 1975, in Washington, D.C. The morning session Tuesday the 18th is scheduled to convene promptly at 9 a.m., in the 13th Floor Conference Room at LEAA Headquarters, 33 Indiana Avenue, NW., Washington, D.C. Tuesday afternoon's session will convene at 1 p.m. in the First Floor Briefing and Conference Center, opposite Room No. 1313, at the Main Department of Justice Building, Washington, D.C. Wednesday's sessions will run from 9 a.m. to 12 Noon, and from 1 p.m. to 5 p.m., in the Main Justice Briefing and Conference Center. The meeting will be open to the public. Council members and public observers wishing to attend this meeting should enter the Department of Justice Building through the 10th and Constitution Avenue, NW. entrance.

The purpose of this meeting is to review the Council's accomplishments of the past year; to discuss recommendations for goals and objectives for the coming year; and to review the draft report of the recommendations of the Private Security Task Force to the National Advisory Committee on Criminal Justice Standards and Goals.

For further information, please contact: Mr. John Marshall, Office of National Priority Programs, LEAA, U.S. Department of Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20531. 202/376–3687.

GERALD H. YAMADA,
Attorney-Advisor Office of General Counsel.

[FR Doc.75–29380 Filed 10–30–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

NORTHERN TONTO APACHE TRIBE

Plan for the Use and Distribution of Northern Tonto Apache Judgment Funds Awarded in Docket 22–J Before the Indian Claims Commission

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commission of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (P.L. 93–134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of October 31, 1972, 86 Stat. 1498, in satisfaction of the award granted to the Northern Tonto Apache Tribe in Indian Claims Commission Docket 22–J. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated May 7, 1975, and was received (as recorded in the Congressional Record) by the House of Representatives on May 12, 1975, and by the Senate on May 15, 1975. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on September 5, 1975, as provided by Section 5 of the 1973 Act, *supra*.

The plan reads as follows:

"The funds appropriated by the Act of October 31, 1972, 86 Stat. 1498, in satisfaction of the judgment awarded to the Northern Tonto Apache Indians in Docket 22–J before the Indian Claims Commission, including all interest accrued, less attorney fees and litigation expenses, shall be used and distributed as herein provided:

"The Secretary of the Interior (hereinafter 'Secretary') shall divide the funds between the Yavapai-Apache Community of Camp Verde, Arizona (hereinafter 'Camp Verde Community'), and the Yavapai-Tonto Apache Community of Payson, Arizona (hereinafter 'Payson Community'), on the basis of 88 percent for the Camp Verde Community and 12 percent for the Payson Community.

CAMP VERDE COMMUNITY

The Secretary shall make a per capita distribution of eighty (80) percent of the Camp Verde Community's share of the funds in a sum as equal as possible to each member of the Camp Verde Community who was born on or prior to and is living on the effective date of this plan.

The Camp Verde Community shall utilize sixteen (16) percent of its share of the funds for economic development programs such as land acquisition, tribal farms, and matching funds for economic development programs, subject to the approval of the Secretary.

Four (4) percent of the Camp Verde share of the funds shall be used for community development and tribal government purposes, including such programs as alcoholic rehabilitation, geriatric care, and tribal government operations, subject to the approval of the Secretary.

PAYSON COMMUNITY

Forty (40) percent of the Payson Community's share of the funds shall be utilized in an investment and development program, the terms of which shall be subject to the approval of the Secretary.

Twenty-five (25) percent of the Payson Community's share of the funds shall be invested as a community development fund, and shall be utilized by the tribal council for the operation of the tribal government, for the establishment of general governmental services to members of the tribe and to assist in financing community facilities for tribal members, such as a commuity building, a library, recreation facilities and education facilities not otherwise available to members. Such programs shall be submitted in an annual budget subject to the approval of the Secretary.

The Secretary shall make a per capita distribution of twenty-five (25) percent of the Payson Community's share of the funds in a sum as equal as possible to each member of the Payson Community who was born on or prior to and is living on the effective date of this plan.

Ten (10) percent of the Payson Community's share of the funds shall be deposited in an interest-bearing account to the credit of the Payson Community, in a depository specified by the tribal council for the purpose of operating a tribal burial program and/or the interest derived from an investment of these funds may be applied to a secured life insurance program for members of the tribe.

GENERAL

Within 60 days of the effective date of this plan (or in the case of Payson, within 60 days of the effective date of this plan or of the approval date of the tribal constitution if the constitution has not been approved on the effective date of the plan) Camp Verde and Payson shall prepare and post or cause to be posted copies of the proposed tribal membership rolls for a period of 30 days, during which time any person may appeal the inclusion or omission of any name on or from the roll. The deadline for filing appeals will be midnight of the last day of said 30-day period. Appeals shall be handled in accordance with procedures established under 25 CFR 42—Enrollment Appeals.

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be placed in individual Indian money (IIM) accounts and handled under 25 CFR 104.5. The per capita shares belonging to minors shall be deposited to their credit in IIM accounts at interest and administered in accordance with 25 CFR 104.4. Should it be subsequently determined that the funds are to be invested pursuant to a trust, minors who will have reached the age of 18 years within six months after the establishment of the trust shall have their funds retained at interest in IIM accounts and paid to them upon attaining their majority, except for minors who at the age of majority are found to be legally incompetent, in which case the funds shall be handled in accordance with 25 CFR 104.5. The remaining funds of all other minors shall be redeposited to their credit pursuant to the trust and disbursed for their benefit pursuant to the provisions of the trust.

Minors upon reaching the age of 18 may elect to have their funds retained at interest in an IIM account subject to their use pursuant to 25 CFR 104.3. Per capita payments of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D."

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75–29259 Filed 10–30–75;8:45 am]

OGLALA SIOUX INDIAN TRIBE, PINE RIDGE RESERVATION, SOUTH DAKOTA

Transfer of Federally Owned Lands

OCTOBER 21, 1975.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938).

On August 11, 1975, pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, as amended by Public Law 93–599 dated January 2, 1975 (88 Stat. 1954), the below-described property was transferred by the Administrator of General Services to the Secretary of the Interior, without reimbursement, to be held in trust for the benefit and use of the Oglala Sioux Tribe, Pine Ridge Reservation, South Dakota:

SIXTH PRINCIPAL MERIDIAN

NEBRASK..

T. 35 N., R. 45 W.,
Sec. 24, lots 1, 2, SE¼NE¼, E½SE¼.

SOUTH DAKOTA

T. 35 N., R. 45 W.,
Sec. 11, W½NW¼.
Sec. 12, Beginning at the SE¼ corner of the NW¼SE¼NW¼, thence West along the South line a distance of 429.7 feet; thence turn right 90°10' in a northerly direction 362.5 feet; thence turn right 72°30' and run in an easterly direction 256.1 feet; thence turn left 18°40' and run in an easterly direction 130.9 feet; thence turn right 115°00' and run south a distance of 450.3 feet to the point of beginning.
Sec. 14, N½.
T. 36 N., R. 45 W.,
Sec. 5, N½SW¼.
T. 36 N., R. 47 W.,
Sec. 23, SW¼SE¼.
T. 37 N., R. 42 W.,
Sec. 17, N½NW¼SW¼, S½SW¼NW¼.
T. 37 N., R. 46 W.,
Sec. 5, N½N½NW¼.
T. 38 N., R. 46 W.,
Sec. 6, SE¼SW¼SE¼, SW¼SE¼SE¼.
Sec. 7, E½NW¼NE¼.
T. 39 N., R. 44 W.,
Sec. 31, SW¼NE¼.
T. 39 N., R. 46 W.,
Sec. 24, S½SW¼NE¼, N½NW¼SE¼.

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T. 40 N., R. 37 W.,
Sec. 1, NW¼SW¼SW¼, SW¼NW¼SW¼.
Sec. 30, lot 4.
T. 42 N., R. 47 W.,
Sec. 3, lots 1 and 2.
Sec. 27, SW¼SE¼.
T. 43 N., R. 47 W.,
Sec. 27, lots 1, 2, 3, 4, SE¼SW¼, S½SE¼.
Sec. 34, E½.
containing 1,622.40 acres, more or less.

These lands are to be treated as and receive the same benefits and protection as other trust lands held for the benefit and use of the Oglala Sioux Tribe. Appropriate notation will be made in the land records of the Bureau of Indian Affairs.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-29257 Filed 10-30-75;8:45 am]

PYRAMID LAKE PAIUTE RESERVATION, NEVADA

Amendment to Ordinance No. 9 Regulating the Sale and Possession of Intoxicating Beverages

OCTOBER 15, 1975.

"The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9)."

"This notice is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2."

I certify that the following Amendment of Ordinance No. 9 regulating the sale and possession of intoxicating beverages on the Pyramid Lake Paiute Reservation, Nevada was adopted on May 9, 1975 by the Pyramid Lake Tribal Council which has jurisdiction over the area of Indian country included in the Ordinance, reading as follows:

An Ordinance, pursuant to Section 1161, Title 18, United States Code, regulating the sale and possession of intoxicating beverages on and within the Pyramid Lake Paiute Reservation, Nevada, which amends and supersedes Ordinance No. 9, dated September 4, 1959, of the Pyramid Lake Paiute Tribe.

Be it enacted by the Tribal Council of Pyramid Lake Paiute Reservation, Nevada, that the sale, introduction, and possession of intoxicating beverages shall be lawful within the exterior boundaries of the Pyramid Lake Paiute Reservation. Provided, that such introduction, sale, and possession is in conformity with the laws of the State of Nevada, and in accordance with the following:

Section 1.

(a) It shall be unlawful for any person to sell intoxicating beverages on and within the Pyramid Lake Paiute Reservation, Nevada without first obtaining a valid State and County license as required by law or County Ordinance, and a valid license issued by the Pyramid Lake Paiute Tribal Council.

(b) Such tribal license will authorize the holder thereof to sell alcoholic beverages at retail in packages, or by the drink for consumption on the premises.

(c) Such tribal license shall set forth the location and description of the building and premises where such sales may be made and for which said license is issued.

(d) Such tribal license shall be displayed in a conspicuous place within the building or room where such alcoholic beverages are sold.

(e) Such tribal license shall not be issued until a valid State or County license is obtained and will then be issued for a yearly period concurrent with the State and/or County license. The license fee will be paid in advance and fees shall be set at the discretion of the Tribe through appropriate resolutions.

Section 2.

(a) No person shall sell, deliver, or give away an alcoholic beverage to any person actually or apparently under the influence of alcoholic beverages.

(b) No person shall sell, give away, or otherwise furnish any alcoholic beverages to any person under the age of twenty-one (21) years, or leave or deposit any such alcoholic beverages in any place with the intent that same shall be procured by any person under the age of twenty-one (21) years.

PENALTY:

Any Indian who violates any of the provisions of this ordinance shall be deemed guilty of an offense and upon conviction thereof shall be punished by a fine of not more than $300, or be sentenced to imprisonment for not more than 150 days, or both such fine and imprisonment, and/or suspension or revocation of his or her license. When any provision of this ordinance is violated by a non-Indian, he or she shall be referred to the State and/or Federal authorities for prosecution under applicable law, including without limitation Section 1154, Title 18, United States Code, if applicable, and his or her license may be suspended or revoked and prosecuted under any applicable tribal laws.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-29258 Filed 10-30-75;8:45 am]

[Tentative Sale #46]

WESTERN GULF OF ALASKA OUTER CONTINENTAL SHELF

Call for Nominations of and Comments on Areas for Oil and Gas Leasing

OCTOBER 22, 1975.

Pursuant to the authority prescribed in 43 CFR 3301.3 (1974), nominations are hereby requested for areas in the Western Gulf of Alaska Outer Continental Shelf (OCS) for possible oil and gas leasing, under the Outer Continental Shelf Lands Act [43 U.S.C. 1331–1343 (1970)]. Nominations will be considered for any or all of the following mapped areas located offshore Kodiak Island beginning at the intersection of the three mile line and the west line of Block 588, found on OCS Official Protection Diagram No. 5–4; thence north to the NW corner of Block 368; thence east to the NW corner of Block 370; thence north to the NW corner of Block 282; thence east to the NW corner of Block 285; thence north to the NW corner of Block 241; thence east to the NW corner of Block 243; thence north to the NW corner of Block 199; thence east to the NW corner of Block 200; thence north to the NW corner of Block 112; thence east to the NW corner of Block 119; thence north to the NW corner of Block 955, found on OCS Official Protraction Diagram NO 5–2; thence east to the NW corner of Block 957; thence north to the NW corner of Block 869; thence east to the NW corner of Block 871; thence north to the NW corner of Block 827; thence east to the NW corner of Block 828; thence north to the NW corner of Block 784; thence east to the NW corner of Block 761, found on OCS Official Protraction Diagram NO 6–1; thence north to the NW corner of Block 673; thence east to the NW corner of Block 677; thence north to the NW corner of Block 545; thence east to the NE corner of Block 568; thence south to the SE corner of Block 744; thence west to the SE corner of Block 740; thence south to the SE corner of Block 872; thence west to the SE corner of Block 870.

Thence south to the SE corner of Block 958; thence west to the SE corner of Block 956; thence south to the SE corner of Block 516, found on OSC official Protraction Diagram NO 6–3; thence west to the SE corner of Block 509; thence south to the SE corner of Block 861; thence west to the SE corner of Block 858; thence south to the SE corner of Block 990; thence west to the SW corner of Block 985; thence north to the NW corner of Block 809; thence west to the NE corner of Block 829, found on OCS Official Protraction Diagram NO 5–4; thence south to the SE corner of Block 126, found on OCS Official Protraction Diagram NO 5–6; thence west to the SE corner of Block 122; thence south to the SE corner of Block 430; thence west to the SE corner of Block 427; thence south to the SE corner of Block 691, thence west to the SE corner of Block 685; thence south to the SE corner of Block 905; thence west to the SE corner of Block 899; thence south to the SE corner of Block 459, found on OCS Official Protraction Diagram NO 5–8; thence west to the SE corner of Block 447; thence south to the SE corner of Block 579; thence west to the SE corner of Block 613, found on OCS Official Protraction Diagram NO 5–7; thence south to the SE corner of Block 701; thence west to the SE corner of Block 698; thence south to the SE corner of Block 786; thence west to the SE corner of Block 784; thence south to the SE corner of Block 916; thence west to the SE corner of Block 912; thence south to the SE corner of Block 1000; thence west to the SE corner of Block 988; thence south to the SE corner of Block 108, found on OCS Official Protraction Diagram NN 5–1; thence west to the SE corner of Block 106; thence south to the SE corner of Block 238; thence west to the SE corner of Block 235; thence south to the SE corner of Block 411; thence west to the SW corner of Block 432, found on OCS Official Protraction Diagram NN 4–2; thence north to the NW corner of Block 652, found on OCS Official Protraction Diagram NO 4–8; thence east to the NW corner of Block 627, found on OCS Official Protraction Diagram NO 5–7; thence north to the NW corner of Block 319; thence east to the NW corner of Block 322; thence north to NW corner of Block 146; thence east to the NW corner of Block 148; thence north to the NW corner of Block 676, found on OCS Official Protraction Diagram NO 5–5; thence east to the three mile line; thence following the three mile line around the southern and eastern sides of Kodiak Island to the point of beginning.

OSC OFFICIAL PROTRACTION DIAGRAMS

1. NN 4–2	7. NO 5–6
2. NN 5–1	8. NO 5–7
3. NO 4–8	9. NO 5–8
4. NO 5–2	10. NO 6–1
5. NO 5–4	11. NO 6–3
6. NO 5–5	

These protraction diagrams may be purchased for $2.00 each from the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510. The street address is 800 "A" Street, Anchorage, Alaska. All nominations must be described in accordance with the Outer Continental Shelf Official Protraction Diagrams prepared by the Bureau of Land Management, Department of the Interior and referred to above. Only whole blocks or properly described subdivisions thereof, not less than one quarter of a block may be nominated. Although, individual company nominations are considered to be privileged and confidential information, the names of persons or entities submitting nominations or comments will be of public record.

In addition to requesting nominations of tracts for possible oil and gas leasing within the specified areas, this notice also requests the identification of particular tracts recommended to be either specifically excluded from oil and gas leasing or leased only under special conditions because of conflicting values and environmental concerns. Particular geological, environmental, biological, archaeological, socio-economic or other information which might bear upon potential leasing and development of particular tracts is requested where available. Information on these subjects will be used in the preliminary selection of tracts which precedes any final selection by the Director pursuant to 43 CFR 3301.4. This information is requested from Federal, States and local governments; industry; universities; research institutes; environmental organizations; and members of the general public. Comments may be submitted on blocks or portions thereof, as required for nominations, or on all areas or portions thereof as described above. They should be directed to specific factual matters which bear upon the Department's decision whether to make a preliminary selection of particular tracts within these areas for further environmental analysis pursuant to the National Environmental Policy Act of 1969 [42 U.S.C. 4321–4347 (1970)], and possible leasing. Comments relating to general matters which would be applicable to oil and gas operations in any part of the OCS are not sought at this time.

Nominations and comments should be submitted not later than December 29, 1975, in envelopes labeled "Nominations of Tracts for Leasing on the Outer Continental Shelf—Western Gulf of Alaska" 99510 and to the Manager, Alaska Outer Continental Shelf—Western Gulf of Alaska," as appropriate. They must be submitted to the Director, Bureau of Land Management, Attention: 720, Department of the Interior, Washington, D.C. 20240. Copies must be sent to the Area Oil and Gas Supervisor, Geological Survey, P.O. Box 259, Anchorage, Alaska 95510 and to the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510. The street address is 800 "A" Street, Anchorage, Alaska.

This call for nominations and comments does not in any way commit the Department to leasing in the Western Gulf of Alaska. It is an information gathering component of the Department's leasing procedure.

Final selection of tracts for competitive bidding will be made only after compliance with established Departmental procedures and all requirements of the National Environmental Policy Act of 1969. Notice of any tracts finally selected for competitive bidding will be published in the FEDERAL REGISTER stating the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

FRANK A. EDWARDS,
Acting Associate Director,
Bureau of Land Management.

Approved: October 24, 1975.

ROYSTON C. HUGHES,
Assistant Secretary
of the Interior.

[FR Doc.75-29249 Filed 10-30-75;8:45 am]

Bureau of Land Management

ALASKA

Notice of Hearing

OCTOBER 17, 1975.

Notice is hereby given that the Anchorage District Advisory Board of the Bureau of Land Management will meet at the Anchorage District Office, 4700 East 72nd Avenue, 9 a.m., November 14 and 15, 1975.

Three topics will be presented to the board members to inform them of current policy and programs. They are easements, off-road vehicle regulation and planning efforts in the Iliamna Lake area.

The meeting will be open to the public. Time will be made available for statements by members of the public at 10 a.m. Saturday, November 15. Such statements should be limited to matters set forth in the agenda. Those wishing to make an oral statement on an agenda topic should notify the district manager, Bureau of Land Management, 4700 East 72nd Avenue, Anchorage, Alaska 99501 by November 13, 1975. Further information concerning the meeting may be obtained from Mrs. Joette Storm, Public Affairs Officer, Bureau of Land Management, 4700 East Avenue, 344–9661.

RICHARD L. THOMPSON,
Acting State Director.

[FR Doc.75-28899 Filed 10-31-75;8:45 am]

SUSANVILLE DISTRICT MULTIPLE USE ADVISORY BOARD

Correction

In FR Doc. 75–28425, regarding the Susanville District Multiple Use Advisory Board, Susanville, California, appearing on page 49376 in the issue of Wednesday, October 22, 1975 the dates of the meeting have been changed from November 18 and 19, 1975 to December 4 and 5, 1975.

HERMAN KAST,
Acting District Manager.

[FR Doc.75-29321 Filed 10-30-75;8:45 am]

[CA 2388]

CALIFORNIA

Proposed Withdrawal and Reservation of Lands

OCTOBER 24, 1975.

The Forest Service, United States Department of Agriculture, has filed an application, serial number California 2388, for the withdrawal of the public lands described below, from appropriation under the mining laws (30 U.S.C. Ch. 2) but not from leasing under the mineral leasing laws, subject to valid existing rights, for addition to the Foresthill Administrative Site, Tahoe National Forest.

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 14 N., R. 10 E.,
Sec. 25, portion of lot 4.

The area described aggregates 5.2 acres in Placer County, California.

The applicant wishes to use the area as expansion for the Forest Service Trailer Court to meet the future housing needs at the Foresthill Administrative Site.

On or before December 3, 1975, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room EE–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will

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also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs; to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's; to eliminate lands needed for purposes more essential than the applicant's; and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-29308 Filed 10-30-75;8:45 am]

[NM 26805]

NEW MEXICO

Application

OCTOBER 21, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for one 4½ inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 5 W.,
Sec. 15, SE¼NE¼.

This pipeline will convey natural gas across .185 miles of natural resource lands in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief Branch of Lands and Minerals Operations.

[FR Doc.75-29309 Filed 10-30-75;8:45 am]

[NM 26820]

NEW MEXICO

Application

OCTOBER 21, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for one 4 inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 12 W.,
Sec. 12, NW¼NE¼.

This pipeline will convey natural gas across .039 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-29310 Filed 10-30-75;8:45 am]

[NM 26798, 26799]

NEW MEXICO

Applications

OCTOBER 21, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 N., R. 6 W.,
Sec. 25, S½SW¼.
T. 31 N., R. 10 W.,
Sec. 20, Lot 4.

These pipelines will convey natural gas across .229 miles of national resource lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief Branch of Lands and Minerals Operations.

[FR Doc.75-29311 Filed 10-30-75;8:45 am]

[NM 26797]

NEW MEXICO

Application

OCTOBER 23, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Shell Pipeline Corporation has applied for a cathodic protection unit right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 S., R. 37 E.,
Sec. 4, SW¼NW¼.

This cathodic protection unit will occupy .0085 acre of national resource lands in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-29312 Filed 10-30-75;8:45 am]

[NM 26806, 26808]

NEW MEXICO

Applications

OCTOBER 23, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for two 4½ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 5 W.,
Sec. 21, W½SW¼;
Sec. 28, W½NW¼ and NW¼SW¼;
Sec. 29, E½NE¼ and NE¼SE¼.
T. 31 N., R. 6 W.,
Sec. 25, SE¼SW¼;
Sec. 36, E½NW¼.

These pipelines will convey natural gas across 2.018 miles of national resource lands in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-29313 Filed 10-30-75;8:45 am]

[NM 26807]

NEW MEXICO

Application

OCTOBER 23, 1975.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Mesa Pipeline Company has applied for a gas pipeline right-of-way across the following lands:

SALT LAKE MERIDIAN

T. 16 S., R. 24 E.,
Secs. 2, 3, 10, 11, 12, 13.

The gas pipeline will join an existing right-of-way and extend northwesterly thence northeasterly to ARCO. State 2-1 and ARCO. State 2-2.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

WILLIAM G. LEAVELL,
Associate State Director.

OCTOBER 24, 1972.

[FR Doc.75-29315 Filed 10-30-75;8:45 am]

the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 28 E.,
Sec. 6, SW¼NE¼ and W½SE¼.

These pipelines will convey natural gas across .609 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Mineral Operations.

[FR Doc.75-29314 Filed 10-30-75;8:45 am]

[INT DES 75-56]

NORTH UMPQUA CANYON MANAGEMENT PLAN

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management, Department of the Interior, has prepared a Draft Environmental Statement for a resource management plan for a part of the North Umpqua Canyon in Douglas County, Oregon.

The statement considers a comprehensive resource management plan for the public lands within delineated boundaries of the North Umpqua River Canyon. It discusses the environmental impacts of such actions as road building, timber management, and recreation development and alternative management proposals.

Copies of the statement are available from the BLM District Manager, 777 Garden Valley Blvd., Roseburg, Oregon 97470.

Comments concerning the environmental statement and impacts should be addressed to the District Manager, Bureau of Land Management, Roseburg District Office, 777 Garden Valley Blvd., Roseburg, Oregon 97470. These comments must be submitted on or before December 15, 1975, for consideration in the final statement.

Dated: October 24, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-29317 Filed 10-30-75;8:45 am]

[Utah—31281]

UTAH

Application

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Mesa Pipeline Company has applied for a gas pipeline right-of-way across the following lands:

SALT LAKE MERIDIAN

T. 16 S., R. 24 E.,
Secs. 2, 3, 10, 11, 12, 13.

The gas pipeline will join an existing right-of-way and extend northwesterly thence northeasterly to ARCO. State 2-1 and ARCO. State 2-2.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

WILLIAM G. LEAVELL,
Associate State Director.

OCTOBER 24, 1972.

[FR Doc.75-29315 Filed 10-30-75;8:45 am]

RESTRICTED JOINT BIDDERS

List

Pursuant to the authority vested in the Director of the Bureau of Land Management by the provisions of 43 CFR 3302.3-2, the following companies shall be restricted from bidding jointly with any other company on the same list during the bidding period November 1, 1975 through April 30, 1976:

Amoco Production Company
BP Alaska Exploration, Incorporated
Chevron Oil Company
Exxon Corporation
Gulf Oil Corporation
Mobil Oil Corporation
Shell Oil Company
Standard Oil Company of California
Texaco, Incorporated

CURT BERKLUND,
Director, Bureau of Land Management.

OCTOBER 29, 1975.

[FR Doc.75-29413 Filed 10-30-75;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:

Mr. Dale Myron Becker, 4732 South 77 Avenue (#5), Ralston, Nebraska 68127.

V 40 211 OCT 31 75 XUM

OMB NO. 42-R1429

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
To amend Banding Permit 20608 to allow banding of eagle and/or other endangered species that have been rehabilitationed and are ready for release.

3. APPLICANT. (If name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Dale Myron Becker
4732 South 77 Ave (45)
Ralston, NE 68127
402-331-9238

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☒ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT	WEIGHT
	6'4"	250
DATE OF BIRTH	COLOR HAIR	COLOR EYES
3/16/51	Brown	Hazel
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER	
402-733-8401	485-66-7118	

OCCUPATION
Area Supervisor, Omaha Zoo

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Henry Doorly Zoo
Riverview Park
Omaha, NE 68107

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OF KIND OF BUSINESS, AGENCY, OR INSTITUTION

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Nebraska & Iowa

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list licenses or permit numbers)
Henry Doorly Zoo holds a Fish & Wildlife Permit

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: 7/1/75

11. DURATION NEEDED: one year

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Dale Myron Becker — DATE 6-11-75

3-200
10/70

ATTACHMENT TO APPLICATION FOR PERMISSION TO BAND BALD AND GOLDEN EAGLES AND ENDANGERED SPECIES OF RAPTORS

1. Northern Bald Eagle—Haliaetus leacocephalus alascensis, North American Golden Eagle—Aquila chrysaetos cauadensis, North American Perigrine Falcon—Falco peregrinus anatum, Artic Peregrine Falcon—Falco peregrinus tundrius.

2. The birds to be covered by this permit are birds which would be received sick, injured, or debilitated. When such birds were rehabilitated and ready for release, they would be banded and released. Also, three and possibly four Northern Bald Eagles are nearly ready for release. These are the only birds presently being held that might be affected by this application and attachment.

3. Not applicable.

4. The birds mentioned above were received in a run-down condition and have since been rehabilitated and readied for release. Any other birds received would be sick, injured, or debilitated birds. This application and attachment strictly pertains to birds received under those circumstances only.

5. The birds would be housed at facilities of the Henry Doorly Zoo at 10 & Deerpark Blvd in Omaha, NE. Facilities include a pen 30' x 33' x 18' and an enclosed room 12' x 20' x 12'

6. I.

II. Care for these birds would be offered by the two staff veterinarians, both of which have had considerable experience in the field of raptor rehabilitation. Also two members of the professional staff. Their combined experience includes approximately eight years of involvement with captive raptors and raptor rehabilitation programs.

III. As I mentioned before, the program that we are participating in is predominately a rehabilitation program. Through the advice of the U.S. Fish & Wildlife Service Agent here in Omaha, non-releasable birds are sent to institutions that could possibly utilize them in captive propagation or captive research programs.

IV. Not applicable.

V. I have enclosed the information as complete as possible with this attachment. The Zoo's records are quite accurate and complete for the individual birds treated in the last year and a half under the rehabilitation program now being carried on. Before that time I was not involved with the records kept on the birds.

7. Copy of Fish & Wildlife Permit.

8. The sole reason for the application for this permit is to attempt to band raptors that are received sick, injured, or debilitated, rehabilitated, and released. The birds that I am asking authorization to band are listed in Item 1 of this attachment.

I feel that all birds that are rehabilitated and released should be banded. Returns of these bands to the U.S. Fish & Wildlife Service can help us all to understand something of raptor movements plus it can perhaps help me to determine if and how our rehabilitation procedures could be improved.

I feel that any and all rehabilitated birds which are releasable should be released unless they are already being used in captive propagation programs, captive research programs, or their safety could be jeopardized by such release.

Northern bald eagle—Haliaetus leucocephalus alascensis

ISIS No.	Sex	Acquisition date	Comments	Removal	Date
3005	0.1	(1)			
818	1.0	May 29, 1970	Has scars over eyes and around cere.		
		Dec. 15, 1970	Immature—wing amputated	Death	Mar. 20, 1971
		Feb. 5, 1971		Released	Mar. 29, 1972
		Mar. 12, 1972		do	Mar. 17, 1972
2122	1.0	Oct. 31, 1974	Immature—very weak	do	Apr. 14, 1975
	1.0	Mar. 25, 1975		Death	Mar. 27, 1975
2203	1.0	Mar. 27, 1975			
2204	1.0	do			
2206	1.0	do			
2207	1.0	Mar. 29, 1975	Poisoned	Death	Mar. 31, 1975
2208	0.1	do	do	do	Mar. 29, 1975
2215	1.0	Apr. 10, 1975	Shotgun blast		
2216	1.0	Apr. 11, 1975		Shipped to Graham	(1)
2217	0.1	do		Death	Apr. 12, 1975
2218	0.1	do		do	Do.

[1] Not available.

North American golden eagle—Aquila chrysaetos canadensis

ISIS No.	Sex	Acquisition date	Comments	Removal	Date
	0.0.1	(1)		Shipped to Iowa University	Apr. 29, 1973
	1.0	(1)		Death	July 7, 1974
	0.0.1	(1)		do	Nov. 25, 1974
3003	1.0	(1)	Blind in right eye		
	0.0.1	Jan. 10, 1971		(1)	(1)
1666	0.1	Feb. 3, 1973		Shipped to University of Missouri.	(1)
1745	0.0.1	June 21, 1973		do	(1)
	1.0	do	Immature	Released	Apr. 14, 1975
1872	0.0.1	Jan. 11, 1974	Leg tag No. 4	Shipped to University of Missouri.	(1)
1883	0.1	Feb. 8, 1974		Death	Aug. 12, 1974
1893	0.0.1	Feb. 27, 1974			(1)
2136	0.1	Nov. 5, 1974	Very weak	Released	Apr. 14, 1975
2144	1.0	Dec. 2, 1974	Caught in coyote trap		

[1] Not available.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All revelant comments received on or before December 1, 1975.

Dated: October 28, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-29294 Filed 10-30-75;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:
Mr. Ricardo La Mar,
1301 NW. 101 Street,
Miami, Florida 33147.

9 October 1975.

Mr. MARSHALL L. STINNETT,
U.S. Department of the Interior
P.O. Box 19183
Washington, D.C. 20240

Attention: Mr. Hester, Permit Section.

This letter is my request to obtain an "Endangered Wildlife" permit to purchase pheasants at the U.S.A. (Interstate) with propagational purpose and intention to sell the reproduction to qualified game-breeders *only*.

GENERAL INFORMATION & CERTIFICATION AS REQUIRED BY 13.12

Name, Ricardo La Mar; Address, 1301 N.W. 101 Street—Miami, Florida 33147; Phone No. (305) 693-9497; Date of Birth, November 20, 1935; Height, 5'8", Weight, 185 lbs., Color of Hair, Black; Color of Eyes, Brown; Sex, Male.

3. Is not applicable.

4. Location where the permitted activity is to be conducted—U.S.A.

5. List of sellers:

L & L Pheasantry, Dept. G, East Mountain Road, Hegins, R.D. No. 2, Pennsylvania 17938, Phone: (717) 682-9437.
Gress Pheasantry, Rt. 3, Denver, Penn. 17517.
Thomas J. Sims, 3169 McConkendale Road, Caledonia, N.Y. 14423.
Charles Kamm, Rt. 1, Box 87, Courtland, Minn. 56021.
Clayton Burkey, Rd. 1, Box 11, Loretto, Penn. 15940.
MACK, 600 E. River Road, Rochester, N.Y. 14633, Phone: (716) 473-8963.
Dr. D. A. Christensen, Route 1, Box 3, Kendrick, Idaho 83532.
Ed Benhard, Reardan, Washington 99029, Phone: (509) 796-3274.
Don Meisner, Box 187, Salem, N.H., Phone: (603) 898-7782.
George Jelinek, 1510 Morrice Road, Owosso, Michigan 48867, Phone: (517) 723-4037.
DonZold, 21260 260th SE. Maple Valley, Washington 98038.
Whispering Pines Gamebird Farm, Boom Road, Saco, Maine 04072.

6. Is not Applicable.

7. Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter E of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to criminal penalties of 18 USC 1001.

RICARDO LA MAR.

THE COMMON AND SCIENTIFIC NAMES OF THE SPECIES SOUGHT TO BE COVERED BY THE PERMIT, AS WELL AS THE NUMBER, AGE AND SEX OF SUCH SPECIES, ARE:

1 Pair—Male & Female, Common name: Pheasants, Bar-Tailed, Scientific name: Syrmaticus Humiae, Age: Under 1 year of age.

1 Pair—Male & Female, Common name: Pheasants, Blyth's Tragopan, Scientific name: Tragopan Blythii, Age: Under 1 year of age.

1 Pair—Male & Female, Common name: Pheasants Brown-Eared, Scientific name: Crossptilon-Manichurium, Age: Under 1 year of age.

1 Pair—Male & Female, Common name: Cabot's Tragopan, Scientific name: Tragopan Caboti, Age: Under 1 year of age.

1 Pair—Male & Female, Common name: Pheasant Edward's, Scientific name: Lophura Eduardsi, Age: Under 1 year of age.

1 Pair—Male & Female, Common name: Pheasant Mikado, Scientific name: Syrmaticus Mikado, Age: Under 1 year of age.

1 Pair—Male & Female, Common name: Pheasant Imperial, Scientific name: Lophura Imperialis, Age: Under 1 year of age.

1 Pair—Male & Female, Common name: Pheasant Swinhoe's, Scientific name: Lophura Swinhoii, Age: Under 1 year of age.

1 Pair—Male & Female, Common name: Wester-Tragopan, Scientific name: Tragopan Melanocephalus, Age: Under 1 year of age.

1 Pair—Male & Female, Common name: Palawan Peacock, Scientific name: Polyplectron Emphanum, Age: Under 1 year of age.

At the time of this application, the wildlife sought to be covered by this permit has already been born in capitivity.

The wildlife sought to be covered by this permit will be maintained at: 1301 NW. 101 Street, Miami, Florida 33147, and will be cared for by myself.

I will be willingful to participate in a cooperative breeding program, and to maintain or contribute data to a studbook.

V 40 211 OCT 31 75 XUM

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received within 30 days of the date of publication will be considered.

Dated: October 24, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-29295 Filed 10-30-75;8:45 am]

ENDANGERED SPECIES PERMITS

Notice of Official Action

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications received under section 10 of the Endangered Species Act of 1973, 16 U.S.C. 1539. Each permit was issued only after it was determined that it was applied for in good faith; that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973.

NOTICE OF APPLICATION

PUBLISHED IN FEDERAL REGISTER

MAY 28, 1975 (40 FR 23093-94)

Applicant: Idaho Cooperative Wildlife Research Unit, College of Forestry, Wildlife and Range Science, University of Idaho, Moscow, Idaho 83843.

Official Action: Issued permit July 16, 1975: "May import and transplant 15 Whooping Crane eggs per year from Wood Buffalo Park, Northwest Territories, Canada, to Grays Lake National Wildlife Refuge, Idaho."

NOTICE OF APPLICATION

PUBLISHED IN FEDERAL REGISTER

APRIL 21, 1975 (40 FR 17607-8-9-10-11)

Applicant: Director, Texas Parks and Wildlife Department, John H. Reagan Building, Austin, Texas 78701.

Official Action: Issued permit July 17, 1975, to conduct scientific research, and/or salvage dead or injured specimens, as specifically described in permit, on the following endangered species:

Arctic Falcons (*Falco peregrinus tundrius*)
American Peregrine Falsons (*Falco peregrinus anatum*)
Red-Cockaded Woodpeckers (*Dendrocopos borealis*)
Southern Bald Eagle (*Haliaeetus lk. leucocephalus*)
Black-Footed Ferret (*Mustela nigripes*)
American Alligator (*Alligator mississippiensis*)
Houston Toad (*Bufo houstonensis*)
Red Wolf (*Canis rufus*)
Attwater's Prairie Chicken (*Tympanuchus cupido attwateri*)
Comanche Springs Pupfish (*Cyprinodon elegans*)
Fountain Darter (*Etheostoma fonticoler*)
Brown Pelican (*Pelecanus occidentalis*)
Eskimo Curlew (*Numentus borealis*)
Ivory-Billed Woodpecker (*Campephilus principalis*)
Mexican Duck (*Anas diazi*)
Ocelot (*Felis paradalis*)
Atlantic Ridley Turtle (*Lepidochelys kempii*)
Texas Blind Salamander (*Typhlomolge rathbuni*)
Clear Creek Gambusia (*Gambusia heterochir*)
Pecos Gambusia (*Gambusia nobilis*)
Big Bend Gambusia (*Gambusia gaigei*)
West Indian Manatee (*Trichechus manatus*)
Hawksbill Turtle (*Eretmochelys imbricata*)
Leatherback Turtle (*Dermochelys coriacea*)
Blue Whale (*Balaenoptera musculus*)
Finback Whale (*Balaenopters physalus*)
Right Whale (*Eubalaena spp.*)
perm Whale (*Physeter catodon*)
Bachman's Warbler (*Vermivora bachmanii*)

NOTICE OF APPLICATION

PUBLISHED IN FEDERAL REGISTER

MAY 29, 1975 (40 FR 23341-42-43)

Applicant: Mr. Maeton C. Freel, Jr., 738—4th Street, Apt. 104, Santa Monica, California 90403.

Official Action: Issued permit July 18, 1975: "May conduct scientific research on endangered species encountered in the course of off-shore surveys of marine mammals and migratory sea-birds."

NOTICE OF APPLICATION

PUBLISHED IN FEDERAL REGISTER

MAY 21, 1975 (40 FR 22153-54)

Applicant: Jacob M. Valentine, Jr., U.S. Fish and Wildlife Service, University of Southwestern Louisiana, Lafayette, Louisiana 70501.

Official Action: Issued permit July 21, 1975: "May take a maximum of six (6) Mississippi Sandhill Crane (*Grus canadensis pulla*) eggs each year in Jackson County, Mississippi, and ship or carry them to Patuxent Wildlife Research Center, Laurel, Maryland, for propagation purposes."

NOTICE OF APPLICATION

PUBLISHED IN FEDERAL REGISTER

MAY 30, 1975 (40 FR 23483-84)

Applicant: Bureau of Land Management, Colorado State Office, 700 Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

Official Action: Issued permit July 21, 1975: "May conduct scientific research on Greenback Cutthroat Trout (*Salmo clarki stomias*), Humpback Chub (*Gila cypha*), and Colorado Squawfish (*Ptychocheilus lucius*)."

NOTICE OF APPLICATION

PUBLISHED IN FEDERAL REGISTER

MAY 13, 1975 (40 FR 20832-33)

Applicant: Ralph W. Schreiber, Ph. D., Department of Biology, University of South Florida, Tampa, Florida 33620.

Official Action: Issued permit July 21, 1975: "May capture, band, and immediately release Brown Pelicans (*Pelecanus occidentalis*), for scientific study."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER, MAY 30, 1975 (40 FR 23487-88)

Applicant: William Albert Burnham, Peregrine Fund, Cornell University, 1424 Northeast Frontage Road, Fort Collins, Colorado 80521.

Official Action: Issued permit July 21, 1975: "May band and immediately return to the nest Peregrine Falcon nestlings (*Falco peregrinus anatum*) and (*Falco peregrinus tundrius*). May band captive bred peregrine falcons and migrating peregrine falcons as permitted by your Federal Birds Marking and Salvage permit."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER, JUNE 11, 1975 (40 FR 24931-32)

Applicant: Director, National Zoological Park, The Smithsonian Institution, Washington, D.C. 20009.

Official Action: Issued permit July 23, 1975: "Permittee may import 28 White-Winged Rock Fowl (*Picathartes gymnocephalus*)."

NOTICE OF APPLICATION

PUBLISHED IN FEDERAL REGISTER

APRIL 29, 1975 (40 FR 18571-72)

Applicant: Dr. Royal Dallas Suttkus, Systematic & Environmental Biology Laboratory, Tulane University, Belle Chasse, Louisiana 70037.

Official Action: Issued permit July 25, 1975: "May collect from the Colorado River 25 specimens each of Humpback Chub (*Gila cypha*), Colorado River Squawfish (*Ptychocheilus lucius*), and Woundfin (*Plagopherus argentissimus*), and transport them to Tulane University."

NOTICE OF APPLICATION

PUBLISHED IN FEDERAL REGISTER

MAY 30, 1975 (40 FR 23486-87)

Applicant: Director, Denver Wildlife Research Center, U.S. Fish and Wildlife Service, Building 16, Federal Center, Denver, Colorado 80225.

Official Action: Issued permit July 28, 1975: "May conduct scientific research on the Brown Pelican."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER MAY 29, 1975 (40 FR 23343-44)

Applicant: National Park Service, Death Valley National Monument, Death Valley, California 92328, James B. Thompeon, Superintendent.

Official Action: Issued permit July 28, 1975: "May conduct scientific research on the Devil's Hole Pupfish (*cyprinodon diabolis*)."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER JUNE 11, 1975 (40 FR 24932-33-34)

Applicant: President, Philadelphia Zoological Garden, 34th Street & Girard Avenue, Philadelphia, Pennsylvania 19104.

Official Action: Issued permit July 28, 1975: "Permittee may import for propagation four (4) White-Necked Rock Fowl (*Picathartes gymnocephalus*)."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER May 28, 1975 (40 FR 23095- 96- 97)

Applicant: T. A. Beckett, III, Magnolia Gardens, Route 4, Charleston, South Carolina 29407.

Official Action: Issued permit July 29, 1975: "May band Brown Pelicans and Red-Cockaded Woodpeckers as permitted by your Federal Bird Marking and Salvage permit. The birds are to be released immediately after banding at the capture site."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER APRIL 8, 1975 (40 FR 15919- 20)

Applicant: Mr. Robert Ream, Principal Investigator, Forestry- School, University of Montana, Missoula, Montana 59801.

Official Action: Issued permit July 31, 1975: "May conduct scientific research on the Northern Rocky Mountain Wolf (*Canis lupus irremotus*)."

NOTICE OF APPLICATION

PUBLISHED IN FEDERAL REGISTER

JUNE 11, 1975 (40 FR 24935-36)

Applicant: Gladys Porter Zoo, 500 Ringgold Street, Brownsville, Texas 78520, Dr. Don D. Farst, Director.

Official Action: Issued permit July 31, 1975: "May export from Brownsville, Texas, ten (10) Siberian Tigers (*Panthera tigris altaica*), to 'Africam,' near Pueble, Mexico."

NOTICE OF APPLICATION

PUBLISHED IN FEDERAL REGISTER

JUNE 11, 1975 (40 FR 24934-35)

Applicant: Gladys Porter Zoo, 500 Ringgold Street, Brownsville, Texas 78520, Dr. Don D. Farst, Director.

Official Action: Issued permit July 31, 1975: "May acquire and import two (2) Brown Lemurs (*Lemur macaco fulvus*), from the Jardin Zoologique de Quebec, Canada, for propagation."

Each permit is available for public inspection during normal business hours at the U.S. Fish and Wildlife Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Dated: October 28, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-29296 Filed 10-30-75;8:45 am]

COYOTE DAMAGE CONTROL: CATTLE, SHEEP AND GOATS

Report on Emergency Use of M-44 Devices During August 1975

Notice is hereby given on the emergency use of M-44 devices by the Department of Interior's operational predator damage control program for the month of August. This use is in compliance with the experimental use permit (No. 6704-EXP-6G) issued by the Environmental Protection Agency pursuant to Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (7 U.S.C. 135-135k), and in accordance with 40 CFR, part 162.19, as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR 3939). This report is made pursuant to FEDERAL REGISTER Notice of June 20, 1974 (39 FR 22166).

Actual M-44 use for August 1975 is as follows:

M-44 Emergency use, August 1975

State	Number of counties	Number of ranches	Number of cattle, sheep, and goats protected	Number of M-44's used
Arizona	3	19	6,415	297
Idaho	1	1	140	15
Montana	18	27	20,031	573
Nevada	1	1	1,000	40
New Mexico	11	27	15,017	894
Oregon	7	34	3,705	257
Texas	26	97	27,148	872
Utah	3	9	11,109	98
Total	70	215	85,226	3,046

One or more coyotes were taken with this device on 76 of the 227 emergency areas, but losses were not necessarily halted in each case. During this month, 124 coyotes were taken by this device. Other species taken with the device during this period include 7 foxes, 1 feral dog, 3 skunks, and 4 raccoons.

All of the above use of M-44 devices as a supplemental tool to attempt to resolve coyote depredation on cattle, sheep and goats was conducted by trained Service personnel in accordance with the *Procedure For Advance Identification and Approval of Areas For the Possible Emergency Use of Sodium Cyanide Delivered by the M-44 Device for the Control of Depredating Canids*, as it appears in the FEDERAL REGISTER, Volume 39, No. 120—Thursday, June 20, 1974.

OCTOBER 24, 1975.

F. V. SCHMIDT,
Acting Director U.S. Fish and Wildlife Service.

[FR Doc.75-29316 Filed 10-30-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A264]

NEW JERSEY

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching or aquaculture operations have been substantially affected in the following counties in New Jersey as a result of the following natural disasters:

Gloucester—excessive rainfall and wind storm July 10 to 16, 1975.
Hunterdon—excessive rainfall July 1 to 14, 1975.
Monmouth—excessive rainfall and flooding July 14 to 20, 1975.
Warren—excessive rainfall and flooding June 1 to 7, 1975.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Brendan T. Byrne that such designation be made.

Applications for Emergency loans must be received by this Department no later than December 8, 1975, for physical losses and July 9, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 22nd day of October, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-29286 Filed 10-30-75;8:45 am]

Forest Service

CARIBOU NATIONAL FOREST GRAZING ADVISORY BOARD COMMITTEE

Notice of Meeting

The Caribou National Forest Grazing Advisory Board Committee will meet at 1:30 p.m., November 18, 1975, at the Forest Supervisor's Office, 427 North Sixth Street, Pocatello, Idaho.

The purpose of this meeting is to discuss local and national policies concerning the management of the Forests as it relates to Forest grazing permittees. Some subjects that could be discussed are: what implications will more grass-fat livestock for market have on demands for Forest grazing; impact of increased phosphate mining activity on grazing allotments; condition of big game winter ranges and trends of game populations; and permittee input needs on planning and implementation of off-road vehicle use on National Forest lands.

The meeting will be open to the public. Persons who wish to attend should notify the Caribou National Forest, P.O. Box 4139, Pocatello, Idaho, 83201, or phone 208-232-1142. Written statements may be filed with the Board before or after the meeting. Public participation will be scheduled following the close of the regular schedule of business.

Dated: October 22, 1975.

ADRIAN E. DALTON,
Forest Supervisor.

[FR Doc.75-24290 Filed 10-30-75;8:45 am.]

Office of the Secretary

SUPERIOR NATIONAL FOREST ADVISORY COMMITTEE

Two-Year Renewal

The Assistant Secretary for Conservation, Research, and Education has re-

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newed the Superior National Forest Advisory Committee for an additional 2-year period ending September 28, 1977.

This is a local Forest Service advisory committee established by the Secretary of Agriculture on March 30, 1967, to consider and advise the Forest Supervisor on policies, programs, and planning affecting the administration of Forest Service activities in the Superior National Forest, including the Boundary Waters Canoe Area.

The Assistant Secretary has determined that continuation of this committee is necessary and in the public interest in connection with duties imposed on the Department by law. This notice is given in compliance with Public Law 92-463.

J. PAUL BOLDUC,
Deputy Assistant Secretary for Administration.

OCTOBER 28, 1975.

[FR Doc.75-29288 Filed 10-30-75;8:45 am]

Statistical Reporting Service

MARKETING YEAR CHANGE FOR GRAINS

Notice is hereby given that pursuant to the authority contained in Section 408 (i) of Title IV of the Agricultural Act of 1949, as amended (7 U.S.C. 1428(i)), the U.S. Department of Agriculture (USDA) proposes to change the marketing year for oats, barley, rye, flaxseed and sorghum to June 1 through May 31 in order to more nearly correspond with harvesting schedules in the major producing areas.

These changes will be effective with the marketing year starting June 1, 1976. Presently, the marketing year is July 1 to June 30 for oats, barley, rye and flaxseed and October 1 to September 30 for sorghum. Prompting the intended adjustment is USDA's desire to have the marketing years for these crops match the new June 1 through May 31 wheat marketing year enacted by Congress effective June 1, 1975. The previous marketing year for wheat had been July 1 to June 30.

The Department will continue to publish wheat supply, utilization, price and other data based on the old July 1 through June 30 marketing year until June 1, 1976 when its reports will shift to the new dates.

Prior to changing the marketing years for oats, barley, rye, flaxseed and sorghum, USDA invites interested parties to present in writing their reactions to the proposal to the Director of Agricultural Economics, U.S. Department of Agriculture, Washington, D.C 20250. In order to be sure of consideration, all responses must be received no later than December 1, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (8:30 a.m. to 5 p.m.).

Signed at Washington, D.C. on October 28, 1975.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.75-29287 Filed 10-30-75;8:45 am]

Rural Electrification Administration

WESTERN FARMERS ELECTRIC COOPERATIVE, INC.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Western Farmers Electric Cooperative, Inc., P.O. Box 429, Anadarko, Oklahoma 73005. This loan application, together with funds from other sources, includes financing for a 280 MW combined-cycle generating unit at Anadarko, Oklahoma.

Additional information may be secured by request submitted to the Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Impact Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4310, or at the borrower's address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to the Assistant Administrator-Electric, at the address given above. Comments must be received on or before December 30, 1975, to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 24th day of October, 1975.

RICHARD F. RICHTER,
Acting Administrator
Rural Electrification Administration.

[FR Doc.75-29365 Filed 10-30-75;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 9 a.m. to 1 p.m. on Thursday, December 18, 1975, in Dining Rooms A & B, Administration Building, of the National Bureau of Standards, in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal Information Processing Standards.

The public will be permitted to attend, to file written statements, and, to the extent time permits, to present oral statements. Persons planning to attend should notify Robert E. Rountree, Jr., Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (phone 301-921-3157).

Dated: October 24, 1975.

ERNEST AMBLER,
Acting Director.

[FR Doc.75-29323 Filed 10-30-75;8:45 am]

Office of the Secretary

NEW YORK BIGHT MESA ADVISORY COMMITTEE

Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I and Office of Management and Budget Circular A-63 of March 1974, and after consultation with OMB, the Secretary of Commerce has determined that the renewal of the New York Bight MESA (Marine EcoSystems Analysis) Advisory Committee, with a supporting information User Advisory Panel, a supporting Scientific and Technical Advisory Panel, and a supporting Citizen and Industrial Advisory Panel, is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee was first established in November 1973, and is being renewed for another two year period. The Committee will continue to collect, analyze and synthesize information on the needs and uses for marine ecosystem information in the New York Bight, on scientific and technical efforts in and related to the Bight and on the concerns and views of citizens and industrial organizations regarding the Bight. The Committee will continue to advise the Administrator of the National Oceanic and Atmospheric Administration (NOAA) on the conduct, content and coordination of the MESA New York Bight Project.

The Committee and each of its Panels will continue with a balanced representation of interests. The New York Bight Project Manager for the NOAA MESA Program will chair the Committee, and a designated NOAA employee will chair each Panel. The Committee will be responsible and report to the Director of NOAA's MESA Program, and will operate in compliance with the Federal Advisory Committee Act.

Copies of the Committee's revised charter will be filed with appropriate committees of the Congress and with the Library of Congress 15 days after the date this notice appears.

Inquiries or comments may be addressed to the Committee Control Officer, Mr. Stanley Chanesman, MESA New York Bight Project, Old Biology Building 004, S.U.N.Y., Stony Brook, New York 11794, telephone: (516) 751-7002.

Dated: October 24, 1975.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.75-29367 Filed 10-30-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Health

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council.

Date and Time: November 17, 1975 (10 a.m. to 5 p.m.). November 18, 1975 (9 a.m. to 1 p.m.).

Place: Auditorium (first floor), DHEW North Building, 330 Independence Avenue, S.W., Washington, D.C.

Purpose of Meeting: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to John R. Farrell, M.D., Director, Office of Professional Relations, Office of Professional Standards Review, Room 16A-16, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

OCTOBER 28, 1975.

WILLIAM B. MUNIER,
Acting Director, Office of Professional Standards Review.

[FR Doc.75-29333 Filed 10-30-75;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON RULEMAKING AND PUBLIC INFORMATION

Meeting

OCTOBER 24, 1975.

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Rulemaking and Public Information of the Administrative Conference of the United States, to be held at 10 a.m., Friday, November 14, 1975 in the office of the Administrative Conference of the United States, Suite 500, 2120 L Street, N.W., Washington, D.C. 20037.

The Committee will meet to consider Professor Williams' proposed recommendation on hybrid rulemaking, Professor Tomlinson's revised draft report and recommendations on "Publication of Documents in the Federal Register," and Professor Asimow's study and recommendations on the exemption from rulemaking in the Administrative Procedure Act for statements of policy and interpretive rules.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting: any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Emmett J. Gavin (telephone 202-254-7020). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

[FR Doc.75-29419 Filed 10-30-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 75-10-50; Docket 27573; Agreement C.A.B. 25453]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Correction

In FR Doc. 75-28030, appearing at page 48708, in the issue for Friday, October 17, 1975, the third line of the second paragraph was omitted, it should read as follows: "low reflecting reductions from general".

[Order 75-10-51; Docket 28392]

KOREAN AIR LINES CO., LTD.

Order of Investigation and Suspension

Correction

In FR Doc. 75-28031, appearing at page 48708 in the issue for Friday, October 17, 1975, change the seventeenth line, in the third column of page 48709 from "posed rates would still be 213 and 661 per-" to: "posed reductions from present air freight".

ADVISORY COMMITTEE ON PROCEDURAL REFORMS

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Civil Aeronautics Board Advisory Committee on Procedural Reforms will be held at 9:30 a.m. on Saturday, November 15, 1975, in Room 1027 of the Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

The Advisory Committee was established to study the procedural aspects of Civil Aeronautics Board regulation, and to recommend changes designed to reduce cost and delay.

The members of the Advisory Committee are:

Elroy H. Wolff, Chairman

Richard J. Barber	J. Kerwin Rooney
Emory N. Ellis, Jr.	Kelly Rueck
Marvin H. Kosters	Walter D. Scott
Monte Lazarus	Jerrold Scoutt, Jr.
Richard S. Maurer	Robert B. Shapiro
Adrian M. McDonough	James Lawrence Smith
Gerard R. Moran	John M. Steadman
Paul S. Quinn	Frank M. Wozencraft
Bert W. Rein	
Reuben B. Robertson, III	

The Committee will continue the discussion of the draft reports of the various subcommittees. The subcommittees are: (1) The Board Members; (2) Staff Organization and Functions; (3) Formal Proceedings; (4) Informal Matters; (5) International Matters and (6) Delay. The Committee will also begin discussion of its final report. At the close of the general meeting the subcommittees may continue to meet.

The meeting will be open to the public. Any member of the public may file written statements concerning the matters to be discussed. Oral presentations should be requested in advance.

Persons wishing further information, or wishing to make written or oral presentations should contract Edmund W. Kitch, Executive Director, Civil Aeronautics Board Advisory Committee on Procedural Reforms, Civil Aeronautics Board, Washington, D.C. 20428, telephone 202-382-3216 or 382-7263 (ask for Mr. Campbell).

Minutes of the meeting will be available for public inspection by December 8, 1975, in Room 425 of the Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

[SEAL] EDWIN Z. HOLLAND,
Secretary
Civil Aeronautics Board.

[FR Doc. 75-29327 Filed 10-30-75;8:45 am]

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[Docket No. 28319]

CLEVELAND-TORONTO ROUTE PROCEEDING

Change of Hearing Room

Notice is hereby given that the prehearing in the above-captioned case (40 FR 44860, September 30, 1975) scheduled to be held in Room 911, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., commencing at 10 a.m. (local time), Monday, November 10, 1975, has been transferred to Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., at the same time.

Dated at Washington, D.C., October 28, 1975.

[SEAL] DEE C. BLYTHE,
Administrative Law Judge.

[FR Doc.75-29328 Filed 10-30-75;8:45 am]

[Docket 25280; Agreement C.A.B. 25476 R-1 and R-2; Order 75-10-100]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority October 23, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers. Regulations between various air carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names additional specific commodity rates as set forth below, reflecting reductions from general cargo rates; and were adopted pursuant to unprotested notices to the carriers and promulgated in IATA letter dated October 17, 1975.

Agreement CAB	Specific commodity item No.	Description and rate
254/6:		
R-1	1567	Cigarettes, 288¢/kg, minimum weight 100 kg, from Bangalore to New York.
R-2	3300	Plumber fittings, 279¢/kg, minimum weight 500 kg, from Bangalore to New York.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, IT IS ORDERED THAT:

Agreement C.A.B. 25476, R-1 and R-2, is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-29329 Filed 10-30-75;8:45 am]

[Docket 25280; Agreement C.A.B. 25438; Order 75-10-115]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority October 28, 1975.

An Agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at the 19th meeting of the Joint Specific Commodity Rates Board held in Geneva on March 4-7, 1975 and has been assigned the above C.A.B. agreement number.

This agreement would remove expiry dates from certain specific commodity rates, amend various others to expire March 31, 1976, and cancels certain others in the North/Central Pacific Rate Tables. These represent corrections to the previous Agreement C.A.B. 25071 which was approved by Order 75-5-101.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, IT IS ORDERED THAT:

Agreement C.A.B 25438 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-29330 Filed 10-30-75;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

FLOOR BROKERS

Notice of Amendment of CFTC Floor Broker Registration Form 2-R

The Commodity Futures Trading Commission ("Commission") has amended its floor broker registration Form 2-R to incorporate the information required by the Privacy Act of 1974, 5 U.S.C. 552a, to advise applicants of certain existing requirements of the regulations under the Commodity Exchange Act ("Act") and to conform question 6 of the application, which deals with disclosure of convictions and injunctions, to the statutory grounds for denial or revocation of registration.

Pursuant to the requirements of the Privacy Act of 1974, Form 2-R has been amended so as, in summary, to inform the applicant that:

a. The information requested on the form is mandatory, except for the social security number, which is voluntary.

b. The information included on the application will be used as a basis for initiating inquiry into the applicant's fitness to engage in the business.

c. The applications will generally be considered a matter of public record; however, supplementary details of a violation/offense provided in response to question 6 may be treated as non-public in appropriate cases.

Because response to question 6 is to be made on a separate attachment, the Commission will be able in appropriate cases to treat these responses as non-public while treating the application itself as a public document in every case. In addition, the applicant may request that other information be kept confidential if he believes it would constitute an unwarranted invasion of his personal privacy or would reveal sensitive business information. Initial non-public or confidential treatment does not, however, preclude the Commission from subsequently disclosing information for purposes for which confidential treatment appears unwarranted, including disclosures to other governmental authorities and disclosures made in connection with Commission investigations and litigations.

Additionally, the instructions on the application were amended so as to inform the applicant that changes, deletions or additions to certain items on the application must be reported to the Commission on CFTC Form 3-R. This requirement is already included in the regulations, but it was felt that the applicant should be made aware of the requirement on the application form itself.

Finally, question 6 on the application, dealing with disclosure of convictions and injunctions, has been expanded to conform more closely to the grounds for denial or revocation of registration which are set forth in the Commodity Exchange Act. The Commission interpreted these standards for denial of registration in a release dated July 3, 1975 (*see*, 40 FR 28125, July 3, 1975).

Because the disclosure requirements of the Privacy Act became effective on September 27, 1975, and must be implemented before Form 2-R may be used, because the Commission must print and distribute copies of application forms to prospective applicants as quickly as possible in order to complete registration prior to December 31, 1975, when all present registrations expire, and because the amendments to question 6 merely conform the substance of that question to the statutory grounds for denial or revocation of registration, the Commission finds that the notice and public procedures specified in 5 U.S.C. 553(b) are impractical and unnecessary and would be contrary to the public interest.

In consideration of the foregoing, the Commission, pursuant to its authority under sections 4f and 8a(5) of the Commodity Exchange Act, amends Form 2-R as described above, effective November 1, 1975. Although the Form is being amended with immediate effect, the Commission wishes to make clear that any comments interested persons may have respecting these amendments to Form 2-R will be welcome. Comments should be mailed to Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036, Attention: CCU.

A copy of revised CFTC Form 2-R, Floor Broker Registration Form, is set forth below.

Issued in Washington, D.C. on October 27, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

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COMMODITY FUTURES TRADING COMMISSION | APPLICATION FOR REGISTRATION AS FLOOR BROKER | CFTC FORM 2-R REVISED OCTOBER 1975

INSTRUCTIONS: This application should be typewritten or printed in black ink. Send one copy to the nearest regional office of the Commodity Futures Trading Commission and retain a duplicate for your files. All questions must be answered completely and accurately to eliminate delay and assist in prompt handling of the application. If additional space is needed, use an attachment and refer to corresponding item on form. If you have been previously registered with the Commodity Futures Trading Commission or the Commodity Exchange Authority, answers to certain items on this application have been preprinted. Check any preprinted answers for accuracy and completeness. Where preprinted answers are inaccurate or incomplete make changes or additions on the application form; if sufficient space is not available, use an attachment to the form. See that the form is completed, dated, and signed. Subsequent changes, deletions or additions to items 2, 4, 5, and 6 must be reported to the Commission using CFTC Form 3-R. (See Special Notice on Reverse.)

Enter Below: 1. NAME 2. BUSINESS ADDRESS (Incl. Firm. No., City, State, and Zip Code)

DATE OF BIRTH (Month, Day & Year)

PLACE OF BIRTH (City & State or Country)

RESIDENCE ADDRESS

SOCIAL SECURITY NUMBER (Voluntary Submission - need not be included)

Application is hereby made for registration as floor broker for the calendar year ending December 31, 19____, pursuant to the requirements of the Commodity Exchange Act. Enclosed is remittance in the amount of $20, payable to the Commodity Futures Trading Commission, to cover the prescribed registration fee.

3. Regulated commodity exchanges of which you are a member. (If membership is pending, so indicate)

4. Name of each principal clearing member through whom transactions in commodities are cleared for your own account, or for any account which you control or in which you have a financial interest. If NONE, check here ☐

5. Name of each principal clearing member for whom you are currently engaged as floor broker. If NONE, check here ☐

6. If an answer to 6(a), 6(b), 6(c), or 6(d) is "yes," provide the details of the violation/offense; date and nature of judgment, decision, verdict or other findings made, and sanction or sentence imposed on an attached sheet if this information has not been previously reported to this Commission or the Commodity Exchange Authority.	YES	NO
(a) Have you ever been censured, fined, suspended, expelled, barred, denied membership or registration, accepted an offer of settlement, or otherwise been disciplined by any regulatory body as follows:		
(1) A commodity or securities exchange or related clearing organization or by a national securities association?		
(2) The United States Securities and Exchange Commission, the securities commission or equivalent authority of any State?		
(3) Other regulatory body? (specify)		
(b) Have you ever been convicted or been found guilty of or pleaded *nolo contendere* to a felony of any kind or to any offense listed in the attached Commission interpretation relating to the fitness of floor brokers or to any misdemeanor(s) charging misrepresentation, fraud, deceit, theft, embezzlement, conversion or abuse of a fiduciary relationship?		
(c) Have you been convicted of any violation involving the handling of any commodity or security account for any customer?		
(d) Have you been the subject of any debarment by an agency of the United States from contracting with the United States?		
(e) Are you a party to any action, or currently under indictment or have any charge(s) pending, the outcome of which could result in a "yes" answer to any of the preceding questions [6(a) through 6(d)]? If answer to 6(e) is yes, furnish complete details on an attached sheet.		

Willful falsification or misrepresentation or willful omission of any material fact required to be stated in this application shall constitute cause for the denial, suspension or revocation of registration and/or prosecution under criminal statutes.

CERTIFICATION

I hereby represent that I have read and understand the foregoing statement and that all information contained or incorporated in this application is true and complete.

DATE | APPLICANT'S SIGNATURE

You may not legally act as a floor broker for the person covered by this application until you have been notified that you have been so registered.

SPECIAL NOTICE

1. This information on this form is being collected pursuant to authority granted in Section 4f(1) of the Commodity Exchange Act [7 U.S.C. § 6f(1)]. Under Section 4e of the Commodity Exchange Act [7 U.S.C. § 6e] it is unlawful for anyone to act as a floor broker without being registered in that capacity with the Commission. The furnishing of all information on this form is mandatory prior to processing of the application for registration, except the social security number, disclosure of which is voluntary.

2. The information being requested is designed to assist the Commission in determining whether the application for registration or renewal thereof should be granted or denied. Information included herein will be used as a basis for initiating an inquiry into the applicant's fitness to engage in the business. Social security numbers, if furnished, will be used only to assist the Commission in identifying applicants and, therefore, in promptly processing applications.

3. The application with the exceptions listed below, is considered by the Commission as a public record and will be available for inspection by any interested person. Copies will be maintained in the public reference facilities of the Commission's office nearest to the applicant's location.

While the application itself will always be treated as a public document, supplementary details of a violation/offense provided on the attachment thereto in response to question 6 may be treated as non-public in appropriate cases. If the applicant believes that the placing of any other information of this form in the Commission public file would constitute an unwarranted invasion of his personal privacy or would reveal sensitive business information, he may petition the Commission to treat this information as confidential in response to requests under the Freedom of Information Act. The Commission may disclose information which has been classed as non-public or confidential under circumstances in which confidential treatment appears unwarranted, including disclosures to other governmental authorities and disclosures made in connection with Commission investigations and litigation.

4. Forms which have not been prepared and executed in compliance with applicable requirements may be returned as not acceptable for filing. Acceptance of this form shall not constitute any finding that it has been filed as required or that the information submitted is true, current, or complete. Misstatements or omissions of fact may constitute federal criminal violations. [See 18 U.S.C. § 1001 and 7 U.S.C. 13(c)].

[FR Doc.75-29251 Filed 10-30-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

BOOKMATCHES

Extension of the Time for Publishing a Proposed Rule or Withdrawing Notice of Proceeding

The purpose of this notice is to extend by 61 days, or until December 1, 1975, the period in which the Consumer Product Safety Commission must publish in the FEDERAL REGISTER a proposed consumer product safety standard for bookmatches or withdraw the notice of proceeding for development of a standard.

In the FEDERAL REGISTER of September 4, 1974 (39 FR 32050), the Commission commenced a proceeding under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) for the development of a consumer product safety standard applicable to bookmatches. On October 24, 1974, the Commission accepted the offer of the American Society for Testing and Materials (ASTM) to develop a recommended standard, and formalized that agreement on December 30, 1974. A notice was published in the January 7, 1975 FEDERAL REGISTER (40 FR 1298) announcing the Commission's acceptance of the ASTM offer. On February 3, 1975, ASTM submitted a recommended standard and supporting data to the Commission.

Section 7(f) of the Consumer Product Safety Act provides that within 210 days after publication in the FEDERAL REGISTER of a notice of proceeding to develop a consumer product safety standard, the

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Commission must either publish a proposed standard or withdraw the notice of proceeding. The Commission may extend the 210-day period for good cause, by publishing a notice of extension in the FEDERAL REGISTER. In the FEDERAL REGISTER of April 17, 1975 (40 FR 17196), the Commission, for good cause shown, extended the 210-period by 30 days until May 2, 1975. The Commission determined that it needed additional time to properly review the material submitted by the offeror and the analysis of the Commission staff.

In the FEDERAL REGISTER of July 3, 1975 (40 FR 28126) the Commission further extended the 210-day period until October 1, 1975. The Commission found that this additional time was necessary in order to adequately review the more detailed justification that would be submitted by ASTM and to afford the staff an adequate opportunity to address the issue of child-resistant packaging.

ASTM has submitted a detailed justification of its recommended bookmatch standard. The Commission staff has also completed some additional work necessary for the development of requirements for a child-resistant bookmatch cover.

The Commission staff has reviewed the ASTM rationale and has conducted tests of bookmatches in accord with the provisions of the recommended standard. The Commission concludes that additional time is necessary to modify and verify test methods for certain of the ASTM recommended provisions. Additional time is also needed to allow the Commission staff to prepare detailed justification for the child-resistant bookmatch cover requirements.

In addition, the child-resistant bookmatch cover requirements and provisions of the ASTM recommended standard are being integrated into a single comprehensive proposed consumer product safety standard for bookmatches.

Accordingly, the Commission, for good cause shown, hereby extends by 61 days, or until December 1, 1975, the time in which the Commission must either publish a proposed consumer product safety standard applicable to bookmatches or withdraw its notice of proceeding.

Dated: October 24, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-29289 Filed 10-30-75;8:45 am]

CHILDREN'S SLEEPWEAR

Recordkeeping Requirements for Garments Manufactured on or After May 1, 1975, From Fabric Manufactured Before May 1, 1975; Policy Statement

Correction

In FR-Doc. 28466, appearing at page 49538, in the issue for Wednesday, October 22, 1975, in the third column, the title appearing under the signature now reading *"Secretary, Consumer Power Safety Commission"* should be changed to read *"Secretary, Consumer Product Safety Commission"*.

ENVIRONMENTAL QUALITY COUNCIL

ENVIRONMENTAL IMPACT STATEMENT

Availability

Environmental impact statements received by the Council on Environmental Quality from October 20 through October 24, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (December 15, 1975). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fowden G. Maxwell, Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, (202) 447-3965.

RURAL ELECTRIFICATION ADMINISTRATION

Draft

230kV Transmission Lines, Summer Nuclear Plant, Several Counties in S.C., October 21: The statement concerns a loan application by the Central Electric Power Cooperative, Inc., to finance approximately 95 miles of 230kV line from the Summer Nuclear Plant to Newberry and from Varnville to Hilton Head. The project also includes construction of five new substations at Newberry, Varnville, Hilton Head, Batesburg, and Camden plus a 230kV terminal at the existing Blythewood substation. Environmental effects associated with the project involve introducing negative visual impacts into scenic areas, the removal of tall trees, some soil erosion which may affect nearby waterways, minor limitations on land use, and temporary construction effects. (ELR Order No. 51546.)

SOIL CONSERVATION SERVICE

Draft

Upper Petit Jean Watershed, Logan, Scott, and Sebastian Counties, Ark., October 20: Proposed is a project for the purposes of watershed protection, flood prevention, and a municipal and industrial water supply. The project will commit 507 acres of grassland and 535 acres of forest land to 8 floodwater retarding structures and 1 multiple purpose structure. About 13 miles of upland intermittent streams will be permanently inundated by the 9 reservoirs. The project will also require the relocation of 17 families. (ELR Order #51543.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, (202) 693-6795.

Final

Chevron Oil Co., Dredging Permit, Baldwin County, Ala., October 24: Proposed is the issuance of a permit to Chevron Oil Company for the dredging of a slip in the Mobile River Delta to accommodate an inland drilling operations. Adverse impacts include the destruction of about 5 acres of swamp, increased noise levels in the vicinity, degradation of the aesthetic quality of the area, and the potential effects of accidental oil spills and blowouts on Mobile Delta and surrounding areas. (Mobile District) Comments made by: DOI, HUD, DOT, USDA, EPA, DOC, and State and local agencies and individuals. (ELR Order #51560.)

Emergency Water Pumping Station, Potomac Estuary, District of Columbia, October 22: Proposed is the construction of a 100MGD emergency raw water intake, an access road, and a temporary earthen-fill bridge 1,100 feet upstream from Chain Bridge. The project is intended to assure an adequate supply of raw water during low flows of the Potomac. Adverse impact will include: the commitment of land; encroachment upon the C and O Canal National Historical Park, with subsequent aesthetic and recreational losses; and potential damage to water quality and life within the Estuary if the intake is used for prolonged periods. (Baltimore District). Comments made by: EPA, DOI, USDA, and State and local agencies. (ELR Order No. 51551.)

Calumet-Sag Channel, Maintenance Dredging, Illinois, October 22: The project involves the maintenance dredging of Calumet-Sag Channel and the Little Calumet River, and the disposal of polluted sediments in land disposal areas. The dredging program is intended to maintain the waterway for commercial traffic. Adverse impact includes temporary increases in water turbidity, and the potential pollution of ground water. (Disposal sites may be lined with clay in order to mitigate the latter effects.) (169 pages.) Comments made by: USDA, DOC, EPA, HEW, HUD, DOI, DOT, and State and local agencies, and individuals. (ELR Order No. 51550.)

Central Maine Power, Wyman Unit No. 4, Maine, October 24: Proposed is the addition of a 600 megawatt electric generating unit to the present plant capacity of 224 MW. The plant would consume approximately 200 million gallons of fuel oil per year, increasing emissions to the earth's atmosphere. The project also entails dredging from Casco Bay and raising of Casco Bay seawater used for cooling 25 degrees F. Marine life will also be entrained in the cooling system. (Waltham District. Comments made by: HUD, DOC, DOI, EPA, HEW, and local agency. (ELR Order No. 51559.)

Galveston Harbor and Channel, Galveston County, Tex., October 23: The statement refers to the proposed continued maintenance of Galveston Harbor and Channel by periodic removal of shoaled materials. Maintenance will be performed with a hopper dredge or contract pipeline dredge with materials disposed of in a designated area in the Gulf of Mexico. Adverse impacts are loss of benthic community in dredge area, and temporary turbidity. Comments made by: EPA, DOC, DOI, AHP, DOT, HUD, HEW, and State and local agencies: (ELR Order #51556.)

Little Creek Water Supply Reservoir, Newport News, James City County, Va., October 23: The statement discusses the city of Newport News' proposal to increase the safe yield of their water supply system by damming Little Creek and creating an impoundment which will store water to be pumped from the Chickahomy River at Walker Dam. The Army Corps portion of the project includes: construction of an earthfill dam; construction of a pumping station; dredging from the stream bed at the dam site; and expansion of the pumping station at Walker Dam. Adverse impacts are the alteration of 916 acres to an aquatic habitat, displacement of wildlife habitats, and the conversion of 2.5 miles of stream to a lake. (Norfolk District). Comments made by: DOC, DOI, EPA, DOT, AHP, USDA, and State agencies. (ELR Order #51557.)

Due to incomplete distribution of the following statements, Santa Cruz Harbor Maintenance Dredging and Moss Landing Harbor, California, the thirty (30) day review period for the two statements will not begin until October 31, 1975, the date of publication of this notice in the FEDERAL REGISTER.

Final

Santa Cruz Harbor Maintenance Dredging, Santa Cruz County, Calif., September 2: Proposed is the maintenance dredging of the entrance channel to Santa Cruz Harbor, with the disposal of dredge spoil on the beach east of the jetty. There will be increased turbidity and disruption of biota as a result of the actions. (San Francisco District). Comments made by: USDA, DOT, EPA, HEW, DOI, and State and local agencies and one individual. (ELR Order #51312.)

Moss Landing Harbor, California, Calif., September 3: Proposed is the maintenance dredging of the entrance channel and harbor channel at Moss Landing. Dredged spoil will be deposited at the head of the Monterey Canyon at the 60 foot isobath at the end of Sandholdt Pier. Adverse impact will accrue to marine biota. (San Francisco District). Comments made by: USDA, DOC, DOI, HEW, EPA, and State agencies. (ELR Order #51327.)

NAVY

Contact: Mr. Peter M. McDavitt, Special Assistant to the Assistant Secretary of the Navy (Installations and Logistics), Washington, D.C. 20350, (202) 692-3227.

Final

Naval Petroleum Reserve No. 4, Zone A, Alaska, October 24: The statement concerns a 3-year project to locate productible oil and natural gas on the 37,000 square mile Naval Petroleum Reserve No. 4 on the North Slope of Alaska. Adverse impacts include: increases in animal mortality rate, irreparable vegetation damage, extensive permafrost damage, serious alterations in drainage patterns, ecological repercussions to endangered species and ecosystems, and reduction in the wilderness qualities of the area. Comments made by: AHP, USDA, DOC, HUD, USCG, EPA, and State agencies and conservation groups. (ELR Order No. 51562.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, 202-755-0940.

Final

Redwood Service District, Josephine County, Oreg., October 23: The project as originally proposed by the Redwood Sanitary Sewer Service District would involve construction of a sewerage system to initially serve the eastern half of the service district which has been declared an emergency health hazard area by the Josephine County Health Department. An interceptor would be constructed westerly along the Rogue River to a secondary treatment plant at the west end of the Service District. Effluent would be discharged to the Rogue River. A "no action" alternative and an alternative with a different plant location are included. Comments made by: USDA, USA, DOT, AHP, HUD, and State and local agencies, and individuals. (ELR Order No. 51558.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street, N.W., Washington, D.C. 20426, 202-386-6084.

Final

Mississippi River Transmission Corporation, October 20: The statement describes the projected curtailment of natural gas supply for the Mississippi River Transmission Corporation. Adverse effects include decreased air quality due to increased use of other fossil fuels and economic consequences of the deficiency of natural gas. Comments made by: NRC, HEW, and State and local agencies. (ELR Order No. 51540.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets, N.W., Washington, D.C. 20405, 202-343-4161.

Draft

Social Security Administration Center, Monterey County, Calif., October 20: The proposed action consists of construction and operation of a Data Operations Center for the Social Security Administration on an 11.71 acre site in Salinas, California. The project will have a negative effect upon air quality due to automobile traffic to and from the facility. Development of the area will also occur unless the general plan for the city is enforced. (ELR Order No. 51541.)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Peter Krenkel, Director of Environmental Planning, 720 Edney Building, Chattanooga, Tennessee 37401, 615-755-2002.

Draft

Poor Valley Creek State Park, Hawkins County Tenn., October 22: The proposed action is to enter into a cooperative agreement between TVA and the State of Tennessee to develop the Poor Valley Creek embayment of Cherokee Reservoir for use as a state park. The project includes the purchase of 435 acres of privately owned land and 1,468 acres easement from Tennessee Valley Authority, and the construction of a dam across Poor Valley Creek. Approximately 530 acres of land would be permanently inundated and seven families relocated. (ELR Order No. 51552.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street, S.W., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

I-435 Extension (2nd Supplement), Johnson County, Wyandotte, Kans., October 24: The statement is the second draft supplement to the final EIS. Proposed is the addition of 20.5 miles to Interstate 435 loop around Greater Kansas City, a minimum six-lane limited access facility including interchanges and bridge crossings of Kansas and Missouri Rivers. Adverse impacts of the project include the displacement of families and a church and the conversion of pasture and cultivated land to right-of-way. Air and noise pollution will be increased above ambient level. Wildlife habitat will be destroyed. (ELR Order No. 51561.)

USH 61, 151 and STH 35, Mississippi R. to Dickeyville, Grant County, Wisc., October 21: The statement contains alternative improvement proposals for an 8 mile segment of concurrent U.S.H. 61, 151 and S.T.H. 35 between the Mississippi River and Dickeyville, Wisconsin, which will subsequently connect to a new Mississippi River bridge. Any of the alternatives would result in the displacement of families and businesses and the expansion of urban growth. An additional 140 to 240 acres of land will be required for right-of-way. (ELR Order No. 51545.)

Final

Route 15, San Diego, San Diego County, Calif., October 21: Proposed is the conversion of 2.2 miles of 4-lane highway to freeway on SR-15 between IR-805 and 0.5 mile south of IR-8 in the City of San Diego. A wide, depressed freeway design has been selected for the project. Negative impacts include the displacement of about 550 apartment units and homes plus 63 commercial units. Part of the area known as "Park de la Cruz" will be required, displacing a YMCA center. A 4(f) statement is included. Comments made by: DOI, USA, EPA, DOT, HEW, HUD, and State and local agencies, and individuals. (ELR Order No. 51548.)

Service Route 1, Johnson County, Iowa, October 21: The statement considers the proposed widening of two-lane Iowa 1 to four lanes, construction of a median separation, channelization of the intersection with U.S. 6-U.S. 218, and on interchange with proposed Freeway 518. Project length is 2.2 miles. Two businesses and fourteen families will be displaced; an unspecified amount of land will be committed to the action. Wildlife cover will be lost and ground nesting areas disturbed. (24 pages) Comments made by: USDA, DOI, USA, and State, local and private agencies. (ELR Order No. 51544.)

Interstate Highway 90, Minnesota, Faribault County, Minn., October 22: The statement considers two alternate routes for the construction of a 6-mile section of 4-lane divided I-90 through or around a portion of the Walnut Lake Wildlife Area. The favored alternate which will pass through the Wildlife Area involves constructing a dike and access trail for, and in cooperation with the Minnesota Department of Natural Resources. Adverse effects of the action include loss of agricultural land, hydraulic and wind erosion during construction, loss of wildlife cover, and encroachment on Section 4(f) land from the Walnut Lake Wildlife Area. (54 pages). Comments made by: EPA, HEW, USDA, USA, DOC, and State and local agencies. (ELR Order No. 51555.)

Route 50, Cole County, Missouri County: Cole County, Mo., October 20: The statement refers to the proposed construction of Route 50 in Cole County. The 8 mile project consists of acquiring right-of-way for a 4 lane divided highway including a diamond, a modified diamond and a loop interchange. Adverse impacts are the use of 240 acres of land, and the removal of 11 houses, 1 commercial building, one telephone switching center and 3 sheds. Comments made by: HUD, DOI, USDA, EPA, HEW, DOT, USA, and State and local agencies. (ELR Order No. 51542.)

State Route 6, Tennessee, Tennessee County: Maury County, Tenn., October 21: The statement considers six alternatives for the construction of approximately 15 miles of a four lane divided highway which would serve as a principal connection between the Cities of Mt. Pleasant and Columbia. Adverse effects are the displacement of some residences and businesses as a result of right-of-way acquisition; loss of some natural resources and increases in noise and air pollution. (72 pages). Comments made by: USDA, HUD, DOI, DOT, TVA, HEW, EPA, and State and local agencies, and interest groups. (ELR Order No. 51549.)

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URBAN MASS TRANSPORTATION ADMINISTRATION

Draft

MARTA (Supplement), Georgia, October 21: The supplement concerns changes in the MARTA system at the Vine City Station, Techwood Station, Tucker-North DeKalb Corridor, Candler Park Station, and East Lake Station. Adverse impacts of the action include the acquisition of land and 310 relocations, the demolition of buildings, the disturbance of the Mason Mills Sports Center and Vine City area, now under consideration of nomination to the National Register. Nine acres of hardwood forest at North Decatur Road and seven acres of forested land west of the SCL Railroad at North Durid Hills would be impacted by these changes. (ELR order No. 51547.)

VETERANS ADMINISTRATION

Contact: (For Medical Facilities), Mr. Arthur W. Farmer, Assistant Chief, Medical Director for Administration and Facilities, Veterans Administration, 810 Vermont Avenue N.W., Washington, D.C. 20420. (For Housing), Mr. R. C. Coon, Director, Loan Guarantee Service, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. 202–389–2332.

Final

Added Parking Facilities, VA. Hosp., Iowa City, Iowa, October 23: The project will provide a parking structure of three levels for approximately 250 spaces on the existing VA Hospital site, Iowa City, Iowa with structural capacity for a future expansion of an additional 3 levels. There will be demolition of about 24 existing parking spaces, producing a net gain of 476 spaces. Adverse impacts are increased concentration of air pollutants, increased utilization of land and reduction of open space, and general construction disruption. Comments made by: AHP, USDA, HEW, DOI, DOT, EPA, and State, local and private agencies. (ELR order No. 51554.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75–29324 Filed 10–30–75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

NATIONAL PLAN FOR ENERGY RESEARCH, DEVELOPMENT AND DEMONSTRATION; NORTHWESTERN REGION

Public Meeting

On Monday, September 22, 1975, the Energy Research and Development Administration published in the FEDERAL REGISTER (40 FR 43565) notice of a series of regional public meetings on the comprehensive national energy research, development and demonstration plan, Creating Energy Choices for the Future (ERDA–48). The September 22, 1975, FEDERAL REGISTER notice set forth the purpose of the meetings and information on the procedures and other pertinent aspects of the meetings.

It is ERDA's intent to establish a constructive dialogue with State, regional and local groups and private citizens on regional energy concerns as affected by the energy research and development plan.

Notice is hereby given that the Northwestern Regional Public Meeting will be held in Seattle, Washington, on December 2–3, 1975, beginning at 9:30 a.m. at the Seattle Center.

Notice of intent to make a presentation should set forth:

1. The name, address, and affiliation, if any, of the participant;

2. A brief indication of the specific issues concerning Federal energy research, development and demonstration that the participant will address; and

3. Where practicable the text of any statement to be presented or a reasonably detailed summary thereof, which will be included in the proceedings of the meeting.

This notice to make a presentation must be received no later than November 15, 1975, to ensure scheduling. Presentations may be limited to 15 minutes or less in length in order to assure all respondents a fair opportunity to present their views.

Notices of intent to make a presentation and requests for additional information should be addressed to Mr. Tom Bauman, Public Information Officer, ERDA Richland Operations Office, Federal Building, Richland, Washington, 99352 (509–942–7451). Copies of Volume I and II of ERDA–48, Creating Energy Choices for the Future, will be available through the above address.

Dated at Washington, D.C., this 29th day of October 1975.

For the Energy Research and Development Administration.

RAYMOND ROMATOWSKI,
Assistant Administrator for Administration.

[FR Doc.75–29468 Filed 10–30–75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[449–6]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES (NSPS) AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)

Notice of Delegation of Authority to State of Colorado on Behalf of the Colorado Air Pollution Control Division

On December 23, 1971 (36 FR 24876) and March 8, 1974, (29 FR 9308), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations in 40 CFR Part 60 establishing standards of performance for twelve categories of new stationary sources (NSPS). In addition, on April 6, 1973 (38 FR 8820), pursuant to Section 112 of the Clean Air Act, as amended, the Administrator promulgated in 40 CFR Part 61 national emission standards for three hazardous air pollutants (NESHAPS). Sections 111(c) and 112(d) of the Act direct the Administrator to delegate authority to implement and enforce the standards to any State which submits an adequate procedure. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to a State.

On June 6, 1975, Richard D. Lamm, Governor, State of Colorado, submitted a request on behalf of the Colorado Air Pollution Control Division for delegation of authority to implement and enforce the NSPS and NESHAPS. Included in that request were copies of Colorado Air Pollution Control Commission Regulations 6 and 8; also included were copies of State statutes and authoritative interpretations which provide the State with authority to enforce the NSPS and the NESHAPS. After a thorough review of that request, the Regional Administrator determined that the State procedures and authority were adequate. Pursuant to authority delegated to him by the Administrator, the Regional Administrator notified Governor Lamm on August 27, 1975, that authority to implement and enforce eleven categories of NSPS and three categories of NESHAPS was delegated to the State of Colorado on behalf of the Colorado Air Pollution Control Division:

Honorable Richard D. Lamm
Governor of Colorado
State Capitol
Denver, Colorado 80203

Dear Governor Lamm:

This letter is in response to your June 6, 1975, request for delegation of authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) for the twelve source categories promulgated by EPA as of June 6, 1975, and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) for the three pollutants promulgated by EPA as of June 6, 1975. I would like to commend you, your staff, the Colorado Air Pollution Control Division, and the Colorado Air Pollution Control Commission for the diligence and excellence of Colorado's efforts to assume responsibility for implementing and enforcing the NSPS and the NESHAPS. Colorado has the distinction of being the first State in Region VIII to receive Federal delegation of the NSPS and the NESHAPS.

EPA has reviewed the pertinent laws of the State of Colorado and the rules and regulations of the Colorado Air Pollution Control Commission, and has determined that they provide for an adequate and effective procedure, subject to the conditions noted, for implementation and enforcement of eleven categories of NSPS and three categories of NESHAPS by the State of Colorado and the Colorado Air Pollution Control Division. Delegation of standards of performance for storage vessels for petroleum liquids will not be possible until the State adopts regulations with respect thereto. Therefore, we hereby grant delegation of the NSPS and NESHAPS to the State of Colorado on behalf of the Colorado Air Pollution Control Division, subject to the conditions set forth in paragraphs 1 through 12, as follows:

a. Authority for eleven sources located in the State which are subject to the Standard of Performance for New Stationary Sources promulgated in 40 CFR Part 60 as of June 6, 1975. The eleven (11) categories of new sources subject to this delegation are fossil fuel-fired steam generators; incinerators; portland cement plants; nitric acid plants; sulphuric acid plants; asphalt concrete plants; petroleum refineries; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; and sewage treatment plants.

b. Authority for all sources located in the State of Colorado which are subject to the national emission standards for hazardous air pollutants promulgated in 40 CFR Part 61 as of June 6, 1975. The three (3) hazardous air pollutants subject to this delegation are asbestos, beryllium, and mercury.

This delegation is based upon the following conditions:

1. Semiannual reports will be submitted to EPA by the Colorado Air Pollution Control Division, which reports a listing of all new sources and sources of hazardous air pollutants located within the State, a listing and summary of compliance status for each such source with applicable emission standards, and a status report on enforcement actions taken or pending against violators.

2. Enforcement of the NSPS and NESHAPS in the State of Colorado will be the primary responsibility of the Colorado Air Pollution Control Division. If the State determines that such enforcement is not feasible and so notifies EPA, or where the State acts in a manner inconsistent with the terms and conditions of this delegation, EPA may exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources which are subject to the NSPS and NESHAPS.

3. The delegation to the State of Colorado does not include the authority to implement and enforce NSPS or NESHAPS for sources owned or operated by the United States which are located within the State. The condition in no way relieves any Federal facility from meeting the requirements of 40 CFR Parts 60 and 61.

4. The State of Colorado will at no time grant a variance pursuant to CRS 25–7–115 from compliance with any standard or requirement of Regulations 6 and 8 pertaining to NSPS and NESHAPS. EPA will consider any source requesting or receiving a variance to remain subject to applicable Federal regulations. EPA may institute an enforcement action against the source pursuant to Section 113 of the Clean Air Act if violation of Federal regulations occur. The granting of such a variance by the State shall also constitute grounds for revocation of delegation by EPA.

5. Subdelegation by the Colorado Air Pollution Conutrol Division to regional or local air pollution control authorities in the State shall not act to relieve the Colorado Air Pollution Control Division of the primary responsibility for implementing and enforcing NSPS and NESHAPS, nor of any of the conditions contained in the delegation from EPA.

6. The Colorado Air Pollution Control Division will utilize and require to be utilized those methods specified in 40 CFR Part 60 and 61 in performing source and emission tests pursuant to the regulations. Alternative or equivalent methods shall not be utilized without prior written concurrence by EPA. Minor changes in test methods authorized by the State must be reported in writing to EPA.

7. Determinations of applicability like those specified in 40 CFR 60.6 and 40 CFR 61.06 shall be consistent with those which have already been made by EPA. Novel determinations must be concurred upon by EPA.

8. Waivers of performance and emission tests and the basis therefore will be reported in writing to EPA.

9. All emission data received or obtained by the Division shall be available to the public to the extent required by the Clean Air Act, 42 U.S.C. 1857 *et seq.*, as amended.

10. If at any time there is a conflict between the State's regulation and the Federal regulation, the Federal regulation must be applied if it is more stringent than that of the State.

11. If the Regional Administrator determines that the State procedure for implementing or enforcing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the dates specified in a Notice of Revocation to the Governor of the State of Colorado.

12. The Colorado Air Pollution Control Division shall provide public notice and an opportunity for public comment consistent with 40 CFR 52.18(h), during its new source review procedures prior to approving or disapproving the construction or modification of a source subject to NSPS and NESHAPS regulations.

A Notice announcing this delegation will be published in the FEDERAL REGISTER in the near future. The Notice will state among other things, that effective immediately, all reports required pursuant to the Federal NSPS and NESHAPS by sources located in the State of Colorado should be submitted to the Director, Colorado Air Pollution Control Division, 4210 East 11th Avenue, Denver, Colorado 80220. Any such reports which have been or may be received by EPA, Region VIII, will be promptly transmitted to the Division.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unles EPA receives from the State written notice of objections within ten (10) days of the date of receipt of this letter, the State and the Division will be deemed to have accepted all of the terms of the delegation.

Again, let me extend my personal congratulations to you and the State of Colorado for becoming the first State in Region VIII to receive delegation pursuant to Sections 111 and 112 of the Clean Air Act.

Best personal regards.

Sincerely yours,

JOHN A. GREEN,
Regional Administrator.

cc: Mr. Lane Kirkpatrick, Director, Colorado Air Pollution Control Division, Colorado Department of Health, 4210 East 11th Avenue, Denver, Colorado 80220.

Copies of the request for delegation of authority and the Regional Administrator's letter of delegation are available for public inspection at the following addresses:

Colorado Air Pollution Control Division, 4210 East 11th Avenue, Denver, Colorado 80220.

Environmental Protection Agency, Region VIII, Enforcement Division, 1860 Lincoln Street, Denver, Colorado 80203.

Environmental Protection Agency, Division of Stationary Source Enforcement, Waterside Mall, Room 3202, 401 M Street, S.W., Washington, D.C. 20460.

Effective immediately, all reports required pursuant to the eleven (11) categories of NSPS and the three (3) categories of NESHAPS should be submitted to the EPA, Region VIII Office, and should also be submitted to the State agency at the following address:

Colorado Air Pollution Control Division, 4210 East 11th Avenue, Denver, Colorado 80220.

All reports required pursuant to 40 CFR Subpart K, Standards of Performance for Storage Vessels for Petroleum Liquids, should be submitted to the EPA, Region VIII Office only. However, reports required pursuant to 40 CFR 60.7 (c) (excess emissions and malfunctions) should be sent to the State agency only.

This Notice is issued under the authority of Sections 111 and 112 of the Clean Air Act, as amended (42 U.S.C. 1857c–6 and 7).

Dated: September 2, 1975.

JOHN A. GREEN,
Regional Administrator.

[FR Doc.75–29238 Filed 10–30–75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CONSUMER AFFAIRS/SPECIAL IMPACT ADVISORY COMMITTEE

Change in Meeting Place

Notice is hereby given of a change in the location of the meeting for the Consumer Affairs/Special Impact Advisory Committee. The Committee will meet Thursday, November 20, 1975 at 9 a.m., Room 5041A, 12th & Pennsylvania Avenue, NW., Washington, D.C. rather than Room 7132 as previously announced in the FEDERAL REGISTER.

Issued at Washington, D.C. on October 24, 1975.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.75–29235 Filed 10–28–75;9:52 am]

NORTHEAST ADVISORY COMMITTEE

Change in Meeting Place

This notice is given to advise of a change in the location of the meeting of the Northeast Advisory Committee. The Committee will meet Wednesday, November 5, 1975, at 10 a.m. in Room 3400, 12th and Pennsylvania Avenue, NW., Washington, D.C. instead of Boston, Massachusetts as previously announced. A Notice of Meeting was published in the issue of October 17, 1975 (40 FR 48716).

Issued at Washington, D.C. on October 27, 1975.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.75–29236 Filed 10–28–75;9:52 am]

WHOLESALE PETROLEUM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given that the Wholesale Petroleum Advisory Committee will meet Monday, November 17, 1975, at 9:30 a.m., FEA Regional Headquarters, 11th Floor Conference Room, 1421 Cherry Street, Philadelphia, Pennsylvania.

The Committee was established to provide the Administrator, FEA, with expert and technical advice concerning the wholesale trade of selling heating oil, residual fuel, and gasoline.

The agenda for the meeting is as follows:

1. Natural Gas Curtailment/Middle Distillate Supplies.

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2. Extension of Emergency Petroleum Allocation Act of 1973.

3. Allocation—100% Current Needs (FEA Support of Decontrol of Prices and Allocations at the Retail and Wholesale Level by Products).

4. FEA Forms—Reporting Requirements; Replacing CLC 90, 92 and Petroleum Financial Reporting Form P324A.

5. Remarks from the Floor (10-Minute Rule).

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer (202) 961-7022, at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C., on October 30, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

[FR Doc.75-29526 Filed 10-30-75;12:28 pm]

FEDERAL MARITIME COMMISSION

[DOCKET NO. 72-35]

PACIFIC WESTBOUND CONFERENCE—WASTEPAPER AND WOODPULP FROM UNITED STATES WEST COAST TO FAR EAST

Order

In light of the recent U.S. Supreme Court decision in *Aberdeen and Rockfish Railroad Co. v. Students Challenging Regulatory Agency Procedures*, (SCRAP II) ---- U.S. ----, 43 U.S.L.W. 4116 (June 24, 1975), and the policies announced by the Commission in its Clarification of Order issued September 22, 1975, for Docket No. 73-38, *Council of North Atlantic Shipping Association, et al. v. American Mail Lines Ltd., et al.*, The Commission today takes the following actions in matters pending its decision in the subject proceeding:

The presiding Administrative Law Judge is hereby instructed to receive reply briefs in this case and proceed to issue an Initial Decision based solely upon the primary economic record before him. In rendering his decision, Judge Glanzer shall give no consideration to the existing draft Environmental Impact Statement or any associated evidence introduced by parties in support or opposition thereof.

The Commission's Order of March 19, 1973, requiring, among other things, the presiding Administrative Law Judge to include as a separate and distinct portion of his Initial Decision findings of fact and conclusions of law pertaining to the issues raised by the draft Environmental Impact Statement, is hereby vacated.

The appeal of Hearing Counsel dated December 30, 1974, relating to the October 31, 1974, "Order Reopening Proceeding In Order To Comply With Procedural Requirements of National Environmental Policy Act" is hereby granted in accordance with the preceding directives, only to the extent that it requested the Commission to direct the presiding Administrative Law Judge to receive reply briefs and prepare an Initial Decision.

The December 30, 1974, Appeal of Pacific Westbound Conference requesting that the Commission declare that no Environmental Impact Statement is required in this proceeding is hereby denied.

The Appeal of National Association of Recycling Industries, Inc., received December 31, 1974, is hereby granted to the extent that it requested reversal and vacation of the presiding Administrative Law Judge's Order of October 31, 1974. To the extent that it requested the Commission to affirmatively direct Judge Glanzer to prepare and issue a new Environmental Impact Statement it is denied.

Parties are directed to respond to the Commission's September 26, 1975 Notice of Intent to Make an Environmental Assessment with the understanding that environmental evidence previously submitted by the parties for the record will be fully considered by the Commission in its effort to cure substantive deficiencies in its existing draft Environmental Impact Statement (now defined by Commission lexicon as a Threshold Assessment Survey). When a new environmental statement becomes available, the Commission will announce a procedural timetable for submission of comments related thereto.

It is so ordered.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-29339 Filed 10-30-75;8:45 am]

[No. 75-38]

PUERTO RICO MARITIME SHIPPING AUTHORITY

Notice of Intent To Make an Environmental Assessment

The above referenced proceeding is an investigation to determine whether the 15 percent rate increase requested by the Puerto Rican Maritime Shipping Authority (PRMSA) published in Tariff FMC No. 1, effective September 21, 1975, is just and reasonable or whether it is in violation of section 18(a) of the Shipping Act, 1916 and/or Section 4 of the Intercoastal Shipping Act, 1933.

The Commission believes that its final resolution of the issues in this proceeding may constitute a major Federal action significantly affecting the quality of the human environment. Consequently, the environmental factors involved warrant consideration and evaluation before decison making is undertaken.

THEREFORE, Notice is hereby given that the Federal Maritime Commission intends to make an environmental assessment to determine whether its final decision in this proceeding will constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). Written comments regarding possible environmental effects which may occur from the eventual resolution of the proceeding are invited. Such comments should be submitted on or before December 1, 1975, Order to the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-29340 Filed 10-30-75;8:45 am]

BUGSIER-REEDEREI-U. BERGUNGS AG AND LYKES BROS. STEAMSHIP COMPANY, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 20, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

R. J. Finnan, Esquire, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 10184 is a non-exclusive transshipment agreement between Bugsier-Reederei—U. Bergungs AG and Lykes Bros. Steamship Co., Inc. providing for the transportation of cargo under through bills of lading from ports of call of Bugsier-Reederei in Denmark to ports of call of Lykes in the U.S. Gulf, with transshipment at Hamburg, Germany.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

Dated: October 23, 1975.

[FR Doc.75-29337 Filed 10-30-75;8:45 am]

REEDEREI C. CLAUSEN A/S "CLAUSENLINIE" AND LYKES BROS. STEAMSHIP COMPANY, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 20, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

R. J. Finnan, Esquire, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 10185 is a non-exclusive transshipment agreement between Reederei C. Clausen A/S "Clausenline" ad Lykes Bros. Steamship Co., Inc. providing for the transportation of cargo under through bills of lading from ports of call of Reederei C. Clausen in Denmark to ports of call of Lykes in the U.S. Gulf, with transshipment at Hamburg, Germany.

By Order of the Federal Maritime Commission.

Dated: October 23, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-29338 Filed 10-30-75;8:45 am]

FEDERAL POWER COMMISSION

PACIFIC ALASKA LNG CO., ET AL.

Notice of Conference

OCTOBER 24, 1975.

In the matter of: Pacific Alaska LNG Company, Docket No. CP75-140; Western LNG Terminal Company, Docket No. CP75-83-2; Atlantic Richfield Company, Docket No. CI75-587; Union Oil Company of California, Docket No. CI75-598; Shell Oil Company, Docket No. CI75-616; Standard Oil Company of California, Docket No. CI75-707.

Take notice that on Friday, November 7, 1975, at 9:30 a.m., the Commission Staff will convene a public conference pursuant to a telegraphic request received October 22, 1975, from Pacific Alaska LNG Company and Western LNG Terminal Company, in their two above-styled dockets. The conference will be held in Room 5200 at the Federal Power Commission offices, 825 North Capitol Street, NE., Washington, D.C. 20426.

Although the above dockets have not to date been consolidated, they are interrelated in that the producers' applications in Docket Nos. CI75-587, CI75-598, CI75-616, and CI75-707 have indicated an intention to sell natural gas to Pacific Alaska LNG Company for its south Alaskan LNG project. Notice of the conference is therefore also being given to all parties to those proceedings.

The telegram states a conference is requested so that the Commission's processing of the applications may be expedited and to consider various pertinent matters, including specifically:

1. The results of [Applicant's] gas supply acquisition efforts to support the project;

2. Any additional questions staff may have relative to Applicant's engineering data; and,

3. SOCAL's urgent market need for this gas.

The conference shall be on-the-record. The results of the conference will be included in the record of the proceedings and, if the matters are set for hearing, the record will be transmitted to the Presiding Administrative Law Judge.

Parties and other interested persons will be permitted to attend, but attendance at the conference will not be deemed to authorize intervention as a party in this proceeding. A petition to intervene filed pursuant to 1.18 of the Commission's Rules of Practice and Procedure is required for that purpose.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29306 Filed 10-30-75;8:45 am]

[Docket No. RP75-75]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Conference

OCTOBER 23, 1975.

Take notice that on Tuesday, November 4, 1975, a preliminary settlement conference in the above-styled general rate increase proceedings will be held at 10 a.m. prevailing local time, in Room 5200 at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

All parties, customers of Transco, interested State Commissions and other parties in interest are invited to attend. However, attendance at this conference of persons not previously permitted to intervene by order of the Commission will not be deemed to authorize intervention as a party in this proceeding. A petition to intervene filed in accordance with Section 1.8 of the Commission's Rules of Practice and Procedure is required for that purpose.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29382 Filed 10-30-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REPORT PROPOSALS

Notice of Receipt

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 24, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC forms are invited from all interested persons, organizations, public interest groups and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before November 18, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

INTERSTATE COMMERCE COMMISSION

Request is for clearance of revised form OP-F 200, Application Under Sections 20a or 214, Interstate Commerce Act, For Authority to Issue Securities, or to Assume Obligation or Liability in Respect of Securities of Another Person.

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The Commission is required to adjudicate applications and carriers are prohibited from issuing securities except on approval of the ICC, whose jurisdiction with regard to such matters is exclusive and plenary. The application form has been revised to include new regulations establishing requirements for offering circulars. Any carrier who schedules a public issuance or offering of securities must also file an offering circular or prospectus with the Commission and deliver it to potential investors. An outline of the offering circular is contained in item 7 of application form OP–F 200, as revised. Approximately 200 applications are processed each year, only 10 percent of which are subject to requirements governing the preparation and filing of offering circulars. Those applications requiring preparation of an offering circular require an estimated 150 hours to prepare. Those applications not requiring the preparation of an offering circular require an estimated 50 hours to prepare.

Request is for clearance of revised form OP–F 240, Issuance of Securities or Assumption of Obligations, a special report required to be filed by carriers issuing securities, on Commission approval, which shows the disposition made of such securities and the application of the proceeds thereof. Reports are required by section 20a(10) of the I.C. Act. Approximately 200 such reports are filed each year and approximately 25 hours are required to prepare a report.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75–29376 Filed 10–30–75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337–TA–18]

MONOLITHIC CATALYTIC CONVERTERS

Order and Notice of Hearing

Upon consideration of the motion of counsel for Volkswagen Atlantic, Inc., Import Motors Limited, Inc., World-Wide Volkswagen Corp., Midvo, Inc., Riviera Motors, Inc., and Porsche Audi Northwest Inc., for leave to file exceptions to order of termination or, in the alternative, application for full Commission review of the order of termination by Presiding Commissioner Ablondi dated October 17, 1975, in the Monolithic Catalytic Converters Investigation No. 337–TA–18, the United States International Trade Commission granted the motion for full Commission review of the order of termination. The Commission also ordered full Commission review of Presiding Commissioner Ablondi's order dated October 20, 1975, which made Johnson, Matthey & Co., Ltd., and Degussa parties to this proceeding.

Notice is hereby given that the United States International Trade Commission will hold a public hearing on November 6, 1975, at 10 a.m. e.s.t., in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street, NW. Washington, D.C. to hear legal argument whether Volkswagen Mid-America, Inc., Midvo, Inc., World-Wide Volkswagen Corp., Volkswagen Atlantic, Inc., Import Motors Limited, Inc., Riviera Motors, Inc., and Porsche Audi Northwest, Inc., should be discontinued as parties to this proceeding; and whether Johnson, Matthey & Co., Ltd., and Degussa should be made parties to this proceeding.

The motion of counsel for Volkswagen Atlantic, Inc., Import Motors Limited, Inc., World-Wide Volkswagen Corp., Midvo, Inc., Riviera Motors, Inc., and Porsche Audi Northwest, Inc. (certain distributors) to continue the aforementioned distributors as parties pending Commission action on discontinuance is denied.

By order of the Commission.

Issued: October 24, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75–29368 Filed 10–30–75;8:45 am]

[Docket No. 337–TA–13]

LIQUID PROPANE HEATERS

Prehearing Conference

Notice is hereby given that the United States International Trade Commission will hold a prehearing conference in connection with investigation No. 337–TA–13, Liquid Propane Heaters, on Friday, November 21, 1975, at 10 a.m., e.s.t., in the Hearing Room of the United States International Trade Commission Building, 701 E Street, Northwest, Washington, D.C.

On or before November 12, 1975, each participant should serve any of the following documents on the Presiding Commissioner and all known parties:

1. Motions pertaining to the scope of the proceeding.
2. A statement of the issues and sub-issues in this proceeding.
3. A statement of the participant's position on each of the proposed.
4. Proposed stipulations.
5. Requests for information.
6. A statement describing the evidence of each participant proposes to present at the hearing, relating such evidence of each of the issues and sub-issues.
7. Proposed procedural dates.
8. A proposed agenda for the prehearing conference.

Replies to the items listed above should be served on or before November 19, 1975.

Parties with like interests will be grouped and a spokesman appointed for their common interests at the prehearing conference.

At the conference the participants should be prepared to discuss problems involved in the proceeding, procedural and substantive, and should be authorized to make commitments with respect thereto. Among the specific items to be discussed are: stipulations as to facts; authentication of documents, future procedural dates, including dates for the service of direct and rebuttal evidence; dates for trial briefs and dates for the hearing.

Issued: October 22, 1975.

[SEAL] CATHERINE BEDELL,
Presiding Commissioner.

[FR Doc.75–29369 Filed 10–30–75;8:45 am]

[337–TA–7]

CERTAIN ELECTRONIC AUDIO AND OTHER RELATED EQUIPMENT

Hearing

Notice is hereby given that the United States International Trade Commission, pursuant to the requirements of section 337(c) of the Tariff Act of 1930, as amended (88 Stat. 2053), will hold a public hearing under section 337(e) of the Tariff Act of 1930, as amended (88 Stat. 2053), in connection with investigation 337–TA–7, Certain Electronic Audio and Other Related Equipment, on Wednesday, December 17, 1975, at 10:00 a.m., E.S.T., in the Hearing Room of the U.S. International Trade Commission Building, located at 701 E Street Northwest, Washington, D.C., for the purpose of determining whether section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), has been violated and, if so, whether or not an exclusion order or a cease and desist order should be issued.

For the purpose of defining the nature and extent of the evidence to be presented by the parties at the hearing, a prehearing conference will be held on Wednesday, November 12, 1975, at 10:00 a.m., E.S.T., at the U.S. International Trade Commission Building, located at 701 E Street Northwest, Washington, D.C.

Requests from interested parties and persons for appearances at the hearing should be received by the Secretary of the U.S. International Trade Commission, in writing, at his office in Washington, D.C. 20436, not later than noon on Friday, December 2, 1975.

This notice and order shall become effective November 10, 1975, unless objection and request for reconsideration of this action is filed by any interested party by November 10, 1975. Any objection and request for reconsideration shall be accompanied by a statement setting forth the facts relied upon in support of such objection and request and shall be served on the other parties to this investigation.

Notice of the institution of the investigation was published in the FEDERAL REGISTER on July 30, 1973 (38 FR 20303), with an assigned docket number 337–L–65. By notice published in the FEDERAL REGISTER on June 4, 1975 (40 FR 24056), this investigation was assigned new docket number 337–TA–7.

By order of the Commission.

Issued: October 29, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75–29478 Filed 10–30–75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75–85]

APPLICATIONS STEERING COMMITTEE, AD HOC ADVISORY SUBCOMMITTEE FOR THE EVALUATION OF ADVANCED APPLICATIONS FLIGHT EXPERIMENT PROGRAM PROPOSALS

Establishment

Pursuant to Section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), and after consultation with the Office of Management and Budget, the National Aeronautics and Space Administration has determined that the establishment of the Applications Steering Committee, ad hoc Advisory Subcommittee for the Evaluation of Advanced Applications Flight Experiment Program Proposals is in the public interest and is required for the performance of duties imposed upon NASA by law. The Applications Steering Committee, under which the Subcommittee will operate, is a NASA-sponsored interagency committee, composed wholly of government employees. The Subcommittee will comprise membership from both the public and private sectors.

The intent of this ad hoc Advisory Subcommittee is to obtain the advice of the scientific community in evaluating proposals for developing experiments for future applications missions.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

OCTOBER 28, 1975.

[FR Doc.75–29335 Filed 10–30–75;8:45 am]

[Notice 75–86]

PHYSICAL SCIENCES COMMITTEE OF THE SPACE PROGRAM ADVISORY COUNCIL

Date and Place of Meeting

The Physical Sciences Committee of the NASA Space Program Advisory Council will meet at the National Aeronautics and Space Administration on December 11–12, 1975. The meeting will be held in Room 5026 of Federal Office Building 6, located at 400 Maryland Avenue, SW., Washington, D.C. 20546. The meeting is open to members of the public, from 9 a.m. to 5:30 p.m. on December 11 and from 8:30 a.m. to 4 p.m. on December 12 on a first-come, first-served basis to within the 40-seat capacity of the room. Visitors will be requested to sign a visitor's register.

The Physical Sciences Committee serves only in an advisory capacity to NASA. The Committee is concerned with all aspects of the physical sciences which are relevant to the space program, including lunar and planetary exploration, astronomy, and space physics. The Committee presently has 17 members including the Chairman, Dr. George B. Field. For further information regarding the meeting, please contact Mr. Guenter Strobel, area code 202/755–3780. The agenda for the meeting is as follows:

DECEMBER 11, 1975

Time	Topic
9:00 a.m.–9:30 a.m.	*Opening Remarks and Administrative Details, Chairman and Executive Secretary*—This time is provided for the Chairman's introductory remarks and for the Executive Secretary to cover administrative matters.
9:30 a.m.–10:30 a.m.	*NASA Issued for PSC Review, Dr. Hinners and Dr. Rasool*—The PSC will be briefed by Drs. Hinners and Rasool on current topics of concern to the Office of Space Science. *Action:* The PSC is requested to assess the issues involved and make recommendations to the Associate Administrator for Space Science.
10:30 a.m.–12:00 p.m.	*Space Science Conducted at NASA Centers & Industry*—The Committee will review draft papers prepared by PSC Working Teams on SR&T programs in OSS. *Action:* The PSC is requested to recommend guidelines and policies for conduct of Space Science at NASA Centers, Industry, and Universities.
1:30 p.m.–5:30 p.m.	
5:30 p.m.	Adjourn.

DECEMBER 12, 1975

8:30 a.m.–12:00 p.m.; 1:30 p.m.–4:00 p.m.	*Committee Discussions & Working Session, Chairman—Action:* The members of the Committee will use this period to discuss pertinent topics, and to prepare, review and finalize letters/recommendations to the Associate Administrator for Space Science.
4:00 p.m.	Adjourn

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

OCTOBER 28, 1975.

[FR Doc.75–29336 Filed 10–30–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–261]

CAROLINA POWER & LIGHT CO.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR–23 issued to Carolina Power and Light Company (the licensee) for operation of the H. B. Robinson Steam Electric Plant Unit 2 (the facility), a pressurized-water reactor located in Darlington County, Hartsville, South Carolina, and currently authorized for operation at power levels up to 2200 MWt.

In accordance with the licensee's application for a license amendment dated October 14, 1975, the amendment would establish operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR 50.46. In addition, the amendment would revise provisions in the Technical Specifications related to the replacement of 52 fuel assemblies in the Robinson-2 core with fuel assemblies of a different design, constituting refueling of the core for operation with Cycle 4.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By December 1, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts, Trowbridge & Madden, Barr Building, 910 17th Street, NW., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another

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appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated October 14, 1975, as supported by correspondence dated August 3 and August 22, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 23rd day of October, 1975.

FOR THE NUCLEAR REGULATORY COMMISSION,
ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.75-29140 Filed 10-30-75;8:45 am]

[Docket No. 50-332-NEPA, 50-332-OL]

ALLIED-GENERAL NUCLEAR SERVICES, ET AL.

Notice of Resumption of Hearing

In the matter of Allied-General Nuclear Services, *et al.* (Barnwell Nuclear Fuel Plant Separations Facility).

Please take notice that the evidentiary hearing being conducted before this Atomic Safety and Licensing Board concerning the Barnwell Nuclear Fuel Plant Separations Facility, will resume on Tuesday, November 4, 1975, at 10 a.m., local time at:

Pavilion Room, Town House Motor Inn, 1615 Gervais Street, Columbia, South Carolina 29201.

This proceeding on the Barnwell Nuclear Fuel Plant Separations Facility is a consolidation of the hearing pursuant to 10 CFR Part 50, Appendix D, Section B, concerning environmental issues relating to the construction of the facility, and the hearing pursuant to 10 CFR Part 50, concerning the application for a facility operating license.

Members of the public are welcome to attend.

It is so ordered.

Dated at Bethesda, Maryland this 24th day of October, 1975.

For the Atomic Safety and Licensing Board.

ROBERT M. LAZO,
Chairman.

[FR Doc.75-29243 Filed 10-30-75;8:45 am]

[Dockets Nos. 50-250 and 50-251]

FLORIDA POWER & LIGHT CO.

Notice of Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses Nos. DPR-31 and DPR-41, respectively, issued to Florida Power and Light Company (the licensee), for operation of the Turkey Point Nuclear Generating Units 3 and 4, located in Dade County, Florida.

The amendments would revise the Technical Specifications in accordance with the licensee's application dated September 9, 1975. The revisions would modify operating limits in the Technical Specifications to allow operation of Turkey Point Nuclear Generating Unit 3, following refueling, at 2100 psia until the extended fuel residence time is reached. The operating limits for Unit 4 set forth in its Technical Specifications will remain unchanged although the Unit 4 Technical Specifications will be modified to reflect the revisions to the Unit 3 Technical Specifications.

Prior to issuance of the proopsed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By December 1, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Jack R. Newman, Esq., Newman, Reis & Axelrad, 1025 Connecticut Avenue, N.W., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated September 9, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 21st day of October, 1975.

For the Nuclear Regulatory Commission.

WALTER A. PAULSON,
Acting Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75-29241 Filed 10-30-75;8:45 am]

[Docket Nos. 50-498, 50-499]

HOUSTON LIGHTING AND POWER CO.

Evidentiary Hearing on Health and Safety Issues

In the matter of Houston Lighting & Power Company (South Texas Project, Units 1 and 2).

Take notice, the evidentiary hearing on health and safety issues will be held at the Oasis Motel Ballroom on Highway 35, west of Bay City, Texas. The hearing will commence at 10:00 am local time, on Wednesday, November 12, 1975.

The public is invited to attend the hearing. Limited appearance statements will be accepted at the commencement of the proceeding. Oral presentations will be limited to five (5) minutes each but written statements without limitation on length may be inserted in the record.

It is so ordered.

Issued this 24th day of October, 1975 at Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc.75-29244 Filed 10-30-75;8:45 am]

[Docket Nos. 50-461 and 50-462]

ILLINOIS POWER CO., CLINTON POWER STATION, UNITS 1 AND 2

Availability of Partial Initial Decision of the Atomic Safety and Licensing Board

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Partial Initial Decision dated October 1, 1975, by the Atomic Safety and Licensing Board in the above-captioned proceeding relating to environmental and site suitability matters is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and at the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois.

Based on the record developed in the public hearing in the above-captioned matter, the Partial Initial Decision modified in certain respects the contents of the Final Environmental Statement prepared by the Commission's Division of Reactor Licensing relating to the proposed construction of the Clinton Power Station, Units 1 and 2.

Pursuant to the provisions of 10 CFR Part 50, Appendix D, the Final Environmental Statement is deemed modified to the extent that the Findings and Conclusions contained in the Partial Initial Decision differ from those contained in the Final Environmental Statement. As required by 10 CFR Part 51, a copy of the Partial Initial Decision, which modifies the Final Environmental Statement, has been transmitted to the Council on Environmental Quality, the Environmental Protection Agency, and other interested agencies.

Single copies of the Partial Initial Decision and the Final Environmental Statement may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Rockville, Maryland, this 24th day of October, 1975.

For the Nuclear Regulatory Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch 3, Division of Reactor Licensing.

[FR Doc.75-29245 Filed 10-30-75;8:45 am]

[DOCKET NO. STN 50-482]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO. (WOLF CREEK GENERATING STATION, UNIT NO. 1)

Order Convening Evidentiary Hearing To Receive Opening Statements and Statements by Way of Limited Appearance

The Atomic Energy Commission[1] issued a Notice of Hearing on August 21, 1974 and provided that prehearing conferences and evidentiary hearings be convened to consider the application filed by Kansas Gas and Electric Company and the Kansas City Power and Light Company seeking authority to construct and to operate a nuclear power facility near Burlington, Kansas. A special prehearing conference was held May 19, 1975 and the transcript reflecting the considerations given and decisions made is available for public review at the public depository in the Coffey County Courthouse in Burlington, Kansas, as well as at the Commission's offices in Washington, D.C.

The Atomic Safety and Licensing Board designated to conduct the conferences and evidentiary hearing has been in consultation with the attorneys for the parties to the proceedings in an endeavor to select mutually suitable dates for the evidentiary hearings at which would first be presented the opening statements of the parties and the statements by way of limited appearance. The dates of November 12 and 13, 1975 have been stipulated as suitable for these presentations in Burlington, Kansas. Additional sessions of the evidentiary hearings will involve the presentation of evidence from all of the parties and will be held after the issuance of the Final Environmental Statement which the Regulatory Staff of the Commission expects will occur on October 29. Upon this expectation, the additional sessions of evidentiary hearing will commence at 2 p.m. on November 17, 1975[2] in Kansas City, Missouri. These additional sessions will be scheduled, however, after the Final Environmental Statement is issued.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, that the first session of evidentiary hearings shall convene at 9 a.m. on Wednesday, November 12, 1975 in the District Courtroom of the Coffey County Courthouse, 6th and Neosho Streets, Burlington, Kansas 66839. The commencement of further sessions of the evidentiary hearings will be the subject of an additional order by the Atomic Safety and Licensing Board after issuance by the Regulatory Staff of the Final Environmental Statement.

[1] By virtue of Public Law 93-438 (88 Stat 1233-54), the Nuclear Regulatory Commission was created to succeed to and to perform the nuclear power plant regulatory responsibilities of the Atomic Energy Commission. The Nuclear Regulatory Commission entered upon its duties on Janaury 19, 1975.

[2] Intervenor State of Kansas filed a Motion to Vacate the Hearing Schedule until the pending legal controversy is settled respecting price and delivery of the uranium fuel which is expected to be utilized. Applicant opposed the motion. While several assertions of the Applicant in its answer were not fully supported, the Intervenor's motion does not present adequate grounds for the relief sought. The motion is denied. It may be added that in a conference telephone call, all parties through their attorneys agreed to the schedule herein provided for the prehearing conference and tentative scheduling of the commencement of evidentiary hearings.

Issued: October 24, 1975, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD
SAMUEL W. JENSCH,
Chairman.

[FR Doc.75-29246 Filed 10-30-75;8:45 a.m.]

[Docket No. 50-245]

NORTHEAST NUCLEAR ENERGY CO., MILLSTONE NUCLEAR POWER STATION, UNIT 1

Negative Declaration Regarding Amendment No. 16 to Provisional Operating License No. DPR-21

The U.S. Nuclear Regulatory Commission has considered, pursuant to 10 CFR Part 51, the issuance of changes to the Technical Specifications to the Part 50 Provisional Operating License DPR-21 that result from the application of the Acceptance Criteria for Emergency Core Cooling Systems (ECCS), as set forth in 10 CFR Part 50, Section 50.46, in conjunction with Technical Specification changes required for recator core reload No. 3.

The Commission's Division of Reactor Licensing has prepared an environmental impact appraisal of the proposed action. On the basis of this appraisal, we have concluded that a detailed environmental impact statement for the proposed action is not warranted, because there will be no significant environmental impact attributable to the proposed action and the environmental effects will be within the scope of those already considered for the operation of the Station. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555, and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

Dated at Bethesda, Maryland, this 15th day of October, 1975.

For the Nuclear Regulatory Commission,

DINO SCALETTI,
Acting Chief, Environmental Projects Branch 2, Division of Reactor Licensing.

[FR Doc.75-29247 Filed 10-30-75;8:45 am]

[Docket Nos. 50-500; 50-501]

TOLEDO EDISON CO. (DAVIS-BESSE NUCLEAR POWER STATION, UNITS 2 AND 3)

Order

The evidentiary hearing in the captioned matter will begin on Thursday, November 13, 1975, 9:30 a.m., at the Lucas County Courthouse, Court of Appeals Courtroom, Adams and Erie Streets, Toledo, Ohio.

At this session of the hearing, the Board will consider all matters to be determined in connection with the Applicant's request for limited work authorizations under 10 CFR § 50.10(e)(1). Additionally, persons desiring to make

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limited appearances will be permitted to do so at that time.

It is so ordered.

Dated at Bethesda, Maryland, this 24th day of October, 1975.

EDWARD LUTON, *Chairman.*

[FR Doc.75-29248 Filed 10-30-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE ON RESEARCH APPLICATIONS POLICY

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee on Research Applications Policy Date: November 18 and 19, 1975. Time: 8:30 a.m. to 5 p.m. on 11/18 and 9 a.m. to 5 p.m. on 11/19. Place: Rm. 338, National Science Foundation, 1800 G Street, NW, Washington, D.C. Type of meeting: Open.

Contact person: Darleen Morano, Special Assistant, Research Applications Directorate, Rm. 1243, National Science Foundation, Washington, D.C. 20550, telephone 202/632-5820.

Summary minutes: Committee Management Coordination Staff, Management Analysis Office, Rm. 248, National Science Foundation, Washington, D.C. 20550.

Purpose of advisory committee: To provide recommendations concerning the plans, status, and results of NSF Research Applications Program.

Agenda: Will include:

November 18

8:30—Introductory Remarks.
9:00—Presentation of Advanced Environmental Research and Technology Programs.
10:00—Discussion.
12:00—Recess.
1:30—Presentation of Advanced Productivity Research and Technology Programs.
2:30—Discussion.
3:30—Presentation of Technology Assessment Program.
4:00—Discussion.

November 19

9:00—Presentation of Advanced Energy and Resources Research and Technology Programs.
10:00—Discussion.
12:00—Recess.
1:30—Presentation of Intergovernmental Science and Public Technology Programs.
2:30—Discussion.
4:00—Summary.

GAIL A. MCHENRY,
Acting Committee Management Officer.

OCTOBER 24, 1975.

[FR Doc.75-29300 Filed 10-30-75;8:45 am]

SCIENCE FOR CITIZENS PROGRAM

Notice of Public Meetings

The National Science Foundation (NSF) is in the process of preparing a comprehensive plan for the establishment and conduct of a new program tentatively titled "Science for Citizens." Section 3 of the NSF Authorization Act for 1976 states:

The Director of the National Science Foundation is authorized and directed to prepare a comprehensive plan for the establishment and conduct of a "Science for Citizens Program." Such program shall be designed:

(1) to improve public understanding of public policy issues involving science and technology;

(2) to facilitate the participation of experienced scientists and engineers as well as graduates and undergraduate students in public activities, including community and citizen group activities, aimed at the resolution of public policy issues having significant scientific and technical aspects;

(3) to enable nonprofit citizens public interest groups to acquire necessary technical expertise to assist them in dealing with the scientific and technical aspects of public policy issues; and

(4) to provide grants and contracts to academic and other nonprofit organizations for the conduct of applied research designed to improve the effectiveness of the programs conducted under paragraphs (1), (2), and (3), of this section.

The comprehensive plan provided for in this section shall be submitted to the Committee on Science and Technology of the House of Representatives and the Committee on Labor and Public Welfare of the Senate within six months from the date of enactment of this Act.

It is further stated in the conference report on the NSF Authorization Act that:

This plan is to be prepared with full public participation including: concerned citizens groups; educational institutions; scientific societies; individuals and groups with expertise, experience or interest in improving scientific and technical information; and individuals and groups with expertise, experience or interest in improving the participation of scientists in public policy debates.

The conferees expect that a number of public seminars and workshops will be held during the development of the comprehensive plan, and that announcements of these sessions will be widely publicized, including notice in the *Federal Register* at least 30 days prior to such sessions.

The conferees expect that the plan will be completed within six months and that it will provide the basis for the inclusion of a Science for Citizens Program in the Foundation's fiscal year 1976 budget.

To encourage and facilitate public participation in the planning of the Science for Citizens Program, the Foundation has scheduled public meetings to discuss the program according to the following schedule.

Schedule of Meetings: There will be two three-hour sessions at each location: one at 1:30 p.m. and one at 7:30 p.m. (There is one exception: the afternoon session at San Francisco will begin at 3 p.m.)

Date	*Location*
Dec. 1	Museum of Science and Industry, 57th Street and Lake Shore Drive, Chicago, Illinois 60637.
Dec. 8	Fernbank Science Center, 156 Heaton Park Drive, NE., Atlanta, Georgia 30307.
Dec. 9	Garden Center, 1st at Forest Avenue, (Arranged by) Dallas Health and Science Museum, Box 26407, Fair Park, Dallas, Texas 75226.
Dec. 10	Denver Museum of Natural History, City Park, Denver, Colorado 80205.
Dec. 12	The Exploratorium, Palace of Arts & Science, 3601 Lyon Street, San Francisco, California 94123.
Dec. 15	National Academy of Sciences Auditorium, 2101 Constitution Avenue, NW., (Arranged by) Asso. of Science and Technology Centers, 2100 Pennsylvania Avenue, NW., Washington, D.C. 20037.
Dec. 16	Museum of Science, Science Park, Boston, Massachusetts 02114.

PROCEDURES

A panel of NSF staff will be present at each meeting. The main items on the agenda of each session will be a brief presentation by Foundation staff, the presentation and discussion of previously-submitted written statements by individuals and representatives of groups and institutions, and a brief open discussion period. Any person wishing to present a prepared statement at one of the public sessions must submit a copy of the statement to the Science for Citizens Program, in care of the institution where that session is to be held (except for Dallas and Washington, D.C., where the statements should be sent to the organization handling arrangements) no later than 12 noon of the day preceding the session at which it is to be read. (Statements received after that time will be put in the record, but cannot be considered for presentation at the public meeting.) In the event that more statements are submitted than can be accommodated in the available time, individuals may be asked to summarize their statements and/or an impartial process may be used to select statements to be read at that session. (All submitted statements will be placed in the record, even if they are not presented at the public session.) It must be specified on each statement whether it is being submitted for presentation at the 1:30 p.m. session or the 7:30 p.m. session. Each statement must be specifically addressed to suggestions and comments concerning the Science for Citizens Program and should have a reading time not to exceed five minutes in length. Only one statement will be accepted from any individual or group. Statements selected for presentation must be read by the author or his or her designated agent, who should be prepared to discuss the content with the NSF staff.

If more persons wish to be heard in the open discussion period than can be accommodated, the chairperson will recognize speakers on a random selection basis.

Other Submission: The National Science Foundation also invites comments and suggestions concerning the Science for Citizens Program from individuals and groups who are unable to attend any of the public meetings listed above, or whose views could not be heard due to time limitations. These statements should be submitted in writing to:

Science for Citizens Program, Office of Science and Society, Science Education Directorate, National Science Foundation, Washington, D.C. 20550

All statements received prior to January 10, 1976, will be considered in the preparation of the program plan and will be placed in the record as part of the Foundation's report to Congress.

JACK T. SANDERSON,
Acting Deputy Assistant Director For Science Education.

OCTOBER 28, 1975.

[FR Doc.75-29299 Filed 10-30-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 28, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

FEDERAL RESERVE SYSTEM

Quarterly Survey of Terms of Bank Lending: FR 1107A & B, single-time, 100 Bank Samples, Hulett, D. T., 395-4730.

U.S. CIVIL SERVICE COMMISSION

Survey of Training Needs in Selection: single-time, State and local governments, Caywood, D. P., 395-3443.

Supplemental Qualifications Statement for Computer Operator/Technician: DAX 5.27, on occasion, applicants for computer, Caywood, D. P., 395-3443.

U.S. CIVIL SERVICE COMMISSION

Supplementary Information to ANN. WA-507, Agricultural and Biological Technicians: EWA-407, on occasion, job applicants, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of Education: Application for Federal Assistance (Nonconstruction Programs—Instructions for Community Education), OE-453, annually, LEAS, SEAS, IHES, Lowry, R. L., 395-3772.

National Institutes of Health: Cancer Patient Employment Barrier Survey, OSNIH-CA-32, single-time, former/current cancer patients, Dick Eisinger, 395-6140.

Health Services Administration: National Health Service Corps Dental Questionnaire, HSABCHS 1014, on occasion, national health service corps dental applicants, Lowry, R. L., 395-3772.

National Institutes of Health: Interview Schedule: Employers' Attitudes, Policies and Practices, OSNIH-CA-33, other (see SF-83), business firms in 15 of 65 largest SMSA'S, Dick Eisinger, 395-6140.

Social and rehabilitation Service: Child Support State Baseline Data Study Questionnaire, single-time, 50 States and District of Columbia, human resources division, Harry B. Sheftel, 395-3532.

REVISIONS

DEPARTMENT OF THE INTERIOR

Bureau of Mines: Molybdenum Concentrates (Production), 6-1100-M, monthly, business firms, Lowry, R. L., 395-3772.

Bureau of Mines: Rhenium, 6-1159-A6-4, annually, producers and consumers, Lowry, R. L., 395-3772.

EXTENSIONS

SMALL BUSINESS ADMINISTRATION

Export Information Survey, on occasion, small manufacturing firms, Marsha Traynham, 395-4529.

DEPARTMENT OF COMMERCE

Bureau of Census: Inorganic Chemicals, Production and Stocks, S. Industrial Gases—Monthly Report on Production, M28A.1, monthly, manufacturers of inorganic chemicals, Marsha Traynham, 395-4529.

Bureau of Census: Complete Aircraft—Plant Report, M37G, monthly, civilian aircraft manufacturers, Marsha Traynham, 395-4529.

Bureau of Census: Knit Cloth Shipments, Including Inter-Plant Transfers—Quarterly and Annually, MA 22-K, quarterly, knit fabric producers, Marsha Traynham, 395-4529.

Bureau of Census: Construction Machinery—Manufacturer's Quarterly Report, MQ-35D, quarterly, mauufacturing establishments, Marsha Traynham, 395-4529.

Bureau of Census: Flour Milling Products, M20A, monthly, flour millers, Marsha Traynham, 395-4529.

Bureau of Census: Aircraft Engines—Plant Report, M37C, monthly, civilian aircraft engine manufacturers, Marsha Traynham, 395-4529.

Bureau of Census: Report on Production of Truck Trailers, M-37L, monthly, manufacturing establishments, Marsha Traynham, 395-4529.

Bureau of Census: Inorganic Fertilizer Chemicals (Production and Stocks), M28A.3, monthly, chemical plants, Marsha Traynham, 395-4529.

DEPARTMENT OF LABOR

Manpower Administration: FSB and SUA—Monthly Activity Report and Characteristics of Claimants, MA5-141, MA5-143, monthly, farms, Strasser, A., 395-5867.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-29467 Filed 10-30-75;8:45 am]

PRIVACY PROTECTION STUDY COMMISSION

Meeting

The Privacy Protection Study Commission will hold its regular monthly meeting open to the public at Room 2358, Rayburn House Office Building, Washington, D.C., on November 13, 1975, between 10 a.m. and 5 p.m. with a break for lunch.

Program activities being undertaken by the Commission will be the topics under discussion.

For further information, contact John Barker, Public Information Officer, at (202) 634-1477.

CAROLE W. PARSONS,
Executive Director
Privacy Protection Study Commission.

[FR Doc.75-29420 Filed 10-30-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[(70-5752) Rel. No. 19223]

APPALACHIAN POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

OCTOBER 24, 1975.

Notice is hereby given that Appalachian Power Company ("Appalachian"), 40 Franklin Road, Roanoke, Virginia 24009, an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, as amended, which is summarized below, for a complete statement of the proposed transaction.

Appalachian proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $60,000,000 aggregate principal amount of its First Mortgage Bonds, ----% Series to mature in not less than 5 and not more than 30 years. The interest rate (which shall be not less than 100%, unless Appalachian shall authorize a lower percentage not less than 99%, and shall not exceed 102.75%) will be determined by competitive bidding. The bonds will be issued under a Mortgage and Deed of Trust dated as of December 1, 1939, between Appalachian and Bankers Trust Company, Trustee, as heretofore supplemented and amended and as to be further supplemented and amended by a Supplemental Indenture to be dated as of December 1, 1975, and which includes, with certain exceptions, a prohibition until December 1, 1980, against refunding the issue with proceeds of funds borrowed at a lower effective interest cost. Appalachian shall notify prospective bidders no later than 72 hours prior to the time designated for the submission of bids of the maturity date of the bonds.

The proceeds from the sale of the bonds will be applied, together with the proceeds of the sale by Appalachian to AEP of 625,000 shares of its common stock, no par value, at $40 a share, for a total cash contribution of $25,000,000, to the payment of unsecured short-term indebtedness of Appalachian. As of October 2, 1975, there were notes payable

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to banks and commercial paper outstanding in the aggregate amount of $77,830,000. At the time of the issuance and sale of the bonds, there will be short-term debt outstanding estimated at approximately $110,000,000 before application of the proceeds of any financings.

The fees and expenses to be incurred by Appalachian in connection with the issue and sale of the bonds and the fees and expenses of counsel for the underwriters, to be paid by the sucessful bidders, will be supplied by amendment. It is stated that the State Corporation Commission of Virginia and the Public Service Commission of Tennessee have jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

NOTICE IS FURTHER GIVEN that any interested person may, not later than November 19, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application as filed, or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a heairng or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29348 Filed 10-30-75;8:45 am]

BOSTON STOCK EXCHANGE

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 24, 1975.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

AMERICAN NATURAL GAS COMPANY, CORDURA CORPORATION (DEL.), File No. 7-4770, 7-4771.

Upon receipt of a request, on or before November 9, 1975, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29349 Filed 10-30-75;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Notice of Suspension of Trading

OCTOBER 24, 1975.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from October 26, 1975 through November 4, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29350 Filed 10-30-75;8:45 am]

[(70-5736) Rel. No. 19222]

CENTRAL AND SOUTH WEST CORP. ET AL.

Notice of Proposed Capital Contribution by Holding Company to Subsidiary

OCTOBER 24, 1975.

Notice is hereby given that Central and South West Corporation ("CSW"), P.O. Box 1631, Wilmington, Delaware 19899, a registered holding company, Public Service Company of Oklahoma ("PSO"), P.O. Box 201, Tulsa, Oklahoma 74102, a CSW subsidiary electric utility company, and Transok Pipe Line Company ("Transok"), P.O. Box 3008, Tulsa, Oklahoma 74101, a subsidiary pipe line company of PSO, have filed an application-declaration, and an amendment thereto, with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a), 7, 9, 10 and 12(f) of the Act and Rules 43 and 100 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

CSW proposes to make a $5,000,000 capital contribution to PSO. CSW's equity capital presently in PSO amounts to $185,375,000 (including earned surplus) and this will be increased to $190,375,000 by the capital contribution.

PSO expects to make the following construction expenditures in 1975 and 1976 and the capital contribution is to be used toward those purposes:

	1975	1976	Total
Generation	$51,000,000	$57,000,000	$108,000,000
Transmission	6,000,000	6,000,000	12,000,000
Distribution and other	13,000,000	16,000,000	29,000,000
Total	60,000,000	79,000,000	139,000,000

The application also requests authority for PSO and Transok to acquire interests in fuel acquisition and development activities aggregating about $88,000,000 during 1975-1977. However, it is stated that PSO needs the $5,000,000 capital contribution prior to November 30, 1975, for construction costs and it is requested that this capital contribution request be considered separately from the fuel activities to permit prompt action on the capital contribution.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are estimated at $6,000, including legal fees of $3,500.

Notice is further given that any interested person may, not later than November 17, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29351 Filed 10-30-75;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Notice of Suspension of Trading

OCTOBER 24, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 27, 1975 through November 5, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29352 Filed 10-30-75;8:45 am]

[(812-3859) Rel. No. 9002]

EATON & HOWARD SPECIAL FUND, INC. AND MARVIN N. DEMCHICK

Notice of Application

OCTOBER 24, 1975.

Notice is hereby given that Eaton & Howard Special Fund, Inc. ("Fund") 24 Federal Street, Boston, Massachusetts 02110, an open-end, diversified management company registered under the Investment Company Act of 1940, and Marvin N. Demchick ("Demchick") Life of Pennsylvania Financial Corporation, 230 South Fifteenth Street, Philadelphia, Pennsylvania 19102 (hereinafter collectively referred to as "Applicants") filed an application on September 15, 1975, pursuant to Section 17(b) of the Act for an order of the Commission exempting from the provisions of Section 17(a) of the Act the proposed sale by the Fund to Demchick, who is President of Life of Pennsylvania Financial Corporation ("Financial"), of 50,000 shares ("Shares") of the common stock of Financial, representing approximately 8.5% of its issued and outstanding shares, for $31,250. All interested persons are referred to the application on file with the Commission for a full statement of the representation therein, which are summarized below.

Pursuant to the terms of an agreement dated August 18, 1975 (the "Agreement"), the Fund has agreed to sell to Demchick and Demchick has agreed to purchase from the Fund 50,000 shares of the common stock, par value $1.00 of Financial for a total gross consideration of $31,250.

The Agreement is conditioned on approval of the transaction by the Commission pursuant to Section 17(b) of the Investment Company Act of 1940 (the "Act"). Such approval is necessary because the transaction would otherwise be in violation of Section 17(a) of the Act which prohibits an affiliated person of an investment company or an affiliated person of such person from buying any property from the investment company. Section 17(a) is applicable to the transaction since the Fund and Financial are affiliated persons of each other because of the Fund's ownership of more than 5% of Financial's voting securities, and because Demchick, an officer of Financial, is, therefore, an affiliated person of an affiliated person of the Fund.

On October 1, 1964, Financial, which had been incorporated as an insurance holding company in April of that year, made an offer to exchange its shares on a one-for-one basis for shares of Life Assurance Company of Pennsylvania ("Assurance"). The Fund, which then owned 50,000 shares of Assurance that it had purchased for $500,000 on November 1, 1968, as a part of a private sale of Assurance shares to two registered investment companies, accepted the offer and surrendered its shares of Assurance for those of Financial.

Applicants represent that the Agreement between Demchick and the Fund was the result of arms-length negotiations and that the agreed-upon purchase price for the shares is 1/16 of a point per share higher than the high bid price for Financial's common as quoted on the Philadelphia - Baltimore - Washington Stock Exchange ("PBW") on July 31, 1975, the date upon which the informal agreement on the proposed transaction was reached. Applicants also state that the Fund has been advised by Eaton & Howard, the Fund's investment adviser, that an investment in Financial is no longer warranted within the investment criteria established for the Fund and that more favorable opportunities exist. Furthermore, since the shares are restricted securities, and because there is only a limited market for even the unrestricted shares of Financial, which have been trading on the PBW during 1974 and 1975 at an average weekly volume of less than 500 shares, the Fund would, in all likelihood, have substantial difficulty disposing of the Shares. Additionally, any disposition by the Fund of such a large block of shares would probably have a substantial adverse impact on the market for Financial's common stock and thus on the price to be received by the Fund for the Shares.

Applicants represent the Demchick has no interest in or affiliation with and has no agreements or understandings with the Fund, directly or indirectly, other than as set forth in the Agreement. No commissions or fees are payable in connection with the transaction other than legal fees incurred in connection with this application. Lastly, Applicants state that the Agreement has been approved by a disinterested majority of the Boards of Directors of both the Fund and Financial.

Under Section 17(b) of the Act the Commission may exempt a proposed transaction from Section 17(a) of the Act if evidence establishes that the terms of the proposed transaction including consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and the proposed transaction is consistent with the policy of the investment company covered and with the general purposes of the Act.

Notice is further given that any interested person may, not later than November 17, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date

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of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29353 Filed 10-30-75;8:45 am]

[(70-4397) Rel. No. 19221]

JERSEY CENTRAL POWER & LIGHT CO. AND DELMARVA POWER & LIGHT CO.

Notice of Proposed Changes in Terms of Guarantees of Loan to Unaffiliated Coal Supplier

OCTOBER 23, 1975.

Notice is hereby given that Jersey Central Power & Light Company ("CJP&L"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, an electric utility subsidiary company of General Public Utilities Corporation, 800 King Street, Wilmington, company, and Delmarva Power & Light persons are referred to the declaration, Company ("Delmarva"), a combination gas and electric utility company and a registered holding company, have filed third and fourth post-effective amendments to their declaration previously filed with this Commission pursuant to the Public Utility Holoding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act as applicable to the proopsed transactions. All interested persons are referred to the declaration as further amended by said post-effective amendment, for a complete statement of the proposed transactions.

JCP&L and Delmarva own, as tenants in common, with five other nonassociated utility companies, an electric generating station known as the Keystone Steam Electric Station ("Keystone"), which is located in the vicinity of Johnstown, Pennsylvania. The owners each have an interest, proportionate to their ownership, in the electric energy output of Keystone. Keystone is adjacent to certain coal lands of Rochester Pittsburgh Coal Company ("R&P"), a nonaffiliated company, which is the principal supplier of Keystone's coal requirements.

By Commission orders dated August 1, 1966, April 19, 1972 and December 29, 1972 (HCAR Nos. 15533, 17548 and 17835), JCP&L and Delmarva were authorized to guarantee a portion of certain borrowings to be made by R&P. R&P was to use the proceeds of these loans in order to finance the operation and development of the coal mines dedicated to supplying coal to Keystone. These borrowings are secured by a mortgage from R&P to Manufactures Hanover Trust Company dated as of July 29, 1966 ("mortgage").

R&P now proposes to enter into a lease ("lease") of certain coal mining equipment from General Electric Credit Corporation ("GECC"). In connection with the proposed lease, the Keystone owners, including JCP&L and Delmarva, have been requested (i) to approve the subordination of the mortgage lien to the rights of GECC to monthly rental payments under the lease, (ii) to agree that R&P may assign all its right to payments from the Keystone owners pursuant to the Keystone Coal Sales Agreement dated January 1, 1972 ("CSA") to secure the obligations of R&P under the lease, and (iii) to agree that if R&P should fail to make rental payments under the lease, that the Keystone owners will pay directly to GECC amounts due to R&P as a "cost of production" under the CSA.

It is contemplated that various items of the equipment will be leased for terms of 8 years, commencing in years 1975–1977 and expiring during 1983–1985. Total rental payments under the lease are expected to be approximately $8,930,000 and are not expected to exceed approximately $1,116,000 annually, provided that such amounts will be adjusted if GECC is unable to take a 10% investment tax credit or accelerated depreciation on the leased equipment and upon changes in the prime lending rate. Excluding any such adjustments, JCP&L's share of the cost of production payments under the CSA representing rentals under the lease will be approximately $1,489,000 in total and no more than $186,000 in any year, and Delmarva's share will be approximately $330,000 in total and no more than $41,000 in any year.

It is stated that the Board of Public Utility Commissioners of the State of New Jersey has authority over the continuance of the guarantees as affected by the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with these post-effective amendments are estimated at $4,000, including legal fees of $2,000. Notice is further given that any interested person may, not later than November 17, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as further amended by said post-effective amendments, which he declares to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as further amended by said post-effective amendments, or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29354 Filed 10-30-75;8:45 am]

MIDWEST STOCK EXCHANGE, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 24, 1975.

The above named national securities exchange had filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

American Natural Gas Co. (Michigan), File No. 7-4773.

Upon receipt of a request, on or before November 9, 1975 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29355 Filed 10-30-75;8:45 am]

[Release 34-11765; File No. SR-NASD-75-3]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Proposed Rule Change

Pursuant to Section 19(B)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975) notice is hereby given on October 22, 1975 the above-mentioned self regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

ASSOCIATION'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The following is the full text of the proposed amendments to Appendix C to Article III, Section 32 of the Rules of Fair Practice of the National Association of Securities Dealers, Inc.

APPENDIX C

Coverage Required (a) Each member required to join the Securities Investor Protection Corporation who has employees and who is not a member in good standing and subject to the fidelity bonding requirements of the American Stock Exchange Inc., the Boston Stock Exchange, the Mid-West Stock Exchange, Inc., the New York Stock Exchange, Inc., the Pacific Coast Stock Exchange, the PBW Stock Exchange, or the Chicago Board Options Exchange, Inc., shall:

(Remainder Unchanged)

. Deductible Provision:

[b](b)(1) A deductible provision may be included in the bond of up to $5,000 or 10% of the minimum insurance requirement established hereby, whichever is greater.

(2) If a member desires to maintain coverage in excess of the minimum insurance requirement then a deductible provision may be included in the bond of up to $5,000 or 10% of the amount of blanket coverage provided in the bond purchased, whichever is greater. The excess of any such deductible amount over the maximum permissible deductible amount described in paragraph (b)(1) above must be deducted from the member's net worth in the calculation of the member's net capital for purposes of Rule 15c3-1 under the Securities Exchange Act of 1934. Where the member is a subsidiary of another NASD member the excess may be deducted from the parent's rather than the subsidiary's net worth, but only if the parent guarantees the subsidiary's net capital in writing.

(Remainder Unchanged)

ASSOCIATION'S STATEMENT OF BASIS AND PURPOSE

PURPOSE OF PROPOSED RULE CHANGE

The proposed amendments would add a new section (b)(2) to Appendix C to permit the inclusion of a greater deducible provision in a fidelity bond for those members purchasing coverage in excess of the required minimum coverage. The purpose of this amendment is to encourage members to purchase fidelity bonding coverage in amounts greater than the required minimum. It will have that effect because with an increased maximum deductible, a member who desires to purchase more than the minimum required coverage could pay a smaller premium than is now possible for the same coverage. Thus a member who wishes additional coverage may acquire it at minimum cost. The new amendment also provides that members purchasing more than the minimum required coverage must, in the calculation of their net capital under Commission Rule 15c3-1, deduct an amount equal to the difference between the maximum deductible if the member had only the required coverage and the actual deductible under the higher coverage actually purchased. This must follow because the member's capital is at risk to an amount equal to the increase in the deductible provision. A provision has been added that would allow the required deduction in computing net capital to be taken by a parent of a member firm when the parent is also a member and has guaranteed the member-subsidiary's net capital in writing.

The proposed amendments also include a revision of section (a) of Appendix C providing that members who are subject to the fidelity bonding rules of specified national securities exchanges are not subject to the Association's bonding requirement. These members are not now subject to Appendix C, and the revision is purely a drafting change made necessary by recent amendments to Commission Rule 15c3-1.

BASIC UNDER THE ACT FOR PROPOSED RULE CHANGE

(a)(i) and (v) Section 15A(b) of the Securities Exchange Act of 1934 provides that an association of brokers and dealers shall not be registered as a national securities association unless the Commision determines that its rules provide it with the capacity to carry out the purposes of the Act, to enforce compliance by its members and persons associated with its members with the Act, and the rules and regulations thereunder, and to protect investors and the public interest. Section 32 of Article III of the Rules of Fair Practice and Appendix C thereto provide that a member that is required to join the Securities Investor Protection Corporation and subject to Rule 15c3-1 of the Securities Exchange Act of 1934 shall maintain a blanket fidelity bond in a standard form covering its officers and employees. This is to provide bond protection against loss resulting from employee defalcations and dishonesty and in that way assure compliance with Rule 15c3-1. The amendments to Appendix C provide an incentive for a member to obtain greater fidelity bonding coverage and as such further insures compliance with the Commission's net capital rule.

COMMENTS RECEIVED FROM THE MEMBERS, PARTICIPANTS OR OTHERS ON THE PROPOSED RULE CHANGE

Five comment letters were received from the membership on the proposed amendments to Schedule C. Two of the comments were unfavorable considering the bonding requirement of the Association to be "bureaucratic expansionism." The remaining letters were favorable and suggested changes to the proposed amendment that were considered and in one case adopted by the Board of Governors. The provision that would allow the required deduction in computing net capital to be taken by a parent of a member when the parent is also a member and has guaranteed the member's subsidiaries net capital in writing was a suggestion in a comment letter that was adopted by the Board of Governors.

BURDEN ON COMPETITION

Because the Securities Exchange Act places on the Association the obligation to insure compliance by its members with the net capital rule adopted by the Securities and Exchange Commission, and because the proposed amendments are designed to provide an incentive for a member of the Association to carry greater insurance against financial loss as the result of an officer or employee's dereliction of duties and thereby protect its capital, it is felt that there is no burden on competition imposed by the proposed rule change and it is in furtherance of the purposes of the Act.

On or before December 5, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) by order approve such proposed rule change, or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 1, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 24, 1975.

[FR Doc.75-29360 Filed 10-30-75;8:45 am]

[(70-5751) Rel. No. 19220]

OHIO EDISON CO.

Notice of Proposed Issue of First Mortgage Bonds for Sinking Fund Purposes and Issue and Sale of Preferred Stock at Competitive Bidding

OCTOBER 23, 1975.

Notice is hereby given that Ohio Edison Company ("Ohio Edison"), 47 North Main Street, Akron, Ohio 44308, a registered holding company and an electric public utility company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7 and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-dec-

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laration, which is summarized below, for a complete statement of the proposed transactions.

Ohio Edison proposes to issue on or about May 1, 1976, and November 1, 1976, a total of $10,905,000 principal amount of its First Mortgage Bonds, 3¼% Series o f1955 due 1985 ("bonds"). The bonds will be issued under the indenture of Ohio Edison to Bankers Trust Company, as Trustee, as amended and supplemented. The bonds are to be of the series provided for by the Twelfth Supplemental Indenture dated as of May 1, 1955, and will be identical with those authorized by the Commission on January 13, 1975 (HCAR No. 18766).

Ohio proposes to use the bonds solely to obtain the inclusion in its general funds of the sinking fund payments on deposit and required to be made during 1976. It is proposed that the bonds will be issued on the basis of unfunded property additions.

Ohio Edison also proposes to issue and sell up to 400,000 shares of a new series of its preferred stock ("stock"). Ohio Edison will invite bids for the stock pursuant to the competitive bidding requirements of Rule 50. The price of the stock (which shall not be less than $99 nor more than $102.75 per share) and the dividend rate (which shall be a multiple of .04%) will be determined by the competitive bidding. The bids shall also specify separately (and not take such amount into account in specifying the purchase price of the stock) the amount to be paid as underwriting compensation if the bidder(s) propose to make a public offering of the stock.

Ohio Edison may include in the terms of the stock provisions for a mandatory sinking fund to retire up to 5% of the shares annually. Terms of the stock will include a prohibition, until December 1, 1980, against refunding the issue, directly or indirectly, with the proceeds of funds borrowed at a lower effective interest cost or derived from the issuance of other stock ranking, as to dividends or assets, prior to or on a parity with the new stock at a lower effective dividend cost.

Proceeds of the sale of the stock will be applied to the payment of unsecured short-term indebtedness of Ohio Edison or to construction expenditures. It is stated that Ohio Edison anticipates it will have short-term debt outstanding of approximately $60,000,000 at the time of the sale of the stock.

It is stated that the Public Utilities Commission of Ohio has jurisdiction over the proposed sale of the stock and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the issue of the bonds are estimated at $1,600, including legal fees of $500. Fees and expenses to be incurred in connection with the proposed issue and sale of the stock will be supplied by amendment.

Notice is further given that any interested person may, not later than December 1, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any nctices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29356 Filed 10-30-75;8:45 am]

PBW STOCK EXCHANGE, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 24, 1975.

The above named national securities exchange had filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

American Natural Gas Company (Michigan), File No. 7-4772.

Upon receipt of a request, on or before November 9, 1975 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29357 Filed 10-30-75;8:45 am]

PBW STOCK EXCHANGE, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 24, 1975.

The above named national securities exchange had filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Memorex Corporation, File No. 7-4768.

Upon receipt of a request, on or before November 9, 1975, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29358 Filed 10-30-75;8:45 am]

PBW STOCK EXCHANGE, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 24, 1975.

The above named national securities exchange had filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants of the following company, which security is listed and registered on one or more other national securities exchange:

Occidental Petroleum Corporation, Warrants (Expiring April 22, 1980), File No. 7-4769.

Upon receipt of a request, on or before November 9, 1975, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29359 Filed 10-30-75;8:45 am]

VETERANS ADMINISTRATION

NEW CLINICAL SUPPORT FACILITY AND SEISMIC RENOVATION, VETERANS ADMINISTRATION HOSPITAL, BOISE, IDAHO

Notice of Availability of Final Environmental Impact Statement

Notice is hereby given that a document entitled "Final Environmental Statement for a New Clinical Support Facility and Seismic Renovation, Veterans Administration Hospital, Boise, Idaho", issued pursuant to the Veterans Administration's implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 is being placed in the following office:

Mr. Jack S. Westall, Assistant Chief Medical Director for Administration (13), Room 600, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420.

The new seismically designed Clinical Support Facility will have three floors and will provide approximately 35,000 net square feet of space. This new facility will provide space for Surgical Suite, Radiology, Pharmacy, Outpatient, Dental, Laboratory and other clinical activities.

The seismic renovation will rehabilitate eleven existing buildings which were found, through an engineering study, to be non-conforming with the "Zone 2 Structural Design Standards of the Earthquake Regulations of the 1970 Uniform Building Code as modified". This corrective work will vary from building to building but will include the strengthening of foundations, floors, frames, roofs and will stabilize interior partitions, and reinforce exterior brick walls.

This study also determined the most feasible methods in which this work could be accomplished and retain existing architectural features as requested by the Idaho Historical Society. Included with the statement are the comments received from Federal Agencies on the draft statement of which notice of availability was published in the FEDERAL REGISTER dated December 16, 1974 (39 F.R. 43597) and the Veterans Administration's response to these comments.

The Environmental Impact Statement, including the comments and the Veterans Administration's responses, will be furnished upon request addressed to the Assistant Chief Medical Director for Administration (13) at the above address.

Dated: October 24, 1975.

By direction of the Administrator:

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75-29304 Filed 10-30-75;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's view and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing on or before November 14, 1975, to Deputy Assistant Secretary for Manpower, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 28th day of October, 1975.

BEN BURDETSKY,
Deputy Assistant Secretary for Manpower.

Applications received during the week ending Oct. 24, 1975

Name of applicant	Location of enterprise	Principal product or activity
Hardy Enterprises, Inc.	Wardensville, W. Va.	Custom molder reinforced fiberglass plastic.
Cam-Burg Lumber Co., Inc.	Orangeburg, S.C.	Lumber and chips.
The Mariner Yacht Club	Mecklenburg County, N.C.	Recreational facility.
Lancaster Electric Co., Inc.	Hattiesburg, Miss.	Electrical contractor.
General Components, Inc.	Matthews, Ind.	Electrical wiring assemblies.
Precision Forging Steel Co.	Peoria, Ill.	Semi-integrated specialty steel operation.
Nortech, Inc.	Antigo, Wis.	Machine shop and electrical controls, polyurethane cast.
Casey Industries, Inc.	Casey, Ill.	Powder metallurg parts.
Murphy Medical Center, Inc.	Warsaw, Ind.	Short-term general acute hospital with both inpatient and outpatient services and emergency services.
Rogers Delinted Cottonseed Co.	Colorado City, Tex.	Chemical treatments for cottonseed.
Shell Key Packing Co.	Forked Island, La.	Shrimp and crab processing and packing.
Ryne Plane Eng. & Mfg., Inc.	Rayne, La.	Manufacture of farm machinery.
Multi-Tech Electronics, Inc.	Florence, Colo.	Rechargeable lattern battery tops, electronic components, plugs, jacks, adapters, etc.
The Cabin, Inc.	Oakes, N. Dak.	Restaurant and bar facilities.

[FR Doc.75-29305 Filed 10-30-75;8:45 am]

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Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

Subgroup Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Standards Advisory Committee on Agriculture Subgroup on Noise, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet in Washington, D.C. The Subgroup will meet on November 19 and 20, 1975, in Conference Room N3437 of the Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C., and will begin at 9:00 a.m. The meetings will be open to the public and all interested parties are encouraged to attend.

The Noice Subgroup will review information received and proceed toward the development of a recommendation on noise for agriculture.

The Subgroup Chairman may permit oral statements before the group by interested persons. Consequently, persons desiring to make an oral presentation should submit a written request to be heard to the Committee Management Officer by close of business November 14, 1975. The request must include the name and address of the person wishing to appear, the capacity in which he will speak, a short summary of the intended presentation, and the approximate amount of time required for the presentation. Such submissions will be provided to the Committee Chairman for his consideration. At this time, the Subgroup repeats its request for relevant information pertaining to Noise in the agricultural industry.

Communications and questions about the proceeding should be addressed to:

Ms. Jeanne C. Werner, Committee Management Officer, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Room N3635, Washington, D.C. 20210, Phone: 202/523-8024

All materials which have been submitted to, or developed by, the Committee and its subgroups since the beginning of its deliberations, as well as the official record of all proceedings, are available for public inspection and copying at the above location.

Signed at Washington, D.C., this 28th day of October, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-29343 Filed 10-30-75;8:45 am]

Office of the Secretary

[TA-W-260]

FLORSHEIM SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 22, 1975 the Department of Labor received a petition filed under Secton 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of North Adams, Massachusetts division of Florsheim Shoe Company, Chicago, Illinois (TA-W-260). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's casual footwear produced by Florsheim Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act, in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 10, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 23rd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-29345 Filed 10-30-75;8:45 am]

[TA-W-261]

OLLIE MOORE'S MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 23, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Ollie Moore's Manufacturing Company, Perryville, Missouri (TA-W-261). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sportswears including knit shirts and sweaters produced by Revere Knitting Mills, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 10, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 23rd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-29346 Filed 10-30-75;8:45 am]

[TA-W-262]

REVERE KNITTING MILLS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 23, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Revere Knitting Mills, Incorporated, Wakefield, Massachusetts. (TA-W-262). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's dresses, blouses, pants & pants suits produced by Ollie Moore's Manufacturing Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 10, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 23rd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-29347 Filed 10-30-75;8:45 am]

division and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before November 10, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 23rd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-29347 Filed 10-30-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 86]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 24, 1975.

The following applications are governed by Special Rule 1100 247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet tht requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) (as amended, 49 FR 37215) published in the FEDERAL REGISTER issue of August 26, 1975, effective September 15, 1975, further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the* FEDERAL REGISTER *of a notice that the proceeding has been assigned for oral hearing.*

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verfied statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 11722 (Sub-No. 47), filed September 29, 1975. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, Wash. 98953. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coir yarn, sisal, burlap, paper, twine, and steel wire*, from Seattle, Tacoma, and Vancouver, Wash., and Portland, Oreg., to points in Yakima, Benton, and Kittitas Counties, Wash., and points in Polk, Clackamas, Washington, Yamhill, Lane, and Malhuer Counties, Oreg.; and San Joaquin, Sutter, Yuba, and Sacramento Counties, Calif.; and Ada, Canyon, Gem, Boundary, Payette, Washington, Elmore, Jerome, and Twin Falls Counties, Idaho; and (2) from Toppenish, Wash., to points in Polk, Clackamas, Washington, Yamhill, Lane, and Malhuer Counties, Oreg.; and San Joaquin, Sutter, Luba, Sacramento Counties, Calif.; and Ada, Canyon, Gem, Boundary, Payette, Washington, Elmore, Jerome, and Twin Falls Counties, Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg., or Seattle, Wash.

No. MC 26120 (Sub-No. 6), filed October 2, 1975. Applicant: GEORGE L. HOOKER, INC., Tuscarawas Road, Uhrichsville, Ohio 44683. Applicant's representative: Boyd B. Ferri, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sewer pipe, sewer pipe fittings and clay products, and materials and supplies*, used in the manufacturing and procesing of sewer pipe and clay products, between the plantsites of United States Concrete Pipe Company, at Uhrichsville and Mogadore, Ohio, on the one hand, and, on the other, points in Illinois, under contract with the United States Concrete Pipe Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 29886 (Sub-No. 327), filed October 2, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment or special handling, between St. Louis, Mo. and its Commercial Zone, on the one hand, and, on the other, points in Pennsylvania (except that portion south of a line beginning at the Pennsylvania-West Virginia State Boundary line and extending along Pennsylvania Highway 844 to junction Pennsylvania Highway 50, thence along Pennsylvania Highway 50 to junction Pennsylvania Highway 519, thence along Pennsylvania Highway 519 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Pennsylvania-Maryland State Boundary line. The purpose

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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of this filing is to eliminate gateways at points in Illinois and those in Michigan in a territory bounded by a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to intersection Business Route Interstate Highway 96, thence along Business Route Interstate Highway 96 to Lansing, Mich., thence westerly along U.S. Highway 127 to Jackson, Mich., thence along unnumbered highway (formerly portion of U.S. Highway 127) to intersection U.S. Highway 12 near Somerset Center, Mich., thence along U.S. Highway 12 to intersection U.S. Highway 127, near Somerset Center, Mich., thence along U.S. Highway 127 to the Michigan-Ohio State Boundary line.

NOTE.—Applicant indicates this proceeding is a Gateway elimination application involving MC 29886 (Sub-No. 287), Items 131, 134, and 229. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 554), filed October 3, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Larry Strickler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Frozen prepared foods*, from the plantsite and facilities of Morton Frozen Foods at Russellville, Ark., to points in Illinois, Indiana, Michigan, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, restricted to shipments originating at the plantsite and facilities of Morton Frozen Foods at Russellville, Ark., to the named destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant does not state a location.

No. MC 31389 (Sub-No. 207), filed September 29, 1975. Applicant: McCLEAN TRUCKING COMPANY, 617 Waughtown Street, P.O. Box 213, Winston-Salem, N.C. 27102. Applicant's representative: David F. Eshelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and distribution center of Londontown Corporation, located at or near Eldersburg, Md., as an off-route point in conjunction with applicant's regular route operations to and from Baltimore, Md.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 33322 (Sub-No. 17), filed October 3, 1975. Applicant: JOHN N. APGAR SR. (IRVING L. APGAR, JOHN N. APGAR JR. AND THE FIRST NATIONAL BANK OF CENTRAL JERSEY, EXECUTORS AND TRUSTEES), STERLING E. APGAR (MORRIS RUTER TRUSTEE) AND DOROTHY E. ANDERSON, doing business as, APGAR BROS., 232 West Union Avenue, Bound Brook, N.J. 08805. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, in bulk, in hopper van containers, between Somerset, Hudson, and Middlesex Counties, N.J., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Ohio, Illinois, Indiana, Virginia, West Virginia, Kentucky, North Carolina, South Carolina, Georgia, Florida, Mississippi, Tennessee, Alabama, Wisconsin, and Minnesota, under contract with Union Carbide Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 53965 (Sub-No. 111), filed September 26, 1975. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio Street, Salina, Kans. 67401. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric storage batteries, junk batteries, and materials and supplies* used or useful in the manufacture or distribution of electric storage batteries, bewteen Salina, Kans., on the one hand, and, on the other, points in Arkansas, Colorado, Indiana, Iowa, Kentucky, Louisiana, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

NOTE.—Common control may be involved, If a hearing is deemed necessary, the applicant requests it be held at the same time and on a consolidated record with similar applications filed by National Carriers, Inc., MC 139495 Sub-No. 75 and West Motor Freight, MC 21866 Sub-No. 79.

No. MC 58885 (Sub-No. 28), filed October 6, 1975. Applicant: ATLANTA MOTOR LINES, INC., P.O. Box 345, Conley, Ga. 30027. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite of Owenby Manufacturing Company, on Town Creek School Road, south of Blairsville, Ga., as an off-route point in conjunction with applicant's presently authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 61396 (Sub-No. 292), filed October 14, 1975. Applicant: HERMAN BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal and soybean by products* of mill run and hulls, in bulk, from the plantsite of Farmland Industries, Inc., at or near Sergeant Bluff, Iowa, to points in Kansas, Nebraska, and Colorado.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 61592 (Sub-No. 371), filed October 1, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Donald W. Smith, Suite 2465—One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors); (2) *agricultural machinery and implements;* (3) *attachments* for (1) and (2) above; (4) *such merchandise as is dealt in by lawn and garden stores* (except chemicals in bulk); and (5) *twine*, from Milan, Ill., to points in Illinois and Iowa, restricted in (3), (4), and (5) to traffic moving in mixed loads with (1) and (2) above; and further restricted to the transportation of traffic originating at the facilities used by International Harvester Company at Milan, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 61592 (Sub-No. 372), filed October 10, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. #3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furnaces, house heating hot air* with or without air condition apparatus as an integral part of the furnace, from Bellview and Columbus, Ohio, to points in the United States.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 69397 (Sub-No. 17) (Amendment), filed September 29, 1975, published in the FEDERAL REGISTER issue of October 16, 1975, republished as amended this issue. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, Md. 21851. Applicant's representative. Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated and untreated piling*, from points in Sussex County, Del., to points in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, and the District of Columbia.

NOTE.—The purpose of this republication is to indicate Sussex County, Del. as the origin point in lieu of Bridgeville, Del. as previously published. Common control may be involved. If a hearing is deemed necessary,

the applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 73165 (Sub-No. 371), filed October 10, 1975. Applicant: EAGLE MOTORS LINES, INC., 830 North 33rd Street, Birmingham, Ala. 35202. Applicant's representative: William P. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators, dust control systems*, and *blow pipe systems*, and *accessories* therefor, from the plantsites of Allstate Fabricating Co. at or near Eads, Tenn., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Birmingham, Ala.

No. MC 76032 (Sub-No. 312), filed October 2, 1975. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between the junction of Interstate Highway 10 and U.S. Highway 60 at or near Brenda Junction, Ariz., and Phoenix, Ariz.: (a) From the junction of Interstate Highway 10 and U.S. Highway 60 over Interstate Highway 10 to junction unnumbered Maricopa County road, thence over said unnumbered Maricopa County road to junction U.S. Highway 80, thence over U.S. Highway 80 to Phoenix, and return over the same route, serving no intermediate points; (b) From the junction of Interstate Highway 10 and U.S. Highway 60 over Interstate Highway 10 to Phoenix, and return over the same route, serving no intermediate points; (2) Between Phoenix, Ariz., and Alamogordo, N. Mex.: From Phoenix over Interstate Highway 10 to junction U.S. Highway 70, thence over U.S. Highway 70 to Alamogordo, and return over the same route, serving no intermediate points; and (3) Between Alamogordo, N. Mex., and Fort Worth, Tex.: From Alamogordo over U.S. Highway 82 to junction New Mexico Highway 18, thence over New Mexico Highway 18 to junction U.S. Highway 62 at or near Hobs, N. Mex., thence over U.S. Highway 62 to junction U.S. Highway 180 at or near Seminole, Tex., thence over U.S. Highway 180 to junction U.S. Highway 84, thence over U.S. Highway 84 to junction Interstate Highway 20 (U.S. Highway 80), thence over Interstate Highway 20 (U.S. Highway 80) to Fort Worth, and return over the same route, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Alamogordo, N. Mex., or Phoenix, Ariz.

No. MC 82735 (Sub-No. 4), filed August 13, 1975. Applicant: HUDSON-BERGEN TRUCKING CO., 200 Central Avenue, Teterboro, N.J. 07608. Applicant's representative: Bernard F. Flynn, Jr., York-Flynn Building, Dover, N.J. 07801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail grocery stores, supermarkets, and shopping centers, between the site of Marschall Warehouse Company located at Teterboro, N.J. and points in New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, and Massachusetts, under a continuing contract or contracts with Marschall Warehouse Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J.

No. MC 83539 (Sub-No. 418), filed October 6, 1975. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas, or liquids; *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids; and (2) *parts, materials, equipment, and supplies* used in the manufacture, distribution, installation, or operation of those items named in (1) above (except in bulk), between points in Monroe, Randolph, Perry Counties, Ill., and St. Clair County, Ill., on and south of Illinois Highways 177 and 158, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to the plantsite and warehouse facilities of the Singer Company at Monroe, Randolph, Perry, and St. Clair Counties, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 83539 (Sub-No. 419), filed October 14, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, 1936-2010 West Commerce St., Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cranes, parts, attachments, and accessories*, between the plantsite and facilities of FMC Corporation located at or near Bowling Green, Ky., on the one hand, and, on the other, points in the United States including Alaska but excluding Hawaii; and (2) *materials, equipment, and supplies* used in the manufacture of the items in (1) above, from points in the United States including Alaska, but excluding Hawaii, to the plantsite of FMC Corporation located at or near Bowling Green, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky.

No. MC 99427 (Sub-No. 24), filed October 6, 1975. Applicant: ARIZONA TANK LINES, INC., 4150 E. Magnolia, Phoenix, Ariz. 85034. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulphuric acid*, in bulk, from Hayden, Ariz., to points in Nevada; (2) *fire retardant*, in bulk, from points in Arizona, to points in New Mexico; and (3) *soil sealers*, in bulk, from points in Maricopa County, Ariz., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 99565 (Sub-No. 14), filed September 2, 1975. Applicant: FORE WAY EXPRESS, INC., 204 S. Bellis, Wausau, Wis. 54401. Applicant's representative: Nancy J. Johnson, Suite 100, 4506 Regent Street, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), (1) Between Merrill, Wis., and Rhinelander, Wis.: From the junction of U.S. Highway 51 and Wisconsin Highway 17 at or near Merrill, Wis. over Wisconsin Highway 17 to Rhinelander, Wis. and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (2) Between Rhinelander, Wis., and Monico, Wis.: From Rhinelander, Wis. over Wisconsin Highway 17 to south junction U.S. Highway 45, thence over U.S. Highway 45 to junction U.S. Highway 8 at Monico and return over the same route, serving all intermediate points; (3) Between Stevens Point, Wis., and Appleton, Wis.: From the junction of U.S. Highway 51 and U.S. Highway 10 at Stevens Point, Wis. over U.S. Highway 10 to Appleton, Wis. and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (4) Between Wausau, Wis., and Rhinelander, Wis.: From South junction U.S. Highway 51 and Wisconsin Highway 29 at or near Wausau, Wis. over U.S. Highway 51 to junction U.S. Highway 8, thence over Highway 8 to Rhinelander, Wis. and return over the same route, serving all intermediate points.

(5) Between Wisconsin Highway 47 and its junction with U.S. Highway 41 and Bonduel, Wis.: From junction Wisconsin Highway 47 and U.S. Highway 41, over Wisconsin Highway 47 to Bonduel, Wis. and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (6) Between Green Bay, Wis., and Algoma, Wis.: From Green Bay, Wis. over Wisconsin Highway 54 to Algoma, Wis. and return over the same

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route, serving all intermediate points; (7) Between Crandon, Wis. and Langlade, Wis.: From Crandon, Wis. over Wisconsin Highway 55 to junction Wisconsin Highway 64 at Langlade, Wis. and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (8) Between Merrill, Wis., and Langlade, Wis.: From junction U.S. Highway 51 and Wisconsin Highway 64 at Merrill, Wis. over Wisconsin Highway 64 to junction Wisconsin Highway 55 at Langlade, Wis. and return over the same route; and Langlade and White Lake, Wis. and junction Wisconsin Highway 64, serving all intermediate points and serving White Lake, Wis. as an off-route point; (9) Between Wausau, Wis., and Milwaukee, Wis.: From Milwaukee, Wis. over Interstate Highway 94 to junction Wisconsin Highway 78, thence over Wisconsin Highway 78 to junction U.S. Highway 51, thence over U.S. Highway 51 to Wausau, Wis. and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (10) Between Three Lakes, Wis., and Crandon, Wis.: From Three Lakes, Wis. over U.S. Highway 45 to junction Wisconsin Highway 32, thence over Wisconsin Highway 32 to Crandon, Wis. and return over the same route, serving all intermediate points; and (11) Between Wausau, Wis. and junction Wisconsin Highway 17: From Wausau, Wis. over Marathon County W to junction Wisconsin Highway 17 at or near Merrill, Wis. and return over the same route, as an alternate route for operating convenience only, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Milwaukee or Madison, Wis., or Minneapolis or St. Paul, Minn.

No. MC 106149 (Sub-No. 2), filed October 14, 1975. Applicant: AMERICAN HOLIDAY VAN LINES, INC., 2323 Chipman Street NE., Knoxville, Tenn. 37917. Applicant's representative: Robert H. Watson, Jr., Northshore Center, 1111 Northshore Drive, Knoxville, Tenn. 37919. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Alabama, Connecticut, Delaware, Georgia, Florida, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, the District of Columbia, that part of Louisiana east of the Mississippi River, and the Lower Peninsula of Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 106775 (Sub-No. 39), filed October 9, 1975. Applicant: ATLAS TRUCK LINE, INC., P.O. Box 9848, Houston, Tex 77015. Applicant's representative: Jack L. Coke, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Iron and steel articles*, from the plantsite and storage facilities of National Pipe and Tube Company, located in Liberty County, Tex., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the above named plantsite and storage facilities of National Pipe and Tube Company and destined to points in the United States (except Alaska and Hawaii); and (b) *materials, equipment, and supplies* used in the manufacture, processing, and distribution of iron and steel articles, from points in the United States (except Alaska and Hawaii), to the plantsite and storage facilities of National Pipe and Tube Company located in Liberty County, Tex., restricted to traffic originating at points in the United States (except Alaska and Hawaii) and destined to the plantsite and storage facilities of National Pipe and Tube Company located in Liberty County, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 107295 (Sub-No. 778), filed Sept. 29, 1975. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building panels, building parts, and materials, accessories, and supplies*, used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk), from the plantsite and storage facilities of Butler Manufacturing Company, at Annville (Lebanon County), Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Kentucky, West Virginia, Virginia, Tennessee, North Carolina, Ohio, and the District of Columbia, restricted to traffic originating at the plantsite and storage facilities of Butler Manufacturing Company, at Annville (Lebanon County), Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 780), filed October 6, 1975. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos building panels, roofing, and siding*, from Nashua, N.H., to points in Illinois, Iowa, and Nebraska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 107515 (Sub-No. 992), filed October 3, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery*, from the plantsite and warehouse facilities of Tennessee Doughnut Co., in Davidson County, Tenn., to points in the United States in and east of Minnesota, Iowa, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 108393 (Sub-No. 94), filed October 1, 1975. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E. Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores and mail order houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between Elk Grove Village, Ill., on the one hand, and, on the other, Atlanta, Ga.; Boston, Mass.; Columbus, Ohio; Dallas, Tex.; Greensboro, N.C.; Jacksonville, Fla.; Kansas City, Mo.; Memphis, Tenn.; Minneapolis/St. Paul, Minn.; Philadelphia, Pa.; and North Bergen and Secaucus, N.J., under a continuing contract or contracts with Sears, Roebuck and Co.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108393 (Sub-No. 95), filed October 1, 1975. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E. Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts of electrical and gas appliances and equipment, materials and supplies* used in the manufacture, distribution, and repair of electrical and gas appliances, between Livonia, Mich., on the one hand, and, on the other, Fulton, Henry, Lucas, Ottawa Sandusky, and Wood Counties, Ohio under a continuing contract or contracts with Whirlpool Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108631 (Sub-No. 7), filed October 14, 1975. Applicant: BOB YOUNG TRUCKING, INC., Schoenersville Road at Industrial Drive, Bethlehem, Pa. 18017. Applicant's representative: Morris Mindlin, 1509 Easton Avenue, Bethlehem, Pa. 18017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household electrical and gas appliances, hardware, utility, and construction materials, supplies and equipment*, from Foglesville, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either (1) Allentown, Pa.; (2) Bethlehem or Easton, Pa.; or (3) Philadelphia, Pa.

No. MC 108835 (Sub-No. 34), filed October 6, 1975. Applicant: HYMAN FREIGHTWAYS, INC., 3030 Harbor Lane, Minneapolis, Minn. 55427. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Omaha, Nebr., and Kansas City, Mo.: (1) from Omaha over city streets to Council Bluffs, Iowa, thence over Interstate Highway 29 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction U.S. Highway 59, thence over U.S. Highway 59 to Mound City, Mo., thence over Interstate Highway 29 to Kansas City, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; and (2) from Omaha over U.S. Highway 73 to Auburn, Nebr., thence over U.S. Highway 136 to junction U.S. Highway 59, thence over U.S. Highway 59 to Mound City, Mo., thence over Interstate Highway 29 to Kansas City, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant does not request a location.

No. MC 110988 (Sub-No. 327), filed October 1, 1975. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Emulsion*, in bulk, from Green Bay, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 111729 (Sub-No. 577), filed September 30, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde, N.Y. 11040. Applicant's representative: John Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit, and accounting media of all kinds*, (a) between Bossier City, La., and Quitman, Tex.; (b) between Albuquerque, N. Mex., and Santa Fe, N. Mex., restricted to the transportation of traffic having an immediately prior or subsequent movement by air; and (2) *laboratory samples and specimens*, between Albuquerque, N. Mex., and Santa Fe, N. Mex., restricted to the transportation of traffic having an immediately prior or subsequent movement by air.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Austin, Tex., or Washington, D.C.

No. MC 113267 (Sub-No. 322), filed October 9, 1975. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottled foodstuffs*, from Sevierville, Newport, Jefferson City, and Tellico Plains, Tenn., to points in Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss. or Memphis, Tenn.

No. MC 113459 (Sub-No. 102), filed September 29, 1975. Applicant: H. J. Jeffries Truck Line, Inc., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut log and wood buildings*, knocked down, and *materials and supplies* used in the construction, installation, and erection thereof (except commodities in bulk), from the facilities of Real Log Homes, Inc., at or near Missoula, Mont., to points in Arizona, Colorado, Illinois, Iowa, Minnesota, New Mexico, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Missoula, Mont., or Dallas, Tex.

No. MC 113855 (Sub-No. 323), (Clarification), filed July 21, 1975, published in the FEDERAL REGISTER issue of September 4, 1975, and republished as clarified this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road S.E., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel, iron and steel articles, and wire products*, from points in Washington and California, to points in the United States including Alaska, and Canada, through all points on the International Boundary line between the United States and Canada; and (2) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture and distribution of the commodities described in (1) above, from points in the United States, including Alaska, to points in Washington and California.

NOTE.—The purpose of this republication is to indicate applicant's traversal of the International Boundary line between the United States and Canada. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 113861 (Sub-No. 65), filed October 14, 1975. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, Tenn. 38106. Applicant's representative: James N. Clay, III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends containing corn products*, in bulk, from the plantsite or warehouse facilities of Cargill, Inc., located at or near Memphis, Tenn. to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests a consolidated hearing with Fleet Transport Co., Manfredi Motor Transit Co., Miller Transporters Inc. and Ruan Transport Corporation at Memphis, Tenn.

No. MC 114239 (Sub-No. 33), filed August 21, 1975. Applicant: FARRIS TRUCK LINE, a Corporation, Faucett, Mo. 64448. Applicant's representative: Tom B. Kretsinger, Suite 910 Fairfax Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers and bags*, and *agricultural pesticides, and ingredients* thereof, (except liquids in bulk in tank vehicles), from points in Kansas, Kentucky, Minnesota, Montana, North Dakota, New York, Oklahoma, South Dakota, Wisconsin, and Wyoming, to St. Joseph, Mo., under a continuing contract or contracts with Farmland Industries, Inc.; Missouri Chemical Company; and Techne Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Washington, D.C.

No. MC 114457 (Sub-No. 244), filed October 8, 1975. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products* (except commodities in bulk, in tank vehicles), from Winchester, Va., to points in Cook County, Ill. and Detroit, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or St. Paul, Minn.

No. MC 116260 (Sub-No. 7), filed October 9, 1975. Applicant: PASHA TRUCKAWAY, 1308 Canal Boulevard, Richmond, Calif. 94804. Applicant's representative: Ann M. Pougiales, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors) in secondary movements in truckaway service, from ports of entry in California, to points in California, Arizona, Nevada, and Oregon,

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restricted to shipments having a prior movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 116459 (Sub-No. 58), filed October 17, 1975. Applicant: RUSS TRANSPORT, INC., P.O. Box 4022, Chattanooga, Tenn. 37405. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, N.W. Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous aluminum chloride*, dry, in bulk, and in special containers, from Alcoa, Tenn., to points in Louisiana, Texas, Pennsylvania, New York, New Jersey, Delaware, and Maryland.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn. or Atlanta, Ga.

No. MC 116763 (Sub-No. 326), filed October 7, 1975. Applicant: CARL SUBLER TRUCKING, INC., 115 North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, foodstuffs and beverages, food and beverage products, commodities* exempt from economic regulation under Section 203(B)(6) of the Interstate Commerce Act, when transported in mixed loads with other commodities, and *commodities* used or useful in packaging, manufacturing or processing of the above commodities, from points in Florida, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant does not state a location.

No. MC 116915 (Sub-No. 19), filed October 1, 1975. Applicant: ECK MILLER TRANSPORTATION CORPORATION, 2015 Alsop Lane, P.O. Box 1279, Owensboro, Ky. 42301. Applicant's representative: John P. Kane, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, iron and steel articles, materials and supplies* (except commodities in bulk) and commodities used in the manufacturing thereof, between the plantsite and facilities of Rexnord Incorporated located at Madison, Ind. and points in the United States (except Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lexington, Ky.; Louisville, Ky. or Washington, D.C.

No. MC 118159 (Sub-No. 163), filed October 14, 1975. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366—Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from the plantsite and storage facilities of Field's Inc. located at Pauls Valley, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held in Chicago, Ill.

No. MC 119789 (Sub-No. 269), filed October 1, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulators, electric wire and wire or wiring, pottery or pottery and iron combined, and parts*, from Newell, W. Va., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Mansfield, Ohio, or Dallas, Tex.

No. MC 119908 (Sub-No. 29), filed October 6, 1975. Applicant: WESTERN LINES, INC., P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and storage facilities of National Pipe and Tube Company, located in Liberty County, Tex., to points in New Mexico, Oklahoma, Kansas, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Tennessee, and Florida.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 110814 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 121664 (Sub-No. 12), filed September 25, 1975. Applicant: G. A. HORNADY, CECIL M. HORNADY AND B. C. HORNADY, doing business as, HORNADY BROTHERS TRUCK LINE, Box 846, Monroeville, Ala. 36460. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, plywood and particleboard*, between points in Alabama, Georgia, Florida, Kentucky, Mississippi and Tennessee, restricted to shipments originating at or destined to a facility of Moore-Handley, Inc., located in one of said states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 123009 (Sub-No. 3), filed October 3, 1975. Applicant: SHANTZ CARTAGE, INC. a Corporation, 165 N. Case Avenue, Akron, Ohio 44305. Applicant's representative: Harry Stein, 1 Cascade Plaza, Akron, Ohio 44308. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beauty and barber supplies*, (1) Between Stow, Ohio, on the one hand, and, on the other, points in Minnesota, Wisconsin, Pennsylvania, the District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Connecticut, Kentucky, Tennessee, Delaware, New Jersey, Massachusetts and Maryland; and (2) from points in New York, Indiana, Michigan, and Illinois, to Stow, Ohio, (1) and (2) above, under a continuing contract or contracts with Milo Beauty and Barber Supply Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cleveland, Ohio.

No. MC 123048 (Sub-No. 331), (Correction), filed September 25, 1975, published in the FEDERAL REGISTER issue of October 16, 1975 as MC 123048 (Sub-No. 321), republished as corrected this issue. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements;* (2) *attachments*, for (1) above; (3) *accessories*, for (1) and (2) above; and (4) *parts*, for (1), (2) and (3) above, from points in Vanderburgh County, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of this republication is to change the docket number MC 123048 (Sub-No. 331) in lieu of MC 123048 (Sub-No. 321) which was previously published in error. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 123133 (Sub-No. 3), filed October 14, 1975. Applicant: DENNY TRANSPORT, INC., 3435 Industrial Parkway, Jeffersonville, Ind. 47130. Applicant's representative: Ollie L. Merchant, 328 Starks Building, Louisville, Ky. 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ink* in bulk, in tank vehicles, from Louisville, Ky., to Corinth, Miss., Dallas, Tex., Dayton, Ohio, Gallatin, Tenn., Salem, Ill., and Springfield, Ohio and (2) *reclaimed hydrocarbon solvents*, from Corinth, Miss., Dallas, Tex., Dayton, Ohio, Gallatin, Tenn., Salem, Ill., and Springfield, Ohio, to Louisville, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 123233 (Sub-No. 57), filed September 29, 1975. Applicant: PROVOST CARTAGE, INC., 7887 Grenache Avenue, Ville d'Anjou, Quebec, Canada H1J 1C4. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from the port of

entry on the International Boundary line between the United States and Canada located at or near Alexandria Bay and Champlain, N.Y., to Springfield and West Springfield, Mass., restricted to the transportation of traffic in foreign commerce originating at the plantsite of Du-Pont of Canada Limited at Maitland, Ontario, Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Montpelier, Vt. or Albany, N.Y.

No. MC 124230 (Sub-No. 25), filed October 14, 1975. Applicant: C. B. JOHNSON, INC., P.O. Drawer S, Cortez, Colo. 81321. Applicant's representative: David E. Driggers, 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore and ore concentrates*, (1) from points in Colorado, to East Helena, Mont., Kellogg, Idaho, Tacoma, Wash., Bartlesville, Okla., Corpus Christi, Amarillo and El Paso, Tex., (2) from points in Luna County, N. Mex., to El Paso, Tex., (3) between points in Pinal, Pima and Cochise Counties, Ariz., and El Paso, Tex. and (4) between points in Lake, Summit, Park, Pueblo and Fremont Counties, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cortez or Denver, Colo.

No. MC 124306 (Sub-No. 21), filed October 14, 1975. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, N.C. 27514. Applicant's representative: Richard A. Mehley, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum distillates*, in bulk, in tank vehicles, from Severn, N.C., to Piscataway, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124904 (Sub-No. 4), filed October 3, 1975. Applicant: GIBNEY DISTRIBUTORS, INC., 300 Old Indian Head Road, Kings Park, N.Y. 11754. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camp baggage* in seasonal operations extending from June 1 to October 1 both dates inclusive of each year, between points in New York, New Jersey, Connecticut, Maryland, Delaware, points in Suffolk, Norfolk, Plymouth, Essex, Middlesex and Bristol Counties, Mass. and the District of Columbia, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, and Delaware.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124947 (Sub-No. 44), filed October 1, 1975. Applicant: MACHINERY TRANSPORTS, INC., Box 417, Stroud, Okla. 74079. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic or fiberglass tanks and parts, accessories, and materials* used in the production of plastic or fiberglass tanks, between the plant or other facilities of Beetle Plastics, Inc., located at or near Gene Autry, Okla., on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky., Nashville, Tenn., Chicago, Ill., or Washington, D.C.

No. MC 128117 (Sub-No. 22), filed October 15, 1975. Applicant: NORTON-RAMSY MOTOR LINES, INC., P.O. Box 896, Hickory, N.C. 28601. Applicant's representative: Francis J. Ortman, 1100 17th St. NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* (except in bulk), from Houma, La., to points in Georgia, Florida, North Carolina, South Carolina, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 133458 (Sub-No. 2), filed October 14, 1975. Applicant: JAMES P. WEBB, Castleton Road, East Greenbush (Rensselaer County), N.Y. 12141. Applicant's representative: Neil D. Breslin, 1111 Twin Towers, 99 Washington, Ave., Albany, N.Y. 12210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in containers, *tires, batteries and automotive accessories* used or sold by gasoline stations, from East Greenbush (Rensselaer County), N.Y., to points in Albany, Columbia, Fulton, Greene, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie and Washington Counties, N.Y., under contract with Sun Oil Company of Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albany, N.Y.

No. MC 134068 (Sub-No. 23), filed October 6, 1975. Applicant: KODIAK REFRIGERATED LINES, INC., 3336 E. Fruitland Ave., P.O. Box 58327, Vernon, Calif. 90058. Applicant's representative: Joseph W. Harvey, P.O. Box 1018, Denver, Colo. 80201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail food business houses, from the facilities utilized by Hunt-Wesson Foods, Inc., located at or near Fullerton, Hayward, Oakdale, and Davis, Calif., to points in Colorado, Nebraska, South Dakota and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134323 (Sub-No. 77), filed July 14, 1975. Applicant: JAY LINES, INC., 720 North Grand, P.O. Box 4146, Amarillo, Tex. 79105. Applicant's representative: Gailyn Larsen, 521 South 14th, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in bags, from Hutchinson and Lyons, Kans., and Carlsbad, N. Mex., to the plantsites and storage facilities of MBPXL Corporation, at or near Plainview, and Friona, Tex., and Rockport, Mo.; (2) *boxes and containers*, from Wichita, Kans., and Denver, Colo., to the plantsites and storage facilities of MBPXL Corporation, at or near Plainview, Tex., and Rockport, Mo.; and (3) *boneguard cloth and cryovac bags*, from Holyoke, Mass., and Cedar Rapids, Iowa, to the plantsites and storage facilities of MBPXL Corporation, at or near Wichita, Kans.; Plainview, Tex.; and Rockport, Mo., under contract with MBPXL Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Amarillo, Tex.

No. MC 134806 (Sub-No. 34), filed October 7, 1975. Applicant: B-D-R TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. 05301. Applicant's representative: Francis J. Ortman, 1100 17th St. N.W., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Footwear*, in unsealed cases, from Wilton, Maine, to Marlboro and Middleboro, Mass., under contract with G. H. Bass & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 135078 (Sub-No. 7), filed October 1, 1975. Applicant: AMERICAN TRANSPORT, INC., 6850 F Street, Omaha, Nebr. 68127. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chain and pulley hoists, bearing and hoist trolleys, cranes, hydraulic lifts, bearings, car bolsters, railroad car components, steel foundry casings, steel castings, pneumatic tools, parts, rubber hoses, rotary blowers, power pumps, air compressors, pneumatic diaphragm pumps, tanks and hand-held percussion tools, and parts and materials* for the above items, from Depew, N.Y.; Sidney and Springfield, Ohio; Muskegon, Mich.; and Connersville, Ind., to points in Illinois, Missouri, Nebraska, Arkansas, Oklahoma, Texas, New Mexico, Arizona, California, Colorado, Kansas, Iowa, Tennessee, Utah, and Nevada, restricted against the transportation of commodities which, because of their size and weight, require the use of special equipment and further restricted against the transportation of commodities in bulk in tank vehicles.

NOTE.—Applicant holds contract carrier authority in MC 135007 and subs thereunder, therefore dual operations may be involved.

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If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Chicago, Ill.

No. MC 136008 (Sub-No. 64), filed September 29, 1975. Applicant: JOE BROWN COMPANY, INC., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, Suite 200, Timbergate Office Gardens, 6161 North May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and coal byproducts*, from points in Oklahoma, to points in Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 136343 (Sub-No. 57), filed October 9, 1975. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, and equipment, materials, and supplies used in the conduct of such business (except foodstuffs and commodities in bulk), from the facilities of J. C. Penney Company, Inc., located at or near Ridgefield, N.J. to Chicago, Ill.; Cleveland, Ohio; Flint, Mich.; Indianapolis, Ind.; and Milwaukee, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 136343 (Sub-No. 58), filed October 14, 1975. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, and supplies* used or useful in the manufacture of printing paper and paper products, from the facilities of Watervliet Paper Company, Inc., located at Watervliet and Sodus, Mich., to points in Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Maryland, Delaware, Virginia, North Carolina, South Carolina, Florida, Alabama, Kentucky, Georgia, Mississippi, Louisiana, Tennessee, West Virginia, and the District of Columbia, restricted to the transportation of shipments originating at the specified origins and destined to the designated destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 136605 (Sub-No. 6), filed October 9, 1975. Applicant: DAVIS BROS. DIST., INC., 2024 Trade Street, P.O. Box 1027, Missoula, Mont. 59801. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, and particleboard* (except commodities in bulk, in tank vehicles), between ports of entry on the International Boundary line between the United States and Canada at or near Roosville, Port of Piegan, Sweetgrass, Port of Scobey, and Raymond, Mont., restricted to traffic moving in foreign commerce.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Missoula, Billings, Great Falls, or Helena, Mont.

No. MC 136786 (Sub-No. 85), filed October 3, 1975. Applicant: ROBCO TRANSPORTATION, INC., 309 Fifth Avenue Northwest, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 3033 Excelsior Boulevard, Minneapolis, Minn. 55416. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods*, from Minnetonka and Minneapolis, Minn., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 136886 (Sub-No. 1), filed October 9, 1975. Applicant: MASTERSON TRANSFER CO., INC., 3000 Pennsylvania Avenue West, Warren, Pa. 16365. Applicant's representative: Kenneth T. Johnson, Bankers Trust Building, Jamestown, N.Y. 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clothing, advertising materials, shipping supplies, waste cardboard and waste paper*, from points in Warrern County, Pa., to points in the United States east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except points in Pennsylvania and points in Chautauqua, Erie and Cattaraugus Counties, N.Y.), under a continuing contract or contracts with New Process Company.

NOTE.—Applicant holds common carrier authority in MC 3246 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 138235 (Sub-No. 4), filed October 1, 1975. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 412 Route 23, Pompton Plains, N.J. 07444. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lawn equipment, tractors, bicycles, snow plows, and motorcycles*, between Westfield, Mass., Cleveland, Stongsville, Willard, Ohio and Indianola, Miss., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under continuing contract or contracts with MTD Products, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 138807 (Sub-No. 12), filed October 14, 1975. Applicant: ZIP TRUCKING, INC., P.O. Box 5717, Jackson, Miss. 39208. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, toilet preparations*, from Gulfport, Miss., to points in California and Washington, under contract with Sterling Drug, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 138820 (Sub-No. 4), filed October 6, 1975. Applicant: PATTON'S, INC., 2300 Canyon Road, Ellensburg, Wash. 98926. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods* from points in California, to points in Oregon and Washington, under a continuing contract or contracts with Roundup Co.

NOTE.—Applicant holds common carrier authority in MC 129516 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland or Spokane, Wash.

No. MC 138899 (Sub-No. 2), filed September 29, 1975. Applicant: GREEN RIVER TRANSPORTATION CO., INC., General Delivery, Central City, Ky. 42330. Applicant's representative: Ray S. Stone, (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New or used empty containers*, knocked down or set up, and *lumber*, rough or dressed, between points in Kentucky on and west of Interstate Highway 75, on the one hand, and, on the other, Davenport and Clinton, Iowa, and points in Illinois, Indiana, Ohio, Tennessee, Georgia and Alabama, under a continuing contract or contracts with Expendable Pallet Manufacturing Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 139495 (Sub-No. 97), filed October 1, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 6th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulated wire, electric plugs and cord sets*, and *power supply cords:* (a) From Rumford, Woonsocket, and Pawtucket, R.I., to points in Illinois, Michigan, Ohio, Minnesota, Missouri, Colorado, Texas, Iowa, Nebraska, Kansas (except Great Bend, Liberal and Wichita), Indiana, and Oklahoma; and

(b) from Rumford, R.I., to points in Nevada, Idaho, Arizona, Washington, Oregon, California, and Louisiana; (2) *Insulated wire, electric plugs and cord sets, power supply cords*, and *related items*, From Rumford, R.I. to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina and Tennessee; (3) *General commodities* (except those of unusual value, classes A and B explosives, and commodities which because of size or weight require special equipment), from Boston, Clinton, and Worcester, Mass.; Pawtucket, Providence, Rumford, and Cranston, R.I.; Stamford, Conn.; New York, N.Y.; and Jersey City, Midland Park, and Newark, N.J., to Chicago, Elk Grove Village, and Morton Grove, Ill., and Cleveland, Ohio; (4) *Pipe fittings and connections, pipe hangers, indicator posts, hydrants, pipe, bars and rods, valves, castings, water motor alarms, pipe cement, joint compound, automatic sprinkler heads, automatic fire protection and prevention systems*, and *air heaters, blowers, and parts* (except those commodities which because of size or weight require the use of special equipment), from the facilities utilized by Grinnell Corporation, at or near Cranston and West Kingston, R.I., Elmira, N.Y., and Wrightsville, Pa., to points in Wisconsin, Illinois, Minnesota, Iowa, Missouri, Arkansas, Nebraska, Kansas, (except Great Bend, Liberal and Wichita), Oklahoma, Texas, Colorado, and New Mexico.

(5) *Pipe fittings and connections* and *pipe hangers*, From the facilities of the Grinnell Corporation at or near Atlanta, Ga., to points in Wyoming, Montana, Idaho, Washington, Oregon, California, Nevada, Utah, Arizona, Colorado, Kansas (except Great Bend, Liberal and Wichita), Oklahoma, New Mexico, and Texas; (6) *Pipe fittings, connections, pipe, bars and rods, valves, castings*, and *nipples*, (a) from Princeton, Ky., and Henderson, Tenn., to points in Arizona, California, Colorado, Idaho, Kansas (except Great Bend, Liberal and Wichita), Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, restricted against the transportation of commodities in bulk; and (b) from Princeton, Ky., and Henderson, Tenn., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (7) *Articles* used in the manufacture of the commodities named in (6) above (except commodities in bulk), from points in the destination territories described in (6) above, to Princeton, Ky., and Henderson, Tenn.; (8) *Iron and steel pipe*, from the facilities of the Grinnell Corporation at or near Kernersville, N.C., to points in Wyoming, Montana, Idaho, Washington, Oregon, California, Nevada, Utah, Arizona, Colorado, Kansas (except Great Bend, Liberal and Wichita), Oklahoma, New Mexico, and Texas; (9) *Valves, hydrants, pipe fittings, connections and hangers*, and *indicator posts*, from Elmira, N.Y., to points in Georgia, Indiana, Kentucky, Louisiana, North Carolina, and South Carolina.

(10) *Components* of fire prevention sprinkler systems and *pipe fittings, pipe connections, pipe hangers, casting* and *valves* (except liquid commodities in bulk), from the plantsite and warehouse facilities of ITT–Grinnell Corporation at or near Clito, Ga., to points in the United States (except Alabama, Alaska, Delaware, Florida, Georgia, Hawaii, Indiana, Maryland, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, the District of Columbia, points in New York south of New York Highway 7, and Great Bend, Liberal and Wichita, Kans.); (11) *Materials and supplies* used in the manufacture of the commodities specified in (10) above (except liquid commodities in bulk), from points in the destination territory described in (10) above, to the plantsite and warehouse facilities of ITT–Grinnell Corporation, at or near Clito, Ga.; (12) *Fire protection and fire prevention systems*, and *parts and accessories therefor* (except commodities which because of size or weight require the use of special equipment): (a) From the facilities of the Grinnell Corporation at or near Warren, Ohio, to points in North Dakota, South Dakota, Montana, Wyoming, Idaho, Utah, Arizona, Nevada, Washington, Oregon, California, Colorado, New Mexico, Kansas (except Great Bend, Liberal and Wichita), Oklahoma, Texas, Missouri, and Nebraska; and (b) from the facilities of the Grinnell Corporation at or near Cleveland, N.C., to points in Wyoming, Montana, Idaho, Washington, Oregon, California, Nevada, Utah, Arizona, Colorado, Kansas (except Great Bend, Liberal and Wichita), Oklahoma, New Mexico, and Texas; (13) *Fire protection and fire prevention systems, and parts and accessories therefor*, and *air heaters and blowers and parts therefor* (except commodities the transportation of which of size or weight requires the use of special equipment), from the facilities of the Grinnell Corporation at or near Cranston and West Kingston, R.I., Elmira, N.Y., and Columbia and Wrightsville, Pa., to points in Montana, Wyoming, Utah, Arizona, Nevada, Idaho, Washington, Oregon, California, North Dakota, and South Dakota.

(14) (a) *Fire prevention systems* (b) *air heaters and blowers*, (c) *pipe*, and (d) *parts* for the commodities in (a) through (c) above, from the facilities of the Grinnell Corporation at or near Cranston and West Kingston, R.I., Elmira, N.Y., and Columbia and Wrightsville, Pa., to Indianapolis, Ind. and Memphis, Tenn.; (15) *Air heaters and blowers* and *furnaces and parts of furnaces*, from Mercer and Wheatland, Pa., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas (except Great Bend, Liberal and Wichita), Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas (except Beaumont and Houston), Utah, Washington and Wyoming; (16) *Lighting fixtures* and *materials and supplies* necessary for the installation thereof, (a) between the plant sites and storage facilities utilized by International Telephone and Telegraph Corp., located at or near Vermilion, Ohio and Southaven Miss.; (b) From the plant sites and storage facilities utilized by International Telephone and Telegraph Corp., located at or near Vermilion, Ohio, and Southaven, Miss., to points in Iowa, Missouri, Arkansas, North Dakota, South Dakota, Nebraska, Kansas (except Great Bend, Liberal and Wichita), Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, California, and Nevada, restricted in (1) through (16) above to the transportation of traffic originating at or destined to the facilities of International Telephone and Telegraph Corporation, its divisions or subsidiaries, and further restricted against tacking at origin or destination.

NOTE.—Applicant states that the purpose of the instant application is to convert its contract carrier authority for International Telephone and Telegraph Corporation held in MC 133106 and subs thereunder to common carrier authority, and that it will submit such contract carrier permits for cancellation upon grant of the above requested authority. Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Kansas City, Mo.

No. MC 139495 (Sub-No. 98), filed October 2, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kan. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toilet preparations, household and industrial cleaning products, insect control products, air fresheners, starches, brooms, brushes, mops, germicides* and *promotional materials* (except commodities in bulk), from Great Bend, Kans., to points in the United States (except Alaska, Hawaii and Kansas); and (2) *equipment, materials and supplies* used or useful in the manufacture, sale and distribution of the commodities in (1) above (except commodities in bulk), from points in Texas, Louisiana, Mississippi, Missouri, Illinois, Michigan, Georgia, Ohio, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, and Vermont, to Great Bend, Kans., restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of the Fuller Brush Company at or near Great Bend, Kans.

NOTE.—Applicant holds motor contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, ap-

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plicant requests it be held at Washington, D.C.

No. MC 139906 (Sub-No. 6), filed October 3, 1975. Applicant: INTERSTATE CONTRACT CARRIER Corporation, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Intravenous and irrigating solutions, drugs and medicines, surgeons gloves, administration sets and inpatient treatment kits* (except commodities in bulk), from the plantsites and warehouse facilities of Abbott Laboratories located at Rocky Mount, N.C. and Abbott Park (N. Chicago), Ill., to points in California, Colorado, Florida, Georgia, Idaho, Illinois, Iowa, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas and Washington.

NOTE.—Applicant holds contract carrier authority in MC 134599 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant request it be held at either Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 140601 (Sub-No. 4), filed October 14, 1975. Applicant: BILLY FRANK, doing business as FRANK BROS., 349 Abbott Avenue, Hillsboro, Tex. 76645. Applicant's representative: James M. Doherty, P.O. Box 1945, Austin, Tex. 76645. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the facilities of Chaparral Steel Co., Inc., at or near Midlothian, Tex., to points in Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee, and Texas; and (2) *scrap iron and scrap steel*, from points in Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee and Texas, to the facilities of Chaparral Steel Co., Inc., at or near Midlothian, Tex., under contract with Chaparral Steel Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 140880 (Sub-No. 1), filed October 2, 1975. Applicant: JOSEPH JENNARO AND GEORGE KROCOS, a partnership, 2332 South Peck Road, Whittier, Calif. 90601. Applicants' representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foundry compounds and supplies* (except commodities in bulk), from Georgetown and Danville, Ill., Cleveland, Columbus, Hamilton and Ashtabula, Ohio, Milwaukee, Wis., and Muse, Pa., to Vernon and City of Commerce, Calif., under contract with Independent Foundry Supply Co., Casting Material Co., Inc., and G & R Supply Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 141094 (Sub-No. 1), filed October 2, 1975. Applicant: TRANSPORT SALES CO., INC., 88 East Broad Street, Columbus, Ohio 43215. Applicant's representative: Paul F. Beery, 9th Floor, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, pipe couplings and fittings, plastic articles, and adhesive cement* (except commodities in bulk), between Hilliard and Union Township (Licking County), Ohio, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Delaware, Maryland, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Texas and the District of Columbia.

NOTE.—If a hearing is deemed necessary, If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 141247 (Sub-No. 1), filed October 3, 1975. Applicant: LAWRENCE PILGRIM, doing business as PILGRIM TRUCKING COMPANY, P.O. Box 77, Cleveland, Ga. 30528. Applicant's representative: Robert E. Born, Suite 400, 1447 Peachtree Street, N.E., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood chips, wood shavings, and hogged wood materials*, from Cleveland and Alto, Ga., to points in Alabama, Florida, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, and the District of Columbia, under contract with Appalachian Industries, Inc. at Gainesville, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 141264 (Sub-No. 2), filed October 6, 1975. Applicant: GATEWAY TRUCKING CO., INC., 2983 Strickland Street, Jacksonville, Fla. 32205. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in trailers or containers (except commodities in bulk), between points in Jacksonville, Fla. and its Commercial Zone (except Yulee and Fernandina Beach).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 141325 (Sub-No. 1), filed Oct. 6, 1975. Applicant: POLKINGHORN MOLASSES, INC., 907 East Wyatt Earp, Dodge City, Kans. 67801. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Urea*, from Sugar City, Colo.; Amarillo, Tex., and Neosho, Mo., to Spearville, Kans.; (b) *limestone products*, from Weeping Water, Nebr., to Spearville, Kans.; (c) *potash*, from Carlsbad, N. Mex., to Spearville, Kans.; (d) *alfalfa pellets*, from Jossland, Darr, Brule, Gothenburg and Brady, Nebr., and McClave, Colo., to Spearville, Kans.; (e) *calcium*, from Carthage, Mo., to Spearville, Kans.; (f) *cottonseed meal*, from Lamesa and Lubbock, Tex., to Spearville, Kans. (g) *cottonseed products*, from Memphis, Tenn., to Spearville, Kans.; (h) *feed ingredients*, from St. Joseph, Mo., and LaMoure, N. Dak., to Spearville, Kans.; *rice pellets*, from Stuttgart, Ark., to Spearville, Kans., under contract with Central Milling, Inc., at Spearville, Kans.; and (2) *animal fats*, from Garden City, Liberal and Dodge City, Kans., to Houston, Tex., under contract with Polkinghorn Feed Yard, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 141352 filed September 15, 1975. Applicant: LAMUSTA'S AUTO SERVICE, INC., 4 Rice Square, Worcester, Mass. 01604. Applicant's representative: Thomas K. Langella, 340 Main Street, Worcester, Mass. 01608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, from Worcester, Mass., to points in Connecticut, Rhode Island, Maine, New Hampshire, Vermont, Massachusetts, New York and New Jersey.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Worcester, Mass.

No. MC 141356 (Sub-No. 2), filed September 29, 1975. Applicant: LONE PINE TRUCKING COMPANY, a Corporation, 11831 Vose Street, North Hollywood, Calif. 91605. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ores, ore concentrates, dry chemicals, rock, perlite, dolomite, clay, barite, talc and pumice*, in bulk, between points in Inyo County, Mono County, Calif., and those in San Bernardino County, Calif., east of U.S. Highway 395, restricted to shipments having a subsequent movement by rail.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 141363 (Sub-No. 2), filed October 1, 1975. Applicant: J. M. MARC TRANSPORTATION, INC., 253 Marylou Avenue, Yonkers, N.Y. Applicant's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and materials, equipment and supplies*, used or useful in the manufacture and sale of paper products, between the facilities of Clevepak Corporation, at Piermont, N.Y., on the one hand, and, on the other, Philadelphia, Pa., and points in New Jersey, and those in Connecticut and Massachusetts west of the Connecticut River, under contract with Clevepak Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 141365 (Sub-No. 1), filed September 29, 1975. Applicant: COUNTRYSTYLE, INC., 1025 Highway 45, Grayslake, Ill. 60030. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packaged milk, packaged milk products, packaged ice cream, and packaged fruit drinks and juices*, from Sheboygan, Wis., to points in Lake, Cook (except Chicago), Kane, McHenry, DeKalb, Winnebago, LaSalle, Grundy, Stephenson, Kankakee, and Vermillion Counties, Ill., restricted against the transportation of commodities in bulk, and further restricted to traffic moving under a continuing contract with Lake to Lake Dairy Cooperative of Sheboygan, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 141368 filed September 26, 1975. Applicant: BASE TRANSPORTATION, INC., 1573 West Second Street, Pomona, Calif. 91766. Applicant's representative: Jerry Solomon Berger, 433 Camden Drive, 6th Floor, Beverly Hills, Calif. 91790. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint, paint thinners and solvents* (except in bulk), from the plantsite of Pervo Paint Company, located in Los Angeles, Calif., to points in Arizona, Idaho, Nevada, New Mexico and Utah, under a continuing contract or contracts with Pervo Paint Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pomona or Los Angeles, Calif.

No. MC 141388 filed October 2, 1975. Applicant: FOLEY & SHELDON, INC., 206 Lafayette Avenue, Chatham, N.J. 07928. Applicant's representative: Ronald I. Shapss, 450 Seventh Avenue, New York, N.Y. 10001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products, alcohol, and acids*, from points in Bergen, Essex, Hudson, Middlesex, and Union Counties, N.J., to points in Dutchess, Orange, Putnam, Rockland, Sullivan, Westchester, and Ulster Counties, N.Y.; and (2) *rejected, damaged, or surplus shipments* of the above-specified commodities, from points in Dutchess, Orange, Putnam, Rockland, Sullivan, Westchester, and Ulster Counties, N.Y., to points in Bergen, Essex, Hudson, Middlesex, and Union Counties, N.J.

NOTE.—The purpose of this application is to convert the authority from contract carrier carriage to common carriage. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 141391 filed September 29, 1975. Applicant: V & J REFRIGERATED SERVICE, INC., 18121 88th Street West, Edmonds, Wash. 98020. Applicant's representative: Robert Gleason, 15 South Grady Way, Room 217, Renton, Wash. 98055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laminated plastic cabinets*, from Enumclaw, Wash., to points in Washington, Oregon, Idaho, California and Nevada; (2) *red cedar shakes, shingles, and trim*, and *related roofing materials*, from points in Skagit and Grays Harbor Counties, Wash., to points in California, and (3) *alcoholic beverages* (except wine in bulk, in tank vehicles), between points in Washington, Oregon and California.

NOTE.—Applicant states that the authority requested in (3) above partially duplicates its contract carrier authority held in MC 138439, which authorizes the transportation of alcoholic beverages (except bulk wine) from points in California, to points in King, Pierce and Snonomish Counties, Wash., for two contracting shippers, and that it will submit said permit for revocation upon grant of the above requested authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 141396 filed October 9, 1975. Applicant: DELP, INC., 1300 Ingram Street, Springdale, Ark. 72764. Applicant's representative: Tom B. Kretsinger, Suite 910 Fairfax Building, 101 West Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, in vehicles, equipped with mechanical refrigeration, (1) from Clark, S. Dak., to points in Arizona and New Mexico; and (2) from Fairmont, Minn., to points in Alabama, Arkansas, California, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, New Mexico and Arizona.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Minneapolis, Minn.

No. MC 141401 filed October 2, 1975. Applicant: CHAS. R. HEYL, doing business as, HEYL FINE PAPER EXPRESS, 8489 Tiffany Towne Court, St. Louis, Mo. 63134. Applicant's representative: Charles R. Heyl, (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printing papers and envelopes* (except in bulk or tank vehicles), from St. Louis, Mo., to points in Illinois, under a continuing contract or contracts with Bermingham & Prosser Co., Tobey Fine Papers, Inc., Division Distribix Inc. and Shaughnessy Knlep-Hawe Paper Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 141403 filed October 1, 1975. Applicant: ROBERT RUPPRECHT, doing business as, REPCO, Route 1, Johnson Creek, Wis. 53038. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials and supplies*, used in the manufacture or cranes, backhoes and power shovels, from West Milwaukee and West Allis, Wis., to Escanaba, Mich., under a continuing contract with Harnischfeger Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Milwaukee or Madison, Wis.

PASSENGER APPLICATIONS

No. MC 15401 (Sub-No. 1), filed October 10, 1975. Applicant: STORER TRANSPORTATION SERVICE, INC., 3519 McDonald Avenue, Modesto, Calif. 95351. Applicant's representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, in round trip tours, beginning and ending at points in Stanislaus, Mariposa, Tuolumne, and Merced, Calif., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 104656 (Sub-No. 13), filed October 8, 1975. Applicant: MANDRELL MOTOR COACH, INC., 312 5th Avenue, Denton, Md. 21629. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Caroline, Talbot, Queen Annes, Kent, and Dorchester Counties, Md., points in Delaware on and west of a line beginning at a point on the Maryland-Delaware State Boundary line and extending northerly along U.S. Highway 13 to intersection Delaware Highway 6, thence westerly along Delaware Highway 6 to the Maryland-Delaware State Boundary line, and Georgetown, Del., and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant does not request a location.

No. MC 111978 (Sub-No. 10), filed September 4, 1975. Applicant: BLACK & WHITE TRANSIT COMPANY, INC., Box 402, Grundy, Va. 24614. Applicant's representative: Leon Ratliff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, newspapers, and light express* (not to exceed 100 pounds in weight or 60 inches in length), Between Claypool Hill and Bristol, Tenn.: From Claypool Hill, Va. over U.S. Highway 19 to Abingdon, Va., thence

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over Interstate Highway 81 to Bristol, serving all intermediate points between Claypool Hill and Abingdon, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Roanoke or Richmond, Va.

No. MC 141324, filed September 10, 1975. Applicant: CHENANGO VALLEY BUS LINES, INC., 17 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter, and special operations, from points in Chenango, Cortland, Otsego, Delaware, Madison, and Oneida Counties, N.Y., to points in the United States, including Alaska but excluding Hawaii, and return.

NOTE.—Common control may be involved. If a hearing is demeed necessary, the applicant requests it be held at Binghamton, N.Y.

No. MC 141369, filed September 25, 1975. Applicant: V.I.P. LIMOUSINE, INC., 76 Arch Street, Greenwich, Conn. 06830. Applicant's representative: William J. Meuser, 86 Cherry Street, P.O. Box 507, Milford, Conn. 06460. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, between points in Fairfield County, Conn., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, and Massachusetts, restricted to the transportation of no more than six passengers in any one vehicle at any one time, not including the driver.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Hartford, Conn., or New York, N.Y.

BROKER APPLICATIONS

No. MC 130253 (Sub-No. 1) (Amendment), filed July 11, 1975, published in the FEDERAL REGISTER issue of August 21, 1975, republished as amended this issue. Applicant: DOUGLAS PATRICK STOFFERS AND MICHAEL J. O'MEARA, a partnership, 1825 Brackett Avenue, Box 1065, Eau Claire, Wis. 54701. Applicant's representative: (same as above). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Eau Claire, Wis. to sell or offer to sell the transportation of *Individual passengers and groups of passengers and their baggage* in special and charter operations in all expense tours by motor carriers beginning and ending at points in Buffalo Chippewa Clark, Dunn, Eau Claire, and St. Croix Counties, Wis., and extending to points in the United States including Alaska but excluding Hawaii.

NOTE.—The purpose of this republication is to amend the requested authority of this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Eau Claire or Chippewa Falls, Wis.

No. MC 130341, filed September 22, 1975. Applicant: MOTOR CLUB OF IOWA, doing business as AAA IOWA WORLD TRAVEL, 1049 State Street, Bettendorf, Iowa 52722. Applicant's representative: Johnny Lange (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Bettendorf, Burlington, Cedar Rapids, Clinton, Council Bluffs, Des Moines, Dubuque, Fort Dodge, Iowa City, Spencer, and Waterloo, Iowa, to sell or offer to sell the transportation of *Passengers and their baggage*, in special and charter operations, by motor carriers, beginning and ending at points in Iowa, and extending to points in the United States including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Davenport, or any other city in Iowa.

No. MC 130342, filed October 2, 1975. Applicant: CONSOLIDATED TOURS, INC., 11 East Kellogg Blvd., St. Paul, Minn. 55101. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at St. Paul, Minn., to sell or offer to sell the transportation of *Passengers and their baggage*, in special and charter operations, on tours, by motor, rail, or water carriers, beginning and ending at points in Minnesota, and extending to points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 130343, filed October 8, 1975. Applicant: KIRK KAKUYA FUJIMOTO, doing business as FUJI WORLD TOURS, Suite 409, 312 East First Street, Los Angeles, Calif. 90012. Applicant's representative: Kirk Kakuya Fujimoto (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Los Angeles, Calif., to sell or offer to sell the transportation of *Passengers in groups or individuals and their baggage*, by motor vehicle, in charter or special operations, beginning and ending in Los Angeles and Orange Counties, Calif. and extending to points in Arizona and Nevada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 130345, filed October 1, 1975. Applicant: TRAV-A-CO., 4321 Bayard Road, South Euclid, Ohio 44121. Applicant's representative: Paul L. Millet, 2112 East Ohio Building, Cleveland, Ohio 44114. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Cleveland, Ohio, to sell or offer to sell the transportation of *Individual passengers and groups of passengers, and their baggage*, in special and charter operations, in sightseeing and pleasure tours, by motor carriers, beginning and ending at points in Ohio, and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio; Chicago, Ill.; or Washington, D.C.

FREIGHT FORWARDER APPLICATION

No. FF 395 (Sub-No. 1), filed October 10, 1975. Applicant: KYFI, INCORPORATED, 1101 Rowan Street, Louisville, Ky. 40203. Applicant's representative: John T. McGarvey, 521 West Market Street, Louisville, Ky. 40202. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor vehicle, water and express, in the transportation of *General Commodities* (except household goods as defined by the Commission, used automobiles, and commodities in bulk), from Cincinnati, Ohio, and Owensboro, Frankfort, Bardstown and Clearmont, Ky., to Baltimore, Md., Norfolk, Va., New Orleans, La., New York, N.Y., and San Francisco, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville or Frankfort, Ky.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-29204 Filed 10-30-75;8:45 am]

[Notice No. 898]

ASSIGNMENT OF HEARINGS

OCTOBER 28, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 123407 Sub 251, Sawyer Transport, Inc., now being assigned December 2, 1975 (1 day) at St. Paul, Minn., in Court Room 2, Federal Building and Courthouse, Kellogg and Robert Streets.

MC 95876 Sub 186, Anderson Trucking Service, Inc., now being assigned December 3, 1975, at St. Paul, Minn., in Court Room 2, Federal Building and Courthouse, Kellogg and Roberts Streets, (2 days).

MC 40978 Sub 23, Chair City Motor Express Company, now being assigned for continued hearing on December 5, 1975, at St. Paul, Minn. (1 day), in Court Room 2, Federal Building and Courthouse, Kellogg & Roberts Streets.

MC-F-12300, Midwest Motor Express, Inc. Purchase (portion) United-Buckingham Freight Lines, Inc., MC 2153 Sub-45, Midwest Motor Express, Inc., MC-F-12296, Twin City Freight, Inc.—Purchase (Portion)—United Buckingham Freight Lines, Inc., MC 111496 Sub 18, Twin City Freight, Inc., MC 111496 Sub 20, Twin City Freight, Inc. and MC 103435 Sub 224, United-Buckingham Freight Lines, Inc., now being assigned for continued hearing on December 8, 1975 (1 week), at Minneapolis, Minn., at the Leamington Hotel, Roosevelt Room, 1014 3rd Avenue, South.

MC 123255 Sub-58, B & L Motor Freight, Inc., now being assigned December 18, 1975 (2 days), at Columbus, Ohio, in a hearing room to be designated later.

MC 78643 Sub 61, Hart Motor Express, Inc., now assigned November 4, 1975 at Bismarck, North Dakota, has been postponed to December 2, 1975 (4 days), in Room G-5 & 6, State Capitol Building, Bismarck, North Dakota.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-29370 Filed 10-30-75;8:45 am]

[Notice No. 106]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

OCTOBER 31, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 20, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76002. By order of October 28, 1975, the Motor Carrier Board approved the transfer to G T Trucking Co., a partnership, Abilene, Texas, of Certificate of Registration No. MC 57343 (Sub-No. 1), issued December 16, 1963, to Dave Duncan, doing business as Duncan Drilling Co., Big Spring, Texas, authorizing the transportation of oilfield equipment between specified points in the State of Texas. Dave Duncan, P.O. Box 109, 2211 South Gregg St., Big Spring, Texas, 79720, Representative for applicants.

No. MC-FC-76087. By order of October 28, 1975, the Motor Carrier Board approved the transfer to Seyller Transport, Inc., Hampshire, Illinois, of Permit No. MC 123522 issued May 18, 1962, to Maurice Seyller, Hampshire, Illinois, authorizing the transportation of propane, from and to points in Wisconsin and Illinois. Eugene L. Cohn, One North LaSalle Street, Chicago, Illinois 60602, Attorney for Applicants.

No. MC-FC-76113. By order of October 28, 1975, the Motor Carrier Board approved the transfer to Trans-Continental Express, Inc., Clarksville, Texas, of Permits Nos. MC 134323 (Sub-Nos. 19, 50, 51 and 57, issued October 12, 1973, October 30, 1974, April 26, 1974 and May 7, 1975, respectively, to Jay Lines, Inc., Amarillo, Texas, authorizing the transportation of meats as described, from and to specified points. K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303, Attorney for Applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-29371 Filed 10-30-75;8:45 am]

[Notice No. 88]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Ross Neely Express, Inc., MC-99610, Sub-No. 18	MC-99610, Sub-19	Oct. 24, 1975
McNair Transport, Inc., MC-102567, Sub-No. 182	MC-102567, Sub-187	Oct. 1, 1975
Tiona Truck Line, Inc., MC-118535, Sub-No. 64	MC-118535, Sub-65	Oct. 15, 1975
Contract Freighters, Inc., MC-119399, Sub-49	MC-119399, Sub-48	Sept. 2, 1975
George McFarland, MC-139783	MC-139783, Sub-1	Sept. 10, 1975
Somerset Limousine Service, MC-139794	MC-139794, Sub-1	Jan. 20, 1975
Tri-State Contract Carrier, MC-139810	MC-139810, Sub-1	Oct. 1, 1975
Raymond Adamson, MC-140535, Sub-1, 3	MC-140535, Sub-2	Do.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-29372 Filed 10-30-75;8:45 am]

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federal register

FRIDAY, OCTOBER 31, 1975

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

PART II:

DEPARTMENT OF LABOR

Office of the Secretary

■

COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Job Corps Program

V40211 OCT 31 75 XUM

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

PART 97a—JOB CORPS PROGRAM UNDER TITLE IV OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Adoption of Regulations

On July 21, 1975, the Department of Labor published at 40 FR 30584 proposed regulations for the Job Corps program under Title IV of the Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93-203). The regulations proposed requirements for the establishment, funding, operation, and management of Job Corps centers. They also set forth proposed requirements for the enrollment, transfer, termination, and placement of corpsmembers, the requirements and the standards for center operations, the requirements for applied vocational skills training projects at Civilian Conservation Centers, and various Job Corps administrative provisions.

Interested persons were invited to submit comments, data, or arguments on the proposed regulations until August 20, 1975. About two dozen individuals and organizations responded to this invitation by submitting such comments. The comments, on the whole, were favorable towards the proposed regulations. Most of the comments suggested changes of an editorial and clarifying nature. As a result, the Department has made many editorial and clarifying changes in the regulations. Some comments, however, suggested the following, more substantive, changes:

1. Some comments suggested that the pregnancy test requirement of § 97a.31 (c) be deleted, and that § 97a.36(a) (4) (iv) be deleted so as to allow pregnant women to remain in Job Corps beyond the end of their seventh month of pregnancy. Another comment called for the automatic exclusion of pregnant women from Job Corps. The Department has deleted the pregnancy test requirement of § 97a.31(c). Pregnancy *per se* is not a barrier to Job Corps enrollment. One of the requirements of section 403(4) of the statute, however, is that applicants have the present capability to complete the program. Whether a pregnant woman has such capability is established on a case-by-case basis. The Department is retaining the requirement that pregnant women not be allowed to remain in the program after the end of the seventh month of pregnancy. In view of the fact that Job Corpsmembers live in dormitories at residential centers which have no facilities for the care or housing of infants, and that such centers are normally at some distance from the corpsmembers' homes, the Department believes that the health and well-being of both the pregnant woman and her soon-to-be born child are best served by a return to her home environment prior to delivery. The likelihood of premature childbirth among adolescent women underscores the reasonableness of termination at the end of the seventh month. Those who are so terminated are urged to re-enter the program subsequent to delivery when they are physically able and a suitable child care plan is worked out.

2. One comment suggested that the definition of public accountant in § 97a.123(c) be expanded. This has been done.

3. One comment suggested that legal aid and public defender attorneys be given special mention in § 97a.92. This has been done.

Other clarifying and corrective amendments have been made, including:

1. The definition of "resident of the United States, permanent" has been changed by deleting the word "permanent" and by simplifying the definition.

2. In § 97a.115, the Department's Occupational Safety and Health regulations at 29 CFR Parts 1926 and 1960, Subpart B, have been made to apply to Job Corps. The proposal cited 29 CFR Part 1904.

3. In § 97a.85, the proposal inadvertently gave responsibility over tort claims to the regional offices of the Department. This has been corrected to make clear that the Associate Solicitor for Employee Benefits in Washington, D.C. has responsibility for handling claims under the Tort Claims Act.

4. One comment sought clarification as to why the proposal omitted a provision under section 409(c) of the Act whereby the Secretary could penalize a corpsmember for misconduct by making a deduction from his or her readjustment allowance. This statutory provision is discretionary. The Department has chosen not to impose such a requirement.

In consideration of the foregoing, 29 CFR is amended, effective December 1, 1975, as follows:

PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

1. By revising 29 CFR 94.3, *Consolidated Table of Contents for Parts 94–99*, by inserting between the table of contents for 97 CFR Subpart C and the table of contents for 29 CFR Part 98, the following table of contents for 29 CFR Part 97a:

§ 94.3 Consolidated table of contents for Parts 94–99.

* * * * *

PART 97a—JOB CORPS PROGRAM UNDER TITLE IV OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

SUBPART A—PURPOSE AND SCOPE

Sec.
97a.1 Purpose and scope.

SUBPART B—DEFINITIONS

97a.10 Definitions.

SUBPART C—FUNDING, SITE SELECTION AND FACILITIES MANAGEMENT

97a.20 Available funds.
97a.21 Eligibility for funds and eligible deliverers.
97a.22 Funding procedures.
97a.23 Center performance measurement.
97a.24 Site selection and facilities management.
97a.25 Capital improvement.
97a.26 Protection and maintenance of facilities.
97a.27 Facilities surveys.

SUBPART D—JOB CORPS PARTICIPANT ENROLLMENT, TRANSFERS, TERMINATIONS AND PLACEMENT

97a.30 Recruitment and screening of corpsmembers.
97a.31 Selection, assignment and enrollment of corpsmembers.
97a.32 Enrollment by readmission.
97a.33 Transfers.
97a.34 Extensions of enrollment.
97a.35 Federal status of corpsmembers.
97a.36 Terminations.
97a.37 Exit procedures.
97a.38 Certificate of attainment.
97a.39 Transportation.
97a.40 Placement and job development.

SUBPART E—CENTER OPERATIONS

97a.50 Reception and orientation.
97a.51 Corpsmember handbook.
97a.52 Job Corps basic education program.
97a.53 Vocational training.
97a.54 Occupational exploration program.
97a.55 Off-center training.
97a.56 Scheduling of training.
97a.57 Certification and/or licensing.
97a.58 Purchase of tools by corpsmembers.
97a.59 Work experience.
97a.60 Leisure time employment.
97a.61 Health care and services.
97a.62 Physical standards and medical evaluations.
97a.63 Ocular care.
97a.64 Immunization.
97a.65 Communicable disease control.
97a.66 Dental care.
97a.67 Pregnancy.
97a.68 Mental health.
97a.69 Drug use and abuse.
97a.70 Sex related issues.
97a.71 Death.
97a.72 Reporting critical medical situations.
97a.73 Residential support services.
97a.74 Recreation/avocational programs.
97a.75 Laundry, mail, and telephone service.
97a.76 Counseling.
97a.77 Intergroup relations program.
97a.78 Incentives system.
97a.79 Corpsmember government and leadership program.
97a.80 Corpsmember welfare association.
97a.81 Evaluation of corpsmember progress (maximum benefits system).
97a.82 Food service.
97a.83 Allowances and allotments.
97a.84 Clothing.
97a.85 Tort and other claims.
97a.86 Federal employee's compensation.
97a.87 Social security.
97a.88 Income taxes.
97a.89 Emergency use of personnel, equipment and facilities.
97a.90 Limitations on the use of corpsmembers in emergency projects.
97a.91 Corpsmember absences.
97a.92 Legal services to enrollees.
97a.93 Voting rights.
97a.94 Rights relative to religion.
97a.95 Right to privacy.
97a.96 Disclosure of information.
97a.97 Disciplinary procedures and appeals.
97a.98 Civil rights and equal opportunity.
97a.99 Cooperation with agencies and institutions.

SUBPART F—APPLIED VOCATIONAL SKILLS TRAINING (VST) THROUGH WORK PROJECTS AT CIVILIAN CONSERVATION CENTERS

Sec.
97a.100 Applied vocational skills training (VST) projects.
97a.101 Annual VST plans.
97a.102 VST project proposals.
97a.103 VST project review and approval.
97a.104 Modification of approved VST projects.
97a.105 Cancellation or deferment of approved VST projects.
97a.106 VST budgeting.
97a.107 Monitoring of VST program progress.
97a.108 Public identification of VST projects.
97a.109 Supplementation of VST project funds.

SUBPART G—ADMINISTRATIVE PROVISIONS

97a.110 Basic personnel standards for operators.
97a.111 Non-discrimination and equal opportunity.
97a.112 Limitation on political activities.
97a.113 Staff training.
97a.114 Corpsmember records management.
97a.115 Safety.
97a.116 Environmental health.
97a.117 Security.
97a.118 Job Corps forms and documents.
97a.119 Property management and procurement.
97a.120 Imprest and petty cash funds.
97a.121 Contract center financial management and reporting.
97a.122 Federally operated CCC's financial management and reporting.
97a.123 Audit.
97a.124 General reporting requirements.
97a.125 Review and evaluation.

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2. By adding a new Part 97a, which shall read as follows:

PART 97a—JOB CORPS PROGRAM UNDER TITLE IV OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Subpart A—Purpose and Scope

Sec.
97a.1 Purpose and scope.

Subpart B—Definitions

97a.10 Definitions.

Subpart C—Funding, Site Selection and Facilities Management

97a.20 Available funds.
97a.21 Eligibility for funds and eligible deliverers.
97a.22 Funding procedures.
97a.23 Center performance measurement.
97a.24 Site selection and facilities management.
97a.25 Capital improvement.
97a.26 Protection and maintenance of facilities.
97a.27 Facilities surveys.

Subpart D—Job Corps Participant Enrollment, Transfers, Terminations and Placement

97a.30 Recruitment and screening of corpsmembers.
97a.31 Selection, assignment and enrollment of corpsmembers.
97a.32 Enrollment by readmission.
97a.33 Transfers.
97a.34 Extensions of enrollment.
97a.35 Federal status of corpsmembers.
97a.36 Terminations.
97a.37 Exit procedures.
97a.38 Certificate of attainment.
97a.39 Transportation.
97a.40 Placement and job development.

Subpart E—Center Operations

Sec.
97a.50 Reception and orientation.
97a.51 Corpsmember handbook.
97a.52 Job Corps basic education program.
97a.53 Vocational training.
97a.54 Occupational exploration program.
97a.55 Off-center training.
97a.56 Scheduling of training.
97a.57 Certification and/or licensing.
97a.58 Purchase of tools by corpsmembers.
97a.59 Work experience.
97a.60 Leisure time employment.
97a.61 Health care and services.
97a.62 Physical standards and medical evaluations.
97a.63 Ocular care.
97a.64 Immunization.
97a.65 Communicable disease control.
97a.66 Dental care.
97a.67 Pregnancy.
97a.68 Mental health.
97a.69 Drug use and abuse.
97a.70 Sex related issues.
97a.71 Death.
97a.72 Reporting critical medical situations.
97a.73 Residential support services.
97a.74 Recreation/avocational programs.
97a.75 Laundry, mail, and telephone service.
97a.76 Counseling.
97a.77 Intergroup relations program.
97a.78 Incentives system.
97a.79 Corpsmember government and leadership program.
97a.80 Corpsmember welfare association.
97a.81 Evaluation of corpsmember progress (maximum benefits system).
97a.82 Food service.
97a.83 Allowances and allotments.
97a.84 Clothing.
97a.85 Tort and other claims.
97a.86 Federal employee's compensation.
97a.87 Social security.
97a.88 Income taxes.
97a.89 Emergency use of personnel, equipment and facilities.
97a.90 Limitations on the use of corpsmembers in emergency projects.
97a.91 Corpsmember absences.
97a.92 Legal services to enrollees.
97a.93 Voting rights.
97a.94 Rights relative to religion.
97a.95 Right to privacy.
97a.96 Disclosure of information.
97a.97 Disciplinary procedures and appeals.
97a.98 Civil rights and equal opportunity.
97a.99 Cooperation with agencies and institutions.

Subpart F—Applied Vocational Skills Training (VST) Through Work Projects at Civilian Conservation Centers

97a.100 Applied vocational skills training (VST) projects.
97a.101 Annual VST plans.
97a.102 VST project proposals.
97a.103 VST project review and approval.
97a.104 Modification of approved VST projects.
97a.105 Cancellation or deferment of approved VST projects.
97a.106 VST budgeting.
97a.107 Monitoring of VST program progress.
97a.108 Public identification of VST projects.
97a.109 Supplementation of VST project funds.

Subpart G—Administrative Provisions

97a.110 Basic Personnel standards for operators.
97a.111 Non-discrimination and equal opportunity.
97a.112 Limitation on political activities.
97a.113 Staff training.
97a.114 Corpsmember records management.
97a.115 Safety.
97a.116 Environmental health.
97a.117 Security.
97a.118 Job Corps forms and documents.
97a.119 Property management and procurement.
97a.120 Imprest and petty cash funds.
97a.121 Contract center financial management and reporting.
97a.122 Federally operated CCC's financial management and reporting.
97a.123 Audit.
97a.124 General reporting requirements.
97a.125 Review and evaluation.

AUTHORITY: Section 702(a) of the Comprehensive Employment and Training Act of 1973 as amended (Pub. L. 93-203, 87 Stat. 839) (29 U.S.C. 982) unless otherwise noted.

Subpart A—Purpose and Scope

§ 97a.1 Purpose and scope.

(a) The purpose of this Part 97a is to provide for a Job Corps program under Title IV of the Comprehensive Employment and Training Act (Act) of 1973, as amended. The provisions of Part 98 of this Title also apply to the Job Corps program except to the extent that they conflict with the provisions of this Part.

(b) This part contains the policies, rules, and regulations pertaining to the Job Corps program.

(c) Definitions for terms used in this part, but not defined in Part 94 of this title, may be found in Subpart B.

(d) Statutory authority for the regulations contained in this Part 97a may be found in section 702(a) of the Act, as well as in other substantive provisions of the Act. Applicable statutory provisions, other than section 702(a), are noted generally in these regulations.

Subpart B—Definitions

§ 97a.10 Definitions.

(a) "Accountability, relief of." DOL approval which authorizes the deletion or disposal of property items from the records of a contractor or of a governmental agency which operates a Job Corps center.

(b) "Accountability system." The center operator's system of monitoring corpsmember attendance, physical location, and status, e.g., leave, pass, etc.

(c) "Act." The Comprehensive Employment and Training Act of 1973 as amended (Pub. L. 93-203, 87 Stat. 839).

(d) "Appraised value." The estimated market value of a project completed primarily by corpsmembers as a vocational skills training project, but calculated as if the project had been done by formal contract methods.

(e) "ARDM." The Department of Labor's Assistant Regional Director for Manpower, or his designee.

(f) "Assignment." The action taken by the regional office whereby a youth is notified of his or her eligibility for Job Corps, the center of assignment, transportation information, and his or her date of arrival on center.

(g) "AWOL." The unauthorized absence of a corpsmember without official leave in excess of 24 continuous hours.

(h) "Capital improvement." Any modification, addition, or restoration which increases the usefulness, productivity, or

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serviceable life of an existing building, structure, or major item of equipment which is classified for accounting purposes as a "fixed asset" so that the recorded value is increased by the cost of the improvement and the asset subjected to depreciation.

(i) "Capital outlay funds." Funds other than center operational funds provided to centers for approved items of construction, rehabilitation, equipment and GSA vehicle leases.

(j) "Center." A Job Corps center.

(k) "Center Director." The center's chief administrative officer or his or her designee.

(l) "Center operator." The federal agency or contractor which runs a Job Corps Center under an agreement or contract with DOL.

(m) "Center operational funds." Funds provided by DOL for operating a center, including funds for food, corpsmember clothing, vocational training, education, residential and non-residential support programs, corpsmember allowances, health care, allotments and travel, staff salaries, center lease costs when applicable, allowable administrative and maintenance costs, and operational supplies and materials.

(n) "Center review board." The group which reviews charges brought against corpsmembers for infractions of center rules.

(o) "Center standards officer (CSO)." The individual designated by the Center Director to enforce standards of conduct.

(p) "Civilian Conservation Center (CCC)." A center operated on public land under an agreement between DOL and another Federal, State or local governmental entity, private nonprofit organization, or Indian tribe or organization, whose programs are focused on conservation, development and management of public resources, or development of community projects in the public interest (sec. 407(a)).

(q) "Community relations council." The group of center and local individuals who meet periodically to promote harmonious relations between the center and the local community.

(r) "The Comprehensive Placement Plan." The center document which outlines placement objectives, utilization of staff and other resources, and specific areas of placement responsibility.

(s) "Contract centers." Centers administered under a contract between Job Corps and a corporation, partnership, public agency, or similar legal entity.

(t) "Contractor." Any person, corporation, partnership, public agency or similar legal entity which enters into a contract with the Job Corps to deliver goods or services for the Job Corps.

(u) "Corpsmember." An individual who has been selected for enrollment in Job Corps shall be officially a corpsmember: For resident corpsmembers, from the date he or she leaves home to begin government-authorized travel to the assigned Job Corps center to the date of arrival at the official travel destination upon termination from Job Corps as authorized by the Center Director. For non-resident corpsmembers, from the time he or she arrives at any center activity or program each day until he or she leaves such activity or program.

(v) "Corpsmember appeal record." The record of a corpsmember's Center Review Board hearing, including all documents pertaining to the case and any additional documents supporting the corpsmember's appeal of a disciplinary discharge.

(w) "Corpsmember council." The group of elected corpsmembers who determine appropriate sanctions for minor infractions of rules, and who are overseen by the Center Standards Officer and the Center Director.

(x) "Corpsmember handbook." The document given all corpsmembers during orientation which outlines Job Corps center services, rules, and regulations.

(y) "Corpsmember counseling record." The confidential compilation of significant contacts between a corpsmember and counselor or residential advisor along with ancillary information pertaining thereto, which is not a part of the terminated Corpsmember Personnel Record.

(z) "Corpsmember Personnel Record." The record compiled during enrollment and consolidated at a corpsmember's termination, which includes the Corpsmember Personnel Folder, containing documents relating to such matters as travel, allowances and allotments, and leave; the record of educational and vocational achievement; and the sealed health record envelope, containing the confidential health record.

(aa) "Corpsmember year." A period of time equivalent to a single corpsmember's being enrolled in Job Corps for one full year.

(bb) "Dispensary/infirmary." The dispensary shall mean the area of the on-center health facility which serves ambulatory patients (out-patients) as distinct from the on-center infirmary which serves bed patients.

(cc) "Disruptive home life." A home life characterized by conditions such as:

(1) The youth's living in an orphange or other protective institution;

(2) The youth's suffering from serious parental neglect;

(3) The youth's father or mother being a chronic invalid, alcoholic, narcotics addict, or having a serious mental disorder or other serious health condition.

(dd) "DOL." The United States Department of Labor.

(ee) "Economically disadvantaged." A person who is a member of a family which receives cash welfare payments, or whose annual income in relation to family size does not exceed the most recently established poverty levels determined in accordance with criteria established by the Office of Management and Budget (OMB).

(ff) "Eligible deliverer." Any individual or organization which is eligible to receive Federal funds from DOL to establish, operate or provide service to any Job Corps program or activity.

(gg) "Environmental health program." The center program which sees that the center is free from environmental hazards to corpsmember and staff health and safety.

(hh) "Extension program." A specialized Job Corps program which provides work experience and/or vocational training for corpsmembers who have completed training at a center.

(ii) "Facility survey." An in-depth engineering evaluation of an on-going center, including the utilization of center facilities, the condition of buildings and utility systems especially as they affect life and safety, facilities maintenance procedures and problems, and the scope and estimated costs of site modifications required to meet building and safety codes and/or program requirements.

(jj) "Federal bonding program." Fidelity bonding coverage offered by a State employment service to qualified job applicants who could not otherwise obtain it.

(kk) "Finance center." The United States Army Finance and Accounting Center, Indianapolis, Indiana, which, under interagency agreement between DOL and the Department of Defense, handles the payment of corpsmember allowances, allotments, and transportation charges.

(ll) "Functional evaluation." A combined assessment of a corpsmember by the center health staff, and the residential living, counseling, education, and vocational training staffs which enables the Center Director to make an informed judgment as to whether the corpsmember should be retained, transferred, or terminated for health reasons.

(mm) "Imprest fund." That revolving fund issued to another Federal agency by the Treasury Department after such department has approved the agency's request for an imprest fund and that agency's Imprest Fund Cashier, who may then make specified payments from the fund.

(nn) "Job Corps center review." A systematic periodic evaluation conducted at individual centers by regional and/or national office personnel to assess the effectiveness of center programs, adherence to Job Corps policies, and compliance with contracts or agreements.

(oo) "Leisure time employment." Part-time paid employment of corpsmembers.

(pp) "MA." The Department of Labor, Manpower Administration.

(qq) "Maximum benefits systems." A center program to evaluate corpsmember progress and performance and to determine the services necessary for each corpsmember to achieve the maximum benefit from the total Job Corps program.

(rr) "Mental health consultant." A fully certified or accredited mental health professional who may be a qualified psychiatrist, clinical psychologist, psychiatric social worker, psychiatric nurse, or other professional whose background, training, and skills are appropriate to the mental health needs of the center.

(ss) "Multi-regional input center." A center which receives corpsmembers from two or more DOL regions.

(tt) "National office." The national office of the DOL MA.

(uu) "Occupational code." A code which is contained in a systematic arrangement of jobs according to significant factors involved in the job or group of jobs in accordance with the Dictionary of Occupational Titles.

(vv) "Occupational exploration program." The center program whereby a corpsmember is made aware of the vocational training opportunities available on center.

(ww) "OMB." The Office of Management and Budget.

(xx) "Operational support services." Activities or services required ancillary to the direct operation of Job Corps, such as recruitment and screening services, union contracted vocational training and off-center educational training, placement services, health services, and miscellaneous logistical services.

(yy) "Placement." Terminated corpsmember employment, entry into the Armed Forces, or enrollment in other training or education programs.

(zz) "Placement agency." An organization acting pursuant to a contract with or grant from the Job Corps which provides placement services to corpsmembers.

(aaa) "Program direction funds." Funds provided by the Job Corps to Federal agencies which operate CCC's to cover costs of general administrative services necessary for overall management above the center level.

(bbb) "Progress performance evaluation panel." (P/PEP): The panel of representatives of center program components which convenes periodically as part of the maximum benefits system to evaluate individual corpsmember performance, and to make recommendations to the Center Director.

(ccc) "Readjustment allowance." The money accumulated by and reserved for each corpsmember on a monthly basis during tenure in Job Corps which is paid in a lump sum after termination.

(ddd) "Region." A DOL region consisting of an aggregate of States.

(eee) "Regional office." The Department of Labor, Manpower Administration Regional Office, Office of Job Corps.

(fff) "Regional appeal board." The regional board which considers corpsmember appeals from disciplinary discharges.

(ggg) "Resident of the United States." A legal resident of the United States or of a State.

(hhh) "Screening agency." An organization acting pursuant to a contract with or a grant from the Job Corps which recruits, screens, and enrolls youth into Job Corps.

(iii) "Secretary." The Secretary of the United States Department of Labor, or his designee.

(jjj) "Spike camp." A temporary residential facility which is established and maintained in support of an off-center vocational skills training project which is too far from the center for commuting.

(kkk) "State." The fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(lll) "Substantive screening error." Any error which violates the enrollment criteria specified in these regulations.

(mmm) "Training achievement record." A Job Corps approved document used to record the step-by-step attainment of specific vocational skills by each corpsmember.

(nnn) "Transfer." The reassignment of a corpsmember from one center to another.

(ooo) "Travel package." The itinerary, meal ticket(s), transportation ticket(s), and any instructions necessary for a corpsmember to depart from and arrive at specific destinations.

(ppp) "Unauthorized goods." Firearms and ammunition; explosives and incendiaries: knives with blades longer than 2"; homemade weapons; all other weapons and instruments used primarily to inflict personal injury; stolen property; drugs, including marijuana, depressants, stimulants, hallucinogens, tranquilizers, and drug paraphernalia except as such drugs and/or paraphernalia are prescribed for medical reasons.

(qqq) "Vocational skills training (VST) funds." Funds, distinct from center operational and capital outlay funds, provided for payment of equipment, supplies and technical assistance for vocational skills training projects.

(rrr) "Vocational skills training (VST) projects." Activities which provide vocational instruction to corpsmembers through actual construction or improvement of permanent facilities or projects on public lands or as a public service.

(sss) "Work experience." The opportunity for corpsmembers to apply specific vocational skills learned in Job Corps in an on-the-job situation, under the supervision of a public or private organization which normally employs persons in the corpsmember's trade.

Subpart C—Funding, Site Selection and Facilities Management

§ 97a.20 Available funds.

The Secretary shall make available for any fiscal year not more than 20 percent of the amount appropriated to carry out the Act (excluding any amount in excess of $250,000,000 made available for carrying out Title II of the Act) for purposes of carrying out Title III and Title IV (Job Corps) of the Act. The Secretary shall determine the amount of such funds which shall be used in any fiscal year for the operation of the Job Corps pursuant to section 4(e) of the Act.

§ 97a.21 Eligibility for funds and eligible deliverers.

(a) Funds shall be made available by the Secretary to eligible deliverers for the operation of Job Corps centers and for the provision of Job Corps operational support services. The amount of funds to be provided for the operation of individual centers and for operational support services shall depend upon the number of corpsmembers or applicants to be served, the size and type of center, the mix of services to be provided and such other factors as may be pertinent to a determination.

(b) Centers may be in urban or rural areas. They shall focus upon providing training, education, residential and other supportive services necessary to prepare corpsmembers to become more responsible, productive, and employable (sec. 401).

(c) Eligible deliverers for the operation of centers and for the operational support services necessary to center operation shall be units of Federal, State and local government, State and local public agencies, private profit and nonprofit organizations, and Indian tribes and organizations, except that Civilian Conservation Centers (CCC's) shall not be operated by profitmaking organizations.

§ 97a.22 Funding procedures.

(a) DOL contracting officers shall request proposals for the operation of all centers, and for provision of operational support services, either directly from Federal agencies, or pursuant to Federal Procurement Regulations for work to be done under contract. The request for proposal for each center or for each operational support service contract shall describe specifications and standards unique to the operation of the center or for the provision of operational support services.

(b) Job Corps center operators shall be selected and funded on the basis of proposals received, according to the following criteria as appropriate:

(1) The degree to which the proposal demonstrates understanding of the objectives of the program (Design of Program);

(2) The quality of proposed recruitment and placement support;

(3) The quality of proposed educational training;

(4) The quality of proposed vocational training;

(5) The quality of proposed residential and other corpsmember support services;

(6) The quality of proposed administrative support services;

(7) Past demonstrated effectiveness in the operation of a Job Corps center or similar activity;

(8) The quality of proposed staff;

(9) The relative price advantage to and government; and

(10) The ability and intention to adhere to these regulations, the requirements of the Act, and other applicable law.

(c) The delegated contracting officer of the DOL, MA, shall negotiate with eligible deliverers for operational support services on the basis of the criteria developed for each specific service to be rendered. Such criteria shall be listed in the request for proposals.

(d) Recruitment, screening and placement services shall normally be performed under contracts negotiated by regional offices which spell out the number of corpsmembers whom the screening agencies are expected to depart for centers, and other support services they shall provide to applicants and corps-

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members. In exceptional circumstances, when it can be demonstrated that a grant will accomplish the same quality of performance at reasonable cost, the ARDM may waive this requirement for contract and establish other types of agreement on an individual basis.

(e) The Secretary may enter into interagency agreements with eligible deliverers which are Federal agencies for the establishment and operation of Civilian Conservation Centers. Such interagency agreements shall ensure compliance by such Federal agencies with the regulations under this Part.

(f) All agreements and contracts shall be made pursuant to the Federal Property and Administrative Services Act of 1949, as amended, and the procurement regulations at 41 CFR Chapter 1 and the DOL procurement regulations at 41 CFR Chapter 29.

(g) Regional offices shall submit copies of all negotiated contracts to the national office.

(h) Job Corps may make advance payments by Letter of Credit or Treasury check, but only to nonprofit contractors, and only in accordance with the regulations found at 31 CFR 205.

(i) Job Corps shall pay contractors by U.S. Treasury check in accordance with the procedures of Chapter 1 and 2 of 41 CFR 1.30. Specific schedules and procedures shall be spelled out in each contract.

(j) Job Corps payments to federal agencies which operate CCC's shall be made by an advance transfer of obligational authority from the Department of Labor to the respective operating agency on a quarterly basis.

§ 97a.23 Center performance measurement.

(a) Regional offices shall negotiate with each center to establish mutually agreeable statistical performance goals which the center shall then strive to achieve. Such goals shall be included in the contract or spelled out in a memorandum of agreement, between the center and the regional office. Each Center Director shall maintain data on the center's performance in relation to its goals, and periodic meetings between each center and its regional office shall be held to evaluate such data, and to determine ways to improve performance or to readjust goals as necessary.

(b) Examples of performance goals which may be mutually agreed upon include such items as numbers of center corpsmembers who:

(1) Were program completers;

(2) Were absent, both as AWOL's from the center and from educational and vocational training classes;

(3) Were enrolled in vocational training and in the GED program, and those who passed the GED test;

(4) Terminated prior to 30, 60, 90, and 180 days; and

(5) Other such items as mutually agreed upon.

§ 97a.24 Site selection and facilities management.

(a) For contract centers, when the Director of Job Corps determines that a center is to be established or relocated:

(1) The regional offices shall locate sites or facilities when Job Corps centers are to be established or expanded. Subsequent to such action, the regional office shall request the national office to conduct a site survey, on the basis of which the national office shall prepare a written report, including:

(i) A preliminary engineering evaluation of the condition and capacity of existing buildings, pavements, utility systems, installed equipment, and all other real property components; and

(ii) A preliminary cost estimate for necessary rehabilitation and new construction required;

(2) When the regional and national offices agree, on the basis of the survey, that the site is a favorable one, the national office shall conduct a utilization study, which shall include: (i) A detailed engineering report on the facility, including outline drawings of buildings, proposed capacities and utilization, budget cost estimates for rehabilitation and new construction required, and an estimated time schedule reflecting the total cycle from plans and specifications to completion of construction;

(3) On the basis of a favorable regional and national office judgment, based on the site survey and utilization studies, the national office shall initiate action to obtain an appraisal, if necessary, and to acquire the property. Lease of private property shall be negotiated between the owner and the national office;

(4) The national office shall purchase all property when this is necessary, after other attempts to obtain the needed property have been exhausted or have been proved not cost beneficial;

(5) In the case of approved sites for new center establishment, the national office shall be responsible for all design and construction actions in consultation with regional offices. Such actions shall include the:

(i) Negotiation, award, execution, and administration of design contracts;

(ii) Review and approval of design packages;

(iii) Supervision of bid openings;

(iv) Award and administration of construction contracts; and

(v) Surveillance and acceptance of work done pursuant to such contracts; but

(6) The regional offices shall be responsible for all actions pursuant to § 97a.24(a)(5) for on-going centers, after the national office has arranged for acquisition of any real property involved when an existing center or a component thereof is to be replaced.

(b) For federally operated centers, either the Secretary or a Federal agency may propose a site on public lands, and if discussions between them establish the advisability of such, the Secretary may require that the agency submit a site survey and utilization plan. If the Job Corps decides to establish a center, facilities engineering and real estate management will be carried out by the agency pursuant to an interagency agreement and the regulations of this Part.

(c) In making a determination as to appropriate sites for CCC's, the probable environmental impact of the center and the long-term potential for development of VST projects within one hour's commuting distance of the center shall be considered.

(d) At such time as a CCC runs out of acceptable VST projects within one hour's commuting distance of the center, and/or a negative environmental impact occurs because of the center's location, the national office shall consider its relocation.

(e) The Secretary shall submit a plan for any proposed center to the Governor for approval, whose approval shall be considered granted if no response is received within 30 days (sec. 415(c));

§ 97a.25 Capital improvements.

(a) *For federally-operated centers.* Centers operating under interagency agreement shall submit requests for capital outlay funds to the national office for review and approval, pursuant to § 97a.-109 of this Part.

(b) *For contract centers.*

(1) Requests for needed capital improvements for each fiscal year shall be submitted to the regional offices, which shall send them to the national office to determine priorities within the overall Job Corps approved budget. Such requests for each center shall include:

(i) A description of the project;

(ii) Whether the design is to be accomplished by an architecture and engineering firm or by qualified center personnel;

(iii) Whether the construction is to be accomplished by subcontract, center staff, corpsmembers, or otherwise;

(iv) Anticipated costs and the basis for the estimate; and

(v) Projects accomplished during the previous year, the amount spent on such projects and the balance of capital improvement funds remaining;

(2) For new construction projects on contract centers which are estimated to cost more than $100,000, or rehabilitation projects estimated to cost more than $50,000, plans and specifications shall be submitted as they are being developed by the architect to the national office for technical review, as follows:

(i) Drawings and outline specifications (Design Development) when they are 15 to 20 percent complete, at the scale to be used on working drawings, and including load capacities of mechanical and electrical systems;

(ii) Working drawings and specifications (Preliminary Design) when they are 60 to 70 percent complete, including sufficient material to permit a thorough

overall review, and a cost estimate broken out by disciplines such as architectural, mechanical, electrical, and structural; and

(iii) Complete working drawings and specifications (Final Contract Document) adequate for bid, contract and construction purposes, a refined cost estimate; and a realistic completion date; and

(3) When a regional office plans to contract for new construction in an amount greater than $100,000, or for rehabilitation contracts in an amount greater than $50,000, the center shall open bids, compile all bids received from prospective contractors in an abstract, and together with a letter giving the results of an investigation of the contractor which the center recommends for the award, shall submit such bids to the regional office for approval.

§ 97a.26 Protection and maintenance of contract center facilities.

(a) When an existing center or component thereof is being replaced, and a contractor is already operating the center, the protection and maintenance of such new facilities shall be the responsibility of the regional office from the effective date of the lease or purchase of the facility.

(b) When a portion of an existing center is to be closed, and a contractor is operating the center, the regional office shall be responsible for the protection and maintenance of the site.

(c) The national office shall protect and maintain centers which are completely closed and all center sites where there is no contractor.

§ 97a.27 Facilities surveys.

The national office shall work with the regional office in conducting a facilities survey of each center at least every two years, and submit reports of the resultant findings to the regional office and the center.

Subpart D—Job Corps Participant Enrollment, Transfers, Terminations, and Placement

§ 97a.30 Recruitment and screening of corpsmembers.

(a) Screening agencies shall be selected by regional offices and shall operate under contracts or grants provided to them.

(b) Screening agencies shall develop referral sources, actively seek out potential applicants, conduct personal interviews with all applicants, and determine who are interested and likely Job Corps candidates. They shall also determine whether the potential applicant's educational, vocational, health and other placement-related needs can best be met through a Job Corps residential or nonresidential program or through an alternative program in the youth's home community.

(c) Screening agencies shall complete all Job Corps application forms, pursuant to a Job Corps Forms Preparation Handbook, which shall be issued by the Director, Job Corps.

(d) To establish eligibility pursuant to sections 403, 404 (a) and (b), and 405 of the Act, during the screening process agencies shall determine whether each applicant:

(1) Is at least 16 and not yet 22 years of age at the time of proposed enrollment;

(2) Is a legal resident of the United States or of a State;

(3) Requires additional education, vocational training, and related support services to participate successfully in regular school work, qualify for other training programs, satisfy Armed Forces entrance requirements, or qualify for a job where prior skill or training is a prerequisite;

(4) Is an economically disadvantaged individual or comes from an economically disadvantaged family according to the Poverty Income Guidelines established by OMB;

(5) Has sufficient mental ability to benefit from the program, as evidenced by information from schools or another appropriate community resource;

(6) Demonstrates the motivation to obtain maximum benefit from the program, as evidenced by a voluntary desire to enroll and the youth's signed commitment to complete Job Corps training. The screener shall be sure that the applicant has a clear understanding of the Job Corps and of what will be expected of the applicant at the center and that there is a reasonable expectation that he or she will succeed in the Job Corps. Whenever practicable, the regional office shall arrange for screening and placement agency staffs to visit centers where their applicants are to be assigned. Screening agencies should arrange for pre-enrollment visits for applicants to their centers of assignment when such centers are easily accessible.

(7) Has a signed consent for enrollment from a responsible parent or guardian if the applicant is under the age of majority;

(8) Has established suitable arrangements for the care of any dependent children for the proposed period of enrollment;

(9) Is not on probation, parole, under a suspended sentence, or under the supervision of any agency as a result of court action or institutionalization, unless the court or other agency having jurisdiction states in writing on the appropriate form that:

(i) The court has acted, with the result of such action;

(ii) The youth has responded positively to supervision;

(iii) The applicant may leave the State of jurisdiction while enrolled in Job Corps;

(iv) No personal, face-to-face supervision of the applicant by a correctional official will be required during enrollment, whether or not the case is transferred under an interstate agreement, unless prior approval has been given by the regional office and the Center Director; and

(v) Any reports needed from the center will be requested by the court or other agency each time they are wanted; and

(10) To qualify for residential training, is currently living in an environment so disruptive that his prospects for successful participation in a non-residential program are substantially impaired. Disruptive conditions which may establish this need include, but are not limited to:

(i) A disruptive home;

(ii) An unsafe, unhealthy or overcrowded dwelling place; and

(iii) A neighborhood or community characterized by high crime rates, high unemployment rates, high school dropout rates, a high proportion of poor families and similar environmental handicaps.

(e) The screening agency shall also collect sufficient information on required forms concerning any behavioral, medical, or mental health problem which the applicant may have to enable the regional office to determine whether the applicant is:

(1) Physically and emotionally able to participate in normal Job Corps duties without extensive medical treatment; and

(2) Free of any behavioral problem so serious that it would present a potential hazard to the youth or to others in the program. The candidate must exhibit a reasonable potential for participating in group situations. Hazardous behavioral problems shall include: (i) A history of serious and violent behavior against persons or property, of recent repetitive delinquent acts, or of other serious behavioral problems, unless a professionally qualified person who knows the applicant's individual situation has good evidence to judge that: (A) The applicant's conduct will not be harmful to anyone in the Job Corps, and

(B) The Job Corps will most likely help the applicant.

§ 97a.31 Selection, assignment and enrollment of corpsmembers.

(a) Screening agencies shall submit completed applications of those youth they believe to be eligible for Job Corps to the regional office which shall make final determination on each applicant's eligibility for Job Corps. Such determination may be made using other means, pursuant to a written agreement between the regional office and the screening agency but only when there is no doubt as to the applicant's eligibility;

(b) When there is a question as to whether an applicant meets one or more of the eligibility criteria for enrollment but the screening agency believes that the youth should be enrolled because of exceptional circumstances, the screening agency shall write a justification supporting this belief and submit it with the application to the regional office for final decision as to eligibility. In such cases, the regional office may ask the screener for any additional information it deems necessary to make this determination. No exceptions to the age or permanent United States resident criteria shall be granted.

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(c) When the application reveals a health problem which raises a question as to the applicant's capability to participate in the program, the regional office shall authorize screeners to obtain either further information from former providers of medical, mental health, or dental services, or a full or partial medical examination and submit it to the regional office for review prior to the final determination of eligibility. Payment for those health services which cannot be obtained without cost by screening agencies shall be arranged for and have prior approval of the regional office.

(d) The regional office shall notify the screening agency as to which applicants have been selected and which rejected, and the screening office shall notify the applicants. For those selected, the regional office shall make center assignments to centers nearest the youth's home when this is feasible (section 406 (d)), based upon the number of center openings, the training opportunities available at the center, and the entry requirements of the center's programs. The regional offices shall send the complete application folder to the center, notify screeners of the center of assignment, and issue a travel package to them for each selected applicant.

(e) When assigning applicants, regional offices shall give lowest priority to those requesting readmission, except for those who received medical terminations.

(f) When, during the course of the screening process, it becomes clear that an applicant is ineligible, or when the regional office rejects an applicant, the screening agency shall inform the applicant of the reason and make every effort to provide needed services or to refer the youth to other community resources.

(g) Screeners shall notify selected applicants of their center of assignment, conduct an assignment interview, arrange for administration of the oath or affirmations required by section 406(c) of the Act, arrange for the departure of the prospective corpsmember according to the itinerary set out in the travel package, and prepare the enrollment and departure forms.

(h) The regional office shall make every effort to see that the application folders of approved applicants and Travel Itineraries listing the name and scheduled time of arrival for each corpsmember are received at the center of assignment at least five working days prior tot he schedule arrival date.

(i) The Center Director, no later than five working days following the scheduled arrival date for each corpsmember, shall submit an annotated copy of the Travel Authorization and other related travel documents to the regional office, indicating which corpsmembers arrived and which did not arrive, and the regional office shall notify the screener. The center shall retain the application folders of those who do not arrive for 15 days, after which time such applications shall be returned to the regional office marked "no-show".

(j) Instructions for completion and distribution of all forms mentioned in this section shall be found in the Job Corps Forms Preparation Handbook.

§ 97a.32 Enrollment by readmission.

A youth may apply for readmission provided the youth has participated in Job Corps for less than 24 months and can be expected to complete a program within the remaining portion of the youth's 24 month enrollment period. No youth shall be readmitted directly to an extension program. Regulations for screening and selection of applicants for readmission are the same as for initial enrollment, except that only in exceptional cases shall a youth be readmitted prior to six months after the youth's termination, more than one time, after receipt of a disciplinary discharge, or when readmission is not recommended by the former Center of assignment.

§ 97a.33 Transfers.

(a) The Center Director may arrange through the regional office for the transfer of a corpsmember from one center of assignment to another center or to an extension program when:

(1) A corpsmember is interested in and has an aptitude for a program of training not available at the center of assignment;

(2) A change in environment or associations for the corpsmember will enhance the chances for program completion;

(3) A corpsmember has the potential ability to continue in Job Corps successfully, but will need health services not available at the center of assignment; or

(4) A corpsmember's appeal of a disciplinary discharge is sustained.

(b) When the Center Director has decided that the transfer of a corpsmember is advisable, he or she shall request approval in writing from the regional office having jurisdiction over the center.

(c) The regional office shall approve or disapprove the request, and, if approved, shall locate an opening suitable to the corpsmember's needs, in the same region if possible, or in another region, through coordination with that regional office.

(d) After obtaining approval for the transfer from the receiving center, the regional office having jurisdiction over the losing center shall issue travel orders and notify both centers of the corpsmember's date of departure and arrival time.

(e) The losing center shall notify all concerned parties of an approved impending transfer, and shall see that all of the corpsmember's records are brought up to date, including a current evaluation of his or her health condition, and forwarded to the receiving center. It shall also submit necessary forms to the finance center to effect the change in address for allowance purposes.

(f) The receiving center shall assume responsibility for a transferring corpsmember on the date and at the time of departure from the losing center, and shall notify the regional office in which the losing center is located if the expected corpsmember does not arrive on schedule. It shall also submit the notification of termination to the finance center.

§97a.34 Extensions of enrollment.

(a) The Center Director shall see that the total length of enrollment of a corpsmember does not exceed 2 years except that the regional office may approve an extension:

(1) When a course of instruction to qualify a corpsmember of placement, including one provided through an extension program, can be completed in 4 months or less. In extraordinary circumstances, the regional office may request approval of a longer extension from the national office;

(2) For such time as a corpsmember is under pending criminal charges (section 406(a)); and

(3) For such time as it takes to stabilize a health condition pending medical termination and referral.

(b) The Center Director shall note the date and reason for approval of such extensions in writing and make the written approval a part of the corpsmember's personnel record.

§ 97a.35 Federal status of corpsmembers.

Corpsmembers shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of employment, leave, unemployment compensation, and Federal employee benefits, except as provided by 5 U.S.C. 8143(a), and by §§ 97a.85, 97a.86, 97a.87, and 97a.88 of this Part (section 416(a)).

§ 97a.36 Terminations.

(a) Center Directors may terminate corpsmembers according to one of the following categories and conditions:

(1) A program completion termination may only be given when a corpsmember has remained in the Job Corps for at least 90 days and has either: (i) Satisfactorily completed an authorized vocational training program; or

(ii) Been accepted for additional education or training by such an organization as a high school or college, an apprenticeship program, or a technical school; or

(iii) Qualified for entry into the Armed Forces;

(2) A maximum benefits completion termination may only be given when a corpsmember has remained in the Job Corps for at least 90 days and when the Center Director approves a recommendation for such termination made through the maximum benefits system. Such recommendation shall only be made by the Progress/Performance Evaluation Panel (P/PEP) when it believes that the corpsmember has achieved as much total benefit from the total Job Corps program as his abilities will allow;

(3) An administrative termination, documentation of the reasons for which shall be sent to the regional office, may only be given when it has been established that a corpsmember has: (i) Fraudulently established his or her eligibility to enroll, or been enrolled as the result of a substantive screening error. Such terminations shall have prior regional office approval;

(ii) No further interest in the program, as evidenced by his or her failure to participate in or attend classes and other required activities, but does not wish to resign. Such terminations shall be made only after every effort has been made to determine and correct the reason(s) for non-participation, and after the Center Director obtains regional office approval;

(iii) Been on court-imposed probation or parole which is revoked;

(iv) Refused to allow a physical examination to be performed; or has

(v) A legally responsible parent or guardian who withdraws consent when the youth has not yet reached the age of majority in his or her home State. In such cases, the Center Director shall verify the requestor's legal responsibility for the corpsmember and shall urge the individual to reconsider;

(4) A medical termination may only be given after a referral has been made with the concurrence of the regional office to a resource which has agreed to provide needed care at no cost to Job Corps, and after persons responsible for the corpsmember, including the screening agency, have been notified of the health problem and referral plan, and asked to assist the corpsmember to follow through with such plan. The decision to approve or disapprove a medical termination shall be made by the regional office based on a recommendation of a center health professional. Such recommendation shall be based on the results of a functional evaluation of the corpsmember which reveals that: (i) A pre-existing or incurred disability, illness, or injury significantly interferes with or precludes further training in Job Corps;

(ii) The health problem is unusually long-term and/or complicated to manage;

(iii) Necessary treatment will be unusually costly; or

(iv) A corpsmember has completed the seventh month of pregnancy;

(5) A termination by resignation shall be given at any time a corpsmember so requests, except after a review board hearing begins. Under no circumstances shall a corpsmember be compelled to resign, nor shall any resignation be deemed a disciplinary discharge. A termination shall also be called a resignation when: a corpsmember who is AWOL is contacted but refuses to return to the center. In such cases documentation to this effect shall be included in the corpsmember's personnel record.

(6) A corpsmember shall be terminated as AWOL at the beginning of the 16th day of absence without leave when he or she has not contacted the center and the center's efforts to make contact have been abortive. The Center Director or the regional office may reinstate such a corpsmember if one or the other receives evidence that the AWOL corpsmember was unable to contact the center; and

(7) A disciplinary termination without a center review board hearing shall be given only when a corpsmember has been either convicted of a felony or confined under sentence for 61 days or more. A disciplinary discharge may also be given pursuant to § 97a.97 of this Part after a hearing by a center review board.

(b) The Center Director shall arrange for the completion and distribution of the Notice of Termination pursuant to instructions in the Job Corps Forms Preparation Handbook.

§ 97a.37 Exit procedures.

Whenever feasible, beginning at least 45 days prior to a corpsmember's termination, the center shall hold a refresher training program for the corpsmember to reinforce the World of Work program. The refresher program shall include training related to planning a job hunt, choosing the best job, filling out employment application forms, job interview techniques, and dress and conduct necessary to get and hold a job. Counseling on transition back to community life shall also be given.

§ 97a.38 Certificate of attainment.

The Center Director shall issue a certificate of educational attainment to each corpsmember who has satisfactorily completed a program. The certificate shall be developed by the Director, Job Corps, with the concurrence of the Department of Health, Education and Welfare (section 408 (c)).

§ 97a.39 Transportation.

(a) For travel authorized at government expense pursuant to these regulations, the national office shall place supplies of government transportation requests and meal tickets in regional offices which shall issue them directly or provide centers with supplies of the documents for the travel of corpsmembers. Regional offices shall establish procedures with vendors and screeners to permit periodic billing for travel needs, including meals, that cannot be purchased with government transportation requests or meal tickets, such accounts to be paid with United States Treasury checks. In the event such arrangements are not practicable, or in the event of emergency en route, regional offices may utilize their petty cash funds to pay necessary expenses.

(b) Regional offices or centers, as appropriate, using the most efficient and economical means available, shall provide transportation at government expense for corpsmembers only:

(1) From home on the date of enrollment to the center of assignment;

(2) After termination, from the center of assignment to either home or place of employment, whichever is agreed upon by the corpsmember and the Center Director, except that such destination must have prior approval of the regional office if it is further from the center than the place of enrollment;

(3) In the event of transfer, from the losing center to the receiving center or extension program;

(4) In emergency situations, from the center of assignment to home or elsewhere, and return;

(5) For home leave, from the center of assignment to the place of enrollment, or to the point in the United States or its possessions to which the family with whom the corpsmember was residing prior to enrollment has moved, and return. Approval of home leave to any other place shall have prior regional office approval.

(6) In the event of a corpsmember's death, shipment of remains from the center of assignment to the place of enrollment, or to another point in the United States or its possessions agreed upon by the next of kin and the Center Director.

(7) From the center of assignment and return when such journeys are in the interest of Job Corps, e.g., conferences or recruitment; and when travel is beyond the corpsmember's control, e.g., command appearances, but not when the trip is a result of unauthorized behavior on the youth's part; and

(8) From the center of assignment to the site of an employment interview, but only after prior regional office approval, and after the corpsmember has spent at least 90 days in the program. Such approval shall only be requested for terminating corpsmembers, and only when the Center Director has reasonable assurance that a job offer is bona fide, and that the employer will hire the corpsmember subject to the interview. If the corpsmember does not get the job, transportation shall be provided to his or her place of enrollment or to the point in the United States or its possessions to which the family with whom the corpsmember resided prior to enrollment has moved. If the cost greatly exceeds the cost of a trip from the center of assignment to home, the corpsmember may be required to pay all or part of the difference.

(c) The Center Director shall provide transportation at government expense from center operating funds for escorts for corpsmembers when the center physician recommends that such escort is necessary for medical reasons. The regional office may also approve a Center Director's request for transportation for escorts under other extraordinary or emergency situations such as accompanying the remains of deceased corpsmembers.

(d) Regional offices may authorize transportation at either government or corpsmember expense:

(1) When the corpsmember is AWOL and requests transportation to return to the center or to be terminated and to return home; and

(2) From home to the center of assignment for readmittees who received medical terminations or have been honorably separated from the Armed Forces subsequent to Job Corps enrollment.

(e) Regional offices or centers, whichever authorizes government travel, shall submit cost transmittal sheets for each movement to the national office.

(f) Screening agencies shall arrange for a staff member or other responsible adult to accompany corpsmembers from their residence to the point of departure for a center as given in the travel itiner-

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ary. They shall also return the Transportation Requests, Meal Tickets, and carrier tickets of all applicants who do not depart for a center within five working days of the scheduled date of departure, except in the case when a travel delay has been approved by the regional office.

(g) The Center Director shall:

(1) Provide transportation for all arriving corpsmembers from the final carrier terminal or stop to the assigned center;

(2) Provide transportation for all authorized outgoing travelers from the center to the initial carrier departure terminal or stop;

(3) Provide all travelers with essential information, instructions and explanations necessary for a successful trip and arrival;

(4) Provide travelers with necessary funds to cover incidental travel expenses should this be necessary. Such expenses shall be provided from the center imprest or petty cash fund, without regard to whether the regional office or the center makes the transportation arrangement;

(5) Establish and maintain systems necessary for the control of stock distribution and accountability for government transportation requests and meal tickets to safeguard against improper or unauthorized use;

(6) Insure the return of all unused government transportation requests, meal tickets, carrier tickets, Treasury checks, travel funds, and travel documents for cancellation and processing for refunds; and

(7) Provide transportation to and from home for corpsmembers who live in the same locality as the center, e.g., nonresidents, when required to do so by the center's contract.

(h) In all cases, Standard Government Travel Regulations shall apply except as otherwise provided by contractual or other agreement. Instructions for the completion and distribution of all forms necessary for carrying out this section shall be found in the Job Corps Forms Preparation Handbook.

§ 97a.40 Placement and job development.

(a) The overall objective of all Job Corps activities shall be to enhance each corpsmember's employability and to effect the successful placement of each corpsmember. The placement of corpsmembers shall be the primary responsibility of placement agencies. The Center Director shall share in this responsibility, by preparing an employability development plan for each corpsmember, by training corpsmembers for placement readiness, and by directly placing corpsmembers when feasible.

(b) Placement efforts shall concentrate on jobs related to a corpsmember's vocational training, on military enlistment when this is the corpsmember's choice, or on the location of other educational and/or training programs including college, which are suitable to the terminated corpsmember's needs.

(c) In their placement efforts, centers and placement agencies should use the Federal Bonding Program, if appropriate, as well as public service employment programs which provide for special consideration in placing former trainees of manpower programs.

(d) Placement agencies shall operate under contracts negotiated with or grants provided by the regional offices which shall establish placement goals. Such contracts or grants shall be with State employment security agencies whenever possible (section 412(b)). All placement agencies shall:

(1) Continue placement efforts for all terminees with priority given to program completers and those with the longest length of stay in Job Corps until such time as: (i) A suitable job or other placement has been made and verified;

(ii) All reasonable efforts to place the corpsmember have been exhausted; or

(iii) The former corpsmember refuses placement efforts in his or her behalf;

(2) Mobilize community resources and establish linkages with other agencies such as CETA Prime Sponsors, educational institutions and Armed Forces recruitment agencies to help in the placement of former corpsmembers in the provision of support necessary to placement retention, and in their adjustment to community life;

(3) Notify terminated corpsmembers when their readjustment allowances are received in the placement office, and require the corpsmembers to pick them up in person whenever possible;

(4) Conduct an outreach program to locate and assist all unplaced corpsmembers who do not appear at the placement agency; and

(5) Submit forms to regional offices reporting on the results of placement efforts for each corpsmember pursuant to the Job Corps Forms Preparation Handbook.

(e) Unions which train corpsmembers under contract to Job Corps shall be responsible to place program completers in apprenticeship programs or training related jobs whenever feasible.

(f) Center placement responsibilities shall include:

(1) The development of a plan for developing placement readiness and placement possibilities which shall be updated as necessary and maintained by the Center Director. The plan shall include:

(i) The geographic areas to be covered by center placement efforts;

(ii) The center's method for developing and up-dating an employability development plan for each corpsmember, covering the total period of his or her enrollment;

(iii) Center plans for the development and implementation of linkages with such groups as local employers, employer organizations, unions, CETA prime sponsors and State employment service agencies;

(iv) The center system for identifying and counseling corpsmembers with college potential; and

(v) For contract centers, the center's goals for the placement of corpsmembers within the organizational structure of contract center operators;

(2) Counseling corpsmembers to relocate, after obtaining approval of a responsible parent or legal guardian in the case of corpsmembers who have not reached the age of majority, when placement in training related jobs is unlikely in the individual's home community or when better opportunities are available elsewhere.

(3) Completion and distribution of all placement forms pursuant to instructions in the Job Corps Forms Preparation Handbook.

Subpart E—Center Operations

§ 97a.50 Reception and orientation.

(a) The Center Director shall design and implement a reception and orientation program, with flexible scheduling aimed at keeping each new corpsmember meaningfully occupied at all times. The program shall contain at least the following:

(1) Arrangements for center staff to meet new corpsmembers at the time and place they are scheduled to arrive;

(2) Prompt notification of the regional office and of parents or guardians of the safe arrival of individual corpsmembers, or of delays, changes of schedule, or unusual or emergency situations;

(3) A description of the purpose and goals of Job Corps;

(4) Assignment to living quarters for residential trainees and the issuance of initial supplies, advance living allowances, and clothing;

(5) A complete tour of the center for both residents and nonresidents;

(6) Introduction to appropriate staff members, and, when feasible, the assignment of experienced corpsmembers to assist and advise newcomers;

(7) Distribution of the Corpsmember Handbook and discussion of its contents, particularly the systems of incentives and discipline, allowances and allotments, and the rights and responsibilities of corpsmembers;

(8) A cursory physical examination within the first 24 hours of arrival;

(9) A description of each of the vocational training programs offered at the center, including information about the occupational exploration program;

(10) An introduction to health services and the Health Education Program;

(11) Administration of the RJS1 reading and MJS1 mathematics tests to all corpsmembers to determine entry levels in education;

(12) Exposure to all recreation/avocational programs on center and the development of an individual participation plan in these for each corpsmember; and

(13) A minimum of one individual and one small group counseling session for all new corpsmembers during their first week on center to alleviate anxieties, correct misconceptions, and answer questions.

§ 97a.51 Corpsmember Handbook.

(a) Each center operator shall develop a Corpsmember Handbook for distribution to all corpsmembers which shall be approved by the regional office prior to publication or revision. Technical guidance materials and sample Corpsmember Handbooks shall be made available on request from regional offices. The handbook shall include at least the following:

(1) All basic center rules and regulations along with possible penalties for infraction and an identification of those responsible for enforcing such rules and imposing such penalties;

(2) The method for corpsmember participation in modifying rules and regulations;

(3) The incentives and awards system for positive behavior and achievement;

(4) A description of the disciplinary system, including the role of elected corpsmember councils, the center standards officer, and the center review board;

(5) A statement about the corpsmember's right to appeal, and appeal procedures;

(6) Information concerning the center's basic schedule of activities;

(7) Available health and health related services and programs including information about Federal Employee's Compensation benefits;

(8) Leave, pass, allowances and allotments;

(9) A description of the corpsmember government and leadership programs and an encouragement to participate in them;

(10) Information on activities in nearby communities;

(11) The center facilities layout; and

(12) Limitations on political activities.

§ 97a.52 Job Corps basic education program.

(a) Operators of Job Corps centers shall establish and maintain the Job Corps education program. Centers are encouraged to supplement and to coordinate the material and instruction for each corpsmember with his or her individual vocational program. Classes shall be small enough to allow for individual tutoring.

(b) Center operators shall provide the following educational courses:

(1) ***Reading and language skills.*** The basic Job Corps reading program shall be outlined in a Reading Handbook, to be issued by the Director, Job Corps, and shall be used by all centers. It shall consist of three major segments: beginning reading, covering literacy skills from zero to the equivalent of school grade 3.4; graded reading, covering skills from 3.5 to 7.4; and advanced reading, covering 7.5 and above. Each of the major reading segments shall contain multiple graduated skill levels. A supplementary language and study skills program shall be provided as needed to enhance employability of individual corpsmembers. Such a supplementary program shall include at least speech improvement, vocabulary skills, grammar and usage, reference and study skills, and letter writing;

(2) ***Mathematics.*** The Job Corps basic mathematics program shall be described in detail in a Mathematics Handbook which shall be issued by the Director, Job Corps, and which shall be used by all centers. The program shall follow a skills sequence beginning with whole numbers operations and shall include fractions, measurements, decimals and percentages, as well as personal and consumer math. Instruction shall combine programmed workbooks and computational exercises;

(3) Each Job Corps center shall offer the Job Corps Advanced General Education Program to prepare eligible corpsmembers for the American Council on Education Tests of General Educational Development (GED). The use of supplementary materials, particularly in mathematics, is encouraged. Qualifications for entry into the Advanced General Education Program shall be a skills level at or above that required for completion of the basic reading and math program. Operators shall make arrangements with local testing agencies, usually State Departments of Education, for administration of GED tests, and shall pay fees charged by such agencies when the corpsmember taking the test is currently enrolled. For all examinees who make qualifying scores, the center shall initiate application to the appropriate State for high school equivalency certification. (Section 408(c));

(4) ***World of Work.*** Each Job Corps center shall conduct a World of Work program for all corpsmembers that develops constructive work attitudes and employability skills. This program shall follow the format of the basic program developed by the Director of Job Corps. The centers may augment this with other materials. The program shall include units on job attitudes, sources of job information, job application forms, interviewing, consumer education, and a final unit on exit readiness. Vocational instructors shall serve as consultants on structuring the World of Work course, in coordination with the education, health, and residential living staff; and

(5) ***Health education.*** A comprehensive health education program shall be provided to all corpsmembers as soon as possible after enrollment. Coordination among the center staff shall be arranged by the Center Director when responsibility is divided for different types of health education training. Sufficient time shall be scheduled to see that corpsmembers complete at least the following subjects, for which curriculum guidance shall be provided by the national office:

(i) Introduction: "The Importance of Health Maintenance;"

(ii) "Nutrition;"

(iii) "Dental Health;"

(iv) "Obtaining Health Care;"

(v) "Love, Sex and The Family;"

(vi) "Reproduction;"

(vii) "Venereal Disease;"

(viii) "First Aid;"

(ix) "Emotional First Aid;" and

(x) "Drugs and Their Misuse."

(c) Center Directors shall provide the following courses under the special circumstances noted:

(1) ***Driver education.*** Trainees in vocations where the possession of a driver's license is essential for employment shall receive driver education, and shall be given first priority in course enrollment. Those who will need to drive to and from work shall have second priority. The program shall be designed to meet the State licensing requirements for classroom and/or on the road training of the State in which the center is located. Centers shall pay the cost of such licenses for corpsmembers who qualify for them. Driver education trainees shall be qualified for Federal licenses in all cases in which they drive such vehicles; and

(2) ***Bi-lingual programs.*** Selected contract center operators shall develop and maintain bi-lingual programs for persons of limited English speaking ability when such persons constitute a significant portion of their corpsmember populations. Guidelines to assist centers in the development of such programs are available from the national office. Such centers shall be selected by regional offices, in consultation with the national office, and provision for such programs shall be included in their contracts. Regional offices shall arrange for the assignment of selected applicants needing bilingual programs to the centers where such programs are available.

(d) Avocational courses and services for corpsmembers should include a structured program of physical education, including rules, techniques, and practice in major sports. Center Directors are encouraged to schedule it after hours whenever competent instructors are available (section 408(a)).

§ 97a.53 Vocational training.

(a) All center operators shall provide individualized vocational training for all corpsmembers. Such training shall be designed to develop the specific skills necessary for placement in the vocation for which the corpsmember is being trained.

(b) All center operators shall use training achievement records and occupational training guides which shall be developed by the Director, Job Corps. Other Job Corps approved training guides or records, such as those developed by various unions to establish entrance requirements into apprenticeship programs, may also be used in lieu of Job Corps developed achievement records.

(c) Training shall be provided either through classroom and shop/laboratory programs, or on work projects, or both. Work experience shall be provided whenever feasible (section 408(c)).

(d) Initial selection of the nonunion vocational training courses for contract centers shall be negotiated and written into contract requirements, subject to prior national office approval in the case of centers with multi-regional input. In the case of federally operated centers, initial selection of the nonunion vocational offerings shall be approved by the national office, based upon requests submitted by the Federal operator. All union training programs, and modifications thereto, shall be contracted by the national office, after consultation with the appropriate regional office and/or Federal agency.

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(e) Any changes in nonunion vocational offerings and training curricula at federally operated centers and at those contract centers which have multiregional input shall require the approval of the national office. Changes at contract centers which have input only from the region having jurisdiction over the center shall be approved by the appropriate regional office unless additional funds are required to make such changes, in which case national office approval is required.

(f) The request for changes in vocational course offerings shall include the vocational offerings to be added or deleted with occupational code; any changes in number of training spaces in other vocational offerings which the change would effect; available wage and placement data which justify the change; and cost data, including equipment, materials and supplies, space needs, renovation required, instructors needed, and any other factors which the Center Director estimates may have an impact on the center budget.

(g) Criteria for initial selection and subsequent changes in center vocational course offerings shall be the degree of placement opportunities and the potential for upward mobility.

(h) Center Directors shall see that all vocational training projects comply with the applicable provisions of the Davis-Bacon Act, 40 U.S.C. 267a–5.

(i) Job Corps shall not establish vocational training programs which require no prior skill or training to obtain a job. (Section 408(a)).

§ 97a.54 Occupational exploration program.

An occupational exploration program shall be provided by all centers for each corpsmember, unless the individual has already chosen a vocation and is qualified for entry into training. The program shall include at least:

(a) Classroom presentation of sufficient length to cover the nature and requirements of the training in each vocational program offered by the center and related job information, e.g., wages, hours, working conditions, safety requirements, employment opportunities, union requirements, training, and entry qualification;

(b) Structured, hands-on job experience in each available training program in which the corpsmember expresses interest, to last for the period of time necessary to achieve an understanding of what the training is like; and

(c) Placement of each corpsmember in a vocational training program no later than 30 calendar days from the date of arrival on center, unless an exception to this rule is allowed in an individual case by the regional office.

§ 97a.55 Off-center training.

The Center Director should develop off-center non-professional vocational training opportunities for those corpsmembers who need training in vocations not offered on center either because of the small number of corpsmembers requiring such training or because of cost benefit considerations. Requests for off-center training involving five or more slots at a specific training site shall be submitted to the regional office for approval. When Job Corps has not approved a training achievement record for such vocational training, one shall be developed, either before or after the training begins, and approval by the regional office, which shall send an information copy to the national office (section 408(b)).

§ 97a.56 Scheduling of training.

The amount of time appointed to each corpsmember's education and vocational training shall be determined by the maximum benefits system pursuant to section 97a.81 of this Part.

§ 97a.57 Certification and/or licensing.

Whenever feasible, the operator shall make arrangements for the certification and/or licensing of corpsmembers in those occupational areas for which this is required for employment or will enhance employment. Training provided should enable the corpsmember to obtain such certification or licensing in the State where he or she will seek employment.

§ 97a.58 Purchase of vocational supplies and equipment.

(a) When the possession of tools of the trade, vocational clothing or other equipment is a prerequisite to employment, centers may elect to develop plans for the low-cost sale of such tools and equipment to corpsmembers. Vocational instructors for both union and nonunion programs shall approve the selection of tools and equipment to be provided. Such plans shall be in writing and shall contain the following information:

(1) Vocational offering and occupational code;

(2) The number of corpsmembers normally engaged in this vocational offering at the center;

(3) The number of program completers per month; and

(4) A list of required tools and other equipment, including the price of each item, the total price of tools and equipment needed by each corpsmember for each vocational offering and the source of supply. The center shall screen all potential sources of procurement, government and private, to get the best quality for the least cost.

(b) When such a plan involves any anticipated additional center cost, the center shall ask for regional office approval prior to the plan's implementation.

(c) In centers with such plans, corpsmembers shall be advised of the opportunity to purchase vocational tools and equipment at reduced costs early in their vocational training programs.

§ 97a.59 Work experience.

(a) Center Directors shall emphasize and implement programs of work experience for corpsmembers through center program activities or through arrangements with employers (section 407 (a) of the Act). Work experience training shall be under actual working conditions and should enhance the employability, responsibility and confidence of corpsmembers. All work experience shall be relevant to the individual corpsmember's vocational training. Such work experience shall conform to the applicable provisions of the Fair Labor Standards Act (FLSA), 29 U.S.C. 201–19.

(b) Center Directors shall observe the following limitations in establishing work experience programs:

(1) Corpsmembers shall only be assigned to work meeting the safety standards of section 97a.115 of this Part;

(2) The objects produced or services rendered on the center shall not be sold in the community unless the Center Director is satisfied that such products or services are not readily available from private sources in the area. Such work or services may be sold to corpsmembers or employees at cost;

(3) Centers shall not assign corpsmembers to work experience involving the construction, alteration, and repair of buildings or projects if such work is customarily and historically performed under Federal contracts or grants valued at $2,000 or more;

(4) Work experience programs without pay may be arranged with any Federal, State or municipal agency, but only if the work is not covered by the Fair Labor Standards Act;

(5) Any work experience arranged for employment not covered by the Fair Labor Standards Act shall have prior regional office approval.

(6) When work experience with pay is arranged by the Center Director, the corpsmember:

(i) Shall be considered a joint employee of the Job Corps and the work experience employer;

(ii) May be considered to be receiving in Job Corps benefits such as room, board, clothing allowances, and living allowances the equivalent of up to 25 hours per week of the FLSA wages for up to six weeks;

(iii) After six weeks, shall receive at least 25 percent of the applicable FLSA wage for up to 25 hours work per week; and

(iv) Shall always receive the applicable FLSA wage for any more than 25 hours per week worked.

§ 97a.60 Leisure time employment.

A Center Director may authorize gainful leisure time employment of corpsmembers as long as such employment does not interfere with required scheduled activities.

§ 97a.61 Health care and services.

(a) The center operator shall provide for all corpsmembers a comprehensive health program from admission until termination from the Job Corps (section 408(a) of the Act). The program shall include at least:

(1) Routine medical, dental, and mental health care, including a daily sick call or open appointment system, and any necessary specialist referrals and/or consultations, and written standing orders for on center infirmary care and written arrangements for off center inpatient care;

(2) Ready access to emergency medical, dental, and mental health care on a 24-hour basis, including first aid on center which shall be provided by a staff member with a valid Red Cross first aid certificate or its equivalent;

(3) Qualified personnel, adequate facilities, necessary equipment, supplies and transportation for routine and emergency medical, dental, and mental health services; and

(4) Environmental health services pursuant to § 97a.116 of this Part.

(b) The Center Director shall obtain prior written consent from a parent or legal guardian of corpsmembers who are under the age of majority each time he or she requires other than routine medical or surgical treatment. The consent form obtained by the screening agency prior to enrollment shall serve as authorization for routine health care. In emergency situations, the Center Director may make an exception to the requirement for consent when a parent or guardian of a corpsmember under the age of majority cannot be reached, and this is so documented in the corpsmember's health record.

(c) Except in emergency situations, the Center Director shall obtain approval from the regional office prior to authorizing any hospitalization which health professionals estimate will exceed 30 days in duration or $1,000 in cost.

(d) Job Corps shall not normally pay for any health care services incurred by a corpsmember while on leave or pass unless these have been previously authorized by the Center Director or physician. In the event of an emergency, when authorization cannot be obtained prior to provision of necessary services, the Center Director may later elect to pay such costs.

§ 97a.62 Physical standards and medical evaluation.

(a) Center physicians shall provide current signed and dated standing orders, which shall be kept in the center's health unit, indicating the care and procedures which shall be carried out by center health personnel. These orders shall include at least guidance concerning emergency procedures, procedures which can be performed by nonphysician personnel, care of commonly encountered health conditions, and administrative procedures.

(b) The center physician shall also provide a set of written standing orders for the guidance of non-health personnel when dealing with health emergencies and minor illnesses when center health staff is not on duty.

(c) Within the first 24 hours of arrival on the center, the Center Director shall see that each corpsmember has a cursory medical inspection to determine if any hazardous health condition exists.

(d) A Report of Medical History form shall be completed for each corpsmember and each corpsmember shall receive a definitive medical examination by a physician or a qualified paraprofessional designated by a physician within 2 weeks of arrival on center. The results of this examination shall be recorded on the Report of Medical Examination form.

(e) The center physician shall arrange for any necessary specialized testing, examination, treatment, and/or consulation whenever a health problem is suspected.

(f) The center physician shall arrange for any necessary inpatient care, or recommend an alternative disposition if such inpatient care is not practicable.

(g) The Center Director shall arrange for a physical evaluation for each corpsmember who is to be transferred or who is being considered for medical termination.

§ 97a.63 Ocular care.

The Center Director shall arrange for the referral to an optometrist or ophthalmologist of corpsmembers with simple uncorrected refractive errors evidenced by a visual acuity of 20/40 or worse on the Snellen chart or with scores of J6 or worse on the Jaeger chart or 50 percent or worse in vistual efficiency. The center shall furnish glasses as needed. Only in cases of refractive error when the improvement in vision from contact lenses would be substantially greater than from glasses shall contact lenses be provided.

§ 97a.64 Immunization.

(a) Centers shall provide for a basic immunization series and for any necessary prophylactic immunization and reimmunization of corpsmembers, commencing no later than the entrance medical examination, and may also immunize center staff and their families who share the same environmental exposure. Corpsmembers may be exempted from any immunization by the center physician for health or religious reasons. Corpsmembers who arrive with documented current immunization shall also be exempted. A record for each person immunized shall be kept on the Job Corps Immunization Record form.

(b) The Director, Job Corps, shall periodically issue standards for immunization practices in Job Corps. These standards shall be based upon recommendations of the Center for Disease Control of the Department of Health, Education, and Welfare, and shall be adhered to by centers.

§ 97a.65 Communicable disease control.

(a) Corpsmembers shall not handle food or engage in food preparation activities until after they satisfactorily complete the entrance medical examination.

(b) The Center Director shall arrange for the immediate examination by a physician or a qualified paraprofessional designated by a physician of all appropriate center personnel and corpsmembers when any case of hepatitis, meningitis, tuberculosis, or any significant number of cases of gastroenteritis or other serious communicable disease occurs.

(c) The Center Director shall inform State and local health departments of all cases of reportable diseases, including gonorrhea and syphilis, in accordance with State and local laws. Center physicians shall deal with all cases of venereal disease in accordance with the current recommendations of the Center for Disease Control, U.S. Department of Health, Education, and Welfare.

(d) Rabies prophylaxis and tetanus wound management shall be given in accordance with the standards of the Center for Disease Control.

§ 97a.66 Dental care.

(a) The Center Director shall arrange for an oral inspection of each corpsmember at the same time as the cursory physical examination.

(b) The Center Director shall arrange for each corpsmember to have a Class II dental examination as described by the American Dental Association between the 90th and 120th day after enrollment. Routine dental care beyond the examination is voluntary on the part of corpsmembers, except that the center physician or dentist shall require necessary treatment upon the identification of a communicable condition which threatens the health of the corpsmember or others;

(b) Dental X-rays shall be authorized only by a dentist, and pregnant corpswomen shall not be x-rayed without consultation with the center physician. On-center X-ray equipment shall comply with applicable Federal and State laws regarding leaded walls, radiation leakage, and protection of personnel.

(c) The center shall provide for restorative treatment for corpsmembers with the priority of such treatment based on the condition's urgency. The assignment of such priorities shall be made at the time of the initial dental examination.

§ 97a.67 Pregnancy.

(a) Center Directors shall keep pregnant women in Job Corps through the seventh gestational month if they desire to stay and if there is a good probability based on a functional evaluation that they can complete a defined segment of the program by that time.

(b) Center Directors shall arrange for the provision of comprehensive support services to pregnant corpsmembers including:

(1) All necessary pre-natal and perinatal care including hospitalization and emergency delivery, until medical termination with an appropriate referral; and

(2) Comprehensive pregnancy counseling including the possibility for Job Corps retention, termination and readmission practices, and the alternatives for dealing with pregnancy.

(c) Only after obtaining signed consent from a corpswoman who has reached the age of majority shall any individual notify the person legally responsible for a corpsmember or anyone else that she is pregnant.

§ 97a.68 Mental health.

(a) The Center Director shall provide a mental health program, to include the services of a professional consultant for

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the center. Such consultant's responsibility shall be primarily to give training and consultation to those staff members who are in direct contact with corpsmembers. However, the consultant, with the concurrence of the Center Director, shall also provide or arrange for direct services to corpsmembers such as mental health evaluations and psychological testing when necessary.

(b) The Center Director, in consultation with the regional office, shall determine how much on-center time shall be spent by the mental health consultant in on-going staff consultation and training, and how much in individual consultations with corpsmembers.

(c) In the event of a mental health emergency, when a corpsmember's behavior endangers his or her own life or the lives of others, the Center Director may request the assistance of local medical and/or law enforcement personnel. If restraint is required, the Center Director shall allow only that amount of physical restraint necessary to prevent the corpsmember from harming himself or herself or others or from damaging property. No corpsmember shall be physically restrained for more than one hour without an examination by and the approval of a physician or mental health professional.

(d) When a corpsmember is taken into custody by the police and his or her behavior indicates possible emotional disturbance, the Center Director shall make every effort to arrange for prompt mental health evaluation and treatment.

(e) The center shall not provide long-term psychiatric treatment to a corpsmember when this treatment would require significant expenditure of program funds or staff time. Corpsmembers who need this kind of care shall be referred to adequate psychiatric facilities at no cost to Job Corps and shall be medically terminated.

§ 97a.69 Drug use and abuse.

Each Center Director shall see that corpsmembers who have problems related to drugs, including alcohol, are provided counseling or other therapeutic assistance. Each Center Director shall also arrange to provide corpsmembers and staff members with current and accurate information on the effects of such drug misuse.

§ 97a.70 Sex related issues.

The center shall provide counseling and medical services for corpsmembers whose sexual behavior interferes with their ability or the ability of others to participate in the Job Corps program. When resolution of such problems is not possible within the Job Corps setting, corpsmembers with such problems shall be medically terminated.

§ 97a.71 Death.

If a corpsmember dies, the center shall:

(a) Promptly notify the next of kin by telephone, when feasible, and by telegram, with confirmation requested;

(b) Delay public announcement or issuance of a news release concerning the death until next of kin are notified;

(c) Notify the regional and national health offices by telephone or wire within 6 hours of the center's knowledge of the death, giving pertinent personal vital statistics and related information about the death;

(d) Notify the appropriate District Office of Workmen's Compensation Programs of the death and the circumstances surrounding it, including whether the death occurred during performance of duty, and file appropriate forms with that office (section 416(a)(2) of the Act).

(e) Inform the next of kin of any possible benefits which may be available from Federal Employees' Compensation if death occurred during the performance of duty. If it did not so occur, notify them that the government shall pay only for expenses involved in the preparation and transportation of the remains to a mortuary in the area selected by the next of kin;

(f) Consult the decedent's family as to final disposition of the remains before any final action is taken in this regard; and

(g) If the next of kin refuses to accept the remains, arrange for burial at a site close to the center and at a cost not to exceed the amount authorized in section 8134(a) of the Federal Employee's Compensation Act (FECA), Pub. L. 93-416 as amended.

§ 97a.72 Reporting critical medical situations.

The Center Director shall immediately report critical medical situations to the regional office with an information copy to the national health office, as well as to the local health officer in the case of communicable disease. Such critical situations shall include at least the following:

(a) Any significant infectious disease which may be transmitted from person-to-person such as chancroid, diphtheria, hepatitis, meningitis, mumps, poliomyelitis, primary or secondary syphilis, tuberculosis, and typhoid or paratyphoid fever;

(b) Any significant infectious disease or disease due to an infectious agent which is generally transmitted from other than human sources such as botulism, rabies, Rocky Mountain Spotted Fever, or tetanus;

(c) Any outbreak or epidemic of an infectious disease such as conjunctivitis or kerato-conjunctivitis, gastroenteritis including food poisoning, scarlet fever, rubella or rubeola, and streptococcal sore throat;

(d) Severe reactions to immunization or administration of medication; and

(e) Serious injury, death, and conditions likely to result in death.

§ 97a.73 Residential support services.

(a) All Center Directors shall provide for residential support services structured as an integral part of the overall training program. This service shall include a secure, attractive physical and social environment, seven days a week, 24 hours a day, designed to enhance learning and personal development. The goal of such services shall be to produce an atmosphere which promotes corpmember productivity without extravagance and luxury. All corpsmembers, including non-residents while they are on center, shall be provided with the full program of services.

(b) Centers shall operate residential facilities which are well maintained and which comply with applicable Federal, State and local safety, health and housing codes for multi-purpose group residences. The number of corpsmembers assigned to each living area should be relatively small in order to encourage the growth of self discipline and of supportive group relationships. In residential facilities:

(1) Bathrooms and showers shall be brightly lit and clean;

(2) Dormitory facilities shall include multi-purpose room(s) sufficient for the needs of corpsmembers;

(3) Furnishings shall include good beds, linens, blankets, adequate locked storage space for each corpsmember's belongings, comfortable chairs and work/study areas, television sets, good lighting, and all housekeeping tools necessary for maintenance, including washers, dryers, and ironing facilities; and

(c) Corpsmembers shall provide necessary housekeeping and participate in other center maintenance work activities such as kitchen and dining room chores (section 408(a) of the Act).

(d) Residential advisors or responsible substitutes shall adequately supervise each residence during hours when corpsmembers are present and maintain a running log of all significant events. They shall assist corpsmembers by:

(1) Fostering a dormitory atmosphere conducive to corpsmember personality and character development including an understanding of the cultural backgrounds, life styles, attitudes, outlook, and needs of their fellows;

(2) Maintaining order and a secure atmosphere in the dorms, and by operating a system which accounts for the whereabouts of corpsmembers assigned to their dormitories during and after class hours;

(3) Providing individual and/or group guidance;

(4) Conducting periodic reviews of progress in corpsmembers' personal, social, placement, behavior, and leadership development;

(5) Responding promptly and appropriately in the event of illness, injury, emotional trauma, arrest, trouble at home, or maladjustment to center life;

(6) Encouraging participation in recreation/avocational activities and in corpsmember government; and

(7) Conducting periodic dormitory meetings for purposes of mutual information sharing (section 407(a)).

§ 97a.74 Recreation/avocational program.

(a) The center operator shall develop a recreation/avocational program to be carried out, for the most part, after class hours and on weekends and holidays.

(b) Corpsmembers shall participate in the planning and implementation of such activities.

(c) All recreation/avocational center programs shall include the following components whenever feasible:

(1) Cultural events;

(2) Sports and physical fitness;

(3) Arts and crafts;

(4) Community activities;

(5) Movies, live shows, and special events; and

(6) Reading and reference materials, including a suitably stocked library, either on or off center, which is accessible on weekdays, evenings, and weekends.

(d) Each Center Director shall provide supervision, instruction, and facilities, either on or off center, for carrying out this program, utilizing corpsmember recreational aides whenever feasible.

(e) Tools, sports equipment, athletic clothing and related items shall be lent to corpsmembers on an as-needed basis and shall be returned to the center.

(f) The sale for individual corpsmember profit of arts and crafts objects made with center-provided materials shall be prohibited. Such objects may be sold when the profits benefit the Corpsmember Welfare Association.

§ 97a.75 Laundry, mail and telephone service.

(a) Center operators shall provide adequate laundry services for corpsmembers, who shall be encouraged to launder, iron and repair their personal clothing.

(b) The Center Director shall establish a system for prompt delivery of mail received by corpsmembers in a manner which protects the confidentiality of such mail, and shall arrange for a sufficient number of conveniently located pay telephones for corpsmember use.

§ 97a.76 Counseling.

(a) Each center operator shall establish an ongoing structured counseling program which shall be focused on individual corpsmember needs. It shall be conducted by counselors, residential advisors and other staff as appropriate, under the cognizance of the professional counseling staff.

(b) Counseling services shall cover at least four basic areas:

(1) Personal and social development;

(2) Education;

(3) Vocational training and placement; and

(4) Periodic assessments of each corpsmember's progress.

(c) The Center Director shall establish counselors' work schedules so that counselors are available to corpsmembers after the education/vocational day into the early evening hours. Counselors' offices shall be so located on center that accessibility to the corpsmember population is facilitated.

(d) Individual and small group counseling shall be made available to all corpsmembers, both on a regularly scheduled and on an as-needed basis.

(e) Each counselor shall meet at least once per month with those residential advisors serving the same corpsmember group to assess each corpsmember's progress, identify problems, and develop a consistent and fair approach in their dealings with each corpsmember.

(f) A confidential counseling record for each corpsmember shall be maintained only in the counselor's office and shall include a brief running account of all significant counseling contacts (sections 408(a) and 412 (a) and (b)).

§ 97a.77 Intergroup relations program.

Every Job Corps center shall conduct a structured intergroup relations program designed to reduce prejudice, prevent discriminatory behavior by staff and corpsmembers, and increase understanding among racial/ethnic groups. Technical assistance materials shall be made available by the Job Corps to assist in the development of this program. The program should include at least:

(a) Information for corpsmembers about the history and contributions of various racial/ethnic groups;

(b) Small group discussions about specific kinds of behavior or speech which may cause tension or misunderstanding among racial/ethnic groups; and

(c) Planned activities for leisure time relating to the customs and interests of a variety of racial/ethnic groups.

§ 97a.78 Incentives system.

(a) Each center shall establish and maintain its own incentives system for corpsmembers. Incentives shall include at least increases in living allowances, pursuant to section 97a.81 of this Part, special awards, and prizes, such as trophies and certificates for outstanding achievement in specific areas.

(b) The corpsmember government shall be involved in developing, operating, and evaluating the effectiveness of the system.

(c) Some incentives shall be geared to the improvement by individual corpsmembers in their own level of achievement rather than on their success in competition with other corpsmembers.

§ 97a.79 Corpsmember government and leadership programs.

(a) Each center shall establish, with maximum corpsmember participation, an elected corpsmember government.

(b) Each center shall also establish and maintain a structured corpsmember leadership training program with staff advisors (section 401).

§ 97a.80 Corpsmember welfare associations.

(a) The Center Director shall develop a plan for the organization and operation of a corpsmember welfare association, to be run by an elected corpsmember association council with the help of a staff advisor. This plan shall include the proposed method of establishment and operation, use of concessions, sources of revenue, and an acounting system. Prior to implementation the Center Director shall submit the plan to the regional office for approval, except for those centers operated by Federal agencies, which shall submit the plan through their agency channels for approval. The agency shall submit a copy of its approved plan to the MA regional office.

(b) The plan shall conform to the following requirements:

(1) The Center Director shall establish a welfare association fund, to be managed and controlled by the association council: Revenues may come from such sources as snackbars, vending machines, disciplinary fines, and pay telephones. No federally appropriated funds shall be used to operate the corpsmember welfare association's activities;

(2) The corpsmember welfare association council, in consultation with other corpsmembers, shall make recommendations to the Center Director for expenditure of its funds. Center Directors shall allow the funds to be used only to operate activities or make purchases or loans which clearly benefit the corpsmembers; and

(3) The corpsmember welfare association council shall maintain its own accounting system, which shall be subject to audit by the regional office except that Federal agencies which operate centers shall audit their own corpsmember welfare association systems (section 401).

§ 97a.81 Evaluation of corpsmember progress (Maximum Benefits System).

(a) The Center Director shall implement a Maximum Benefits System to evaluate the progress of each corpsmember. The system shall provide for the establishment of Progress/Performance Evaluation Panels (P/PEP). The P/PEP's shall:

(1) Consist of at least one staff member from each of the basic education, vocational training and counseling program areas;

(2) Receive progress evaluation reports from instructors, counselors, residential advisors, and other staff as appropriate in time for each P/PEP's meeting about an individual corpsmember;

(3) Meet initially to evaluate the progress and review the training schedule of each corpsmember within 30 to 45 days after enrollment;

(4) Meet at least every 60 days after the initial evaluation to make periodic assessments of each corpsmember's performance in all program areas;

(5) Have additional meetings with corpsmembers at the corpsmember's request or at the request of a staff member concerning any aspect of the center program;

(6) Arrange, whenever feasible, for the corpsmember to be present at each meeting where his or her case is to be discussed;

(7) Make recommendations already known to the corpsmember involved to the Center Director about such matters as course or scheduling changes, allowance increases, incentive awards, and readiness for entry into the exit program; and

(8) Inform corpsmembers about actions they should take to improve performance and of all recommendations the panel decides to make to the Center Director.

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(b) The Center Director shall review the recommendations of the P/PEP; approve, deny, or amend them; and notify the P/PEP and the corpsmember of the decision reached (secs. 408(a) and 412 (a)).

§ 97a.82 Food service.

(a) Centers shall provide corpsmembers with meals, which shall be nutritionally well-balanced, of good quality and sufficient in quantity. Military master menus may be used as guides.

(b) The Center Director shall see that food is prepared and served in a sanitary manner. All staff members who handle or prepare food shall meet State or local food handling requirements, whichever are stricter, and be free from communicable diseases as verified by medical examination.

(c) Centers shall charge all noncorpsmembers for food provided to them unless prior regional office approval has been obtained. No funds allocated for corpsmember food shall be used for this purpose. Such charges shall be sufficient to cover the cost of the food and its preparation, and shall be reviewed and approved at least semi-annually by the regional office.

(d) Center Directors shall see that dining areas are pleasant, sanitary and well-maintained.

§ 97a.83 Allowances and allotments.

(a) Centers operated under contract by the Commonwealth of Puerto Rico shall pay all allowances and allotments described in this section directly to corpsmembers or their allottees pursuant to contract provisions.

(b) In all other cases, the Center Director shall arrange for the payment of corpsmember allowances and allotments in the right amounts and at the right times by seeing that:

(1) All forms necessary to authorize such payment are correctly completed and submitted to the U.S. Army Finance and Accounting Center (Finance Center) pursuant to the interagency agreement between the Department of Labor and the Department of Defense. Instructions for completion and submission of these forms shall be found in the Job Corps Forms Preparation Handbook; and that

(2) A system is established at the center for the prompt delivery to corpsmembers of allowance checks received from the Finance Center and for the prompt correction of any errors in the amount of such checks.

(c) Whenever an error is discovered in a form already submitted to the Finance Center, the Center Director shall notify the Finance Center immediately. After termination, if an overpayment is made in a corpsmember's final living and readjustment allowance payment because the center erroneously authorized a readjustment allowance, failed to report monetary advances to a corpsmember which should have been deducted, or delayed the submission of correct forms, the Center Director shall reimburse the amount of the overpayment to the Finance Center. The Finance Center shall send any underpayment discovered directly to the terminated corpsmember.

(d) Pursuant to the interagency agreement, the Finance Center shall make accurate and timely payments and submit reports to the national office.

(e) Newly enrolled and readmitted corpsmembers shall receive an initial monthly living allowance of $30.

(f) Incentive increases in the monthly living allowance, based on time and performance in Job Corps, may be given in increments of $5 per month, up to a maximum of $50 per month. Reductions in the monthly living allowance may be made on the basis of poor performance using the same method, but not below $30 per month (section 409(a)).

(g) Living allowances shall accrue from the date of initial departure for the center to the date of scheduled arrival home, except during periods of AWOL or leave without pay and allowances. Such allowances shall be paid semi-monthly.

(h) The Center Director shall give each newly enrolled corpsmember an allocation for living expenses of $15, to be distributed in amounts of not more than $5 per week from the center's imprest or petty cash fund. Repayments of the initial allocation shall be deducted from the corpsmember's final readjustment allowance check.

(i) Corpsmembers shall also receive a readjustment allowance of $50 for each month of participation in Jobs Corps after their termination from the program if they have remained in the Job Corps for at least 180 days or if they terminate after 90 days as program or maximum benefits completers. In the event a corpsmember dies, receives a medical termination, or enlists in the Armed Forces less than 90 days after enrollment, he or she shall be eligible for the accrued readjustment allowance (section 409(c)). Such corpsmembers shall not be considered program completers.

(j) Center Directors may, after seeing that enough readjustment allowances are in the corpsmember's account, and at the corpsmember's request, pay advances on readjustment allowances to corpsmembers of:

(1) Up to 75 percent of the readjustment allowance to those who are already placed;

(2) Up to $150 to those who are not placed; and

(3) Up to $250 to those departing the center for an employment interview.

(k) Any advances in readjustment allowances which differ from the regulations set forth in paragraph (j) of this section or are requested for health purposes shall have prior regional office approval.

(l) Corpsmembers who are placed prior to leaving the center shall receive the readjustment allowance owed in a lump sum directly from the Finance Center after termination. Corpsmembers who are not placed on jobs prior to leaving the center shall receive any owed readjustment allowance through a placement agency (section 412(e)).

(m) Corpsmembers may authorize a deduction from their monthly readjustment allowance of $5, $10, $15, $20, or $25, which shall be matched by an equal amount from Job Corps funds and sent as an allotment each month by the Finance Center to their spouse or dependent child(ren) if such spouse or dependent child(ren) reside in a State, the District of Columbia, or any other area subject to the jurisdiction of the United States. The screening agency shall verify whether the proposed allottee is a spouse or dependent child of the corpsmember. Only one allotment shall be authorized per corpsmember. Allotments shall be paid for complete calendar months only. The effective date of the allotment shall be the first day of the first full calendar month after application for an allotment (section 409 (d)).

(n) The following kinds of deductions shall be made when applicable from a corpsmember's living and/or readjustment allowance provided that at least a $7 earned living allowance per pay period is paid to the corpsmember:

(1) Social security taxes (FICA);

(2) Income taxes;

(3) Fines levied by the Center Director up to $5 per pay period;

(4) The value of transportation documents if these are lost or unused and not returned;

(5) Authorized contributions for an allotment; and

(6) Any indebtedness the youth has charged against the living and/or readjustment allowances.

(o) Corpsmembers who are AWOL shall not be paid living or readjustment allowances for such period (sections 409 (a) and (c)).

(p) In the event of a corpsmembers' death, any amount due, including the amount of any unpaid readjustment allowance, shall be paid in accordance with the provisions of 5 U.S.C. 5582 (section 409(c)).

(q) Instructions for completion and distribution of all forms required to implement the provisions of this section shall be found in the Job Corps Forms Preparation Handbook.

§ 97a.84 Clothing.

The center operator shall provide clothing for all corpsmembers by means of a cash allowance and by government issue, in accordance with instructions issued by the national office. Conditions under which clothing shall be provided include:

(a) A cash allowance shall be given to each corpsmember for the purchase of clothing. The national office shall state the amounts to be provided during the first and second years of enrollment, with the second year's allowance being substantially less than the first.

(b) Clothing necessary for vocational training shall be issued to all corpsmembers. Such issue clothing shall remain the property of the government, and, except for expendable or worn-out items and in emergency situations shall be returned to the center by the corpsmember, either on termination or when no longer needed.

(c) Transferring corpsmembers shall take all appropriate issue clothing with them to the new center.

§ 97a.85 Tort and other claims.

(a) Corpsmembers shall be considered Federal employees for purposes of the Tort Claims Act (28 U.S.C. 2671, 2672, 2677–9) (section 416(a)(3)). In the event a corpsmember is alleged to be involved in the damage, loss or destruction of the property of others, or of causing personal injury to or the death of other individual(s), claims may be filed by the owner(s) of the property, the injured person(s), or by a duly authorized agent or legal representative of the claimant to the Center Director. The Center Director shall collect all of the facts and submit the claim for a decision to the Associate Solicitor for Employee Benefits, Office of the Solicitor, Washington, D.C. 20210, except when Federal agencies operating centers have been given responsibility for processing and deciding upon such claims.

(b) Pursuant to section 416(b) of the Act, whenever there is loss or damage to persons or property, which is believed to have resulted from operation of a Job Corps center and to be a proper charge against the government, and such loss or damage is not cognizable under the Tort Claims Act, a claim for such damage may be submitted by the owner(s) of the property, the injured person(s), or by a duly authorized agent of the claimant to the office of the Associate Solicitor for Employee Benefits which shall consider the facts and may settle the claim in an amount not to exceed $500. A claim, for example, may be considered for payment if it arises out of a wrongful act or omission of a corpsmember.

(c) The Job Corps may pay claims to corpsmembers for lost, damaged, or stolen property, up to a maximum of $200 when such loss is not due to the negligence of the corpsmember. Corpsmembers shall always be compensated for losses when they are the result of a natural disaster or when the corpsmember's property is in the protective custody of the Center Director, which shall always be the case when a corpsmember is absent from the center for 24 hours or more. The Center Director shall file such claims with the MA regional office for a determination on the claim and promptly notify the corpsmember and the center of its determination.

(d) Tort claims shall be made on Standard Form 95, The Claim for Damage or Injury form, or a similar document, supported by necessary justification. Instructions for completion and submission of the Claim for Damage or Injury form shall be found in the Job Corps Forms Preparation Handbook. Claims under 416(b) of the Act may be submitted on either Standard Form 95 or another similar document, supported by necessary justification.

(e) When appropriate, the Center Director shall assist corpsmembers to claim against other sources, e.g., from shippers and insurance companies, or through civil court proceedings.

§ 97a.86 Federal employee's compensation.

(a) Corpsmembers shall be considered Federal employees for purposes of Federal Employee's compensation (FEC) pursuant to sec. 416(a)(2) of the Act.

(b) Resident corpsmembers shall be considered to be in the "performance of duty" as Federal employees from the date they leave their homes and begin authorized travel to their center of assignment until the date of their scheduled arrival at the official travel destination as authorized by the Center Director upon their termination from the Job Corps. During this period the youths shall be known as "corpsmembers," and this period shall constitute their period of Job Corps enrollment. During this period corpsmembers shall be considered as in performance of duty at all times, during any and all of their activities, 24 hours a day, seven days a week.

(c) Non-resident corpsmembers shall be considered to be in the performance of duty as Federal employees from the time they arrive at any scheduled center activity or program until they leave such activity or program.

(d) No corpsmember shall be considered as being in performance of duty status if he or she is absent without official authorization (AWOL) or if he or she is on administrative leave without allowances.

(e) In computing compensation benefits for disability or death, the monthly pay of a corpsmember shall be deemed that received under the entrance salary for a grade GS–2 employee, and 5 U.S.C. 8113 (a) and (b) shall apply to corpsmembers.

(f) Compensation for disability shall not begin to accrue until the day following the date on which the injured corpsmember completes his or her Job Corps termination.

(g) Whenever a corpsmember is injured, develops an occupationally related illness, or dies while in the performance of duty, the Center Director shall immediately comply with the procedures set out in the Employment Standards Administration regulations at 20 CFR Chapter 1, as amended at 40 FR 6876. The Center Director shall also see that a thorough investigation of the circumstances and a medical evaluation are made, and shall see that required forms are filed with the appropriate Office of Worker's Compensation Programs (OWCP) district office. Application forms and instructions for their completion shall be found in the Forms Preparation Handbook.

§ 97a.87 Social Security.

Corpsmembers shall be covered by Title II of the Social Security Act (41 U.S.C. 401 et seq.) and shall pay applicable federal employment taxes (FICA) on their living and readjustment allowances (section 416(a)(1)).

§ 97a.88 Income taxes.

(a) Corpsmembers shall be subject to income taxes pursuant to the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) (section 416(a)(1)). Corpsmembers shall claim the following as income for tax purposes:

(1) The living allowance;

(2) The readjustment allowance, including any portion allocated for an allotment;

(3) The cash clothing allowance; and

(4) The value of government paid transportation provided to and from center for home and emergency leave, and to home after termination.

(b) Corpsmembers shall not be subject to tax for the value of meal tickets and clothing issued to them nor for that portion of the allotment contributed by the government to the allottee.

(c) The Center Director shall see that any forms required to effect income tax deductions and withholding exemptions are completed by the corpsmember. Instructions for completion shall be found in the Forms Preparation Handbook.

(d) Income taxes shall be withheld from the foregoing allowances and benefits if required by the appropriate tax withholding tables and rules.

(e) Wage and tax statements shall be sent to corpsmembers by the Finance Center, pursuant to the interagency agreement.

§ 97a.89 Emergency use of personnel, equipment and facilities.

(a) If Center Directors are requested by public officials to provide emergency assistance when there is a threat of natural disaster, the Center Director may authorize such assistance, after seeking advice from the regional office if he or she wishes such advice. Center Directors may ask corpsmembers to volunteer their services to help in such cases, and shall arrange for any added center expenses consequent to such assistance to be borne by the benefiting organization.

(b) Upon the completion of each emergency project, the Center Director shall submit a summary report of the work done to the regional office.

§ 97a.90 Limitations on the use of corpsmembers in emergency projects.

(a) No corpsmember shall participate in emergency relief:

(1) In connection with labor shortages, strikes, riots, or civil disturbances;

(2) On private property to promote the self-interest of private individuals or groups, except as incidental to authorized emergency work;

(3) If it lasts long enough to detract from his or her educational and vocational training, in which case rotation of corpsmembers should be considered; or

(4) For fire suppression except when the corpsmember volunteers, has completed a fire control training program, is 18 years of age and in good physical condition, is used only in support of compensated fire-fighters, and is paid by the benefiting organization at the same rate as other fire-fighters. Corpsmembers shall not work for a greater number of hours per day than other fire-fighters nor in mopping-up operations after a fire.

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§ 97a.91 Corpsmember absences.

(a) Corpsmembers shall accrue annual leave at a rate of 1 calendar day for each pay period during which the corpsmember is entitled to a living allowance for at least 8 days. Accrual shall commence on the day the corpsmember initially departs for a center and end on the date of his or her scheduled arrival home.

(b) Annual leave shall continue to accrue during periods of home, emergency and administrative leave with allowances and shall be suspended only during absences without approved leave and administrative leave without allowances.

(c) Corpsmembers shall not be paid at termination for accrued unused leave.

(d) Corpsmembers may use accrued leave at any time subject to the approval of the Center Director. Annual leave with transportation at government expense, however, shall be allowed only after the corpsmember has spent 6 months in Job Corps, and only once per year of enrollment (section 409(b)).

(e) Corpsmembers shall also be eligible for emergency leaves of up to 12 days each. The Center Director may grant such leave, with transportation at government expense, so that a corpsmember may visit his or her family in case of a death, imminent death, or serious illness or injury, after verification of the emergency. However, if the corpsmember has had a home leave or an emergency leave at government expense within the preceding 6 months, prior approval for the new leave shall be obtained from the regional office. The Center Director may extend emergency leave, after verifying the need, beyond 12 days. Such extensions shall be without allowances.

(f) The Center Director may grant administrative leave to corpsmembers with allowances and transportation at government expense for a period up to 30 days for situations such as:

(1) Securing necessary medical or dental treatment away from the center which has been prescribed by an appropriate health professional;

(2) Being temporarily housed off-center as a precaution against harm or injury to self or others;

(3) Appearing in court as a complainant or witness;

(4) Appearing before a probation or parole board;

(5) Attending or participating in special projects or civic functions; and

(6) Unavoidable transportation delays.

(g) Administrative leave without allowances or government paid transportation may also be granted by the Center Director to a corpsmember for other reasons with the prior approval of the regional office. Such leave shall always be granted to corpsmembers who are absent due to incarceration until termination pursuant to sec. 97a.36(a)(7) of this Part or their return to the center (section 409(b)).

(h) The Center Director may authorize a pass for a corpsmember for up to 72 hours. Such a pass shall not be considered as leave. Transportation shall be at the corpsmember's expense.

(i) The Center Director shall establish and maintain a system which accounts for the whereabouts of each corpsmember at all times. The system shall include a record of excused and unexcused absence from all scheduled activities, passes taken, and all absences from the center, and an accurate leave record, showing leave accrued and taken.

(j) When it is determined that a corpsmember is AWOL, the Center Director shall immediately begin attempts to locate him or her, and shall notify concerned parties such as parents, courts, and the screening agency.

(k) Whenever a corpsmember is absent from the center for 24 hours or more, such corpsmember's personal belongings which remain at the center shall be inventoried and secured by the Center Director.

§ 97a.92 Legal services to corpsmembers.

(a) The Center Director shall make every effort to assure corpsmembers of effective and competent legal representation in criminal cases and in certain civil cases, and to provide additional legal services as needed (section 407(a)). The Center Director shall, whenever feasible, develop a program to assist corpsmembers to obtain free or low-cost legal assistance.

(b) The Center Director shall establish a system for obtaining local attorneys willing to represent corpsmembers facing criminal and civil proceedings. A list of such local attorneys shall be maintained and updated as necessary. The list should include public defender and legal service attorneys.

(c) The Center Director shall see that corpsmembers who are to be interrogated by law enforcement officials as suspects in criminal cases are advised that they may secure a lawyer to represent them during the interrogation. Job Corps shall pay for such legal services if the Corpsmember wants such services.

(d) Job Corps shall help provide legal services for corpsmembers in criminal cases and shall pay for such services in all criminal cases except:

(1) When a corpsmember is AWOL when the offense is committed;

(2) When the corpsmember is arrested for an offense committed before entering Job Corps;

(3) When the corpsmember is charged with a second felony after being convicted of a first felony committed while he or she was enrolled in Job Corps;

(4) When the corpsmember is arrested for a third misdemeanor after conviction of the first two, and legal services were provided by Job Corps in the first two cases;

(5) When a corpsmember is charged with an offense when he or she is on administrative absence without allowances, and while awaiting trial for a former offense.

(6) When the corpsmember refuses to authorize deduction of his or her share of the legal fees from his or her allowances. In this event, the Center Director shall attempt to arrange for legal representation by an attorney appointed by the court.

(e) The Center Director shall immediately report to the regional office all instances in which legal services are denied under paragraph (d) of this section and may request a waiver of the requirements of paragraph (d) by the regional office.

(f) After the corpsmember freely selects an attorney, the Center Director shall immediately inform the attorney that the corpsmember is a member of the Jobs Corps, that the Job Corps wishes the corpsmember to receive adequate legal representation and, if possible, pretrial release from custody, and that the client is the corpsmember, not the Job Corps, although payment of fees will come from the Job Corps.

(g) The Job Corps shall compensate attorneys in criminal cases for reasonable expenses. Compensation shall be at the rates set forth in the Criminal Justice Act of 1964 (18 U.S.C. 3006A(d)), except that compensation shall not exceed $1000 in felony cases nor $400 in misdemeanor cases unless additional payment is approved by the regional office. When an attorney represents two or more corpsmembers at the same time, payments per hour shall be prorated among the corpsmembers. Attorneys shall bill regional offices directly. Procedures for billing, and authorization of expenditures for private investigation, expert witnesses, special tests, etc., shall be established by agreement between the center operator and the regional office.

(h) The corpsmember's share of the attorney's fees in criminal cases and in civil cases other than commitment proceedings shall be computed by the regional office and shall be deducted from allowances at the rate of $5 per hour for the time spent by the attorney in court and $3 per hour out of court, up to a maximum of $50. No legal costs shall reduce the corpsmember's living allowance below $7 per pay period.

(i) In exceptional circumstances, Job Corps may pay appellate counsel except for the appeal record, which the attorney should have prepared at the State's expense. Such payments shall be approved before every level of the appeal by the regional office. Recommendations of the attorney shall be seriously considered in these cases, and, if the attorney believes a notice of appeal must be immediately prepared and filed, it may be done, and the attorney shall be paid for time spent in this effort.

(j) When a corpsmember entitled to legal services is arrested at a distance from the center, and the Center Director is unable to arrange for the provision of legal representation and bail, the regional office shall make such arrangements.

(k) The Center Director shall pay up to $50 for bail or purchase of a bail bond provided the corpsmember agrees in writing, prior to bail, to reimburse the Job Corps. Higher amounts shall have prior regional office approval.

(l) The Center Director, if the corpsmember agrees in writing, shall advance the corpsmember up to $50 to pay fines, or higher amounts with the approval of the regional office.

(m) In exceptional cases, involving either a corpsmember, corpsmembers, or the center itself, the regional office may pay a reasonable and definite amount for legal expenses in civil cases.

(n) When a corpsmember is in jail or detention at a location near the center awaiting trial or serving a sentence of 60 days or less, the Center Director shall visit or have a counselor or other appropriate senior staff member visit the corpsmember on a regular basis and shall provide any assistance needed in the area of health, welfare, safety, personal affairs, education, and training.

The visitor shall offer to assist the corpsmember in developing a study program, and in supplying books and training materials, and shall review and evaluate the corpsmember's study and training progress.

§ 97a.93 Voting rights.

(a) The Center Director shall develop a written plan to enable eligible corpsmembers and staff to vote either locally or by absentee ballot (section 418(b)).

(b) Such a plan shall include provisions that the Center Director shall:

(1) Advise staff and corpsmembers of their rights and responsibilities relative to voting, and provide them with current absentee registration and voting information;

(2) Disseminate voting information provided by Job Corps;

(3) Furnish assistance on voting procedures, including the service of someone authorized to attest to required oaths;

(4) Encourage and assist eligible voters to send for absentee ballots;

(5) Arrange for ballots to be marked in secret and safeguarded afterwards;

(6) Arrange for the ballots to be mailed on time; and

(7) Provide transportation to the appropriate polls for corpsmembers eligible to vote within a reasonable distance from the center, whenever feasible.

§ 97a.94 Rights relative to religion.

The right to worship or not worship as they choose shall not be denied to any corpsmember. Religious services may not be held on center unless the center is so isolated as to make transportation to and from community religious facilities impractical. If religious services are held on center, no compensation shall be paid to those who conduct such services, corpsmembers shall be instructed that they are not obligated by Job Corps to attend such services, and services shall not be confined to one religious denomination.

§ 97a.95 Right to privacy.

(a) Each corpsmember shall be entitled to privacy in keeping with the right to privacy and other Federal, State and local laws, and in accordance with these regulations.

(b) The Center Director shall see that each corpsmember's area, including any storage for belongings, remain private. Neither corpsmembers nor their belongings shall be searched or examined except under the following special circumstances:

(1) General inspections of corpsmember's living quarters and storage areas shall be conducted periodically.

(2) Searches for unauthorized goods as defined in § 97a.10(ppp) may be conducted if the Center Director has good reason to believe these are being hidden on the center. The Center Director shall assert his or her reasons for such a search immediately before or after the search in writing to the regional office. Searches for narcotics or other dangerous drugs shall follow the procedures set out by the regional director of the Drug Enforcement Administration.

(3) Searches may be conducted for evidence to be used in criminal prosecution. These shall always be done by a law enforcement officer with a search warrant, except when delay would endanger the physical well-being of corpsmembers.

(4) No search shall be wider than that necessary to accomplish the specific purpose of the search. However, if unauthorized goods are found as a result of a search, these may be confiscated. If evidence which may be used in a criminal prosecution is discovered, the corpsmember involved is to be advised of his or her right to remain silent and to an attorney pursuant to section 97a.92(c).

(c) Personal information contained in center records, as well as any private verbal or written communications between corpsmembers and staff members shall be held in confidence. When it is necessary for a staff member to inform others about personal information given to him or her by a corpsmember, the corpsmember shall be informed of this and the reasons therefor. Information from confidential records, which shall include at least health records, counseling records, and juvenile court records may be made available to other staff with the prior consent of the corpsmember by those who maintain the records if this is judged to be in the best interests of the corpsmember. No copies of information contained in confidential records shall be made or kept by anyone except as provided in § 97a.96 of this Part.

§ 97a.96 Disclosure of information.

(a) The Center Director shall respond to all requests for information or records during a corpsmember's enrollment. After termination, the regional office to which the corpsmember's personnel record has been sent shall respond. These requests shall be treated as requests under the Freedom of Information Act and the Privacy Act of 1974, and shall be handled according to the regulations at 29 CFR 70 and 70a.

(b) The requesting party's need for information shall be balanced against the corpsmember's right to privacy. Doubtful cases shall be resolved in favor of the corpsmember's right to privacy. Difficult problems shall be resolved after consultation with the appropriate regional solicitor. No records or information of any kind about the corpsmember shall be released to anyone without the corpsmember's signed consent, and, in the case of a corpsmember under the age of majority the signed consent of the parent or legal guardian, except as otherwise provided in this Part, and:

(1) A corpsmember's name, address, age, and date of entry may be released to news media or members of the public;

(2) On request, parents or guardians and probation or parole officers may be given information regarding a corpsmember's general medical condition and/or achievement in the program;

(3) In the event of a medical or psychiatric emergency, the center physician may approve release of medical, behavioral and/or counseling information necessary for the treatment of a corpsmember;

(4) A corpsmember's name, address, age, former residences, dates of entry and/or termination, forwarding address, and other leads to locate a corpsmember or his or her family may be released to State or Federal law enforcement agencies or other government investigators;

(5) Placement agencies shall be given a summary of each corpsmember's academic and vocational achievement and general biographical information, but no information from confidential records. Such agencies may give this information to prospective employers, schools and training institutions when this will assist in the placement of a corpsmember.

(c) Corpsmembers shall have access to their records, and information from a corpsmember's record shall be supplied to the corpsmember on request. If a corpsmember, or the parent of a corpsmember under the age of majority, objects to any information in the record, he or she may request a hearing before the Center Director to request that such information be removed or modified. Should this request be denied, the Center Director shall prepare a written statement of the reasons therefor, and the corpsmember and his or her parent or legal guardian as appropriate may also put in writing their objection to the content. These documents shall be included in the corpsmember's personnel record.

(d) The regional solicitor shall be consulted and he or she shall make a prompt determination of the appropriate response whenever a subpoena to produce a corpsmember's records, to testify concerning such records, or to testify concerning a corpsmember's activities while enrolled in Job Corps is received.

(e) No corpsmember records or information about corpsmembers shall be supplied to any researcher, nor shall corpsmembers or staff participate in any study, directly or indirectly, unless the research project has been cleared through the regional office and the Director, Job Corps. In the case where research is to be done at a center, prior arrangements shall be made with the Center Director. All staff and all corpsmember participation shall be voluntary.

(f) No research project shall be approved unless the researcher guarantees

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to protect the anonymity of all staff and corpsmembers involved in any presentation of the results of such study.

§ 97a.97 Disciplinary procedures and appeals.

(a) The Center Director, with center staff and corpsmember participation as set forth in the Corpsmember Handbook, shall be responsible for developing reasonable rules and regulations for corpsmembers. These shall include but not be limited to requirements that:

(1) Reasonable care be exercised in the use of center facilities and equipment;

(2) Possession of unauthorized goods as defined in § 97a.10(qqq) be prohibited;

(3) Gambling on center be prohibited;

(4) Maintaining or operating private vehicles on center be prohibited;

(5) Assaultive behavior be prohibited;

(6) The lending of money at interest be prohibited;

(7) Persistent disobedience of center regulations and serious disruptive behavior be prohibited; and

(8) Repeated or prolonged absences from duty be prohibited.

(b) The Center Director, with the assistance of the center standards officer appointed by the Center Director, and with staff and corpsmember participation as set forth in the Corpsmember Handbook, shall be responsible for developing reasonable sanctions and for appropriately matching such sanctions to the breaking of the rules set out in the Corpsmember Handbook (section 410 (a)).

Such sanctions shall include at least the following:

(1) Spoken and written reprimands;

(2) Suspension of privileges, except that suspension of dining hall, canteen, and religious privileges shall be prohibited;

(3) Fines, except that no corpsmember shall be fined more than $5 per offense or per pay period and there shall be no carry-over of fines from one pay period to another. When a fine is imposed, the Center Director shall give the corpsmember a receipt, forward the fine with a copy of the receipt to the Corpsmember Association Welfare Council, and retain a record of the fine for audit purposes. Fines shall be used sparingly as sanctions.

(4) Restriction to center grounds not exceeding 30 days;

(5) Reduction in the living allowance down to a minimum of $30 per month but not in amounts to exceed $5 in any one month (section 409(a));

(6) Restitution by repair or payment for property damaged willfully or through negligence or misappropriation, except that no corpsmember shall be charged more than $300 for such damage;

(7) Disciplinary discharges from the Job Corps; except that no disciplinary discharge shall be given to a corpsmember: (i) Prior to a center review board hearing, unless the corpsmember has been convicted of a serious crime or has been confined under sentence for more than 60 consecutive days;

(ii) Against whom criminal charges are pending;

(iii) If a medical discharge for physical or psychiatric reasons may appropriately be substituted therefor;

(iv) Solely for health-related problems; and

(v) Solely for non-participation in the program.

(8) Forced resignation from the program shall not be a proper sanction; and

(9) Sanctions relating to the possession and/or distribution of drugs shall be structured so as to take account of the policy of assistance set forth in § 97a.69.

(c) Each Job Corps center may establish corpsmember councils, consisting of at least three elected corpsmembers per floor or dormitory, pursuant to procedures set forth in the Corpsmember Handbook. If established, the corpsmember councils, with guidance from the center standards officer, shall handle minor rule infractions as defined in the Corpsmember Handbook. Corpsmembers sanctioned by the corpsmember council may appeal to a center standards officer.

(d) Each Center Director shall appoint one or more staff members as center standards officers. Such center standards officers shall:

(1) Make decisions in all appeals by corpsmembers from corpsmember councils; and

(2) Make decisions in all cases involving major rule infractions as defined in the Corpsmember Handbook.

(e) In all cases the center standards officer shall:

(1) Notify the corpsmember orally and in writing of the specific charge or charges against him or her;

(2) Conduct an investigation of the charges;

(3) Make a determination of the corpsmember's culpability or non-culpability;

(4) If culpability is found, impose the appropriate penalty; and

(5) If a disciplinary discharge is believed warranted, recommend such to the center review board.

(f) Corpsmembers shall have the right to appeal decisions of the center standards officers to the center review board.

(g) Each center shall establish a center review board pursuant to procedures set forth in the Corpsmember Handbook. The center review board shall have an odd number of members, chosen from different program areas. The review board should include at least one corpsmember. The board shall not include the Center Director or Acting Center Director, Deputy Director, the corpsmember's counselor, or a standards officer who has already ruled in the case. Decisions shall be by simple majority.

(h) In each case the center review board shall hold its hearing within ten days after a case is referred to it during which time it shall:

(1) Notify the corpsmember in writing at least 24 hours before the hearing of the date and time of the hearing, of the specific charges against him or her, and the penalties which may be imposed, and shall attach to the notice a list of the enrollee's rights to: (i) Have 24 hours in which to prepare a defense;

(ii) Be represented at the hearing by a staff member of his or her choice, who shall be appointed at the corpsmember's request by the Center Director;

(iii) File a written answer or make a verbal reply to the allegation(s) made, with or without the assistance of others;

(iv) Call witnesses on his or her behalf at the hearing;

(v) Confront, question and cross examine witnesses against him or her; and

(vi) Stand silent at the hearing without risk of any penalty therefor;

(2) At the hearing, the center review board shall consider all relevant evidence and determine the corpsmember's culpability or non-culpability;

(3) If culpability is found, assess the appropriate penalty;

(4) If a disciplinary discharge is found warranted, recommend such to the Center Director;

(5) Sign an accurate summary of the hearing and its recommendation, and provide a copy thereof to the Center Director and the corpsmember; and

(6) Inform the corpsmember in writing of the right to send a written statement to the Center Director, using staff assistance if he or she chooses, stating the reasons the corpsmember feels the board's recommendation is unfair.

(i) The Center Director shall review all cases where a recommendation has been made by the center review board, and all cases in which the board recommends discharge. The Center Director shall make a decision solely on the record of the hearing and the corpsmember's statement, if any, and, based upon these, may modify or reverse the findings and/or penalties (section 410(b)). The Center Director shall notify the corpsmember and center review board of his or her decision in writing, and, if the Center Director decides upon a disciplinary discharge, shall attach to the corpsmember's copy of the decision a notice, including the address of the appropriate regional office, that the corpsmember has the right to:

(1) Appeal the discharge decision to the regional office appeal board, stating in writing why the corpsmember believes the decision to be unfair;

(2) Have assistance, including legal counsel if desired by the corpsmember, in the preparation of the appeal; and

(3) Have at least 24 hours to prepare the appeal.

(j) In all cases in which the Center Director decides upon a disciplinary termination, the Center Director shall immediately forward the entire case record to the appropriate regional office, attention: Job Corps appeal board. If the center review board has recommended against a disciplinary termination, but the Center Director overrides such recommendation, the corpsmember's termination shall be considered as an appeal by the regional appeal board, whether or not the corpsmember submits an appeal to it. Instructions for completing forms required for this record shall be found in the Forms Preparation Handbook. If the corpsmember initially accepts a disciplinary termination and is terminated, but later wishes to appeal, he or she shall send an appeal statement to the center or to the regional office appeal board. This, however, must be done within thirty days of termination.

(1) Pending the decision of the regional office appeal board, the Center Director may: (i) Retain the enrollee at the center; or

(ii) Send the enrollee home on administrative leave with travel at government expense but without allowances, provided that the Center Director certifies to the regional office appeal board in writing, with a copy to the corpsmember, that the corpsmember's continued presence at the center would be a source of serious disruption.

(k) The regional office shall make a decision solely on the record and shall notify the corpsmember of the decision regarding his or her appeal within 15 working days of the receipt of the appeal record. If the record is inconclusive, the regional office appeal board shall remand the case to the center review board for completion of the record.

(l) In the event that the regional office appeals board decides in favor of the corpsmember, the corpsmember shall be notified that he or she has been reinstated, and the following actions shall occur:

(1) If the corpsmember has been retained at the center, pending appeal, the regional office should arrange immediately for the corpsmember's transfer unless retention at the center is approved by the Center Director; or

(2) If the corpsmember has been sent home, the center to which he or she is or was assigned shall arrange with the Finance Center for restoration of all allowances as of the day he or she began administrative leave or was terminated, in the event such termination occurred prior to making an appeal. The regional office should arrange for the corpsmember's immediate return to the center if approved by the Center Director, or for a transfer with transportation at government expense to another center.

(m) Corpsmembers may be transferred to centers in the same or a different region, but the receiving center shall offer the same vocational training which the corpsmember was taking at the former center.

(n) Further review after the decision of the regional appeal board may be undertaken pursuant to the review procedures of Part 98 of this Title.

§ 97a.98 Civil rights and equal opportunity.

(a) Center Directors shall establish a grievance procedure for all complaints concerning civil rights and equal opportunity and shall appoint a center equal opportunity coordinator to direct the operation of the procedure. The procedure shall include methods for handling complaints of corpsmembers arising from action by persons outside the Job Corps center.

(b) The procedure shall provide that complaints may be made either orally or in writing to any staff member, including the center's civil rights equal opportunity coordinator.

(c) Any appropriate staff member, working with the equal opportunity coordinator, shall try to resolve the complaint.

(d) If the center staff cannot resolve the issues of the complaint within 5 working days, the Center Director shall send a written report and shall request the corpsmember to send a written complaint to the regional EEO officer. The Center Director shall offer the complainant staff assistance in the writing of the complaint. The regional EEO officer shall try to resolve the complaint within 15 working days.

(e) The center equal opportunity coordinator shall maintain an accurate written record of each complaint, including the individuals involved, the nature of the complaint, and actions taken. A copy of each of these records shall be sent to the regional office.

(f) In the event a corpsmember alleges mistreatment or discrimination by law enforcement officials or center security officers, the matter shall immediately be brought to the attention of the Center Director who shall make a thorough investigation of such alleged mistreatment. The same grievance procedure outlined in § 97a.98 (b) (c) (d) and (e) of this section shall apply.

(g) Persons who make complaints under this section shall not be subjected to punishment or other unfavorable administrative actions because of the submission of such complaints.

§ 97a.99 Cooperation with agencies and institutions.

(a) Each center, regional office and the national health office staff shall establish a broad network of referral sources such as health, rehabilitation and social service agencies for medically terminated corpsmembers. If a social service agency such as a court or welfare department has jurisdiction over a corpsmember who is to be referred to another source after medical termination, the center shall get concurrence of the agency in any referral.

(b) Centers and regional offices shall maintain cooperative relationships with screening and placement agencies.

(c) Each center shall establish cooperative relationships, including written agreements whenever feasible, with Federal, State and local law enforcement agencies having jurisdiction over the centers to ensure police backup support for emergencies at the center and the orderly processing of criminal offenses. The written agreements shall set out procedures for handling any complaints which may arise concerning law enforcement and the center.

(d) Centers should establish relationships, whenever feasible, with educational institutions to arrange for GED examinations and/or low-cost off center vocational training and to develop placement opportunities.

(e) Each center shall establish a community relations program pursuant to section 411 of the Act, to include establishment of a community relations council. The program shall have such objectives as:

(1) Giving community officials advance notice of changes in center rules, procedures, or activities that may affect the community;

(2) Affording the community a voice in center affairs of direct concern to it, including policies governing the issuance and terms of passes to corpsmembers;

(3) Providing center staff and corpsmembers with full and rapid access to relevant community groups such as law enforcement agencies, educational institutions, and agencies which work with young people in the community;

(4) Arranging recreational or similar events in which both local residents and corpsmembers may participate;

(5) Developing, where feasible, job opportunities for corpsmembers in the community; and

(6) Providing corpsmembers an opportunity for participation in community service projects (section 411).

(f) Each Job Corps center shall, to the extent feasible, establish cooperative relationships with other local manpower and manpower-related agencies, including prime sponsors under the Act and with other agencies operating programs funded through the Department of Labor.

Subpart F—Applied Vocational Skills Training (VST) Through Work Projects at Civilian Conservation Centers (CCC's)

§ 97a.100 Applied vocational skills training (VST) projects.

Applied vocational skills training (VST), provided in an actual work setting, involving authorized construction or other projects which result in finished facilities or products, shall be the major vehicle for the training of corpsmembers at Civilian Conservation Centers (CCC's). CCC's may also perform VST public service projects for nearby communities and for other Job Corps centers, and may also conduct approved, applied VST training related to center support, such as food preparation, facilities maintenance or automotive repair (Section 407(a)).

§ 97a.101 Annual VST plans.

(a) All CCC center operators shall develop annual VST plans. Such plans shall include proposed VST projects for the coming fiscal year. In the development of such plans, each center operator shall consult with the MA regional office regarding the appropriateness of the plan and each project therein. If the proposed projects are to involve the use of instructors from participating labor unions, the center operator shall obtain, during the planning stage, written concurrence from the instructors and/or the union for each project in which union training is involved.

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(b) Center operators shall describe in their annual plan all technical plans and designs for individual VST projects which have already been completed or which are in progress. The annual plan shall also delineate the nature and amount of the funds which have been used or are being used for these plans and designs.

(c) CCC center operators shall estimate the costs of their annual plan and individual VST projects so that the total costs, if all proposed projects are approved, will not exceed nor vary greatly from the total funds specified for VST project purposes for each center in the annual DOL budget request.

(d) CCC center operators shall schedule their planning so that they are able to submit completed annual plans and individual project proposals in duplicate to the appropriate MA regional office by no later than January 15 of each year.

(e) Each CCC annual VST plan shall include a Center Summary listing all proposed projects intended to comprise the center's total VST program for the upcoming fiscal year, together with summary cost factors, and estimates of the appraised value of the completed projects and of corpsmember months of training planned. In addition to the Center Summary, each plan shall formally propose every individual VST project planned in accordance with the requirements of §§ 97a.102 and 103.

§ 97a.102 VST project proposals.

(a) Every VST project proposal shall be included in the annual VST plan and shall show evidence that:

(1) The CCC operator has planned, to the maximum extent possible, all VST projects, especially projects involving major efforts to repair, rehabilitate or replace on-center buildings and facilities, as corpsmember VST projects within the framework of the center's vocational skills training program;

(2) The center operator has given due consideration to the need for projects, the nature, size and scope of which provide for the widest possible range of skills development based on the approved vocational course offerings at the center, and that the training inherent in the proposed projects is geared to job placement in the particular trades for which the corpsmembers are being trained in their center vocational courses;

(3) The center operator has chosen projects in accordance with the following order of priorities:

(i) Projects to design, plan, and carry out on-center rehabilitation and construction in preparation for and as a basis for the execution of conservation projects;

(ii) Conservation projects to be carried out on Federal, State, county or municipal public lands. These projects shall be primarily directed to the conservation, development and management of public natural resources or recreation areas and shall include partial or total construction or rehabilitation of permanent facilities related to the management of such resources or areas. Such VST projects shall be built primarily around the construction trades and may include work on public-benefit facilities, road construction, recreation areas, and public agency facilities and housing;

(iii) Center staff housing construction or improvement projects;

(iv) Public service projects for nearby communities; and

(v) Repetitive or production-oriented projects which provide prevocational experience or short-term or inclement weather activities, such as the production of cattle guards, picnic tables and other such items. Such projects should be used sparingly;

(4) The center operator has planned all off-center projects so that a maximum of corpsmember training is provided relative to the amount of funds to be expended. Proposals for such projects shall show that all buildings, facilities, roads, etc., or features thereof, are not of a higher quality than would be provided by the benefiting agency from its own funds were Job Corps not involved. To the extent possible, proposals shall include as costs to Job Corps only those items which directly relate to corpsmember training. Benefiting agencies should provide the maximum amount possible of technical assistance, materials, and other resources. Off-center construction project proposals may include the cost of only essential heating, plumbing and electricity. They shall not include the cost of ancillary-features, facilities, equipment, or refinements such as landscaping, carpeting, air-conditioning, black-topping of roads, decorations, furnishings, etc., which do not contribute to or involve corpsmember training. Neither shall proposals include the cost of technical assistance in the planning or designing of such ancillary features;

(5) Public service projects will generally benefit the public in the vicinity of the center and are designed to promote community support for and involvement with the center, a hospitable reception for corpsmembers in the community and training for corpsmembers in civic and community responsibilities. The proposal shall also describe the results of efforts the center operator has made to enlist community support and resources, including materials, technical assistance, and cooperative labor. Center operators shall not propose community service projects which:

(i) Are not on public lands, or which promote, preserve or protect the economic self-interest of private individuals or groups, or community service organizations, whether profit or nonprofit;

(ii) Involve capital construction which would normally be handled through city funding, industry funding or bond issue; or

(iii) Exceed 15 percent of the total corpsmember months of the center's annual vocational skills training projects; and that

(6) VST projects proposed will not displace presently employed workers or impair existing contracts for service.

(b) Each VST proposal shall include:

(1) A complete description of the proposed project, or modification thereof, involving $1,000 or more of direct project costs. The proposal shall contain a clear and separate delineation of all component costs of the project such as materials, equipment operation, transportation, equipment to be installed, rentals, and subcontracted services. Quantity, unit and unit costs shall be given whenever possible;

(2) The costs of technical assistance and support necessary for specific VST project planning and design, compliance inspection or technical supervision. In describing technical assistance needs and costs, center operators shall indicate specifically the nature of the technical assistance, the number of persons involved, the task(s) to be performed and the time and expenses involved;

(3) The distance of the project from the center, the types of training involved in the project, the corpsmember months of training for each type of training, any aspects of the project which will not involve corpsmember training, the estimated appraised value of the completed project and the identity of the agency to be benefited by the project;

(4) Long-term accounting information, including detailed breakdown of cost estimates, in prorated form, for the entire life of the project for any carryover project proposed to have a life span of more than 1 year. The center operator shall provide this information in each subsequent (fiscal year) submission of the project proposal;

(5) Separate identification of each small project in a group of similar projects which involve under $1,000 each of VST funds. These similar projects may be combined under one heading; e.g., "miscellaneous carpentry projects," in a single project proposal with summary treatment of the information required in paragraph (h) (1) and (2) of this section; and

(6) For proposals which involve major rehabilitation or new construction of on-center facilities, in addition to the description required in paragraph (b) (4) of this section:

(i) A clear justification for the need thereof, and information on building type, location, size (outside dimensions), interior layout and functional use;

(ii) A statement about how the proposed use is planned to be accommodated while improvements/construction are underway;

(iii) Evidence that, before such rehabilitation or new construction was proposed, multiple utilization, reduction, or consolidation of existing space was considered for efficiency and economy; and

(iv) Evidence that the facility, with regard to new or additional space, was included in, and has received prior national office approval, as part of the center's facility/site development plan in the annual review of such plans for CCC's, (§ 97a.124(1)(3) of this Part), or was approved by separate action of the national office.

(c) Separate project proposals may be submitted for technical assistance costs involving only advance survey, planning and design of projects contemplated for periods beyond the upcoming fiscal year. These proposals shall include, to the extent possible, a description of the nature, size, scope, location and estimated costs of the project under consideration. Any approval of the advance technical assistance proposal shall not be construed as a prior commitment by Job Corps to the actual project proposal, which must be submitted, fully described, at the appropriate time in the annual VST plan.

(d) For those portions of proposed projects which are beyond the capability of the center's vocational training program, as specified in the annual DOL budget request, center operators shall include with the project proposal full justification for:

(1) Proposed costs for technical assistance which are in excess of 20 percent of the total project cost. Operators shall not submit such costs on an "averaged out" or group-of-centers basis;

(2) Proposed costs for specialized subcontracted services which are in excess of 15 percent of the total project costs; and

(3) Proposed costs of equipment to be permanently installed which are in excess of 15 percent of the total project costs.

(e) Center operators shall not include in any VST project proposal the costs of any subcontract, the purpose of which is to accelerate a project to meet a completion date.

(f) Center operators shall not include in VST proposals such high cost items as bridge construction, major culvert construction, road paving, or sewage facilities to be accomplished by contract if:

(1) As part of a VST project, the costs are greatly in excess of the percentages outlined in paragraph (d) of this section; or

(2) Such items are not part of a proposed VST project.

(g) Center operators shall not include in VST project proposals the costs of administrative direction, management assistance or overall program planning and support provided by the center operator above the center level when such costs are not directly related to the planning or execution of any specific project.

(h) Proposals shall not include the costs of such items as training aids, audiovisuals, texts, films, projectors, or specialized training equipment.

(i) Proposals for spike camps and/or off-center residential facilities shall be submitted only as a portion of a specific VST project proposal. The center operator must show a clear relation between the training involved in the whole VST project and in the spike camp or off-center residential facility part of the project. In addition, the spike camp and/or off-center residential facility section of the proposal must give evidence that:

(1) The proposed spike camp or off-center residential facility shall not be permanent or maintained beyond the life of the related VST project;

(2) The spike camp or off-center residential facility shall be 75 miles or less from the center except in extraordinary specified circumstances;

(3) The costs involved shall be separately recorded and analyzed by the center operator for cost effectiveness as part of the overall center operation;

(4) The spike camp shall be the center's only operational spike camp;

(5) Education and supervision, including residential and support services, shall be commensurate with those at the center and will be supplied at all times during the life of the project;

(6) Adequate specified communications shall exist between the spike camp or off-center residential facility and the center; and

(7) No beginning readers shall be assigned to spike camp operations.

§ 97a.103 VST project review and approval.

(a) Project approval, by the MA regional and/or national office, shall constitute authority for the center operator to proceed with approved projects only, and only within funding limitations.

(b) All center operators shall submit VST proposals through agency channels to the appropriate MA regional office which shall have approval authority for most VST plans and projects. However, the type of proposals listed below shall be forwarded by the MA regional office, with the MA regional office's comments and recommendations, to the national office through agency channels for final decision:

(1) On-center facility replacement/rehabilitation projects and those which involve expansions in floor space;

(2) Exceptional center recreational facilities projects, such as swimming pools and ice skating rinks;

(3) Projects for which the costs of specialized technical assistance, subcontracted services, and/or equipment to be permanently installed are in excess of limits allowed by § 97a.102(d). Centers shall not develop detailed plans or advertise for bids on such projects until the national office has approved the projects;

(4) On-center projects which involve requests for capital outlay funds to supplement VST funds;

(5) Project proposals of questionable legality;

(6) Projects for which national office interpretations of policy are requested by the MA regional office or by the center operator; and

(7) Project proposals which involve the establishment or continued operation of spike camps or off-center residential facilities intended to provide support for VST projects.

(c) Notice of MA regional and/or national office approval or disapproval of the annual VST plans and project proposals shall be transmitted in writing to the operator by no later than April 1 of each year. The specific amount for which each individual project proposal has been approved shall be indicated in the notice.

(d) The MA regional offices and/or the national office shall disapprove, in whole or in part, any VST proposal which is in violation of these regulations. If a VST plan or project proposal or part thereof has not been approved, the notice shall include the reasons.

(e) If an annual plan or project proposal or part thereof has been disapproved by the MA regional office, the center shall drop the project unless it is required by the MA regional office to amend and resubmit the plan, or it may appeal the decision to the national office. If asked to amend and resubmit, the center shall do so. The national office shall provide to the regional office, and the regional office to the national office, copies of all VST projects reviewed, together with appropriate review decisions and related correspondence.

§ 97a.104 Modification of approved VST projects.

Once a VST project has been approved, the center operator shall insure that its size and scope remain essentially the same throughout the entire life of the project. Any proposed increase in cost of more than 15 percent above the amount originally approved shall be submitted for approval in the same manner as are new projects.

§ 97a.105 Cancellation or deferment of approved VST projects.

Center operators shall provide immediate notice to the MA regional office of the cancellation or deferment of already approved VST projects. In such cases, they shall simultaneously submit plans for proposed alternative projects to maintain the center's program at adequate training levels.

§ 97a.106 VST budgeting.

Center operators shall maintain VST project funds as a separate center budget line item and shall maintain strict accountability for the use or non-use of such funds. Center operators shall not transfer VST project funds to any other center budget category or program activity without the approval of the Job Corps national office or except as provided for by specific agreement.

§ 97a.107 Monitoring VST project progress.

(a) The MA regional office shall monitor every aspect of approved VST projects to insure the best possible use of allocated VST funds toward project progress and completion.

(b) The MA regional office shall report immediately to the national office any instance of unauthorized projects or expenditures being undertaken.

§ 97a.108 Public identification of VST projects.

All VST projects in progress and all completed projects and products shall be prominently marked as having been produced by Job Corps centers. All movable products shall be identified by either affixing a marked non-corroding metal plate or by branding/stamping the product with the Job Corps name and/or emblem. Buildings, campgrounds, or other permanent projects shall be marked with appropriate signs identify-

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ing the project and stating that it is presently being built or has been built by Job Corps.

§ 97a.109 Supplementation of VST project funds.

(a) In exceptional cases, when the cost greatly exceeds the percentages of VST funds allowed in § 97a.102(d), center operators may submit requests for capital outlay funds to supplement VST funds.

(b) Such capital outlay fund requests shall be combined and submitted simultaneously with the initial VST project proposal, shall contain a full justification of the need, and shall be limited to cases of on-center major facility rehabilitation/replacement construction projects or portions thereof, such as subcontracts for specialized services and/or purchase of equipment to be permanently installed, which are clearly beyond the scope of the center's vocational training capability, e.g., transformer installation, and certain aspects of sewer installation.

(c) Centers shall not request capital outlay funding for building construction, services, or equipment to be installed in center facilities, if these are to be accomplished or installed totally by subcontract.

(d) No capital outlay funds shall be requested in order to merely accelerate a project's completion date.

(e) Centers shall not request capital outlay funds in order to save VST funds. Capital outlay funds shall not be requested as a substitute for those percentages of VST project funds which are for specialized subcontracted services and/or purchase of equipment to be installed in on-center construction projects. The operator shall make every effort to reduce to an absolute minimum the costs which cannot be handled through VST funding. In rehabilitation or new construction, existing items of installed equipment shall be used as long as possible. Requests for new equipment shall be for essentials only, and shall contain ample demonstration that existing items of equipment cannot be used in rehabilitated or newly constructed buildings.

(f) Capital outlay fund requests shall not be submitted with or as part of the regular, annual requests for equipment replacement.

(g) Capital outlay fund requests for the purpose of supplementing VST funds shall identify the total amount of capital outlay funds needed for the entire life of the related VST project, prorated by fiscal year if the project spans more than one year. The request shall contain a clear and separate delineation of the costs per item, for which the capital outlay funds are requested.

(h) Only the national office may approve a request for capital outlay funds to supplement VST funds in accordance with § 97a.103(b)(4) of this Part.

Subpart G—Administrative Provisions

§ 97a.110 Basic personnel standards for operators.

The Center Director shall:

(a) Develop a written staffing plan which shall provide for an efficient and effective management structure, with clearly delineated lines of responsibility and authority. The plan shall provide for flexibility of staff use to meet center and individual corpsmember needs. Staffing plans for contract centers shall be submitted to the regional office for approval. Centers operated by Federal agencies shall determine center staff positions in accordance with program needs which are established for centers in consultation with and with the approval of the Department of Labor.

(b) Recruit and hire only qualified staff. Teachers and health professionals shall be properly certified, licensed, or accredited, including, certification, licensing, or accreditation in the State in which the center is located. The regional office may waive this requirement for teachers in exceptional circumstances. Employment of full- or part-time physicians, dentists, and mental health professionals shall be subject to the approval of the regional office, with consultation, if necessary, of the national office health staff;

(c) Develop and maintain personnel management policies, including plans for hiring, supervision and evaluation of staff, in accord with specifications agreed to in the operator's contract or agreement with the Department. Federal civil service and agency regulations shall apply to centers operated by Federal agencies;

(d) Utilize the services of work study students, interns, volunteers or other types of supplementary staff only after submission of a letter of intent and obtaining the approval of such by the regional office;

(e) Establish labor management relations in accordance with agency guidelines in the case of Federally operated centers and in accordance with the provisions of the National Labor Relations Act in the case of contractors. The Job Corps shall not undertake conciliation, mediation or arbitration of disputes between center operators and labor organizations, nor shall the Job Corps pay legal or other fees generated by such disputes as direct costs against the contract.

(f) Shall always appoint an acting Center Director in his or her absence. If a Center Director terminates, the center operator shall appoint an Acting Center Director until a Center Director is appointed; and

(g) Conform to all Federal, State and local laws including those pertaining to nepotism in hiring.

§ 97a.111 Non-discrimination and equal opportunities.

(a) All deliveries of service funded under this part shall conform to all Federal, State and local laws pertaining to non-discrimination and equal opportunity.

(b) Each center operator shall develop a written affirmative action plan, tailored to the problems and needs of the individual center. The plan shall be designed to:

(1) Obtain, develop and utilize the skills of minority group staff members, including women, to the maximum extent, with due consideration to the relative percent of minority group corpsmembers;

(2) See that women and minority group members are assimilated throughout various center organizational and responsibility levels; and

(3) Provide prompt, fair, and impartial consideration of discrimination complaints, pursuant to § 97a.98 of this Part.

§ 97a.112 Limitation on political activities.

(a) No officer or employee of the Job Corps shall make any inquiry concerning the political affiliation or beliefs of any corpsmember or applicant for enrollment.

(b) No officer, employee, or corpsmember shall take any active part in political management or campaigns, except as may be provided by or pursuant to statute, and no such person shall use his official position or influence for the purpose of interfering with an election or affecting the result thereof.

(c) No program under this part shall involve political activities, and neither the programs nor the funds provided therefor, nor the personnel thereof, shall be in any way engaged in the conduct of political activities in contravention of 5 U.C. Chapter 15 (section 418 (a) and (b)).

(d) No officer, employee, corpsmember or other Federal employee shall solicit funds for political purposes from corpsmembers in contravention of 18 U.S.C. 602.

§ 97a.113 Staff training.

(a) The Center Director shall provide necessary staff training based on a center-developed annual training plan. Each plan shall set out anticipated training needs, including the anticipated number of staff members to be trained, where and when the training is proposed to be performed, and the estimated cost.

(b) Centers operating under interagency agreement shall obtain approval of training plans using the method established by their Federal agency, which shall see that a copy of the approved plan is forwarded to the MA regional office. Contract centers shall submit their plans to the regional office for approval.

(c) Staff training shall include, as a minimum:

(1) General orientation to the Job Corps program and its corpsmembers' background;

(2) In-service training on a regular basis; and

(3) Supervisory training.

(d) The center shall maintain a record of training completed by each staff member. A copy of the record shall be placed in the relevant staff member's personnel file.

§ 97a.114 Corpsmember records management.

(a) Center operators shall establish a uniform system for the maintenance of ongoing records for each corpsmember during enrollment and for the disposal of such records after termination.

(b) During enrollment, information kept about the corpsmember shall include separate running accounts of the corpsmember's educational and vocational training, counseling, recreational and dormitory activities, health history, and administrative records covering such matters as data pertaining to enrollment, allowances and allotments, leave records, a resume of corpsmember's qualifications, and disciplinary actions taken. Each and every copy of a corpsmember's health and counseling records shall be maintained in a confidential manner, the former in the health unit and the latter in or near the counselor's office. Education and vocational records shall be maintained in the appropriate departments. Administrative records including the Corpsmember Profile Record or equivalent computer document shall be maintained by the Center Director or his or her designee.

(c) Upon termination, the various files shall be purged of extraneous material and an official terminated Corpsmember Personnel Record shall be assembled in one folder. Such record shall contain the following forms and documents:

(1) Affixed to the left side of the folder, the Designation of Beneficiary, Notification of Next of Kin, Travel Authorization and Voucher, Allotment Determination, Living Allowance and Allotment Change Notice(s), record of clothing issued, Receipt for Taxable Clothing and Transportation allowances, Initial Allowance Authorization, Corpsmember Profile Record or equivalent computer document, and Notice of Termination;

(2) Affixed to the right side of the folder, any appeals record(s), parental consent(s) obtained, statements from courts and correctional institutions, statements from other agencies, the Enrollment and Departure form, the Corps Data Sheet, request(s) for readmission, the Certificate of Attainment, the training achievement record, and placement related forms and documents; and

(3) The health record, to be assembled and reviewed for completeness by the center health staff, sealed in an envelope marked confidential, and inserted in the folder. The health folder shall include at least those health forms found in the Job Corps Forms Preparation Handbook which are applicable to individual corpsmembers and any other documents concerning the medical, dental and mental health treatment of the corpsmember during enrollment.

(d) The counseling record, including an initial counseling assessment of personal and social status and pertinent notes about subsequent sessions and related services, shall not be included in the Corpsmember's Personnel Record. It shall be retained at the center for 6 months after termination and then destroyed.

(e) Except in the event of a corpsmember's death, when the entire terminated Corpsmember Personnel Record shall be sent to the national health office, the Center Director shall forward the official records within 5 days to the regional office having jurisdiction in the State to which the corpsmember has returned.

(f) Instructions for completing and distributing all forms necessary to the compilation of the Corpsmember Personnel Record shall be found in the Job Corps Forms Preparation Handbook.

§ 97a.115 Safety.

(a) The Center Director shall see that corpsmembers are not required or permitted to work, be trained, or receive services in buildings or surroundings or under conditions which are unsanitary, hazardous, or lack proper ventilation. Such work and training shall meet the standards set forth in the regulations under the Occupational Safety and Health Act at 29 CFR Parts 1910, 1926, and 1960. The reporting requirements at 29 CFR Part 1960, Subpart B shall also apply. Whenever participants are employed or trained for jobs they shall be assigned to such jobs or training in accordance with appropriate health and safety practices. Center Directors shall provide appropriate protective clothing for corpsmembers in working and training.

(b) The Center Director shall also see that the water supplies meet fire protection requirements based upon the recommendations of the National Board of Fire Underwriters and that such water supplies shall normally have a fire flow of 500 gpm for a period of two hours.

(c) The regional office shall see that safety and health inspections of every work place and training area are conducted at least annually pursuant to 29 CFR 1960.26(d).

§ 97a.116 Environmental health.

(a) Center Directors shall adhere to Federal, State, and local regulations concerning environmental health. Routine environmental health inspections of dormitories, food preparation and serving areas, and water and waste treatment facilities, when these are not part of a municipal system, shall be performed at least once a week by the center physician or his designee. The Center Director shall also arrange for formal environmental health inspections by qualified non-center personnel pursuant to § 97a.124(c) of this subpart and the Forms Preparation Handbook.

(b) When non-municipal water supplies are used:

(1) These shall be adequate for the center's needs, and shall satisfy the latest U.S. Public Health Services Regulations on Drinking Water Standards (42 CFR 72.201–207).

(2) Before the construction or renovation of a water supply system, the Center Director shall consult the standards of regulations of State and local or other health authorities, and shall obtain approval of design, specifications, and construction procedures from them. Before construction or renovation is begun, engineering specifications on all water treatment processes, including their efficiency, shall be sent to the national health office through the regional office for review.

(3) The Center Director shall maintain records which shall show the amount of water treated, amount of chlorine used, daily free chlorine residual, and other data pertaining to water treatment. The Center Director shall arrange for all necessary bacterial and chemical tests to be performed by State and local health authorities with the exception of the daily routine residual chlorine test, which shall be done by center staff.

(4) Job Corps centers shall comply with the water quality and related standards of the State and with the standards established by the Federal Water Pollution Control Act, 33 U.S.C. 1151 et seq.; by Executive Order 11752; 3 CFR 380, (1974) and by the Environmental Protection Agency.

(5) The Center Director shall keep records of the water treatment system pursuant to standards set by the Environmental Protection Agency and local authorities, and shall call waste water treatment problems to the attention of the appropriate Environmental Protection Agency coordinator.

(6) The Center Director shall see that septic tanks are inspected by appropriate non-center personnel at least once a year.

(7) All installations owned by or leased to the Job Corps shall be designed, operated, and maintained so as to conform to Federal air quality standards, including those found in Executive Order 11752, 3 CFR 380, (1974) and at 40 CFR, Part 76.

(c) Food handling practices at centers shall meet local and United States Public Health Department standards; all meat products shall meet U.S. Department of Agriculture standards; and pesticides shall not be used where food is prepared or served.

(d) Insecticides shall be used only in conformance with State and Federal pesticide laws including the regulations of the Environmental Protection Agency.

§ 97a.117 Security.

The Center Director shall take necessary steps to protect the security of corpsmembers and staff on center. These steps shall include:

(a) Provision of staff security officers as necessary;

(b) Establishment of plans for handling any serious incident or group disturbance involving immediate danger to life, limb, or property, which shall include use, as appropriate, of any of the following measures to gain control of the situation and restore order:

(1) Placement of corpsmembers who are physically ill or emotionally disturbed in an appropriate medical facility for diagnosis and emergency treatment;

(2) Placement of corpsmembers on administrative leave pursuant to section 97a.91(g);

(3) Summoning law enforcement officials to restore order and make arrests if necessary; and

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(4) Removal of involved corpsmembers for behavioral reasons to an isolation facility, either on or off center, which has previously been approved for use by the regional office. A staff member shall continuously supervise a corpsmember during all periods of isolation. Such isolation shall: (i) Not be used as punishment, and individuals shall be released as soon as their behavior ceases to be dangerous;

(ii) Be ordered only by the Center Director. Security personnel may restrain corpsmembers, but only for so long as it is necessary to bring them under control; and

(iii) Not exceed 12 hours without approval of the Center Director, based upon a recommendation from a physician or mental health professional. Complete records of all cases of isolation shall be maintained by the Center Director. A written statement of the reason for a corpsmember's isolation for more than 12 hours shall be signed by the Center Director and the physician or mental health professional and placed in the corpsmember's personnel record.

(c) The Center Director shall prohibit the presence of mace and hand guns on center except in the case of deputized security officers, who may carry guns as permitted by local statute. Rifles may be securely stored on center for use in supervised recreation activities such as rod and gun clubs.

(d) The Center Director shall have authority to determine what visitors may come onto the center and under what conditions.

§ 97a.118 Job corps forms and documents.

(a) Job Corps shall require deliverers of Job Corps services to complete and distribute only those forms found in the Job Corps Forms Preparation Handbook.

(b) The Center Director shall see that an up-to-date library of all documents and other materials relevant to the center's operation is maintained at the center. It is suggested that the library include copies of the statutes and regulations cited in this Part, Job Corps technical assistance materials, handbooks, guides, audio-visual aids and training kits. The Center Director shall also see that required forms and educational and vocational training supplies are available to staff and corpsmembers as needed. The Job Corps regional offices shall instruct Center Directors and other interested parties about how to purchase such materials.

§ 97a.119 Property management and procurement.

(a) Center operators shall establish and maintain a system for protection, preservation, maintenance and disposition of Job Corps real and personal property so as to maximize its usefulness and minimize operating, repair and replacement costs.

(b) All center operators shall comply with requirements of the Property Handbook for MA Contractors. The operator may use its own property management standards and procedures, after prior approval of the national office, providing that the system complies with the requirements of the handbook. Those operators who use their own systems shall submit to the national office an annual inventory listing all nonexpendable property acquired in support of the center program for incorporation into the Manpower Administration's inventory system.

(c) When equipment purchased with Job Corps funds is involved, federally operated CCC's shall obtain prior national office approval before:

(1) Transferring such equipment from one center to another;

(2) Lending or transferring such equipment from a center to an agency program other than Job Corps; or

(3) Disposing of such equipment.

(d) The center shall maintain auditable records on all nonconsumable materials and equipment.

(e) Centers shall purchase all supplies and materials from government sources except when an excessive delay in receiving such supplies would occur, and when private purchase is more cost beneficial.

§ 97a.120 Imprest and petty cash funds.

Federally operated centers shall establish auditable imprest funds, and contract centers auditable petty cash funds for purposes such as:

(a) The corpsmember's initial allocation for living expenses;

(b) Payment of corpsmember fines and bail;

(c) Cashing corpsmember living allowance checks;

(d) Making partial payments of readjustment allowances to corpsmembers, pursuant to § 97a.83(j);

(e) Reimbursement to the Finance Center, in the event of overpayment to a corpsmember, pursuant to § 97a.83(c);

(f) Necessary transportation expenses;

(g) Emergency medical or dental attention; and

(h) Emergency purchases of clothing and shoes.

§ 97a.121 Contract center financial management and reporting.

(a) Each contract center shall complete and submit an Applied Cost Budget Report form to the regional and national offices within 30 days after the contract is signed, showing its planned monthly expenditures by line item for the first 12 months of the contract period. Thereafter, such a report shall be submitted by the end of the first month of any extension period for the next 12 months or to the end of the contract if this is less than a 12 month period. Applied Cost Budget Reports shall be revised quarterly as necessary to reflect changes in budget projections based on actual cost experience. These revised Budget Reports shall be submitted by the 14th day of the second month of the fiscal quarter. Quarterly budget revisions shall be submitted only if there has been a change from previously submitted budget projections.

(b) Each contract center shall submit monthly reports to the regional and national offices, by the 14th day of the following month. Such reports shall be the Center Financial Report, the Center Financial Status Report, the Center Financial Analysis Report, and the Center Financial Exceptions Report. Instructions for completion and distribution of these reports shall be found in the Job Corps Forms Preparation Handbook.

(c) Each center operator and each subcontractor shall maintain a financial management system which will provide accurate, current and complete disclosures of the financial results of Job Corps operations, and will provide sufficient data for effective evaluation of program activities. Fiscal accounts shall be maintained in a manner which permits any reports required by Job Corps to be prepared therefrom.

§ 97a.122 Federally operated CCC's financial management and reports.

(a) The national office shall write annually to each agency operating a CCC requesting the submission of a budget estimate for the coming fiscal year. This budget request shall include guidelines for budget preparation, based upon applicable program objectives, standards, policies, requirements, legal constraints, funding limitations, and factors which determine or affect program scope and size.

(b) Based upon the budget request, each agency shall prepare and submit to the national office by February 15 of each year a budget estimate which shall include:

(1) A completed Capital Outlay Budget Request form for each center operated by the agency. This request form shall be accompanied by a complete inventory of nonexpendable equipment on hand at each center;

(2) A completed Center Operations Budget form for each center, or an equivalent agency form;

(3) A summary budget estimate for all centers operated by the agency, listing total budget estimates for each center, such totals to include estimates for capital outlay, center operations, vocational skills training, union training contract costs, and reimbursements;

(4) A program direction funds estimate calculated at 8 percent of all other funds excluding amounts for union contracts; and

(5) Completed copies of the Object Classification form and the Detail of Permanent Positions form.

(c) The national office shall approve a firm program operating budget for each agency for the coming fiscal year, developed upon the basis of the agency's budget request and budget estimate.

(d) After national office approval of the operating budget, each agency shall submit the following reports:

(1) A monthly Report on Budget Execution for each appropriation including the current year's appropriation, expired appropriations, and lapses or "M" account appropriations. The Report on Budget Execution for the current year's appropriation shall be detailed, showing the status of amounts for center capital, center operations, and program direction.

(2) A quarterly Center Financial Report for each center, to be submitted quarterly through agency channels to the national office, and to arrive no later than the 14th day of the month following the end of each fiscal quarter;

(3) An annual fiscal report detailing for each center the total assessed value of existing facilities and equipment and the estimated value of facilities and equipment which have been approved for future purchase or construction. Such reports shall arrive at the national office no later than September 15; and

(4) An annual fiscal VST project expenditures report which shall include a center-by-center account of the total amount of VST funds spent and, of that amount, the total amount of VST funds spent on center capital improvements. This report shall arrive in the national office no later than August 15.

§ 97a.123 Audit.

(a) The Secretary of Labor, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Job Corps operators, deliverers, and their subcontractors which are pertinent to the Job Corps program for the purpose of making surveys, audits, examinations, excerpts, and transcripts.

(b) The Secretary shall be responsible for scheduling surveys, audits or examinations of Job Corps operators, deliverers, and their subcontractors.

(c) The Secretary shall, with reasonable frequency, survey, audit or examine, or arrange for the survey, audit, or examination of Job Corps operators, deliverers, or their subcontractors using Federal auditors or independent public accountants. Such surveys, audits or examinations shall normally be conducted annually but not less than once every 2 years. For purposes of these rules, the term "independent public accountant" shall mean:

(1) A person certified or licensed as a public accountant by a regulatory authority of a State; or

(2) A person deemed a qualified public accountant by regulations published by the Secretary for a person who practices in a State where there is no current licensing procedure for accountants.

(d) Surveys, audits and examinations done by the Secretary shall conform to the standards for audit of governmental organizations, programs, activities, and functions, issued by the Comptroller General of the United States, and to guides issued by the Secretary. Surveys, audits or examinations contracted by the Secretary shall determine, at a minimum:

(1) Whether financial operations are properly conducted;

(2) Whether the financial reports are fairly presented; and

(3) Whether the available information indicates that applicable laws, regulations, and administrative requirements have not been complied with.

§ 97a.124 General reporting requirements.

(a) Each center shall submit an accurate weekly corpsmember strength report (WCSR) by wire to the regional office and the national office to arrive no later than 11 a.m. each Thursday, covering the previous seven day period from midnight Wednesday to midnight Wednesday. A WCSR log shall be submitted monthly to the regional office. Instructions for completion and distribution of this report and the WCSR log from which it is prepared shall be found in the Job Corps Forms Preparation Handbook.

(b) Each Center Director shall compile and submit to the national health office pursuant to instructions to be found in the Job Corps Forms Preparation Handbook, reports outlining the center delivery of health services. These reports shall be submitted at the intervals specified and shall consist of:

(1) A Program Description—Narrative which describes the general operations of the medical, dental and mental health units;

(2) A Program Description—Time Distribution of Health Staff Activities, which lists all staff, contract or fee personnel employed by the center for provision of health services;

(3) A Utilization Summary, listing the number of medical, dental, and mental health services rendered to corpsmembers, organized by type of services; and

(4) A Quarterly Costs Incurred Report, describing all major categories of cost broken down by the function which incurred them.

(c) Each center, except as noted in § 97a.124(c) (3) and (4), shall simultaneously submit quarterly environmental health and safety inspection reports to the regional and national offices to be sent no later than 48 hours after the required inspection occurs. Such reports, instructions for completion of which shall be found in the Job Corps Forms Preparation Handbook, shall be the results of:

(1) An inspection of food service facilities, including food supplies, food protection, personnel, food equipment and utensils, sanitary facilities and controls, and other kitchen/cafeteria facilities;

(2) An inspection of lodging, educational, recreational, vocational, and other functional facilities, including structural matters, fire protection dormitories, lavatories, dispensary, infirmary, bedding, and recreational facilities;

(3) An inspection of water supply facilities, including water source, bacteriological examination, chlorination facility structure, coagulation and settling, filtration, physical tests, chemical tests, plumbing, storage, and the operation of treatment units. Such report shall not be required of centers which use municipal water systems; and

(4) An inspection of waste treatment facilities, including type of treatment used, and operation of treatment units. Such reports shall not be required of centers which use municipal waste disposal systems.

(d) Each center shall submit forms and comply with reporting requirements of the Property Handbook for MA Contractors as appropriate, except that federally operated CCC's may use their own reporting forms so long as these include the same information. Instructions for completion and distribution of such forms and reports shall be found in the property handbook.

(e) Each Contract Center Director shall submit a quarterly Center Operations Report to the regional office with an information copy to the national office to arrive no later than the 15th day of the month following the end of the quarter, pursuant to instructions in the Job Corps Forms Preparation Handbook.

(f) The Center Director shall establish and maintain an internal reporting system which shall see that the Corpsmember Profile Record is continuously updated by the educational and vocational training staffs, and by the P/PEP panels.

(g) Each regional office shall submit to the national office a semi-annual report as of December 31 and June 30, covering the status of vocational training programs at all contract centers in its jurisdiction. This report shall include a list of all vocational training offerings at each center with occupational code, the number of training slots in each, and additions or deletions of training programs at each center since the last submitted report.

(h) Each Federal agency which operates CCC's shall submit to the national and regional offices:

(1) An annual Status of Center Training Programs report as of December 31 to arrive at the national office by January 15. This report shall include a center-by-center inventory of vocational training offerings, total number of corpsmembers assigned to each, total number of corpsmembers each center believes it can effectively train in each, and the number of instructors for each, specifying whether these are subcontracted or nationally contracted union instructors, or employees of the center operator. Such report shall also include the number of corpsmembers assigned to occupational exploration or prevocational training programs. Instructions for the completion of this report shall be found in the Forms Preparation Handbook;

(2) A center-by-center Semi-Annual VST Accomplishment Report as of December 31 and June 30, to be received at the national office no later than February 15 and August 15, and to include the VST project title and number, the type of project, number of corpsmember months used, and the estimated appraised value of each completed project;

(3) A center-by-center annual facilities/site development plan to arrive no later than August 1 including diagrams as of June 30 showing the location of all facilities on each center, the utilization of the facilities, and the square footage

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by use of each building. This plan shall also include similar data on facilities authorized by the national office for future construction; and

(4) A quarterly Manning Table Report to be received by the 14th day of the month following the end of each quarter. This report shall be an inventory of authorized positions, and actual numbers of staff on board. Instructions for completing this report shall be found in the Job Corps Forms Preparation Handbook.

(i) When a corpsmember is on probation or parole, the Center Director shall notify the youth's court representative when the corpsmember arrives at the center, is transferred to another center, is AWOL, returns from AWOL status, and is terminated. The Center Director shall also inform the court representative in the event of the corpsmember's arrest, and of the disposition made subsequent to such arrest, and shall provide the court representative with a progress report on the corpsmember's progress each time one is requested.

(j) The Center Director shall immediately report any serious incident affecting corpsmembers or the center to the regional office with an information copy to the national office. Critical incidents shall include such events as natural disasters or other emergencies which may endanger continued operation of the center; critical medical situations (§ 97a.72); arrest or taking into custody of corpsmembers or staff, in the event the arrest of staff affects center operations or the corpsmembers; any civil disorder affecting the center, and any incident which may result in unusual public interest. The Center Director shall submit periodic status reports on each such incident until it is resolved.

(k) Each Center Director shall comply with reporting requirements concerning occupational illnesses and injuries established by the regulations under the Occupational Safety and Health Act (OSHA), 29 U.S.C. 651–78, at 29 CFR, Chapter XVII, Part 1960, Subpart B.

§ 97a.125 Review and Evaluation.

(a) Each center operator shall establish adequate program management for the purposes of continuous examination of the performance of its program. Such self-examination shall include performance in relation to the goals established pursuant to section 97a.23 of this Part, and to the statistical data about other centers, which the regional and national offices shall make available.

(b) The regional office shall do an onsite evaluation of each center at least once per fiscal year to see that the center's performance meets the provisions of its contract or interagency agreement and is not in violation of this Part. The regional office shall prepare a written report of its findings and recommendations for corrective action and submit a copy to the Center Director. A copy of each such report shall be sent to the national office within 30 days after each evaluation.

(c) The national office shall conduct an operational review of each regional office at least once per fiscal year. Such reviews shall include at least evaluations of some centers, mutually agreed upon by the regional and national offices. Such center evaluations shall be for the purposes of determining the current operational status of these centers, the regional recruitment, support, placement and transportation functions related to the centers in the region, and for assessing the center management aspects of regional operations.

Signed at Washington, D.C. this 24th day of October 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-29186 Filed 10-30-75;8:45 am]

federal register

FRIDAY, OCTOBER 31, 1975

PART III:

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DEPARTMENT OF LABOR

Labor-Management Services Administration Office of Employee Benefits Security

Employee Benefit Plans

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

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Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[TD 7386]

PART 54—PENSION EXCISE TAXES

Definition of Fiduciary

PREAMBLE

On August 8, 1975, notice was published in the FEDERAL REGISTER (40 FR 33560) that the Internal Revenue Service had under consideration a proposal to adopt a regulation, 26 CFR 54.4975–9, designed to clarify the definition of the term "fiduciary" as set forth in section 4975(e)(3) of the Internal Revenue Code of 1954. Notice was also published on August 8, 1975, in the FEDERAL REGISTER (40 FR 33561) that the Department of Labor had under consideration a proposal to adopt a similar regulation, 29 CFR 2510.3–21, designed to clarify the definition of the term "fiduciary" set forth in section 3(21)(A) of the Employee Retirement Income Security Act of 1974 (the Act).

All interested persons were invited to submit written data, views and arguments with respect to the proposed regulations. In addition, pursuant to a notice published in the FEDERAL REGISTER on August 8, 1975 (40 FR 33563), a public hearing was held on August 26, 1975, with regard to the proposed regulation, the regulation proposed by the Department of Labor, and proposed exemptions from the prohibited transaction provisions of section 406 of the Act and section 4975 of the Code respecting certain classes of transactions involving employee benefit plans and certain broker-dealers, reporting dealers and banks (40 FR 33564). After consideration of all written data, views and arguments received and the testimony given at the public hearing, the proposed regulation, as amended, is adopted in the form set forth below.

Section 4975(e)(3) provides, as here relevant, that a person is a fiduciary with respect to an employee benefit plan to the extent (i) he exercises any discretionary authority or discretionary control respecting management of such plan or exercises any authority or control respecting management or disposition of its assets, (ii) he renders investment advice for a fee or other compensation, direct or indirect, with respect to any moneys or other property of such plan, or has any authority or responsibility to do so, or (iii) he has discretionary authority or discretionary responsibility in the administration of such plan.

The regulation adopted herein is designed to clarify the applicability of the definition of the term "fiduciary" set forth in section 4975(e)(3) to persons who render investment advice to employee benefit plans and to persons who execute securities transactions on behalf of plans.

Paragraphs (a) and (b) of the regulation are reserved.

Paragraph (c) of the regulation provides, generally, that a person will be deemed to be a fiduciary with respect to a plan by reason of rendering investment advice to such plan only when such person provides advice to the plan concerning investments in securities and other property under circumstances where such person has discretionary authority or control with respect to the investment of plan assets or where such person on a regular basis provides advice designed to meet the particular investment needs of the plan and, pursuant to an agreement, arrangement or understanding between such person and the plan or a fiduciary with respect to the plan, it is expected that such advice will serve as one of the primary bases for the investment of plan assets.

In response to several written comments, paragraph (c)(1) has been modified to make it clear that for a person to be a fiduciary under paragraph (c)(1)(ii)(B), any such agreement, arrangement, or understanding to provide such advice must be mutually agreed upon, arranged, or understood by the person providing such advice and the plan or the fiduciary.

It was also noted in the letters of comment that advice on the availability of securities or other property or of purchasers or sellers of securities or other property is often merely an integral part of the execution of transactions rather than the provision of investment advice. Accordingly, paragraph (c)(1) of the regulation has been modified to remove this type of information from the definition of the term "investment advice."

Paragraph (c) further provides that a person who is a fiduciary with respect to a plan by reason of rendering investment advice to such plan shall be deemed to be a fiduciary with respect to only those assets of the plan for which such person, directly or indirectly, renders investment advice or has any authority or responsibility to do so. Thus, a person who renders investment advice with respect to only a specified portion of the assets of a plan shall not be deemed to be a fiduciary with respect to the investment, disposition or management of any other assets of the plan.

However, even though a person may be a fiduciary with respect to only a specified portion of plan assets, under the regulation such person will still be a disqualified person (as defined in section 4975(e)(2)) with respect to all of the assets of the plan and will continue to be subject to the provisions of section 405(a) of the Act relating to cofiduciary liability for fiduciary breaches by other fiduciaries with respect to any of the assets of the plan.

A question was raised in the letters of comment regarding what constitutes a fee or other compensation, direct or indirect, for the rendering of investment advice to a plan within the meaning of section 4975(e)(3)(B). Although this matter is still under consideration by the Department of Labor and the Internal Revenue Service, as a general guideline until a more definitive statement is issued, a fee or other compensation, direct or indirect, for the rendering of investment advice to a plan by a fiduciary, within the meaning of section 4975(e)(3)(B), should be deemed to include all fees or other compensation incident to the transaction in which the investment advice to the plan has been rendered or will be rendered. This may include, for example, brokerage commissions, mutual fund sales commissions, and insurance sales commissions.

Paragraph (d) of the regulation sets forth guidelines under which a broker-dealer, reporting dealer or bank may execute transactions in securities on behalf of employee benefit plans without becoming a fiduciary with respect to such plans. These guidelines provide limitations on the discretionary authorty that may be accorded to such a broker-dealer, reporting dealer or bank in the execution of securities transactions if such a person is not to be deemed a fiduciary under section 4975(e)(3).

In this regard, pursuant to suggestions in several letters of comment, specific limitations and conditions have been added relating to the purchase and sale by plans of securities issued by investment companies registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1, et seq.) since the price at which such securities are purchased and sold is subject to restrictions imposed under the rules and regulations of that Act.

Questions were also raised in the letters of comment as to when a broker-dealer, reporting dealer, or bank ceases to be a fiduciary, if he has become a fiduciary solely by reason of the exercise of discretionary authority or control in the execution of a securities transaction for a plan under circumstances which do not conform to the guidelines set forth in paragraph (d)(1). It is the view of the Internal Revenue Service that such a broker-dealer, reporting dealer, or bank continues to be a fiduciary with respect to a plan until such transaction, or related series of transactions, is completed. For guidance regarding when a securities transaction may be deemed to be completed, reference should be made to Rule 15c1–1 under the Securities Exchange Act of 1934 (17 CFR 240.15c1–1).

Several letters of comment also noted that it is a common practice in the execution of securities transactions for plan fiduciaries who are investment managers with respect to plan assets not to disclose to broker-dealers, reporting dealers or banks that a particular transaction is being performed by them on behalf of an employee benefit plan. In this regard, as a general matter, a person is not a fiduciary with respect to a plan if he does not know, and has no reason to know, that he is acting with respect to a plan. It should be noted, however, that a plan fiduciary may not delegate such discretionary authority to a broker-dealer in the execution of a securities transaction as to make such broker-dealer a fiduciary with respect to the plan within the meaning of section 4975(e)(3) and paragraph (d) of this regulation without disclosing to such broker-dealer that it will be acting as a fiduciary with respect to the plan in such transaction.

Under paragraph (d)(2), even if a broker-dealer, reporting dealer or bank becomes a fiduciary with respect to a plan by reason of the exercise of discretion in the execution of securities transactions on behalf of such plan under circumstances not meeting the guidelines of paragraph (d)(1) of the proposed regulation, such broker-dealer, reporting dealer or bank will be deemed to be a fiduciary with respect to only those assets of the plan with respect to which the broker-dealer, reporting dealer or bank, directly or indirectly, has executed, or has agreed to execute, transactions in securities.

As stated in the notice of August 8, 1975, questions have been raised as to whether broker-dealers who merely clear securities transactions involving plan assets when such transactions are initiated by other broker-dealers are disqualified persons with respect to the plan. Such clearing broker-dealers are not disqualified persons with respect to plans solely by reason of providing such services, if such transactions are initiated by another broker-dealer unrelated to the clearing broker-dealer.

Paragraph (e) defines the terms "affiliate" and "control" for purposes of the regulation.

In addition to the changes noted above which have been made in the regulation as adopted pursuant to suggestions made in the written comment letters, other minor changes intended to clarify the provisions of the regulation have also been made.

AMENDMENTS TO THE REGULATIONS

In view of the foregoing, and after consideration of all such relevant material as was presented by interested persons regarding the proposed rules, the amendments so proposed are adopted subject to the changes set forth below:

Section 54.4975–9 is added to read as follows:

§ 54.4975–9 Definition of "Fiduciary".

(a) [Reserved]

(b) [Reserved]

(c) *Investment advice.* (1) A person shall be deemed to be rendering "investment advice" to an employee benefit plan, within the meaning of section 4975(e)(3)(B) and this paragraph, only if:

(i) Such person renders advice to the plan as to the value of securities or other property, or makes recommendations as to the advisability of investing in, purchasing, or selling securities or other property; and

(ii) Such person either directly or indirectly (e.g., through or together with any affiliate)—

(A) Has discretionary authority or control, whether or not pursuant to agreement, arrangement or understanding, with respect to purchasing or selling securities or other property for the plan; or

(B) Renders any advice described in paragraph (c)(1)(i) of this section on a regular basis to the plan pursuant to a mutual agreement, arrangement or understanding, written or otherwise, between such person and the plan or a fiduciary with respect to the plan, that such services will serve as a primary basis for investment decisions with respect to plan assets, and that such person will render individualized investment advice to the plan based on the particular needs of the plan regarding such matters as, among other things, investment policies or strategy, overall portfolio composition, or diversification of plan investments.

(2) A person who is a fiduciary with respect to a plan by reason of rendering investment advice (as defined in paragraph (c)(1) of this section) for a fee or other compensation, direct or indirect, with respect to any moneys or other property of such plan, or having any authority or responsibility to do so, shall not be deemed to be a fiduciary regarding any assets of the plan with respect to which such person does not have any discretionary authority, discretionary control or discretionary responsibility, does not exercise any authority or control, does not render investment advice (as defined in paragraph (c)(1) of this section) for a fee or other compensation, and does not have any authority or responsibility to render such investment advice, provided that nothing in this paragraph shall be deemed to:

(i) Exempt such person from the provisions of section 405(a) of the Employee Retirement Income Security Act of 1974 concerning liability for fiduciary breaches by other fiduciaries with respect to any assets of the plan; or

(ii) Exclude such person from the definition of the term "disqualified person" (as set forth in section 4975(e)(2)) with respect to any assets of the plan.

(d) *Execution of securities transactions.* (1) A person who is a broker or dealer registered under the Securities Exchange Act of 1934, a reporting dealer who makes primary markets in securities of the United States Government or of an agency of the United States Government and reports daily to the Federal Reserve Bank of New York its positions with respect to such securities and borrowings thereon, or a bank supervised by the United States or a State, shall not be deemed to be a fiduciary, within the meaning of section 4975(e)(3), with respect to an employee benefit plan solely because such person executes transactions for the purchase or sale of securities on behalf of such plan in the ordinary course of its business as a broker, dealer, or bank, pursuant to instructions of a fiduciary with respect to such plan, if:

(i) Neither the fiduciary nor any affiliate of such fiduciary is such broker, dealer, or bank; and

(ii) The instructions specify (A) the security to be purchased or sold, (B) a price range within which such security is to be purchased or sold, or, if such security is issued by an open-end investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1, et seq.), a price which is determined in accordance with Rule 22c–1 under the Investment Company Act of 1940 (17 CFR 270.22c–1), (C) a time span during which such security may be purchased or sold (not to exceed five business days), and (D) the minimum or maximum quantity of such security which may be purchased or sold within such price range, or, in the case of a security issued by an open-end investment company registered under the Investment Company Act of 1940, the minimum or maximum quantity of such security which may be purchased or sold, or the value of such security in dollar amount which may be purchased or sold, at the price referred to in paragraph (d)(1)(ii)(B) of this section.

(2) A person who is a broker-dealer, reporting dealer, or bank which is a fiduciary with respects to an employee benefit plan solely by reason of the possession or exercise of discretionary authority or discretionary control in the management of the plan or the management or disposition of plan assets in connection with the execution of a transaction or transactions for the purchase or sale of securities on behalf of such plan which fails to comply with the provisions of paragraph (d)(1) of this section, shall not be deemed to be a fiduciary regarding any assets of the plan with respect to which such broker-dealer, reporting dealer or bank does not have any discretionary authority, discretionary control or discretionary responsibility, does not exercise any authority or control, does not render investment advice (as defined in paragraph (c)(1) of this section) for a fee or other compensation, and does not have any authority or responsibility to render such investment advice, provided that nothing in this paragraph shall be deemed to:

(i) Exempt such broker-dealer, reporting dealer, or bank from the provisions of section 405(a) of the Employee Retirement Income Security Act of 1974 concerning liability for fiduciary breaches by other fiduciaries with respect to any assets of the plan; or

(ii) Exclude such broker-dealer, reporting dealer, or bank from the definition of the term "disqualified person" (as set forth in section 4975(e)(2)) with respect to any assets of the plan.

(e) *Affiliate and control.* (1) For purposes of paragraphs (c) and (d) of this section, an "affiliate" of a person shall include:

(i) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such person;

(ii) Any officer, director, partner, employee or relative (as defined in section 4975(e)(6)) of such person; and

(iii) Any corporation or partnership of which such person is an officer, director or partner.

(2) For purposes of this paragraph, the term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

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(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: October 24, 1975.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.75-29232 Filed 10-28-75;8:45 am]

Title 29—Labor

CHAPTER XXV—OFFICE OF EMPLOYEE BENEFITS SECURITY

PART 2510—DEFINITIONS OF TERMS USED IN SUBCHAPTERS C, D, E, F, AND G OF THIS CHAPTER

Definition of the Term "Fiduciary"

On August 8, 1975, notice was published in the FEDERAL REGISTER (40 FR 33561) that the Department of Labor (the Department) had under consideration a proposal to adopt a regulation, 29 CFR 2510.3-21, designed to clarify the definition of the term "fiduciary" as set forth in section 3(21)(A) of the Employee Retirement Income Security Act of 1974 (the Act). Notice was also published on August 8, 1975 in the FEDERAL REGISTER (40 FR 33560) that the Internal Revenue Service (the Service) had under consideration a proposal to adopt a similar regulation, 26 CFR 54.4975-9, designed to clarify the definition of the term "fiduciary" set forth in section 4975(e)(3) of the Internal Revenue Code of 1954 (the Code).

All interested persons were invited to submit written data, views and arguments with respect to the proposed regulations. In addition, pursuant to a notice published in the FEDERAL REGISTER on August 8, 1975 (40 FR 33563), a public hearing was held on August 26, 1975 with regard to the proposed regulation, the regulation proposed by the Service, and proposed exemptions from the prohibited transaction provisions of section 406 of the Act and section 4975 of the Code respecting certain classes of transactions involving employee benefit plans and certain broker-dealers, reporting dealers and banks (40 FR 33564). The Department has considered all of the written data, views and arguments received and the testimony given at the public hearing, and has determined to adopt the proposed regulation, as modified, in the form set forth below.

Section 3(21)(A) of the Act provides, as here relevant, that a person is a fiduciary with respect to an employee benefit plan to the extent (i) he exercises any discretionary authority or discretionary control respecting management of such plan or exercises any authority or control respecting management or disposition of its assets, (ii) he renders investment advice for a fee or other compensation, direct or indirect, with respect to any moneys or other property of such plan, or has any authority or responsibility to do so, or (iii) he has discretionary authority or discretionary responsibility in the administration of such plan.

The regulation adopted herein is designed to clarify the applicability of the definition of the term "fiduciary" set forth in section 3(21)(A) to persons who render investment advice to employee benefit plans and to persons who execute securities transactions on behalf of plans.

Paragraphs (a) and (b) of the regulation are reserved.

Paragraph (c) of the regulation provides, generally, that a person will be deemed to be a fiduciary with respect to a plan by reason of rendering investment advice to such plan only when such person provides advice to the plan concerning investments in securities and other property under circumstances where such person has discretionary authority or control with respect to the investment of plan assets or where such person on a regular basis provides advice designed to meet the particular investment needs of the plan and, pursuant to an agreement, arrangement or understanding between such person and the plan or a fiduciary with respect to the plan, it is expected that such advice will serve as one of the primary bases for the investment of plan assets. In response to several written comments, paragraph (c)(1) has been modified to make it clear that for a person to be a fiduciary under paragraph (c)(1)(ii)(B), any such agreement, arrangement, or understanding to provide such advice must be mutually agreed upon, arranged or understood by the person providing such advice and the plan or the fiduciary.

It was also noted in the letters of comment that advice on the availability of securities or other property or of purchasers or sellers of securities or other property is often merely an integral part of the execution of transactions rather than the provision of investment advice. Accordingly, paragraph (c)(1) of the regulation has been modified to remove this type of information from the definition of the term "investment advice."

Paragraph (c) further provides that a person who is a fiduciary with respect to a plan by reason of rendering investment advice to such plan shall be deemed to be a fiduciary with respect to only those assets of the plan for which such person, directly or indirectly, renders investment advice or has any authority or responsibility to do so. Thus, a person who renders investment advice with respect to only a specified portion of the assets of a plan shall not be deemed to be a fiduciary with respect to the investment, disposition or management of any other assets of the plan.

However, even though a person may be a fiduciary with respect to only a specified portion of plan assets, under the regulation such person will still be a party in interest (as defined in section 3(14)(B) of the Act) with respect to all of the assets of the plan and will continue to be subject to the provisions of section 405(a) of the Act relating to cofiduciary liability for fiduciary breaches by other fiduciaries with respect to any of the assets of the plan.

A question was raised in the letters of comment regarding what constitutes a fee or other compensation, direct or indirect, for the rendering of investment advice to a plan within the meaning of section 3(21)(A)(ii) of the Act. Although this matter is still under consideration by the Department and the Service, as a general guideline until a more definitive statement is issued, a fee or other compensation, direct or indirect, for the rendering of investment advice to a plan by a fiduciary, within the meaning of section 3(21)(A)(ii) of the Act, should be deemed to include all fees or other compensation incident to the transaction in which the investment advice to the plan has been rendered or will be rendered. This may include, for example, brokerage commissions, mutual fund sales commissions, and insurance sales commissions.

Paragraph (d) of the regulation sets forth guidelines under which a broker-dealer, reporting dealer or bank may execute transactions in securities on behalf of employee benefit plans without becoming a fiduciary with respect to such plans. These guidelines provide limitations on the discretionary authority that may be accorded to such a broker-dealer, reporting dealer or bank in the execution of securities transactions if such a person is not to be deemed a fiduciary under section 3(21)(A) of the Act.

In this regard, pursuant to suggestions in several letters of comment, specific limitations and conditions have been added relating to the purchase and sale by plans of securities issued by investment companies registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1, et seq.) since the price at which such securities are purchased and sold is subject to restrictions imposed under the rules and regulations of that Act.

Questions were also raised in the letters of comment as to when a broker-dealer, reporting dealer, or bank ceases to be a fiduciary, if he has become a fiduciary solely by reason of the exercise of discretionary authority or control in the execution of a securities transaction for a plan under circumstances which do not conform to the guidelines set forth in paragraph (d)(1). It is the view of the Department that such a broker-dealer, reporting dealer, or bank continues to be a fiduciary with respect to a plan until such transaction, or related series of transactions, is completed. For guidance regarding when a securities transaction may be deemed to be completed, reference should be made to Rule 15c1-1 under the Securities Exchange Act of 1934 (17 CFR 240.15c1-1).

Several letters of comment also noted that it is a common practice in the execution of securities transactions for plan fiduciaries who are investment managers with respect to plan assets not to disclose to broker-dealers, reporting dealers or banks that a particular transaction is being performed by them on behalf of an employee benefit plan. In this regard, it is the view of the Department

that, as a general matter, a person is not a fiduciary with respect to a plan if he does not know, and has no reason to know, that he is acting with respect to a plan. It should be noted, however, that a plan fiduciary may not delegate such discretionary authority to a broker-dealer in the execution of a securities transaction as to make such broker-dealer a fiduciary with respect to the plan within the meaning of section 3(21)(A) of the Act and paragraph (d) of this regulation without disclosing to such broker-dealer that it will be acting as a fiduciary with respect to the plan in such transaction.

Under paragraph (d)(2), even if a broker-dealer, reporting dealer or bank becomes a fiduciary with respect to a plan by reason of the exercise of discretion in the execution of securities transactions on behalf of such plan under circumstances not meeting the guidelines of paragraph (d)(1) of the proposed regulation, such broker-dealer, reporting dealer or bank will be deemed to be a fiduciary with respect to only those assets of the plan with respect to which the broker-dealer, reporting dealer or bank, directly or indirectly, has executed, or has agreed to execute, transactions in securities.

As stated in the notice of August 8, 1975, questions have been raised as to whether broker-dealers who merely clear securities transactions involving plan assets when such transactions are initiated by other broker-dealers are parties in interest with respect to the plan. It is the view of the Department that such clearing broker-dealers are not parties in interest with respect to plans solely by reason of providing such services, if such transactions are initiated by another broker-dealer unrelated to the clearing broker-dealer.

Paragraph (e) defines the terms "affiliate" and "control" for purposes of the regulation.

In addition to the changes noted above which have been made in the regulation as adopted pursuant to suggestions made in the written comment letters, other minor changes intended to clarify the provisions of the regulation have also been made based on the comments which were received and the testimony given at the hearing.

Accordingly, Part 2510 of Chapter XXV of Title 29 of the Code of Federal Regulations is amended by adding a new § 2510.3-21 to read as follows:

Sec. 505, Pub. L. 93-406, 88 Stat. 894 (29 U.S.C. 1135).

§ 2510.3-21 Definition of "Fiduciary."

(a) [Reserved]

(b) [Reserved]

(c) *Investment Advice.* (1) A person shall be deemed to be rendering "investment advice" to an employee benefit plan, within the meaning of section 3(21)(A)(ii) of the Employee Retirement Income Security Act of 1974 (the Act) and this paragraph, only if:

(i) Such person renders advice to the plan as to the value of securities or other property, or makes recommendation as to the advisability of investing in, purchasing, or selling securities or other property; and

(ii) Such person either directly or indirectly (e.g., through or together with any affiliate)—

(A) Has discretionary authority or control, whether or not pursuant to agreement, arrangement or understanding, with respect to purchasing or selling securities or other property for the plan; or

(B) Renders any advice described in paragraph (c)(1)(i) of this section on a regular basis to the plan pursuant to a mutual agreement, arrangement or understanding, written or otherwise, between such person and the plan or a fiduciary with respect to the plan, that such services will serve as a primary basis for investment decisions with respect to plan assets, and that such person will render individualized investment advice to the plan based on the particular needs of the plan regarding such matters as, among other things, investment policies or strategy, overall portfolio composition, or diversification of plan investments.

(2) A person who is a fiduciary with respect to a plan by reason of rendering investment advice (as defined in paragraph (c)(1) of this section) for a fee or other compensation, direct or indirect, with respect to any moneys or other property of such plan, or having any authority or responsibility to do so, shall not be deemed to be a fiduciary regarding any assets of the plan with respect to which such person does not have any discretionary authority, discretionary control or discretionary responsibility, does not exercise any authority or control, does not render investment advice (as defined in paragraph (c)(1) of this section) for a fee or other compensation, and does not have any authority or responsibility to render such investment advice, provided that nothing in this paragraph shall be deemed to:

(i) Exempt such person from the provisions of section 405(a) of the Act concerning liability for fiduciary breaches by other fiduciaries with respect to any assets of the plan; or

(ii) Exclude such person from the definition of the term "party in interest" (as set forth in section 3(14)(B) of the Act) with respect to any assets of the plan.

(d) *Execution of securities transactions.* (1) A person who is a broker or dealer registered under the Securities Exchange Act of 1934, a reporting dealer who makes primary markets in securities of the United States Government or of an agency of the United States Government and reports daily to the Federal Reserve Bank of New York its positions with respect to such securities and borrowings thereon, or a bank supervised by the United States or a State, shall not be deemed to be a fiduciary, within the meaning of section 3(21)(A) of the Act, with respect to an employee benefit plan solely because such person executes transactions for the purchase or sale of securities on behalf of such plan in the ordinary course of its business as a broker, dealer, or bank, pursuant to instructions of a fiduciary with respect to such plan, if:

(i) Neither the fiduciary nor any affiliate of such fiduciary is such broker, dealer, or bank; and

(ii) The instructions specify (A) the security to be purchased or sold, (B) a price range within which such security is to be purchased or sold, or, if such security is issued by an open-end investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1, et seq.), a price which is determined in accordance with Rule 22c-1 under the Investment Company Act of 1940 (17 CFR 270.22c-1), (C) a time span during which such security may be purchased or sold (not to exceed five business days), and (D) the minimum or maximum quantity of such security which may be purchased or sold within such price range, or, in the case of a security issued by an open-end investment company registered under the Investment Company Act of 1940, the minimum or maximum quantity of such security which may be purchased or sold, or the value of such security in dollar amount which may be purchased or sold, at the price referred to in paragraph (d)(1)(ii)(B) of this section.

(2) A person who is a broker-dealer, reporting dealer, or bank which is a fiduciary with respect to an employee benefit plan solely by reason of the possession or exercise of discretionary authority or discretionary control in the management of the plan or the management or disposition of plan assets in connection with the execution of a transaction or transactions for the purchase or sale of securities on behalf of such plan which fails to comply with the provisions of paragraph (d)(1) of this section, shall not be deemed to be a fiduciary regarding any assets of the plan with respect to which such broker-dealer, reporting dealer or bank does not have any discretionary authority, discretionary control or discretionary responsibility, does not exercise any authority or control, does not render investment advice (as defined in paragraph (c)(1) of this section) for a fee or other compensation, and does not have any authority or responsibility to render such investment advice, provided that nothing in this paragraph shall be deemed to:

(i) Exempt such broker-dealer, reporting dealer, or bank from the provisions of section 405(a) of the Act concerning liability for fiduciary breaches by other other fiduciaries with respect to any assets of the plan; or

(ii) Exclude such broker-dealer, reporting dealer, or bank from the definition, of the term "party in interest" (as set forth in section 3(14)(B) of the Act) with respect to any assets of the plan.

(e) *Affiliate and control.* (1) For purposes of paragraphs (c) and (d) of this section, an "affiliate" of a person shall include:

(i) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such person;

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(ii) Any officer, director, partner, employee or relative (as defined is section 3(15) of the Act) of such person; and

(iii) Any corporation or partnership of which such person is an officer, director or partner.

(2) For purposes of this paragraph, the term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

Signed at Washington, D.C., this 24th day of October, 1975.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs.

[FR Doc.75-29231 Filed 10-28-75;8:45 am]

DEPARTMENT OF LABOR

Labor-Management Services Administration

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Prohibited Transaction Exemption 75-1]

EMPLOYEE BENEFIT PLANS

Exemptions From Prohibitions Respecting Certain Classes of Transactions Involving Employee Benefit Plans and Certain Broker-Dealers, Reporting Dealers and Banks

On August 8, 1975, notice was published in the FEDERAL REGISTER (40 FR 33564) that the Department of Labor (the Department) and the Internal Revenue Service (the Service) had under consideration a proposal to exempt certain classes of transactions involving employee benefit plans and certain broker-dealers, reporting dealers and banks from the restrictions of section 406 of the Employee Retirement Income Security Act of 1974 (the Act) and the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c)(1) of the Code, pursuant to section 408(a) of the Act and section 4975 (c)(2) of the Code. The exemptions were proposed in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-20 I.R.B. 14.

All interested persons were invited to submit written comments with respect to the proposed exemptions. In addition, pursuant to notice published in the FEDERAL REGISTER on August 8, 1975 (40 FR 33563), a public hearing was held on August 26, 1975 with regard to the proposed exemptions and with regard to proposed regulations (26 CFR 54.4975-9 and 29 CFR 2510.3-21) designed to clarify the applicability of the definition of the term "fiduciary" set forth in section 4975(e)(3) of the Code and section 3(21)(A) of the Act to persons who render investment advice to employee benefit plans and to persons who execute securities transactions on behalf of plans (40 FR 33560 and 33561).

The Department and the Service have considered all of the written comments received and the testimony given at the public hearing and have determined to grant the proposed exemptions, as modified, in the form set forth below. Further, by notices published in this issue of the FEDERAL REGISTER, the Department and the Service have also adopted the regulations referred to above clarifying the definition of the term "fiduciary." The exemptions granted herein are premised on the adoption of these regulations and should, therefore, be considered in conjunction therewith.

On February 4, 1975, notice was published in the FEDERAL REGISTER (40 FR 5201) of the granting of an interim exemption from the prohibited transaction provisions of section 406 of the Act and from the taxes imposed by section 4975 of the Code with respect to certain securities transactions between employee benefit plans and certain broker-dealers, reporting dealers and banks for the period from January 1, 1975, to April 30, 1975.

By notices published in the FEDERAL REGISTER on April 23, 1975 (40 FR 17861), June 9, 1975 (40 FR 24578), and September 23, 1975 (40 FR 43785), the interim exemption was extended until October 31, 1975.

As indicated in those notices, the interim exemption was granted in order (1) to prevent the harm to employee benefit plans and to the interests in plans of participants and beneficiaries which, in all likelihood, would have resulted from the immediate and full application of all of the prohibited transaction provisions set forth in Title I and Title II of the Act, and (2) to afford all interested persons an opportunity to submit proposals for permanent exemptions relating to transactions between plans and certain broker-dealers, reporting dealers and banks, and to provide an opportunity for the Department and the Service to consider such proposals. The granting of the interim exemption was based upon a record which includes written comments submitted in response to notices of the proposal of the granting of the interim exemption and of the extension of the interim exemption published in the FEDERAL REGISTER on January 13, 1975 (40 FR 2483 and 2455), and April 23, 1975 (40 FR 17861), respectively, and the testimony at a public hearing held on January 21, 1975.

Proposals for the granting of permanent exemptions from the prohibited transaction provisions of section 406 of the Act and from the taxes imposed by section 4975 of the Code were submitted by the Securities Industry Association and others and were made available for public inspection by the Service. Proposals for the adoption of regulations concerning the relationship of plans and broker-dealers, reporting dealers and banks were also submitted and made available for public inspection.

The written proposals which were submitted stated that the services provided by broker-dealers, reporting dealers and banks for which exemptions were requested have been of great benefit to plans and their participants and beneficiaries, and that it is in their best interests to have such services available in the future. The proposals represented that the exemptions and regulations suggested are in the interests of plans and their participants and beneficiaries with respect to the dealings of such plans with broker-dealers, reporting dealers and banks in the management of securities portfolios of plans.

Based upon these written submissions and upon the extensive regulation of the securities industry by the Securities and Exchange Commission, the national securities exchanges and other industry self-regulatory bodies, the Department and the Service proposed the granting of the class exemptions, which, as modified, are described below, for certain services furnished to employee benefit plans and for certain securities transactions engaged in by plans.

General Information. The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with subsection (a)(1)(B) of section 404 of the Act; nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) The exemptions granted herein are supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory and other exemptions and transitional rules. Furthermore, the fact that a transaction is the subject of an exemption is not dispositive of whether the transaction would have been a prohibited transaction in the absence of such exemption, or, though it would have been a prohibited transaction, is exempt by operation of a statutory exemption or a transitional rule.

(3) Each class exemption set forth herein is applicable to a particular transaction only if the transaction satisfies the conditions specified for the class in which it falls.

(4) Under the regulations adopted in conjunction with these exemptions relating to the definition of the term "fiduciary" (26 CFR 54.4975-9 (c) through (e) and 29 CFR 2510.3-21 (c) through (e)), a person who is a plan fiduciary is deemed to be a fiduciary only with respect to those plan assets with respect to which he exercises or has responsibility to exercise those functions which make him a fiduciary. Thus, a fiduciary will be treated as a party in interest or disqualified person other than a fiduciary (e.g., a person providing services to the plan) when he engages in a transaction with the plan which does not involve any plan assets with respect to which he is a fiduciary.

(5) For purposes of section 406 of the Act and section 4975(c)(1) of the Code, if a fiduciary with respect to one plan engages in a transaction with a second plan pursuant to an agreement, arrangement or understanding whereby it is expected that a fiduciary with respect to the second plan will engage in a similar transaction with the first plan, each transaction will be treated as an indirect transaction between the plan

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and the fiduciary with respect to such plan.

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code, and based upon the entire record, including not only the written comments submitted in response to the notice of August 8, 1975, the testimony at the public hearing held on August 26, 1975, and the proposals submitted for the granting of permanent exemptions, but also the written comments submitted in response to the notices of January 13, 1975, and April 23, 1975, relating to the interim exemption and the testimony at the public hearing held on January 21, 1975, the Department and the Service make the following findings and determinations:

(i) The class exemptions set forth herein are administratively feasible;

(ii) They are in the interests of plans and of their participants and beneficiaries; and

(iii) They are protective of the rights of participants and beneficiaries of plans.

I. *Agency transactions and services.* Section 414(c)(4) and section 2003(c)(2)(D) of the Act presently provide an exemption until June 30, 1977, from the prohibited transaction provisions of the Act and the Code, respectively, for the provision of services between a plan and a party in interest or disqualified person if such services are either provided under a binding contract in effect on July 1, 1974 (or pursuant to renewals of such contract), or if the party in interest or disqualified person ordinarily and customarily furnished such services on June 30, 1974, if such provision of services remains at least as favorable to the plan as an arm's-length transaction with an unrelated party would be and if the provision of services was not, at the time of such provision, a prohibited transaction within the meaning of section 503(b) of the Code or the corresponding provisions of prior law. In ERISA IB 75–1 and TIR–1329, issued on December 31, 1974, the Department and the Service indicated that the exemption provided by section 414(c)(4) and section 2003(c)(2)(D) of the Act applies to the execution of brokerage transactions on behalf of a plan if the conditions of those sections are met.

Based on the proposals which were submitted relating to this class exemption, the letters of comment, and the testimony given at the public hearings, the Department and the Service have made the following determinations. Broker-dealers regularly provide research, information and advice concerning securities and execute transactions for the purchase or sale of securities in the ordinary course of their business as broker-dealers and the provision of such services might constitute prohibited transactions. Although exemptions are provided in sections 414(c)(4) and 2003(c)(2)(D) of the Act, these exemptions terminate on June 30, 1977, and, moreover, are not available at the present time for persons who first provided such services after June 30, 1974. Therefore, the granting of exemptions is necessary with respect to such services to permit the unimpeded flow of information, research and brokerage services, either alone or in combination, to employee benefit plans.

Accordingly, the Department and the Service have granted the exemption set forth below to permit persons who are parties in interest or disqualified persons with respect to employee benefit plans to effect securities transactions on behalf of such plans, to perform certain functions incidental to effecting such transactions, and to provide certain limited advisory and research services to plans.

The exemption is of limited duration, however, when the person effecting such securities transactions on behalf of an employee benefit plan is a fiduciary with respect to such plan, as that term is defined in section 3(21)(A) of the Act and section 4975(e)(3) of the Code and in the regulations interpreting that term adopted in conjunction with the granting of these exemptions. Such transactions, when effected by a plan fiduciary, present opportunities for abuse in the management of plan assets. Moreover, section 11(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78k(a)), as amended by the Securities Acts Amendments of 1975 (Pub. L. 94–29, 88 Stat. 110), prohibits any member of a national securities exchange from effecting any transaction on such exchange for an account with respect to which it or an associated person thereof exercises investment discretion.

However, section 11(a) of that Act also provides an exception from the prohibition set forth therein until May 1, 1978, for members of a national securities exchange who were members on May 1, 1975. The Conference Report relating to the Securities Acts Amendments of 1975 (H.R. Rep. No. 94–229, 94th Cong. 1st Sess. (1975)) also indicates, at page 107, that it was the view of the conferees that the Department and the Service should grant an exemption from the prohibited transaction provisions of the Act and the Code to permit broker-dealers to continue to provide brokerage services to plans with respect to which they exercise investment discretion until May 1, 1978, in order to conform the pertinent provisions of the Act and the Code to section 11(a) of the Securities Exchange Act of 1934 and thereby permit broker-dealers to phase out in an orderly fashion the businesses of both serving as investment advisers to plans and providing brokerage services to such plans.

Therefore, with respect to a person who is a plan fiduciary, the exemption for effecting securities transactions on behalf of employee benefit plans, and for functions performed incidental to the effecting of such transactions, whether or not such transaction is effected on a national securities exchange, is available only if such person was ordinarily and customarily effecting securities transactions on May 1, 1975, and such exemption will terminate on May 1, 1978.

Regardless of whether the transaction is effected by a person who is a fiduciary, the availability of the exemption set forth below is also subject to the condition that the transaction be effected on behalf of the plan, or the advisory services be furnished to the plan, on terms at least as favorable to the plan as an arm's-length transaction with an unrelated party would be. In response to questions raised in the written comments, it is the view of the Department and the Service that this condition requires that the transaction be effected on behalf of the plan, or the advisory services be furnished to the plan, on terms at least as favorable to the plan as those which would have existed between the plan and such party in interest or disqualified person if they were not related.

Minor changes designed to clarify the exemption have been made in the provisions of the exemption in response to suggestions made in the letters of comment.

Exemption. Accordingly, the following exemption is granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75–26, 1975–20 I.R.B. 14:

The restrictions of section 406 of the Employee Retirement Income Security Act of 1974 (the Act) and the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c)(1) of the Code, shall not apply—

(a) Until May 1, 1978, to the effecting of any securities transaction on behalf of an employee benefit plan by a person who is a fiduciary with respect to the plan, acting in such transaction as agent for the plan, and to the performance by such person of clearance, settlement, or custodial functions incidental to effecting such transaction, if such person ordinarily and customarily effected such securities transactions and performed such functions on May 1, 1975;

(b) To the effecting of any securities transaction on behalf of an employee benefit plan by a person who is a party in interest or a disqualified person with respect to such plan (other than a person who is a fiduciary with respect to the plan), acting in such transaction as agent for the plan, and to the performance by such person of clearance, settlement, or custodial functions incidental to effecting such transaction; or

(c) To the furnishing to an employee benefit plan by a person who is a party in interest or disqualified person with respect to such plan of any advice, either directly or through publications or writings, as to the value of securities or other property, the advisability of investing in, purchasing, or selling securities or other property, or the availability of securities or other property or of purchasers or sellers of securities or other property, or of any analyses or reports concerning issuers, industries, securities or other property, economic factors or trends, portfolio strategy, or the performance of accounts, under circumstances which do not make such party in interest or disqualified person a fiduciary with respect

to such plan; Provided that, in each instance, such transactions are effected on behalf of the plan, or such advice, analyses or reports are furnished to the plan, on terms at least as favorable to the plan as an arm's-length transaction with an unrelated party would be and were not, at the time such transactions were effected or at the time such advice, analyses or reports were furnished, prohibited transactions within the meaning of section 503(b) of the Code. For purposes of this exemption, the term "person" shall include such person and any affiliates of such person, and the term "affiliate" shall be defined in the same manner as that term is defined in 29 CFR 2510.3–21(e) and 26 CFR 54.4975–9(e).

II. *Principal transactions.* The interim exemption in effect until November 1, 1975, for certain securities transactions provided an exemption from the prohibited transaction provisions for the purchase or sale of securities between a plan and a broker-dealer, reporting dealer or bank if certain conditions designed to safeguard the interests of plans and their participants and beneficiaries were met. As indicated in the notice of initial granting of the interim exemption (40 FR 5201, February 4, 1974), the record developed with respect to the granting of that exemption from the testimony received at the public hearing held on January 21, 1975, and from the written comments submitted in response to the notice of proposed granting of the interim exemption (40 FR 2455 and 2483, January 13, 1975), established that an exemption for such transactions is administratively feasible, in the interest of plans and of their participants and beneficiaries, and protective of the rights of plan participants and beneficiaries.

The Department and the Service have, therefore, granted an exemption for this class of principal transactions, modified to take into account the long-term nature of the exemption and the regulations under section 3(21)(A) of the Act and section 4975(e)(3) of the Code (relating to the definition of the term "fiduciary") adopted in conjunction with the exemptions set forth herein.

Modifications in the exemption for principal transactions as proposed on August 8, 1975 have been made in response to suggestions made in the written comments. In this regard, it has been urged that certain modifications be made to permit plans to purchase or sell securities issued by mutual funds from or to a broker-dealer who is a plan fiduciary under procedures which were in effect prior to the passage of the Act, which are protective of the rights and interests of plans and their participants and beneficiaries, and which are subject to regulation by the National Association of Securities Dealers, Inc., and the Securities and Exchange Commission. Paragraph (d) of the exemption has, therefore, been modified to provide an exception for the purchase or sale of mutual fund shares by plans from or to a plan fiduciary, provided that such fiduciary is not a principal underwriter for, or affiliated with, such mutual fund.

It was also asserted in the letters of comment that the records required by paragraph (e) of the exemption may be lost or destroyed during the six-year record maintenance period set forth in that paragraph, and that such loss or destruction under such circumstances should not result in loss of the exemption or in liability for plan fiduciaries if such loss or destruction occurred under circumstances beyond the control of such plan fiduciaries. In response to this comment, modifications have been made in paragraph (e) and in the comparable record-keeping provisions of the exemptions set forth below for underwriting and market-making transactions and extensions of credit.

In addition, other minor clarifying changes have been made in the exemption.

Exemption. Accordingly, the following exemption is granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75–26, 1975–20 I.R.B. 14:

The restrictions of section 406(a) of the Employee Retirement Income Security Act of 1974 (the Act) and the taxes imposed by section 4975 (a) and (b) of Internal Revenue Code of 1954 (the Code), by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to any purchase or sale of a security between an employee benefit plan and a broker-dealer registered under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), a reporting dealer who makes primary markets in securities of the United States Government or of any agency of the United States Government or of any agency of the United States Government ("Government securities") and reports daily to the Federal Reserve Bank of New York its positions with respect to Government securities and borrowings thereon, or a bank supervised by the United States or a State, if the following conditions are met:

(a) In the case of such broker-dealer, it customarily purchases and sells securities for its own account in the ordinary course of its business as a broker-dealer.

(b) In the case of such reporting dealer or bank, it customarily purchases and sells Government securities for its own account in the ordinary course of its business and such purchase or sale between the plan and such reporting dealer or bank is a purchase or sale of Government securities.

(c) Such transaction is at least as favorable to the plan as an arm's length transaction with an unrelated party would be, and it was not, at the time of such transaction, a prohibited transaction within the meaning of section 503(b) of the Code.

(d) Such broker-dealer, reporting dealer or bank is not a fiduciary with respect to the plan, and such broker-dealer, reporting dealer or bank is a party in interest or disqualified person with respect to the plan solely by reason of section 3(14)(B) of the Act or section 4975(e)(2)(B) of the Code or a relationship to a person described in such sections. For purposes of this paragraph, a broker-dealer, reporting dealer, or bank shall not be deemed to be a fiduciary with respect to a plan solely by reason of providing securities custodial services for a plan. Neither the restrictions of this paragraph nor (if the other conditions of this exemption are met) the restrictions of section 406(b) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1)(E) and (F) of the Code, shall apply to the purchase or sale by the plan of securities issued by an open-end investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.), provided that a fiduciary with respect to the plan is not a principal underwriter for, or affiliated with, such investment company within the meaning of sections 2(a)(29) and 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(29) and 80a–2(a)(3)).

(e) The plan maintains or causes to be maintained for a period of six years from the date of such transaction such records as are necessary to enable the persons described in paragraph (f) of this exemption to determine whether the conditions of this exemption have been met, except that—

(1) Such broker-dealer, reporting dealer, or bank shall not be subject to the civil penalty which may be assessed under section 502(1) of the Act, or to the taxes imposed by section 4975 (a) and (b) of the Code, if such records are not maintained, or are not available for examination as required by paragraph (f) below; and

(2) A prohibited transaction will not be deemed to have occurred if, due to circumstances beyond the control of the plan fiduciaries, such records are lost or destroyed prior to the end of such six-year period.

(f) Notwithstanding anything to the contrary in subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (e) are unconditionally available for examination during normal business hours by duly authorized employees of (1) the Department of Labor, (2) the Internal Revenue Service, (3) plan participants and beneficiaries, (4) any employer of plan participants and beneficiaries, and (5) any employee organization any of whose members are covered by such plan. For purposes of this exemption, the terms "broker-dealer," "reporting dealer" and "bank" shall include such persons and any affiliates thereof, and the term "affiliate" shall be defined in the same manner as that term is defined in 29 CFR 2510.3–21(e) and 26 CFR 54.4975–9(e).

III. *Underwritings.* Based on the proposals submitted relating to this class exemption, the letters of comment, and the testimony given at the public hearings, the Department and the Service have made the following determinations. It is often in the interests of plans to purchase underwritten securities in a public offering because, more often than

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not, the public offering price for such securities will be more favorable to the plan than the net cost to the plan of the same securities in the secondary market immediately following the initial public offering. However, when a fiduciary of a plan, as defined in section 3(21)(A) of the Act and section 4975(e)(3) of the Code and the regulations adopted thereunder in conjunction with these proposed exemptions, or an affiliate of such fiduciary, is a member of the underwriting or selling syndicate for the public offering of a security, the purchase of such security by the plan during the existence of the syndicate from such fiduciary, or from an affiliate of such fiduciary, would constitute a prohibited transaction under section 406 of the Act and section 4975(c)(1) of the Code. Further, since it is generally in the interests of the members of an underwriting syndicate that all shares being offered by the syndicate are sold, the purchase of any such shares by the plan when a fiduciary with respect to the plan, or an affiliate of such a fiduciary, is a member of the syndicate might also be a prohibited use of plan assets for the benefit of such fiduciary under section 406 of the Act and section 4975(c)(1) of the Code, even if the seller is not a fiduciary with respect to the plan, or an affiliate of such fiduciary. However, the purchase of securities during the existence of an underwriting or selling syndicate with respect to such securities, of which a fiduciary or an affiliate thereof is a member, from a person who is not such fiduciary or an affiliate thereof will not be deemed such a prohibited use where such fiduciary is not involved in any way in causing the plan to make the purchase, e.g., neither recommends the purchase to the plan nor participates in any other manner in the plans decision to make the purchase.

It should be noted, moreover, that under the regulations adopted in conjunction with these exemptions relating to the definition of the term "fiduciary", a person who is a plan fiduciary is deemed to be a fiduciary only with respect to those plan assets with respect to which he exercises or has responsibility to exercise those functions which make him a fiduciary.

Further, it should be noted that the purchase by a plan of securities during the existence of an underwriting syndicate of which a plan fiduciary, or an affiliate thereof, is a member, from a broker-dealer, reporting dealer or bank which is neither a plan fiduciary nor an affiliate of such a fiduciary, but which is a party in interest or disqualified person with respect to the plan would not subject such broker-dealer, reporting-dealer or bank to civil penalties under section 502(i) of the Act or excise tax under section 4975 (a) and (b) of the Code notwithstanding that the conditions of the class exemption for such underwriting transactions set forth below are not met. However, such broker-dealer, reporting dealer or bank would be liable for such penalties or taxes if the conditions of the class exemption for principal transactions previously set forth are not met.

Based on the testimony given at the hearing and the written comments which have been submitted, certain modifications have been made in the exemption as set forth below. Although many of these modifications are intended merely to clarify the provisions of the exemption, certain major revisions have also been made. In this regard, the exemption has been modified so that it is available only with respect to purchases of underwritten securities by a plan from persons other than fiduciaries (or any affiliate thereof). Further, the effective date of the condition limiting the availability of the exemption where the fiduciary is a manager of the underwriting or selling syndicate has been extended from January 1, 1977, to July 1, 1977.

In addition, the condition in the proposed exemption relating to the amount of gross commissions, spread or profit which may be received by the seller in such transactions has been removed in order to provide necessary and appropriate flexibility in this area. Further, the exemption has been modified to make it feasible for plans to purchase securities during unregistered secondary offerings of such securities when a fiduciary is a member of the offering syndicate. This modification has been made based on a determination that certain reporting requirements in the Securities Exchange Act of 1934 ensure that sufficient information regarding these issues is publicly available so that the interests of plans and their participants and beneficiaries in the purchase of such securities may be protected.

In addition, the requirement of the proposed exemption that the underwritten securities be purchased on the first day of the offering has been revised to take into account the possibility that such securities may be purchased in a secondary offering, and to permit the purchase of debt securities after the first day in those circumstances when interest rates for comparable debt securities have fallen below the interest rate set for the debt securities being purchased.

A revision has also been made in the requirement that the issuer of the securities be in existence for at least three years in order to permit plans to purchase underwritten securities of new issuers which are guaranteed by persons whose securities could have been purchased by the plan in an underwriting consistent with the conditions of this exemption.

Exemption. Accordingly, the following exemption is granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75–26, 1975–20 I.R.B. 14:

The restrictions of section 406 of the Employee Retirement Income Security Act of 1974 (the Act) and the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c)(1) of the Code, shall not apply to the purchase or other acquisition of any securities by an employee benefit plan during the existence of an underwriting or selling syndicate with respect to such securities, from any person other than a fiduciary with respect to the plan, when such a fiduciary is a member of such syndicate, provided that the following conditions are met:

(a) No fiduciary who is involved in any way in causing the plan to make the purchase is a manager of such underwriting or selling syndicate, except that this paragraph shall not apply until July 1, 1977. For purposes of this exemption, the term "manager" means any member of an underwriting or selling syndicate who, either alone or together with other members of the syndicate, is authorized to act on behalf of the members of the syndicate in connection with the sale and distribution of the securities being offered or who receives compensation from the members of the syndicate for its services as a manager of the syndicate.

(b) The securities to be purchased or otherwise acquired are—

(1) Part of an issue registered under the Securities Act of 1933 or, if exempt from such registration requirement, are (i) issued or guaranteed by the United States or by any person controlled or supervised by and acting as an instrumentality of the United States pursuant to authority granted by the Congress of the United States, (ii) issued by a bank, (iii) issued by a common or contract carrier, if such issuance is subject to the provisions of section 20a of the Interstate Commerce Act, as amended, (iv) exempt from such registration requirement pursuant to a Federal statute other than the Securities Act of 1933, or (v) are the subject of a distribution and are of a class which is required to be registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 781), and the issuer of which has been subject to the reporting requirements of section 13 of that Act (15 U.S.C. 78m) for a period of at least 90 days immediately preceding the sale of securities and has filed all reports required to be filed thereunder with the Securities and Exchange Commission during the preceding 12 months.

(2) Purchased at not more than the public offering price prior to the end of the first full business day after the final terms of the securities have been fixed and announced to the public, except that—

(i) If such securities are offered for subscription upon exercise of rights, they are purchased on or before the fourth day preceding the day on which the rights offering terminates; or

(ii) If such securities are debt securities, they may be purchased at a public offering price on a day subsequent to the end of such first full business day, provided that the interest rates on comparable debt securities offered to the public subsequent to such first full business day and prior to the purchase are less than the interest rate of the debt securities being purchased.

(3) Offered pursuant to an underwriting agreement under which the members of the syndicate are committed to purchase all of the securities being offered, except if—

(i) Such securities are purchased by others pursuant to a rights offering; or

(ii) Such securities are offered pursuant to an over-allotment option.

(c) The issuer of such securities has been in continuous operation for not less than three years, including the operations of any predecessors, unless—

(1) Such securities are non-convertible debt securities rated in one of the four highest rating categories by at least one nationally recognized statistical rating organization;

(2) Such securities are issued or fully guaranteed by a person described in paragraph (b)(1)(i) of this exemption; or

(3) Such securities are fully guaranteed by a person who has issued securities described in paragraph (b)(1)(ii), (iii), (iv) or (v) and this paragraph (c).

(d) The amount of such securities to be purchased or otherwise acquired by the plan does not exceed three percent of the total amount of such securities being offered.

(e) The consideration to be paid by the plan in purchasing or otherwise acquiring such securities does not exceed three percent of the fair market value of the total assets of the plan as of the last day of the most recent fiscal quarter of the plan prior to such transaction, provided that if such consideration exceeds $1 million, it does not exceed one percent of such fair market value of the total assets of the plan.

(f) The plan maintains or causes to be maintained for a period of six years from the date of such transaction such records as are necessary to enable the persons described in paragraph (g) of this exemption to determine whether the conditions of this exemption have been met, except that a prohibited transaction will not be deemed to have occurred if, due to circumstances beyond the control of the plan fiduciaries, such records are lost or destroyed prior to the end of such six-year period.

(g) Notwithstanding anything to the contrary in subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (f) are unconditionally available for examination during normal business hours by duly authorized employees of (1) the Department of Labor, (2) the Internal Revenue Service, (3) plan participants and beneficiaries, (4) any employer of plan participants and beneficiaries, and (5) any employee organization any of whose members are covered by such plan.

If such securities are purchased by the plan from a party in interest or disqualified person with respect to the plan, such party in interest or disqualified person shall not be subject to the civil penalty which may be assessed under section 502(i) of the Act, or to the taxes imposed by section 4975 (a) and (b) of the Code, if the conditions of this exemption are not met. However, if such securities are purchased from a party in interest or disqualified person with respect to the plan, the restrictions of section 406(a) of the Act shall apply to any fiduciary with respect to the plan and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall apply to such party in interest or disqualified person, unless the conditions for exemption of Part II of this notice (relating to certain principal transactions) are met.

For purposes of this exemption, the term "fiduciary" shall include such fiduciary and any affiliates of such fiduciary, and the term "affiliate" shall be defined in the same manner as that term is defined in 29 CFR 2510.3–21(e) and 26 CFR 54.4975–9(e).

IV. *Market-making.* Based on the proposals submitted relating to this class exemption, the letters of comment and the testimony given at the public hearings, the Department and the Service have made the following determinations. Certain firms which provide investment advice to plans either directly or through their affiliates regularly maintain markets in securities, and as a result of this market-making activity, these firms in some instances can provide plans with the best available purchase or sales price with respect to particular securities.

The purchase or sale of securities by a plan from or to a fiduciary with respect to such plan, or an affiliate of such fiduciary, would be a prohibited transaction under section 406 of the Act and section 4975(c)(1) of the Code. Generally, the purchase or sale by a plan of securities for which a plan fiduciary or affiliate of such fiduciary is a market-maker, from or to a broker-dealer, reporting dealer or bank which is unrelated to such fiduciary (and is not otherwise a party in interest or disqualified person) will not be deemed a prohibited transaction under section 406 of the Act and section 4975(c)(1) of the Code, unless such transaction was engaged in for the purpose of benefiting such fiduciary or an affiliate of such fiduciary.

It should also be noted that under the regulations adopted in conjunction herewith relating to the definition of the term "fiduciary", a person is a fiduciary only with respect to those plan assets with respect to which he exercises those functions which make him a fiduciary.

Certain revisions have been made in the exemption based on certain of the written comments which were submitted. The definition of the term "market-maker" has been revised so that it more closely conforms to the definition of that term set forth in section 3(a)(38) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(38)), as amended by the Securities Acts Amendments of 1975 (Pub. L. 94–29, 89 Stat. 103). In addition, the limitations on the size of plan holdings of securities referred to in the exemption have been modified so that they are based on the amount of assets under the management and control of the plan fiduciary who is a market-maker, rather than on the total assets of the plan, since such fiduciary may not be a fiduciary with respect to all of the assets of the plan. An exception from these limitations has also been provided for the purchase or sale of government securities.

The condition with regard to the number of market-makers other than plan fiduciaries with respect to the securities being purchased or sold by the plan has been revised in response to suggestions made in the letters of comment in order to require that there be only one other market-maker. This revision is based on a determination that many securities which might be appropriate for plans to purchase, and particularly debt securities, frequently have only two market-makers. Further, the exemption now provides that the plan can only purchase or sell such securities from or to a fiduciary who is a market-maker on terms more favorable to the plan than those which the fiduciary, acting in good faith, reasonably believes to be available from all other market-makers. Other modifications have also been made to clarify other provisions of the exemption in response to the written comments.

The Department and the Service note that certain broker-dealers who are fiduciaries with respect to plans may purchase securities from or sell securities to such plans as so-called "block positioners" with respect to such securities. Such transactions would constitute prohibited transactions under section 406 of the Act and section 4975(c)(1) of the Code. Although it has been suggested that an exemption be granted for such transactions, the Department and the Service lack sufficient supportive data on which to consider the proposal of such an exemption.

Exemption. Accordingly, the following exemption is granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75–26, 1975–20 I.R.B. 14:

The restrictions of section 406 of the Employee Retirement Income Security Act of 1974 (the Act) and the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c)(1) of the Code, shall not apply to any purchase or sale of any securities by an employee benefit plan from or to a market-maker with respect to such securities who is also a fiduciary with respect to such plan, provided that the following conditions are met:

(a) The issuer of such securities has been in continuous operation for not less than three years, including the operations of any predecessors, unless—

(1) Such securities are non-convertible debt securities rated in one of the four highest rating categories by at least one nationally recognized statistical rating organization;

(2) Such securities are issued or guaranteed by the United States or by any person controlled or supervised by and acting as an instrumentality of the

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United States pursuant to authority granted by the Congress of the United States, or

(3) Such securities are fully guaranteed by a person described in this paragraph (a).

(b) As a result of purchasing such securities—

(1) The fair market value of the aggregate amount of such securities owned, directly or indirectly, by the plan and with respect to which such fiduciary is a fiduciary, does not exceed three percent of the fair market value of the assets of the plan with respect to which such fiduciary is a fiduciary, as of the last day of the most recent fiscal quarter of the plan prior to such transaction, provided that if the fair market value of such securities exceeds $1 million, it does not exceed one percent of such fair market value of such assets of the plan, except that this paragraph shall not apply to securities described in paragraph (a)(2) of this exemption; and

(2) The fair market value of the aggregate amount of all securities for which such fiduciary is a market-maker, which are owned, directly or indirectly, by the plan and with respect to which such fiduciary is a fiduciary, does not exceed 10 percent of the fair market value of the assets of the plan with respect to which such fiduciary is a fiduciary, as of the last day of the most recent fiscal quarter of the plan prior to such transaction, except that this paragraph shall not apply to securities described in paragraph (a)(2) of this exemption.

(c) At least one person other than such fiduciary is a market-maker with respect to such securities.

(d) The transaction is executed at a net price to the plan for the number of shares or other units to be purchased or sold in the transaction which is more favorable to the plan than that which such fiduciary, acting in good faith, reasonably believes to be available at the time of such transaction from all other market-makers with respect to such securities.

(e) The plan maintains or causes to be maintained for a period of six years from the date of such transaction such records as are necessary to enable the persons described in paragraph (f) of this exemption to determine whether the conditions of this exemption have been met, except that a prohibited transaction will not be deemed to have occurred if, due to circumstances beyond the control of the plan fiduciaries, such records are lost or destroyed prior to the end of such six year period.

(f) Notwithstanding anything to the contrary in subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (e) are unconditionally available for examination during normal business hours by duly authorized employees of (1) the Department of Labor, (2) the Internal Revenue Service, (3) plan participants and beneficiaries, (4) any employer of plan participants and beneficiaries, and (5) any employee organization any of whose members are covered by such plan.

For purposes of this exemption—

(1) The term "market-maker" shall mean any specialist permitted to act as a dealer, and any dealer who, with respect to a security, holds himself out (by entering quotations in an interdealer communications system or otherwise) as being willing to buy and sell such security for his own account on a regular or continuous basis.

(2) The term "fiduciary" shall include such fiduciary and any affiliates of such fiduciary, and the term "affiliate" shall be defined in the same manner as that term is defined in 29 CFR 2510.3-21(e) and 26 CFR 54.4975-9(e).

V. *Extension of credit.* Based on the proposals submitted relating to this class exemption, the letters of comment, and the testimony given at the public hearings, the Department and the Service have made the following determinations. A normal part of the execution of securities transactions by broker-dealers on behalf of customers, including plans, is the extension of credit to customers so as to permit the settlement of transactions in the customary five-day settlement period. In addition, such extensions of credit are also customary in connection with certain kinds of securities transactions, such as short sales and the writing of option contracts.

Since such extensions of credit are normally made by broker-dealers in connection with the execution of transactions for customers, if the customer is a plan, the broker-dealer would be a party in interest or disqualified person with respect to the plan by reason of providing the service of executing a transaction for the plan. Section 406(a)(1)(B) of the Act and section 4975(c)(1)(B) of the Code prohibit extensions of credit between plans and parties in interest or disqualified persons.

However, the Department and the Service have determined to grant the exemption set forth below to permit extensions of credit by broker-dealers to plans under conditions designed to safeguard the interests of plans and their participants and beneficiaries.

Exemption. Accordingly, the following exemption is granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-20 I.R.B. 14:

The restrictions of section 406 of the Employee Retirement Income Security Act of 1974 (the Act) and the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c)(1) of the Code, shall not apply to any extension of credit to an employee benefit plan by a party in interest or a disqualified person with respect to the plan, provided that the following conditions are met:

(a) The party in interest or disqualified person—

(1) Is a broker or dealer registered under the Securities Exchange Act of 1934; and

(2) Is not a fiduciary with respect to any assets of such plan, unless no interest or other consideration is received by such fiduciary or any affiliate thereof in connection with such extension of credit.

(b) Such extension of credit—

(1) Is in connection with the purchase or sale of securities;

(2) Is lawful under the Securities Exchange Act of 1934 and any rules and regulations promulgated thereunder; and

(3) Is not a prohibited transaction within the meaning of section 503(b) of the Code.

(c) The plan maintains or causes to be maintained for a period of six years from the date of such transaction such records as are necessary to enable the persons described in paragraph (d) of this exemption to determine whether the conditions of this exemption have been met, except that—

(1) if such party in interest or disqualified person is not a fiduciary with respect to any assets of the plan, such party in interest or disqualified person shall not be subject to the civil penalty which may be assessed under section 502(i) of the Act, or to the taxes imposed by section 4975 (a) and (b) of the Code, if such records are not maintained, or are not available for examination as required by paragraph (d) below; and

(2) a prohibited transaction will not be deemed to have occurred if, due to circumstances beyond the control of the plan fiduciaries, such records are lost or destroyed prior to the end of such six-year period.

(d) Notwithstanding anything to the contrary in subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (c) are unconditionally available for examination during normal business hours by duly authorized employees of (1) the Department of Labor, (2) the Internal Revenue Service, (3) plan participants and beneficiaries, (4) any employer of plan participants and beneficiaries, and (5) any employee organization any of whose members are covered by such plan. For purposes of this exemption, the terms "party in interest" and "disqualified person" shall include such party in interest or disqualified person and any affiliates thereof, and the term "affiliate" shall be defined in the same manner as that term is defined in 29 CFR 2510.3-21(e) and 26 CFR 54.4975-9(e).

The effective date for exemptions I through V above is January 1, 1975.

Signed at Washington, D.C. this 24th day of October, 1975.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

[FR Doc.75-29230 Filed 10-28-75;8:45 am]

federal register

FRIDAY, OCTOBER 31, 1975

PART IV:

DEPARTMENT OF THE TREASURY

Office of the Secretary

PRIVACY ACT OF 1974

Proposed Systems of Records

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DEPARTMENT OF THE TREASURY

Office of the Secretary

PRIVACY ACT OF 1974

Notice of Proposed Systems of Records

Pursuant to the requirements of sections (e)(4) and (11), of the Privacy Act of 1974 (5 U.S.C. 552a, as added by Pub. L. 93–579, 88 Stat. 1896), the Department of the Treasury hereby gives notice of the maintenance of the following systems of records by the Department and of the additional routine uses to be published in Appendix AA for these and all other systems with respect to which notices have previously been published. The systems of records were in existence on September 27, 1975, and should have been published in the notice of proposed systems published by the Department of the Treasury in the FEDERAL REGISTER on August 26, 1975 or September 9, 1975 (40 FR 37640, 41956), but due to administrative oversight, technical, printing or computer error, were inadvertently omitted from such notices.

Such systems and routine uses will be part of the final Treasury Department Notice of Systems of Records when published in the FEDERAL REGISTER. Printing complications have delayed such publication, although the final version has been available for public inspection at the Federal Register since September 26, 1975.

All of the notices for the Department are followed by an Appendix AA which sets forth general routine uses applicable to all noticed systems of records and incorporated by reference into the notice of each particular system of records. The centralizing of these routine uses was occasioned by the desire to avoid unnecessary repetition which would hamper the public in its review and use of the proposed notice.

Accordingly, public comment on the following systems and routine uses is invited.

Any interested person may submit written data, views or arguments to the Privacy Act Working Group (Stop 223), Room 4418, United States Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, D.C. All comments received by November 30, 1975 will be considered and the final notice will be revised, as a result of such consideration, if indicated. The comments received also will be available for public inspection at the above address between the hours of 9 a.m. and 4 p.m. Monday through Friday (except holidays), as received and until 4 p.m. December 5, 1975.

This notice is effective October 31, 1975.
Signed this 29th day of October, 1975.

STEPHEN S. GARDNER,
Acting Secretary of the Treasury.

Treasury/OS 00.055

System name. EEO Counselor Complaint Files Treasury/OS.

System location. U.S. Treasury Department, Office of the Secretary, 1500 Pennsylvania Avenue, NW., Room 4313, 2438.

Categories of individuals covered by the system. Individuals alleging discrimination related to employment with the Office of the Secretary and who have been assigned to a counselor for informal counseling.

Category of records in the System: The files contain the names of the complaintants and information relative to their complaints. This may include: efforts made to settle the complaint; the settlement agreement; notification of extension of the counseling period: notification of final counseling session; and the counselor's report, if required.

Statutory authority. Treasury Personnel Manual Chapter 713.

Routine uses. Used by the counselors to maintain a record of cases and to prepare the counselor's report.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.

Storage. File cabinet.

Retrievability. Indexed by name.

Safeguards. Files are under supervision of each counselor and not released to unauthorized personnel.

Retention and disposal. Indefinite.

Systems manager. Equal Employment Opportunity Officer, Office of the Secretary, U.S. Treasury, Main Treasury, Room 4406, Washington, D.C. 20220.

Notification procedure. Same as above. Include name and approximate date of counseling.

Access. Same as above.

Contest. Same as above.

Record source category. Information is developed from counseling sessions with persons alleging discrimination.

Treasury/OS00.065

System name. Appointment at Above the Minimum Rate of the Grade Files—Treasury/OS.

Location. Room 2412, Main Treasury Building, Washington, D.C. 20220.

Category of individual. Persons proposed for employment by the Department of the Treasury at a salary rate above the minimum rate of the grade and for which approval is sought by Treasury from the U.S. Civil Service Commission.

Category of record. A collection of documents required for requesting approval by the U.S. Civil Service Commission of appointments at a salary rate above the minimum rate of the grade, including: Request for Approval of Non-Competitive Action (SF–59); Personal Qualifications Statement (SF–171); Position Description (OF–8); and in some instances, Request for Personnel Action (SF–52); Certification Form (SF–39); letters of justification; and general correspondence requesting approval of the action.

Authority. The authority which authorizes the solicitation of the information by the agency is Title 5 U.S. Code and the various rules and regulations of the U.S. Civil Service Commission pursuant thereto, as well as the implementing personnel policies derived therefrom by the Department of the Treasury.

Routine uses. The information is used to satisfy the minimum data requirements needed for consideration and approval of appointments at above the minimum rate of the grade by the U.S. Civil Service Commission. For additional routine uses see Treasury Appendix AA.

Record management policy and practice:

Storage. Records are maintained in typed or hand-written form.

Retrievability. System is indexed by name in a log and filed in chronological order as requests for approval are acted upon by the U.S. Civil Service Commission.

Safeguards. Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal. Records are retained for an indefinite period of time and are destroyed by standard destruction methods including burning of Personal Qualifications Statements and related confidential information.

System manager. Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification. Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual is required to provide his name and the Treasury organizational assignment, position title, grade/salary, and date of most recent appointment above the minimum rate of the grade requested by the Department of the Treasury.

Access. Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contest. See Access Above.

Sources. The documents which constitute this system, and which are listed under Category of Record, came from the individual applicant, his servicing personnel office, the U.S. Civil Service Commission, and other concerned management officials within the Department of the Treasury.

System name. Combined Applicant/Applicant Correspondence File—Treasury/OS.

Location. Room 2412, Main Treasury Building, Washington, D.C. 20220.

Category of individual. Persons who have sent applications, or have asked questions about employment in the Department of the Treasury, or whose applications or questions have been referred to the Department of the Treasury by others for reply.

Category of record. Standard Applications for Federal Employment (SF–171).

Resumes providing a reflection of such personal or job related experience as the writer elected to furnish.

Correspondence from applicants and responses thereto, ranging from general inquiries to specific complaints about alleged practices, treatment, or requirements.

Authority. Most material is not solicited though on occasion applications are sought for specific positions.

The material, generally, is related to Treasury's personnel operations carried out under various provisions of Title 5, U.S. Code.

Routine uses. Employment inquiries received from applicants are routed to specific bureau personnel offices (if requested) or to all bureau personnel offices (if not specified). Should bureaus have vacancies for which outside applications are being accepted, they will be included for referral. Applicants are advised that we have referred their applications. Occasionally, applications are solicited from the general public for hard-to-fill jobs. When solicited, applicants are advised to apply directly to the bureau having the vacancy if they desire consideration. For additional routine USPS see Treasury Appendix A.

Record management policy and practice:

Storage. Records are maintained in typed or hand-written form.

Retrievability. Records are maintained in a manual filing system, indexed alphabetically and retrievable by name of applicant. In addition, a written log is maintained on all applications circulated to bureau personnel offices. The log gives name of applicant, date received, and date circulated.

Safeguards. Physical security is provided by storage in file cabinets. Only authorized personnel officials have access to the files maintained in Room 2412. These files are not available to the general public or to persons outside the personnel office who have no "need to know."

Retention and disposal. Files are maintained for a period of two years at the end of which time they are burned.

System manager. Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification. Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. Since the system is filed alphabetically, only the applicant's name is required.

Access. Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contest. See *Access* above.

Sources. Applications (SF–171, resumes) from the general public, including correspondence initially addressed to the President, Congressmen, or Senators are transmitted to this office because they deal with Treasury matters, issues, or employment.

Treasury/OS 00.067

System name. Detailed Employee Files—Treasury/OS.

Location. Room 2412, Main Treasury Building, Washington, D.C. 20220.

Category of individual. Department of the Treasury employees whose detail to other organizations and/or positions requires approval at the Departmental level.

Category of record. Correspondence requesting approval of details and Request for Personnel Action (SF–52) which documents the detail and reflects approval of it. In some instances there may also be a Personal Qualifications Statement, (SF–171), and attachments, Position Description (OF–8), and Request for Approval of Non-Competitive Action (SF–59).

Authority. The authority which authorizes the solicitation of the information by the agency is Title 5 U.S. Code and the various rules and regulations of the U.S. Civil Service Commission pursuant thereto, as well as the implementing personnel policies derived therefrom by the Department of the Treasury.

Routine uses. The information is used to satisfy the minimum data requirements needed for consideration and approval of details of employees requiring approval at the Department level. For additional routine uses see Treasurer, Appendix AA.

Record management policy and practice:

Storage. Records are maintained in typed or hand-written form.

Retrievability. System is indexed by name in a log and filed in chronological order as details are approved.

Safeguards. Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal. Records are retained for an indefinite period of time and are destroyed by standard destruction methods including burning of Personal Qualifications Statements and related confidential information.

System manager. Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification. Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual is required to provide his name and the Treasury organizational assignment, position title, grade/salary, and date of most recent detail requiring approval at the Departmental level.

Access. Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contest. See *Access* above.

Sources. The documents which constitute this system, and which are listed under Category of Record, came from the employee's servicing personnel office, and other concerned management officials within the Department of the Treasury.

Treasury/OS 00.068

System name. Whitten Amendment Exception Files—Treasury/OS.

Location. Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individual. Persons employed by, or proposed for employment by, the Department of the Treasury and in whose behalf an exception to the Whitten Amendment is sought by Treasury.

Categories of record. A collection of documents required for requesting approval by the U.S. Civil Service Commission of exceptions to the Whitten Amendment, including: Request for Approval of Non-Competitive Action (SF–59); Personal Qualifications Statement (SF–171); Position Description (OF–8); and, in some instances, Request for Personnel Action (SF–52); letters of justification; and general correspondence requesting approval of the exception.

Authority. The authority which authorizes the solicitation of the information by the agency is Title 5 U.S. Code and the various rules and regulations of the U.S. Civil Service Commission pursuant thereto, as well as the implementing personnel policies derived therefrom by the Department of the Treasury.

Routine uses. The information is used to satisfy the minimum data requirements needed for consideration and approval of exceptions to the Whitten Amendment by the U.S. Civil Service Commission. For additional routine uses see Appendix 41A.

Record management policy and practice:

Storage. Records are maintained in typed or hand-written form.

Retrievability. System is indexed by name in a log and filed in chronological order as requests for exceptions are acted upon by the U.S. Civil Service Commission.

Safeguards. Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal. Records are retained for an indefinite period of time and are destroyed by standard destruction methods including burning of Personal Qualifications Statements and related confidential information.

System manager. Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification. Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual is required to provide his name and the Treasury organizational assignment, position title, grade/salary, and date of most recent Whitten Amendment exception requested by the Department of the Treasury.

Access. Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contest. See *Access* above.

Sources. The documents which constitute this system, and which are listed under Category of Record, came from the individual employee or applicant, his servicing personnel office, and other concerned management officials within the Department of the Treasury.

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Treasury/OS 00.157

System name. Employee Record Cards Treasury/OS.

System location. Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220.

Category of individual. Present and former employees of the Office of the General Counsel.

Category of record. The information in this system consists of dates of personnel actions, pay increases, promotions, reassignments, change of rolls, retirement, transfer and resignation.

Authority. Federal Personnel Manual, Chapter 295 (Standard Form 7–B).

Routine uses. Used by supervisory personnel in connection with promotions, wage increases, and for verification of employment. For additional Routine uses see Treasury Appendix AA.

Record management policy and practice:

Storage. File cabinets.

Retrievability. By name of individual.

(3) *Safeguards.* The files are kept in cabinets with a limited number of employees permitted access.

(4) *Retention and disposal.* The records are retained on all present and former employees of the Office of the General Counsel.

System manager. Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220.

Notification. Same as above.

Access. Same as above.

Contest. See *Access* above.

Record Sources. Standard Form 171 and Standard Form 50.

Treasury/OS 00.183

System name. Private Relief Tax Bill Files—Office of the Assistant Secretary for Tax Policy—Treasury/OS.

System location. Rooms 3064 and 4222 and 4028, Main Treasury Building, 15th Street and Pennsylvania Avenue, Washington, D.C. 20220.

Categories of individuals covered by the system. Individuals who have had private relief tax bills introduced in Congress on their behalf.

Categories of records in the system. Congressional Committee or OMB request for Treasury views on proposed legislation, plus comments on proposal from offices or bureaus of Treasury, plus the Internal Revenue Service data concerning the issues involved and that unit's recommendation, and the report of the Treasury on the Bill.

Authority for maintenance of the system. 5 U.S.C. 301. A function of the Office of the Assistant Secretary for Tax Policy and the Office of the Tax Legislative Counsel is to coordinate legislative work in the tax field that concerns Treasury and to advise the Secretary with respect thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses. System is used to furnish reports and testimony to Congress or OMB. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

System manager(s) and address. Tax Legislative Council, Room 3064, Main Treasury Building, 15th and Pennsylvania Avenue, Washington, D.C. 20220.

Notification. Contact the System Manager.

Record access procedures. Through the System Manager.

Contesting record procedures. Contact the System Manager.

Record source categories. Principally the Congress and the Internal Revenue Service.

Treasury/OS 00.198

System name. Daily Bindery Log, Reproduction Branch — Treasury/OS 00.198.

Location. Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Category of individual. All Reproduction Branch Employees.

Category of record. Name, date, and Machine No. Jacket and GPO number; prime and cut stock sizes; types work performed and clocktime with totals; hours and category of leave taken; employees and equipment production and time employment; materials used.

Authority. Title 5, United States Code, Chapters: 3, Sections 301 and 302; 29, Subchapter II, Section 2952 and 2953; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapters I, Section 5504, V Sections 5541 and/or 5548; 63 Subchapter I, Sections 6303, 6304 and/or 6311; Subchapter I.

Routine uses. It is used to enable accurate completion of Fiscal Year Annual and Planning and Estimation Reports; Employee and Machine evaluations. It is used by employees who have a need for the records as authorized. For additional routine uses See Appendix AA.

Record management policy and practice:

Storage. Printed form.

Retrievability. By day/month/year and employee name.

Safeguards. Office physically secure after normal duty hours.

Retention and disposal. Retained for a minimum of 4 yrs.—shredded.

System Manager. Chief, Reproduction Branch, Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Notification. See *System Manager* above.

Access. See *System Manager* above.

Content. See *System Manager* above.

Sources. Information supplied by Reproduction Branch Binderymen.

Treasury/OS 00.199

System name. Daily Work Log, Reproduction Branch—Treasury/OS 00.199

Location. Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020

Category of individual. All Reproduction Pressmen

Category of record. All specifications/determinations with regard to employee printing press production.

Authority. The authority to collect the information is derived from, and/or is to be utilized to enable compliance with, one or more of the following: Title 5, United States Code, Chapters: 3, Sections 301 and 302; 43, Sections 4302, 4303, and/or 4308; 45 Section 4506; 55, Subchapters I, Section V, Sections 5541, 5542, and/or 5548; 63 Subchapter I, Sections 6303, 6304 and/or 6311; 75, Subchapter I; Joint Committee on Printing, *Printing & Binding Regulations*, Title IV, Para. 47.

Routine uses. The information is collected for the purposes of enabling accurate accounting and/or record maintenance of: job/jacket number, type plates, impressions and units, time and hours to complete job, equipment downtime, leave time, name and date; employee/machine production and time employment; materials used. It is used to enable accurate completion of: information/paperwork necessary for Joint Committee on Printing Form No. 1, including TD Form 3223, Monthly Production Report; Fiscal Year Planning and Estimation Report; Employee and Machine Evaluation, and necessary administrative processes carried out in accordance with existing regulations and published notices of systems of records. It is used by employees who have a need for the records as authorized.

Record management policy and practice:

Storage. Printed form.

Retrievability. Press number/employee name.

Safeguards. Office physically secure after normal duty hours.

Retention and Disposal. Three years maximum—shredded.

System manager. Chief, Reproduction Branch, Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Notification. See *System Manager* above.

Access. See *System Manager* above.

Contest. See *System Manager* above.

Sources. Information supplied by Reproduction pressmen.

Treasury/OS 00.200

System name. Monthly Production Report, Reproduction Branch—Treasury/OS 00.200

Location. Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020

Category of individual. All Reproduction Pressmen

Category of record. Monthly summation by press number/employee name of jobs and units produced, and a daily synopsis of time schedule

Authority. The authority to collect the information is derived from, and/or is to be utilized to enable compliance with, one or more of the following: Title 5, United States Code, Chapters: 3, Sections 301 and 302; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapters I, Section, V, Sections 5541, 5542, and/or

5548; 63 Subchapter I, Sections 6303, 6304 and/or 6311; 75, Subchapter I; Joint Committee on Printing, *Printing & Binding Regulations*, Title IV, Para. 47.

Routine uses. Information/paperwork necessary for completion of Joint Committee on Printing Form No. 1; Fiscal Year Planning and Estimation Report, and Annual Report; Employee and Machine Evaluation. It is used by employees who have a need for the records as authorized.

For additional routine uses see Appendix AA.

Record management policy and practice:

Storage: Printed form

Retrievability: By day/month/year and employee name

Safeguards: Office physically secure after normal duty hours

Retention and Disposal: Retained for a minimum of 4 yrs.—shredded

System Manager: Chief, Reproduction Branch, Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Notification: See System Manager above

Access: See System Manager above.

Contest: See System Manager above.

Sources: Information supplied by Reproduction Pressmen.

Treasury/OS 00.201

System name: Overtime Records, Reproduction Branch—Treasury/OS 00.201

Location: Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020

Category of Individual: All employees working overtime for Reproduction Branch

Category of Record: On duty and departure times; job/jacket numbers; and total overtime hours worked.

Authority: The authority to collect the information is derived from, and/or is to be utilized to enable compliance with, one or more of the following: Title 5, United States Code, Chapters: 3, Sections 301 and 302; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapters I, Section 5504, V, Sections 5541, 5542, and/or 5548; 63, Subchapter I, Sections 6303, 6304, and/or 6311; 75, Subchapter I; Title 31, United States Code, Section 66a.

Routine Uses: The information is collected for the purposes of enabling accurate accounting and/or record maintenance of: TD Forms 2384, Time and Attendance Report, 3035, Report of Overtime Worked, and, 3036, Report of Overtime Worked Not Recorded on Form 2384—and related forms; job cost accounting for financial charges to customer Bureaus for services rendered during overtime hours; and employee and equipment evaluations; and necessary administrative processes and record maintenances carried out in accordance with existing regulations and published notices of systems of records. It is used by employees who have a need for the records as authorized. For addition routine use, see Appendix AA.

Record Management Policy and Practice:

Storage: Printed Form

Retrievability: By day/month/year and employee name

Safeguards: Office physically secure after normal duty hours

Retention and Disposal: Retained for a minimum of 4 yrs.—shredded

System Manager: Chief, Reproduction Branch, Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Notification: See System Manager above

Access: See System Manager above

Contest: See *System Manager* above.

Sources: Information supplied by Reproduction Branch employees

Treasury/OS 00.202

System Name: Printing Procurement Charge Ticket, Printing Procurement-Treasury/OS 00.202

Location: Department of the Treasury, 1325 G Street, Washington, D.C. 22020

Category of Individual: All Printing Procurement employees

Category of Record: Employee time allotment to Specialist or Technical Assistance and/or functions and steps performed as such/necessary procurement methods recommendation; expenses in conjunction with assistance rendered; initials and date; Treasury Bureau receiving assistance

Authority: The authority to collect the information is derived from, and/or is to be utilized to enable compliance with, one or more of the following; Title 5, United States Code, Chapters: 3, Sections 301 and 302; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapters I, Section 5504, V, Sections 5541, 5542, and/or 5548; 63, Subchapter I, Sections 6303, 6304, and/or 6311; 75, Subchapter I; Public Law 91–614.

Routine Uses: The information is collected for the purposes of enabling accurate accounting and/or record maintenance of: employee time allotment to Specialist or Technical Assistance and/or functions and steps performed as such/necessary procurement methods recommendation; expenses in conjunction with assistance rendered; initials and date; Treasury Bureau receiving assistance. It will be used to enable accurate completion of: Assistance charge and/or incidental expenses computation for Treasury customer Bureaus under provisions of Working Capital Fund; employee evaluation and necessary administrative processes carried out in accordance with existing regulations and published notices of systems and records. It is used by employees who have a need for the records as authorized.

For additional routine uses see Appendix AA.

Record Management Policy and Practice:

Storage: Printed form

Retrievability: By month/employee initials

Safeguards: Office secure after normal duty hours

Retention and Disposal: Retain for a minimum of four years then shredded

System Manager: Printing Procurement Chief, Department of the Treasury, 1325 G Street, Washington, D.C. 22020.

Notification: See System Manager above.

Access and Contest: See System Manager above.

Sources: Information supplied by Printing Procurement employees.

Treasury/OS 00.203

System Name: Sign-in Sheet, Reproduction Branch—Treasury/OS.

Location: Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Category of Individual: All Reproduction Branch Employees.

Category of Record: Arrival and Departure times, or total on-duty or off-duty times for each workday with leave category determination.

Authority: The authority to collect the information is derived from, and/or is to be utilized to enable compliance with, one or more of the following: Title 5, United States Code, Chapters: 3, Sections 301 and 302; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapters I, Section 5504, V, Sections 5541, 5542, and/or 5548; 63, Subchapter I, Sections 6303, 6304, and/or 6311; 75, Subchapter I; Title 31, United States Code, Section 66a; Budget and Procedures Act of 1950.

Routine Uses: It is used to enable accurate completion of TD Forms 2384, Time and Attendance Card—and related forms; employee and equipment evaluation. It is used by employees who have a need for the records as authorized. For additional routine uses see Appendix AA.

Record Management Policy and Practice:

Storage: Printed form.

Retrievability: By day/month/year and employee name and Social Security Number.

Safeguards: Office secure after normal duty hours.

Retention and Disposal: Retain maximum three years, then shredded.

System Manager: Reproduction Branch Chief.

Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Notification: See System Manager above.

Access: See System Manager above.

Contest: See System Manager above.

Sources: Information supplied by Reproduction Branch Employees.

Treasury/OS 00.204

System name: Weekly Activity Report, Printing Procurement Branch—Treasury/OS.

Location: Department of the Treasury, 1325 G Street, Washington, D.C. 22020.

Category of Individual: All employees of the Printing Procurement Branch.

Category of Record: Employee summation of weekly activities.

Authority: The authority to collect the information is derived from, and/or

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is to be utilized to enable compliance with, one or more of the following: Title 5, United States Code, Chapters: 3, Sections 301 and 302; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapter I, Section 5504, V, Sections 5541, 5542, and/or 5548; 63 Subchapter I, Sections 6303, 6304 and/or 6311; 75, Subchapter I.

Routine Uses: Information received serves as constitutive elements in Office or Branch Weekly Activity Report; employee evaluation; and Fiscal Year Annual, and, Planning and Estimation Reports; and necessary administrative processes carried out in accordance with notice authorizations, it is used by employees who have a need for the records as authorized. For additional Routine Uses see Appendix AA.

Record Management Policy and Practice:

Storage: Retained in forms submitted by employees.

Retrievability: By week and employee name.

Safeguards: Office physically secure after normal duty hours.

Retention and Disposal: Retained five years and shredded.

System Manager: Printing Procurement Branch Chief, Department of the Treasury, 1325 G Street, Washington, D.C. 22020.

Notification: See *System Manager* above.

Access: See *System Mandger* above.

Sources: Information supplied by Printing Procurement employees.

Treasury/OS 00.300

System name: Personnel files—Treasury/OS.

Location: Department of the Treasury, Office of the Secretary, Office of the Special Assistant to the Secretary for Public Affairs, Room 2324, Washington, D.C. 20220.

Category of individual: Employees in the Office of Public Affairs.

Category of record: SF 171s, notification of within grade raises; Personnel action information; Letters of appreciation.

Authority: 5 U.S.C. 301.

Routine Uses: Records used by timekeeper for leave purposes; by supervisor, when information is needed; by employee when requesting information from their files. For additional routine uses, see Treasury Appendix AA.

Record management policy and practices:

Storage: Copies of original documents in file folders in safe.

Retrievability: Filed alphabetically by employee's last name.

Safeguards: Only the two persons authorized to use the safe have access to personnel files; Deputy Special Assistant to the Secretary for Public Affairs and his secretary.

Retention and Disposal: Records are kept until employee is separated from office and files are then sent to St. Louis for storage.

Systems Manager: Deputy Special Assistant to the Secretary for Public Affairs, Office of the Secretary, Room 2324, Main Treasury Washington, D.C. 20220.

Notification: Inquiries should be addressed to the Deputy Special Assistant to the Secretary for Public Affairs: Department of the Treasury, Room 2324, Washington, D.C. 20220 or if he is not available, his secretary, same address. The individual must be inquiring about his own records and clearly identify himself, if not known to the persons named above.

Access: To obtain information on procedures for gaining access to and contesting records, mail the request to the Systems Manager.

Contest: See *Access* above.

Sources: Information for the personnel records are obtained from: 1. Office of the Secretary Personnel Division; 2. Information provided by employees themselves; and 3. Copies of letters from officials congratulating employees for special achievements.

Treasury/OS 00.400

System name: Merit System Complaints—Treasury/OS.

Location: Office of the Director, Office of Audit, Room 902, 1025 Vermont Ave. N.W., Washington, D.C. 20220.

Category of Individual: Employees who have a basis for believing that Civil Service personnel laws or rules are being violated, and the matter is not appropriate for the grievance or appeals procedure.

Category of record: Letters, personnel documents, memorandums, investigation reports, and extracts from investigation files.

Authority: Memorandum from the Secretary of the Treasury, dated November 21, 1974.

Routine Uses: To furnish direction and suggestions to Treasury Personnel Office for follow-up action.

Record Management Policy and Practice:

Storage: Locked combination safe.

Restrievability: By name.

Safeguards: Locked safe, access by Director of office only.

Retention and Disposal: One year after matter resolved, material is then shredded.

System Manager: Office of Audit, Director 902, 1025 Vermont Avenue N.W., Washington, D.C. 20220.

Notification: System proposed for exemption.

Access: System proposed for exemption.

Contest: System proposed for exemption.

Sources: Complainant, official personnel files, investigation files and grievance files.

Exemption: This system is proposed for exemption elsewhere in the FEDERAL REGISTER.

Treasury/OS 00.500

System Name: Affirmative Action Plan, Employment of Handicapped Individuals—Treasury/OS.

Location: Room 1325, Main Treasury Building, Office of the Secretary, Personnel Division, Department of the Treasury, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220.

Category of Individual: All government employees within the Office of the Secretary.

Category of Record: Computer printout alphabetically identifying Office of the Secretary employees with their respective bureau, birthdate, social security number, and their reported physical handicap code.

Authority: Pub. L. 93–112.

Routine uses: The information is used solely to compute the total number of handicap employees on the bureau rolls as of a specific date. The bulk statistics are then reported to the Civil Service Commission pursuant to its authority granted under the Rehabilitation Act of 1973 (Pub. L. 93–112) and guided by FPM Letter No. 306–5. For additional routine uses See Appendix AA.

Record Management Policy and Practice:

Storage: The information is kept in a file cabinet and is available to authorized personnel only. During non-working hours, both the cabinet and the office in which the file is located are locked.

Retrievability: Each individual is retrieved alphabetically.

Safeguards: As indicated above under *Storage*, during official business hours, the file is available to authorized *personnel* only, and at the close of business the office and the file cabinet in which the record is stored is locked.

Retention and Disposal: The record is maintained for one week in order to gather the statistics for the Handicapped Employees report intended for the Civil Service Commission. It is then placed in a "Classified Waste" bag to be burned.

System Manager: Chief, Special Programs Branch, Room 1325, Main Treasury Building, Department of the Treasury, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220.

Notification: Same as System Manager above.

Access: Same as System Manager above.

Contest: Same as System Manager above.

Sources: The record is supplied by the IRS Data Center in Detroit, Michigan.

Treasury/OS 00.501

System name: Disabled Veterans—Treasury/OS

Location: Room 1325, Main Treasury Building, Department of the Treasury, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220.

Category of Individual: All government employees within the Office of the Secretary claiming either a five or ten point veteran preference.

Category of Record: The record is a computer printout that categorizes all Office of the Secretary employees claiming a veteran preference by their veteran preference code number. Inside each numerical category, the employees are listed alphabetically along with their employing bureau, office, physical handicap code, pay plan, and social security number.

Authority: Pub. L. 93–508.

Routine Uses: The record is used solely to gather statistics on the total number of Office of the Secretary employees claiming either 10 point compensable, 10 point noncompensable, or 5 point veteran preference codes, in addition, to the number of them that have reportable handicaps. This data is then used to prepare the Treasury Department's report required by the Civil Service Commission pursuant to its authority under the Vietnam Era Veterans Readjustment Assistance Act of 1974 (Pub. L. 93–508) and in accordance with the guidelines contained in FPM Letter No. 306–8. For additional Routine uses see Treasury Appendix AA.

Record Management Policy and Practice:

Storage: The information is kept in a file cabinet and is available to *authorized* personnel only. During non-working hours, both the cabinet and the office in which the file is located are locked.

Retrievability: Each individual is retrieved by the veteran preference code number and then alphabetically within the code.

Safeguards: As indicated above under *Storage*, during official business hours the file is available to authorized personnel only, and at the close of business the office and the file cabinet in which the record is stored is locked.

Retention and Disposal: The record is maintained for one week in order to gather the statistics for the Disabled Veterans report and then it is placed in a "Classified Waste" bag to be burned.

System Manager: Chief, Special Programs Branch, Room 1325, Main Treasury Building, Department of the Treasury, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220.

Notification: Same as above.

Access: Same as above.

Contest: Same as above.

Sources: The record is supplied by the IRS Data Center in Detroit, Michigan.

Treasury/OS 00.502

System Name: Reference Letters—Special Assignments Branch, Office of the Secretary of the Treasury.

Location: Room 1312, Main Treasury Building, Personnel Division, Special Assignments Branch, Office of the Secretary, Department of the Treasury. Room 1330, Diebold File, after candidate is on board.

Category of Individual: Secretarial candidates applying for positions within the Office of the Secretary.

Category of Record: Evaluation for placement of applicants.

Authority: Federal Personnel Manual Chapter 335.

Routine Uses: Used in conjunction with other records to determine the relative qualifications of applicants for employment. For additional routine uses see Treasury Appendix AA.

Record Management Policy and Practice:

Storage: Completed letters are retained with SF–171 while an applicant.

Retrievability: After employment, letters are retrieved from SF–171 or OPF.

Safeguards: Letters are filed in an enveloped marked "Confidential" in OPF.

Retention and Disposal: Letters are retained in the OPF during tenure of employee and destroyed when incumbent terminates employment with the Department of the Treasury.

Systems Manager: Personnel Staffing Specialist, Personnel Division, Room 1312, Assistant Secretary of the Treasury (Administration), Office of the Secretary, Department of the Treasury, 15th & Pennsylvania Avenue, NW, Washington, D.C. 20220.

Notification: Same as above.

Access: Same as above.

Contest: Same as above.

Sources: The information reflected on the reference form was obtained from previous supervisor's and personal references candidate fills in on employment application forms.

Treasury/OS 00.5031

System Name: Roster of Office of the Secretary Employees—Treasury/OS.

Location: Room 1330, Main Treasury Building.

Category of Individual: All Office of the Secretary employees.

Category of Record: Position titles, grades and salary for Office of Secretary employees.

Authority: Assistant Secretary (Administration) request.

Routine uses: Position control, ceiling control and general information for a very limited number of high level officials. For additional routine uses see Treasury Appendix A.

Record Management Policy and Practice.

Storage: Locked file cabinet.

Retrievability: By name.

Safeguards: Strict control of distribution.

Retention and Disposal: Rosters are maintained for at least 3 years and after that time are destroyed.

System Manager: Personnel Officer.

Notification: Room 1330. Main Treasury Building. Employee must give his name and office.

Access: Personnel Officer.

Contest: Personnel Officer.

Sources.

Treasury/Customs 00.001

System name: Acceptable Level of Competence, Negative Determinations—Treasury/Customs.

Location: Personnel Management Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Category of Individual: Any employee of U.S. Customs Service Region I, who receives a negative determination regarding acceptable level of competence.

Category of Record: Employee's name, social security number, position description, grade, and correspondence containing specific reasons for negative determination.

Authority: Five U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine Uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses include general reference to the records by supervisors when considering appropriate actions to take with regard to the individuals; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Treasury/Customs 00.072

System Name: Customhouse Brokers Records (Headquarters)—Treasury/Customs.

Location: Entry and Licensing Branch, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, Room 2335, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Category of Individual: Citizens of the United States, 21 years of age or older, who have been granted individual customhouse brokers' licenses for specific U.S. Customs Districts and such individuals who have applied for an individual broker's license which have been denied for cause other than failure to pass the qualifying individual customhouse brokers' license examination.

Category of Record: The records systems contains executed individual customhouse brokers' license application forms, reports of investigation concerning individual broker applicants, transmittal letters, and general correspond-

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ence corroborative of information disclosed in an individual's license application or report of investigation as to the applicant's character and business integrity. The records system also contain information relating to actual or proposed disciplinary action against licensed customhouse brokers.

Authority: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 1641, 19 CFR Part III.

Routine uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such uses would include the processing of individual applications, verification and updaing of names, addresses, place of employment and other information in the records, review of records to assure compliance with regulatory requirements regarding duties and obligations of customhouse brokers, review of records to decide whether to approve the use of trade or fictitious brokers names, and review of files to determine that partnerships or corporations licensed as customhouse brokers have not less than two officers or members licensed as individual brokers; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation, or order issued pursuant thereto. Such uses would include referring records to the Federal Maritime Commission, the Civil Aeronautics Board, the office of an appropriate U.S. Attorney or other Federal agency.

For additional routine uses see Appendix AA.

Record management policy and practice:

Storage: Each file is kept in an alphabetical file folder in metal file cabinets.

Retrievability: Each file is indexed in a card file system by alphabetical name and Customs district where located. Records are retrieved alphabetically by reference to the card file index, or by license certificate number assigned to a broker upon the granting and issuing of a customhouse broker's license. Cancelled brokers' records are maintained in cancelled files arranged alphabetically.

Safeguards: Direct access to the files is generally limited to Customs employees assigned to processing and reviewing customhouse brokers' license applications. During non-working hours the offices are locked and the building is guarded by security police.

Retention and disposal: Cancelled customhouse brokers' records are retained in cancelled files and used for precedent purposes. The records are maintained indefinitely.

System manager: Chief, Entry and Licencing Branch, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, Room 2333, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Notification: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature. If an individual can provide not suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to $5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to $5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contest: See *Access* above.

Sources: Information in the record is obtained from the license applications of the individual customhouse brokers, references as to good character and integrity of the applicant, reports of investigations by Customs regarding applications for licenses and disciplinary action responses to posted notices of individual applicants applying for customhouse brokers' licenses, local credit reporting services, Customs audit reports and court records.

Exemption: The Commissioner of Customs pursuant to 5 U.S.C. 552a(k)(2) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the FEDERAL REGISTER.

Treasury/Customs 00.271

System Name: Cargo Security Record System—Treasury/Customs.

Location: District Director, 423 Canal Street, New Orleans, Louisiana 70113; District Director, P.O. Box 2743, Mobile, Alabama 36601.

Category of Individuals: Drivers of motor vehicles of licensed cartmen and lightermen; proprietors and operators of each class of Customs bonded warehouse and their employees.

Category of Records: Records on drivers of motor vehicles contain information relating to personal statistical data, physical characteristics, history of past employments, previous five years residences, alias (if any), citizenship, military records, criminal record other than traffic violations, use of narcotic drugs, and photograph. Name of operator of bonded warehouse and employees.

Authority: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine Uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties which include protection of the revenue of the United States and protection of merchandise in Customs custody; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current license, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

For additional routine uses see Appendix AA.

Record Management Policy and Practice:

Storage: File folder with Customs Form 3078, Customs Form 73, Photographs, and correspondence; For bonded warehouses, file folder contains Customs Form 3581 and names, addresses, and social security number of all employees; all stored in metal file cabinet. Alphabetical list of current I.D. cards issued on drivers retained in file folder and stored in desk drawer.

Retrievability: By individual name or corporate name.

Safeguards: Unlocked metal file cabinet and desk drawer of customs employee; building secured after hours.

Retention & Disposal: Information on drivers is retained in an active file until revoked or cancelled. After revocation or cancellation, the information folder is placed in an inactive file for a period of five years, after which time the records are disposed of in accordance with the General Services Administration Records Disposal Manual. Information on proprietor bonded warehouse operators and employees is retained on file until Customs bonded operations cease and are discontinued, then are maintained in an inactive file for a period of three years. Final disposition is in accordance with the GSA Records Disposal Manual.

System Manager: District Director, 423 Canal Street, New Orleans, Louisiana 70113; District Director, P.O. Box 2748, Mobile, Alabama 36601.

Notification: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Classification and Value Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW, Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to $5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to $5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Access: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Classification and Value Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to $5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to $5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contest: See *Access* above.

Sources: Information is obtained from applicant (individual or corporation) and from reports of investigation on drivers obtained from Regional Director, Investigations, U.S. Customs Service.

Exemption: The Commissioner of Customs pursuant to 5 U.S.C. 552a(k)(2) proposes to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the FEDERAL REGISTER.

Treasury/Customs 00.272

System Name: Currency Declaration File (IRS Form 4790)—Treasury/Customs.

Location: One or more offices of District Directors of Customs or suboffices under the District Director's jurisdiction (for addresses of District Directors, see Customs Appendix A).

Category of Individual: Individuals departing from or entering the country who filed IRS Form 4790.

Category of Record: Name, identifying number, birthdate, address, citizenship, Visa date and place, immigration alien number, kinds and amounts of monetary instruments, address in the United States or abroad, passport number and country, and arrival or departure information.

Authority: 31 U.S.C. 1101; 5 U.S.C. 301; Reorganiztion Plan No. 1 of 1950; Treasury Department Order No. 165, revised, as amended.

Routine Uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such duties include referencing and verifying currency declarations filed; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552);

For additional routine uses see Appendix AA.

Record Management Policy and Practice:

Storage: The Form 4790 is maintained in a file folder or binder in an open storage rack.

Retrievability: They are indexed and filed by name in the folder or binder.

Safeguards: The office and building are locked during nonworking hours.

Retention and Disposal: The records are retained from one to five years and then destroyed.

System Manager: District Directors of Customs.

Notification: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S.

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Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to $5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to $5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Access: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by fine up to $5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to $5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contest: See *Access* above.

Sources: The information on the IRS Form 4790 originates from the individual or customs agent reporting the bringing in or taking out of currency or monetary instruments exceeding $5,000.

Treasury/Customs 00.275

System name: Operator Identification File—Treasury/Customs.

Location: Honeywell Computer Center, 7900 Westpark Drive, McLean, Virginia.

Category of individual: Customs Service employees who are authorized to operate computer terminals under the AMPS/Entry Processing System.

Category of record: Terminal identification number, operator identification number, operator name, and transaction class code.

Authority: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties include collecting statistics for supervisors and management and ensuring that only authorized persons have access to information on transactions contained in the AMPS/Entry Processing System and that only authorized terminals are utilized on authorized transactions; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Record management policy and practice:

Storage: Magnetic disc.

Retrievability: By operator name or identification number.

Safeguards: The terminal is locked when not in use, the entrances to the building are locked, the building is patrolled by security guards, and access to the file is restricted to authorized persons.

Retention and Disposal: The file is retained indefinitely but is periodically updated to reflect changes in the employment or authorization of each operator.

System manager: Director, Duty Assessment Division, Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Notification: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature. If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false presenses is punishable by a fine up to $5,000. Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to $5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contest: See Access above.

Sources: Administratively created through internal Customs Service records.

Treasury/Customs 00.276

System name: Equal Opportunity Informal Discrimination Complaint Files—Treasury/Customs.

Location: Equal Opportunity Offices at Customs Headquarters and at each Customs Regional Headquarters and all EO Counselors at those locations (for addresses see Customs Appendix A) and Customs District offices.

Category of individual: Government and private industry employees, including present and former Customs Service employees and applicants for jobs, who have filed informal complaints alleging

discrimination on the part of the Customs Service or its officers or employees in violation of Equal Employment Opportunity Act of 1972.

Category of record: Names, addresses, employment, medical histories, reports of investigation, complaints filed, correspondence from members of Congress, attorneys representing the complainants, labor unions, hearing records and transcripts, Government documents regarding the administrative processing of complaints, and merit promotion information.

Authority: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Title 5, United States Code; Title 5, Code of Federal Regulations.

Routine Uses: The routine uses of the records contained in this system are as follows: a. Records in this system of records are disclosed to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include reviewing charges or procedures in complaints, making informal attempts to adjust complaints, preparing documents relating to proposed disposition of cases, preparing documents relating to final decisions in cases, and determining formal hearing status. b. Records in this system of records are also made available to Civil Service Commission Hearing Examiners and to the Civil Service Commission Appeals and Review Board for use in making decisions on administrative hearings held in connection with the complaints. Records are also provided to the Department of Justice in connection with civil court actions arising in respect of the complaints. c. Records in this system of records are, on occasion, disclosed in response to requests from members of Congress and are disclosed as required in the administration of the Freedom of Information Act (5 U.S.C. 552). d. Records in this system of records are disclosed to the complainants and to attorneys, labor unions or other parties representing the interests of the complainants. e. In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Record Management Policy and Practice:

Storage: The case files are inserted alphabetically in file drawers within locked metal or wooden containers.

Retrievability: Each case file is identified on each alphabetical file folder within the metal or wooden container by the complainant's name.

Safeguards: The metal or wooden containers in which the file folders are placed are locked during non-working hours, and the room in which the containers are located is locked during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted within the building.

Retention and Disposal: Informal case files are retained during the time period in which the cases remain open informally and thereafter, until there is no longer a specific need for them, or until they are forwarded to the Regional EO Officer or Director, Equal Opportunity Division, at which time they are periodically destroyed.

System Manager: Equal Opportunity Officers and EO Counselors at the above locations.

Notification: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the Region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to $5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to $5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Access and Contest: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the Region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rules, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to $5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to $5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Sources: The information in this system originates with an informal written or oral complaint to the appropriate equal opportunity counselor. Information in this system is obtained from the claimant through interviews during the informal complaint procedures and through other interviews during the informal complaint procedures. This system also contains information derived from a complaining Customs employee's official personnel file, from Evaluation and Promotion Board work papers relating to the complainant, and from inquiries into the complaints which include interviews of supervisors, interested third parties including non-Government persons, and former Customs Service employees. Information in this system is also derived from labor unions or attorneys representing the interests of the complainants and from documentary evidence.

Exemption: The Commissioner of Customs pursuant to 5 U.S.C. 552a(K)(2) proposes to exempt this system or records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the FEDERAL REGISTER.

Treasury/Mint 00.017

System name: Equal Employment Opportunity (EEO) Complaint Counseling Records—Treasury/Mint.

System location: Washington, D.C., Bureau of the Mint, Warner Building, 501—13th Street, NW.; Philadelphia, Pennsylvania, United States Mint, Independence Mall; Denver, Colorado, United States Mint, 320 West Colfax Avenue; San Francisco, California, United States Assay Office, 155 Hermann

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Street; New York, New York, United States Assay Office, 32 Old Slip Street; San Francisco, California, United States Old Mint, 88 Fifth Street; and Fort Knox, Kentucky, United States Bullion Depository.

Categories of individuals covered by the system: Employees and applicants for employment of the Bureau of the Mint.

Categories of records in the system: Allegations of Discrimination and all evidence collected during the counseling process.

Authority for maintenance of the system: Pub. L. 92–261; Executive Order 11478; 5 CFR Part 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Use—Informal processing of employee complaints of discrimination. Categories of users—Agency officials who have a need for the records in the performance of their duties. Purpose of use—Informal resolution of complaints of discrimination.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage: Folders of paper documents.

Retrievability: By name.

Safeguards: Stored in file cabinets and desks of Counselors and EEO Officer.

Retention and Disposal: Indefinite.

System manager(s) and address: EEO Officer, Bureau of the Mint, Warner Building, 501–13th Street, NW., Washington, D.C. 20220; EEO Officer, United States Mint, Independence Mall, Philadelphia, Pennsylvania 19106; EEO Officer, United States Mint, 320 West Colfax Avenue, Denver, Colorado 80204; EEO Officer, United States Assay Office, 32 Old Slip Street, New York, New York 10005; EEO Officer, United States Assay Office, 155 Hermann Street, San Francisco, California 94102; EEO Officer, United States Old Mint, 88 Fifth Street, San Francisco, California 94103; EEO Officer, United States Bullion Depository, Fort Knox, Kentucky 40121.

Notification procedure: See System Manager for address to which inquiries may be addressed. The individual must supply name.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the Systems Manager.

Contesting record procedures: See access above.

Record source categories: Information is voluntarily obtained from employee(s), management, applicant's and pertinent documents.

DEPARTMENT OF THE TREASURY

APPENDIX AA

A record maintained by this agency to carry out its functions may be disclosed to foreign governments in accordance with formal or informal international agreements.

A record maintained by this agency to carry out its functions may be disclosed to unions recognized under E.O. 11491 when required or relevant to union's duties as exclusive representative under E.O. 11491.

A record maintained by this agency to carry out its functions may be disclosed to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

A record maintained by this agency to carry out its functions may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual to whom the record pertains.

[FR Doc.75–29443 Filed 10–30–75;8:45 am]

federal register

FRIDAY, OCTOBER 31, 1975

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

PART V:

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Pre-determination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arizona:	
AZ75–5076	July 3, 1975.
California:	
CA75–5085; CA75–5086	July 25, 1975.
Connecticut:	
CT75–3108	Oct. 24, 1975.
Delaware:	
CT75–3108	Do.
Illinois:	
IL75–5079	July 11, 1975.
Indiana:	
IL7505079; IN75–2093	Do.
Maine:	
CT75–3108	Oct. 24, 1975.
Maryland:	
CT75–3108	Do.
Massachusetts:	
CT75–3108	Do.
Michigan:	
IL75–5079	July 11, 1975.
Minnesota:	
IL75–5079	Do.
New Hampshire:	
CT75–3108	Oct. 24, 1975.
New Jersey:	
CT75–3108	Do.
NJ75–3050	July 11, 1975.
New York:	
CT75–3108	Oct. 24, 1975.
IL75–5079	July 11, 1975.
Ohio:	
AR–3036	Aug. 23, 1974.
IL75–5079	July 11, 1975.
Pennsylvania:	
CT75–3108	Oct. 24, 1975.
IL75–5079	July 11, 1975.
PA75–3055	June 27, 1975.
PA75–3084	Aug. 22, 1975.
Rhode Island:	
CT75–3108	Oct. 22, 1975.
Texas:	
TX75–4159	Oct. 17, 1975.
Wisconsin:	
IL75–5079	July 11, 1975.

SUPERSEDED DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Iowa:		
IA75–4120(IA75–4170); 75–4121(IA75–4171); 75–4122(IA75–4173); 75–4124(IA75–4174).	IA IA IA IA	Aug. 1, 1975.
IA75–4128(IA75–4178); 75–4130(IA75–4179); 75–4131(IA75–4180); 75–4132(IA75–4181).	IA IA IA IA	Aug. 8, 1975.
IA75–4129(IA75–4178); 75–4152(IA75–4175); 75–4153(IA75–4177).	IA IA	Aug. 22, 1975.
Maryland:		
AR–2085(MD75–3109)		Nov. 29, 1974.
Massachusetts:		
MA75–2002(MA75–2117); MA75–2076(MA75–2127).		May 9, 1975.
Mississippi:		
AR–4030(MS75–1106)		Sept. 6, 1974.
MS75–1099(MS75–1107)		Sept. 20, 1975.
Texas:		
TX75–4114(TX75–4182)		June 20, 1975.
Washington:		
WA75–5124(WA75–5132)		Oct. 10, 1975.

Signed at Washington, D.C., this 24th day of October 1975.

WARREN D. LANDIS,
Acting Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apr. Tr.
DECISION NO. CA75–5085 – Mod. #3 (40 FR 31457 – July 25, 1975) Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California					
Change:					
Electricians:					
Contra Costa County:					
Electricians	$ 11.45	.70	1% + .50		
Cable Splicers	12.70	.70	1% + .50		
Fresno, Kings, Madera and Tulare Counties:					
Electricians	10.51	.60	1% + .95		.05
Cable Splicers	10.91	.60	1% + .95		.05
Calaveras and San Joaquin Counties:					
Electricians, Technicians	11.00	.78	1% + .89		1%
Cable Splicers	12.38	.78	1% + .89		1%
Lathers:					
Mariposa, Merced, Stanislaus and Tuolumne Counties	9.75				.01
Amador, El Dorado, Sacramento and Yolo Counties	8.40	.40	.95	1.00	
Line Construction:					
Contra Costa County					
Groundmen	8.59	.70	1% + .50		
Line Equipment Operators	10.305	.70	1% + .50		
Linemen	11.45	.70	1% + .50		
Cable Splicers	12.70	.70	1% + .50		
Plasterers:					
Del Norte, Humboldt, Lassen (North Western half of County), Marin, Modoc, Napa, Shasta, Siskiyou, Solano, Sonoma, Tehama and Trinity Counties	8.65	.63	.50	1.00	.01

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apr. Tr.
DECISION NO. AZ75–5076 – Mod. #3 (40 FR 28313 July 3, 1975) Statewide, Arizona					
Change:					
Line Construction:					
Zone I (Phoenix and Tucson 30 mile radius from center of town):					
Groundmen	$ 8.62	8%	8%		1/2%
Equipment Operators; Powdermen; Mechanics; Technicians; Crane Operators; Linemen Welder	9.95	8%	8%		1/2%
Cable Splicers	11.23	8%	8%		1/2%
Zone I–A (Douglas, Flagstaff, Globe, Kingman, Prescott and Yuma 10 miles radius from center of town):	11.59	8%	8%		1/2%
Groundmen	9.36	8%	8%		1/2%
Equipment Operators; Powdermen; Mechanics	10.64	8%	8%		1/2%
Linemen; Technicians; Crane Operators; Linemen Welder	11.96	8%	8%		1/2%
Cable Splicers	12.39	8%	8%		1/2%
Zone II (Other Areas):					
Groundmen	10.06	8%	8%		1/2%
Equipment Operators; Powdermen; Mechanics	11.34	8%	8%		1/2%
Linemen; Technicians; Crane Operators; Linemen Welder	12.68	8%	8%		1/2%
Cable Splicers	13.06	8%	8%		1/2%

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DECISION NO. CA75-5085 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Plumbers:					
Contra Costa County	$ 12.72	.90	$ 1.72		.20
Roofers:					
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties	10.14	.95	.40		
Sprinkler Fitters:					
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	14.56	.50	.80		.09
Tile Setters:					
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Siskiyou, Solano, Sonoma and Trinity Counties	10.10	.78	.90	.90	.025

DECISION NO. CA75-5086 - Mod. #3
(40 FR 31474 - July 25, 1975)
Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo, and Yuba Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Contra Costa County					
Electricians	$11.45	.70	1%+.50		
Cable Splicers	12.70	.70	1%+.50		
Fresno County					
Electricians (Family residences, not to exceed 2 stories)	7.75	.60	1%+.95		.05
Electricians (3 - 4 stories):					
Electricians	10.51	.60	1%+.95		.05
Cable Splicers	10.91	.60	1%+.95		.05
Calaveras and San Joaquin Counties					
Electricians; Technicians	11.00	.78	1%+.89		1%
Cable Splicers	12.38	.78	1%+.89		1%
Lathers:					
Mariposa, Merced and Tuolumne Counties	9.75				.01
Amador, El Dorado, Sacramento and Yolo Counties	8.40	.40	.95	1.00	
Plasterers:					
Del Norte, Humboldt, Marin, Napa, Shasta, Solano, Sonoma and Tehama Counties	8.65	.63	.50	1.00	.01
Plumbers:					
Contra Costa County	12.72	.90	1.72		.20
Roofers:					
El Dorado, Placer, Shasta, Sutter and Yuba Counties	10.14	.95	.40		

DECISION NO. CA75-5086 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sprinkler Fitters:					
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Cos.	$14.56	.50	.80		.09
Tile Setters:					
Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	10.10	.78	.90	.90	.025

DECISION #75-3108 - Mod. #2
(40 FR - October 24, 1975)
Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania and Rhode Island

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Drill Boats:					
Engineers	$9.62	.35	.35	b	
Blasters	9.75	.35	.35	b	
Firemen	9.24	.35	.35	b	
Drillers, Welders or Machinists	9.63	.35	.35	b	
Oilers	9.06	.35	.35	b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
b. 8 paid holidays, A through F plus Washington's Birthday and Veteran's Day; 6/8 days vacation with pay for 84 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 20 days of service in one calendar year.

DECISION #IL75-5079 - Mod. #3
(40 FR 29490 - July 11, 1975)
Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Drill Boats:					
Engineers	$9.62	.35	.35	c	
Blasters	9.75	.35	.35	c	
Firemen	9.24	.35	.35	c	
Drillers, Welders or Machinists	9.63	.35	.35	c	
Oilers	9.06	.35	.35	c	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnote:
c. 8 paid holidays, A-through F plus Washington's Birthday and Veteran's Day; 6½ days vacation with pay for 84 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 20 days of service in one calendar year.

DECISION #IN75-2021 - Mod. #3
(40 FR 29491 - July 11, 1975)
Statewide, except Lake, LaPorte, Porter, & St. Joseph Counties, Indiana

Change:
(Benton, Carroll, Cass, Clinton, Delaware, Fayette, Fulton, Grant, Hamilton, Hancock, Henry, Howard, Johnson, Madison, Marion, Miami, Randolph, Rush, Shelby, Tippecanoe, Tipton, Union, Wabash, Wayne, & White Counties)

POWER EQUIPMENT OPERATORS: TUNNEL AND SEWER CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.70	.40	.40		.05
GROUP II	8.85	.40	.40		.05
GROUP III	7.95	.40	.40		.05
GROUP IV	7.20	.40	.40		.05

CLASSIFICATIONS

GROUP I
Air compressor (pressurizing shafts, tunnels & divers); Air tugger; Auto patrol; Back filler; Backhoe; Boom cat; Boring machine; Bull dozer; Caisson drilling machine; Cherry picker; Compactor (with dozer blade); Concrete mixer (dual drum); Concrete plant; Concrete pump; Crane with all attachments; Crane - electric overhead; Derrick; Dual purpose truck (pitman type); Ditching machine (18" and over); Dredge; Elevators (when hoisting material or tools); Fork lift; Formless paver; Generator (power for welders or compressors); Gradall; Helicoptor; Helicoptor winch operator; High lift - front end loader; Hoist; Locomotive and/or dinky engine; Mechanic on job site; Mucking machine; Panel board concrete plant; Pile driver; Push cat; Scoop & tractor; Scraper - rubber tired; Spreader - tractor mounted; Straddle carrier - ross type; Sub base finish machine (C.M.I. or similar); Tower crane; Tractor with backhoe (1/2 yard and over); Trench box - power driven; Tunnel shield; Welder (craft)

GROUP II
A frame truck; Batcher plant (automatic dry batch); Bending machine - Power driven; Bituminous mixer; Bituminous paver; Bituminous plant engineer; Boatman; Bull float; Compactor or tamper - self-propelled; Concrete mixer (21 cu. ft. or over); Concrete spreader - power driven; Ditching machine (less than 18"); Drilling machine; Finish machine & bull float; Finishing machine; Fireman - Pile driving and boilers; Gunite machine; Head greaser; Mechanic in shop; Mesh depresser - mesh placer; P.C.C. concrete belt placer; Roller - asphalt, Stone & sub base; Rotary drill; Sheepsfoot roller - self-propelled; Shop mule; Spreader or base paver-self-propelled; Sub grader; Throttle valve with air compressor or boiler; Tractor with backhoe (under 1/2 yard); Tractor - high lift - farm type; Tractor - industrial type; Tractor with winch; Well points; Winch truck

GROUP III
Air compressor (210 cu. ft. & over); Bituminous distributor; Chair cart; Concrete curing machine; Concrete saw; Dope pot - power agitated; Flex plane; Form grader; Hydrohammer; Jacks - hydraulic - power driven; Minor equipment operator 2,3,4, or 5; Paving joint machine; Post hole digger; Roller - earth; Throttle valve; Track jack - power driven; Tractor - farm type; Truck crane driver

GROUP IV
Air compressor (less than 210 cu. ft.); Concrete mixer (under 21 cu. ft.); Conveyor; Generator; Mechanical heater; Oiler; Power broom; Pump; Welding machine; Helpers

DECISION NO. NJ75-3050 - Mod. #4
(40 FR 29501 - July 11, 1975)
Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union & Warren Counties, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians & Cable Splicers:					
Zone 5	$11.92	5%	6% + .58		1.5%
Line Construction:					
Zone 3	11.92	5%	6% + .58		½ of 1%

DECISION #AR-3036 - Mod. #4
(39 FR 30780-August 23, 1974)
Franklin, Madison and Pickaway Counties, Ohio

Change:					
Plumbers	$11.02	.55	.80		.05
Sheet Metal Workers	9.66	.45	.51		.05

Decision #PA-75-3055 - Mod. # 3
(40 FR 2736 - June 27, 1975)
Berks County, Pennsylvania

Change:					
Electricians:					
Remainder of County	$9.99	.53	12		.03

Decision No. PA-75-3084 - Mod. #3
(40 FR 36983 - August 22, 1975)
Delaware County, Pennsylvania

Change:
Modification # 2 - 40 FR 48847 - October 17, 1975, to read Modification # 1

DECISION #TX75-4159 - Mod. #1
(40 FR 48872 - October 17, 1975)
Statewide Texas (excluding Dallas-Fort Worth Regional Airport)
Texas

Change Description of Work to read as follows:

Zone 16 - Chambers, Hardin, Jefferson*, Liberty & Orange* Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) & Highway Construction, Incidental Shore Work & Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes & garden type apartments up to and including 4 stories).

*Not to be used for Heavy Construction, Incidental Shore Work & Paving & Utilities Incidental to General Building Construction in Jefferson & Orange Counties

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Black Hawk (City of Waterloo and abutting municipalities)

DECISION NO.: IA75-4170 DATE: Date of Publication

Supersedes Decision No. IA75-4120, dated August 1, 1975, in 40 FR 32567.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.75	.30	.50		.10
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS; STONEMASONS	9.17	.38	.50		
CARPENTERS:					
Carpenters; Piledrivermen	7.78	.38	.75		.02
Millwrights	8.18	.38	.75		.02
CEMENT MASONS	7.53	.38	.75		
ELECTRICIANS:					
Electricians	9.43	.30	1%		1%
Cable Splicers	10.03	.30	1%		1%
ELEVATOR CONSTRUCTORS	8.74	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTE:					
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
IRONWORKERS:					
Ornamental; Reinforcing; Structural	9.10				.02
LABORERS:					
Common laborers; Carpenters' helpers; Moving; Wrecking & demolition	6.60	.38	.10		
Mason tenders; Hod carriers; Machine and air tool operators	6.70	.38	.10		
Powderman	6.65	.38	.10		
LATHERS	6.54	.25			

DECISION NO IA75-4170

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Cable Splicers; Lineman; Welder; Technicians; all rigs setting assembled "H" fixtures and steel transmission structures.	$ 8.28	.35	1%		1/2%
Groundman; Truck Driver (without winch); Experienced (not less than 6 months).	5.38	.35	1%		1/2%
Groundman; Truck Driver (with winch).	5.55	.35	1%		1/2%
Blaster; Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equipment other than assembled "H" fixtures)	6.62	.35	1%		1/2%
Groundman - 1st. 6 months	4.55	.35	1%		1/2%
PAINTERS:					
Brush, roller	6.15		.20		.03
Tapers	6.25		.20		.03
Spray	6.65		.20		.03
PLASTERERS	8.68	.38			
PLUMBERS; STEAMFITTERS	9.79	.42	.55		.08
ROOFERS	6.92				
SHEET METAL WORKERS	8.41	.35	.20		
SOFT FLOOR LAYERS	7.78	.38	.75		.02
SPRINKLER FITTERS	10.40	.50	.80		.08
TILE SETTERS	7.01	.31		.25	
TRUCK DRIVERS:					
Up to 6 tons	5.14	.25	.30		
Helpers	4.97	.25	.30		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
BUILDING CONSTRUCTION					
POWER EQUIPMENT OPERATORS:					
GROUP 1	8.95	.40	.50		.05
GROUP 2	8.83	.40	.50		.05
GROUP 3	8.035	.40	.50		.05
GROUP 4	7.73	.40	.50		.05

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CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Weldera; Mechanics; Locomotive; Dredge (levermen)

Group 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push cat; Truck cranes and cherry pickers (under 12½ ton); Concrete Mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Comaco, C-450 or equal)

Group 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air Compressors (one or a combination of 250 cfm or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW & over); Fork lifts (other than above Group No. 2); Gunnite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"

Group 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN	$ 7.30	.38			
CEMENT MASONS	6.86				
LABORERS:					
GROUP 1	6.60	.30	.10		
GROUP 2	6.35	.30	.10		
GROUP 3	6.10	.30	.10		
GROUP 4	5.95	.30	.10		
GROUP 5	5.85	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

Group 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air; all work performed by Laborers working from a boa'n chair, swinging stage, life balt, tag line or block and tackle;

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Drill operator of air track, wagon drills and similar drills

Group 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work

Group 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom men; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers

Group 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers; electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers' helpers; Stringman on paving work

Group 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborers; Rodmen; Tending to carpenters; Hot asphelt labor;

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 7.30	.40	.40		.03
GROUP 2	6.90	.40	.40		.03
GROUP 3	6.50	.40	.40		.03
TRUCK DRIVERS	6.34	.35			

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CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS

Group 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge Leverman; Paver or Spreader Operator; Hoisting Engineer (Steel Erection); Motor Patrol; Piledriver Machine; Concrete Mixer; Tow or Push Boat Operator; Master Mechanic; C.M.I. Paver; C. M.I. Subgrader (or equivalent); Asphalt Plant; Front End Loader; Scraper; Bulldozer; Push Cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Greaser; Concrete Pump; Self-Propelled Curb Machine

Group 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Haiss Loader or similar machine; Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-Propelled Sheepsfoot Roller; Self-Propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-Propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bull Float; Form Grader

Group 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry).

SUPERSEDEAS DECISION

STATE: Iowa
DECISION NO.: IA75-4171
COUNTY: Cerro Gordo (City of Mason City)
DATE: Date of Publication

Supersedes Decision No. IA75-4121, dated August 1, 1975, in 40 FR 32570.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and Heavy and Highway Construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.68	.58	.605		
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS - STONEMASONS	8.17		.35		
CARPENTERS:					
Carpenters	7.29		.20		.01
Millwrights; Piledrivermen	7.54		.20		.01
CEMENT MASONS	8.55				
ELECTRICIANS:					
Electricians	9.40	.30	1%		1%
GLAZIERS	7.13	.45	.25		
IRONWORKERS:					
Fence erector; Ornamental; Reinforcing; Structural	8.70	.275	.64		.02
LABORERS:					
Common laborers; Power tools; Barco operator; Mortar mixers; Concrete saw; Sand point setter Tenders to the crafts; Caissons (after 6' depth); Dynamite men; Gunniting-nozzlemen; Backup man; Swinging stage work, wood hoist tower, scaffolds or ladders at a height of 35' or over	5.79	.30	.20		
All underground labor (other than compressed air); Swinging stage work, wood hoist tower, scaffolds or ladders at a height of 75' or over	6.04	.30	.20		
LINE CONSTRUCTION:	6.29	.30	.20		
Cable Splicers; Lineman; Welders; Technicians; all rigs setting assembled "H" fixtures & steel transmission structures	8.28	.35	1%		1/2%
Groundman; Truck Driver (without winch); Experienced (not less than 6 months)	5.38	.35	1%		1/2%
Groundman; Truck Driver (with winch)	5.55	.35	1%		1/2%

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LINE CONSTRUCTION: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Blaster; Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equipment other than assembled "H" fixtures)	$ 6.62	.35	1%		1/2%
Groundman - 1st. 6 months	4.55	.35	1%		1/2%
PAINTERS:					
Brush	6.37		.20		
Tapers	6.47		.20		
Spray	6.87		.20		
PLASTERERS	7.12				
PLUMBERS - STEAMFITTERS	9.12		.20		.02
ROOFERS	6.62				
SHEET METAL WORKERS	7.18	.35	.20		.02
SOFT FLOOR LAYERS	7.29		.20		.01
SPRINKLER FITTERS	10.40	.50	.80		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:					
GROUP 1	8.95	.40	.50		.05
GROUP 2	8.83	.40	.50		.05
GROUP 3	8.035	.40	.50		.05
GROUP 4	7.73	.40	.50		.05

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes, Truck cranes & cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors, Caisson rigs; Side boom end winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (leverman).

Group 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (under 12½ ton); Concrete Mixers (1 yard and over); Ditching machine

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS

(8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-450 or equal)

Group 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 cfm or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Fireman (Boiler); Generator (75 KW & over); Fork lifts (other than above Group No. 2); Gunnite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric (other than above); Ditching machine under 8"

Group 4 - Oilers; Mechanical Heaters; Truck crane drivers; Permanent elevators

HEAVY AND HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS; PILEDRIVERMEN	$ 6.25	.31			
CEMENT MASONS	6.00				
LABORERS:					
Group 1	5.15	.30	.10		
Group 2	4.90	.30	.10		
Group 3	4.65	.30	.10		
Group 4	4.50	.30	.10		
Group 5	4.40	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

Group 1 - Sandblasters; Powderman and blaster; Pipelayer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, or line or block and tackle; Drill op. of air track, wagon drill and similar drills

Group 2 - Tree climbers, Form setters; Rakers; Boxtenders; Asphalt curb machines, Pavers (not mechanical); Bull float, hand operated; Scalers; Timbermen, underpinning and shoring; Caissons (over 12'); Grade checker and cutting torches on demolition work.

Group 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber &

CLASSIFICATION DEFINITIONS (Cont'd)

LABORERS

chain-saw man; Mechanical grouters; Automatic concrete power curbing machines; Streaser or stretcherman on post-tension or pre-stressed concretr (on or off the job); Powderman helpers

Group 4 - Form tamper; Air, gas and electric tool op., vibrator, barco hammer, paving breaker, spader, tamper, electric drills, hammer and jack hammer; Tree groundmen; Chuck tender; Drill helpers, tool room men and checkers; Sandblaster helper; Concrete processing material and monitors; Cement finishers' helpers; Strinman on paving work

Group 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spottere; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborers; Rodmen; Tending to carpenters; Hot asphalt labor

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$ 7.30	.40	.40		.03
Group 2	6.90	.40	.40		.03
Group 3	6.50	.40	.40		.03
TRUCK DRIVERS	5.94	.35			

CLASSIFICATIONS DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge Leverman; Paver or Spreader Operator; Hoisting Engineer (Steel Erection); Motor Patrol; Piledriver Machine; Concrete Mixer; Tow or Push Boat Operator; Master Mechanic; C.M.I. Paver; C.M.I. Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Bulldozer; Push cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphelt Screed; Asphalt Heater-Planer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Greaser; Concrete Pump; Self-Propelled Curb Machine

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS

Group 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Haiss Loader or similar machine; Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-Propelled Sheepsfoot Roller; Self-Propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-Propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bull Float; Form Grader

Group 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greasor helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry)

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SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Clinton (City of Clinton & abutting municipalities)

DECISION NO. IA75-4172 DATE: Date of Publication

Supersedes Decision No. IA75-4122, dated August 1, 1975, in 40 FR 32573

DESCRIPTION OF WORK: Building Construction, (Excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.75	.30	.50		.10
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS - STONEMASONS	9.25		.40		
CARPENTERS:					
Carpenters; Soft floor layers	8.34	.35	.50		
Piledrivermen	8.74	.35	.50		
Millwrights	9.30	6%	7%		4%
CEMENT MASONS	8.75		.40		
ELECTRICIANS:					
Electricians	10.05	.45	5.5%		.03
Cable splicers	10.30	.45	5.5%		.03
GLAZIERS	7.6548	.40	1.00		
IRONWORKERS	10.50	.50	.375		.07
LABORERS:					
Common laborers	7.27	.30	.25		
Operator on air or power tools; mortar mixer man; any work thirty-five feet high or over; cement dumper, puddlers or vibrator man and men working with concrete pump hose; ditch work eight feet below ground level; any man working with creosote materials	7.52	.30	.25		
Cutting torch burner; caisson and cofferdam workers	7.57	.30	.25		
MARBLE TILE, TERRAZZO WORKERS	8.75		.30		
PAINTERS:					
Brush	8.22	.45	.40		.09
Spray; Structural steel	8.47	.45	.40		.09
PLASTERERS	9.25		.40		
PLUMBERS - STEAMFITTERS	9.85	.40	.60		.10
ROOFERS	10.35		.40		
SHEET METAL WORKERS	9.25	.45	.40		.10
SPRINKLER FITTERS	10.40	.50	.80		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. IA75-4172

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$ 9.45	.40	.50		.08
Group 2	8.05	.40	.50		.08
Group 3	7.00	.40	.50		.08

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - All hoists or steel erecting equipment; Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cable Way, Concrete Spreader (servicing two pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Dipper Dredge Craneman, Dual Purpose Truck (boom or winch), Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (two operator required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine (over 40 HP), Building Hoist (2 drums), Hot Paint Wrapping Machine, Cleaning and Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Trav-L-Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caisson Augering Machine, Mucking Machine, Asphalt Heater-Planer Unit, Hydraulic Cranes, Mine Hoists; Athey, Barber-Green, Euclid or Haiss Loader, Asphalt Pug Mill, Fireman and Drier, Concrete Pump, Concrete Spreader (servicing one paver); Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, LeTourneaupull and similar machines, DW-10, Hyster Winch and similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade. Tractor Operating Scoop or Scraper, Tractor with Power Attachments, Roller on asphalt or blacktop, Single Drum Hoist, Jaeger Mix and Place Machine, Pipe Bending Machine, Flexeplane or similar machines, Automatic Curbing Machines, Automatic Cement and Gravel Batch Plants (one stop set-up), Seaman Pulvi-Mixer or similar machines, Blaetholer Self-propelled Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Machine and Float, Self-propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spread), Asphalt Spreader Screed Operator, Apsco Spreader or similar machine, Slusher, Forklift (over 6000 lb. cap. or working at heights above 28 ft.), Concrete Conveyors

Group 2 - Asphalt Booster, Fireman and Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power attachments, Dope Pot (agitating motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fire-

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS

man, Hydro-Hammer, Power Winch on Paving Work; Self-propelled Roller or Compactor (other than provided for above), Pump Operator (more than one well point pump), Portable Crusher Operator, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000 or less capacity), Gypsum Pump, Conveyor over 20 HP, Fuller-Kenyon Cement Pump or similar machines; Air Compressor (275 CFM or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Augar or Conveyor), Boiler (Engineer or Fireman), Water Pumps, Mechanical Broom, Automatic Cement and Gravel Batch Plants (two or three stop set-up), Small Rubber-tired Tractors (not including backhoes or endloaders), Self-propelled Curing Machine

Group 3 - Oiler, Mechanic's Helper, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine.

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN	$ 7.30	.31			
CEMENT MASONS	6.86				
LABORERS:					
Group 1	6.60	.30	.10		
Group 2	6.35	.30	.10		
Group 3	6.10	.30	.10		
Group 4	5.95	.30	.10		
Group 5	5.85	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

Group 1 - Sandblasters; Powderman and Blaster; Pipe Layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air track, wagon drills and similar drills

Group 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt Curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work

CLASSIFICATION DEFINITIONS (Cont'd)

LABORERS

Group 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Automatic concrete power curbing machines; Screeder or stretcherman on post-tension or pre-stressed concrete on or offf the job; Powderman helpers

Group 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers, and jack hammers; Trae groundman; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers' helpers; Stringmen on paving work

Group 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$ 6.60	.40	.40		.03
Group 2	6.55	.40	.40		.03
Group 3	6.20	.40	.40		.03
Group 4	6.10	.40	.40		.03
Group 5	5.80	.40	.40		.03
Group 6	5.45	.40	.40		.03
TRUCK DRIVERS	6.34	.35			

CLASSIFICATIONS DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Power shovel, crane, backhoe and dragline; Central mix plant Op.; Dredge engineer; Dredge leverman; Paver or spreader op.; Hoisting engineer (steel erection); Motor Patrol; Piledriver machine op.; Concrete mixer; Tow or push boat op.; Master mechanic

Group 2 - C.M.I. paver; C.M.I. subgrader (or equivalent); Asphalt plant op.; Front endloader op.; Scraper op.; Bulldozer; Push Cat; Tractor pulling scraper; Sideboom tractor; Churn or rotary drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt laydown op.; Asphalt Screed Op.; Asphalt Heater-planer unit; Asphalt roller Op.; Self-propelled elevating grader or similar machine; Spreader Op. (concrete); Horizontal boring machine Op.; Mechanics-Welders; Group equipment greaser; Concrete pump

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CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS

Group 3 - Concrete curb breaking machine; Concrete widening machine Op.; Paving breaker op.; Barber-Green, Haiss Loader or similar machine; Tractor pulling ripper, disc, sheepsfoot or flat roller; Self-propelled sheepsfoot roller

Group 4 - Self-propelled roller op. (other than asphalt); Distributor Op.; Screening and washing plant Op.; Self-Proposed vibrating compactor; Trenching machine op. (other than above); Steel placing machine op.; Conveyor Op.; Finishing machine op. (on concrete); Flexplane op.; Bull Float Op.; Form Grader Op.

Group 5 - Boiler op.; Mechanical broom op.; Oiler or mechanics' helper or group greaser helper; Farm-type tractor (pulling disc, harrow or roller); Welding machine op.; Pump Op. (other than dredge); Boom and winch truck Op.; Compressor Op.; Tank car heater (combination boiler & booster); Pumps on wellpoints & deep wells for dewatering; Truck crane combination driver-oiler; Concrete curing machine op.; Safety boat op.

Group 6 - Batch plant op. - dry

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Des Moines (City of Burlington and abutting municipalities and Burlington Ordnance Plant)

DECISION NO.: IA75-4173

DATE: Date of Publication

Supersedes Decision No. IA75-4123, dated August 1, 1975, in 40 FR 32376.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.75	.30	.50		.10
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS - STONEMASONS	8.62		.20		
CARPENTERS:					
Carpenters & soft floor layers	8.45	.45	.40		.02
Millwrights	9.13	.45	.40		.02
Piledrivermen	9.13	.45	.40		.02
CEMENT MASONS	9.35				
ELECTRICIANS	10.05	.33	1%		1%
GLAZIERS	7.6548	.40	1.00		
IRONWORKERS:					
Ornamental; Reinforcing; Structural	9.45	.40	.30		
LABORERS:					
Common laborers; Signal man; Wrecking, deck hand	6.97	.30			
Plaster tender; Mortar Mixer; Mason tender; Stone and marble setter tender; Drill op.; Jackhammer man; Air tamper; Air spade (electric or pneumatic); Spraying equipment and all mechanically operated tools; Excavation work over 6' deep below ground level or basement level	7.13	.30			
Tile layers (sewers)	7.23	.30			
Gunniting and sandblasting	7.34	.30			
Tunnel & sewer mucker and miner over 6' deep; Caisson worker and drill op. in tunnel and caisson; Powderman	7.44	.30			
LINE CONSTRUCTION:					
Cable Splicers; Lineman; Welder; Technicians; All rigs setting assembled "H" fixtures and steel transmission structures	8.28	.35	1%		1/2%
Groundman; Truck Driver (without winch); Experienced (Not less than 6 months)	5.38	.35	1%		1/2%

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LINE CONSTRUCTION: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Groundman; Truck Driver (with winch)	$5.55	.35	1%		1/2%
Blaster; Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equipment other than assembled "H" fixtures)	6.62	.35	1%		1/2%
Groundman - 1st 6 months	4.55	.35	1%		1/2%
PAINTERS:					
Brush	7.35		.15		
Rollers	7.45		.15		
Sign	7.85		.15		
Structural steel over 25 ft. from the ground or floor; bridges, water towers & stage work	8.05		.15		
Spray gun & sandblasting	8.35		.15		
PLASTERERS	8.98				
PLUMBERS-STEAMFITTERS	9.00	.35	.65		.05
ROOFERS	6.35			.25	
SHEET METAL WORKERS	9.00	.45	.40		.10
SPRINKLER FITTERS	10.40	.50	.80		.08
TRUCK DRIVERS:					
Warehouseman; Helpers; Teamsters; Mechanic helpers; Greasers; Single axle flat beds and dump trucks; Pulling air compressors and welding machines; Batch trucks 2-3AE; Batches or less Chip Spreader;	7.12	13.50p/w			
Chester axle; Tandems; 6 wheel trucks; Semi-trailers; Carryall; Winch; Mixers; Batch over 2-3AE	7.33	13.50p/w			
Track trucks; Euclid type truck; Oil distributors; Pront and rear; All types of dumpsters; Pavement breakers	7.43	13.50p/w			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BUILDING					
POWER EQUIPMENT OPERATORS:					
Group 1	$ 9.45	.40	.50		.08
Group 2	8.05	.40	.50		.08
Group 3	7.00	.40	.50		.08

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - All hoists or steel erecting equipment; Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cable Way, Concrete Spreader (servicing two pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Dipper Dredge Craneman, Dual Purpose Truck (boom or winch), Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (two operators required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine (over 40 HP), Building Hoist (two drums), Hot Paint Wrapping Machine, Cleaning and Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Trav-L-Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caisson Augering Machine, Mucking Machine, Asphalt Heater-Planer Unit, Hydraulic Cranes, Mine Hoists; Athey, Barber-Green, Euclid or Haiss Loader, Asphalt Pug Mill, Fireman and Drier, Concrete Pump, Concrete Spreader (servicing one paver), Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, LeTourneaupull and similar machines, DW-10, Hyster Winch and similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachments, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix and Place Machine, Pipe Bending Machine, Flexaplane or similar machines, Automatic Curbing Machines, Automatic Cement and Gravel Batch Plants (one stop set-up), Seaman Pulvi-Mixer or similar machines, Blastholer Self-propelled Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Machine and Float, Self-propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spread), Asphalt Spreader Screen Operator, Apsco Spreader or similar machine, Slusher, Forklift (over 6000 lb. capacity or working at heights above 28 ft.), Concrete Conveyors

Group 2 - Asphalt Booster, Fireman and Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power attachment, Dope Pot (agitating motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paving Work, Self-propelled Roller or Compactor (other than provided for above), Pump Operator (more than one well point pump), Portable Crusher Operator, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS

or less capacity), Gypsum Pump, Conveyor over 20 HP, Fuller Kenyon Cement Pump or similar machines; Air Compressor (275 CFM or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Conveyor), Boiler (Engineer or Fireman), Water Pumps, Mechanical Broom, Automatic Cement and Gravel Batch Plants (two or three stop set-up), Small Rubber-tired Tractors (not including backhoes or endloaders), Self-propelled curing machine.

Group 3 - Oiler, Mechanic's Helper, Mechanical Heater (other than steam-boiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY & HIGHWAY CONSTRUCTION:					
CARPENTERS & PILEDRIVERMEN	$ 7.30	.31			
CEMENT MASONS	6.86				
LABORERS:					
Group 1	6.60	.30	.10		
Group 2	6.35	.30	.10		
Group 3	6.10	.30	.10		
Group 4	5.95	.30	.10		
Group 5	5.85	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

Group 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air; all work performed by Laborers working from a boa'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operator of air tracs, wagon drills and similar drills

Group 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work

Group 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers

Group 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers; electric drills, hammers and jack hammers; Tree groundman; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers' helpers; Stringman on paving work

Group 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe, Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; water boy; Common labor; Rodmen; Tending to carpenters; Hot asphalt labor

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY & HIGHWAY CONSTRUCTION					
POWER EQUIPMENT OPERATORS:					
Group 1	$ 6.60	.40	.40		.03
Group 2	6.55	.40	.40		.03
Group 3	6.20	.40	.40		.03
Group 4	6.10	.40	.40		.03
Group 5	5.80	.40	.40		.03
Group 6	5.45	.40	.40		.03
TRUCK DRIVERS	6.34	.35			

CLASSIFICATIONS DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Power shovel, crane, backhoe and dragline; Central mix plant op.; Dredge engineer; Dredge leverman; Paver or spreader op.; Hoisting engineer (steel erection); Motor Patrol; Piledriver machine op.; Concrete mixer; Tow or push boat op.; Master Mechanic

Group 2 - C.M.I. Paver; C.M.I. Subgrader (or equivalent); Asphalt plant op.; Front endloader op.; Scraper op.; Bulldozer; Push Cat; Tractor pulling scraper; Sideboom tractor; Churn or rotary drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt laydown op.; Asphalt Screed Op.; Asphalt Heater-planer unit; Asphalt roller op.; Self-propelled elevating grader or similar machine; Spreader op. (concrete); Horizontal boring machine op.; Mechanics-Welders; Group equipment greaser; Concrete pump.

Group 3 - Concrete curb breaking machine; Concrete widening machine op.; Paving breaker op.; Barber-Green, Haiss loader or similar machine; Tractor pulling ripper, disc, sheepsfoot or flat roller; Self-propelled sheepsfoot roller

Group 4 - Self-propelled roller op. (other than asphalt); Distributor op.; Screening and washing plant op.; Self-Proposed vibrating compactor; Trenching machine op. (other than above); Steel pacing machine op.; Finishing machine op. (on concrete); Flexplane op.; Bull Float op.; Form Grader op.; Conveyor

Group 5 - Boiler op.; Mechanical broom op.; Oiler or mechanics' helper or group greaser helper, Farm-type tractor (pulling disc, harrow or roller); Welding machine op.; Pump op. (other than dredge); Boom and winch truck op.; Compressor op.; Tank car heater (combination boiler & booster); Pumps on wellpoints & deep wells for dewatering; Truck crane combination driver-oiler; Concrete curing machine op.; Safety boat op.

Group 6 - Batch plant op. - dry

SUPERSEDEAS DECISION

STATE: Iowa — COUNTY: Dubuque (City of Dubuque and abutting municipalities)

DECISION NO.: IA75-4174 — DATE: Date of Publication

Supersedes Decision No. IA75-4124, dated August 1, 1975, in 40 FR 32579.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.75	.30	.50		.10
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS - STONEMASONS	8.59	.38			
CARPENTERS:					
Carpenters	8.37		.37		
Piledrivermen	8.77		.37		
Millwrights	8.87		.37		
CEMENT MASONS	7.85				
ELECTRICIANS	9.37	.30	1%+.25		1%
ELEVATOR CONSTRUCTORS	8.74	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	7.6548	.40	1.00		
IRONWORKERS (SE Portion)	10.50	.50	.375		.07
IRONWORKERS (Remainder of County)	9.10				.02
LABORERS:					
Common laborers; Gas distributors	5.97	.30	.10		
All air operated tools; Bricklayers' helpers and tenders; Caisson workers; Carpenters' helpers; Handling and cleaning of all steel floor pans and wall forms; Mortar mixers; Plasterers' helpers and tenders; Tile setters (4"-6"-8")	6.07	.30	.10		
Tile Setters (10" and up)	6.22	.30	.10		
LATHERS	8.45				
MARBLE SETTERS; TERRAZZO WORKERS; TILE SETTERS	8.29	.38			
PAINTERS:					
Brush or roller epoxy; Paperhanging; Taper	7.45		.30		
High work and steel; spraying	7.90		.30		
PLASTERERS	7.95				
PLUMBERS - STEAMFITTERS	10.31	.36	.30		.08
ROOFERS	7.89				
SHEET METAL WORKERS	9.10	.45	.40		.10
SPRINKLER FITTERS	10.40	.50	.80		.08
TRUCK DRIVERS:					
Single axle	5.24	9.50 p/w			
Tandem-axle; Tractor trailers; Winches	5.39	9.50 p/w			

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.

PAID HOLIDAYS:

New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:					
Group 1	$8.95	.40	.50		.05
Group 2	8.83	.40	.50		.05
Group 3	8.035	.40	.50		.05
Group 4	7.73	.40	.50		.05

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CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen)

Group 2 - 1 and 2 drum hoists, Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoe attachments, etc.); Scrapers (Tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push Cat; Truck Cranes and cherry pickers (under 12½ ton); Concrete Mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Comaco, C-450 or equal)

Group 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 cfm or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW & over); Fork lifts (other than above Group No. 2); Gunnite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"

Group 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators

HEAVY AND HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS AND PILEDRIVERMEN	$ 7.30	.31			
CEMENT MASONS	6.86				
LABORERS:					
Group 1	6.60	.30	.10		
Group 2	6.35	.30	.10		
Group 3	6.10	.30	.10		
Group 4	5.95	.30	.10		
Group 5	5.85	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

Group 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzlemen; Diamond and core drills, powered by air; all work performed by Laborers working from a boe'n chair, swinging stage, life belt, tag line, or block and

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tackle; Drill operators of air track, wagon drills and similar drills.

Group 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work

Group 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and Chain saw man; Mechanical grouters; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers

Group 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers and jack hammers; Tree groundman; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers' helpers; Stringman on paving work

Group 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborers; Rodmen; Tending to carpenters; Hot asphalt labor

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$ 7.30	.40	.40		.03
Group 2	6.90	.40	.40		.03
Group 3	6.50	.40	.40		.03
TRUCK DRIVERS	6.34	.35			

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge Leverman; Paver or Spreader Operator; Hoisting Engineer (Steel Erection); Motor Patrol; Piledriver Machine; Concrete Mixer; Tow or Push Boat Operator; Master Mechanic; C.M.I. Paver; C.M.I. Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Bulldozer; Push Cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Greaser; Concrete Pump; Self-Propelled Curb Machine

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Group 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Heiss Loader or similar machine; Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-Propelled Sheepsfoot Roller; Self-Propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-Propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bull Float; Form Grader

Group 3 - Boiler; Mechanical Broom; Oiler or Mechanics' Helper or Group Greaser helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry)

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Johnson (City of Iowa City and abutting municipalities).

DECISION NO.: IA75-4175 DATE: Date of Publication

Supersedes Decision No. IA75-4152, dated August 22, 1975, in 40 FR 36913

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.75	.30	.50		.10
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS-STONEMASONS	9.685		.55		
CARPENTERS:					
Carpenters; Soft floor layers	7.23	.35	.30		.03
Piledrivermen	7.48	.35	.30		.03
Millwrights	9.30	6%	7%		4%
CEMENT MASONS	7.23	.25			
ELECTRICIANS	10.00	.40	1%		1%
ELEVATOR CONSTRUCTORS	8.74	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	7.6548	.40	1.00		
IRONWORKERS:					
Ornamental; Reinforcing; Structural	9.10				.02
LABORERS:					
Common laborers	5.72	.30	.25		
Mason mortar mixers	5.92	.30	.25		
All jack & chipping hammers; All water & sewer tile layers; Chain saw; Cutting torches; Power buggies; Rock drills; Tampers; Vibrators; Well point work	6.02	.30	.25		
LATHERS	9.48				
LINE CONSTRUCTION					
Cable Splicers; Lineman; Welder; Technicians; All rigs setting assembled "H" fixtures & steel transmission structures	8.28	.35	1%		1/2%
Groundman; Truck Driver (without winch); Experienced (Not less than 6 months)	5.38	.35	1%		1/2%
Groundman; Truck Driver (with winch)	5.55	.35	1%		1/2%
Blaster; Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equipment other than assembled "H" fixtures)	6.62	.35	1%		1/2%
Groundman - 1st 6 months	4.55	.35	1%		1/2%

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS:	$8.58				
Brush & rollers	8.83				
Paperhangers					
Sandblasting; Spray painting	9.23				
PLASTERERS	8.50				
PLUMBERS-STEAMFITTERS	9.80	.40	.30		.10
ROOFERS	7.70				
SPRINKLER FITTERS	10.40	.50	.80		.08
TRUCK DRIVERS	4.63				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTE:

a. Employer contributes 4% of the basic hourly rate for over 5 years' service, and 2% of the basic hourly rate for 6 months to 5 years' of service as Vacation Pay Credit.

PAID HOLIDAYS:

New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

BUILDING & CONSTRUCTION POWER EQUIPMENT OPERATORS:

Group 1	8.95	.40	.50		.05
Group 2	8.83	.40	.50		.05
Group 3	8.035	.40	.50		.05
Group 4	7.73	.40	.50		.05

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CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors, caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen)

Group 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push cat; Truck cranes and cherry pickers (under 12½ ton); Concrete Mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-450 or equal)

Group 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 CFM or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Group No. 2); Gunnite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"

Group 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators

HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN	$ 5.91	.25			
CEMENT MASONS	5.65				
LABORERS:					
Group 1	5.50	.30	.10		
Group 2	5.25	.30	.10		
Group 3	5.00	.30	.10		
Group 4	4.85	.30	.10		
Group 5	4.75	.30	.10		

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CLASSIFICATION DEFINITIONS

LABORERS

Group 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzlemen; Diamond and core drills, powered by air, all work performed by Laborers working from a boa'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operator of air tracs, wagon drills and similar drills

Group 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade Checker and cutting torches on demolition work

Group 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or prestressed concrete on or off the job; Powderman helpers

Group 4 - Form ~~tamper~~, Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers; electric drills, hammers and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sandblaster helper; Concrete processing material and monitors; Cement finishers' helpers

Group 5 - Fence erectors; Handling and placing of metal mesh; dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborers; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$ 6.40	.30	.30		.01
Group 2	6.25	.30	.30		.01
Group 3	6.00	.30	.30		.01
Group 4	5.80	.30	.30		.01
Group 5	5.60	.30	.30		.01
Group 6	5.30	.30	.30		.01

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CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd., and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator

Group 2 - Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yds. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mix plant operator, concrete, under 5 cu. yds.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator

Group 3 - Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yds. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (P & H and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.

Group 4 - Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator

Group 5 - Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck

Group 6 - Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$ 4.65	.25			
Group 2	4.75	.25			

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CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP 1 - Truck drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump crates and scoopmobiles.

GROUP 2 - Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on: tandem service trucks, Korking and similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Linn
DECISION NO.: IA75-4176 DATE: Date of Publication
Supersedes Decision No. IA75-4126, dated August 8, 1975, in 40 FR 33625.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.75	.30	.50		.10
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS-STONEMASONS	9.685		.55		
CARPENTERS:					
Carpenters	7.23	.30			.02
Millwrights; Piledrivermen	7.60	.30			.02
CEMENT MASONS	7.23	.25			
ELECTRICIANS	10.00	.40	1%		1%
ELEVATOR CONSTRUCTORS	8.74	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	7.6548	.40	1.00		
IRONWORKERS:					
Ornamental; Reinforcing; Structural	9.10				.02
LABORERS:					
Common laborers	7.14	.30	.40	-	
All water service, Mortar mixers; Sewer tile layers	7.265	.30	.40		
Air, electric or gasoline powered jackhammers, chipping hammers; Machine rock drills; Power driven buggies; Tampers; Vibrators; Well point work	7.34	.30	.40		
LATHERS	9.48				
LINE CONSTRUCTION:					
Cable Splicers; Lineman; Welder; Technicians; All rigs setting assembled "H" fixtures and steel transmission structures	8.28	.35	1%		1/2%
Groundman; Truck Driver (without winch); Experienced (Not less than 6 months)	5.38	.35	1%		1/2%
Groundman; Truck Driver (with winch)	5.55	.35	1%		1/2%
Blaster; Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equipment other than assembled "H" fixtures)	6.62	.35	1%		1/2%
Groundman - 1st 6 months	4.55	.35	1%		1/2%

DECISION NO IA75-4176

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush & rollers	$8.58				
Paperhangers	8.83				
Sandblasting; Spraying	9.23				
PLASTERERS	8.50				
PLUMBERS-STEAMFITTERS	9.80	.40	.30		.10
ROOFERS	7.70				
SOFT FLOOR LAYERS	7.23	.30			.02
SPRINKLER FITTERS	10.40	.50	.80		.08
TRUCK DRIVERS	5.64				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTE:
a - Employer contributes 4% of basic hourly rate for over 5 years' service; 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.

PAID HOLIDAYS:

New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:					
Group 1	8.95	.40	.50		.05
Group 2	8.83	.40	.50		.05
Group 3	8.035	.40	.50		.05
Group 4	7.73	.40	.50		.05

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower Cranes; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen)

Group 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm Type tractors (with loader's, backhoes, attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push cat; Truck cranes and cherry pickers (under 12½ ton); Concrete Mixers (1 yard & over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist-cage operated; Second man on locomotive; Vibrating concrete spreader (Comaco, C-450 or equal)

Group 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 CFM or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW & over); Fork lifts (other than above Group No. 2); Gunnite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"

Group 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators

HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN	$ 7.30	.31			
CEMENT MASONS	6.86				
LABORERS:					
Group 1	6.60	.30	.10		
Group 2	6.35	.30	.10		
Group 3	6.10	.30	.10		
Group 4	5.95	.30	.10		
Group 5	5.85	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

Group 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operator of air track, wagon drills and similar drills

Group 2 - Tree climber; Form setters, Rakers; Boxtenders; Asphalt curb machines; Formen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade Checker and cutting torches on demolition work

Group 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers

Group 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers; electric drills, hammers and jack hammers; Tree groundman; Chuck tenders; Drill helpers, tool room men and checkers; Sandblaster helper; Concrete processing material and monitors; Cement finishers helpers; Strinpman on paving work

Group 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers, Water boy; Common laborers; Rodmen; Tending to carpenters; Hot asphalt labor

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:					
Group 1	$ 7.30	.40	.40		.03
Group 2	6.90	.40	.40		.03
Group 3	6.50	.40	.40		.03
TRUCK DRIVERS	6.34	.35			

DECISION NO.: IA75-4176

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge **Leverman; Paver or Spreader Operator;** Hoisting Engineer (Steel Erection); Motor Patrol; Piledriver Machine; Concrete Mixer, Tow or Push Boat Operator; Master Mechanic; C.M.I Paver; C.M.I. Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Bulldozer; Push cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Greaser; Concrete Pump; Self-Propelled Curb Machine

Group 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Haiss Loader or similar machine; Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-Propelled Sheepsfoot Roller; Self-Propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-Propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bull Float; Form Greder

Group 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser helper; Farm-type Tractor (pulling disc, herrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry)

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Polk
DECISION NO.: IA75-4177 DATE: Date of Publication
Supersedes Decision No. IA75-4153, dated August 22, 1975, in 40 FR 36916
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.68	.58	$ .605 -		
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS: STONEMASONS	9.80	.35	.40		.02
CARPENTERS:					
Carpenters	8.99	.30	.25		.04
Millwrights; Piledrivermen	9.34	.30	.25		.04
CEMENT MASONS	8.48				
ELECTRICIANS	10.17	.40	12+.50		1%
ELEVATOR CONSTRUCTORS	8.73	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.30	.45	.25	4.35%	.01
IRONWORKERS:					
Ornamental; Reinforcing; Structural	8.70	.275	.64		.02
LABORERS:					
General laborers	6.335	.325	.325		
Mortar mixers; motor buggies, when pouring concrete; power tool ops. (air tools, concrete vibrator, gunnite nozzlemen, electric drills and hammers)	6.435	.325	.325		
Plasterers' tenders	6.46	.325	.325		
Powdermen	6.485	.325	.325		
Air tool, power tampers & other similar self-powered tools weighing 50 lbs. and over	6.535	.325	.325		
All tunnel work	6.585	.325	.325		
Paving breakers weighing 50 lbs. and over	6.635	.325	.325		
LATHERS	9.00				
LINE CONSTRUCTION:					
Cable Splicers; Lineman; Welder; Technicians; All rigs setting assembled "H" fixtures and steel transmission structures	8.28	.35	1%		1/2%
Groundmen; Truck Driver (without winch); Experienced (not less than 6 months)	5.38	.35	1%		1/2%

DECISION NO. IA75-4177

LINE CONSTRUCTION: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Groundman; Truck Driver (with winch)	$ 5.53	.35	1%		1/2%
Blaster; Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equipment other than assembled "H" fixtures)	6.62	.35	1%		1/2%
Groundman - 1st 6 months	4.55	.35	1%		1/2%
MARBLE, TILE & TERRAZZO SETTERS	9.595				
PAINTERS:					
Brush, roller, drywall finisher	9.04		.20		.03
Paperhangers	9.29		.20		.03
Spray; structural steel; sandblasting; Swing Stage	9.54		.20		.03
Stack; tower work over 100'	10.14		.20		.03
PLASTERERS	8.50				
PLUMBERS: STEAMFITTERS	9.90	.40	.75		.10
ROOFERS	8.49		.25		
SHEET METAL WORKERS	9.48	.35	.20		.07
SOFT FLOOR LAYERS	8.715	.30	.25		.04
SPRINKLER FITTERS	10.40	.50	.80		.08
TRUCK DRIVERS	5.91				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.

PAID HOLIDAYS:

New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$8.95	.40	.50		.05
Group 2	8.83	.40	.50		.05
Group 3	8.035	.40	.50		.05
Group 4	7.73	.40	.50		.05

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower crane; Truck cranes and cherry pickers 17½ ton & over rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen)

Group 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm Type tractors (with loaders, backhoes, attachments, etc.); Scrapers (townapull, etc., End-loaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push cat; Truck cranes and cherry pickers (under 17½ ton); Concrete Mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomeco, C-450 or equal)

Group 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 CFM or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Fireman (Boiler); Generator (75 KW & over); Fork lifts (other than above Group No. 2); Gunnite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"

Group 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators

HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN	$ 7.30	.31			
CEMENT MASONS	6.86				
LABORERS:					
Group 1	6.60	.30	.10		
Group 2	6.35	.30	.10		
Group 3	6.10	.30	.10		
Group 4	5.95	.30	.10		
Group 5	5.85	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

Gruup 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air track, wagon drills and similar drills

Group 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potman, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checkers and cutting torches on demolition work

Group 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw men; Mechanical grouters; Automatic concrete power curbing machines; Streeser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers

Group 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers' helpers; Stringman on paving work

Group 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborers; Rodmen; Tending to carpenters; Hot asphalt labor

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$ 7.30	.40	.40		.03
Group 2	6.90	.40	.40		.03
Group 3	6.50	.40	.40		.03
TRUCK DRIVERS	6.34	.35			

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge Leverman; Paver or Spreader Operator; Hoisting Engineer (Steel Erection); Motor Patrol; Piledriver Machine; Concrete Mixer; Tow or Push Boat Operator; Master Mechanic; CMI Paver; CMI Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Bulldozer; Push cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown Asphalt Screed; Asphalt Heater-Planer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Greaser; Concrete Pump; Self-Propelled Curb Machine

Group 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Haiss Loador or aimilar machine; Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-Propelled Sheepsfoot Roller; Self-Propellad Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-Propelled Vibrating Compactor; Trenching machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bull Float; Form Grader

Group 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry)

50892 NOTICES 50892 NOTICES

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Scott
DECISION NO. IA75-4178 DATE: Date of Publication
Supersedes Decision No. IA75-4179, dated August 22, 1975, in 40 FR 36910
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.75	.30	.50		.10
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS & STONEMASONS	9.40	.35	.50		.03
CARPENTERS:					
Carpenters	9.06	.35	.50		.04
Piledrivermen	9.31	.35	.50		.04
Millwrights	9.30	6%	7%		4%
CEMENT MASONS	8.27	.40	.35		
ELECTRICIANS:					
Electricians	10.05	.45	5.5%		.03
Cable splicers	10.30	.45	5.5%		.03
ELEVATOR CONSTRUCTORS	8.985	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	7.6548	.40	1.00		
IRONWORKERS:					
Ornamental; Reinforcing; Structural	10.50	.50	.375		.07
LABORERS:					
Carpenter tenders; Common laborers; Mason tenders	7.82	.30	.50		.035
Concrete saw; Pipesetters; Plumbers laborer; Power tools (Barco-Vibrator-Mortar Mixers-Dynamite handlers-Burner, on dismantling work to be junked); Prime movers; Sand points	8.07	.30	.50		.035
Caissons, after 6' in depth; Dynamite men; Tunnel miners	8.32	.30	.50		.035

DECISION NO. IA75-4178

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
MARBLE, TILE & TERRAZZO WORKERS	$8.75		.30		
PAINTERS:					
Brush, Rollers	8.22	.45	.40		.09
Spray; Structural steel	8.47	.45	.40		.09
PLASTERERS	10.00				
PLUMBERS & STEAMFITTERS	9.85	.40	.60		.10
ROOFERS	10.35		.40		
SHEET METAL WORKERS	9.25	.45	.40		.10
SOFT FLOOR LAYERS	9.06	.35	.50		.04
SPRINKLER FITTERS	10.40	.50	.80		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTE:
a - Employer contributes 4% of basic hourly rate for over 5 years service and 2% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:					
GROUP 1	9.45	.40	.50		.08
GROUP 2	8.05	.40	.50		.08
GROUP 3	7.00	.40	.50		.08

FEDERAL REGISTER, VOL. 40, NO. 211—FRIDAY, OCTOBER 31, 1975

DECISION NO. IA75-4178

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - All hoists or steel erecting equipment; Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cable Way, Concrete Spreader (servicing two pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Dipper Dredge Craneman, Dual Purpose Truck (boom or winch), Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (two operators required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine (over 40 HP), Building Hoist (two drums), Hot Paint Wrapping Machine, Cleaning and Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Trav-el-Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caisson Augering Machine, Asphalt Heater-Planer Unit, Hydraulic Cranes, Mine Hoists; Athey, Barber-Green, Euclid or Hough Loader, Asphalt Pug Mill, Fireman and Drier, Concrete Pump, Concrete Spreader (servicing one paver), Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, LaTourneaupull and similar machines, DW-10, Hyster Winch and similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachments, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix and Place Machine, Pipe Bending Machine, Flexaplane or similar machines, Automatic Curbing Machines, Automatic Cement and Gravel Batch Plants (one stop set-up), Seaman Pulvi-Mixer or similar machines, Blaw-Knox Self-propelled Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Machine and Float, Self-Propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spread), Asphalt Spreader Screed Operator, Apsco Spreader or similar machines, Slusher, Forklift (over 6000 lb. cap. or working at heights above 28 ft.), Concrete Conveyors

GROUP 2 - Asphalt Roostar, Fireman and Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power Attachments, Dope Pot Agitating motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paving Work, Self-propelled Roller or Compactor (other than provided for above), Pump Operator (more than one well point pump), Portable Crusher Operator, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000 or less cap.), Gypsum Pump, Conveyor over 20 HP, Fuller Kenyon Cement Pump or similar machines; Air Compressor (275 cfm or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Conveyor), Boiler (Engineer or Fireman), Water Pumps, Mechanical Broom, Automatic Cement and Gravel Batch Plants (two or three stop set-up), Small Rubber-tired Tractors (not including backhoes or end loaders), Self-propelled curing machine

GROUP 3 - Oiler, Mechanic's Helper, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine

DECISION NO. IA75-4178

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BUILDING HEAVY & HIGHWAY CONSTRUCTION					
TRUCK DRIVERS:					
GROUP 1	$6.35	.35	10.00p/w		
GROUP 2	6.55	.35	10.00p/w		
GROUP 3	6.75	.35	10.00p/w		
GROUP 4	6.95	.35	10.00p/w		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP 1 - Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2-34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, truck drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rates 2 cu. yds. or less, and small pellet type for lift operator & driver on pilot trucks

GROUP 2 - Drivers on 4-wheel trucks over 5 cu. yds. or more than 7½ tons, 6-wheel trucks, Koehring or similar dumpsters, track trucks, euclids, tournapulls, hug-bottom dumps, tournatrailers, tournacockers or similar equipment when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork lift, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks wet or dry - over 2 up to & including 4-34E batches

GROUP 3 - Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks euclids, hug-bottom dumps, tournatrailers, tournarockers, tractor-trailers, tandem A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks wet or dry over 4-34E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors

GROUP 4 - Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters, track trucks, euclids, hug-bottom dumps, tournapulls, tournarockers or similar equipment when used for transportation purposes and drivers on oil distributors, 1 man operation pole trailers over 6-wheels, water pulls, lowboy trailers, tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics

DECISION NO IA75-4178

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY & HIGHWAY CONSTRUCTION					
CARPENTERS	$6.95	.35	.30		.02
CEMENT MASONS	7.72	.40			
LABORERS:					
GROUP 1	7.82	.30	.50		.035
GROUP 2	8.07	.30	.50		.035
GROUP 3	8.32	.30	.50		.035

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Common laborers; Carpenter tenders; Rod and Chain Man; Flagman; Gravel Box Man, Dagmen and spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber Material Checkers; Dispatchers; Unloading explosives; Laying of Sod; Planting of Trees; Removal of Trees; Asphalt Plant Laborers; Wrecking Laborers; Writer of Scale Tickets, Scalemen, Permanent Portable or Temporary Plant; Deck Hand

GROUP 2 - Laying and jointing of telephone conduit; Barco and Jackhammer operator; Mechanical tamper and air spade; Wagon and Hand Drill; Vibrator Operator; Operator on Power Tools used under the jurisdiction of Laborers; Cement Dumpers; Puddler; Form setter helper; Power and Hand Saw (when cleaning timber); Center strip; reinforcing in concrete; Wire Mesh; Concrete Saw; Mortar Mixer; Prime mover or any mechanical device taking the place of concrete buggy or wheelbarrow, Sand Point Setter; Arphalt Kettleman; Mastic Asphalt Mixerman or other preparations used on joints; Sheeting Hammer Drivers (2 men); Back-up Man or Joint Man with Pipelayer, Laborers in ditch or tunnel on sewer and water main and telephone conduit; Gas Distribution Men; Pipe setter on Laterals, Drain Tiles, Culvert Pipe, and Storm Sewer Connections to Catch Basins, Manholes or Main Line, Handling of materials treated with oil, creonote asphalt and/or any foreign material harmful to skin or clothing; Chloride Handlers; the unloading and Laborers with steel workers and re-bars; Tunnel Helpers in free air; Batch Dumpers; Tank Cleaners; Cofferdam Workers; Rankmen on Floating Plant

GROUP 3 - String or Wireline (1 man); Head Form Setter; Dynamite Man; Asphalt Raker; Tunnel Miner; Pipelayer on sewer and water main; Gunnite Nozzleman; Welders, Cutters, Burners and Torchman; Screedman on Asphalt Pavers; Luteman; Curb Asphalt Machine Operator; Laser Beam Operator; Concrete Burning Machine Operator; Coving Machine Operator; Head Grade Man

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Story (City of Ames and abutting municipalities)

DECISION NO.: IA75-4179

DATE: Date of Publication

Supersedes Decision No. IA75-4130, dated August 8, 1975, in 40 FR 33631.

DESCRIPTION OF WORK: Building Construction, excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.68	.58	$ .605		
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS; Stonemasons	9.39		.20		
CARPENTERS:					
Carpenters; Piledrivermen	8.65		.15		
Millwrights	9.00		.15		
CEMENT MASONS	7.435				
ELECTRICIANS	10.17	.60	1%+.50		1%
ELEVATOR CONSTRUCTORS	8.73	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.30	.45	.25	4.35%	.01
IRONWORKERS:					
Ornamental; Reinforcing; Structural	8.70	.275	.64		.02
LABORERS:					
Common laborers	6.73	.30	.05		
Mortar, plaster & grout mixers; Jackhammer; Paving breaker; Rock drill; Vibrator operator; Motor buggy operators while pouring concrete	6.88	.30	.05		
Plasterers' tenders	6.93	.30	.05		
Concrete saw man	6.98	.30	.05		
Sandblaster	7.08	.30	.05		
Digging of or work within a shaft entering into natural underground cavities or caverns and work within the said shaft or caverns	7.23	.30	.05		
LATHERS	9.00				
LINE CONSTRUCTION:					
Cable Splicers; Lineman; Welder; Technicians; All rigs setting assembled "H" fixtures and steel transmission structures	8.28	.35	1%		1/2%
Groundman; Truck Driver (without winch); Experienced (not less than 6 months)	5.38	.35	1%		1/2%

DECISION NO. IA75-4179

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION (CONT'D):					
Groundmen; Truck Driver (with winch)	$5.55	.35	1%		1/2%
Blaster; Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equipment other than assembled "H" fixtures)	6.62	.35	1%		1/2%
Groundman - 1st 6 months	4.55	.35	1%		1/2%
PAINTERS:					
Brush; Roller; Drywall finisher	9.04		.20		.03
Paperhangers	9.29		.20		.03
Spray; Structural steel; Sandblasting	9.54		.20		.03
Work over 100'; Stack	10.14		.20		.03
PLASTERERS	8.50				
PLUMBERS; STEAMFITTERS	9.90	.40	.75		.10
ROOFERS	8.49		.25		
SHEET METAL WORKERS	9.48	.35	.20		.07
SOFT FLOOR LAYERS	8.715	.30	.25		.04
SPRINKLER FITTERS	10.40	.50	.80		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTE:

a. Employer contributes 4% of the basic hourly rate for 5 years of service and 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

PAID HOLIDAYS:

New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:					
Group 1	8.95	.40	.50		.05
Group 2	8.83	.40	.50		.05
Group 3	8.035	.40	.50		.05
Group 4	7.73	.40	.50		.05

XUM

DECISION NO. IA75-4179

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dradge (levermen)

Group 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm Type tractors (with loaders, backhoes attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push cat; Truck cranes and cherry pickers (under 12½ ton); Concrete Mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-450 or equal)

Group 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 CFM or more); Pumps 3" or over; Welding machine 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW & over); Fork lifts (other than above Group No. 2); Gunnite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"

Group 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators

HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN	$ 7.30	.31			
CEMENT MASONS	6.86				
LABORERS:					
Group 1	6.60	.30	.10		
Group 2	6.35	.30	.10		
Group 3	6.10	.30	.10		
Group 4	5.95	.30	.10		
Group 5	5.85	.30	.10		

DECISION NO. IA75-4179

CLASSIFICATION DEFINITIONS

LABORERS

Group 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swing stage, life belt, tag line, or block and tackle; Drill operators of air trace, wagon drills and similar drills

Group 2 - Tree climber; Form setters; Rakers; Box tenders; Asphalt curb machines; Potman, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work

Group 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers

Group 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers; Stringman on paving work

Group 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:					
Group 1	$ 7.30	.40	.40		.03
Group 2	6.90	.40	.40		.03
Group 3	6.50	.40	.40		.03
TRUCK DRIVERS	6.34	.35			

DECISION NO.: IA75-4179

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge Leverman; Paver or Spreader Operator; Hoisting Engineer (Steel Erection); Motor Patrol; Piledriver Machine; Concrete Mixer; Tow or Push Boat Operator; Master Mechanic; C.M.I. Paver; C.M.I. Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Bulldozer; Push cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Greaser; Concrete Pump; Self-Propelled Curb Machine

Group 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Heiss Loader or similar machine; Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-Propelled Sheepsfoot Roller; Self-Propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-Propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bull Float; Form Grader

Group 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry)

XUM

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Webster (City of Fort Dodge)
DECISION NO.: IA75-4180 DATE: Date of Publication
Supersedes Decision No. IA75-4131, dated August 8, 1975, in 40 FR 33634
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), and Heavy and Highway Construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.68	.58	$ .605		
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS - STONEMASONS	8.37		.20		
CARPENTERS:					
Carpenters; Piledriverman	8.11				
Millwrights	8.36				
CEMENT MASONS	6.50				
ELECTRICIANS	8.90	.40	1%		1%
ELEVATOR CONSTRUCTORS	8.73	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS:					
Ornamental; Reinforcing; Structural	8.70	.275	.64		.02
LABORERS:					
Common Laborers	4.85				
Machine & Air Tool Operators	5.10				
Mortar Mixers	5.05				
LATHERS	9.00				
LINE CONSTRUCTION:					
Cable Splicers; Lineman; Welder; Technicians; All rigs setting assembled "H" fixtures and steel transmission structures	8.28	.35	1%		1/2%
Groundman; Truck Driver (without winch); Experienced (Not less than 6 months)	5.38	.35	1%		1/2%
Groundman; Truck Driver (with winch)	5.55	.35	1%		1/2%
Blaster; Special Equipment Op. (Hole Digging Machines, all tractors, transmission lines equipment other than assembled "H" fixtures)	6.62	.35	1%		1/2%
Groundman - 1st 6 months	4.55	.35	1%		1/2%
PAINTERS:					
Brush; Drywall finishers; Rollers	5.45				
Paperhangers	5.70				
Spray	5.95				
PLASTERERS	4.425				
PLUMBERS-STEAMFITTERS	9.90	.40	.75		.10

DECISION NO. IA75-4180

BUILDING CONSTRUCTION (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$6.05				
SPRINKLER FITTERS	10.40	.50	.80		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTE:

a. Employer contributes 4% of the basic hourly rate for over 5 years of service and 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

PAID HOLIDAYS:

New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

POWER EQUIPMENT OPERATORS:

Group 1	8.95	.40	.50	.05
Group 2	8.83	.40	.50	.05
Group 3	8.035	.40	.50	.05
Group 4	7.73	.40	.50	.05

NOTICES

DECISION NO. IA75-4180

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower crane; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen).

Group 2 - 1 and 2 drum hoists; air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm Type Tractors (with loaders, backhoes, attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push cat; Truck cranes and cherry pickers (under 12½ ton); Concrete Mixers (1 yard & over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-450 or equal)

Group 3 - Tractors (under 35 HP) with or without attachments; Endloader (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 cfm or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Group No. 2); Gunnite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"

Group 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators

HEAVY AND HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS; PILEDRIVERMEN	$ 6.25	.31			
CEMENT MASONS	6.00				
LABORERS:					
Group 1	5.15	.30	.10		
Group 2	4.90	.30	.10		
Group 3	4.65	.30	.10		
Group 4	4.50	.30	.10		
Group 5	4.40	.30	.10		

DECISION NO. IA75-4180

CLASSIFICATION DEFINITIONS

LABORERS

Group 1 - Sandblasters; Powderman and blaster; Pipelayer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line or block and tackle; Drill op. of air tracs, wagon drills and similar drills

Group 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen (not mechanical); Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work

Group 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouter; Automatic concrete power curbing machines; Stresser or stretchermen on post-tension or pre-stressed concrete on or off the job; Powdermen helpers

Group 4 - Form tamper; Air, gas and electric tool op.; vibrator, barco hammer, paving breaker, spader, tamper, electric drills, hammer and jack hammer; Tree groundmen; Chuck tender; Drill helpers tool room men and checker; Sandblaster helper; Concrete processing material and monitors; Cement finishers helpers; Stringman on paving work

Group 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$ 7.30	.40	.40		.03
Group 2	6.90	.40	.40		.03
Group 3	6.50	.40	.40		.03
TRUCK DRIVERS	6.34	.35			

NOTICES

DECISION NO. IA75-4180

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge Leverman; Paver or Spreader Operator; Hoisting Engineer (Steel Erection); Motor Patrol; Piledriver Machine; Concrete Mixer; Tow or Push Boat Operator; Master Mechanic; C.M.I. Paver; C.M.I. Subgrader (or equivalent); Asphalt Plant; Front Endloadar; Scraper; Bulldozer; Push cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Planer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Greaser; Concrete Pump; Self-propelled Curb Machine

Group 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Haiss Loader or similar machine; Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-propelled Sheepsfoot Roller; Self-propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bull Float; Form Grader

Group 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry)

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Woodbury (City of Sioux City and abutting municipalities)

DECISION NO.: IA75-4181 DATE: Date of Publication

Supersedes Decision No. IA75-4132, dated August 8, 1975, in 40 FR 33637

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.49	.35	.40		
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS-STONEMASONS	9.26		.20		.01
CARPENTERS:					
Carpenters; Piledrivermen	7.00	.30	.25		.01
Millwrights	7.30	.30	.25		.01
CEMENT MASONS	8.255				
ELECTRICIANS		.27	1%		1%
ELEVATOR CONSTRUCTORS	7.64	.395	.26	2-1/2%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2-1/2%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	6.95				
IRONWORKERS:					
Ornamental; Reinforcing; Structural	8.785	.30	.25		.01
LABORERS:					
Common laborers		.37	.20		
Mortar mixer; Plasterers' mixers; Air tool operators; Mechanical tampers; Concrete saw; Gunnite nozzle; Chain saw; Wrecking torch; Sandpot and blasting		.37	.20		
LATHERS	7.20				.01
LINE CONSTRUCTION:					
Cable Splicers; Lineman; Welder; Technicians; All rigs setting assembled "H" fixtures and steel transmission structures	8.28	.35	1%		1/2%
Groundman; Truck Driver (without winch); Experienced (not less than 6 months)	5.38	.35	1%		1/2%
Groundman; Truck Driver (with winch)	5.55	.35	1%		1/2%
Blaster; Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equipment other than assembled "H" fixtures)	6.62	.35	1%		1/2%
Groundman - 1st 6 months	4.55	.35	1%		1/2%
MARBLE SETTERS	9.26		.20		.01

DECISION NO. IA75-4181

PAINTERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Brush	$ 7.78	.40	.30		
Spray; All swing work; All work higher than 40 Ft. - scaffolds, jacks, ladders, etc., Pressure roller, sandblasting; Structural steel over 25 Ft.	8.28	.40	.30		
PLASTERERS	7.30				
PLUMBERS-STEAMFITTERS	8.74	.30	.55		.10
ROOFERS:					
Roofers	7.43				
Kettlemen	7.21				
SHEET METAL WORKERS	8.62	.35	.25		
SPRINKLER FITTERS	10.40	.50	.80		.08
TERRAZZO WORKERS	9.26		.20		.01
TILE SETTERS	7.20				
TRUCK DRIVERS	5.49	.37	.20		.02
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.

PAID HOLIDAYS:

New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS:
Group 1 .40
Group 2 .40
Group 3 .40
Group 4 .40

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen)

Group 2 - 1 and 2 drum hoists; air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixer; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push cat; Truck cranes and cherry pickers (under 12½ ton); Concrete Mixers (1 yard and over); Ditching machine (8' and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Comaco, C-450 or equal)

Group 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air Compressors (one or a combination of 250 CFM or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Group No. 2); Gunnite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"

Group 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators.

SUPERSEDEAS DECISION

Decision Number MD75-3109

Page 2

STATE: Maryland

LOCATION: Anne Arundel, Calvert, Carroll, Charles, Frederick, Harford, Howard, Montgomery, Prince Georges, St. Mary's and Washington

DECISION NO.: MD75-3109
Supersedes Decision No.: AR-2085, dated November 22, 1974 in 39 FR 41100.
DESCRIPTION OF WORK: Highway Construction

ZONE #1
Montgomery, Prince Georges, Anne Arundel Counties Maryland

ZONE #2
Calvert, Carroll, Charles, Frederick, Harford, Howard, St. Mary's and Washington Counties

	ZONE 1 Basic Hourly Rates	ZONE 2 Basic Hourly Rates
Brickleyers	$ 6.75	8.55
Carpenters	5.53	5.35
Cement Mason/finishers	5.31	5.02
Electricians	7.95	4.265
Ironworkers:		
Structural	6.47	6.91
Reinforcing	5.38	4.00
Fence Erector	----	3.25
Laborers:		
Laborers	3.55	3.56
Airtool op., (jackhammer-vibrator) etc.	3.43	3.70
Asphalt Rakers - Spreader	4.22	5.14
Chain Saw Op.	3.93	4.285
Form Setter	4.17	-----
Form Setter, Roadway	5.23	4.23
Mortar Mixer	4.00	-----
Milch blower	3.625	3.85
Pipelayers (concrete, clay, drainage)	4.94	4.00
Powdermen blaster	----	3.85
Linemen	9.72	8.95
Groundmen	6.68	5.70
Painter, structural steel & bridge	5.88	----
Piledrivermen	5.83	4.25
Truck Drivers:		
1½ ton & under	4.65	3.15
Over 1½ ton	4.65	3.52
Power Equipment Op.		
Asphalt distributors, liquid	4.50	4.66
Back end paver	----	4.75
Backhoe	5.14	5.33
Bituminous-concrete paver finisher	4.77	4.12
Bulldozer	4.86	4.82
Concrete batching plant	----	4.505
Concrete finishing machine	5.74	4.20
Concrete paving machine	6.60	4.00
Concrete spreading machine	5.75	----
Driller	----	7.20
Form grader	----	4.00
Gradall	$ 5.02	4.97
Hydro-seeder op.	3.625	4.45
Loaders (all types)	5.00	4.60
Mechanics	5.52	5.32
Mechanics' helper	4.00	3.39
Motor patrols	5.28	4.95
Oiler-greaser	3.75	4.75
Power broom	----	3.95
Rollers:		
Base	4.44	3.61
Finish	4.44	4.06
Screed op.	----	3.60
Scrapers, pans, scoops	4.00	4.33
Subgraders	----	4.50
Tractors Wheel	4.00	3.75
Tractors Wheel with attachments	4.00	----
Trenching Machines	4.00	4.92
Truck Cranes	4.65	4.92
Welder	4.25	----

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Barnstable
DECISION NO.: MA75-2117 DATE: Date of Publication
Supersedes Decision No. MA75-2002, dated May 9, 1975 in 40 FR 20581
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy construction and marine construction

1-MASS-1-2-3-a (1-2)

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Barnstable, Bourne, Falmouth, Mashpee, & Sandwich	$ 9.32	.71	.83		
Remainder of County	9.66	.65	.80		.01
BOILERMAKERS	10.00	.60	10%		.01
BRICKLAYERS: Cement masons; Cement finishers; Plasterers; Stone-masons	9.75	.80	.80		.05
CARPENTERS: Soft floor layers					
All work over $ 1½ million including residential	9.30	.50	.65		.02
Work from $ 1 Million - 1½ million	8.83	.50	.65		.02
Work from $500,000 - 1 million	8.37	.50	.65		.02
Work from $200,000 - 500,000	7.44	.50	.65		.02
Residential up to 4 stories & commercial up to $200,000	6.97	.50	.65		.02
ELECTRICIANS:					
Electrical contracts $12,000.00 & over	9.75	.40	1%+.50		a
Electrical contracts under $12,000.00	7.80	.40	1%+.50		a
ELEVATOR CONSTRUCTORS	10.665	.495	.32	1%+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	1%+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR	.495	.32	1%+b+c	.02
GLAZIERS	8.68	.47	.40+.25		.01
IRONWORKERS	8.73	.55	1.40		.05
LABORERS (BUILDING):					
Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	7.50	.50	.45		.10
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide, core drilling machine, Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar tar mixers; Ride-on motorized buggy	7.75	.50	.45		.10
Air track; Block pavers; Tampers; Curb setters	8.00	.50	.45		.10

DECISION NO MA75-2117

LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Blasters; Powdermen	8.75	.50	.45		.10
Open air caisson; Cylindrical work & boring crew					
Laborer; Top man	7.50	.50	.45		.10
Helper	7.62	.50	.45		.10
Bottom man	8.25	.50	.45		.10
Driller	8.37	.50	.45		.10
LATHERS	9.25	.45	.55		
LEADBURNERS	9.25	.35		d	.01
LINE CONSTRUCTION:					
Linemen	11.54	.45	1%	e	3/8of1%
Driver - Groundman	8.68	.45	1%	e	3/8of1%
Groundmen	7.38	.45	1%	e	3/8of1%
Equipment Operators	10.85	.45	1%	e	3/8of1%
MARBLE SETTERS: Terrazzo Workers	9.05	.70	.80		
MARBLE SETTERS' HELPERS	7.94	.40	.25		
MILLWRIGHTS	9.30	.60	.65		.07
PAINTERS:					
Brush	8.30	.60	.20		
Structural Steel - 1' to 50' and Spray	9.30	.60	.20		
PILEDRIVERMEN	9.50	.50	.50		
PLUMBERS & STEAMFITTERS					
Borune, & Sandwich	9.50	.45	.70		.05
Remainder of County	9.15	.76	1.16		.15
ROOFERS:					
Roofers, kettlemen & Waterproofers	8.80	.50	.05		
Roofers' helpers, Class A	8.10	.50	.05		
SHEET METAL WORKERS	9.30	.45	.45		
SPRINKLER FITTERS	10.53	.50	.80		.08
TERRAZZO WORKERS' HELPERS	8.65	.60	.25		.05
TILE SETTERS	9.05	.70	.80		
TILE SETTERS' HELPERS	7.94	.40	.25		

DECISION NO MA75-2117

PAID HOLIDAYS:

~~A~~-New Year's Day; ~~B~~-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $1.00 per journeyman Electricians per week

b. Employer contributes 1% basic hourly rate for 5 years or more of service of 2% basic hourly rate for 6 months to 5 years' service as vacation pay credit.

c. 6 paid holidays: A through F.

d. 9 paid holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days during 120 calendar days prior to the holiday & the regular scheduled days immediately preceding and following the holiday.

e. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee has been employed 10 working days prior to the holiday.

MASS-1 - 2-3 1.

HEAVY & HIGHWAY CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class I	$7.50	.50	.45		.10
Class II	7.75	.50	.45		.10
Class III	8.00	.50	.45		.10
Class IV	8.25	.50	.45		.10

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

BUILDING CONSTRUCTION Power Equipment Operators:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$10.46	.75	.80	a	.02
CLASS II	10.34	.75	.80	a	.02
CLASS III	8.71	.75	.80	a	.02
CLASS IV	9.52	.75	.80	a	.02
CLASS V	7.69	.75	.80	a	.02
CLASS VI	8.17	.75	.80	a	.02

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumporete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib - additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour

CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tamppers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single disphragn pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers and apprentices (other than truck cranes and gradalls)

CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

MASS-1-PEO-2-3 F

HEAVY & HIGHWAY CONSTRUCTION: POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$10.46	.75	.80	a	.02
Hourly premium for boom lenghts including Jib					
Over 150 feet +	$ .65				
Over 185 feet +	.80				
Over 210 feet +	1.15				
Over 250 feet +	1.75				
Over 295 feet +	2.50				
Group 2	10.34	.75	.80	a	.02
Group 3	8.71	.75	.80	a	.02
Group 4	9.52	.75	.80	a	.02
Group 5	7.65	.75	.80	a	.02
Group 6	8.17	.75	.80	a	.02

FOOTNOTE: a. 10 Paid Holidays - New Years' Day, Memorial Day, Independence Day; Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day, & Patriots Day.

CLASSIFICATIONS:

GROUP 1
Power Shovels, Cranes, Truck Cranes, Derricks, Pile Drivers, Trenching Machines, Mechanical Hoist Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Three Drum Machines, Pumperete Machines, Uke Loaders, Shovel Dozers, Front End Loaders, Mucking Machines, Shaft Hoists, Steam Engines, Backhoe, Cradalls, Cable Ways, Fork Lifts, Cherry Pickers, Boring Machines, Rotary Drills, Post Hole Hammers, Port Hole Diggers, Asphalt Plant on Job Sute, Concrete Batching and/or Mixing Plant on Job Site, Crusher Plant on Job Site, Paving Concrete Mixers, Timber Jacks

GROUP 2
Sonic or Vibratory Hammers, Graders, Scrapers, Tandom Scrapers, Bulldozers, Tractors, Mechanic Maintenance, York Rakes, Mulching Machines Paving Screed Machines, Stationary Steam Boilers, Paving Concrete Finishing Machines, Grout Pumps, Portable Steam Boilers, Portable Steam Generators, Rollers, Spreaders, Asphalt Pavers, Locomotives or Machines Used in Place Thereof, Tampers, Self Propelled or Tractor Drawn, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

GROUP 3
Pump (1-3 groupd), Compressors, Welding Machine (1-3 grouped), Generators, Lighting Plants, Heators (Power Driven) (1-5), Syphons-Pulsometers, Concrete Mixers, Valves Controlling Permanent Plant Air Steam, Conveyors, Wellpoint Systems (Operating and Installing)

GROUP 4
Assistant Engineers (Firemen)

GROUP 5
Oilers (other than truck cranes & gradalls)

GROUP 6
Oilers (on truck cranes & gradalls)

MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$10.46	.75	.80	a	.02
GROUP II	11.46	.75	.80	a	.02
GROUP III	10.41	.75		a	.02
GROUP IV	10.34	.75		a	.02
GROUP V	8.71	.75	.80	a	.02
GROUP VI	9.52	.75	.80	a	.02
GROUP VII	7.69	.75	.80	a	.02
GROUP VIII	8.17	.75	.80	a	.02
GROUP IX	8.609	.75	.80	a	.02

CLASSIFICATIONS

GROUP I Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derricks boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumperete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers; Booms over 150' including jib - additional $.35 per hour; Booms over 185' including jib - additional $.70 per hour; Booms over 210' including jib - additional $1.00 per hour; Booms over 250' including jib - additional $1.50 per hour; Booms over 295' including jib - additional $2.00 per hour

GROUP II Master Mechanic

GROUP III Swinger Engines

GROUP IV Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractor york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks, ballast regulator, switch tampers, rail anchor machines, tire trucks

GROUP V Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

GROUP VI Assistant engineers (firemen)

GROUP VII Oilers and apprentices (other than truck cranes and gradalls)

GROUP VIII Oilers and apprentices on truck cranes and gradalls

GROUP IX Oilers on scowe

PAID HOLIDAYS: A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day E- Thnaksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patroits' Day; Columbus Day; & Veterans' Day.

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

MASS - 1 - TD - 1-2-3 D

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Station wagons, panel trucks and pick-up trucks	$7.24	.545	.575	a+b	
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	7.39	.545	.575	a+b	
Three axle equipment and firemen	7.44	.545	.575	a+b	
Four and five axle equipment	7.54	.545	.575	a+b	
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.64	.545	.575	a+b	
Specialized earth moving equipment over 35 tons	7.85	.545	.575	a+b	
Trailers for earth moving equipment, (double hookup)	8.14	.545	.575	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

NOTICES 50908 NOTICES 50909

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Suffolk
DECISION NO.: MA75-2127 DATE: Date of Publication
Superseded Decision No. MA75-2076 dated May 9, 1975 in 40 FR 20595
DESCRIPTION OF WORK: Building Construction, (Including Residential), heavy and highway construction, marine construction and dredging

13-MASS-1-2-3-H (1of 2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr
ASBESTOS WORKERS	$ 9.66	.60	.80		.01
BOILERMAKERS	10.00	.60	10%		.01
BRICKLAYERS; Stonemasons	9.75	.70	.90		.05
CARPENTERS; Soft floor layers	10.00	.60	.65		.07
CEMENT MASONS	10.70	.75	.45		.07
ELECTRICIANS	10.10	.50	1%+$1.35		.05
ELEVATOR CONSTRUCTORS	10.665	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR	.495	.32	4%+a+b	.02
GALZIERS	9.20	.45	.56		.03
IRONWORKERS: Ornamental; Reinforcing; Structural	9.29	.55	1.40		.06
LABORERS (Building) Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	7.50	.50	.45		.10
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ridge-on motorized buggy	7.75	.50	.45		.10
Air track; Block pavers; Rammers; Curb setters	8.00	.50	.45		.10
Blasters; Powdermen	8.25	.50	.45		.10
Open air caisson; Cylindrical work & boring crew:					
Laborer; Top man	7.50	.50	.45		.10
Helper	7.62	.50	.45		.10
Bottom men	8.45	.50	.45		.10
Driller	8.37	.50	.45		.10
LATHERS	9.25	.45	.55		
LEADBURNERS	9.25	.35	—	c	.01
LINE CONSTRUCTION:					
Linemen	11.54	.30	7%	d	3/8of7%
Equipment Operators	10.85	.30	7%	d	3/8of7%
Driver groundman	8.68	.30	7%	d	3/8of7%
Groundman	7.38	.30	7%	d	3/8of7%

DECISION NO. MA75-2127

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
MARBLE SETTERS; TERRAZZO WORKERS	$ 9.05	.70	.80		
MARBLE SETTERS' HELPERS	7.94	.40	.25		
MILLWRIGHTS	9.93	.60	.65		.07
PAINTERS:					
Brush; New Construction	9.46	.72	.85		.04
Structural steel	11.58	.72	.85		.04
Spray	10.46	.72	.85		.04
Repaint, alterations, & residential					
Brush	8.61	.72	.85		.04
Structural steel	11.58	.72	.85		.04
Spray	9.61	.72	.85		.04
PILEDRIVERMEN	9.50	.50	.50		
PLASTERERS	8.55	.45	1.25		.02
PLASTERERS' TENDERS	7.25	.50	.45		.10
PLUMBERS	10.25	.70	.60		.03
ROOFERS; Waterproofers	9.20	.55	.80		.05
SHEET METAL WORKERS	9.63	.71	.75		.06
SPRINKLER FITTERS	10.73	.50	.70		.02
STEAMFITTERS	10.36	.66	.85		.05
TERRAZZO WORKERS' HELPERS	8.65	.60	.25		
TILE SETTERS	9.05	.70	.80		
TILE SETTERS HELPERS	7.94	.40	.25		

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 6% of basic hourly rate for 5 years or more of service or 4% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. 6 paid holidays: A through F.

c. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve provided the employee has worked at least 45 full days during the 90 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. 7 paid holidays: A through F, Bunker Hill Day, provided the employee has been employed 10 working days prior to any one of the listed holidays.

MASS - 1 - TD. - 1-2-3 D

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Station wagons, panel trucks and pick-up trucks	$7.24	.545	.575	a+b	
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	7.39	.545	.575	a+b	
Three axle equipment and tiremen	7.46	.545	.575	a+b	
Four and five axle equipment	7.54	.545	.575	a+b	
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.64	.545	.575	a+b	
Specialized earth moving equipment over 35 tons	7.85	.545	.575	a+b	
Trailers for earth moving equipment, (double hookup)	8.14	.545	.575	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

MASS-1 - 2-3 L

HEAVY & HIGHWAY CONSTRUCTION

LABORERS:

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GRADE I	$7.50	.50	.45		.10
GRADE II	7.75	.50	.45		.10
GRADE III	8.00	.50	.45		.10
GRADE IV	8.25	.50	.45		.10

CLASSIFICATIONS:

GRADE I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

GRADE II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill up., pneumatic tool op., wagon drill op

GRADE III
Air track op., block pavers, rammers, curb setters

GRADE IV
Blasters, powdermen

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DREDGING	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Dredge operator	$5.935	.225	.25	c+d		
Mates	4.05	.742	.197	c+d		
Scowmen	3.31	.742	.161	c+d		
Deckhand	3.36	.742	.163	c+d		
Tug engineer	4.10	.742	.197	c+d		
Hydraulic Dredges						
Leverman	5.47	.25	.15	a+5%		
Engineer and derrick operators	5.40	.25	.15	a+5%		
Maintenance engineer	5.29	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders & boilerman	5.17	.25	.15	a+5%		
Mates	4.80	.25	.15	a+5%		
Oiler, Fireman, carpenter's helper, welder's helper & blacksmith helper	4.24	.25	.15	a+5%		
Deckhands and shoreman	4.00	.25	.15	a+5%		
Tug engineer	4.86	.25	.15	a+5%		
Tug deckhand	4.06	.25	.15	a+5%		
Drill Boats						
Engineer	6.3475	.25	.15	b		
Blaster	6.4375	.25	.15	b		
Driller; Welder Machinist	6.3467	.25	.15	b		
Firemen	6.0975	.25	.15	b		
Oiler; Drill helper	5.97	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday and Veterans Day.
b. Holidays: A through F; Washington's Birthday and Veterans Day (6/7) days of vacation with pay for 104 days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.
c. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Veterans Day; Thanksgiving Day; Christmas Day.
d. One week's vacation after one year of employment.

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BUILDING CONSTRUCTION Power Equipment Operators:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$10.46	.75	.80	a	.02
CLASS II	10.34	.75	.80	a	.02
CLASS III	8.71	.75	.80	a	.02
CLASS IV	9.52	.75	.80	a	.02
CLASS V	7.69	.75	.80	a	.02
CLASS VI	8.17	.75	.80	a	.02

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumperete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib - additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour
CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tamppers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)
CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single disphragm pump, lighting plants
CLASS IV Assistant engineers (firemen)
CLASS V Oilers and apprentices (other than truck cranes and gradalls)
CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

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MASS-1-PEO-2-3 F

HEAVY & HIGHWAY CONSTRUCTION: POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$10.46	.75	.80	a	.02
Hourly premium for boom lenghts including Jib					
Over 150 feet + $ .35					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
Group 2	10.34	.75	.80	a	.02
Group 3	8.71	.75	.80	a	.02
Group 4	9.52	.75	.80	a	.02
Group 5	7.65	.75	.80	a	.02
Group 6	8.17	.75	.80	a	.02

FOOTNOTE: a. 10 Paid Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day, & Patriots Day.

CLASSIFICATIONS:

GROUP 1
Power Shovels, Cranes, Truck Cranes, Derricks, Pile Drivers, Trenching Machines, Mechanical Hoist Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Taree Drum Machines, Pumpcrete Machines, Uke Loaders, Shovel Dozers, Front End Loaders, Mucking Machines, Shaft Hoists, Steam Engines, Backhoe, Gradalls, Cable Ways, Fork Lifts, Cherry Pickers, Boring Machines, Rotary Drills, Post Hole Hammers, Port Hole Diggers, Asphalt Plant on Job Sute, Concrete Batching and/or Mixing Plant on Job Site, Crusher Plant on Job Site, Paving Concrete Mixers, Timber Jacks

GROUP 2
Sonic or Vibratory Hammers, Graders, Scrapers, Tandem Scrapers, Bulldozers, Tractors, Mechanic Maintenance, York Rakes, Mulching Machines Paving Screed Machines, Stationary Steam Boilers, Paving Concrete Finishing Machines, Grout Pumps, Portable Steam Boilers, Portable Steam Generators, Rollers, Spreaders, Asphalt Pavers, Locomotives or Machines Used in Place Thereof, Tampers, Self Propelled or Tractor Drawn, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

GROUP 3
Pump (1-3 groupd), Compressors, Welding Machine (1-3 grouped), Generators, Lighting Plants, Heaters (Power Driven) (1-5), Syphons-Pulsometers, Concrete Mixers, Valves Controlling Permanent Plant Air Steam, Conveyors, Wellpoint Systems (Operating and Installing)

GROUP 4
Assistant Engineers (Firemen)

GROUP 5
Oilers (other than truck cranes & gradalls)

GROUP 6
Oilers (on truck cranes & gradalls)

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MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$10.46	.75	.80	a	.02
GROUP II	11.46	.75	.80	a	.02
GROUP III	10.41	.75		a	.02
GROUP IV	10.34	.75		a	.02
GROUP V	8.71	.75	.80	a	.02
GROUP VI	9.52	.75	.80	a	.02
GROUP VII	7.69	.75	.80	a	.02
GROUP VIII	8.17	.75	.80	a	.02
GROUP IX	8.605	.75	.80	a	.02

CLASSIFICATIONS

GROUP I Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derricks boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumperete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers; Booms over 150' including jib - additional $.35 per hour; Booms over 185' including jib - additional $.70 per hour; Booms over 210' including jib - additional $1.00 per hour; Booms over 250' including jib - additional $1.50 per hour; Booms over 295' including jib - additional $2.00 per hour

GROUP II Master Mechanic

GROUP III Swinger Engines

GROUP IV Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractor york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks, ballast regulator, switch tampers, rail anchor machinec, tire trucks

GROUP V Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

GROUP VI Assistant engineers (firemen)

GROUP VII Oilers and apprentices (other than truck cranes and gradalls)

GROUP VIII Oilers and apprentices on truck cranes and gradalls

GROUP IX Oilers on scows

PAID HOLIDAYS: A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day E- Thnaksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patroits' Day; Columbus Day; & Veterans' Day.

SUPERSEDEAS DECISION

STATE: Mississippi
DECISION NUMBER: MS75-1106
COUNTY: Hinds
DATE: Date of Publication
Supersedes Decision No. AK-4030 dated September 6, 1974 in 39 FR 32454.
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$7.78	.30			
Boilermakers	8.20	.60	.90		.02
Bricklayers	6.92				.02
Carpenters:					
Carpenters	6.35	.30	.20		.05
Millwrights	6.70	.30	.20		.05
Piledrivermen	6.70	.30	.20		.05
Soft floor layers	6.35	.30	.20		.05
Cement masons:					
Cement masons	6.00	.25	.10	a	
Traveling and/or floating machine & power grinder op.	6.20	.25	.10	a	
Electricians	8.35		1% + .50		.04
Cable splicers	8.60		1% + .50		.04
Elevator constructors	6.89	.445	.29	3% +a+b	.02
Elevator constructors' helpers	4.82	.445	.29	3%+a+b	.02
Elevator constructors' helpers (probationary)	3.445				
Glaziers	5.90				
Ironworkers:					
Ornamental, structural, and reinforcing	6.65	.30	.35		.04
Laborers:					
Laborers, unskilled, wrecking, & demolition	4.25	.15	.15	a	.05
Mortar mixers, mechanical tools, motorized (Georgia Buggy Op.)	4.50	.15	.15	a	.05
Brickmason tenders, cement and plasterer tenders	4.40	.15	.15	a	.05
Line Construction:					
Lineman	7.63		1%	o	
Groundman (over 1 year)	4.63		1%	c	
Groundman (less than 1 year)	4.29		1%	c	
Cable splicers (electric)	7.96		1%	o	
Lathers	7.40		—		
Painters:					
Brush	5.95	.15			
Paperhangers	5.95	.15			
Spray	6.45	.15			

MS75-1106 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters: (Cont'd)					
Structural steel (brush)	6.20	.15			
Structural steel (spray)	6.70	.15			
Swing stage	6.20	.15			
Plasterers	7.00	.25	.10		.05
Plumbers and steamfitters	7.72	.30	.50		
Roofers	6.90		.15		
Roofers' helper	4.90				
Sheet metal workers	7.75	.30	.40		
Sprinkler fitters	8.60	.50	.70		.08
Stonemasons	6.92				.02

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, and F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. One week paid vacation after one year's service.

NOTICES

MS75-1106 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I	$7.75	.25	.25		
GROUP II	6.80	.25	.25		
GROUP III	6.55	.25	.25		
GROUP IV	6.10	.25	.25		
GROUP V	5.40	.25	.25		

GROUP I: Engineer, operating under air pressure.

GROUP II: Mechanic

GROUP III: Asphalt plant, backhoe, blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, crane, derrick, derrick car, derrick boat, dragline, dredge, elevating grader, excavator (power belt), fork lift (5 tons & over), hoists (2 drum in active use), locomotive engineer, marine engineer (chief), master pilot, miermobile, motor patrol and similar equipment, paver (21 c. f. or larger), pile driver, recharger, scoop (skimmer), scrapar, shovel, trenching machine (over 18" bucket line width), turnapull (DW-10 and similar pull type scrapers), Traxcavator and similar endloaders, welder, welding machines and pumps (operating 2 to 6 machines), well driller, well point pumps.

GROUP IV: Asphalt spreader (bituminous distributor), asphalt spreader (bituminous mixer), backfilling machine, conveyor, drill (earth), finishing machine, fireman, forklift (over 2 tons and less than 5 tons), heating plant, hoist (one drum), marine engineer's assistant, mixer payloader and similar endloaders, pilot, power generating plant, pump (concrete), roller, scoopmobile, tractor (with power take-off), trenching machines (18" or smaller bucket line width), tugboat, well driller (1st helper), winch truck and tractor, small rubber tired with backhoe attachment.

GROUP V:
Air compressor, batch scale, deckhand, forklift (2 tons & under), form grader, locomotive hostler, mechanic helper, motorboat (in or outboard), oiler, pump, roughneck, scowman, tractor (with attachments), welding machine.

MS75-1106 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (cont'd)					

Booms, including jib:
25¢ per hour above regular rate - 100 feet to and including 200 feet.

50¢ per hour above regular rate - 201 feet to and including 300 feet.

75¢ per hour above regular rate - 301 feet and above.

Operators servicing other crafts shall draw rate of pay not less than journeyman rate of craft being serviced.

NOTICES

SUPERSEDEAS DECISION

STATE: Mississippi COUNTIES: Hancock, Harrison, Jackson & Pearl River

DECISION NO.: MS75-1107 DATE: Date of Publication

Supersedes Decision No.: MS75-1099 dated September 20, 1975 in 40 FR 44459

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), and heavy construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers (Pearl River and Hancock)	7.25	.40	.90		
Asbestos workers (Jackson and Harrison)	9.40	.395	.75	c	.02
Boilermakers	8.20	.60	.90		.02
Bricklayers:					
Bricklayers	7.90		.15		
Blockmasons	7.90		.15		
Caulkers & Pointers	7.90		.15		
Marble masons	7.90		.15		
Stonemasons	7.90		.15		
Plasterers	7.80		.15		
Terrazzo workers	7.80		.15		
Tile setters	7.80		.15		
Cement masons	7.28		.15		
Carpenters:					
Carpenters	7.55		.20		.05
Soft floor layers	7.55		.20		.05
Millwrights	7.87		.20		.05
Electricians:					
Electricians	8.55	.25	1%+.20		1/8%
Cable splicers	8.80	.25	1%+.20		1/8%
Elevator constructors:					
Elevator constructors	6.89	.445	.29	2%+a+b	.015
Helpers	4.82	.445	.29	2%+a+b	.015
Helpers (probationary)	3.445				
Glaziers	5.00				
Ironworkers:					
Jackson & Harrison Cos (E. 1/3 of Harrison Co. incl. Biloxi, Kessler AFB, & towns of Howison & Success)					
Structural, Ornamental, & Reinforcing	8.98	.30	.35		.05
Ironworkers:					
Hancock & Pearl River Counties & remaining portions of Harrison County:					
Structural, Ornamental & Reinforcing	8.98	.30	.30		.04
Laborers:					
Laborers	4.50	.15	.10		

MS75-1107 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers (Cont'd)					
Asphalt rakers, mason tenders, mortar mixers, masonry cleaners, pipelayers, power saw oper., pipe wrapping, power post hole digger, railroad men, sandblasting, and vibrator-jackhammer; plasterer tender	4.65	.15	.10		
Lathers	6.00		.10		.01
Line Construction:					
Linemen	8.55	.25	1%+.20		1/8%
Cable splicers	8.80	.25	1%+.20		1/8%
Painters (Jackson County):					
Commercial:					
Brush	6.85	.20			.12
Roller	6.95	.20			.12
Spray	7.70	.20			.12
Industrial:					
Brush	7.60	.20			.12
Spray & Sandblasting	8.90	.20			.12
Painters (Hancock, Harrison, & Pearl River (Counties):					
Commercial:					
Brush & roller	5.30				.03
Spray	6.55				.03
Structural steel under 30':					
Brush & roller	5.55				.03
Spray	6.55				.03
Piledrivermen	8.84	.30	.35		
Piledrivermen on creosote material	9.09	.30	.35		
Plumbers & steamfitters	9.70	.31	.25		.01
Roofers:					
Roofers	6.90		.15		
Helpers	4.95				
Kettlemen	5.50				
Sheet metal workers	7.315	.25	.40	25	.10
Sprinkler fitters	8.60	.50	.70		.08

MS75-1107 - (Cont'd)

PAID HOLIDAYS:
A-New Year's Day
B-Memorial Day
C-Independence Day
D-Labor Day
E-Thanksgiving Day
F-Christmas Day

FOOTNOTES:

a. Holiday: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays: Labor Day and Thanksgiving Day, provided the employee works at least one day out of the 3 workdays prior to the paid holidays and the first workday after the paid holiday.

MS75-1107 - (Cont'd)

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	6.20	.30	.35		
GROUP II	6.78	.30	.35		
GROUP III	8.06	.30	.35		
GROUP IV	8.76	.30	.35		
GROUP V	5.43	.30	.35		
GROUP VI	6.20	.30	.35		
GROUP VII	6.51	.30	.35		

GROUP I: Truck drivers on equipment up to but not including 1½ tons, station wagons, jeeps and automobiles, truck spotters, general warehousemen.

GROUP II: Truck drivers on equipment 1½ tons and up to but not including 5 tons.

GROUP III: Truck drivers on equipment rated 5 tons or 6 yards and over, including heavy equipment such as pole trucks, mixe or corning wagons, dumpsters, semi-drivers, agitator, roas carriers, demsey dumps, sculid trucks, forklift trucks in warehouse and similar equipment such as tractors, 10 wheelers, jeeps or dump trucks or pickup trucks pulling two or four wheel trailers hauling equipment.

GROUP IV: Mechanics

GROUP V: Trucks helpers

GROUP VI: Trucks helpers when unloading creosote or Coppertox Materials

GROUP VII: Mechanics helpers

M375-1107 · (Cont'd)

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	8.25	.30	.30		
GROUP 2	7.30	.30	.30		
GROUP 3	7.05	.30	.30		
GROUP 4	6.50	.30	.30		
GROUP 5	5.70	.30	.30		
GROUP 6	5.70	.30	.30		

GROUP 1:
Engineer - operating under air pressure

GROUP 2:
Mechanic

GROUP 3:
Air tugger (2 drum), asphalt plant, backhoe, blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, crane derrick, derrick boat, derrick car, dragline, dredge, elevating grader, excavator (power belt), fork-lift, hoist (2 drum) locomotive engineer, marine engineer (chief), master pilot, mixermobile, motor patrol & similar type equipment, paver (21 C.F. or larger), piledriver, recharger, roaming greaser (1st), scoop (skimmer), scraper, shovel, trenching machine (over 18" bucket line width), tournapull, DW-10 & similar pulltype scrapers, traxavator and similar endloaders, welder, welding machines or S/W pumps (2 to 6), well driller, well point pumps

GROUP 4:
Air tugger, asphalt spreader (bituminous distributor) asphalt spreader (bituminou mixer), backfilling machine. conveyor, drill (earth), finishing machine, fireman, heating plant, hoist, marine engineer (assistant), mixer, payloader, and similar endloaders, pilot, power generating plant, pump (concrete), roller, scoopmobile, tractor (with power take-off), trenching machine(18" or smaller bucket line width), tugboat, well driller (1st helper), winch truck

GROUP 5:
Air comppressor, form grader, locomotive hostler, mechanic helper, oiler (truck crane), pump, roughneck, tractor (without attachments), welding machine

GROUP 6:
Batch scale, deckhand, motorboat (in or outboard), oiler scowman

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: TX75-4182
Supersedes Decision No. TX75-4114, dated June 20, 1975, in 40 FR 26240.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy and highway general wage determination for Paving Incidental to Building Construction).

COUNTY: El Paso
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.66	.50	.97(a)		.03
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS: BLOCKLAYERS: ROCK MASONS: STONEMASONS	7.00	.48	.20		.04
CARPENTERS:					
Carpenters	6.83	.45			.02
Millwrights	7.22	.45			.02
Stationary radial arm power saw operator	6.96	.45			.02
Floor layers	6.83	.45			.02
CEMENT MASONS	5.66	.48			.03
ELECTRICIANS:					
Electricians	8.30	.25	1%		1/2%
Cable splicers	8.55	.25	1%		1/2%
ELEVATOR CONSTRUCTORS	6.88	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTES: a-1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate; b-Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day					
GLAZIERS	5.99	.30			.02
IRONWORKERS	7.25	.55	.60		.10
LABORERS:					
Powderman or blasterer	5.20	.34	.30		
Outside wagon drill; wagon drill tenders; miner	4.95	.34	.30		
Cement gun or gunite; mason tender; mortar mixer; machine man; track man; chuck tender	4.70	.34	.30		
Pipelayer, main sewer and drainage	4.58	.34	.30		
Jackhammer operator, asphalt raker; kettleman; asphalt or pot man	4.45	.34	.30		
Common	4.30	.34	.30		
LATHERS	7.38				.01
LINE CONSTRUCTION:					
Lineman-Technician; Equipment operators	8.30	.25	1%		1/2%
Cable splicers	8.55	.25	1%		1/2%
Groundman	75%JR	.25	1%		1/2%
Groundman (less than 6 months)	50%JR	.25	1%		1/2%

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DECISION NO. TX75-4182

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE MASONS	$6.98		.20		.04
PAINTERS:					
Brush; paperhangers; chipping & hand tools used for cleaning	6.08	.30			.02
Tapers, bedders, rollers 9" wide	6.08	.30			.02
Steel after erection, steam cleaning, buffing with power driven tools and torches	6.49	.30			.02
Spray, sandblasting, waterblasting, swing stage	6.785	.30			.02
Amea tools & taping machines	6.30	.30			.02
PLASTERERS	6.90	.48			.01
PLUMBERS & STEAMFITTERS	7.82	.38	.30		.02
POWER EQUIPMENT OPERATORS:					
GROUP 1	5.59	.35	.40		.10
GROUP 2	6.17	.35	.40		.10
GROUP 3	6.26	.35	.40		.10
GROUP 4	6.31	.35	.40		.10
GROUP 5	6.39	.35	.40		.10
GROUP 6	6.63	.35	.40		.10
GROUP 7	6.79	.35	.40		.10
GROUP 8	6.26	.35	.40		.10
GROUP 9	6.49	.35	.40		.10
GROUP 10	6.79	.35	.40		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Fireman, Oiler; Mechanic, Grease Truck and Welder's Helpers; Screedman, Pneumatic roller towed by farmtype tractor or truck; Scale Operator and such as bin-a-batch; Rubber-tired farm type tractors and tractors under 35 HP without attachments

GROUP 2 - Air Compressors, Power Plants, pumps and welding machines (an operating engineer will not be required for an air compressor under 315 c.f.m., a pump under three inches or a light plant generating fifteen kilowatts or less, or one welding machine, if and when there is another operating engineer employed on the job who services the units); Concrete mixers, under 1 yard, and concrete batch plants, under 1 yard, gunnite and pumpcrete machines, mechanical bull floats, spreading and finishinf machines. Screening Plants. Drilling machines, Diamond, rotary, core and cable drilling; Well under 6 inches. Hoists, scoop-mobiles, A frame Air tugger; building hoist, 1 drum, hydrolift, Hydrocranes, winch truck. Loaders; Elevating, belt type loader, front end loader 'under 2 yds) and over head loaders; forklift and lumber staker on construction job site. Grease truck operator, (Head Oiler). Motor man and Industrial Locomotive. Tractors under 35 HP with attachments; and farm type tractor with back, or shovel type attachments

DECISION NO. TX75-4182

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP 3 - Concrete mixers 1 yard and over and batch plants 1 yard and over, single drum paving machines, Crushing plants. Drilling Machines, 6 inches and over; Front end loaders, 2 yards and over; Paving: Asphalt plants, boiler or retort heater, distributor, lay down machine, pug mill, breakdown and tandem rollers. Steam Engineer. Trenching Machines. Patrol, rough, not required to blue top or finish

GROUP 4 - Tractor Equipment: Athey and Barber Green Loader, Bulldozer, DW10, DW20, DW21, Dumor, Elevating Grader; Euclid, Highlander, Scraper, Trenchvator, Turnapull, Turnarocker and Tractors 35 HP and up

GROUP 5 - Concrete paving machines, double drum. Cableanes, Hysters, Cherry Picker, Attachment cranes, side and swing boom tractors, Building Hoist, 2 drums and up. Mechanic, Welder, Patrol, finish

GROUP 6 - Shovel, Backhoe, clam and dragline 3/4 yards and under; Cranes 25 tons and under

GROUP 7 - Guy and stiff leg derrick, Piledrivers; Crawler or skid rig, Shovel, Backhoe, clam and dragline over 3/4 yards; Cranes over 25 tons

GROUP 8 - Refrigeration, slusher, Jumbo form operators

GROUP 9 - Mucking machines

GROUP 10 - Mine hoists

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Roofers; Waterproofers; Pipa-wrappers	$5.30				
SHEET METAL WORKERS	8.39	.45	.30		.025
SOFT FLOOR LAYERS	5.93	.30			.02
SPRINKLER FITTERS	10.10	.50	.80		.08
TERRAZZO WORKERS	6.98		.20		.04
TERRAZZO WORKERS' HELPERS	4.30		.20		
TILE SETTERS	6.98		.20		.04
TILE SETTERS' HELPERS	4.30		.20		
TRUCK DRIVERS:					
Up to and including 2 tons	3.50	.26			
Flat bed dump trucks, mechanically	3.60	.26			
Tank trucks, up to 2500 gallons	3.50	.26			
Standard dump trucks, up to and including 4 cu. yds.	3.60	.26			
Dump trucks, over 4 cu. yds.	3.75	.26			
Trucks over 4 tons including transit mix, all semi trucks, etc.	3.75	.26			
Lowboy	3.75	.26			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Washington
DECISION NUMBER: WA75-5132
COUNTIES: Statewide
DATE: Date of Publication

Supersedes Decision No. WA75-5124 dated October 10, 1975, in 40 FR 48070

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments, up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	$10.11	.51	.75		
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	9.96	.50	.80		.10
Remaining Counties	10.80	.44	.90		
BOILERMAKERS	8.90	.65	1.00	.50	.02
BRICKLAYERS:					
Adams (except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties and Grand Coulee Dam area in Okanogan County	9.69	.55	.50		.04
Benton, Franklin, and Walla Walla Counties	9.20	.40	.50		
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	8.27	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (South of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	10.12	.55	.35		.02
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum Counties and ten mile strip bordering the Columbia River in Klickitat County	9.42	.50	.55		.08
Grant County and that portion of Adams County including the City of Othello	8.25	.45			
Kittitas, Yakima and Klickitat (except a ten-mile strip bordering the Columbia River) Counties	9.75	.50	.50		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS: (Cont'd)					
Grays Harbor, Lewis, Mason, Thurston and Northern portion of Pacific County	$8.45	.55	.30		
Pierce County	9.79	.55	.65		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and North thereof), and Whatcom Counties	9.85	.55	.45		
CARPENTERS:					
All Counties and parts of Counties east of the 120th Meridian (except those parts of Kittitas, Klickitat and Yakima)					
Carpenters	9.04	.55	.55		.045
Piledriver; Floor Sanders; Saw Filers; Stationary Power Woodworking Tool Operator	9.19	.55	.55		.045
Shingler (wood or composition)	9.24	.55	.55		.045
Boom Men; Carpenters (Cresotoed material)	9.29	.55	.55		.045
Piledriver (creosoted material)	9.44	.55	.55		.045
Millwright and Machine Erector	9.54	.55	.55		.045
All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Carpenters	9.10	.50	.65		.02
Carpenters on Creosoted material	9.20	.50	.65		.02
Sawfilers; Stationary power saw; Floor Finisher; Floor Layer; Shingles; Floor Sander and other stationary power woodworking tools	9.23	.50	.65		.02
Millwrights and Machine Erectors	9.60	.50	.65		.02
Piledrivers; Bridge, dock and wharf builders	9.25	.50	.65		.02
Acoustical Workers	9.26	.50	.65		.02
Boommen	9.30	.50	.65		.02
Drywall Applicators	9.10	.50	.65		.01

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DECISION NO. WA75-5132

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS: (Cont'd)					
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Carpenters; Form stripper; Manhole Builders; Acoustical Applicators, Drywall Applicators	$9.29	.55	.65	.35	.03
Piledrivermen, bridge, dock and wharf builders	9.39	.55	.65	.35	.03
Floor layers; Floor finishers; Stationary power saw operator	9.44	.55	.65	.35	.03
Boomman	9.49	.55	.65	.35	.03
Millwrights; Machine Erectors	9.54	.55	.65	.35	.03
CEMENT MASONS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas (except for western portion lying one mile west of City of Easton), Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	8.93	.50	.65		.04
Clallam, Grays Harbor, Island, Jefferson, King (except City of Auburn), Kitsap, Kittitas, (western portion lying one mile west of the City of Easton), Mason, Pacific (northern portion), San Juan, Skagit, Snohomish and Whatcom Counties	9.02	.55	.90		.01
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Cement Masons	8.47	.55	.60	.60	.10
Composition materials and power machinery	8.62	.55	.60	.60	.10
Lewis, Pierce, Thurston and the City of Auburn in King County	8.25	.50	.65		.02

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DECISION NO WA75-5132

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS:					
Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties					
Electricians	$8.05	.35	1%+.40		.02
Cable Splicers	8.45	.35	1%+.40		.02
Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla and Yakima Counties					
Electricians	9.85	.35	1%+.40		.02
Cable Splicers	10.835	.35	1%+.40		.02
Chelan, Douglas, Grant and Okanogan Counties					
Electricians	9.90	.35	1%+.40		.02
Cable Splicers	10.89	.35	1%+.40		.02
Clallam, Jefferson, King and Kitsap Counties					
Electricians	10.30	.35	1%+.40		.03
Cable Splicers	11.33	.35	1%+.40		.03
Clark, Klickitat and Skamania Counties					
Electricians	10.10	.45	1%+.40		.02
Cable Splicers	10.85	.45	1%+.40		.02
Cowlitz and Wahkiakum Counties					
Electricians	9.76	.25	1%	5%	.02
Cable Splicers	10.74	.25	1%	5%	.02
Grays Harbor Lewis, Mason, Pierce, Pacific and Thurston Counties					
Electricians	8.92	.45	1%+.45	.36	.04
Cable Splicers	9.81	.45	1%+.45	.36	.04
Island, San Juan, Skagit, Snohomish and Whatcom Counties					
Electricians	9.95	.45	1%+.40		.01
Cable Splicers	10.95	.45	1%+.40		.01
ELEVATOR CONSTRUCTORS:					
Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties					
Elevator Constructors	8.975	.445	.29	3%+a	.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS: (Cont'd)					
Elevator Constructors' Helpers	70%JR	.445	.29	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific, (northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties					
Elevator Constructors	$9.275	.445	.29	3%+a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Clark, Cowlitz, Klickitat, Pacific, (southern portion), Skamania and Wahkiakum Counties					
Elevator Constructors	7.97	.445	.29	3%+a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS:					
Adams, (northeastern portion), Lincoln (eastern half); Pend Oreille, Spokane and Stevens Counties	7.455	.31	.10	.545	
Adams (southeastern portion), Benton, Columbia, Franklin and Walla Walla Counties	8.15	.40	.45	.53	
Adams (Southwestern corner), Chelan, Douglas, Grant, Lincoln, (western half) and Okanogan Counties	7.08	.31	.55	.50	
Asotin, Grafield and Whitman Counties	7.28	.31	.25	.28+b	
Clallam, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, (northern portion), Pierce, San Juan, Snohomish and Thurston Counties	8.05	.22	.40	b	.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GLAZIERS: (Cont'd)					
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties	$7.20	.26	.30	6.5%	.01
Kittitas and Yakima Counties	6.41	.25	.25		
IRONWORKERS:					
Statewide except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers and Signalmen	10.15	.58	1.00	.05	.05
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers; Signalmen	9.90	.58	1.00	.25	.05
LATHERS:					
Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties	8.88	.45			
Clallam, Island, Jefferson, King, Kitsap, Pacific (Northern portion), San Juan, Skagit, Snohomish and Whatcom Counties	7.50	.40			
Pierce County	7.25	.40	.50		.02
MARBLE SETTERS:					
Adams (except that portion including the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties, and Grand Coulee Dam Area in Okanogan County	9.69	.35	.40		.04
Benton, Franklin and Walla Walla Counties	9.20	.40	.50		
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	8.27	.45	.40	.25	
Clallam, island, Jefferson, King, Kitsap, Snohomish and Skagit					

DECISION NO WA75-5132

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
MARBLE SETTERS: (?Cont'd)					
(South of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	$10.12	.55	.35		.02
Clark, Cowlitz, Pacific (southern portion), Skamania, Wahkiakum Counties and a ten mile strip bordering the Columbia River in Klickitat County	9.42	.50	.55		.08
Grant County and that portion of Adams County including the City of Othello	8.25	.45			
Kittitas, Yakima and Klickitat (except ten mile stripe bordering the Columbia River) Counties	7.25	.50	.50		
Grays Harbor, Lewis, Mason, Thurston and Northern half of Pacific Counties	8.45	.55	.30		
Pierce County	9.66	.55	.65		.02
San Juan, Skagit, (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	9.85	.55	.45		
MARBLE, TILE AND TERRAZZO WORKERS HELPERS:					
All Counties east of the Cascade Mountain Range in Washington	6.55				
Remaining Counties west of the Cascade Mountain Range (except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties	8.12	.55			
MASON TENDERS:					
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties (including tenders to plasterers, bricklayers, tile setters, marble setters and terrazzo workers; topping for cement finishers and mortar mixers)	8.12	.65	.95		.10

DECISION NO WA75-5132

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
PAINTERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties					
Brush	$8.46	.31	.60		.02
Steel; Spray; Steam Cleaning; Roller over 9" or 10' handle; Drywall Taper	8.71	.31	.60		.02
Swing Stage work or high rate (over 30')	8.81	.31	.60		.02
Bitumastic; Sandblasting; Bridge; Tanksoon legs; Tower; Stacks; Steeples	8.86	.31	.60		.02
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Brush	8.59	.35	.45	.30	.03
Spray; High Towers, ground to 100'	8.84	.35	.45	.30	.03
High Work over 100'; High Towers, ground to 300'	9.09	.35	.45	.30	.03
High Towers, ground to over 300'	9.59	.35	.45	.30	.03
Drywall Tapers	7.81	.40	.40	.50	.06
Grays Harbor, Island, King, Kitsap, Lewis, Mason, Perice, San Juan, Skagit, Snohomish, Thurston, Pacific (Northern portion) and Whatcom Counties					
Brush; Drywall Tapers	8.91	.44	.49		.02
Spray; Structural Steel; Bridge; Sandblasting; Stacks; Steam Cleaning; Steeples; Swing Stage; Tanks on legs; Tower; Toxic Material	9.16	.44	.49		.02
Clallam and Jefferson Counties					
Brush	7.50				
Spray, Steel, Sandblasting, and Bitumastic	7.75				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Kittitas and Yakima Counties:					
Brush	$7.95	.31	.45		.02
Spray; Steel; Roller 9" or 10' handles; Drywall Taper; Steam Cleaning	8.20	.31	.45		.02
Swing Stage over 30' high	8.30	.31	.45		.02
Bitumastic; Bridges; Towers; Tanks on legs; Steeples; Stacks; Sandblasting	8.35	.31	.45		.02
PLASTERERS:					
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Kittitas (including the City of Ellensburg and south thereof); Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	8.88	.45			
Chelan, Douglas, Kittitas north of the City of Ellensburg, and Okanogan Counties	8.28	.45	.60		
Clallam, Island, Jefferson, King, (except the City of Kent), Kitsap, Pacific (Northern portion), San Juan, Skagit and Snohomish Counties	9.35	.55	.80		.04
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	8.50	.50	.60		.01
Grays Harbor, King (City of Kent), Lewis, Mason, Pierce and Thurston Counties	9.50	.50	.70		.04
PLASTERERS' TENDERS:					
All Counties and portions of Counties East of the 120th Meridian	8.00	.50	.70		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
PLUMBERS:					
Chelan, Clallam, King, Kittitas (north of 47°15' N. Lat.), Douglas (west of 119°30' W.Long.), Jefferson and Okanogan (except the area lying between 119°30' W. Long. and south of 48°30' N Lat.) Counties	$11.26	.65	1.12	1.00	.07
Adams (except area between a line drawn south from the western boundary of Ferry County to Highway #10 eastward to Whitman County), Asotin, Benton, Columbia, Franklin, Garfield, Grant, Klickitat, Walla Walla, Yakima, Douglas (east of 119°30' W. Long.), Ferry (west of a line drawn from Creston in Lincoln County Northward to the Canadian Border), Kittitas (south of 47° 15" N. Lat.), Lincoln (West of a line drawn from Schrag in Adams County northward to the Ferry County Line), and Okanogan (east of 119°30" N. Lat.) Counties	10.66	.65	1.10	1.00	.10
Adams (area between a line drawn south from the western boundary of Ferry County to Highway #10 and eastward to Whitman County), Asotin, Cowlitz, Ferry (east of a line drawn from Creston in Lincoln County northward to the Canadian Border), Grays Harbor, Kitsap, Lewis, Lincoln (east of a line drawn from Schrag in Adams County northward to the Ferry County Line), Mason, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, Whitman, and Clark and Skamania (those portions lying north of an east-west line drawn through Woodland eastward to the Klickitat County Line) Counties	10.02	.65	1.10	1.00	.11

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
ROOFERS:					
Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties	$7.64	.50	.30		.01
Asotin and Garfield Counties	8.25				
Benton, Franklin, Kittitas, Klickitat and Yakima Counties Roofers; Kettlemen; Waterproofers; Shinglers; Spraying	8.25	.30	.30		
Clallam, Cowlitz, Grays Harbor, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, Snohomish, Thurston and Wahkiakum Counties					
Roofers; Waterproofers	8.45	.30	.20		
Slate and Tile Roofers	8.70	.30	.20		
Island, San Juan, Skagit and Whatcom Counties					
Roofers and Waterproofers	7.95	.45	.30		
Slate and Tile Roofers	8.45	.45	.30		
Clark and Skamania Counties					
Roofers	7.80	.45	.75		
Handling or irritating material (coal, tar or epoxy) in unconfined area	8.30	.45	.75		
Handling or irritating material (coal, tar or epoxy) in confined area	8.55	.45	.75		
SHEET METAL WORKERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	10.91	.52	.50		
Clallam, Jefferson, Kitsap and Mason Counties	9.28	.37	.50	.50	.03
Clark and Skamania Counties	8.27	.55	.41	.57	.04
Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston and Wahkiakum Counties	9.45	.37	.77	.47	.02
King County	11.11	.52	.84		.03
Island and Snohomish Counties	11.40	.47	.60		.02
Whatcom, Skagit and San Juan Counties	10.17	.57	.60		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
SOFT FLOOR LAYERS:					
Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties	$7.89	.25	.40	.31	
Benton, Franklin and Walla Walla Counties	7.29	.40	.40	1.21	
Clallam, Island, Jefferson, Lewis, San Juan, Skagit, Whatcom, King, Kitsap and Snohomish Counties	9.26	.46	.70		.05
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties	8.335	.45	.85	c	.05
Grays Harbor, Mason, Pacific (northern portion), Pierce and Thurston Counties	9.07	.46	.70		.05
Yakima and Kittitas Counties	7.43	.25	.25	.23	
SPRINKLER FITTERS:					
Skagit, Snohomish, King, Island, Kitsap, Pierce and Thurston Cos.	12.26	.50	.80		.09
Remaining Counties	10.55	.50	.80		.08
TERRAZZO WORKERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan County	9.50	.55	.40		
Benton, Franklin and Walla Walla Counties	9.20	.40	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	8.27	.45	.40		.25
Clallam, Island, Jefferson, King, Kitsap, Skagit, (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	9.63	.55	.65		
Grant County and that portion of Adams County including the City of Othello	8.25	.45			

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TERRAZZO WORKERS: (Cont'd)					
Kittitas, Klickitat (except ten-mile strip bordering Columbia River), Yakima Counties	$7.25	.50	.50		
Grays Harbor, Lewis, Mason and Thurston Counties	8.45	.55	.30		
Pierce County	9.66	.55	.65		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	9.85	.55	.45		
TILE SETTERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan Co.	9.50	.55	.40		
Benton, Franklin and Walla Walla Counties	8.53	.40	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	8.27	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	9.63	.55	.65		.04
Clark, Cowlitz, Pacific (southern portion), Skamania, Wahkiakum and a ten-mile strip bordering the Columbia River in Klickitat County	7.84	.35	.35	.25	
Grant County and that portion of Adams County including the City of Othello	8.25	.45			
Kittitas, Klickitat (except ten-mile strip bordering the Columbia River) and Yakima Cos.	7.25	.50	.30		
Grays Harbor, Lewis, Mason and Thurston Counties	7.65	.40	.30		.02
Pierce County	9.66	.55	.65		.02
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

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* Where Pacific County is stated as "Northern portion" or "Southern portion" such areas are defined as follows:

Pacific (Northern portion) - North of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

Pacific (Southern portion) - South of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.
b. Two weeks' vacation with pay after 1 year of employment. Also seven Paid Holidays: A through F plus Washington's Birthday.
c. 4% of all gross wages to be placed to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of aervice.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION					
Cable Splicers; Leadman Pole Sprayer	$ 11.12	.35	1%	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	10.04	.35	1%	.10	1/2%
Tree Trimmer	9.06	.35	1%	.10	1/2%
Line Equipment Man	8.65	.35	1%	.10	1/2%
Head Groundman (chipper); Head Groundman; Powderman; Jackhammer man	7.56	.35	1%	.10	1/2%
Groundman; Tree Trimmer Helper	7.12	.35	1%	.10	1/2%

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LABORERS (Area 1) (All Counties and portions of Counties East of the 120th Meridian)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$7.50	.50	.70		.02
Group 2	7.65	.50	.70		.02
Group 3	7.75	.50	.70		.02
Group 4	7.80	.50	.70		.02
Group 5	7.85	.50	.70		.02
Group 6	7.90	.50	.70		.02
Group 7	7.95	.50	.70		.02
Group 8	8.15	.50	.70		.02
Group 9:					
Class A	7.55	.50	.70		.02
Class B	7.60	.50	.70		.02
Class C	8.00	.50	.70		.02
Class D	8.05	.50	.70		.02
LABORERS (Area 2) (All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and the Northern portion of Pacific County)					
Group 1	7.66	.65	.95		.06
Group 2	7.76	.65	.95		.06
Group 3	7.81	.65	.95		.06
Group 4	7.86	.65	.95		.06
Group 5	7.91	.65	.95		.06
Group 6	7.96	.65	.95		.06
Group 7	8.01	.65	.95		.06
Group 8	7.71	.65	.95		.06
Group 9	7.76	.65	.95		.06
Group 10	7.86	.65	.95		.06
Group 11	7.96	.65	.95		.06
Group 12	8.01	.65	.95		.06
Group 13	8.11	.65	.95		.06

LABORERS (Area 3)
(Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific Cos.)

	Zone A	Zone B	Zone C	Zone D	Zone E	Zone F
Group 1	$7.22	$7.62	$7.97	$8.22	$8.47	$8.72
Group 2	7.57	7.97	8.32	8.57	8.82	9.07
Group 3	7.87	8.27	8.62	8.87	9.12	9.37
Group 4	8.12	8.52	8.87	9.12	9.37	9.62

FRINGE BENEFITS:

Health and Welfare	$.65	Vacation	$.50
Pension	.95	Apprenticeship Training	.10

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LABORERS (Area 4) (Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$7.41	.65	.95		.06
Group 2	7.51	.65	.95		.06
Group 3	7.56	.65	.95		.06
Group 4	7.61	.65	.95		.06
Group 5	7.66	.65	.95		.06
Group 6	7.71	.65	.95		.06
Group 7	7.76	.65	.95		.06
Group 8:					
Class A	7.46	.65	.95		.06
Class B	7.51	.65	.95		.06
Class C	7.61	.65	.95		.06
Class D	7.71	.65	.95		.06
Class E	7.76	.65	.95		.06
Class F	7.86	.65	.95		.06

POWER EQUIPMENT OPERATORS (AREA 1) (All Counties and portions of Counties East of the 120th Meridian)	Basic Hourly Rates ZONE 1	Basic Hourly Rates ZONE 2	Basic Hourly Rates ZONE 3	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$8.05	$8.55	$9.00	.75	.85		.03
Group 2	8.35	8.85	9.30	.75	.85		.03
Group 3	8.90	9.40	9.85	.75	.85		.03
Group 4	9.05	9.55	10.00	.75	.85		.03
Group 5	9.20	9.70	10.15	.75	.85		.03
Group 6	9.45	9.95	10.40	.75	.85		.03
Group 7	9.70	10.20	10.65	.75	.85		.03

*ZONE 1: Within a 15 mile radius from the Center of the following Cities: Moses Lake, Pasco, Spokane and Walla Walla in Washington - and Coeur d' Alene and Lewiston in Idaho.
*ZONE 2: From a 15 to 45 mile radius from the center of the above named Cities.
*ZONE 3: Over a 45 mile radius from the center of the above named Cities.

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POWER EQUIPMENT OPERATORS (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$9.32	.60	.90		.11
Group 2	9.42	.60	.90		.11
Group 3	9.53	.60	.90		.11
Group 4	9.58	.60	.90		.11
Group 5	9.60	.60	.90		.11
Group 6	9.65	.60	.90		.11
Group 7	9.66	.60	.90		.11
Group 8	9.70	.60	.90		.11
Group 9	9.72	.60	.90		.11
Group 10	9.85	.60	.90		.11
Group 11	9.88	.60	.90		.11
Group 12	9.91	.60	.90		.11
Group 13	9.96	.60	.90		.11
Group 14	9.98	.60	.90		.11
Group 15	10.00	.60	.90		.11
Group 16	10.03	.60	.90		.11
Group 17	10.06	.60	.90		.11
Group 18	10.10	.60	.90		.11
Group 19	10.17	.60	.90		.11
Group 20	10.18	.60	.90		.11
Group 21	10.23	.60	.90		.11
Group 22	10.28	.60	.90		.11
Group 23	10.50	.60	.90		.11
Group 24	10.54	.60	.90		.11
Group 25	10.59	.60	.90		.11
Group 26	10.67	.60	.90		.11
Group 27	10.89	.60	.90		.11
Group 28	11.09	.60	.90		.11
Group 29	11.20	.60	.90		.11
Group 30	11.22	.60	.90		.11
Group 31	11.50	.60	.90		.11

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POWER EQUIPMENT OPERATORS (Area 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

WAGE RATES:

Group No.	Zone A	Zone B	Zone C	Zone D	Zone E	Zone F
1	$8.30	$8.70	$9.05	$9.30	$9.55	$9.80
2	8.44	8.84	9.19	9.44	9.69	9.94
3	8.54	8.94	9.29	9.54	9.79	10.04
4	8.70	9.10	9.45	9.70	9.95	10.20
5	8.72	9.12	9.47	9.72	9.97	10.22
6	8.80	9.20	9.55	9.80	10.05	10.30
7	8.86	9.26	9.61	9.86	10.11	10.36
8	8.96	9.36	9.71	9.96	10.21	10.46
9	9.02	9.42	9.77	10.02	10.27	10.52
10	9.08	9.48	9.82	10.08	10.33	10.58
11	9.10	9.50	9.85	10.10	10.35	10.60
12	9.16	9.56	9.91	10.16	10.41	10.66
13	9.24	9.64	9.99	10.24	10.49	10.74
14	9.40	9.80	10.15	10.40	10.65	10.90
15	9.56	9.96	10.31	10.56	10.81	11.06
16	9.74	10.14	10.49	10.74	10.99	11.24
17	9.88	10.28	10.63	10.88	11.13	11.38
18	10.06	10.46	10.81	11.06	11.31	11.56
19	10.20	10.60	10.95	11.20	11.45	11.70

FRINGE BENEFITS:

Health and Welfare	$ .75
Pension	1.00
Vacation	.50
Apprenticeship Tr.	.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (AREA 1) (DREDGING)					
(All Counties and portions of Counties East of the 120th Meridian)					
Group 1	$9.24	.60	.90		.11
Group 2	9.34	.60	.90		.11
Group 3	9.68	.60	.90		.11
Group 4	9.73	.60	.90		.11
Group 5	9.78	.60	.90		.11
Group 6	10.10	.60	.90		.11
Group 7:					
(a)	9.49	.60	.90		.11
(b)	10.04	.60	.90		.11
DREDGING (AREA 2)					
(All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County)					
Group 1	9.24	.60	.90		.11
Group 2	9.34	.60	.90		.11
Group 3	9.68	.60	.90		.11
Group 4	9.73	.60	.90		.11
Group 5	9.78	.60	.90		.11
Group 6	10.10	.60	.90		.11
Group 7:					
(a)	9.49	.60	.90		.11
(b)	10.04	.60	.90		.11
DREDGING (AREA 3)					
(Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties)					
Group 1	9.40	.75	1.00	.50	.05
Group 1A	10.06	.75	1.00	.50	.05
Group 2	9.04	.75	1.00	.50	.05
Group 3	8.80	.75	1.00	.50	.05
Group 4	8.54	.75	1.00	.50	.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (Area 1)					
(All Counties and portions of Counties East of the 120th Meridian)					
Group 1	$8.00	.82	.65		
Group 2	8.05	.82	.65		
Group 3	8.10	.82	.65		
Group 4	8.20	.82	.65		
Group 5	8.40	.82	.65		
Group 6	8.45	.82	.65		
Group 7	8.50	.82	.65		
Group 8	8.55	.82	.65		
Group 9	8.65	.82	.65		
Group 10	8.70	.82	.65		
Group 11	9.00	.82	.65		
Group 12	9.15	.82	.65		
Group 13	9.30	.82	.65		
Group 14	9.45	.82	.65		
TRUCK DRIVERS (Area 2)					
(All Counties and portions of Cos. West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and all of Kittitas and Yakima Counties)					
Group 1	9.39	.80	.65		.09
Group 2	9.44	.80	.65		.09
Group 3	9.49	.80	.65		.09
Group 4	9.60	.80	.65		.09
Group 5	9.66	.80	.65		.09
Group 6	9.70	.80	.65		.09
Group 7	9.71	.80	.65		.09
Group 8	9.77	.80	.65		.09
Group 9	9.82	.80	.65		.09
Group 10	9.84	.80	.65		.09
Group 11	9.87	.80	.65		.09
Group 12	9.97	.80	.65		.09
Group 13	9.99	.80	.65		.09
Group 14	10.03	.80	.65		.09
Group 15	10.15	.80	.65		.09
Group 16	10.19	.80	.65		.09
Group 17	10.31	.80	.65		.09
Group 18	10.36	.80	.65		.09
Group 19	10.52	.80	.65		.09
Group 20	10.68	.80	.65		.09
Group 21	10.84	.80	.65		.09

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TRUCK DRIVERS (Area 3)
(Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific Counties)

	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
Group 1	$8.48	$8.88	$9.23	$9.48	$9.73	$9.98
Group 2	8.53	8.93	9.28	9.53	9.78	10.03
Group 3	8.58	8.98	9.33	9.58	9.83	10.08
Group 4	8.63	9.03	9.38	9.63	9.88	10.13
Group 5	8.68	9.08	9.43	9.68	9.93	10.18
Group 6	8.78	9.18	9.53	9.78	10.03	10.28
Group 7	8.88	9.28	9.63	9.88	10.13	10.38
Group 8	8.98	9.38	9.73	9.98	10.23	10.48
Group 9	9.08	9.48	9.83	10.08	10.33	10.58
Group 10	9.25	9.65	10.00	10.25	10.50	10.75
Group 11	9.35	9.75	10.10	10.35	10.60	10.85
Group 12	9.45	9.85	10.20	10.45	10.70	10.95
Group 13	9.55	9.95	10.30	10.55	10.80	11.05
Group 14	9.65	10.05	10.40	10.65	10.90	11.15

FRINGE BENEFITS:
Health and Welfare $.53
Pension .65
Vacation $.45
Apprenticeship Training .05

ZONE WAGE SCALE (Area 3)

LABORERS: Goldendale, Longview and Vancouver

POWER EQUIPMENT OPERATORS: Astoria, Goldendale, Hood River, Longview, the Dalles and Vancouver

TRUCK DRIVERS: Astoria, Goldendale, Longview, the Dalles and Vancouver

Zone A - All jobs or projects located within 10 miles of the respective City Hall
Zone B - More than 10 miles but less than 25 miles from the City Hall
Zone C - More than 25 miles but less than 35 miles from the respective City Hall
Zone D - More than 35 miles but less than 45 miles from the City Hall
Zone E - More than 45 miles but less than 75 miles from the respective City Hall
Zone F - More than 75 miles from the respective City Hall

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LABORERS (Area 1)
All Counties and portions of Counties East of the 120th Meridian

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumperete machine, handling the nozzle of squeezecrete or similar machine - 6" and smaller); Concrete Signalman; Crusher Feeder; Demolition (to include clean-up, burning, loading, wrecking and salvage of all material); Driller Helper; Dumpman; Fence Erector (to include guard rails, guide and reference posts, sign posts, posts and right-of-way markers); General Laborer; Grout Machine Header Tender; Nipper; Riprap Man; Scaleman; Stake Jumper; Structural Mover (to include spearating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tailhosemen (water nozzle); Track Laborer (RR); Truck Loader; Timber, Rucker and Faller (by hand); Window Cleaner (prior to completion of construction)

Group 2: Cement Finisher Tender; Cement Handler; Demolition Torch; Dope Pot Fireman, non-mechanical; Form Cleaning Machine - Feeder, Stacker; Form setter, paving; Driller Helper (when required to move position machine); Nozzleman, water and air or steam; Pipe Layer, corrugated metal culvert; Pipewrapper; Pot Tender; Powderman Helper; Power Tool Operator, gas, electric, pneumatic; Sandblast Tailhoseman; Scaffold Erector, wood or steel; Railroad Equipment, power driven, except dual mobile power spiker or puller; Rodder and Spreader; Wheelbarrow, power driven; Well-point Man; Vibrator up to 4"

Group 3: Asphalt Raker; Asphalt Roller, walking; Chain Saw Operator with attachments; Concrete Saw Walking; Grade Checker, using level; Jackhammer Operator; Multi-section Pipe Layer; Nozzleman (to include squeeze and flocrete nozzle); Pavement Breaker; Power Buggy Operator; Railroad Power Spiker or Puller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher, Shawnee; Water Pipe Liner; Wagon Drills

Group 4: Chain Saw (faller); Laser Beam Operator; Pipe Layer (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer and Lagger but not including laying corrugated metal culvert pipe)

Group 5: Concrete Stack; Mortar Mixer

Group 6: Caisson Worker, free air; High Scaler

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LABORERS (Area 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 7: Brush Machine (to include horizontal construction joint clean-up brush machine, power propelled); Drills (to include down-the-hole drills with 3 inch piston or larger and out-of-the-hole drills with 4 inch piston or larger); Gunnite (to include operation of machine and nozzle); Hod Carrier; Monitor Operator, air track or similar mounting; Nozzleman (to include jet blasting nozzleman over 1200 pounds, jet blast machine power propelled, sand blast nozzle); Vibrator, 4 inches and over

Group 8: Air Track Drills with Dual Masts and Drills; Powderman

Group 9: Tunnel and Shaft, Free Air
Class A: Bull Gang, Pump Crete Crewman including distributing pipe, Assembling and dismantle and nipper
Class B: Brakeman, Dumpman
Class C: Miner and Nozzleman for concrete and laser beam operator on tunnels
Class D: Raise and Shaft Miner and Laser Beam Operator on raises and shafts

LABORERS (Area 2)
All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4)

Group 1: General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choke Setter; Concrete and Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Driverman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Wellpoint; Header Laborer and Guardrail Erector

Group 2: Dumpman; Faller and Bucker; Hand; Powderman's Helper; Sloper (over 20'); Wagon Driller and Air Trac Helper

Group 3: Groutman (pressure) including post tension beam; Power Tools (light duty) Chippers, Grinders, Tampers, and similar electric and air operated tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height; Topman

Group 4: Concrete Saw Operator; Pipe Pot Tender; Power Wheel Barrow or Buggy; Power Tools (heavy duty); Jackhammer, Pavement Breaker, Vibrator Tampers (multiple and self-propelled); Railroad spike puller; Rakers-asphalt

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LABORERS (Area 2) (Cont'd)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4)

Group 5: Form Setter (steel forms); Grademan and Stake Hopper; Rodder; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete and rock, sand blast, gunnite, shot-crete); Spreader (carrier grade with Rodder)

Group 6: Faller and Bucker; Chain Saw; High Scaler; Mortarman and Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman - Sewer; Wagon Driller and Air Track; Manhole Builder; Laser Beam Operator

Group 7: Cement Dumper - paving; Powderman

TUNNEL WORK

Group 8: Topman and Bull Gang

Group 9: Chuck Tender; Mucker and Laborer; Nipper; Brakeman

Group 10: Powderman's Helper

Group 11: Miner (including monolithis work); Spader; Re-timberman; Maintenance Man; Laser Beam Operator

Group 12: Miner, Shaft and Raise

Group 13: Powderman

LABORERS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Change-house Man or Dry Shak Man; Choke Setter; Clean Up Laborers; Concrete Laborers; Culvert, Hand labor; Curing, concrete; Demolition, wrecking, and moving Laborers; Driller Helpers; Dumpers, road oiling crew; Dumpmen (for grading crew); Elevator Feeders; Fence Builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine Graders; Flagmen, traffic; Form Strippers (not swinging stages); Landscaping or Planting Laborers; Leverman or Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Powderman Helper; Pittsburgh Chipper Operator or similar types Railroad Track Laborers; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalmen; Skipmen; Slopers Spraymen; Stake Chaser; Stockpiler; Timber Feller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weight Man - Crusher (aggregate when used)

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LABORERS (Area 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 2: Applicator (including pot tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicer; Clary Power Spreader and similar types; Clean-up Nozzleman-Greencutter (concrete, Rock, etc.); Concrete Power Buggyman; Crusher Feeder; Demolition and Wrecking charred materials; Grade Checker; Gunite Nozzleman Tender; Gunite or Sand Blasting Pot Tender; Handlers or Mixers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Guns, Paving Breakers, Vibrators (less than 4" in diameter); Post Hole Digger, air gas or electric; Vibrating Screed; Tampers, Ribbon Setter, head, Rip Rap Man (head), hand placed, Sand Blasting (wet), Stake Setter, Tunnel-Muckers, Brakemen, Concrete Crew, Bull Gang (underground)

Group 3: Asphalt Rakers; Bit Grinder; Drill Doctor; Drill Operators, Air Tracks, Cat Drills, Wagon Drills, Rubber-mounted Drills, and other similar typed; Concrete Saw Operator; Gunite Nozzleman; High Scalers, Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down, or sloping and stripping); Laser Beam (pipe laying) - Applicable when employee assigned to move, set up, align Laser Beam; Manhole Builder; Powdermen; Power Saw Operators (bucking and falling); Pumpcrete Nozzleman; Sand Blasting (dry); Sewer Pipe Layers; Sewer Timberman; Track Liners, Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks; Tugger Operator; Tunnel - Chuck Tenders, Nippers, and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 4: Laser Beam (Tunnel) - Tunnel Miners; Tunnel Powderman

LABORERS (Area 4)
Thos portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 1: General Laborer; Carpenter Tender; Form Stripper; Track Laborer; Choker Setter; Fence Laborer

Group 2: Air Track and Wagon Drill Helper; Crusher Feeder; Dumpman; Powderman Helper; Sloper, over 20 feet, faller and bucker, hand

Group 3: Drill Chipper; Grinder, Tampers and similar light power tools; Grout Man (power); Top Man, Swinging Scaffold or Boatswain Chain over water or over 25' in height

Group 4: Asphalt Raker and Spreader; Cement Handler, Cask or bulk; Dope Pot Tender; House Wreckers; Jackhammer; Pavement Breaker; Vibrator; Track Spike Puller; Concrete Saw and similar Heavy Power Tools; Power Buggy Tampers (multiple and self-propelled)

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LABORERS (Area 4) (Cont'd)
Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 5: Form Setter, Steel Forms; Grademan, Stake Hopper; Spreader, Rodder, Nozzleman: Concrete Pumps, Gunnite, Sand Blast, Shot-crete, Green Cutter when using combination of high pressure air and water on concrete and rock

Group 6: Air Track and Wagon Drill Operator; High Scaler; Pipe Layer and Caulker; Pipe Wrapper; Timber Man; Mortar Man and Hod Carrier; Faller and Bucker; Chain Saw

Group 7: Cement Dumpers - Paving

Group 8: Tunnel Work:
Class A: Topman and Bull Gang
Class B: Chuck Tender; Mucker and Laborer; Nipper; Brakemen
Class C: Powderman Helper
Class D: Miner (including Monolithic Worker); Re-Timberman; Maintenance Man; Spader, Laser Beam Operator
Class E: Miner; Shaft and Raise
Class F: Powderman

POWER EQUIPMENT OPERATORS (Area 1)
All Counties and portions of Counties East of the 120th Meridian

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Drillers' Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hogh; Compressor (2,000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple Cut); Distributor Leverman; Elevator Hoisting Materials; Dope Pots (power agitated); Fork Lift of Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drums; Loader (bucker elevator and conveyors); Longitudinal Float; Mixer (portable-concrete); Pavement Breaker (hydra-hammer and similar); Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator (self-propelled); Railroad Power Tamper Jack Operator (self-propelled); Spray Curing Machine (concrete); Spreader Jack Operator (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R.T with attachments except backhoe); Tugger Operator; Ditch Witch or similar

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POWER EQUIPMENT OPERATORS (Area 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Belt-crete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Blade Operator (motor patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipe-line); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Elevating Belt-type Loader (Euclid, Barber Greene or similar); Elevating Grader-type Loader (Dumor, Adams, or similar); Equipment Serviceman, Greaser and Oiler; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist (2 or more drums or tower hoist); Loader (overhead and front-end under 4 yards, R/T); Locomotive Engineer; Mixermobile; Mucking Machines; Paver or Curb Extruder (asphalt and concrete); Pump (grout or jet); Rollerman (finishing pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Screed Operator; Soil Stabilizer (P & N or similar); Spreader Machine; Tractor (crawler, including dozer, scraper, drills, booms, rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8")

Group 4: Asphalt Plant Operator; Crusher, Grizzle and Screening Plant Operator; H.D. Mechine; H.D. Welder; Refrigeration Plant Engineer (under 1,000 ton); Rubber-tired Scraper, Multi-engine Power, with one scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Heater and Planer Machine; Turnhead (with re-screening)

Group 5: Automatic Subgrader (ditches and trimmers) (Autograde, ABC, R. A. Hansen and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (with crane); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 3 yards); Drilling Equipment (8" bit and over) (Robbins' reverse circulation and similar); Loader Operator (front end and overhead 4 yards to 8 yards); Piledriving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar), Push Pull or Help Mate in use; Rubber-tired Scrapers, multiple engines with tow scrapers; Shovels (under 3 yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade

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POWER EQUIPMENT OPERATORS (Area 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cableway Operator; Clamshell Operator (3 yards and over); Cranes, all - 65 tons and over; Derricks and Stiffleys (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader (360 degrees revolving Kochring Scooper or similar); Loaders (overhead and front-end over 8 to 12 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower Crane; Whirleys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (overhead and front-end - over 12 yards)

POWER EQUIPMENT OPERATORS (Area 2)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 1: Mechanics' Helpers (heavy duty)

Group 2: Oilers, Grade Checkers and Stakemen and/or Brakemen

Group 3: Firemen; Firemen (drier and hot plant)

Group 4: Rollers, Tampers and Vibrators (other than plant, road mix or multi-lift materials); Tractor (farmall type, 60 h.p. and under); Compressor (excavating and general purposes)

Group 5: Oiler Driver on Truck Cranes (over 45 tons up to 100)

Group 6: Blower Distributors and Mulch Seeding Operator; Oil Distributors

Group 7: Locomotives (Dinkey-air, diesel, electric, gas, steam)

Group 8: Equipment Service Oiler; Oiler Driver on Trucks Cranes (100 tons and over)

Group 9: Pump (water); Tractors (Farmall type, over 60 h.p.)

Group 10: Post Hole Diggers (mechanical)

Group 11: Brooms (power, Wayne, Saginaw and similar types); Bulldozers (under D9 or similar); Loaders (Fork Lifts or Lumber Stacker - on construction job site - Drot Travel Lift); Rollers, Tampers and Vibrators (twin engine); Saw (concrete); Scrapers (carry-all type, single)

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POWER EQUIPMENT OPERATORS (Area 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 12: Batch Plant (batch and mixer, 200 yards per hour and under); Cranes ("A" Frame Trucks, single power drum); Conveyors; Crusher (rock); Washing and Screening Plants; Finishing Machine Operator, Concrete Paving; Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Loaders (Elevating-Athey, Barber Greene and similar types, and overhead and front-end, under 2½ yards); Mixers (asphalt up to 4 tons per batch, and concrete mixer and batch - 700 yards per hour and under); Power Plant Operators; Pumps (Fuller Kenyon and Concrete and Pumpcrete); Rollers, Tampers and Vibrators (on plant, road mix or multi-lifts materials); Screed man; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similar types); Trenching Machine (under 16 inches)

Group 13: Machanics or Welder (heavy duty)

Group 14: Motor Patrol Graders (including Model 14 and similar); Tournapulls, Caterpillar, Euclid Scrapers and similer type equipment (25 yards and under)

Group 15: Compressor (steel erection including sandblasting, painting of the same); Hoists on steel erection, Air Tuggers and Towermobiles; Loaders (fork lifts with tower)

Group 16: Cement Hogs; Loaders (Elevating Grader type, Dumor and similar); Locomotive (greared or rod engine); Mixers (paving); Scraper (carryall type, double)

Group 17: Tractors (farmall type, used as Backhoes, Rubber-tired, Ford, Ferguson, Case and similar type 60 h.p. and under)

Group 18: Bull Dozer (D-9 or similar)

Group 19: Trenching Machines (16 inches and over)

Group 20: Bump Cutter (Concut, Christianson or similar types)

Group 21: Batch Plant (batch and mixer, over 200 yards per hour through 400 yards per hour); Conveyors (Beltcrete with power pack and similar types); Loaders (elevating belt type - Euclid and similar types); Mixer (asphalt, 4 tons and over, per batch, and concrete mixers and batch - Over 200 yards per hour through 400 yards per hour, and paving dual)

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POWER EQUIPMENT OPERATORS (Area 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 22: Bulldozer engaged in Yo Yo Operation (while clearing and scaling); Cableways (3 yards and under); Cranes ("A" Frame trucks, double power drum and Crawler, truck type, floating, Locomotive, Whirley, either 3 yards and under, or 150' of boom including jibs and under, or 45 tons and under; and Hydralifts, Hyster Cat Cranes and attachments and Chipper, wood with boom attachment); Derricks, all; Drilling Machine (core, cable rotary and exploration); Loader (fork lift with power boom and swing attachment, and overhead and front end, 2½ yards and up to 4 yards); Mixers (mobile type with hoist combination); Motor Patrol Graders (over Model 14 and similar); Mucking Machines (mole, tunnel drill, and/or shield); Paydozer and Linker Pusher (Quad-9 and similar); Piledriver Engineer, (L.B. Foster Puller or similar, Paving Breaker); Shovels (Crawler and truck types, all attachments, 3 yards and under); Sub Grader (Gurries, CMI and similar types); Tractors (Farmall type, used as backhoes, rubber tired - Ford, Ferguson, Case and similar types - over 60 h.p.); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment - over 25 yards through 40 yards

Group 23: Loaders (overhead and front end, 4 yards up to 8 yards)

Group 24: Mixer (concrete mixers and batch over 400 yards per hour through 600 yards per hour)

Group 25: Tournapulls, Caterpillar, Euclid, Scrapers and similar type (over 40 yards through 55 yards)

Group 26: Cableways (over 3 yards); Crane (Crawler, truck type, floating, Locomotive, Whirley, either over 3 yards, or over 150' of boom including jibs or over 45 tons up to 100 tons; and, Tower Cranes, Pecco, Lorraine, Bucyrus and similar types); Helicopter Winch Operator; Remote Control Operator on Rubber-tired Earth Moving Equipment; Shovels (Crawler and truck type, all attachments, over 3 yards up to 6 yards); Slip Form Paver (Zimmerman, CMI and similar types)

Group 27: Tournapulls, Caterpillar, Euclid, Scrapers, and similar type equipment (over 55 yards through 70 yards)

Group 28: Loaders (overhead and front end 8 yards and over)

Group 29: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 70 yards through 85 yards)

Group 30: Cranes (Crawler, Truck type, Floating, Locomotive, Whirley, either 5 yards and over 200' of boom including jibs and over, or 100 tons and over); Shovel (Crawler and Truck type, all attachments, 6 yards and over)

Group 31: Tournapulls, Caterpillar, Euclid, Scrapers and similar types equipment (over 85 yards through 100 yards)

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POWER EQUIPMENT OPERATORS (Area 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Oiler, including plant, crane, cursher, guardrail equipment, and trenching machine; Assistant Conveyor Operator; Crusher Feederman; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler-driver, 25 ton capacity or over; Crane Fireman, (all equipment except floating); A-Frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Drill Helper; Auger Oiler; Boatman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, Combination Guardrail Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Helper; Welder's Helper; Helicopter Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with screed; Compressor Operator (any power), under 1,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Ross Carrier Operator (on job site); Bucket Elevator Loader, Barber-Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump, Motorman; Ballast Jack Tamper; Bell Boy phones, etc.; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gunnite work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Service Oiler (greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5(any size); Locomotive, under 40 tons; Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Pactor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, Setting Slip Forms, etc. in tunnels; Slip Form Pumps, Power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulva-mixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayn type) Self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth

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POWER EQUIPMENT OPERATORS (Area 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Maginnis internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2-1/2 cu. yds. and under; Rock Spreaders, self-propelled

Group 7: Roller (any asphalt mix); Belicrete; Pumperete Operator (any type); Cement Pump, Fuller-Kenyon and similar; Concrete Pump; Grouting Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without front end attachments 2-1/2 cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring operator or grader; Pot Rammer; Ballast Regulator; Ballast Tamper, Multiple-purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over

Group 8: Diesel-Electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loaders, Kolman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type Lifting Device, 5 ton capacity or less; Cherry Picker or similar type Crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yd.; Loader, front end and overhead, 2-1/2 cu. yds. and under 4 cu. yds.; Hammer Operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H.D. Mechanic and Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. flywheel; Tractor with boom attachment; Trench Machine, maximum digging capacity over 3 ft. depth; Asphalt Plant Operator

Group 10: Bulldozer, twin engine (TC12 and similar); Cable plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Combination H.D. Mechanic-Welder, when dispatched and/or when required to do both; Rubber-tired dozers and Pushers (Michigan, Cat, Hough type); Driller-Percussion, Diamond, Core, Cable, Rotary and similar type

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POWER EQUIPMENT OPERATORS (Area 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and Southern portion of Pacific, Counties

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel; Dragline; Clamshell, Hoe, etc., under 1 cu. yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Reinforced Tank Banding Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledrver (not crane type); Rubber-tired Scraper, single and twin engine, Single Scraper, with push-pull attachments, self-loading, Paddle Wheel, Auger type; Blade mounted Spreaders, Ulrich and similar types; Shielf Operator

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, Multi-engines; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons a and ovar; Cableway Operator 25 ton and over; Crane, over 25 ton and including 50 tons; Piledriver Operator; Floating Clamshell, etc. under 3 cu. yds.; Floating Crane (derrick barge), less than 30 ton; Elevating Grader, Operated by tractor operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc., 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator, Locomotive Crane, Gantry and Overhead

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, Auger type, Finish and/or 2 or more units

Group 15: Rock Hound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Auto-grader or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (derrick barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley over 80 ton and including 150 ton; Floating Crane (derrick barge) 80 ton less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in conjunction with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane 250 ton and over; Remote Controlled Earth Moving Equipment; Underwater Equipment, remote or otherwise

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POWER EQUIPMENT OPERATORS (Areas 1 and 2)
(DREDGING)

Group Description for Areas 1 and 2

Group 1: Assistant Mate (deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (Electric Generator Operator for primary pump, power barge or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper:
(a) 5 yards and under
(b) Over 5 yards

Group Description for Area 3

Group 1: Leverman, Hydraulic

Group 1A: Leverman, Dipper

Group 2: Assistant Engineer (including Watch Engineer, Welder, Mechanic, and Machinist) and Mate

Group 3: Tenderman (Boatman, Attending Dredge Plant); Fireman

Group 4: Assistant Mate (Deckhand); Oiler

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TRUCK DRIVERS (Area 1)

All Counties and portions of Counties East of the 120th Meridian (except those portions of Kittitas, Klickitat and Yakima Counties)

Group 1: Flat Bed Truck single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 pounds and under; Fuel Truck Driver (Steam Cleaner and Washer); Helper and Swamper; Leverperson loading Trucks at Bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons.

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-trailer, Low Bed, Truck and Trailer; Straddle Carrier (Ross Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yds.); Water Tank Truck (1,801 - 4,000 gallons)

Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumptor (6 yards and under); Flaherty Spreader, Box Driver; Flat Bed Truck (using power take off); Fork Lift (over 3,000 pounds); Oil Distributor Driver (road, bottperson, leverperson helper); Rubber-tired tunnel jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks hauling concrete (over 3 yds. to 6 yds.); Water Tank Truck (4,001 - 6,000 gallons); Wrecker and Tow Trucks

Group 5: Low Boy (under 50 tons); Service Greaser; Tireperson No. 2; Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydrolift); Water Tank Truck (over 6,001 - 8,000 gallons)

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards)

Group 8: Low Boy (over 50 tons); Water Tank Truck (8,001 - 10,000 gallons); Tractor with Steer Trailer

Group 9: Transit Mixers and Trucks hauling concrete, (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water Tank Truck (10,001 - 12,000 gallons)

Group 10: Mechanic, Field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, g llonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water Tank Truck (12,001 - 14,000 gallons)

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TRUCK DRIVERS (Area 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian (except those portions of Kittitas, Klickitat and Yakima Counties)

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, end and bottom dumps (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material ; Trucks, side, end and bottom dump (over 100 yards)

TRUCK DRIVERS (Area 2)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 1: Leverman and Loaders at bunkers and batch plants; Pickup Truck, Escort or Pilot Car; Swampers; Warehouseman and Checkers

Group 2: Team Drivers

Group 3: Bull Lifts and similar equipment used in loading and unloading trucks, transporting materials on job site, warehousing; Dumpsters, and similar equipment (including Tournarockers, Tournawagon, Turnatrailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material: Dump Trucks - side, end and botton dump, including Semi-trucks and Trains or combinations thereof) - up to and including 5 yards; Flatbed, single rear axle; Fuel Truck; Grease Truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor Truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum Truck; Water Wagon and Tank Truck (up to 1,600 gallons); Winch Truck, single rear axle; Wrecker, tow truck and similar equipment

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Ross, Hyster, and similar equipment); Water Wagon and Tank Truck, 1,600 gallons to 3,000 gallons)

Group 6: Transit-mix, 0 to and including 4½ yds.

Group 7: Dumpsters, and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive Truck (field mix) and similar equipment; Lowbed and Heavy Duty Trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry Truck; Sno-go and similar equipment; Winch Truck, dual rear axle

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TRUCK DRIVERS (Area 2) (Cont'd)

All Counties and portion of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 8: Dumpster and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

Group 9: Bulk Cement Tanker; Dumpsters and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water Wagon and Tank Truck, over 3,000 gallons

Group 10: Bull Lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4½ yards to and including 6 yards

Group 12: "A" Frame or Hydralift Trucks or similar equipment

Group 13: Dumpsters and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Lowbed and Heavy Duty Trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 6 yards, to and including 8 yards

Group 15: Dumpsters and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; Lowbed and Heavy Duty Trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yards to and including 10 yards

Group 17: Dumpsters and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards

Group 18: Transit-mix, over 10 yards to and including 12 yards

Group 19: Transit-mix, over 12 yards to and including 16 yards

Group 20: Transit-mix, over 16 yards to and including 20 yards

Group 21: Transit-mix, over 20 yards

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TRUCK DRIVERS (Area 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: 6 cu. yds. and under Lift Jitneys, Fork lifts (all sizes used in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot Car; Solo Flat Bed and misc. Body Trucks, 0-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water Wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame or Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit Mix, and wet or dry mix trucks: 5 cu. yds. and under; Tireman (full-time basis); Water Wagons (rated capacity) - 1,600 to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Lowbed Equipment, Flat Bed Semi-trailer, Truck and Trailers of doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Straddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit Mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

NOTICES

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federal register

FRIDAY, OCTOBER 31, 1975

PART VI:

FEDERAL ENERGY ADMINISTRATION

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NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Supplier Percentage Notice For November 1975

VOL. 40 NO. 211 OCT 31 75 XUM

FEDERAL ENERGY ADMINISTRATION

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Supplier Percentage Notice for November 1975

Pursuant to the provisions of 10 CFR 211.163(b)(2), 211.165 and 211.166(d)(2), the Federal Energy Administration (FEA) hereby provides notice of the volumes of residual fuel oil allocated to each utility and the percentage of such volumes required to be supplied by each supplier for delivery in November 1975. This information is set forth in the Appendix to this notice. Adjustments of certain supplier base period percentages have been made at the request of affected utilities and suppliers, pursuant to the criteria of 10 CFR 205.25 and are reflected in the Appendix.

The utility allocations were determined after review of the relative availability of supplies of residual fuel oil for allocation to both utility and non-utility uses. In calculating the allocation level for each utility the FEA considered all of the factors enumerated in 10 CFR 211.163(b)(2) and also the following other factors:

1. The data contained in the Federal Power Commission (FPC) Form 23B submitted by utilities;

2. Natural gas curtailments;

3. FEA's prediction that the supply level of residual fuel oil is expected to generally equate to the total demand.

The amounts shown in the Appendix are the quantities of residual fuel oil that suppliers are obligated to make available for November, 1975 in the event FEA's allocation authority is extended to include the entire month. FEA intends to publish shortly a notice providing guidance for allocation through November 15 if the Allocation Act is not extended. Some utilities will not receive any allocation for this month for various reasons including the fact that these utilities burn other fuels primarily and use residual fuel oil only for standby purposes.

The Appendix provides the names of the suppliers obligated to supply each utility and each supplier's percentage and volume of each month's allocation to a utility. The first column of the Appendix lists each utility with its suppliers. The second column sets forth the recommended FEA burn level. The third and fourth columns provide each supplier's respective percentage and volume share of a utility's allocated volume of residual fuel oil. The fifth column provides the total volume of residual fuel oil for each utility from all suppliers. Following the name of certain suppliers, an additional supplier is shown in parentheses. The supplier in parentheses is presumed, on the basis of the best information available, to be the supplier of the utility's supplier. This information is provided for the convenience of such suppliers and the FEA requests that any additions or corrections in this regard be forwarded to FEA Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

It is contemplated that corrections or adjustments to delivery levels for certain utilities may be required during the month of November to avoid undue hardship. FEA will consider special circumstances such as unexpected outages which cause fuel consumption to exceed FEA burn levels in any month. Such corrections or adjustments shall be made pursuant to Subparts B and C of 10 CFR Part 205.

FEA expects the utilities to consume supplies at or below FEA burn levels, which are based on the utilities' proposed burn levels.

The utility residual fuel oil allocation program is based in part on the data derived from utilities' filings or FPC Form 23B. Thus, the timely submission of FPC Form 23B will be a necessary prerequisite to receiving future allocations if the Mandatory Petroleum Allocation Program is extended beyond its November 15, 1975, expiration date.

Reports should be addressed to FEA Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

Issued in Washington, D.C., October 27, 1975.

DAVID G. WILSON,
Acting General Counsel.

APPENDIX

RESIDUAL FUEL ALLOCATIONS TO UTILITIES FOR NOVEMBER 1975

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BY SUPPLIER BARRELS	TOTAL (BARRELS)
1. NORTHEAST POWER COORDINATING COUNCIL AREA (NPCC)				
CONNECTICUT				
UNITED ILLUMINATING CO	561,000			561,000
WYATT INC (EXXON)		13.00	72,930	
TEXACO		87.00	488,070	
NORTHEAST UTILITIES	1,691,000			1,691,000
HN-HARTWELL&SONS-INC		1.00	16,910	
WYATT-INC-(EXXON)		10.00	169,100	
AMERADA-HESS		68.00	1,149,880	
TAD-JONES-CO-(GULF)		21.00	355,110	
MAINE				
BANGOR HYDRO ELEC. CO.	26,310			26,310
SPRAGUE		100.00	26,310	
CENTRAL MAINE POWER CO.	238,000			238,000
TEXACO		100.00	238,000	
MAINE PUBLIC SERVICE CO.	190			190
DEAD RIV.U.(SPRAGUE)		100.00	190	
MASSACHUSETTS				
BOSTON EDISON CO.	1,329,000			1,329,000
SPRAGUE		12.00	159,480	
WHITE FUEL (TEXACO)		46.00	611,340	
EXXON		42.00	558,180	
FITCHBURG GAS & EL.	13,000			13,000
NORTHEAST PETROLEUM		100.00	13,000	
E.UTIL.ASSOC.(MONTAUP&BL	253,000			253,000
TEXACO		100.00	253,000	
BRAINTREE ELEC. LT. DEPT	15,648			15,648
CK SMITH(GOLD.EAGLE)		100.00	15,648	
HOLYOKE GAS AND ELECTRIC	13,074			13,074
WYATT INC (EXXON)		100.00	13,074	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
PEABODY ELECTRIC LT DEPT	0			0
TAUNTON MUN. LT.	104,844			104,844
QUINCY OIL CO (EXXON		100.00	104,844	
NEW ENG. G & E	953,000			953,000
NEW ENGLAND PETRO		84.80	808,144	
WHITE FUEL(TEXACO)		15.20	144,856	
NEW ENG. ELEC	2,011,000			2,011,000
ASIATIC PETRO CORP		60.00	1,206,600	
PRULEASE		.10	2,011	
PETRO-MKT-CORP		39.90	802,389	
NEW HAMPSHIRE				
PUB SER OF N.H.	433,000			433,000
SPRAGUE		26.30	113,879	
CONOCO		73.70	319,121	
NEW YORK				
CENTRAL HUDSON GAS & ELE	822,270			822,270
AMERADA HESS CORP		100.00	822,270	
CONSUL EDISON OF NY	3,532,000			3,532,000
NEW ENGLAND PETRO		45.50	1,607,060	
AMERADA HESS CORP		22.30	787,636	
EXXON		20.80	734,656	
TEXACO		11.40	402,648	
LONG ISLAND LIGHT CO.	1,585,000			1,585,000
NEW ENGLAND PETRO		100.00	1,585,000	
ORANGE & ROCKLAND UTILIT	815,219			815,219
GUSTAFSON OIL CO		51.50	419,837	
HOWARD-FUEL-CORP		11.20	91,304	
AMERADA-HESS-CORP		29.90	243,750	
ASIATIC-PETRO-CORP		7.40	60,326	
ROCHESTER GAS & ELECTRIC	133,043			133,043
ALLIED U		29.70	39,513	
MONOCO OIL COMPANY		70.30	93,529	
FREEPORT, VILLAGE OF	0			0

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
NIAGARA MOHAWK POWER CO.	850,386			850,386
NEW ENGLAND PETRO		100.00	850,386	
RHODE ISLAND				
NEWPORT ELECTRIC CORP	4,125			4,125
CK SMITH		100.00	4,125	

2. MID-ATLANTIC AREA COORDINATION AGREEMENT (MAAC)

DELAWARE				
DELMARVA PWR & LT	580,000			580,000
GULF		8.00	46,400	
STEUART PETROLEUM CO		22.00	127,600	
CONOCO		65.00	377,000	
TEXACO		5.00	29,000	
DOVER, CITY OF	62,300			62,300
TEXACO		100.00	62,300	
DISTRICT OF COLUMBIA				
POTOMAC ELEC. PWR.	427,000			427,000
STEUART PETROLEUM CO		21.00	89,670	
ASIATIC PETRO CORP		79.00	337,330	
MARYLAND				
BALTIMORE GAS & ELECTRIC	722,958			722,958
AMERADA HESS CORP		52.70	380,998	
EXXON		47.30	341,959	
NEW JERSEY				
PUBLIC SERVICE ELECTRIC	1,035,000			1,035,000
AMERADA HESS CORP		78.00	807,300	
EXXON		22.00	227,700	
VINELAND,CITY OF ELEC.	38,620			38,620
BRITISH PETROLEUM		100.00	38,620	

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	7 RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
ATLANTIC CITY ELECTRIC C	280,797			280,797
AMERADA HESS CORP		60.00	168,478	
CONOCO		40.00	112,318	
GPU INTEGRATED SYSTEM	238,304			238,304
SHIPLEY-HUMBLE		1.00	2,383	
AMERADA HESS CORP		94.00	224,005	
SWANN OIL INC		5.00	11,915	
PENNSYLVANIA				
PENNSYLVANIA PWR & LT	370,000			370,000
AMERADA-HESS-CORP		100.00	370,000	
PHILADELPHIA ELECTRIC CO	1,321,100			1,321,100
NEW ENGLAND PETRO		2.10	27,743	
AMERADA HESS CORP		21.50	284,036	
ARCO		28.50	376,513	
GULF		9.00	118,899	
CONOCO		14.90	196,843	
TEXACO		24.00	317,064	
3. SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL (SERC)				
FLORIDA				
FLORIDA P & L	2,569,000			2,569,000
EXXON		15.00	385,350	
BELCHER OIL(EXXON)		85.00	2,183,650	
FLORIDA POWER CORPORATIO	1,700,000			1,700,000
AMERADA HESS CORP		40.00	680,000	
EXXON		60.00	1,020,000	
GULF POWER CO,	24,224			24,224
BAKER SERVICE(EXXON)		100.00	24,224	
TAMPA ELECTRIC CO,	121,686			121,686
WESTERN (NEW ENG PET		100.00	121,686	
FORT PIERCE, CITY OF	45,000			45,000
BELCHER-OIL-(EXXON)		100.00	45,000	
GAINESVILLE, CITY OF	86,710			86,710
EASTERN SEABOARD		100.00	86,710	

	8 RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
JACKSONVILLE ELEC. AUTH.	600,000			600,000
VEN FUEL INC		82.60	495,600	
NEW ENGLAND PETRO		8.70	52,200	
AMERADA HESS CORP		8.70	52,200	
KEY WEST UTILITIES	56,000			56,000
STD,OIL-KY		100.00	56,000	
LAKE WORTH UTIL AUTHORIT	6,910			6,910
BELCHER OIL(EXXON)		100.00	6,910	
LAKELAND LIGHT & WTR DEP	111,300			111,300
BELCHER(STD,OIL-KY)		100.00	111,300	
NEW SMYRNA BEACH	0			0
ORLANDO UTILITIES COMM,	383,000			383,000
BELCHER		100.00	383,000	
SEBRING UTILITIES COMM,	2,164			2,164
UNION OIL OF CA		100.00	2,164	
TALLAHASSEE, CITY OF	18,743			18,743
UNION OIL OF CA		100.00	18,743	
VERO BEACH MUNICIPAL POW	31,965			31,965
BELCHER OIL(EXXON)		100.00	31,965	
FLORIDA KEYS ELEC COOP	0			0
GEORGIA				
GEORGIA POWER COMPANY	88,863			88,863
NEW ENGLAND PETRO		100.00	88,863	
SAVANNAH ELECTRIC & POWE	226,500			226,500
COLONIAL OIL(EXXON)		100.00	226,500	
MISSISSIPPI				
MISSISSIPPI POWER CO,	53,800			53,800
BAKER SERVICE(EXXON)		55.00	29,590	
ERGON(INTL TRADING)		45.00	24,210	
SOUTH MISSISSIPPI ELEC	23,827			23,827
SOUTHLAND OIL		83.00	19,776	
AMERADA HESS CORP		17.00	4,051	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BY SUPPLIER BARRELS	TOTAL (BARRELS)
NORTH CAROLINA				
CAROLINA POWER & LT.	0			0
SOUTH CAROLINA				
S.CAROLINA PUB SERV AUTH	0			0
S.CAROLINA ELEC & GAS CO	399,300			399,300
EXXON		100.00	399,300	
VIRGINIA				
VIRGINIA ELECTRIC POWER	1,654,600			1,654,600
ASIATIC PETRO CORP		16.60	274,663	
NEW-ENGLAND-PETRO		15.60	258,117	
EXXON		47.30	782,625	
AMOCO		20.50	339,193	
4. SOUTHWEST POWER POOL COORDINATION COUNCIL (SPP)				
ARKANSAS				
JONESBORO WATER AND LIGH	0			0
ARKANSAS ELEC COOP	138,429			138,429
LOGICON INC (SHELL)		80.00	110,743	
E L BRIDE(TEXACO)		20.00	27,685	
COLORADO				
CT&U, S.COLO PWR DIV.	150			150
CONOCO		100.00	150	
KANSAS				
CENTRAL KANSAS PWR	6,765			6,765
GR.PLS(CRA-FARMLAND)		100.00	6,765	
CT&U, WESTERN PWR DIV	101,000			101,000
CARTER-WTR		4.00	4,040	
AMOCO		73.00	73,730	
NO-AMER-PETRO		23.00	23,230	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BY SUPPLIER BARRELS	TOTAL (BARRELS)
KANSAS GAS & ELEC	145,000			145,000
ASPH&PETRO INDUST		84.70	122,815	
FRONTIER PRODUCTION		15.30	22,185	
KANSAS POWER & LIGHT	209,500			209,500
GR.PLS		38.40	80,448	
NTL COOP REFINERY		15.50	32,472	
PHILLIPS PETROLEUM		46.10	96,579	
CHANUTE,CITY OF	2,269			2,269
MID AMER.REFINING		100.00	2,269	
CLAY CENTER LT&WTR	0			0
COFFEYVILLE LT & PWR	0			0
LARNED WTR & ELEC	0			0
MCPHERSON BD OF PUB UTIL	2,500			2,500
NTL COOP REFINERY		100.00	2,500	
OTTAWA WTR & LT	680			680
CARTER WTR(AMOCO)		100.00	680	
LOUISIANA				
CENTRAL LOUISIANA ELECTR	40,000			40,000
FALCO		66.70	26,680	
ATLAS(PENNZOIL)		33.30	13,320	
JONESBORO POWER & LIGHT	0			0
SOUTHWESTERN ELECTRIC PO	20,000			20,000
FALCO		100.00	20,000	
MIDDLE SOUTH SERVICES	1,829,000			1,829,000
E L BRIDE(OKC REF.)		1.70	31,093	
TAUBER OIL CO		20.50	374,945	
ERGON INC (EXXON)		3.80	69,502	
REESE OIL(SUN OIL)		.30	5,487	
SHELL		21.30	389,577	
EXXON		12.90	235,941	
MURPHY OIL CORP		30.00	548,700	
TEXACO		9.50	173,755	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
MISSISSIPPI				
CLARKSDALE WTR & LT	9,703			9,703
SOUTHLND OIL		100.00	9,703	
YAZOO CITY PUB SERV	0			0
MISSOURI				
ST JOSEPH LT & PWR	5,500			5,500
E L BRIDE		100.00	5,500	
EMPIRE DIST ELEC	1,220			1,220
E L BRIDE		100.00	1,220	
OKLAHOMA				
OKLAHOMA GAS & ELEC	0			0
BLACKWELL WTR & LT	0			0
WESTERN FARMERS ELEC COO	0			0
TEXAS				
GULF STATES UTILITIES	200,000			200,000
LAJET		4.00	8,000	
EXXON		20.10	40,200	
SOUTH HAMPTON CO		22.30	44,600	
TENNECO		16.10	32,200	
COASTAL STATES MKTG		37.50	75,000	
5. ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)				
DALLAS POWER &LT.	1,000			1,000
WINSTON REF CO		18.20	182	
BEE OIL&REFINING		15.60	156	
KERR MCGEE OIL CO		18.90	189	
J&W REFINING		47.20	472	
HOUSTON LIGHT & PWR	1,111			1,111
AMERADA HESS CORP		100.00	1,111	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
TEXAS ELEC SERV	114,690			114,690
SHELL		24.10	27,640	
WINSTON REFINING		61.30	70,304	
J&W REFINING		4.10	4,702	
TESORO		10.50	12,042	
TEXAS PWR & LT	1,677			1,677
LA GLORIA OIL&GAS CO		31.10	521	
KERR MCGEE		19.90	333	
J&W REFINING		49.00	821	
WEST TEXAS UTIL	100,200			100,200
PRIDE REFINING INC		100.00	100,200	
AUSTIN CITY ELEC DEPT	11,905			11,905
TESORO		100.00	11,905	
BRYAN, CITY OF	7,460			7,460
PETROLEUM T&T(3 RIVE		100.00	7,460	
GARLAND,CITY OF	1,500			1,500
DELTA REFINING CO		25.30	379	
PRIDE REFINERY INC		74.70	1,120	
LOWER COLORADO RIVER AUT	0			0
SAN ANTONIO PUB SERV	10,224			10,224
TESORO		100.00	10,224	
BRAZOS ELEC COOP	0			0
MEDINA ELEC COOP	2,620			2,620
TESORO		100.00	2,620	
6. MID-AMERICA INTERPOOL NETWORK (MAIN)				
ILLINOIS				
COMMONWEALTH EDISON CO.	343,000			343,000
ALLIED O.		98.00	336,140	
CLARK OIL&REF.CORP		2.00	6,860	
ILLINOIS POWER CO	42,000			42,000
ALLIED O.		100.00	42,000	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
MISSOURI				
UNION ELECTRIC	78,500			78,500
APEX OIL CO		100.00	78,500	
WISCONSIN				
SUPERIOR WTR & LT	10,953			10,953
MURPHY OIL CORP		100.00	10,953	
WISCONSIN ELEC PWR	18,424			18,424
INDUST FUEL&ASPHALT		100.00	18,424	

7. MID-CONTINENT AREA RELIABILITY COORDINATION AGREEMENT (MARCA)

IOWA				
ATLANTIC MUNICIPAL UTILI	5,875			5,875
MCMILLAN OIL CO		100.00	5,875	
INTERSTATE POWER	13,330			13,330
NORTHWESTERN REF		100.00	13,330	
MINNESOTA				
MINNESOTA PWR & LT	30,700			30,700
MURPHY OIL		100.00	30,700	
AUSTIN UTILITIES	12,437			12,437
GUSTAFSON OIL CO		33.00	4,104	
NORTHWESTERN REF		48.30	6,007	
W H BARBER		18.70	2,325	
FAIRMONT WTR & LT	0			0
MARSHALL MUNICIPAL UTIL	0			0
OWATONNA MUN UTIL	16,047			16,047
GUSTAFSON OIL CO		40.00	6,418	
NORTHWESTERN REF		60.00	9,628	
WORTHINGTON, CITY OF	2,726			2,726
ALLIED O.		100.00	2,726	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
NORTHERN STATES PWR	21,290			21,290
E L BRIDE(TEXACO,WC)		100.00	21,290	
NEBRASKA				
CENTRAL NEBRASKA PUBLIC	64,366			64,366
FARMLAND INDUSTRIES		100.00	64,366	
FAIRBURY LT & WTR	5,240			5,240
CARTER WTR(TEXACO)		100.00	5,240	
GRAND ISLAND ELEC	6,122			6,122
E L BRIDE		100.00	6,122	
HASTINGS UTILITIES DEPT	2,354			2,354
CARTER WTR		100.00	2,354	
LINCOLN ELECTRIC SYSTEM	4,843			4,843
E.L. BRIDE CO		100.00	4,843	
NEBRASKA PUBLIC POWER DI	27,090			27,090
PANHANDLE COOP ASSOC		100.00	27,090	
OMAHA PUB PWR DIST	14,470			14,470
MILDER OIL CO		100.00	14,470	
WISCONSIN				
LAKE SUPERIOR DIST PWR	0			0

8. EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT (ECAR)

MICHIGAN				
CLINTON LT & WTR	762			762
CRYSTAL REFINING CO		100.00	762	
GRAND HAVEN BD PUB	1,556			1,556
OSCEOLA REF		100.00	1,556	
HILLSDALE BD OF PUB WORK	2,800			2,800
LEWIS(GLADIEUX REF)		100.00	2,800	
CONSUMERS POWER	773,785			773,785
MURPHY MI.DIV.AMOCO		6.00	46,427	
ENTERPRISE OIL CO		6.00	46,427	
INDUST FUEL&ASPHALT		2.00	15,475	
RUPP OIL COMPANY		2.00	15,475	
CONSUMERS PWR-CRUDE		54.00	417,843	
BORON OIL(STANDARD)		3.00	23,213	
GLADIEUX REF		1.00	7,737	
LAKESIDE REFINING CO		14.00	108,329	
TOTAL LEONARD INC		4.00	30,951	
OSCEOLA REFINING CO		8.00	61,902	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
DETROIT EDISON CO,	528,155			528,155
ENTERPRISE OIL CO		4.80	25,351	
CANADIAN FUEL MKTRS		9.90	52,287	
PETRO PRODUCTS		5.40	28,520	
SUN OIL LTD		70.00	369,708	
MARATHON OIL		9.90	52,287	
OHIO				
CLEVELAND ELEC ILLUMIN	22,286			22,286
ALLIED O,(ASHLAND)		100.00	22,286	
TOLEDO EDISON	11,984			11,984
SUN OIL		100.00	11,984	
PENNSYLVANIA				
ALLEGHENY POWER SERVICE	46,550			46,550
ALLIED O,(NEPCO)		100.00	46,550	
9, WESTERN SYSTEMS COORDINATING COUNCIL (WSCC)				
ARIZONA				
TUCSUN GAS & ELEC	204,637			204,637
GOLDEN GATE PETRO		22.00	45,020	
HOLLAND OIL(TOSCO)		5.00	10,231	
SO-UNION-OIL		51.00	104,364	
NAVAJO-REFINING		22.00	45,020	
SALT RIVER PROJECT	63,000			63,000
GUSTAFSON OIL CO		.90	567	
DOUGLAS OIL CO		2.80	1,764	
LITTLE AMERICA		19.70	12,411	
TESORO		12.40	7,812	
MACMILLAN		17.00	10,710	
POWERINE OIL CO		18.10	11,403	
SAN JOAQUIN REF		29.10	18,333	
ARIZONA PUBLIC SERVICE C	311,791			311,791
PACIFIC SOUTHWEST		16.50	51,445	
BASIN FUELS		4.00	12,471	
UNION OIL OF CAL		63.00	196,428	
SAN JOAQUIN REF		16.50	51,445	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
CALIFORNIA				
PACIFIC GAS & ELECTRIC C	3,215,000			3,215,000
ARCO		71.30	2,292,295	
PHILLIPS PETROLEUM		24.00	771,600	
UNION OIL OF CA		4.70	151,105	
SAN DIEGO GAS & ELECTRIC	1,045,000			1,045,000
HIRI		60.00	627,000	
TESORO		40.00	418,000	
BURBANK CITY PUBLIC SER,	103,000			103,000
ARCO		100.00	103,000	
GLENDALE PUBLIC SERVICES	99,000			99,000
POWERINE OIL CO		100.00	99,000	
IMPERIAL IRRIGATION DIST	40,900			40,900
CRESCENT REF&O(GULF)		100.00	40,900	
LOS ANGELES DEPT OF WATE	1,678,000			1,678,000
PETROBAY		7.60	127,528	
ARCO		59.80	1,003,444	
EDGINGTON OIL CO		20.90	350,702	
NEWHALL REFINING CO		5.00	83,900	
POWERINE OIL CO		3.20	53,696	
SAN JOAQUIN REF		3.50	58,730	
SOUTHERN CALIF EDISON	4,553,000			4,553,000
EXXON		20.40	928,812	
ARCO		7.80	355,134	
CONOCO		2.20	100,166	
TEXACO		9.70	441,641	
STD,OIL-CAL		50.10	2,281,053	
MACMILLAN R,F,OIL		3.00	136,590	
PACIFIC RESOURCES		6.80	309,604	
PASADENA POWER CO,	93,789			93,789
GOLD,EAGLE		100.00	93,789	
COLORADO				
PUB SERV COLORADO	127,343			127,343
CONOCO		36.40	46,352	
REF,CORP		43.50	55,394	
PLATEAU INC		20.10	25,595	

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17	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
COLORADO SPRINGS LT & PW	0			0
LAMAR LT & PWR	0			0
MONTANA				
MONTANA POWER	0			0
NEVADA				
NEVADA POWER COMPANY	24,100			24,100
GUSTAFSON OIL CO		54.00	13,014	
HUSKY OIL COMPANY		46.00	11,086	
SIERRA PACIFIC POWER	71,215			71,215
GOLDEN GATE PETRO		100.00	71,215	
NEW MEXICO				
PUB SERV NEW MEXICO	62,230			62,230
SHELL		26.40	16,428	
STD.OIL-TEXAS		4.30	2,675	
PLATEAU INC		39.80	24,767	
THRIFTWAY		5.40	3,360	
NAVAJO REFINING		24.10	14,997	
PLAINS ELEC GEN & TRANSM	23,810			23,810
CARIBOU 4 CORNERS		2.20	523	
PLATEAU INC		97.80	23,286	
OREGON				
PACIFIC POWER & LIGHT CO	197			197
STD.OIL(IND)		100.00	197	
TEXAS				
COMMUNITY PUB SERV	28,341			28,341
STD.OIL-TEXAS		100.00	28,341	
EL PASO ELECTRIC	131,097			131,097
SOUTHERN UNION		74.50	97,667	
TESORO		25.50	33,429	

18	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
UTAH				
UTAH POWER &LIGHT CO,	25,000			25,000
BLACKLINE ASPH,SALES		100.00	25,000	
WASHINGTON				
PUGET SOUND POWER &LIGHT	0			0
SEATTLE DEPT OF LI	8,640			8,640
SHELL		100.00	8,640	
TACOMA DEPT OF PUBLIC UT	0			0
10. ALASKA SYSTEMS COORDINATING COUNCIL (ASCC)				
ALASKA				
CORDOVA, TOWN OF	0			0
HAWAII				
HAWAIIAN ELECTRIC COMPAN	685,254			685,254
STD.OIL-CA		100.00	685,254	
HILO ELEC LT	35,435			35,435
STD.OIL-CA		100.00	35,435	
KAUAI ELECTRIC	12,002			12,002
STD.OIL--CA		100.00	12,002	
MAUI ELECTRIC	28,312			28,312
STD.OIL-CA		100.00	28,312	
11. NOT OTHERWISE CLASSIFIED (NOC)				
UNKNOWN				
GUAM PWR AUTH	162,505			162,505
GORCO		100.00	162,505	
PUERTO RICO WATER RESOUR	1,844,256			1,844,256
COMMONWEALTH OIL		50.00	922,128	
PUERTO RICO SUN OIL		30.00	553,277	
CARIBBEAN GULF REF		20.00	368,851	
ST. CROIX, V.I. WTR PWR	45,000			45,000
AMERADA HESS CORP.		100.00	45,000	
ST. THOMAS, V.I. WTR. PWR.	45,000			45,000
AMERADA HESS CORP.		100.00	45,000	

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federal register

FRIDAY, OCTOBER 31, 1975



PART VII:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Human Development Office

■

HEAD START PROGRAM PERFORMANCE STANDARDS

VOL. 40 NO. 211 OCT 31 75 XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development, Office of Child Development

HEAD START PROGRAM PERFORMANCE STANDARDS

Proposed Self-Assessment/Validation Instrument

Regulations prescribing goals, component objectives and program performance standards for the operation of Head Start programs by grantee and delegate agencies and for their enforcement were published in the FEDERAL REGISTER at 40 FR 27562 on June 30, 1975.

The proposed Self-Assessment/Validation Instrument published herewith is to be used by Head Start grantees and delegate agencies in conducting an annual assessment of grantee activities in light of the Head Start Program Performance Standards. The instrument contains questions which directly relate to the performance standards in the areas of Education, Health, Social Services, and Parent Involvement.

The local Head Start grantee is responsible for conducting a self-assessment each program year to ensure that all requirements set forth in the Head Start Program Performance Standards are being met. The grantee must look at all its delegate agencies by doing a substantial review of a sample of their activities.

The proposed Self-Assessment/Validation Instrument is published as a general notice pursuant to the requirement of section 17(d) of the Headstart-Follow Through Act. Also, as required by the Act, it is being sent directly to each grantee with a notification of a right to submit comments pertaining thereto in writing on or before December 1, 1975.

Comments of Head Start grantees should be sent to the Director, Office of Child Development, P.O. Box 1182, Washington, D.C. 20013.

(Catalog of Federal Domestic Assistance Programs Number 13,600; Child Development—Head Start)

DATED: October 21, 1975.

STANLEY B. THOMAS, JR.,
Assistant Secretary for Human Development.

Grantee Transmittal Form

Name of Grantee _____

Address _____

_____

Telephone No. _____

Grantee # _____

Name of Grantee Executive Director _____

Signature _____

Name of Head Start Director _____

Signature _____

Chairman of Head Start Policy Council _____

Signature _____

Members of Self Assessment Team: _____

_____

Date: _____

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INTRODUCTION

The Head Start Program Performance Standards Self- Assessment/ Validation Instrument is for use of Head Start grantees and delegate agencies in conducting an annual assessment of grantee activities in light of Head Start Program Performance Standards. This instrument contains questions which directly relate to the performance standards in the areas of Education, Health, Social Services, and Parent Involvement. These standards pertain to the methods and processes to be used by Head Start grantees to meet the needs of children.

Each component of Head Start has developed along with its program Performance Standards, guidance that serves as an elaboration of the standards as well as a "how to" for implementation. The guidance can also serve as the criteria against which to make assessments relating to compliance.

The local Head Start grantee is responsible for conducting a self-assessment each program year to ensure that all requirements set forth in the Head Start Program Performance Standards are being met. The method used to carry out this self-assessment is described below.

The grantee must look at all delegate agencies by doing a substantial review of a sample of their activities.

In conducting assessments several procedures may be used to verify the taking place of the activities required to be in compliance with the performance standards. These are (1) actual observations of the activities, (2) reading of sample records relating to the activities (education plans, minutes of meetings, training plans and records, job descriptions, work schedules, etc.); and (3) interviewing various personnel on activities performed.

The grantee should form a self-assessment team composed of staff and parents. In the case of programs with delegates, it will be necessary for the grantee to assist each delegate in carrying out an individual self-assessment of its program. Further, the grantee will be responsible for providing the composite document, a copy of which will be mailed to the OCD Regional Office. Regional Offices will be responsible for reviewing and validating grantee performance. All grantee and delegate agency staff scheduled to participate in the self-assessment activities must be familiar with OCD Notice N-30-364-4, Head Start Program Performance Standards.

This instrument has been designed so that questions included refer directly to the Performance Standards. The first column on the form provides a cross reference to the Performance Standards for each of the questions listed in column two (Individual Specific Policy). The third column requires the grantee to check if the specific policy is in or out of compliance and if out of compliance, the grantee is to explain the reason for non-compliance in column four. Columns five and six are used vy the OCD Regional Office to review the grantee's findings. Column seven is designed to assist the grantee by providing methods of guidance for assessing compliance. At the end of each of the components, a summary sheet is provided to record both grantee and OCD findings as to compliance or non-compliance with each performance standard contained therein.

TABLE OF CONTENTS

* EDUCATION----------
* HEALTH, GENERAL, MEDICAL, AND DENTAL----------
* HEALTH, MENTAL HEALTH----------
* HEALTH, NUTRITION----------
* SOCIAL SERVICES----------
* PARENT INVOLVEMENT----------

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes	Grantee In compliance No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes	OCD In Compliance No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 1-4	1. Has an overall written education plan been developed which contains the following elements:							1. Review the Education Plan and, if more than a year old, note when updated. Must look at classroom activities and daily plans. Compare with education plan. Note any special needs outlined in daily plans for ethnic, handicapped, and other children and validate by observation in classroom and discussion with teachers. In addition, interview other staff members and parents to determine how and to what extent they participate in the program and in the planning. Also, discuss with policy council chairman and parents on how they are assisted in fostering a child's learning and development. Finally, determine if specific strategies have been identified for carrying out the educational objectives and determine if there is a process for reviewing children's progress and updating program goals. Look for records or documents that reflect such activities.
1-4	a) Is updated periodically (at least annually)----							
2-2(a)	b) Reflects actual program activities ----------							
2-2(a)	c) Meets the individual needs of children, the special needs of handicapped children, and the needs of populations being served-----							
1-4	d) Prepared by the educational staff in conjunction with policy groups, parents, other Head Start staff, and appropriate consultants----------							
2-2(a)	e) Outlines approaches for assisting parents in understanding and employing alternative ways to foster each child's learning and development----------							
2-2(a)	f) Specifies strategies for implementing the educational objectives-------							

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes	Grantee In compliance No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes	OCD In Compliance No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 2-2(a)	2. Do the educational plan and program activities include provision for:							2. Review medical and developmental records of children. Discuss with psychologist, medical staff, teachers and parents. Check out specific examples where age or development, cultural or ethnic experiences, and/or handicapping differences determine program strategies. It is important to observe activities and/or uses of materials which encourage children's self awareness and positive self concept. Are there materials which reflect the cultural/ethnic/language background of the population served? Are there mirrors, photographs of children, individual cubbies or places allocated for each child's personal possessions? Is children's work attractively displayed? Are children's names used? Are materials and situations free of sex role and racial/ethnic stereotyping? Note if such items as props for dramatic play are available and if dramatic play is encouraged as a valid means for promoting social/emotional and intellectual development. Are material and activities, appropriate to the children's ages and level of development, utilized to encourage children to solve problems, to explore and experiment, to communicate their
2-2(a)	a) The individual differences of children enrolled in the program----------							
2-2(a)	b) A supportive social/emotional climate--------							
2-2(a)	c) Developing intellectual skills----------							
	d) Promoting physical growth----------							

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes	Grantee In compliance No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes	OCD In Compliance No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
								2. (cont.) ideas and feelings, and to organize their experiences toward understanding increasingly complex concepts? Is there evidence that equipment, materials and activities are provided (both indoor and out) in keeping with children's physical development? Are there adequate provisions for children to use their large and small muscles to increase their physical skills and motor coordination? Is there approrpiate guidance and supervison, both indoor and out, while children are using equipment?
2-2(d)	3. Does the plan outline procedures for: a) On-going observation, recording and evaluation of each individual child's growth and development b) Using the information generated through 3a to plan activities to suit individual needs							3. Check to see if individual records of children are maintained and that periodic evaluation and recording of children's developmental growth are included. Is there evidence that this information is used to plan activities suited to individual needs?

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes	Grantee In compliance No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes	OCD In Compliance No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 2-2(d)	4. Have procedures been established to integrate the educational aspects of other Head Start components into the daily educational program?------							4. Check daily plans to determine if and how other Head Start component such as Health and Nutrition are incorporated into the daily program. Also observe classrooms to see if activities and materials reflect integration of other Head Start components. For example, learning experiences through food preparation, experiences provided to prepare children for physicals, shots, dental examinations.
2-2(c) 2-2(c)(1)	5. Has the program been individualized to meet the specialized needs of children from various populations by: a) Having a curriculum which is relevant and reflective of the needs of the population------- b) Having staff and program reflective of the racial and ethnic characteristics of children in the program---------- c) Including parents in curriculm development and having them serve as resource persons-----							5. Is the curriculm relevant and reflective of the needs of the population? (Curriculum is the learning environment plus the varied experiences provided for participating children). Observer should look at selection of books, play materials, records, pictures to ascertain if there is adequate representation of children from various populations. A key element to observe is the use of resource persons in the classrooms. Where the majority of the children do not speak English or are bilingual, is there at least one adult available to speak with the children in their native language? Parents should be interviewed regarding their participation in the development of the curriculum.

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes	Grantee In compliance No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes	OCD In Compliance No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 2-2(e)(5)(6)	6. Is there a comprehensive orientation and training program jointly developed with all components for parents and staff which							6. Review orientation and training plans and determine who participated in the planning process (e.g., parents, other Head Start staff, representatives of local health organizations and health delivery agencies) to ensure that comprehensive orientation and training takes place. Were provisions made for parents who do not speak English to participate? Were interpreters available? Review training schedules and interview selected staff and parents regarding their involvement in orientation and training.
2-2(e)(5)(6)	includes exposure to: a) Behavioral and developmental problems for pre-school children-----							
2-2(e)(5)(6)	b) Observation skills to identify and work with children with special needs----------							
2-2(e)(5)(6)	c) Education and consultation resources for parents of children having special needs-----							
2-2(e)(5)(6)	d) Appreciation of diverse cultures and ethnic groups----------							
2-3(a)	7. Is a physical environment provided which: a) is conducive to learning----------							7. Is the overall appearance of the program facility safe, attractive and inviting? Walk through the center and outdoor play area to determine if equipment and materials are in adequate supply, in good repair, and appropriate to the ages and developmental levels of the children served. Are there specific interest areas with sufficient materials and equipment readily available for use by children? Is there evidence that children are encouraged to accept reasonable responsibility for the use and care of materials and equipment? Are materials and supplies kept in convenient locations and orderly arranged? Can many
2-3(a)	b) Reflects the different stages of development in children----------							
2-3(a)	c) Ensures that space, light, ventilation, heat and other physical arrangements are consistent with the children's health, safety, and developmental needs-------							
2-3(b)	d) Organizes space into interest areas which are recognized by the children----------							

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2-3(b)	7. (con't) e) Arranges furniture, equipment and materials to facilitate learning--							7. (con't) of the materials and much of the equipment be used in a variety of ways? Are there materials which reflect the cultural/ethnic/language background of the population served? Check to see if adequate provisions have been made for handicapped children, such as ramps, rails, and special educational equipment and supplies. Does center comply with local licensing requirements? If not have safety standards been determined in cooperation with local health and fire department? Does center comply with standards as determined through above process? Check outdoor play area. If adjacent to hazards such as busy streets, bodies of water etc., is it enclosed?
	F) Provides a sufficient number of appropriate materials and equipment----------							
2-2E	8. Are the following specific provisions made for enhancing parents' knowledge and understanding of the child's educational activities: a) Arranging for parents to participate in the planning of the educational program----------							8. Review plan for specific strategies for parent involvement in the education program. Teachers should be interviewed concerning specific activities designed for parents' participation in the education program. Such activities as parent-teacher meetings, conferences, and

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								8. (con't) seminars are ways that parents can be involved. Emphasis should be placed on parents' acquiring skills in child development. The mental health coordinator and/or psychologist should also be contacted to determine additional activities provided for parents. Parents should be interviewed to determine how and to what extent they participate in planning and program activities. Note specific methods which are used to facilitate communication between staff and parents such as use of bulletin boards, newsletters, phone calls, radio and television announcements, meetings, etc. Records should be reviewed to ensure that the required number of home visits are planned or have taken place.
2-2E(1)	b) Involving parents in appropriate Head Start program activities and by helping them apply child development principles in the home							
2-2E(3)	c) Assisting parents to observe and develop child development skills							
2-2E(4)	d) Establishing relationships with parents that facilitates information sharing about the children							
2-2E(4)	e) Providing information to parents regarding major educational program activities							

EDUCATION
Performance Summary

Please indicate the compliance status with individual performance standards.

Performance Standard Number		Grantee Compliance	Grantee Non-Compliance	OCD Compliance	OCD Non-Compliance
1304.1-4	Written Plan	☐	☐	☐	☐
1304.2-2	Meeting educational needs	☐	☐	☐	☐
1304.2-2a,b,c	Individualized program	☐	☐	☐	☐
1304.2-2d	Observation/Record keeping	☐	☐	☐	☐
1304.2-2e	Staff/training	☐	☐	☐	☐
1304.2-2e	Parent Involvement/ training	☐	☐	☐	☐
1304.2-2e	Home visits	☐	☐	☐	☐
1304.2-3a	Facilities/Space	☐	☐	☐	☐
1304.2-3b	Environment	☐	☐	☐	☐

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Section 3-2	Do the Health Services Plan and program provide a properly organized functioning Health Services Advisory Committee which includes Head Start parents, health services providers and health specialists? Does the committee assist staff in planning, operation and evaluation of the Health Services program?							Review with Health Coordinators and the Health Advisory Committee the composition and membership of the committee. It should consist of parents, health services, providers in the community and other specialists in the various health discipline. Review minutes or other documentation of Committee meetings to determine their role regarding advising in planning, operation, and evaluation of the Health Services program. Interview Committee members to determine role in the above function.
3-3(a)	Do the plan and program provide for the completion of a medical, dental, and developmental history for each child in the program?							Review enrollment and health records to ensure that medical and developmental histories are obtained for each child. These records should be completed, where feasible, at the time of enrollment. If medical histories are not completed at that time, check and insure that forms for obtaining this information are available. Determine if program has a specific time frame for completion prior to physical exam. Check forms to ensure there is a provision for obtaining medical history and background for child for the screenings and examinations. Question staff about procedures used for updating records. Spot check selected child health records to determine that histories are complete and up-to-date.

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Section 3-3(a) (cont'd)	Do the plan and program provide for advance parent or guardian authorization for health services?							Check enrollment forms for parent's authorization of health services.
3-3(b)	Do the plan and program provide health screening that includes: (1) Growth assessment (head circumference up to two years old) height, weight and age? (2) Vision testing? (3) Hearing testing? (4) Hemoglobin or hematocrit determination? (5) Tuberculin testing where indicated in guidance? (6) Urinalysis? (7) Based on community health problems, other selected screenings where appropriate, e.g., sickle cell anemia, lead poisoning, and intestinal parasites? (8) Assessment of current immunization status? (9) Identification of speech problems, determining their cause and provision of services? (10) Identification of special needs of handicapped children?							Review procedures used for screenings. (1) - (8) Spot check health records determine if the required and other appropriate screenings were provided to the children. If health screenings are not completed, then interview health coordinator and other appropriate staff to determine which screenings will be provided and the planned completion date. (9) Review plan and procedures for identifying speech problems, determination of cause and services provided. (10) Review plan and procedures for identifying special needs of handicapped children in the program.

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Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes	Grantee In compliance No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes	OCD In Compliance No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 3-3(c)	Have medical examinations been given to all children in the program?							Check health services plan and medical examination procedures to ensure that examinations include: a. examination of all systems or regions made suspect by history or screening test. b. search for defects in specific regions common or important to this age group, i.e., skin, eye, ear, nose, throat, heart, lungs, and groin (inguinal) area. Selected individual children's records should be thoroughly reviewed as to whether regions found suspect by the medical history have been examined by the health examiner and noted on the form. Interview Head Start Director and Health Services Coordinator to determine how medical examinations are arranged.
3-3(d)	Depending upon local and State health regulations, are all employed program staff given initial health examinations and periodic checkups, and found to be free of communicable diseases?							Check health services plan for procedures in accordance with local and State health regulations for initial exams and periodic checkups. Review staff health records to determine if they are complete and up-to-date. Interview selected staff on initial and periodic checkups. Interview Health Services Coordinator and other appropriate staff to determine the extent and frequency of examinations and checkups and to what degree measures are taken to insure freedom from communicable diseases.

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section 3-3(d) (Cont'd)	Is each volunteer screened for tuberculosis?							Check with health coordinator and other appropriate staff for validation of tuberculin testing for volunteers who serve Head Start program on a regular schedule.
3-4(a)(1)	Do the plan and program provide for treatment for health problems detected?							Check for procedures for follow-up treatment for all health problems detected. Check individual child health records for follow-up treatment. Ask Health Coordinator and other appropriate staff about follow-up procedures.
	Are Head Start funds used only when there is no other source of funding?							Interview Head Start Director to determine to what extent Head Start funds are used. Inquire as to any documentation which supports the use of Head Start funds only when no other source of funding is available.
	Do the plan and program provide for completion of immunizations?							Check for procedures for follow-up to complete immunizations. Check individual child records for completion of immunizations for diptheria, pertussis, tetanus (DPT), polio, measles, German measles; and mumps -- where appropriate.

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section 3-4(a)(3)	Do the plan and program provide for the basic dental care of the children which includes the following: (i) Dental examination. (ii) Services required for the relief of pain or infection. (iii) Restoration of decayed primary and permanent teeth. (iv) Pulp therapy for primary and permanent teeth as necessary. (v) Extraction of non-restorable teeth. (vi) Dental prophylaxis and instruction in self-care oral hygiene procedures. (vii) Application of topical fluoride in communities which lack adequate fluoride levels in the public water supply.							Check the plan and individual child health records to determine that each child is receiving basic dental care. Review procedures with Health Coordinator and other appropriate staff for follow-up as may be indicated for individual child.
3-4(b)	Do the plan and program provide for medical emergencies?							Check medical emergency plan. Interview Health Coordinator and other appropriate staff on how medical emergencies are dealt with in the program Spot check child's records for permission and consent form. Observe classroom for posted first aid and emergency procedures. Interview staff to learn if at least one member is being trained or knowledgeable in first aid.

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section 3-5(a)	Does the plan and program provide for complete and up-to-date medical and dental records for each child containing the child's medical and developmental history, screening results, medical and dental examination data and evaluation of this material, and up-to-date information about treatment and follow-up?							Review health plan for precedures for establishing and maintaining health records. Spot check individual health records to determine that they are up-to-date and complete.
3-5(b)	Does the plan and program have procedures for forwarding with parental consent, health records to school and/or health delivery system?							Review the health services plan. Review procedures for obtaining parental consent including signed forms or other evidence. Determine if consent is obtained for all records forwarded. Review documentation of records forwarded to the school.
3-5(c)	Does the plan and program provide for giving a summary of medical records to child's parents?							Check the health services plan or other written procedures which include methods to provide parents with medical summaries including information on immunization and follow-up treatment. Review procedures to ensure that child is linked to an ongoing health care system. Ask Health Coordinator and other appropriate staff about process of providing summaries to parents, and inspect any attendant records. Interview parents to determine what medical informaton they receive regarding their child's health needs.

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Section 3-5(d)	Does the program utilize the Health Program Assessment Report?							Review HPAR records and discuss with Health Coordinator how the HPAR is being used in planning and evaluating the health program.
3-5(e)	Do the plan and program provide assurance to parents concerning the nature, use and restrictions on use of medical data to be collected?							Review health services plan to determine procedures for informing parents in all cases of: a. the nature of child medical data to be collected b. uses to which data will be put c. assurances that data uses will be restricted to stated purposes Review any program-parent correspondence or notification in this regard. Ask Health Coordinator and other appropriate staff how program conforms to a-c above.
3-6(a)	Do the plan and program provide for an adequate organized health education program for staff, parents and children which ensures that 1. parents are provided with information about all available health resources							Review lesson plans or other documentation on Health Education program Interview selected parents to determine if they were provided information about health resources

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Section 3-6(a) (Cont'd)	2. parents are encouraged to become involved in their child's health care process							Interview selected parents to determine if staff encouraged them to become involved with their child's health care process.
	3. staff are taught and parents are provided the opportunity to learn the principles of preventive health, emergency first-aid messures, and safety practices.							Interview staff and selected parents to determine the kind of health education program being provided.
	4. health education is integrated into on-going classroom and other program activities							Interview teachers concerning integration of health education into other program activities. Review lesson plans or other documentation of integration.
	5. children are familiarized with all health services they will receive prior to the delivery of those services							Review curriculum with teachers and lesson plans on health education.
3-8(a)	Do the plan and program provide that a mental health professional be available, at least on a consultation basis with specified duties, to the program and the children?							Check with Health Coordinator to determine availability of a mental health professional. If consultation is part time, determine frequency.
	Does the mental health professional							
	(1) assist in planning mental health program activities?							Check the health services plan to determine that the mental health professional assists in planning mental health program activities. Interview mental health professional on program and mental health activities (if feasible).

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Section 3-8(a) (Cont'd)	(2) train Head Start staff?							Teachers and appropriate staff should be interviewed on the types of training assistance and evaluation provided to staff.
	(3) periodically observe children and consult with teachers and other staff?							Check documentation and plan for frequency of observation of children.
	(4) advise and assist in developmental screening and assessment?							Review selected individual child health records for developmental screening and assessment procedures.
	(5) assist in providing special help for children with atypical behavior or development?							Teachers, appropriate staff and parents should be interviewed on the types of assistance the mental health professional is providing for children with atypical behavior or development.
	(6) advise in the utilization of other community resources and referrals?							Teachers, appropriate staff and parents should be interviewed on the assistance in using community resources and referrals
	(7) orient parents to mental health program?							Interview selected parents on their orientation to the mental health program.
	(8) take appropriate steps in conjunction with health and education services to refer children for diagnostic examination to confirm that their emotional or behavior problems do not have a physical basis?							Review records of individual children receiving the assistance of the mental health program for referral for diagnostic examination.

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Section 3-8(b)	Do the mental health plan and program provide for:							
	(1) attention to pertinent medical and family history of each child so that mental health services can be made readily available if needed?							Ask Health Coordinator, other appropriate staff including teachers and the mental health professional, if feasible, the process by which children with potential behavioral problems are recognized. Spot check referral and/or treatment records.
	(2) use of existing community mental health resources?							Check with appropriate staff to determine if all mental health resources have been identified and the extent to which they are being utilized. Review any lists of resources and referrals. Where feasible, contact a sample of local mental health resources and interview selected staff.
	(3) coordination with education services?							Review the education and mental health plans, and interview coordinator for both components. Ask about procedure for consultation between the two components.
	(4) confidentiality of records?							Check for locked cabinet or other suitable system for keeping of mental health records. Check mental health services plan to determine that access to files is restricted. Interview staff to determine that restrictions are followed.
	(5) regular group meetings of parents and program staff?							Review plan. Interview staff and parents on type and frequency of group sessions.
	(6) parental consent for special mental health services?							Spot check appropriate records for parental consent for special mental health services.

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Section 3-8(b) (Cont'd)	(7) opportunity for parents to obtain individual assistance?							Interview staff and mental health professional (if feasible) and parents concerning requests, opportunities, and referrals for individual assistance. Review any related records that will substantiate this type of assistance.
	(8) active involvement of parents in planning and implementing the individual mental health needs of their children?							Interview parents and staff concerning nature and extent of parents involvement in mental health needs of their own children.

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Section 3-10	Nutrition services.							
3-10(a)	Does the nutrition services ~~performance standard plan~~ identify the nutritional needs and problems of the children in the Head Start program and their families? In so doing is account taken of							(a) Check written plan for procedure ~~to identify needs of children and~~ their family's and to meet the needs.
3-10(a)(1)	The nutrition assessment data (height, weight, hemoglobin, hematocrit) obtained for each child?							(1) Spot check children's health records for presence of height-weight data; hemoglobin and/or hematocrit data. Is the dat on height and weight put on graphs? Spot check health records for evidence of consideration of nutritional status of child and handicapping conditions affecting food intake.
3-10(a)(2)	Information about family eating habits and special dietary needs and feeding problems, especially of handicapped children; and							(2) Spot check parent-interview records for information relating to child's and families special needs such as - underdeveloped feeding skills - emotional problems - specific chronic conditions (allergy, diabetes, etc.) - cultural-ethnic background and food preferences - adequacy of resources: financial, equipment, fuel, transportation, etc. - adequacy of nutrition information concerned with feeding family

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Section 3-10(a)(2) (continued)								Are other means than children's health records or parent interviews used to identify needs of children and families? Ask of nutritionist or health personnel.
3-10(a)(3)	Information about major community nutrition problems?							(3) Check the written plan for indentification of the community nutrition problems that are to be addressed such as - inaccessibility of food markets and transportation - unavailability of fluoridated water, enriched cereals, iodized salt, pasteurized milk - unavailability and inaccessibility to food and financial family assistance programs
3-10(b)	Does the plan, designed to assist meeting the daily nutritional needs of the children, provide that:							
3-10(b)(1)	Every child in a part-day program will receive a quantity of food in meals (preferably hot) and snacks which provides at least 1/3 of daily nutritional needs with consideration for meeting any special needs of children, including the child with a handicapping condition?							(1) & (2) Check the written plan on provisions for feeding the children at the center appropriate meals according to number of hours spent at center and in keeping with Performance Standards Guidance. Review posted menus and past menus for meals and snacks served

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Section 3-10(b)(1) & (2) (continued)								- Check for following of OCD meal pattern in the Guidance - Use of good to excellent source of Vitamin C daily - Use of dark green leafy or yellow vegetable every other day - Desserts are integral part of meals used to supply nutrients other than just calories
3-10(b)(2)	Every child in full-day program will receive snack(s) lunch, and other meals as appropriate which will provide 1/2 to 2/3 of daily nutritional needs depending on the length of the program?							
3-10(b)(1) & (2) (continued)								- Check supplies for use of -enriched or whole grain bread, cereals -iodozed salt -full strength fruit juices - If breakfast is used as the main meal instead of lunch, the breakfast would need to be very substantial using a protein-rich food and a snack containing milk in addition to other foods suggested in snack pattern to meet 1/3 the needs of the child. To meet 2/3 the child's nutrient needs will necessitate the feeding of lunch or supper pattern plus 2 well-planned snacks that contribute milk in one of them.

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Section 3-10(b)(1) & (2) (continued)								Spot check with food service personnel on records or prescriptions for special dietary needs of specific children. Ask role of program nutritionist in assuring menu adequacy and in meeting of special dietary needs. Spot check adequacy of budget to meet food needs for children and adults.
Section 3-10(b)(3)	All children in morning programs who have not received breakfast at the time they arrive at the Head Start program will be served a nourishing breakfast?							(3) Ask how many children receive breakfast and how the need is determined. Spot check other records for indications that other children may need breakfast such as: - extremely low income family - parents working very late or very early hours - children traveling long distances to center - history of the child being hungry or physical evidence of undernutrition.
3-10(b)(4)	The kinds of food served conform to minimum standards for meal patters indicated in OCD Head Start Guidance Material?							(4) Crosscheck with Guidance and spot check menu patterns for compliance.

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Section 3-10(b)(5)	The quantities of food served conform to recommended amounts indicated in OCD Head Start guidance materials?							(5) Observe a sampling of centers at mealtime to see if sufficient food is available for children to have seconds as well as average size first portions for their age. (See Guidance for portion sizes.)

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Section 3-10(b)(6)	Meal and snack periods are scheduled appropriately to meet children's needs and are posted along with menus; e.g., breakfast must be served at least 2 1/2 hours before lunch, and snacks must be served at least 1 1/2 hours before lunch or supper?							(6) Spot check meal and snack schedule to see if: - Programs of 3 hours duration serve snack and meal. If all children receive breakfast, the snack should be omitted in a 3 hour program. 1 1/2 - 2 hours interval is suggested between snack and meal and 2 1/2 - 3 hours between breakfast and lunch. Is any time allowed after lunch for brushing teeth, handwashing, etc.? - Programs of 4 1/2 - 5 hours duration serve 2 snacks and meal or 2 meals and a snack appropriately spaced. - Longer programs may need to serve 2 meals and 2 snacks.
3-10(c)	Does the plan undertake to ensure that the nutrition services contribute to the development and socialization of the children by providing that:							(c) Check the written plan for provisions for meeting developmental and socialization needs of children.
3-10(c)(1)	A variety of foods which broaden the child's food experience in addition to those that consider cultural and ethnic preferences is served?							(1) Spot check menus for - introduction of new foods and old foods prepared new ways - serving of cultural and ethnic foods - variety in color, flavor, texture, etc.

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Section								(2) thru (7) Observe and participate in mealtime at a sampling of centers:
3-10(c)(2)	Food is not used as punishment or reward, and that children are encouraged but not forced to eat or taste?							(2) Check that food is not used as punishment or reward including - some food is not withheld until other is eaten - dessert is a part of the total meal and not a reward
3-10(c)(3)	The size and number of servings of food reflect consideration of individual children's needs?							(3) Note whether: - individual appetites are considered - portion sizes may vary and are appropriate to children for easy eating, bite size and include finger foods.
3-10(c)(4)	Sufficient time is allowed for children to eat?							(4) Note whether the meal is unrushed (about 30 minutes).
3-10(c)(5)	Chairs, tables, and eating utensils are suitable for the size and developmental level of the children with special consideration for meeting the needs of children with handicapping conditions?							(5) Observe whether: - chair size allows for the child's feet to be on the floor - the table size is in relation to the child and chair and allows the child to be able to easily cut food and eat - children have access to knives, forks and spoons - glasses are small enough for the child to grasp easily - any needed modification or purchase of equipment has been done to meet any special eating needs of the child with a handicapping condition

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Section 3-10(c)(6)	Children and staff, including volunteers, eat together sharing the same menu and a socializing experience in a relaxed atmosphere?							(6) Look for: - interactions between children and adults - children and children to promote socialization - adults eating with children and same food - adults attitudes as model for children
3-10(c)(7)	Opportunity is provided for the involvement of children in activities related to meal service (For example: family style service)?							(7) Note: - child's participation in food service and mealtime activities --serving, cleaning up, setting table, etc. and ask cook about children's participation in mealtime food preparation activities
3-10(d)	Does the plan set forth an organized nutrition education program for staff, parents and children? Does the program assure that:							(d) Check the written plan for provisions for nutrition education of staff, parents and children: Are provisions based on identified needs? Ask nutritionist about plans for nutrition education for administrative staff-teaching staff-parents-food service staff. Check schedules for delivery of nutrition education; check mechanism for delivery of nutrition education

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Section 3-10(d)(1)	Meal periods and food are planned to be used as an integral part of the total education program?							(1) Participate in a sampling of visits at mealtime and check that mealtime and snacktime are used to develop good food habits. Spot check menus to see if classroom food preparation and food-related activities are coordinated with mealtime.
3-10(d)(2)	Children participate in learning activities planned to effect the selection and enjoyment of a wide variety of nutritious foods?							(2) Spot check teacher's lesson plans for food-related activities for children designed to guide children toward selection and enjoyment of a wide variety of nutritious foods. Spot check nutrition education materials in use in classroom activities. Are they appropriate to be used with preschool children?
3-10(d)(3)	Families receive education in the selection and preparation of foods to meet family needs, guidance in home and money management and help in consumer education so that they can fulfill their major role and responsibility for the nutritional health of the family?							(3) Ask nutritionist if plans are developed with parents and are based on needs identified through parent interview and knowledge of community nutrition problems. Spot check nutrition education materials for appropriateness: - identified needs of group - cultural, ethnic, educational background - economic limitations

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Section 3-10(d)(4)	All staff, including administrative, receive education in principles of nutrition and their application to child development and family health, and ways to create a good physical, social and emotional environment which supports and promotes development of sound food habits and their role in helping the child and family to achieve adequate nutrition?							(4) Is nutrition education for staff designed to meet their specific responsibilities for nutrition component in addition to improving their own nutrition? Is it part of total staff training and orientation program?
3-10(e)	Does the plan make special provision for the involvement of parents and appropriate community agencies in planning, implementing, and evaluating the nutrition services? Does it provide that:							(e) Check plan for provision for parent and community involvement. Spot check with classroom staff and with food service staff on opportunities for parent involvement. Spot check volunteer records for frequency and type of parent involvement. Interview a sampling of parents for opportunities for involvement and communication on nutrition activities. Check with the nutritionist on use of community resources for nutrition services.

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Section 3-10(e)(1)	The Policy Council or Committee and the Health Services Advisory Committee have opportunity to review and comment on the nutrition services?							(1) Check with the Policy Committee and HSAC on input into written plan and other roles.
3-10(e)(2)	The nutritional status of the children will be discussed with their parents?							(2) Spot check children's folders for record of interview with parents on child's nutritional status related to height-weight, eating skills, etc., and for any counseling on special needs.
3-10(e)(3)	Information about menus and nutrition activities will be shared regularly with parents.							(3) Ask how this was done and how often.
3-10(e)(4)	Parents are informed of the benefits of food assistance programs?							(4) Check with the social services for indication of referrals of families to community agencies for food assistance. Ask social service what proportion of eligible families are participating in food assistance programs.
3-10(e)(5)	Community agencies are enlisted to assist eligible families participate in food assistance programs?							(5) Ask sampling of parents if community agencies are providing the help they need.

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes	Grantee In compliance No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes	OCD In Compliance No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 3-10(f)	Does the plan provide for compliance with applicable local, State and Federal sanitation laws and regulations for food service operations including standards for storage, preparation and service of food, and health of food handlers, and for posting of evidence of such compliance?							(f) Check the plan for provisions for meeting Federal, local and State sanitation regulations for facilities, personnel, and food vendors. Spot check current licensing and inspection certificates and posting of such. In absence of inspection by a governmental agency, what documented evidence of compliance is there? Are any violations being corrected? Check the current food handler's health certificate and posting of such. Check documented evidence for compliance of sanitation standards by caterers and food vendors.
	Does the plan also provide that vendors and caterers supplying food and beverages comply with similar applicable laws and regulations?							
3-10(g)	Does the plan provide for direction of the nutrition services by a qualified full-time staff nutritionist or for periodic and regularly scheduled supervision by a qualified nutritionist or dietitian as defined in the Head Start Guidance material?							(g) Check the plan for involvement and role of qualified nutritionist. Check with the Head Start Director for name of person, qualifications, frequency of service, type of service. Ask to see job description. Interview nutritionist for role and frequency. Interview teachers, parents and food service personnel on role of nutritionist.

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes	Grantee In compliance No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes	OCD In Compliance No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 3-10(g) (continued)	Does the plan also provide that all nutrition services staff will receive preservice and in-service training as necessary to demonstrate and maintain proficiency in menu planning, food purchasing, food preparation and storage, and sanitation and personal hygiene?							Check plan for method of provision of training to meet needs. Spot check personnel folders for record of performance evaluation and type of individualized training planned. Does this relate to job responsibilities, previous experience and qualifications? Ask cooks if they feel they are getting type of training needed. Observe food preparation. Does planned training seem consistent with needs seen? Taste and look at food served. Does planned training relate to production of high quality food appropriate to needs of children?
3-10(h)	Does the plan provide for the establishment and maintenance of records covering the nutrition services budget, expenditures for food, menus utilized, numbers and types of meals served daily with separate recordings for children and adults, inspection reports made by health authorities, recipes and any other information deemed necessary for efficient operation?							(h) Check plan for type of records kept. Spot check for accessibility and orderliness of records. Spot check adequecy of inventory and purchasing records. Spot check written menus for indicstion that substitutions are noted. Check for record of daily meal counts - adults and children. Check nutrition services budget for inclusion of food costs (adults and children) food service and nutri-

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes	Grantee In compliance No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes	OCD In Compliance No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 3-10(h) (Continued)								tion staff, equipment and nutrition education materials and supplies for children and parent activities and staff training. Check accounting of expenditure of OCD monies made available by use of USDA-SFSP. Is priority use give to maintenance of a high qulaity nutrition component? Are standardized recipes based on numbers of children served used?

HEALTH SERVICE
GENERAL, MEDICAL, AND DENTAL
Performance Summary

Please indicate the compliance status with individual performance standards.

Performance Standard Number		Grantee Compliance	Grantee Non-Compliance	OCD Compliance	OCD Non-Compliance
1304.1-4	Written plan	☐	☐	☐	☐
1304.3-2	Advisory committee	☐	☐	☐	☐
1304.3-3	Screening & examination	☐	☐	☐	☐
1304.3-3d	Staff	☐	☐	☐	☐
1304.3-4(a)	Medical & dental treatment	☐	☐	☐	☐
1304.3-4(a)	Immunizations	☐	☐	☐	☐
1304.3-4(b)	Emergency medical plan	☐	☐	☐	☐
1304.3-5	Records	☐	☐	☐	☐
1304.3-6	Health Education	☐	☐	☐	☐
1304.3-4,1	Use of community resources	☐	☐	☐	☐

MENTAL HEALTH
Performance Summary

Please indicate the compliance status with individual performance standards.

Performance Standard Number		Grantee		OCD	
		Compliance	Non-Compliance	Compliance	Non-Compliance
1304.1-4	Written plan	☐	☐	☐	☐
1304.3-8a	Staff/Training	☐	☐	☐	☐
1304.3-8a	Services to children	☐	☐	☐	☐
1304.3-8b2	Use of community resources	☐	☐	☐	☐
1304,3-b,3	Developmental education	☐	☐	☐	☐
1304.3-8b, 5,6,8	Parent Involvement	☐	☐	☐	☐
1304.3-8b, 7	Services for parents	☐	☐	☐	☐
1304.3-8b, 4	Record keeping	☐	☐	☐	☐

NUTRITION
Performance Summary

Please indicate the compliance status with individual performance standards.

Performance Standard Number		Grantee		OCD	
		Compliance	Non-Compliance	Compliance	Non-Compliance
1304.1-4	Written plan	☐	☐	☐	☐
1304.3-10a	Needs identification	☐	☐	☐	☐
1304.3-10b	Provision of food	☐	☐	☐	☐
1304.3-10c	Developmental & Socialization need	☐	☐	☐	☐
1304.3-10d	Nutrition education	☐	☐	☐	☐
1304.3-10e	Parent & Community involvement	☐	☐	☐	☐
1304.3-10f	Sanitation compliance	☐	☐	☐	☐
1304.3-10g	Staff and Training	☐	☐	☐	☐
1304.3-10h	Record keeping	☐	☐	☐	☐

SOCIAL SERVICES

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes	Grantee In compliance No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes	OCD In Compliance No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
45 CFR Part 1304 1304.4-2	1. Do the Social Services Plan and Program provide procedures for: a. recruitment of children with cognizance of community needs and demographic make-up? b. recruitment of handicapped children? c. providing or referral for appropriate counselling? d. emergency assistance or crisis intervention? e. furnishing information about available community resources and how to use them? f. follow-up to assure delivery of needed assistance? g. establishing a role of advocacy and spokesman for Head Start families? h. contacting parents or guardian of child with irregular attendance, or who has been absent four (4) consecutive days?							1. Review the Social Services Plan. Check the plan for procedures to implement a-h in policy column. Discuss with Social Services staff the methods by which the policies/procedures are implemented. a. Check recruitment procedures, and look/ask for evidence that demographic makeup of community and local needs have been identified and considered. b. Look for and ask about specific procedures to recruit handicapped children. Review enrollment and recruitment files to determine that type and number of handicapped children enrolled in program meet HEW/OCD requirements. c. d, e, f, g Review lists of services provided to determine consistency with performance standards. Review records and/or documents of referrals made or services provided to parents/children/families. Ask staff how it functions as advocate for Head Start parents. Review Social Services files to determine contacts made, referrals, counseling, services provided, etc.

SOCIAL SERVICES

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes	Grantee In compliance No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes	OCD In Compliance No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
								h. Interview teaching staff and Social Services staff regarding procedures for communicating information about children's irregular attendance or absence of four (4) consecutive days. Look for evidence of communication and contact with parents/guardians where appropriate.
45 CFR Part 1304 1304.4-2	2. Do the plan and program provide for close cooperation with existing community resources?							2. Check the plan to determine if it provides procedures for: a. helping Head Start parent groups work with other groups with similar concerns. b. communicating to other community agencies the needs of Head Start families and ways of meeting those needs. c. helping to assure better coordination, cooperation and information sharing with community agencies. d. calling attention to the inadequacies of existing community services or to the need for additional services and assisting in improving available services, or bringing in new services.

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes	Grantee In compliance No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes	OCD In Compliance No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
								e. preparing and making available a community resource list to Head Start staff and families. Ask staff how procedures for a - e above are implemented. Review community resource directory or file. Ask about procedures for and obtain documentation relating to coordination with other community agencies. Review files for evidence (e.g., letters of referral, formal communications, requests, etc.) on how other agencies and groups have been utilized.
45 CFR Part 1304 1304.4-2	3. Does the program have complete and up-to-date records of family data?							3. Spot check Social Services records. Determine if family needs are specified and if records are current. Check for plans for or documentation of follow-through. Check for enrollment forms, referral and follow-up.

SOCIAL SERVICES
Performance Summary

Please indicate the compliance status with individual performance standards.

Performance Standard Number		Grantee Compliance	Grantee Non-Compliance	OCD Compliance	OCD Non-Compliance
1304.4-2a	Recruitment & Direct Service	☐	☐	☐	☐
1304.4-2b	Service Integration	☐	☐	☐	☐
1304.4-2c	Record Keeping	☐	☐	☐	☐

PARENT INVOLVEMENT

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes	Grantee In compliance No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes	OCD In Compliance No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
45 CFR Part 1304 1304.5-2	1. Does the plan deacribe detailed implementation of Appendix B (45 CFR part 1304)?							1. Check that the plan provides opportunities by which parents can: a. participate in the process of making decisions about the nature and operation of the program. b. participate in the classroom as paid employees, volunteers, or observers. c. participate in activities which parents themselves have helped develop. d. work with their children in cooperation with the staff of the center. Interview parents and Policy Council to determine that the above opportunities exist in reality. Review the entire plan and policy council minutes to determine proper implementation and Policy Group approval of Appendix B (45 CFR part 1304).
45 CFR Part 1304 1304.5-3	2. Do the parent involvement plan and program adequately provide methods and opportunities for enhancing parents' "parenting" skills?							a. experiences and activities which lead to enhancing development of parent skills, self-confidence and sense of independence in fostering an environment in which their children can develop to their full potential.

PARENT INVOLVEMENT

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes	Grantee In compliance No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes	OCD In Compliance No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
								b. ways of providing educational and developmental activities for children in the home and community. c. health, mental health, dental and nutrition education. d. identification and use of family and community resources to meet basic needs of the family. e. identification of opportunities for continuing education which may lead towards self-enrichment and employment. f. parent meetings with teachers and other appropriate staff for discussion and assessment of children's individual needs and progress.

PARENT INVOLVEMENT

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes	Grantee In compliance No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes	OCD In Compliance No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
								Check parent involvement files and T/TA plans to determine what opportunities are provided for parents in education and development of early childhood and home-making skills. Ask parents about their view of the relevancy of parent involvement activities and what opportunities exist for their continuing edcation. Ask parents, Parent Coordinator, and other relevant staff about the implementation of a-f above.
45 CFR Part 1304 1304.5-4	3. Does the plan and program provide for complete and effective communication between staff and parents?							3. Check the plan for procedures for communication of information concerning: program activities for the children; the program and its services; policy groups; and resources within the program and the community. Ask selected parents and staff if they receive such information. Interview policy groups, staff, and parents to determine that they participate in planning and development of the communication system used. Review copies of relevant communiques, mailing lists, etc.

PARENT INVOLVEMNT

Performance Summary

Please indicate the compliance status with individual performance standards.

Performance Standard Number		Grantee Compliance	Grantee Non-Compliance	OCD Compliance	OCD Non-Compliance
1304.5-2	70.2 Parent Involvement Policy	☐	☐	☐	☐
1304.5-3	Education for Parenting	☐	☐	☐	☐
1304.5-4	Parent-Staff Communication	☐	☐	☐	☐

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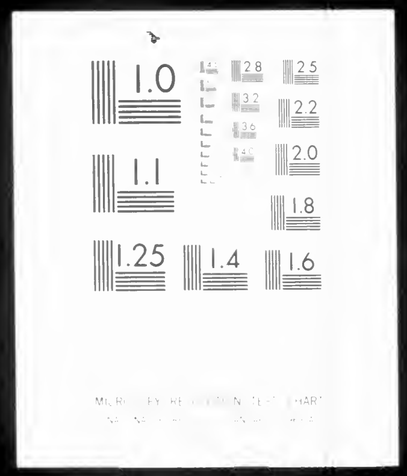
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RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.

THE END